PUBLICATION NO: 2575

REEL NO: 14

TITLE: FEDERAL REGISTER

VOLUME: 7

DATE: October 1, 1942-December 31, 1942

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VOL 7

OCT

DEC 5 1942

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

Volume 7 INDEX, *October 1942* Nos. 193–215

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U. S. GOVERNMENT PRINTING OFFICE: 1942

THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

FEDERAL REGISTER

VOLUME 7 NUMBER 193

Washington, Thursday, October 1, 1942

Regulations

TITLE 6—AGRICULTURAL CREDIT
Chapter II—Commodity Credit Corporation

PART 250—CONTROL OF VEGETABLE OIL SEEDS AND PRODUCTS THEREFROM[1]

[Oilseed Order 2]

OILS REPURCHASED FROM THE COMMODITY CREDIT CORPORATION

Whereas, the Commodity Credit Corporation has entered into contracts with refiners of vegetable oils providing for the purchase of crude vegetable oils by the Corporation and for the repurchase, at a price below the purchase price paid by the Corporation, of such oils by such refiners; and

Whereas, it is necessary in the public interest that such repurchases by refiners be confined to the needs of such refiners for the manufacture of edible products, for sales to persons who will use such oils for the manufacture of edible products, or for supplying refined oils to the Commodity Credit Corporation:

Now, therefore, pursuant to the authority vested in the Commodity Credit Corporation by Directive No. 7 of the War Production Board, issued August 15, 1942, *It is hereby ordered that:*

Sec.
250.6 Use of repurchased oils.
250.7 Records; reports; communications.
250.8 Penalties.
250.9 Definitions.
250.10 Effective date.

AUTHORITY: §§ 250.6 to 250.10, inclusive, issued under W.P.B. Directive No. 7, 32 C.F.R. § 903.12, 7 F.R. 6518.

§ 250.6 *Use of repurchased oils.* No person shall, without the approval of the Commodity Credit Corporation, use any vegetable oils repurchased from the Commodity Credit Corporation pursuant to the Refiner Contract except for the manufacture of edible products, for sale to persons who will use such oils for the manufacture of edible products, or for supplying refined oil to the Commodity Credit Corporation as provided in such Refiner Contract, and no person to whom any such repurchased oils are sold shall, without the approval of the Commodity Credit Corporation, use such oils except for the manufacture of edible products.

§ 250.7 *Records; reports; communications.* (a) Every person subject to this order shall keep and preserve for not less than two years accurate and complete records concerning all repurchases of vegetable oils from the Commodity Credit Corporation pursuant to the Refiner Contract and concerning the use or disposition made of such vegetable oils. All such records shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Commodity Credit Corporation.

(b) Every person subject to this order shall execute and file with the Commodity Credit Corporation such reports and questionnaires as the Corporation may from time to time request.

(c) All reports required to be filed hereunder and all communications concerning this order shall be addressed to: Commodity Credit Corporation, South Agriculture Building, Washington, D. C.

§ 250.8 *Penalties.* Any person who willfully violates any provision of this order or who willfully furnishes false information to the Commodity Credit Corporation in connection with this order may be prohibited from processing, selling, transferring, or otherwise disposing of vegetable oils of any kind, and, in addition, may be punished by fine and imprisonment.

§ 250.9 *Definitions.* (a) "Refiner Contract" as used herein means the contract entitled "Refiner Contract, 1942 Vegetable Oils Program" entered into between the Commodity Credit Corporation and refiners of vegetable oils.

(b) "Vegetable oils" as used herein means cottonseed oil, peanut oil, and soybean oil, whether crude or refined.

(c) "Person" as used herein means any individual, partnership, business trust, association, or corporation, or any organized group of persons, whether incorporated or not.

§ 250.10 *Effective date.* This order shall become effective on and after Octo-

(Continued on next page)

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[1] 7 F.R. 7133.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Telephone information: DIstrict 0525.

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ber 1, 1942, and, subject to the provisions of Directive No. 7 of the War Production Board, shall continue in effect until revoked by the Commodity Credit Corporation.

Issued this 30th day of September 1942.

[SEAL] J. B. HUTSON,
President.

[F. R. Doc. 42-9722; Filed, September 30, 1942; 11:09 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary

[Amendment 1 to Temporary Rationing Order A]

PART 2—RATIONING OF FARM MACHINERY AND EQUIPMENT

EXEMPTIONS

Schedule I and Schedule II are hereby amended and a new § 2.38 is added as set forth below:

Schedule I—Farm Machinery and Equipment In Group B, is amended by deleting therefrom all of Division 7 of Group 7 which reads as follows:

Div. 7. Hay presses:
Item 1. Horse.
Item 2. Engine or belt power.

The paragraph headed "Exemptions" at the end of Schedule I is amended to read as follows:

Exemptions. All hand operated machinery and equipment, all machinery and equipment drawn or operated by one or two horses, and all machinery and equipment having a retail sales value of $25.00 or less, listed in this Schedule I, are exempt from Temporary Rationing Order No. A by § 2.6 thereof and by Schedule II hereof unless such machinery and equipment is listed in § 2.1 (j).

Schedule II—New Farm Machinery and Equipment Exempt from the Provisions of Temporary Rationing Order No. A by Section 2.6 thereof, is amended as follows:

Paragraph 2 thereof is amended to read as follows:

All hand operated, one and two horse drawn farm machinery and equipment, and all machinery and equipment having a retail sales value of $25.00 or less, not included in Group A in § 2.1 (j), but which may or may not be included in Schedule I.

Effective Dates

§ 2.38 *Effective dates of amendments.* (a) Amendment No. 1 (changes in Schedules I and II and the addition of § 2.38) shall become effective October 1, 1942.

Done at Washington, D. C., this 29th day of September 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-9710; Filed, September 29, 1942; 5:34 p. m.]

Chapter I—Agricultural Marketing Administration

Subchapter C—Regulations Under the Farm Products Inspection Act

PART 55—SAMPLING, GRADING, GRADE LABELING, AND SUPERVISION OF PACKAGING OF BUTTER, CHEESE, EGGS, POULTRY, AND DRESSED DOMESTIC RABBITS

AMENDMENT CHANGING BASIS FOR CHARGES

By virtue of the authority vested in the Secretary of Agriculture by law (56 Stat. 664; 7 U.S.C. 414), the following amendment to Title 7, Chapter I, Subchapter C, Part 55, Code of Federal Regulations, as published in the FEDERAL REGISTER on July 23, 1941 (6 F.R. 3622), and as amended by 6 F.R. 5027 and 7 F.R. 1123 and 6804, is promulgated:

Section 55.35 is amended to read:

§ 55.35 *Basis for charges.* Fees and charges for sampling, grading, regrading, and supervising of packaging, grade labeling or other work shall be based upon the actual time required to render the service, including the time required for travel of the official sampler, grader, or supervisor of packaging between his office or point of previous duty and the place of service, at the rate of $2.00 per hour, or at the rate specified in §§ 55.36 to 55.40 inclusive, unless otherwise provided by contract with the applicant or by supplemental schedules approved by the Administrator. An additional fee of $3.00 shall be charged when additional time is required in sampling or grading because the service is performed in a freight or express car or other place where the entire lot of product is not readily accessible to the official sampler or official grader and when the fees charged are at the rates specified in §§ 55.36, 55.37 (a), 55.37 (b) and 55.38.

Done at Washington, D. C., this 29th day of September 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-9723; Filed, September 30, 1942; 11:09 a. m.]

Chapter VII—Agricultural Adjustment Agency

[ACP-1942-Insular-2]

PART 702—1942 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

INSULAR REGION

SEPTEMBER 29, 1942.

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205; 53 Stat. 550, 573; 54 Stat. 216, 728; 55 Stat. 257, 860; 56 Stat. 51; 16 U.S.C. 590g-590q), § 702.303 of the 1942 Agricultural Conservation Program Bulletin for the Insular Region, issued June 17, 1942,[1] is hereby amended to read as follows:

---

[1] 7 F.R. 4559, 4937.

General
deposited by
U.S. Gov't

§ 702.303 *Tobacco*—(a) *State allotment.* The State allotment of tobacco for Puerto Rico is 30,600 acres.

(b) (1) A tobacco acreage allotment for the 1942-43 crop shall be determined for each farm for which a tobacco acreage allotment was, or could have been, established under the 1941 Agricultural Conservation Program on the basis of the tobacco acreage allotment which was, or could have been, established for the farm under the 1941 Agricultural Conservation Program, the land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

(c) (1) If the average of the normal yields established for all farms (weighted by the tobacco acreage allotments therein) exceeds 672 pounds (farm weight) of tobacco per acre, which is the adjusted average yield (farm weight) per acre for the State during the five crop years 1937-38 to 1941-42, inclusive, the normal yield for these farms shall be reduced pro rata so that the average of all normal yields shall not exceed this figure.

(d) *Payment in connection with tobacco acreage allotment.* Payment will be made at the rate of .018 cents per pound (farm weight) of the normal yield of the farm for each acre in the tobacco acreage allotment; *Provided,* That, where the tobacco acreage allotment for the farm has not been planted in full, no payment will be made unless an acreage equal to the tobacco acreage allotment or the unplanted part thereof (in addition to the minimum requirement under Practice No. 1) has been planted to one or more of the food crops specified by the Regional Director under § 702.301 (e) (1). (Minimum performance under Practice No. 1 of the soil-building practices for Puerto Rico is a prerequisite to any payment under the tobacco provision of the 1942 ACP for Puerto Rico.)

(e) *Deduction for excess tobacco acreage.* The payment computed for any farm under §§ 702.301 and 702.303 shall be subject to a deduction of 0.18 cents per pound (farm weight) of the normal yield of the farm for each acre planted to tobacco in excess of the tobacco acreage allotment for that farm.

Done at Washington, D. C., this 29th day of September 1942.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-9724; Filed, September 30, 1942; 11:09 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[T. D. 5171]

Subchapter C—Miscellaneous Excise Taxes

PART 137—CAPITAL STOCK TAX

EXTENSION OF TIME FOR FILING CAPITAL STOCK TAX RETURNS AND PAYING TAX

General extension. Under the authority of sections 1203 (b) (2) and 1205 (b) of the Internal Revenue Code, as amended, the period in which returns of capital stock tax for the year ended June 30, 1942, may be filed and the tax paid without assertion of penalties for delinquency, or of interest, was extended to September 29, 1942, by Treasury Decision 5158, approved June 27, 1942.

Under authority of the same sections of the Internal Revenue Code, as amended by H. J. Res. 344 (77th Congress, 2d Session), approved September 29, 1942, the period in which such returns may be filed and the tax paid is further extended to November 28, 1942. Collectors of internal revenue are authorized to accept returns without assertion of penalties for delinquency, or of interest, if the returns are filed and the tax paid on or before the further extended date. (Secs. 1203, 1205, 3791, 53 Stat., 171, 467; 26 U.S.C. (1940 ed.), 1203, 1205, 3791, and H. J. Res. 344 (77th Congress, 2d Session), approved September 29, 1942.)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: September 29, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-9729; Filed, September 30, 1942; 11:45 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 802—RULES OF PROCEDURE

REPORTS OF INVESTIGATORS OR MEDIATORS

By virtue of the authority vested in the National War Labor Board by Executive Order of the President, No. 9017, dated January 12, 1942, the following section of part 802 (Administrative Regulation No. 2) is hereby amended to read as follows:

§ 802.8 *Reports of investigators or mediators.*[1] If the mediator or mediators are unable to settle any dispute by agreement or voluntary arbitration, a report shall be made to the Board setting forth findings of facts and recommendations for settlement of the dispute. Such report shall be transmitted to the Executive Secretary, who shall thereupon transmit a copy of it to the authorized representatives of each of the parties to the dispute. In the event that the panel is not unanimous on any of the points at issue, the parties shall be afforded one week after the receipt of the report within which to submit to the Board in writing any comments upon such points as they desire to make, provided that additional time for the submission of such comments may be granted in the discretion of the Chairman of the Board or his appointee upon good cause shown. Twelve copies of such written comments shall be filed with the Executive Secretary. The Executive Secretary shall place the case upon the Board Agenda for consideration not less than 48 hours after expiration of the period for the submission of such written comments. In cases of single mediators, referees, investigators or arbitrators whose award is subject to review by the Board, the same procedure as above will be followed. In the cases of unanimous panels the report will be placed on the Board's Agenda 48 hours after it is mailed to the parties.

(E.O. 9017, 7 F.R. 237).

GEORGE KIRSTEIN,
Executive Secretary.

SEPTEMBER 23, 1942.

[F. R. Doc. 42-9709; Filed, September 30, 1942; 10:00 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1485]

PART 342—MINIMUM PRICE SCHEDULE, DISTRICT 22

ORDER CANCELLING HEARING, ETC.

Order cancelling hearing, revising temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 22 for the establishment of price classifications and minimum prices for certain mines in District No. 22.

An original petition was filed with this Division on June 4, 1942, by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for run of mine coals produced in Subdistricts 1 and 2 in District No. 22 for shipment by rail into all market areas.

An Order Granting Temporary Relief and Conditionally Providing for Final Relief was issued on June 29, 1942, 7 F.R. 4876, temporarily establishing the price classifications and minimum prices requested in the original petition for the run of mine coals produced in Subdistricts 1 and 2 in District No. 22 and conditionally providing that such price classifications and minimum prices should become final sixty (60) days from the date of the order unless it should otherwise be ordered.

On August 12, 1942, the Bituminous Coal Consumers' Counsel filed an Intervention, Answer and Application for Termination or Modification of Temporary Relief in this matter praying (1) that the temporary relief in this proceeding be terminated or modified, so that the minimum prices would be based on the costs as determined in General Docket No. 15, rather than on the cost determinations in General Docket No. 21, and (2) that the order conditionally granting final relief be rescinded until after a public hearing, or else modified so that the applicable minimum prices would be based on General Docket No. 15 cost determinations, rather than General Docket No. 21 cost findings.

On August 29, 1942, 7 F.R. 6953, an order was issued herein continuing the temporary relief in effect, but terminating the conditionally final relief provided for in the order of June 29, 1942, and scheduling a hearing to be held on

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[1] F.R. 600, 2925, 3926.

October 1, 1942, at Washington, D. C., on the issues raised by the Bituminous Coal Consumers' Counsel in its aforesaid petition of intervention.

An order having been issued in General Docket No. 21 on August 28, 1942 (to become effective October 1, 1942), 7 F.R. 6943, adjusting minimum prices generally, the Bituminous Coal Consumers' Counsel, on September 18, 1942, filed with the Division a motion, requesting (1) that the hearing scheduled for October 1, 1942, be postponed indefinitely or at least a month, so that he might have an opportunity to withdraw his demand for a hearing when a general revision of prices, with which the relief sought herein would be consistent, becomes effective, and (2) that the temporary relief now effective in this proceeding be modified so that no further increase in the prices herein temporarily established would be effected as a result of any final order in General Docket No. 21.

On September 23, 1942, District Board No. 22 filed an amendment to its original petition praying, in effect, that minimum prices of $2.25 per ton and $2.10 per ton be established for the commercial mine run coals produced in Subdistricts Nos. 1 and 2 of District No. 22, respectively, for rail shipment to all market areas, in lieu of the temporary minimum prices in effect for those coals; and that the minimum price increases provided for by the order of August 28, 1942, in General Docket No. 21 for coals produced in District No. 22 likewise be made applicable to the minimum prices for the above-mentioned mine run coals as revised.

Since petitioner and the Bituminous Coal Consumers' Counsel are now in substantial agreement as to the minimum prices which should presently apply to the mine run coals produced in Subdistricts 1 and 2 of District No. 22 for shipment by rail, it is deemed advisable to revise the minimum prices originally established herein by the Division's Order of June 29, 1942, and temporarily continued by the Division's Order of August 29, 1942, in accordance with the request contained in the amended petition of District Board No. 22. Further it appears that the hearing in this matter should be cancelled and that the relief herein granted should become final sixty (60) days from the date of this order, unless it should be otherwise ordered. This procedure will afford interested persons forty-five (45) days within which to file applications to stay, modify or terminate the temporary relief herein granted.

Now, therefore, it is ordered, That the hearing scheduled to be held in this matter on October 1, 1942, be, and it hereby is, cancelled.

It is further ordered, That pending final disposition of the above-entitled matter, the temporary relief granted by the Order of June 29, 1942, 7 F.R. 4876, and continued by the Order dated August 29, 1942, 7 F.R. 6953, be, and it hereby is, revised as follows: Commencing forthwith § 342.5 (*General prices; minimum prices for shipment via rail transportation*) in the Schedule of Effective Minimum Prices for District No. 22 for All Shipments be, and it hereby is, amended by revising the minimum prices for mine run coals produced in Subdistricts 1 and 2 of District No. 22 for shipment by rail into all market areas to read as follows:

	Size group 15.
Subdistrict No. 1—Roundup	225
Subdistrict No. 2—Red Lodge	210

It is further ordered, That pleadings in opposition to the petition, as amended, filed herein and applications to stay, terminate or modify the temporary relief granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That, the relief herein granted shall become final sixty (60) days from the date of this order unless it shall otherwise be ordered.

Dated: September 29, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-9726; Filed, September 30, 1942; 11:32 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1115—FUEL OIL

[Amendment 4 to Limitation Order L-56,[1] as Amended]

1. Section 1115.1 *Limitation Order L-56,* as amended, paragraphs (b), (c), (d), (e), (f), (g) and (h), are hereby amended to read as follows:

(b) *Definitions.* When used in this order:

(1) "Additional facilities" means any equipment designed to use fuel oil, other than internal combustion engines or equipment used for domestic cooking or illumination purposes, which equipment has been installed subsequent to July 31, 1942: *Provided,* That the replacement of wornout parts shall not be deemed to be the installation of additional facilities when the existing equipment is not adaptable to the use of alternate fuels.

(2) "Alternate fuel" means any fuel other than fuel oils, electricity, natural gas, manufactured gas or mixed natural and manufactured gas.

(3) "Area One" means the area specified in paragraphs (a) and (b) of Exhibit A hereof as the same may be amended from time to time.

(4) "Area Two" means the area specified in paragraph (c) of Exhibit A hereof as the same may be amended from time to time.

(5) "Area Three" means the area specified in paragraphs (d) and (e) of Exhibit A hereof as the same may be amended from time to time.

(6) "Area Four" means the area specified in Exhibit B hereof as the same may be amended from time to time.

(7) "Coal spraying equipment" means any equipment designed to use or using fuel oil or any other petroleum product for the purpose of applying such fuel oil or other petroleum product to coal.

(8) "Consumer" means any person acquiring fuel oil for use, including use as a component part of any manufactured article, material, or compound other than fuel oil. The term includes dealers and suppliers to the extent that they use fuel oil, or acquire fuel oil for use rather than for transfer.

(9) "Converted facilities" means any fuel oil burning equipment which was designed to use an alternate fuel and which has been converted to the use of fuel oil.

(10) "Coupon note" means a writing signed by a person to whom or to whose account fuel oil is transferred, whereby such person agrees to surrender coupons or other evidences, of a stated gallonage value, authorized by or issued under any fuel oil ration order of the Office of Price Administration, within fifteen (15) days after the effective date of such order. Such coupon note shall be in substantially the following form:

Date: October --------, 1942.
Amount: ------ gallons

The undersigned acknowledges receipt from --
(name and address of the transferor)
of -------- gallons of fuel oil and agrees to surrender fuel oil ration coupons or other evidences representing such gallonage within fifteen (15) days after the effective date of any fuel oil ration order of the Office of Price Administration, in accordance with the requirements of Limitation Order L-56.

(Name of transferee)
By: ------------------------------
(Officer or agent)

(Address of transferee)

(11) "Dealer" means any person, including a supplier, who operates a regular place of business at or from which fuel oil is regularly transferred to consumers. The term also includes any person who operates a tank truck or tank wagon for the transfer of fuel oil directly to consumers and who does not also maintain stationary fuel oil storage tanks.

(12) "Evidence" means a token, including a ration coupon, authorized by the Office of Price Administration to represent a right to receive a transfer of fuel oil.

(13) "Fuel oil" means any liquid petroleum product commonly known as fuel oil, including grades No. 1, 2, 3, 4, 5, and 6, Bunker "C", Diesel oil, kerosene, range oil, gas oil, or any other liquid petroleum product used for the same purposes as the above designated grades.

(14) "Passenger automobile" means any motor vehicle other than a motorcycle, built primarily for the purpose of transporting passengers and having a rated seating capacity of seven persons or less.

(15) "Person" means any individual, partnership, corporation, association, government or government agency, or any other organized group or enterprise.

(16) "Primary supplier" means:

(i) Any person who refines fuel oil within Area Four; or

(ii) Any person who maintains stationary storage facilities within Area Four from which the first transfer of fuel oil within Area Four is made; or

(iii) Any consumer who maintains an establishment within Area Four at which delivery of fuel oil for his own use is taken by pipeline, barge, tank ship, or railroad tank car, directly from without Area Four; or

(iv) Any person, whether within or without Area Four, who does not maintain stationary storage facilities within Area Four, and who sends or brings fuel oil into Area Four and transfers it to a person other than a primary supplier as defined in subdivisions (i), (ii), or (iii) of this subparagraph (16). A person shall be deemed to be a primary supplier only with respect to the establishments maintained by him from which operations described in subdivisions (i), (ii), (iii), or (iv) of this subparagraph are carried on, and with respect to the establishments which are replenished solely on a stock transfer basis, rather than on a sales basis, from the establishments from which operations described in subdivisions (i), (ii), (iii) or (iv) of this subparagraph are carried on: *Provided,* That, if such person does not maintain stationary storage facilities, he shall be deemed to be a primary supplier with respect to all the mobile facilities operated by him within Area Four.

(17) "Secondary supplier" means any person, other than a primary supplier, who is engaged in the business of transferring fuel oil for resale: *Provided,* That any person who receives fuel oil on consignment from a primary supplier, title to the fuel oil remaining in the primary supplier until the time of transfer by the consignee, shall not be deemed to be a secondary supplier with respect to such fuel oil but shall, for all the purposes of this order, be deemed to be an agent of such primary supplier.

(18) "Standby facilities" means equipment (other than fireplaces) in serviceable operating condition designed to use an alternate fuel, for the operation of which a supply of such fuel is available.

(19) "Supplier" means a primary supplier, a secondary supplier, or both.

(20) "Transfer" means to sell, give, exchange, lease, lend, deliver, supply or furnish, and includes the acquisition of title by legal process or operation of law, such as, but not limited to, the acquisition of title by will, inheritance or foreclosure; it also includes the use by any dealer or supplier of fuel oil held by him; but does not include the creation of a security interest or security title involving no change of possession. Delivery to a carrier for shipment, or by a carrier in the course of or in completion of shipment, shall not be deemed a transfer to or by such carrier.

(21) "Transfer," as applied to an establishment or place of business, means any change from one person to another of the right to occupation of the premises and the right to possession and disposal of any fuel oil stocks on hands, whether or not the transferer continues on the premises in another capacity.

(c) *Prohibited transfers of fuel oil.* (1) No person shall transfer or accept a transfer of fuel oil:

(i) For use in the operation of coal spraying equipment in any place in the United States:

(ii) For use in the operation of additional facilities or converted facilities within Areas One, Two, and Three, except if:

(*a*) In the case of new construction, the additional facilities were specified in the construction contract and the foundations under the main part of the structure in which the additional facilities were to be installed was completed prior to July 31, 1942;

(*b*) In the case of converted facilities, such conversion was completed prior to July 31, 1942;

(*c*) In the case of either additional or converted facilities, the person using such facilities cannot use an alternate fuel either because such fuel is unavailable or because technical utilization factors prevent its use;

(iii) For use in the operation of oil burning equipment within Areas One, Two, and Three, where standby facilities are available, unless such standby facilities are operated to take the place of such equipment to the maximum possible extent and to effect the maximum reduction of fuel oil requirements;

(iv) For use in the operation of oil burning equipment, within Area Four, for the purpose of cooling space (other than hospital space) for human occupancy;

(v) From within Area Four to any point without Area Four, except to a consumer as provided in paragraph (d) (2);

(vi) For the operation of a passenger automobile anywhere in the United States.

(d) *Restrictions on transfers of fuel oil to or by consumers in Area Four.* (1) Within Area Four, on and after October 1, 1942, notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person other than a dealer or supplier shall transfer or offer to transfer fuel oil to a consumer.

(2) During the period from October 1, 1942 to October 31, 1942, inclusive, notwithstanding the terms of any contract, agreement or commitment, regardless of when made, no dealer or supplier may transfer fuel oil from within or without Area Four to a consumer within Area Four, or from within such area to a consumer without such area, and no consumer shall accept such transfer except in exchange for coupon notes (or coupons or other evidences), for an amount equal to the number of gallons of fuel oil transferred. Such coupon notes shall be executed and forwarded to the transferor at the time of transfer or within twenty-four (24) hours thereafter.

(3) Nothing herein shall be deemed to forbid:

(i) The transfer of fuel oil actually in the fuel supply tank of a vehicle, boat or equipment used for purposes other than supplying heat or hot water to buildings or structures, in conjunction with a lawful and bona fide transfer of such vehicle, boat or equipment itself; or the consumption by the transferee in such vehicle, boat or equipment of fuel oil actually in the fuel supply tank thereof at the time of transfer; or

(ii) Transfers of fuel oil by legal process or by operation of law; or transfers of fuel oil in a storage tank or other container maintained by a consumer as part of an enterprise or establishment, or in the fuel supply tank of equipment supplying heat or hot water to buildings or structures, in conjunction with a lawful and bona fide transfer of such enterprise, establishment or equipment itself; or transfers of fuel oil by consumers to dealers or suppliers. Any person to whom a transfer of the character described in this sub-division (ii) is made within Area Four, shall forthwith report such transfer and the amount of fuel oil involved, to the Local War Price and Rationing Board in the area in which such fuel oil is located. Such person, if a dealer or supplier, shall surrender to the Board, together with such report, coupon notes signed by him for an amount equal to the number of gallons of fuel oil transferred. Such person, if not a dealer or supplier, may either:

(*a*) Transfer all or any part of such fuel oil in exchange for coupon notes for an amount equal to the number of gallons of fuel oil so transferred, and surrender to the Local War Price and Rationing Board coupon notes signed by him for an amount equal to such number of gallons; or

(*b*) Consume such fuel oil: *Provided,* That such person shall report the amount of fuel oil so consumed as fuel oil on hand if he makes application, under any fuel oil ration order issued by the Office of Price Administration, for a fuel oil ration covering the period during which such fuel oil was consumed.

(e) *Restrictions on transfers of fuel oil to dealers and suppliers within Area Four.* (1) During the period from October 1, 1942 to October 31, 1942, inclusive, no primary supplier within or without Area Four, and no dealer or secondary supplier within Area Four, shall transfer or offer to transfer fuel oil to any dealer or supplier within Area Four, and no dealer or supplier within Area Four shall accept such transfer of fuel oil, except in exchange for coupon notes (or coupons or other evidences) for an amount equal to the number of gallons of fuel oil transferred. Such coupon notes shall be executed by the transferee and forwarded to the transferor within twenty-four (24) hours after the transfer.

(2) If, between October 1, 1942 and October 31, 1942, the place of business of any dealer or supplier within Area Four, is transferred, the transferee of the business may acquire the fuel oil inventory of the transferor without executing a coupon note. All coupon notes of the transferor shall be turned over to the transferee, and shall be held by the

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[1] 7 F.R. 3547, 5350, 5902, 7310, 7342.

transferee until they have been redeemed; the coupons or other evidences received in redemption of the coupon notes shall be disposed of in the manner provided in the fuel oil ration order of the Office of Price Administration pursuant to which such coupons or evidences are issued.

(f) *Records to be kept by dealers and suppliers.* (1) At the time of making any transfer of fuel oil to any dealer or supplier within Area Four, every transferor shall furnish to such dealer or supplier an invoice, delivery ticket, or other document of transfer showing the name and address of the transferee and the date and amount of the transfer. Every such transferee shall retain at his place of business for a period of at least one year from the date of such transfer of fuel oil, the invoice, delivery ticket, or other document so furnished him.

(2) Every dealer or supplier who makes a transfer to a consumer, of the type described in paragraph (d) (2), shall keep a record of such transfer, showing the name and address of the transferee, the date of the transfer, and the number of gallons of fuel oil transferred. Every dealer or supplier shall retain such record at his place of business for a period of at least one year from the date of such delivery.

(3) Every person to whom coupon notes have been given shall retain all such coupon notes and, at the time of surrender to him of coupons or other evidences in full redemption of a coupon note, shall return such note to the person who signed it: *Provided*, That within thirty (30) days after the effective date of any fuel oil ration order issued by the Office of Price Administration, each such person shall report to the Regional Office of the Office of Price Administration in his region, the name and address of each person who has failed to redeem his coupon notes in full, and the amount of fuel oil transferred to such person.

(4) All coupon notes, records, reports, or other documents required by Limitation Order L–56 to be prepared and kept by any person, and the fuel oil facilities of any person, shall be subject to inspection by the War Production Board or the Office of Price Administration, or by any agent, representative or employee of either; such inspection may be made at the establishment or office of any such person at any reasonable time.

(g) *Redemption of coupon notes.* Within fifteen (15) days after the effective date of any fuel oil ration order issued by the Office of Price Administration, every person who has executed (or is required by this Order to execute) a coupon note shall surrender to the person to whom the note was given (or was required by this order to be given) coupons or other evidences, issued pursuant to such fuel oil ration order, equal in gallonage value to the number of gallons for which such notes were executed or required.

(h) *Directions as to deliveries and conversions.* (1) The Director General for Operations may, from time to time, subject to the provisions of paragraphs (d), (e) and (g) of this order, issue specific directions directing or forbidding the transfer of fuel oil to any person or class of persons.

(2) The Director General for Operations or a representative of the Office of Petroleum Coordinator for War designated by him may from time to time examine and investigate the fuel oil burning facilities owned or operated by any person for the purpose of determining whether such equipment can be converted to the use of an alternate fuel. In making such investigation facts and circumstances which may relate to the particular problem, including the availability of alternate fuel, shall be considered. If it is found that the fuel oil burning facilities of any person may be converted to the use of alternate fuel, and that a supply of such fuel is available, without any unreasonable expenditure upon the part of the person and without working any exceptional or unreasonable hardship upon such person, then the Director General for Operations may, after notice sufficient to permit such conversion, forbid further deliveries of fuel oil for use in such facilities.

2. *Effective date.* This Amendment No. 4 shall take effect October 1, 1942, and shall remain in effect until revoked by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of September 1942.

ERNEST C. KANZLER,
Director General for Operations.

[F. R. Doc. 42-9708; Filed, September 29, 1942; 5:09 p. m.]

PART 949—CHROMIUM

[Supplementary Order M–18–b, as Amended September 30, 1942]

Section 949.3 *Supplementary Order M–18–b*, as amended June 27, 1942,[1] is hereby amended to read as follows:

§ 949.3 *Supplementary Order M–18–b, as amended September 30, 1942*—(a) *Definitions.* (1) "Primary chromium chemicals" means those chemicals processed directly from chrome ore, including but not by way of limitation, bichromate of soda, bichromate of potash and sodium chromate, and in addition all chromium tanning compounds.

(2) "Processor" means any person who uses ores or concentrates for the manufacture of, or which are converted into, primary chromium chemicals.

(3) "Dealer" means any person who procures primary chromium chemicals, either from domestic sources or by import, for sale without change in form, whether or not such person receives title to or physical delivery of the materials; and includes selling agents, warehouseman and brokers.

(b) *Directions with respect to delivery and use.* The Director General for Operations may from time to time issue specific directions with respect to the delivery, acceptance of delivery, or use by any person of primary chromium chemicals.

(c) *Restrictions on inventories.* No consumer of primary chromium chemicals shall accept delivery of primary chromium chemicals if the inventory of such material of the person accepting delivery is, or will by virtue of such acceptance become, in excess of a thirty-day supply thereof, having regard to current permissible use or sale, but this order shall not prevent a person's accepting delivery thereof in the smallest practical delivery unit.

(d) *Reports by consumers of primary chromium chemicals.* Except as specifically authorized by the Director General for Operations, no processor or dealer shall make, and no person shall accept delivery of primary chromium chemicals in any month unless the person seeking delivery shall on or before the 8th day of such month have filed with the processor a report on Form PD–54 and have sent a copy thereof to the War Production Board, or, if the delivery is made or accepted prior to the 8th day of a month, have filed such report and sent such copy on or before the 8th day of the preceding month. The filing of such form shall, in so far as concerns primary chromium chemicals, be in lieu of the filing of any form pursuant to paragraph (e) of General Preference Order M–18–a.[2] Any person affected by this order shall file such additional reports as may from time to time be directed by the Director General for Operations.

(e) *Exemption.* Nothing herein shall restrict in any way any delivery to, or acceptance of delivery by, the Army or Navy of the United States or the United States Maritime Commission.

(f) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board Priorities Regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C. Ref: M–18–b.

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[1] 7 F.R. 2347, 4835.

[2] 6 F.R. 6142, 7 F.R. 251, 748, 5013.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9711; Filed, September 30, 1942; 10:46 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[Amendment 6 of General Imports Order M–63, as Amended June 2, 1942]

(a) Section 1042.1 *General Imports Order M–63, as amended June 2, 1942*[1] is hereby amended by making the following changes in List I, List II, and List III:

Change	Material	Commerce import, class number
Add to List I	Brazilian pebble (quartz crystals), unmanufactured	5120.6
	Brazilian pebble (quartz crystals), manufactured and semi-manufactured in blanks, slabs, bars, etc.	*N. S. C.
Move from List I to List II	Beryl ore or beryllium ore	6270.0
	Metallic beryllium, caesium, lithium and potassium	838.870
	Beryllium oxide, carbonate and other beryllium salts	838.963
	Cattle, ox, and calf tail hair including switches	3696.1
	Corn or Maize oil (edible)	1422.0
	Lead	6505.0 6506.1 6507.0 6509.0
Move from List II to List I	Lac, crude, seed, button, and stick	2105.0
Add to List II	Jute, unmanufactured	3241.0
	Jute butts, unmanufactured	3242.0
	Meshta fiber	*N. S. C.
	Urena Lobata fiber	*N. S. C.
Remove from List II	Istle or tampico fiber, dressed, bleached, dyed, or cut to length	*N. S. C.
Move from List II to List III	Cashew nuts and kernels	1377.0
Add to List III	Caroa yarn	*N. S. C.
	Ergot	221.33
	Cinnamon and chips of, unground	1526.0
	Cinnamon and chips of, ground	155.03
	Cassia buds, unground	1533.0
	Cassia, cassia vera, unground	1533.1
	Cassia, cassia buds and cassia vera, ground	155.07
	Ginger root, unground, not preserved or candied	1536.1
	Ginger root, ground, not preserved or candied	155.08
	Mace, unground	1540.0
	Mace, ground	155.09
	Mace, Bombay or wild, unground	1549.2
	Mace, Bombay or wild, ground	155.10
	Maté, Yerba, advanced in value or condition (Paraguay tea)	177.90
	Nutmegs, unground	1539.0
	Nutmegs, ground	155.11
	Pimento (allspice), unground	1543.0
	Pimento (allspice), ground	155.13

*N. S. C.=No Separate Class. Commodity number has not yet been assigned by the Department of Commerce, Statistical Classification of Imports.

(b) This amendment shall take effect on October 6, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9713; Filed, September 30, 1942; 10.45 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[Supplemental General Imports Order M–63–c]

Pursuant to General Imports Order M–63, as amended June 2, 1942,[1] which this order supplements, it is hereby ordered that:

§ 1042.3 *Supplemental General Imports Order M–63–c.* Notwithstanding the provisions of paragraph (b) (3) of General Imports Order M–63, as amended, the prohibition set forth in paragraph (b) (1) of such order shall apply to the importing of any material listed below produced in India or Brazil by any person under any contract or other arrangement whether made prior or subsequent to March 14, 1942, except where on September 30, 1942, the material had been trimmed or part trimmed, and qualified, or prepared to a stage where no further processing would customarily be required before shipment, and had been loaded on cars, trucks, or vessels for transportation to the Continental United States, to-wit:

List	*Material*	*Commerce import class No.*
List II	Mica	5560.7 5560.8 5560.9 5561.0 5561.7 5561.8 5561.9 5564.0 5564.2

This order shall take effect on September 30, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9715; Filed, September 30, 1942; 10:46 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[Supplemental General Imports Order M–63–d]

Pursuant to General Imports Order M-63, as amended June 2, 1942[1], which this order supplements, it is hereby ordered that:

§ 1042.4 *Supplemental General Imports Order M-63-d.* Until further order of the Director General for Operations, the provisions of General Imports Order M-63, as amended, shall not apply:

(a) To materials imported by mail where the value of the shipment is less than $100.00; or

(b) To materials consigned as samples or as gifts or imported for personal use where the value of each consignment or shipment is less than $200.00; or

(c) To materials consigned as gifts for personal use by or to members of the Armed Services of the United States.

This order shall take effect on October 6, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of September, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9714; Filed, September 30, 1942; 10:46 a. m.]

PART 1052—KITCHEN, HOUSEHOLD AND OTHER MISCELLANEOUS ARTICLES

[Amendment 8 to Limitation Order L–30]

Paragraph (b) of § 1052.1 *General Limitation Order L–30*[2] is hereby amended by adding a new subparagraph at the end thereof as follows:

(10) During the month of October 1942 no manufacturer shall use more iron and steel in his total production of:

(i) Group I products than 70% of his average monthly use of scarce materials in the production of such products in the base period, or

(ii) Group II products than 50% of his average monthly use of scarce materials in the production of such products in the base period,

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[1] 7 F.R. 4199, 4404, 4878, 5638, 6521, 6737, 7089.

[1] 7 F.R. 4199, 4404, 4878, 5638, 6521, 6737, 7089.

[2] 7 F.R. 2463, 2785, 3473, 3474, 4450, 5045, 5939, 6464, 6680.

except that a manufacturer may use in the production of Group I products any part of his quota of iron and steel for Group II products: *Provided,* That he reduces his quota of iron and steel for Group II products by an equivalent amount.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9712; Filed, September 30, 1942; 10:45 a. m.]

PART 1084—CANNED FOODS

[Supplementary Order M–86–d]

Pursuant to Order M–86,[1] which this order supplements, and Order M–86–c:[2]

§ 1084.5 *Supplementary Order M–86–d.* (a) Each canner may deliver to any agency or agencies of the United States Government specifically designated by the Director General for Operations, any part or all of any salmon packed by him prior to October 31, 1942.

(b) Any canner who, pursuant to paragraph (a), has delivered to any agency or agencies of the United States Government more than 60% of any species of salmon packed by him from March 1, 1942 to October 31, 1942, inclusive, may deliver amounts not to exceed 20% of the total pack of such species of salmon to persons other than government agencies. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9716; Filed, September 30, 1942; 10:46 a. m.]

PART 1162—DYESTUFFS

[Conservation Order M–103, as Amended September 30, 1942]

Section 1162.1 *Conservation Order M–103*[3] is hereby amended to read as follows:

§ 1162.1 *Conservation Order M–103, as amended September 30, 1942*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Dyestuffs" means any coloring matter, with the exception of coloring matter the chemical constituents whereof are entirely inorganic in nature. As used herein, the word "dyestuffs" does not include inorganic pigments which may be extended or otherwise processed with substantially colorless organic material, and shall not include dyes certified under the provisions of the Federal Food, Drug and Cosmetic Act (52 Stat. 1040, Ch. 875) and which are sold and used exclusively for use in foods, drugs and cosmetics, as defined in the said Act.

(2) "Anthraquinone vat dyes" shall include, in addition to those dyes ordinarily known as such, Fast Red A. L. Salt, which shall be considered an anthraquinone vat dye of single strength.

(c) *Restrictions on sale and use of dyestuffs in fourth quarter*—(1) *Dyestuffs appearing on List A.* Except as provided in paragraphs (d) (2) and (e) hereof, no person shall hereafter sell or deliver any of the dyestuffs appearing on List A, to any person, and no person shall use any of the dyestuffs appearing on List A.

(2) *Anthraquinone vat dyes not on List A.* No person, except as provided in paragraph (e) hereof, shall, during the period beginning October 1, 1942, and ending December 31, 1942, deliver to any other person or persons for use in the continental United States or Canada an amount of anthraquinone vat dyes not appearing on List A in excess of 17½% of the amount of all anthraquione vat dyes, including those appearing on List A, delivered by such person in the period from January 1, 1941, to December 31, 1941.

No person, except as provided in paragraph (e) hereof, shall during the period beginning October 1, 1942, and ending December 31, 1942, accept delivery of for use in the continental United States or Canada or so use an amount of anthraquinone vat dyes not appearing on List A in excess of 17½% of the amount of all anthraquinone vat dyes, including those appearing on List A, delivered to, or used by, such person, as the case may be, in the period from January 1, 1941, to December 31, 1941.

For the purposes of this subparagraph amounts of anthraquinone vat dyes shall be calculated in pounds of equivalent single strength anthraquinone vat dyes and shall be raised but only to the extent necessary to equal 25 pounds or a multiple thereof.

(3) *All other anthraquinone dyes.* No person, except as provided in paragraph (e) hereof, shall during the period beginning October 1, 1942, and ending December 31, 1942, deliver to any other person or persons for use in the continental United States or Canada an amount of anthraquinone dyes other than those mentioned in (1) and (2) above in excess of 17½% of the amount of such anthraquinone dyes delivered by such person in the period from January 1, 1941 to December 31, 1941.

No person, except as provided in paragraph (e) hereof, shall during the period beginning October 1, 1942, and ending December 31, 1942, accept delivery of for use in the continental United States or Canada or so use an amount of anthraquinone dyes other than those mentioned in (1) and (2) above in excess of 17½% of the amount of such anthraquinone dyes delivered to or used by such person, as the case may be, in the period from January 1, 1941, to December 31, 1941. For the purposes of this subparagraph amounts of anthraquinone dyes shall be calculated in pounds and shall be raised but only to the extent necessary to equal 25 pounds or a multiple thereof.

(d) *Restrictions on export.* (1) No producer shall sell, or set aside, for export, during the period beginning October 1, 1942, and ending December 31, 1942, from the continental United States, upon orders other than defense orders, in any calendar month, more dyestuffs requiring anthraquinone derivatives in their manufacture than 8 percent of the total of such dyestuffs produced in such month by him, exports to Canada excepted.

(2) During the period beginning October 1, 1942, and ending December 31, 1942, notwithstanding the provisions of paragraph (c), but subject to the limitation of subparagraph (1) above, each producer of any of the dyestuffs appearing on List A may export in any month an amount of such dyestuffs not in excess of 3 percent of his total monthly production thereof, upon orders accompanied by export licenses issued by the Board of Economic Warfare, exports to Canada excepted.

(e) *General exceptions.* The prohibitions and restrictions of paragraphs (c) and (d) shall not apply to:

(1) The sale, delivery or use of dyestuffs for the manufacture of any item which is being produced under a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development, the War Shipping Administration, the Defense Plant Corporation, or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or for the government of Canada, if in any such case the use of such dyestuff to the extent employed is required by the specifications of the prime contract, or

(2) Sales or deliveries of dyestuffs for use in, or resale for use in, and such use in, the manufacture of products to be physically incorporated in the following types of uniforms:

(i) U. S. Army officers (Commissioned, Warrant, and Specialist Corps) and nurses.

(ii) U. S. Navy officers (Commissioned and Warrant), Chief Petty officers and nurses.

(iii) U. S. Marine Corps officers (Commissioned and Warrant).

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[1] 7 F.R. 1998.

[2] 7 F.R. 7142.

[3] 7 F.R. 2458, 3930, 4778.

(iv) U. S. Coast Guard officers (Commissioned and Warrant), and chief petty officers.

(v) U. S. Government military and naval academy and training school students.

(vi) U. S. Maritime Commission and War Shipping Administration officers.

(vii) U. S. Coast and Geodetic Survey officers.

(viii) U. S. Public Health Service officers and nurses.

(ix) U. S. Women's Reserve of the U. S. Naval Reserve members (WAVES).

(3) Sales or deliveries of dyestuffs by or from a producer or his exclusive sales agent to another producer or the exclusive sales agent of such other producer, or

(4) Sales to, deliveries to, and use by any person for experimental purposes only of amounts of dyestuffs totaling for such person not in excess of 25 pounds for each self color.

(5) Sales to, deliveries to, and use by any person for coloring of leaded gasoline.

(f) *Restrictions on use of meta-toluylene diamine.* No person shall, after November 1, 1942, use any meta-toluylene diamine in the developing of diazotized dyes already present on textile fibers; provided, that nothing contained herein shall be construed to prohibit the use of meta-toluylene diamine in the manufacture of dyestuffs. The term "meta-toluylene diamine" as used in this paragraph (f) shall include, without being limited to, the products commonly known in the trade as Amanil Developer B, Pontamine Developer TN, Developer D, Developer DB, Developer MT, Developer MTD or Developer TD.

(g) *Restrictions on use of anthraquinone.* No person shall, after November 1, 1942 use any anthraquinone in any physical form in discharging, stripping or destroying napthol (azoic), vat, or other dyes already present on textile fibers; provided, that nothing contained herein shall be construed to prohibit the use of anthraquinone in the manufacture of dyestuffs. The term "discharging" as used in this paragraph (g), shall include, without being limited to, color and white discharge printing.

(h) *Restrictions on inventory.* In addition to the restrictions on inventory contained in Priorities Regulation No. 1 (§ 944.14), no person using dyestuffs shall hereafter purchase or accept delivery of any of the dyestuffs appearing on List A, which required the use of anthraquinone or anthaquinones derivatives in the manufacture thereof, which will increase his inventory thereof beyond an amount which, to the best of his knowledge and belief, will be used by him in the next 45 days; except that, notwithstanding the provisions of such Regulations and this paragraph (h), any person may purchase directly from the Defense Supplies Corporation any amount of the dyestuffs appearing on List A and hold the amounts so purchased as inventory: *Provided, however,* That such amounts purchased from the Defense Supplies Corporation shall be taken into account in determining the size of inventory insofar as purchases and deliveries from other persons are concerned.

(i) *Prohibitions against sales or deliveries.* No person shall hereafter sell or deliver any dyestuffs to any person, if he knows, or has reason to believe, such material is to be used in violation of the terms of this order.

(j) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be required by the said Board from time to time. No reports or questionnaires are to be filed by any person until forms therefor have been prescribed by the War Production Board.

(k) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of dyestuffs conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board by letter or telegraph, Reference M–103, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(l) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(m) *Communications to the War Production Board.* All communications concerning this order, or any reports required to be filed hereunder shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Branch, Washington, D. C. Ref: M–103.

(n) *Effective date.* This order shall take effect on October 1st, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amened by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

LIST A

Part I. Technical Names

1. Brown R CI 1151.
2. Brown G CI 1152.
3. Olive R CI 1150.
4. Golden orange R CI 1097.
5. Khaki 2G.
6. Olive T.
7. Olive GGL.
8. Olive green B.
9. Yellow 3RD.

Part II. Trade Names

Amanthrene olive green B.
Calcoloid golden orange RRTD CI 1097.
Calcosol brown G CI 1152.
Calcosol brown R CI 1151.
Calcosol brown RP CI 1151.
Calcosol golden orange RRTD CI 1097.
Calcosol golden orange RRTP CI 1097.
Calcosol khaki G CI 122.
Calcosol olive R CI 1150.
Carbanthrene brown AR CI 1151.
Carbanthrene brown AG CI 1152.
Carbanthrene golden orange RRT CI 1097.
Carbanthrene prtg. golden orange RRT CI 1097.
Carbanthrene khaki 2G CI 122.
Carbanthrene olive R CI 1150.
Cibanone brown BG CI 1152.
Cibanone brown GR CI 1151.
Cibanone golden orange 2R CI 1097.
Cibanone olive 2R CI 1150.
Indanthrene brown FRA CI 1151.
Indanthrene brown GA CI 1152.
Indanthrene brown GAF CI 1152.
Indanthrene brown GAP CI 1152.
Indanthrene brown GWF CI 1152.
Indanthrene brown GWP CI 1152.
Indanthrene brown RA CI 1151.
Indanthrene brown RAP CI 1151.
Indanthrene brown RWP CI 1151.
Indanthrene khaki 2GA CI 122.
Indanthrene khaki 2GF CI 122.
Indanthrene khaki 2GWP CI 122.
Indanthrene olive green BA.
Indanthrene olive RA CI 1150.
Indanthrene olive RAP CI 1150.
Indanthrene olive RW CI 1150.
Indanthrene olive RWF CI 1150.
Indanthrene orange RRTA CI 1097.
Indanthrene orange RRTF CI 1097.
Indanthrene orange RRTP CI 1097.
Indanthrene orange RRTW CI 1097.
Indanthrene yellow 3RD.
Indanthrene olive T.
Ponsol brown AG.
Ponsol brown AR CI 1151.
Ponsol brown ARS CI 1151.
Ponsol green 2BL.
Ponsol golden orange RRT CI 1097.
Ponsol golden orange RRTS CI 1097.
Ponsol khaki 2G.
Ponsol olive AR CI 1150.
Ponsol olive ARS CI 1150.
Ponsol olive GGL.

The provisions of the order applicable to dyestuffs appearing on list A apply to all the dyes listed above, or their equivalents, but shall not apply to compounds of such dyes and other anthraquinone vat dyes in which the content of such dyes is not in excess of 10%.

[F. R. Doc. 42-9717; Filed, September 30, 1942; 10:47 a. m.]

PART 1198—GLASS CONTAINER AND CLOSURE SIMPLIFICATION

[Amendment 1 of Schedule C to Limitation Order L–103]

GLASS CONTAINERS FOR PRESERVES AND JELLY

Paragraph (a) (2) (iii) of Schedule C to Limitation Order L–103[1] (§ 1198.4) is hereby amended to read as follows:

(iii) A glass container described in Exhibits 10, 14, 18, 22, and 23 of Limitation Order L–103, which possesses the finish prescribed for the respective container in the said exhibits or any other Glass Container Association standard finish which is interchangeable therewith without alteration of the specified body mold.

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[1] 7 F.R. 7231.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9718; Filed, September 30, 1942; 10:45 a. m.]

PART 3036—COMMERCIAL COOKING AND FOOD AND PLATE WARMING EQUIPMENT

[General Limitation Order L-182]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials used in the production of commercial cooking and food and plate warming equipment for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3036.1 *General Limitation Order L–182*—(a) *Definitions.* For the purposes of this order:

(1) "Commercial cooking and food and plate warming equipment" means equipment using coal, wood, oil, gas or other non-electric fuel, or equipment attached to any steam or hot water system, designed for the heating of kitchen utensils or plates, or for the cooking or baking of food for consumption or sale on the premises in which the equipment is located. It includes, but is not limited to, such items as bakers, broilers, fryers, griddles, grills, hot plates, ovens (except built-in types), ranges, roasters, steamers, toasters, urns and warmers, but does not include cooking appliances for household use.

(2) "Ultimate consumer" means any person who uses commercial cooking and food and plate warming equipment for the heating of kitchen utensils or plates, or for the cooking or baking of food for consumption or sale.

(3) "New commercial cooking and food and plate warming equipment" means any commercial cooking and food and plate warming equipment that has never been used by an ultimate consumer.

(4) "Used commercial cooking and food and plate warming equipment" means any commercial cooking and food and plate warming equipment that has been used by an ultimate consumer.

(b) *Restrictions on manufacture.* (1) From and after October 1, 1942, no manufacturer of commercial cooking and food and plate warming equipment shall put into process in the manufacture of such equipment, including finished units and parts thereof, during any calendar quarter, any iron and steel in excess of 6¼% of the iron and steel put into process in the manufacture of finished units of such equipment by him during the calendar year, 1941, *except* that in addition to the quotas set forth in this paragraph, any manufacturer may put any iron or steel into the process of manufacture of any such equipment for delivery to or for the account of the Army, Navy, the Maritime Commission, the War Shipping Administration of the United States or the Defense Plant Corporation.

(2) No iron or steel may be used in the manufacture of any equipment listed on Schedule I, except in the manufacture of repair and replacement parts thereof as limited in paragraph (b) (1).

(c) *Restrictions on delivery.* Regardless of the terms of any contract, sale, other commitment or any preference rating, no person shall make or accept physical delivery of any new or used commercial cooking and food and plate warming equipment, except that:

(1) Any person may make or accept physical delivery of any such equipment on a specific contract or subcontract for delivery to or for the account of the Army, the Navy, the Maritime Commission, the War Shipping Administration of the United States, or the Defense Plant Corporation.

(2) Any person may make or accept physical delivery of any such equipment pursuant to specific authorization of the Director General for Operations on Form PD–638A.

(3) Any ultimate consumer may make physical delivery of any such equipment to any manufacturer, dealer or distributor of such equipment, and such manufacturer, dealer, or distributor may accept such delivery; and

(4) Any such equipment actually in transit at the time of issuance of this order may be delivered to its immediate destination.

(d) *Delivery of repair and replacement parts.* Nothing in this order shall prevent the delivery of repair or replacement parts for commercial cooking and food and plate warming equipment.

(e) *Reports.* Every manufacturer, dealer and distributor of any commercial cooking and food and plate warming equipment shall execute and file with the War Production Board on or before the tenth day of each month a report on Form PD–638, which may be obtained from the nearest field office of the War Production Board.

(f) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of all the Priorities Regulations of the War Production Board, as amended from time to time.

(g) *Applicability of other orders.* Insofar as any other order issued, or to be issued hereafter, limits the production or delivery of commercial cooking and food and plate warming equipment to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein. After the date of issuance of this order, General Limitation Orders No. L–79[1] and No. L–83[2] shall not apply to commercial cooking and food and plate warming equipment.

(h) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal by letter to the War Production Board, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(i) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Branch, Washington, D. C., Ref: L-182.

(j) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing and using, materials under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE 1 TO GENERAL LIMITATION ORDER L–182

Barbecue machines.
Chicken singers.
Chop suey ranges (ranges with built-in kettles—water and sewer connections).
Cruller fryers.
Cup warmers.
Dish warmers.
Egg boilers.
Nut blancher ovens.
Nut fryers.
Nut roasters.
Oyster stoves.
Peanut roasters.
Plate warmers.
Potato chip fryers.
Roll warmers.
Rotisseries (revolving spit barbecue machine).
Sausage warmers.
Waffle irons.
Warming ovens.

[F. R. Doc. 42-9719; Filed, September 30, 1942; 10:45 a. m.]

PART 3042—PILCHARD

[Amendment 1 of Conservation Order M-206]

Section 3042.1 *Conservation Order M–206*[1] is hereby amended as follows:

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[1] 7 F.R. 2867, 3852, 3880, 6259.

[2] 7 F.R. 2732, 2941, 3715, 4037, 4881, 6786.

[1] 7 F.R. 6522.

(1) Paragraph (b) is amended by the addition of new paragraphs (b) (4) and (b) (5), reading as follows:

(4) On and after September 30, 1942, no person shall make delivery of, or use or process such pilchard in violation of orders of the Director General for Operations issued pursuant to this paragraph. The Director General for Operations may from time to time allocate the supply of pilchard and specifically direct the time, manner and quantities in which deliveries to particular persons shall be made or withheld. He may require fishing vessels delivering pilchard to deliver part or all of such pilchard to particular ports or to particular persons. The Director General for Operations may also direct or prohibit particular uses of such pilchard.

(5) Orders given by the Director General for Operations pursuant to paragraphs (b) (1) through (b) (4) must be carried out without regard to inconsistent provisions in any contract or agreement.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9720; Filed, September 30, 1942; 10:45 a. m.]

PART 3082—GAS CYLINDERS

[General Preference Order M-233]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of gas cylinders for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3082.1 (*General Preference Order M–233*)—(a) *Definitions.* (1) "Gas cylinder" means any portable steel container other than a steel drum, which has a capacity of less than one ton, and which is suitable for shipping gas charged at high or low pressure.

(2) "Gas cylinder forging" means any steel forging to be used in the manufacture of a gas cylinder.

(3) "Producer" means any person engaged in the manufacture of gas cylinders or gas cylinder forgings.

(b) *Restrictions upon manufacture and delivery of gas cylinders and gas cylinder forgings.* On and after September 30, 1942, and prior to January 1, 1943, all producers shall observe any specific direction by the Director General for Operations, pertaining to the manufacture and delivery of gas cylinders and gas cylinder forgings. On and after January 1, 1943, no producer shall manufacture or deliver any gas cylinder or gas cylinder forging except as specifically directed by the Director General for Operations. Such directions will be made primarily to insure satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made in the discretion of the Director General for Operations without regard to any previous ratings assigned to particular contracts or purchase orders.

(c) *Reports.* On or before October 25, 1942, each producer shall submit to Containers Branch, War Production Board, Washington, D. C., Ref: M-233, upon Form PD-662, data relative to the manufacture and delivery of gas cylinders and gas cylinder forgings during the calendar month beginning January 1, 1943. Similarly, on or before the 25th day of each calendar month after October 25, 1942, each producer shall file Form PD–662.

(d) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* Except to the extent that a schedule for the manufacture and delivery of gas cylinders or gas cylinder forgings is altered by any direction of the Director General for Operations, this order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(2) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Branch, Washington, D. C. Ref: M-233.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9721; Filed, September 30, 1942; 10:45 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIAL OF WHICH RUBBER IS A COMPONENT

[Amendment 32, to Revised Tire Rationing Regulations[1]]

TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

A new subparagraph (11) is added to § 1315.504 (a) as follows:

Tires and Tubes for Vehicles Eligible Under List B

* * * * *

§ 1315.504 *Eligibility classification, List B.* (a) On a passenger car used principally to provide one or more of the following transportation services. * * *

(11) Transportation of authorized representatives of government, management or labor to, from, between, or within establishments essential directly or indirectly to the war effort, for the purpose of (a) performing at such establishments services which are directly related to the prevention or settlement of labor grievances and disputes, or (b) transporting workers to such establishments.

(i) Certificates may be issued hereunder to provide such representatives with transportation between their residences and the establishments at which they render such services, but not with transportation between their residences and fixed places of employment other than such establishments.

(ii) Certificates may be issued under this paragraph only when there are no other means of transportation adequate to the performance of such services by such representative and only when the applicant shows that the vehicle to be equipped will be used economically and that he is making a reasonable effort to carry other passengers to work with him, or to "double up" with others working at the same or nearby places.

§ 1315.1199a *Effective dates of amendments.* * * *

(ff) Amendment No. 32 (§ 1315.504 (a)) to Revised Tire Rationing Regulations shall become effective October 5, 1942.

(Pub. Law 421, 77th Cong., Jan. 30, 1942, OPM Supp. Order No. M–15–c, WPB Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792; 7 F.R. 121, 350, 434, 473, 562, 925, 1009, 1026.)

Issued this 29th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9703; Filed, September 29, 1942; 4:30 p. m.]

PART 1340—FUEL

[Amendment 21 to Maximum Price Regulation 120[1]]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

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[1] 7 F.R. 1027, 1089, 2107, 2541, 2633, 2945, 2948, 3235, 3237, 3551, 3830, 4176, 4336, 4493, 4543, 4544, 4617, 4856, 5023, 5274, 5276, 5566, 5605, 5867, 6423, 6775, 7034, 7241.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6325, 6524, 6744, 6896, 6472.

A new inferior subdivision (*b*) is added to § 1340.212 (b) (3) (i) as set forth below:

§ 1340.212 *Appendix A: Maximum prices for bituminous coal produced in District No. 1.* * * *

(b) * * *

(3) *Maximum prices in cents per net ton for railroad fuel.* * * *

(i) *Special price instructions.* * * *

(*b*) On and after May 18, 1942, maximum prices for railroad fuel for other than locomotive fuel use shall be, in all size groups, the same as the maximum prices for the particular coal established in § 1340.212 (b) (1) herein.

§ 1340.211a *Effective dates of amendments.* * * *

(v) Amendment No. 21 (§ 1340.212 (b) (3) (i)) to Maximum Price Regulation No. 120 shall become effective October 5th, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 29th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9704; Filed, September 29, 1942; 4:29 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[Maximum Price Regulation 232]

APPLE BUTTER

In the judgment of the Price Administrator, seasonal conditions and other factors affecting the sale of apple butter have resulted in the establishment under the General Maximum Price Regulation[1] of maximum prices which are not generally fair and equitable as applied to the 1942 pack and which are not best calculated to secure adequate production of this commodity. This Maximum Price Regulation No. 232 is issued by the Price Administrator in order to establish for the packers of apple butter maximum prices which are fair and equitable and which will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this Regulation has been issued and filed with the Division of the Federal Register.*

The Price Administrator has given due consideration to the prices of apple butter prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined to be of general applicability. So far as practicable, the Price Administrator has consulted with representatives of the apple butter industry.

The maximum prices established by this regulation are not below prices which will reflect to apple growers a price for apples equal to the highest of any of the following prices, as determined and published by the Secretary of Agriculture: (1) 110 per centum of the parity price adjusted by the Secretary of Agriculture for grade, location and seasonal differentials; (2) the market price prevailing on October 1, 1941; (3) the market price prevailing on December 15, 1941; or (4) the average price during the period July 1, 1919, to June 30, 1929.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, Maximum Price Regulation No. 232 is hereby issued.

AUTHORITY: §§ 1341.451 to 1341.465, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1341.451 *Prohibition against dealing in apple butter above maximum prices.* (a) On and after October 1, 1942, regardless of any contract or other obligation, no packer shall sell or deliver any apple butter at a price higher than the maximum prices established by this Maximum Price Regulation No. 232;

(b) No person in the course of trade or business shall buy or receive any apple butter from a packer at a price higher than the maximum prices established by this Maximum Price Regulation No. 232;

(c) No person shall agree, offer, solicit or attempt to do any of these things.

§ 1341.452 *Packer's maximum prices for apple butter.* (a) The packer's maximum price per dozen or other unit f. o. b. factory for each brand, container type and size of apple butter shall be:

(1) The weighted average price per dozen or other unit f. o. b. factory charged by the packer for the brand, container type and size during the months of October and November 1941; plus

(2) ½¢ for each pound of finished apple butter in a dozen or other unit of that size container; plus

(3) The sum of the weighted average cost increases for raw materials. The increase shall be computed for each raw material by taking the difference per dozen or other unit of the finished product between the weighted average cost delivered at the factory of the raw material purchased or contracted for between March 1, 1941, and October 1, 1941, and the weighted average cost delivered at the factory of the raw material purchased or contracted for between March 1, 1942, and October 1, 1942; except as limited in paragraph (b) (3) of this section.

(b) In determining the packer's maximum price:

(1) The "weighted average price" shall be the total gross sales dollars charged for each brand, container type and size divided by the number of units of that item sold. All sales made in the regular course of business during the months of October and November 1941 shall be included, except sales made to the United States.

(2) The "weighted average cost" of any raw material shall be the total amount paid for it divided by the total number of pounds or other unit purchased.

(3) In computing the weighted average costs of raw materials delivered at the factory, the packer shall exclude from the computation any amounts paid in excess of the following amounts:

(i) For raw materials other than fresh apples the maximum prices which the packer's supplier or suppliers were entitled to charge him under the General Maximum Price Regulation or under any other pertinent Maximum Price Regulation in the respective sales by which the raw materials were acquired by the packer.

(ii) For fresh apples the sum of (*a*) the weighted average cost delivered at the factory of apples purchased or contracted for between March 1, 1941, and October 1, 1941, and (*b*) $8 a ton.

(4) In converting the increased cost of raw materials into increased cost per dozen or other unit for each brand and container type and size, the increase shall be allocated to each container type and size in the same proportion as costs of raw materials in 1941 were allocated.

(c) The maximum price for each brand, container type and size for a packer who owns more than one factory shall be determined separately for each factory. But if any two or more factories had the same f. o. b. factory prices in 1941 a maximum price may be determined uniformly for that group by using the combined figures of the group in the computations required by paragraphs (a) and (b) of this section. In applying for the specific authorization of a price under paragraph (b) of § 1341.453, application may be made for a uniform maximum price applicable to the whole group.

(d) Any packer who regularly sold a purchaser any item of apple butter on a delivered price basis during the calendar year 1941 shall increase the maximum price for the item, as computed under the preceding paragraphs of this section, by the amount of the freight charge for that item which he added to his f. o. b. factory price during March 1942. The resulting price shall be the packer's maximum delivered price for that purchaser.

§ 1341.453 *Inability to fix maximum prices under § 1341.452.* (a) If the packer's maximum price for any item cannot be determined under § 1341.452, his maximum price shall be the maximum price of the most closely competitive packer.

(b) If the packer's maximum price for any item cannot be determined under § 1341.452 or under paragraph (a) of this section, the maximum price shall be a price determined after specific authorization from the Office of Price Administration, Washington, D. C., on application setting forth (1) a detailed description of the brand, container type and size; and (2) a statement of the facts which differentiate it from the most similar item for which he has determined a maximum price, identifying the similar item and stating the maximum price determined for it. When authorization is given, it will be accompanied by instructions for determining the maximum price. Within ten days after the price has been determined, the seller shall report it to the Office of Price Administration, Washington, D. C. This price shall be subject to adjustment at any time by the Office of Price Administration.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6058, 6081, 6216, 6615, 6007, 6794, 6939, 7093, 7322, 7454.

§ 1341.454 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 232 may be charged, demanded, paid or offered.

§ 1341.455 *Customary allowances and discounts.* The maximum prices established by §§ 1341.452 and 1341.453 shall be reduced to reflect the packer's customary allowances, discounts and other price differentials.

§ 1341.456 *Transfers of business or stock in trade.* If the business assets, or stock in trade of any packer are sold or otherwise transferred on or after October 1, 1942, and the transferee carries on the business, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no transfer had taken place, and his obligation to keep records sufficient to verify those prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in this Regulation.

§ 1341.457 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 232 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to apple butter, alone or in conjunction with any other commodity or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1341.458. *Enforcement.* Any person violating a provision of this Maximum Price Regulation No. 232, is subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Emergency Price Control Act of 1942.

§ 1341.459 *Records and reports.* Every packer who makes sales of any apple butter covered by this Maximum Price Regulation No. 232, shall (a) as long as the Emergency Price Control Act of 1942 continues in effect, preserve for examination by the Office of Price Administration all his existing records which were the basis for the computations required by § 1341.452; and (b) preserve for the same period all records of the same kind as he has customarily kept, relating to the prices which he charged for apple butter sold on and after October 1, 1942; and (c) file with the Office of Price Administration, Washington, D. C., within 10 days after determining his maximum prices for each brand, container type and size of apple butter, a statement showing (1) his weighted average price and his increases in the cost of raw materials, as determined under § 1341.452, together with the maximum price determined under this regulation and all customary allowances, discounts and differentials, and (2) in those cases in which the maximum price was determined by the maximum price of the most closely competitive packer, the maximum price and the name and address of the packer whose maximum price was adopted; and (d) as long as the Emergency Price Control Act of 1942 continues in effect, preserve a true copy of each such statement filed with the Office of Price Administration for examination by any person during ordinary business hours. Any packer who claims that substantial injury would result to him from making any such statement available to any other person, may file a copy of the statement with the nearest Regional, State, or District Office of the Office of Price Administration. The information contained in the statement will not be published or disclosed unless it is determined that the withholding of the information is contrary to the purposes of this regulation.

§ 1341.460 *Petition for amendment.* Any person seeking a modification of this Maximum Price Regulation No. 232 may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1[2] issued by the Office of Price Administration.

§ 1341.461 *Applicability.* The provisions of this Maximum Price Regulation No. 232 shall be applicable only to the United States and the District of Columbia.

§ 1341.462 *Applicability of the General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 232 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of apple butter for which maximum prices are established by this regulation.

§ 1341.463 *Export sales.* The maximum prices at which a person may export apple butter shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[3] issued by the Office of Price Administration.

§ 1341.464 *Definitions.* (a) When used in this Maximum Price Regulation No. 232 the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successors or representatives of any of the foregoing and includes the United States, any of its agencies, any other Government, or any of its political subdivisions and any agency of any of the foregoing.

(2) "Packer" means a person who preserves and packs apple butter as defined in subparagraph (3).

(3) "Apple butter" is the smooth, semisolid food having a characteristic apple flavor obtained by cooking a mixture of the strained edible portion of apples and saccharine ingredients, consisting of not less than 5 parts, by weight, of apple ingredient (calculated on a fresh fruit basis using an average percentage of soluble apple solids of 13.7 percent) to 2 parts, by weight, of saccharine ingredients. The product may be prepared with or without any of the following: Apple juice, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid and salt. Saccharine ingredients may be any of the following: (i) Sugar, (ii) invert sugar sirup, (iii) brown sugar, (iv) invert brown sugar sirup, (v) honey, (vi) corn sirup, (vii) any combination of two or more of (i), (ii), (iii), (iv), (v) and (vi), but if honey is a component the weight of its solids is not less than ⅖ of the weight of the solids of the combination; or (viii) any combination of corn sugar or dextrose and (i), (ii), (iii), (iv), (v), (vi), or (vii), but if honey is a component the weight of its solids is not less than ⅖ of the weight of the solids of the combination. Apple butter is further defined by the Regulation Fixing and Establishing Definitions and Standards of Identity for Fruit Butters, issued under the Federal Food Drug and Cosmetic Act of 1938[4] and published in the FEDERAL REGISTER on September 5, 1940.

(4) "Raw material" means any ingredient used in the making of apple butter, including the ingredients listed in subparagraph (3).

(5) "The most closely competitive packer" means the packer who: (i) Sells to the same class of buyer,

(ii) Packs the same or similar quality range of the product,

(iii) Has sold in the past the same kind of apple butter at approximately the same prices as the packer establishing a maximum price,

(iv) Has used the same general merchandising methods, and

(v) Is located in the same general growing and packing area or, if there is no such packer in the same general growing and packing area, is located in the nearest growing and packing area.

(b) Unless the context otherwise requires, the definitions of section 302 of Emergency Price Control Act of 1942 shall apply to other terms used in this regulation.

§ 1341.465 *Effective date.* This Maximum Price Regulation No. 232 (§§ 1341.451 to 1341.465 inclusive) shall become effective October 1, 1942.

Issued this 29th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9706; Filed, September 29, 1942; 4:30 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Amendment 6 to Maximum Price Regulation 169[5]]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this amendment

has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

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[2] 7 F.R. 971, 3663, 6967.

[3] 7 F.R. 5059.

[4] 5 F.R. 3561.

[5] 7 F.R. 4653, 5222, 5426, 5863, 6659, 4798, 7314.

Amended. Title of paragraph (g) of § 1364.52; § 1364.67, footnote added to paragraph 2, section 2, Regulation I of Appendix D; § 1364.67, paragraph 1, section 1, Regulation 7 of Appendix D.

Added. § 1364.52 (n); § 1364.58 (e).

§ 1364.52 *Maximum prices for beef and veal carcasses and wholesale cuts.* * * *

(g) *Maximum prices for federally graded products.* * * *

(n) *Limitation of maximum prices.* Notwithstanding any of the provisions of paragraphs (a), (b), (c), (d), (e), (h), (i) and (k) of this § 1364.52, the maximum price determined pursuant to any of the said paragraphs for the sale of any beef carcass, shall in no event be higher than the following:

Sex	Grade	Maximum price per pound (cents)
Steers and heifers	Choice or AA	23
	A	21½
	B	20
	C	18½
Cows	A	19½
	B	18½
	C	17½
Steers, heifers and cows	Cutter and canner	16½

In any case where the maximum price of any beef carcass of any grade is lowered by this paragraph, the maximum price of each such grade of each beef wholesale cut which shall have been determined pursuant to subparagraphs (2) or (3) of paragraph (a) of this § 1364.52 shall be adjusted downward and related to the lowered maximum price of the carcass of the corresponding grade and the lowered maximum prices of the hindquarters and the forequarters of the corresponding grade in the manner required by those subparagraphs. In any case where the maximum price of any grade of any beef wholesale cut could not be determined pursuant to subparagraphs (2) or (3) of paragraph (a) of this § 1364.52 and such maximum price was obtained from the most nearly competitive seller, each maximum price so obtained shall be revised to conform with the adjusted maximum price of such most nearly competitive seller if its price has been affected by this paragraph. Nothing contained in this paragraph shall be construed as authorizing the increase of any established maximum price which is lower than the limitations herein set forth.

* * * * *

§ 1364.58 *Records and reports.* * * *

(e) Not later than October 16, 1942, every person making sales subject to § 1364.52 of this Maximum Price Regulation No. 169 shall file with the Office of Price Administration in Washington, D. C., a supplemental sworn statement certifying:

(1) The adjusted maximum price for each official grade of wholesale cut as determined pursuant to paragraph (n) of § 1364.52 above, enumerating separately the adjusted maximum prices obtained from the most nearly competitive seller, the name and address of each such competitive seller, and a brief statement showing why such seller is determined to be the most nearly competitive seller.

* * * * *

§ 1364.63 *Effective date.* * * *

(f) Amendment No. 6 (Title of paragraph (g) of § 1364.52; § 1364.67, footnote added to paragraph 2, section 2, regulation I of Appendix D; § 1364.67, paragraph 1, section 1, Regulation 7 of Appendix D; § 1364.52 (n), § 1364.58 (e), and § 1364.63 (f)) to Maximum Price Regulation No. 169 shall become effective October 1, 1942.

* * * * *

§ 1364.67 *Appendix D; Rules and Regulations of the Secretary of Agriculture governing the grading and certification of meats for class, quality (grade), and condition.*

Regulation 1. Definitions

* * * * *

Section 2. * * *

Par. 2. *Bureau*[2] * * *

* * * * *

Regulation 7

Section 1. Amount of, rates, etc.

Paragraph 1. *Basis for charges.* Fees and charges for grading services shall be based on the actual time required to render the services, including the time required for travel of the official grader in connection therewith, at the rate of $2.20 per hour for each official grader assigned unless otherwise provided by special agreement approved by the Chief of the Bureau: *Provided,* That no grading services shall be rendered for less than a minimum charge of $1.10: *Provided further,* That the Chief of the Bureau may, in lieu of the fixed charge of $2.20 per hour, fix other reasonable charges for the grading and certification of products at rates, which in his judgment, will cover the costs of the services.

Issued this 29th day of September 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-9707; Filed, September 29, 1942; 4:29 p. m.]

Part 1382—Hardwood Lumber

[Amendment 2 to Maximum Price Regulation 155[1]]

CENTRAL HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new paragraph (d) is added to § 1382.62 as set forth below:

§ 1382.62. *Appendix B: Maximum prices for North Central hardwood lumber in "recurring special" grades or items.* * * *

(d) Maximum prices for "recurring special" grades or items of North Central hardwood lumber produced by particular mills determined pursuant to paragraph (b) (2) of this section.

The maximum f. o. b. mill price for 1,000 feet of North Central hardwood lumber in a rough air dried condition shipped from mills in the North Central area of the following particular producers and in the following "recurring special" grades or items shall be as follows:

(1) WOOD-MOSAIC COMPANY

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	FAS—Sill Stock	White Oak	2	8		$130.00
2	FAS—Step Plank	White Oak	1¼	11 to 15		135.00
3	No. 1 Common & Selects Quartered.	White Oak	1	3 to 5½		52.00
4	Selects Quartered	White Oak	1	4 and wider	6 and longer	100.00
5	FAS Quartered	White Oak	1	10 and wider		150.00
6	Panel and Wide No. 1	Poplar	1			100.00
7	Panel and Wide No. 1	Poplar	1¼			110.00
8	Panel and Wide No. 1	Poplar	1½			115.00

(2) MORSCHES-NOWELS LUMBER COMPANY

1	Special Rule Stock-Quartered (95% White).	Hard Maple	¾			$128.00
2	Snow Shoe Stock (Clear Second Growth).	Tough White Ash	1		10, 11, 12	165.00
2	Snow Shoe Stock (Clear Second Growth).	Tough White Ash	1⅛		10, 11, 12	165.00
2	Snow Shoe Stock (Clear Second Growth).	Tough White Ash	1¼		10, 11, 12	165.00
3	Shaker Board Stock (Clear Straight Grained).	Hickory	⅝	8 and wider	8½, 10 and 12	100.00
4	Special Clear Quartered	Hard Maple	⅜			70.00

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*Copies may be obtained from the Office of Price Administration.

[2] "Agricultural Marketing Administration" is substituted wherever the terms, "Bureau" or "Bureau of Agricultural Economics of the United States Department of Agriculture" are used in this § 1364.67. This is in accordance with the Order issued by the Secretary of Agriculture.

[1] 7 F.R. 4108, 4231, 7202.

(3) AMOS-THOMPSON CORPORATION

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
1	Step Plank	Red Oak	1¼			$105.00
2	Selects	White Oak	4			120.00
3	Selects	Hard Maple	1			78.00
4	Selects	Hard Maple	1	10 and wider		93.00

(4) STAMBAUGH-FRAMPTON LUMBER COMPANY
(5) DON FARINACCI, INCORPORATED
(6) JOHN N. MORRIS
(7) VERN N. DEBOW
(8) THE GRAND RIVER HARDWOOD COMPANY
(9) A. R. BRENNEMAN
(10) J. F. SCOTT
(11) S. G. COVELL AND SONS

1	Industrial Blocking	Mixed Hardwoods	1 to 4	3 to 4	2 to 12	$23.00
1	Industrial Blocking	Mixed Hardwoods	1 to 4	3 to 4	13 to 16	26.00
1	Industrial Blocking	Mixed Hardwoods	1 to 4	3 to 4	17 to 18	30.00
1	Industrial Blocking	Mixed Hardwoods	4 to 5	5 to 6	2 to 12	24.00
1	Industrial Blocking	Mixed Hardwoods	4 to 5	5 to 6	13 to 16	27.00
1	Industrial Blocking	Mixed Hardwoods	4 to 5	5 to 6	17 to 18	31.00
1	Industrial Blocking	Mixed Hardwoods	6 to 8	6 to 8	2 to 12	25.00
1	Industrial Blocking	Mixed Hardwoods	6 to 8	6 to 8	13 to 16	28.00
1	Industrial Blocking	Mixed Hardwoods	6 to 8	6 to 8	17 to 18	32.00
1	Industrial Blocking	Mixed Hardwoods	10 to 12	10 to 12	2 to 12	30.00
1	Industrial Blocking	Mixed Hardwoods	10 to 12	10 to 12	13 to 16	33.00
1	Industrial Blocking	Mixed Hardwoods	10 to 12	10 to 12	17 to 18	37.00

§ 1382.60a *Effective dates of amendments.* * * *

(c) Amendment No. 2 (§ 1382.62 (d) (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11)) to Maximum Price Regulation No. 155 shall become effective October 5, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 29th day of September 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-9705; Filed, September 29, 1942; 4:30 p. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

Amendments to Regulations; Approval of Equipment

Corrections

The following corrections should be made in the document beginning on page 7607 of the issue for Friday, September 26, 1942:

In § 37.2-3 (e) the word "points" should be "joints". In § 50.1 the word "removed" should be "renewed". In § 55.19-13 (g) in formula (64), inside the square root designation, the figure "1" above the line is intended to be a small "ell".

On page 7609, in § 59.11 (z) in the second paragraph, eighth line, the word "terminated" should be "terminate".

On page 7610, in § 76.7, ninth line, "such manner" should read "such a manner". In § 76.14, first sentence, the word "class" should be "classes".

On page 7612 the part number "76" should be "78".

Notices

TREASURY DEPARTMENT.

Fiscal Service: Bureau of the Public Debt.

[1942 Dept. Circ. 697]

Partial Redemption, Before Maturity, of 2¾ Percent Mutual Mortgage Insurance Fund Debentures, Series B

I. NOTICE OF EIGHTH CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY, OF 2 3/4 PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES B

September 28, 1942.

The Federal Housing Commissioner, with the approval of the Secretary of the Treasury, has issued the following notice of call for partial redemption and offer to purchase with respect to 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B:

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1943, on which date interest on such debentures shall cease:

Denomination:	*Serial numbers (All numbers inclusive)*
$50	1,343 to 1,456
$100	4,787 to 5,259
$500	1,593 to 1,705
$1,000	5,923 to 6,469
$5,000	412 to 452
$10,000	45 to 46

The debentures first issued, as determined by the serial numbers, were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1942. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1942, and provision will be made for the payment of final interest due January 1, 1943, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1 to December 31, 1942, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1943, or for purchase prior to that date will be given by the Secretary of the Treasury.

II. TRANSACTIONS IN EIGHTH-CALLED DEBENTURES

1. The debentures included in the foregoing notice of call for partial redemption on January 1, 1943, are hereby designated eighth-called 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B, and are hereinafter referred to as eighth-called debentures.

2. Transfers and denominational exchanges in eighth-called debentures will terminate at the close of business on September 30, 1942.

III. REDEMPTION OR PURCHASE

1. Holders of eighth-called debentures will be entitled to have such debentures redeemed and paid at par on January 1, 1943, with interest in full to that date, at the rate of $13.75 per $1,000. Interest on eighth-called debentures will cease on January 1, 1943.

2. Holders of eighth-called debentures have the privilege of presenting such debentures at any time from October 1 to December 31, 1942, inclusive, for purchase at par and accrued interest, at the rate of $0.74728 per $1,000 per day from July 1, 1942, to date of purchase.

IV. RULES AND REGULATIONS GOVERNING REDEMPTION AND PURCHASE

1. The United States Treasury Department is the agent of the Federal Housing Commissioner for the redemption and purchase of eighth-called debentures. In accordance with regulations adopted by the Federal Housing Commissioner and approved by the Secretary of the Treasury, the assignment, redemption, and purchase of eighth-called debentures will be governed by the general regulations of the Treasury Department with respect to United States bonds and notes, so far as applicable, except as otherwise provided herein.

2. Eighth-called debentures presented for redemption on January 1, 1943, or for purchase from October 1 to December 31, 1942, inclusive, must be assigned by the registered payee or assignee thereof

or by their duly constituted representatives in the form indicated in paragraph 3 hereof, and should thereafter be presented and surrendered to any Federal Reserve Bank or to the Division of Loans and Currency, Treasury Department, Washington, D. C., accompanied by appropriate written advice. (Use Form PD 1795 attached hereto.) The debentures must be delivered at the expense and risk of the holders. (See paragraph 8 of this section.) In all cases checks in payment of principal and final interest will be mailed to the address given in the form of advice accompanying the debentures when surrendered.

3. If the registered payee or an assignee holding under proper assignment from the registered payee desires that payment be made to him, the debentures should be assigned by such payee or assignee or by a duly constituted representative to "The Federal Housing Commissioner for redemption" or to "The Federal Housing Commissioner for purchase," according to whether the debentures are to be presented for redemption on January 1, 1943, or for purchase prior to that date. If it is desired for any reason that payment be made to some other person without intermediate assignment, the debentures should be assigned to "The Federal Housing Commissioner for redemption (or purchase) for the account of ------------------," inserting the name and address of the person to whom payment is to be made.

4. An assignment in blank or other assignment having similar effect will be recognized, but in that event payment will be made to the person surrendering the debenture for redemption or purchase since, under such an assignment, the debenture becomes in effect payable to bearer. Assignments in blank or assignments having similar effect should be avoided, if posisble, in order not to lose the protection afforded by registration.

5. Final interest on any eighth-called debentures, whether purchased prior to or redeemed on or after January 1, 1943, will be paid with the principal in accordance with the assignments on the debentures surrendered.

6. All assignments must be made on the debentures themselves unless otherwise directed by the Treasury Department. Detached assignments will be recognized and accepted in any particular case in which the use of detached assignments is specifically authorized by the Treasury Department. Any assignment not made upon the debenture is considered a detached assignment.

7. An eighth-called debenture registered in the name of, or assigned to, a corporation, will be paid to such corporation on or after January 1, 1943, upon an appropriate assignment for that purpose executed on behalf of the corporation by a duly authorized officer thereof. An assignment so executed and duly attested in accordance with Treasury Department regulations will ordinarily be accepted without proof of the officer's authority. In all cases coming under this provision payment will be made only by check drawn to the order of the corporation. Proof of the authority of the officer assigning on behalf of a corporation will be required, in accordance with the general regulations of the Treasury Department, in the case of assignments for purchase prior to January 1, 1943, and in case of assignments for redemption on or after January 1, 1943, for the account of any person other than the corporation.

8. Debentures presented for redemption or purchase under this circular must be delivered to a Federal Reserve Bank or to the Division of Loans and Currency, Treasury Department, Washington, D. C., at the expense and risk of the holder. Debentures bearing restricted assignments may be forwarded by registered mail, but debentures bearing unrestricted assignments should be forwarded by registered mail insured or by express prepaid.

9. In order to facilitate the redemption of eighth-called debentures on January 1, 1943, any such debenture may be presented and surrendered in the manner herein prescribed in advance of that date but not before December 1, 1942. Such early presentation by holders will insure prompt payment of principal and interest when due.

V. GENERAL PROVISIONS

1. Any further information which may be desired regarding the redemption of eighth-called debentures under this circular may be obtained from any Federal Reserve Bank or from the Division of Loans and Currency, Treasury Department, Washington, D. C., where copies of the Treasury Department's regulations governing assignments may be obtained.

2. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to perform any necessary acts under this circular. The Secretary of the Treasury may at any time or from time to time prescribe supplemental and amendatory rules and regulations governing the matters covered by this circular, which will be communicated promptly to the registered owners of eighth-called debentures.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

Form PD 1795
Treasury Department
Fiscal Service
Bureau of the Public Debt

FORM OF ADVICE TO ACCOMPANY EIGHTH-CALLED 2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES B, PRESENTED FOR REDEMPTION ON JANUARY 1, 1943, OR FOR PURCHASE PRIOR TO THAT DATE

To the Federal Reserve Bank of -----------, or Treasury Department, Division of Loans and Currency, Washington, D. C.:

Pursuant to the provisions of Treasury Department Circular No. 697, dated September 28, 1942, the undersigned presents and surrenders herewith for ----------------------
----
(Indicate whether for immediate purchase or
----
for redemption on January 1, 1943)
$--------, face amount of eight-called 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B, registered in the name of ------------------- and duly assigned to "The Federal Housing Commissioner for --------*," as follows:

Number of debentures	Denomination	Serial numbers of debentures	Face amount
----------------	$50	----------------	$--------
----------------	100	----------------	--------
----------------	500	----------------	--------
----------------	1,000	----------------	--------
----------------	5,000	----------------	--------
----------------	10,000	----------------	--------
Total----	--------	----------------	--------

and requests that remittance covering payment therefor be forwarded to the undersigned at the address indicated below.

Signature ------------------
Name (please print) ------------------
Address in full ------------------
Date -------------- ------------------

*Debentures presented for immediate purchase should be assigned to "The Federal Housing Commissioner for purchase"; debentures presented for redemption on January 1, 1943, should be assigned to "The Federal Housing Commissioner for redemption."

[F. R. Doc. 42-9730; Filed, September 30, 1942; 11:45 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1641]

CARTER COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of Carter Coal Company for revision of the price classifications and minimum prices applicable to its mines in District No. 7.

A petition pursuant to the provisions of the Bituminous Coal Act of 1937 having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on October 27, 1942, at 10 o'clock in the forenoon of that date at a hearing room of the Bituminous Coal Division in Washington, D. C. On such date the Chief of the Records Section in the Offices of the Division in Washington, D. C., will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party

herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 22, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Carter Coal Company to amend the Schedule of Effective Minimum Prices for District No. 7 for Truck Shipments to permit petitioner to sell coal produced at its Olga No. 1, Olga No. 2, Caretta, Thelma, and Seaboard Mines in District No. 7 to the following persons residing at or near said mines at the same prices and terms at which it sells such coal to its mine-worker employees:

a. Employees of the petitioner who may not be included within the purview of the phrase "mine-worker employees" such, for example, as general and assistant mine superintendents, supervisors, foremen, inspectors, engineers, chemists, mechanics, laborers not directly engaged in mining operations, auditors, accounting and clerical workers, office employees, purchasing agents, store employees, doctors, nurses, cooks, waiters and waitresses, domestic helpers, janitors, watchmen and others;

b. The following persons who are not employees of the petitioner:

i. Employees of a public utility company who reside in houses owned by the petitioner located at or near the mines and who work at the petitioner's electric power sub-station located at Coalwood, West Virginia;

ii. Pastors of local churches, principal and teachers employed at local school, local agent of railroad company, operator of independent garage and repair shop, injured former employees, and widows of former employees; all of the foregoing residing in houses owned by the petitioner located at Coalwood and Caretta, West Virginia; and

iii. Tenants of houses owned by the petitioner located at Seaboard, Virginia, most of whom are employed by a neighboring mining company, namely, Jewell Ridge Coal Corporation, a code member in District No. 7.

Dated: September 29, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-9727; Filed, September 30, 1942; 11:32 a. m.]

[Docket No. B-333]

IRA H. BISEL, CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 11, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on September 14, 1942, by Bituminous Coal Producers Board for District No. 1, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Ira H. Bisel, an individual (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 2, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 118, Colonial Hotel, Altoona, Pennsylvania.

It is further ordered, That W. A. Cuff, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging

That Ira H. Bisel, an individual, Code Member, whose address is Gray, Pennsylvania, whose Code membership became effective September 19, 1938, and who operates the Bisel Mine, Mine Index No. 1085, and the J. F. Fritz Mine, Mine Index No. 1397, located in Somerset County, Pennsylvania, Subdistrict No. 36 of District No. 1 has wilfully violated the Act, the Code promulgated thereunder, and the rules and regulations and orders of the Division as follows:

I. By selling and delivering by truck, subsequent to September 30, 1940, below the effective minimum prices established therefor in the Schedule of Effective Minimum Prices for District No. 1 For Truck Shipment, coal produced at the aforesaid Bisel Mine, including sales during the period from October 16, 1940, to March 20, 1941, both dates inclusive, but not in limitation thereof, to the Cross Roads School, Jenners Township School District, Somerset County, Pennsylvania, approximately 88.245 net tons of run of mine coal at $2.10 per net ton, whereas said coal was classified as Size Group No. 3 and priced at $2.25 per net ton f. o. b. said mine in said schedule, resulting in violations of section 4 II (e) of the Act and Part II (e) of the Code.

II. By selling and delivering by truck, subsequent to September 30, 1940, coal produced at the aforesaid Bisel Mine, at prices below the effective minimum price for said coal as established in the aforesaid schedule, to which applicable minimum price there should have been added the transportation, handling or incidental charges from the transportation facilities at said mine to the point from which all such charges were assumed and directly paid by the purchasers, including the sale and delivery by truck of approximately 4 net tons of run of mine coal, Size Group No. 3, during the period from February 21, 1941, to March 17, 1941, both dates inclusive, to the Hare School, Jenners Township School District, Somerset County, Pennsylvania, at a delivered price of $2.25 per net ton, whereas the effective minimum f. o. b. mine price of said coal as set forth in said schedule was $2.25 per net ton, to which minimum price there should have been added the transportation, handling and other incidental charges from the transportation facilities at said mine to said point of delivery as required by Price Instruction No. 6, as amended, and contained in Supplement No. 1 to said schedule, resulting in violations of section 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code.

Dated: September 29, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-9728; Filed, September 30, 1942; 11:32 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 163]

PRINTING AND PUBLISHING AND ALLIED GRAPHIC ARTS INDUSTRY

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE NO. 49

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrato. of the Wage and Hour Division, U. S Department of Labor,

Do hereby accept the resignation of Mr. John B. Haggerty from Industry Committee No. 49 for the Printing and Publishing and Allied Graphic Arts Industry, and do appoint in his stead as representative of the employees on such committee, Mr. Thomas F. Lynch, of New York, New York.

Signed at New York, New York, this 28th day of September 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-9695; Filed, September 29, 1942; 12:19 p. m.]

[Administrative Order No. 164]

PRINTING AND PUBLISHING AND ALLIED GRAPHIC ARTS INDUSTRY

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE NO. 49

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, U. S. Department of Labor,

Do hereby accept the resignation of Mr. William Simpson from Industry Committee No. 49 for the Printing and Publishing and Allied Graphic Arts Industry, and do appoint in his stead as a representative for the employers on such committee Mr. William L. Edelblut, of Washington, D. C.

Signed at New York, New York this 28th day of September 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-9696; Filed, September 29, 1942; 12:19 p. m.]

J. H. RUDOLPH AND COMPANY

NOTICE OF GRANTING OF EXCEPTION

Notice of granting of exception under § 516.18 of the record keeping regulations, Part 516.

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, issued under authority contained in the Fair Labor Standards Act of 1938, the Administrator of the Wage and Hour Division has granted J. H. Rudolph and Company of DeKalb, Illinois, relief from the necessity of preserving employees' piece-work tickets as required by § 516.15, paragraph (a) of the Record Keeping Regulations provided that these piece-work tickets are preserved for at least one year.

This authority is granted on the representations of the petitioner and is subject to revocation for cause.

Signed at New York, New York, this 26th day of September 1942.

WILLIAM B. GROGAN,
Acting Administrator.

[F. R. Doc. 42-9697; Filed, September 29, 1942; 12:19 p. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 112]

PATENTS AND APPLICATIONS OF ENEMY NATIONALS

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in the patents the numbers of which are listed in Exhibits A, B, C, D, E, F, G, H, I and J attached hereto and made a part hereof, and the titles to which stand of record in the United States Patent Office in the names of the persons appearing (a) in the case of the aforesaid Exhibits A, B, C, D, E, F, G, H and I at the respective tops thereof, and (b) in the case of said Exhibit J, opposite the respective numbers listed therein; and patent applications identified in Exhibit K attached hereto and made a part hereof,

is property in which nationals of a foreign country or countries have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, o. to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of said Executive Order.

Executed at Washington, D. C., on August 25, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

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[1] 7 F.R. 1971.

EXHIBIT A

Patents the titles to which stand of record in the United States Patent Office in the name of Dr. Alexander Wacker Gesellschaft fur Electrochemische Industrie G. m. b. H., and which are identified respectively as follows:

Patent No.	Patent date	Inventor	Title
1,590,097	6/22/26	L. Hormann and F. Kaufler	Process for manufacturing acetic anhydrids.
1,711,314	4/30/29	W. Gruber	Process for the production of acetyl cellulose soluble in chloroform.
1,723,614	8/ 6/29	W. Gruber	Process for preparing acetone-soluble high viscosity cellulose acetate.
1,771,698	7/29/30	G. Wolff	Apparatus for cleansing and removing grease and the like from solid articles.
1,793,935	2/24/31	F. Kaufler and G. Stangler	Alcoholate and method of making same.
1,798,937	3/31/31	P. Halbig, F. Kaufler and P. Schmitz	Method of producing keto acid esters.
1,805,281	5/12/31	P. Halbig and F. Kaufler	Process for effecting ester condensations.
1,816,843	8/ 4/31	P. Halbig	Method for preparing alkali metal alcoholates.
1,834,040	12/ 1/31	A. Ascherl and W. Gruber	Process for reducing the viscosity characteristics of cellulose ethers.
1,892,923	1/ 3/33	A. Ascherl and W. Gruber	Process of drawing cellulose acetate threads.
1,902,070	3/21/33	P. Halbig and F. Kaufler	Alkoxyaldehyde and production of same.
1,910,331	5/23/33	P. Halbig	Process of preparing alkali metal aliphatic monohydroxy alcoholates.
1,925,829	9/ 5/33	A. Ascherl and W. Gruber	Process for drawing cellulose acetate threads.
1,937,269	11/28/33	P. Ernst	Process for the production of alkyl halides.
1,942,183	1/ 2/34	H. Muller	Diaphragm for electrolytic cells.
1,970,374	8/14/34	P. Halbig, F. Kaufler, and H. Deger	α-methylol=α-ethyl=butyraldehyde and process of preparing same.
1,974,917	9/25/34	P. Halbig and F. Kaufler	Esterification of diethyl-malonic acid.
1,986,548	1/ 1/35	G. Wolff	Apparatus for chemically cleaning fabrics, textiles, garments and the like.
2,001,656	5/14/35	R. Von Gruber-Rehenburg and R. Stobe.	Process and apparatus for reducing solvent losses in fabric cleaning.
2,006,314	6-25-35	P. Halbig and F. Kaufler	Process of preparing substituted malonic acids.
2,026,736	1- 7-36	W. Gruber	Process for the manufacture of woolly threads.
2,036,480	4- 7-36	F. Kaufler and H. Schmitz	Printing ink.
2,040,130	5-12-36	P. Halbig and F. Kaufler	Process of preparing 3-methylal-n-pentane.
2,051,846	8-25-36	P. Halbig and F. Kaufler	Production of barbituric acids.
2,057,177	10-13-36	G. Wolff	Apparatus for cleaning and degreasing metal articles and the like.
2,057,259	10-13-36	G. Wolff	Apparatus for chemically cleaning and drying fabrics, textiles, garments and the like.
2,080,562	5-18-37	W. Eschenbach	Process for the production of ketene.
2,090,191	8/17/37	G. Edhofer	Machine and cleaning and degreasing metal articles.
2,090,192	8/17/37	G. Edhofer and G. Wolff	Means for degreasing and cleaning metal articles.
2,093,666	9/21/37	A. Vogt	Process for treating iron and iron alloys.
2,099,151	11/16/37	A. Vogt	Production of magnesium from magnesium oxides.
2,102,957	12/21/37	F. Kaufler and H. Schmitz	Asphalt solution.
2,104,991	1/11/38	H. Hollerer	Apparatus for cleaning and degreasing articles.
2,104,992	1/11/38	H. Hollerer	Machine for cleaning and degreasing articles.
2,115,630	4/26/38	R. Von Gruver-Rehenburg and R. Stobe.	Process and apparatus for treating lengths of material.
2,137,404	11/22/38	H. Hollerer	Drying process.
2,139,219	12/ 6/38	G. Basel and E. Schaeffer	Process for producing tetrachlorethylene.
2,146,282	2/ 7/39	H. Berg and F. Leiss	Process for producing acrylic acid.
2,158,051	5/16/39	H. Berg, H. Heim, and F. Leiss	Process for producing monovinyl acetylene.
2,158,213	5/16/39	G. Basel and E. Schaeffer	Process of preparing chlorinated ethylenes.
2,158,621	5/16/39	G. Edhofer and G. Wolff	Degreasing machine.
2,163,293	6/20/39	F. Schroll and A. Vogt	Electrothermic production of Boron carbide.
2,165,850	7/11/39	W. Gruber, M. Thoma, and H. Zoebelein.	Cellulose acetate and method of producing same.
2,178,622	11/ 7/39	G. Basel and E. Schaeffer	Process for producing tetrachlorethylene.
2,182,064	12/ 5/39	A. Vogt	Apparatus for treating matters in hot liquid state.
2,207,186	7/ 9/40	G. Wolff	Degreasing process and apparatus.
2,215,180	9/17/40	F. Kaufler	Production of esters of double unsaturated alcohols.
2,215,583	9/24/40	J. Heckmaier and F. Kaufler	Dailkoxy substituted blycols and process for preparing same.
2,219,028	10/22/40	G. Wolff	Degreasing apparatus.
2,222,394	11/19/40	H. Berg, H. Heim and F. Leiss	Process for producing monovinyl acetylene.
2,227,819	1/ 7/41	H. Berg and A. Von Putzer-Reybegg	Process for producing esters of 2-Oxybutadien-1,3.
2,248,662	7/ 8/41	G. Edhofer and G. Wolff	Apparatus for treating solid materials with volatile organic solvents.
2,255,752	9/16/41	G. Basel and E. Schaeffer	Process for producing tetrachlorethylene.
2,272,828	2/10/42	H. Berg	Production of polyvinyl acetals.
2,280,811	4/28/42	G. Edhofer and G. Wolff	Treating articles with volatile solvents.

EXHIBIT B

Patents the titles to which stand of record in the United States Patent Office in the name of Alex. Friedmann and which are identified respectively as follows:

Patent No.	Patent date	Inventor	Title
1,555,559	9/29/25	H. Deutsch	Steam admission control for exhaust-steam injectors.
1,574,798	3/ 2/26	H. Deutsch	Steam injector with automatic shifting valve.
1,697,906	1/ 8/29	H. Deutsch	Exhaust steam injector.
1,759,223	5/20/30	H. Deutsch	Exhaust steam injector.
1,858,325	5/17/32	H. Deutsch	Arrangements for starting and stopping exhaust steam injectors.
1,903,696	4/11/33	H. Deutsch	Preheater or economizer for locomotives.
1,903,697	4/11/33	H. Deutsch	Boiler feed apparatus with exhaust steam preheater.
1,963,295	6/19/34	H. Deutsch	Injector for feeding locomotives or other boilers.
2,110,502	3/ 8/38	H. Deutsch	Automatic control device for the overflow valve of injectors.
2,146,335	2/ 7/39	H. Deutsch	Injector.
2,218,036	10/15/40	H. Deutsch	Safety device.

EXHIBIT C

Patents the titles to which stand of record in the United States Patent Office in the name of Chemische Forschungsgesellschaft m. b. H., and which are identified respectively as follows:

Patent No.	Patent date	Inventor	Title
1,714,783	5/28/29	W. Herrmann and H. Deutsch	Process for the manufacture of acetaldehyde.
1,755,692	4/22/30	W. Herrmann and E. Baum	process for the preparation of condensation products of ethyl alcohol.
1,790,920	2/ 3/31	W. Herrmann, H. Deutsch and E. Baum.	Process for the production of vinyl esters.
1,796,690	3/17/31	W. Herrmann and H. Deutsch	Method for the production of acetals.
1,810,174	6/16/31	W. Herrmann, H. Deutsch and W. Haehnel.	Process for the production of condensation and polymerization products of acetylene.
1,816,326	7/28/31	W. Herrmann and H. Deutsch	Process for the production of acetaldehyde.
1,822,525	9/ 8/31	W. Herrmann, H. Deutsch and E. Baum.	Method for the manufacture of esters of vinyl alcohol.
1,856,251	5/ 3/32	W. Herrmann and H. Deutsch	Process of manufacture of organic acid anhydrides.
1,864,196	6/21/32	W. Herrmann and E. Baum	Process for the preparation of acetylene and ethylene.
1,864,541	6/28/32	W. Herrmann and E. Baum	Process of oxidizing organic substances.
1,898,301	2/21/33	W. Hermann and E. Baum	Process for the preparation of unsaturated hydrocarbons.
1,902,169	3/21/33	W. Herrmann and H. Deutsch	Process for producing unsaturated ethers.
1,916,979	7/ 4/33	W. Herrmann and E. Baum	Process for producing asymmetrical dichloracetone.
1,919,886	7/25/33	W. Herrmann and E. Baum	Process for adding hydrogen halide to acetylene.
1,921,879	8/ 8/33	W. Herrmann and E. Baum	Process for producing dichloroethylene.
1,934,297	11/ 7/33	A. Eibner, W. Herrmann, W. Haehnel, and M. Miller.	Compounds of polymerized vinyl esters and fatty oils.
1,956,551	5/ 1/34	A. Eibner, W. Herrmann, W. Haehnel, and M. Miller.	Compositions of oils and highly polymerized compounds.
1,983,030	12/ 4/34	W. Herrmann	Sound records and process of preparing same.
1,985,993	1/ 1/35	W. Herrmann, H. Deutsch and W. Haehnel.	Synthetic resin compositions and process of making same.
2,033,377	3/10/36	W. Herrmann & E. Baum	Laminated glass.
2,072,302	3/ 2/37	W. Herrmann, E. Baum, and W. Haehnel.	Polymerized vinyl alcohol articles and process of making same.
2,072,303	3/ 2/37	W. Herrmann, F. Hammer, and W. Haehnel.	Artificial threads, bands, tubes and the like for surgical and other purposes.
2,079,068	5/ 4/37	W. Herrmann	Process for the production of vinylformiate.
2,092,512	9/ 7/37	W. Herrmann, F. Hammer, and W. Haehnel.	Reabsorbable threads, bands tubes and the like.
2,109,883	3/ 1/38	W. Herrmann, W. Haehnel, and H. Berg.	Process for the production of polymerized vinyl alchol.
2,135,075	11/ 1/38	W. Herrmann	Laminated glass.
2,143,482	1/10/39	W. Herrmann, and A. Von Putzer-Reybegg.	Nonfogging laminated glass.
2,146,295	2/ 7/39	W. Herrmann, E. Baum, and W. Haehnel.	Polymerized vinyl alcohol articles and process of making same.
2,155,658	4/25/39	W. Herrmann, B. Braun, and W. Haehnel.	Surgical and medical preparations.
2,160,503	5/30/39	W. Herrmann	Blood stancher.
2,194,350	3/19/40	H. Berg	Synthetic product.
2,218,710	10/22/40	W. Herrmann and B. Braun	Manufacture of stiffening bandages and stiffening bandages commercial products.
2,224,663	12/10/40	H. Berg and A. Von Putzer-Reybegg	Mixed Polymers of vinyl acetals.
2,227,997	1/ 7/41	H. Berg	Preparation of polymerized vinyl alcohol.
2,249,514	7/15/41	H. Berg and B. Von Zychlinski	Friction element for power transmission.
2,265,283	12/ 9/41	W. Herrmann, E. Baum, and W. Haehnel.	Process of making polymerized vinyl alcohol articles.
2,279,436	4/14/42	H. Berg	Process for polymerizing vinyl compounds.

EXHIBIT D

Patents the titles to which stand of record in the United States Patent Office in the name of Consortium Fuer Electrochemische Industrie, and which are identified respectively as follows:

Patent No.	Patent date	Inventor	Title
1,586,803	6/ 1/26	W. Herrmann and E. Baum	Process of polymerizing vinyl esters.
1,596,971	8/24/26	W. Herrmann and H. Deutsch	Refining aldehyde resins.
1,600,113	9/14/26	W. Herrmann and H. Deutsch	Process of resinifying aliphatic aldehydes.
1,625,852	4/26/27	W. Herrmann and H. Deutsch	Process for the manufacture of linoxin like substances.
1,643,496	9/27/27	W. Herrmann, H. Deutsch, and W. Haehnel.	Method of improving aldehyde resins.
1,666,482	4/17/28	E. Baum, H. Deutsch, W. Herrmann, and M. Mugdan.	Production of vinylacetate.
1,767,759	6/24/30	W. Herrmann and H. Deutsch	Solid resinous condensation product.
1,792,113	2/10/31	M. Mugdan and J. Wimmer	Process for obtaining concentrated acetic acid.
1,976,265	10/ 9/34	M. Mugdan and J. Wimmer	Manufacture of oxidation products of trichlorethylene.
2,068,772	1/26/37	J. Sixt	Process for the preparation of chlorine substituted butanes.
2,161,078	6/ 6/39	M. Mugdan and J. Wimmer	Process for the polymerization of trichlorethylene.
2,183,154	12/12/39	J. Sixt	Process for producing polymerization products of ethylene.
2,216,437	10/ 1/40	P. Halbig, E. Reiter, and F. Stadler	Process for converting acetylene into higher molecular products.
2,216,450	10/ 1/40	M. Mugdan and J. Sixt	Process for producing diketen.
2,217,167	10/ 8/40	P. Halbig and A. Treibs	Process for the production of ethers of butanol—1—one—3.
2,243,701	5/27/41	P. Halbig and A. Treibs	Process for producing butanol—(1)—one—(3).
2,269,600	1/13/42	M. Mugdan and J. Wimmer	Production of carbon-chloride compounds of the formula C_4Cl_6.

EXHIBIT E

Patents the titles to which stand of record in the United States Patent Office in the name of Seitzwerk G. m. b. H., and which are identified respectively as follows:

Patent No.	Patent date	Inventor	Title
Reissue 21,107	5/30/39	G. Seitz	Sheet filter.
1,650,543	11/22/27	T. Seitz et al	Filter.
1,695,212	12/11/28	T. Seitz	Bottle sterilizing and cleansing apparatus.
1,798,172	3/31/31	P. Seitz	Coin freed vending machine.
1,889,629	11/29/32	A. Bohmer et al	Method of filling and sealing bottles, vessels and the like.
1,950,373	3/ 6/34	W. Depenbrock	Printing machine.
1,971,878	8/28/34	P. Seitz et al	Automatic weight recording devices.
1,988,072	1/15/35	W. Depenbrock	Pendulum weighing machine.
2,003,869	6/ 4/35	F. Stegemann	Apparatus for the sterilization and sterile filling of vessels and the like in one continuous working process.
2,013,604	9/ 3/35	W. Depenbrock	Printing machine.
2,014,750	9/17/35	F. Stegemann	Apparatus for sterilizing containers.
2,018,992	10/29/35	A. Bohmer	Sealing of vessels.
2,050,634	8/11/36	F. Stegemann	Method of cleaning bottles.
2,061,340	11/17/36	R. Adams	Sifting, straining or filtering apparatus.
2,098,526	11/ 9/37	F. Stegemann	Machine for cleaning vessels, particularly bottles.

EXHIBIT F

Patents the titles to which stand of record in the United States Patent Office in the name of Heraeus Vacuum Schmelze G. m. b. H., and which are identified respectively as follows:

Patent No.	Patent date	Inventor	Title
1,704,902	3/12/29	W. Rohn	Furnace construction.
1,906,184	4/25/33	W. Rohn	Method of reducing metal oxides.
1,915,243	6/20/33	W. Rohn	Method of producing chromium.
2,012,777	8/27/35	W. Rohn	Method of manufacturing alloys.
2,025,614	12/24/35	W. Rohn	Process for producing beryllium alloys.
2,025,615	12/24/35	W. Rohn	Process for producing beryllium alloys.
2,040,566	5/12/36	W. Rohn	Vacuum method of manufacturing steel.
2,071,942	2/23/37	W. Rohn	Method of manufacturing iron alloys.
2,097,344	10/26/37	W. Rohn	Metallurgical slag reaction.
2,104,886	1/11/38	W. Rohn	Electrically heated annealing furnace.
2,139,853	12/13/38	W. Rohn	Method of making steel.

EXHIBIT G

Patents the titles to which stand of record in the United States Patent Office in the name of Siemens & Halske A. G., and which are identified respectively as follows:

Patent No.	Patent date	Inventor	Title
1,832,290	11/17/31	E. Fischer	Magnetic structure.
1,876,916	9/13/32	F. Gosslau	Fuel pump.
1,876,917	9/13/32	F. Gosslau	Piston for internal combustion engines.
1,883,781	10/18/32	F. Gosslau	Multicylinder two-stroke internal combustion engine.
1,894,946	1/24/33	W. Espe	Method for activating glowing cathodes or the like.
1,894,947	1/24/33	W. Espe	Manufacture of vacuum tubes.
1,894,948	1/24/33	W. Espe et al	Manufacture of electron discharge devices.
1,894,949	6/24/33	W. Espe	Method and means for activating cathodes.
1,913,199	6/ 6/33	F. Gosslau	Internal combustion engine.
1,929,885	10/10/33	F. Gosslau	Internal combustion engine.
1,929,886	10/10/33	F. Gosslau	Internal combustion engine of the radial type.
1,932,635	10/31/35	H. Muller	Electrode connection for discharge tubes.
1,972,441	9/ 4/34	F. Gosslau	Internal combustion engine.
			Electric generating set.
1,975,600	10/ 2/34	F. Gosslau	Internal combustion engine.
1,984,841	12/18/34	R. Reichmann	Agent for polishing sharpening and grinding articles of great hardness.
2,002,316	5/21/35	F. Gosslau	Machine set composed of two engines and a driven machine.
2,013,983	9/10/35	F. Gosslau	Two-cycle internal combustion engine.
2,025,506	12/24/35	F. Gosslau	Cylinder head for internal combustion engines.
2,041,292	5/19/36	H. Kniepkamp	Electron discharge device.
2,047,026	7/ 7/36	F. Gosslau	Air-cooled engine.
2,054,010	9/ 8/36	E. Fischer	Communication cable.
2,072,712	3/ 2/37	E. Fischer	Communication cable.
2,073,483	3/ 9/37	H. Kniepkamp	Electron discharge device.
2,091,107	8/24/37	R. Reichmann	Electric heating element and method of making the same.
2,112,082	3/22/38	W. Espe	Method for improving the vacuum of discharge apparatus.
2,114,339	4/19/38	W. Espe	Magnetron.
2,150,379	3/14/39	H. Kerschbaum	Mercury switch.
2,164,507	7/ 4/39	W. Espe	Discharge tube.
2,192,162	2/27/40	H. Kniepkamp	Gas discharge tube.
2,202,588	5/28/40	H. Kniepkamp	Electrode system for cathode ray tubes
2,215,587	9/24/40	H. Kerschbaum	Rodlike heating element.

EXHIBIT H

Patents the titles to which stand of record in the United States Patent Office in in the name of Siemens-Schuckertwerke A. G. and which are identified respectively as follows:

Patent No.	Patent date	Inventor	Title
1,551,427	8/25/25	G. Pfister	Utilization of green fodder.
1,553,777	9/15/25	H. Holldack	Cultivator.
1,629,081	5/17/27	F. Laszlo	Rotor for dynamo electric machines.
1,697,210	1/ 1/29	L. Szilard	Discharge tube.
1,705,975	3/19/29	G. Holthaus	Heat accumulator.
1,707,324	4/ 2/29	K. Schlecker	Method of producing joints in oil-filled cables with hollow conductors.
1,711,979	5/ 7/29	H. Weinert	Electric machine with variable pole numbers.
1,715,874	6/ 4/29	L. Szilard	Discharge tube.
1,721,280	7/16/29	W. Peinecke	Electric individual drive for spindles.
1,752,649	4/ 1/30	J. Ossanna et al	System of connections for compensating.
1,764,437	6/17/30	R. Elsasser	Atomizer for liquids.
1,764,890	6/17/30	W. Reichel	Means for attaching laminated sheet metal rings.
1,770,617	7/15/30	C. Kuhnel	Brush for the supply of electric current.
1,770,625	7/15/30	J. Ossanna et al	Cascade regulating set for asynchronous machines.
1,771,497	7/29/30	K. Mayr	Pulverized fuel feeding and measuring device.
1,774,750	9/ 2/30	F. Kalkner	Searchlight.
1,777,211	9/30/30	J. Ossanna et al	Arrangement and method for regulating asynchronous machines.
1,779,950	10/28/30	W. Reichel	Body constructed of sheet iron sections.
1,783,000	11/25/30	P. Paschen et al	Apparatus for indicating speed variations.
1,783,153	11/25/30	G. Peneff	Tiller.
1,784,682	12/ 9/30	R. Schimpf	Arc ground suppressors.
1,786,920	12/30/30	R. Rudenberg et al	Process for producing thin insulating layers upon wires.
1,791,043	2/ 3/31	F. Schrottke	Lead covered power current cable.
1,791,923	2/10/31	M. Eule	Multiway sludge valve.
1,799,757	4/ 7/31	K. Mayr	Fuel burning system.
1,799,758	4/ 7/31	K. Mayr	Fuel burning system.
1,808,558	6/ 2/31	O. Krell et al	Electric arc lamp.
1,812,472	6/30/31	M. Eule	Particular construction of tubular boilers.
1,812,489	6/30/31	A. Kruger	Electron tube.
1,814,384	7/14/31	F. Hanff	Lead covered submarine cable.
1,816,520	7/28/31	M. Eule	High pressure tubular boiler.
1,817,328	8/ 4/31	W. Weimers	Centrifugal liquid sprayers.
1,819,186	8/18/31	K. Mayr	Steam generating system.
1,822,369	9/ 8/31	J. Ossanna et al	Cascade connection for commutator machines.
1,824,903	9/29/31	A. Kuhns et al	Switching equipment controlling high-voltage distributing lines.
1,834,124	12/ 1/31	E. Fischer	Submarine cable.
1,839,091	12/29/31	M. Eule	Mechanical relay for transmitting adjusting impulses.
1,846,636	2/23/32	E. Fischer	Telephone cable.
1,852,859	4/ 5/32	A. Schmidt et al	Rotary tiller.
1,853,676	4/12/32	E. Fischer	Submarine cable.
1,853,677	4/12/32	E. Fischer	Telephone cable.
1,855,004	4/19/32	L. Von Tothfalussy et al.	Method of starting the spinning in box spinning machines.
1,856,172	5/ 3/32	R. Schimpf	Ground detector.
1,863,065	6/14/32	J. Ossanna et al	Means for compensating the reactance of inductive windings.
1,863,583	6/21/32	R. Schimpf	Ground detector.
1,865,731	7/ 5/32	J. Stockert	Coffee mill with electric driving device.
1,870,293	8/ 9/32	H. Miller	Steam valve.
1,874,481	8/30/32	E. Fischer	Telephone cable.
1,886,264	11/ 1/32	K. Pohlhausen	Electron tube.
1,887,843	11/15/32	F. Ludwig	Machine for sharpening pencils.
1,889,940	12/ 6/32	G. Ziegler	Winding for electrical machines.
1,892,997	1/ 3/33	A. Oldenburg	Electric tool with an electric motor mounted in the handle.
1,895,790	1/31/33	M. Eule	Tubular steam boiler.
1,897,818	2/14/33	P. Paschen et al	Insulating body.
1,898,489	2/21/33	E. Kieffer	Electrical apparatus.
1,899,216	2/28/33	R. Strigel	Electric circuit working with high voltage.
1,900,642	3/ 7/33	F. Gerlach	Ventilating device for subterranean spaces.
1,901,090	3/14/33	M. Eule et al	Multiple heat exchange coil.
1,902,561	3/21/33	C. Kuhnel et al	Vacuum cleaner.
1,904,443	4/18/33	H. Gleichmann	Steam plant.
1,904,514	4/18/33	A. Oldenburg	Protection for armature windings.
1,904,547	4/18/33	K. Schumann	Cores for cables for communication circuits.
1,906,089	4/25/33	P. Paschen et al	Measuring instrument.
1,906,600	5/ 2/33	K. Hofner	Method of jointing oil filled cables with hollow conductors.
1,906,636	5/ 2/33	K. Schlecker	Process of locating leaks.
1,907,561	5/ 9/33	A. Oldenburg	Commutator.
1,909,065	5/16/33	C. Meyer	Protective arrangement for electric installation.
1,911,976	5/30/33	R. Strigel	Electron tube.
1,912,866	6/ 6/33	R. Strigel et al	Electric tube for high operating voltages.
1,916,738	7/ 4/33	H. Miller et al	Valve.
1,918,424	7/18/33	W. Pontow et al	Fluid operated control device.
1,918,859	7/18/33	A. Meyer	Eddy current track braking apparatus.
1,920,760	8/ 1/33	A. Meyer	Eddy current car retarder.
1,921,085	8/ 8/33	K. Korittke	Electrical vacuum cleaner.
1,922,711	8/15/33	O. Ortner et al	Remote controlling plant.
1,929,367	10/ 3/33	P. Paschen et al	Recording measuring instruments.
1,930,829	10/17/33	M. Steenbeck	Circuit arrangement for an ion relay and a mechanical relay.
1,933,112	10/31/33	C. Held	Multicore high tension electric cables.
1,934,821	11/14/33	R. Rudenberg	Device for producing colored pictures.
1,940,085	12/19/33	F. Hanff	Device for filling the receiver of pipe presses, particularly of lead cable presses.
1,948,616	2/24/34	E. Fischer	Cable for communication circuits.
1,954,474	4/10/34	W. Espe et al	Glow cathode.
1,956,402	4/24/34	P. Scholl et al	Absorption refrigerating apparatus.
1,956,723	5/ 1/34	L. Kunst	Joint for oil filled cables.
1,960,005	5/22/34	H. Gleichmann	Arrangement of heating surface of the tubular type adapted for use in a steam generator.
1,961,233	6/ 5/34	K. Mayr	Steam generating apparatus.
1,972,426	9/ 4/34	E. Noebel	Method of filling an absorber generator.
1,972,420	9/ 4/34	K. Hahnel	Control device for a heat transfer system
1,973,068	9/11/34	C. Held	Oil filled cable.
1,973,111	9/11/34	K. Schlecker	High tension electric cable.
1,975,455	10/ 2/34	F. Hanff	Metallic tube.
1,976,800	10/16/34	K. Nesselmann	Absorption refrigerating system.
1,980,651	11/13/34	W. Weimers	Electric drive for domestic utility devices.
1,984,191	12/11/34	C. Kuhnel	Vacuum cleaning device.
1,988,951	1/22/35	K. Korittke	Vacuum cleaner.
1,993,998	3/12/35	C. Kuhnel et al	Refrigerating receptacle.
1,999,701	4/30/35	L. Kunst	Oil filled electric cable.
2,006,403	7/ 2/35	K. Mayr	Steam generator.
2,006,839	7/ 2/35	E. Moller	Headlight for vehicles.
2,008,109	7/16/35	C. Reher	Heavy current conductor system, more particularly for rushes of heavy currents.
2,008,333	7/16/35	K. Nesselmann	Device for cooling a heat generator by means of a circulating auxiliary liquid.
2,014,584	9/17/35	W. Peneke et al	Plain bearing.
2,014,585	9/17/35	W. Peneke et al	Plain bearing.
2,019,409	10/29/35	K. Hahnel	Absorption refrigerating apparatus.
2,025,666	12/24/35	F. Hanff	Extrusion device.
2,030,943	2/18/36	F. Schrottke	Pressure compensator for oil or compound-filled cables.

Patent No.	Patent date	Inventor	Title
2,032,924	3/ 3/36	M. Eule	Arrangement for removing the deposit from the tubular systems of steam generators with forced passage of the operating medium.
2,035,879	3/31/36	H. Gleichmann	Method of generating vapor.
2,035,908	3/31/36	F. Michel	Steam generator.
2,040,653	5/12/36	F. Hanff	Upright extruding press.
2,046,496	7/ 7/36	W. Wiskott et al	Arrangement for maintaining constant line power transmission.
2,046,737	7/ 7/36	F. Gosslau	Multiple stage blower.
2,047,554	7/14/36	E. Fischer	Manufacture of tubes from polystyrene and the like substances.
2,063,253	12/ 8/36	C. Kuhnel	Vacuum cleaning device.
2,067,678	1/12/37	K. Nesselmann	Refrigeration.
2,068,891	1/26/37	P. Scholl	Air-cooled reabsorption refrigerating apparatus of the intermittent type.
2,070,319	2/ 9/37	R. Rudenberg	Apparatus for influencing the character of electron rays.
2,071,654	2/23/37	P. Paschen et al	Odometer for railway vehicles.
2,074,235	3/16/37	C. Muller	Tubular continuous flow steam generator.
2,081,948	6/ 1/37	F. Michel et al	Steam generator.
2,082,649	6/ 1/37	K. Nageli	Method of and means for exerting an artificial pressure on the insulation of electric cables.
2,083,701	6/15/37	W. Fouquet	Protective system for rectifiers.
2,086,990	7/13/37	M. Schleicher et al	Apparatus for supervising a plurality of movable members.
2,089,678	8/10/37	W. Weimers	Positive indicator for carbon brushes.
2,094,542	9/28/37	C. Kuhnel	Domestic refrigerator.
2,103,303	12/28/37	M. Steenbeck	Device for producing electron rays of high energy.
2,106,346	1/25/38	H. Gleichmann	Power plant.
2,106,847	2/ 1/38	H. Kniepkamp	Electric discharge apparatus.
2,113,833	4/12/38	M. Eule	Steam generator with forced passage of the operating medium.
2,115,574	4/26/38	O. Gasser	Method of eliminating gas pockets in liquid filled cables.
2,121,590	6/21/38	W. Espe	Vacuum- and gas-tight vessel for electric apparatus.
2,122,776	7/ 5/38	K. Matthies	Electron discharge tube.
2,125,105	7/26/38	W. Espe	Glow cathode.
2,125,131	7/26/38	A. Siemens	Metallic vapor discharge apparatus for high voltages.
2,126,248	8/ 9/38	M. Eule	Steam generator with forced passage of the operating medium.
2,128,090	8/23/38	R. Hintze	Refrigerating apparatus of the compression type.
2,130,845	9/20/38	J. Von Issendorff	Electrode arrangement.
2,134,527	10/25/38	G. Mierdel	Method of igniting gas or vapor discharge spaces.
2,141,921	12/27/38	W. Leukert	Rectifier.
2,147,447	2/14/39	H. Kolligs	Glow cathode.
2,154,275	4/11/39	A. Linn	Electrode supporting structure.
2,156,628	5/ 2/39	R. Hintze	Compression refrigerating apparatus.
2,157,913	5/ 9/39	W. Neh's	Metallic vapor discharge device.
2,161,960	6/13/39	R. Hintze	Refrigerating apparatus of the compression type.
2,164,405	7/ 4/39	R. Hintze	Device for facilitating the starting of refrigerating apparatus of the compressor type.
2,169,560	8/15/39	E. Janetschke	Device for the conversion of electric currents or potentials by means of periodically actuated switching contracts.
2,175,389	10/10/39	F. Hanff	Electrically conducting whale line.
2,181,152	11/28/39	E. Rolf	Multiphase current converting system.
2,184,309	12/26/30	W. Leukert	Arrangement for controlling rectifiers.
2,188,361	1/30/40	F. Koppelmann	Apparatus for converting currents.
2,191,659	2/27/40	R. Hintze	Cold producing plant.
2,193,421	3/12/40	E. Janetschke	Conversion of currents of voltages with the aid of periodically actuated break contacts.
2,198,970	4/30/40	H. Muller	Manufacturing artificial material from polyvinyl compounds.
2,206,734	7/ 2/40	T. Stassinet	Continuous heat treating furnace of the vertical type.
2,210,689	8/ 6/40	A. Siemens	Metal vapor or noble gas rectifiers.
2,215,471	9/24/40	F. Kesselring	Apparatus for rectifying or for converting alternating or direct current.
2,227,937	1/ 7/41	F. Koppelmann	Alternating current converter.
2,254,424	9/ 2/41	H. Gleichmann	Steam power plant.
2,256,201	9/16/41	R. Hintze	Refrigerating apparatus of the compression type.
2,258,146	10/ 7/41	W. Pontow	Apparatus for controlling the temperature of exotherinic catalytic reactions
2,261,265	11/ 4/41	H. Maass	Flexible container.
2,276,784	3/17/42	F. Koppelmann	Converter and rectifier.

EXHIBIT I

Patents the titles to which stand of record in the United States Patent Office in the name of Siemens-Schuckertwerke G. m. b. H., and which are identified respectively as follows:

Patent No.	Patent date	Inventor	Title
1,557,367	10/13/25	H. Kandler	Process for increasing the strength of metallic bodies.
1,569,919	1/19/26	H. Gleichmann et al	Method of feeding steam boilers from an unheated tank.
1,599,065	9/ 7/26	R. Rudenberg	Cooling of electric machines.
1,600,583	9/21/26	H. Gleichmann	Steam generating plant.
1,619,671	3/ 1/27	W. Hojer	Steam generator for portable plants.
1,650,909	11/29/27	R. Rudenberg	Switch tube for controlling electric currents.
1,651,729	12/ 6/27	R. Rudenberg	Device for the protection of communication systems.
1,653,560	12/20/27	H. Gleichmann	System or arrangement for tapping or bleeding steam.
1,656,611	1/17/28	T. Stassinet	Device for removing vapors from annealing receptacles or furnaces.
1,659,706	2/28/28	R. Rudenberg	Means for suppressing harmonics of the transmitting line frequency.
1,664,976	4/ 3/28	F. Hanff	Machine for making metallic tubing.
1,676,123	7/ 3/28	H. Weinert	Arrangement of 6N-pole windings.
1,678,875	7/31/28	W. Rohn	Electric bright annealing furnace.
1,678,876	7/31/28	W. Rohn	Electric bright annealing furnace for continuously bright annealing.
1,682,123	8/28/28	F. Hanff	Means for producing varnished wires.
1,690,553	11/ 6/28	R. Rudenberg	Arrangement or system for operating mechanical rectifiers for alternating current.
1,695,701	12/18/28	L. Steiner et al	Sounding device for liquid levels.
1,695,719	12/18/28	R. Rudenberg	Oscillograph.
1,695,860	12/18/28	W. Rohn	Electric annealing or heating furnace.
1,697,233	1/ 1/29	E. Fischer	Distant communication cable.
1,706,236	3/19/29	O. Krell	Searchlight.
1,707,141	3/26/29	R. Rudenberg	Electric discharge tube.
1,707,142	3/26/29	R. Rudenberg	Mercury vapor rectifier plant.
1,714,983	5/28/29	W. Klement	Automatic electromagnetic circuit breaker.
1,720,213	7/ 9/29	A. Fuchs et al	Supporting element for hollow electric conductors and apparatus for manufacturing the same.
1,720,222	7/ 9/29	L. Kuhl et al	Welding apparatus for attaching tie plates to steel railroad ties.
1,721,079	7/16/29	G. Grau	Means for starting the motors of multimotor drives.
1,723,812	8/ 6/39	A. Schalkau	Hollow rope conductor for overhead transmission lines.
1,726,276	8/27/29	H. Osborne	Regenerative braking system.
1,732,900	10/22/29	L. Kuhl et al	Apparatus for welding the tie plates to steel ties.
1,734,207	11/ 5/29	E. Fischer	Method of manufacturing long distance, telegraph, and telephone cables.
1,734,812	11/ 5/29	O. Krell	Apparatus for landing airships.
1,735,964	11/19/29	M. Eule	Device for transmitting pressure impulses.
1,737,791	12/ 3/29	H. Giesen	Electric power generating system.
1,742,639	1/ 7/30	E. Fischer	Manufacture of telegraph and telephone conductors.
1,754,152	4/ 8/30	W. Espe	Series resistance for electric measuring instruments.
1,770,606	7/15/30	M. Eule	Device for improving the heat absorption of tubular boilers with boiler tubes located in the radiation chamber.
1,771,170	7/22/30	M. Eule	Device for the remote transmission of control impulses.
1,779,967	10/28/30	M. Eule	Safety device for steam power plants.
1,784,426	12/ 9/30	H. Gleichmann	Apparatus for and method of generating steam.
1,800,347	4/14/31	F. Hanff	Manufacture of electric cables.
1,809,270	6/ 9/31	H. Gleichmann	Steam generator.
1,829,275	10/27/31	H. Gleichmann et al	Automatic stoker for circular grates.
1,858,890	5/17/32	M. Eule	Tubular steam generator.

EXHIBIT J

Patents which are identified as follows and the titles to which stand of record in the United States Patent Office in the names of the persons indicated, respectively:

Patent No.	Date	Record owner	Inventor	Title
Reissue 19,832	1/21/36	Daimler-Benz A. G	R. Devillers	Motor vehicle provided with independent wheels.
1,719,754	7/ 2/29	L. Cerini	L. Cerini	Apparatus for the purification of impure solutions of caustic soda and the like, on osmotic principles.
1,805,370	5/12/31	H. Meyer	H. Meyer	Method of and apparatus for inflating inflatable bodies, such, for example, as inflatable boats.
1,815,761	7/21/31	L. Cerini	L. Cerini	Treatment of vegetable fibers of osmotic diaphragms.
1,880,646	10/ 4/32	I. G. Farbenindustrie	O. Wulff	Process for sulfonating pyridine and its homologues.
1,916,181	6/27/33	R. Bosch A. G	E. Klaiber	Centrifugal governor.
1,920,697	8/ 1/33	H. Koch	H. Hornstein	Phosphoric acid salt of B-qromethyl-trimethy-lammonium-theobromine-1-acetate and process of producing the same.
1,924,621	8/29/33	J. Voith	H. Muller	Cavitation free fluid joint.
1,955,929	4/24/34	J. Voith	H. Muller	Impeller.
1,982,406	11/27/34	H. Tonnies	H. Tonnies	Exposure meter.
2,021,764	11/19/35	C. Lorenz A. G	F. Below	Electron tube.
2,116,031	5/ 3/38	H. Lindner	H. Lindner	Machine for grinding screw threads.
2,164,602	7/ 4/39	Fiat S. A	V. Valletta	Motor vehicle suspension.
2,185,018	12/26/39	Zeiss Ikon A. G	H. Sauer	Polarizing structure.
2,186,197	1/ 9/40	Maschinenfabrik Einsiedel	H. Hoeppner	Knitting machine.
2,215,389	9/17/40	Schnellpressenfabrik A. G	A. Buttner	Device for spraying printed sheets.
2,219,741	10/29/40	Byk-Guldenwerke Chemische Fabrik A. G.	F. Hoffmann	Manufacture of water-soluble double salts of purine derivatives.
2,225,644	12/24/40	Patentverwertungs-Gesellschaft mit beschranter Haftung Hermes.	F. Koppelmann	Method and apparatus for putting into operation a multiphase converting device.
2,231,676	2/11/41	Klangfilm G. m. b. H	H. Muller	Electric amplifier.
2,237,667	4/ 8/41	Allgemeine Elektricitats Gesellschaft.	W. Heimann	Cathode ray tube recording device.
2,238,419	4/15/41	B. Berghaus	W. Hass	Electric spot welding.
2,260,789	10/28/41	Gustav F. Gerdts	H. Richter	Outflow regulator for petroleum separators.
2,283,969	9/17/40	Schnellpressenfabrik A. G	A. Buttner	Device for spraying printed sheets.
2,285,400	6/ 9/42	D. Barricelli	D. Barricelli	Lifeboat davit operating by gravity.
2,285,423	6/ 9/42	W. Esser	W. Esser	Sound absorbing material.
2,285,424	6/ 9/42	Suddeutsche Apparate-Fabrik G. m. b. H.	E. Fenner	Method of manufacturing foil-like layers.
2,285,432	6/ 9/42	C. Lorenz A. G	F. Gutsmann	Condenser.
2,285,437	6/ 9/42	C. Lorenz A. G	H. Johannson	High frequency system.
2,285,467	6/ 9/42	C. Lorenz A. G	H. Schwartz and O. Baier.	Electromagnetic relay.
2,285,761	6/ 9/42	H. Tonnies	H. Tonnies	Photographic exposure apparatus.
2,285,798	6/ 9/42	Telefunken Gesellschaft fur Drahtlose Telegraphie m. b. H.	F. Bergtold	Adjustable inductance device.
2,285,857	6/ 9/42	Telefunken Gesellschaft fur Drahtlose Telegraphie m. b. H.	H. Hewel	Receiver.
2,285,934	6/ 9/42	Telefunken Gesellschaft fur Drahtlose Telegraphie m. b. H.	A. Leifer et al	Mechanical inverter.
2,286,153	6/ 9/42	V. Nicolescu	V. Nicolescu	Walking beam mechanism.
2,286,239	6/16/42	I. Sors	I. Sors	Luminous tube.
2,286,337	6/16/42	Telefunken Gesellschaft fur Drahtlose Telegraphie m. b. H.	L. Bruck	Negative feedback circuit.
2,286,428	6/16/42	"Fides" Gesellschaft fur die Verwaltung and Verwertung von gewerblichen Schutzrechten, m. b. H.	P. Mehler	Arrangement for tuning parallel wire lines.
2,286,439	6/16/42	Telefunken Gesellschaft fur Drahtlose Telegraphie m. b. H.	E. Richter	Yieldable antenna pole.
2,286,471	6/16/42	J. Dahl	J. Dahl	Focusing system.
2,286,658	6/16/42	R. Bosch G. m. b. H	W. Voit	Cooled injection nozzle.
2,286,710	6/16/42	Askania-Werke A. G	H. Bohnstedt	Humidity responsive instrument.
2,286,833	6/16/42	O. Riszdorfer	O. Riszdorfer	Photographic apparatus.
2,286,887	6/16/42	Mercedes Buromaschinen-Werke A. G.	R. Anschutz	Total taking. Mechanism.
2,287,028	6/23/42	A. D'Ambrosio and A. Corbellini.	A. D'Ambrosio and A. Corbellini.	Manufacture of artificial spinnable material.
2,287,296	6/23/42	United Incandescent Lamp & Electrical Company, Limited.	G. Dallos	Disturbance suppression in radio receivers.
2,287,298	6/23/42	Fernseh G. m. b. H	W. Dillenburger	Dissector tube arrangement.
2,287,538	6/23/42	Rosenthal-Isolatoren G. m. b. H.	K. Schusterius	Process for the production of densely sintered ceramic masses.
2,287,619	6/23/42	H. Kallmann and E. Kuhn	H. Kallmann and E. Kuhn.	Device for the production of slow neutrons.
2,287,620	6/23/42	H. Kallmann and E. Kuhn	H. Kallmann and E. Kuhn.	Device for irradiating objects with neutrons, especially for depicting them by means of neutron-radiation.
2,287,754	6/23/42	Siemens Apparate und Maschinen G. m. b. H. Gesellschaft mit beschränkter Haftung.	G. Barth	Power amplifier.
2,287,755	6/23/42	Siemens Apparate und Maschinen G. m. b. H. Gesellschaft mit beschränkter Haftung.	G. Barth	Power amplifier.
2,288,186	6/30/42	C. Lorenz A. G	A. Gaebel	Electromagnetic relay.
2,288,196	6/30/42	C. Lorenz A. G	E. Kramar	Radio beacon system.
2,288,200	6/30/42	G. Meyer	G. Meyer	Process for the production of water-soluble cellulose ethers in powder form.
2,288,252	6/30/42	C. Lorenz A. G	H. Nitz	Ringing circuit for carrier frequency communication systems.
2,288,323	6/30/42	Mercedes Buromaschinen-Werke A. G.	A. Pott	Calculating machine.
2,288,335	6/30/42	Deutsche Gold-und Silber-Scheideanstalt Vormals Roessler.	H. Walter and H. Schulz.	Synthetic acrolein.
2,288,514	6/30/42	H. Caroselli	H. Caroselli	Cooling system for internal combustion engines.
2,288,552	6/30/42	G. Siebel and E. Nachtigall.	G. Siebel and E. Nachtigall.	Method of surface treating objects of cast magnesium base alloys.

EXHIBIT K

Patent applications in the United States Patent Office which are identified as follows:

Serial No.	Filing date	Inventor	Title
208,494	5/17/38	E. Knehe et al	Process of spinning artificial silk.
249,225	1/ 4/39	E. Olmo	Devices for the self-mooring of mines and buoys.
273,826	5/16/39	W. Mennerich et al	Arrangement for varying the band width in high frequency.
283,374	7/ 8/39	K. Fehr et al	Process for obtaining crystalline materials from oils.
285,144	7/18/39	W. Rossmanith	Automatic guns having sliding barrels.
324,413	3/16/40	R. Crzellitzer	Self-centering chucks.
335,151	5/14/40	H. Pfau	Ventilation of altitude cabins in particular for aircraft.
335,398	5/15/40	E. Orno-Ornfeldt	Products and preparations for thickening hydrocarbons, particularly gasoline.
362,878	10/25/40	A. Miyata	Electrolytic condensers.
362,879	10/25/40	A. Miyata	Method of making electrolytic condensers.
363,378	10/29/40	F. Thienes	Combined nut wrench and free-running ratchet.
365,389	11/12/40	Z. Vag	Preparation of skins and the like.
374,935	1/17/41	H. Stegelitz et al	Fluid pressure operated mechanism for circuit breakers.
386,267	4/ 1/41	E. Schantl et al	Cathode ray tubes.

[F. R. Doc. 42-9677; Filed, September 29, 1942; 11:21 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 4 Under Maximum Price Regulation 97—Southern Hardwood Lumber]

LAMSON LUMBER CO., INC.

CERTIFICATION OF CERTAIN OPERATIONS AS TOUGH ASH SPECIALTY ESTABLISHMENTS

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1382.108 (a) (8) of Maximum Price Regulation No. 97—Southern Hardwood Lumber, *It is hereby ordered:*

(a) The following operation has been approved and certified by the Office of Price Administration as a tough ash specialty establishment for purposes of Maximum Price Regulation No. 97—Southern Hardwood Lumber: Lamson Lumber Co., Inc., New Orleans, La.

(b) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 4 shall become effective this 30th day of September 1942.

Issued this 29th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9702; Filed, September 29, 1942; 4:29 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-66]

MIDDLE WEST CORPORATION

ORDER PERMITTING WITHDRAWAL OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 26th day of September A. D. 1942.

The Middle West Corporation, a registered holding company, having filed an application and amendments thereto under the applicable provisions of the Public Utility Holding Company Act of 1935 whereby approval was sought for the acquisition of shares of the capital stock of Central and South West Utilities Company, American Public Service Company, North West Utilities Company, Illinois Public Service Company and United Public Service Corporation, subsidiary companies of The Middle West Corporation, through purchases on national securities exchanges, in over-the-counter markets, and through a private agent;

A hearing having been duly held in such matter and said hearing having been continued indefinitely; and

Applicant having now requested permission to withdraw said application; and

The Commission having considered such request and deeming it appropriate in the public interest that such request should be granted;

It is ordered, That The Middle West Corporation be and hereby is permitted to withdraw said application.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-9698; Filed, September 29, 1942; 2:52 p. m.]

[File No. 1-719]

NEW YORK AND GREENWOOD LAKE RAILWAY CO.

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

In the matter of The New York and Greenwood Lake Railway Company, 5% Prior Lien Gold Bonds, due 1946.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of September, A. D. 1942.

The New York Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 5% Prior Lien Gold Bonds, due 1946 of The New York and Greenwood Lake Railway Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Monday, October 26, 1942, at the office of Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-9699; Filed, September 29, 1942; 2:52 p. m.]

[File No. 59-52]

NIAGARA HUDSON POWER CORP. AND SUBSIDIARIES

ORDER EXTENDING TIME FOR FILING ANSWERS

In the matter of Niagara Hudson Power Corporation and its subsidiary companies, respondents.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 25th day of September 1942.

The Commission having issued, on September 4, 1942, its order extending the time for the filing of the respondents' answers to October 1, 1942, and postponing the scheduled public hearing to October 15, 1942; and

The Commission having, on September 25, 1942, received a request of the respondents, by telegram, that the time within which answers are to be filed by the respondents be extended to October 5, 1942; and

The Commission having considered such request for extension, and finding that the same is not unreasonable and that the granting of such request would not be detrimental to the public interest or the interests of investors or consumers;

It is ordered, That the time within which answers shall be filed by the respondents herein be, and hereby is, extended to October 5, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-9701; Filed, September 29, 1942; 2:52 p. m.]

[File No. 70-579]

TRI-CITY UTILITIES CO. AND ASSOCIATED ELECTRIC CO.

ORDER POSTPONING HEARING

In the matter of Tri-City Utilities Company and Associated Electric Company.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 26th day of September 1942.

Associated Electric Company, a registered holding company, and Tri-City Utilities Company, a wholly-owned subsidiary thereof, having filed a declaration and application pursuant to the Public Utility Holding Company Act of 1935 with respect to the reduction by Tri-City Utilities Company of its capital stock from time to time through the purchase and retirement of its common stock at its par value, to the extent of funds which become available to Tri-City Utilities Company from the sale of properties or other assets; and

The Commission having ordered that a hearing on such matter be held on September 1, 1942, at 10 a. m. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania; and the Commission having postponed said hearing to October 1, 1942, at the request of the Tennessee Railroad and Public Utilities Commission and certain other interested parties; and

The Tennessee Railroad and Public Utilities Commission having requested that the hearing in this matter be further postponed; and it appearing appropriate to the Commission that the request be granted;

It is ordered, That the hearing in this matter, previously scheduled for October 1, 1942 be and hereby is postponed to October 20, 1942, at the same time and place, and before the same trial examiner as heretofore designated.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-9700; Filed, September 29, 1942; 2:52 p. m.]

Reference

OCT 5 1942

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 7 NUMBER 194

Washington, Friday, October 2, 1942

Regulations

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amendment 1 to SAR 99]

GRADES OF CARCASS BEEF

OFFICIAL UNITED STATES STANDARDS

Whereas, the Office of Price Administration, by Amendment No. 5 to Maximum Price Regulation No. 169,[1] has eliminated "Prime" from the grades of beef and veal carcasses and wholesale cuts established in said regulation, now, therefore, pursuant to authority vested in the Secretary of Agriculture by the act of Congress entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1943, and for other purposes", approved July 22, 1942 (Public No. 674—77th Congress), I, Claude R. Wickard, Secretary of Agriculture, do make, prescribe, and give public notice of, the following amendment to the official standards of the United States for grades of carcass beef, covered by the order of the Secretary of Agriculture, of June 3, 1926, Service and Regulatory Announcements No. 99, to be in force and effect on and after September 18, 1942;

The grade specified as "Prime" for beef carcasses and wholesale cuts is hereby suspended for the period during which said maximum price regulation is effective, and all carcass beef and wholesale cuts meeting the specifications of "Prime" grade shall, during such period, be graded as "Choice."

Done at Washington, D. C., this 1st day of October 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-9774; Filed, October 1, 1942; 11:52 a. m.]

[Amendment 2 to SAR 114]

GRADES OF VEAL AND CALF CARCASSES

OFFICIAL UNITED STATES STANDARDS

Whereas, the Office of Price Administration, by Amendment No. 5 to maximum Price Regulation No. 169,[1] has eliminated "Prime" from the grades of beef and veal carcasses and wholesale cuts established in said regulation, now, therefore, pursuant to authority vested in the Secretary of Agriculture by the act of Congress entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1943, and for other purposes," approved July 22, 1942 (Public No. 674—77th Congress), I, Claude R. Wickard, Secretary of Agriculture, do make, prescribe, and give public notice of, the following amendment to the official standards of the United States for grades of veal and calf carcasses, covered by the orders of the Secretary of Agriculture, of July 12, 1928, and October 5, 1940, Service and Regulatory Announcements No. 114, to be in force and effect on and after September 18, 1942;

The grade specified as "Prime" for grades of veal and calf carcasses is hereby suspended for the period during which said maximum price regulation is effective, and all veal and calf carcasses meeting the specifications of "Prime" grade shall, during such period, be graded as "Choice."

Done at Washington, D. C., this 1st day of October 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-9775; Filed, October 1, 1942; 11:52 a. m.]

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[1] 7 F. R. 4653, 7314.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attórney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Chapter III—Bureau of Entomology and Plant Quarantine

[B. E. P. Q. 493, Second Revision]

PART 301—DOMESTIC QUARANTINE NOTICES

PINK BOLLWORM QUARANTINE REGULATIONS MODIFIED

Introductory Note: The administrative instructions issued May 1, 1940 (Circular B. E. P. Q. 493, revised) modified the treatment requirements for the pink bollworm as to baled lint and linters and products thereof and restored certain requirements for handling cottonseed in certain counties in northwestern Texas and Lea and Roosevelt Counties, N. Mex. The present revision does not change the requirements for those counties.

Continued improvement in seed sterilization and in sanitary measures in force at gins in the heavily infested area and at oil mills receiving and processing cottonseed produced in that area, makes it safe to allow linters produced from sterilized seed in such area to be moved interstate without additional treatment. The present revision of the administrative instructions therefore removes the requirement as to fumigation or roller treatment of linters produced from sterilized seed originating in the heavily infested area. This modification of the quarantine regulation does not affect the procedure as to handling cottonseed originating in the heavily infested area as provided in paragraph (b) of regulation 4 (§ 301.52-4).

§ 301.54-4b *Administrative instructions: removing the treatment requirements as to cotton linters produced from sterilized cottonseed in the heavily infested areas, and extending the area in which baled cotton lint may be moved from certain lightly infested areas in New Mexico and Texas without treatment.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by the second proviso of § 301.52, Chapter III, Title 7, Code of Federal Regulations [Notice of Quarantine No. 52, on account of the pink bollworm], and having determined that facts exist as to the pest risk involved which make it safe to modify, by making less stringent, the restrictions contained in paragraph (a) of § 301.52-4, notice is hereby given that, effective October 1, 1942, (a) all restrictions and certification requirements are hereby waived on the interstate movement from any regulated area of cotton linters produced from sterilized seed; and (b) all restrictions are hereby waived on the interstate movement of baled cotton lint and products thereof from the following area:

New Mexico: Lea and Roosevelt Counties.

Texas: Counties of Andrews, Cochran, Concho, Dawson, Ector, Gaines, Glasscock, Hockley, Howard, Irion, Martin, Midland, Mitchell, Sterling, Terry, Tom Green, Yoakum, and the regulated parts of Bailey, Coke, and Lamb Counties:

Provided, (1) That the products have been produced in an authorized oil mill or gin and subsequently protected from contamination, and (2) that a certificate of the United States Department of Agriculture has been obtained and attached to the containers or shipping papers in accordance with the requirements prescribed in § 301.52-11.

These instructions supersede those in circular B.E.P.Q. 493, dated May 1, 1940.

(7 CFR § 301.52; sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161.)

Done at Washington this 28th day of September 1942.

[SEAL] P. N. ANNAND,
Chief.

[F. R. Doc. 42-9779; Filed, October 1, 1942; 11:52 a. m.]

Chapter IX—Agricultural Marketing Administration

PART 903—MILK IN THE ST. LOUIS, MISSOURI, MARKETING AREA

AMENDMENTS

It is provided in Public Act No. 10, 73d Congress (May 12 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities (including milk and its products) as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities.

§ 903.0 *Findings and determinations*—(a) *Findings upon the basis of hearing record.* Pursuant to the act and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR 900.1-900.17; 6 F.R. 6570, 7 F.R. 3350), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement, as amended; and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The aforesaid order, as amended and as hereby amended, and all of the terms and conditions of said order, as amended and as hereby amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the St. Louis, Missouri, marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8 (e) of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices set forth in the aforesaid order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The aforesaid order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the aforesaid tentatively approved marketing agreement, as amended, upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and proclaimed that, in connection with the execution of a marketing agreement, as amended, and the issuance of this order amending the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area, the purchasing power of such milk during the pre-war period August 1909–July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such milk can be satisfactorily determined from available statistics of the Department of Agriculture for the post-war period August 1919–July 1929; and that the post-war period August 1919–July 1929 is the base period to be used in connection with any marketing agreement, as amended, and with this order in determining the purchasing power of milk.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order, and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings herein set forth.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by the aforesaid order, as amended and as hereby further amended) of at least 50 percent of the volume of milk covered by said order, as amended and as hereby further amended, which is marketed within the St. Louis, Missouri, marketing area, refused or failed to sign the tentatively approved marketing agreement, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area; and it is further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order further amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the St. Louis, Missouri, marketing area; and

(3) The issuance of this order, further amending the aforesaid order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of the approval of this order and who, during the determined representative period, were engaged in the production of milk for sale in said St. Louis, Missouri, marketing area.

Order relative to handling. It is, therefore, ordered that, from and after the effective date hereof, the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended in the following respects:

1. Delete from § 903.1 (a) (9) the colon and the proviso which reads, "*Provided,* That a handler operating a plant or plants from which no milk is disposed of for fluid consumption in the marketing area shall be a nonhandler with respect to such plant or plants." Insert a period at the end of § 903.1 (a) (9).

2. Delete § 903.3 (b) and substitute therefor the following:

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk the utilization of which is not established as Class II milk.

(2) Class II milk shall be all milk, the skim milk and butterfat of which is established (i) by use or disposition as other than milk, flavored milk and milk drinks (of any butterfat test), and buttermilk, and (ii) as actual plant shrinkage, but not to exceed 3 percent of the total receipts of milk from producers.

3. Delete § 903.3 (c) and substitute therefor the following:

(c) *Interhandler and nonhandler transfers of milk.* (1) Milk received by a handler from another handler shall be Class I milk, and cream so received shall be Class II milk: *Provided,* That if a different classification is agreed upon in writing between the receiving handler and the selling handler and is submitted to the market administrator on or before the 5th day after the end of the delivery period, then the milk or cream shall be classified according to such written agreement: *Provided further,* That the amount so reported in any class shall not be greater than the amount used in that class by the receiving handler.

(2) Milk moved in fluid form from a handler's fluid milk plant to a plant from which no milk is disposed of for fluid consumption (regardless of whether the latter plant is operated by such handler or by a nonhandler) shall be Class II milk. Milk moved in fluid form from a handler's fluid milk plant to a nonhandler's plant from which fluid milk is distributed shall be Class I milk, except that any of this milk in excess of the amount of milk, proved to the satisfaction of the market administrator to have been distributed in fluid form by the nonhandler during the delivery period, shall be Class II milk: *Provided,* That all milk moved in fluid form to plants more than 110 air-line miles from the City Hall in St. Louis shall be Class I milk. Milk disposed of in fluid form from a handler's plant to retail establishments which disposed of milk for both fluid and other uses shall be Class I milk.

4. Delete § 903.3 (d) and substitute therefor the following:

(d) *Purchases of milk from persons who are handlers under other Federal milk agreements or orders.* Milk approved by the proper health authorities for consumption in fluid form in the marketing area which has been received from a person who is a handler, as defined under another Federal marketing agreement or order, shall be deducted from each class in the proportion that the quantity used in each class by the receiving handler bears to the total quantity of milk received by him, after excluding such handler's receipts of milk from other handlers.

5. Delete § 903.3 (e) (2) and substitute therefor the following:

(2) To determine the hundredweight of Class I milk: convert to gallons the quantity of milk disposed of in the form of milk, flavored milk and milk drinks (of any butterfat test), and buttermilk, and multiply the total by 0.086: *Provided,* That there shall be added any difference of milk computed under subparagraph (1) of this paragraph over the Class I milk thus far determined plus the hundredweight of Class II milk computed pursuant to subparagraph (3) of this paragraph.

6. Delete from § 903.4 (a) (1) the figure "1.00" and substitute therefor the figure "1.10."

7. Delete from § 903.4 (a) (2) the figure "0.30" and substitute therefor the figure "0.40."

8. Delete the proviso of § 903.4 (a) (3) and substitute therefor the following:

Provided, That if the price so determined is less than the price computed by the market administrator in accordance with the following formula, such formula price shall be used: multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 20 percent thereof: *Provided,* That such price shall be subject to the following adjustments: (i) add 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption is above 5½ cents per pound or (ii) subtract 3½ cents per hundredweight for each full one-half cent that the price of such dry skim milk is below 5½ cents per pound. For purposes of determining these adjustments the price per pound of dry skim milk to be used shall be the average of the carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture for the Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period. In the event carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, are not so published, the average of the carlot prices for dry skim milk for human consumption, delivered at Chicago, as published by the United States Department of Agriculture, shall be used, and the following adjustments shall be made in lieu of the adjustments provided for under (i) and (ii) immediately above: add 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption delivered at Chicago is above 7½ cents per pound, or subtract 3½ cents per hundredweight for each full one-half cent that such price of dry skim milk is below 7½ cents per pound.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U.S.C. 601 et seq.)

Issued at Washington, D. C., this 24th day of September 1942, to be effective on and after the 4th day of October 1942.

Witness my hand and the official seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

Approved: September 29, 1942.

FRANKLIN D ROOSEVELT,
President of the United States.

[F. R. Doc. 42-9778; Filed, October 1, 1942; 11:53 a. m.]

PART 964—MILK IN THE MEMPHIS, TENNESSEE, MARKETING AREA

ORDER REGULATING THE HANDLING OF MILK IN THE MEMPHIS, TENNESSEE, MARKETING AREA

Sec.
964.1 Findings and determinations.
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964.13 Effective time, suspension, and termination.
964.14 Agents.

AUTHORITY: 964.1 to 964.14, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U.S.C., 601 *et seq.*

It is provided in Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities (including milk and its products) as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities.

§ 964.1 *Findings and determinations*—(a) *Findings upon the basis of hearing record.* Pursuant to the act and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR 900 1–900.17; 6 F.R. 6570, 7 F.R. 3350), a public hearing was held upon a proposed marketing agreement and order regulating the handling of milk in the Memphis, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The issuance of this order and all of the terms and conditions hereof will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the Memphis, Tennessee, marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to §§ 2 and 8 (e) of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices set forth in this order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) All milk sold or disposed of by handlers under this order is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products; and

(4) This order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is hereby found and proclaimed that, in connection with the execution of a marketing agreement and the issuance of an order regulating the handling of milk in the Memphis, Tennessee, marketing area, the purchasing power of such milk during the pre-war period August 1909–July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such milk can be satisfactorily determined from available statistics of the Department of Agriculture for the post-war period August 1919–July 1929; and the post-war period August 1919–July 1929 is the base period to be used in connection with any such marketing agreement and this order in determining the purchasing power of such milk.

(2) It is hereby found that the necessary expenses of the market administrator, during any 12-month period of time, for the maintenance and functioning of such agency, will amount to approximately $32,000; and the prorata share of such expenses to be paid by each handler is hereby approved in the maximum amount of 4 cents per hundredweight on all milk received from producers, or an association of producers, or produced by them during each delivery period.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order) of at least 50 percent of the volume of milk covered by this order, which is marketed within the Memphis, Tennessee, marketing area, refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the Memphis, Tennessee, marketing area; and it is further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is

produced for sale in the Memphis, Tennessee, marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of the approval of the order and who, during the determined representative period, were engaged in the production of milk for sale in the said marketing area.

§ 964.2 *Order relative to handling—It is, therefore, ordered* That, from and after the effective date hereof, the handling of milk in the Memphis, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of this order.

§ 964.3 *Definitions*—(a) *Terms.* As used herein the following terms shall have the following meanings:

(1) "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937), 7 U. S. C. 1940 ed. 601 *et seq.*), as amended.

(2) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture of the United States.

(3) "Memphis, Tennessee, marketing area" (hereinafter called the "marketing area") means the territory within the corporate limits of the city of Memphis in the State of Tennessee.

(4) "Person" means any individual, partnership, corporation, association, or any other business unit.

(5) "Producer" means any person, irrespective of whether any such person is also a handler, who produces, under a dairy farm inspection report issued by the proper health authorities, milk which is received at a plant from which milk is disposed of in the marketing area and any person reported by a handler pursuant to § 964.7 (a) (1) (viii). "Producer" shall also include any person who produces, under a dairy farm inspection report issued by the proper health authorities, milk caused to be delivered by a cooperative association which is a handler to a plant from which no milk disposed of in the marketing area.

(6) "Handler" means any person, irrespective of whether such person is a producer, wherever located or operating, who engages in such handling of milk, all or a portion of which is disposed of in fluid form as milk, skim milk, or cream in the marketing area, as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products. "Handler" shall also include any cooperative association with respect to the milk of any producer which it causes to be delivered to a plant from which no milk is disposed of in the marketing area, for the account of such cooperative assocation and for which such cooperative association collects payment; but shall not include any person from whom emergency milk is received.

(7) "Fluid milk plant" means any milk plant currently used for any or all of the handling functions of receiving, weighing (or measuring), sampling, cooling, pasteurizing, bottling, or other preparation of milk of producers for final sale or disposition in fluid form in the marketing area.

(8) "Market administrator" means the person designated pursuant to § 964.4 as the agency for the administration hereof.

(9) "Delivery period" means the current marketing period from the effective date hereof to and including the last day of the calendar month in which such effective date occurs. Subsequent to such month, "delivery period" shall mean the current marketing period from the first to the last day of each calendar month, both inclusive.

(10) "Emergency milk" means milk, skim milk, or cream received by a handler from sources other than producers under a special permit issued to him by the proper health authorities, which permit states that such handler may receive such milk in his plant and may utilize such milk for fluid uses.

(11) "Base" means the quantity of milk calculated for each producer pursuant to § 964.10 (i).

(12) "Excess" means the quantity of milk remaining after base deliveries of a producer have been subtracted from his total deliveries of milk during the delivery period.

§ 964.4 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall have power:

(1) To administer the terms and provisions hereof; and

(2) To receive, investigate, and report to the Secretary complaints of violation of the terms and provisions hereof.

(c) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the Secretary may designate;

(2) Submit his books and records to examination by the Secretary at any and all times;

(3) Furnish such information and such verified reports as the Secretary may request;

(4) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(5) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 964.7 or (ii) made payments pursuant to § 964.10;

(6) Publicly disclose to handlers and producers the name of any producer for whom a daily base has been calculated, and the quantity of daily base established for such producer;

(7) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(8) Pay, out of the funds provided by § 964.12 (i) the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, (ii) his own compensation, and (iii) all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and in the performance of his duties; and

(9) Promptly verify the information contained in the reports submitted by handlers.

§ 964.5 *Classification of milk*—(a) *Milk to be classified.* Milk handled by a cooperative association under the conditions set forth in § 964.3 (a) (6), and all milk, skim milk, and cream handled by each handler in his fluid milk plant or reported by him pursuant to § 964.7 (a) (1) (viii) shall be classified by the market administrator in the classes set forth in (b) of this section, subject to the provisions of (c) and (d) of this section.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk, skim milk, and cream disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, and cream (for consumption as cream), including any cream product disposed of in fluid form which contains a butterfat content of less than 18 percent and all milk not specifically accounted for as Class II milk.

(2) Class II milk shall be all milk specifically accounted for (i) as used to produce a milk product other than those specified in Class I milk and (ii) as actual plant shrinkage, which plant shrinkage shall not exceed 2 percent of the total quantity of milk of producers including the handler's own production.

(c) *Transfers of milk and cream.* (1) Milk, skim milk, or cream shall be Class I milk when (i) moved from a handler's fluid milk plant to the fluid milk plant of another handler: *Provided,* That such milk shall be classified as Class I milk only to the extent of the total Class I milk of the second handler; (ii) moved from a handler's fluid milk plant to a handler who receives no milk from producers other than milk of his own production; (iii) without being first received in the handler's fluid milk plant for the primary processing steps of weighing (or measuring) and testing, is caused to be delivered by a handler to a person who is not subject to the provisions hereof but who is engaged in the business of distributing milk, skim milk, or cream in fluid form, if the handler has reported such milk as being a part of his regular supply of producer milk; (iv) moved from the fluid milk plant of a handler to a person who is not subject to the provisions hereof but who is engaged in the business of distributing milk, skim milk, or cream in fluid form on wholesale or retail routes; and (v) a handler who handles no milk of producers disposes of milk, skim milk, or cream completely processed and bottled for distribution to another handler who handles milk of producers: *Provided,* That the quantity so classified shall not exceed the amount of such milk, skim milk, or cream disposed of in the original package by the receiving handler.

(2) Milk, skim milk, and cream received at a fluid milk plant from sources other than producers or other fluid milk plants shall be Class II milk, except that any of this milk, skim milk, and cream in excess of the amount of Class II milk used by the handler shall be Class I milk.

(3) Milk of a producer transferred by a handler to another handler without being received by the first handler for the primary processing steps of weighing (or measuring) and testing, shall be considered as having been received by the second handler directly from the producer.

(4) Milk, skim milk, or cream moved by a handler to a plant not specified in (c) (1) of this section for the manufacture of nonfluid milk products shall be Class II milk.

(d) *Computation of milk in each class.* For each delivery period the market administrator shall compute for each handler the pounds of producer milk allocated to each class as follows:

(1) Determine the pounds of milk, skim milk, and cream handled as follows: add into one sum the pounds of (i) milk of producers; (ii) milk produced by such handler; (iii) milk, skim milk, and cream received from other handlers; (iv) emergency milk received; and (v) milk, skim milk, and cream received from other sources.

(2) Determine the pounds of butterfat handled as follows: add into one sum the pounds of butterfat in (i) milk of producers; (ii) milk produced by such handler; (iii) milk received from other handlers; (iv) emergency milk; and (v) milk received from other sources.

(3) Determine the pounds of Class I milk as follows: convert to quarts the quantity of milk, skim milk, and cream disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, and cream, including any cream product disposed of in fluid form which contains a butterfat content of less than 18 percent, add together, and multiply the sum by 2.15: *Provided,* That there shall be added to such total any difference between the quantity determined under (d) (1) of this section and the Class I milk thus far computed plus the pounds of Class II milk computed pursuant to (d) (4) of this section.

(4) Determine the pounds of Class II milk as follows:

(i) Multiply the pounds of Class I milk, computed prior to the proviso in (d) (3) of this section, by its average butterfat test;

(ii) Subtract the pounds of Class I butterfat, computed pursuant to (d) (4) (i) of this section, from the pounds of butterfat computed under (d) (2) of this section;

(iii) Subtract the pounds of Class I milk, computed prior to the proviso in (d) (3) of this section, from the amount computed under (d) (1) of this section;

(iv) Divide the quantity of butterfat, computed under (d) (4) (ii) of this section, by the pounds of milk computed under (d) (4) (iii) of this section;

(v) Multiply the actual weight of each of the several products of Class II milk by its respective average butterfat test, and add together the resulting amounts;

(vi) Add to the sum obtained in (d) (4) (v) of this section the amount which represents the butterfat loss by actual plant shrinkage, but in no event shall such plant shrinkage allowance exceed 2 percent of the total receipts of milk of producers (including the handler's own production) multiplied by the weighted average test of such milk; and

(vii) Divide the sum computed under (d) (4) (vi) of this section by the average test of Class II milk computed under (d) (4) (iv) of this section.

(5) Determine the classification of milk of producers as follows:

(i) Subtract from the pounds of milk in each class the pounds of milk, skim milk, and cream received from other handlers and apportioned to each class in accordance with (c) of this section;

(ii) Subtract from the remaining pounds of Class II milk the total pounds of milk, skim milk, and cream, except emergency milk, received from other sources: *Provided,* That if the quantity of such milk, skim milk, and cream received is greater than the remaining quantity of Class II milk of such handler, an amount equal to such difference shall be subtracted from the remaining pounds of Class I milk; and

(iii) Subtract from the remaining pounds of Class II milk the total pounds of emergency milk received by such handler: *Provided,* That if the quantity of such emergency milk received is greater than the remaining quantity of Class II milk of such handler, an amount equal to such difference shall be subtracted from the remaining pounds of Class I milk.

§ 964.6 *Minimum prices*—(a) *Class prices.* Subject to the provisions of (b) of this section, each handler who handles milk of producers shall pay producers, at the time and in the manner set forth in § 964.10, not less than the following prices per hundredweight for the respective quantities of milk in each class computed pursuant to § 964.5 (d) (5).

(1) Class I milk: $3.45, except for the months of May and June when the price shall be $3.25: *Provided,* That for Class I milk disposed of by such handler under a program approved by the Secretary for the sale or distribution of milk to low-income consumers, including persons on relief, the price shall be such Class I price less 46 cents.

(2) Class II milk: The price resulting from the following computation by the market administrator: multiply by 4 the average price of 92-score butter in the Chicago wholesale market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, plus 20 percent thereof, plus 3½ cents for each full one-half cent that the price of dry skim milk for human consumption is above 5½ cents per pound. In this computation the price per pound of dry skim milk to be used shall be the average of the carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture for the Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period. If carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, are not so published, the average of the carlot prices for dry skim milk for human consumption, delivered at Chicago, shall be used. In the latter event the price for Class II milk shall be that resulting from the following computation by the market administrator: multiply by 4 the average price of 92-score butter in the Chicago wholesale market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, plus 20 percent thereof, plus 3½ cents for each full one-half cent that the price of dry skim milk for human consumption, delivered at Chicago, is above 7½ cents per pound.

(b) *Butterfat differential to handlers.* (1) If any handler has disposed of milk of producers allocated to Class I milk of a weighted average butterfat test more or less than 4 percent, such handler shall add or deduct, as the case may be, to the Class I price, 5.5 cents for each one-tenth of 1 percent that the butterfat content of such Class I milk varies above or below 4 percent.

(2) If any handler has disposed of milk of producers allocated to Class II milk of a weighted average butterfat test more or less than 4 percent, such handler shall add or deduct, as the case may be, to the Class II price, for each one-tenth of 1 percent that the butterfat content of such Class II milk varies above or below 4 percent, an amount computed as follows: to the average price per pound of 92-score butter in the Chicago wholesale market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, add 20 percent and divide the result obtained by 10.

§ 964.7 *Reports of handlers*—(a) *Reports to market administrator.* Each handler, under his own signature or under that of a person certified by such handler to the market administrator as being authorized to sign the reports required by this section, shall report to the market administrator, in the detail and on forms prescribed by him, as follows:

(1) On or before the 7th day after the end of each delivery period, each handler who handled milk of producers shall report the following information with respect to all milk, skim milk, and cream

handled by him during such delivery period:

(i) The quantity of milk of each producer (including that of such handler's own production), the butterfat content thereof, and the number of days on which such milk was handled;

(ii) The quantity of delivered base milk and the quantity of excess milk of each producer;

(iii) The milk, skim milk, and cream, with its butterfat content, received from other handlers who handled milk of producers;

(iv) The milk, skim milk, and cream, with its butterfat content, received from any other source, including milk, skim milk, and cream completely processed and packaged for distribution to consumers which was received from handlers who handled no milk of producers;

(v) The utilization of all milk, skim milk, and cream handled;

(vi) The name and address of each producer whose milk had not been handled during the previous delivery period;

(vii) The emergency milk received, as follows: (*a*) the amount of such milk, (*b*) the date or dates upon which such milk was received during the delivery period, (*c*) the plant from which such milk was shipped, (*d*) the price paid, or to be paid, for such milk, and (*e*) the utilization of such milk;

(viii) The name and address of each person who produces milk under a dairy farm inspection report issued by the proper health authorities and who is under contract with such handler, either individually or through a cooperative association, to have his milk paid for as part of the handler's supply of milk for fluid milk use, but whose milk is not received in such handler's fluild milk plant. Any such person who is not included on such a list, submitted on or before the 7th day after the end of the delivery period, shall not be deemed to be a producer for such delivery period;

(ix) The milk diverted by a cooperative association under the conditions set forth in § 964.3 (a) (6), as follows: (*a*) the amount of such milk, (*b*) the date or dates upon which such milk was diverted during the delivery period, (*c*) the plant to which such milk was shipped, and (*d*) the utilization of such milk; and

(x) Such other information with respect to the above as the market administrator may request.

(2) On or before the day a handler, described in (a) (1) of this section, receives emergency milk, he shall report his intention to receive such milk.

(3) Within 10 days after the market administrator's request, a handler described in (a) (1) of this section shall report with respect to each of his producers for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (i) the name and address, (ii) the pounds of milk handled with its butterfat content, and (iii) the number of days upon which such milk was handled.

(4) On or before the 22d day after the end of each delivery period, a handler described in (a) (1) of this section shall report his producer pay roll for such delivery period, which shall show for each producer (i) the total pounds of delivered base and excess milk with the average butterfat content thereof, and (ii) the net amount of such handler's payment to such producer with the prices, deductions, and charges involved.

(5) Each handler described in (a) (1) of this section shall report, at such time and in such manner as the market administrator may request, the payment plan in effect for each producer at his fluid milk plant for the month of June 1942.

(6) Each handler who handles no milk of producers shall report to the market administrator at such time and in such manner as the market administrator may request.

(b) *Verification of reports.* (1) Each handler shall make avaiable to the market administrator or to his agent, or to such other person as the Secretary may designate, (i) all records and facilities necessary for the verification of the information contained in the reports submitted pursuant to this section and for the accounting of the usage of all milk, skim milk, and cream handled in accordance with the classification of milk as set forth in § 964.5, and (ii) those facilities which are necessary for weighing, sampling, and testing of the milk of each producer.

(2) If, in the verification of the reports of any handler made pursuant to (a) of this section, it is necessary for the market administrator to examine the records of milk, skim milk, and cream handled by the handler but not required to be classified in accordance with § 964.5 (a), such handler shall make such records available to the market administrator. If the market administrator finds that, subsequent to the delivery period for which such verification is being made, any milk, skim milk, or cream handled during such delivery period was used in a class other than that in which it was first reported, such milk, skim milk, or cream shall be reclassified accordingly and the adjustments necessary to reflect the reclassified value of such milk, skim milk, or cream shall be made.

§ 964.8 *Application of provisions*—(a) *Handlers who are also producers.* (1) Except as provided in this section, the provisions of §§ 964.6, 964.9, 964.10, 964.11, and 964.12 shall not apply to a handler who handles no milk of producers other than milk of his own production.

(2) In computing the value of milk for any handler pursuant to § 964.9 (a), the market administrator shall consider any milk received in bulk by such handler from a handler who is also a producer and who purchases or receives no milk from other producers as being received from a producer.

§ 964.9 *Determination of uniform prices to producers*—(a) *Computation of the value of milk.* (1) For each delivery period, the market administrator shall compute, subject to the provisions of § 964.8, the value of milk for each handler who handled milk of producers by (i) multiplying the quantity of such milk in each class computed pursuant to § 964.5 (d) (5), by the applicable class prices, and (ii) combining into one total the resulting class values: *Provided,* That if any such handler received milk, skim milk, or cream, in fluid form, except emergency milk, which has been classified as Class I milk pursuant to § 964.5 (c) (2), there shall be added, with respect to such Class I milk, the difference between the Class II and the Class I prices, each of such prices being adjusted by its respective butterfat differential on the basis of the test of such milk, skim milk, or cream.

(2) In the event any handler who handled no milk of producers individually disposed of milk, skim milk, or cream, in fluid form, other than emergency milk, in the marketing area during the delivery period, the market administrator shall compute the value of such milk, skim milk, or cream by multiplying the amount thereof by the difference between the Class II and the Class I prices, each of such prices being adjusted by its respective butterfat differential on the basis of the test of such milk, skim milk, or cream.

(b) *Computation and announcement of uniform prices prior to January 1, 1943.* For each delivery period prior to January 1, 1943, the market administrator shall compute and announce the uniform price per hundredweight of milk of producers in the following manner:

(1) Combine into one total the respective values computed pursuant to (a) of this section, for each handler who made the reports and payments required by §§ 964.7 (a) and 964.10 (e);

(2) Subtract, if the average butterfat content of all milk of producers is greater than 4 percent, or add, if such average butterfat content is less than 4 percent, the total value of such butterfat variance from 4 percent computed pursuant to § 964.10 (h);

(3) Add the cash balance in the producer-settlement fund;

(4) Divide by the total hundredweight of milk of producers which is represented in these computations;

(5) Subtract not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and in payments by handlers. This result shall be known as the uniform price for milk containing 4 percent of butterfat; and

(6) On or before the 11th day after the end of such delivery period, mail to all handlers and publicly announce: (i) such of these computations as do not disclose confidential information, (ii) the Class II price, (iii) the butterfat differential, and (iv) the uniform price.

(c) *Computation and announcement of uniform prices subsequent to December 31, 1942.* For each delivery period subsequent to December 31, 1942, the market administrator shall compute and announce the uniform price per hundredweight of milk of producers in the following manner:

(1) Combine into one total the respective values computed pursuant to (a) of

this section for each handler who made the reports and payments required by §§ 964.7 (a) and 964.10 (e);

(2) Subtract, if the average butterfat content of all milk of producers is greater than 4 percent, or add, if such average butterfat content is less than 4 percent, the total value of such butterfat variance from 4 percent computed pursuant to § 964.10 (h);

(3) Subtract the amount to be paid to producers pursuant to § 964.10 (c) (2);

(4) Add the cash balance in the producer-settlement fund;

(5) Divide by the total hundredweight of delivered base milk of producers which is represented in these computations;

(6) Subtract not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and in payments by handlers. This result shall be known as the delivery period uniform price to be paid producers for base milk containing 4 percent of butterfat; and

(7) On or before the 11th day after the end of such delivery period, mail to all handlers and publicly announce: (i) such of these computations as do not disclose confidential information, (ii) the Class II price, (iii) the butterfat differential, (iv) the uniform price to be paid for base milk, and (v) the price to be paid for excess milk.

§ 964.10 *Payments for milk*—(a) *Half-delivery period payment.* On or before the last day of each delivery period, each handler shall pay to each of his producers the approximate value of the milk of such producer which was handled by such handler during the first 15 days of such delivery period.

(b) *Final payment for delivery periods prior to January 1, 1943.* On or before the 15th day after the end of each delivery period prior to January 1, 1943, each handler in accordance with his customary plan of payment to producers in the month of June 1942 shall pay his producers a total amount of money equal to the uniform price, subject to the butterfat differential provided by (h) of this section, times the amount of milk delivered to him by such producers, less the payment made pursuant to (a) of this section: *Provided,* That any change may be made in such customary plan of payment if such change is made uniformly to all producers delivering milk to such handler.

(c) *Final payment for delivery period subsequent to December 31, 1942.* On or before the 15th day after the end of each delivery period subsequent to December 31, 1942, each handler shall pay to his producers, subject to the butterfat differential provided by (h) of this section and less the payment made pursuant to (a) of this section, as follows:

(1) To each producer at the uniform price per hundredweight, computed pursuant to § 964.9 (c) (6), for that quantity of milk of such producer not in excess of his delivered base; and

(2) To each producer at the Class II price, for that quantity of milk of such producer in excess of his delivered base.

(d) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to (e) and (g) of this section, and out of which he shall make all payments to handlers pursuant to (f) and (g) of this section.

(e) *Payments to the producer-settlement fund.*—On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator, for payment to producers through the producer-settlement fund, the amount by which the total utilization value of the milk of producers handled by such handler during the delivery period is greater than the sum obtained by multiplying the pounds of such milk of producers by the appropriate price or prices required to be paid producers by handlers, pursuant to (b) or (c) of this section, and adding together the resulting amounts: *Provided,* That if any handler who handled milk of producers has received milk, skim milk, or cream except emergency milk, which was classified as Class I milk pursuant to § 964.5 (c) (2), such handler shall pay also to the market administrator, for payment to producers through the producer-settlement fund, the amount which is computed pursuant to the proviso of § 964.9 (a) (1): *Provided further,* That in the event any handler who handled no milk of producers, individually disposed of milk, skim milk, or cream, in fluid form, other than emergency milk, in the marketing area, during the delivery period, such handler shall pay to the market administrator, for payment to producers through the producer-settlement fund, an amount per hundredweight which is computed pursuant to § 964.9 (a) (2).

(f) *Payments out of the producer-settlement fund.* On or before the 15th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, the amount, if any, by which the total utilization value of the milk of producers handled by such handler during the delivery period is less than the sum obtained by multiplying the hundredweight of such milk of producers by the appropriate price or prices required to be paid producers by handlers pursuant to (b) or (c) of this section, and adding together the resulting amounts. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 15th day after the end of each delivery period, has not received the balance of such reduced payment due him from the market administrator shall be deemed to be in violation of (b) or (c) of this section if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(g) *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors under which money would accrue to the producer-settlement fund pursuant to (e) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler, within 5 days after being notified by the market administrator, shall make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to (f) of this section, the market administrator, within 5 days after such verification shall make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by this section, the handler shall make up such payment not later than the time of making payment to producers next following such disclosure.

(h) *Butterfat differential.* In making payments to each producer, pursuant to (b) or (c) of this section, each handler shall add to the price per hundredweight not less than, or subtract from the price per hundredweight not more than, as the case may be, for each one-tenth of 1 percent of butterfat content which is above or below 4 percent in milk of such producer, the amount as shown in the schedule below for the butter-price range in which falls the average wholesale price of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received:

Butter-price range:	*Butterfat differential (cents per one-tenth of 1 percent)*
17.50–22.499 cents per pound	2.5
22.50–27.499 cents per pound	3.0
27.50–32.499 cents per pound	3.5
32.50–37.499 cents per pound	4.0
37.50–42.499 cents per pound	4.5
42.50–47.499 cents per pound	5.0
47.50–52.499 cents per pound	5.5
52.50–57.499 cents per pound	6.0
57.50 and over cents per pound	6.5

(i) *Determination of base.* For each delivery period subsequent to December 31, 1942, the base of each producer shall be a quantity of milk calculated by multiplying the applicable figure computed pursuant to this paragraph, subject to the provisions of (j) of this section, by the number of days during such delivery period on which the milk of such producer was handled:

(1) Effective for 1943, and for each year following 1943, the daily base, for the ensuing calendar year, of each producer who began delivery to a handler before the month of September preceding such ensuing calendar year shall be determined by the market administrator from reports filed by handlers pursuant to § 964.7 (a) or from the best information available, in the following manner:

(i) Determine for each producer the average daily deliveries of his milk to a handler for the number of days on which this order is in effect during the months of September, October, and November of

the calendar year immediately preceding: *Provided,* That if a producer is prevented by the applicable health authority, through quarantine or degrading, from delivering milk, and such producer furnishes to the market administrator a statement to that effect written by such applicable health authority, the market administrator shall deduct from the figure representing the number of days in the base-forming period the number of days (but not more than 30 days in any one base-forming period) involved by such ruling of the applicable health authority: *Provided further,* That if a producer, as the result of official testing for tuberculosis, Bang's disease, or mastitis by a recognized veterinarian, or for any reason which the market administrator determines was not under the control of the producer, loses 20 percent or more of the cows in his herd and furnishes the market administrator, within 5 days after such loss, with satisfactory documentary evidence thereof, such producer shall be permitted 3 months in which to replace such cows and the market administrator shall credit such producer with the delivery of his established base in the determination of such producer's daily base;

(ii) Add together in one sum all the daily average amounts computed according to (i) (1) (i) of this section;

(iii) Determine, from reports filed by handlers pursuant to § 964.7 (a), the average daily Class I milk of handlers for such months of September, October, and November;

(iv) Divide the amount determined pursuant to (i) (1) (iii) of this section by the sum determined pursuant to (i) (1) (ii) of this section; and

(v) Multiply the daily average amount for each producer determined in (i) (1) (i) of this section by the percentage figure computed pursuant to (i) (1) (iv) of this section. This result shall be known as the producer's daily base for the current calendar year;

(2) In the event of allotment of a daily base to a producer who did not regularly sell milk to a handler on September 1 of the preceding calendar year, or to a producer who for other reasons does not have a base computed under (i) (1) of this section, the market adminstrator shall determine the daily average deliveries of milk by such producer for the first 2 full calendar months immediately following the first regular delivery of such producer, or, in the case of a producer previously holding a base, the first 2 full calendar months immediately following the first regular delivery following the date of termination of such base. Such daily average deliveries of milk shall be multiplied by the percentage that total reported base deliveries were to reported total deliveries of milk to the marketing area by all daily base-holding producers during such 2 calendar months; and

(3) If a handler who distributes within the marketing area milk of his own production disposes of all or a part of his delivery routes to a handler who handles milk of producers and thereafter delivers milk to a handler as a producer, a daily base for such producer shall be computed by the market administrator in the following manner: determine the average daily Class I milk produced and disposed of on such delivery routes of such handler during the 3 months next preceding the date of the disposal of such delivery routes which the purchasing and selling handlers jointly report as involved in the deal, subject to verification by the market administrator. This figure shall be known as the producer's daily base and shall be effective from the date of the first delivery of milk of his own production in bulk to a handler by such producer through the remaining calendar year and thereafter shall be superseded by a daily base determined pursuant to (i) (1) of this section.

(j) *Base rules.* (1) Any producer who ceases to deliver milk to a handler for a period of more than 30 consecutive days shall forfeit his base. In the event such producer thereafter commences to deliver milk to a handler, he shall receive a daily base computed in the manner provided in (i) (2) of this section;

(2) In case a producer sells or delivers to a handler milk not of his own production as being milk of his own production, the base of such producer shall be forfeited at the beginning of the delivery period during which such milk was delivered and all milk sold or delivered to a handler by such producer during such delivery period shall be excess milk.

Thereafter, such producer shall receive a daily base computed in the manner provided in (i) (2) of this section;

(3) If, on or before the 5th day after the transfer of ownership of a farm from which base milk is delivered, and/or a herd producing base milk, there is submitted to the market administrator an affidavit stating that such farm and/or herd has been transferred, and specifying the date of such transfer and the ear tag numbers of the animals so transferred, signed jointly before a notary public by the transferee and the transferor of such farm and/or herd, and if, within 10 days after the announcement of such transfer, no written protest containing information that such transfer was contrary to the terms of this subparagraph is filed with the market administrator, the base of such producer may be transferred but only as one unit to the purchaser of such farm and/or herd. If, upon investigation, the market administrator finds the terms of this subparagraph have been violated, the base of such producer shall be forfeited;

(4) A landlord who rents on a crop-share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. Likewise, the tenant who rents on a crop-share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by tenant and landlord, the daily base shall be divided betwen the joint owners according to the ownership of the cattle, if and when such joint owners terminate the tenant and landlord relationship; and

(5) A producer, whether landlord or tenant of a farm, may retain his base when moving his entire herd of cows from one farm to another farm: *Provided,* That, at the beginning of a tenant and landlord relationship, the allotted base of each tenant and landlord shall be a combined base and may be divided only if such relationship is terminated.

§ 964.11 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in (b) of this section, each handler shall deduct an amount not exceeding 5 cents per hundred pounds, the exact amount to be determined by the market administrator, from the payments made to each producer pursuant to § 964.10, with respect to all milk of producers handled by such handler during each delivery period, and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such money shall be expended by the market administrator for verification of weights, sampling, and testing of milk of producers during the delivery period and to provide such producers with market information, and such services shall be performed in whole or in part by the market administrator.

(b) *Producers' cooperative association.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in (a) of this section, each handler shall make, in lieu of the deductions specified in (a) of this section, such deductions from the payments to be made directly to such producers, pursuant to § 964.10, as are authorized by such producers, and, on or before the 15th day after the end of each delivery period, pay over such deductions to the association rendering such services.

§ 964.12. *Expense of administration.* As his pro rata share of the expense of the administration hereof, each handler, on or before the 15th day after the end of each delivery period, shall pay to the market administrator, with respect to all milk of producers handled by him and milk produced by him during such delivery period, an amount not exceeding 4 cents per hundredweight, the exact amount to be determined by the market administrator. Each cooperative association which is a handler shall pay such pro rata share of expense on only that milk of producers caused to be delivered by it to the plants from which no milk is disposed of in the marketing area.

§ 964.13 *Effective time, suspension, and termination*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

(b) *Suspension and termination.* Any or all provisions hereof, or any amendment hereto, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(d) *Continuing power and duty.* (1) If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which require further acts by any handlers, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall be performed, if the Secretary so directs, by such other person, persons, or agency as the Secretary may designate.

(2) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until discharged by the Secretary, (ii) from time to time account for all receipts and disbursements, (iii) when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (iv) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such other person as the Secretary may designate, if so directed by the Secretary, shall liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 904.14 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

Issued at Washington, D. C., this 24th day of September 1942, to be effective on and after the 4th day of October 1942. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

Approved: September 29, 1942.

FRANKLIN D. ROOSEVELT,
President of the United States.

[F. R. Doc. 42-9777; Filed, October 1, 1942; 11:53 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

[General Order C-34, 3d Supp.]

PART 116—CIVIL AIR NAVIGATION

APPLICATION OF CERTAIN LAWS AND REGULATIONS TO CIVIL AVIATION

NOTE: For the text of the amendments to this part see Title 19—Customs Duties, Part 4—Air Commerce Regulations, *infra.*

[General Order C-27, 1st Supp.]

PART 142—PREEXAMINATION OF ALIENS WITHIN THE UNITED STATES

AMENDMENT OF PREEXAMINATION REGULATIONS

September 25, 1942.

Pursuant to the authority contained in section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); section 24 of the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458; § 90.1, Title 8, Chapter I, Code of Federal Regulations (7 F.R. 6753), and all other authority conferred by law, the following amendments of Part 142 of the said regulations (6 F.R. 65, 229) are hereby promulgated.

Section 142.2 (§ 17.2 of General Order No. C-27 of December 31, 1940) is amended by deleting paragraph (c) of the said section and by redesignating present paragraphs (d) and (e) as paragraphs (c) and (d) of the said section.

EARL G. HARRISON,
Commissioner.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 42-9741; Filed, September 30, 1942; 2:56 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 241]

PART 60—AIR TRAFFIC RULES

TRANSPORTATION OF CERTAIN EXPLOSIVES BY PAN AMERICAN AIRWAYS, INC.

Authorization to Pan American Airways, Inc., to transport certain explosives by or for Dudley South, contractor, to Rubber Reserve Company.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 29th day of September 1942.

The Rubber Reserve Company, a subsidiary of the Reconstruction Finance Corporation, having by letter dated September 28, 1942, requested the Board to permit Mr. Dudley South, a contractor with the Rubber Reserve Company, to ship 500 rounds of ammunition for a .38-calibre pistol from Miami, Florida, to Caracas, Venezuela, via Pan American Airways on Wednesday, September 30, 1942; and

It appearing to the Board that the said 500 rounds of ammunition are acceptable explosives within the meaning of § 60.972 for carriage by aircraft in passenger flight, and that such ammunition will be placed in the baggage compartment, inaccessible to the passengers; and

The Board finding that its action is necessary to the prosecution of the war;

Now, therefore, the Civil Aeronautics Board, acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, enacts the following special regulation, effective immediately:

Notwithstanding the provisions of § 60.973 (b) of the Civil Air Regulations, but subject to all other pertinent sections thereof, Dudley South, a contractor to the Rubber Reserve Company, may ship by air express, or carry as a part of his personal baggage, and Pan American Airways, Inc., its agents, officers, and employees may carry, not to exceed a total of 500 rounds of .38-calibre ammunition for an automatic pistol to Caracas, Venezuela, on any scheduled Pan American Airways flight leaving Miami, Florida, on or before October 15, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-9762; Filed, October 1, 1942; 11:32 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

PART 4—AIR COMMERCE REGULATIONS

APPLICATION OF CERTAIN LAWS AND REGULATIONS TO CIVIL AVIATION

Amendments to regulations[1] for the application to civil air navigation of the laws and regulations relating to customs, public health, entry and clearance, and immigration.

The regulations for the application to Civil Air Navigation of the laws and regulations relating to Customs, Public Health, Entry and Clearance, and Immigration issued by the Acting Secretary of the Treasury, the Federal Security Administrator, the Acting Secretary of Commerce, and the Acting Attorney General, within their respective authorities, on August 28, 1941, as amended on October 31, 1941 and June 5, 1942 (6 F.R. 4516, 4536, 4537, 4514, 5582, 5583, 5596 and 7 F.R. 4471, 4472, 4496; 19 CFR 4.1 to 4.11, 42 CFR 11.501 to 11.516, 14 CFR 904.1 to 904.15, and 8 CFR 116.1 to 116.16), are hereby further amended as follows:

Section 4.9 (a) of Title 19, Code of Federal Regulations, also designated as § 11.509 (a) of Title 42, § 904.9 (a) of Title 14, and § 116.9 (a) of Title 8, is amended by deleting "Commerce Form 1378–B or 1380" and inserting in lieu thereof "customs Form 7301, 7567 or 7569".

Section 4.10a (d) of Title 19, also designated as § 11.511 (d) of Title 42, § 904.11 (d) of Title 14, and § 116.11 (d) of Title 8, is amended by deleting the second sentence and inserting in lieu thereof the following:

When such aircraft has on board no merchandise from any place outside the United States and if no bond on customs Form 7567 or 7569 is on file covering such aircraft, but immediate clearance is requested, a bond on customs Form 7301 "Bond of vessel or aircraft to produce complete manifest and/or export declarations," shall be required. (R.S. 161, 251, sec. 644, 46 Stat. 761, sec. 7, 44 Stat. 572, sec. 5, 27 Stat. 451, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 623, 46 Stat. 759, sec. 30, 52 Stat. 1089; 5 U.S.C. 22, 19 U.S.C. 66, 1623, 1644, 49 U.S.C. 177, 42 U.S.C. 94, 8 U.S.C. 102, 222. Secs. 201 (a), 205 (b), President's Reorganization Plan No. I, sec. 1, President's Reorganization Plan No. V; 4 F.R. 2728, 2729, 5 F.R. 2132, 2223. E.O. 9083, Feb. 28, 1942; 7 F.R. 1609).

The use of customs Forms 7301, 7567 and 7569 as herein provided shall be effective on a date to be fixed by the Commissioner of Customs in a circular letter after the revised issues of those forms have been printed. Commerce Form 1378–B and 1380 are hereby abolished as of the date fixed in the circular letter for the use of such customs forms.

W. R. JOHNSON,
Commissioner of Customs.
[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.
PAUL V. MCNUTT,
Federal Security Administrator.
FRANCIS BIDDLE,
Attorney General.

SEPTEMBER 21, 1942.

[F. R. Doc. 42-9754; Filed, September 30, 1942; 4:36 p. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 3—DETERMINATIONS RELATING TO OVERTIME, SUNDAY, AND HOLIDAY PAY

SHIP BUILDING AND SHIP REPAIR INDUSTRY

Temporary stay of application of Executive Order 9240 to the ship building and ship repair industry.

The Chairman of the Ship Building Stabilization Committee has advised me that the Zone Standards Agreements for the Ship Building and Ship Repair Industry and the Pacific Coast Repair Agreements, which have been approved by Governmental agencies, are operating satisfactorily, that the premium compensation problem in the Ship Building Industry has been resolved in substantial accord with the principles of Executive Order 9240 and that negotiations are proceeding for the purpose of conforming the provisions of these agreements to such principles with respect to the payment of premium compensation in the Ship Repair Industry and in other respects. In view of these negotiations he has requested that the application of Executive Order 9240 to the Ship Building and Ship Repair Industry be stayed for a period of 60 days from October 1, 1942.

Upon consideration of the operation of these wage stabilization agreements and the present negotiations as to premium compensation in the Ship Repair Industry, I find there is sufficient cause for the grant of the request.

Now, therefore, it is ordered, Pursuant to the authority vested in me by Executive Order 9248 that the application of Executive Order 9240 entitled "Regulations Relating to Overtime Wage Compensation" to work in the Ship Building and Ship Repair Industry, which is subject to the Zone Standards Agreements for the Ship Building and Ship Repair Industry and the Pacific Coast Repair Agreements, is stayed for a period of 60 days from October 1, 1942.

Dated: September 30, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-9767; Filed, October 1, 1942; 11:24 a. m.]

PART 3—DETERMINATIONS RELATING TO OVERTIME, SUNDAY, AND HOLIDAY PAY

BUILDING AND CONSTRUCTION TRADES

Determination under Executive Order 9248 as to the building and construction trades Wage Stabilization Agreement.

A Wage Stabilization Agreement for the Building and Construction Trades Industry, engaged on war construction work, which stabilizes, among other things, overtime compensation practices in that industry has been in operation since July 1941. This agreement was approved by the Government departments and agencies concerned with such building construction projects. The Board of Review of the War Production Board which administers that stabilization agreement, entitled "Memorandum of Agreement betwen the Representatives of Government Agencies Engaged in Defense Construction and the Building and Construction Trades Department of the American Federation of Labor", has informed me that the agreement is operating satisfactorily in that industry and has made application that the provisions of Executive Order 9240 shall not apply to any war construction work subject to the said stabilization agreement. The Building and Construction Trades Department of the American Federation of Labor which is a party to the stabilization agreement has made similar application.

Upon investigation it appears that this Wage Stabilization Agreement approved by a Government department or agency is operating satisfactorily to stabilize overtime practices in the industry.

Now, therefore, By virtue of the power vested in me by Executive Order No. 9248, it is ordered that the provisions of Executive Order No. 9240 entitled "Regulations Relating to Overtime Wage Compensation" shall not apply to work on construction projects which is subject to the said stabilization agreement.

Dated: September 30, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-9766; Filed, October 1, 1942; 11:24 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

PART 328—MINIMUM PRICE SCHEDULE DISTRICT NO. 8

[Docket No. A-1617]

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for a change in seam classifications of coal produced by certain code members in Cumberland, Pickett, Putnam and Roane Counties, Tennessee, in District No. 8, for all shipments except truck and for truck shipments.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting a change in seam classifications for the coals of certain mines in District No. 8; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) and § 328.11 (*Alphabetical list of code members*) are supplemented to include the following changes in seam classifications for coals produced by the following code members:

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[1] These regulations entitled "Air Commerce Regulations" appear under four designations, i. e., as §§ 4.1 to 4.10e, Title 19, (Customs Duties); §§ 11.501 to 11.515, Title 42 (Public Health); §§ 9.1 to 9.15, Title 46 (Shipping); and §§ 116.1 to 116.15, Title 8 (Aliens and Nationality), Code of Federal Regulations.

SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8 FOR TRUCK SHIPMENTS

SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN

Mine index No.	Code member—Index name	Mine	High volatile seam
	CUMBERLAND COUNTY, TENN.		
918	Acme Coal Mining Company	Acme Coal Mining Co	From Nelson. To Sewanee.
1998	Barnes, S. F	S. F. Barnes	From Bon Air No. 2. To Nelson.
2001	Carter & Sons, A. C	Carter & Sons	From Bon Air No. 2. To Nelson.
2006	Derrick, F. A	No. 1	From Bon Air No. 2. To Sewanee.
2013	Givens, Beecher and E. V. McCollum (E. V. McCollum).	Givens & McCollum	From Bon Air No. 2. To Sewanee.
2016	Thompson, Bob, Capt	Capt. Bob Thompson	From Bon Air No. 2. To Sewanee.
2017	Walker, Newton D. (Haley Mountain Coal Co.)	Haley Mountain	From Bon Air No. 2. To Sewanee.
	PICKETT COUNTY, TENN.		
5369	Powell Brothers & Co., Inc., c/o Leonard Bernard	Powell Bros. Powell Bros. No. 1	From No. 3. To Bon Air No. 2.
5456	Powell Brothers & Co., Inc., c/o Leonard Bernard	Powell Bros. No. 2	From No. 3. To Bon Air No. 2.
	PUTNAM COUNTY, TENN.		
3453	Randolph, G. E	Clark	From Bon Air No. 1. To Bon Air No. 2.
	ROANE COUNTY, TENN.		
5237	George, R. C	U. S. No. 1	From— To Sewanee.
2090	McNeal, Lee (Lee McNeal Coal Company)	Lee McNeal	From Coal Creek. To Sewanee.
5442	Sartin and Sartin (George Sartin)	Sartin's	From Nelson. To Sewanee.

SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8 FOR ALL SHIPMENTS EXCEPT TRUCK

	ROANE COUNTY, TENN.		
5237	George, R. C	U. S. No. 1	From— To Sewanee.
	CUMBERLAND COUNTY, TENN.		
2016	Thompson, Bob, Capt	Capt. Bob Thompson	From Bon Air No. 2. To Sewanee.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unles it shall otherwise be ordered.

Dated: September 29, 1942.

(SEAL) DAN H. WHEELER,
Director.

[F. R. Doc. 42-9725; Filed, September 30, 1942; 11:32 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 128]

MILITARY AND OCCUPATIONAL HISTORY OF MEN RELEASED FROM ACTIVE DUTY

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885), and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations;[1] I hereby prescribe the following change in DSS forms:

Discontinuance of DSS Form 128, "Military and Occupational History of Men Released from Active Duty," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing discontinuance shall become a part of the Selective Service Regulations, effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 28, 1942.

[F. R. Doc. 42-9750; Filed, September 30, 1942; 3:37 p. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 978—UTILITIES—MAINTENANCE, REPAIR AND SUPPLIES

[Extension 2 to Preference Rating Order P-46[2] Amended to March 26, 1942]

Preference Rating Order P-46 amended, is hereby extended to expire on October 10, 1942. This extension shall be effective September 30, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9751; Filed, September 30, 1942; 3:41 p. m.]

PART 937—ZINC

[Conservation Order M-11-b,[3] as Amended October 1, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of zinc for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 937.13 *Conservation Order M-11-b*—(a) *Prohibition on use of zinc in articles appearing on List A*. (1) Between July 24, 1942 and September 1, 1942, no person shall put into process in the manufacture of any item on List A more weight of zinc than 50% of the average monthly weight of zinc put into process by him during 1941 in the making of such item, and no person shall put into process any zinc in the making of such item unless processing thereof will be completed within such period.

(2) Effective September 1, 1942, no person shall process any zinc to make any item on List A.

(3) No person shall process any zinc to make any item on List A-1 after the governing date set forth opposite such item in column 2 of List A-1. No person shall at any time process any zinc to make any item now or hereafter placed on List A-1 unless the item will be completed by the governing date applicable to the item.

(b) *Limitation on other uses of zinc*. No person shall put into process during any calendar quarter in the manufacture of items not on List A more than 75% of the weight of zinc of prime western grade or, more than 50% of the weight of zinc of any other grade respectively put into process by him in the manufacture of such items during the corresponding calendar quarter of 1941.

(c) *General exceptions*. The prohibitions and restrictions in paragraphs (a) and (b) shall not apply to the use of zinc in any item which is being produced:

(1) Under a specific contract or subcontract covering the manufacture of any product, or any component to be physically incorporated into such product, produced by or for the account of the Army or Navy of the United States or the United States Maritime Commission, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to promote the Defense of the United States", (Lend-Lease Act) to the extent required by specifications, including performance specifications, applicable to the contracts, subcontracts or purchase orders of these organizations.

(2) For use to comply with safety regulations issued under governmental authority which require the use of zinc to the extent employed, or

(3) For use in chemical and industrial plants to the extent that corrosive or chemical action makes the use of any other material impractical, or

(4) For use in research laboratories where and to the extent that the physical or chemical properties make the use of any other material impractical.

(d) *Prohibitions against sales or deliveries of zinc*. No person shall after July 24, 1942, sell or deliver zinc to any person if he knows, or has reason to believe such material is to be used in violation of the terms of this order.

(e) *Limitation of inventories*. No person shall accumulate an inventory of zinc or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies in quantities in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of zinc products by this order. Any person who has an inventory in excess of a minimum practicable working inventory is prohibited from receiving additional zinc or products thereof beyond that extent necesary to maintain a minimum practicable working inventory.

(f) *Miscellaneous provisions*—(1) *Appeal*. Any appeal from the provisions of this order must be made on Form PD-500 and must be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(2) *Applicability of order*. The prohibitions and restrictions contained in this order shall apply to the use of material in all items or articles hereafter manufactured irrespective of whether such items are manufactured pursuant to a contract made prior or subsequent to July 24, 1942, or pursuant to a contract supported by a preference rating. Insofar as any other order of the Director General for Operations may have the effect of limiting or curtailing to a greater extent than herein provided, the use of zinc in the production of any article, the limitation of such other order shall be observed.

(3) *Violations or false statements*. Any person who wilfully violates any provision of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(4) *Definitions*. For the purposes of this order:

(i) "Zinc" means zinc metal which has been produced by any electrolytic, electro-thermic, or fire refining process. It shall include zinc dust (for Sheradizing only), scrap zinc, zinc metal produced from scrap and any alloy in the composition of which the percentage of zinc metal by weight equals or exceeds the percentage of all other metals.

(ii) "Prime western zinc" means zinc of no higher grade than that conforming to American Society for Testing Materials specification B6-37, grade 5, and zinc dust for Sheradizing.

(iii) "Zinc of any other grade" means zinc conforming to American Society for Testing Materials specification B6-37, grades 1a, 1, 2, 3, or 4, and any alloy in the composition of which the percentage of zinc metal by weight equals or exceeds the percentage of all other metals.

(iv) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(v) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not (including, but not limited to, any trustee, receiver, assignee, or personal representative thereof).

(vi) "Item" means any article or component part thereof.

(vii) "Process" means cut, draw, machine, stamp, melt, cast, forge, roll, turn, spin or otherwise shape.

(viii) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(ix) "Sheradizing" means any process which uses zinc dust or finely divided zinc as a raw material for impregnating the surface of a ferrous material with zinc by process of cementation.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

LIST A

The use of zinc in the items below and in all component parts of such items is prohibited except to the extent permitted by the foregoing Conservation Order M-11-b. Where sublistings appear under a general heading on this list, only the sublistings are to be considered as items on List A.

Automotive:
  Diesel engines.
  Passenger cars.
  Trailers.
  Trucks.
(Except mechanical or functional items)
Art craft and furnishings:
  Andirons.
  Bookends.
  Candlesticks.
  Coat hooks.
  Door chimes.
  Fireplace fittings.
  Mirror frames.
  Picture frames.
  Statues.
Bicycles and tricycles:
  Bicycles, except for protective coatings on wire for spokes.
  Tricycles.

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[1] 6 F.R. 6834.

[1] Filed as part of the original document.

[2] 7 F.R. 2348, 4699, 5272, 5903, 7234.

[3] 7 F.R. 5703.

- Binoculars.
- Beauty shop and barber shop equipment and supplies (whether for home or business uses):
  - Hair curlers.
  - Hair dryers.
  - Lotion dispensers.
  - Permanent waving machines.
- Builders' supplies and hardware, except protective coatings:
  - Casement hardware.
  - Door knockers.
  - Down spouts.
  - Flashing.
  - Gutters.
  - Lock parts, except lock cylinders.
  - Roofing.
  - Screen door and window attachments.
  - Siding.
  - Venetian blind hardware.
  - Weatherstripping.
- Burial equipment:
  - Caskets.
  - Casket hardware.
  - Markers.
  - Vaults.
- Clock & watch cases.
- Cosmetics:
  - Cosmetic containers
    - Compacts and lipstick holders.
  - Lotion dispensers.
  - Perfume dispensers.
- Coin operated devices:
  - Automatic phonographs.
  - Gaming machines.
  - Vending machines.
- Cameras and photographic equipment:
  - Cameras.
  - Developing machines.
  - Enlargers.
  - Printing machines.
  - Projectors.
- Cooking appliances:
  - Electric stoves and ranges.
  - Gas-fired stoves and ranges (except items for repair or maintenance).
- Clothing accessories and other accessories:
  - Buckles.
  - Buttons.
  - Costume jewelry.
  - Handbag fittings.
  - Slide fasteners and other clothing accessories.
- Electric fans.
- Electrical household appliances.
- Electric motors, except for motor rotors.
- Kitchen, household, restaurant & soda fountain items:
  - Butter chippers.
  - Can openers.
  - Coffee urns.
  - Coffee grinders.
  - Dishwashing machines, except protective coatings.
  - Drink mixers and shakers.
  - Egg slicers.
  - Food mixers.
  - Fruit juicers.
  - Grilles.
  - Ice cream cabinets.
  - Ice crushers.
  - Meat slicers.
  - Patent medicine dispensing machines.
  - Potato slicers & mashers.
  - Sterilizers.
  - Toasters.
- Lamps, except protective coatings.
- Laundry tags and other clothing markers.
- Lawn mowers and lawn sprinklers.
- Lighting fixtures, except protective coatings.
- Luggage:
  - Fittings.
  - Hardware.
- Metal plastering bases (Except protective coatings).
- Metal furniture.
- Musical instruments.
- Novelties:
  - Advertising novelties.
  - Jewelry cases.
  - Letter openers.
  - Novelty jewelry.
  - Souvenirs.
- Office supplies:
  - Autodexes.
  - Box openers.
  - Calendar bases & holders.
  - Envelope openers.
  - Envelope sealing machines.
  - Gummed paper dispensing machines.
  - Paper weights.
  - Pen bases.
  - Pencil sharpeners.
  - Stapling machines.
  - Stenciling devices.
- Ornamental and decorative uses (whether or not the item is included in List A).
- Outboard motors, except items for repair and maintenance.
- Parking meters.
- Portable and standing lamps, except protective coatings.
- Radios and non-coin operated phonographs, except functional items for repair and maintenance.
- Refrigerators, mechanical, electric or gas (except for essential food storage, food transportation and industrial uses) except items for repair and maintenance.
- Sewing machines (except items for repair and maintenance).
- Signs:
  - Advertising specialties.
  - Name plates.
  - Billboards.
  - Merchandise displays of all kinds.
- Smokers' supplies:
  - Ash trays.
  - Cigar and cigarette lighters.
  - Smokers' accessories.
- Soap dispensers.
- Slugs and tokens of all kinds.
- Spittoons.
- Stationary gasoline and Diesel engines.
- Stokers.
- Toys and games.
- Vacuum cleaners and sweepers (except items for repair and maintenance).
- Washing machines (except items for repair and maintenance).

LIST A-1[1]

The use of zinc in the items below and in all component parts of such items is prohibited after the governing date indicated except to the extent permitted by the foregoing Conservation Order M-11-b. Where sublistings appear under a general heading on this list, only the sublistings are to be considered as items on List A-1.

	Governing date
Closures for glass containers	October 10, 1942

[F. R. Doc. 42-9769; Filed, October 1, 1942; 11:28 a. m.]

PART 1072—SOLE LEATHER

[Supplementary Order M-80-c]

§ 1072.4 *Supplementary Order M-80-c.* Pursuant to paragraph (b) (1) of Order M-80 as amended to August 5, 1942,[2] which this order supplements, each person tanning sole leather for his own account or causing sole leather to be tanned for his account by others shall set aside during the period from October 1, 1942, to October 31, 1942, inclusive, at least 15% of the quantity of manufacturers bends produced by him for his own account, or produced for his account by others, during that period. The weight and quality of said portion set aside shall be proportionately equal, as nearly as can be, to those of the manufacturers bends not so set aside.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9770; Filed, October 1, 1942; 11:28 a. m.]

PART 1153—FLUORESCENT LIGHTING FIXTURES

[Amendment 4 to General Limitation Order L-78]

§ 1153.1 *General Limitation Order L-78.* Limitation Order L-78 as amended April 23, 1942, June 13, 1942, and September 1, 1942[1] is hereby further amended by striking out the provisions of Amendment No. 3 issued September 1, 1942 and substituting the following:

Limitation Order L-78 as amended shall continue in effect through October 20, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9772; Filed, October 1, 1942; 11:29 a. m.]

PART 1233—THERMOPLASTICS

[General Preference Order M-154, as Amended October 1, 1942[2]]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of thermoplastics, as hereinafter defined, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1233.1 *General Preference Order M-154*—(a) *Definitions.* For the purposes of this order:

(1) "Thermoplastics" means the synthetic resins and cellulose derivatives listed below, whether plasticized or unplasticized, and in all their various forms such as sheets, rods, tubes, shapes, slabs, pellets, powder, solutions, emulsions and flake, but not including yarn or textiles:

(i) Polymers of styrene.

(ii) Polymers of the esters of acrylic and methacrylic acid.

(iii) Polymers of vinyl acetate which have been partially or wholly hydrolized and reacted with aldehydes such as formaldehyde, acetaldehyde or butyraldehyde.

(iv) Polymers of vinylidene chloride.

(v) Cellulose acetate-butyrate.

(vi) Cellulose acetate.

(vii) Cellulose nitrate, except that used in explosives and protective coatings.

(viii) Ethyl cellulose (plasticized).

(ix) Monomer and polymers of vinyl acetate.

(x) Nylon.

(xi) Polymers of vinyl alcohol—polymers of vinyl acetate which have been partially or wholly hydrolyzed.

(2) "Producer" means any person engaged in the production of thermoplastics and includes any person who has thermoplastics produced for him pursuant to toll agreement, but does not include injection, compression or extrusion molders.

(3) "Class I uses" means those uses set forth in Exhibit A annexed hereto and made a part hereof.

(4) "Class II uses" means those uses set forth in Exhibit B annexed hereto and made a part hereof.

(5) "Class III uses" means those uses set forth in Exhibit C annexed hereto and made a part hereof, except as hereinafter in paragraph (a) (6) otherwise provided.

(6) "Class IV uses" means those uses set forth in Exhibit D annexed hereto and made a part hereof, except that until September 1, 1942, such uses shall be considered as Class III uses.

(7) "Orders for Class I, II, and III uses" mean orders for the uses set forth in paragraphs (a) (3), (4) and (5) hereof exclusive of defense orders as defined in priorities regulation No. 1, as amended from time to time.

(8) Application should be made to the War Production Board, attention Chemicals Branch, with respect to the classification of uses not mentioned in paragraphs (a) (3), (4), (5) and (6) hereof.

(9) "15-day production period" shall refer to those periods of the month commencing with the first and fifteenth days thereof and ending with the fourteenth and last days thereof (all days inclusive), respectively.

(b) *Placing of orders.* On and after September 1, 1942, no producer shall accept and no person shall tender an order for delivery of thermoplastics unless such order is accompanied by a certificate manually signed by the person (or his duly authorized agent) tendering such order containing representations by the person seeking delivery that the thermoplastics sought will not be used in violation of paragraph (f) of this order.

(c) *Compulsory acceptance of certain orders.* In addition to the orders, acceptance of which is compulsory under Priorities Regulation No. 1, as amended from time to time, and subject to the same terms and conditions applicable thereto, and subject to the provisions of paragraph (b) hereof, orders for delivery of thermoplastics for Class I, II, and III uses must be accepted by a producer.

(d) *Scheduling of production.* Anything in Priorities Regulation No. 1 to the contrary notwithstanding, on the first and fifteenth days of each month commencing with the 1st day of November, 1942, each producer shall schedule production (and make delivery) under orders on hand which must be put in process during the then current 15-day production period to meet the delivery dates specified in such orders on such days, respectively, in accordance with the following directions.

(1) Provision shall be made for filling, insofar as possible, defense orders in accordance with the applicable provisions of Priorities Regulation No. 1, as amended from time to time.

(2) After provision has been made for filling defense orders, provision shall be made for filling, insofar as possible, orders for Class I uses. Whenever a producer will be unable to fill orders for Class I uses, all orders for such uses shall be filled on an equal basis percentage-wise, regardless of preference ratings.

(3) After provision has been made for filling defense orders and orders for Class I uses, provision shall be made for filling, insofar as possible, orders for Class II uses to the extent of 50%, and no more, of each order. Whenever a producer will be unable to fill orders for Class II uses to the extent of 50%, and no more, of each such order, all orders for such uses shall be filled on an equal basis percentage-wise regardless of preference ratings.

(4) After provision has been made for filling defense orders, orders for Class I uses and orders for Class II uses (to the extent of 50%, and no more), provision shall be made for filling, insofar as possible, the unfilled portion of orders for Class II uses and orders for Class III uses, the unfilled portion of orders for Class II uses and orders for Class III uses receiving equal quantities of thermoplastics, by weight, regardless of preference ratings, until orders for Class II uses have been filled in toto. Whenever a producer will be unable to fill the unfilled portion of orders for Class II uses or orders for Class III uses, the unfilled portion of orders for Class II uses shall, as a class, be filled on an equal basis percentage-wise, regardless of preference ratings, and orders for Class III uses shall likewise, as a class, be filled on an equal basis percentage-wise, regardless of preference ratings. Provision shall not be made for the filling under this paragraph (d) (4) of those orders for Class III uses which will be filled by the use of scrap as provided in paragraph (e) hereof.

(5) Except as may be otherwise directed by the Director General for Operations, no orders shall be put in process except in accordance with the provisions of paragraphs (d) (1), (2), (3) and (4) hereof.

(e) *Use of scrap.* (1) Producers may use 100% scrap (built up with the amount of solvent and plasticizer necessary for reprocessing) resulting from the production of thermoplastics to fill orders for Class III uses without regard to the provisions of paragraph (d) hereof: *Provided*, That:

(i) Such scrap is not of a quality (excluding considerations of color) to permit it to be used to fill defense orders or orders for Class I or Class II uses, and

(ii) The quantity of such scrap does not exceed 15% of the producer's production (estimated for the month in which the scrap is to be used) of the type of thermoplastic material involved.

(2) Persons obtaining scrap from the processing of thermoplastics delivered to them may use such scrap for a use other than that for which the thermoplastics were delivered (as set forth in the certificate furnished pursuant to the provisions of paragraph (b) (3): *Provided*, That:

(i) Such scrap is not of a quality (excluding considerations of color) to permit it to be used for the use for which the thermoplastics from which it was obtained were delivered, and

(ii) The quantity of such scrap does not exceed 15% of the quantity of thermoplastics from which it was obtained.

(f) *Prohibited uses.* (1) On and after September 1, 1942, no producer shall deliver thermoplastics for uses set forth in Exhibit D annexed hereto (regardless of preference ratings): *Provided, however*, That deliveries of thermoplastics for such uses may be made if the order therefor was received and put in process prior to June 27, 1942.

(2) On and after September 1, 1942, no person shall use thermoplastics for uses set forth in Exhibit D annexed hereto other than the quantities in his inventory prior to the effective date of this order or the thermoplastics that may be delivered pursuant to the provisions of paragraph (f) (1) hereof (regardless of preference ratings).

(g) *Exceptions.* (1) Nothing in paragraph (b) contained shall apply to deliveries to or for the account of:

(i) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, The Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the

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[1] This order as amended adds List A-1.

[2] 7 F.R. 6076.

[1] 7 F.R. 2579, 3033, 4474, 6934.

[2] 7 F.R 4842, 5643, 6419.

Office of Scientific Research and Development;

(ii) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom including its Dominions, Crown Colonies and Protectorates, and Yugoslavia; and

(iii) The government of any country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(2) Nothing in paragraph (f) contained shall apply to deliveries to or for the account of, or use by, the Army or Navy of the United States or the United States Maritime Commission.

(h) *Effect on other orders.* Nothing in this order contained shall be construed to permit the manufacture of any item or of more units of any item listed under Class I, II or III uses if the manufacture of said item has been prohibited or curtailed by the terms of another order of the Director General for Operations whether heretofore or hereafter issued.

(i) *Reports.* Reports shall be made at such times and on such forms as shall be prescribed therefor by the Chemicals Branch of the War Production Board.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of thermoplastics conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Director General for Operations by addressing a letter to the War Production Board, Chemicals Branch, reference M-154, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(l) *Notification of customers.* Producers of thermoplastics shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but the failure to give such notice shall not excuse any such person from complying with the terms thereof.

(m) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(n) *Communications.* Acceptances of this order, all reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to War Production Board, attention Chemicals Branch, Washington, D. C., reference M-154.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R.561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of October, 1942.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT A

(Class I Uses)

Class I comprises such uses as are essential to the productive effort of the country, such as industrial equipment, transportation, and health. Only functional uses, not readily substituted by more available materials, are included in Class I, and such uses must employ the minimum amount of plastic material required for the functioning of the part. If these requirements are not met, the item shall fall in Class III even though the end use of the product would normally place it in Class I.

Public Transportation

- Commercial aircraft parts and accessories.
- Railway equipment.
- Trucks and buses:
  - (1) Safety glass.
  - (2) Control knobs.
  - (3) Lighting equipment.
  - (4) Electrical parts.
  - (5) Other functional parts.
- Merchant marine applications.

Communications

- Telephone equipment.
- Telegraph equipment.
- Radio parts, except as defined in Class III:
  - Dials.
  - Functional parts.
- Electrical transcription records and direct cutting records for radio use.
- Motion picture equipment, professional, including film.
- Photographic equipment and supplies, professional, including portrait, commercial, and graphic arts, cut films.

Industrial Productive Equipment

- Battery cases.
- Belting, transmission.
- Industrial instruments—crystals, lenses, and other parts.
- Electrical equipment, e. g., coils and condensers.
- Refrigerator parts.
- Industrial tools:
  - Handles for screw drivers and chisels, but not other carpenter tools.
  - Handles for heavy duty factory tools.
  - Oil cans and oil cups.
  - Hammer heads.
- Sewing machine parts.
- Identification, supplied by factories to employees:
  - Passes.
  - Buttons.
  - Tags.
  - Pass cases.
- Functional parts of production machinery:
  - Inspection windows and covers.
  - Sight glasses.
  - Control knobs.
- Laminated plastic instruction charts for machinery, repair and maintenance, and factory operation.
- Transparent holders for factory instructions and blue prints.
- Transparent inventory boxes.
- Weighing machines.
- Battery charging equipment.
- Printing plates.

Accessory Equipment for Industrial Plants, Offices, and Commercial Establishments

- Lighting fixtures, switches, and parts for electrical distribution.
- Control panels and parts.
- Heating equipment parts, e. g., oil burners and thermostats.
- Insulation.
- Fan parts (electric).
- Air filter and air conditioning equipment.
- Functional parts for soap dispensers and disinfectant devices.
- Parts for business machines:
  - Adding machines.
  - Billings and continuous forms handling typewriters.
  - Calculating and computing machines.
  - Dictating machines and collateral equipment, but not including machines embodying amplifiers and other facilities for recording telephone conversations, conferences and wireless messages with near and far voice control.
  - Duplicating machines, including, but not limited to ink ribbon, gelatin, off set, spirit, stencil and reproducing typewriter principle.
  - Microfilm machines.
  - Shorthand writing machines.
  - Time stamp machines.
  - Portable and non portable typewriters.
  - Accounting and bookkeeping machines.
  - Addressing machines, including, but not limited to embossing machines for plates and stencil cutting machines for fibre stencils.
  - Billing and other forms writing machines, manifolders and collateral equipment, (autographic registers not included).
  - Office composing machines (changeable type, changeable horizontal and vertical spacing, uniform impression).
  - Pay roll denominating machines and collateral equipment.

- Parts for business machines—Continued.
  - Punched card tabulating and accounting machines and collateral equipment.
  - Time recording machines, except watchman's clocks.
  - Autographic registers.
  - Cash registers and cash recording machines.
  - Check handling machines.
  - Change making machines.
- Coin handling machines.
- Envelope handling machines.
- Photographic microfilms.
- Guide cards and visible indexes.
- Counter scales.

Health Supplies for Medical, Surgical, Dental, or Veterinarian Use

- Hearing aids (individual type).
- Anaesthesia, oxygen, and respiratory equipment supplies.
- Atomizers.
- Clinical thermometers and cases.
- Diagnostic equipment and supplies.
- Hypodermic syringes and needles.
- Infant incubators.
- Instruments.
- Invalid chairs (hand operated), walkers, and crutches.
- Laboratory equipment and supplies.
- Operating room supplies and equipment.
- Optical frames for corrective use only.
- Physio-therapy equipment and supplies for institutional or professional use.
- Splints and fracture equipment.
- Sterilizers.
- Surgical dressings.
- Surgical and orthopaedic appliances (including artificial limbs).
- Ligatures, sutures, and suture needles.
- X-ray equipment and supplies, except film.
- Tooth brushes.
- Hospital beds, mattresses, and essential bedside equipment.
- Pessaries.
- Plastic pipe, connections, and accessories (medical, surgical, dental, and veterinary).
- Containers and closures, minimum functional weight, for:
  - Biologicals, anti-toxine, serums, sterile ampoules and intravenous solutions.
  - Medical chemicals (limited to medical use).
  - Antiseptics and germicides.
  - Botanical drugs.
  - Hormones and glandular products.
  - Vitamins, including human nutritional use.
  - Preparations for medicinal use, as recommended by the Health Supplies Branch of the War Production Board.
- Embalming instruments.

Food Production and Distribution

- Farm implement equipment.
- Food containers and closures, minimum functional weight.
- Harness rings, functional.
- Poultry bands.
- Identification markers for tubercular cattle.

Technical Equipment

- Technical instruments:
  - Drawing instruments.
  - Slide rules.
  - Meter wheels.
  - Gauge glasses.
  - Protective covers for instruments.
- Working models.
- Materials for scientific research.

Safety Equipment.

- Chemical protective uses.
- Fire fighting equipment.
- Industrial safety appliances:
  - Machine and mechanical guards.
  - Gas mask parts.
  - Goggles and shields.
  - Hazard measuring devices.
  - Helmets.
  - Respirators.
- Flashlights and their parts for industrial use, all types.
- Flashlight parts, civilian, except all-plastic cases or those with plastic tubes.

Housing

- Builder's hardware, except as defined in Class III:
  - Counter trim.
- Domestic heating equipment parts:
  - Blower parts.
  - Thermostat parts and housings.
  - Control buttons.
- Weather strippings.
- Plumbing fixtures:
  - Faucet handles.
  - Valve handles.
  - Essential escutcheons.
  - Shower heads.
  - Waste pipes.
- Electric switches, outlets, and escutcheon plates.
- Lighting fixtures, for permanent installation only.

EXHIBIT B

(Class II Uses)

Class II comprises such uses as have been considered essential for the convenience and welfare of the civilian population, such as commercial equipment, household appliances, and essential personal items. Only functional uses, not readily substituted by more available materials, are included in Class II, and such uses must employ the minimum amount of plastic material required for the functioning of the part. If these requirements are not met, the item shall fall in Class III, even though the end use of the product would normally place it in Class II.

Commercial Equipment

- Printing, commercial, and protective covering, except as covered in Class III.
- Price tags, sanitary, for meat and dairy products only.
- Counter tops and molding.
- Cold frames.

School and Educational Supplies

- Phonograph records, educational only, including direct cutting records for school use.
- Stereoscopes.
- Musical instruments and their functional parts, except as defined in Class III.
- Models.

Private Transportation

- Passenger automobiles:
  - Safety glass.
  - Functional parts and accessories, e. g., control knobs and escutcheons.
- Bicycle parts:
  - Lamp housings.
  - Reflector buttons.
  - Pedals.

Household Appliances and Fixtures

- Refrigerator parts.
- Sewing machine parts.
- Vacuum cleaner parts.
- Carpet sweeper parts.
- Washing machine parts.
- Stove parts.
- Garden sprinklers.
- Hose couplings and nozzles.

Essential Personal Items

- Combs, essential utility, minimum functional weight:
  - Dressing combs.
  - Pocket combs.
  - Barber and professional combs.
  - Plain tuck, back, or side combs.
- Hair pins.
- Barrettes.
- Straight razor handles.
- Electric razor housings.
- Brushes, minimum functional weight:
  - Hair.
  - Shaving.
- Buttons and buckles, minimum functional weight, utilitarian, non-decorative.
- Corset steel covering.
- Clothing accessories, essential.
- Garter, belt, and suspender parts, except the belting material.
- Shoe parts:
  - Eyelets.
  - Lace tips.
  - Box toe.
- Umbrella ferrules.
- Zippers.
- Pipe bits.
- Fountain pens.
- Ferrules for wood-cased pencils.
- Knitting needles.
- Crochet hooks.
- Watch crystals.
- Baby rattles, teething rings, and pacifiers.
- Lipstick holders.
- Service vanity cases for rouge and powder, not to exceed 1½″ diameter or 1½″ square.
- Religious articles.
- Containers for tooth paste, shaving cream, and other personal sanitary use.
- Closures, minimum functional weight.

EXHIBIT C

(Class III Uses)

Items which are useful, but are either not essential or do not meet the minimum functional weight requirements of Classes I and II.

Commercial Items

- Price tags, other than for meat and dairy products.
- Protective envelopes for documents and permanent records.
- Vending machines and parts.
- Restaurant supplies.
- Serving trays.
- Stationery supplies:
  - Desk sets.
  - Pen bases and holders.
  - Ink stands.
  - Rulers.
  - Pocket pencil sharpeners.
  - Book and catalog binders and covers.
  - Stapling machines.
- Beauty parlor equipment.
- Barber shop lather dispensers.
- Pistol grips.
- Containers and closures, not otherwise specified.
- Housing items not defined in Class I:
  - Door knobs.
  - Window lifts.
  - Storm sash.
- Reflectors, roadside or directional.
- Restaurant trays.

Household Items

- Clock cases and crystals.
- Furniture and furniture parts.
- Medical instruments, non-professional:
  - Throat lights.
  - Tongue depressors.
- Chime shields.
- Tableware:
  - Cups, saucers, plates, and tumblers.
- Pocket knives.
- Kitchen canister.
- Kitchen utensils:
  - Measuring cups and spoons.
  - Strainers.
  - Cooking accessories.
- Coin banks.
- Window shades.
- Chair seats.
- Air conditioning unit parts.
- Lighting equipment, portable or temporary lampshades and bases, and light diffusers.
- Civilian flashlights, all plastic or those with plastic tubes.
- Home, portable, or auto radio receivers:
  - Control knobs, dial lenses, and louvres.
- Phonograph records, popular and home recording.
- Fruit juicers.
- Spray closures for disinfectants and insecticides.

Personal Items

- Games and toys, dice, and playing cards.
- Sporting goods.
- Phonographic equipment and supplies, amateur, including roll films, film packs, and 8 and 16 mm. reversal films.
- Sun goggles, other than those for corrective use.
- Visors.
- Brushes, novelty or not otherwise specified.
- Mechanical pencils.
- Billfolds and pass cases.
- Hair curlers.
- Buttons and buckles, decorative.
- Shoe heels, plastic covered.
- Handbag frames and handles.
- Collar and cuff, including dope for same.

EXHIBIT D

(Class IV, Uses)

Items which are primarily novelty or ornamental, or definitely non-essential.

Commercial Items

- Soda fountain accessories.
- Beverage dispensing accessories.
- Displays:
  - Containers and packages.
  - Fixtures, mannequins, and hosiery forms, etc.
  - Advertising printing.
  - Signs.
- Restaurant and coin-operated phonograph parts.
- Amusement machines and parts.
- Artificial flowers, florists' supplies, and flower pots.
- Caskets, decorative parts.
- Thermometer and hygrometer bases and stands.
- Massaging machine parts.
- Name plates.
- Jewelry and watch boxes.
- Handles for carpenter tools, other than those defined in Class I.

Household Items

- Christmas tree ornaments and Christmas lighting fixtures.
- Baby carriage parts.
- Musical instruments—decorative parts.
- Sculptured pieces.
- Table mats, coasters, and table ornaments.
- Cutlery boxes.
- Closet accessories—shoe horns, shoe trees, clothes hangers:
  - Hat boxes.
  - Hat stands.
- Traveling bags, baggage, and handles therefor.
- Curtain fixtures and window shade pulls.
- Book ends.
- Candle sticks.
- Broom fittings and dust pans.
- Picture and mirror frames.
- Table decorations.
- Salt and pepper shakers.
- Syphon for carbonated water.
- Jigger cups.
- Napkin rings.
- Bathroom fixtures:
  - Towel bars.
  - Soap dishes.
  - Toilet seats.
  - Laundry hampers.
  - Accessories.
- Cutlery handles, table and kitchen.

Personal Items

- Binoculars and their parts and opera glasses.
- Combs:
  - Fancy side, back or tuck combs, using more material than functionally necessary.
  - Combs with plastic cases.
  - Handle combs.
  - Combination combs.
  - Combs with attachments.
- Glove fasteners.
- Cosmetic accessories.
- Artificial finger nails.
- Smokers supplies:
  - Cigarette and cigar holders and cases.
  - Pipe cases.
  - Ash trays.
  - Cigarette boxes.
- Razor boxes.
- Toilet sets.
- Jewelry.

Clothing Items

- Shoe heels, all plastic.
- Shoe uppers, woven.
- Belts, except buckles as otherwise specified.
- Gems.
- Millinery.
- Costume jewelry.
- Umbrella handles and tips.

Novelties

- Advertising and miscellaneous novelties.
- Premium items.
- Gadgets.

[F. R. Doc. 42-9773; Filed, October 1, 1942; 11:29 a. m.]

PART 3025—FLUID MILK SHIPPING CONTAINERS

[Conservation Order M-200]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain metals and materials used in the production of fluid milk shipping containers, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3025.1 *Conservation Order M-200*—(a) *Definitions.* For the purposes of this order: (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Fluid milk shipping container" means a steel container, suitable for use in connection with the transportation in bulk of fluid milk and fluid milk products, which possesses the following characteristics:

(i) A substantially cylindrical shape.

(ii) A coating of tin or a substitute sanitary coating.

(iii) A "necked in" top so that the opening is smaller than any part of the body cylinder.

(3) "Cover" shall mean the device affixed or to be affixed on a fluid milk shipping container for the purpose of protecting and retaining the contents within the container.

(4) "Neck diameter" means the measurement of the diameter of the neck or throat of a fluid milk shipping container at any point between the base and the upper rim of such neck or throat, and, in addition, shall mean that design of opening or neck which is commonly referred to by manufacturers of fluid milk shipping containers by the dimensions stated.

(b) *Restrictions on manufacture.* On and after the 1st day of October, 1942, no person shall manufacture fluid milk

shipping containers or covers except those complying with the following conditions, limitations, and specifications:

(1) *Capacity.* 4-quart, 8-quart, 10-quart, 12-quart, 20-quart, 32-quart, and 40-quart fluid milk shipping containers shall be manufactured exclusively.

(2) *20-quart fluid milk shipping containers*—(i) *Steel gauge.* Subject to rolling mill tolerances, 20-quart fluid milk shipping containers shall be constructed of the following maximum U. S. Standard gauge steel:

Breasts and necks, 20 gauge steel;
Cylinders, 22 gauge steel;
Bottoms, 18 gauge steel.

(ii) *Neck diameter.* Subject to normal operating tolerances, neck diameters are to equal $6\frac{1}{8}''$ or $7''$.

(3) *32- and 40-quart fluid milk shipping containers*—(i) *Steel gauge.* Subject to rolling mill tolerances, 32- and 40-quart fluid milk shipping containers shall be constructed of the following maximum U. S. standard gauge steel:

Breasts and necks, 18 gauge steel;
Cylinders, 18 gauge steel;
Bottoms, 16 gauge steel.

(ii) *Neck diameter.* Subject to normal operating tolerances, neck diameters of 32-quart fluid milk shipping containers to equal $6\frac{1}{8}''$ or $7\frac{1}{4}''$, and neck diameters of 40-quart fluid milk shipping containers to equal $6\frac{1}{8}''$, $7''$, or $7\frac{1}{4}''$.

(4) *Standards applying to 20-quart, 32-quart and 40-quart fluid milk shipping containers*—(i) *Covers.* Sunken cup type covers without umbrella—commonly known in the industry as "plug covers"—only are to be manufactured. Covers to be constructed of 20 gauge steel (U. S. standard), maximum. Both fluid milk shipping containers and covers are to be so constructed as to enable the latter to be used interchangeably on all containers with the same or similar neck diameters.

(ii) *Handles.* Stamped steel upright handles, not tubular in form or construction, only, shall be manufactured and used for 20-quart, 32-quart, and 40-quart fluid milk shipping containers.

(c) *Restrictions on use of steel.* During the period from July 1, 1942 to June 30, 1943, no person shall put into process or process, for the manufacture of fluid milk shipping containers and covers, iron and steel of a total weight greater than 35% of the total weight of iron and steel which he processed or put into process for this purpose during the period between July 1, 1941, and June 30, 1942.

(d) *Exceptions.* (1) The provisions of subparagraphs (2), (3) and (4) of paragraph (b) hereof shall not apply to fluid milk shipping containers of other than 20-quart, 32-quart and 40-quart capacities.

(2) Nothing in this order shall be construed to prevent any person now engaged in the manufacture of fluid milk shipping containers from using steel of a gauge heavier than that permitted by paragraph (b) of this order, or material for handles other than that permitted by paragraph (b) (4) (ii) of this order, which he had on hand or on order on or before the 1st day of October, 1942, in the manufacture of any part of a fluid milk shipping container: *Provided,* That the manufacture of said fluid milk shipping container is completed on or before the 1st day of November, 1942.

(e) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(2) *Records.* All persons affected by this order shall keep and preserve for not less than two years after the effective date of this order accurate and complete records concerning inventories, production, and sales.

(3) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(4) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that compliance therewith would disrupt or impair any program of conversion from non-defense to defense work, or that compliance therewith would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of materials conserved, may apply for relief to the War Production Board by letter or other written communication, setting forth the pertinent facts and the reason or reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he may deem appropriate.

(6) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Branch, Washington, D. C. Ref: M-200.

(P.D. Reg. 1, as amended, 6 F.R. 6680; WPB. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F. R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9771; Filed, October 1, 1942; 11:28 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[Amendment 8 to Maximum Price Regulation 122[1]]

MISCELLANEOUS SOLID FUELS DELIVERED FROM FACILITIES OTHER THAN PRODUCING FACILITIES—DEALERS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1340.255 paragraph (e) is added, in § 1340.258 (a) subparagraphs (7), (8), (9), and (10) are added, in § 1340.261 paragraph (c) is amended and a new § 1340.261a Appendix B is added to read as set forth below:

§ 1340.255 *Records and reports.* * * *

(e) Persons filing statements or reports under paragraph (b) of this § 1340.255 of this Maximum Price Regulation No. 122 shall file such reports with the appropriate War Price and Rationing Board of the Office of Price Administration for each place of business of such person, except that any reports previously filed with the Office of Price Administration in Washington or with the appropriate Regional or State Office of the Office of Price Administration shall be deemed to be properly filed and will be transmitted to the War Price and Rationing Board. Reports of adjustment under paragraph (c) of § 1340.261 of this Maximum Price Regulation No. 122 will also be filed with the appropriate War Price and Rationing Board as provided in subparagraph (7) of said paragraph (c).

§ 1340.258 *Definitions* (a) * * *

(7) "Seller" means a person subject to this Maximum Price Regulation No. 122.

(8) "Affiliated supplier" means a person supplying solid fuel who is the same person as the seller receiving such solid fuel or who owns or controls the seller receiving such solid fuel or who is owned or controlled by either the seller receiving such solid fuel or by a person owning or controlling the seller receiving such solid fuel.

(9) "Unequipped dealer" means a seller who is engaged in the business of purchasing solid fuel for resale, and delivers the solid fuel resold by him to consumers from his supplier's place of business, without storing the same, except in a truck or wagon, and who has no facilities customarily used for storing solid fuel other than a truck or wagon.

(10) "Appropriate War Price and Rationing Board" means the War Price and Rationing Board for the area in which is located the seller's place of business from which the solid fuel is offered for sale.

§ 1340.261 *Appendix A: Maximum prices for solid fuels delivered from facilities other than producing facilities.* * * *

(c) If the maximum price cannot be determined under paragraph (a) or (b) of this section, or if a seller chooses to depart from paragraphs (a) or (b), he shall determine his maximum price under this paragraph (c). In general, this paragraph (c) allows the weighted average price received in December 1941, plus subsequent increases in the purchase cost. A price may be computed in 1942 for purchase cost increases prior to October 1, 1942. If the seller later wishes to make a computation or recomputation, he may do so only during the months of January or April 1943, upon the basis of purchase cost increases actually incurred in the three-month period prior to such month. However, unequipped dealers are not subject to this time restriction and may compute their prices under subparagraph (1) below. The previous four sentences are explanatory, and the maximum prices provided by this paragraph (c) are determined specifically, as follows:

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3239, 3666, 3856, 3940, 3941, 5024, 5567, 5835

(1) *Adjustment for unequipped dealers.* The unequipped dealer may add to the highest price actually charged for deliveries of each kind, size and quality of solid fuel during the period December 15–31, 1941, any increased cost he currently pays his supplier for the same solid fuel over the highest cost per ton he paid for such solid fuel delivered during the period December 15–31, 1941.

The highest price shall be separately determined for each class of customer, and quantity of delivery according to the established sales practices of the unequipped dealer.

(2) *Adjustment for equipped dealers.* In computing the maximum price for the sale of a particular size, kind and quality of solid fuel, the seller shall add (i) the "weighted average price" charged during December 1941 for such solid fuel, to (ii) the amount, if any, by which the "weighted average purchase cost" of such solid fuel delivered during the "current cost period" exceeds the "weighted average purchase cost" of the solid fuel during the "base cost period."

(3) The "weighted average price" shall be determined by dividing (i) the total amount charged by such seller for deliveries during December 1941, by (ii) the total tonnage delivered by such seller during that month. The amount charged shall be computed before the deduction or addition, as the case may be, of any allowances, discounts, or special service charges of the types indicated in paragraph (f) of this section. Both (i) the total amount charged and (ii) the total tonnage delivered shall be computed upon the basis of deliveries of:

(*a*) The same size, kind and quality of solid fuel;

(*b*) In similar quantities;

(*c*) To purchasers of the same class (e. g., domestic, commercial, industrial);

(*d*) By the same method of delivery (e. g., truck, rail, etc.); and

(*e*) Under the same terms of delivery (e. g., delivered to the purchaser or f. o. b. transportation facilities at the seller's yard, dock, or terminal facilities, etc.).

(4) (i) The "weighted average purchase cost" during either the "current cost period" or the "base cost period" shall be determined by dividing (*a*) the total amount charged to the person computing his price for deliveries to him during the period involved of the size, kind and quality of solid fuel involved, f. o. b. supplier's shipping point (mine, dock, plant or yard) by (*b*) the total tonnage received by him during the period involved.

(ii) A deduction shall be made, pursuant to this subdivision (ii), when a person computing a "weighted average purchase cost" for the "current cost period" has an increase in the cost of the size, kind and quality involved, at the point from which his supplier shipped the solid fuel, without a corresponding increase in the cost of such fuel delivered to him. Such increases in the cost of the solid fuel f. o. b. supplier's shipping point, to the extent they are not reflected in the cost of such fuel f. o. b. the person's yard, dock or terminal facilities, shall not be used in the computation of the "weighted average purchase cost". The amount of the increases, not reflected in the delivered cost, must be deducted from the total amount referred to under (*a*) of subdivision (i) of this subparagraph (4) before dividing it by the total tonnage referred to under (*b*) of said subdivision (i).

(iii) In the event that any tonnage was received from an affiliated supplier, the computation shall be made in accordance with subparagraph (8).

(5) The "current cost period" is a three-month period composed of the latest calendar month prior to October 1, 1942 during which the size, kind and quality involved was received and the two immediately preceding calendar months whether or not any such solid fuel was received in such preceding months. If the computation is being made in January or April 1943, the current cost period shall be the three-month period immediately preceding January 1 or April 1, (that is, October, November, December 1942, or January, February, March 1943).

(6) The "base cost period" is a three-month period in 1941 composed of the latest calendar month in that year in which the size, kind and quality involved was received and the two immediately preceding calendar months whether or not any such solid fuel was received in such preceding months.

(7) *Posting and reports.* No maximum price may be established under this paragraph (c) unless and until the maximum price for each size, kind and quality of solid fuel is posted in accordance with the provisions of paragraph (j) of this § 1340.261 of this Maximum Price Regulation No. 122. All sellers other than unequipped dealers shall also file any maximum price computed under this paragraph (c) together with the amount of any price adjustment on the Form No. 1122.1 set forth in § 1340.261a Appendix B of this Maximum Price Regulation No. 122, with the appropriate War Price and Rationing Board of the Office of Price Administration. The records and data upon which such adjustment is based shall be kept for the inspection of the Office of Price Administration.

(8) *Purchases from affiliated suppliers; special computation.* In determining the "weighted average purchase cost" under subparagraph (4) above to the extent that any tonnage was received from an affiliated supplier, the computation of the total amount paid by the seller for the size, kind, and quality involved shall be replaced by a computation of the average amount received for such solid fuel by the supplier from all independent purchasers who are persons subject to this Maximum Price Regulation No. 122. Such average amount received shall be determined by dividing (i) the total amount charged by such supplier to such independent purchasers for deliveries during the period involved (the current cost period or the base cost period, as the case may be) by (ii) the total tonnage delivered by such supplier to such independent purchasers during the same period. The average amount thus determined shall then be multiplied by the tonnage received from the supplier in question, during the period involved, by the person who is computing his price under this paragraph (c). The amount resulting from this computation shall then be substituted for the amounts charged the person computing his price by his affiliated supplier in determining the total amount under (*a*) of subdivision (i) of subparagraph (4) above in the computation of the "weighted average purchase cost."

§ 1340.261a *Appendix B: Form for computation of weighed average purchase costs, weighted average price, and price adjustment for solid fuels delivered from facilities other than producing facilities pursuant to § 1340.261, paragraph* (c) *of this Maximum Price Regulation No. 122.*

Form No. 222: 1 *Sheet 1*

------------------ ------------------
(Name of Dealer (Date

------------------ ------------------
(Address) (Kind and Size of Solid Fuel)

------------------ ------------------
(City (County) (State) (Dealer's Brand Name)

(A dealer will use one copy of SHEET 1 for each size, kind and quality of solid fuel for which he wishes to adjust his maximum prices.)

Base Cost Period. Pursuant to § 1340.261 (c) (6) of this Maximum Price Regulation No. 122 from the records of shipments received during the latest calendar month in 1941 in which the solid fuel in question was received and the two immediately preceding calendar months, if the same solid fuel was received in such preceding calendar months, enter the information requested with respect to each of such shipments during those three months.

Month received	Company purchased from	Net tons purchased	Price paid per net ton f. o. b. supplier's shipping point	Amount paid f. o. b. supplier's shipping point

Total tons-- Total amount paid $--------------------

Weighted average purchase cost per net ton (divide total amount paid by total tons).

Item A--$--------------------

Current cost period. Pursuant to § 1340.261 (c) (5) of this Maximum Price Regulation No. 122, (a) for reports submitted during the year 1942 from records of shipments received during the latest calendar month prior to October 1, 1942 in which the solid fuel in question was received and the two immediately preceding calendar months, if the same solid fuel was received in such preceding calendar months, enter the information requested with respect to each of such shipments during those three months; or (b) for reports submitted during January or April 1943 from records of shipments received during the three calendar month period preceding January 1 or April 1, 1943, enter the information requested with respect to each of those shipments during those three months.

Month received	Company purchased from	Net tons purchased	Price paid per net ton f. o. b. supplier's shipping point	Amount paid f. o. b. supplier's shipping point

Total tons-- Total amount paid $--------------------

Weighted average purchase cost per net ton (divide total amount paid by total tons).

Item B--$--------------------

Sheet 2

Weighted average price determined as follows:

Class of purchaser for which new maximum price shown below is being determined:

(A dealer will use as many copies of SHEET 2 as he has classes of customers, established by his own sales practices, for which he wishes to adjust his maximum prices.)

Total Sales Revenue from the above class of purchaser of the solid fuel specified on SHEET 1 during December 1941-------------------- $-----------

Total Tonnage Sold to the above class of purchaser of the solid fuel specified on SHEET 1 during December 1941-------------------- $-----------

December 1941 Weighted Average Price

(Divide Total Sales Revenue by Total Tonnage Sold) Item C-------------------- $-----------

This average has to be determined for each class of purchaser where different price classes are in use by the dealer.

Computation of price adjustment:

(All Figures Per Net Ton)

1. Current Cost Period Weighted Average Purchase Cost (Item B, SHEET 1)-------------- $-----------
2. Base Cost Period Weighted Average Purchase Cost (Item A, SHEET 1)----- $-----------
3. Computed Price Adjustment (line 1 minus line 2)-------------------- $-----------
4. December 1941 Weighted Average Price (Item C, above) ---------------- $-----------
5. NEW MAXIMUM PRICE (line 3 plus line 4)------ $-----------

(Signature)

(Title)

The signature is not required to be acknowledged before a notary public. Pursuant to section 205 (b) of the Emergency Price Control Act of 1942, it is a criminal offense punishable by a fine of not more than $5,000, or by imprisonment for not more than one year, or both, to make any false statement of entry in the above report.

§ 1340.260a *Effective dates of amendments.* * * *

(h) Amendment No. 8 (§§ 1340.255 (e), 1340.258 (a) (7), (8), (9) and (10), 1340.261 (c) and 1340.261 (a)) to Maximum Price Regulation No. 122 shall become effective October 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9749; Filed, September 30, 1942; 3:20 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Amendment 12 to Ration Order 5A [1]]

GASOLINE RATIONING REGULATIONS

Paragraph (a) of § 1394.506 is amended; and a new paragraph (m) to § 1394.1902, is added; as set forth below:

Supplementary Rations

§ 1394.506 *Preferred mileage.* * * *

(a) By a duly elected or appointed agent, officer, representative, or employee of a Federal, State, local, or foreign government or government agency, for performing the official business or carrying out an official function of such government or government agency, in a passenger automobile or motorcycle not owned or leased by such government or government agency.

(1) For the purpose of this paragraph:

(i) Daily or periodic travel between home or lodgings and a fixed place of work shall not (except as provided in (ii) or (iii) hereof) be deemed performance of official business or carrying out an official function.

(ii) Travel by a member of a Board between home or lodgings and the place at which such Board conducts its business, or compensated travel by a member of the Selective Service System between home or lodgings and the place at which the business of the Selective Service System is conducted, shall be deemed performance of official business; and

(iii) Travel by duly elected members of Federal or State legislative bodies:

Between their places of residence and the city or town of legislative session;

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[1] 7 F.R. 5225, 5362, 5426, 5566, 5606, 5666, 5674, 5942, 6267, 6684, 6776, 7399, 7510, 7748.

Within such city or town and within their respective legislative districts in connection with their functions as legislators (except daily or periodic travel between home or lodgings and a fixed place of work); or elsewhere in pursuit of legislative business, shall be deemed the carrying out of an official function.

* * * * *

Effective Date

§ 1394.1902 *Effective dates of amendments.* * * *

(m) Amendment No. 12 (§ 1394.506 (a)) shall become effective October 5, 1942. (Pub. No. 671, 76th Cong., 3rd Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess., and by Pub. No. 507, 77th Cong., 2nd Sess., Pub. No. 421, 77th Cong., 2nd Sess., W.P.B. Directive No. 1, Amendment No. 2 to Supp. Dir. No. 1 (H) 7 F.R. 562, 3478, 3877, 5216).

Issued this 30th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9746; Filed, September 30, 1942; 3:21 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Revised Zoning Order 1 Under Rationing Order 3[1]]

SUGAR RATIONING REGULATIONS

ORDER ESTABLISHING ZONES

Pursuant to § 1407.168 the following order is hereby issued: § 1407.281 (Zoning Order 1) is amended as set forth below:

§ 1407.281 *Establishment of zones; authorization of certain deliveries, shipments and transfers.* (a) The following zones are hereby established:

Zone 1 shall include the State of Rhode Island; and Worcester, Middlesex, Essex, Norfolk, Bristol, Plymouth, Barnstable, Suffolk, Nantucket and Dukes Counties in the State of Massachusetts.

Zone 2 shall include the State of Connecticut; all points in the State of New York where the base rate is 14 cents or less; and all points in the State of New Jersey where the New York City base rate is 12 cents or less.

Zone 3 shall include the State of Delaware; that part of the State of New Jersey not included in Zone 2; and all points in the State of Pennsylvania where the base rate is 14 cents or less.

Zone 4 shall include the State of Maryland, except for Garrett and Allegany Counties; the District of Columbia; Berkeley and Jefferson Counties in the State of West Virgina; and all points in the State of Virginia where the base rate is 19 cents or less.

Zone 5 shall include all points in the States of South Carolina and Georgia where the base rate is 15 cents or less.

Zone 6 shall include the State of North Carolina; those parts of the States of South Carolina and Georgia not included in Zone 5; and that part of the State of Florida which lies east of the Apalachicola River.

Zone 7 shall include the States of Arkansas, Alabama, Louisiana and Mississippi; and that part of the State of Florida which lies west of the Apalachicola River.

Zone 8 shall include all points in the State of Texas where the base rate is 35 cents or less.

Zone 9 shall include the lower peninsula of the State of Michigan.

Zone 10 shall include the States of Maine, New Hampshire, Vermont and Ohio; that part of the State of Massachusetts not included in Zone 1; that part of the State of New York not included in Zone 2; that part of the State of Pennsylvania not included in Zone 3; those parts of the States of Maryland, West Virginia and Virginia not included in Zone 4; and all points in the State of Indiana where the base rate is based on shipments from Baltimore, Maryland.

Zone 11 shall include all of the continental United States not included in Zones 1 to 10 inclusive.

(b) "Base rate" as used herein, refers to the lowest published refiner's base rate in effect on the date of issuance of this Revised Zoning Order 1.

(c) Sugar may be delivered, shipped or transferred from Zone 11 to any point in Zones 1, 8 or 10.

(d) From the effective date of Revised Zoning Order 1 to November 1, 1942, confectioner's sugar in bulk may be shipped, delivered or transferred: (1) from Zone 1 to any point in the States of Maine, New Hampshire, Vermont and Massachusetts; (a) from Zone 2 to any point in the State of New York; (3) from Zone 3 to any point in the State of Pennsylvania; (4) from Zone 4 to any point in the States of Maryland, West Virginia, and Virginia and to any point in the State of North Carolina where the base rate is based on shipments from Baltimore, Maryland; (5) from Zone 5 to any point in Zone 6 except any point in the State of North Carolina where the base rate is based on shipments from Baltimore, Maryland; and (6) from Zone 7 to any point in the States of Kentucky and Tennessee.

(e) Any carrier who has, prior to the effective date of this Revised Zoning Order 1, accepted sugar for a delivery, shipment or transfer not at that time prohibited by §§ 1407.168 and 1407.281 as amended (Zoning Order 1 as amended), may complete such delivery, shipment or transfer after the effective date of this Revised Zoning Order 1.

(f) This Revised Zoning Order 1 shall become effective September 30, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1 and Supp. Dir. No. 1E, § 1407.168 of Rationing Order No. 3)

Issued this 30th day of September 1942.

HAROLD B. ROWE,
Director, Food Rationing Division.

[F. R. Doc. 42-9755; Filed, September 30, 1942; 5:06 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 35 to Supplementary Regulation 14[1] of General Maximum Price Regulation[2]]

VANILLA BEANS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.* A new subparagraph (31) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modifications of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

* * * * *

(31) *Vanilla beans.*—(i) *Maximum prices.* The maximum prices for vanilla beans shall be as follows:

	Dollars per pound f. o. b. New York or Philadelphia
Mexican—Superior to Extra (Prime)	$11.00
Mexican—Cuts—First Quality	10.00
West Indies—Regular	10.00
Java—Firsts	9.50
Bourbons—Firsts	10.00
Tahiti—White Label	6.00
Tahiti—Yellow Label	5.75

In all cases the above descriptions apply to the best quality of each type and grade named. The maximum prices for grades and types not named shall be determined by applying the seller's differentials in effect during the period July–August, 1941, or the differentials of the most closely competitive seller of the same class, if the seller had no established differentials during July–August, 1941 for any grade or type of vanilla beans.

(*a*) The maximum prices quoted above are f. o. b. New York or Philadelphia. The maximum price f. o. b. any other point of entry will be determined by subtracting from the above prices the transportation charges per pound via the lowest cost available means of transportation from such point of entry to New York or Philadelphia, whichever is lower.

(*b*) The maximum delivered cost to the buyer shall be:

(*1*) If the beans are shipped from New York or Philadelphia, the maximum prices quoted above plus actual transportation charges from New York or Philadelphia to the buyer's destination, or

(*2*) If the beans are shipped to the buyer from a point of entry other than New York or Philadelphia, the f. o. b. point of entry price as determined under (*a*) above plus actual transportation charges from such point of entry to the buyer's destination.

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[1] 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6057, 6473, 6828, 6937, 7289, 7406, 7321, 7510, 7557.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7536, 7535, 7671.

[2] 7 F.R. 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 3153, 3330, 3666, 3990, 3991, 4330, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783.

(*3*) If the beans are resold, the maximum price at the point of resale, as determined in (*1*) or (*2*) above, plus actually incurred transportation charges to the ultimate buyer's destination.

(*c*) The maximum prices herein established shall include all commissions and other charges.

(ii) *Permission to carry out contracts made prior to September 30, 1942.* Notwithstanding the provisions of subdivision (i) hereof, contracts entered into prior to September 30, 1942, may be carried out at contract prices: *Provided,* That these prices shall not exceed the maximum prices for vanilla beans as established by the General Maximum Price Regulation before the issuance of this amendment. Before delivering any vanilla beans under such contracts, persons shall file with the Office of Price Administration, Washington, D. C., the following information: (*a*) date of the contract, (*b*) the name and address of the buyer and seller, (*c*) the quantity, type and grade of vanilla beans involved, (*d*) the cost of the vanilla beans to the seller, (*e*) the price contracted for with the buyer and (*f*) the delivery date provided for in the contract.

(iii) *Less than maximum prices.* Lower prices than the maximum prices established by Amendment No. 35 to Supplementary Regulation 14 may be charged, demanded, paid or offered.

(iv) *Evasion.* The Price limitations set forth in this amendment shall not be evaded, whether by direct or indirect methods in connection with the purchase, sale, delivery or transfer of vanilla beans, or by way of premium, commission, service, transportation or other charge, or by changing grade standards, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on September 30, 1942, or by any other means.

(b) *Effective dates.* * * *

(36) Amendment No. 35 (§ 1499.73 (a) (31)) to Supplementary Regulation No. 14 shall become effective September 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9753; Filed, September 30, 1942; 5:06 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Correction to Amendment 1 to Maximum Price Regulation 211[1]]

COTTON GINNING SERVICES

In paragraph (a) of § 1499.566a the effective date of Amendment No. 1 is corrected as set forth below:

§ 1499.566a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1499.559 and 1499.566a) to Maximum Price Regulation No. 211 shall become effective September 17, 1942.

§ 1499.566a *Effective dates of amendments.* * * *

(c) Correction (§ 1499.566a) to Amendment No. 1 shall become effective September 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9747; Filed, September 30, 1942; 3:20 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 56 Under § 1499.18 (c) of General Maximum Price Regulation—Docket GF 3-207 and GF 1-304-P]

AUSTIN NICHOLS & CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.906 *Adjustment of maximum prices for domestic cordials sold by Austin Nichols & Co. Incorporated.* (a) Austin Nichols & Co. Incorporated of 17 Prout Street, New Haven, Connecticut, may sell and deliver and any person may buy and receive from Austin Nichols & Co. Incorporated the following commodities at prices not higher than those set forth below:

	Fifths	*Tenths*
Cordials (per case):		
Anisette	$17.30	$18.10
Apricot Liqueur	19.45	20.25
Blackberry Liqueur	19.45	20.25
Cherry Liqueur	19.45	20.25
Creme de Cacao	19.45	20.25
Creme de Menthe, green or white	17.30	18.10
Peach Liqueur	19.45	20.25
Triple Sec	19.75	20.55
Kummel	21.00	21.80
Fruit flavored brandies (per case):		
Apricot	$20.60	$21.40
Blackberry	20.60	21.40
Cherry	20.60	21.40
Peach	20.60	21.40

(b) Retailers doing business in the State of Connecticut may sell and deliver the commodities listed in paragraph (a) and any person may buy and receive from retailers doing business in the State of Connecticut the commodities listed in paragraph (a) at $2.49 per ⅕ and $1.29 per 1/10 or at the maximum prices established for the particular retailer under § 1499.2 of the General Maximum Price Regulation, whichever is higher.

(c) The adjustment granted to Austin Nichols & Co. Incorporated in paragraph (a) is subject to the following conditions:

(1) That such adjustment shall be limited to sales made in the State of Connecticut and delivered in the State of Connecticut.

(2) That within thirty days of the effective date of this order, Austin Nichols & Co. Incorporated shall send written notification to all retail sellers of the commodities listed in paragraph (a) doing business in the State of Connecticut. Said written notification shall read as follows:

> A price increase for Austin Nichols & Co. Incorporated domestic distilled cordials has been granted to us by the Office of Price Administration. This increase was granted because our March 1942 prices to retailers in the State of Connecticut were abnormally low in relation to the prices charged by our competitors. You are therefor permitted to charge $2.49 per ⅕ and $1.29 per ⅒ or your maximum prices established under § 1499.2 of the General Maximum Price Regulation, whichever are higher. You are required to keep this notification for examination.

(d) All prayers of the Petition (Docket No. GF3-207) not granted herein are denied.

(e) This Order No. 56 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 56 (§ 1499.906) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 56 (§ 1499.906) shall become effective October 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9748; Filed, September 30, 1942; 3:20 p. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service

PART 11—FOREIGN QUARANTINE

APPLICATION OF CERTAIN LAWS AND REGULATIONS TO CIVIL AVIATION

NOTE: For the text of the amendments to this part see Title 19—Customs Duties, Part 4—Air Commerce Regulations, *supra.*

TITLE 46—SHIPPING

Chapter I—Bureau of Customs

[T. D. 50732]

Subchapter A—Documentation, Entrance and Clearance of Vessels, Etc.

TRANSPORTATION OF MERCHANDISE BETWEEN ALASKA AND CANADA IN CANADIAN VESSELS

SEPTEMBER 28, 1942.

An order waiving compliance with the provisions of section 27 of the Merchant Marine Act, 1920, as amended.

Coastwise laws waived to extent necessary to permit Canadian vessels to transport merchandise between ports in Alaska and ports in Canada as a portion of the transportation of that merchandise between points in Alaska and points in the continental United States.

Upon the written recommendation of the Administrator of the War Shipping Administration and pursuant to the authority vested in me by the provisions of section 501 of the Second War Powers Act, 1942 (Public Law 507, 77th Congress), I hereby waive compliance with the provisions of section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 883), to the extent necessary to permit the transportation of merchandise on Canadian vessels between ports in Alaska and ports in Canada as a portion of the transportation of that merchandise between points in Alaska and points in the continental United States. I deem that such action is necessary in the conduct of the war.

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[1] 7 F.R. 7406.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-9752; Filed, September 30, 1942; 4:36 p. m.]

Chapter IV—War Shipping Administration

[General Order 8 (Revised), Supp. 1A]

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

BASIS FOR DETERMINATION OF TIME CHARTER HIRE

Basis for the determination of time charter hire under charter parties tendered by the War Shipping Administration to owners of American-flag tankers under 7,000 deadweight tons chartered or requisitioned for use pursuant to the provisions of sec. 902 of the Merchant Marine Act, 1936, as amended.

1. General Order No. 8 (Revised)[1] Supplement No. 1 (§§ 302.17 to 302.21, incl.)[2] dated June 15, 1942, is hereby amended by striking therefrom the words and figures "Under 7,000 $4.65 per DWT per month" contained in the last line of Paragraph 2 thereof (§ 302.18) and substituting therefor the following:

	Per DWT per month
6,000 to 7,000	$4.65
5,000 to 6,000	5.00
4,000 to 5,000	5.40
3,500 to 4,000	5.60
3,000 to 3,500	5.85
2,500 to 3,000	6.15
2,000 to 2,500	6.50
1,500 to 2,000	6.90
1,000 to 1,500	7.35

2. This order shall become effective and the rates herein shall apply from the effective date of the requisition or charter of any tank vessel affected hereby and shall apply with the same force and effect as though such rates were originally contained in and made a part of General Order No. 8 (Revised) Supplement No. 1 (§§ 302.17 to 302.21, incl.).

(E.O. 9054, 7 F.R. 837)

[SEAL] E. S. LAND,
Administrator.

SEPTEMBER 30, 1942.

[F. R. Doc. 42-9761; Filed October 1, 1942; 11:22 a. m.]

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[1] 7 F.R. 6543.
[2] 7 F.R. 6544.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Order ODT 24]

PART 500—CONSERVATION OF RAIL EQUIPMENT

SUBPART D—PASSENGER TRAIN OPERATIONS RESTRICTED

By virtue of the authority vested in me by Executive Order No. 8989, issued December 18, 1941, and in order to make available railway cars, motive power, and other transportation facilities and equipment for the preferential transportation of troops and material of war, as contemplated by section 6 (8) of the Interstate Commerce Act, as amended; to prevent shortages of equipment necessary for such transportation; to conserve and providently utilize railway cars, motive power, and other transportation facilities and service; and to expedite the movement of traffic, the attainment of which purposes is essential to the successful prosecution of the war:

It is hereby ordered, That:

Sec.
500.40 Definitions.
500.41 Passenger train operations restricted.
500.42 Special and general permits.
500.43 Exemptions.
500.44 Communications.
500.45 Effective date.

AUTHORITY: §§ 500.40 to 500.45, inclusive, issued under E.O. 8989, 6 F.R. 6725.

§ 500.40 *Definitions.* As used in this subpart:

(a) The term "person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, and includes the United States or any agency, territory, or possession thereof, a State or any agency or political subdivision thereof, the District of Columbia, or any trustee, receiver, assignee, or personal representative;

(b) The term "rail carrier" means any person engaged in transportation as a common carrier by railroad in or through any of the several States or the District of Columbia;

(c) The term "passenger train" means any train operated for the purpose of transporting passengers for compensation and includes a mixed train;

(d) The term "extra section" means any passenger train operated for the purpose of handling overflow traffic from a scheduled passenger train and which leaves the terminal of origin not more that 15 minutes before or after the published departure time of such scheduled passenger train.

§ 500.41 *Passenger train operations restricted.* No rail carrier shall:

(a) Operate any passenger train schedule in addition to those which were operated during the week ending September 26, 1942;

(b) Operate an extra or special passenger train or any passenger train which is not scheduled;

(c) Operate a passenger train the consist of which includes a car, other than a railroad business car when used by railroad officials and employees on railroad business, chartered, or the use of which by prior arrangement is restricted, to a person or a number of persons travelling together as a group;

(d) Operate an extra section or sections to scheduled passenger trains unless, on 20% or more of the days for ninety (90) day next preceding the effective date of this subpart, an extra section or sections to such scheduled passenger train were operated.

§ 500.42 *Special and general permits.* The provisions of this subpart shall be subject to any special or general permit issued by the Office of Defense Transportation to meet specific needs or exceptional circumstances either of which arise from the war effort or to prevent undue public hardships.

§ 500.43 *Exemptions.* The provisions of § 500.41 of this subpart shall not apply to:

(a) Passenger trains or cars operated for the exclusive service of or through arrangements made by an agency or department of the United States;

(b) Extra sections made necessary as a result of the handling of cars primarily occupied by persons travelling under orders or directions of an agency or department of the United States;

(c) Passenger train schedules, cars, or extra sections required as a result of emergencies arising from an accident, public calamity, military necessity, or train delay: *Provided, however,* That with respect to the operation of such passenger train schedules, cars, or extra sections the chief operating officer of the operating rail carrier shall within forty-eight (48) hours of such operation make a report in writing to the Office of Defense Transportation, explaining in full the emergency requiring the operation.

§ 500.44 *Communications.* Communications concerning this subpart shall be addressed to the Division of Railway Transport, Office of Defense Transportation, Washington, D. C. Such communication shall refer to General Order ODT 24.

§ 500.45 *Effective date.* This subpart shall become effective October 4, 1942.

Issued at Washington, D. C. this 30th day of September 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-9768; Filed, October 1, 1942; 11:30 a. m.]

Notices

[Docket No. B-231]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

OSCAR VAAL

CANCELLATION OF CODE MEMBERSHIP, ETC.

In the matter of Oscar Vaal, also known as Oscar B. Vaal, code member.

Order approving and adopting proposed findings of fact, proposed conclusions of law, and recommendation of the Examiner and revocation of and cancelling code membership.

A complaint pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 having been filed with the Bituminous Coal Division on March 5, 1942, by Bituminous Coal Producers Board for District No. 11, alleging that Oscar Vaal, also known as Oscar B. Vaal, a code member in District No. 11 had violated the Bituminous Coal Code and the Rules and Regulations therein, and praying that the Division enter such order or orders and take such other and further action as may be just and proper in the premises;

A hearing having been held before Joseph D. Dermody, a duly designated examiner of the Division at a hearing room thereof in Vincennes, Indiana, on April 23, 1942;

The examiner having made and entered his report, proposed findings of fact, proposed conclusions of law, and recommendations in the matter dated August 24, 1942, in which it was found that code member wilfully violated section 4 II (e) of the Act and Part II (e) of the Code, which prohibitis the sale of coal below the effective minimum prices, by selling to various purchasers between August 1, 1941, and September 19, 1941, inclusive, 95.69 tons of 1¼" x 0 screenings (Size Group 14), produced at his Vaal Mine, Mine Index No. 622, Harrison Township, Spencer County, Indiana, District No. 11, at a price of 55 cents per net ton f. o. b. the mine, when under the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments the minimum price for such coal was $1.40 per net ton f. o. b. the mine; and

The examiner having recommended therein that the code membership of Oscar Vaal, also known as Oscar B. Vaal, be revoked and cancelled;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no exceptions and supporting briefs having been filed;

The undersigned having determined that after a consideration of the record that the proposed findings of fact, proposed conclusions of law, and recommendations of the examiner should be approved and adopted as the findings of fact and conclusions of law of the undersigned.

It is therefore ordered, That the proposed findings of fact and proposed conclusions of law of examiner be, and the same are hereby approved and adopted as a findings of fact and conclusions of law of the undersigned;

And it is further ordered, That pursuant to section 5 (b) of the Act, the code membership of Oscar Vaal, also known as Oscar B. Vaal, operating the Vaal Mine, Mine Index No. 622, located in Harrison Township, Spencer County, Indiana, District No. 11 be, and it hereby is revoked and cancelled effective fifteen (15) days from the date hereof; and

And it is further ordered, That prior to any reinstatement of Oscar Vaal, also known as Oscar B. Vaal, to membership in the Code, he shall pay to the United States a tax in the amount of $52.25 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: September 30, 1942.

[SEAL] DAN H. WHEELER,
Director

[F. R. Doc. 42-9765; Filed, October 1, 1942; 11:34 a. m.]

DEPARTMENT OF AGRICULTURE.

Office of the Secretary.

[Maximum Price Regulation 228]

FLUE-CURED TOBACCO

PROCLAMATION CONCERNING AGRICULTURAL COMMODITIES

Pursuant to Title I of the First Supplemental National Defense Appropriation Act, 1943, Public Law 676, 77th Congress, the Secretary of Agriculture has determined after investigation and hereby proclaims that the maximum prices established for flue-cured tobacco by Maximum Price Regulation No. 228[1] did at the time of the issuance of said regulation by the Price Administration and do at the time of the issuance of this proclamation reflect to the producers of flue-cured tobacco prices in conformity with section 3 (c) of the Emergency Price Control Act of 1942 (Public Law 421, 77th Congress).

Done at Washington, D. C., this 1st day of October 1942.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-9776; Filed, October 1, 1942; 11:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket 6405]

UNITED BROADCASTING COMPANY (WCLE)

NOTICE OF HEARING

In re application of United Broadcasting Company, (WCLE), dated March 28, 1940, for Construction Permit; class of service, broadcast; class of station, broadcast; location, Cleveland, Ohio; operating assignment specified: Frequency, 640 kc.; power, 50 kw. (DA, night and day); hours of operation, unlimited.

You are hereby notified that the Commission on August 18, 1942, denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942.

2. To determine whether in view of the foregoing, public interest, convenience, and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: United Broadcasting Company, Radio Station WCLE, 1311 Terminal Tower, Cleveland, Ohio.

Dated at Washington, D. C., September 28, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-9756; Filed, October, 1, 1942; 10:49 a. m.]

[Docket 6406]

NORTH CAROLINA BROADCASTING COMPANY, INC. (WBIG)

NOTICE OF HEARING

In re application of North Carolina Broadcasting Company, Inc. (WBIG), dated November 17, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Greensboro, North Carolina; operating assignment specified: Frequency, 640 kc.; power, 50 w. (DA or night and day); hours of operation, unlimited.

You are hereby notified that the Commission on August 18, 1942, denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942.

2. To determine whether in view of the foregoing, public interest, conven-

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[1] 7 F.R. 7533.

ience, and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: North Carolina Broadcasting Company, Inc., Radio Station WBIG, Box 1807, O. Henry Hotel Building, Greensboro, North Carolina.

Dated at Washington, D. C., September 28, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-9757; Filed, October 1, 1942; 10:49 a. m.]

[Docket 6408]

UNITED BROADCASTING COMPANY (WHKC)

NOTICE OF HEARING

In re application of United Broadcasting Company, (WHKC), dated March 28, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Columbus, Ohio; operating assignment specified: Frequency, 610 kc. Class III-B; power, 1 kw. (DA night); hours of operation, unlimited.

You are hereby notified that the Commission on August 18, 1942, denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942.

2. To determine whether in view of the foregoing, public interest, convenience, and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: United Broadcasting Company, Radio Station WHKC, 22 East Gay Street, Columbus, Ohio.

Dated at Washington, D. C., September 28, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-9758; Filed, October 1, 1942; 10:49 a. m.]

[Docket 6416]

CORNELL UNIVERSITY (WHCU)

NOTICE OF HEARING

In re application of Cornell University (WHCU), dated September 4, 1942, for construction permit; class of service, broadcast; class of station, broadcast; location, Ithaca, New York; operating assignment specified: Frequency, 640 kc.; power, 5 kw. (DA, night); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with the Commission's Memorandum Opinion of April 27, 1942.

2. To determine whether in view of the foregoing, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Cornell University, Radio Station WHCU, University Campus, Ithaca, New York.

Dated at Washington, D. C., September 28, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-9759; Filed, October 1, 1942; 10:49 a. m.]

[Docket 6417]

CORNELL UNIVERSITY (WHCU)

NOTICE OF HEARING

In re application of Cornell University, (WHCU), dated January 14, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Ithaca, New York; operating assignment specified: Frequency, 640 kc.; power, 1 kw. (DA, night); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with the Commission's Memorandum Opinion of April 27, 1942.

2. To determine whether in view of the foregoing, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Cornell University, Radio Station WHCU, University Campus, Ithaca, New York.

Dated at Washington, D. C., September 28, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-9760; Filed, October 1, 1942; 10:49 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4841]

VAN CAMP SEA FOOD COMPANY, INC.

COMPLAINT AND NOTICE OF HEARING

The Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of section 2 of the Clayton Act (U. S. C. Title 15, sec. 13), as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent Van Camp Sea Food Company, Inc., is a corporation, organized under and existing by virtue of the laws of the State of California with its principal office and place of business located on Terminal Island, California.

PAR. 2. Respondent is now and has been since June 19, 1936, engaged in the business of packing, offering for sale, selling and distributing certain types of canned fish including tuna which constitutes the major part of respondent's business.

In the course and conduct of its said business, respondent sells and distributes the aforesaid products, in commerce, to purchasers thereof located in the various states of the United States, and causes said products, when sold, to be shipped and transported, by rail and boat, from its places of business in the State of California to the purchasers thereof who are located in the various states of the United States other than the state of origin of shipments. There is, and has been, at all times mentioned herein, a constant current of trade and commerce in said products, between respondent, located in the State of California, and its customers located in the various other states of the United States. Said products are sold and distributed principally to wholesale grocery dealers, super markets and chain stores for use and resale within and throughout the United States.

PAR. 3. In the course and conduct of its business, as aforesaid, respondent has been, and is now, engaged in substantial competition, in commerce, with other packers, sellers and distributors of tuna fish, who for many years prior hereto, have been and are now engaged in packing, selling and distributing such products, in commerce, across state lines, to purchasers thereof located in the various states of the United States. Many of respondent's customers are competitively engaged with each other and with the customers of respondent's competitors in the purchase and resale of such products within the several trade areas, in which respondent's said customers respectively offer for sale and sell products purchased from the respondent.

PAR. 4. There are approximately eleven individuals, firms or corporations, including the respondent, all located in the State of California, who pack, distribute and sell practically all the domestic canned tuna and canned tuna products in the United States. The total annual sales value of canned tuna and tuna products in the United States amount to several millions of dollars. The business, of the respondent, in packing, distributing, and selling such products, constitutes approximately 50% of the total of such business in the United States.

PAR. 5. The respondent packs, distributes and sells different grades of tuna under designated brands and labels. Respondent's "Chicken of the Sea Select Blue Label Tuna" is the product chiefly involved in these proceedings.

PAR. 6. The Kroger Grocery and Baking Company and its subsidiaries operate in excess of 4,000 retail grocery stores in approximately 1,514 cities located in approximately eighteen states of the United States. The Kroger Grocery and Baking Company is one of the largest retail distributors of tuna and tuna products in the United States and it purchases from the respondent approximately 90% of such products, which it distributes.

PAR. 7. In the course and conduct of its business, as hereinabove described, since June 19, 1936, respondent has been and is now discriminating in price between different purchasers of its products of like grade and quality by selling such products to some of its customers at lower prices than it sells products of like grade and quality to other of its customers, many of whom are competitively engaged, one with the other, in the resale of such products within the United States.

Specifically, among such discriminations, the respondent has sold its Chicken of the Sea Select Blue Label Tuna to The Kroger Grocery and Baking Company and its subsidiaries at a price, per case, substantially lower than the price, per case, which respondent has granted and allowed to other purchasers of such products, of like grade and quality, some of which other purchasers are engaged competitively with The Kroger Grocery and Baking Company and its subsidiaries in the resale of such products.

Illustrations of the aforesaid discriminations in price are as follows:

(a) On January 23, 1937, respondent contracted to sell to The Kroger Grocery and Baking Company, 70,105 cases of tuna, as ordered to December 1, 1937, at a delivered price of $5.50 per case; (the case referred to herein consists of 48 one-half pound tins). On February 4, 1937, respondent increased, to the general trade, the case price of such product to $5.50 f. o. b. Terminal Island, California, which would make a delivered price of $5.75 per case in the territory where the Kroger company and many of its competitors do business. (For convenience respondent considers 25¢ as the approximate cost of shipping, i. e., when sales are made on a delivered price basis, the price is 25¢ per case higher than the price f. o. b. plant). When the Kroger company had purchased only 24,000 cases under said contract and when said contract had seven months yet to run, the respondent entered into a new contract with the Kroger company on May 6, 1937, to remain in effect until May 1, 1938. The latter contract provided for the purchase, by the Kroger company, of 69,396 cases of tuna at a delivered price (ex-warehouse) of $5.50 per case. During the months of March, April, May, June and July, 1937, the respondent contracted to sell and sold tuna, of a like grade and quality as above, to other purchasers, including competitors of the Kroger company, at prices of $5.50 per case, f. o. b. Terminal Island (i. e. $5.75 delivered), $5.75 f. o. b. Terminal Island (i. e. $6.00 delivered), and $6.00 f. o. b. Terminal Island (i. e. $6.25 delivered).

(b) The aforementioned contract, entered into on May 6, 1937, expired by its expressed terms on May 1, 1938. At said expiration date, there were several thousand cases of tuna, of the amount set forth in said contract, which had not been purchased by the Kroger company. For a period of over four months, to-wit, from May 1938 to September 1938, the respondent continued to allow the Kroger company to purchase tuna at a delivered price of $5.50 per case, the price set forth in said expired contract. During the said period of over four months, the respondent sold tuna of like grade and quality, to competitors of the Kroger company at prices from 50¢ to 75¢ per case higher than the price granted to the Kroger company.

(c) On several occasions during the year 1938, the Kroger company sold Chicken of the Sea Select Blue Label Tuna, through its retail stores to the consuming public, at a price of two one-half pound cans for 25¢, or computed on a case basis, at $6.00 per case. At the same time the price, per case, for tuna, of like grade and quality, charged by respondent to wholesalers, was either $6.00 to $6.25 per case. On September 8, 1938, the Kroger company advertised, in Cincinnati, Ohio, Chicken of the Sea, two one-half pound cans for 25¢. On September 1 and September 9, 1938, a competitor of the Kroger company in Cincinnati, Ohio, purchased tuna, of like grade and quality from respondent, at $6.25 per case f. o. b. Cincinnati. The wholesale price to the Kroger company's competitor was 25¢ a case more than the retail price charged by the Kroger company to the consuming public.

PAR. 8. The effect of the aforesaid discrimination in price among such customers may be, has been and is substantially to lessen competition and tend to create a monopoly in said line of commerce and to injure, destroy and prevent competition between respondent and its competitors and among the customers of respondent.

PAR. 9. In the course and conduct of its business, as aforesaid, and contrary to the provisions of subsection (e) of said section 2 of the Clayton Act (U. S. C. Title 15, sec. 13), as amended by the Robinson-Patman Act, respondent is now and since June 19, 1936, has been discriminating in favor of certain of its customers against other of its customers by contracting to furnish and by furnishing to the former certain services or facilities in connection with the sale, or offering for sale, of their products so purchased by them upon terms not accorded to all their customers on proportionally equal terms.

Illustrations of the aforesaid discrimination in services or facilities are as follows:

(a) Respondent maintains consigned stocks of tuna in warehouses strategically located in several cities throughout the United States from which warehouses purchasers of less than carload quantities are supplied. When consigned stocks are held in such warehouses one month the price of the tuna is increased 5¢ per case; when such stocks are so held longer than one month, the said price is increased 10¢ a case. When the Kroger Grocery and Baking Company or its subsidiaries were supplied from any such consigned stocks, the invoicing and billing are handled, not by the regular agents and representatives of the respondent, but exclusively by the executive officials of the respondent and all such storage charges were omitted; whereas payment of such storage charges is required from competitors of the Kroger company.

(b) When the Kroger company or its subsidiaries receive tuna from the consigned stocks, as described above, the Kroger company is permitted by respondent to remit once each month for such goods; whereas competitors of the Kroger company are required by the respondent to pay for such goods at the time of delivery.

PAR. 10. The foregoing alleged acts and practices of said respondent, as set forth in Paragraphs Seven and Nine, respectively, constitute violations of subsections 2 (a) and 2 (e) of Section 2 of the said Act of Congress approved October 15, 1941, as amended by said Act of Congress approved June 19, 1936.

Wherefore, the premises considered, the Federal Trade Commission on this 28th day of September, A. D. 1942, issues its complaint against said respondent.

Notice

Notice is hereby given you, Van Camp Sea Food Company, Inc., a corporation, respondent herein, that the 6th day of November, A. D. 1942, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 28th day of September, A. D. 1942.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-9763; Filed, October 1, 1942; 11:37 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Amendment to Vesting Order 25]

YAMANAKA AND COMPANY, LTD.

Vesting Order Number 25[1] of June 16, 1942, is hereby amended as follows and not otherwise:

By deleting the expression "$25 par" appearing in subparagraph b thereof; and by substituting therefor the words "no par".

All other provisions of such Vesting Order Number 25 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on September 24, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-9735; Filed, September 30, 1942; 1:09 p. m.]

[Amendment to Vesting Order 100]

BODEE REALTY CORPORATION

Vesting Order Number 100[2] of August 7, 1942, is hereby amended as follows and not otherwise:

By inserting the words "within the United States" immediately after the words "which is a business enterprise" appearing in the paragraph which describes the property vested.

All other provisions of such Vesting Order Number 100 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on September 17, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-9733; Filed, September 30, 1942; 1:08 p. m.]

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[1] 7 F.R. 5207.

[2] 7 F.R. 7054.

[Vesting Order 158]

36,940 SHARES OF THE COMMON STOCK OF HARVARD BREWING COMPANY

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding ~~that~~ the property described as follows:

> 36,940 shares of $1.00 par value common capital stock of Harvard Brewing Company, a Delaware corporation, which is a business enterprise within the United States, which shares are registered in the name of Dominick and Dominick, New York, New York, deposited with Arnold & S. Bleichroeder, Inc., and held for the benefit of Margot von Opel (interned in an alien concentration camp), and represent 5.91% of the 625,000 shares of outstanding common stock of said business enterprise, of which 345,760 shares, or 55.32%, were vested by the undersigned pursuant to Vesting Order Number 17 issued by him under date of June 4, 1942, as amended.

is property of, and represents an interest in said business enterprise which is, a national of a designated enemy country (Germany), and determining that to the extent that either or both of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 21, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-9732; Filed, September 30, 1942; 1:08 p. m.]

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[1] 7 F.R. 1791.

[Vesting Order 186]

32% OF THE CAPITAL STOCK OF JAPAN COTTON COMPANY

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> 3200 shares of the common capital stock of Japan Cotton Company, a Texas Corporation, which is a business enterprise within the United States, which 3200 shares represent 32% of the outstanding capital stock of said company, of which 6800 shares, or 68%, were vested by the undersigned pursuant to Vesting Order Number 76 issued by him under date of July 30, 1942, the names and last known addresses of the registered owners of said 3200 shares, and the number of shares owned by them respectively, are as follows:

Name	Last known addresses	Number of shares
Seizo Kimura	Osaka, Japan	1,500
Shigeatsu Shiota	Osaka, Japan	1,000
Yoshiyuki Okajima	Osaka, Japan	300
Tojuro Kiba	Osaka, Japan	300
Takao Miyake	Osaka, Japan	100
Total		3,200

is property of nationals, and represents an interest in said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country such persons are controlled by ~~or~~ acting for or on behalf of or as cloaks for a designated enemy country (Japan) or a person within such country, and the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-9734; Filed, September 30, 1942; 1:08 p. m.]

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[1] 7 F.R. 1971

[Vesting Order 188]

2.857% OF THE CAPITAL STOCK OF GOSHO CONCENTRATION & COMPRESS COMPANY

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> 100 shares (which, together with the 5,398 shares vested by the undersigned pursuant to Vesting Order No. 57 issued by him under date of July 23, 1942, constitute a substantial part, namely, 99.943%, of all outstanding shares) of the capital stock of Gosho Concentration & Compress Company, a Texas corporation, which is a business enterprise within the United States, which shares are owned by Kyoichi Sugimoto whose last known address was represented to the undersigned as being Osaka, Japan,

is property of, and represents an interest in said business enterprise which is, a national of a designated enemy country (Japan), and determining that to the extent that either or both of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-9731; Filed, September 30, 1942; 1:08 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 2 Under Maximum Price Regulation No. 132[1]—Waterproof Rubber Footwear]

CAMBRIDGE RUBBER COMPANY

ESTABLISHING MAXIMUM PRICES FOR WOMEN'S MISSES' AND CHILD'S UTILITY BOOTS

On August 25, 1942, Cambridge Rubber Company of Cambridge, Massachusetts, filed an application pursuant to § 1315.70 (d) of Maximum Price Regulation No. 132 for the establishing of maximum prices for women's, misses' and child's utility boots manufactured under special permit from the War Production Board, according to the specifications set forth in said application. Due consideration has been given to the application and an opinion in support of this Order No. 2 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) The maximum price for sales or deliveries of the following types of waterproof rubber footwear by the Cambridge Rubber Company of Cambridge, Massachusetts, shall be as follows:

Type	*Price per pair*
Women's Utility Boot, 9" height, Rubber Upper, Stitched Replaceable Outsole	$1.75
Women's Utility Boot, 9" height, Cloth Upper, Stitched Replaceable Outsole	1.90
Misses' Utility Boot, 7½" height, Cloth Upper, Stitched Replaceable Outsole	1.80
Child's Utility Boot, 7" height, Cloth Upper, Stitched Replaceable Outsole	1.70

(b) The prices stated in paragraph (a) shall be subject to the same discounts and allowances as were established under § 1315.70 (a) (2) of Maximum Price Regulation No. 132.

(c) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1315.68 of Maximum Price Regulation No. 132 shall apply to terms used herein.

(e) This Order No. 2 shall become effective October 1, 1942.

Issued this 30th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9743; Filed, September 30, 1942; 3:21 p. m.]

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[1] 7 F.R. 3161, 4294, 6743.

[Order 22 under Maximum Price Regulation 122—Solid fuels delivered from facilities other than producing facilities—Dealers—Docket 3122-16]

Consumers Coal Company

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 1, it is ordered:

(a) John Kinney, Jr., Benton Harbor, Michigan, doing business as Consumers Coal Company, may sell and deliver, and any person may buy and receive the kinds and grades of solid fuels set forth in paragraph (b) below at prices not in excess of those stated therein;

(b) (i) The following solid fuels may be sold and delivered by Consumers Coal Company from its terminal facilities in Benton Harbor, Michigan, at the applicable maximum prices for sales thereof as established on May 13, 1942 by § 1340.361 of Maximum Price Regulation No. 122, plus the sum not in excess of the following respective amounts per net ton:

Kinds of solid fuels	Sizes	Amounts per net ton
Scarlet Flame Block	2	$0.15
Scarlet Flame Furnace	6	.20
¼″ Nut and Slack	18	.35
2″ N. P. & S	20	.30
Blue Beacon Block	1 and 2	.20
Blue Beacon Egg	5	.10
Crown Egg	5	.26
Crown Stoker	10	.466
Crown 2″ N. P. & S	20	.45

(ii) Blue Diamond 5″ Block may be sold and delivered by Consumers Coal Company from its terminal facilities in Benton Harbor, Michigan, at the applicable maximum price for sales thereof as established on May 18, 1942 by § 1340.261 (d) (2), (e) and (f), plus not more than 20 cents per net ton;

(c) This Order No. 22 may be revoked or amended by the Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to terms used herein;

(e) This Order No. 22 shall become effective October 1, 1942.

Issued this 30th day of September 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-9744; Filed, September 30, 1942; 3:21 p. m.]

[Order 23 Under Maximum Price Regulation 148—Dressed Hogs and Wholesale Pork Cuts—Docket 3148-17]

Forst Packing Company, Inc.

ORDER GRANTING PETITION FOR ADJUSTMENT

On June 26, 1942, the Forst Packing Company, Incorporated, Kingston, New York, filed a petition docketed as a petition for an adjustment pursuant to § 1364.29 (a) of Maximum Price Regulation No. 148. Due consideration has been given to the petition, and an opinion in support of this Order No. 23 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, it is hereby ordered:

(a) The Forst Packing Company, Incorporated, may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds of wholesale pork cuts referred to in paragraph (b), at prices not in excess of those stated in such paragraph. Any person may buy and receive such kinds of wholesale pork cuts at such prices from the Forst Packing Company, Incorporated:

(b)

	Cents per pound
Dry cured bacon	29½
Regular hams, 12/14	33¾
Short shank calas 6/10	29¼

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 23 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1364.32 of Maximum Price Regulation No. 148 shall apply to terms used herein.

(f) This Order No. 23 shall become effective October 1, 1942.

Issued this 30th day of September 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-9745; Filed, September 30, 1942; 3:23 p. m.]

[Order 24 under Maximum Price Regulation 148—Dressed Hogs and Wholesale Pork Cuts—Dockets Nos. 3148-73, 3148-74]

Delta Packing Company, Inc.

ORDER GRANTING PETITION FOR ADJUSTMENT

On August 24, 1942, the Delta Packing Company, Incorporated, Clarksdale, Mississippi, filed two petitions which were docketed as petitions for adjustment pursuant to § 1364.29 (a) of Maximum Price Regulation No. 148. Due consideration has been given to each of the petitions and an opinion in support of this Order No. 24 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, it is hereby ordered:

(a) The Delta Packing Company, Incorporated may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds of wholesale pork cuts referred to in paragraph (b), at prices not in excess of those stated in such paragraph. Any person may buy and receive such kinds of wholesale pork cuts at such prices from the Delta Packing Company, Incorporated.

(b)

	Cents per pound
Shoulders, fresh or frozen	26
Pork loin, regular fresh or frozen	29½
Boston butts, fresh or frozen	29½
Bacon, smoked, slab	27
Bacon, sliced	30
Regular hams, cured	31
Skinned hams, fresh or frozen	29
Skinned hams, cured	31
Picnics	27

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 24 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1364.32 of Maximum Price Regulation No. 148 shall apply to terms used herein.

(f) This Order No. 24 shall become effective October 1, 1942.

Issued this 30th day of September 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-9742; Filed, September 30, 1942; 3:21 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 31-481, 31-467, 31-165, 31-484, 31-483, 31-473, 31-167, 31-162, 31-164]

Koppers United Co., et al.

ORDER DENYING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of September, A. D. 1942.

In the matter of Koppers United Company, File No. 31-481; The Brooklyn Union Gas Company, File No. 31-467; Koppers Company, File No. 31-165; Eastern Gas and Fuel Associates, File No. 31-484; Koppers United Company, Fuel Investment Associates and Eastern Gas and Fuel Associates, File No. 31-483; Brockton Gas Light Company, File No. 31-473; Koppers United Company, File No. 31-167; Fuel Investment Associates, File No. 31-162; Eastern Gas and Fuel Associates, File No. 31-164.

Applications having been filed by Koppers United Company, under section 2 (a) (8) of the Public Utility Holding Company Act of 1935 for an order declaring that The Brooklyn Union Gas Company is not its subsidiary; by The Brooklyn Union Gas Company, under that section for an order declaring it not to be a subsidiary of Koppers Company or Koppers United Company; by Koppers Company under section 2 (a) (7) of said Act for an order declaring that it is not a holding company; by Eastern Gas and Fuel Associates under section 2 (a) (8) of said Act for an order declaring it not to be a subsidiary of Koppers Company; by Koppers United Company, Fuel Investment Associates, and Eastern Gas and Fuel Associates under section 2 (a) (8) of said Act for an order declaring that Brockton Gas Light Company is not a subsidiary of said companies; and by Brockton Gas Light Company, under section 2 (a) (8) of said Act for an order declaring it not to be a subsidiary of said companies, hearings having been held after due notice, requests for findings of fact, briefs, reply briefs, and a trial examiner's advisory report having been filed, and the Commission having considered the matter, and having determined that the said applications must be denied as more fully set forth in the findings, opinion and conclusions of the Commission this day issued,

It is ordered, That on the basis of said findings and opinion the said applications be, and the same hereby are, denied;

Provided, however, That this order, insofar as it respects the status of Koppers Company as a holding company, or the status of any of the applicants as a public utility subsidiary company of Koppers Company, shall not become effective until 10 days after the date hereof.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 42-9738; Filed, September 30, 1942; 2:26 p. m.]

[File No. 1-1822]

Laclede Gas Light Company

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of September, A. D. 1942.

The New York Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 5% Refunding and Extension Mortgage Gold Bonds, due 1934 Extended to 1942 of The Laclede Gas Light Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 11 a. m. on Monday, October 26, 1942, at the office of the Securities and Exchange Commission, 120 Broadway, New York, New York and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 42-9739; Filed, September 30, 1942; 2:26 p. m.]

[File No. 59-39]

North American Light & Power Company Holding-Company System and The North American Company

ORDER DISMISSING APPLICATION TO INTERVENE AND FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of September, A. D. 1942.

The Commission on December 30, 1941 having entered an order pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 (Holding Company Act Release No. 3233) directing that North American Light & Power Company shall be liquidated and its existence terminated and further directing that said company and The North American Company shall proceed with due diligence to submit to this Commission a plan or plans for the prompt liquidation of North American Light & Power Company in a manner consistent with the provisions of the said Act; and the Commission having reserved jurisdiction to enter such further order or orders after hearing on appropriate notice as may be necessary or appropriate for the purpose of ensuring that the liquidation of North American Light & Power Company is accomplished expeditiously and in a manner that is consistent with the provisions of the said Act; and

An application having been filed herein by the respondent, Illinois Iowa Power Company, a registered holding company and a subsidiary of Illinois Traction Company, North American Light & Power Company, and The North American Company, registered holding companies and respondents herein, wherein the said Illinois Iowa Power Company requests an order permitting it to intervene in the above entitled proceeding in order to participate as a party and to proffer evidence and testimony relating to an alleged claim which Illinois Iowa Power Company has against North American Light & Power Company and Illinois Traction Company resulting from the following transactions occurring while Illinois Traction Company and Illinois Iowa Power Company were under the control of North American Light & Power Company:

(a) The sale during 1932 of the securities of Central Terminal Company, a Missouri corporation, by North American Light & Power Company to Illinois Iowa Power Company, at a price which Illinois Iowa Power Company alleges was in excess of the real value thereof;

(b) The payment to Illinois Traction Company of cash dividends by Illinois Iowa Power Company during the years 1930, 1931, and 1932; such dividends appearing to Illinois Iowa Power Company to have been paid out of capital; cash dividends paid in other years by Illinois Iowa Power Company to Illinois Traction Company likewise appearing to Illinois Iowa Power Company to have been paid out of capital;

(c) Other transactions which are believed by Illinois Power Company not to have been in its interest but rather to its damage; and

The Commission having considered said application and the affidavit and supplemental affidavit of Allen Van Wyck, president of Illinois Iowa Power Company, in support thereof; and

It appearing to the Commission that Illinois Iowa Power Company has heretofore been made a party respondent in the order instituting these proceedings (Holding Company Act Release No. 3168) and that it is unnecessary to pass on the application of Illinois Iowa Power Company for leave to intervene; and

It appearing to the Commission that it is necessary to determine the nature, validity and extent of the alleged claim of Illinois Iowa Power Company against North American Light & Power Company and Illinois Traction Company in order to bring about compliance with the Commission's aforesaid order of December 30, 1941 and to permit the formulation and effectuation of a plan or plans of liquidation which will be fair and equitable to all creditors and security holders of North American Light & Power Company; and

It further appearing to the Commission that Illinois Iowa Power Company should file with this Commission a verified and detailed statement alleging the nature and extent of its claim and the relief requested with sufficient particularity to enable North American Light & Power Company to admit or deny each allegation material to the establishing of the aforesaid claim; and

It further appearing to the Commission that it is necessary and appropriate in the public interest and in the interest of investors and consumers that a hearing be held herein for the purpose of ascertaining the nature, validity and extent of any claim of Illinois Iowa Power Company against North American Light & Power Company and/or Illinois Traction Company;

It is ordered, That the application of Illinois Iowa Power Company for leave to intervene be and the same hereby is dismissed.

It is further ordered, That the application of Illinois Iowa Power Company for leave to assert a claim against North American Light & Power Company and Illinois Traction Company and to proffer evidence and testimony in support thereof is granted insofar as such evidence or testimony is relevant for that purpose.

It is further ordered, That Illinois Iowa Power Company file herein within ten days from the date hereof a verified detailed statement sufficiently particularized so as to apprize North American Light & Power Company and Illinois Traction Company as to the nature and extent of its claim and the relief requested.

It is further ordered, That Illinois Iowa Power Company serve copies of said statement upon North American Light & Power Company and Illinois Traction Company and that proof of such service be filed with the Commission at the time of filing said statement.

It is further ordered, That North American Light & Power Company and Illinois Traction Company file herein within twenty days after service of the statement of Illinois Iowa Power Company upon said companies, an answer or answers either admitting or denying each material allegation contained in said statement and asserting any additional matters by way of defense or counter-claim.

It is further ordered, That a hearing for the purpose of determining the nature, validity and extent of the claim of Illinois Iowa Power Company against North American Light & Power Company and Illinois Traction Company be held at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, on the 16th day of November, 1942 at 10:00 A. M., E. W. T., in such room as may be designated on such day by the hearing room clerk in Room 318.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to North American Light & Power Company, The North American Company, Illinois Traction Company, Illinois Iowa Power Company, Des Moines Electric Light Company, Iowa Power and Light Company, Central Terminal Company, Illinois Terminal Railroad Company, The Kansas Power and Light Company, Missouri Power & Light Company, the security holders thereof, the creditors thereof, City National Bank & Trust Company of Chicago, successor Trustee under the Debenture Agreement dated July 1, 1926, and to all other persons whose participation in such proceeding may be in the public interest or for the protection of investors or consumers; and such notice shall be given further by a general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and notice shall be given further to all persons by publication of this order in the FEDERAL REGISTER not later than twenty days prior to the date hereinbefore fixed as the date of the hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-9737; Filed, September 30, 1942; 2:26 p. m.]

[File No. 70-455]

NORTHEASTERN WATER AND ELECTRIC CORP., ET AL.

ORDER GRANTING EXTENSION OF TIME

In the matter of Northeastern Water and Electric Corporation, Denis J. Driscoll and Willard L. Thorp, as trustees of Associated Gas and Electric Corporation, Applicants-Declarants.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of September 1942.

Northeastern Water and Electric Corporation, a registered holding company, and Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, also a registered holding company, having filed applications and declarations pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9 (a), 10, 12 (d) and 12 (f) thereof, and Rules U-9, U-43 and U-44 of the General Rules and Regulations thereunder, with respect to the following transactions:

1. The sale by Northeastern Water and Electric Corporation and the acquisition by the Trustees of Associated Gas and Electric Corporation of all of the securities of General Utilities Company, The Ohio Northern Public Service Company, Western Reserve Power and Light Company, and New London Power Company, all incorporated under the laws of, and operating in, the state of Ohio, such securities to be acquired for a consideration of $1,500,000.

2. The sale by the Trustees of Associated Gas and Electric Corporation of 155,747 shares of the common stock of Northeastern Water and Electric Corporation, to John H. Ware, Jr. and Penn-Jersey Water Company.

The Commission having previously entered its order herein on March 3, 1942, which order permitted the declarations to become effective and granted the applications herein, and which order approved a plan pursuant to Section 11 (e) of the Public Utility Holding Company Act of 1935 and directed the taking of steps to carry out such plan; and

The Commission having entered a supplemental order herein on March 19, 1942, approving said plan and directing Northeastern Water and Electric Corporation to sell to Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, on or before July 1, 1942, and directing said Trustees to acquire from said Northeastern Water and Electric Corporation on or before July 1, 1942, all of the securities of General Utilities Company, The Ohio Northern Public Service Company, and Western Reserve Power and Light Company (the last mentioned company in turn owning all of the securities of New London Power Company), all of said four last named companies being incorporated under the laws of, and operating in, the State of Ohio; and

The Commission having entered an order herein on July 30, 1942, modifying the orders of March 3, 1942, and March 19, 1942, to the extent necessary to extend the time within which such transactions may be consummated to September 30, 1942; and

Applicants-declarants having requested a further extension of time within which to comply with the said orders of the Commission to December 15, 1942, and it appearing appropriate to the Commission that such request be granted;

It is ordered, That the said orders of March 3, 1942, and March 19, 1942, be and hereby are modified to the extent necessary to extend the time within which such transactions may be consummated to December 15, 1942, and that Northeastern Water and Electric Corporation and Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, be and hereby are directed on or before December 15, 1942, to carry out the sale and acquisition specified in the said order dated March 19, 1942.

It is further ordered, That nothing herein contained shall modify or affect any provisions of the Commission's orders of March 3, 1942, and March 19, 1942, not within the subject of this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-9736; Filed, September 30, 1942; 2:26 p. m.]

[File Nos. 59-11, 59-17 and 54-25]

UNITED LIGHT AND POWER CO., ET AL.

SUPPLEMENTAL ORDER, APPLICATION NO. 12

In the matter of the United Light and Power Company, the United Light and Railways Company, Continental Gas & Electric Corporation, Columbus and Southern Ohio Electric Company and Point Pleasant Water & Light Company.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of September 1942.

The Commission having issued its order on July 22, 1942, granting applications and permitting declarations of Point Pleasant Water & Light Company, Columbus and Southern Ohio Electric Company, Continental Gas & Electric Corporation, the United Light and Railways Company and the United Light and Power Company to become effective with respect to the transactions necessary to effect a sale of the assets of Point Pleasant Water & Light Company to Appalachian Electric Power Company and the subsequent liquidation and dissolution of Point Pleasant Water & Light Company; and

The aforenamed applicants and declarants having requested an extension of time until January 31, 1943, or such other date as may appear appropriate, within which to carry out certain remaining transactions incidental to said liquidation and dissolution, the sale of the assets to Appalachian Electric Power Company having heretofore been consummated; and

It appearing appropriate in the public interest and in the interest of investors and consumers to grant an extension of time within which to accomplish complete compliance with the order of July 22, 1942,

It is ordered, That Point Pleasant Water & Light Company, Columbus and Southern Ohio Electric Company, Continental Gas & Electric Corporation, the United Light and Railways Company and the United Light and Power Company be and hereby are granted an extension of time until December 31, 1942, to effect and execute the remaining transactions incidental to the complete liquidation and dissolution of Point Pleasant Water & Light Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-9740; Filed, September 30, 1942; 2:27 p. m.]

Reference

OCT 5 1942

FEDERAL REGISTER
THE NATIONAL ARCHIVES OF THE UNITED STATES 1934
LITTERA SCRIPTA MANET
VOLUME 7 NUMBER 195
Washington, Saturday, October 3, 1942

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter A—Administrative Provisions

[Order 361]

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

FUNCTIONS, POWERS, AUTHORITY, AND DUTIES OF CHIEF, ADMINISTRATIVE DIVISION

Section 3.70, Title 6, Code of Federal Regulations, as amended (6 F.R. 1809), is further amended to read as follows:

§ 3.70 *Functions, powers, authority, and duties of Chief, Administrative Division.* The Chief, Administrative Division, is authorized and empowered:

(a) To supervise and direct the Administrative Division.

(b) To consult and advise with the Governor, Deputy Governors, and division heads, on matters pertaining to the organization of new activities, the reorganization of existing activities and offices, and general administrative policies.

(c) To sign letters of authorization for travel.

(d) To sign contracts covering the procurement of goods, space, and services other than personnel.

(Sec. 16, 48 Stat. 1221; 12 U.S.C. 1766; E.O. 6084, Mar. 27, 1933; 6 CFR 1.1 (m); Memorandum No. 846, Sec. of Agric., Jan. 6, 1940.)

[SEAL] A. G. BLACK,
Governor.

[F. R. Doc. 42-9792; Filed, October 1, 1942; 3:41 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1606]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 13 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 13.

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 13; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 333.6 (*General prices*) is amended by adding thereto Supplement R-I, § 333.7 (*Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads*) is amended by adding thereto Supplement R-II, § 333.7 (*Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*) is amended by adding thereto Supplement R-III, § 333.24 (*General prices*) is amended by adding thereto Supplement R-IV, § 333.25 (*Special prices—(b) Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses*) is amended by adding thereto Supplement V, § 333.27 (*Prices for shipment by river (free alongside) for all uses (except for railway locomotive fuel) for delivery via the Tennessee River to f. a. s. consumers in the State of Tennessee and Alabama*) is amended by adding thereto Supplement R-VI, § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T-I, and § 333.43 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T-II and T-III, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be

(Continued on next page)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Telephone information: DIstrict 0525.

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filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No relief is granted herein as to the coals of the #55 Mine (Mine Index No. 1863) of Verdell Davis for truck shipment since such relief has previously been granted the coals of this mine in Dockets Nos. A-171 and A-205 when it was operated by Poe & Davis.

No relief is granted herein for the coals of the Duncan & Glenn Mine of Duncan & Glenn for the reason that records of the Division indicate that no code acceptance has been received for these producers.

The original petition proposed relief for the coals of the Sharit & Robbins Mine of Sharit & Robins. Records of the Division indicate that the proper name of this mine is the Beth Mine and that it is operated by Robbins & Sharritt (Willard Sharritt). Accordingly, relief has been granted for the coals of this mine under the latter designation.

Dated: September 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 *General prices*—Supplement R–I

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Sub-dis-trict	Seam	Freight origin group
	BIBB COUNTY, ALA.				
[1] 1599	Cooke & Gray (J. M. Gray)	Cooke & Gray (Strip)	1	Thompson	160
[1] 1623	Cooke & Gray (J. M. Gray)	Cooke & Gray (Deep)	1	Thompson	160
	BLOUNT COUNTY, ALA.				
[2] 1653	Martin, Willie	Self Creek #4	1	Black Creek	31
[2] 1650	Robbins & Sharritt (Willard Sharritt)	Beth	1	Black Creek	31
[2] 1652	Skinner, R. S	Self Creek #2	1	Black Creek	31
	EFFERSON COUNTY, ALA.				
[3] 1640	Leslie, Willie R	Ridell #1	1	Black Creek	31
[4] 1657	Lollar, E. E	Lollar #5	1	Nickel Plate	50
[5] 1591	Sloss Sheffield Steel & Iron Co	Bessie		Mary Lee	80
[6] 1647	Crick, T. T	Wilburn Smith #1	1	Black Creek	101
[6] 1648	Crick, T. T	Wilburn Smith #2	1	Black Creek	101
[6] 1649	Crick, T. T	Wilburn Smith #3	1	Black Creek	101
[7] 1607	Gann & Gann (Claud Gann)	Gann #1	1	Black Creek	101
[7] 1608	Gann & Gann (Claud Gann)	Gann #2	1	Black Creek	101
[7] 1609	Gann & Gann (Claud Gann)	Gann #3	1	Black Creek	101
[7] 1610	Gann & Gann (Claud Gann)	Gann #4	1	Black Creek	101
[7] 1611	Gann & Gann (Claud Gann)	Gann #5	1	Black Creek	101
[7] 1612	Gann & Gann (Claud Gann)	Gann #6	1	Black Creek	101
[7] 1613	Gann & Gann (Claud Gann)	Gann #7	1	Black Creek	101
[7] 1614	Gann & Gann (Claud Gann)	Gann #8	1	Black Creek	101
[7] 1615	Gann & Gann (Claud Gann)	Gann #9	1	Black Creek	101
[7] 1616	Gann & Gann (Claud Gann)	Gann #10	1	Black Creek	101
[7] 1617	Gann & Gann (Claud Gann)	Gann #11	1	Black Creek	101
[7] 1618	Gann & Gann (Claud Gann)	Gann #12	1	Black Creek	101

[1] Shipping Point: Belle Ellen, Ala. Railroad: L&N. These mines shall have in Size Groups 1, 2, and 19, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 4 (Little Cahaba Coal Company, Piper mine, Price Schedule No. 1): and in Size Groups 7, 22 and 23, on each such table, these mines shall have prices which are 10¢ less than those respectively listed in Size Groups 6, 17 and 18 for said Mine Index No. 4.

[2] Shipping Point: Warrior, Ala. Railroad: L&N. These mines shall have in Size Group 13, on each respective price table, a price which is 10¢ less than is shown thereon for Size Group 12 as shipped from Mine Index No. 76 (Moss & McCormack Coal Company, Carbon mine, Price Schedule No. 1).

[3] Shipping Point: Warrior, Ala. Railroad: L & N. This mine shall have in Size Group 13, on each respective price table, a price which is 10¢ less than is shown thereon for Size Group 12 as shipped from Mine Index No. 76 (Moss & McCormack Coal Company, Carbon mine, Price Schedule No. 1).

[4] Shipping Point: Brookside, Ala. Railroad: So. Ry. This mine shall have in Size Group 13, on each respective price table, a price which is 5¢ less than is listed in this respective size group for Mine Index No. 71 (Brookside-Pratt Mining Company, Blossburg "E" mine, Price Schedule No. 1).

[5] Shipping Point: Maben, Ala. Railroad: SL-SF. This mine shall have in Size Groups 1, 2, 6, 12, 14, 15, 16, 17, 18, and 24, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 46 (Sloss-Sheffield Steel & Iron Company, Lewisburg mine, Price Schedule No. 1).

[6] Shipping Point: Glen Allen, Ala. Railroad: SL-SF. These mines shall have in Size Group 1, on each respective price table, the same price as is shown for Mine Index No. 18 (Brilliant Coal Company, Brilliant mine, Price Schedule No. 1): and in Size Groups 7 and 23, on each such table, these mines shall have prices which are 10¢ less than are listed in Size Groups 6 and 18 for said Mine Index No. 18. These mines shall have in Size Group 13, on each respective price table, a price which is 10¢ higher than is listed thereon for Mine Index No. 14 (Galloway Coal Company, Hope mine, Price Schedule No. 1).

[7] Shipping Point: Glen Allen, Ala. Railroad: SL-SF. These mines shall have in Size Groups 1, 2, 4, and 26, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 18 (Brilliant Coal Company, Brilliant mine, Price Schedule No. 1): and in Size Groups 7, 22 and 23, on each such table, these mines shall have prices which are 10¢ less than are listed in Size Groups 6, 17 and 18 thereon for said Mine Index No. 18: and in Size Group 20, on each such table, these mines shall have a price which is 5¢ higher than is listed in Size Group 17 for said Mine Index No. 18. These mines shall have in Size Group 11, on each respective price table, the same price as is listed for Mine Index No. 20 (Bowlin, W. H., Burnright Coal mine, Price Schedule No. 1). These mines shall have in Size Groups 13 and 19, on each respective price table, prices which are 10¢ higher than are listed thereon for Mine Index No. 14 (Galloway Coal Company, Hope mine, Price Schedule No. 1).

§ 333.6 *General prices*—Supplement R–I—Continued

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Sub-dis-trict	Seam	Freight origin group
	MARION COUNTY, ALA.—con.				
865	Huguley, Monroe	Colburn's #4	1	Black Creek	66
[9] 466	Pate & Son (Sterling Pate)	Pate & Son	1	Black Creek	101
[9] 1254	Pate & Son (Sterling Pate)	Pate Coal Company	1	Black Creek	101
	TUSCALOOSA COUNTY, ALA.				
[10] 1654	Nicholson, James	Nicholson #5	1	Milldale	44
	WALKER COUNTY, ALA.				
[11] 1366	Cunningham, Hugh	Cunningham	1	Mary Lee	101
	WINSTON COUNTY, ALA.				
[12] 1645	Rowell, Amos	Twin Arrow #2	1	Black Creek	111
[12] 1646	Tittle, Owen	Twin Arrow #3	1	Black Creek	111

[8] Shipping Point: Brilliant, Ala. Railroad: I. C. R. R. This mine shall have in Size Groups 1, 2, 4, 6, and 18, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 18 (Brilliant Coal Company, Brilliant mine, Price Schedule No. 1).

[9] Shipping Point: Glen Allen, Ala. Railroad: SL-SF. These mines shall have in Size Group 13, on each respective price table, a price which is 10¢ higher than is shown in this respective size group for Mine Index No. 14 (Galloway Coal Company, Hope mine, Price Schedule No. 1). These mines shall have in Size Group 22, on each respective price table, a price which is 10¢ less than is listed in Size Group 17 for Mine Index No. 18 (Brilliant Coal Company, Brilliant mine, Price Schedule No. 1.).

[10] Shipping Point: Brookwood, Ala. Railroad: L&N. This mine shall have in Size Group 13, on each respective price table, the same price as is shown for Mine Index No. 14 (Galloway Coal Company, Hope mine, Price Schedule No. 1). This mine shall have in Size Groups 22 and 23, on each respective price table, the same prices as are shown in Size Groups 17 and 18 for Mine Index No. 17 (Southern Coal & Coke Company, Boothton mine, Price Schedule No. 1).

[11] Shipping Point: Hillard, Ala. Railroad: SL-SF. New shipping point, railroad, and Freight Origin Group. Shipping point at Jasper, Ala., on So. Ry. in Freight Origin Group 100 shall no longer be applicable.

[12] Shipping Point: Natural Bridge, Ala. Railroad: So. Ry. These mines shall have in Size Group 13, on each respective price table, the same price as is listed for Mine Index No. 14 (Galloway Coal Company, Hope mine, Price Schedule No. 1): and in Size Groups 22 and 23, on each such table, this mine shall have prices which are 10¢ less than are shown in Size Groups 17 and 18 for said Mine Index No. 14.

§ 333.7 *Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads*—Supplement R–II

[Prices F. O. B. mines for shipment to all railroads and for exclusive use of railroads. The following prices apply on coal for use in railroad locomotives and powerhouse plants. For station heating, use in dining cars, or other uses than stated above, commercial prices as listed in other sections of this price schedule shall apply]

For all mines in Subdistrict No. 1. Mine index No.	For all sizes customarily furnished railroads for locomotive fuel				
	Central [1] of Georgia	Seaboard [1] Air Line Railway	St. Louis and San Francisco Railroad for consignment west of the Mississippi River	St. Louis and San Francisco Railroad for consignment east of the Mississippi River	All other Railroads not specifically shown
865, 1591, 1598, 1599, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1623, 1640, 1645, 1646, 1654, 1657.	220	220	200	220	220

[1] Prices listed for Central of Georgia and Seaboard Air Line Railways shall also apply to controlled subsidiaries whose purchases of coal are directly made by the controlling system.

§ 333.7 *Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R–III

[Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions]

Subdistrict No. 1. Mine index No.	Size groups and prices applicable for steamship vessel fuel				
	Mine group	14, 15, 16, 17, 18	12	13	23
865	Black Creek	285	285		
1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1645, 1646.	Black Creek			285	275
1598	Cahaba	270		270	
1591	Carbon Hill Big Seam	245			

§ 333.24 *General prices*—Supplement R–IV

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Sub-dis-trict	Seam	Freight origin group
	HAMILTON COUNTY, TENN.				
[1] 696	Barnes & McLain (J. R. Barnes)	Suck Creek	3	#10	210
[1] 1025	Hill, Phillip	Hill	3	#9	210
[1] 923	Levi Brothers (W. M. Levi)	Levi Brothers	3	#10	210
[1] 837	Levi, Cecil V	Levi	3	Soddy #10	210
[1] 1098	Perkins, L. M	Perkins	3	#10	210
[1] 869	Pickett Brothers	Hickman	3	#10	210
[1] 706	Spangler, D. S	Spangler	3	Soddy #10	210
[1] 912	Thomas, H. R	Hannah	3	#10	210
[1] 708	Thomas, H. R	H. R. Thomas	3	Soddy #10	210
	MARION COUNTY, TENN.				
[2] 716	Abeel, D. W	Abeel	3	Soddy #10	210
[3] 1537	Cain, George D	Cain #2	3	Sewanee	210
[3] 146	Oak Hill Mining Co. (I. D. Lawrence)	Oak Hill	3	Sewanee	210
[3] 1606	Phillips, J. T	Phillips	3	Sewanee	210
	SEQUATCHIE COUNTY, TENN.				
[4] 1227	Cain, George D. (see NOTE)	Cain	3	Sewanee	210
[4] 729	Patton Coal Mining Co	Jonita	3	Sewanee	210
[4] 730	Roberson Fork Coal Co. (R. H. Anderson)	Sexton	3	Sewanne	210

[1] Shipping Point: Platt Siding, North Chattanooga, Tenn. Railroad: Chattanooga Traction Company R. R. On each respective price table except that for Market Area 112 each of the above mines shall have a price in each size group which is 10¢ less than that respectively listed for Mine Index No. 95 (Tennessee Products Corporation, Whitwell mine, Price Schedule No. 1): and on the price table for Market Area 112 each of said mines shall have in each size group a price which is 71¢ higher than that listed for said Mine Index No. 95.

[2] Shipping Point: Platt Siding, North Chattanooga, Tenn. Railroad: Chattanooga Traction Company R. R. On each respective price table except that for Market Area 112 this mine shall have a price in each size group which is 10¢ less than that respectively listed for Mine Index No. 95 (Tennessee Products Corporation, Whitwell mine, Price Schedule No. 1): and on the price table for Market Area 112 this mine shall have in each size group a price which is 71¢ higher than that listed for said Mine Index No. 95.

[3] Shipping Point: Platt Siding, North Chattanooga, Tenn. Railroad: Chattanooga Traction Company R. R. On each respective price table except that for Market Area 112 each of the above mines shall have in each size group the same respective price as is listed for Mine Index No. 95 (Tennessee Products Corporation, Whitwell mine, Price Schedule No. 1): and on the price table for Market Area 112 each of said mines shall have in each size group a price which is 81¢ higher than that listed for said Mine Index No. 95.

[4] Shipping Point: Platt Siding, North Chattanooga, Tenn. Railroad: Chattanooga Traction Company R. R. On each respective price table except that for Market Area 112 each of the above mines shall have in each size group the same respective price as is shown for Mine Index No. 95 (Tennessee Products Corporation, Whitwell mine, Price Schedule No. 1): and on the price table for Market Area 112 each of said mines shall have in each size group a price which is 81¢ higher than that listed for said Mine Index No. 95.

NOTE. Shipping point and prices shown in §333.24, Supplement R-IV, Docket No. A-1481, 7 F. R. 5701, for Mine Index No. 1227, Cain mine, George D. Cain, shall no longer be applicable and therefore should be considered as cancelled.

§ 333.25 *Special prices*—(b) *Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses*—Supplement R–V

[Prices f. o. b. mines for shipment to all railroads for locomotive fuel, station heating, power plants and other uses]

For mines in subdistrict No. 3, Mine Index No.	Size	Price
146, 729, 730, 1537, 1602 1606, 1594.	For all sizes except screenings.	225
	Screenings with top size not more than 2″.	215
696, 706, 708, 716, 837, 869, 912, 923, 1025, 1098.	For all sizes except screenings.	220
	Screenings with top size not more than 2″.	215

FREE ALONGSIDE DELIVERIES

§ 333.27 *Prices for shipment by river (free alongside) for all uses (except for railway locomotive fuel) for delivery via the Tennessee River to f. a. s. consumers in the States of Tennessee and Alabama*—Supplement R–VI

Code member index	Mine	Mine index No.	Sub-district	Seam	Lump: Over 2″; egg: top size over 5″	Egg: top size 5″ and under; bot. size 2″ and under	Lump: 2″ and under	Nut: Top size 2″ and under; bot. size 1″ and under	Stoker: Top size 1½″ and under; bot. size ½″ and under	Stoker: Top size ¾″ and under; bot. size ⅜″ and under	Straight and modified M/R	Resultants: 5″ and under	Resultants: 4″ and under	Screenings: 2″ and under	Screenings: 1½″ and under	Screenings: 1¼″ and under	Screenings: ¾″ and under	Screenings: ⅜″ and under	Industrial coal [2]
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TENNESSEE-GEORGIA																			
MARION COUNTY, TENN.[1]																			
Gilliam, E. S.	E. S. Gilliam #2	1644	5	Sewanee	315	315	305	260	250	245	235	235	235	205	205	205	200	165	260

[1] Subdistrict 5.

[2] For sizes included see Size Group Table, § 333.22.

FOR TRUCK SHIPMENTS

§ 333.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I

Code member index	Mine	Mine index No.	Sub-district	Seam	Lump: Over 2″; egg: Top size over 6″	Egg: Top size 6″ and under	Lump: 2″ and under	Nut: Top size 3″ and under; bot. size over ½″		Chestnut: Top size 3″ and under bot. size ½″ and under		Chestnut: Top size 1½″ and under; bot. size ½″ and under		Run of mine, modified R/M	Resultants: 3″ and under		Screenings: 1½″ and under		*Industrial coal
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 26
ALABAMA																			
BLOUNT COUNTY																			
Martin, Willie	Self Creek #4	1653	2	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Robbins & Sharritt (Willard Sharritt)	Beth	1650	2	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Skinner, R. S	Self Creek #2	1652	2	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Towns, T. M	Berry Mt	1637	2	Berry Mountain	365	365	340	335	315	315	290	300	275	275	275	265	265	250	275
JEFFERSON COUNTY																			
Ingram & Isbell (Sam P. Ingram)	Possum Hollow	1655	2	Upper Nunnally	280	280	275	295	275	....	....	270	250	230	235	200	230	180	230
Leslie, Willie R	Ridell #1	1640	2	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Lollar, E. E	Lollar #5	1657	2	Nickle Plate	290	290	280	285	275	....	....	275	250	245	260	240	255	230	245
Mulvehill & Cato (Willie Mulvehill)	Mulvehill & Cato	1638	2	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Sloss-Sheffield Steel & Iron Company	Bessie	1591	2	Mary Lee	275	275	....	295	....	....	....	....	....	230	235	....	230	....	240
MARION COUNTY																			
Crick, T. T	Wilburn Smith #1	1647	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Crick, T. T	Wilburn Smith #2	1648	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Crick, T. T	Wilburn Smith #3	1649	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Harbin, Andrew & Clarence Martin (Clarence Martin).	Harbin & Martin	1629	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Powell, W. A	Holcomb Hill #5	1604	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Powell, W. A	Holcomb Hill #6	1605	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Powell & McGuire (W. A. Powell)	Holcomb Hill #4	1641	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
TUSCALOOSA COUNTY																			
Nicholson, James	Nicholson #5	1654	2	Milldale	355	355	340	345	325	310	300	295	285	285	275	265	265	230	285
Snider, W. G	Evans	1559	2	Carter	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
WALKER COUNTY																			
Gravitt, L. V	Baltimore	1643	2	America	290	290	280	285	275	....	....	275	250	245	260	240	255	220	245
Lockart, Tommy	Lockart #2	1659	2	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
WINSTON COUNTY																			
Rowell, Amos	Twin Arrow #2	1645	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Tittle, Owen	Twin Arrow #3	1646	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290

§ 333.43 *General prices in cents per net ton for shipment into all market areas*—Supplement T–II

Code member index	Mine	Mine index No.	Subdistrict	Seam	Lump: Over 2″; egg: Top size over 5″	Egg: Top size 5″ and under; bot. size 2″ and under	Lump: 2″ and under	Nut: Top size 2″ and under; bot. size 1″ and under	Stoker: Top size 1½″ and under; bot. size ½″ and under	Stoker: Top size ¾″ and under; bot size ⅜″ and under	Straight and modified M/R	Resultants: 5″ and under	Resultants: 4″ and under	Screenings: 2″ and under	Screenings: 1½″ and under	Screenings: 1¼″ and under	Screenings: ¾″ and under	Screenings: ⅜″ and under	Industrial coal
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	
TENNESSEE—GEORGIA																			
BLEDSOE COUNTY, TENN.																			
Ward, C. L	Metz #2	1633	4	Soddy #13	305	305	295	250	240	220	225	225	225	205	205	195	190	155	250
HAMILTON COUNTY, TENN.																			
Yother & Son & George Bomars (W. W. Yother).	Stob #7	1639	4	No. 7	315	315	305	260	....	....	235	235	235	205	205	195	190	155	260
MARION COUNTY, TENN.																			
Dalton, Lee	Dalton	1628	4	Battle Creek	340	340	330	260	250	245	235	235	235	205	205	195	175	140	285
Gilliam, E. S	E. S. Gilliam #2	1644	4	Sewanee	315	315	305	260	250	245	235	235	235	205	205	205	200	165	260
Meeks & Makerson (James Rogers, Jr.)	Number 11	1636	4	Sewanee	315	315	305	260	250	245	235	235	235	205	205	205	200	165	260
DADE COUNTY, GA.																			
Chapman, H. J	Chapman	1594	4	Etna	315	315	305	260	250	245	235	235	235	225	225	215	205	175	260

[1] For sizes included see Size Group Table, § 333.42.

§ 333.43 *General prices in cents per net ton for shipment into all market areas*—Supplement T–III

Code member index	Mine	Mine index No.	Subdistrict	Seam	Base sizes							
					Lump over 2"; egg 4" x 6"	Lump 2" and under; egg 3" x 6"	Lump ¾" and under	Egg 2" x 4"; egg 2" x 5"	Stove 3" and under; nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
					1	2	3	4	5	6	7	8
TENNESSEE												
WHITE COUNTY												
Prater, Denton & Simon Lane (Denton Prater).	Bon Air #1½	1620	4	Bon Air (Lower Vein)	250	230	205	210	185	195	135	130

[F. R. Doc. 42–9764; Filed, October 1, 1942; 11:36 a. m.]

[Docket No. A–1535]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER CORRECTING SCHEDULE, ETC.

Order correcting schedule annexed to order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board 3 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3.

On July 31, 1942, 7 F.R. 6242, an order granting temporary relief and conditionally providing for final relief was issued in this matter.

It appears that § 323.6 (*Alphabetical list of code members*) Supplement R–IV annexed to and made a part of this order designates Mine Index No. 762 as the "Talbert (Bolair)" Mine of code member "Talbert, W. A." The correct name of this mine is "Bolair," and the correct name of the operator is "Russell Talbert."

Now, therefore, it is ordered, That § 323.6 (*Alphabetical list of code members*) to the said order of July 31, 1942, be amended by deleting therefrom, with reference to Mine Index No. 762, the mine name of "Talbert (Bolair)" and the operator's name of "Talbert, W. A." and by substituting in lieu thereof the mine name "Bolair" and the operator's name of "Russell Talbert."

It is further ordered, That in all other respects said order of July 31, 1942, be, and it hereby is, continued in full force and effect.

Dated: September 30, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42–9812; Filed, October 2, 1942; 10:13 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 9, as Amended October 1, 1942]

EXPORT RATINGS ASSIGNED ON FORM PD–311 OR OTHER PRESCRIBED FORMS

Section 944.30 *Priorities Regulation 9*,[1] is hereby amended to read as follows:

§ 944.30 *Priorities Regulation 9*—(a) *Forms for export; scope of regulation.* Preference Ratings for export may hereafter be assigned on Form PD–311 pursuant to application on such Form filed by or in the name of the person desiring the export of the material involved. Such person is hereinafter referred to as the applicant, which term shall also include any agency authorized to place purchase orders for such person. This regulation shall be applicable to ratings assigned on such form or any other form prescribed exclusively for exports which by its terms is expressly subject to this regulation.

(b) *Application and extension of ratings.* (1) One copy of Form PD–311 will be returned to the applicant indicating the ratings assigned to deliveries of materials specified thereon. Such ratings shall be applied and extended only in the manner provided in (2) and (3) below.

(2) The applicant, in order to apply a preference rating assigned pursuant to the provisions of this regulation, must have received an export license, a statement of export clearance, or a statement of authority to export (or a copy thereof if authorized by the issuing agency) and must endorse on, or attach to, each contract or purchase order placed by him to which such a rating is to be applied, a certification in the following form signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purpose:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he has received an export license, a statement of export clearance, or a statement of authority to export, that he is entitled to apply the preference ratings indicated opposite the items shown in this purchase order, and that such application is in accordance with Priorities Regulation No. 9, as amended, with the terms of which the undersigned is familiar.

---------------------- ----------------
(Name of purchaser) (Address)
By ------------------ ----------------
(Signature and title of duly authorized officer) (Date)

The person receiving the certification and rating shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false. Each person applying ratings must maintain at his regular place of business all documents, including purchase orders and preference rating orders and certificates, upon which he relies as entitling him to apply such ratings, segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection.

(3) A supplier with whom a purchase order or contract has been placed for a delivery to the applicant, to which purchase order or contract the rating has been applied as provided in (2) above, may extend such rating to his suppliers and they may in turn extend such rating to their suppliers only in conformity with the applicable provisions of Priorities Regulations Nos. 3 and 11, as such regulations may be amended from time to time.

(c) *Effect of revocation.* If the export license, statement of export clearance or statement of authority to export any material is revoked, any preference rating subject to this regulation which has been assigned to the delivery of material shall be automatically cancelled, as regards delivery to the applicant; and no delivery of such material shall be made to or received by the applicant. As regards each supplier of the applicant or of another supplier, who has extended such rating, it shall likewise be automatically cancelled, and each such supplier shall promptly notify his suppliers of such cancellation: *Provided, however*, That if, in the opinion of any supplier, cancellation of the rating would seriously interfere with any program of war work, he may make application in writing to the Director General for Operations, Washington, D. C., Att: Office of Petroleum Coordinator for War, requesting continuation of the rating. The Director General for Operations may thereupon grant such relief as he may deem appropriate.

This amendment shall take effect immediately.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–9808; Filed, October 1, 1942; 4:30 p. m.]

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[1] 7 F.R. 3075.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–91]

REPUBLIC METALS AND ROOFING MATERIALS, INC.

Republic Metals and Roofing Materials, Inc., Chicago, Illinois, is a steel warehouse as defined in Supplementary Order M–21–b and is subject to the provisions of that order. During the calendar quarter beginning January 1, 1942 and ending March 31, 1942, the Company accepted from its producer or producers deliveries of 44.5 tons of Schedule A Steel Products which was 18.2 tons in excess of the quota established for the company by the War Production Board. The acceptance of excessive deliveries of Schedule A Steel Products constituted a violation of Supplementary Order M–21–b, which has hampered and impeded the war effort of the United States by diverting scarce materials to uses prohibited by the War Production Board. In view of the foregoing,

It is hereby ordered, That:

§ 1010.91 *Suspension order S–91.* (a) During the calendar quarter beginning October 1, 1942 and ending December 31, 1942, no quota of Schedule A Steel Products shall be established for Republic Metals and Roofing Materials, Inc., its successors and assigns, under the provisions of Supplementary Order M–21–b, as amended, and Republic Metals and Roofing Materials, Inc., its successors and assigns, shall not accept deliveries of any Schedule A Steel Products, unless specifically authorized by the Director General for Operations.

(b) Nothing contained in this order shall be deemed to relieve Republic Metals and Roofing Materials, Inc., its successors and assigns, from any restrictions, prohibitions or provisions contained in any other order or regulation of the Director General for Operations except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on October 1, 1942, and shall expire on December 31, 1942, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–9805; Filed, October 1, 1942; 3:58 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–92]

HALITOSINE CO.

Halitosine Company, Saint Louis, Missouri, is a corporation engaged in the manufacture of mouthwashes, rubbing alcohol and similar products. During the second quarter of 1942 the company, under the restrictions of General Preference Order M–30, was permitted to accept delivery of only 2270.73 gallons of ethyl alcohol for use in the manufacture of mouth washes. Despite this limitation, the company accepted delivery of 4163 gallons of ethyl alcohol for that purpose or 1892.27 gallons more than it was permitted to receive. This constituted a violation of General Preference Order M–30.

During the first quarter of 1942 the company, under the restrictions of General Preference Order M–30, was permitted to accept delivery of a maximum of 4622.00 gallons of isopropyl alcohol for use in the manufacture of rubbing alcohol. Despite this limitation, the company accepted delivery of 6416 gallons of isopropyl alcohol to be used for this purpose or at least 1794.0 gallons more than it was permitted to receive. This constituted a violation of General Preference Order M–30. At the time the company accepted delivery of these excessive amounts of alcohol it had full knowledge of the existence and terms of General Preference Order M–30 and acted in reckless disregard of the terms of that order.

These violations of General Preference Order M–30 have hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing facts,

It is hereby ordered, That:

§ 1010.92 *Suspension Order S–92.* (a) During the calendar quarter commencing October 1, 1942, and ending December 31, 1942, the amounts of ethyl alcohol and of isopropyl alcohol which Halitosine Company, Saint Louis, Missouri, its successors and assigns, would otherwise be entitled to receive under the provisions of General Preference Order M–30 shall be reduced by the amounts by which its receipts of ethyl alcohol and of isopropyl alcohol as aforesaid exceeded the amounts which it was permitted to receive and shall be further reduced by 50 per cent of the amounts by which the deliveries to it exceeded the amounts it was permitted to receive. During the calendar quarter commencing October 1, 1942, and ending December 31, 1942, Halitosine Company, its successors and assigns, shall not accept delivery of more ethyl alcohol than the amount it would otherwise be permitted to receive under the provisions of General Preference Order M–30, reduced by 2838.40 gallons and shall not accept delivery of more isopropyl alcohol than the amount it would otherwise be entitled to receive under General Preference Order M–30, reduced by 2691 gallons.

(b) Nothing contained in this order shall be deemed to relieve Halitosine Company from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect October 1, 1942, and shall expire on December 31, 1942, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–9804; Filed, October 1, 1942; 3:58 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–94]

STANDARD ELECTRIC SALES CO.

Standard Electric Sales Company, Rochester, New York, is engaged in the sale of electrical supplies, including copper products. The company maintains stocks of such products and is a warehouse as defined in General Preference Order M–9–a. This order, as amended May 7, 1942, prohibits a warehouse from delivering copper products except to fill purchase orders bearing a preference rating of A–1–k or higher. Despite the fact that the company was familiar with these restrictions, during the period from May 9 to June 24, 1942, it delivered substantial amounts of copper wire to fill unrated orders and orders bearing preference ratings lower than A–1–k.

These deliveries constituted violations of General Preference Order M–9–a which have hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing,

It is hereby ordered, That:

§ 1010.94 *Suspension Order S–94* (a) Deliveries of material to Standard Electric Sales Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to Standard Electric Sales Company, its successors and assigns, by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to Standard Electric Sales Company, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve Standard Electric Sales Company from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect October 3, 1942, and shall expire on January 3, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of October 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-9803; Filed, October 1, 1942; 3:58 p. m.]

Part 1010—Suspension Orders

[Suspension Order S-104]

ATHOS STEEL SERVICE

Athos Steel Service, Philadelphia, Pennsylvania, is a steel warehouse as defined in Supplementary Order M-21-b and is subject to the provisions of that order. During the calendar quarter beginning January 1, 1942 and ending March 31, 1942, the company accepted from its producer or producers, deliveries of 384.7 tons of Schedule A steel products which was 101.9 tons in excess of the quota established for the company by the War Production Board. The acceptance of excessive deliveries of Schedule A steel products constituted a violation of Supplementary Order M-21-b, which has hampered and impeded the war effort of the United States by diverting scarce materials to uses prohibited by the War Production Board. In view of the foregoing,

It is hereby ordered, That:

§ 1010.104 *Suspension Order S-104.* (a) During the calendar quarter beginning October 1, 1942 and ending December 31, 1942, the quota of Schedule A steel products which Athos Steel Service, Philadelphia, Pennsylvania, would be entitled to receive under the provisions of Supplementary Order M-21-b, as amended, shall be reduced by the amount which the company accepted in the first quarter of 1942 in excess of the quota assigned, and shall be further reduced by 50 percent of the amount by which the company exceeded its quota, or a total reduction of 152.85 tons, and Athos Steel Service, its successors and assigns, shall not accept deliveries of more than 134.15 tons of Schedule A steel products unless specifically authorized by the Director General for Operations.

(b) Nothing contained in this order shall be deemed to relieve Athos Steel Service, its successors and assigns, from any restrictions or provisions contained in any other order or regulation of the Director General for Operations, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on October 1, 1942, and shall expire on December 31, 1942, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of October 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-9802; Filed, October 1, 1942; 3:58 p. m.]

Part 1041—Production, Transportation, Refining, and Marketing of Petroleum

[Preference Rating Order P-98-d]

§ 1041.5 *Preference Rating Order P-98-d.* For the purpose of facilitating the acquisition of material for the production, transportation, refining and marketing of petroleum outside of the United States, its territories and possessions, and the Dominion of Canada, preference ratings may be assigned to deliveries of material upon the terms hereinafter set forth:

(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Petroleum" means petroleum, petroleum products and associated hydrocarbons, including but not limited to, natural gas.

(3) "Petroleum enterprise" means any facility used in the production, refining, transportation, or marketing of petroleum.

(4) "Operator" means any person to the extent that he is engaged in operating a petroleum enterprise outside of the United States, its territories and possessions, and the Dominion of Canada.

(b) *Preference ratings for foreign petroleum enterprises.* No operator shall apply any preference rating to the delivery of material for any operation to which a preference rating may be assigned upon Form PD-311 or any form in the PD-311 series, unless the preference rating is actually assigned by such a form, or has been assigned by such a form and rerated pursuant to Priorities Regulation No. 12, as amended from time to time.

(c) *Extension and use of the "Foreign Petroleum Industry Material Rating Plan".* (1) Notwithstanding the provisions of Forms PD-311 and PD-311-c (Foreign Petroleum Industry Material Rating Plan) and the instructions applicable thereto, any preference rating assigned on such a form shall continue in effect until January 1, 1943, unless sooner revoked by the Director General for Operations.

(2) Preference ratings may be requested on Form PD-311 or Form PD-311-c until November 1, 1942, for material required in the fourth calendar-quarter of 1942.

(d) *Applicability of priorities regulations.* This order is issued pursuant to Priorities Regulation No. 9, as amended from time to time. This order and all transactions affected thereby are subject to the applicable provisions of any priorities regulation issued by the War Production Board, as amended from time to time.

(e) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: Office of Petroleum Coordinator, South Interior Building, Washington, D. C., Ref: P-98-d.

(f) *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the Director General for Operations in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of October 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-9806; Filed, October 1, 1942; 3:58 p. m.]

Part 1075—Construction

[Supplementary Conservation Order L-41-b, as Amended October 2, 1942]

Supplementary Conservation Order No. L-41-b is hereby amended to read as follows:

§ 1075.3 *Supplementary Conservation Order No. L-41-b.* (a) Conservation Order L-41, as amended, shall not apply to construction begun prior to January 1, 1943, which is necessary to the conversion or substitution of heating equipment to permit the use of fuel other than oil, electricity, natural gas, manufactured gas, or mixed natural and manufactured gas.

(b) Conservation Order L-41, as amended, shall not apply to construction begun prior to January 1, 1943, which is necessary to the installation or application in buildings, structures or projects of the following materials and equipment: Insulation materials, air cell pipe coverings, weather-stripping, storm windows and doors: *Provided, however,* That no rubber, cork, or metal (other than

fastenings), shall be used in such installation or application.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of October 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-9824; Filed, October 2, 1942; 11:43 a. m.]

Part 1099—Beds, Springs and Mattresses

[Interpretation 1 to General Limitation Order L-49, as Amended August 4, 1942]

The following official interpretation is hereby issued by the Director General for Operations with respect to paragraph (d) (3), as amended September 19, 1942, of § 1099.1, *General Limitation Order L-49,* as amended August 4, 1942:[1]

Paragraph (d) (3), as amended September 19, 1942, provides that "On and after November 1, 1942, no manufacturer shall process, fabricate, work on or assemble any studio couch, sofa bed or lounge designed for dual sleeping and seating purposes which contains any iron or steel other than joining hardware, except that manufacturers may, after November 1, 1942, process, fabricate, work on or assemble final fabric covers on any such studio couch, sofa bed or lounge, provided that any such studio couch, sofa bed or lounge has otherwise been completely processed, fabricated, worked on or assembled prior to November 1, 1942."

This language is to be strictly construed. No operation other than the putting on of final fabric covers is permitted on and after November 1, 1942. Studio couches, sofa beds or lounges which are merely "sprung up" may not be padded or worked on in any way other than the assembly of final fabric covers. In connection with the assembly of final fabric covers, any work which is absolutely essential to such assembly is permitted. The assembly of hinges, decorative molding, nails, and similar items, after the final fabric cover is placed upon the studio couch, sofa bed or lounge, is also permitted.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of October 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-9822; Filed, October 2, 1942; 11:43 a. m.]

Part 1125—Caskets, Shipping Cases and Burial Vaults

[Supplementary Limitation Order L-64-a]

In accordance with the provisions of § 1125.1 *General Limitation Order L-64* which the following order supplements:

§ 1125.2 *Supplementary General Limitation Order L-64-a*—(a) *Prohibition of all transactions in iron and steel caskets from the effective date of this order.* From the effective date of this order, no manufacturer shall sell, lease, trade, lend, ship, deliver or transfer to any other person any casket (whether produced before or after the effective date of this order) which contains more than 25% of iron and steel in the total net weight thereof, and with inside measurements of 74¾ inches or more in length, 22¾ to 23¼ inches, inclusive, in width, and 16¾ to 19¼ inches, inclusive, in depth, whether or not it can provide hermetic sealing, except

(1) Caskets which permit half or full length display of a body of the types known as half couch caskets, drop side caskets, full couch caskets, and hinged top caskets, or

(2) To the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or the Panama Canal, or

(3) Pursuant to the specific authorization of the Director General for Operations.

(b) *Records and reports.* (1) Any manufacturer who has, on the effective date of this order, any caskets which are affected by this order shall keep and preserve, for not less than two years, accurate and complete records of all such caskets and of all sales and shipments made pursuant to this order. Such records shall be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(2) On or before the 15th day of the month following the effective date of this order, any manufacturer who on the effective date of this order, had any caskets which were affected by this order, shall file with the War Production Board a statement of the number and type of such caskets in stock on the effective date of this order on Form PD-590.

(c) *Applications for specific authorization of the Director General for Operations.* Any manufacturer affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may apply in writing to the Director General for Operations, War Production Board, Washington, D. C., Ref.: L-64-a, fully setting forth the reasons why such manufacturer deems it appropriate that he obtain relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(d) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: "War Production Board, Washington, D. C., Ref: L-64-a".

(e) *Effective date.* This order shall take effect October 2, 1942, at 12:01 a. m. Eastern War Time.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of October 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-9819; Filed, October 2, 1942; 11:44 a. m.]

Part 1142—Dry Cell Batteries and Portable Lights Operated by Dry Cell Batteries

[General Limitation Order L-71, as Amended October 2, 1942]

1. Part 1142—Flashlight Cases and Flashlight Batteries, is hereby amended to read Part—1142 Dry Cell Batteries and Portable Lights Operated by Dry Cell Batteries.

2. General Limitation Order L-71 (§ 1142.1) is hereby amended to read as follows:

§ 1142.1 *General Limitation Order L-71*—(a) *Definitions.* For the purposes of this order:

(1) "Dry cell battery" means any primary cell or assembly of cells in which the electrolyte is nonspillable and in which electric current is produced by electrochemical action.

(2) "Flashlight battery" means any dry cell battery designated as "D", "C", "BB", or "AA" in Table 4 of Circular C435 of the National Bureau of Standards, issued February 18, 1942, when such battery is produced for use in a flashlight.

(3) "Railroad lantern battery" means any dry cell battery designated as "4F" in Table 4 of Circular C435 of the National Bureau of Standards, issued February 18, 1942.

(4) "Radio battery" means any dry cell battery designed and produced primarily for use with a radio set.

(5) "Hearing aid battery" means any dry cell battery designed and produced primarily for use in any hearing aid device for personal use.

(6) "Other dry cell battery" means any dry cell battery not included in subparagraphs (2), (3), (4) or (5) of this paragraph (a).

(7) "Flashlight" means any portable electric light operated by one or more flashlight batteries or a miniature dynamo.

(8) "Electric railroad lantern" means any portable electric light operated by a railroad lantern battery.

(9) "Other portable electric light" means any portable electric light operated by one or more dry cell batteries

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[1] 7 F.R. 6044, 7431.

which is not included in subparagraphs (7) or (8) of this paragraph (a).

(10) The terms "flashlight," "electric railroad lantern," and "other portable electric light" shall not include any dry cell battery or lamp or bulb.

(11) "Manufacturer" means any person who manufactures or assembles any flashlight, electric railroad lantern or other portable electric light or any dry cell battery or container for holding assemblies of such batteries.

(12) "Class A manufacturer" means any one of the following manufacturers:

General Dry Batteries, Inc. of Cleveland, Ohio,
National Carbon Company, Inc. of New York, N. Y.,
Ray-O-Vac Company of Madison, Wisconsin,

(13) "Class B manufacturer" means any manufacturer of radio batteries not classified as a Class A manufacturer.

(14) "Class C manufacturer" means the following manufacturer:

National Carbon Company, Inc., of New York, N. Y.

(15) "Class D manufacturer" means any one of the following manufacturers:

Ray-O-Vac Company of Madison, Wisconsin,
United States Electric Manufacturing Corp., of New York, N. Y.,
Winchester Repeating Arms Company of New Haven, Connecticut.

(16) "Class E manufacturer" means any manufacturer of flashlight batteries not classified as a Class C or Class D manufacturer.

(17) "Class F manufacturer" means any one of the following manufacturers:

Bright Star Battery Company of Clifton, N. J.,
The Burgess Battery Company of Freeport, Illinois,
National Carbon Company, Inc., of New York, N. Y.,
Ray-O-Vac Company of Madison, Wisconsin,
United States Electric Manufacturing Corp. of New York, N. Y.,
Winchester Repeating Arms Company of New Haven, Connecticut.

(18) "Class G manufacturer" means any manufacturer of flashlights, electric railroad lanterns or other portable electric lights not classified as a Class F manufacturer.

(19) "Scarce material" means aluminum, crude rubber, chromium, cadmium, nickel, tin, copper or copper base alloy, zinc, iron or steel.

(20) "Transfer" means to sell, lease, trade, deliver, lend, ship or otherwise transfer.

(b) *Restrictions on use of materials.* (1) Except as provided in subparagraph (2) of this paragraph (b) and in paragraph (f), no manufacturer shall produce any dry cell battery, any container for holding assemblies of dry cell batteries, or any flashlight, railroad lantern or other portable electric light containing any scarce materials.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph (b), any manufacturer may use in the production of flashlights, electric railroad lanterns, other portable electric lights or dry cell batteries the following materials, but only to the extent specifically permitted in this subparagraph (2) of paragraph (b):

(i) Without limit as to time, (*a*) tin contained in solder; (*b*) copper wire (of the minimum size required to provide proper operation) for electrical conductors in dry cell batteries and brass for plating any electrical contact; (*c*) zinc for plating and in die cast fittings, electrical contact fittings, dry cell battery shells and flashlight reflectors; and (*d*) iron and steel in any part of an electric railroad lantern or other portable electric light; in the following parts of flashlights and dry cell batteries: reflectors, electrical contact fittings, switches, eyelets, rivets, screws, end caps, springs, end ferrules, lens rings and battery carbon caps; and in grommets and ferrules for containers for holding assemblies of dry cell batteries; and

(ii) Up to and including October 31, 1942, (*a*) copper or copper base alloy in electrical contact fittings in the minimum quantities required to provide suitable electrical contact and practical operation, provided that such copper and copper base alloy was in his inventory on or before October 2, 1942; and (*b*) tinplate, terneplate or tinned copper wire in electrical contacts in dry cell batteries; and (*c*) iron and steel in battery outer jackets and battery top and bottom seals.

(c) *Restrictions on production of dry cell batteries.* Except as provided in subparagraph (f) (1) no manufacturer shall produce any radio batteries other than:

(i) Batteries containing cells designated as "D", "E", "F", "G" or "J" in Table 1 of Circular C435 of the National Bureau of Standards, issued February 18, 1942, with the modifications permitted in section 2.2 of that Circular, and

(ii) C Batteries of the types described in Table 8 of Circular C435 of the National Bureau of Standards, issued February 18, 1942,

except that he may complete the assembly into batteries of any cells which were completed on or before October 2, 1942.

(2) During the period from October 1, 1942 to December 31, 1942, inclusive,

(i) No Class A manufacturer shall produce radio batteries containing more cells than three times 30% of the average monthly number of cells contained in the radio batteries produced by him during the year 1940;

(ii) No Class B manufacturer shall produce radio batteries containing more cells than three times 100% of the average monthly number of cells contained in the radio batteries produced by him during the year 1940;

(iii) No Class C manufacturer shall produce flashlight batteries containing more cells than three times 33⅓% of the average monthly number of cells contained in the flashlight batteries produced by him during the year 1940;

(iv) No Class D manufacturer shall produce flashlight batteries containing more cells than three times 50% of the average monthly number of cells contained in the flashlight batteries produced by him during the year 1940;

(v) No Class E manufacturer shall produce flashlight batteries containing more cells than three times 80% of the average monthly number of cells contained in the flashlight batteries produced by him during the year 1940;

(vi) No manufacturer shall produce hearing aid batteries containing more cells than three times 150% of the average monthly number of cells contained in the hearing aid batteries produced by him during the year 1940;

(vii) No manufacturer shall produce railroad lantern batteries containing more cells than three times 130% of the average monthly number of cells contained in the railroad lantern batteries produced by him during the year 1940; and

(viii) No manufacturer shall produce other dry cell batteries containing more cells than three times 100% of the average monthly number of cells contained in the other dry cell batteries produced by him during the year 1940.

(d) *Restrictions on production of flashlights, electric railroad lanterns and other portable electric lights.* (1) Except as provided in paragraph (f), no Class F manufacturer shall produce:

(i) During the month of October, 1942, more (*a*) flashlights than 60% of the monthly average number of flashlights produced by him during the year 1940; (*b*) electric railroad lanterns than 100% of the average monthly number of electric railroad lanterns produced by him during the year 1940; or (*c*) other portable electric lights than 60% of the average monthly number of other portable electric lights produced by him during the year 1940; and

(ii) On and after November 1, 1942, any flashlight, electric railroad lantern or other portable electric light.

(2) Except as provided in paragraph (f), no Class G manufacturer shall produce during the period from October 1, 1942 to December 31, 1942, inclusive, more (i) flashlights than three times 60% of the monthly average number of flashlights produced by him during the year 1940; (ii) electric railroad lanterns than three times 100% of the monthly average number of electric railroad lanterns produced by him during the year 1940; or (iii) other portable electric lights than three times 60% of the average monthly number of other portable electric lights produced by him during the year 1940.

(e) *Restrictions on sales and deliveries.* Except as provided in paragraph (f), no manufacturer shall transfer any new flashlight, new electric railroad lantern or any new other portable electric light, except:

(1) In fulfillment of a purchase order or contract bearing a preference rating of A–10 or higher, or

(2) In fulfillment of any purchase order or contract placed with him by a dealer or wholesaler, accompanied by a certification (which shall constitute a representation to the manufacturer and to the War Production Board) in the following form:

> The flashlights (electric railroad lanterns, other portable electric lights) included in this order are required to replace in my inventory an equal number of flashlights (electric railroad lanterns, other portable electric lights) sold pursuant to purchase orders or contracts bearing preference ratings of A–10 or higher.

Company

By ------------------

(f) *Governmental exemptions.* The provisions of paragraphs (b), (c), (d) and (e) shall not apply to the production or transfer of any article in fulfillment of a specific purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration or to the government of any country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(g) *Provisions for companies under common ownership.* For the purposes of this order a Class A, B, C, D, E, F or G Manufacturer shall include all subsidiaries, affiliates or other companies or enterprises under common ownership or control.

(h) *Applicability of other orders.* On and after October 2, 1942, the provisions of Conservation Order No. M–11–b, limiting the use of zinc, shall no longer apply to manufacturers of dry cell batteries in the manufacture of such batteries but shall be superseded by the provisions of this order. In so far as any other order heretofore or hereafter issued by the Director of Priorities, the Director of Industry Operations or the Director General for Operations limits the use of any material in the production of flashlights, electric railroad lanterns or other portable electric lights or dry cell batteries or containers for holding assemblies of such batteries to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(i) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(j) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the manufacture of flashlights, electric railroad lanterns or other portable electric lights, or dry cell batteries or containers for holding assemblies of such batteries, inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production at the rates permitted by this order.

(k) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(l) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(m) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(n) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(o) *Appeals.* Any person affected by this order who considers that it works an exceptional or unreasonable hardship upon him may apply for relief by forwarding a letter addressed to the War Production Board, Ref: L–71, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(p) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Washington, D. C., Ref: L–71.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9821; Filed, October 2, 1942; 11:44 a. m.]

PART 1176—IRON AND STEEL CONSERVATION

[Amendment 7 to General Conservation Order M–126 as Amended July 13, 1942]

Section 1176.1 *General Conservation Order M–126*[1] is hereby amended in the following respect:

(1) The item "Pencils, automatic" contained on List A as reinstated by Amendment 3, issued July 29, 1942, is hereby amended to read as follows:

> Pencils, mechanical or automatic.

(2) The item "Pencils, automatic, functional parts only, except for resale" contained on List C is hereby amended to read as follows:

> Pencils, mechanical or automatic, functional parts only, except for resale.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9818; Filed, October 2, 1942; 11:44 a. m.]

PART 1245—WOOD UPHOLSTERED FURNITURE

[Interpretation 1 to General Limitation Order L–135]

The following official interpretation is hereby issued by the Director General for Operations with respect to paragraph (b) (2), as amended September 19, 1942, of § 1245.1, *General Limitation Order L–135*, issued August 8, 1942[1]:

Paragraph (b) (2), as amended September 19, 1942, provides that "On and after November 1, 1942, no wood upholstered furniture manufacturer shall process, fabricate, work on or assemble any new wood upholstered furniture which contains any iron or steel other than joining hardware, except that wood upholstered furniture manufacturers may, after November 1, 1942, process, fabricate, work on or assemble final fabric covers on any new wood upholstered furniture, provided that any such new wood upholstered furniture has otherwise been completely processed, fabricated, worked on or assembled prior to November 1, 1942."

This language is to be strictly construed. No operation other than the putting on of final fabric covers is permitted on and after November 1, 1942. Wood upholstered furniture which is merely "sprung up" may not be padded or worked on in any way other than the assembly of final fabric covers. In connection with the assembly of final fabric covers, any work which is absolutely essential to such assembly is permitted. The assembly of decorative molding, nails, and similar items, after the final fabric cover is placed upon the wood upholstered furniture, is also permitted. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law

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[1] 7 F.R. 5353, 5358, 5462, 5510, 5902, 6047, 7030, 7032.

[1] 7 F.R. 6787.

671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of October 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-9820; Filed, October 2, 1942; 11:44 a. m.]

Part 3062—Conservation of New Automotive Vehicles Subject to Rationing by Federal Agencies

[Amendment 1 to Conservation Order M-216]

§ 3062.1 *Conservation Order M-216,* issued August 29, 1942,[1] is hereby amended by changing the dates October 1, 1942 and October 10, 1942, in paragraph (c), to November 1, 1942 and November 10, 1942, so that said paragraph reads as follows:

(c) *Reports on reserve vehicles required.* Every person in possession of reserve vehicles shall file with the Automotive Branch, War Production Board, Washington, D. C., Ref: Order M-216, a report of the condition of such vehicles on Form PD-641. The initial report shall be as of November 1, 1942, and shall be filed not later than November 10, 1942. Subsequent reports shall be filed thereafter at intervals of six months.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of October 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-9823; Filed, October 2, 1942; 11:43 a. m.]

Chapter XI—Office of Price Administration

Part 1301—Machine Tools

[Amendment 17 to Revised Price Schedule 67[2]]

NEW MACHINE TOOLS

A statement of the considerations involved in the issuance of this amendment has been prepared and filed with the Division of the Federal Register.*

New subparagraph (15) is added to § 1301.51 (a) as set forth below:

§ 1301.51 *Maximum prices for new machine tools and extras.* (a) * * *

(15) *Hanna Engineering Works, Chicago, Illinois.* Notwithstanding any other provision of this paragraph (a), regardless of the terms of any existing contract of sale or other commitment, the maximum price at which the Hanna Engineering Works may sell, offer to sell, deliver or transfer two Hanna Portable and Stationary Compression Yoke Riveters with a 36" reach, 24" gap, and 16" cylinder diameter, and the maximum price at which Kaiser Company, Inc., Portland, Oregon may buy, offer to buy, or accept delivery of said two riveters shall be $1400 each.

* * * * *

§ 1301.59a *Effective dates of amendments.* * * *

(q) Amendment No. 17 (§ 1301.51 (a) (15)) to Revised Price Schedule No. 67 shall become effective October 7, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-9787; Filed, October 1, 1942; 3:27 p. m.]

Part 1305—Administration

[Supplementary Order 21]

DISTRICT OF COLUMBIA PENAL INSTITUTIONS

Removal of sales by the District of Columbia of commodities produced and services supplied by the District of Columbia penal institutions from the operation of all price regulations.

A statement of the considerations involved in the issuance of this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.* For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is hereby ordered:*

§ 1305.25 *Removal of sales by the District of Columbia of commodities produced and services supplied by the District of Columbia penal institutions from the operation of all price regulations.* (a) Sales and deliveries by the District of Columbia to the United States or any agency thereof of any commodity produced or service supplied by the District of Columbia penal institutions shall not be subject to any price regulation heretofore issued, or which hereafter may be issued by the Office of Price Administration, unless specific provision making a price regulation applicable to such sales and deliveries shall hereafter be included in such price regulation.

(b) "Price regulation," as used in this supplementary order, means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any amendment or supplement thereto or order issued thereunder.

(c) This Supplementary Order No. 21 may be revoked or amended by the Price Administrator at any time.

(d) *Effective date.* This Supplementary Order No. 21 (§ 1305.25) shall become effective October 7, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-9788; Filed, October 1, 1942; 3:30 p. m.]

Part 1315—Rubber and Products and Material of Which Rubber Is a Component

[Amendment 34 to Revised Tire Rationing Regulations[1]]

TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

A new paragraph, (ii), is added to § 1315.151 (d); a new § 1315.807 is added; and §§ 1315.151 (d) and 1315.804 are amended, as set forth below:

Definitions

§ 1315.151 *Definitions.* For the purpose of these regulations * * *

(d) "Consumer" of a tire or tube means any person who holds, purchases, or accepts delivery of a tire or tube for use and not for resale, or brings a tire to a retreader or recapper to be retreaded or recapped, the tire to be returned to such person but not for resale.

* * * * *

(ii) "Used" as applied to tires and tubes means a tire or tube that has been run 1,000 miles or more, but does not include a recapped or retreaded tire as defined in paragraph (r) of this § 1315.151.

Transfers and Deliveries of Tires, Tubes, and Camelback

§ 1315.804 *Transfers of tires, tubes or camelback to certain governmental agencies, to manufacturers of new vehicles, and for export*—(a) *Transfers to certain governmental agencies or for export.* Subject to the provisions of paragraphs (c) and (d) of this § 1315.804, any person may transfer tires, tubes or camelback: * * *

(b) *Transfers to manufacturers of new vehicles.* Subject to the provisions of paragraphs (c) and (d) of this § 1315.804, any person may transfer tires or tubes, with the written approval of the chairman of the War Production Board, to any manufacturer of new vehicles for use as part of the original equipment of such vehicles.

(c) *Receipt.* Any person who makes any transfer pursuant to paragraphs (a) or (b) of this § 1315.804, except a transfer of used tires or tubes, shall obtain a receipt from the purchaser upon OPA Form No. R-12 (Revised): *Provided, however,* That a manufacturer who makes any transfer of new tires, new tubes, or camelback pursuant to the same paragraphs, need not obtain such form from the purchaser, except when the transfer is made or originates from premises on which the manufacturer performs the functions of a retailer or distributor.

* * * * *

§ 1315.807 *Permitted and prohibited transfers of used tires and tubes.*—(a) *Prohibitions.* On and after October 1, 1942, except as provided in §§ 1315.401 (c), 1315.402 (d) (5), 1315.403 (a) (5), 1315.501 (d) (4), 1315.502 (c) (4), 1315.503 (c) (4), 1315.704 (b) and (c), 1315.705, 1315.801 (f) (6) (i) and (ii), 1315.804, 1315.806, and paragraphs (b) through (f) of this § 1315.807 of these regulations, no person shall transfer, offer to transfer, or solicit a transfer of any used tire or tube, and no person shall accept or offer to accept any transfer of any used tire or tube. This prohibition shall apply in spite of any contract, agreement or commitment, regardless of when made.

(b) *Definitions.* For the purpose of this § 1315.807, the term

(1) "Dealer" means any retailer, distributor, wholesaler, manufacturer, or any person engaged in the business of (i) manufacturing or selling tires, tubes or vehicles, (ii) retreading or recapping tires, or (iii) extending credit to another upon the security of a vehicle under an agreement permitting the lender to take possession of the vehicle.

(2) "Mounted tire" means a tire mounted upon the running wheel of a vehicle or one spare for each size tire upon a vehicle.

(c) *Transfers by consumers.* (1) a consumer, other than a dealer, may mount used tires or tubes owned by him on any vehicle owned by him.

(2) A consumer, other than a dealer, may transfer to any dealer or consumer used tires or tubes when mounted on a vehicle in conjunction with the transfer of such vehicle to such dealer or consumer.

(3) A consumer may temporarily transfer used tires or tubes to any person engaged in the business of repairing tires or tubes, for purposes of mounting or repair only, and accept the transfer of such tires or tubes after such mounting or repair.

(4) A consumer, other than a dealer, may change the physical location or use of used tires or tubes owned by him, provided that no change in right, title or interest takes place: *And provided, further,* That used tires or tubes are not placed in the hands of a dealer or on his premises unless pursuant to paragraph (c) (3).

(d) *Common carriers.* A common carrier which on September 30, 1942, was in possession of shipments of used tires or tubes consigned to a consignee may deliver such used tires or tubes to such consignee, who may accept such delivery.

(e) *Transfers by dealers.* (1) No dealer may mount on his vehicles or transfer between his vehicles any used tires or tubes except those mounted on one or more of his vehicles as of September 30, 1942, or mounted on a vehicle acquired by him thereafter.

(2) A dealer may transfer used tires to a retreader or recapper for the purpose of retreading or recapping such tires. No transfer of retreaded or recapped tires shall be made except in accordance with the provisions of these regulations.

(3) A dealer may transfer to any consumer used tires or tubes when mounted on a vehicle in conjunction with the transfer of the vehicle to such consumer, provided that the transfer of the vehicle does not violate the new passenger automobile rationing regulations issued by the Office of Price Administration.

(4) A dealer may accept a transfer of used tires or tubes from any Governmental agency specified in § 1315.804 (a) (1).

(5) A dealer may make other transfers of used tires or tubes, which are essential to the conservation of such tires or tubes, only upon written authorization of the State or District Office of the Office of Price Administration having jurisdiction over the area in which the tires or tubes are located. Requests for such authorization shall state the number and size of the tires or tubes, their present and proposed location, and the reasons for the proposed transfer.

(f) *Reports.* A dealer who makes or accepts any transfer of a used tire or tube pursuant to §§ 1315.801 (f) (6) (i) and (ii), 1315.804, 1315.806, or paragraphs (d), (e) (2), (e) (4), or (e) (5) of this § 1315.807, shall file a report within fifteen (15) days of the date of such transfer with the Inventory Control Unit, Office of Price Administration, Empire State Building, New York City, New York, and shall keep a copy thereof. This report shall state the name and address of the dealer, the number and size of used tires or tubes transferred, the date of transfer, and the name and address of the person to whom the dealer has transferred the tires or tubes or from whom the dealer has accepted such transfer.

§ 1315.1199a *Effective dates of amendments.* * * *

(hh) Amendment No. 34 (§§ 1315.151, (d), 1315.804 and 1315.807) to Revised Tire Rationing Regulations shall become effective October 1, 1942.

(Pub. Law 421, 77th Cong., Jan. 30, 1942, OPM Supp. Order No. M-15c, WPB Directive No. 1, Supp. Directive No. 1B; 6 F.R. 6792, 7 F.R. 121, 350, 434, 473, 562, 925, 1009, 1026)

Issued this 1st day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-9789; Filed, October 1, 1942; 3:28 p. m.]

Part 1315—Rubber and Products and Materials of Which Rubber Is a Component

[Amendment 2 to Maximum Price Regulation 200[1]]

RUBBER HEELS, RUBBER HEELS ATTACHED, AND ATTACHING OF RUBBER HEELS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Two sentences are added to § 1315.1406 (a); in § 1315.1420, Table I-A as amended and footnotes 1 to 5, inclusive, are renumbered 2 to 6, inclusive; paragraphs (c), (d) (1), and (e) (1) are amended; a brand name is added to paragraph (g) (5); the brand "Fleetfoot 60" is deleted from paragraph (g) (4) and added to paragraph (g) (2); paragraph (g) (6) is amended, and a new paragraph (h) is added, all as set forth below:

§ 1315.1406 *Marking and posting.* (a) * * *.

The marking of the unit of sale container is an approved method of marking women's scoop lifts (1 and 3 nail hole) and died out toplifts. A paper sticker on each toplift strip or block is also an approved method of marking toplift strips and toplift blocks.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6864.

[2] 7 F.R. 1337, 1836, 2000, 2105, 2472, 2473, 2680, 2996, 3445, 3820, 4176, 5513, 5987, and 7239.

[1] 7 F.R. 1027, 1089, 2106, 2107, 2541, 2633, 2945, 2948, 3235, 3237, 3551, 3830, 4176, 4336, 4493, 4543, 4544, 4617, 4856, 5023, 5274, 5276, 5566, 5605, 5867, 6423, 6775, 7034, 7241, 7669, 7670.

* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6259, 6936.

§ 1315.1420 *Appendix A: Maximum prices for rubber heels, rubber heels attached and attaching rubber heels.* (a) * * *

Table I-A—Maximum Price for Rubber Heels Sold in the Shoe Repair Trade [1]

Item	Maximum price for sales to wholesalers[2]	Maximum price for sales to shoe repairmen [3]	Unit of sales to wholesalers and shoe repairmen	Maximum price to consumers for heels attached by shoe repairmen [4] (per pair)
*	*	*	*	*
4. Women's Cuban heels (scoops or flat type) and junior wedges (all sizes):	*	*	*	$0.45
Super grade or V-1	*	*	*	.45
Standard grade or V-2	*	*	*	.40
Competitive grade or V-3	*	*	*	.35
Special competitive grade or V-4				
5. Women's toplifts:				
(a) Thin scoop lifts (3 nail hole, fiber back, with washers) (all sizes):	*	*	*	.40
Super grade or V-1 (with nails)	*	*	*	.40
Super grade or V-1 (without nails)	*	*	*	.40
All other grades V-2, V-3, V-4 (with nails)	*	*	*	.40
All other grades V-2, V-3, V-4 (without nails)				
(b) 1 nail hole toplifts plain or fiber back, no washers (all grades, V-1, V-2, V-3, V-4):				
(1) 1 dozen to carton (with nails) (all colors except white #), by size:	*	*	*	.35
9-0	*	*	*	.35
7-0	*	*	*	.35
5-0	*	*	*	.35
3-0	*	*	*	.35
2-0	*	*	*	.35
1-0	*	*	*	.35
2	*	*	*	.35
4	*	*	*	.35
6	*	*	*	.35
1	*	*	*	.35
3	*	*	*	.35
5				.10
#For white add to each price				
(2) 6 dozen to carton (without nails) (all colors but white #), by size:	*	*	*	.35
9-0	*	*	*	.35
7-0	*	*	*	.35
5-0	*	*	*	.35
3-0	*	*	*	.35
2-0	*	*	*	.35
1-0	*	*	*	.35
2	*	*	*	.35
4	*	*	*	.35
6	*	*	*	.35
1	*	*	*	.35
3	*	*	*	.35
5	*	*	*	.35
6				.10
#For white add to each price				
(c) Died out toplifts, plain or fiber back: Super grade or V-1, by size:				
10½ iron:	*	*	*	[7].25
Black	*	*	*	[7].25
Tan or no mark black	*	*	*	[7].35
White				
All other grades V-2, V-3, V-4, by size: 9 iron:	*	*	*	[7].25
Black	*	*	*	[7].25
Tan or no mark black	*	*	*	[7].35
White				
10½ iron:	*	*	*	[7].25
Black	*	*	*	[7].25
Tan or no mark black	*	*	*	[7].35
White				
12 iron:	*	*	*	[7].25
Black	*	*	*	[7].25
Tan or no mark black	*	*	*	[7].35
White				
(d) Toplift strips (12½" x 25"):				
(1) Plain back, black:				
Super grade or V-1, by size:	*	*	*	[7].25
7 iron	*	*	*	[7].25
7½ iron	*	*	*	[7].25
9 iron	*	*	*	[7].25
10½ iron	*	*	*	[7].25
12 iron				
Standard grade or V-2 by size:	*	*	*	[7].25
7 iron	*	*	*	[7].25
7½ iron	*	*	*	[7].25
9 iron	*	*	*	[7].25
10½ iron	*	*	*	[7].25
12 iron				
Special Competitive or V-3, V-4 by size:	*	*	*	[7].25
7 iron	*	*	*	[7].25
7½ iron	*	*	*	[7].25
9 iron	*	*	*	[7].25
10½ iron	*	*	*	[7].25
12 iron				.00
##Fiber back add to each price				

Footnotes at end of table.

Table I-A—Maximum Price for Rubber Heels Sold in the Shoe Repair Trade—Continued

Item	Maximum price for sales to wholesalers	Maximum price for sales to shoe repairmen	Unit of sales to wholesalers and shoe repairmen	Maximum price to consumers for heels attached by shoe repairmen (per pair)
5. Women's toplifts—Continued.				
(d) Toplift strips—Continued.				
(2) Plain back, tan and no mark black##:				
Super grade or V-1 by size:				
7 iron	*	*	*	[7]$0.25
7½ iron	*	*	*	[7].25
9 iron	*	*	*	[7].25
10½ iron	*	*	*	[7].25
12 iron	*	*	*	[7].25
Standard grade or V-2 by size:				
7 iron	*	*	*	[7].25
7½ iron	*	*	*	[7].25
9 iron	*	*	*	[7].25
10½ iron	*	*	*	[7].25
12 iron	*	*	*	[7].25
Competitive or special competitive, V-3 or V-4 by size:				
7 iron	*	*	*	[7].25
7½ iron	*	*	*	[7].25
9 iron	*	*	*	[7].25
10½ iron	*	*	*	[7].25
12 iron	*	*	*	[7].25
##Fiber back add to each price				.00
(3) Plain back, white##:				
All grades by size:				
7 iron	*	*	*	[7].35
7½ iron	*	*	*	[7].35
9 iron	*	*	*	[7].35
10½ iron	*	*	*	[7].35
12 iron	*	*	*	[7].35
##Fiber back add to each price				.00
(e) Toplift blocks (8⅓ x 12½"):				
(1) Plain back, black:				
Super grade or V-1, by size:				
7 iron	*	*	1 dozen	[7].25
9 iron	*	*	1 dozen	[7].25
10½ iron	*	*	1 dozen	[7].25
12 iron	*	*	1 dozen	[7].25
All other grades V-2, V-3, V-4 by size:				
7½ iron	*	*	1 dozen	[7].25
9 iron	*	*	1 dozen	[7].25
10½ iron	*	*	1 dozen	[7].25
12 iron	*	*	1 dozen	[7].25
##Fiber back add to each price				.00
(2) Plain back, tan and no mark black:				
Super grade or V-1 by size:				
7 iron	*	*	1 dozen	[7].25
9 iron	*	*	1 dozen	[7].25
10½ iron	*	*	1 dozen	[7].25
12 iron	*	*	1 dozen	[7].25
All other grades V-2, V-3, V-4 by size:				
7½ iron	*	*	1 dozen	[7].25
9 iron	*	*	1 dozen	[7].25
10½ iron	*	*	1 dozen	[7].25
12 iron	*	*	1 dozen	[7].25
##Fiber back add to each price				.00
(3) Plain back, white:				
All grades, by size:				
7 iron	*	*	1 dozen	[7].35
9 iron	*	*	1 dozen	[7].35
10½ iron	*	*	1 dozen	[7].35
12 iron	*	*	1 dozen	[7].35
##Fiber back add to each price				.00
*	*	*	*	*
7. Combination leather and rubber lifts (all sizes):				
Men's	[8]2.51	[8]3.35	1 doz. pairs	
Women's	1.76	2.35	1 doz. pairs	
*	*	*	*	*
*	*	*	*	*
10. White heels:				
Men's half	*	*	*	*
Women's cuban (scoop, flat type or junior wedges)	*	*	*	.55
Women's thin scoop super grade	*	*	*	.50
All other grades	*	*	*	.50

* * * * *

[1] The maximum prices for sales by wholesalers to certain wholesalers are set forth in paragraph (h) of this section.

[2] *.

[3] *.

[4] *.

[5] *.

[6] *.

[7] If died out toplifts or toplifts cut from toplift strips or toplift blocks are attached to heels which are larger in size than a size 3-0 thin scoop lift (3 nail hole), the shoe repairman may add $0.05 per pair to the prices stated in Table I-A for attaching these women's toplifts.

[8] For Wilder Quick Work A Style, combination leather and rubber lifts, there shall be substituted in Table I-A $2.75 instead of $2.51 and $3.67 instead of $3.35.

(c) The maximum price stated in Table I–A for a sale by a shoe repairman includes all repairs made by the shoe repairman in the process of attaching rubber heels.

(d) (1) The maximum price for sales to wholesalers shall be decreased by 5% if the purchaser pays cash within thirty days after delivery of the rubber heels.

(2) * * *

(e) (1) The maximum price for sales to wholesalers shall include the costs of transportation of the rubber heels to the buyer's place of business if the order in question amounts to one hundred pounds or more.

(2) * * *

(g) * * *

(2) "Standard grade" means rubber heels manufactured before September 1, 1942, bearing the following brand names and made by the following manufacturers:

STANDARD

Brand:	*Manufacturer*

* * * * *

Fleetfoot 60	New Jersey Rubber Co.

* * * * *

(4) "Special Competitive grade" means rubber heels manufactured before September 1, 1942, whose brand name is not specifically listed in this paragraph (g) and rubber heels bearing the following brand names and made by the following manufacturers:

SPECIAL COMPETITIVE

Brand:	*Manufacturers*

* * * * *

Fleetfoot	New Jersey Rubber Company.
Gold Crown	Holtite Manufacturing Company.

* * * * *

(5) "Corded" means rubber heels bearing the following brand names and made by the following manufacturers, provided that if they are manufactured after August 31, 1942, they must have a minimum abrasion of 30.[9]

CORDED

Brand:	*Manufacturers*

* * * * *

Cat's Paw Super Cord	Holtite Manufacturing Company.

(6) Grades "V–1", "V–2", "V–3", and "V–4" mean rubber heels manufactured after August 31, 1942 which can meet the following physical tests:

Grade	Minimum abrasion		Tensile strength
	All types except whole heels [1]	Whole heels [2]	
V–1	25	20	1,000
V–2	20	16	800
V–3	15	12	500
V–4	10	8	400

[1] A minus tolerance of 2 points from the specified average abrasion index requirements is permitted with an unlimited plus tolerance. The methods of Federal Specifications EA-ZZ-H-141 and ZZ-R-601 shall be applicable to the specifications.

[2] No minus tolerance is permitted for whole heels. The methods of Federal Specifications EA-ZZ-H-141 and ZZ-R-601 shall be applicable to the specifications.

(h) The maximum price for sales by wholesalers to that class of wholesalers who, during March 1942, purchased rubber heels from wholesalers at prices higher than those set forth in Table I–A for sales to wholesalers is the price for sales of the rubber heels in question to shoe repairmen set forth in Table I–A less 20%. Paragraphs (d) (1) and (e) (1) are applicable to such sales.

§ 1315.1419a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1315.1406 (a); 1315.1420 (a), (c), (d), (e), (g) (2), (g) (5), (g) (6), (h)) to Maximum Price Regulation No. 200 shall become effective October 7, 1942.

Issued this 1st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9790; Filed, October 1, 1942; 3:29 p. m.]

PART 1340—FUEL

[Amendment 32 to Revised Price Schedule 88[1]]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1340.157, two new paragraphs (v) and (w) are added, and a new paragraph (d) is added to § 1340.159.

§ 1340.157 *Definitions.* * * *

(v) "Wet gas" means any natural or petroleum gas, and refinery gas, which is sold to be processed for the extraction of vapors and liquids, from which operation some residue gas results.

(w) "Dry gas" means any natural or petroleum gas, and refinery gas, sold for consumption either directly as fuel or to be consumed in the production of any other commodity or for use in gas lift, pressure maintenance or repressuring operations, and includes such gas when delivered directly from wells, and the residue gas incident to plant operations.

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(d) *Petroleum gas; natural gas*—(1) *Wet gas.* (i) A seller's maximum price at any particular time for wet gas produced from any given field shall be the highest price that could be charged at that time under the terms and conditions of any contract which was in effect on May 1, 1942 between the seller and the purchaser for the sale of wet gas produced from such field.

(ii) If a seller had no contract in effect with a particular purchaser on May 1, 1942, for wet gas produced from any given field, then such seller's maximum price to such purchaser at any given field shall be the highest price that could be charged at that time under the terms and conditions of any contract which was in effect on May 1, 1942, between such seller and a purchaser of the same class for the sale of wet gas produced from such field.

(iii) Where a maximum price for wet gas cannot be determined under (i) or (ii), or where a maximum price has been determined under (i) or (ii), and the purchaser wishes to extract, condense and save additional products from the wet gas not contemplated by the contract nor by any contract between a seller and a purchaser of the same class in the given field, a tentative maximum price may be set. The purchaser shall make a request in writing at the Office of Price Administration in Washington, D. C., for approval of such tentative maximum price within 15 days after it has been set by him or within 30 days from October 7, 1942, whichever is later. In connection with his request, the purchaser shall file with the said Office a statement setting forth (*a*) an explanation as to why it is impossible for the seller to establish a maximum price under subdivisions (i) or (ii) of this paragraph (d), (*b*) the tentative maximum price, and an explanation of the method used in arriving at such price, (*c*) the maximum prices for sellers and purchasers of the same class at the two nearest fields to the one in question, if known, and (*d*) if a written contract has been entered into, an authenticated copy thereof. The tentative maximum price shall be the maximum price for the production from the field to purchasers of the same class unless the tentative price is disapproved by the Office of Price Administration within 15 days from the date it is filed as provided above. Ordinarily a tentative price set under this subdivision (iii) will not be approved unless such tentative price is in line with the maximum prices for sellers and purchasers of the same class at the nearest fields to the one in question. A tentative price which has been approved as a maximum price hereunder, may subsequently be changed by order of the Price Administrator.

(2) *Dry gas.* (i) Where a contract for the sale of dry gas was in effect on October 1, 1941, the seller's maximum price at any particular time for any gas sold under that contract, or any renewal of such contract, or a new contract between the same purchaser and seller, shall not exceed the price that could be charged under the terms of the contract that was in effect on October 1, 1941.

(ii) Where a seller had contracts in effect on October 1, 1941, for sale of dry gas but did not then have a contract with a particular purchaser, the seller's maximum price at any particular time to that purchaser shall not exceed the highest price that could be charged at that time under (i) to a purchaser of the same class.

(iii) If a seller had no contracts in effect for sales of dry gas on October 1, 1941, a seller's maximum price at any particular time for dry gas shall not exceed the maximum price established at that time by seller's most closely competitive seller of the same class to a purchaser of same class.

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[9] A minus tolerance of two points from the specified average abrasion index requirements is permitted with an unlimited plus tolerance. The methods of Federal Specifications EA–ZZ–H–141 and ZZ–R–601 shall be applicable to the specifications.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1107, 1371, 1798, 1799, 1836, 2132, 2304, 2352, 2634, 2945, 3116, 3482, 3524, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 5988, 6057, 6167, 6471, 3166, 3552, 6680, 7242.

(iv) Where a seller is unable to determine his maximum price for dry gas under (ii) or (iii) above, a tentative maximum price may be set, and the seller shall comply with the requirements of filing as provided in subparagraph (1), subdivision (iii), and the tentative maximum price shall be subject to disapproval and change as therein provided.

(v) Nothing in this subparagraph (2) shall be construed to authorize the regulation of a rate that is exempt from control by the Office of Price Administration under the Emergency Price Control Act of 1942.

§ 1340.158a *Effective dates of amendments.* * * *

(ff) Amendment No. 32 (§§ 1340.157 (v) and (w), 1340.159 (d)) to Revised Price Schedule No. 88, shall become effective October 7, 1942, except that a purchaser and seller of wet gas may, by mutual agreement, make the effective date retroactive to May 11, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9791; Filed, October 1, 1942; 3:28 p. m.]

PART 1370—ELECTRIC APPLIANCES

[Amendment 5 to Maximum Price Regulation 111[1]]

NEW HOUSEHOLD VACUUM CLEANERS AND ATTACHMENTS

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new § 1370.9b is added.

§ 1370.9b *Applications for adjustment.* (a) The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum price established for any model under § 1370.12 (a) Appendix A for persons selling to consumers in any case in which the seller shows:

(1) That such maximum price is substantially below the highest net price in effect for such model by the seller's price list or other regular price quotation to the same general class of purchaser during the period October 1, 1941 to October 15, 1941, inclusive; and

(2) That this fact subjects him to substantial hardship. Applications for adjustment under paragraph (a) shall be filed in accordance with Procedural Regulation No. 1.[2]

(b) Any person seeking relief, for which no provision is made in the foregoing paragraph (a) of this section, from a maximum price established under this Maximum Price Regulation No. 111 may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed in accordance with Procedural Regulation No. 1 and shall set forth the facts relating to the hardship to which such maximum price subjects the applicant together with a statement of the reasons why he believes that the granting of relief in his case and in all like cases will not defeat or impair the policy of the Emergency Price Control Act of 1942 and of this Maximum Price Regulation No. 111 to eliminate the danger of inflation.

§ 1370.14 *Effective dates of amendments.* * * *

(f) Amendment No. 5 (§ 1370.9b) to Maximum Price Regulation No. 111 shall become effective October 7, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9796; Filed, October 1, 1942; 3:31 p. m.]

PART 1381—SOFTWOOD LUMBER

[Amendment 3 to Maximum Price Regulation 161[1]]

WEST COAST LOGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1381.151 is amended to read as set forth below and a new paragraph (c) is added to § 1381.159a:

§ 1381.151 *Maximum prices for West Coast logs.* (a) On and after June 20, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver West Coast logs, and no person shall buy or receive West Coast logs in the course of trade or business at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1381.160; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of West Coast logs to a purchaser if prior to June 20, 1942, such West Coast logs had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) The provisions of paragraph (a) of this § 1381.151 shall not apply to the sale and delivery by the Polson Lumber and Shingle Company, Hoquiam, Washington, to the United States Treasury Department, Procurement Division, pursuant to Order No. C–11354, of the following species and sizes of West Coast logs:

6 Sitka spruce logs, select veneer grade, 10 feet long, 36″ to 54″ in diameter;

8 Sitka spruce logs, aircraft specifications, 16 feet long, 48″ to 72″ in diameter;

6 Douglas fir logs, select veneer grade, 10 feet long, 40″ to 60″ in diameter; and

8 Douglas fir logs, aircraft specifications, 16 feet long, 48″ to 72″ diameter.

All the above-specified logs to be sprayed and coated and meet the specifications of the Forest Service as set forth in Order No. C–11354 of the Procurement Division, United States Treasury Department.

* * * * *

1381.159a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1381.151 (a), 1381.151 (b), and 1381.159a (c)) shall become effective October 7, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9797; Filed, October 1, 1942; 3:28 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 1]

MEAT RESTRICTION

Pursuant to the authority vested in the Administrator by Directive No. 1 of the War Production Board issued January 24, 1942, and by Supplementary Directive No. 1–M issued September 12, 1942, *It is hereby ordered* That:

Sec.
1407.901 Definitions.
1407.902 Deliveries of slaughterers restricted.
1407.903 Quotas established.
1407.904 Deliveries of non-quota slaughterers restricted.
1407.905 Base and quota periods established.
1407.906 Method of computing quota bases.
1407.907 Method of computing deliveries during quota period.
1407.908 Accounting procedures and inventories.
1407.909 Deliveries of cutter and canner grades of beef further restricted.
1407.910 When delivery takes place; transfers of possession for carriage or storage.
1407.911 Slaughterers owning retail outlets.
1407.912 Deliveries permitted without charge against quotas.
1407.913 Conversion weight factors.
1407.914 Registration of slaughterers.
1407.915 Reports.
1407.916 Records.
1407.917 Application for adjustment or exemption.
1407.918 Certification deemed a representation.
1407.919 Prohibited acts.
1407.920 Criminal prosecutions.
1407.921 Suspension orders.
1407.922 Scope of order.
1407.923 Communications.
1407.924 Effective date.

AUTHORITY: §§ 1407.901 to 1407.924, inclusive, issued under Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law 421, 77th Cong., WPB Dir. 1, Supp. Dir. No. 1–M, 7 F.R. 562, 7234.

§ 1407.901 *Definitions.* (a) "Controlled meat" means the dressed carcasses of cattle, calves, sheep, lambs, and swine (hereinafter also called beef, veal, mutton, lamb and pork, respectively) and any processed or unprocessed edible part, cut or trimmings thereof, regardless of how prepared or packaged; excluding, however, canned meats, sausage, scrapple, souse, and other similar products, offal, oils, lards, rendering fats, raw leaf, casings, by-products not ordinarily used for human consumption, and skins of swine when prepared for use in leather, glue and gelatin.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 2307, 2794, 3330, 3447, 3776, 4229, 6049.

[2] 7 F.R. 971, 3663, 6967.

[1] 7 F.R. 4426, 5360, 7008.

(b) "Conversion weight" means the weight of the live animal, the carcass or the controlled meat derived therefrom multiplied by the applicable conversion factor as set forth in § 1407.913.

(c) "Cutter and canner grades of beef" means controlled meat conforming to the specifications for cutter and canner grades of steer, heifer, and cow carcass beef set forth in Service and Regulatory Announcements No. 99, Official United States Standards for Grades of Carcass Beef, United States Department of Agriculture, Agricultural Marketing Administration, reprinted with amendments March, 1942.

(d) "Deliver" means to transfer physical possession of controlled meat to any other person. The transfer of controlled meat by a slaughterer to a unit or department of the slaughterer for use in the preparation, manufacture, or production of any product or commodity other than controlled meat shall be deemed a transfer of physical possession to a person other than the slaughterer. In the case of a slaughterer who uses controlled meat for such purposes without any such transfer, the use of controlled meat in the preparation, manufacture or production of any product or commodity other than controlled meat shall have the same effect for the purposes of Restriction Order No. 1 as a transfer of physical possession to a person other than the slaughterer.

(e) "Dressed carcass" means the carcass in the following state:

(1) In the case of beef, with the kidney knob in.

(2) In the case of veal, with the hide off.

(3) In the case of pork, with the leaf fat and kidney out and the head off.

(4) In the case of lamb and mutton, with pluck out.

(f) "Federally inspected" means slaughtered, dressed and passed in a plant subject to federal inspection pursuant to the Act of Congress of March 4, 1907 (Federal Meat Inspection Act, 34 Stat. 1260).

(g) "Non-quota slaughterer" means any person, other than a slaughterer as herein defined, who slaughters cattle, calves, sheep, lambs, or swine and sells the controlled meat derived therefrom.

(h) "Person" means any individual, partnership, corporation, or association, and includes the United States, or any agency thereof, the states or any political subdivision or agencies thereof, and any other government or any agency thereof.

(i) "Sausage" means any ground, chopped, or cut meat or offal of cattle, calves, sheep, lambs, or swine mixed with condiments or other materials and prepared in loaf or sausage-type form, with or without casings.

(j) "Slaughterer" means: (1) Any person who slaughtered during the first nine months of 1942 cattle, calves, sheep, lambs, or swine which produced controlled meat having an aggregate conversion weight in excess of 1,500,000 pounds, and

(2) Any person who slaughters during any quota period cattle, calves, sheep, lambs, or swine which produce controlled meat having an aggregate conversion weight in excess of 500,000 pounds.

§ 1407.902 *Deliveries of slaughterers restricted.* (a) Notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no slaughterer shall, except as provided in Restriction Order No. 1, deliver during any quota period, more controlled meat of any type than his quota for such type of controlled meat for such period.

(b) Any slaughterer may, during any quota period, deliver controlled meat against any unused portion of his quota for such type of controlled meat for the preceding quota period in an amount not exceeding 10% of such quota, and against his quota for such type of controlled meat for the subsequent quota period in an amount not exceeding 10% of his quota for the current quota period.

(c) A person who becomes a slaughterer during a quota period shall not thereafter during the balance of such period deliver controlled meat of any type in an amount which, together with the amount of such type of controlled meat previously delivered by him during such period, would exceed his quota for such controlled meat for such period.

§ 1407.903 *Quotas established.* (a) The quota of a slaughterer for each type of controlled meat for each quota period shall be the conversion weight obtained by multiplying the quota base for such type of controlled meat by the percentage set forth below:

Type of controlled meat:	*Percentage*
Beef	80
Veal	100
Lamb and mutton	95
Pork	75

(b) Any incorporated slaughterer may apply to the Office of Price Administration for consolidation of its quotas with the quotas of any one or more of its wholly-owned subsidiaries.

§ 1407.904 *Deliveries of non-quota slaughterers restricted.* (a) Notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no non-quota slaughterer shall, during any quota period, deliver more controlled meat of any type resulting from his own slaughter than he delivered of such type resulting from his own slaughter during the corresponding base period, provided that deliveries during a quota period to persons referred to in § 1407.912 (a) shall not be regarded as deliveries for the purposes of this section.

§ 1407.905 *Base and quota periods established.* (a) There are hereby established the following quota periods:

(1) Quota Period 1: October 1, 1942, to December 31, 1942, inclusive.

(2) Quota Period 2: January 1, 1943, to March 31, 1943, inclusive.

(b) The corresponding base period shall be as follows:

(1) Base Period 1: October 1, 1941, to December 31, 1941, inclusive.

(2) Base Period 2: January 1, 1941, to March 31, 1941, inclusive.

§ 1407.906 *Method of computing quota bases.* (a) The quota base of a slaughterer for each type of controlled meat for each quota period shall be computed as follows: From the sum of

(1) In the case of pork: the conversion weight of live animals slaughtered by him during the corresponding base period determined from the average live purchase weight of such animals. In the case of beef, veal, lamb, and mutton: the conversion weight of the chilled dressed carcasses of animals slaughtered during the corresponding base period.

(2) The conversion weight of his inventory of such type of meat at the beginning of the corresponding base period, and

(3) The conversion weight of all meat of such type delivered to him during the corresponding base period,

the following shall be subtracted:

(4) The conversion weight of his inventory of such type of meat at the close of the base period, and

(5) The conversion weight of meat of such type delivered by him to other slaughterers in deliveries of more than 5,000 pounds each or pursuant to any contract calling for delivery of more than 5,000 pounds, and

(6) Fifty percent of the conversion weight of meat of such type delivered directly, or contained in canned meat delivered directly, by him to the Army, Navy, Marine Corps, Coast Guard, or to any agency of the United States to be delivered to, or for the account of, the government of any country pursuant to the Act of March 11, 1941 (Lend-Lease Act.)

(b) If any person acquires or has acquired a business involving slaughtering, including the good will thereof, and continues the business in substantially the same manner as it was carried on prior to such acquisition, the deliveries, slaughterings, and inventories of such business prior thereto shall be deemed to have been made or held by such person for the purposes of Restriction Order No. 1. If a slaughterer makes such acquisition subsequent to his registration he shall immediately file a new registration in accordance with § 1407.914.

(c) The Office of Price Administration upon application may fix for a slaughterer a quota base for a quota period for any type of controlled meat not delivered by such slaughterer during the corresponding base period.

§ 1407.907 *Method of computing deliveries during quota period.* (a) The amount of each type of controlled meat delivered by a slaughterer during a quota period and charged against his quota shall be computed as follows: From the sum of

(1) In the case of pork: the conversion weight of live animals slaughtered by him during the quota period determined from the average live purchase weight of such animals. In the case of beef, veal, lamb and mutton: the conversion weight of the chilled dressed carcasses of animals slaughtered during the quota period.

(2) The conversion weight of his inventory of such type of meat at the beginning of the quota period, and

(3) The conversion weight of all meat of such type delivered to him during the quota period,

the following shall be subtracted:

(4) The conversion weight of his inventory of such type of meat at the close of the quota period, and

(5) The conversion weight of meat of such type delivered by him during the quota period to the persons set forth in § 1407.912 (a).

§ 1407.908 *Accounting procedures and inventories.* (a) A slaughterer in determining his inventories for the purposes of §§ 1407.905 and 1407.906 shall disregard inventories of non-slaughtering branches or branch warehouses.

(b) If the slaughterer's customary time for taking inventory does not correspond with the opening or closing of a base period or quota period, an inventory taken not more than 15 days from the opening or closing of such period may be used as the opening or closing inventory as the case may be.

(c) If the records in the possession of the slaughterer on the effective date of Restriction Order No. 1 are not sufficient for the determination of the inventories required for the computation of quota bases, he may apply to the Office of Price Administration for permission to adopt an alternative method of computing quota bases.

§ 1407.909 *Deliveries of cutter and canner grades of beef further restricted.* (a) No slaughterer shall during any quota period deliver controlled meat of cutter and canner grades of federally inspected beef to persons other than those referred to in § 1407.912 (a) in excess of 20% of the conversion weight of all his deliveries of such cutter and canner grades during the quota period. Such 20 percentum shall include all deliveries of such beef after rejection thereof for failure to meet the specifications of persons referred to in § 1407.912 (a).

(b) No slaughterer shall during any quota period deliver more than 25% of his quota for beef for such period in cutter or canner grades of non-federally inspected beef, unless an adjustment be granted to him pursuant to the provisions of § 1407.917.

§ 1407.910 *When delivery takes place; transfers of possession for carriage or storage.* (a) Controlled meat transferred to a carrier or loaded aboard a vehicle or vessel (whether or not owned or controlled by the slaughterer) for shipment to a person other than the slaughterer shall be deemed to be delivered when so transferred or loaded, regardless of whether the slaughterer reserves title or consigns the shipment to his own order for security purposes only.

(b) A delivery shall not be deemed to take place when controlled meat is placed in a public warehouse solely for storage purposes, but the withdrawal of such meat from any such warehouse by any person other than the slaughterer who placed it there shall be deemed a delivery.

§ 1407.911 *Slaughterers owning retail outlets.* In the case of a person who owns five or more establishments selling controlled meat principally at retail and who is also a slaughterer, the operation of the slaughtering plant or plants operated by him shall be deemed to be separate from all his other activities for the purpose of Restriction Order No. 1, including the determination of the applicable quota base and quotas. Deliveries to such person shall be deemed quota exempt pursuant to § 1407.912 only if made to such plant or plants, and only inventories of and deliveries to and from such plant or plants shall be included in any computations required by Restriction Order No. 1. The restrictions in §§ 1407.902 and 1407.909 shall apply to such person only with respect to deliveries of controlled meat from, and the use of controlled meat in, such plant or plants.

§ 1407.912 *Deliveries permitted without charge against quotas.* (a) A slaughterer who complies with the provisions of paragraph (b) of this section may, without charge against his quota, deliver controlled meat to any of the following purchasers, or to any person to replace controlled meat delivered on or after October 1, 1942 to any such purchaser or to any person who requires such meat for delivery, with or without further processing, to any such purchaser pursuant to a written contract:

(1) The Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, War Shipping Administration, Maritime Commission, Panama Canal, Advisory Committee for Aeronautics, Office of Scientific Research and Development, Defense Supplies Corporation, and any agency of the United States or of any foreign government for export to and consumption or use in any foreign country or any territory or possession of the United States other than the District of Columbia: *Provided, however,* That post exchanges, organized messes, sales commissaries, service men's clubs, ship service stores, and similar organizations, shall not be deemed part of the Army, Navy, Marine Corps or Coast Guard.

(2) Any person for export to and consumption or use in any foreign country, or any territory or possession of the United States other than the District of Columbia.

(3) Any person operating an ocean-going vessel engaged in the transportation of cargo or passengers in foreign, coastwise or intercoastal trade, as ships' stores for consumption aboard such vessel.

(4) Any hospital, asylum, orphanage, prison, or other similar institution, which is operated by any federal, state, or local government or agency thereof, other than an agency listed in paragraph (a) (1) of this section, which took delivery of controlled meat in the year 1941 under contracts awarded upon the basis of competitive bids.

(5) Any person when such delivery is specifically authorized by the Director of the Food Rationing Division of the Office of Price Administration.

(6) Any slaughterer whose deliveries are subject to the quota provisions hereof at the time of such delivery.

(b) A slaughterer who delivers controlled meat to a purchaser specified in paragraph (a) (1) to (6) inclusive of this section, or to a person to replace in such person's inventory controlled meat delivered on or after October 1, 1942, to any such purchaser, shall, not later than 10 days after such delivery, obtain a certification signed by the purchaser or his authorized agent or employee setting forth the following:

(1) The name and address of the person making delivery to the purchaser.

(2) The name and address of the purchaser.

(3) The date of delivery.

(4) The total weight of each type of controlled meat delivered, and a description thereof permitting conversion in accordance with the provisions of §1407.913.

(c) A slaughterer who delivers controlled meat to a purchaser specified in paragraph (a) (2) of this section, or to a person to replace controlled meat delivered on or after October 1, 1942, to any such purchaser, shall obtain with the certification required by paragraph (b) of this section a copy of the export license authorizing the export of such controlled meat. If no export license is required for the shipment, the slaughterer shall obtain with the certification a copy of the bill of lading under which the controlled meat was shipped.

(d) A slaughterer who delivers controlled meat to a purchaser specified in paragraph (a) (3) of this section, or to a person to replace controlled meat delivered on or after October 1, 1942, to any such purchaser, shall obtain with the certification required by paragraph (b) of this section a statement signed by the collector of customs or his deputy authorizing such delivery as ship stores.

(e) A slaughterer who delivers controlled meat to a purchaser specified in paragraph (a) (4) of this section, or to a person to replace controlled meat delivered on or after October 1, 1942 to any such purchaser, shall obtain with the certification required by paragraph (b) of this section a statement, signed by the manager, superintendent or other official in charge of such institutions, that such purchaser took delivery of controlled meat in the year 1941 under contracts awarded upon the basis of competitive bids.

(f) A slaughterer who delivers controlled meat to a purchaser specified in paragraph (a) (5) of this section, or to a person to replace controlled meat delivered on or after October 1, 1942 to any such purchaser shall obtain with the certification required by paragraph (b) of this section a copy of the authorization issued by the Office of Price Administration.

(g) A slaughterer who delivers controlled meat to another slaughterer whose deliveries are subject to the quota provisions hereof at the time of such delivery shall not later than 10 days after such delivery obtain a certification signed by the slaughterer to whom such delivery is made or his authorized agent or employee setting forth that the latter's deliveries are subject to the quota provisions of Restriction Order No. 1, his registration number, and the date on which he registered.

(h) A slaughterer who delivers controlled meat to a person requiring such meat for delivery to an exempted purchaser listed in paragraph (a) (1) to (6) inclusive of this section, pursuant to a written contract with such purchaser, shall within 10 days after delivery to such person obtain a certification signed by such person or his authorized agent or employee setting forth the following:

(1) The name and address of the person requiring such controlled meat.

(2) The name and address of the exempted purchaser.

(3) The date of the contract.

(4) The number or other designation of the contract.

(5) The total weight of each type of controlled meat purchased from such slaughterer, and a description thereof permitting conversion in accordance with the provisions of § 1407.910.

(6) The total weight and description of each type of controlled meat required to perform the contract.

(7) A statement that such controlled meat will be used only in the performance of the contract.

(i) If any of the information specified under paragraphs (b) to (f) inclusive of this section is military information of a secret character, such information may be omitted.

(j) The certifications which are referred to in this section and the statements which accompany them may be in any convenient form and do not require verification or acknowledgment.

§ 1407.913 *Conversion weight factors.* (a) For the purposes of §§ 1407.905 and 1407.906, the conversion weight of swine slaughtered during a period shall be determined exclusively by computing the average purchase weight of the total number of swine slaughtered (less condemnations) and multiplying the total live purchase weight of such swine by the appropriate conversion factor set forth below for the weight range within which the average falls:

Average live weight range:	*Conversion factor*
200 lbs., and under	0.59
201–240 lbs	.61
241–300 lbs	.63
301 lbs., and over	.65

(b) The conversion weight of carcasses, and cuts and trimmings of controlled meat derived therefrom shall be determined by multiplying the weight thereof by the appropriate conversion factor set forth below:

Type of controlled meat	Description of product	Conversion factor (multiplier)	
Beef	Dressed carcasses and cuts, bone in, fresh (chilled) or frozen	1.00	
	Boned beef and trimmings, fresh (chilled) or frozen	1.33	
	Cured other than dried	1.05	
	Dried (including smoked)	2.00	
Veal	Dressed carcasses hide off, and cuts, bone in, fresh (chilled) or frozen.	1.00	
	Dressed carcasses hide on, fresh (chilled) or frozen	.90	
	Boned, fresh (chilled) or frozen	1.33	
Lamb and mutton	Dressed carcasses pluck cut, and cuts, bone in, fresh (chilled) or frozen.	1.00	
	Dressed carcasses pluck in, fresh (chilled) or frozen	.90	
	Boned, fresh (chilled) or frozen	1.33	
Pork	Dressed carcasses (with cutting fats on), fresh (chilled) or frozen	.90	
	Cuts:	*Bone in*	*Bone out*
	Fresh (chilled)	1.00	1.15
	Cured	1.00	1.10
	Smoked	1.10	1.20
	Cooked	1.10	1.10

(c) For the purpose of determining quota bases where no record is available of transfers of controlled meat to the sausage and canning unit or department, the conversion weight of each type of controlled meat used in the preparation of sausage and canned meat shall be computed by determining the net weight of controlled meat of such type used in the processing thereof, and multiplying such net weight by 1.33.

§ 1407.914 *Registration of slaughterers.* (a) No slaughterer who during the first nine months of 1942 slaughtered cattle, calves, sheep, lambs or swine which produced controlled meat having an aggregate conversion weight in excess of 1,500,000 pounds shall deliver controlled meat on or after November 1, 1942, unless he shall have filed with the Office of Price Administration a registration statement on such form as the Office of Price Administration may hereafter prescribe, executed in duplicate and signed by the slaughterer, a partner (if a partnership), an officer (if a corporation), or a manager of the slaughterer.

(b) No slaughterer who becomes a slaughterer by reason of the fact that he slaughters, during a quota period, cattle, calves, sheep, lambs or swine which produce controlled meat having an aggregate conversion weight in excess of 500,000 pounds shall deliver controlled meat on or after the tenth day following the date on which he became a slaughterer unless he shall have filed with the Office of Price Administration a registration statement on such form as the Office of Price Administration may hereafter prescribe, executed and signed as required in paragraph (a) of this section.

(c) The duplicate of such registration form, bearing the date of resignation and a registration number will be returned to the slaughterer and shall be kept at the place designated by him in his registration statement for the keeping of records.

(d) The registration number of the slaughterer shall appear on all reports submitted by him to the Office of Price Administration.

§ 1407.915 *Reports.* (a) Every slaughterer shall furnish such information to, and execute and file such reports with, the Office of Price Administration, as it may from time to time require.

§ 1407.916 *Records.* (a) Every slaughterer shall keep accurate records from which the following may be determined for each quota period:

(1) The conversion weight of controlled meat of each type on hand at the commencement of the quota period.

(2) The conversion weight of controlled meat of each type delivered to the slaughterer.

(3) The conversion weight of controlled meat of each type produced from animals slaughtered.

(4) The conversion weight of controlled meat of each type delivered without charge against quotas, separately stated for each class of exempt purchasers in accordance with the arrangement of such purchasers into paragraphs in § 1407.912 (a).

(5) The conversion weight of controlled meat of each type on hand at the close of the quota period.

(6) The conversion weight of beef of cutter and canner grades slaughtered during such period.

(7) The conversion weight of beef of cutter and canner grades delivered without charge against quotas, separately stated for each class of exempt purchasers in accordance with the arrangement of such purchasers into paragraphs in § 1407.912 (a).

(b) Every non-quota slaughterer shall keep an accurate record, by quota periods, of live purchase weight and chilled dressed carcass weight of all cattle, calves, sheep and lambs slaughtered by him and of live purchase weight of all swine slaughtered by him.

(c) All records required by Restriction Order No. 1 shall be kept and preserved for not less than 2 years after the effective date hereof at an office of the slaughterer designated by him in his registration, and shall at all reasonable times be open to audit and inspection by duly authorized representatives of the Office of Price Administration.

(d) Every person who slaughters cattle, calves, sheep, lambs or swine and every person who sells, transfers, or delivers controlled meat shall preserve for examination by the Office of Price Administration all of his existing records relating to such slaughter, sales, transfers, and deliveries since January 1, 1941, unless authorized to dispose thereof by the Office of Price Administration.

§ 1407.917 *Application for adjustment or exemption.* (a) Any person who considers that an adjustment or exception should be made in his case to facilitate procurement by persons referred to in § 1407.912 (a) (1), prevent spoilage of meat, relieve transportation facilities, adjust quotas which have been affected by unusual occurrences during the base period, or promote greater efficiency and despatch in the war effort, may apply in writing to the Office of Price Administration, setting forth the pertinent facts, the reasons why he considers that an adjustment or exception should be made, and the precise nature of the adjustment or exception desired.

(b) In cases of emergency, application may be made by the most convenient means of communication and a written application may be filed at such time thereafter as the Office of Price Administration may direct.

(c) Upon receipt of such application, the Office of Price Administration may take such action as it shall deem necessary or appropriate.

§ 1407.918 *Certification deemed a representations.* Any certification delivered to a slaughterer pursuant to the provisions of § 1407.912 (b) shall be held by the slaughterer for delivery to the Office of Price Administration upon request by it and statements contained in or accompanying any such certification shall be deemed representations to an agency of the United States.

§ 1407.919 *Prohibited acts.* (a) No person shall deliver, or offer to deliver, to any person, and no person shall accept or offer to accept delivery from any person, or use, any controlled meat with knowledge or reason to believe that such delivery or use is or will be in violation of Restriction Order No. 1, or in violation of or contrary to any of the statements contained in any certification or authorization furnished or provided as required in § 1407.912 (b).

(b) No person shall, or shall cause another person to, alter or falsify any registration certification, or statement, or to falsify, conceal or fail to disclose any fact, statement or information in any application, registration, report or other statement required to be made, kept, furnished or disclosed by Restriction Order No. 1.

(c) No person shall offer, solicit, attempt or agree to do any act in violation of any provision of Restriction Order No. 1.

§ 1497.920 *Criminal prosecutions.* (a) Any person who knowingly falsifies an application, certification, registration form or any other record, report, or document made pursuant to or required by the terms of Restriction Order No. 1 or who otherwise knowingly furnishes false information to any agent, employee or officer of the Office of Price Administration or falsifies or conceals or covers up by any trick, scheme or device a material fact, or makes or causes to be made any false or fraudulent statement or representation, in any matter within the jurisdiction of the Office of Price Administration, may upon conviction be fined not more than $10,000 or imprisoned for not more than ten years, or both, and shall be subject to such other penalties or actions as may be prescribed by law. Any person who conspires with another person to perform any of the foregoing acts or to violate any provision of Restriction Order No. 1 may upon conviction be fined not more than $10,000 or imprisoned for not more than two years, or both, and shall be subject to such other penalties or actions as may be prescribed by law.

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required, by any provision of Restriction Order No. 1 may upon conviction be fined not more than $10,000 and imprisoned for not more than one year, or both, and shall be subject to such other penalties or actions as may be prescribed by all applicable statutes.

§ 1407.921 *Suspension orders.* Any person who violates this Restriction Order No. 1 may by administrative suspension order be prohibited from receiving any transfers or deliveries of, or selling or using or otherwise disposing of, any controlled meat or other rationed product. Such suspension order shall be issued for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest and to promote the national defense.

§ 1407.922 *Scope of order.* Restriction Order No. 1 shall apply within the 48 states of the United States and within the District of Columbia.

§ 1407.923 *Communications.* All registration statements and reports required to be filed hereunder, and all communications concerning Restriction Order No. 1 shall be addressed to: Office of Price Administration, Att: Food Rationing Division, Washington, D. C.

§ 1407.924 *Effective date.* Restriction Order No. 1 shall become effective October 1, 1942.

Issued this 1st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9809; Filed, October 1, 1942; 4:39 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[Amendment 4 to Maximum Price Regulation 183[1]]

PUERTO RICO

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (3) is added to paragraph (a) of § 1418.1, paragraph (d) is added to § 1418.13a and paragraph (c) is added to § 1418.14.

§ 1418.1 *Maximum prices.* (a) Maximum prices are established as follows:

* * * * *

(3) On and after October 1, 1942, regardless of any price regulation heretofore issued by the Office of Price Administration, no person shall sell or deliver cigarettes at retail in the Territory of Puerto Rico and no person shall buy or receive cigarettes in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14 (c), Table III; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

* * * * *

§ 1418.13a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§§ 1418.1 (a) (3), 1418.13a (d) and 1418.14 (c)) to Maximum Price Regulation No. 183 shall become effective October 1, 1942.

* * * * *

§ 1418.14 *Tables of maximum prices.* * * *

(c) *Table III—Maximum retail prices for cigarettes..* (1) The maximum retail prices for cigarettes sold or delivered in the Territory of Puerto Rico shall be:

Brands	*Maximum retail price per package of 20 cigarettes*
Camel	$.16
Chesterfield	.16
Lucky Strike	.16
Old Gold	.16
Philip Morris	.16
Raleigh	.16
Pall Mall	.16

The maximum retail price for these brands of cigarettes not sold in packages of 20 cigarettes shall be a maximum price in line with the above prices. Any reduction in the number of cigarettes shall be accompanied by a proportionate reduction in price. For example: The maximum retail price for 10 cigarettes shall be 8 cents, the maximum retail price for 5 cigarettes shall be 4 cents, and the maximum retail price for any quantity less than 5 cigarettes shall be 1 cent per cigarette.

The maximum retail price for all other brands of cigarettes shall continue to be governed by the General Maximum Price Regulation.

On and after the effective date of this amendment, all persons selling cigarettes to retailers in the Territory of Puerto Rico shall insert in the first shipment to each retailer the following notification:

> The maximum retail price for Camels, Chesterfields, Lucky Strikes, Old Golds, Philip Morris, Raleighs and Pall Mall which you are allowed to charge is 16 cents per package. Any reduction in the number of cigarettes shall be accompanied by a proportionate reduction in price. For example: The maximum retail price for 10 cigarettes shall be 8 cents, the maximum retail price for 5 cigarettes shall be 4 cents, and the maximum retail price for any quantity less than 5 cigarettes shall be 1 cent per cigarette. The maximum retail price for all other brands of cigarettes continues to be the highest price charged by you between April 10 and May 10, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9798; Filed, October 1, 1942; 3:27 p. m.]

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* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5620, 6744, 6659, 7464.

PART 1424—IMPORTED AND PACKAGED FOODS

[Maximum Price Regulation 231]

RAW SPICES AND SPICE SEEDS

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of raw spices and spice seeds by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 231 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. So far as practical, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 231 is hereby issued.

Sec.
1424.1 Prohibition against sales of raw spices and spice seeds above maximum prices.
1424.2 Applicability of the General Maximum Price Regulation.
1424.3 Less than maximum prices.
1424.4 Export sales.
1424.5 Federal and state taxes.
1424.6 Adjustable pricing.
1424.7 Petitions for amendment.
1424.8 Evasion.
1424.9 Enforcement.
1424.10 Records and reports.
1424.11 Definitions.
1424.12 Applicability.
1424.13 Effective date.
1424.14 Appendix A: Maximum prices for raw spices and spice seeds.

AUTHORITY: §§ 1424.1 to 1424.14 inclusive issued under Pub. Law 421, 77th Cong.

§ 1424.1 *Prohibition against sales of raw spices and spice seeds above maximum prices.* On and after October 7, 1942, regardless of any contract, agreement, lease or other obligation:

(a) No person shall sell or deliver any raw spices or spice seeds at higher prices than the maximum prices set forth in Appendix A of this Maximum Price Regulation No. 231.

(b) No person shall buy or receive any raw spices or spice seeds in the course of trade or business at higher prices than the maximum prices set forth in this Maximum Price Regulation No. 231.

§ 1424.2 *Applicability of the General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 231 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of raw spices and spice seeds for which maximum prices are established by this regulation.

§ 1424.3 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 231 may be charged, demanded, paid or offered.

§ 1424.4 *Export sales.* The maximum prices at which a person may export raw spices and spice seeds shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[2] issued by the Office of Price Administration.

§ 1424.5 *Federal and state taxes.* Any tax upon, or incident to, the sale or delivery of raw spices and spice seeds, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto:

(a) As to a tax in effect prior to the effective date hereof (1) if the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during the applicable base period the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 231. (2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately, from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount or tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 231.

(b) As to a tax or increase in a tax which becomes effective after October 6, 1942, if the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum prices, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1424.6 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to and at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations where a petition for amendment or for adjustment or exception requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1424.7 *Petitions for amendment.* Persons seeking any modifications of this Maximum Price Regulation No. 231 or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1424.8 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 231 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale or delivery of, or relating to the sale of raw spices or spice seeds alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) To mark-down the grade or quality of any raw spices or spice seeds without making corresponding and proper price reduction;

(2) The breaking up or dividing of a quantity of raw spices or spice seeds into the smaller quantities specified in § 1424.14 (g) for the purpose of obtaining a higher price for such quantity:

(3) The elimination of customary trade allowances and discounts that were in existence prior to December 8, 1941;

(4) Changes in the classifications of purchasers of raw spices and spice seeds which were in effect during March 1942.

§ 1424.9 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 231 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have any evidence of any violation of this Maximum Price Regulation No. 231 or any price schedule, regulation or order, issued by the Office of Price Administration, or any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, field or regional offices of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1424.10 *Records and reports.* (a) Every person making sales of raw spices and spice seeds after October 6, 1942, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price contracted for or received, and the quantity of each type and grade of such raw spices and spice seeds purchased or sold.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 971, 3663, 6967.

[2] 7 F.R. 5059.

(b) Such persons shall submit such reports to the Office of Price Administration and shall keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

(c) Any person delivering raw spices or spice seeds under the terms of the contract specified in § 1424.14 (e) shall report such delivery to the Office of Price Administration, Washington, D. C. within 10 days thereof stating (1) the name and address of the buyer and seller, (2) the actual date of the contract, (3) the date of delivery, (4) the price, quantity and description of the product sold, (5) the remaining quantity yet to be delivered by the seller under the terms of such contract.

§ 1424.11 *Definitions.* (a) When used in this Maximum Price Regulation No. 231, the terms below unless the context otherwise required, shall be construed as follows:

(1) "Package" shall mean the customary unit and weight of bag, bale, box or pack in which the raw spices or spice seeds in question are customarily placed for shipment.

(2) "Person" includes an individual corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions or any agency of any of the foregoing.

(3) "Place of destination" shall mean the place agreed upon between the buyer and seller at which delivery is completed by the seller.

(4) "Putting into warehouse" shall mean and include the following charges: (i) transportation charges from dock to warehouse; (ii) handling charges in and out of warehouse; (iii) warehouse storage charged for not more than thirty days.

(5) "Raw spices and spice seeds," as used herein, shall mean those spices and spice seeds in their raw, unprocessed state, set out in § 1424.14 Appendix A, of this Maximum Price Regulation No. 231.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1424.12 *Applicability.* The provisions of this Maximum Price Regulation No. 231 shall be applicable to the forty-eight states of the United States and the District of Columbia.

§ 1424.13 *Effective date.* This Maximum Price Regulation No. 231 (§§ 1424.1 to 1424.14 inclusive) shall become effective October 7, 1942.

§ 1424.14 *Appendix A: Maximum prices for raw spices and spice seeds.* (a) Maximum prices for the best quality of the various grades and types of spices and spice seeds shall be the following prices:

Spices and spice seeds

	Cents per pound Ex-dock or warehouse any continental U. S. port of entry.
Anise seed, Mexican	33
Anise seed, star	45
Canary seed, Argentine	8½
Caraway seed, Dutch	105
Caraway seed, Syrian	80
Cardamom, Indian, bleached bold	165
Cardamom, Indian, bleached medium	155
Cardamom, Indian, decorticated	155
Cardamom, Indian, green	99
Cassia, all thin saigon	62
Cassia, Batavia, No. 1	58
Cassia, China rolls—extra selected	51
Celery seed, Indian	50
Cinnamon, Ceylon No. 2	58
Chillies, Mombassa	23
Cloves, Zanzibar	21
Coriander seed, Morocco	14
Coriander seed, Indian	10
Cumin seed, Indian	17¾
Dill seed, Indian	9
Fennel seed, Indian	9
Foenugreek seed, Indian	9
Ginger, African	28
Ginger, Jamaica No. 3	35
Ginger, unbleached Cochin	28
Laurel leaves, Greek	55
Laurel leaves, Portuguese	18
Mace, West India pale No. 1	70
Mace, Siauw No. 1	70
Marjoram, (Oregano) Chilean	45
Nutmegs, East India, unassorted	42
Nutmegs, West India, unassorted	37
Paprika, fancy Spanish	52
Paprika, fancy Portuguese	42
Pimento, Jamaica (allspice)	27
Pimento, Mexican	20
Poppy seed, Indian	10
Poppy seed, Turkish	36
Rape seed, bird, Argentine	8¾
Sage, Cyprus	60
Sage, Spanish	35
Sesame seed hulled (Chinese)	13
Sesame seed hulled (Indian)	12
Thyme, Spanish	25
Turmeric, Aleppy	12

(b) In all cases the above descriptions apply to the best quality of each grade and the best grade of each type named. The maximum prices for raw spices and spice seeds specified above imported from any other country or for types or grades not named (whether or not imported from the same country) or for grades of inferior quality or of types of inferior grade not named, shall be determined by applying the customary trade differentials to the maximum prices for the type or grade which is most closely related in quality.

(c) The maximum prices for raw spices and spice seeds which were shipped from the country of origin prior to the effective date of this Maximum Price Regulation No. 231 shall be those prices set forth in paragraph (a) of this section and shall include (1) all commissions, brokerage and other charges, (2) war risk, marine insurance and ocean freight rates in effect on July 24, 1942.

(d) The maximum prices for raw spices and spice seeds shipped from the country of origin subsequent to the effective date of this order shall be the maximum prices for such raw spices and spice seeds set forth in paragraph (a) of this section less the difference between the highest commercial rates for war risk insurance in effect July 24, 1942, and the War Shipping Administration rates prevailing on the date of shipment from the country of origin, except that on any shipments of raw spices and spice seeds shipped from the country of origin subsequent to August 1, 1942, on which the importer has carried a War Shipping Administration war risk insurance policy, deductions must be made from the maximum prices set forth in paragraph (a) of this section equivalent to the difference between the highest commercial rate for war risk insurance in effect July 24, 1942, and the War Shipping Administration rate prevailing on the date of shipment from the country of origin.

(e) Deliveries and receipts made in accordance with the terms of any contract for raw spices and spice seeds entered into prior to the effective date of this Maximum Price Regulation No. 231 shall be exempt from the maximum prices specified in paragraph (a) of this section if the prices named in such contract do not exceed the maximum prices for such raw spices and spice seeds as would be permitted under the provisions of the General Maximum Price Regulation and notice of such transaction is given to the Office of Price Administration as provided in § 1424.10 paragraph (c).

(f) The maximum prices set forth in paragraph (a) of this section are ex-dock or ex-warehouse port of entry. (1) For raw spices or spice seeds sold "ex-warehouse," the cost of actually "putting raw spices and spice seeds into warehouse" as defined in § 1424.11 (a) (4) may be added by the seller who incurred the cost to the maximum prices for such raw spices or spice seeds are determined in this section. (2) The "delivered" price for any type of raw spices or spice seeds shall mean the maximum prices as determined under this section plus the actual transportation charges from the original port of entry or warehouse in the continental United States to the place of destination: *Provided*, That such transportation charges shall not exceed the cost of transporting an equal quantity of raw spices from the same port of entry or warehouse directly to the place of destination, computed at the lowest available transportation rate for the mode of transportation employed.

(g) Any person making sales of spices and spice seeds except mace and cardamoms contained in this schedule in lots of 25 packages or less may add to the maximum prices specified in paragraph (a) of this section an amount which shall not exceed,

7½% on sales of 5 to 25 packages inclusive.
10% on sales of 1 to 4 packages inclusive.
20% on sales of less than 1 original package.

In the case of sales of mace and cardamom 10% may be added to the maximum prices on sales of only 1 to 4 packages inclusive.

Issued this 1st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9799; Filed, October 1, 1942; 3:29 p. m.]

Part 1499—Commodities and Services

[Order 81 Under § 1499.3 (b) of General Maximum Price Regulation]

E. I. DU PONT DE NEMOURS & COMPANY, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.295 *Approval of maximum prices for Dehydrol-O manufactured by E. I. du Pont de Nemours & Company, Inc.* (a) Maximum prices for the sale by E. I. du Pont de Nemours & Company, Inc. of Wilmington, Delaware, of Dehydrol-O manufactured by that company shall be:

60¢ per gallon for sales in tank carloads, f. o. b. works

66¢ per gallon for sales in drums, f. o. b. works

(b) All allowances, discounts and trade practices in effect during March, 1942 on the sale by this company of other denaturants shall apply to the maximum prices set forth in paragraph (a).

(c) This Order No. 81 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 81 (§ 1499.295) shall become effective October 2, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-9800; Filed, October 1, 1942; 3:31 p. m.]

Part 1499—Commodities and Services

[Order 57 Under § 1499.18 (c) of General Maximum Price Regulation—Docket GF3-131]

J. W. BURNS LEATHER COMPANY, INC.

For the reasons set forth in an opinion issued simultaneou[illegible] herewith, *It is ordered:*

§ 1499.907 *Adjustment of maximum price of J. W. Burns Leather Company, Inc. for certain inner parts manufactured for Roth, Rauh & Heckel, Inc., Ripley, Ohio.* (a) The J. W. Burns Leather Company, Inc., 175 Lincoln Street, Manchester, New Hampshire, may sell and deliver to Roth, Rauh & Heckel, Inc., Ripley, Ohio, and Roth Rauh & Heckel, Inc. may buy and receive from the J. W. Burns Leather Company, Inc. certain inner parts used in the manufacture of women's shoes at prices no higher than the prices listed below:

	Per 100 pairs
Class A chrome quarter linings	$12.50
Class B chrome quarter linings	11.40
Class A sheep quarter linings	11.17
Class B sheep quarter linings	10.26
Tongue linings	2.00
Imitation sock linings	3.15
Heel plugs	2.45

(b) The maximum prices authorized by this order are subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) This Order No. 57 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 57 (§ 1499.907) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 57 (§ 1499.907) shall become effective October 2, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-9801; Filed, October 1, 1942; 3:28 p. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

Subchapter N—Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels

Part 146—Transportation or Storage of Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels.

TRANSPORTATION OF MILITARY EXPLOSIVES ON BOARD VESSELS DURING THE PRESENT EMERGENCY

Part 146 of Subchapter N is amended by the addition of the following new sections to follow immediately after § 146.28 and to read as follows:

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146.29-46 Portable magazine.
146.29-47 Bomb-fin assemblies and fuzes.
146.29-48 Ventilation of magazines.
146.29-49 Authority to load; loading facilities and use.
146.29-50 Statements of characteristic properties and hazards.
146.29-75 Stowage chart.
146.29-100 Military ammunition and explosives in bulk.

Authority: §§ 146.29-1 to 146.29-50, inclusive; § 146.29-75 and § 146.29-100 issued under R.S. 4472, as amended, 46 U.S.C., 1940 ed., 170; E.O. 9083, February 28, 1942, 7 F.R. 1609.

§ 146.29-1 *Existing regulations inapplicable.* Section 146.02-21, § 146.03-3, § 146.06-9, §§ 146.09-1 to 146.09-6, inclusive; §§ 146.20-7 to 146.20-25, inclusive; §§ 146.20-50 and 146. 20-100, of the regulations in this part, are hereby declared inapplicable to the transportation of military explosives.

§ 146.29-2 *Scope.* The provisions of the regulations contained in §§ 146.29-1 to 146.29-50, inclusive, §§ 146.29-75 and 146.29-100, apply to the transportation of military explosives, as cargo, on board all vessels that are subject to the regulations in this part. Commercial shipments of explosives shall be tendered and transported in compliance with the applicable provisions of the regulations contained in the other sections in this part.

§ 146.29-3 *Effective date.* Under the provisions of subsection (9) of R.S. 4472, as amended, the regulations contained in §§ 146.29-1 to 146.29-50, inclusive, §§ 146.29-75 and 146.29-100; are effective immediately and shall remain in effect for the duration of the war and for six months thereafter, except as subsequently modified or rescinded.

§ 146.29-4 *Port security regulations.* The applicable provisions of the regulations entitled "Regulations for Security of Ports and the Control of Vessels in the Territorial Waters of the United States" (33 CFR, Part 6), shall unless specifically authorized to the contrary by any provision of these sections be complied with by vessels, masters, agents, or charterers thereof and by all persons engaged in handling, loading, stowing or unloading explosives.

§ 146.29-5 *Definitions.* (a) For the purposes of the regulations in this part, military explosives are defined as follows:

(b) *Military explosives.* Military explosives consist of all Class A, B, or C explosives shipped by, for or to the U. S. Navy or War Departments; or similar types of explosives shipped by, for or to the government of any country whose defense is deemed vital to the defense of the United States. These explosives are divided into two classes as follows:

(1) *Ammunition.* Ammunition consists of all types of shells, projectiles, grenades, bombs, mines, torpedoes, torpedo warheads, propellant powder charges, pyrotechnics, chemical, smoke or incendiary ammunition, or other devices containing explosives that are utilized by the armed forces in the prosecution of the war.

(2) *Explosives in bulk.* Explosives in bulk consist of any high explosives, black powder, and low explosives or smokeless powder in accordance with the definitions in §§ 146.20-1, 146.20-2, and 146.20-3 in this part, when such substances are shipped in containers other than containers such as shells, bombs, grenades, mines, torpedoes, powder bags in individual containers, cartridges, fuzes, detonators, caps, primers and similar "made up" ammunition devices.

§ 146.29-6 *Packing and marking.* Military explosives shall not be offered to vessels or accepted by vessels subject to the regulations in this part unless they are in proper condition for transportation and are packed, marked, labeled, described, certified and otherwise acceptable in accordance with the applicable provisions of the regulations in this part.

§ 146.29-7 *Stowage on board vessels.* (a) All articles of cargo classified as military explosives by the regulations in these sections shall be stowed on board a vessel in conformity with the provisions of the regulations in these sections. Mixed stowage of ammunition or explosives in bulk with other ammunition or explosives, or other dangerous articles or substances, or combustible liquids or hazardous articles shall be in conformity with the provisions of the loading and stowage chart, § 146.29-75 and other applicable specific provisions of these sections. Specifications governing construction and location of magazines and lockers and the preparation of cargo compartments to be used in the stowage of ammunition or explosives in bulk are detailed in §§ 146.29-28 to 146.29-48, inclusive.

(b) Barges engaged in the transfer of explosives between receiving points and delivery points within the harbors, bays, sounds, lakes and rivers including the explosive anchorages on the navigable waters, shall conform to the applicable provisions of §§ 146.10-1 to 146.10-50, inclusive, of the regulations in this part. Ammunition or explosives in bulk, in combustible outside packages, stowed "On deck in open" shall after loading and during transportation be covered by tarpaulins securely lashed in place.

§ 146.29-8 *Stowage of ammunition or explosives in bulk in holds containing coal.* Unless especially authorized, ammunition or explosives in bulk shall not be stowed in a hold containing coal, nor in a hold above or adjacent to one containing coal.

§ 146.29-9 *On deck stowage.* (a) Articles classified as ammunition or explosives in bulk, the stowage of which is permitted "On deck" by the regulations in this section shall be properly secured. Such security may be obtained by using existing vessel's structures such as bulwarks, hatch coamings, shelter deck and poop bulkheads as part boundaries and effectively closing in the cargo by fitting angle bar closing means secured by bolting to clips or other parts of the ship's structure. Lashing of deck stowage permitted, provided eye pads are fitted to carry such lashings. Guard rails shall not be used to secure such lashings.

(b) Bulky articles may be secured by lashing with individual wire rope lashings.

(c) Shoring of such bulky articles of cargo shall be in addition to the foregoing means of securing.

(d) Ammunition or explosives in bulk stowed "On deck" shall not be stowed within a distance of 50 feet of the top side terminus of an ash hoist or a galley or any airing spaces allotted for the use of the crew.

§ 146.29-10 *Stowage adjacent to other dangerous articles.* (a) Ammunition or explosives in bulk shall not be stowed in the same holds in which inflammable liquids, inflammable solids, or oxidizing materials or inflammable compressed gases are stowed, nor in holds below such substances when the same are stowed "On deck" nor in holds adjacent to those in which such substances are stowed.

(b) Ammunition or explosives in bulk shall not be stowed in the same hold with combustible liquids or hazardous articles.

(c) Ammunition or explosives in bulk shall not be stowed in the same hold nor in a hold below one in which corrosive (white label) liquids are stowed, nor in a hold below such substances when the same are stowed "On deck".

§ 146.29-11 *Stowage with nondangerous cargo in the same hold.* Ammunition or explosives in bulk that are stowed in the same hold with nondangerous cargo shall be protected from damage likely to be caused by heavy nondangerous cargo. Shafting, steel bar, steel shapes, pipe, heavy machinery, military vehicles (uncrated), and similar types of cargo shall, when stowed within the same hold be so isolated or dunnaged or secured as to prevent damage to ammunition or explosives in bulk or magazines containing said substances, or temporary bulkheads protecting explosive stowages, under any conditions likely to be encountered during the voyage.

§ 146.29-12 *Stowage and dunnaging of ammunition and containers of explosives in bulk.* (a) Ammunition and the containers of ammunition or explosives in bulk shall be so stowed and dunnaged as to prevent movement in any direction.

(b) Containers of ammunition or explosives in bulk marked "This Side Up" shall be so stowed.

(c) Kegs of black powder shall be stowed in an upright position, the bungs or other opening up, and each tier shall be completely dunnaged.

(d) Metal containers of smokeless powder in bulk having closure means which protrude beyond the chime or the surface of the container shall be so dunnaged as to prevent damage occurring to such closures.

(e) The uppermost tier of ammunition or containers of ammunition or explosives in bulk shall be so braced and blocked that no displacement can occur either upwardly or laterally.

(f) Containers of ammunition or explosives in bulk shall be so stowed that they shall not be liable to be pierced by the dunnaging or crushed by superimposed weight.

(g) Containers of ammunition or explosives in bulk shall not be "cant" stowed, such shall be stowed in full bearing. Broken stowage shall be dunnaged out with cordwood to provide bearing for the container to be added in the tier next above.

(h) Fixed or semi-fixed ammunition in fiber containers, crated or uncrated, may be stowed on its base or on its side. Dunnaging shall be accomplished in such manner as to bear only upon the metal part of the container. No dunnage or weight shall bear directly upon the fiber portion of the container.

(j) Propellant powder charges in uncrated containers shall be stowed on end. Dunnaging shall be acocmplished in such manner as to bear only upon the metal part of the container. No dunnage or weight shall bear directly upon the fiber portion of the container. Overstowage with other containers of propellant charges is permitted not to exceed a total of three tiers including the base tier. Each tier shall be floored off.

(k) Separate loading shells that are not boxed or crated may be stowed on their bases or on their sides.

(l) When tween deck holds of cargo vessels are utilized for the stowage of military explosives, the quantity of such military explosives stowed in a hold shall not be in excess of 45 pounds per square foot of deck space for each foot of tween deck height, i. e. a tween deck hold having a deck height of 10 feet is permitted to load up to 450 pounds per square foot of deck area.

§ 146.29–13 *Cargo working equipment.* (a) Before military explosives are loaded or unloaded on or from a vessel the master or other person in charge of the vessel is required to ascertain by examination the condition and working order of all slings, crates, baskets, boxes, chutes, mattresses, tackle and other equipment to be used in the transfer operation.

(b) Any and all equipment which in the judgment of the master or other person in charge of the vessel is not in safe working condition shall be rejected and he shall prohibit its use and take such precautions as he may deem necessary to be certain such rejected equipment is not used for the purpose of loading or unloading explosives. The master or other person in charge of the vessel shall keep watch of all equipment used during the transfer of explosives and if any part of the equipment shows any defect or is damaged in use, work shall be stopped and the damaged or defective equipment repaired or replaced before permitting the loading or unloading to continue.

(c) This inspection of cargo working equipment shall apply to the vessel's equipment and to stevedores or other contractor's equipment.

§ 146.29–14 *Lights, tools and equipment.* (a) No artificial light except electric lights or electric lamps or flood lights shall be used while loading or unloading military explosives. Such light fixtures shall not be used unless protected against accidental breakage by metal guards. Portable electric lights shall be fitted with stout guards protecting the bulb. Wire of such lights shall be sound and show no evidence of liability to short circuit.

(b) Flashlights of a non-spark type shall be provided by the vessel owner or operator for persons required to enter holds in which explosives are stowed.

(c) Members of the crew of the vessel and other persons permitted on board the vessel to aid and assist in loading or unloading military explosives, shall not be permitted to have or carry on their persons, firearms, matches, knives, bale hooks, metallic tools or personal packages of any description. Lunch boxes, pails, or thermos bottles shall not be brought onto a vessel unless such have been examined and passed by the Coast Guard detail. Lunches shall not be eaten in a hold of a vessel.

(d) Persons engaged in loading explosives shall not wear boots or shoes shod or strengthened with nails or other metal unless such boots or shoes are covered with a nonsparking material.

§ 146.29–15 *Fires and fire protection.* (a) No unnecessary fire shall be permitted on docks, lighters or vessels while loading or unloading military explosives.

(b) Fires deemed necessary must be properly safeguarded and be in constant charge of some competent person assigned for that purpose by the master or person in charge of the vessel, for the entire period of cargo transfer.

(c) Barges, lighters, towboats and other types of vessels engaged in the handling and transfer of military explosives, and equipped with means for heating, cooking, lighting or power involving use of smoke pipes shall have such smoke pipes protected by spark screens. Insofar as practicable such barges, lighters, towboats and other types of vessels shall not come alongside a vessel loading or discharging military explosives opposite the area where hatches are open to receive cargo. (See § 146.29 (f)).

(d) Welding or cutting operations, involving the use of open flame or arc shall not be undertaken on a vessel having explosives on board except upon special permission of the captain of the port.

§ 146.29–16 *Smoking.* Smoking is prohibited on or near any vessel loading or unloading explosives. "No Smoking" warning signs shall be posted during operations of loading and unloading such cargo. One such "No Smoking" sign shall be located on the pier at a safe distance from the vessel when such loading or unloading is taking place at a pier.

§ 146.29–17 *Liquor or drugs.* No person who, in the judgment of the master, person in charge of the vessel or the officer in charge of the Coast Guard detail, may be considered as being under the influence of liquor or of drugs shall be permitted on board a vessel while operations involving the loading, stowage, unloading or transportation of explosives are being carried on.

§ 146.29–18 *Handling and slinging of explosives.* (a) All ammunition and explosives in bulk must be handled carefully. They shall not be thrown, dropped, rolled, dragged, or slid over each other or over the decks. The provisions of the table in § 146.29–100 with reference to handling shall be observed.

(b) In transferring ammunition or explosives in bulk from a pier or another vessel to the receiving vessel, or from a vessel to a pier, the packages may be handled by hand, mechanical hoist or where permitted by the regulations in this section a specification chute and mattress may be used. (See § 146.09–11 and § 146.09–12, Specification of chute and mattress.) A chute shall not be used when the difference in elevation between the two vessels or between a vessel and the loading dock would result in imparting dangerous shocks to the packages by reason of the angle of elevation. When loading or unloading by mechanical means, all ammunition or explosives in bulk shall be handled in the type equipment as specified for the various classes of explosives in the tables, § 146.29–100. The maximum load handled in trays or rope net slings per draft shall not exceed 2,400 pounds. Containers of explosives shall be arranged on trays so that no portion of any container overhangs the ray. For trays provided with sideboards, packages of explosives shall not extend above the sideboard of the crate except packages standing on end may extend above such sideboard, provided the extension does not exceed one-third of the length of the package. Rope net slings shall be so loaded that when lifted a minimum displacement of packages shall occur and the sling shall completely contain the entire load. Explosives shall be hoisted and lowered carefully onto a mattress. Ammunition in fiberboard containers shall not be slung in rope nets. Handles or beckets on ammunition packages shall not be used for slinging purposes.

(c) Blasting caps, detonating fuzes fulminate of mercury and other initiating or priming explosives as defined in the regulations in this part shall be considered as constituting a distinct class of dangerous explosives, and because of the hazard involved they shall be handled with extreme care (See Class VIII, § 146.29–100).

(d) "Cant" or barrel hooks shall not be used for raising or lowering a barrel, drum or other container of military explosives. Metal bale hooks shall not be used in handling packages of such explosives.

§ 146.29–19 *Loading military explosives and other cargo simultaneously.* (a) Ammunition or explosives in bulk shall not be loaded in the same hatch at the same time as other cargo is being worked in any of the holds serviced through said hatch.

(b) When explosives in bulk are stowed in a hold below one in which other cargo is being worked, the tween deck hatch dividing the two holds will have all of its covers securely in place.

(c) Ammunition or explosives in bulk may be loaded in a hold before or after other cargo, provided that all precautions are taken to assure full protection to the explosives against the hazard of articles being dropped from the sling. When possible tween deck hatches should be partially covered to assure such protection.

(d) Padeyes, anglebars or other devices for securing deck cargo shall not be welded to the deck of a vessel in which military explosives are stowed except upon special permission of the captain of the port and then only in the presence of an officer of the Coast Guard detail and in conformity with said officer's instructions.

§ 146.29–20 *Fire hose.* During the loading of military explosives the vessel shall "run out" at least two lines of hose on the weather deck with nozzles adjacent to the hatch (insofar as possible one line shall be to starboard and one to port or one forward and one aft of the hatch). Sufficient hose shall be led out adjacent to the hatch to permit ready lowering of the hose into the hold. The fire line valve shall remain "cracked open" (except in freezing weather) so casual observation may indicate water is available.

§ 146.29–21 *Damaged or leaking containers of explosives.* (a) Any container of explosives showing evidence of damage or leaking of a liquid ingredient shall not be accepted for transportation or storage on board any vessel.

(b) Any container of an explosive when offered for transportation or storage, showing excessive dampness or which is moldy or shows outward signs of any oil stain or other indications that absorption of the liquid part of the explosive is not perfect, or that the amount of the liquid part of the explosive is greater than the absorbent can carry, shall not be accepted for transportation. The shipper must substantiate any claim that a stain is due to accidental contact with grease, oil or similar substance. In case of doubt the container shall be refused.

§ 146.29–22 *Defective ammunition.* Ammunition found to be defective while being unloaded from a barge, freight car, or other vehicle, shall not be placed on board a vessel. If found to be defective while on board the vessel, it shall, if at all possible, be removed from the vessel to an isolated location as quickly as possible.

§ 146.29–23 *Recoopering damaged packages.* Defective packages shall not be recoopered in the hold of a vessel. Such packages shall not be recoopered elsewhere on board the vessel except upon and under conditions authorized by the captain of the port.

§ 146.29–24 *Permit to load explosives.* The owners, charterers, agents or master of a vessel or other person shall not accept on board a vessel any military explosives, as cargo, until a permit authorizing such loading has been granted by the captain of the port.

§ 146.29–25 *Explosives loading detail.* (a) There will be assigned to every vessel, subject to the regulations in this part, loading or discharging military explosives at an explosives anchorage, explosives loading pier or an ammunition loading pier, a Coast Guard detail to supervise such loading or discharge. The owners, agents, charterers, master or person in charge of the vessel and all persons engaged in the handling, loading and stowage of the military explosives shall obey all orders, oral or written, that are given by the person in charge of said detail.

(b) A vessel, subject to the regulations in this part, loading or discharging military explosives at a Navy or Army depot, arsenal, navy yard, port of embarkation, or other facility under the direct control and operation of the Navy or Army shall apply to the captain of the port for a permit for such loading. A Coast Guard detail will be assigned to such a vessel unless the commanding officer of such Navy or Army facility declines the detail.

§ 146.29–26 *Personnel identification.* (a) The provisions of this section shall apply to vessels loading or discharging military explosives in accordance with the provisions of § 146.29–25 (a).

(b) No person shall enter upon a vessel loading or unloading military explosives unless such person first identifies himself to the satisfaction of the Coast Guard detail.

(c) Every person that is permitted to enter into a magazine or a hold or compartment of a vessel wherein military explosives are being handled or stowed shall provide the Coast Guard representative with his name and address and the name and address of the firm employing him, furnishing satisfactory identification to substantiate such information.

(d) A person who, for any reason, is requested to leave a vessel loading or discharging military explosives by the person in charge of the Coast Guard detail shall immediately obey the request and not return until permission is granted.

§ 146.29–27 *Ship's officer present.* (a) During the entire operation involving the building of a magazine, the preparation of holds, and the actual handling and stowage of military explosives, it shall be the responsibility of the master of the vessel to assign a deck officer of the vessel who shall be in constant attendance. It shall be this officer's responsibility to see that the provisions of the regulations in this part, insofar as such provisions apply to the vessel, are complied with.

(b) It shall be this officer's further responsibility at the end of the work shift to see that all means of access to the partially loaded holds are closed off in such a manner as to provide the maximum safety and protection for the explosives stowed within the hold.

§ 146.29–28 *Constructing magazines.* All work in connection with the constructing of a magazine, or other conditioning of holds, decks, or hatches shall be completed before the actual loading of ammunition of bulk explosives is undertaken.

§ 146.29–29 *Preparation of magazines, decks, hatches and holds for handling military explosives.* (a) The floors of all magazines and holds shall be cleared of all rubbish, discarded dunnage and be swept broom clean before commencing to load any ammunition or explosives in bulk. Bilges shall be examined and any residue of previous cargo removed therefrom.

(b) All decks, gangways, and hatches over or through which ammunition or explosives in bulk must be passed or handled in loading or unloading, shall be freed of all loose material and shall be swept broom clean both before and after loading or unloading.

(c) The hatches or cargo ports opening into a compartment in which ammunition or explosives in bulk are stowed shall be kept closed at all times during loading and unloading of the compartment. When closed, wooden hatch covers shall be covered with tarpaulins.

(d) No debris of any description shall be permitted to stand on the weather deck adjacent to a cargo hatch in which ammunition or explosives in bulk are being worked.

(e) Hatch covers shall, where possible, be stowed on the opposite side of the hatch from that over which the ammunition or explosives in bulk are being worked. If this is impossible the hatch covers that are stowed on the working side shall be so stowed as to form as level a platform as possible.

(f) During the time a hatch is open and military explosives are being worked or stowed, the vessel shall display two red flags from the rails or bulwarks on each side of the vessel to indicate explosives are being loaded and the hatches are open. The vessel's officer on duty supervising the loading of explosives shall warn the masters of other vessels coming alongside and the operator of any dock equipment (capable of producing sparks) to stay clear of the area between the flags insofar as is practicable. The flags shall be not less than 4 square feet in area and mounted horizontally at least two feet clear of the ship's side, and spaced at least ten feet forward and ten feet aft of the open hatch or hatches.

§ 146.29–30 *Location of magazines and ammunition stowage.* (a) A cool location being an important factor, magazines shall be built and ammunition stowed in an authorized location in accordance with the following factors in the order listed.

(1) A tween deck hold, preferably a lower tween deck.

(2) A lower hold.

(3) In the square of a hatch. If in the square of a weather deck hatch, having wooden hatch covers, a steel plate of not less than 5 pounds weight per square foot, or other approved protection adequately secured in place, shall be fitted over the top side of the wooden hatch covers.

(4) A shelter deck in a location as far removed from uptakes or engine casing as possible.

(5) A forecastle, poop or permanent deck house provided the space is ventilated and does not contain any "In use" crew accommodations, nor vessel stores and can be closed off from traffic while at sea.

(6) Insulated spaces normally comprising refrigerator spaces may be used for the stowage of all classes of ammunition or bulk explosives, except chemical ammunition, provided all regulations relative to stowage of explosives with other dangerous articles of cargo are observed and the spaces may be ventilated sufficient to provide a temperature consistent with the temperature of other holds of the vessel. When such spaces are fully ceiled the entire compartment will be considered as a magazine, however, any pipes within the compartment shall be protected by horizontal cargo battens of a size not less than commercial 2″ x 4″, spaced not more than 12″ apart, center to center and secured to 4″ x 6″ uprights spaced not more than 36″ apart. Refrigerator spaces, the floors of which are lined with lead, shall not be used as a stowage for picric acid in bulk.

(7) Explosives in bulk and Classes VIII, X and XI ammunition shall not be stowed immediately below the principal bridge. At least one compartment of normal deck height shall intervene between the bridge and the stowage of such explosives in bulk.

(8) Explosives in bulk shall not be stowed in a compartment immediately below or adjacent to crew accommodations.

(9) Classes VIII, X, or XI ammunition shall not be stowed in a compartment immediately below or adjacent to crew accommodations.

(b) When it is necessary to construct a magazine or to stow ammunition adjacent to engine or boiler room bulkheads, uptakes, casings or galley or coal bunker bulkheads, the following provisions shall be complied with:

(1) A tight wooden bulkhead shall be constructed at least one foot off the engine room, boiler room, galley or coal bunker bulkheads or the engine or boiler room uptakes or casings.

(2) Construction shall be of commercial 2″ boarding secured on 4″ x 6″ uprights if constructed in a tween or shelter deck or 6″ x 6″ uprights if constructed in a lower hold. Spacing of uprights shall not exceed 30″ in a tween deck or 24″ in a lower hold. Horizontal bracing shall be fitted between temporary and permanent bulkheads.

(3) Temporary bulkheads shall be constructed with smooth side facing the stowage of the ammunition.

(4) Nails shall be set below the surface of the boarding.

(c) A magazine shall not be constructed in bearing with the forward collision bulkhead.

(d) Stowage provided for ammunition and explosives in bulk shall be dry and should be well ventilated. Ventilator heads fitted to systems leading into spaces in which military explosives are stowed shall be covered with two layers of wire screen of not less than 20 x 20 mesh.

§ 146.29–31 *Types of stowage.* The types of stowage prescribed for military explosives are described as follows:

Magazine stowage "A."
Magazine stowage "B."
Ammunition stowage.
Chemical ammunition stowage.
Pyrotechnic stowage.
Detonator stowage.
Bomb fin stowage.

§ 146.29–32 *Allocation of stowages.* Ammunition or explosives in bulk that are tendered to a vessel for transportation, as cargo, shall be stowed on board the vessel utilizing the type of stowage authorized for the particular ammunition or explosives in bulk by the provisions of the tables in § 146.29–100.

§ 146.29–33 *Magazine stowage "A."* Explosives or ammunition in bulk requiring Magazine stowage "A" shall be stowed in a magazine constructed in accordance with specifications for Type "A" magazine shown in § 146.29–40.

§ 146.29–34 *Magazine stowage "B."* Explosives or ammunition in bulk requiring Magazine stowage "B" shall be stowed in a magazine constructed in accordance with specifications for Type "B" magazine shown in § 146.29–41.

§ 146.29–35. *Ammunition stowage.* Ammunition requiring ammunition stowage shall be stowed in accordance with the specifications for such stowage as set forth in § 146.29–42.

§ 146.29–36 *Chemical ammunition stowage.* Chemical ammunition shall be stowed in accordance with the specifications for such stowage as set forth in § 146.29–43.

§ 146.29–37 *Pyrotechnic stowage.* Pyrotechnic ammunition shall be stowed in accordance with the specifications for such stowage as set forth in § 146.29–44.

§ 146.29–38 *Detonator stowage.* Detonators, primers, fuzes, blasting caps and similar types of ammunition devices shall be stowed in accordance with the specifications for such stowage as set forth in § 146.29–45.

§ 146.29–39 *Magazine, Type A.* (a) The following regulations shall be observed in the construction of a magazine required for "Magazine A" type of stowage.

(b) A type "A" magazine shall be located in the vessel in conformity with the provisions of § 146.29–30.

(c) A type "A" magazine shall be so positioned that the door to such magazine is easily accessible from a hatchway.

(d) A type "A" magazine may be constructed of wood, using clean undressed lumber. Sizes as given in the specifications are minimum. Increased sizes may be used if desired. Nails used for fastening lumber shall be copper, cement-coated or galvanized. Copper nails shall be driven flush, cement-coated and galvanized nails shall be set below the surface of the lumber.

(e) When a Class A magazine measures more than 40′ in any direction, a division bulkhead shall be fitted within the magazine as near half length as practicable, extending from the deck to at least the top of the stowage. Such division bulkhead shall be constructed to the same scantlings as the sides of the magazine, except the boarding may be spaced not more than 6″ apart alternately on both sides of the uprights. This bulkhead shall be constructed before loading commences and care shall be exercised that nail points do not protrude beyond the surface of the boarding.

§ 146.29–40 *Specifications Type A magazine.* (a) Magazines may be constructed of steel or wood.

(b) Magazines constructed of steel shall have the whole of the interior thoroughly protected by wood dunnage of a minimum thickness of ¾″. This lining may be installed during the progress of the stowage. Metal stanchions within the magazine shall be boxed with wood of a thickness of not less than ¾″. Bulkhead stiffeners or other structural members extending into the stowage space shall not be protected by dunnaging but shall be completely boarded over. When

bare steel decks or tank tops are utilized to form the floor of a magazine, a wooden floor consisting of at least two layers of commercial 1″ thick dunnaging shall be laid, the top course being laid crosswise to the lower course. When steel decks or tank tops are originally fitted with a wood flooring or are ceiled, it shall only be necessary to fit one course of dunnage. All flooring formed by these methods shall be laid with commercial 1″ lumber of widths not less than 6″, fitted as close as possible, edge to edge, and butt to butt.

(c) Magazines constructed of wood shall comply with the following specifications: The bulkheads forming the sides and ends shall be constructed of commercial 1″ lumber, or of ¾″ tongue and groove sheathing, secured to uprights of at least a 3″ x 4″ size, spaced not more than 18″ apart and secured, at top, bottom and center with horizontal bracing. When a magazine is constructed as a permanent compartment in the vessel, increased size and finish of lumber and other methods of fastening may be used provided such fastenings are recessed below the surface of the boarding to avoid projections within the interior of the magazine. All boarding shall be fitted and finished so as to form a smooth surface within the interior of the magazine. Construction shall be such as to separate all containers of explosives from contact with metal surfaces of the structure of the vessel. When a metal stanchion, post or other obstruction is located within the interior area of the magazine, such obstruction must be completely covered with wood of a thickness of at least ¾″, secured in place with nails or screws. When screws are used for fastening, the screw heads shall be countersunk below the surface of the wood. When nondangerous cargo is to be stowed adjacent to the exterior of the magazine, wooden cargo battens of not less than commercial 2″ x 4″ size, spaced not less than 12″, center to center shall be fitted horizontally to the uprights forming the frame of the magazine. The floor of the magazine shall conform to the provisions of paragraph (b) of this section.

(d) Uprights shall not be stepped directly onto a metal deck. A 2″ x 4″ bearer to carry the uprights shall be laid upon the metal deck. A 2″ x 4″ header shall be fitted against the underside of an overhead deck to receive the tops of uprights. Tops of uprights fitted against channel beams may be wedged direct to the beam with 2″ x 4″ spacers fitted between. Care shall be taken in securing upright framing that no nails penetrate to the interior of the magazine.

(e) A magazine constructed in accordance with the provisions of paragraphs (b) or (c) of this section, in which it is proposed to stow containers of explosives within 12″ of the overdeck beams, or hatch coaming, shall have such deck beams and coaming sheathed with wood in a manner similar to that required for metal stanchions, posts or other obstructions by the provisions of paragraph (c) of this section.

(f) The door of the magazine shall be of substantial construction fitted reasonably tight into its jamb. The door may be secured in place by the use of exterior battens and wedges.

§ 146.29–41 *Specifications Type B magazine.* (a) This type of magazine is for the stowage of ammunition or explosives in bulk designated as requiring magazine stowage "B" by the provisions of the tables. (§ 146.29–100.)

(b) When an entire compartment or hold is utilized for the stowage of explosives that are required by the regulations in this part to be given magazine stowage "B", the entire compartment may be considered as a magazine. The frames and bulkhead stiffeners protruding into the compartment shall be effectively boarded over to provide a smooth surface for the stowage of the explosives. This boarding need not be applied to the overdeck beams when the explosives are not stowed closer than 12 inches of such beams. If explosives are stowed up to the overdeck beams and into the square of the hatch formed by the coaming, such overdeck beams including the hatch coaming shall be effectively boarded over. The installation of such boarding shall be in accordance with the specifications for the construction of a Type "A" magazine, except, when cargo battens are fitted to the vessel's frames or bulkhead stiffeners, such boarding may be secured vertically using the battens as an anchorage for the necessary securing means, and may be spaced not more than 6″ apart. Permanent bulkheads forming a boundary of the compartment or hold that do not carry stiffeners or other structural projections greater than those formed by plate laps or bounding angles, on the side facing the explosives' stowage, need not be sheathed with wood but in lieu thereof dunnaging, consisting of commercial 1″ boards may be laid vertically against such bulkhead as the stowage of the explosives progresses. This boarding shall be laid edge to edge. Deep frames, girders or webs extending inboard of the line formed by the cargo battens or dunnaging shall be sheathed with wood.

(c) When part of a compartment or hold is utilized for the stowage of ammunition or explosives in bulk that are required to be given magazine stowage "B", the remaining portion of the compartment or hold may be utilized for the stowage of general cargo, provided no article of such general cargo is described by the regulations in this part as dangerous, and provided further that a temporary wooden bulkhead is constructed in the compartment or hold to completely divide and protect the stowage of ammunition or explosives in bulk and the stowage of the nondangerous general cargo. The scantlings and construction of such temporary bulkheads shall be as follows: For tween deck compartments or holds, construction shall be of commercial 2″ boarding, secured on 4″ x 6″ uprights spaced not to exceed 30″ center to center. For lower holds construction shall be of commercial 2″ boarding secured on 6″ x 6″ uprights spaced not more than 24″ center to center. Random widths of boarding may be used. The boarding will be applied close fitted, edge to edge and butt to butt to form a smooth surface facing the explosive stowage. If copper nails are used they shall be driven flush with the surface of the wood. Other types of nails shall be set below the surface of the wood. Frames, beams, girders, webs or stanchions within the area used for the stowage of explosives shall be boarded over. The uprights forming the frame of the temporary bulkhead shall, on the general cargo side, be fitted with cargo battens of a commercial 2″ x 4″ size spaced 12″ center to center to a height equal to the height of the general cargo stowed within the hold. One or more doors, of substantial construction fitted reasonably tight, shall be built into this bulkhead. The door may be secured in place by the use of exterior battens and wedges.

§ 146.29–42 *Ammunition stowage.* Ammunition that is authorized to be given ammunition stowage by the provisions of the tables (§ 146.29–100), shall be stowed in a location selected in accordance with the procedure as set forth in § 146.29–30. Dunnage flooring shall be laid over metal decks or tank tops. Dunnaging shall be fitted to insure that no packages or articles of ammunition directly contact metal parts of the vessel. Tiers of ammunition will be floored off with wood dunnage as required. Ammunition shall not be overstowed unless such overstowing is permitted by the provisions of the regulations in these sections.

§ 146.29–43 *Chemical ammunition stowage.* Chemical ammunition, Class XI, shall be stowed in a deep tank or No. 1 lower hold. When stowed in a deep tank pump suctions shall be effectively sealed off to prevent the escape of any leakage which may take place. When stowed in No. 1 lower hold the hatch covers, ventilators and pump suction shall be effectively sealed off to prevent the escape of any leakage which may take place. Before entering a deep tank or a No. 1 lower hold containing chemical ammunition the air inside the compartment must be tested by competent personnel to ascertain if leakage has taken place. If leakage has occurred the operation of removing the explosives shall be conducted by skilled personnel, preferably representatives of the Chemical Warfare Service. When the quantity of chemical ammunition to be stowed on board the vessel does not justify the use of a deep tank or No. 1 lower hold, a suitable tween deck space shall be selected and the ammunition stowed in a portable magazine especially constructed to prevent any leakage from the ammunition escaping outside of the magazine. The magazine shall be located at least 8′ from the ship's side, the space between being stowed with suitable nondangerous cargo of a type not subject to contamination. No other explosives shall be stowed in the same tween deck hold.

§ 146.29-44 *Pyrotechnic stowage.* (a) Pyrotechnic ammunition shall be given ammunition stowage as described in § 146.29-42: *Provided, however,* Such articles shall not be stowed in a compartment in which any other explosives (except Class I ammunition) is stowed. Pyrotechnics shall not be overstowed with other cargo. The location of this type stowage shall be away from heat and in a dry area so protected as to insure no moisture contacting the packages.

(b) For limited quantities of pyrotechnic ammunition an alternate stowage may be utilized consisting of stowing in metal lockers or portable magazines so located as to conform with the provisions of paragraph (a) of this section as regards other explosives, overstowage, heat and moisture.

§ 146.29-45 *Detonator stowage.* (a) Stowage of Classes III, VI and VIII types of ammunition shall be in either a magazine type "A" or a portable magazine.

(b) The location of a magazine allotted to the stowage of these classes of ammunition is restricted to a hold or compartment in which no other ammunition (except Class I ammunition) or explosives in bulk, inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, or hazardous articles are stowed. This ammunition when stowed within the magazine shall not be within 8 feet of the vessel's side.

(c) No explosives in bulk shall be stowed in a magazine that is being used for detonator stowage.

(d) No ammunition other than Classes I, III, VI and VIII shall be stowed in the magazine being used for detonator stowage.

(e) The stowage of ammunition of Classes III, VI and VIII and the stowage of any other class of ammunition (except Classs I ammunition) on board the same vessel, shall be separated as follows:

(1) With a permanent steel deck or bulkhead intervening, the separation shall not be less than 10 feet in any plane.

(2) Without a permanent steel deck or bulkhead intervening, the separation shall not be less than 25 feet in any plane.

(f) The stowage of ammunition of Classes III, VI, and VIII and the stowage of any explosives in bulk on board the same vessel, shall be separated as follows:

(1) With a permanent steel deck or bulkhead intervening, the separation shall not be less than 25 feet in any plane.

(2) Without a permanent steel deck or bulkhead intervening, the separation shall not be less than 40 feet in any plane.

(g) When a portable magazine is used for detonator stowage, such magazine may be stowed in the square of a weather deck hatch, provided the hatch covers are of steel, or if of wood, they are covered with a steel plate of not less than 5 pounds weight per square foot, or other approved protection, and adequately secured in place. The provisions of paragraphs (b), (c), and (d) of this section shall also be observed if such a location is utilized.

(h) Upon approval by the captain of the port a portable magazine laden with not more than 1000 fuzes of these classes may be stowed in an isolated cabin or a steel deckhouse secure from aircraft machine gun fire and not subjected to casual contact by persons on board the vessel.

(j) Barges having explosives in bulk laden thereon shall not have any Class III, VI, or VIII ammunition on board, at the same time, unless the separations required by the provisions of (f) of this section can be maintained.

(k) Barges having ammunition laden thereon shall, when having any ammunition of Class III, VI or VIII on board at the same time, maintain the maximum separation possible. If this be less than 10 feet with no deck or division bulkhead intervening, a barrier consisting of at least 2″ wooden plank on 4″ x 6″ framing shall be imposed between the stowages.

(l) Except when circumstances require a different procedure these classes of ammunition shall be the last explosives to be loaded on board the vessel.

(m) When loading at an ammunition loading pier, these articles shall not be brought alongside in any barge containing smokeless powder propellant charges for separate loading ammunition.

§ 142.29-46 *Portable magazine.* Portable magazines shall be of a size not greater than 100 cubic feet capacity. They may be constructed of wood or of metal lined with wood. When constructed of wood, the frame bottom and siding shall be not less than the scantling requirements as given for a Type "A" magazine in § 146.29-40. A strong close-fitting, hinged cover reinforced with wooden battens (at least 1¼″ thick by 5″ wide) shall be fitted. Effective securing means shall be provided for the cover. At least four (4) padeyes with lashing rings, not less than 3″ I. D. x ⅜″ wire, shall be permanently attached to the magazine. When constructed of metal, the minimum thickness shall be not less than ⅛″. The interior shall be lined with wood sheathing of a minimum thickness of ¾″. Securing means shall be countersunk below the surface of the sheathing. Effective means shall be provided for securing the cover in place. Lashing rings as detailed above, or other methods for securing the stowage of the magazine shall be provided. All inner surfaces of the magazines shall be smooth and free of nails, screws, or other projections. Portable magazines shall carry the legend:

"Inflammable—Keep Lights and Fire Away"

§ 146.29-47 *Bomb-fin assemblies and fuzes.* (a) The stowage of bomb-fin assemblies (Bomb tail assemblies) shall be as follows:

(b) Bomb-fin assemblies uncrated, crated, boxed or in metal containers without the bomb fuze being included in the packing constitute an inert, nondangerous cargo and may be stowed in any suitable location on board the vessel.

(c) Bomb-fin assemblies, crated, boxed or in metal containers with the bomb fuze included within the packing may be stowed in the same compartment, hold or magazine with demolition bombs or fragmentation bombs. They shall not be stowed with smokeless powder in bulk, propellant powder charges for separate loading ammunition nor with any Class IX or XI types of ammunition or explosives in bulk.

(d) Bomb-fin assemblies, as described in paragraph (c), may be stowed in a hold or compartment with ammunition other than described in paragraph (c).

§ 146.29-48 *Ventilation of magazines.* A magazine that is not fitted with ventilating ducts to the atmosphere shall be ventilated by omitting the top course of boarding on the sides of the magazine to provide a clear space at least 1″ and not more than 6″ below the lower flange or toe of the deck beam within the compartment or hold in which the magazine is constructed. Cowl type ventilators of systems feeding directly into a magazine or a hold in which explosives are stowed shall be covered with a double layer of wire screen of not less than 20 x 20 mesh at the weather end of the cowl. This wire may be attached by folding it back along the cowl and securing the same in place by a sufficient serving with light line or wire to insure a positive closure.

§ 146.29-49 *Authority to load—loading facilities and use.* (a) For the purposes of the regulations contained in these sections, the explosives anchorages, explosives loading piers and ammunition loading piers which are under the provisions of "Regulations for Security of Ports and the Control of Vessels in the Territorial Waters of the United States" (33 CFR, Part 6), authorized to be used in loading or unloading explosives are identified as follows:

(1) *Explosives anchorages.* Explosives anchorages are those areas upon the navigable waters that are designated as areas within which a vessel may anchor or moor to receive or discharge cargo consisting of explosives.

(2) *Explosives loading piers.* Explosives loading piers are those piers designated by a captain of the port to which a vessel may moor to receive or discharge cargo consisting of explosives.

(3) *Ammunition loading piers.* Ammunition loading piers are those piers designated by a captain of the port at which a vessel may moor to accept or discharge cargo consisting of military ammunition.

(b) No ammunition or explosives in bulk shall be loaded on or discharged from a vessel except at one of the authorized locations shown in (a): *Provided*, the vessel is authorized by the provisions of § 146.29-100 to load or unload, at the anchorage or pier being utilized, the particular class or type of ammunition or explosives in bulk involved: *Provided, further,* That the handling and stowage of the ammunition or explosives in bulk is in accordance with the applicable provisions of the regulations in this part.

(c) (1) Explosives prohibited by subsection 3, of R.S. 4472, as amended, shall not be accepted by any vessel.

(2) A passenger vessel shall not accept any Class A explosives for transportation as cargo.

(3) A passenger vessel shall not accept for transportation as cargo the following Class B explosives: Ammunition for cannon with empty projectile, ammunition for cannon with sand-loaded projectile, ammunition for cannon with solid projectile, ammunition for cannon without projectile or smokeless powder.

(d) A vessel may load or discharge military explosives at any Navy or Army depot, arsenal, navy yard, port of embarkation or other facility under ~~the~~ direct control an doperation of the Navy or Army; provided a permit authorizing such loading has been granted by the captain of the port (See §§ 146.29-24 and 146.29-25).

(e) In an emergency arising by reason of military necessity or casualty, a vessel may, upon authorization by a captain of the port, load or discharge military explosives in any location authorized by said captain of the port.

§ 146.29-50 *Statements of characteristic properties and hazards.* In the second, fourth and seventh columns of the tables, § 146.29-100, are statements in italics setting forth certain charcteristics and hazards of the substances or articles listed therein. It is not intended, nor shall it be assumed that these statements set forth all of the characteristic properties or hazards of the particular substance or article and such statements as are shown are informative only.

§ 146.29-75 *Stowage chart*

The letter "X" at an intersection of horizontal and vertical columns indicates the particular kinds or types of military explosives that may be stowed together or with other dangerous articles.	Class	Amm. for cannon, blank	Amm. for can. w. emp. proj.	Amm. for can. w. sand—l'd, proj.	Amm. for can. w. solid proj.	Base detonating fuzes	Black powder (in bulk)	Blasting caps	Bombs, Armor piercing	Bombs, Chemical	Bombs, Demolition	Bombs, Frag. (mtl. crat.-bund.)	Bombs, Frag. (wood crat.-unbox.)	Bomb fuzes	Bomb fuzes (pack with fin.-assm.)	Bombs, Photoflash	Boosters	Bulk Initiat. & Priming (wet)	Bursters	Chemical ammunition (expl.)	Chem. Am. Phos. (expl.)	Demolition blocks	Depth charges	Detonators	Fixed and semi-fix. am.	Flashlight powder—bulk	Fuze	Fuze, Mechanical (w. o. booster)	Grenades (explosive)	High expl. (in bulk)	Incendiaries, high expl.	Mine, Anti-tank	Mine fuzes	Mines, Naval	Mortar ammunition, Light	Point detonating fuzes	Primers	Primer detonators	Pyrotechnics	Rockets, Anti-aircraft	Rocket propellants (bulk)	Separate-loading shell	Shrapnel	Small-arms am. (w. o. expl. bul.)	Small-arms am. (w. expl. bul.)	Smokeless pow. (bulk in cont.)	Smokeless pow. prop. charges	Smokeless pow.-small arms (bulk)	Spotting charges	Warheads (torpedo)	Inflammable liquids	Inflammable Sol. and Oxid. Mat.	Corrosive liquids	Compressed gases	Poisons, Class A	Poisons, Class B	Tear gas	Hazardous articles
Ammunition for cannon, blank	IV		X	X	X		X		X		X	X	X			X						X	X		X			X	X	X	X	X		X	X					X	X	X	X	X	X	X	X	X	X							X	X	
Ammunition for cannon with empty projectiles	IV	X		X	X		X		X		X	X	X			X						X	X		X			X	X	X	X	X		X	X					X	X	X	X	X	X	X	X	X	X							X	X	
Ammunition for cannon with sand-loaded projectiles	IV	X	X		X		X		X		X	X	X			X						X	X		X			X	X	X	X	X		X	X					X	X	X	X	X	X	X	X	X	X							X	X	
Ammunition for cannon with solid projectiles	IV	X	X	X			X		X		X	X	X			X						X	X		X			X	X	X	X	X		X	X					X	X	X	X	X	X	X	X	X	X							X	X	
Base detonating fuzes	VIII							X						X	X		X		X					X			X	X					X			X	X	X						X														
Black powder (in bulk in containers)	IX	X	X	X	X																	X			X	X															X		X	X		X	X	X	X									
Blasting caps	VIII					X								X	X		X		X					X			X	X					X			X	X	X						X														
Bombs, Armor piercing	V	X	X	X	X						X		X			X							X		X			X	X		X	X		X	X					X		X	X	X	X					X						X	X	
Bombs, Chemical	XI																			X	X							X							I									X												X	X	
Bombs, Demolition	X	X	X	X	X				X			X	X			X												X																X												X	X	
Bombs, Fragmentation (In metal crates or bundles)	X	X	X	X	X						X		X			X												X																X												X	X	
Bombs, Fragmentation (In wooden crates or unboxed)	IV	X	X	X	X				X		X	X				X							X		X			X	X		X	X		X	X					X		X	X	X	X					X						X	X	
Bomb fuzes	VIII					X		X							X		X		X					X			X	X					X			X	X	X						X														
Bomb fuzes (Packed with fin-assemblies)	VIII					X		X						X	V		X		X					X			X	X					X			X	X	X						X														
Bombs, Photoflash	X	X	X	X	X				X		X	X	X													X			X												+	X	X	X												X	X	
Boosters	VIII					X		X						X	X				X					X			X	X					X			X	X	X						X														
Bulk initiating and priming explosives (wet)	IX																	II																																	II	II						
Bursters	VIII					X		X						X	X		X							X			X	X					X			X	X	X						X														
Chemical ammunition (Explosive)	XI									X											X																															III			IV	IV	IV	
Chemical ammunition, Phosphorus (Explosive)	II									X										X																																III			IV	IV	IV	
Demolition blocks	IX	X	X	X	X		X																					X		X											X			X		X	X	X	X									
Depth charges	X	X	X	X	X				X				X																	X		X		X										X						X								
Detonators	VIII					X		X						X	X		X		X								X	X					X			X	X	X						X														
Fixed and semi-fixed ammunition	IV	X	X	X	X		X		X				X															X	X		X				X					X	X	X	X	X	X	X	X	X	X							X	X	
Flashlight powder in bulk	IX						X									X																												X		X	X	X	X							X	X	
Fuze	VIII					X		X						X	X		X		X					X				X					X			X	X	X						X														
Fuze, Mechanical (Without Booster)	I	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X		X			X		X	X		X		X	X		X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X							X	X	
Grenades (Explosive)	IV, XI	X	X	X	X				X				X			X									X			X			X				X					X	X	X	X	X	X	X	X	X	X							X	X	
High Explosives (In bulk) T. N. T., Dynamite, etc	IX	X	X	X	X																	X	X					X													X			X		X		X	X									

§ 146.29–75 *Stowage chart—Continued*

The letter "X" at an intersection of horizontal and vertical columns indicates the particular kinds or types of military explosives that may be stowed together or with other dangerous articles.	Class	Amm. for cannon, blank	Amm. for can. w. emp. proj.	Amm. for can. w. sand—l'd. proj.	Amm. for can. w. solid proj.	Base detonating fuzes	Black powder (in bulk)	Blasting caps	Bombs, Armor piercing	Bombs, Chemical	Bombs, Demolition	Bombs, Frag. (mtl. crat.-bund.)	Bombs, Frag. (wood crat.-unbox.)	Bomb fuzes	Bomb fuzes (pack with fin.-assm.)	Bombs, Photoflash	Boosters	Bulk Initiat. & Priming (wet)	Bursters	Chemical ammunition (expl.)	Chem. Am. Phos. (expl.)	Demolition blocks	Depth charges	Detonators	Fixed and semi-fix. am.	Flashlight powder—bulk	Fuze	Fuze, Mechanical (w. o. booster)	Grenades (explosive)	High expl. (in bulk)	Incendiaries, high expl.	Mine, Anti-tank	Mine fuzes	Mines, Naval	Mortar ammunition, Light	Point detonating fuzes	Primers	Primer detonators	Pyrotechnics	Rockets, Anti-aircraft	Rocket propellants (bulk)	Separate-loading shell	Shrapnel	Small-arms am. (w. o. expl. bul.)	Small-arms am. (w. expl. bul.)	Smokeless pow. (bulk in cont.)	Smokeless pow. prop. charges	Smokeless pow.-small arms (bulk)	Spotting charges	Warheads (torpedo)	Inflammable liquids	Inflammable Sol. and Oxid. Mat.	Corrosive liquids	Compressed gases	Poisons, Class A	Poisons, Class B	Tear gas	Hazardous articles
Incendiaries, High explosive	IV	X	X	X	X				X				X												X				X						X					X	X	X	X	X	X											X	X	
Mines, Anti-tank	X	X	X	X	X				X				X										X					X						X										X						X								
Mine fuzes	VIII					X		X						X	X		X		X					X			X	X								X	X	X						X														
Mines, Naval	X	X	X	X	X				X				X										X									X												X						X								
Mortar ammunition, Light	IV	X	X	X	X				X	I			X												X			X	X		X									X	X	X	X	X	X	X	X	X	X							X	X	
Point detonating fuzes	VIII					X		X						X	X		X		X					X			X	X					X				X	X						X														
Primers	VIII					X		X						X	X		X		X					X			X	X					X			X		X						X														
Primer detonators	VIII					X		X						X	X		X		X					X			X	X					X			X	X							X														
Pyrotechnics	II																											X																X														
Rockets, Anti-aircraft	IV	X	X	X	X				X				X												X			X	X		X				X							X	X	X	X	X	X	X	X							X	X	
Rocket propellants (In bulk)	IX	X	X	X	X		X															X			X			X	X	X	X				X							X	X	X	X	X	X	X	X							X	X	
Separate-loading shell	V, VII	X	X	X	X				X				X			X									X			X	X		X				X					X	X		X	X	X	X	X	X	X							X	X	
Shrapnel	IV	X	X	X	X		X		X				X			X									X			X	X		X				X					X	X	X		X	X	X	X	X	X							X	X	
Small-arms ammunition (Without explosive bullets)	I	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X							X	X	
Small-arms ammunition (With explosive bullets)	IV	X	X	X	X				X				X												X			X	X		X				X					X	X	X	X	X		X	X	X	X							X	X	
Smokeless powder (In bulk in containers)	II	X	X	X	X		X															X			X	X		X	X	X					X					X	X	X	X	X	X		X	X	X									
Smokeless powder propellant charges	II	X	X	X	X		X															X			X	X		X	X						X					X	X	X	X	X	X	X		X	X									
Smokeless powder for small arms (In bulk)	II	X	X	X	X		X															X			X	X		X	X	X					X					X	X	X	X	X	X	X	X		X									
Spotting charges	IX	X	X	X	X		X															X			X	X		X	X	X					X					X	X	X	X	X	X	X	X	X										
Warheads (Torpedo)	X								X				X										X									X		X																								
Inflammable liquids																		II																																								
Inflammable solids and oxidizing materials																		II		III	III																																					
Corrosive liquids																																																										
Compressed gases																																																										
Poisons, Class A																				IV	IV																																					
Poisons, Class B		X	X	X	X				X	X	X	X	X			X				IV	IV				X	X		X	X		X				X					X	X	X	X	X	X													
Tear gas		X	X	X	X				X	X	X	X	X			X				IV	IV				X	X		X	X		X				X					X	X	X	X	X	X													
Hazardous articles																																																										

NOTE: This chart does not list every type of military explosive. For types not named hereon consult description shown by classes in the tables § 146.29–100. After identifying such unlisted explosive in bulk or ammunition, according to its class, it may then be stowed in the same manner as a similar type that is shown hereon.

CHART REFERENCES

I May be stowed with mortar-smoke shell.
II Wet nitrocellulose (collodion cotton), wet nitroguanidine and wet nitrostarch may be stowed in the same magazine.
III White or yellow phosphorus in drums shall not be stowed with chemical ammunition.
IV Chemical ammunition (non-explosive) may be stowed with chemical ammunition (explosive).
V See § 146.29–47 for additioanl provisions re stowage of bomb fuzes packed with bomb-fin assemblies.

§ 146.29–100 *Military ammunition and explosives in bulk*

Class	Description	Marking	Hazard	Stowage	Loading	Handling
Class I "AMMUNITION"	Small-arms ammunition and mechanical time fuzes without boosters. Includes all fixed ammunition such as is used in pistols, revolvers, rifles, shot guns, machine or antiaircraft guns (with non-explosive bullets) and mechanical time fuzes without boosters. For small-arms ammunition with explosive bullets See: Class IV.	"Small-arms ammunition." "Mechanical time fuzes"	*Involvement in a fire*	Any compartment in which no inflammable liquids, inflammable solids or corrosive liquids are stowed. May be overstowed.	Any location in any area	Observe markings on packages to be certain that *no* "Small-arms ammunition with explosive bullets" is included.

§ 146.29–100 *Military ammunition and explosives in bulk*—Continued

Class	Description	Marking	Hazard	Stowage	Loading	Handling
Class II "EXPLOSIVES IN BULK." "AMMUNITION"	Smokeless powder in containers. In (bulk.) Smokeless powder for small arms. (In bulk.) Packed in boxes, powder cans, or other containers.	"Smokeless powder for cannon." "Smokeless powder for small arms."	*Loose powder may be ignited by spark or friction. Burns rapidly and with intense heat. Burning powder in a ship's hold may explode. May become unsafe if subjected to high temperature.*	TYPE "A" MAGAZINE Shall not be overstowed with any other kind of cargo. Shall not be stowed in the same magazine with other ammunition or explosives unless the two stowages are separated by a partition bulkhead.	Explosives anchorage Explosives loading pier.	Do not chute or drag packages. Do not accept damaged packages. In event a package is damaged, carefully sweep up any powder. Do not attempt to recooper the package. Powder may be disposed of in deep water.
	Smokless powder propellant charges. "Made up" charges in cloth powder bags in outside metal or fiber pack containers.	"Smokeless powder for cannon."	*Loose powder may be ignited by spark or friction. Burns rapidly and with intense heat. Burning powder in a ship's hold may explode. May become unsafe if subjected to high temperature.*	TYPE "A" MAGAZINE. Shall not be stowed in the same magazine with other ammunition or explosives unless the two stowages are separated by a partition bulkhead. Shall not be overstowed with any other kind of cargo. Fiber pack containers shall be stowed on end.	Explosives anchorage Explosives loading pier. Ammunition loading pier.	Do not chute or drag packages. Do not accept damaged packages. In event a package is damaged, carefully sweep up any powder. Do not attempt to recooper the package. Powder may be disposed of in deep water.
"AMMUNITION"	Pyrotechnics, includes all types of military pyrotechnics except photoflash bombs and flashlight powder in bulk. Photoflash bombs are included in Class X. Flashlight powder in bulk is included in Class IX.	"Fireworks"	*The principal hazard is involvement in a fire. Some pyrotechnics may ignite spontaneously if exposed to moisture or high temperatures; but under these conditions, most types tend to become less sensitive and more difficult to ignite. Airplane flares involved in a fire may explode, most other types burn with intense heat and without serious explosion.*	AMMUNITION STOWAGE. Shall be stowed away from heat and in a dry location. Protected against moisture contacting the stowage. Shall not be stowed in a compartment with any other explosives except small-arms ammunition and mechanical fuzes without boosters. Shall not be overstowed with any other kind of cargo.	Explosives anchorage Explosives loading pier. Ammunition loading pier.	Do not load during rainy weather unless complete protection against moisture coming in contact with the packages is provided. Handle carefully. Do not subject packages to shock. Boxes shall not be dropped, thrown or loaded by chute. In loading over ship's side use crate or tray.
"AMMUNITION"	Chemical ammunition filled with phosphorus — When shipped assembled with their ignition elements, bursting charges, detonating fuzes or explosive components. (For such ammunition when shipped without ignition elements, bursting charges, detonating fuzes or explosive components see Section 146.22–100) *This type ammunition includes, but is not limited to: 75-mm. artillery shell. 155-mm. artillery shell. 8-inch artillery shell. 81-mm. mortar shell. 4-inch chemical mortar shell. 4.2-inch chemical mortar shell. 8-inch livens projector shell. 5-pound aviation bomb. 25-pound aviation bomb. 50-pound aviation bomb. 100-pound aviation bomb.*	"Explosives projectiles" or "Explosive bombs."	*The most characteristic property of white phosphorus is that of spontaneously igniting upon exposure to air, burning with an intensely hot flame and giving off large volumes of white smoke. The fumes are highly discomforting. Burning phosphorus gives off phosphorus oxide which is toxic upon sustained exposure thereto. Phosphorus is intensely poisonous when taken internally. It becomes a liquid at 111° F. Leakage, which sometimes occurs, usually gives warning by smoke.* *Ammunition fitted with fuzes and boosters and involved in a fire will usually explode with moderate violence thus tending to spread the fire rapidly.*	AMMUNITION STOWAGE or CHEMICAL AMMUNITION STOWAGE. It is important to stow in locations not subject to temperatures above 100° F. Shall not be stowed in a compartment with any other explosives except other chemical ammunition. Shall not be overstowed with any other kind of cargo.	Explosives anchorage Explosives loading pier. Ammunition loading pier.	Handle carefully. Do not use a chute in loading. Observe packages or shells for evidence of leakage and reject any showing such signs.
Class III	Point-detonating fuzes, minor caliber base detonating fuzes, powder train fuzes, and anti-tank-mine fuzes, packed separately in boxes; bomb fuzes, packed with fin assemblies.		For purposes of these regulations this class of ammunition has been consolidated with Class VIII ammunition.			

§ 146.29–100 *Military ammunition and explosives in bulk*—Continued

Class	Description	Marking	Hazard	Stowage	Loading	Handling
Class IV “AMMUNITION”	Fixed and semi-fixed high explosive shell (Complete rounds) light mortar ammunition, grenades, shrapnel of all calibers, fuzed or unfuzed and blank ammunition for cannon, ammunition for cannon with empty projectile, ammunition for cannon with solid projectile, ammunition for cannon with sand-loaded projectile, high explosives incendiaries, rockets AA, kit grenades antitank, grenades hand defensive; packed in outside wooden boxes, or bundles of 3 individual fiber containers, unfuzed fragmentation bombs, in wooden crates, and small-arms ammunition with explosive bullets. *This class of ammunition includes, but is not limited to: 20 mm. explosive bullet, 37, 40, 57, 60, 75 and 81 mm., 3" 90 and 105 mm. and 4".5 caliber shell.* No chemical or smoke ammunition is included.	“Ammunition for cannon with explosive projectile” “Ammunition for cannon with empty projectile” “Ammunition for cannon with solid projectile” “Ammunition for cannon with sand-loaded projectile” “Hand grenades” “Rifle grenades” “Ammunition for cannon with incendiary projectile” “High explosives incendiaries” “Rockets antiaircraft” “Small-arms ammunition with explosive bullets”	*Articles in this class usually explode progressively only a few boxes at a time, many explosions of individual rounds being of a very low order. Pressures which would cause serious structural damage are not usually generated. Most missiles would fall within 600 feet.*	AMMUNITION STOWAGE or MAGAZINE STOWAGE “B” or MAGAZINE STOWAGE “A”. Boxed and crated ammunition may be overstowed with nondangerous cargo. Fiber bundle pack containers, crated or uncrated, may be stowed on their bases or sides. Unboxed or uncrated fiber pack containers shall not be overstowed with other cargo. (See § 146.29–12)	Explosives anchorage. Explosives loading pier. Ammunition loading pier.	This class of ammunition shall be handled with care. Do not drop, roll or throw the packages. Boxes of fixed ammunition may be handled with chute or trucks and may be loaded by using rope and canvas sling. Fiberpack containers of fixed ammunition shall be loaded by using truck, skip or tray. No weight shall be imposed upon the fiber part of the container.
Class V “AMMUNITION”	Separate-loading shell of all calibers, loaded with explosive “D”, fuzed or unfuzed; and shell loaded with explosive “D”, fuzed or unfuzed not assembled to or packed with cartridge cases; and armor-piercing bombs.	For purposes of these regulations this class of ammunition has been consolidated with Class VII ammunition.				
Class VI	Major and medium caliber base-detonating fuzes, bomb fuzes; boosters for high explosive shell; bursters for chemical shell, and for bombs; packed separately in boxes.	For purposes of these regulations this class of ammunition has been consolidated with Class VIII ammunition.				
Class VII “AMMUNITION”	Separate-loading shell of all calibers, fuzed or unfuzed, except those loaded with explosive “D”; and loaded shell, except those loaded with explosive “D”, fuzed or unfuzed, not assembled to or packed with cartridge cases. For the purposes of handling, stowage and transportation within the scope of these regulations, Class V types of ammunition are consolidated with Class VII.	“Explosive projectiles”	*The principal hazard in transportation will be involvement in a fire. Shells in this class usually explode progressively and very likely en masse.* *Structural damage within 1,800 feet may be severe.*	AMMUNITION STOWAGE or MAGAZINE STOWAGE “B” or MAGAZINE STOWAGE “A” This ammunition boxed or unboxed may be overstowed with nondangerous cargo. Care must be taken not to damage rotating bands on unboxed shells.	Explosives anchorage. Explosives loading pier. Ammunition loading pier.	Handle with care. Do not drop. Sling loads shall be landed as easily as possible. Do not roll shell. Protect rotating band from damage. Avoid injury to or removal of paint from the bourrelet.
Class V	Separate-loading shell of all calibers, loaded with explosive “D”, fuzed or unfuzed; and shell loaded with explosive “D”, fuzed or unfuzed, not assembled to or packed with cartridge cases; and armor-piercing bombs.	“Explosive projectiles” “Explosive bombs.”	*The principal hazard in transportation will be involvement in a fire. These shells usually explode one at a time, and in practically all cases with low order of explosion. Most missiles will fall within 1,200 feet.*			

NOTE. *In general Classes V and VII types of projectiles will be shipped in accordance with the following basic rules:*
Point fuzed shell with false ogives will be crated.
Point fuzed shell without false ogives will have grommets and eyebolt lifting plugs.
Base fuzed shell with relatively fragile parts such as false ogives, steel caps, and windshields will be crated.
Base fuzed shell without false ogives will not be crated but will have grommets to protect rotating bands.
Dummy drill projectile will be crated.
Shell with point-detonating fuze assembled thereto will be boxed.

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§ 142.29–100 *Military ammunition and explosives in bulk*—Continued

Class	Description	Marking	Hazard	Stowage	Loading	Handling
Class VIII “AMMUNITION”	Primers, detonators, primer-detonators for bombs, grenade fuzes (Detonating type), and blasting caps. For the purposes of handling, stowage and transportation within the scope of these regulations, Classes III and VI types of ammunition are consolidated with Classr VIII.	“Detonating fuzes” “Percussion fuzes.” “Boosters (explosive).” “Small-arms primers.” “Primers.” ‘Blasting caps.” “Electric blasting caps.”	*The two primary hazards in the transportation of these devices are shock and involvement in a fire. A collateral hazard is the effect of the detonation of these articles upon other explosives or ammunition stowed in proximity to such articles.* *All of Class VIII type of ammunition in a unit stowage may explode at one time, but as the total amount of explosives involved is limited structural damage would not tend to be great. Light missiles having a limited range would be formed.*	DETONATOR STOWAGE or PORTABLE MAGAZINE. The location of magazines is restricted to a hold or compartment in which no other explosives (except small-arms ammunition) inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases or hazardous articles are stowed and shall not be within 8 feet of the vessel's side. See § 146.29–47 for provisions re. stowage of bomb fuzes packed with fin assemblies. See § 146.29–45 for detail of detonator stowage.	Explosives anchorage. Explosives loading pier. Ammunition loading pier.	*Ammunition of Classes III, VI and VIII constitute a distinct class of ammunition when they are not assembled in projectiles, bombs or other ammunition. These types of ammunition are loaded with explosives that are sensitive to shock.* *The handling and stowage provisions of these regulations give consideration to the probable effect accidental detonation of these devices may have upon other ammunition or explosives stowed within the vessel.* Load only by hand or mechanical means. Trays with sideboards shall be used when loading by mechanical means. Packages shall not be stacked on a tray to a height above its sideboards. The maximum weight of the load on one tray lift shall not exceed 1000 pounds. Trays shall not be swung over other open hatches or holds containing ammunition, explosives in bulk or other dangerous cargo. Trays shall be hoisted and lowered carefully and deposited without undue shock. Do not roll, skid or chute packages. Packages shall not be turned over nor onto their sides but always maintained in “This Side Up” position as indicated by the marking on the package.
Class VI	Class VI Major and medium calibe base-detonating fuzes, bomb fuzes; boosters for high explosive shell; bursters for chemical shell, and for bombs; packed separately in boxes.		*The amount of explosives in single items of Classes III and VI usually does not exceed one-half pound. It is likely they would explode progressively box by box. Structural damage caused by the pressures generated would probably be limited to the vessel and pier. Missiles are light and usually fall within 600 feet.*			
Class III	Class III Point-detonating fuzes, minor caliber base-detonating fuzes, powder-train fuzes, antitank-mine fuzes, and grenade fuzes, (ignition type) packed separately in boxes; bomb fuzes packed with fin assemblies.					
Class IX “EXPLOSIVES IN BULK”	Flashlight powder in bulk, demolition blocks, spotting charges, black powder, in bulk, rocket propellants, in bulk, bulk priming explosives; bulk initiating explosives such as mercury fulminate or lead azide, and bulk high explosives such as T. N. T., explosive “D”, tetryl and dynamite. NOTE. Bulk priming or initiating explosives, in dry condition, are not permitted to be transported on board vessels.	“High explosives” “Black powder.” “Low explosives.” “Initiating explosives.” “Fireworks.”	*For the purposes of these regulations this class is divided into groups as follows:* Group IX–A *Flashlight powder in bulk. Spotting charges, black powder, and bulk priming explosives constitute a group having relatively similar hazard characteristics which principally consist of being very susceptible to ignition by spark or friction. They burn with explosive violence and will explode if ignited, under even slight confinement. They are adversely affected by high temperture.*	Group IX–A MAGAZINE STOWAGE “A.” Shall not be stowed in the same magazine with other ammunition or explosives unless the two stowages are separated by a partition bulkhead. Shall not be overstowed with any other kind of cargo.	Explosives anchorages. Explosives loading piers.	Do not subject packages to rough handling. Reject packages showing evidence of failure or damage. In event of sifting of the contents of the package stop operations and carefully clean up any residue. Remove the faulty package from the vessel. Boxes shall be stowed “This side up”. Drums and kegs shall be stowed on end with bung up. Metal cans shall be stowed with cap up.
			Group IX–B *Demolition blocks, rocket propellants, and high explosives such as T. N. T., explosive “D”, tetryl and dynamite have relatively similar hazard characteristics. They may be considered stable in storage. Can be ignited by spark or friction and detonated by shock. When ignited will burn readily like a tar or resin. Bulk shipments in amounts likely to be found on board vessels would if ignited be very likely to detonate.*	Group IX–B MAGAZINE STOWAGE “B”	Explosives anchorages. Explosives loading piers.	Do not subject packages to rough handling. Reject packages showing evidence of failure or damage. In event of sifting of the contents of the package stop operations and carefully clean up any residue. Remove the faulty package from the vessel. Boxes shall be stowed “This side up”. Drums and kegs shall be stowed on end with bung up. Metal cans shall be stowed with cap up.
		Group IX–C *Bulk initiating explosives such as mercury fulminate, lead azide or other fulminates constitute a distinct class of explosives. They are extremely sensitive to shock. The only permitted packing for transportation in bulk consists of a sift-proof cotton duck, rubber or rubberized cloth bag in a metal barrel or drum or wooden barrel or keg and wet with from 20% to 40% of water. Mercury fulminate and lead azide also have 3" of sawdust, saturated with water, between the bag and the outer container.*		Group IX–C MAGAZINE STOWAGE “A”	Explosives anchorages. Explosives loading piers.	Barrels or drums contain from 20% to 40% of water. Check for signs of leakage. Handle carefully to protect against rupture of the container. Stow on end. When overstowing floor off between tiers. Do not roll barrels on their bilges.

§ 142.29-100 *Military ammunition and explosives in bulk*—Continued

Class	Description	Marking	Hazard	Stowage	Loading	Handling
Class X "AMMUNITION"	Demolition bombs, fragmentation bombs in metal crates or bundles, photoflash bombs, high explosive antitank mines, naval mines, depth charges, warheads, livens shells loaded with high explosive (unfuzed) and torpedo bangalore.	"Explosive bombs" "Explosive mines." "Explosive projectiles."	*Fire and shock are the primary hazards to this class of ammunition.* *Demolition bombs have very thin walls. They are regarded as one of the most hazardous types of ammunition because of their tendency to detonate en masse if involved in a fire.* *Fragmentation bombs packed in metal crates or bundles are susceptible to mass detonation.* *Photoflash bombs, involved in a fire, will detonate en masse.* *Antitank mines, naval mines, depth charges, and warheads are loaded with high explosives. Their shells are relatively thin and involved in a fire it is likely detonation will occur.* *Detonation of any appreciable number of this type of ammunition will result in severe structural damage. The extent of the vulnerable area will depend upon the amount of high explosives involved.*	MAGAZINE STOWAGE "B" or MAGAZINE STOWAGE "A". Shall not be overstowed with vehicles or other cargo of high unit weight. Except for wooden barrels or boxes, and fiberboard containers, no inflammable or combustible material as cargo or containers of same shall be stowed in a hold in which this class of ammunition is stowed.	Explosives anchorages. Explosives loading piers.	Handle carefully. Do not drop, roll, drag, or slide these articles. Do not use chute in loading or unloading. Bombs shall be loaded by the use of trays or wire-rope slings. Nets shall not be used. Slings must be approved for such use by the captain of the port. Slings may be of a dual type for bombs not exceeding 2000 pounds each. Photoflash bombs shall be loaded by the use of trays. Antitank mines shall be loaded by the use of trays. Naval mines, uncrated and fitted with lifting ring shall be loaded by using wire rope and shackle. Mines in steel crates will be loaded by tray. Warheads shall be loaded by tray. Depth charges may be loaded by tray or rope and canvas net. A net load shall not exceed three depth charges. Livens shells and torpedo bangalore shall be loaded by the use of trays.
Class XI "CHEMICAL AMMUNITION"	"Chemical ammunition (Explosive)" is used to designate a variety of forms of artillery shell, chemical mortar shell, livens projector shell, airplane bombs, grenades, and candles, containing chemicals and an explosive or a bursting charge. "Chemical ammunition filled with phosphorus" is not included herein. For regulations governing such ammunition see Class II. "Chemical ammunition (nonexplosive)" when shipped without ignition elements, bursting charges, detonating fuzes or explosive components; and drums, cylinders, tanks or other containers of poison gas, liquids, solids or tear gas in bulk shall be accepted and stowed on board vessels in accordance with the provisions of the regulations in § 146.25.	"Explosive projectile" or "Explosive bomb" or "Hand grenade" or "Rifle grenade." This ammunition filled with a poison gas or liquid Class "A", either boxed or not boxed must bear the white "Poison Gas" label.	*This type of ammunition or bulk shipments of these substances in containers other than ammunition represents a particular and special hazard. Prior to the war, these articles were permitted to be stowed in the "Shelter Deck". Because of the danger of damage in the case of air attack, it is now provided that these substances be stowed in a reasonably tight compartment below decks.* *Due to the restrictive control over the preparation of these weapons little likelihood of extreme danger exists unless the containers or ammunition are damaged in handling or stowage on board the vessel.*	CHEMICAL AMMUNITION STOWAGE. Bulk shipment of chemical agents, in ICC-cylinders or tanks may be stowed in a shelter deck space or in a deck house suitable for such stowage.	Explosives anchorages. Explosives loading pier or at a temporary location authorized by the captain of the port for a specific loading.	When possible and the amount of such ammunition or containers of these chemical substances warrant, the loading and stowage of chemical ammunition or chemical agents for such should be supervised by a representative of the Chemical Warfare Service. Ammunition and containers of these substances shall be handled carefully. They shall not be dropped or unnecessarily jarred. The methods used for hoisting chemical ammunition during loading shall be similar to those used in handling high explosive shells. Stowage and bracing are very important. Packages shall be braced so as to prevent any movement. Top tiers shall be braced to prevent upward movement. In general, boxes shall be stowed on the most stable side and arranged in such a manner that the joints between boxes are staggered. No packages shall be cantstowed. Dunnage shall be applied to the sides, ends and the top of the boxes before bracing is applied.

NOTE. *The U. S. Army, Chemical Warfare Service, when shipping chemical ammunition, marks such ammunition and the containers thereof, in general as follows:*

(a) By the use of color bands painted upon the ammunition and the containers thereof; by letter symbol to indicate the particular kind of chemical therein and by the words "Gas", "Smoke", "Incendiary" or "Incend.", stenciled upon the ammunition or the containers thereof.

(b) Persistent gases are marked with two (2) green bands. Nonpersistent gases with one (1) green band. Harassing gases or smoke with one (1) red band. Screening smoke and toxic smoke with one (1) yellow band. Incendiartes with one (1) purple band.

(c) The words "Gas", "Smoke", "Incendiary" or "Incend." will be stenciled upon shells and upon the outside containers of shells, grenades, bombs, candles, etc., the stenciling to be of the same color as the designating band.

(d) The bodies of all munitions containing gas or smoke will be painted gray. Incendiaries will be painted olive drab.

R. R. WAESCHE,
Commandant.

[F. R. Doc. 42-9780; Filed, October 1, 1942; 3:08 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[General Docket No. 21]

DETERMINATION OF EXTENT OF CHANGE OF COSTS OF MINIMUM PRICE AREAS

ORDER AND OPINION ON QUESTIONS OF LAW AND POLICY

Order and opinion of the Secretary of the Interior on review of questions of law and policy involved in the Acting Director's order of August 28, 1942.

In the matter of determining the extent of change, if any, in excess of two cents per net ton in the weighted average of the total costs of any of the minimum price areas; and of revising the effective minimum prices as may be required by reason of any such change in costs.

This is the final administrative stage of a proceeding for the general revision of minimum prices of bituminous coal which was begun by the Bituminous Coal Division on its own motion on May 2, 1941.

On August 26, 1942, the Acting Secretary of the Interior approved the Order for Procedure of the Acting Director of the Bituminous Coal Division of this Department. The order advised the parties to this proceeding who were dissatisfied with the order of August 26 of the Acting Director, fixing new minimum prices for bituminous coal, that they might file with me requests for review of questions of law and policy of general importance in the administration of the Bituminous Coal Act.[1] This order was issued in the exercise of my directive and supervisory authority over the Division. With these requests, it was also announced, might be filed briefs in support of the positions taken in the requests.

Pursuant to this order, requests for review, frequently accompanied by briefs, were filed by District Boards Nos. 3, 5, 7 and 8, the West Virginia Coal and Coke Corporation, Associated Industries of New York, Inc., and the Bituminous Coal Consumers' Counsel.

After full consideration of the importance of the questions of law and policy raised in these requests, I have decided to review the following questions:

I. Whether the Division had statutory authority to include in the revised minimum prices set in this proceeding an amount sufficient to insure a return per net ton for the Minimum Price Areas which approximates the weighted average of the total cost per net ton of the Price Areas.

II. Whether, in revising minimum prices, the Acting Director properly adopted the so-called weighted average adjustment method and properly rejected the so-called automatic adjustment method.

III. Whether the prices of coal produced in Minimum Price Area 2 were properly ordered changed in this proceeding.

Review of all other questions raised is hereby denied.[2] This denial does not mean that the order of the Acting Director with respect to these questions is affirmed by me. It means merely that I have been unable to see that the questions are appropriately raised at this time or of sufficient doubt or general importance to warrant review by me.

I

The question whether the Division had statutory authority to include in the revised minimum prices set in this proceeding an amount sufficient to insure a return per net ton for the Minimum Price Areas which approximates the weighted average of the total cost per net ton of the Price Areas.

The order of the Acting Director of August 28 has set revised minimum prices at a level intended to yield a return per net ton upon the entire tonnage of the several Minimum Price Areas sufficient to approximate the weighted average of the total cost per net ton of the tonnage of the Minimum Price Areas, as such cost was found in the first phase of Docket 21. To reach this result the Acting Director had to deal with a problem of under-realization growing out of the present minimum prices.

The evidence presented in the second phase of this docket showed that during the first year of operation under the minimum prices established October 1, 1940, in General Docket No. 15 the producers had not received, at these prices, a return per net ton for the several Price Areas which covered the weighted average of the total cost per net ton of these Price Areas. The Acting Director concluded that this deficiency in realization can and should be avoided in the future. He found that the deficiency was due to the fact that the 1937 pattern of distribution under unregulated prices had been used as a basis for computing equivalence between costs and returns in Docket 15 and that this pattern had changed extensively since the establishment of effective minimum prices. We also found that, if the prices were properly set in this proceeding, a deficiency of realization could be avoided because the pattern of distribution following the revision of prices would not substantially differ from the pattern of distribution during the first year under minimum prices. To set the prices properly therefore, in an amount sufficient to return costs to the Price Areas, he added to the existing prices not only the amount of the changes in cost which had occurred betwen the computations in Docket 15 and Docket 21 but also the amount of the differential between realization and cost during the first year under minimum prices.

Throughout the second phase of this docket, Associated Industries[3] has objected to the inclusion of this realization differential on the following two grounds: (1) Adequate notice was not given that the proceeding in this second phase would take up the problem of assuring producers a return of their total costs, and (2) statutory authority was lacking to accomplish this inclusion, since the Division could not revise prices to the end of returning total costs to the producers unless the Division were acting under the authority of section 4 II (b), and since the Division could not operate under section 4 II (b) without coordinating proposed prices in conformity with all the standards of sections 4 II (a) and (b).

1. The first objection of Associated Industries was based upon the limitation of the proceedings in their earlier stages to the problems of changes in costs. The first phase of the proceedings was confined to proving the extent of changes in cost in the various Price Areas. Section 4 II (a) provides that, after the initial cost determination for the minimum price areas:

> * * * upon satisfactory proof made at any time by any district board of a change in excess of two cents per net ton of two thousands pounds in the weighted average of the total costs in the minimum-price area, exclusive of seasonal changes, the Commission [Division] shall increase or decrease the minimum prices accordingly.

The Notice of and Order for Resumption of Hearing issued on April 17, set the hearing for May 5. It "strictly limited" the purpose of the hearing to determining the adjustments necessary in order to reflect the changes in costs found in phase (a) and proposed that the Division would increase or decrease the minimum prices by the amount of the changes in costs unless objection was made thereto. The notice limited the adducing of evidence relating to any other revision of prices to the parties objecting to the proposed increase or decrease in prices by the amount of the changes in costs. Other provisions of the notice and the order showed that the Division was not blind to the possible existence of other factors to be considered, but did not specifically enlarge the scope of the proceeding.[4]

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[1] Act of April 26, 1937, 50 Stat. 72, as amended April 11, 1941, 55 Stat. 134; 15 U.S.C. secs. 828 et seq.

[2] District Board No. 7 has raised the question whether the Acting Director's refusal to distinguish "in the levels of minimum prices" between coal sold on the open market and coal not so sold was proper. Its only proposal is that the distinction be such that selling expenses are allocated entirely to commercial tonnage. Its argument in favor of this distinction adds nothing to what was said in favor of a similar distinction in reckoning the cost of coal in the first phase of this proceeding. So put and so argued the problem is too narrow to warrant review.

[3] Associated Industries is an organization of industries consuming annually an estimated 15,000,000 tons of coal, produced largely in Minimum Price Area 1. Since these consumers are located in New York and are thus in the group of market areas 1 to 21, Associated Industries computes the amount of deficiency in realization as about 8 cents per ton in the additional 20 cents per ton added by the Director to the prices to be charged in market areas 1 to 21 for coal from Price Area 1.

How far this notice would have permitted consideration of questions unrelated or in addition to the proposal for a straight increase or decrease in prices to reflect changes in costs need not be decided because prior to the start of the hearing the question of revising prices to allow realization of costs was fully incorporated in the hearing by the notice of the Acting Director of May 4. This Notice and Order concerning Consolidation and Hearing consolidated with Docket 21 the petitions of 10 District Boards presented under section 4 II (d).[5]

These petitions sought the establishment of temporary and permanent prices which would permit realization of costs. They were presented as a result of studies and reports of realization deficiencies made by District Boards and by the Division early in 1942 and as a result of the disclosure in the first phase of this docket that the addition of increases in costs might not result in sufficient realization. Most of the petitions contained requests that they be consolidated with Docket 21. The director announced in this consolidation notice that the petitions "raised similar and related issues" and should be consolidated with Docket 21 "for all purposes."

There is no doubt that a petition under section 4 II (d) is a proper method to bring before the Division for correction a discrepancy between returns from minimum prices to a Price Area and the Price Area's weighted average costs. There is also no question of the rightness of the judgment of the Acting Director or of the legal propriety of his action in consolidating the petition proceedings with the basic docket. The original notice of the hearing had expressly reserved to the Division the right to order such further proceedings and institute such further action as deemed appropriate. Moreover, the Acting Director acted in conformity with his authority in the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division to consolidate petitions whenever in his judgment the issues are so related that consolidation will facilitate expeditious and just consideration (30 CFR § 301.104).

While the notice and order for consolidation was issued the day prior to the opening of the hearing in the second phase of Docket 21, such consolidation had been requested by a 4 II (d) petitioner, District Board No. 14, as early as March 18. It was requested specifically with respect to Minimum Price Area 1, the price area of concern to Associated Industries, by the petitions on[5] April 22 and April 24 of District Boards Nos. 9 and 1–6 and 8. Moreover, in their objections lodged under the original notice for the resumption of the hearing in Docket 21 most of the District Boards of the country gave notice of their desire to assure the inclusion of the realization problem in the hearing.

I conclude that there was sufficient notice and opportunity to be heard on the issue of realization and that this issue was injected fully into the hearing, not only with respect to Minimum Price Area 1, but as an issue of general application. The issue had been presented to the Division by half the District Boards, representing far more than half the tonnage of the country, in 4 II (d) petitions and by almost all the District Boards in their formal objections to the resumption notice. The issue grew out of findings as to cost in the first phase of the docket and was by its nature coterminous in scope, for it would not be reasonable in a general adjustment of prices over the country for some prices to be raised only by the amount of an increase in costs and others by the amount of an increase in cost plus a deficiency in realization, in circumstances where a deficiency in realization existed throughout the country.

2. Associated Industries challenges the statutory authority of the Division, in a proceeding such as that held in this second phase of Docket 21, to revise prices "to the end that the return per net ton upon the entire tonnage of the Minimum Price Area shall approximate the weighted average of the total costs per net ton of the tonnage of such Minimum Price Area." This objective is found in section 4 II (b) of the statute and can be reached under section 4 II (b), it is claimed, only by a proceeding which examines prices in the light of all of the standards recited in sections 4 II (a) and (b). This argument is based upon the last sentence of section 4 II (b) which reads as follows:

> The Commission (Division) shall thereupon establish, and from time to time, upon complaint or upon its own motion, review and revise the effective minimum prices and rules and regulations in accordance with the standards set forth in subsections (a) and (b) of part II of this section.

I do not find that the statute restricts the avenue to the objective reached by the Division to the single path indicated by Associated Industries. The Division could reach this objective by adding the increases in costs to the minimum prices under a 4 II (a) proceeding and then entertaining a host of 4 II (d) proceedings to effect adjustments to provide sufficient realization. It is possible, in fact, to say that a consolidation of sections 4 II (a) and (d) proceedings actually occurred in this docket, in view of the chronology of the procedure just rehearsed. Under the authority of section 4 II (d) the Division would have the power to issue "such order as may be required to effectuate the purpose of paragraphs (b) and (c) of part II of this section." This authority is broad enough to support an order allowing full realization to the parties in this proceeding, since only an order of general application would be a satisfactory outcome of this proceeding, and since realization of costs is the ultimate purpose of paragraph (b). Although these 4 II (d) petitions were dismissed at the close of this proceeding after they had served their purpose, such dismissal in no way affected the rights of the parties.

The opinion of the Acting Director, however, shows that he intended to reach the objective he did under his authority to revise prices in section 4 II (b). While I am not concerned with the reasoning of the Director in view of my concurrence in the result, I think it best to consider the correctness of his action under the authority which he claims for it.

Section 4 II (b) contemplates the consideration of many standards in the process of price fixing. Certainly, in an original price fixing proceeding it is necessary to consider all standards at the same time and to accomplish an integrated price pattern. Such a price pattern was accomplished in General Docket No. 15 after extended analysis and application of all the standards of the act. This coordination having been established, it would defeat orderly and expeditious administration if every price change under section 4 II (b) required a general inquiry into the application of all the standards of subdivisions (a) and (b).

Because section 4 II (b) authorizes the Division to revise prices in accordance with all the standards, this does not mean that the Division may not revise prices to accord with such part of these standards as are alleged and proved to be unfulfilled. The Division has already fixed the administrative construction of its statutory authority and has repeatedly taken action under section 4 II (b) to revise prices to conform with particular standards upon complaint made to it as to the failure of fulfillment of these standards, without embarking on a full inquiry as to conformity of the prices

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[4] The notice called to the attention of the parties the duty of the Division to revise prices under section 4 II (b), in accordance with the standards both of 4 II (a) and 4 II (b). The Order was made without prejudice to the right of any party to petition for action, under section 4 II (d) or any other provision of the Act, "by reason of dissatisfaction with minimum prices as established by the Division."

[5] Eleven District Boards petitioned under section 4 II (d) to obtain realization of total costs. Those which were consolidated with General Docket No. 21 by the notice of May 4, were the following: Petition of District Boards 1–6 and 8 for a temporary and permanent price order for a 20-cent increase on all coals produced in Minimum Price Areas 1, 2 and 3 in order to enable coals in Price Area 1 to recover their total weighted average costs, filed April 22, 1942, Docket A–1423; petition of District Board 9 for a temporary and permanent price order to the same effect, filed April 22, 1942, Docket A–1424; petition of District Board 14 for a price order for Price Area 4 such as to return the total costs of the area, filed March 18, 1942, Docket A–1360; petition of District Board 16 for a 15-cent increase in prices for district 16 to cover deficiency in realization, filed February 2, and supplemented February 28, 1942, Docket A–1299. The petition of District Board 11 for a price order for a 20-cent increase for Price Areas 1 and 2, filed April 21, 1942, Docket A–1422, was denied in the May 4 order as the issue raised by it of increased costs of production was decided in the first phase of General Docket No. 21.

The disposition of the various consolidated petitions is reported on pages 10–13 of the Acting Director's opinion. The petitions of District Boards 1–6, 8, 14 and 16 remained part of Docket 21 until the Director's final order was issued.

with all the other standards set forth in subsections (a) and (b).[6]

Similarly here, the objections lodged by 18 District Boards under the notice for the resumption of the hearing in this phase and the petitions of the District Boards consolidated into the docket apprised the Division and all the parties to this docket of the need for readjustment of prices to satisfy the standard of realization of costs, which is the basic standard of subsections (a) and (b). Acting upon that need the Division evidently proceeded on its own motion to make adjustments upon the proof that this basic standard of realization was unfulfilled by existing prices.

This does not mean that the standards which were not called into question and which were not applied in this proceeding are to be ignored. If the prices resulting from Docket 21 are not in conformity with the standards of subsections (a) and (b), section 4 II (d) affords full opportunity for producing interests and for Consumers' Counsel to raise objection. The Director also has power under section 4 II (b) upon complaint or upon his own motion to institute either particular or general inquiries into the compliance of the distribution pattern with all standards. By proceeding in the limited fashion which I have found to be necessary to permit effective administration of the act, the Director assumes added responsibility to police the distribution pattern, to keep advised of its adequacy, and to give careful consideration to complaints filed by consuming interests who have no power to institute section 4 II (d) proceedings.

I therefore deny the petition of Associated Industries that the increment to cover the deficiency in realization be subtracted from the revised minimum prices and answer the first question in the affirmative.

II

The question whether, in revising minimum prices, the Acting Director properly adopted the so-called weighted average adjustment method and properly rejected the so-called automatic adjustment method

In an effort to expedite the proceeding the Division in effect ordered the parties to show cause why the existing minimum prices for each area should not be increased by the difference between the costs found in General Docket No. 15 and those found here. One of the two broad objections, the claim for a return equal to costs, raised by the District Boards to this plan has already been dealt with. The second objection was that the plan would upset the scheme of coordinated prices provided in Docket 15. That objection is considered here.

It may be taken for granted that an automatic application of the increased realization necessary to return costs would destroy the coordination pattern of Docket 15. A uniform 20-cent increase, for instance, in Price Area 1 coal and no increase in Price Area 2 coal would undoubtedly put Price Area 1 coal at a serious disadvantage at all points at which the two areas compete and would encourage the buying of Area 2 coal in preference to Area 1 coal.

To obviate this difficulty the Division adopted a method of adjusting the prices of coal in each of a number of groups of related marketing areas according to the proportions of coal coming to it from each of the Price Areas serving it. For example, coal shipped into market areas 1 to 21 which are served almost entirely by Price Area 1 was given the full 20-cent increase to which Price Area 1 coal is entitled. Coal shipped into market areas 22 to 31, which are served by Price Area 1 and Price Area 2 in a ratio of approximately 3 to 2, were given about ⅗ of the 20-cent increase to which Price Area 1 coals are entitled. And coals shipped into market areas 32 to 41 in which Price Area 2 coals predominate over all others by about 3 to 1 received an increase of only about ¼ of that to which Price Area 1 would be entitled. Conversely, even though Price Area 2 coal would be entitled to no increases if the coordination problem were ignored, it obtained in the markets served by Price Area 1 the same price increase. In the course of the proceeding, this method of adjusting existing minimum prices became known familiarly as the "weighted average adjustment" method.

An alternative to this method was suggested by Consumers' Counsel in the shape of what it calls the "automatic adjustment" method. This proposal is substantially that which, in his order for resumption of the hearing, the Director proposed using in the absence of protest. It calls for a uniform increase of all existing prices in each Price Area by the amount needed to compensate for changes in cost.

1. Consumer's Counsel first attacks the use of the weighted average adjustment method on the ground that the automatic adjustment method "is legally required by the Act." The basis of the contention is the provision of section 4 II (a) that "upon satisfactory proof made at any time by any district board of a change in excess of 2 cents per net ton * * * in the weighted average of the total costs in the minimum price area * * * the Commission (Division) shall increase or decrease the minimum prices accordingly." It seems to me that the contention of Consumers' Counsel that this necessarily imports use of the automatic adjustment method rests upon an unnecessarily narrow reading of the word "accordingly." Though, of course, it would be permissible to do so, I do not understand this statutory language to mean that every individual price must be adjusted by the exact amount needed to realize the cost change. It can be read, and I read it thus, to mean that the whole body of prices for a Minimum Price Area shall be adjusted, in the most expedient fashion, to reflect the changes in cost. The adjustment might be made, as some of the District Boards proposed in this proceeding, by putting the additional cost on particular sizes of coal. It might be made, as it was made in this proceeding, by varying the amount of increase from marketing area to marketing area.

Consumers' Counsel also objects that the weighted average adjustment method is directed at the goal of preserving the coordination of prices but yet ignores the procedures and standards of section 4 II (b) under which coordination should be undertaken. But this method has the merit of not disturbing the distribution pattern in the absence of a full inquiry into the effects of price changes. It has the merit, too, of allowing the Director to estimate the realization to be expected from the new schedule of prices.

Accordingly, I find no error in the Acting Director's decision that he had power under the act to adopt the weighted average adjustment method.

2. Consumers' Counsel argues also that the weighted average adjustment method represents a poor choice of policy, and that the use of the automatic adjustment method is more consonant with a wise administration of the act. It is urged, for instance, that if the weighted average adjustment method is adopted, every change in a single area's costs will have to be the occasion for a general reconciliation of that area's prices with those of other areas and that the size of such an undertaking will prevent the Division from keeping up with its work. It is urged, moreover, that adoption and application of the weighted average adjustment method will serve to foster monopoly and to discourage efficient production innovations, in that it will prevent small-increase producing areas from cutting in on the large-increase areas' selling territory, and will require that high-increase areas be allowed to make up elsewhere what they lose in highly competitive territory. It is urged, finally, that if application of the automatic adjustment method works hardship resort can be had to 4 II (d) proceedings to rectify the difficulty.

Much of this line of argument, persuasive as it is, rests upon the tacit assumption that the weighted average adjustment method is considerably more than a procedure adapted to the needs of the present proceeding. I do not so understand it. Approval of its use in the present instance where cost changes in practically every area must be taken into account is not equivalent to approval of its use in a proceeding in which only one area shows a cost change. Approval of its use in this proceeding is not, as the Director's opinion itself indicates, an approval of its use as a permanent petrification of the marketing arrangements reflected in General Docket No. 15.

The Acting Director has had a difficult task to perform. As far as I can see, he has performed it wisely and with due regard to orderly procedure. There was no need for him to make it more complicated than it already was by undertaking a general inquiry under section 4 II (b) which might have grown into the proportions reached by Docket 15. To have done so might well have slowed down all revision of minimum prices by months. The Acting Director has, in his opinion, issued an invitation to the parties to this proceeding to undertake 4

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[6] Dockets: A–371, November 16, 1940; A–330, December 30, 1940; A–907, June 14, 1941; A–1218, December 17, 1941; A–1239, December 27, 1941.

II (d) proceedings wherever necessary. The invitation will, I hope, be accepted shortly. If it is not, the Division may wish itself to initiate general or particularized proceedings under section 4 II (b). At that time, there will be occasion to consider and after full exploration to resolve the grave questions of policy that Consumers' Counsel has raised and that would make it difficult to approve the use of the weighted average adjustment method if it were to stand as a permanent obstacle to modification of the bituminous coal distribution system.

At the section 4 II (b) or 4 II (d) hearings, it will be open to the Division and the parties upon a full record to reconsider the whole coordination problem or appropriate segments of it. It will be possible then to lay appropriate stress on the importance to the consumer and to the national economy of the statutory command that the coordinated prices be "just and equitable, and not unduly prejudicial or preferential, as between and among districts." At that time it can be determined whether preservation of "existing fair competitive opportunities" can properly be given the great weight that, *ex necessitate*, it was given in this proceeding. The Division can then consider whether inter-area cost comparison should not be a major test of the fairness of that competition which is to be preserved as well as an evident means of reconciling this criterion with the "just and equitable" requirement of the statute.

The prospect of such a hearing or hearings, in other words, assures me that the Director will be in a position to make those appropriate readjustments of the General Docket No. 15 coordination which will take account, among other pertinent factors, of the important changes in the coal industry and the economy generally that have been suggested in the present proceeding. I therefore approve in this respect the Acting Director's order.

III

The Question Whether Minimum Prices for Coal Produced in Price Area 2 Were Properly Ordered Changed in This Proceeding

It follows from the discussion of Questions I and II that the contention that the Division could not properly order a revision of Price Area 2 prices is without merit. While it is true that this area showed less than the 2-cent change in cost which is the predicate of action under section 4 II (a) of the act, its change in cost and its deficiency in realization could both be taken into account in this proceeding which necessitated, as I have said, a reconciliation of prices in all Price Areas with each other. Price Area 2 was in fact one of the Price Areas for which relief was asked by several District Boards in their petitions under section 4 II (d), particularly in Docket A-1423 consolidated in Docket 21. The order of the Acting Director is therefore affirmed in this respect.

IV

Upon this review of the determinations of the Acting Director embraced in the foregoing questions of law and policy I find that the determinations should be affirmed. It is therefore unnecessary for me to consider such applications for a stay of the effective date of the Acting Director's order as were presented to me.

Accordingly, it is so ordered.

Dated: September 30, 1942.

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-9807; Filed, October 1, 1942; 4:19 p. m.]

FARMERS UNION STATE EXCHANGE

ORDER SUPPLEMENTING ORDER DATED NOVEMBER 15, 1940, AS AMENDED

In the matter of the application of the Farmers Union State Exchange, Omaha, Nebraska, for registration as a bona fide and legitimate farmers' cooperative organization.

The above-named registered farmers' cooperative organization, Registration No. 2879, having submitted a certified list of bona fide and legitimate farmers' cooperative organizations which have become members of registrant since the issuance of previous orders herein,

It is ordered, That Exhibit "A" of the order in the above-entitled matter dated November 15, 1940, as amended July 15, 1941, March 14, 1942 and July 15, 1942, be and the same is hereby further amended by adding thereto the following:

ADDITIONS

Name	*Address*
Elsie Equity Co-operative Exchange	Elsie, Nebraska.
Farmers Union Co-operative Association	Blue Hill, Nebraska.
Farmers Co-operative Elevator Association	Lindsay, Nebraska.

Dated: September 30, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F.R. Doc. 42-9813; Filed, October 2, 1942; 10:13 a. m.]

[Docket No. B-222]

FRED NOETH

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, ETC.

Order approving and adopting the proposed findings of fact, proposed conclusions of law, and the recommendation of the examiner, and order suspending registration of distributor.

This proceeding having been instituted by the Bituminous Coal Division pursuant to section 4 II (h) of the Bituminous Coal Act of 1937 and section 304.14 of the Rules and Regulations for the Registration of Distributors to determine whether Fred Noeth, a registered distributor (Registration No. 6880), 2808 East 25th Street, Granite City, Illinois, has violated the Act, the Rules and Regulations for the Registration of the Distributors, the Marketing Rules and Regulations incidental to the Sale and Distribution of Coal, and the Agreement by Registered Distributor;

A hearing having been held before Charles S. Mitchell, a duly designated Examiner of the Division at a hearing room thereof in St. Louis, Missouri, on May 22, 1942;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and the Recommendations in the matter dated August 24, 1942, in which it was found that, respondent, continuously and regularly, during the period October 1; 1940, to February 28, 1942, resold coal in less than carload lots to Christ Noeth and that in said purchases and sales, he was under the control of his father, the said Christ Noeth, financially and otherwise (a matter not disclosed in his application for registration) and was, therefore, not in any way qualified to accept or obtain a distributor's discount on said transactions and in accepting and retaining such discounts he violated paragraph (h) of the Distributor's Agreement and §§ 304.19 (c) and 304.11 (c) (s) of the Distributor's Rules, and section 4 II (i) (12) of the Act and Section XIII of the Marketing Rules and Regulations; and

The Examiner having recommended therein that an order cancelling and revoking the registration of Fred Noeth, as a registered distributor, Registration No. 6880, and providing that no petition seeking reinstatement as a distributor shall be entertained within a period of six months from the date thereof;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no exceptions and supporting briefs having been filed;

The undersigned having determined after consideration of the record that the proposed findings of fact and proposed conclusions of law of the examiner be approved and adopted as the findings of fact and the conclusions of law of the undersigned;

Now, therefore, it is ordered, That the proposed findings of fact and proposed conclusions of law of the examiner be, and the same are hereby approved and adopted as the findings of fact and conclusions of law of the undersigned;

It is further ordered, That the registration of Fred Noeth, a registered distributor, Registration No. 6880, be and it hereby is, suspended for a period of six months from the date of this order.

It is further ordered, That respondent shall not evade the effect of such suspension, directly or indirectly, by the use of any device such as a sales agency agreement or any other device, and that such suspension shall not excuse the respondent from all duties and functions imposed upon him by the Act, or the rules and regulations thereunder;

It is further ordered, That if respondent shall not have complied with the provisions of § 304.15 of the Rules and Regulations for the Registration of Distributors at least five days prior to the expiration of such suspension period, such suspension shall continue in full force and effect until five days after the affidavit required by section 304.15 shall have been filed with the Division.

It is further ordered, That respondent shall return to the producers all improperly collected discounts collected by him on coal resold by him to or through Christ Noeth, amounting to $1,174.53, and shall state in the aforesaid affidavit that such refunds have been made.

Dated: September 30, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-9814; Filed, October 2, 1942; 10:13 a. m.]

[Docket No. 1727-FD]

HANEY COAL COMPANY

FINDINGS OF FACT AND MEMORANDUM OPINION CONCERNING EXCEPTIONS TO THE EXAMINER'S REPORT

This proceeding was instituted upon a complaint dated May 10, 1941, and filed with the Division on May 22, 1941 by District Board No. 12, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937. The complaint alleged that W. J. Haney (Haney Coal Company), the code member, wilfully violated the provisions of the Bituminous Coal Code or rules and regulations thereunder, by selling, for shipment by truck, to George Pope, Hamilton, Iowa, from January 1, 1941 to May 10, 1941, a substantial number of tons of screenings and mine run coals produced at the code member's mine, Mine Index No. 592, in District No. 12, at the price of $1.00 per net ton f. o. b. the mine, whereas the effective minimum price for such screenings is $1.60 per ton f. o. b. the mine, and for such mine run coal is $2.70 per ton f. o. b. the mine, and prayed that the Division either cancel and revoke Haney's code membership or, in its discretion, direct the code member to cease and desist from such violations.

Pursuant to appropriate orders and after due notice to interested persons, a hearing in this matter was held on September 18, 1941, before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Des Moines, Iowa. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board No. 12 appeared. The defendant did not appear.

The Examiner, on April 15, 1942, submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and upon the basis thereof, recommended that the complaint herein should be dismissed, without prejudice to the right to institute appropriate proceedings for the violation actually committed.

Thereafter, opportunity was afforded to all parties to file exceptions thereto and supporting briefs. On April 23, 1942, the complainant, Bituminous Coal Producers Board for District No. 12 filed Exceptions to the Examiner's Report.

1. *The Issue Involved.* The facts forming the background of the proceeding show that W. J. Haney, owner and operator of the Haney Coal Company, is a code member in District No. 12. He filed a code membership acceptance on May 27, 1940. He operates a mine, Mine Index No. 592, in District No. 12. Haney, during the period from January 3, 1941 to May 10, 1941, both dates inclusive, sold to George Pope 759.85 tons of screenings[1] coal produced at his above-mentioned mine.

In a signed statement, Haney admitted that he sold to George Pope, Hamilton, Iowa, 266 loads of screenings averaging 9500 pounds per load since October 1940, at $1.60 per ton f.o.b. mine less 60 cents per ton for hauling and handling, "netting" $1.00 per ton f.o.b. mine, and that he "sold the coal on this basis, thinking it was not a violation of the Code. This understanding was gathered from statement made at the meeting held in Knoxville, Iowa, last winter when it was decided the loading dock was considered your tipple and shipping point."

At the hearing the purchaser identified an exhibit[2] containing a tabulation of the sales of the above-mentioned 759.85 tons of coal. A heading entitled "Truck Load Weight" in the exhibit, tended to show that Haney sold the coal for shipment by truck. Pope testified, however, that he had the coal "hauled from the mine to the railroad," and that the coal was by him "in turn" thereupon "shipped by * * * rail" to the Iowa Power and Light Company. The coals of the Haney Mine were priced only for truck shipment. The effective minimum price for screenings coal produced at Haney's Mine, according to the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments, was $1.60 per net ton f. o. b. the mine.

2. *The Examiner's Report.* The Examiner concluded that the record under these circumstances, warranted a finding that the defendant sold the coal at $1.00 per net ton f. o. b. the mine; that the transaction was a sale by the code member for shipment by rail; that Haney sold the coal to Pope, who trucked it in facilities furnished by him to a railroad ramp at Hamilton, where it was loaded into railroad cars and shipped by rail to Pope's customer, the Iowa Power and Light Company, and the conclusion that this coal was sold in a rail transaction was not in any way dependent upon whether Haney did or did not know that the coal was to move to its destination by rail. The Examiner's Report also added that under "recent rulings of the Acting Director the physical movement of the coal rather than the intention of the parties controls." The Examiner therefore reached the conclusion that the violation committed was the sale of unpriced coal,[3] as no rail prices had been established for the coals of this mine. Since, however, this was not the violation charged in the complaint, the Examiner recommended that the complaint be dismissed.

3. *Exceptions to the Examiner's Report.* The principal arguments contained in the complainant's exceptions, may be thus summarized: the transaction was a sale at the mine and the producer had no control or title to it after the coal left his mine; the record shows that the coal moved from producer's mine by truck was sold with the understanding that title would pass at the mine and that it would move from the mine by truck; the coal was not sold for rail shipment nor at the effective minimum price for rail shipment by the producer either from the mine or from any other point, and the transaction does not have any of the characteristics of rail shipments; Haney's written statement "admitted" that he sold the coal to Pope "at the mine" at a net price of $1.00 per ton, and the proposed findings of the Examiner state that the sales price was $1.00 per ton f. o. b. the mine; there are no exceptions in the truck schedule preventing the prices therein from applying to coal sold at the mine and removed therefrom by truck, even if such coal is eventually to be moved by the purchaser via rail and to establish the precedent proposed by the Examiner would produce a chaotic condition within the District, and would involve an attempt of the Division entirely beyond the provisions of the Act to control the coal after its outright sale and movement. The complainant's exceptions also requested that the Examiner's recommendation be disregarded and that instead, the code member be found guilty of violating the minimum truck prices effective as to the tonnage involved in these proceedings.

4. *Discussion and Conclusions.* The record, unfortunately, is rather scanty. Some of the conclusions must therefore be reached inferentially. The evidence regarding the material facts is found in (1) the testimony of the purchaser, George Pope; (2) the above-mentioned written statement of the producer, dated May 12, 1941; and (3) in the tabulation of the sales compiled from his records. The evidence relating to the view that the transaction was a sale of coal at the mine is represented by the assertion contained in code member's written statement that the coal "was sold to George Pope, Hamilton, Iowa, at $1.60 per ton f. o. b. mine," and also in Pope's testimony that the code member "received $1.00 a ton for the coal at the mine." However, Pope likewise testified that he paid the producer $1.60 "on track" thereby establishing that the transaction called for loading on railroad cars, rather than delivery at the mine. Moreover, the code member's signed statement that he sold the coal at $1.60 per ton f. o. b. the mine less an allowance of 60 cents per ton for hauling and handling, "netting" $1.00 per ton f. o. b. the mine to the code member, modifies code member's reference to "$1.00 * * * at the mine." in view of Pope's tectimony that the $1.60 price was "on track." Code member's

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[1] There was no proof of the sale of any mine run coal.

[2] By Order of the Acting Director dated February 9, 1942, duly served upon the defendant on February 12, 1942, it was provided that a copy of this exhibit should be accepted for filing herein as Exhibit No. 1 in this proceeding, unless the defendant showed cause to the contrary within 7 days after the date of service upon him of a copy of such exhibit. The defendant has made no objection to such acceptance of the exhibit.

[3] The order in General Docket No. 19, dated October 9, 1940, prohibits the sale by a code member of coal produced by him for which minimum prices have not been established.

reference to the $1.00 price was merely language used by him to denote what he netted at the mine, but does not establish the passing of title at the mine in the sense of code member's nonresponsibility for the rail phase of the shipment. The code member made an allowance for transportation and hauling to the cars. This created an inference (which was uncontroverted) that code member had knowledge of, and therefore was a party to the ultimate rail shipment. Therefore, the Examiner's finding that the sales price was $1.00 per ton "f. o. b. the mine" must be understood in this sense. This conclusion is not altered by Pope's testimony that he had the coal hauled from the mine to the railroad. The mere physical handling of the coal from the mine to the railroad cars by the purchaser does not alter the comprehended mode of transportation by a combination of methods, namely, first by truck to the railroad ramp, and then by rail.

Under these circumstances, the Examiner properly found that the transaction was a sale of coal for shipment by rail. However, even if, as District Board No. 12 contends, code member Haney did not so intend it, in my view, the Examiner's decision was nonetheless proper. I have already ruled in Dockets Nos. B–13, B–68, and B–69, to name a few, that where coal is shipped in part by rail to a retailer or consumer, it is essentially not a shipment to which prices established in the truck schedules apply. The prices established in the truck schedules apply only to shipments exclusively by truck. I find nothing in the exceptions that warrants my changing this position. Therefore, I conclude that Haney violated the order in General Docket No. 19, but that since this violation was not charged and the violation charged was not established, the complaint should be dismissed. The exceptions to the Examiner's Report are overruled and the proposed findings of fact and proposed conclusions of law of the Examiner will be adopted as the findings of fact and conclusions of law of the undersigned.

Now, therefore, it is ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner be, and they hereby are, approved and adopted as the findings of fact and conclusions of law of the undersigned.

It is further ordered, That the complaint herein be, and it hereby is, dismissed, without prejudice.

Dated: September 30, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-9815; Filed, October 2, 1942; 10:13 a. m.]

[Docket No. B–248]

WALTRIP AND SONS

CEASE AND DESIST ORDER, ETC.

In the matter of D. H. Waltrip, N. H. Waltrip, and D. H. Waltrip, Jr., individually and as co-partners, doing business under the name and style of Waltrip & Sons, code member.

Order approving and adopting the proposed findings of fact, proposed conclusions of law and the recommendation of the Examiner and cease and desist order.

A complaint, pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on April 23, 1942, by Bituminous Coal Producers Board for District No. 9, alleging that D. H. Waltrip, N. H. Waltrip, and D. H. Waltrip, Jr., individually and as co-partners, doing business under the name and style of Waltrip & Sons, a code member, in District No. 9, had violated the provisions of the Bituminous Coal Code and the Rules and Regulations therein, and praying that the Division either cancel or revoke the code membership of code member or, in its discretion, direct the code member to cease and desist from violations of the Code or Rules and Regulations therein;

A hearing having been held before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Owensboro, Kentucky, on June 19, 1942;

The Examiner having made and entered in his Report Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in the matter dated August 27, 1942, in which it was found that code member wilfully violated section 4 II (e) of the Act and Part II (e) of the Code, which prohibits the sale of coal below the effective minimum price, by selling to Thurman Vanover of Utica, Kentucky, 82.40 tons of ¾" x 0 screenings (Size Group 14) produced at the Waltrip Mine, Mine Index No. 283, at a price of 37.5 cents per net ton, f. o. b. the mine, and that under the Schedule of Effective Minimum Prices for District No. 9 for Truck Shipments, the minimum price for such coal was $1.10 per net ton, f. o. b. the mine; and

The Examiner having recommended therein that an order be entered directing the code member to cease and desist from violating the Act, the Schedule of Effective Minimum Prices for District No. 9 for Truck Shipment, and the Rules and Regulations thereunder;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions and supporting briefs having been filed thereto;

The undersigned having determined after consideration of the record that the proposed findings of fact and proposed conclusions of law of the Examiner should be approved and adopted as the findings of fact and conclusions of law of the undersigned;

Now, therefore, it is ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner be, and the same are hereby approved and adopted as the findings of fact and the conclusions of law of the undersigned;

It is further ordered, That D. H. Waltrip, N. H. Waltrip, and D. H. Waltrip, Jr., individually and as co-partners, doing business under the name and style of Waltrip & Sons, their representatives, agents, servants, employees, attorneys, successors, and assigns, and all persons acting or claiming to act in their interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the prescribed minimum prices therefor and from violating the Bituminous Coal Act, the Schedule of Effective Minimum Prices for District No. 9 for Truck Shipment, the Bituminous Coal Code and the rules and regulations thereunder;

It is further ordered, That the Division may, upon failure of code member herein to comply with this order forthwith, apply to the Circuit Court of Appeals within any circuit where the code member carries on business for the enforcement thereof, or take any appropriate action.

Dated: September 30, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-9816; Filed, October 2, 1942; 10:14 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNERS EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective October 1, 1942. The certificates may be cancelled in the manner provided in the Regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Ber-Wed Manufacturing Co., Inc., 729 East Elizabeth Street, Linden, New Jersey; Men's Underwear; 5 learners (T); October 1, 1943.

Crescent Neckwear Co., 355 Marietta Street, Atlanta, Georgia; Neckties; 5 learners (T); October 1, 1943.

Harvard Clothes, Inc., 211 12th Avenue, South Wisconsin Rapids, Wisconsin; Men's Suits, Topcoats and Overcoats; 5 learners (T); October 1, 1943.

Jacob Siegel Company, 317 North Broad Street, Philadelphia, Pennsylvania; Men's Overcoats; 5 percent (T); October 1, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Biberman Brothers, Inc., Northumberland, Pennsylvania; Daytime Dresses: 10 percent (T); October 1, 1943.

The Enro Shirt Company, 1018 S. Preston Street, Louisville, Kentucky; Men's Shirts and Pajamas; 10 percent (T); October 1, 1943.

J. Freeser & Son, Inc., Rural Retreat, Virginia; Men's Cotton Dress Shirts; 10 percent (T); October 1, 1943.

Halline Dresses, Inc., Sweetwater, Tennessee; Knitted Outerwear Garments; 1 learner (T); October 1, 1943.

Jean Sportswear Company, 718 Cherry Street, Philadelphia, Pennsylvania; Jackets, Skirts, Dresses and Blouses; 3 learners (T); October 1, 1943.

Kentucky Pants Company, Inc., 117 North Race Street, Glasgow, Kentucky; Work Pants; 10 percent (T); October 1, 1943.

H. W. Lawson Manufacturing Co., 745 South Los Angeles Street, Los Angeles, California; Rayon and Cotton Dresses and Flannelette Sleeping Garments; 6 learners (T); October 1, 1943. (This Certificate replaces the one issued to you bearing the expiration date September 21, 1943.)

Lemonde Corset Company, 902 Lapeer Street, Saginaw, Michigan; Girdles, Brassieres, Corselette, Front Lacing Corsets; 8 learners (T); October 1, 1943.

Mauch Chunk Dress Company, 268 West Broadway, Mauch Chunk, Pennsylvania; Dresses; 78 learners (E); April 1, 1943. (This Certificate replaces the one issued to you bearing the expiration date March 21, 1943.)

New Era Shirt Company, 901 Lucas Avenue, Saint Louis, Missouri; Shirts; 10 percent (T); October 1, 1943.

Oakdale Manufacturing Co., J. P. Williams, Receiver, Gate City, Virginia; Shirts; 50 learners (E); April 1, 1943.

Quaker City Pant & Overall Company, 421–27 Arch Street, Philadelphia, Pennsylvania; Pants, Overalls; 2 learners (T); October 1, 1943.

Rock Hall Manufacturing Company, Rock Hall, Maryland; Men's Shirts, Boys' Shirts; ten percent (T); October 1, 1943.

Rugby Knitting Mills, Inc., 1021 Main Street, Buffalo, New York; Windbreakers, Beachwear, Sports Lumber Jackets and Leisure and Fingertip Coats; 10 percent (T); October 1, 1943.

Boris Smoler & Sons, Crawford & Prospect Streets, Elkhart, Indiana; Wash Dresses and Mosquito Bars; 5 learners (T); October 1, 1943.

Style Kraft Shirt Manufacturing Co., Inc., 350 Rector Street, Perth Amboy, New Jersey; Men's Shirts; 48 learners (E); April 1, 1943.

Gloves

Carlinville Glove Company, Inc., Daley Street, Carlinville, Illinois; Work Gloves; 10 learners (E); April 1, 1943.

Carlinville Glove Company, Inc., Daley Street, Carlinville, Illinois; Work Gloves; 5 learners (T); October 1, 1943.

Fournier Glove Company, 18 Railroad Avenue, Patchogue, New York; Leather Dress and Work Gloves and Mittens; 3 learners (T); October 1, 1943.

Marcel Wagner Gloves, Inc., 95 Madison Avenue, New York, New York; Fabric Gloves and Leather Dress Gloves; 3 learners (T); October 1, 1943.

Mid West Glove Company, 1474 Milwaukee Avenue, Chicago, Illinois; Leather Dress and Work Gloves; 5 learners (T); October 1, 1943.

Proper Maid Silk Manufacturing Co., Inc., 3–5 Yeoman Street, Amsterdam, New York; Knit Fabric Gloves; 5 learners (T); October 1, 1943.

Hosiery

Beloit Hosiery Company, 206 Wheeler Avenue, South Beloit, Illinois; Seamless; 5 percent (T); October 1, 1943.

Bradley Full Fashioned Hosiery Company, Broad Street, Cleveland, Tennessee; Full-fashioned; 5 learners (T); October 1, 1943.

Burson Knitting Company, South Main and Cedar Streets, Rockford, Illinois; Seamless; 5 percent (T); October 1, 1943.

Chipman LaCrosse Hosiery Mills Co., Inc., East Flat Rock, North Carolina; Seamless; 5 learners (T); October 1, 1943.

J. A. Cline & Son, Hildebran, North Carolina; Seamless; 5 percent (T); October 1, 1943.

Fidelity Hosiery Mills, Inc., Shamokin, Pennsylvania; Seamless; five percent (T); October 1, 1943.

William J. Goodman—Hosiery Repair Shop, 21 North 9th Street, Reading, Pennsylvania; Full-fashioned; 5 learners (T); April 1, 1943.

Hafer Hosiery Mills, Valley Street, Hickory, North Carolina; Seamless; 5 percent (T); October 1, 1943.

Hickory Knitting Mills, Hickory, North Carolina; Seamless; 5 learners (T) October 1, 1943.

Lincoln Hosiery Company, Lincoln, Pennsylvania; Seamless; 5 learners (T); October 1, 1943.

The Nocturne Corporation, Willowbrook Avenue and Trade Street, Rock Hill, South Carolina; Full-fashioned; 5 percent (T); October 1, 1943.

Nolde & Horst Company of Tennessee, McMinnville, Tennessee; Seamless; 5 percent (T); October 1, 1943.

Ragan Knitting Company, 7 Cox Avenue, Thomasville, North Carolina; Seamless; 5 percent (T); October 1, 1943.

Renfro Hosiery Mills, Mt. Airy, North Carolina; Seamless; 5 percent (T); October 1, 1943.

Sulloway Hosiery Mills, Inc., River Street, Franklin, New Hampshire; Seamless; 5 percent (T); October 1, 1943.

Summers Hosiery Mills, Inc., 620 North Shaver Street, Salisbury, North Carolina; Seamless; 5 learners (T); October 1, 1943.

Willstrut Hosiery Mill, 16308 Foothill Boulevard, San Leandro, California; Seamless and Full-fashioned; 5 learners (T); October 1, 1943.

Independent Branch of the Telephone Industry

Central Iowa Telephone Company, Cedar Rapids, Iowa; to employ learners as commercial switchboard operators at its Belle Plaine, Iowa Exchange at 815 13th Street, Belle Plaine, Iowa; until October 1, 1943.

McLeod County Telephone Company, Glencoe, Minnesota; to employ learners as commercial switchboard operators at its Glencoe Exchange, located at Glencoe, Minnesota; until October 1, 1943.

Textile Industry

Mary Ann Mats, Inc., King Street, Calhoun, Georgia; Cotton; 5 percent (T); October 1, 1943.

Stehli & Company, Inc., Wolfe Street, Harrisonburg, Virginia; Rayon Throwing; 3 percent (T); Ocober 1, 1943.

Williams Banding Works, Ozark Street, Gastonia, North Carolina; Textile Bands; 3 learners (T); October 1, 1943.

Signed at New York, N. Y., this 29th day of September, 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-9810; Filed, October 1, 1942; 5:07 p. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 319]

AMERICAN EXPORT AIRLINES, INC.

NOTICE OF FURTHER ORAL ARGUMENT

In the matter of the application of American Export Airlines, Inc., for approval by the Board of the control of American Export Airlines, Inc., by American Export Lines, Inc., a common carrier, under section 408 of the Civil Aeronautics Act of 1938, as amended.

The Board, by its order of September 23, 1942, having reopened the above-entitled proceeding for the purpose of further argument of the issues in said proceeding before the Board, and for the purpose of reconsidering the conclusions and findings of fact contained in the Board's opinion and order of July 30, 1942; notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 408 and 1001 of said Act, that further argument in the above-entitled proceeding is now assigned to be held on October 19, 1942, 10 a. m. (Eastern War Time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D. C., before the Board.

Dated Washington, D. C., October 1, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-9811; Filed, October 2, 1942; 9:58 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 4 Under § 1499.161 (a) (2) of Maximum Price Regulation 188[1]—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods (Other Than Apparel)]

Middlesex County House of Correction

ORDER GRANTING ADJUSTMENT

For reasons set forth in an opinion filed simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is hereby ordered:*

(a) The Middlesex County House of Correction, of East Cambridge, Massachusetts, may sell brushes, push brooms and mats at prices no higher than the prices appearing in the price list issued May 18, 1942, on file with the Office of Price Administration and with the Commissioner in Charge of Prison Industries at the State House in Boston, Massachusetts.

(b) This Order No. 4 under Maximum Price Regulation No. 188 shall become effective October 2, 1942.

Issued this 1st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9785; Filed, October 1, 1942; 3:27 p. m.]

[Order 1 Under Maximum Price Regulation 216—Railroad Ties]

Western Maryland Railway Company

ORDER GRANTING ADJUSTMENT

On August 11, 1942, the Western Maryland Railway Company filed an application for adjustment of its maximum prices for the purchase of certain sizes of oak railroad cross ties. Such filing has been considered as an application for adjustment pursuant to § 1426.8 (c) of Maximum Price Regulation 216—Railroad Ties.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1426.8 (c) of Maximum Price Regulation 216, *It is hereby ordered:*

(a) The Western Maryland Railway Company may buy and receive and any person may sell and deliver to the Western Maryland Railway Company the sizes of oak railroad cross ties set forth below at prices not in excess of the following:

Sizes:[1]	*Maximum prices*
5	$1.40
4	1.30
3A	1.10
3	.90
2	.75
1	.65

[1] Manufactured in accordance with the specifications for cross ties of the American Railway Engineering Association.

The above maximum prices include loading on cars at any delivery point on the Western Maryland Railway Company right of way;

(b) All prayers of the application not granted herein are denied;

(c) This Order No. 1 may be revoked or amended by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1426.10 of Maximum Price Regulation 216 shall apply to the terms used herein;

(e) This Order No. 1 shall become effective October 2, 1942.

Issued this 1st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9783; Filed, October 1, 1942; 3:27 p. m.]

[Order 12 Under Maximum Price Regulation 147—Ferrous and Non-Ferrous Bolts, Nuts, Screws and Rivets—Docket 3147-15]

Oliver Iron and Steel Corporation

ORDER GRANTING PETITION FOR EXCEPTION

On September 3, 1942, Oliver Iron and Steel Corporation, Pittsburgh, Pennsylvania, filed a petition for an exception pursuant to § 1368.7 (a) of Maximum Price Regulation No. 147. Due consideration has been given to the petition and an opinion in support of this Order No. 12 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and by § 1368.7 (a) of Maximum Price Regulation No. 147 and in accordance with Procedural Regulation No. 1 issued by the Office of Price Administrator, *It is hereby ordered:*

(a) Oliver Iron and Steel Corporation in ascertaining the maximum price it may charge for track bolts to be shipped from Pittsburgh, Pennsylvania, to Sidney, Nebraska, pursuant to Order No. 828 of the War Department, Office of Area Engineers, Sioux Ordnance Depot, and for track bolts to be shipped from Pittsburgh, Pennsylvania, to points outside of its usual market area pursuant to subsequent orders of the War Department, may calculate its delivery charge under Appendix C (§ 1368.14) of Maximum Price Regulation No. 147 from Pittsburgh, Pennsylvania, as an emergency basing point.

(b) The permission herein granted to the Oliver Iron and Steel Corporation is subject to the condition that a monthly report be filed with the Office of Price Administration stating (1) the amount of each shipment which has been made on an emergency basing point basis, (2) the points of shipment and delivery, and the governing and emergency basing points for such shipment, (3) the amount of freight that it would otherwise have been forced to absorb on such shipment, and (4) the name and address of the purchaser.

(c) All prayers of the petition not granted herein are hereby denied.

(d) This Order No. 12 may be revoked or amended by the Price Administrator at any time.

(e) The definitions set forth in § 1368.8 of Maximum Price Regulation No. 147 shall apply to the terms used herein.

(f) This Order No. 12 shall become effective October 2, 1942.

Issued this 1st day of October, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc., 42-9786; Filed, October, 1, 1942, 3:32 p. m.]

[Order 13 Under Maximum Price Regulation 147—Ferrous and Non-Ferrous Bolts, Nuts, Screws and Rivets—Docket 3147-14]

Pittsburgh Screw and Bolt Corporation

ORDER GRANTING PETITIONS FOR EXCEPTION

On August 27, 1942, Pittsburgh Screw and Bolt Corporation, Pittsburgh, Pennsylvania, filed twelve petitions for exceptions pursuant to § 1368.7 (a) of Maximum Price Regulation No. 147. Due consideration has been given to the petitions and an opinion in support of this Order No. 13 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and by § 1368.7 (a) of Maximum Price Regulation No. 147 and in accordance with Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

(a) Pittsburgh Screw and Bolt Corporation in ascertaining the maximum price which it may charge for track bolts to be shipped from Gary, Indiana, and Pittsburgh, Pennsylvania, to points outside its usual market area pursuant to orders of the War Department may calculate its delivery charges under Appendix C (§ 1368.14) of Maximum Price Regulation No. 147 from the applicable emergency basing point.

(b) The permission herein granted to the Pittsburgh Screw and Bolt Corporation is subject to the condition that a monthly report be filed with the Office of Price Administration stating (1) the amount of each shipment which has been made on an emergency basing point basis, (2) the points of shipment and delivery, and the governing and emergency basing points for such shipment, (3) the amount of freight that it would otherwise have been forced to absorb on such shipment, and (4) the name and address of the purchaser.

(c) All prayers of the petition not granted herein are hereby denied.

(d) This Order No. 13 may be revoked or amended by the Price Administrator at any time.

(e) The definitions set forth in § 1368.8 of Maximum Price Regulation No. 147 shall apply to the terms used herein.

(f) This Order No. 13 shall become effective October 2, 1942.

Issued this 1st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9784; Filed, October 1, 1942; 3:31 p. m.]

[Order 25 Under Maximum Price Regulation 148—Dressed Hogs and Wholesale Pork Cuts—Docket 1148-84-P]

Nelson Davis & Son

ORDER GRANTING PETITION FOR ADJUSTMENT

On July 20, 1942, Nelson Davis & Son, Austin, Texas, duly filed a protest which the Administrator pursuant to Rule 33 of Procedural Regulation No. 1 is treating as a petition for adjustment filed pursuant to § 1364.29 (a) of Maximum Price Regulation No. 148. Due consideration has been given to the petition, and an opinion in support of this Order No. 25 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Nelson Davis & Son may sell and deliver, and agree, offer, solicit and attempt to sell and deliver Hormel's Spam at a price not in excess of $8.20 per case. Any person may buy and receive, and agree, offer, solicit and attempt to buy and receive Hormel's Spam at such price from Nelson Davis & Son.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 25 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1364.32 of Maximum Price Regulation No. 148 shall apply to terms used herein.

(e) This Order No. 25 shall become effective October 1, 1942.

Issued this 1st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9782; Filed, October 1, 1942; 3:31 p. m.]

[Order 26 Under Maximum Price Regulation 148—Dressed Hogs and Wholesale Pork Cuts—Docket 3148-94]

Herman Sausage Factory

ORDER GRANTING PETITION FOR ADJUSTMENT

On September 4, 1942, the Herman Sausage Factory, Incorporated, Tampa, Florida, doing business as the Herman Sausage Factory, Incorporated and the Florida Packing Company, hereafter referred to as the Herman Sausage Factory, Incorporated, filed a petition docketed as a petition for an adjustment pursuant to § 1364.29 (a) of Maximum Price Regulation No. 148. Due consideration has been given to the petition, and an opinion in support of this Order No. 26 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) The Herman Sausage Factory, Incorporated may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds of wholesale pork cuts referred to in paragraph (b), at prices not in excess of those stated in such paragraph. Any person may buy and receive such kinds of wholesale pork cuts at such prices from the Herman Sausage Factory, Incorporated;

(b)

	Cents per pound
Regular hams, fresh or frozen	27½
Regular hams, smoked	29
Skinned hams, fresh or frozen	28½
Skinned hams, smoked	32
Skinned shoulders, fresh or frozen	26½
Butts, bone in, smoked	30½
Loins, fresh or frozen	29½
Loins, smoked	32
Picnics, smoked	25½
Rib bellies, smoked	22
Rough rib bellies, smoked, rib and loin in	25

(c) The permission granted to the Herman Sausage Factory, Incorporated in this Order No. 26 is subject to the following conditions: that the several prices specified in paragraph (b) shall apply only during the period April 1 to November 30, inclusive, of any year during which Maximum Price Regulation No. 148 is in effect and that during the period December 1 to March 31, inclusive, the maximum price at which the Herman Sausage Factory, Incorporated may sell or deliver or agree, offer, solicit, or attempt to sell or deliver and at which any person may buy or receive or agree, offer, solicit, or attempt to buy or receive from the Herman Sausage Factory, Incorporated each pork cut specified shall be the seller's maximum price for such cut as determined under the provisions of § 1364.32 of Maximum Price Regulation No. 148.

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 26 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1364.32 of Maximum Price Regulation No. 148 shall apply to terms used herein.

(g) This Order No. 26 shall become effective October 1, 1942.

Issued this 1st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9781; Filed, October 1, 1942; 3:30 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-592]

National Gas & Electric Corporation

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of September, A. D. 1942.

A declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by National Gas & Electric Corporation, a registered holding company with respect to the reclassification of its authorized capital stock by changing its presently outstanding no par common stock having a stated value of $3,705,904.08 to the same number of shares of $5 par value common stock having an aggregate par value of $2,241,762.73, which declaration states that the proposed reclassification is to be effected by the adoption of amendments to the Certificate of Incorporation, as amended, of National Gas & Electric Corporation, and that, in connection with the proposed reclassification, National Gas & Electric Corporation will restate certain accounts to be effective as at March 31, 1942 and for the purpose of (a) creating a capital surplus in the amount by which its stated capital is reduced; (b) eliminating certain so-called assets now carried on its books; (c) writing-down its investments in two subsidiary companies; and (d) creating two reserves, namely, a reserve for investments in certain subsidiary companies and a reserve for possible unbilled expense charges incurred prior to March 31, 1942; and

Notice having been given by the Commission of the filing of said declaration by publication in the FEDERAL REGISTER and otherwise as provided by Rule U-23 under said Act;

The Commission having considered said declaration, and it appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that a hearing be held with respcct to said declaration and that said declaration shall not become effective except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth:

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[1] 7 F.R. 5873.

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on October 13, 1942, at 10:00 o'clock in the forenoon of that day, E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated by the hearing-room clerk in Room 318.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at any such hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to National Gas & Electric Corporation and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with this Commission on or before October 9, 1942.

It is further ordered, That, without limiting the scope of issues presented by said application or declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed reclassification of capital by National Gas & Electric Corporation meets the requirements of section 7 of said Act;

(2) Whether the proposed reclassification of capital and the accounting adjustments in connection therewith to be made by National Gas & Electric Corporation (a) will result in an unfair or inequitable distribution of voting power among the holders of that company's securities or (b) will otherwise be detrimental to the public interest or the interest of investors or consumers; and

(3) Whether it is necessary for the Commission to attach any terms or conditions to any order permitting said declaration to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-9795; Filed, October 1, 1942; 3:43 p. m.]

[File No. 52-20]

NORTHWEST CAROLINA UTILITIES, INC.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of September, A. D., 1942.

In the Matter of O. M. Mull and John W. Perry, trustees of Northwest Carolina Utilities, Incorporated.

Notice is hereby given that an application for approval of a plan or reorganization of Northwest Carolina Utilities, Incorporated, a subsidiary of East Coast Public Service Company, a registered holding company, has been filed with this Commission pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935. The application was filed by O. M. Mull and John W. Perry, Trustees appointed by the District Court of United States for the Western District of North Carolina in a reorganization proceedings pursuant to Chapter X of the "Bankruptcy Act" and involving said Northwest Carolina Utilities, Incorporated. All interested persons are referred to said application, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

East Coast Public Service Company owns all of the securities of Northwest Carolina Utilities, Incorporated, (except directors' qualifying shares), such securities consisting as at August 1, 1942, of $620,944.66 principal amount of First Mortgage Bonds with $78,800.34 of accrued and unpaid interest thereon and 1,000 shares of no par capital stock with a stated value of $544,420.66, all of which are pledged by East Coast Public Service Company to secure $1,896,500 principal amount of its First Lien Collateral 4% Bonds, Series A, due August 1, 1948. The proposed reorganization plan contemplates certain transactions which, when consummated, will bring about the complete liquidation and dissolution of Northwest Carolina Utilities, Incorporated, and the distribution of its assets among its creditors according to their respective rights and priorities. The plan proposes the sale of all of the properties of Northwest Carolina Utilities, Incorporated, (except, generally speaking, cash and securities, consumers' merchandise notes and accounts receivable, and any properties which are located outside the counties of Madison, Mitchell, and Yancey, North Carolina, which will be liquidated and the cash proceeds collected by said applicants) to French Broad Electric Membership Corporation at a base purchase price of $340,000, subject to certain adjustments. The proceeds of the above-mentioned sales, including an amount to be held by the Court pending adjudication of certain flood damage suits, will be applied to the payment (a) of all costs and expenses of the reorganization proceeding, (b) of the current indebtedness of Northwest Carolina Utilities, Incorporated, (c) of reasonable and necessary expenses incurred in the defense of a suit brought under the Fair Labor Standards Act by a former employee of Northwest Carolina Utilities, Incorporated, and (d) to City Bank Farmers Trust Company, Trustee under the Trust Indenture of Northwest Carolina Utilities, Incorporated, of the entire balance remaining which amount, together with all other funds held as Trustee, will be paid by said Trustee to East Coast Public Service Company, the holder of all of the outstanding bonds of Northwest Carolina Utilities, Incorporated. All of the securities of Northwest Carolina Utilities, Incorporated, will be returned to said company which will be liquidated and dissolved by the applicants.

The application states that the earnings of Northwest Carolina Utilities, Incorporated, are not sufficient to meet its current interest obligations, any payment on account of the accrued and unpaid interest on its outstanding First Mortgage Bonds, and the principal of its Bonds when and as the same mature. The application further states that in view of the operating problems of Northwest Carolina Utilities, Incorporated, its inability to finance improvements, and the requirements of Section 11 of the Public Utility Holding Company Act of 1935, the sale of its property seems desirable.

It is ordered, That a hearing on said application under the applicable provisions of said Act and rules of the Commission thereunder be held on October 14, 1942 at 10:00 o'clock, A. M., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing-room clerk in Room 318 will advise as to the room where such hearing will be held. Notice is hereby given of said hearing to the above-named applicants and to East Coast Public Service Company, and to all interested persons, said notice to be given to said applicants and East Coast Public Service Company by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said application to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the proposed reorganization plan is fair and equitable to the persons affected thereby;

(2) Whether the proposed plan is feasible;

(3) Whether the purchase price to be received by said applicants for the sale of the properties of Northwest Carolina Utilities, Incorporated, is reasonable;

(4) Whether the proposed use of the proceeds is detrimental to the public interest or the interest of investors;

(5) Generally speaking, whether the proposed plan may be approved by this Commission under section 11 (f) of the Public Utility Holding Company Act of 1935 and whether such plan is consistent with or complies with section 11 (b) thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-9793; Filed, October 1, 1942; 3:44 p. m.]

[File No. 59-56]

NEW ENGLAND GAS AND ELECTRIC ASSOCIATION, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 26th day of September, 1942.

I

The Commission having examined the corporate structure of New England Gas and Electric Association, and its subsidiary companies, the relationship among the companies of the holding company system of New England Gas and Electric Association, the character of the interests thereof and the properties owned or controlled thereby, and the files and records of the Commission with respect thereto, and said examination having disclosed data establishing or tending to establish that:

1. New England Gas and Electric Association is a Massachusetts Voluntary Association formed under a Declaration of Trust dated December 31, 1926 (amended July 20, 1932), under which its Trustees hold investments in subsidiaries with properties operating in the States of Massachusetts, New Hampshire and Maine. New England Gas and Electric Association is a holding company, as defined in the Act, and is registered as such, pursuant to the provisions of Section 5 of the Public Utility Holding Company Act of 1935.

2. The subsidiary companies embraced in the holding company system of New England Gas and Electric Association, the states in which the businesses of such companies are conducted, type of business conducted, together with gross property accounts as of December 31, 1941, and their gross revenues for the year 1941, are as shown in the following schedule:

Name of company	Location	Type of company	Gross property per books	Gross revenues
Appliance Credit Corporation [1]	Massachusetts	Service		
Cambridge Electric Light Company	Massachusetts	Electric	$8, 575, 848	$3, 314, 846
Cambridge Gas Light Company	Massachusetts	Gas	3, 800, 777	1, 384, 538
Cambridge Steam Corporation	Massachusetts	Steam	16, 239	262, 988
Cape & Vineyard Electric Corporation	Massachusetts	Electric	5, 224, 517	1, 362, 832
Dedham and Hyde Park Gas and Electric Company.	Massachusetts	Gas	922, 782	292, 775
The Derry Electric Company	New Hampshire	Electric	825, 307	321, 551
International Power Company	Maine	Generating	43, 093	32, 802
Kittery Electric Light Company	Maine	Electric	311, 841	137, 249
The Lamphrey River Improvement Company	New Hampshire	Generating	199, 355	19, 926
Marion Gas Company	Massachusetts	Gas	59, 815	12, 273
Marlborough-Hudson Gas Company	Massachusetts	Gas	522, 341	137, 900
Milford Gas Light Company	Massachusetts	Gas	211, 593	65, 604
Negea Service Corporation	Massachusetts	Service	38, 868	
New Bedford Gas and Edison Light Company	Massachusetts	Gas & Electric	19, 629, 178	5, 350, 511
New Hampshire Gas and Electric Company	New Hampshire	Electric	4, 115, 635	1, 215, 003
Plymouth County Electric Company	Massachusetts	Electric	2, 732, 939	914, 489
Plymouth Gas Light Company	Massachusetts	Gas	268, 987	65, 516
Provincetown Light and Power Company	Massachusetts	Electric	474, 526	133, 612
St. Croix Electric Company	Maine	Electric	334, 841	82, 734
Western Hancock Electric Company	Massachusetts	Electric	5, 058	1, 868
Worcester Gas Light Company	Massachusetts	Gas	9, 800, 595	2, 286, 374

[1] Merged with Negea Service Corporation May 1, 1942. (See Holding Company Act Release No. 3477.)

3. All of the subsidiaries named in paragraph 2 above, with the exception of Appliance Credit Corporation, Negea Service Corporation, and Cambridge Steam Corporation, are public utility companies within the meaning of the Act. Appliance Credit Corporation and Negea Service Corporation, as of December 31, 1941, were service companies for the New England Gas and Electric Association holding company system. Cambridge Steam Corporation is engaged in the distribution and sale of steam for heating purposes.

4. For the year ended December 31, 1941, the consolidated operating revenues of the New England Gas and Electric Association and its subsidiaries were as follows:

Operating Revenues:	
Electric	$11, 007, 461. 94
Gas	5, 054, 067. 25
Steam heating	262, 988. 13
Total operating revenues	16, 324, 517. 32

II

The Commission having been advised by its Public Utilities Division that the information set out in Part I hereof and other and further information contained in the Commission's public official files tends to show that:

5. The properties operated by the companies listed in paragraph 2 of this notice and order constitute more than a single integrated public utility system as defined by section 2 (a) (29) of the Act.

6. The properties operated by the companies listed in paragraph 2 of this notice and order constitute more than a single integrated public utility system and systems additional thereto, which may be retained under section 11 (b) (1) of the Act.

7. The assets of the holding company system are located in Massachusetts, New Hampshire, and Maine; the principal or "single" integrated public utility system, if any, of said holding company system is located in Massachusetts.

8. Under the terms of section 11 (b) (1) and especially Clause (B) thereof, New England Gas and Electric Association cannot retain any interest in public utilities operating in Maine.

9. The public utility companies operating in Massachusetts and New Hampshire constitute more than a single integrated public utility system and systems additional thereto which may be retained by New England Gas and Electric Association, pursuant to the provisions of section 11 (b) (1), and especially Clauses (A) and (C) thereof.

10. The business conducted by Cambridge Steam Corporation is not reasonably incidental, or economically necessary or appropriate, to the operations of any of the electric or gas utility systems operated by the companies named in paragraph 2 above which are located in Massachusetts or New Hampshire.

III

It, therefore, appearing to the Commission, in the light of the foregoing, that it is appropriate and in the public interest, and in the interest of investors and consumers, to institute proceedings against New England Gas and Electric Association, under section 11 (b) (1) of the Public Utility Holding Company Act of 1935, to determine whether certain orders should be entered pursuant to the provisions of section 11 (b) (1).

Wherefore it is ordered, That proceedings be instituted pursuant to section 11 (b) (1) of the Act and that New England Gas and Electric Association is hereby made the respondent herein, and that said respondent shall file with this Commission, on or before November 5, 1942, an answer admitting, denying or otherwise explaining its positions with respect to each of the factual allegations set forth in paragraphs 1 to 4 hereof, inclusive, and with respect to the allegations set forth in paragraphs 5 to 11 hereof, inclusive. Such answer may also include a statement by the respondent of its views as to what constitutes the "single integrated public utility system", if any, which it wishes to retain, and as to what additional systems and other businesses, if any, it believes can be retained with such system under the applicable standards of section 11 (b) (1). Such answer may also include a statement as to what action respondent deems to be necessary and appropriate and which it is prepared to take for the purpose of limiting the operations of its holding company system to a single integrated public utility system, together with such additional systems and other businesses as can be retained under the standards of section 11 (b) (1) of the Act.

It is further ordered, That a hearing be held on the 30th day of November 1942, at 10:00 o'clock A. M. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on said day by the hearing room clerk in Room 318, at which hearing the respondent and any other interested persons shall be given an opportunity to be heard with respect to the matters hereinbefore and hereinafter set forth, and with respect to any issues raised in and matters presented by respondent's answer, and at which hearing the respondent shall show cause why an order or orders should not be entered, pursuant to section 11 (b) (1) of said Act, requiring the divestment of properties, securities and other assets for the purpose of limiting the operations of respondent's holding company system as required by the standards of section 11 (b) (1) of said Act, and for the purpose of determining what steps and what action is necessary for that purpose.

It is further ordered, That:

(1) At the outset of said hearing respondent shall show cause why an immediate order should not be entered requiring the divestment by the respondent of all its interests in those companies operating in the State of Maine;

(2) Thereafter there will be considered what action is necessary and should be taken in order to limit the operations of the holding company system of the respondent with respect to the properties located in the States of Massachusetts and New Hampshire, which may be retained under the applicable standards of section 11 (b) (1) of the Act, including specifically a determination (a) of the number of integrated public utility systems, if any, under the control of respondent within the States of Massachusetts and New Hampshire, (b) as to which of such integrated public utility systems, if any, is to be considered as the "single integrated public utility system" retainable under section 11 (b) (1) of said Act, and (c) of the extent, if any, to which additional integrated public utility systems and other businesses may, upon a proper showing, be retained under common control with any such single integrated public utility system under the applicable standards of section 11 (b) (1) of the Act.

(3) Consideration will also be given, and the respondent and other interested persons shall have an opportunity to be heard, with respect to the time and manner for disposition of any other issues which may be presented in these proceedings, particularly with respect to the appropriate procedure for expediting the determination of the issues herein.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to the New England Gas and Electric Association, such mailing to be not less than 30 days prior to the date hereinbefore fixed for the filing of answers; and that notice is hereby given of said hearing to all companies hereinbefore mentioned by name in this order and to all other persons, including the security holders of New England Gas and Electric Association and of its subsidiaries, all States, municipalities and political subdivisions of States within which are located any utility assets of the respondent or of any of its subsidiaries or of any company hereinbefore mentioned by name in this order, all State Commissions, State securities commissions, and all agencies, authorities or instrumentalities of one or more States, municipalities or other political subdivisions having jurisdiction over respondent, its subsidiaries, and such companies, or over any of the businesses, affairs or operations of any of them, and that such notice shall be given further by general release of the Commission, distributed to the press and mailed to the mailing list of the Commission for releases issued under the Public Utility Holding Company Act of 1935. Further notice shall be given to all persons by publication in the FEDERAL REGISTER, not later than thirty days prior to the date hereinbefore fixed for the filing of answers.

It is further ordered, That any person proposing to be heard in these proceedings shall file with the Secretary of this Commission, on or before the date hereinbefore fixed within which respondent may file its answer, an appropriate request or application to be heard as provided by Rule XVII of the Commission's Rules of Practice.

It is further ordered, That jurisdiction be and is hereby reserved to broaden the issues in this proceeding for the purpose of dealing with other problems presented under section 11 (b) (1) or other provisions of the Act concerning the holding company system of the respondent, and jurisdiction is also reserved to make other persons respondents in these proceedings or in any proceedings the scope of which is enlarged as aforesaid, pursuant to such further notice as the Commission may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-9794; Filed, October 1, 1942; 3:42 p. m.]

OCT 7 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 196

Washington, Tuesday, October 6, 1942

The President

EXECUTIVE ORDER 9250

PROVIDING FOR THE STABILIZING OF THE NATIONAL ECONOMY

By virtue of the authority vested in me by the Constitution and the Statutes, and particularly by the Act of October 2, 1942, entitled "An Act to Amend the Emergency Price Control Act of 1942, to Aid in Preventing Inflation, and for Other Purposes", as President of the United States and Commander in Chief of the Army and Navy, and in order to control so far as possible the inflationary tendencies and the vast dislocations attendant thereon which threaten our military effort and our domestic economic structure, and for the more effective prosecution of the war, it is hereby ordered as follows:

TITLE I—ESTABLISHMENT OF AN OFFICE OF ECONOMIC STABILIZATION

1. There is established in the Office for Emergency Management of the Executive Office of the President an Office of Economic Stabilization at the head of which shall be an Economic Stabilization Director (hereinafter referred to as the Director).

2. There is established in the Office of Economic Stabilization an Economic Stabilization Board with which the Director shall advise and consult. The Board shall consist of the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Chairman of the Board of Governors of the Federal Reserve System, the Director of the Bureau of the Budget, the Price Administrator, the Chairman of the National War Labor Board, and two representatives each of labor, management, and farmers to be appointed by the President. The Director may invite for consultation the head of any other department or agency. The Director shall serve as Chairman of the Board.

3. The Director, with the approval of the President, shall formulate and develop a comprehensive national economic policy relating to the control of civilian purchasing power, prices, rents, wages, salaries, profits, rationing, subsidies, and all related matters—all for the purpose of preventing avoidable increases in the cost of living, cooperating in minimizing the unnecessary migration of labor from one business, industry, or region to another, and facilitating the prosecution of the war. To give effect to this comprehensive national economic policy the Director shall have power to issue directives on policy to the Federal departments and agencies concerned.

4. The guiding policy of the Director and of all departments and agencies of the Government shall be to stabilize the cost of living in accordance with the Act of October 2, 1942; and it shall be the duty and responsibility of the Director and of all departments and agencies of the Government to cooperate in the execution of such administrative programs and in the development of such legislative programs as may be necessary to that end. The administration of activities related to the national economic policy shall remain with the departments and agencies now responsible for such activities, but such administration shall conform to the directives on policy issued by the Director.

TITLE II—WAGE AND SALARY STABILIZATION POLICY

1. No increases in wage rates, granted as a result of voluntary agreement, collective bargaining, conciliation, arbitration, or otherwise, and no decreases in wage rates, shall be authorized unless notice of such increases or decreases shall have been filed with the National War Labor Board, and unless the National War Labor Board has approved such increases or decreases.

2. The National War Labor Board shall not approve any increase in the wage rates prevailing on September 15, 1942, unless such increase is necessary to correct maladjustments or inequalities, to eliminate substandards of living, to correct gross inequities, or to aid in the effective prosecution of the war.

Provided, however, that where the National War Labor Board or the Price Administrator shall have reason to believe that a proposed wage increase will require a change in the price ceiling of the commodity or service involved, such proposed increase, if approved by the National War Labor Board, shall become effective only if also approved by the Director.

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Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington D C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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3. The National War Labor Board shall not approve a decrease in the wages for any particular work below the highest wages paid therefor between January 1, 1942 and September 15, 1942, unless to correct gross inequities and to aid in the effective prosecution of the war.

4. The National War Labor Board shall, by general regulation, make such exemptions from the provisions of this

title in the case of small total wage increases or decreases as it deems necessary for the effective administration of this Order.

5. No increases in salaries now in excess of $5,000 per year (except in instances in which an individual has been assigned to more difficult or responsible work), shall be granted until otherwise determined by the Director.

6. No decrease shall be made in the salary for any particular work below the highest salary paid therefore between January 1, 1942 and September 15, 1942 unless to correct gross inequities and to aid in the effective prosecution of the war.

7. In order to correct gross inequities and to provide for greater equality in contributing to the war effort, the Director is authorized to take the necessary action, and to issue the appropriate regulations, so that, insofar as practicable, no salary shall be authorized under Title III, Section 4 to the extent that it exceeds $25,000 after the payment of taxes allocable to the sum in excess of $25,000: Provided, however, that such regulations shall make due allowance for the payment of life insurance premiums on policies heretofore issued, and required payments on fixed obligations heretofore incurred, and shall make provision to prevent undue hardship.

8. The policy of the Federal Government, as established in Executive Order No. 9017 of January 12, 1942, to encourage free collective bargaining between employers and employees is reaffirmed and continued.

9. Insofar as the provisions of Clause (1) of section 302 (c) of the Emergency Price Control Act of 1942 are inconsistent with this Order, they are hereby suspended.

TITLE III—ADMINISTRATION OF WAGE AND SALARY POLICY

1. Except as modified by this Order, the National War Labor Board shall continue to perform the powers, functions, and duties conferred upon it by Executive Order No. 9017,[1] and the functions of said Board are hereby extended to cover all industries and all employees. The National War Labor Board shall continue to follow the procedures specified in said Executive Order.

2. The National War Labor Board shall constitute the agency of the Federal Government authorized to carry out the wage policies stated in this Order, or the directives on policy issued by the Director under this Order. The National War Labor Board is further authorized to issue such rules and regulations as may be necessary for the speedy determination of the propriety of any wage increases or decreases in accordance with this Order, and to avail itself of the services and facilities of such State and Federal departments and agencies as, in the discretion of the National War Labor Board, may be of assistance to the Board.

3. No provision with respect to wages contained in any labor agreement between employers and employees (including the Shipbuilding Stabilization Agreements as amended on May 16, 1942, and the Wage Stabilization Agreement of the Building Construction Industry arrived at May 22, 1942) which is inconsistent with the policy herein enunciated or hereafter formulated by the Director shall be enforced except with the approval of the National War Labor Board within the provisions of this Order. The National War Labor Board shall permit the Shipbuilding Stabilization Committee and the Wage Adjustment Board for the Building Construction Industry, both of which are provided for in the foregoing agreements, to continue to perform their functions therein set forth, except insofar as any of them is inconsistent with the terms of this Order.

4. In order to effectuate the purposes and provisions of this Order and the Act of October 2, 1942, any wage or salary payment made in contravention thereof shall be disregarded by the Executive Departments and other governmental agencies in determining the costs or expenses of any employer for the purpose of any law or regulation, including the Emergency Price Control Act of 1942 or any maximum price regulation thereof, or for the purpose of calculating deductions under the Revenue Laws of the United States or for the purpose of determining costs or expenses under any contract made by or on behalf of the Government of the United States.

TITLE IV—PRICES OF AGRICULTURAL COMMODITIES

1. The prices of agricultural commodities and of commodities manufactured or processed in whole or substantial part from any agricultural commodity shall be stabilized, so far as practicable, on the basis of levels which existed on September 15, 1942 and in compliance with the Act of October 2, 1942.

2. In establishing, maintaining or adjusting maximum prices for agricultural commodities or for commodities processed or manufactured in whole or in substantial part from any agricultural commodity, appropriate deductions shall be made from parity price or comparable price for payments made under the Soil Conservation and Domestic Allotment Act, as amended, parity payments made under the Agricultural Adjustment Act of 1938, as amended, and governmental subsidies.

3. Subject to the directives on policy of the Director, the price of agricultural commodities shall be established or maintained or adjusted jointly by the Secretary of Agriculture and the Price Administrator; and any disagreement between them shall be resolved by the Director. The price of any commodity manufactured or processed in whole or in substantial part from an agricultural commodity shall be established or maintained or adjusted by the Price Administrator, in the same administrative manner provided for under the Emergency Price Control Act of 1942.

4. The provisions of sections 3 (a) and 3 (c) of the Emergency Price Control Act of 1942 are hereby suspended to the extent that such provisions are inconsistent with any or all prices established under this Order for agricultural commodities, or commodities manufactured or processed in whole or in substantial part from an agricultural commodity.

TITLE V—PROFITS AND SUBSIDIES

1. The Price Administrator in fixing, reducing, or increasing prices, shall determine price ceilings in such a manner that profits are prevented which in his judgment are unreasonable or exorbitant.

2. The Director may direct any Federal department or agency including, but not limited to, the Department of Agriculture (including the Commodity Credit Corporation and the Surplus Marketing Administration), the Department of Commerce, the Reconstruction Finance Corporation, and other corporations organized pursuant to Section 5d of the Reconstruction Finance Corporation Act, as amended, to use its authority to subsidize and to purchase for resale, if such measures are necessary to insure the maximum necessary production and distribution of any commodity, or to maintain ceiling prices, or to prevent a price rise inconsistent with the purposes of this Order.

TITLE VI—GENERAL PROVISIONS

1. Nothing in this Order shall be construed as affecting the present operation of the Fair Labor Standards Act, the National Labor Relations Act, the Walsh-Healey Act, the Davis-Bacon Act, or the adjustment procedure of the Railway Labor Act.

2. Salaries and wages under this Order shall include all forms of direct or indirect remuneration to an employee or officer for work or personal services performed for an employer or corporation, including but not limited to, bonuses, additional compensation, gifts, commissions, fees, and any other remuneration in any form or medium whatsoever, (excluding insurance and pension benefits in a reasonable amount as determined by the Director); but for the purpose of determining wages or salaries for any period prior to September 16, 1942, such additional compensation shall be taken into account only in cases where it has been customarily paid by employers to their employees. "Salaries" as used in this Order means remuneration for personal services regularly paid on a weekly, monthly or annual basis.

3. The Director shall, so far as possible, utilize the information, data, and staff services of other Federal departments and agencies which have activities or functions related to national economic policy. All such Federal departments and agencies shall supply available information, data, and services required by the Director in discharging his responsibilities.

4. The Director shall be the agency to receive notice of any increase in the rates or charges of common carriers or other public utilities as provided in the aforesaid Act of October 2, 1942.

5. The Director may perform the functions and duties, and exercise the powers, authority, and discretion conferred upon him by this Order through such officials or agencies, and in such manner, as he may determine. The decision of the Director as to such delegation and the manner of exercise therof shall be final.

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[1] 7 F.R. 237.

6. The Director, if he deems it necessary, may direct that any policy formulated under this Order shall be enforced by any other department or agency under any other power or authority which may be provided by any of the laws of the United States.

7. The Director, who shall be appointed by the President, shall receive such compensation as the President shall provide, and within the limits of funds which may be made available, may employ necessary personnel and make provision for supplies, facilities and services necessary to discharge his responsibilities.

Franklin D Roosevelt

The White House,
October 3, 1942.

[F. R. Doc. 42-9889; Filed, October 3, 1942; 1:04 p. m.]

EXECUTIVE ORDER 9242-A

Amending Executive Order No. 9158 of May 11, 1942 To Provide That the Air Medal May Be Awarded to Persons Serving With the Army, Navy, Marine Corps, or Coast Guard of the United States

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Army and Navy of the United States, it is hereby ordered that the first paragraph of Executive Order No. 9158 of May, 11, 1942,[1] establishing the Air Medal, be, and it is hereby amended to read as follows:

"By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Army and Navy of the United States, it is hereby ordered that an Air Medal, with accompanying ribbons, be established for award to any person who, while serving in any capacity in or with the Army, Navy, Marine Corps, or Coast Guard of the United States, subsequent to September 8, 1939, distinguishes, or has distinguished, himself by meritorious achievement while participating in an aerial flight."

Franklin D Roosevelt

The White House,
September 11, 1942.

[F. R. Doc. 42-9873; Filed October 3, 1942; 11:55 a. m.]

EXECUTIVE ORDER 9249

Authorizing the Secretary of Agriculture to Acquire and Dispose of Property

By virtue of and pursuant to the authority vested in me by Title II of the Second War Powers Act, 1942, approved March 27, 1942 (Public Law 507, 77th Congress), the Secretary of Agriculture is hereby authorized to exercise, through such officials of the Department of Agriculture and its agencies as he may designate, the authority contained in the said Title II of the Second War Powers Act, 1942, to acquire, use, and dispose of any real property, temporary use thereof, or other interest therein, together with any personal property located thereon, or used therewith, that shall be deemed necessary for war purposes in connection with the Emergency Rubber Project of the Department of Agriculture or in connection with the storing and warehousing of agricultural commodities and products by the said Department.

Franklin D Roosevelt

The White House,
October 1, 1942.

[F. R. Doc. 42-9829; Filed, October 2, 1942; 2:47 p. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Part 29—The Federal Land Bank of Wichita

REAMORTIZATION FEES

Section 29.6 of Title 6, Code of Federal Regulations, as amended February 28, 1939 (4 F.R. 1377), as amended January 4, 1940 (5 F.R. 299, is amended to read as follows:

§ 29.6 *Reamortization fees.* No fee shall be charged for the reamortization of Federal land bank loans, Land Bank Commissioner loans, or joint Federal land bank and Land Bank Commissioner loans, but applicants will be required to pay such out of pocket costs as abstract charges, recording fees, and other incidental items incurred in the reamortization of such loans. (Sec. 13 "Thirteenth," as added by sec. 4, 47 Stat. 1548, secs. 1, 2, 48 Stat. 344, 345; 12 U.S.C. 781 "Thirteenth," 1020, 1020a, and Sup.; 6 C.F.R. 19.4043) [Res. Ex. Com., Sept. 21, 1942.]

The Federal Land Bank,
of Wichita.

[seal] C. G. Shull, *President.*

[F. R. Doc. 42-9891; Filed, October 3, 1942; 10:31 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

Part 411—1942 Cotton Crop Insurance Contract Regulations

INDEMNITY PAYMENT ADJUSTMENTS

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, approved February 16, 1938, as amended, the 1942 Cotton Crop Insurance Contract Regulations are amended as follows:

Section 411.14[1] of the 1942 Cotton Crop Insurance Contract Regulations is amended to read as follows:

§ 411.14 *Adjustments in connection with indemnity payments.* Where an adjustment is made in the amount of an indemnity, settlement for such adjustment may be made on the basis of a cash equivalent price per pound other than that used in making settlement under the certificate of indemnity originally issued. (Secs. 506 (e), 516 (b); 52 Stat. 75, 77; 7 U.S.C. 1506 (e), 1516 (b)).

Adopted by the Board of Directors on August 19, 1942.

[seal] M. Clifford Townsend,
Chairman of the Board.

Approved: October 3, 1942.
Grovfr B. Hill,
Acting Secretary of Agriculture.

[F. R. Doc. 42-9865; Filed, October 3, 1942; 11:58 a. m.]

Chapter VII—Agricultural Adjustment Agency

[ACP-1942-14]

Part 701[1]—Agricultural Conservation Program

SUBPART D—1942

Allotments, Yields, Grazing Capacities, Etc.

Pursuant to the authority vested in the secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1942 Agricultural Conservation Program, as amended, is further amended as follows:

1. Section 701.301 (g) (8) (i) is amended by inserting an "(a)" just following the word "except" and adding the following at the end thereof:

§ 701.301 *Allotments, yields, grazing capacities, payments and deductions.* * * *

(g) *Wheat.* * * *

(8) *Deduction.*—(i) *Wheat-allotment farms.* * * * and (b) that on any farm in the Southern Region except Oklahoma and Texas, which comprised more than one farm under the 1941 Agricultural Conservation Program but which was determined by the county committee after the wheat was seeded for harvest in 1942 to comprise only one farm, the deduction for the excess wheat acreage shall be the deduction computed for the excess wheat acreage on the combined farm but not to exceed the larger of (1) the deduction which would have been computed had there been no combination for 1942 or (2) the wheat payment for the combined farm.

2. Section 701.301 (g) (8) (ii) is amended by changing the period at the end to a colon and adding the following:

(ii) * * * *Provided*, That for any farm in the Southern Region except Oklahoma and Texas, which in 1941 comprised more than one farm but which was determined by the county committee after the wheat was seeded for harvest in 1942 to comprise only one farm, the deduction shall not exceed the deduction which would have been computed had there been no combination for 1942.

3. Section 701.301 (i) (1) the first paragraph is amended to read as follows:

(i) *Minimum soil-conserving and soil-building requirements.* * * * (1) *Minimum conserving acreage.* The net payment for any farm in connection with special crop allotments shall be subject to a deduction of 5 percent of the maximum amount computed in connection with such allotments for each 1 percent of the cropland on the farm by which the acreage of cropland on the farm devoted exclusively, throughout the 1942 crop year, to one or more of the following uses, as recommended by the State committee and approved by the Agricultural Adjustment Agency, is less than 20 percent of the cropland on the farm: *Provided, however,* That when all or a part of the cropland on a farm has been acquired for the purpose of the national war effort or was flooded in 1942 and it would be impracticable or inequitable to require compliance with the soil-conserving use requirements on the basis of the total cropland in the farm, the county committee with the approval of the State committee, in accordance with instructions issued by the Agricultural Adjustment Agency, may waive all or any part of such requirement:

* * * * *

4. Section 701.301 (i) (1) (xii) is amended to read as follows:

(xii) New seedings of perennial grasses or legumes, biennial legumes, or lespedeza seeded in accordance with good farming practice with flax, peas, or small grains as a nurse crop. The maximum acreage which may qualify under this item shall be limited to the 1942 acreage of flax plus 40 percent of the sum of the 1942 acreages of the following crops on the farm: Soybeans for beans, peanuts for oil, hemp, castor beans, sugar beets, dry field peas, dry beans, canning peas, canning tomatoes, American-Egyptian cotton and land used for school lunch gardens.

* * * * *

5. Section 701.301 (i) (2), the first paragraph, is amended to read as follows:

(2) *Minimum acreage of erosion-resisting crops.* The net payment for any farm in connection with special crop allotments shall be subject to a deduction of 4 percent of the maximum amount computed in connection with such allotments for each 1 percent of the cropland on the farm by which the acreage of erosion-resisting crops and land uses on the farm is less than 25 percent of the cropland on the farm. Erosion-resisting crops and land uses for any county shall be determined by the State committee, with the approval of the Agricultural Adjustment Agency, and may include only cropland which is devoted in the program year to one or more of the following crops or uses: *Provided, however,* That when all or a part of the cropland in a farm has been acquired for the purpose of the National war effort or was flooded in 1942 and it would be impracticable or inequitable to require compliance with the soil-conserving use requirements on the basis of the total cropland in the farm, the county committee with the approval of the State committee, in accordance with instructions issued by the Agricultural Adjustment Agency, may waive all or any part of such requirement:

* * * * *

6. Section 701.301 (i) (2) is further amended by changing the item pertaining to winter legumes, rye grass, and small grains contained in the list of erosion-resisting crops and uses to read as follows:

(2) *Minimum acreage of erosion-resisting crops.* * * *

Winter legumes, rye grass, and small grains (except wheat) seeded in the fall of 1942 on land from which castor beans produced from seed furnished by the Agricultural Adjustment Agency, Sea Island cotton, flax, hemp, sugar beets, dry field peas, dry beans, canning peas, canning tomatoes, sorgo for alcohol, or peanuts, are harvested, land used for school lunch gardens, or land on which a good stand of volunteer wheat is turned under, in 1942. The maximum acreage which may qualify under this item shall be limited to 12½ percent of the cropland but not in excess of the sum of the 1942 acreages of castor beans produced from seed furnished by the Agricultural Adjustment Agency, Sea Island cotton, flax, hemp, sugar beets, dry field peas, dry beans, canning peas, canning tomatoes, sorgo for alcohol, and land used for school lunch gardens plus the amount by which the 1942 acreage of peanuts exceeds the 1942 peanut allotment, and land on which a good stand of volunteer wheat is turned under.

* * * * *

7. Section 701.301 (i) (4) is amended to read as follows:

(4) *Minimum soil-building performance.* The payment made with respect to special crop allotments shall not exceed a percentage of the net payment earned with respect to such allotments equal to the percentage of that part of the soil-building allowance computed under subparagraphs (1) to (3), inclusive, of paragraph (d), § 701.302, which is earned for the farm, except that such limitation will not be applicable if (i) the amount of the soil-building payment earned equals or exceeds the maximum payment computed in connection with special crop allotments, or (ii) the farm is retired from agricultural production during the 1942 program year: *Provided,* That in areas designated by the Agricultural Adjustment Agency, cropland which the county committee determines is subject to annual overflow will not be used in computing the part of the soil-building allowance used for the purpose of this subparagraph. In determining performance under this subparagraph, in areas designated by the Agricultural Adjustment Agency as areas where the allowance on noncrop open pasture is the major portion of the soil-building allowance on a substantial number of farms, the allowance on noncrop open pasture shall not be included.

* * * * *

8. Section 701.301 (j) (2) is amended to read as follows:

(j) *Miscellaneous.* * * *

(2) *Deduction for breaking out permanent vegetative cover.* $3 for each acre of native sod, land previously designated as restoration land which has been reclassified as noncrop pasture or range land, or any other land on which a permanent vegetative cover has been established, broken out during 1942 program year in an area designated by the Agricultural Adjustment Agency as an area subject to serious wind erosion unless the acreage was broken out with the approval of the county committee for the planting of forest trees or the county committee determines in accordance with the standards established by the State committee with the approval of the Agricultural Adjustment Agency that the land broken out is suited to the continuing production of cultivated crops and will not become a wind erosion hazard to the community.

* * * * *

9. Section 701.309 (a) (2) is amended to read as follows:

§ 701.309 *General provisions relating to payments*—(a) *Payment restricted to effectuation of purposes of the program.*

* * * * *

(2) Payments other than payments in connection with soil-building practices will be made only with respect to farms which are being operated during the 1942 program year: *Provided, however,* That in areas designated by the Agricultural Adjustment Agency as areas in which substantial numbers of farms are determined to be farms on which the farming operations were so far short of full operation that, under such instructions as may have been issued prior to September 1, 1942, they would have been regarded as not operated, and the shortage of operation was brought about by causes beyond the control of the operators of such farms, payments other than soil-building practice payments on farms determined to be not operated will be computed on the basis of the smaller of (1) the acreage allotments or (2) 125 percent of the planted acreage of each crop for which an acreage allotment is determined for the farm.

* * * * *

(Sections 7 to 17, as amended, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205; 53 Stat. 550, 573; 54 Stat. 216, 727; 16 U.S.C. 1940 ed. 590g-509q; 55 Stat. 257, 860; Public Law 439, approved February 6, 1942.)

Done at Washington, D. C., this 5th day of October, 1942. Witness my hand and the seal of the Department of Agriculture.

[seal] Grover B. Hill,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-9902; Filed, October 5, 1942; 11:16 a. m.]

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[1] 7 F.R. 3541.

[1] 6 F.R. 6442.

[1] 6 F.R. 4111, 5520, 5581, 6472; 7 F.R. 56, 923, 1410, 1825, 2287, 2771, 3146, 4509, 5035.

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Marketing Administration

Part 204—Posted Stockyards and Live Poultry Markets

NORFOLK HORSE AND MULE COMMISSION SALES CO.

NOTICE UNDER PACKERS AND STOCKYARDS ACT[1]

OCTOBER 3, 1942.

Otto Emrich, doing business as Norfolk Horse and Mule Commission Sales Co., Norfolk, Nebraska.

Whereas, the Norfolk Horse and Mule Commission Sales Co. was posted on November 12, 1936, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas, it now appears that the Norfolk Horse and Mule Commission Sales Co. is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, Therefore, Notice Is Hereby Given that the Norfolk Horse and Mule Commission Sales Co. no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42–9856; Filed, October 3, 1942; 11:58 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

Part 73—Appointment of Commissioned Officers, Warrant Officers, and Chaplains

APPOINTMENT OF WARRANT OFFICERS

Section 73.301 (a) (4), (9), (11), and (16) is hereby amended and ction 73.319 (h) is added, as follows:

§ 73.301[2] *Classifications.* (a) Warrant officers will be examined and appointed to classifications within the arms and services as follows:

* * * * *

(4) *Cavalry*—(i) *Administrative.* Clerical and supply.

(ii) *Technician specialists.* Motor transport, animal transport, and signal communication.

* * * * *

(9) *Field Artillery*—(i) *Administrative.* Clerical, supply, and fiscal.

(ii) *Technician specialists.* Signal communication, animal transport, and motor transport.

* * * * *

(11) *Infantry*—(i) *Administrative.* Clerical and supply.

(ii) *Technician specialists.* Motor transport, animal transport, munitions (ammunition), and signal communication.

* * * * *

(16) *Quartermaster Corps—Technician specialists.* Motor transport and animal transport. (55 Stat. 651; 10 U.S.C. Sup. 593a) [Par. 4*a*, AR 610–10, Sept. 13, 1941, as amended by C 3, Sept. 21, 1942]

* * * * *

§ 73.319 *General scope of final examination (technical) technician specialists.*

* * * * *

(h) *Animal transport.* Practical knowledge of fitting and use of pack saddles and auxiliary harness and equipment, lashing and hitching of all types of loads to pack animals, breaking and training of horses and mules, and care and feeding of riding, draft, and pack animals. (55 Stat. 651; 10 U.S.C. Sup. 593a) [Par. 37½, AR 610–10, Sept. 13, 1941, as added by C 3, September 21, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–9828; Filed, October 2, 1942; 2:26 p. m.]

Part 79—Prescribed Service Uniform

INSIGNIA OF GRADE

Section 79.25 (d) (3) and (4) is hereby amended to read as follows:

§ 79.25 *Insignia of grade.*[1]

* * * * *

(d) *Enlisted men.*

* * * * *

(3) *First sergeant (first grade).* Three chevrons and an arc of three bars, the upper bar of arc forming a tie to the lower chevron. In the angle between lower chevrons and upper bar, a hollow lozenge.

(4) *Technical sergeant (second grade).* Three chevrons and an arc of two bars, the upper bar of arc forming a tie to the lower chevron. (R.S. 1296; 10 U.S.C. 1391) [Par. 25*d*, AR 600–35, November 10, 1941, as amended by C 3, September 22, 1942]

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–9827; Filed, October 2, 1942; 2:26 p. m.]

Chapter VII—Personnel

Part 73—Appointment of Commissioned Officers, Warrant Officers and Chaplains

APPOINTMENT IN MEDICAL, DENTAL, VETERINARY, AND MEDICAL ADMINISTRATIVE CORPS, REGULAR ARMY

Sections 73.1 to 73.5 are retained without change in revision of Army Regulations No. 605–20, dated August 19, 1942.

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–9892; Filed, October 5, 1942; 10:31 a. m.]

Chapter VII—Personnel

Part 70—The Army Nurse Corps[1]

All sections under Part 70 as published in the FEDERAL REGISTER May 27, 1941 (6 F.R. 2568) are rescinded and the following regulations are substituted therefor.

Sec.	
70.1	Composition.
70.2	Rights and privileges.
70.3	Appointment and promotion.
70.4	Place of first assignment.
70.5	Duties of the Army Nurse Corps.
70.6	Quarters, allowances, and supply of furniture and linens.
70.7	Subsistence at Army hospitals.
70.8	Transportation and traveling expenses.
70.9	Leave of absence.
70.10	Reserve nurses.

AUTHORITY: §§ 70.1 to 70.10, inclusive, issued under 40 Stat. 879, 41 Stat. 767; 10 U.S.C. 161, 164.

§ 70.1 *Composition.* (a) That the Nurse Corps * * * of the Medical Department of the Army shall hereafter be known as the Army Nurse Corps, and shall consist of 1 superintendent, who shall be a graduate of a hospital-training school having a course of instruction of not less than 2 years; of as many chief nurses, nurses, and reserve nurses as may from time to time be needed and prescribed or ordered by the Secretary of War, and, in the discretion of the Secretary of War, of not exceeding 6 assistant superintendents, and, for each army or separate military force beyond the continental limits of the United States, 1 director and not exceeding 2 assistant directors of nursing service, all of whom shall be graduates of hospital-training schools and shall have passed such professional, moral, mental, and physical examination as shall be prescribed by the Secretary of War. (Act July 9, 1918; 40 Stat. 879; 10 U.S.C. 161.)

(b) Unless otherwise indicated, the term "nurse" as used in these and other regulations means any member of the Army Nurse Corps regardless of grade.

(c) The grades, with relative rank, which may be held by an Army nurse are, in the order of their importance, from the lowest to the highest:

(1) Nurse and Reserve nurse (with relative rank of second lieutenant).

(2) Chief nurse (with relative rank of first lieutenant).

(3) Assistant director (with relative rank of captain).

(4) Director (with relative rank of captain).

(5) Assistant superintendent (with relative rank of captain).

(6) Superintendent (with relative rank of major).

(See section 10, national defense act, as amended by act June 4, 1920 (41 Stat. 767; 10 U.S.C. 164))

(d) The regulations in this part embrace primarily the administrative requirements of the Army Nurse Corps. [Par. 1]

§ 70.2 *Rights and privileges.* The following rights and privileges are prescribed for the Army Nurse Corps by the Secretary of War in accordance with the act of June 4, 1920 (41 Stat. 768).

(a) They will be accorded the same obedience from enlisted men and patients in and about military hospitals as is accorded commissioned officers.

(b) They are not eligible for detail as members of courts martial, but may prefer charges against any member of the military service.

(c) They are entitled to the same privileges and allowances, except mileage, as are prescribed for commissioned officers of grades corresponding to their relative rank; and in general all such personal privileges and perquisites, not specifically denied them, as go with commissioned rank and are customarily enjoyed by commissioned officers.

(d) In all reports, returns, orders, and other official documents the titles corresponding to the relative rank conferred upon nurses will be used in the same manner as is prescribed for commissioned officers.

(e) They will be governed by the same censorship regulations as are prescribed for commissioned officers. [Par. 2]

§ 70.3 *Appointment and promotion*—(a) *General.* Original appointments in the Army Nurse Corps will be in the grades of nurse and Reserve nurse. Appointments in all grades, except that of superintendent, are made by The Surgeon General with the approval of the Secretary of War. (See act July 9, 1918 (40 Stat. 879; 10 (U.S.C. 162).)

(b) *Original appointment.* (1) Application for appointment should be made to The Surgeon General who will furnish blanks therefor.

(2) The applicant must be a graduate of an accredited high school or have an education equivalent thereto, unmarried, a registered nurse, and a citizen of the United States.

(3) *Age requirements.* (i) In grade of nurse between 22 and 30 years.

(ii) In grade of Reserve nurse, between 21 and 40 years.

(4) The physical standard and examination of applicants will be governed by the provisions of AR 40–100.[2]

(5) A professional examination will not ordinarily be required, though it may be when deemed necessary by The Surgeon General. An applicant will not be eligible for appointment unless she is a graduate of a school of nursing of approved standards, or has a record of desirable postgraduate training or experience. The applicant's qualifications will be evaluated on her record as a student and on her performance as a nurse.

(6) The applicant will agree to serve for the periods indicated, except in time of national emergency, when this requirement may be waived;

(i) Grade of nurse, 3 years.

(ii) Grade of Reserve nurse, 1 year. [Par. 3]

§ 70.4 *Place of first assignment.* In time of peace the nurse's first assignment will ordinarily be to a station in the United States, to afford her an opportunity to become acquainted with military customs. [Par. 7]

§ 70.5 *Duties of the Army Nurse Corps.*—(a) *General.* Rules and regulations prescribing the duties of the Army Nurse Corps will be prescribed by The Surgeon General of the United States Army, subject to the approval of the Secretary of War.

(b) *Hours of duty.* So far as practicable, a daily tour of duty will not exceed 8 hours. The hours of duty for all members of the Army Nurse Corps will be prescribed by the principal chief nurse. [Pars. 10 and 11]

§ 70.6 *Quarters, allowances, and supply of furniture and linens.*—(a) *Quarters in kind.* The allowance of quarters where quarters in kind are available will include, when practicable, 1 dining room, 1 kitchen, 1 sitting room, and the necessary toilet and utility rooms, for the common use of all nurses, and a separate bedroom for each nurse; also an office, and a separate sitting room and bathroom for the principal chief nurse.

(b) *Supply of furniture and linens.* The Medical Department will supply the necessary furniture and care for the quarters of nurses on duty in hospitals. Sheets, towels, pillowcases, table linens, and other washable articles so supplied will be laundered as a part of the hospital linen. [Par. 12]

§ 70.7 *Subsistence at Army hospitals.* The commanding officer of a hospital will provide suitable meals and proper messing facilities, including necessary equipment and service for nurses on duty at his hospital. At the Army and Navy General Hospital, Hot Springs, Ark., this subsistence charge will be 60 cents per day. At other hospitals, the charge will be the full amount of the nurses' authorized subsistence allowance; but if at any time the approved expenditures of the nurses' mess exceed its current income from individuals and its accumulated reserve in the hospital fund, the members will be charged such additional pro rata assessments as may be necessary to prevent a deficit. While patients in hospital, all nurses, active or retired, will pay into the general account of the hospital fund, on the subsistence basis of officer patients, except at Army and Navy General Hospital and Fitzsimons General Hospital. (See AR 40–600.[3])

§ 70.8 *Transportation and traveling expenses.* Nurses traveling under orders are entitled to transportation at public expense. The Quartermaster Corps will ordinarily furnish the required transportation in kind or will issue transportation requests upon common carriers for the same. [Par. 14]

§ 70.9 *Leave of absence*—(a) *Annual.* Under the provisions of section 5, Chapter 5, Act of July 9, 1918 (40 Stat. 879–880) nurses are entitled to leave of absence with pay and allowances at the rate of thirty days for each calendar year of service in the corps. The leave year will be reckoned in each case from the date of execution of oath, as it appears on her letter of appointment. A leave credit of 2½ days for each month of completed service and leave with pay under her appointment will be allowed, against which will be charged all absence on leave with pay, except absence on sick leave. Leave credits will not be allowed for periods of absence without pay. Unused leave credits may accumulate to an aggregate not exceeding 120 days. Leave to the amount of accumulated unused leave credits may be granted whenever the exigencies of the service permit. Final leave effective prior to discharge will be granted to the amount of accumulated credits. A leave credit accruing but unused under one appointment may be carried over and become available under a subsequent appointment, provided the service is continuous. (See AR 35–2020.[4])

(b) *Sick leave.* In addition to the ordinary leave hereinbefore referred to, a nurse incapacitated for duty by reason of illness of injury incurred in the line of duty is entitled to sick leave not exceeding 30 days in any one calendar year. (See AR 35–2020.[4])

(c) *Leave without pay.* Under exceptional circumstances a leave of absence without pay and allowances may be granted to a nurse for a period of not exceeding 90 days, if in the opinion of her commanding officer such privilege would not be in conflict with the interests of the service. [Par. 16]

§ 70.10 *Reserve nurses*—(a) *Procurement and appointment.* Nurses for appointment in the grade of Reserve nurse will be selected from the roster of enrolled nurses of the American Red Cross Nursing Service, or any other acceptable source.

(b) *Regulations governing.* The nurse appointed in the Army Nurse Corps in the grade of Reserve nurse becomes subject to all regulations governing Army nurses. [Par. 20]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–9918; Filed, October 5, 1942; 11:36 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Board of Governors of the Federal Reserve System

Part 204—Reserves of Member Banks

AMENDMENT

On October 2, 1942, the Board of Governors of the Federal Reserve System amended § 204.5[5] [Supplement to Regulation D], effective as to each member bank at the opening of business on October 3, 1942. to read as follows:

§ 204.5 *Supplement: Reserves required to be maintained by member banks with Federal Reserve banks.* Pursuant to the provisions of section 19 of the Federal Reserve Act and § 204.2 (a)[6] of this Part, the Board of Governors of the Federal

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[1] Modifies list posted stockyards 9 CFR 204.1

[2] 7 F.R. 801, 2425.

[1] 7 F.R. 11, 1532, 5037.

[1] The regulations in §§ 70.1 to 70.10 are also contained in AR 40–20, August 15, 1942.

[2] Administrative regulations of the War Department relative to physical examination.

[3] Administrative regulations of the War Department relative to general hospitals.

[4] Administrative regulations of the War Department relative to pay of Army nurses.

[5] 7 F.R. 7221.

[6] 7 F.R. 5475.

Reserve System hereby prescribes the following reserve balances which each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve Bank of its district:

6 per cent of its time deposits plus—

14 per cent of its net demand deposits if not in a reserve or central reserve city;

20 per cent of its net demand deposits if in a reserve city, except as to any bank located in an outlying district of a reserve city or in territory added to such city by the extension of the city's corporate limits, which, by the affirmative vote of five members of the Board of Governors of the Federal Reserve System, is permitted to maintain 14 per cent reserves against its net demand deposits;

20 per cent of its net demand deposits if located in a central reserve city, except as to any bank located in an outlying district of a central reserve city or in territory added to such city by the extension of the city's corporate limits, which, by the affirmative vote of five members of the Board of Governors of the Federal Reserve System, is permitted to maintain 14 per cent or 20 per cent reserves against its net demand deposits.

Section 204.5 of this Part which was previously issued is hereby revoked and superseded.

(Sec. 11 (c), (e), (i), 38 Stat. 262, sec. 10, 40 Stat. 239, sec. 4, 40 Stat. 970, sec. 207, 49 Stat. 706, sec. 324, 49 Stat. 714, Public No. 656, 77th Congress; 12 U. S. C. 248 (c), (e), (i), 462, 466, 12 U. S. C., Sup. 462b, 461, 462a1, 465).

Board of Governors of the Federal Reserve System.

[SEAL] S. R. CARPENTER,
Assistant Secretary.

[F. R. Doc. 42-9863; Filed, October 3, 1942; 11:41 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 3—DIGEST OF CEASE AND DESIST ORDERS

[Docket No. 4679]

B. & L. HAT COMPANY

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Composition:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Old, secondhand or reconstructed as new—Old and used as unused or new:* § 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition:* § 3.71 (c) *Neglecting, unfairly or deceptively, to make material disclosure—Old and used as unused or new.* In connection with offer, etc., in commerce, of hats, (1) representing that hats composed in whole or in part of used or second-hand materials are new, or are composed of new materials, by failure to stamp in some conspicuous place on the exposed surface of the inside of the hat, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the hat itself, a statement that said hats are composed of second-hand or used materials; and (2) representing in any manner that hats made in whole or in part from old, used, or second-hand materials are new or are composed of new materials; prohibited, subject to the provision, however, as respects former prohibition, that if substantial bands, placed similarly to sweat bands in men's hats, are attached to said hats, then such statement may be stamped upon the exposed surface of such bands, provided that said stampings are of such nature that they cannot be removed or obliterated without mutilating the band and the band itself cannot be removed without rendering the hat unserviceable; and subject to further provision that no provision of order in question shall be construed as relieving respondents in any respect of the necessity of complying with the requirements of the Wool Products Labeling Act of 1939 and the authorized rules and regulations thereunder. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, B. & L. Hat Company, Docket 4679, September 28, 1942]

In the matter of Ben D. Fogel and Louis Singer, individually and trading as B. & L. Hat Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of September, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents (which admitted the principal allegations of the complaint), testimony and other evidence in further support of the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it (no evidence being offered by respondents), report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondents and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Ben D. Fogel and Louis Singer, individually and trading as B. & L. Hat Company, or trading under any other name, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of hats in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that hats composed in whole or in part of used or second-hand materials are new, or are composed of new materials, by failure to stamp in some conspicuous place on the exposed surface of the inside of the hat, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the hat itself, a statement that said hats are composed of second-hand or used materials: *Provided*, That if substantial bands, placed similarly to sweat bands in men's hats, are attached to said hats, then such statement may be stamped upon the exposed surface of such bands: *Provided further*, That said stampings are of such nature that they cannot be removed or obliterated without mutilating the band and the band itself cannot be removed without rendering the hat unserviceable.

2. Representing in any manner that hats made in whole or in part from old, used, or second-hand materials are new or are composed of new materials.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That no provision in this order shall be construed as relieving respondents in any respect of the necessity of complying with the requirements of the Wool Products Labeling Act of 1939 and the authorized rules and regulations thereunder.

By the Commision.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-9858; Filed, October 3, 1942; 11:48 a. m.]

[Docket No. 4628]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SHERMAN HAT COMPANY

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Composition:* § 3.69 (b) *Misrepresenting oneself and goods—Goods — Old, secondhand or reconstructed as new—Old and used as unused or new:* § 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition:* § 3.71 (c) *Neglecting, unfairly or deceptively, to make material disclosure—Old and used as unused or new.* In connection with offer, etc., in commerce, of hats, (1) representing that hats composed in whole or in part of used or secondhand materials are new or are composed of new materials, by failure to stamp in some conspicuous place on the exposed surface of the inside of the hat, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the hat itself, a statement that said hats are composed of secondhand or used materials; and (2) representing in any manner that hats made in whole or in part from old, used, or secondhand materials are new or are composed of new materials; prohibited, subject to the provision, however, as respects former prohibition, that if substantial bands placed similarly to sweat bands in men's hats are attached to said hats, then such statement may be stamped upon the exposed surface of such bands, provided that said stampings are of such nature that they cannot be removed or obliterated without mutilating the band, and the band itself cannot be removed without rendering the hat unserviceable; and subject to further provision that no provision or order in question shall be construed as relieving respondent in any respect of the necessity of complying with the requirements of the Wool Products Labeling Act of 1939 and the authorized rules and regulations thereunder. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Sherman Hat Company, Docket 4628, September 28. 1942].

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of September, A D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of, and in opposition to, the allegations of the complaint, taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, and brief filed by counsel for the Commission; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent Sherman Hat Company, a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of hats in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that hats composed in whole or in part of used or secondhand materials are new or are composed of new materials, by failure to stamp in some conspicuous place on the exposed surface of the inside of the hat, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the hat itself, a statement that said hats are composed of secondhand or used materials: *Provided*, That if substantial bands placed similarly to sweat bands in men's hats are attached to said hats, then such statement may be stamped upon the exposed surface of such bands: *Provided, further*, That said stampings are of such nature that they cannot be removed or obliterated without mutilating the band, and the band itself cannot be removed without rendering the hat unserviceable;

(2) Representing in any manner that hats made in whole or in part from old, used, or secondhand materials are new or are composed of new materials.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

It is further ordered, That no provision in this order shall be construed as relieving respondent in any respect of the necessity of complying with the requirements of the Wool Products Labeling Act of 1939 and the authorized rules and regulations thereunder.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-9859; Filed, October 3, 1942; 11:48 a. m.]

[Docket No. 4214]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MEMORIAL GRANITE COMPANY, INC.

§ 3.6(r) *Advertising falsely or misleadingly—Prices—Adequacy and additional charges unmentioned:* § 3.6(r) *Advertising falsely or misleadingly—Prices—Comparative.* In connection with offer, etc., in commerce, of tombstones and monuments, and among other things, as in order set forth, representing, directly or by implication, (1) that respondent's products are offered for sale at savings of 30 to 50 percent or at any other savings in excess of the actual savings from prices charged by other manufacturers or dealers for products of like quality and design; and (2) that the cost of erection is included in the price of a monument or tombstone when the purchaser is required to provide for and pay the cost of the foundation for such tombstone or monument; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Memorial Granite Company, Inc., Docket 4214, September 28, 1942].

§ 3.6(a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Plant and equipment.* In connection with offer, etc., in commerce, of tombstones and monuments, and among other things, as in order set forth, using pictorial representations or composite pictures, in advertising or in any other manner, which inaccurately portray or misrepresent the size or appearance of respondent's place of business; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Memorial Granite Company, Inc., Docket 4214, September 28 1942].

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of September, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of, and in opposition to, the allegations of the complaint, taken before trial examiners of the Commission theretofore duly designated by it, report of the trial examiners upon the evidence and brief filed by counsel for the Commission; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Memorial Granite Company, Inc., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of tombstones and monuments in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by implication, that respondent's products are offered for sale at savings of 30 to 50 percent or at any other savings in excess of the actual savings from prices charged by other manufacturers or dealers for products of like quality and design;

(2) Representing, directly or by implication, that the cost of erection is included in the price of a monument or tombstone when the purchaser is required to provide for and pay the cost of the foundation for such tombstone or monument;

(3) The use of pictorial representations or composite pictures, in advertising or in any other manner, which inaccurately portray or misrepresent the size or appearance of respondent's place of business.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] Otis B. Johnson,
Secretary.

[F. R. Doc. 42-9860; Filed, October 3, 1942; 11:49 a. m.]

[Docket No. 3596]

Part 3—Digest of Cease and Desist Orders

THE R. L. WATKINS COMPANY

§ 3.6 (a 10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* In connection with offer etc., of respondent's "Dr. Lyon's Tooth Powder", or any other similar product, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's said tooth powder, which advertisements (1) contain the statement "Do As Your Dentist Does—Use Powder", or any other statement of similar import; or which advertisements otherwise represent, directly or by implication, that respondent's product is similar to or comparable with the powder used by dentists; (2) represent, directly or by implication, that respondent's product is an effective antacid or that it will correct "acid mouth"; and (3) represent, directly or by implication, that respondent's product is free from all grit or that it cannot injure or scratch the tooth enamel; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, The R. L. Watkins Company, Docket 3596, September 28, 1942].

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of September, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, original and supplemental reports of the trial examiner upon the evidence and the exceptions of such reports, briefs in support of and in opposition to the complaint, and oral argument, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, The R. L. Watkins Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of respondent's product designated "Dr. Lyon's Tooth Powder", or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement:

(a) Contains the statement "Do As Your Dentist Does—Use Powder," or any other statement of similar import; or which advertisement otherwise represents, directly or by implication, that respondent's product is similar to or comparable with the powder used by dentists;

(b) Represents, directly or by implication, that respondent's product is an effective antacid or that it will correct "acid mouth";

(c) Represents, directly or by implication, that respondent's product is free from all grit or that it cannot injure or scratch the tooth enamel.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's product, which advertisement contains any representation prohibited in paragraph 1 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] Otis B. Johnson,
Secretary.

[F. R. Doc. 42-9861; Filed, October 3, 1942; 11:49 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

Part 260—General Rules and Regulations, Trust Indenture Act of 1939

CALCULATION OF EFFECTIVE DATE OF AN APPLICATION FOR QUALIFICATION UNDER THE ACT

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Trust Indenture Act of 1939, particularly sections 307 and 319 thereof, and finding such action appropriate in the public interest and for the protection of investors, and necessary to carry out the provisions of the Act, hereby amends paragraph (b) of Rule T-7A-4 to read as follows:

§ 260.7a-4 *Calculation of time.* * * *

(b) The twentieth day shall be deemed to begin at the expiration of nineteen periods of twenty-four hours each from 5:30 P. M., Eastern Standard War Time, on the date of filing.

Effective October 3, 1942.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 42-9852; Filed, October 3, 1942; 10:57 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1482]

Part 325—Minimum Price Schedule, District No. 5

REVISION OF SIZE GROUP CLASSIFICATIONS

Findings of fact, conclusions of law and memorandum opinion and order in the matter of the petition of District Board No. 5 for revision of size group classifications for mines in District No. 5.

This proceeding was instituted upon the petition of District Board No. 5, filed with the Bituminous Coal Division on June 2, 1942, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requested the reduction in the number of size group classifications established for coal produced for rail and truck shipments in District No. 5. Petition of intention was filed by the Consumers' Counsel on July 18, 1942.

After due notice to interested persons, a hearing in this matter was held on July 23, 1942, before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered by the petitioner and Consumers' Counsel. Preparation and filing of a report by the Examiner was waived and the record was thereupon submitted to the undersigned.

This proceeding was instituted by District Board No. 5 to effect the deletion of size group classifications Nos. 3, 6, 8, 10, 13, 15, 16, 18 and 19 from the Effective Minimum Price Schedules for District No. 5 For All Shipments Except Truck and For Truck Shipments.

There were 14 mines operating in District No. 5 when nineteen size group classifications and minimum prices were established in General Docket No. 15. At the present time there are only 9 mines operating in District No. 5, and none of these mines is using screens to prepare coal in Size Groups Nos. 3, 6, 8, 10, 13, 15, 16, 18 and 19. W. E. Pippin, Secretary of District Board No. 5, testified that 19 size group classifications and prices in a district in which there are but 9 mines cause much confusion in the supervision of minimum prices for District No. 5. The District Board, therefore, proposes to delete from the schedules of minimum prices all the size group classifications which are not now applicable to coals prepared in District No. 5 at the present time. It is the District Board's intention that these classifications be deleted from both the truck and rail schedules, since the classification in the two schedules correspond in every respect. It is further proposed that after deleting nine size groups and their corresponding minimum prices, the remaining minimum prices will continue to be the same except that the size group members will be changed as follows: No. 1 will be the same; No. 2 will be the same; No. 3 will be old No. 4; No. 4 will be old No. 5; No. 5 will be old No. 7; No. 6 will be old No. 9; No. 7 will be old No. 11; No. 8 will be old No. 12; No. 9 will be old No. 14; No. 10 will be old No. 17.

The deletion of certain size groups will not, however, disenable producers from making any of those sizes. In the event a mine should in the future produce coal of a size falling between any of these 10 proposed classifications, Price Instruction 5 in the Effective Minimum Price Schedule for All Shipments Except Truck will apply if the coal moves by rail; and Prices Instruction 4 in the Effective Minimum Price Schedule for Truck Shipments will apply if the coal moves by truck. These price instructions are exactly alike, reading as follows:

> If the maximum top or bottom size of any size of coal exceeds that listed for a particular size group, then such coal must be included in the size group for the next larger size for the same mine and priced accordingly.
>
> If any size coal falls within a size group for which no price is listed, such size shall be priced at the price and classification applicable to the size group for the next larger size for which a price is listed for the same mine.

District Board No. 5 did not petition for a change in the description of the size groups, but W. E. Pippin, Secretary of the District Board, testified that they would be agreeable to a change in these descriptions so long as there remained a sharp delineation between the various size groups so that there could be no question into which size group a particular size coal will fall. Pippin testified that the District Board had anticipated that the key size numbers would necessarily have to be changed.

O. R. Bell appeared in behalf of the Consumers' Counsel and stated that the Consumers' Counsel approved wholeheartedly of the petition of District Board No. 5 for the reduction of the number of size groups in District No. 5,

On the basis of the uncontroverted evidence, I find that the deletion of Size Group Classifications Nos. 3, 6, 8, 10, 13, 15, 16, 18 and 19, as requested by District Board No. 5, will simplify the operation of the effective minimum price schedules for District No. 5. The reduction of the number of size group classifications in the effective minimum price schedules, I find, will require changes in the descriptions of the size groups and of the key size numbers. The key size numbers and the key size pages, will necessarily have to be rearranged.[1] These proposed amendments to the Effective Minimum Price Schedules for District No. 5 will effectuate the purposes of section 4 II (a) and (b) of the Act and will comply in all respects with the standards thereof.

Now, therefore, it is ordered, That § 325.1 (*Price instructions and exceptions*) is amended by substituting thereto Amendment R-I, § 325.2 (*Size group table*) is amended by substituting thereto Amendment R-II, § 325.3 (*Description of sizes by key size number*) is amended by substituting thereto Amendment R-III, § 325.4 (*Key sizes and commercial size groups for all coal*) is amended by substituting thereto Amendment R-IV, § 325.5 (*Alphabetical list of code members*) is amended by substituting thereto Amendment R-V, § 325.6 (*General prices*) is amended by substituting thereto Amendment R-VI, § 325.7 (*Special prices—Railroad fuel prices*) is amended by substituting thereto Amendment R-VII, § 325.21 (*Price instructions and exceptions*) is amended by substituting thereto Amendment T-I, § 325.22 (*Size group table*) is amended by substituting thereto Amendment T-II, and § 325.23 (*General prices; shipment by truck into all market areas*) is amended by substituting thereto Amendment T-III, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: September 22, 1942.

[SEAL] Dan H. Wheeler,
Director.

Amendment to Minimum Price Schedule District No. 5

Note: The material contained in this amendment is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 325, Minimum Price Schedule for District No. 5 and supplements thereto.

SUBPART A—ALL SHIPMENTS EXCEPT TRUCK

Sec.
325.1 Price instructions and exceptions.
325.2 Size group table.
325.3 Description of sizes by key size numbers.
325.4 Key size and commercial size groups for all coal.
325.5 Alphabetical list of code members showing price classification by size group numbers.
325.6 General prices; prices for shipments into market areas 20 and 21.
325.7 Special prices; railroad fuel prices—all rail shipments.

SUBPART B—TRUCK SHIPMENTS

Sec.
325.21 Price instructions and exceptions.
325.22 Size group table.
325.23 Prices for truck shipments into all market areas.

SUBPART A—ALL SHIPMENTS EXCEPT TRUCK

[Amendment R-I]

§ 325.1 *Price instructions and exceptions*—(a) *Price instructions.* (1) Prices listed herein are minimum prices in cents per net ton of 2,000 pounds free on board transportation facilities at the mines.

(2) Prices listed herein are subject to effective marketing rules and regulations established pursuant to section 4, Part II of the Bituminous Coal Act of 1937; to maximum discounts that may be made to distributors, prescribed pursuant to section 4, Part II (h) of said Act; and to rules and regulations for the registration of distributors and bona-fide and legitimate farmers' cooperative organizations.

(3) In the sale of coal to destinations outside the boundary of the United States, prices listed herein are for payment in United States funds.

(4) All size designations are for round-hole screens except Size Group No. 10 which is for screens with square-hole openings. When other types of screens are used, the producer shall observe, for the sizes which he produces, the prices listed for the equivalent sizes produced by use of round-hole screens, as determined by the test prescribed by A. S. T. M. designation D-410-38. If the percentage of oversize exceeds five per cent, the price

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[1] Because of these many changes, it was deemed desirable to issue a new schedule for District No. 5.

for the next larger size group classification for that mine shall apply.

(5) If the maximum top or bottom size of any size of coal exceeds that listed for a particular size group, then such coal must be included in the size group for the next larger size for the same mine and priced accordingly.

If any size of coal falls within a size group for which no price is listed, such size shall be priced at the price and classification applicable to the size group for the next larger size for which a price is listed for the same mine.

(6) The prices listed herein for shipment via rail transportation apply also for shipment via all other methods of transportation except truck or wagon.

(7) The market areas to which reference is made in this schedule are those which are numerically designated and geographically described in the "Schedule of common consuming market areas, established in connection with the effective minimum prices pursuant to section 4, Part II of the Bituminous Coal Act of 1937."

(8) Railway fuel prices listed herein shall not be used in the sale of coal to railways other than those recognized as common carriers by the Interstate Commerce Commission or by the Canadian Railways Commission.

(9) No code member shall evade or violate any of the price provisions of the Act, or any of the prices herein provided, by or through the use of docks or other storage facilities or transportation facilities, or by or through the use of subsidiaries, affiliated sales or transportation companies or other intermediaries or instrumentalities, or by or through the absorption directly or indirectly, of any transportation or incidental charge of whatsoever kind or character, or any part thereof.

Where coal is sold by a code member f. o. b. a point other than transportation facilities at the mine, there shall be added to the applicable minimum f. o. b. mine price provided in this schedule an amount at least equal, as nearly as practicable, to the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operation), from the transportation facilities at the mine to the point from which all such charges are assumed and directly paid by the purchaser. When the transportation, handling, or incidental transaction is not an arm's length transaction (for example, when transportation, dock or other facilities are either owned or controlled by the code member or its affiliates), the charge which shall be added shall be not less than the estimated actual cost of such transactions, arrived at in good faith in a reasonable manner: *Provided, however,* That code members may make application to the Director of the Bituminous Coal Division for permission to add to the f. o. b. mine price a sum less than the estimated actual cost of such transactions, upon a showing that such is necessary to preserve existing fair competitive opportunities.

Doubtful situations, concerning the application of this instruction to particular transactions, may be referred to the Director for a ruling.

(10) Various parts of this schedule contain special notes, instructions and exceptions, applicable to specified situations. Such special notes, instructions and exceptions are in addition to the general price instructions and price exceptions listed herein. In the event of any inconsistency between such special notes, instructions and exceptions, and the general price instructions and price exceptions, the special notes, instructions and exceptions shall control.

(11) In the event any price instruction, price exception, or any other provision of this schedule is inconsistent with any provision of any order, rule or regulation of the National Bituminous Coal Commission or the Bituminous Coal Division issued prior to the effective-date of this schedule, the price instructions and exceptions and provisions of this schedule shall control.

(b) *Price exceptions.* (1) Minimum prices for any sale of coal which, under section 3 (e) of the Bituminous Coal Act of 1937 or other provision of law, is exempt from the tax of one cent per net ton levied by section 3 (a) of such Act, shall be one cent per net ton less than that otherwise applicable under this schedule.

(2) When lump or double screened coal is subjected to any chemical, oil or waxing process for allaying dust, the prices listed in this schedule for such coal shall be increased 10 cents per net ton.

(3) Prices listed herein for all sizes above ¼" x 0 raw screenings shall be increased 25 cents per net ton when such sizes are washed or mechanically cleaned.

(4) Prices listed herein for ¼" x 0 or smaller screenings shall be increased 75 cents per net ton when such sizes are washed or mechanically cleaned.

[Amendment R-II]

§ 325.2 *Size group table*

Size group Nos.	General description	Key size Nos. applicable
1	Lump coal larger than 4"	1 and 2.
2	Lump coal bottom size larger than 2" but not exceeding 4".	3 and 4.
3	Lump coal bottom size 2" and smaller	5, 6, and 7.
4	Double screened coal with a top size larger than 4" and a bottom size larger than 2" but not exceeding 3".	18.
5	Double screened coal with a top size larger than 3" but not exceeding 4" and bottom size larger than 1¼" but not exceeding 2".	23 and 28.
6	Double screened coal bottom size 1¼" and smaller and top size larger than 2" but not exceeding 3"	29.
7	Stoker or double screened coal top size 1¼" and smaller, and bottom size ¼" and larger.	31 32, 33.
8	Straight run of mine coal, altered run of mine, and resultants larger than 2" x 0.	41 to 43, Inc.
9	Screenings larger than ¼" x 0, but not exceeding 2" x 0.	53 to 57, Inc
10	Raw screenings ¼" x 0 and smaller	70, 71, 72.

[Amendment R-III]

§ 325.3 *Description of sizes by key size number*

LUMP OR BLOCK COALS

Key size No.	Bottom size description	Included in size group No.
1	Larger than 5"	1
2	Larger than 4" but not exceeding 5"	1
3	Larger than 3" but not exceeding 4"	2
4	Larger than 2" but not exceeding 3"	2
5	Larger than 1¼" but not exceeding 2"	3
6	Larger than ¾" but not exceeding 1¼"	3
7	¾" or smaller	3

DOUBLE SCREENED COALS

Key size No.	Top size description	Bottom size description	Included in size group No.
*10	Not used in District No. 5		
*11	Not used in District No. 5		
*12	Not used in District No. 5		
*13	Not used in District No. 5		
*14	Not used in District No. 5		
*15	Not used in District No. 5		
*16	Not used in District No. 5		
*17	Not used in District No. 5		
18	Larger than 4"	Larger than 2" but not exceeding 3"	4
*19	Not used in District No. 5		
*20	Not used in District No. 5		
*21	Not used in District No. 5		
*22	Not used in District No. 5		
23	Larger than 3" but not exceeding 4"	Larger than 1¼" but not over 2"	5
*24	Not used in District No. 5		
*25	Not used in District No. 5		
*26	Not used in District No. 5		
*27	Not used in District No. 5		
28	Larger than 3" but not exceeding 4"	1¼" and smaller	5
29	Larger than 2" but not exceeding 3"	1¼" and smaller	6
*30	Not used in District No. 5		
31	Larger than ¾" but not exceeding 1¼"	Smaller than 1¼"	7
32	Larger than ⅜" but not exceeding ¾"	Smaller than 1¾"	7
33	⅜" and smaller	Smaller than ⅜"	7

§ 325.3 *Description of sizes by key size number*—Continued

RUN OF MINE COALS

Key size No.		Included in size group No.
*40	Not used in District No. 5	
41	Straight Run of Mine	
42	Altered Run of Mine—Straight Run of Mine from which any intermediate size has been removed but no coal smaller than ⅜" shall be removed	8
43	Resultant Run of Mine—Straight Resultant Run of Mine larger than 2" x 0	8
*44	Not used in District No. 5	8
*45	Not used in District No. 5	

SCREENINGS—SLACK

Key size No.		Included in size group No.
*50	Not used in District No. 5	
*51	Not used in District No. 5	
*52	Not used in District No. 5	
53	Screenings—Larger than 1¼" x 0 but not exceeding 2" x 0	9
54	Screenings—Larger than 1" x 0 but not exceeding 1¼" x 0	9
55	Screenings—Larger than ¾" x 0 but not exceeding 1" x 0	9
56	Screenings—Larger than ⅜" x 0 but not exceeding ¾" x 0	9
57	Screenings—Larger than ¼" x 0 but not exceeding ⅜" x 0	9

DEDUSTED SCREENINGS

Key size No.		Included in size group No.
*60	Not used in District No. 5	
*61	Not used in District No. 5	
*62	Not used in District No. 5	
70	Raw screenings top size larger than ⅛" but not exceeding ¼" through square hole openings	10
71	Raw screenings top size larger than 1/16" but not exceeding ⅛" through square hole openings	10
72	Raw screenings, 1/16" x 0 and smaller through square hole openings	10

[Amendment R-IV]

§ 325.4 *Key sizes and commercial size groups for all coal.*

Lumps:	Key size
Over 4	1–2
4, 3½	3–4
2, 1¾, 1½	5
1¼, 1, ⅞	6
¾, ⅝, ½, ⅜, ¼	7

COMMERCIAL SIZE GROUPS FOR ALL USES

Size group:	Key sizes
1	1 and 2.
2	3 and 4.
3	5, 6, and 7.
4	18.
5	23 and 28.
6	29.
7	31, 32, and 33.
8	41 to 43, inc.
9	53 to 57, inc.
10	70, 71, and 72.

DOUBLE SCREENED COALS

Bottom size	Top or largest size: ⅜	½	⅝	¾	⅞	1	1¼	1½	1¾	2	2½	3	3½	4	Over 4
¼	33	32	32	32	31	31	31				29	29	28	28	
⅜		32	32	32	31	31	31				29	29	28	28	
½			32	32	31	31	31				29	29	28	28	
⅝				32	31	31	31				29	29	28	28	
¾					31	31	31				29	29	28	28	
⅞						31	31				29	29	28	28	
1							31				29	29	28	28	
1¼											29	29	28	28	
1½													23	23	
1¾													23	23	
2													23	23	
2½															18
3															18

SCREENINGS

Size group:	Key size
9	53 to 57.
10	70, 71, and 72.

Run of mine	Key size
Straight run of mine	41
Altered run of mine—Straight run of mine coal from which any intermediate size has been removed; but no coal smaller than ⅜" shall be removed	42
Resultant run of mine and altered run of mine—Larger than 2" x 0; but no coal smaller than ⅜" shall be removed	43

NOTE: Key Size Numbers 8 to 17, Inc., 19 to 22, Inc., 24 to 27, Inc., 30, 40, 44, 45, 50, 51, 52, 60, 61, 62, not used in District No. 5.

[Amendment R-V]

§ 325.5 *Alphabetical list of code members*

[Alphabetical list of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Type	Freight origin group Nos.	Price classifications by size group No.— 1	2	3	4	5	6	7	8	9	10
1	Consolidated Coal Company	Crapo		Mich	Deep	10	A	A	A	A	A	A	A	A	A	A
2	Robert Gage Coal Company	Robert Gage No. 10 (Big Chief)		Mich	Deep	20	A	A	A	A	A	A	A	A	A	A
3	St. Charles Garfield Coal Company	St. Charles Garfield Coal Mine		Mich	Deep	30	A	A	A	A	A	A	A	A	A	A

[Amendment R-VI]

§ 325.6 *General prices*

[Prices for all rail shipment from mines indexed below into market areas as shown. Subject to price instructions and exceptions, § 325.1]

I or shipment into market area 20			Prices in cents per net-ton by size group Nos.									
Freight origin group districts	Freight origin group Nos.	Mine Index Nos.	1	2	3	4		6	7	8	9	10
Brent Creek	10—GT	1—Crapo	460	455	430	420	405	385	310	355	300	150
Unionville	20—PM	2—Robert Gage No. 10 (Big Chief).	460	455	430	420	405	385	310	355	300	150
St. Charles	30—MC	3—Garfield	460	455	420	420	405	385	310	35.	300	150

Market area No. 20—Specific price adjustments. Railroad switching charges may be absorbed by the code members from District No. 5 on shipments as follows: On shipments originating on one railroad and tendered to a connecting railroad at Bay City, Michigan, or Saginaw, Michigan, for delivery within the switching limits of these towns, the code member may absorb the switching charge of the delivering railroad up to, but not exceeding, the current charge in effect as per tariffs on file with the Michigan Public Utilities Commission and the Interstate Commerce Commission. The present charge for the switching movement is $8.16 per car.

For shipment into market area No. 21. The Effective Minimum Price shall be the above prices plus 35 cents in all size groups.

NOTE.—The above listed prices shall be *increased* 25 cents per net ton when any size except, coals in Size Group No. 10, is washed or otherwise mechanically cleaned. When coals in Size Group No. 10 are washed or mechanically cleaned, the above prices shall be *increased* 75 cents.

[Amendment R-VII]

§ 325.7 *Special prices; railroad fuel prices.*

[Railroad fuel prices for any size coal from all mines]

For shipment to railroads as shown—Name of railroad	*Prices in cents per net ton*
Grand Trunk Railway System	[1] 355
New York Central System—on line (Michigan Central Railroad)	[1] 355
New York Central System—off line	[1] 335
Pere Marquette Railway Co.	[1] 355
For all railroads not shown	[1] 355

SUBPART B—TRUCK SHIPMENTS

[Amendment T-I]

§ 325.21 *Price instructions and exceptions.* (a) *Price instructions.* (1) Prices listed herein are minimum prices in cents per net ton of 2,000 pounds free on board transportation facilities at the mines.

(2) Prices listed herein are subject to effective marketing rules and regulations established pursuant to section 4, Part II of the Bituminous Coal Act of 1937; to maximum discounts that may be made to distributors, prescribed pursuant to section 4, Part II (h) of said Act; and to rules and regulations for the registration of distributors and bona-fide and legitimate farmers' cooperative organizations.

(3) Size designations listed herein are predicated on the use of round hole screens except Size Group No. 10, which is predicated on the use of square hole screens. When other types of screens are used, the producer shall observe for the sizes which he produces the prices listed for equivalent sizes produced by use of round hole screens. The District Board, with the approval of the Bituminous Coal Division, upon petition of the Producer or upon its own motion will determine the appropriate size designations of the coal produced.

(4) If the maximum top or bottom size of any size of coal exceeds that listed for a particular size group, then such coal must be included in the size group for the next larger size for the same mine and priced accordingly.

If any size of coal falls within a size group for which no price is listed, such size shall be priced at the price and classification applicable to the size group for the next larger size for which a price is listed for the same mine.

(5) The market areas to which reference is made in this schedule are those which are numerically designated and geographically described in the "Schedule of common consuming market areas, established in connection with the effective minimum prices, pursuant to section 4, Part II of the Bituminous Coal Act of 1937".

(6) No code member shall evade or violate any of the price provisions of the Act, or any of the prices herein provided, by or through the use of docks or other storage facilities or transportation facilities, or by or through the use of subsidiaries, affiliated sales or transportation companies or other intermediaries or instrumentalities, or by or through the absorption directly or indirectly, of any transportation or incidental charge of whatsoever kind or character, or any part thereof.

Where coal is sold by a code member f. o. b. a point other than transportation facilities at the mine, there shall be added to the applicable minimum f. o. b. mine price provided in this schedule an amount at least equal, as nearly as practicable, to the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operation), from the transportation facilities at the mine to the point from which all such charges are assumed and directly paid by the purchaser. When the transportation, handling, or incidental transaction is not an arm's length transaction (for example, when transportation, dock or other facilities are either owned or controlled by the code member or its affiliates), the charge which shall be added shall be not less than the estimated actual cost of such transactions, arrived at in good faith in a reasonable manner: *Provided, however,* That code members may make application to the Director of the Bituminous Coal Division for permission to add to the f. o. b. mine price a sum less than the estimated actual cost of such transactions, upon a showing that such is necessary to preserve existing fair competitive opportunities. Doubtful situations, concerning the application of this instruction to particular transactions, may be referred to the Director for a ruling.

(b) *Price exceptions.* (1) Minimum prices for any sale of coal, which under section 3 (e) of the Bituminous Coal Act of 1937 or other provision of law, is exempt from the tax of one cent per net ton levied by section 3 (a) of such Act, shall be one cent per net ton less than that otherwise applicable under this schedule.

(2) When lump or double screened coal is subjected to any chemical, oil or waxing process for allaying dust, the prices listed in this schedule for such coal shall be increased 10 cents per net ton.

(3) Prices listed herein for all sizes above ¼″ raw screenings shall be increased 25 cent per net ton when such sizes are washed or mechanically cleaned.

(4) Prices listed herein for ¼″ x 0 raw screenings shall be increased 75 cents per net ton when such sizes are washed or mechanically cleaned.

[Amendment T-II]

§ 325.22 *Size group table*

Size group Nos.	*General description*
1	Lump coal larger than 4″.
2	Lump coal bottom size larger than 2″ but not exceeding 4″.
3	Lump coal bottom size 2″ and smaller.
4	Double screened coal with a top size larger than 4″ and a bottom size larger than 2″ but not exceeding 4″.
5	Double screened coal with a top size larger than 2″ but not exceeding 3″, and bottom size larger than 1¼″ but not exceeding 2″.
6	Double screened coal bottom size 1¼″ and smaller and top size larger than 2″ but not exceeding 3″.
7	Stoker or double screen coal top size 1¼″ and smaller and bottom size ¼″ and larger.
8	Straight run of mine coal, altered run of mine, and resultants larger than 2″ x 0.
9	Screenings larger than 1¼″ x 0 but not sxceeding 2″ x 0.
10	Raw screenings ¼″ x 0 and smaller.

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[1] Subject to price instructions and exceptions, § 325.1.

[Amendment T-III]

§ 325.23 *General prices; shipment by truck into all market areas*

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	County	Mine index No.	Seam	Lump larger than 4″	Lump 4″	Lump 2″ and smaller	5″ x 3″ egg	4″ x 2″ egg	3″ x 1¼″ stove	1¼″ x ¼″ stoker	Mine run	N-P-S 2″ x 0	(R) ¼″ x 0 screenings
					1	2	3	4	5	6	7	8	9	10
Aurora Cooperative Mining Company, The (John Milano).	Aurora	Saginaw	4	Michigan	460	455	430	420	405	385	310	355	300	150
Chippewa Coal Company	Chippewa	Saginaw	5	Michigan	460	455	430	420	405	385	310	355	300	150
Consolidated Coal Company	Crapo	Shiawassee	1	Michigan	460	455	430	420	405	385	310	355	300	150
Goodrich, Guy	Goodrich	Eaton	100	Michigan	460	455	430	420	405	385	310	355	300	150
Jones Coal Mining Company, The	Jones	Shiawassee	103	Michigan	460	455	430	420	405	385	310	355	300	150
Monitor Coal Mining Company	Monitor	Bay	6	Michigan	460	455	430	420	405	385	310	355	300	150
New Michigan Coal Mining Company	New Michigan	Bay	7	Michigan	460	455	430	420	405	385	310	355	300	150
Robert Gage Coal Company	Big Chief (R. Gage #10)	Tuscola	2	Michigan	460	455	430	420	405	385	310	355	300	150
Saginaw Mining Company	Janes Street	Saginaw	8	Michigan	460	455	430	420	405	385	310	355	300	150
St. Charles Chesaning Coal Company	St. Charles Chesaning	Saginaw	9	Michigan	460	455	430	420	405	385	310	355	300	150
St. Charles Garfield Coal Company	St. Charles Garfield	Saginaw	3	Michigan	460	455	430	420	405	385	310	355	300	150
Sebewaing Coal Mining Co. c/o Wm. H. Roese	Sebewaing	Huron	101	Michigan	460	455	430	420	405	385	310	355	300	150
Swan Creek Mining Company c/o John Milano	Swan Creek	Saginaw	104	Michigan	460	455	430	420	405	385	310	355	300	150
Tri Party Coal Mining Company	Tri Party	Shiawassee	10	Michigan	460	455	430	420	405	385	310	355	300	150

NOTE: The above listed prices shall be *increased* 25 cents per net ton when any size except, coals in Size Group No. 10, is washed or otherwise mechanically cleaned.

When coals in Size Group No. 10 are washed or mechanically cleaned, the above prices shall be *increased* 75 cents.

When coal is shipped by truck into Market Area No. 21 from any mine in District No. 5, the above prices may be reduced 35 cents per net ton, provided the delivery to the destination into Market Area No. 21 is under the control of the producer.

[F. R. Doc. 42-9817; Filed, October 2, 1942; 10:14 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 927—NICKEL

[Conservation Order M–6–b, as Amended October 3, 1942]

Section 927.3, *Conservation Order M–6–b*, is hereby amended to read as follows:

§ 927.3 *Conservation Order M–6–b, as amended October 3, 1942*—(a) *Prohibited uses of nickel.* No nickel shall be used in the manufacture of any item (or part therefor, including repair parts) on List A attached to this order.

(b) *Restricted uses of nickel.* Nickel may be used in the manufacture of articles omitted from List A, or for purposes specified on List A as being exempt from its prohibitions, only as follows:

(1) By any person to the extent that nickel is or may have been allocated to him for such purpose by the Director General for Operations, but subject to any specific directions issued with respect to the material so allocated;

(2) By any person with the specific permission of the Director General for Operations, regardless of whether or not the nickel to be used was allocated to such person by the Director General for Operations;

(3) If the nickel to be used is in the form of nickel scrap or secondary nickel as respectively defined in Supplementary Order M–6–c as the same may be from time to time amended, by any person to the extent permitted by the provisions of paragraph (c) (2) of said supplementary order.

(c) *Exceptions.* The prohibitions and restrictions contained in paragraphs (a) and (b) of this order shall not apply to the use of nickel in the manufacture of:

(1) "Implements of war," as defined in this order, which are being produced for the Army or the Navy of the United States, the United States Maritime Commission, the War Shipping Administration or for any foreign government pursuant to the act approved March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), where the use of nickel to the extent employed is required by the latest issue of government specifications (including performance specifications, unless otherwise directed by the Director General for Operations) applicable to the contract, subcontract or purchase order; or

(2) Such other articles or products being produced for any of the foregoing services, agencies or foreign governments, as may be from time to time approved and designated by the Director General for Operations by means of supplementary orders or specific directions pursuant to certification to him by the Army and Navy Munitions Board that the use of nickel as required by the pertinent government specifications (including performance specifications) for the particular article, is essential to the successful prosecution of the war. Any person who uses nickel in order to meet performance specifications in the manufacture of any article or product covered by subparagraph (1) or (2) of this paragraph (c) shall furnish such information with respect to such article or product and the specifications applicable thereto, as may be from time to time requested by the War Production Board.

(d) *Prohibitions against sales or deliveries.* No person shall hereafter sell or deliver nickel to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this order.

(e) *Limitation of inventories.* No manufacturer shall receive delivery of nickel (including scrap) or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, nor shall he put into process any nickel in the form of raw material, in quantities which in either case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of nickel products by this order.

(f) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Appeals.* Any person whose business is affected by this Order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of nickel conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense work to defense work, may appeal to the War Production Board by letter or on such form as the Ferro-Alloys Branch of the War Production Board may prescribe, reference: M–6–b, setting forth the pertinent facts, including a statement of such person's inventory of nickel, his production and employment, together with the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(3) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all items or articles hereafter manufactured irrespective of whether such items or articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other order of the Director General for Operations may have the effect of limiting or curtailing to a greater extent than herein provided the use of nickel in the production of any item or article, the limitations of such other order shall be observed.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Definitions.* For the purposes of this order:

(1) "Nickel" means any metallic nickel, either primary or produced from or contained in scrap; nickel matte, or any non-ferrous alloy when nickel has been specified or added to produce a desired alloying effect. It also includes nickel salts, oxides and carbonates, and special-purpose alloys such as those for heat or corrosion resistance or electrical use. It does not include such steel and iron alloys as are covered by Supplementary Order M–21–a.

(2) "Manufacture" means to fabricate, assemble, melt, cast, extrude, roll, turn, spin, coat, produce, or process in any other way, but does not include installations of a finished product for the ultimate consumer on the consumer's premises.

(3) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(4) "Use" means both (1) the act of putting nickel into process in the manufacture of any item and (2) the act of completing the manufacture of any such item.

(5) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(6) "Implements of war" means combat end-products, complete for tactical operations (including but not limited to, aircraft, ammunition, armament, weapons, ships, tanks and military vehicles), and any parts, assemblies, and materials to be incorporated in any of the foregoing items. This term does not include facilities or equipment used to manufacture the foregoing items.

(h) *Communications to War Production Board.* All reports to be filed hereunder, appeals and other communications concerning this order, shall, unless otherwise directed, be addressed to the Ferro-Alloys Branch, War Production Board, Washington, D. C., Reference: M–6–b.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of October 1942.

ERNEST KANZLER,
Director General for Operations.

LIST A OF CONSERVATION ORDER M–6–B, AS AMENDED

The use of nickel in the items classified below and in all component parts thereof is prohibited except to the extent permitted by the foregoing conservation order, or as specified on this list.

Transportation equipment.[1]

Building supplies, hardware, and ornamental metal work.

Plumbing, heating, and air conditioning supplies, and domestic and institutional appliances and equipment (excluding valve seats, pressure, thermostatic and vacuum controls and safety devices, and further excluding domestic and commercial electrical appliances and domestic ranges and parts therefor, to the extent of resistance material allocated on Form PD–556 from reserves held under the provisions of Order L–65).

Clothing accessories.

Furnishings and furniture (domestic, office and institutional).

Commercial and industrial appliances and equipment and parts thereof.[1]

Jewelry, toilet articles, accessories, souvenirs, novelties, games, toys, art objects, and musical instruments.

Plating.[1]

Containers of all types.[1]

Branding, marking and labeling devices.

Fire fighting apparatus and equipment.[1]

Lighting equipment.[1]

Non-operating or decorative uses or parts of installations and mechanical equipment, including frames, bases, standards and supports.

Photographic and art equipment and supplies.

Sporting goods and pleasure boat fittings and hardware.

Saddlery and harness hardware and fittings.

[F. R. Doc. 42-9879; Filed, October 3, 1942; 11:55 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 3 as Amended October 3, 1942]

ESTABLISHING A UNIFORM METHOD OF APPLICATION AND EXTENSION OF PREFERENCE RATINGS

Section 944.23, *Priorities Regulation No. 3*,[2] is hereby amended to read as follows:

§ 944.23 *Priorities Regulation No. 3*—(a) *Definitions.* For the purposes of this regulation:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(3) "Assignment" of a preference rating means the granting to any person, by order or certificate issued by or under the authority of the Director General for Operations, of the right to use such rating.

(4) "Application" of a preference rating means the use of the rating by the person to whom it is initially assigned by or under the authority of the Director General for Operations, and includes the initial issuance by any governmental agency, under authority of the Director General for Operations, of a preference rating certificate rating a delivery to be made directly to such agency.

(5) "Extension" of a preference rating means the use of the rating by any person to whom it is applied or extended by another person.

(b) *General provisions.* (1) Except to the extent otherwise provided in Priorities Regulation No. 11 (§ 944.32) with respect to persons required to qualify under the production requirements plan, any person may apply a preference rating assigned to him by any preference rating certificate or preference rating order issued to him in his name or as one of a class, and any person may extend any rating which has been applied or extended to deliveries to be made by him, subject to the provisions of this regulation.

(2) Preference ratings may be applied by the person to whom they are assigned only to the specific quantities and kinds of material authorized, or to the minimum required amounts or material when no specific quantities are authorized. Ratings which have been applied or extended by others to deliveries to be made by a person may, subject to the provisions of this Regulation, be extended by such person in order to obtain not more than the same amount and kind of material (except as specified in paragraph (c) (2) of this regulation) which he has delivered or is required to deliver pursuant to such ratings.

(3) No person shall duplicate, in whole or in part, purchase orders which he has placed with one or more suppliers for delivery of material to which he has applied or extended a rating, in such manner that the amount of the material ordered exceeds the amount to which he is authorized to apply or extend the rating, even though he intends to cancel or reduce his purchase orders to the authorized amount prior to completion of delivery.

(c) *Extension of ratings.* The following provisions shall be applicable to all extensions of preference ratings notwithstanding any inconsistent provisions of the preference rating certificate or preference rating order assigning the rating. No preference ratings may be extended to the delivery of any material *except:*

(1) Material which will itself be delivered by the person extending the rating on a delivery bearing the rating which is being extended, or which will be physically incorporated into material to be so delivered, including the portion of such material normally consumed or converted into scrap or byproducts in the course of processing, or

(2) Material which is required to replace in inventory material so delivered or incorporated. Material shall not be deemed to be required if the delivery can be made and a practicable working minimum inventory of such material still retained; and if, in making delivery, the inventory is reduced below such minimum, the rating may be extended to replace such material only to the extent necessary to restore the inventory to such minimum: *Provided, however,* That the material ordered for replacement must be substantially the same as the material delivered or incorporated in the material delivered, subject only to minor variations in size, shape or design or substitutions of less scarce materials, which in any case do not substantially alter the purpose for which the same is to be used, or

(3) Repair, maintenance and operating supplies, subject to the following conditions and limitations:

(i) The cost of all maintenance, repair and operating supplies, to which a rating is extended in any month shall not exceed ten percent of the cost of materials described in subparagraphs (1) and (2) of this paragraph (c) to which the same grade of rating is extended during the same month (or, if such materials are obtained without preference rating assistance, to which the same grade of rating could be extended during such month if priorities assistance were needed);

(ii) The cost of maintenance, repair and operating supplies consisting of metals in any of the forms listed on the Metals List attached to Priorities Regulation No. 11 (§ 944.32) to which the rating is extended in any month shall not exceed two and one-half percent of the cost of materials described in said subparagraphs (1) and (2) to which the same grade of rating is extended during the same month (or, if such materials are obtained without preference rating assistance, to which the same grade of rating could be extended during such month if priorities assistance were needed); and

(iii) The term "maintenance, repair and operating supplies" as used in this subparagraph (3) shall include only those supplies which are actually required for directly processing the material described in subparagraphs (1) and (2) of this paragraph (c) or for maintenance or repair of production machinery and equipment used in such processing. It does not include maintenance or repair of building or office supplies.

In cases where the material to be processed is furnished by the customer, the cost thereof to the customer shall, for the purposes of this paragraph (c), be taken instead of cost to the processor and the month in which the processing order is placed shall be taken in lieu of the month in which the material to be processed is ordered.

A person may not extend a rating to any materials in excess of the quantities specified in this paragraph (c) nor to materials for plant improvement, expansion or construction, to machine tools or other capital equipment, to business machines whether purchased or leased, or to maintenance, repair or operating supplies other than those specified above in subparagraph (3) of this paragraph (c).

(d) *Method of application or extension.*

(1) Any person authorized to apply or extend preference ratings may do so by endorsing on, or attaching to, each contract or purchase order placed by him to which the rating is to be applied or extended, a certification in the following

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[1] Except where necessary for operational purposes.

[2] 7 F.R. 4833, 5404.

form signed manually or as provided in Priorities Regulation No. 7 (§ 944.27)[2] by an official duly authorized for such purpose:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this purchase order, and that such application or extension is in accordance with Priorities Regulation No. 3 as amended, with the terms of which the undersigned is familiar.

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(Name of Purchaser and PRP Certificate No. if Purchaser is a PRP Unit) (Address)

By--------------------------- ----------
(Signature and Title of Duly Authorized Officer) (Date)

The person receiving the certification and rating shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false. Each person applying or extending ratings must maintain at his regular place of business all documents, including purchase orders and preference rating orders and certificates, upon which he relies as entitling him to apply or extend such ratings, segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection.

(2) Such certification may be used in lieu of any other form of certification required by the terms of any regulation, preference rating order or preference rating certificate (including, without limitation, the instructions accompanying Forms PD-1A, PD-3A and PD-25A) as a means of applying or extending a preference rating and in lieu of furnishing any copy of any preference rating order required thereby; except that the provisions of Priorities Regulation No. 9 (§ 944.30) with respect to the method of applying (but not extending) preference ratings covering certain types of exports must be complied with when ratings are applied pursuant to that Regulation.

(3) Notwithstanding the requirements of any applicable preference rating order or certificate, (i) ratings of the same grade assigned by different preference rating certificates or orders may be combined and extended to a single delivery; ratings of different grades, whether assigned by the same or different preference rating certificates or orders, may be extended to deliveries under a single purchase order, but the amount of each material to which a particular grade of rating is extended must be shown as a separate item and not merely indicated as a percentage figure: *Provided, however*, That to the extent necessary to avoid production or delivery in quantities smaller than the minimum commercially practicable, items to which ratings of different grades might be extended may be combined and the rating of the lowest grade extended to the total delivery; and (ii) a person may defer extending any rating for a period of not more than three months after he becomes entitled to extend the same.

(4) In addition to complying with the foregoing requirements of this paragraph (d), any person applying or extending a preference rating shall include on his purchase order or contract identification symbols as required by Priorities Regulation No. 10 (§ 944.31)[3] and such other information (except designation of the number or serial number of the preference rating certificate or preference rating order assigning the rating) as may be required by the terms of any applicable order of the Director General for Operations and which the person placing the purchase order is able to furnish.

(e) *Applicability of other restrictions.* Except as expressly otherwise provided in paragraphs (c) and (d) of this regulation, the application or extension of any rating shall be subject to any applicable restrictions contained in any order of the Director General for Operations assigning the preference rating in question or regulating transactions in the material involved, including, without limitation, restrictions as to the kind and amount of material to which preference ratings may be applied or extended, requirements of countersignature or other written approval of particular transactions, and restrictions on the use of material.

(f) *Effect on existing certificates and orders.* All existing forms of preference rating certificates issued by or under authority of the Director of Priorities, the Director of Industry Operations or the Director General for Operations are continued in full force and effect, and additional certificates on such forms may continue to be issued by the persons now or hereafter authorized to issue the same until such authority is revoked or amended, subject to the provisions of this and other regulations of the Director General for Operations. All certificates and all existing orders of the Director of Priorities, the Director of Industry Operations and the Director General for Operations are to be deemed amended by this regulation only where and to the extent that the provisions of this regulation indicate that it is to control.

Effective date. This amendment shall take effect on October 3, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9878; Filed, October 3, 1942; 11:56 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 11, as Amended October 3, 1942]

PRODUCTION REQUIREMENTS PLAN

Section 944.32 *Priorities Regulation No. 11*[1] is hereby amended to read as follows:

§ 944.32 *Priorities Regulation No. 11*—(a) *Purpose.* It is the purpose of this regulation to provide for the integration of the system of distributing scarce materials in the interest of the war and the maintenance of the essential civilian economy by requiring principal industrial users of scarce materials to qualify under the production requirements plan and to obtain preference rating assistance primarily under that plan.

(b) *Definitions.* For the purposes of this regulation:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(3) "PRP application" means an application for priority assistance under the production requirements plan on Form PD-25A or any other prescribed form.

(4) "PRP certificate" means the copy of a PRP application which has been returned to the applicant by the Director General for Operations with an assignment of preference ratings or other priority action endorsed thereon, and includes any supplementary or advance quarter ("bob-tail") certificate which may be issued from time to time.

(5) "PRP unit" means any person who is qualified under the production requirements plan by the issuance to such person of a PRP certificate. In case the certificate is issued to a branch, plant, department, or other division of a corporation or business, "PRP unit" refers only to the portion of the business to which the certificate is issued.

(6) "Production material" means material (including fabricated parts and subassemblies) which will be delivered by a PRP unit as its product, or will be physically incorporated into such product, and includes the portion of such material normally consumed or converted into scrap or by-products in the course of processing. It does not include any supplies or manufacturing equipment.

(7) "Supplies" means maintenance and repair materials and operating supplies. It also includes minor items of productive capital equipment (such as jigs and fixtures, dies and die blocks, portable pneumatic or portable electric tools, and material required for minor relocations of plant machinery and equipment). It does not include any production material or any office machinery or equipment (whether purchased or leased) or materials for plant expansion or plant construction.

(8) "Listed material" means, with respect to any quarter, any material listed and given an item number on the Materials List No. 1, Revised, appearing on the form of PRP application for that quarter or required to be separately listed by supplementary instructions from the War Production Board.

(9) "Listed fabricated item" means, with respect to any quarter, any part, assembly or other item listed and given an item number on the Fabricated Items List No. 2 appearing on the form of PRP applications for that quarter. The first quarter for which such a list will be in effect will be the first quarter of 1943. "Listed fabricated item" also includes any item required to be listed separately by supplementary instructions from the War Production Board.

(10) "Class I producer" means any person (or any branch, plant, department, or other division of a corporation or business which operates as a separate entity and maintains a separate inventory) whose receipts or withdrawals from inventory during the most recent calendar quarter, or whose anticipated receipts or withdrawals from inventory during the current or next succeeding calendar quarter, of metals in the forms included on the attached metals list aggregate five thousand dollars or more in value, except:

(i) Any agency of the United States, of any foreign government, of any state or territory, or of any subdivision thereof except when and to the extent that any such agency is engaged in the manufacture of commodities or other materials or the furnishing of repair facilities (such as Navy yards, arsenals, prison factories, etc.);

(ii) Any person to the extent that he is engaged in the business of:

(*a*) Transportation by any means;

(*b*) Furnishing of heat, light, power, electricity, gas or water to others;

(*c*) Quarrying;

(*d*) Production, refining, transportation, distribution or marketing of petroleum or associated hydrocarbons;

(*e*) Communications;

(*f*) Sewerage or drainage;

(*g*) The sale of material which he has not manufactured, processed, fabricated, assembled, or otherwise physically changed, including sales as a distributor, wholesaler, retailer, warehouse, industrial or mill supply house or scrap dealer;

(*h*) Construction at the site, of buildings, structures, or projects: and

(iii) Any producer located in Alaska, Panama Canal Zone, or in any territory or possession of the United States outside of the continental United States.

(11) "Assignment" of a preference rating means the granting to any person, by order or certificate issued by or under authority of the Director General for Operations, of the right to use such rating.

(12) "Application" of a preference rating means the use of the rating by the person to whom it is initially assigned by or under the authority of the Director General for Operations, and includes the initial issuance by any governmental agency, under authority of the Director General for Operations, of a preference rating certificate rating a delivery to be made directly to such agency.

(13) "Extension" of a preference rating means the use of the rating by any person to whom it is applied or extended by another person.

(c) *Persons required to qualify under PRP.* Every Class I producer shall file a PRP application. For the first quarter of 1943, this application shall b filed not later than October 25, 1942. A person who was not a Class I producer during the third quarter of 1942 shall file such application as promptly as practicable after becoming a Class I producer. The Director General for Operations may specifically require other persons to file such applications from time to time, and may also exempt particular Class I producers from the requirements of this paragraph or extend or advance their time for filing PRP applications. Any other processors of materials desiring priority assistance on a quarterly basis may also, with the consent of the Director General for Operations, qualify under the Production Requirements Plan, although not required to do so by this regulation.

(d) *Restrictions on application and extension of ratings by PRP units.* No PRP unit shall apply or extend any rating to the delivery of any material during any quarter other than the ratings authorized on its PRP certificates for that quarter; and the deliveries to which such ratings are so applied shall be limited in amount as specified on such certificates, with the following exceptions:

(1) A PRP Unit may apply ratings specifically assigned to it for acquisition of items of capital equipment or materials for authorized plant expansion or plant construction.

(2) During the fourth quarter of 1942, a PRP unit may extend any preference rating which it receives, in order to obtain delivery during any quarter of production materials (but not supplies) other than listed materials, provided that the PRP unit has elected to make use of extensions of ratings exclusively for this purpose in lieu of applying the ratings assigned by its PRP certificate. Such election shall be made as follows: Not later than the seventh business day after the day on which the PRP certificate for the fourth quarter is received, the PRP unit shall, if it determines to make the election, endorse the following statement, duly signed by an authorized official, upon the copy of its PRP certificate received by it, under the heading of section F on the certificate:

The undersigned PRP unit hereby elects to rate deliveries to it during the balance of the fourth quarter of 1942 of production materials other than listed materials, as defined in Priorities Regulation No. 11, exclusively by the extension of ratings applied or extended to the undersigned by other persons, and, with respect to such materials to make no use of any ratings assigned by its PRP certificates for the fourth quarter of 1942.

Date

Name of PRP unit

By ---------------

Such election may not be made in any other manner. A PRP unit which makes such election shall not make any use of the preference rating assistance granted on its PRP certificate for the fourth quarter for the delivery of any production materials other than listed materials. Such election must be made as to all such materials or none. Such election may not be made with respect to supplies, which may be rated only in accordance with ratings assigned on the PRP certificates.

(3) In addition a PRP unit which receives a rated purchase order requiring the processing by another person of material owned and supplied by the PRP unit may extend the rating, for processing only and not for acquisition of material, to the person who is to do such processing for it.

(4) Any PRP unit may, until the receipt of its fourth quarter PRP certificate, but not thereafter, apply ratings to the extent permitted under the interim procedure specified in paragraph (i) of this regulation.

(5) In case preference rating assistance for a material is denied on the PRP (certificate on the express ground that such assistance is unnecessary, the provisions of this paragraph (d) shall not apply to such material.

(e) *Restrictions on receipt of listed materials and fabricated items.* No PRP unit shall in any quarter accept deliveries (whether rated, unrated or allocated) of any listed material or any listed fabricated item, whether as production material, supplies or for any other use, in excess of the amounts specifically rated or otherwise authorized on its PRP certificates for such quarter, plus any balance of such materials or items authorized by its PRP certificates for delivery in the previous quarter which is in transit to the PRP unit at the end of the previous quarter or within three days thereafter, with the following exceptions:

(1) A PRP unit may accept deliveries of any balance of listed fabricated items specifically rated or otherwise authorized for the preceding quarter but not yet received.

(2) A PRP unit may in addition, subject to the applicable regulations and orders of the War Production Board, accept delivery of any such materials and items which consist of items of capital equipment or material for authorized plant expansion or plant construction.

(3) Any PRP unit may, until receipt of its PRP certificate for the fourth quarter of 1942, but not thereafter, accept deliveries of any such materials or items to the extent permitted under the

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[2] F.R. 1062.

[3] 7 F.R. 4198, 4833, 5640.

[1] 7 F.R. 4423, 4615, 4698, 4848, 5043, 5359, 6146, 6147, 6614, 7429.

interim procedure specified in paragraph (i) of this regulation.

(f) *Restrictions on use of material.* Each PRP unit shall also comply with any additional restrictions which may be contained in its PRP certificate, including (without limitation) restrictions on the amount of material to be put into production, the use of any material, apportionment of quantities of material between different products, or on the sale of or delivery of specified products.

(g) *Prohibition against placing duplicate orders.* No PRP unit shall duplicate, in whole or in part, purchase orders which it has placed with one or more suppliers for delivery of any material (whether rated, unrated, or allocated) in such manner that the amount of such material ordered exceeds the amount actually required for delivery (not exceeding the amount authorized), even though the PRP unit intends to cancel or reduce its purchase orders prior to completion of delivery, to the amount of actual requirements as rated or otherwise authorized on its PRP certificate.

(h) *Scheduling of deliveries.* Each PRP unit shall, so far as practicable, place its purchase orders for the production material and supplies rated or otherwise authorized on its PRP certificate so as to call for substantially equal deliveries during each of the three months of the quarter, and shall in no event, unless absolutely necessary to maintain its delivery schedule or to obtain the minimum quantities practicably procurable, order for delivery during the first month of the quarter more than 40%, or during the first two months of the quarter more than 80%, of the total quantity of any production material authorized for delivery during the quarter.

(i) *Interim procedure for Class I producers.* Any PRP unit which has been authorized to place orders pursuant to advance quarter authorizations on its PRP certificates for any quarter shall continue to be governed by such advance quarter authorizations and may not proceed under this paragraph (i) with respect to any such quarter. Any other Class I producer who has filed his PRP application for the fourth quarter of 1942 but has not received his PRP certificate for such quarter may apply or extend preference ratings for delivery during such quarter, and, in case he shall have submitted advance quarter applications, may apply or extend preference ratings for delivery during only the first advance quarter as follows:

(1) If he has been operating under the production requirements plan, he may apply the same preference ratings he was authorized to apply during the preceding quarter (on his PRP certificates or under Priorities Regulation No. 12)[2] to not more than 40% during the first month of the quarter, and not more than 70% during the entire quarter, of the amount of each material which he has indicated on his PRP application as his anticipated requirements for the quarter.

(2) If he has not been operating under the production requirements plan, he may continue to apply and extend ratings under any applicable preference rating orders or preference rating certificates in the same manner as permitted prior to the beginning of the fourth quarter; and, notwithstanding the termination of any preference rating order on or after the end of the third quarter, the same shall be deemed to continue in effect as to any such person until he receives his PRP certificate: *Provided, however,* That he shall not apply or extend ratings to the delivery in the fourth quarter of any material in an aggregate quantity greater than 40% during the first month of the quarter, nor greater than 70% during the entire quarter, of the amount of such material which he has indicated as his anticipated requirements on his PRP application for the quarter, subject to any further restrictions contained in the preference rating certificates or orders assigning the ratings which he is applying or extending.

(3) A Class I producer who applies or extends any preference rating pursuant to subparagraphs (1) or (2) of this paragraph (i) shall deduct the amount of any material which he has received or to which he has applied or extended such rating from the amount rated or otherwise authorized by his PRP certificate when issued to him.

(j) *Rerating on receipt of PRP certificates.* Each PRP Unit, not later than the fifth business day after the receipt of its PRP certificate for the fourth quarter (or not later than October 10, 1942, whichever shall be later), shall adjust its outstanding purchase orders, by cancellation, postponing deliveries, or rerating, so that they shall not exceed, either with respect to the amounts to be delivered or with respect to the grade of preference rating, the quantities and ratings authorized on such certificate in accordance with paragraphs (d) and (e) of this regulation for the fourth quarter of 1942 and for any advance quarters covered by its certificates. To the extent that authorized ratings are higher than the ratings already applied to outstanding orders, adjustment shall be optional, and, with respect to any material, the balance of any authorized rating not used may be added to the authorized amount of any lower authorized rating.

(k) *Restrictions on Class I producers who have not filed PRP applications.* Any Class I producer who has not filed his PRP application by the time required by this regulation or by any specific direction of the Director General for Operations may not extend any ratings; and may not apply any rating other than a rating specifically assigned to him for the purpose of acquisition of items of capital equipment, or materials for authorized plant expansion or plant construction.

(l) *Effect on existing orders and certificates.* (1) The provisions of this regulation do not terminate any other existing order or certificate granting preference rating assistance, but limit and prohibit the use of such orders or certificates by specified persons in the manner set forth above.

(2) The provisions of this regulation do not relieve PRP unit from compliance with the terms of any order of the War Production Board controlling the distribution or restricting the use of any specific material, including requirements for the filing or supplying of applications or other documents in connection with the purchase, sale, delivery, or use of any such material.

(m) *Special provisions with respect to metal mills.* Notwithstanding the foregoing provisions of this regulation, the following provisions shall govern with respect to any person (hereinafter in this paragraph (m) referred to as a "metal mill") to the extent that he is engaged in producing metals in any of the forms included on the attached metals list:

(1) A metal mill, in determining whether it is a Class I producer within the meaning of paragraph (b) (10) of this regulation, may exclude all receipts or withdrawals from inventory of metals which will be processed by the metal mill to produce any of the forms listed on the attached metals list. However, there must be included any metals in the forms listed, which will be used by it for maintenance, repair, or operating supplies, or will be fabricated by it beyond the forms listed.

(2) A metal mill need not include in its PRP application materials which will be processed by it to produce metals in any of the forms listed on the attached metals list, but it must include any material, including metals in the forms listed, which will be used by it for maintenance, repair, or operating supplies, or will be fabricated by it beyond the forms listed, and for which it requires priority assistance.

(3) A metal mill may extend and apply preference ratings assigned by a preference rating order or certificate, in the manner heretofore permitted, for delivery to it of material which has been excluded from its PRP application pursuant to the provisions of subparagraph (2) of this paragraph (m) and may accept delivery of such material.

(4) A metal mill, to the extent that it is engaged in producing any of the following:

(i) Pig iron and ferroalloys;

(ii) The following iron and steel products, including alloys: Ingots, blooms (including forged), billets (including forged), slabs (including forged), tube rounds, sheet and tin bars, structural shapes, piling, plates (universal and sheared), rails, tie plates, track spikes, splice bars, rail joints, hot rolled bars (including hoops and bands and concrete reinforcing bars), cold finished bars, pipe and tubes (except conduit), wire rods, wire as drawn not including further fabrications therefrom), black plate, tin and terne plate, sheets, strip, tool steel bars (including high speed), steel wheels and axles (for railroad use only), railroad locomotive tires, armor plate, ordnance forgings, steel castings (rough as cast), skelp, rolling mill rolls, ingot molds;

(iii) Coke for use in the production of pig iron and ferroalloys; may accept deliveries of supplies in any quarter without regard to the limitations of paragraph (e) hereof of this regulation and, notwithstanding the limitations of paragraph (d) hereof, may apply the ratings assigned on its PRP certificate to deliveries of supplies in the amounts essential for proper operation, subject, however, in every case to the restrictions of Section 944.14 of Priorities Regulation No. 1 and to all other applicable regulations and orders.

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[2] 7 F.R. 6256, 6465, 6866.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of October 1942.

ERNEST KANZLER,
Director General for Operations.

METALS LIST

(a) Any of the metals listed in subparagraph (1) below in any of the forms listed in subparagraph (2) below:

(1) *Metals*:

Iron
Carbon steel
Alloy steel
Stainless steel.
Aluminum.
Magnesium.
Copper.
Brass.
Bronze.
Lead (including antimonial).
Zinc.
Nickel.
Tin.
Cupro-nickel.
Monel.
Nickel-silver.
Chrome nickel.
Babbitt metal.
Solder.
Type metal.
Metal carbides.
Antimony.
Arsenic.
Beryllium.
Bismuth.
Cadmium.
Cobalt.
Iridium.
Mercury.
Molybdenum.
Palladium.
Platinum.
Platinum-iridium alloy.
Rhodium.
Ruthenium.
Silver.
Tungsten.

(2) *Forms of metal.* Annodes, bars, billets, blooms, blocks, castings (including die castings), cones, dust, extruded shapes, fabricated shapes, foil, forgings, ingots, pigs, pipe, plates, powder, rails, refinery shapes, rings, rivets, rods, scrap, sheets, shot, skelp, slabs, strip, structural shapes and piling, tie plates and track accessories, tube and tubing, tube rounds, wheels and axles, wire and wire rods, wire products (including barbed and twisted fencing, bale ties, nails, staples, rope and strand).

[F. R. Doc. 42-9877: Filed, October 3, 1942; 11:56 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 12 as amended October 3, 1942]

RERATING

Section 944.33 *Priorities Regulation No. 12*[1] is hereby amended to read as follows:

§ 944.33 *Priorities Regulation No. 12*—(a) *General.* Deliveries bearing preference ratings may be rerated and, subject to the limitations hereinafter provided, such reratings may be applied or extended in the manner provided in this regulation. Such reratings shall change only the grade of the preference rating, and shall not increase the amount of material to which the rating may be applied or extended. As used in this regulation the term "rerating" includes any change from one grade of preference rating to another.

(b) *Methods of initiating rerating.* (1) Reratings may be effected in the first instance through the issuance, by the Director General for Operations or by such government officials as may be authorized by him, of either (i) a new preference rating order or certificate, (ii) an amendment of an existing order or certificate, or (iii) a rerating direction on Form PD–4X (or such other form as may be prescribed), specifying the change of rating and the items to which it applies. A single rerating direction may be used to rerate deliveries to be made under different contracts with the same contractor, and may specify different new ratings for separate deliveries to be made under a single contract.

(2) A rerating direction in the PD–4X series shall be used only:

(i) To rerate deliveries under prime contracts directly to, or construction of facilities under direct contract with, the United States Army or Navy or other United States Government agencies specified in the definition of "defense order" appearing in § 944.1 (b) of Priorities Regulation No. 1 as amended, and in addition, notwithstanding the limitations indicated on Form PD–4X:

(ii) To rerate any other delivery to be made, directly to a prime contractor or subcontractor with the United States Army or Navy or other United States Government agency so specified: *Provided,* Such delivery has previously been duly rated either (a) by a preference rating certificate on Form PD–3, PD–3A, PD–4 or PD–5, or (b) by a preference rating order in the P–19, P–19a or P–19–h series countersigned by an officer of the United States Army or Navy: *And provided further,* That the original rating was assigned by such preference rating certificate or order issued directly to and in the name of the person who is to receive the delivery to be rerated, and not merely applied or extended to such person by another contractor or subcontractor.

Rerating directions on forms in the PD–4X series may be prepared and issued only by authorized government officials, and are not to be prepared or filed with any government agency by any person as application forms to secure reratings.

(c) *Extent to which upward rerating may be extended.* In any case where a delivery to be made by a person has been rerated upward, such person (except as otherwise provided with respect to PRP Units in paragraph (f) of this regulation) may rerate deliveries to be made to him of the following material only:

(1) Material which will itself be delivered by such person on a rerated delivery, or which will be physically incorporated into material to be so delivered, including the portion of such material normally consumed or converted into scrap or by-products in the course of processing, or

(2) Material which is required to replace in inventory material so delivered or incorporated. Material shall not be deemed to be required if the delivery can be made and a practicable working minimum inventory of such material still retained; and if, in making the delivery, the inventory is reduced below such minimum, the new rating may be extended to replace such material only to the extent necessary to restore the inventory to such minimum: *Provided, however,* That the material ordered for replacement must be substantially the same as the material delivered or incorporated in the material delivered, subject only to minor variations in size, shape or design, or substitution of less scarce materials, which, in any case, do not substantially alter the purpose for which the same is to be used.

(3) Repair, maintenance and operating supplies, subject to the following conditions and limitations:

(i) The cost of all maintenance, repair and operating supplies to which a rating is extended in any month shall not exceed ten percent of the cost of materials described in subparagraphs (1) and (2) of this paragraph (c) to which the same grade of rating is extended during the same month (or, if such materials are obtained without preference rating assistance, to which the same grade of rating could be extended during such month if priorities assistance were needed);

(ii) The cost of maintenance, repair and operating supplies consisting of metals in any of the forms listed on the Metals List attached to Priorities Regulation No. 11 (§ 944.32)[2] to which the rating is extended in any month shall not exceed two and one-half percent of the cost of materials described in said subparagraphs (1) and (2) to which the same grade of rating is extended during the same month (or, if such materials are obtained without preference rating assistance, to which the same grade of rating could be extended during such month if priorities assistance were needed);

(iii) The term "maintenance, repair and operating supplies" as used in this subparagraph (3) shall include only those supplies which are actually required for directly processing the material described in subparagraphs (1) and (2) of this paragraph (c) or for maintenance or repair of production machinery and equipment used in such processing. It does not include maintenance or repair of building or office supplies; and

(iv) In cases where the material to be processed is furnished by the customer, the cost thereof to the customer shall, for the purposes of this paragraph (c), be taken instead of cost to the processor and the month in which the processing order is placed shall be taken in lieu of the month in which the material to be processed is ordered.

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[1] 7 F.R. 6256, 6465, 6866.

[2] 7 F.R. 4423, 4615, 4698, 4848, 5043, 5359, 6146, 6147, 6614, 7429.

When a delivery to be made by a person has been rerated, such person may *not* extend the new rating to any materials in excess of the quantities specified in this paragraph (c) nor to materials for plant improvement, expansion or construction, to machine tools or other capital equipment, to business machines whether purchased or leased, or to maintenance repair or operating supplies other than those specified above in subparagraph (3) of this paragraph (c). If rerating of such material is necessary, the new rating must be assigned by the appropriate government official.

(d) *Compulsory extension of downward reratings.* In any case where rating assigned to a person has been rerated downward, or a delivery to be made by a person has been rerated downward, such person shall rerate all uncompleted deliveries to be made to him to which he has extended the rating which has been changed. Such rerating must be effected by sending notice, in the manner provided in paragraph (g) of this regulation, not later than the fifth business day following the day on which the rerating is received.

(e) *Partial reratings.* In each case, the new rating extended by any person pursuant to paragraph (c) or (d) of this regulation shall be the same as the new rating which he has received for the rerated delivery to be made by him, even though this may require him to extend separate new ratings to items previously covered by a single rating; except that, to the extent necessary to avoid production or delivery in quantities smaller than the minimum commercially practicable, items which might be rerated with new ratings of different grades may be combined, and the total delivery rerated with the new rating of the lowest grade.

(f) *Special provisions applicable to PRP Units.* No PRP Unit shall extend any rerating or redetermine the rating pattern which it is authorized to apply except that:

(1) Until receipt of its PRP certificate for the fourth quarter of 1942, (or October 5, 1942, whichever is later), a PRP Unit may continue to rate, or rerate, orders for delivery during such quarter in the manner and to the extent permitted by this Priorities Regulation No. 12 as amended August 10, 1942, but must comply with the provisions of paragraph (j) of Priorities Regulation No. 11, as amended, requiring certain adjustments of orders to conform to the authorization on the PRP certificate.

(2) After receipt of its PRP certificate for the fourth quarter of 1942, a PRP Unit may extend reratings only with respect to those deliveries to which it is entitled to extend ratings under paragraph (d) of Priorities Regulation No. 11, as amended.

(g) *Method of application or extension.* (1) In any case where a person (other than a Government agency authorized to issue Rerating Directions in the PD-4X series) has applied or extended a preference rating to a delivery to be made to him and is subsequently authorized or required to rerate such delivery pursuant to this regulation, he may at his option either:

(i) Furnish to his supplier a rerating certificate in the form of Form PD-4Y attached hereto, containing the information therein specified (other than Government contract numbers or other government identification, where none are required by the appropriate Government agency);

(ii) Notify his supplier in writing that the previous rating has been cancelled and furnish him with duplicate purchase orders carrying the appropriate endorsement for the new rating as provided by Priorities Regulation No. 3 (§ 944.23); or

(iii) Advise his supplier of the change in rating by letter or telegram listing the purchase orders on which the ratings are changed, giving the numbers of the original purchase orders, the original rating and the new ratings, and instructing the supplier to file such letter or telegram with the original purchase orders.

In any event, the information given to the supplier must be sufficiently specific with respect to the particular deliveries rerated so that he will be able to adjust his production schedules accordingly. The supplier must be specifically informed, by reference to purchase order numbers, delivery schedules, description of items or otherwise, as to which deliveries are subject to which new ratings. It is not sufficient to state merely that all outstanding purchase orders placed with the supplier are rerated according to specified percentages, unless the material involved is of such type and in such quantities that the supplier can readily determine, from percentage figures alone, the exact effect of the rerating on his production and delivery schedule, and except that, if the supplier consents, orders not yet in production may be rerated on a percentage basis, provided actual amounts and deliveries are identified by supplementary information furnished to the supplier before production is to be scheduled. The supplier shall be entitled to rely on the information given unless he knows or has reason to believe it to be false.

(2) Each person rerating any delivery to be made to him shall maintain at his regular place of business for not less than two years copies of all rerating certificates issued by him, records of the basis of each determination of a new rating pattern made by him pursuant to paragraph (f) (1) of this regulation, and all rerating directions or certificates received by him, upon which he relies as entitling him to such deliveries. In the case of a PRP Unit applying ratings pursuant to paragraph (f) (1) of this regulation, such records must clearly indicate which rating pattern has been used with respect to each order rated or rerated by the unit. All such records shall be kept segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection. Notices to suppliers shall be signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purpose.

(h) *Use of new rating where rating has not yet been used.* If a person who is entitled or required to rerate a delivery to be made to him has not yet applied or extended a rating to such delivery, he may apply or extend the new rating in the same manner in which he could have applied or extended the earlier rating, subject to the provisions of Priorities Regulation No. 3 as amended (§ 944.23) and of this regulation.

(i) *Effective date of rerating.* The sequence of rated and rerated deliveries shall be determined as if the rerated item had carried the new rating at the time the first rating covering the delivery was received, and the person whose delivery is rerated shall make any necessary change in his production or delivery schedule promptly on receipt of the rerating: *Provided, however,* That:

(1) No person shall, by reason of a rerating, divert material specifically produced for an order bearing a rating higher than A-2 and deliver the same under the higher rerated order if such material is completed at the time the rerating is received or is scheduled for completion within fifteen days thereafter, unless such diversion is specifically directed by the Director General for Operations, or unless the new rating is AAA;

(2) No person shall be required by reason of a rerating to terminate or interrupt a production schedule in any case where such termination or interruption would result in a substantial loss of production: *Provided, however,* That in any such case the termination or interruption of the schedule required by the rerating shall not be postponed more than forty days after such rerating is received.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of October 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-9876: Filed, October 3, 1942; 11:57 a. m.]

Part 1002—Iron and Steel Production

[Amend. 5 to Preference Rating Order P-68]

MAINTENANCE, REPAIR AND SUPPLIES

Paragraph (b) of Preference Rating Order P-68[1] § 1002.1) is hereby amended to read as follows:

(b) *Assignment of preference ratings.* Subject to the terms of this order, the following preference ratings are hereby assigned to deliveries to producers, but nothing herein contained shall prevent the use of any other or higher rating to which any person may be entitled by reason of any other preference rating certificate or order.

(1) AA-2X to deliveries of operating material consisting of ferrous and nonferrous metals appearing on the metals list attachment to Priorities Regulation No. 11, as amended, or of fabricated metal parts, or lumber.

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[1] 7 F.R. 1592, 2783, 6212.

(2) A-1-a to deliveries of all other operating material.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of October 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-9875: Filed, October 3, 1942; 11:56 a. m.]

Part 1090—Agave Fiber

[Amendment 4 to General Preference Order M-84, as Amended August 5, 1942]

Section 1090.1 *General Preference Order M-84*[1] is hereby amended by the addition of subparagraph (8) to paragraph (d), to read as follows:

(8) Nothing contained in subparagraphs (2), (5), (6) or (7) of paragraph (d) shall prevent the processing, sale or delivery, prior to November 16, 1942, of agave cordage for use as wire rope centers.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of October 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-9874; Filed, October 3, 1942; 11:57 a. m.]

Part 1293—Hand Tools Simplification

[Schedule IV to Limitation Order L-157]

HEAVY FORGED HAND TOOLS

§ 1293.5 *Schedule IV to Limitation Order L-157*[2]—(a) *Definitions.* For the purposes of this schedule:

(1) "Producer" means any person who manufactures, stamps, forges, or otherwise fabricates heavy forged hand tools.

(2) "Heavy forged hand tools" means such (i) bars, (ii) blacksmiths' anvil tools, (iii) mauls and hammers or sledges weighing 4 pounds or over, (iv) hoes weighing 3½ pounds or over, (v) mattocks, (vi) picks, (vii) railway track tools, (viii) tongs, (ix) wedges, (x) mine blasting hand tools, mine breast drills and miscellaneous forged hand tools, as are listed in Table 1 through Table 10 of Appendix A of this Schedule, and all other tools as are listed in said Tables.

(b) *Limitations.* Parts manufactured for repair and maintenance of any heavy forged hand tools are not subject to the limitations of this Schedule.

(c) *Simplified practices.* Pursuant to Limitation Order L-157 the sizes, types, grades, weights and finishes set forth in Appendix A and Tables 1 through 10 of this schedule are established for the manufacture of heavy forged hand tools.

(d) *Effective date of simplified practices.* On and after the 3rd day of November, 1942, no heavy forged hand tool which does not conform to the size, type, grade, finish, weight and standard established by paragraph (c) of this schedule (and set forth in Appendix A and tables hereto) shall be produced by any producer except upon approval of the Director General for Operations.

(e) *Records covering materials, work in progress, etc.* Each producer of heavy forged hand tools shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3rd day of October 1942.

Ernest Kanzler,
Director General for Operations.

Appendix A to Schedule IV

Explanations and Limitations

(1) *Finishes.* Faces, bits, points, and other commonly ground parts of a heavy forged hand tool shall not have a finish finer than the finish resulting from the use of a 60-grit emery wheel, dry, when good commercial technique is employed, except that sample tools selected from a lot for inspection may be polished to as fine a degree as may be necessary for such inspection. All other surfaces of heavy forged hand tools shall not be finished other than by applying a coating of paint, enamel, or lacquer over the natural forged surface, free from scale.

(2) *Sizes.* Weights given herein are exclusive of wooden handles. Dimensions and weights are subject to commercial tolerances.

(3) *Eyes.* The shapes of eyes specified by number herein and the dimensions of eyes, except those for which dimensions are given herein, shall conform with the diagrams and data on eye shapes and sizes shown pp. 10 to 18, inclusive, of Simplified Practice Recommendation R17-35, Forged Tools, issued by the National Bureau of Standards.

(4) Chisels, track (designs 1 and 2, A. R. E. A.) as set forth in table 7 of this Appendix; mauls, Pittsburgh or Bell pattern (designs 1 and 2, A. R. E. A.) as set forth in table 3 of this Appendix; and blacksmiths' double face sledges in 6-, 8-, 10-, and 12-pound sizes as set forth in table 3 of this Appendix; may be made of carbon steel or of such National Emergency alloy steels as are permitted by the Director General for Operations. All other tools listed in this Schedule, Appendix and Tables shall be made of carbon steel only.

(5) No producer shall offer the tools listed herein in more than one grade, finish, or kind of steel, except as provided in paragraph 4 above.

(6) Reference herein to "the forged hammers schedule" and to "the forged hatchets schedule" refer to Schedule II of Limitation Order L-157.

Table 1.—Bars

Chisel point:					
Diameter of octagon or hexagon	inch	⅝	¾	⅞	1
Length	inches	18	24	30	36
Claw, carpenters' and wrecking:					
Carpenters, gooseneck (the nail-pulling claw end bent around to form an angle of approximately 30 degrees with shaft of the bar, the other end wedge shaped and offset at an angle of about 30 degrees):					
Size of Hexagon or octagon	inches	½	¾	¾	¾
Length	do	12	24	30	36
Carpenters', gooseneck (the nail-pulling claw end bent by a double bend to an angle of from 90 to 120 degrees with the shaft of the bar, the other end wedge shaped and offset at an angle of about 30 degrees):					
Size of octagon or hexagon	inch		¾	¾	¾
Over all length	inches		24	30	36
Wrecking or straight (both ends offset at an angle of approximately 30 degrees, in opposite directions, one end wedge shaped and the other provided with a claw):					
Diameter of octagon or hexagon	inch		¾	¾	¾
Length	inches		24	30	36

Claw, railroad:
A. R. E. A.[a] *design No. 1:* 5 feet long, approximately 28 pounds.
A. R. E. A. design No. 2: 5 feet long, approximately 28 pounds.
Double end (for railroad and boat spikes): 30-pound.
Flextoe.
Light, with railroad standard heel: 4-foot, 20-pound, for ½-inch spike.
Small, without heel:
3-foot, 8-pound, for ⅜ and ½-inch spikes.
2½ foot, 6-pound, for ⅜ and ½-inch spikes.
Other railroad claw-bars: None.

Coal or slate (one end tapered to a point, the other wedge-shaped and offset): 4½-foot, 1-inch octagon or hexagon, 11½-pound.

Crow, pinch-point: 3-pound, ⅝-inch, 2-foot; and 6-pound, ⅞-inch, 3-foot.

Crow, pinch- and wedge-point:

Weight each	pounds	12	18	26
Size	inches	1⅛	1¼	1½
Length	inches	51	60	66

Crow, pinch, locomotive (with toothed heel): None.

Crow, pinch, with heel: 29-pound, 66-inch.

Crow, pinch or jimmy (or miners, or Dillonvale. Has offset wedge-shaped point): None.

Digging, post-hole:
With tamper: 5½ to 6 feet long, 1 inch in diameter; blade 3 inches wide, tamper 2¼ inches in diameter, one model only.
With loop end: None.
With point end: 8 feet long, 1⅛-inch octagon or hexagon.

Flagging or paving: None.

Lining, diamond-shaped point:

Weight each	pounds	18	26
Size	inches	1¼	1½
Length	inches	60	66

Lining, round point: None.

[a] See Specifications and Plans for Track Tools, published by the American Railway Engineering Association, Construction and Maintenance Section, Association of American Railroads, 1942, annual edition.

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[1] 7 F.R. 6144, 6599.

[2] 7 F.R. 5557, 6046.

Pinch or jimmy bar (one end wedge-shaped and offset, other end straight, round, and tapered):

Size of octagon or hexagon ____ inch	¾	⅞	1
Length ____ inches	26	30	36

Shackle: None.

Tamping, chisel end: A. R. E. A. plan No. 14; approximately 13 pounds.

Tamping, diamond tamp, spear end: None.

Tamping, end (offset loop handle): None.

Tamping, plain end: None.

Tamping, spade end: None.

Tamping, spear end: 15-pound, 68-inch, 4-inch tamper, 4¾-inch spear.

Tamping, telegraph (wide tamp): None. (See Digging.)

Tamping, with wooden handle: None.

Timber (both ends offset at an angle of approximately 30 degrees, diamond-shaped point on one end, and chisel point on the other): 17-pound, 1⅛-inch stock, 5-foot.

TABLE 2.—BLACKSMITHS' ANVIL TOOLS

Chisels, cold:

Sizes of stock at eye ____ inches	1¼	1½	1¾
Length ____ do	6	7	8
Bit ____ do	1¼	1½	1¾
Weight ____ pounds	2	3	5

Chisels, hot:

Sizes of stock at eye ____ inches	1¼	1½	1¾
Length ____ do	7⅜	8¼	9¾
Bit ____ do	1½	2	2¼
Weight ____ pounds	2	3	5

Flatters:

Sizes of face ____ inches	2	2½	3	4

Fullers, top:
Sizes of groove, inches, ¼, ⅜, ½, ¾, 1, 1¼, 1½, 1¾, 2.

Fullers, bottom (shank for 1-inch anvil hole, 2⅜ inches long for all sizes): Sizes of groove, inches, ¼, ⅜, ½, ¾, 1, 1¼, 1½, 1¾, 2.

Hardies (shank 2⅜ inches long for all sizes):
Sizes of square shank, inches, ½, ⅝, ¾, ⅞, 1, 1⅛, 1¼.
Bit, inches, 1⅝, 1¾, 1⅞, 2, 2⅛, 2¼, 2⅜.

Heading tools:

Diameter of hole (inches)	Length (inches)	Size of head (inches)
¼	15	1¼ x 2¼
⅜	15	1¼ x 2¼
½	15	1¼ x 2¼
⅝	15	1¼ x 2¼
¾	16	1⅜ x 2½
⅞	16	1⅜ x 2½
1	16	1⅜ x 2½

Punches, round end:

Sizes of round punch ____ inches	¼	⅜	½	⅝	¾	⅞	1
Stock at eye ____ do	1⅛	1⅛	1¼	1⅜	1⅜	1½	1½
Length ____ do	7	7¼	7½	7¾	8	8¼	8½

Punches, square end:

Sizes of square punch ____ inches	¼	⅜	½	⅝	¾	⅞	1
Stock at eye ____ do	1⅛	1⅛	1¼	1⅜	1⅜	1½	1½
Length ____ do	7	7¼	7½	7¾	8	8¼	8½

Set hammers:

Square sizes of stock at face ____ inches	1¼	1½	1¾
Weight ____ pounds	1½	2	2¾

Swages, top: Sizes of peen, inches, ¼, ⅜, ½, ⅝, ¾, ⅞, 1 1¼, 1½, 1¾, 2, 2½, and 3.

Swages, bottom, with shank for 1-inch anvil hole: Sizes of peen, inches, ¼, ⅜, ½, ⅝, ¾, ⅞, 1, 1¼, 1½, 1¾, 2, 2½, and 3.

TABLE 3.—HAMMERS, MAULS, AND SLEDGES

Hammers:

Blacksmiths', double-face (See sledges).

Blacksmiths', hand, cross peen: (For smaller sizes see forged hammers schedule.)

Weight ____ pounds	4
Length ____ inches	5½
Eye size No.	2
Eye size ____ inches	¾ by 1

Bush: 6-pound.

Caulking: None.

Drilling, hand: (See forged hammers schedule.)

Engineers', hand, cross peen: (See also sledges, blacksmiths'): 4-pound. (For smaller sizes see forged hammers schedule.)

Engineers', double face: 4-pound.[1] (For smaller sizes see forged hammers schedule.)

Macadam: None.

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[1] Same as 4-pound blacksmiths' double face sledge.

TABLE 3.—HAMMERS, MAULS, AND SLEDGES—Continued.

Masons': None.

Masons', with teeth: None.

Napping: 4-pound, 6¼-inch; No. 2, ¾ by 1 inch eye, and 6-pound, 6¾-inch, No. 2, 1 by 1¼ eye.

Paving: None.

Riveting: None. (For machinists' riveting hammers see forged hammers schedule.)

Slashing: None.

Spalling, single face:

Weight ____ pounds	6	8	16	20
Length ____ inches	6½	7¾	9½	10½
Eye No.	2	2	2	2
Eye size ____ inches	1 by 1¼	1 by 1¼	1 by 1⅜	1¼ by 1½

Spalling, double face:

Weight ____ pounds	4	8	12	16
Length ____ inches	6	6½	7	8
Eye No.	2	2	2	2
Eye size ____ inches	¾ by 1	1 by 1¼	1 by 1⅜	1 by 1⅜

Striking, Missouri pattern: None.

Striking, short or Oregon pattern: None.

Striking, long or Nevada pattern:

Weight (pounds)	Length (inches)	Eye No.	Eye size (inches)
4	5¾	2	¾ by 1
6	6½	2	1 by 1¼
8	7¼	2	1 by 1¼
10	7¾	2	1 by 1⅜
12	8	2	1 by 1⅜
16	8½	2	1 by 1⅜

Mauls:

Coal: None.

Ship or top: 5-pound, 8¾-inch; Eye No. 2, 1 by 1¼ inch.

Spike, railroad:

Standard pattern (any two of the following):

Weight ____ pounds	4	8	10
Length ____ inches	9	12	12¾
Eye No.	2	2	2
Eye size ____ inches	¾ by 1	1 by 1⅜	1 by 1⅜

Pittsburgh or bell pattern:
A. R. E. A. design No. 1: 14-inch, approximately 10-pound.
A. R. E. A. design No. 2: 15-inch, approximately 10-pound.

Woodchoppers':

Straight bit, oval eye: None.

Oregon pattern, single-bit-axe eye: None.

Oregon pattern, double-bit-axe eye:

Weight ____ pounds	6	8
Length ____ inches	8½	9⅛
Eye No.	5	5
Eye size ____ inches	⅞ by 2⅛	⅞ by 2⅛

Oregon pattern, oval eye:

Weight ____ pounds	6	8
Length ____ inches	8½	9⅛
Eye No.	2	2
Eye size ____ inches	1 by 1¼	1 by 1¼

Sledges:

Blacksmiths', cross peen:

Weight ____ pounds	6	8	10	12	16
Length ____ inches	6½	7	7½	8	9
Eye No.	2	2	2	2	2
Eye size ____ inches	1 by 1¼	1 by 1¼	1 by 1⅜	1 by 1⅜	1 by 1⅜

TABLE 3.—HAMMERS, MAULS, AND SLEDGES—Continued

Sledges—Continued.

Blacksmiths', straight peen:

Weight ____ pounds	8	12	14
Length ____ inches	7	8	8½
Eye No.	2	2	2
Eye size ____ inches	1 by 1¼	1 by 1⅜	1 by 1⅜

Blacksmiths', double face:

Weight (pounds)	Length (inches)	Eye No.	Eye size (inches)
4	5¼	2	¾ by 1
6	6	2	1 by 1¼
8	6½	2	1 by 1¼
10	7	2	1 by 1⅜
12	7½	2	1 by 1⅜
20	8¾	2	1¼ by 1½

Moulders: None.

New England pattern, cross peen: None.

Ore: None.

Stone, flat face: None.

Stone, oval face:

Weight ____ pounds	8	12	16	20
Length ____ inches	7¼	8¼	9¼	9¾
Eye No.	2	2	2	2
Eye size ____ inches	1 by 1¼	1 by 1⅜	1 by 1⅜	1¼ by 1½

TABLE 4.—HOES

Accomac: 5-pound (nominal), blade 5⅞ to 6¾ inches, length 11 to 11¾ inches.

Clay: None.

Grub: 3½-pound, 3¾-inch bit, 10¾ inches long, No. 8 eye.

Grub, Baltimore pattern: None.

Hazel: None.

Palmetto (Accomac type, but with heavier blade): None.

Vineyard: None.

TABLE 5.—MATTOCKS

Asphalt, double eye: 10-pound, 3-inch bits, 20 inches long.

Asphalt, single eye: None.

Brush: None.

Cutter:
3-pound, 13 inches over all, eye No. 7.
5-pound, 15¾ inches over all, eye No. 6.

Nursery: None.

Pick: 5-pound, 3½-inch blade, 19 inches over all, eye No. 6.

Pick and cutter: None.

Pick, intrenching: To be in accordance with U. S. Army Specification No. 17–171.

TABLE 6.—PICKS

Boiler, or scaling hammer: 1-pound.

Canadian pattern, with sleeve: None.

Coal miners, adze eye: None.

Coal miners, anthracite pattern: 2-, 2½-, 3-, 3½-, and 4-pound; eye sizes same as specified for coal miners, lip eye.

Coal miners, lip eye:
Cutting or straight pattern,
Mining or anchored pattern, short, and
Mining or anchored pattern, long:

1½-pound 2-pound	eye No. 10, but with larger opening 2¾ by ¾ inch.
2½-pound 3-pound	eye No. 10, but with larger opening 3 by ¾ inch.
3½-pound 4-pound 5-pound	eye No. 10, but with larger opening 3⅛ by ¾ inch.

TABLE 6.—PICKS—Continued

Coal, special construction (attached to handle by means of a collar and bolt): None.

Concrete (similar in shape to quarry pick): None.

Contractors, diamond pointed: None.

Contractors, point and chisel ends: 9-pound, 30-inch, eye No. 6.

Contractors, round pointed, or Yankee pattern: 8-pound, 30-inch, eye No. 6.

Drifting:

Weight ____ pounds	4	5	6
Length ____ inches	21	25	26
Eye No.	10	10	10

Drifting (all other models): None.

Mill: 2-pound.

Poll, or mining: 5-pound, 16-inch, eye No. 10.

Poll, or locomotive: 5 to 6 pound. One model only.

Poll, or zinc mining: None.

Prospectors': (See forged hammers schedule.)

Quarry: None.

Railroad or clay:
Double pointed: 8-pound, 26-inch, eye No. 6.
Point and chisel ends: 6-pound, 23-inch, eye No. 6; 7-pound (A. R. E. A. design) 25-inch, eye No. 6, and 9-pound, 27-inch, eye No. 6.
Eyeless: None.

Rock or ore:
Point and chisel ends: 7-pound, 22-inch, eye No. 6.
Double pointed: 7-pound, 22-inch, eye No. 6.

Stone: None.

Surface: None.

Tamping:
A. R. E. A. V-tamp: 8-pound approximately, 24½-inch, eye No. 6.
T-tamp: 10-pound, 4 x ¾ inch tamp, 24½ inches long, eye No. 6.
T-tamp, eyeless: None.
Diamond tamp: None.
Diamond tamp, eyeless: None.

Trimmers': None.

TABLE 7.—RAILWAY TRACK TOOLS NOT ELSEWHERE CLASSIFIED

Chisel, broom: None.

Chisel, track (alloy or open hearth steel):
A. R. E. A. design No. 1, 5¼-pound, 9¼ inches long;
A. R. E. A. design No. 2, 5½-pound, 10½ inches long.

Fork, rail: A. R. E. A. design, 13-pound.

Puller, spike: A. R. E. A. design, 4-ball, 2½-pound.

Punch, tie plug: A. R. E. A. design, 4-pound.

Punch, track, round point: A. R. E. A. design, 5½-pound.

Tongs, rail: A. R. E. A. design, 22-pound.

Tongs, tie: A. R. E. A. design, 10-pound. (May be furnished with lugs.)

Tongs, timber: Old or new A. R. E. A. design.

Wrenches, track, single and double end: A. R. E. A. design, jaw openings as desired.

Wrenches, track, mine:
Double end, S pattern:
For ½- and ⅝-inch bolts, 10½ inches long over all, maximum weight 1½ pounds, jaw opening as desired.
Single end, other end tapered for lining up holes:
For ½-inch bolts, 11½ inches long over all, maximum weight 1½ pounds, jaw opening as desired.

TABLE 8.—TONGS

Bit, with oblong boxed jaws:
Curved pattern: 3½-pound.
Straight pattern: None.

Blacksmiths' bolt, curved lip, fluted jaw:

Diameter of bolt ____ inches	¼	⅜	½	⅝	¾	⅞	1	1½
Length ____ do	18	18	20	22	22	24	24	26

Gad, flat jaw: 24-inch.

Horseshoers': 16-inch.

Pick: 24-inch.

TABLE 9.—TONGS—Continued

Pick-up, double: 24-inch.
Pick-up, single: 24-inch.
Rivet: 24-inch.
Rivet heaters': 30-inch.
Sticker, straight or curved: 20-inch.
Straight fluted lip: 18-, and 24-inch.

TABLE 9.—WEDGES

Bucking, Pacific coast: 6-pound.
Coal: 2-, 2½-, 3-, and 3½-pound (one pattern only, to be proportioned as desired between the present short and long patterns.)
Coal, anthracite pattern: 2-, 2½, 3-, and 3½-pound.
Falling, broad pattern with ear: None.
Falling, Pacific coast: 5- and 8-pound.
Falling, Lake Superior pattern (sometimes called a splitting wedge): None.
Falling, narrow pattern: None.
Falling, Oregon pattern: None.
Falling, Puget Sound pattern: None.
Falling, Townsend pattern: None.
Frost: 16-pound.
Hanging (any wedges with holes in center of head): None.
Rock: None.
Saw, heavy pattern, with ear: None.
Saw, improved: ½-, 1-, 2-, and 3-pound.
Splitting, cedar: None.
Splitting, Oregon: 6-pound.
Standard or square head: 3-, 4-, 5-, and 6-pound.
Stave: 3- and 4-pound.
Stone: 2- and 4-pound.
Tie: None.
Truckee, or round head: 4-, 5-, and 6-pound.
Truckee, flared bit: None.
Wood, prouty: None.

TABLE 10.—MISCELLANEOUS FORGED HAND TOOLS, MINE BLASTING HAND TOOLS, AND MINE BREAST DRILLS

Axe, stone, double bit: None.
Bull points, hand:

Length	inches	12	15	24
Bar size	do	⅞	1	1¼

Chisel, side: 5-pound.
Chisels, welders' hot, alloy steel: 5-pound, 2-inch bit, stock at eye 1¼-inches, eye No. 2, eye size ¾ x 1 inch.
Chisels (varieties similar to blacksmiths' cold and hot chisels, such as drift, splitting, car, foundry, etc.): None.
Drift pin, barrel type and plug or taper type:

Diameter of stock	inches	7/16	9/16	11/16	13/16	15/16	1 1/16	1 3/16
Length	inches	6	6½	7	7½	8	8½	9

Froes, cooper: 5-pound, 14-inch.
Gouge, handle: None.
Punch, backing out:

Diameter of face	inches	⅜	½	⅝	¾	⅞	1
Stock at eye	do	1⅛	1¼	1⅜	1⅜	1½	1½
Over all length	do	7¼	7½	7¾	8	8¼	8½

Rivet header or rivet set (also known as button sets): To be made in one type only:

Size of rivet	inches	½	⅝	¾	⅞
Weight	pounds	2½	3	4	5

MINE BLASTING TOOLS

Needles, copper: ⅜-inch stock, 6-, and 7-foot lengths.
Needles, steel: None.
Tamp drills, copper headed:

Diameter of copper head (inches)	Diameter of steel body (inches)	Lengths (feet)	Length of copper head (inches)
1¼	¾	6 and 7	5
1½	¾	6 and 7	5
2	1	6 and 7	5

Tamp drills, all steel: None.
Scraper and copper headed tamper (with steel scraper): Same sizes as copper headed tamp drills.
Scraper and copper headed tamper (with detachable copper scraper): None.
Scrapers, double end (one end detachable copper): None.
Scrapers, double end, all steel: Diameter of steel body, ⅜-inch; lengths 6 and 7 feet.
Scrapers, spoon and sump type: None.
Scraper and tamper, all steel: None.
Scraper, all steel, with loop handle: None.

MINE BREAST DRILLS

Breast augers, complete, single and double crank:

Length, including that of twist and crank stem (feet)	Length of twist (feet)	Sizes of oval augers (inches)	Size of conveyor augers (inches)
6	5	1¼, 1½	1½
7	6	1¼, 1½, 2	1½
8	7	1½	1½
9	8	1½	1½

Cranks, for breast augers, single and double: Lengths of stems (distance from threaded end to crank) 6- and 18-inch.

Twists, for single and double crank breast augers (with 6-inch shanks threaded for coupling to crank):

Length of twist, exclusive of shank (feet)	Sizes of oval augers (inches)	Size of conveyor augers (inches)
5	1¼, 1½	1½
6	1¼, 1½, 2	1½
7	1½	1½
8	1½	1½

[F. R. Doc. 42-9866; Filed, October 3, 1942; 11:55 a. m.]

PART 3037—ELECTRONIC EQUIPMENT

[Amendment 1 to General Limitation Order L-183]

Section 3037.1 *Limitation Order L-183*[1] is hereby amended:

By adding to Schedule A the following:

5. Any equipment purchased under a specific order, contract or subcontract, bearing a preference rating of A-3 or higher for the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation, Metals Reserve Company, Defense Plant Corporation, or any foreign country designated pursuant to the act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act.)

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9888; Filed, October 3, 1942; 12:40 p. m.]

PART 3097—SULFAMIC ACID AND SULFAMIC ACID DERIVATIVES

[General Preference Order M-242]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of sulfamic acid and sulfamic acid derivatives for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3097.1 *General Preference Order M-242*—(a) *Definitions.* For the purposes of this order:

(1) "Sulfamic acid" means the chemical compound of that name having the formula HSO_3NH_2.

(2) "Sulfamic acid derivatives" means ammonium sulfamate and fire retardants made from sulfamic acid.

(3) "Producer" means any person engaged in the production of sulfamic acid or sulfamic acid derivatives and includes any person who has any such material produced for him pursuant to toll agreement.

(4) "Distributor" means any person who has purchased, or purchases, sulfamic acid or any sulfamic acid derivative for resale.

(b) *Restrictions on delivery.* (1) On and after November 1, 1942 no person shall deliver or accept delivery of sulfamic acid or any sulfamic acid derivative without the specific authorization of the Director General for Operations upon application pursuant to paragraph (d) hereof.

(2) Each person accepting delivery of sulfamic acid or any sulfamic acid derivative pursuant to specific authorization of the Director General for Operations shall use the same only for the purposes specified in such authorization.

(3) Each person affected by this order shall comply with such directions as may be given by the Director General for Operations at any time after the date of issuance of this order, with respect to the use or delivery of sulfamic acid or with respect to the use or delivery of any sulfamic acid derivative.

(c) *Production and establishment of inventories.* (1) Each producer shall comply with such directions as may be given by the Director General for Operations at any time after the date of issuance of this order, with respect to the production of sulfamic acid or with respect to the production of any sulfamic acid derivative.

(2) Each person shall comply with such directions as may be given by the Director General for Operations at any time after the date of issuance of this order, with respect to the establishment of inventories of sulfamic acid or with respect to the establishment of inventories of any sulfamic acid derivative.

(d) *Applications and reports.* In addition to such other reports as may be required from time to time by the Director General for Operations:

(1) Each person seeking authorization to accept delivery of sulfamic acid or of any sulfamic acid derivative pursuant to paragraph (b) (1) hereof, shall apply for such authorization on Form PD-600. Such applicant shall file with the War Production Board the original and two copies of such form on or before the 15th day of the month preceding the month for which such authorization is requested and shall file with his supplier one copy of such form on or before the 10th day of such month if the supplier is a producer or on or before the 5th day of such month if the supplier is a distributor, which form shall be prepared in the manner prescribed therein, subject, however, to the following specific instructions:

(i) *Heading.* Specify "sulfamic acid and sulfamic acid derivatives" and order number "M-242", and specify pounds as the unit of measure, and in addition to specifying the delivery destination, indicate the address to which communications should be directed.

(ii) *Columns 1, 11 and 19.* Specify sulfamic acid, ammonium sulfamate or fire retardant.

(iii) *Columns 3, 20 and 22.* In the case of a distributor, specify "resale pursuant to further authorization". In the case of a consumer, specify:

Ammonium sulfamate.
Fire retardant.
Flameproofed textiles.
Laboratory reagents.
Leather.
Cellophane.
Dyestuffs.
Dry color.
Electroplating solution.
Other.

If "other" is specified, describe briefly.

(iv) *Column 4.* In the case of a distributor, disregard. In the case of a consumer, specify:

Military materials.
Non-military materials.
Military clothing.
Non-military clothing.
Quartermaster Corps confidential.
Other Governmental Agencies (identify) specification number.
Nitrite removal.
Washing agents.
Fixing agents.
Peptizing pigments.
Other.

If "other" is specified describe briefly.

(2) Each producer and distributor seeking authorization to deliver sulfamic acid or any sulfamic acid derivative pursuant to paragraph (b) (1) hereof, shall apply therefor on Form PD-601. Such applicant shall file with the War Production Board the original and two copies of such form on or before the 20th day of the month preceding the month for which such authorization is requested, which form shall be prepared in the manner prescribed therein, subject, however, to the following specific instructions:

(i) *Heading.* Specify "sulfamic acid and sulfamic acid derivatives" and order number "M-242", and specify pounds as the unit of measure, and in addition to specifying the plant or warehouse address, indicate the address to which communications should be directed.

(ii) *Columns 3 and 8.* Specify sulfamic acid, ammonium sulfamate or fire retardant.

(e) *Notification of customers.* Producers and distributors shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any such person from complying with the terms hereof.

(f) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board Priorities Regulations, as amended from time to time.

(2) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of sulfamic acid and sulfamic acid derivatives, shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C., Ref: M-242.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9867; Filed, October 3, 1942; 11:56 a. m.]

Subchapter A—General Provisions

PART 905—SPECIFICATIONS

[Directive 9]

NATIONAL EMERGENCY SPECIFICATIONS FOR THE DESIGN OF REINFORCED CONCRETE BUILDINGS

Pursuant to the authority vested in me by Executive Orders No. 9024 of January 16, 1942, No. 9040 of January 24, 1942, and No. 9125 of April 7, 1942, and pursuant to the policy stated in the Joint Directive of the War Production Board and the War and Navy Departments dated May 20, 1942, and the Army and Navy Munitions Board "List of Prohibited Items for Construction Work," dated April 1, 1942, as revised June 29, 1942, the following policy is prescribed (1) for the War Production Board and for the Army, Navy, Maritime Commission, Reconstruction Finance Corporation, National Housing Agency, and (2) for all other Departments and Agencies in respect to war construction and the financing of war construction.

§ 905.2 *National Emergency Specifications for the design of reinforced concrete buildings—Adoption of specifications.* (a) National Emergency Specifications for the Design of Reinforced Concrete Buildings issued by the War Production Board on October 5, 1942, shall apply to and shall govern the designing of reinforced concrete buildings which are constructed by, or the construction of which is financed by, or the construction of which must be approved by any of such departments or agencies, the contracts for which are placed after a date sixty days after the issuance of this directive. Such departments and agencies are, however, empowered to put such emergency specifications into immediate effect wherever possible.

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[1] 7 F.R. 7396.

(b) With respect to any such contracts already placed by any of said departments or agencies or entered into prior to a date sixty days after the issuance of this directive, the department or agency concerned shall review the contract promptly and shall change to said emergency specifications unless such change will result in any substantial delay in the war effort.

(c) The department or agency undertaking or approving the construction shall obtain from the person in responsible charge of the design of each such building a certificate to the effect that such emergency specifications have been complied with. In cases where Forms PD–200 and PD–200A must be filed with the War Production Board in order to obtain authorization to begin construction of such building, such certificate shall be filed with said forms.

(d) Authority to depart from the provisions of this directive may, upon specific request, be granted by the Director General for Operations of the War Production Board, or by such person or persons as he may designate for this purpose.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024; 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of October 1942.

DONALD M. NELSON,
Chairman, War Production Board.

[F. R. Doc. 42–9921; Filed, October 5, 1942; 11:34 a. m.]

Subchapter B—Director General for Operations

PART 1147—COLLAPSIBLE TUBES

[Conservation Order M–115, as Amended October 5, 1942]

1. The designation of Part 1147 (formerly "Collapsible Tin, Tin-coated, and Alloy Tubes") is hereby amended to read "Collapsible Tubes."

2. Section 1147.1 *Conservation Order M–115* is hereby amended to read as follows:

§ 1147.1 *Conservation Order M–115,* as amended October 5, 1942—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Tube" means any collapsible container in the shape of a tube, including but not limited to any such container made in whole or in part of tin, lead, or any combination thereof and includes closures, crowns and caps for such tubes.

(3) "Class I tube" means a tube used or intended to be used to pack any product listed on Table I, annexed hereto.

(4) "Class II tube" means a tube used or intended to be used to pack any product listed on Table II, annexed hereto.

(5) "Class III tube" means a tube used or intended to be used to pack any product listed on Table III annexed hereto.

(6) "Class IV tube" means a tube used or intended to be used to pack any product listed on Table IV, annexed hereto.

(7) "Non-essential tube" means any tube other than a tube described in subparagraphs 3, 4, 5 and 6 above.

(8) "Tube user" means any person, whether or not he is also a tube manufacturer, engaged in the business of packing or filling tubes with any product of any kind for sale to others.

(9) "Retailer" means a person other than a distributor who sells or distributes tubes to the ultimate purchaser.

(10) "Distributor" means a person who sells or distributes tubes to retailers, including, but not limited to, wholesalers, jobbers, tube users, and tube manufacturers when they are engaged in such sale or distribution.

(11) "Ultimate purchaser" means a person who acquires filled tubes for the satisfaction of personal needs (with or without paying any consideration therefor), as distinguished from one acquiring tubes for industrial or other business purposes or for further distribution.

(c) *Restrictions upon the manufacture, sale and delivery of blanks and tubes and upon the use of tubes for packing*—(1) *Non-essential tubes.* No person shall manufacture or sell, for non-essential tubes, blanks containing any tin (but not including tin present as an impurity amounting to 0.5% or less); no tube manufacturer shall manufacture or sell non-essential tubes containing any tin (but not including tin present as an impurity amoumting to 0.5% or less); and no tube user shall use any tubes containing any tin (but not including tin present as an impurity amounting to 0.5% or less) to pack any product not listed on Tables I, II, III, or IV.

(2) *Class I tubes.* Notwithstanding the provisions of Conservation Order M–43–a, as amended, and until further order by the Director General for Operations there shall be no restriction upon the percentage of tin which may be used in the manufacture of Class I tubes, nor on the number of such tubes manufactured or used for packing products listed on Table I.

(3) *Class II tubes.* No person shall manufacture or sell for Class II tubes blanks containing more than 7½% of tin by weight; no tube manufacturer shall manufacture or sell Class II tubes containing more than 7½% of tin by weight; and no tube user shall use any tube containing more than 7½% of tin by weight to pack any product listed on Table II.

(4) *Class III tubes.* No person shall manufacture or sell for Class III tubes blanks containing more than 5% of tin by weight; and no tube manufacturer shall manufacture or sell Class III tubes containing more than 5% of tin by weight; and no tube user shall use any tube containing more than 5% of tin by weight to pack any product listed on Table III.

(5) *Class IV tubes.* No person shall manufacture or sell for Class IV tubes blanks containing more than 1½% of tin by weight; no tube manufacturer shall manufacture or sell Class IV tubes containing more than 1½% of tin by weight; and no tube user shall use any tube containing more than 1½% of tin by weight to pack any product listed on Table IV.

(6) *Quota for Table III and Table IV products.* No tube user shall pack in tubes, during each of the three-month periods beginning April 1, 1942, July 1, 1942, and October 1, 1942, respectively, more than 100% of the aggregate of the products listed on Table III and Table IV which he packed in tubes during the corresponding three-month period of 1940, or at his option no more than 25% of the aggregate of the products listed on Table III and Table IV which he packed in tubes during the whole of 1940: *Provided,* That no tube user shall pack in tubes during the period between April 1, 1942 and December 31, 1942, inclusive, more than 100% of the aggregate of the products listed on Table III and Table IV which he packed in tubes during the last nine months of 1940. All percentages above mentioned shall be based upon volumetric weight. Said percentages shall be in addition to the products listed on Table III and Table IV which are packed in tubes and sold and delivered to the Army or Navy of the United States or the United States Coast Guard (including but not limited to post exchanges, ships' stores, ships' service stores, and marine exchanges), and in addition to products listed on Table III and Table IV which are packed in tubes having no greater tin content than that prescribed in paragraph (c) (1) of this order for non-essential tubes.

(d) *Further conservation of tin.* (1) All manufacturers and users of all the kinds of tubes covered by this order shall cooperate in effectuating as rapidly and as completely as possible a program of reducing the thickness of the tin coating on such tubes to the minimum thickness which will be sufficient for satisfactory packing of the particular product packed.

(2) All manufacturers of all kinds of tubes permitted to be manufactured or filled by this order and all tube users packing products in such tubes are ordered to concentrate to the greatest extent practicable upon the larger-size tubes and to manufacture and to use for tube filling respectively as high a proportion of larger-size tubes (as compared with smaller-size tubes) as may be feasible and practicable. All such manufacturers and tube users are further ordered to substitute, for all tubes made in whole in part of tin, containers made of other materials to the extent that such substitution may be feasible and practicable.

(3) No retailer shall sell or deliver any filled Class III or Class IV metal tube to any ultimate purchaser (except as bona fide samples, manufactured prior to the 15th day of June, 1942, which are distributed indiscriminately and without any conditions) unless such purchaser delivers to such retailer concurrently with his purchase one used metal tube of any kind for each metal tube delivered to such purchaser. All such used tubes, together with any other used tubes held by retailers, shall be held by such retailers and shall not be disposed of by them except as follows:

(i) To the Tin Salvage Institute, 411 Wilson Avenue, Newark, New Jersey, as agent for Metals Reserve Company;

(ii) To any wholesaler of products packed in tubes, who is a duly authorized representative of the Tin Salvage Institute as agent for the Metals Reserve Company; or

(iii) To any other person who is such a representative.

Such deliveries may be made by such retailers at any time and in any manner consented to by the person to whom delivery is to be made, and shall be made, upon demand of such person and at the expense of such person, in such manner and at such time as such person may request. In no case shall any consideration be paid or received for any used tubes so delivered and no person (including, but not limited to, wholesalers of products packed in tubes and dealers in scrap metal and junk) shall, except as otherwise expressly permitted by this paragraph (d) (3), deliver any used tube of any kind to any person except those designated above. Damaged or unused tubes shall, at the option of the holder, be returned for credit to the party from whom they were purchased or delivered to the Tin Salvage Institute as agent for Metals Reserve Company.

(4) Nothing in this order shall prevent the manufacture of nonessential or other tubes from blanks already manufactured on the 1st day of April, 1942, or the sale and delivery of tubes so manufactured or the use of same for packing any products, whether or not listed on Tables I, II, III and IV of this order. *Provided, however,* That the volumetric weight of any products listed in Tables III and IV which are packed in accordance with the provisions of this subparagraph shall be subtracted from the quotas allowed to the tube user pursuant to paragraph (c) (6) of this order.

(5) Nothing in this order shall prevent the sale, delivery, purchase, acceptance of delivery and use of tubes containing no more than 7½% of tin by weight for packing products listed in Tables III and IV of this order, provided said tubes were made from blanks which had already been manufactured on the 5th day of October 1942; and provided further that the volumetric weight of any products listed in Tables III and IV which are packed in accordance with the provisions of this subparagraph shall be subtracted from the quotas allowed to the tube user pursuant to paragraph (c) (6) of this order.

(6) Notwithstanding any other provisions of this order, gift kits or combination set boxes already packed and in the hands of retailers on the 15th day of June, 1942, holding multiple units, including filled Class III or Class IV tubes, the value of which comprises not over 25% of the total value of the package, may be disposed of without complying with the used tube exchange provision set forth in paragraph (d) (3) hereof; provided that any such boxes are delivered or sent direct by the seller to a member of the Army or Navy of the United States or of the United States Coast Guard.

(7) Compliance with the used tube exchange provision set forth in paragraph (d) (3) hereof shall not be required in connection with the sale or distribution of Class III or Class IV tubes when made by the following agencies or instrumentalities of the United States Government; namely, army exchanges, ships stores, ships service stores, and marine exchanges; if made under any of the following circumstances:

(i) Distributions or sales, made aboard ship, in the Territory of Alaska, or outside the continental limits of the United States.

(ii) Distributions or sales made at ports of embarkation, induction centers, receiving stations, receiving ships, to newly inducted selectees or enlistees or other persons designated by the commanding officer.

(iii) Sales or distributions made in hospitals under the jurisdiction of the armed forces of the United States to casualties of war.

Provided, however, That no tubes containing more than 7½% tin shall be sold or delivered pursuant to this subparagraph: *And further provided,* That the exemption provided by this subparagraph shall be subject to such conditions as shall be prescribed by the appropriate authorities of that branch of the Government under whose jurisdiction the above named agencies or instrumentalities respectively operate.

(e) *Certificates and reports relating to all the kinds of tubes covered by this order*—(1) *Certificates of tube users.* Each tube user who purchases any tubes shall furnish to the tube manufacturer from whom he buys, a certificate, in substantially the form attached hereto as Exhibit A, that such tube user is familiar with the terms of this order (in its present form or as it may be amended from time to time) and that, during the life of this order, he will not use any tubes purchased from such tube manufacturer in violation of its terms. Only one such certificate covering all present and future purchases from a given tube manufacturer need be furnished by a tube user to that tube manufacturer (who shall retain such certificate), but no tube manufacturer shall be entitled to rely on any such certificate if he knows, or has reason to believe it to be false.

(2) *Certificates of retailers.* Each retailer who purchases any filled Class III or Class IV tubes shall furnish to the manufacturer or distributor from whom he buys a certificate, in substantially the form attached hereto as Exhibit B, that such retailer is familiar with the terms of this order (in its present form or as it may be amended from time to time) and that, during the life of this order, he will not use any tubes purchased from such manufacturer or distributor in violation of its terms. Only one such certificate covering all present and future purchases from a given manufacturer or distributor need be furnished by a retailer, but no manufacturer or distributor shall be entitled to rely on any such certificate if he knows, or has reason to believe, it to be false: *Provided, however,* That such certificates shall not be required in connection with the export of filled Class III or Class IV tubes from the forty-eight states of the United States of America and the District of Columbia.

(3) *Reports.* Each tube manufacturer and each tube user shall file such reports as the War Production Board may prescribe for the purpose of effective administration of the order, and no tube manufacturer or distributor shall sell any tubes except under contracts or orders validated by the certification required by this paragraph (e).

(f) *Miscellaneous provisions*—(1) Appeal. Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of tin conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense work to defense work, may appeal to the War Production Board, on such form as may be prescribed, Ref.: M–115, setting forth, the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Sales of tin.* No person shall hereafter sell or deliver tin to any tube manufacturer or tube user if he knows, or has reason to believe, that such tin is to be used in violation of the terms of this order.

(4) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Containers Branch, Washington, D. C., Ref.: M–115.

(5) *Effect of other orders.* Except as provided in paragraph (c) (2) above, insofar as any other order of the Director of Priorities, the Director of Industry Operations or the Director General for Operations heretofore or hereafter issued

limits or curtails to a greater extent than herein provided the use of any material used in the production of tubes, the limitations of such order shall control.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT A

WAR PRODUCTION BOARD
DIRECTOR GENERAL FOR OPERATIONS

TUBE USER'S CERTIFICATE

Certificate required by paragraph (e), subparagraph (1) of Conservation Order M-115. One copy of this certificate is to be delivered to each tube manufacturer from whom the tube user purchases tubes and is to cover all purchases present and future, so long as such conservation order, in its present form or as it may be amended from time to time, remains in effect.

-------------------- --------------------
(Tube user's address) (Date)

In accordance with paragraph (e), subparagraph (1) of Conservation Order M-115 of the War Production Board designed to conserve the amount of tin used in collapsible tubes, the undersigned hereby certifies—and this shall constitute a certification to the War Production Board—that the undersigned is familiar with the terms of said Conservation Order, and any and all amendments thereto, and that the undersigned will not use any tubes purchased from

----
(Name of tube manufacturer)

(Address of tube manufacturer)

in violation of the terms of said order and amendments.

(Legal name of tube user)

By --------------------
(Authorized official)

(Title of official reporting)

Section 35A of the U. S. Criminal Code (18 U.S.C.A. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

EXHIBIT B

WAR PRODUCTION BOARD
DIRECTOR GENERAL FOR OPERATIONS

RETAILER'S CERTIFICATE

Certificate required by paragraph (e), subparagraph (2) of Conservation Order M-115. One copy of this certificate is to be delivered to each distributor from whom the retailer purchases tubes and is to cover all purchases present and future, so long as such conservation order, in its present form or as it may be amended from time to time, remains in effect.

-------------------- --------------------
(Retailer's address) (Date)

In accordance with paragraph (e), subparagraph (2) of Conservation Order M-115 of the War Production Board designed to conserve the amount of tin used in collapsible tubes, the undersigned hereby certifies—and this shall constitute a certification to the War Production Board—that the undersigned is familiar with the terms of said conservation order, and any and all amendments thereto, and that the undersigned will not use any tubes purchased from

----
(Name of tube manufacturer or distributor)

(Address of tube manufacturer or distributor)

in violation of the terms of said order and amendments.

(Legal name of retailer)

By --------------------
(Authorized official)

(Title of official reporting)

Section 35A of the U. S. Criminal Code (18 U.S.C.A. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

TABLE I—(CLASS I TUBES)

1. Preparations compounded extemporaneously for dispensing by pharmacists on legally constituted prescriptions of physicians, dentists, or veterinarians.
2. Ointments and other preparations for ophthalmic use.
3. Sulfonamide ointments and blood plasma.
4. Diagnostic extracts (allergens).

TABLE II—(CLASS II TUBES)

1. (a) Medicinal and pharmaceutical ointments not included in Table I:

(b) Preparations which are intended for introduction into body orifices (nasal, vaginal, rectal, surgical jelly, etc.), not included in Table I.

TABLE III—(CLASS III TUBES)

1. Dental cleansing preparations.

TABLE IV—(CLASS IV TUBES)

1. Shaving preparations.

[F. R. Doc. 42-9922; Filed, October 5, 1942; 11:34 a. m.]

PART 3037—ELECTRONIC EQUIPMENT

[Preference Rating Order P-133]

Section 3037.5 *Preference Rating Order P-133*—(a) *Definitions.* For the purpose of this order:

(1) "Operator" means any individual, partnership, association, business trust, corporation, receiver or any form of enterprise whatsoever, whether incorporated or not, the United States, and the several states thereof, and any political, corporate, administrative or other division or agency thereof, to the extent engaged in any activity listed in Schedule A, hereof.

(2) "Material" means any commodity, equipment, accessory, assembly, or product of any kind.

(3) "Maintenance" means the upkeep of an operator's buildings, structures and equipment in sound working condition; and this, without regard to whether the expenditures therefor are for any reason required to be recorded in the operator's accounting records in accounts other than maintenance and repair.

(4) "Repair" means the reconstruction or restoration without expansion, improvement or change of design of any portion of an operator's buildings, structures and equipment when such portion has been rendered unsafe or unfit for service by wear and tear or other similar causes, but not including reconstruction or restoration of any portion damaged or destroyed by fire, flood, tornado, earthquake, act of God or the public enemy; and this, without regard to whether the expenditures therefor are for any reason required to be recorded in the operator's accounting records in accounts other than maintenance and repair.

(5) "Operating supplies" means any material which is essential to and consumed directly in the operation of any of the services specified in (a) (1) above but does not include recording discs, film, other recording media, fuel, office or building supplies, or equipment of any kind.

(b) *Assignment of preference rating.* Subject to the terms of this order, preference rating of A-1-j is hereby assigned:

(1) To deliveries of material to an operator for operating supplies and for maintenance and repair.

(2) To deliveries to any supplier of material to be physically incorporated in other material required by an operator for operating supplies, maintenance or repair.

(c) *Persons entitled to apply preference rating.* The preference rating hereby assigned shall be applied where a preference rating is required to obtain material for maintenance, repair and operating supplies by:

(1) Any operator engaged in an activity in Schedule A hereof and may be applied by

(2) Any supplier, provided deliveries to an operator or another supplier are to be made by him, which are of the kind specified in paragraph (b) and have been rated pursuant to this order.

(d) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(e) *Restrictions on inventory and use.* The preference rating hereby assigned may be applied by any operator, provided:

(1) Such rating is not used to replace in inventory more than one spare tube for each active tube socket.

(2) Such rating is not used to replace in inventory any spare parts except:

(i) Those subject to frequent failure, deterioration or other exhaustion.

(ii) Those which are so unique that failure would inevitably result in long delay in resumption of essential operations.

(3) Such rating is not used in any case to increase the value of an operator's inventory of repair parts, other than tubes, above the value of such inventory on the date of this order.

(4) Such rating is not used to replace in inventory a new part if the defective part can be repaired with a smaller consumption of raw material.

(5) The tube which has been replaced from operator's inventory or for which replacement is required has been operated to failure.

(6) The operator has returned to the manufacturer any power tube rated at

25 watts or more which has failed, unless such tube is to be repaired.

(7) Equipment which has failed has been operated within the ratings specified by the manufacturer.

(8) Such rating is not used to build up inventory of operating supplies other than tubes, in excess of requirements for a three-month period.

(9) Such operator was actively engaged in one of the activities listed on Schedule A hereof, on the date of issuance of the order, or has received specific authorization for his installation from the Director General for Operations of the War Production Board.

(f) *Application and extension of rating.* An operator or supplier, in order to apply the preference rating assigned by this order, shall endorse the following statement on the purchase order or contract for such material signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purposes.

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this purchase order, and that such application or extension is in accordance with Priorities Regulation No. 3, as amended, with the terms of which the undersigned is familiar.

-------------------- --------------------
Name of Purchaser Address

By -------------------- --------------------
(Signature and title of duly authorized officer) Date

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

1. Radio communication, including broadcasting.
2. Sound recording for commercial purposes.
3. Radio direction finding.

[F. R. Doc. 42-9923; Filed, October 5, 1942; 11:34 a. m.]

PART 3049—SOFTWOOD LUMBER

[Amendment 2 to Conservation Order M-208]

Section 3049.1 (*Conservation Order M-208*) is hereby amended in the following respects:

1. Paragraph (a) (1) is amended by striking out "or any species of softwood" and inserting in lieu thereof "of any species of softwood."

2. Paragraphs (a) (2), (3), (4) and (5) are amended to read as follows:

(2) "Class 1 orders" means purchase orders or contracts for softwood lumber to which preference ratings of AA-1 or AA-2 have been or may hereafter be assigned.

(3) "Class 2 orders" means purchase orders or contracts for softwood lumber to which preference ratings of AA-2X, AA-3, AA-4 or lower, but higher than A-1-a, have been or may hereafter be assigned (including the ratings assigned in List A attached to this order).

(4) "Class 3 orders" means purchase orders or contracts for softwood lumber to which preference ratings of A-1-a or lower but not lower than A-1-k have been or may hereafter be assigned (including the ratings assigned in List B attached to this order).

(5) "Class 4 orders" means purchase orders or contracts for softwood lumber to which preference ratings lower than A-1-k have been or may hereafter be assigned (including the ratings assigned in List C attached to this order).

3. Paragraph (a) is amended by adding at the end thereof the following new subparagraphs (6) and (7):

(6) "Producer" means any plant which processes, by sawing, edging, planing or other comparable method, 25% or more of the total volume of logs and lumber purchased or received by it.

(7) "Box factory" means any person who manufactures from softwood lumber purchased by him, boxes, box shooks, or cut-to-size crating.

4. Subparagraph (1) of paragraph (b) is amended to read as follows:

(1) The following preference ratings are hereby assigned to deliveries of softwood lumber, subject to the restrictions of subparagraph (2) of this paragraph (b):

(i) AA-2X for the uses specified in List A attached to this order.

(ii) A-1-a for the uses specified in List B attached to this order.

(iii) A-2 for the uses specified in List C attached to this order.

Provided, however, That no preference rating is assigned by this order to any delivery of softwood lumber to which the person requiring the softwood lumber is entitled to apply or extend a preference rating which is assigned on any other preference rating order or certificate, or by specific order of the Director General for Operations.

5. Subparagraph (2) of paragraph (b) is amended to read as follows:

(2) The ratings assigned in subparagraph (1) of this paragraph (b) may be applied, by the person requiring delivery of softwood lumber for the uses specified, by endorsement of purchase orders in the manner prescribed by Priorities Regulation No. 3 and Priorities Regulation No. 12, and the ratings may be extended, by any person receiving such an endorsed purchase order, in the manner and to the extent permitted by those regulations.

6. Paragraph (c) is amended by adding at the end thereof the following proviso:

Provided, however, That orders bearing preference ratings of AAA shall be accepted and filled without regard to the provisions of this order, subject to the provisions of applicable priorities regulations.

7. Paragraph (e) is amended by adding a new subparagraph (4) as follows:

(4) The restrictions of this paragraph (e) shall not apply to producers or box factories.

8. Paragraph (f) is amended to read as follows:

(f) *Restrictions on use of softwood lumber.* (1) Notwithstanding the terms of any contract or purchase order, and notwithstanding the fact that such an order may bear a preference rating, no person shall, except as specifically authorized by the Director General for Operations on Form PD-423, use, or purchase, order or accept delivery of:

(i) Southern pine, Douglas fir or western larch sold as meeting specifications of 1800 or 2000 lbs. fiber stress per square inch, or 1300 or 1450 lbs. compression stress, except on Class 1 orders;

(ii) Southern pine, Douglas fir, cypress or western larch sold as meeting specifications of 1400 or 1600 lbs. fiber stress per square inch, or 1100 or 1200 lbs. compression stress, except on Class 1 or Class 2 orders;

(iii) Douglas fir, west coast hemlock, noble fir or Sitka spruce, of grades No. 1, No. 2, or any higher common grade, except on Class 1, Class 2 or Class 3 orders;

(iv) Southern pine of grades No. 1, No. 2 or any higher common grade, or of No. 1 box, or No. 2 box (not including D or better flooring, ceiling, drop siding or partition) except on Class 1, Class 2, or Class 3 orders;

(v) Idaho white pine, northern white pine, eastern white pine, Norway pine, ponderosa pine, sugar pine, lodgepole pine, jack pine, cypress, white fir, eastern hemlock, Engelmann spruce or western white spruce, of Grades No. 2 or No. 3 common, except on Class 1, Class 2 or Class 3 orders;

(vi) Eastern spruce of grades selected merchantable and Grade No. 1 (merchantable), except on Class 1, Class 2 or Class 3 orders.

(2) Notwithstanding the provisions of this paragraph (f), any person having softwood lumber in inventory on October 5, 1942, which he received without violating the restrictions of Conservation Order M-208, may use it without regard to the restrictions of this paragraph (f); softwood lumber in transit on October 5, 1942, shall, for the purposes of this paragraph only, be deemed to have been delivered prior to October 5, 1942.

(3) The restrictions of this paragraph (f) shall not apply to purchases, sales and deliveries between producers.

9. List A of Order M-208 is amended by substituting the following paragraph for the first paragraph thereof:

Subject to the restrictions of subparagraph (1) of paragraph (b) of this order, a rating of AA-2X is hereby assigned to purchase orders of softwood lumber for the following uses:

10. List B of Order M-208 is amended by substituting the following paragraph for the first paragraph thereof:

Subject to the restrictions of subparagraph (1) of paragraph (b) of this order, a rating of A-1-a is hereby assigned to purchase orders of softwood lumber for the following uses:

11. Item (2) (ii) of List B of Order M-208 is amended to read as follows:

(ii) Defense housing rated under Preference Rating Orders P-19-d, P-19-h, P-55, and P-55 amended, remodeling projects rated under Preference Rating Order P-110, and pre-fabricated housing.

12. List C of Order M-208 is amended by substituting the following paragraph for the first paragraph thereof:

Subject to the restrictions of subparagraph (1) of paragraph (b) of this order, a rating of A-2 is hereby assigned to purchase orders of softwood lumber for the following uses:

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9920; Filed, October 5, 1942; 11:34 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIAL OF WHICH RUBBER IS A COMPONENT

[Amendment 33 to Revised Tire Rationing Regulations [1]]

TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

Sections 1315.405 (e) (3) and 1315.504 (a) (4) are amended to read as follows:

Tires and Tubes for Vehicles Eligible Under List A.

§ 1315.405 *Eligibility classification: List A.* * * *

(e) * * *

(3) Transportation of the following, except when public transportation facilities are readily available: workers to or from any industrial, extractive, military, naval or hospital establishment, power generation or transmission facilities, transportation or communication facilities, construction project or farm; disabled members of the armed forces to or from any hospital where their disabilities are treated; or persons for the purpose of donating blood.

(i) * * *

(ii) Certificates shall be issued under this paragraph (e) (3) for busses used to transport the persons mentioned herein only if no public means of transportation are available or if those persons cannot practicably use such means of transportation.

* * * * *

Retreaded and Recapped Tires and New Passenger Tires of an Obsolete Type for Vehicles Eligible Under List B

§ 1315.504 *Eligibility classification: List B.* * * *

(a) * * *

(4) Transportation on official business of Federal, State, local or foreign government employees, or employees of the American Red Cross, engaged in the performance of government or organization functions essential to the public health, safety or war effort.

(i) Certificates may be granted under this paragraph (a) (4) to enable government employees to perform government functions essential to the public health, safety, or the war effort, including such officials as fire wardens, ordnance inspectors, mine inspectors, food and crop inspectors, and similar persons.

(ii) Certificates may be granted under this paragraph (a) (4) only to government or Red Cross employees who use their cars principally for their official functions, and only when such functions cannot, because of the absence of other transportation facilities, be performed without the use of such cars. Certificates may not be granted under this paragraph (a) (4) to make possible the transportation of government or Red Cross employees from their residences to their principal places of employment.

(iii) In addition to the foregoing limitations, certificates may not be granted except to make possible official travel in passenger automobiles when government or Red Cross automobiles are used or when travel in private automobiles entitles the applicant to compensation by the agency employing him for the use of his automobile on a mileage or similar basis.

(iv) Certificates may be issued under paragraph (a) (4) to enable accredited foreign diplomatic representatives, official non-diplomatic foreign missions, and foreign consular officials to perform Government functions essential to the war effort.

(v) Any government or Red Cross employee applying hereunder to equip a privately-owned passenger automobile must present to the Board a certificate from his superior stating that: (*a*) the applicant is a regularly employed and paid worker of the government or Red Cross; (*b*) the applicant is being compensated for the use of his car on a mileage or similar basis; (*c*) the person signing the certificate is familiar with the functions performed by the vehicle, such functions cannot be performed without the use of the vehicle, and the vehicle is used substantially all the time for eligible purposes; and (*d*) the applicant has his employer's permission to apply hereunder.

§ 1315.1199a *Effective dates of amendments.* * * *

(gg) Amendment No. 33 (§§ 1315.405 (e) (3) and 1315.504 (a) (4)) to Revised Tire Rationing Regulations shall become effective October 8, 1942.

(Pub. Law 421, 77th Cong. OPM Supp. Order No. M-15c, WPB Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792; 7 F.R. 121, 350, 434, 473, 562, 925, 1009, 1026.)

Issued this 2d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9841; Filed, October 2, 1942; 4:53 p. m.]

PART 1336—RADIO, X-RAY, AND COMMUNICATION APPARATUS

[Correction to Amendment 3 [1] to Revised Price Schedule 84]

RADIO RECEIVERS AND PHONOGRAPH PARTS

The definition of "manufacturer" contained in Amendment No. 3 to Revised Price Schedule No. 84 (§ 1336.109 (a) (2)) is corrected to read as follows:

"Manufacturer" means any person regularly engaged in the manufacture and sale of radio and phonograph parts, but does not include a factory branch or subsidiary performing the function of a distributor or wholesaler.

§ 1336.110a *Effective dates of amendments.* * * *

(d). Correction (§ 1336.109 (a) (2)) to Amendment No. 3 to Revised Price Schedule No. 84 shall become effective October 2, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9834; Filed, October 2, 1942; 4:51 p. m.]

PART 1340—FUEL

[Amendment 10 to Maximum Price Regulation 137 [2]]

PETROLEUM PRODUCTS SOLD AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1340.86(c); § 1340.90(a) 15 and 16; § 1340.91 (e) are added and § 1340.86(a) and (b) are amended to read as set forth below:

§ 1340.86 *Statement and posting of maximum prices of motor fuels sold at retail establishments.* (a) Every person selling petroleum products at service stations subject to this Maximum Price Regulation No. 137 shall post the maximum price chargeable to purchasers of the class to whom he made the bulk of his sales for each grade of petroleum products in a manner plainly visible to and understandable by, each purchaser. Such postings shall be marked "maximum prices", "ceiling prices" or "our ceiling", beneath which shall be marked each grade of the petroleum product offered for sale and opposite each grade shall be stated the maximum price for that grade. Notwithstanding anything to the contrary contained in the General Maximum Price Regulation [2] or in § 1340.86 (c) of Maximum Price Regulation No. 137 every person whose maximum prices are increased pursuant to authorization by the Office of Price Administration shall indicate separately either for 60 days after such authorization or for so long as the increase remains effective, whichever period is shorter, the amount by which the maximum prices were increased, and the fact that such increase was authorized by the Office of Price Administration. In making this representation such person shall use the following language: "Amount of Increase—cents per gallon—Approved by the Office of Price Administration" or any other statement supplying the same information.

(b) On or before July 1, 1942, every person subject to this Maximum Price Regulation No. 137 shall file with the appropriate War Price and Rationing Board of the Office of Price Administration a statement showing his maximum price for each grade of motor fuel together with an appropriate description of its specifications. Such statement shall be kept up to date by such person by filing on the tenth day of every succeeding month a statement of his maximum price for each grade of motor fuel newly offered for sale by him at a service station during the previous month together with an appropriate description of its specifications.

(c) (1) Any seller who takes advantage of § 1340.91 (e) and after October 4, 1942, increases the price charged for a particular grade of motor fuel above the level that he would otherwise be permitted to charge shall file with the appropriate War Price and Rationing Board of the Office of Price Administration within five days after making such adjustment, an affidavit setting forth the following with respect to such grade:

(i) The sellers' maximum price as determined by § 1340.91 (a), (b) and/or (c) and his delivered cost at the time the adjustment is made;

(ii) The exact extent of the margin enjoyed by him during the major portion of the period October 1-15, 1941;

(iii) The prices charged by him for the particular grade of motor fuel at that retail establishment during the major portion of the period October 1-15, 1941;

(iv) The delivered cost of the particular grade of motor fuel on which the margin enjoyed during the major portion of the period, October 1-15, 1941, was calculated.

(2) Any seller who makes an initial increase after October 4, 1942, in the price charged for a particular grade of motor fuel under § 1340.91 (e), and reports that increase under (1) above, may hereafter have a further adjustment in price, either by being required to lower the price or by raising the price upon being granted permission for an increase. In the case of either such adjustment the seller shall file with the appropriate War Price and Rationing Board of the Office of Price Administration, within five days after such adjustment is required or made, an affidavit setting forth his delivered cost at the time the adjustment in his selling price is made, and his new maximum price.

§ 1340.90 *Definitions.* (a) * * *

(15) "Margin" means the difference between the selling price of the particular grade of motor fuel at the retail establishment and the delivered cost thereof to the retail establishment.

(16) "Delivered cost" for the purpose of this amendment shall consist of one of the following:

(i) In the case of tank wagon buyers, the net price charged to such buyer.

(ii) In the case of tank car or transport truck buyers who buy on a delivered basis, (*a*) the net laid-down cost at the point of buyer's control storage, and (*b*) the actual cost of transportation from the buyer's point of central storage to the buyer's retail establishment.

(iii) In the case of tank car or transport truck buyers who buy f. o. b. a shipping point, (*a*) the net f. o. b. shipping point price, (*b*) the actual cost of transportation to the point of buyer's central storage, and (*c*) the actual cost of transportation from the point of buyer's central storage to the buyer's retail establishment.

§ 1340.91 Appendix A: *Maximum prices for petroleum products sold at retail.* * * *

(e) When the maximum price for any grade of motor fuel at a retail establishment as determined by paragraphs (a), (b), (c) and (d) permits the seller a margin for a particular grade of motor fuel below that enjoyed by the seller at that particular retail establishment during the major portion of the period, October 1-15, 1941, such seller's maximum price shall be increased to a level which will permit him a margin equal to that enjoyed during the major portion of the above period. In no event, however, shall the seller exceed the price received by him for such grade of motor fuel during the major portion of the period October 1-15, 1941, plus any increases in such price authorized by the Price Administrator under this Maximum Price Regulation No. 137 prior to October 5, 1942. The maximum price of a seller for a particular grade of motor fuel at the particular retail establishment shall be automatically adjustable as the seller's margin changes. For the purposes of this provision, the margin is deemed to change not at the time the delivered cost changes but only after the seller has sold an amount equal to that volume on hand at the time the change in the delivered cost occurs.

§ 1340.93a *Effective dates of amendments.* * * *

(j) Amendment No. 10 (§ 1340.86 (a), (b) and (c); § 1340.90 (a); and § 1340.91 (e)) to Maximum Price Regulation No. 137 shall become effective 5th day of October 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9842; Filed, October 2, 1942; 4:53 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[Maximum Price Regulation 233]

DRIED AND CANNED APPLES AND APPLE PRODUCTS

In the judgment of the Price Administrator seasonal conditions and other factors affecting the sale of dried and canned apples, canned applesauce and canned or bottled apple juice or sweet apple cider, by canners or packers, have resulted in the establishment under the General Maximum Price Regulation of maximum prices for such sales which are not generally fair and equitable as applied to the 1942 pack and which are not best calculated to assist in securing adequate production of such commodities. The Price Administrator has ascertained and given due consideration to the prices of dried and canned apples, canned applesauce and canned or bottled apple juice or sweet apple cider, prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as is practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established for the canners and packers of dried and canned apples, canned applesauce and canned or bottled apple juice or sweet apple cider, by this regulation, are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The maximum prices established herein are not below prices which will reflect to the producers of the raw agricultural commodities from which dried and canned apples, canned applesauce and canned or bottled apple juice or sweet apple cider, are manufactured, prices for their commodities equal to the highest of any of the following prices therefor determined and published by the Secretary of Agricultural; (1) 110 per centum of the parity price for each such commodity, adjusted by the Secretary of Agriculture for grade, location and seasonal differentials; (2) the market prices prevailing for each such commodity on October 1, 1941; (3) the market prices prevailing for each such commodity on December 15, 1941; or (4) the average prices for such commodity during the period July 1, 1919 to June 30, 1929.

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[1] 7 F.R. 1027, 1089, 2107, 2541, 2633, 2945, 2948, 3235, 3237, 3551, 3830, 4176, 4336, 4493, 4543, 4544, 4617, 4856, 5023, 5274, 5226, 5566, 5605, 5867, 6423, 6775, 7034, 7241, 7669, 7670, 7743, 7777.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3821.

[2] 7 F.R. 3165, 3749, 4273, 4780, 4853, 5363, 5868, 5941, 6057, 6896.

[2] 7 F.R. 3153, 3320, 3666, 3990, 3991, 4339, 4457, 4659, 6738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5783, 6058, 6081, 6007, 6216, 6616, 6794, 6939, 7093.

* Copies may be obtained from the Office of Price Administration.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1[1] Maximum Price Regulation No. 233 is hereby issued.

Sec.

1341.401 Prohibition against dealing in dried apples, canned apples, canned applesauce and canned or bottled apple juice or sweet apple cider above maximum prices.
1341.402 Computation of base prices.
1341.403 Canner's maximum prices for canned apples and canned applesauce.
1341.404 Canner's maximum prices for canned or bottled apple juice or sweet apple cider.
1341.405 Maximum prices for kinds, grades and container sizes which cannot be commuted under §§ 1341.403 and 1341.404.
1341.406 The packer's maximum price for dried apples.
1341.407 Maximum prices of competitor.
1341.408 Allowances for packing in glass containers.
1341.409 Authorization of maximum prices.
1341.410 Maximum prices for a canner who has more than one factory.
1341.411 Maximum delivered prices.
1341.412 Adjustment of maximum prices for container changes for government sales
1341.413 Maintenance of customary discounts and alowances.
1341.414 Less than maximum prices.
1341.415 Transfer of business or stock in trade.
1341.416 Evasion.
1341.417 Records and reports.
1341.418 Information to purchasers from canners.
1341.419 Enforcement.
1341.420 Petitions for amendment.
1341.421 Sales for export.
1341.422 Applicability of the General Maximum Price Regulation.
1341.423 Applicability.
1341.424 Definitions.
1341.425 Effective date.

AUTHORITY: §§ 1341.401 to 1341.425, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1341.401 *Prohibition against dealing in dried apples, canned apples, canned applesauce and canned or bottled apple juice or sweet apple cider above maximum prices.* (a) On and after October 5, 1942, regardless of any contract or other obligation no canner or packer shall sell or deliver any dried apples, canned apples, caned applesauce or canned or bottled apple juice or sweet apple cider, at a price higher than the maximum price established therefor pursuant to this Maximum Price Regulation No. 233.

(b) No person in the course of trade or business shall buy or receive any dried apples, canned apples, canned apple-canned apples, canned applesauce or sauce, or canned or bottled apple juice or packer at a price higher than the maximum price established therefor pursuant to this Maximum Price Regulation No. 233; and

(c) No canner, packer or other person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1341.402 *Computation of base prices.* (a) The base price for each kind, grade and container size of canned apples, canned applesauce, and canned or bottled apple juice or sweet apple cider, made from whole apples, shall be the total gross dollars charged for such item during the first 60 days after the beginning of the 1941 pack of such item, divided by the number of dozens sold during such period. All sales from the 1941 pack of such item during such period, made in the usual course of business, shall be included, except sales made to the United States for any agency thereof. Sales made prior to such period, but delivered within such period, shall not be included.

(b) The base price for each kind, grade and container size of dried apples shall be computed in the same manner as set forth in paragraph (a) of this section, except that the period used in such computation shall be the month of October 1941, instead of the first 60 days after the begining of the 1941 pack.

§ 1341.403 *Canner's maximum prices for canned apples and canned applesauce.* The canner's maximum price per dozen f. o. b. factory, for each kind, grade and container size of canned apples and canned applesauce packed after the 1941 pack shall be:

(a) The canner's base price for such kind, grade and container size; plus

(b) Eighteen and one-fourth percent of such base price.

§ 1341.404 *Canner's maximum prices for canned or bottled apple juice or sweet apple cider.* (a) The canner's maximum price per dozen f. o. b. factory for each grade of canned or bottled apple juice or sweet apple cider made from whole apples, in container sizes of less than one gallon, shall be:

(1) The base price for the same grade and container size, plus

(2) Ten percent of such base price; plus

(3) The amount of six cents per gallon, apportioned to each dozen containers in the same proportion which the contents of such dozen containers bears to one gallon.

(b) The canner's maximum price per dozen f. o. b. factory for each grade of canned or bottled apple juice or sweet apple cider, made from whole apples, in container sizes of one gallon or more, shall be:

(1) The base price for the same grade and container size; plus

(2) Eight percent of such base price; plus

(3) The amount of six cents per gallon, apportioned to each dozen containers in the same proportion which the contents of such dozen containers bears to one gallon.

§ 1341.405 *Maximum prices for kinds, grades and container sizes which cannot be computed under §§ 1341.403 and 1341.404.* (a) If the maximum price for any kind, grade and container size, except No. 10 cans of any canned apples, canned applesauce, and canned or bottled apple juice or sweet apple cider, made from whole apples, cannot be determined under §§ 1341.403 and 1341.404 of this Maximum Price Regulation No. 233, but if the canner has been able to determine his maximum price under said sections for the dominant kind, grade and container size of such product, the maximum prices of the remaining kinds, grades and container sizes of such product, except No. 10 container size, shall be those prices which bear the same proportionate relationship to the maximum price for the dominant kind, grade and container size as the price for each such kind, grade and container size bore to the price of the dominant kind, grade and container size in the canner's first price list applying to the 1941 pack.

(b) In determining maximum prices under paragraph (a) of this section, the dominant kind, grade and container size shall be the one of which the canner packed the most cases in 1941.

(c) If the canner is unable to determine the maximum price of one or more grades of such items in a No. 10 can, under §§ 1341.403 and 1341.404, but can so determine the maximum price for one or more other grades of the same product in a No. 10 can, the maximum prices for the grades not so determined shall be established in the manner provided in paragraph (a) of this section, using as the dominant grade the grade for which the price has been determined, or, if the price of more than one grade has been so determined, using as the dominant grade the one of those for which a maximum price has been so determined of which the canner packed the largest number in 1941.

§ 1341.406 *The packer's maximum price for dried apples.* (a) The packer's maximum price for dried apples, packed in wood boxes containing 25 to 50 pounds, for all states except California, Oregon, Idaho and Washington, shall be as follows:

Grade	Kind	Maximum price, cents per pound
U. S. grade A	Rings or quarters	21
U. S. grade B	Rings or quarters	21
U. S. grade C	Rings or quarters	19½

(b) The packer's maximum price for dried apples, packed in wood boxes containing 25 to 50 pounds, for the states of California, Oregon, Idaho and Washington, shall be as follows:

Grade	Kind	Maximum price, cents per pound
U. S. grade A	Rings or quarters	19½
U. S. grade B	Rings or quarters	19
U. S. grade C	Rings or quarters	17

(c) Maximum prices for other kinds or grades of dried apples, such as chops and screenings, and other container sizes, shall be computed as follows:

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[1] 7 F.R. 971, 3663, 6967.

(1) Determine the base price during October 1941, for U. S. grade C dried apples and the base price during October 1941, for each other item for which a maximum price is to be computed.

(2) Compute the percentage relationship of the maximum price for U. S. grade C dried apples, as determined under paragraph (a) or (b) of this section, to the base price during October 1941, for U. S. grade C dried apples.

(3) For each item for which a maximum price is being computed, multiply the base price in October 1941, for the same item, by the same percentage as determined for U. S. grade C dried apples pursuant to paragraph (c) (2) of this section.

§ 1341.407 *Maximum prices of competitor.* If the maximum price of the canner or packer for any item for which maximum prices are established by this Maximum Price Regulation No. 233 cannot be computed under the foregoing sections of this Regulation, the canner's or packer's maximum price for such item shall be the maximum price of the most closely competitive canner or packer for the same item.

§ 1341.408 *Allowances for packing in glass containers.* (a) Any canner who packed the same item in both glass and tin during the 1941 pack may compute base prices and maximum prices separately for such item packed in tin and the same item packed in glass, pursuant to the foregoing sections.

(b) Any canner who packed an item in tin and not in glass during the 1941 pack and who packs the same product in glass during the 1942 pack, whether or not in the same container size, may compute his maximum price for the product packed in glass, as follows:

(1) If the contents of the glass container are the same by weight as the tin container, the canner shall (a) subtract from his maximum price for such item in the tin container the current net cost per dozen of the tin container; and (b) add to this figure the current net cost per dozen of the new container.

(2) If the contents of the glass container vary by weight from the contents of the tin container by no more than twenty percent, the canner shall (a) divide his maximum price for the item in a tin container by the number of ounces or other units packed therein; (b) multiply the figure so obtained by the number of the same units in the glass container; (c) subtract from this figure the current net cost per dozen of the tin container; and (d) add the current net cost per dozen of the glass container.

(3) The current net cost per dozen of a container means the delivered price paid by the canner, or the delivered price the canner would have to pay per dozen for such container, at the time of computing his maximum price hereunder, including the caps, if any, and shipping carton, less discounts allowed, or that would be allowed, to him.

§ 1341.409 *Authorization of maximum prices.* If the canner's or packer's maximum price cannot be determined under any of the foregoing sections of this Maximum Price Regulation No. 233, the maximum price shall be a price determined by the canner or packer after specific authorization from the Office of Price Administration, Washington, D. C., on application setting forth (1) a description in detail of the item for which a maximum price is sought; and (2) a statement of the facts which differentiate such item from the most similar item for which he has determined a maximum price, stating such most similar item and the maximum price determined therefor. When such authorization is given, it will be accompanied by instructions as to the method for determining the maximum price. Within ten days after such price has been determined, the canner or packer shall report such maximum price to the Office of Price Administration, Washington, D. C., under oath or affirmation. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

§ 1341.410 *Maximum prices for a canner who has more than one factory.* The maximum price for each item for a canner who owns more than one factory shall be determined separately for each factory, except that if any group of two or more factories had the same f. o. b. factory prices in 1941, the maximum prices shall be determined uniformly for the entire group by using the combined figures for all of the factories in the group in computing the base price under § 1341.402 and computing the maximum price under § 1341.405, or, if that cannot be determined, by using the maximum price of the most closely competitive canner as the maximum price of the entire group. In applying for the specific authorization of a price under § 1341.408, the application may be made for a uniform price for all of the factories in such group.

§ 1341.411 *Maximum delivered prices.* Any canner who sold and delivered a particular brand of canned apples, canned applesauce, or canned or bottled apple juice or sweet apple cider packed by him during the calendar year 1941 on an established uniform delivered price basis by zone or area, may add to the maximum price per dozen f. o. b. factory computed under the foregoing sections for each grade and container size of such brand, the freight charge he added to his f. o. b. factory price during the calendar year 1941, for such grade and container size of such brand in the same zone or area. The resulting price shall be the canner's maximum delivered price for such grade and container size of such brand for the zone or area in which the same freight charge was used in 1941.

§ 1341.412 *Adjustment of maximum prices for container changes for government sales.* In the event that any governmental purchasing agency requires any of the items covered by this Maximum Price Regulation No. 233 to be packed in containers other than those specified herein or other than the usual containers or cases for such items, such agency may make application to the Office of Price Administration for an order under this section fixing the amount, if any, which may be added to the maximum prices established hereunder. Such application shall be in writing and shall state the estimated increase in the cost of packing in such special container. Any order issued under this section permitting such an increase, will apply to all canners or packers required to pack in such special containers.

§ 1341.413 *Maintenance of customary discounts and allowances.* Each canner and packer shall maintain his customary cash discounts and his quantity discounts to different classes of purchasers.

§ 1341.414 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 233 may be charged, demanded, paid or offered.

§ 1341.415 *Transfer of business or stock in trade.* If the business, assets or stock in trade of a canner are sold or otherwise transferred on or after the effective date of this Maximum Price Regulation No. 233 and the transferee carries on the business, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in this regulation.

§ 1341.416 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 233 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any of the items covered by this regulation, alone or in conjunction with any other commodity or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1341.417 *Records and reports.* (a) Every packer who makes sales of dried apples after the effective date of this Maximum Price Regulation No. 233 shall preserve, for so long as the Emergency Price Control Act of 1942 remains in effect, all his existing records which were the basis of computing maximum prices by relationship to other kinds, grades and sizes of dried apples and make and preserve for the same period, all records of the same kind as he has customarily kept, relating to the prices which he charged for dried apples sold after the effective date of this regulation.

(b) Every canner who makes sales of canned apples, canned applesauce, or canned or bottled apple juice or sweet apple cider, made from whole apples, packed after the 1941 pack, shall (1) preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, all his existing records which were the basis for the computation of maximum prices under this Maximum Price Regulation No. 233 and (2) preserve for the same period all records of the same kind as he has customarily kept, relating to the prices which he charged for such products sold on and after the effective date of this regulation and (3) file with the Office of Price Administration, Washington, D. C., within ten days after determining his maximum price for each item, a statement certified under oath or affirmation showing his base price and his maximum price for each item, together with his customary cash discounts and customary quantity discounts to different classes of purchasers, and (4) in those cases in which the maximum price of any item was determined by the maximum price of the most closely competitive canner, showing the maximum price of such item and the name and address of the canner whose maximum price was so adopted and (5) in those cases in which a canner made sales and deliveries of a particular brand of any of such products packed by him in 1941 on an established uniform delivered price basis by zone or area, showing his maximum price per dozen f. o. b. factory for each such item, the freight charge which he added to his f. o. b. factory price during the calendar year 1941 for each zone or area and the maximum delivered price for each such item packed after the 1941 pack, delivered in each zone or area, and (6) preserve for the same period a true copy of each such statement filed with the Office of Price Administration for examination by any person during ordinary business hours. Any canner who claims that substantial injury would result to him from making such statement available to any other person, may file such copy of such statement with the appropriate field Office of the Office of Price Administration. The information contained in such statement will not be published or disclosed unless it is determined that the withholding of such information is contrary to the purposes of this regulation.

§ 1341.418 *Information to purchasers from canners.* (a) Any canner selling any canned apples, canned applesauce, or canned or bottled apple juice or sweet apple cider made from whole apples, packed after the 1941 pack, to any wholesaler, retailer, or any other purchaser for resale, shall, before making such sale or on his invoice disclose in writing to such purchaser, for each item, his base price, his maximum price, and the amount of the difference between the base price and the maximum price, which amount shall be designated as the "permitted increase."

(b) Any such canner may disclose such information by stating it on his invoice on the first occasion that he sells any item to such purchaser; or he may prepare and supply to the purchaser one or more lists or statements containing such information, at or before the first sale to such purchaser. Any such statement may contain the required information for any number of items.

(c) For the purposes of this section:

(1) When a maximun price has been established for any item by the use of proportionate relationship, the base price for such item shall bear the same ratio to the maximum price as the base price of the item from which such maximum was determined bears to the maximum price of such item.

(2) When a canner has established a maximum price by using the maximum price of his competitor for the same that item shall be the same as the base price of his competitor for the same item.

(3) When any canner makes application to determine a maximum price after specific authorization by the Office of Price Administration, such authorization, when given, will be accompanied by instructions as to the method for determining the price to be deemed the base price.

§ 1341.419 *Enforcement.* Persons violating any provisions of this Maximum Price Regulation No. 233, are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942.

§ 1341.420 *Petitions for amendment.* Persons seeking a modification of this Maximum Price Regulation No. 233 may file a petition therefor in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1341.421 *Sales for export.* The maximum price at which a person may export any of the products covered by this Maximum Price Regulation No. 233 shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[2] issued by the Office of Price Administration.

§ 1341.422 *Applicability of the General Maximum Price Regulation.* This Maximum Price Regulation No. 233 supersedes the provisions of the General Maximum Price Regulation with respect to sales or deliveries by canners or packers of all products for which maximum prices are established by this regulation.

§ 1341.423 *Applicability.* The provisions of this Maximum Price Regulation No. 233 shall be applicable only in the United States and the District of Columbia.

§ 1341.424 *Definitions.* (a) When used in this Maximum Price Regulation No. 233 the term:

(1) "Persons" includes, an individual, corporation, partnership, association, any other organized group of persons, legal successors or representatives of any of the foregoing and includes the United States, any agency thereof, any other government, or any of its political subdivisions and any agency of any of the foregoing.

(2) "Canner" means a person who processes and packs apples, applesauce, apple juice or sweet apple cider, made from whole apples, in containers of metal or glass, or who packs apple juice or sweet apple cider, made from whole apples, in wooden containers.

(3) "Packer" means a person who removes the major portion of moisture from apples by natural or artificial means or prepares them for shipping in dried form, but does not include a grower when he delivers dried apples to a packer.

(4) "Canned" means sealed or enclosed in containers of metal or glass, whether or not hermetically sealed, and also refers to apple juice or sweet apple cider in wood containers.

(5) "1941 pack" of any item affected by this regulation shall be that pack the major portion of which was processed from apples grown in the calendar year 1941.

(6) The "most closely competitive canner or packer" means the canner or packer who:

(i) Sells to the same class of buyers, (ii) produces the same or a similar quality range of the product in question, (iii) has in the past sold the same item at approximately the same prices as the canner or packer seeking to establish a maximum price, (iv) is located in the same or the nearest canning or packing area.

(7) "Item", when referring to any of the products affected by this Maximum Price Regulation No. 233 also refers to the kind, grade and container size of such product; it designates not only the product, but also the kind, grade and container size. For example, "any item" means any kind, grade and container size of any of such products.

(8) "Kind" refers to the style of pack as well as to the product.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1341.425 *Effective date.* This Maximum Price Regulation No. 233 (§§ 1341.401 to 1341.425 inclusive) shall become effective October 5, 1942.

Issued this 2d day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-9838; Filed, October 2, 1942; 4:56 p. m.]

Part 1364—Fresh, Cured and Canned Meat and Fish

[Amendment 2 to Maximum Price Regulation 148[1]]

DRESSED HOGS AND WHOLESALE PORK CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1364.22 (b) (2) is re-designated § 1364.22 (b) (2) (i), and §§ 1364.22 (b) (2) (ii) and 1364.35 (b) are added as follows:

§ 1364.22 *Maximum prices for dressed hogs and wholesale pork cuts.* * * *

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[2] 7 F.R. 5059, 7242.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3821, 4342.

(b) * * *

(2) * * *

(ii) To the foregoing maximum prices for canned pork products, except canned luncheon meats and canned or packaged spiced ham, amounts not in excess of the following may be added wherever, at the request of the purchaser, the products are packed in the specified export containers: nail wooden boxes, specifications FSC 1539–C, Type C—$.50 per cwt.; wirebound boxes, specifications FSC 1539–C, Type B, except that in Type B–O, Groups 2, 3, and 4 shall be ⅙ inch, Type B–1 and Type B–2, Groups 2 and 3 shall be 3/16 inch, Group 4 shall be ⅙ inch, boxes to be closed by twisting together or otherwise joining securely the ends of each binding wire—$.10 per cwt.; weatherproof solid fibre boxes overcased in wirebound wooden boxes, specifications FSC 1539–C, Types A and B, straps may be eliminated from fibre boxes—$.50 per cwt.

* * * * *

§ 1364.35 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1364.22 (b) (2) (i), 1364.22 (b) (2) (ii), and 1364.35 (b)) to Maximum Price Regulation No. 169 shall become effective October 8, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-9843; Filed, October 2, 1942; 4:53 p. m.]

Part 1390—Machinery and Transportation Equipment

[Amendment 23 to Maximum Price Regulation 136, as Amended[1]]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph (17) is added to § 1390.25 (c) and new paragraph (w) is added to § 1390.31a as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(17) *Teesdale Manufacturing Company.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale of any automatic pump or automatic force pump manufactured by the Teesdale Manufacturing Company, Grand Rapids, Michigan, shall be determined pursuant to the provisions of § 1390.5, except that the date February 1, 1942 shall be substituted for the date October 1, 1941 wherever that date appears in § 1390.5.

§ 1390.31a *Effective dates of amendments.* * * *

(w) Amendment No. 23 (§ 1390.25 (c) (17)) to Maximum Price Regulation No. 136, as amended, shall become effective October 8, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-9840; Filed, October 2, 1942; 4:54 p. m.]

Part 1390—Machinery and Transportation Equipment

[Amendment 24 to Maximum Price Regulation 136, as Amended[1]]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1390.33 is amended by the addition of a new item to be inserted in alphabetical order in paragraph (c) as set forth below:

§ 1390.33 *Appendix B: Machines and parts to which the March 31, 1942 date is applicable.* * * *

(c) Miscellaneous:

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Siren blowers.

§ 1390.31a *Effective dates of amendments.* * * *

(x) This Amendment No. 24 (§ 1390.33 (c)) shall become effective October 8, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-9839; Filed, October 2, 1942; 4:53 p. m.]

Part 1394—Rationing of Fuel and Fuel Products

[Amendment 13 to Ration Order 5A[2]]

GASOLINE RATIONING REGULATIONS

A new § 1394.1407 is added; and a new paragraph (n) is added to § 1394.1902; as set forth below:

Expiration and Revocation of Rations.

* * * * *

§ 1394.1407–*Authority of Regional Administrators, State Directors and District Managers to suspend and revoke rations and require the surrender of coupon books and coupons.* (a) The several Regional Administrators of the Office of Price Administration within their respective regions, and such State Directors or District Managers as may be designated by the Regional Administrators for such purpose, are authorized to determine whether any ration, gasoline coupon book, or any bulk, inventory, or other coupon (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book) should be suspended, cancelled, revoked, recalled, or surrendered, and may, after a hearing held in accordance with the provisions of this section, suspend, cancel, revoke, recall, or require the surrender of any such ration, coupon book or coupon in any case in which the Regional Administrator, State Director or District Manager, as the case may be, finds either:

(1) That a ration holder was not entitled to receive the ration issued; or

(2) That a ration holder has violated any provision of Ration Order No. 5A; or

(3) That a person has transferred, assigned, received or accepted, or has in his possession any gasoline coupon book or coupon (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book) otherwise than in accordance with the provisions of Ration Order No. 5A.

(b) (1) The hearing shall be conducted by a presiding officer who shall be appointed or designated by the Regional Administrator or such person as he may authorize to make such appointment or designation. The presiding officer shall preside at the hearing, administer oaths and affirmations, and rule on the admission and exclusion of evidence.

(2) Notice of any hearing to be held pursuant to this section shall be served on the respondent not less than 3 days prior to such hearing. The notice shall state the time and place of the hearing, the charges against the respondent, and the purpose for which the hearing is to be held.

(3) The hearing shall be conducted by the presiding officer in such manner as will permit the respondent to present evidence and argument to the fullest extent compatible with fair and expeditious determination of the issues raised in the hearing. To this end:

(i) The respondent shall have the right to be represented by counsel of his own choosing;

(ii) The rules of evidence prevailing in courts of law or equity shall not be controlling;

(iii) The presiding officer, having due regard to the need for expeditious decision, shall afford reasonable opportunity for cross-examination of witnesses.

(4) A stenographic transcript of the hearing shall be made, a copy of which shall be made available to the respondent at his request upon the payment of a reasonable fee.

(5) A copy of any order issued pursuant to this section shall promptly be served on the respondent.

(c) Any person against whom an order is issued pursuant to the provisions of this section on the ground that the ration holder to whom a ration was issued was not entitled to such ration may appeal to the Regional Administrator from an order of a District Manager or from an order of a State Director, and to the Deputy Administrator in charge of Rationing from an order or decision on appeal of the Regional Administrator. In making any such appeal the appealing party shall file with the official who issued the order appealed from a statement in writing setting forth his objections to the decision and the grounds for the appeal. The statement must be filed not later than thirty (30) days after receipt of notice of the decision. Within five (5) days after receipt of the statement, such official shall send it to the official appealed to together with the entire record. The official appealed to may request the appealing party to appear before him or to furnish such additional information as he may deem pertinent and shall render his decision on the appeal within five (5) days after receipt of the statement and record, and, in cases of apparent emergency, within twenty-four (24) hours, if possible. He shall promptly notify the appealing party, in writing, of his decision.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6937, 6964, 6965, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744.

[2] 7 F.R. 5225, 5362, 5426, 5566, 5606, 5666, 5674, 5942, 6267, 6684, 6776, 7510, 7399, 7748, 7811.

(d) Any person against whom an order is issued pursuant to the provisions of this section on any ground other than that set forth in paragraph (c) of this section may file in the Office of the Secretary, Office of Price Administration, Washington, D. C., a petition for reconsideration of such order. Such petition may be accompanied by any affidavits, or briefs which the person filing such petition desires to submit. Within a reasonable time after the filing of a petition for reconsideration, the Administrator, or such person as he may designate for such purpose, shall affirm, modify, rescind, or stay such order, or direct that a further hearing be held thereon.

* * * * *

Effective Date

§ 1394.1902 *Effective dates of amendments.* * * *

(n) Amendment No. 13 (§ 1394.1407) to Ration Order No. 5A shall become effective October 2, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law 421, 77th Cong., W.P.B. Directive No. 1, Supp. Dir. No. 1 H., 7 F.R. 562, 3478, 3877, 5216.)

Issued this 2nd day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9833; Filed, October 2, 1942; 4:49 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Amendment 5 to Ration Order 5B[1]]

GASOLINE RATIONING REGULATIONS FOR PUERTO RICO

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed in the Division of the Federal Register.*

A new paragraph (d) is added to § 1394.2601; a new paragraph (d) is added to § 1394.2756; a new paragraph (f) is added to § 1394.2851; a new paragraph (e) is added to § 1394.2913; and a new paragraph (e) is added to § 1394.-3052.

Gallonage Value of Coupons

§ 1394.2601 *Value of coupons.* * * *

(d) Notwithstanding the provisions of paragraphs (a), (b), (c), or (d) of this section, each gasoline ration coupon of the class herewith designated shall have the following value in gallons of gasoline on and after 8:00 a. m. September 14, 1942:

Class A	½
B	2
C	1
D	½
E	1½
R	5
S-1	1
S-2	1
Gallon Bulk	⅓
100 Gallon Bulk	33⅓

General Provisions With Respect to Issuance of Gasoline Rations

* * * * *

§ 1394.2756 *Authorization of bulk purchase.* * * *

(d) No bulk transfer of gasoline shall be made to a consumer by any person subsequent to September 12, 1942, unless prior written authorization has been granted by the Territorial Rationing Administrator of the Office of Price Administration.

Restriction on Transfers

* * * * *

§ 1394.2851 *Restriction on transfer to consumers.* * * *

(f) No dealer shall transfer gasoline to a consumer on September 14, 1942, except pursuant to a written order of a Board or the Territorial Rationing Administrator.

Replenishment and Audit

* * * * *

§ 1394.2913 *Exchange of coupons for certificates.* * * *

(e) Every dealer and intermediate distributor, between the hours of 8:00 a. m. and 12:00 noon, September 14, 1942, shall surrender to his Local War Price and Rationing Board all valid coupons of each class or classes held by such dealer or intermediate distributor for exchange certificates having an equal gallonage value computed as of September 12, 1942.

Effective Date

§ 1394.3052. *Effective date of amendments.* * * *

(e) Amendment No. 5 to Ration Order No. 5B (§§ 1394.2601 (d), 1394.2756 (d), 1394.2851 (f), and 1394.2913 (e)) shall become effective at 8:00 a. m. September 14, 1942.

(Pub. Law 617, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law 421, 77th Cong., WPB Dir. No. 1, Supp. Dir. No. 1 J, 7 F. R. 562, 5043.)

Issued this 2d day of October, 1942.

JAMES P. DAVIS,
Acting Director, Office of Price Administration for Puerto Rico.

[F. R. Doc. 42-9837; Filed, October 2, 1942; 4:55 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 82 Under § 1499.3 (b) of General Maximum Price Regulation]

DUQUESNE SMELTING CORPORATION

The Duquesne Smelting Corporation, 50 Thirty-third Street, Pittsburgh, Pennsylvania, has made application under § 1499.3 (b) of the General Maximum Price Regulation for approval of a proposed maximum price for certain zinc die cast notched bars. Due consideration has been given to the application, and an opinion in support of this order has been issued simultaneously herewith and has bene filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and pursuant to § 1499.3 (b) of the General Maximum Price Regulation issued by the Office of Price Administration, *it is ordered:*

§ 1499.296 *Approval of maximum price for sales of certain zinc die cast notched bars by Duquesne Smelting Corporation.* (a) On sales and deliveries made on and after August 20, 1942, Duquesne Smelting Corporation, 50 Thirty-third Street, Pittsburgh, Pennsylvania, may sell and deliver and agree, offer, solicit, and attempt to sell and deliver zinc die cast notched bars containing approximately 5% aluminum, a small percentage each of copper, tin, lead, iron, and the remainder zinc at a price not higher than 6.8 cents per pound f. o. b. point of shipment.

(b) As used in this Order No. 82, "point of shipment" means the point at which any commodity covered by this Order No. 82 is loaded on a conveyance for transportation directly to the buyer's receiving point. This is usually the seller's plant, warehouse, or yard, but, where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.

(c) This Order No. 82 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 82 (§ 1499.296) shall become effective as of October 3, 1942.

Issued this 2d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9845; Filed, October 2, 1942; 4:55 p. m.]

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[1] 7 F.R. 5607, 6389, 6390, 6871, 7400.

* Copies may be obtained from the Office of Price Administration.

PART 1499—COMMODITIES AND SERVICES

[Order 83 Under § 1499.3 (b) of General Maximum Price Regulation]

BELDING HEMINWAY CO.

Belding Heminway Company of New York, New York, made application for an authorization to determine a maximum price for its new "Belcort" thread. Due consideration has been given to the application, and it appears that the new sewing thread cannot be priced by the seller under § 1400.2 of the General Maximum Price Regulation. For the reasons set forth in the opinion in support of this order, which has been issued simultaneously herewith and has been filed with the Division of the Federal Register,* and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1 and § 1499.3 (b) of the General Maximum Price Regulation, issued by the Office of Price Administration, it is hereby ordered:

§ 1499.297 *Approval of maximum prices for sales of sewing thread by Belding Heminway Company.* (a) On and after October 3, 1942 Belding Heminway may sell and deliver, and agree, offer, solicit and attempt to sell and deliver the kinds and grades of sewing thread set forth in subparagraphs (1) and (2) at prices not in excess of those stated therein.

(1) Belcort machine twist and sewing thread made from cotton yarn may be sold at a price not in excess of $3.17 per unit for black threads of all sizes and $3.72 per unit for white and colored threads of all sizes.

(2) Belcort waxon sewing thread made from cotton yarn may be sold at a price not in excess of $5.09 per unit for black threads of all sizes and $5.94 per unit for white and colored threads of all sizes.

(b) The maximum selling price set forth in paragraph (a) (1) and (a) (2) shall be subject to adjustment at any time by the Office of Price Administration.

(c) This Order No. 83 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 83 (§ 1499.297) shall become effective October 3, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9832; Filed, October 2, 1942; 4:50 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 53 Under § 1499.18 (b) of General Maximum Price Regulation]

PARAFFIN WAX

For the reasons set forth in an opinion * issued simultaneously herewith, *It is ordered:*

§ 1499.853 *Adjustment of maximum prices for sales of household size cakes of paraffin wax by certain dealers therein.* (a) The following companies may sell and deliver, and any person may buy and receive from the following companies, household size cakes of paraffin wax at prices not in excess of 12½¢ per pound:

(1) Intercity Grocery Company, Peru, Illinois.

(2) Lehigh Wholesale Grocery Company, Inc., Allentown, Pennsylvania.

(3) Bayer-Gillam Company, Cleveland, Ohio.

(4) Scott-Mayer Commission, Little Rock, Arkansas.

(b) All discounts, allowances, and trade practices in effect with respect to the above listed commodity during March 1942 by the seller shall remain in effect under this order.

(c) All applicants shall mail or cause to be mailed to all persons who purchase household size cakes of paraffin wax from such applicant at the price established pursuant to this order No. 53 (§ 1499.853) for sale at retail, a notice reading as follows:

> The Office of Price Administration, by Order No. 53 (§ 1499.853), effective October 3, 1942, pursuant to section 18 (b) of the General Maximum Price Regulation, has permitted [insert applicant's name] to raise its maximum price for sales to you of household size cakes of paraffin wax, subject to all discounts, allowances and trade practices in effect during March 1942 with respect to sales of household size cakes of paraffin wax by it.
>
> The permission contained in Order No. 53 (§ 1499.853) was granted by the Office of Price Administration upon the basis of a showing that the maximum prices for sales of this commodity established by the General Maximum Price Regulation are such that no hardship would be imposed upon retailers generally if they were required to pay the price as set forth above.
>
> Order No. 53 (§ 1499.853) does not permit you or any other retailer to raise maximum prices, as established under the General Maximum Price Regulation, for sales of this commodity. However, if you are in a position different from that of retailers generally, so that the price charged you by us pursuant to such order imposes a substantial hardship upon you, and if your maximum prices for sales of this commodity are abnormally low in relation to the maximum prices established for sales of this commodity by other competitive sellers at retail, you may communicate with the nearest District, State, Field, or Regional Office of the Office of Price Administration setting forth the facts of your situation.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 53 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 53 (§ 1499.853) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 53 (§ 1499.853) shall become effective October 3, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9831; Filed, October 2, 1942; 4:51 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 58 Under § 1499.18 (c) of General Maximum Price Regulation—Docket GF-284]

JOHNSON & JOHNSON NEW BRUNSWICK, NEW JERSEY

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

§ 1499.908 *Adjustment of maximum prices for private label surgical dressings sold by Johnson & Johnson to Montgomery Ward.* (a) Johnson & Johnson may sell and deliver, and Montgomery Ward may buy and receive from that concern, the following surgical dressings under said purchaser's private label at the following maximum prices:

2 x 5 ZO adhesive	2.47 doz.
½ x 5 WW adhesive	.65 doz.
1 x 5 W W adhesive	1.25 doz.
2 x 5 WW adhesive	2.47 doz.
2″ bandage	.88 doz.
1 yd. gauze	.99 doz.
5 yd. gauze	.33 each
2 oz. cotton	1.24 doz.
4 oz. cotton	2.13 doz.
Paramount cotton	.31 lb.
Red Cross cotton, 16 oz	.55 lb.
Middlesex cotton, 16 oz. (handy roll)	.35 lb.

(b) All discounts, trade and freight practices upon the sale by Johnson & Johnson of the products referred to in paragraph (a) above, through March, 1942, shall apply to the maximum prices set forth in paragraph (a).

(c) On or before January 1, 1942, and every six months thereafter Johnson & Johnson shall submit to the Office of Price Administration in Washington, D. C. a report containing a complete breakdown of cost data with respect to the production and sale of the above products during the six months preceding the filing of such report.

(d) This Order No. 58 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 58 (§ 1499.908) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 58 (§ 1499.908) shall become effective October 3, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9844; Filed, October 2, 1942; 4:54 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 59 Under § 1499.18 (c) of General Maximum Price Regulation]

LONG-LEWIS HARDWARE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.18 (c) of the General Maximum Price Regulation, it is hereby ordered that:

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* Copies may be obtained from the Office of Price Administration.

§ 1499.909 *Adjustment of maximum prices for sales of plow parts by Long-Lewis Hardward Company of Birmingham, Alabama.* (a) Long-Lewis Hardware Company of Birmingham, Alabama, is hereby authorized to sell and offer, agree, solicit and attempt to sell any King chilled plow or plow part at the manufacturer's suggested list price, f. o. b. factory, in effect on March 31, 1942, subject to 35% discount to dealers: *Provided,* That the Long-Lewis Hardware Company, at the time of notifying its dealers of the change in price, shall notify them that the increase in its price does not entitle them to raise their prices above the maximum prices provided in Maximum Price Regulation No. 133, Retail Prices for Farm Equipment.

(b) The terms used in this order shall have the meaning given to them by the General Maximum Price Regulation.

(c) This order may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 59 (§ 1499.909) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 59 (§ 1499.909) shall become effective October 3, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9836; Filed, October 2, 1942; 4:56 p. m.]

PART 1305—ADMINISTRATION

[Amendment 1 to Revised Administrative Order 1[1]]

ORDER DEFINING AND DELIMITING CERTAIN FUNCTIONS AND POWERS OF OFFICERS AND EMPLOYEES

Paragraphs (a) and (c) of § 1305.2 are amended to read as set forth below:

§ 1305.2 *Order defining and delimiting certain of the functions and powers of officers and employees*—(a) *Institution of civil proceedings.* The General Counsel or the Acting General Counsel, the Associate General Counsel or the Acting Associate General Counsel, the Assistant General Counsel in charge of the Enforcement Division or the Acting Assistant General Counsel in charge of the Enforcement Division, all Regional Attorneys or Acting Regional Attorneys and all Regional Enforcement Attorneys or Acting Regional Enforcement Attorneys are authorized to institute, in the name of the Administrator, appropriate civil actions or proceedings; and any of them may authorize any other attorney employed by the Office of Price Administration to institute any designated civil action or proceeding. Except as herein provided, no other officer or employee of the Office of Price Administration, whether employed in the principal office in Washington, D. C., or in any regional or field office, has authority to institute proceedings on behalf of the Administrator.

* * * * *

(c) *Appearance for the Administrator.* The General Counsel or the Acting General Counsel, the Associate General Counsel or the Acting Associate General Counsel, and the Assistant General Counsel in charge of the Court Review, Research, and Opinion Division or the Acting Assistant General Counsel in charge of the Court Review, Research, and Opinion Division are each authorized to appear for and represent the Administrator or the Office of Price Administration in any action or proceeding instituted against the Administrator or the Office of Price Administration in the Emergency Court of Appeals; and any of them may specifically authorize any attorney employed by the Office of Price Administration to appear for and represent the Administrator or the Office of Price Administration in any such action or proceeding. The General Counsel or the Acting General Counsel, the Associate General Counsel or the Acting Associate General Counsel, and the Assistant General Counsel in charge of the Enforcement Division or the Acting Assistant General Counsel in charge of the Enforcement Division are each authorized to appear for and represent the Administrator or the Office of Price Administration in any other action or proceeding; and any of them may specifically authorize any attorney employed by the Office of Price Administration to appear for and represent the Administrator or the Office of Price Administration in any other action or proceeding.

(d) *Effective date.* * * *

(1) This Amendment No. 1 (§ 1305.2 (a), (c)) to Revised Administrative Order No. 1 shall become effective this 2d day of October, 1942.

(Pub. Law 421, 77th Cong., WPB Dir. 1 7 F.R. 562, Supp. Dir. No. 1A, 7 F.R. 698, 2229, 2729; Supp. Dir. 1B, 7 F.R. 925, 1493; Supp. Dir. 1C, 7 F.R. 1669; Supp. Dir. 1D, 7 F.R. 1792; E.O. 9125, 7 F.R. 2719; Supp. Dir. 1E, 7 F.R. 2965; Supp. Dir. 1F, 7 F.R. 3362; Supp. Dir. 1H, 7 F.R. 3478, 3877, 5216, 6211; Supp. Dir. 1G, 7 F.R. 3546; Supp. Dir. 1J, 7 F.R. 5043; Supp. Dir. 1L, 7 F.R. 7200, 7281; Supp. Dir. 1M,

Issued this 2d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9835; Filed, October 2, 1942; 4:51 p. m.]

PART 1412—SOLVENTS

[Amendment 2 to Maximum Price Regulation 36[2]]

ACETONE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1412.66 (a) (1) is amended to read as set forth below:

§ 1412.66 *Maximum prices for acetone*—(a) *Sales in containers of 50 gallons or more of fermentation acetone.* Maximum prices for sales in containers of 50 gallons or more of fermentation acetone are established as set forth below:

(1) *Eastern territory:*

	Fermentation acetone, per pound delivered
Tank cars	$0.070
Drums, carload lots	.085
Drums, l. c. l. lots	.090

§ 1412.65 *Effective dates of amendments.* * * *

(c) Amendment No. 2 (§ 1412.66 (a) (1)) shall become effective October 3, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 3d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9870; Filed, October 3, 1942; 12:01 p. m.]

PART 1412—SOLVENTS

[Amendment 2 to Maximum Price Regulation 37[1]]

BUTYL ALCOHOL AND ESTERS THEREOF

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1412.116 (a) (1) is amended to read as set forth below:

§ 1412.116 *Appendix A: Maximum prices for butyl alcohol and esters thereof*—(a) *Sales in containers of 50 gallons or more of normal fermentation butyl alcohol and normal fermentation butyl acetate.* Maximum prices for sales in containers of 50 gallons or more of normal fermentation butyl alcohol or normal fermentation butyl acetate are established as set forth below:

(1) *Eastern territory.*

	Per pound delivered—	
	Normal fermentation butyl alcohol	Normal fermentation butyl acetate
Tank cars	$0.1425	$0.1475
Drums, carload lots	.1525	.1575
Drums, l. c. l. lots	.1575	.1625

§ 1412.115 *Effective dates of amendments.* * * *

(c) Amendment No. 2 (§ 1412.116 (a) (1)) shall become effective October 3, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 3d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9871; Filed, October 3, 1942; 12:01 p. m.]

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[1] 7 F.R. 4852.

[2] 7 F.R. 6655, 7001.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6657, 7001.

PART 1499—COMMODITIES AND SERVICES

[Order 54 under § 1499.18 (b) of General Maximum Price Regulation — Docket GF3-9]

PRECISION OPTICAL CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered:*

§ 1499.854 *Adjustment of maximum prices for sales by Precision Optical Co. of custom-made Toric Lenses and Toric Kryptok Bifocals.* (a) Precision Optical Co., No. 437 Wood Street, Pittsburgh, Pennsylvania, may sell and deliver, and any person may buy from Precision Optical Co., Toric Lenses and Toric Kryptok Bifocals that are compounded from an eye specialist's prescription at wholesale prices no higher than those set forth in Precision Optical Company's published price lists which became effective on April 27, 1942, subject to discounts, allowances, and terms no less favorable than those customarily granted by it.

(b) No person purchasing custom-made Toric Lenses or Toric Kryptok Bifocals from Precision Optical Co. is permitted by this Order No. 54 to sell such lenses at a higher price than his maximum price as established by the General Maximum Price Regulation.

(c) The adjustment granted to Precision Optical Co. in paragraph (a) is subject to the condition that Precision Optical Co. shall advise in writing each person purchasing custom-made Toric lenses or Toric Kryptok Bifocals from it of the adjustment of maximum prices permitted by this Order No. 54. Such notification shall be made at or before the first delivery of such lenses after the effective date of this Order No. 54, shall be accompanied by a copy of Precision Optical Company's published price lists which became effective on April 27, 1942, and shall contain the following statement:

> The prices contained in the attached price lists are our maximum prices as established by an adjustment granted by the Office of Price Administration. This adjustment was permitted because our March 1942 prices were abnormally low in relation to the prices charged by our competitors due to our price reduction in October, 1941. A survey of retailers' prices showed that there had been no corresponding reduction in retailers' prices. For that reason the Office of Price Administration has not permitted you to raise your present ceiling prices.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 54 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 54 (§ 1499.854) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 54 (§ 1499.854) shall become effective October 5, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 3d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9872; Filed, October 3, 1942; 12:02 p. m.]

PART 1330—CONTAINERS

[Amendment 2 to Maximum Price Regulation 151[1]]

NEW BAGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A proviso is added to paragraph (a) of § 1330.162; in subparagraph (6) of § 1330.174 (a), subdivision (i) (*b*) is amended and a new subdivision (iii) is added; subparagraph (10) is added to § 1330.174 (a); and § 1330.175 is amended by revoking footnote 1 thereof and by adding new items thereto, to read as set forth below:

§ 1330.162 *Maximum prices for new bags.* (a) * * * *Provided,* That the provisions of this Maximum Price Regulation No. 151 shall not apply to sales or deliveries of new bags containing a commodity packaged therein.

* * * * *

§ 1330.174 *Definitions.* (a) When used in this Maximum Price Regulation No. 151, the term: * * *

(6) "Replacement cost" means:

(i) In the case of new bags manufactured from any construction of burlap textile material included in Table I of § 1330.175, Appendix A, of this Maximum Price Regulation No. 151, the sum of the following: * * *

(*b*) War risk insurance in excess of 2½ per cent based on an insured valuation not in excess of the price referred to in (*a*) above and computed by the use of a war risk insurance premium rate not in excess of the applicable rate offered by the War Shipping Administration on the date on which the contract of sale of the new bags is entered into. For the purpose of this Maximum Price Regulation No. 151, the rate offered by the War Shipping Administration shall include, in addition to the basic rate, the premium rate for extended transhipment coverage; and

* * * * *

(iii) In the case of new bags manufactured from any construction of burlap textile material not specifically enumerated in Table I of § 1330.175, Appendix A, of this Maximum Price Regulation No. 151, the net price paid for such burlap textile material by the bag manufacturer, not to exceed the maximum price of the person supplying such burlap textile material to such bag manufacturer determined pursuant to the applicable revised price schedule or maximum price regulation issued by the Office of Price Administration: *Provided,* That replacement cost in the case of new bags manufactured from any such burlap textile material by the person importing such material shall be the maximum price, determined pursuant to the provisions of the applicable price schedule or price regulation issued by the Office of Price Administration, at which such person would be entitled to sell such material f. o. b. port of entry.

* * * * *

(10) "Burlap textile material" means new jute cloth weighing not less than 5 ounces and not more than 16 ounces per yard of cloth 40 inches wide.

§ 1330.175 *Appendix A: Price Table.*

TABLE I—PRICES FOR BURLAP TEXTILE MATERIAL

Quality of burlap	Construction		Replacement price (cents per yard)
	Width (inches)	Weight (ounces per yard)	
Common burlap	*	*	*
	38	5	5.75
	57	5	8.55
	58	5	8.70
	48	9	11.60
	30	10	8.35
	72	10	20.90
	45	12	14.50
	48	12	15.45
	60	12	19.55
	72	12	23.50
	48	14	18.55
	48	16	22.00
SPECIAL FINISHES			
Double calendered	*	*	*
	40	11	12.60
	45	11	14.20
	57	11	17.95
	40	14	15.65
	44	15	17.00
Crop and mangled	*	*	*
	40	11	12.85
	36	12	13.00
	40	12	13.80
	45	12	15.40
	44	15	17.30

§ 1330.177 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1330.162 (a), 1330.174 (a) (6) and (10) and 1330.175) to Maximum Price Regulation No. 151 shall become effective October 9, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 3d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9883; Filed, October 3, 1942; 12:46 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3893, 4667.

PART 1372—SEASONAL COMMODITIES

[Amendment 3 to Maximum Price Regulation 210 [1]]

RETAIL AND WHOLESALE PRICES FOR FALL AND WINTER SEASONAL COMMODITIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1372.102 (b) (3) is amended to read as follows:

§ 1372.102 *Maximum prices for fall and winter seasonal commodities.* * * *

(b) *Meaning of terms.* * * *

(3) *How a seller calculates his "initial percentage mark-up."* Three different rules are given for this calculation. With the exception stated in the last sentence of this paragraph every seller is required to use Rule 1 if he has or can obtain invoices or other records and information showing the purchases and sales of the same commodity as the one being priced which he made during the last six months of 1941. If the seller dealt in the same commodity during that period but does not have the information needed for Rule 1, he should use Rule 2. In the use of Rule 2, commodities shall not be shifted from one department to another if the result of the shift is to obtain a higher percentage mark-up. If the seller did not deal in the same commodity during the last six months of 1941, he should use Rule 3. A seller who could use Rule 1 may choose to use Rule 2 if the following three conditions are met: (i) his records satisfactorily show the *average* of "the initial percentage mark-ups" which he took during the last six months of 1941 on all commodities sold in the department in which he sells the commodity being priced; (ii) Rule 2 is used in pricing all fall and winter seasonal commodities to be sold in this department; and (iii) the commodity was not sold during the last six months of 1941 in another department which had an average "initial percentage mark-up" lower than that of the department where the commodity is now to be sold.

§ 1372.111a *Effective dates of amendments.* * * *

(c) * * *

This Amendment No. 3 (§ 1372.102 (b) (3)) to Maximum Price Regulation No. 210, shall become effective the 9th day of October 1942.

(Pub. Law 421, 77th Cong.)

Issued this 3d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9885; Filed, October 3, 1942; 12:46 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Amendment 2 to Maximum Rent Regulation 27]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

The first sentence of § 1388.1757 of Maximum Rent Regulation No. 27 is amended to read as follows:

§ 1388.1757 *Registration.* Within 45 days after the effective date of this Maximum Rent Regulation (or, as to housing accommodations within that portion of the Parsons Defense-Rental Area consisting of the County of Montgomery, in the State of Kansas, on or before October 15, 1942), or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement. * * *

§ 1388.1764a Effective dates of amendments. * * *

(b) Amendment No. 2 (§ 1388.1757) to Maximum Rent Regulation No. 27 shall become effective September 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 3d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9880; Filed, October 3, 1942; 12:45 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Amendment 3 to Maximum Rent Regulation 31A]

HOTELS AND ROOMING HOUSES

Section 1388.1957(a) of Maximum Rent Regulation No. 31A is amended to read as follows:

§ 1388.1957 *Registration.* (a) On or before August 31, 1942 (or, as to rooms within that portion of the Parsons Defense-Rental Area consisting of the County of Montgomery, in the State of Kansas, on or before October 15, 1942), every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. * * *

§ 1388.1964a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1388.1957 (a)) to Maximum Rent Regulation No. 31A shall become effective September 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 3d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9881; Filed, October 3, 1942; 12:45 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Amendment 25 to Maximum Price Regulation 136, as Amended [2]]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1390.2 paragraph (f) is amended and new subparagraph (5) is added to paragraph (i); in § 1390.10 paragraphs (c) and (e) are amended; in § 1390.18 paragraph (a) is amended; in § 1390.32 the titles of paragraphs (a), (d), and (i) are amended; new items are added to paragraphs (c) and (d), and an item in paragraph (e) is amended; in § 1399.33 paragraph (a) is amended and new paragraph (d) is added; in § 1399.34 new items are added; and new paragraph (y) is added to § 1390.31a, all as set forth below:

§ 1390.2 *Exclusions.* * * *

(f) Any sale or delivery at retail of a machine or part by a person other than the manufacturer thereof. For the purpose of this exclusion, a sale or delivery is deemed to be "at retail" (1) when made to an ultimate consumer, other than an industrial, commercial, or governmental user, or (2) when made (i) from a store, shop or mail-order house where sales are predominantly made to such ultimate consumers, (ii) at a price ordinarily charged such ultimate consumers (iii) to a purchaser of a class to whom sales were regularly made on or prior to October 1, 1941, at the prices ordinarily charged such ultimate consumers. * * *

(i) Any machinery service performed in connection with the following: * * *

(5) The maintenance, repair or rebuilding of automotive parts, subassemblies or accessories.

* * * * *

§ 1390.10 *Maximum prices; sales by sellers other than the manufacturer.* * * *

(c) *Machines and parts without list prices.* (1) If for any machine or part a seller other than the manufacturer thereof had no published or confidential list price in effect on October 1, 1941, the maximum price to any purchaser for such machine or part shall be the net price determined by applying a margin determined pursuant to subparagraph (2) of this paragraph to:

(i) The seller's net invoiced cost, if available, not to exceed the applicable maximum price, or

(ii) If actual cost is not available, net invoiced cost as estimated by the seller's supplier: *Provided,* That the seller has no reason to believe that the price so estimated exceeds the applicable maximum price.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6789, 7318, 7173.

[2] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602.

(2) The margin to be applied in the circumstances referred to in subparagraph (1) shall be the first of the following which is available:

(i) The weighted average percentage margin over net invoiced cost applied in prices charged by such seller on or about October 1, 1941, for the same machines or parts sold to purchasers of the same class;

(ii) The weighted average percentage margin over net invoiced cost applied in prices charged by such seller on or about October 1, 1941, for all machines and parts of the same class sold to purchasers of the same class;

(iii) The weighted average percentage margin over net invoiced cost applied in prices charged by such seller on or about October 1, 1941, for the same machines or parts sold to purchasers of a different class or, if none were sold, for machines and parts of the same class sold to purchasers of a different class, adjusted to afford the same percentage differential in price between purchasers of such different classes as was customarily made by the seller on or about October 1, 1941, for purchasers of such different classes.

* * * * *

(e) *Machines and parts completely subcontracted.* If a manufacturer of a machine or part also subcontracts to another the manufacture of the same machine or part which he resells in the form in which it is received from the subcontractor the maximum price for the prime contractor shall be determined as follows:

(1) If for any such machine or part the prime contractor had a published or confidential list price in effect on October 1, 1941, the maximum price shall be determined in accordance with § 1390.5; or

(2) If the prime contractor had no such list price, the maximum price shall be determined in accordance with the applicable provisions of subparagraphs (1) and (2) of paragraph (d).

§ 1390.18 *Contract prices, renegotiations, price-adjustment agreements, and price increases*—(a) *Existing contracts.* Notwithstanding the provisions of § 1390.3, any person may until September 1, 1942, deliver, perform, or receive, or make or receive payment for, any machine or part or machinery service pursuant to a contract entered into prior to July 22, 1942, at the price provided in such contract: *Provided,* That on or before September 1, 1942, the contract price shall be revised so as not to exceed the maximum price computed in accordance with the provisions of this Maximum Price Regulation No. 136, as amended, and that refunds or other allowances in accordance with such recomputation are made as to deliveries made or services performed on or after July 22, 1942. In computing the maximum price for purposes of this section, no upward adjustment shall be made, and no downward adjustment need be made, for changes in the clock hours of labor or in the quantities of materials required or estimated to be required, which have occurred since the date of entering into the contract or since the date of the last change in the contract price.

§ 1390.32 *Appendix A: Machines and parts to which the October 1, 1941, date is applicable.*

(a) *Prime movers, etc.:* * * *

(c) *Processing machinery and equipment:*

Cement-making machinery.

(d) *Construction and mining machinery, etc.:*

Coal preparation equipment.
Pile drivers.

(e) *Electrical equipment:*

Electric motors and generators (except automotive)

* * * * *

(i) *Miscellaneous parts and subassemblies, etc.:* * * *

§ 1390.33 *Appendix B: Machines and parts to which the March 31, 1942, date is applicable.* (a) Any part or subassembly of any item mentioned in § 1390.32, Appendix A, except that when the manufacturer also manufactures one or more complete items mentioned in Appendix A and the part or subassembly in question is also in some cases used as a component of such complete item, then the part or subassembly is not included within this Section but is included within Appendix A. This paragraph does not include any part or subassembly which is itself covered in Appendix A or which is mentioned in § 1390.34, Appendix C.

* * * * *

(d) Any part or subassembly of any item mentioned in this section, excluding any part or subassembly which is itself covered in § 1390.32, Appendix A or which is mentioned in § 1390.34, Appendix C.

§ 1390.34 *Appendix C: Illustrative list of products not covered by Maximum Price Regulation No. 136:*

Diamond dies smaller than .002 inch in diameter.
Instrument jewel bearings.

§ 1390.31a *Effective dates of amendments.* * * *

(y) This Amendment No. 25 (§§ 1390.2 (f) and (i) (5), 1390.10 (c) and (e), 1390.18 (a), 1390.32 (a) (c) (d) (e) and (i), 1390.33 (a) and (d), and 1390.34) shall become effective October 9, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 3d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9884; Filed, October 3, 1942; 12:45 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Amendment 28 to Maximum Price Regulation 136,[1] as Amended]

MACHINES AND PARTS, AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1390.31 is amended as set forth below:

§ 1390.31 *Effective date.* This Maximum Price Regulation No. 136, as amended, (§§ 1390.1 to 1390.34 inclusive) shall become effective July 22, 1942, except that this Maximum Price Regulation No. 136, as amended, shall not apply to sales or deliveries of electric storage batteries until October 15, 1942.

§ 1390.31a *Effective dates of amendments.* * * *

(bb) Amendment No. 28 (§ 1390.31) to Maximum Price Regulation No. 136, as amended, shall become effective October 1, 1942.

(Pub. Law 471, 77th Cong.)

Issued this 3d day of October, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9886; Filed October 3, 1942; 12:44 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 29 to the General Maximum Price Regulation [2]]

FLUID MILK AND CREAM

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1499.23a (u) is amended as set forth below:

§ 1499.23a *Effective dates of amendments.* * * *

(u) Amendment No. 21 (§ § 1499.9 (a) (3) and 1499.20 (p)) to this General Maximum Price Regulation shall become effective August 7, 1942, except that the effective date of this amendment with respect to fluid milk and fluid cream sold at wholesale in the Washington market area as defined in Federal Milk Marketing Order No. 43, as amended, issued by the Secretary of Agriculture August 29, 1941, shall be November 2, 1942.

* * * * *

(dd) Amendment No. 29 (§ 1499.23a (u)) to this General Maximum Price Regulation shall become effective October 2, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 3d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9887; Filed, October 3, 1942; 12:44 p. m.]

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[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6682, 6682, 6899, 6937, 6937, 6964, 6964; 6965, 6973, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744.

*Copies may be obtained from the Office of Price Administration.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5484, 5565, 5775, 5784, 5783, 6058, 6007, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758.

PART 1499—COMMODITIES AND SERVICES

[Amendment 36 to Supplementary Regulation 14[1] to the General Maximum Price Regulation[2]]

TRANSPORTATION OF COAL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Subparagraph (5) of paragraph (a) of § 1499.73 is amended to read as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

* * * * *

(5) *Transportation of coal in barges along the Atlantic Coast.* (i) Maximum prices for the transportation of coal in barges along the Atlantic Coast by carriers other than common carriers within the exemption conferred by section 302 (c) (2) of the Emergency Price Control Act of 1942 shall continue to be determined under the provisions of the General Maximum Price Regulation, except that as to all such transportation performed between the origins and destinations referred to below and commenced on or after August 3, 1942, but not later than December 2, 1942, the maximum prices shall be as follows:

MAXIMUM RATES[1] FOR TRANSPORTATION OF COAL IN BARGES

Destinations	Origins		
	Lower New Jersey piers[2]	Upper New Jersey piers[3]	Hampton Roads
New York			$2.00
Stamford, Conn	.60	.55	2.50
Bridgeport, Conn	.65	.60	2.50
New Haven, Conn	.65	.60	2.50
New London, Conn	[4]1.25	[4]1.20	2.50
Allyns Point, Conn	[4]1.30	[4]1.25	2.55
Montville, Conn	[4]1.30	[4]1.25	2.55
Norwich, Conn	[4]1.40	[4]1.35	2.65
Newport, R. I	[4]1.40	[4]1.35	2.65
Providence, R. I	[4]1.50	[4]1.45	2.75
Pawtucket, R. I	[4]1.60	[4]1.55	2.85
Fall River, Mass	[4]1.50	[4]1.45	2.75
Somerset, Mass	[4]1.50	[4]1.45	2.75
New Bedford, Mass	[4]1.65	[4]1.60	2.90
Plymouth, Mass	[4]1.85	[4]1.80	3.10
Hull, Mass	[4]1.85	[4]1.80	3.10
Boston Harbor, Mass.[5]	[4]1.75	[4]1.70	3.00
Lynn, Mass	[4]1.75	[4]1.70	3.00
Marblehead, Mass	[4]1.75	[4]1.70	3.00
Salem, Mass	[4]1.75	[4]1.70	3.00
Beverly, Mass	[4]1.75	[4]1.70	3.00
Gloucester, Mass	[4]1.85	[4]1.80	3.10
Portsmouth, N. H	[4]2.00	[4]1.95	3.25
Portland, Maine	[4]2.00	[4]1.95	3.25
Boothbay, Maine	[4]2.10	[4]2.05	3.35
Bath, Maine	[4]2.35	[4]2.30	3.60
Gardner, Maine	[4]2.75	[4]2.70	4.00
Hallowell, Maine	[4]2.85	[4]2.80	4.10
Augusta, Maine	[4]3.00	[4]2.95	4.25
Rockland, Maine	[4]2.75	[4]2.70	4.00
Belfast, Maine	[4]2.90	[4]2.85	4.15
Camden, Maine	[4]2.90	[4]2.85	4.15
Searsport, Maine	[4]2.85	[4]2.80	4.10
Bucksport, Maine	[4]2.90	[4]2.85	4.15
Castine, Maine	[4]3.00	[4]2.95	4.25
N. E. Harbor, Maine	[4]3.25	[4]3.20	4.50
S. W. Harbor, Maine	[4]3.25	[4]3.20	4.50
Bar Harbor, Maine	[4]3.25	[4]3.20	4.50
Bangor, Maine	[4]3.00	[4]2.95	4.25
Brewer, Maine	[4]3.00	[4]2.95	4.25

[1] Rates are stated in terms of dollars per net ton and are exclusive of expenses for loading and discharging and for cargo insurance. The trimming charge made at loading piers is for the account of the vessel and is included in the rate.

[2] Lower New Jersey piers include piers in South Amboy, Perth Amboy, Port Reading, and Elizabethport.

[3] Upper New Jersey piers include Jersey City, Hoboken, Weehawken, Guttenberg, and Edgewater.

[4] Applicable only to cargoes of less than 2200 net tons. Subtract five cents per net ton from the rates shown when cargo is 2200 net tons or more but less than 2800 net tons, and ten cents per net ton when cargo is 2800 net tons or more.

[5] Includes all points between but not including Hull, Massachusetts, and Lynn, Massachusetts.

The maximum rate applicable to any destination on the Atlantic Coast northerly from New York not specified above shall be the rate shown from the same origin to the closest destination set forth above.

The maximum rates specified above are for transportation in barges other than self-propelled barges and shall be increased by 15 cents per net ton when the transportation is performed by self-propelled barges.

(ii) The provisions of the General Maximum Price Regulation, other than § 1499.11 (a), shall not apply until August 3, 1942, to the transportation of coal in barges between the origins and destinations referred to in paragraph (i) above, when such transportation is performed by carriers other than common carriers within the exemption conferred by section 302 (c) (2) of the Emergency Price Control Act of 1942.

(b) Effective dates. * * *

(37) Amendment No. 36 (§ 1499.73 (a) (5)) to Supplementary Regulation No. 14 shall become effective October 3, 1942, and shall, unless earlier revoked or extended, expire at twelve o'clock midnight December 2, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 3 day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9882; Filed, October 3, 1942; 12:45 p. m.]

PART 1306—IRON AND STEEL

[Maximum Price Regulation 230]

REUSABLE IRON AND STEEL PIPE

In § 1306.466 (c) appearing on page 7733 of the issue for September 30, 1942, the phrase "in subparagraph 3 of this paragraph" should be deleted and replaced by the words "in Table I."

In § 1306.466 (d) appearing on page 7735 of the same issue, the words "in subparagraph (5) of this paragraph" should be deleted and replaced by the words "in Table II."

PART 1340—FUEL

[Amendment 22 to Maximum Price Regulation 120]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

In § 1340.210 (a) (8) (ii), appearing on page 7670 of the issue for September 29, 1942, the reference to "§ 1340.210 (a) (6) (iv)" should be "§ 1340.210 (a) (8) (iv)". In § 1340.210 (a) (8) (iv) (*c*) (*4*) appearing on page 7671 of the same issue, the word "date" should be "data", and "specification" should be "specified".

PART 1351—FOODS AND FOOD PRODUCTS

[Temporary Maximum Price Regulation 22]

CERTAIN ESSENTIAL FOOD PRODUCTS

In accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to aid in stabilizing the cost of living" (H. R. 7565), 77th Congress, 2d Session, and under the authority of the Emergency Price Control Act of 1942, the Price Administrator, after consultation with the Secretary of Agriculture, hereby issues this Temporary Maximum Price Regulation No. 22 establishing as the maximum prices for certain essential food products not heretofore subject to price control the prices prevailing for those products during the five days prior to the date of issuance of this regulation.

AUTHORITY: §§ 1351.801 to 1351.813, inclusive, issued under H. R. 7565, 77th Cong. and Pub. Law 421, 77th Cong.

§ 1351.801 *Purpose of this regulation.* (a) It is the purpose of this regulation to establish maximum prices on the following essential food products:

(1) *Milk products.* All butter, cheese, condensed and evaporated milk, powdered milk, casein, malted milk powder, and any other commodity which is processed or manufactured from cow's milk and composed of milk ingredients constituting more than fifty percent by weight or volume, except fluid milk, fluid cream, and ice cream.

(2) *Eggs.* All shell, dried, frozen, and tanner eggs.

(3) *Poultry.* All chickens, fowl, roosters, capons, turkeys, ducks, geese, pigeons, squabs, and game birds including live, dressed, drawn, split, disjointed, and all other forms of the foregoing when sold for human consumption.

(4) *Mutton.* All meat from the carcasses of animals of the ovine species of either sex, other than "lamb".

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* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7511, 7536, 7535, 7739, 7671, 7812, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 5486.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5484, 5565, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758.

(5) *White potatoes.* All white potatoes used for human consumption.

(6) *Canned citrus fruits and juices and other citrus products.* All canned fruits and juices made from citrus fruits (such as oranges, grapefruit, lemons, and limes) and combinations or blends thereof; citrus concentrates; and all other citrus products.

(7) *Fresh citrus fruits.* All fresh citrus fruits including but not limited to oranges, grapefruit, lemons, and limes.

(8) *Flour.* All flour produced from wheat, rye, buckwheat, rice, corn, oats, barley, soy beans, and potatoes, and combinations thereof including bleached, bromated, enriched, phosphated, and self-rising flours.

(9) *Cake mixes and flour mixes, in bulk and "packaged" in quantities greater than three pounds.* All combinations of flour with any other ingredients.

(10) *Onions.* All onions for human consumption, including all types and varieties other than green onions.

(11) *Dry edible beans, dried peas and lentils.* All threshed and dried field or garden beans, peas and lentils used for human consumption.

(12) *Corn meal, hominy, and hominy grits, in bulk and "packaged" in quantities greater than three pounds.* All corn "ground" for human consumption with or without the removal of all or part of the bran or germ.

The food products listed above are referred to in this regulation as "listed food products".

(b) From October 5, 1942, to December 3, 1942, inclusive, regardless of any contract, agreement, or other obligation, no person shall sell or deliver a listed food product, and no person in the course of trade or business shall buy or receive a listed food product at a price higher than the maximum price permitted by this Temporary Regulation No. 22; and no person shall agree, offer, solicit or attempt to do any of the foregoing. Lower prices may be charged, demanded, paid or offered.

§ 1351.802 *Maximum prices.* (a) The seller's maximum price for any listed food product shall be the highest price charged by the seller during the period September 28, 1942, to October 2, 1942, inclusive, for the same listed food product; or if no charge was made for the same listed food product, for the similar listed food product most nearly like it. If the seller did not sell the same or similar listed food product during the period September 28, 1942, to October 2, 1942, inclusive, his maximum price for such listed food product shall be the highest price charged during that period by his most closely competitive seller of the same class for the same listed food product; or, if no charge was made for the same listed food product, for the similar food product most nearly like it.

§ 1351.803 *Exempt sales.* (a) This Temporary Maximum Price Regulation No. 22 shall not apply to the following:

(1) Sales and deliveries made directly by a farmer of any listed food products produced on his farm. However, this Temporary Maximum Price Regulation No. 22 shall apply to a sale or delivery by a farmers' cooperative and to a sale or delivery directly by a farmer of any listed food products to an ultimate consumer if during the preceding month the farmer's sales to ultimate consumers of all food products produced on his farm exceeded $75.

(2) Deliveries to the United States, or any agency thereof, under contracts entered into prior to October 5, 1942.

§ 1351.804 *Evasion.* The price limitations set forth in this Temporary Maximum Price Regulation No. 22 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to a listed food product alone or in conjunction with any other commodity, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by changing a business practice relating to the price lines, grading, labeling, packaging or branding of a listed food product.

§ 1351.805 *Conditional agreements.* No seller of a listed food product shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1351.802 in the event that this Temporary Maximum Price Regulation No. 22 is amended or is determined by a court to be invalid or upon any other contingency: *Provided,* That if a petition for amendment has been duly filed, and such petition requires extensive consideration, the Price Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1351.806 *Sales for export.* The maximum prices at which a person may export a listed food product shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[1] issued by the Office of Price Administration.

§ 1351.807 *Records and reports.* (a) As to all sales not specifically exempted by other sections of this Temporary Maximum Price Regulation No. 22 every person selling a listed food product shall preserve for examination by the Office of Price Administration all his existing records relating to prices which he charged for such listed food product delivered or supplied during the period from September 28, 1942, to October 2, 1942, inclusive, and his offering prices for delivery or supply of a listed food product during such period; and shall prepare, on or before October 24, 1942, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, a statement showing (1) the highest prices charged for such listed food product delivered or supplied during such period and his offering prices for delivery or supply of a listed food product during such period, together with an appropriate identification of such product, and (2) all his customary allowances, discounts, and other price differentials.

(b) As to all sales not specifically exempted by other sections of this Temporary Maximum Price Regulation No. 22, every person selling a listed food product shall keep and make available for examination by the Office of Price Administration records of the same kind as he has customarily kept relating to the prices which he charged for such food product during the period from September 28, 1942, to October 2, 1942, inclusive, and, in addition, records showing, as precisely as possible, the basis upon which he determined maximum prices.

(c) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraphs (a) and (b) of this section as the Office of Price Administration may from time to time require.

§ 1351.808 *Enforcement.* (a) Persons violating any provisions of this Temporary Maximum Price Regulation No. 22 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Temporary Maximum Price Regulation No. 22 or of any price schedule, regulation, or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation are urged to communicate with the nearest district, state, field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1351.809 *Petitions for amendment.* Persons seeking modification of any provisions of this Temporary Maximum Price Regulation No. 22 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1,[2] issued by the Office of Price Administration.

§ 1351.810 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 22, the term:

(1) "Person" means an individual, corporation, partnership, association, or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agencies of any of the foregoing;

(2) "Highest price charged during the base period" means the highest price which the seller charged for a listed food product delivered by him during the period from September 28, 1942 to October 2, 1942, inclusive, to a purchaser of the same class, or, if the seller made no such delivery during such period, his highest offering price for delivery during that period to a purchaser of the same class. No seller shall change his customary allowances, discounts or other price dif-

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[1] 7 F.R. 5059, 7242

[2] 7 F.R. 971, 3663, 6967.

ferentials unless such change results in a lower price. No seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery or supply of any listed food product than the seller required purchasers of the same class to pay during such period on deliveries of a listed food product.

(3) "Purchaser of the same class" refers to the practice followed by the seller in the ninety-day period preceding October 2, 1942, in setting different prices for sales to different purchasers or kinds of purchasers (for example, but not limited to, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer or any ordinarily recognized subgroup or combination of the foregoing) or for purchasers located in different areas or for different quantities or under different conditions of sale.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation,[3] issued by the Office of Price Administration, shall apply to other terms used herein.

§ 1351.811 *Relation to other maximum price regulations.* The provisions of this Temporary Maximum Price Regulation No. 22 shall not apply to any sale or delivery of a listed food product for which a maximum price is in effect on October 5, 1942, under the provisions of any other price regulation, including the General Maximum Price Regulation, issued by the Office of Price Administration.

§ 1351.812 *Revocation or replacement of regulation.* This Temporary Maximum Price Regulation No. 22 may be revoked or replaced by a permanent Maximum Price Regulation or Order issued by the Office of Price Administration.

§ 1351.813 *Effective period.* This Temporary Maximum Price Regulation No. 22 (§§ 1351.801 to 1351.813, inclusive), shall become effective on October 5, 1942, and shall, unless earlier revoked or replaced, expire at 12 o'clock midnight, December 3, 1942.

Issued this 3d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9890; Filed, October 3, 1942; 2:01 p. m.]

Chapter XIII—Office of Petroleum Coordinator for War

[Recommendation 30, Amendment]

PART 1508—MARKETING

MARKETING MATERIALS

To all persons supplying equipment for the marketing of petroleum products:

Pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for War, Recommendation No. 30 (§§ 1508.12 to 1508.14, inclusive, of this chapter)[1] is hereby amended and the section numbering thereof changed to read as follows:

AUTHORITY: §§ 1508.12 to 1508.15, inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior 6 F.R. 2760).

§ 1508.12 *Definitions.* (a) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons, whether incorporated or not.

(b) "Marketing" means the operation of all facilities (other than petroleum terminal or terminal storage facilities or marine, rail, pipe line or truck facilities used to transport petroleum) for distributing or dispensing petroleum (excluding natural gas) including without limitation the operation of service stations, substations, bulk plants, warehouses, wholesale depots, or facilities operated by "consumer accounts".

(c) "Petroleum" means petroleum, petroleum products, and associated hydrocarbons including but not limited to natural gas.

(d) "Equipment" means dispensing pumps and storage tanks having a capacity of more than 65 gallons used in marketing.

(e) "Operator" means any person engaged in marketing.

(f) "Owner" means any person, other than an operator, who has, subject to the rights of any operator, the right to possession of the premises on which equipment is installed.

§ 1508.13 *Notice of intention to remove.* No person having the right to remove from the premises of any operator or owner any equipment operated by such operator whether by reason of the termination of a supply arrangement at the election of either, or for any other reason, shall do so until he shall have given reasonable notice in writing of not less than thirty days to the operator of his intention so to remove such equipment, or until he shall have received the prior consent in writing of such operator.

§ 1508.14 *Option in operator.* Any operator having received notice from any person pursuant to § 1508.13 of this chapter of intention to remove any equipment shall have the option for the period of the notice, but not more than forty-five days from the giving of notice, to purchase or complete the purchase, or procure another person to purchase or ercise of such option, the equipment covered by such notice, and on the exercise of such option, the equipment covered thereby shall be sold in accordance therewith at a reasonable price based on original cost less reasonable depreciation. During any such option period, the operator shall have the right to use the installed equipment and to authorize its use by any person for the purpose of supplying the operator with petroleum.

§ 1508.15 *Option in owner.* When such operator does not exercise the option granted pursuant to § 1508.14, the owner shall be given an option in writing to purchase or arrange for the purchase of the presently installed equipment at a reasonable price based on original cost less reasonable depreciation. Such option shall be for a period of not less than fifteen days, and such equipment shall not be removed prior to the expiration of such option.

R. K. DAVIES,
Deputy Petroleum Coordinator for War.

SEPTEMBER 25, 1942.

E. J. SKIDMORE,

[F. R. Doc. 42-9847; Filed, October 3, 1942; 10:57 a.m.]

[Recommendation 39, Amendment]

PART 1508—MARKETING

CONSERVATION OF FUEL OIL

To all suppliers of fuel oil in District One and in the States of Oregon and Washington:

Pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for War, Recommendation No. 39 (§§ 1508.38 to 1508.41, inclusive, of this chapter)[2] is hereby amended by deleting §§ 1508.38 to 1508.40, inclusive, and amending § 1508.41 to read as follows:

§ 1508.41 *Conservation of fuel oil.* Except in case of sickness or other emergency which makes essential the maintenance of higher temperatures, controls used by consumers of fuel oil for the regulation of air temperature should be kept at a maximum of 65° Fahrenheit during the day and a maximum of 55° Fahrenheit during the night. All space which is not being utilized or is nonessential should be closed off from the remainder of the establishment and not heated. Controls used by consumers of fuel oil for the regulation of the temperature of hot water for domestic use should be kept at a maximum of 140° Fahrenheit.

(The President's letter of May 28, 1941, to the Secretary of the Interior, 6 F.R. 2760).

R. K. DAVIES,
Deputy Petroleum Coordinator for War.

SEPTEMBER 29, 1942.

[F. R. Doc. 42-9848; Filed, October 3, 1942; 10:58 a. m.]

[Recommendation 45, Amended]

PART 1508—MARKETING

USE OF ASPHALT OR TAR PRODUCTS ON ROADS AND HIGHWAYS

To All State Highway Commissions, and To All Federal, State, County, and

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[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4733, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5755, 5784 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758.

[1] 7 F.R. 674.

[2] 7 F.R. 2951.

Municipal Bodies or Agencies Having Jurisdiction Over the Construction, Reconstruction, Maintenance, or Repair of Roads, Highways, and Other Similar Surfaces, and To All Suppliers of Asphalt and Asphaltic Products and Tar and Tar Products:

Pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for War, §§ 1508.44 to 1508.48 of this chapter (Recommendation No. 45,[1] dated April 24, 1942, Amendment July 2, 1942,) are hereby amended to read as follows:

AUTHORITY: §§ 1508.44 to 1508.48, inclusive, issued under the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1508.44 *Use of asphalt or tar products on roads and highways.* Subject to the provisions of § 1508.47 of this chapter, the use of asphalt or of any asphaltic product, including road oils, or of tar or any tar product, in the construction, reconstruction, paving, surfacing or resurfacing, and in the maintenance or repair, of any public road, street, highway or driveway, or public parkway, in the areas defined in § 1508.48 of this chapter, and the purchase, sale, delivery, or withdrawal from storage of any asphalt or asphaltic product including road oil, or tar or any tar product, for any such use, shall be deferred for the duration of the emergency, except in the case of public roads, streets, highways or driveways, or public parkways, certified by the Public Roads Administration of the Federal Works Agency to be necessary to the successful prosecution of the war, and for the construction, reconstruction, paving surfacing or resurfacing, or the maintenance or repair, of which the Public Roads Administration certifies that the use of asphalt or an asphaltic product (not including road oil), or tar or a tar product is essential. Certification by the Public Roads Administration shall be made after review and recommendation by the appropriate state highway department pursuant to such procedure as the Commissioner of Public Roads may prescribe, except that in cases of use by or on behalf of an agency of the Federal Government application shall be made direct to the Public Roads Administration.

§ 1508.45 *Other surfacing.* Subject to the provisions of § 1508.47 of this chapter, no asphalt or asphaltic product, including road oils, or tar or any tar product, shall be used during the emergency in the construction, reconstruction, paving, surfacing or resurfacing, or in the maintenance or repair, of any roadway or other surface for vehicular use subject to restricted use, walkway, yard, parking area, or any other similar surface except as may be approved by the Director of Marketing, Office of Petroleum Coordinator for War, Washington, D. C., in the area defined in § 1508.48 of this chapter, except that no approval is required in the case of airport or aircraft plant surfaces on which aircraft travel, or surfaces within buildings.

§ 1508.46 *Transportation of asphalt and asphaltic products.* Asphalt and asphaltic products, including road oils, and tar and tar products, shall be transported by means of tank truck in all movements of 200 miles or less except where suitable tank truck transportation cannot be obtained.

§ 1508.47 *Date of applicability.* In any case where asphalt or any asphaltic product (not including road oil), or tar or any tar product, is being used, pursuant to a written contract for the purposes described in §§ 1508.44 or 1508.45 of this chapter in the area defined in paragraph (b) of § 1508.48 of this chapter, but only where equipment and material has been placed upon the location on or before the date of this amended Recommendation, the use thereof shall be permitted for 20 days following such date, and the delivery thereof for such use shall be permitted for 10 days following such date, but shall be permitted thereafter only upon certification by the Public Roads Administration in the manner contemplated in § 1508.44 or approval as provided in § 1508.45 of this chapter. The delivery of road oils in such area for the purposes described in §§ 1508.44 and 1508.45 of this chapter shall cease on the date of this amended Recommendation, and the use thereof, in such area for such purposes shall cease 20 days following such date. Road oil in tank cars on the date of this amended Recommendation shall be deemed to have been delivered. Certifications and approvals as prescribed in §§ 1508.44 and 1508.45 will not apply to road oils.

§ 1508.48 *Areas of applicability.* (a) Continental United States.

(b) The States of Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming.

RALPH K. DAVIES,
Deputy Petroleum Coordinator for War.

OCTOBER 5, 1942.

[F.R. Doc. 42-9864; Filed, October 3, 1942; 11:44 a. m.]

Chapter XV—Board of War Communications

[Order 19]

PART 1714—INTERNATIONAL RADIO-TELEPHONE COMMUNICATIONS

TERMINATION OF CERTAIN INTERNATIONAL RADIOTELEPHONE COMMUNICATIONS

Whereas an agreement has been reached between the appropriate authorities of the Governments of the United States and of Australia for the operation of a radiotelephene circuit between the United States and Australia;

Now, therefore, By virtue of the authority vested in the Board by Executive Order No. 8964,[2] dated December 10, 1941, the Board's Order No. 18,[3] dated August 27, 1942, is hereby amended to read as follows:

It is hereby ordered as follows:

§ 1714.1 *Termination of certain international radiotelephone communications.* From and after the date hereof, (a) non-governmental business radiotelephone calls between the United States and Great Britain shall be permitted subject to the prior approval thereof from the Office of Censorship. No personal radiotelephone calls shall be permitted between the United States and Great Britain.

(b) No non-governmental business or personal radiotelephone call shall be made to or from any foreign point outside of the Western Hemisphere other than Great Britain unless such call is made in the interest of the United States or the United Nations and unless an agency of the United States Government sponsors such call and obtains prior approval therefor from the Office of Censorship: *Provided, however,* That this provision shall not apply to American press calls or radiobroadcast programs, or to such other press calls and radio programs as may be specifically approved by the Office of Censorship.

(c) No calls of any nature over the radiotelephone circuits under the jurisdiction of the United States, no matter where such calls may originate, unless sponsored and approved as provided in paragraph (b) of this section, shall be permitted to, from, or on behalf of, the following thirteen countries: Egypt, Finland, France, Iceland, Iran, Ireland, Latvia, Lithuania, Portugal, Spain, Sweden, Switzerland, and Turkey.

(d) Personal calls other than those prohibited in the foregoing paragraphs may be completed between two points in the Western Hemisphere.

Subject to such further order as the Board may deem appropriate.

Nothing herein shall apply to existing regulations governing the use of cable, telegraph or radiotelegraph communications.

Board of War Communications.

JAMES LAWRENCE FLY,
Chairman.

HERBERT E. GASTON,
Secretary.

[F. R. Doc. 43-9849; Filed, October 8, 1942; 10:53 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-35]

PART 210—EXEMPTIONS

EXEMPTION OF CASUAL, OCCASIONAL OR RECIPROCAL TRANSPORTATION OF PASSENGERS BY MOTOR VEHICLE

In the matter of request of the Court for postponement of the effective date of the order in the above-entitled matter.

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[1] 7 F.R. 3669, 5142.

[2] 6 F.R. 6367.

[3] 7 F.R. 7013.

Present: Claude R. Porter, Commission, to whom the above-entitled matter has been assigned for action thereon.

Upon consideration of the request of the Court that the effective date of the order in the above-entitled case be extended, and good cause appearing:

It is ordered, That the order of this Commission of March 21, 1942,[1] as subsequently modified to become effective October 1, 1942, be, and it is hereby, further modified so as to become effective on November 1, 1942.

Dated at Washington, D. C., this 28th day of September, 1942.

By the Commission, Commissioner Porter.

[SEAL] W. P. BARTEL.
Secretary.

[F. R. Doc. 42-9917; Filed, October 5, 1942; 11:14 a. m.]

Chapter II—Office of Defense Transportation

[Special Direction ODT 7-1]

PART 520—CONSERVATION OF RAIL EQUIPMENT EXCEPTIONS AND PERMITS

SUBPART B—TANK CARS—EXCEPTIONS, PERMITS, AND DIRECTIONS

FORWARDING OF EMPTY TANK CARS

Pursuant to the provisions of § 500.13 of General Order ODT 7, as amended,[2] *It is hereby ordered,* That:

§ 520.408 *Special Direction 7-1.* On and after October 10, 1942, every common carrier by railroad, unless otherwise ordered by the Section of Tank Car Service or branch thereof, immediately after the unloading of any tank car and regardless of the ownership thereof or of the track on which such car is located, shall forward such empty tank car to its last point of origin over the route traveled by such car when loaded, unless, prior to the forwarding of such car the carrier shall have received contrary instructions from the consignor thereof.

Issued at Washington, D. C., this 3d day of October, 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-9925; Filed, October 5, 1942; 11:45 a. m.]

[General Permit ODT 24-1]

PART 520—CONSERVATION OF RAIL EQUIPMENT EXCEPTIONS AND PERMITS

SUBPART D—PASSENGER TRAIN OPERATIONS

RESTRICTED USE OF PRIVATE OR CHARTERED CARS

In accordance with the provisions of General Order ODT 24,[3] Title 49, Chapter II, Part 500, Subpart D, § 500.42,

It is hereby authorized, That:

§ 520.600 *Use of private or chartered cars.* Notwithstanding the provisions of paragraph (c) of § 500.41 of General Order ODT 24, any rail carrier when operating a scheduled passenger train which furnishes daily round-trip commuting suburban service not less than five (5) days, exclusive of holidays, in each calendar week, may include in such train a railroad car, the use of which by prior arrangement is restricted to a number of persons traveling together as a group: *Provided,* That such railroad car has been operated continuously as a group occupancy car on such train not less than five (5) days each week, exclusive of holidays, during the period of one year next preceding the effective date of this subpart, and provided further that unoccupied seating capacity of such car is made available for use of overflow traffic from other cars on such train without extra or additional charge and that the inclusion of any such car in any such train does not prevent the inclusion of any other cars in such train.

This General Permit shall become effective on October 4, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 3d day of October 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-9926; Filed, October 5, 1942; 11:45 a. m.]

[General Permit ODT 6-9]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS AND PERMITS

SUBPART E—LOCAL DELIVERY CARRIERS

MILEAGE REDUCTION REQUIREMENTS; CERTIFICATE OF WAR NECESSITY

In accordance with the provisions of paragraph (e) of § 501.36 of General Order O.D.T. No. 6, as amended,[1] Chapter II, Title 49, Part 501, Subpart E,

It is hereby authorized, That:

§ 521.2009 *Mileage reduction requirements; certificate of war necessity.* When a Certificate of War Necessity, as provided by General Order ODT 21,[2] is issued to any local carrier which certifies the total maximum mileage to be operated by any commercial motor vehicle or vehicles, singly or collectively, during any stated period, such local carrier is hereby relieved, in respect of such vehicle or vehicles so operated, from compliance with the provisions of § 501.33 of General Order O.D.T. No. 6, as amended: *Provided,* That the operation of such vehicle or vehicles by such local carrier shall be governed by the terms and conditions specified in such Certificate of War Necessity. (E.O. 8989, 6 F.R. 6725; Gen. Order O.D.T. No. 6, 7 F.R. 3008, 3532, 4184)

This General Permit shall become effective October 5, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 5th day of October 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-9927; Filed, October 5, 1942; 11:45 a. m.]

[General Permit ODT No. 17-15]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS AND PERMITS

SUBPART K—MOTOR CARRIERS OF PROPERTY

Mileage Reduction Requirements; Certificate of War Necessity

In accordance with the provisions of General Order O.D.T. No. 17, as amended,[1] Title 49, Chapter II, Part 501, Subpart K, § 501.71,

It is hereby authorized, That:

§ 521.2891 *Mileage reduction requirements; Certificate of War Necessity.* When a Certificate of War Necessity, as provided by General Order ODT 21,[2] is issued to any motor carrier which certifies the total maximum mileage to be operated by any commercial motor vehicle or vehicles, singly or collectively, during any stated period, such motor carrier is hereby relieved, in respect of such vehicle or vehicles so operated, from compliance with the provisions of § 501.67 of General Order O.D.T. No. 17, as amended: *Provided,* That the operation of such vehicle or vehicles by such motor carrier shall be governed by the terms and conditions specified in such Certificate of War Necessity. (E.O. 8989, 6 F.R. 6725; E.O. 9156, 7 F.R. 3349; Gen. Order O.D.T. No. 17, as amended, 7 F.R. 5678, 7694)

This General Permit shall become effective October 5, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C. this 5th day of October 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-9928; Filed, October 5, 1942; 11:45 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1634]

HIGH POINT COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 8 for a change in the price classifications and minimum prices for rail and truck shipments for the coals produced by High Point No. 1 Mine (Mine Index No. 241) of High Point Coal Company, a code member in District No. 8.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on October 20, 1942, at 10:00 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 15, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition filed with the Division by District Board No. 8 requesting the following changes in price classifications and minimum prices for All Shipments Except Truck and for Truck Shipments, for the coals of the High Point No. 1 Mine, Mine Index No. 241, of High Point Coal Company:

Rail: Size Groups 5 to 8, inclusive, from "B" to "A."
Size Groups 11 to 14, inclusive, from "B" to "A."
Lake: Size Groups 5 and 6, from "B" to "A."
Truck: Size Group 4, from "$2.55" to "$2.60."

Dated: October 2, 1942.

[SEAL] DAN H. WHEELER.
Direc

[F. R. Doc. 42-9903; Filed, October 5, 1942; 11:09 a. m.]

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[1] 7 F.R. 2849, 3531, 5280, 6838.
[2] 7 F.R. 3332, 3531.
[3] 7 F.R. 7814.

[1] 7 F.R. 3008, 3532, 4184.
[2] 7 F.R. 7100.

[1] 7 F.R. 5678; 7694.

[Docket No. 1859-FD]

WHEELING TOWNSHIP COAL MINING COMPANY

ORDER APPROVING AND ADOPTING WITH MODIFICATION THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATION OF THE EXAMINER

In the matter of the application of the Wheeling Township Coal Mining Company for permission to accept and retain distributors' discounts on coal purchased by it and resold to the Goodyear Tire and Rubber Company, or any of its affiliates.

This proceeding having been instituted upon a petition filed with the Bituminous Coal Division by The Wheeling Township Coal Mining Company, pursuant to §§ 304.19 (c) and 304.12 (b) (8) of Rules and Regulations for the Registration of Distributors and pursuant to paragraph (h) of the Agreement by Registered Distributor executed by the petitioner, a registered distributor, (Registration No. 9644), seeking permission to accept and retain distributors' discounts on coal purchased and resold by it to the Goodyear Tire and Rubber Company and to any of Goodyear's affiliates;

A hearing having been held before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., on September 18-19, 1941, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The Examiner having filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation in this matter on February 11, 1942, recommending that relief be denied;

The respondent having filed exceptions thereto and supporting brief;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;[1]

Now, therefore, it is ordered, That the exceptions of the petitioner, The Wheeling Township Coal Mining Company, to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation of the Examiner be and they hereby are severally over-ruled except as otherwise indicated in the Findings of Fact, Conclusions of Law, and Opinion of the undersigned filed herewith.

It is further ordered, That the proposed findings of fact, and proposed conclusions of law of the Examiner be and they hereby are modified as indicated in the Findings of Fact, Conclusions of Law, and Opinion of the undersigned filed herewith.

It is further ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner, as modified, be and they hereby are approved and adopted as the findings of fact and conclusions of law of the undersigned.

It is further ordered, That the relief prayed for by the petitioner be, and the same hereby is, denied.

Dated: October 2, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-9904; Filed, October 5, 1942; 11:09 a. m.]

[Docket No. B-279]

SWINDLE COAL COMPANY

ORDER RESCHEDULING HEARING AND REDESIGNATING EXAMINER

In the matter of F. L. Swindle, doing business under the name and style of Swindle Coal Company, code member.

The above-entitled matter having been heretofore scheduled for hearing at 10 a. m. on July 30, 1942, at a hearing room of the Bituminous Coal Division at the Chancery Court Room, Courthouse, Chattanooga, Tennessee, and said hearing having been postponed by Order dated July 22, 1942 to a time and place to be thereafter designated by appropriate order; and

The Director deeming it advisable that the place and date of such hearing should now be designated;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held on October 27, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Courthouse, Chattanooga, Tennessee.

It is further ordered, That Floyd McGown or any other officer of the Bituminous Coal Division that may be duly designated shall preside at said hearing vice the officer or officers heretofore designated.

It is further ordered, That the Notice of and Order for Hearing herein dated June 25, 1942, shall in all other respects remain in full force and effect.

Dated: October 2, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-9905; Filed, October 5, 1942; 11:10 a. m.]

[Docket No. 1790-FD]

SOUTH PITTSBURG COAL COMPANY

ORDER RESCHEDULING HEARING AND REDESIGNATING EXAMINER

In the matter of South Pittsburg Coal Company, a corporation, code member.

The above-entitled matter having been heretofore rescheduled for hearing by Order dated June 6, 1942, at 10 a. m. on July 15, 1942, at a hearing room of the Bituminous Coal Division at the Chancery Court Room, Courthouse, Chattanooga, Tennessee; and

Said hearing having been postponed by Order dated June 26, 1942 to July 31, 1942 at the aforesaid time and place and having been further postponed by Order dated July 22, 1942 to a time and place to be thereafter named by appropriate order; and

The Director deeming it advisable that the place and date of such hearing should now be designated;

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[1] Not filed as part of the original document.

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held on October 27, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Courthouse, Chattanooga, Tennessee.

It is further ordered, That Floyd McGown or any other officer of the Bituminous Coal Division that may be duly designated shall preside at said hearing vice the officer or officers heretofore designated.

It is further ordered, That the said Order herein dated June 6, 1942, shall in all other respects remain in full force and effect.

Dated: October 2, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-9906; Filed, October 5, 1942; 11:10 a. m.]

[Docket No. B-277]

MARKET STREET COAL COMPANY

ORDER RESCHEDULING HEARING AND REDESIGNATING EXAMINER

In the matter of J. H. Cox and R. L. Stulce, individually and as partners doing business under the name and style of Market Street Coal Company, code member.

The above-entitled matter having been heretofore scheduled for hearing at 10 a. m. on July 29, 1942, at a hearing room of the Bituminous Coal Division at the Chancery Court Room, Courthouse, Chattanooga, Tennessee, and said hearing having been postponed by Order dated July 22, 1942, to a time and place to be thereafter designated by appropriate order; and

The Director deeming it advisable that the place and date of such hearing should now be designated;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held on October 26, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Court House, Chattanooga, Tennessee.

It is further ordered, That Floyd McGown or any other officer of the Bituminous Coal Division that may be duly designated shall preside at said hearing vice the officer or officers heretofore designated.

It is further ordered, That the Notice of and Order for Hearing herein dated June 25, 1942, shall in all other respects remain in full force and effect.

Dated October 2, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-9907; Filed, October 5, 1942; 11:10 a. m.]

[Docket No. A-341]

WHEELING VALLEY COAL CORPORATION, ET AL.

ORDER DISMISSING PETITION

In the matter of the petition of Wheeling Valley Coal Corporation, Cove Hill Coal Company, and the Buffalo Coal and Coke Company, code members in District No. 6, for a reduction in the effective minimum prices for ex-river shipments into Market Areas 11, 12 and 13, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Wheeling Valley Coal Corporation, Cove Hill Coal Company, and the Buffalo Coal and Coke Company, original petitioners in the above-entitled matter, having moved that the original petition therein be dismissed, and no opposition having been expressed thereto;

Now, therefore, it is ordered, That the original petition in the above-entitled matter be, and the same hereby is, dismissed.

Dated: October 2, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-9909; Filed, October 5, 1942; 11:10 a. m.]

[Docket No. C-17]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

ORDER POSTPONING HEARING

In the matter of the application of Public Service Company of Indiana, Inc., for exemption pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937.

A hearing in the above-entitled matter having been heretofore scheduled for October 6, 1942, at 10 o'clock in the forenoon of that date at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C., and it appearing appropriate that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed from 10 o'clock in the forenoon of October 6, 1942, until 10 o'clock in the forenoon of December 1, 1942, at a hearing room of the Bituminous Coal Division, Washington, D. C. On December 1, 1942, the Chief of the Records Section in the offices of the Division, Washington, D. C., will advise as to the room where such hearing will be held.

Dated: October 2, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-9910; Filed, October 5, 1942; 11:11 a. m.]

CAROLINA COAL & ICE CORP. ET AL.

ORDER REVOKING CERTAIN REGISTRATIONS

In the matter of the revocation of registrations as distributors of Carolina Coal & Ice Corporation, Cherokee Coal & Coke Co. (E. H. & S. H. Stegall), Dawson-Gruman Co., Inc., Liebig Coal Company, Sumption-Heady-Hunt Company.

The registered distributors, whose names are set forth in Exhibit A, attached hereto and made a part hereof, having requested revocation of registration, having discontinued or disposed of their distribution business, having been reorganized under a new name, having been otherwise succeeded in their business or for other reasons being no longer engaged in business, the registrations previously granted to them should be revoked and their names withdrawn from the list of Registered Distributors.

Accordingly, it is so ordered.

Dated: October 2, 1942.

[SEAL] DAN H. WHEELER,
Director.

EXHIBIT A

Registration No., name, and address	
1428	Carolina Coal & Ice Corporation, 80 Patton Avenue, Asheville, N. C.
1551	Cherokee Coal & Coke Co. (E. H. & S. H. Stegall), Cherokee Building, Knoxville, Tenn.
2175	Dawson-Gruman Co., Inc., 637 S. West St., Syracuse, N. Y.
5573	Liebig Coal Company, Quincy, Ill.
8841	Sumption-Heady-Hunt Company, 1501 No. Market St., Kokomo, Ind.

[F. R. Doc. 42-9911; Filed, October 5, 1942; 11:11 a. m.]

[Docket No. C-6]

EMERALD COAL AND COKE COMPANY

ORDER POSTPONING HEARING

In the matter of the application of Emerald Coal and Coke Company for approval of a contract for the sale of coal pursuant to Rule 5 of section VI of the marketing rules and regulations.

The original petitioner having moved that the hearing in the above-entitled matter heretofore scheduled for October 5, 1942, be postponed until November 16, 1942, and a postponement having been consented to by all protestants provided that the date of the hearing be scheduled not earlier than December 1, 1942, and good cause having been shown why a postponement should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from October 5, 1942, until 10 o'clock in the forenoon of December 1, 1942, at the place and before the officers heretofore designated.

Dated: October 3, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-9913; Filed, October 5, 1942; 11:11 a. m.]

[Docket No. B-294]

HAL MASSEY, CODE MEMBER

ORDER ADVANCING HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of October 24, 1942, at a hearing room of the Bituminous Coal Division, Room 214 Post Office Building, Knoxville, Tennessee; and

The Director deeming it advisable that said hearing should be advanced;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be advanced from 10 o'clock in the forenoon of October 24, 1942 to 10 o'clock in the forenoon of October 23, 1942, at the same place and before the officer or officers previously designated to preside at said hearing.

Dated: October 3, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-9914; Filed, October 5, 1942; 11:12 a. m.]

[Docket No. B-298]

BOYD SLUSHER, CODE MEMBER

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of October 21, 1942 at a hearing room of the Bituminous Coal Division at Room 214, Post Office Building, Knoxville, Tennessee; and

The Director deeming it advisable that said hearing should be postponed.

Now, therefore, it is ordered, That the said hearing in the above-entitled matter be, and the same hereby is, postponed to a time and place to be hereafter designated by an appropriate order.

Dated: October 3, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-9915; Filed, October 5, 1942; 11:12 a. m.]

[Docket No. B-297]

DEWEY C. YORK, ET AL.

ORDER POSTPONING HEARING

In the matter of Dewey C. York, Dude Park and I. T. York, individually and as co-partners, doing business under the name and style of York & Park, a partnership, Code Member.

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of October 21, 1942, at a hearing room of the Bituminous Coal Division, Room 214, Post Office Building, Knoxville, Tennessee; and

The Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of October 21, 1942, to 10 o'clock in the forenoon of October 22, 1942, at the same place and before the officer or officers previously designated to preside at said hearing.

Dated: October 3, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-9916; Filed, October 5, 1942; 11:12 a. m.]

[Docket Nos. A-1508 and A-1504, Part II]

DISTRICT BOARD 4

ORDER GRANTING MOTION, ETC.

In the matter of the petition of Bituminous Coal Producers Board for District No. 4 for classification and pricing of gob pile or reject coal for both rail and truck shipment.

In the matter of the petition of Bituminous Coal Producers Board for District No. 4 for the establishment of a price instruction to be added to the schedule of effective minimum prices for District No. 4 for all shipments except truck which would permit coals passing through a preparation plant not constituting a part of the facilities of the mine at which said coals were produced to take the same prices for the various kinds, qualities, and sizes of coal as if said preparation plant were located at the mine where said coal was actually produced.

Order granting motion to file petition amending original petition and postponing date of hearing in Docket No. A-1508 only, and order redesignating examiner.

On June 16, 1942, an original petition was filed in Docket No. A-1508 by District Board No. 4 requesting that the Schedules of Effective Minimum Prices for District No. 4 for All Shipments Except Truck and for Truck Shipments be amended, as follows:

That there be added on Page 3 of Price Schedule No. 1 of District No. 4, covering all shipments except truck, under the heading "(B) Price Exceptions", a paragraph numbered 5 and that there be added on Page 3 of Price Schedule No. 1 of District No. 4 for truck shipments, under the heading "(B) Price Exceptions", a paragraph numbered 3, to read as follows:

> Low grade reject or bone coal recovered from gob piles, bins or picking tables, if crushed to not more than 2", shall take the price of the size to which crushed; otherwise the price of such recovered reject coal shall be $1.75 per net ton f. o. b. the mine. The invoices for all such coal having a size over 2" shall carry the designation "Reject" instead of a size group number and shall show the exact size of the coal as loaded.

On June 29, 1942, a notice of and order for hearing was issued by the Bituminous Coal Division in which it was ordered that a hearing be held in Docket No. A-1508 on August 5, 1942, at a hearing room of the Division, Washington, D. C. The dates on which these hearings were scheduled were subsequently postponed to October 5, 1942.

On September 23, 1942, District Board No. 4 filed a Motion For Leave to File Amended Petition in Docket No. A-1508 requesting that the Schedules of Effective Minimum Prices for District No. 4 for All Shipments Except Truck and for Truck Shipments be amended, as follows:

(a) That there be added on Page 3 of Price Schedule No. 1 of District No. 4, covering all shipments except truck, under the heading "(B) Price Exceptions", a paragraph numbered 5 to read as follows:

> Low grade reject or bone coal recovered from gob piles, bins or picking tables, if crushed to not more than 2", shall take the price of the size to which crushed when shipped into Market Areas 13, 14 and 17.

(b) That there be added on Page 3 of Price Schedule No. 1 of District No. 4, for truck shipments, under the heading "(B) Price Exceptions", a paragraph numbered 3 to read as follows:

> The price of low grade reject or bone coal recovered from gob piles, bins or picking tables, which has not been crushed, shall, when sold for truck delivery from rail mines to Market Areas 13, 14 and 17, be $1.75 per net ton f. o. b. the mine, gob pile or bin. The invoices for such coal shall carry the designation "Reject" instead of size group number.

On September 28, 1942, District Board No. 4 filed an Application for Continuance, requesting a further postponement of the hearing in Docket No. A-1508 only, for at least three weeks, alleging that it was necessary to permit its principal witness in this docket to appear at the hearing.

It appears that good cause has been shown to postpone this hearing to a later date. However, in view of the previous postponement of this matter, it is expected that District Board No. 4 will be prepared to proceed with its case on the date scheduled herein for the hearing.

It further appears that the Motion for Leave to File Amended Petition in Docket No. A-1508 has been duly served upon all interested persons and that there has been no objection to the granting of this motion.

It is therefore ordered, That the hearing in Docket No. A-1508 be, and it hereby is, postponed until October 19, 1942, and that the hearing in Docket No. A-1504, Part II, scheduled for hearing by order dated July 31, 1942, be held on October 5, 1942, as heretofore scheduled.

It is further ordered, That the Motion for Leave to File Amended Petition of District Board No. 4 in Docket No. A-1508 be, and it hereby is, granted.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in this matter vice Examiner Floyd McGown.

It is further ordered, That the time within which petitions of intervention may be filed is extended to October 14, 1942.

It is further ordered, That in all other respects the orders for hearing entered herein shall remain in full force and effect.

Dated: October 3, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-9912; Filed, October 5, 1942; 11:11 a. m.]

Bureau of Reclamation.

WILLAMETTE VALLEY INVESTIGATIONS, OREGON

FIRST FORM RECLAMATION WITHDRAWAL

SEPTEMBER 14, 1942.

It is recommended that the following described lands be withdrawn from public entry, under the first form withdrawal as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388):

WILLAMETTE VALLEY INVESTIGATIONS, OREGON

WALDO LAKE RESERVOIR SITE

Willamette Meridian

Township 21 South, Range 5½ East:
  Section 14—SE¼;
  Section 23—All;
  Section 26—All;
  Section 34—SE¼;
  Section 35—All.
Township 22 South, Range 5½ East:
  Section 2—All;
  Section 3—NE¼;
  Section 11—N½.
Township 22 South, Range 6 East:
  Section 7—Lots 5, 6, E½SW¼, SE¼;
  Section 8—All;
  Section 16—NW¼;
  Section 19—NE¼;
  Section 20—NW¼.

Respectfully,

JOHN C. PAGE,
Commissioner.

I concur: September 23, 1942.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of this office and the local land office to be noted accordingly.

ABE FORTAS,
Under Secretary.

SEPTEMBER 25, 1942.

[F. R. Doc. 42-9854; Filed, October 3, 1942; 10:58 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

GLOVES AND MITTENS INDUSTRY

NOTICE OF OPPORTUNITY TO SHOW CAUSE

Determination of the prevailing minimum wage in the gloves and mittens industry.

Whereas, the Secretary of Labor, pursuant to the provisions of section 1 (b) of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. Supp. III 35), issued on July 28, 1937, a determination that the prevailing minimum wage for employees engaged in the performance of contracts with agencies of the United State Government, subject to the provisions of that Act, for the manufacture or supply of men's work gloves, including the manufacture of leather work gloves, leather-palm cotton gloves, all canvas or canton flannel work gloves, knit gloves, woolen knit lined gloves, and officers' white cotton gloves, is 35 cents per hour, and that there shall be a tolerance of not to exceed 10 percent of the workers in any one establishment for workers who are in fact learners, handicapped or superannuated workers subject to the conditions that they be paid not less than 25 cents per hour and not less than piece rates paid to other workers in the same establishment; and

Whereas, the Secretary of Labor issued regulations (ti. 41, c. 2, Code of Federal Regulations, § 201.1102), effective September 15, 1942 permitting employment of handicapped workers at subminimum rates under the Public Contracts Act in accordance with the regulations of the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938, and amended all prevailing minimum wage determinations, including the Work Glove Wage Determination, to provide that handicapped or superannuated workers may not be employed at subminimum rates under any other conditions in the performance of any contract bids for which are submitted or negotiations commenced by the contracting agency on or after September 15, 1942; and

Whereas, the Administrator of the Wage and Hour Division, pursuant to the Fair Labor Standards Act of 1938, on August 22, 1942, issued a wage order effective September 21, 1942 (7 F.R. 6713), providing that wages at a rate of not less than 40 cents per hour shall be paid by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the Gloves and Mittens Industry and defining the industry to mean:

The production of gloves and mittens from any material or combination of materials, except athletic gloves and mittens: *Provided, however,* That the definition shall not include any product the manufacture of which is covered by an order of the Administrator defining an industry, and approving the recommendation of an industry committee or appointing an industry committee for such industry, issued prior to the signing of Administrative Order No. 137 appointing Industry Committee No. 40 for the Gloves and Mittens Industry, except the products included in the wage orders issued for the "Work Gloves and Mittens" and the "Gloves and Mittens Other Than Work Gloves and Mittens" Divisions of the Apparel Industry;

and

Whereas, it appears that substantially all employees in the Gloves and Mittens Industry, as defined in the wage order of the Administrator, are engaged in commerce or the production of goods for commerce as that term is defined in the Fair Labor Standards Act of 1938, and that the wage order of the Administrator will, therefore, have the effect of establishing not less than 40 cents per hour as the prevailing minimum wage in the Gloves and Mittens Industry;

and

Whereas, it appears desirable, for the purpose of coordinating the administration of the Fair Labor Standards Act of 1938 and the Public Contracts Act, to substitute for the present tolerance for learners a provision that apprentices and learners may be employed at subminimum rates in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division, issued under the Fair Labor Standards Act of 1938 (Reg. Title 29, ch. V, Parts 521 and 522).

Now, therefore, notice is hereby given to all interested parties of the opportunity to show cause on or before October 17, 1942, why the Work Glove Wage Determination of the Secretary should not be amended by:

(1) Increasing the prevailing minimum wage from 35 cents an hour to 40 cents an hour;

(2) Adopting the following definition of the industry to conform to the definition of the Gloves and Mittens Industry in the wage order of the Administrator issued under the Fair Labor Standards Act of 1938:

> The Gloves and Mittens Industry is that industry which manufactures gloves and mittens (except athletic gloves and mittens) from any material (other than rubber) or from any combination of materials (other than rubber);

(3) Changing the title of the industry in the determination from the "Work Glove Industry" to the "Gloves and Mittens Industry;" and

(4) Substituting for the present tolerance for learners a provision that apprentices and learners may be employed at subminimum rates in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division.

All objections, protests, or any statements in opposition to or in support of the proposed amendments should be addressed to the Administrator, Division of Public Contracts, Department of Labor, Washington, D. C., and should be filed with the Administrator not later than October 17, 1942.

Dated: October 2, 1942.

WM. R. MCCOMB,
Assistant Administrator.

[F. R. Doc. 42-9855; Filed, October 3, 1942; 11:28 a. m.]

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under Section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 5, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

The Goodimate Co., 32nd & Reed Sts., Philadelphia, Pennsylvania; Men's suits and overcoats; 5 percent (T); October 5, 1943.

Tuxedo Neckwear Co., 123–125 N. 4th St., Philadelphia, Pennsylvania; Neckwear; 5 learners (T); October 5, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Anderson Brothers Cons, Co's., Inc., High & Floyd Sts., Danville, Virginia; Coveralls, pants, shirts, smocks, caps, coats, auto jackets; 10 percent (T); October 5, 1943.

Cape-Ann Mfg. Co., 31–33 Commercial St., Gloucester, Massachusetts; Mackinaws, jackets, field and combat jackets; 5 percent (T); October 5, 1943.

Central Mfg. Co., Mulberry St., Dickson, Tennessee; Work shirts and Army shirts; 10 percent (T); October 5, 1943.

Central Mfg. Co., Legion St., Clarksville, Tennessee; Work shirts and pants, Army pants; 10 percent (T); October 5, 1943.

Central Wash Suit Co., Inc., Broad & Wayne Sts., Haverstraw, New York; Children's washable suits and outerwear; ladies apparel; 10 learners (T); October 5, 1943.

Charis Corp., 730 Linden St., Allentown, Pennsylvania; Corsets; 10 percent (T); October 5, 1943.

Cut-Rite Undergarment Co., 29 Chuctanunda St., Amsterdam, New York; Ladies' rayon satin nightgowns; 7 learners (T); October 5, 1943.

Derby Sportswear, Inc., Herkimer, New York; U. S. Army field jackets, misses' and children's sportswear; 10 percent (T); October 5, 1943.

J. Freezer & Son, Inc., Radford (East End), Virginia; Men's cotton dress shirts; 10 learners (T); October 5, 1943.

H. B. Glover Co., Union St., Dyersville, Iowa; Men's shirts; 10 learners (T); October 5, 1943.

Hortex Mfg. Co., 213 South Oregon St., El Paso, Texas; Juvenile clothing; 8 learners (T); October 5, 1943.

Hostess Frocks, 44 Pine Hollow Road, Oyster Bay, New York; Cotton dresses; 3 learners (T); October 5, 1943.

K & C Blouse Co., 302 South Market St., Chicago, Illinois; Women's blouses; 7 learners (T); October 5, 1943.

Lansford Frocks, Inc., 45–49 West Patterson St., Lansford, Pennsylvania; Junior dresses; 10 percent (T); October 5, 1943.

LeRoy Shirt Co., 11 Chestnut St., South, Norwalk, Connecticut; Men's shirts, men's sport shirts, military shirts for U. S. Navy and U. S. Army; 10 learners (T); October 5, 1943.

Mayflower Mfg. Co., 4 North Frederick St., Baltimore, Maryland; Pajamas and blouses; 5 learners (T); October 5, 1943.

George Y. Miller, Front St., Liverpool, Pennsylvania; Dresses; 5 learners (T); October 5, 1943.

The Moyer Mfg. Co., 18–24 N. Walnut St., Youngstown, Ohio; Men's & students' trousers, U. S. Army trousers; 10 percent (T); October 5, 1943.

The Parker Shirt Co., 24 Walnut St., New Britain, Connecticut; Men's shirts, pajamas and short drawers; 5 learners (T); October 5, 1943.

Peerless Mills, 516 Iron St., Lehighton, Pennsylvania; Ladies cotton dresses; 10 percent (T); October 5, 1943.

Pottstown Shirt Co., Charlotte & Cherry Sts., Pottstown, Pennsylvania; Shirts; 10 percent (T); October 5, 1943.

Puritan Mills, Inc., 330–36 West Campbell Ave., Roanoke, Virginia; Cotton nightwear; 55 learners (E); April 5, 1943.

The Rauh Co., 9th & Sycamore Sts., Cincinnati, Ohio; Men's & boys' dress and sport shirts; 10 percent (T); October 5, 1943.

Romano Dress Co., 119 South William St., Newburgh, New York; Silk & wool dresses; 7 learners (T); October 5, 1943.

A. Rosenblatt & Sons, Inc., Main St., Poultney, Vermont; Mfg. cotton dresses and housecoats; 10 percent (T); October 5, 1943.

Edward Shuwall & Co., Inc., Hanover St., Pottstown, Pennsylvania; Children's dresses; 10 percent (T); October 5, 1943.

Slumba-Togs Mfg. Co., Inc., 1306 Memorial Ave., Williamsport, Pennsylvania; Children's pajamas; 5 percent (T); October 5, 1943.

Stahl-Urban Co., North Second St., Brookhaven, Mississippi; U. S. Army trousers & mackinaws, men's work and semi-dress trousers, sport jackets; 10 percent (T); October 5, 1943.

State Sportswear Mfg. Co., Partition St., Saugerties, New York; Ladies silk blouses; 5 learners (T); October 5, 1943.

Utica Knitting Co., Mill No. 8, 1712 Erie St., Utica, New York; Swim trunks (woven), men's and boys' woolen shorts and union suits; 10 percent (T); October 5, 1943.

Van Deusen Dress Mfg. Co., 109 East Main St., Cobleskill, New York; Children's dresses; 20 learners (E); April 5, 1943.

Washington Overall Mfg. Co., Maple & Court Sts., Scottsville, Kentucky; Work and semi-dress pants; 10 percent (T); October 5, 1943.

Wartheimer & Co., 2200 Arch St., Philadelphia, Pennsylvania; Ladies' blouses; 10 percent (T); October 5, 1943.

Westmoreland Garment Corp., Norvelt, Pennsylvania; Trousers; 10 percent (T); October 5, 1943.

Will Ross, Inc., 3100 West Center St., Milwaukee, Wisconsin; Washable service apparel; 5 learners (T); October 5, 1943.

Artificial Flowers and Feathers Industry

Select Novelty Mfg. Co., Inc., 421 South Market St., Chicago, Illinois; Artificial flowers and feathers; 5 learners (T); November 15, 1942.

Glove Industry

Alexette Glove Corp., 70–82 Bleecker St., Gloversville, New York; Leather dress gloves; 5 percent (T); October 5, 1943.

Burk-Sons Glove Mfg. Co., 785 Flushing Ave., Brooklyn, New York; Leather dress, fabric and half fabric and half leather gloves; 5 percent (T); October 5, 1943.

Andre S. David, Inc., 1219 Yonkers Ave., Yonkers, New York; Leather dress gloves; 2 learners (T); October 5, 1943.

Fairfield Glove & Mitten Co., 603 West Stone St., Fairfield, Iowa; Leather dress and knit fabric gloves; 5 percent (T); October 5, 1943.

Pittsburgh Glove Mfg. Co., 413–415 South Main St., Pittsburgh, Pennsylvania; Work gloves; 2 learners (T); October 5, 1943.

Wells Lamont Smith Corp., McMinnville, Oregon; Work gloves; 5 learners (T); October 5, 1943.

Hosiery Industry

Atlanta Hosiery Mills, 231 Oakland Ave., S. E., Atlanta, Georgia; Seamless hosiery; 5 percent (T); October 5, 1943.

Century Hosiery Corp., Webb Ave., Burlington, North Carolina; Seamless hosiery; 5 percent (T); October 5, 1943.

Chestertown Hosiery, Inc., Cannon & College Ave., Chestertown, Maryland; full-fashioned hosiery; 5 learners (T); October 5, 1943.

Great American Knitting Mills, Inc., Bechtelsville and Bally, Pennsylvania; Seamless hosiery; 5 percent (T); October 5, 1943.

Juvenile Hosiery Mills, Inc., Valley Park Drive, Greensboro, North Carolina; Seamless hosiery; 15 learners (E); June 5, 1943.

Mountcastle Knitting Co., Inc., Salisbury St., Lexington, North Carolina; Seamless hosiery; 5 learners (T); October 5, 1943.

Pickett Hosiery Mills, Inc., Trade St., Burlington, North Carolina; Seamless hosiery; 5 percent (T); October 5, 1943.

Pickwick Hosiery Mills, Inc., Corinth, Mississippi; Full-fashioned hosiery; 5 percent (T); October 5, 1943.

Roseglen Knitting Mills, 129 South Harvin St., Sumter, South Carolina; Seamless hosiery; 5 learners (T); October 5, 1943.

Knitted Wear Industry

Logan Knitting Mills & Garment Co., Logan, Utah; Knitted outerwear; 30 learners (E); April 5, 1943.

Textile Industry

Brand Rug Co., 2415 N. Howard St., Philadelphia, Pennsylvania; Rag rugs; 2 learners (T); October 5, 1943.

A. D. Juilliard & Co., Inc., Aragon Mills Division, Aragon, Georgia; Cotton duck; 3 percent (T); October 5, 1943. (This certificate replaces the one bearing the expiration date of December 26, 1942).

Shapiro & Son Curtain Corp., 659 N. 13th St., Easton, Pennsylvania; Bedspreads; 5 percent (T); October 5, 1943.

Signed at New York, N. Y., this 3d day of October 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-9919; Filed, October 5, 1942; 11:36 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6438]

WESTERN UNION TELEGRAPH COMPANY

ORDER FOR HEARING

In the matter of increased rates of The Western Union Telegraph Company for New York Stock Exchange quotation bond and stock ticker services.

At a session of the Federal Communications Commission held at its offices in Washington D. C., on the 29th day of September 1942;

It appearing that The Western Union Telegraph Company has filed with the Commission tariff schedules, to become effective October 5, 1942, stating increased charges for and in connection with New York Stock Exchange quotation service furnished by means of tickers to subscribers located in the United States, including the receipt, transmission, and delivery of New York Stock Exchange quotations by ticker, and discontinuing the rates for such service furnished to subscribers located within the State of New York; said tariff schedules being designated as follows: The Western Union Telegraph Company Tariff F.C.C. No. 198, 5th Revised page 32, 4th Revised page 33, 6th Revised page 34, 7th Revised page 35, 8th Revised page 36, 8th Revised page 37, 3rd Revised page 38, 7th Revised page 39, 12th Revised page 40, 7th Revised page 41, 12th Revised page 42, 8th Revised page 43, 11th Revised page 44.

It further appearing that said tariff schedules state increased charges for telegraph communications in interstate commerce; that the rights of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of said tariff schedules should be suspended pending hearing and decision as to their lawfulness;

It further appearing that the discontinuance of charges for New York Stock Exchange quotations by ticker to subscribers located within the State of New York may result in The Western Union Telegraph Company engaging or participating in interstate communication service without having on file with the Commission schedules of charges as required by the Communications Act of 1934, as amended, and the Rules and Regulations promulgated by the Commission pursuant thereto;

It is ordered, That the Commission, upon its own motion, without formal pleading, enter upon a hearing concerning the lawfulness of the increased charges contained in said tariff schedules, and of the discontinuance of the filing with the Commission of the charges for New York Stock Exchange quotations by ticker furnished to subscribers located within the State of New York.

It is further ordered, That the operation of the increased charges, and of the discontinuance of the filing with the Commission of charges applicable to subscribers located within the State of New York, as provided in said tariff schedules, be suspended; that the use of such increased charges, and the discontinuance of the filing with the Commission of charges for New York Stock Exchange quotations by ticker furnished to subscribers within the State of New York, be deferred for a period of three months beyond the time when they would otherwise go into effect, unless otherwise ordered by the Commission; and that during said period of suspension no changes shall be made in such charges or the charges sought to be altered, unless otherwise authorized by special permission of the Commission;

It is further ordered, That an investigation be, and the same is hereby, instituted into the lawfulness of the rates, charges, classifications, regulations, practices and services of The Western Union Telegraph Company as set forth in its tariffs F.C.C. Nos. 185, 198, 208, and 216; and into the matter of whether charges for New York Stock Exchange quotations by ticker furnished to subscribers located within the State of New York should be filed with this Commission:

It is further ordered, That in the event a decision as to the lawfulness of the charges herein suspended has not been made during the suspension period, and said charges shall go into effect, The Western Union Telegraph Company and all other carriers participating in service provided under the tariff provisions suspended herein, shall, until further order of the Commission, each keep accurate account of all amounts charged, collected or received by each of them by reason of any increase in charges effected thereby; in which accounts each such carrier shall specify by whom and in whose behalf such amounts are paid;

It is further ordered, That The Western Union Telegraph Company and each participating carrier shall file with this Commission a report, under oath, on or before the 10th day of each calendar month, commencing February 10, 1943, showing the amounts accounted for as aforesaid, during the previous calendar month;

It is further ordered, That a copy of this order shall be filed in the office of the Federal Communications Commission with said tariff schedules herein suspended in part; that copies hereof be served upon the carrier parties to such tariff schedules; and that said carrier parties be, and they are hereby, each made a party respondent to this proceeding;

It is further ordered, That this proceeding be, and the same is hereby, assigned for hearing at 10 a. m. on the 5th day of November, 1942, at the offices of the Federal Communications Commission in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-9850; Filed, October 3, 1942; 10:53 a. m.]

[Docket No. 6439]

CONTINENTAL TELEGRAPH COMPANY

ORDER FOR HEARING

In the matter of Continental Telegraph Company, discontinuance of "Tourate" messages.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of September, 1942;

It appearing that there have been filed with the Commission First Revised Page 2 and First Revised Page 30 to Continental Telegraph Company Tariff F.C.C. No. 3, effective October 6, 1942, which provides for the discontinuance of a classification of telegraph communications described as "Tourate";

It further appearing that said discontinuance of the "Tourate" classification makes increases in rates and charges and states regulations and practices effecting such increases in rates and charges for the transmission of telegraph communications in interstate commerce; that the rights and interests of the public may be injuriously affected thereby; and it being the opinion of the Commisssion that the effective date of said tariff provisions should be postponed pending hearing and decision thereon;

It is ordered, That the Commission, upon its own motion, without formal pleading, enter upon a hearing concerning the lawfulness of the rates, charges, regulations and practices contained in said First Revised Page 2 and First Revised Page 30 to Continental Telegraph Company Tariff F.C.C. No. 3, insofar as they relate to the discontinuance of the classification of "Tourate" communications;

It is further ordered, That the operation of said tariff schedules, First Revised page 2 and First Revised page 30 to Continental Telegraph Company Tariff F. C. C. No. 3, insofar as they will result in an increase of rates and charges for delivery of interstate telegraph communications classified as "Tourate" communications, be suspended; and that the use of the rates, charges, regulations and practices therein stated as applicable to such "Tourate" communications be deferred until January 6, 1943, unless otherwise ordered by the Commission; and during said period of suspension no change shall be made in such rates, charges, regulations and practices or in the rates, charges, regulations and practices sought to be altered, unless authorized by special permission of the Commission;

It is further ordered, That an investigation be, and the same is hereby, instituted into the lawfulness of the rates, charges, classifications, regulations, practices and services of Continental Telegraph Company for and in connection with "Tourate" communications;

It is further ordered, That in the event a decision as to the lawfulness of the rates, charges, classifications, regulations, practices and services herein suspended has not been made during the suspension period, and increased charges shall be made effective with respect to "Tourate" communications, Continental Telegraph Company, and all other carriers participating in service provided under the tariff provisions suspended herein, shall, until further order of the Commission each keep accurate account of all amounts received by each of them by reason of any increase in charges effected thereby; in which account each such carrier shall specify by whom and in whose behalf such amounts are paid;

It is further ordered, That Continental Telegraph Company, and each participating carrier, shall file with this Commission a report, under oath, on or before the 10th day of each calendar month, commencing February 10, 1943, showing the amounts received and accounted for as aforesaid during the previous calendar month;

It is further ordered, That a copy of this order shall be filed in the office of the Federal Communications Commission with said tariff herein suspended in part; that copies hereof be served upon the carrier parties to such tariff; and that said carrier parties be, and they are hereby, each made a party respondent to this proceeding;

It is further ordered, That this matter be, and the same is, hereby consolidated with the proceedings heretofore commenced herein by our order of September 15, 1942, in Docket No. 6429, and this matter is hereby assigned for hearing at 10 o'clock a. m. on the 15th day of October 1942, at the office of the Federal Communications Commission in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-9851; Filed, October 3, 1942; 10:53 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4815]

LEKAS AND DRIVAS, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of September, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That John L. Hornor, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, October 19, 1942, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 500, 45 Broadway, New York, New York

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-9857; Filed, October 3, 1942; 11:49 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 191]

2,396 ADDITIONAL SHARES OF THE CAPITAL STOCK OF BUFFALO ELECTRO-CHEMICAL COMPANY, INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

> 1,596 shares of no par value common capital stock of Buffalo Electro-Chemical Company, Inc., a New York corporation, Buffalo, New York, which is a business enterprise within the United States, which shares are owned by Holding A. G. Fuer Merck-Unternehmungen (also known as Merck Holding Co.), which latter corporation is listed on The Proclaimed List of Certain Blocked Nationals, and the last known address of which was represented to the undersigned as being Bahnhof-Strasse 23, Zug, Switzerland,

is property of, and represents an interest in said business enterprise which is, a national of a foreign country (Switzerland), and having determined, and certified to the Secretary of the Treasury, that it is necessary in the national interest to vest such property;

(b) That the property described as follows:

> 800 shares of the same capital stock, which shares are owned by Margot Francke, a Swiss citizen, whose last known mailing address is c/o C. A. Buerk, President of Buffalo Electro-Chemical Company, Inc., Buffalo, New York, and who is holding such shares for the benefit of Ruth von Falkenstein, a German citizen, whose address is presently unknown,

is property of, and represents an interest in said business enterprise which is, a national of a designated enemy country (Germany);

which 1,596 shares hereinbefore described in subparagraph (a), and the 800 shares hereinbefore described in subparagraph (b), make a total of 2,396 shares which constitute a substantial part, namely, 22.608%, of all outstanding shares of such corporation, and which 2,396 shares are in addition to the 3,691 shares (which constitute 34.827% of all outstanding shares and which when added to the 2,396 shares vested by this order make an aggregate sum of 6,087 shares, which sum constitutes 57.435% of all outstanding shares) of the same capital stock which were vested by the undersigned pursuant to Vesting Order Number 42 of July 1, 1942; and

(c) That the property described as follows:

> All unpaid dividends heretofore declared on the 800 shares hereinbefore described in subparagraph (b),

is an interest in the aforesaid business enterprise held by, and is property within the United States owned by, a national of a designated enemy country (Germany);

and determining that to the extent that any or all of the nationals hereinbefore mentioned in subparagraphs (b) and (c) hereof are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

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[1] 7 F.R. 1971.

Executed at Washington, D. C. on September 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-9830; Filed, October 2, 1942; 3:54 p. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 2-4]

Pennsylvania-Reading Seashore Lines

SUBSTITUTION OF MOTOR VEHICLE FOR ALL RAIL PASSENGER SERVICE

Upon consideration of the application for authority to substitute motor vehicle service for certain railroad passenger service filed with this Office by Pennsylvania-Reading Seashore Lines, as contemplated by General Order O.D.T. No. 2,[1] and good cause appearing therefor, *It is hereby ordered*, That:

1. Pennsylvania - Reading Seashore Lines is authorized to substitute motor vehicle bus service between 51st Street, Ocean City, New Jersey and Sea Isle City, New Jersey, to be operated by Public Service Interstate Transportation Company under a contract with Pennsylvania-Reading Seashore Lines, for the passenger, express and baggage train service now operated between such points: *Provided, however*, That Pennsylvania-Reading Seashore Lines shall apply for and obtain from the appropriate regulatory bodies authority to abandon such rail service and to remove the rail over which it is conducted, and shall file with the Interstate Commerce Commission in respect of transportation in interstate or foreign commerce, and with the appropriate State regulatory body in respect of transportation in intrastate commerce, and publish in accordance with law, and continue in effect until further notice, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the fares, charges, operations, rules, regulations, and practices which may be necessary to accord with the provisions of this order; and forthwith shall apply to said Commission and such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

2. This order shall become effective October 5, 1942.

Issued at Washington, D. C., this 5th day of October, 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-9924; Filed, October 5, 1942; 11:46 a. m.]

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[1] 7 F.R. 2952.

OFFICE OF PRICE ADMINISTRATION.

[Amendment 4 to Administrative Notice 1[1]]

J. I. Case Company

ORDER GRANTING EXCEPTION

During the fall and winter of 1941–1942, when the Office of Price Administration requested manufacturers of a wide variety of machines and parts not to increase prices, such manufacturers were advised that exceptions would be considered where maintenance of requested prices caused undue hardship. A certain number of exceptions have been granted to manufacturers filing applications supported by proper data. A list of these exceptions is contained in Administrative Notice No. 1 and three amendments thereto.[1]

By inadvertence J. I. Case Company, Racine, Wisconsin was not included in the Administrative Notice and the amendments thereto.

Pursuant to authority vested in the Price Administrator by the Emergency Price Control Act of 1942: *It is hereby ordered*, That:

An exception be granted to J. I. Case Company, Racine, Wisconsin permitting that company to sell, offer to sell and deliver its industrial tractors, engine units, and repair parts therefor at the prices it had in effect on November 1, 1941.

The Price Administrator hereby confirms the granting of this exception.

Issued this 2d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9846; Filed, October 2, 1942; 4:55 p. m.]

[Order 4 Under Revised Price Schedule 20, as Amended—Copper Scrap and Copper Alloy Scrap—Docket 3020-7]

Harry Butter & Co., Inc.

ORDER DENYING EXCEPTION

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1309.71 (i) (4) of Revised Price Schedule No. 20, as amended—Copper Scrap and Copper Alloy Scrap, *It is hereby ordered:*

(a) That the petition for exception filed by Harry Butter & Co., Inc., under § 1309.71 (i) (4) of Revised Price Schedule No. 20, as amended, and assigned Docket No. 3020–7, be, and it hereby is denied.

(b) This Order No. 4 shall become effective October 5, 1942.

Issued this 3d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9868; Filed, October 3, 1942; 12:01 p. m.]

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[1] 7 F.R. 3690, 5453, 5688, 2984.

[Order 23 Under Maximum Price Regulation 122—Solid Fuels Delivered from Facilities Other Than Producing Facilities—Dealers—Docket 3122-135]

Charles Gasperi

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Charles Gasperi of Novinger, Missouri, may sell and deliver, and the publicly operated schools of Adair County, Missouri, including state operated colleges in such county, may buy and receive lump and nut coal at prices no higher than those set forth in paragraph (b) below;

(b) The maximum prices for such sales above stated shall consist of the present applicable maximum prices as established pursuant to § 1340.261 of Maximum Price Regulation No. 122 plus the following items and amounts of increased cost to said Charles Gasperi:

Coal	Mine cost increase	Truck rate increase	Maximum total increase
Lump	$0.30	$0.10	$0.40
Nut	.25	.10	.35

Provided, That such items and amounts of increased cost to said Charles Gasperi may be added only if and solely to the extent that such cost increases have been incurred by said Charles Gasperi on coal sold to the publicly operated schools of Adair County, Missouri, for consumption during the 1942–43 heating season;

(c) This Order No. 23 may be revoked or amended by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to the terms used herein;

(e) This Order No. 23 shall become effective October 5, 1942.

Issued this 3d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9869; Filed, October 3, 1942; 12:02 p. m.]

[Order 17 Under Revised Price Schedule 64—Domestic Cooking and Heating Stoves]

Prizer-Painter Stove Works

ORDER APPROVING MAXIMUM PRICES

In the first item under "Model No." of the table in paragraph (a), appearing on page 7648 of the issue for September 26, 1942, "393-E" should be "395–E". In the fifth line under the table in the same

paragraph "313 AL Perfect" should be "818AL Perfect", and in the next line "18-E Modern" should be "18-K Modern".

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-549, 70-551, 70-563, 70-602, 70-604]

Associated Electric Co., et al.

NOTICE OF FILING, ETC.

In the matter of Associated Electric Company, File No. 70–549; NY PA NJ Utilities Company, File No. 70–551; Pennsylvania Electric Company, Keystone Public Service Company, Penelec Water Company and Associated Electric Company, File No. 70–563; Pennsylvania Electric Company, Bradford Electric Company and Associated Electric Company, File No. 70–602; and NY PA NJ Utilities Company, File No. 70–604.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 1st day of October 1942.

The Commission, on June 17, 1942, having issued its Notice of Filing and Order for Hearing and Order for Consolidation, In the Matters of Associated Electric Company, File No. 70–549, NY PA NJ Utilities Company, File No. 70–551, and Pennsylvania Electric Company, Keystone Public Service Company, Penelec Water Company, and Associated Electric Company, File No. 70–563, in regard to certain applications and declarations concerning a proposal of exchange between NY PA NJ Utilities Company and Associated Electric Company, (both registered holding companies and subsidiaries of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company) of the former's holdings in Keystone Public Service Company, for certain of its securities now held by Associated Electric Company; and also in regard to the acquisition by Associated Electric Company, for cash, from Keystone Public Service Company, of the investment portfolio held by the latter, the donation by Associated Electric Company to Keystone Public Service Company of certain preferred shares of the latter company, the redemption by Keystone Public Service Company of all its preferred shares, the acquisition by Pennsylvania Electric Company of the assets and the assumption of the liabilities of Keystone Public Service Company, for cash, the dissolution of Keystone Public Service Company, and the distribution of the cash proceeds held by it to Associated Electric Company, the issue at private sale by Pennsylvania Electric Company of a promissory note to obtain cash necessary to consummate the foregoing transactions, and the acquisition by Pennsylvania Electric Company of a portion of the facilities of Penelec Water Company (a subsidiary of Associated Electric Company); and

The Commission having held hearings on the above consolidated matters and the record therein having been closed on August 13, 1942; and

An amendment to the declarations and applications (File No. 70–563) having been filed on September 15, 1942, whereby the following changes in the declarations and applications as formerly filed are proposed:

1. In lieu of the proposals whereby Associated Electric Company would acquire the investment portfolio of Keystone Public Service Company for cash, and Pennsylvania Electric Company would acquire the remaining assets of Keystone Public Service Company for cash, the amended applications and declarations now propose that Pennsylvania Electric Company will acquire all of the assets of Keystone Public Service Company, including its investment portfolio (and assume its liabilities), in exchange for 20,898 shares of the common stock of Pennsylvania Electric Company at its par value of $20 per share. Keystone Public Service Company then proposes to dissolve and transfer to Associated Electric Company the 20,898 shares of common stock of Pennsylvania Electric Company obtained by it, this to be in lieu of the transfer of the net cash proceeds as contemplated under the original filing.

2. Pennsylvania Electric Company proposes to acquire that portion of the property of Penelec Water Company used to supply the Seward Generating Plant of Pennsylvania Electric Company, issuing in consideration therefor 15,362 shares of the common stock of Pennsylvania Electric Company at its par value of $20 per share; the considerations stated to be based on the estimated original cost of the property to be acquired, less provisions for retirements applicable thereto. The issuance of the shares in payment of the purchased facilities is to be in lieu of the cash consideration designated under the original filing.

3. It is further proposed that the 15,362 shares thus obtained by Penelec Water Company will be transferred to Associated Electric Company at its par value of $20 per share, and the open account owed by Penelec Water Company to Associated Electric Company will be reduced by such value of shares transferred, or the book value of assets sold, whichever is greater; and

Pennsylvania Electric Company, Bradford Electric Company, a subsidiary of NY PA NJ Utilities Company, and Associated Electric Company, having filed, on September 18, 1942, applications and declarations, in File No. 70–602, and NY PA NJ Utilities Company, having filed, on September 23, 1942, applications and declarations in File No. 70–604, regarding transactions supplementary to the transactions which are the subject of the declarations and applications filed in File Nos. 70–549, 70–551 and 70–563, as amended, such supplementary transactions consisting of the following:

(a) Pennsylvania Electric Company proposes to acquire from Associated Electric Company $875,500 principal amount of NY PA NJ Utilities Company 5% Debentures due January 15, 1952 (at the purported market price of 85% of principal amount), and $28,500 principal amount of the Mohawk Valley Company 6% Consolidating Refunding Bonds due 1981 (at the purported market price of 95% of principal amount), issuing in consideration therefor 38,562 shares of its common stock at its par value of $20 per share, plus accrued interest in cash;

(b) Pennsylvania Electric Company proposes to acquire from NY PA NJ Utilities Company all of the 3,000 shares of common stock of Bradford Electric Company, delivering in consideration therefor $1,731,500 principal amount of NY PA NJ Utilities Company 5% Debentures due January 15, 1952, and $28,500 principal amount of the Mohawk Valley Company 6% Consolidating Refunding Bonds due 1981, adjustment to be made in cash for accrued interest and for the undistributed earnings of Bradford Electric Company from May 1, 1942, to date of closing;

(c) Pennsylvania Electric Company and Bradford Electric Company propose to enter into an agreement with The Equitable Assurance Society of the United States providing for a change in the terms and conditions of the present loan agreement between Bradford Electric Company and The Equitable Life Assurance Society of the United States, and providing for the consent by the latter to the acquisition by Pennsylvania Electric Company of all assets and the assumption of all liabilities of Bradford Electric Company, including the assumption by Pennsylvania Electric Company of Bradford Electric Company's obligation under said loan agreement, as modified, and a note of Bradford Electric Company to The Equitable Life Assurance Society of the United States, dated November 30, 1939;

(d) Pennsylvania Electric Company proposes to acquire the assets and assume all liabilities (including the liability under the note payable to The Equitable Life Assurance Society of the United States) of Bradford Electric Company, transferring to Bradford Electric Company, in consideration therefor, all of the outstanding capital stock of the Bradford Electric Company. It is proposed that Bradford Electric Company will thereupon be dissolved.

The applicants and declarants consider sections 6 (a), 6 (b), 9 (a), 9 (b) (1), 10, 12 (b), 12 (c) and 12 (f) of the Act and Rules U-42, U-43, U-45 and U-50 of the General Rules and Regulations as being applicable to the proposed transactions contemplated by the amendment to File No. 70–563.

The applicants and declarants consider sections 6 (a), 6 (b), 9 (a), 9 (b) (1), 12 (c), 12 (d) and 12 (f) of the Act and Rules U-42, U-43, and U-44 of the General Rules and Regulations as being applicable to the proposed transactions contemplated in File Nos. 70–602 and 70–604.

It appearing that it is appropriate and in the public interest and in the interest of investors and consumers that a hearing be held with respect to the said applications and declarations filed with this Commission as an amendment to File No. 70–563, and that said declarations shall not become effective nor said applications be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth; it further appearing that the consolidated record in File Nos. 70–549, 70–551, and 70–563 having been closed, and that, as a result of the filing of the amendment to File No. 70–563, that the record in that consolidated proceeding should be reopened;

It further appearing that the foregoing matters filed under File Nos. 70–602 and 70–604 are related to, and that the evidence offered in respect to each of such matters may have a bearing upon, the matters consolidated by the order of the Commission dated June 17, 1942, and that substantial savings of time and expense will result if the matters are further consolidated;

It is hereby ordered, That the consolidated records in File Nos. 70–549, 70–551, and 70–563 be and hereby are reopened;

It is further ordered, That such proceedings (File Nos. 70–549, 70–551 and 70–563) be and hereby are consolidated with the applications and declarations filed in File Nos. 70–602 and 70–604.

It is further ordered, That the hearing on said matters so consolidated be held on October 21, 1942, at 10 a. m. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declarations shall become effective and such applications shall be granted.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Public Utility Holding Company Act of 1935 and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by the amended applications and declarations of Pennsylvania Electric Company, Keystone Public Service Company, Penelec Water Company and Associated Electric Company, and by the applications and declarations filed by Pennsylvania Electric Company, Bradford Electric Company and Associated Electric Company, and by the applications and declarations filed by NY PA NJ Utilities Company, nor the scope of the issues presented in the Commission's order dated June 17, 1942, particular attention will be directed at said hearing to the following matters and considerations, in addition to those specified heretofore:

10. Whether the consideration to be paid by Pennsylvania Electric Company for the assets of Keystone Public Service Company (including the investment of Keystone Public Service Company in Citizens Transit Company and NY PA NJ Utilities Company) is reasonable and whether the acquisition of the assets is in the public interest and in the interest of investors in and consumers of Pennsylvania Electric Company;

11. Whether the consideration to be paid by Pennsylvania Electric Company for the portion of the property of Penelec Water Company used to supply to the Seward Generating Plant of Pennsylvania Electric Company is reasonable and whether the acquisition of the assets is in the public interest and in the interest of investors in and consumers of Pennsylvania Electric Company;

12. Whether the consideration to be paid by Pennsylvania Electric Company for the debentures and bonds held by Associated Electric Company is reasonable;

13. Whether the consideration to be paid by Pennsylvania Electric Company for the common stock of Bradford Electric Company is reasonable and whether the acquisition is in the public interest and in the interest of the investors in and consumers of Pennsylvania Electric Company and Bradford Electric Company;

14. Whether the assumption by Pennsylvania Electric Company of the obligation of Bradford Electric Company to The Equitable Assurance Society of the United States is contrary to the public interest or to the interest of the investors in and consumers of Pennsylvania Electric Company and Bradford Electric Company;

15. Whether the consideration to be received by NY PA NJ Utilities Company for the common stock of Bradford Electric Company is reasonable;

16. Whether the acquisition by Pennsylvania Electric Company of Bradford Electric Company will serve the public interest by tending towards the economic and efficient development of an integrated public utility system;

17. Whether terms and conditions are necessary to be imposed upon various transactions which are subjects of the amended declarations and applications (File No. 70–563) and of the declarations and applications at File Nos. 70–602 and 70–604, to insure compliance with the requirements of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders promulgated thereunder.

Notice of such hearing is hereby given to such declarants and applicants and to any other person whose participation in such proceeding may be in the public interest and for the protection of investors or consumers. It is requested that any person desiring to be heard and to be admitted as a party to such proceeding shall file with the Secretary of the Commission on or before October 17, 1942, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–9825; Filed, October 2, 1942; 2:26 p. m.]

[File No. 70–601]

FEDERAL WATER AND GAS CORP. AND PEOPLES LIGHT AND POWER CO.

NOTICE OF FILING AND ORDER FOR CONSOLIDATED HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of September 1942.

Notice is hereby given that declarations and applications have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Peoples Light and Power Company and Federal Water and Gas Corporation, both registered holding companies. All interested persons are referred to said document, which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Peoples Light and Power Company proposes to sell, and Federal Water and Gas Corporation proposes to purchase, all of the outstanding 5,000 shares of common stock of Mississippi Public Service Company for $420,000 in cash. Peoples Light and Power Company proposes to apply the proceeds from such sale and other available cash to the reduction of its outstanding Serial Notes payable to a bank.

The applications and declarations recite that section 10, 11 (b) and 12 (d) of the Public Utility Holding Company Act of 1935 are applicable to the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declarations shall not become effective nor said applications be granted except pursuant to further order of this Commission; and

It appearing to the Commission that the matters are related and involve common questions of law and fact; that evidence offered in respect to each of said matters may have a bearing on the other matter; and that substantial savings in time, effort and expense will result if the hearings on these matters are consolidated so they may be heard as one matter, and so that evidence adduced in each matter may stand as evidence in the other for all purposes;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on October 27, 1942, at 10:00 A. M. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa. On such day the hearing room clerk will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declarations shall become effective and why such applications shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That the hearings on said matters be, and they hereby are, consolidated. The Commission reserves the right, if at any time it may appear conducive to an orderly and economic disposition of any proceeding or proceedings herein, to order a separate hearing concerning such proceeding or proceedings, to close the record with respect to any of the matters, or to take action on any of the matters prior to the closing of the record in the other matters; and

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said declarations and applications otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed acquisition by Federal Water and Gas Corporation will serve the public interest by tending towards the economical and efficient development of an integrated public utility system.

2. Whether the proposed acquisition by Federal Water and Gas Corporation is detrimental to the carrying out of the provisions of section 11 of said Act.

3. Whether the proposed acquisition by Federal Water and Gas Corporation will unduly complicate the capital structure of the holding company system of that company or will be detrimental to the public interest or the interest of investors or consumers or the proper functioning of such holding company system.

4. Whether the consideration to be paid by Federal Water and Gas Corporation and to be received by Peoples Light and Power Company is reasonable and bears a fair relation to the sums invested in and the earning capacity of the utility assets underlying the securities which are the subject matter of the proposed transaction.

5. Whether competitive conditions have been maintained in the negotiations of the proposed transactions.

6. Whether any terms and conditions should be imposed to ensure compliance with the requirements of the Public Utility Holding Company Act of 1935.

7. Whether such sale is a necessary step to effectuate the provisions of section 11 (b) as stated in the application herein.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–9826; Filed, October 2, 1942; 2:27 p. m.]

[File No. 59–12]

ELECTRIC BOND AND SHARE CO., ET AL.

ORDER REINSTATING PARTY RESPONDENT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2d day of October A. D. 1942.

In the matter of Electric Bond and Share Company, American Power & Light Company, Pacific Power & Light Company, Electric Power & Light Corporation, Utah Power & Light Company, National Power & Light Company, and Ebasco Services Incorporated, Respondents.

The Commission having on May 9, 1940 instituted the above-entitled proceeding under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 against Electric Bond and Share Company and various of its subsidiary companies including American & Foreign Power Company, Inc.; and

The Commission having on June 17, 1940 issued an order dismissing said American & Foreign Power Company, Inc. as a party to the aforementioned proceeding, such dismissal, however, expressly being "without prejudice to any future appropriate proceedings involving said American & Foreign Power Company, Inc. under section 11 (b) (2) or any other section of the Public Utility Holding Company Act of 1935 * * *"; and

It appearing to the Commission appropriate that said American & Foreign Power Company, Inc. should now be reinstated as a party to the aforementioned proceeding:

It is ordered, That American & Foreign Power Company, Inc., be, and it hereby is, made a party to the above-entitled proceeding and that all allegations in the Commission's original Notice of and Order For Hearing in said proceeding dated May 9, 1940 shall be applicable to said American & Foreign Power Company, Inc. to the same extent and with the same force and effect as though fully set forth herein; and

It is further ordered, That notice of the foregoing shall be given to said American & Foreign Power Company, Inc., and to the other respondents and parties in this proceeding by registered mail, and to all other interested persons by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–9853; Filed October 3, 1942; 10:57 a. m.]

[File No. 70–603]

CAROLINA POWER & LIGHT COMPANY AND NATIONAL POWER & LIGHT COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2nd day of October, A. D. 1942.

Notice is hereby given that a declaration or application has been filed with this Commission under the Public Utility Holding Company Act of 1935 by Carolina Power & Light Company, a subsidiary of National Power & Light Company, and by National Power & Light Company, a registered holding company. All interested parties are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

National Power & Light Company proposes to surrender for cancellation to Carolina Power & Light Company, as a capital contribution to the latter, 1,442,609 shares of the common stock, without par value, of Carolina Power & Light Company. Upon surrender of said shares for cancellation, as aforesaid, Carolina Power & Light Company proposes to make the following adjustments to its accounts, as of January 1, 1942.

1. To segregate the amount of $42,812,762.81 appearing on its books as Capital Stock Liability, as of January 1, 1942, between preferred stock and common stock, so that the stated value for the $7 Preferred Stock, the $6 Preferred Stock and Common Stock will be $11,223,200, $8,153,300 and $23,643,099.81 respectively. In order that all shares of preferred stock may be stated at the liquidation value of $100 per share, the sum of $206,837 will be transferred to Capital Stock Account, of which amount $202,961.57 will be provided for from Earned Surplus and $3,875.43 by virtue of the cancellation of reacquired capital stock.

2. To cancel 1,573 shares of $7 Preferred Stock now held in the treasury, and 300 shares of $7 Preferred Stock and 1,079 shares of $6 Preferred Stock now held as Reacquired Capital Stock, and to reduce the $7 Preferred Stock Liability in the amount of $187,300 and the $6 Preferred Stock Liability in the amount of $107,900.

3. To transfer from Earned Surplus to a reserve account the sum of $150,000 to provide for a dividend on common stock in said amount declared on March 11, 1942, from earnings in 1941, and the sum of $30,000 to provide for a liability at December 31, 1941, under the escheat Laws of the State of North Carolina.

4. To transfer from Earned Surplus to a Contingency Reserve the sum of $865,831.97, to provide for the disposition of amounts hereafter determined to be charged to Electric Plant Adjustments and any remaining amount of such reserve to be used for other corporate purposes.

5. To reduce Capital Stock Liability in the amount of $13,643,099.81 by crediting such amount to Capital Surplus.

6. To reclassify the sum of $18,648,438 to Electric Plant Adjustments and to credit this amount to Electric Plant in Process of Reclassification.

7. To dispose of the amount of $18,648,438, reclassified to Electric Plant Adjustments, by charging $5,005,338.19 to Earned Surplus and $13,643,099.81 to

Capital Surplus created as set forth in Item 5.

The declarants state that the proposed transactions summarized above are related to the "settlement of an accounting controversy" of Carolina Power & Light Company with the Federal Power Commission regarding the reclassification of the Plant Account of Carolina Power & Light Company as provided by the Federal Power Commission Uniform System of Accounts prescribed for Public Utilities and Licensees.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters, and that said declaration shall not become effective and said application shall not be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules thereunder be held on October 14, 1942, at 10:00 A. M., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the hearing room clerk. All persons desiring to be heard or otherwise wishing to participate in the proceedings, shall notify the Commission in the manner provided by Rule XVIII of the Commission's Rules of Practice, on or before October 9, 1942.

It is further ordered, That without limiting the scope of the issues presented by said declaration or application, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed transactions will be detrimental to the public interest or the interest of investors or consumers, and specifically whether such transactions will be detrimental to the interests of the holders of the senior securities of Carolina Power & Light Company, or of the security holders of National Power & Light Company.

2. Whether the proposed transactions will result in an unfair or inequitable distribution of voting power among holders of the securities of Carolina Power & Light Company.

3. Whether it is necessary to impose any terms or conditions, including terms or conditions relating to future dividend payments, to assure compliance with the requirements of the Act or any rules and regulations promulgated thereunder.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to Carolina Power & Light Company and to National Power & Light Company, and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-9893; Filed, October 5, 1942; 10:31 a. m.]

[Files Nos. 2-4869, 2-4914, 811-457, 811-463]

MUTUAL FUNDS, INCORPORATED, ET AL.

ORDER CHANGING PLACE OF HEARING, ETC.

In the matter of proceeding under sections 14 (a) and 40 (a) of the Investment Company Act of 1940, to determine whether the effectiveness of registration statements of Mutual Funds, Incorporated, Files No. 2-4869 and No. 2-4914, under the Securities Act of 1933, as amended, should be suspended and whether the registrations of Mutual Funds, Incorporated, File No. 811-457, and Mutual Funds Trust, File No. 811-463, under the Investment Company Act of 1940, should be suspended or revoked.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 1st day of October, A. D. 1942.

The Commission having heretofore, on September 25, 1942, designated William W. Swift, an officer of the Commission, to take evidence at a hearing to be held in the matter of Mutual Funds Incorporated and Mutual Funds Trust, under section 40 (a) of the Investment Company Act of 1940, at the office of the Securities and Exchange Commission in Philadelphia, Pennsylvania, on October 12, 1942; and

The registrant having subsequently requested that the place of such hearing be changed;

It is ordered, That the foregoing designation of the said William W. Swift is hereby rescinded, and

It is further ordered, That such hearing be convened on October 12, 1942, at ten A. M. Central War Time in Room 527, United States Court House, Kansas City, Missouri, and continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

Upon completion of the testimony in this matter the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-9894; Filed, October 5, 1942; 10:31 a. m.]

[File No. 54-42]

CENTRAL STATES UTILITIES CORPORATION

ORDER POSTPONING HEARING

In the matter of Central States Utilities Corporation, Central States Power & Light Corporation, and Ogden Corporation.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 3rd day of October, A. D., 1942.

Central States Utilities Corporation, Central States Power & Light Corporation, and Ogden Corporation, the applicants herein, having filed a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 providing or the liquidation and dissolution of Central States Power & Light Corporation and Central States Utilities Corporation;

Amendments having been filed concerning the proposed acquisition by Central States Power & Light Corporation of all of the property and assets of its wholly owned subsidiary, Missouri Electric Power Company, subject to its liabilities, the resale of such property and certain assets (cash excepted) to Sho-Me Power Cooperative, a Missouri cooperative, for a consideration of approximately $2,500,000, and the utilization of the proceeds derived from such sale to make a pro rata partial payment to the holders of Central States Power & Light Corporation's First Mortgage and First Lien Gold Bonds, 5½% Series due January 1, 1953, or under certain circumstances to acquire a portion of such Bonds pursuant to a solicitation for tenders or by purchase on the open market at 100 and accrued interest, as more fully described in the Notice of an Order for Hearing issued by the Commission on September 25, 1942, (Holding Company Act Release No. 3815); and

The Commission having ordered that a hearing in the above entitled matter be held on October 7, 1942 and applicants herein having requested that such hearing be postponed; and

It appearing to the Commission that such request should be granted;

It is ordered, That such hearing be and it hereby is postponed to October 28, 1942 at 10 o'clock in the forenoon.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-9895; Filed, October 5, 1942; 10:32 a. m.]

[Files Nos. 54-56, 59-33, 70-263, 70-371, 70-387, 70-43, 70-431]

COLUMBIA GAS & ELECTRIC CORPORATION, ET AL.

ORDER APRROVING PLAN AND REQUIRING REDISTRIBUTION OF VOTING POWER

In the matter of Columbia Gas & Electric Corporation, Columbia Oil & Gasoline Corporation, and File No. 54-56; Columbia Gas & Electric Corporation, Columbia Oil & Gasoline Corporation, Panhandle Eastern Pipe Line Company, Michigan Gas Transmission Corporation, Indiana Gas Distribution Corporation,

and The Ohio Fuel Gas Company, File Nos. 59-33, 70-263, 70-371, 70-387, 70-430, 70-431.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2d day of October 1942.

Columbia Gas & Electric Corporation, a registered holding company, and Columbia Oil & Gasoline Corporation, its subsidiary, have filed a joint application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a plan to effectuate the provisions of section 11 (b) of the Act with respect to the interest of both companies in Panhandle Eastern Pipe Line Company, a direct subsidiary of Columbia Oil and an indirect subsidiary of Columbia Gas, the elements of which plan are summarized as follows:

1. Columbia Oil will surrender to Panhandle Eastern the 10,000 shares of Class B Preferred stock of Panhandle held by Columbia Oil, against payment to Columbia Oil of the cash sum of $1,000,000 plus accrued dividends to the date of surrender and payment;

2. Columbia Oil will sell to Phillips Petroleum Company for the cash sum of $10,436,826, subject to interest and dividend adjustments, Columbia Oil's holdings of common stock of Panhandle Eastern consisting of 404,326 shares or 50.1% of the common shares outstanding; and will receive from Phillips, as further consideration for such sale, general releases from Missouri-Kansas Pipe Line Company and others in favor of Columbia Oil and Columbia Gas, their respective officers and directors, together with court orders dismissing with prejudice the various actions brought against them or any of them by Missouri-Kansas Pipe Line Company and others;

3. The sales described in paragraphs 1 and 2 above will be exempted from the requirements of competitive bidding imposed by Rule U-50 of the General Rules and Regulations promulgated under the Act;

4. Columbia Oil will be wound up on the following terms and conditions:

(a) Payment in full of all indebtedness, including debentures held by Columbia Gas, together with accrued interest thereon to the date of payment;

(b) Distribution to the common stockholders of Columbia Oil, in full settlement of all their rights and interest in the corporation, of the sum of $1 per share in cash.

(c) Transfer of all remaining assets to Columbia Gas as holder of all the outstanding preferred stock.

5. The plan provides that neither it nor the transactions contemplated therein shall become binding upon Columbia Oil unless and until they are authorized and consented to by affirmative vote of the holders of the requisite amount of common and prefered stock of Columbia Oil at a stockholders' meeting duly called to act thereon, as provided by the laws of the State of Delaware and its certificate of incorporation, as amended.

The Commission issued a Notice of Filing and Order for Hearing on said application and plan, and hearings were held in which all security holders of the applicant and other interested persons were given opportunity to be heard;

The proceeding on the plan was consolidated, for purposes of consideration by the Commission, with a proceeding under section 11 (b) (2) of the Act involving the alleged unfair and inequitable distribution of voting power among the security holders of Columbia Oil, as to which matter hearings had already been held after appropriate notice, in which all security holders of Columbia Oil and other interested persons were given opportunity to be heard;

Briefs were exchanged and filed with respect to the plan and the proceedings under section 11 (b) (2), and the Commission heard oral argument;

The Commission has considered the record with respect to these matters and finds that the proposed 11 (e) plan is fair and equitable to the persons affected thereby and is necessary to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and should be approved subject to the terms and conditions hereinafter enumerated; and finds further, that compliance with paragraphs (b) and (c) of Rule U-50 is not necessary or appropriate within the meaning of paragraph (a) (5) of said rule with respect to the sales of Panhandle Eastern preferred and common stocks contemplated by said plan; and the Commission also finds that the distribution of voting power among the security holders of Columbia Oil is unfair and inequitable, and that it is necessary, to ensure the elimination of such unfair and inequitable distribution of voting power, that the present stock capitalization of Columbia Oil be changed into a single class of common stock unless the above described plan is duly consummated. Accordingly,

It is ordered, On the basis of the foregoing and pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, that the above described plan be, and the same is, hereby approved as filed, subject to the following terms and conditions:

1. That the Commission reserves jurisdiction to pass upon the fees and expenses of Columbia Gas, Columbia Oil and Panhandle Eastern with respect to the plan, as well as any contribution which Panhandle Eastern may be called upon to make as reimbursement to Missouri-Kansas Pipe Line Company for its fees and expenses in connection with litigation with Columbia Oil and Columbia Gas.

2. That the consummation of the plan shall not serve to affect any legal or equitable rights or causes of action which the common stockholders of Columbia Oil may have as individuals and on their own behalf; but this condition shall not have the effect of preserving any legal or equitable rights which such stockholders may have as a class or derivatively on behalf of Columbia Oil.

Further ordered, Pursuant to section 11 (b) (2) of said Act, that Columbia Oil shall distribute voting power among its security holders on a fair and equitable basis by changing its present stock capitalization into a single class of common stock, in an appropriate manner not in contravention of the provisions of said Act or the rules, regulations or orders thereunder: *Provided, however,* That if the above described plan is duly consummated, such action will be deemed to constitute compliance with this order.

More detailed findings and the opinion of the Commission will be issued in due course.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-9896; Filed, October 5, 1942; 10:32 a. m.]

WAR PRODUCTION BOARD.

[Certificate 17]

RECOMMENDATION OF THE PETROLEUM COORDINATOR FOR WAR

THE ATTORNEY GENERAL: Pursuant to the provisions of section 12 of Public Law No. 603, approved June 11, 1942, I submit Recommendation No. 45, Amended, dated October 5, 1942,[1] of the Petroleum Coordinator for War.

I hereby approve said Recommendation for the purposes of section 12 of Public Law No. 603, approved June 11, 1942, and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such Recommendation, is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

Date: SEPTEMBER 29, 1942.

[F. R. Doc. 42-9862; Filed, October 3, 1942; 11:44 a. m.]

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[1] See Title 32, Chapter XIII, *supra.*

OCT 8 1942

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

VOLUME 7 NUMBER 197

Washington, Wednesday, October 7, 1942

The President

EXECUTIVE ORDER 9251

SUSPENSION OF EIGHT-HOUR LAW AS TO LABORERS AND MECHANICS EMPLOYED BY THE CIVIL AERONAUTICS ADMINISTRATION IN THE CONSTRUCTION OF PUBLIC WORKS WHICH ARE NECESSARY FOR THE SUCCESSFUL PROSECUTION OF THE WAR

WHEREAS the Civil Aeronautics Administration is engaged in construction of landing areas and air navigation facilities and other public works which are necessary for the successful prosecution of the war; and

WHEREAS the successful prosecution of the war requires the completion of such public works at the earliest practicable date; and

WHEREAS by section 1 of the act of August 1, 1892, 27 Stat. 340, as amended by the act of March 3, 1913, 37 Stat. 726, (U.S.C., Title 40, section 321) the service of all laborers and mechanics employed by the Government upon any public work of the United States is limited to eight hours in any one day, except in case of extraordinary emergency; and

WHEREAS it appears that unless the eight-hour limitation is suspended as to laborers and mechanics employed by the Civil Aeronautics Administration in the construction of the foregoing public works, it will be impossible because of the acute shortage of skilled mechanics and laborers to accomplish the work necessary to the completion of such public works within the time required by the interests of the war effort; and

WHEREAS I find that by reason of the foregoing an extraordinary emergency exists:

NOW, THEREFORE, by virtue of the authority vested in me by section 1 of the said act of August 1, 1892, as amended by the said act of March 3, 1913, and as President of the United States, I hereby suspend, for the duration of the emergencies proclaimed by me on September 8, 1939[1] and May 27, 1941,[2] the abovementioned provisions of law prohibiting more than eight hours labor in any one day of laborers and mechanics employed by the Government of the United States as to all work performed by laborers and mechanics employed by the Civil Aeronautics Administration and engaged in the construction of such landing areas, air navigation facilities, and other public works as the Administrator of Civil Aeronautics may from time to time specify as requiring, in the interest of the war effort, work in excess of eight hours per day: *Provided*, That the wages of all laborers and mechanics employed by the Government upon projects so specified by the Administrator of Civil Aeronautics shall be computed on a basic day rate of eight hours of work with overtime rates to be paid at time and one-half the basic rate of pay for all hours of work in excess of eight hours in any one day.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 3, 1942.

[F. R. Doc. 42-9929; Filed, October 5, 1942; 2:52 p. m.]

Regulations

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amendment 04-1, Civil Air Regulations]

PART 04—AIRPLANE AIRWORTHINESS

OIL CAPACITY OF LUBRICATION SYSTEM

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 30th day of September 1942.

Acting pursuant to sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board

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[1] 4 F.R. 3851.

[2] 6 F.R. 2617.

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Telephone information: DIstrict 0525.

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amends the Civil Air Regulations as follows:

Effective September 30, 1942, Part 04 of the Civil Air Regulations is amended as follows:

By amending § 04.630 to read as follows:

§ 04.630 *General.* Each engine shall have an independent oil supply. The oil capacity of the system shall be at least 1 gallon for every 25 gallons of fuel but shall not be less than 1 gallon for each 75 maximum (except take-off) rated horsepower of the engine or engines. A special ruling concerning the capacity will be made by the Administrator when oil may be transferred between engines in flight or when a suitable reserve is provided. The suitability of the lubrication system shall be demonstrated in flight tests in which engine temperature measurements are obtained. The system shall provide the engine with an ample quantity of oil at a temperature suitable for satisfactory engine operation.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-9958; Filed, October 6, 1942; 11:28 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T.D. 50740]

PART 4—APPLICATION OF CUSTOMS LAWS TO AIR COMMERCE

SPOKANE MUNICIPAL AIRPORT [1]

OCTOBER 3, 1942.

Spokane Municipal Airport (Felts Field), Spokane, Washington, designated as an airport of entry for a period of one year.

The Spokane Municipal Airport (Felts Field), Spokane, Washington, is hereby designated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), for a period of one year from October 1, 1942.

(Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b)).

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-9957; Filed, October 6, 1942; 10:16 a. m.]

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[1] This document affects the tabulation in 19 CFR 4.13.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[General Docket No. 21]

PARTS 321 TO 340, INCLUSIVE, 342 AND 343—MINIMUM PRICE SCHEDULE, DISTRICTS NOS. 1 TO 20, INCLUSIVE, 22 AND 23

ORDER OF CLARIFICATION, ETC.

Order of clarification in the matter of determining the extent of change, if any, in excess of two cents per ton in the weighted average of the total costs of any of the minimum price areas; and of revising the effective minimum prices as may be required by reason of any such change in costs.

On August 28, 1942, 7 F.R. 6943, there was issued an order in this proceeding providing for certain increases in the minimum prices effective October 1, 1942. In the case of all shipments except by truck or wagon the increases varied depending upon the market area destination. With respect to shipments via the Great Lakes it was explained in the accompanying Findings of Fact, Conclusions of Law, and Opinion that all coal shipped via the Great Lakes (except bunker fuel) would take the per ton increase prescribed for the market area to which the unloading (from the vessel) docks were physically contiguous. In the August 28, 1942 Order no special mention of this fact was made although increases on shipments via the Great Lakes were adequately provided for. Because of the failure to specifically state in the Order the method by which these increased prices were to be ascertained, it appears that some confusion has arisen. The Division has also received inquiries concerning the increase applicable to river, ex-river, and tidewater shipments. In order to clarify the method by which increases on shipments via the lakes, river, ex-river, and tidewater can be ascertained, I deem it advisable to issue this clarifying order.

Now, therefore, it is ordered, That §§ 321.1 (a), 322.1 (a), 323.1 (a), 324.1 (a), 325.1 (a), 326.1 (a), 327.1 (a), 328.1 (a), 329.1 (a), 330.8 (a), 331.1 (a), 332.1 (a), 333.1 (a), 333.21 (a), 334.1 (a), 335.1 (a), 336.1, 337.1, 338.1, 339.1, 340.1, 342.1, and 343.1 are amended by providing that for the purpose of ascertaining the increase in the minimum prices applicable to coal shipped via the Great Lakes (except bunker fuel) the per ton increase prescribed for the market area to which the unloading (from the vessel) docks are physically contiguous shall govern.

It is further ordered, That §§ 321.1 (a), 322.1 (a), 323.1 (a), 324.1 (a), 325.1 (a), 326.1 (a), 327.1 (a), 328.1 (a), 329.1 (a), 330.8 (a), 331.1 (a), 332.1 (a), 331.1 (a), 333.21 (a), 334.1 (a), 335.1 (a), 336. 1, 337.1, 338.1, 339.1, 340.1, 342.1, and 343.1 are amended by providing that for the purpose of ascertaining the increase in the minimum prices applicable to coal shipped via river, ex-river, and tidewater, the per ton increase prescribed for the market area in which the ultimate destination to which the coal is shipped is located shall govern.

Dated: October 3, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-9897; Filed, October 5, 1942; 11:08 a. m.]

[Docket No. A-1649]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of the Miller #3 Mine (Mine Index No. 2548) of John Miller (Miller Coal Co.)

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Miller #3 Mine (Mine Index No. 2548) of John Miller (Miller Coal Co.); and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R–II, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: September 26, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Sub-district No.	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2548	**Miller,** John (Miller Coal Co.).	Miller #3	Pittsburgh	7	Miller Ramp, Imperial, Pa.; Clinton Block Siding, Imperial, Pa.	Mont	72	D	D	C	C	F	F	G	G	G	(†)	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no classification effective for this size group.

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II. In § 322.9 (c) in Minimum Price Schedule add the mine index number in the group shown: Group No. 2, 2548.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Seam	Base sizes										
				Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea ¾" x 1¼"	Run of mine	2" N/S	1¼" slack	¾" slack
				1	2	3	4	5	6	7	8	9	10	11
ALLEGHENY COUNTY														
Miller, John (Miller Coal Co.).	2548	Miller #3	Pittsburgh	270	260	250	225	210	210	200	210	175	165	155

[F. R. Doc. 42-9898; Filed, October 5, 1942; 11:08 a. m.]

[Docket No. A-1615]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of L. H. & J. W. Borgman, Inc., for change of loading point for its Monitor #3 Mine, (Mine Index No. 171) in District No. 3.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting a change in the loading point for the coals of the Monitor #3 Mine (Mine Index No. 171), of L. H. & J. W. Borgman, Inc., located in District No. 3, for rail shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended so as to change the shipping point and freight origin number for the Monitor #3 Mine (Mine Index No. 171) in accordance with Supplement R–I, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R–II, and § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all* *ports*) is amended by adding thereto Supplement R–III, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: September 26, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
171	Borgman, L. H. & J. W., Inc.	Monitor #3	M. V. Freeport	#Kingwood, W. Va.	WVN	71	J	J	J	J	J	J	J	J	J	J	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no classification effective for these size groups.
#Denotes new shipping point. Shipping point at Manown, W. Va., on the Baltimore & Ohio Railroad in Freight Origin Group No. 70 shall no longer be applicable.

§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements except via lakes*—Supplement R–II. For railroad fuel prices add this mine index number to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule: Group No. 3, 171.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*—Supplement R–III. For railroad fuel prices add this mine index number to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule: Group No. 3, 171.

[F. R. Doc. 42–9899; Filed, October 5, 1942; 11:09 a. m.]

[Docket No. A–1478]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

DISTRICT NO. 8—KENTUCKY CARDINAL COAL CORP.

Findings of fact, conclusions of law memorandum opinion and order in the matter of petition of Bituminous Coal Producers Board for District No. 8 for change in classifications of size group 10 coals produced by Kentucky Cardinal Coal Corporation, code member in District No. 8 for shipment to all markets.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division (the "Division") on June 1, 1942, by District Board No. 8, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Act"). The petitioner requested a change in the price classifications and minimum prices for all shipments except truck for coals in Size Group 10, from Classification "C" to Classification "A," of the Kentucky Cardinal Coal Corporation, a code member in District 8, operating the Cardinal No. 1 Mine, Mine Index No. 93, in Harlan County, Kentucky.

Pursuant to appropriate orders and after notice to interested persons, a hearing in this matter was held on July 21, 1942, before W. A. Cuff, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C.

Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. District Board No. 8 appeared and appearance was entered by the Consumers' Counsel. The preparation and the filing of a report by the Examiner was waived by all parties and the record was thereupon submitted to the undersigned.

The uncontroverted testimony shows that the Size Group 10 coals produced by Kentucky Cardinal Corporation at its Cardinal No. 1 Mine, operating in Harlan Seam, are 1⅛" x ⅜" and 1" x ⅜" in size and are prepared through a wet washer at the mine. These coals although of relatively high extraneous moisture, are low in ash. Upon the market, Cardinal No. 1 Mine—Size Group 10 coals compete principally for domestic stoker business with similarly sized coals produced from A grade Harlan No. 5 coals represented by Crummies No. 2 and 3 Mines (Mine Index No. 145) of Crummies Creek Coal Company and No. 30 Mine (Mine Index No. 49) and No. 31 Mine (Mine Index No. 50) of the Black Mountain Coal Corporation. In such market,[1] low ash content of coal is a factor of great value, while high moisture content, especially when moisture is extraneous and substantially reduced prior to the weighing of the coal in cars, is of less importance.

It was testified that because of its extensive production and distribution, the Kentucky Cardinal Coal Corporation is in an advantageous position to displace tonnage of its competitors upon a minimum price market. Therefore it was thought to be important that the minimum prices of its Size Group 10 coals be established upon a parity with the minimum prices for coals of comparable market value.

The proposal of the district board to reclassify the Size Group 10 coals of the Cardinal No. 1 Mine on the basis of A grade Harlan No. 5 Seam coal represents a reversal of its proposal in General Docket No. 15 when it was requested that the Cardinal No. 1 Mine stoker coal be priced 10 cents per ton below the highest grade Harlan No. 5 Seam coals. However, the relationship between such coals has been one constantly under consideration.

In the market the Cardinal No. 1 Mine stoker coal is said to have commanded higher prices than most Harlan Seam stoker coals is said to have commanded Darby Seam coals.

On May 1, 1942, Kentucky Cardinal Coal Corporation renewed its earlier request that the minimum prices for its Size Group 10 coals be increased 10 cents per ton so as to be priced the same as A grade Harlan No. 5 Seam coals. Acting on this renewed request, an analysis of the coal has been made. This analysis showed that coals produced at the Cardinal No. 1 Mine are to be of the same high quality as the Harlan No. 5 Seam coals as represented by the Crummies No. 2 and No. 3 Mines, Mine Index No. 145, of the Crummies Creek Coal Company and the No. 30 Mine, Mine Index No. 49, and No. 31 Mine, Mine Index No. 50 of The Black Mountain Corporation. The variations in the B. t. u.'s as between three analyses made of the coals of three of the aforesaid mines are only such variations that exist normally in the same coals sampled at different times.

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[1] The coals have been sold principally in Market Areas 13, 15, 16, 17, 18, 19, 21, 23, 24, 28, 32, 101, 102, 108, 109 and 125.

It was testified that the sale of stoker coals produced from the mines of District No. 8 has not been prejudiced by what is thought to be an improper classification of the Cardinal No. 1 Mine Size Group 10 coal, and that these mines have not, therefore, deprived any other producer in the district of any market opportunities for, commencing with October 1, 1941, all of these coals have sold at prices above the minimum. However, the district board feels that it is required to request and the Division to establish minimum prices for coals which reflect their relative market values. If marketing conditions less favorable than those now existing were to return, the Cardinal No. 1 Mine with its present classification might enjoy a position of preference whereby it could sell its coal at prices out of relation to prices representing their true market values relative to the coals in the district and that, therefore, because of the analysis and the market record of the coal relating to price that the highest classification for stoker coals, or classification "A" must be applied to these coals in order to truly and properly reflect their relative market values and to comply with the provisions of the Act.

The record shows further that the coals produced at Cardinal No. 1 Mine and coals produced from other A classification mines producing in the Harlan No. 5 Seam are equally acceptable and that the burning characteristics of each of them are such as they can be used with approximately the same results to the consumer, and that the ash content of these coals and the fusing points thereof are factors taken into consideration by the board in proposing an "A" classification for the coals of Cardinal No. 1 Mine.

Though I have concluded on the basis of this record that the minimum price classification for the Size Group 10 coals produced at the Cardinal No. 1 Mine of the Kentucky Cardinal Coal Corporation should be changed from "C" to "A" for shipment by rail to all destinations, certain observations seem to be necessary. Increases in minimum prices which have been in existence for almost two years are to be approved with extreme caution. This is particularly so because increases in the minima effect generally increases in the maxima (established in Maximum Price Regulation No. 120). For example, in this very instance while the increase in the minimum price is only 10 cents per ton, the increase in the maximum effected by the reclassification from "C" to "A" is 35 cents per ton. I do not mean that increases in the minima will be denied because to grant it would effect an increase in the maxima; but I do mean that the existing minima will be presumed to be correct and parties requesting increases thereof will be expected to show conclusively that the minima need be increased in order to satisfy the provisions of the Coal Act. In this case the recent analyses and previous market history show that the Cardinal No. 1 Mine, Size Group 10 coals are improperly classified on a minimum price basis. If, however, the only basis for relief was the present market relationships I would not be inclined to grant the relief for prices commanded in a seller's market are no reliable criteria of value.

Now, therefore, it is ordered, That effective fifteen (15) days from the date hereof § 328.11 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck be and it hereby is amended in accordance with Supplement R annexed hereto and made a part hereof.

Dated: September 26, 1942.

[SEAL] DAN H. WHEELER,
Director.

DISTRICT NO. 3

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Sub-district No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.																													
								For destinations other than Great Lakes																For Great Lakes cargo only													
								1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7	8	9	10	16, 17,	18, 19, 20, 21	22	24	25	26	27
93	Kentucky Cardinal Coal Corporation.	Cardinal No. 1	Harlan	2	Cardinal, Ky.	L&N	80	O	O	H	G	F	D	*A	B	C	E	J	(†)	C	B	B	C	O	M	K	F	C	C	*A	L	E	J	C	B	B	C

*Indicates change in price classification from previous price classification for the respective size groups.
†Indicates no classification effective for this size group.

[F. R. Doc. 42–9901; Filed, October 5, 1942; 11:08 a. m.]

[Docket No. A–1469]

PART 338—MINIMUM PRICE SCHEDULE, DISTRICT NO. 18

ORDER CONTINUING RELIEF, ETC.

Memorandum opinion and order cancelling hearing, continuing temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 18 for the establishment of price classifications and minimum prices for certain mines in District No. 18.

An original petition was duly filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment of temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 18 for both rail and truck shipments. However, the original petition failing to contain all pertinent information necessary for the establishment of certain price classifications and minimum prices requested by petitioner a memorandum opinion and order was issued in this matter on August 18, 1942, granting certain temporary relief and scheduling a hearing to be held herein on September 17, 1942, at a hearing room of the Bituminous Coal Division, Washington, D. C.

District Board No. 18, petitioner in the above-entitled matter, on September 4, 1942, filed with the Division a motion requesting that the hearing scheduled to be held herein on September 17, 1942, be postponed until October 8, 1942. Good cause having been shown why such motion should be granted, an order was issued on September 12, 1942, postponing the hearing scheduled to be held herein on September 17, 1942, until October 8, 1942.

On September 28, 1942, District Board No. 18 filed with the Division a petition for amendment of its original petition in the above-entitled matter, requesting in effect that the hearing scheduled to be held on September 17, 1942, and postponed until October 8, 1942, be cancelled and that the price classifications and minimum prices temporarily established by the Memorandum Opinion and Order dated August 18, 1942, 7 F.R. 6618, be made conditionally final in accordance with the Rules and Regulations of the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

The relief requested in the original petition in this matter, as modified by the amendment thereto filed with the Division on September 28, 1942, appears to be necessary and proper. Further, it appears that the price classifications and minimum prices established herein by the Memorandum Opinion and Order dated August 18, 1942, correspond with the classifications and minimum prices heretofore established for analogous and comparable coals produced in District No. 18. Accordingly, a reasonable showing of necessity having been made for the granting of the relief requested by petitioner in its amended petition, it is deemed advisable to cancel the hearing scheduled to be held in this matter on October 8, 1942, at Washington, D. C., to continue the temporary relief heretofore granted and to conditionally provide that such temporary relief shall become final.

Now, therefore, it is ordered, That the hearing scheduled to be held in the above-entitled matter on October 8, 1942 at Washington, D. C., be, and it hereby is, cancelled.

It is further ordered, That, pending final disposition of the above-entitled matter, the temporary relief granted by the Memorandum Opinion and Order dated August 18, 1942, 7 F. R. 6618, be, and it hereby is, continued and the language thereof is incorporated as part of § 338.21 (*General prices in cents per net ton for shipment into all market areas*).

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, as amended, and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order unless it shall otherwise be ordered.

Dated: October 3, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-9900; Filed, October 5, 1942; 11:08 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Directive 10]

NARCOTIC DRUGS

§ 903.16 *Delegation of authority over narcotic drugs to Bureau of Narcotics, Department of the Treasury.* Pursuant to the authority vested in me by Executive Order No. 9024 of January 16, 1942, Executive Order No. 9040 of January 24, 1942, and Executive Order No. 9125 of April 7, 1942, and in order to delegate to the Bureau of Narcotics, Department of the Treasury, authority in connection with the production, manufacture, distribution, and use of narcotic drugs, *It is hereby ordered and directed* That:

(a) The Bureau of Narcotics is authorized to perform the functions and exercise the power, authority and discretion conferred upon the President by section 2 (a) of the Act of June 28, 1940 (54 Stat. 676), as amended by Title III of the Second War Powers Act, 1942 (Pub. Law 507, 77th Cong.), with respect to the allocation of narcotic drugs in such manner and to such extent as it may deem necessary or appropriate in the public interest and to promote the National Defense. The authority of the Bureau of Narcotics under this Directive shall include the power to regulate or prohibit the production, manufacture sale, transfer or other disposition of narcotic drugs by any person who has acted in violation of any regulation or order prescribed by the Bureau of Narcotics hereunder. The Bureau of Narcotics is likewise authorized to require such reports and the keeping of such records, and to make such investigations as it may deem necessary or appropriate for the administration of the powers conferred herein; and it may take such measures as it may deem necessary or appropriate for the enforcement of any direction or order prescribed pursuant to this Directive.

(b) The Bureau of Narcotics may exercise the power, authority and discretion conferred upon it by this Directive through such officials and employees of the Department of the Treasury and in such manner as it may determine.

(c) The Chairman of the War Production Board may from time to time delegate to the Bureau of Narcotics such additional powers with respect to the exercise of control over narcotic drugs, or amend or revoke the delegation herein in such manner and to such extent as he may determine to be necessary or appropriate.

(d) Nothing herein shall be construed to limit or modify any order or directive heretofore issued by the Director of Priorities of the Office of Production Management, or the Director of Industry Operations of the War Production Board, or the Director General for Operations of the War Production Board, nor to delegate to the Bureau of Narcotics the power to extend, amend or modify any such order or directive, nor to terminate or limit the power of the Director General for Operations to issue future orders regulating transactions in narcotic drugs: *Provided, however,* That no preference rating heretofore or hereafter assigned, applied or extended by any person shall have any binding effect with respect to any transaction in narcotic drugs unless the Bureau of Narcotics shall expressly so order.

(e) For the purposes of this Directive; (1) "Narcotic drugs" means opium, coca leaves, cocaine or any salt, derivative or preparation of opium, coca leaves or cocaine; (2) "Bureau of Narcotics" means the Commissioner of Narcotics, acting under the supervision of the Secretary of the Treasury.

(E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of October 1942.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 42-9963; Filed, October 6, 1942; 11:44 a. m.]

Subchapter B—Director General for Operations

PART 1034—TUNG OIL

[General Preference Order M-57, as Amended October 6, 1942]

The title to Part 1034 "Tung and Oiticica Oil" is hereby amended to read "Tung Oil".

Section 1034.1 *General Preference Order M-57*[1] is hereby amended to read as follows:

§ 1034.1 *General Preference Order M-57*—(a) *Definitions.* (1) "Tung oil" means that oil obtained from the tung nut, commonly known as tung oil or china wood oil, whether crude, raw, filtered or refined.

(b) *Restrictions on use, processing and delivery of tung oil.* (1) Subject to paragraph (c) hereof, no person shall on and after November 1, 1942, use, process or consume tung oil except as specifically authorized by the Director General for Operations.

(2) Up to and including October 31, 1942, no person shall use or process any tung oil, except upon the following categories of orders:

(i) Defense orders having preference ratings of A-2 or better.

(ii) Orders placed by Defense Supplies Corporation.

(iii) Orders for the manufacture of can linings for cans to contain food products for human consumption.

(iv) Orders for the manufacture of outside can coatings where tung oil is essential to withstand normal food processing.

(v) Orders for uses to comply with underwriters' regulations, health, sanitary or safety regulations or laws issued by Government authority, provided the pertinent provisions of such laws or regulations were in effect both on December 1, 1941 and on the date of such use, and specifically require the use of tung oil or a product required specifically to be made from tung oil.

(3) The Director General for Operations in his discretion may at any time issue special directions to any person with respect to the use, processing or delivery by such person of any tung oil.

(c) *Special exceptions.* Specific authorization shall not be required by any person:

(1) To use, consume or process in any calendar month not more than 35 lbs. of tung oil.

(2) To press or refine any quantity of tung oil.

(d) *Applications and reports.* (1) Each person seeking authorization to use, consume, or process tung oil during any calendar month beginning with November 1, 1942 (except as provided in paragraph (c) hereof) shall file application therefor on or before the 15th day of the month preceding the month for which authorization to use, consume or process is sought. Such application shall be made on Form PD-600, in the manner prescribed therein. subject to the following instructions for the purpose of this order:

(i) Copies of Form PD-600 may be obtained at local field offices of the War Production Board.

(ii) Three certified copies shall be prepared and filed with the War Production Board, Chemicals Branch, Washington. D. C., Ref: M-57.

(iii) In the heading, under name of chemical, specify "Tung Oil"; under WPB Order No., specify M-57; under unit of measure, specify pounds; under name of your company, specify name and mailing address; leave delivery destination, supplier with whom order is placed and his shipping point blank; and in phrase "Application for delivery next month" strike out word "delivery" and substitute word "use" and specify the month and year for which authorization to use, consume or process is sought.

(iv) In Columns 1 and 11, specify grade, as indicated by the following examples: crude or refined.

(v) In Columns 3, 20 and 22, specify primary product in terms of the following: protective coatings; core oil; electrical insulation; rubber substitutes; emulsion breakers; others (specify).

(vi) In Column 4, specify ultimate use of product (as for example, "airplane engine castings", as opposed to "core oil" which may be the primary product called for in Columns 3, 20 and 22), and also specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease, or commercial customer.

(vii) Remarks in Column 10 may, if necessary, be extended on the reverse side of the sheet. Include in remarks quantity of tung oil used in manufacture or preparation of primary products in corresponding period of year 1941. If requirements have increased appreciably, state reasons.

(viii) Columns 9, 17, 18 and 19 shall be left blank.

(2) Each person affected by this order shall file such other reports at such times and with respect to such matters as the Director General for Operations may from time to time direct.

(e) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C., Ref: M-57.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040. 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of October, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9965; Filed, October 6, 1942; 11:44 a. m.]

PART 1060—RAPESEED OIL

[General Preference Order M-77, as Amended October 6, 1942]

Section 1060.1 *General Preference Order M-77*[1] is hereby amended to read as follows:

§ 1060.1 *General Preference Order M-77*—(a) *Definition.* "Rapeseed oil" means that oil obtained from rapeseed, commonly known as rapeseed oil, whether crude, raw, filtered, refined or blown, and whether or not denatured.

(b) *Restrictions effective on November 1, 1942 on use, processing and delivery of rapeseed oil.* (1) Subject to paragraph (d) hereof, no person shall, on and after November 1, 1942, use, process or consume rapeseed oil except as specifically authorized by the Director General for Operations.

(2) The Director General for Operations in his discretion may from time to time issue special directions to any person with respect to the use, processing or delivery by such person of any rapeseed oil.

(c) *Restrictions on use and processing up to October 31, 1942.* (1) Up to and including October 31, 1942, no person, except as specifically authorized by the Director General for Operations, shall use or consume rapeseed oil except in the manufacture of the following products:

(i) Marine engine oils, heavy machine engine lubricating oils, pheumatic tool oils.

(ii) Factice for compounding rubber.

(iii) Blown rapeseed oil subject to paragraph (c) (2) hereof.

(2) No person shall, up to and including October 31, 1942, blow any rapeseed oil except in the preparation for the manufacture of the products specified in paragraph (c) (1) (i) and then only to the extent necessary to meet his normal production schedule or if such oil is to be manufactured or used by another person the normal production schedule of such person.

(d) *Special exceptions.* Specific authorization shall not be required by any person:

(1) To use, consume or process in any one calendar month not more than 35 lbs. of rapeseed oil.

(2) To press, alkali refine or denature any quantity of rapeseed oil.

(e) *Applications and reports.* (1) Each person seeking authorization to use, consume or process rapeseed oil during any calendar month beginning with November 1942 (except as provided in paragraph (d)), shall file application therefor on or before the 15th day of the month preceding the month for which authorization to use, consume or process is sought. Such application shall be made on Form PD-600, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

(i) Copies of Form PD-600 may be obtained at local field offices of the War Production Board.

(ii) Three certified copies shall be prepared and filed with the War Production Board, Chemicals Branch, Washington, D. C., Ref: M-77.

(iii) In the heading, under name of chemical, specify "Rapeseed"; under WPB Order No., specify M-77; under unit of measure, specify pounds; under name of your company, specify name and mailing address; leave delivery destination, supplier with whom order is placed and his shipping point blank; and in the phrase "Application for delivery next month" strike out word "delivery" and substitute word "use" and specify the month and year for which authorization to use, consume or process is sought.

(iv) In Columns 1 and 11, specify grade, as indicated by the following examples: crude, refined, denatured, blown.

(v) In Columns 3, 20 and 22, specify primary product in terms of the following: lubricating oil additive, rubber factice, rubber substitutes, sulfonated oil, plasticizers, protective coatings, others (specify).

(vi) In Column 4, specify ultimate use of product (as for example, "marine engine lubrication", as opposed to "lubricating oil additive" which may be the primary product called for in Columns 3, 20 and 22), and also specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease, or commercial customer.

(vii) Remarks in Column 10 may, if necessary, be extended on the reverse side of the sheet. Include in remarks quantity of rapeseed oil used in manufacture or preparation of primary products in corresponding period of year 1941. If requirements have increased appreciably, state reasons.

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[1] 7 F.R. 2894.

[1] 7 F.R. 2273.

(viii) Columns 9, 17, 18 and 19 shall be left blank.

(2) Each person affected by this order shall file such other reports at such times and with respect to such matters as the Director General for Operations may from time to time direct.

(f) *Release of withheld oil.* Any rapeseed oil set aside pursuant to any order or direction of the War Production Board issued prior to October 6, 1942, may be sold or delivered without specific authorization of the Director General for Operations, subject, however, to the restrictions of this order with respect to use, processing, or consumption.

(g) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board Priorities Regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C. Ref.: M–77.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–9964; Filed, October 6, 1942; 11:44 a. m.]

PART 1223—STANDARDIZATION AND SIMPLIFICATION OF PAPER

[Limitation Order L–120, Schedule VI]

ROLL TOILET TISSUE

§ 1223.7 *Schedule VI to Limitation Order L–120*[1]—(a) *Definitions.* For the purpose of this schedule, including the Appendix:

"Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(b) *Standard ream count.* On and after the effective date of this schedule basis weights for roll toilet tissue shall be calculated by reference to a standard ream of 500 sheets 24'' x 36'', with a tolerance of 5% over or under the specified weight, instead of by reference to the ream of 480 sheets 24'' x 36'' heretofore used.

(c) *Limitations.* On and after the effective date of this schedule no person shall manufacture any roll toilet tissue in any basis weight heavier than indicated in (i) under the appendix, or in rolls containing any sheet count other than the counts specified in (iii) under the Appendix, or pack less rolls per case than indicated as the minimum for the rolls of each permitted sheet count in (iv) under the appendix, or package wind or prepare for loading any roll toilet tissue contrary to the provisions of (v), (vi) and (vii) under the appendix.

This schedule shall take effect 60 days after the date of issuance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

APPENDIX TO SCHEDULE VI TO LIMITATION ORDER L–120

ROLL TOILET TISSUE

(i) *Standard basis weights* (in pounds per 500 sheets 24'' x 36'') no heavier than 14 lb.

(ii) *Size.* No restriction as to size of sheet.

(iii) *Count:*

400 sheet oval (notch or plain).
650 sheet roll.
1000 sheet roll.
1500 sheet roll.
2000 sheet roll.
2500 sheet roll.
3000 sheet roll.

(a) All labelled rolls are to show count and size on label.

(b) All unlabelled rolls (industrial) to show count and size on shipping cartons.

(iv) *Packing:*

400 sheet oval 100 rolls per case minimum.
650 sheet roll 96 rolls per case minimum.
1000 sheet roll 96 rolls per case minimum.
1500 sheet roll 50 rolls per case minimum.
2000 sheet roll 50 rolls per case minimum.
2500 sheet roll 50 rolls per case minimum.
3000 sheet roll 50 rolls per case minimum.

(v) *Packaging:*

(a) Eliminate any carton packing within shipping container.

(b) Eliminate individual wrappings in multi-roll unit put-ups within shipping container.

(vi) *Winding.* All rolls to be wound as tightly as possible, and maximum diameter on 650 and 1000 sheet rolls to be 4¾''.

(vii) *Maximum loading:*

(a) All toilet rolls, both retail and industrial type, shall be completely collapsed after being converted to save shipping space and container board.

(b) All roll toilet shipping cases shall be reduced in size to conform to the new collapsed roll size, and redesigned to make most effective the provisions of the maximum loading order No. 18 of the Office of Defense Transportation.

[F. R. Doc. 42–9960; Filed, October 6, 1942; 11:43 a. m.]

PART 3043—METAL CUTTING BAND SAW BLADES AND HACK SAW BLADES

[Amendment 1 to General Preference Order E–7]

Section 3043.1 *General Preference Order E–7*[1] is hereby amended as follows:

Paragraph (c) is hereby amended to read as follows:

(c) *Restriction on sale and purchase of hack saw blades.* After August 31, 1942, no person shall sell or deliver to any consumer and no consumer shall buy or accept delivery of any hack saw blades, except pursuant to a preference rating of A–9 or higher, or pursuant to specific permission of the Director General for Operations; provided, however, that hack saw blades, which contain no alloys other than (1) tungsten, not in excess of 1.25%, or (2) molybdenum, not in excess of .75%, which are not more than .025 inches thick, and not more than 12 inches long, may be purchased, sold and delivered, without preference rating.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–9961; Filed, October 6, 1942; 11:43 a. m.]

PART 3089—OITICICA OIL

[General Preference Order M–238]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of oiticica oil for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3089.1 *General Preference Order M–238*—(a) *Definition.* (1) "Oiticica" means that oil obtained from the oiticica nut, commonly known as oiticica oil, whether crude (solid) or refined (liquefied), but not including any quick-bodying (Q. B.) oil.

(b) *Restrictions on use, processing and delivery of oiticica oil.* (1) Subject to paragraph (c) hereof, no person shall on and after November 1, 1942, use, process or consume oiticica oil except as specifically authorized by the Director General for Operations.

(2) Up to and including October 31, 1942, no person shall use or process any oiticica oil, except upon the following categories of orders:

(i) Defense orders having Preference Ratings of A–2 or better.

(ii) Orders placed by Defense Supplies Corporation.

(iii) Orders for the manufacture of can linings for cans to contain food products for human consumption.

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[1] 7 F.R. 5119.

[1] 7 F.R. 6672.

(iv) Orders for the manufacture of outside can coatings where oiticica oil is essential to withstand normal food processing.

(v) Orders for uses to comply with underwriters' regulations, health sanitary or safety regulations or laws issued by Government authority, provided the pertinent provisions of such laws or regulations were in effect both on December 1, 1941 and on the date of such use, and specifically require the use of oiticica oil or a product required specifically to be made from oiticica oil.

(3) The Director General for Operations in his discretion may from time to time issue special directions to any person with respect to the use, processing or delivery by such person of any oiticica oil.

(c) *Special exceptions.* Specific authorization shall not be required by any person:

(1) To use, consume or process in any calendar month not more than 35 lbs. of oiticica oil.

(2) To press, refine or liquefy any quantity of oiticica oil, but not to manufacture any quick-bodying or other processed oil.

(d) *Applications and reports.* (1) Each person seeking authorization to use, consume, or process oiticica oil during any calendar month beginning with November 1, 1942 (except as provided in paragraph (c) hereof) shall file application therefor on or before the 15th day of the month preceding the month for which authorization to use, consume or process is sought. Such application shall be made on Form PD–600, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

(i) Copies of Form PD–600 may be obtained at local field offices of the War Production Board.

(ii) Three certified copies shall be prepared and filed with the War Production Board, Chemicals Branch, Washington, D. C., Ref.: M–238.

(iii) In the heading, under name of chemical, specify "Oiticica oil"; under WPB Order No., specify M–238; under unit of measure, specify pounds; under name of your company, specify name and mailing address; leave delivery destination, supplier with whom order is placed and his shipping point blank; and in phrase "Application for delivery next month" strike out word "delivery" and substitute word "use" and specify the month and year for which authorization to use, consume or process is sought.

(iv) In Columns 1 and 11, specify grade, as indicated by the following examples: crude (solid) or refined (liquefied).

(v) In Columns 3, 20 and 22, specify primary product in terms of the following: protective coatings; core oil; electrical insulation; rubber substitutes; emulsion breakers; other (specify).

(vi) In Column 4, specify ultimate use of product (as for example, "electric motor windings", as opposed to "electric wire insulating varnish" which may be the primary product called for in Columns 3, 20 and 22), and also specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease, or commercial customer.

(vii) Remarks in Column 10 may, if necessary, be extended on the reverse side of the sheet. Include in remarks quantity of oiticica oil used in the manufacture or preparation of primary products in corresponding period of year 1941. If requirements have increased appreciably, state reasons.

(viii) Columns 9, 17, 18 and 19 shall be left blank.

(2) Each person affected by this order shall file such other reports at such times and with respect to such matters as the Director General for Operations may from time to time direct.

(e) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D C Ref.: M–238.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–9962; Filed, October 6, 1942; 11:44 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Amendment 35 to Revised Tire Rationing Regulations[1]]

TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

Sections 1315.151 (j), 1315.703, 1315.801 (d) (4), 1315.802 (c) (2) and 1315.803 (c) (2) are amended; § 1315.704 (e) is redesignated as § 1315.704 (f), and a new § 1315.704 (e) is added, as set forth below:

Definitions

§ 1315.151 *Definitions.* * * *

(j) "Mail-order-house" means any business establishment which conducts a part or all of its business by filling mail-orders for tires and tubes.

* * * * *

Tire and Tube Certificates

§ 1315.703 *Execution and issuance of certificates by Board.* (a) It shall be the responsibility of the Board, prior to issuing any certificate, to fill in part A and part B of the certificate setting forth the information required, except that the item on OPA Form No. R–20 which calls for the specification of the sizes of the tires or tubes to be purchased, need not be filled in unless requested by the applicant. It shall also be the responsibility of the Board to indicate on parts C and D of the certificate issued, the number of the Board and its address. No certificate will be valid unless part A is signed by the issuing officer of the Board, who may be either a member of the Board or one of its clerks designated to act in that capacity. When all the foregoing steps have been taken by the issuing Board, the Board shall deliver or mail the certificate to the applicant or his agent.

(b) OPA Form No. R–2 (Revised) shall be used in lieu of OPA Forms No. R–2 and R–8.

§ 1315.704 *Action by purchaser.* * * *

(e) The purchaser or his agent shall sign part A of a certificate which he has received, prior to the time he transfers it to an authorized seller for the purpose of purchasing the tires, tubes, or recapping services specified by the certificate. The purchaser or his agent shall sign parts B, C, and D of OPA Form No. R–2 (Revised) at the time that the tires or tubes which have been purchased, or the tires which have been recapped, are delivered to him, except that when he purchases by mail he shall not sign Part C at all, but shall sign parts B and D before transferring his certificate to the authorized seller. The same person shall sign parts B, C, and D of OPA Form No. R–2 (Revised) for the purchaser.

* * * * *

Transfers and Deliveries of New Tires and Tubes, Retreaded or Recapped Tires, and Camelback

§ 1315.801 *Permitted and prohibited transfers of new tires and tubes.* * * *

(d) *Transfers to replenish stocks.* * * *

(4) No transfers provided for in subparagraphs (1), (2) and (3) may be made except in exchange for the replenishment portion of a certificate (part B of OPA Form No. R–2 (Revised)), or the replenishment portion of a receipt (part B of OPA Form No. R–12) for new tires or tubes issued pursuant to § 1315.804. No person shall transfer part B of OPA Form No. R–2 (Revised), and no person shall accept such transfer, unless the transferor first endorses his name and address thereon.

* * * * *

§ 1315.802 *Permitted and prohibited deliveries of retreaded or recapped tires.* * * *

(c) *Deliveries to replenish stock.* * * *

(2) No delivery provided in subparagraph (1) may be made except in exchange for the replenishment portion of a certificate (part B of OPA Form No. R–2 (Revised)), or the replenishment

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[1] 7 F.R. 1027, 1089, 2107, 2541, 2633, 2945, 2948, 3235, 3237, 3551, 3830, 4176, 4336, 4493, 4543, 4544, 4617, 4856, 5023, 5274, 5276, 5566, 5605, 5867, 6423, 6775, 7034, 7241, 7669, 7670, 7743, 7777, 7834.

portion of a receipt (part B of OPA Form No. R–12) for retreaded or recapped tires issued pursuant to § 1315.804. No person shall transfer part B of OPA Form No. R–2 (Revised), and no person shall accept such transfer, unless the transferor first endorses his name and address thereon.

* * * * *

§ 1315.803 *Permitted and prohibited deliveries of camelback.* * * *

(c) *Transfers to replenish stocks.* * * *

(2) No delivery provided in subparagraph (1) may be made except in exchange for the replenishment portion of a certificate (part B of OPA Form No. R–2 (Revised)), or the replenishment portion of a receipt (part B of OPA Form No. R–12) for either retreaded or recapped tires or camelback issued pursuant to § 1315.804, or the replenishment portion (part A) of the certificate authorizing the purchase of an initial allotment of camelback issued pursuant to § 1315.805. No person shall transfer part B of OPA Form No. R–2 (Revised), and no person shall accept such transfer, unless the transferor first endorses his name and address thereon.

* * * * *

§ 1315.1199a *Effective dates of amendment.* * * *

(ii) Amendment No. 35 (§§ 1315.151, 1315.703, 1315.801, 1315.802, 1315.803 and 1315.704) to Revised Tire Rationing Regulations shall become effective October 5, 1942.

(Pub. Law 421, 77th Cong., O.P.M. Supp. Order No. M–15–c, W.P.B. Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792; 7 F.R. 121, 350, 434, 473, 562, 925, 1009, 1026)

Issued this 5th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–9940; Filed, October 5, 1942; 3:29 p. m.]

PART 1340—FUEL

[Amendment 23 to Maximum Price Regulation 120[1]]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

New inferior subdivisions (c) are added to paragraphs (b) (1) (i) and (b) (2) (i), respectively, of § 1340.221, as set forth below.

§ 1340.221 *Appendix J: Maximum prices for bituminous coal produced in District No. 10.* * * *

(b) * * *

(1) *Maximum prices in cents per net ton for shipment to all destinations for all users and by all methods of transportation, except as otherwise specifically provided in this appendix*—(i) *Special price instructions.* * * *

(c) The maximum price for coals in Size Group 14 produced at Mine No. 2 of Panther Creek Mines, Inc. and the Capitol No. 57 and Peerless No. 59 Mines of Peabody Coal Company shall be $2.00 per net ton.

(2) *Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses.* * * *

(i) *Special price instructions.* * * *

(c) Maximum prices for coals in the following size groups produced at Mine No. 2 of Panther Creek Mines, Inc. and the Capitol No. 57 and Peerless No. 59 Mines of Peabody Coal Company shall be the applicable effective minimum prices as of April 1, 1942 plus the following respective amounts per net ton: 50 cents for Size Groups 1, 3, and 6; $1.20 for Size Groups 10, 11, and 12; 90 cents for Size Group 14. The maximum price for Size Group 5 produced at Mine No. 2 of Panther Creek Mine, Inc. shall be the applicable effective minimum price as of April 1, 1942 plus 45 cents per net ton.

§ 1340.211a *Effective dates of amendments.* * * *

(x) Amendment No. 23 (§ 1340.221 (b) (1) (i), (b) (2) (i)) to Maximum Price Regulation No. 120 shall become effective October 5, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 5th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–9943; Filed, October 5, 1942; 3:29 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[Amendment 6 to Revised Price Schedule 85[1]]

NEW PASSENGER AUTOMOBILES

A statement of the considerations involved in the issuance of this amendment has been prepared and filed with the Division of the Federal Register.

In § 1360.51 (c) and subparagraphs (1) and (2) thereof and in § 1360.52 (e) and subparagraphs (1) and (2) thereof the date "September 30, 1942", is amended to read "October 31, 1942", and § 1390.62 is corrected to read § 1360.62.

§ 1360.60a *Effective dates of amendments.* * * *

(f) Amendment No. 6 (§§ 1360.51 (c) (1) and (2), 1360.52 (e) (1) and (2)) to Revised Price Schedule No. 85 shall become effective October 5, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 5th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–9949; Filed, October 5, 1942; 5:12 p. m.]

PART 1381—SOFTWOOD LUMBER

[Amendment 7 to Maximum Price Regulation 26[2]]

DOUGLAS FIR AND OTHER WEST COAST LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1381.61 is amended by adding paragraph (d) as set forth below:

§ 1381.61 *Effective date.* * * *

(d) The following contracts may be completed according to their terms, regardless of any other provisions of this Maximum Price Regulation No. 26:

(1) Two contracts of the Defiance Lumber Company to furnish the Douglas fir lumber used in the construction of wooden mine sweepers. One contract with the Ballard Marine Railway, Inc., dated May 13, 1942 for lumber for eight wooden mine sweepers, and another contract, the constituent orders of which are dated May 5, May 25, and June 3, 1942, with the Associated Shipbuilders, Inc. for the lumber for ten wooden mine sweepers.

* * * * *

§ 1381.61a *Effective dates of amendments.* * * *

(g) Amendment No. 7 (§ 1381.61 (d)) to Maximum Price Regulation No. 26 shall become effective October 10, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 5th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–9953; Filed, October 5, 1942; 5:10 p. m.]

PART 1388—DEFENSE–RENTAL AREAS

[Designation and Rent Declaration 31]

DESIGNATION OF 45 DEFENSE–RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

In the judgment of the Price Administrator, defense activities have resulted or threaten to result in increases in the rents for housing accommodations in the areas designated in § 1388.1341 inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Price Administrator, it is necessary and proper in order to effectuate the purposes of the said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for defense-area housing accommodations within the defense-rental areas designated in § 1388.1341;

Therefore, under the authority vested in the Price Administrator by said Act, this designation and rent declaration is issued.

AUTHORITY: §§ 1388.1341 to 1388.1345, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.1341 *Designation.* The following areas are hereby designated by the Price Administrator as areas where defense activities have resulted or threaten to result in an increase in rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute defense-rental areas to be known by the names listed in the following table:

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[1] 7 F.R. 3165, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5807, 5827, 5835, 6169, 6218, 6265, 6272, 6325, 6472, 6524, 6744, 6896, 7670, 7777.

[1] 7 F.R. 664, 1009, 1364, 1675, 1836, 2132, 2134, 6048, 6697, 7100, 7436.

[2] 7 F.R. 4573, 4701, 5180, 5360, 6168, 6388, 6424, 7285.

*Copies may be obtained from the Office of Price Administration.

Name of Defense-Rental Area[1]	In State of—	Defense-Rental Area consists of—
(1) Alabama	Alabama	That portion of the State of Alabama not heretofore designated by the Price Administrator as part of any defense-rental area.
(2) Arizona	Arizona	That portion of the State of Arizona not heretofore designated by the Price Administrator as part of any defense-rental area.
(3) Arkansas	Arkansas	That portion of the State of Arkansas not heretofore designated by the Price Administrator as part of any defense-rental area.
(4) California	California	That portion of the State of California not heretofore designated by the Price Administrator as part of any defense-rental area.
(5) Colorado	Colorado	That portion of the State of Colorado not heretofore designated by the Price Administrator as part of any defense-rental area.
(6) Florida	Florida	That portion of the State of Florida not heretofore designated by the Price Administrator as part of any defense-rental area.
(7) Georgia	Georgia	That portion of the State of Georgia not heretofore designated by the Price Administrator as part of any defense-rental area.
(8) Idaho	Idaho	That portion of the State of Idaho not heretofore designated by the Price Administrator as part of any defense-rental area.
(9) Illinois	Illinois	That portion of the State of Illinois not heretofore designated by the Price Administrator as part of any defense-rental area.
(10) Indiana	Indiana	That portion of the State of Indiana not heretofore designated by the Price Administrator as part of any defense-rental area.
(11) Iowa	Iowa	That portion of the State of Iowa not heretofore designated by the Price Administrator as part of any defense-rental area.
(12) Kansas	Kansas	That portion of the State of Kansas not heretofore designated by the Price Administrator as part of any defense-rental area.
(13) Kentucky	Kentucky	That portion of the State of Kentucky not heretofore designated by the Price Administrator as part of any defense-rental area.
(14) Louisiana	Louisiana	That portion of the State of Louisiana not heretofore designated by the Price Administrator as part of any defense-rental area.
(15) Maine	Maine	That portion of the State of Maine not heretofore designated by the Price Administrator as part of any defense-rental area.
(16) Maryland	Maryland	That portion of the State of Maryland not heretofore designated by the Price Administrator as part of any defense-rental area.
(17) Dukes-Nantucket	Massachusetts	Counties of Dukes and Nantucket.
(18) Michigan	Michigan	That portion of the State of Michigan not heretofore designated by the Price Administrator as part of any defense-rental area.
(19) Minnesota	Minnesota	That portion of the State of Minnesota not heretofore designated by the Price Administrator as part of any defense-rental area.
(20) Mississippi	Mississippi	That portion of the State of Mississippi not heretofore designated by the Price Administrator as part of any defense-rental area.
(21) Missouri	Missouri	That portion of the State of Missouri not heretofore designated by the Price Administrator as part of any defense-rental area.
(22) Montana	Montana	That portion of the State of Montana not heretofore designated by the Price Administrator as part of any defense-rental area.
(23) Nebraska	Nebraska	That portion of the State of Nebraska not heretofore designated by the Price Administrator as part of any defense-rental area.
(24) Nevada	Nevada	That portion of the State of Nevada not heretofore designated by the Price Administrator as part of any defense-rental area.
(25) New Hampshire	New Hampshire	That portion of the State of New Hampshire not heretofore designated by the Price Administrator as part of any defense-rental area.
(26) Ocean-Atlantic	New Jersey	Counties of Ocean and Atlantic.
(27) New Mexico	New Mexico	That portion of the State of New Mexico not heretofore designated by the Price Administrator as part of any defense-rental area.
(28) New York	New York	That portion of the State of New York not heretofore designated by the Price Administrator as part of any defense-rental area.
(29) North Carolina	North Carolina	That portion of the State of North Carolina not heretofore designated by the Price Administrator as part of any defense-rental area.
(30) North Dakota	North Dakota	The entire State of North Dakota.
(31) Ohio	Ohio	That portion of the State of Ohio not heretofore designated by the Price Administrator as part of any defense-rental area.
(32) Oklahoma	Oklahoma	That portion of the State of Oklahoma not heretofore designated by the Price Administrator as part of any defense-rental area.
(33) Oregon	Oregon	That portion of the State of Oregon not heretofore designated by the Price Administrator as part of any defense-rental area.
(34) Pennsylvania	Pennsylvania	That portion of the State of Pennsylvania not heretofore designated by the Price Administrator as part of any defense-rental area.
(35) South Carolina	South Carolina	That portion of the State of South Carolina not heretofore designated by the Price Administrator as part of any defense-rental area.
(36) South Dakota	South Dakota	That portion of the State of South Dakota not heretofore designated by the Price Administrator as part of any defense-rental area.
(37) Tennessee	Tennessee	That portion of the State of Tennessee not heretofore designated by the Price Administrator as part of any defense-rental area.
(38) Texas	Texas	That portion of the State of Texas not heretofore designated by the Price Administrator as part of any defense-rental area.
(39) Utah	Utah	That portion of the State of Utah not heretofore designated by the Price Administrator as part of any defense-rental area.
(40) Vermont	Vermont	That portion of the State of Vermont not heretofore designated by the Price Administrator as part of any defense-rental area.
(41) Virginia	Virginia	That portion of the State of Virginia not heretofore designated by the Price Administrator as part of any defense-rental area.
(42) Washington	Washington	That portion of the State of Washington not heretofore designated by the Price Administrator as part of any defense-rental area.
(43) West Virginia	West Virginia	That portion of the State of West Virginia not heretofore designated by the Price Administrator as part of any defense-rental area.
(44) Wisconsin	Wisconsin	That portion of the State of Wisconsin not heretofore designated by the Price Administrator as part of any defense-rental area.
(45) Wyoming	Wyoming	That portion of the State of Wyoming not heretofore designated by the Price Administrator as part of any defense-rental area.

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[1] The words "Defense-Rental Area" shall follow the name listed in the table in each case to constitute the full name of a defense-rental area, e. g., "Alabama Defense-Rental Area," "Dukes-Nantucket Defense-Rental Area."

§ 1388.1342 *Necessity.* The necessity for stabilization or reduction of rents for defense-area housing accommodations in the defense-rental areas designated in § 1388.1341 is as follows:

The designations of defense-rental areas hereby and heretofore made include the entire United States. The problem of inflation is nation-wide, and effective prevention of inflation requires nation-wide action affecting substantially all elements of the national economy. War conditions have caused widespread increases in rents, and threaten further general price and rent rises. Any increases in housing rentals, an important factor in the cost of living, have serious inflationary effects. Additional rental increases are threatened not only by increased migrations from one part of the country to another in connection with war production and new or expanding military establishments, but also by general factors affecting the economy including the greatly increased purchasing power of the people of the nation in relation to a relatively stable and limited supply of housing. In each of the designated defense-rental areas, defense activities have resulted or threaten to result in an increase in rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942.

§ 1388.1343 *Recommendations.* It is the judgment of the Price Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within any of the defense-rental areas designated in § 1388.1341 inconsistent with the purposes of the Act. Accordingly, the Price Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within each of the designated areas on or about March 1, 1942. The Price Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Price Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization or reduction of rents for housing accommodations within each of the designated defense-rental areas are as follows:

(a) The maximum rent for housing accommodations rented on March 1, 1942 should be the rent for such accommodations on that date. Appropriate provision consistent with such maximum rent date should be made for the maximum rent for housing accommodations not rented on March 1, 1942. In appropriate cases, including those relating to new construction or substantial changes of housing accommodations, provision consistent with the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of maximum rents of housing accommodations, but in principle such rents should not be greater than the rents generally prevailing for comparable accommodations in the particular area on March 1, 1942.

(b) Appropriate provision should be made with respect to the restraint of evictions and other actions relating to the recovery of possession.

(c) Appropriate provision should be made to prevent the circumvision or evasion of maximum rents by any method whatever.

§ 1388.1344 *Maximum rent regulation.* If within sixty days after the issuance of this designation and rent declaration, rents for housing accommodations within any defense-rental area designated in § 1388.1341 have not in the judgment of the Price Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the foregoing recommendations, the Price Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

§ 1388.1345 *Effective date.* This designation and rent declaration (§§ 1388.1341 to 1388.1345, inclusive) shall become effective October 5, 1942.

Issued this 5th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-9942; Filed, October 5, 1942; 3:30 p. m.]

Part 1389—Apparel

[Amendment 3 to Maximum Price Regulation 177[1]]

MEN'S AND BOYS' TAILORED CLOTHING

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1389.115 (b) and in § 1389.116 (c), the date October 10, 1942, is changed to October 25, 1942. § 1389.118 is amended as set forth below:

§ 1389.118 *Applications for adjustment or amendment*—(a) *Retail adjustments.* The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum price established under this Maximum Price Regulation 177 for any seller at retail in any case in which such seller shows:

(1) That such maximum price is abnormally low in relation to the maximum prices of the same or similar garments established for other sellers at retail; and

(2) That this abnormality subjects him to substantial hardship.

Applications for adjustment under this paragraph (a) shall be filed in accordance with Procedural Regulation No. 2[2] No maximum price shall be adjusted under this paragraph (a) to exceed the seller's highest maximum price for a garment of the same classification dealt in during the base period, including any adjustment thereof under this paragraph (a).

(b) *Petitions for amendment.* Any person seeking a modification of any provision of this Maximum Price Regulation 177 may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1[1] issued by the Office of Price Administration.

(c) *Adjustment of limitations on highest price lines.* The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum prices of any seller, at retail or otherwise, in any case in which the seller shows:

(1) That because of the rule limiting the highest maximum price which may be determined for any classification of garments, his maximum prices for certain garments are lower than they would otherwise be;

(2) That in the absence of adjustment, these maximum prices would subject the seller to substantial hardship;

(3) That the garments affected, or the materials used in these garments, were irrevocably purchased by the seller before July 11, 1942, and constitute a substantial proportion of his inventory; and

(4) That establishing higher maximum prices for these garments will not defeat or impair the policy of the Emergency Price Control Act of 1942 and of Maximum Price Regulation 177 to eliminate the danger of inflation.

Applications for adjustment under this paragraph (c) shall be filed by a seller at retail under Procedural Regulation No. 2 and by any other seller under Procedural Regulation No. 1.

§ 1389.120a *Effective dates of corrections and amendments.* * * *

(d) Amendment 3 (§§ 1389.115 (b), 1389.116 (c) and 1389.118) to Maximum Price Regulation 177 shall become effective October 10, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 5th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-9930; Filed, October 5, 1942; 3:27 p. m.]

Part 1390—Machinery and Transportation Equipment

[Amendment 27 to Maximum Price Regulation 136, as Amended[2]]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5182, 7475, 6792, 6972, 7100.

[2] 7 F.R. 6962.

[1] 7 F.R. 971, 3663, 6967.

[2] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744.

In § 1390.2 new paragraph (j) is added, as set forth below:

§ 1390.2 *Exclusions.* * * *

(j) Any sale of a machine or part pursuant to a rental contract entered into prior to July 22, 1942, which provided for the transfer of title to the machine or part from the lessor to the lessee upon the payment in rentals, over and above a monthly carrying charge, of an amount equal to the valuation of the machine or part, as agreed upon at the time the contract was entered into.

* * * * *

§ 1390.31a *Effective dates of amendments.* * * *

(aa) Amendment No. 27 (§ 1390.2 (j)) to Maximum Price Regulation No. 136, as amended, shall become effective October 10, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 5th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-9932; Filed, October 5, 1942; 3:27 p. m.]

Part 1390—Machinery and Transportation Equipment

[Amendment 26 to Maximum Price Regulation 136, as Amended[1]]

MACHINE AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph (18) is added to paragraph (c) of § 1390.25 and new paragraph (z) is added to § 1390.31a as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(18) *Brandtjen & Kluge, Inc.* Notwithstanding the provisions of § 1390.11, the maximum price applicable to the sale of a rebuilt Brandtjen & Kluge press by Brandtjen & Kluge, Inc., of St. Paul, Minnesota, guaranteed for one year, shall be 90% of the highest maximum price to any class of purchasers for the nearest equivalent new Brandtjen & Kluge press established by this Maximum Price Regulation No. 136, as amended, the resultant price to be subject to the applicable discount or discounts in effect on October 1, 1941.

§ 1390.31a *Effective dates of amendments.* * * *

(z) Amendment No. 26 (§ 1390.25 (c) (18)) to Maximum Price Regulation No. 136, as amended, shall become effective October 5, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 5th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-9931; Filed, October 5, 1942; 3 31 p. m.]

Part 1410—Wool

[Amendment 9 to Revised Price Schedule 58, as Amended[1]]

WOOL AND WOOL TOPS AND YARNS

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1410.51 is amended by adding a new subparagraph (3) to paragraph (b) as set forth below:

§ 1410.51 *Maximum prices for wool and wool tops and yarns.* * * *

(b) * * *

(3) The seller's maximum price for wool or wool tops or yarns which cannot be determined in accordance with subparagraph (1) of this paragraph shall be a price in line with the level of maximum prices established by this Revised Price Schedule No. 58, as amended, which shall be determined by the seller after specific authorization from the Office of Price Administration.

A seller who seeks to determine a maximum price in accordance with this subparagraph (3) shall file with the Office of Price Administration in Washington, D. C., an application setting forth: (i) a description in detail of the wool or wool tops or yarns for which a maximum price is sought; and (ii) a statement of the reasons why such wool, wool tops, or yarns cannot be priced under subparagraph (1) of paragraph (b) of this section; (iii) the maximum price for the most nearly comparable wool or wool tops or yarns and a statement of the characteristics which differentiate the wool or wool tops or yarns for which a maximum price is sought; (iv) such other information as may be required by the Office of Price Administration.

If such authorization is given it will be accompanied by instructions as to the method of determining the maximum price. Within ten days after such price has been determined, the seller shall report the price to the Office of Price Administration in Washington, D. C. The price reported shall be subject to adjustment at any time by the Office of Price Administration.

§ 1410.60. *Effective date of amendment.* * * *

(k) Amendment No. 9 (§ 1410.51 (b) (3)) to Revised Price Schedule No. 58, as amended, shall become effective October 8, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 5th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-9933; Filed, October 5, 1942; 3:27 p. m.]

Part 1418—Territories and Possessions

[Amendment 5 to Maximum Price Regulation 183[2]]

CANNED CORNED BEEF IN PUERTO RICO

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (4) is added to paragraph (a) of § 1418.1, and paragraph (d) is added to § 1418.14.

§ 1418.1 *Maximum prices.* (a) Maximum prices are established as follows:

* * * * *

(4) On and after October 5, 1942, regardless of any contract, agreement, lease, or other obligation, or of any price regulation heretofore issued by the Office of Price Administration, no person shall sell or deliver canned corned beef to retailers or at retail in the Territory of Puerto Rico, and no person selling at retail or buying at retail shall buy or receive canned corned beef in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14 (d), Table IV; and no person shall agree, offer, solicit, or attempt to do any of the foregoing.

* * * * *

§ 1418.14 *Tables of maximum prices.* * * *

(d) *Table IV: Maximum prices for canned corned beef present stocks.*

(1) The maximum prices for present stocks of canned corned beef sold to retailers or at retail in the Territory of Puerto Rico shall be:

	Sales to retailers		Sales at retail	
	Per case of 48 12 oz. tins	Per case of 48 8 oz. tins	12 oz. tin	8 oz. tin
First grade (sold by Libby, McNeill, & Libby under the "Libby" brand label)	$13.00	$11.00	$0.32	$0.27
Second grade (all others)	11.25	9.50	.27	.23

The maximum prices for all other sizes of canned corned beef shall be a price in line with the maximum prices set forth above. The maximum prices for other tin sizes are to be computed by adding to or subtracting from the maximum prices set forth above the customary trade price differentials for tins of other sizes.

(2) Every person selling to a retailer shall, after the effective date of this amendment, before or at the time of his first delivery to each purchaser, supply the purchaser with the following statement:

OPA maximum prices for present stocks of canned corned beef in the Territory of Puerto Rico.

	Sales at retail	
	12 oz. tin	8 oz. tin
First Grade (sold by Libby, McNeill & Libby under the "Libby" brand label)	$0.32	$0.27
Second grade (all others)	.27	.23

The maximum prices for all other sizes of canned corned beef shall be a price in line with these maximum prices. The maximum price for other tin sizes are to be computed by adding to or subtracting from the maximum prices set forth above the customary trade price differentials for tins of other sizes. For future supplies these maximum prices will be revised by the Director of the Office of Price Administration for the Territory of Puerto Rico.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6937, 6964, 6965, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744.

[1] 7 F.R. 2397, 2580, 3088, 3271, 4117, 4296, 4299, 5512, 6494, 7602.

[2] 7 F.R. 5620, 6744, 6659, 7454, 7843.

(3) *Future supplies.* The Director of the Office of Price Administration for the Territory of Puerto Rico, may, if the costs of imported canned corned beef increases or decreases, revise these maximum prices, both as to existing and future supplies, whenever in his judgment such action is advisable. Such revision shall be made by amendment to this Maximum Price Regulation No. 183 and the prices so established shall be fair and equitable. The maximum prices established by the Director in such an amendment shall in no event permit any person selling at retail to obtain a mark-up over direct cost in excess of the following:

	Mark-up	
	12 oz. tin	8 oz. tin
First grade (sold by Libby, McNeill & Libby under the "Libby" brand label)	$0.05	$0.04
Second grade (all others)	.04	.03

Regardless of cost variations or new shipments, the prices established herein, or those subsequently established by the Director, shall remain in effect until changed by amendment.

§ 1418.13a *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§ 1418.1 (a) (4), and § 1418.14 (d) to Maximum Price Regulation No. 183 shall become effective October 5, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 5th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9952; Filed, October 5, 1942; 5:10 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 37 to Supplementary Regulation 14[1] to General Maximum Price Regulation]

VANILLA BEANS

A statement of the considerations involved in the issuance of this amendment has been prepared and filed with the Division of the Federal Register. Throughout subparagraph (19) of § 1499.73 (a) the date "September 30, 1942", is amended to read "October 31, 1942".

§ 1499.73 (b) *Effective date.* * * *

(38) Amendment No. 37 (§ 1499.73 (a) (19)) to Supplementary Regulation No. 14 to General Maximum Price Regulation shall become effective October 5, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 5th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9951; Filed, October 5, 1942; 5:11 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 84 Under § 1499.3 (b) of General Maximum Price Regulation[1]]

MAXIMUM PRICES FOR DIE CASTINGS

For the reasons set forth in an opinion* issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered,* That:

§ 1499.298 *Method by which a die caster may determine maximum prices for die castings which cannot be priced under § 1499.2 of the General Maximum Price Regulation.* (a) Whenever a die caster cannot determine the maximum price for any die casting, produced and sold as a die casting by such die caster, under § 1499.2 of the General Maximum Price Regulation, such die caster is hereby authorized to determine the maximum price of such product by applying the same pricing formula or method of calculating prices used by him on March 31st, 1942. In applying such pricing formula or method of calculating prices, the die caster shall use the same unit cost factors (i. e. the same wage and machine hour rates, the same per pound prices of materials, and the same unit overhead) and the same percentage of profit over costs, extra charges, credit and quantity discounts and allowances, which he would have used on March 31, 1942, even though such unit cost factors may have increased since that date.

(b) Within 10 days after a die caster has determined a maximum price pursuant to the provisions of paragraph (a) of this order, he shall report such price to the Office of Price Administration. Such report shall set forth, in addition to the price, (1) a description and identification of the die casting for which such price was determined, (2) a statement of facts which differentiate such die casting from other die castings delivered or offered for delivery during March, 1942 by such die caster and by other competitive sellers of the same class, and (3) a statement that the maximum price reported was determined in accordance with paragraph (a) of this order, and the facts in support of such statement. The die caster, in this connection, shall submit a statement breaking down the price reported into the following categories; (i) material cost, (ii) manufacturing costs, other than plant overhead but including machining (machine hour rate and units per hour to be specified), (iii) plant overhead, (iv) administrative overhead and (v) profit. The maximum price reported by a die caster in accordance with the provisions of this paragraph (b) shall be subject to adjustment at any time by the Price Administrator.

(c) As used in this Order No. 84: (1) "Die caster" means any person who produces die castings.

(2) "Die casting" means a casting produced by injection of molten, non-ferrous metal into a die at higher than atmospheric pressure.

(3) "Non-ferrous metal" means aluminum, antimony, beryllium, bismuth, cadmium, cobalt, copper, lead, magnesium, nickel, tin, zinc and their alloys where any one or any combination of the above metals equals or exceeds fifty (50%) percent by weight of the total metal.

(d) This Order No. 84 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 84 (§ 1499.298) shall become effective October 6, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 5th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9941; Filed, October 5, 1942; 3:31 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 85 Under § 1499.3 (b) of the General Maximum Price Regulation]

VICTOR CHEMICAL WORKS

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

§ 1499.299 *Approval of maximum prices for sales of aluminux and other proprietary mixtures and compounds manufactured by the mixed products department of the Victor Chemical Works.* (a) The maximum price per pound for sales by the mixed products department of the Victor Chemical Works, of Chicago, Illinois, of aluminux and other proprietary mixtures and compounds manufactured by it, for which maximum prices cannot be established under § 1499.2 of the General Maximum Price Regulation, shall be the sum which bears the same percentage relationship to the sum of subparagraphs (1) and (2) below, as the net sales of the mixed products department of the Victor Chemical Works in March 1942, bore to the sum of raw material costs and manufacturing costs for all articles sold in that month, which percentage relationship is established in a statement filed by the mixed products department of the Victor Chemical Works with the Office of Price Administration.

(1) Raw material costs per unit, computed on the basis of actual prices (not to exceed the applicable maximum prices) paid for raw materials, and in any case not to exceed the highest price charged in March 1942, by the actual supplier to a purchaser of the same class as the Victor Chemical Works.

(2) Manufacturing costs, equal to the sum of the applicable unit costs prevailing during March 1942, for the operations used in making the article to be priced, as specified in a list of unit manufacturing costs filed by the mixed products department of the Victor Chemical Works with the Office of Price Administration.

(b) All discounts, trade practices, and practices relating to the payment of shipping charges in effect during March 1942, on the sales by the mixed products department of the Victor Chemical Company of comparable products, shall apply to the Maximum Prices determined under paragraph (a).

(c) On or before the last day of each month, beginning with October 1942, the mixed products department of the Victor Chemical Works shall submit to the Office of Price Administration in Washington, D. C., an individual report in affidavit form for each product priced under this Order No. 85 during the preceding month. Each such report shall include a description of the product so priced; a statement showing why the product cannot be priced under § 1499.2 of the General Maximum Price Regulation; the maximum price determined; and a detailed statement of the factors referred to in paragraph (a) of this order which were used in the determination of such maximum price.

(d) Each price reported under (c) shall be subject to adjustment at any time by the Office of Price Administration.

(e) This Order No. 85 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 85 (§ 1499.299) shall become effective October 6, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 5th day of October 1942

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9955; Filed, October 5, 1942; 5:09 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Order 3, as Amended, Under § 1499.18 (c) of General Maximum Price Regulation]

GEORGE ORAVETZ AND SONS

In § 1499.353 (a) (1) and the second table in (c), the price per ton carload lots for alder wood ground charcoal is amended to read $54.00.

(f) * * *

(1) This Amendment No. 1 (§ 1499.353 (a) (1), (c) to Order No. 3, as amended, shall become effective this 2d day of October 1942.

(Pub. Law 421, 77th Cong.)

Issued this 5th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9950; Filed, October 5, 1942; 5:11 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 60 Under § 1499.18 (c) of General Maximum Price Regulation]

JOSEPH MALOUF COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.910 *Denial of application for adjustment of maximum price of wear-pruf slips sold by Joseph Malouf Company of San Francisco, California.* (a) The application of Joseph Malouf Company of San Francisco, California, filed May 25, 1942, and assigned Docket No. GF3-98, requesting permission to increase the maximum price of wear-pruf slips is denied.

(b) This Order No. 60 (§ 1499.910) shall become effective October 6, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 5th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9954; Filed, October 5, 1942; 5:10 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 61 Under § 1499.18 (c) of General Maximum Price Regulation]

BLISS & RICHARDSON SHOE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.911 *Denial of application for adjustment of maximum price of certain shoes sold by Bliss & Richardson Shoe Company, Portland, Maine.* (a) The application of Bliss & Richardson Shoe Company of Portland, Maine, filed August 7, 1942, and assigned Docket No. GF3-1315, requesting permission to increase the maximum price to retailers of certain shoes is denied.

(b) This Order No. 61 (§ 1499.911) shall become effective October 6, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 5th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9956; Filed, October 5, 1942; 5:09 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

[1942 Dept. Circ. 1]

PART 129—VALUES OF FOREIGN MONEYS

October 1, 1942.

§ 129.5 *Calendar year 1942.* * * *

(d) *Quarter beginning October 1, 1942.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning October 1, 1942, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate, as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

VALUES OF FOREIGN MONETARY UNITS

[At par as regards gold units; nongold units have no fixed par with gold]

Country	Monetary unit	Value in terms of U. S. money	Remarks
Argentine Republic	Peso	$1.6335	Given valuation is of gold peso. Paper nominally convertible at 44% of face value. Conversion suspended Dec. 16, 1929.
Australia	Pound	8.2397	Control of gold stocks and exports authorized Dec. 17, 1929.
Belgium	Belga	.1695	By decree of Mar. 31, 1936. One belga equals 5 Belgian francs. The Anglo-Belgian financial agreement of June 7, 1940, fixed the rate of exchange of the Belgian franc and the franc of the Belgian Congo at 176.625 francs for £1 sterling.
Bolivia	Boliviano	.6180	Conversion of notes into gold suspended Sept. 23, 1931.
Brazil	Milreis	.0606	Based upon official rate for milreis in terms of the dollar as announced by the Bank of Brazil. Conversion of Stabilization-Office notes into gold suspended Nov. 22, 1930.
British Honduras	Dollar	1.6931	Conversion of notes suspended.
Bulgaria	Lev	.0122	Exchange control established Oct. 15, 1931.
Canada	Dollar	1.6931	Embargo on export of gold, Oct. 19, 1931; redemption of Dominion notes in gold suspended Apr. 10, 1933.

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[1] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7536, 7535, 7739, 7671, 7812.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 6007, 7322, 7454, 7758.

VALUES OF FOREIGN MONETARY UNITS—Continued

[At par as regards gold units; nongold units have no fixed par with gold]

Country	Monetary unit	Value in terms of U. S. money	Remarks
Chile	Peso	0.2060	Given valuation is of gold peso. Gold pesos are received for conversion at the rate of 4 paper pesos for one gold peso. Conversion of notes suspended July 30, 1931.
China	Yuan	-------	Silver standard abandoned by decree of Nov. 3, 1935; bank notes made legal tender under Currency Board control; exchange rate for British currency primarily fixed at about 1s. 2½ d., or about 29½¢ U. S., per yuan.
Hong Kong	Dollar	-------	Treasury notes and notes of the three banks of issue made legal tender by silver nationalization ordinance of Dec. 5, 1935; exchange fund created to control exchange rate.
Colombia	Peso	.5714	Obligation to sell gold suspended Sept. 24, 1931. New gold content of .56424 grams of gold 9/10 fine established by monetary law of Nov. 19, 1938, effective Nov. 30, 1938.
Costa Rica	Colon	.7879	Conversion of notes into gold suspended Sept. 18, 1914; exchange control established Jan. 16, 1932.
Cuba	Peso	1.0000	By law of May 25, 1934.
Czechoslovakia	Koruna	-------	
Denmark	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Dollar	1.6931	U. S. money is principal circulating medium.
Ecuador	Sucre	.3386	Conversion of notes into gold suspended Feb. 9, 1932.
Egypt	Pound (100 piasters)	8.3692	Conversion of notes into gold suspended Sept. 21, 1931.
Estonia	Kroon	.4537	Conversion of notes into gold suspended June 28, 1933.
Finland	Markka	.0426	Conversion of notes into gold suspended Oct. 12, 1931.
France	Franc	-------	Provisions of monetary law of Oct. 1, 1936, providing for gold content of franc, superseded by decree of June 30, 1937, which stated that the gold content of the franc shall be fixed ultimately by a decree adopted by the Council of Ministers. Until issuance of such decree a stabilization fund shall regulate the relationship between the franc and foreign currencies.
Germany	Reichsmark	.4033	Exchange control established July 13, 1931.
Great Britain	Pound Sterling	8.2397	Obligation to sell gold at legal monetary par suspended Sept. 21, 1931.
Greece	Drachma	.0220	Conversion of notes into gold suspended Apr. 26, 1932.
Guatemala	Quetzal	1.6931	Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Honduras	Lempira	.8466	Gold exports prohibited Mar. 27, 1931; lempira circulates as equivalent of half of U. S. dollar.
Hungary	Pengö	.2961	Exchange control established July 17, 1931.
India [British]	Rupee	.6180	Obligation to sell gold at legal monetary par suspended Sept. 21, 1931.
Indo-China	Piaster	-------	Piaster pegged to French franc at the rate of 1 piaster=10 French francs; conversion of notes into gold suspended Oct. 2, 1936.
Ireland	Pound	8.2397	Conversion of notes into gold suspended Sept. 21, 1931.
Italy	Lira	.0526	New gold content of 46.77 milligrams of fine gold per lira established by monetary law of Oct. 5, 1936.
Japan	Yen	.8440	Embargo on gold exports Dec. 13, 1931.
Latvia	Lat	-------	Currency pegged to sterling Sept. 28, 1936, at 2,522 lati=£100; on Sept. 13, 1939, a law was passed providing that if the pound sterling should depreciate by more than 5 percent with respect to the United States dollar, or the Swedish krona, the Bank of Latvia shall take steps to keep the rate of exchange of the lat stable by basing it on gold or some other monetary unit.
Liberia	Dollar	1.6931	British money is principal circulating medium.
Lithuania	Litas	.1693	Free export of gold suspended Oct. 1, 1935.
Mexico	Peso	-------	Decree of Aug. 28, 1936, left the monetary unit, the peso, to be later defined by law.
Netherlands and colonies.	Guilder (florin)	0.6806	Suspension of convertibility of notes into gold and restrictions placed on free gold exports—Sept. 26, 1936; gold export prohibition repealed by decree June 28, 1938; prohibition restored by Act of Nov. 25, 1938. The Anglo-Netherlands financial agreement of June 14, 1940, established the official rate of exchange between the Netherlands Indies guilder and the pound sterling at 7.60 guilders for £1 sterling. By act of September 20, 1940, the Netherlands Indies Volksraad decided, subject to later ratification by law, that the Java Bank shall fix the value of its stocks of gold coin and bullion at Fl. 2.121 per kilogram fine.
Newfoundland	Dollar	1.6931	Newfoundland and Canadian notes legal tender.
New Zealand	Pound	8.2397	Conversion of notes into gold suspended and export of gold restricted, Aug. 5, 1914; exchange regulations Dec. 1931.
Nicaragua	Cordoba	1.6933	Embargo on gold exports Nov. 13, 1931.
Norway	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Panama	Balboa	1.0000	U. S. money is principal circulating medium.
Paraguay	Peso (Argentine)	1.6335	Paraguayan paper currency is used; exchange control established June 28, 1932.
Persia (Iran)	Rial	.0824	Obligation to pay out gold deferred Mar. 13, 1932; exchange control established Mar. 1, 1936.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932.
Philippine Islands	Peso	.5000	By act approved Mar. 16, 1935.
Poland	Zloty	.1899	Exchange control established Apr. 27, 1936.
Portugal	Escudo	.0749	Gold exchange standard suspended Dec. 31, 1931.
Rumania	Leu	.0101	Exchange control established May 18, 1932.
Salvador	Colon	.8466	Conversion of notes into gold suspended Oct. 7, 1931.
Spain	Peseta	-------	
Straits Settlements	Dollar	.9613	British pound sterling and Straits dollar and half dollar legal tender.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Switzerland	Franc	-------	Order of Federal Council enacted Sept. 27, 1936, instructed the Swiss National Bank to maintain the gold parity of the franc at a value ranging between 190 and 215 milligrams of fine gold.
Thailand (Siam)	Baht (Tical)	.7491	Conversion of notes into gold suspended May 11, 1932.
Turkey	Piaster	.0744	100 piasters equal to the Turkish £; conversion of notes into gold suspended 1916; exchange control established Feb. 26, 1930.
Union of South Africa	Pound	8.2397	Conversion of notes into gold suspended Dec. 28, 1932.
Union of Soviet Republics.	Chervonetz	8.7123	
Uruguay	Peso	.6583	Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931. New gold content of .585018 gram of pure gold per peso established by monetary law of Jan. 12, 1938.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.
Yugoslavia	Dinar	.0298	Exchange control established Oct. 7, 1931.

(Sec. 25, 28 Stat. 552; sec. 403, 42 Stat. 17; sec. 522, 42 Stat. 974; sec. 522, 46 Stat. 739; 31 U.S.C. 372) October 1, 1942

[F. R. Doc. 42-9966; Filed, October 6, 1942; 11:50 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

PART 201—PROCEDURE FOR THE STIPULATION OF CONDITIONS IN GOVERNMENT PURCHASE CONTRACTS

RECORDS OF EMPLOYMENT

Amendment to regulations for administration of the Act of June 30, 1936, Public No. 846, 74th Congress.

By virtue of the authority vested in me by section 4 of the Act approved June 30, 1936, 49 Stat. 2036, 41 U.S.C., secs. 35–45, I hereby amend Article 501, Regulations No. 504, prescribed by the Secretary of Labor under Public Act No. 846, Seventy-fourth Congress (Series A), by substituting for the words "under 21 years of age" in item (b) the words "under 19 years of age" so that the article as amended will read as follows:

§ 201.501 *Records of employment.* Every contractor subject to the provisions of the act and these Regulations shall maintain the following records of employment which shall be available for the inspection and transcription of authorized representatives of the Secretary of Labor:

(a) Name, address, sex, and occupation of each employee covered by the contract stipulations.

(b) Date of birth of each such employee under 19 years of age.

(c) Wage and hour records for each such employee including the rate of wages and the amount paid each pay period, the hours worked each day and each week, and the period during which each such employee was engaged on a Government contract with the number of such contract. Compliance with this subsection shall be deemed complete if wage-and-hour records for all employees in the plant are maintained during the period between the award of any Government contract and the date of delivery of the materials, supplies, articles, or equipment: *Provided,* That where no separate records for employees engaged on Government contracts are maintained, it shall be presumed until affirmative proof is present to the contrary that all employees in the plant, from the date of award of any such contract until the date of delivery of the materials, supplies, articles or equipment, were engaged on such Government contract.

Such records shall be kept on file for at least 4 years from their last date of entry.

Dated: October 3, 1942.

[SEAL] FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-9959; Filed, October 6, 1942; 11:41 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter IV—National Youth Administration

[Administrative Order 21]

PART 404—REGIONAL ADMINISTRATIVE AND PROJECT SUPERVISORY EMPLOYEES

HOURS OF WORK AND EARNINGS

By virtue of and pursuant to the authority vested in the National Youth Administrator by the National Youth Administration Appropriation Act, 1943, approved July 2, 1942, the rules and regulations prescribed in Administrative Order No. 20 dated September 9, 1942,[1] relating to the employment, hours of work and earnings of regional administrative and project supervisory employees within the several Regional Youth Administrations of the National Youth Administration are hereby made effective at the beginning of pay roll periods on and after October 1, 1942. This effective date shall amend the effective date as prescribed in § 404.11 of Administrative Order No. 20.

[SEAL] AUBREY WILLIAMS,
National Youth Administrator.

Approved: September 15, 1942.

PAUL V. MCNUTT,
Federal Security Administrator.

[F. R. Doc. 42-9948; Filed, October 5, 1942; 4:54 p. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order 16, Supp. 4]

PART 303—CONTRACTS FOR CARRIAGE ON VESSELS OWNED OR CHARTERED BY THE WAR SHIPPING ADMINISTRATION[2]

INFORMATION CONCERNING CONTENTS OF BILLS OF LADING

§ 303.22 *Prohibiting transmission or revelation of contents of bills of lading to unauthorized persons.* The following clause will be conspicuously and prominently printed or stamped on all bills of lading issued on cargoes carried aboard vessels owned, chartered or in any way employed by or in the interest of the United States of America:

> This document contains information affecting the national defense of the United States within the meaning of the Espionage Act, 50 U. S. C., 31 and 32 as amended. Its transmission or the revelation of its contents in any manner to an unauthorized person is prohibited by law.

(E.O. 9054, 7 F. R. 837)

[SEAL] E. S. LAND,
Administrator.

OCTOBER 5, 1942.

[F. R. Doc. 42-9944; Filed, October 5, 1942; 4:27 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. D-15]

ACKERMAN COAL COMPANY, ET AL.

NOTICE OF HEARING, ETC.

Notice of and order for hearing; order revoking certain registrations; and order dismissing proceedings as to certain respondents.

In the matter of proceedings to determine if certain registered distributors are bona fide merchants actively, regularly and continuously engaged in the business of purchasing coal for resale and actually reselling it in not less than cargo or railroad carload lots within the meaning of § 304.13 of the rules and regulations for the registration of distributors; and for the revocation of the registration of distributors who are not so engaged.

The Bituminous Coal Division, on February 18, 1942, having issued, in the above-entitled matter, an Order to Show Cause why the Registration of the Registered Distributors named therein should not be revoked on the grounds that such registrants were not actively, regularly and continuously engaged in the business of purchasing coal for resale and reselling it in not less than cargo or railroad carload lots within the meaning of § 304.13 of the Rules and Regulations for the Registration of Distributors; and

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[1] 7 F.R. 7255.

[2] 7 F.R. 4304, 4386, 4930, 5246, 6566, 6014, 6017, 6557.

Said order having provided that the failure of any such named distributor to file an answer to said Order to Show Cause, as required by the order, may be deemed to be an admission that the person so failing to file is not actively, regularly and continuously engaged as a distributor, and an order revoking the registration of such person may be entered; and

Said order having further provided that if any answering respondent has failed to show cause, as therein provided, why his registration should not be revoked, such answering respondent would be afforded an opportunity to be heard and offer evidence in support of his answer; and

It appearing that each of the registered distributors whose names, addresses, and registration numbers are set forth in Exhibit A, attached hereto and made a part hereof, filed an answer to said Order to Show Cause, and made adequate showing therein that his or its registration should not be revoked upon the grounds stated in said order; and

It further appearing that each of the registered distributors, whose names, addresses and registration numbers are set forth in Exhibit B, attached hereto and made a part hereof, failed to file an answer to said Order to Show Cause; and

It further appearing that each of the registered distributors, whose names, addresses and registration numbers are set forth in Exhibit C, attached hereto and made a part hereof, although having filed an answer to said Order to Show Cause, failed to make adequate showing therein that he or it was actively, regularly and continuously engaged in the business of purchasing coal for resale and reselling it in not less than cargo or railroad carload lots, in that the distributor tonnage handled by him or it from October 1, 1940, or from the date of his or its registration (whichever date is later) to the date of the filing of such answer, was less than an average of one and one-half (1½) carloads per month; and

It further appearing that each of the registered distributors whose names, addresses and registration numbers are set forth in Exhibit D, attached hereto and made a part hereof, although having filed an answer to said Order to Show Cause, failed to disclose therein adequate information from which accurate tonnage data concerning his or its distributor transactions could be determined; and

It further appearing that certain distributors cited in said Order to Show Cause, but not listed in Exhibits A, B, C or D hereof, are no longer registered with the Division, except Shelby Coal Company, Inc., Registration No. 8321 and Shelby Coal Co. (W. K. Jenne), Registration No. 4797, with respect to whom action herein is deferred;

Now, therefore, it is ordered: 1. That these proceedings be, and they are hereby dismissed as to each registered distributor whose name, address and registration number is set forth on Exhibit A, attached hereto.

2. That the registration of each registered distributor whose name, address and registration number is set forth on Exhibit B, attached hereto, be and the same is hereby revoked.

3. That a hearing be held in the above-entitled matter on December 7, 1942, at 10:00 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section in the offices of the Division will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to each of the registered distributors whose names, addresses and registration numbers are set forth in Exhibits C and D, attached hereto, and to all other persons who may have an interest in the subject matter of this proceeding. Any person, including any registered distributor, listed in Exhibits C and D, desiring to be heard at said hearing shall file a notice to that effect with the Bituminous Coal Division, Washington, D. C., on or before November 27, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present. Failure of any such registered distributor to file such notice may be deemed by the Division as an admission that the registered distributor so failing to file such notice is not actively, regularly and continuously engaged as a distributor, and an appropriate order in the premises may be entered.

The matter concerned herewith is in regard to the eligibility of the registered distributors listed in Exhibits C and D, attached hereto, to retain their registration as distributors in accordance with § 304.13 of the Rules and Regulations for the Registration of Distributors; and in regard to the revocation of the registration of any of said registered distributors who are ineligible to retain their said registration, as provided in § 304.14 of the Rules and Regulations for the Registration of Distributors.

Dated: October 2, 1942.

[SEAL] **Dan H. Wheeler,**
Director.

EXHIBIT A

Registration No.	Name	Address
0045	Ackerman Coal Co. (Philip M. Ackerman)	1212 Elm St., Toledo, Ohio.
0188	Anderegg Coal Co. (Casper H. Anderegg)	9th & So. Ave, La Crosse, Wisconsin.
0194	Anderson, John	821 Seventh St., Rockford, Illinois.
0234	Apex Fuel Company (John S. Doermer)	2206 Broadway, Ft. Wayne, Ind.
0809	Atwater & Co., Inc., William C	150 So. Main St., Fall River, Massachusetts.
0345	B & S Coal & Stoker Company	315 Guthrie St., Louisville, Kentucky.
0392	Balcron Coal Co., Inc	103 Terminal Bldg., Rochester, New York.
0491	Basic Coal Company	1015 Chamber of Commerce Bldg., Cincinnati, Ohio.
0501	Bates Company, R. D	39 Cortlandt St., New York, N. Y.
0522	Baumann Coal Company	100 Main St., Racine, Wisconsin.
0546	Bean, Walter C	501 N. 4th St., Fairfield, Iowa.
0604	Bell Coal Company, The	300 Mt. Vernon Ave., Columbus, Ohio.
0619	Beloit Lumber Company	Beloit, Wisconsin.
0635	Bennett, Harry L	719 W. 4th St., Pueblo, Colo.
0705	Berks Products Corporation	726 Spring Street, Reading, Pa.
0806	Black Diamond Coal Mining Co	308 Comer Bldg., Birmingham, Alabama.
0978	Bowser Sales & Trading Corp	Sistersville, West Virginia.
1036	Brant Coal Co	Findley Road at N. P. Crossing, Fostoria, Ohio.
1186	Bryant, C. A	32 W. 13th Street, Chattanooga, Tennessee.
1203	Buckeye Coal & Coke Co	16 E. Broad St., Columbus, Ohio.
1246	Burdick Coal Co, Inc	116 Franklin Street, Watertown, New York.
5480	Cairo City Coal Co. (Albert J. Lee)	1914 Commercial Avenue, Cairo, Illinois.
1367	Calumet Coal Company	9540 Marquette Avenue, Chicago, Illinois.
1405	Cardinal Coal Sales Company	910 Kentucky Home Life Bldg., Louisville, Ky.
1468	Cary & Company, Inc	114 E. Gonzalez St., Pensacola, Florida.
1481	Cassler Coal Sales Agency	County National Bank Building, Clearfield, Pa.
1546	Chase Coal Supplies Co. (Philip M. Chase)	207 Williamson Bldg., Cleveland, Ohio.
1558	Cheeseman Co., Carl	225 N. McKean St., Butler, Pa.
1592	Cincinnati Builders Supply Company, The	209 E. Sixth St., Cincinnati, Ohio.
1596	City Material & Coal, Inc	8100 Bessemer Ave., Cleveland, Ohio.
1642	Cleveland Cliffs Coal Sales Co	59 S. Van Buren St., Chicago, Ill.

EXHIBIT A—Continued

Registration No.	Name	Address
1643	Cleveland Cliffs Dock Co., The	Duluth, Minnesota.
1668	Clyde Coal Co	5901 W. 28th St., Cicero, Ill.
1734	Collingwood and Seaman (Clint E. Lawrence)	41 Market St., Poughkeepsie, N. Y.
1763	Conco Building Products, Inc	Box 111, Mendota, Illinois.
1811	Consumers Company of Illinois	111 W. Washington St., Chicago, Ill.
2175	Dawson-Gruman Co., Inc	637 S. West St., Syracuse, N. Y.
2261	Derby Coal Company (N. M. Derby)	520 S. Main St., Burlington, Iowa.
2284	Detroit City Ice & Fuel Co	6247 Grand River Ave., Detroit, Michigan.
2326	Dicks Coal Mining Co. (L. T. Dicks)	Signal Mountain Blvd., North Chattanooga, Tenn.
2553	Duncanson, Fred	Winnebago, Minnesota.
2563	Dunn Coal Corp., John J	5100 Federal St., Chicago, Ill.
2568	Dunreath Coal Co	Box 68, Knoxville, Iowa.
2601	Eagle Boat Store Company	804 North Wharf, St. Louis, Mo.
2752	Empire Coal Company, Inc	721 Fleming Bldg., Des Moines, Iowa.
3114	Foster Coal Co. (B. C. Foster)	Dexter, New York.
3203	French Coal Company	Box 609, Bluefield, W. Va.
3225	Frick Coke Company, H. C	P. O. Box 326, Frick Bldg., Pittsburgh, Pa.
3262	Fuel Service Company	Jeddo, Pennsylvania.
3367	Gateway Coal Co	905 Metropolitan Life Bldg., Minneapolis, Minnesota.
3615	Gorman-Boston Fuel Corp	114 State St., Boston, Mass.
3624	Gosline & Co., Inc., W. A	1202 Lagrange St., Toledo, Ohio.
3712	Greenman Coal Co., Geo. H. (F. J. MacMakin)	513 Charlotte St., Utica, N. Y.
3737	Griffith-Consumers Company	1413 New York Ave. NW, Washington, D. C.
3883	Hall Corporation, George	502-504 Riverside Ave., Ogdensburg, N. Y.
4004	Harmon Creek Coal Sales	Providence, Kentucky.
4042	Hart Coal Corporation	Mortons Gap, Kentucky.
4106	Hawthorne Coal Company (George F. Franck)	3584 W. 67th St., Cleveland, Ohio.
4155	Hedstrom Coal Co., E. L	37 W. Van Buren St., Chicago, Ill.
4265	Herron Coal Company, J. L. (J. L. Herron)	2400 Beiman St., Nashville, Tenn.
4284	Hess Co., The A. & L	Beekman & Queen City Ave., Cincinnati, Ohio.
4355	Hinners Company, George R	1401 N. Magnolia Ave., Chicago, Ill.
4488	Hoosier Coal Sales Co. (Roy E. Price)	47 So. Pennsylvania St., Indianapolis, Ind.
4592	Hughes & Company, C. A	P. O. Box 28, Cresson Pa.
4672	Illinois Coal Co	807 Continental Bldg., St. Louis, Missouri.
4682	Independent Coal Company	618 S. Main St., Burlington, Iowa.
4693	Interstate Coal Company	311 Empire Building, Des Moines Moines, Iowa.
4696	Iowa Coals, Inc	720 Fleming Bldg., Des Moines, Iowa.
4718	Ivas Frana Fuel Co	401 2nd St., NE, Cedar Rapids, Iowa.
4834	Johns Coal Company	Winchester, Kentucky.
4842	Johnstown Coal & Coke Co., Inc	17 Battery Place, N. Y.
5013	Kemmerer Coal Co., The	Frontier, Wyoming.
5058	Keystone Coal Company	131 E. Kalamazoo Ave., Kalamazoo, Michigan.
5163	Kniffin, Leonard D	1012 Baltimore Ave., Kansas City, Mo.
5498	Lehigh Valley Coal Sales Co	90 West St., New York, N. Y.
5513	Leon Coal Sales, Lawrence (Lawrence Leon)	120 Liberty St., New York, N. Y.
5515	Leonard Warrick Coal Co. (L. F. Leonard)	24½ Genesee St., Auburn, N. Y.
5527	Leszezynski Fuel Co	2078 So. Fourth St., Milwaukee, Wis.
5552	Lewis Coal Company	332 Pleasant Street, New Lexington, Ohio.
5567	Lichtfus & Son, Herman (Richard T. Lichtfus)	438 N. River St., Janesville, Wis.
5615	Lion Coal Corporation	P. O. Box 27, Ogden, Utah.
5637	Little Jones Coal Co	310 S. Michigan Ave., Chicago, Ill.
5800	Maas Fuel Company, W. C	3105 W. Center St., Milwaukee, Wis.
5835	Macquown Fuels (W. C. Macquown)	304 Law Bulletin Bldg., Pittsburgh, Pennsylvania.
5855	Maguire Coal, Inc	1518 Hertel Ave., Buffalo, N. Y.
5878	Majors Coal Company (J. E. Majors)	120 Jefferson Blvd., Tarrant, Alabama.
6013	Mason-Heflin Coal Co., Inc	4th & Allegheny Ave., Philadelphia, Pennsylvania.
6134	McConnel Coal Company, F. D	Furniture Bldg., Evansville, Indiana.
6138	McConville Coal Company	Centerville, Iowa.
6225	McHose Company, H. H. (H. H. McHose)	524 Commonwealth Bldg., Allentown, Pennsylvania.
6402	Meyer Coal & Material Co., Inc	1155 Lee St., Des Plaines, Illinois.
6436	Midland Coal Company	510 Second Ave., Dallas, Texas.
6439	Midwest Fuel Company	1115 Security Trust Bldg., Indianapolis.
6462	Mills Coal & Mining Co. (J. M. Mills)	915 S. 23rd St., Ft. Smith, Arkansas.
6533	Monarch Coal Company	1538 Dime Bank Bldg., Detroit, Mich.
6537	Monmouth Coal Sales Co	Shrewsbury, New Jersey.
6564	Moore, J. M	1035-37 U. S. National Bank Bldg., Denver, Colorado
6655	Moye, Henry L	North George St., Goldsboro, N. C.
6824	New England Fuel Sales Co	25 Bellevue Ave., Springfield, Massachusetts.
6987	Old King Coal Company	Centerville, Iowa.
7035	Orgain Coal Co. (J. L. Orgain)	306 Monroe St., Huntsville, Ala.
7127	Panther Creek Mines, Inc	225½ S. 6th St., Springfield, Ill.
7166	Paschall & Sons, Inc., H. M	Holly Oak, Delaware.
7214	Peekskill Coal & Fuel Oil Co., Inc	Peekskill, New York.
7424	Powell Coal Yard, R. A	4th & Green Streets, Henderson, Ky.
7465	Pritchard Coal Company	1420 Kanawha Valley Bldg., Charleston, West Virginia.

EXHIBIT A—Continued

Registration No.	Name	Address
7501	Quality Coal Company (Robert Tooks)	2300 South Ave., La Crosse, Wis.
7502	Quality Coal Sales Company	10 S. La Salle St., Chicago, Ill.
7547	Ralph Coal Company	873 Western Ave., Toledo, Ohio.
7578	Raven Coal Co., The	16 E. Broad St., Columbus, Ohio.
7588	Raymond City Coal & Transportation Corp	3216 Carew Tower, Cincinnati, Ohio.
7694	Richardson Coal & Feed Co	Clarksville, Tennessee.
7763	Roberts Coal Company	Murfreesboro, Tennessee.
7885	Rout, R	N. Seneca St., Defiance, Ohio.
7935	Russell Coal Co., William E., The	318 Walnut St., Denver, Colorado.
7946	Rutter Coal Co	1246 Melrose St., Chicago, Illinois.
7972	St. John Coal Co., Inc., The	875 Spencer St., Toledo, Ohio.
8003	Sandel & Co., W. D	2739 No. Kildare Ave., Chicago, Ill.
8233	Shadyside Fuel Company (W. T. McGee)	713 Second National Bank Bldg., Uniontown, Pennsylvania.
8292	Shardon, Inc., Fred E	425 Park Ave., Lockport, N. Y.
8293	Sharp & Son, George A. (George A. Sharp)	100 S. Broadway, Decatur, Illinois.
8313	Shearn Coal Company (Clyde E. Pratt)	1005 Cotton Belt Bldg., St. Louis, Mo.
8348	Shippers Fuel Corporation	111 W. Washington St., Chicago, Ill.
8438	Sinton Transfer (Thomas F. Talbot)	523 Blondeau St., Keokuk, Iowa.
8467	Slattery Brothers, Inc	2222 Girard Trust Bldg., Philadelphia, Pa.
8489	Smith, J. C. & H. E. (Smith Coal Co.)	Independence, Iowa.
5414	Southwest Coal Sales (Thos. S. Laser)	1002 Foshay Tower, Minneapolis, Minn.
8764	Stone, R. M. (Stone Lumber Co.)	2400 E. Michigan Ave., Jackson, Mich.
8826	Suffolk Feed & Fuel Co., Inc	219 Saratoga St., Suffolk, Va.
8841	Sumption Heady Hunt Co	1501 N. Market St., Kokomo, Ind.
8905	Taggart Coal Sales Co., The	Massillon, Ohio.
8956	Ternes Bros	6132 Michigan Ave., Detroit, Mich.
9035	Tipton Coal Co., Inc	704 N. Walnut St., Brazil, Ind.
9056	Tomson, Bert S	1314 Brady St., Davenport, Iowa.
9155	Tway Coal Sales Co., R. C	Louisville, Ky.
9170	Union Collieries Company	Oakmont, Pa.
9209	Valley Mercantile Co	411 Professional Bldg., Elgin, Ill.
9380	Wall Coal Co	110 West St., Winson-Salem, N. C.
9404	Walton Coal Company	1506 S. Anthony Blvd., Fort Wayne, Ind.
9424	Ward & Company, E. A	17 Battery Place, New York, N. Y.
9445	Warren Corp., George E. (Mass.)	31 St. James Ave., Boston, Mass.
9454	Wasson Coal Company	Harrisburg, Illinois.
9488	Wax, David	400 S. Main St., Kenton, Ohio.
9568	Weller, Jr., W. H	944 Martin Bldg., Birmingham, Ala.
9675	Whiteley & Buckalew, Inc	19 Rector St., New York, N. Y.
9692	Wickens Coal Company (Way Wickens)	Dexter City, Ohio.
9878	Woolson, Kenneth H	Kinney Bldg., Newark, N. J.
9952	Young Coal Company, Inc	Third National Bank Bldg., Nashville, Tenn.
1215	Bueker Coal Company (Arnold J. Bueker)	Walnut Street and B. & O. R. R., Hamilton, Ohio.

EXHIBIT B

0017	ABC Fuel & Insulation Co., Inc	419 E. 18th, Marion, Ind.
0168	American Service Company	Opelika, Alabama.
0440	Barna, Robert G	15 Moore St., New York, N. Y.
0577	Beckwith Coal Co., Paul (Paul Beckwith)	P. O. Box 553, Melbourne, Fla.
0583	Bedford Coal Company (Jno. T. Ledbetter)	Box 82, Shelbyville, Tennessee.
0585	Beebe Lumber Co., Inc	Hampton, Iowa.
0595	Beja Company, H. N. (Mollie Beja)	15 Moore St., New York, N. Y.
0606	Bell, J. H	1417 Water Ave., Selma, Alabama.
0615	Belleville Fuels, Inc	Victoria Bldg., 407 N. 8th St., St. Louis, Mo.
0724	Berry Coal Co	116 W. Bragg St., Greensboro, N. C.
0733	Beswick Coal Co., C. A. (C. A. Beswick)	422 Allegheny St., Hollidaysburg, Pennsylvania.
0905	Bolin Coal Co., H. C	Box 311, Middleport, Ohio.
0965	Bower, O. B	920 - 13th St., Lorain, Ohio.
1151	Brown Fuel Co., R. W	178 Michigan Ave., Benton Harbor, Michigan.
1286	Burns Supply Company, Inc	365 W. Town St., Columbus, Ohio.
1345	Cachat Coal & Trucking Co. (Fred Cachat)	810 - 6th St., N. W., Canton, Ohio.
1373	Cambria-Lochrie Co., Inc	543 Vine St., Johnstown, Pa.
1417	Carley-Dayton Company, The	240 S. Warren St., Dayton, Ohio.
1554	Cheshire, John P	1478 Mars Ave., Lakewood, Ohio.
1594	Circus Coal Co., Inc	1008 Gates Ave., Brooklyn, N. Y.
1590	City Coal & Coke Co. (H. D. Platt)	Brooklyn Ave., Ft. Wayne, Indiana.
1799	Consolidated Terminal Corp	11th & E Sts., SW, Washington, D. C.
1876	Corey Scheffel Lumber Co., Inc	1433 S. Preston St., Louisville, Ky.
2260	DePrez Associates, Inc., John	601 S. Noble St., Shelbyville, Ind.
2561	Dunn Coal Co	Gallia & Broadway, Portsmouth, Ohio.
2596	Dyl Dock Corporation	2440 Union Guardian Bldg., Detroit, Michigan.
2616	Eastern Coal & Coke Co. (J. H. Rosen)	1033 Morgan Ave., North, Minneapolis, Minnesota.
2618	Eastman Coal Co	342 N. Oakley Blvd., Chicago, Ill.

EXHIBIT B—Continued

Registration No.	Name	Address
2637	Economy Coal & Trucking Co. (H. L. Goldman)	7113 Euclid Ave., Cleveland, Ohio.
2646	Edgemont Coal & Cement Co., The	1611 Germantown St., Dayton, Ohio.
2700	Elcomb Coal Sales Agency (H. K. Buttermore)	Box 151, Harlan, Kentucky.
2718	Elkhorn Mining Company, Inc	Pikeville, Kentucky.
2744	Elmira Coal Company	322 Penn Ave., Elmira, N. Y.
2766	Endress, Inc., William F	66 Foote Ave., Jamestown, N. Y.
2798	Erskine & Sons, Inc	300 Water St., Lowellville, Ohio.
2826	Evans Implement Co. (G. W. Evans)	302 Broadway, Grand River, Iowa.
2828	Evans, John G	Avery, Iowa.
2855	Fairlawn Supply & Coal Co., The	1855 W. Market St., Fairlawn, Ohio.
2905	Federal Lime & Stone Co., The	1515 Williamson Bldg., Cleveland, Ohio.
3054	Florida Coal Company	Coulterville, Illinois.
3315	Gallond Coal Co., W. A. (W. A. Gallond)	14 E. Jackson Blvd., Chicago, Illinois.
3408	George's Creek Coal Co., Inc	P. O. Box 88, Cumberland, Md.
3462	Giles Coal & Coke Co., B. F. (Mrs. W. Olene Giles)	419 Jefferson St., Huntsville, Ala.
3497	Gish Manufacturing Co. (Paul T. Gish)	Athens, Alabama.
3511	Glenn & Ramsey	1924 Avondale Ave., Charlotte, N. C.
3597	Goodwin, C. B. (Portland Coal & Supply Co.)	407 N. Meridan St., Portland, Ind.
3643	Graff, Alvin F	701 S. Broadway, New Philadelphia, Ohio.
3705	Greene-Hamm Coal & Supply, Inc	218-220 N. 5th St., Goshen, Indiana.
3777	Grove and Weber Company, The	Miamisburg, Ohio.
3719	Guarantee Fuel & Supply Co (August H. Bosch)	Bay Village, Ohio.
3794	Guinn, Jr., Bob	Savannah, Tennessee.
3927	Hamilton Fuel Company	Wynnefield & Bryn Mawr Aves., Philadelphia, Pa.
4007	Harmony Feed & Fuel Co. (Joel Wolsted)	Harmony, Minnesota.
4015	Harrigan Coal Co., Daniel (Alice J. Harrigan)	528 W. Kalamazoo Ave., Kalamazoo, Michigan.
4027	Harris, Ray H	816 South Meridian St., Jasonville, Ind.
4196	Hellriegal, Carl J	350 Union St., Hamburg, N. Y.
4314	Hi-Grade Fuel Company	2520 Falund St., Rockford, Illinois.
4382	Hoagland, Maurice F	1741 Grand Ave., Dayton, Ohio.
4555	Howell, Sarah Binion	Evergreen, Alabama.
4581	Hudson Fuel Company, The	5052 Glazier Ave., Cleveland, Ohio.
4582	Hudson Valley Coal & Coke Co	194 College St., Burlington, Vermont.
4638	Huntsville Transfer & Building Material Co. (J. B. Van Valkenburgh).	P. O. Box 567, Huntsville, Alabama.
4721	Jackson Coal Company (C. A. Sloan)	Jackson, Ohio.
4732	Jacobs, Charles D	Pikeville, Kentucky.
4756	James, Earl	Box 265, Parsons, Kansas.
4818	Jewel Coal & Mining Co	3740 E. 15th St., Kansas City, Mo.
4983	Keidel, G. E	1640 Clarence Avenue, Lakewood, Ohio.
5007	Kelley, John P	Philipsburg, Pennsylvania.
5026	Kenny, John F. (Buffalo & Freeport Coal Co.)	522 White Bldg., Buffalo, N. Y.
5093	Kinlaw Coal Co., Inc	Lumberton, N. C.
5273	Kristianson & Johnson Coal Co., Inc	Lanse, Pennsylvania.
5405	Larkins Co. (R. E. Larkins)	1515 East Ave., Erie, Pennsylvania.
5537	Levin, Harry	Columbia City, Indiana.
5564	Liberty Fuel & Ice Co	201 SE Third Ave., Portland, Oregon.
5677	Logsdon Fuel & Supply Corp	229 Shelby St., Indianapolis, Indiana.
5763	Lundale Coal Company	1106 St. Marys Ave., Ft. Wayne, Ind.
5864	Maher Co., M. A. (A. A. Maher)	121 N. Broadway, Greenville, Ohio.
6012	Mason Coal & Lumber Co., Inc	428 Wilkinson St., Frankfort, Ky.
6123	McClain, Charles L	RFD, Cochranville, Pennsylvania.
6183	McElwee, T. R	130th St. and S. Halsted, Blue Island, Ill.
6192	McGinnis, Ann	106 Venango St., Johnstown, Pa.
6448	Millard & Co., Inc., Frank	104 N. Main St., Burlington, Iowa.
6458	Miller, Geo. T	610 New Jersey Ave., Norfolk, Virginia.
6516	Mohr Brothers Hardware Co	Box 43, Flat Rock, Indiana.
6526	Mollema & Son Fuel Co., J. (John Mollema)	1541 Eastern Ave. SE, Grand Rapids, Michigan.
6549	Montour & Northwestern Coal Company, The	325 Union Bldg., Cleveland, Ohio.
6617	Morse-Crable Coal & Supply Co., The	1653 Doan Ave., East Cleveland, Ohio.
6738	Myers, Jr., Henry M	610 15th St., Beaver Falls, Pa.
6837	Newett Coal Co., E. L. (E. L. Newett)	761 N. Riley Ave., Indianapolis, Ind.
6859	Nichol Lumber Co., P. S. (P. S. Nichol)	St. Charles, Ill.
6900	North End Fuel Co	17 Leonard St. NE., Grand Rapids, Mich.
2005	Northern Coal Co. (E. C. Crowley)	2047 Seward Ave., Detroit, Michigan.
7012	O'Malley & Son Fuel & Supply Co., P	29 Castle St., Geneva, New York.
7137	Paris Fuel Company	Paris, Arkansas.
7215	Peerless Coal Company (Harper J. Guinn)	529 Commercial Trust Bldg., Philadelphia, Pa.
7219	Pen-Mar Co., Inc	324 Munsey Bldg., Baltimore, Md.
7283	Pfaelzer Coal Company	309 W. Jackson Blvd., Chicago, Ill.
7363	Pledge, E. G	Clarksville, Missouri.
7400	Portage Fuel Co	1006 U. S. Nat'l Bank Bldg., Johnstown, Pa.
7539	Raiford Coal Company (R. C. Raiford)	1007 S. Railroad St., Phenix City, Alabama.
7585	Ray Coal Co., Inc	2410 E. 72nd, Cleveland, Ohio.
7661	Reppert Coal Company	Flemington, W. Va.
7713	Ridge Mining Company	Dysart, Pennsylvania.
7806	Rogers, Paul T	733 Chestnut St., Latrobe, Pa.
7808	Rogers, William J	Elm St., Middlebury, Vermont.
7845	Rosenberg & Forbes Co., Inc	Watervliet, Michigan.
7937	Russell Coal Sales Co	115 Butternut Ave., Pomeroy, Ohio.
7970	St. Clair Coal & Supply Co	20300 St. Clair Ave., Cleveland, Ohio.
7983	Sale Coal Co., B. W. (B. W. Sale)	414 Opera House Bldg., Terre Haute, Ind.
8025	Sargent, Merritt W	206 Harrison Ave., Westfield, N. J.
8225	Sears Coal & Coke Co. (John P. Sears)	905 W. Grand Ave., Decatur, Ill.
8297	Shavers Mountain Coal Co	Elkins, W. Va.
8305	Shaw Wholesale Coal Co., J. (Jacob Shaw)	619 E. 19th St., Kansas City, Mo.
8488	Smith Coal & Oil Co., S	69 Johnstown Ave., Kearney, N. J.
8639	Standard Fuel Company	2219 Highland Drive, Salt Lake City, Utah.
9008	Thorsen Lumber Co. (Robert V. Thorsen)	256 Main St., Batavia, Illinois.
9109	Trimble Coal Co. (Charles Trimble)	164 Ft. Wayne Ave., Richmond, Indiana.
9110	Trinkwalder & Sons, F	146 Ironton St., N., Tonawanda, N. Y.
9216	Van Thiel, Walter C	Bull Creek Road, RFD #2, Tarentum, Pa.
9213	Vance Coal Company (J. H. Johnston)	Box C, Wampum, Pa.
9289	Virginia Coal Company	Broadway & C&O RR, Muncie, Indiana.
9371	Walker & Bro., W. D	Bigler, Pennsylvania.
9440	Warren & Davis Coal Co. (Ralph D. Warren & Jno. M. Davis).	1510 Bellevue Ave., Syracuse, N. Y.
9572	Wells Coal Co., Inc., Geo. N	Mt. Ranier, Maryland.
9661	White, D. L	4602 Baring Ave., East Chicago, Ind.
9668	White Wood & Coal Yard (R. L. DuVal)	Kinston, N. C.
9962	Zane Brokerage Company (Joseph Tanous)	2108 Norwood Blvd., Zanesville, Ohio.
9966	Zarlengo, Charles	720 Majestic Bldg., Denver, Colorado.
9973	Zentmeyer Coal Co., Inc	Box 506, Martinsville, Virginia.
9995	Zone Coal & Supply Co., The	9305 Woodland Ave., Cleveland, Ohio.
6368	Mercury Coal Company (C. J. Connell)	1528 Waterloo Road, Cedar Falls, Iowa.
6423	Michael Coal Co. (Generous Michael)	1270 Washington Ave., Frankfort, Indiana.

EXHIBIT C

Registration No.	Name	Address
0162	American Coal Co. (Rina M. Dell)	2301 Beal Ave., Lansing, Mich.
0366	Bagley Coal Sales (Ernest V. Bagley)	118 N. Walnut St., Van Wert, Ohio.
0464	Barrow Coal & Contract Co. (C. A. Rogers)	Owensboro, Kentucky.
0617	Bellingham Coal Mines	Bellingham, Washington.
0794	Bishop Co., John W	Exchange Place, Martinsburg, W. Va.
0803	Black Creek Coal & Mining Co., Inc	1350 So. 15th St., Louisville, Ky.
0907	Bolly & Son, S. E	Charlestown, Indiana.
0973	Bowling Coal Co., The O. M. (Owen M. Bowling)	788 Adair Ave., N. E., Atlanta, Ga.
1082	Brickey, J. B	Woolridge, Tennessee.
1143	Brothers Co., Inc., Reginald E	147 E. Washington St., Suffolk, Va.
1394	Capital City Coal Co., The	332 W. Broad Street, Columbus, Ohio.
1412	Carland Coal Company (Frank C. Carland)	37 W. Van Buren St., Chicago, Ill.
1472	Cash Coal Company (Paul Vinson)	512 N. John St., Goldsboro, N. C.
1562	Chicago Waterways Fuel Co	1110 W. Division St., Chicago, Ill.
1680	Coche, J. A	Box 387, Central City, Ky.
1776	Conley Coal Co., B. F. (B. F. Conley)	Newton, Illinois.
1800	Consolidated Fuel Co. (Robt. W. McGinnis)	No. 845 Nye Ave., Fremont, Nebr.
1816	Consumers Coal Co. (M. P. Matson)	603 S. Center St., Marshalltown, Iowa.
1813	Consumers Ice & Coal Storage Co	Andalusia, Alabama.
2134	Darnell Coal Co. (W. L. Darnell)	Wellman, Iowa.
2375	Dixie Coal Sales Co	Corning, Ohio.
2838	Ewell Fuel Company (Frank David Ewell, Jr)	200 E. Vickery, Ft. Worth, Texas.
3476	Gillmore & Co., Fred'k	American National Bank Bldg., Pensacola, Florida.
3595	Goodwin & Son, J. H. (Eva M. Goodwin)	West Coxsackie, N. Y.
3723	Gregory Coal, Coke & Lime Co., (Geo. Gregory)	Marshalltown, Iowa.
3808	Gunn-Quealy Coal Co	Quealy, Wyoming.
3867	Haines Coal Co	85 S. Washington Ave., Battle Creek, Michigan.
3939	Hampton Fuel Company	3525 W. Division St., Chicago, Ill.
4312	Highland Lumber & Fuel Co	602 18th St., Rockford, Ill.
4336	Hill, J. B	Orient, Ohio.
4435	Holbrook Coal Company (Joseph F. Piechocki)	2931 E. McNichols Road, Detroit, Mich.
4924	Kane, Thomas Joseph	1815 45 N. Ashland Avenue, Chicago, Illinois.
5036	Kentucky Straight Creek Coal Co., Inc	Four Mile, Kentucky.
5284	Krudop, Geo. H	1431 Francis St., Ft. Wayne, Ind.
5326	Lackey Coal Co. (Vaden Lackey)	Green Hills Drive, Nashville, Tenn.
5991	Martin Coal & Supply, Inc	1817 E. Wayne St., Ft. Wayne, Ind.
6070	Maxin & Starin (John S. Maxson)	Grove & Fulton Sts., Homer, N. Y.
6393	Metropolitan Coal & Oil Co., Inc	945 N. Davidson St., Indianapolis, Indiana.
6658	Moynihan, James H	Fenimore Road, So., Glens Falls, N. Y.
6883	Norfolk Coal & Oil Co., Inc	545 Front St., Norfolk, Virginia.
7078	Overland Coal Mining Co. (O. Y. Warren)	156 W. 230th St., New York, N. Y.
7090	PV & K Coal Company, The	Box 412, Monongahela, Pa.
7095	Packaged Fuel Co., Inc	P. O. Box 292, Charlottesville, Va.
7183	Paul Coal Company (Fred H. Paul)	501 W. Barner St., Frankfort, Ind.
7226	Pennridge Coal Co., Inc	15 Moore St., New York, N. Y.

EXHIBIT C—Continued

Registration No.	Name	Address
7229	Penwell Coal Mining Co	4th & Chestnut Sts., Pana, Ill.
7369	Plumer, Harold R	Batavia, Illinois.
3597	Portland Coal & Supply Co. (C. B. Goodwin)	407 N. Meridan St., Portland, Ind.
7492	Pure Coal Co., Inc	311 Berkley Place, Lawrence, N. Y.
7549	Ramsey Coal Company	1034 S. Cedar St., Lansing, Michigan.
7653	Reliable Coal Co., Inc., The	2302 Riedmiller Ave., Ft. Wayne, Ind.
7823	Romesberg, Norman	Martinsburg, W. Va.
8013	Sanford & Zartman Lumber Co	Freeport, Illinois.
8269	Serv-Ice Company, Inc	309 Spring St., Jeffersonville, Ind.
8396	Silk, John D	2133 Sinton Ave., Cincinnati, Ohio.
8452	Skidmore Coal Company (Stanley L. Skidmore)	52 Capital Ave. SW., Battle Creek, Michigan.
8492	Smith, Edwin Merrill	601 Hubbard Apts., 8905 Jefferson E., Detroit, Mich.
8624	Stahl, Charles W	617 Electric Ave., Lewistown, Pa.
8637	Standard Fuel Co., The	16 E. Broad St., Columbus, Ohio.
8784	Strasheim Fuel Co., Geo. (Geo. Strasheim)	505 F St., Lincoln, Nebr.
8940	Teagan Coal Co. (Bradley M. Masaitis)	8020 Joy Road, Detroit, Michigan.
8957	Terra Coal Co	519 New Center Bldg., Detroit, Mich.
9277	Victor-American Fuel Co., The	319-327 Ernest & Cranmer Bldg., Denver, Colorado.
9394	Walsenburg Colorado Coal Co., The	Mining Exchange Bldg., Walsenburg, Colorado.
9607	West Virginia Fuel & Iron Co	604 Wheeling Bank & Trust Bldg., Wheeling, W. Va.
9600	Wiegandt, Ralph M. (West Side Fuel Co.)	1000 S. Pine St., Lansing, Mich.
9707	Wiesner, Fred A	1125 Ave. H, Ft. Madison, Iowa.
9775	Wilson Coal Co	814 E. Main St., Marshalltown, Iowa.
9977	Zero Ice Company	60 Michigan St., Joliet, Illinois.

EXHIBIT D

Registration No.	Name	Address
0077	Agee, George	223 E. Third St., Winston-Salem, N. C.
0096	Alaska Coal Company (I. L. Bronstein)	1708 S. Harrison Street, Fort Wayne, Indiana.
0192	Anderson Coal Company	Montgomery, Alabama.
1428	Carolina Coal & Ice Corp	80 Patton Ave., Asheville, N. C.
2915	Fellenz Coal & Dock Company	N. Broadway & E. State St., Milwaukee, Wisconsin.
4541	Howard Coal & Coke Co., Inc	Sixth & Second Avenue, Brooklyn, N. Y.
5349	Lake, Otis F	209 Concord St., Dayton, Ohio.
5353	Lamb Coal Company	678 S. Crest Road, Chattanooga, Tennessee.

[F. R. Doc. 42-9908; Filed, October 5, 1942; 11:10 a. m.]

[General Docket No. 21]

DETERMINATION OF EXTENT OF CHANGE OF COSTS OF MINIMUM PRICE AREAS

ORDER AND OPINION ON QUESTIONS OF LAW AND POLICY

Correction

In the fourth paragraph of the order appearing on page 7859 of the issue for October 3, 1942, the dates "August 26" should be "August 28".

CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS MONDAY, SEPTEMBER 30, 1942

Important: The apportioned classified Civil Service includes central offices physically located in Washington, D. C., or elsewhere. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his state of original residence. Certifications of eligibles are first made from states which are in arrears. The apportionment is observed in certifications except to low salaried positions; but as persons who receive appointments in the Departmental Service under the War Service Regulations do not thereby acquire a permanent classified civil service status, their appointments are not charged to the apportionment.

IN ARREARS

State	Number of positions to which entitled	Number of positions occupied
1. Virgin Islands	21	0
2. Puerto Rico	1,582	57
3. Hawaii	358	27
4. Alaska	61	14
5. California	5,846	1,764
6. Michigan	4,448	1,744
7. Louisiana	2,001	821
8. Arizona	423	213
9. Texas	5,429	2,915
10. Kentucky	2,408	1,347
11. Georgia	2,644	1,499
12. Alabama	2,398	1,370
13. Ohio	5,846	3,521
14. South Carolina	1,608	999
15. Mississippi	1,848	1,173
16. Arkansas	1,650	1,116
17. Nevada	93	66
18. Indiana	2,901	2,080
19. New Jersey	3,521	2,557
20. North Carolina	3,023	2,271
21. Oregon	922	700
22. Illinois	6,684	5,235
23. Washington	1,469	1,163
24. Tennessee	2,468	1,997
25. New Mexico	450	365
26. Connecticut	1,447	1,199
27. Wisconsin	2,655	2,201
28. Idaho	444	375
29. Florida	1,606	1,368
30. Delaware	226	199
31. Rhode Island	604	563
32. Missouri	3,203	3,135

IN EXCESS

State	Number of positions to which entitled	Number of positions occupied
33. Utah	466	467
34. Vermont	304	310
35. Pennsylvania	8,379	8,718
36. Massachusetts	3,653	3,851
37. New Hampshire	416	443
38. West Virginia	1,610	1,740
39. Maine	717	790
40. Oklahoma	1,977	2,422
41. Iowa	2,148	2,710
42. Colorado	951	1,214
43. Montana	474	617
44. Minnesota	2,363	3,097
45. Wyoming	212	286
46. New York	11,408	15,557
47. North Dakota	543	796
48. Kansas	1,524	2,254
49. Virginia	2,266	3,972
50. South Dakota	544	999
51. Nebraska	1,114	2,210
52. Maryland	1,541	4,417
53. District of Columbia	561	12,534

Gains, 1,559; losses, 1,211; total appointments, 113,458.

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 23,339.

By direction of the Commission.

[SEAL]

L. A. MOYER,
Executive Director and Chief Examiner.

[F. R. Doc. 42-9947; Filed, October 5, 1942; 4:46 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 1 Under § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs]

NORTH BEND TIMBER CO., ET AL.

OVERTIME ADDITIONS

Pursuant to the provisions of § 1381.160 (e) of Maximum Price Regulation 161, West Coast Logs, the following persons have filed with the Office of Price Administration, Washington, D. C., a certified statement that said persons regularly maintain the following hours per week in all of their logging operations. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with § 1381.160 (e) of Maximum Price Regulation 161, *It is hereby ordered:*

(a) The following persons being on a 48-hour week may add to the maximum prices of all logs produced by them $1.00 per 1,000 ft., log scale:

North Bend Timber Company, North Bend, Washington.

Aloha Lumber Company, Aloha, Washington.

Simpson Logging Company, Shelton, Washington.

Consolidated Timber Company, Glenwood, Oregon.

Wm. A. Moore Logging Company, Bellingham, Washington.

Warnick Lumber Company, Bellingham, Washington.

Scott A. Layman, Baldi, Washington.

The Long-Bell Lumber Company, Longview, Washington.

L. J. Esses Logging Company, Montesano, Washington.

Weyerhaeuser Timber Company (Clemons Branch), Montesano, Washington.

Kosmos Timber Company, Seattle, Washington.

Carlisle Lumber Company, Onalaska, Washington.

(b) The following persons being on a 54-hour week may add to the maximum prices of all logs produced by them $1.50 per 1,000 ft., log scale:

Morgan Logging Company, Forks, Washington.

Roaring River Logging Company, Portland, Oregon.

Knappa Logging Company, Portland, Oregon.

Woodland Logging Company, Ariel, Washington.

Stone Logging and Contracting Co., Inc., Tillamook, Oregon.

(c) The additions to maximum prices specified in paragraphs (a) and (b) hereof may be made subject to the condition that the persons named comply with all provisions of § 1381.160 (e) (2) of Maximum Price Regulation 161.

(d) This Order No. 1 may be revoked or amended by the Price Administrator at any time by similar publication in the Federal Register for change of status of any of the persons named herein as an overtime company.

(e) This Order No. 1 to Maximum Price Regulation 161 shall become effective this 6th day of October 1942.

Issued this 5th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9935; Filed, October 5, 1942; 3:28 p. m.]

[Order 2 Under § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs]

CRESCENT LOGGING CO. ET AL.

OVERTIME ADDITIONS

Pursuant to the provisions of § 1381.160 (e) of Maximum Price Regulation 161, West Coast Logs, the following persons have filed with the Office of Price Administration, Washington, D. C., a certified statement that said persons regularly maintain the following hours per week in all of their logging operations. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with § 1381.160 (e) of Maximum Price Regulation 161, *It is hereby ordered:*

(a) The following persons being on a 48-hour week may add to the maximum prices of all logs produced by them $1.00 per 1,000 ft., log scale:

Crescent Logging Company, Port Angeles, Washington.

Ozette Timber Company, Beaver, Washington.

The Sound Timber Company, Seattle, Washington.

Saginaw Logging Company, Aberdeen, Washington.

Standard Logging Company, Longview, Washington.

Western Logging Company, Portland, Oregon.

Snow Peak Logging Company, Dallas, Oregon.

Byerly Logging Company, Portland, Oregon.

Ostrander Railway and Timber Co., Portland, Oregon.

Deep River Timber Company, Portland, Oregon.

Merrill & Ring Lumber Company, Seattle, Washington.

Selective Logging Company, Rockport, Washington.

Lyman Timber Company, Everett, Washington.

Monroe Logging Company, Everett, Washington.

M. B. Logging Co., Markham, Washington.

(b) The following persons being on a 54-hour week may add to the maximum prices of all logs produced by them $1.50 per 1,000 ft., log scale:

Chas. K. Spaulding Logging Company, Portland, Oregon.

(c) The additions to maximum prices specified in paragraphs (a) and (b) hereof may be made subject to the condition that the persons named comply with all provisions of § 1381.160 (e) (2) of Maximum Price Regulation 161.

(d) This Order No. 2 may be revoked or amended by the Price Administrator at any time by similar publication in the Federal Register for change of status of any of the persons named herein as an overtime company.

(e) This Order No. 2 to Maximum Price Regulation 161 shall become effective this 6th day of October 1942.

Issued this 5th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9939; Filed, October 5, 1942; 3:31 p. m.]

[Order 3 Under § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs]

ST. PAUL AND TACOMA LUMBER CO., ET AL.

OVERTIME ADDITIONS

Pursuant to the provisions of § 1381.160 (e) of Maximum Price Regulation 161, West Coast Logs, the following persons have filed with the Office of Price Administration, Washington, D. C., a certified statement that said persons regularly maintain the following hours per week in all of their logging operations. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with § 1381.160 (e) of Maximum Price Regulation 161, *It is hereby ordered:*

(a) The following persons being on a 48-hour week may add to the maximum prices of all logs produced by them $1.00 per 1,000 ft., log scale:

St. Paul & Tacoma Lumber Company, Tacoma, Washington.

McDowell Creek Logging Co., Portland, Oregon.

Buck Mountain Logging Company, Enright, Oregon.

Hammond Lumber Company, Portland, Oregon.

Taylor Bros., Castle Rock, Washington.

English Lumber Company, Seattle, Washington.

Knappton Logging Co., Knappton, Washington.

W. E. Bushnell, Shelton, Washington.

Werner Timber Company, Taft, Oregon.

Ozette Railway Company, Hoquiam, Washington.

Polson Logging Company, Hoquiam, Washington.

The Clark and Wilson Lumber Company, Portland, Oregon.

Crescent Logging Company, Port Angeles, Washington.

A. H. Brandis, Trustee, Loggers, Nehalem, Oregon.

Bonneville Logging Co., Seattle, Washington.

(b) The following person being on a 54-hour week may add to the maximum prices of all logs produced by it $1.50 per 1,000 ft., log scale:

Yelton & McLaughlin, Bellingham, Washington.

(c) The following person being on a 60-hour week may add to the maximum prices of all logs produced by it $2.00 per 1,000 ft., log scale:

West Fork Logging Company, Tacoma, Washington.

(d) The additions to maximum prices specified in paragraphs (a), (b) and (c) hereof may be made subject to the condition that the persons named comply with all provisions of § 1381.160 (e) (2) of Maximum Price Regulation 161.

(e) This Order No. 3 may be revoked or amended by the Price Administrator at any time by similar publication in the Federal Register for change of status of any of the persons named herein as an overtime company.

(f) This Order No. 3 to Maximum Price Regulation 161 shall become effective this 6th day of October 1942.

Issued this 5th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9934; Filed, October 5, 1942; 3:28 p. m.]

[Order 58 Under Maximum Price Regulation 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket 3120-129]

PANTHER CREEK MINES, INC.

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, *It is ordered:*

(a) Panther Creek Mines, Inc., Springfield, Illinois, may sell and deliver, and any person may buy and receive the bituminous coal described in paragraph (b) at prices not in excess of the respective prices stated therein;

(b) Coals in the following size groups produced at Mine Nos. 4 and 5 (Mine Index Nos. 130 and 131, respectively) of Panther Creek Mines, Inc., District No. 10, may be sold for shipment by the enumerated methods at prices not in excess of the following respective amounts per net ton, f. o. b. the mine:

RAIL SHIPMENTS

Size group 14	$2.00

TRUCK SHIPMENTS

Size group 1	$3.30
Size group 3	3.20
Size group 5	3.00
Size group 6	3.00
Size group 10	2.75
Size group 11	2.75
Size group 12	2.75
Size group 14	2.05

(c) This Order No. 58 may be revoked or amended by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein;

(e) This Order No. 58 shall become effective October 5, 1942.

Issued this 5th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9936; Filed, October 5, 1942; 3:29 p. m.]

[Order 59 Under Maximum Price Regulation 120—Bituminous Coal Delivered from Mine or Preparation Plant Docket 3120-126]

PEABODY COAL COMPANY

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, *It is ordered:*

(a) The Peabody Coal Company, Chicago, Illinois, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not in excess of the respective prices stated therein.

(b) Coals in the following size groups produced at the Woodside No. 53 Mine (Mine Index No. 190) of the Peabody Coal Company, District No. 10, may be sold for shipment by the enumerated methods at prices not in excess of the following respective amounts per net ton, f. o. b. the mine:

RAIL SHIPMENT

Size Group 14	$2.00

TRUCK SHIPMENT

Size Group 1	$3.00
Size Group 3	3.20
Size Group 6	3.00
Size Group 10	2.75
Size Group 11	2.75
Size Group 12	2.75
Size Group 14	2.05

(c) This Order No. 59 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(e) This Order No. 59 shall become effective October 5, 1942.

Issued this 5th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9937; Filed, October 5, 1942; 3:30 p. m.]

[Order 60 Under Maximum Price Regulation 120—Bituminous Coal Delivered from Mine or Preparation Plant Docket No. 3120-123]

MINE "B" COAL COMPANY

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, *It is ordered:*

(a) Mine "B" Coal Company, Springfield, Illinois, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not in excess of the respective prices therein.

(b) Coals in the following size groups produced at Mines "A" and "B" (Mine Index Nos. 28 and 97, respectively) of the Mine "B" Coal Company, District No. 10, may be sold for shipment by the enumerated methods at prices not in excess of the following respective amounts per net ton, f. o. b. the mine:

RAIL SHIPMENTS

Size Group 14	$2.00

TRUCK SHIPMENTS

Size Group 1	$3.30
Size Group 3	3.20
Size Group 5	3.00
Size Group 6	3.00
Size Group 8	2.75
Size Group 10	2.75
Size Group 11	2.75
Size Group 12	2.75
Size Group 14	2.05

(c) This Order No. 60 may be revoked or amended by the Price Administrator at any time

(d) All prayers of the petitioner not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(f) This Order No. 60 shall become effective October 5, 1942.

Issued this 5th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9938; Filed, October 5, 1942; 3:30 p. m.]

OCT 9 1942

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 7 NUMBER 198

Washington, Thursday, October 8, 1942

Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 15—REGULATIONS FOR CORRESPONDENTS, TECHNICAL OBSERVERS AND SERVICE SPECIALISTS ACCOMPANYING U. S. ARMY FORCES IN THE FIELD[1]

TECHNICAL OBSERVERS AND SERVICE SPECIALISTS

Sections 15.31 to 15.44, inclusive, are hereby added as follows:

Sec.
15.31 General.
15.32 Definition.
15.33 Status of technical observers.
15.34 Privileges.
15.35 Application.
15.36 Number of observers.
15.37 Agreement.
15.38 Credentials.
15.39 Uniform.
15.40 Transportation.
15.41 Reporting upon arrival.
15.42 Reports.
15.43 Relief from appointment.
15.44 Discipline.

AUTHORITY: §§ 15.31 to 15.44, inclusive, issued under R.S. 161; sec. 1, 41 Stat. 787; 5 U.S.C. 22; 10 U.S.C. 1473.

§ 15.31 *General.* From time to time technical personnel employed by firms engaged in manufacturing munitions of war may be assigned to field forces of the Army during maneuvers or in actual combat for the purpose of observing the operation of mechanical equipment and armament under field conditions. The function of this technical personnel will be to determine the effect of field operations and conditions on equipment manufactured by their firms with a view to overcoming difficulties encountered both in the field and at the factories. [Par. 1]

§ 15.32 *Definition.* The term "technical observer" as used in this manual includes any person officially accredited as such by the War Department to a theater of operations or a base command within or without the territorial limits of the United States in time of war, for the purpose of observing and reporting upon the operation of mechanical equipment and armament under field conditions and/or assisting in the maintenance and repair of such equipment. [Par. 2]

§ 15.33 *Status of technical observers.* (a) Technical observers in time of war accompanying the armies of the United States, both within and without the territorial jurisdiction of the United States, although not in the military service, are subject to military law and are under the control of the commander of the Army force which they accompany.

(b) They are not entitled to the benefits provided by laws enacted exclusively for persons in the military service but they are subject to the provisions of the Selective Training and Service Act of 1940, as amended, and regulations prescribed thereunder.

(c) In the event of capture by enemy forces, they are entitled to be treated as prisoners of war provided they are in possession of a certificate from the military authorities of the armed forces which they are accompanying. They will be cautioned that by the international rules of warfare they are required to give only their name and Army status, and that they will under no circumstances furnish the enemy with information of military value. (Geneva Conference, July 27, 1929, Title VII, Art. 81.)

(d) Technical observers will not exercise command, be placed in the position of authority over military personnel, nor will they be armed. They are under the same restrictions as military personnel as regards the settlement of accounts, compliance with standing orders, and the conducting of themselves with dignity and decorum.

(e) A technical observer becomes subject to military law from the time at which he commences to accompany troops or personnel who are on active service. This will generally be upon his arrival at the field force to which he is accredited but may commence earlier if

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(Continued on next page)

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[1] The regulations in §§ 15.31 to 15.44, inclusive, are also contained in Basic Field Manual No. 30-27, W.D., dated September 3, 1942, the particular paragraphs being shown in brackets at end of sections.

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Telephone information: DIstrict 0525.

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he travels to the field force via Government transportation. [Par. 3]

§ 15.34 *Privileges.* (a) Technical observers will be given the same privileges as commissioned officers in the matter of accommodations, transportation, and messing facilities. All courtesies extended them in such matter must be without expense to the Government.

(b) Every reasonable facility and all possible assistance will be given technical observers to permit them to perform their duties efficiently and intelligently, within the limits dictated by military necessities.

(c) So far as the exigencies of the service permit, technical observers will receive without charge the same medical treatment as that afforded officers.

(d) Technical observers are free to converse with troops and examine equipment in connection with their duties subject to the approval of the officer present with the troops in question. They will be required, however, to refrain from conversing with troops on guard, or from discussing subjects or soliciting answers to matters which are clearly secret and not connected with their particular duties.

(e) Under no circumstances will a technical observer assist a war correspondent. [Par. 4]

§ 15.35 *Application.* (a) Application to accompany U. S. Army forces in the field will be submitted by the firm employing the technical observer to the Commanding General, Services of Supply, Washington, D. C.

(b) The application will state the name and address of the individual; citizenship and place and date of birth; general health condition; the particular force it is desired he accompany; and any other pertinent information which will assist in the consideration of his application. [Par. 5]

§ 15.36 *Number of observers.* The Commanding General, Services of Supply, will control and coordinate with field force commanders the number of technical observers which are to be accredited to a field force. This number will be held to an absolute minimum. [Par. 6]

§ 15.37 *Agreement.* Before final acceptance, a technical observer will be required to sign an agreement in triplicate as follows:

WAR DEPARTMENT

HEADQUARTERS, SERVICES OF SUPPLY

WASHINGTON

(Date)

Agreement

In connection with authority granted by the War Department to me, the undersigned, to accompany the United States Army forces in the field as a technical observer, I subscribe to the following conditions:

1. That, as a civilian accredited to the Army of the United States within or without the territorial limits of the United States, I am subject to the Articles of War and all regulations for the government of the Army issued pursuant to law.

2. That I will govern my movements and actions in accordance with the instructions of the War Department and the commanding officer of the field force to which I am accredited. I understand that official reports are to be transmitted through such commanding officer, and that my personal and official correspondence is subject to the general censorship rules prevailing within the command.

3. That I waive all claims against the United States for losses, damages, or injuries which may be suffered as a result of this authority.

4. That this authority is subject to revocatio nat any time.

5. That, upon termination or revocation of this authority, I will surrender my credentials to the Commanding General, Services of Supply, or to his authorized representative, and will cease wearing the prescribed uniform.

Signed--------------------
Representing--------------------
(Firm)

(Address)
Witnessing officer--------------------

This form will be executed in triplicate.

§ 15.38 *Credentials.* (a) When an application for appointment as a technical observer is approved, the applicant will be furnished credentials and a technical observers' identification card by the Commanding General, Services of Supply. The card identifies him as an accredited technical observer.

(b) Technical observers will produce their identification cards whenever called for by any officer, warrant officer, or enlisted man in the execution of his duty. Failure to do so will subject the technical observer to arrest or detention.

(c) In addition to the War Department credentials, the particular field force commander may issue a pass or credentials with regulations covering their use. [Par. 8]

§ 15.39 *Uniform.* (a) The proper uniform for accredited technical observers is that of an officer, but less all insignia of grade or arm or service and without officers' piping, hat cords, or insignia on headgear.

(b) The uniform includes the wearing of the official brassard on the left arm which will be furnished by the War Department. The brassard is an orange cloth band, 4 inches wide, with black letters "TO," 1¼ inches in height.

(c) Articles of special clothing and equipment which are issued to officers and enlisted men in cold climates may be issued to technical observers. These articles must be turned in prior to departure from the theater of operations or base command.

(d) Accredited technical observers will not wear civilian clothing while serving with the field force. [Par. 9]

§ 15.40 *Transportation.* Government transportation for themselves and their baggage may be furnished accredited technical observers whenever such transportation is essential to the accomplishment of their mission and the military situation permits. Weight of baggage will be within the limits prescribed by the commander concerned. [Par. 10]

§ 15.41 *Reporting upon arrival.* Upon arrival in the theater of operations or base command to which accredited, technical observers will report to the commanding officer or his representative, presenting their credentials. All technical observers are officially attached to the headquarters of the field force commander who may arrange for their assignment to posts of duty within the command from which the observer may best accomplish his mission. [Par. 11]

§ 15.42 *Reports.* Reports of a technical observer to the firm which he represents will be transmitted through the commander of the field force to which he is accredited. The provisions of AR 380-5[2] will be complied with. The field force commander will forward a copy of all reports made by technical observers to the Commanding General, Services of Supply. Both their official and personal correspondence will be subject to the general censorship rules prevailing within the command. The use of "blue envelopes" for the censoring of personal mail by the base censor is authorized, but these may not be used to mail reports for publication to avoid censorship by the immediate headquarters under which the technical observer serves. [Par. 12]

§ 15.43 *Relief from appointment.* (a) An accredited technical observer will not leave the theater of operations or base command without the written permission of the commander.

(b) If serving with troops beyond the territorial limits of the United States, relief does not become effective until arrival in the United States, if the journey is made by Government transportation.

(c) Upon termination of appointment as a technical observer, the individual will surrender all credentials to the Commanding General, Services of Supply, or his authorized representative, and will cease wearing the official uniform of a technical observer. [Par. 13]

§ 15.44 *Discipline.* A technical observer is expected to conform to all rules and regulations promulgated in the interest of good order and military discipline. In the presence of the enemy, he will conform with the actions of the troops and will not jeopardize the safety of the command or compromise the scheme of maneuver in progress. When necessary, the technical observer may be placed in arrest to await deportation or trial by court martial. [Par. 14]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-9985; Filed, October 6, 1942; 3:33 p. m.]

Chapter III—Claims and Accounts

PART 36—CLAIMS AGAINST THE UNITED STATES

DAMAGES TO PERSONS AND PRIVATE PROPERTY RESULTING FROM OPERATION OF AICRAFT

Sections 36.12 and 36.13 are hereby amended to read as follows:

§ 36.12 *Claims not exceeding $500 in amount.* Claims not exceeding $500 each for damage to private property, including claims of military and civilian personnel in and under the War Department, and for injury to persons other than military personnel resulting from the operation of aircraft at home and abroad may be settled when each claim is substantiated by a survey report of a board of officers appointed by the commanding officer of the nearest aviation post and approved by the Commanding General, Army Air Forces, and the Secretary of War. See annual appropriation acts. (42 Stat. 737, 50 Stat. 456; 31 U.S.C. 224) [Par. 1, AR 35-7060, Sept. 1, 1942]

§ 36.13 *Procedure*—(a) *General.* When a claim for damages arises, the claimant should submit his claim to the commanding officer of the nearest aviation station, as provided in § 36.6. Upon the receipt of such a claim the commanding officer will refer it in the usual manner to a board of officers, who will take the action prescribed in § 36.7.

(b) *Claims for personal injuries.* The foregoing procedure will also be followed, as far as practicable, in all claims for personal injuries resulting from the operation of aircraft. (42 Stat. 737, 50 Stat. 456; 31 U.S.C. 224) [Par. 2, AR 35-7060, Sept. 1, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-9986; Filed, October 6, 1942; 3:34 p. m.]

Chapter V—Military Reservations and National Cemeteries

PART 54—EXCHANGES

PART 55—MOTION PICTURE SERVICE

SUSPENSION OF CREDIT SALES

§ 54.12 *Credit sales; suspension.* Effective November 1, 1942, at all posts, camps, and stations within the continental United States, except Alaska, all purchases from commissaries and from all company-owned or company-operated activities, for example, barber shops, tailor shops, etc., will be for cash. All purchases from exchanges and theaters will be for cash or for coupons bought and paid for in advance. Quartermaster laundry service, telephone service, and utility service will continue to be handled on a charge sales basis. The issue of rations and sales to organizations which are authorized to buy from commissaries and exchanges under existing regulations are excluded from the above.

So much of § 54.12 as is in conflict with the above is suspended. (R.S. 161; 5 U.S.C. 22) [Cir. 328, W.D., Sept. 28, 1942]

§ 55.8 *Coupon books; suspension of credit sales.* Effective November 1, 1942, at all posts, camps, and stations within the continental United States, except Alaska, all purchases from commissaries and from all company-owned or company-operated activities, for example, barber shops, tailor shops, etc., will be for cash. All purchases from exchanges and theaters will be for cash or for coupons bought and paid for in advance. Quartermaster laundry service, telephone service, and utility service will continue to be handled on a charge sales basis. The issue of rations and sales to organizations which are authorized to buy from commissaries and exchanges under existing regulations are excluded from the above.

So much of § 55.8 as is in conflict with the above is suspended. (R.S. 161; 5 U.S.C. 22) [Cir. 328, W.D., Sept. 28, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-9987; Filed, October 6, 1942; 3:34 p. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amendment 10]

PART 600—DESIGNATION OF CIVIL AIRWAYS

GREEN CIVIL AIRWAY NO. 6, AMBER CIVIL AIRWAY NO. 4, RED CIVIL AIRWAY NO. 32, RED CIVIL AIRWAY NO. 38.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600[1] of the Regulations of the Administrator of Civil Aeronautics as follows:

By striking in § 600.10005 *Green civil airway No. 6 (Corpus Christi, Tex., to*

---

[2] Administrative regulations of the War Department relative to safeguarding military information.

[1] 7 F.R. 1417, 1748, 2381, 2864, 4131, 4376, 4939, 5387, 5540, 6457, 7654.

Norfolk, Va.) the words "Corpus Christi, Tex." appearing in the title and substituting in lieu thereof the following: "Alice, Tex." and by striking in the body of this section the words "From the Municipal Airport, Corpus Christi, Tex., via the Corpus Christi, Tex., radio range station; Palacious, Tex., radio range station;" and substituting in lieu thereof the following: "From the Alice, Tex., radio range station, to the Houston radio range station;"

By striking in § 600.10103 *Amber civil airway No. 4* (*Brownsville, Tex., to Bismarck, N. Dak.*) the words "the intersection of the center lines of the on course signal of the north leg of the Brownsville, Tex., radio range, and the southwest leg of the Corpus Christi, Tex., radio range; Corpus Christi, Tex., radio range station; San Antonio, Tex., radio range station;" and by substituting in lieu thereof the following: "the intersection of the center lines of the on course signal of the northwest leg of the Brownsville, Tex., radio range, and the south leg of the Alice, Tex., radio range; the Alice, Tex., radio range station; the intersection of the center lines of the on course signals of the north leg of the Alice, Tex., radio range and the south leg of the Alamo radio range, San Antonio, Tex.; the Alamo radio range station, San Antonio, Tex.; the intersection of the center lines of the on course signals of the north leg of the Alamo radio range, San Antonio, Tex., and the southwest leg of the Austin, Tex., radio range."

By striking in § 600.10231 *Red civil airway No. 32* (*San Antonio, Tex., to Houston, Tex.*) the words "southeast leg of the San Antonio, Tex., radio range" and substituting in lieu thereof the following: "southeast leg of the Alamo, Tex., radio range;"

By adding a new section to read as follows:

§ 600.10237 *Red civil airway No. 38.* (*Alice, Tex., to Houston, Tex.*). From the intersection of the center lines of the on course signals of the northeast leg of the Alice, Tex., radio range and the west leg of the Corpus Christi, Tex., radio range via the Corpus Christi, Tex., radio range station to the intersection of the center lines of the on course signals of the northwest leg of the Corpus Christi, Tex., radio range and the northeast leg of the Alice, Tex., radio range.

This amendment will become effective 0001 EST, October 15, 1942.

C. I. STANTON,
Administrator.

[F. R. Doc. 42-9996; Filed, October 7, 1942; 9:40 a. m.]

[Amendment 16]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

GREEN CIVIL AIRWAY NO. 6, AMBER CIVIL AIRWAY NO. 4, AND RED CIVIL AIRWAY NO. 38; AIRWAY TRAFFIC CONTROL AREAS: GREEN CIVIL AIRWAY NO. 6, RED CIVIL AIRWAY NO. 38.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601[1] of the Regulations of the Administrator of Civil Aeronautics as follows:

By striking in § 601.1006 *Green civil airway No. 6, airway traffic control areas* (*Corpus Christi, Tex., to Norfolk, Va.*) the words "Corpus Christi, Tex." appearing in the title and substituting in lieu thereof the following: "Alice, Tex." and by striking the words "Corpus Christi, Tex." in the body of the above section and substituting in lieu thereof the following: "Alice, Tex."

By adding a new section to read as follows:

§ 601.10238 *Red civil airway No. 38 airway traffic control areas* (*Alice, Tex., to Houston, Tex.*). All of red civil airway No. 38.

By striking in § 601.4006 *Green civil airway No. 6* (*Corpus Christi, Tex., to Norfolk, Va.*) the words "Corpus Christi, Tex." appearing in the title and substituting in lieu thereof the following: "Alice, Tex." and by striking "Corpus Christi, Tex., radio range station; Palacious, Tex., radio range station" and substituting in lieu thereof the following: "Alice, Tex., radio range station;"

By striking in § 601.4014 *Amber civil airway No. 4* (*Brownsville, Tex., to Bismarck, N. Dak.*) the following: "the intersection of the center lines of the on course signals of the north leg of the Brownsville, Tex., radio range and the southwest leg of the Corpus Christi, Tex., radio range; the Losoya, Tex., fan type radio marker station or the intersection of the center lines of the on course signals of the west leg of the Yoakum, Tex., radio range and the southeast leg of the San Antonio, Tex., radio range; the San Antonio, Tex., radio range station;" and substituting in lieu thereof the following: "the intersection of the center lines of the on course signals of the northwest leg of the Brownsville, Tex., radio range, and the south leg of the Alice, Tex., radio range; Alice, Tex., radio range station; the Pleasanton fan type radio marker station or the intersection of the center lines of the on course signals of the north leg of the Alice, Tex., radio range, and the south leg of the Alamo radio range, San Antonio, Tex.; the Alamo radio range station, San Antonio, Tex.; Guadalupe, fan type radio marker station or the intersection of the on course signals of the north leg of the Alamo radio range, San Antonio, Tex., and the southwest leg of the Austin, Tex., radio range;"

5. By adding a new section to read as follows:

§ 601.40238 *Red civil airway No. 38* (*Alice, Tex., to Houston, Tex.*). The Corpus Christi, Tex., radio range station.

This amendment will become effective 0001 EST, October 15, 1942.

C. I. STANTON,
Administrator.

[F. R. Doc. 42-9998; Filed, October 7, 1942; 9:40 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1362]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

DISTRICT NO. 10—DELTA COAL MINING CO.

Order approving and adopting the proposed findings of fact and proposed conclusions of law of the examiner and granting permanent relief in the matter of the petition of Delta Coal Mining Company, a code member in District No. 10, for minimum f. o. b. mine prices for f. a. s. delivery from mines in District No. 10 to Minneapolis Street Railway Company, at Minneapolis, Minnesota, pursuant to section 3A, special river price instructions and exceptions, schedule of effective minimum prices for District No. 10 for all shipments except truck.

A petition, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by Delta Coal Mining Company, a code member, operating the Delta Mine (Mine Index No. 36), in District 10, seeking on behalf of Minneapolis Street Railway Company of Minneapolis, Minnesota, an order permitting it to purchase coals shipped via river by petitioner and other producers in District No. 10 at f. o. b. mine prices for free alongside delivery;

A hearing having been held in this matter on July 13–16, 1942, inclusive, before Charles O. Fowler, a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard:

The Examiner, Charles O. Fowler, having made and filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated September 4, 1942, recommending that the relief prayed for by the petitioner be granted;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having determined that the proposed findings of fact and proposed conclusions of law of the Examiner should be approved and adopted as the findings of fact and conclusions of law of the undersigned;

Now, therefore, it is ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner be and they hereby are approved and adopted as the findings of fact and conclusions of law of the undersigned;

It is further ordered, That the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck be, and same hereby is amended by adding to § 330.10 (b) (1) (iii) (b) (*Special prices—River* (*free alongside deliveries*) *and ex-river shipments—Instructions and exceptions—Special Cases*) the following:

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[1] 6 F.R. 6453, 6822; 7 F.R. 529, 597, 841, 1016, 1424, 1748, 2865, 3466, 4196, 5540, 6457, 6458, 6927, 7655.

Minneapolis Street Railway Company (for consumption in its plant at Minneapolis, Minnesota).

Dated: October 6, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10004; Filed, October 7, 1942; 11:04 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 129]

DOCKET BOOK OF BOARD OF APPEAL

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 102 "Docket Book of Board of Appeal," effective immediately upon the filing hereof with the Division of the FEDERAL REGISTER.[1] The supply of original DSS Form 102 on hand will be used until exhausted.

The foregoing revision shall, effective immediately upon the filing hereof with the Division of the FEDERAL REGISTER, become a part of the Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

MAY 15, 1942.

[F. R. Doc. 42-9968; Filed, October 6, 1942; 3:07 p. m.]

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment XL]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations*[2] is amended in the following particulars:

In the column headed "Gen. Lic. Group", the group designations assigned to the commodities listed below (at every place where said commodities appear in said section) are amended to read as follows:

Commodity	Dept. of Comm. No.	Gen. Lic. Group
Manila yarn	3499.98	1
Sisal or henequen cord, cordage & twine	3419.09	1
Sisal or henequen fiber, unmanufactured	3401F	1
Sisal or henequen yarn	3499.09	1

This amendment shall become effective October 10, 1942.

(Sec. 6, 54 Stat. 714, Pub. Law 75, 77th Cong., Pub. Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951.)

Dated: September 28, 1942.

A. N. ZIEGLER,
Colonel, J. A. G. D.,
Acting Chief, Export Control Branch.

[F. R. Doc. 42-9967; Filed, October 6, 1942; 1:07 p. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 3053—CONVEYING MACHINERY AND MECHANICAL POWER TRANSMISSION EQUIPMENT

[General Limitation Order L-193]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials, and in the engineering and other facilities, used in the manufacture of conveying machinery and mechanical power transmission equipment, for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3053.1 *General Limitation Order L–193*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Conveying machinery" means any machinery (and any important component part thereof) used for the mechanical handling of materials; except (i) farm elevators included within the provisions of Order L–26, as amended,[1] (ii) machinery or parts used on board ship in the operation of any vessel, or used in the operation of aircraft, tanks, ordnance, or similar combat equipment, (iii) power and hand lift trucks, (iv) cranes, hoists and platform elevators, (v) construction mixers, pavers, graders, drag lines and power shovels, and similar construction machinery, (vi) cars and car dumpers, (vii) steel mill tables, (viii) sintering conveyors, (ix) metal pig conveyors, and (x) underground mining machinery (other than slope conveyors).

(3) "Mechanical power transmission equipment" means equipment (and any important component part thereof) of the following kinds (except equipment or parts used in the operation of any vessel, or in the operation of aircraft, tanks, ordnance or similar combat equipment):

(i) Open and enclosed gearing for transmitting more than ¼ horse power; except marine propulsion gears, gears used as an integral part of a machine, gears built into turbines, and gears used on household, manually powered, automotive, or farm machinery;

(ii) Mechanical drives and parts thereof for transmitting more than ¼ horse power; except belting, drives used as an integral part of a machine, drives used on household, manually powered, automotive, or farm machinery.

(4) "Order" includes any arrangement for the delivery of conveying machinery or mechanical power transmission equipment, whether by purchase and sale, lease, rental or otherwise.

(5) "Engineering services" means services of an engineering nature rendered for a customer or prospective customer in connection with an order or prospective order for the planning, designing, manufacture, delivery, installation, extension, or rearrangement of conveying machinery, or in connection with any bid or estimate or prospective bid or estimate for such an order; but does not include preliminary conferences, discussions, or advice, or the making of line drawings for preliminary purposes, prior to the formulation of a bid or estimate.

(6) "Bid or estimate" means a definitive bid or estimate for the planning, designing, manufacture, delivery, installation, extension, or rearrangement of conveying machinery, but does not include preliminary estimates not intended to form a basis for a firm order.

(7) "Manufacture" means fabrication or shop assembly of conveying machinery or mechanical power transmission equipment, or any component part thereof; but does not include the making of engineering drawings, blue prints, designs, estimates, or surveys.

(8) "Restricted order" means any order for conveying machinery or mechanical power transmission equipment or parts therefor, in the amount of $5,000 or more (not including amounts applicable to foundations or erection labor); and any order which is part of a planned group of orders aggregating $5,000 or more in amount (not including amounts applicable to foundations or erection labor) for items, units or parts of conveying machinery or mechanical power transmission equipment having related operational functions.

(b) *Restrictions on acceptance and placing of orders*—(1) *Restrictions on placing orders.* On and after the date of this order, no person shall place or tender, and no person shall accept, any restricted order, unless the order is accompanied by the authorization of the Director General for Operations, provided for in paragraph (d) below.

(2) On and after the date of this order, no person shall render engineering services, or make any bid or estimate, for any restricted order, and no person shall order or request any such engineering services or invite any such bid or estimate; except with respect to an order theretofore authorized by the Director General for Operations, in accordance with the provisions of paragraph (d) below.

(c) *Restrictions on manufacture and delivery.* (1) Except as otherwise provided in paragraph (c) (3) hereof, on and after the date of this order no person shall commence or continue the manufacture of any conveying machinery or mechanical power transmission equipment or parts therefor, in fulfillment of any restricted order, and no person shall deliver or accept delivery of any such machinery or equipment or parts therefor, in fulfillment of any restricted order; unless the order shall have been authorized by the Director General for Operations, in accordance with the provisions of paragraph (d) below. No person shall maintain an inventory of parts for conveying machinery or mechanical power transmission equipment in excess of a minimum practicable working inventory.

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[1] Filed as part of the original document.

[2] 4952, 5080, 5115, 5343, 5591, 5638, 5745, 5746, 6067, 6203, 6418, 6671, 6672, 6825, 7223.

[1] 7 F.R. 5396, 6148.

(2) Except as otherwise provided in paragraph (c) (3) hereof, on and after the date of this order no person shall manufacture or deliver, and no person shall knowingly accept the delivery of, any conveying machinery or mechanical power transmission equipment, or parts therefor, unless such machinery or equipment or parts are manufactured in accordance with the restrictions on the use of materials prescribed in Schedule A hereto: *Provided, however*, That parts fabricated or processed, prior to the date of this order, to the point where other use is impracticable, may be used in fulfillment of any order at any time.

(3) The limitations and restrictions of paragraph (c) shall not apply:

(i) To the manufacture or delivery of any conveying machinery or mechanical power transmission equipment in the process of manufacture on the date of this order in fulfillment of any order accepted by the manufacturer prior to August 1, 1942.

(ii) For ninety days following the date of this order, to the manufacture or delivery of any conveying machinery or mechanical power transmission equipment in the process of manufacture on the date of this order in fulfillment of any order accepted by the manufacturer on or after August 1, 1942 but prior to the date of this order.

(iii) For ninety days following the date of this order, to the manufacture or delivery in fulfillment of any order for the use of the Army, Navy, Maritime Commission or War Shipping Administration, to the extent that any applicable specifications of the Army, Navy, Maritime Commission, or War Shipping Administration, require construction, design, or materials not in accordance with the provisions of this order. As used herein, the terms "Army", "Navy", "Maritime Commission" or "War Shipping Administration" shall not include any privately operated plant or shipyard financed by or controlled by any of those organizations, or operated on a cost-plus-fixed-fee basis. For the purposes of this paragraph (c) an order for machinery or equipment shall be deemed to have been in the process of manufacture on the date of this order only if fabrication or assembly of a component part, in fulfillment of such order and not for inventory or stock, was begun prior to the date of issuance of this order.

(d) *Procedure for obtaining authorization of Director General for Operations.* (1) The authorization of the Director General for Operations for orders accepted hereafter, required by the provisions of paragraph (b), may be applied for by the purchaser by filing an application on Form PD–681 with the Director General for Operations.

(2) The authorization for orders heretofore accepted by the manufacturer, required by the provisions of paragraph (c) (1), may be applied for by the manufacturer. Such application shall be made by letter in duplicate filed with the Director General for Operations and shall contain a list of restricted orders of such manufacturer then on hand, together with the name of the purchaser, the date of each order and value thereof, a description of the equipment or machinery, the specified delivery date, the percentage of completion of the order on the effective date of this order, the Production Code symbols, the preference rating and preference rating certificate or general preference rating order number applicable to each order.

(e) *Production schedules.* On or before October 15, 1942, and on or before the 15th day of each succeeding calendar month, every manufacturer shall file, in triplicate, a report on Form PD–682 showing such production and delivery schedules for restricted orders and such other information as shall be required by said form. The Director General for Operations may at any time change such schedule of deliveries or production or direct the adoption of any other schedule; allocate any order listed on the schedule to any other manufacturer; or direct the delivery of any conveying machinery or mechanical power transmission equipment listed on the schedule to any other person, at the price and terms previously established with such variation as may be justified under the circumstances.

(f) *Miscellaneous provisions*—(1) *Manufacturers' responsibility with respect to orders less than $5000.* Notwithstanding any other provision of this order, an order in an amount less than $5000 which is a restricted order (as defined in paragraph (a) (8)) because it is part of a planned group of orders aggregating $5000 or more, shall be deemed to be unrestricted with respect to the manufacturer (but not the purchaser), unless the manufacturer has reason to believe that such order is a restricted order.

(2) *Records and reports.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, and sales. All persons affected by this order shall execute and file with the War Production Board, such reports and questionnaires as the Director General for Operations shall from time to time request.

(3) *Other limitation orders.* Nothing in this order shall be construed to permit any person to sell, deliver, or otherwise transfer, or any manufacturer to purchase, receive delivery of or otherwise acquire any raw materials, semi-processed parts, or finished products in contravention of the terms of any L or M order, or amendments or supplements thereto, or other regulation of the War Production Board effective at the date of any such sale, delivery, or other transfer. Where the limitations imposed by any other L or M order are applicable to the subject matter of this order, the most restrictive limitation shall apply, unless otherwise specifically provided herein.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who wilfully furnishes false information to the Director General for Operations in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(5) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the Director General for Operations setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(6) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Branch, Washington, D. C. Ref: L–193.

(P.D. Reg 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of October, 1942.

ERNEST KANZLER,
Director General for Operations.

Schedule A.—*Restrictions and Limitations on the Use of Materials in Conveying Machinery or Mechanical Power Transmission Equipment*

(a) As used in this schedule, (1) "alloy steel" and "alloy iron" mean alloy steel and alloy iron as defined in Order M–21–a, as amended and supplemented from time to time; and (2) "line shafting" means any shaft driving two or more machines or any single length or rigidly coupled lengths of shafting supported by three or more bearings.

(b) *Conveying machinery.* The materials listed below are restricted or prohibited in the construction of conveying machinery, as prescribed below; except as the Director General for Operations may waive compliance with any such restriction or prohibition, upon application by the manufacturer by letter setting forth pertinent facts disclosing the necessity for such waiver.

(1) *Bins, bunkers, hoppers and tanks (when used as part of conveying machinery or equipment).* No steel shall be used in bins, hoppers, tanks, or bunkers having a capacity of more than 400 cubic feet, level filled, except in clips, gussets, bolts, nuts, screws, lag screws, hinges, tension rods, reinforcing bars or mesh, washers, and hopper bottoms of less than 400 cubic feet capacity. No steel plate of a thickness in excess of ¼ inch shall be used in bins, tanks, or hoppers with a capacity of less than 400 cubic feet, level filled. No liner plates of steel or rubber shall be used in steel bins, steel tanks, or steel hoppers. Steel liners for wood bins or wood bunkers shall not exceed No. 10 U. S. gage in thickness.

(2) *Conveyors and elevators.* No alloy steel or alloy iron shall be used for parts of chains (other than chains for the transmission of power); except for pins and bushings in (i) steel conveyor chains, (ii) draw bench or steel mill type chains, or (iii) cast sprocket chains. No bushings other than carbon steel or gray iron shall be inserted in bores of conveyor chain rollers.

(3) *Conveyor and elevator sprockets.* No alloy steel or alloy iron shall be used in chain sprocket wheels.

(4) *Conveyor structures.* (i) No steel, except in clips, bearing brackets, gussets, bolts, nuts, screws, lag screws, hinges, tension rods, reinforcing bars, mesh, and washers, shall be used in the following structural parts:

(A) Supports for fixed conveyor frames.

(B) Fixed bulk material belt conveyor frames (including stringers).

(C) Conveyor galleries.

(D) Belt conveyor decking.

(E) Walkways, toe boards, handrails, stairways, and platforms.

(F) Guards or housing used only for protection.

(G) Bucket elevator casings; except corner angle iron for self-supporting casings, and boot lining and loading legs. Such corner angle iron for self-supporting casings, and boot lining and loading legs shall not exceed ¼ inch in thickness.

(H) Troughs or trough covers for fixed flight, drag, scraper or screw conveyors, except where liquids or semi-liquids are being conveyed.

(ii) Trough linings for fixed conveyors shall not exceed No. 10 U. S. gage in thickness.

(iii) Steel for chutes and spouts shall not exceed $\frac{3}{16}$ inch in thickness.

(iv) No steel or rubber liner plates shall be used in steel chutes or steel spouts.

(v) Steel linings for wood chutes or wood spouts shall not exceed No. 10 U. S. gage in thickness.

(vi) No copper bearing sheets or plates shall be used.

(vii) Steel troughing belt carriers and steel return belt idler rolls shall not exceed 5 inches nominal diameter on idlers up to 42 inches; and shall not exceed 6 inches on idlers 42 inches and over.

(c) *Mechanical power transmission equipment.* The materials listed below are restricted or prohibited in the construction of mechanical power transmission equipment as prescribed below; except as the Director General for Operations may waive compliance with any such restriction or prohibition, upon application by the manufacturer by letter setting forth pertinent facts disclosing the necessity for such waiver.

(1) *Anti-friction bearings.* (i) Anti-friction bearings shall not be used in hangers, loose pulleys, and clutch pulleys for line shafting except for the following purposes, as certified by the purchaser:

(A) The reduction or elimination of fire hazards resulting from the combustible nature of the material being processed.

(B) Reduction or elimination of waste due to spoilage.

(C) Reduction of starting or running loads where the use of anti-friction bearings will correct an overload pertaining to the primary source of power.

The above mentioned certification by the purchaser shall be included in or shall accompany the purchase order, shall be signed by a duly authorized official of the purchaser, and shall be in the following form:

"The undersigned hereby certifies that the anti-friction bearings covered by order------ (here give order -- number or other pertinent description) are for the following purposes as permitted by the provisions of Item (c) (1) of List A to Order L–193:

-- (here fill in the purposes for which the bear- ---------------- ings will be used)

------------------------ Company.
By ------------------------"

Such certification shall be deemed a representation to the War Production Board as well as to the supplier to whom the order is tendered.

(ii) No alloy steel or alloy iron shall be used in bearing housings.

(2) *Bearings.* No alloy steel or alloy iron shall be used in base, cap or liner castings for sleeve bearings; or in bearing hangers, base plates, floor stands, or wall brackets for line shafting.

(3) *Chains.* (i) No alloy steel or alloy iron shall be used in cast sprocket chains.

(ii) The aggregate amount of alloy element or elements used in semi-finished roller or bushed drive chain shall not exceed 40 percent of the aggregate amount used in the manufacture of a similar quantity of chain in standard practice by the manufacturer prior to November 1, 1941.

(iii) The aggregate amount of alloy element or elements used in finished roller or silent chain shall not exceed 40 percent of the aggregate amount used in the manufacture of a similar quantity of such chain in standard practice by the manufacturer prior to November 1, 1941.

(4) No alloy steel or alloy iron shall be used in chain sprocket wheels.

(5) *Shafting Appliances.* No alloy steel or alloy iron shall be used in the construction of shafting appliances in rigid couplings, collars, or pulleys and sheaves.

(6) *Gears.* No alloy steel or alloy iron shall be used in cast teeth or molded teeth gears and pinions or in gear housings.

(7) *Guards and Housings.* No steel shall be used in guards and housings used solely for protection; except that steel may be used in supporting clips or bolts.

(d) *Rust Proofing.* No metallic plating or coating shall be used in the rust proofing of conveyor machinery or mechanical power transmission equipment, except that galvanizing may be used to prevent contamination of food or in the case of anchor bolts set in concrete and subject to corrosive chemical action.

[F. R. Doc. 42–10024; Filed, October 7, 1942; 11:57 a. m.]

PART 3063—FOOTWEAR

[Interpretation 1 of Conservation Order M–217]

The following official interpretation is hereby issued by the Director General for Operations with respect to § 3063.1, Conservation Order M–217, issued September 10, 1942[1]:

The word "manufacture" in line two of paragraph (c) (1) of § 3063.1 (Conservation Order M–217), refers to the operation whereby the features mentioned in subdivisions (i) to (xvii), inclusive, of said paragraph became a part of the footwear.

Illustration: Subdivision (iv) refers to full overlaid tips or full overlaid foxings except on work shoes. The order prohibits the placing of full overlay tips or full overlay foxings on dress shoes after October 31, 1942. But it does not prohibit the completion of the shoe if an overlaid tip or an overlaid foxing has been affixed prior to said date.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–9997; Filed, October 7, 1942; 9:48 a. m.]

Chapter XI—Office of Price Administration

PART 1312—LUMBER AND LUMBER PRODUCTS

[Amendment 1 to Revised Price Schedule 44[1]]

DOUGLAS FIR DOORS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* Paragraph (i) of § 1312.159 is amended and § 1312.158a is added to read as follows:

§ 1312.159 *Appendix A: Maximum prices for Douglas fir doors.* * * *

(i) A delivered price in excess of the maximum f. o. b. mill prices set forth in Appendix A may be charged, computed according to the method used by the seller during the 30-day period ending December 10, 1941.

§ 1312.158a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1312.159 (i) and 1312.158a) shall become effective October 10, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–9978; Filed, October 6, 1942; 3:09 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Amendment 36 to Revised Tire Rationing Regulations[2]]

TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

Sections 1315.701 (b), 1315.803 (c) (2) (i), 1315.803 (d) (5), 1315.804 (a) (1) and 1315.804 (c) (1) are amended as follows; §§ 1315.803 (b) (1) and 1315.803 (b) (2) are revoked and § 1315.803 (b) (3) is renumbered § 1315.803 (b) (1); §§ 1315.805a and 1315.805b are revoked and the substance thereof is incorporated in § 1315.805 which is amended as follows; new paragraphs (jj) and (kk) are added to § 1315.151, a new subparagraph (7) is added to § 1315.802 (d), a new subparagraph (6) is added to § 1315.803 (d), the text of § 1315.1005 is designated as § 1315.1005 (a) and a new paragraph (b) is added thereto, as set forth below:

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[1] 7 F.R. 7171.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1288, 1836, 2132.

[2] 7 F.R. 1027, 1089, 2106, 2167, 2541, 2633, 2945, 2948, 3235, 3237, 3551, 3830, 4176, 4336, 4493, 4543, 4544, 4617, 4856, 5023, 5274, 5276, 5566, 5605, 5867, 6423, 6775, 7034, 7241, 7669, 7670, 7743, 7777.

Definitions

§ 1315.151 *Definitions.* For the purpose of these regulations:

* * * * *

(jj) "Passenger-type camelback" means passenger-type camelback as defined by specifications established from time to time by the War Production Board.

(kk) "Truck-type camelback" means truck-type camelback as defined by specifications established from time to time by the War Production Board.

Tire and Tube Certificates

§ 1315.701 *Notification.* * * *

(b) In cases where the Board authorizes an applicant to purchase retreaded or recapped tires, or retreading or recapping services, the Board shall immediately issue to such applicant a nontransferable certificate for the purchase of retreaded or recapped tires, or retreading or recapping services (O.P.A. Form No. R–2 (Revised)). Before issuing the certificate, the Board shall indicate on each part thereof, the type of camelback (truck-type or passenger-type) that may be used in retreading or recapping the tires specified thereon.

Transfers and Deliveries of New Tires and Tubes. Retreaded or Recapped Tires, and Camelback

* * * * *

§ 1315.802 *Permitted and prohibited deliveries of retreaded or recapped tires.* * * *

(d) *Other deliveries.* * * *

(7) Any retreader or recapper, to whom another retreader or recapper has transferred camelback applied to a tire for the purpose of curing, may transfer the retreaded or recapped tire, without certificate, to the retreader or recapper who applied the camelback.

§ 1315.803 *Permitted and prohibited deliveries of camelback.* * * *

(c) *Transfers to replenish stock.* * * *

(2) * * *

(i) Upon presenting the appropriate part of a certificate or receipt, any person may purchase only the type of camelback specified thereon from a person dealing in or making camelback. The purchaser may present the replenishment portion (part B) of a retreaded or recapped tire certificate, the replenishment portion (part B) of an allotment of camelback certificate, or the replenishment portion (part B) of a receipt for either retreaded or recapped tires or camelback. When using the replenishment portion of a receipt for camelback or the replenishment portion of an allotment of camelback certificate, he may purchase the number of pounds of camelback specified thereon. If he uses the replenishment portion of a retreaded or recapped tire certificate or the replenishment portion of a receipt for retreaded or recapped tires, he may purchase the number of pounds of camelback specified in the table appearing below in this subdivision.

Table for Camelback Replenishment

Type of size of tires specified on certificate or receipt	*Number of pounds of Camelback which may be purchased for each such tire*
Passenger-car-type tire	8½
30 x 5 to and including 7.00 x 20/32 x 6	12
7.50–18 to and including 8.25–24	16
9.00–20 to and including 11.00–24	22
12.00–20 and up (regular truck tires)	32
Truck tires 12.00–20 and up, (but not including tires 12.00–24 and larger) used on farm tractors (rear tires only), road graders, earth movers and other similar equipment used primarily on off-the-road work	55
Tires 12.00–24 and larger to be used on above types of equipment	(*)

* Amount necessary

When the amount of camelback to be replenished cannot be calculated from the above table, the person purchasing the camelback shall attach to the replenishment portion (part B) of the Certificate Form R–2 (Revised), or the Receipt Form R–12 (Revised), certified statement showing the amount of camelback necessary to retread or recap the number of tires specified on the certificate or receipt, and he shall be entitled to purchase the amount of camelback appearing on such statement.

* * * * *

(d) *Other transfers.* * * *

(5) *To retreaders with War Department contracts.* Notwithstanding the provisions of § 1315.803 (c), any manufacturer or dealer in camelback may (without certificate) transfer camelback for use on tires owned by the United States Army, Navy, Marine Corps or Coast Guard to any retreader or recapper who either has a prime contract with the War Department to retread or recap such tires or has a subcontract with the prime contractor, but only when the following conditions are first satisfied.

(6) *Remilled camelback.* Any person who deals in or makes camelback may remill deteriorated camelback which has been transferred to him by a retreader or recapper and may transfer the remilled camelback or camelback of identical type, grade, gauge and weight to the retreader or recapper upon authorization in writing issued to the retreader or recapper by the Regional Administrator of the Office of Price Administration having jurisdiction over the area in which the principal place of business of the retreader or recapper is located. The Regional Administrator may, in his discretion, grant, deny, limit or revoke the authorization. In addition to the reports and records required by other sections of these regulations, any person making a transfer pursuant to this paragraph (d) (6) shall maintain such records, file such reports and conform to such procedure as may be required by the Office of Price Administration.

§ 1315.804 *Transfer of new tires or tubes, retreaded or recapped tires, or camelback to certain governmental agencies, to manufacturers of new vehicles, and for export.* * * *

(a) * * *

(1) To or for the account of the Army, Navy or Marine Corps of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, or the Office of Scientific Research and Development but not to or for the account of any officer, member, or employee of any of the foregoing for use on a privately owned vehicle, regardless of the extent to which such vehicle is used on official business, nor to or for the account of any post exchange, ship's store, commissary, or similar agency or organization.

* * * * *

(c) * * *

(1) O.P.A. Form No. R–12 (Revised) may be obtained from any Local Board and will also be distributed through appropriate governmental agencies. The form shall consist of four parts. Part A shall be mailed to the Regional Office of the Office of Price Administration serving the area in which the seller is located within fifteen (15) days from the end of each calendar month in which deliveries or shipments of tires, tubes or camelback have been made. Part B shall be used as a basis for replenishing stocks in accordance with the transfer provisions of §§ 1315.801 (d), 1315.802 (c) and 1315.803 (c), whichever is appropriate; any person who retreads or recaps Army, Navy, Marine Corps or Coast Guard tires under a prime contract with the War Department for such retreading or recapping or under a subcontract with such prime contractor shall not use O.P.A. Form No R–12 (Revised) to replenish the camelback so used, but upon obtaining that

form from the United States Army, Navy, Marine Corps or Coast Guard shall forward part B thereof together with part A to the Regional Office of the Office of Price Administration. Part C shall be retained by the seller as his record of the transaction in accordance with the record keeping requirements of these regulations. Part D shall be retained by the purchaser as his record.

* * * * *

§ 1315.805 *Certificate for allotment of camelback for retreaders or recappers*—(a) *Application for authority to purchase allotment of camelback.* Any retreader or recapper who is not a maker of camelback may apply to the Board having jurisdiction over the area in which his principal office is located, and to that Board only, for authority to purchase an allotment of truck-type camelback for each mold that he operates capable of retreading or recapping truck-type tires only, an allotment of passenger-type camelback for each mold that he operates capable of retreading or recapping passenger-type tires only and an allotment of both truck-type camelback and passenger-type camelback for each mold that he operates capable of retreading or recapping both truck-type and passenger-type tires. Only one application may be filed except that an applicant who subsequently acquires additional molds may file application for such molds. Each applicant may be authorized to purchase sufficient truck-type camelback for each mold that he operates capable of retreading or recapping truck-type tires to enable him to have the amount of truck-type camelback specified in the following table, less the combined total of his inventory of truck-type camelback as of midnight February 18, 1942, irrespective of where located, the amount of truck-type camelback that the Board authorized him to purchase as an initial allotment of truck-type camelback prior to October 12, 1942, and the amount of truck-type camelback that he acquired subsequent to February 18, 1942, pursuant to § 1315.803 (d) (1) of these regulations.

Type of mold	Tire retreading capacity of mold	Number of pounds of camelback per mold	Type of camelback
Individual	7.50 x 20 or larger	1,000	Truck.
Individual	5.50 x 17, 30 x 5 or larger, but not 7.50 x 20 or larger.	300	Truck.
Multiple	7.50 x 20 or larger	1,500	Truck.

Each applicant may be authorized to purchase sufficient passenger-type camelback for each mold that he operates capable of retreading or recapping passenger-type tires to enable him to have the amount of passenger-type camelback specified in the following table, less the combined total of his inventory of passenger-type camelback as of midnight March 22, 1942, irrespective of where located, the amount of passenger-type camelback that the Board authorized him to purchase as an initial allotment of passenger-type camelback prior to October 12, 1942 and the amount of passenger-type camelback that he acquired subsequent to March 22, 1942, pursuant to § 1315.803 (d) (1) of these regulations.

Type of mold	Tire retreading capacity of mold	Number of pounds of camelback per mold	Type of camelback
Individual	Smaller than 7.50 x 20	1,500	Passenger.
Multiple	Smaller than 7.50 x 20	1,000	Passenger.

(b) *Form of application.* Application for authority to purchase an allotment of truck-type camelback and application for authority to purchase an allotment of passenger-type camelback shall be made on O.P.A. Form No. R–9 (Revised). In making the application and executing the certification the applicant shall follow the procedure set forth in § 1315.605 of these regulations.

(c) *Action by Board.* If the Board, in its discretion, determines that an application should be granted either wholly or in part, it shall note upon such application the amount and type of camelback the applicant is authorized to purchase and the serial number of the certificate to be issued. It shall then issue to such applicant a certificate on O.P.A. Form No. R–10 (Revised) for the appropriate amount and type of camelback.

(d) *Action by purchaser.* Upon receiving the completed certificate, the applicant may at any time purchase the number of pounds and type of camelback indicated thereon from any supplier of camelback. If the purchaser does not buy from one supplier all the camelback which he has been authorized to purchase, he shall return the certificate to the issuing Board and the Board shall thereupon issue as many certificates as are necessary to permit his purchases to be made among several suppliers.

(e) *Action by suppliers.* Prior to delivering or shipping any camelback pursuant to a certificate surrendered to him, the supplier must complete part A of the certificate. Part A must then be detached and returned to the issuing Board within five days after shipment of the camelback to the purchaser. If the supplier is a maker of camelback, part B must be retained as his record of the transaction. If the supplier is not a maker of camelback, he may use part B as the basis for replenishing his stock of camelback pursuant to paragraph (c) of § 1315.803 of these regulations.

(f) *Records.* Any person who has purchased an allotment of camelback pursuant to this section shall keep records at his principal Office and at each establishment where he operates molds capable of retreading or recapping tires showing the name and address of his supplier, the amount, type, grade and gauge of camelback that he purchased, the date of purchase, the amount, type, grade and gauge of camelback that was transferred by his supplier to each of his establishments, and the date of such transfer.

§ 1315.1005 *Records and reports by recappers and retreaders.* (a) * * *

(b) Any retreader or recapper who transfers camelback among his warehouses and premises, as provided in § 1315.803 (a) (2), shall keep records at both the premises from which the camelback is transferred and the premises to which the camelback is transferred showing the address of each, the date of transfer and the amount, size, type and gauge of camelback transferred. Any retreader or recapper who transfers a mold capable of retreading or recapping tires among his premises shall keep records at both the premises from which the mold is transferred and the premises to which the mold is transferred showing the address of each such premises, the date of transfer, the serial number, and the retreading capacity of the mold.

* * * * *

§ 1315.1199a *Effective dates of amendments.* * * *

(jj) Amendment No. 36 (§§ 1315.151, 1315.701, 1315.802, 1315.803, 1315.804, 1315.805, 1315.805a, 1315.805b and 1315.1005) to Revised Tire Rationing Regulations shall become effective October 12, 1942.

(Pub. Law 421, 77th Cong., OPM Supp. Order No. M–15c, W.P.B. Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792; 7 F.R. 121, 350, 434, 473, 562, 925, 1009, 1026)

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9979; Filed, October 6, 1942; 3:09 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[Maximum Price Regulation 232]

APPLE BUTTER

Correction

In § 1341.456 appearing on page 7779 of the issue for October 1, 1942, a comma should be inserted between the words "business" and "assets" in the second line.

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Amendment 6 to Maximum Price Regulation 169]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

Correction

In § 1364.67 appearing on page 7780 of the issue for October 1, 1942, the heading "*Regulation 7*" should read "*Regulation 7. Fees and Expenses*".

PART 1377—WOODEN CONTAINERS

[Correction to Amendments 1 and 2 Under Maximum Price Regulation 186[1]]

WESTERN WOODEN AGRICULTURAL CONTAINERS

In the captions of Amendment No. 1[2] and Amendment No. 2[3] to Maximum Price Regulation No. 186, the language "Part 1312—Lumber and Lumber Products" is amended to read as follows:

Part 1377—Wooden Containers.

(Pub. Law 421, 77th Cong.)

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9980; Filed, October 6, 1942; 3:05 p. m.]

PART 1382—HARDWOOD LUMBER

[Amendment 2 to Maximum Price Regulation 97[4]]

SOUTHERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (h) of § 1382.112, Appendix A, and §§ 1382.113 and 1382.114, Appendices B and C, are revoked and a new § 1382.113, Appendix B, is added as set forth below:

§ 1382.113 *Appendix B: Maximum prices for Southern hardwood lumber in special grades or items or prepared with special workings, treatments or services*—(a) *Application of Appendix B.* This section shall apply to Southern hardwood lumber which is sold on specifications (grades, items, workings, treatments and for services) not covered by Appendix A, § 1382.112, but shall not include the following:

(1) Glued stock
(2) Moulding
(3) Shiplap (Note: Construction boards worked to shiplap are governed by paragraph (b) (32) of § 1382.112, Appendix A.)
(4) Risers, step treads, threshholds, handrails
(5) Bevel and drop siding
(6) Flooring
(7) Switch, cross, and mine ties
(8) Mine material
(9) Small dimension stock
(10) Lath

(b) *Maximum prices for combination grades.* Where Southern hardwood lumber is sold on a Log Run, Mill Run, or No. 1 Common and Better grade for which no maximum price has been established in § 1382.112, Appendix A, the maximum price shall be the maximum price established in that section for the lowest grade of lumber contained in the stock that is sold on such special inspection grade. The seller, however, may grade and ship the lumber on the standard grades included in such special inspection grade and invoice the footage in each of the standard grades at a price not to exceed the maximum price established in this Maximum Price Regulation No. 97 for the respective standard grades.

(c) *Maximum prices for special grades (other than combination grades, items, workings, treatments and services.* The maximum price (for any seller) for Southern hardwood lumber in a special item or special grade (other than a combination grade) or prepared with a special working, treatment or service shall be computed by adjusting the maximum price established in Appendix A, § 1382.112, of this Maximum Price Regulation No. 97 for the most comparable standard grade or item in accordance with the differential or differentials which were employed or would have been employed by the producing mill during the period of October 1 to 15, 1941, subject to the following conditions:

(1) The mill must, within thirty days of entering into a contract for sale of stock subject to the provisions of this paragraph, file a report with the Lumber Branch of the Office of Price Administration, Washington, D. C., and with the buyer, on OPA Form 197:3 setting forth full details of the transaction, including (i) the name and address of the purchaser, (ii) the point of origin and the point of delivery of the stock, (iii) the species and grades of lumber ordered, (iv) the specifications, including any special working, treatment or service, (v) the price charged for the stock, including the functional commission or discount where the lumber is sold to or through a wholesaler or commission salesman, and (vi) an explanation of how the price was computed, including a showing that the price bears the same relationship to the most comparable standard grade or item of lumber as was employed or would have been employed by the producing mill during the period of October 1 to 15, 1941.

(2) Where the Office of Price Administration, within thirty days of receipt of the report, rules in writing that the seller has made an excessive charge for furnishing stock in special grades or items or prepared with special workings, treatments or services, the seller must readjust the sale price in accordance with the ruling of the Office of Price Administration. If the Office of Price Administration does not rule on the price within such time, the price submitted shall be considered approved.

(3) Pending action on the application of the producing mill by the Office of Price Administration, the seller may quote and deliver at a price which is agreed between buyer and seller to be subject to adjustment in accordance with the action taken on the application, but final payment may not be made and accepted until a maximum price has been approved by the Office of Price Administration.

(4) In the event that the Office of Price Administration approves the price charged by the producing mill, or in the event that the Office of Price Administration rules as to the maximum price which the mill may charge, the price as established shall become the maximum price which any seller thereafter may charge for lumber sold on the special specifications and shipped from the particular mill to which the price is applicable. In subsequent sales of such special stock the mill need not file a report with the Office of Price Administration unless the price quoted by the mill is in excess of the maximum price previously determined.

(5) Copies of OPA Form 197:3 can be obtained from the Office of Price Administration, or OPA Form 197:3 can be reproduced by the seller, providing no change is made in style or content of the form.

OFFICE OF PRICE ADMINISTRATION

LUMBER BRANCH

Hardwood Section

Report of Sales of Southern Hardwood Lumber in Special Items or Special Grades (other than Combination Grades), or Prepared with Special Workings, Treatments or Services

Company ------------------------------------
Address ------------------------------------
Mill Location ------------------------------

SALES OF SPECIAL STOCKS OF LUMBER

(As defined in Appendix B of Maximum Price Regulation No. 97)

(This report must be filed with the Lumber Branch of the Office of Price Administration, Washington, D. C., within 30 days of the date on which the producing mill enters into a contract for the sale of Southern hardwood lumber in a special item or special grade (other than a combination grade) or prepared with a special working, treatment or service.

Date of order ------------------------------
Origin of shipment -------------------------
Order No. ----------------------------------
Destination of shipment --------------------
Purchaser ----------------------------------
(Name and address)

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5776, 6968, 7364.

[2] 7 F.R. 6968.

[3] 7 F.R. 7364.

[4] 7 F.R. 790, 1388, 1675, 1836, 2132, 2509, 3124, 4107, 5667, 6681, 7149.

F. o. b. Mill Price ------------------------
(Including discounts or commissions, if any)

---------- ---------- ---------- ----------
(Species) (Thickness) (Widths) (Lengths)

(Designation of grade, item, working, treatment or service.)

Differential in relation to most comparable standard grade or item which was employed or would have been employed during October 1–15, 1942.

Most comparable standard grade or item to which differential is applied ------------

----
Complete description of special grade, item, working, treatment or service (including a statement whether the lumber is rough or machined and is air dried, kiln dried, or green) ------------------------

----

Detailed explanation of how maximum price was computed or built up --------------

----

-------------------- --------------------
(Name) (Office or title)

Subscribed and sworn to before me, a notary public, in and for ------------ this -------- day of ---------------- 1942.

[NOTARIAL SEAL] ------------------------
(Notary Public)

My commission expires:

(6) Any report filed prior to October 10, 1942, with the Office of Price Administration pursuant to § 1382.113, Appendix B (Maximum prices for Southern hardwood lumber in "recurring special" grades or items), or § 1382.114, Appendix C (Maximum prices for Southern hardwood lumber in "non-recurring special" grades or items), of this Maximum Price Regulation No. 97 as constituted prior to this Amendment No. 2 thereto shall be considered as a report filed pursuant to subparagraph (1) of this paragraph (c) and shall be treated as though filed on the day said report was received by the Office of Price Administration.

(7) Maximum prices for special grades or items approved prior to October 10, 1942, by the Office of Price Administration pursuant to § 1382.114, Appendix C (Maximum prices for Southern hardwood lumber in "non-recurring special" grades or items), of Maximum Price Regulation No. 97 as constituted prior to this Amendment No. 2 thereto shall continue in effect as the maximum prices for such special grades or items produced at the mill which obtained such approval of maximum prices. With respect to such special grades or items the producing mill need not file the report required in subdivision (1) of this paragraph (c).

* * * * *

§ 1382.111a *Effective dates of amendments.* * * *

(c) Amendment No. 2 (§ 1382.113) to Maximum Price Regulation No. 97, as amended, shall become effective October 10, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9981; Filed, October 6, 1942; 3:10 p. m.]

PART 1404—RATIONING OF APPAREL

[Amendment 1 to Ration Order 6[1]]

MEN'S RUBBER BOOTS AND RUBBER WORK SHOES RATIONING REGULATIONS

A new paragraph (i) to § 1404.43, and a new § 1404.71 are added; paragraph (a) of § 1404.31, paragraph (b) of § 1404.43, and § 1404.35 are amended as set forth below:

Acquisition and Transfer by Retailer, Distributor, and Manufacturer

* * * * *

§ 1404.31 *Transfer of rubber footwear to exempt person*—(a) *Procuring certificates after transfer to exempt persons.* Any person who transfers rubber footwear from an establishment to any of the agencies enumerated in paragraph (b) of this section; or to any person acquiring such rubber footwear for export to and use in any foreign country, or as slop-chest supplies for use of crew members aboard any ocean-going vessel operating in foreign, coastwise, or intercoastal trade; or who ships or otherwise sends rubber footwear to a Territory, Possession, or Dependency of the United States (except the District of Columbia), without the surrender of certificates, may, after such establishment has been registered pursuant to § 1404.20, apply to the Board on O. P. A. Form R–604 for Parts I of certificates authorizing the acquisition of the type and quantity of rubber footwear so transferred. A separate application shall be made for each type. Before the Board may grant any such application, the applicant shall exhibit to it bills of lading, shipping documents, or other proof of such transfer, and in the case of delivery to a vessel as slop-chest supplies the application shall be accompanied by a statement signed by the Collector of Customs or his deputy certifying that the number of pairs of rubber footwear delivered to the owner of the vessel or his agent was necessary for slop-chest supplies: *Provided, however,* That matters involving military or naval secrets, such as points at which delivery was made, need not be revealed to the Board.

* * * * *

§ 1404.35 *Disposal of rubber footwear acquired without certificates.* Any person who acquires rubber footwear without the surrender of certificates, pursuant to § 1404.40, may thereafter transfer such rubber footwear only upon surrender to him of appropriate certificates except as otherwise expressly provided in Ration Order No. 6. On or before the tenth day of the month following the month in which such transfer was made, Parts I of such certificates shall be surrendered for cancellation to the Central Inventory Unit of the Office of Price Administration, Empire State Building, New York City; and Parts III (if any) of such certificates shall be sent to the respective State Directors specified thereon.

Exceptions

* * * * *

§ 1404.43 *Other excepted transfers.* * * *

(b) *Transfers to exempt persons.* Any person may, at any time after the effective date of Ration Order No. 6, transfer, without the surrender of certificates, rubber footwear to any of the agencies enumerated in § 1404.31 (b); or to any person acquiring such rubber footwear for export to and use in any foreign country, or as slop-chest supplies for use of crew members aboard any ocean-going vessel operating in foreign, coastwise, or intercoastal trade; or may ship or otherwise send rubber footwear to a Territory, Possession, or Dependency of the United States (except the District of Columbia).

(i) *Transfers from slop-chests.* At any time after the effective date of Ration Order No. 6 a person who acquired rubber footwear as slop-chest supplies for use of crew members aboard any ocean-going vessel operating in foreign, coastwise, or intercoastal trade, may transfer such rubber footwear, without the surrender of certificates, to the members of the crew for use aboard such vessel.

Effective date

§ 1404.71 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1404.31 (a), 1404.35, 1404.43 (b) (i), 1404.71) shall become effective October 6, 1942.

(Pub. Law 421, 77th Congress, W.P.B. Dir. 1, 7 F.R. 562 and Supp. Dir. 1–N, 7 F.R. 7730)

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9982; Filed, October 6, 1942; 3:11 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Maximum Price Regulation 188[1]]

MANUFACTURERS' MAXIMUM PRICES FOR SPECIFIED BUILDING MATERIALS AND CONSUMERS' GOODS OTHER THAN APPAREL

A statement of considerations involved in the issuance of this amendment has been prepared and issued simultaneously herewith.

Sections 1499.153 (b) and (c), 1499.156 (b) (3), 1499.157 (e) (3), 1499.158, 1499.163 (a) (2), and 1499.166 are hereby amended to read as follows, a new subparagraph (5) is added to § 1499.163 (a), and new §§ 1499.159a and 1499.165a are added, as set forth below:

§ 1499.153 *Maximum prices for articles of building materials and consumers' goods finally priced before August 1, 1942.* * * *

(b) *Articles priced on and after April 1, 1942 and before August 1, 1942.* The maximum price for any article not delivered or offered for delivery in March 1942 by the manufacturer, for which a maximum price was finally determined in accordance with the provisions of §§ 1499.2 or 1499.3 of the General Maximum Price Regulation[2] or in accordance with the provisions of Temporary Maximum Price Regulations No. 3[3] or 5,[4] and which was offered for sale before August 1, 1942, (or which was offered for sale to the United States or an Allied Government before September 1, 1942), shall be the price so determined.

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[1] 7 F.R. 7748.

[1] 7 F.R. 5872.

[2] 7 F.R. 3153, 3330, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 3666, 5445, 5565, 5484, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6739, 7093, 7322, 7454, 7258.

(c) *Reports of maximum prices.* On or before August 20, 1942 (or in the case of sales to the United States Government or an Allied Government, on or before November 1, 1942), the manufacturer shall report to the Office of Price Administration, Washington, D. C., all maximum prices determined under paragraph (b) of this section which have not already been reported in accordance with the provisions of the General Maximum Price Regulation or Temporary Maximum Price Regulations Nos. 3 or 5. Such reports shall contain a description of the article, and shall indicate the method of determining the maximum prices. All such maximum prices shall be subject to adjustment (not to apply retroactively) at any time upon written order of the Office of Price Administration.

§ 1499.156 *Second pricing method: changes necessitated by shortages of materials or parts.* * * *

(b) *Reports of maximum prices.*

* * *

(3) *Articles first offered for sale on or after September 1, 1942.* Except as provided in the next paragraph of this subparagraph (3), in the case of an article first offered for sale on or after September 1, 1942, the manufacturer shall submit to the Office of Price Administration, Washington, D. C., the report required in (1) prior to first offering the article for sale Fifteen days after the mailing of the report, in the absence of a contrary direction from the Office of Price Administration, the manufacturer may offer for sale the article at the price reported. Such price shall be subject to adjustment (not to apply retroactively) at any time by order of the Office of Price Administration.

In the case of an article for which a maximum price must be determined under this section for a sale to the United States Government or an Allied Government, the manufacturer may at any time offer for sale, sell, or deliver the article at a tentative price to such government or agency if he informs the purchaser that the maximum price must be determined under this section. In such case he must refund any amounts collected in excess of the price so determined. The manufacturer shall submit the report required in (1) ten days after the formation of the contract. Fifteen days after the mailing of the report, in the absence of a notification to the contrary from the Office of Price Administration, the reported maximum price shall stand approved. Such approved price shall be subject to adjustment (not to apply retroactively) at any time by order of the Office of Price Administration.

§ 1499.157 *Third pricing method: pricing by comparable articles.* * * *

(e) *Reports of maximum prices.* * * *

(3) *Articles first offered for sale on or after September 1, 1942.* Except as provided in the next paragraph of this subparagraph (3), in the case of an article first offered for sale on or after September 1, 1942, the manufacturer shall submit to the Office of Price Administration, Washington, D. C., the report required in prior to first offering the article for sale. Fifteen days after the mailing of the report, in the absence of a contrary direction from the Office of Price Administration, the manufacturer may offer for sale the article at the price reported. Such price shall be subject to adjustment (not to apply retroactively) at any time by order of the Office of Price Administration.

In the case of an article for which a maximum price must be determined under this section for a sale to the United States Government or an Allied Government, the manufacturer may at any time offer for sale, sell, or deliver the article at a tentative price to such a government or agency if he informs the purchaser that the maximum price must be determined under this section. In such case, he must refund any amounts collected in excess of the price so determined. The manufacturer shall submit the report required in ten days after the formation of the contract. Fifteen days after the mailing of the report, in the absence of a notification to the contrary from the Office of Price Administration, the reported maximum price shall stand approved. Such approved price shall be subject to adjustment (not to apply retroactively) at any time by order of the Office of Price Administration.

§ 1499.158 *Fourth pricing method; specific authorization by the Office of Price Administration.*—(a) *Maximum prices.* The maximum price for any article or group of related articles which cannot be priced under §§ 1499.155, 1499.156, or 1499,157, or which cannot be priced under §§ 1499.155, 1499.156, or 1499.157 without undue hardship, shall be the price or prices, in line with the level of maximum prices established by this Maximum Price Regulation No. 188, specially authorized by the Office of Price Administration.

(b) *Reports of maximum prices.* Prior to first offering the article for sale the manufacturer shall submit to the Office of Price Administration, Washington, D. C., a report applying for specific authorization of a maximum price. The report shall contain a description in detail of the article (including the manufacturing process), a statement of the facts which make it necessary to price the article under this section, and the proposed maximum price, with a detailed explanation of its computation. If the manufacturer bases his report on undue hardship, he shall include in it all the information required by paragraph (e) of § 1499.157. If the manufacturer applies for approval of a pricing formula for a line or group of related articles, he shall include in his report a description in detail of the articles, including the manufacturing processes, and the manner in which they differ from one another, a statement of the pricing formula he proposes for such articles or the maximum prices he proposes, with a detailed explanation of their computation, and the reasons why such maximum prices or pricing formula will establish maximum prices in line with the level of maximum prices established by this Maximum Price Regulation No. 188. The manufacturer shall submit such other relevant information to supplement his report as the Office of Price Administration may require. Upon receipt of the authorization, the manufacturer may offer the articles for sale in accordance with the terms of the authorization.

In the case of an article for which a maximum price must be determined under this section for a sale to the United States Government or an Allied Government, the manufacturer shall submit the report required in the above paragraph of this paragraph (b) ten days after the formation of the contract. The manufacturer may at any time offer for sale, sell, or deliver the article at a tentative price to such government or agency if he informs the purchaser that the maximum price must be determined under this section. In such case he must refund any amounts collected in excess of the price so determined. The price shall remain tentative until the maximum price has been determined by the Office of Price Administration.

§ 1499.159a *Classification of purchasers in sales to the United States Government and Allied Governments.* For a sale to the United States Government or an Allied Government of an article for which a maximum price has not been determined for sales to the class of purchasers to which such government belongs, but for which a maximum price has been determined under §§ 1499.153, 1499.155, 1499.156, 1499.157, or 1499.158 for sales to purchasers of a different class, if the manufacturer had no customary differential between the class of purchasers for which the maximum price has been determined and such government or the class to which it belongs, such government shall be regarded as belonging to the class of purchasers to whom the manufacturer customarily sold the article in quantities most nearly equal to the quantity of the article involved in the sale to such government. If the manufacturer customarily sells to more than one class of purchaser in such quantities, the lowest maximum price applicable to sales of the article to such classes of purchasers shall apply.

§ 1499.163 *Definitions.* (a) When used in this Maximum Price Regulation No. 188, the term:

* * * * *

(2) "Highest price charged during March, 1942" means

(i) The highest price which the seller charged to a purchaser of the same class for delivery of the article or material during March, 1942; or

(ii) If the seller made no such delivery during March 1942, such seller's highest offering price to a purchaser of the same class for delivery of the article or material during that month; or

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[3] 7 F.R. 1578.

[4] 7 F.R. 1647.

(iii) If the seller made no such delivery and had no such offering price to a purchaser of the same class during March, 1942, the highest price charged by the seller during March, 1942, to a purchaser of a different class, adjusted to reflect the seller's customary differential between the two classes of purchasers: *Provided however,* That if, prior to April 1, 1942, the seller raised his prices for the delivery of a commodity to his classes of purchasers generally, and if during March, 1942, he delivered such commodity at the higher price to at least one class of purchasers, the highest price charged during March, 1942, for each class of purchasers

(*a*) To which no delivery was made during March, 1942, at the higher prices, and

(*b*) To which no delivery was made during March, 1942, at a lower price after the price rise, unless made pursuant to a firm commitment entered into before such price rise

shall be the seller's highest offering price for delivery to such class of purchasers during March, 1942.

* * * * *

(5) "The United States Government or an Allied Government" means the United States or any agency thereof, or the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States," or any agency of any such Government.

§ 1499.166 *Appendix A: Articles covered by the regulation.* * * *

(a) *Building materials.* (1) Mechanical building materials and equipment.

- Miscellaneous building equipment:
  - Hardware:
    - Furniture
    - Refrigerator
    - Showcase
    - Builders (except Revised Price Schedule No. 40)
    - Casket, shell
  - Metal weatherstrip
  - Metal sash
  - Air distribution ductwork
  - Metal doors
  - Timber connectors
  - Flashing and valleys
  - Ornamental iron work
  - Air distribution outlets:
    - Registers
    - Grilles
    - Diffusing outlets
  - Gutters, downspouts, ridge rolls and similar miscellaneous metal building products
  - Skylights
  - Ventilators, sheet metal
  - Enameled iron and steel sheets and shapes
  - Pipe hangers, rests, rollers, and miscellaneous piping accessories
- Heating and winter air conditioning:
  - Boilers—steam and hot water:
    - Cast iron and steel firebox (except industrial boilers covered by Maximum Price Regulation No. 136 as amended)
  - Furnaces, heating, warm air:
    - Cast iron
    - Steel
    - Floor
  - Unit heaters, steam, hot water, and gas
  - Coils, extended surface, finned, etc.
- Heating and winter air conditioning—Con.
  - Boilers—steam and hot water—Continued.
  - Radiation:
    - Cast iron
    - Convectors
  - Conversion grates
  - Heaters:
    - Hot water supply heaters
  - Burners:
    - Coal stokers (except those having a capacity of 1,200 lbs. per hr. or more covered by Maximum Price Regulation No. 136, as amended)
    - Gas (except industrial, covered by Maximum Price Regulation No. 136, as amended)
    - Oil, self-contained motor driven (horizontal rotary, vertical rotary and pressure atomizing) and vapor atomizing type
  - Domestic fuel oil storage tanks—above ground installation (except those covered by Revised Price Schedule No. 96)
  - Automatic controls for space heating, air conditioning, and refrigeration
  - Repair parts and service parts for the foregoing listed equipment
  - Furnace pipe and fittings
- Plumbing:
  - Plumbing fixtures
  - Plumbing fixture fittings:
    - Faucets, waste connection, etc.
  - Water heaters, direct fired and indirect
  - Hot water storage tanks
  - Plumbing Specialties:
    - Drains, ferrules, accessories, etc.
  - Sprinkler system equipment
  - Water filtering and treating equipment, domestic
  - Fire fighting standpipe, cabinet and hose equipment
  - Cast iron pressure pipe and fittings
  - Cast iron soil pipe and fitings (except as covered by Revised Price Schedule No. 100, as amended)
- Valves and fittings:
  - Hand valves and pipe and tubing fittings, regardless of material
  - Steam and hot water heating specialties
  - S. A. E. valves and fittings
  - Motorized and motor operated valves
- Commercial refrigeration and summer air conditioning:
  - Compressors under 25 horsepower
  - Coils and fan-coil units, regardless of size (such as, unit coolers, evaporating condensers, spot coolers, etc.)
  - Boxes (over 16 cu. ft. capacity) and cases
  - Units (over one horsepower portable air conditioners)
  - Drinking water coolers
  - Specialties
  - Evaporators

(2) Masonry and construction materials.

- Concrete products:
  - Building blocks and brick
  - Cast shapes and cast stone
  - Tile and tiling
  - Sewer and culvert pipe
  - Drain tile
  - Posts, piles, and cribbing
  - Terrazzo
  - Septic tanks
  - Grave vaults
- Structural clay products:
  - Brick and hollow tiles, glazed and unglazed
  - Clay conduit
- Sand lime brick
- Clay tile roofing
- Clay drain tile
- Vitrified clay sewer pipe (Except Maximum Price Regulation No. 206)
- Tile:
  - Wall
  - Floor
  - Quarry
- Terra cotta
- Refractories:
  - Fireclay refractories
  - Silica refractories
  - Basic refractories (except Revised Price Schedule No. 75)
  - Special refractories
  - High temperature motors
- Dead burned dolomite
- Caustic calcined magnesite
- Chemical stoneware
- Chemical porcelain
- Gypsum:
  - Crude
  - Calcined gypsum plaster
- Plaster
- Lime:
  - Construction
  - Metallurgical
  - Chemical
- Sand and gravel
- Slag
- Crushed stone:
  - Construction
  - Metallurgical
  - Chemical
- Light weight aggregates
- Cinders
- Ready-mixed concrete
- Slate:
  - Structural slabs
  - Electric
  - Roofing
  - Granules and flour
- Dimension stone:
  - Limestone
  - Granite
  - Marble
  - Sandstone
  - Basalt and related rocks
- Rough stone:
  - Rubble
  - Rip rap
  - Field stone
- Clays (merchant):
  - Kaolin or china clay
  - Slip clays
  - Ball clay
  - Fire clay
  - Stoneware clay
  - Bentonite
  - Fullers earth
  - Miscellaneous and common, including shale
- Talc, steatite, soapstone and pyrophyllite
- Oil paints and varnishes:
  - Ready mixed paints of all types (interior and exterior)
  - Paste and semi-paste paints
  - Putty
  - Fillers
  - Oil, varnish and spirit stains
  - Paint and varnish remover
  - Colors-in-oil
  - White lead in oil
  - Zinc white in oil
  - Marine paints
  - Artists colors
- Compounds:
  - Calking
  - Waterproofing (integral and hardeners)
  - Pipe
- Aqueous (water) paints
- Paint and varnish brushes and applicators

(3) Insulating board, roofing materials, and glass.

- Asphalt and tarred roofing products (except Revised Price Schedule No. 45):
  - Roll roofing
  - Siding (asphalt felt base)
  - Shingles (asphalt)
  - Roof coatings and cement
  - Emulsified asphalt (building materials)
  - Asphalt and tarred felts
  - Slaters felts
  - Asphalts and tarred saturated building papers

- Insulated brick or stone siding (and accessories)
- Asphalt floor tiles (and accessories)
- Asbestos-cement building materials:
  - Shingles and accessories
  - Siding and accessories
  - Flat sheets and accessories
  - Corrugated sheets and accessories
  - Wallboard and accessories
  - Tileboard and accessories
  - Insulating asbestos—cement board and accessories
  - Asbestos-cement pipe
- Glass products:
  - Plate (all types)
  - Window (all types)
  - Laminated
  - Picture
  - Rolled, figured, wired and rolled heat-absorbing (except Maximum Price Regulation No. 175)
  - Colored sheet and opalescent
  - Cathedral
  - Structural and architectural
  - Glass blocks
  - Other glass insulation products
- Gypsum board:
  - Wallboard
  - Lath
  - Sheathing
  - Liner board
  - Tile
  - Joint systems
- Fibre boards:
  - Wallboard
  - Display board
  - Tile board
  - Shaped board
  - Poster board
  - Colored board
- Insulation board:
- Wallboard:
  - Natural and plain
  - Colored and painted
  - Textured
  - Veneered
- Sheathing
- Plank and tile:
  - Natural and plain
  - Colored and painted
  - Textured
  - Veneered
- Roof insulation
- Acoustical
- Industrial
- Hard board:
  - Presdwood
  - Tempr presdwood
  - Temprtile
  - Quartrboard
  - Deluxe quarterboard
  - Industrial presdwood
  - Weatherwood hard board
  - Weatherwood treated hard board
  - Weatherwood dense board
  - Weatherwood structo board
- Decorated tile board (Masonite or Weatherwood base):
  - Plain
  - Tile
  - Mouldings
- Termal insulations for buildings and industrial purposes:
  - Rigid
  - Semi-rigid
  - Loose
  - Granulated
- Pipe and boiler insulations:
  - Cellular
  - Laminated
  - Solid
  - Asbestos roll board
  - Asbestos mill board
  - Asbestos paper
  - Mineral or glass wool
  - 85% Magnesia:
    - Molded
    - Cement

- Pipe and boiler insulations—Continued.
  - High temperature:
    - Molded
    - Cement
- Metal lath and accessories

(b) *Consumers' goods.* (1) Bedding.

- Mattresses and mattress pads
- Bedsprings, including boxsprings, coil bedsprings and flat bedsprings, but not including coil and flat bedsprings with non-steel frames
- Double duty sleep equipment, including studio couches, sofa beds, lounges, chair beds, love seats and sliding couches
- Cots
- Pillows
- Feathers and down
- Sisal pads
- Sleeping bags
- Innerspring units for upholstering and bedding purposes
- Upholstering coils and bedspring metal fabrics
- Inner constructions for boxsprings, studio couches and all double duty sleep equipment
- Quilts and comforters

(2) Equipment and supplies (except those covered by Maximum Price Regulation No. 136).

- Artists' supplies
- Beauty parlor and barber shop furniture fixtures and equipment
- Ecclesiastical ware
- Funeral supplies and appurtenances
- Laboratory, hospital and professional fixtures and equipment (except those covered by Maximum Price Regulation No. 136)
- Office fixtures and safes
- Office machines and equipment (manual and electric)
- Restaurant fixtures and equipment
- School and office supplies, including carbon paper, but no other paper
- Scientific and technical instruments-apparatus and supplies (Except those covered by Maximum Price Regulation No. 136, as amended)
- Store machines, fixtures and equipment, including:
  - Store displays and display fixtures
  - Dispensers
  - Vending machines (coin operated)
  - Time clocks
  - Measuring devices for yardgoods, screens, linoleum, etc.
- Signs, electric, & mechanical, etc.

(3) Floor coverings. All floor coverings, except terry cloth bath mats, and wool floor coverings subject to Revised Price Schedule No. 57.

(4) Furniture. All types of furniture manufactured from any material for any purpose, to be used in any location, and any other articles made to serve the functional purposes of furniture.

(5) Hardware tools and appliances (except those covered by Maximum Price Regulation No. 136, as amended and Maximum Price Regulation No. 196)

- Carpenters' tools, including:
  - Saws
  - Chisels
  - Hammers
  - Hatchets
  - Planes
  - Non-mechanical rules and tapes
  - Auger bits and braces
  - Hand drills
  - Levels
  - Squares
  - Miter boxes
  - Screw drivers
  - Etc.
- Mechanics' tools, including:
  - Anvils
  - Crow bars
  - Wrecking bars
  - Pinch bars
  - Blow torches and fire pots
  - Bench grinders
  - Hammers
  - Wrenches
  - Snips
  - Hack saw frames
  - Jacks and jack screws
  - Lanterns
  - Oilers
  - Pliers
  - Punches
  - Tackle blocks
  - Trowels
  - Vises
  - Handles
  - Etc.
- Farm and garden tools and supplies, including:
  - Axes
  - Chain
  - Corn planters
  - Curry combs
  - Singletrees
  - Doubletrees
  - Neck-yokes
  - Handles
  - Grass hooks
  - Brush hooks
  - Corn and can knives
  - Wheelbarrows
  - Couplings and nozzles
  - Hog scrapers
  - Hog and bull rings
  - Well wheels
  - Huskers
  - Post hole diggers and augers
  - Pruning equipment
  - Scythes and snaths
  - Hedge grass and pruning shears
  - Shovels
  - Hand sprayers
  - Steel goods
  - Hose clamps
  - Etc.
- Coal miners tools, including:
  - Coal pick
  - Pinch bar
  - Auger
  - Needle
  - Tamper
  - Wedge
  - Carbide lamps
  - Etc.
- Horse shoes and nails
- Ice tools, including:
  - Saws
  - Tongs
  - Etc.
- Logging tools, including:
  - Cant hooks
  - Peavies
  - Pike poles
  - Etc.
- Stove and furnace pipe and elbows
- Saddlery hardware, including:
  - Buckles
  - Loops
  - Rings
  - Etc.
- Heavy goods, including:
  - Sledges
  - Wedges
  - Picks
  - Mattocks
  - Mauls
  - Etc.
- Game traps
- Hand trucks and push carts
- Weather stripping

(6) Household appliances, electrical and other, including:

- Household sewing machines
- Ice refrigerators

- Air conditioning equipment (excluding built-in system)
- Small electrical household appliances
- Heating appliances, including:
  - Bakers
  - Boilers
  - Broilers
  - Buffet servers
  - Casseroles
  - Coffee makers
  - Cookers
  - Chafing dishes
  - Driers (clothes and hair)
  - Heaters (space and immersion)
  - Hot plates, grills and table stoves
  - Irons (curling)
  - Irons (flat)
  - Irons (waffle)
  - Kettles
  - Heating pads
  - Lighters (cigarette, etc.)
  - Percolators
  - Ovens (portable)
  - Pressers (trouser and tie)
  - Roasters
  - Sterilizers
  - Toasters
  - Vaporizers
  - Warmers (bottle and plate)
  - Etc.
- Power appliances, including:
  - Freezers (ice cream, domestic)
  - Mixers and juice extractors
  - Fans (ceiling, desk and bracket, pedestal)
  - Vibrators and exercisers
    - Vaporizers and humidifiers
- Electric shavers
- Etc.

(7) Miscellaneous housewares, (except those covered by Maximum Price Regulation No. 196,) including:

- Cooking utensils
- Cutlery
- Cleaning supplies (mops, brooms, etc.)
- Cabinets
- Bathroom equipment
- Fireplace equipment
- Galvanized-tin and painted tinware
- Kitchen tools and gadgets
- Woodenware and baskets
- Household and personal brushes
- Window shades
- Drapery hardware
- Scissors and shears
- Vacuum bottles and specialties
- Carpet sweepers
- Unfinished furniture
- Venetian blinds
- Screens
- Etc.

(8) Commercial kitchen equipment. Commercial and institutional kitchen equipment, irrespective of the type of fuel used, for use in hotels, restaurants, schools, hospitals, industrial and public cafeterias, and similar establishments, including:

- Ranges
- Broilers, including salamanders and combination types
- Automatic deep fat fryers
- Bain maries
- Roasting ovens
- Baking ovens (sectional and cabinet types)
- Baker stoves
- Steam jacketed kettles
- Stock kettles (electric)
- Vegetable steamers—commercial
- Steam tables
- Warming ovens
- Plate warmers
- Hot plates
- Griddles
- Automatic egg broilers
- Coffee urns and coffee making systems
- Toasters—commercial (gas)
- Toasters—commercial over 2 slices (electric)
- Dishwashers—commercial
- Glasswashers—commercial
- Silver burnishers
- Mixers
- Choppers
- Slicing machines
- Potato peelers
- Coffee grinders—commercial
- Chopping blocks
- Pot racks
- Pot sinks and vegetable sinks
- Canopies
- Etc.

(9) Marine hardware, boats, boat supplies, accessories and equipment (except those articles covered by Maximum Price Regulation No. 136, as amended) including.

- Small boats and canoes
- Boat furniture
- Cabinet hardware (except those covered by Revised Price Schedule No. 40)
- Cordage
- Deck and exterior hardware (except those articles covered by Revised Price Schedule No. 40)
- Fastenings, bolts, screws, nails, tacks, etc., (except those covered by Maximum Price Regulation No. 147)
- Fire fighting equipment
- Flags, poles, sockets
- Ground tackle
- Life saving equipment
- Marine lights and equipment
- Navigating equipment
- Pipe and tube fittings
- Dismountable propulsion equipment
- Cars, paddles and accessories
- Sailboat fittings
- Steering equipment
- Fenders and ring buoys
- Marine stoves, heaters, and refrigerators
- Etc.

(10) Personal and household accessories.

- Household accessories, decorations and giftware, including:
  - Artificial and preserved flowers, foliage, fruits, etc.
  - Baskets
  - Bookends, wood and metal
  - Music boxes
  - Ornamental statuary
  - Plaques
  - Plaster work
  - Wood carvings
  - Screens, decorative
  - Etc.
- Notions, including:
  - Buckles
  - Buttons
  - Clasps
  - Fasteners, slide and snap
  - Feathers and plumes
  - Hooks and eyes
  - Needles, hand, knitting, crochet
  - Pin cushions
  - Pins, safety, straight, hat, bobby, hair
  - Shoetrees
  - Thimbles
  - Zippers
  - Toilet sets
  - Combs
  - Vanities
  - Compacts
  - Military insignia
  - Military buttons
  - Barettes
  - Button hooks
  - Glove stretchers
  - Hair curlers
  - Hair nets
  - Measuring tapes
  - Sewing kits
  - Sewing boxes
  - Tie racks
  - Beads
  - Etc.
- Luggage, including:
  - Brief cases
  - Club bags
  - Dress trunks
  - Fitted cases
  - Overnighters
  - Gladstones
  - Hand trunks
  - Hat and shoe boxes
  - Sample cases
  - Sample trunks
  - Steamer trunks
  - Suit cases
  - Two suiters
  - Wardrobe trunks
  - Zipper bags
  - Train boxes
  - Etc.
- Glassware, including:
  - Artware and specialties
  - Cutware
  - Desk glassware
  - Engraved ware
  - Etch ware
  - Glass hardware knobs
  - Glass novelties
  - Glass rods
  - Glass tubing
  - Hotel glassware
  - Bar glassware
  - Restaurant glassware
  - Soda fountain glassware
  - Household glassware
  - Lenses, and signal glass (except those covered by Maximum Price Regulation No. 136, as amended)
  - Illuminating glassware
  - Lamp chimneys
  - Lantern globes
  - Technical and laboratory glassware
  - Heat resisting and cooking glass
  - Industrial glass:
    - Technical
    - Scientific
    - Laboratory
  - Glass bottles and containers
  - Etc.
- Mirrors
- Pottery (except those articles covered by Maximum Price Regulation No. 116) including:
  - Art pottery
  - Stoneware
  - Etc.
- Decorative accessories
- Silverware, including:
  - Silverplated flatware
  - Silverplated hollow-ware
  - Sterling silver flatware
  - Sterling silver hollow-ware
  - Etc.
- Miscellaneous plated ware (chrome plate, nickel plate, etc.)
- Jewelry
  - Precious (gold-platinum-silver, etc.)
  - Non-precious (gold plate-gold filled, etc.) (except jewelry exempted from the General Maximum Price Regulation by the provisions of Amendment No. 9 to the General Maximum Price Regulation)
  - Novelty:
  - Men's accessories, including:
    - Collar pins and buttons
    - Cuff links
    - Key chains
    - Belt buckles
    - Medals and badges
    - Metal watch bands
    - Etc.
  - Women's novelty jewelry, including:
    - Compacts and vanity cases
    - Lockets
    - Earrings
    - Etc.
- Clocks and watches, including:
  - Clock cases, containers, guards
  - Watch cases, containers, guards
  - Electric clocks (except those covered by Maximum Price Regulation No. 136, as amended)

- Clocks and watches, including—Continued.
  - Spring clocks, including:
    - Alarm
    - Decorative
    - Etc.
  - Etc.
- Portable lamps and shades (other than industrial) including:
  - Boudoir lamps
  - Desk lamps
  - Floor lamps
  - Table lamps
  - Lamp shades
  - Novelty lamps
  - Torchieres
  - Wall lamps
  - Oil lamps
  - Etc.
- Electric light bulbs (other than radio tubes) including:
  - Arc
  - Carbon
  - Fluorescent
  - Gaseous
  - Incandescent
  - Therapeutic
  - Etc.
- Pictures and picture frames and mirror frames; including:
  - Pictures:
    - Framed
    - Unframed
  - Frames:
    - Photograph
    - Picture
    - Mirror
- Optical goods; including:
  - Optical glass
  - Eye glass and spectacle cases
  - Eye glass and spectacle frames and mountings
  - Lenses for eye glasses and spectacles, white and colored
  - Scientific optical instruments:
    - Microscopes and accessories
    - Optical measuring instruments
    - Other instruments
  - Scientific refracting instruments for oculists and optometrists:
    - Ophthalmic chairs, stools, tables, etc.
    - Ophthalmic units
    - Refracting units
  - Diagnostic instruments for use by eye, ear, nose, and throat specialists
  - Goggles:
    - Industrial
    - Sun goggles
  - Sun glasses
  - Artificial eyes
  - Binoculars
  - Field glasses
  - Opera glasses
  - Telescopes
  - Shooting glasses
  - Contact lenses
  - Prisms
  - Magnifying glasses
  - Loupes
  - Readers
  - Meteorological instruments:
    - Barometers
    - Hydrometers
    - Thermometers, (for household, office, and advertising use only)
  - Compasses
  - Optical Rx Laboratory machinery and equipment
  - Etc.
- Smokers' articles (except tobacco, cigars, and cigarettes), including:
  - Cigarette cases
  - Cigarette and cigar holders, pipes, pouches, etc.
  - Pipe cleaners
  - Cigarette lighters
  - Etc.
- Umbrellas and canes
- Hair goods, including:
  - Wigs
  - Toupees
  - Braids
  - Etc.

(11) Radio, phonograph, and battery equipment.

- Phonographs (except domestic electrical phonographs)
- Phonograph accessories, but not records
- Domestic radio accessories, but not radio parts

(12) Musical instruments, parts, and accessories, including toy and novelty musical instruments.

(13) Cameras, projectors, and equipment.

- Cameras and photographic films, equipment, and materials, except chemicals
- Motion picture projection machines and apparatus

(14) Sporting goods except clothing and shoes.

(15) Toys and games.

(16) Wheel goods.

- Baby carriages
- Bicycles (except bicycles for which maximum prices are established by agreement with the Office of Price Administration)
- Bicycle accessories and parts, but not tires and tubes
- Go-carts
- Motor bicycles and motor scooters
- Wheel chairs

(17) Unclassified:

- Ammunition for small arms
- Amusement machines, coin operated
- Automobile seat coverings, fiber
- Bells, hand
- Butcher saws
- Dry cell batteries
- Eardrums, pneumatic
- Fire extinguishers
- Flashlights and electric hand lanterns
- Hearing aids (electric), hearing aid batteries, and accessories
- Jewelers' tools
- Manually operated tire pumps
- Pocket knives
- Spittoons and cuspidors
- Razors
- Razor blades
- Water coolers
- Christmas tree ornaments
- Christmas trees, artificial

§ 1499.165a. *Effective dates of amendments.* (a) Amendment No. 1 to Maximum Price Regulation No. 188 (§§ 1499.153 (b) and (c), 1499.156 (b) (3), 1499.157 (e) (3), 1499.158, 1499.159a, 1499.163 (a) (2), and (5), 1499.165a, and 1499.166) shall be effective October 6, 1942.

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9990; Filed, October 6, 1942; 4:49 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 86 Under § 1499.3 (b) of General Maximum Price Regulation [1]]

AMERICAN TOBACCO COMPANY

The American Tobacco Company, a corporation, has made application under § 1499.3 (b) of the General Maximum Price Regulation for determination of a maximum price for a Christmas package of smoking tobacco. Due consideration has been given to the application and an opinion in support of this order issued simultaneously herewith has been filed with the Division of the Federal Register.* For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with § 1499.3 (b) of the General Maximum Price Regulation. *It is hereby ordered,* That:

§ 1499.300 *Authorization of a maximum price for a certain Christmas package of smoking tobacco for the American Tobacco Company.* (a) On and after October 7, 1942, the American Tobacco Company may sell and deliver to any person and any purchaser may buy and receive from the American Tobacco Company a Christmas package of smoking tobacco (consisting of 1⅛ ounce each of Herbert Tareyton and Personal Tobacco and 1¼ ounce each of Blue Boar, Carlton Club and Serene Tobacco all of which are packed in individual cardboard containers assembled in the shape of a star hereinafter spoken of as "Christmas package") at a price no higher than hereinafter set forth:

$9.60 per dozen Christmas packages less 10% trade discount, and 2% cash discount for payment within 10 days.

(b) Any wholesaler or jobber may sell and deliver to any person and any person may buy and receive from such wholesaler or jobber the Christmas package at a price no higher than hereinafter set forth:

$9.60 per dozen Christmas packages less the customary discount or discounts given by such wholesaler or jobber on other tobaccos to a purchaser of the same class.

(c) Any retailer may sell and deliver and any person may buy and receive the Christmas package at a price no higher than $1.00 per package.

(d) The American Tobacco Company shall notify in writing all jobbers and wholesalers who purchase such Christmas package of the maximum prices established in paragraphs (a), (b) and (c) of this order for sales at wholesale and retail on or before the first delivery of such product after the effective date hereof and of the notification provision in paragraph (e) below.

(e) All suppliers of this Christmas package to sellers at retail on or before the first delivery of such product after the effective date hereof, shall notify in writing such sellers that the maximum price established for this Christmas package is $1.00 per package.

(f) This Order No. 86 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 86 (§ 1499.300) shall become effective October 7, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9991; Filed, October 6, 1942; 4:50 p. m.]

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[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7750.

*Copies may be obtained from the Office of Price Administration.

PART 1499—COMMODITIES AND SERVICES

[Order 62 under § 1499.18 (c) of General Maximum Price Regulation—Docket GF3-414]

DE LA SALLE INSTITUTE

For the reasons set forth in an opinion* issued simultaneously herewith, *It is ordered:*

§ 1499.912 *Adjustment of maximum prices for wines and brandy manufactured by De La Salle Institute.* (a) De La Salle Institute, Napa, California may sell and deliver and Picker-Linz Importers, Inc., 17 West 46th Street, New York, New York may buy and receive from De La Salle Institute the following commodities at prices not higher than the maximum prices established therefor under § 1499.2 of the General Maximum Price Regulation plus the following additions:

Commodities:	*Additions*
Sweet Wine	10¢ per case (all sizes).
Dry Wine	13¢ per case (all sizes).
Brandy	16¢ per case (all sizes).

(b) The adjustment granted to De La Salle Institute is subject to the condition that Picker-Linz Importers, Inc. shall not use such adjustment as the basis for petitioning the Office of Price Administration for adjustment of its prices.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 62 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 62 (§ 1499.912) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices estaablished by § 1499.2.

(f) This Order No. 62 (§ 1499.912) shall become effective October 7, 1942.

(Pub. Law No. 421, 77th Cong.)

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9983; Filed, October 6, 1942; 3:11 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 63 under § 1499.18 (c) of General Maximum Price Regulation]

JUNEAU LUMBER MILLS, INCORPORATED

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.913 *Adjustment of maximum prices for lumber sold by Juneau Lumber Mills, Incorporated, Juneau, Alaska.* (a) Juneau Lumber Mills, Incorporated, of Juneau, Alaska, may sell and deliver, and any person may buy and receive from said Juneau Lumber Mills, any lumber at wholesale from its mill at Juneau, Alaska, at prices $5.00 per 1,000 feet board measure in excess of the maximum prices established by the General Maximum Price Regulation and any lumber at retail from its mill at Juneau, Alaska, at prices $4.00 per 1,000 feet board measure in excess of the maximum prices established by the General Maximum Price Regulation.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 63 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 63 (§ 1499.913) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 63 (§ 1499.913) shall become effective October 7, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 6th day of October, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9984; Filed, October 6, 1942; 3:08 p. m.]

PART 1302—ALUMINUM

[Amendment 1 to Revised Price Schedule 2, as Amended [1]]

ALUMINUM SCRAP AND SECONDARY ALUMINUM INGOT

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new § 1302.13a is added, and in § 1302.14, paragraph (a) is amended to read as set forth below:

§ 1302.14 *Appendix A: Maximum prices for aluminum scrap*—(a) *Schedule of prices.* * * *

NOTE 2: *Low-grade or contaminated scrap.* If borings, turnings and similar machinings or other grades of aluminum scrap contain oil, water or other forms of contamination, maximum prices may be paid only on the basis of the actual weight of aluminum or aluminum alloy contained.

* * * * *

§ 1302.13a *Effective dates of amendments.* (a) Amendment No. 1 to Revised Price Schedule No. 2, as amended (§ 1302.14 (a)) shall become effective October 13, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 7th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10015; Filed, October 7, 1942; 11:30 a. m.]

PART 1302—ALUMINUM

[Correction to Revised Price Schedule No. 2, as Amended [1]]

ALUMINUM SCRAP AND SECONDARY ALUMINUM INGOT

In the table of maximum prices for aluminum scrap appearing in § 1302.14 (a), the line "28 solids" is corrected to read "2S solids."

* * * * *

§ 1302.13a *Effective dates of amendments.* * * *

(b) Correction (§ 1302.14 (a)) to Revised Price Schedule No. 2, as amended, shall become effective October 7, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 7th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10014; Filed, October 7, 1942; 11:30 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIAL OF WHICH RUBBER IS A COMPONENT

[Amendment 37 to Revised Tire Rationing Regulations [1]]

TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES AND CAMELBACK

Section 1315.504 (a) (7) (iii) is amended, and a new subdivision (v) is added as set forth below:

Tires and Tubes for Vehicles Eligible Under List B

§ 1315.504 *Eligibility classification. List B.* (a) On a passenger car used principally to provide one or more of the following transportation services:

* * * * *

(7) * * *

(iii) Such written statement shall contain a certification that all of the following requirements have been met: (*a*) That the applicant is not a temporary or transient worker at such establishment; (*b*) that other practicable means of transportation, exclusive of the automobiles of other workers, are not available; or that their use requires the applicant to consume more than one hour in going either to or from his work; (*c*) that the applicant resides at least two miles from his place of employment; and (*d*) that the applicant regularly carries with him at least three other workers of any such establishment, none of whom resides less than two miles from his work; or, if the applicant operates a vehicle having a capacity of less than four, that such vehicle is regularly utilized to its full capacity; or that the applicant cannot transport the requisite number of other workers for the requisite distance because they do not reside near the route regularly traveled by him or do not travel at approximately the same time as he does, but that he regularly transports as many workers as possible.

* * * * *

(v) Certificates may be issued hereunder to all applicants who use their automobiles at regular intervals as certified in accordance with subdivision (iii) of this subparagraph.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6468.

[1] 7 F.R. 1027, 1089, 2106, 2167, 2541, 2633, 2945, 2948, 3235, 3237, 3551, 3830, 4176, 4336, 4493, 4543, 4544, 4617, 4856, 5023, 5274, 5276, 5566, 5605, 5867, 6423, 6775, 7024, 7211, 7659, 7670, 7743, 7777.

§ 1315.1199a *Effective dates of amendments.* * * *

(kk) Amendment No. 37 (§ 1315.504) to Revised Tire Rationing Regulations shall become effective October 13, 1942.

(Pub. Law 421, 77th Cong., Jan. 30, 1942, OPM Supp. Order No. M–15c, WPB Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792; 7 F.R. 121, 350, 434, 473, 562, 925, 1009, 1026.)

Issued this 7th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10016; Filed, October 7, 1942; 11:29 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPERS AND PAPER PRODUCTS

[Amendment 1 to Maximum Price Regulation 182[1]]

KRAFT WRAPPING PAPERS AND CERTAIN KRAFT BAG PAPERS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* In § 1347.301, paragraph (a), paragraph (b), subparagraphs (2) and (7) of paragraph (b), paragraph (c) (1), subparagraphs (2) (i) and (2) (ii), (3) and (4) (i) of paragraph (c), in § 1347.311, subparagraphs (9) and (10) of paragraph (a) are amended; a new subparagraph (8) is added to § 1347.301 (c); and a new paragraph (d) is added to § 1347.301; as set forth below:

§ 1347.301 *Maximum prices for Kraft wrapping papers and Kraft bag papers.* * * *

(a) *Tabulation of maximum prices in sales by manufacturers.* * * *

	Per cwt.
Machine glazed Kraft wrapping paper (25 pound basis weight and heavier)	$5.25 [2]
Machine glazed Kraft bag paper (25 pound basis weight and heavier)	$5.00 [3]

* * * * *

[2] On sales of this grade by Fox Paper Company, Lockland, Ohio, Nekoosa-Edwards Paper Company, Port Edwards, Wisconsin, and Thilmany Pulp and Paper Company, Kaukauna, Wisconsin, the maximum price established in this paragraph shall be $5.75 per cwt.

[3] On sales of this grade by Fox Paper Company, Lockland, Ohio, Nekoosa-Edwards Paper Company, Port Edwards, Wisconsin, and Thilmany Pulp and Paper Company, Kaukauna, Wisconsin, the maximum price established in this paragraph shall be $5.50 per cwt.

* * * * *

(b) *Differentials applicable to sales by manufacturers.* In sales by manufacturers, there may be added to the maximum base prices established in paragraph (a) of this section the following differentials in only such cases in which such differentials are applicable:

* * * * *

(2) For L. C. L. orders:

Quantity:	*Per cwt.*
Less than 20,000 pounds	25¢
20,000 to carload	12½¢

(Quantity includes the total weight of any combination of the grades listed in paragraph (a) of this section and § 1347.11 (a) (6) of Maximum Price Regulation No. 129. The foregoing differentials may not be added where any shipment of such a combination comprises a carload.)

* * * * *

(7) Special packing of sheets (all prices and differentials set forth in subparagraphs (ii) to (v) of this subparagraph (7) inclusive) shall be on a net weight basis.

* * * * *

(c) *Merchants' or distributors' maximum selling prices.* (1) The maximum price at which a merchant or distributor may sell Kraft wrapping paper or Kraft bag paper to persons, excepting other merchants or distributors, shall not exceed the maximum price established in paragraphs (a) and (b) of this section plus the following mark-ups: (The manufacturer's differentials set forth in paragraph (b) of this section may be added to the maximum base prices established in paragraph (a) of this section only where such differentials are included in the manufacturer's price to the merchant or distributor.)

Quantity in pounds:	*Per cwt.*
Less than 100	$3.75
100 to less than 375	2.25
375 to less than 750	1.50
750 to less than 1,500	1.25
1,500 to less than 7,500	1.00
7,500 to less than 15,000	.75
15,000 to less than 30,000	.50
30,000 or more	.25

(2) * * *

(i) In sales of less than 7,500 lbs., 5¢ per cwt for each 25¢ per cwt. in excess of such $4.50: *Provided,* That a merchant or distributor who resells to other merchants or distributors may add not more than 2½¢ per cwt. for each 25¢ per cwt. in excess of such $4.50.

(ii) In sales of 7,500 lbs. or more, 2½¢ per cwt. for each 25¢ per cwt. in excess of such $4.50: *Provided,* That a merchant or distributor who resells to other merchants or distributors may add not more than 1¼¢ per cwt. for each 25¢ per cwt. in excess of such $4.50.

* * * * *

(3) A merchant or distributor may add to the maximum price as established in paragraph (c) of this section actual charges incurred which shall not exceed the following in cases where he performs such operations: (Such charges shall be separately included in the invoice or other evidence of sale.)

	Per cwt.
Sheeting	$1.00
Slitting	1.00
Sheet Trimming	.50

(4) * * *

(i) In computing his maximum selling price, every merchant or distributor who purchases from other merchants or distributors shall not exceed the maximum price established in paragraphs (a) and (b) of this section plus the mark-ups set forth in paragraphs (c) (1) and (c) (2), as amended above, of this section.

* * * * *

(8) For sales in carload lots requiring local delivery by the merchant or distributor from a warehouse or rail siding, there may be added to the maximun price established herein the actual delivery expenses, (except that no rail freight shall be included) which in no event shall exceed the applicable local common carrier rate; and such expense shall be separately included in the invoice or other evidence of sale.

(d) Special put-ups of Kraft wrapping papers and Kraft bag papers not exceeding 10 lbs. per unit which are packaged exclusively for retail sales and are sold by recognized retail establishments are not covered by this regulation, but are covered by the General Maximum Price Regulation.

* * * * *

§ 1347.311 *Definitions.* (a) When used in this Maximum Price Regulation No. 182, the term: * * *

(9) "Imitation Kraft wrapping paper" means any wrapping paper 18 lb. basis weight or over containing more than 50% of any one or any combination of the following: wastepaper, groundwood, or screenings. All rolls and bundles must be stencilled or labeled with a designation including the words "Imitation Kraft."

(10) "Standard unbleached Kraft butchers wrapping paper" means any wrapping paper containing 50% or more unbleached sulphate fibre, testing less than 90% of the basis weight Mullen test under Standard Tappi testing procedure, possessing sizing, formation, etc., to make it suitable for butchers' use and sold for butchers' use.

* * * * *

§ 1347.314 *Effective dates of amendments.* (b) Amendment No. 1 (§ 1347.301 (a), (b), (b) (2), (b) (7), (c) (1), (c) (2) (i) and (c) (2) (ii), (c) (c), (c) (4) (i) and (c) (8), (d), and § 1347.311 (a) (9) and (a) (10)) to Maximum Price Regulation 182 shall become effective October 12, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 7th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10017; Filed, October 7, 1942; 11:29 a. m.]

PART 1347—PAPER, AND PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS

[Amendment 8 to Maximum Price Regulation 129[1]]

WAXED PAPER, ETC.

Waxed paper.
Envelopes.
Paper cups, paper containers and liquid tight containers.
Sanitary closures and milk bottle caps.
Drinking straws.
Certain sulphate and certain sulphite papers.
Certain tissue papers.
Rope and jute papers.
Technical papers.
Gummed papers.
Tags, pin tickets and marking machine tickets.
Glazed and fancy papers.
Standard grocer's and variety bags.

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* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5712, 6043.

[1] 7 F.R. 3178, 3242, 3482, 3554, 4176, 4668, 5712, 5780, 5943.

Resale book matches.
Unprinted single weight crepe paper in folds.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new § 1347.11a is added and eight new subparagraphs (25), (26), (27), (28), (29), (30), (31), and (32) are added to § 1347.22 (a), as set forth below:

§ 1347.11a *Maximum prices for commodities which cannot be priced under § 1347.11.* (a) In the case of a product which was not sold or offered for sale by the manufacturer during the applicable specified base period, and which cannot be priced under § 1347.11 (a) and (b) but which has substantially the same use, is produced by substantially the same process, and varies from a product sold or offered for sale only in one of the details named in this paragraph, the maximum price shall be the maximum price for the most closely comparable product sold during the applicable specified base period. Such price shall be adjusted and computed in the manner hereinafter stated:

(1) *When the variance is in count, length, quantity, or basis weight.* A proportionate increase or decrease in price shall be made. For example, a 25% decrease in the count, length, quantity, or basis weight shall be reflected by a 25% decrease in the price of the package. If the product to be priced falls within a well recognized price series, however, the price of the product shall be computed by interpolating the product in the appropriate position, pricewise, in the series. No price computed under this subparagraph shall exceed the manufacturer's previous highest price in the same series.

(2) *When the variance is in type of size of package, or in quality (other than basis weight), or in a factor as to which a price reduction or increase based upon a smaller or greater consumer value cannot be accurately calculated.* A tentative reduced or increased price shall be calculated by the manufacturer. If interpolation in a recognized price series is possible, such interpolation shall be made in the manner stated in (1) above. No price computed under this subparagraph shall exceed the manufacturer's previous highest price in the same series.

(3) (i) Any price calculated under (1) and (2) above shall be reported to the Office of Price Administration, together with a full description of the comparable product which has been used as a base, a statement of the difference between the product being priced and the comparable product or products, and a justification of the manufacturer's calculation of maximum price.

(ii) The manufacturer may sell, deliver, or offer to sell or deliver at his proposed price if, but only if, he expressly agrees with each customer to adjust such price, if necessary, and to conform with any order or ruling issued by the Price Administrator with respect thereto. If within twenty-one days after the report is filed with the Office of Price Administration, the Administrator does not either disapprove or adjust the price, or extend the time for making such decision, such price may be deemed approved. At any future time, nevertheless, the Administrator may by order establish a lower maximum price for deliveries after the effective date of such order.

(b) The manufacturer's maximum price for a commodity which can not be priced under any of the foregoing sections or paragraph (a) above shall be a maximum price to be established at the level of prices prevailing during the applicable specified base period, in accordance with customary methods of computing prices on the basis of raw materials, conversion charges, margins, and charges for delivery. The general provisions of this paragraph shall be limited and defined by (1) (2) (3) and (4) below:

(1) *Raw materials costs.* The delivered purchase price at which the raw materials are acquired by a converting plant, or the transfer price of an integrated mill to its converting plant, neither of which shall in any event exceed the maximum prices established for such raw materials by the Office of Price Administration. In computing such transfer price, the manufacturer shall use the same method, classifications, and differentials as were used by such manufacturer in computing such transfer price during the applicable specified base period, excepting that such manufacturer may change such method, classifications and differentials, if a lower price results from such change. If, during the applicable specified base period, the manufacturer adopted or employed the practice of averaging or otherwise computing his raw materials costs, he shall continue such practice in the same manner. If a manufacturer acquired raw materials at less than maximum prices during the applicable specified base period, but computed his raw materials costs on the basis of ceiling prices for such raw materials during the applicable specified base period, he may continue to do so, provided the profit on raw materials thus taken, plus the margin, as described in (d) below, does not exceed in total the profit taken on raw materials, plus the margin, during the applicable specified base period. The manufacturer shall continue to add the same percentage charge for waste in estimating prices and applying credits received from the sale or other disposition of waste material in the same manner in which such credits or charges were applied during the applicable specified base period.

(2) *Applicable conversion charges.* Charges for hand and/or machine operations incident to the fabrication, assembly, marking and/or packing of commodities of the same general class shall not be computed in excess of the same hourly, piece and setting-up rates and shall be based on the same standards of production as were in effect during the applicable specified base period, and which were used in normally determining the selling prices of commodities and services contracted to be sold or supplied at a definite price during such period.

(i) The same method or principle for applying conversion charges shall be employed that was employed during the applicable specified base period, so that direct or indirect conversion charges shall be computed in the manner customarily employed during the applicable specified base period. Charges for a different type of conversion (e. g., hand rather than machine operations) shall not be substituted for customary conversion charges as a means of increasing the price of the product.

(3) *Margin.* This margin is to be computed on a percentage basis, or rate per unit of base material in accordance with the method, and shall be equivalent to the margin, used by the manufacturer during the applicable specified base period, in determining the selling price f. o. b. shipping point for the same or comparable commodity or service contracted to be sold at a definite price to a purchaser of the same class during such period.

(i) No seller shall change his customary allowances, discounts or other price differentials unless such change results in a lower price.

(4) *Charges for delivery.* No manufacturer shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery of any commodity, than the manufacturer required purchasers of the same class to pay during the applicable specified base period on sales of the same or similar types of commodities.

(c) In using this section, the manufacturer shall keep on record sufficient evidence establishing that such commodities cannot be priced by § 1347.11, and the prices thus computed are in accordance with the rules set forth in this section.

(d) In the case of sales involving a commodity where the manufacturer cannot establish the facts required by paragraphs (b) and (c), he shall file with the Office of Price Administration in Washington, D. C., an application for authorization of a method to determine his maximum price. This application shall set forth:

(1) A description in detail of the commodity for which a maximum price is sought.

(2) A statement of the facts which differentiate such commodities from other commodities sold or offered during the applicable specified base period.

(3) Comparative cost sheets showing the build-up of manufacturer's raw material costs, applicable conversion charges, and margin, for both the item which is to be priced and the nearest comparable item sold or offered during the applicable specified base period. Those elements of raw material costs, or applicable conversion charges which differ as between the items thus submitted, shall be described in sufficient detail to justify the difference of such elements.

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* Copies may be obtained from the Office of Price Administration.

§ 1347.22 *Definitions.* (a) When used in this Maximum Price Regulation No. 129 the term:

* * * * *

(25) "Applicable conversion charges" means the charges covering the normal operations used in producing the commodities or supplying the service to be priced.

(26) "Assembly" means the putting together of component parts of a commodity, or commodities, by such means as gluing, taping, covering, stitching, pasting, typing or otherwise fabricating.

(27) "Commodities of the same general class" means commodities made of essentially the same raw materials and requiring essentially the same hand or machine conversion processes.

(28) "Comparable commodity or service". (i) A "Comparable commodity" is one that is closely comparable by grade, cost and quantities of raw materials for a unit of the commodity and is most nearly alike for the converting operation required.

(ii) A "Comparable service" is one which has the same use and purpose and involves approximately the same operation.

(29) "Hand and/or machine operations". (i) "Hand operations" means the manufacturing processes including, but not limited to, fabrication, assembly, marking and packing, which require only the use of hand tools.

(ii) "Machine operations" means the manufacturing processes including, but not limited to, fabrication, assembly, marking and packing, which require the use of mechanical devices.

(30) "Hourly, piece and setting-up rates". (i) "Hourly rates" means the highest rate per hour for labor, machine, machine overhead, and other manufacturing expenses as established for estimating purposes during the applicable specified base period.

(ii) "Piece rates" means the highest rate per numerical unit for labor, machine, machine overhead and other manufacturing expenses as established for estimating purposes during the applicable specified base period.

(iii) "Setting-up rates" means the highest rate of the preparation of a machine for a particular conversion operation including such procedures as adjustment of feeding and receiving devices, installation of proper printing plates, cutting knives or creasing bars, and cleaning the machine after the completion of the conversion operation as established for estimating purposes during the applicable specified base period.

(31) "Margin" means the difference between the total of the factors set forth in (b) (1) and (2) of this section (raw material costs and applicable conversion charges) and selling price f. o. b. shipping point.

(32) "Applicable specified base period" refers to the dates mentioned in § 1347.11, which are either October 1–15, 1941, inclusive, or December 1–15, 1941, inclusive.

§ 1347.25 *Effective dates of amendments.* * * *

(h) Amendment No. 8 (§ 1347.11a, § 1347.22 (a) (25), (26), (27), (28), (29), (30), (31) and (32)) to Maximum Price Regulation No. 129 shall become effective October 13, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 7th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10011; Filed, October 7, 1942; 11:33 a. m.]

PART 1350—EMERGENCY CIVILIAN DEFENSE MATERIALS AND EQUIPMENT

[Maximum Price Regulation 234]

APPROVED STIRRUP PUMPS

A statement of considerations involved in the issuance of this regulation has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1[1] issued by the Office of Price Administration, Maximum Price Regulation No. 234 is hereby issued.

AUTHORITY: §§ 1350.51 to 1350.63, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1350.51 *Applicability of this Maximum Price Regulation No. 234.* This Maximum Price Regulation No. 234 applies only to stirrup pumps manufactured under purchase orders from Defense Supplies Corporation, according to specifications approved by the Office of Civilian Defense.

§ 1350.52 *Prohibition against dealing in approved stirrup pumps at prices above maximum prices.* On and after October 13, 1942, regardless of any contract or other obligations, no person is permitted to sell or deliver an approved stirrup pump at a price higher than the maximum price fixed by this Maximum Price Regulation No. 234 and no person is permitted to buy or receive an approved stirrup pump in the course of trade or business at a price higher than the maximum price.

§ 1350.53 *Maximum prices for sales of approved stirrup pumps in the Continental United States.* (a) Maximum prices for sales or deliveries of approved stirrup pumps in the Continental United States are as follows:

Name of manufacturer	Factory price	Wholesale price	Higher retail price	Lower retail price
The Oakes Mfg Co., Tipton, Ind.	$1.96	$2.41	$3.45	$3.10
Tennessee Stove Works, Chattanooga, Tenn.	1.98	2.43	3.50	3.15
Independent Lock Co., Fitchburg, Mass.	2.18	2.63	3.80	3.40
Standard Container Inc., Rockaway, N. J.	1.86	2.31	3.30	3.00

(b) The price listed under "factory price" in paragraph (a) is the maximum price for sales by the named manufacturer to all classes of purchasers, including municipalities and local defense councils. The price is f. o. b. factory.

(c) The price listed under "wholesale price" in paragraph (a) is the maximum price for:

(1) Sales by a person other than the manufacturer to purchasers for resale, including retailers.

(2) Sales to all classes of purchasers by a jobber or wholesaler who does not customarily sell to ultimate consumers other than industrial or commercial users except as an accommodation.

(3) Sales to ultimate consumers by a municipality or defense council.

The "wholesale price" shall be a delivered price.

(d) The price listed under "lower retail price" in paragraph (a) is the maximum price for all sales to an ultimate consumer by a person who buys directly from the manufacturer, other than sales to which the "wholesale price" is applicable. A sale through a retail establishment by a person who maintains separate wholesale and retail establishments shall be deemed to be a "sale by a person who buys directly from the manufacturer", regardless of the fact that the purchase from the manufacturer is made by the wholesale establishment.

(e) The price listed under "higher retail price" in paragraph (a) is the maximum price for all sales except those for which a lower maximum price is established by the above paragraphs of this § 1350.53.

§ 1350.54. *Maximum prices for sales of the approved stirrup pumps in the territories and possessions.* For a sale or delivery of an approved stirrup pump in a territory or possession of the United States, the maximum price shall be as follows:

(a) For the following sales by persons who import the stirrup pumps from the Continental United States, the maximum price is the seller's direct cost plus $.40:

(1) Sales to a purchaser for resale.

(2) Sales to all classes of purchasers by a jobber or wholesaler who does not customarily sell to ultimate consumers other than industrial or commercial users except as an accommodation.

(3) Sales to an ultimate consumer by a municipality or defense council.

The price shall be a delivered price.

(b) For a sale by a retailer of a stirrup pump imported from the Continental United States by him or by the wholesaler from whom he buys the maximum price is the seller's direct cost plus $1.25, adjusted upward to the nearest nickel.

(c) For all sales other than those for which maximum prices are established by paragraphs (a) and (b) of this § 1350.54, the maximum price is the price paid by the seller.

§ 1350.55 *Credit charges.* The maximum prices established by this Maximum Price Regulation No. 234 shall not be increased by any charge for the extension of credit other than retailers' customary carrying charges for credit to the extent that they were stated and charged separately in the past.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 971, 3663, 6967.

§ 1350.56 *Taxes.* As to any tax upon, or incidental to, the sale or delivery of an approved stirrup pump, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, if the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1350.57 *Retail price labels.* Before the delivery to any purchaser for resale of an approved stirrup pump, except a pump that is to be exported to a territory or possession, the manufacturer must attach securely to such pump so that it is clearly visible a durable tag containing in easily readable lettering the statement in the following form:

> The Office of Price Administration has established a retail ceiling price of $— for this stirrup pump. Lower prices may be charged. This tag may not be removed until after delivery to the consumer.

Tags attached to pumps sold directly to retailers, by manufacturers, shall state the price designated in § 1350.53 (a) as the lower retail price. Tags attached to pumps sold by manufacturers to wholesalers or jobbers shall state the price designated as the higher retail price. Tags attached to pumps sold by manufacturers to municipalities and defense councils shall state the price designated as the wholesale price.

A person customarily selling at both wholesale and retail must re-mark the tags on those pumps, purchased directly from the manufacturer, which he sells to ultimate consumers, so that the tags will state the "lower retail price".

§ 1350.58 *Relation between Maximum Price Regulation No. 234, the General Maximum Price Regulation,[2] and Maximum Price Regulations Nos. 188,[3] 194,[4] and 201.[5]* (a) The provisions of this Maximum Price Regulation No. 234 supersede the provisions of the General Maximum Price Regulation and Maximum Price Regulations Nos. 188, 194, and 201 with respect to sales and deliveries for which maximum prices are established by this Maximum Price Regulation No. 234, except as otherwise provided in paragraph (b) of this § 1350.58. However, the seller must comply with the following provisions, which are identical, except for appropriate changes in dates and terminology, with the sections of the General Maximum Price Regulation having the same heading:

(1) *Sales for export.* The maximum price at which a person may export an approved stirrup pump shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation.

(2) *Sales slips and receipts.* Any seller who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the article sold, and the price received for it.

(3) *Petitions for amendment.* Any person seeking a modification of any provision of this Maximum Price Regulation No. 234 may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1 issued by the Office of Price Administration.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Maximum Price Regulation No. 234 selling at wholesale or retail an approved stirrup pump. When used in this section the terms "selling at wholesale" and "selling at retail" have the definitions given to them by §§ 1499.20 (p) and 1499.20 (o), respectively, of the General Maximum Price Regulation.

§ 1350.59 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 234 may be charged, demanded, paid, or offered.

§ 1350.60 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 234 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to the approved stirrup pumps, alone or in conjunction with any other commodity, by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise.

§ 1350.61 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 234 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 234 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest district, state, field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1350.62 *Definitions.* (a) When used in this Maximum Price Regulation No. 234 the term:

(1) "Continental United States" means the forty-eight states and the District of Columbia.

(2) "Direct cost to the seller" means the price which the seller paid, less discounts allowed to the seller, plus all costs of shipment to the seller actually incurred by him: *Provided,* That in computing the costs of shipment incurred by the seller, war risk insurance costs shall not exceed the amount represented by the charge for war risk insurance by the War Shipping Administration on an identical shipment.

(3) "A sale in a territory or possession of the United States" does not include sales from a seller outside of a territory or possession to a purchaser in the territory or possession. Export sales, from a seller in the Continental United States to a purchaser in a territory or possession of the United States, shall be governed by the maximum prices established for export sales by the Revised Maximum Export Price Regulation.

(b) Unless the context otherwise requires, the definitions set forth in the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1350.63 *Effective date.* This Maximum Price Regulation No. 234 (§§ 1350.51 to 1350.63, inclusive) shall become effective October 13, 1942.

Issued this 7th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10013; Filed, October 7, 1942; 11:32 a. m.]

PART 1351—FOODS AND FOOD PRODUCTS

[Amendment 10 to Revised Price Schedule 53[1]]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (8) of paragraph (b) of § 1351.151 is amended to read as set forth below:

§ 1351.151 *Maximum prices for fats and oils.* * * *

(b) * * *

(8) *Lard.* On and after October 13, 1942, subparagraphs (1) to (5), both inclusive, and subparagraph (7) of this paragraph (b) shall have no application to lard and the maximum prices thereof shall be computed as follows:

(i) *Chicago and East St. Louis basing points area.* This area shall include that part of the continental United States east of the Mississippi River and north of the northern boundaries of Tennessee and North Carolina. Chicago and East St. Louis basing points maximum prices:

(*a*) Loose lard, 12.80 cents per pound, in tank cars, delivered within corporate limits of basing points.

(*b*) Base or standard commercial refined lard, 14.55 cents per pound, in tierces, delivered within corporate limits of basing points.

(*1*) The maximum price that may be charged by any processor for loose lard, delivered, at any community in this area, outside the corporate limits of the basing points, shall be 12.80 cents per pound, plus the tank-car freight rate per pound on loose lard from the nearest basing point in the area to the community of sale. No other charges may be added to this delivered price.

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[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758.

[3] 7 F.R. 5872.

[4] 7 F.R. 5909, 6268, 6744.

[5] 7 F.R. 6269, 6744.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1309, 1836, 2132, 3430, 3821, 4229, 4294, 4484, 5605, 7665, 7666.

(*2*) The maximum price at which a processor may sell base or standard commercial refined lard in tierces, delivered, at any community in this area, outside the corporate limits of the basing points, shall be 14.55 cents per pound, plus the packing house product freight rate, tare added, between the nearest basing point and the community of sale. No other charges may be added to this delivered price.

(ii) *Kansas City basing point area.* This area shall include that part of the continental United States east of the Mississippi River and south of the southern boundaries of Kentucky and Virginia. Kansas City basing point maximum prices:

(*a*) Loose lard, 12.55 cents per pound, in tank cars, delivered within corporate limits of Kansas City.

(*b*) Base or standard commercial refined lard, 14.30 cents per pound, in tierces, delivered within corporate limits of Kansas City.

(*1*) The maximum price that may be charged by any processor for loose lard, delivered, at any community in this area shall be 12.55 cents per pound, plus the tank-car freight rate per pound on loose lard from the basing point for this area to the community of sale. No other charges may be added to this delivered price.

(*2*) The maximum price at which a processor may sell base or standard commercial refined lard in tierces, delivered, at any community in this area shall be 14.30 cents per pound, plus the packing house product freight rate, tare added, between the basing point and the community of sale. No other charges may be added to this delivered price.

(iii) *Multiple basing point area.* This area shall include that part of the continental United States west of the Mississippi River. Basing points shall be as follows:

Iowa: Cedar Rapids, Davenport, Des Moines, Dubuque, Fort Dodge, Marshalltown, Mason City, Ottumwa, Waterloo.

Minnesota: Albert Lea, Austin, Duluth, South St. Paul, St. Paul, Winona.

Missouri: Joplin, Kansas City, South St. Joseph, Springfield.

Nebraska: South Omaha, Omaha.

Maximum prices at each of these basing points shall be as follows:

(*a*) Loose lard, 12.55 cents per pound, in tankcars, delivered within corporate limits of basing points.

(*b*) Base or standard commercial refined lard, 14.30 cents per pound, delivered within corporate limits of basing points.

(*1*) The maximum price that may be charged by any processor for loose lard, delivered, at any community in this area, outside the corporate limits of the basing points, shall be 12.55 cents per pound, plus the tankcar freight rate per pound on loose lard from the nearest basing point in the area to the community of sale. No other charges may be added to this delivered price.

(*2*) The maximum price at which a processor may sell base or standard commercial refined lard in tierces, delivered, at any community in this area, outside the corporate limits of the basing points, shall be 14.30 cents per pound, plus the packing house products freight rate, tare added, between the nearest basing point and the community of sale. No other charges may be added to this delivered price.

(iv) To determine his maximum price for lard other than loose lard or base or standard commercial refined lard in tierces, the processor should determine his maximum price for base or standard commercial refined lard in tierces, in accordance with this schedule, and to this figure add no more than, or, subtract at least the quality differentials hereinafter set forth for the appropriate type of lard, irrespective of area, quantity, or type of package:

Prime steam	¾ cent per pound under base or standard commercial refined lard.
Rendered pork fat	1 cent per pound under base or standard commercial refined lard.
Refined rendered pork fat.	¼ cent per pound under base or standard commercial refined lard.
Base or standard commercial refined lard.	None.
Special refined hardened lard.	¼ cent per pound over base or standard commercial refined lard.
Open kettle rendered lard.	½ cent per pound over base or standard commercial refined lard.
Neutral lard	1 cent per pound over base or standard commercial refined lard.
Lard flakes	1½ cents per pound over base or standard commercial refined lard.
Rendered pork fat flakes.	1½ cents per pound over rendered pork fat.

(v) To determine his maximum price for lard sold in other than tierces, the processor should first compute his maximum price for the particular type of lard involved, in accordance with the above provisions of this schedule, then, to this figure he may add a sum equal to, but no more than, the differential hereinafter set forth for the appropriate type of package, irrespective of area, quantity or quality:

	Cents per lb.
Tierces	None.
400 pound nonreturnable steel drums	None.
120 pound nonreturnable steel drums	None.
57 pound tubs	None.
65 pound hardwood tubs	⅛
50 pound tins	¼
25 pound tins	½
20 pound tins	1
16 pound tins	1
20 pound wooden pails	1
8 pound tins	1
4 pound tins	1¼
8 pound cartons	¼
4 pound cartons	¼
2 pound cartons	¼
1 pound cartons	¼

(vi) If a processor sells lard in a type of package not listed in (v) above, his maximum price for lard sold in such type of package shall be his maximum price for the particular type of lard involved, in accordance with this schedule, plus the usual or normal differential for such type of package.

(vii) The maximum price for cash lard shall be 13.80 cents per pound, Chicago basis, and the maximum price for lard futures contracts traded on the Chicago Board of Trade shall be 13.80 cents per pound.

(viii) The maximum price for F. S. C. C. lard shall be 14.25 cents per pound, Chicago processor's plant, in export boxes, and shall be subject to such zone differentials for other areas as are established by F. S. C. C. regulations.

(ix) Where a processor operates a branch house from which lard products are distributed and manufactures no lard at such branch, the maximum delivered price at which such branch house may sell a particular lard commodity shall be the processor's maximum delivered price at the community of sale on such lard commodity, as established by this schedule, plus ¾ cent per pound.

(x) Where a branch house processes lard, it should compute its maximum price on such lard in the same manner as any other processor, in accordance with the provisions of this schedule.

(xi) Where a processor sells through car-route, the maximum price on any particular lard commodity shall be the processor's maximum delivered price at the community of sale on such lard commodity, as established by this schedule, plus ¾ cent per pound.

(xii) *Definitions.* When used in §1351.151 (b) (8) of Revised Price Schedule No. 53, the term:

(*a*) "Loose lard" means lard conforming with paragraph 29, section 1, Regulation 1 of the Meat Inspection Regulations of the United States Department of Agriculture regardless of rendering method and not refined or packaged.

(*b*) "Prime steam lard" shall be considered the same as loose lard both as to definition and price consideration except that it shall be rendered in steam tanks.

(*c*) "Cash lard" means prime steam lard in tierces conforming with the requirements of paragraph 1479, pages 183–184, of the Rules and Regulations of Board of Trade of City of Chicago, March 8, 1941.

(*d*) "Rendered pork fat" means those rendered edible pork fats, regardless of rendering method, not eligible for lard as such, in accordance with paragraph 30, section 1, Regulation 1 of the Meat Inspection Regulations of the United States Department of Agriculture.

(*e*) "Refined rendered pork fat" means rendered pork fat, as defined above, regardless of rendering method used in processing such pork fats, refined under standard commercial practice to conform to the following specifications:

Moisture—not to exceed 0.3% as tested by the vacuum oven method of the Association of Official Agricultural Chemists.

Suspended matter—shall be free from appreciable amounts of suspended matter.

F. F. A.—not to exceed 0.5%, as tested by method of the Association of Official Agricultural Chemists.

Taste and odor—shall be mild, sweet and normal.

Stability—not less than three hours as determined by active oxygen method. (King, Roschen & Irwin, Oil and Soap *10*, 105, June, 1933.)

(*f*) "Base or standard commercial refined lard" means that kind of lard produced from loose lard, regardless of rendering method used in making the loose lard, and refined under standard commercial practice to conform to the following specifications:

Moisture—not to exceed 0.3%. (Same test as above.)

Suspended matter—shall be free from appreciable amounts of suspended matter.

F. F. A.—not to exceed 0.5%. (Same test as above.)

Taste and odor—shall be mild, sweet and normal for pure lard.

Stability—not less than three hours as determined by active oxygen method.

Plasticity—shall remain solid and be plastic and workable at ordinary temperatures.

(*g*) "Special refined hardened lard" means lard which conforms to the requirements of base or standard commercial refined lard, as above defined, with the addition of a minimum of 8% lard flakes which have a minimum titre of 57° C. and shall conform to the following specifications:

Moisture—not to exceed 0.2%. (Same test as above.)

Suspended matter—shall be free from appreciable amounts of suspended matter.

F. F. A.—not to exceed 0.5%. (Same test as above.)

Taste and odor—shall be mild, sweet and normal for pure lard.

Stability—not less than three hours as determined by active oxygen method.

Melting point—not less than 45° C., as tested by Wiley Method of the Association of Official Agricultural Chemists.

(*h*) "Open kettle rendered lard" means that kind of lard which is produced from 100% leaf fat or any mixture of leaf fat and back fat down to a minimum of 40% leaf fat, and is kettle rendered in a regular commercial manner to conform to the following specifications:

Moisture—not to exceed 0.3%. (Same test as above.)

Suspended matter—shall be free from appreciable amounts of suspended matter.

F. F. A.—shall be less than 0.5%. (Same test as above.)

Taste and odor—shall have a characteristic kettle rendered flavor.

Stability—not less than five hours as determined by active oxygen method.

Plasticity—shall remain solid and be plastic and workable at ordinary temperatures.

(*i*) "Neutral lard" means that kind of lard from fresh chilled leaf fat only, rendered at a temperature not exceeding 130° F., to conform to the following specifications:

Moisture—not to exceed 0.3%. (Same test as above.)

Suspended matter—shall be free from appreciable amounts of suspended matter.

F. F. A.—not to exceed 0.5%. (Same test as above.)

Taste and odor—shall be neutral in flavor.

Stability—not less than ten hours as determined by active oxygen method.

(*j*) "Lard flakes" means hydrogenated lard which conforms with paragraph 29, section 1, Regulation 1 of the Meat Inspection Regulations of the United States Department of Agriculture. The titre shall not be less than 57° C. and free fatty acid shall not exceed 0.2%.

(*k*) "Rendered pork fat flakes" means hydrogenated rendered pork fat conforming to paragraph 30, section 1, Regulation 1 of the Meat Inspection Regulations of the United States Department of Agriculture.

(*l*) "F. S. C. C. lard" means lard prepared in conformity with specifications established and commercially accepted for such lard.

§ 1351.159 *Effective dates of amendments.* * * *

(*j*) Amendment No. 10 (§ 1351.151 (b) (8)) to Revised Price Schedule No. 53 shall become effective October 13, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 7th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10018; Filed, October 7, 1942; 11:32 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 87 Under § 1499.3 (b) of General Maximum Price Regulation]

THE NEW CAN COMPANY, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.951 *Approval of maximum prices for sales of gallon black iron pails by The New Can Company, Inc.* (a) The New Can Company, Inc., of Malden, Massachusetts, may sell and deliver, and any person may buy and receive from the New Can Company, Inc., gallon black iron pails at an amount not in excess of a maximum price which shall be determined by adding to the maximum selling price at which its old type of tinplate or terneplate pails were delivered in March, 1942, the excess of the direct cost of the manufacture of the new pails over the direct cost of the manufacture of the old pails based upon the March, 1942, direct cost of manufacturing the two types.

(b) This Order No. 87 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 87 (§ 1499.951) shall become effective October 8, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 7th day of October, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10019; Filed, October 7, 1942; 11:31 a. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

VESSELS ENGAGED IN BUSINESS CONNECTED WITH THE CONDUCT OF THE WAR

ORDER REVOKING PREVIOUS ORDERS, ETC.

Revoking orders, dated 6 March, 1942, and substituting therefor an order waiving compliance with the provisions of the Navigation and Vessel Inspection laws, administered by the United States Coast Guard to the extent and in the manner that the Commandant of the United States Coast Guard shall find to be necessary in the conduct of the war.

The orders of the Secretary of the Navy (F.R. Doc. 42—2742 and 2743) dated 6 March, 1942, published in the FEDERAL REGISTER 31 March, 1942 (7 F. R. 2477) are hereby revoked and the following is substituted therefor:

By virtue of the authority vested in me by the provisions of section 501 of the Second War Powers Act, 1942 (Public Law 507, 77th Congress, 2d Session), I hereby waive compliance with the Navigation and Vessel Inspection laws administered by the United States Coast Guard, in the case of any vessel engaged in business connected with the conduct of the war, to the extent and in the manner that the Commandant, United States Coast Guard, shall find to be necessary in the conduct of the war.

JAMES FORRESTAL,
Acting Secretary of the Navy.

OCTOBER 1, 1942.

[F. R. Doc. 42-9999; Filed, October 7, 1942; 10:38 a. m.]

Subchapter F—Marine Engineering

PART 55—PIPING SYSTEMS

AMENDMENT TO REGULATIONS AND APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 161, 4405, 4417a, 4418, 4426, 4433, 4488, 4491, as amended, 49 Stat. 1544 (5 U.S.C. 22, 46 U.S.C. 375, 391a, 392, 404, 411, 481, 489, 367) and Executive Order No. 9083, dated February 26, 1942 (7 F.R. 1609), the following amendment to the Inspection and Navigation Regulations and approval of miscellaneous items of equipment for the better security of life at sea are prescribed:

Section 55.19–15 (d) is amended to read as follows:

§ 55.19–15 *Oil transfer and filling systems.* * * *

(d) Filling pipes may be led directly from the deck into the tanks, or to a manifold in an accessible location from which the oil can be distributed to the various tanks through branch pipes or the tank suctions.

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

Davits

Welin sheath screw straight boom davit, Type A–66 (maximum working load of 4,000 pounds per arm) (Arrangement Dwg. No. 2260, dated 29 April 1942), submitted by Welin Davit & Boat Corp., Perth Amboy, N. J.

Welin sheath screw straight boom davit, Type A–7 (maximum working load of 3,500 pounds per arm) (Arrangement Dwg. No. 1967, dated 14 April 1941), manufactured by Welin Davit & Boat Corp., Perth Amboy, N. J.

Disengaging Apparatus for Lifeboats

Gunderson Bros. lifeboat disengaging apparatus (maximum load of 4,750 pounds per hook) (Dwg. No. D–10–3, dated 25 March 1942), manufactured by Gunderson Bros., Portland, Oreg.

Life Rafts

10-person life raft, Type CSS (Dwg. No. 506, dated 22 July 1942), submitted by Tregoning Boat Co., Seattle, Wash.

18-person catamaran type life raft "Buck Win" (Dwg. No. 100–A, dated August 1942), submitted by Buckler-Merwin Company, Portland, Oreg.

Life Floats

Steel life floats, Model Nos. 25–B (25-person), 40–B (40-person), 60–B (60-person) (Dwg. No. 1712, dated 1 September 1942); and Model No. 60–A (60-person) (Dwg. No. 1719, dated 6 July 1942); submitted by L. A. Young Spring and Wire Corp., Oakland, Calif.

15-person rectangular balsa wood life float (Dwg. dated 11 July 1942), manufactured by General Store Equipment Corp., New York, N. Y.

Life Preservers

Adult quilted type kapok life preserver (Dwg. No. 201, dated 31 August 1942), Approval No. B–169, submitted by R. L. Morey Co., Inc., New York, N. Y.

Navy Standard adult kapok life preserver (Dwg. No. 10, dated 15 September 1942), Approval No. B–168, submitted by Grand Novelty Co., New York, N. Y.

Thread for Life Preservers

10/4, natural, glazed finish cotton thread, manufactured by John C. Meyer Thread Co., Lowell, Mass.

Lifesaving Suits

Universal lifesaving suit, Model LSS–2, submitted by Universal Life-Suit Co., Los Angeles, Calif.

Flashlights for Lifeboats

Rub-R-Lite Flashlight, three-cell type, submitted by William M. Lennan, Inc., Los Angeles, Calif.

Chemical Heating Pads

Everhot chemical heating pad, manufactured by Everhot Chemical Corp., Newark, N. J.

Master Hot chemical heating pad, manufactured by Master Hot Pad Company, Pittsburgh, Pa.

Luminous Cloth or Tape for Marking Interior Accommodations, etc.

Conti-Glo Type P–12 luminous cloth or tape, manufactured by Conti-Glo Division, Continental Lithograph Corp., 952 E. 72nd St., Cleveland, Ohio.

Type P1–12 Blue luminous cloth or tape, manufactured by E. P. Lynch, Inc., Providence, R. I.

Oil Cleansing Solutions

Orvus (5% solution) oil cleansing solution, manufactured by Procter & Gamble, Inc., Cincinnati, Ohio.

Ninol–737 (2% solution) oil cleansing solution, manufactured by Ninol Laboratories, 510 Dearborn Street, Chicago, Ill.

Redesignation of Type Numbers for Life Preservers

10–A–#1 adult kapok life preserver, Approval No. B–157, manufactured by Colvin-Slocum Boats, Inc., is redesignated as Type CS–1.

10–A–#2 adult kapok life preserver, Approval No. B–158, manufactured by Colvin-Slocum Boats, Inc., is redesignated as Type CS–2.

R. R. WAESCHE,
Commandant.

[F. R. Doc. 42–10000; Filed, October 7, 1942; 10:38 a. m.]

Chapter IV—War Shipping Administration

[General Order 8, (Revised), Supp. 7]

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

VESSELS INCLUDED UNDER TIME CHARTER RATES

Section 302.12 of General Order No. 8 (Revised) [1] is hereby amended to read as follows:

§ 302.12 *Vessels included.* Time charter rates herein prescribed are applicable to all American-flag self-propelled ocean-going iron and steel dry cargo vessels chartered under terms and conditions of (a) charter parties tendered by the War Shipping Administration to owners of such vessels pursuant to the provisions of sec. 902 of the Merchant Marine Act, 1936, as amended, and (b) charter parties entered into between vessel owners and any other agency or department of the United States when such charters provide that the rates or conditions specified therein are subject to adjustment or alteration in accordance with orders, directions, rules or regulations of the United States Maritime Commission or the War Shipping Administration, *except:*

(1) Vessels with refrigerated capacity in excess of 50% of total capacity.

(2) Combination passenger and freight vessels.

(3) Car ferries.

(4) Seatrains.

(5) Vessels which are not classed A–1 American Bureau of Shipping, or equivalent.

(6) Vessels of less than 8 knots of speed determined in accordance with General Order No. 10.[1]

(7) Vessels of less than 1,000 tons deadweight.

(8) Tankers.

(9) Other vessels excepted from this order by the Administrator from time to time.

(E.O. 9054, 7 F.R. 837)

[SEAL]

E. S. LAND,
Administrator.

OCTOBER 6, 1942.

[F. R. Doc. 42–10005; Filed, October 7, 1942; 11:09 a. m.]

[General Order 8 (Revised), Supp. 1–B]

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

VESSELS INCLUDED UNDER TIME CHARTER RATES

Section 302.17 of General Order No. 8 (Revised), Supplement No. 1,[2] is hereby amended to read as follows:

§ 302.17 *Vessels included.* Time charter rates herein prescribed are applicable to all American-flag self-propelled ocean-going iron and steel tank vessels chartered under terms and conditions of (a) charter parties tendered by the War Shipping Administration to owners of such vessels pursuant to the provisions of sec. 902 of the Merchant Marine Act, 1936, as amended, and (b) charter parties entered into between vessel owners and any other agency or department of the United States when such charters provide that the rates or conditions specified therein are subject to adjustment or alteration in accordance with orders, directions, rules or regulations of the United States Maritime Commission or the War Shipping Administration, *except:*

(1) Vessels which are not classed A–1 American Bureau of Shipping, or equivalent;

(2) Vessels of less than 8 knots of speed determined in accordance with General Order No. 10;[1]

(3) Vessels of less than 3,000 tons deadweight; and

(4) Other vessels excepted from this order by the Administrator from time to time.

(E.O. 9054, 7 F.R. 837)

[SEAL]

E. S. LAND,
Administrator.

OCTOBER 6, 1942.

[F. R. Doc. 42–10006; Filed, October 7, 1942; 11:09 a. m.]

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[1] 7 F.R. 4592, 6543.

[1] 7 F.R. 3679, 6546.
[2] 7 F.R. 4954, 6544.

[General Order 9, Supp. 4]

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

APPLICABILITY OF INSURANCE VALUATION PROVISIONS

Section 302.28 of General Order No. 9 [1] is hereby amended to read as follows:

§ 302.28 *Applicability of insurance valuation provisions.* Insurance valuations prescribed in §§ 302.28 to 302.35, inclusive, of this chapter are applicable to all American-flag self-propelled ocean-going iron and steel dry cargo vessels chartered under terms and conditions of (a) charter parties tendered by the War Shipping Administration to owners of such vessels pursuant to the provisions of sec. 902 of the Merchant Marine Act, 1936, as amended, and (b) charter parties entered into between vessel owners and any other agency or department of the United States when such charters provide that the rates or conditions specified therein are subject to adjustment or alteration in accordance with orders, directions, rules or regulations of the United States Maritime Commission or the War Shipping Administration, *except:*

(1) Vessels with refrigerated capacity in excess of 50% of total capacity.

(2) Combination passenger and freight vessels.

(3) Car ferries.

(4) Seatrains.

(5) Vessels which are not classes A–1 American Bureau of Shipping, or equivalent.

(6) Vessels of less than 8 knots of speed determined in accordance with §§ 302.44 to 320.46, inclusive,[2] of this chapter.

(7) Vessels of less than 1,000 tons deadweight.

(8) Vessels constructed pursuant to construction contracts made and entered into subsequent to January 1, 1935.

(9) Other vessels excepted from §§ 302.28 to 302.35, inclusive, of this chapter by the Administrator from time to time.

(E.O. 9054, 7 F.R. 837)

[SEAL]

E. S. LAND,
Administrator.

OCTOBER 6, 1942.

[F. R. Doc. 42–10020; Filed, October 7, 1942; 11:09 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Revocation of General Order ODT 8]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

SUBPART A—MOVEMENT OF IRON ORE ON THE GREAT LAKES

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, Subpart A of Part 502, this Title and Chapter of the Code of Federal Regulations, §§ 502.1 to 502.4, inclusive, (General Order O.D.T. No. 8) [1] be, and it is hereby, revoked effective October 19, 1942.

Issued at Washington, D. C. this 7th day of October, 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42–10021; Filed, October 7, 1942; 11:52 a. m.]

[General Order ODT 25]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

SUBPART H—OPERATION OF VESSELS ON THE GREAT LAKES

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, and in order to assure maximum utilization of the facilities, services, and equipment of carriers by water craft on the Great Lakes for the preferential transportation of materials of war and to prevent shortages of equipment necessary for such transportation, as contemplated by section 6 (8) of the Interstate Commerce Act; to expedite the movement and provide for the maximum flow of such traffic; and to conserve and providently utilize the transportation facilities and services of carriers by water craft, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

Sec.
502.75 Definitions.
502.76 Permit required.
502.77 Application for permit.
502.78 Certification of vessels.
502.79 Control of vessels.
502.80 Records and reports.
502.81 Suspension of provisions.
502.82 Exemptions.
502.83 Communications.
502.84 Effective date.

AUTHORITY: §§ 502.75 to 502.84, inclusive, issued under E.O. 8989, 6 F.R. 6725.

§ 502.75 *Definitions.* As used in this subpart or orders issued hereunder:

(a) The term "person" means any individual, firm, copartnership, corporation, association, governmental corporation, or other type of legal entity, or any trustee, receiver, assignee, or personal representative;

(b) The term "vessel" means any water craft or other artificial contrivance of whatever description which is designed or converted for use, and which is used, or is capable of being used, or is intended to be used, as a means of transportation by water of property other than liquid cargo in bulk, and which is documented under the laws of the United States or owned by a citizen of the United States or which is engaged in transportation by water of property between points and places in the United States;

(c) The term "vessel of the self-unloader belt type" means any vessel equipped with a belt conveyor self-unloading device;

(d) The term "ore type vessel" means any vessel certified by the Office of Defense Transportation as capable of transporting iron ore.

§ 502.76 *Permit required.* No person shall operate any vessel on the Great Lakes except in the transportation of such property, from and to such points and places, as may be authorized by a general or special permit issued by the Office of Defense Transportation.

§ 502.77 *Application for permit.* Application for permit shall be made in writing to the Office of Defense Transportation and shall be in such form and contain such information as the Office of Defense Transportation shall require.

§ 502.78 *Certification of vessels.* The Office of Defense Transportation may, from time to time, determine the type of cargo that any vessel operated on the Great Lakes is capable of transporting and certify such determination by the issuance of a certificate with respect to any such vessel.

§ 502.79 *Control of vessels.* (a) Whenever the Office of Defense Transportation shall deem it advisable, any person having possession or control of any vessel operated on the Great Lakes shall, notwithstanding any contract, charter, lease, or other commitment, express or implied, with respect to the use or operation of such vessel, cause such vessel (1) to be operated in such manner, for such purpose, and between such points and ports, as the Office of Defense Transportation shall from time to time direct, and (2) to be chartered, leased or rented by any such person to such person or persons as the Office of Defense Transportation shall from time to time direct. Unless the interested parties agree upon the amount of compensation payable for the use of any such vessel, so directed to be chartered, leased, or rented, the amount of such compensation shall be such amount as may be determined by the Office of Defense Transportation to be just and equitable, subject to any applicable maximum price established by any competent government authority.

(b) The provisions of this section shall not be so construed or applied as to require or authorize any person operating a vessel to perform any transportation service, the performance of which by such person is not authorized or sanctioned by law.

§ 502.80 *Records and reports.* Every person owning, chartering, subchartering, leasing, subleasing, loading, unloading, or operating a vessel on the Great Lakes shall keep such records and make such reports as the Office of Defense Transportation shall require.

§ 502.81 *Suspension of provisions.* The provisions of this subpart or any part thereof may be suspended from time to time, by order of the Office of Defense Transportation.

§ 502.82 *Exemptions.* The provisions of this subpart shall not apply:

(a) To the transportation by vessel of property consigned by or to the United

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[1] 7 F.R. 3679, 6545.
[2] 7 F.R. 3679, 6546.

[1] 7 F.R. 3431.

States or any department or agency thereof;

(b) To any vessel owned, controlled, or operated by the United States or any department or agency thereof, except governmental corporations.

§ 502.83 *Communications.* Communications concerning this subpart should be addressed to the Director, Great Lakes Carriers Division, Office of Defense Transportation, 2209 Terminal Tower, Cleveland, Ohio. Such communications should refer to General Order ODT 25.

§ 502.84 *Effective date.* §§ 502.81 and 502.84 hereof shall become effective upon the date of the issuance of this subpart. All other sections and provisions shall be come effective October 19, 1942.

Issued at Washington, D. C., this 7th day of October 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-10022; Filed, October 7, 1942; 11:52 a. m.]

[Suspension Order ODT 25-1]

PART 522—DIRECTION OF TRAFFIC MOVEMENT—EXCEPTIONS, SUSPENSIONS, AND PERMITS

SUBPART H—OPERATION OF VESSELS ON THE GREAT LAKES

Pursuant to the authority conferred by General Order O. D. T. No. 25, Title 49, Chapter II, § 502.81,[1] *It is hereby ordered*, That:

§ 522.775 *Certain provisions of General Order O. D. T. suspended.* The provisions of § 502.76 of General Order ODT 25 shall be and are hereby suspended until further order with respect to the operation of:

(a) Vessels having a gross register tonnage of less than one thousand tons;

(b) Vessels in connection with the transportation of iron ore;

(c) Vessels in connection with the transportation of coal which is now subject to the provisions of General Order ODT 9;[2]

(d) Vessels in connection with the transportation of coke;

(e) Vessels, other than ore type vessels, in connection with the transportation of iron and steel scrap loaded in any such vessel at Duluth, Minnesota;

(f) Vessels, other than vessels of the self-unloader belt type, in connection with the transportation of blast furnace fluxstone or open hearth stone, intended for use in the manufacture of iron or steel;

(g) Vessels, other than vessels of the self-unloader belt type, in connection with the transportation of limestone intended for use in the manufacture of chemicals;

(h) Vessels, other than ore type vessels or vessels of the self-unloader belt type, in connection with the transportation of property in packages or containers.

§ 522.776 *Effective date.* This suspension order shall become effective on the 19th day of October, 1942, and shall remain in full force and effect until further order.

Issued at Washington, D. C., this 7th day of October 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-10023; Filed, October 7, 1942; 11:52 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-227]

BOEHMAN BROTHERS

CEASE AND DESIST ORDER, ETC.

In the matter of Albert M. Boehman and Joseph J. Boehman, individually and as co-partners, doing business under the name and style of Boehman Brothers.

Order approving and adopting proposed findings of fact, proposed conclusions of law, and recommendation of the examiner, and cease and desist order.

A complaint pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 having been filed with the Bituminous Coal Division on March 4, 1942, by District Board No. 11, alleging that Albert M. Boehman and Joseph J. Boehman, individually and as co-partners, doing business under the name and style of Boehman Brothers, a code member in District No. 11, operating the Boehman No. 2 Mine (Mine Index No. 592), wilfully violated the provisions of the Bituminous Coal Code of 1937 and the Rules and Regulations thereunder. Complainant prayed that the Division either cancel and revoke the Boehman Brothers' code membership, or in its discretion direct the Defendant to cease and desist from further violations of the Code and the Rules and Regulations thereunder;

A hearing having been held on April 22, 1942, before Joseph D. Dermody, a duly designated Examiner of the Division, at a hearing room thereof in Vincennes, Indiana;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated August 20, 1942, recommending that an order be entered directing the code members to cease and desist from violations of the Code and the Rules and Regulations thereunder;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions and supporting briefs having been filed;

The undersigned having considered this matter and having determined that the proposed findings of fact and proposed conclusions of law of the Examiner should be approved and adopted as the findings of fact and conclusions of law of the undersigned;

Now, therefore, it is ordered, That the proposed findings of fact, proposed conclusions of law of the Examiner be, and they hereby are, adopted as the findings of fact and conclusions of law of the undersigned.

It is further ordered, That the code member, Albert M. Boehman and Joseph J. Boehman, individually and as co-partners, doing business under the name and style of Boehman Brothers, as partners and as individuals, their representatives, agents, servants, employees, attorneys and all persons acting or claiming to act for or in their behalf or interest, cease and desist, and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the prescribed minimum price therefor, and from violating the Bituminous Coal Act, or any rules and regulations promulgated thereunder, the Bituminous Coal Code, or any provisions thereof.

It is further ordered, That the Division may, upon the failure of the code members herein to comply with this order, apply to the Circuit Court of Appeals of the United States within any circuit where they carry on business for enforcement thereof, or take any other appropriate action.

Dated: October 6, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10002; Filed, October 7, 1942; 11:04 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

WISCONSIN—INDIANA

DESIGNATION OF COUNTIES FOR LOANS

Designation of localities in counties in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by Supplement 2 of Secretary's Memorandum No. 867 issued as of July 1, 1942, loans made in the counties mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION II—WISCONSIN

Columbia County: Locality I—Consisting of the towns of Arlington, Columbus, Courtland, Fountain Prairie, Hampden, Leeds, and Randolph; the villages of Cambria, Fall River, and Randolph; and the city of Columbus; $10,020.

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[1] *Supra.*

[2] 7 F.R. 3905.

Locality II—Consisting of the towns of Caledonia, Dekorra, Fort Winnebago, Lewiston, Lowville, Lodi, Marcellon, Newport, Otsego, Pacific, Scott, Springvale, West Point, and Wyocena; the villages of Doylestown, Lodi, Pardeeville, Poynette, Rio, and Wyocena; and the cities of Portage and Wisconsin Dells; $6,938.

REGION III—INDIANA

Jackson County: Locality I—Consisting of Jackson, Hamilton, and Redding townships; $9,799.

Locality II—Consisting of Brownstown, Washington, and Driftwood townships; $7,604.

Locality III—Consisting of Grassy Fork and Vernon townships; $4,298.

Locality IV—Consisting of Carr, Owen, Salt Creek, and Pershing townships; $2,448.

The purchase price limits previously established for the counties abovementioned are hereby cancelled.

Approved: October 1, 1942.

C. B. BALDWIN,
Administrator.

[F. R. Doc. 42-9989; Filed, October 6, 1942; 3:35 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-262]

MEMPHIS NATURAL GAS COMPANY

ORDER POSTPONING HEARING

October 6, 1942.

The Department of Public Utilities of the State of Arkansas, complainant, *v.* Memphis Natural Gas Company, defendant.

Upon application filed October 5, 1942, by defendant, Memphis Natural Gas Company, for postponement of the hearing set in the above entitled matter;

It appearing to the Commission that: Good cause has been shown for the postment of the hearing herein;

The Commission *orders*, That: The hearing in the above entitled matter, heretofore set for October 12, 1942, at 10:00 a. m., in Room 521 Federal Building at Little Rock, Arkansas, be and it is hereby postponed to October 26, 1942, at the same time and place.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-10001; Filed, October 7, 1942; 11:00 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 2 Under Revised Price Schedule 28—Ethyl Alcohol—Docket GF3-1015]

GULF DISTILLING CORPORATION

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is ordered:*

(a) Notwithstanding anything to the contrary contained in Revised Price Schedule No. 28 or in the General Maximum Price Regulation, Gulf Distilling Corporation, of Gretna, Louisiana, may sell and deliver ethyl alcohol of 188 proof or higher, of any formulae thereof, including pure ethyl alcohol, produced from molasses, and the Defense Supplies Corporation, Washington, D. C., a corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended, may buy such ethyl alcohol, at prices not in excess of those set forth below:

$.525 per wine gallon, f. o. b. plant.

(b) All prayers of the applicant not granted herein are denied.

(c) This Order No. 2 under Revised Price Schedule No. 28 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 2 under Revised Price Schedule No. 28 shall become effective October 7, 1942 and shall operate retroactively from August 1, 1942.

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9969; Filed, October 6, 1942; 3:11 p. m.]

[Order 4 Under § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs]

OVERTIME ADDITIONS

Pursuant to the provisions of § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs, the following persons have filed with the Office of Price Administration, Washington, D. C., a certified statement that said persons regularly maintain the following hours per week in all of their logging operations. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with § 1381.160 (e) of Maximum Price Regulation 161, *It is hereby ordered:*

(a) The following persons being on a 48-hour week may add to the maximum prices of all logs produced by them $1.00 per 1,000 ft., log scale:

Gray Logging Company, Seaside, Oregon.
A. W. Salmon, Aberdeen, Washington.
Rockaway Logging Company, Rockaway, Oregon.
Bloedel Donovan Lumber Mills, Bellingham, Washington.
Hutchins & Hutchins, Foster, Oregon.
Elk Creek Logging Company, Foster, Oregon.
Simonson Logging Company, Cascadia, Oregon.
Peterman Mfg. Company, Tacoma, Washington.
Mist Logging Company, Grand Ronde, Oregon.
Pacific Logging Company, Taft, Oregon.
Sharp Logging Company, Molalla, Oregon.

(b) The following persons being on a 54-hour week may add to the maximum prices of all logs produced by them $1.50 per 1,000 ft., log scale:

Murphy Timber Company, Portland, Oregon.
C & H Logging Company, Elsie, Oregon.
C & H Logging Company, Mehama, Oregon.
Pugent Sound Pulp & Timber Co., Bellingham, Washington.
DeGroot Logging Company, Bremerton, Washington.
A. K. Wilson, Portland, Oregon.
M. E. Wilson, Portland, Oregon.
C. P. Yates Logging Company, Seaside. Oregon.

(c) The additions to maximum prices specified in paragraphs (a) and (b) hereof may be made subject to the condition that the persons named comply with all provisions of § 1381.160 (e) (2) of Maximum Price Regulation 161.

(d) This Order No. 4 may be revoked or amended by the Price Administrator at any time by similar publication in the FEDERAL REGISTER for change of status of any of the persons named herein as an overtime company.

(e) This Order No. 4 to Maximum Price Regulation 161 shall become effective this 7th day of October 1942.

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9975; Filed, October 6, 1942; 3:05 p. m.]

[Order 1 Under § 1389.118 (c) of Maximum Price Regulation 177—Men's and Boys' Tailored Clothing—Docket 3177-1]

JOSEPH H. COHEN AND SONS VANITY CLOTHES, INC.

ORDER ADJUSTING MAXIMUM PRICES

An opinion in support of this order is issued simultaneously herewith and filed with the Division of the Federal Register. Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and pursuant to Procedural Regulation No. 1 and § 1389.118 (c) of Maximum Price Regulation 177, *It is hereby ordered:*

(a) Joseph H. Cohen and Sons Vanity Clothes Inc. of 71 Fifth Avenue, New York, New York, may sell and deliver, and agree, offer, solicit and attempt to sell and deliver the garments of men's and boys' tailored clothing set forth in paragraph (b) of this order at prices not in excess of the prices prescribed by that paragraph. Any person may buy and receive, and agree, offer, solicit, and attempt to buy and receive such garments at such prices from Joseph H. Cohen and Sons Vanity Clothes Inc.

(b) (1) The garments which may be sold pursuant to this order are men's and boys' suits made from the specific pieces of goods, purchased by Joseph H. Cohen and Sons Vanity Clothes Inc. before July 11, 1942, which are listed in paragraph (i) of this order by mill of origin, fabric name or lot number, total yardage and price paid.

(2) The maximum price for any garment sold pursuant to this order, referred to as the "new garment," shall be determined as set forth below:

(i) Find that group of garments, similar to garments which the seller booked during the base period, which has the highest current cost; this group is referred to as the "seller's highest price line."

(ii) Find the maximum price of the seller's highest price line.

(iii) Add to the maximum price of the seller's highest price line whichever is the lower of the following:

(*a*) The difference between the actual cost of the principal material used in garments in the seller's highest price line, and the actual cost of the principal material used in the new garment; or

(*b*) The difference between the total current cost of garments in the seller's highest price line, and the total current cost of the new garment.

The result is the maximum price of the new garment under this order.

(c) This order does not authorize any person other than Joseph H. Cohen and Sons Vanity Clothes Inc. to sell at prices in excess of the maximum prices established by Maximum Price Regulation 177, and shall not be made the basis for any application for adjustment or amendment by any person who buys or receives garments sold pursuant to this order.

(d) With respect to the garments affected by this order, Joseph H. Cohen and Sons Vanity Clothes Inc. shall be subject to the reporting requirements of Maximum Price Regulation 177 and shall file such other reports, and answer such other inquiries, as the Office of Price Administration, or any duly authorized officer thereof, may from time to time require.

(e) All relief requested by Joseph H. Cohen and Sons Vanity Clothes Inc. in its petition 3177-1, which is not granted by this order, is denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

(g) Unless the context otherwise requires, the definitions set forth in § 1389.119 of Maximum Price Regulation 177 shall apply to terms used in this order.

(h) This order shall become effective October 10, 1942, and shall expire on March 31, 1943.

(i) List of materials:

Mill	Fabric	Yardage	Price
San Ildefonso	Gabardina	1,847	3.248
	Popotillo	3,377	5.012
	Boston	3,848	3.877
	Londres	78	4.016
	San Ildefonso	24,530	3.88
	Royal	15,391	5.859
	#1000	1,600	3.314
	Melton	1,345	3.307
	Vicuna	5,871	4.026
Busqueta Hermanos.	Vienna	13,698	3.243
	Derby	8,043	3.456
	Belga	1,296	3.102
	Turin	516	3.245
	Gabardina	3,460	3.65
	Islandia	764	4.61
Villazon	Milord	933	4.88
	Vienna	1,343	3.87
Santa Isabel	Urrutia Special	6,562	3.92
La Victoria	Bremen	1,258	5.001
	Minerva	287	3.505
El Palacio de Hierro	Cassimir Londres	15,279	4.033
El Nuevo Mundo	Sergidor	48	3.739
	Ryeland	215	4.164
	Oxford	2,104	3.952
	London	1,381	4.235
	#8000	56	3.454
Santiago S. A.	Quadrille	525	3.946
	Urrutia	4,173	3.65
	London	3,471	4.228
	Oxford	781	3.867
Marks & Spencer	#555	32,986	3.30
	#879	630	3.80
	#3850	17,000	2.95

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9976; Filed, October 6, 1942; 3:08 p. m.]

[Order 5 Under § 1499.161 (a) of Maximum Price Regulation 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel]

ANDERSON BROTHERS & JOHNSON COMPANY

ORDER DENYING ADJUSTMENT

For reasons set forth in the opinion filed simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is ordered:*

(a) The petition for adjustment of the Anderson Brothers & Johnson Company of Wausau, Wisconsin, filed on June 18, 1942, hereby is denied.

(b) This Order No. 5 under § 1499.161 (a) of Maximum Price Regulation No. 188 shall become effective October 7, 1942.

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9977; Filed, October 6, 1942; 3:05 p. m.]

[Order 54 Under Maximum Price Regulation 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket 1120-57-P]

ROSS A. SWIGART

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 1, *It is ordered:*

(a) Ross A. Swigart, Casper, Wyoming, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not in excess of those stated therein.

(b) Coals produced at the Swigart Mine (Mine Index No. 177) of Ross A. Swigart, District No. 19, Subdistrict No. 9, for shipment by truck or wagon, may be sold in size groups 2-6 inclusive, at a price not to exceed $3.60 per net ton, f. o. b. the mine.

(c) This Order No. 54 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(e) This Order No. 54 shall become effective October 7, 1942.

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9970; Filed, October 6, 1942; 3:13 p. m.]

[Order 55, Under Maximum Price Regulation 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket 3120-125]

KINGSTON-POCAHONTAS COAL COMPANY

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 1, *It is hereby ordered:*

(a) Kingston-Pocahontas Coal Company may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraphs (b) and (c) of this order at prices not in excess of the respective prices stated therein.

(b) Coals in Size Groups 7, 8, 9 and 10, produced at the Exeter Mine (Mine Index No. 68), District No. 7, of Kingston-Pocahontas Coal Company may be sold at prices not to exceed $3.10, $2.75, $2.75 and $2.75 per ton, respectively, for shipment by rail.

(c) Coals in Size Groups 7, 8, 9 and 10, produced at the Exeter Mine (Mine Index No. 68), District No. 7, of Kingston-Pocahontas Coal Company may be sold at prices not to exced $3.10, $2.75, $2.75 and $2.75, respectively, for shipment via Great Lakes.

(d) This Order No. 55 may be revoked or amended by the Administrator at any time.

(e) All prayers of the petition not granted herein are denied.

(f) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(g) This Order No. 55 shall become effective October 7, 1942.

Issued this 6th day of October, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9971; filed, October 6, 1942; 3:12 p. m.]

[Order 56 Under Maximum Price Regulation 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket 3120-122]

CASTLE SHANNON COAL CORPORATION

ORDER GRANTING ADJUSTMENT

For the reasons set forth in the opinion issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 1, *It is hereby ordered:*

(a) Castle Shannon Coal Corporation, Pittsburgh, Pennsylvania, may sell and deliver, and any person may buy and receive, bituminous coal described in paragraphs (b) (1) and (b) (2) at prices not in excess of the respective prices stated therein.

(b) (1) Coals in Size Groups 7, 8, 9, and 10, produced at the Coverdale No. 8 Mine, Mine Index No. 224, District No. 2, of the Castle Shannon Coal Corporation, may be sold at not more than $2.75, $2.75, $2.65, and $2.55 per net ton respectively, f. o. b. the mine, for all shipments by rail or lake.

(2) Coals in Size Groups 8, 9, 10, and 11, produced at the Coverdale No. 8 Mine,

Mine Index No. 224, District No. 2, of the Castle Shannon Coal Corporation, may be sold at not more than $2.75, $2.75, $2.75, and $2.65 per net ton, respectively, f. o. b. the mine, for all shipments by truck or wagon.

(c) This Order No. 56 may be revoked or amended by the Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(e) This Order No. 56 shall become effective October 7, 1942.

Issued this 6th day of October, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9972; Filed, October 6, 1942; 3:12 p. m.]

[Order 57 Under Maximum Price Regulation 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket 1120-86-P]

THE SHANNON COMPANY

ORDER GRANTING ADJUSTMENT

For the reasons set forth in the opinion issued simultaneously herewith and pursuant to authority vested in the Administrator by the Emergency Price Control Act of 1942 and § 1340.207 (b) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Spencer S. Shannon, doing business as the Shannon Company, Dudley, Pennsylvania, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not in excess of the respective prices stated therein;

(b) Coals in Size Group 3 produced by the Shannon Company at its Ocean No. 5 Mine, Mine Index No. 348, Huntington County, Pennsylvania, District No. 1, may be sold per net ton, f. o. b. the mine, at not more than $3.05 for shipment by rail and not more than $3.10 for shipment by truck or wagon;

(c) This Order No. 57 may be revoked or amended by the Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein;

(e) This Order No. 57 shall become effective October 7, 1942.

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9973; Filed, October 6, 1942; 3:12 p. m.]

[Order 24 Under Maximum Price Regulation 122—Solid Fuels Delivered from Facilities Other than Producing Facilities—Dealers—Docket 3122-183]

BLOCK COAL AND SUPPLY CO.

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Joseph A. Block, doing business as Block Coal and Supply Company in Canton, Ohio, may sell and deliver, and the Board of Education of the Canton, Ohio, City School District may buy and receive the coal indicated in paragraph (b) below at prices no higher than those set forth in said paragraph (b);

(b)

Nature of coal:	*Maximum prices*
# 8 seam, deep mined:	
(1) 2″ lump	4.35
(2) 1¼″ x ⅜ Stoker	4.02

(c) This Order No. 24 may be revoked or amended by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to the terms used herein;

(e) This Order No. 24 shall become effective October 7, 1942.

Issued this 6th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9974; Filed, October 6, 1942; 3:09 p. m.]

[Order 27 Under Maximum Price Regulation 148—Dressed Hogs and Wholesale Pork Cuts—Docket 3148-104]

THE MORGAN PACKING COMPANY

ORDER GRANTING PETITION FOR ADJUSTMENT

On September 10, 1942, the Morgan Packing Company, Tuscaloosa, Alabama, filed a protest redocketed as a petition for adjustment pursuant to § 1364.29 (a) of Maximum Price Regulation No. 148. Due consideration has been given to the petition and an opinion in support of this Order No. 27 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) The Morgan Packing Company may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds of wholesale pork cuts referred to in paragraph (b), at prices not in excess of those stated in such paragraph. Any person may buy and receive such kinds of wholesale pork cuts at such prices from the Morgan Packing Company.

(b)

	Per pound
Fresh Hams	29¢
Pork Loins	29½¢
Slab Bacon	28¢

(c) The permission granted to the Morgan Packing Company in this Order No. 27 is subject to the following conditions: that the several prices specified in paragraph (b) shall apply only during the period April 1 to November 30, inclusive, of any year during which Maximum Price Regulation No. 148 is in effect and that during the period December 1 to March 31, inclusive, the maximum price at which the Morgan Packing Company may sell or deliver or agree, offer, solicit or attempt to sell or deliver and at which any person may buy or receive or agree, offer, solicit or attempt to buy or receive from the Morgan Packing Company each pork cut specified shall be the seller's maximum price for such cut as determined under the provisions of § 1364.22 of Maximum Price Regulation No. 148.

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 27 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1364.32 of Maximum Price Regulation No. 148 shall apply to terms used herein.

(g) This Order No. 27 shall become effective October 7, 1942.

Issued this 6th day of October, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc 42-9988; Filed, October 6, 1942; 3:05 p. m.]

CHARLES GLENN COLE

[Suspension Order 140]

ORDER RESTRICTING TRANSFER OF GASOLINE

Charles Glenn Cole, 490 Main Street, Canton, Georgia, herein called respondent, was duly served with a notice of specific charges of violations of the Emergency Gasoline Rationing Regulations and a notice of hearing thereon. Respondent has waived the holding of a hearing pursuant to said notice and has stipulated certain facts with the Office of Price Administration. Upon the facts so stipulated by respondent, it is hereby determined:

That respondent has violated the Emergency Gasoline Rationing Regulations in that on July 6, 1942, in Canton, Georgia, he purchased and received from one, John Teasley, a Dealer, nineteen gallons of gasoline for highway use in a motor vehicle, said transfer being made partly in bulk and partly by delivery into the fuel tank of an automobile clearly identifiable as a private passenger vehicle and without in either instance the exhibition of any gasoline rationing card Class X or the cancellation of any unit of any gasoline rationing card Class A or B.

Because of the great scarcity and critical importance of gasoline in the Georgia area, violations of the Emergency Gasoline Rationing Regulations have necessarily resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to national defense.

It is therefore ordered, That:

(a) Respondent is hereby prohibited from receiving transfer or delivery of 20 gallons of gasoline included in the ration heretofore issued to him by the Office of Price Administration.

(b) Respondent shall forthwith surrender to the local War Price and Rationing Board which issued them, the gasoline rationing coupon books which have been issued to him under the gasoline rationing regulations. Upon surrender of said books, said Board shall immediately detach therefrom and cancel gasoline rationing coupons evidencing the right of respondent to receive transfer or delivery of 20 gallons of gasoline. Said books shall then be returned to respondent. Currently valid coupons shall first be detached and cancelled and if sufficient currently valid coupons are not now in the books, the deficiency shall be made up by detaching coupons next becoming valid.

(c) This suspension order shall become effective October 8, 1942.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Directive No. 1 and Supp. Dir. No. 1H, 7 F.R. 562, 3478, 3477.)

Issued this 6th day of October 1942.

Paul M. O'Leary,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 42-9993; Filed, October 6, 1942; 4:49 p. m.]

[Order 2 Under Revised Price Schedule 41—Steel castings—Docket 3041-6]

American Brake Shoe and Foundry Company

ORDER GRANTING RELIEF

On August 29, 1942, The American Brake Shoe and Foundry Company, Chicago Heights, Illinois, filed a petition for an exception to Revised Price Schedule No. 41 pursuant to § 1306.108 (a) thereof. Due consideration has been given to the petition and an opinion in support of this Order No. 2 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

(a) The American Brake Shoe and Foundry Company may sell and deliver and agree, offer, solicit and attempt to sell and deliver steel castings at prices not in excess of those stated in paragraph (b).

(b) (1) The maximum base prices which may be charged for steel castings produced by its Denver foundry shall be the maximum prices as otherwise established by Revised Price Schedule No. 41, f. o. b., Denver, Colorado, with freight allowed to the extent of 36 cents a hundred pounds.

(2) The maximum base prices which may be charged for steel castings produced at its Oakland, California, foundry shall be the maximum prices as otherwise established by Revised Price Schedule No. 41, f. o. b., Oakland, California, with freight allowed to the extent of 41 cents a hundred pounds.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(e) The definition set forth in § 1306.109 of Revised Price Schedule No. 41 shall apply to the terms used herein.

(f) This Order No. 2 shall become effective October 8, 1942.

Issued this 7th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10012; Filed, October 7, 1942; 11:29 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-557]

National Power & Light Company

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 3rd day of October, A. D. 1942.

The Commission having permitted to become effective, by order dated July 3, 1942, a declaration and an amendment thereto filed by National Power & Light Company, a registered holding company, pursuant to the provisions of the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-42 thereunder, regarding a program for the acquisition by National Power & Light Company of $330,000 principal amount of non-callable Fifty-Year Five Per Cent Collateral Trust Mortgage Gold Bonds, due July 1, 1951, of Lancaster County Railway and Light Company, the payment of which bonds has been assumed by National Power & Light Company; and

National Power & Light Company having acquired for retirement during the period commencing July 3, 1942, and terminating September 23, 1942, $213,500 principal amount of said bonds of Lancaster County Railway and Light Company, leaving outstanding as of September 23, 1942, $116,500 principal amount thereof; and

National Power & Light Company having requested that the time to carry out the program regarding the acquisition of said bonds of Lancaster County Railway and Light Company in accordance with the terms and conditions of, and for the purposes stated in said declaration, be extended for a period of ninety days from the date hereof, and it appearing appropriate that such request be granted.

It is ordered, That the time to carry out the program regarding the acquisition by National Power & Light Company of $116,500 principal amount of non-callable Fifty-Year Five Per Cent Collateral Trust Mortgage Gold Bonds, due July 1, 1951, of Lancaster County Railway and Light Company, in accordance with the terms and conditions of, and for the purpose stated in the declaration aforesaid, be, and the same hereby is, extended for a period of ninety days from the date hereof.

By the Commission.

[SEAL] **Orval L. DuBois,**
Secretary.

[F. R. Doc. 42-9994; Filed, October 6, 1942; 5:05 p. m.]

Kansas City Gas Company

NOTICE REGARDING FILING

[File No. 70-606]

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 3rd day of October, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party or parties; and

Notice is further given that any interested person may, not later than October 21, 1942, at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Kansas City Gas Company, a subsidiary of Cities Service Company, a registered holding company, proposes to issue to Commerce Trust Company, Kansas City, Missouri, its promissory note in the principal amount of $800,000 to evidence a bank loan to applicant in like principal amount. The note will bear interest at the rate of 2% per annum, will be dated October 28, 1942 and will mature nine months from its date.

The proceeds of the above described loan, together with $400,000 of the company's cash funds available for the purpose, are to be used to pay at maturity a like promissory note outstanding in the amount of $1,200,000.

By the Commission.

[SEAL] **Orval L. DuBois,**
Secretary.

[F. R. Doc. 42-9995; Filed, October 6, 1942; 5:05 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[File No. 59-4]

Engineers Public Service Company, et al.

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of October, A. D. 1942.

In the matter of Engineers Public Service Company and its subsidiary companies, respondents.

Engineers Public Service Company and its subsidiary companies, respondents herein, have filed a petition for rehearing on our order dated September 16, 1942, wherein we directed Engineers Public Service Company and El Paso Electric Company, an intermediate holding company under Engineers and itself a registered holding company, to sever their relationships with certain companies and businesses. The petition also requests leave to adduce additional evidence and a stay of our order.

(1) As a petition for rehearing, the petition raises no new issues and presents no new arguments which were not presented to us in the course of the hearing, in the briefs and in oral argument.

(2) The additional evidence sought to be adduced falls into two parts:

a. A volume marked "Respondent's Proffer of Constitutional Evidence", consisting of a transcript of testimony proposed to be given by M. H. Waterman and exhibits compiled at his direction, and proffered for the purpose of establishing the unconstitutionality of section 11 (b) (1) as applied to the respondents. In our previous opinion of July 23, 1941 (9 Sec. —,[1] Holding Company Act Release No. 2897), we held that this evidence was inadmissible, but that, if the respondents desired to make a more complete proffer of the evidence to save their rights for the purposes of judicial review, we had no objection to their doing so. Thereafter, respondents offered the volume in evidence, and, pursuant to our previous direction, the trial examiner excluded it. The petition advances no new reasons why this evidence should be admitted, and we adhere to our previous ruling.

b. Evidence relating to the application of clauses (A), (B) and (C) of section 11 (b) (1) of the Act to the retention of the utility systems of Gulf States Utilities Company and/or El Paso Electric Company as additional systems to the electric utility system of Virginia Electric and Power Company as the principal system. As grounds for failure to adduce the evidence referred to, respondents state:

> that the Commission, by its Findings and Opinion and Order of July 23, 1941, herein erroneously made as the law of this case an interpretation of subdivision (B) of section 11 (b) (1) of the Act which prevented and precluded the petitioners from offering or proffering earlier any such evidence.

This argument appears to be directed to a failure to adduce evidence under the (A) and (C) standards rather than under the (B) standard, as to which full argument and briefs were submitted in the record on which our findings, opinion and order of July 23 were based. Our interpretation of Clause (B) was arrived at upon these briefs and argument of counsel, and after careful study on our part. We adhere to that interpretation. Since Clauses (A), (B) and (C) are set forth in the statute in the conjunctive, it would be necessary to find that the standards of all three clauses are met if Engineers were to be permitted to keep the combination of systems here referred to. Our finding that the combination was barred by Clause (B) rendered evidence addressed to the (A) and (C) standards irrelevant, and the hearings will therefore not be reopened for its admission.

(3) The petition prays for a stay of our order of September 16, 1942, during the pendency of the petition and until the closing of the record after the reception of the requested evidence. Since we have concluded that no rehearing or reopening of the hearing is to be granted, no valid grounds exist for such a stay.

In view of respondents' assertion, however, that they were aggrieved by the provision of our order of September 16 allowing Engineers fifteen days in which to petition for leave to retain the electric utility system of Gulf States Utilities Company as its principal system, we shall modify the order to the extent of permitting the fifteen-day period to run from the date of this opinion and order. In other respects—as a petition for rehearing, for leave to adduce additional evidence, and for a stay of our order—the petition will be denied, and it is so ordered.

By the Commission (Chairman Purcell and Commissioners Healy, Pike, Burke and O'Brien).

[SEAL] **Orval L. DuBois,**
Secretary.

[F. R. Doc. 42-10007; Filed, October 7, 1942; 11:11 a. m.]

[Files Nos. 31-523, 31-524, 59-52]

Niagara Hudson Power Corporation, et al.

ORDER CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 5th day of October, 1942.

In the matters of Niagara Hudson Power Corporation, File No. 31-523, Buffalo, Niagara and Eastern Power Corporation, File No. 31-524, Niagara Hudson Power Corporation and its subsidiary companies, respondents.

Applications pursuant to section 3 (a) (1) of the Public Utility Holding Company Act of 1935 having been duly filed with this Commission by Niagara Hudson Power Corporation, a New York corporation and a subsidiary of The United Corporation, a registered holding company (File No. 31-523), and its subsidiary, Buffalo, Niagara and Eastern Power Corporation, also a New York corporation (File No. 31-524), for orders exempting them as holding companies, and every subsidiary company thereof as such, from the provisions of the Act; and

The Commission having heretofore, on August 28, 1942, issued its Notice of and Order for Hearing (File No. 59-52), as amended September 4, 1942, pursuant to sections 11 (b) (2), 12 (c), 12 (f) and 20 (a) of the Act, concerning Niagara Hudson Power Corporation and its subsidiary companies (including Buffalo, Niagara and Eastern Power Corporation), directing that a hearing be held in respects thereof on October 15, 1942 at 10 o'clock in the forenoon of that day; and

The Commission having reserved jurisdiction in its Notice of and Order for Hearing (File No. 59-52) to consolidate such proceedings or any portion thereof with any proceedings under other provisions of said Act with respect to Niagara Hudson Power Corporation and its subsidiary companies, and to take such other action as may appear conducive to an orderly, prompt and economic disposition of the matters involved;

It appearing to the Commission that the above matters are, in large part, related and involve common questions of law and fact; that evidence offered in respect of each of the said matters may have a bearing on the other; and that substantial savings in time, effort, and expense will result if hearings on said matters are consolidated, so that they may be heard as one matter and so that evidence adduced in each matter may stand as evidence in the others for all purposes;

It is ordered, That the hearings on said matters be, and they hereby are, consolidated. The Commission reserves the right, if at any time it may appear conducive to an orderly and economic disposition of any matters herein involved, to order a separate hearing concerning any particular matter involved in the proceeding, to close the record with respect to any of the matters, or to take action on any of the matters prior to the closing of the record on the other matters.

It is further ordered, That notice of the consolidated hearing is hereby given to Niagara Hudson Power Corporation and its subsidiary companies, to their respective security holders, all State Commissions, State Securities Commissions and all agencies or other political subdivision having jurisdiction over such companies and all other interested persons; that the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to The United Corporation, The United Gas Improvement Company, the Federal Power Commission, and the Public Service Commission of the State of New York.

It is further ordered, That any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Secretary of the Commission on or before October 13, 1942.

It is further ordered, That, without changing or limiting the scope of the issues raised in the Commission's Notice of and Order for Hearing (File No. 59-52) or the scope of the issues raised by said applications pursuant to section 3 (a) (1) of the Act, particular attention will be directed at such hearing to the following additional matters and questions:

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[1] So in original document.

(1) Whether applicants and their public utility subsidiary companies from which they derive, directly or indirectly, any material part of their income are predominantly intra-state in character and carry on their business substantially in a single state in which applicants and their subsidiary companies are organized;

(2) Whether the exemption of applicants and their subsidiary companies, as such, from any provision or provisions of the Act is detrimental to the public interest or the interest of investors or consumers;

(3) Whether it is necessary or appropriate, in the public interest or for the protection of investors and consumers, to impose terms and conditions in respect of said applications.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10008; Filed, October 7, 1942; 11:12 a. m.]

[File No. 70-609]

EASTERN SHORE PUBLIC SERVICE COMPANY (DELAWARE) ET AL.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 6th day of October, 1942.

In the matter of Eastern Shore Public Service Company (Delaware), The Eastern Shore Public Service Company of Maryland.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Eastern Shore Public Service Company (Delaware), a registered holding company (hereinafter called "Delaware"), and The Eastern Shore Public Service Company of Maryland, a subsidiary thereof (hereinafter called "Maryland"); and

Notice is further given that any interested person may, not later than October 15, 1942, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized below;

Maryland has outstanding as of August 31, 1942, $3,892,500 principal amount of its First Mortgage 4% Bonds due September 1, 1969, all of which bonds are owned by Delaware and pledged by Delaware to secure its First Mortgage and First Lien Bonds. Maryland proposes to redeem $200,000 principal amount of its outstanding bonds, at par and accrued interest thereon, in accordance with the terms of the Indenture securing them.

The funds to be received by Delaware from Maryland will be deposited with the Trustee under the Indenture securing Delaware's First Mortgage and First Lien Bonds. In order to obtain the release of funds so deposited, Delaware then proposes to deliver to the Trustee for cancellation $200,000 principal amount of its First Mortgage and First Lien Bonds, Series C, 5%, due September 1, 1946, now pledged as collateral to its 3% note payable to The Chase National Bank of the City of New York upon which note there is an unpaid balance of $800,000. Delaware will apply the $200,000 it will receive from the Trustee to reduce the amount now owing on the bank loan.

Within the period of eighteen months dating from the consummation of the proposed transactions set forth above, Maryland proposes to redeem a further amount of its outstanding bonds not exceeding $350,000 principal amount thereof. The proceeds therefrom will be applied by Delaware to further reduce the aforementioned bank loan. Before Maryland pays any part of this amount it will notify the Commission 10 days prior thereto and furnish a forecast of receipts and disbursements of Maryland for the six months period subsequent thereto showing the ability of the company to make such payment.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-1009; Filed, October 7, 1942; 11:12 a. m.]

[File No. 70-366]

ELECTRIC POWER & LIGHT CORP. AND DALLAS RAILWAY & TERMINAL CO.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of October, A. D. 1942.

Dallas Railway & Terminal Company ("Dallas"), a non-utility company, and its parent Electric Power & Light Corporation ("Electric"), a registered holding company subsidiary of Electric Bond and Share Company, likewise a registered holding company, having filed declarations and applications and amendments thereto under the Public Utility Holding Company Act of 1935, particularly section 6 (a), 7, 9 (a) (1), 10 and 12 thereof and Rule U-45 thereunder regarding the following:

(1) The donation to Dallas by Electric of all of the securities of Northern Texas Company, a wholly-owned non-utility subsidiary of Electric;

(2) The acquisition by Dallas of the physical properties of Northern Texas Company and the dissolution of the latter company;

(3) The donation to Dallas by Electric for cancellation of 11,000 shares of the 7% preferred stock of Dallas;

(4) The execution by Dallas of a supplemental indenture; and

(5) The acquisition by Electric of 1,816 additional shares of the common stock of Dallas;

A public hearing on said declarations and applications, as amended, having been held after appropriate notice; the Commission having examined the record and having made and filed its findings herein;

It is ordered, That said declarations and applications, as amended, be permitted to become effective and be granted forthwith subject to the following conditions:

1. Dallas shall not hereafter pay any dividends on its common or preferred stocks out of its earned surplus existing at June 30, 1942, as adjusted to reflect the transactions proposed herein.

2. Dallas shall not hereafter use for any purpose any part of the paid-in-surplus, created under the transactions proposed herein, except after notice to and approval by this Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10010; Filed, October 7, 1942; 11:12 a. m.]

OCT 12 1942

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 7 NUMBER 199

Washington, Friday, October 9, 1942

Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 79—PRESCRIBED SERVICE UNIFORM

OFFICERS' AND WARRANT OFFICERS' WINTER UNIFORMS, ETC.

Section 79.9 (a) (2) (i)[1] is hereby amended, § 79.12 (b) (2) headnote is amended, and § 79.25 (c) (3) is added, as follows:

§ 79.9 *Coat—*(a) *Service; winter; for officers and warrant officers.* * * *

(2) *General description—*(i) *In general.* A single-breasted collar and lapel coat; lining, if desired, to be same color as coat. To fit easy over the chest and shoulders and to be fitted slightly at the waist to conform to the figure, so as to prevent wrinkling or rolling under the leather belt when worn. The back to have two side plaits not less than 3 inches in depth at shoulders and to extend from the shoulder seam where it joins the armhole seam to waistline, buttoned down the front with four large regulation coat buttons equally spaced. The crossing of the lapels will be approximately 1¾ inches above the top button.

To support the belt, except for officers of the Army Air Forces and flight officers, two metal hooks of the same material as the metal trimmings on the leather belt will be let into the side seams at the waistline.

For officers of the Army Air Forces and flight officers, the coat will have a belt approximately 2 inches wide of the same material as the coat, sewed down all around the waistline, with the bottom button placed slightly below the sewed-on belt. (R.S. 1296; 10 U.S.C. 1391) [Par. 9*a*, AR 600-35, November 10, 1941, as amended by C 2, September 19, 1942]

* * * * *

§ 79.12 *Headgear.* * * *

(b) *Cap, service.* * * *

(2) *Officers of Army Air Forces and flight officers.* * * *

(R.S. 1296; 10 U.S.C. 1391) [Par. 12*b*, AR 600-35, November 10, 1941, as amended by C 2, September 19, 1942]

* * * * *

§ 79.25 *Insignia of grade.* * * *

(c) *Warrant officers other than Army Mine Planter Service, and flight officers.* * * *

(3) *Flight officer.* One gold bar ⅜ inch in width and 1 inch in length, with rounded ends, having a blue enameled top and a latitudinal center of gold ⅛ inch in width. (R.S. 1296; 10 U. S. C. 1391) [Par. 25*c*, AR 600-35, November 10, 1941, as amended by C 2, September 19, 1942]

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-10029; Filed, October 8, 1942; 9:39 a. m.]

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[1] 7 F.R. 11, 2987, 4246, 4637.

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 325—REGISTRATION AND CLAIMS FOR BENEFITS

[Amending § 325.13 of the Regulations Under the Railroad Unemployment Insurance Act]

TIME OF REGISTRATION

Pursuant to the authority contained in section 12 of the Act of June 25, 1938 (52 Stat. 1094, 1107; 45 U.S.C. 1940 ed. 362), the Railroad Retirement Board, by Board Order 42-504 dated October 1, 1942, amends, effective October 1, 1942, the second sentence of § 325.13 of the Regulations under the Railroad Unemployment Insurance Act to read as follows:

§ 325.13 *Time of registration.* * * * With respect to every other day claimed as a day of unemployment, an employee shall register on such other day or on the first business day thereafter, except that, if such other day is not a business day, an employee who registered on the last business day preceding such other day may register with respect to such other day on the first or the second business day thereafter, and except that any

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Telephone information: DIstrict 0525.

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unemployment claims agent may, pursuant to instructions of the Board, require daily registration in appropriate cases, and require strict adherence to the time designated for registration.

* * * * *

By Authority of the Board.

Dated: October 6, 1942.

[SEAL] RICHARD L. COOPER,
Secretary of the Board.

[F. R. Doc. 42-10055; Filed, October 8, 1942; 11:52 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1614]

PART 337—MINIMUM PRICE SCHEDULE, DISTRICT NO. 17

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 17 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 17.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 17; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 337.4 (*Code member price index*) is amended by adding thereto Supplement R-I, § 337.5 (*General prices; minimum for shipment via rail transportation*) is amended by adding thereto Supplement R-II, and § 337.21 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: September 28, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 17

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 337, Minimum Price Schedule for District No. 17, and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

The following price classification and minimum prices shall be inserted in Minimum Price Schedule for District No. 17:

§ 337.4 *Code member price index*—Supplement R-I. Insert the following listings in proper alphabetical order:

Producer	Mine	Mine index No.	County	Shipping point	Subdistrict price group	Railroad	F. o. b. No.	Prices page	
								Rail	Truck
Hilkey, John A.	Little Jo	508	Rio Blanco	-----	17	-----	-----	-----	§337.21
Keck, W. R.	Keck-Reliance	520	San Miguel	-----	21	-----	-----	-----	§337.21
O. K. Coal Co.	Royal	521	La Plata	Durango	19	D&RGW	60	§337.5	§337.21
Taylor Coal Mining Co., The (Sam T. Taylor).	Cook	519	Las Animas	Ludlow	7	C&S	101	§337.5	§337.21
Watson, Geo. C. (Domestic Coal Co.).	Ardee	516	Moffat	Craig	5	D&SL	81	§337.5	§337.21

§ 337.5 *General prices; minimum for shipment via rail transportation*—Supplement R-II

[Minimum f. o. b. mine prices in cents per net ton for shipment via rail transportation into the market areas shown]

The coals of the Ardee Mine (Mine Index No. 516) for shipment by rail, shall be subject to the minimum prices for coals produced in Subdistrict 5 as set forth in § 337.5 in Minimum Price Schedule for District No. 17 for All Shipments.

The coals of the Cook Mine (Mine Index No. 519) for shipment by rail, shall be subject to the minimum prices for coals produced in Subdistrict 7 as set forth in § 337.5 in Minimum Price Schedule for District No. 17 for All Shipments.

The coals of the Royal Mine (Mine Index No. 521) for shipment by rail, shall be subject to the minimum prices for coals produced in Subdistrict 19 as set forth in § 337.5 in Minimum Price Schedule for District No. 17 for All Shipments.

FOR TRUCK SHIPMENT

§ 337.21 *General prices in cents per net ton for shipment into all market areas*—Supplement T. Insert the following code member names, mine names and counties under Subdistricts Nos. 5, 7, 17, 19 and 21 in proper order and the following prices:

Code member mine	County	Size groups											
		1	2	3	4	5	6	7	9	10	11	13	17
SUBDISTRICT NO. 5													
Watson, Geo. C. (Domestic Coal Co.) Ardee.	Moffat	355	345	325	325	300	270	260	250	240	225	170	315
SUBDISTRICT NO. 7													
Taylor Coal Mining Co., The (Sam T. Taylor) Cook Mine.	Las Animas	430	420	400	400	375	375	365	330	315	-----	225	340
SUBDISTRICT NO. 17													
Hilkey, John A. Little Jo Mine.	Rio Blanco	-----	365	350	350	325	-----	-----	300	225	-----	185	275
SUBDISTRICT NO. 19													
O. K. Coal Company Royal Mine.	La Plata	-----	375	375	375	375	-----	-----	375	265	-----	160	300
SUBDISTRICT NO. 21													
Keck, W. R. Keck-Reliance Mine.	San Miguel	-----	-----	440	440	400	-----	-----	350	-----	-----	120	400

[F. R. Doc. 42-10003; Filed, October 7, 1942; 11:04 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment XLI]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS; ANIMAL OILS AND FATS, ETC.

Section 801.2 *Prohibited exportations*[1] is amended in the following particulars:

In the column headed "Gen. Lic. Group", the group designations assigned to the commodities listed below (at every place where said commodities appear in said section) are amended to read as follows:

Commodity	Dept. of Comm. No.	Gen. Lic. group
Animal oils and fats, edible:		
Oleo oil	0050	47
Oleo stock	0051	47
Tallow	0052	47
Lard, including neutral lard	0053	47
Oleo stearin	0056	47
Oleomargarine of animal or vegetable fats	0059	47
Dairy products: Butter	0065	47
Animal oils and greases, inedible:		
Neat's foot oil	0803	47
Lard oil	0809.01	47
Sperm and whale oil	0809.05	47
Other inedible animal oils	0809.98	47
Fish oils (not medicinal grade)	0819	47
Grease stearin (include lard stearin)	0843	47
Oleic acid or red oil	0847	47
Stearic acid	0849	47
Tallow, inedible	0857	47
Hog grease and wool grease	0858.05	47
Other animal greases and fats	0858.98	47
Nuts: Peanuts	1375	47
Vegetable oils and fats, edible:		
Coconut oil, edible, refined	1420	47
Cottonseed oil, refined	1425	47
Soybean oil	1430	47
Peanut oil	1431	47
Vegetable oils and fats, edible—Con.		
Corn oil	1441	47
Cocoa butter	1442	47
Cooking fats other than lard	1447	47
Olive oil, edible	1449.01	47
Palm & palm-kernel oil, edible or refined (all varieties)	1449.03	47
Rapeseed oil, refined	1449.04	47
Vegetable stearin	1449.05	47
Other edible vegetable oils and fats	1449.98	47
Oilseeds:		
Soybeans	2210	47
Castor beans	2220.01	47
Cottonseed	2220.02	47
Flaxseed	2220.03	47
Palm nuts & palm kernels (all varieties)	2220.20	47
Copra	2220.30	47
Oil seeds, n. e. s	2220.98	47
Sesame	2220F	47
Naval stores, gums and resins: Tall oil (liquid sulfate wood resin)	2125	47
Vegetable oils:		
Coconut oil, crude	2230	47
Cottonseed oil, crude	2231	47
Linseed oil	2232	47
Fatty acids of vegetable origin	2248.01	47
Olive oil, sulfured or foots	2248.03	47
Oil foots, vegetable, other	2248.05	47
Vegetable soap stock	2248.98	47
Castor oil, commercial	2249.01	47
Corn oil, crude	2249.02	47
Peanut oil, crude	2249.03	47
Oiticica, perilla, and rapeseed oil, inedible	2249.05	47
Tung oil	2249.10	47
Soybean oil, crude	2249.12	47
Olive oil, inedible, other than sulfured or foots	2249.15	47
Palm & palm-kernel oil, crude (all varieties)	2249.25	47
Expressed oils and fats, inedible, n. e. s	2249.98	47
Miscellaneous vegetable products: Vegetable tallow and wax	2999.05	47
Chemical specialties:		
Textile specialty compounds (include finishes, softeners, bleaches, scours, oils, detergents, sizings, assistants, strippers, mordants, etc.)	8238	47
Polishes—leather dressings and stains	8292	47
Medicinal and pharmaceutical preparations: Castor oil	8111	47

This amendment shall become effective October 10, 1942.

(Sec. 6, 54 Stat. 714, Pub. Law 75, 77th Cong., Pub. Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951.)

A. N. ZIEGLER,
Colonel, J. A. G. D.,
Acting Chief, Export Control Branch,
Office of Exports.

OCTOBER 1, 1942.

[F. R. Doc. 42-10031; Filed, October 8, 1942; 9:59 a. m.]

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[1] 7 F.R. 4952, 5080, 5115, 5343, 5591, 5638, 5745, 5746, 6067, 6203, 6418, 6671, 6672, 6825, 7223.

[Amendment XLV]

PART 801—GENERAL REGULATIONS

PART 802—GENERAL LICENSES

PART 804—INDIVIDUAL LICENSES

PART 806—TECHNICAL DATA

CANADA

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars:

The paragraph preceding the table of commodities is amended to read as follows:

§ 801.2 *Prohibited exportations.* The exportation of all articles, materials and supplies hereafter enumerated in this section and all technical data as defined in § 806.1 of this subchapter to all destinations except Canada (including that part of Labrador under Canadian authority) is hereby prohibited unless and until an applicable license authorizing such exportation shall have been issued by the Export Control Branch:

The number "1" is deleted wherever it appears in the column of the table of commodities headed "Gen. Lic. Group".

Part 802—General Licenses is hereby amended in the following particulars:

Paragraph (a) of § 802.3 *General license country groups*[1] is amended by deleting Canada (including that part of Labrador under Canadian authority) from Groups "C", "K" and "P".

All general licenses set forth in this part authorizing exportations to Canada (including that part of Labrador under Canadian authority) are hereby rescinded.

Paragraph (a) of § 804.1 *General provisions*,[2] is hereby amended to read as follows:

(a) The articles, materials and supplies enumerated in § 801.2 of this subchapter may not be exported to destinations other than Canada (including that part of Labrador under Canadian authority) except pursuant to individual licenses issued by the Export Control Branch, unless exportation is authorized by general, unlimited, technical data, or other special form of license.

§ 806.2 *General Licenses*[3] is hereby amended by rescinding all general licenses set forth in said section authorizing exportations to Canada (including that part of Labrador under Canadian authority).

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[1] 7 F.R. 5001.
[2] 7 F.R. 5010.
[3] 7 F.R. 5015.

(Sec. 6, 54 Stat. 714, Pub. Law 75, 77th Cong., Pub. Law 638 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951).

A. N. ZIEGLER,
Colonel, J. A. G. D.,
Acting Chief Export Control Branch,
Office of Exports.

OCTOBER 3, 1942.

[F. R. Doc. 42-10033; Filed, October 8, 1942; 9:58 a. m.]

[Amendment XLII]

PART 802—GENERAL LICENSES

PART 805—SELECTED DESTINATIONS CLEARANCE PROCEDURE

SYRIA

Paragraph (a) of § 802.2 *General license numbers*[1] is hereby amended by changing the general license number assigned to Syria from 96 to 78.

Paragraph (a) of § 802.3 *General license country groups*[1] is hereby amended by adding Syria to the list of countries included in Group K.

Section 805.2 *Selected destinations*[2] is hereby amended by deleting Syria from the list of countries designated Selected Destinations.

Section 805.3 *General license provisions*[1] is hereby amended by deleting Syria from the list of destinations to which shipments may be made under the general license set forth therein.

(Sec. 6, 54 Stat. 714, Public Law 75, 77th Cong., Public Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951.)

A. N. ZIEGLER,
Colonel, J. A. G. D.,
Acting Chief, Export Control Branch,
Office of Exports.

OCTOBER 1, 1942.

[F. R. Doc. 42-10035; Filed, October 8, 1942; 9:59 a. m.]

[Amendment XLIII]

PART 802—GENERAL LICENSES

AUSTRALIA

Paragraph (a) of § 802.3 *General license country groups*[1] is hereby amended by transferring Australia from Group K to Group C.

(Sec. 6, 54 Stat. 714, Pub. Law 75, 77th Cong., Pub. Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951.)

A. N. ZIEGLER,
Colonel, J. A. G. D.,
Acting Chief, Export Control Branch,
Office of Exports.

OCTOBER 1, 1942.

[F. R. Doc. 42-10034; Filed, October 8, 1942; 9:58 a. m.]

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[1] 7 F.R. 5001.

[2] 7 F.R. 5013.

[Amendment XLIV]

PART 804—INDIVIDUAL LICENSES

PARTS OR SUBASSEMBLIES OF MACHINERY OR VEHICLES

Section 804.7 *Special provisions concerning applications to export certain commodities*[1] is hereby amended by adding the following new paragraph;

(o) All applications for licenses to export parts or subassemblies of machinery or vehicles must contain a statement as to whether the parts or subassemblies will be used for repair, replacement and maintenance, or will be assembled in complete units.

(Sec. 6, 54 Stat. 714, Pub. Law 75, 77th Cong., Pub. Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

A. N. ZIEGLER,
Colonel, J. A. G. D.,
Acting Chief, Export Control Branch,
Office of Exports.

OCTOBER 1, 1942.

[F. R. Doc. 42-10032; Filed, October 8, 1942; 9:58 a. m.]

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[1] 7 F.R. 5010, 5081, 6256, 6931.

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-105]

LAMBERT BROTHERS

Lambert Brothers, New Orleans, Louisiana, is a partnership engaged in distributing and jobbing electrical supplies and other items. On April 20, 1942, the company applied an A-10 preference rating under Preference Rating Order P-100 to a purchase order for 5,000 feet of 14-2 Flex copper wire and accepted deliveries on this order on April 25, 1942, May 11, 1942 and May 26, 1942. However, at the time this order was placed, the company had no authority to apply the A-10 preference rating since it was a supplier and its assignment of the A-10 preference rating was unsupported by purchase orders rated under Preference Rating Order P-100. Accordingly, its application of the Preference Rating constituted a violation of Preference Rating Order P-100.

The company, on March 16, 1942, applied an A-10 preference rating under Preference Rating Order P-100 to its purchase order for 12,000 feet of D18CFC soft brown copper wire and accepted deliveries of 11,900 feet. At the time this order was placed, the company was entitled to extend this preference rating only for 490 feet and, therefore, the application of the preference rating to an order for 12,000 feet constituted a violation of Preference Rating Order P-100.

These violations of Preference Rating Order P-100 have impeded and hampered the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered:*

§ 1010.105 *Suspension Order S-105.* (a) Lambert Brothers, New Orleans, Louisiana, its successors and assigns, are prohibited from accepting delivery of, receiving, processing or fabricating any copper, copper base alloy, copper scrap and copper products except as specifically authorized by the Director General for Operations.

(b) Nothing contained in this order shall be deemed to relieve Lambert Brothers, its successors and assigns from any restriction, prohibition or provision contained in any other order of regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on October 9, 1942, and shall expire on January 9, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10027; Filed, October 7, 1942; 4:50 p. m.]

PART 3093—GOLD MINING

[Limitation Order L-208]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of critical materials for defense, for private account and for export which are used in the maintenance nad operation of gold mines; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3093.1 *Limitation Order L-208*—(a) *Definitions.* For the purposes of this order, "nonessential mine" means any mining enterprise in which gold is produced, whether lode or placer, located in the United States, its territories or possessions, unless the operator of such mining enterprise is the holder of a serial number for such enterprise which has been issued under Preference Rating Order P-56.

(b) *Restrictions upon production.* (1) On and after the issuance date of this order, each operator of a nonessential mine shall immediately take all such steps as may be necessary to close down, and shall close down, in the shortest possible time, the operations of such mine.

(2) In no event on or after 7 days from the issuance date of this order shall any operator of a nonessential mine acquire, consume, or use any material, facility, or equipment to break any new ore or to proceed with any development work or any new operations in or about such mine.

(3) In no event on or after 60 days from the issuance date of this order shall any operator of a nonessential mine acquire, consume, or use any material, facility, or equipment to remove any ore or waste from such mine, either above or below ground, or to conduct any other operations in or about such mine, except to the minimum amount necessary to maintain its buildings, machinery, and equipment in repair, and its access and development workings safe and accessible.

(4) The provisions of this order shall not apply to any lode mine which produced 1200 tons or less of commercial ore in the year 1941, provided the rate of production of such mine, after the issuance date of this order, shall not exceed 100 tons per month, nor to any placer mine which treated less than 1000 cubic yards of material in the year 1941, provided that the rate of treatment of such placer mine, after the issuance date of this order, shall not exceed 100 cubic yards per month.

(5) Nothing contained in this order shall limit or prohibit the use or operation of the mill, machine shop, or other facilities of a nonessential mine in the manufacture of articles to be delivered pursuant to orders bearing a preference rating of A-1-k or higher, or in milling ores for the holder of a serial number under Preference Rating Order P-56.

(c) *Restrictions on application of preference ratings.* No person shall apply any preference rating, whether heretofore or hereafter assigned, to acquire any material or equipment for consumption or use in the operation, maintenance, or repair of a nonessential mine, except with the express permission of the Director General for Operations issued after application made to the Mining Branch, War Production Board.

(d) *Assignment of preference ratings.* The Director General for Operations, upon receiving an application in accordance with paragraph (c) above, may assign such preference ratings as may be required to obtain the minimum amount of material necessary to maintain such nonessential mine on the basis set forth in paragraph (b) (3) above.

(e) *Records.* All persons affected by this order shall keep and preserve, for not less than two years, accurate and complete records concerning inventory, acquisition, consumption, and use of materials, and production of ore.

(f) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time prescribe.

(g) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Communications.* All reports to be filed, appeals, and other communications concerning this order should be addressed to: War Production Board, Mining Branch, Washington, D. C., Ref.: L-208.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board, by letter, in triplicate, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(k) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10028; Filed, October 8, 1942; 9:31 a. m.]

PART 1047—PETROLEUM MATERIAL CONSERVATION

[Supplementary Order M-68-3]

GENERAL EXCEPTION AUTHORIZED BY PARAGRAPH (C) (10) OF CONSERVATION ORDER M-68, AS AMENDED

Whereas, the petroleum industry of the State of California is required to provide crude petroleum, immediately and for an indefinite period, from which large quantities of fuel oil and other special petroleum products necessary in the public interest and essential to the war effort can be obtained; *Now, therefore, it is hereby ordered,* That:

§ 1047.8 *Supplementary Order M-68-3*—(a) *Definitions.* The definitions of Conservation Order M-68, as amended,[1] shall apply in this order.

(b) *Wells deepened, plugged back, recompleted, or reworked in fields specified in Exhibit A.* The provisions of paragraph (b) of Conservation Order M-68, as amended, shall not apply to any case where material is to be used by an operator engaged in the production of oil in the State of California, to deepen and recomplete, plug back and recomplete, or otherwise "rework" any well in any of the fields specified in Part I through Part III inclusive of Exhibit A of this order: *Provided,* That material shall not be used for any such purpose unless:

(1) With respect to the fields specified in Part I of Exhibit A of this order,

(i) Such well is deepened or plugged back and recompleted to produce from a geological formation or that portion of a geological formation described in Column No. 3 of Exhibit A opposite the name of the field in which such well is located, and such well is not deepened or plugged back and recompleted to a geological formation described in Column No. 4 of Exhibit A opposite the name of the field in which such well is located; and

(ii) Such well is not deepened to a depth greater than the depth specified in Column No. 5 of Exhibit A opposite the name of the field in which such well is located; and

(iii) The number of wells on any single lease or tract which are deepened, plugged back, recompleted, or otherwise "reworked" does not at any time exceed an average of one well to every 5 surface acres of that part or parts of such lease or tract as are contained within the productive limits of the field.

(2) With respect to the fields specified in Part II and Part III of Exhibit A of this order,

(i) Such well is deepened or plugged back and recompleted to produce from a geological formation described in Column No. 3 of Exhibit A opposite the name of the field in which such well is located, and such well is not deepened or plugged back and recompleted to a geological formation described in Column No. 4 of Exhibit A opposite the name of the field in which such well is located; and

(ii) Such well is not deepened to a depth greater than the depth specified in Column No. 5 of Exhibit A opposite the name of the field in which such well is located; and

(iii) The number of wells on any single lease or tract which are deepened, plugged back, recompleted, or otherwise "reworked" does not at any time exceed an average of one well to every 10 surface acres of that part or parts of such lease or tract as are contained within the productive limits of the field.

(c) *Installation of pumping or other artificial lifting equipment.* The provisions of paragraph (b) of Conservation Order M-68, as amended, shall not apply to any case where material is to be used by an operator engaged in the production of oil in the State of California for pumping or other artificial lifting equipment to be installed upon a well located on any single lease or tract in any of the oil fields specified in Part I and Part II of Exhibit A of this order: *Provided,* That material shall not be used for any such purpose unless:

(1) Such well is producing from a geological formation described in Column No. 3 of Part I of Exhibit A opposite the name of the field in which such well is located, and such well is not producing from a geological formation described in Column No. 4 of Exhibit A opposite

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[1] 6 F.R. 6687; 7 F.R. 281, 601, 903, 1088, 1089, 8806, 4760.

the name of the field in which such well is located; and

(2) The number of wells to which pumping or other artificial lifting equipment has been or is to be attached does not at any time exceed an average of one well to every 5 surface acres of that part or parts of such lease or tract as are contained within the productive limits of the field; or

(3) Such well is located on any single lease or tract of 5 acres or less on which lease or tract no other wells are located to which pumping or other artificial lifting equipment is attached.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT A

PART I

1 Region and field	2 County	3 Formations or zones included	4 Formations or zones excluded	5 Depth limitation (feet)
LOS ANGELES BASIN REGION				
Beverly Hills	Los Angeles	All	None	3, 500
Los Angeles	Los Angeles	All	None	3, 500
Puente	Los Angeles	All	None	3, 500
Salt Lake	Los Angeles	All	None	3, 500
Whittier	Los Angeles	All	None	3, 500
Yorba Linda	Orange	All	None	3, 500
SAN JOAQUIN VALLEY REGION				
Belridge North—Shallow	Kern	All	None	3, 500
Belridge South—Shallow	Kern	All	None	3, 500
Coalinga West	Fresno	All	None	3, 500
Coffee Canyon	Kern	All	None	3, 500
Devil's Den	Kern	All	None	3, 500
Kern River	Kern	All	None	3, 500
Lost Hills	Kern	All	None	3, 500
Midway West	Kern	All	None	3, 500
McKittrick District:				
Cymric		All	None	3, 500
McKittrick		All	None	3, 500
McKittrick Front		All	None	3, 500
Temblor Ranch		All	None	3, 500
Mt. Poso District	Kern			
Baker		All	None	3, 500
Dominion		All	None	3, 500
Dorsey		All	None	3, 500
Dyer Creek		All	None	8, 500
Glide		All	None	3, 500
Mt. Poso		All	None	3, 500
Mt. Poso East		All	None	3, 500
Mt. Poso North		All	None	3, 500
Poso Creek District	Kern			
McVan		All	None	3, 500
Premier		All	None	3, 500
Pyramid Hills	Kings	All	None	3, 500
Round Mountain	Kern	All	None	3, 500
Terra Bella	Tulare	All	None	3, 500
SANTA BARBARA-VENTURA REGION				
Bardsdale	Ventura	All	None	3, 500
Conejo	Ventura	All	None	3, 500
Elsmere Canyon	Ventura	All	None	3, 500
Ex-Mission	Ventura	All	None	3, 500
Hopper Canyon	Ventura	All	None	3, 500
Lion Mountain	Ventura	All	None	3, 500

EXHIBIT A—Continued

PART I—Continued

1 Region and field	2 County	3 Formations or zones included	4 Formations or zones excluded	5 Depth limitation (feet)
SANTA BARBARA-VENTURA REGION—con.				
Modelo	Ventura	All	None	3, 500
Newhall	Ventura	All	None	3, 500
Rice Canyon	Ventura	All	None	3, 500
Santa Barbara Mesa	Santa Barbara	All	None	3, 500
Sespe Canyon	Ventura	All	None	3, 500
Sisar-Silverthread	Ventura	All	None	3, 500
Shiell's Canyon	Ventura	All	None	3, 500
Summerland	Santa Barbara	All	None	3, 500
Tapo-Eureka Canyon	Ventura	All	None	3, 500
Temescal	Ventura	All	None	3, 500
Timber Canyon	Ventura	All	None	3, 500
Tiptop-Fresno Canyon	Ventura	All	None	3, 500
Torrey Canyon	Ventura	All	None	3, 500
Wiley-Towsley Canyon	Ventura	All	None	3, 500

PART II

1 Region and field	2 County	3 Formations or zones included	4 Formations or zones excluded	5 Depth limitation (feet)
LOS ANGELES BASIN REGION				
Brea-Olinda	Orange	All	None	5, 500
Coyote East	Orange	All	None	5, 500
Coyote West	Orange and Los Angeles.	All to base of "99" zone.	All below base of "99" zone.	5, 500
Dominguez	Los Angeles	All Pliocene	All Miocene	5, 500
Huntington Beach—Old	Orange	All to base of Lower Ashton.	All below base of Lower Ashton.	5, 000
Huntington Beach—New	Orange	All to base of "Main" Zone.	All below base of "Main" Zone.	5, 000
Inglewood	Los Angeles	All Pliocene	All Miocene	5, 500
Kraemer	Orange	All to base of Lower Kraemer.	All below base of Lower Kraemer.	5, 000
Long Beach	Los Angeles	All Pliocene	All Miocene	5, 800
Montebello	Los Angeles	All to base of Zone Four.	All below base of Zone Four.	5, 500
Richfield	Orange	All to base of Lower Kraemer.	All below base of Lower Kraemer.	5, 000
Seal Beach	Los Angeles and Orange.	All to base of Lower Wassom.	All below base of Lower Wassom.	5, 800
Torrance-Redondo	Los Angeles	All	None	4, 500
Wilmington	Los Angeles	All to base of Lower Terminal.	All below base of Lower Terminal.	4, 500
SAN JOAQUIN VALLEY REGION				
Coalinga East	Fresno	All to top of Kreyenhagen Shale.	All below top of Kreyenhagen Shale.	4, 500
Edison	Kern	All	None	4, 500
Elk Hills	Kern	All	None	4, 500
Fruitvale	Kern	All	None	4, 500
Kern Front	Kern	All	None	4, 500
Midway-East	Kern	All	None	5, 500
Midway-Lakeview	Kern	All above top of Reef Ridge Shale.	All below top of Reef Ridge Shale.	5, 500
Wheeler Ridge	Kern	All	None	4, 500
Williams	Kern	All to top of Eocene	All below top of Eocene	4, 500

PART II—Continued

1 Region and field	2 County	3 Formations or zones included	4 Formations or zones excluded	5 Depth limitation (feet)
SANTA BARBARA-VENTURA REGION				
Capitan	Santa Barbara	All to base of Vaqueros	All below base of Vaqueros.	5, 500
Rincon	Ventura	All to base of Miley Zone.	All below base of Miley Zone.	5, 500
South Mountain	Ventura	All	None	5, 500
Sulphur Mountain	Ventura	All	None	4, 500
PART III				
LOS ANGELES BASIN REGION				
Alamitos Heights	Los Angeles	All	None	8, 500
El Segundo	Los Angeles	All	None	6, 500
Playa del Rey	Los Angeles	All	None	6, 500
Turnbull Canyon	Los Angeles	All	None	6, 000
SAN JOAQUIN VALLEY REGION				
Buena Vista	Kern	All	None	4, 500
Mountain View	Kern	All	None	7, 500
Raisin City	Fresno	All	None	6, 500
Union Avenue	Kern	All	None	6, 500
SANTA BARBARA-VENTURA REGION				
Aliso Canyon	Los Angeles	All Pliocene	All Miocene	6, 500

[F. R. Doc. 42-10043; Filed, October 8, 1942; 11:19 a. m.]

PART 1055—WOOL

[Amendment 2 to Conservation Order M-73 as Amended for the period August 3, 1942, to January 31, 1943]

§1055.1 *Conservation Order No. M-73 as amended for the period August 3, 1942 to January 31, 1943,*[1] is hereby amended in the following respects:

1. Paragraph (a) (3) (i) is amended by inserting after the words "fine carpet wools," therein, the words "coarse carpet wools,".

2. Paragraph (d) (4) is amended to read as follows:

(4) *Restrictions on use of wool in the manufacture of certain uniforms.* All purchase orders placed on or after October 3, 1942, for uniforms or fabrics therefor containing wool shall be deemed nondefense orders for the purposes of paragraph (a) of this order, regardless of any preference rating assigned thereto, and no preference rating for uniforms or fabrics therefor containing wool shall be valid for any purpose, notwithstanding the provisions of any other rule, regulation or order of the Director General for Operations; except that the foregoing provisions of this paragraph (d) (4) shall be inapplicable in the case of purchase orders for the following uniforms or fabrics therefor:

(i) Uniforms to be delivered to, or for the account of, any agency of the United States. As used in this paragraph (d) (4) (i) the term "agency of the United States" shall not include any privately operated plant or organization financed or controlled by the United States, or operated on a cost-plus-a-fixed-fee basis under the terms of any contract with the United States.

(ii) Officers uniforms, as defined in Preference Rating Order No. P-131, as the same may be amended from time to time.

(iii) Uniforms for members of a Reserve Officers' Training Corps or State Guard unit.

(iv) Any other uniform which the Director General for Operations may specifically exempt in writing, by express reference, from the provisions of this paragraph (d) (4).

3. Paragraphs (i) (5) (ii) and (iii) are amended to read as follows:

(ii) "Fine carpet wool" means wool which, under paragraph 1101 of the Tariff Act of 1930, may be imported free of duty for the manufacture of floor covering (but which under the terms of this order may only be used for the manufacture of wool products other than floor covering, and other than drapery and upholstery fabrics on nondefense orders) identifiable under the following names: Persian Gulf fleece, New Zealand fleece, Criolla, Joria, and Thibet number one white.

(iii) "Coarse carpet wool" means wool which, under paragraph 1101 of the Tariff Act of 1930, may be imported free of duty for the manufacture of floor covering, not specifically named in subparagraph (ii) above.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 FR. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10042; Filed, October 8, 1942; 11:20 a. m.]

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[1] 7 F.R. 5020.

PART 1099—BEDS, SPRINGS AND MATTRESSES

[Amendment 2 to General Limitation Order L-49, as Amended August 4, 1942]

Section 1099.1 *General Limitation Order L-49*[1] is hereby amended in the following particulars:

1. Paragraph (c) (3) is hereby amended to read as follows:

(3) During the period of three months beginning October [illegible] 1942, and during each three month period thereafter, no manufacturer shall use more iron and steel in the aggregate production of coil, flat, fabric and box bedsprings than 3⅛% of the iron and steel used by him in the aggregate production of coil, flat, and fabric bedsprings during the base period, plus 6¼% of the iron and steel used by him in the production of box bedsprings during the base period.

2. Paragraph (c) (4) is hereby deleted in its entirety and paragraph (c) (5) is hereby renumbered (c) (4) and amended to read as follows:

(4) During the period from September 1, 1942 to November 30, 1942, inclusive, no manufacturer shall process, fabricate, work on or assemble any coil, flat, box or fabric bedsprings containing more iron or steel other than joining hardware than the following specified amounts:

(i) Box bedsprings—full size, 22 pounds; single or twin size, 16 pounds.

(ii) Coil, flat or fabric bedsprings—full size, 30 pounds; single or twin size, 22 pounds.

3. Paragraph (c) is hereby amended by adding thereto the following new subparagraph:

(5) On and after December 1, 1942, no manufacturer shall process, fabricate, work on or assemble any coil, flat, box or fabric bedsprings containing more iron or steel other than joining hardware than the following specified amounts:

(i) Full size, 15 pounds.

(ii) Single or twin size, 9 pounds.

4. Paragraph (g) (1) is hereby amended to read as follows:

(1) The sales specified below shall be expressly permitted within the terms of paragraph (c) (3) of Priorities Regulation No. 13 (§ 944.34):

(i) Sales of wire by manufacturers of innerspring constructions for innerspring mattresses, pads and pillows, to other manufacturers of such products.

(ii) Sales of iron or steel by manufacturers of buttons, ventilators, handles or eyelets for mattresses, pads and pillows, to other manufacturers of such products.

(iii) Sales of iron or steel by manufacturers of parts made specifically for incorporation into studio couches, sofa beds and lounges designed for dual sleeping and seating purposes, to other manufacturers of such products.

(iv) Sales of wire by manufacturers of coil, flat, fabric or box bedsprings, to other manufacturers of such products.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th

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[1] 7 F.R. 6044, 7431, 7831.

Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10041; Filed, October 8, 1942; 11:19 a. m.]

PART 1276—DOUGLAS FIR PLYWOOD (MOISTURE-RESISTANT TYPE)

[Limitation Order L-150 as Amended October 8, 1942]

Section 1276.1 *Limitation Order L-150*[1] is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Douglas fir plywood for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1276.1 *Limitation Order L-150*—(a) *Definitions.* For the purposes of this order:

(1) "Producer" shall mean any manufacturer of Douglas fir plywood.

(2) "Douglas fir plywood" shall mean a built-up board of laminated veneers of Douglas fir, united with a bonding agent, in which the grain of each piece is at right angles to the one adjacent to it, and which is of the type known to the trade as "moisture resistant."

(3) "Sound-1-Side" shall mean a piece of Douglas fir plywood, meeting the following specifications: The face shall be of one or more pieces of firm smoothly cut veneer. When of more than one piece it shall be well joined and reasonably matched for grain and color at the joints. It shall be free from knots, splits, checks, pitch pockets and other open defects. Streaks, discolorations, sapwood, shims and neatly made patches shall be admitted. The face shall present a smooth surface suitable for painting. The back shall present a solid surface with all knots in excess of one inch patched and with the following permitted: Not more than six knotholes or borer holes ⅝ of an inch or less in greater dimension, splits ⅛ of an inch or less in width and pitch pockets not in excess of one inch wide or three inches long or that do not penetrate through veneer to glue line. There may be any number of patches and plugs in the back.

(4) Other terms shall have the meanings assigned to them in Commercial Standard CS 45-40, effective August 20, 1940, issued by the National Bureau of Standards.

(b) *Simplified practice; effective date.* On and after October 8, 1942, no producer shall manufacture or deliver Douglas fir plywood, and no person shall receive Douglas fir plywood from any producer, unless it is of one of the types and sizes set forth below, except upon the specific written authorization of the Director General for Operations:

Item	Width	Length	Thickness
STANDARD PANELS	*Inches*	*Inches*	*Inches (after sanding)*
Sound 2-Sides Sound 1-Side	24 30 36 48 60	60 108 72 120 84 132 96 144	⅛ (3 ply). 3/16 (3 ply). ¼ (3 ply). ⅜ (3 ply). ½ (5 ply). ⅝ (5 ply). ¾ (5 ply).
Wallboard	48	60 108 72 120 84 132 96 144	¼ (3 ply). ⅜ (3 ply). ½ (5 ply).
Sheathing	36 48	96 132 108 144 120	5/16 (3 ply unsanded). ⅜ (3 ply unsanded). ½ (3 ply or 5 ply unsanded). ⅝ (3 ply or 5 ply unsanded).
Concrete form panel	36 48 60	60 84 108 132 72 96 120 144	¼ (3 ply). ½ (5 ply). 9/16 (5 ply). ⅝ (5 ply). ¾ (5 ply).
Automobile and industrial	As ordered up to 60	As ordered up to 144	¼ (3 ply unsanded). 5/16 (3 ply unsanded). ⅜ (3 ply unsanded). ½ (5 ply unsanded). 9/16 (5 ply unsanded). ⅝ (5 ply unsanded). 11/16 (5 ply unsanded). ¾ (5 ply unsanded). ⅞ (5 ply unsanded). ⅞ (7 ply unsanded).

(c) *Exceptions*—(1) *Work in process.* Nothing contained herein shall prohibit the delivery by any producer or the receipt from any producer, of any Douglas fir plywood which was in the stock of such producer in finished form on July 1, 1942, or which had, on said date, been processed in such manner and to such extent that its manufacture in conformity with the provisions of paragraph (b) hereof would be impracticable.

(2) *Military orders.* Nothing contained herein shall prohibit the manufacture of Douglas fir plywood which does not conform to the provisions of paragraph (b) hereof under specific contracts or orders placed by or for the account of, or to fulfill a contract with, the Army or Navy of the United States, the United States Maritime Commission, The Panama Canal, the Coast and Geodetic Survey, the Coast Guard, The Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, and the Office of Scientific Research and Development, or to be delivered to or for the account of any Lend-Lease Government under the Lend-Lease Act, to the extent that the use of Douglas fir plywood not complying with the provisions of paragraph (b) hereof, is required by the specifications of the prime contract.

(3) *Rejects, cutbacks, plywood from short length veneer, core stock.* Nothing contained herein shall prohibit the manufacture or delivery by any producer, or the receipt from any producer, of (i) plywood which has been rejected by grading processes, (ii) reclaimed plywood of sizes other than those specified in paragraph (b) of this order developed by "cutting back" rejects, (iii) plywood produced from short lengths of veneer developed by reason of defects in logs, and (iv) core stock in widths up to 96 inches and lengths up to 48 inches in Sound-2-Side and Sound-1-Side grades.

(4) *Door panels.* In addition to the sizes specified in paragraph (b) of this order, Douglas fir plywood of Sound-2-Sides grade may be manufactured, delivered and accepted in widths of 22, 26 and 28 inches, lengths of 60, 72, 84 and 96 inches, and in either ¼ inch thickness after sanding or 3/16 inch thickness unsanded, but solely for use in the manufacture of doors. Every person ordering Douglas fir plywood in any such sizes shall endorse on the order a statement manually signed by the purchaser, or, if the purchaser is a corporation, an officer of the purchaser, in the following terms:

> The material covered by this order is to be used solely in the manufacture of doors, and comes within the exemption contained in paragraph (c) (4) of Limitation Order L-150, with the terms of which the undersigned is familiar.
>
> ______________________________
> Purchaser
> ______________________________

(5) *Records covering excepted production.* Each producer shall retain in his files records showing his inventory of Douglas fir plywood excepted under the terms of subparagraph (1) of this paragraph (c), and such records shall be kept readily available and open to audit and inspection by duly authorized representatives of the War Production Board.

(d) *Appeals.* Any person whose business is affected by this order and who considers that compliance therewith would disrupt or impair a program of war work may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(e) *Communications to the War Production Board.* All reports to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Lumber and Lumber Products Division, Washington, D. C. Ref.: L-150.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time.

(h) *Intra-company deliveries.* The prohibitions and restrictions contained in this order shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single business enterprise to another branch, division or section of the same or any other business enterprise under common ownership or control; and each such affiliate, subsidiary, branch, division or section shall for the purposes of this order be deemed a separate person.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a) Pub, Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10040; Filed, October 8, 1942; 11:29 a. m.]

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[1] 7 F.R. 4482.

PART 3095—VINYL ACETATE

[General Preference Order M-240]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of vinyl acetate for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3095.1 *General Preference Order M-240*—(a) *Definitions.* For the purposes of this order:

(1) "Vinyl acetate" means the monomer vinyl acetate from whatever source derived.

(2) "Producer" means any person who produces vinyl acetate, and includes any person who has vinyl acetate produced for him pursuant to toll agreement.

(3) "Distributor" means any purchaser of vinyl acetate from a producer for purpose of resale without further processing.

(b) *Restrictions on use and delivery of vinyl acetate.* (1) On and after November 1, 1942, no producer or distributor shall use or deliver vinyl acetate, and no person shall accept delivery of vinyl acetate from a producer or distributor, subject to the exemptions provided for in paragraph (c) hereof, except as specifically authorized by the Director General for Operations upon application pursuant to paragraph (d) hereof.

(2) Each person accepting delivery of vinyl acetate pursuant to specific authorization of the Director General for Operations shall use such material only for the purposes specified in such authorization.

(3) Each person affected by this order shall comply with such directions as may be given by the Director General for Operations at any time after October 8, 1942, the effective date of this order, with respect to the use or delivery of vinyl acetate.

(c) *Exemptions.* Specific authorization pursuant to paragraph (b) (1) hereof shall not be required with respect to the use, delivery or acceptance of delivery of vinyl acetate in the following cases:

(1) Any person may accept delivery of, and any producer or distributor may use, twenty-five (25) pounds or less of vinyl acetate during any one calendar month.

(2) Any producer or distributor may deliver vinyl acetate to any person entitled to accept delivery pursuant to paragraph (c) (1) hereof, without regard to preference ratings, provided that no producer or distributor shall deliver, pursuant to this paragraph (c) (2), in excess of one thousand (1000) pounds of vinyl acetate in any one month.

(d) *Applications and reports.* In addition to such other reports as may from time to time be required by the Director General for Operations:

(1) Each producer and distributor seeking authorization to use, and each person seeking authorization to accept delivery of, vinyl acetate pursuant to paragraph (b) (1) hereof, shall apply for such authorization on Form PD-600. Such applicant shall file with the War Production Board the original and two copies of such form on or before the 20th day of the month preceding the month for which such authorization is requested and shall file with his supplier one copy of such form on or before the 15th day of such month if the supplier is a producer or on or before the 10th day of such month if the supplier is a distributor, which form shall be prepared in the manner prescribed therein, subject to the following specific instructions:

(i) *Heading.* Specify "Vinyl acetate" and order number "M-240" and specify pounds as the unit of measure, and in addition to giving the delivery destination, indicate the address to which communications should be directed.

(ii) *Columns 1, 11 and 19.* Specify vinyl acetate.

(iii) *Columns 3, 20 and 22.* In the case of a distributor, specify "Resale pursuant to further authorization". In all other cases, specify polyvinyl acetate, polyvinyl alcohol, polyvinyl butyral, polyvinyl formal, co-polymers with vinyl chloride, sulfa drugs or other. If "other" is specified, describe briefly.

(iv) *Column 4.* Specify "Subject to M-10", sulfa drugs or other. If "other" is specified, describe briefly.

(2) Each producer and distributor seeking authorization to deliver any vinyl acetate, pursuant to paragraph (b) (1) hereof, shall apply for such authorization on Form PD-601. Such applicant shall file with the War Production Board the original and two copies of such form on or before the 20th day of the month preceding the month for which such authorization is requested, which form shall be prepared in the manner prescribed therein, subject to the following specific instructions:

(i) *Heading.* Specify "Vinyl acetate" and order number "M-240" and specify pounds as the unit of measure, and in addition to giving the plant or warehouse address, indicate the address to which communications should be directed.

(ii) *Columns 3 and 8.* Specify vinyl acetate.

(e) *Notification of customers.* Each producer and distributor shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Miscellaneous provisions.* (1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board Priorities Regulations, as amended from time to time.

(2) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of vinyl acetate, shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C. Ref.: M-240.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10044; Filed, October 8, 1942; 11:02 a. m.]

Chapter XI—Office of Price Administration

PART 1350—EMERGENCE CIVILIAN DEFENSE MATERIALS AND EQUIPMENT

[Amendment 1 to Maximum Price Regulation 234]

APPROVED STIRRUP PUMPS

A statement of considerations involved in the issuance of Amendment No. 1 has been prepared and filed with the Division of the Federal Register.

Section 1350.63 is amended to read as follows and a new § 1350.64 is added, as set forth below:

§ 1350.63 *Effective date.* This Maximum Price Regulation No. 234 (§§ 1350.51 to 1350.64) shall become effective October 7, 1942.

§ 1350.64 *Effective dates of amendments.* Amendment No. 1 to Maximum Price Regulation No. 234 shall become effective October 7, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.)

Issued this 7th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10025; Filed, October 7, 1942; 1:56 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

OREGON; CERTAIN BRIDGES OF THE WILLAMETTE RIVER

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the provisions of § 203.755 of Bridge Regulations are amended, both as to title and regulations, as follows:

§ 203.755 *Willamette River, Oreg.; bridges above Oregon City, Oreg.*—(a) *Southern Pacific Company's bridge at Salem.* (1) Except as provided in paragraph (a) (2) below, the drawspan shall be opened promptly for the passage of river craft unable to pass under the closed bridge upon the following signal: One long blast, followed quickly by one short blast; or upon verbal request of the operator of any watercraft of his desire to have the drawspan opened.

(2) When river stages are below 20 feet, U. S. Engineer gauge, and passage through the drawspan of this bridge is desired at any time between 7 p. m. and 7 a. m., at least six hours' advance notice of the time opening is desired shall be given to the Southern Pacific Company's telegraph operator at Salem.

(3) Upon receipt of such advance notice, arrangements shall be made for the prompt opening of the drawspan at the time given in the notice for passage of the vessel, and the draw shall be so opened.

(4) The owner or agency controlling the bridge shall keep a copy of these regulations conspicuously posted on both the upstream and downstream sides of the bridge, in such place and manner that it can be easily read from the river at any time.

(b) *Southern Pacific Company's bridge at Albany, Oreg., and Benton County highway bridge at Corvallis, Oreg.* (1) Whenever a vessel unable to pass under the Southern Pacific Company's railroad bridge at Albany, or the Benton County highway bridge at Corvallis, desires to pass through the draw of either bridge, at least six hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge through which passage is desired.

(2) Upon receipt of such advance notice, arrangements shall be made for the prompt opening of the draw at the time given in the notice for passage of the vessel, and the draw shall be so opened.

(3) The owner or agency controlling the bridge shall keep a copy of these regulations conspicuously posted on both the upstream and downstream sides of the bridge, in such place and manner that it can be easily read from the river at any time, together with a notice stating exactly how the representative specified in paragraph (b) (1) may be reached.

(4) The operating machinery of the draws of these bridges shall be maintained in a serviceable condition, and the draw opened and closed at least once each three months, to insure that the machinery is in proper order for satisfactory operation. (28 Stat. 362; 33 U.S.C. 499) [Regs. Sept. 25, 1942, CE 6371 (Southern Pacific Co.—Willamette R.—Albany)—SPEON]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-10030; Filed, October 9, 1942; 9:39 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service

PART 3—NATIONAL CAPITAL PARKS REGULATIONS

DISTRICT OF COLUMBIA PARKS; SPEED REGULATIONS

Pursuant to the authority contained in the Act of February 26, 1925 (ch. 339, 43 Stat. 983), and Executive Order No. 6166 of June 10, 1933, § 3.11 (v) is amended to read as follows:

§ 3.11 *Traffic and motor vehicle regulations; horses; penalties.*

(v) The speed limits prescribed by sec. 22 (c) of the Traffic and Motor Vehicle Regulations for the District of Columbia shall not apply to vehicles operated on any highway in the National Capital Park system in the District of Columbia. In lieu thereof, a maximum speed limit of 35 miles per hour is established for all highways in the National Capital Park system in the District of Columbia, except where otherwise designated by official signs. (Sec. 3, 43 Stat. 983; 40 U.S.C. 4, E.O. 6166, June 10, 1933)

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

THE WHITE HOUSE,
September 14, 1942.
Approved:
FRANKLIN D ROOSEVELT

[F. R. Doc. 42-10055; Filed, October 8, 1942; 11:54 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Exception Order ODT 16-3]

PART 522—DIRECTION OF TRAFFIC MOVEMENT; EXCEPTIONS AND PERMITS

SUBPART F—FREIGHT SHIPMENTS VIA PORTS IN THE UNITED STATES

Pursuant to the authority conferred by General Order ODT 16,[1] Title 49, Chapter II, Part 502, § 502.48 (a); *It is hereby ordered,* That:

§ 522.652 *Lard consigned to Harvey, Louisiana.* The provisions of §§ 502.40 to 502.49, inclusive, of Part 502, this title and chapter, (General Order ODT 16) are hereby suspended with respect to the acceptance for and transportation of lard to Harvey, Louisiana.

This Exception Order shall become effective on October 8, 1942, and shall remain in full force and effect until further order. (E.O. 8989, 6 F.R. 6725; Gen. Order ODT 16, 7 F.R. 5194).

Issued at Washington, D. C., this 8th day of October 1942.

V. V. BOATNER,
Director of Railway Transport.

HENRY F. MCCARTHY,
Director of Traffic Movement.

[F. R. Doc. 42-10036; Filed, October 8, 1942; 10:55 a. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service: Bureau of the Public Debt.

[1942 Dept. Circ. 698]

2 PERCENT TREASURY BONDS OF 1950–52

OCTOBER 8, 1942.

I. OFFERING OF BONDS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for bonds of the United States, designated 2 percent Treasury Bonds of 1950–52. At the same time the Secretary of the Treasury is inviting subscriptions for an additional amount of Treasury Notes of Series B–1946 under Department Circular No. 699. The aggregate amount of both issues will be $4,000,000,000, or thereabouts. The amount of bonds to be issued hereunder will be determined by the relation which the total subscriptions for the bonds bear to the total subscriptions received for both the bonds and the notes.

II. DESCRIPTION OF BONDS

1. The bonds will be dated October 19, 1942, and will bear interest from that date at the rate of 2 percent per annum, payable on a semiannual basis on March 15 and September 15 in each year until the principal amount becomes payable. They will mature March 15, 1952, but may be redeemed at the option of the United States on and after March 15, 1950, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds shall be subject to all Federal taxes, now or hereafter imposed. The bonds shall be subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege and will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $100, $500, $1,000, $5,000, $10,000 and $100,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Subscribers must agree not to sell or otherwise dispose of their subscriptions, or of the securities which may be allotted thereon, prior to the closing of the subscription books. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Subscriptions from banks and trust companies for their own account will be received without deposit. Subscriptions from all others must be accompanied by payment of 5 percent of the amount of bonds applied for.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, and within the amount of the offering, subscriptions for amounts up to and including $25,000 from banks which accept demand deposits, and subscriptions in any amount from all other subscribers, will be allotted in full; subscriptions for amounts over $25,000 from banks which accept demand deposits will be allotted on an equal percentage basis, to be publicly announced. Allotment notices will be sent out promptly upon allotment.

IV. PAYMENT

1. Payment at par and accrued interest, if any, for bonds allotted hereunder must be made or completed on or before October 19, 1942, or on later allotment. In every case where payment is not so completed, the payment with application up to 5 percent of the amount of bonds applied for shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its district.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, JR.,
Secretary of the Treasury.

[F. R. Doc. 42-10049; Filed, October 8, 1942; 11:48 a. m.]

[1942 Dept. Circ. 699]

1½ PERCENT TREASURY NOTES OF SERIES B–1946—ADDITIONAL ISSUE

OCTOBER 8, 1942.

I. OFFERING OF NOTES

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for notes of the United States, designated 1½ percent Treasury Notes of Series B–1946. At the same time the Secretary of the Treasury is inviting subscriptions for 2 percent Treasury Bonds of 1950–52 under Department Circular No. 698. The aggregate amount of both issues will be $4,000,000,000, or thereabouts. The amount of notes to be issued hereunder will be determined by the relation which the total subscriptions for the notes bear to the total subscriptions received for both the notes and the bonds.

II. DESCRIPTION OF NOTES

1. The notes now offered will be an addition to and will form a part of the series of 1½ percent Treasury Notes of Series B–1946 issued pursuant to Department Circular No. 686, dated May 25, 1942, will be freely interchangeable therewith, are identical in all respects therewith, and are described in the following quotation from Department Circular No. 686:

> 1. The notes will be dated June 5, 1942, and will bear interest from that date at the rate of 1½ percent per annum, payable on a semiannual basis on December 15, 1942, and thereafter on June 15 and December 15 in each year until the principal amount becomes payable. They will mature December 15, 1946, and will not be subject to call for redemption prior to maturity.
>
> 2. The income derived from the notes shall be subject to all Federal taxes, now or hereafter imposed. The notes shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.
>
> 3. The notes will be accepted at par during such time and under such rules and regulations as shall be prescribed or approved by the Secretary of the Treasury in payment of income and profits taxes payable at the maturity of the notes.
>
> 4. The notes will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege.
>
> 5. Bearer notes with interest coupons attached will be issued in denominations of $100, $500, $1,000, $5,000, $10,000 and $100,000. The notes will not be issued in registered form.
>
> 6. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Subscribers must agree not to sell or otherwise dispose of their subscriptions, or of the securities which may be allotted thereon, prior to the closing of the subscription books. Banking institutions generally may submit subscriptions for account of customers; but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Subscriptions from banks and trust companies for their own ac-

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[1] 7 F.R. 5194.

count will be received without deposit. Subscriptions from all others must be accompanied by payment of 5 percent of the amount of notes applied for.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of notes applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, and within the amount of the offering, subscriptions for amounts up to and including $25,000 from banks which accept demand deposits, and subscriptions in any amount from all other subscribers, will be allotted in full; subscriptions for amounts over $25,000 from banks which accept demand deposits will be allotted on an equal percentage basis, to be publicly announced. Allotment notices will be sent out promptly upon allotment.

IV. PAYMENT

1. Payment at par and accrued interest from June 5, 1942, for notes allotted hereunder must be made or completed on or before October 15, 1942, or on later allotment. In every case where payment is not so completed, the payment with application up to 5 percent of the amount of notes applied for shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for notes allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its district. Accrued interest at 1½ percent from June 5, 1942, to October 15, 1942, on $1,000 face amount is $5,41209.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 42-10048; Filed, October 8, 1942; 11:48 a. m.]

DEPARTMENT OF THE INTERIOR.

Bureau of Mines; Explosives Control Division.

BODTKE BROTHERS LOGGING CO., LICENSEE

ORDER REVOKING LICENSE AND DIRECTING ITS SURRENDER

To: Bodtke Brothers Logging Co., Licensee above-named, Deming, Washington.

Based upon the records in this matter, I, R. R. Sayers, Director of the Bureau of Mines, make the following findings of fact:

1. On September 5, 1942, a Specification of Charges against you, setting forth violations of the Federal Explosives Act (55 Stat. 863) and regulations thereunder of which you were accused, was mailed to you at the above named, your last known, address, giving you notice to mail an answer within fifteen days if you wished to be heard on the charges against you.

2. More than twenty days have elapsed since the giving of said notice. The length of time required for mail to be delivered to the office of the Bureau of Mines, Washington, D. C., from Deming, Washington, does not exceed five days. You have failed to answer the charges against you.

3. The charges against you are true.

Now, therefore, by virtue of the authority vested in me by sections 8 and 18 of the Federal Explosives Act (55 Stat. 863) and § 301.22 of the regulations thereunder (7 F.R. 5901).

It is hereby ordered, That Purchaser's License No. 492730, heretofore issued to you under the Federal Explosives Act (55 Stat. 863), be and it is hereby revoked; and

It is further ordered, That you shall immediately surrender said license and all certified or photostatic copies thereof, if any, by delivering or mailing the same to the Director of the Bureau of Mines, Interior Department, Washington, D. C.

This order is effective on and after its date, except that you will be allowed not to exceed ten days thereafter within which to sell or otherwise dispose of explosives or ingredients thereof now on hand to persons licensed under the Federal Explosives Act and in accordance with the provisions of the act and regulations thereunder. This exception does not authorize you to use or test explosives or ingredients thereof on hand, nor does it authorize you to manufacture or to purchase or otherwise acquire explosives or ingredients thereof.

Failure to comply with any of the provisions of this order will constitute a violation of the Federal Explosives Act, punishable by a fine of not more than $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

Dated: October 3, 1942.

R. R. SAYERS,
Director, Bureau of Mines.

[F. R. Doc. 42-10056; Filed, October 8, 1942; 11:54 a. m.]

General Land Office.

[Public Land Order 42]

CALIFORNIA

AIR-NAVIGATION SITE WITHDRAWAL NO. 187

By virtue of the authority contained in the act of June 25, 1910, c. 421, 36 Stat. 847 (U.S.C., title 43, sec. 141), and section 4 of the act of May 24, 1928, c. 728, 45 Stat. 729 (U.S.C., title 49, sec. 214), and pursuant to Executive Order No. 9146 of April 24, 1942, it is ordered as follows:

1. The following-described public lands in California are hereby withdrawn from all forms of appropriation under the public-land laws and reserved, subject to valid existing rights, for the use of the Department of Commerce in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 187:

MOUNT DIABLO MERIDIAN

T. 26 S., R. 43 E.,
Sec. 27, SW¼NW¼, N½NW¼SW¼.

The areas described aggregate 60 acres.

2. This order shall take precedence over, but shall not rescind or revoke, the withdrawal for Potash Reserve No. 2, California No. 1, made by the Executive Order of February 21, 1913, so far as such order affects the above-described lands.

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

SEPTEMBER 18, 1942.

[F. R. Doc. 42-10051; Filed, October 8, 1942; 11:52 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

ACCOUNT SERVICING; COLLECTING OFFICE PROCEDURE

FINAL SETTLEMENT AND SURRENDER OF NOTES

JANUARY 20, 1942.

Security instruments will be satisfied when all notes for which such instruments serve as security have been paid in full. The regional office will execute all written satisfactions on Form FSA-LE 77. —, "Satisfaction", and will forward the signed and, if necessary, acknowledged original and an exact copy to the collecting official. The original and the copy shall be given to the client (the original for filing or recording if the client wishes to clear the record, or for any purchaser of the property). If a written satisfaction is not necessary, the regional office will authorize the necessary satisfaction.

Where satisfactions of mortgages, deeds of trust, or other security instruments have been executed by the regional director or other authorized official in the regional office, and state law requires the mortgagee to record or file such satisfactions and to pay the recording or filing fee therefor, collecting officials are hereby authorized, as agents and attorneys-in-fact for the United States, the Secretary of Agriculture, and the FSA, to record and file such satisfactions and to make marginal satisfactions on the records of the office of registry. Payment of recording or filing fees may be scheduled on Standard Form No. 1034, "Public Voucher for Purchases and Services Other Than Personal". (Pars. I B and I C of FSA Instruction 463.1, January 20, 1942.)

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 42-10026; Filed, October 7, 1942; 2:43 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order 162]

SUGAR AND RELATED PRODUCTS INDUSTRY

APPOINTMENT OF INDUSTRY COMMITTEE NO. 50

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the sugar and related products industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the Public: Theodore J. Kreps, Chairman, Palo Alto, California; Henry W. Toll, Denver, Colorado; Kathryn Abbey, Tallahassee, Florida; Colston Warne, Amherst, Massachusetts; Harlan L. McCracken, Baton Rouge, Louisiana; Harold E. Fey, Chicago, Illinois.

For the Employees: John R. Owens, New York, New York; Boris Shishkin, Washington, D. C.; R. E. James, Kansas City, Kansas; Adolph Lesser, Edgewater, New Jersey; Lezin L'Hoste, New Orleans, Louisiana; Louis Goldblatt, San Francisco, California.

For the Employers: Frank A. Kemp, Denver, Colorado; Frank L. Barker, Lockport, Louisiana; J. H. Lind, Jr., New York, New York; Clarence R. Bitting, Clewiston, Florida; C. R. Winston, New York, New York; Ernest W. Greene, Washington, D. C.

Such representatives having been chosen with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the term "sugar and related products industry" means:

> The production of sugar, molasses, and syrups, of all types, made wholly or in part from maple sap, sugar beets, sugarcane, sorgo, or any derivative therefrom, and the production of beet pulp, bagasse, lime cake, and related by-products: *Provided, however,* That fountain syrups commonly and commercially so known shall not be included in this definition.
>
> The production of any products covered under this definition shall be deemed to begin with the loading of the raw materials at the farm."

3. The definition of the sugar and related products industry covers all occupations in the industry which are necessary to the production of the products covered by this definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That in a wholesaling or selling department of a manufacturing establishment clerical, maintenance, shipping and selling employees, the greater part of whose work relates to the sale of articles which have been purchased for resale or of articles not covered by this definition, shall not be deemed to be covered by this definition: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. The industry committee herein created shall meet at 10:00 A. M. on October 26, 1942 in the College Room of the Hotel Astor, New York City, and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at New York, New York this 5th day of October 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-10046; Filed, October 8, 1942; 11:31 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the determination and order or regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective October 8, 1942. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

The Bloomfield Co., 2212 Superior Ave., Cleveland, Ohio; Women's & misses' dresses; 10 percent (T); October 8, 1943.

Cavalier Garment Corp., 113 Main St., Evansville, Indiana; Men's trousers; 10 percent (T); October 8, 1943.

Chic Lingerie Co., Inc., 1126 Santee St., Los Angeles, California; Ladies' satin and rayon underwear, rayon, cotton and woolen sportswear; 10 percent (T); October 8, 1943.

Co-operative Dress Guild, 269 Spruce St., Albany, New York; Dresses, shirt waists; 4 learners (T); October 8, 1943.

Essbee Dress Co., 405 Ridge Ave., Asbury Park, New Jersey; Dresses; 3 learners (T); October 8, 1943.

Greensboro Mfg. Co., 308 Walker Ave., Greensboro, North Carolina; Flannelette and cotton sleeping garments; 10 percent (T); October 8, 1943.

LaFollette Shirt Co., La Follette, Tennessee; Army dress shirts, army O. D. shirts; 10 percent (T); October 8, 1943.

Lewel Mfg. Co., Inc., 46 Nesbitt St., Newark, New Jersey; Corsets and brassieres; 12 learners (T); October 8, 1943.

Majestic Pants Co., 69 Chestnut St., Norwich, Connecticut; Pants; 5 learners (T); October 8, 1943.

Modern Made Sportswear, Inc., 407 East Pico St., Los Angeles, California; Women's shirts and blouses; 3 learners (T); October 8, 1943.

Par-Ex Shirt Co., 20 Wooster St., New Haven, Connecticut; Men's shirts; 10 percent (T); October 8, 1943.

Poultney Shirt Co., Beaman St., Poultney, Vermont; Dress shirts; 10 learners (T); October 5, 1943. (This certificate effective October 5, 1942).

Reliance Mfg. Co., Anamosa, Iowa; Men's cotton work shirts; 10 percent (T); October 8, 1943.

Renee of Hollywood, 743 Santee St., Los Angeles, California; Brassieres and garter belts; 5 learners (T); October 8, 1943.

Savage Mfg. Co., 1701 N. Damen Ave., Chicago, Illinois; Blouses, slack suits; 10 learners (T); October 8, 1943.

Stadium Mfg. Co., Inc., 1501 Guilford Ave., Baltimore, Maryland; Hospital pajamas, U. S. Army, men's and civilian pajamas; 10 percent (T); October 8, 1943.

A. Stein & Co., Streator, Illinois; Brassieres and garter belts; 10 percent (T); October 8, 1943.

Lucille Teti, 1000 S. 12th St., Philadelphia, Pennsylvania; Ladies sportswear, dresses, blouses, skirts and slacks; 3 learners (T); October 8, 1943.

Jack Tobin, Hillcrest Road, Mantua, New Jersey; Children's cotton dresses; 3 learners (T); October 8, 1943.

Wales Shirt Co., 76 Franklin St., New Haven, Connecticut; Dress shirts; 10 percent (T); October 8, 1943.

Cigar Industry

T. E. Brooks & Co., 31 Pine St., Red Lion, Pennsylvania; Cigars; 10 percent (T); Cigar machine operators to have learning period of 320 hours and tobacco stripping machine operators to have learning period of 160 hours at 75 percent of the applicable minimum wage; October 7, 1943.

Glove Industry

Frederic H. Burnham Co., Plymouth, Indiana; Work gloves; 5 learners (T); October 8, 1943.

Frederic H. Burnham Co., 1602 Tennessee St., Michigan City, Indiana; Work gloves; 5 percent (T); October 8, 1943.

Hosiery Industry

Barnett Hosiery Mills, Taylorsville, North Carolina; Seamless hosiery; 5 learners (T); October 8, 1943.

Clayton Hosiery Mills, Inc., 95 Bridge St., Lowell, Massachusetts; Seamless hosiery; 5 learners (T); October 8, 1943.

Danville Knitting Mills, Lynn & Newton Sts., Danville, Virginia; Seamless hosiery; 5 percent (T); October 8, 1943.

W. B. Davis & Son, Inc., Eighth St., Fort Payne, Alabama; Seamless hosiery; 5 percent (T); October 8, 1943.

Ellis Hosiery Mills, Lenior Highway, Hickory, North Carolina; Seamless hosiery; 5 percent (T); October 8, 1943.

Gulf Stream Products Co., Green Cove Springs, Florida; Full-fashioned hosiery; 10 learners (E); June 8, 1943.

C. D. Jessup & Co., Claremont, North Carolina; Seamless hosiery; 5 learners (T); October 8, 1943.

Quitman Hosiery Mill, Quitman, Georgia; Full-fashioned hosiery; 5 learners (T); October 8, 1943.

Knitted Wear Industry

Shorewood Mills, 3837 North Richards St., Milwaukee, Wisconsin; Underwear; 5 learners (T); October 8, 1943.

Signed at New York, N. Y., this 6th day of October, 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-10047; Filed, October 8, 1942; 11:31 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6399]

HERALD PUBLISHING COMPANY (WALB)

ORDER REGARDING HEARING

In re application of Herald Publishing Company (WALB) Albany, Georgia, for construction permit.

It is ordered, On the Commission's own motion on this 2nd day of October, 1942, that the issues heretofore released on the above-entitled application be, and the same are hereby, supplemented by the following issue:

To determine whether the granting of this application would be consistent with the provisions of the North American Regional Broadcasting Agreement (Appendix I, Table III).

It is further ordered, That the present hearing date, namely, November 9, 1942, be, and the same is hereby, retained.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-10045; Filed, October 8, 1942; 11:26 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 210]

81.94% OF CAPITAL STOCK OF SIMPSON LANGE & CO., INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095,[1] as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

885 shares (which constitute a substantial part, namely 81.94%, of all outstanding shares) of $100 par value capital stock of Simpson Lange & Co., Inc., a Texas corporation, Dallas, Texas, which is a business enterprise within the United States, the names and last known addresses of the registered owners of which, and the number and class of shares owned by them respectively, are as follows:

Names and last known addresses	Number of shares		
	Common	First preferred	Second preferred
Rotterdamsche Bankvereeniging, N. V., Rotterdam, Holland, holding for the benefit of Carl C. Albrecht, Heinrich Mueller-Pearse, Karl Heinz Lange, and Karl Ludwig Lange, all of whom are residents of Germany	300	500	------
Carl A. Albrecht (alien detention camp)	------	------	85
Total	300	500	85

is property of nationals, and represents control of said business enterprise which is a national, of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 3, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10037; Filed, October 8, 1942; 10:56 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Suspension Order 139]

JOHN TEASLEY

ORDER RESTRICTING TRANSACTIONS

John Teasley, dealer operating dealer outlet known as City Service Station, Canton, Georgia, herein called respondent, is regularly engaged in the business of transferring gasoline directly to consumers and subject to gasoline rationing regulations issued by the Office of Price Administration. There was duly served on respondent a notice of specific charges of violation of the Emergency Gasoline Rationing Regulations and a notice of hearing thereon. Respondent has waived the holding of said hearing and has stipulated certain facts with the

Office of Price Administration. Upon consideration of the facts so stipulated, it is hereby determined:

That respondent has violated the Emergency Gasoline Rationing Regulations in that on July 6, 1942, at the dealer outlet above described, he sold and transferred to one Charles Glenn Cole, a consumer, three gallons of gasoline, said transfer being made into the fuel tank of an automobile clearly identifiable as a private passenger vehicle without the exhibition of any gasoline rationing card Class X or the cancellation of any unit of any gasoline rationing card Class A or B.

That respondent has violated the Emergency Gasoline Rationing Regulations in that respondent on the 6th day of July 1942, sold and transferred to one Charles Glenn Cole, a consumer, sixteen gallons of gasoline in containers for highway use by said consumer in an automobile clearly identifiable as a private passenger vehicle, said transfer being made without the exhibition of any gasoline rationing card class X or the cancellation of any unit of any gasoline rationing card Clas A or B.

Because of the great scarcity and critical importance of gasoline in the Georgia area, violations of the Emergency Gasoline Rationing Regulations necessarily resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to national defense. It further appears to the Deputy Administrator from the matters stipulated, that violations of the Gasoline Rationing Regulations by respondent are likely unless appropriate administrative action be taken.

It is therefore ordered:

(a) During the period in which this suspension order shall be in effect:

(1) Respondent shall accept no deliveries or transfers of, nor in any manner directly or indirectly, receive from any source any gasoline at or for the above described dealer outlet; and

(2) No person, firm or corporation shall sell, deliver or in any manner directly or indirectly transfer any gasoline to respondent at or for the above described dealer outlet.

(b) Any terms used in this order that are defined in the Emergency Gasoline Rationing Regulations shall have the meaning therein given them.

(c) This suspension order shall become effective 12:01 A. M. October 8, 1942, and unless sooner terminated, shall expire 12:01 A. M. November 7, 1942.

[Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Directive No. 1 and Supp. Dir. No. 1H, 7 F.R. 562, 3478, 3477.]

Issued this 6th day of October 1942.

PAUL M. O'LEARY,
Deputy Administrator in Charge of Rationing.

[F. R. Doc. 42-9992; Filed, October 6, 1942; 4:49 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-336]

NATIONAL POWER & LIGHT COMPANY

NOTICE OF FILING OF APPLICATION FOR EXTENSION OF PERIOD OF EXCHANGE OFFER AND ORDER FOR HEARING THEREON.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of October, A. D., 1942.

The Commission having heretofore, on December 24, 1941, entered its order herein permitting to become effective a declaration or application filed by National Power & Light Company, a registered holding company, pursuant to sections 9 (a) (1), 12 (c), 12 (d), and 12 (e) of the Public Utility Holding Company Act and the applicable rules thereunder respecting a proposed offer to be made by National Power & Light Company to its preferred stockholders to exchange for each share of National's preferred stock two shares of common stock of Houston Lighting & Power Company; and

The Commission having found that such declaration or application should be treated as a plan filed under section 11 (e) and 11 (g) of the Act, and having approved said plan for submission to the preferred stockholders of National Power & Light Company subject to the conditions contained in said order dated December 24, 1941; and

Said exchange offer having become effective on January 30, 1942 for the period ending March 31, 1942, and National Power & Light Company having successively extended the period of said exchange offer to and including October 13, 1942, pursuant to the authority contained in the orders of the Commission dated June 15, 1942 and August 13, 1942;

Notice is hereby given that National Power & Light Company, on October 6, 1942, filed an application herein for permission to extend further the period of such exchange offer to and including December 15, 1942.

All interested parties are referred to said application which is on file in the office of the Commission for full details thereof.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held for the purpose of considering said application;

It is ordered, That a hearing on said application be held on October 12, 1942, at 10:00 A. M., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the Hearing Room Clerk. At said hearing attention will be particularly directed to the question whether it is necessary or appropriate in the public interest or for the protection of investors or consumers to permit an extension of the period within which exchanges may be effected under said offer, and if so, the period of such extension.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above mentioned. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to National Power & Light Company and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10053; Filed, October 8, 1942; 11:54 a. m.]

[File No. 1-1343]

RUDOLPH WURLITZER COMPANY

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of October, A. D., 1942.

The Rudolph Wurlitzer Company pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Common Stock, $10 Par Value, and its 7% Cumulative Preferred Stock, $100 Par Value, from listing and registration on the Cincinnati Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on October 16, 1942.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10054; Filed, October 8, 1942; 11:54 a. m.]

WAR PRODUCTION BOARD.

[Certificate 18]

PLAN FOR ORGANIZATION OF AN IMPORTERS GROUP

THE ATTORNEY GENERAL: Pursuant to the provisions of section 12 of Public Law No. 603, approved June 11, 1942, I submit a plan of the Board of Economic Warfare for the organization of an importers group, to be known as Emergency Group for Foreign Vegetable Oils, Fats and Oil-Bearing Materials, to handle and service foreign purchases of such fats, oils and materials by the Commodity Credit Corporation.

---

[1] 7 F.R. 1971.

I hereby approve said plan for the purposes of section 12 of Public Law No. 603, approved June 11, 1942, and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such plan, is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

OCTOBER 2, 1942.

Plan for the organization of an importers group, to be known as "Emergency Group for Foreign Vegetable Oils, Fats and Oil-Bearing Materials" to handle and service foreign purchases of such fats, oils and materials by the Commodity Credit Corporation.

Purpose of the Group. The Group will be organized for the purpose of providing, for a fixed fee, all of the necessary and customary services incident to the importation into the United States, and the servicing thereafter, of all foreign vegetable oils, fats and oil-bearing materials purchased by Commodity Credit Corporation pursuant to directives issued by the Board of Economic Warfare. Commodity Credit Corporation will negotiate and make all purchases and the Group will have no responsibility and exercise no function relative to purchases. The Group will function only as to servicing and handling after purchases are made.

Organization of the Group. The Group will function (a) through a Management Committee composed of representatives of five members elected by a majority of all the members, whose duty it shall be, subject to specified controls to be exercised by Commodity Credit Corporation and the Board of Economic Warfare, to manage and coordinate all of the activities of the Group, and (b) through various specialized commodity committees. These latter committees will be composed of representatives of every member experienced in handling the commodity with which the committee is concerned, will generally be under the supervision and control of the Board of Economic Warfare and the Commodity Credit Corporation; and will have the duty of furnishing expert advice relative to, and expediting, the services to be performed in connection with the importation of commodities purchased by Commodity Credit Corporation. Commodity Credit Corporation will compensate the Group for services rendered by it, through its officers and employees, in accordance with a schedule of fees fixed in an exclusive agency contract between Commodity Credit Corporation and the Group. Income of the Group, after payment of administrative expenses and establishment of a reserve, will, from time to time, be distributed by the Group among its members in accordance with a base period formula.

Membership of the group. Membership in the Group will be open to all individuals, partnerships, firms, and corporations who are "eligible importers". Restrictions on eligibility will be provided as to nationals of any country deemed by the Board of Economic Warfare to be unfriendly to the United States, Only those shall be deemed "eligible importers" who effect sales of vegetable oils, fats and oil-bearing materials of foreign origin before they have cleared customs, and who either: (a) represent or negotiate directly with sellers in a foreign market, or with foreign sellers' representatives wherever domiciled, as agents for sale to consumers, or other buyers, in the United States or Canada on a fixed fee or commission basis for effecting such sales; or (b) purchase directly from sellers, or from foreign sellers' representatives wherever domiciled, in a foreign market for their own account or for subsequent resale.

All applications for membership must be submitted within forty-five (45) days after the applicant has received a written invitation to join the Group, or within forty-five (45) days after the release of such an invitation published in representative trade journals and general newspapers. Similar publicity will be given, and invitations to join will be sent to all eligible importers, not then members, prior to the expiration date of any contract with Commodity Credit Corporation which is to be renewed or prior to entering into a new contract. Applications for membership, pursuant to such an invitation, must be received at least forty-five (45) days after the issuance of such invitation and publicity.

Commodity Credit Corporation and the Board of Economic Warfare will take all necessary and proper steps to arrange for the initial issuance of written invitations to join and initial publicity as to the right of membership. They will initially approve or reject applications for membership and will call the organizational meeting of the Group.

Each member will advance One Hundred Dollars ($100) to the Group to establish a revolving fund from which the Group may defray current expenses.

After organization, the right to membership of any applicant will be subject to review by the Board of Economic Warfare and the Commodity Credit Corporation.

Duration of the group. The Group will not function except pursuant to contracts in effect with the Commodity Credit Corporation, or as directed by the Board of Economic Warfare should no such contract be in existence. In no event shall the Group continue to operate as such after the expiration of six months after the termination of the present national emergency.

[F. R. Doc. 42-10038; Filed, October 8, 1942; 11:03 a. m.]

[Certificate 19]

PROGRAM FOR VEGETABLE OIL SEEDS

THE ATTORNEY GENERAL: Pursuant to section 12 of Public Law No. 603, approved June 11, 1942, I submit to you a price-support, processing, and distribution program to be carried out by the Commodity Credit Corporation with respect to domestic vegetable oil seeds and products thereof. This program and the contracts offered in implementation thereof are more fully described in the annexed memorandum of Mr. J. B. Hutson, President, Commodity Credit Corporation, dated October 2, 1942.

I hereby approve this program for the purposes of section 12 of Public Law No. 603, approved June 11, 1942, and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such program, is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

OCTOBER 6, 1942.

Price-support, processing, and distribution program of Commodity Credit Corporation for domestic vegetable oil seeds and products thereof.

The demands of the war program have very greatly increased the total requirements for domestic vegetable oils. Not only have domestic requirements for oil been materially increased, but foreign sources of supply have been cut off. In order to provide for these increased requirements, the Department of Agriculture, early this year, initiated action through price assurances to producers to stimulate production of domestic oil-bearing seeds. As a result of this action, there are now on hand or in prospect supplies of soybeans, cottonseed, peanuts, and flaxseed aggregating approximately 50 percent greater than normal stocks.

With a view to assuring the conversion into oil of these greatly expanded supplies and the orderly movement of the oil and other products of the seed, the Commodity Credit Corporation, with the approval of the President of the United States, has undertaken a price-support, processing, and distribution program for soybeans, cottonseed, peanuts, and flaxseed of the 1942 domestic crop. This program has thus far involved the preparation and submission to all processors of seed and all refiners of crude oil derived therefrom, of the following forms of contract, which are on file in and available for public inspection at the offices of Commodity Credit Corporation.

Processor Contract—1942 Cottonseed Program.

Processor Contract, Form A—1942 Soybean Program.

Processor Contract, Form B—1942 Soybean Program.

Processor Contract, Cotton States—1942 Soybean Program.

Processor Contract, Pacific Coast States—1942 Soybean Program.

Crusher Contract—1942 Peanut Crushing Program.

Processor Contract—1942 Flaxseed Program.

Refiner Contract—1942 Vegetable Oils Program.

The principal provisions of these contracts may be summarized as follows: The processors, except in the case of peanuts, agree to pay not less than specified prices for the seed. The processors also agree to sell the cake and meal at not less than specified prices and, except in the case of linseed oil, to sell oil only at a specified price. In addition, it is reserved to the Commodity Credit Corporation to fix, within a defined range, the maximum trade sale price of cottonseed and peanut meal. The Corporation agrees to purchase all meal and oil offered to it, except in the case of linseed meal and oil, the price payable for the meal being somewhat lower than that at which trade sales are permitted. There are also provisions under which loans will be made by the Commodity Credit Corporation to processors upon cottonseed and peanut meal, flaxseed, and linseed oil.

All but one of the forms of contract applicable to soybeans commit the Commodity Credit Corporation to purchase soybeans from the processor and to resell the beans to the processor at a reduced price, the reduction to be dependent upon the relative efficiency of the processor's facilities. The cottonseed contract also commits the Corporation to purchase at a specified price all cotton linters not otherwise allocated by the War Production Board.

Finally, the Refiner Contract provides for the purchase by refiners, at specified prices and to the extent of their capacity, of crude soybean, cottonseed, and peanut oil offered them by processors having contracts with the Corporation. In addition, the Corporation agrees to purchase such oil from the refiners at the original purchase price and to resell the oil to the refiners for use in edible products at one-half cent per pound below that price. The refiners agree to sell refined oils to the Corporation at specified differentials over crude prices.

The contracts referred to, in my opinion, will have the effect of assuring the greatest possible production of oil, meal and linters and appear to be the most practicable means of attaining this objective. We believe the vegetable seed and oil program is essential to the war effort and that certification by the Chairman of the War Production Board, pursuant to section 12 of Public Law No. 603, approved June 11, 1942, is necessary in order to secure the widest possible participation in the program.

J. B. HUTSON,
President,
Commodity Credit Corporation.

OCTOBER 2, 1942.

[F. R. Doc. 42-10039; Filed, October 8, 1942; 11:03 a. m.]

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FEDERAL REGISTER

VOLUME 7 — 1934 — NUMBER 200

Washington, Saturday, October 10, 1942

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 18—WAR SERVICE REGULATIONS

APPOINTMENT, ETC., AMENDMENTS

Paragraph (d) (1) of § 18.5 *Appointment* issued, as amended, on September 26, 1942 (7 F.R. 7723), is amended to read as follows:

§ 18.5 *Appointment.* * * *

(d) *Emergency appointment without examination.* (1) In cases of extreme emergency, where positions must be filled without delay, and where time does not permit the securing of prior authority, emergency appointments for not to exceed thirty days may be made without examination and without specific authority of the Commission. This authority shall not apply to positions in Washington, D. C., or to positions in cities where regional offices or branch regional offices of the Commission are located. Such appointments may not be extended beyond the thirty-day period without the express prior approval of the Commission. (E.O. 9063, February 16, 1942, 7 F.R. 1075)

Section 18.6 *Promotion* issued, as amended, on September 26, 1942 (7 F.R. 7723) is amended to read as follows:

§ 18.6 *Promotion.* Employees appointed to indefinite positions under the provisions of these regulations may be promoted within the same department or agency in the same manner and under the same procedures and standards as employees having a classified civil service status. Employees appointed under these regulations to temporary (limited) positions may be promoted within the same department or agency only after prior approval of the Commission has been secured. (E.O. 9063, February 16, 1942, 7 F.R. 1075)

NOTE: For regulations relating to promotion of employees having a classified civil service status, see 5 CFR, Part 11.

Paragraph (a) (1) of § 18.11 *Extent of regulations* issued, as amended, on September 26, 1942 (7 F.R. 7723), is amended to read as follows:

§ 18.11 *Extent of regulations.* (a) The foregoing regulations shall supersede Civil Service Rules III, V, VI, VII, VIII, IX, X (5 CFR, Parts 3, 5, 6, 7, 8, 9, 10) and all provisions of joint regulations inconsistent with these regulations, for all positions except:

(1) Positions in the field service of the postal establishment (except as provided in § 18.9 (j) of this chapter). (E.O. 9063, February 16, 1942, 7 F.R. 1075; E.O. 9243, September 12, 1942, 7 F.R. 7213; Directive No. X, War Manpower Commission, September 14, 1942, 7 F.R. 7298).

By the United States Civil Service Commission.

H. B. MITCHELL,
President.

SEPTEMBER 28, 1942.

[F. R. Doc. 42-10104; Filed, October 9, 1942; 11:05 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Commodity Credit Corporation

[1942 C. C. C. Rice Form 1—Instructions]

PART 233—1942 RICE LOANS

1942 COMMODITY CREDIT CORPORATION RICE LOANS

Commodity Credit Corporation has authorized the making of loans on, and the purchase of eligible paper secured by rice stored on farms or in approved public rice warehouses. These instructions state the requirements of Commodity Credit Corporation with reference to making such loans on rice and the purchase of notes secured by rice.

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FEDERAL REGISTER

1934

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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233.31 Amount of loans.
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233.33 Maturity and interest rate.
233.34 The office of the regional director of Commodity Credit Corporation.

SPECIAL INSTRUCTIONS RELATIVE TO USE OF 1941 RICE FORMS

233.40 Pending printing and distribution of 1942 rice forms, 1941 rice forms, with the modifications enumerated, shall be used.

AUTHORITY: §§ 233.1 to 233.40, inclusive, issued under Sec. 302, 52 Stat. 43, 55 Stat. 203, 860; 7 U.S.C. 1302, 7 U.S.C. Sup., 1330.

GENERAL INSTRUCTIONS

§ 233.1 *Definitions.* For the purpose of these instructions and the notes and loan agreements or mortgages relating thereto, the following terms shall be construed, respectively, to mean:

(a) *Eligible producer.* An eligible producer shall be any person (including a partnership, association, or corporation) that has an interest as a landowner, landlord, tenant, or sharecropper in the rice produced on a farm on which (1) the acreage planted to rice on the farm is not less than 90 percent of the farm rice acreage allotment or permitted acreage of rice on the farm, as determined under the 1942 Agricultural Conservation Program, or (2) the acreage planted to rice on the farm is less than 90 percent of the farm rice acreage allotment or permitted acreage of rice on the farm, as determined under the 1942 Agricultural Conservation Program, solely because of lack of water.

(b) *Eligible rice.* Eligible rice is rough rice of the classes listed below (1) which grades U. S. No. 6 or better; (2) which has a milling quality of prime, good, medium, fair or ordinary; (3) which was produced in 1942; (4) the beneficial interest in which is, and always has been, in the eligible producer tendering such rice as security for the loan; and (5) which meets the special requirements set out in §§ 233.20, and 233.30 of these instructions:

Edith rough rice (Class II).
Fortuna rough rice (Class III).
Lady Wright rough rice (Class V).
Rexoro rough rice (Class VII).
Nira rough rice (Class IX).
Blue Rose rough rice (Class XI).
Early Prolific rough rice (Class XII).
American Pearl rough rice (Class XIV).
Calady rough rice (Class XV).
Zenith rough rice (Classification pending).

(c) *Eligible storage.* Eligible storage shall include public warehouses and farm storage meeting the requirements prescribed by the Commodity Credit Corporation. Public warehouses must meet the requirements set out in § 233.4 of these instructions. Farm storage shall consist of farm bins and granaries which are of such substantial and permanent construction as to afford safe storage of rice for a period of two years and permit effective fumigation for the destruction of insects and vermin and afford protecton against rodents, other animals, thieves, and weather, as determined by the county agricultural conservation committee.

(d) *Lending agency.* A lending agency shall be any bank, or other corporation, partnership, or person making loans in accordance with these instructions, which has entered into the Contract to Purchase (1942 C. C. C. Rice Form E) or any rice cooperative association which has entered into the 1942 Rice Cooperative Association Contract (1942 C. C. C. Rice Form C) and which makes loans in accordance with these instructions and such 1942 Rice Cooperative Association Contract.

(e) *Eligible paper.* For the purposes of the Contract to Purchase (1942 C. C. C. Rice Form E) and the 1942 Rice Cooperative Association Contract (1942 C. C. C. Rice Form C), eligible paper shall consist of notes executed by eligible producers, secured by chattel mortgages covering or warehouse receipts representing a single variety of eligible rice in existence. Such notes must be dated not earlier than September 1, 1942, nor later than March 1, 1943, and must be executed in accordance with these instructions and, in the case of cooperative associations, in accordance with the 1942 Rice Cooperative Association Contract, with State documentary revenue stamps affixed thereto where required by law. Notes executed by an administrator, executor, or trustee will be acceptable only where valid in law.

§ 233.2 *Areas in which loans will be made.* Loans shall be made on eligible rice stored in approved farm storage and in approved public rice warehouses in the States of Arkansas, Louisiana, Texas, Missouri, and California.

§ 233.3 *Separate loans on each variety of rice.* Each note to be acceptable by the Commodity Credit Corporation must be secured by a chattel mortgage covering or warehouse receipts representing a single variety of eligible rice. Producers will be required to obtain a separate loan and to execute separate loan documents with respect to each variety of eligible rice.

§ 233.4 *Public warehouses.* Commodity Credit Corporation will accept only non-insured negotiable warehouse receipts representing a single variety of rice pledged as collateral to notes on 1942 C. C. C. Rice Form B, issued by any public rice warehouse which is approved by the Commodity Credit Corporation (see 1942 C. C. C. Rice Forms 2 and 2a) and with respect to which the warehouseman has executed the Rice Warehouse Agreement (1942 C. C. C. Rice Form 3), or with respect to which rice there has been executed a 1942 Rice Cooperative Association Contract, Supplement No. 1, (1942 C. C. A. Rice Form C, Supplement No. 1). Warehousemen desiring approval should communicate with the regional director of the Commodity Credit Corporation serving the area in which the warehouse is located. A list of the approved warehouses and their locations will be available at the offices of such regional directors or any State or county agricultural conservation committee office in the areas in which rice is produced. Each approved public rice warehouse will be required to enter into the Rice Warehouse Agreement and to furnish a bond in accordance with 1942 C. C. C. Rice Form 2. All rice pledged as security for any one note must be in the same warehouse, and each producer must arrange for the storage of rice in an approved warehouse.

§ 233.5 *Warehouse receipts.* Warehouse receipts must not include insurance, must be dated on or prior to the date of the related note, must be issued to and in the name of the producer and endorsed by him in blank so as to vest title in the holder, and must be issued by an approved warehouse. Commodity Credit Corporation will not accept warehouse receipts indicating any lien for charges prior to unloading in or delivery to the warehouse issuing such receipts. Liens for storage charges will be recognized by Commodity Credit Corporation from September 1, 1942. Such receipts must set out in their written or printed terms the number of bushels, the gross weight, and variety of the rice represented thereby, and, in addition, if stored in bags, the number of bags of rice; must set out or be accompanied by certificates issued by the Agricultural Marketing Administration of the United States Department of Agriculture stating the variety, grade, milling quality, percentage of moisture, and dockage (if any), of the rice represented thereby: *Provided, however,* That, in the case of any loans made by any rice cooperative association in accordance with the 1942 Rice Cooperative Association Contract (1942 C. C. C. Rice Form C), such information may be shown as provided in such contract; and must set out all other facts and statements required to be stated in the written or printed terms of a negotiable warehouse receipt by section 2 of the Uniform Warehouse Receipts Act.

§ 233.6 *Farm storage.* In accordance with regulations issued by the Secretary of Agriculture, the State and county agricultural conservation committees will inspect and approve farm storage facilities and will arrange for measuring, weighing, sampling, grading, and sealing the rice collateral in approved structures. Chattel mortgages securing notes on 1942 C.C.C. Rice Form A must cover a single variety of rice and must be executed, signed, and recorded or filed in accordance with the applicable State law. Producers may obtain information and assistance from the county agricultural conservation committees in regard to the execution and filing of such chattel mortgages. Where the borrower is a tenant farmer and the rice collateral is stored on the farm, the expiration date of the lease shall be given in section 1 (d) of the chattel mortgage. If the expiration date of the lease is prior to June 30, 1943, or, in the case of rice stored in California, September 30, 1943, the borrower must secure from the owner and any other interested parties, consent that the rice collateral may remain in the described storage structure(s) for a period of sixty days beyond the maturity date of the note without charge except as provided in these instructions. The consent agreement is set forth in the chattel mortgage. Each producer must designate in section 1 (b) of the chattel mortgage a shipping point reasonably convenient for delivery of the rice as determined by the county committee. Notes and chattel mortgages will not be acceptable if they provide a shipping point other than the normal shipping point customarily used by the producers in the area in which the rice was produced. A separate note and chattel mortgage must be submitted for rice stored on each quarter section of land and, as stated above, each such chattel mortgage must cover only a single variety of rice.

A farm-storage allowance of 5 cents per bushel will be earned by the producer under the following conditions:

(a) If the rice is delivered to Commodity Credit Corporation on or after June 30, 1943, for Arkansas, Louisiana, Texas, and Missouri, or July 31, 1943, for California, or

(b) If, pursuant to demand of the Corporation for the repayment of the loan, the rice is delivered to the Corporation prior to June 30, 1943, for Arkansas, Louisiana, Texas, and Missouri, or July 31, 1943, for California, provided such demand for repayment was not due to any fraudulent representation on the part of the producer, or the rice was damaged, threatened with damage, abandoned, or otherwise impaired.

If, pursuant to demand by the Corporation for repayment of the loan, or with the consent and approval of the Corporation, mortgaged rice is delivered prior to June 30, 1943, for Arkansas, Louisiana, Texas, and Missouri, or July 31, 1943, for California, because the rice was damaged, threatened with damage, or otherwise impaired, a storage payment computed at the following rates shall be earned by the producer provided he has not made any misrepresentation in connection with the loan:

	Southern States	California
4 cents per bushel if delivered during the month of.	June 1943	July 1943.
3½ cents per bushel if delivered during the month of.	May 1943	June 1943.
3 cents per bushel if delivered during the month of.	April 1943	May 1943.
2 cents per bushel if delivered during the month of.	March 1943	April 1943.
1 cent per bushel if delivered prior to	Feb. 1, 1943	March 1943.

Any deficiencies in quantity or quality of the mortgaged rice delivered to the Corporation, unless paid by the producer, will be set off against any credits due the producer or any payments due the producer under any agricultural program administered by the Secretary of Agriculture.

§ 233.7 *Liens.* The rice collateral must be free and clear of all liens except in favor of the lienholders listed in the space provided therefor in 1942 C. C. C. Rice Form AA or B, or on the separate C. C. C. Form AB. The names of the holders of all existing liens on the pledged or mortgaged rice, such as landlords, laborers, threshers, or mortgagees, must be listed as prescribed herein. The waiver and consent to mortgage or pledge contained in the mortgage or loan agreement, or in C. C. C. Form AB, must be signed personally by all lienholders listed or by their duly authorized agents or, if corporations, by the designated officer thereof authorized to execute such instruments. The producer may designate on the note (1942 C. C. C. Rice Form A), or on the note and loan agreement (1942 C. C. C. Rice Form B), persons, other than himself, to whom the proceeds of the note will be remitted. Producers should read carefully all real estate and other mortgages previously given by them in order to be sure that the rice tendered for loan is not covered thereby. Any fraudulent representation of fact made in the execution of the note and mortgage or loan agreement, and related forms, shall render the producer personally liable for the amount of the loan and subject to the provisions of the United States Criminal Code.

§ 233.8 *Insurance*—(a) *Warehouse storage.* Insurance will be carried for the account of the Commodity Credit Corporation on the pledged rice stored in approved public warehouses against the perils of fire, lightning, windstorm, tornado, cyclone, and hail. Where producers redeem pledged rice on or before the maturity date of the loan a proportionate share of the cost of such insurance will be included in the amount of redemption paid by the producer.

(b) *Farm storage.* Commodity Credit Corporation will not require producers to insure their 1942 farm-stored rice placed under loan. In case of a total loss of collateral resulting from an external cause, with the exception of a loss caused by conversion, negligence, or vermin, the Commodity Credit Corporation will mark the note "paid" and return it to the borrower. In case of a partial loss of collateral resulting from an external cause, with the exception of a loss caused by conversion, negligence, or vermin, the note will be credited at the loan value, plus interest for the number of bushels on which the loss occurred. No loss will be assumed if it is determined that there is fraudulent representation on the part of the borrower in connection with the loan. Producers may insure their equities, however, if any, at their own expense.

§ 233.9 *Approval of loans by member of county agricultural conservation committee.* The 1942 C. C. C. Rice Forms A and B (with the exception of 1942 C. C. C. Rice Form B, evidencing loans made by cooperative associations on the basis of asociation weights and grades pursuant to the 1942 Rice Cooperative Association Contract) must be approved in the space provided therefor on the forms A and B by a member of the county agricultural conservation committee for the county in which farm-stored rice is stored and the county in which warehoused rice was produced. The date of the approval must not be prior to the date of the execution by the producer of the applicable form. A member of the county agricultural conservation committee for the county in which the rice was produced must certify that any producer obtaining a loan on 1942 C. C. C. Rice Form B on the basis of association weights and grades pursuant to the 1942 Rice Cooperative Association Contract is an eligible producer as defined herein.

(a) The member of the county committee signing in the space provided on the 1942 Producer's Note (1942 C. C. C. Rice Form A), certifies for and on behalf of the county committee, to the committee's best knowledge and belief: (1) that the rice securing the note and the storage structure(s) in which the rice is stored have been inspected and sealed; (2) that the quantity, variety, grade, milling quality, and the loan value of the rice have been determined in accordance with regulations of the Secretary of Agriculture and the requirements of the Commodity Credit Corporation; (3) that the representations set forth in the chattel mortgage are true and complete; (4) that the chattel mortgage covering the rice has been properly executed and will be duly and properly filed for record in accordance with the requirements of the applicable State law; (5) that, in the event any person whose signature appears on the form has signed in a representative or fiduciary capacity, the committee has determined that such representative or fiduciary has authority so to act, and, if the committee did not have personal knowledge of the authority of the representative or fiduciary, that it has required such person to show the committee documentary evidence of his authority; (6) that the original or duplicate copy of the chattel mortgage, bearing receipt of the county recording official, will be held by the committee; (7) that all lienholders have executed the lienholders' waiver and consent to mortgage; and (8) that, where necessary, consents for storage have been granted.

(b) The member of the county committee signing in the space provided on the 1942 Rice Producer's Note and Loan Agreement (1942 C.C.C. Rice Form B), certifies for and on behalf of the county committee, to the committee's best knowledge and belief: (1) that the quantity, variety, grade, milling quality, and the loan value of the rice represented by the warehouse receipts securing the note have been determined in accordance with regulations of the Secretary of Agriculture and the requirements of the Commodity Credit Corporation; (2) that the representations set forth in the note and loan agreement are true and complete; (3) that the note and loan agreement has been properly executed; (4) that, in the event any person whose signature appears on the form has signed in a representative or fiduciary capacity, the committee has determined that such representative or fiduciary has authority so to act, and, if the committee did not have personal knowledge of the authority of the representative or fiduciary, that it has required such person to show the committee documentary evidence of his authority; and (5) that all lienholders have executed the lienholders' waiver and consent to pledge.

§ 233.10 *Source and preparation of documents.* Forms will be obtainable from the appropriate county agricultural conservation committees in the States designated in § 233.2 hereof and from the offices of the regional directors of the Commodity Credit Corporation at New Orleans, Louisiana, and Portland, Oregon. All 1942 C. C. C. rice forms must be appropriately filled in and executed with ink, typewriter, or indelible pencil, and no documents containing additions, alterations, or erasures will be accepted by the Commodity Credit Corporation, unless initialed by the producer. In order to meet the costs of the county committees in servicing loan papers and assisting producers, county agricultural conservation committees will collect a service fee for all loans except loans made by cooperative associations on 1942 C. C. C. Rice Form B, pursuant to the 1942 Rice Cooperative Association Contract.

§ 233.11 *Source of loans.* It is contemplated that loans will ordinarily be obtained from banks, cooperative associations, and other local lending agencies which, in turn, may sell the paper evidencing such loans to Commodity Credit Corporation. Producers may also obtain loans directly from Commodity Credit Corporation. Notes evidencing direct loans shall be made payable to Commodity Credit Corporation and shall be delivered or sent to the regional director serving the area in which the rice is stored. Documents for such direct loans tendered by mail, in person, or otherwise must be delivered or postmarked not later than March 1, 1943. Upon delivery of all necessary documents properly executed and upon approval of the loan by the regional director, payment will be made pursuant to the directions of the producer contained in the note.

§ 233.12 *Purchase of loans.* Commodity Credit Corporation will purchase, without recourse, eligible paper, as defined in these instructions, only from lending agencies which have executed and delivered to the office of the regional director to which notes are submitted, a Contract to Purchase (1942 C. C. C. Rice Form E) or, in the case of cooperative associations, a 1942 Rice Cooperative Association Contract (1942 C. C. C. Rice Form C). These forms will be obtainable only from such regional director.

Notes and chattel mortgages and notes and loan agreements held by lending agencies must be tendered to the appropriate regional director of the Commodity Credit Corporation for purchase within the period prescribed in any demand made by the Commodity Credit Corporation for the tender of such notes and related mortgages or loan agreements. The purchase price to be paid by Commodity Credit Corporation for notes accepted will be the face amount of such notes, plus accrued interest at the rate of 1½ percent per annum from the respective dates of the notes to the date of payment of the purchase price. Lending agencies are required, under their contracts with Commodity, to report weekly on 1942 C. C. C. Rice Form F or, in the case of cooperative associations, on 1942 C. C. C. Rice Form G. all collections and repayments on producers' notes held by them, and to remit with such reports to the regional director of Commodity Credit Corporation, an amount equivalent to 1½ percent per annum on the principal amount collected or repaid from the date of disbursement of the note to the date of payment.

§ 233.13 *Release of collateral.* A producer may obtain the return of his notes and the release of rice securing such notes upon his request in writing addressed to the payee of the note (either the lending agency or the Commodity Credit Corporation, as the case may be), and upon his payment to the holder of the note of the principal amount due thereon, plus accrued interest. If the payee of the producer's note is the Commodity Credit Corporation, the producer should address his request to the regional director of the Commodity Credit Corporation serving the area. Upon receipt of such a written request by the regional director, the producer's note, with warehouse receipts (if any) securing the note, will be transmitted to an approved bank with instructions to deliver such documents to the producer or his agent upon the payment of the principal amount of the note, plus accrued interest. The bank to which the note is sent will be instructed to return the note to the Commodity Credit Corporation if payment is not made by the producer within 15 days. All charges and expenses of the collecting bank incident to the collection of the note will be payable by the producer. Upon payment of notes secured by farm-stored rice, county agricultural conservation committees will release the chattel mortgages of record, either by the filing of an instrument of release or by a margin release on the county records.

In submitting a written request for the release of farm-stored rice, the producer must identify to the lending agency or the regional director, the seal number(s) of the bin(s) of rice securing the loan to be repaid. No partial repayments of loans will be permitted and the Commodity Credit Corporation will, in no event, allow a partial release of the rice securing any one loan. Upon receipt of such a request, the producer's note will be forwarded to an approved bank, as stated above, to be released to the producer against the payment of the total amount loaned, plus accrued interest.

In submitting a request for the release of warehouse-stored rice, the lending agency or the regional director should be informed of the warehouse receipts numbers applicable to such rice. Each request for release must cover all the rice pledged as collateral for any one loan.

In the case of notes on 1942 C. C. C. Rice Forms A and B which have not been purchased from lending agencies by the Commodity Credit Corporation, such lending agencies will also permit repayments and releases as provided above. The lending agency should remit to the regional director, in accordance with the terms of the Contract to Purchase (1942 C. C. C. Rice Form E) or, in the case of cooperative associations, the 1942 Rice Cooperative Association Contract (1942 C. C. C. Rice Form C), an amount equal to 1½ percent interest per annum on the face amount of the notes repaid from the date of the disbursement of the note to the date of repayment.

SPECIAL INSTRUCTIONS APPLICABLE TO ARKANSAS, LOUISIANA, TEXAS, AND MISSOURI

§ 233.20 *Eligible rice.* Eligible rice shall be rice of the varieties described in § 233.1 (b) of these instructions. However, in Arkansas, Louisiana, Texas, and Missouri, rice grading "damp" or having a moisture content in excess of 14.5 percent, or which is weevily, musty, or of sample grade, shall not be eligible for a loan.

§ 233.21 *Amount of loans.* Rice of the varieties produced in Arkansas, Louisiana, Texas, and Missouri shall have the following loan values:

LOAN VALUES IN CENTS PER BUSHEL FOR ROUGH RICE BY VARIETY, GRADE, AND MILLING QUALITY

Variety and milling quality	U. S. Grade No. 1	U. S. Grade No. 2	U. S. Grade No. 3	U. S. Grade No. 4	U. S. Grade No. 5	U. S. Grade No. 6
	Cents per bushel					
Blue Rose:						
Prime	111	108	105	102	99	96
Good	108	105	102	99	96	92
Medium	105	102	99	96	92	89
Fair	102	99	96	92	89	86
Ordinary	99	96	92	89	86	83
Rexoro:						
Prime	125	122	119	115	112	108
Good	122	119	115	112	108	104
Medium	119	115	112	108	104	101
Fair	115	112	108	104	101	97
Ordinary	112	108	104	101	97	94
Nira:						
Prime	122	119	115	112	109	106
Good	119	115	112	109	106	101
Medium	115	112	109	106	101	98
Fair	112	109	106	101	98	95
Ordinary	109	106	101	98	95	91
Edith:						
Prime	113	110	107	104	101	98
Good	110	107	104	101	98	94
Medium	107	104	101	98	94	91
Fair	104	101	98	94	91	88
Ordinary	101	98	94	91	88	85
Fortuna:						
Prime	110	107	104	101	98	95
Good	107	104	101	98	95	91
Medium	104	101	98	95	91	88
Fair	101	98	95	91	88	85
Ordinary	98	95	91	88	85	82
Lady Wright:						
Prime	105	103	100	97	94	91
Good	103	100	97	94	91	87
Medium	100	97	94	91	87	85
Fair	97	94	91	87	85	82
Ordinary	94	91	87	85	82	79
Zenith and American Pearl:						
Prime	98	95	92	90	87	84
Good	95	92	90	87	84	81
Medium	92	90	87	84	81	78
Fair	90	87	84	81	78	76
Ordinary	87	84	81	78	76	73
Early Prolific:						
Prime	95	93	90	88	85	83
Good	93	90	88	85	83	79
Medium	90	88	85	83	79	77
Fair	88	85	83	79	77	74
Ordinary	85	83	79	77	74	71

§ 233.22 *Determination of quantity of rice.* All quantity determinations shall be stated in bushels. Loans shall be made at values expressed in cents per bushel. One bushel weighs 45 pounds. One barrel weighs 162 pounds and is equivalent to 3.6 bushels. When determined by measurement, one bushel shall equal 1.25 cubic feet of rice testing 45 pounds per bushel. In determining the quantity of rice by measurement, fractional pounds of the bushel test weight for rice testing less than 45 pounds per bushel will be disregarded and the quantity determined by measurement will be the following percentages of the quantity determined for 45-pound rice:

	Percent
For rice testing 45 pounds or over	100
For rice testing 44 pounds or over, but less than 45 pounds	98
For rice testing 43 pounds or over, but less than 44 pounds	96
For rice testing 42 pounds or over, but less than 43 pounds	93
For rice testing 41 pounds or over, but less than 42 pounds	91
For rice testing 40 pounds or over, but less than 41 pounds	89

§ 233.23 *Maturity and interest rate.* Notes secured by rice stored on farms and in public warehouses in Arkansas, Louisiana, Texas, and Missouri shall mature on demand, or June 30, 1943, whichever is earlier. All loans shall bear interest at the rate of 3 percent per annum.

§ 233.24 *The office of the regional director of Commodity Credit Corporation.* The address of the regional director of the Commodity Credit Corporation serving the States of Arkansas, Louisiana, Texas, and Missouri is the Masonic Temple Building, New Orleans, Louisiana.

SPECIAL INSTRUCTIONS APPLICABLE TO CALIFORNIA

§ 233.30 *Eligible rice.* Eligible rice shall be rice of the following varieties as described in § 233.1 (b) of these instructions: Blue Rose, Rexoro, American Pearl and Calady. However, in California, rice having a moisture content in excess of 16 percent, or which is weevily, musty, or of sample grade, shall not be eligible for a loan.

§ 233.31 *Amount of loans.* Rice of the Blue Rose, Rexoro, American Pearl, and Calady varieties produced in California, basis San Francisco, straight 50 pounds extra fancy, shall have the following loan values:

[Cents per bushel]

Grade and Moisture	Blue Rose	Rexoro	American Pearl	Calady
U. S. Grades #1, 2, and 3:				
Straight	105	119	107	115
Over 14½% but not more than 16% moisture	95	109	--------	--------
Over 15% but not more than 16% moisture	-----	--------	97	105
U. S. Grade #4:				
Straight	101	115	103	111
Over 14½% but not more than 16% moisture	91	105	--------	--------
Over 15% but not more than 16% moisture	-----	--------	93	101
U. S. Grade #5:				
Straight	96	110	98	106
Over 14½% but not more than 16% moisture	86	100	--------	--------
Over 15% but not more than 16% moisture	-----	--------	88	96
U. S. Grade #6:				
Straight	92	106	94	10
Over 14½% but not more than 16% moisture	82	96	--------	--------
Over 15% but not more than 16% moisture	-----	--------	84	92

A premium of three-quarters of 1 cent will be added to the loan value of any grade for each whole pound in excess of 50 pounds extra fancy. A deduction of three-quarters of 1 cent from the loan value of each grade will be made for each whole pound by which the rice falls below 50 pounds extra fancy.

§ 233.32 *Determination of quantity of rice.* All quantity determinations shall be stated in bushels. Loans shall be made at values expressed in cents per bushel. Each determination of weight and quantity shall be based on rough rice, free of dockage. One bushel weighs 45 pounds. One barrel weighs 162 pounds and is equivalent to 3.6 bushels. When determined by measurement, one bushel shall equal 1.25 cubic feet of rice testing 45 pounds per bushel. In determining the quantity of rice by measurement, fractional pounds of the bushel test weight for rice testing less than 45 pounds per bushel will be disregarded and the quantity determined by measurement will be the following percentages of the quantity determined for 45-pound rice:

	Percent
For rice testing 45 pounds or over	100
For rice testing 44 pounds or over, but less than 45 pounds	98
For rice testing 43 pounds or over, but less than 44 pounds	96
For rice testing 42 pounds or over, but less than 43 pounds	93
For rice testing 41 pounds or over, but less than 42 pounds	91
For rice testing 40 pounds or over, but less than 41 pounds	89

§ 233.33 *Maturity and interest rate.* Notes secured by rice stored on farms and in public warehouses in California shall mature on demand, or July 31, 1943, whichever is earlier. All loans shall bear interest at the rate of 3 percent per annum.

§ 233.34 *The office of the regional director of Commodity Credit Corporation.* The address of the regional director of the Commodity Credit Corporation serving the State of California is 304 Artisans Building, 225 Southwest Broadway, Portland, Oregon.

SPECIAL INSTRUCTIONS RELATIVE TO USE OF 1941 RICE FORMS

§ 233.40 *Pending printing and distribution of 1942 rice forms, 1941 rice forms, with the modifications enumerated, shall be used.* Pending the necessity for the printing and distribution of a supply of 1942 rice forms, use shall be made of the existing supply of 1941 rice forms. The following changes shall be made on each 1941 rice form utilized in the administration of the 1942 Rice Program:

1941 C. C. C. Rice Form 2: Instructions for Filing Application for Approval of Warehouse for the Storage of Rice under the 1941 Rice Loan Program.	Strike "1941" wherever it appears and insert "1942." Strike second and third sentences and the word "however" in the fourth sentence in section IV, Insurance Requirements. Strike "$5,000" and insert "$2,500" in fifth line of first paragraph of section II, Financial Requirements. Strike "$2,000" and insert "$1,000" in first line, "$3,000" and insert "$1,500" in second line, "$4,000" and insert "$2,000" in fourth line, "$5,000" and insert "$2,500" in sixth line, "$50,000" and insert "$25,000" in eighth line, on page 2.
1941 C. C. C. Rice Form 2a: Application for Approval of Warehouse.	Strike "1941" wherever it appears and insert "1942."
1941 C. C. C. Rice Form 3.	Strike "1941" wherever it appears and insert "1942."
1941 C. C. C. Rice Form 3 California — Supplement 1: Supplement 1 to Rice Warehouse Agreement Under the Act (Applicable to all Warehouses in California)	Strike "1941" wherever it appears and insert "1942."
1941 C. C. C. Rice Form 3a: Warehouseman's Bond for Rice Warehouse Agreement.	Strike "1941" wherever it appears and insert "1942."
1941 C. C. C. Rice Form A: 1941 Rice Producer's Note.	Strike "1941" wherever it appears and insert "1942." Strike date "April 30, 1942" wherever it appears and insert "June 30, 1943" for Arkansas, Louisiana, Texas, and Missouri, or "July 31, 1943" for California.
1941 C. C. C. Rice Form AA: 1941 Chattel Mortgage.	Strike "1941" wherever it appears and insert "1942."
C. C. C. Form AB: Lien Waiver.	No change.
1941 C. C. C. Rice Form B: 1941 Rice Producer's Note and Loan Agreement (For Rice Stored in Public Warehouse).	Strike "1941" wherever it appears and insert "1942." Strike date "April 30, 1942" wherever it appears and insert "June 30, 1943" for Arkansas, Louisiana, Texas, and Missouri, or "July 31, 1943" for California.
1941 C. C. C. Rice Form C: 1941 Rice Cooperative Association Contract.	Strike "1941" wherever it appears and insert "1942."
Exhibit A. Schedule of Loan Rates (Based on Association Weights and Grades.	New schedule issued.
Exhibit B. Schedule of Loan Rates (Based on Official Weights and Grades).	New schedule issued.
1942 C. C. C. Rice Form C — Supplement No. 1.	New form issued.
1941 C. C. C. Rice Form D: 1941 Rice Cooperative Association Bond.	Strike "1941" wherever it appears and insert "1942."
1941 C. C. C. Rice Form E: Contract to Purchase.	Strike "1941" wherever it appears and insert "1942." Strike date "April 30, 1942" wherever it appears and insert "June 30, 1943." Strike date "July 31, 1942" wherever it appears and insert "July 31, 1943."
1941 C. C. C. Rice Form F: Schedule of Repayments of Loans.	Strike "1941" wherever it appears and insert "1942."
1941 C. C. C. Rice Form G: Schedule of Repayments of Association Loans.	Strike "1941" wherever it appears and insert "1942."
1940 C. C. C. Form D: Lending Agency's Letter of Transmittal of Loans.	No change.
No. 1—Regional Directors Instructions.	Strike "1941" wherever it appears and insert "1912." Strike "Certificate of Insurance—Grain in Farm Storage," and "Certificate of Insurance—Grain in Public Storage," in section 2, Forms. Strike the last clause in paragraph 6 (a) on page 4—"and the Certificate of Insurance—Grain in Public Storage, in the case of loans on rice in public storage." Strike the second and third sentence in the first paragraph of section 8, Approved Loans. Strike the second sentence in the first paragraph and the second paragraph of section 9, Other Disbursements. Strike the word "Insurance" in the first line and the words "insurance companies or against" in the second line of the first paragraph of section 11, Insurance and Warehouse Claims. Strike all of subparagraph C, Secondary Insurance.
No. 1 (10-22-41) —Instructions to the Custodian.	Strike "1941" wherever it appears and insert "1942." Strike "Certificate of Insurance—Rice in Farm Storage," and "Certificate of Insurance — Rice in Public Storage," lines 6 and 7 on page 2. Strike words "to which shall be firmly attached the Certificate of Insurance" in third and fourth lines of paragraph 5 on page 2. Insert at the end of the first sentence of paragraph 3 on page 2 the following: "or is purchased from a rice cooperative association which has executed a 1942 C. C. C. Rice Form C, Supplement No. 1." Insert next before semicolon in line 8, paragraph 5, page 2, the following: "or with respect to which rice there has been executed a 1942 Rice Cooperative Association Contract, Supplement No. 1, (1942 C. C. C. Rice Form C, Supplement No. 1)." Strike date "March 1, 1942" and insert "March 1, 1943" and strike date "April 30, 1942" and insert "June 30, 1943" in paragraph 1 (a) on page 3. Strike date "March 1, 1942" and insert "March 1, 1943," and strike date "July 21, 1942" and insert "July 31, 1943," in paragraph 1 (b) on page 3.
1941 C. C. C. Rice Loan Procedure — Lending Agencies: Purchase of Producer's Loans.	Strike "1941" wherever it appears and insert "1942." Strike "(ii) The prescribed Certificate of Insurance–Grain in Public Storage;" in paragraph 5 (b).
1941 C. C. C. Rice Loan Procedure — Rice Cooperative Associations: Purchase of Producer's Notes.	Strike "1941" wherever it appears and insert "1942." Strike "(iii) The prescribed Certificate of Insurance–Grain in Public Storage" in paragraph 5 (b). Strike "(iii) The prescribed Certificate of Insurance–Grain in Public Storage" in paragraph 5 (c). Strike "(iii) The prescribed Certificate of Insurance–Grain in Public Storage" in paragraph 7 (b). Strike "(iv) The prescribed Certificate of Insurance–Grain in Public Storage" in paragraph 7 (c).

Dated: September 9, 1942.

[SEAL] J. B. HUTSON,
President.

[F. R. Doc. 42-10089; Filed, October 8, 1942; 4:16 p. m.]

TITLE 7—AGRICULTURE

Chapter VII—Sugar Agency

PART 802—SUGAR DETERMINATIONS

LOUISIANA SUGARCANE; PRICES FOR 1942 CROP

Determination of fair and reasonable prices for the 1942 crop of Louisiana sugarcane for sugar, pursuant to the Sugar Act of 1937, as amended.

Whereas section 301 (d) of the Sugar Act of 1937, as amended, provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

> That the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

Whereas the Secretary of Agriculture held public hearings for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable prices for the 1942 crop of Louisiana sugarcane for sugar:

Now, therefore, I, Grover B. Hill, Assistant Secretary of Agriculture, after investigation and consideration of the evidence obtained at the aforesaid hearings and all other information before me, do hereby make the following determination:

§ 802.22i *Louisiana sugarcane for sugar*—(a) *Fair and reasonable prices for the 1942 crop.* Fair and reasonable prices for the 1942 crop of Louisiana sugarcane shall be (when the price of 96° raw sugar, duty-paid basis, is 3.50 cents per pound) not less than $1.00 per ton of standard sugarcane for each 1 cent of the average price per pound of raw sugar determined in accordance with whichever of the following options is agreed upon: (1) the average of the weekly quotations of 96° raw sugar, duty-paid basis, on the Louisiana Sugar and Rice Exchange and the Cane Products Trade Association Exchange for the week in which such sugarcane is delivered; or (2) the simple average of the weekly quotations of 96° raw sugar, duty-paid basis on the Louisiana Sugar and Rice Exchange and the Cane Products Trade Association Exchange for the weeks from Friday, October 9, 1942 (or the Friday within the first marketing week of actual trading) to April 1, 1943, except that, if such quotations do not give full effect to orders or regulations of the Federal Government pertaining to the establishment of a price for 96° raw sugar, duty-paid basis, at New Orleans, Louisiana, the Chief of the Sugar Agency may substitute such prices as will give effect to any such Federal orders or regulations: *Provided, however,*

(i) That for each decline of ¼ cent in the price of 1 pound of 96° raw sugar, duty-paid basis, below 3.50 cents per pound, the price of standard sugarcane shall be reduced by not more than 3 per centum, with intervening prices in proportion, unless the price of sugar falls below 2.75 cents per pound, in which case no further reduction shall be made;

(ii) That for an advance of ¼ cent in the price of 1 pound of 96° raw sugar, duty-paid basis, above 3.50 cents per pound, the price of standard sugarcane shall be increased by not less than 3 per centum, with intervening prices in proportion, unless the price of raw sugar exceeds 3.75 cents per pound, in which case settlement shall be made on the basis of $1.03 for each 1 cent of the price;

(iii) That the premiums paid for sugarcane of the 1942 crop containing more sucrose in the normal juice than that defined as standard sugarcane shall be not less than those paid during the 1941 crop year;

(iv) That the discounts applicable to sugarcane of the 1942 crop containing less sucrose in the normal juice than that defined as standard sugarcane shall be not greater than those applied in connection with the 1941 crop; and

(v) That, in the event any agency of the Federal Government shall, through any orders or regulations require modification of the normal marketing practices, then the price basis for settlement shall be determined by reference to the results of such orders or regulations and upon approval by the Chief of the Sugar Agency.

(b) *Definitions and general provisions.* (1) On each ton of Louisiana sugarcane there shall be paid a molasses bonus, such bonus to be computed by taking ½ of the excess, if any, of the average price per gallon of blackstrap molasses, as quoted by the agencies set out above for the period there specified, over 8 cents, and multiplying the product by 6½ (a figure representing the state average recoveries of blackstrap molasses for the three-year period, 1938–1940).

(2) Deductions based upon decreased boiling house efficiency may be made for frozen sugarcane accepted by the processor (it being understood that cane shall not be considered as frozen even after being subjected to freezing temperature unless and until there is evidence of damage having taken place because of the freeze) at a rate not in excess of 3.775 per centum of the payment, computed without regard to the molasses bonus, for each 0.25 cc. of acidity above 2.25 cc. but not in excess of 4.50 cc. (analyzed in accordance with the established methods of the area, with intervening fractions computed to the nearest multiple of 0.05 cc.).

(3) Standard sugarcane shall be sugarcane containing no more sucrose in the normal juice than was defined as standard sugarcane by the processor in his sugarcane purchase contract, or contracts, verbal or written, used in the year 1941.

(4) Costs, such as hoisting and weighing of sugarcane, shall be absorbed by the processor, except in those instances in which the processor did not bear such costs in 1941; but nothing in this subparagraph shall be construed as prohibiting negotiations with respect to the level of such costs, subject, upon appeal, to review by the Secretary of Agriculture or his authorized agent, in the event of changes alleged to be unfair to either the producer or the processor.

(5) Where the only available practicable means of transportation are rail facilities and the distance to the nearest factory is in excess of 50 miles, the cost of transportation may, by mutual consent of the interested parties, and subject, upon appeal, to review by the Secretary of Agriculture or his authorized agent, be shared by the processor and the producer.

(6) The processor shall not, through any subterfuge or device whatsoever, reduce the returns from the 1942 crop of Louisiana sugarcane to the producer below those determined above. (Sec. 301, 50 Stat. 910; 7 U.S.C. 1940 ed. 1131)

Done at Washington, D. C., this 8th day of October 1942. Witness my hand and seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-10113; Filed, October 9, 1942; 11:17 a. m.]

Chapter VIII—Sugar Agency

PART 802—SUGAR DETERMINATION

FAIR PRICES FOR 1942 CROP OF HAWAIIAN SUGARCANE

Determination of fair and reasonable prices for the 1942 crop of Hawaiian sugarcane, pursuant to the Sugar Act of 1937, as amended.

Pursuant to section 301 (d) of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.32e *Fair prices for the 1942 crop of Hawaiian sugarcane.* The prices heretofore agreed upon for the 1942 crop of

Hawaiian sugarcane between the several processors in Hawaii and the producers of such sugarcane are fair and reasonable, and the payment of such prices shall be deemed to meet the requirements of subsection (d) of section 301 of the Sugar Act of 1937, as amended, with respect to such crop: *Provided, however,* That the processor shall not be deemed to have met such requirements if, through any subterfuge or device whatsoever, the returns from the 1942 crop of Hawaiian sugarcane to the producer are reduced below those determined above.

(Sec. 301 (d), 50 Stat. 910; 7 U.S.C. 1940 ed. 1131).

Done at Washington, D. C., this 8th day of October, 1942. Witness my hand and seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-10086; Filed October 8, 1942; 4:16 p. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Agricultural Marketing Administration

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

MONTEVIDEO LIVE STOCK SALES, INC., MONTEVIDEO, MINNESOTA

NOTICE UNDER PACKERS AND STOCKYARDS ACT[1]

OCTOBER 8, 1942.

Whereas the Montevideo Live Stock Sales, Inc., was posted on December 11, 1940, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas it now appears that the Montevideo Live Stock Sales, Inc., is not being operated as a stockyard within the meaning of that term as defined in said Act;

Now, Therefore, Notice Is Hereby Given that the Montevideo Live Stock Sales, Inc., no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary of Agriculture.[2]

[F. R. Doc. 42-10087; Filed, October 8, 1942; 4:17 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amendment 97-0]

PART 97—RULES OF PRACTICE GOVERNING SUSPENSION AND REVOCATION PROCEEDINGS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 1st day of October 1942.

Acting pursuant to sections 205 (a) and 609 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective October 1, 1942, the Civil Air Regulations are amended as follows:

By adding a new part to read as follows:

Part 97—Rules of practice governing suspension and revocation proceedings.

Sec.
97.10 Initiation of proceedings.
97.11 Filing of complaint.
97.12 Service of the complaint.
97.13 Answer.
97.14 Hearing; requests and designation.
97.15 Notice of hearing.
97.16 Submission without hearing or appearance.
97.17 Amendment of pleadings.
97.18 Examiner's report; exceptions; oral argument.
97.19 Limitation of actions.

AUTHORITY: §§ 97.10 to 97.19, inclusive, issued under sec. 205 (a), 52 Stat. 984, 49 U.S.C. Sup. V 425; sec. 609, 52 Stat. 1011, 49 U.S.C. Sup. V 559.

§ 97.10 *Initiation of proceedings.* A proceeding may be initiated by the Administrator of Civil Aeronautics by filing with the Board a complaint which shall be complete in itself so as fully to set forth the alleged violations of the Civil Air Regulations and other acts complained of. The complaint shall pray that the Board shall either suspend or revoke the respondent's certificate.

§ 97.11 *Filing of complaint.* An original and nine copies of the complaint, either printed or typewritten, shall be filed with the Board.

§ 97.12 *Service of the complaint.* When a complaint is filed, as prescribed in § 97.11, the General Counsel's Office of the Civil Aeronautics Board shall send a copy thereof, by registered mail, return receipt requested, to the respondent, together with a copy of these rules of practice. The complaint will be deemed served upon the respondent on the date specified on the post office return receipt.

§ 97.13 *Answer.* After service upon him of the complaint, the respondent shall have ten days within which to answer in writing the charges set forth therein. Such answer shall be deemed filed as of the date of mailing to the Civil Aeronautics Board. Failure to answer any of the charges within the prescribed ten-day period shall be deemed an admission of the charges not answered. Upon good cause shown, the Board may in its discretion grant additional time within which to answer.

§ 97.14 *Hearing; requests and designation.* Appropriate forms for requesting or waiving hearing shall be sent respondent with the copy of the complaint. Respondent shall have ten days from the date of service of the complaint upon him in which to request a hearing. Failure to make such request within the prescribed time shall be deemed a waiver of respondent's right to hearing.

§ 97.15 *Notice of hearing.* When a hearing has been requested, the General Counsel's Office of the Civil Aeronautics Board shall give the respondent adequate notice of the date and place where such hearing will be held.

§ 97.16 *Submission without hearing or appearance.* Where hearing has been waived by respondent, the Board shall make its decision on the basis of whatever data is submitted to it by the complainant and the respondent.

§ 97.17 *Amendment of pleadings.* Either party to the proceeding may amend his pleadings, as of course, at any time more than five days prior to the date of hearing. After that time amendment shall be allowed at the discretion of the Board or its designated examiner.

§ 97.18 *Examiner's report; exceptions; oral argument.* After the hearing the examiner, on the basis of the evidence submitted, shall prepare a report and recommendation to the Board. The General Counsel's Office of the Civil Aeronautics Board shall serve, by registered mail, a copy of this report and recommendation upon respondent and his counsel, if any. A copy shall also be served upon complainant. The parties to the proceeding shall have five days, or such additional time as the examiner may specify, after the date of service of such report and recommendation, within which to file exceptions thereto. If either complainant or respondent desires to argue his exceptions before the Board orally, request for such argument shall be made at the time of filing the exceptions.

§ 97.19 *Limitation of actions.* The Board shall summarily dismiss any allegations in a complaint filed with it which charges a violation of the Civil Air Regulations or other act occurring more than six months prior to the date of filing the complaint, unless the complainant shall show good cause for the delay

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-10099; Filed, October 9, 1942; 9:55 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1627]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER AMENDING ORDER, ETC.

Memorandum opinion and order amending order granting temporary and conditionally final relief in the matter of the petition of District Board No. 10 for the establishment of a price exception for the resultant sludge coal produced by Mine Index No. 87.

In a Memorandum Opinion and Order issued September 18, 1942, 7 F. R. 7485, in the above-entitled matter the Schedules of Effective Minimum Prices for District No. 10 For All Shipments Except Truck and For Truck Shipments were amended to include the following price instruction:

> At Mine Index No. 87 the resultant coal which passes through dewatering screens with openings not larger than 1 mm., or the equivalent thereof, after the production of washed coal in other sizes, may be sold at a price not less than 75 cents per net ton; *Provided, however,* That this price shall not apply to said resultant product if it has been mechanically or thermally dried; and *Further provided,* That there shall be filed with District Board No. 10 and the Bituminous Coal Division at Washington, D. C., within 10 days after any such sale a complete description of such sale as is required by the Marketing Rules and Regulations of the Division, Order No. 313, and any other order of the Division. The filing required herein shall be in addition to that required for filing with the field office.

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[1] Modifies list posted stockyards 9 CFR 204.1.

[2] Acting Pursuant to Authority Delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81, 7 F.R. 2656).

Upon reconsideration of the allegations of the original petition in this matter, it appears that in the normal course of the preparation at this mine, this resultant coal will pass through a centrifugal dryer which will remove a portion of its moisture. The price exception established in the Memorandum Opinion and Order issued September 18, 1942, in the above-entitled matter, inadvertently provided, however, that the effective minimum price therein established for the resultant coals of Mine Index No. 87 was not to be applicable to such coal if it had been mechanically or thermally dried. It appears appropriate, therefore, that this inadvertence should be corrected.

Now, therefore, it is ordered, That the Memorandum Opinion and Order issued September 18, 1942, 7 F.R. 7485, § 330.8 (*Price instructions and exceptions*—(b) *Price exceptions*) and § 330.21 (*Price instructions and exceptions*—(b) *Price exceptions*), in the above-entitled matter be, and the same hereby is, amended by deleting therefrom the following words: "*Provided, however,* That this price shall not apply to said resultant product if it has been mechanically or thermally dried; and Further."

It is further ordered, That applications to stay, terminate, or modify the temporary relief granted in the Memorandum Opinion and Order issued September 18, 1942, as amended by this Order may be filed with the Division within forty-five (45) days from the date of this Order pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That such relief as amended by this Order shall become final sixty (60) days from the date of this Order unless it shall be otherwise ordered and that jurisdiction be, and it hereby is, reserved by the Director subsequently to modify or revoke the price exception herein established.

Dated: October 7, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10057; Filed, October 8, 1942; 12:16 a. m.]

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment XLVI]

PART 804—INDIVIDUAL LICENSES

CERTIFICATES OF NECESSITY; IRON AND STEEL

Paragraph (b) of § 804.8 *Certificates of Necessity* is hereby amended in the following particulars:

1. The paragraph preceding the list of commodities that have been placed under allocation is amended to read as follows:

(b) Applications for licenses to export to the countries listed in paragraph (a) of this section commodities which have been allocated for export will not be considered unless accompanied by a Certificate of Necessity or unless there appears on the license application a statement setting forth reasons why a Certificate of Necessity was not secured, sufficient to justify the waiving of this requirement, or unless the application is in connection with a project or a mine, oil or smelting serial case: *Provided,* That it shall not be necessary to file a Certificate of Necessity covering a shipment the value of which is $25.00 or less. The following commodities have been placed under allocation:

2. In the list of commodities that have been placed under allocation, the iron and steel items are deleted and the following substituted therefor:

Commodities	*Department of Commerce Schedule B numbers*
Iron and steel:	
Pig iron	6007.
Ingots, Blooms, etc.	6016.01, 6016.03, 6016.05, 6016.07, 6016.09, 6017.01, 6017.03, 6017.05, 6017.07, 6017.09.
Concrete reinforcement bars and rods.	6022.
Other bars and rods.	6020, 6021, 6023, 6025, 6026, 6029.
Plates	6030.98, 6031.19, 6031.5, 6031.98.
Sheets and strips (black).	6032.05, 6032.98, 6035.1, 6035.5, 6035.9, 6036, 6037.11, 6037.15, 6037.19, 6037.51, 6037.55, 6037.59, 6037.91, 6037.95, 6037.98, 6038.11, 6038.15, 6038.17, 6038.19, 6038.51, 6038.55, 6038.59, 6038.91, 6038.95, 6038.98.
Sheets (galvanized).	6033, 6034.
Structural shapes.	6045, 6046, 6047, 6050.
Railway track material.	6051, 6052, 6053, 6054, 6055, 6058, 6059.
Tin plate and terne plate.	6013, 6014, 6041, 6042.
Tubular products:	
Cast iron pipe and fittings.	6066.
Cast iron unscrewed pipe fittings.	6067.05, 6067.98, 6068.05, 6068.98.
Welded (steel) pipe.	6061, 6063, 6070, 6071, 6072, 6073, 6077.05.
Seamless (pipe).	6060, 6062, 6064.
Pipe fittings.	6065, 6077.98.
Wire:	
Plain	6081, 6082.
Barbed wire.	6083.
Other wire and manufactures.	6085, 6086.1, 6086.9, 6087.1, 6087.5, 6091.01, 6091.15, 6091.19, 6091.25, 6092, 6093, 6094, 6095.
Castings	6101, 6102, 6104.1, 6104.9.
Car wheels, tires and axles.	6105.15, 6105.18, 6105.25, 6105.28, 6105.35, 6105.38.
Forgings	6106, 6107.01, 6107.05, 6108.01, 6108.05.

(Sec. 6, 54 Stat. 714, Pub. Law 75, 77th Cong., Pub. Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951.)

Dated: October 7, 1942.

A. N. ZIEGLER,
Acting Chief, Export Control Branch, Office of Exports.

[F. R. Doc. 42-10098; Filed, October 9, 1942; 9:34 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-89]

E. T. SEGUIN

E. T. Seguin, Montpelier, Vermont, is engaged in the business of distributing gasoline to certain service stations and garages in or near Montpelier and to other smaller stations in neighboring towns. He is a supplier as defined in Limitation Order L-70.[1] Without any justification therefor E. T. Seguin made deliveries of gasoline substantially in excess of the proper quotas under Limitation Order L-70 to fifteen of these stations during April, 1942, and to twenty-six of these stations during May, 1942. Nine of these stations received over-deliveries in excess of 1,000 gallons during one or the other of these months. During this period the business was not managed by E. T. Seguin personally, but by one of his employees for whose actions he was responsible.

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[1] 7 F.R. 5552, 6419.

The delivery by E. T. Seguin to these service stations of gasoline substantially in excess of their monthly quotas constituted a wilful violation of Limitation Order L–70 which has hampered and impeded the war effort of the United States. In view of the foregoing,

It is hereby ordered:

§ 1010.89 *Suspension order S–89.* (a) E. T. Seguin, his successors and assigns, shall not deliver or cause to be delivered, directly or indirectly, in any calendar month, to any of the nine service stations listed below, any motor fuel, as the same is defined in Limitation Order L–70, in excess of 25 per cent of the Normal Gallonage of such service station for such month computed in accordance with the provisions of Limitation Order L–70 without the benefit of any adjustments under paragraph (e) of that order:

Harold W. Billings, Morisville, Vermont; Charles D. Caustic, Plainfield, Vermont; Leon B. Andrus, doing business as Leon's Service Station, Johnson, Vermont; Fred T. Seguin, doing business as Seguin's Service Station, Montpelier, Vermont; Clarence E. Baker, doing business as Bakers' Filling Station, Northfield, Vermont; Mathew Bean, doing business as Bean's Service Station, Northfield, Vermont; Ned and Margaret Flint, doing business as Flint Service Station, South Barre, Vermont; George G. Manning, Randolph, Vermont; George D. Slayton, doing business as Slayton Motor Sales, Hardwick, Vermont.

(b) Nothing contained in this order shall be deemed to relieve E. T. Seguin from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall remain in effect during the calendar months of October, November, and December, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10078; Filed, October 8, 1942; 3:35 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–111]

CURTIS EQUIPMENT CORPORATION

Curtis Equipment Corporation, 419 Lafayette Street, New York, New York, is a manufacturer of kitchen and restaurant equipment. In connection with such manufacture the company uses chrome steel, the use and delivery of which is restricted by Supplementary Order M–21–d.[1] On or about March 9, 1942, an unrated purchase order was placed with the company for certain restaurant equipment. The company immediately began to fabricate chrome steel to fill this order and shortly thereafter filed an application with the War Production Board for the issuance of a preference rating in connection therewith. Despite the fact that the company was familiar with the restrictions contained in Supplementary Order M–21–d, it completed the manufacture of the restaurant equipment which had been ordered, using therefor approximately 750 pounds of chrome steel in wilful violation of the order.

This violation of Supplementary Order M–21–d committed by Curtis Equipment Corporation has hampered and impeded the war effort of the United States by diverting chrome steel to uses unauthorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered that:*

§ 1010.111 *Suspension Order S–111.* (a) Deliveries of material to Curtis Equipment Corporation, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to Curtis Equipment Corporation, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Curtis Equipment Corporation, its successors and assigns, shall accept no deliveries from any source of corrosion- or heat-resistant alloy iron or alloy steel containing 4 percent or more of chromium, except as specifically authorized by the Director General for Operations.

(d) Curtis Equipment Corporation, its successors and assigns, shall not process, fabricate, assemble, or in any way use corrosion- or heat-resistant alloy iron or alloy steel containing 4 percent or more of chromium, except as specifically authorized by the Director General for Operations.

(e) Nothing contained herein shall be deemed to relieve Curtis Equipment Corporation, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations except in so far as the same may be inconsistent with the provisions hereof.

(f) This order shall take effect on October 10, 1942 and remain in effect until January 10, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10079; Filed, October 8, 1942; 3:35 p. m.]

Chapter XI—Office of Price Administration

PART 1384—HARDWOOD LUMBER PRODUCTS

[Amendment 2 to Maximum Price Regulation 196[1]]

TURNED OR SHAPED WOOD PRODUCTS

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and filed with the Division of the Federal Register.*

A last sentence is added to subparagraph (5) of paragraph (b) of § 1384.51 as set forth below:

§ 1384.51 *Definition of "turned or shaped wood products".* * * *

(b) * * *

(5) * * * Furthermore, (notwithstanding the first sentence of this subdivision of paragraph (b)) the term "shaped wood product" includes wood soles and lasts, however made, and regardless of whether the soles or lasts consist exclusively of wooden parts or of wooden parts assembled with other parts.

§ 1384.70 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1384.51 (b) (5)) to Maximum Price Regulation No. 196 shall become effective October 14, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10076; Filed, October 8, 1942; 12:33 p. m.]

PART 1389—APPAREL

[Amendment 2 to Maximum Price Regulation 178[2]]

WOMEN'S FUR GARMENTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1389.152 is amended; new § 1389.152a is added; in § 1389.153, paragraph (a) is amended, and paragraph (d) is revoked, and in paragraph (e) reference to paragraph (d) is deleted; § 1389.154 is amended; in § 1389.165 in paragraph (a) subparagraphs (1), (3), (8), (11), and (15) are amended and in subparagraph (9), subdivision (i) is amended, and in § 1389.166a a new paragraph (b) is added, as set forth below.

§ 1389.152 *Maximum prices for sales of women's fur garments by retailers and manufacturing retailers.* Maximum prices for sales of any women's fur garments by retailers and manufacturing retailers, except as provided in paragraphs (c) and (d) of this section shall be:

(a) *As to a category of garment delivered or offered for sale during the applicable base period,* the sum of (1) the cost to the seller of the garment being priced, and (2) the seller's initial percentage markup over cost on the same classification of garment of the same kind of skin during the applicable base period: *Provided,* That the maximum price established under this paragraph shall not be higher than the highest price charged by the seller for the same category of garment, during the applicable base period, if he delivered a garment of the same category; or if he did not deliver a garment of the same category, than the highest initial offering price at which he offered for sale a garment of the same category during the applicable base period.

(3) The "highest initial offering price" for a retailer shall be considered the highest price at which a retailer first offered for sale, during the applicable base period, a garment which was in his selling establishment. As to a manufacturing retailer, it shall be considered the highest price at which he first offered for sale, during the applicable base period, a garment which was completely manufactured.

(b) *As to a category of garment not delivered or offered for sale during the applicable base period,* the sum of (1) the cost to the seller of the garment being priced, and (2) the seller's lowest initial percentage markup over cost, which he has established pursuant to paragraph (a) of this section, on garments of the same classification as the garment being priced; or if he did not establish an initial percentage markup on a garment of the same classification, then the lowest initial percentage markup over cost, which he has established pursuant to paragraph (a) of this section, on any classification of garment of any kind of skin: *Provided,* That the maximum price established under this paragraph shall not be higher than the highest price charged by the seller for any women's fur garment delivered during the applicable base period.

(c) *Sales to retailers and wholesalers.* The maximum price for the sale of any women's fur garment by a retailer to a wholesaler or other retailer shall be the cost to the seller of the garment being priced.

(d) *Special pricing of garments purchased before July 10, 1942.* Any retailer who had unconditionally purchased any women's fur garments on or before July 10, 1942, or any manufacturing retailer who had completely manufactured a women's fur garment on or before July 10, 1942, may sell, deliver and offer for sale such women's fur garments at a maximum price determined by adding the cost to the seller of the garment being priced to the seller's initial percentage markup over cost on that classification of garment and kind of skin on which he has established the lowest initial percentage markup under paragraph (a) hereof: *Provided,* That before offering any such women's fur garments for sale, he shall file under oath or affirmation with the appropriate district, state or regional office of the Office of Price Administration, a statement setting forth the following:

(1) The name and address of the seller,

(2) The number and description of such women's fur garments, and the name of the supplier of each garment,

(3) Date of purchase of each garment,

(4) Cost to the seller of each garment,

(5) A description of the classification of garment and kind of skin on which the seller had the lowest initial percentage markup over cost during the base period, the amount of such markup, and

(6) The selling price of each garment.

(e) *Fur coats with muslin patterns.* Upon the sale of a women's fur coat where a muslin pattern is required and is made especially for the purchaser at his request, a manufacturing retailer may add an amount not exceeding $15.00 to the maximum price established pursuant to this section.

§ 1389.152a *Maximum prices for sales of women's fur garments by wholesalers.* Maximum prices for sales of women's fur garments by wholesalers shall be:

(a) *As to a category of garment delivered or offered for sale during the applicable base period,* the sum of (1) the cost to the seller of the garment being priced, and (2) the seller's initial percentage markup over cost on the same classification of garment of the same kind of skin during the applicable base period: *Provided,* That the maximum price established under this paragraph shall not be higher than the highest price charged by the seller for the same category of garment during the applicable base period, if he delivered a garment of the same category; or if he did not deliver a garment of the same category, then the highest initial offering price at which he offered for sale a garment of the same category during the applicable base period.

(3) The "highest initial offering price" for a wholesaler shall be considered the highest price at which he first offered for sale, during the applicable base period, a garment which was in his possession.

(b) *As to a category of garment not delivered or offered for sale during the applicable base period,* the sum of (1) the cost to the seller of the garment being priced; and (2) the seller's lowest initial percentage markup over cost, which he has established pursuant to paragraph (a) of this section, on garments of the same classification as the garment being priced; or if he did not establish an initial percentage markup on a garment of the same classification, then the lowest initial percentage markup over cost, which he established pursuant to paragraph (a) of this section, on any classification of garment of any kind of skin: *Provided,* That the maximum price established under this paragraph shall not be higher than the highest price charged by the seller for any women's fur garment delivered during the applicable base period.

(c) *Sales to other wholesalers.* The maximum price for the sale of any women's fur garment by a wholesaler to another wholesaler shall be the cost to the seller of the garment being priced.

(d) *Special pricing of garments purchased before July 10, 1942.* Any wholesaler who had unconditionally purchased any women's fur garments on or before July 10, 1942, may sell, deliver and offer for sale such women's fur garments at a maximum price determined by adding the cost to the seller of the garment being priced, to the seller's initial percentage markup over cost on that classification of garment and kind of skin, on which he has established the lowest initial percentage markup under paragraph (a) hereof: *Provided,* That before offering any such women's fur garments for sale, he shall file under oath or affirmation with the appropriate district, state or regional office of the Office of Price Administration, a statement setting forth the following:

(1) The name and address of the seller,

(2) The number and description of such women's fur garments, and the name of the supplier of each garment,

(3) Date of purchase of each garment,

(4) Cost to the seller of each garment,

(5) A description of the classification of garment and kind of skin on which the seller had the lowest initial percentage markup over cost during the base period, the amount of such markup, and

(6) The selling price of each garment.

§ 1389.153 *Maximum prices for sales of women's fur garments by manufacturers.* Except as provided in paragraph (b) of this section the maximum price for the sale of any women's fur garment by a manufacturer shall be:

(a) *On sales to wholesalers and retailers,* (1) *of the same category of fur garments delivered to wholesalers and retailers during the applicable base period,* the sum of (i) the direct cost of garment to manufacturer, and (ii) the same percentage margin over cost received by the manufacturer upon the sale of the same classification of women's fur garment of the same kind of skin which was delivered to wholesalers and retailers during the applicable base period: *Provided,* That the maximum price established under this paragraph shall not be higher than the highest price charged by the seller for the same category of women's fur garment delivered during the applicable base period to wholesalers and retailers.

(2) *Of a category of garment not delivered during the applicable base period to wholesalers and retailers,* the sum of (i) the direct cost of garment to manufacturer, and (ii) the seller's lowest percentage margin over cost, which he has established pursuant to subparagraph

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[1] 6 F.R. 6775, 7 F.R. 2383, 7141.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6078, 7254.

[2] 7 F.R. 5277, 6771.

(1) of this paragraph, on garments of the same classification as the garment being priced; or if he did not establish a percentage margin over cost on a garment of the same classification, then the lowest initial percentage margin over cost, which he has established pursuant to subparagraph (1) of this paragraph, on any classification of garment of any kind of skin; *Provided*, That the maximum price established under this paragraph shall not be higher than the highest price charged by the seller for any women's fur garment delivered during the applicable base period.

* * * * *

§ 1389.154 *Maximum prices for sales of women's fur garments which cannot otherwise be priced*—(a) *By retailers and manufacturing retailers who did not sell women's fur garments during the applicable base period.* The maximum prices for sales of women's fur garments by retailers and manufacturing retailers who did not sell women's fur garments during the applicable base period shall be a price determined by the seller after specific authorization by the Office of Price Administration, as follows:

A retailer or a manufacturing retailer, who did not sell women's fur garments prior to January 1, 1942, or who has since January 1, 1942, but prior to July 10, 1942, substantially expanded his establishment selling at retail, shall file in duplicate an application under oath or affirmation with the appropriate district, state or regional office of the Office of Price Administration setting forth the following:

(1) A description of each garment for which a maximum price is sought, and its cost to the seller;

(2) The name and address of one of his most closely competitive sellers of the same class;

(3) For each garment, the maximum price established by such competitor for the same garment or the similar garment most nearly like it of the same category; and

(4) Such other information as the Office of Price Administration may deem necessary.

If such authorization be given, it will be accompanied by instructions as to the method of determining the maximum price. Within ten days after such price has been determined, the seller shall report such price to the Office of Price Administration upon a form duly filled out, under oath or affirmation which will be furnished to him. The price so reported shall be subject to adjustment by the Office of Price Administration.

(b) *By wholesalers who did not sell women's fur garments during the applicable base period.* (1) No wholesaler who did not sell women's fur garments during the applicable base period shall transfer or deliver a women's fur garment until he shall have first received a notification in writing from the Office of Price Administration of the receipt by it of the statement in proper form, which is required to be filed by subparagraph (3) of this paragraph.

(2) The maximum price for the sale of a women's fur garment by such a wholesaler shall be the cost to the seller of the garment being priced plus a percentage markup, which in light of competitive conditions, shall be in line with the markups generally received by wholesalers similarly situated for similar types of garments.

(3) The seller shall file under oath or affirmation with the appropriate district, state or regional office of the Office of Price Administration three copies of a statement setting forth the following:

(i) A complete description of the fur garments to be priced, showing the classification of garment, kind of skin, geographical origin of fur, size range, parts of skin used, and methods of manufacture;

(ii) The cost to the seller of the garments being priced;

(iii) The seller's initial percentage markups; and

(iv) The seller's maximum prices.

The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(c) *By manufacturers who did not sell women's fur garments during the applicable base period.* (1) No manufacturer who did not sell women's fur garments during the applicable base period shall transfer or deliver any women's fur garment until he shall have first received a notification in writing from the Office of Price Administration of the receipt by it of the statement in proper form, which is required to be filed by subdivision (3) of this subparagraph.

(2) The maximum price for the sale of a woman's fur garment by such a manufacturer shall be the direct cost of garment to manufacture plus the percentage margin over cost, which in light of competitive conditions, shall be in line with the margins generally received by other manufacturers similarly situated for similar types of garments.

(3) The seller shall file under oath or affirmation with the appropriate district, state or regional office of the Office of Price Administration three copies of a statement setting forth the following:

(i) A complete description of the fur garments to be priced, showing the classification of garment, kind of skin, geographical origin of fur, size range, parts of skin used, and methods of manufacture;

(ii) The direct cost of garments to manufacturer;

(iii) The seller's percentage margins over cost; and

(iv) The seller's maximum prices.

The prices so reported shall be subject to adjustment at any time by the Office of Price Administration.

(d) *By all other sellers.* Any other seller who cannot establish his maximum prices pursuant to §§ 1389.152, 1389.152a or 1389.153 shall determine his maximum prices after specific authorization from the Office of Price Administration by filing in Washington, D. C., an application setting forth:

(1) A description in detail of the commodity for which the maximum price is sought;

(2) A statement of the reasons why he cannot otherwise price this garment; and

(3) Such other information as the office of Price Administration may deem necessary.

If such authorization be given, it will be accompanied by instructions as to the method of determining the maximum price. Within ten days after such price has been determined, the seller shall report such price to the Office of Price Administration upon a form duly filled out and filed under oath or affirmation, which will be furnished him. The price so reported shall be subject to adjustment by the Office of Price Administration.

* * * * *

§ 1389.165 *Definitions.* (a) * * *

(1) "Women's fur garments" shall include all women's and misses' fur jackets, strollers, coats, capes, wraps, muffs, scarfs, stolls and hats.

* * * * *

(3) "Category of women's fur garment" means each different type within each classification of women's fur garment, as defined in subparagraph (2), for which the seller has customarily recognized price differentials based on such factors as the following:

(i) "Kind of skin," which means the animal from which the pelt was taken; e. g., rabbit, muskrat, mink, beaver, red fox, silver fox, etc.;

(ii) Geographical differences in origin of fur; e. g., southern muskrats, Michigan muskrats, etc.;

(iii) Size ranges, as enumerated in Appendix A, § 1389.167;

(iv) Parts of skin used; e. g., bellies, backs, paws, tails, pieces, etc.;

(v) Methods of manufacturing; e. g., "let out" skin-to-skin, plates, etc.

* * * * *

(8) "Cost to the seller of the garment" means as to wholesalers and retailers, the price paid by the seller for the women's fur garment, but which shall in no event be higher than the maximum price to be charged under this Maximum Price Regulation No. 178 or any other price regulation which may hereafter be issued; as to manufacturing retailers, it means "direct cost of the garment to the manufacturer" as defined in subdivision (12) of this paragraph.

(9) * * *

(i) From the total of all the selling prices at which each separate purchase of each classification of garment of each kind of skin which was put on sale for the first time during the applicable base period, there shall be subtracted * * *

* * * * *

(11) "Applicable base period" shall mean as to manufacturers and wholesalers, June, July and August, 1941, inclusive, and as to retailers and manufacturing retailers, July to December, 1941, inclusive.

* * * * *

(15) "Seller" means a seller of women's fur garments. Where a seller makes sales through more than one selling department or unit, other than by salesmen making sales at uniform prices, each separate unit or place of business shall be deemed to be a separate seller, except that for purposes of the registration and licensing provisions of § 1389.158 (c), the owner of the business shall be considered the seller regardless of the number of separate departments, units or places of business. For the purposes of this Regulation where a seller during his last selling season made sales through separate departments or separate units, each separate department and each separate unit or place of business shall be deemed to be a separate seller.

§ 1389.166a *Effective dates of amendments.* * * *

(b) Amendment No. 2, (§§ 1389.152, 1389.152a, 1389.153 (a), (d) and (e), 1389.154, 1389.165a (1), (3), (8), (9) (i), (11) and (15), and 1389.166a (b)) to Maximum Price Regulation No. 178 shall become effective October 10, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10059; Filed, October 8, 1942; 12:26 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 64 Under § 1499.18 (c) of the General Maximum Price Regulation]

ARTHUR E. DIETZ

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.914 *Adjustment of maximum prices for staves for swiss cheese tubs sold by Arthur E. Dietz, North Freedom, Wisconsin.* (a) Arthur E. Dietz of North Freedom, Sauk County, Wisconsin, may sell and deliver, and any person may buy and receive from said Arthur E. Dietz, staves, 9/16'' in thickness and 36'' in length, for swiss cheese tubs at a price not in excess of $26.00 per 1,000 feet surface measure, delivered within the state of Wisconsin.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 64 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 64 (§ 1499.914) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 64 (§ 1499.914) shall become effective October 9, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10058; Filed, October 8, 1942; 12:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 88 Under § 1499.3 (b) of the General Maximum Price Regulation]

WEYERHAEUSER SALES COMPANY

The Weyerhaeuser Sales Company of Saint Paul, Minnesota, made application under § 1499. 3 (b) of the General Maximum Price Regulation for determination of maximum prices for a new product designated as "Non-climbable Wooden Fences". Due consideration has been given to the application, and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Contral Act of 1942, and in accordance with Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.952 *Temporary approval of maximum prices for sale by Weyerhaeuser Sales Company of Non-climbable Wooden Fences.* (a) On and after October 9, 1942, and for a period of 60 days thereafter, the maximum prices f. o. b. mill, at which the Weyerhaeuser Sales Company of Saint Paul, Minnesota, may sell Non-climbable Wooden Fences, in any quantity, constructed according to the specifications set forth herein, shall be as follows:

Non-climbable Wooden Fences

(1) *Specifications.* 4'' x 6'' roofed posts, 1½'' x 1½'' square pointed pickets, 2'' x 4'' dadoed rails, and 1'' x 3'' mortise strips. All parts to be cut to exact length and fitted to permit rapid assembly. Parts are to be bundled separately in units containing the number of pieces of each part required for a 10' section. Rails and pickets are to be made from No. 1 Common Douglas fir; mortise strips from B and Better flat grain Douglas fir finish.

(2) *Prices.*

	Per lineal foot
10' long x 8' high	$1.04
10' long x 7' high	1.00
10' long x 6' high (without extension arm)	.77

(b) If, before the expiration of the 60 day period specified in paragraph (a), the Weyerhaeuser Sales Company submits to the Office of Price Administration complete reports on costs and profits in connection with a sale of 5,000 ft. or more of Non-climbable Wooden Fences, the prices set forth in paragraph (a) shall continue to be applicable until such time as the Office of Price Administration withdraws its approval or establishes different prices.

(c) This Order No. 88 may be revoked or amended at any time.

(d) This Order No. 88 (§ 1499.952) shall become effective October 9, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10077; Filed, October 8, 1942; 12:21 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Maximum Price Regulation 239]

LAMB CARCASSES AND WHOLESALE AND RETAIL CUTS

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, the Act of October 2, 1942, entitled "An Act to Amend the Emergency Price Control Act of 1942, to Aid in Preventing Inflation, and for Other Purposes," and the Executive Order No. 9250 issued by the President on October 3, 1942 pursuant thereto, to maintain as the maximum prices for lamb carcasses and wholesale and retail lamb cuts the prices prevailing with respect thereto during the period July 27, 1942, to July 31, 1942, inclusive. The Price Administrator has ascertained and given due consideration to the prices of lamb carcasses and wholesale and retail cuts of lamb between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Acts and order. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

The maximum prices established herein are not below prices which will reflect to producers of lamb prices for their products equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, the Act of October 2, 1942, and by the Executive Order of October 3, 1942.

Therefore, under the authority vested in the Price Administrator by the Acts and Executive Order above referred to, and in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 239 is hereby issued.

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*Copies may be obtained from the Office of Price Administration.

Sec.
1364.151 Prohibition against dealing in lamb at prices above the maximum.
1364.152 Maximum prices for lamb.
1364.153 Exempt sales.
1364.154 Less than maximum prices.
1364.155 Evasion.
1364.156 Conditional agreements.
1364.157 Sales for export.
1364.158 Records and reports.
1364.159 Enforcement and licensing.
1364.160 Petitions for amendment.
1364.161 Definitions.
1364.162 Notification to retailers of maximum prices.
1364.163 Standard of interpretation.
1364.164 Revocation of Temporary Maximum Price Regulation No. 20.
1364.165 Effective date.

AUTHORITY: §§ 1364.151 to 1364.165, inclusive, issued under Pub. Laws 421, 729, 77th Cong., and E.O. 9250; 7 F.R. 7871.

§ 1364.151 *Prohibition against dealing in lamb at prices above the maximum.* On and after October 8, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any lamb carcass or wholesale cut or retail cut of lamb, and no person in the course of trade or business shall buy or receive any lamb carcass or wholesale cut or retail cut of lamb at a price higher than the maximum price permitted by § 1364.152; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1364.152 *Maximum prices for lamb.* (a) The seller's maximum price for lamb carcasses and for any wholesale cut or retail cut of lamb shall be the highest price charged by the seller to a purchaser of the same class during the period July 27, 1942, to July 31, 1942, inclusive, for such lamb carcasses or for such wholesale cut or retail cut of lamb.

(b) Where a seller, during the period July 27, 1942, to July 31, 1942, inclusive, did not deal in lamb carcasses or in a wholesale cut or retail cut of lamb, the seller's maximum price for lamb carcasses or for such wholesale cut or retail cut of lamb shall be the highest price charged during the period July 27, 1942 to July 31, 1942, inclusive, by the most closely competitive seller to a purchaser of the same class for lamb carcasses or for such wholesale cut or retail cut of lamb.

§ 1364.153 *Exempt sales.* This Maximum Price Regulation No. 239 shall not apply to the following sales or deliveries:

(a) By a farmer, of carcasses or wholesale or retail cuts from lamb grown and processed on his farm if the total of such sales or deliveries together with sales or deliveries of all other commodities so grown and processed does not exceed $75 in any one calendar month:

(b) By hotels, restaurants, cafes, or other similar establishments, of lamb prepared and sold for consumption on the premises.

§ 1364.154 *Less than maximum prices.* Lower prices than those set forth in § 1364.152 may be charged, demanded, paid, or offered.

§ 1364.155 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 239 shall not be evaded, whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to lamb, alone or in conjunction with any other commodity, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by changing the selection or grading or the style of cutting, trimming, cooking, or otherwise processing or the canning, wrapping, or packaging of lamb.

§ 1364.156 *Conditional agreements.* No seller of lamb shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1364.152, in the event that this Maximum Price Regulation No. 239 is amended or is determined by a court to be invalid or upon any other contingency: *Provided,* That if a petition for amendment has been duly filed, and such petition requires extensive consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1364.157 *Sales for export.* The maximum price at which a person may export lamb shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[2] issued by the Office of Price Administration.

§ 1364.158 *Records and reports.* (a) As to all sales not specifically exempted by other sections of this Maximum Price Regulation No. 239 every person selling lamb carcasses or wholesale or retail cuts of lamb shall preserve for examination by the Office of Price Administration all his existing records relating to the prices which he charged for lamb carcasses or such wholesale cuts or retail cuts of lamb as he delivered or supplied during the period July 27, 1942, to July 31, 1942, inclusive, and his offering prices for delivery or supply of lamb carcasses and wholesale cuts or retail cuts of lamb during such period; and shall keep for examination by any person during ordinary business hours a statement showing (1) the highest prices charged for lamb carcasses and for such wholesale cuts or retail cuts of lamb as he delivered or supplied during the period July 27, 1942, to July 31, 1942, inclusive, and his offering prices for delivery or supply of lamb carcasses and of wholesale cuts or retail cuts of lamb during such period together with an apporpriate identification of each such wholesale cut or retail cut of lamb; and (2) all his customary allowances, discounts, and other price differentials.

(b) Every person selling lamb carcasses or wholesale cuts or retail cuts of lamb, as to all sales not specifically exempted by other sections of this Maximum Price Regulation No. 239, shall keep and make available for examination by the Office of Price Administration records of the same kind as he has customarily kept, relating to the prices which he charges for lamb carcasses and wholesale cuts or retail cuts of lamb; and, in addition, records showing, as precisely as possible, the basis upon which he determined maximum prices.

(c) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraphs (a) and (b) of this section as the Office of Price Administration may from time to time require.

§ 1364.159 *Enforcement and licensing.* (a) Persons violating any provisions of this Maximum Price Regulation No. 239 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) The provisions of Supplementary Order No. 14, licensing sellers of meat and meat products are applicable to every seller of lamb carcasses or wholesale or retail cuts for which maximum prices are established by Maximum Price Regulation No. 239. The term "seller" shall have the meaning given to it by Supplementary Order No. 14.

§ 1364.160 *Petitions for amendment.* Persons seeking modification of any provision of this Maximum Price Regulation No. 239 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1364.161 *Definitions.* (a) When used in this Maximum Price Regulation No. 239 the term:

(1) "Person" means individual, corporation, partnership, association, car route, packer's branch house, or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof or any other government, or any of its political subdivisions, or any agencies of any of the foregoing;

(2) "Lamb" means the whole or any portion of the carcass of the young animals of the genus *Ovis* approximately a year old or less, as ascertained by the objective tests commonly recognized in the meat packing industry, and specifically by the "break joint" and by bone and flesh coloration;

(3) "Wholesale cut or retail cut of lamb" means all cuts derived from the carcass of the lamb, excluding the offal and other items covered by the General Maximum Price Regulation[3] and including but not limited to the following:

(i) Legs, loins, ribs, breasts, shoulders, necks, racks, hotel racks, fore saddles, hind saddles, kosher fores, steaks, rib chops, loin chops, shoulder chops, crown roasts, rolled roasts, including all combinations of such cuts and all cuts or trimmings derived from such cuts or from the lamb carcass.

(ii) Rough or trimmed, bone in or boneless, whole, sliced, or ground.

(iii) Fresh or frozen, cooked, dried, or canned.

(iv) Loose, wrapped or packed.

Cuts of each brand or grade, if customarily priced separately, shall be considered separate wholesale or retail cuts of lamb, except that fresh and frozen cuts shall not be considered separate wholesale or retail cuts of lamb.

(4) "Highest price charged during the period July 27, 1942 to July 31, 1942, inclusive" means the highest price which the seller charged for each grade of lamb carcass and for each wholesale cut or retail cut of lamb delivered by him during the period July 27, 1942, to July 31, 1942, inclusive, or, if the seller made no such delivery during the period, his highest offering price for delivery during that period. No seller shall change his customary allowances, discounts or other price differentials unless such change results in a lower price. The "highest price charged" shall be a price charged during the period July 27, 1942, to July 31, 1942, inclusive, to a purchaser of the same class. No seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery or supply of any commodity or service than the seller required purchasers of the same class to pay during the period July 27, 1942, to July 31, 1942, inclusive, on deliveries of lamb.

(5) "Purchaser of the same class" refers to the practice followed by the seller in the ninety-day period preceding August 10, 1942, in setting different prices for sales to different purchasers or kinds of purchasers (for example, but not limited to, wholesaler, jobber, retailer, government agency, public institution, individual consumer or any ordinarily recognized subgroup or combination of the foregoing) or for purchasers located in different areas or for different quantities or under different conditions of sale.

(6) "Sales at retail" means sales to the ultimate consumer: *Provided,* That no wholesaler, processor, packer, slaughterer, purchaser for resale, commercial user or government agency, shall be deemed to be an ultimate consumer, except that a sale to a purveyor of meals, by a person regularly and generally engaged in selling at retail, made on usual retail terms, shall be regarded as a sale at retail.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in § 1499.20[4] of the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

§ 1364.162 *Notification to retailers of maximum prices.* Whenever any person sells any lamb carcass or wholesale cut or retail cut of lamb to any person engaged in selling lamb at retail the seller shall deliver to the purchaser, together with the invoice, sales slip, or other memorandum of the sale, or, if there be no such memorandum, together with the meat, a written or printed statement in the following form and words:

NOTICE TO RETAILERS OF MAXIMUM PRICE FOR LAMB

> Pursuant to the provisions of Maximum Price Regulation No. 239 issued by the Office of Price Administration, it is unlawful for any person to charge or receive for any cut of lamb a price higher than the highest price at which that person sold the same kind of cut, to a purchaser of the same class, during the period July 27 to July 31, 1942, inclusive.

Provided, That if a seller has delivered the foregoing statement to the same retailer in connection with two separate and distinct sales the seller shall not be required to furnish the statement in connection with any subsequent sales to the same purchaser.

§ 1364.163 *Standard of interpretation.* Every provision of this Maximum Price Regulation No. 239 is to be understood and will be interpreted consistently with the provisions of the regulation as a whole, and, unless the context otherwise requires, with the corresponding and related provisions of the General Maximum Price Regulation and in such a manner as to effectuate the purposes of the Emergency Price Control Act of 1942.

§ 1364.164 *Revocation of Temporary Maximum Price Regulation No. 20.* Temporary Maximum Price Regulation No. 20 (§§ 1364.151 to 1364.165, inclusive) which was issued August 1, 1942, and which was to expire at 12 o'clock midnight on October 8, 1942, is hereby revoked and is replaced by this Maximum Price Regulation No. 239.

§ 1364.165 *Effective date.* Maximum Price Regulation No. 239 (§§ 1364.151 to 1364.165, inclusive), shall become effective October 8, 1942.

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10080; Filed, October 8, 1942; 3:19 p. m.]

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[1] 7 F.R. 971, 3663, 6967.

[2] 7 F.R. 5059, 7242.

[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6794, 6615, 6939, 7093, 7322, 7454, 7758, 7913.

[4] 7 F.R. 3156.

PART 1499—COMMODITIES AND SERVICES

[Amendment 31 to Supplementary Regulation 1[1] of General Maximum Price Regulation[2]]

WASTE MATERIALS IN WOOD DISTILLATION

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1499.26 (b) (5) is amended to read as follows:

§ 1499.26 *Exceptions for certain commodities and certain sales and deliveries.* * * *

(b) * * *

(5) Sales and deliveries for use as raw materials in wood distillation of saw or veneer mill wood wastes including, but not limited to, slabs, edgings, veneer log ends and cores, and ground wood: *Provided, however,* That no petitions for increases in maximum prices of the products manufactured from the above raw materials will be granted to the extent that such petitions are based on increases in prices of such raw materials above March, 1942, levels.

* * * * *

(e) *Effective dates.* * * *

(32) Amendment No. 31 (§ 1499.26 (b) (5)) to supplementary Regulation No. 1 shall become effective this 13th day of October 1942.

(Pub. Law 421, 77th Cong.)

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F.R. Doc. 42-10082; Filed, October 8, 1942; 3:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 11 to Revised Supplementary Regulation 4[3] of General Maximum Price Regulation[4]]

INTERNATIONAL PAYROLL MACHINE CO.

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

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*Copies may be obtained from the Office of Price Administration.

[1] F.R. 3158, 3488, 3892, 4183, 4410, 4428, 4487, 4488, 4493, 4669, 5066, 5192, 5276, 5366, 5484, 5607, 5717, 5942, 6082, 6473, 6685, 7011, 7250, 7317, 7598, 7604, 7739.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5783, 5784, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758.

[3] 7 F.R. 5056, 5089, 5566, 6082, 6084, 6426, 6744, 6793, 7175, 7538.

[4] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 7093, 7322, 7454, 5192, 5365, 5445, 5565, 5484, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758.

Subparagraph (17) of § 1499.29 (a) is amended to read as set forth below:

§ 1499.29 *Exceptions for sales and deliveries to the United States or any agency thereof of certain commodities and in certain transactions and for certain other commodities, sales and deliveries.* (a) General Maximum Price Regulation shall not apply to sales or deliveries of the following commodities or in the following transactions:

* * * * *

(17) Deliveries prior to January 1, 1943, pursuant to sales, to the United States or any agency thereof, of the standard Model F-4 payroll machine manufactured by the International Payroll Machine Company of Reading, Pennsylvania,

(i) The provisions of this subparagraph may be amended or revoked by the Price Administrator at any time.

* * * * *

(d) *Effective date.* * * *

(12) Amendment No. 11 (§ 1499.29 (a) (17)) to Revised Supplementary Regulation No. 4 shall become effective October 14, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10084; Filed, October 8, 1942; 3:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Order 12 Under § 1499.3 (b) of General Maximum Price Regulation—Docket 5089-3-A]

DEFENDER MANUFACTURING COMPANY

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the General Maximum Price Regulation, the table set forth in Order No. 12, § 1499.49 (a) is amended in part, and three new paragraphs (d), (e), (f) and (g) are added to § 1499.49, as follows:

§ 1499.49 *Maximum prices for the sale of bed linens by Defender Manufacturing Company*—(a) * * *

Type and style	Size (inch)	Price per doz.	Boxed sets		
			1 sheet and 2 pillow cases	2 sheets and 2 pillow cases	2 pillow cases
* * *	* * *	* * *	* * *	* * *	* * *
Type 128					
La Mode	90 x 108	20.54	2.72		
1272					
1226					
* * *	* * *	* * *	* * *	* * *	* * *

(d) Defender Manufacturing Company may sell and deliver and agree, offer, solicit or attempt to sell and deliver the following types of bed linens at prices no higher than those set forth below: *Provided,* That such sales of the following types are in broken cases of less than 20 dozen sheets and 50 dozen pillow cases, and 20 dozen Bolster cases.

All prices are f. o. b. seller's plant and shall be subject to such terms as were granted to purchasers during the last calendar month prior to March 1942 in which Defender Manufacturing Company freely offered goods for sale.

	Item	Maximum prices, plain hemmed (dollars per dozen)
Type 128: Sheets	90/108	18.09
	90/99	16.71
	90/90	15.31
	81/108	16.41
	81/99	15.15
	81/90	13.90
	72/108	14.87
	72/99	13.74
	72/90	12.60
	63/108	13.64
	63/99	12.60
	63/90	11.59
	54/99	11.42
	54/90	10.50
Pillow cases	45/38½	3.87
	45/36	3.67
	42/38½	3.55
	42/36	3.38
Bolsters	45/72	7.30
	42/72	6.75
Type 140: Sheets	90/108	21.73
	90/99	20.03
	90/90	18.36
	81/108	20.06
	81/99	18.51
	81/90	16.96
	72/108	18.36
	72/99	16.95
	72/90	15.53
	63/108	16.78
	63/99	15.49
	63/90	14.21
	54/99	13.96
	54/90	12.81
Pillow cases	45/38½	4.61
	45/36	4.41
	42/38½	4.33
	42/36	4.11
Bolsters	45/72	8.75
	42/72	8.22
Type 112: Sheets	90/108	16.77
	90/99	15.65
	81/108	14.48
	81/99	13.38
	81/90	12.27
	72/108	13.19
	72/99	12.18
	72/90	11.18
	63/108	11.80
	63/99	10.91
	63/90	10.01
	54/99	9.30
	54/90	8.55
Pillow cases	45/38½	3.06
	45/36	2.91
	42/38½	2.91
	42/36	2.75
Bolsters	45/72	5.63
	42/72	5.34
Type 180: Sheets	90/113	23.26
	90/108	22.19
	81/113	21.51
	81/108	20.52
	81/99	18.94
	72/113	19.75
	72/108	18.84
Pillow cases	45/40½	5.12
	45/38½	4.85
	45/36	4.61
	42/40½	4.81
	42/38½	4.57
	42/36	4.33
Bolsters	45/72	9.21
	45/63	8.27
	45/54	7.31
	42/72	8.67
	42/63	7.79
	42/54	6.91

(e) In addition to the maximum prices set forth in paragraph (d) of this section, Defender Manufacturing Company may charge the following premiums for pieces which are hemstitched or scalloped. For any piece which is both hemstitched and scalloped, both premi-

[Dollars per dozen]

Piece	Hemstitched	Scalloped
Bolster cases	2.50	2.50
Bed sheets (54 x 75 or larger)	2.50	2.50
Pillow cases	1.25	1.25
Bed sheets (smaller than 54 x 75)	1.25	1.25

(f) Defender Manufacturing Company shall mail or cause to be mailed to all persons who purchase bed linens from it for sale at retail a list of the maximum prices set forth in paragraphs (d) and (e) above and a notice reading as follows:

> The Office of Price Administration, by Amendment No. 1 to Order No. 12 under § 1499.3 (b) of the General Maximum Price Regulation, effective as of June 23, 1942, has established maximum prices for our sales to you of plain-hemmed, hemstitched and scalloped bed linen in broken case lots at levels which are in excess of the maximum prices set forth in Revised Price Schedule No. 89—Bed linens. In issuing these maximum prices for us, the Office of Price Administration has relied on our assurance that they will not necessitate any increase in retail ceilings and has ordered us to inform you that it will not consider these higher prices (or any price above the levels set forth in Schedule No. 89) as a basis for the adjustment of retail prices. A list of our maximum prices, as established by the above-mentioned amendment, accompanies this notice. The prices established are subject to all discounts, allowances and trade practices which we had in effect during the last calendar month prior to March, 1942 in which we freely offered such bed linens for sale.
>
> The order does not permit you or any other retailer to raise maximum prices, as established under the General Maximum Price Regulation, for sales of bed linens at retail.

(g) This amendment No. 1 to Order No. 12 (§ 1499.49 (a), (d), (e), (f) and (g)) is made retroactive to and including the 23rd day of June, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10083; Filed, October 8, 1942; 3:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 89 Under § 1499.3 (b) of General Maximum Price Regulation]

SELLERS OF USED STEEL HIGH PRESSURE GAS CYLINDERS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the

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* Copies may be obtained from the Office of Price Administration.

General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.953 *Authorization to sellers of used steel high pressure gas cylinders.* (a) Whenever a person selling or contracting to sell used steel high pressure gas cylinders is unable to determine the maximum price for such cylinders under § 1499.2 of the General Maximum Price Regulation, the maximum price at which any such person may sell such cylinders shall not exceed an amount equal to the applicable price for such cylinders as set forth in the following table, on an f. o. b. seller's location basis:

OXYGEN CYLINDERS
(MANGANESE)

Capacity, cu. ft.	Dimension	Price each
30	5″ x 22″	$10.50
55	5″ x 37″	10.75
110	6⅝″ x 43″	12.50
220	8½″ x 51″	16.00

(CHROME MOLYBDENUM)

Capacity, cu. ft.	Dimension	Price each
110	6⅝″ x 43″	$13.50
220	8½″ x 51″	17.00
250	8½″ x 51″	17.75
300	8¾″ x 55″	19.25
400	10″ x 57″	23.50

CARBON-DIOXIDE CYLINDERS
(MANGANESE)

Capacity	Dimension	Price each
20 lbs	5″ x 51″	$11.50
20 lbs	6⅝″ x 29½″	11.50
20 lbs	8″ x 21½″	12.25
50 lbs	7⅝″ x 51″	15.00
50 lbs	8″ x 51″	15.00
75 lbs	8½″ x 58½″	17.75
100 lbs	10″ x 58″	28.75

(CHROME MOLYBDENUM)

Capacity	Dimension	Price each
20 lbs	5″ x 51″	$12.50
20 lbs	6⅝″ x 29½″	12.50
20 lbs	8″ x 21½″	13.25
50 lbs	7⅝″ x 51″	16.00
50 lbs	8″ x 51″	16.00
75 lbs	8½″ x 58½″	19.25
100 lbs	10″ x 58″	31.25

MISCELLANEOUS SIZES OF CARBON-DIOXIDE CYLINDERS
(MANGANESE)

Capacity, cu. ft.	Dimensions	Price each
2 lbs	3⅛″ x 13″	$4.90
2½ lbs	3 15/16″ x 11¾″	5.80
4 lbs	3 15/16″ x 16¾″	6.10
5 lbs	3 15/16″ x 21¼″	6.30
7½ lbs	4⅛″ x 26½″	7.10
10 lbs	5″ x 26″	9.75
10 lbs	5⅞″ x 18⅝″	9.75
15 lbs	5⅞″ x 26″	10.25

MEDICAL CYLINDERS
(MANGANESE)

Type	Dimensions	Price each
Type C	3⅛″ x 13″	$4.90
Type D	3 15/16″ x 16¾″	5.20
Type E	3 15/16″ x 25¾″	5.70
Type EE	4⅛″ x 26½″	6.20
Type AA	2 15/16″ x 7⅜″	4.90

(b) This Order No. 89 may be revoked or amended by the Office of Price Administration at any time.

(c) This Order No. 89 (§ 1499.953) shall become effective October 13, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10085; Filed, October 8, 1942; 3:22 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Amendment 1 to Temporary Maximum Price Regulation 22[1]]

CERTAIN ESSENTIAL FOOD PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Subparagraph (2) of paragraph (a) of § 1351.810 is amended and § 1351.814 is added to read as set forth below:

§ 1351.810 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 22 the term:

* * * * *

(2) "Highest price charged during the base period" means the highest price which the seller (except a seller of flour from wheat, corn or rye or a seller of corn meal, hominy or hominy grits) charged for a listed food product delivered by him during the period from September 28, 1942 to October 2, 1942, inclusive, to a purchaser of the same class, or if the seller made no such delivery during such period, his highest offering price for delivery during that period to a purchaser of the same class. In the case of a seller of flour from wheat, corn or rye, or a seller of corn meal, hominy or hominy grits in bulk and packaged in quantities greater than three pounds, "highest price charged during the base period" means the highest price at which the seller during the period from September 28, 1942 to October 2, 1942, inclusive, contracted to sell for immediate or future delivery to a purchaser of the same class, or if the seller made no such contract during such period, his highest offering price during that period to a purchaser of the same class. No seller shall change his customary allowances, discounts or other price differentials unless such change results in a lower price. No seller shall require any purchaser, and no purchaser shall be permitted to pay a larger proportion of transportation costs incurred in the delivery or supply of any listed food product than the seller required purchasers of the same class to pay during such period on deliveries of a listed food product.

* * * * *

§ 1351.814. *Effective dates of amendments.* (a) Amendment No. 1 to Temporary Maximum Price Regulation No. 22 (§§ 1351.810 (a) and 1351.814) shall become effective October 8, 1942.

(Pub. Laws 421, 729, 77th Cong. E.O. 9250 7 F.R. 7871)

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10090; Filed, October 8, 1942; 5:16 p. m.]

PART 1381—SOFTWOOD LUMBER

[Amendment 2 to Maximum Price Regulation 19[1]]

SOUTHERN PINE LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1381.203 is amended to read as follows:

§ 1381.203 *Adjustable pricing.* (a) Nothing in this Maximum Price Regulation No. 19 shall be construed to prohibit the making of a contract to sell Southern pine lumber at a price not to exceed the maximum price at the time of delivery or supply. Where a petition for amendment or adjustment or exception has been filed which requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

(b) Notwithstanding the provision of paragraph (a) of this section, on and after October 8, 1942, Southern pine lumber may be sold and delivered for direct-mill shipment at a price which is agreed by the parties to be adjustable to any maximum price set in any amendment to this Maximum Price Regulation No. 19 which is issued between October 8, 1942 and December 1, 1942. The parties may also, if they prefer, agree that the adjustment shall apply only where the maximum price set by such amendment is higher than the contract price, and not when it is lower.

§ 1381.211a *Effective dates of amendments.* * * *

(c) Amendment No. 2 (§ 1381.203) to Maximum Price Regulation No. 19 shall become effective October 8, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10091; Filed, October 8, 1942; 5:15 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[Amendment 3 to Maximum Price Regulation 194[2]]

ALASKA

A statement of the considerations involved in the issuance of this amendment

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7914.

[1] 7 F.R. 5427, 5869, 7094.

[2] 7 F.R. 5909, 6268, 6774.

has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (c) (2) of § 1418.56 is amended to read as set forth below:

§ 1418.56 *Records and reports.* * * *

(c) *Lists to be filed.* * * *

(2) Every person offering to sell or deliver to a buyer in the Territory of Alaska commodities, not included among the cost-of-living items set forth in § 1499.25, Appendix B, of the General Maximum Price Regulation, and which are not actually produced or manufactured in the Territory of Alaska, shall prepare, not later than October 15, 1942, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, the following information:

(i) A list of all such commodities offered for sale by such person and the selling price thereof.

(ii) The direct cost, as defined herein, of every such commodity listed.

(iii) The amount of mark-up of every such commodity listed.

Any person who claims that substantial injury would result to him from making such statement available to any other person may file on or before October 15, 1942 this information, if such information has not heretofore been filed with the Office of Price Administration, Juneau, Alaska.

* * * * *

§ 1418.66 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1418.56 (c) (2)) to Maximum Price Regulation No. 194 shall become effective October 8, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10093; Filed, October 8, 1942; 5:16 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 39 to Supplementary Regulation 14[1] of General Maximum Price Regulation[2]]

FLUID MILK AND CREAM

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Subdivisions (i) and (ii) of § 1499.73 (a) (1) are amended; subdivision (iii) of § 1499.73 (a) (1) is renumbered subdivision (v), inferior subdivision (*a*) thereof is amended and a new inferior subdivision (*h*) is added thereto; subdivision (iv) of § 1499.73 (a) (1) is renumbered subdivision (vi); and two new subdivisions (iii) and (iv) are added to subparagraph (1) of § 1499.73 (a) as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

(1) *Fluid Milk and Cream.*

(i) *Maximum prices for fluid milk sold at retail in specified localities.*

* * * * *

Locality	Grade	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)[3]
*	*	*	*	*	*
(*g*) Minneapolis - St. Paul, Minnesota area.	Approved	Out of store or to the home	Gallon	Glass	Plus 4.
	Approved	Out of store or to the home	½ gallon	Glass	Plus 2.
	Approved	Out of store or to the home	Quart	Glass	Plus 1.
	Approved	Out of store or to the home	Quart	Paper	Plus 1.

See footnote on p. 8025.

(ii) *Maximum prices for fluid milk sold at wholesale in specified localities.*

* * * * * * *

Locality	Grade	Container size	Type of container	Adjusted maximum price (cents)[3]
*	*	*	*	*
(*e*) Minneapolis-St. Paul, Minnesota area	Approved	Gallon	Glass	Plus 4.
	Approved	½ gallon	Glass	Plus 2.
	Approved	Quart	Glass	Plus 1.
	Approved	Quart	Paper	Plus 1.
	Approved	Pint	Glass	Plus ½.
	Approved	Pint	Paper	Plus ½.
	Approved	½ pint	Glass	Plus ¼.
	Approved	½ pint	Paper	Plus ¼.

See footnote on p. 8025.

(iii) *Maximum prices for fluid cream sold at retail in specified localities.* The maximum price of fluid cream, sweet or sour, sold and delivered at retail, in the localities set forth below, shall be the seller's maximum price as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or the applicable adjusted maximum price specified in the schedule set forth below, whichever is higher: *Provided*, That where the adjusted maximum price is expressed as "plus" a specified amount, the amount specified is to be added to the seller's maximum price as determined under said § 1499.2.

Locality	Grade	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)[3]
(*a*) Minneapolis-St. Paul, Minnesota area.	Approved (20% or over butterfat).	Out of store or to the home.	½-pint	Glass	Plus 1½.
	Approved (20% or over butterfat).	Out of store or to the home.	½-pint	Paper	Plus 1½.
	Approved (20% or over butterfat).	Out of store or to the home.	Pint	Glass	Plus 3.
	Approved (20% or over butterfat).	Out of store or to the home.	Pint	Paper	Plus 3.
	Approved (20% or over butterfat).	Out of store or to the home.	Quart	Glass	Plus 6.
	Approved (20% or over butterfat).	Out of store or to the home.	Quart	Paper	Plus 6.

See footnote on p. 8025.

(iv) *Maximum prices for fluid cream, sold at wholesale in specified localities.* The maximum price of fluid cream, sweet or sour, sold and delivered at wholesale, in the localities set forth below, shall be the seller's maximum price as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or the applicable adjusted maximum price specified in the schedule set forth below, whichever is higher: *Provided*, That where the adjusted maximum price is expressed as "plus" a specified amount, the amount specified is to be added to the seller's maximum price as determined under said § 1499.2.

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*Copies may be obtained from the Office of Price Administration.

[1] 7. F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 7758, 7913, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454.

Locality	Grade	Container size	Type of container	Adjusted maximum mum price (cents)[3]
(*a*) Minneapolis-St. Paul, Minnesota area.	Approved (20% or over butterfat).	½ pint	Glass	Plus 1½.
	Approved (20% or over butterfat).	½ pint	Paper	Plus 1½.
	Approved (20% or over butterfat).	Pint	Glass	Plus 3.
	Approved (20% or over butterfat).	Pint	Paper	Plus 3.
	Approved (20% or over butterfat).	Quart	Glass	Plus 6.
	Approved (20% or over butterfat).	Quart	Paper	Plus 6.

[3] Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller at wholesale must multiply such fractional per unit figure by the number of units in each order. The seller at retail, however, will adjust unit figures containing a fraction of a cent to the next highest half cent; for example, a maximum price of 12½¢ for one unit would be adjusted to 13 cents for one unit, 25¢ for two units, etc

(v) *Definitions.* For purposes of this subparagraph (1):

(*a*) "Milk" means cow's milk produced, processed, distributed, and sold for consumption in fluid form as whole milk. "Cream" means milk from which a portion of the serum solids has been removed and which is not classed, under the General Maximum Price Regulation, as fluid milk, evaporated or condensed milk.

* * * * *

(*h*) "Minneapolis-St. Paul, Minnesota area" means the area included within the counties of Hennepin and Ramsey; that portion of the county of Anoka lying south of the northern boundaries of the townships of Ramsey, Crow, Ham Lake, and Columbus; that portion of the county of Washington lying north of the southern boundaries of the townships of Lincoln, Grant, and Stillwater; that portion of the county of Dakota lying west of the Mississippi River and of the Western boundaries of the townships of Mininger, Vermillion, Hampton, and Randolph; and that portion of the county of Rice included within the City of Northfield.

(b) *Effective dates.* * * *

(40) Amendment No. 39 (§ 1499.73 (a) (1)) to Supplementary Regulation No. 14 shall become effective October 8, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10094; Filed, October 8, 1942; 5:16 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 71 Under § 1499.18 (c) of General Maximum Price Regulation]

WILLIAM W. DILKS AND SONS, INC., ET AL—KENNET SQUARE, PA.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.921 *Adjustment of maximum prices for mushroom baskets delivered in the mushroom producing area surrounding Kennet Square in Pennsylvania.* (a) William W. Dilks and Sons, Inc., of Swedesboro, New Jersey, the Jersey Package Co., Inc., of Bridgeton, New Jersey, and any other manufacturer may sell and deliver to any distributor within the mushroom producing area surrounding Kennet Square, Pennsylvania, and any distributor in that area may buy and receive, mushroom baskets at a price not higher than $48.00 per thousand baskets delivered to the distributor's customary receiving point. This authorization is subject to all of the conditions and provisions of paragraph (c) of this section.

(b) Any person may sell and deliver to any consumer in the area surrounding Kennet Square, Pennsylvania, who will use the basket for packaging mushrooms, and any consumer who will so use the baskets may buy and receive, mushroom baskets at a price not higher than $55.00 per thousand baskets delivered to the consumer's customary receiving point. This authorization is subject to all of the conditions and provisions of paragraph (c) of this section.

(c) The seller may collect for the sale of these baskets at prices not higher than those permitted by paragraphs (a) and (b), but if the Office of Price Administration issues an order within 60 days of the effective date of this order that the prices permitted should be reduced, the seller shall immediately refund to the buyer the difference between the amount so collected and the amount finally permitted by the Office of Price Administration.

(d) When used in this order the terms appearing therein shall be construed as follows:

(1) "Distributor" means any person who buys mushroom baskets from a manufacturer and will resell these baskets.

(2) "Mushroom basket" means a four quart Climax basket complete with a cover, and a handle and commonly known to the trade as a "three pound mushroom basket".

(e) This Order No. 71 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 71 (§ 1499.921) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 71 (§ 1499.921) shall become effective October 8, 1942.

(Pub. Laws 421 and 729, 77th Cong. E.O. 9250, 7 F.R. 7871)

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10092; Filed, October 8, 1942; 5:15 p. m.]

Chapter XIII—Office of Petroleum Coordinator for War

[Recommendation 43, Revocation]

PART 1500—ADMINISTRATIVE

ALLOCATION OF AVAILABLE TANKER TONNAGE; DISTRICT THREE

To the General Committee for District Three, the Supply and Distribution Subcommittee for District Three, and to all persons, natural or artificial, owning, operating, chartering tankers or otherwise utilizing tanker space in District Three, or supplying petroleum or petroleum products for transportation in such tankers, or otherwise engaged in the petroleum industry in District Three:

Recommendation No. 43 of the Deputy Petroleum Coordinator for War issued March 30, 1942, to provide for the allocation, among the units of the petroleum industry in District Three, of available tanker tonnage for transporting petroleum products from District Three in order to prevent the shutting in of oil fields and the closing of refineries producing products essential to the war program. The Recommendation has been superseded by Directive No. 59 of the Petroleum Coordinator for War issued September 25, 1942.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for War, Recommendation No. 43 (§§ 1500.33 to 1500.37, inclusive, of this Chapter) (7 F.R. 2639) is hereby revoked, effective immediately.

RALPH K. DAVIES,
Deputy Petroleum Coordinator for War.

OCTOBER 1, 1942.

[F. R. Doc. 42-10121; Filed, October 9, 1942; 11:56 a. m.]

[Recommendation 36, Revocation]

PART 1505—TRANSPORTATION

ALLOCATION OF AVAILABLE TANKER TONNAGE; DISTRICT ONE

To the Transportation Committee for District One, the Tanker Managing Subcommittee, and to all persons, natural or artificial, owning, operating, or chartering tankers or otherwise utilizing tanker space in District One:

Recommendation No. 36 of the Deputy Petroleum Coordinator for War issued February 16, 1942, to bring about the effective utilization and the equitable distribution of available tanker tonnage for transporting petroleum to the Atlantic Coast States. Because of changes in wartime shipping and operating conditions, the method of tanker operation and management directed by Recommendation No. 36 is no longer the method most appropriate to the prosecution of the war.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for War, Recommendation No. 36 (§§ 1505.55 to 1505.59, inclusive, of this Chapter) (7 F.R. 1803) is hereby revoked, effective five days from the date hereof.

RALPH K. DAVIES,
Deputy Petroleum Coordinator for War.

OCTOBER 1, 1942.

[F. R. Doc. 42-10120; Filed, October 9, 1942; 11:56 a. m.]

[Directive 50, Partial Revocation]

PART 1510—SUPPLY

PETROLEUM TRANSPORTATION FACILITIES AND REFINERY OPERATIONS

Directive No. 50 of the Deputy Petroleum Coordinator for War issued May 7, 1942, to bring about the efficient utilization of petroleum transportation facilities and to effect an adequate war-time balance of refinery operations. Certain sections of this Directive have been superseded by Directive No. 59 of the Petroleum Coordinator for War issued September 25, 1942.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for War, §§ 1510.5 to 1510.6, inclusive, and §§ 1510.8 to 1510.10, inclusive, of this Chapter, (7 F.R. 3670), are hereby revoked, effective immediately.

RALPH K. DAVIES,
Deputy Petroleum Coordinator for War.

OCTOBER 1, 1942.

[F. R. Doc. 42-10122; Filed, October 9, 1942; 11:56 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 6—SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

Pursuant to the authority contained in section 1, Title II of the Espionage Act approved June 15, 1917, 40 Stat. 220 (U.S.C. title 50, sec. 191), as amended by the Act of November 15, 1941 (55 Stat. 763), and by virtue of the Proclamation and Executive Order issued June 27, 1940 (5 F.R. 2419), and November 1, 1941 (6 F.R. 5581), respectively, the regulations relating to the control of vessels in the navigable waters of the United States (33 CFR 6, 7, and 9) are consolidated into Part 6 and are hereby reissued and amended to read as follows:

Part 6—Security of ports and the control of vessels in the navigable waters of the United States.

SUBPART A—GENERAL REGULATIONS

DEFINITIONS

Sec.
6.1 Definitions.

GENERAL PROVISIONS

6.2 Enforcement.
6.3 Authority of District Coast Guard Officer.
6.4 Authority of Senior Naval Officers present.
6.5 Liability of owner, master, etc.
6.6 Boarding and searching.
6.7 Possession and control of foreign or domestic vessels.
6.8 Existing rules and regulations affirmed.

MOVEMENT OF VESSELS

6.13 Supervision of vessel's movement.
6.14 Identification requirements.
6.15 Departure license; when required.
6.16 Special license for local waters.
6.17 Finding by captain of the port.
6.18 General licenses.
6.19 Clearance required for departure.
6.20 Crew list required on certain voyages.
6.21 Restricted areas in waters proximate to bridges.

ANCHORAGE CONDITIONS AND AREAS

Sec.
6.25 Cable or pipe line area.
6.26 Use of anchorage area restricted.
6.27 Requirements for anchoring.
6.28 Emergency anchorage.
6.29 Assignment and use of anchorage berth.
6.30 Approval by United States District Engineer.
6.31 Shifting of vessel.
6.32 Suitable anchorage for vessel on fire.
6.33 Congestion of anchorage area.
6.34 Condition of vessel a danger to waterfront facility.
6.35 Movement of vessel in dangerous condition.
6.36 Danger resulting from abandonment, disuse, etc. of vessel.
6.37 Harbor entrance restriction.

ANCHORAGE OF VESSELS CARRYING EXPLOSIVES, ETC.

6.50 Use of established explosive areas.
6.51 Designation of explosive loading terminals.
6.52 Anchorage of vessels carrying inflammable liquids.
6.53 Assignment of anchorage berth by captain of the port.
6.54 Authority to load or unload explosives.
6.55 Attendance of tug necessary.
6.56 Where movement of explosives is supervised by United States District Engineer.

LOADING, UNLOADING AND MOVEMENT OF EXPLOSIVES AND INFLAMMABLE MATERIAL

6.75 General supervision.
6.76 Safety measures relating to explosives.
6.77 Identification of vessels carrying explosives.
6.78 Obligation of master, owner, etc. of vessel.
6.79 Personnel engaged in loading explosives on board vessels.
6.80 Loading and discharging explosives at wharf.
6.81 Handling of inflammable or combustible liquids.
6.82 Flash point of inflammable liquids.
6.83 General application of regulations.
6.84 Notice to captain of the port.
6.85 Removal of persons violating explosive regulations.

SUBPART B—USE AND NAVIGATION OF WATERS EMPTYING INTO GULF OF MEXICO BY VESSELS HAVING EXPLOSIVES OR OTHER DANGEROUS ARTICLES OF BOARD

6.101 Application and scope.
6.102 Vessels defined.
6.103 Vessels permitted to accept or transport explosives.
6.104 Designated locations for loading or unloading explosives.
6.105 Permit required.
6.106 Facilities for loading or unloading explosives.
6.107 Personnel engaged in loading explosives on board vessels.
6.108 Supervision and protection of designated loading facilities.
6.109 Control of all persons within explosives loading area.
6.110 Navigation of vessels not self-propelled.
6.111 Tows shall not exceed the capacity of the towing boat.
6.112 Handling of barges.
6.113 In transit guards.
6.114 Other applicable provisions of this part.

SUBPART C—ANCHORAGE AREAS

FIRST NAVAL DISTRICT

6.1-1 Kennebec River at or near Bath, Maine.
6.1-5 Portland, Maine.
6.1-10 Restricted areas in First Naval District.
6.1-15 Boston, Massachusetts.
Sec.
6.1-20 New Bedford Outer Harbor.
6.1-25 Narragansett Bay (including Newport Harbor) and Bristol Harbor, Rhode Island.

THIRD NAVAL DISTRICT

6.3-1 New London Harbor; anchorages.
6.3-2 Black Rock Canal and Lock, Buffalo, New York.
6.3-5 New York Harbor.
6.3-10 Raritan Bay anchorages.
6.3-15 Sheepshead Bay anchorages.
6.3-20 Anchorages for explosives.
6.3-25 Hudson River anchorages.
6.3-30 Special anchorage areas.
6.3-35 Naval anchorage.
6.3-40 Randall Bay, Freeport, Long Island, New York Naval anchorage.
6.3-45 Long Island Sound anchorages; East River anchorages.
6.3-50 Little Neck Bay, New York.

FOURTH NAVAL DISTRICT

6.4-1 Philadelphia, Pennsylvania; anchorage area.
6.4-10 Delaware River, Delaware; explosives anchorage.
6.4-15 Chesapeake and Delaware Canal.

FIFTH NAVAL DISTRICT

6.5-1 Baltimore, Maryland; anchorage area.
6.5-3 Annapolis Harbor, Md.
6.5-10 Patuxent River; restricted area adjacent to Naval Experimental Station.
6.5-11 United States Naval Torpedo Testing Range.
6.5-12 Anacostia River, D. C.
6.5-15 Accotink Bay, Virginia; United States Military Reservation.
6.5-20 Willoughby Bay and Hampton Roads, Norfolk, Virginia.
6.5-25 Hampton Roads and the Harbors of Norfolk and Newport News, Virginia.
6.5-30 Area of forbidden anchorage; Hampton Roads, Virginia.

SIXTH NAVAL DISTRICT

6.6-1 New River, North Carolina; firing sectors; danger zones.
6.6-5 Port of Charleston, South Carolina.
6.6-10 Wilmington River, Thunderbolt Harbor, Georgia.
6.6-15 Turners Creek, Georgia.
6.6-20 Jacksonville, Florida.

SEVENTH NAVAL DISTRICT

6.7-1 Atlantic Ocean off Miami and Miami Beach, Florida.
6.7-10 Tampa Bay, Florida.
6.7-15 Explosive anchorage grounds in vicinity of Mullet Key.

EIGHTH NAVAL DISTRICT

6.8-1 Mobile, Alabama.
6.8-3 New Orleans, Louisiana.
6.8-10 Mississippi River.
6.8-15 Corpus Christi Bay, Texas.
6.8-20 Galveston, Texas.
6.8-25 Waters of Lake Borgne, Louisiana.
6.8-30 Waters of Gulf of Mexico.
6.8-35 Waters of Matagorda Bay, Texas.
6.8-40 Biloxi Bay, Biloxi, Mississippi.
6.8-45 Regulations controlling movements of vessels within harbor area, Gulfport, Mississippi.

NINTH NAVAL DISTRICT

6.9-1 Duluth, Minnesota.
6.9-3 Waukegan Harbor, Illinois.
6.9-5 Chicago Harbor, Illinois.
6.9-15 Restricted areas off the City of Chicago.
6.9-20 U. S. Naval Training Station, Great Lakes, Illinois.
6.9-25 Lake Michigan; restricted areas.
6.9-30 St. Mary's River, Michigan.
6.9-32 Waters connecting Lake Huron and Lake Erie.
6.9-35 Detroit, Michigan.
6.9-40 Monroe Harbor, Michigan.
6.9-45 Cleveland, Ohio.

Sec.
6.9-50 Vermilion Harbor, Ohio.
6.9-55 Western Rivers; restricted areas.
6.9-56 Waters connecting Lake Huron and Lake Erie.

TENTH NAVAL DISTRICT

6.10-1 San Juan, Puerto Rico.
6.10-10 St. Thomas Harbor, Charlotte Amalie, Virgin Islands.

ELEVENTH NAVAL DISTRICT

6.11-1 San Diego Harbor, California.
6.11-5 Los Angeles Harbor, California.
6.11-10 Isthmus Cove, Santa Catalina Island, California.

TWELFTH NAVAL DISTRICT

6.12-1 San Luis Obispo Bay, California.
6.12-5 San Francisco Bay, California.
6.12-10 General anchorage areas for San Francisco Bay San Pablo Bay, New York Slough, California.
6.12-15 Hamilton Field Air Base.
6.12-20 U. S. Air Corps Firing Range, Tubbs Island.
6.12-25 Carquinez Strait.
6.12-30 Suisun Bay.
6.12-35 San Joaquin River.
6.12-40 Special limitations.
6.12-45 Special regulation.
6.12-46 Regulations for California naval areas.

THIRTEENTH NAVAL DISTRICT

6.13-1 Astoria, Oregon.
6.13-5 Puget Sound, Washington.

AUTHORITY: §§ 6.2 to 6.13-5 inclusive, issued under 40 Stat. 220, 55 Stat. 763; 50 U.S.C. 191, 191a, b, c, 192, Proc. 2412; 5 F.R. 2419, E.O 8929, 6 F.R. 5581.

DEFINITIONS

§ 6.1 *Definitions.* (a) The term "captain of the port", as used in this part, means the officer of the Coast Guard so designated by the Commandant of the Coast Guard for a port or ports or the adjacent navigable waters of the United States.

(b) The term "local waters" includes those portions of the Great Lakes and connecting waters on the American side of the International Boundary Line and all other inland waters of the United States, such as rivers, harbors, bays, sounds, roadsteads, inlets, and arms of the sea between projections of land, but does not include any portion of the high seas along the coast of the United States or outside the arms of the sea between projections of land. The captain of the port shall determine the limits of local waters within his jurisdiction.

(c) The term "enemy aliens" shall include the following:

(1) All aliens of the age of 14 years or older who were or are natives, citizens, or subjects of Germany, Italy, or Japan.

(2) All aliens of the age of 14 years or older who at present are stateless, but who at the time they became stateless were citizens or subjects of Germany, Italy, or Japan.

The term "enemy alien" for the purposes of this part, shall not include the following:

(3) Former German, Italian, or Japanese citizens or subjects who, before December 7, 1941, in the case of former Japanese citizens or subjects and before December 8, 1941, in the case of former German or Italian citizens or subjects, became and are citizens or subjects of any nation other than Germany, Italy, or Japan.

(4) Austrians or Austrian-Hungarians (Austro-Hungarians) or Koreans who registered as such under the Alien-Registration Act of 1940, provided that such persons have not at any time voluntarily become German, Italian, or Japanese citizens or subjects.

(5) Subjects or citizens of Italy who were, prior to August 6, 1924, (i) Turkish subjects or persons of Greek extraction and (ii) habitual residents of the Aegean or Dodecanese Island or Islets dependent thereon, provided that said aliens have not at any times voluntarily become German, Italian, or Japanese citizens or subjects.

(6) Aliens who became subjects or citizens of Italy by virtue of marriage or relationship to the person described in subparagraph (5) of this paragraph, provided that said aliens have not at any time voluntarily become German, Italian, or Japanese citizens or subjects.

(7) Aliens of enemy nationalities during their term of military service in the armed forces of the United States.

(d) The term "explosives" shall include, but shall not be limited to, explosives which are defined and described in the regulations of the Commandant of the Coast Guard entitled "Explosives or Other Dangerous Articles on Board Vessels" (45 CFR 146).

§ 6.2 *Enforcement.* These rules and regulations shall be enforced by the captain of the port under the supervision and general direction of the District Coast Guard Officer.

§ 6.3 *Authority of District Coast Guard Officer.* At ports or places where no captains of the port have been designated or at ports or places where they have been designated and such officers are absent from duty for any cause, these rules and regulations may be enforced by any other officer designated by a District Coast Guard Officer.

§ 6.4 *Authority of Senior Naval Officer present.* In territorial waters of the United States where immediate action is required and where representatives of the Coast Guard are not present, or not present in sufficient force to exercise effective control of shipping as provided herein, the Senior Naval Officer present in command of any naval force may control the anchorage or movement of any vessel, foreign or domestic, to the extent he deems necessary to insure the safety and security of his command.

§ 6.5 *Liability of owner, master, etc.* Nothing contained in these rules and regulations shall be construed as relieving any vessel, common carrier, owner, shipper, master, person in charge, or other person from liability or penalty incurred by reason of the violation of any other regulation or of any law.

§ 6.6 *Boarding and searching.* The captain of the port may cause to be inspected and searched at any time any vessel, foreign or domestic, or any person or package thereon, within the territorial waters of the United States, may place guards upon such vessels and may remove therefrom any or all persons not specifically authorized by him to go or to remain on board.

§ 6.7 *Possession and control of foreign or domestic vessels.* The captain of the port, subject to the approval of the District Coast Guard Officer, shall take full possession and control of any vessel, foreign or domestic, in the territorial waters of the United States, whenever it appears that such action is necessary in order to secure such vessel from damage or injury, or to prevent damage or injury to any waterfront facility or waters of the United States, or to secure the observance of the rights and obligations of the United States.

§ 6.8 *Existing rules and regulations affirmed.* All existing rules and regulations of any department, agency, or instrumentality of the United States governing anchorage and movement of vessels in the territorial waters of the United States are hereby reaffirmed and continued in force during the period of the present war, except as modified by these rules and regulations or otherwise.

MOVEMENT OF VESSELS

§ 6.13 *Supervision of vessel's movement.* The movement of any vessel between points within the area of a port shall be under the supervision and control of the captain of the port.

§ 6.14 *Identification requirements.* Every person on board any vessel, foreign or domestic, within the territorial waters of the United States shall carry evidence of personal identification satisfactory to the captain of the port, consisting of a card to be furnished by the Coast Guard to which is affixed a photograph of the bearer and containing such identification data as name, signature, fingerprints, weight, color of hair, eyes, height, date and place of birth, nationality and, in the case of resident aliens, the alien registration number. In lieu of such card, the captain of the port may, in his discretion, accept any other satisfactory evidence of identification such as a continuous discharge book or a certificate of identification as issued under authority of section 4551 of the Revised Statutes, as amended, (46 U.S.C. 643) or a passport. The captain of the port is further authorized, in his discretion, to exempt any or all persons on board any such vessel or any or all persons on board any class of vessels from the requirements of personal identification; and, upon notification to owners, agents, masters, or operators, he may exclude individual vessels from a class of vessels to which is granted a general exemption from the requirements of personal identification. For the purposes of this section, the Commandant of the Coast Guard may classify vessels as provided in § 6.18.

§ 6.15 *Departure license; when required.* No vessel shall depart from the local waters of the United States, its territories or possessions, to a point or place outside of local waters unless the owner, agent, master, or operator of such vessel shall first obtain from the captain of the port, from whose jurisdiction the vessel is to depart, a license authorizing such departure. This restriction does not apply to cases of emergency missions to save life or property in distress or the departure of vessels authorized by the Commandant of the Naval District pursuant to § 6.19. Subject to the provisions of § 6.17, the captain of the port will issue a license to depart from local waters only in the following cases:

(a) Where the vessel is regularly or seasonably employed as a means of livelihood outside of local waters such as fishing, transporting passengers or freight for hire, or any other legitimate business: *Provided,* That the owner, agent, master, or operator of such vessel is a citizen of the United States or at least 50 percentum of the personnel complement of such vessel are not aliens: *Provided further,* That no departure license shall be granted any vessel having on board in any capacity an enemy alien.

(b) Where it is necessary for the vessel to depart from local waters or from territorial waters outside of local waters for the purpose of transportation of the vessel under its own power to a permanent location within local waters at some distant point: *Provided,* That any such transportation will involve passage through, or arrival within, waters under the jurisdiction of another captain of the port, such officer shall send proper notification thereof to the captains of the port in each of whose jurisdiction the vessel will proceed and arrive at its final destination: *Provided further,* That no departure license shall be granted to any vessel having on board, in any capacity, an enemy alien. Before making the finding required by § 6.17 and issuing a departure license under the provisions of this paragraph, the captain of the port shall cause an inspection to be made of the vessel involved and such other investigations as may be deemed necessary and shall, prior to the departure of such vessel, require every person on board to meet the identification requirements of § 6.14.

(c) When the presence of a vessel outside of local waters will, because of specialized equipment or other reason, aid the naval or military defenses of the nation: *Provided,* That no such license will be issued unless the Commandant of the Naval District requests that licenses of this kind be issued: *Provided further,* That no license shall be granted to any vessel having an enemy alien on board, either in the capacity of master, operator, person in charge, member of the crew, or passenger.

§ 6.16 *Special license for local waters.* No vessel shall move in local waters of the United States, its territories or possessions, unless the owner, agent, master, or operator of such vessel shall first obtain from the captain of the port in whose jurisdiction the vessel is to move, a license to operate such vessel. This license is not required:

(a) Where the vessel is included in a general license issued by the Commandant under § 6.18;

(b) Where departure is governed by clearance under the provisions of § 6.19;

(c) Where a departure license is specifically required under the provisions of § 6.15; or

(d) Cases of emergency missions to save life or property in distress.

No license will be issued to a vessel other than a common carrier primarily engaged in the transportation of passengers for hire over a regularly scheduled route which has, or intends to have, an enemy alien on board in any capacity. The captain of the port may, in his discretion and in appropriate cases, issue one license covering the requirements of §§ 6.15 and 6.16. Each license issued by the Commandant under § 6.18 or by a captain of the port under this section is subject to the condition that such license will not be valid and will automatically become void if the vessel to which it pertains has on board an enemy alien in any capacity except that a vessel which is a common carrier primarily engaged in the transportation of passengers for hire over regularly scheduled routes, may have an enemy alien on board in the capacity of a passenger only: *Provided,* That such enemy alien has complied with all applicable travel regulations of the Attorney General and other proper federal authority.

§ 6.17 *Application for and granting of individual license.* Every application for license to move within or depart from local waters shall be filed with the captain of the port in duplicate and shall include a statement by the owner, agent, or master of such vessel describing the purpose for which the vessel is to be operated and its destination of the area in which it will operate. If the captain of the port finds that the granting of a license under the circumstances would not be inimical to the national war effort and of the safety and protection of vessels or the territorial waters, he shall approve the application by endorsing it accordingly and shall return one copy to the owner, agent, master, or operator. An application when so approved shall constitute a license to depart or move for the purpose and to the destination or within the area specified in the application. Such license shall be carried on the vessel for which it is issued while the vessel is operated, shall be exhibited for inspection upon the request of any officer charged with the enforcement of these regulations, and shall be valid for repeated departures or movements of the subject vessel for the same purpose and to the same destination or area until revoked or until the expiration of the time limit, if any, fixed in the license. The captain of the port who issued the license or any captain of the port in whose jurisdiction the vessel may be, may revoke a license by notice to the holder thereof if he shall find that (a) there has been any violation of the terms thereof, or (b) any person on board of the subject vessel has failed to comply with the identification requirements of § 6.14 of this subpart, or (c) further exercise of the license would be inimical to the interests of the national war effort or of the safety and protection of vessels or the territorial waters. The presence of an enemy alien on board in any capacity whatsoever renders such license invalid. The issuance and revocation of licenses by captains of the port shall be subject to the supervision of the Commandant of the Coast Guard acting through District Coast Guard Officers, and the Commandant may issue such instructions as he may deem necessary to provide general uniformity.

§ 6.18 *General licenses.* The Commandant of the Coast Guard may issue general licenses for any class or classes of vessels for which a departure or movement license is required by these regulations, if he finds that the granting of such general license would not be inimical to the national war effort or to the safety and protection of vessels or the territorial waters; he may exclude vessels from a general license at the time of issuance or subsequently upon notification to the owners, agents, masters, or operators thereof: *Provided,* That any vessel so excluded may nevertheless be granted a license under the provisions of §§ 6.15, 6.16, or 6.17 of this subpart; he may revoke any general license if he finds that the continuance of the license in force would be inimical to the war effort or the safety and protection of vessels; and he may classify vessels upon any reasonable basis, including, but not limited to, control, ownership, use, area of operation, type, length, beam, draft, or tonnage.

§ 6.19 *Departure permits for certain vessels.* No vessel shall depart from any port or place in the United States or from any port or place subject to the jurisdiction of the United States on a voyage for which clearance by a customs officer of the United States is required or for which no such clearance is required because the vessel is exempted from making entry by section 441 (4) of the Tariff Act of 1930, 46 Stat. 712, as amended (19 U.S.C. 1441 (4)), unless the principal customs officer in charge of the port of departure shall have been authorized by the Commandant of the Naval District in which such port is included, or his duly designated representative, to permit the departure.

§ 6.20 *Crew list required on certain voyages.* The master of every vessel who does not sign on his crew before a shipping commissioner or collector of customs acting as shipping commissioner shall, immediately prior to sailing from a port in the United States on a voyage which will extend to the ocean or the Gulf of Mexico, submit to the captain of the port a crew list on Coast Guard Form 710A showing the complete crew on board the vessel including the master, giving the names, certificate of identification, or continuous discharge book number, birthplace, nationality, description, capacity in which employed, and name and address of next of kin. At each domestic port visited on the voyage the master shall at the time of leaving submit to the captain of the port a supplementary crew list on Coast Guard Form 710A showing any changes in his crew, giving the names of any members of the crew who have left the vessel, and complete information, as described above, in the case of any replacements. In the event that there are no changes at any port the form should be submitted to the captain of the port showing "no changes in crew". The captain of the port shall forward to the Commandant of the Coast Guard by the quickest mail all crew lists submitted in accordance with this paragraph.

§ 6.21 *Restricted areas in waters proximate to bridges.* Whenever a Captain of the Port shall find the operation,

navigation, anchoring, or mooring of any vessel within waters proximate to any bridge crossing navigable waters of the United States may endanger such bridge, vessel, or any other vessel or water-front facility, or might be inimical to the national war effort or to the maritime interests of the United States, he may, with the approval of the District Coast Guard Officer, establish restricted and prohibited areas in the waters proximate to such bridge covering such distances as he may consider necessary. No vessel shall operate, navigate, anchor, or moor in such areas except under such conditions and restrictions as the Captain of the Port, with the approval of the District Coast Guard Officer, may prescribe. Areas so established and channels through such areas, if any, shall be appropriately marked with conspicuous signs or buoys. The Captain of the Port is authorized to enlist the aid and cooperation of federal, state, county, municipal, and private agencies to assist in the enforcement of regulations issued pursuant to this section.

ANCHORAGE CONDITIONS AND AREAS

§ 6.25 *Cable or pipe line area.* Except in cases of great emergency, no vessel shall cast anchor within a cable or pipe line area shown on government chart or shall secure to any pier, wharf, or vessel in such manner as to obstruct or endanger the passage of any other vessel in transit.

§ 6.26 *Use of anchorage area restricted.* No vessel shall occupy for a period longer than thirty days, unless a permit is obtained from the captain of the port for that purpose, any anchorage for which the time of occupancy is not otherwise prescribed in any applicable regulations. No vessel in a condition such that it is likely to sink or otherwise become a menace or obstruction to the navigation or anchorage of other vessels shall occupy an anchorage except in an emergency and then only for such period as may be permitted by the captain of the port.

§ 6.27 *Requirements for anchoring.* Whenever the captain of the port shall find such action to be necessary to protect the safety of any vessel, any or all vessels in any designated anchorage area shall anchor with two or more anchors. Every vessel in an anchorage area whose crew may be reduced to such number that it will not have sufficient men on board to weigh anchor at any time shall, before the release or reduction of the crew, be anchored with two anchors with mooring swivel unless the captain of the port shall waive the requirement of a mooring swivel. Anchors must not be placed outside the anchorage areas nor shall any vessel be so anchored that any portion of the hull or rigging will at any time extend outside the boundaries of the anchorage area.

§ 6.28 *Emergency anchorage.* Any vessel may, under circumstances of great emergency, anchor outside the anchorage areas but in so doing, such vessel must be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel or to obstruct the approach to any pier or to impede the movement of any other vessel and shall move away immediately after the emergency ceases or upon notification by the captain of the port when he finds that the safety of any vessel or the movements of commerce so require.

§ 6.29 *Assignment and use of anchorage berth.* A berth in an anchorage, if available, shall be assigned to any vessel by the captain of the port upon application and he may grant revocable permits for the continuous use of the same berth.

§ 6.30 *Approval by United States District Engineer.* Permits to anchor in channels within the limits of the waterways under the control of the captain of the port, may be granted by that officer to wrecking plants or other vessels legally engaged in recovering sunken property or in laying or repairing legally established pipe or cable lines and to plants engaged in dredging operations, if approved by the United States District Engineer. No such permit will be required for plants engaged under the supervision of the United States District Engineer upon works for the improvement of rivers and harbors.

§ 6.31 *Shifting of vessel.* Whenever the captain of the port finds that the maritime or commercial interests of the United States or the security of any vessel or harbor so require, he is hereby empowered to shift the position of any vessel anchored or moored within an anchorage area or of any vessel anchored or moored outside an anchorage area including any vessel anchored or moored in such manner that he finds that she obstructs vessel movements in any channel or obstructs or interferes with range lights or obstructs or endangers the passage of vessels in transit by, or to, or from adjacent wharf property or impedes the movements of vessels entering or leaving adjacent slips. A vessel upon being notified to move or shift her position in accordance with these regulations shall get under way at once or signal for a tug and shall change positions, as directed, with reasonable promptness.

§ 6.32 *Suitable anchorage for vessel on fire.* A vessel on fire, upon entering port, shall, at the earliest opportunity, notify the captain of the port, who shall designate the most suitable available anchorage.

§ 6.33 *Congestion of anchorage area.* Whenever the captain of the port finds that the anchoring, mooring, or occupancy of space by any vessel or other watercraft of any kind in any anchorage ground or area by reason of its characteristics or conditions including, but not limited to, her length, beam, or draft, interferes with the common convenience, results in the occupation by such vessel or craft of an unreasonable portion of the available space in any anchorage ground or area or is inimical to the maritime interests of the United States, the national war effort, the safety of any vessel or craft, harbor or anchorage ground or area or results in congestion in any anchorage ground or area, the captain of the port may require such vessel, or craft, to quit and depart from any anchorage ground or area, or may prevent or prohibit such vessel or craft from entering, occupying or remaining in any anchorage ground or area.

§ 6.34 *Condition of vessel a danger to waterfront facility.* Whenever the captain of the port finds that the mooring of any vessel to a wharf, dock, pier, or other waterfront structure would endanger such vessel, or any other vessel, or the harbor, or would be inimical to the maritime interests of the United States or the national war effort by reason of conditions existing on or about such wharf, dock, pier, or other waterfront structure including, but not limited to, inadequate guard service, insufficient lighting, fire hazards, inadequate fire protection, unsafe machinery, internal disturbance, or unsatisfactory operation, he may prevent the mooring of any vessel to such wharf, dock, pier, or other waterfront structure until the unsatisfactory condition or conditions so found are corrected and he may, in the case of a like finding after any vessel has been moored, compel the shifting of such vessel from any such wharf, dock, pier, or other waterfront structure.

§ 6.35 *Movement of vessel in dangerous condition.* Whenever the captain of the port finds that the movement of any vessel through or into any part of local waters would endanger such vessel or would be inimical to the maritime interests of the United States or the national war effort by reason of dangerous navigation conditions within those waters or by reason of conditions on such a vessel including, but not limited to, fire hazards, unseaworthy condition of the hull, or unsafe machinery, the captain of the port may prevent such a vessel from proceeding through or into such waters until the unsatisfactory condition or conditions so found are, in his opinion, corrected and he may, in the case of a like finding after any vessel has entered such waters, compel the anchoring, mooring, or removal of such vessel from such waters.

§ 6.36 *Danger resulting from abandonment, disuse, etc. of vessel.* Whenever the captain of the port shall find that any vessel, barge, hulk, or other watercraft constitutes a fire hazard, a menace to navigation, a source of danger to other vessels or waterfront facilities or is otherwise inimical to the maritime interests of the United States or the national war effort by reason of abandonment, disuse or neglect, he may compel the owner thereof to shift or remove any such vessel, barge, or other watercraft. If the captain of the port is unable to locate the owner or if the owner refuses to comply with his instructions for the shifting or removal of such vessel, barge, hulk, or other watercraft, the captain of the port may, after consultation with the District Engineer, United States Army, shift, remove, or destroy such vessel or hulk and take all other corrective measures which he shall find to be necessary. Notification by registered mail shall be given to the last recorded owner of such vessel, barge, hulk, or other watercraft prior to such action being taken by the captain of the port.

§ 6.37 *Harbor entrance restriction.* No vessel shall approach within one hundred yards of any of the obstructions placed near harbor entrances, except for the purpose of transiting the regularly prescribed gate opening; unless specifically authorized by the captain of the port or proper naval authority.

ANCHORAGE OF VESSELS CARRYING EXPLOSIVES, ETC.

§ 6.50 *Use of established explosive areas.* Established explosive anchorage areas are reserved for vessels carrying explosives as cargo. Such areas shall not be used by vessels which do not carry explosives as cargo except in cases of great emergency or by special permit from the captain of the port. All vessels carrying explosives as cargo shall be within explosive anchorage areas when anchored, except as provided in §§ 6.51 and 6.56 of this subpart.

§ 6.51 *Designation of explosive loading terminals.* In the interests of port security and the commerce of the United States, the captain of the port may, subject to such conditions as he finds will promote those objectives, designate loading terminals outside the explosive anchorage areas where vessels may load or discharge explosives directly between vessels and shore or between vessels.

§ 6.52 *Anchorage of vessels carrying inflammable liquids.* A vessel carrying bulk inflammable liquid cargo such as petroleum products shall, when anchored, be at least 1,000 yards away from a vessel carrying explosives. The captain of the port may issue a permit to a vessel carrying inflammable or combustible liquids in bulk or other dangerous articles of cargo covered by the regulations entitled "Explosives or Other Dangerous Articles on Board Vessels" (46 CFR Part 146) and the regulations governing tank vessels, (46 CFR Parts 30 to 38 incl.), to anchor in an explosive anchorage area whenever such explosive anchorage area is not in use by a vessel carrying explosives as cargo.

§ 6.53 *Assignment of anchorage berth by captain of the port.* No vessel carrying explosives as cargo or on which explosives as cargo are to be loaded may proceed to an explosive anchorage area without first notifying the captain of the port. Upon such notification, the captain of the port, if he finds it to be in the interests of port security and the commerce of the United States, shall issue a revocable permit, without which no vessel may anchor in the explosive anchorage area, and shall assign to the vessel a berth in the explosive anchorage area, if one is available.

§ 6.54 *Authority to load or unload explosives.* All vessels, including tugs and stevedore boats, used in connection with loading or unloading explosives on vessels shall apply to the captain of the port for a permit to engage in such loading or unloading, which permit shall be granted by the captain of the port if he finds that such action will not be inimical to the interests of port security and the commerce of the United States. No such vessel shall enter any explosive anchorage area or engage in loading or unloading explosives without first having obtained a permit.

§ 6.55 *Attendance of tug necessary.* Every vessel not mechanically self-propelling which is at anchor, moored, or tied up in an anchorage explosive area while carrying explosives as a cargo shall have a tug in attendance unless such assistance is deemed unnecessary by the captain of the port.

§ 6.56 *Where movement of explosives is supervised by United States District Engineer.* Sections 6.50 to 6.55 shall not apply to vessels carrying explosives (a) for use on river and harbor works under the supervision of the United States District Engineer, (b) for other work under federal permit issued by the District Engineer, (c) when anchored under written authority of such officer, or (d) when the explosives are loaded, stored, and handled under his direction and supervision.

LOADING, UNLOADING AND MOVEMENT OF EXPLOSIVES AND INFLAMMABLE MATERIAL

§ 6.75 *General supervision.* The handling, loading, or discharging of explosives, inflammable, or combustible liquids in bulk or other dangerous articles or cargo covered by the regulations entitled "Explosives or Other Dangerous Articles on Board Vessels" (46 CFR Part 146), as amended and the regulations governing tank vessels, (46 CFR Parts 30 to 38 incl.), shall be under the supervision and control of the captain of the port.

§ 6.76 *Safety measures relating to explosives.* (a) No vessel carrying explosives as cargo may move through any channel or waterway of a port without a permit issued by the captain of the port on a finding that its issuance is not inimical to the interests of port security.

(b) The captain of the port may, in his discretion, assign guards to supervise all loading, unloading, and movement of explosives within a port.

(c) The captain of the port may limit the quantity of explosives that may be carried by any vessel while in port upon a finding that a greater amount would be unsafe.

§ 6.77 *Identification of vessels carrying explosives.* Every vessel transporting, stowing, storing, or handling explosives as cargo, when in local waters, shall display by day a red flag at least 16 square feet in area at its masthead or at least 10 feet above the upper deck if the vessel has no mast; and by night shall display, when anchored or moored, a red light in the same position as specified for the flag.

§ 6.78 *Obligation of master, owner, etc., of vessel carrying explosive cargo.* Every vessel in the territorial waters of the United States carrying explosives as cargo shall be at all times in charge of a competent person unless the captain of the port finds that such person in charge is not required for the security of the vessel and the port. It shall be the duty of such person to supervise all operations involving the handling, movement, and stowage of explosives on board the vessel and such person shall reduce handling and movement of such explosives to a minimum.

§ 6.79 *Personnel engaged in loading explosives on board vessels.* (a) No person shall be permitted to be engaged in the handling, loading, unloading, or stowage of explosives on board vessels except one who is a citizen of the United States.

(b) All persons engaged in the handling, loading, unloading, or stowage of explosives shall possess a red explosive permit together with a white identification card as issued by the captain of the port.

§ 6.80 *Loading and discharging explosives at wharf.* No explosives shall be loaded or discharged from any vessel lying at a wharf unless a permit therefor shall be issued by the captain of the port upon a finding by him that such loading or discharging will not be contrary to the interests of port security and the commerce of the United States.

§ 6.81 *Handling of inflammable or combustible liquids.* The captain of the port may, when he deems such action necessary in the interests of port security and the commerce of the United States, place inspectors and guards upon any vessel loading or discharging inflammable or combustible liquids in bulk or other dangerous articles of cargo covered by the regulations entitled "Explosives or Other Dangerous Articles on Board Vessels", (46 CFR Part 146) and the regulations governing tank vesesls, (46 CFR Parts 30 to 38 incl.).

§ 6.82 *Flash point of inflammable liquids.* (a) No vessel with a cargo of gasoline or any other inflammable liquid possessing a flash point below 20 degrees Fahrenheit shall anchor in an anchorage area more than 12 hours without obtaining a permit from the captain of the port.

(b) The transfer of gasoline or any inflammable cargo in bulk possessing a flash point below 80 degrees Fahrenheit in an amount exceeding 1000 barrels from a vessel in an anchorage area to another vessel shall not be made without a permit from the captain of the port.

(c) The transfer of gasoline or any other inflammable liquid from a vessel to a shore installation or the reverse thereof, shall be made in a manner satisfactory to the captain of the port. He may at any time inspect such transfer and require a change in the method utilized or prescribe additional facilities, appurtenances, or safeguards.

§ 6.83 *General application of regulations.* Except insofar as they may be inconsistent with anything in these regulations, the regulations governing the transportation of explosives and other dangerous articles promulgated by the Commandant of the Coast Guard (46 CFR Part 146) shall apply to all vessels within the territorial waters of the United States.

§ 6.84 *Notice to captain of the port.* The violation of any regulation embraced in this part which governs the transportation or handling of explosives or other dangerous articles, shall be promptly reported to the captain of the port by the master, owner, agent, operator, or person in charge of the vessel on which such violation occurs. The captain of the port shall also be promptly notified by such master, owner, agent, operator, or person in charge of any vessel, of all accidents, fires, explosives, leakage, or breaking of packages of explosives, which occur in any port.

§ 6.85 *Removal of persons violating explosive regulations.* The captain of the port is empowered to cause the removal from any vessel of any person or persons who violate any of the provisions contained in §§ 6.75 through 6.83 of this subpart or to prevent the loading or unloading of explosives on or from such vessel.

Subpart B—Use and Navigation of Waters Emptying Into Gulf of Mexico by Vessels Having Explosives or Other Dangerous Articles on Board

§ 6.01 *Application and scope.* The provisions of the regulations contained in this subpart apply to all vessels accepting, handling, stowing, or transporting explosives or other dangerous articles of cargo upon the waters of the rivers emptying into the Gulf of Mexico and their tributaries.

§ 6.102 *Vessels defined.* Whenever the term "vessel" is used in this subpart, it shall include barges, lighters, or any other type of craft capable of being used for the transportation of cargo upon the waters emptying into the Gulf of Mexico and their tributaries.

§ 6.103 *Vessels permitted to accept or transport explosives.* Only such vessels as conorm to the regulations of the Commandant of the Coast Guard entitled "Explosives or Other Dangerous Articles on Board Vessels", (46 CFR 146), shall accept or transport explosives or dangerous articles or substances as cargo.

§ 6.104 *Designated locations for loading or unloading explosives.* No vessel permitted to accept or transport explosives shall effect such loading or unloading at any location other than one designated for such purpose by the captain of the port.

§ 6.105 *Permit required.* No explosives shall be loaded or unloaded from a vessel unless a permit therefor has been issued by the captain of the port.

§ 6.106 *Facilities for loading or unloading explosives.* (a) No explosives shall be loaded on board a vessel in any manner or by the use of any facilities other than such as are required by, or acceptable to, the captain of the port.

(b) When required by the captain of the port, every vessel loading or unloading explosives that is not equipped with its own means of self-propulsion or, if so equipped but its propulsion machinery is for any reason inoperative, such vessel shall be attended by a self-propelled vessel capable of towing, maneuvering, and otherwise controlling such vessel. The attending vessel shall be ready at all times to move such vessel. When the operation consists of loading explosives, the attending vessel shall remain on duty until the loading vessel has regained the use of its own power or, in case of the "dumb" vessel, until the regular towboat has taken such vessel in charge.

§ 6.107 *Personnel engaged in loading explosives on board vessels.* (a) No person shall be permitted to be engaged in the handling, loading, unloading, or stowage of explosives on board vessels except one who is a citizen of the United States.

(b) All persons engaged in the handling, loading, unloading, or stowage of explosives shall possess the red explosive permit together with the white identification card as issued by the captain of the port.

§ 6.108 *Supervision and protection of designated loading facilities.* (a) Security measures to prevent the entry of unauthorized persons on waterfront facilities designated as locations for loading or unloading explosives, shall be maintained by the owners or operators of these properties in a manner satisfactory to the captain of the port.

(b) When the loading or unloading of explosives on or from a vessel has started, it is required that the vessel owner or operator provide a guard and this guard shall be maintained over the vessel until the operation of loading or unloading is completed. For a vessel loading explosives, "completion" shall mean the time at which the loaded vessel is actually in tow. The number of persons constituting this guard and their disposition will be determined by the captain of the port. Persons selected for this service shall be required to possess a white identification card endorsed by the captain of the port indicating the holder may be employed as a guard.

§ 6.109 *Control of all persons within explosives loading area.* No person shall be permitted to enter upon an area being utilized in the loading or unloading of explosives on board a vessel except by permission of the captain of the port. This applies to all persons including owners, charterers, agents, masters, other personnel of the vessel and the guard employed by the vessel operators.

§ 6.110 *Navigation of vessels not self-propelled.* (a) Upon completion of the loading of a vessel with explosives, said vessel shall not be taken to any location for the purpose of assembling the tow or to moor or anchor when such location is within 2,000 feet of a bridge, cable crossing, dock, pier or other waterfront facility nor within such proximity to the limits of communities along the banks of the rivers.

(b) In the arrangement of river tows, "dumb" barges loaded with explosives shall not be transported in tows in which other barges, having on board any of the following dangerous articles, are assembled: Inflammable liquids, inflammable solids or oxidizing materials, corrosive liquids, inflammable compressed gases, class A poisonous gases, or class-A poisonous liquids.

(c) Shipments of explosives totaling 4,000 long tons or over shall constitute an independent tow and have no other barges within the tow. No single tow of explosives shall exceed a total of 8,000 long tons of cargo.

(d) Barges loaded with explosives arranged in a mixed tow shall never be located at the head of the tow but shall be located in the following order:

(1) As near the center of the tow as possible.

(2) Against the towing vessel.

(3) On the starboard side of the tow.

§ 6.111 *Tows shall not exceed the capacity of the towing boat.* Barges loaded with explosives shall not be assembled in tows in such number as to result in the total tonnage of the tow exceeding the horsepower capacity of the towboat nor shall the number of barges, regardless of tonnage, be such that the towing boat is unable to safely control the tow under all conditions likely to be encountered in the navigation of the rivers.

§ 6.112 *Handling of barges.* (a) Towing vessels shall not effect the transfer of a tow, that has explosives laden within any barge, while the tow is in motion. When circumstances require a transfer to be made other than alongside a pier or other shore facility, one towing vessel shall at all times be in control of the tow or tows.

(b) Barges shall not be cut out of tows and left unattended. If necessary to halt a tow to transfer barges from said tow or to move barges through a canal lock or a hazardous stretch of navigation, the barges loaded with explosives shall be properly secured to the shore, pier, or other facility and a guard assigned to watch over the barges containing explosives pending the return of the towing vessel.

§ 6.113 *In-transit guards.* The captain of the port may, in his discretion, assign a guard detail to any vessel loaded with or towing explosives or other dangerous articles during the period this class of cargo is in transit. Orders given by the person in charge of such Coast Guard detail which concern the safety of the vessel or tow, shall be complied with by the master or person in charge of such vessel.

§ 6.114 *Other applicable provisions of this part.* Vessels loading, unloading, or transporting explosives or other dangerous articles as cargo shall conform to all other applicable provisions of §§ 6.50 to 6.85, inclusive, of Subpart A.

Subpart C—Anchorage Areas

FIRST NAVAL DISTRICT

§ 6.1-1 *Kennebec River at or near Bath, Maine.* (a) Vessels may anchor within the following specified limits only:

(1) To the northward of a line, bearing 54° and extending from a point on Passmore's wharf in prolongation with the north side of Commerce Street in Bath, Maine, to a point on the shore in Woolwich, approximately 1,200 feet north of the Maine Central Railroad wharf.

(2) To the southward of a line drawn from the derrick on the Bath Iron Works wharf to Sassanoa Point, in Woolwich.

(b) Vessels in the North anchorage must be so anchored as to leave a clear fairway 150 feet channelward of the established harbor lines at Bath, and a clear fairway 200 feet from the east, or Woolwich shore, for the passage of steamers, tows, rafts, and other water craft.

(c) The launching of any vessel into the waters between the anchorage limits thus defined or the bringing up of such vessels by their anchor shall be permitted: *Provided,* That the vessels so launched shall be removed therefrom within 12 hours from the time of anchorage.

§ 6.1–5 *Portland, Maine*—(a) *The anchorage area*—(1) *Anchorage A.* This anchorage is the area included within lines drawn between the following points:

(i) The eastern corner of Grand Trunk Ry. Co. pier No. 3;
(ii) 1,700 yards 90° true from point (i) to Buoy No. 16;
(iii) 350 yards 330° true from point (ii);
(iv) 780 yards 25° true from point (iii);
(v) 750 yards 303° true from point (iv);
(vi) 560 yards 254° true from point (v);
(vii) 750 yards 186° true from point (vi);

Thence to point (i).

(2) *Anchorage B.* This anchorage is bounded as follows:

A line starting from Nun Buoy N 16 (this is 1,700 yards 90° from NE corner of Grand Trunk Pier No. 3) 58° true to Little Diamond Island, the southwestern shore of Little Diamond Island to the pier on the southern end of Little Diamond Island; thence 1,200 yards 143° true, thence 270° true to House Island Light; thence along the western shore of House Island, thence to Fort Scammel Light; thence 1,620 yards 329° true to point of beginning. This anchorage is intended for general purposes, but especially for use by oil tankers, and other large deep draft ships, entering harbor at night, intending to proceed to the dock allotted at daylight the following morning, or as soon as practicable. Vessels must be so anchored in this area as to leave at all times an open usable channel at least 100 feet wide, for passage of ferry and other boats between Portland, Peak Island, and Bay Points. This area is also to be used for quarantine anchorage. Any vessel anchored in this area shall be ready to move on short notice when ordered by the Captain of the Port upon a finding by him that such movement is necessary in the interest of safety or the commerce of the United States.

(3) *Anchorage C.* This anchorage is bounded on the northwest by House Island; on the north by a line drawn 90° from House Island Light to Peak Island; on the east by the western shore of Peak Island south of this anchorage's northern limit, by a line 198° true from the westernmost point on Peak Island to Cushing Island, and the shore of Cushing Island to its westernmost point; on the southwest by a line drawn from the westernmost point on Cushing Island to Fort Scammel Light.

NOTE: This anchorage is intended for use only by small vessels and for temporary anchorage.

(4) *Anchorage D.* Located southerly and westerly on a line extending 35° from Lighthouse Channel Buoy No. 1 to White Anchorage Buoy E, thence 58° to Dredged Channel Lighted Buoy No. 5, thence 158° to Portland Breakwater Light.

NOTE: This anchorage is for use only by small yachts and pleasure craft, and small light-draft coastwise freighters.

§ 6.1–10 *Anchorage for vessels without lights.* The following areas are designated as special anchorage areas wherein vessels not more than sixty-five feet in length, when at anchor, shall not be required to carry or exhibit anchor lights:

(a) *Beal's Cove, Harpswell Harbor, and Basin Cove, at Harpswell, Maine*—(1) *Beal's Cove Anchorage, at Harpswell, Maine.* The entire cove as defined by the shore line and a line across the entrance bearing 215° true and tangent to the shore on the north side.

(2) *Harpswell Harbor Anchorage, at Harpswell, Maine.* The entire area lying westerly of a line having a bearing of 8° true from the eastern extremity of Stover's Point to the point of land at the northerly end of the harbor, said point of land bearing approximately 275° true from the observatory on Orr Island.

(3) *Basin Cove Anchorage, at Harpswell, Maine.* All of the area lying northeasterly of a line having a bearing of 350° true from the northwest corner of the entrance to the cove.

(b) *Portsmouth Harbor, New Hampshire.* Southeasterly of a line bearing 74°30′ true from the northeasterly extremity of Goat Island; southerly of a line bearing 89°30′ true and passing through a point 100 feet due north of the northern extremity of Salamander Point; southwesterly of a line bearing 300° true from Portsmouth Harbor Light; northwesterly of a line bearing 215°30′ true from the southwest corner of Frisbee Wharf; and northerly of the shore line.

(c) *Newburyport Harbor, Massachusetts; special anchorage.* Eastward of a line from the northeast corner of the American Yacht Club property bearing due north to a point about 900 feet, 237° from South Pier; southward of a line bearing 70° to a point 310 feet, 212° from South Pier; southward of a line bearing 70° to a point 310 feet 212° from South Pier, said line extending easterly to a point about 600 feet due south of North Pier; westward of a line bearing due south from North Pier to the shore-line, said line extending easterly to a point about 600 feet due south of North Pier; westward of a line bearing due south from North Pier to the shoreline.

(d) *Beverly Harbor, Massachusetts; special anchorage area.* West of a line bearing 315° from a point 60 yards, 0°, off the northerly corner of the Salem Willows Municipal Pier, and passing through a point on a line bearing 90° from Monument Bar Beacon; south of the line bearing 90° from Monument Bar Beacon; east of a line bearing 180° from Monument Bar Beacon and passing through a point on a line bearing 278° from the northerly end of the Salem Willows Yacht Club hous; north of the line bearing 278° from the northerly end of the Salem Willows Yacht Club house; and west of a line running from the northerly end of the Salem Willows Yacht Club house to the starting point 60 yards, 0°, from the northerly corner of the Salem Willows Municipal Pier. (See 33 CFR 202.8.)

(e) *Plymouth Harbor, Massachusetts.* Southeasterly of a line having a bearing of 39° true from Splitting Knife front range light; southwesterly of a line having a bearing of 123° true from a point on the southeast face of the State Pier, 40 feet from the northeast corner (intersection of the northeast and southeast faces produced) of said pier; westerly of a line having a bearing of 356° true from the northeast corner of the Pilgrim Yacht Club wharf; and northeasterly of the shore line.

(f) *Beverly Creek, Massachusetts.* All of the area upstream of the highway bridge (Popes Bridge) outside of the dredged channel.

(g) *Onset Bay, Massachusetts.* Northerly of a line joining the northernmost point of Onset Island and the easternmost point of Wickets Island; easterly of a line joining the easternmost point of Wickets Island and the southwest extremity of Point Independence; southerly of the shore line; and westerly of the shore line and a line bearing due north from the northernmost point of Onset Island.

(h) *Lynn Harbor, Massachusetts.* North of a line bearing 244° true from the tower of the Metropolitan District Building, extending from the shore to a point 100 feet from the east limit of the channel; east of a line bearing (358° true, extending thence to a point 100 feet east of the northeast corner of the turning basin; south of a line bearing 88° true, extending thence to the shore; and south and west to the shore line to its intersection with the south boundary.

(i) *Salem Harbor, Massachusetts.* That part of the harbor lying southwesterly of a line starting from the eastern extremity of Long Point and bearing 116° true to a point bearing 20° true from the beacon southeast of Pickering Point; thence bearing 160° true to a point bearing 47° true from the aforesaid beacon; thence bearing 99° true to the shore; provided that boats shall anchor so as not to obstruct the dredged channel and basin to the Dion Boat Yard.

(j) *Parker River, Massachusetts.* That portion of the river extending about 3,800 feet downstream from the highway bridge on Route 1A; provided that boats shall anchor in such a manner as to leave a clear approach to the bridge at least 100 feet wide following generally the deepest water.

(k) *Weymouth Back River, at North Weymouth, Massachusetts.* The cover on the north side of the river lying northerly of a line bearing 264°30′ true from the southwesterly corner of the American Agricultural Chemical Company's wharf (Bradley's Wharf), to the shore of Eastern Neck, about 2,200 feet distant; provided that boats using this area are so anchored that they will not swing channelward of said line.

(l) *Weymouth Fore River, at North Weymouth, Massachusetts.* Southwesterly of a line bearing 117° true from channel light "4"; southeasterly of a line 150 feet from and parallel to the meandering easterly limit of the dredged channel; easterly of a line bearing 188° true from the eastern extremity of Rock Island Head; and northwesterly of the shore line.

(m) *Weymouth Fore River Boston Harbor, Massachusetts.* Southwesterly of a line having a bearing of 119° true from the outer end of the wharf at Nut Island; northwesterly of a line having a bearing of 199°30′ true from Pig Rock Light to the eastern end of Raccoon Island; northerly of Raccoon Island and a line from its western extremity having a bearing of 245° true from Beacon 2A; and easterly of the shore of Houghs Neck.

(n) *Quincy Bay, Boston, Massachusetts.* South of a line starting from a point bearing 246° true, 3,510 yards, from stack of pumping station on Nut Island, and extending thence 306° true to the shore; west of a line bearing 190° true, extending from the aforesaid point to the shore; north of the shore line to its intersection with the eastern boundary; and east of the shore line to its intersection with the northern boundary.

(o) *Dorchester Bay, Boston Harbor, Massachusetts.* Eastward of a line bearing 21° true from the stack located a short distance northwestward of the Dorchester Yacht Club; southward of a line bearing 294° true from the southerly channel pier of highway bridge; westward of the highway bridge and the shoreline; and northward of the shore line to its intersection with a line bearing 21° true from the aforesaid stack.

(p) *Mystic River, Boston Harbor, Massachusetts*—(1) *Anchorage A.* West side of Chelsea Bridge north. Northerly of the fender pier of Chelsea Bridge north and a line joining the westerly end of the shoreward face of fender pier with the southeasterly corner of the wharf projecting from the Naval Hospital grounds; easterly of the aforesaid wharf; southerly of the shore of the Naval Hospital grounds; and westerly of Chelsea Bridge North.

(2) *Anchorage B. East side of Chelsea Bridge North.* Northerly of the northerly fender pier of Chelsea Bridge north; easterly of Chelsea Bridge north; southerly of the shore line; and westerly of a line having a bearing of 7° true from the easterly end of the aforesaid fender pier.

(q) *Savin Hill Yacht Club, Massachusetts.* Northerly of a line having a bearing of 64° true from the stack of the old power plant of the Boston Elevated Railway on Freeport Street in Dorchester; westerly of a line having a bearing of 163° true from the stack of the Boston Main Drainage Pumping Station on the Cow Pasture in Dorchester; southerly of the shore line; and easterly of the shore line.

(r) *Wollaston and Squantum Yacht Clubs, Massachusetts.* Northwesterly of a line having a bearing of 36°30′ true from a point on the shore 2600 feet easterly of the east side of the Wollaston Yacht Club landing; southwesterly of a line having a bearing of 129°15′ true from the water tank in Squantum; southeasterly of the shore line; and northeasterly of the shore line.

(s) *Boston Harbor, at Winthrop, Massachusetts.* Southerly of a line having a bearing of 276° true from a point on the west side of Pleasant Street, Winthrop, Mass., 360 feet from the southwest corner of its intersection with Main Street; westerly of a line having a bearing of 186° true from a point on the south side of Main Street 140 feet from the southwest corner of its intersection with Pleasant Street; northerly of a line having a bearing of 256° true from a point on the west side of Pleasant Street 550 feet from the southwest corner of its intersection with Main Street; and easterly of a line having a bearing of 182° true from a point on the south side of Main Street 640 feet from the southwest corner of its intersection with Pleasant Street.

(t) *Boston Harbor, at South Boston, Massachusetts.* Northerly a line having a bearing of 96° true from the stack of heating plant of the Boston Housing Authority in South Boston; easterly of a line having a bearing of 5° true from the west shaft of tunnel of the Boston Maine Drainage Pumping Station; southerly of the shore line; and westerly of a line having a bearing of 158° true from the Northeast corner of the iron fence marking the east boundary of the South Boston Yacht Club property.

(u) *Silver Beach Harbor, North Falmouth, Massachusetts.* All the waters of Silver Beach Harbor northward of the inner end of the entrance channel.

§ 6.1–15 *Boston, Massachusetts*—(a) *Bird Island Anchorage.* This anchorage shall include the area between the following points:

(1) 1400 yards 93° true from the aerial beacon on top of the Boston Custom House tower;
(2) 1600 yards 81° true from the aerial beacon on top of the Boston Custom House tower;
(3) 3100 yards 102° true from the aerial beacon on top of the Boston Custom House tower (beacon A);
(4) 3050 yards 109° true from the aerial beacon on top of the Boston Custom House tower (Flashing Red Buoy No. 10).

(b) *President Roads Anchorage.* This anchorage is the area bounded by the following points:

(1) 350 yards 261° true from Deer Island Light;
(2) 2900 yards 261° true from Deer Island Light;
(3) 2600 yards 272° true from Deer Island Light;
(4) 650 yards 319° true from Deer Island Light:

The captain of the port may authorize the use of this anchorage as an explosive anchorage when he finds that the interests of commerce will be promoted thereby and the interests of safety and the national war effort will not be prejudiced thereby. Vessels anchoring in this anchorage shall move promptly upon notification by the captain of the port.

(c) *Long Island Anchorage.* This anchorage, located east of Long Island, is the area bounded by the following lines: A line drawn 270° true from the southwesternmost point of Gallups Island to Long Island; thence the eastern shore line of Long Island to Bass Point; thence from Bass Point to the northernmost point of Rainsford Island; thence to Buoy "GONG 6"; thence to the starting point on Gallups Island. Vessels shall anchor in position designated by the captain of the port.

(d) *Castle Island Anchorage.* This anchorage is the area bounded as follows:

(1) On the north by Castle Island and adjacent land;
(2) On the east by a line drawn between Castle Rocks Fog Signal and Old Harbor Shoal Buoy "N2";
(3) On the southeast by a line drawn between Old Harbor Shoal Buoy "N2" and Old Harbor Buoy "N4";
(4) On the west by a line drawn between Buoy "N4" and City Point Cupola.

(e) *Explosive anchorage.* The explosive anchorage for Boston is in the lower harbor, and shall be the area bounded as follows:

(1) On the northeast by a line between the northeast end of Peddocks Island and the northeast end of Rainsford Island;
(2) On the northwest by Rainsford Island;
(3) On the southwest by a line between the western extremity of Rainsford Island and the westernmost point of Peddocks Island;
(4) On the southeast by Peddocks Island.

NOTE: Floats or buoys for marking anchors or moorings in place will be allowed in all areas. Fixed mooring piles or stakes are prohibited.

§ 6.1–20 *New Bedford Outer Harbor, Buzzards Bay, Vineyard and Nantucket Sounds, Massachusetts*—(a) *Anchorage A, Egg Island.* Within the area west of Sconticut Neck to the eastward of a line bearing 150° and extending from a point 100 yards off the southwest corner of Fort Phoenix, parallel with and 100 yards easterly of the line of spar buoys numbered, respectively, 2, 2A, 4 and 6, to a point from which Egg Island beacon bears 87° to the northward of a line from Egg Island beacon bearing 267°; to the eastward of a line bearing 156° extending southerly from Egg Island beacon and ranging from Fort Phoenix beacon; and to the northward of a line bearing 87° and ranging from the old tower on Clarks Point to the Sconticut Neck shore.

(b) *Anchorage B, Butler Flats.* To the southeastward of a line bearing 222° and ranging from the southwest corner of Fort Phoenix to the New Bedford shore; to the westward of a line from Butler Flats Light bearing 334° and ranging toward Palmer Island Light; and to the northward of a line bearing 267° and ranging from Butler Flats Light to the shore. Buzzards Bay, near the entrance to the approach channel to Cape Cod Canal.

(c) *Anchorage C, Bird Island.* Within the area west of a line parallel with and 850 feet westerly from center line of proposed Clevelands Ledge Channel; north of a line bearing 129° from Bird Island Light; east of a line bearing 25½° and passing through Bird Island Reef Buoy No. 13; and south of a line bearing 270° from Wings Neck Light.

NOTE: Bird Island Light has been discontinued.

(d) *Anchorage D, Wings Neck.* Beginning at a point bearing 185° and 1,200 yards distant from Flashing Red Light No. 4 on the Steel Pile Dolphin, located on the south side of Hog Island Channel at station 630.0, the area south of a line bearing 129° from said point and passing through a point in a line bearing 209° from Wings Neck Light, and distant approximately 733 yards therefrom; west of a line bearing 209° from Wings Neck Light to Southwest Ledge, North Part, Buoy No. 10 and west of a line bearing 199° from said Buoy No. 10; north of a line bearing 129° from Bird Island Light to a point 50 feet easterly, right angle distance, from center line of proposed Clevelands Ledge Channel; east of a line parallel to and 850 feet easterly from said center line of proposed Clevelands Ledge Channel and east of a line bearing 38½° to the point of beginning.

NOTE: Bird Island Light has been discontinued.

(e) *Anchorage E, Marthas Vineyard.* South of a line from a point abreast and about 3¼ miles 180° from Cuttyhunk Light bearing 65° and ranging through a point five-eighths mile 180° from Nashawena Gas Buoy, and of a line bearing 57½° and passing 600 yards northerly of Middle Ground Bell Buoy No. 25A to a point 145° 1¼ miles from Nobska Point Light; southwest of a line bearing 113° and ranging through West Chop Buoy No. 25 to East Chop Flats Buoy No. 23; and west of a line bearing 163° between the last-named buoy and Lone Rock Buoy No. 1.

(f) *Anchorage F, Elizabeth Islands.* Southeast of the Elizabeth Islands, north of a line bearing 97½° and ranging from Cuttyhunk Light toward Nashawona Gas Buoy to a point three-eighths mile from the buoy; northwest of a line bearing 57½° from the last-named point to opposite the entrance to Woods Hole; and southwest of a line from the shore of Nonamesset Island bearing 114° and ranging through West Chop Light and East Chop Light.

(g) *Anchorage G, Nantucket Sound South Shore.* South of a line bearing 113° and running from Lone Rock Buoy No. 1 to Outer Flats Bell Buoy No. 17, and of a line thence bearing 86° to Cross Rip Light Vessel; southwest of a line bearing 118½° from Cross Rip Light Vessel to Tuckernuck Shoal Bell Buoy No. 7; and west of a line bearing 194° and ranging from the last-named buoy toward Brant Point Light, to the breakwater at Brant Point.

(h) *Anchorage H, Squash Meadow.* Within the area at Squash Meadow Shoal east of a line bearing 163° and ranging through Squash Meadow West End Buoy No. 21; north of the lines parallel to and one-half mile northerly from the lines joining Lone Rock Buoy No. 1, Outer Flats Bell Buoy No. 17, and the Cross Rip Light Vessel; and south of a line bearing 97° and ranging from East Chop Light toward Cross Rip Light Vessel.

(i) *Anchorage I, Nantucket Sound North Shore.* Northerly of a line bearing 109° from Nobska Point Light toward Hedge Fence Light Vessel, and of a line bearing 97½° and ranging through Hedge Fence East End Buoy to Half Moon Shoal Gas Buoy No. 12, and of a line bearing 73° from the last-named buoy to Handkerchief Shoal No. 16; and to the westward of Handkerchief Shoal and Monomoy Island.

NOTE: Hedge Fence Light Vessel has been replaced by a light buoy.

(j) *Anchorage J, Great Point.* East of a line bearing 149° parallel to and seven-eighths mile northeasterly of a line through Tuckernuck Shoal Bell Buoy No. 7 and Brant Point Light; south of a line bearing 73° parallel to and 1¼ miles southerly from the line joining Halm Moon Shoal Gas Buoy No. 12 and Handkerchief Shoal Buoy No. 16; east of line bearing 35° and ranging to Stone Horse North End Gas and Bell Buoy No. 9; and south of a line bearing 70° ranging from the last-named buoy to Pollock Rip Slue; and east of a line bearing 27° ranging through Pollock Rip Light Vessel 5 miles to sea.

(k) *Anchorage K, Monomoy Island.* North of Bearses Shoal; and west of a line bearing 7° from Pollock Rip Buoy No. 2A to Chatham Bar Whistling Buoy No. 2.

NOTE 1: Except in cases of great emergency no vessels shall be anchored in New Bedford Outer Harbor, Buzzards Bay, near the entrance to the approach channel to Cape Cod Canal, or Vineyard and Nantucket Sounds, outside of the anchorage areas hereby defined and established.

NOTE 2: *Cape Cod Canal.* On and after May 20, 1942, all United States vessels of 100 gross tons and over and all foreign vessels, when traversing the Cape Cod Canal, will be required to have on board an accredited pilot approved by the Captain of the Port.

§ 6.1–25 *Narragansett Bay (including Newport Harbor) and Bristol Harbor, Rhode Island*—(a) *The anchorage grounds Eastern Passage of Narragansett Bay*—(1) *Anchorage A, Conanicut Island.* To the westward of a line bearing 9° from the easternmost Dumpling to the east short of Gould Island at its southern end; to the westward of Gould Island and of a line bearing 349° from Gould Island Light; and to the southward of a line bearing 109° ranging from Conanicut Island Light toward the spindle on Halfway Rock, except that all vessels are forbidden to anchor in the approach of the Jamestown Ferry within a zone 300 yards wide to the southward of a line from a point 100 yards north of the existing ferry landing bearing 103° and ranging to the spire of Trinity Church, Newport.

(2) *Narragansett Bay (including Newport Harbor) and Bristol Harbor, Rhode Island*—(i) *Anchorage B, Coddington Cove.* To the eastward of a line beginning 310 yards west of Bishop Rock, thence bearing 16°25′ to latitude 41°33′30″ North, thence to the northern point of Dyer Island.

NOTE: Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

Warning. Vessels are cautioned against frequenting the area, or anchoring close to Coddington Point in area B during the seasons favorable for small-arms practice when the target range on Coddington Point may be in use. During the time when the small-arms range is in use a red flag is displayed from the top of the target butts on Coddington Point so as to be plainly visible in the vicinity of Coddington Point and in Coddington Cove.

(3) *Anchorage C, Rose Island.* Within the area adjacent to Rose Island eastward of a line bearing 184° and ranging through Rose Island Light to a point 311 yards south of the light and of a line from there bearing 140° and ranging toward Ida Lewis Rock Light (Lime Rock Light); to the northward of a line bearing 48° and ranging from the easternmost Dumpling through Mitchell Rock Buoy No. 3; to the westward of a line through Can Buoy No. 7 bearing 336° and ranging from Newport Harbor Light at the north end of Goat Island; and to the southward of a line bearing 266° and ranging to the northernmost edge of Taylor Point.

NOTE 1: Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(4) *Anchorage D, Goat Island.* Within an area west of Goat Island south of a line 200 yards long bearing 270° from Newport Harbor Light; east of a line 1,060 yards long bearing 228° from the west end of the above line to a point due west of the spire of Trinity Church, Newport, and of a line from the last-named point bearing 138° and ranging toward Lime Rock Light; and to the north of a line from Goat Island Shoal Light bearing 270° and ranging through Spar Buoy No. 1, west of the island.

(5) *Anchorage E, Coasters Harbor Island.* To the eastward of a line from the southwestern short of Coasters Harbor Island near the War College Building bearing 161° and ranging toward the outer end of Briggs Wharf (so called), and to the northward of a line bearing 265° and ranging from the flagstaff at Fort Greene toward Rose Island Light.

(6) *Anchorage F, Newport Harbor.* Within the area in the central and southerly part of Newport Harbor proper, east of a line bearing 34° and ranging through a point 75 yards easterly of the end of the south wharf at Fort Adams toward Goat Island Shoal Light and of a line through a point 35 yards east of the north end of the north wharf at Fort Adams, bearing 329° and ranging toward the northeast corner of the Fort Adams stone wharf, and of a line from the south corner of the north wharf at Fort Adams, bearing 23° and ranging toward Newport Harbor Light on Goat Island; southerly of a line bearing 116° and ranging from Fort Adams Light to Lime Rock Light and of a line bearing 74° and ranging from the south end of north wharf at Fort Adams to the spire of the Thames Street Methodist Episcopal Church; to the eastward of a line bearing 4° and ranging from the city stone pier at King Park toward the end of the Fall River Line wharf; southerly of a line bearing 95° and ranging from the south end of the wharf of the United States Naval Torpedo Station on Goat Island toward the northwest corner of Bowen's wharf; and to the westward of a line bearing 176° and ranging from the southwest corner of city wharf toward the southwest corner of Wellington and Houston Avenues opposite King Park and of a line bearing 132° and ranging from the south end of the Torpedo Station wharf, Goat Island, toward the power-house chimney, Newport, and of a line bearing 177° and ranging from the southeast corner of city wharf through a point 50 yards westerly from the outer end of Commercial Wharf.

(7) *Anchorage G, Newport Inner Harbor.* Within the area northeast of a line bearing 108° and ranging from the southeast corner of city wharf toward the northwest corner of the Government wharf.

(b) *Western passage of Narragansett Bay*—(1) *Anchorage H, Bonnet Point.* Within the area north of a line 1,000 yards long bearing 88° from Bonnet Point, west of a line bearing 3° from the eastern end of the last-described line and ranging toward Plum Beach Light, and southerly of a line bearing 302° and ranging through a point 200 yards south of the Kearny wharf and the church spire at South Ferry, Boston Neck.

(2) *Anchorage I, Austins Hollow.* Within the area south of a line bearing 302° and ranging through a point 200 yards south of the Kearny wharf and the church spire at South Ferry; east of a line ranging from Dutch Island Light and bearing 183°; and north of a line 1,000 yards long bearing 268° and ranging from the shore at Austins Hollow toward Bonnet Point.

(3) *Anchorage J. Saunderstown.* Within the area opposite Saunderstown, south of a line from the south side of the ferry wharf, bearing 110° and ranging toward the cable crossing sign on Dutch Island; west of a line bearing 192° and ranging from Spar Buoy No. 1 P. B. toward the east shore of The Bonnet; and north of a line from the shore bearing 108° and ranging through Dutch Island Light and the north end of the wharf at Beaver Head.

(4) *Anchorage K, Dutch Island Harbor.* In the central and southern portion of Dutch Island Harbor north of a line from Spar Buoy No. 2, bearing 106° and ranging toward the Jamestown standpipe; east of a line from Spar Buoy No. 2 bearing 14° and ranging toward the inshort end of the engineer wharf, Dutch Island, and southeast of a line bearing 50° and ranging from Dutch Island Light toward the windmill north of Jamestown; and south of a line parallel to and 100 yards distint southwesterly from a line between the engineer wharf, Dutch Island, and the west ferry wharf, Jamestown, bearing 132°.

NOTE 1: Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

NOTE 2: Lime Rock Light is the former name for Ida Lewis Light shown on U. S. O. & G. S. charts.

(5) *Anchorage L, Plum Beach.* Within the area south of a line bearing 46° from Poplar Point tower to Wickford Harbor Light and of a line bearing 110° and ranging from there toward Sand Point Conanicut Island; west of a line bearing 186° and ranging from Warwick Light on the South end of Warwick Neck toward Dutch Island Light to a point 600 yards easterly of Plum Beach Light and of a line from there bearing 195° parallel to and 1,000 feet westerly from a line joining Spar Buoy No. 2 at Slocums Ledge and the western point of Dutch Island; and north of a line from a point on shore 300 yards northerly of the Saunderstown ferry wharf, bearing 101° and ranging toward the entrance to Round Swamp on Conanicut Island.

(6) *Anchorage M, Round Swamp.* Within the area east and north of Dutch Island, north of a line from the inshore end of the west ferry wharf, Jamestown, bearing 316° and ranging toward the north end of Dutch Island to a point 200 yards 88° from the engineer wharf, Dutch Island; east of a line from there bearing 3° and ranging toward the Conanicut Island shore at Slocums Ledge; north of a line 200 yards off the Dutch Island shore bearing 281° and ranging from the entrance to Round Swamp toward a point on shore 300 yards northerly from the Saunderstown ferry wharf; east of a line from Spar Buoy No. 2 at Slocums Ledge bearing 195° and ranging toward the western point of Dutch Island; and south of a line from the last-named buoy bearing 77° and running to the shore.

(7) *Anchorage N, North Point.* Within the area west of the north end of Conanicut Island, south of a line from Conanicut Island Light bearing 262° and ranging toward General Rock Bell Buoy; east of a line bearing 8° and ranging from Spar Buoy No. 2 at Slocums Ledge; and north of a line from Sand Point bearing 290° and ranging toward Wickford Harbor Light.

(8) *Anchorage O, Bristol Harbor.* To the southward of the south line of Franklin Street extended westerly; to the westward of a line bearing 164½° parallel to and 400 feet westerly from the State harbor line between Franklin and Constitution Streets and of a line bearing 224° and ranging toward Ushers Rock Buoy from a point on the north line of Constitution Street extended 400 feet beyond the State harbor line; and to the northward of the north line of Union Street extended to the Popasquash Neck shore.

NOTE: Except in cases of great emergency, no vessel shall be anchored in the entrance to Narragansett Bay, in Newport Harbor, or in that portion of Bristol Harbor channelward of the State harbor line between the westward prolongations of Union and Franklin Streets, outside of the anchorage areas hereby defined and established.

THIRD NAVAL DISTRICT

§ 6.3–1 *New London Harbor, Connecticut*—(a) *Anchorage A.* Located in the Thames River east of Shaws Cove and is included within the following points:

(1) 1,400 yards 243° true from Monument, Groton;

(2) 925 yards 246° true from Monument, Groton;

(3) 1,380 yards 217° true from Monument, Groton;

(4) 1,450 yards 235° true from Monument, Groton.

This anchorage is for barges and small vessels drawing less than 12 feet. Anchorage A is designated a Naval Anchorage. This anchorage shall be used only by naval vessels, and by other vessels holding special permits issued by the captain of the port upon a finding that such special permits to anchor are not inimical to the requirements of the Navy.

(b) *Anchorage B.* Located in the Thames River southward of New London and is included within the following points:

(1) 2,460 yards 2° true from New London Harbor Light;

(2) 2,480 yards 9° true from New London Harbor Light;

(3) 1,175 yards 26° true from New London Harbor Light;

(4) 1,075 yards 8° true from New London Harbor Light.

(c) *Anchorage C.* Located in the Thames River southward of New London Harbor and is included within the following points:

(1) 450 yards 100° true from New London Harbor Light;

(2) 575 yards 270° true from New London Ledge Light;

(3) 1,450 yards 270° true from New London Ledge Light.

(d) *Anchorage D.* Located in Long Island Sound approximately two miles west southwest of New London Ledge Light and is included within the following points:

(1) 2.6 miles 246° true from New London Ledge Light;

(2) 2.1 miles 247° true from New London Ledge Light;

(3) 2.1 miles 233° true from New London Ledge Light;

(4) 2.6 miles 235° true from New London Ledge Light.

§ 6.3–2 *Black Rock Canal and Lock at Buffalo, New York; regulations for protection*—(a) *Small craft and rafts.* All small craft other than those owned and operated by the United States, desiring to transit the lock, shall obtain a movement license from the Captain of the Port of Buffalo prior to entering the vicinity of the lock. Such small craft shall upon approaching the lock stop and report to the guard stationed at one of the following points: Southbound vessels, at the north end of the guide pier below the lock, and northbound vessels at the Administration Building on the east side of the canal between the International Bridge and the lock. The guard on duty shall make such inspection as deemed necessary before allowing each vessel to proceed. No small craft other than those owned and operated by the United States shall dock at the guide pier or at the upstream approaches to the lock at any time, except at the above designated points and for the purpose of reporting to the guard on duty. Small craft other than those owned and operated by the United States, not desiring to transit the lock, are prohibited from entering the following areas:

(1) *Above the lock.* The area in the Black Rock Canal between a line 500 feet above the International Bridge and the lock.

(2) *Below the lock.* The area southerly and westerly of a line from the lower end and perpendicular to the guide pier to a point 75 feet from the harbor line, thence parallel to and 75 feet from the harbor line to the U. S. Engineer Storehouse.

NOTE: The above described areas are patrolled and guarded. No person may leave or board a vessel within the above-described areas except in emergency.

(b) *All other craft and vessels*—(1) *Personnel authorized to land.* The master or mate, only, may go from a vessel while in the lock to the canal office. Three (3) deck hands only, may leave the vessel for the sole purpose of handling the mooring lines and shall reboard the vessel as soon as the vessel has been moored. No other person may leave or board vessels in the lock except in emergency. Changing of crews of vessels within the above-described areas shall be prohibited.

(2) *Docking at piers.* No vessel shall dock or tie up at the walls on either side of the canal between the lock and the International Bridge above the lock, or to the guide pier below the lock without specific authority from the lockmaster.

(3) *Throwing objects overboard.* Throwing overboard of any rubbish or other object in the canal or in the areas above or below the dock, as described in paragraph (a) (1) and (2) of this section, or in the approaches to these areas, is forbidden.

(4) *Discharge of firearms.* No firearms of any kind shall be discharged from vessels while in the lock area.

(5) *Smoking on tankers.* When tankers are transiting the canal and lock, smoking thereon is prohibited, except in such places as may be designated in the ship's regulations.

(6) *Embarking and debarking.* No passengers will be permitted to board or debark from ships while transiting the lock area except by authority of the District Engineer.

(7) *Photography.* The taking of pictures from vessels of the lock area or any of the installations therein is prohibited. Ships' masters and lock guards are responsible for the enforcement of this regulation.

(8) *Tugs required.* All barges or other vessels navigating within the limits of the Black Rock Canal, whether approaching or leaving the lock and not operating under their own power, will be required to be assisted by one or more tugs of sufficient power to insure full control at all times.

(9) *Passenger vessels restricted.* Transit of the locks by passenger or excursion vessels over two hundred (200) gross registered tons is prohibited.

(10) *Inspection.* (i) A special examination shall be made of each vessel prior to its approaching Black Rock Canal for each transit. Such examination shall include the inspection of openings to all closed compartments, the forepeak, blind hold, dunnage room, windlass room, and chain locker; examination of bolt fastenings being such as to detect whether any tampering has been done. Entry of such inspection shall be made in the ship's log. Following the inspection and prior to entering the canal, a square yellow flag, showing a black ball in the center, and being not less than three feet by three feet in size, shall be flown from the forward part of the ship. Vessels complying with the above regulations and displaying the flag may be permitted to enter the canal at the discretion of the United States Coast Guard. The Coast Guard has authority to board vessels at any time for the purpose of making investigations or examinations. Vessels not displaying the flag will be detained for inspection by the Coast Guard prior to entering the canal. Vessels displaying the flag may be boarded by the Coast Guard for the purpose of check inspection or for examination of the log.

(ii) Vessels shall also indicate compliance with the foregoing regulation by signalling with one long, one short, and one long blast of the whistle. This signal shall be given following the signal for passage through the canal.

(iii) Barges in tow and the towing tug shall be construed as individual vessels and each subject to this inspection.

(11) *Rate of speed.* No vessel or boat shall navigate the Black Rock Canal at a rate of speed greater than six statute miles per hour or less than three statute miles per hour.

(i) A rate of speed of six statute miles per hour will require elapsed time to navigate between designated points as follows: From North Breakwater Light to Ferry Street Bridge, 26¼ minutes; from south end Bird Island Pier to Ferry Street Bridge, 18¾ minutes; from Ferry Street Bridge to International Bridge, 11½ minutes.

(ii) A rate of speed of three statute miles per hour will require elapsed time to navigate between designated points as follows: From North Breakwater Light to Ferry Street Bridge, 52½ minutes; from south end Bird Island Pier to Ferry Street Bridge, 37½ minutes; from Ferry Street Bridge to International Bridge, 23 minutes.

(c) These regulations shall be supplementary to the "Regulations to Govern the Use, Administration, and Navigation of Black Rock Canal and Lock and Ferry Street Bridge at Buffalo, New York; and Niagara River from Black Rock Lock to Tonawanda, New York."

§ 6.3-5 *New York Harbor: Upper Bay anchorages*—(a) *Western anchorage.* (1) Within an area lying northeast of Ellis Island to the southeastward of a line bearing 58° from the northwest corner of the island; to the southwestward of a line bearing 124° from Communipaw Pier; to the westward of a line bearing 178° from the end of the Central Railroad of New Jersey Pier No. 5; and to the northward of a line ranging from the south side of the main island of Ellis Island station to the outer end of the Staten Island Ferry racks, on the New York shore.

(2) To the southward of a line ranging from the southerly corner of Ellis Island to Cable Lower Buoy 1 off Ellis Island; to the westward of two lines, one line in extension of the line marking the eastern limits of Anchorage No. 20 and passing through Statue of Liberty Lighted Buoy 31, and the other line ranging from Buoy 31 to 205° to the north end of the United States Marine Hospital at Stapleton, Staten Island; and to the northward of the dredged channel to the Lehigh Valley Railroad's Claremont terminal on a line ranging 132° toward a tall brick chimney near the foot of Fifty-second street, Brooklyn, N. Y., Area 49-B in this anchorage is reserved for explosives and is excluded from use as a general anchorage.

(3) To the southward of the Pennsylvania Railroad Greenville dredged channel on a line from the southerly corner of the southerly pier of the Pennsylvania Railroad Co. Greenville terminal to the end of the south pier of Morse dry dock, Brooklyn; to the westward of a line from the Governors Island Extension Light to the westerly lantern of the St. George Ferry terminal, to the northward of a line ranging 262° from Robbins Reef Gong Buoy 27, and northeast of the channel approach to the north side of Constable Point.

(4) No vessel shall anchor between Ellis Island and the piers of the Central Railroad of New Jersey, or in the dredged channel approaches to this space, or the piers and wharves of the railroad, or in the dredged channel approaches to the National Docks at Black Tom Island, to Bedloes Island, to the Greenville and Claremont terminals, or near the entrance to said channels so as to obstruct the approaches or interfere in any way with the free navigation of the same. The portions of Anchorages 20-A and 20-B which are easterly of a line ranging 204½° from the east end of the east landing pier on Bedloes Island to Greenville Piers Channel Lighted Bell Buoy 2G, and in range with Robbins Reef Gong Buoy 27, and Buoy 2G, and the northerly prolongation of that line, are set aside as temporary anchorages for vessels arriving in and leaving port. No vessel shall occupy these anchorages for a longer period than 72 hours, unless a permit is obtained from the Captain of the Port for that purpose.

(5) *Explosive anchorage; portion of Anchorage 20-A.* Located eastward of a line bearing 204½ degrees true from the east end of the east landing pier on Bedloes Island and south of Bedloes Island, is designated an explosive anchorage. The captain of the port may authorize the use of this explosive anchorage by vessels loading or discharging explosives when he finds that the interests of commerce and national defense will be promoted thereby and that the interests of safety will not be prejudiced thereby. No vessel shall occupy this anchorage without a permit from the captain of the port.

(b) *Eastern anchorages.* (1) To the southward of a line passing through Greenville Piers Channel Lighted Bell Buoy 2G, the easterly buoy marking the north limit of anchorage ground and the middle point of the front of the New York Dock Co. Pier No. 41 (Merchants Stores); to the westward of Red Hook and Bay Ridge Channels marked by anchorage and channel buoys along the western edge of the dredged channel; to the northeastward of a line ranging 346° from Ambrose Channel Lighted Bell Buoy 18, through a point 250 yards due west of the western edge of Fort Lafayette; to the eastward of a line bearing 357⅓° ranging from Fort Wadsworth Bell Buoy No. 23 to Gowanus Flats Lighted Bell Buoy 24; northerly therefrom to the eastward of a line ranging 28° from the southeast corner of city pier No. 16, Staten Island, to the light at southwest end of Governors Island.

This anchorage shall be subdivided as follows:

(i) *Anchorage Area 1-A; sailing vessels.* All that portion of Anchorage No. 1 to the northward of a line ranging from the end of the Thirty-ninth Street Ferry rack (northeast rack), Brooklyn, through Bay Ridge Channel Lighted Bell Buoy 7, to Gowanus Flats Lighted Bell Buoy 28. This anchorage to be used for sailing vessels; deep-laden vessels to use the western half of the anchorage and light-draft vessels to use the eastern half.

(ii) *Anchorage Area 1-B; steamers.* That portion of Anchorage No. 1 south of anchorage No. 1-A as described above, and west and south of Anchorage No. 1-C described below. This anchorage shall be used by steamers; those deep-laden to use the western side and southern end of the anchorage ground, and light-draft steamers to use the eastern side, excluding the fairway described below.

(iii) *Anchorage Area 1-C; barges.* That portion of Anchorage No. 1 south of Anchorage No. 1-A as described above, northerly of a line ranging from Robbins Reef Light to the northerly of the tall chimneys of the Brooklyn Edison Co.'s power house at Sixty-sixth Street, Brooklyn, and easterly of a line ranging from the point of Red Hook to the north corner of Pier 21 of the Pouch Terminal at Clifton, Staten Island, excluding the fairway described below. Barges drawing 12 feet or less are required to use this anchorage to the exclusion of Anchorages Nos. 1-A and 1-B.

NOTE: Vessels of the various types required to use Anchorages Nos. 1-A, 1-B, and 1-C may be anchored in other of these areas than those set aside for them for a limited time after first obtaining a permit from the Captain of the Port, when and to the extent that they are not needed for vessels of the types assigned to them.

A fairway 600 feet wide, crossing Anchorages Nos. 1-B and 1-C, marked by buoys at each entrance, shall be excluded from the anchorage grounds. Its northerly side is on range with Lighted Bell Buoy 2G at the entrance to Greenville Piers Channel, and the center of the head of the north pier of the Long Island Railroad terminal at the foot of Sixty-fourth Street, Bay Ridge.

No vessel shall occupy these anchorages for a period longer than 30 days, unless a permit is obtained from the Captain of the Port for that purpose.

(iv) *Anchorage Area 1-D.* Small vessels may, in the discretion of the Captain of the Port, anchor to the eastward of a line ranging 338½° from the west edge of Fort Lafayette, and southward of Ninety-second Street; between Seventy-ninth Street and Ninety-second Street, eastward of a line ranging from Craven Shoal Lighted Bell Buoy to the Statue of Liberty, and eastward of Bay Ridge Channel, northward of Seventy-ninth Street to a point off Sixty-sixth Street; but not within 100 yards of the pier at Owls Head.

(c) *Man-of-war anchorage.* To the southward of a line ranging 85° from the north end of the east rack of St. George Ferry; to the westward of a line ranging from a point 160 yards west of Robbins Reef Light 171°45′ to Tompkinsville Lighted Buoy 25; and to the northward of a line ranging from said buoy 252° to the south end of Tompkinsville landing.

NOTE: The Captain of the Port may permit commercial vessels to anchor, temporarily, ordinarily for a period not greater than 24 hours, in the anchorage, when he knows that it is not going to be needed for naval vessels, but two berths for capital ships of the Navy shall be reserved in the eastern portion of the anchorage, and two berths reserved for Coast Guard Vessels near shore. Commercial vessels so anchored shall be moved at their own expense whenever the anchorage ground is needed for naval vessels.

(d) *Staten Island Anchorage; temporary anchorage.* South of a line ranging from Tompkinsville Lighted Buoy 25, 252° to the south end of Tompkinsville landing; to the westward of a line ranging from this buoy 174° to the southerly end of Quarantine Wharf, said line being also in range with a point 70 yards west of Robbins Reef Light, and to the northward of a line bearing 226° to the center of a large gas tank at Clifton, Staten Island. No vessel shall occupy this anchorage for a longer period than 48 hours, unless a permit is obtained from the Captain of the Port for that purpose.

NOTE: The establishment of quarantine anchorages and of rules and regulations governing quarantine and their enforcement are under the Secretary of the Navy, and under his authority the following quarantine anchorages have been established:

(e) *Quarantine anchorage.* (1) To the southward of a line bearing 226° to the center of the gas tank at Clifton, Staten Island, and to the westward of a line ranging from the northern end of the Quarantine Wharf, Rosebank, Staten Island, to Robbins Reef Lighthouse.

(2) Vessels arriving at Quarantine and awaiting inspection may anchor temporarily to the westward of a line bearing 346°, 100 yards westerly from and parallel with a line ranging from Craven Shoal Lighted Bell Buoy to Robbins Reef Lighthouse, but not south of a line bearing 270° from the north side of Fort Lafayette or north of a line ranging 85° from the north end of the east rack of the St. George Ferry landing. As soon as cleared by the quarantine officer, vessels must vacate this temporary anchorage and, if detained in quarantine, must at once move into the quarantine anchorage.

(3) Northerly of Quarantine Wharf, Rosebank, Staten Island, vessels may be kept to the westward of the east boundary range of this temporary anchorage at all times by dropping anchors on or to the westward of a line ranging from Fort Wadsworth Light to Thompkinsville Lighted Buoy 25, when the combined lengths of anchor line and vessels swinging eastward of the line shall in no case exceed from 390 yards off Quarantine Wharf, to 280 yards near Buoy 25 and proportionate lengths between such points.

(4) Whenever the temporary quarantine anchorage off Staten Island is fully utilized, vessels may anchor temporarily within the western portion of the Gravesend Bay Anchorage No. 25 while awaiting opportunity to move up in order of arrival to the temporary quarantine anchorage off Staten Island for quarantine examination.

(f) *Gravesend Bay Anchorage.* (1) To the northward of a line ranging 271½° from Coney Island Lighthouse on Norton Point to the south point of Hoffman Island to the eastward of a line ranging 342° through a point 250 yards due west from the west edge of Fort Lafayette and a point 300 yards due east from Robbins Reef Lighthouse; and to the southward of a line due east through Fort Hamilton Southwest Buoy 20, excluding anchorages Nos. 49-C and 49-C-1, and reserving for temporary anchorage for a period not to exceed forty-eight (48) hours the portion of this anchorage to the westward of a line ranging 343° from a point due west 700 yards from Coney Island Lighthouse to Fort Hamilton Southwest Buoy 20. Vessels may anchor temporarily within this area while awaiting quarantine examination, when the temporary quarantine anchorage off Staten Island is fully utilized.

(g) *Lower Bay anchorages.* (1) in Sandy Hook Bay to the southward of a line extending from Point Comfort Light to Sandy Hook Point Light.

(2) Vessels may anchor on Romer Shoal and Flynn Knoll and south of Gedney Channel.

(3) To the westward of lines running 154½° from Fort Wadsworth Light to Craven Shoal Lighted Bell Buoy; thence in succession to the buoys marking the east side of West Bank and the buoys on the west side of Chapel Hill cut; thence 182° to a line extending from Sandy Hook Point Light to Point Comfort Light, to the northward of the latter line, and the New Jersey shore, and to the eastward of a line bearing 353° from the head of the Keansburg Steamboat Dock at Point Comfort, through Great Kills Flat Buoy 4 to the Staten Island shore.

(h) *Kill Van Kull anchorages.* (1) To the northward of a line ranging from the Pacific Coast Borax Works chimney to the south face of the city wharf at the foot of Ingham Avenue, Bayonne, between said wharf and the Tidewater Oil Co. piers, and to the northward of a line ranging from the south end of the rack of the Bergen Point Ferry at Bayonne, N. J., to a point 100 yards south of Bergen Point Lighthouse, thence east of a line to the lighthouse and southeast of a line from thence 55° to the shore at Bergen Point.

(2) To the southward of lines joining the ends of the long piers between pier of the National Lead Co., at Port Richmond, and the power station at Livingston Point.

(3) To the southward of a line bearing 85½° from the north end of the Milling Dock to the wharf of the Standard Varnish Works, Port Richmond.

(4) To the southward of a line from the northeast corner of former Downey Shipbuilding Co. wharf to Kill Van Kull Channel Buoy 7, and a line from thence to the northwest corner of the docks of the Staten Island Shipbuilding Co. at Mariners Harbor.

(i) *Newark Bay anchorages.* (1) To the west of Shooters Island between a line ranging from the southwest corner of Shooters Island to the twin spires on SS. Peter's and Paul's Church, Elizabethport, and a line ranging from the north side of the dike at Port Ivory, Staten Island, to the northwest corner of Shooters Island.

(2) South of the bridge of the Central Railroad of New Jersey, to the westward of a line from a point on the bridge, 100 yards west of the west pier of the west lift span to Newark Bay Channel Buoy 5, and a line from thence to Elizabethport North Channel Buoy 2, north of Shooters Island; to the northward of a line ranging from the southerly end of Bergen Point to the southeast corner of the Singer Manufacturing Co. bulkhead at Elizabethport and to the eastward of a line ranging from the northerly chimney of Procter & Gamble Soap Works, on Staten Island, to the east end of the filling of the Central Railroad of New Jersey on the west side of the bay.

(3) To the northward of Anchorage No. 29, to the eastward of a line from the center of Bergen Point Light ranging to the west pier of west lift span of the Central Railroad of New Jersey's bridge to a point off the north side of the pier of The Texas Co., and of a line from thence to a point 100 yards east of the east pier of the east lift span of the railroad bridge, and south of the bridge.

(4) To the southward of Port Newark Terminal Channel, and to the westward of a line ranging from a point 200 yards west of Newark Bay Light 3 to a point 100 yards west of the west pier of the west lift span of the Central Railroad of New Jersey's bridge, and north of said bridge.

(5) To the northward of the Central Railroad of New Jersey's bridge and to the eastward of a line ranging from a point 200 yards east of the east pier of the east lift span of the bridge to a point 200 yards east of the east end of the lift span of the Lehigh Valley Railroad bridge, and south of the latter bridge.

(6) North of the Lehigh Valley Railroad bridge and to the eastward of the dredged channel in Newark Bay and Hackensack River as marked by red channel buoys and south of the Newark and New York Railroad bridge on the east side of the Hackensack River.

(7) In the area between the entrance channels of the Hackensack and Passaic Rivers to the northwestward of a line from the abutment of the Newark and New York Railroad bridge on the west side of the Hackensack River to Hackensack River Light 1, and of a line from thence to Newark Bay Light 5 and to the eastward of a line from said light ranging toward the northeast corner of Balbach's wharf to a point about one-fifth of a mile north of Gross' wharf and a line from thence ranging from the southeast corner of Gross' wharf to the abutment and end of filling of the Newark and New York Railroad bridge on the east side of the Passaic River.

(j) *Arthur Kill anchorages.* (1) To the westward of a line from the south end of the southerly wharf of the Standard Oil Co. to the center of Buckwheat Island, and a line from thence to the northerly wharf of the Grasselli Chemical Co.

(2) The passage between Pralls Island and Staten Island included between a line running 29° from the extreme northwest point of Pralls Island to a point on Staten Island and a line from the southern point of Pralls Island to the north side of the mouth of Neck Creek at Linoleumville, Staten Island.

(3) To the eastward of lines ranging from the head of the Tottenville Shipyard Co. pier at Tottenville, Staten Island, to the first pier of the Outerbridge Crossing west from the Staten Island shore; thence to Arthur Kill Lighted Buoy 7; thence 53° to the middle anchorage buoy off the Ultramarine Works; thence 66° to Smoking Point Anchorage Buoy "A", and southward of a line from thence to Smoking Point.

(4) To the southward of the southerly pier of the Lehigh Valley Railroad coal terminals, to the westward of a line ranging from the southeast corner of the northerly pier toward the outer end of the ferry rack at Perth Amboy, and northerly of the extension of the southerly line of Fayette Street, Perth Amboy.

§ 6.3–10 *Raritan Bay anchorages*—(a) *Quarantine anchorage.* (1) A quarantine anchorage for vessels is established off Perth Amboy westerly of the Raritan Bay Channel leading into Arthur Kill, northerly of a line extending westerly from Raritan Bay Channel Buoy 42 to the center of the draw of the New York and Long Branch railroad bridge across Raritan River (227°10′ true); northeasterly of a line parallel to and 150 yards southwesterly of a line extending from Great Beds Light to Saint Peter's Church spire at Perth Amboy (331°31′ true) and southeasterly of the cutoff channel between Raritan River and Arthur Kill.

(2) The establishment of quarantine anchorages and of rules and regulations governing quarantine and their enforcement are under the Secretary of the Navy, and under his authority the foregoing quarantine anchorage has been established.

(b) *General anchorages.* (1) Near Perth Amboy an area to westward, northward, and eastward, respectively, of the Raritan Bay Channel leading into Arthur Kill, the Raritan River Channel leading to South Amboy, and the cutoff channel between Raritan River and Arthur Kill, except that part of said area occupied by Quarantine Anchorage No. 44, described above.

(2) Near Perth Amboy, westward of the cutoff channel between Raritan River and Arthur Kill, northward of the Raritan River Channel and easterly of the New York and Long Branch railroad bridge across Raritan River, but not north of Market Street, Perth Amboy in Arthur Kill.

(3) Near Staten Island, to the westward of Lower Bay Anchorage No. 28, and to the northward of the dredged channel from the deep water of the Lower Bay to Seguine Point; in Princess Bay and off the Staten Island shore between Princess Bay and Ward Point to the northward and northwestward of Raritan Bay Channel and to the northeastward of the channel entrance to Arthur Kill.

(4) To the southward of the South Amboy and Raritan Bay Channels in ranges running from the north end of the Wyoming coal piers at South Amboy to South Amboy Channel Buoy 1; thence in the direction of the boundary beacon to a point south of Raritan Bay Light 5; thence through Raritan Bay Buoy "A" to Raritan Bay Channel Buoy 7; thence to Raritan Bay Light 2; southeasterly through the buoys marking the south side of the dredged channel off Seguine Point to the west boundary of Lower Bay Anchorage No. 28; to the westward of said Anchorage No 28, excluding Explosive Anchorage No. 49–D (see subdivision 49), and excluding also a channel at Keyport Harbor bounded as follows: eastward, by a line ranging from Keyport Channel Buoy 1 to Channel Buoy 9, thence to Channel Buoy 11, thence to Channel Buoy 13, thence to the northeast corner of the easterly steamboat wharf, and thence by a line from the west corner of the old steamboat wharf to a point on the shore midway between Matawan and Oyster Creeks; westward, by a line extending from a point 400 yards west of Keyport Channel Buoy 1 tangent to the west shore line at the mouth of Matawan Creek.

§ 6.3–15 *Sheepshead Bay anchorages.* (a) Within an area at the western end of the bay to the southward of a line 25 feet south of and parallel to the bulkhead wall along the south side of Emmons Avenue; to the eastward of a line 200 feet easterly of and parallel to the prolonged west side of East Fifteenth Street; to the northward of a line 200 feet northerly of and parallel to the south side of Shore Boulevard, said line extending easterly to a point 60 feet easterly of its intersection with the prolonged easterly side of Dover Street; to the northward of a line from the last-mentioned point to a point 25 feet westerly of the prolonged west side of Ocean Avenue and 250 feet southerly of the south side of Emmons Avenue; and to the westward of a line parallel to and 25 feet west of the prolonged west side of Ocean Avenue.

(b) Within an area on the north side of, and in the east end of the bay to the southward of the established United States pierhead line on the north side of the bay; to the westward of the prolonged west side of Coyle Street; to the northward of a line from a point 90 feet south of said pierhead line in said prolonged west side of Coyle Street, ranging toward the intersection of the curb lines at the southwest corner of Shore Boulevard and Kensington Avenue; and to the northward of a line (intersecting said last-mentioned line westward of Brown Street, prolonged) extending westerly parallel to and 450 feet north of the south side of Shore Boulevard; to the northeastward of a line extending northwesterly from the point of intersection of the last-described line with the prolonged east side of East Twenty-eighth Street, to a point on the prolonged east side of East Twenty-seventh Street, and 245 feet south of the established United States pierhead line on the north side of the bay, and to the eastward of the prolonged east side of East Twenty-seventh Street.

(c) Within an area on the south side of the bay to the southward of a line extending from a point 300 feet northerly from the south side of Shore Boulevard (perpendicular distance) and in the prolonged west side of Hastings Street, to a point on the prolonged east side of Mackenzie Street 250 feet north of the south side of Shore Boulevard, and southward of a line extending thence easterly parallel to, and 250 feet north of, said south side of Shore Boulevard; to the westward of the prolonged west side of Coyle Street; to the northward of a line parallel to, and 150 feet north of, the south side of Shore Boulevard; and to the eastward of the prolonged west side of Hastings Street.

§ 6.3–20 *Anchorages for explosives.* Vessels carrying gunpowder or other explosives may anchor only as follows:

(a) *Claremont Terminal, Jersey City.* Designated as an explosive loading terminal at which explosives may be loaded or discharged directly between vessels and the shore, or between vessels.

(b) On the New Jersey Flats to the southward of a line drawn parallel to and 500 yards to the south of the Black Tom dredged channel, to the westward of a line ranging from the east end of the east landing pier on Bedloes Island to Greenville Piers Channel Lighted Bell Buoy 2G, and in range with Robbins Reef Gong Buoy 27 and Buoy 2G, and to the northward of a line parallel to and 500 yards north of the dredged channel to the Lehigh Valley Railroad's Claremont terminal. Vessels shall not anchor within 800 yards of Bedloes Island or within 500 yards of any pier. No vessel using this anchorage shall carry more than 20 tons of high explosives. No vessel carrying explosives of any kind shall anchor in this anchorage within 500 feet of any other vessel carrying high explosives, except that the Captain of the Port may authorize the placing of moorings not less than 500 feet apart within this area and the making fast thereto of not to exceed three barges at each mooring, provided the combined load of the barges at a mooring is not more than 20 tons of high explosives. In so far as practicable, in the use of this anchorage, preference shall be given to vessels storing explosives for current consumption.

(c) In cases of great emergency and when weather conditions are such that it is impossible for barges, scows, or lighters loaded with more than 20 tons of high explosives to proceed to Gravesend Bay or Raritan Bay, or lie at anchor there, such vessels may anchor temporarily in the Jersey Flats anchorage, but in each case the Captain of the Port must be immediately notified, and such vessels will not remain so anchored without his special permission.

(d) In Gravesend Bay within the following lines; to the eastward of a line bearing 338½° tangent to the west face of Fort Lafayette and ranging to Robbins Reef Lighthouse; to the southward of a line bearing 100⅓° and ranging through Fort Wadsworth Bell Buoy 23, Gravesend Anchorage Upper Buoy A and the outshore end of northerly pier at Ulmer Park; to the westward of a line bearing 152° and ranging from Fort Hamilton Southwest Buoy 20 to Coney Island Lighthouse; and to the northward of a line bearing 264° and ranging from the outshore end of the northerly pier at Ulmer Park to Craven Shoal Lighted Bell Buoy. Not more than three seagoing vessels shall receive or discharge cargoes of high explosives in bulk in this anchorage at any one time and such vessels shall not occupy this anchorage for a period of time longer than is necessary to receive or discharge such cargoes, or between sunset and sunrise, or between sunrise and noon on Mondays, except by special permit from the Captain of the Port in cases of great emergency. Vessels carrying high explosives in this anchorage shall not anchor closer than four hundred (400) yards to one another, but this provision is not intended to prohibit barges or lighters from tying up alongside ships for the transfer of cargoes.

(e) To the eastward of 49–C an area bounded northerly and southerly by the same ranges as 49–C and easterly by a line bearing 165° ranging from a clock tower at Fort Hamilton to Coney Island Lighthouse shall be reserved for barges and lighters loaded with explosives, provided such barges and lighters be anchored so as not to approach one another closer than 300 feet. The Captain of the Port may authorize the placing of moorings within this area and the making fast thereto of not to exceed three barges or lighters at each mooring, provided these moorings be so spaced that the vessels at one mooring shall at all times be not less than 300 feet from the vessels at an adjacent mooring.

(f) An anchorage in Raritan Bay for barges or lighters loaded with explosives as follows: To the southward of a line ranging 70° from Raritan Bay Buoy A to West Bank Light; to the westward of a line ranging 137° from tower of former Princess Bay Light to Waackaack Light; to the northward of a line ranging 250° from Old Orchard Shoal Light to Boundary Beacon; and to the eastward of a line ranging 306° from Boundary Beacon.

NOTE: Former explosive anchorages 49–A and 49–E have been eliminated as explosive anchorages in these revised regulations.

NOTE 2: No vessel shall occupy for a longer period than 30 days, unless a permit is obtained from the Captain of the Port for that purpose, any anchorage for which the time of occupancy is not otherwise prescribed in these regulations. The Captain of the Port, subject to the approval of the District Engineer, is authorized to issue permits for maintaining mooring buoys. The method of anchoring these buoys shall be prescribed by the Captain of the Port. No vessel shall moor in any anchorage in such a manner as to interfere with the use of a duly authorized mooring buoy.

NOTE 3: Barge dispensing stations and municipal ash scows may be anchored in such places as the Captain of the Port may designate. Locations of anchorages for large dispensing stations will be subject to approval by the District Engineer in charge of works of river and harbor improvement.

NOTE 4: Upon approval of the United States District Engineer in charge of works of river and harbor improvement, the Captain of the Port may permit wrecking plant or other vessels legally engaged in recovering sunken property, or in laying or repairing pipe or cable lines legally established, or plant engaged in dredging operations, to anchor within channels of the Port of New York. Permit issued by the Captain of the Port is not necessary for plant engaged upon works of river and harbor improvement under the supervision of the District Engineer, but the District Engineer shall notify the Captain of the Port in advance of all such proposed work.

NOTE 5: Anchorage Areas Nos. 49–B to 49–D are reserved for vessels carrying explosives. These areas are not to be used by vessels which do not carry explosives, except in cases of great emergency. All vessels carrying explosives shall be within these areas when anchored.

6.3–25 *Hudson River anchorages.* (a) Northward of a line on a range with the north side of the north pier of the Union Dry Dock and Repair Company Shipyard, Edgewater, N. J.; westward of a line ranging 25° true from a point 120 yards east of the east end of said pier to a point 500 yards from the shore (915 yards from Fort Lee flagpole) on a line bearing 100° true and ranging between the Fort Lee flagpole and the square chimney on the Medical Center Building at 168th Street, Manhattan; and southward of said line ranging between the Fort Lee flagpole and the square chimney of the Medical Center.

(b) Northward of a line bearing 66° true ranging between the south face of the building known as "Ben Marden's Riviera" north of the George Washington Bridge at Fort Lee, N. J., and the bell tower of the "Cloisters" at Fort Tryon Park, Manhattan; westward of lines ranging 29° true from spar buoy (Lat. N. 40°51′34″, long. W. 73°56′54″) to spar buoy (Lat. N. 40°52′27″, long. W. 73°56′16″); thence 20° true to spar buoy (Lat. N. 40°54′17″, long. W. 73°55′23″); thence 15° true to spar buoy (Lat. N. 40°56′20″, long. W. 73°54′39″); and southward of a line (bearing 104° true) on a range with the latter buoy and the stack of the Yonkers Sewage Disposal Plant: *Provided*, That in order to give free passage for ferry boats, no vessel shall anchor within 300 yards of the line of the Englewood, N. J. to Dyckman Street, Manhattan, N. Y., ferry.

(c) Eastward of lines bearing 8° true from the northwest corner of the crib icebreaker north of the New York Central Railroad Company drawbridge across Spuyten Duyvil Creek (Harlem River) to a point 250 yards offshore and on a line with The New York Central Railroad signal bridge at the foot of West 231st Street, extended, at Spuyten Duyvil, Bronx, N. Y.; thence bearing 19° true to the channelward face of the Mount St. Vincent dock at the foot of West 261st Street, Riverdale, Bronx, N. Y.

§ 6.3–30 *Special anchorage areas.* The following areas are designated as special anchorage areas wherein vessels not more than sixty-five feet in length, when at anchor, shall not be required to carry or exhibit anchor lights:

(a) *Yonkers, New York.* Northward of a line on range with the footbridge across the New York Central Railroad Company tracks at the southerly end of Greystone Station, eastward of a line on range with the square, red brick chimney west of the New York Central Railroad Company tracks at Hastings-on-Hudson and the easterly yellow brick chimney of the Glenwood power house of the Yonkers Electric Light and Power Company, and southward of a line on range with the first New York Central Railroad Company signal bridge north of the Yonkers Yacht Club. (See U.S.C.&G.S. Chart No. 748.)

(b) *Hastings-on-Hudson, New York.* (1) Northward of a line on range with the northerly face of the clubhouse of the Tower Ridge Yacht Club, eastward of a line on range with the elevated tank of the Anaconda Wire and Cable Company and the channelward face of the northerly building on the waterfront of the said Company's property, and southward of a line on range with the first footbridge across the New York Central Railroad Company tracks, north of the Tower Ridge Yacht Club. (See U.S.C.&G.S. Chart No. 748.)

(2) Northward of the south side of West 181st Street, prolonged: eastward of a line ranging 28° true from Jeffreys Hook Light on Fort Washington Point and tangent to the east shore of the river at Inwood Hill Park; and southward of the line of the south ferry rack, extended due east, at Dyckman Street, Manhattan, N. Y.

(c) *New Rochelle Harbor; Travers Island Creek Anchorage.* The portion of the Port of New York, Long Island Sound Anchorage No. 1 lying between Hog Island, Travers Island, Neptune Island and Glen Island and the mainland to the westward of a line extending from the cupola at the southeast extremity of Glen Island to the easternmost extremity of Hog Island and to the northeastward of a line extending from the southwest extremity of Hog Island to the southeast corner of Travers Island; *Except*, That no vessel shall anchor without lights within 25 feet of the 50-foot channel west and south of Glen Island.

(d) *Goose Islands Anchorage.* The portion of the Port of New York, Long Island Sound Anchorage No. 1 between Glen Island and Goose Islands breakwater, northward of a line extending from the northwest end of Goose Islands breakwater to the cupola at the north end of the bathing beach on Glen Island.

(e) *Manhasset Bay, New York; south anchorage at Port Washington.* The portion of the Port of New York, Long Island Sound Anchorage No. 4 northward of latitude 40°49′06″; eastward of a line ranging 346° true from the flagpole on the end of the Whitney Dock at Plandome to the flagpole on the Columbia Yacht Club pier at Manorhaven; and southward of a line (latitude 40°49′21″) ranging due east to the flagpole on the dock of the Port Washington Yacht Club. (See U.S.C.&G.S. Chart No. 223.)

(f) *Manhasset Bay, New York; north anchorage at Port Washington.* The portion of the Port of New York, Long Island Sound Anchorage No. 4 northward of a line (latitude 40°49′28″) ranging due west from the southwest corner of the boat sheds on the Purdy Boat Company pier at Port Washington; eastward of a line ranging 346° true from the flagpole on the end of the Whitney Dock at Plandome to the flagpole on the pier of the Columbia Yacht Club at Manorhaven; southeastward of a line ranging 53° true to the cupola of the old Sands Point schoolhouse at Port Washington; and southward of a line (latitude 40°49′51″) ranging due east to the weather vane of the Port Washington Junior High School: Except, that no vessel shall anchor without lights within 100 feet of the buoyed east-west channel leading to the town dock at Port Washington and to Mill Pond. (See U.S.C.& G.S. Chart No. 223.)

(g) *Manhasset Bay, New York; anchorage at Manorhaven.* The portion of the Port of New York, Long Island Sound Anchorage No. 4, westward of a line (longitude 73°42′53″) ranging due south from the end of the Town of North Hempstead pier at Manorhaven; northward of a line ranging 233° true from the intersection between the shore and the northerly line of Corchang Avenue (extended) on Tom Point to Black Can Buoy No. 3 (latitude 40°49′48.5″, longitude 73°43′25″); and eastward of the line ranging due north to the east side of the pier of Yacht Service, Inc., on the Copp Estate at Manorhaven. (See U.S.C.&G.S. Chart No. 223.)

(h) *Eastchester Bay, New York*—(1) *anchorage at City Island.* The portion of the Port of New York, Long Island Sound Anchorage No. 1, west of City Island and within the following limits: Northward of a line ranging 244° true from the Duryea Pier at the foot of City Island Avenue to Big Tom Nun Buoy No. 2 (latitude 40°50′01″, longitude 73°47′25″); thence northeastward of a line ranging 329° true from Big Tom Nun Buoy No. 2 through the Nun Buoy (latitude 40°50′46″ longitude 73°48′01″) off the southern end of Rodman Neck; southeastward of a line ranging 205° true, from the east abutment of the City Island Bridge through the south tower of the Bronx-Whitestone Bridge; and southward of a line ranging 90° true from the Pelham War Memorial in Pelham Bay Park and the steeple of the church at the southeast corner of Elizabeth Street and City Island Avenue.

(2) *Anchorage along west shore.* The portion of the Port of New York, Long Island Sound Anchorage No. 1, along the west shore of Eastchester Bay north of and including Weir Creek, shoreward of a line ranging 349° true from the end of the timber pier at the foot of Pope Place, Edgewater, and through the transmission tower at the northeast side of the draw of the New York, New Haven and Hartford Railroad Bridge over Eastchester Creek, and having as its northerly limit the line ranging 79° true through the row of telephone poles along the north side of Watt Avenue.

(3) *Anchorage at Locust Point Harbor.* The portion of the Port of New York, Long Island Sound Anchorage No. 2, included within the limits of Locust Point Harbor between Wright Island and Throgs Neck and to the westward of a north and south line (longitude 73°47′58″) through the southerly corner of the concrete culvert at the southerly end of the stone wall at Locust Point on Wright Island.

§ 6.3–35 *Naval anchorage.* (a) An anchorage is defined and established for the mooring of naval vessels northward of the south side of West 72d Street, Manhattan, prolonged; eastward of the east channel line of the Federally improved Weehawken-Edgewater Channel, said east channel line being extended to a point opposite West 156th Street; thence eastward of a line bearing 17° true ranging between the end of the pier at the foot of West 134th Street and a point on the George Washington Bridge 250 yards westward of the air beacon on the east bridge tower; and southward of said bridge: *Provided,* That, in order to give free passage for ferry boats, no vessel shall anchor within a limit of 300 yards of the line of the West 125th Street, Manhattan to Edgewater, N. J. ferry.

(1) In the discretion of the Captain of the Port, small commercial or pleasure vessels may anchor in this area shoreward of a line extending from the channelward end of the New York Central Railroad pier at the foot of West 70th Street to the channelward end of the pier at the foot of West 129th Street; and shoreward of the pierhead line as established by the Secretary of War, between West 134th Street, and a prolongation of the bridge over the New York Central Railroad tracks located 1,000 feet south of the George Washington Bridge.

(2) The Captain of the Port may grant permission for one stake boat to occupy an area in the westerly 200-yard portion of the naval anchorage.

(3) The Captain of the Port may permit limited temporary anchorage, not to exceed 24 hours, of commercial vessels awaiting berths in the westerly portion of the naval anchorage south of West 13th Street when use of the anchorage by naval vessels will permit.

(4) The established anchorages for naval vessels having been found inadequate at times when large numbers of them are in the harbor a numbered series of anchorages is defined and established, as shown on Key Chart No. 1, and Key Chart No. 2 (Not published herein) in order that when a necessity for additional anchorages arises, permission may be given naval vessels to anchor at designated points serially numbered from 2 to 40 for capital ships, from 100 to 129 for intermediate ships, from 213 to 399 for destroyers and small craft, and from 508 to 611 for the anchorage of destroyers and small craft on the east side of the river, when the space is not required for capital or intermediate ships. Berths 16 to 19, 546, 547, and 551 to 555, are for use only on occasions when the other numbered berths available are not sufficient for the accommodation of the naval ships present. The Captain of the Port, on request from the proper naval authorities, may grant permission to occupy the numbered anchorages outside of, or extending outside of, naval anchorage No. 19, provided those specified in the request can be made available, commercial conditions at the time being given proper consideration. If, in his opinion, there are reasons why the anchorage or anchorages asked for should not be assigned, he will confer with the naval officers making the request, and if other numbers can be agreed upon,

will authorize their use; otherwise he will communicate the request to the Secretary of War with a statement of the circumstances and with his recommendation.

§ 6.3–40 *Naval anchorage: Randall Bay, Freeport, Long Island, New York*—(a) *Anchorage ground.* Vessels may anchor in Randall Bay to the southward of a line 312 feet south of and parallel to the south side of Casino Street; to the eastward of a line 215 feet east of and parallel to the east side of West Side Avenue, said line extending southerly to a point 235 feet Clinton Street; to the northeastward of a line from the last-mentioned point to a point 234 feet southerly of the prolonged south side of Clinton Street and 210 feet east of the east side of Prospect Street; to the eastward of a line 210 feet of and parallel to the east side of Prospect Street; to the northward of a line 25 feet north of and parallel to the prolonged north side of Suffolk Street; to the westward of a line 210 feet west of and parallel to the west side of south Long Beach Avenue, said line extending northerly to a point 222 feet south or the prolonged south side of Queens Street; to the southwestward of a line from the last-mentioned point to a point 74 feet northerly of the prolonged north side of Queens Street and 120 feet west of the west side of Roosevelt Avenue; and to the westward of a line 120 feet west of and parallel to the west side of Roosevelt Avenue.

NOTE 1: The Captain of the Port, subject to the approval of the District Engineer, is authorized to issue permits for maintaining mooring buoys within the anchorage. The method of anchoring these buoys will be prescribed by the Captain of the Port. No vessel shall anchor in the anchorage in such a manner as to interfere with the use of a duly authorized mooring buoy.

NOTE 2: No vessel shall be navigated within Randall Bay at a speed exceeding 6 knots.

NOTE 3: Temporary regulations to govern anchoring of vessels and placing of moorings in that portion of East River Anchorage No. 10 in Flushing Bay, Port of New York:

(i) No vessel shall anchor in the main Flushing Bay Channel or the approach channel to and maneuvering area in front of the municipal boat basin at the south end of Flushing Bay.

(ii) No vessel shall anchor for a period longer than 72 hours in that section of the anchorage south of North Beach Airport and west of the main Flushing Bay Channel.

(iii) The portion of Anchorage 20–A in Upper New York Bay, as defined in the regulations for the Port of New York, located eastward of a line bearing 204½° true from the east end of the east landing pier on Bedloes Island and south of Bedloes Island, is designated an explosive anchorage.

§ 6.3–45 *Long Island Sound anchorages*—(a) *Anchorage No. 1.* Southwestward of a line, between Neptune Island and Glen Island, ranging from the flashing red light on Aunt Phebe Rock and tangent to the north edge of Glen Island; southwestward of a line tangent to the northeast edges of Glen Island and Goose Islands breakwater; southwestward of a line bearing southeasterly from the southwest end of Goose Islands breakwater and on range with the south gable of the Casino on the northeast end of Glen Island; westward of a line ranging from the east edge of the said breakwater to the west edge of the north end of Hart Island; westward of a line ranging thence toward the radio tower on Willets Point to a point off the south end of City Island; and northwestward of a line ranging from the flashing red light at the south end of Hart Island to Locust Point. Boats shall not anchor in this area in buoyed channels and must be so anchored as to leave at all times an open, usable channel, at least 50 feet wide, west and south of Glen Island.

(1) *Anchorage No. 1–A.* Southwestward of a line ranging from Duck Point, Echo Bay, through Baileys Rock Lighted Buoy "1 Br."; northwestward of a line ranging from Hicks Ledge Buoy to Old Tom Head Rocks Buoy, and from thence northwestward of a line ranging to the southerly point of Davenport Neck.

(2) *Anchorage No. 1–B.* Westward of a line ranging from the point on the southwest side of Horseshoe Harbor, Larchmont, to the Hicks Ledge Buoy, thence northward of a line ranging to Duck Point and in Echo Bay north and west of the channel.

(b) *Anchorage No. 2.* To the westward of a line from Locust Point tangent to the north sea wall at Throgs Neck.

(c) *Anchorage No. 3.* To the northeastward of a line from the south side of Barker Point to Gangway Rock Bell Buoy 27, southeastward of a line from thence to Sands Point Reef Buoy 25, and southwestward of a line from thence to Sands Point Light.

(d) *Anchorage No. 4.* In Nanhasset Bay and to the northeastward of a line ranging tangent to Belden Point at the south end of City Island from Rodman Neck Shoal Buoy in East Chester Bay; southeastward of a line ranging from Stepping Stones Light to Gangway Rock Bell Buoy 27, and southwestward of Anchorage No. 3.

(e) *Anchorage No. 5.* In Little Neck Bay and to the eastward of a line ranging from Fort Totten flagstaff to the east point of shore of Hart Island, and southward of Anchorage No. 4.

NOTE: Paragraphs (f) through (o) apply to East River anchorages.

(f) *Anchorage No. 6.* On Hammond Flats to the northward of a line bearing 262° from the head of Engineers Wharf, Throgs Neck, to Old Ferry Point.

(g) *Anchorage No. 7.* To the southward of a line from Whitestone Point to the outer end of Willet Point Wharf.

(h) *Anchorage No. 8.* On the north side of the channel, north of a line between Old Ferry Point and Hunts Point Buoy 2.

(i) *Anchorage No. 9.* On the south side of the channel to the eastward of a line from the east side of the ferry rack at College Point to College Point Reef Light, and south of a line from said light to Whitestone Point.

(j) *Anchorage No. 10.* In Flushing and Bowery Bays, to the southward of lines ranging from the north end of the rack of the Astoria Veneer Mills at Steinway to the tip of Sanford Point, thence to Rikers Island Channel Buoy 3, and thence to College Point.

(k) *Anchorage No. 11.* To the eastward of Rikers Island and southward of a line from the north pier of Rikers Island to Rikers Island Channel Entrance Gong Buoy, to the westward of a line from thence to Rikers Island Channel Buoy 2 and northward of a line from thence to Rikers Island Channel Buoy 4, and from thence to Rikers Island Channel Buoy 6.

(l) *Anchorage No. 12.* To the westward of Rikers Island, northward of a line from Rikers Island Channel Buoy 6 to Rikers Island Channel Bell Buoy 8, to the eastward of a line from thence to the west side of South Brother Island, and southward of a line from the north side of the latter island to the north pier of Rikers Island.

(m) *Anchorage No. 13.* To the westward of a line from Stony Point to the northeast end of Wards Island; and between Wards Island and Randall Island, and between Randall Island and Port Morris.

(n) *Anchorage No. 14.* To the eastward of a line from Hatters Dock to Gibbs Point, Hallets Cove, Astoria.

(o) *Anchorage No. 15.* To the southward of a line bearing 119° prolonging the center line of East Thirty-second Street, westward of a line ranging 184° from the southeast corner of the Forty-second Street Pier to a point one-third of the main span west of the east tower of Williamsburg Bridge and northward of a line bearing 119°, prolonging the center line of East Twenty-fourth Street.

§ 6.3–50 *Little Neck Bay, New York.* The portion of the Port of New York, Long Island Sound Anchorage No. 5 southward of a line (latitude 40°47′33″) ranging due east from the flag pole at Fort Totten, Willets Point, and eastward of a line (longitude 3°46′10″) ranging due north from the flag pole at the Bayside Yacht Club (See U.S.C. and G.S. Chart No. 223), is designated as a special anchorage area wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights.

FOURTH NAVAL DISTRICT

§ 6.4–1 *Philadelphia, Pennsylvania*—(a) *The Anchorage area*—(1) *Anchorage No. 1.* (Port Richmond Anchorage) Located south of the channel, between the upper and lower ends of Petty Island, and between lines opposite Allegheny Avenue and Pier No. 80, north, near Norris Street, Philadelphia, marked by White Spar Buoys A, B, C, and D.

Vessels having a draft less than twenty feet must anchor west of Pier No. 11 at Port Richmond. The area off the Crew Levick Wharf at Petty Island shall be restricted to facilitate the movement of vessels to and from the Company's wharf. Vessels must not cast anchor in the cable area indicated, except in a case of emergency.

(2) *Anchorage No. 2.* (Cooper Point Anchorage) Located east of the channel; between lines marking the prolongation of Marlborough Street and the south side of Pier No. 24, North Wharves, Philadelphia.

(3) *Anchorage No. 3.* (Greenwich Anchorage) Located east of the channel; north from Flashing Red Buoy No. 48 A, bearing 320° from the southwest corner of the Immigration pier at Gloucester, New Jersey; and south from White Nun Buoy No. 2. opposite the railroad ferries at Kaighn Point.

The area between Pier No. 2, New York Shipbuilding Corporation and the McAndrews and Forbes Company's Pier, Camden, shall be restricted to facilitate the movement of car-floats to and from Bulson Street, Camden. Should the anchorage become so congested that vessels are compelled to anchor in the restricted area, they must move immediately when another berth is available.

(4) *Anchorage No. 4.* (Gloucester Anchorage) Located southeast of the channel, marked by East Horseshoe Range Lights; southwest from Flashing Red Buoy No. 48 A, northeast from Red Nun Buoy No. 48, bearing 267° from the north end of the retaining dike at the mouth of Big Timber Creek, New Jersey.

(5) *Anchorage No. 5.* (League Island anchorage—Naval) Located north of the channel marked by West Horseshoe Range Lights; to the eastward of a line running 173° from the upper side of Pier No. 1, to a line running 173° from Pier No. 7, at the Navy Yard, Philadelphia. This is a restricted naval anchorage.

(6) *Anchorage No. 6.* (Mantua Creek anchorage) Located southeast of the channel marked by Mifflin Range Lights; from a line running 0° from Tinicum Range near light along the easterly channel line, approximately 8,200 feet northeastward to Red Gas Buoy No. 2 F, and marked by White Nun Buoys.

(7) *Anchorage No. 7.* (Thompson Point anchorage) Located south of the channel, marked by Tinicum Range Lights; west of a line running 0° from Crab Creek, east of a line running 0° from the car-float slip at Thompson Point.

(8) *Anchorage No. 8.* (Marcus Hook anchorage) (i) Located southeast of the channel marked by Marcus Hook Range Lights; to the northeastward of a line running 152° from the General Chemical Company's stack at Claymont, Delaware, to the southwestward of a line running 329° from the lower end of Raccoon Island, New Jersey.

(ii) A preferential area is hereby designated for the use of vessels awaiting quarantine inspection, between lines projected from the northeast and southwest boundaries of the United States Quarantine Station at Marcus Hook, Pennsylvania, and southeastward of the ship channel. Should the remainder of the anchorage be in use, the preferential area, when unoccupied, may be used by deep draft vessels not subject to quarantine inspection. The deep draft area of the anchorage is marked by Flashing White Buoy No. 6 M and White Nun Buoys REF The quarantine area is marked by Yellow Nun Buoys. Light draft vessels should anchor northeastward from the upstream White Nun Buoy REF.

(9) *Anchorage No. 9.* (Deepwater Point anchorage) Located east of the channel, marked by Cherry Island Range Lights; to the northward of a line running 280° from Deepwater Point Range front light, to the southward of a line running 112° from the Christina River South Jetty Light. Vessels must not cast anchor in the cable area indicated except in a case of emergency.

(10) *Anchorage No. 10.* (Artificial Island anchorage) Located in the vicinity of Reedy Island at the upper end of Artificial Island, to the eastward of the channel along Reedy Island Range; northward of a line 103° from Reedy Island Light, extending upstream about 5,000 feet to a line 110° from the Quarantine Tank on Reedy Island, eastward of a line 500 feet from and parallel with the edge of the channel to the 26-foot curve of depth.

(11) *Anchorage No. 11 (Restricted).* (Five Mile Point anchorage) Located north of the channel; between lines opposite the Philadelphia Electric Company pier below the Delair railroad bridge and Pier No. 179 North, near Wensley Avenue, Philadelphia. This anchorage shall be reserved for vessels under custody of the United States. No vessel shall occupy this anchorage without a permit from the captain of the port

(12) *Anchorage No. 12 (Restricted)* (Petty Island anchorage) Located south of the channel; between lines opposite the Philadelphia Gas Works Company pier, near Tioga Street and Pier No. 179 North, near Wensley Avenue Philadelphia. This anchorage shall be reserved for vessels under custody of the United States. No vessel shall occupy this anchorage without a permit from the Captain of the Port.

(13) *Anchorage No. 13 (Restricted)* (Pea Patch Island anchorage) Located east of the channel, marked by New Castle Range Lights; from a line opposite Pea Patch Island Light, southward for a distance of 7,000 feet. This anchorage shall be reserved for vessels under custody of the United States. No vessel shall occupy this anchorage without a permit from the Captain of the Port.

(14) *Anchorage No 14 (General anchorage).* (Bombay Hook Point Anchorage.) Located west of Liston Range, between a line bearing 228° from lighted Bell Buoy 2 L and line bearing 228° from Ship John Shoal Lighthouse.

(15) *Anchorage No. 15 (Explosive).* (Reedy Point Explosive Anchorage.) Located in the Delaware River approximately one mile north of Reedy Island and is included within the following points:

(i) 1,335 yards 122° true from flashing red light on north jetty of Chesapeake and Delaware Canal Entrance.

(ii) 2,100 yards 118° true from flashing red light on north jetty of Chesapeake and Delaware Canal Entrance.

(iii) 2,400 yards 125°30′ true from flashing red light on north jetty of Chesapeake and Delaware Canal Entrance.

(iv) 4,200 yards 163° true from flashing red light on north jetty of Chesapeake and Delaware Canal Entrance.

(v) 3,000 yards 162° true from flashing red light on north jetty of Chesapeake and Delaware Canal Entrance.

§ 6.4–10 *Delaware River, Del., explosives anchorage in vicinity of Reedy Island*—(a) *Anchorage area.* At the upper end of Artificial Island, to the eastward of the dredged channel along Reedy Island Range, northward of a line 103° from Reedy Island Light, extending upstream about 5,000 feet to a line 110° from the Quarantine Tank on Reedy Island, eastward of a line 500 feet from and parallel with the edge of the channel to the 26-foot curve of depth.

§ 6.4–15 *Chesapeake and Delaware Canal, easterly of Courthouse Point, Maryland.* Southerly of a line joining the northernmost extremity of Courthouse Point and the westernmost point of Herring Island; westerly of a line bearing due south from the westernmost point of Herring Island; and northerly and easterly of the shore line.

FIFTH NAVAL DISTRICT

§ 6.5–1 *Baltimore, Maryland*—(a) *The anchorage area*—(1) *Anchorage A.* Located in Northwest Harbor between Fells Point and Youngs Pier, and marked by four anchorage buoys.

Note: This anchorage is intended for fishing and other small vessels having business in the inner harbor of Baltimore.

(2) *Anchorage B.* (Canton Hollow) Located in Northwest Harbor, and included within the following points:

(i) 640 yards 40° true from Fort McHenry Channel rear range light and marked by a White Spar Buoy;

(ii) 1,020 yards 67° true from Fort McHenry Channel rear range light and marked by a White Spar Buoy;

(iii) 650 yards 25° true from Fort McHenry Channel front range light.

This is to be an anchorage for vessels awaiting berths at piers, and no vessel may remain more than 12 hours without a permit from the captain of the port.

(3) *Anchorage C.* This anchorage is located east of the Maryland Yacht Club and is bounded by the following:

(i) On the north by Ferry Bar Channel range;

(ii) On the west by a line 225 feet from and parallel to pierhead line;

(iii) On the south by a line between buoy S 2 and a point 900 feet 190° true from Ferry Bar Channel front range light;

(iv) On the east by a line between buoy S 2 and a point 250 feet 270° true from Ferry Bar Channel front range light.

This anchorage shall be restricted to yachts. Vessels must anchor in such a way as not to block entrance to the slips of the nearby yacht club.

(4) *Anchorage No. 1.* (Fort McHenry) This anchorage is in the area bounded by lines drawn through the following points:

(i) 1100 yards 164° true from Lazaretto Point Light;

(ii) 1175 yards 170° true from Lazaretto Point Light;

(iii) 1900 yards 158° true from Lazaretto Point Light;

(iv) Fort McHenry Channel Buoy 15 M (2275 yards 152° true from Lazaretto Point Light).

This anchorage is to be used only as an overnight anchorage for vessels waiting to go to piers. No vessel may remain more than 12 hours without a permit from the captain of the port.

(5) *Anchorage No. 2.* (General anchorage) Located between Lazaretto Point and Airport, bounded by:

(i) White Spar Buoy B, 3200 yards 125° true from Lazaretto Point Light;

(ii) White Spar Buoy D, 1940 yards 113° true from Lazaretto Point Light;

(iii) Point E, 1775 yards 148° true from Lazaretto Point Light;

(iv) Buoy 12 M, 2300 yards 146° true from Lazaretto Point Light;

(v) White Spar Buoy C, 2275 yards 133° true from Lazaretto Point Light;

(vi) Point F, 3125 yards 136° true from tank at Lazaretto Point Light.

No vessel shall remain longer than four days without obtaining a permit from the captain of the port.

Note: This is to be a general anchorage for vessels with a draft of 24 feet and under.

(6) *Anchorage No. 3 (Riverview).* (General anchorage) Located between Fort McHenry Channel and Airport. bounded by:

(i) White Spar Buoy A, 3800 yards 136° true from Lazaretto Point Light;

(ii) White Spar Buoy C, 2300 yards 134° true from Lazaretto Point Light;

(iii) Buoy 12 M, 2300 yards 146° true from Lazaretto Point Light;

(iv) Buoy 10 M, 3800 yards 144° true from Lazaretto Point Light.

This anchorage shall be restricted to vessels of over 24 feet draft. No vessel shall remain in this anchorage longer than four days without obtaining a permit from the captain of the port. If, by reason of their draft, barges must anchor here, they must anchor in the lower third of this anchorage, as close together as the interests of safety will permit under the circumstances.

(7) *Anchorage No. 4.* (Restricted anchorage) Located between Sollers Point and Airport, bounded by points:

(i) 1700 yards 317° true from Fort Carroll Light;

(ii) 3550 yards 317° true from Fort Carroll Light;

(iii) 3600 yards 327° true from Fort Carroll Light;

(iv) 2600 yards 344° true from Fort Carroll Light;

(v) 1950 yards 342° true from Fort Carroll Light.

This anchorage shall not be used except on special permit from the captain of the port.

Note: The area is used by planes from the airport as a runway

(8) *Anchorage No. 5.* (General anchorage) Located between Fort McHenry Channel and Curtis Bay Channel, and bounded by the following Points:

(i) 1250 yards 343° true from Brewerton Channel rear range light;

(ii) 2375 yards 7½° true from Brewerton Channel rear range light;

(iii) 1700 yards 42° true from Brewerton Channel rear range light.

No vessel shall remain in this anchorage longer than four days without obtaining a permit from the captain of the port.

Note: This anchorage is to be used as a light anchorage for barges. It may also be used by other vessels during such time as other anchorages are not available.

(9) *Anchorage No. 6.* (Explosive) Located northeast of Fort McHenry Channel and just northwest of Fort Carroll, and bounded by the following points:

(i) White Spar Buoy A, 350 yards 347° true from Fort Carroll Light;

(ii) White Spar Buoy B, 1450 yards 326° true from Fort Carroll Light;

(iii) Buoy 8 M, 1500 yards 309° true from Fort Carroll Light;

(iv) Buoy M, 440 yards 277½° true from Fort Carroll Light.

(10) *Anchorage No. 7.* (Quarantine anchorage) Located in the area west of Fort McHenry Channel and south of Curtis Bay Channel, and bounded by the southern and westerly edges of those channels and lines between the following points:

(i) Buoy C 1, 1680 yards 345½° true from Brewerton Channel rear range light;

(ii) White Spar Buoy A, 900 yards 265° from Fort Carroll Light.

This anchorage is to be used only by vessels awaiting quarantine inspection. Special permits for use of the lower part of the anchorage for explosive loading of vessels exceeding 20 feet in draft may be issued in extraordinary cases.

(11) *Anchorage No. 8.* (Dead anchorage) Located in Curtis Bay south of Curtis Bay Channel, bounded by:

(i) The shore line and channel buoys C 9, 575 yards 4° true from stack on Sledds Point;

(ii) Buoy C 7, 1575 yards 66° true from stack on Sledds Point.

Vessels shall not anchor so as to swing within 100 yards of the channel. No vessel may occupy this area without obtaining a permit from the captain of the port When the captain of the port finds such action necessary to conserve space, he may require vessels in this anchorage to moor bow and stern, or to one another.

(12) *Anchorage No. 9.* Located in area between Stonehouse Cove and Fishing Point, bounded by:

(i) B & O RR Dock and buoy N 8;

(ii) Curtis Bay Channel line.

This anchorage is to be used only by vessels using nearby docks, while awaiting berths at piers. No vessel may remain in this anchorage more than twelve hours without obtaining a permit from the captain of the port.

§ 6.5–3 *Annapolis Harbor, Maryland.—The anchorage grounds.* (a) The following grounds for anchoring vessels in Annapolis Harbor, Maryland, are hereby defined and established, and the following rules and regulations relating thereto are adopted.

Note: Complaints arising under these regulations should be addressed to the District Engineer, United States Engineer Office, 332 Post Office Building, Baltimore, Md.

(1) *North anchorage.* Beginning at a point on the prolongation of the line of the northeast sea wall at the Naval Academy grounds, 80 feet from the face of the southeast sea wall of the same; thence N. 80°49′ E.—1,410 feet to Black Can Buoy No. 15; thence S. 56°11′ E.—1,815 feet; thence S. 79°32′ W.—3,558; thence N. 52°20′ W.—465 feet; thence N. 40°09′ E.—1,500 feet, parallel to the southeast sea wall of the Naval Academy grounds to the point of beginning.

(2) *South anchorage.* Beginning at a point 250 feet S. 79°32′ W. of a point on the prolongation of the southwest side of the North Anchorage 1,082.13 feet S. 52°20′ E. of the face of the southeast sea wall at the Naval Academy grounds; first, S.—240 feet to a wharf at Eastport and, second, from the same point of beginning N. 79°32′ E.—2,130 feet; thence S. 46°13′ E.—3,240 feet to Black Spar Buoy No. 5.

(3) *Inner anchorage.* Beginning at a point N. 44°18′ E.—130 feet from the east side of the north abutment of the draw in the Spa Creek Bridge; thence N. 6°35′ E.—99 feet; thence N. 81°00′ E.—435 feet; thence S. 9°00′ W.—735 feet; thence S. 44°18′ W.—465 feet to the point of beginning.

Note: Except in cases of great emergency, no vessel shall be anchored in Annapolis Harbor westward of the dredged channel and northward of Black Spar Buoy No. 5, outside the areas herein defined and established.

§ 6.5–10 *Patuxent River; restricted area adjacent to Naval Experimental Station near Solomons Island, Maryland.* (a) The southerly limit of the area will be marked by a first class nun buoy at the southwest corner located 99°, 840 yards from Point Patience Light, the southeast corner by a first class can buoy 101°, 1,260 yards from said light, the west and east limits running to the shore from these buoys and approximately at right angles to aline connecting said buoys.

(b) No vessel shall enter or remain in the above area except those engaged in naval activities.

(c) The regulations in this section shall be enforced by the captain of the port and duly authorized representatives of the Navy Department.

§ 6.5–12 *Anacostia River, District of Columbia.* To prevent interference with the operations of the United States in the Anacostia River, D. C., the following regulations are imposed on private craft:

(a) No boat shall anchor in any area in the Anacostia River between its mouth and Bennings Bridge that will interfere with the operations of the United States in the river, including dredging, seawall construction, and delivery or disposition of materials. Prohibited area will be marked at the corners by horizontally striped white and black buoys, or by similarly marked posts on the shore.

(b) Whenever buoys are placed, marking as prohibited any area previously open to anchorage, all craft anchored therein will be removed within 24 hours. If not so removed, such craft will be subject to removal by the United States at the owner's risk, without any right of claims for loss or damage. Owners of craft should mark their boats by card or otherwise with name and address to permit notification of necessity for removal.

§ 6.5–11 *United States Naval Torpedo Testing Range; five miles above Piney Point to Point Lookout, Maryland.* The torpedo testing range, which constitutes a danger zone is defined as follows: Bounded on the north by a line from buoy S "19DW" to Piney Point Light, thence to the (1 QK FL R) bell buoy at the southeastern tip of Saint Georges Bar, thence to Point Lookout Light, bounded on the east by a line from Point Lookout Light to buoy S "16W", bounded on the south by a line from S "16W" through buoys S "16AW", S "17W", S "18W", S "18AW", FL W "5A", to S "19W" and bounded on the west by a line from buoy S "19W" to buoy S "19DW".

§ 6.5–15 *Accotink Bay, Virginia; United States Military Reservation, Fort Belvoir, Virginia.* (a) The target ranges, which constitute a danger area, involve: All of Accotink Bay, the mouth of which the Post Commander shall have marked by a line of suitable buoys warning of the danger area; all of Accotink Creek south of a bridge which crosses Accotink Creek approximately 400 yards due south of U. S. Highway No. 1; and that portion of the waters of Pohick Bay bordering its north shore, which the Post Commander shall have marked off by suitable buoys warning of the danger area.

(b) When firing affecting the above area is in progress, it shall be the responsibility of the Post Commander to post guards at such locations that the waters in the danger area may be observed and to arrange signals whereby these guards may stop the firing should any person be seen in the waters of the danger area. When firing is in progress, The Post Commander shall cause to be displayed, both on the east shore of Accotink Bay at its mouth and near the danger area boundary on Accotink Creek, a red streamer which shall be visible to a person in a boat near those points.

(c) The Post Commander is hereby authorized by using such agencies and equipment necessary to stop all boats at the boundary of the danger area and prohibit their crossing that area until convenient to the firing schedule to do so.

(d) Persons desiring to cross the waters in the danger area shall first determine whether a red streamer is displayed on the east shore of Accotink Bay at its mouth or near the danger area boundary on Accotink Creek. If the red streamer is displayed, it will indicate that firing is in progress and that the waters in the danger area are covered by rifle fire and that the area shall not be entered until the streamer is lowered.

§ 6.5–20 *Willoughby Bay and Hampton Roads, Norfolk, Virginia—The anchorage area.* (a) The area beginning at a point on the northeast corner of the Naval Operating Base; thence North 82 degrees West, 4,850 feet; thence North 12 degrees East 7,500 feet; thence South 80 degrees East, 2,150 feet; thence South 9 degrees West, 3,600 feet; thence South 45 degrees East, 2,000 feet; thence South 68 degrees East, 850 feet; thence South 87 degrees 30 minutes East, 7,300 feet; thence South 3 degrees East, 3,000 feet; thence South 69 degrees West, 2,200 feet; and thence South 20 degrees 30 minutes East, 550 feet; to a point on the shore line fronting the Naval Air Station extended, containing an area of about 1,630 acres. All bearings are referred to true meridian.

(b) *The regulations.* (1) All vessels excepting those operated by the Navy and Coast Guard and the Chesapeake Ferry Company shall be prohibited from entering that portion of the Seaplane Operating Area in Willoughby Bay at all times.

(2) Boats without lights shall be prohibited from operating in that portion of the Seaplane Operating Area in Hampton Roads west of the western end of Willoughby Spit.

(3) No vessel shall at any time moor or anchor within the Seaplane Operating Area.

(4) No fishing, oystering, clamming or crabbing, or any other activities will be permitted at any time within the limits of the Seaplane Operating Area.

(5) All vessels moving in the Seaplane Operating Area shall immediately proceed to leave the area when warned by aircraft employing the "buzzing" method which consists of low flight by an airplane and repeated opening and closing of its throttle.

(6) These regulations will be enforced by the Captain of the Port, Norfolk, Virginia, and by the Commanding Officer, Naval Air Station, Naval Operating Base, Norfolk, Virginia, or such responsible agent or agents as they may jointly designate.

§ 6.5–25 *Hampton Roads and the Harbors of Norfolk and Newport News, Virginia*—(a) *The anchorage grounds*—(1) *Anchorage J–1, Willoughby Bay* (for small boats). To the westward of a line bearing 223° from the channelward end of the westerly fender of the Chesapeake Ferry Company terminal at Willoughby Spit to the clock tower on the Officers' Club at the Naval Operating Base; and to the northward of a line bearing 138° through Willoughby Spit Ferry Light to the intersection with the line first described.

(2) *Anchorage J–2, Willoughby Bay* (for small boats). To the eastward of a line bearing 169° from the southeasterly corner of the bulkhead of the Chesapeake Ferry Company terminal at Willoughby Spit to the northeasterly corner of the bulkhead at the Naval Air Station; to the northward of a line bearing 103° from Willoughby Spit Light through a spherical mooring buoy maintained by the Navy Department, and a triangular range target maintained by the War Department; to the southward of a line bearing 59° from the northeast corner of the bulkhead at the Naval Air Station to the intersection with the line last described, and to the eastward of a line bearing 330° from the point immediately east of the mouth of Mason Creek to the intersection with the line last described.

Note: Where special conditions justify, boats will be permitted to anchor channelward of the limits of Anchorage J–2, subject to written authority of the District Engineer in charge of the locality.

(1) *Temporary Anchorage A, Hampton Bar.* (i) To the westward of a line bearing 8° from a point "A" determined by the following cross bearings: Old Point Comfort Light, bearing 31°; range and beacon tower on west end of Fort Wool, bearing 100°; to the northward of a line bearing 229° from point "A" to a point "B", 425 yards distant; to the northeastward of a line bearing 289° from point "B" to the Elizabeth City County shore.

Note: This area is reserved for the use of vessels while undergoing examination by quarantine, customs, and immigration authorities. Upon completion of these examinations, vessels shall move promptly to a regular anchorage area.

(ii) The master of every steam vessel using this temporary anchorage shall keep his vessel in condition to move promptly under her own power upon notification by the Captain of the Port, and, when any such vessel is in charge of a pilot, the pilot shall remain on board until the vessel is safely anchored in a designated anchorage area. No sailing vessel, using this anchorage, shall be left unattended by a steam tugboat while undergoing examination by any of the authorities mentioned herein, except when her stay is likely to be of several hours' duration, when she shall be anchored in the western part of this temporary anchorage out of the way of other vessels before the tug and pilot leave her.

(iii) No master of a vessel awaiting or undergoing quarantine inspection shall release any part of the crew until the vessel has been passed by the proper quarantine officials and safely anchored, or moored, in one of the designated areas.

(2) *Anchorage B, Naval anchorage.* To the southward of a line extending 289° from point "B" defined under "Temporary Anchorage A"; to the westward of a line extending 3,680 yards, 229° from point "B" to point "C"; and to the northward of a line extending 292° from point "C" to the Elizabeth City County shore.

Note 1: This area is reserved for the use of naval vessels, but in the absence of the fleet, the Captain of the Port, may, in his discretion, permit it to be used by merchant vessels. Upon receiving word that any part of the fleet is expected, the Captain of the Port shall cause a sufficient area in this anchorage, and also in Anchorage C, to be vacated to accommodate the number of vessels scheduled to arrive.

Note 2: The established anchorages for naval vessels having been found inadequate at times when an especially large number of vessels are gathered for parade or other purpose, and the Navy Department having requested the establishment of a numbered series of anchorages for such occasions in order that a naval vessel may be ordered to proceed to a designated numbered anchorage in the harbor, the following arrangements have been made: A key chart for naval anchorages in Hampton Roads, which provides for the emergent anchorage of naval vessels in Anchorages A, C and G, has been prepared. These designated anchorages with the exception of those in Naval Anchorage B, which are primarily for naval vessels, are not set aside for the exclusive use of naval vessels, but permission will be given for naval vessels to use them when available. When the Captain of the Port receives notification from the proper naval authorities that it is desired to utilize certain of these specially numbered anchorages he will authorize the use by naval vessels of the required numbers, if they can be made available, the commercial conditions at the time being given proper consideration. If, in the opinion of the Captain of the Port, there are sufficient reasons why the numbers first asked for should not be used, he will confer with the naval officers making the request, and if other numbers can be agreed upon he will authorize their use, otherwise he will communicate the request to the Secretary of War with a statement of the circumstances and with his recommendations.

(3) *Anchorage C, Newport News Bar.* To the southward of the southern boundary of Anchorage B, to the westward of an extension of the line forming the eastern boundary of Anchorage B; to the northward of a line running through the red buoys marking the 40-foot dredged channel to Newport News; to the eastward of a line bearing north through Red Gas Buoy No. 8, at the western entrance to the Newport News Channel.

Note 1: Vessels shall be anchored so as to leave a clear fairway 200 yards wide from Newport News Channel Buoy No. 5 to the gas and bell buoy off the Chesapeake Ferry Company's slip at Newport News, thence 200 yards wide to the said ferry slip, except that in an emergency the fairway may be closed and occupied for the anchoring of naval vessels.

Note 2: See Note 2 under Anchorage B, above.

(4) *Anchorage D.* The area enclosed by lines drawn as follows: From Gas Buoy No. 1 at the entrance to the Newport News dredged channel to Bell Buoy No. 2, on the western side of the Norfolk Harbor dredged channel; thence 229° until Newport News Middle Ground Light bears 303°; thence 250° until Newport News Middle Ground Light bears 3°; thence bearing 3° for a distance of 775 yards to Anchorage Buoy E; thence bearing 49° on a line in extension of the southeast boundary of Anchorage B to intersection with the first line.

Note: This area is to be used by deep-draft vessels, wind-bound vessels from Lambert Point and Sewall Point, and vessels awaiting turn for docking. Other vessels may use this anchorage when permitted by the Captain of the Port. Vessels shall be anchored so as to leave a clear fairway 200 yards wide on a straight line between the slip of the Chesapeake Ferry Company at Pine Beach and Newport News Channel Buoy No. 5.

(5) *Anchorage E, middle ground anchorage.* To the southward of a line running through the black buoys marking the southern edge of the 40-foot dredged channel to Newport News; to the westward of the northwest boundary line of Anchorage D; to the northeastward of a line bearing 310° from Anchorage Buoy E.

Note: Vessels shall be anchored so as to leave a clear fairway 200 yards wide on a straight line between the slip of the Chesapeake Ferry Company at Pine Beach and Newport News Channel Buoy No. 5, except that in an emergency the fairway may be closed and occupied for the anchoring of naval vessels.

(6) *Anchorage F, anchorage for explosives and other dangerous articles.* To the southward of a line, bearing 310°, through two points determined by the following cross bearings; easterly point, Newport News Middle Ground Light, bearing 20°; Craney Island beacon, bearing 131°; Nansemond River Light, bearing 243°; westerly point, Newport News Middle Ground Light, bearing 89°; Nansemond River Light, bearing 219°; northern red light on the railroad pier at Newport News, bearing 327°45′. To the westward of a line bearing 183° through the above easterly point; to the eastward of a line bearing 183° through the above westerly point. The northeasterly limit of Anchorage F is parallel to and 425 yards southeast of the southeast boundary to Anchorage E. (See Note.)

Note: All vessels are forbidden to anchor between the northern boundary line of Anchorage F, and the southwestern boundary line of Anchorage E, or within a zone 425 yards wide on the eastern and the western sides of Anchorage F.

(7) *Anchorage F–1; anchorage for vessels carrying explosives and other dangerous articles and having drafts too great to permit them to use Anchorage F.* An area within Anchorage C to the westward of the eastern boundary of Anchorage C; to the northward of a line bearing 292° from the southeasterly corner of Anchorage C, 1,800 yards; to the eastward of a line bearing 49° to a point in the northern boundary of Anchorage C, 1,800 yards distant from the easterly corner of Anchorage C; to the southward of the northern boundary of Anchorage C.

Note: When Anchorage F–1 is not occupied by vessels carrying explosives, it may be used as a general anchorage in the same manner as other portions of Anchorage C, except that it must be vacated upon notice from the Captain of the Port when a vessel of a draft too great to permit it to use Anchorage F carrying explosives desires to anchor.

When Anchorage F–1 is occupied by a vessel carrying explosives, vessels shall not anchor in Anchorages B or C within a zone 425 yards wide on all sides of the area.

No vessel carrying explosives shall be anchored in area F–1 so as to swing within 500 yards of the Newport News dredged channel.

(8) *Anchorage G, Newport News.* To the southward of the following lines: From Fishing Point to Black Can Buoy No. 3 off Naseway Shoal; thence to a point fixed by the following cross bearings; northern red light on railroad pier, Newport News, bearing 135°; Nansemond River Light, bearing 180°; thence to a point determined by the following cross bearings; northern red light on railroad pier, Newport News, bearing 45°; Newport News Middle Ground Light, bearing 119°; Nansemond River Light, bearing 189°35′; thence 145° to Anchorage Buoy F, intersecting an extension of the line marking the northern boundary of Anchorage E; thence easterly to the westerly point of Anchorage E. To the westward of a line parallel to and 425 yards west of the western boundary of Anchorage F.

(9) *Anchorage G–1, James River.* To the northward of a line bearing 121° through a point on the Warwick County shore and a point 450 yards northerly of the midway point of the draw opening in James River Bridge; and to the eastward of a line parallel to James River Bridge and easterly therefrom not less than 200 yards.

(10) *Anchorage G–2, James River.* To the westward of a line parallel to James River Bridge and westerly therefrom not less than 200 yards; to the northward of a line bearing 121° from a point 450 yards northerly of the midway point of the draw opening of James River Bridge, 6,100 yards northwesterly to a point; and to the eastward of a line bearing 30° from that point on the Warwick County shore.

(11) *Anchorage H, Craney Island Flats.* To the southward of the lines forming the southeastern boundary of Anchorage D; to the westward of a line through the red buoys marking the western side of the Norfolk Harbor Channel as far south as Craney Island beacon; to the northward of an east and west line joining Craney Island beacon and a point on the eastern boundary of Craney Island; generally eastward, northward, and westward of the northern portion of Craney Island between the point on the eastern boundary and the mainland west of the island; and to the eastward of a line parallel to and 425 yards easterly of the eastern boundary of Anchorage F.

Note: Vessels shall be anchored so as to leave a clear fairway 200 yards wide on a straight line between the slip of the Chesapeake Ferry Company at Pine Beach and Newport News Channel Buoy No. 5.

(12) *Anchorage H–1, West Norfolk.* To the southward and eastward of the southern and eastern boundaries of Craney Island and to the southward of an east and west line joining a point on the eastern boundary of Craney Island and Craney Island beacon; to the westward of a line through the red buoys marking the western side of the Norfolk Harbor Channel; to the northwestward of a line through Buoys Nos. 20 and 8, marking the northern side of the Western Branch Channel; and to the northeastward of a line through Buoy No. 8 and high stack at West Norfolk.

Note: No vessel after receiving its load shall remain more than 12 hours in this anchorage, except by special permit from the Captain of the Port.

(13) *Anchorage J, Sewall Point.* To the southward of a line bearing 87° from Gas Buoy No. 5 on the eastern side of the Norfolk Harbor Channel; to the northward of a line bearing 282° from the northwestern corner of the submarine basin, Naval Operating Base; to the eastward of a line through the black buoys marking the eastern side of the channel to Norfolk.

(14) *Anchorage K.* To the southward of lines bearing 87° and 220°, respectively, from Spar Buoy No. 2, marking the southern side of the channel to the Virginian Railway coal pier at Sewall Point; to the northward of a line through Spar Buoys Nos. 1 and 3, marking the northern side of the channel to the Norfolk & Western Railway terminal at Sewall Point; and to the eastward of a line through Can Buoy No. 11, marking the eastern side of the Norfolk Harbor Channel.

(15) *Anchorage K-1.* To the southward of a line through Spar Buoy No. 4, marking the southern side of the channel to the Standard Oil Company's pipe line pier; to the northward of a line 185 yards north of Pier No. 2 of the United States Army Supply Base; and to the eastward of the eastern side of the Norfolk Harbor Channel.

(16) *Anchorage K-2.* To the southward of two lines, one 185 yards south of Pier No. 1 of the United States Army Supply Base, and the other running easterly from the extreme tip of Tannar Point on the north side of Lafayette River, at its mouth, to the extreme tip of the most northerly point on the south side of the river; to the northward of a line bearing 112° from Gas Buoy No. 21, about 835 yards northerly of Lambert Point; and to the eastward of a line through Buoys Nos. 15, 19, and 21, marking the eastern side of Norfolk Harbor Channel.

(17) *Anchorage K-3, Lafayette River.* (For yachts and pleasure craft.) To the westward of Hampton Boulevard bridge crossing Lafayette River; and to the northward and eastward of a line running easterly from the extreme tip of Tanner Point on the north side of the river, at its mouth, to the extreme tip of the most northerly point on the south side of the river, this line constituting the dividing line between Anchorages K-2 and K-3.

NOTE: It will be understood that the establishment of this area shall not interfere with navigation and oyster cultivation.

(18) *Anchorage L, Lambert Point.* To the southeastward of a line bearing 51° from Gas Buoy No. 23 off Lambert Point; to the northwestward of a line bearing 51° from Can Buoy No. 25 off Lambert Point Creek; to the northeastward of a line through Gas Buoy No. 23 and Can Buoy No. 25 marking the eastern side of channel to Norfolk.

(19) *Anchorage M.* To the southeastward of a line bearing 47° from Can Buoy No. 27, 75 yards southeastward of the southernmost pier of the Norfolk & Western Railway on the east side of the channel to Norfolk, to the northeastward of two lines, one bearing 132° from Can Buoy No. 27, 530 yards to a point; and the other bearing 109° from that point.

(20) *Anchorage N, Norfolk, Virginia.* To the northeastward of a line running from the westerly end of the Pennsylvania Railroad pier in Norfolk to the southerly end of the pier at Fort Norfolk; and between two lines at right angles to above line, one passing 200 feet northwest of the Chesapeake & Ohio Railroad pier in Norfolk and the other passing 109 feet southeast of the Nottingham & Wrenn pier; and to the southward of a line drawn 100 feet north of and parallel to an extension of the north side of West Freemason Street.

(21) *Anchorage N-1, Smith Creek*—(i) *Mowbray Arch.* Between Mowbray Arch and a line described as follows: Beginning at Ghent Bridge 150 feet from Mowbray Arch and continuing westerly the same distance therefrom to the intersection of the prolongation of the east side of Colonial Avenue; thence in a straight line to a point on the south side of Mill Street prolonged and 70 feet from Mowbray Arch; thence parallel to and 70 feet from Mowbray Arch to the south side of Pembroke Avenue prolonged; thence along the prolongation of the south side of Pembroke Avenue to a point 50 feet from Mowbray Arch; thence in a straight line to a point on the south side of Fairfax Avenue prolonged and 40 feet from Mowbray Arch.

(ii) *The Hague.* Between the wall on the west side of the Hague and the straight line joining the point 40 feet easterly thereof in the south side of Fairfax Avenue prolonged, with the point 70 feet easterly from the wall in the perpendicular to the wall at the south end thereof.

NOTE: No floats, rafts, lighters, houseboats, or craft laid up for any reason shall be permitted within the Smith Creek anchorages, except by permission of the Captain of the Port. No vessel shall anchor, or moor, alongside any wharf or pier on Smith Creek, so as to extend more than 40 feet beyond the pierhead line, except in the authorized anchorages.

(22) *Anchorage O, Hospital Point.* To the southwestward of a line through the red buoys marking the western side of the Norfolk Harbor Channel; to the southward of a line bearing 242° from north tower elevator at Atlantic City.

(23) *Anchorage P, Port Norfolk.* To the southeastward of a line bearing 37° from the northeast corner of the Pennsylvania Railroad piers at Port Norfolk; to the southwestward of a line through the red buoys marking the southwestern side of channel to Norfolk; to the northwestward of the outside bulkhead at the north end of Pinner Point and its northeasterly extension.

(24) *Anchorage Q.* The area known as Spotico Creek Flats landward of the United States pierhead line, and not within 200 feet of wharves or other permanent improvements.

(25) *Anchorage R.* The area landward of the United States pierhead line on the south side of the Eastern Branch of the Elizabeth River extending from a point 700 feet to the eastward from Norfolk & Western Railway bridge to a point 250 feet from the Virginian Railway bridge and not within 200 feet of permanent improvements: *Provided,* That no vessel shall anchor within 100 feet of the eastern and western entrances of Steamboak Creek, or in a position that will obstruct passage thereto.

(26) *Anchorage S.* The area landward of the United States pierhead line on the northern side of the Eastern Branch of the Elizabeth River, between a point 250 feet from the Virginian Railway bridge and the western entrance of Broad Creek, not within 200 feet of permanent improvements, and exclusive of the area included between the combined pierhead and bulkhead lines in Moseley Creek.

(b) *The rules and regulations.* (1) Except in cases of great emergency no vessel shall be anchored in Hampton Roads or the harbors of Newport News and Norfolk, Virginia, outside of the anchorage areas hereby defined and established, nor be made fast to the exterior end of any pier, nor to any vessel lying at the exterior end of any pier, or along any bulkhead in such manner as to obstruct or endanger the passage of any vessels to or from the adjacent wharf property, or impede the movements of any vessel entering or leaving adjacent slips.

(2) Except as provided in subparagraph (1) of this paragraph, vessels carrying explosives or other dangerous articles, including inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases and poisonous substances, shall be anchored within the Anchorage Areas F and F-1 only, described above in § 6.5-20. Anchorage F is reserved for this special purpose and is not to be used by vessels carrying other classes of freight except in cases of emergency.

(3) Permits to anchor in channels within the limits of Hampton Roads and the harbors of Norfolk and Newport News, Virginia, may be granted by the Captain of the Port to wrecking plants legally engaged in recovering sunken property, when the application for such anchorage is approved by the District Engineer in charge of works of river and harbor improvements.

§ 6.5-30 *Area of forbidden anchorage; Hampton Roads, Virginia.* Except in cases of great emergency, no vessel shall anchor in the following area unless the owner, master, agent, or operator of such vessel has been issued a permit by the Captain of the Port, or U. S. District Engineer: Starting at a point on the 37th parallel located 256 degrees 30 min. true, 825 yards from Old Point Comfort Light; thence 108 degrees true, 315 yards; thence 84 degrees 30 min. true, 425 yards; thence 67 degrees true, 380 yards; thence 43 degrees 30 min. true, 2,650 yards; thence 90 degrees true, 3,020 yards; thence 172 degrees true, 2,040 yards, thence 252 degrees true, 5,230 yards to Fort Wool Light; thence 247 degrees true, 1,000 yards to Sewall Point Spit Lighted Bell Buoy #2; thence 348 degrees 30 min. true to point of origin.

SIXTH NAVAL DISTRICT

§ 6.6-1 *Waters of New River, North Carolina; firing sectors—The danger zone.* (a) The firing ranges include the waters within eight sectors located as follows:

(1) *Jacksonville River sector.* Bounded on the north by an east-west line passing through day marker No. 41, New River dredged channel; on the south by a line running S. 63°30′ W. from Paradise Point to Ragged Point; including Northeast Creek up to a north-south line at Long. 77°23′30″ W.; and South-west Creek up to a point where it narrows to 200′ width; including all water areas to the high water line.

(2) *Morgan Bay River sector.* Bounded on the north by a line running S. 63°30′ W. from Paradise Point to Ragged Point; on the south by a line running N. 74°30′ W. from Hadnot Point to Holmes Point; including Wallace Creek up to a north-south line at Long. 77°22′00″ W.; including all water areas to the high water line.

(3) *Farnell Bay River sector.* Bounded on the north by a line running N. 74°30′ W. from Hadnot Point to Holmes Point; on the south by a line running S. 67° E. from Town Point to the south side of the mouth of French Creek; including French Creek up to a north-south line at Long. 77°20′00″ W.; including all water areas to the high water line.

(4) *Grey Point River sector.* Bounded on the north by a line running S. 67° E. from Town Point to the south side of the mouth of French Creek; on the south by a line running N. 68°30′ W. from a point on the east side of New River opposite the head of Sneads Creek to the south side of the mouth of Stone Creek; including all water areas to the high water line.

(5) *Stone Creek sector.* That portion of the Grey Point River sector at the upper end of Stone Bay lying west of a north-south line at Long. 77°26′00″ W.; including all water areas to the high water line.

(6) *Stone Bay River sector.* Bounded on the north by a line running N. 68°30′ W. from a point on the east side of New River opposite the head of Sneads Creek, to the south side of the mouth of Stone Creek; on the south by Sneads Ferry Bridge; including all water areas to the high water line.

(7) *Courthouse Bay River sector.* Bounded on the north by Sneads Ferry Bridge; on the south by a line running S. 52° W. from Wilkins Bluff to Hall Point; including all water areas to the high water line.

(8) *Traps Bay River sector.* Bounded on the north by a line running S. 52° W. from Wilkins Bluff to Hall Point; on the south by a line running N. 80° W. from Cedar Point to Inland Waterway Beacon No. 70, at the mouth of New River; thence S. 74° W. to Hatch Point; including all water areas to the high water line.

(b) *The regulations.* (1) Sailing vessels or any water craft having a speed of less than 5 miles per hour will keep clear of the closed sectors at all times after notices of firing have been given. Any vessel or other water craft propelled by mechanical power at a speed greater than 5 miles per hour may enter the firing sectors without restriction except when the signals enumerated in subparagraphs (4) and (5) of this paragraph are being displayed. When the above signals are displayed all vessels in the sectors will clear immediately and no vessel will enter the sectors until the signals indicate that firing has ceased.

(2) Firing will take place during both daylight and nighttime hours, at irregular periods throughout the year.

(3) Two days in advance of the day when firing in any sector except the Stone Creek Sector is scheduled to begin, the Commanding Officer of the Marine Barracks, New River, North Carolina, will warn the public of the contemplated firing, stating the sector or sectors to be closed, through the public press and the U. S. Coast Guard. The Stone Creek sector may be closed without advance notice.

(4) A tower, 25 feet in height, shall be erected near the easterly shore at the upper and lower limits of each sector. On days when firing is scheduled, a red flag will be displayed on each of the towers bordering the sector or sectors to be closed. These flags will be displayed not later than 8:00 a. m., and will be removed when firing ceases for the day.

(5) During night firing, red lights will be displayed on the towers.

(6) These regulations shall be enforced by the Captain of the Port and by the Commanding Officer, Marine Barracks, New River, North Carolina, or such responsible agent or agents as they may jointly designate.

§ 6.6-5 *Port of Charleston, South Carolina*—(a) *General anchorage.* The anchorage grounds shall include all the navigable portions of that harbor, and the portions of Cooper, Ashley, and Wando Rivers adjacent thereto, except the following:

(1) *Areas of prohibited anchorage* (i) That portion of Cooper River which is bounded on the north by a true east and west line through the north customhouse wharf, on the east by Shutes Folly Island, on the south by a true east and west line through the south shore of Shutes Folly Island, and on the west by the water front of Charleston.

(ii) A ship channel between the jetties and the navy yard 600 feet wide (or as much wider as an improved channel may hereafter be dredged), following the established ranges and usual courses and passing east of Drum Island. Between the north customhouse wharf and the Charleston Dry Dock & Machine Co.'s dock this shall include all the area between the eastern limit of said channel and the eastern water front of Charleston.

(iii) A ship channel 500 feet wide from the vicinity of the Charleston Dry Dock & Machine Co.'s dock north through Town Creek Channel, following the established ranges and usual courses and connecting at both ends with the main channel.

(iv) A ship channel in Ashley River from its mouth to Standard Wharf 240 feet wide following the established ranges and usual courses, and widened at the eastern end to connect with the main channel in Cooper River.

(v) The commonly used channel in Wando River, with width of 200 feet.

(vi) A channel 200 feet wide in Hog Island Channel from Cooper River to the Mount Pleasant Ferry terminal, having its northern limit along the line of lighted beacons in Hog Island Channel.

(vii) An area 1,200 feet wide extending from Ripley Shoal Light toward the head of the Seaboard Air Line wharf (foot of Hasell Street) to its junction with the prohibited area described in paragraph (a) (1) of this section.

(viii) An area 1,200 feet wide extending from Ripley Shoal Light to Fort Sumter Light, with its axis connecting those structures.

(ix) An area 1,200 feet wide extending from Fort Sumter Light to Old Fort Moultrie, with its axis connecting the centers of those structures,

(2) *Anchorage for explosives.* Vessels carrying gunpowder or other explosives in bulk may anchor only in that section of the Wando River, designated as "Anchorage for explosives", which lies on the west side of that river, between a point opposite the south end of Daniel Island and a point about 1 mile to the north: *Provided,* That vessels carrying high explosives in bulk shall not anchor within 400 yards of each other, but this provision is not intended to prohibit lighters from tying up alongside ships for the transfer of cargo.

(b) *The regulations.* (1) Anchors must not be placed within the areas of prohibited anchorage, but vessels may be so anchored as to swing into these areas, provided that they are so placed, with reference to the customary winds, tides, and currents of the harbor, that they will so swing only during slack water.

(2) Vessels must be anchored in such way as not to interfere with the free navigation of channels of the port, including Cooper, Ashley, and Wando Rivers, or to obstruct the approach to any pier or entrance to any slip, or to impede the movement of any ferryboat.

(3) Except in cases of great emergency, no craft shall be so anchored that it can swing within 400 feet of any wharf or pier on the eastern water front of Charleston, S. C.

(4) Except in cases of great emergency, no light vessel (vessel not laden) nor small craft shall be anchored in Cooper River north of an east and west line through the north customhouse wharf unless proper anchorage space is not available elsewhere in the harbor, including the connected rivers.

§ 6.6-10 *Wilmington River, Thunderbolt Harbor, Georgia.* (a) All azimuths are referred to the true meridian. The area in Wilmington River, in the vicinity of Thunderbolt Harbor, Georgia, described below is hereby established as anchorage grounds for vessels, and the following rules and regulations relating thereto are hereby adopted:

To the westward of the following described line: A line bearing 183° (S. 3° W.), 430 feet, from the southeasterly corner of the outer end of the wharf of the Shrine Club to a buoy; thence bearing 204½° (S. 24½° W.), 2,280 feet, to the Maggioni Packing Plant.

NOTE: Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes are prohibited.

(b) *The regulations.* (1) Except in cases of great emergency, no vessel shall anchor in Wilmington River, Georgia, between the State Highway Bridge, Thunderbolt, Georgia, and 4,000 feet to the southward, except in the anchorage areas hereby defined and established: *Provided, however,* That vessels may moor to any lawfully constructed wharf.

§ 6.6-15 *Turners Creek, Georgia.* (a) The area in Turners Creek, Georgia, in the vicinity of its mouth indicated on the map attached and more particularly described below, is hereby established as anchorage grounds for vessels, and the following rules and regulations relating thereto are hereby adopted:

To the southwestward of the following described line: A line beginning at a point on the northerly high water shore line of Wilmington Island 750 feet northwesterly from the Savannah Yacht Club wharf and bearing 34°25′ (N. 34°25′ E.), 200 feet, to a buoy; thence bearing 124°25′ (S. 55°35′ E.), 1,800 feet, to a buoy; thence bearing 214°25′ (S 34°25′ W.), 150 feet, to the high water line of Wilmington Island.

NOTE: Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area Fixed Mooring piles or stakes are prohibited.

(b) *The regulations.* (1) Except in cases of great emergency, no vessels shall anchor in Turners Creek between its mouth in Wilmington River and a point 4,000 feet to the eastward except in the anchorage area hereby defined and established: *Provided, however,* That vessels may moor to any lawfully constructed wharf.

§ 6.6–20 *Jacksonville, Florida*—(a) *The anchorage area.* (1) *Anchorage A.* The northern limits of this anchorage shall be about 1,200 yards south of drawbridge crossing the St. Johns River at Jacksonville, Florida, and extending on a line running east and west through Grassy Point Middle Ground Lower End Light No. 31. The southern limits of this anchorage from Grassy Point Middle Ground Light No. 34 shall be a line running east to the eastern edge of anchorage. The eastern edge of the anchorage shall be a line running between Hedricks Point and La Vista Point, South Jacksonville, Florida. The western edge of the anchorage shall be a line from Grassy Point Middle Ground Light No. 34 to Winter Point, Jacksonville, Florida.

NOTE: Permanent anchorage for deep draft vessels.

(2) *Anchorage B.* The northern limits shall be the southern limits of anchorage A. The eastern and western limits shall be the continuation of the eastern and western limits of anchorage A. The southern limits shall be a line east and west from La Vista Point, South Jacksonville, Florida, to Sadler Point, Ortega, Jacksonville, Florida.

NOTE: Permanent anchorage for shallow draft vessels.

(3) *Anchorage C.* The southern and eastern limits of this anchorage are the shores of the St. Johns River. The western and northern limits are from a point on the shore line north to Twenty Foot Rock Buoy No. 81, thence to Commodore Point Lighted Buoy No. 79, thence NE x N 600 yards, thence east to Empire Point. This anchorage shall be an anchorage for vessels exceeding twenty-four feet in draft. No vessel shall remain in this anchorage more than twenty-four hours without obtaining a permit from the captain of the port.

(4) *Anchorage D.* The area included within the following buoys and lights: From Terminal Channel Light No. 7 to Cross Channel Buoy No. 78, to Arlington Cut Buoy No. 76 to Terminal Channel Light No. 5 and to Terminal Channel Light No. 7. No vessels shall anchor within 300 feet of Terminal Channel or Arlington Cut.

NOTE: Permanent anchorage for light draft barges and schooners.

(5) *Anchorage E.* From Six Mile Creek Cut Range Front Light No. 73, due west to Texas Company wharf, thence to Chaseville Middle Ground Black and Red Buoy, thence NE x E to shore line 1100 yards south of Chaseville, Florida. This anchorage shall be used only by vessels awaiting quarantine inspection, or by special permit from the captain of the port.

(6) *Anchorage F.* From Six Mile Creek Cut Range Front Light No. 73, to Chaseville Middle Ground Black and Red Buoy, thence NE x E to shore line 1100 yards south of Chaseville, Florida.

NOTE: Permanent anchorage for deep draft barges and schooners.

(7) *Anchorage G.* (Explosive) The area to the westward of the Trout River Cut, Maine Ship Channel, St. Johns River, and to the northward of Red Nun Buoy No. 66. No vessel shall anchor within 200 yards of the Trout River Cut.

SEVENTH NAVAL DISTRICT

§ 6.7–1 *Atlantic Ocean off Miami and Miami Beach, Florida—The anchorage grounds.* (a) The area to the eastward of a line bearing 12° (N. 12° E.) through a point X, which is 1½ nautical miles due east of the intersection of the Miami Beach shore line with the north jetty; to the northward of a line bearing 102° (S. 78° E.) and intersecting the 12° line at a point A, one-half nautical mile north of the said point X; and to the southward of a line bearing 102° (S. 78° E.) and intersecting the 12° line at a point B, 2½ nautical miles north of the said point X. The northern and southern extremities of the 12° line are marked by spar buoys. The entire anchorage area lies north of the entrance channel to Miami Harbor.

NOTE: Except in cases of great emergency, no vessel shall be anchored in the Atlantic Ocean in the vicinity of the entrance to the approach channels leading to the cities of Miami Beach and Miami, Fla., outside of the anchorage area hereby defined and established—that is, they shall not anchor shoreward of the line first named nor southward of the second nor northward of the third line—but may anchor as far to the eastward as may be desired.

§ 6.7–10 *Tampa Bay, Florida*—(a) *The anchorage grounds.* A rectangular area two nautical miles in length and 2,000 feet in width, the northwesterly corner of this area being located approximately 4,000 feet northerly of Hillsboro Bay Cut A range, and 300 feet east of Tampa Bay Cut E range produced northerly; the northerly line of this area bears 71° (North 71° East) from this northwesterly corner for a distance of two nautical miles. This northerly line will be marked by three yellow can buoys, one at each end and one in the middle.

(b) *Quarantine regulations.* (1) Vessels arriving at quarantine and awaiting inspection will anchor in the above prescribed quarantine anchorage area. As soon as cleared by the quarantine officer, vessels must vacate this area.

(2) No vessels, excepting those awaiting quarantine inspection or clearance, will anchor in the quarantine anchorage area except in cases of great emergency. All vessels so anchored will vacate this area as soon as the emergency ceases.

(3) All vessels anchored in the quarantine anchorage area shall lie at anchor with as short a cable as conditions will permit and anchors must be placed well within the anchorage area, so that no portion of the hull or rigging shall at any time extend outside the boundaries of the anchorage area.

(c) *Regulations for target area; Tampa Bay, Florida.* The following regulations are hereby prescribed to govern the use and navigation of the waters of Tampa Bay, comprising a practice bombing target area of the United States Army Air Corps, lying in Tampa Bay, south of Porta Tampa:

(1) *The danger zone.* A 5,700-foot square area in Tampa Bay whose northeast boundary is a line about 3,000 feet off shore from and approximately parallel to the southwest shore of the Interbay Peninsula. The northeast side of the square is marked at its ends by unlighted channel day markers; the southeast end by Marker No. 4, located about 4,100 feet north of the lighted rear range beacon on the axis of Cut "F", Tampa Bay Channel, and the northwest end by Marker No. 2, a distance of 5,700 feet north 56½° west of day Marker No. 4. The area lies within latitudes 27°48′39″ and 27°49′57″ and longitude 82°31′27″ and 82°32′55″. The southwest corners of the square area are to be marked with single spar buoys projecting about 6 feet above the water and these buoys will be lighted at night.

(2) *The regulations.* (i) The fact that aerial target practice is to take place over the designated area shall be advertised to the public through the usual media for the dissemination of information.

(ii) Prior to the conducting of each bombing practice the area shall be patrolled by Army aircraft to insure that no water craft are within the area and any such watercraft seen in the vicinity shall be warned by means of signals that bombing practice is about to take place. The patrol aircraft shall employ the method of warning known as "buzzing", which consists of low flight by the airplane and repeated opening and closing of the throttle. Coast Guard and Army watercraft will also assist the planes in keeping public watercraft from approaching to the boundaries of the designated area.

(iii) Any such watercraft shall, upon being so warned, immediately vacate the area designated, and shall, until the conclusion of practice, remain at such a distance that it will be safe from falling objects.

(iv) The danger area will be opened to navigation except when bombing practice is being conducted. The bombing target (barge) will be anchored at the center of the designated area and will be lighted during the hours of darkness.

(d) *Regulations for target area; Orange Park, Florida.* The following regulations are hereby prescribed to govern the use and navigation of the waters of Doctors Lake, comprising a practice bombing target area of the United States Naval Air Corps, located near Orange Park, Florida:

(1) *The danger zone.* The area involved is Mill Cove, an arm of Doctors Lake, the danger zone lying southeasterly of a line tangent to Geigers Point, bearing south 30° West, running to the southerly shore of Mill Cove at its westerly

end. The target, which will be 11 feet square, constructed of 8-inch timber piles with 2-inch by 6-inch wales, braces, and rafters, and 1-inch by 6-inch battens, will be located in the center of Mill Cove approximately 1,000 feet from its easterly end. It will be surrounded by 8-inch piles 20 feet long placed on a circle 100 feet from the target with warning signs on alternate piles.

(2) *The regulations.* (i) The danger areas are open to navigation except when bombing practice is being conducted.

(ii) The northwestern limit of the danger area described above will be marked with three single piles or single spar buoys projecting about ten (10) feet above mean low water on which will be placed a sign stating: "Danger Zone, Keep Out! Aircraft Bombing Range."

(iii) Twelve piles will surround the target spaced equally on a circle of 100 feet radius, and on every other one will be placed a sign stating: "Danger! U. S. Naval Bombing Target. Keep Clear One Mile."

(iv) Prior to conduct of each bombing practice the area will be inspected by naval aircraft which will warn navigation to leave the area by zooming at a safe distance to the side. The "zooming" signal to warn vessels to leave the area prior to bombing practice, consists of an aircraft diving down at a safe distance to one side of the vessel and then rising suddenly.

(e) Upon perceiving this signal any watercraft within the danger zone shall immediately leave it, and no craft shall enter this area until practice has ceased.

§ 6.7–15 *Explosive anchorage grounds in vicinity of Mullet Key*—(a) *Anchorage A.* This anchorage to be used by vessels awaiting loading or unloading at Port Tampa that have explosives actually on board and where the duration of anchorage will exceed 12 hours. This area to be included in lines joining the following points; all bearings and distances are from Mullet Key Shoal Light:

(1) Bearing 65°30′ true, 4,480 yards.
(2) Bearing 85° true, 4,900 yards.
(3) Bearing 152°30′ true, 1,600 yards.
(4) Bearing 152°30′ true, 220 yards.

(b) *Anchorage B.* This anchorage will be used as a temporary anchorage of vessels engaged in loading explosives at Port Tampa and when the duration of the anchorage period is less than 12 hours. The area bounded by lines joining the following points located from Cut F, front range light:

(1) Bearing 107° true, 1,750 yards.
(2) Bearing 125° true, 2,050 yards.
(3) Bearing 180° true, 1,725 yards.
(4) Bearing 222° true, 2,180 yards.
(5) Bearing 251° true, 1,540 yards.

(c) *Examination anchorages.* (1) Bearing 94° true, 3,900 yards.
(2) Bearing 111° true, 4,950 yards.
(3) Bearing 163° true, 3,790 yards.
(4) Bearing 171°30′ true, 2,100 yards.

EIGHTH NAVAL DISTRICT

§ 6.8–1 *Mobile, Alabama*—(a) *Anchorage A.* (Explosive.) This anchorage includes the area within a radius of 750 yards from a point located 1,000 yards true north from Fort Morgan Light. Anchorage A shall be used by vessels loading or discharging high explosives. It shall also be used by vessels carrying dangerous or inflammable cargoes requiring an anchorage. It may be used for a general anchorage when not required for vessels carrying explosive or dangerous or inflammable cargoes. No vessel shall occupy this anchorage without obtaining a permit from the captain of the port.

§ 6.8–3 *New Orleans, Louisiana*—(a) *The anchorage area*—(1) *Anchorage A.* (Woodland anchorage.) An area 2 miles long near the right descending bank, south side of the channel, not to exceed 600 feet from the bank. Upper limits approximately .9 mile downstream from Point Celeste and opposite Davant, La. Lower limits approximately .7 mile upstream from Point-A-La-Hache Ferry Landing.

(2) *Anchorage B.* (Phoenix anchorage.) An area 2 miles long near the left descending bank, northeast of the channel, not to exceed 600 feet from the bank. Upper limits approximately 1 mile downstream from Poverty Point Light and directly opposite Myrtle Grove, La. Lower limits approximately 4.5 miles upstream from Favret Light, and opposite Oakland, La.

(3) *Anchorage C.* (Baton Rouge anchorage.) An area .5 mile long near the left descending bank, east side of the channel, not to exceed 1,000 feet from the bank, vicinity Standard Oil Plant. Upper limits 2.8 miles downstream from Baton Rouge Railroad and Highway Bridge. Lower limits approximately .5 mile upstream from Baton Rouge Ferry Landing.

(4) *Anchorage D.* (Port Allen anchorage.) An area 1.3 miles long near the right descending bank, west side of the channel, not to exceed 1,000 feet from the bank. Upper limits approximately 1.5 miles downstream from Port Allen Ferry Landing, or .8 mile downstream from Limerick Light. Lower limits approximately 4 miles upstream from Red Eye Crossing front light.

(5) *Anchorage E.* (Manchac anchorage) An area 1.3 miles long near the right descending bank, south side of the channel, not to exceed 1,000 feet from the bank. Upper limits approximately 1.4 miles downstream from Sardine Point Light. Lower limits approximately 1.5 miles upstream from Manchac point, and directly opposite Mulberry Grove Light.

(6) *Anchorage F.* (Plaquemine anchorage) An area 1 mile long near the left descending bank, northeast side of the channel, not to exceed 1,000 feet from the bank, vicinity Lucky Plantation. Upper limits approximately .7 mile downstream from Melodeon Point Light directly opposite Pecan Light. Lower limits approximately 3.4 miles upstream from Granada Front Range Light and directly opposite St. Louis Plantation Light.

(7) *Anchorage G.* (Carville anchorage) An area 1 mile long near the left descending bank, northwest side of the channel, not to exceed 600 feet from the bank, vicinity of U. S. Public Health Service Leper Colony. Upper limits approximately 1.6 miles downstream from White Castle Light opposite Alhambra Light. Lower limits approximately 1.5 miles upstream from Maryland Light and opposite Belle Grove Plantation.

(8) *Anchorage H.* (Philadelphia Point anchorage) An area 2.2 miles long near the right descending bank, southwest side of the channel, not to exceed 1,200 feet from the bank vicinity Elsie Landing. Upper limits approximately 1.5 miles downstream from Chatham Landing and directly opposite New River Light. Lower limits approximately .9 mile upstream from Philadelphia Point Landing and directly opposite Belle Helene Light.

(9) *Anchorage I.* (Donaldsonville anchorage) An area 1 mile long near the right descending bank, south side of the channel, not to exceed 1,200 feet from the bank. Upper limits approximately .4 mile downstream from Donaldsonville Ferry Landing. Lower limits approximately .9 mile upstream from Rateau Light and directly opposite Brangier Point Light.

(10) *Anchorage J.* (Olga Landing anchorage) An area 1.5 miles long near the right descending bank, west side of the channel, not to exceed 700 feet from the bank, vicinity Olga Landing. Upper limits approximately 2.8 miles downstream from Brilliant Point Light and directly opposite Uncle Sam Light. Lower limits approximately .8 mile upstream from St. James Light and directly opposite Convent Landing.

(11) *Anchorage K.* (Lutcher anchorage) An area 1.7 miles long near the left descending bank, northwest side of the channel, not to exceed 600 feet from the bank, vicinity Lutcher, La. Upper limits approximately 1 mile downstream from St. Elmo Light and opposite Magnolia Landing. Lower limits approximately 2.6 miles upstream from Mt. Airy Light or .2 mile upstream from Gramercy Ferry Landing.

(12) *Anchorage L.* (Edgard anchorage) An area 1.5 miles long near the right descending side of the channel, not to exceed 600 feet from the bank, vicinity Edgard Landing. Upper limits approximately 1.7 miles downstream from White Rose Light and opposite Reserve, La. Lower limits approximately 1 mile downstream from Edgard Landing or .7 mile upstream from California Light.

(13) *Anchorage M.* (Hahnville anchorage) An area 1 mile long near the right descending bank, west of the channel not to exceed 1,000 feet from the bank, vicinity Hahnville Landing. Upper limits approximately 1.4 miles downstream from Taft Light and directly opposite Prospect Light. Lower limits approximately 1 mile upstream from Fashion Light and directly opposite 26 mile Point Light.

(14) *Anchorage N.* (Destrehan anchorage) An area 1 mile long near the left descending bank, north side of the channel, not to exceed 600 feet from the bank, vicinity Pecan Grove Landing. Upper limits approximately .3 mile downstream from Destrehan Ferry Landing and opposite Luling, La. Lower limits approximately 1 mile upstream from St.

Rose, La., and directly opposite Lone Star.

(15) *Anchorage O.* (St. Rose anchorage) An area 1 mile long near the left descending bank, northwest side of the channel, not to exceed 600 feet from the bank. Upper limits approximately .4 mile downstream from Oil Loading Wharf at St. Rose, La., and directly opposite Ama Light. Lower limits approximately 1.9 miles upstream from Fairview Light, and directly opposite Ama, La.

(16) *Anchorage P.* (Nine Mile Point anchorage) An area .7 mile long near the right descending bank, west side of the channel, not to exceed 500 feet from the bank. Upper limits approximately .3 mile downstream from Nine Mile Point Light and directly opposite Oak Street, New Orleans. Lower limits directly opposite upper end of U. S. Engineer Depot, 2nd New Orleans District.

(17) *Anchorage Q.* (Quarantine anchorage) An area .9 mile long near the right descending bank, southwest side of the channel, not to exceed 800 feet from the bank. Upper limits approximately .4 mile downstream from Todd-Johnson Dry Dock and directly opposite Jackson Barracks. Lower limits directly opposite Chalmette Slip.

(18) *Anchorage R.* (New Orleans general anchorage) An area 3.5 miles long near the right descending bank, south side of the channel, not to exceed 800 feet from the bank. Upper limits approximately .7 mile downstream from U. S. Quarantine Station and directly opposite Chalmette Slip. Lower limits approximately 1.7 miles downstream from Cutoff Light and opposite Meraux, La.

(19) *Anchorage S.* (Twelve Mile Point anchorage) An area 1 mile long near the right descending bank, north side of the channel, not to exceed 800 feet from the bank. Upper limits approximately .5 mile downstream from Twelve Mile Point or opposite Caernarvon, La. Lower limits approximately 2 miles upstream from English Turn Navigation Light or opposite Braithwaite, La.

(20) *Anchorage No. 1.* (Explosive)[1] Located one-half mile up river from Oakville navigation light. The captain of the port shall designate anchorages up river or down river from the point named. The anchorage area is from the west bank of the river to a point 1,000 feet to the eastward, marked by a White Can Buoy.

This anchorage shall be reserved for vessels carrying explosives, without limit as to quantity.

(21) *Anchorage No. 2.* (Explosive)[2] Located 2,670 yards 156° from Saxonholm Light. The captain of the port will designate anchorages up river or down river from the point named. The anchorage area is from the west bank of the river to a point 900 feet to the eastward.

This anchorage shall be reserved for vessels carrying limited quantities of explosives. A permit to use the anchorage must be obtained from the captain of the port, who is authorized to limit the quantity of explosives on any vessel in the anchorage upon a finding by him that a greater amount would be unsafe.

(22) *Anchorage T.* (Homer Place anchorage) An area 1.4 miles long near the right descending bank, southwest side of the channel, not to exceed 600 feet from the bank. Upper limits approximately .3 mile downstream from the Freeport Sulphur Company Wharf at Port Sulphur, La. Lower limits, Home Place Light.

(23) *Anchorage U.* (Buras anchorage) An area 2 miles long near the right descending bank, southwest side of the channel, not to exceed 800 feet from the bank. Upper limits approximately 2.8 miles downstream from Alberta Light or approximately .2 mile downstream from Gulf Refining Wharf at Buras, La., and directly opposite Ostrica Canal Lock. Lower limits approximately .9 mile upstream from Bayou Grand Liard Light or approximately .2 mile upstream from Gulf Refinining Company Wharf at Triumph, La.

(24) *Anchorage V.* (Boothville anchorage) An area 3.2 miles long near the right descending bank, southwest side of the channel, not to exceed 800 feet from the bank. Upper limits approximately 2.8 miles downstream from Fort Jackson Light and directly opposite New Canal Light. Lower limits approximately 2.8 miles upstream from The Jump Light and directly opposite Michella Light.

(25) *Anchorage W.* (Pilottown anchorage) An area approximately 5.8 miles long near the right descending bank, west side of the channel, not to exceed 1,000 feet from the west bank. Upper limits approximately 2.8 miles downstream from The Jump Light, and opposite Wilder Flat Light. Lower limits approximately 2.1 miles upstream from Head of Passes Light and opposite the Pilot's Station at Pilottown, La.

(26) *Anchorage X.* (Southwest Pass anchorage) Vessels anchoring in the pass shall take position near the eastern bank, above a point marked by a post, painted white, surmounted with round black target on channel end of spur dike No. 13.32 L, about 1.5 miles above Southwest Pass Lighthouse; and below a point also marked by a post, painted white, with round black target 1.5 miles below the Head of the Passes Light; and vessels so anchoring shall put out such extra moorings as may be necessary to prevent their being blown athwart the channel, and thus endangering the navigation of the pass.

(27) *Anchorage Y.* (South Pass anchorage.) Vessels anchoring in the pass shall take position near the eastern bank, above a point marked by a post, painted white, surmounted with a round black target, which is about .5 mile above South Pass Lighthouse; and below a point also marked by a post painted white, with round black target 1.5 miles below the Head of the Passes Light; and vessels so anchoring shall put out such extra moorings as may be necessary to prevent their being blown athwart the channel, and thus endangering the navigation of the pass.

(28) *Anchorage No. 3.* (Explosive) Located 1.4 miles up river from Oak Point Navigation Light. The captain of the port shall designate anchorages up or down river from the point named. The anchorage area extends from the west bank of the river to a point 1,000 feet to the eastward. This anchorage shall be reserved for vessels carrying explosives, without limit as to quantity.

§ 6.8–10 *Mississippi River*—(a) *Navigation regulations to govern speed of vessels in vicinity of explosive anchorages south of New Orleans.* The masters and pilots of all seagoing steamers, tugboats, and other vessels plying the Mississippi River south of New Orleans in the vicinity of Explosive Anchorage (sic) No. 1, Explosive Anchorage No. 2, and Explosive Barge Terminal shall regulate the speed of their vessel over the bed of the river so as not to exceed 7 miles per hour going downstream or 5 miles per hour going upstream.

(b) *Mississippi River in the vicinity of twelve-mile point between Violet and Shingle Point, Louisiana; movement of vessels.* (1) The movement of all vessels in the vicinity of Twelve Mile Point shall be governed by red and green traffic signal lights.

(c) *Location of signal lights.* (1) Upbound vessels will be controlled by traffic signal lights on "Cable Area South Range Rear Light Tower," 40 feet above mean low water and located on the left descending bank of the Mississippi River, about 245 yards from and bearing 197° from Poydras Light. (Poydras Light will be extinguished but the tower will remain in place.)

(2) Downbound vessels will be controlled by traffic signal lights on "Cable Area North Range Rear Light Tower," 40 feet above mean low water on the left descending bank of the Mississippi River, on the northerly bank of Violet Canal, about 2,513 yards from and bearing 349°38′ from Old Depot Light.

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[1] Explosive Anchorage 1 Light to be established on shore 980 yards 19° from Oakville Light, abreast of present Explosive Anchorage 1 Buoy "EX", the latter then to be discontinued. Light to be flashing green every 4 seconds, flash 0.4 second, eclipse 3.6 seconds, of 30 candlepower, 25 feet above mean high water on a black pole, with signboard facing the river and having the following inscription: "Explosive Anchorage No. 1—Vessels Handling Explosives Must Anchor Within 1,000 Feet From This Bank, U. S. Coast Guard"

[2] Explosive Anchorage 2 Light to be established about 80 feet from shore, in 6 feet, 2700 yards 157½° from Saxonholm Light, abreast of present Explosive Anchorage 2 Buoy "EX", the latter then to be discontinued. Light to be flashing green every 4 seconds, flash 0.4 second, eclipse 3.6 seconds, of 30 candlepower, 25 feet above mean high water on a black triangular structure on piles, with signboard facing the river and having the following inscription: "Explosive Anchorage No. 2—Vessels Handling Explosives Must Anchor Within 900 Feet From This Bank. U. S. Coast Guard"

(d) *Signals.* (1) A red light displayed to vessels indicates that the course is not clear and that the vessels must stop.

(2) A green light displayed to vessels indicates that the course is clear and that vessels may proceed.

(3) When neither a red nor a green light is displayed, vessels shall be maneuvered in accordance with pilot rules applicable, and no attempt shall be made to follow any prescribed course over cable area.

(e) *Anchoring prohibited.* No vessel shall anchor at any time or place in the area between the north and south traffic signal lights.

(f) *Ascending vessels.* (1) An ascending vessel shall not proceed further up the river than Braithwaite Wharf when a red light is displayed from "Cable Area South Range Rear Light Tower," and shall keep close in to the left ascending bank of the river and so maneuver as to keep clear of descending vessels.

(2) All meetings and passings of vessels in this area shall be in accordance with customary river pilot rules, which at this particular reach shall be starboard to starboard.

(g) *Descending vessels.* (1) When a descending vessel reaches Saxonholm Light and a red light is displayed from "Cable Area North Range Rear Light Tower", the vessel shall immediately slow down and maneuver so that it can round to if the signal remains against the vessel.

(2) All meetings and passings of vessels in this area shall be in accordance with customary river pilot rules, which at this particular reach shall be starboard to starboard.

(h) *Use of cable area.* (1) Vessels properly equipped and others having previously made arrangements with the Commandant, Eighth Naval District, New Orleans, Louisiana, shall indicate their intention to use the Cable Area by flying their call letters when approaching the cable area. Ships equipped to use the cable area shall also fly the second repeater pennant of the International Code on separate halyards; and ships not equipped to use the cable area shall fly the first repeater pennant of the International Code below the second repeater during daylight conditions.

(2) In using the cable area, the vessel shall maneuver so that when between a point approximately 2,000 feet upstream and 2,000 feet downstream from the "Cable Area West Light," the vessel will be on a magnetic north or south course (06°17″ true), indicated by alignment of front and rear range lights between "Cable Area Traffic Lights."

(3) While using the cable area the vessel shall hold a steady north or south magnetic course at medium speed.

(4) While using the cable area, the vessel shall keep close watch for and obey all signals which may be displayed from the control house located on the levee on the left descending bank of the river opposite the "Cable Area West Light," and shall also be prepared to take aboard a boarding party upon signal from a U. S. Coast Guard or Navy vessel operating in the area.

(5) Vessels not using the cable area are not obligated to follow the above-described course and should be maneuvered in accordance with pilot rules applicable.

(6) Under conditions of poor visibility, vessels shall exercise caution in using the cable area, and in emergencies be governed by the pilot rules applicable.

(i) *"Vessel" defined.* The term "vessel" shall include all ships, whether under their own power or in tow, and all barges in tow, and also all tugs or towboats without tows and all river craft of any description operating under their own power.

(j) *Enforcement.* These rules and regulations will be enforced by the Captain of the Port, New Orleans, Louisiana. The Captain of the Port is authorized to suspend these rules and regulations indefinitely, or for such periods as he may determine, when in his judgment such action is for any reason necessary, and he may prescribe the hours of each day during which these rules and regulations are inoperative, and such order will be effective upon publication in the FEDERAL REGISTER as prescribed by law and until otherwise ordered by the Captain of the Port, New Orleans, Louisiana.

(k) *Anchorage No. 5.* (Restricted) An area in Bolivar Roads to the northward of the ship channel within the following lines:

(1) Southeastward of a line having a bearing of 223° from the old tower on Bolivar Point;

(2) East of a line having a bearing of 359° from No. 4 channel buoy;

(3) North of a line having a bearing of 115° from No. 4 channel buoy;

(4) West of the westerly boundary of general anchorage No. 4.

This anchorage is to be used by vessels awaiting quarantine inspection, and by such other vessels as the captain of the port may permit.

§ 6.8–15 *Corpus Christi Bay, Texas*—(a) *Special anchorage areas.* The following areas are designated as special anchorage areas wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights:

(1) *North anchorage area.* South and westward of the north breakwater; northward of a line 200 feet north and parallel to the maneuvering basin and bearing north 83°45′ west, 737.9 feet from a point marked by a lead plug in the concrete cap of said breakwater, from which the Weather Service Display Tower bears south 80°45½′ west; eastward of a line bearing thence north 18°11′ east, 675.5 feet, thence due north, 725.1 feet to a lead plug in concrete cap of breakwater.

(2) *South anchorage area.* Southward of the southernmost T-head pier at the foot of Cooper Avenue and of a line bearing south 23°16′ east, 340.6 feet from the southerly corner of said pier to a point on rubble breakwater; westward and northward of said breakwater; eastward of the Corpus Christi sea wall.

§ 6.8–20 *Galveston, Texas*—(a) *The anchorage area*—(1) *Anchorage No. 1.* (Explosive) A triangular area to the westward of Port Bolivar, bounded by a line starting from a point bearing 293° true and 200 yards off Bolivar Peninsula Light and ranging true west for a distance of 550 yards, thence true south a distance of 750 yards, thence back to the starting point bearing 37° true.

(2) *Anchorage No. 2.* (Explosive) A rectangular area in Bolivar Roads bounded by a line starting from a point 250 yards true south of No. 9 channel buoy and ranging true east a distance of 1,300 yards, and between the lines ranging true south from each end of the northern boundary to the sand flats along the south jetty.

(3) *Anchorage No. 3.* (General) A triangular area in Bolivar Roads to the southward of a line connecting No. 9 and No. 11 channel buoys; westward of a line having a bearing of 180° from No. 9 channel buoy, and eastward of No. 11 channel buoy.

This anchorage shall be for the general use of naval and merchant vessels, and also for the use of vessels undergoing examination by quarantine, customs, or immigration authorities.

NOTE: This anchorage is intended for periods of less than thirty days.

(4) *Anchorage No. 4.* (General) An area in Bolivar Roads to the northward of the ship channel within the following lines:

(i) Northwestward of a line having a bearing of 62° from No. 8 channel buoy;

(ii) North of a line having a bearing of 271° from No. 8 channel buoy;

(iii) East of a line having a bearing of 20° from the Quarantine Station cupola on Pelican Island.

This anchorage is to be used by merchant vessels remaining at anchor for a period of time greater than thirty days; it may also be used by merchant vessels when anchorage No. 3 is overcrowded.

§ 6.8–25 *Waters of Lake Borgne, Louisiana, north of Shell Beach, Louisiana; Antiaircraft Gunnery Range, Eighth Naval District*—(a) *The danger zone.* (1) That portion of Lake Borgne inclosed by an arc described with Shell Beach, Louisiana (latitude 29°52′03″ N., longitude 89°40′20″ W.), as a center and radius of 8,000 yards between a line bearing 343° true and a line bearing 53° true.

(2) That portion of Lake Borgne inclosed by an arc described with Shell Beach, Louisiana (latitude and longitude as above), as a center and 18,000 yards radius between a line bearing 343° true and a line bearing 28° true.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain within the areas during their use as firing ranges except as provided in paragraph (b) (4) of this section.

(2) Since firing practice will take place in the sectors at frequent and irregular intervals throughout the year without regard to season, advance notice shall be given of the date on which the first of such activities will begin. At intervals of not more than three months thereafter, notice will be sent out that firing practice is continuing. Such notices will appear in the local newspapers and in the "Notice to Mariners".

(3) When firing is in progress, a red flag will be displayed from mast or staff on the shore at Shell Beach, Louisiana, and at Point Aux Marchettes and Proctor Point, in Lake Borgne. During night firing, a searchlight will be in operation near the pivot point of the sectors at Shell Beach, Louisiana, and the beam of this light will be a warning that firing is in progress.

(4) Upon exchange of signals prescribed below, vessels bound from or to adjacent points east or west of the pivot point of the sectors may pass through that portion of Danger Zone Area lying immediately north of the pivot point.

(i) Signals by vessel. Vessels approaching this area which desire to pass through shall indicate by sounding two long, distinct blasts followed by one distinct short blast of a whistle, horn, or megaphone, when within a reasonable distance of the pivot-point of the area at Shell Beach, Louisiana.

(ii) Answering signals. When it is safe to pass, this signal will be answered during daylight hours by dipping of the flag located at or near the pivot point at Shell Beach, Louisiana. At night answer to the signal will be given by blinking of the searchlight located at or near the pivot point at Shell Beach, Louisiana, three or more times.

(5) These regulations will be enforced by the Commandant, Eighth Naval District, and such agencies as he may designate.

§ 6.8–30 *Waters of the Gulf of Mexico; Army Air Corps, aerial towed target gunnery range, between Texas Point and High Island, Texas*—(a) *The danger zone.* The gunnery range covers an area between Texas Point and High Island, Texas, in the Gulf of Mexico, described as follows:

	N. latitude		W. longitude	
	°	′	°	′
NE Corner	29	40	93	55
NW Corner	29	33	94	23
SE Corner	29	17	93	55
SW Corner	29	08	94	23

(b) *The regulations.* (1) No vessel or other craft shall enter or remain within the area designated during its use for target practice except as provided in paragraph (b) (5) of this section.

(2) The fact that aerial target practice is to take place over the designated area shall be advertised to the public through the usual media for the dissemination of information. Inasmuch as such practice is likely to be engaged in throughout the year without regard to season, such advertising of firing shall be repeated at frequent intervals which shall not exceed three months and which shall be more frequent when, in the opinion of the Commanding Officer, responsible for the use of the range, such frequent repetition is necessary in the interests of public safety.

(3) Prior to the conduct of each target practice the area shall be patrolled by Army aircraft to insure that no watercraft are within the dangerous area and any such watercraft seen in the vicinity shall be warned by means of signals that target practice is about to take place. The patrol aircraft shall employ the method of warning known as "buzzing" which consists of low flight by the airplane and repeated opening and closing of the throttle.

(4) Any such watercraft shall, upon being so warned, immediately vacate the designated area and shall remain outside its limits until the conclusion of practice.

(5) These regulations shall not deny access to or egress from harbors contiguous to this danger area by regular cargo-carrying vessels, nor shall they deny traverse of portions of the danger area in the case of such regular cargo-carrying vessels proceeding on established steamer lanes, nor shall they deny passage of vessels at all times within one mile of the shore in the area. In case of the presence of any such vessel in the danger area, the officer in charge of gunnery operations shall cause the cessation or postponement of fire until the vessel has cleared the part of the area. The vessel shall proceed on its normal course and not delay its progress.

(6) No marking of the area is proposed, and all aircraft and watercraft shall be presumed to know their whereabouts by distances and directions from landmarks or other topographical features along the shore.

(7) These regulations shall be enforced by the Captain and the Commanding Officer, Army Air Base, DeRidder, Louisiana.

§ 6.8–35 *Waters of Matagorda Bay, Texas; firing range, Coast Artillery Antiaircraft Training Center, Camp Hulen, Texas*—(a) *The danger zone.* The firing ranges for firing points near Turtle Point, near Well Point, and near the shore line between Indian Point and Indianola Island, inclusive, hereinafter referred to as the "restricted area", include the waters of Matagorda Bay and its tributaries within an area bounded as follows: (See U. S. C. & G. S. Chart No. 1284.) A line beginning at the neck of Turtle Point Peninsula and running southeasterly to Oliver Point; thence southerly along shore line to Palacios Point (except Oyster Lake); thence along a line bearing 130° true to a point one mile bayward from the north shore of the Matagorda Peninsula; thence southwesterly, along a line paralleling the north shore of Matagorda Peninsula at a distance of one mile to a point in Matagorda Bay bearing 48° true, 5,600 yards from the cupola on Saluria Coast Guard Station; thence northwesterly to the entrance to Boggy Bayou; thence along shore line to Gallinipper Point; thence along a line northeasterly to Rhodes Point; thence easterly along a line extending to the mouth of Carancahua Bay; thence along a line extending northeasterly to the point of beginning at the neck of Turtle Point Peninsula.

(b) *The regulations.* (1) Through traffic in either direction on the route of the Intracoastal Waterway and feeder channels to Palacios and Port Lavaca may enter and proceed directly through the restricted area via the waterway and channels without hindrance or delay except as indicated below or when advised otherwise by the United States Coast Guard at Port O'Connor or by a representative of the Commanding Officer, Antiaircraft Training Center, Camp Hulen, Texas. When through intracoastal traffic is not permitted to enter the restricted area, during daylight hours patrol boats will be stationed at entrance to the canal near Port O'Connor and near Palacios Point and in the feeder channels on the Palacios and Port Lavaca sides of the restricted area to warn traffic approaching the danger area. When through traffic is not permitted during hours of darkness, occulating red light or lights will be displayed from a high tower at Camp Hulen and from a high tower between Indian Point and Indianola Island.

(2) Except under unusual circumstances, announcement of which shall be communicated to the surrounding communities, the restricted area is open throughout the year to the public for fishing and traffic without restriction from 5:30 p. m. Saturdays to 8:00 a. m. Mondays and National (not State) holidays from 5:30 p. m. of the preceding day to 8.00 a. m. on the day following the holiday. The restricted area is also open to the public for fishing and traffic without restriction on other days when firing is not to be conducted.

(3) When firing is to be held in all or part of the restricted area, large red flags will be displayed from elevated positions in the immediate vicinity of each firing point from which fire is to be conducted.

(4) Except for through Intracoastal water traffic, no boats will enter the restricted area during the following periods without first obtaining clearance from Headquarters Antiaircraft Training Center at Camp Hulen, Texas: 8:00 a. m. to 5:30 p. m. on all week days except National, not State, holidays. Traffic other than through Intracoastal traffic, desiring to enter the restricted area from Palacios, Port Lavaca or from direction of Matagorda during the restricted periods must obtain permission in advance from Headquarters Antiaircraft Training Center, Camp Hulen, Texas, extension #38 or #386. Traffic desiring to enter the restriced area from the vicinity of Port O'Connor must obtain permission in advance from the Coast Guard Station at Port O'Connor.

(5) At night when firing is scheduled, occulting red light or lights will be displayed from high towers at Camp Hulen and between Indian Point and Indianola Island. These occulting red lights will be displayed during the hours of darkness until the conclusion of the firing for the night. When these occulting red lights are displayed, no vessel of any type shall enter or remain in the restricted area without specific permission from the Commanding Officer, Antiaircraft Training Center, Camp Hulen, Texas. In addition, when notices have been published, announcing night firings in the restricted area no vessel of any kind will enter or remain in the restricted area during any such announced period of firing without specific permission from the Commanding Officer, Antiaircraft Training Center, Camp Hulen, Texas.

(6) Vessels in or planning to enter the restricted area at any time should be on the lookout for the above listed warning signals and when the indicated danger signals are displayed, should not enter or remain in the restricted area except as definitely authorized by these regulations unless authorized in advance to do so by the Commanding Officer, Antiaircraft Training Center, Camp Hulen, Texas.

(7) If an airplane zooms over any vessel in or entering the restricted area twice in succession, it should be taken as a warning to remain out of or promptly leave the restricted area.

(8) These regulations shall be enforced by the Commanding Officer, Antiaircraft Training Center, Camp Hulen, Texas, through the use of such equipment and personnel as may be properly designated by him for the purpose and through the assistance of the United States Coast Guard.

§6.8–40 *Biloxi Bay, Biloxi, Mississippi*—(a) *The danger zone.* A restricted Seaplane Operating Area bounded as follows is hereby established: From the northeast end of the Coast Guard Air Station seaplane ramp 1,500 feet true east; then north true to a point 250 feet south of the highway bridge; then parallel to the highway bridge to the dredged channel; then following the inside of the dredged channel to a point of 1,500 feet west of Channel Beacon No. 36; then northwest true for 1,000 feet; then west true to beach and along beach to northeast end of Coast Guard seaplane ramp.

(b) *The regulations.* (1) No vessels except those operated by the United States Navy, United States Coast Guard, and vessels otherwise under the direct control of the United States shall moor or anchor within the Seaplane Operating Area at any time.

(2) No vessels except those operated by the United States Navy, United States Coast Guard and vessels otherwise under the direct control of the United States shall enter the Seaplane Operating Area at any time between sunset and sunrise.

(3) No fishing, placing of fishing stakes, or similar activities will be permitted at any time within the limits of the Seaplane Operating Area.

(4) All vessels moving within the Seaplane Operating Area shall immediately proceed to leave that area when warned by aircraft employing the "buzzing" method, which consists of low-flying by the airplane and repeated opening and closing of its throttle.

(5) These regulations shall be enforced by the Captain of the Fort of Pascogoula, Mississippi, the Commanding Officer of the Coast Guard Air Station, Biloxi, Mississippi, or by their duly designated representatives. Specific exemption from these regulations may be granted by such officers.

§ 6.8–45 *Regulations controlling movements of vessels and restricting placing of obstructions within the harbor area in Gulfport, Mississippi*—(a) *The restricted area.* The area affected by this regulation is outlined as follows: Beginning at a point on a sea wall which is 505′ more or less, west of the point of intersection of the west line of the city pier property and the seawall, thence 149° true and parallel with the west line of the city pier property 4,745′ to a point, thence 92° true 2,570′ to a point, thence 59° true 1,725′ to a point, thence 326° true on a line with the small craft's harbor channel marker beacons 2,935′ to the breakwater beacon. Thence 45° 100′ along the breakwater. Thence 0° true to 635′ along the breakwater and bulkhead of the Yacht Club and city pavillion land area. Thence 45° true 650′ along the bulkhead of said area across the paved causeway to a point on the east line of seawall. Thence 0° true 1,120′ to a point where the north line of the small craft's harbor intersects the east line of said seawall. Thence following the shoreline of the small craft harbor, the east pier, the Gulfport Harbor basin, and the west pier to a point of beginning.

(b) *The regulations.* (1) No vessel or boat shall enter this area during the hours between sunset and sunrise.

(2) No vessel or boat shall stop or fish in this area at any time.

(3) No person shall place fish stakes or other obstructions in this area at any time.

(4) Vessels or boats are not prohibited from entering or passing through this area on continuous passage during the hours between sunrise and sunset.

(5) Vessels or boats with permanent berthing facilities within the restricted area are not prohibited from securing at said berths nor entering the area and proceeding directly to their berths or departing from their berths and proceeding directly out of the restricted area during the hours between sunrise and sunset.

§ 6.8–47 *Waters of the Tennessee Valley Authority.* (a) Restricted areas are hereby established not exceeding twenty-five hundred (2,500) feet above and below each of the river structures of the Tennessee Valley Authority and of the War Department hereinafter listed. Such areas, including approaches through the locks at such of the structures enumerated where locks exist, shall be defined by the captain of the port by means of buoys, signs or other appropriate markings placed or posted in conspicuous and appropriate places.

(b) No vessel, boat, raft, or craft of any kind shall enter or remain in any restricted area established by this section, except when proceeding directly to a lock for passage therethrough and then only by way of the designated and buoy-marked channels of ingress and egress.

(c) The river structures of the Tennessee Valley Authority and of the War Department which are included by this regulation are as follows:

Pickwick Landing Dam, Tennessee River, Tennessee.
Wilson Dam, Tennessee River, Alabama.
General Joe Wheeler Dam, Tennessee River, Alabama.
Guntersville Dam, Tennessee River, Alabama.
Hales Bar Dam, Tennessee River, Tennessee.
Chickamauga Dam, Tennessee River, Tennessee.
Watts Bar Dam, Tennessee River, Tennessee.
Norris Dam, Clinch River, Tennessee.
Cherokee Dam, Holston River, Tennessee.
Hiwassee Dam, Hiwassee River, North Carolina.
Ocoee No. 1 Dam, Ocoee River, Tennessee.
Ocoee No. 2 Dam, Ocoee River, Tennessee.
Blue Ridge Dam, Toccoa River, Georgia.
Great Falls Dam, Caney Fork River, Tennessee.
Great Falls Intake Dam, Collins, Tennessee.

(d) Primary responsibility for the enforcement of this regulation shall rest upon the captain of the port, but officers and employees of the Tennessee Valley Authority stationed at the various river structures are authorized to assist the captain of the port under such mutual arrangements as may be made between officers in charge of each river structure and the captain of the port.

NINTH NAVAL DISTRICT

§ 6.9–1 *Duluth, Minnesota-Superior, Wisconsin*—(a) *The anchorage area*—(1) *Anchorage A.* Located in the northeasterly part of Duluth Harbor Basin within the following limits: Beginning at Duluth Harbor Basin Lighted Buoy No. 3, thence 1,600 feet 241½°; thence 800 feet 188°; thence 4,950 feet 152°; thence 62° to Duluth Harbor Basin Lighted Buoy No. 11; thence northerly along the southeasterly limits of Duluth Harbor Basin to Duluth Harbor Basin Lighted Buoy No. 9; thence northwesterly along the northeasterly limits of Duluth Harbor Basin to Duluth Harbor Basin Lighted Buoy No. 3.

(2) *Anchorage B.* Located in the northeasterly part of Superior Harbor Basin within the following limits: Beginning at Superior Front Channel Lighted Buoy No. 2, thence 2,250 feet 135½°; thence 4,150 feet 118°; thence 55° to the northeasterly limits of Superior Harbor Basin; thence northwesterly along the northeasterly limits of Superior Harbor Basin to Superior Harbor Basin Lighted Buoy No. 4; thence southwesterly along the northwesterly limits of Superior Harbor Basin to Superior Front Channel Lighted Buoy No. 2.

(3) *Anchorage E* (Explosive). Located in Lake Superior, northeast of Minnesota Point and including a triangular area marked by three White Buoys at the following distances and bearings from Duluth South Breakwater Light (Duluth, Minnesota—Superior, Wisconsin):

(i) 12,600 feet 124½° true;
(ii) 21,500 feet 117° true;
(iii) 23,875 feet 133° true;

§ 6.9–3 *Waukegan Harbor, Illinois.* All vessels or craft are forbidden to tie to or lie alongside of the United States harbor piers at Waukegan, Illinois, except when they are engaged on Government business, or are compelled by stress of weather or accident, or to prevent loss of life or property. They are likewise forbidden to lie at anchor in the basin or channel of said harbor, except for refuge from the storms, or in any way to obstruct free navigation of said harbor.

§ 6.9–5 *Chicago Harbor, Illinois*—(a) *The anchorage grounds*—(1) *Anchorage*

A, exterior breakwater. Southwest of a line parallel with and 150 feet southwestward of the exterior breakwater; west of a line parallel with and 150 feet west of the south extension of the exterior breakwater; northeast of a line parallel with and 1,500 feet southward of the exterior breakwater; and east of a line parallel with the south extension of the exterior breakwater and 100 feet eastward of the west end of the exterior breakwater.

NOTE 1: This area is reserved for commercial vessels operated for profit.

NOTE 2: Floats or buoys for marking anchors or moorings in place, and fixed mooring piles or stakes are prohibited in this area.

(2) *Anchorage B, south arm.* West of a line parallel with and 150 feet west of the south arm of the exterior breakwater; north of a line perpendicular to the south arm at its south end; east of a line parallel with the south arm, about 2,200 feet therefrom and on line with the east face of the Municipal Pier; and south of a line perpendicular to the south arm 700 feet from its north end.

(3) *Anchorage C, shore arm.* South of a line parallel with and 150 feet southward of the shore arm of the exterior breakwater; west of a line parallel with the south extension of the exterior breakwater 100 feet westward of the east end of the shore arm, and on line with the east face of the solid fill at the shore end of the Municipal Pier; north of a line parallel with and 600 feet north of the north face of that fill; and east of a line parallel with and 600 feet lakeward of the Lake Shore Drive revetment.

NOTE 1: Commercial vessels operated for profit and measuring more than 50 gross tons are forbidden to anchor in this area.

NOTE 2: Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes are prohibited.

(4) *Anchorage D, Grant Park North.* West of a line parallel with and 400 feet west of the easterly breakwater; north of a line perpendicular to the easterly breakwater at its south end; east of a line parallel with and 150 feet east of the Grant Park revetment; and south of a line perpendicular to the easterly breakwater and 150 feet south of the Illinois Naval Reserve pier.

NOTE 1: Commercial vessels operated for profit and measuring more than 50 gross tons are forbidden to anchor in this area.

NOTE 2: Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes are prohibited.

NOTE 3: Steamers and motor vessels measuring over 5 gross tons are forbidden to use this area as a through channelway.

(5) *Anchorage E, Grant Park South.* Northwest of a line parallel with and 150 feet shoreward of the southerly breakwater; east of a line parallel with and 150 feet east of the Grant Park revetment; and south of a line perpendicular to the north section of the southerly breakwater at its north end.

NOTE 1: Commercial vessels operated for profit and measuring more than 50 gross tons are forbidden to anchor in this area.

NOTE 2: Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed Mooring piles or stakes are prohibited.

NOTE 3: Steamers and motor vessels measuring over 5 gross tons are forbidden to use this area as a through channelway.

(6) *Anchorage F.* (Explosive). Located in Lake Michigan between Hammond Intake Crib Light and Calumet Harbor Breakwater, and including the area located by four White Spar Buoys, at the following distances and bearings from Calumet Harbor south end light:

(i) 3,800 feet 252° true;
(ii) 4,400 feet 182° true;
(iii) 6,100 feet 178° true;
(iv) 6,500 feet 205° true;

§ 6.9–15 *Restricted areas off the City of Chicago.* (a) The following areas in Lake Michigan are hereby designated as restricted areas: Areas within a radius of 300 feet from the following water intake cribs located in Lake Michigan, off the City of Chicago:

Wilson Avenue Water Intake Crib;
Carter Harrison Water Intake Crib;
Four Mile Water Intake Crib;
Hyde Park-Dunn 68th Street Water Intake; and
Filtration Plant Crib;

and for a distance of 300 feet from the submerged pipe lines connecting such water intake cribs from the shore.

(1) No vessel of any kind, except those engaged in naval operations, shall enter, navigate, anchor or moor within a radius of 300 feet from the aforementioned water intake cribs without first obtaining permission to do so from the Captain of the Port of Chicago, Illinois.

(2) Vessels may enter and navigate within the areas extending for a distance of 300 feet from the pipe lines connecting the aforesaid water intake cribs with the shore, but shall not anchor or moor within such areas without first obtaining permission to do so from the Captain of the Port of Chicago, Illinois.

(3) The aforesaid restricted areas will be designated by appropriate warning signs posted at or near each such water intake crib.

(4) The waters within 100 feet of the pier at Chicago, Illinois, located at the entrance of the Chicago River, leased by the United States Navy, and usually referred to as the Navy Pier.

(5) No vessel of any kind, except those engaged in naval operations, shall navigate, anchor, or moor in the aforementioned area without first obtaining permission to do so from the Captain of the Port, Chicago, Illinois, or from the Commandant of the Ninth Naval District.

(6) The above described restricted area will be designated by appropriate warning signs posted upon the Navy Pier.

§ 6.9–20 *United States Naval Training Station, Great Lakes, Illinois*—(a) *Restricted area for Naval operations.* (1) The area extending in a north and south direction from the Great Lakes, Illinois, south breakwater to an east-west line projecting eastward from the shore termination of the north fence of the United States Naval Training Station, Great Lakes, Illinois, and extending into Lake Michigan for a distance of one mile from the shore line.

(2) No vessel of any kind, except those engaged in Naval operations, shall enter, navigate, anchor, or moor in the aforesaid restricted area without first obtaining permission to do so from the Captain of the Port, Chicago, Illinois, or from the Commandant, United States Naval Training Station, Great Lakes, Illinois.

(3) The danger area. The following area in Lake Michigan adjacent to the United States Naval Training Station, Great Lakes, Illinois, is hereby designated as a danger area:

(4) The area extending in a north and south direction from an east-west line projected eastward from the outer end of the innermost leg of the Great Lakes, Illinois, north breakwater to the breakwater at Waukegan, Illinois, and extending three miles into Lake Michigan.

(b) *The regulations.* (1) When firing affecting the above area is in progress, it shall be the responsibility of the Commandant of the United States Naval Training Station, Great Lakes, Illinois, to post guards at such locations that the waters in the danger area may be observed and to arrange signals whereby these guards may stop the firing should any person or vessel be seen in the waters of the danger area. When firing is in progress, the Commandant shall cause red flags to be displayed on shore near the rifle butts, and red streamers at other points along the shore which may be readily discernible to a person in a vessel within the danger zone.

(2) The Commandant is hereby authorized to use such agencies and equipment as shall be necessary to stop all vessels at the boundary of the danger area and prohibit their crossing that area until such time as shall be convenient to the firing schedule.

(3) Persons desiring to cross the waters within the danger area shall first determine whether red flags and streamers are displayed along the shore. If such streamers are displayed it will indicate that firing is in progress, and that the waters in the danger area are covered by rifle fire and should not be entered until the flags and streamers are lowered.

(4) Wherever possible, the Commandant will warn the public of the contemplated times of firing and the areas involved two days in advance of the scheduled date, through the public press and the United States Coast Guard. The danger area may, however, be closed without advance notice.

(5) These regulations shall be enforced by the Commandant of the United States Naval Training Station, Great Lakes, Illinois, and by the Captain of the Port, Chicago, Illinois, or by such responsible agent or agents as they, or either of them, may designate.

§ 6.9–25 *Lake Michigan*—(a) *restricted areas.* Areas within a radius of 300 feet from the submerged water intake cribs at Gary, Indiana; Buffington, Indiana; Indiana Harbor, Indiana; Whiting, Indiana; Hammond, Indiana; and Calumet, Illinois, and for a distance of 300 feet from the submerged pipe lines connecting these water intake cribs with the shore.

(1) No vessel of any kind, except those engaged in Naval operations, shall enter,

navigate, anchor, or moor within a radius of 300 feet from the aforementioned water intake cribs without first obtaining permission to do so from the Captain of the Port, Chicago, Illinois.

(2) Vessels may enter and navigate within the areas extending for a distance of 300 feet from the pipe lines connecting the aforesaid water intake cribs with the shore, but shall not anchor or moor within such areas without first obtaining permission to do so from the Captain of the Port of Chicago, Illinois.

§ 6.9–30 *St. Mary's River, Michigan* (a) Rules and regulations governing the movement and anchorage of vessels and rafts in the St. Mary's River from Point Iroquois on Lake Superior to Point Detour on Lake Huron, except the waters of the St. Mary's Falls Canal, heretofore promulgated by the Secretary of Commerce (Code of Federal Regulations, title 33, Part 323), are hereby reaffirmed and continued in force.

(b) *St. Mary's Falls Canal and Locks, Michigan; regulations for protection; small craft and rafts.* All small craft other than those owned and operated by the United States desiring to transit the locks shall obtain clearance from the Captain of the Port of Sault Ste. Marie prior to entering the canal zone. No small craft other than those owned and operated by the United States shall dock at the Southwest Pier, Southeast Pier, or Brady Pier at any time. Small craft other than those owned and operated by the United States, not desiring to transit the locks are prohibited from entering the following areas:

(1) *Above the locks.* The area east and south of the line through the Michigan Northern Power Company's dock (1,000 feet west of the Southwest Pier Light) northwest to the International boundary near black spar buoy No. 1, thence easterly along the boundary to the Compensating Works.

(2) *Below the locks.* The area south and west of the line from the ferry dock and coincident with the ferry lane to the International boundary thence along that boundary west to the Compensating Works.

NOTE: The above-described areas are patrolled and guarded.

(c) *All other craft and vessels*—(1) *Personnel authorized to land.* The master or mate, only may go from a vessel while in the locks to the canal office. Two deck hands may leave the vessel to assist in handling the mooring lines and shall reboard the vessel as soon as the vessel has been moored. No other person may leave or board vessels in the locks except in emergency.

(2) *Docking at piers.* No vessel shall dock or tie up at the Southwest Pier, Southeast Pier, or Brady Pier without specific authority from the Assistant Chief Lockmaster.

(3) *Throwing objects overboard.* Throwing overboard of any rubbish or other object in the canal or in the areas above or below the locks as described in paragraphs (b) (1) and (b) (2) of this section, or in the approaches to these areas, is forbidden.

(4) *Discharge of firearms.* No firearms of any kind shall be discharged from vessels while in the canal zone.

(5) *Smoking on and in vicinity of tankers.* When tankers are transiting the canal and lock, smoking is prohibited on canal walls and walks within 50 feet of the face of walls, and on board the tanker transiting the locks except in such places as may be designated in the ship's regulations.

(6) *Embarking and debarking.* No pasengers will be permitted to board or debark from ships while transiting the canal zone except by authority of the District Commander.

(7) *Photography.* The taking of pictures and aerial photographs of the canal zone or any of the installations therein is prohibited. Ship's masters and the military guard are responsible for the enforcement of this regulation.

(8) *Tugs required.* All barges or other vessels navigating within the limits of St. Marys Falls Canal, whether approaching or leaving the locks and not operating under their own power, will be required to be assisted by one or more tugs of sufficient power to insure full control at all times.

(9) *Passenger vessels restricted.* Transit of the locks by passengers or excursion vessels over two hundred (200) gross registered tons is prohibited.

(10) *Examination of vessel.* The Coast Guard shall make a special examination of each vessel prior to its approaching St. Marys Falls Canal for each transit. Such examination shall include the inspection of openings to all closed compartments, the forepeak, blind hold, dunnage room, windlass room, and chain locker; examination of bolt fastenings being such as to detect whether any tampering has been done. Entry of such inspection shall be made in the ship's log. Following the inspection and prior to entering the canal, a square yellow flag, showing a black ball in the center, and being not less than 3 feet by 3 feet in size, shall be flown from the forward part of the ship. Vessels complying with the above regulations and displaying the flag may be permitted to enter the canal at the discretion of the United States Coast Guard. The Coast Guard has authority to board vessels at any time for the purpose of making investigations or examinations.

(11) *Other applicable regulations.* These regulations shall be supplementary to the "Regulations to Govern the Use, Administration, and Navigation of St. Marys Falls Canal and Locks, Michigan."

(d) *St. Marys River patrol.* The St. Marys River patrol comprises all of the personnel and equipment of the Coast Guard employed by the captain of the port in the enforcement of the rules and regulations in this part. The local regulations are as follows:

(1) *District Engineer.* The officer of the United States Army Engineers in charge of the district is authorized to declare any channel closed when by reason of low water, obstruction, or obscurity in the channel or other cause, he deems such action necessary for the safety of shipping; and under contrary circumstances, or for the expediting of vessel passage, to declare any channel open. He or his local representative decides the proper disposition of dredging and wrecking outfits legally engaged in improving or clearing a channel, and the allowable maximum speed and draft of vessels in channels which are impaired temporarily. His decisions with respect to the foregoing are duly communicated to the captain of the port. The movements of vessels in the St. Marys Falls Canal are under the direction of the district engineer or his local representative.

(2) *Lookout stations.* Lookout stations of the St. Marys River patrol are numbered and located as follows:

No. 1 on Johnson Point, Sailors Encampment, Middle Neebish Channel.
No. 2 on upper end of dike, Dike Cut, Middle Neebish Channel.
No. 3 off Mission Point, Little Rapids Cut.
No. 4 at upper end of Rock Cut, West Neebish Channel.
No. 5 at Moon Island, lower end of West Neebish Channel.
No. 6 off Brush Point, upper St. Marys River.
No. 7 at Nine Mile Point, Sugar Island.

(3) *Dispatch boats.* A dispatch boat of the St. Marys River patrol is customarily located at each of the following places:

(i) Sailors Encampment Mill Dock; Neebish Island.

(ii) In the vicinity of Dike Cut, Middle Neebish Channel, or Rock Cut, West Neebish Channel.

(iii) At the wharf off Big Point, upper St. Marys River.

These boats are used to direct the anchoring and movements of vessels in their vicinity.

(4) *Routing of traffic in channels.* The routing of traffic through the several dredged channels is contingent upon the physical conditions in them; and the vessel masters should be prepared upon notice from the patrol, or through published notification, to follow such alternate route as may be prescribed, or to proceed with caution. Under normal conditions traffic passes up the Middle Neebish Channel, and down the West Neebish Channel; but it may be necessary in emergency to pass two-way traffic in either of these channels. It may also become necessary to close either or both channels for a short time owing to obscurity of navigation marks, in which case vessels should be prepared to anchor and wait a clearing away of obscurity.

(5) *Visual signals at lookout stations.* The following signals are hoisted at patrol lookout stations to indicate changes in the conditions of channel passage; and masters of vessels approaching the entrance to the several channels should be on the alert for such signals:

(i) *Closure of channel.* Indicated by two red balls by day, two red lights by night, hoisted vertically about 6 feet apart.

(ii) *Channel partially obstructed but passable.* Indicated by a red ball over a white ball by day, a red light over a white light by night, hoisted vertically about 6 feet apart.

(iii) *Special signal for No. 1 Lookout Station.* Displayed when a downbound vessel enters the Dark Hole while an upbound vessel is between Everens Point and Johnson Point. Indicated by a white ball by day, a white light over a red light by night, hoisted vertically about 6 feet apart.

(iv) *Tow signal for No. 1 Lookout Station.* Displayed when a downbound tow enters the Dark Hole while an upbound vessel is between Everens Point and Johnson Point. Indicated by a white ball over a red ball by day, a white light over two lights by night, hoisted vertically about 6 feet apart.

Boats of the patrol may carry signal (i) as required. Signals (iii) and (iv) will be used only when two-way traffic is being passed through the Middle Neebish Channel.

(6) *For temporary closure of Middle Neebish Channel.* With two-way traffic passing through Middle Neebish Channel, closure and obstruction signals will be shown from Lookout Stations Nos. 1, 2, and 7. With one-way traffic in the channel, the signals will be shown only from Lookout Station No. 1.

(7) *For temporary closure of West Neebish Channel.* With two-way traffic passing through West Neebish Channel, closure and obstruction signals will be shown from Lookout Stations Nos. 4, 5, and 7. With one-way traffic in the channel, the signals will be shown from Lookout Stations Nos. 4 and 7.

(8) *Sound signals used by patrol.* (i) Two short and one long blast of whistle or horn indicate that the signalling unit desires to speak to a passing vessel, and the signaled vessel will check speed and await orders. Vessels should use this signal to speak a lookout station or passing patrol boat.

(ii) Three long blasts of whistle or horn indicate that the vessel signaled is moving at too high a rate of speed. This signal may be used by dredging and wrecking plants working in channels.

(iii) Fog bells have been established at Lookout Stations Nos. 4 and 5, and will be sounded in response to the fog signal of a vessel which may happen to be caught by fog in the West Neebish Channel when nearing those points. The signal consists of a group of four strokes of the bell, the strokes being separated by one-second intervals.

(9) *Definition.* The word "vessel" as used herein shall be held to include all types of floating craft and equipment. Where special provisions apply only to rafts, dredges, etc., the type will be specified by its class designation.

(10) *Obedience to instructions.* All persons in charge of or operating vessels in the St Marys River are required to yield prompt and implicit obedience to the directions of the captain of the port and the officers and men of the St. Marys River patrol, acting under his instructions, in connection with the enforcement of the rules and regulations in this part.

(11) *Anchorage grounds.* The authorized anchorage grounds are those areas outside of the dredged channels, and clear of the steering courses in other portions of the St. Marys River, between Point Iroquois and Point Detour. Vessels shall be anchored so as not to swing into channel limits or across steering courses.

(12) *Emergency anchoring.* A vessel may be permitted in an emergency, due to breakdown of machinery or other accident or obscurity of navigation marks, to anchor in a dredged channel; but the vessels shall be anchored as near the edge of the channel as possible, and shall get under way and proceed as soon as the emergency ceases, unless otherwise directed.

(13) *Forbidden anchorage.* It is forbidden to anchor a vessel at any time in the area to the southward of the Point aux Pins Range, lying between Lookout Station No. 6 and the waterworks intake crib off Big Point; also within a quarter mile of the said intake crib in any direction.

(14) *Dredging and wrecking plants in channel.* Duly authorized dredging and wrecking plants, when engaged in improving or clearing a channel, will be permitted to anchor or moor in the channel under such conditions as may be prescribed by the district engineer or his local representative.

(15) *Shifting anchorage when directed.* The captain of the port, or the St. Marys River patrol acting under his instructions, is empowered to cause any anchored vessel to shift anchorage when and as directed, whenever in the judgment of the enforcing officer such action is deemed necessary for the safety of vessels, the safe or expeditious passage of shipping, or the preservation or effective operation of Government installations. In enforcing this section the officer will have due regard for the hazards of navigation and vessel handling which may exist at the time, and under such circumstances will permit a reasonable delay in compliance by the vessel directed to move.

(16) *Order of departure from anchorage.* Whenever vessels collect in any part of the river or on anchorage grounds, by reason of temporary closure of channel or impediment to navigation, the order of getting under way and proceeding by the vessels so collected shall be the order in which they arrived at the place of assembly, unless otherwise directed by a unit of the patrol. The patrol is authorized to advance any vessel in the order of procedure to expedite the movement of mails, passengers, or cargo of a perishable nature, or to facilitate passage through the locks as indicated to the patrol by the officer in charge of the St. Marys Falls Canal.

(17) *Visual signals for dredges and wrecking plants.* Dredges and wrecking plants while engaged in working on the St. Marys River shall display the visual signals prescribed for them by the War Department Rules and Regulations.

(18) *Visual signals on vessel aground in channel.* (i) A vessel aground in a dredged channel, completely blocking the channel, shall carry from sunset to sunrise two red lights hoisted vertically not less than 6 feet apart, in such position and height as to be readily visible to vessels bound up and down the channel.

(ii) A vessel aground in a dredged channel, but so as to permit passage with safety, shall carry from sunset to sunrise a red light over a white light hoisted vertically not less than 6 feet apart, in such position and height as to be readily visible to vessels bound up and down the channel.

(19) *Sound signals for vessel aground in channel.* (i) A vessel aground in and completely blocking a dredged channel shall sound several short and rapid blasts of her whistle upon the approach of another vessel bound up or down the channel. The approaching vessel shall stop and repeat this signal to another vessel coming up astern, and make proper dispositions to avoid fouling the grounded vessel.

(ii) A vessel aground in a dredged channel, but so as to permit passage with safety, shall sound three distinct blasts of her whistle upon the approach of another vessel bound up or down the channel. The approaching vessel shall answer with the same signal, slow down, and proceed with caution until clear.

(20) *Special sound signal for Middle Neebish Channel.* In passing through Middle Neebish Channel, a downbound vessel shall sound a 10-second blast of her whistle at the Dark Hole Gas Buoy and an upbound vessel shall sound the same signal abreast of Everens Point.

(21) *Temporary closure of channel.* A vessel approaching a channel entrance and observing that the closure signal is shown, or upon being advised by the patrol that the channel is closed, shall come to anchor and not proceed through the channel until the closure signal is lowered, or instructions are received from the patrol to proceed.

(22) *Speed limit between Everens Point and Big Point.* Vessels of 500 gross tons or over shall at no time exceed a speed of 12 statute miles per hour through any portion of the St. Marys River between Everens Point and Big Point.

(23) *Speed limit in Middle Neebish Dike Cut.* Vessels of 50 gross tons or over shall at no time exceed a speed of 10 statute miles per hour in the Middle Neebish Dike Cut, the West Neebish Rock Cut, or the Sailors Encampment Channel below Johnson Point.

(24) *Speed limit; two-way traffic.* When one of the lower channels is closed, making it necessary to accommodate two-way traffic in the Middle Neebish or the West Neebish Channel, vessels of 500 gross tons or over shall not exceed a speed of 10 statute miles per hour in the following named reaches:

(i) Between Everens Point, Lake Munuscong, and Nine Mile Point, Lake Nicelet.

(ii) Between Nine Mile Point, Lake Nicelet, and the lower end of West Neebish Channel in Lake Munuscong.

(25) *Speed limit approaching St. Marys Falls Canal.* Vessels approaching the St. Marys Falls Canal shall at all times reduce speed to the extent of being under full control with ability to maneuver in accordance with the instructions of the officers in charge of the St. Marys Falls Canal before entering the canal.

(26) *Pipe Island passages.* Vessels of 500 gross tons or over shall leave Pipe Island Shoal and Pipe Island on the port hand in passing them, except that upbound vessels intending to stop at one of the Detour coal wharves above Watson Reefs Gas Buoy may pass to the shoal and island.

(27) *Directional Neebish Channels.* (i) When both the Middle Neebish Channel and the West Neebish Channel are available to traffic, vessels of 100 gross tons or over shall pass upbound through the Middle Neebish Channel and downbound through the West Neebish Channel. Vessels over the prescribed tonnage making regular local stops in either of those channels may run counter to the general traffic direction only on written permit issued by the Captain of the Port, for such terms and under such conditions of renewal or revocation as he may prescribe. A vessel thus running counter to general traffic shall keep off the channel range when an approaching vessel is on or entering that range.

(ii) West Neebish Channel shall be closed to all small craft of less than 100 gross tons, except that owned or operated by the United States of America or the Dominion of Canada and/or tugs regularly engaged in commercial towing. All such traffic, either upbound or downbound, shall use the middle Neebish Channel under the provisions of the Rules and Regulations Relating to Anchorage and Navigation in the St. Mary's River, as hereby amended.

(28) *Speed through dredged channels.* The minimum speed at which any vessel or two will be permitted to make regular passage through any dredged channel shall be 5 miles an hour over the ground; and any craft which can not make this speed shall not enter any of the channels until the patrol has been communicated with, and directions received as to further procedure.

(29) *Navigation of dredged channels by sail.* Vessels of 10 gross tons or over shall not navigate any dredged channel under sail power; and such vessel capable of propulsion by both machinery and sail shall not carry sail in any of the dredged channels.

(30) *Obstruction of traffic; retarding other vessels.* No vessel shall maneuver so as to affect adversely the relative position of another vessel when entering any of the cuts, nor attempt to obstruct traffic, nor unnecessarily retard a following vessel, nor increase speed after having signaled permission to an overtaking vessel to pass.

(31) *Rafts in channels.* No raft shall enter any of the dredged channels between Everens Point and the improved channel above Round Island without first having communicated with the patrol and obtained permission and directions as to route and procedure. So long as rafts are in any portion of the passages between the points named they shall be under the control of the patrol, and shall obey all instructions as to time and manner of movement or stoppage. They shall use the Lake George Channel when it will serve their passage toward destination.

(32) *Reporting obstruction of channel.* A vessel observing an obstruction of the channel caused by an accident of any nature at any point in the St. Marys River, between Point Detour and Point Iroquois, shall report the same to the canal office or the first lookout station or boat of the patrol passed.

§ 6.9–35 *Detroit, Michigan*—(a) *The anchorage area*—(1) *Anchorage A.* (Restricted) Located in the Detroit River south of the Rouge River Short Cut Canal. The anchorage area is bounded on the west by the shore line, and on the east by a line joining the following two points referred by distance and bearings to the Rouge Canal Inner Entrance Light: (i) 950 feet 148° true; (ii) 4,025 feet 189° true. From these two points lines drawn perpendicular to the shore line define the northern and southern boundaries of the anchorage area. This is a restricted anchorage, and shall not be used without a permit from the captain of the port, who is authorized to restrict the anchorage to vessels carrying dangerous or inflammable cargoes, and to limit the period for which any vessel may remain in the anchorage.

(2) *Anchorage E.* (Explosive) Located in Lake Erie, south of the Detroit River, and including a rectangular area marked by four White Buoys at the following distances and bearings from Detroit River Light: (i) 32,800 feet 158½° true; (ii) 30,600 feet 178° true; (iii) 41,800 feet 178½° true; (iv) 43,500 feet 163¾° true. Downbound freight vessels of 100 gross tons or over or tugs regularly engaged in commercial towing shall pass through the Livingston channel as far as the Detroit River Light. Deep laden vessels shall enter Lake Erie through the 1,200 foot channel passing east of the lighthouse, while light draft vessels and moderately laden vessels may enter Lake Erie through the old downbound channel west of the light. All down-bound craft of less than 100 gross tons, except tugs regularly engaged in commercial towing, and all passenger or excursion vessels regardless of size, shall pass through the Amherstburg Channel.

§ 6.9–40 *Monroe Harbor, Michigan.* (a) No vessel shall exceed a speed of six miles per hour in the river channel nor ten miles per hour in the lake channel.

(b) No vessel or other craft shall moor or anchor in or along any improved channel or basin in such a manner as to interfere with the improvement or maintenance operations therein. Whenever in the opinion of the captain of the port any vessel or craft is so moored or anchored, the owner thereof shall cause such vessel or craft to be moved upon notification from, and within the time specified by, said captain of the port.

(c) No tow shall enter or pass through the river portion of the channel with a towline more than two hundred feet in length.

§ 6.9–45 *Cleveland, Ohio*—(a) *The anchorage area*—(1) *Anchorage A.* The northwesterly portion of the West Basin of Cleveland Harbor between the northwest limits of the West Basin and a line parallel to and 1050 feet distant from the West Breakwater; and from the southwest limits of the West Basin to a line perpendicular to the West Breakwater, 2050 feet southwesterly along the West Breakwater from Cleveland West Breakwater Light.

(2) *Anchorage B.* The southeasterly portion of the East Basin of Cleveland Harbor between the mainland and a line parallel to and 1250 feet distant from the East Breakwater; from opposite Cleveland East Entrance Light to opposite Cleveland Harbor Channel Buoy No. 1.

(3) *Anchorage B.* (Explosive) Located in Lake Erie, northwest of Cleveland Harbor East Breakwater, and including a rectangular area marked by four White Spar Buoys at the following distance and bearings from Cleveland East Pierhead Light: (i) 2,050 feet 38½° true; (ii) 2,050 feet 68° true; (iii) 7,050 feet 57° true; (iv) 7,050 feet 49° true.

§ 6.9–50 *Vermilion Harbor, Ohio, use, administration and navigation.* (a) No vessel shall exceed a speed of six miles per hour.

(b) No vessel shall while moored or at anchor, or by slow passage or otherwise while underway, unreasonably obstruct the free passage and progress of other vessels.

(c) No vessel or other craft shall moor or anchor to any structure of the United States without the consent of the District Engineer.

(d) No vessel or other craft shall moor or anchor in or along any improved channel or basin in such a manner as to interfere with the improvement or maintenance operations therein. Whenever in the opinion of the District Engineer any vessel or craft is so moored or anchored, the owner thereof shall cause such vessel or craft to be moved upon notification from, and within the time specified by, said District Engineer.

§ 6.9–55 *Western rivers*—(*a*) *Restricted areas for locks and dams on the upper Mississippi River.* An area not to exceed 2,000 feet above and 1,000 feet below each of the following locks and dams:

Lock and Dam No. 2
Lock and Dam No. 3
Lock and Dam No. 4
Lock and Dam No. 5
Lock and Dam No. 5A
Lock and Dam No. 6
Lock and Dam No. 7
Lock and Dam No. 8
Lock and Dam No. 9
Lock and Dam No. 10
Lock and Dam No. 11
Lock and Dam No. 13
Lock and Dam No. 14
Lock and Dam No. 16
Lock and Dam No. 17
Lock and Dam No. 18
Lock and Dam No. 20
Lock and Dam No. 21
Lock and Dam No. 22
Lock and Dam No. 24
Lock and Dam No. 25

(b) *Other restricted areas in Western rivers*—(1) *Illinois River*—(i) *Peoria, Illinois.* (Upper area) From mile 166.2 to mile 162.8 from right bank to 9 foot contour line on left.

(ii) *Peoria, Illinois.* (Lower area) From mile 162.8 to 162.5 from right bank to 9 foot contour line on left, from 162.5 to 160.5 from bank to bank.

(2) *Kanawha River*—(i) *Charleston, West Virginia.* From mile 54.5 to mile 55.8 from bank to bank on back channel around Blaines Island.

(3) *Ohio River*—(i) *Pittsburgh, Pennsylvania.* (Emsworth Dam area) Includes all waters of the Ohio River from the sailing line to the North Shore of Neville Island, between mile 6.2 and mile 8.5.

(ii) *Evansville, Indiana.* From Main Street mile 792.3 to mile 794.2 to the sailing line on the Indiana side. Including Sou-Ind. Gas & Elec. Co. and Mo. Valley Bridge and Iron Co.

(iii) *Louisville, Kentucky.* (Area A) Area A at Jeffersonville Boat and Machine Company, mile 601.5 to mile 602.0, right bank, extends 200 feet riverward of the normal pool line.

(iv) *Louisville, Kentucky.* (Area B) Area B extends 2,000 feet above and parallel to Ohio Falls Bridge, mile 604.4. Upstream limits of the restricted area pass through head of the Louisville Portland Canal.

(v) *Cincinnati waterworks intake pier.* From left of sailing line at approximately mile 462.8, Ohio River, downstream to mile 463.0, plainly marked by 4 nun buoys painted white. The area marked by the buoys extends 500 feet upstream from the Cincinnati Water Works Intake Pier and 1,000 feet downstream from pier.

(vi) *Point Pleasant, West Virginia.* From mile 263.3 to mile 264.0, extending 450 feet from left bank, normal pool line.

(vii) *Cairo, Illinois.* Extends from approximately mile 977.2, a line drawn across Ohio River 2,500 feet upstream from Illinois Central Railroad Bridge, mile 977.7 downstream to approximately mile 980.9, a point 2,500 feet below Ill-Kentucky Highway Bridge, mile 980.4, extending straight across the Ohio River from Illinois to Kentucky.

(4) *Mississippi River*—(i) *Minneapolis, Minnesota.* Entire navigational river front, both sides between Washington Avenue Highway Bridge, mile 852.7, to Lock and Dam No. 1, mile 847.6, a distance of approximately 5.1 miles.

(ii) *St. Paul, Minnesota.* From mile 847.6 downstream to mile 836.9, including both left and right banks of river, all bridges, oil and municipal barge terminals.

(iii) *Dubuque Iowa.* From mile 580.5 downstream to mile 579.0, including all bridges, abutments, the Municipal Barge Terminal, and the harbor entrance to the Dubuque Boat and Iron Works on right bank.

(iv) *Savanna-Bellevue.* Restricted area extends from mile 544.6 to mile 558.0 along the left bank of the Mississippi River.

(v) *Rock Island, Illinois.* Extends from a line from the left bank, at mile 481.0, across the lower end of Island No. 310 to the right bank, the area extends upstream, and includes the entire river to the lower approach to Lock and Dam No. 15; from the lower approach to Lock and Dam No. 15, upstream to mile 488.0. The area includes all waters from mid-channel to the left bank, including Sylvan Slough and Moline Pool; from Moline-Bettendorf Highway Bridge upstream to mile 487.0. All waters from the sailing line to the right bank are also restricted.

(vi) *Keokuk, Iowa.* (Upper area) From right bank a line straight across river from Jetty entrance to South point of Chenney Creek on left bank; from this line to Dam No. 19, mile 364.2, including Lock No. 19 safety harbor.

(vii) *Keokuk, Iowa.* (Lower area) From lower end of Lock and Dam No. 19, mile 364.2, to 2,500 feet downstream, below Highway and Railroad Bridge, this lower line extending straight across river from Keokuk City Landing, right bank, to Island 403 on left bank.

(viii) *Quincy, Illinois.* The area in Quincy Bay from Upper Bay Bridge mile 327.9 to 1,500 feet above the lower Bay Bridge mile 327.4 including all sloughs adjacent.

(ix) *Alton, Illinois.* (Upper area) Includes all waters from bank to bank, from Lock & Dam 26 to a point 2,500 feet upstream, approximate mileage, 203.4 and all waters from the sailing line to left bank from 2,500 feet upstream from the dam to mile 204.5.

(x) *Alton, Illinois.* (Lower area) From Lock and Dam No. 26, mile 202.9, downstream 2,500 feet to a line straight across river from right bank to left bank, mile 202.5.

(xi) *Wood River, Illinois.* From mile 198.0 to mile 187.0 along left bank which includes oil loading terminals of Standard, Shell, and Phillips Oil Companies.

(xii) *St. Louis, Missouri.* (Upper area) Extends from Salt Point Light, mile 184.3, line straight across to Illinois bank, downstream to Eads Bridge, including both banks, mile 180.0.

(xiii) *St. Louis, Missouri.* (Lower area) Includes entire river from Eads Bridge, mile 180.0 to mile 176.0 and all waters from the sailing line to the Missouri Shore from mile 176.0 to mile 171.0.

(xiv) *Cape Girardeau, Missouri.* All waters to right of sailing line from mile 54.0 to approximately mile 51.8, a point 1,000 feet upstream from Cape Girardeau Highway Bridge. From approximately mile 51.8 to approximately mile 51.4, a point 1,000 feet downstream from Cape Girardeau Highway Bridge, the restricted area extends from bank to bank.

(xv) *Cape Girardeau, Missouri.* (Thebes Bridge area) From approximately mile 43.9, a point 1,000 feet upstream from Thebes Railway Bridge, to approximately mile 43.5, a point 1,000 feet downstream from Thebes Railway Bridge, the restricted area extends from bank to bank.

(xvi) *Cairo, Illinois.* Extends from mile 1 on line straight across Mississippi River from the Illinois bank to the Missouri bank, upstream one mile to mile 2, Mississippi River, to a line drawn straight across river from Illinois bank through Angelo Towhead to the Missouri bank.

(xvii) *Memphis, Tennessee.* From mile 226.0 to mile 230.0 including Wolf River from mouth to Jones Steel Corporation. Also including Tennessee Chute from mouth to Standard Oil overhead pipe line, approximately ¼ mile below mouth.

(xviii) *Helena, Arkansas.* From mile 306.5 to mile 308.0 from bank to bank.

(5) *Missouri River*—(i) *Omaha, Nebraska.* The restricted area includes all waters of the Missouri River from bank to bank, at normal stage, from Omaha Highway Bridge, mile 628.4 to mile 629.5, including the Omaha Steel Works approximately mile 628.7 right bank, Missouri River.

(ii) *Leavenworth, Kansas.* All waters from bank to bank between Four Mile Creek, approximately mile 408.1 to Five Mile Creek, mile 407.0, including the Missouri Valley Bridge & Iron Co. shipyard on the right bank.

(iii) *Kansas City, Missouri.* (Upper area)—(Kansas City, Kansas) to include entire river, from bank to bank, from mile 384.6 downstream to Fairfax Highway Bridge, approximately mile 384.0.

(iv) *Kansas City, Missouri.* (Lower area) To include all waters on the Kansas River, bank to bank, from the Intercity Viaduct to the mouth. Also includes waters of the Missouri River to the right of the sailing line from mile 379.0 to mile 378.8.

(v) *Weldon Springs, Missouri.* The restricted area includes all waters from the left bank to mid-channel between mile 47 to mile 50.0.

(6) *Cumberland River*—(i) *Nashville, Tennessee.* The restricted area extends from mile 190.4, the L & N Railroad Bridge, to mile 191.4, from bank to bank.

(7) *Tennessee River*—(i) *Chickamauga Lake.* (Volunteer Ordnance Works) The restricted area includes all waters to the left of a semi-circular buoyed line, which extends from the left bank at mile 473.1, out 1,000 feet into the river, at an arc, to the left bank at mile 472.6. The upper limit of the area is 1,000 feet upstream from Pumphouse No. 1, and the lower limit of the area is 1,000 feet downstream from pumphouse No. 2, of the Volunteer Ordnance Works.

(ii) *Decatur, Alabama.* An area along the left bank of the Tennessee River from the water's edge riverward, a distance of 200 feet and extending from mile 303.5 to mile 304.0.

(c) *The regulations.* (1) No vessel shall enter, anchor, moor, or pass through the restricted areas as above set forth in § 6.9–55 (a) and (b), between the hours of sunset and sunrise, unless previous permission in writing has been granted by the captain of the port within whose jurisdiction such restricted area lies: *Provided,* That this requirement shall not apply to:

(i) Vessels owned or operated by the United States Government.

(ii) Tows, towboats with tows, tankers and tank barges in tow, dredges under tow, or any other commercial vessel whose overall length exceeds sixty-five feet.

(iii) Vessels primarily engaged in the transportation of passengers for hire over regularly scheduled routes, in accordance with instructions and regulations issued by the captain of the port.

(2) Vessels passing through restricted areas may, at any time, be boarded and inspected. When ordered by a Coast

Guard patrol, such vessel shall immediately slow down and come to a complete stop until permission to continue the voyage is granted by the Officer in Charge.

(3) All commercial vessels included under subparagraph (1) (ii) and (1) (iii) above are required to have a special license issued by the Captain of the Port in order to enter or pass through a restricted area. When operating in accordance with the terms of such license, but at no other time, the vessel shall fly the International Flag "I", in such a manner as to be clearly visible at all times within a reasonable distance.

(4) No vessel shall be operated in a restricted area at a speed in excess of six miles per hour.

(5) Fishing, hunting, trapping, or related activities within a restricted area are prohibited.

(6) No pictures shall be taken of restricted areas. The master, owner or operator of commercial vessels shall cause an appropriate notice to be posted in a conspicuous place on the vessel, stating that all cameras, firearms or visual aids such as binoculars shall be deposited with the purser or other appropriate officer for the duration of the voyage. On vessels engaged in hauling passengers for hire the notice shall be posted at the passenger entrance. The master, owner and operator shall be responsible for any violation of the requirements of this section. No cameras shall be carried on pleasure craft unless prior permission has been obtained from the captain of the port.

(7) No person shall have firearms, explosives, or highly inflammable materials in his possession on board any vessel without a permit from the captain of the port, except in the cases specified below:

(i) Licensed pilots, masters, mates, engineers, and certificated tankermen on documented vessels may carry a pistol for the purpose of protection, provided that written permission has been obtained from the owner or operator of the vessel.

(ii) Hunters proceeding through restricted areas in undocumented or unnumbered vessels may carry shotguns to and from hunting grounds that are outside of said restricted areas, provided that the provisions of federal and local law and regulations applicable to hunting are complied with.

No person who has been arrested and convicted of a crime involving violence or destruction shall carry firearms without a permit issued by the captain of the port.

(8) Nothing contained in these rules and regulations shall be construed as relieving any vessel, common carrier, owner, shipper, master of a vessel, person in charge thereof, or other person from any liability or penalty incurred by reason of the violation or breach of any other regulation or of any law.

§6.9–56 *Waters connecting Lake Huron and Lake Erie; St. Claire River, Lake St. Claire, the Detroit River.* The following waters connecting Lake Huron and Lake Erie are hereby designated as a restricted area:

(a) *The restricted areas.* All ship channels connecting Lake Huron and Lake Erie between latitude 43°05′00″ North in Lake Huron and latitude 41°56′00″ North in Lake Erie, including the St. Claire River, Lake St. Claire, the Detroit River.

(b) *The regulations.* (1) No vessel of any kind shall move in the restricted area for purposes of fishing unless a special permit is obtained from the Captain of the Port.

(2) No boat under 100 feet in overall length used for recreational purposes shall be permitted to operate in the restricted area during the hours between sunset and sunrise unless a special permit is obtained from the Captain of the Port.

TENTH NAVAL DISTRICT

§ 6.10–1 *San Juan, Puerto Rico*—(a) *The anchorage area.* Anchorage grounds in San Juan Harbor are bounded as follows:

(1) On the north by a line between Puntilla Point Light and Isle Grande Light;

(2) On the south by a line between Buoy No. 12 and Buoy No. 18.

(3) On the east by a line from Buoy No. 18 through positions of buoys marking the eastern edge of the harbor.

(4) On the west by a line starting from a point 463 yards westward from Buoy No. 18 (on a line between Buoy No. 12 and Buoy No. 18) and extending 25° true to the northern boundary line.

(i) Anchorage A comprises that part of the anchorage area described above which lies north of a line bearing 112° from Puntilla Point Light and between the east and west boundary line. Anchorage A shall be a general anchorage, vessels awaiting customs or quarantine shall use this anchorage. No vessel shall remain in this anchorage more than 12 hours without a permit from the captain of the port.

(ii) Anchorage B (restricted) comprises that part of the anchorage area described above, bounded on the north by a line bearing 112° from Puntilla Point Light, on the south by a line between Buoy No. 12 and Buoy No. 18 and on the east and west by the lines defining the anchorage area. No vessels shall anchor in Anchorage B without a permit from the captain of the port.

(iii) Anchorage D comprises that part of San Antonio Channel which lies to the eastward of longitude 66°05′45″ west. Anchorage D shall be a yacht and small craft anchorage.

(iv) Seaplane area (restricted) comprises that portion of San Juan Bay located to the east and south of a line extending from Iola Grande Light to Buoy No. 16, thence to Buoy No. 14, thence due south to a line running due west from Catano Point is designated a restricted seaplane operating area. Except as noted in subparagraph (2) of this paragraph, no vessel shall operate or anchor within this area excepting those attendant upon seaplane operations.

(5) Limited portions of the area are exempted as described below:

(i) Areas in Catano and Pueblo Viejo Bays located west of a north and south line passing through Catano Point. These areas may be utilized for the anchorage of small craft.

(ii) The channel and turning basin to the Graving Dock and the channel connecting the Graving Dock turning basin with the Martin Pena Channel. These areas may be utilized for the passage of vessels to and from the Graving Dock and the Martin Pena Channel.

(iii) The channel from the U. S. Army Terminal in Pueblo Viejo Bay connecting with the Graving Dock Channel at a point near Buoy No. 16. This area may be utilized for the passage of vessels to and from the U. S. Army Terminal.

(6) In the event of an emergency, the movement of vessels in the areas exempted from the restrictions outlined above may be prohibited during such periods when their presence would endanger aircraft using the restricted areas.

§ 6.10–10 *St. Thomas Harbor, Charlotte Amalie, Virgin Islands*—(a) *The anchorage area*—(1) *Anchorage A.* (Inner harbor anchorage) The area inclosed by lines drawn as follows:

(i) To the southward of a line bearing 85° from a point (A) located 450 yards bearing 85° from center of Ballast Island;

(ii) To the eastward of a line bearing 146° from point (A) to a point (B), 800 yards distant;

(iii) To the northward of a line bearing 70° from point (B) to a point (C), 860 yards distant;

(iv) To the westward of a line bearing 340° from point (C) to a point (D), 525 yards distant.

(2) *Anchorage B.* (Outer harbor anchorage) The area inclosed by lines drawn as follows:

(i) To the westward of a line bearing 180° from Scorpion Rock (Fl W) Gas Buoy No. 1 to a point (A), 860 yards distant;

(ii) To the northward of a line bearing 253° from point (A) to a point (B), 1530 yards distant;

(iii) To the eastward of a line bearing 0° from point (B) to Sprat Point, Water Island;

(iv) To the southward of a line drawn from Sprat Point to Cowell Point, Hassel Island; thence to the Gas Buoy on Scorpion Rock. (St. Thomas Harbor, Charlotte Amalie, Virgin Islands)

This area shall be used by vessels undergoing examination by quarantine, customs, immigration, and coast guard authorities. Upon completion of these examinations, vessels shall move promptly to a regular anchorage area. This anchorage shall also be used for vessels having drafts too great to permit them to use the inner harbor anchorage. No vessel shall remain more than 48 hours in this anchorage without a permit from the captain of the port.

(3) *Anchorage C, Water Island anchorage.* (Explosive.) The area inclosed as follows:

(i) To the southward and eastward of Water Island in the Limestone Bay Area;

(ii) To the northward of the extended line of the south boundary of Anchorage B to Flamingo Point, Water Island;

(iii) To the eastward of the line marking the westward boundary of anchorage B.

(4) *Anchorage D, East Gregerie Channel anchorage.* The area bounded as follows:

(i) On the northeast by Hassel Island;

(ii) On the southeast by the northern boundary of Anchorage B;

(iii) On the southwest by Water Island;

(iv) On the northwest by a line running from Banana Point, Water Island, to Hassel Island, parallel to the southeast boundary.

This area shall be reserved for the use of naval vessels, but in their absence, the captain of the port may permit it to be used by merchant vessels.

(5) *Anchorage E.* (Small craft anchorage.) The area bounded as follows:

(i) The shoreline, and the

(ii) Extended northern boundary line of Anchorage A.

This anchorage shall be used by small vessels undergoing examination and also by small vessels anchoring under permit from the captain of the port.

ELEVENTH NAVAL DISTRICT

§ 6.11-1 *San Diego Harbor, California*—(a) *General anchorage.* The anchorage grounds for general use shall include all the navigable portion of the harbor except the following:

(1) A lane from San Diego to Coronado, the easterly limit of which is uniformly 500 feet east of the center line of Atlantic Street, San Diego, prolonged southward, and the westerly limit a straight line which, where intersecting the established United States Pierhead lines, is west of said center line of Atlantic Street, a distance of 500 feet at the north end and 760 feet at the south end.

(2) The area lying westerly of a line extending from Ballast Point Light to the northeast corner of Navy Dock (just southerly of La Playa Light) thence to the shore end of the Quarantine Dock, which line bears approximately north 8°30′ west.

(b) *Special anchorage for vessels of the United States Government.* The aforesaid area lying westerly of a line extending from Ballast Point Light to the northeast corner of Navy Dock (just southerly of La Playa Light) thence to the shore end of the Quarantine Dock, which line bears approximately north 8°30′ west.

(c) *The regulations.* (1) No vessel shall anchor in the lane reserved from the general anchorage grounds.

(2) The special anchorage ground for vessels of the United States Government is reserved exclusively for the anchorage of such vessels and of authorized harbor pilot boats. No other vessel shall anchor in this area.

(3) Vessels anchoring in portions of the harbor other than those above-described shall leave a free passage for other craft, and shall not unreasonably obstruct the approach to the wharves in the harbor.

(d) *Special anchorage for seaplanes.* All of that area in the central part of San Diego Bay inclosed by lines connecting the following points as follows:

S. 25,016 E. 12,420; S. 27,720 E. 16,258; S. 30,490 E. 18,073; S. 31,933 E. 18,239; S. 34,404 E. 19,132; S. 39,271 E. 19,556; S. 41,815 E. 14,009; S. 41,454 E. 13,836; S. 40,983 E. 14,862; S. 35,649 E. 12,581; S. 36,229 E. 11,316; S. 33,132 E. 9,650; S. 30,136 E. 7,810; S. 25,016 E. 12,420.

NOTE: The above points are rectangular coordinates and are referred to the U.S.C. and G. S. station "Old Town" as their origin.

(1) The area designated above is hereby set aside for the use of seaplanes and their attendant plant and, except as specified herein, navigation within that area is restricted to seaplanes, their attendant plant, and vessels under the control of the United States.

(2) At such periods as the area may not be required for the use of seaplanes and their attendant plant, navigation by other craft may be permitted: provided permission is obtained from the Commandant, Eleventh Naval District, San Diego, California, prior to entering the restricted area.

(3) The area will be plainly marked by the United States Navy Department by marine contact seadrome lights flashing amber.

§ 6.11-5 *Los Angeles Harbor, California*—(a) *Anchorage A.* (Yacht and small craft anchorage.) The area northwesterly of a line having a bearing of 215° true from the southwest corner of the six-story concrete warehouse on Pier 1 and passing through the westerly white cross on the San Pedro breakwater; and northerly of a line parallel to and 200 feet distant from the axis of the San Pedro breakwater: *Provided,* That no vessel shall anchor in the entrance to nor the easterly 250 feet of West Channel, nor in the entrance to the dredged slip to eastward of West Channel.

NOTE: Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes are prohibited except in that portion east of the easterly sides of the west channel and the dredged slip.

(b) *Anchorage B.* (Naval and temporary anchorage) The area southeasterly of a line having a bearing of 215° true from the southwest corner of the six-story concrete warehouse on Pier 1, and passing through the westerly white cross on the San Pedro breakwater; southwesterly of a line having a bearing of 135°30′ true from the most southerly of two radio towers on U. S. Reservation in San Pedro and passing through the easterly white cross on the San Pedro breakwater; southwesterly of a line having a bearing of 118°30′ true from the tall concrete stack located immediately south of the U. S. Reservation in San Pedro; southerly of a line having a bearing of 72°30′ true from the east end of 40th Street in San Pedro and passing through the roof of the small naval landing near the shore end of the San Pedro breakwater; southwesterly of a line having a bearing of 120° true from the second door from the south end of the one-story wooden transit shed of the Outer Harbor Wharf & Dock Co. (this line being the southwesterly side of the main fairway); southwesterly of a line having a bearing of 314° true from the flashing green light on the end of the San Pedro breakwater and passing through the tank near the viaduct at the foot of 16th Street, San Pedro; and northerly of a line parallel to and 200 feet distant from the axis of the San Pedro breakwater.

NOTE: In this area the requirements of the naval service will predominate. Floats or buoys for marking anchors or moorings in place will be allowed the Navy in this area. Vessels other than those of the Navy may anchor temporarily in this area when necessary and space permits, but shall move promptly when the necessity passes or whenever the anchorage is needed for naval vessels. Fixed mooring piles or stakes are prohibited.

(c) *Anchorage C.* (General and quarantine anchorage) The area easterly of the southward prolongation of the westerly side of Reservation Point; northeasterly of a line having a bearing of 120° true from a triangular signal atop the one-story transit shed on Pier 1 (this line being the northeasterly side of the main fairway); northwesterly of a line parallel to and 200 feet distant from the axis of the detached breakwater or prolongation thereof; southwesterly of line having a bearing of 128° true from the flashing red beacon outside the outer mole at Fish Harbor; westerly of a line having a bearing of 159°15′ true from the concrete stack of the Pacific Coast Borax Company on Mormon Island in Wilmington; and southerly of a line having a bearing of 67° true from the tall concrete stack located immediately south of the U. S. Reservation in San Pedro: *Provided,* That no vessel shall anchor within 100 feet of the dredged channel to Fish Harbor or in a position that will obstruct the entrance to this channel.

NOTE: This anchorage area (together with Anchorage Area E) is reserved for commercial ships of all sizes. All vessels requiring examination by quarantine, custom or immigration authorities for this port or for Long Beach, will anchor in this area. Vessels requiring such examination, upon finding this area full or finding weather or sea too heavy to permit of boarding by these authorities, may anchor for examination in any available berth in Anchorage B. Floats or buoys for marking anchors or moorings in place and fixed mooring piles or stakes are prohibited.

(d) *Anchorage D.* (Naval and temporary anchorage) The area easterly of a line having a bearing of 159°15′ true from the concrete stack of the Pacific Coast Borax Company on Mormon Island in Wilmington; northeasterly of a line having a bearing of 128° true from the flashing red beacon outside the outer mole at Fish Harbor; northwesterly of a line parallel to and 200 feet distant from the axis of the detached breakwater; westerly of the boundary line between the cities of Los Angeles and Long Beach, having a bearing of 160°43′36.5″ true from a rock jetty located on the boundary; and southeasterly of a line having a bearing of 41°30′ true from the fixed red light atop the southeast corner of the six-story concrete warehouse on Pier 1, and passing through the most southwesterly stack of the Southern California Edison Company at West Long Beach.

NOTE: In this area the requirements of the naval service will predominate. Vessels other than those of the Navy may anchor temporarily in this area when necessary and space permits but shall move promptly when the necessity passes or whenever the anchorage is needed for naval vessels. Floats or buoys for marking anchors or moorings in place and fixed mooring piles or stakes are prohibited.

(e) *Anchorage E.* (General anchorage) The area northerly of a line having a bearing of 67° true from the tall concrete stack located immediately south of the U. S. Reservation in San Pedro; westerly of a line having a bearing of 159°15′ true from the concrete stack of the Pacific Coast Borax Company on Mormon Island in Wilmington; northwesterly of a line having a bearing of 41°30′ true from the fixed red light atop the southeast corner of the six-story concrete warehouse on Pier 1, and passing through the most southwesterly stack of the Southern California Edison Company at West Long Beach; and southwesterly of the boundary line between the cities of Los Angeles and Long Beach, having a bearing of 160°43′36.5″ true from a rock jetty located on the boundary: *Provided,* That no vessel shall anchor within 100 feet of the dredged channel to Fish Harbor or in a position that will obstruct the entrance to this channel.

NOTE: This anchorage area (together with Anchorage C) is reserved for commercial ships of all sizes. Floats or buoys for marking anchors or moorings in place and fixed piles or stakes are prohibited.

§ 6.11-10 *Isthmus Cove, Santa Catalina Island, California*—(a) *Anchorage grounds.* (1) *General anchorage.* All of the navigable waters of Isthmus Cove shoreward of a line connecting the promontories known as Lion Head and Blue Cavern Point, except the Zone of Restricted Anchorage.

(2) *Zone of restricted anchorage.* An area, 300 feet wide, extending from shore 1,200 feet seaward of the outer end of Wilmington Transportation Company Wharf, centered on a line 20 feet westerly of and parallel to the centerline of said wharf.

(b) *Rules and regulations.* (1) The general anchorage shall be available for anchorage of all types of craft. Temporary floats or buoys for marking anchors in place will be permitted in this area, provided that the upper half of any such float or buoy is painted white, to improve visibility at night.

(2) Commercial vessels, of 15 feet draft or over, may anchor in the zone of restricted anchorage during the hours between sunrise and sunset. The use of this zone for anchorage is forbidden to all other craft at all times.

TWELFTH NAVAL DISTRICT

§ 6.12-1 *San Luis Obispo Bay, California.* Eastward of the San Luis Obispo County wharf, northward of a line bearing 116° true from the southeast corner of San Luis Obispo County wharf, westward of a line bearing 210° true from the most seaward extremity of Fossil Point (See U.S.C. & G.S. No. 5386.)

§ 6.12-5 *San Francisco Bay, California*—(a) *Restricted area.* The following areas in San Francisco Bay, California, are hereby designated restricted areas for Naval operations: An area in San Francisco Bay, the six corners of which are the following true bearings and distances from the point described: (a) 253°, 3,175 yards from Point Stuart Light; (b) 233°, 1,590 yards from Point Stuart Light; (c) 280°, 1,370 yards from Alcatraz Light; (d) 215°, 2,375 yards from Alcatraz Light; (e) 226°, 3,200 yards from Alcatraz Light; (f) 234°, 3,705 yards from Alcatraz Light.

NOTE: No vessels except those engaged in Naval operations shall navigate or anchor in the above-described area without the permission of the captain of the port, but vessels may cross such area provided the crossing is made in strict accordance with directions contained in an order of the captain of the port published through the usual channels of notice to mariners.

(b) *Additional restricted areas.* The area in San Francisco Bay, California, inclosed within the following lines is also hereby designated a restricted area for Naval operations and no vessels except those engaged in Naval operations shall cross, navigate, or anchor in such area without the permission of the captain of the port: From Bluff Point 53° true, 1,300 yards to lighted buoy "1" located 2,110 yards, 101° true, from Stand Pipe, Naval Net Depot, thence 323° true, 1,800 yards to lighted buoy "3", thence 3,000 yards, 270° true, to the shore line, thence southeasterly along the shore line to Bluff Point.

(c) *A portion of Anchorage (general) B No. 6; restricted seaplane area.* San Francisco Bay at Oakland, California, is hereby defined and established as a temporary restricted seaplane area, and the following regulations relating thereto are hereby adopted:

(1) The area: The truncated triangular area between the Berkeley Auto Ferry Pier and the San Francisco-Oakland Bay Bridge, the four corners of which are the following distances and true bearings from the easterly pier of the cantilever span of the above bridge (the pier marked H on U. S. Coast and Geodetic Survey charts 5532 and 5535: northwest corner 3532 yards, 348¾; northeast corner, 4813 yards, 54¾; southeast corner 4560 yards, 59½; southwest corner, 555 yards, 31½°.

NOTE: The area will be marked by the U. S. Coast Guard in accordance with standard practice for the designation of anchorage areas and such other buoys as may be selected by the U. S. Coast Guard and the Civil Aeronautics Authority for the guidance of seaplanes.

(2) No surface watercraft shall be operated or anchored in this area except those attendant upon seaplane operations.

(d) *Anchorage (general) No. 9; restricted seaplane area.* The following portions designated Section A, and Section B, of General Anchorage No. 9, San Francisco Bay, are hereby defined and established as restricted seaplane areas through which no water craft shall be operated or anchored except those attendant upon seaplane operations of the United States Navy: *Provided,* That this restriction with respect to Section B shall not take effect until the completion of the dredging of seaplane channels therein as announced by the district engineer in charge of the locality:

(1) *Section A.* That portion of San Francisco Bay, abutting on the south side of the channel to the United States Naval Air Station at Alameda, the corners of which are the following distances and true bearings from the chimney of the pumping plant at the Hunters Point dry docks (Point Avisadero); 4,700 yards, 13½°; 5,715 yards, 17½°; 6,700 yards, 37°; 7,185 yards, 49½°; 7,115 yards, 86°; 1,870 yards, 74½°.

(2) *Section B.* That portion of San Francisco Bay abutting on the east side of the above Section A, the corners of which are the following distances and bearings from the chimney of the pumping plant at the Hunters Point dry docks (Point Avisadero); 7,185 yards, 49½°; 9,400 yards, 70½°; 9,250 yards, 73½°; 7,115 yards, 86°.

NOTE: The above areas will be marked by the United States Coast Guard in accordance with standard practice for the designation of anchorage areas and such other buoys as may be selected by the United States Navy, the Civil Aeronautics Authority and the Coast Guard.

§ 6.12-10 *General anchorage areas for San Francisco Bay, San Pablo Bay, Carquinez Strait Suisun Bay, New York Slough and San Joaquin River, California*—(a) *Anchorage No. 2.* (General.) The portion of Richardson Bay north of a line having a bearing of 257° from Peninsula Point to the interlocking switch tower of the Northwestern Pacific Railroad at Sausalito, except so much of the above area as is included in Naval Anchorage No. 11.

(b) *Anchorage No. 3* (General) The area in Belvedere Cove, west of a line having a bearing of 25½° from Peninsula Point to the west fender of the Northwestern Pacific Railroad ferry slip at Tiburon.

(c) *Anchorage No. 4.* (General) The area on the west side of upper San Francisco Bay west of a line having a bearing of 5° from Bluff Point and just touching the west side of Red Rock; west of a line having a bearing of 333° from Point Simpton (Angel Island) through the ferry apron on the outer end of the Richmond-San Rafael ferry wharf at San Quentin; and south of a line having a bearing of 86° and tangent to the south face of the San Quentin prison building; excluding, however, so much of the above area as is within the outer boundary of the forbidden anchorage zone surrounding Explosives Anchorage No. 13, and also Quarantine Anchorage No. 17 when that anchorage is being used for quarantine purposes.

(d) *Anchorage No. 5.* (General) The area on the east side of the upper part of San Francisco Bay, south of the Point Orient wharf of the Standard Oil Company; east of a line having a bearing of 170° from the southwest corner of the said Point Orient wharf and passing through the red and black nun buoy on the north end of Southampton Shoal; and north of a line having a bearing of 93° from the said buoy at the north end of Southampton Shoal to the north end of the train shed of the Santa Fe Railroad Company at Point Richmond, excluding from this area, however, the entrance channel, 400 feet wide, to Richmond Inner Harbor. (For use of this anchorage see rules and regulations below.)

(e) *Anchorage No. 6.* (General) The area on the east side of San Francisco Bay south of a line having a bearing of 280° from the southern extremity of Point Isabel to the northern extremity of Brooks Island, thence along the northwesterly shore of Brooks Island to the training wall extending westerly therefrom, thence westerly along said training wall to its bayward end; east of a line having a bearing of 162° from the bayward end of the above training wall; east of a line having a bearing of 324° and tangent to the outer end of the most westerly corner of the Key System Ferry Slip; and north of a line having a bearing of 71° from the northwest corner of Yerba Buena Island, excluding from this area, however, the cable areas therein.

(f) *Modification of Anchorage No. 7.* (General) The area west of Treasure Island within the following lines: North of a line bearing 237° from the northwest corner of Yerba Buena Island; east of a line bearing 329½° from the center anchorage pier of the San Francisco-Oakland Bay Bridge and passing through Point Blunt Light, Angel Island; east of a line bearing 2½° from the tower of the Ferry Building at San Francisco to the west of the transit shed at Parr-Richmond Terminal No. 1, Point Richmond; west of a line bearing 330½° from Pile D of the Transbay Bridge to the easterly tangent of Quarry Point, Angel Island. (Amending title 33, part 202.90 (a) (7).)

(g) *Anchorage No. 8.* (General) The area east of the city of San Francisco inclosed within the following lines; south of a line having a bearing of 241½° from the outer end of the north fender of the passenger ferry slip at Alameda Mole and passing through the northeast corner of Pier 50, San Francisco; east of a line having a bearing of 344° from the Chimney of the pumping plant at the Hunters Point Dry Dock (Point Avisadero); north of a line having a bearing of 90° from the northeast corner of Pier 54, San Francisco; and northwest of a line having a bearing of 216 from the outer end of the extreme north fender of the automobile ferry slips at the Oakland Mole and passing through the northeast corner of the largest building of the sugar refinery at Potrero Point.

(h) *Anchorage No. 9* (General) The area in San Francisco Bay south of a line having a bearing of 268° from the outer end of the south fender of the automobile ferry slip at the end of the Alameda Mole and just touching the northwest corner of Pier 14 San Francisco; southeast of a line having a bearing of 216° from the "A" in the Albers' sign on the north side of Oakland Mole and passing through the flagstaff of the Catholic orphan asylum northwest of Hunters Point, San Francisco; east of a line having a bearing of 344° from the chimney of the pumping plant at the Hunters Point Dry Dock (Point Avisadero); northeast of a line having a bearing of 146° from the west side of Mission Rock; and north of a line 1,000 yards north of the Hayward-San Mateo Highway Bridge and parallel thereto; excluding from this area, however, Explosives Anchorage No. 14, Explosives Storage Anchorage No. 15, Explosives Storage Anchorage No. 16, the forbidden anchorages surrounding these three anchorage areas, and the cable area adjacent to Alameda Mole. All of San Leandro Bay is also included in this anchorage.

(i) *Anchorage No. 10.* (Naval) The triangular area immediately east of Sausalito; northwest of a line having a bearing of 234° from Point Stuart Light to the outer end of a wharf on the Sausalito shore; and southwest of a line having a bearing of 303° from Alcatraz light, (For use of this anchorage see rules and regulations below.)

(j) *Anchorage No. 11.* (Naval) The area in and adjacent to Richardson Bay south of a line having a bearing 270° from Peninsula Point; west of the line having a bearing 204° from the southeast end of the ferry landing near Point Tiburon and passing through Yellow Bluff Light; north of the line having a bearing of 271° from Point Knox and passing through Sausalito Point; east of a line having a bearing of 0° from Yellow Bluff Light. (For use of this anchorage see rules and regulations below.)

(k) *Anchorage No. 12.* (Naval) The area east of the city of San Francisco inclosed within lines described as follows; south of a line having a bearing of 268° from the outer end of the south fender of the automobile ferry slip at the end of the Alameda Mole and just touching the northerly corner of Pier 14, San Francisco; southeast of a line having a bearing of 344° from the chimney of the pumping plant at Hunters Point Dry Dock (Point Avisadero) (this line passes approximately 1,550 feet away from the end of Pier 32, San Francisco); north of a line having a bearing of 241½° from the outer end of the north fender of the passenger ferry slip at Alameda Mole and passing through the northeast corner of Pier 50, San Francisco; and northwest of a line having a bearing of 216° from the outer end of the extreme north fender of the automobile ferry slips at the Oakland Mole and passing through the northeast corner of the largest building of the sugar refinery at Potrero Point. (For use of this anchorage see rules and regulations below.)

(l) *Anchorage No. 13.* (Explosives) The circular area having a radius of 1,000 feet about a white buoy used to mark the location of this anchorage the center of which is 2,400 yards 113½° from the most northerly extremity of California Point. (For use of this anchorage see rules and regulations below). The circular zone 1,500 feet wide partially surrounding this Explosives Anchorage No. 13 is forbidden anchorage and shall not be used as anchorage by any vessels.

(m) *Anchorage No. 14.* (Explosives) The circular area having a radius of 1,500 feet about a white buoy used to mark the location of this anchorage, the center of which is 3,000 yards, 100° from the chimney of the pumping plant at the Hunters Point dry docks (Point Avisadero). (For use of this anchorage, see rules and regulations below.) The circular zone 1,500 feet wide surrounding this Explosive Anchorage No. 14 is forbidden anchorage and shall not be used by any vessels. This anchorage and the surrounding zone of forbidden anchorage may be temporarily discontinued by the captain of the port when the area occupied by them is needed for general anchorage purposes.

(n) *Anchorage No. 15.* (Explosive storage) The area 3,000 feet square, whose center is marked by a white buoy and bears 124½° from the chimney of the pumping plant at Hunters Point Dry Dock (Point Avisadero), and 198° from the West Radio Tower on the westerly extremity of Bay Farm Island, and whose sides are due north and south and east and west. (For use of this anchorage see rules and regulations below.) The square zone 1,500 feet wide surrounding this Explosives Storage Anchorage No. 15 is forbidden anchorage and shall not be used by any vessels.

(o) *Anchorage No. 16.* (Explosives storage) The area 3,000 feet square, the northeast corner of which is marked by a white pile dolphin bearing 270°, 2,900 yards from Roberts Landing and whose sides are due north and south and east and west. (For use of this anchorage see rules and regulations below.) The square zone 1,500 feet wide surrounding this Explosives Storage Anchorage No. 16 is forbidden anchorage and shall not be used by any vessels.

(p) *Anchorage No. 17.* (Quarantine.) The area 3,000 feet square, the easterly side of which is coincident with the easterly boundary of Anchorage No. 4, and the northerly side of which, if extended westerly, would pass through the northeasterly tip of California Point (The above anchorage was established by the Surgeon General with the approval of the Secretary of the Treasury, and is under the jurisdiction of the Medical Officer in Charge of the Port of San Francisco. Its description is included in these regulations for information only.)

NOTE: Paragraphs (q) to (v) apply to San Pablo Bay, Calif.

(q) *Anchorage No. 18.* (General) The area adjacent to the west shore of San Pablo Bay north of a line having a bearing of 270° from the easterly of The Sisters Islands; west of a line having a bearing of 5½° from the easterly of the above islands and passing through Light and Echo Board 2 marking the dredged channel to the mouth of Petaluma Creek; and south of a line having a bearing of 120° from the northerly of two high transmission towers near the mouth of Novato Creek, excluding from this area, however, the channel to Hamilton Field and the extension of said channel easterly to the boundary of the anchorage.

(r) *Anchorage No. 19.* (General) The area lying east of a line bearing 0° from a group of tanks on the top of the hill about one-half mile southeast of Point San Pablo; and north of a line bearing 51° from the easterly of The Sisters Islands to a point opposite Buoy 3 marking the dredged channel across Pinole Shoal; thence bearing 58°, parallel to the northerly line of said channel and distant 500 feet therefrom to a point opposite the angle in said channel; thence bearing 78½° parallel to the northerly line of said channel and distant 500 feet therefrom to a point directly south of the end of the long dike extending from Mare Island southwesterly into San Pablo Bay; thence bearing 0° to the end of said dike; thence along said dike in a northeasterly direction to Mare Island.

(s) *Anchorage No. 20.* (General) The area on the southern side of San Pablo Bay between Point San Pablo and the Union Oil Company's wharf at Oleum; southeast of a line bearing 42° from the northwest corner of the wharf at Parr-Richmond Terminal No. 4 at Point San Pablo, and south of a line bearing 248½° from the northwest corner of the Union Oil Company's wharf at Oleum; excepting the two Explosives Anchorages 22 and 23.

(t) *Anchorage No. 21.* (Naval) The rectangular area south of Mare Island whose northerly boundary is a line 3,000 feet long, having a bearing of 78½° and being parallel to and distant 500 feet northerly from the northerly line of the dredged channel across Pinole Shoal extended; and whose easterly boundary is a line of 1,500 feet long having a bearing of 348½° from the shot tower of the Selby Smelting Works.

(u) *Anchorage No. 22.* (Explosives) The circular area having a radius of 1,500 feet and whose center is at the northwest corner of the Giant Powder Company's wharf at Pinole Point.

(v) *Anchorage No. 23.* (Explosives) The circular area having a radius of 1,500 feet and whose center is at the northwest corner of the Hercules Powder Company's wharf at Refugio Landing.

§ 6.12-15 ***Hamilton Field Air Base***—(a) *The danger zone.* The bombing area danger zone heretofore established in San Pablo Bay, California, adjacent to Hamilton Field Air Base (5 F.R. 3892) is hereby enlarged to include the firing range at Hamilton Field, the danger zone being redefined as follows:

(1) The area in San Pablo Bay, California, bounded as follows: Beginning at a point on the western shore of the Bay 180 feet south of the south side of the Hamilton Field Boat House, thence south 54° east (true) 6,950 yards, thence true north 7,380 yards, thence true west 4,200 yards to the shore line, thence southerly along the shore line to the point of beginning.

(2) No vessel or other craft, except vessels of the United States, or vessels duly authorized by the captain of the port or the Commanding Officer, Hamilton Field, California, shall navigate, anchor, or moor within the above area. The provisions of this subparagraph shall be enforced by the captain of the port and the Commanding Officer, Hamilton Field, California.

§ 6.12-20 *U. S. Air Corps firing range; Tubbs Island*—(a) *The danger zone.* The sector in San Pablo Bay, California, the northeasterly limit of which bears South 68° East, 9,300 yards from the easterly end of the line of targets of the United States Air Corps firing range on Tubbs Island, and the westerly limit of which bears South 8° East, 9,300 yards from the westerly end of said line of targets.

(b) *The regulations.* (1) Except as provided in subparagraphs (2) and (3) of this paragraph, no vessels shall be operated or anchored in the above area, except vessels operated by the United States.

(2) No firing will be done on Saturdays, Sundays, or National holidays, and vessels may be operated in the above area on such days.

(3) Persons desiring to navigate vessels across the restricted area at other times than those specified above shall give advice of their intention to do so to the Commanding Officer, Hamilton Field, California, not less than four hours in advance of the time they desire to take their vessels across the area.

(4) These regulations shall be enforced by the Commanding General, Hamilton Field, California, and such agencies as he may designate.

(i) The following regulations are hereby prescribed to govern the use, administration, and navigation of the waters of Mare Island Strait, Carquinez Strait, and San Pablo Bay in the vicinity of the United States Navy Yard, Mare Island, California; and of San Francisco Bay and Oakland Harbor in the vicinity of the United States Naval Air Station, Alameda, California, and the Naval Supply Depot, Oakland, California:

(*a*) No vessel or other craft, except vessels of the United States Government of vessels duly authorized by the Commandant, United States Navy Yard, Mare Island, California, shall navigate, anchor, or moor in the waters of Mare Island Strait, Carquinez Strait, and San Pablo Bay, California, within one hundred yards of the shore line of that part of the Navy Yard, Mare Island, south of the causeway between the City of Vallejo and Mare Island, and extending continuously therefrom southeasterly, southwesterly, and northwesterly, around said Navy Yard to its northwesterly limit on the waters of San Pablo Bay, and the waters within fifty yards of any part of the berthing piers at said Navy Yard.

(*b*) No vessel or other craft, except vessels of the United States Government or vessels duly authorized by the Commandant, United States Naval Air Station, Alameda, California, shall navigate, anchor, or moor in the waters of San Francisco Bay within one hundred yards of said Naval Air Station.

(*c*) No vessel, without special authority from the Captain of the Port, shall lie, anchor, or moor in the waters of the entrance channel to Oakland Inner Harbor (San Antonio Estuary) between the westerly end of the rock wall on the south side of said channel and the easterly boundary of the Alameda Naval Air Station. Vessels may proceed through said channel in process of ordinary navigation or may moor alongside wharves on the Oakland side of said channel.

(*d*) No vessel other than a vessel of the United States Government or a vessel duly authorized thereto by proper Federal authority shall traverse the waters of San Francisco Bay within 100 yards of the Naval Supply Depot, Oakland, nor lie, anchor, or moor within said waters, except that this order shall not apply to the use of the Southern Pacific Company and the Western Pacific Railroad Company of their piers, slips and wharves adjacent to the Naval Supply Depot.

§ 6.12-25 *Carquinez Strait*—(a) *Anchorage No. 24.* (General) The area on the north side of Carquinez Strait between Dillon Point and the remaining wing of the former train ferry slip at Benicia north of a line having a bearing of 121° from the easterly side of Dillon Point and passing through the Benicia Tannery tank; thence northeast of a line having a bearing of 165° and passing through the flashing red navigation light at Port Costa; thence north of a line bearing 125° from the high transmission on Dillon Point, excluding from this anchorage, however, the cable area therein.

(b) *Anchorage No. 25.* (General) The area on the south side of Carquinez Strait northwest of the City of Maritinez lying southwest of a line having a bearing of 108° from the Port Costa Brick Company's stack about 1,000 feet south of the Associated Oil Company's Port Costa dock, and westerly of a line bearing 154° from the Benicia tannery tank.

§ 6.12-30 *Suisun Bay*—(a) *Anchorage No. 26.* (General) The area on the west side of Suisun Bay adjacent east and northeast of the city of Benicia lying north of a line having a bearing of 77½° from the channel end of the Army Point wharf to the Point Edith Light and Echo Board; northwest of a line having a bearing of 35° from the west end of the channel face of the Shell Company's wharf at Maritinez; and south of a line having a bearing of 90° from the Southern Pacific Company's water tank at Goodyear.

(b) *Anchorage No. 27.* (General) The area in the northeast portion of Suisun Bay lying east of a line bearing 0° from Seal Island Echo Board; north of a line bearing 82° from Seal Island Echo Board to Roe Island Light, thence bearing 101° to Middle Ground Light, thence bearing 88° to Chipps Island.

§ 6.12-35 *San Joaquin River*—(a) *Anchorage No. 28.* (General) The area adjacent to Lower Sherman Island lying southeasterly of a line 1,350 feet long bearing 238° from the Point Sacramento Light; easterly of a line bearing 163½° from the west end of said 1,350-foot line; and northerly of a line bearing 27° from the New York Slough (east end) Light to Sherman Island.

(b) *Anchorage No. 29.* (General) The entire water area southerly of West Island between West Island and the mainland lying between lines bearing

180° from the eastern extremity of West Island and 211° from the western extremity of West Island.

§ 6.12-40 *Special limitations*—(a) *Anchorage No. 5.* Vessels may anchor in this anchorage immediately adjacent to the channel to Richmond Inner Harbor, *Provided, however*, That ships obstructing the said channel must move from their position immediately if and when the fairway is required by vessels navigating the channel.

(b) *Anchorage No. 10.* This anchorage is for the use of public vessels of the United States, but may be used by yachts when not required for use by public vessels. All yachts making use of this anchorage shall be prepared to move immediately upon notice, should the anchorage be required for public vessels. With the permission of the Captain of the Port, permanent yacht moorings may be placed within this anchorage, not more than 900 feet from the shore and not outside of the limiting lines of the anchorage.

(c) *Anchorage No. 11.* This anchorage is reserved for the exclusive use of vessels and seaplanes of the United States Navy.

(d) *Anchorage No. 12.* This anchorage is reserved for the use of vessels of the United States or foreign navies and for other public vessels of the United States; with the permission of the Captain of the Port this anchorage may be used temporarily by vessels other than public vessels but vessels availing themselves of this privilege must hold themselves in readiness to shift berth immediately upon receiving notice to do so.

(e) *Anchorages Nos. 13 and 14.* These anchorages are for the use of vessels loaded with, loading, or unloading, explosives, and these anchorages shall not be used by any other vessels. This provision is not intended to prohibit lighters and barges from tying up alongside of ships for the transfer of cargo. The circular zones 1,500 feet wide surrounding the Explosives Anchorages Nos. 13 and 14 are forbidden anchorages and no vessel shall anchor therein.

(f) *Anchorages Nos. 15 and 16.* These anchorages are for the purpose of storage of explosives. Barges and vessels shall be anchored so as not to approach one another closer than 500 feet. All barges using these anchorages for storage purposes shall anchor with two or more anchors. The Captain of the Port may authorize the placing of moorings within these areas, provided these moorings be so placed that barges at one mooring shall at all times be not less than 500 feet from barges at an adjacent mooring. The square zones 1,500 feet wide surrounding Explosives Storage Anchorages Nos. 15 and 16 are forbidden anchorages and no vessel shall anchor therein.

§ 6.12-45 *Special regulation applying to the San Joaquin deep-water channel and the Stockton turning basin*—(a) *Explosives Storage Anchorage No. 15.* Vessels anchored in San Joaquin deep-water channel or the Stockton turning basin because of distress or heavy fog shall be placed as near the edge of the channel or turning basin as possible, so as not to interfere with the free navigation thereof, nor obstruct the approach to, any pier. They shall move from such position as soon as the emergency ceases or when so ordered by the District Engineer, United States Engineer Department, in charge of the locality, or by his duly authorized representative.

(b) *Explosives storage anchorage No. 16.* No vessel shall be permanently moored in areas adjacent to the deep-water channel or in any stream tributary to said deep-water channel within one-half mile of its junction with the channel, except on permission in writing from the District Engineer, United States Engineer Department at Large, in charge of the improvement.

§ 6.12-46 *Regulations for California Naval Areas.* The following regulations are hereby prescribed to govern the use, administration, and navigation of the waters of Mare Island Strait, Carquinez Strait, and San Pablo Bay in the vicinity of the United States Navy Yard, Mare Island, California; and of San Francisco Bay and Oakland Harbor in the vicinity of the United States Naval Air Station, Alameda, California, and the Naval Supply Depot, Oakland, California:

(a) No vessel or other craft, except vessels of the United States Government or vessels duly authorized by the Commandant, United States Navy Yard, Mare Island, California, shall navigate, anchor, or moor in the waters of Mare Island Strait, Carquinez Strait, and San Pablo Bay, California, within one hundred yards of the shore line of that part of the Navy Yard, Mare Island, south of the causeway between the City of Vallejo and Mare Island and extending continuously therefrom southeasterly, southwesterly, and northwesterly around said Navy Yard to its northwesterly limit on the waters of San Pablo Bay, and the waters within fifty yards of any part of the berthing piers at said Navy Yard.

(b) No vessel or other craft, except vessels of the United States Government or vessels duly authorized by the Commandant, United States Naval Air Station, Alameda, California, shall navigate, anchor, or moor in the waters of San Francisco Bay within one hundred yards of said Naval Air Station.

(c) No vessel, without special authority from the Captain of the Port, shall lie, anchor, or moor in the waters of the entrance channel to Oakland Inner Harbor (San Antonio Estuary) between the westerly end of the rock wall on the south side of said channel and the easterly boundary of the Alameda Naval Air Station. Vessels may proceed through said channel in process of ordinary navigation or may moor alongside wharves on the Oakland side of said channel.

(d) No vessel other than a vessel of the United States Government or a vessel duly authorized thereto by proper Federal authority shall traverse the waters of San Francisco Bay within 100 yards of the Naval Supply Depot, Oakland, nor lie, anchor, or moor within said waters, except that this order shall not apply to the use by the Southern Pacific Company and the Western Pacific Railroad Company of their piers, slips and wharves adjacent to the Naval Supply Depot.

THIRTEENTH NAVAL DISTRICT

§ 6.13-1 *Astoria, Oregon*—(a) *The anchorage area*—(1) *Anchorage A.* Located in the Columbia River northeastward of Astoria in the general vicinity of Tongue Point. It is a rectangular area bounded by the following points:

(i) 675 yards 253½° true from Tongue Point Light;

(ii) 950 yards 284° true from Tongue Point Light;

(iii) 2,125 yards 261° true from Tongue Point Light;

(iv) 2,015 yards 247½° true from Tongue Point Light.

This anchorage is to be used by vessels awaiting quarantine inspection. No vessel may remain in this anchorage more than 12 hours without a permit from the captain of the port.

(2) *Anchorage B.* (Restricted) Located in the Columbia River near Tongue Point. It is the area included within the following points:

(i) 675 yards 253½° true from Tongue Point Light;

(ii) 950 yards 284° true from Tongue Point Light;

(iii) 1,425 yards 24° true from Tongue Point Light;

(iv) 1,200 yards 42° true from Tongue Point Light.

This anchorage shall not be used without a permit from the captain of the port.

(3) *Anchorage C.* (Explosive) Located in the Columbia River, comprising a circular area of 800 yards diameter, the center of the circle being 800 yards true north of Knappton Channel Light.

§ 6.13-5 *Puget Sound, Washington*—(a) *The anchorage area*—(1) *Anchorage A.* (Explosive) (Located at Kingston) The anchorage area line within the segment of a circle struck from a point 2,300 yards 144° from Apple Cove Point Light with a radius of 1,500 yards and extending from 216° true to 324° true. Explosives shall be handled under the supervision of the captain of the port of Seattle.

(2) *Anchorage B.* (Explosive) (Located at Blake Island) The anchorage area is bounded by the following lines: A line bearing 90° from the south tangent of Blake Island for a distance of 2,000 yards; thence 360° for 1,400 yards; thence 270° for 1,300 yards to east point of Blake Island. Explosives shall be handled under the supervision of the Captain of the port of Seattle.

NOTE: The outer limits of this anchorage are marked by two White Nun Buoys marked EX/N and EX/S—5,500 yards 220° true and 6,750 yards 212° true respectively, from Alki Point Lighthouse.

In addition to the explosive anchorage defined above, the captain of the port of Seattle may issue special permits for vessels to anchor to load or discharge explosives in the area extending 1,000 yards to the northward of the northern shoreline of Blake Island.

(3) *Anchorage C.* (Elliott Bay anchorages) The anchorage is defined as follows:

(i) Beginning at the northeast corner of Harbor Islands thence northerly in a straight line to a point intersecting a line drawn along the south side of King Street; thence west on said line to a point intersecting the east line of the West Waterway; thence along said east line to the northwest corner of Harbor Island.

(ii) Beginning at the point of intersection of the outer harbor line with a straight line drawn along the west line of the West Waterway; thence north to a point intersecting a straight line drawn along the south side of Dearborn Street; thence in a westerly direction to the southeast corner of the West Seattle Ferry Dock.

(4) *Anchorage D.* (Smith Cove anchorage) The anchorage is defined as follows:

(i) Beginning at a point at the junction of the outer harbor line and a line drawn along the north side of Denny Way; thence westerly on said line for a distance of approximately 2000 feet; thence in a northwesterly direction paralleling the outer harbor line to a point intersecting a straight line drawn along the east side of the Great Northern Dock.

JAMES FORRESTAL,
Acting Secretary of the Navy.

Approved: September 29, 1942.

FRANKLIN D ROOSEVELT
The White House.

[F. R. Doc. 42-9946; Filed, October 5, 1942; 4:01 p. m.]

Part 6—Regulations for Security of Ports and the Control of Vessels in the Navigable Waters of the United States

SUBPART D—GENERAL LICENSES

Sec.
6.200 General License No. 1.
6.210 Classification of vessels.

AUTHORITY: §§ 6.200 and 6.210 issued under 40 Stat. 220, 55 Stat. 763; 50 U.S.C. 191, 191a, b, c, 192, Proc. 2412; 5 F.R. 2419, E.O. 8929; 6 F.R. 5581, § 6.18 of this chapter.

Pursuant to the authority vested in the Commandant of the Coast Guard by § 6.18, Subpart A of these regulations, it is hereby found that the granting of general licenses for the class of vessels and under the conditions hereinafter specified, would not be inimical to the interests of national defense or port security and the following general licenses are hereby issued.

§ 6.200 *General License No. 1.* (a) All vessels, exclusive of those covered by § 6.19 of this part, which are now in or which may hereafter enter local waters of the United States, its territories, or possessions, may move within, but may not depart from, local waters of the United States, its territories, or possessions. This license shall not apply to the following:

(1) Any vessel under 100 feet in overall length when operating within 100 feet of any navy yard, shipbuilding plant, power plant, oil terminal, marine terminal, munitions plant, military or naval arsenal or depot, warehouse, freight pier, bridge pier or abutment, shore terminal, or facility of any tunnel. This restriction does not extend to (i) barges, scows, rafts, and similar craft having no means of self-propulsion or, (ii) vessels proceeding to, or departing from, a pier or other waterfront facility with the prior permission of the owner or operator of such pier or facility.

(2) Any vessel which is not a common carrier primarily engaged in the transportation of passengers for hire over regularly scheduled routes that has an enemy alien on board in any capacity: *Provided,* That the enemy alien may be on board a common carrier primarily engaged in the transportation of passengers for hire over regularly scheduled routes in the capacity of a passenger: *Provided further,* That such enemy alien shall have complied with the applicable travel regulations of the Attorney General or other proper federal authority.

(3) Waters of the state of Rhode Island commonly known as the west passage of Narragansett Bay and Sakonnet River.

(b) This general license is granted on the following terms and conditions:

(1) That it may be revoked by the Commandant of the Coast Guard, whenever he finds its continuance in force would be inimical to the interests of the national war effort and of the safety and protection of vessels or the territorial waters.

(2) That the Commandant of the Coast Guard may, in his discretion, exclude individual vessels from this general license upon notification to the owners, agents, masters, or operators thereof, but any vessel so excluded may be granted an individual license under the provisions of §§ 6.15 and 6.16 of Subpart A.

(3) That the issuance of this general license does not in any manner relieve any vessel covered thereby or its owner, master, or operator from compliance with the provisions of any other applicable laws and regulations.

(4) That all vessels shall comply with instructions and orders issued by a United States routing officer, commander of a sea frontier or other competent naval authority of the United States, or of any of the United Nations concerning routes of any voyage, darkening of ship, use of radio equipment, or other security measures. Failure of any vessel to comply with any such instruction or order shall constitute basis for excluding such vessel from the provisions of this license by the Commandant of the Coast Guard.

§ 6.210 *Classification of vessels.* By virtue of the authority vested in me by §§ 6.14 and 6.18 of Subpart A, the following classifications of vessels are hereby prescribed for the purposes of permitting a captain of the port to exempt any or all persons aboard any class of vessels from the requirement of personal identification provided for in § 6.14 of Subpart A (Classification may include two or more of the following categories mentioned in paragraphs (a) to (p) of this section):

(a) Vessels operating exclusively in territorial waters within the jurisdiction of a captain of the port;

(b) Vessels documented or numbered under the laws of the United States, owned, controlled, and operated by citizens or corporations of the United States;

(c) Undocumented or unnumbered vessels, owned, controlled, and operated by citizens or corporations of the United States, operating exclusively in territorial waters;

(d) Vessels documented under the laws of a foreign country;

(e) Vessels owned by citizens of a foreign country but not documented under the laws of such foreign country;

(f) Undocumented or unnumbered vessels, of which the masters, operators, or other persons in charge are citizens of the United States, and of which the personnel complements of such vessels are more than 50 per centum citizens of the United States;

(g) Vessels used for commercial purposes;

(h) Vessels not used for commercial purposes;

(i) Vessels having mechanical power;

(j) Vessels not having mechanical power;

(k) Vessels less than 16 feet in length;

(l) Vessels from 16 feet to 65 feet in length;

(m) Vessels from 65 feet to 100 feet in length;

(n) Vessels more than 100 feet in length;

(o) Vessels not operating within 100 feet of any navy yard, shipbuilding plant, power plant, oil terminal, marine terminal, munitions plant, military or naval arsenal or depot, warehouse, or freight piers;

(p) Vessels not carrying explosives as cargo.

Approved: October 5, 1942.

R. R. WAESCHE,
Commandant.

[F. R. Doc. 42-9945; Filed, October 5, 1942; 4:02 p. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service

Part 261—Trespass

SITGREAVES NATIONAL FOREST; ORDER FOR THE REMOVAL OF TRESPASSING HORSES, MULES, AND BURROS

Sitgreaves National Forest Chevalon Ranger District; and all of the Heber Ranger District excepting Heber Community, Pearce Seep, and Pearce Wash Allotments.

Whereas a number of horses, mules, and burros are trespassing and grazing on land in the Chevalon Ranger District and in the western part of the Heber Ranger District, Sitgreaves National Forest, in the State of Arizona; and

Whereas these horses, mules, and burros are consuming forage needed for domestic livestock, are causing extra expense to establishing permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897, (30 Stat. 35, 16 U.S.C. 551), and the Act of February 1, 1905 (33 Stat. 628, 16 U.S.C. 472), the following order for the occupancy, use, protection, and administration of land in the Chevalon Ranger District and in the Heber Ranger District, excepting the Heber Community, Pearce Seep, and Pearce Wash Allotments, Sitgreaves National Forest, is issued:

§ 261.50 *Temporary closure from livestock grazing.* (a) The Chevalon Ranger District and the Heber Ranger District, excepting the Heber Community, Pearce Seep, and Pearce Wash Allotments, Sitgreaves National Forest, are hereby close for the period beginning December 1, 1942, and ending February 28, 1943, to the grazing of horses, mules, and burros, except those horses, mules, and burros that are lawfully grazing on or crossing land in such allotments pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses, mules, and burros found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses, mules, and burros shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Sitgreaves National Forest is located.

Done at Washington, D. C., this 8th day of October, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-10114; Filed, October 9, 1942; 11:16 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Service Order 87]

PART 95—CAR SERVICE

SUSPENSION OF DEMURRAGE RULES, ETC.

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of October, A. D. 1942.

It appearing, that, due to the existing state of war, an emergency exists which, in the opinion of the Commission, requires immediate action to prevent delay and shortage of railroad equipment and congestion of traffic; and

It further appearing, that delay of railroad equipment and congestion of traffic exists at Atlantic seaboard ports where tidewater coal is trans-shipped;

It is ordered, That:

AUTHORITY: § 95.500, issued under 40 Stat. 101, 41 Stat. 476, 49 Stat. 543, 54 Stat. 901; 49 U.S.C. 1 (10)-(17).

§ 95.500 *Suspension of demurrage rules, Trunk Line Tariff Bureau Tariff No. 139-C I. C. C. No. A-751 (coal).* (a) The operation of demurrage rules contained in Trunk Line Tariff Bureau Tariff No. 139-C I. C. C. No. A-751, and supplements thereto, is hereby suspended, to the extent that the free time allowed on cars loaded with bituminous and cannel coal and the coal products described in said tariff exceeds six days; that the average free time on cars delivered to storage plants for subsequent delivery to vessels exceeds three days; that the settlement period for the average account exceeds two months; and that the operation of all of the provisions of said tariff inconsistent with this order is hereby suspended.

(b) This order shall become effective 7:00 A. M. November 1, 1942, and shall remain in force until further order of the Commission; that the railroads parties to the above-named tariff on or before the effective date hereof, and upon not less than ten days' notice to the Commission and to the public, shall publish, file and post a supplement to said tariff substantially in the form authorized in Rule 9 (k) of Tariff Circular No. 20 announcing the suspension of the operation of any of the provisions therein, effective 7:00 A. M. November 1, 1942; and that copies of this order be served upon carriers parties to this tariff and the Association of American Railroads, Car Service Division, and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register, The National Archives.

By the Commission, division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-10112; Filed, October 9, 1942; 11:28 a. m.]

[No. 14104]

PART 146—INTERCHANGEABLE MILEAGE TICKETS

ISSUE, SALE AND USE OF INTERCHANGEABLE MILEAGE TICKETS

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 5th day of October, A. D. 1942.

Upon further consideration of the record in the above-entitled proceeding, of the Report of the Commission on Further Hearing therein reported at 98 I. C. C. 298, of order entered therein on April 13, 1925, and of section 22 of the Interstate Commerce Act, as amended, and good cause appearing:

It is ordered:

The order of April 13, 1925 (§ 146.0 *Issue, sale and use of interchangeable mileage tickets*) is hereby vacated and set aside.

By the Commission.

W. P. BARTEL,
Secretary.

[F. R. Doc. 42-10111; Filed, October 9, 1942; 11:28 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 22—MOUNTAIN REGION NATIONAL WILDLIFE REFUGES

LAKE MASON NATIONAL WILDLIFE REFUGE, MONTANA; HUNTING

Under authority of section 84 of the act of March 4, 1909, as amended by the act of April 15, 1924, 43 Stat. 98, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II [1] (53 Stat. 1431), and in extension of § 12.9 of the regulations of December 19, 1940,[2] for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service, the following regulations governing hunting within Lake Mason National Wildlife Refuge, Montana, are prescribed:

§ 22.534 *Lake Mason National Wildlife Refuge, Montana; hunting.* Migratory waterfowl (except those species for which no open season is prescribed by the Migratory Bird Treaty Act regulations) and costs may be taken within the area hereinafter described of the Lake Mason National Wildlife Refuge, Montana, during the season prescribed therefor for Montana by the Migratory Bird Treaty Act regulations, in accordance with the provisions of the regulations dated December 19, 1940,[2] for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service and in accordance with the regulations promulgated pursuant to the authority contained in the Migratory Bird Treaty Act, when, in manner, by means, and to the extent not prohibited by either Federal or State law or regulation, and under the following special provisions, conditions, restrictions, and requirements:

(a) *Area open to hunting.* All the lands of the refuge controlled by the United States within secs. 1, 2, 3, and 12, T. 10 N., R. 23 E.; secs. 20, 21, 27, 28, 34, and 35, T. 11 N., R. 23 E.; and secs. 7, 17, 18, 20, 21, 28, and 34, T. 10 N., R. 24 E., Montana Principal Meridian, shall be open to hunting.

(b) *State laws.* Any person while hunting within the refuge must comply with the applicable State laws and regulations.

(c) *Hunting licenses and permits.* Any person who hunts within the refuge shall be in possession of a valid State hunting license, if such license is required, and, if hunting migratory waterfowl, a properly validated migratory-bird hunting stamp. The license and the stamp shall serve as a Federal permit for hunting on the refuge and must be carried on the person of the licensee while so hunting. The license and the stamp must be exhibited upon the request of any representative of the Montana State Fish and Game Commission authorized to enforce the State game laws, or of any representative of the Department of the Interior. Upon request of the officer in charge, the licensee must also exhibit for inspection all birds killed by him or in his possession.

(d) *Disorderly conduct; intoxication.* No person who is visibly intoxicated will be permitted to enter upon the refuge for the purpose of hunting, and any person who indulges in any disorderly conduct on the refuge will be removed therefrom by the officer in charge and dealt with as prescribed by law.

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[1] 4 F.R. 2731.
[2] 5 F.R. 5284.

(e) *Hunting dogs.* Each person hunting on the public shooting grounds will be permitted to take his hunting dogs, not to exceed two in number, upon such areas for the purpose of retrieving dead or wounded birds, but such dogs shall not be permitted to run at large on the public shooting grounds or elsewhere on the refuge.

(f) *Entry upon refuge; firearms.* Persons entering the refuge for the purpose of hunting shall use such routes of travel as may be designated by suitable posting by the officer in charge and shall not otherwise enter upon the refuge. The carrying or being in possession of firearms within the areas of the refuge not open to public hunting is prohibited, except that such firearms may be possessed or transported across such closed areas provided they are unloaded, and broken or properly encased. The carrying or being in possession of rifled firearms or the use of single-ball or slug-loaded shotgun shells on the refuge is prohibited.

(g) *Penalties.* Failure of a permittee to comply with any of the conditions, restrictions, or requirements of the regulations in this section will be sufficient cause for removing him from the refuse and for refusing him further hunting privileges on the refuge.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

SEPTEMBER 26, 1942.

[F. R. Doc. 42-10101; Filed, October 9, 1942; 9:45 a. m.]

PART 25—SOUTHERN REGION NATIONAL WILDLIFE REFUGES

REELFOOT NATIONAL WILDLIFE REFUGE, TENNESSEE; FISHING

Pursuant to the provisions of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715i), as amended, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, in accordance with Reorganization Plan No. II [1] (53 Stat. 1431), and in extension of § 12.3 of the Regulations for the Administration of National Wildlife Refuges, dated December 19, 1940,[2] the following is hereby ordered:

§ 25.762 *Reelfoot National Wildlife Refuge, Tennessee; fishing.* Noncommercial fishing is permitted in all waters of the Reelfoot National Wildlife Refuge, Tennessee, each year during the open season prescribed therefor by the Tennessee Department of Conservation, except during the open season for hunting migratory waterfowl and the seven days preceding the said season prescribed by the regulations promulgated pursuant to the authority contained in the Migratory Bird Treaty Act of July 3, 1918, as amended, in accordance with the provisions of the Regulations for the Administration of National Wildlife Refuges Under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940,[2] and subject to the following conditions, restrictions, and requirements:

(a) *State fishing laws.* Any person who fishes within the refuge must comply with the applicable fishing laws and regulations of the State of Tennessee. Fishing shall be by hook and line only, as defined by State law.

(b) *Fishing licenses and permits.* Any person who fishes within the refuge shall be in possession of a valid fishing license issued by the Tennessee Department of Conservation, if such license is required. This license shall serve as a Federal permit for fishing in the waters of the refuge and must be carried on the person of the licensee while so fishing. The license must be exhibited upon the request of any representative of the Tennessee Department of Conservation or of the Fish and Wildlife Service.

(c) *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel as may be designated by suitable posting by the officer in charge of the refuge.

(d) *Temporary restrictions.* During periods of waterfowl concentration on the refuge, fishing will not be permitted in such areas of the refuge as, in the judgment of the officer in charge, should be closed to fishing in order to provide adequate protection for such waterfowl concentrations and are posted suitably by such officer.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

SEPTEMBER 26, 1942.

[F. R. Doc. 42-10102; Filed, October 9, 1942; 9:45 a. m.]

PART 27—SOUTHEASTERN REGION NATIONAL WILDLIFE REFUGES

SANTEE NATIONAL WILDLIFE REFUGE, SOUTH CAROLINA; FISHING

Pursuant to the provisions of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715i), as amended, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, in accordance with Reorganization Plan No. II [1] (53 Stat. 1431), and in extension of § 12.3 of Regulations for the Administration of National Wildlife Refugees, dated December 19, 1940,[2] the following is hereby ordered:

§ 27.801 *Santee National Wildlife Refuge, South Carolina; fishing.* Until further notice fish may be taken, for either commercial or noncommercial purposes, in such maximum numbers and at such times and under such conditions as the Director of the Fish and Wildlife Service may determine will effect the harvesting of surplus fish, on those areas of the Santee National Wildlife Refuge, South Carolina, herein or hereafter designated as open to public fishing, in accordance with State law and the provisions of the Regulations for the Administration of National Wildlife Refuges Under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940,[2] and subject to the following special provisions, conditions, restrictions, and requirements:

(a) *Areas open to fishing.* Jacks Creek Pool (but not including the two rearing ponds), Dingle Pond, and such part of the Pinopolis Pond as shall be designated by the officer in charge of the refuge shall be open to public sport or noncommercial fishing during the period beginning at such time between June 25 and July 10 of each year as the officer in charge shall designate by suitable posting and ending September 30, inclusive. The use of inboard and outboard motorboats is prohibited in these waters except for official purposes. No boat of any description shall be allowed to remain in these waters overnight without permission of the officer in charge.

All other waters of the refuge, including the Pinopolis Reservoir and the Santee Reservoir, under the control of the Fish and Wildlife Service, Department of the Interior, shall be open to commercial and noncommercial fishing as permitted by State law or regulation, except during the open season for hunting migratory waterfowl prescribed by the regulations promulgated pursuant to the authority contained in the Migratory Bird Treaty Act of July 3, 1918, as amended.

(b) *State fishing laws.* Any person who fishes within any areas of the refuge open to fishing must comply with the applicable fishing laws and regulations of the State of South Carolina.

(c) *Fishing licenses and permits.* Any person who fishes within the refuge shall be in possession of a valid fishing license and a permit issued by the State of South Carolina, if such license and permit are required. The license and permit shall serve as a Federal permit for fishing in the waters of the refuge and must be carried on the person of the permittee while so fishing. They must be exhibited upon the request of any State or Federal officer authorized to enforce the game and fish laws of South Carolina or of the United States and upon request of any such officer the permittee must also exhibit for inspection all fishes taken by him or in his possession

(d) *Routes of travel.* Persons entering or crossing the refuge for the purpose of fishing as permitted by this order shall use only such routes of travel as shall be designated by suitable posting by the officer in charge of the refuge.

(e) *Penalties.* Failure of any person fishing on the refuge to comply with any of the provisions, conditions, restrictions, or requirements of the regulations in this section or the violation by him of any of the provisions of State or Federal laws or regulations applicable to fishing on the refuge will be sufficient cause for removing him from the refuge and for refusing him further fishing privileges in the waters of the refuge.

(f) *State cooperation in the management of fishing.* State cooperation may be enlisted in the regulation, management, and operation of public fishing as herein or hereafter authorized, in which event the provisions of this order shall be incorporated in any cooperative agreement entered into by the Director of the Fish and Wildlife Service and the appropriate State official for such purposes.

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[1] 4 F.R. 2731.
[2] 5 F.R. 5284.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

SEPTEMBER 25, 1942.

[F. R. Doc. 42-10100; Filed, October 9, 1942; 9:45 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket Nos. A-1538 and A-1589]

JOHN P. PRUSHNOK

ORDER POSTPONING HEARING

In the matter of the petitions of John P. Prushnok, for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1.

Petitioner, John P. Prushnok, a code member in District 1, having moved that the hearing in the above-entitled matter, scheduled for October 9, 1942, at 10 o'clock in the forenoon of that day, be postponed for a period of two weeks because of the illness of petitioner; and

It appearing that good cause for the postponement has been shown;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from October 9, 1942 until 10 o'clock in the forenoon of October 29, 1942, at the place and before the officer heretofore designated.

Dated: October 8, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10097; Filed, October 9, 1942; 9:07 a. m.]

[Docket No. B-335]

BALDWIN FUEL COMPANY

NOTICE OF AND ORDER FOR HEARING

In the matter of James Hare, Sr. and James Hare, Jr., individually and as co-partners, doing business under the name and style of Baldwin Fuel Company, code member.

A complaint dated October 2, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on October 6, 1942, by Bituminous Coal Producers Board for District No. 17, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by James Hare, Sr., and James Hare, Jr., doing business under the name and style of Baldwin Fuel Company, (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 16, 1942, at 10:00 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Pueblo, Colorado.

It is further ordered, That Charles O. Fowler, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that the Code Member located at Gunnison, Colorado, whose Code Membership became effective as of July 8, 1937, operator of the Star Mine, Mine Index No. 213, located at Gunnison County, Colorado, Subdistrict No. 11 of District No. 17 has wilfully violated:

1. Section 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code by selling and delivering by truck, subsequent to September 30, 1940, coal produced at the aforesaid mine at delivered prices below the effective minimum f. o. b. mine prices established therefor in the Schedule of Effective Minimum Prices for District No. 17 for All Shipments, plus an amount at least equal, as nearly as practicable, to the actual transportation, handling and incidental charges from the transportation facilities at the mine to the point from which all such charges were assumed and directly paid by the purchaser, as required by Price Instruction and Exception No. 14, as amended and contained in the aforesaid schedule, including the following transactions:

The sale and delivery during the period December 16, 1940 to November 25, 1941, both dates inclusive, of approximately 114.69 net tons of 1½" x 0 slack coal (Size Group No. 13) to Suzie Miller, at Gunnison, Colorado, a distance of approximately 18 miles from the aforesaid mine, at a delivered price of $2.34 per net ton which was less than the effective minimum f. o. b. mine price for said coal of $1.95 per net ton plus the amount required to be added by said Price Instruction and Exception No. 14; and

2. Section 4 II (e) of the Act and Part II (e) of the Code by selling for truck shipment, subsequent to September 30, 1940, coal produced at the aforesaid mine at prices below the effective minimum prices therefor as set forth in the aforesaid schedule, including the following transactions:

(a) Sales to the State of Colorado for use by the State Highway Department, during the period November 6, 1940, to December 18, 1941, both dates inclusive, of approximately 74.87 net tons of 1½" lump coal (Size Group No. 5) at approximately $4.11 per net ton f. o. b. said mine, whereas the effective minimum f. o. b. mine price for said coal was $4.25 per net ton as set forth in the aforesaid schedule;

(b) Sales to Loyal Morgan, Monte Vista, Colorado, during the period November 6, 1940, to March 1, 1941, both dates inclusive, of approximately 13 net tons of 1½" x 0 slack coal (Size Group No. 13) at approximately $1.25 per net ton f. o. b. said mine, whereas the effective minimum f. o. b. mine price for said coal was $1.95 per net ton as set forth in the aforesaid schedule;

(c) Sales to Loyal Morgan, Monte Vista, Colorado, during the period November 6, 1940, to March 1, 1941, both dates inclusive, of approximately 30 net tons of 1½" lump coal (Size Group No. 5) at $3.00 per net ton f. o. b. said mine, whereas the effective minimum f. o. b. mine price for said coal was $4.25 per net ton as set forth in the aforesaid schedule;

(d) Sales to Frank Ansell, Alamosa, Colorado, during the period November 9, 1940, to September 27, 1941, both dates

inclusive, of approximately 103.31 net tons of 1½" x 0 slack coal (Size Group No. 13) at $1.90 per net ton f. o. b. said mine, whereas the effective minimum f. o. b. mine price for said coal was $1.95 per net ton, as set forth in the aforesaid schedule;

(e) Sales to Brentz M. Gilder, Monte Vista, Colorado, during the period October 31, 1940, to November 30, 1941, both dates inclusive, of approximately 166.642 net tons of 1½" lump coal, (Size Group No. 5) at $3.00 per net ton f. o. b. said mine, whereas the effective minimum f. o. b. mine price for said coal was $4.25 per net ton as set forth in the aforesaid schedule;

(f) Sales to Brentz M. Gilder, Monte Vista, Colorado, during the period October 31, 1940, to November 30, 1941, both dates inclusive, of approximately 176.99 net tons of 1½" x 0 slack coal, (Size Group No. 13) at $1.25 per net ton f. o. b. said mine, whereas the effective minimum f. o. b. mine price for said coal was $1.95 per net ton, as set forth in the aforesaid schedule;

(g) Sales to L. W. Gross, Saguache, Colorado, during the period October 31, 1940, to May 23, 1941, both dates inclusive, of approximately 269 net tons of 1½" lump coal (Size Group No. 5) at approximately $4.03 per net ton f. o. b. said mine, whereas the effective minimum f. o. b. mine price for said coal was $4.25 per net ton as set forth in the aforesaid schedule;

(h) Sales to L. W. Gross, Saguache, Colorado, during the period October 31, 1940, to May 23, 1941, both dates, inclusive, of approximately 15.9 net tons of 1½" x 0 slack coal (Size Group No. 13) at approximately $1.84 per net ton f. o. b. said mine, whereas the effective minimum f. o. b. mine price for said coal was $1.95 per net ton, as set forth in the aforesaid schedule.

Dated: October 8, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10107; Filed, October 9, 1942; 11:25 a. m.]

[Docket No. B-336]

CANON NATIONAL COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

In the matter of Frank Jermance, Raymond Jermance, Edmond Jermance, Math Grahek, Joe A. Mehle and Frank A. Boitz, individually and as co-partners, doing business under the name and style of Canon National Coal Company, Code Member.

A complaint dated October 2, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on October 5, 1942, by Bituminous Coal Producers Board for District No. 17, a district board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Frank Jermance, Raymond Jermance, Edmond Jermance, Math Grahek, Joe A. Mehle and Frank A. Boitz, individually and as co-partners, doing business under the name and style of Canon National Coal Company, (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 14, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Post Office Building, Pueblo, Colorado.

It is further ordered, That Charles O. Fowler, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by Section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that the Code Member located at Florence, Colorado, whose Code Membership became effective as of December 29, 1938, operator of the Canon National Mine, Mine Index No. 239, in Fremont County, Colorado, Subdistrict No. 3 of District No. 17, has wilfully violated:

1. Section 4 II (e) and (i) 8 of the Act, Part II (e) and (i) 8 of the Code, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations by selling to various purchasers for truck shipment, subsequent to September 30, 1940, coal produced at the aforesaid mine below the effective minimum prices established therefor, and intentionally misrepresenting the sizes of said coal, as follows:

(a) Sales to Ed Neumeister doing business as the Neumeister Coal Company, Pueblo, Colorado, during the period from October 16, 1940 to July 29, 1941, of approximately 497.80 tons of 3" x 6" Nut coal (Size Group No. 5) at $3.35 per net ton f. o. b. the mine, whereas the effective minimum price for said coal (pursuant to Price Instruction No. 15) was $3.50 per net ton as set forth in the Schedule, and intentional misrepresentation of the size of said coal in that it was falsely recorded on the truck sales tickets as 1½" x 6";

(b) Sale to K. E. Yoakum, Pueblo, Colorado, on or about August 1, 4, and 6, 1941, of approximately 15.40 tons of 3" x 8" coal (Size Group No. 4) at $3.35 and $3.50 per net ton f. o. b. the mine, whereas the effective minimum price for said coal (pursuant to Price Instruction No. 15) was $3.75 per net ton as set forth in said Schedule, and intentional misrepresentation of the size of said coal in that it was falsely recorded on the truck sales tickets as 1½" x 6";

(c) Sales to the Southern Colorado Power Company, Canon City and Pueblo, Colorado, subsequent to October 1, 1940, of an undetermined quantity of ¾" x 1¼" pea coal (which falls in Size Group No. 10 pursuant to Price Instruction No. 5 of said schedule) at $1.45 per ton f. o. b. the mine, whereas the effective minimum price for said coal was $2.85 per net ton f. o. b. mine (pursuant to Price Instruction No. 15) as set forth in the Schedule of Effective Minimum Prices for District No. 17 For All Shipments, and intentional misrepresentation of the size of said coal in that it was falsely recorded on the truck sales tickets as ¾" x 0 slack;

2. Section 4 II (e) of the Act and Part II (e) of the Code by selling to E. M. Cunningham on or about January 8, 1941, approximately 9.3 tons of 3" lump coal (Size Group No. 3) at approximately $4.11 per net ton f. o. b. the mine, whereas the effective minimum price for said coal was $4.25 per net ton as set forth in the Schedule of Effective Minimum Prices for District No. 17 For All Shipments; and

3. Section 4 II (e) of the Act and Part II (e) of the Code and section X of the Marketing Rules and Regulations by selling to various purchasers during the period from December 10, 1940, to May 31, 1941, both dates inclusive, substantial quantities of coal produced at the aforesaid mine at prices below the effective minimum prices established therefor, granting allowances from the effective minimum prices for said coal for alleged substandard preparation or quality, which allowances were not made in accordance with the provisions of section X of the Marketing Rules and Regulations.

Dated: October 8, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10108; Filed, October 9, 1942; 11:24 a. m.]

[Docket No. 1861-FD]

VANCEUNEBROCK COAL COMPANY

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint dated August 8, 1942 having been filed on August 11, 1941, by the Bituminous Coal Producers Board for District No. 12 as complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 alleging wilful violation by Vanceunebrock Coal Company, a partnership composed of John F. and Florent Vanceunebrock, of the Bituminous Coal Code and the rules and regulations thereunder; and

An order having been entered herein on July 25, 1942, canceling and revoking the code membership of Vanceunebrock Coal Company, effective fifteen (15) days from the date thereof; and

Said order of cancellation and revocation having been duly served upon Vanceunebrock Coal Company on July 31, 1942; and

Vanceunebrock Coal Company having filed with the Division on September 25, 1942 its application dated September 23, 1942, for restoration of its code membership; and

It appearing from said application and from other information in possession of the Division that Vanceunebrock Coal Company on September 4, 1942, paid to the Collector of Internal Revenue at Des Moines, Iowa, the sum of $383.51 as provided in said order of July 25, 1942, as a condition precedent to the restoration of its code membership;

Now, therefore, it is ordered, That said application of the Vanceunebrock Coal Company dated September 23, 1942, for restoration of its code membership be, and the same hereby is, granted.

It is further ordered, That said restoration of the code membership of the Vanceunebrock Coal Company, a partnership composed of John F. and Florent Vanceunebrock as partners, be effective simultaneously with the effective date of said order of revocation and cancellation of code membership.

Dated: October 8, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10106; Filed, October 9, 1942; 11:25 a. m.]

[Docket No. B-3]

C. E. WERNER, JR.

ORDER RESTORING REGISTRATION

In the matter of C. E. Werner, Jr., registered distributor, Registration No. 9584.

An order having been issued in the above-entitled matter on July 11, 1942, suspending the registration of the above-named registered distributor for a period of sixty (60) days beginning fifteen (15) days after date of issuance of said order; and

Said order having been duly served on the above-named registered distributor on July 21, 1942; and

An affidavit dated September 21, 1942, having been filed by the above-named registered distributor with the Bituminous Coal Division on September 24, 1942, pursuant to the provisions of § 304.15 of the Rules and Regulations for the Registration of Distributors and of said order of suspension issued herein on July 11, 1942; and

It appearing from said affidavit that C. E. Werner, Jr., in accordance with the Findings and said order dated July 11, 1942, made herein, has refunded improperly accepted discounts to the code members named below as follows:

Moore Coal Company	$120.48
Block Coal & Coke Company	67.29
High Point Coal Company	7.15
Royal Jellico Coal Company	28.82

and that said affidavit complies with the provisions of said § 304.15 of the Rules and Regulations for the Registration of Distributors and of said order of suspension issued on July 11, 1942;

Now, therefore, it is ordered, That the registration of C. E. Werner, Jr., as a registered distributor, Registration No. 9584, be, and the same hereby is, restored effective as of 12:01 a. m. on September 29, 1942.

Dated: October 8, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10105; Filed, October 9, 1942; 11:25 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

UNION MANUFACTURING CO.

NOTICE OF ORAL ARGUMENT, ETC.

Notice of oral argument and the filing of briefs in the matter of the petition for review of the determination of reasonable cost to the Union Manufacturing Company of Union Point, Georgia, and to any affiliated persons of board, lodging and other facilities customarily furnished to the employees of the Union Manufacturing Company.

Whereas after public notice, a hearing was held at Union Point, Georgia, June 27, 1941, before Mr. Harold Stein, who was designated as the duly authorized representative of the Administrator to hear and determine:

The reasonable cost to the Union Manufacturing Company and to any affiliated persons, within the meaning of § 531.1 (a) of Regulations, Part 531, of board, lodging and other facilities, customarily furnished by said company and affiliated persons to employees of the Union Manufacturing Company; and

Whereas the findings and determinations of the said Harold Stein was duly filed with the Administrator on March 26, 1942; and

Whereas notice was given by publication in the FEDERAL REGISTER, April 15, 1942, pursuant to the provisions of § 531.3 of the regulations that any aggrieved persons might within 15 days after the date of publication apply for reconsideration of such determination or file a petition for review of the determination by the Administrator; and

Whereas petitions for review have been filed by the Union Manufacturing Company, the Union Improvement Company and others within the specified period; and

Whereas it has been deemed advisable to grant such petitions for review;

Now, therefore, notice is hereby given that the Administrator will receive written briefs (not fewer than six (6) copies) on or before October 26, 1942, at the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, from any person who entered an appearance at said hearing and will hear oral argument upon such petitions for review on November 2, 1942, at 10:00 a. m. at the Wage and Hour Division, United States Department of Labor, Washington, D. C., by any person who entered an appearance at said hearing, provided that on or before October 26, 1942, such person notifies the Wage and Hour Division of his intention to offer oral argument and of the amount of time he will require to make his presentation. Petitions for review are on file at the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, and copies thereof may be secured upon application.

Signed at New York, N. Y., this 5th day of October 1942.

[SEAL] L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-10088; Filed, October 8, 1942; 4:28 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6442]

POSTAL TELEGRAPH-CABLE COMPANY (NEW YORK)

ORDER FOR HEARING

In the matter of increased rates of Postal Telegraph-Cable Company (New York) for service to and from various points in the United States.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of October, 1942;

It appearing that the Postal Telegraph-Cable Company (New York) has filed with the Commission tariff schedules, to become effective October 21, 1942, changing said company's directory of station listings at the various points set forth in the attached list, marked Exhibit "A", and made a part hereof, and providing for the discontinuance of certain public telegraph offices and for an increase in the rates and charges applicable to telegraph communications to and from such points; said tariff schedules being designated as follows: Postal Telegraph-Cable Company (New York), Tariff F.C.C. No. 47, Supplement No. 35.

It further appearing that said tariff schedules state increases in rates and charges and state regulations and practices effecting such increases in rates and charges for telegraph communications in interstate and foreign commerce; that the rights and interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of said tariff schedules, insofar as they relate to increases in rates, should be postponed pending hearing and decision thereon;

It is ordered, That the Commission, upon its own motion, without formal pleading, enter upon a hearing concerning the lawfulness of the rates, charges, regulations, classifications, and practices contained in said tariff schedules, insofar as they relate to changes in such company's directory of station listings at the various named points set forth in Exhibit "A";

It is further ordered, That the operation of said tariff schedules insofar as they provide for an increase in rates and charges for interstate or foreign telegraph communications to and from the points set forth in Exhibit "A" be suspended; and that the use of rates, charges, regulations, classifications and practices therein stated as applicable to such points, insofar as they provide for an increase in such rates and charges, be deferred for a period of three months beyond the time when they would otherwise go into effect, unless otherwise ordered by the Commission; and during said period of suspension, no change shall be made in the rates, charges, regulations and practices herein suspended, or in the rates or charges sought to be increased or in the regulations and practices relating thereto, unless authorized by special permission of the Commission;

It is further ordered, That an investigation be, and the same is hereby, instituted into the lawfulness of the rates, charges, classifications, regulations, practices and services of the Postal Telegraph-Cable Company (New York) for and in connection with service to and from the points named in Supplement No. 35 to Postal Telegraph-Cable Company (New York) Tariff F.C.C. No. 47;

It is further ordered, That in the event a decision as to the lawfulness of the charges herein suspended has not been made during the suspension period, and said charges shall go into effect, the Postal Telegraph-Cable Company (New York) and all other carriers participating in service provided under the tariff provisions suspended herein, shall, until further order of the Commission, each keep accurate account of all amounts charged, collected or received by each of them by reason of any increase in charges effected thereby; in which accounts each such carrier shall specify by whom and in whose behalf such amounts are paid;

It is further ordered, That the Postal Telegraph-Cable Company (New York) and each participating carrier shall file with the Commission a report, under oath, on or before the 10th day of each calendar month, commencing March 10, 1943 showing the amounts accounted for as aforesaid, during the previous calendar month;

It is further ordered, That a copy of this Order shall be filed in the office of the Federal Communications Commission with said tariff schedules herein suspended in part; that copies hereof be served upon the carrier parties to such tariff schedules; and that said carrier parties be, and they are hereby, each made a party respondent to this proceeding;

It is further ordered, That this proceeding be, and the same is hereby, assigned for hearing at 10 a. m. on the 18th day of November, 1942, at the offices of the Federal Communications Commission in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

Exhibit A

Clarksville, Indiana
Cumming, Iowa
Abbott, Texas
Allen, Texas
Red Oak, Texas
Barlow, Kentucky
Bryantsville, Kentucky
Clarkson, Kentucky
La Center, Kentucky
Liberty, Kentucky

[F. R. Doc. 42-10117; Filed, October 9, 1942; 11:57 a. m.]

[Docket No. 6435]

OHIO STATE UNIVERSITY

NOTICE OF HEARING

In re application of the Ohio State University, dated July 15, 1942, for construction permit; class of service, relay broadcast; class of station, relay broadcast portable-mobile; location, area of Columbus, Ohio; operating assignment specified: Frequency, 1,622, 2,058, 2,150, 2,790 kcs. A3 emission; power, 25 w. night; 25 w. day; hours of operation, section 4.24.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942.

2. To determine whether in view of the foregoing the granting of this application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Ohio State University, Radio Station WOSU, 1800 N. High Street, Columbus, Ohio.

Dated at Washington, D. C., October 8, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-10119; Filed, October 9, 1942; 11:58 a. m.]

[Docket No. 6430]

BLACK HILLS BROADCASTING COMPANY

NOTICE OF HEARING

In re application of Black Hills Broadcast Company of Rapid City (KOBH) dated September 20, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Rapid City, South Dakota; operating assignment specified: Frequency, 610 kc.; power, 5 kv. (DA night an . day); hours of operation, unlimited.

You are hereby notified that the Commission on September 15, 1942, denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion of April 27, 1942.

2. To determine whether in view of the foregoing the granting of this application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Black Hills Broadcast Company of Rapid City, Radio Station KOBH, Alex Johnson Hotel, Rapid City, South Dakota.

Dated at Washington, D. C., October 8, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-10118; Filed, October 9, 1942; 11:57 a. m.]

[Docket No. 6401]

THE WESTERN UNION TELEGRAPH COMPANY

SUPPLEMENTAL ORDER FOR HEARING, ETC.

In the matter of changes in directory of station listings and increased rates of the Western Union Telegraph Company for service to and from various points in the United States and Canada.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 6th day of October, 1942;

It appearing that by orders dated August 11 and 25, 1942, and September 22, 1942, in this proceeding tariff filings of The Western Union Telegraph Company providing for changes in station listings have been suspended, and an investigation thereof has been ordered;

It further appearing that The Western Union Telegraph Company has filed with the Commission tariff schedules, to become effective October 20, 1942, changing said company's directory of station listings at Pindall, Arkansas; St. Joe, Arkansas; and De Graff, Kansas, and providing for the discontinuance of certain public telegraph offices and for an increase in the rates and charges applicable to telegraph communications to and from such points; said tariff schedules being designated as follows: The Western Union Telegraph Company, Tariff F.C.C. No. 217, Supplement No. 75.

It further appearing that said tariff schedules state increases in rates and charges and state regulations and practices effecting such increases in rates and charges for telegraph communications in interstate and foreign commerce; that the rights and interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of said tariff schedules, insofar as they relate to increases in rates, should be postponed pending hearing and decision thereon;

It is ordered, That the Commission, upon its own motion, without formal pleading, enter upon a hearing concerning the lawfulness of the rates, charges, regulations, classifications, and practices contained in said tariff schedules, insofar as they relate to changes in such company's directory of station listings at Pindall, Arkansas; St. Joe, Arkansas; and De Graff, Kansas.

It is further ordered, That the operation of said tariff schedules insofar as they provide for an increase in rates and charges for interstate or foreign telegraph communications to and from Pindall, Arkansas; St. Joe, Arkansas; and De Graff, Kansas, be suspended; and that the use of the rates, charges, regulations, classifications, and practices therein stated as applicable to such points, insofar as they provide for an increase in such rates and charges, be deferred for a period of three months beyond the time when they would otherwise go into effect, unless otherwise ordered by the Commission; and during said period of suspension, no change shall be made in the rates, charges, regulations and practices herein suspended, or in the rates or charges sought to be increased or in the regulations and practices relating thereto, unless authorized by special permission of the Commission.

It is further ordered, That an investigation be, and the same is hereby, instituted into the lawfulness of the rates, charges, classifications, regulations, practices and services of The Western Union Telegraph Company for and in connection with telegraph services to and from the points named in Supplement No. 75 to The Western Union Telegraph Company Tariff F. C. C. 217:

It is further ordered, That in the event a decision as to the lawfulness of the charges herein suspended has not been made during the suspension period, and said charges shall go into effect, The Western Union Telegraph Company and all other carriers participating in service provided under the tariff provisions suspended herein, shall, until further order of the Commission, each keep accurate account of all amounts charged, collected or received by each of them by reason of any increase in charges effected thereby; in which accounts each such carrier shall specify by whom and in whose behalf such amounts are paid;

It is further ordered, That The Western Union Telegraph Company and each participating carrier shall file with the Commission a report, under oath, on or before the 10th day of each calendar month, commencing March 10, 1943, showing the amounts accounted for as aforesaid, during the previous calendar month;

It is further ordered, That a copy of this Order shall be filed in the office of the Federal Communications Commission with said tariff schedules herein suspended in part; and that copies hereof be served upon the carrier parties to such tariff schedules;

It is further ordered, That the matters herein placed in issue be, and the same are hereby, assigned for hearing at the same time and place as those matters previously placed in issue in this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-10116; Filed, October 9, 1942; 11:57 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 206]

PART OF THE CAPITAL STOCK OF MAYWOOD CHEMICAL WORKS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> 35,785-29/40th shares of $10 par value capital stock of Maywood Chemical Works, a New Jersey corporation, Maywood, New Jersey, which is a business enterprise within the United States, which shares are owned by the persons whose names, last known addresses, the number and types of shares owned by them, and the percentages thereby represented of the specified types of outstanding shares, are, respectively, as specifically set forth in Exhibit A attached hereto and made a part hereof,

is property of nationals of a designated enemy country (Germany), and is a substantial part of the capital stock of such corporation and represents an interest in said business enterprise which is a national of the same designated enemy country, and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of said designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in Section 10 of said Executive Order.

Executed at Washington, D. C., on October 3, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Name and last known address	Class A nonvoting 8 percent cumulative preferred stock		Class D nonvoting preferred stock		Voting common stock	
Amalia Janner, Partenkirchen, Bavaria, Germany	2,144¼	(17.41%)	15,008	(15.54%)	2,146	(14.31%)
Central Hanover Bank & Trust Co., New York, N. Y., as trustee for Ernst Kyriss, Stuttgart, Germany	1,264¼	(10.27%)	8,849⅕	(9.16%)	121¼	(.81%)
Dr. Carl G. Grossman, Brooklyn, N. Y., as trustee for Kurt Kyriss, Bavaria, Germany	632	(5.12%)	4,423 9/10	(4.58%)	1,196⅞	(7.97%)
Total	4,040½	(32.80%)	28,281 1/10	(29.28%)	3,464⅛	(23.09%)

[F. R. Doc. 42-10103; Filed, October 9, 1942; 10:21 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 3 Under Revised Price Schedule 41—Steel Castings—Docket 3041-8]

TEXAS ELECTRIC STEEL CASTING CO.

ORDER GRANTING RELIEF

On September 14, 1942, Texas Electric Steel Casting Company, Houston, Texas, (hereinafter called the petitioner), filed a petition for an exception pursuant to § 1306.108 (a) of Revised Price Schedule No. 41 as amended. Due consideration has been given to the petition and an opinion in support of this Order No. 3 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1 issued by the Office of Price Administration, it is hereby ordered:

(a) Texas Electric Steel Casting Company, in ascertaining the maximum price which it may charge for steel castings produced by it at its foundry at Houston, Texas, may add to the maximum price otherwise established for such castings by Revised Price Schedule No. 41 the lowest applicable railroad charge for the transportation of an identical quantity of steel castings from its foundry at Houston, Texas, to the consumer's plant but only to the extent that such charge exceeds the lowest applicable railroad charge for the transportation of an identical quantity of such steel castings from its foundry in Houston, Texas, to Wichita Falls, Texas, except that, in cases where a mode of transportation more expensive than by railroad is requested by the purchaser, there may be added to the maximum prices above referred to the excess of such emergency transportation charge over the lowest applicable railroad charge for the transportation of an identical quantity of such steel castings from its foundry in Houston, Texas, to Wichita Falls, Texas.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(d) The definitions set forth in §1306.109 of Revised Price Schedule No. 41 shall apply to the terms used herein

(e) This Order No. 3 shall become effective October 9, 1942.

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10070; Filed, October 8, 1942; 12:24 p. m.]

[Correction of Order 13 Under Revised Price Schedule 64—Domestic Cooking and Heating Stoves]

FLOYD-WELLS CO.

ORDER APPROVING MAXIMUM PRICES

For the reasons set forth in an opinion which has been issued simultaneously herewith pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is ordered that the maximum prices of Model No. 301-300 in paragraph (a) of Order No. 13 under Revised Price Schedule No. 64, Domestic Cooking and Heating Stoves, is corrected to read as set forth below:

* * * * *

Model 301-300 ---------- $47.70 f. o. b. factory

* * * * *

(e) This correction of Order No. 13 under Revised Price Schedule No. 64 shall be effective as of August 11, 1942.

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10073; Filed, October 8, 1942; 12:24 p. m.]

[Order 18 of Revised Price Schedule 64—Domestic Cooking and Heating Stoves]

NEWARK STOVE CO.

ORDER APPROVING MAXIMUM PRICES

On January 30, 1942, Newark Stove Company of Newark, Ohio, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for a private brand gas range, Model No. A6831, to be sold to the Florence Stove Company, of Gardner, Massachusetts.

Due consideration has been given to the application and an opinion issued simultaneously herewith, has been filed with the Division of the Federal Register.

For the reasons set forth in the opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) Newark Stove Company may sell, offer to sell, deliver or transfer Model No. A6831 to Florence Stove Company, Gardner, Massachusetts at a maximum price of $40.75 f. o. b. factory.

(b) This Order No. 18 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 18 shall become effective on the 9th day of October, 1942.

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10063; Filed, October 8, 1942; 12:24 p. m.]

[Order 19 of Revised Price Schedule 64—Domestic Cooking and Heating Stoves]

KEELEY STOVE CO.

ORDER APPROVING MAXIMUM PRICES

On August 6, 1942, Keeley Stove Company, Columbia, Pennsylvania, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64, for approval of maximum prices for a new model wood and coal range, designated in said application as Model No. 170-V.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) Keeley Stove Company, Columbia, Pennsylvania, may sell, offer to sell, deliver or transfer Model No. 170-V Wood and Coal Range at a maximum price to dealers of $52.03, f. o. b. factory, subject to discounts, terms and allowances no less favorable than those in effect as to Model No. 41 Wood and Coal Range, under § 1356.1 (a) (1) of Revised Price Schedule No. 64.

(b) This Order No. 19 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to the terms used herein.

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[1] 7 F.R. 1971.

(d) This Order No. 19 shall become effective on the 9th day of October 1942.

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10064; Filed, October 8, 1942; 12:24 p. m.]

[Order 20 of Revised Price Schedule 64—Domestic Cooking and Heating Stoves]

Copper-Clad Malleable Range Co.

ORDER APPROVING MAXIMUM PRICES

On August 31, 1942, Copper-Clad Malleable Range Company, St. Louis, Missouri, filed application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64, for approval of maximum price of a new model of wood and coal range, designated in said application as Model No. D. L. C. Victory.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) Copper-Clad Malleable Range Company St. Louis, Missouri, may sell, offer to sell, deliver or transfer Model No. D. L. C. Victory Wood or Coal Range at a maximum price to dealers of $73.50, f. o. b. factory, subject to discounts, terms and allowances no less favorable than those in effect as to Model No. D. L. C. Wood and Coal Range, under § 1356.1 (a) (1) of Revised Price Schedule No. 64.

(b) This Order No. 20 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in section 1356.11 of Revised Price Schedule No. 64 shall apply to the terms used herein.

(d) This Order No. 20 shall become effective on the 9th day of October 1942.

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10065; Filed, October 8, 1942; 12:26 p. m.]

[Order 21 of Revised Price Schedule 64—Domestic Cooking and Heating Stoves]

Tennessee Stove Works

ORDER APPROVING MAXIMUM PRICES

On July 25, 1942, Tennessee Stove Works, Chattanooga, Tennessee, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64, for approval of the maximum price for a new model gas range, designated in the application as Model No. 75-9H Victory.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) Tennessee Stove Works may sell, offer to sell, deliver or transfer Model No. 75-9H Victory Gas Range at a maximum price to dealers of $44.30, f. o. b. factory, subject to discounts, terms and allowances no less favorable than those in effect as to Model No. 58-9H Gas Range, under §1356.1 (a) (1) of Revised Price Schedule No. 64.

(b) This Order No. 21 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in §1356.11 of Revised Price Schedule No. 64 shall apply to the terms used herein.

(d) This Order No. 21 shall become effective on the 9th day of October, 1942.

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10066; Filed, October 8, 1942; 12:25 p. m.]

[Order 22 of Revised Price Schedule 64—Domestic Cooking and Heating Stoves]

Union Manufacturing Co., Inc.

ORDER APPROVING MAXIMUM PRICES

On July 24, 1942, Union Manufacturing Company, Inc., Boyertown, Penna., filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64, for approval of maximum prices for two models of wood and coal ranges, designated in the application as Models No. V866LC Black and V866LC Enameled.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) Union Manufacturing Company, Inc., may sell, offer to sell, deliver or transfer the following new model wood and coal ranges at prices no higher than those specified:

	F. o. b. factory to dealers
Model V866LC Black	$22.25
Model V866LC Enameled	34.58

subject to discounts, allowances and terms no less favorable than those in effect with respect to maximum prices for the respective comparable models nos. 866L Black and 866L Enameled, as established under Revised Price Schedule No. 64.

(b) This Order No. 22 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to the terms used herein.

(d) This Order No. 22 shall become effective on the 9th day of October 1942.

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10067; Filed, October 8, 1942; 12:25 p. m.]

[Order 23 Under Revised Price Schedule 64—Domestic Cooking and Heating Stoves]

Quincy Stove Manufacturing Co.

ORDER APPROVING MAXIMUM PRICES

On July 28, 1942, Quincy Stove Manufacturing Company, Quincy, Illinois, filed an application, pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for new models of wood and coal range and coal heating stoves.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) The Quincy Stove Manufacturing Company may sell, offer to sell, or deliver the following models at prices no higher than those specified:

		F. o. b. factory to dealers
Model No. B-77	@	$64.57
Model No. B-78	@	64.57
Model No. 101 heater	@	51.74

subject to discounts, allowances, and terms no less favorable than those in effect with respect to the maximum prices of Models Nos. IE-75, IE-75, and D-34 heater, respectively, as established under Revised Price Schedule No. 64.

(b) This Order No. 23 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 23 shall become effective on the 9th day of October 1942.

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10068; Filed, October 8, 1942; 12:25 p. m.]

[Order 24 Under Revised Price Schedule 64—Domestic Cooking and Heating Stoves]

Floyd-Wells Co.

ORDER APPROVING MAXIMUM PRICES

On June 30, 1942, The Floyd-Wells Company, Royersford, Pennsylvania, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of the maximum price of a new model of combination coal and gas range, designated in the application as Model No. 6006-T.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with Division of the Federal Register.

For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) The Floyd-Wells Company of Royersford, Pennsylvania, may sell, offer to sell, deliver or transfer Model No. 6006-T at a maximum price to dealers of $91.70 f. o. b. factory, subject to discounts and allowances no less favorable than those in effect as to Model No. 5006-T under § 1356.1 (a) (1) of Revised Price Schedule No. 64.

(b) This Order may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to the terms used herein.

(d) This Order No. 24 shall become effective on the 9th day of October, 1942.

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10069; Filed, October 8, 1942; 12:25 p. m.]

[Order 61 Under Maximum Price Regulation 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket 3120-96]

Custer Coal Co.

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 1, it is hereby ordered:

(a) Custer Coal Company, Sheridan, Wyoming, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not in excess of the prices stated therein.

(b) Truck or wagon shipments of coal produced at the Armstrong Mine (Mine Index No. 104) of the Custer Coal Company, Sheridan County, Wyoming, District No. 19, Subdistrict No. 7, may be sold at a price not to exceed $3.10 per net ton for Size Group 1, and $2.75 per net ton for Size Groups 8 and 10, f. o. b. the mine.

(c) This Order No. 61 may be revoked or amended by the Administrator at any time.

(d) All prayers of the petition not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(f) This Order No. 61 shall become effective October 9, 1942.

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10072; Filed, October 8, 1942; 12:33 p. m.]

[Amendment 1 to Order 3 Under Maximum Price Regulation 148—Dressed Hogs and Wholesale Pork Cuts—Docket 3148-16]

Faulkner Packing Co.

AMENDING ORDER GRANTING PETITION FOR ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

Paragraph (c) of Order No. 3 under Maximum Price Regulation No. 148 is hereby amended to read:

(c) The permission granted to the Faulkner Packing Company in this Order No. 3 is subject to the following condition: that the several prices specified in paragraph (b) shall apply only during the period April 1 to November 30, inclusive, of any year during which Maximum Price Regulation No. 148 is in effect and that during the period December 1 to March 31, inclusive, of any such year, the maximum price at which the Faulkner Packing Company may sell or deliver, or agree, offer, solicit, or attempt to sell or deliver, and at which any person may buy or receive or agree, offer, solicit, or attempt to buy or receive from the Faulkner Packing Company each pork cut specified shall be such maximum selling price as fixed by Maximum Price Regulation No. 148.

This Amendment No. 1 shall become effective October 9, 1942.

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10074; Filed, October 8, 1942; 12:22 p. m.]

[Order 3 Under Maximum Price Regulation 169—Beef and Veal Carcasses and Wholesale Cuts—Docket 3169-29]

James Allan & Sons

ORDER GRANTING PETITION FOR ADJUSTMENT

On August 3, 1942, James Allan & Sons, a California corporation, of Third and Evans Avenue, San Francisco, California, filed a petition for amendment, herein treated as a petition for adjustment, pursuant to § 1364.60 of Maximum Price Regulation No. 169, as amended. Due consideration has been given to the petition and an opinion in support of this Order No. 3 has been issued simultaneously herewith.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1 issued by the Office of Price Administration, it is hereby ordered:

(a) James Allan & Sons may sell and deliver and agree, offer, solicit, and attempt to sell and deliver beef carcasses of the grade "good" as defined in § 1364.64 (b) of Maximum Price Regulation No. 169, at a price no higher than 21½ cents per pound to retailers. Such retail markets may buy and receive beef carcasses of the grade "good" at that price from James Allan & Sons.

(b) James Allan & Sons shall mail or cause to be mailed to all persons who purchase beef and veal carcasses and wholesale cuts from it for sale at retail a notice reading as follows:

> The Office of Price Administration, by Order No. 3, under Maximum Price Regulation No. 169, effective October 9, 1942, pursuant to section 18 of the General Maximum Price Regulation, has permitted us to raise our maximum price for sales to you of beef and veal carcasses and wholesale cuts from $ to $, subject to all discounts, allowances and trade practices which we had in effect during March 1942 with respect to sales of beef and veal carcasses and wholesale cuts.
>
> The order does not permit you or any other retailer to raise maximum prices, as established under the General Maximum Price Regulation, for sales of beef and veal carcasses and wholesale cuts at retail.
>
> The permission to increase our price was granted by the Office of Price Administration upon the basis of a showing that the maximum retail prices for sales of beef and veal carcasses and wholesale cuts established by the General Maximum Price Regulation are such that no hardship would be imposed upon retailers generally if they were required to pay the increased price. However, if your maximum price is abnormally low in relation to the maximum prices established for sales of beef and veal carcasses and wholesale cuts by other competitive sellers at retail and if the price charged to you by us pursuant to the order should impose a substantial hardship upon you, you may communicate with the nearest district, state, or regional office of the Office of Price Administration setting forth the facts of your situation.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 3 may be revoked or amended by the Price Administrator at any time. Unless the context otherwise requires, the definitions set forth in § 1364.62 of Maximum Price Regulation No. 169 shall apply to the terms used herein.

(e) This Order No. 3 shall become effective October 9, 1942.

Issued this 8th day of October, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10075; Filed, October 8, 1942; 12:26 p. m.]

[Order 6 Under § 1499.158 of Maximum Price Regulation 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel]

Designs Incorporated

ORDER AUTHORIZING MAXIMUM PRICE

For the reasons set forth in an opinion which has been issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and pursuant to § 1499.158 of Maximum Price regulation No. 188, it is ordered:

(a) Specific authority is hereby given to Designs Incorporated of 2027—83rd Street, North Bergen, New Jersey, to sell and deliver to any person, No. 20 plastic shower head with a plastic faucet connection with rubber insert and a hose connection of six feet in length made of reclaimed material, at the unit price of 35 cents each, f. o. b. the company's plant at North Bergen, New Jersey.

(b) This Order No. 6 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 6 shall become effective October 9, 1942.

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10060; Filed, October 8, 1942; 12:22 p. m.]

[Order 7 Under § 1499.158 of Maximum Price Regulation 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel]

KELLER MANUFACTURING CO.

ORDER AUTHORIZING MAXIMUM PRICE

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.158 of Maximum Price Regulation No. 188, it is hereby ordered that:

(a) The Keller Manufacturing Company, Corydon, Indiana, may sell to the Washington Quartermaster Depot, Washington, D. C., under contract number 3458, dated May 2, 1942, 125 walk-in prefabricated refrigerators, size 6 x 6 with one-half horse power condensing unit and evaporator, constructed under specification R-714, KE 25-18, dated April 20, 1942, at $395.01 each, f. o. b. the factory.

(b) This Order No. 7 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 7 shall become effective October 9, 1942.

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10061; Filed, October 8, 1942; 12:22 p. m.]

[Order 8 Under § 1499.158 of Maximum Price Regulation 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel]

NATIONAL RADIATOR CO.

ORDER AUTHORIZING MAXIMUM PRICE

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and § 1499.158 of Maximum Price Regulation No. 188, it is hereby ordered that:

(a) The National Radiator Company, of Johnstown, Pennsylvania, may sell and deliver, and any person may buy and receive from the National Radiator Company, "Art" radiator pedestals at a price of 40 cents each to the plumbing and heating trade subject to the quantity, preferential and cash discounts customarily given to the plumbing and heating trade.

(b) This Order No. 8 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 8 shall become effective October 9, 1942.

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10062; Filed, October 8, 1942; 12:22 p. m.]

[Order 3 Under Maximum Price Regulation 204—Idle or Frozen Materials Sold Under Priorities Regulation 13—Docket 3204-1]

CITY AUTO STAMPING CO.

ORDER DISMISSING PETITION FOR EXCEPTION

City Auto Stamping Company, of Toledo, Ohio, has filed a petition for exception from the provisions of Maximum Price Regulation No. 204. Due consideration has been given to the petition and an opinion in support of this Order No. 3 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1 and § 1499.515 Appendix A: (a), of Maximum Price Regulation No. 204 (1) to (9) inclusive, issued by the Office of Price Administration, it is hereby ordered that:

(a) The petition filed by City Auto Stamping Company, be, and it hereby is, dismissed, with leave to file within 15 days of the date of this order an amended petition conforming to the requirements of Maximum Price Regulation No. 204.

(b) This Order No. 3 shall become effective October 9, 1942.

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10071; Filed, October 8, 1942; 12:24 p. m.]

[Order 14 Under Maximum Price Regulation 147—Ferrous and Non-Ferrous Bolts, Nuts, Screws and Rivets—Docket 3147-17]

OLIVER IRON AND STEEL CORP.

ORDER DENYING PETITION FOR EXCEPTION

On September 17, 1942, Oliver Iron and Steel Corporation, Pittsburgh, Pennsylvania, filed a petition for an exception pursuant to § 1368.7 (a) of Maximum Price Regulation No. 147. Due consideration has been given to the petition and an opinion in support of this Order No. 14 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) The petition for exception of Oliver Iron and Steel Corporation is denied.

(b) This Order No. 14 shall be effective October 9, 1942.

Issued this 8th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10081; Filed, October 8, 1942; 3:21 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-57, 59-57]

AMERICAN UTILITIES SERVICE CORPORATION ET AL.

NOTICE OF FILING AND ORDER FOR HEARING, ETC.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 8th day of October, 1942.

In the matter of American Utilities Service Corporation, File No. 54-57 and American Utilities Service Corporation, and its subsidiary companies, respondents, File No. 59-57.

Notice of Filing and order for hearing on plan filed pursuant to section 11 (e); notice of and order instituting proceedings and for hearings under sections 11 (b) (1), 11 (b) (2), 15 (f), and 20 (a); and order consolidating such hearings.

I

Notice is hereby given that American Utilities Service Corporation, a registered holding company, has filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan of recapitalization of said American Utilities Service Corporation ("American"). All interested persons are referred to said plan which is on file at the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

(1) American will amend its Articles of Incorporation so that its authorized capital stock will be changed to 150,000 shares of new common stock, $20 par value; or a new corporation will be formed with authorized capital stock sufficient to meet the requirements of the plan.

(2) American will reclassify its existing 105,000 shares of 6% cumulative preferred stock, $25 par value, into 105,000 shares of new common stock, $20 par value, so that the holders of the preferred stock will receive the new common stock on a share for share basis.

(3) The plan provides no recognition of the presently outstanding common stock.

(4) American reserves the right to request the Commission to apply to a Court in accordance with the provisions of subsection (f) of section 18 of the Act to enforce and carry out the provisions of the plan.

The present common stock, 1,112,500 shares of no par value, is held in a Voting Trust which has sole voting rights in the company. Upon consummation of the plan the present preferred stock will have complete voting control of the company and it is contemplated that the Voting Trust will be terminated.

II

The Commission has data in its files and records relating to American establishing, or tending to establish, the following:

(1) American is solely a holding company owning stock and/or notes of its various subsidiaries, organized under the laws of the State of Delaware in 1934 as a successor to Federal Public Service Corporation.

(2) American registered under the Act on January 13, 1937.

(3) American has four active utility subsidiaries (as defined in the Act), namely:

(a) Minnesota Utilities Company, a Minnesota corporation, furnishing electric service and conducting a merchandising business in the State of Minnesota.

(b) Northwestern Illinois Utilities, an Illinois corporation, furnishing electric and gas service and conducting a merchandising business in the States of Illinois and Iowa.

(c) Northwestern Wisconsin Electric Company, a Wisconsin corporation, furnishing electric service and conducting merchandising business in the States of Wisconsin and Minnesota.

(d) Wisconsin Southern Gas Company, a Wisconsin corporation, furnishing gas service and conducting a merchandising business in the State of Wisconsin.

(4) American has five non-utility subsidiaries, namely:

(a) The Bluefield Telephone Company, a Virginia and West Virginia corporation, furnishing telephone service in the States of Virginia and West Virginia.

(b) Illinois Northwestern Telephone Company, an Illinois corporation, furnishing telephone service in the State of Illinois.

(c) Southeastern Telephone Company, a Florida corporation, furnishing telephone service in the States of Florida and Georgia.

(d) Independence Water Works Company, a Missouri corporation, furnishing water service in the State of Missouri.

(e) The Suburban Water Company of Allegheny County, Pennsylvania, a Pennsylvania corporation, furnishing water service in the State of Pennsylvania.

(5) American has a subsidiary service company, American Service Company, an Illinois corporation, furnishing services to system companies.

III

The Commission has data in its files and records relating to American establishing, or tending to establish, the following:

(1) The common stock of American, which has sole voting rights, is held in a Voting Trust by Lee Barroll, Charles H. Bliss, Raymond J. Hurley, Robert D. Gordon, and Thomas A. Tunney, as Voting Trustees, who have registered under the Act as a holding company.

(2) Since the formation of American in 1934, dividends have never been paid on its preferred stock and arrearages thereon aggregated $632,158 as of December 31, 1941.

(3) The capitalization and surplus (corporate and per books) of American as of December 31, 1941, were as follows:

	Amount	*Per cent*
Bonds	$4,700,200	60.7
Notes	10,000	---
Preferred stock*	2,625,000	33.9
Common stock	2,225,000	28.7
Earned surplus (deficit)	(1,811,679)	(23.3)
	7,748,521	100.0

*Preferred dividend in arrears as of December 31, 1941, amounted to $632,158.

IV

It appearing to the Commission in the light of the allegations stated in Part II and Part III hereof, that it is appropriate in the public interest and the interest of investors and consumers to institute proceedings against American Utilities Service Corporation and its subsidiary companies pursuant to sections 11 (b) (1), 11 (b) (2), 15 (f), and 20 (a) of the Public Utility Holding Company Act of 1935 in order to determine whether certain orders should be entered pursuant to the provisions of said sections; and

It further appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the plan of recapitalization filed by American Utilities Service Corporation pursuant to Section 11 (e) of the Act; and

It further appearing to the Commission that the said proceedings involve common questions of law and fact and should be consolidated and heard together:

It is ordered, That said proceedings pursuant to sections 11 (b) (1), 11 (b) (2), 15 (f) and 20 (a) of the Public Utility Holding Company Act of 1935, and said proceeding pursuant to Section 11 (e) of the Public Utility Holding Company Act of 1935 be and the same hereby are consolidated;

It is further ordered, That hearings on such matters under the applicable provisions of the Act and the Rules of the Commission thereunder be held on October 27, 1942 at 10:00 a. m., E. W. T. in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the Hearing Room Clerk in room 318 will advise as to the room where such hearing will be held.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matters. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (e) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said matters otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the proposed plan is feasible.

(2) Whether the proposed plan is necessary to effectuate the provisions of subsection (b) of section 11 of the Act.

(3) Whether the proposed plan is fair and equitable to the persons affected thereby.

(4) Whether the allegations contained in Part II and Part III hereof are true and correct.

(5) Whether the holding company system of said American Utilities Service Corporation is confined in its operations to those of a single integrated public utility system within the meaning of the Act, and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public utility system.

(6) Whether the corporate structure of American Utilities Service Corporation unduly complicates the structure of said American and unfairly and inequitably distributes voting power among security holders of said American.

(7) What orders, if any, should be entered pursuant to sections 11 (b) (1), 11 (b) (2), 11 (e), 15 (f), and 20 (a) of the Act, to require American Utilities Service Corporation to take such steps as the Commission shall find necessary to comply with the provisions of said sections.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to American and that notice of said hearing is hereby given to all subsidiaries of American, all security holders of American and its subsidiaries, consumers of said companies, or states, municipalities and political subdivisions of such states within which are located any of the utility assets of American or under the laws of which any of such companies are incorporated; to all state commissions, state securities commissions, and all agencies, authorities or instrumentalities of one or more states, municipalities, or other political subdivisions having jurisdiction over American or any of its subsidiaries or over any of the businesses, affairs or operations of any of them; that such notice shall be given further by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this order in the FEDERAL REGISTER not later than fifteen days prior to the date hereinbefore fixed as the date of hearing.

It is further ordered, That American Utilities Service Corporation, on or before October 10, 1942, mail to all stockholders of record of said American Utilities Service Corporation at the close of business on September 30, 1942, notices of the date, time and place of said meeting.

It is further ordered, That any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission on or before October 24, 1942, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That jurisdiction be and hereby is reserved to separate, either for hearing, in whole or in part, or for disposition in whole or in part, any of the issues or questions which may arise in these proceedings, and to take such other action as may appear conductive to an orderly, prompt and economic disposition of the matters involved.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc 42-10115; Filed, October 9, 1942; 11:56 a. m.]

OCT 14 1942

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 7 NUMBER 201

Washington, Tuesday, October 13, 1942

The President

PROCLAMATION 2568

GENERAL PULASKI'S MEMORIAL DAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

One of the bravest of the foreign volunteers in our first struggle for existence as a free people was Count Casimir Pulaski, who was grievously wounded on October 9, 1779, while engaged in a gallant action at the siege of Savannah, and died two days later.

The aid rendered by General Pulaski and other foreigners in the winning of our independence is vividly recalled to our minds this year by the association of other governments and peoples with us in our present struggle. The countrymen of General Pulaski are today among our allies in a global conflict the outcome of which will mean freedom or slavery for millions of human beings on all the continents.

By a joint resolution approved September 26, 1942 (Public Law 717, 77th Congress), the Congress has authorized me "to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11, 1942, and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies in commemoration of the death of General Casimir Pulaski."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby proclaim October 11, 1942, the one hundred and sixty-third anniversary of the death of General Pulaski, as General Pulaski's Memorial Day, and I call upon officials of the Government to have the American flag displayed on all governmental buildings on that day. I also invite the people of the United States to observe the day with appropriate commemorative ceremonies in schools and churches, or other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 7th day of October, in the year of our Lord nineteen hundred and forty-two, and of the Independence of the United States of America the one hundred and sixty-seventh.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES,
Acting Secretary of State.

[F. R. Doc. 42-10155; Filed, October 10, 1942; 11:10 a. m.]

EXECUTIVE ORDER 9252

APPROVING REGULATIONS OF THE CIVIL SERVICE COMMISSION RELATING TO EFFICIENCY-RATING BOARDS OF REVIEW

By virtue of the authority vested in me by section 9 of the Classification Act of 1923 (42 Stat. 1490), as amended by Title V of the Act of June 30, 1932 (47 Stat. 416), by section 7 Title II of the Act of November 26, 1940 (54 Stat. 1215), and by section 3 of the Act of August 1, 1941 (55 Stat. 614), I hereby approve the following regulations prescribed by the Civil Service Commission:

REGULATIONS RELATING TO EFFICIENCY RATING BOARDS OF REVIEW

Pursuant to the authority vested in the Civil Service Commission by section 9 of the Classification Act of 1923 (42 Stat. 1490), as amended by Title V of the Act of June 30, 1932 (47 Stat. 416), by section 7, Title II of the Act of November 26, 1940 (54 Stat. 1215), and by section 3 of the Act of August 1, 1941 (55 Stat. 614), the following regulations are hereby prescribed with respect to efficiency rating boards of review:

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington D C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Telephone information: DIstrict 0525.

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1. There shall be established in each department and independent establishment having positions and employees subject to section 9 of the Classification Act of 1923, as amended, one or more boards of review for the purpose of considering and passing upon the merits of efficiency ratings assigned to such employees.

2. The head of each department or independent establishment shall determine the number and jurisdiction of boards of review to be established within his department or establishment, subject to the approval of the Civil Service Commission. The jurisdiction of each board of review shall be specific and shall be exclusive of that of any other such board.

3. (a) Each board of review shall be composed of three members, and there shall be an alternate member provided for each principal member who shall serve during the absence of such principal member or when the principal member is unable to serve for any other reason and who shall succeed the principal member in the event that he is unable to serve to the end of his term of office. Where necessary in the interest of good

administration, and in order to expedite the consideration of cases, an additional alternate member may be designated for each principal member. Members of boards of review and alternate members shall be appointed or designated for terms expiring June 30 subsequent to their appointment or designation, provided that they may continue to serve until their successors are appointed or designated.

(b) One member of each board of review and alternates to such member (to be known as department member and alternate department members) shall be designated by the head of the department or establishment served by such board.

(c) Another member of each board of review and alternates to such member (to be known as employee member and alternate employee members) shall be designated by election, to be held between April 1 and July 1 of each calendar year for the term beginning on July 1 of such year, by the employees whose efficiency ratings are under the jurisdiction of the board in such manner as shall be determined by the Civil Service Commission. Upon the request of the head of a department or establishment or of ten per cent of the employees whose efficiency ratings are subject to review by a board of review, the Civil Service Commission may order an election for employee members and alternate employee members at a different time or may authorize the definite or indefinite postponement of the regular annual election.

(d) Chairmen and alternate chairmen for the boards of review shall be designated by the Civil Service Commission.

(e) All members of boards of review and all alternate members shall be officers or employees of the executive branch of the Federal government; provided, however, that in the case of boards of review serving agencies not in the executive branch, such members and alternate members (except chairmen and alternate chairmen) shall be appointed or elected from the branch of government to which such agencies respectively belong.

4. Each appeal from an efficiency rating shall be submitted in writing to the chairman of the appropriate board of review within ninety days of the date that notice of such rating was delivered to the employee. Boards of review may waive this requirement for good and sufficient reasons, as in cases (a) where it appears that appellants were not in a position to make an appeal within the ninety-day period, (b) where employees elected to avail themselves of the grievance procedures in their own departments or establishments before proceeding with appeals under these regulations, or (c) where ne evidence is discovered after the close of the ninety-day period which would have a bearing on the decision concerning the appeal. On the request of the Civil Service Commission, certified in writing, efficiency ratings which require the dismissal, demotion, or reduction in salary of employees subject to the approval of the Civil Service Commission under section 9 of the Classification Act of 1923 as amended shall be considered by boards of review in the same manner as if appealed by such employees.

5. Hearings conducted on efficiency-rating appeals and certified cases shall be on as informal a basis as possible and yet permit the presentation of all information necessary to ascertain the correctness of the rating in question or the rating which should be assigned the employee. An oral hearing may be waived by the appellant, or employee whose rating is certified for review, and the board of review may thereupon proceed to a consideration of the case on the basis of written evidence submitted by the parties. Stenographic reports of oral hearings shall be required only when it is determined by the unanimous vote of the board that they are necessary to the best interests of the Government and employee. In all proceedings before boards of review, each employee whose efficiency rating is under consideration shall be entitled to have a representative of his own selection; and at oral hearings each appellant or employee whose rating is certified for review shall be entitled to appear with his representative. The appellant, or employee whose rating is certified for review, and his representative, and such representatives of the department or establishment as are designated by the head thereof, shall be afforded an opportunity to submit orally or in writing any information deemed by the board of review to be pertinent to the case, and shall be afforded an opportunity to hear or examine, and to reply to, information submitted to such board by other parties.

6. After ascertaining the pertinent facts in each case, the board of review shall proceed to determine such adjustment in the efficiency rating as it deems proper, or sustain the efficiency rating appealed from without change. Decisions shall be made by a majority vote. Notices of decisions of boards of review shall be communicated to the heads of the departments or independent establishments and to the appellants, and employees whose ratings are certified for review, in writing and shall contain summary statements of the facts on which the decisions are based. Copies of the decisions of the boards shall also be forwarded to the Civil Service Commission.

7. These regulations apply with full force and effect to the administration of efficiency rating boards of review in the departmental service. Until such time as the Civil Service Commission, after consultation with heads of departments and independent establishments, decides that it is practicable to extend the foregoing provisions in their full force and effect to the field services, efficiency-rating appeals from employees in the field services may be made to boards of review established in and for the departmental headquarters of said field services for adjudication on the basis of evidence submitted in writing.

8. These regulations supersede the regulations in Executive Order No. 8748 of May 1, 1941,[1] and in Executive Order No. 9155 of May 1, 1942,[2] and shall be effective immediately, except that the provision in Section 3 above authorizing members of boards of review to serve until their successors are appointed or designated shall be effective retroactively to July 1, 1941.

FRANKLIN D ROOSEVELT

H. B. MITCHELL,
LUCILLE FOSTER MCMILLIN,
ARTHUR S. FLEMING,
Commissioners.

THE WHITE HOUSE,
October 9, 1942.

[F. R. Doc. 42-10153; Filed, October 10, 1942; 10:22 a. m.]

EXECUTIVE ORDER 9253

EXTENSION OF THE PROVISIONS OF EXECUTIVE ORDER NO. 9001 OF DECEMBER 27, 1941, TO CONTRACTS OF THE IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

By virtue of the authority vested in me by Title II of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Cong.), and as President of the United States, and deeming that such action will facilitate the prosecution of the war, I hereby extend the provisions of Executive Order No. 9001 of December 27, 1941,[3] to the Immigration and Naturalization Service, Department of Justice, with respect to contracts made or to be made by it for the feeding and care of persons in the custody of such Service; and subject to the limitations and regulations contained in such Executive Order, I hereby authorize the Attorney General, and such other officers and employees as he may designate, to perform and exercise, as to the Immigration and Naturalization Service, Department of Justice, all the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive Order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 9, 1942.

[F. R. Doc. 42-10154; Filed, October 10, 1942; 10:22 a. m.]

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[1] 6 F.R. 2251.
[2] 7 F.R. 3277.
[3] 6 F.R. 6787.

Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VIII—Procurement and Disposal of Equipment and Supplies

Part 81—Procurement of Military Supplies and Animals[1]

War Department Procurement Regulations dated July 1, 1942, published in the Federal Register August 7, 1942, under Parts 81 and 83 (7 F.R. 6098 and 6141), were revised under date of September 5, 1942. Because of the numerous changes involved and the additional material included, the new regulations are published in full as follows:

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81.102 Rescission of Army regulations.
81.103 Rescission of procurement circulars.
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[1] 7 F.R. 6098, 6142, 6239.

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Authority. §§ 81.101 to 81.119, 81.201 to 81.206, 81.301 to 81.358, 81.401 to 81.427, 81.501 to 81.508, 81.601 to 81.612, 81.801 to 81.817, 81.901 to 81.961, 81.1001 to 81.1017, 81.1101 to 81.1107, 81.1201 to 81.1213, 81.1301 to 81.1326 and 83.701 to 88.710 issued under sec. 5a, National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193–1195, and the First War Powers Act, 1941, 55 Stat. 838; 50 U.S.C. Sup. 601–622.

Numbers to the right of the decimal point correspond with the respective paragraph number in Procurement Regulations Nos. 1 to 13, dated September 5, 1942.

General

GENERAL INSTRUCTIONS

§ 81.101 *Publication of procurement regulations.* During the past few years it has been the practice of the War Department to publish procurement regulations in several different publications, viz: Army regulations, War Department procurement circulars, etc. It has also been the practice to include in such regulations precise details of how purchases were to be effected. For reasons too obvious to mention, neither practice can be justifiably continued in view of the present war emergency. Accordingly, a new numbered series of procurement regulations has been prepared to replace all other procurement regulations outstanding as of this date. As changes in or additions to this new series of regulations become necessary, the same will be effected by the publication of corrected or supplemental sheets to the appropriate regulation.

§ 81.102 *Rescission of Army regulations.* The following Army Regulations have been rescinded:

AR 5–5
AR 5–50
AR 5–100
AR 5–140
AR 5–160
AR 5–200
AR 5–220
AR 5–240
AR 5–260
AR 5–300
AR 5–320
AR 5–340
AR 5–360

§ 81.103 *Rescission of procurement circulars.* Effective July 1, 1942, all War Department procurement circulars which have not been rescinded heretofore are hereby rescinded.

§ 81.104 *Rescission of other instructions and directives.* All prior instructions and directives which are inconsistent with instructions contained in these procurement regulations, as originally issued under date of July 1, 1942, or as the same shall be amended from time to time, shall be deemed rescinded as of July 1, 1942 or as of the date of any such amendment, as the case may be.

§ 81.105 *Contents.* The following is a list of the current procurement regulations:

PR No. 1: General instructions [¶ 101–119]. (§§ 81.101–81.119).
PR No. 2: Negotiated purchases [¶ 201–206.3]. (§§ 81.201–81.206).
PR No. 3: Contracts [¶ 301–358]. (§§ 81.301–81.358).
PR No. 4: Bonds and insurance [¶ 401–427]. (§§ 81.401–81.427).
PR No. 5: Foreign purchases [¶ 501–508.2]. (§§ 81.501–81.508).
PR No. 6: Interbranch and interdepartmental purchases [¶ 601–612]. (§§ 81.601–81.612).
PR No. 7: Disposition of surplus and unserviceable property [¶ 701–710]. (§§ 83.701–83.710).
PR No. 8: Federal, State and local taxes [¶ 801–817.3]. (§§ 81.801–81.817).
PR No. 9: Labor [¶ 901–961.2]. (§§ 81.901–81.961).
PR No. 10: Emergency plant facilities [¶1001–1017]. (§§ 81.1001–81.1017).
PR No. 11: Miscellaneous purchase instructions [¶ 1101–1107]. (§§ 81.1101–81.1107).
PR No. 12: Renegotiation and price adjustment [¶ 1201–1213]. (§§ 81.1201–81.1213).
PR No. 13: Forms of contracts [¶ 1301–1312; 1321–1326]. §§ 81.1301–81.1312 and 81.1320–81.1326).

§ 81.106 *Distribution of procurement regulations.* Distribution of these regulations including subsequent changes thereto will be made by the Adjutant General.

§ 81.107 *Applicability as to various procurement agencies.* (a) These regulations to the extent, and only to the extent that they actually confer authority upon the chiefs of the supply services and other officers or civilian officials of the War Department to exercise power to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to make advances, progress and other payments thereon, shall constitute a redelegation by the Commanding General, Services of Supply, of the authority delegated to him by the Under Secretary of War under date of June 29, 1942, which authority in turn was originally vested in the Under Secretary of War by memorandum of the Secretary of War, dated December 30, 1941 (Subject: Delegation of Authority Under Executive Order No. 9001). The chiefs of the supply services severally shall have power to redelegate the powers conferred upon them respectively by the preceding sentence to such officer or officers or civilian official or officials of the War Department as they severally may direct. The exercise, prior to the date of these regulations, of any such authority by any such officer or officers or civilian official or officials is hereby ratified and confirmed in all respects.

(b) Since the regulations are generally declaratory of policy only, it will be necessary for the chief of each supply service to publish appropriate instructions on procedure.

§ 81.108 *Applicability as to various activities.* (a) War Department Procurement Regulations are applicable to all procurement activities of the War Department. Such activities include, but are not necessarily limited to, the following:

(1) Purchase of supplies, materials, equipment and services.

(2) The procurement of construction work, including that on rivers and harbors.

(b) The regulations are applicable to the expenditure of all appropriate funds by War Department personnel, including funds allocated to, as distinguished from appropriated to, the War Department for use in making purchases.

(c) The regulations are not applicable to the expenditure of organizational, unit and similar funds.

(d) *Army Air Forces.* The regulations have been issued with the approval of the Commanding General, Matériel Command, Army Air Forces, and shall, unless otherwise specifically indicated, apply to said Matériel Command. Whenever used herein, unless otherwise specifically indicated, the term "supply services" shall be deemed to include the Matériel Command, Army Air Forces, and the term "chiefs of the supply services" shall be deemed to include the Commanding General, Matériel Command, Army Air Forces. Likewise, the term "Director, Purchases Division, Headquarters, Services of Supply," when used in connection with action to be taken in respect of the Matériel Command, Army Air Forces, shall, unless otherwise specifically indicated, be deemed to refer to the Special Representative of the Under Secretary of War designated for that purpose.

MISCELLANEOUS PROHIBITIONS

§ 81.109 *Sales, loans, or gifts of supplies to manufacturers*—(a) *General.* Sales, loans or gifts of drawings, manufacturing or other information, and samples of supplies and equipment will be made only to those manufacturers who are or may likely be manufacturers or suppliers of the War Department under contract. Such sales, loans or gifts, will be in conformity with AR 380–5[1] where applicable.

(b) *Gifts.* Gifts may be made if the standard list price thereof does not exceed $25, and if specific authorization in each case is given by the chief of the supply service concerned. A certificate by the officer accountable for the supplies given, indicating disposition under this authority, will be accepted by auditing officers as a proper voucher for dropping those supplies.

(c) *Loans.* Loans of supplies will be made to contractors as directed in paragraph 10, AR 35–6520.[2] Such loans may be made to manufacturers who are likely to be contractors in the same manner only if the standard list price thereof does not exceed $500, and provided that specific authorization in each case is given by the chief of the supply service concerned.

(d) *Sales.* Sales may be made only as specifically authorized in each case by the chief of the supply service concerned, and then only at the standard list price and in cases where such price does not exceed $500.

(e) *Authority of the Under Secretary of War.* Any gift exceeding $25, standard list price, any loan to other than contractors exceeding $500, standard list price, and any sale at a price other than standard list price or exceeding $500, standard list price, will be made only with the prior approval of the Under Secretary of War or his duly authorized representative.

§ 81.110 *Prohibition against voluntary service.* No department or officer of the Government may accept voluntary service for the Government except in cases of sudden emergency involving the loss of human life or the destruction of property, or when a written statement is obtained that the service rendered will not be made the basis of a future claim against the Government for compensation.

§ 81.11 *Prohibition against use of troop labor and transportation.* (a) Except in cases of manifest necessity or when authorized by the Secretary of War, the labor of troops or Government employees or Government means of transportation will not be used to enable contractors to fulfill contracts.

(b) Whenever troop labor or Government transportation has been used:

(1) Authority therefor will be given in writing.

(2) A report enumerating in detail the service rendered will be forwarded to the Commanding General, Services of Supply.

(3) Full deduction will be made for the value of the service rendered.

§ 81.112 *Prohibition against purchases from officers or employees of the Government.* (a) No officer or employee of the War Department may act as an agent of the United States in advising, recommending, making or approving the purchase of supplies or other property, or in contracting therefor, if he would be admitted to share or receive directly or indirectly any pecuniary profit or benefit from such purchase or contract.

(b) No officer or agent of any corporation, joint stock company, or association, and no member or agent of any firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint stock company, association or firm.

PROPOSALS FOR LEGISLATIVE ACTION AND FOR EXECUTIVE ORDERS AFFECTING PROCUREMENT

§ 81.113 *General.* By Circular No. 59, War Department, 1942, the Legislative and Liaison Division, War Department, is charged with supervising the preparation of legislation requested by the War Department, with preparing reports to Committees of Congress and, with the maintenance of liaison necessary thereto. Said Circular No. 59 further provides that the preparation of reports on legislation affecting the Army Ground Forces, the Army Air Forces or the Services of Supply may be assigned to the command concerned.

§ 81.114 *Legislation includes Executive Orders.* The terms "legislation" and "legislative", as hereinafter used in §§ 81.113 to 81.118, inclusive, refer to action taken or to be taken by Congress, other than the enactment of strictly appropriation items, and to all Executive Orders.

§ 81.115 *Special Legal and Liaison Division, Office of the Under Secretary of War.* With the approval and by the authority of the Under Secretary of War, the Special Legal and Liaison Division Office of the Under Secretary of War, is designated as the agency charged with the coordination within that Office, the Services of Supply and the Matériel Command, Army Air Forces, of all legislative matters affecting procurement or related functions.

§ 81.116 *Proposals for legislative action affecting procurement.* (a) Except as specifically otherwise provided in paragraph (b) of this section, all proposals for legislative action affecting procurement or related functions, originating from any source whatsoever, will be referred to the Special Legal and Liaison Division, Office of the Under Secretary of War, for coordination.

(b) All such proposals, other than proposals for Executive Orders, originating from sources outside the Office of the Under Secretary of War, the Services of Supply or the Matériel Command, Army Air Forces, will be referred to the Legal Branch, Purchases Division, Headquarters, Services of Supply. The legislative section of that branch will promptly review such proposals to determine which are of sufficient importance to the Office of the Under Secretary of War, the Services of Supply, the Matériel Command, Army Air Forces, or any of them to warrant further consideration. Such of the proposals as warrant such consideration will be referred directly to the Special Legal and Liaison Division, Office of the Under Secretary of War, for coordination.

§ 81.117 *Action of Special Legal and Liaison Division.* The Special Legal and Liaison Division, Office of the Under Secretary of War, will, with respect to such proposals originating within the Office of the Under Secretary of War, the Services of Supply, or the Matériel Command, Army Air Forces:

(a) Take all necessary action to secure the views of those individuals and elements within the Office of the Under Secretary of War, the Services of Supply and the Material Command, Army Air Forces, whose responsibilities would be affected by such legislative action.

(b) Refer any questions regarding the form of the proposed legislative action to the Legal Branch, Purchases Division, Headquarters, Services of Supply, for consideration and report.

(c) Make all necessary arrangements for proper coordination with other Government departments and agencies whose functions would be affected.

(d) If it is determined by proper authority to initiate such legislative action, coordinate the matter with the Legislative and Liaison Division, War Department.

(e) Take any other necessary or appropriate action in connection therewith.

With respect to such proposals originating from sources outside the Office of the Under Secretary of War, the Services of Supply, or the Matériel Command, Army Air Forces, said Special Legal and Liaison Division will, upon receipt of such proposals, take the action described in paragraphs (a), (c) and (e) of this section.

§ 81.118 *Congressional hearings.* Arrangements for appropriate representation from the Office of the Under Secretary of War, the Services of Supply and the Matériel Command, Army Air Forces, at Congressional hearings on legislative proposals affecting procurement or related functions will be made through the Special Legal and Liaison Division, Office of the Under Secretary of War.

§ 81.119 *Reports on legislative proposals.* All requests from official sources, within or without the War Department, for reports on legislative proposals affecting procurement or related functions will, upon receipt by the Office of the Under Secretary of War, the Services of Supply or the Matériel Command, Army Air Forces, be referred to the Special Legal and Liaison Division, Office of the Under Secretary of War. which will secure reports from the appropriate sources within the aforesaid elements of the War Department and will forward such reports, after approval thereof by proper authority, through established channels to the sources of the requests.

NEGOTIATED PURCHASES

§ 81.201 *Rescission of regulations.* Army Regulations 5–140, May 22, 1940, as amended; Army Regulations 5–160, October 24, 1941, as amended: Army Regulations 5–240, February 11, 1936, as amended; and all other prior directives and instructions of whatsoever nature relating to negotiated purchases, open-market purchases, procurement without advertising, and other purchasing methods are hereby rescinded.

NOTE: *Compliance with Procurement Regulation No. 2.* Unless otherwise specifically provided, compliance with any provision of Procurement Regulation No. 2 (§§ 81.201 to 81.204) or of any amendment thereto which requires a change in contract procedure or in any contract provision shall not be mandatory until thirty days after the issuance of such regulation or amendment.

§ 81.202 *Definition.* The term "negotiated purchases" as used in Procurement Regulations includes all purchases which are not made as a result of formal advertising in accordance with section 3709, Revised Statutes. Negotiated purchases may be made by securing informal written bids from a large or small number of suppliers, or by securing telephone quotations. However, where such bids or quotations are requested, the request therefor should clearly indicate that the supply service is proceeding under the negotiating power of Public No. 354, First War Powers Act, 1941.

§ 81.203 *Authority.* Authority for making negotiated purchases is contained in the act of December 18, 1941 (Pub. Law 354, 77th Cong.; 55 Stat. 838; 5 U. S. C. Sup. 601–622), which may be referred to as the "First War Powers Act, 1941", and Executive Order No. 9001, December 27, 1941. Hereafter, all negotiated purchases will be made under the authority of the above statute.

§ 81.204 *General policy.* (a) Except as indicated in paragraph (b) of this section, all contracts will be placed by negotiation. The methods of negotiation to be followed will be determined by the chief of the supply service concerned. Any method which will result in the most efficient award of contracts and will, in the judgment of the chief of the supply service concerned, protect the interests of the Government, is hereby authorized.

(b) When authorized by the Director of Purchases of the War Production Board or his designated representative, contracts may be placed by formal advertising instead of by negotiation if deemed necessary in the interests of the Government. Requests for such authority will be submitted to the Purchases Division, Headquarters, Services of Supply, by the chief of the supply service concerned.

§ 81.205 *Special instructions*—(a) *Field agencies.* The chiefs of the supply services will decentralize to their field agencies the actual work of negotiating contracts to the greatest extent consistent with efficiency and proper safeguarding of the public interest.

(b) *Qualified suppliers.* Where consistent with the speed of war procurement, negotiations will be carried on with as many qualified suppliers as is practicable. A qualified supplier is one who:

(1) Qualifies as such under the laws and lawful regulations governing the purchase of the supplies in question.

(2) Can comply with all the terms and conditions governing the purchase.

(3) Is a manufacturer of or a regular dealer in the supplies to be purchased.

(4) Has not been adjudged an irresponsible supplier by the chief of the supply service concerned.

(c) *In negotiating contracts,* particular regard will be paid to the following considerations:

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[1] Administrative regulation's of the War Department relative to safeguarding military information.

[2] Administrative regulations of the War Department relative to property accountability and responsibility.

(1) Primary emphasis shall be upon securing delivery in the time required by the war program.

(2) In so far as it will effectuate the policy set forth in subparagraph (1) of this paragraph, contracts shall be placed so as to conserve for the more difficult war production problems the facilities of concerns best able, by reason of engineering, managerial, and physical resources, to handle them. Accordingly, contracts for standard or other items which involve relatively simple production problems shall be placed with concerns, normally the smaller ones, which are less able to handle the more difficult war production problems.

(3) Subject to the considerations stated in subparagraphs (1) and (2) of this paragraph, contracts shall be placed with concerns needing to acquire the least amounts of additional critical materials, machinery and equipment for performance of the contracts. Accordingly, as an essential part of each negotiation, procurement officials shall secure from prospective contractors, statements listing all additional critical materials, machinery and equipment which will be needed for the performance of the contract.

(4) In giving effect to the provisions of subparagraphs (1), (2) and (3) of this paragraph, it is recognized that it may be necessary to purchase at other than the lowest price offered.

(5) F. o. b. point. Whenever land-grant railroads or water routes can be utilized for the transportation of military supplies, request for quotations will specify delivery f. o. b. point of origin in preference to f. o. b. point of destination. This applies to both carload and less-than-carload shipments.

(*d*) *Authority to make awards.* (1) Awards of contracts or changes therein amounting to less than $5,000,000 (or when the estimated amount in the case of cost-plus-a-fixed-fee contracts, or changes therein, is less than $5,000,000) may be made by such contracting and other officers as the chief of the supply service concerned may designate.

(2) Awards of contracts or changes therein amounting to $5,000,000 or more must be submitted to the Director, Purchases Division, Headquarters, Services of Supply, for approval.

(3) Awards of architect, engineer, management or similar contracts will be submitted for approval in accordance with subparagraph (2) above, when the project which they cover amounts to $5,000,000 or more.

(e) *Applicable laws.* The Walsh-Healey Public Contracts Act, the Davis-Bacon Act, as amended, the Copeland "Kick-back" Act, as amended, and the Eight Hour Law, as amended, are applicable to contracts made and performed under the authority of Executive Order No. 9001 to the same extent as if said contracts had been made and performed under the provisions of section 3709, Revised Statutes.

(f) *Commanders in theaters of operations.* Nothing contained in these regulations will be construed to abridge the powers of commanders in theaters of operations to make necessary purchases in such manner as is deemed advisable.

§ 81.206 *Purchase reports*—(a) *Statistics and Progress Branch.* Under General Orders No. 14, Headquarters, Services of Supply, dated June 12, 1942, the Statistics and Progress Branch, Control Division, Headquarters, Services of Supply, was established. This branch is responsible for preparation and submission of all procurement reports required by law to be submitted to the President and to the Congress, as well as to other Federal Agencies authorized to receive such reports. Effective July 1, 1942, it will be the responsibility of every contracting officer, except those in Theatres of Operations, to make reports of purchase actions as outlined below. The reports will cover all purchases, supply contracts (including contracts for engineering services, maintenance of real estate and procurement of abstracts of title) and contracts for the acquisition and leasing of real estate. The reports will be submitted in duplicate through the usual channels from the contracting officer within three days after the purchase action being reported or after the end of the month, whichever is applicable, to the Commanding General, Services of Supply, attention Control Division, Statistics and Progress Branch. One additional copy will be attached for Chiefs of Supply Services, Services of Supply, and for the Matériel Command of the Army Air Forces by contracting officers reporting thereto. Chiefs of Supply Services, Services of Supply and the Matériel Command of the Army Air Forces will be responsible for complete, accurate, and proper submission of reports from contracting officers under their respective jurisdiction. All other initial reports of purchase actions are abolished, effective July 1, 1942. Informal contracts such as a letter of intent, letter contract, or letter purchase order will not be reported until the transaction becomes a formal one, or until such time as it becomes apparent that the transaction will not become a formal one.

(b) *Monthly summary of purchase actions.* A summary of purchase actions will be rendered for each calendar month as of the last day thereof and submitted on 8″ x 10½″ sheets in the following form:

MONTHLY SUMMARY OF PURCHASE ACTIONS

(1) Command or Service.
(2) Month of ----------, 19--
(3) Office (including station number) and location.
(4) Amount of negotiated purchases.
(*a*) $10,000 and less --------------- $------
(*b*) In excess of $10,000 ------------ $------
(5) Amount of all other purchases-- $------
(6) Total amount of all purchases made (sum of entries 4 and 5) ---------------------------- $------
(7) Number of purchases made—
(*a*) Negotiated ($10,000 and less) -- ------
(*b*) Negotiated (in excess of $10,000) ------
(*c*) All other----------------------- ------
(*d*) Total--------------------------- ------
(Signature) ------------------------------
(Name) ----------------------------------
(Rank) ----------------------------------
Contracting Officer.

Under entry (5) of the form will be included purchases made under the general schedule of supplies, purchase notice agreements, contract bulletins, and purchases under all other contracts (negotiated or otherwise) which have been entered into by a purchasing office other than the office making the report.

(c) *Report of contracts exceeding $10,000.* A report of every purchase action which exceeds $10,000 (actual or estimated) in amount will be made on 8″ x 10½″ sheets in the following form:

PURCHASE ACTION REPORT

(1) Serial number of report (each contracting officer will begin with No. 1 for the fiscal year and continue in exact sequence to the end of the fiscal year unless such officer is replaced in which instance the new contracting officer will continue numbering in exact sequence).

If the purchase action supersedes an informal contract, such as a letter of intent, letter contract, or letter purchase order, identify such informal contract by date, subject matter, number, if applicable, etc.

(2) Command or Service.

(3) Office (including station number) and location.

(4) Name and address of contractor.

(5) Name and address of establishment or plant or location, where contract will be performed. If more than one, list each one.

(6) Contract or purchase action number and date.

(7) Type of purchase action (lump sum, unit price, cost-plus-a-fixed-fee, etc.).

(8) Date deliveries scheduled to begin; to be completed.

(9) Complete description of product, service, facilities or property.

(10) Preference rating and identification symbol used on contract.

(11) Number of units, unit cost, and total cost. If cost is estimated, write "estimated" after amount.

(12) State when an escalator clause is included in the contract and whether such clause is for labor, materials, or both.

(13) The minimum wage determination of the Secretary of Labor which was made part of this contract is-----------------------

(14) If total cost of contract is in excess of $150,000 the following information must be supplied:

(*a*) Names of persons who consummated or concluded the negotiation of the contract for the Government.

(*b*) Names of all persons who participated in the negotiation on behalf of the contractor.

(*c*) Statement of principal or controlling reason for selecting the contractor, *if no competition was obtained.* (Securing two or more quotations constitutes competition.)

(*d*) Name of person approving specification. (Where Federal, Army, Supply Service, Navy, or other bureau specification is used, a statement to that effect will be sufficient.)

(*e*) *Reports for the purchase of land.* In addition to the above information, the following will be submitted for reporting the purchase of land:

1. Location
2. Area
3. Intended use
4. Price
5. Assessed value
(Signature) ------------------------------
(Name) ----------------------------------
(Rank) ----------------------------------
Contracting Officer

If a purchase action report has been submitted and there is any change in information such as number of units, unit cost, total cost, etc., a monthly report (submitted within three (3) days after the end of the month) will be made. The monthly report will not repeat any information given on the original report except entries (1) to (4) inclusive, and entries on which the original information submitted has changed. Such entries will be on a revised basis as of the end of the month and will not be given as additions or deductions to be made to the information contained in the original report. Where several changes have taken place during the month, it is not necessary to show each such change. The first such monthly report will contain the same serial number as the original report, followed by an (a), the second monthly report a (b), etc.

CONTRACTS

§ 81.301 *Rescission of regulations.* Army Regulations 5–200, dated January 2, 1940, as amended, and all other prior directives and instructions of whatsoever nature relating to the making of contracts are hereby rescinded.

Compliance with Procurement Regulation No. 3. Unless otherwise specifically provided, compliance with any provision of Procurement Regulation No. 3 (§§ 81.301–81.358) or of any amendment thereto which requires a change in contract procedure or in any contract provision shall not be mandatory until thirty days after the issuance of such regulation or amendment.

§ 81.302 *Definitions.* The following terms, as used herein, are defined as follows:

(a) *United States and Government.* These terms are synonymous and include the War Department.

(b) *Contractor.* A contractor is any person, partnership, company, or corporation (or any combination of these) which is a party to a contract with the United States.

(c) *Contracting officer.* A contracting officer is a person who has been designated by competent authority to execute contracts on behalf of the United States. Except when used in connection with the original signing of the contract and except as otherwise expressly stated herein, the term contracting officer shall include his duly appointed successor or authorized representative.

(d) *Disbursing officer.* A disbursing officer is the officer who has been designated to make payments under a contract.

(e) *The following are terms* used in connection with contracts:

(1) *Signed number.* A signed number means the instrument with the required signatures.

(2) *Authenticated copy.* An authenticated copy means a copy of the instrument shown to be authentic by either:

(i) Certification as a true copy,
(ii) Official seal, or
(iii) Photostatic process.

The signatures on such copies may be either facsimile, stamped, or typed.

(3) *Copy.* A copy means a copy of the instrument, including the names of the contracting parties, but lacking authentication.

(f) *Default.* Default is the refusal or the failure of a contractor to carry out the terms of a contract.

§ 81.303 *General requirements for contracts.* (a) Every purchase transaction, except those where payment is made coincidentally with receipt of the supplies, will be covered by a contract executed on an approved form.

(b) Contracts covering purchases will be supported by written quotation except:

(1) Those covering purchases made at public auction, at a produce exchange, or under similar conditions;

(2) Those covering purchases amounting to less than $5,000;

(3) Those which require only one payment.

PREPARATION OF CONTRACTS

§ 81.304 *Contract forms*—(a) *Authorized contract forms.* The following contract forms are authorized for use whenever deemed appropriate by the chief of the supply service concerned, subject to the provisions of §§ 81.322–81.351:

(1) War Department Contract Form No. 1, Lump Sum Supply Contract. (See § 81.1301.)

(2) War Department Contract Form No. 2, Lump Sum Construction Contract. (See § 81.1302.)

(3) War Department Contract Form No. 3, Fixed-Fee Construction Contract. (See § 81.1303.)

(4) War Department Contract Form No. 4, Fixed-Fee Architect-Engineer Contract. (See § 81.1304.)

(5) War Department Contract Form No. 5, Short Form Supply Contract (Negotiated). (See § 81.1305.)

(6) War Department Contract Form No. 6, Offer and Acceptance. (See § 81.1306.)

(7) War Department Contract Form No. 7, Letter Purchase Order. (See § 81.1307.)

(8) War Department Contract Form No. 8, Letter Contract (Supplies). (See § 81.1308.)

(9) War Department Contract Form No. 9, Letter Contract (Fixed-Fee Construction). (§ 81.1309.)

(10) War Department Contract Form No. 10, Letter Contract (Lump Sum Construction). (See § 81.1310.)

(11) War Department Contract Form No. 11, War Risk Indemnity Contract. (See § 81.1311.)

(12) War Department Contract Form No. 12; Fixed-Fee Architect-Engineer-Construction-Management Services Contract. (See § 81.1312.)

(20) War Department Contract Form No. 20; supplemental agreement for advance payments with interest on fixed-price contracts. (See § 81.1320.)

(21) War Department Contract Form No. 21; supplemental agreement for advance payments with interest on fixed-fee contracts. (See § 81.1321).

(22) War Department Contract Form No. 22; supplemental agreement for advance payments with interest on a letter purchase order. (See § 81.1322).

(23) War Department Contract Form No. 23; supplemental agreement for advance payments without interest on fixed-price contracts. (See § 81.1323).

(24) War Department Contract Form No. 24; supplemental agreement for advance payments without interest on fixed-fee contracts. (See § 81.1324).

(25) War Department Contract Form No. 25; supplemental agreement for advance payments without interest on letter purchase orders. (See § 81.1325).

(26) War Department Contract Form No. 26; supplemental agreement for advance payments on fixed-price contracts for critical machine tools. (See § 81.1326).

(b) *U. S. Standard Forms.* If a supply service has been using approved U. S. Standard Forms for certain types of transactions, the continued use of such forms is authorized, subject to the provisions of §§ 81.322 to 81.358 inclusive.

(c) *Special contract forms.* In those cases where the contract forms authorized above will not meet the needs of special or general situations, special forms to meet such situations may be devised by the chief of the supply service concerned subject to the provisions of §§ 81.322 to 81.358, inclusive. All such special forms will be submitted to the Purchases Division, Headquarters, Services of Supply, for approval prior to their adoption for general use.

§ 81.305 *Numbering contracts*—(a) *When required.* Every contract involving the receipt or expenditure of public moneys will be numbered when:

(1) The actual or estimated amount involved is $5,000 or more, or

(2) When more than one payment (or receipt) is involved, regardless of the amount involved.

(b) *System.* Contract numbers will be placed in the upper right-hand corner and will consist of the following in the order named:

(1) The capital letter "W", representing the War Department.

(2) Station number representing the station or office as published in finance circulars.

(3) The letter or letters representing the supply service. The Chief of Finance will be promptly notified of any change in the letter symbol or of the adoption of a new symbol.

(4) A serial number, separated from the above by a hyphen, commencing with the number 1 and continuing in succession indefinitely without regard to the fiscal year. When the serial number reaches the limit of five digits (99,999), a new series will be used beginning with the serial number 1 and followed by the capital letter "A". Should additional series become necessary, they will be distinguished by the capital letters "B", "C", "D", etc. as may be required.

(c) *Defense aid contracts.* Contracts required to be numbered pursuant to paragraph (a) of this section and which are payable from the appropriation, "Defense Aid Supplemental Act, 1941," approved March 27, 1941 (Pub. Law 23, 77th Cong.), will be assigned numbers in a separate series beginning with "No. 1". The complete serial number will be the same as the regular series of contract numbers except that it will be preceded by the symbol "DA–".

(d) *Example.* Based on paragraph (b) of this section the following is the number of the first numbered contract executed by the Quartermaster, Fort Bragg, North Carolina:

W–159 qm–1.

Based on paragraph (c) of this section the following is the number of the first numbered defense aid contract executed by the Quartermaster, Fort Bragg, North Carolina:

DA–W–159 qm–1.

(e) *Organized Reserves.* The station number used for contracts pertaining to all units of the Organized Reserves in a corps area will be that assigned to the Organized Reserves of that corps area and the letters will be "qm". Only one series of serial numbers will be used in a corps area for contracts pertaining to all units of the Organized Reserves in that corps area. Corps area commanders will assign each number required.

§ 81.306 *Deviation from standard contract provisions.* Subject to the requirements of §§ 81.322 to 81.358, inclusive, major changes in standard contract provisions may be made in exceptional cases with the approval of the chief of the supply service concerned. Such changes will be reported to the Purchases Division, Headquarters, Services of Supply.

§ 81.307 *Fiscal procedures*—(a) *Allotments of funds not to be exceeded.* The authority to make contracts is subject to the proviso that the allotments made for the supplies will not be exceeded, and officers who are charged with making purchases will be held strictly responsible that obligations incurred by them do not exceed the amounts authorized and that such obligations include no other purpose than that indicated in the allotment.

(b) *Statements as to availability of funds.* See AR 35–840 [3] for the statements which will be made on contracts and on purchase orders placed under existing contracts as to the funds chargeable and the sufficiency thereof.

§ 81.308 *Execution of contracts*—(a) *Contracts with individuals.* A contract with an individual will be signed by the individual in his own name.

(b) *Contracts with an individual trading as a firm.* Such a contract will be signed by the individual, without further reference to the trade name.

(c) *Contracts with partnerships.* (1) The contract may be signed in the name of the partnership by one or more of the partners. Each partner who signs will sign as one of the firm.

(2) A contract with a partnership doing business through a local representative or agent may be executed in the name of the firm by such local representative or agent, in which case the contracting officer will:

(i) File with the contract a properly certified copy of the power of attorney showing the authority of such representative or agent, or

(ii) Certify on the contract that he has satisfied himself of the signer's authority to bind the firm and has waived the requirements as to furnishing evidence of such authority.

(d) *Contracts with corporations.* (1) A contract with a corporation will have the name of the corporation written in the blank space provided therefor at the end of the contract form, followed by the word "By", after which the officer or person who has been authorized to contract on behalf of the corporation will sign his name, with the designation of his official capacity.

(2) The contracting officer will, in all cases, satisfy himself that the signer has authority to bind the corporation, and will either require from him satisfactory evidence thereof and file this evidence with the contract, or will procure or make one of the alternate certificates indicated on the contract form.

(3) Evidence filed with a contract will consist of extracts from the records of the corporation showing:

(i) The election of the officers executing the contract and bond on behalf of the corporation.

(ii) The grant of authority to the officers who execute the contract and bond.

The above-mentioned copies will be certified by the custodian of such records, under the corporate seal (if there be one), to be true copies of the records of the corporation.

(e) *Contracting officer's signature.* The contracting officer will sign on behalf of the United States in the space provided for his signature, and his official title will be added.

§ 81.309 *Approval of contracts within the Supply Services.* Except in cases where approval of the chief of the supply service is required by these regulations, a contract may be made by the contracting officer with or without the approval of higher authority within the supply service, as may be directed by the chief of the supply service concerned. If approval of such higher authority is required, (a) an appropriate approval article will be included in the contract, (b) all changes and deletions shall have been made before the contract is forwarded for such approval, and (c) the contract shall not be valid until such approval is given.

§ 81.310 *Statement and certificate of award (Standard form No. 1036).* (a) Standard Form No. 1036 need not be executed in connection with negotiated contracts.

(b) If in exceptional cases contracts are awarded pursuant to formal advertising, Standard Form No. 1036, properly executed in accordance with instructions contained on the form, will be attached to the copy of the agreement which is furnished the General Accounting Office.

DISTRIBUTION OF CONTRACTS AND ORDERS THEREUNDER

§ 81.311 *General instructions.* The following general instructions are applicable to the distribution of both numbered and unnumbered contracts:

(a) Contracts will not be distributed until properly signed by all parties, and approved, if approval is required.

(b) All instructions relating to distribution of contracts are subject to the provisions of AR 380–5 [4] and all other current instructions governing the safeguarding and disclosing of information affecting the national defense of the United States.

§ 81.312 *Numbered contracts.* (a) Subject to such special instructions as may be issued by the chief of the supply service concerned, numbered contracts will be distributed as follows:

(1) The original signed number will be forwarded to the General Accounting office.

(2) The duplicate signed number will be filed with the contracting officer or with the chief of the supply service concerned.

(3) The triplicate signed number will be forwarded to the contractor.

(4) An authenticated copy will be forwarded to the disbursing officer for his files.

(5) Additional authenticated copies or unauthenticated copies will be distributed as directed by the chief of the supply service concerned.

§ 81.313 *Unnumbered contracts.* (a) The original signed number will be furnished the disbursing officer and will be attached to the voucher on which payment is made and will accompany such voucher to the General Accounting Office.

(b) The duplicate signed number will be forwarded to the contractor.

(c) An authenticated copy will be furnished the disbursing officer for his files.

(d) Additional copies will be prepared and distributed as directed by the chief of the supply service concerned.

§ 81.314 *Special cases*—(a) *Purchases under contracts of Procurement Division, Treasury Department; Navy Department; Post Office Department; etc.* (1) Purchase orders covering such purchases will be distributed in accordance with § 81.313 above.

(2) The chief of the supply service concerned will secure compliance with all special instructions of the respective agencies which make the contracts.

(b) United States Employees' Compensation Commission. Contracting officers will, immediately upon completion, transmit to the United States Employees' Compensation Commission, Washington, D. C., an authenticated copy of the following:

(1) Contracts in which the contractor is designated as the agent of the United States.

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[3] Administrative regulations of the War Department relative to fiscal procedure, general.

[4] Administrative regulations of the War Department relative to safeguarding military information.

(2) Contracts under which, while the contractor is not specifically named as the agent of the United States, the Government may at any and all times direct and control the work in all its details and stages, not merely as to what will be done but also as to how it will be done.

MODIFICATION OF CONTRACTS

§ 81.315 *Supplemental agreements*—(a) *Authority.* Chiefs of the supply services are authorized to modify or amend existing contracts upon adequate legal consideration by supplemental agreement whenever, in their judgment, the prosecution of the war effort is thereby facilitated, and upon an express finding to that effect. Amendments and modifications of contracts may be utilized to accomplish the same purposes as might have been accomplished by original contracts. This authority shall not be construed as conferring upon the chiefs of the supply services authority to enter into amendments or modifications of contracts without adequate legal consideration, or to enter into agreements with contractors or obligors modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under any surety or other bond. In cases where such settlement, adjustment, modification, or release is deemed desirable by the chiefs of the supply services, a recommendation therefor, accompanied by a full statement of the circumstances and the necessity thereof, should be transmitted to the Director, Purchases Division, Headquarters, Services of Supply.

(b) *Form.* Supplemental agreements entered into pursuant to paragraph (a) of this section will be reduced to writing and signed by the contracting officer. Supplemental agreements will bear the same identification as the contract which is thereby modified or amended, and will be lettered or numbered, whichever method is authorized by the chief of the supply service concerned, in the order in which the modifications or amendments to the contract are issued. One continuous series of lettering or numbering as the case may be, will be used for each contract, even though it is modified or amended, both by supplemental agreements and by change orders. Signed numbers and copies of supplemental agreements will be distributed in the same manner as is prescribed for the contracts to which they pertain, and the contracting officer will note on his retained copy of the supplemental agreement the date on which the contractor's number was delivered or mailed to him.

§ 81.316 *Change orders*—(a) *Authority.* Pursuant to contractual provision therefor, change orders may be made as authorized by the chiefs of the supply services.

(b) *Form.* Change orders will be in the form of letters addressed to the contractor, and will specify the number of the contract concerned, the changes to be made, the increase or decrease in price and time for performance, and such other terms as may be necessary. Change orders will bear the same identification as the contract which is thereby modified or amended and will be lettered or numbered, whichever method is authorized by the chief of the supply service concerned, in the order in which the modifications or amendments to the contract are issued. One continuous series of lettering or numbering as the case may be will be used for each contract, even though it is modified or amended both by supplemental agreements and by change orders. Signed numbers and copies of change orders will be distributed in the same manner as is prescribed for the contracts to which they pertain, and the contracting officer will note on his retained copy of the change order the date on which the contractor's number was delivered or mailed to him.

§ 81.317 *Modifications in excess of $5,000,000.* Supplemental agreements and change orders will be submitted to the Director, Purchases Division, Headquarters, Services of Supply, for approval in all cases where there is an increase in the contract price (or in the estimated cost if a cost-plus-a-fixed-fee contract) amounting to $5,000,000 or more. If it is deemed necessary to amend or modify the contract without adequate legal consideration in order to facilitate the prosecution of the war effort, the proposed amendment or modification will be submitted to the Director, Purchases Division, Headquarters, Services of Supply, for approval.

§ 81.318 *Adherence to approved forms.* The authority of §§ 81.315–81.319 will not be used for the purpose of authorizing a deviation from approved forms of War Department contracts, unless such deviation is authorized by these regulations nor will it be used for the purpose of making material changes in the character or terms of an award or contract previously approved by the Under Secretary of War or the Director, Purchases Division, Headquarters, Services of Supply. The same requirements and restrictions with respect to approved forms are applicable to supplemental agreements and change orders as are applicable to original contracts.

§ 81.319 *Consent of sureties.* If payment or performance under the contract is guaranteed by a surety, the consent of such surety should be obtained to any supplemental agreement modifying or amending the contract, or to any change order in excess of $25,000. As to change orders not in excess of $25,000, the consent of the surety is not required but the surety should be furnished copies thereof.

MISCELLANEOUS

§ 81.320 *Assignments*—(a) *Basic statutes.* There are two statutes creating restrictions on assignments of contracts with and claims against the United States. In 1940 both of these statutes were amended by the addition thereto of a paragraph making the restrictions inapplicable in certain situations. (See paragraph (b) of this section).

Prior to the amendment in 1940, Revised Statutes 3737 provided as follows:

> No contract or order, or any interest therein, shall be transferred by the party to whom such contract or order is given to any other party, and any such transfer shall cause the annulment of the contract or order transferred, so far as the United States are concerned. All rights of action, however, for any breach of such contract by the contracting parties are reserved to the United States. (41 U.S.C. 15)

Prior to said amendment in 1940, Revised Statutes 3477 provided as follows:

> All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share, thereof, * * *, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. Such transfers, assignments, and powers of attorney, must recite the warrant for payment, and must be acknowledged by the person making them, before an officer having authority to take acknowledgments of deeds, and shall be certified by the officer; and it must appear by the certificate that the officer, at the time of the acknowledgment, read and fully explained the transfer, assignment or warrant of attorney to the person acknowledging the same. The provisions of this section shall not apply to payments for rent of post-office quarters made by post-masters to duly authorized agents of the lessors. (31 U.S.C. 203.)

(b) *Assignment of Claims Act of 1940.* In 1940 by the enactment of the Assignment of Claims Act (Pub. Law 811—76th Cong.) the restrictions created by sections 3477 and 3737 of the Revised Statutes referred to in paragraph (a) of this section were, subject to certain conditions therein specified, made inapplicable to any case in which monies due or to become due under a contract providing for payments aggregating $1,000 or more, are assigned to a bank, trust company, or other financing institution including any Federal lending agency.

(c) *Assignments by operation of law.* It has been held that the provisions of sections 3477 and 3737 of the Revised Statutes, do not apply where a contract or claim is transferred by order of a court in receivership or bankruptcy proceedings, such an assignment, being by operation of law. (See 3 Comp. Gen. 623; 5 id. 592.)

(d) *Transfer of entire business.* It has been held that where an individual or corporation having a contract with or claim against the Government sells an entire business to another individual or corporation, the transferee will be recognized by the United States as the lawful successor in interest of the contractor or claimant notwithstanding the provisions of sections 3477 and 3737 of the Revised Statutes, referred to above. (9 Comp. Gen. 72, 74.)

(e) *Corporate mergers.* It has likewise been held that the provisions of section 3477 of the Revised Statutes are inapplicable to the transfer of a claim against the United States resulting from the merger of one corporation into another. (*Seaboard Airline Railway* v. *U. S.*, 256 U. S. 655.)

(f) *Recognition of assignments prohibited by Revised Statutes.* Assignments or transfers of contracts and claims prohibited by sections 3477 and 3737 of the Revised Statutes are merely voidable and may be validated by the Government. Authority to validate such assignments or transfers is vested in the Director Purchases Division, Headquarters, Services of Supply. (Op. J.A.G., March 9, 1942.)

(g) In connection with the assignment of claims, contracting officers will, upon request of the contractor, furnish proposed assignees information regarding the status of the contract at the time of the assignment. In so doing, the contracting officer will advise the assignee that the information is so furnished only for confidential use in connection with the assignment.

§ 81.321 *Advance payments*—(a) *General policy.* Advance payments will be made to contractors upon their request in all cases where such action will facilitate the prosecution of the war, and provided that the Government will be adequately protected.

(b) *Procedure.* (1) Chiefs of supply services are authorized to approve the making of advance payments on contracts pertaining to their respective services when the amount of the contract (or the estimated amount in the case of a cost-plus-a-fixed-fee contract) is less than $5,000,000 and the amount of the advance payment is less than 50 per cent of the estimated amount of the contract. The chief of each supply service in his discretion is authorized to delegate all or part of this authority to contracting officers under his jurisdiction.

(2) Advance payments will be limited to 30 per cent of the contract price, except where:

(i) Special circumstances justify a larger advance, or

(ii) The contractor agrees to advance to subcontractors requiring financing of subcontracts the entire amount of advances in excess of 30 per cent of the contract price.

(3) Any advance authorized in excess of 30 per cent upon a contract entered into prior to December 27, 1941, will be under a supplemental agreement which contains provisions therefor made on or after said date.

(4) No advance payment will be made without there having been incorporated in the prime contract an approved advance payment contract provision or the execution of an advance payment supplemental agreement in an approved form.

(5) Where a performance bond of a principal contract has been required and advance payments are provided for by supplemental agreement, or where an advance payment bond is furnished as additional security, the official authorized to approve the advance payments may use his discretion as to whether the actual making of such payments should be withheld pending the approval by the Judge Advocate General of a consent of surety on a preexisting bond or his approval of the applicable advance payment bond.

(6) Advance payments in connection with letter contracts will be provided for by an approved supplemental agreement. There should be included in such agreement a clause relieving a subsequent performance surety of the fidelity risk involved in making advance payments in any case where it is contemplated that a performance bond will be required in connection with the more formal contract and where no advance payment bond has been required.

(7) Advance payments may be made under agreements of all kinds (whether contracts, letter contracts, letter purchase orders, or otherwise).

(8) Requests for advance payments in excess of 50 per cent of the contract price of any contract, and for advance payments on all contracts amounting to $5,000,000 or more, will be submitted by the chief of the supply service concerned to the Advance Payment and Loan Section, Fiscal Division, Headquarters, Services of Supply, for approval. The following information will be presented with each such request, together with the recommendation of the chief of the supply service concerned:

(i) The amount proposed to be advanced.

(ii) The amount and character of contract involved.

(iii) Whether awarded with or without advertising or on a cost-plus-a-fixed-fee basis.

(iv) The terms of the proposed advance (including method and time of repayment or liquidation).

(v) The national interest in making the advance.

(vi) The security proposed to protect the Government against loss with the definite recommendation of the chief of the supply service as to the adequacy thereof.

(vii) The financial position and the general character and responsibility of the contractor.

(viii) Any other information pertinent to a proper decision in the case.

(ix) The appropriation available.

(c) *Forms and special contract clauses.* (1) The contract clause contained in § 81.347 will be used in providing for advance payments with interest on fixed-price contracts.

(2) War Department Contract Form No. 20 will be used in executing a supplemental agreement for advance payments with interest on fixed-price contracts. (See § 81.1320.)

(3) War Department Contract Form No. 21 will be used in executing a supplemental agreement for advance payments with interest on cost-plus-a-fixed-fee contracts. (See § 81.1321.)

(4) War Department Contract Form No. 22 will be used in executing a supplemental agreement for advance payments with interest on a letter purchase order. (See § 81.1322.)

(5) The contract clause contained in § 81.348, will be used in providing for advance payments without interest on fixed-price contracts.

(6) War Department Contract Form No. 23 will be used for executing a supplemental agreement for advance payments without interest on fixed-price contracts. (See § 81.1323).

(7) War Department Contract Form No. 24 will be used for executing a supplemental agreement for advance payments without interest on cost-plus-a-fixed-fee contracts. (See § 81.1324).

(8) War Department Contract Form No. 25 will be used for executing a supplemental agreement for advance payments without interest on letter purchase orders. (See § 81.1325).

(9) The contract clause contained in § 81.349 will be used in providing for advance payments on fixed-price contracts for critical machine tools.

(10) War Department Contract Form No. 26 will be used for executing a supplemental agreement for advance payments on fixed-price contracts for critical machine tools. (See § 81.1326).

(d) *Interest.* (1) Except as set forth below, whenever an advance payment is made to a contractor by the War Department, a charge shall be made for the use of the Government money so furnished. The charge shall be in the nature of an interest charge computed, at convenient accounting periods, at the rate of two and one-half per cent per annum on the unliquidated balance of advance payments outstanding from time to time. In the case of a fixed-price contract, the amount of the charge shall be deducted from payments under the contract. In the case of a cost-plus-a-fixed-fee contract, the charge shall be deducted from the amount of the fee otherwise payable to the contractor, and shall not be an item of reimbursible cost under the contract.

(2) This charge shall not apply to:

(i) Contracts which provide that the work thereunder shall be performed at cost without profit or fee to the contractor.

(ii) Contracts entered into or contracts the terms of which had been agreed upon prior to June 1, 1942, to the extent that such application would be inconsistent with the terms of such contracts.

(iii) Advance payments up to 30 per cent of the contract price made to suppliers of critical machine tools.

(e) *Advance payments to suppliers of critical machine tools.* War Department contracts for critical machine tools will, if requested by the contractor, provide for advance payments of 30 per cent of the contract price, regardless of the amount, either in the terms of the contract or by supplemental agreement provided that the interest of the Government will be adequately protected. Supplemental agreements providing for similar advance payments on existing contracts for critical machine tools may be executed and approved upon proper request being made therefor.

(f) *Reports.* A quarterly report should be rendered by January 14, April 14, July 14, and October 14, of each year, setting forth the status of all contracts on which there are outstanding advance payments. A special statement should be included in the report as to any contracts with respect to which the completion of the contract and liquidation of the advance payment appears to be doubtful, together with the steps being taken to protect that advance payment. If at any time between such quarterly

reports it appears doubtful that a contractor to whom an advance payment has been made will complete the contract, a report should be rendered to the Advance Payment and Loan Section, Fiscal Division, Headquarters, Services of Supply, immediately, including the facts in the case and the steps being taken to protect the advance payment.

MANDATORY AND OPTIONAL CONTRACT PROVISIONS

§ 81.322 *Officials not to benefit clause.* Every contract, regardless of subject matter or amount, will contain the following clause without deviation:

> *Officials not to benefit.* No member of or delegate to Congress or resident commissioner shall be admitted to any share or part of this contract or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

§ 81.323 *Covenant against contingent fees.* Every contract, regardless of subject matter or amount, will contain the following clause without deviation:

> *Covenant against contingent fees.* The Contractor warrants that he has not employed any person to solicit or secure his contract upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Government the right to annul the contract, or, in its discretion, to deduct from the contract price or consideration the amount of such commission, percentage, brokerage, or contingent fees. This warranty shall not apply to commissions, payable by contractors upon contracts or sales secured or made through bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business.

§ 81.324 *Termination for convenience of the Government.* (a) Every lump-sum supply contract regardless of subject matter, except:

(1) Contracts to be completed in six months or less for an amount of less than $500,000 and

(2) Contracts for an amount of less than $50,000 regardless of the date of completion, will contain a clause substantially as follows:

> *Termination for Convenience of the Government.* (a) Should conditions arise which, in the opinion of the Secretary of War, make it desirable that this contract be terminated, the Government may, at any time, terminate this contract in whole or in part by a notice in writing from the Contracting Officer to the Contractor that the contract is terminated under this Article. Such termination shall be effective in the manner and upon the date specified in said notice and shall be without prejudice to any claims which the Government may have against the Contractor, or any claims which the Contractor may have against the Government. Upon receipt of such notice the Contractor shall (1) unless the contracting officer directs otherwise, discontinue all work and the placing of all orders for materials and facilities in connection with performance of this contract, cancel all existing orders chargeable to this contract, and terminate all subcontracts chargeable to this contract; (2) transfer to the Government, by delivery f. o. b. ____________, or by such other means as the Contracting Officer may direct, title to all completed supplies (including spare parts, drawings, information, and other things) called for herein, not previously delivered, and partially completed supplies, work in process, materials, fabricated parts, plans, drawings, and information acquired or produced by the contractor for the performance of this contract; and (3) take such action as may be necessary to secure to the Government the benefits of any rights remaining in the Contractor under orders or subcontracts wholly or partially chargeable to this contract to the extent that such orders or subcontracts are so chargeable.
>
> (b) The Government shall, upon such termination of this contract, pay to the contractor the contract price of all supplies (including spare parts, drawings, information, and other things) called for herein which have been completed in accordance with the provisions of this contract and to which title has been received by the Government under the provisions of paragraph (a) (2) of this article and for which payment has not previously been made.
>
> (c) The Government shall also, in the above events, compensate the Contractor for the uncompleted portion of the contract as follows:
>
> (1) By reimbursing the Contractor for all actual expenditures certified by the Contracting Officer as having been made with respect to the uncompleted portion of the contract;
>
> (2) By reimbursing the Contractor for all expenditures made with the prior written approval of the Contracting Officer in settling or discharging that portion of the outstanding obligations or commitments of the Contractor which had been incurred or entered into with respect to the uncompleted portion of the contract; and
>
> (3) By paying the Contractor, as a profit on the uncompleted portion of the contract, in so far as a profit is realized hereunder, a sum to be computed by the Contracting Officer in the following manner:
>
> (A) The Contracting Officer shall estimate the profit which would have been realized on the uncompleted portion of the contract if the contract had been completed and labor and material costs prevailing at the date of termination had remained in effect.
>
> (B) Estimate, from a consideration of all relevant factors, the percentage of completion of the uncompleted portion of the contract.
>
> (C) Multiply the anticipated profit determined under (A) by the percentage determined under (B). The result is the amount to be paid to the Contractor as a proportionate share of profit, if any, as above provided. Notwithstanding, the above provisions, no compensation shall be paid under this Paragraph (c) by way or reimbursement for expenditure, including expenditures made in settling or discharging obligations or commitments, or by way of profit on account of supplies and other things which are undeliverable because of destruction or damage, whether or not because of the fault of the contractor.
>
> (d) Subject to the approval of the Contracting Officer, the Government shall reimburse the Contractor for expenditures made and cost incurred after the date of termination for the protection of Government property and for such other expenditures and costs as may be necessary in connection with the settlement of this contract.
>
> (e) The obligation of the Government to make any of the payments required by this Article shall be subject to any unsettled claim for labor or material and to any claim which the Government may have against the Contractor under or in connection with this contract, and payments under this Article shall be subject to reasonable deductions by the Contracting Officer on account of defects in the materials or workmanship of completed or partially completed supplies delivered hereunder.
>
> (f) The sum of all amounts payable under this Article, plus the sum of all amounts previously paid under this contract, shall not exceed the total contract price, adjusted in the event that this contract contains an article providing for price adjustment, on the basis of the estimate of the Contracting Officer, to the extent which would have been required by such article if this contract had been completed and labor and materials costs prevailing at the date of termination had remained in effect.
>
> (g) Should the above provisions of this Article not result in payment to the Contractor of at least $100, then that amount shall be paid to the Contractor in lieu of any and all payments hereinbefore provided for in this Article.
>
> (h) Any disputes arising out of termination under this Article shall be decided in accordance with the procedure prescribed in Article 12 of this contract.
>
> (i) Upon the making of the payments called for by this Article, all obligations of the Government to make further payments or to carry out other undertakings hereunder shall cease forthwith and forever, except that all rights and obligations of the respective parties under the Articles, if any, of this contract applicable to patent infringements and reproduction rights shall remain in full force and effect.

The foregoing clause may be inserted in any contract as to which its inclusion is not mandatory.

(b) Every lump-sum supply construction contract regardless of subject matter, except:

(1) Contracts to be completed in six months or less for an amount of less than $500,000 and

(2) Contracts for an amount of less than $50,000 regardless of the date of completion,

will contain the following clause without deviation:

> ARTICLE * * * *Termination for Convenience of the Government.* (a) The Government may terminate this contract in whole or in part at any time by a notice in writing from the Contracting Officer to the Contractor, specifying the date upon which such termination shall become effective and the extent to which the performance of such contract shall be terminated. Termination shall be effective upon the date and to the extent specified in said notice.
>
> (b) Upon receipt of the notice of termination the Contractor shall except insofar as the notice directs otherwise with respect to this contract, or, in the event of partial termination, with respect to the part thereof covered by the notice:
>
> (1) Discontinue all work and the placing of all orders for materials and facilities otherwise required for the performance thereof;
>
> (2) Cancel all existing orders and subcontracts to the extent such orders and subcontracts are chargeable to the performance thereof;
>
> (3) Transfer to the Government, in accordance with the directions of the Contracting Officer, all materials, supplies, work in process, facilities, equipment, machinery or tools acquired by the Contractor in connection with the performance thereof, and all plans, drawings, working drawings, sketches, specifications and information for use in connection therewith: *Provided,* That the Contractor may retain any such equipment, machinery and tools if he so elects and will forego reimbursement thereon.
>
> (4) Take such action as may be necessary to secure to the Government the benefits of any rights remaining in the Contractor under orders or subcontracts chargeable thereto to the extent that such orders or subcontracts are so chargeable;

(5) Take such action as the Contracting Officer may prescribe for the protection and preservation of all property in the possession or control of the Contractor, title to which is transferable to the Government under the provisions of this article.

Should the notice of termination cover only a portion of this contract, the Contractor will proceed to completion of such portions as are not terminated.

(c) Upon compliance by the Contractor with the above provisions of this Article and subject to deductions for payments previously made, the Government shall compensate the Contractor as follows:

(1) By reimbursing the Contractor for all actual expenditures certified by the Contracting Officer as having been made with respect to this contract, including expenditures made in connection with any portions of the contract which may have been completed prior to termination, as well as expenditures made after termination in completing those portions of the contract which the Contractor may have been required by the notice of termination to complete.

(2) By reimbursing the Contractor for all expenditures made with the prior written approval of the Contracting Officer in settling or discharging any outstanding contractual obligations or commitments incurred or entered into by the Contractor with respect to this contract;

(3) By paying the Contractor, as a profit on this contract, insofar as a profit is realized hereunder, an amount to be computed by the Contracting Officer in the following manner:

(A) Estimate the profit which would have been realized on this contract if the contract had been completed and labor and material costs prevailing at the date of terminations had remained in effect.

(B) Estimate, from a consideration of all relevant factors, the percentage of completion of the contract including any work performed after termination. In estimating the percentage of completion, the Contracting Officer shall estimate the percentage of the total work required by the contract which the work actually accomplished represents.

(C) Multiply the profit determined under (A) by the percentage determined under (B). The product is the amount to be paid the Contractor as profit.

(d) Subject to the approval of the Contracting Officer, the Government shall reimburse the Contractor for expenditures made and costs incurred after the date of termination for the protection of Government property and for such other expenditures and costs as may be necessary in connection with the settlement of this contract.

(e) The obligation of the Government to make any of the payments required by this Article shall be subject to any unsettled claim for labor or material and to any claim which the Government may have against the Contractor under or in connection with this contract, and payments under this Article shall be subject to reasonable deductions by the Contracting Officer on account of defects in materials or workmanship.

(f) The sum of all amounts payable under this article, plus the sum of all amounts previously paid under this contract, shall not exceed the total contract price, adjusted in the event that this contract contains an article providing for price adjustment, on the basis of the estimate of the Contracting Officer, to the extent which would have been required by such article if this contract had been completed and labor and materials costs prevailing at the date of termination had remained in effect.

(g) Should the above provisions of this Article not result in payment to the Contractor of at least $100, then that amount shall be paid to the Contractor in lieu of any and all payments hereinbefore provided for in this Article.

(h) Any disputes arising out of termination under this Article shall be decided in accordance with the procedure prescribed in Article . . . . of this contract.

(i) Upon the making of the payments called for by this Article, all obligations of the Government to make further payments or to carry out other undertakings hereunder shall cease forthwith and forever, except that all rights and obligations of the respective parties under the Articles, if any, of this contract applicable to patent infringements and reproduction rights shall remain in full force and effect.

The foregoing clause may be inserted in any contract as to which its inclusion is not mandatory.

§ 81.325 *Anti-discrimination clause.* Every contract, regardless of subject matter or amount, will contain the following clause without deviation:

Anti-discrimination. (a) The Contractor, in performing the work required by this contract, shall not discriminate against any worker because of race, creed, color, or national origin.

(b) The Contractor agrees that the provision of paragraph (a) above will also be inserted in all of its subcontracts. For the purpose of this article, a subcontract is defined as any contract entered into by the contractor with any individual partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, for a specific part of the work to be performed in connection with the supplies or services furnished under this contract: *Provided, however,* That a contract for the furnishing of standard or commercial articles or raw material shall not be considered as a subcontract.

§ 81.326 *Disputes concerning questions of fact.* Every contract, regardless of subject matter or amount, will contain the following clause without deviation:

Disputes. Except as otherwise specifically provided in this contract, all disputes concerning questions of fact which may arise under this contract, and which are not disposed of by mutual agreement, shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail a copy thereof to the Contractor at his address shown herein. Within 30 days from said mailing the Contractor may appeal in writing to the Secretary of War, whose written decision or that of his designated representative or representatives thereon shall be final and conclusive upon the parties hereto. The Secretary of War may, in his discretion, designate an individual, or individuals, other than the Contracting Officer, or a board as his authorized representative to determine appeals under this Article. The Contractor shall be afforded an opportunity to be heard and offer evidence in support of his appeal. The president of the board, from time to time, may divide the board into divisions of one or more members and assign members thereto. A majority of the members of the board or of a division thereof shall constitute a quorum for the transaction of the business of the board or of a division, respectively, and the decision of a majority of the members of the board or of a division shall be deemed to be the decision of the board or of a division, as the case may be. If a majority of the members of a division are unable to agree on a decision or if within 30 days after a decision by a division, the board or the president thereof directs that the decision of the division be reviewed by the board, the decision will be so reviewed, otherwise the decision of a majority of the members of a division shall become the decision of the board. If a majority of the members of the board is unable to agree upon a decision, the president will promptly submit the appeal to the Under Secretary of War for his decision upon the record. A vacancy in the board or in any division thereof shall not impair the powers, nor affect the duties of the board or division nor of the remaining members of the board or division, respectively. Any member of the board, or any examiner designated by the president of the board for that purpose, may hold hearings, examine witnesses, receive evidence and report the evidence to the board or to the appropriate division, if the case is pending before a division. Pending decision of a dispute hereunder the Contractor shall diligently proceed with the performance of this contract. Any sum or sums allowed to the Contractor under the provisions of this Article shall be paid by the United States as part of the cost of the articles or work herein contracted for and shall be deemed to be within the contemplation of this contract.

In all contracts which contain a definition of "his duly authorized representative" in relation to the head of the department, as "any person authorized to act for him other than the contracting officer," the words "or board" will be inserted between the word "person" and the word "authorized".

§ 81.327 *Domestic articles clause.* Whenever the restrictions of the Buy American Act are applicable to any items deliverable under a contract (see §§ 81.502–81.504) the contract will contain the following clause. In such cases, this clause will be inserted without deviation except that there may be added such language as is necessary to indicate to which items the clause applies.

Domestic articles. Unless the Secretary of War shall determine it to be inconsistent with the public interest, or the cost to be unreasonable, only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States shall be delivered pursuant to this contract, except as noted in the specifications and/or other papers hereto attached. The provisions of this article shall not apply with respect to articles, materials, or supplies for use outside the United States, or if articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

§ 81.328 *Notice of shipments clause.* Every contract which will involve the shipment thereunder of one carload or more of supplies will contain a clause substantially as follows:

Notice of shipments. In connection with any shipment hereunder of one carload or equivalent or more consigned to any unit or officer of the War Department, the shipper, at the time the equipment or supplies are ordered for loading for rail, motor, or water transport, will send consignee notice thereof by prepaid telegraph or teletype, including date, route, size of shipment, and brief general description of the equipment or supplies comprising the shipment. When authorized by the purchasing and contracting officer, such notice may be sent by air mail, in lieu of telegraph, or teletype, where secrecy is essential and where the use of air mail is

practicable. This provision is not to be substituted for any other requirement, such as mailing bills of lading.

§ 81.329 *Variation in quantities.* In those cases where it is desired to accept over or under deliveries due to manufacturing processes, etc., contracts may contain a clause substantially as follows:

Variation in quantities. Unless otherwise specified, any variation in the quantities herein called for, not exceeding 10 per cent, will be accepted as a compliance with the contract, when caused by conditions of loading, shipping, packing, or allowances in manufacturing processes, and payments shall be adjusted accordingly.

§ 81.330 *Partial payments in amount not to exceed 75 per cent of cost to the contractor.* In those cases where it is contemplated that partial payments in an amount not to exceed 75 per cent of the cost to the contractor of the property will be made, the contract will contain a clause substantially as follows:

Partial payments. Partial payments, which are hereby defined as payments prior to delivery, on work in progress for the Government under this contract, may be made upon the following terms and conditions.

(a) The Contracting Officer may, from time to time, authorize partial payment to the Contractor upon property acquired or produced by it for the performance of this contract: *Provided* That such partial payments shall not exceed 75 per cent of the cost to the Contractor of the property upon which payment is made, which cost shall be determined from evidence submitted by the Contractor and which must be such as is satisfactory to the Contracting Officer: *Provided further,* That in no event shall the total of unliquidated partial payments (see (c) below) and of unliquidated advance payments, if any, made under this contract, exceed 80 per cent of the total contract price of supplies still to be delivered.

(b) The title to all property upon which any partial payment is made prior to the completion of this contract shall vest in the Government in its then condition forthwith upon the making of any such partial payment or payments: *Provided,* That nothing herein shall deprive the Contractor of any further partial or final payments due or to become due hereunder; nor relieve the Contractor or the Government of any of their respective rights or obligations under this contract.

(c) In making payment for the supplies furnished hereunder, there shall be deducted from the contract price therefor a proportionate amount of the partial payments theretofore made to the Contractor, under the authority herein contained.

§ 81.331 *Partial payment in amount not to exceed 90 per cent of direct labor and material cost to the contractor.* In those cases where it is contemplated that partial payments in an amount not to exceed 90 per cent of the direct labor and material cost to the contractor will be made, the contract will contain a clause substantially as follows:

Partial payments. Partial payments, which are hereby defined as payments prior to delivery, on work in progress for the Government under this contract, may be made upon the following terms and conditions.

(a) The Contracting Officer may, from time to time, authorize partial payments to the Contractor upon property acquired or produced by it for the performance of this contract: *Provided,* That such partial payments shall not exceed 90 per cent of the direct labor and direct material costs to the Contractor of the property upon which payment is made, which costs shall be determined from evidence submitted by the Contractor and which must be such as is satisfactory to the Contracting Officer: *Provided, further,* That in no event shall the total of unliquidated partial payments (see (c) below) and of unliquidated advance payments, if any, made under this contract, exceed 80 per cent of the contract price of supplies still to be delivered.

(b) The title to all property upon which any partial payment is made prior to the completion of this contract shall vest in the Government in its then condition forthwith upon the making of any such partial payment or payments: *Provided,* That nothing herein shall deprive the Contractor of any further partial or final payments due or to become due hereunder; nor relieve the Contractor or the Government of any of their respective rights or obligations under this contract.

(c) In making payment for the supplies furnished hereunder, there shall be deducted from the contract price therefor a proportionate amount of the partial payments theretofore made to the Contractor, under the authority herein contained.

§ 81.332 *Government owned facilities clause.* In those cases where the contractor is to procure necessary facilities for the account of the Government for use in connection with the work under the contract, and in those cases where the Government furnishes the contractor new facilities which the Government has acquired or will acquire directly, the contract will contain a clause substantially as follows:

Government-owned facilities. (a) In connection with its work under this contract, the Contractor shall acquire or manufacture for the Government's account the facilities listed in Schedule A, attached hereto. Upon the inspection and approval of the Contracting Officer and upon the Contractor's furnishing of satisfactory evidence of payment therefor by him, the Government shall reimburse the Contractor for the cost of such facilities, which are presently estimated at the amounts stated therefor in said Schedule A, or such larger amounts as the Contracting Officer may approve in writing in the event the actual costs exceed such estimated costs.[1] (The Government shall furnish to the Contractor for his use at his plant at ________________, the facilities listed in Schedule B, attached hereto, and not later than the dates shown therein. The cost of installation of such facilities shall be borne by the Contractor.)

(b) As each item of the facilities listed in Schedule A is delivered to, or manufactured by, the Contractor, for the Government's account, it shall become and remain the property of the Government, and title thereto shall vest in the Government.[1] (All of the facilities listed in Schedule B are the property of the Government, and title to them is, and shall remain, in the Government.) The Government hereby grants to the Contractor the right to use, without the payment of rental therefor, such facilities in connection with the work herein contracted for and, subject to to written approval of the Contracting Officer, for any additional work for which the Government may contract. The Contractor agrees at its own expense to keep such facilities in good operating condition and repair and to make all necessary repairs and replacements thereof.

(c) Each item of such facilities shall be suitably marked with an identifying mark or symbol, indicating that such item is the property of the Government. Upon the completion of the installation of all such facilities, the Contractor shall submit to the Contracting Officer a detailed inventory list of such facilities, including a description of the identifying mark or symbol on each item thereof.

(d) The Government shall not be responsible for damages to property of the Contractor or for personal injuries to the Contractor's officers, agents, servants or employees or other persons on the premises as invitees or licensees of the Contractor, arising from or incident to the use of the facilities, and the Contractor shall save the Government harmless from any and all such claims: *Provided,* That nothing in this paragraph shall be deemed to affect any liability of the Government to its own employees.

(e) The ________________________ or his
(Chief of Supply Service)
duly authorized representative shall, at all times, have access to the Contractor's building or buildings, wherein any of the facilities are situated, for the purpose of inspecting or inventorying such facilities or of removing them upon the completion or termination of this contract, subject to the provisions of paragraph (g) and (h) hereof.

(f) The Contractor shall not remove, sublease or otherwise part with the possession of any of the said facilities from its plant without first obtaining the written consent of the Contracting Officer. The Contractor shall not transfer, pledge, or assign any of the said facilities in any manner, to any third person, either directly or indirectly; and the Contractor shall not do or suffer anything to be done whereby any of the said facilities shall or may be seized, taken in execution, attached, destroyed, or injured. Violation of the provisions of this paragraph or of paragraph (b) shall entitle the Government forthwith to enter upon the premises of the Contractor and remove the facilities therefrom.

(g) Within one year after the completion or termination of this contract or any other contract entered into between the Government and the Contractor for the performance of which such facilities will be used, the Government may serve on the Contractor a written notice of its intention to remove such facilities from the Contractor's plant. Within ninety (90) days after receipt of such notice the Contractor shall dismantle and prepare the facilities for shipment at its own expense and thereupon the Government shall remove the facilities from the Contractor's plant at the Government's expense.

(h) During the period prior to the receipt of such notice or the expiration of one year after the completion or termination of this contract, whichever happens first, the Contractor shall retain such facilities in its plant, and when directed by the Contracting Officer, and subject to the availability of appropriate funds, place and maintain all such facilities in stand-by condition. Upon the presentation of duly certified invoices or vouchers therefor, and after approval of such invoices or vouchers by the Contracting Officer, the Government shall pay to the Contractor all expenses incurred by it as a result of placing and maintaining such special equipment in such stand-by condition, but such expense shall not include any charge for storage. In the event that the Contracting Officer does not, within said one-year period, direct the return of said facilities, the Contractor shall have the right to require the Government promptly to remove said facilities in a neat and workmanlike manner.

NOTE 1: An option to the Contractor to purchase the facilities upon the completion or termination of the contract or succeeding contracts may be included as an additional paragraph (i) of the clause if, in the opinion of the chief of supply service concerned such inclusion is desirable in the interests of the Government. Unless the inclusion of other terms has been specifically authorized by the Director, Purchases Division, Headquarters, Services of Supply, the option should come into effect only after (i) the expiration of the one-year period referred to in paragraphs (g) and (h) above, during which no notice of the Government's intention to remove the facilities has been served upon the contractor, or (ii) the receipt by the contractor of a written notice from the Government that it does not desire to remove the facilities, whichever happens first; and should continue only for a limited time. The option should be to purchase the facilities at cost less specified rates of depreciation or at a lower price negotiated by and between the contractor and the contracting officer at the time of purchase.

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[1] Use these provisions only where the Government is furnishing facilities which it has acquired, or will acquire, directly.

NOTE 2: In those cases where it is determined that a rental should be charged, the next to the last sentence of paragraph (b) of the clause should be deleted and the following inserted in lieu thereof: "The contractor agrees to pay the Government rental as follows: ------------------" For the basis of determining whether a rental should be charged see (§ 81.1002).

§ 81.333 *Liability for Government-owned property.* All contracts which involve the use of Government-owned property in the performance thereof will contain a clause substantially as follows:

Liability for Government-owned property. Except as to property the liability for which is fixed by any other instrument or agreement or by some other provision of this contract, the Contractor's liability for loss or damage to Government-owned property in its possession or control or delivered to it for installation in the articles contracted for hereunder, or for use in connection with the performance of this contract, shall be that of a bailee under a mutual benefit bailment.

§ 81.334 *Records of Government-owned property.* All contracts which involve the use of Government-owned property in the performance thereof will contain the following clause without deviation:

Records of Government-owned property. The Property Officer, ----------------------, is designated as the officer to maintain the necessary property records in connection with this contract, as contemplated by AR 35–6520.

§ 81.335 *Patents clause.* Where patented articles are to be manufactured under the contract or patented devices are to be used in the performance of the contract, the contract will contain a clause substantially similar to one of the following:

Patents. The Contractor shall hold and save the Government, its officers, agents, servants, and employees, harmless from liability of any nature or kind, including costs and expenses, for or on account of any patented, or unpatented invention, article, or appliance manufactured or used in the performance of this contract, including their use by the Government, except for any invention pertaining to item -------------- of Article 1 hereof. The Government shall hold and save the Contractor harmless from liability of any nature or kind, including costs and expenses, for infringement of patent rights pertaining to item ------------ of Article 1, hereof.

Patents. The Contractor shall hold and save the Government, its officers, agents, servants, and employees, harmless from liability of any nature or kind including costs and expenses, for or on account of any patented or unpatented invention, article, or appliance manufactured or used in the performance of this contract, including their use by the Government, and the Contractor shall give a bond in an amount satisfactory to the United States, the terms of which shall fully protect the Government against loss should the Contractor default in the obligation under this article.

§ 81.336 *Disclosure of information.* All secret, confidential or restricted contracts will contain the following clause without deviation:

Disclosure of information. (a) It is understood that disclosure of information relating to the work contracted for hereunder to any person not entitled to receive it, or failure to safeguard all secret, confidential and restricted matter that may come to the Contractor or any person under his control in connection with the work under this contract, may subject the Contractor, his agents, employees, and subcontractors to criminal liability under the laws of the United States. (See Title 1 of an Act approved June 15, 1917, 40 Stat. 217; 50 U. S. C. 30–42), as amended by an Act approved March 23, 1940 (54 Stat., Chap. 72); and the provisions of an Act approved January 12, 1938, (52 Stat. 3; 50 U. S. C., Supp. V 45–45d), as supplemented by Executive Order No. 8381, dated March 22, 1940, 5 F.R. 1147, D. I.

(b) The Contractor shall cause a like provision to be inserted in all subcontracts under this contract.

§ 81.337 *Employment of aliens.* (a) All secret, confidential or restricted contracts will contain the following clause without deviation:

Employment of aliens. The Contractor will not permit any alien employed or to be employed by it or by any sub-bidder or subcontractor to have access to the drawings, specifications and accompanying enclosures relating to the performance of this contract, or to the models or material referred to therein, or to engineering principles, composition, sub-assemblies, or assemblies which are vital to the functioning or use of the article or articles forming the subject matter of this contract, without the written consent beforehand of the Secretary of War.

With respect to any secret, confidential or restricted contract, now in effect and not completely performed, which contains a provision with respect to the employment of aliens in a different form from that herein prescribed, the chiefs of supply services concerned will take steps, where they deem it necessary to do so, to amend such provision by substituting therefor the clause herein prescribed.

(b) *Employment of aliens in connection with contracts for aircraft, aircraft parts or aeronautical accessories.* All secret, confidential or restricted contracts which are also subject to the act approved July 2, 1926, as amended March 3, 1927, section 10 (j) (p); 10 U.S.C. 310 (j) (p), relating to the employment of aliens in connection with contracts for furnishing or constructing aircraft, aircraft parts or aeronautical accessories for the United States may also contain such reference to that act or its provisions as the Commanding General, Matériel Command, Army Air Forces, deems appropriate.

§ 81.338 *Plant protection clauses.* In those cases where the Contracting Officer deems it necessary to retain some control as to the plant protective devices in a particular plant, the contract will contain a clause substantialy similar to one of the following:

Plant protection. The Contractor shall maintain in and about his plant adequate plant protective devices and shall employ such watchmen, guards and other personnel as the Contracting Officer may deem necessary to prevent espionage, sabotage, and other malicious destruction or damage.

Plant protection. (a) The Contractor and each Subcontractor shall, at his own expense at all times during the term of this contract or any subcontract hereunder, continue all such precautions, for the guarding and protection of his plant, property and work in process, as have immediately prior to the date of this contract been taken by the Contractor or Subcontractor, and shall make available such information with respect thereto as the Contracting Officer may request.

(b) At any time during said term of this contract, the Contracting Officer may require the Contractor or Subcontractor to install and maintain in and about his plant additional protective equipment and personnel. The Contractor and each Subcontractor shall promptly submit to the Contracting Officer detailed inventories, showing each item and the cost thereof, of any protective equipment so required and installed and detailed statements of the cost of maintaining any personnel so required and maintained.

(c) Title to all plant protective equipment added under paragraph (b) of this Article shall be in the Government. The Contractor or the Subcontractor shall, at his own expense, during the term of this contract or any extension thereof, or during the term of the subcontract or any extension thereof, maintain and keep in good condition and repair all such protective equipment, and shall make any necessary replacements thereof at his own expense.

(d) The -------------------------- or his
(Chief of Supply Service)
duly authorized representative and authorized plant protection personnel of the War Department shall, at all times during the performance of this contract or any extension thereof, or during the term of the subcontract or any extension thereof, and until after expiration of the right of removal set forth below, have access to the Contractor's plant, or the plant of the Subcontractor, in order to inspect, inventory or remove any of said plant protective equipment required pursuant to paragraph (b) hereof.

(e) After the completion or termination of this contract and prior to final settlement thereof, the Contractor, or the Subcontractor, as the case may be, shall have the option, exercisable in writing, to purchase, at the then value as fixed by the Contracting Officer, any special plant protective equipment theretofore installed in his plant pursuant to paragraph (b). The Government shall have the right, at any time within 120 days after the expiration of this option, to remove any plant protective equipment with respect to which the option has not been exercised.

(f) The contract price will be adjusted by an amount equal to the reasonable cost, as determined by the Contracting Officer, of installing and maintaining the plant protective equipment and personnel required of the Contractor or any Subcontractor under paragraph (b) of this Article, less the then value, as determined by the Contracting Officer, of any equipment purchased by the Contractor or Subcontractor under the option provided for in paragraph (e) of this Article.

(g) The Contractor agrees to insert in each of his subcontracts the following provision:

"The ------------------------- agrees to be
(Subcontractor)
bound by the provisions of Article --------
----------------, insofar as they are applica-
(This Article)
ble to this contract. The -----------------
(Prime Contractor)
---------- will reimburse the -------------
(Subcontractor)
---------- for the cost of such special equipment and personnel as have been added by the ----------------------, pursuant
(Subcontractor)
to paragraph (b) of Article ---------------
(This Article)
------- Such reimbursement shall be subject to deductions on account of the exercise by the Subcontractor of the option provided in paragraph (e) of Article ---------------"
(This Article)

(h) For the purpose of this article, a subcontract is defined as any contract or agreement entered into between the Contractor and any other party, for the performance of all or any part of the work called for under this contract.

Plant protection. (a) The Contractor shall at his own expense at all times during the term of this contract continue all such precautions, for the guarding and protection of its plant, property and the work in process, as have immediately prior to the date of this contract been taken by it, and shall make available such information with respect thereto as the Contracting Officer may request.

(b) At any time during the term of this contract the Contracting Officer may require the Contractor to install and maintain in and about its plant additional protective equipment and personnel; and the Contractor shall promptly submit to said Contracting Officer detailed inventories, showing each item and the cost thereof, of any protective equipment so required and installed, and detailed statements of the cost of maintaining any personnel so required and maintained. Title to said protective equipment shall be in the Contractor. The Contractor shall at its own expense during the term of this contract maintain and keep in good condition and repair (for use in the performance of this contract) any protective equipment so required and installed, and, to the extent that, during said term, any of said protective equipment shall be lost, damaged, broken, worn out or destroyed, and/or other require replacement, shall at its own expense make such replacement. The said Contracting Officer and authorized plant inspection personnel of the War Department shall at all times during the term of this contract have access to the Contractor's plant and the right to inspect and inventory said protective equipment. The contract price will be adjusted by an amount equal to the reasonable cost (as determined by the said Contracting Officer) of any additional protective equipment or personnel so required to be installed or maintained, less the value (as determined by the said Contracting Officer) of said additional protective equipment at the completion or termination of this contract.

(c) The Contractor agrees to insert in each subcontract made in connection with the performance of this contract an article identical with the foregoing paragraphs (a) and (b), except that in place of the words "Contracting Officer" in paragraph (a), shall appear the words "United States Government, acting through the Contracting Officer in Contract No. -----."

(d) This contract shall be modified in writing to increase the amount due the Contractor hereunder to the extent of any payments made by the Contractor to the Subcontractor under any subcontractual provision inserted pursuant to paragraph (c) hereof.

(e) For the purpose of this article, a subcontract is defined as any contract or agreement entered into between the Contractor and any other party, for the performance of all or any part of the work called for under this contract.

§ 81.339 *Price adjustment for increase in freight rates.* In appropriate cases, contracts will contain a clause substantially as follows:

Price adjustment for increase in freight rates. If after the date of the bid, or in the case of a contract not entered into pursuant to a bid after the date of the award, the Interstate Commerce Commission shall authorize an increase in freight rates upon the materials set out below, which are used in the production of the supplies covered by this contract, and if the contractor is required to pay increased freight rates on such materials (either by payment to the carrier or because the increased freight charges are added to the price paid by the contractor for the materials) in order to perform the contract, the prices named herein will be increased accordingly, and the amount due the contractor as a result of such increase will be charged to the Government and entered on vouchers (or invoices) as a separate item: *Provided,* That the contractor shall not be entitled to receive payment for any such increase unless he submits such evidence as may be required by the contracting officer with respect to the increased freight charges borne by the contractor; *And provided further,* That the contractor shall not be entitled to receive payment for any such increase to the extent that such payment may be inconsistent with any applicable maximum price regulations issued by the Office of Price Administration or other lawful authority.

§ 81.340 *Clauses for rental of gas cylinders.* Every contract for the purchase of gas to be delivered in cylinders will contain a clause substantially similar to one of the following:

Rental of gas cylinders (individual basis). Cylinders shall remain the property of the contractor and will be loaned, without charge, to the Government for a period of 30 days after the date of shipment of cylinders from the contractor's plant. Beginning with the first day after the expiration of the 30-day free loan period to and including the day the cylinders are released to the transportation company for return to the contractor, there will be charged and the United States agrees to pay the contractor a rental at the rate of $-------- per cylinder per day for the use of cylinders not returned to the contractor.

Rental of gas cylinders (quantity basis). Cylinders shall remain the property of the contractor and will be loaned, without charge, to the Government for a period of 30 days after the date of shipment of cylinders from the contractor's plant. Beginning with the first day after the expiration of the 30-day free loan period to and including the day the cylinders are released to the transportation company for return to the contractor, there will be charged and the United States agrees to pay the contractor a rental at the rate of $-------- per cylinder per day, computed on a quantity basis, as indicated below, for the use of cylinders not returned to the contractor. This rental charge will be computed separately for oxygen and acetylene cylinders and for each point of delivery named in the contract. A credit of 30 cylinder days will accrue for each cylinder shipped. A debit of one cylinder day will accrue for each cylinder for each day held beginning with the day after date of shipment from contractor's plant to and including the day the cylinder is released to the transportation company for return to the contractor. At the end of the contract period, in the event the total number of debits exceeds the total number of credits, rental will be charged for the difference. If the total number of credits equals or exceeds the total number of debits, no charge will be made for the use of the cylinders.

All cylinders not returned to the contractor on or before the expiration of a 90-day rental period or lost or damaged beyond repair while in the possession of the United States Government shall be paid for by the United States to the contractor at a replacement value of $------ for each oxygen cylinder of 100 to 110 cubic feet capacity, $------ for each oxygen cylinder of 200 to 220 cubic feet capacity, $------ for each acetylene cylinder of 100 to 150 cubic feet capacity, and $------ for each acetylene cylinder of 250 to 300 cubic feet capacity.

Cylinders retained or lost and so paid for shall be considered the property of the United States. But if and when located they may, at the option of the Government, be returned to the contractor, and, in such even, credit shall be allowed to the Government at the replacement value paid, less rental at the rate of $------ per day beginning at the expiration of the 30-day loan period as aforesaid to the date upon which cylinders are turned over to carrier for return to contractor's plant.

§ 81.341 *Redetermination of price clause.* Every contract in which it is desired to provide for an automobile redetermination of the price will contain the following clause without deviation:

Redetermination of price. The parties hereto recognize that, because of circumstances beyond their control, accurate estimates of the cost of performing this contract cannot be made within a reasonable time. Accordingly, they agree that the price stated in Article 1 shall be redetermined as provided below, upon the basis of the actual experience of the Contractor in performing part of his contract. Such redetermination of the price shall be made as follows:

(a) The estimated cost of performing this contract, upon which the price stated in Article 1 is based, is $------, itemized as follows: [1]

A. Factory Cost:
1. Direct materials.
2. Direct productive labor.
3. Direct engineering labor.
4. Miscellaneous direct factory charges.
5. Indirect factory expenses (State basis of allocation) [2]
(a) Normal depreciation.
(b) Special amortization.

Total Factory Cost.
B. Other manufacturing cost.
C. Miscellaneous direct expenses.
D. Indirect engineering expenses.
E. Expenses of distribution, servicing and administration
F. Guarantee expenses.

(b) It is agreed that the cost of production of the first ---% of items called for hereunder, hereafter referred to as the "preliminary run" will not necessarily be typical for the remainder of the contract. The cost of production of the next ----%, hereafter referred to as the "test run" shall be used as the general basis for redetermination. Within ---- days after the completion of the production of the "test run", the Contractor shall submit to the Contracting Officer separate statements of the actual cost of the production of the "preliminary run" and the "test run", itemized in the same way as the estimated cost stated above. Such statement shall be based upon the cost accounting system regularly utilized by the Contractor and certified as correct by an independent public accountant or by two officers of the Contractor. The Contractor shall submit his books and accounts to such examination and audit as shall be requested by the Contracting Officer.

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[1] This breakdown may be altered to suit particular circumstances.

[2] State separately the estimated amount of each of the following items included:

(c) If the actual cost of production of the preliminary run plus the cost of the production of the remainder of the items called for by the contract, as indicated by the actual cost of production of the "test run", is less than the total estimated cost stated in paragraph (a), the total price to be paid pursuant to Article 1 shall be reduced in the same ratio.

(d) Pending the redetermination of the price hereunder, all items delivered shall be paid for at the price set forth in Article 1. Upon the redetermination of such price hereunder, an amount equal to the difference between the price paid on all items theretofore delivered and such redetermined price for such items shall be applied by the Contractor as a credit against payment for subsequent deliveries, or shall be applied or returned to the Government as directed by the Contracting Officer.

(e) If this contract contains an escalator clause (Price Adjustment), notwithstanding any provisions of such escalator clause which may be inconsistent herewith, that clause shall be understood to relate only to that portion of the production under the contract which is not covered by the statements of actual cost required by paragraph (b) of this article. The blanks in the escalator clause will be filled in at the time of redetermination hereunder, and the month in which the redetermination is made shall be taken as the base month for such escalator clause and the estimated labor costs and the estimated material costs shall include only such costs as are not reflected in the actual cost statements. For this reason the blanks in the escalator clause were not filled in at the time of the execution of this contract.

§ 81.342 *Renegotiation of price clause.* The following price renegotiation clauses will be used in accordance with Procurement Regulation No. 12 (§ 81.1201 et seq.):

(a) [Form 1] *Renegotiation pursuant to section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942.* (a) Upon the written demand of the Secretary, at such period or periods when, in the judgment of the Secretary, the profits accruing to the Contractor under this contract can be determined with reasonable certainty, the contract price will be renegotiated to eliminate therefrom any amount found as a result of such renegotiation to represent excessive profits. The demand of the Secretary shall fix a place for renegotiation and a time for commencement thereof not later than one year after the date of completion or termination of the contract as found by the Secretary.

(b) The Contractor will furnish to the Secretary such statements of actual costs of production and such other financial statements, at such times and in such form and detail, as the Secretary may prescribe, and will permit such audits nad inspections of its books and records as the Secretary may request.

(c) The Government shall retain or the Contractor shall repay to the Government, as the Secretary may direct, any amount of the contract price found as a result of such renegotiation to represent excessive profits.

(d) The Contractor will include in each fixed-price or lump-sum subcontract made under this contract for an amount in excess of $100,000, the following provisions:

Article ----- Renegotiation pursuant to section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942. (1) Upon the written demand of the Secretary, at such period or periods when, in the judgment of the Secretary, the profits accruing to ---------- -------- under this contract
(subcontractor)
can be determined with reasonable certainty, the Secretary and --------------------, will
(subcontractor)
renegotiate the contract price to eliminate therefrom any amount found as a result of such renegotiation to represent excessive profits. The demand of the Secretary shall fix a place for renegotiation and a time for the commencement thereof not later than one year after the date of completion or termination of this contract as found by the Secretary.

(2) -------------------- will furnish to
(subcontractor)
the Secretary such statements of actual costs of production and such other financial statements, at such times and in such form and detail, as the Secretary may prescribe, and will permit such audits and inspections of its books and records as the Secretary may request.

(3) Any amount of the contract price found as a result of such renegotiation to represent excessive profits shall, as directed by the Secretary,

(A) Be deducted by --------------------
(contractor)
from payments otherwise due to -----------
(subcontractor)
under this contract; or

(B) Be paid by ----------------------
(subcontractor)
directly to the Government.

(4) ---------------------- agrees that
(subcontractor)
-------------------- shall not be liable to
(contractor)
-------------------- for or on account of
(subcontractor)
any amount paid to the Government by
------------------------ or deducted by
(subcontractor)
-------------------- from payments other-
(contractor)
wise due under this contract, pursuant to directions from the Secretary in accordance with the provisions of this Article. Under its contract with the Government, ----------
(con-
---------- is obligated to pay or credit to
tractor)
the Government all amounts withheld by it from ------------------ hereunder.
(subcontractor)

(5) As used in this Article—

(*a*) The term "Secretary" means the Secretary of War or any duly authorized representative of the Secretary, including the Contracting Officer.

(*b*) The terms "renegotiate" and "renegotiation" have the same meaning as in section 403 (b) of the Sixth Supplemental National Defense Appropriation Act, 1942.

(*c*) The term "this contract" means this contract as modified from time to time.

(e) In any such subcontract by which the subcontractor undertakes to supply to the Contractor the same article or articles which the Contractor is required to deliver to the Government under this contract, the Contractor will also include, in addition to sections (1) to (5) required by section (d), the following provision:

(6) ------------------ agrees (a) to in-
(subcontractor)
clude in each fixed-price or lump-sum subcontract hereunder for an amount in excess of $100,000 the foregoing sections (1) to (5) inclusive, and (b) to make no subdivisions of any contract or subcontract for the purpose of evading the provisions of this section, and (c) to repay to the Government the amount of any reduction in the contract price of any such contract which results from renegotiation thereof by the Secretary and which the Secretary directs ---------------
(subcontractor)
to withhold from payments otherwise due under such contract and actually unpaid at the time ------------------ receives such
(subcontractor)
direction.

(f) (1) The Contractor agrees to make no subdivisions of any contract or subcontract for the purpose of evading the provisions of this Article.

(2) If any renegotiation between the Secretary and any subcontractor pursuant to the provisions required by section (d) hereof results in a reduction of the contract price of the subcontract, the Government shall retain from payments otherwise due to the Contractor under this contract, or the Contractor shall repay to the Government, as the Secretary may direct, the amount of such reduction which the Secretary directs the Contractor to withhold from payments otherwise due to the subcontractor under the subcontract and actually unpaid at the time the Contractor receives such direction.

(g) As used in this Article—

(1) The term "Secretary" means the Secretary of War or any duly authorized representative of the Secretary, including the Contracting Officer.

(2) The term "subcontract" includes any purchase order from, or any agreement with, the Contractor (i) to perform all or any part of the work to be done under this contract, or to make or furnish all or any part of any articles or structures covered by this contract, (ii) to supply any services required directly for the production of any articles or structures covered by this contract, or any component part thereof, not including services for the general operation of the Contractor's plant or business, (iii) to make or furnish any articles destined to become a component part of any article covered by this contract, or (iv) to make or furnish any articles acquired by the Contractor primarily for the performance of this contract, or this contract and any other contract with the United States. The term "articles" includes any supplies, materials, machinery, equipment or other personal property.

(3) The term "renegotiate" and "renegotiation" have the same meaning as in section 403 (b) of the Sixth Supplemental National Defense Appropriation Act, 1942.

(4) The term "this contract" means this contract as modified from time to time.

(b) [Form II] *Renegotiation pursuant to section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942.* (a) The Contractor will include in each fixed-price or lump-sum subcontract made under this contract for an amount in excess of $100,000, the following provisions:

Article ---- renegotiation pursuant to section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942. (1) Upon the written demand of the Secretary, at such period or periods when, in the judgment of the Secretary, the profits accruing to
------------------ under this contract can
(subcontractor)
be determined with reasonable certainty, the Secretary and ------------------, will re-
(subcontractor)
negotiate the contract price to eliminate therefrom any amount found as a result of such renegotiation to represent excessive profits. The demand of the Secretary shall fix a place for renegotiation and a time for the commencement thereof not later than one year after the date of completion or termination of this contract as found by the Secretary.

(2) ------------------ will furnish to
(subcontractor)
the Secretary such statements of actual costs of production and such other financial statements, at such times and in such form and detail, as the Secretary may prescribe, and will permit such audits and inspections of its books and records as the Secretary may request.

(3) Any amount of the contract price found as a result of such renegotiation to represent excessive profits shall, as directed by the Secretary—

(A) Be deducted by ------------------
(contractor)
from payments otherwise due to -----------
------------------ under this contract; or
(subcontractor)

(B) Be paid by ------------------ di-
(subcontractor)
rectly to the Government.

(4) ---------------------- agrees that
(subcontractor)
------------------ shall not be liable to
(contractor)
------------------ for or on account of
(subcontractor)
any amount paid to the Government by
------------------or deducted by --------
(subcontractor)
------------------ from payments other-
(contractor)
wise due under this contract, pursuant to directions from the Secretary in accordance with the provisions of this Article. Under its contract with the Government ---------
------------------ is obligated to pay or
(contractor)
credit to the Government all amounts withheld by it from ------------------ here-
(subcontractor)
under.

(5) As used in this Article—

(a) The term "Secretary" means the Secretary of War or any duly authorized representative of the Secretary, including the Contracting Officer.

(b) The terms "renegotiate" and "renegotiation" have the same meaning as in section 403 (b) of the Sixth Supplemental National Defense Appropriation Act, 1942.

(c) The term "this contract" means this contract as modified from time to time.

(d) In any such subcontract by which the subcontractor undertakes to supply to the Contractor the same article or articles which the Contractor is required to deliver to the Government under this contract, the Contractor will also include, in addition to sections (1) to (5) required by section (a), the following provisions:

(6) ------------------ agrees (a) to in-
(subcontractor)
clude in each fixed-price or lump-sum subcontract hereunder for an amount in excess of $100,000 the foregoing sections (1) to (5) inclusive, and (b) to make no subdivisions of any contract or subcontract for the purpose of evading the provisions of this section, and (c) to repay to the Government the amount of any reduction in the contract price of any such contract which results from renegotiation thereof by the Secretary and which the Secretary directs ---------------
(subcontractor)
to withhold from payments otherwise due under such contract and actually unpaid at the time ------------------ receives such
(subcontractor)
direction.

(c) (1) The Contractor agrees to make no subdivision of any contract or subcontract for the purpose of evading the provisions of this Article.

(2) If any renegotiation between the Secretary and any subcontractor pursuant to the provisions required by section (a) hereof results in a reduction of the contract price of the subcontract, the Government shall retain from payments otherwise due to the Contractor under this contract, or the Contractor shall repay to the Government, as the Secretary may direct, the amount of such reduction which the Secretary directs the Contractor to withhold from payments otherwise due to the subcontractor under the subcontract and actually unpaid at the time the Contractor receives such direction:

(d) As used in this Article—

(1) The term "Secretary" means the Secretary of War or any duly authorized representative of the Secretary, including the Contracting Officer.

(2) The term "subcontract" includes any purchase order from or any agreement with, the Contractor (i) to perform all or any part of the work to be done under this contract, or to make or furnish all of any part of any articles or structures covered by this contract, (ii) to supply any services required directly for the production of any articles or structures covered by this contract, or any component part thereof, not including services for the general operation of the Contractor's plant or business, (iii) to make or furnish any articles destined to become a component part of any article covered by this contract, or (iv) to make or furnish any articles acquired by the Contractor primarily for the performance of this contract, or this contract and any other contract with the United States. The term "articles" includes any supplies, materials, machinery, equipment or other personal property.

(3) The terms "renegotiate" and "renegotiation" have the same meaning as in section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942.

(4) The term "this contract" means this contract as modified from time to time.

§ 81.343 *Rate of wages clause.* All contracts subject to the Davis-Bacon Act will contain the following clause without deviation:

Rate of wages. (In accordance with the act of August 30, 1935, 49 Stat. 1011, as amended by the act of June 15, 1940, 54 Stat. 399 (U. S. Code, 1934 ed., title 40, secs. 276a and 276a–1), this article shall apply if the contract is in excess of $2,000 in amount and is for the construction, alteration, and/or repair, including painting and decorating, of a public building or public work within the geographical limits of the States of the Union, the Territory of Alaska, the Territory of Hawaii, or the District of Columbia.)

(a) The contractor or his subcontractor shall pay all mechanics and laborers employed directly upon the site of the work, unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account, the full amounts accrued at time of payment, computed at wage rates not less than those stated in the specifications, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics; and the scale of wages to be paid shall be posted by the contractor in a prominent and easily accessible place at the site of the work. The contracting officer shall have the right to withhold from the contractor so much of accrued payments as may be considered necessary by the contracting officer to pay to laborers and mechanics employed by the contractor or any subcontractor on the work the difference between the rates of wages required by the contract to be paid laborers and mechanics on the work and the rates of wages received by such laborers and mechanics and not refunded to the contractor, subcontractors, or their agents.

(b) In the event it is found by the contracting officer that any laborer or mechanic employed by the contractor or any subcontractor directly on the site of the work covered by the contract has been or is being paid a rate of wages less than the rate of wages required by the contract to be paid as aforesaid, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been a failure to pay said required wages and prosecute the work to completion by contract or otherwise, and the contractor and his sureties shall be liable to the Government for any excess costs occasioned the Government thereby.

(c) The regulations of the Secretary of Labor, referred to in article 19 hereof, allow certain "permissible deductions" from the wages required by this article to be paid.

§ 81.344 *Nonrebate of wages clause.* All contracts subject to the Copeland "Kick-back" Act will contain the following clause without deviation:

Nonrebate of wages. The contractor shall comply with the regulations of the Secretary of Labor pursuant to the Act of June 13, 1934, 48 Stat. 948 (U. S. Code, title 40, sec. 276b and 276c), and any amendments or modifications thereof, shall cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all subcontractors subject thereto, and shall be responsible for the submission of affidavits required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances, and exemptions from the requirements thereof.

§ 81.345 *Convict labor.* All contracts, except those to which the prohibition against use or employment of convict labor is clearly inapplicable, and except those containing the clause set forth in § 81.353, will contain the following clause without deviation:

Convict labor. The contractor shall not employ any person undergoing sentence of imprisonment at hard labor. This provision shall not be construed to prevent the contractor or any subcontractor hereunder from obtaining any of the supplies, or any component parts or ingredients thereof, to be furnished under this contract or any of the materials or supplies to be used in connection with the performance of this contract, directly or indirectly, from any Federal, State or territorial prison or prison industry: *Provided,* That such articles, materials or supplies are not produced pursuant to any contract or other arrangement under which prison labor is hired by or employed or used by any private person, firm or corporation.

Any contract related to the prosecution of the war which contains a convict labor provision in a different form from that herein prescribed will be amended by the contracting officer to substitute the form herein prescribed for such other form if the contractor so desires. For discussion of the above clause as well as of the convict labor provision of the Walsh-Healey clause, see §§ 81.901–81.903 (c).

§ 81.346 *Eight-hour law.* All contracts subject to the provisions of the Eight-Hour Law of 1912 will contain the following clause without deviation:

Eight-hour law. No laborer or mechanic doing any part of the work contemplated by this contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than 8 hours in any one calendar day upon such work at the site thereof, except upon the condition that compensation is paid to such laborer or mechanic in accordance with the provisions of this article. The wages of every laborer and mechanic employed by the contractor or any subcontractor engaged in the performance of this contract shall be computed on a basic day rate of 8 hours per day and work in excess of 8 hours per day is permitted only upon the condition that every such laborer and mechanic shall be compensated for all hours worked in excess of 8 hours per day at not less than one and one-half times the basic rate of pay. For each violation of the requirements of this article a penalty of $5 shall be imposed upon the contractor for each laborer or mechanic for every calendar day in which such employee is required or permitted to labor more than 8 hours upon said work without receiving compensation computed in accordance with this article, and all penalties thus imposed shall be withheld for the use and benefit of the Government: *Provided*, That this stipulation shall be subject in all respects to the exceptions and provisions of U. S. Code, title 40, sections 321, 324, 325, and 326, relating to hours of labor, as modified by the provisions of Section 303 of Public Act No. 781, 76th Congress, approved September 9, 1940, relating to compensation for overtime.

§ 81.347 *Advance payments with interest.* The following clause will be included in fixed-price contracts without deviation when it is contemplated that advance payments with interest will be made thereon:

Advance payments. (a) At any time, and from time to time, after the approval of this contract, at the request of the Contractor and subject to the approval of the----------
(Chief of
---------- or his duly authorized repre-
supply service)
sentative, or of the person to whom authority has been delegated to make advance payments, as to the present need therefor, the Government shall advance to the Contractor sums not to exceed ---------- or ----------
(Insert amount of advance payment)
per centum (----%) of the contract price, as it may be amended, whichever shall be the smaller. On the unliquidated balance of the advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half per cent per annum to be computed in accordance with the provisions of paragraph (f).

(b) As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such adequate security as the Under Secretary of War or the person to whom authority has been delegated to make advance payments shall prescribe: *Provided*, That, if other security is not prescribed, the terms of this contract shall be considered adequate security for such advance payments: *Provided further*, That, if at any time the Under Secretary of War deems the security furnished by the Contractor inadequate, the Contractor shall furnish such additional security as shall be satisfactory to the Under Secretary of War.

(c) Until all advance payments hereunder are liquidated, all funds received as advance payments under this contract together with
---------------------- per cent (----%)
(Insert per cent to be deposited which
shall be not less than 75%)
of all other cash payments under this contract, shall be deposited in a special bank account or accounts at a member bank or banks of the Federal Reserve System, or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684), as amended (12 U.S.C. 264), separate from the Contractor's general or other funds. Such special bank account or accounts shall be so designated as to indicate clearly to the bank their special character and purpose, and the balance in such account or accounts shall be used by the Contractor exclusively as a revolving fund for carrying out the purposes of this contract (including reimbursement to the Contractor for any reasonable amounts expended by him for such purposes), and any amendments thereto, and not for the other business of the Contractor: *Provided*, That for the purpose of determining proper disposition of funds hereunder such of the Contractor's costs as may not be directly allocable to this contract, as it may be amended, may be charged against funds deposited in the special account in that proportion which the amount of work being done under this contract, as it may be amended, approximately bears to the total amount of work being performed by the Contractor, out of which such costs also arise, but within the period to which such costs relate. When required by the
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(Chief of supply service)
ized representative, or any other person to whom authority to make advance payments has been delegated, withdrawals from such special account or accounts shall be made subject to the prior written approval of the Contracting Officer or his duly authorized representative. Any balances from time to time in such special account or accounts shall secure the repayment of the advances in connection with which the special account or accounts are opened, and the Government shall have a lien upon such balances to secure the repayment of such advances which lien shall be superior to any lien of the bank or any other person upon such account or accounts by virtue of assignment to it of such contract or otherwise: *Provided*, That the bank shall be under no liability to any party hereto for the withdrawal of any funds from said special account upon checks, properly endorsed and signed by the Contractor, except that after the receipt by the bank of written directions from the
---------------------- or his duly author-
(Chief of supply service)
ized representative, the bank shall act thereon and be under no liability to any party hereto for any action taken in accordance with the said written directions. Any instructions or written directions received by the bank through the Contracting Officer upon War Department stationery and purporting to be signed by, or by the direction of, the
---------------------- or his duly author-
(Chief of supply service)
ized representative shall, insofar as the rights, duties, and liabilities of the bank are concerned, be conclusively deemed to have been properly issued and filed with the bank by the
---------------------- or his duly author-
(Chief of supply service)
ized representative.

(d) If, upon the completion of the contract, or upon its termination for other than the fault of the Contractor, the advance payments made to the Contractor have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor, and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder. In the event of cancellation or termination of this contract because of the fault of the Contractor, the Contractor agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of the ---------------------- or
(Chief of supply service)
his duly authorized representative, the unobligated balance of the advance payments made by the Government under paragraph (a) hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the ---------------------- or
(Chief of supply service)
his duly authorized representative the amount of such excess shall, upon demand made by the ---------------------- or his
(Chief of supply service)
duly authorized representative be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this subparagraph is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) rather than two and one-half percent (2½%) per annum from the date of the receipt of the demand until payment is made: *Provided, however*, That such additional interest over and above the regular two and one-half percent is hereby waived as to any sum paid by the Contractor within 15 days after the amount becomes due hereunder.

(e) Except as otherwise provided herein, liquidation of the principal of any advance payment or advance payments made to the contractor hereunder shall be made by means of direct repayment by the contractor from his own free funds or from the special account or by deductions of ------------
(per cent of advance authorized)
per cent from any and all payments made by the Government under this contract: *Provided*, That if at any time, as a result of amendments to the contract or otherwise, the unliquidated balance of the principal of advance payments made exceed ------------
(Per cent of advance authorized)
per cent of the contract price of units still to be delivered under the contract, the amount of such excess shall upon demand of the ---------------------- or his duly au-
(Chief of supply service)
thorized representative be promptly returned to the Government by withdrawal from the special account or otherwise, or if not so returned, shall be deducted from any and all payments to be made by the Government under the contract: *Provided further*, That, if and when the contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the contractor and shall thereupon be relieved of any further obligation to the Government on account thereof.

(f) On the unliquidated balance of the advance payments outstanding, the contractor agrees to pay interest at the rate of two and one-half per cent per annum. Such interest shall be computed at the end of each calendar month on the average daily balance of the principal of the unliquidated advance payments outstanding. In determining such balance, charges on account of the advance payments to the contractor hereunder shall be made as of the dates of the checks therefor; credit arising from deductions from payments to the contractor under this contract shall be made as of the dates the checks for such payments are drawn; and credits arising from cash repayments to the Government by the contractor shall be made as of the dates the checks therefor are received by the disbursing officer. As soon as such monthly computations shall have been made, the interest so determined shall be deducted from the payments otherwise due the contractor under this contract: *Provided, however*, That in no event shall deductions on account of interest exceed five per cent (5%) of the gross payment due the contractor prior to any deduction under this paragraph or paragraph (e) or any other provisions of this contract. In the event the accrued interest exceeds such five per cent, the excess of such interest shall be carried forward and deducted from subsequent payments. The interest shall not be compounded, and shall, subject to the provisions of paragraph (d) hereof, cease to accrue upon the termination of the contract for other than the fault of the contractor, or upon the date found by the Contracting Officer to be the date upon which the contractor completed his performance under the contract.

(g) The contractor shall, at all times, afford to the Contracting Officer or his duly authorized representative, proper facilities for the inspection and audit of the contractor's accounts, and the contractor hereby agrees that the Contracting Officer, or his duly authorized representative, shall have the right, so far as the contractor's rights are concerned, during business hours, to inspect and make copies of any entries in the books and records of the bank relating to the said special account.

(h) Subject to the approval of the contracting Officer or his duly authorized representative the contractor may make payments to subcontractors and materialmen in advance out of the special account, for labor or services, or to pay for material in advance of delivery at the site of the work or at an approved storage site. Such subadvances shall not exceed ---------- percent of the subcontract price and the subcontractor or materialmen to whom such advances are made shall furnish adequate security therefor. Unless other security is furnished, covenants in subcontracts, expressly made for the benefit of the Government, providing for a subspecial account with Government lien thereon and for a Government lien on property, tangible or intangible, purchased from the special account, and imposing upon the subcontractor substantially the same duties and giving the Government substantially the same rights as are provided herein between the Government and the contractor, have been prescribed by the Under Secretary of War as minimum adequate security for such subadvances.

(i) If no surety bond is furnished as part of the security under subparagraph (b) hereof, then, upon receipt of items or materials paid for from such special account or accounts, such items or materials shall be segregated and the Government shall have a lien on such items or materials until the advance payment or payments have been fully liquidated, or until the item or items and/or materials concerned have become the property of the Government as the result of partial payments, or otherwise: *Provided*, That if segregation in any instance be impracticable and the items or materials concerned are consequently intermingled with other property of the Contractor, then and in that event the lien above provided for in favor of the Government shall extend to the intermingled mass to the amount represented by the value of the items or materials involved; and without limiting the generality of the foregoing, such lien shall continue as follows: (a) in case the contract covers construction, until such items or materials are incorporated into the building, and thereafter on the building in the construction of which the items or materials are incorporated; (b) in the case of items, or materials comprising facilities, on such facilities both before and after their installation in the plant; and (c) in the case of articles contracted for, until the items or materials so paid for are fabricated into such articles and thereafter on the articles until accepted by the Government [; and the Government shall hereby likewise have an effective assignment of a security interest in all intangible property purchased, or otherwise acquired, with funds from said special account].[1] If at any time during the progress of the work under this contract it becomes necessary to deliver any item or items and/or materials upon which the Government has a lien as aforesaid to a third person, the contractor shall notify such third person of the lien herein provided and shall obtain from such third person a receipt, in duplicate, acknowledging, interalia, the existence of such lien. A copy of each receipt shall be delivered by the contractor to the contracting officer.

(j) Any assignment of moneys due or to become due under this contract shall be subordinate to the rights or claims of the Government arising under this contract or any amendment thereto by virtue of any advance payments authorized herein or otherwise: *Provided*, That, if at any time any claim arising under this contract is assigned or purportedly assigned in any manner inconsistent with the said rights of the Government, the ---------------------- or his
(Chief of supply service)
duly authorized representative shall have the right to suspend further advance payments without notice.

§ 81.348 *Advance payments without interest.* The following clause will be included without deviation in fixed-price contracts when it is contemplated that advance payments without interest will be made thereon:

Advance payments. (a) At any time and from time to time, after the approval of this contract, at the request of the Contractor and subject to the approval of the ----------
(Chief of
---------- or his duly authorized repre-
supply service)
sentative, or of the person to whom authority has been delegated to make advance payments, as to the present need therefor, the Government shall advance to the Contractor, without payment of interest therefor by the Contractor, sums not to exceed----------
(Insert amount of advance payment)
or ---------- per centum (----%) of the contract price, as it may be amended, whichever shall be the smaller.

(b) As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such adequate security as the Under Secretary of War or the person to whom authority has been delegated to make advance payments shall prescribe: *Provided*, That, if other security is not prescribed, the terms of this contract shall be considered adequate security for such advance payments: *Provided further*, That if at any time the Under Secretary of War deems the security furnished by the Contractor inadequate, the Contractor shall furnish such additional security as shall be satisfactory to the Under Secretary of War.

(c) Until all advance payments hereunder are liquidated, all funds received as advance payments under this contract together with
---------------------- per cent (----%) of all
(Insert percent to be deposited which
shall be not less than 75%)
other cash payments under this contract, shall be deposited in a special bank account or accounts at a member bank or banks of the Federal Reserve System, or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684), as amended (12 U.S.C. 264), separate from the Contractor's general or other funds. Such special bank account or accounts shall be so designated as to indicate clearly to the bank their special character and purpose, and the balances in such account or accounts shall be used by the Contractor exclusively as a revolving fund for carrying out the purposes of this contract (including reimbursement to the Contractor for any reasonable amounts expended by him for such purposes), and any amendments thereto, and not for the other business of the Contractor: *Provided*, That for the purpose of determining proper disposition of funds hereunder such of the contractor's costs as may not be directly allocable to this contract, as it may be amended, may be charged against funds deposited in the special account in that proportion which the amount of work being done under this contract, as it may be amended, approximately bears to the total amount of work being performed by the Contractor, out of which such costs also arise, but within the period to which such costs relate. When required by the
---------------------- or his duly authorized
(Chief of supply service)
representative, or any other person to whom authority to make advance payments has been delegated, withdrawals from such special account or accounts shall be made subject to the prior written approval of the Contracting Officer or his duly authorized representative. Any balances from time to time in such special account or accounts shall secure the repayment of the advances in connection with which the special account or accounts are opened, and the Government shall have a lien upon such balances to secure the repayment of such advances which lien shall be superior to any lien of the bank or any other person upon such account or accounts by virtue of assignment to it of such contract or otherwise: *Provided*, That the bank shall be under no liability to any party hereto for the withdrawal of any funds from said special account upon checks, properly endorsed and signed by the Contractor, except that after the receipt by the bank of written directions from the ---------------------- or his
(Chief of supply service)
duly authorized representative, the bank shall act thereon and be under no liability to any party hereto for any action taken in accordance with the said written directions. Any instructions or written directions received by the bank through the Contracting Officer upon War Department stationery and purporting to be signed by, or by the direction of, the ---------------------- or his duly au-
(Chief of supply service)
thorized representative shall, in so far as the rights, duties, and liabilities of the bank are concerned, be conclusively deemed to have been properly issued and filed with the bank by the ---------------------- or his duly
(Chief of supply service)
authorized representative.

(d) If, upon the completion of the contract, or upon its termination for other than the fault of the Contractor, the advance payments made to the Contractor have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor, and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder. In the event of cancellation or termination of this contract because of the fault of the Contractor, the Contractor agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of the ---------------------- or
(Chief of supply service)
his duly authorized representative, the unobligated balance of the advance payments

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[1] The bracket provision may be inserted in the case of experimental contracts or other cases where deemed especially appropriate.

made by the Government under Paragraph (a) hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the ------------------------ or
(Chief of supply service)
his duly authorized representative the amount of such excess shall, upon demand made by the ------------------------ or his duly au-
(Chief of supply service)
thorized representative be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this subparagraph is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six per cent (6%) per annum from the date of the receipt of the demand until payment is made: *Provided, however,* That such payment of interest is hereby waived as to any sum paid by the Contractor within 15 days after the amount becomes due hereunder.

(e) Except as otherwise provided herein, liquidation of any advance payment or advance payments made to the Contractor hereunder shall be made by means of direct repayment by the Contractor from his own free funds or from the special account or by deductions of ------------------------
(Per cent of advance authorized)
per cent from any and all payments made by the Government under this contract: *Provided,* That if at any time, as a result of amendments to the contract or otherwise, the unliquidated balance of advance payments made exceeds -------------------- percent of
(Per cent of advance authorized)
the contract price of unit still to be delivered under the contract, the amount of such excess shall upon demand of the ------------------------ or his duly author-
(Chief of supply service)
ized representative be promptly returned to the Government by withdrawal from the special account or otherwise, or if not so returned, shall be deducted from any and all payments to be made by the Government under the contract: *Provided, further,* That, if and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligation to the Government on account thereof.

(f) The Contractor shall, at all times, afford to the Contracting Officer or his duly authorized representative, proper facilities for the inspection and audit of the Contractor's accounts, and the Contractor hereby agrees that the Contracting Officer, or his duly authorized representative shall have the right, so far as the Contractor's rights are concerned, during business hours, to inspect and make copies of any entries in the books and records of the bank relating to the said special account.

(g) Subject to the approval of the Contracting officer or his duly authorized representative the Contractor may make payments to subcontractors and materialmen in advance out of the special account, for labor or services, or to pay for material in advance of delivery at the site of the work or at an approved storage site. Such subadvances shall not exceed ---------- percent of the subcontract price and the subcontractor or materialmen to whom such advances are made shall furnish adequate security therefor. Unless other security is furnished, covenants in subcontracts, expressly made for the benefit of the Government, providing for a subspecial account with Government lien thereon and for a Government lien on property, tangible or intangible, purchased from the special account, and imposing upon the subcontractor substantially the same duties and giving the Government substantially the same rights as are provided herein between the Government and the Contractor, have been prescribed by the Under Secretary of War as minimum adequate security for such subadvances.

(h) If no surety bond is furnished as part of the security under subparagraph (b) hereof, then, upon receipt of items or materials paid for from such special account or accounts, such items, or materials shall be segregated and the Government shall have a lien on such items or materials until the advance payment or payments have been fully liquidated, or until the item or items and/or materials concerned have become the property of the Government as the result of partial payments, or otherwise: *Provided,* That if segregation in any instance be impracticable and the items or materials concerned are consequently intermingled with other property of the Contractor, then and in that event the lien above provided for in favor of the Government shall extend to the intermingled mass to the amount represented by the value of the items or materials involved; and without limiting the generality of the foregoing, such lien shall continue as follows: (a) in case the contract covers construction, until such items or materials are incorporated into the building, and thereafter on the building in the construction of which the items or materials are incorporated; (b) in the case of items or materials comprising facilities, on such facilities both before and after their installation in the plant; and (c) in the case of articles contracted for, until the items or materials so paid for are fabricated into such articles, and thereafter on the articles until accepted by the Government [; and the Government shall hereby likewise have an effective assignment of a security interest in all intangible property purchased, or otherwise acquired, with funds from said special account].* If at any time during the progress of the work under this contract it becomes necessary to deliver any item or items and/or materials upon which the Government has a lien as aforesaid to a third person, the Contractor shall notify such third person of the lien herein provided and shall obtain from such third person a receipt, in duplicate, acknowledging, inter alia, the existence of such lien. A copy of each receipt shall be delivered by the Contractor to the Contracting Officer.

(i) Any assignment of moneys due or to become due under this contract shall be subordinate to the rights or claims of the Government arising under this contract or any amendment thereto by virtue of any advance payments authorized herein or otherwise: *Provided,* That, if at any time any claim arising under this contract is assigned or purportedly assigned in any manner inconsistent with the said rights of the Government, the ------------------------ or his duly author-
(Chief of supply service)
ized representative shall have the right to suspend further advance payments without notice.

§ 81.349 *Advance payments, machine tools.* The following clause will be included without deviation in fixed-price contracts for critical machine tools when it is contemplated that advance payments will be made thereon:

Advance payments. Upon the approval of this contract, at the request of the Contractor, the Government shall advance to the Contractor, without payment of interest therefor by the Contractor, sums not to exceed ---------- or ---------- per centum (----%)
(Insert amount of advance payment)
of the contract price, as it may be amended, whichever shall be the smaller.

(b) If at any time the Contracting Officer deems that the national interest requires that security be furnished by the Contractor in addition to the provisions of this article, the Contractor shall furnish such security as shall be satisfactory to the Contracting Officer.

(c) If, upon the completion of the contract, or upon its termination for other than the fault of the Contractor, the advance payments made to the Contractor have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor, and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder. In the event of cancellation or termination of this contract because of the fault of the Contractor or in case of breach of the provisions of this article by the Contractor, the Contractor agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment. If the demand made in either event set forth in this subparagraph is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six per cent (6%) per annum from the date of the receipt of the demand until payment is made: *Provided, however,* That such payment of interest is hereby waived as to any sum paid by the Contractor within 15 days after the amount becomes due hereunder.

(d) Except as otherwise provided herein, liquidation of any advance payment or advance payments made to the Contractor hereunder, unless directly repaid by the Contractor, shall be made by deductions of -------------------- per cent from any and
(Per cent of Advance Authorized)
all payments made by the Government under this contract: *Provided,* That if at any time, as a result of amendments to the contract or otherwise, the unliquidated balance of advance payments made exceeds ----------
(Per cent of Ad-
---------- per cent of the contract price of
vance Authorized)
units still to be delivered under the contract, the amount of such excess shall upon demand of the Contracting Officer or his duly authorized representative be promptly returned to the Government, or if not so returned, shall be deducted from any and all payments to be made by the Government under the contract.

(e) The Contractor shall, at all times, afford to the Contracting Officer or his duly authorized representative, proper facilities for the inspection and audit of the Contractor's accounts.

(f) Except with the approval of the Contracting Officer or his duly authorized representative, subadvances shall not exceed thirty per cent of the subcontract price.

(g) Any assignment of moneys due or to become due under this contract shall be subordinate to the rights or claims of the Government arising under this contract or any amendment thereto by virtue of any advance payments authorized herein or otherwise: *Provided,* That, if at any time any claim arising under this contract is assigned or purportedly assigned in any manner inconsistent with the said rights of the Government, the Contracting Officer or his duly authorized representative shall have the right to suspend further advance payments without notice.

§ 81.350 *Termination clause.* The following clause will be incorporated in all

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* The bracket provision may be inserted in the case of experimental contracts or other cases where deemed especially appropriate.

cost-plus-a-fixed-fee construction contracts without deviation:

Termination for convenience of the Government. 1. The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Contractor. Such termination shall be effective in the manner and upon the date specified in said notice and shall be without prejudice to any claims which the Government may have against the Contractor. Upon receipt of such notice, the Contractor shall, unless the notice directs otherwise, immediately discontinue all work and the placing of all orders for materials, facilities, and supplies in connection with performance of this contract and shall proceed to cancel promptly all existing orders and terminate all subcontracts insofar as such orders and/or subcontracts are chargeable to this contract.

2. If this contract is terminated for the fault of the Contractor, the Contracting Officer may enter upon the premises and take possession, for the purpose of completing the work contemplated by this contract, of any or all materials, tools, machinery, equipment, and appliances which may be owned by or in the possession of the Contractor and all options, privileges, and rights, and may complete or employ any other person or persons to complete said work. Following such termination, rental shall be paid to the Contractor for such construction plant or parts thereof as he may own, and which the Government may retain at rates prescribed in Article ----.

3. Upon the termination of this contract, full and complete settlement of all claims of the Contractor arising out of this contract shall be made as follows:

a. The Government shall assume and become liable for all obligations, commitments, and claims that the Contractor may have theretofore in good faith undertaken or incurred in connection with said work, the cost of which would be reimbursable in accordance with the provisions of this contract; and the Contractor shall, as a condition of receiving the payments mentioned in this article, execute and deliver all such papers and take all such steps as the Contracting Officer may require for the purpose of fully vesting in the Government, the rights and benefits of the Contractor under such obligations or commitments.

b. The Government shall reimburse the Contractor for all expenditures made in accordance with Article ---- and not previously reimbursed.

c. The Government shall reimburse the Contractor for such further expenditures after the date of termination for the protection of Government property and for accounting services in connection with the settlement of this contract as are required or approved by the Contracting Officer.

d. The Government shall pay to the Contractor any unpaid balance for the rental of the Contractor's equipment in accordance with Article ---- to date of termination.

e. If the contract is terminated for the convenience of the Government, the Contractor will be paid that proportion of the prescribed fee which the work actually completed bears to the entire work under this contract, less fee payments previously made. If the contract is terminated due to fault of the Contractor, no additional payments on account of the fee will be made.

f. The obligation of the Government to make any of the payments required by this Article, or by Article------of this contract, shall be subject to any unsettled claims in connection with this contract which the Government may have against the Contractor.

4. Prior to final settlement the Contractor shall furnish a release as required in Article ---- hereof.

§ 81.351 *Price adjustments clause.* In those cases where the use of the standard escalator clause is required, a clause substantially similar to the following will be used. In no case will any deviations from this clause provide for price adjustment on the basis of changes in the actual cost of labor and materials to the contractor, or in the contractor's plant.

Price Adjustments. The total contract price stated in Article----is subject to adjustment for increases or decreases in direct labor and direct material costs in accordance with the following method:

(a) *Labor.* (1) Upon the basis of labor costs prevailing in -------- 194--, (hereinafter called the base month) the direct labor cost is estimated to be $-------. It is also estimated that the indirect labor cost attributable to this contract is ----% of such estimated direct labor cost. Direct labor, as used herein, refers only to the labor of employees of the Contractor performed directly on, and properly chargeable to, the supplies manufactured hereunder, excluding, but without limitation, all executive, managerial, supervisory, technical, professional, office, clerical and sales employees, but including working foremen, gangbosses and strawbosses. The Contractor represents that the above estimated cost is based upon a schedule, approved by the Contracting Officer, of the kinds or classes of jobs or occupations to be charged as direct labor under this contract, and that the estimate includes only such jobs or occupations. In computing the actual direct labor cost for the purposes of paragraphs (a) (2) and (a) (3) hereof, the cost of kinds or classes of jobs or occupations not listed in this Schedule, a copy of which is attached hereto, shall not be included.

(2) After deliveries under this contract have been completed, the estimated direct labor cost set forth above shall be apportioned into direct labor cost quotas for the consecutive three-month periods (hereinafter called "quota periods") beginning on the first day of --------, 194--[5] and on the first day of each third month thereafter. This apportionment shall be made by dividing the actual direct labor cost properly charged to this contract during each quota period by the total actual direct labor cost under the contract, and by multiplying the percentage thus obtained for each quota period by the total estimated direct labor cost. The result shall be the direct labor cost quota for that period.

(3) Upon the basis of the average hourly earnings in the durable goods manufacturing industries compiled by the United States Department of Labor, Bureau of Labor Statistics, the Government will determine the average hourly earnings for each quota period by adding the average hourly earnings for each month of such quota period and dividing their sum by three, and calculations will be made of the percentage of change of such average hourly earnings for each quota period in comparison with the average hourly earnings for the base month. The labor cost quota for each quota period will then be multiplied by the percentage of change for such quota period, and the result will be applied as an increase or decrease in the contract price: *Provided,* That the total of such increases in the contract price shall not exceed the amount by which the total actual direct labor cost exceeds the total estimated direct labor cost, and that the total of such decreases in the contract price shall not exceed the amount by which the total actual direct labor cost is less than the total estimated direct labor cost.

(4) The total increase or decreases to be paid or deducted under Paragraph (a) (3) shall be multiplied by ----%[1] and the result shall be applied as a further increase or decrease in the contract price, as an adjustment for the indirect labor cost under this contract.

(b) *Materials.* (1) Upon the basis of materials costs prevailing in the base month, the cost of direct materials which the Contractor will purchase for the performance of this contract, excluding materials to be used which the Contractor has on hand or for which firm price commitments have been obtained by him, (hereinafter called "direct materials to be purchased hereunder") is estimated to be $------ (hereinafter called "estimated adjustable materials cost"). It is also estimated that the indirect materials cost attributable to this contract is ----% of such estimated direct materials cost. Direct materials as used herein refers only to those materials which go into and become a component part of the Contractor's finished product and which, under the cost accounting system regularly employed in the Contractor's plant, are accounted for by direct charges to the particular contract. The Contractor represents that the above estimate is based upon a schedule, approved by the Contracting Officer, of the kinds and classes of "direct materials to be purchased hereunder." In computing the actual cost of "direct materials to be purchased hereunder" for the purposes of paragraphs (b) (2) and (b) (3) hereof, the cost of kinds or classes of materials not listed in this schedule, a copy of which is attached hereto, shall not be included.

(2) After deliveries under this contract have been completed, the "estimated adjustable materials cost" shall be apportioned into materials cost quotas for the quota periods as defined in paragraph (a) (2) above. This apportionment shall be made by dividing the total actual cost of "direct materials to be purchases hereunder" into the portion of such cost properly charged to the contract during each quota period, and by multiplying the percentage thus obtained for each quota period, by the total "estimated adjustable materials cost." The result shall be the materials cost quota for that period. Direct materials shall be charged to the contract for the quota period during which the price therefor is determined as between the Contractor and the materials supplier: *Provided,* That where commitments are obtained by the Contractor for future deliveries at a firm price in excess of the market price prevailing at the time such commitments were obtained, such materials shall be charged to the contract for the quota period during which delivery is to be received by the Contractor: *And, provided, further,* That with respect to materials which are not identifiable with the purchase commitments under which they are acquired, determinations as to (1) whether the materials employed in the performance of this contract were on hand at the time the contract was executed, and (2) the quota period to which the materials are to be charged and the amount of such charge shall, with the approval of the Contracting Officer, be made on the basis of the accounting sys-

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[5] The month during which the contract is executed or performance is commenced, whichever is earlier.

[1] The percentage of indirect labor cost stated in paragraph (a) (1).

tem regularly employed in the Contractor's plant.

(3) The Government will average for each quota period the index numbers of wholesale prices for ----------[2] compiled by the United States Department of Labor, Bureau of Labor Statistics, for the three months included within such quota period, and calculations will be made of the percentage of change of such average index numbers for each quota period in comparison with the index numbers for the base month. The materials cost quota for each quota period shall then be multiplied by the percentage of change for such quota period, and the result will be applied as an increase or decrease in the contract price: *Provided,* That the total of such increases in the contract price shall not exceed the amount by which the actual cost of "direct materials to be purchased hereunder" exceeds the total "estimated adjustable materials cost," and that the total of such decreases in the contract price shall not exceed the amount by which said total actual cost of "direct materials to be purchased hereunder" is less than the total "estimated adjustable materials cost."

(4) The total increase or decrease to be paid or deducted under paragraph (b) (3) shall be multiplied by ---- %[3] and the result shall be applied as a further increase or decrease in the contract price, as an adjustment for the indirect materials cost under this contract.

(c) *General.* (1) For the purpose of determining increases or decreases in contract prices, rates of change in average hourly earnings and rates of change in the materials index number will be calculated to the nearest one-tenth of one per cent, and there shall be used the latest figures which shall have been issued by the Bureau of Labor Statistics up to the close of the fourth month following the last quota period under this contract.

(2) Payments for increase or deduction for decreases in the contract price, resulting from the operation of this article, will be made after the completion of the calculations of price adjustments in accordance herewith: *Provided,* That the Government may, from time to time during the life of the contract, make partial payments on account of such increases, subject to such requirements as a condition precedent to such payments as the Contracting Officer may provide: *Provided, further,* That in the event such partial payments shall exceed the amount due to the Contractor by the operation of this article, the Government shall deduct the amount of such excess from any further payments due under this contract.

(3) Should the Contractor, during the performance of this contract, on account of subcontracting, or otherwise, depart from the production method upon which the estimates and schedules of direct labor and direct materials costs were based to such an extent that the use of such estimates or schedules will operate to produce an unfair adjustment of the contract price, a corresponding correction in such estimates or schedules may be made by mutual agreement between the Contractor and the Contracting Officer. In the event of disagreement with respect to the need for or extent of such correction, the procedure of Article ---- (Disputes) shall apply.

(4) If this contract is terminated pursuant to any provision thereof the contract price shall be adjusted as provided above, except that for the purposes of paragraphs (a) (2), (a) (3), (b) (2), and (b) (3), the terms "estimated direct labor cost" and "estimated adjustable materials cost" shall be understood to refer to that part of such costs which corresponds to that proportion of the supplies contracted for which is completed and delivered by the Contractor, and the terms "actual direct labor cost" and "actual cost of direct materials to be purchased hereunder", shall refer only to that part of such costs which is properly chargeable to the supplies completed and delivered.

(5) The Contractor shall file with the Contracting Officer, not later than sixty days after the completion of the performance of the work under this contract or after its termination, a statement of the actual direct labor costs and the actual costs of "direct materials to be purchased hereunder," certified as correct by an independent public accountant approved by the Contracting Officer, showing the amounts of such costs properly chargeable during each quota period and, in case of termination, the amounts properly chargeable to the supplies completed and delivered. In determining the total actual direct labor cost and the total actual "direct materials to be purchased hereunder," and in determining the amounts thereof to be charged in each quota period, the Contractor may, subject to the approval of the Contracting Officer and to the limitations of paragraph (b) (2), employ the accounting system regularly employed in the Contractor's plant. Such statement shall be deemed prima facie correct. The Government reserves the right to audit the books and records of the Contractor, to determine the accuracy of such determinations and certification, and to obtain any information in connection with the operation of this Article. All information obtained from the Contractor's records shall be treated as confidential. The Contractor shall preserve all the books, papers, and other accounting records pertaining thereto: *Provided,* That if the Contractor at any time after the lapse of three years following the completion or cessation of work under the contract, desires to dispose of said books, papers, and accounting records, he shall so notify the Secretary of War, or his duly authorized representative, who shall either authorize their destruction or notify the Contractor to turn them over to the Government for disposition.

(6) If after the date on which the prices herein were quoted, the Congress or any state legislature, shall impose, remove, increase or decrease any payroll tax required to be borne by the Contractor and directly applicable to or measured by the payrolls of the Contractor hereunder, then the rate of such newly imposed tax, or the net increase or net decrease in the rate of a previously imposed tax, shall be multiplied by that portion of the actual direct labor cost which is subject to such increases or decreases in the tax or taxes, and the result shall be paid the Contractor under this paragraph.

(7) The operation of this Article shall be subject to applicable maximum price regulations issued by the Office of Price Administration or other lawful authority and the adjusted contract price will be subject to renegotiation in accordance with Article-----.

§ 81.352 *Delays-damages clause.* Every lump-sum supply contract will contain a clause substantially as follows:

Delays-damages. (a) If the Contractor refuses or fails to make deliveries of the supplies within the time specified in Article 1, or any extension thereof, the Government subject to the provisions of paragraph (b) below, may, by a notice in writing from the Contracting Officer to the Contractor of its intention to terminate under this Article, terminate the right of the Contractor to proceed with delivery of the supplies or such parts thereof as to which there has been delay. In such event, the Government may (1) require the Contractor to deliver to the Government such completed supplies, partially completed supplies and materials, parts, plans, drawings, information, and contract rights of the Contractor, (hereinafter called manufacturing material), as the Contractor has produced or acquired for the performance of such portion of this contract as to which the right to proceed with delivery is terminated, and accomplish or secure the completion or manufacture of supplies therewith; and, in addition thereto or in lieu thereof (2) purchase in the open market or secure by contract or otherwise, the manufacture and delivery of supplies similar to those called for by this contract in an amount which together with the supplies, if any, completed under (1) above shall not exceed the amount of supplies the right to proceed with delivery of which is terminated. If delivery is made pursuant to clause (1) of the preceding sentence the Government shall pay to the Contractor, less any previous payments, the following: (a) For each unit of the completed supplies accepted by the Government the unit contract price, (b) for all partially completed supplies and manufacturing material delivered, the unit contract price for each unit of supplies completed or manufactured therewith, less the cost to the Government of completion or manufacture, but if that cost exceeds the unit contract price the Contractor and his sureties shall be liable for such excess. If the cost to the Government of supplies procured in accordance with clause (2) above exceeds the corresponding unit price or prices under this contract, the Contractor and his sureties shall be liable for such excess.

(b) The Government shall not have a right of termination under this Article if (i) the delay of the Contractor in making deliveries is an excusable delay, as hereinafter defined, and (ii) the Contractor notifies the Contracting Officer in writing of such delay and the cause thereof, within two days from the beginning thereof or within such further period as the Contracting Officer shall, with the approval of the Secretary of War or his duly authorized representative, prior to the date of final settlement of the contract, grant for the giving of such notice. Upon receipt of such notification from the Contractor, the Contracting Officer shall ascertain the cause of the delay, and his findings of fact thereon shall be final and conclusive on the parties hereto, subject to appeal within thirty days by the Contractor to the Secretary of War or his duly authorized representative, whose decision on such appeal as to the cause of delay shall be final and conclusive on the parties hereto. The term "excusable delay" as used in this paragraph means any delay in making deliveries which results without fault or negligence on the part of the Contractor and which is due to unforeseeable causes beyond his control including, without being limited to, acts of God or of the public enemy, any preference, priority or allocation order issued by the Government or any other act of the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe winter; and unless the Contracting Officer shall determine that the materials or supplies to be furnished under a subcontract are procurable in the open market, any delay of a subcontractor which results without fault or negligence on the part of the Contractor, and which is due to unforeseeable causes beyond the control of the Contractor, including without being limited to the type of causes above enumerated.

§ 81.353 *Walsh-Healey Act; representations and stipulations.* All supply contracts subject to the Walsh-Healey Act (Act of June 30, 1936; 49 Stat. 2036; 41 U. S. C. 35-45) (See paragraph 916, et seq. below) will contain the following clause without deviation:

Representations and stipulations pursuant to the Walsh-Healey Act. (a) The contractor is the manufacturer of or a regular dealer in the materials, supplies, articles, or equipment to be manufactured or used in the performance of the contract.

(b) All persons employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract will be paid, without subsequent deduction or rebate on any account, not less than the minimum wages as determined by the Secretary of Labor to be the prevailing minimum wages for persons employed on similar work or in the particular or similar industries or groups of industries currently operating in the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under the contract: *Provided, however,* That this stipulation with respect to minimum wages shall apply only to purchases or contracts relating to such industries as have been the subject matter of a determination by the Secretary of Labor.

(c) No person employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract shall be permitted to work in excess of 8 hours in any 1 day or in excess of 40 hours in any 1 week unless such person is paid such applicable overtime rate as has been set by the Secretary of Labor: *Provided, however,* That the provisions of this stipulation shall not apply to any employer who shall have entered into an agreement with his employees pursuant to the provisions of paragraph 1 or 2 of subsection (b) of section 7 of an act entitled "The Fair Labor Standards Act of 1938: *Provided further,* That in the case of such an employer, during the life of the agreement referred to, the applicable overtime rate set by the Secretary of Labor shall be paid for hours in excess of 12 in any 1 day or in excess of 56 in any 1 week and if such overtime is not paid, the employer shall be required to compensate his employees during that week at the applicable overtime rate set by the Secretary of Labor for hours in excess of 8 in any 1 day or in excess of 40 in any 1 week.

(d) No male person under 16 years of age and no female person under 18 years of age and no convict labor will be employed by the contractor in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in the contract.

(e) No part of the contract will be performed nor will any of the materials, supplies, articles, or equipment to be manufactured or furnished under said contract be manufactured or fabricated in any plants, factories, buildings, or surroundings or under working conditions which are unsanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of the contract. Compliance with the safety, sanitary, and factory inspection laws of the State in which the work or part thereof is to be performed shall be prima facie evidence of compliance with this subsection.

(f) Any breach or violation of any of the foregoing representations and stipulations shall render the party responsible therefor liable to the United States of America for linquidated damages, in addition to damages for any other breach of the contract, in the sum of $10 per day for each male person under 16 years of age or each female person under 18 years of age, or each convict laborer knowingly employed in the performance of the contract, and a sum equal to the amount of any deductions, rebates, refunds or under payment of wages due to any employee engaged in the performance of the contract; and, in addition, the agency of the United States entering into the contract shall have the right to cancel same and to make open market purchases or enter into other contracts for the completion of the original contract, charging any additional cost to the original contractor. Any sums of money due to the United States of America by reason of any violation of any of the representations and stipulations of the contract as set forth herein may be withheld from any amounts due on the contract or may be recovered in a suit brought in the name of the United States of America by the Attorney General thereof. All sums withheld or recovered as deductions, rebates, refunds, or underpayments of wages shall be held in a special deposit account and shall be paid, on order of the Secretary of Labor, directly to the employees who have been paid less than minimum rates of pay as set forth in such contracts and on whose account such sums were withheld or recovered: *Provided,* That no claims by employees for such payments shall be entertained unless made within 1 year from the date of actual notice to the contractor of the withholding or recovery of such sums by the United States of America.

(g) The contractor shall post a copy of the stipulations in a prominent and readily accessible place at the site of the contract work and shall keep such employment records as are required in the Regulations under the act available for inspection by authorized representatives of the Secretary of Labor.

(h) The foregoing stipulations shall be deemed inoperative if his contract is for a definite amount not in excess of $10,000.

For discussion of the provision contained in paragraph (c) of the above clause with respect to convict labor, see § 81.903 (b).

§ 81.354 *Notice to the Government of labor disputes.* All contracts, except those to which such clause is clearly inapplicable will contain the following clause without deviation:

Notice to the Government of labor disputes. Whenever an actual or potential labor dispute is delaying or threatens to delay the timely performance of this contract, the Contractor will immediately give notice thereof to the ----------------------.[1] Such notice shall include all relevant information with respect to such dispute.

§ 81.355 *Assignments of rights: unclassified contracts.* In accordance with the Assignment of Claims Act of 1940 every contract which provides for payments aggregating $1,000 or more, with the exception of secret, confidential and restricted contracts, will contain the following clause without deviation:

Assignment of rights hereunder. (a) Claims for monies due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company or other financing institution, including any Federal lending agency. Any such assignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment may be made to one party as agent or trustee for two or more parties participating in such financing.

(b) In the event of any such assignment the assignee shall file four signed copies of a written notice of the assignment, together with one copy of the instrument of assignment, with each of the following:

(i) General Accounting Office;

(ii) the Contracting Officer;

(iii) the surety or sureties upon the bond or bonds, if any, in connection with this contract;

(iv) the officer designated in this contract to make payments thereunder.

(c) Any claim under this contract which has been assigned pursuant to the foregoing provisions of this Article may be further assigned and reassigned to a bank, trust company or other financing institution, including any Federal lending agency. In the event of such further assignment or reassignment the assignee shall file one signed copy of a written notice of the further assignment or reassignment together with a true copy of the instrument of further assignment or reassignment with the contractor; and shall file four signed copies of such written notice and one copy of such instrument with each of the parties designated in the preceding paragraph.

(d) No assignee shall divulge any information concerning the contract except to those persons concerned with the transaction.

(e) Payment to an assignee of any claim under this contract shall not be subject to reduction or set-off for any indebtedness of the assignor to the United States arising independently of this contract.

(f) Indication of the assignment of claim and of any further assignment thereof and the name of the assignee will be made on all vouchers or invoices certified by the contractor.

§ 81.356 *Assignment of rights; secret, confidential and restricted contracts.* Unless the omission of such provision is authorized by the chief of the supply service concerned, secret, confidential and restricted contracts will contain the following clause without deviation:

Assignment of rights hereunder. No claim under this contract shall be assigned.

In the event that the omission of the foregoing provision is authorized as aforesaid, the contract will contain without deviation the clause set forth in § 81.355 and there shall be added thereto the following paragraphs without deviation:

(g) In no event shall copies of any plans, specifications, or other similar documents marked "Secret", "Confidential" or "Restricted" and annexed or attached to this contract be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same.

(h) The contractor agrees that he will obtain from the assignee an agreement signed by such assignee similar to that required by paragraph 50, AR 380-5. In such agreement the assignee shall also agree that, in case of further assignment, it will obtain a similar agreement from such assignee.

§ 81.357 *Tax article.* All lump sum (fixed-price) contracts which involve the expenditure of appropriated funds will include the following tax article: *Provided, however,* That such article may, in the discretion of the contracting officer, be omitted where the estimated time of performance does not exceed sixty days:

Unless otherwise indicated, the prices herein include any Federal, state and local tax or charge heretofore imposed which is applicable to the supplies or work covered hereby. If after the date of the award, the Federal Government or any state or local government shall impose, remove, or change any duty, sales use or excise tax or any other tax or charge directly applicable to the supplies or work covered hereby or the materials used in the manufacture thereof, or directly upon the importation, production, processing, manufacture, construction or sale of such supplies, work, or materials, which tax or charge must be borne by the contractor because of a specific contractual obligation or by operation of law, or, in case of a decrease or elimination of a tax, where the contractor is relieved to that extent, and if in case of an increase in an existing tax or the imposition of a new tax the contractor has paid such tax or charge to the Federal Government or a state or local government, or any other person, then the prices named herein will be increased or decreased accordingly and any amount due to the contractor as a result of such change will be charged to the Government and entered on vouchers (or invoices) as a separate item: *Provided, however*, That the Government reserves the right to issue to the contractor in lieu of such payment a tax exemption certificate or certificates acceptable to the Federal Government or State or local government, as the case may be, and the contractor agrees, in the case of any such state or local tax or charge, to take such steps as may be requested by the Government to cause such tax or charge to be paid under protest, to preserve and to cause to be assigned to the Government any and all rights to the refund of such tax or charge, and to furnish to the Government all reasonable assistance and cooperation requested by the Government in any litigation or proceeding for the recovery of such tax or charge; *and provided further*, That nothing contained herein shall be construed as requiring the Government to reimburse the contractor for any Federal, state or local income taxes, income surtaxes or excess profits taxes.

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[2] The index for the commodities group which includes the items making up the major portion of the "direct materials to be purchased hereunder."

[3] The percentage of indirect materials cost stated in paragraph (b) (1).

[1] Such officer as may be designated by the chief supply arm or service concerned.

§ 81.358 *Taxes affecting cost.* All contracts should contain appropriate provisions showing what taxes which are in any way attributable to the cost of performance of the contract are excluded from the contract price, and whether or not tax exemption certificates will be required.

BONDS AND INSURANCE

GENERAL

§ 81.401 *Rescission of regulations.* Army Regulations 5-140, May 22, 1940, as amended; Army Regulations 5-220, August 7, 1940, as amended; and all other prior directives and instructions relating to bonds and insurance are hereby rescinded.

Compliance with Procurement Regulation No. 4. Unless otherwise specifically provided, compliance with any provision of Procurement Regulation No. 4 or of any amendment thereto which requires a change in contract procedure or in any contract provision shall not be mandatory until thirty days after the issuance of such regulation or amendment.

§ 81.402 *Definitions*—(a) *Bid bond.* A bond accompanying a bid and providing that:

(1) The bid will not be withdrawn after the opening within the period specified in the bid for, if no shorter period is specified, within 60 days.

(2) A written contract with such bond or bonds as may be required will be executed within 10 days after the prescribed forms are presented for signature.

(b) *Performance bond.* A bond executed in connection with a contract and securing the performance and fulfillment of all the undertakings, covenants, terms, conditions and agreements of the contract.

(c) *Payment bond.* A bond executed in connection with a contract and securing the payment of all persons supplying labor and material in the prosecution of the work provided for in the contract.

(d) *Annual bid bond.* A single bond securing all bids submitted to the designated agency during the fiscal year in lieu of a separate bid bond with each bid.

(e) *Annual performance bond.* A single bond securing all contracts executed with the designated agency during the fiscal year in lieu of a separate performance bond with each contract.

(f) *Patent infringement bond.* A bond executed in connection with a contract which contains a patent provision and securing the performance of that provision.

(g) *Advance payment bond.* A bond executed in connection with a contractual provision for an advance payment and securing the fulfillment of said provision.

(h) *Contract for public work of the United States.* A contract for work, labor, or manufacture upon articles of property belonging to the United States, as well as a contract for supplies wherein it is provided that partial payment will be made for material and labor as the manufacture or construction of such supplies progresses, title to which vests in the United States upon the making of such partial payment, is a contract for "public work of the United States," although the contractor retains possession and remains responsible for the care of the property so paid for until finally accepted by the United States.

BONDS

§ 81.403 *Examination of bonds.* All surety bonds (bid bonds excepted) required by the several bureaus of the War Department will be forwarded to The Judge Advocate General for examination as to whether they are legally sufficient and are in proper form and duly executed; in the case of corporate sureties, to ascertain whether those who purported to execute them on behalf of such surety companies had authority to do so; in the case of individual sureties, to ascertain whether the affidavit of justification and the certificate of sufficiency of the sureties are in accordance with regulations; and in case of payment bonds required by the act of August 24, 1935 (49 Stat. 793), to ascertain whether the penal sum thereof is in the requisite amount.

§ 81.404 *Filing of bonds.* All bonds provided for in these regulations will be executed in duplicate. The original, except those bonds required to be approved or filed elsewhere than at the War Department, will be forwarded through The Judge Advocate General to the General Accounting Office for file, and the duplicate will be filed in the office to which it pertains or which authorized its acceptance. In the case of those bonds required to be approved or filed elsewhere than at the War Department, the duplicate (bid bonds excepted) will be forwarded to The Judge Advocate General for examination.

§ 81.405 *Options in lieu of surety or sureties on bonds*—(a) *United States bonds or notes*—(1) *Authority.* Any person required to furnish a bond executed by himself as principal has the option of depositing United States Liberty Bonds or other United States bonds or notes (except as provided in subparagraph (2) (iv) below) in a sum equal at their par value to the penal amount of the bond in lieu of furnishing sureties on his bond. (Sec. 1029, Act June 2, 1924 (43 Stat. 349), as amended by sec. 1126, Act February 26, 1926 (44 Stat. 122); and sec. 7 (Act February 4, 1935 (49 Stat. 22); 6 U.S.C. 15; M. L. 1939, sec. 540)

(2) *Procedure.* (i) The procedure for carrying out the afore-cited authority is contained in Treasury Department Circular No. 154, dated February 6, 1935.

(ii) The contracting officer is the "bond approving officer" who will turn over the securities deposited with him to the local disbursing officer for safekeeping, and the disbursing officer will receipt therefor in duplicate on Form B, Treasury Department Circular No. 154.

(iii) Instead of keeping securities turned over to him, the disbursing officer may deposit them with the Treasurer of the United States, a Federal Reserve bank, branch Federal Reserve bank having the requisite facilities, or other depository duly designated for that purpose by the Secretary of the Treasury, under procedure prescribed in Treasury Department Circular No. 154.

(iv) United States Savings Bonds may only be pledged in lieu of sureties when the bond approving officer is the Secretary of the Treasury, thus precluding the acceptance by War Department contracting officers of United States Savings Bonds in lieu of sureties. Treasury certificates of indebtedness are not acceptable.

(b) *Certified checks, money orders or currency*—(1) *Authority.* Any person required to furnish a bond executed by himself as principal has the option of depositing a certified check, a Post Office money order, or currency, in lieu of furnishing sureties on his bond, provided the penal sum of said bond is not in excess of $50,000.

(2) *Procedure.* (i) Certified checks or Post Office money orders will be drawn to the order of the Treasurer of the United States.

(ii) Certified checks, Post Office money orders and currency accepted by the contracting officer in lieu of a bond will be promptly turned over to the local disbursing officer and deposited by him in a special deposit account. A certificate as to this action will be executed by the disbursing officer and attached to each copy of the contract.

(iii) The amount of the security deposited will be refunded to the contractor upon the completion of the terms of the agreement for which the security is deposited.

§ 81.406 *Corporate sureties*—(a) *Formal requirements.* In order to be acceptable to the War Department a corporate surety, except as hereinafter provided, must have obtained from the Secretary of the Treasury authority to do business under the act of August 13, 1894 (28 Stat. 279), as amended by the act of March 23, 1910 (36 Stat. 241; 6 U. S. C. 8; M. L. 1939, sec. 534). A list of the corporations approved by the Secretary of the Treasury is published semiannually by the Treasury Department as Form No. 356 (section of Surety Bonds), copies of which may be procured from the chief of the supply service concerned, who will make requisition for his requirements to The Judge Advocate General semiannually on March 15 and September 15. These corporations are acceptable as sureties upon bonds required by the War Department within the limitation of such approval: *Provided, however*, That any corporation authorized under the laws of the Philippine Islands to act as surety on bonds may be accepted as surety on bonds executed in the Philippine Islands in an amount of penalty not exceeding 10 per cent of the paid-up capital and surplus of such corporation, although it has not qualified before the Treasury Department as hereinbefore provided.

(b) *Qualifications of agents.* Surety companies must furnish promptly to the War Department, for file in the office of the Judge Advocate General:

(1) Powers of attorney authorizing their agents to execute bonds;

(2) Powers of attorney, or certified copies of resolutions of their boards of directors or trustees, authorizing their officers to execute bonds; and

(3) Certificate showing the revocation of such authority to execute bonds.

(c) *One or more companies*—(1) *Supply contracts.* One or more companies may be accepted as surety upon any recognizance, stipulation, bond, or undertaking in connection with supply contracts under the War Department. On bonds covering supply contracts where the amount is greater than the underwriting limitation of a surety company, the latter may reinsure with a company on the acceptable list of surety companies having the required underwriting limitation.

(2) *Construction and public work contracts.* One or more companies may be accepted as surety upon any recognizance, stipulation, bond, or undertaking in connection with contracts for the construction of any building or the prosecution or completion of any public work or for the repair of any public building or public work under the War Department, but in all cases of more than one surety, the sureties must execute such obligation jointly and severally. In the event of two or more corporate sureties, where it is desired to limit the obligation and liability of each surety, the limit of liability of each surety shall be set forth in the bond as a definite and specified sum, such amount to be in all cases within the limitation of its qualified power. Reinsurance agreements will not be accepted on contracts for the construction, alteration, or repair of any public buildings or public work of the United States.

§ 81.407 *Individual sureties*—(a) *Number of.* If individual sureties are furnished, there shall be at least two responsible individuals.

(b) *Measure of liability.* The liability of each surety shall extend to the entire penal amount of the bond, except that when more than two sureties are furnished, the Secretary of War may authorize special provisions in respect of liability.

(c) *Justification.* (1) Individual sureties will each justify in a sum not less than the penal amount of the bond.

(2) In special cases two or more bonds may be accepted to cover one contract provided there are two different individual sureties on each bond.

(d) *Citizenship.* (1) Except as prescribed in subparagraph (2) below, individual sureties will be citizens of the United States.

(2) Sureties on bonds executed in foreign countries, the Canal Zone, the Philippine Islands, Puerto Rico, Hawaii, Alaska, or any possession of the United States, for the performance of contracts entered into in these places, need not be citizens of the United States, but sureties other than citizens of the United States must be domiciled in the place where the contract is to be performed.

(e) *Firm or corporation as principal obligor.* (1) A firm as such will not be accepted as a surety, nor a partner for co-partners or for a firm of which he is a member.

(2) When a corporation executes a bond as principal, any stockholder of the corporation is a competent surety on the bond, provided he is worth the amount for which he justified, over and above the value of his holdings in the corporation, and provided further that that fact is expressly stated in his affidavit of justification.

§ 81.408 *Bid bonds.* (a) The extent to which bid bonds will be required and the penalties of such bonds, will be determined by the chief of the supply service concerned except that in the case of advertised contracts bid bonds will be required in all cases where the invitations to bidders specify that the contracts are to be supported by performance and/or payment bonds.

(b) Standard Form No. 24 (Standard Government Form of Bid Bond (construction or supply)) is the approved bid bond form. In the preparation of the form, contracting officers are authorized, when deemed by them to be in the best interests of the Government, to insert in the blank space on page one, following the words "in the penal sum of" and before the word "dollars" the following clause:

> an amount equal to ------ percent of the accompanying bid of said principal, but in no event shall said penalty exceed the sum of ------

There should be inserted in the first blank space of the above clause the percentage deemed appropriate by the contracting officer, having regard to existing instructions of the chief of the supply service concerned, and in the second blank space the amount of the maximum penalty in dollars.

§ 81.409 *Annual bid bond*—(a) *When authorized.* (1) Bidders may file an annual bid bond to cover all bids submitted to any particular purchasing officer during the fiscal year.

(2) When authorized by the chief of the supply service concerned, a bidder may file an annual bid bond to cover all bids submitted to all purchasing officers of that supply service serving within the continental limits of the United States during the fiscal year.

(3) When authorized by the chief representative of the supply service concerned in an oversea department, a bidder may file an annual bid bond to cover all bids submitted to purchasing officers of that supply service within that department during the fiscal year.

(b) *Form used.* Standard Form No. 34 (Standard Government Form of Annual Bid Bond (supplies)) will be utilized and all instructions thereon will be complied with.

§ 81.410 *Performance bonds.* (a) The requirement of performance bonds to secure the performance of contracts is discretionary with the chief of the supply service concerned. However, the requirement of performance bonds will be the exception rather than the rule.

(b) Sureties on a bid bond are acceptable as sureties on a performance bond by the same person, provided they are able to justify as required.

(c) The use of the following performance bond forms is authorized:

(1) Standard Form No. 25 (Standard Government Form of Performance Bond (construction or supply)) when the bond is to be executed by individual sureties or one corporate surety.

(2) Standard Form No. 25-B (Standard Government Form of Performance Bond (construction or supply)) when the bond is to be executed by two or more corporate sureties and it is desired to limit the liability of several corporate sureties. For cases involving more than six sureties, continuation sheets to sheets 1 and 3 of the form are provided, bearing the form designations Standard Form No. 25-B1 and No. 25-B3.

When said standard forms of performance bonds are used there may be inserted therein the following additional clause:

> *Provided, however*, That the foregoing obligation of the surety shall not be applicable to the liability of the principal for the return of excessive profits under the provisions of the Sixth Supplemental National Defense Appropriation Act, 1942.

A clause similar to the above proviso may be inserted in consents of sureties to the renegotiation of existing contracts.

(d) The amount of the penalty will be fixed in accordance with instructions of the chief of the supply service concerned. The penalty of the bond should be fixed in the lowest amount which, in the exercise of sound judgment is deemed adequate for the protection of the United States.

§ 81.411 *Annual performance bond*—(a) *When authorized.* Contractors may file an annual performance bond:

(1) To cover all contracts entered into with any particular contracting officer during the fiscal year.

(2) When authorized by the chief of the supply service concerned to cover all contracts entered into with contracting officers of that supply service within the continental limits of the United States during the fiscal year.

(3) When authorized by the chief representative of the supply service concerned in an oversea department, to cover all contracts entered into with contracting officers of that suppl· service within that department during the fiscal year.

(b) *Form used.* Standard Form No. 35 (Standard Government Form of Annual Performance Bond (supplies)) will be utilized, and all instructions thereon will be complied with.

(c) *Record of obligations.* The officer having custody of the retained copy of such a bond will record all obligations against the bond and will require the contractor to post additional bonds when the obligations exceed the amount of the bond.

§ 81.412 *Payment bonds.* (a) In general, payment bonds to secure the payment of labor and materialmen should be required. However, except in the case of construction contracts where performance bonds are required, the requirement of a payment bond may, in the discretion of the chief of the supply service or his authorized representative, be waived when in his judgment the credit of the contractor makes the requirement unnecessary.

(b) Sureties on bid bonds and performance bonds are acceptable on payment bonds by the same person, provided they are able to justify as required.

(c) The use of the following payment bond forms is authorized:

> (1) Standard Form No. 25–A (Standard Government Form of Payment Bond (construction)) when the bond is to be executed by individual sureties or one corporate surety.
>
> (2) Standard Form No. 25–C (Standard Government Form of Payment Bond (construction)) when the bond is to be executed by two or more corporate sureties and it is desired to limit the liability of several corporate sureties. For cases involving more than six sureties, continuation sheets to sheets 1 and 3 of the form are provided, bearing the form designations Standard Form No. 25–C1 and 25–C3.

(d) The amount of the penalty will be fixed in accordance with instructions of the chief of the supply service concerned. The penalty of the bond should be fixed in the lowest amount which, in the exercise of sound judgment, is deemed adequate for the protection of the United States as representative of labor and materialmen.

§ 81.413 *Patent infringement bonds.* When a contractor is required to furnish a patent infringement bond, such bond will be in the form prescribed in advance by the chief of the supply service concerned, and in an amount which the contracting officer considers sufficient for the protection of the Government. The form of "Affidavit By Individual Surety" will conform to that in Standard Form No. 25 (Revised), approved by the Secretary of the Treasury (1935).

§ 81.414 *Advance payment bonds.* (a) The requirement of advance payment bonds to secure the performance of advance payment agreements is discretionary with the chief of the supply service concerned. Advance payment bonds will be required in only the most exceptional circumstances.

(b) *Form used.* Standard Form No. 25 (Standard Government Form of Performance Bond (construction or supply)) may be used as advance payment bond form by making the following changes in the standard form:

(1) *Where provisions for advance payments are contained in the basic contract.* Delete "Performance Bond" from the heading and substitute "Advance Payment Bond" therefor. After completing the clause beginning "The Condition of this Obligation is such," so as to identify the basic contract, add the following clause:

> and whereas such contract authorizes advance payments to the contractor in the sums not to exceed $------, or ------ per centum of the contract price, as it may be amended, whichever shall be the smaller.

In the defeasance clause (the clause beginning "Now, therefore,") insert the words "relating to advance payments" in line 2 between the word "contract" and the word "during" and also after the word "contract" in line 6 of such clause.

(2) *Where provisions for advance payments are contained in a supplemental agreement.* Delete "Performance Bond" from the heading and substitute "Advance Payment Bond" therefor. After completing the clause beginning "The condition of this obligation is such," so as to identify the principal contract, add the following:

> and whereas the Government has entered into a contract supplemental to the aforesaid principal contract, such supplemental contract being dated ---------- and authorizing advance payments to the contractor of sums not to exceed $------ or ------ per centum of the contract price, as it may be amended, whichever shall be the smaller." Delete the word "contract" from line 2 (both places) and line 6 of the defeasance clause and substitute therefor at each place the words "supplemental contract relating to advance payments".
>
> (c) The amount of the penalty will be fixed in accordance with instructions of the chief of the supply service concerned. The penalty of the bond should be fixed in the lowest amount which, in the exercise of sound judgment, is deemed adequate for the protection of the United States.

§ 81.415 *Bonds executed by receivers, trustees, administrators, or executors.* (a) Receivers, trustees, administrators, and executors are officers of the court appointing them and their powers as such are limited. When a bond executed by a receiver, trustee, administrator, or executor is submitted, in addition to the court order showing his authority for the execution of the bond, the following method of preparing and executing the bond will be followed. The obligation should read:

> I (we) John Doe (and ----------) as [(executor(s)) (administrator(s)) of the estate of ---------- deceased] (trustee(s) of ----------) (receiver(s) of ----------).
>
> The execution should be prepared and signed by the representative in the blank spaces for individual principals in the following form: "John Doe (and ----------) as [(executor(s)) (administrator(s)) of the estate of ---------- deceased] (trustee(s) of ----------) (receiver(s) of ----------).

In the case of a bond executed by the receiver of a corporation, the corporate seal should not be affixed as the bond is not the bond of the corporation but the bond of the individual as receiver of the corporation.

(b) Bonds executed by a receiver or trustee, which may extend beyond the term of his appointment, and bonds executed by administrators or executors, will in general not be accepted except when the court has by specific decree authorized the execution of the kind of bond submitted by the receiver, trustee, administrator, or executor, or has granted authority to execute such a bond by name in the court order appointing such officer, in the event of which a duly authenticated copy of such order must be attached to the bond.

§ 81.416 *Substitution or replacement of surety.* (a) In case of financial embarrassment, failure, or other disqualifying cause on the part of the surety under a bond, the Commanding General, Services of Supply, will require the bond to be substituted or replaced to his satisfaction, upon notification to the principal.

(b) The Secretary of the Treasury is empowered to require the principal of any corporate surety to give additional bond at any time when he determines any such corporate surety to be no longer sufficient security. (See sec. 4, act August 13, 1894 (28 Stat. 279), as amended by act March 23, 1910 (36 Stat. 241; 6 U.S.C. 9; M. L., 1939, sec. 535).

§ 81.417 *Reports.* The chief of each supply service will transmit to the Insurance Section, Procurement and Distribution Division Services of Supply, a data sheet in connection with each contract in support of which a bond is required. The information which will be supplied on the data sheet will be the contract number, name of the contractor, name of the project or the type of the supplies, amount of contract, penalty of the bond, type of bond, name of surety, bond number, effective date of bond, premium charged, and rate of premium per $1000 of bond penalty.

INSURANCE

§ 81.418 *Regulations.* Pending the publication of a manual governing insurance and insurance procedure, the following regulations will apply.

§ 81.419 *General policy.* Insurance coverages will not be required nor authorized except in those cases where the

procurement of certain types of insurance is desirable or necessary in the prosecution of the war.

§ 81.420 *Cost-plus-a-fixed-fee contracts.* The following will specifically govern the procurement of insurance:

(a) *Fire and allied insurance coverages.* These forms of insurance will not be authorized without the prior approval of the Insurance Section, Procurement and Distribution Division, Services of Supply.

(b) *Casualty insurance coverages.* Contractors will be required to procure and maintain the following insurance which will cover the operations of the prime contractor and all cost-plus-a-fixed-fee subcontractors thereunder:

(1) Workmen's compensation insurance—in jurisdictions where there are Workmen's Compensation Laws, statutory coverage plus, in jurisdictions where the Workmen's Compensation Law does not cover occupational disease, occupational disease coverage by endorsement for limits of $50,000 per person in any one case and, subject to that limit for each person, an aggregate limit of $100,000 for the policy period; in jurisdictions not having Workmen's Compensation Laws, Employers' Liability Insurance for limits of $50,000 per person in any one accident and, subject to that limit for each person, $100,000 for injuries sustained by two or more persons in any one accident.

(2) General public liability insurance ($50/100,000 limits) for personal injury liability to be written on comprehensive policy form.

(3) Automobile liability for personal injury ($50/100,000 limits) and property damage insurance ($5,000 limit) to be written on comprehensive policy form.

(c) *Marine insurance.* Where the operation of floating equipment is involved, a report stating the nature of the work, a description of the equipment and terms under which it is being used will be made to the Insurance Section, Procurement and Distribution Division, Services of Supply. Arrangements, to be announced later, are in process whereby all such equipment will be insured through the Maritime Commission.

(d) *Miscellaneous insurance.* Certain other forms of insurance and bonds such as payroll robbery, interior hold-up, safe burglary, fidelity bonds, license and permit bonds, forgery bonds and public property damage may be authorized by the chiefs of the supply service or their authorized representatives if the circumstances warrant. The authorization of such additional coverages will be the exception rather than the rule.

(e) *Methods of purchase.* The coverages required by paragraph (b) of this section will be purchased and written under the War Department Insurance Rating Plan. The only exception to this requirement will be when insurance carriers are prohibited by state insurance officials from writing policies on this basis. All such cases will be directed to the attention of the Insurance Section, Purchases Division, Services of Supply. In those cases where the War Department Insurance Rating Plan is inapplicable, insurance may be purchased on the customary basis.

(f) *Lump sum subcontractors.* Such subcontractors will be required to provide the prime contractor and the contracting officer with certificates of insurance showing that insurance as required by paragraph (b) of this section is in force. Limits of insurance should be at least equal to those specified for the prime contractor. The only exception to this requirement is where the lump sum subcontractor is a self insurer and his ability to respond in damages can be shown to the satisfaction of the chiefs of the supply services or their authorized representatives.

§ 81.421 *Architect-engineer-management contracts.* In order to obtain the most suitable and efficient arrangements with respect to insurance, hospital and medical, loss paying and safety engineering facilities, the chief of the supply service concerned or his duly authorized representative, may require the Architect-Engineer-Manager contractor to provide, through one insurance company, coverage for all contractors on the project. The requirements established in § 81.420 (b) will apply, and insurance covering lump sum contractors will be provided under the policies issued to the A-E-M contractor (written under the War Department Insurance Rating Plan). Lump sum contracts in such cases will not include any estimated cost for the insurance so provided.

§ 81.422 *Lump sum prime contracts (construction).* No insurance requirements, other than statutory requirements will be imposed on the contractor unless, in the opinion of the chief of the supply service concerned or his authorized representative, the imposition of certain insurance requirements will serve to safeguard the contractor's ability to complete the contract. If performance and payment bonds support the contract, the requirement of any insurance should be unnecessary.

§ 81.423 *Contracts with United States contractors for work outside the United States.* Contracts of this kind are generally on a cost-plus-a-fixed-fee basis, and involve a determination of the applicable laws and local conditions which will probably be encountered. The insurance arrangements and types of insurance to be employed, if any, will be subject to the approval of the Insurance Section, Purchases Division, Headquarters, Services of Supply. Notification of the negotiation of such contracts to the Insurance Section, Purchases Division, Headquarters, Services of Supply, will enable that section to complete negotiations of the insurance arrangements simultaneously with the preparation of the contract.

§ 81.424 *Boiler inspection.* (a) Boiler inspection services may be arranged for by the contracting officer or the contractor with the approval of the contracting officer in connection with facilities which are owned by the Government (except where statutory inspections by the Department of Commerce are required) and in the case of contractor-owned facilities operated under cost-plus-a-fixed-fee contracts exclusively for the War Department.

(b) The Boiler Inspection Contract approved April 9, 1942, will be executed by the contracting officer and the insurance company concerned in those cases where contracting officers desire to utilize the insurance company inspection facilities.

§ 81.425 *Claims and litigation.* Each contracting officer or other War Department representative in charge of the project or activities involved will immediately teletype, radio, or telegraph to the Litigation Section, Office of The Judge Advocate General, Washington, D. C., notification of any suit involving the interests of the United States. Such notification will give all pertinent facts concerning the suit, the names of the parties thereto, the date of service of process, statement of the alleged cause of action, the amount sued for, the date on which answer to the suit must be filed, statement of the principal defense to the suit which the defendant may raise and a statement as to whether the amount sued for is fully covered by insurance and if so, whether or not the insurance carrier will accept full responsibility for the defense of this suit.

§ 81.426 *War risk; lump sum contracts.* The chiefs of the supply services or their authorized representatives may execute the War Risk Indemnity Contract approved by the Under Secretary of War, January 2, 1942, with any reliable insurance carrier subject to the following conditions:

(a) The contracts will be executed on the War Risk Indemnity Contract form, approved by the Under Secretary of War, January 2, 1942.

(b) The contractor whose workmen's compensation insurance is involved must be a lump sum prime contractor or lump sum subcontractor.

(c) The lump sum prime contract or lump sum subcontract must be for work outside of the several states of the United States and the District of Columbia.

(d) The lump sum prime contractor or subcontractor shall have been unable or be unable to have his existing workmen's compensation insurance continued or to obtain workmen's compensation insurance from another insurance carrier on account of war risk hazards.

(e) The workmen's compensation insurance contract, made a part of the War Risk Indemnity Contract, must be issued to apply solely to the contract of the lump sum contractor involved and cover employees engaged in the performance of the work at the locations described therein. Such insurance contract may be issued on the form customarily used.

§ 81.427 *Reports.* Copies of all policies, certificates of insurance, reports of insurance companies and insurance advisors, war risk indemnity contracts, boiler inspection contracts, and all other data pertaining thereto will be forwarded to the Insurance Section, Purchases Division, Headquarters, Services of Supply.

FOREIGN PURCHASES

§ 81.501 *Rescission of regulations.* Army Regulations 5-340, August 10, 1936, as amended, and all other prior directives and instructions relating to the Buy American Act and foreign purchases are hereby rescinded.

§ 81.502 *Buy American Act (quoted).*

Sec. 1. That when used in this title:

(*a*) The term "United States", when used in a geographical sense, includes the United States and any place subject to the jurisdiction thereof;

(*b*) The terms "public use," "public building", and "public work" shall mean use by, public building of, and public work of, the United States, the District of Columbia, Hawaii, Alaska, Puerto Rico, the Philippine Islands, American Samoa, the Canal Zone, and the Virgin Islands.

Sec. 2. Notwithstanding any other provision of law, and unless the head of the department or independent establishment concerned shall determine it to be inconsistent with the public interest, or the cost to be unreasonable, only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States, shall be acquired for public use. This section shall not apply with respect to articles, materials, or supplies for use outside the United States, or if articles, materials, or supplies of the class or kind to be used or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

Sec. 3. (*a*) Every contract for the construction, alteration, or repair of any public building or public work in the United States growing out of an appropriation heretofore made or hereafter to be made shall contain a provision that in the performance of the work the contractor, subcontractors, materialmen, or suppliers, shall use only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States except as provided in section 2: *Provided, however,* That if the head of the department or independent establishment making the contract shall find that in respect to some particular articles, materials, or supplies it is impracticable to make such requirement or that it would unreasonably increase the cost, an exception shall be noted in the specifications as to that particular article, material, or supply, and a public record made of the findings which justified the exception.

(*b*) If the head of a department, bureau, agency, or independent establishment which has made any contract containing the provision required by subsection (*a*) finds that in the performance of such contract there has been a failure to comply with such provisions, he shall make public his findings, including therein the name of the contractor obligated under such contract, and no other contract for the construction, alteration, or repair of any public building or public work in the United States or elsewhere shall be awarded to such contractor, subcontractor, materialmen, or suppliers with which such contractor is associated or affiliated, within a period of three years after such finding is made public.

* * * Title III, Act March 3, 1933 (47 Stat. 1520; 41 U.S.C. 10 a, b, and c; M.L., 1939, sec. 742).

§ 81.503 *Applicability of Act.* (a) By determination of the Secretary of War, dated March 13, 1942, restrictions of the above-quoted Act are suspended as to all contracts or orders except those for articles of food or clothing which had not theretofore been exempted from such restrictions. The term "articles of food" includes only those items actually purchased for use as such, and does not include food products purchased for other uses. "articles of clothing" includes only those items purchased for use as clothing.

(b) The articles of food or clothing heretofore exempted from the restrictions are as follows:

(1) All articles of food or clothing which have been mined, produced or manufactured, as the case may be, in the Dominion of Canada.

(2) The following items without regard to country of origin:

Bananas
Brazil nuts
Canned corned beef
Chocolate
Citron
Cocoa
Coffee
Fish oils
Green olives
Molasses
Orange and lemon peel
Spices
Sugar
Tapioca
Tea
Vanilla

(3) Articles of food or clothing for use outside of the United States. See however the restriction created by the Act, approved July 2, 1942, referred tc in paragraph (c) of this section.

(4) Articles of food or clothing purchased in any of the Atlantic bases located on land leased to the United States pursuant to the London agreement, dated March 27, 1941.

(5) The following exemptions may also be relevant in view of the possible use of the items so exempted in manufacturing items of clothing:

Asbestos
Cork
Cotton linters
Cotton, long staple
Flax
Flaxseed
Hemp
Hides (and skins)
Hog bristles
Jute burlaps
Jute, unmanufactured
Kapok
Leather
Manila fiber
Mohair
Rayon
Rubber
Silk
Sisal
Tanning materials
Wool

(c) Acts cognate to the Buy American Act. (1) The "Act Making Appropriations for the Military Establishment for the Fiscal Year Ending June 30, 1943, and for Other Purposes," approved July 2, 1942 (Pub. Law 649, 77th Congress, Second Session) contains a proviso that no part of any appropriation contained in that Act "shall be available for the procurement of any article of food or clothing not grown or produced in the United States or its possessions, except to the extent that the Secretary of War shall determine that articles of food or clothing grown or produced in the United States or its possessions cannot be procured of satisfactory quality and in sufficient quantities and at reasonable prices as and when needed, and except procurements by vessels in foreign waters and by establishments located outside the continental United States, except the Territories of Hawaii and Alaska, for the personnel attached thereto."

§ 81.504 *Procedure for complying with the Acts.* In making purchases of articles of food or clothing which are still subject to the restrictions of the "Buy American" Act, or any cognate Act, the chief of the supply service concerned should make every effort to satisfy his requirements for such articles out of domestic production. In any case where the chief of the supply service finds it essential to purchase articles of food or clothing of foreign production, a recommendation should be submitted to the Director, Purchases Division, Headquarters, Services of Supply.

§ 81.505 *Duty*—(a) *Payment of, not required.* Executive Order 9177, dated May 30, 1942 (7 Fed. Reg. 4195) extends the authority contained in the act approved June 30, 1914 (38 Stat. 399; 34 U.S.C. 568), to the Secretary of War and to such persons as he may delegate such authority. The law and executive order authorizes the Secretary of War to make emergency purchases of war material abroad and provides that when such purchases are made abroad, the material shall be admitted free of duty and prescribes a form of customs certificate to be made for that purpose. See § 81.506 (a). Regulations of the Commissioner of Customs, Treasury Department, under Executive Order No. 9177, are published in T.D. 50651, approved June 8, 1942.

(b) *Bond not required.* No bond prescribed by any provision of the customs laws or regulations is required in connection with the importation of articles when such articles are imported by the War Department, its bureaus, or authorized agents.

§ 81.506 *Clearance through customs*—(a) *Foreign goods*—(1) *Delegation of authority.* The purchasing officer, or other officer or official, to whom authority under § 81.505 has been delegated by the Secretary of War, through the chief of supply service, will make all required certificates to the customs authorities, with respect to past or future emergency purchases of war materials abroad, in order to secure entry and admission free of duty, in the following form:

> The procurement of this material constituted an emergency purchase of war material abroad and it is accordingly requested that such material be admitted free of duty pursuant to the Act of June 30, 1914 (34 U.S.C. 568) and Executive Order No. 9177.

(2) *Purchase orders; bills of lading; etc.* (i) The purchasing officer, or other officer or official, to whom authority has been delegated as indicated in subparagraph (1) of this paragraph, will furnish the port quartermaster at the port of entry with two copies of the purchase order. One of the copies, subject to the provisions of AR 380-5, is for the collector of customs at port of entry and will contain the certificate quoted in subparagraph (1) of this paragraph signed by such purchasing officer, or other officer or official, as the case may be.

(ii) Bills of lading showing full marks (§ 81.507) will be sent to the port quartermaster at the port of entry and should be mailed so as to arrive not later than the shipment.

(iii) Under the Tariff Act of 1930, the consignee may make entry by producing a bill of lading, a carrier's certificate, or duplicate bill of lading. A shipping receipt or other document may also be accepted as authority for making entry, if the collector is satisfied that no bill of lading has been issued, provided the shipping receipt or other document bears a certificate of the carrier in accordance with subsection (h) or (i) of section 484 of the Tariff Act, or if the entry is made by the actual consignee in person or in his name by a duly authorized agent.

(3) *Donations, etc.* Small shipments of property donated by foreign governments or otherwise acquired without expense, such as maps, books, or samples of military equipment, should be made the subject of a letter of advice addressed by the purchasing officer or other officer or official to whom authority has been delegated as indicated in subparagraph (1) of this paragraph to the port quartermaster at port of entry, setting forth fully the status of the shipment and giving the name of the port from which the shipment will move, the probable date of arrival, and the name of the steamer, if known.

(b) *Returned American goods.* (1) The purchasing officer will furnish the port quartermaster at the port of entry with an invoice of returned American goods, substantially in accordance with the following form, supplemented, when necessary, by a letter of advice:

Invoice of Returned American Goods and Declaration of Foreign Exporter

________________, ____ ________ 19
(Place) (Date)

I, ____________________, do solemnly and truly declare that the several articles of merchandise herein specified are, to the best of my knowledge and belief, truly and bona fide of the growth (or production or manufacture) of the United States; that they were exported from the United States, by the United States, from the port of ________________ on or about ________________ 19 ; that they are returned by the United States per ______ ______________, due to sail ______________ 19 , consigned to ________________ without having been advanced in value or improved in condition by any process of manufacture or other means; and that no drawback, bounty, or allowance has been paid or admitted thereon or any part thereof.

(Signature) ______________________

Marks	Numbers	Quantity	Description	Value United States coin

Declared to before me this__________day of______________, 19____.

____

(To be sworn to before any officer authorized to administer oaths, except that if the value exceeds $100, it must be sworn to before the American consul.)

(2) This invoice will be accomplished in triplicate and disposed of as a "certified invoice."

(3) The following brief will be placed on the back of each copy:

Customhouse Indorsement

No______________

Importer__________________________
Vessel__________________________
From __________________________
Arrived__________________________
Kind of entry____________________
____
Marks, quantity, and contents________
____

§ 81.507 *Marking of shipments.* (a) All supplies purchased abroad will be consigned to and marked for the port quartermaster at the port of entry. The marking will also show the final consignee and destination, for example:

Port Quartermaster,
New York Port of Embarkation,
1st Avenue and 58th Street,
Brooklyn, New York
For
Chief of Ordnance,
Washington, D. C.

(b) The full address must be shown. Initials will not be used, as is the commercial custom.

(c) Packages will be marked "Government goods."

(d) Shipments must not be consigned to forwarding agents.

§ 81.508 *Freight charges.* (a) In order to avoid complications in procuring release from the carrier, freight charges will be paid in all cases to the port of entry, and in no case will delivery be contracted for f. o. b. any interior point.

(b) If the shipments are to move to the interior, the purchasing officer must furnish the port quartermaster at the port of entry with the necessary shipping instructions.

INTERBRANCH AND INTERDEPARTMENTAL PURCHASES

§ 81.601 *Rescission of regulations.* Army regulations 5-300, December 10, 1936, as amended; Army Regulations 5-320, October 10, 1936 as amended; and all other prior directives and instructions relating to interbranch and interdepartmental procurement are hereby rescinded.

§ 81.602 *Definitions*—(a) *Interbranch purchase.* The purchase of supplies by one supply service from another such supply service, or under a contract executed by the latter.

(b) *Interdepartmental purchase.* The purchase of supplies by one executive department or independent agency of the Government from another such department or agency, or under a contract executed by the latter.

INTERBRANCH PURCHASES

§ 81.603 *Supplies of standard manufacture*—(a) *Requirement.* Supplies of standard manufacture and common to two or more supply services will be purchased by the Quartermaster Corps. The Procurement Assignment Board, Procurement and Distribution Division, Headquarters, Services of Supply, will determine the items which will be considered of standard manufacture and common to two or more supply services.

(b) *Procedure.* (1) Requisitions for normal quarterly requirements will be consolidated and forwarded to The Quartermaster General sixty days in advance of the quarterly period for which needed.

(2) Requisitions for unusual or emergency requirements will be forwarded to The Quartermaster General by radio and confirmed by formal requisition.

(3) Each requisition will contain a certificate of availability of funds and citation of the applicable procurement authority.

(4) When practicable, requisitions will call for not less than minimum carload lots.

(5) Commercial units will be the basis of all requisitions.

(6) Requisitions will be filled as a result of individual or collective purchases. No attempt will be made by the Quartermaster Corps to maintain depot stocks from which requisitions could be filled.

§ 81.604 *Supplies not of standard manufacture*—(a) *Requirement.* Supplies which are not of standard manufacture and which are generally peculiar to a particular supply service will be purchased by that service, unless purchase by some other supply service is directed by the Procurement Assignment Board, Procurement and Distribution Division, Headquarters, Services of Supply.

(b) *Procedure.* Requisitions will be submitted and filled in accordance with the instructions of the chief of the supply service charged with purchasing the supplies involved.

§ 81.605 *Special supplies.* Because of their nature and the peculiar problems involved in their purchase, the following categories of supplies will be purchased as indicated opposite each:

(a) Motor vehicles and bodies. As directed in AR 850-15.[6]

(b) Railroad equipment and supplies. As directed in AR 100-50.[7]

(c) Radio, sound and light signal apparatus, all accessories, outfits, and parts. As directed by the Chief Signal Officer.

(d) Anthracite and bituminous coal. As directed by The Quartermaster General.

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[6] Administrative regulations of the War Department relative to Military Motor vehicles.

[7] Administrative regulations of the War Department relative to railroads operated by the Army.

(e) Aviation gasoline and aviation lubricating oil. As directed by the Chief of the Air Corps.

(f) Perishable subsistence. As directed by The Quartermaster General.

(g) Gloves, flying, winter; helmets, flying, summer. As directed by The Quartermaster General.

INTERDEPARTMENTAL PURCHASES

§ 81.606 *Purchases under contracts of Procurement Division, Treasury Department*—(a) *Requirement.* Purchases will be made from contracts of the Procurement Division, Treasury Department (General Schedule of Supplies), when so directed by the chief of the supply service concerned or when required by the terms of the contracts.

(b) *Procedure.* Chiefs of supply services are responsible for advising contracting officers as to the terms and conditions of all such contracts and as to whether purchases therefrom are mandatory.

(c) *"Schedule of Stock Items."* This publication of the Procurement Division of the Treasury Department lists the items which are carried in stock in the warehouse of that Division in Washington, D. C., primarily to supply the needs in that city. Field agencies of the War Department will not place orders on the Procurement Division for items which are stocked in the warehouse in Washington, D. C., for shipment outside the District of Columbia. This publication should not be distributed to War Department field agencies outside of Washington, D. C.

§ 81.607 *Purchases under contracts of Navy Department*—(a) *Requirement.* Purchases will be made from contracts of the Navy Department when so directed by the chief of the supply service concerned or when required by the terms of the contracts.

(b) *Procedure.* Chiefs of supply services are responsible for advising contracting officers as to the terms and conditions of all such contracts and as to whether purchases therefrom are mandatory.

§ 81.608 *Purchases from Federal Prison Industries, Inc., Department of Justice*—(a) *Requirement.* Purchases of items manufactured by the Federal Prison Industries, Inc., Department of Justice, will be made from that agency except where that agency has been granted a general or special clearance for purchase of the items from commercial sources.

(b) *Procedure.* Chiefs of supply services are responsible for advising contracting officers as to the items, if any, which must be procured from the above agency and of the procedure for placing orders.

§ 81.608a *Purchases from state prisons and other correctional institutions.* Purchases of items manufactured or produced by state prisons may be made directly from such institutions (Op. Att. Gen. 37739, May 6, 1942, and Let Pres. May 10, 1942. See also Exec. Order 9196 dated July 9, 1942, and § 81.902 of these regulations). No purchase, however, from a state prison or other correctional institution will be made of a mandatory item appearing in the schedules of the Federal Prisons Industries, Inc. (See § 81.608), without a prior clearance (general or special) from that agency. For purchases by Government contractors and subcontractors from Federal, state and territorial prisons or prison industries, see § 81.345.

§ 81.609 *Purchases under contracts of Post Office Department*—(a) *Requirement.* Envelopes required by the military service (other than by the War Department for use in the District of Columbia) will be procured under the contracts entered into by the Post Office Department within the discretion of the chief of the supply service concerned.

(b) *Envelopes authorized for supply to the military service.* The following envelopes only are authorized for supply to the military service (excluding the War Department) on requisitions, the item numbers corresponding to those in "Award of Contracts for Envelopes", Post Office Department:

Item No.	*Description*
17	4⅛ by 9½ inches, Kraft, open side.
36	5 by 11½ inches, Kraft, open side.
49	6½ by 9½ inches, Kraft, open side.
68	8½ by 11½ inches, Kraft, open side or open end.
93	10 by 15 inches, Kraft, open side or open end, 5-inch flap.
111	2½ by 4¼ inches, Kraft, open end.
122	3¾ by 5⅞ inches, Kraft, open end.
123	3⅞ by 7½ inches, Kraft, tag, strong eyelet at bottom, open end.
189	3⅞ by 8⅞ inches, White, open side.
405	3⅜ by 8¾ inches, Kraft, open side, window.
435	4⅛ by 9½ inches, White, open side, window.
504	4⅛ by 9½ inches, White, Air Mail, red and blue border.

(c) The foregoing does not affect in any way the present methods of procuring jackets, open end, thumb notched, as required by the various supply services, the same being procured on approved requisitions as are other supplies.

§ 81.610 *Purchases from Government Printing Office.* (a) All blank envelopes, blank paper, inks, glues and other supplies manufactured or carried in stock by the Government Printing Office, and which are required for use within the District of Columbia, will be purchased from that office.

(b) All printing, binding, and blank-book work, except that authorized to be procured from field printing plants, will be procured from the Government Printing Office, unless a clearance for purchase from commercial sources is obtained from the Public Printer. The chiefs of supply services are authorized to communicate directly with the Government Printing Office for the purpose of securing clearances in appropriate cases.

§ 81.611 *Purchases from other agencies.* When it is to the interest of the Government and when both the requiring and the supplying agencies are in agreement with such action, the chiefs of the supply services are authorized to procure supplies from other Federal agencies on such terms and conditions as may be mutually agreed upon.

§ 81.612 *Surplus property.* The Director of Procurement, Procurement Division, Treasury Department, reports to the War Department all surplus property available for transfer from other agencies of the Government. These reports will be distributed to the chiefs of the supply services for information as to whether or not the property is desired for any agency under the jurisdiction of his office. If the property is desired the chief of the supply service will notify the Purchase Policy and Procedure Section, Purchases Division and request for transfer authorization will be made by that section to the Procurement Division, Treasury Department. Direct correspondence by chiefs of supply services with the Procurement Division, Treasury Department, in this connection is not authorized.

FEDERAL, STATE AND LOCAL TAXES

FEDERAL TAXES

§ 81.801 *Contract tax article.* [Rescinded] (See § 81.357)

§ 81.802 *Tax provisions.* [Rescinded] (See § 81.358)

§ 81.803 *Authority for Federal taxes.* Chapter 29 of the Internal Revenue Code (26 U.S.C. 3400–3453) as amended, imposes Federal taxes upon certain specified articles sold in the United States by the manufacturer or producer, or imported into the United States, to be paid by the manufacturer, producer, or importer, but provides that no tax under this chapter shall be imposed with respect to the sale of any article for the exclusive use of the United States, and that a credit against the tax or a refund may be allowed or made with respect to the sale of any article if such article was resold for the exclusive use of the United States and the manufacturer, producer, or importer has such evidence as the regulations of the Commissioner of Internal Revenue may prescribe.

§ 81.804 *Tax exempt sales.* Under the regulations of the Commissioner of Internal Revenue (T.D. 5114, approved January 27, 1942) the following sales are exempt from the taxes imposed by Chapter 29 of the Internal Revenue Code: (a) sales of articles to the United States; (b) sales of articles to Government contractors or subcontractors when such articles are incorporated in an article sold to the United States; (c) sales of articles which are incorporated in the building or work constructed, altered, improved or repaired pursuant to a Government contract. Such sales are tax exempt only where the price paid by the Government does not include the tax.

§ 81.805 *Cost-plus-a-fixed-fee contracts.* Under rulings of the Commissioner of Internal Revenue articles sold to contractors engaged on a cost-plus-a-fixed-fee basis are exempt from the application of the Federal excise taxes since such articles are furnished for the exclusive use of the United States. As a condition to such exemption title to the article purchased by the fixed-fee contractor must ultimately vest in the United States.

§ 81.806 *Tax on firearms.* Chapter 25 of the Internal Revenue Code (26 U.S.C. 2700–2733), as amended, imposes Federal taxes upon the sale, lease or transfer of firearms, but provides that no tax under such chapter shall be imposed in connection with the sale or transfer of firearms for the use of the United States.

§ 81.807 *Jewelry, furs, and toilet preparations.* Chapter 19 of the Internal Revenue Code (26 U.S.C. 2400–2411), as amended, imposes a retailers' excise tax upon the sale of jewelry, furs, and toilet preparations, but provides that no tax shall be imposed with respect to the sale of any article for the exclusive use of the United States.

§ 81.808 *Items on which taxes are imposed.* Information concerning items on which Federal taxes are imposed and the applicable rates thereon will be published from time to time in this Regulation. Full information in regard thereto may be found in regulations of the Commissioner of Internal Revenue. Regulations 44 and 46 of the Bureau of Internal Revenue are applicable to taxes imposed by Chapter 29, and Regulations 51 of the Bureau of Internal Revenue are applicable to the taxes imposed by Chapter 19.

§ 81.809 *Tax exemptions.* Where any Supply Service has responsibility for the procurement or purchase of any articles subject to tax under chapters of the Internal Revenue Code other than Chapter 29, as for instance Chapters 19 and 25, such Supply Service may prescribe such rules governing the securing of tax exemptions thereunder as it may deem proper.

STATE AND LOCAL TAXES

§ 81.810 *Application of state and local taxes.* While the various state and local tax laws are not uniform in their application, as a general rule Government purchases are exempt from such taxes. Neither are such laws uniform in their application to purchases by Government contractors. Information will be published from time to time as to the procedure to be followed with regard to state and local taxes.

TAX EXEMPTION CERTIFICATES

§ 81.811 *Standard tax exemption forms.* (a) The following standard tax exemption forms have been prescribed:

	Standard Form No.
U. S. Government tax exemption certificate	1094
Cover of U. S. Government tax exemption certificate book (front outside and inside; back, outside)	1094 A
Tabulation sheet (insert)	1094 B
U. S. Government tax exemption identification card	1094 C

(b) Chiefs of Supply Services are responsible for the supply of necessary standard forms to their contracting officers. Reports accounting for these forms will be submitted by the issuing officer as directed by the chief of the supply service concerned.

(c) Section 316.24 of Title 26, Code of Federal Regulations[1] [Regulations 46 of the Bureau of Internal Revenue] prescribes a form of tax exemption certificate which is somewhat different from Standard Form No. 1094. There is no objection to the use of any form of tax exemption certificate which is acceptable to the Bureau of Internal Revenue.

(d) The following forms of tax exemption certificates for issuance by contractors and subcontractors are prescribed by § 470.3 (b) of Title 26, Code of Federal Regulations[2] [T. D. 5114]:

EXEMPTION CERTIFICATE

(For use by prime contractor)

__________________, 19_____
(Date)

The undersigned hereby certifies that the articles specified in the accompanying order or on the reverse side hereof are purchased from __________________ (Name of vendor) for the United States under Government contract ________ (Number __________________________ or other identification); that he now has in his possession a certificate of exemption furnished by the United States with respect to such contract; and that such certificate authorizes him to issue this exemption certificate.

It is understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution.

____
(Name)
____
(Address)

EXEMPTION CERTIFICATE

(For use by subcontractor)

__________________, 19______
(Date)

The undersigned hereby certifies that the articles specified in the accompanying order or on the reverse side hereof are purchased from __________________ (Name of vendor) for incorporation in __________________ (Subsidiary articles) which are to be delivered to ______________________ (Subcontractor's vendee); that the price to be charged said vendee contemplates that the aforesaid articles and the subsidiary articles are to be purchased on a tax-free basis; and that the undersigned now has in his possession an exemption certificate furnished by said vendee certifying that the above-named subsidiary articles are to be incorporated ultimately in other articles for use of the United States under Government contract ______________________________ (Number or other identification)

It is understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution.

____
(Name)
____
(Address)

(e) W.D. Tax Form No. 1. Authority of Contractor and Subcontractors to Issue Tax Exemption Certificates, is as follows:

W.D. Tax Form No. 1

AUTHORITY OF CONTRACTOR AND SUBCONTRACTORS TO ISSUE TAX EXEMPTION CERTIFICATES

(To be attached to a Form 1094 U. S. Tax Exemption Certificate)

__________________ Contract No__________
(Name of Contractor) Tax Exemption Certificate No___________
____
(Address of Contractor)

The Contractor and/or his subcontractors (including suppliers) are authorized to issue tax exemption certificates in the form prescribed by Section 470.3 (b) of Treasury Decision 5114, approved January 27, 1942 (7 Fed. Reg. 579, January 29, 1942) as to the articles listed below, which are incorporated in or to be incorporated in the supplies or work covered by the contract referred to in the Tax Exemption Certificate to which this authority is attached.

List of Articles (if none, so state)

Description	Quantity*	Unit Price*

____
(Contracting Officer)
____
(Title)

*To be shown by Contracting Officer if known.

§ 81.812 *Preparation and execution.* In the preparation of tax exemption certificates the typewriter will be used when practicable; otherwise ink or indelible pencil will be used. The use of ordinary lead pencil is prohibited. All blank spaces must be properly filled in or lined out, and no such exemption certificates will be delivered to a contractor, unless fully and properly executed, except that, if at the time of entering into a contract for supplies to be sold for the exclusive use of the Government, Federal tax excluded, it is impossible to determine the amount of such taxes as in the case of an indefinite quantity contract, it is permissible for the contracting officer to issue a blanket tax exemption certificate to cover all sales under the contract. Tax exemption certificates will be executed only by those officers and employees who have been supplied with a Standard Form No. 1094–C (U. S. Government Tax Exemption Identification Card). The identification card of authorized commissioned representatives of supply services responsible for supply activities pertaining thereto at a post, camp, or station will be signed by the commanding officer. Identification cards supplied to other officers and employees will be signed by the officer who supplies such officer or employee with tax exemption certificates. The tax exemption certificate should cover all articles purchased under such contract, including orders placed thereunder by other officers. A separate certificate for each kind of tax (Federal, state, local, etc.) involved will be prepared. In the issuance of these certificates care should be exercised by the contracting officer to fill in the blank spaces provided for showing on each certificate the separate amounts of the taxes involved, so that the certificate may be used only for the intended purpose. Where the supplies or work covered by the contract are not taxable as such and the certificate is to be used for the purpose of obtaining exemption on the articles to be incorporated in the supplies or work covered by the contract, the amount of tax to be shown on the certificate should be stated as "None". No tax should be shown on the certificate except the tax imposed directly upon the supplies or work covered by the contract. The following statement will be written or stamped upon the face of each certificate pertaining to Federal taxes, (except where a cost-plus-fixed-fee contract is involved): "W. D. Tax Form No. 1 attached." Tax Exemption Certificate Form No. 1094 may be modified insofar as necessary with respect to contracts for construction, alterations, improvements and repairs. The contracting officer will, in addition to his signature and title, insert on the lines provided therefor, his identification-card number.

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[1] 5 F.R. 142.

[2] 7 F.R. 578.

§ 81.813 *Use of tax exemption certificates.* (a) Under regulations prescribed by the Commissioner of Internal Revenue, articles are exempt from the taxes imposed by Chapter 29 of the Internal Revenue Code when such articles are sold on a tax-free basis for the exclusive use of the United States. The tax is imposed upon the manufacturer, producer or importer. Where the article is sold on a tax-free basis for the exclusive use of the United States by a person other than the manufacturer, producer or importer a credit for or a refund of the tax may be obtained.

In accordance with Treasury Decision 5114 dated January 27, 1942, articles are exempt from taxes imposed by Chapters 25 or 29, where such articles are used or incorporated by the purchaser as material in the manufacture or production of or as a component part of, an article which is to be furnished to the United States Government: *Provided,* That (1) the price of the article does not include a tax on the sale or transfer thereof under Chapter 25 or 29 of the Internal Revenue Code, (2) the article is included at such tax free basis in the price of the article in which it is incorporated and (3) satisfactory evidence of the exemption is furnished by tax exemption certificate (see § 81.813 (c)). Under regulations of the Commissioner of Internal Revenue, tax exemption certificates are used for the purpose of establishing rights to exemptions (T.D. 5114, January 27, 1942; I.R. Code, sec. 3442) and may be the basis of establishing claims for credits and refunds (I.R. Code, secs. 3442, 3443; Reg. 44, sec. 314.64 as amended).

(b) An article is deemed to be sold for the exclusive use of the United States when it is sold (1) to the United States to be utilized by the United States or to be disposed of by the United States to a foreign government, or (2) to a Government contractor or subcontractor (including a supplier) when the article is incorporated in an article sold to the United States or in the building or work constructed, altered, improved or repaired pursuant to a contract with the United States, or (3) to a Government contractor under a cost-plus-fixed-fee contract or subcontractor under a cost-plus-fixed-fee subcontract where the article is used as equipment, materials or supplies by the contractor or subcontractor in performing a Government prime contract or in performing a subcontract under such prime contract and payment for the article is made by the United States, whether directly or by reimbursement of the contractor or subcontractor for the cost thereof. The term "incorporated in" as used above refers to any process whereby an article enters into building, work or supplies or a component thereof so as to become a part thereof and is not merely consumed in such production.

(c) At the request of the contractor, a tax exemption certificate will be executed and delivered to the contractor, on Form 1094 or any other form acceptable to the Bureau of Internal Revenue, covering Federal taxes in the following cases:

(1) Where supplies are taxable under Chapter 29 and are purchased by the Government at a price which is exclusive of such tax, the description of the supplies furnished tax free will be inserted on the tax exemption certificate. If such supplies purchased by the Government have had (or will have) incorporated therein tires, inner tubes, or automobile radios and the price paid by the Government is exclusive of the tax thereon, these items will be listed in the space headed "List of Articles" on W. D. Tax Form No. 1, which will be attached to the tax exemption certificate. This will enable the contractor, pursuant to T.D. 5114, to issue tax exemption certificates to the suppliers of such tires, inner tubes and automobile radios. Under section 3442 of Chapter 29 of the Internal Revenue Code, no tax is imposed with respect to the sale of any article (except tires, inner tubes and automobile radios) for use by the contractor in the manufacture or production of, or as a component part of an article itself taxable under Chapter 29. Accordingly, the contractor may obtain exemption from the burden of the tax on any articles exempted from tax by section 3442 in the manner provided in the Treasury Regulations (Regulation 46 as amended, especially § 316.20) under that section. Therefore if no tires, inner tubes, or automobile radios are to be included in such supplies to be purchased from the contractor, there is no occasion for annexing W. D. Form No. 1 to the tax exemption certificate.

(2) Where the supplies purchased under the contract are not taxable under Chapter 29 but have had (or will have) incorporated therein one or more articles which are taxable under such chapter, and the price paid by the Government is exclusive of the tax on one or more of such articles. In such a case, the amount of tax shown on the tax exemption certificate should be stated as "None" and the articles incorporated (or to be incorporated) into the supplies purchased by the Government which are sold exclusive of the tax thereon should be listed upon W. D. Tax Form No. 1 attached to the certificate. Upon receipt of the tax exemption certificate, the contractor and/or his subcontractors (including suppliers) are then authorized to issue tax exemption certificates in the form prescribed by § 470.3 (b) of Treasury Decision 5114, approved January 27, 1942 (7 F.R. 579, January 29, 1942) as to the articles listed on W. D. Tax Form No. 1 attached to the Form No. 1094.

(3) Where the contract covers construction, alterations, improvements or repairs, and the physical project to be constructed, altered, improved or repaired will have incorporated therein one or more articles which are taxable under Chapter 29 and the price paid by the Government for the construction, alterations, improvements or repairs, is exclusive of the tax on one or more of such articles to be incorporated into the physical project. In such a case, the amount of tax shown on the tax exemption certificate should be stated as "None," and the articles to be incorporated into the physical project to be constructed, altered, improved or repaired on which no such tax is included in the contract price should be listed upon W. D. Tax Form No. 1 attached to the certificate. Upon receipt of the tax exemption certificate the contractor and/or his subcontractors (suppliers) are then authorized to issue tax exemption certificates in the form prescribed by § 470.3 (b) of Treasury Decision 5114, approved January 27, 1942 (7 F.R. 579, January 29, 1942) as to the articles listed on W. D. Tax Form No. 1 attached to the certificate.

(4) Under a cost-plus-fixed-fee contract (except one covering the sale of articles taxable under Chapter 29, where (1) above is applicable) when one or more articles taxable under Chapter 29 are used by the contractor as equipment, material or supplies in performing the contract, and such articles are purchased at a price which is exclusive of the tax thereon and payment for same is made by the United States, directly or by reimbursement of the contractor. In such a case, the amount of tax shown on Form 1094 should be stated as "None" and there should be attached to or written on Form 1094 the following statement:

> The contractor is authorized to issue tax exemption certificates in the form prescribed by § 470.3 (b) of Treasury Decision 5114, approved January 27, 1942 (7 F.R. 579, January 29, 1942) as to all articles sold on a Federal tax exclusive basis and for which payment is made by the United States, directly or by reimbursement of the contractor, and which are used by the contractor as equipment, material or supplies in performing the contract to which this (the attached) certificate pertains.

(d) Tax exemption certificates are also used for establishing exemptions from state and local taxes. In such cases certificates should be prepared in accordance with the requirements of the particular state or local tax officials concerned. No tax exemption certificate should be issued with respect to a state or local tax unless the contract shows that the price paid by the Government is exclusive of the tax to which the certificate pertains or unless the contractor consents to the deduction of such tax

from the contract price and the acceptance of the tax exemption certificate in lieu thereof.

COLLECTION AND PAYMENT OF TAXES BY GOVERNMENT

§ 81.814 *Federal taxes; collection and payment.* (a) The amount of the Federal tax will be collected from the purchaser when articles subject to tax under Chapter 29 of the Internal Revenue Code purchased free of tax are sold to individuals or used for other than the exclusive use of the United States. Funds so collected will be deposited with the local disbursing officer together with information of the name of the contractor from whom the articles were purchased and the number of the contract under which purchase was made. In cases where the name and amount of the contract involved are not known to the sales officer, he will ascertain this information from the shipping or contracting officer or from the chief of the supply service, if necessary.

(b) Funds received by a disbursing officer as payment for taxes imposed by Chapter 29 of the Internal Revenue Code will be placed in a special deposit account and remitted to the contractor monthly, or at the time the officer closes his accounts when he ceases to disburse, in order that return may be made therefor to the appropriate Collector of Internal Revenue. A copy of the report of such remittance will be forwarded to the Bureau of Internal Revenue. However, if it is impossible for the disbursing officer to determine the contractor from whom the articles subject to tax under Chapter 29 were purchased, he may remit the amount of the tax to the Collector of Internal Revenue for the district in which the disbursing officer is located with a statement that the name of the contractor is unknown.

§ 81.815 *State and local taxes; collection and payment.* (a) When impossible for any reason to effect purchases, excluding the amount of any state or local tax which is deemed to be legally inapplicable to Government purchases, a tax exemption certificate will be executed and delivered to the disbursing officer to whose accounts the vouchers in the transaction pertain, together with a written statement to the effect that the vendor refused the tax exemption certificate. Exemption certificates executed and delivered as prescribed in this subparagraph are for use of the Finance Department in securing a refund of the amount of the taxes involved. The serial number of the certificate will be shown on the payment voucher.

(b) When Standard Form No. 1094, executed under the conditions stated above, is received in the administrative office (Finance Department), there will be noted on the form the bureau or office number of the payment voucher, and the administrative office (Finance Department) will bill the State or local taxing agency for refund of the taxes paid. The amount(s) collected will be transmitted to the disbursing officer for credit to the appropriation(s) from which the vouchers were paid, or to miscellaneous receipts account "4326—Refund, State and Local Taxes," if the appropriation cannot be readily identified. In the event the administrative office (Finance Department) fails to secure refund of the amount of taxes paid, it will transmit promptly to the General Accounting Office the said tax-exemption certificates, if available, together with all correspondence with the taxing agency relating thereto and information as to the disbursing officer's voucher number on which payment for the merchandise was made, for the use by the General Accounting Office in effecting collection thereof as required by section 236, Revised Statutes, as amended by the Budget and Accounting Act, 1921.

ITEMS SUBJECT TO FEDERAL EXCISE TAXES

§ 81.816 *Items subject to Federal excise taxes.* The items subject to manufacturers' excise taxes imposed by Chapter 29 of the Internal Revenue Code, as amended, are listed below. The tax imposed in each case is equivalent to the indicated percentum of the price for which sold by the manufacturer, producer or importer, and is effective October 1, 1941. The Revenue Act further provides that, for the purposes of the tax, the lease of an article (including any renewal or extension of a lease or any substitute lease of such article) by the manufacturer, producer or importer shall be considered a taxable sale of such article (sec. 3440, as amended).

CHAPTER 29—MANUFACTURERS' EXCISE AND IMPORT TAXES

SUBCHAPTER A—MANUFACTURERS' EXCISE TAXES

	Sec. I. R. C.	Sec. this Reg.
Automobiles, trucks, busses, and parts.	3403	§81.816 (b).
Business and store machines.	3406 (a) (6)	§81.816 (e) (1) (vi).
Electrical energy	3411	§81.816 (h).
Electric signs	3406 (a) (5)	§81.816 (e) (1) (v).
Electric, gas, and oil appliances.	3406 (a) (3)	§81.816 (e) (1) (iii).
Electric light bulbs and tubes.	3406 (a) (10)	§81.816 (e) (1) (x)
Firearms, shells, and cartridges.	3407	§81.816 (f).
[Pistols and revolvers.	See ch. 25, 2700 (a)	§81.818 (f).]
Gasoline	3412 (a)	§81.818 (i).
Lubricating oils	3413	§81.816 (j).
Luggage	3406 (a) (2)	§81.816 (e) (1) (ii).
Matches	3409	§81.818 (g).
Optical equipment	3406 (a) (9)	§81.816 (e) (1) (ix).
Photographic apparatus.	3406 (a) (4)	§81.816 (e) (1) (iv).
Radio, receiving sets, phonographs, phonograph records, and musical instruments.	3404	§81.816 (c).
Refrigerators, refrigerating apparatus, air-conditioners.	3405	§81.816 (d).
Rubber articles	3406 (a) (7)	§81.816 (e) (1) (vii).
Sporting goods	3406 (a) (1)	§81.816 (e) (1) (i).
Tires and inner trubes.	3400 (a)	§81.816 (a).
Toilet preparations (terminated).	3401	
Washing machines.	3406 (a) (8)	§81.816 (e) (1) (viii).

(a) *Tires and inner tubes; sec. 3400 (a).* (1) Tires wholly or in part of rubber (exclusive of metal rims or rim bases)—5 cents a pound on total weight. (Par. (1))

(2) Inner tubes (for tires) wholly or in part of rubber—9 cents a pound on total weight. (Par. (2))

(b) *Automobiles, trucks, busses, and parts; sec. 3403.* (1) Automobile truck chassis, automobile truck bodies, automobile bus chassis, automobile bus bodies, truck and bus trailer and semitrailer chassis, truck and bus trailer and semitrailer bodies, tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer (including in each of the above cases parts or accessories therefor sold on or in connection therewith or with the sale thereof)—5 per centum. A sale of an automobile truck, bus, or truck or bus trailer or semitrailer, shall, for the purposes of this subsection, be considered to be a sale of the chassis and of the body. (Subsec. (a))

(2) Other automobile chassis and bodies, chassis and bodies for trailers or semitrailers suitable for use in connection with passenger automobiles, and motorcycles (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof), except tractors—7 per centum. A sale of an automobile, trailer, or semitrailer shall, for the purposes of this subsection, be considered to be a sale of the chassis and of the body. (Subsec. (b))

(3) Parts or accessories (other than tires and inner tubes and other than radios) for any of the articles enumerated in subsection (a) or (b)—5 per centum. (Subsec. (c))

(c) *Radio receiving sets, phonographs, phonograph records, and musical instruments.* Including in each case, except in the case of musical instruments, parts or accessories therefor sold on or in connection with the sale thereof—10 per centum. (Section 3404)

(1) Radio receiving sets, automobile radio receiving sets, combination radio and phonograph sets, and phonographs. (Subsec. (a))

(2) Chassis, cabinets, tubes, reproducing units, power packs, antennae of the "built in" type, and phonograph mechanisms, which are suitable for use on or in connection with or as component parts of, any of the articles enumerated in subsection (a), whether or not primarily adapted for such use. (Subsec. (b))

(3) *Phonograph records.* (Subsec. (c))

(4) *Musical instruments.* (Subsec. (d))

(d) *Refrigerators, refrigerating apparatus, and air-conditioners.* Including in each case parts or accessories therefor sold on or in connection with the sale thereof—10 per centum. (Sec. 3405)

(1) *Refrigerators, etc.* Refrigerators, beverage coolers, ice cream cabinets, water coolers, food and beverage display cases, food and beverage storage cabinets, ice making machines, and milk cooler cabinets, each such article having, or being primarily designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline. (Subsec. (a))

(2) *Refrigerating apparatus.* Compressors, condensers, evaporators, expansion units, absorbers, and controls for, or suitable for use as part of, or with, a refrigerating plant, refrigerating system, refrigerating equipment or unit, or any of the articles enumerated in subsection (a). (Subsec. (b))

(3) *Air-conditioners.* Self-contained small air-conditioning units. (Subsec. (c))

(4) *Components.* Cabinets, compressors, condensers, fans, blowers, heating coils, cooling coils, filters, humidifiers, and controls, for, or suitable for use as part of, or with, any of the articles enumerated in subsection (c). (Subsec. (d))

(e) *Sporting goods; luggage; etc.* (New Manufacturers' Excise Taxes). (Section 3406)

(1) Including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof. (Subsec. (a))

(i) *Sporting Goods*—10 per centum. (Par. (1))

Badminton nets
Badminton rackets*
Badminton racket frames*
Badminton racket string
Badminton shuttlecocks
Badminton standards
Badminton standards
Baseballs
Baseball bats**
Baseball body protectors
Baseball shin guards
Baseball gloves
Baseball mitts
Baseball masks
Basketballs
Billiard tables****
Billiard balls
Billard cues for such tables
Bowling balls
Bowling pins
Boxing gloves
Boxing masks
Boxing head guards
Boxing ear guards
Clay pigeons
Cricket balls
Cricket bats
Croquet balls
Croquet mallets
Curling stones
Deck tennis rings
Deck tennis nets
Deck tennis posts
Fencing equipment
Fishing artificial lures
Fishing baits
Fishing creels
Fishing flies
Fishing reels
Fishing rods
Footballs
Football harness
Football helmets
Golf bags**
Golf balls
Golf clubs***
Gymnasium equipment
Gymnasium apparatus
Hockey balls
Hockey pucks
Hockey sticks***
Indoor baseballs
Indoor baseball bats**
Indoor baseball gloves
Indoor baseball mitts
Lacrosse balls
Lacrosse sticks
Mass balls
Polo balls
Polo mallets
Pool tables****
Pool balls {for such
Pool cues {tables
Push balls
Skates
Skis
Ski poles
Snow shoes
Snow toboggans
Snow sleds
Soccer balls
Softball balls
Softball bats**
Softball gloves
Softball mitts
Squash balls
Squash rackets*
Squash racket frames*
Squash racket string
Table tennis balls
Table tennis nets
Tennis balls
Tennis nets
Tennis rackets*
Tennis racket frames*
Tennis racket string
Track hurdles
Traps for throwing clay pigeons
Table tennis paddles
Table tennis tables
Vaulting cross bars
Vaulting poles
Vaulting standards
Volley balls
Volley nets
Volley standards
Water polo balls
Water polo goals
Wrestling head harness

*measuring 22 inches over-all or more in length

**measuring 26 inches or more in length

***measuring 30 inches or more in length

****measuring 45 inches over-all or more in length

(ii) *Luggage*. Trunks, valises, traveling bags, suitcases, hat boxes for use by travelers, fitted toilet cases (not including contents), and other traveler's luggage, and leather and imitation leather brief cases—10 per centum. (Par. (2))

(iii) *Electric, gas, and oil appliances*. Electric direct motor-driven fans and air circulators; electric, gas, or oil water heaters; electric flatirons; electric air heaters (not including furnaces); electric immersion heaters; electric heating pads and blankets; electric, gas or oil appliances of the type used for cooking, warming, or keeping warm food or beverages for consumption on the premises; electric mixers, whippers, and juicers; and household type electric vacuum cleaners—10 per centum. (Par. (3))

(iv) *Photographic apparatus*. Cameras and lenses; unexposed photographic films (including motion picture films but not including X-ray film), photographic plates and sensitized paper; photographic apparatus and equipment; and any apparatus or equipment designed especially for use in the taking of photographs or motion pictures or in the developing, printing, or enlarging of photographs or motion picture films—10 per centum. (Par. (4))

(v) *Electric signs*. Neon-tube signs, electric signs, and electric advertising devices—10 per centum. (Par (5))

(vi) *Business and store machines*—10 per centum. (Par. (6))

Adding machines
Addressing machines
Autographic registers
Bank proof machines
Billing machines
Bookkeeping machines
Calculating machines
Card punching machines
Cash registers
Change making machines
Check writing machines
Check signing machines
Check cancelling machines
Check perforating machines
Check cutting machines
Check dating machines
Other check protector machine devices
Computing machines
Coin counters
Dictographs
Dictating machine record shaving machines
Dictating machines
Duplicating machines
Embossing machines
Envelope opening machines
Erasing machines
Fanfold machines
Fare registers
Fare boxes
Listing machines
Line-a-time and similar machines
Mailing machines
Multigraph machines
Multigraph typesetting machines
Multigraph type justifying machines
Numbering machines
Portable paper fastening machines
Pay roll machines
Pencil sharpeners
Postal permit mailing machines
Punch card machines
Sealing machines
Shorthand writing machines
Sorting machines
Stencil cutting machines
Tabulating machines
Ticket counting machines
Ticket issuing machines
Typewriters
Transcribing machines
Time recording devices

and combinations of any of the foregoing items.

(vii) *Rubber articles*. Articles of which rubber is the component material of chief weight. The tax imposed under this paragraph shall not be applicable to footwear, articles designed especially for hospital or surgical use, or articles taxable under any other provision of this chapter—10 per centum. (Par. (7))

(viii) *Washing machines*. Washing machines of the kind used in commercial laundries. No tax shall be imposed under this paragraph on washing machines of the household type. 10 per centum. (Par. (8))

(ix) *Optical equipment*—10 per centum. (Par. (9))

Colorimeters
Fire control optical instruments
Micro-projection apparatus
Microscopes
Optical machinery
Optical measuring instruments
Photo-micro apparatus
Polariscopes
Projection lenses
Projection prisms
Refractometers
Searchlight mirrors
Searchlight reflectors
Spectrometers
Spectroscopes
Telescopes
Telescopic sights

(x) *Electric light bulbs and tubes*. Electric light bulbs and tubes, not including articles taxable under any other provisions of this subchapter—5 per centum. (Par. 10))

(2) *Exemption if articles taxable as jewelry*. Any articles taxable as jewelry under section 2400 (Chapter 19—Retailers' Excise Taxes) are exempted from the tax imposed by this section. (Subsec. (b))

(f) *Firearms, shells, and cartridges—11 per centum*. (Sec. 3407)

NOTE: The tax imposed by this section does not apply to pistols and revolvers. The sale or lease of such articles, however, by the manufacturer, producer, or importer is taxable at the same rate under sec. 2700 (a) Chap. 25—Firearms, Subchap. A—Pistols and Revolvers.

(g) *Matches*. (Sec. 3409)

(1) Fancy wooden matches and wooden matches having a stained, dyed, or colored stick or stem, packed in boxes or in bulk—5½ cents per 1,000 matches.

(2) All matches other than those enumerated above—2 cents per 1,000 matches.

(h) *Electrical energy*. Electrical energy sold for domestic or commercial consumption and not for resale—3⅓ per centum. (Sec. 3411)

(i) *Gasoline*. 1½ cents a gallon. (Sec. 3412 (a)). All products commonly or commercially known or sold as gasoline (including casinghead and natural gasoline), benzol, benzene, or naphtha, regardless of their classifications or uses; and any other liquid of a kind prepared, advertised, offered for sale or sold for use as, or used as, a fuel for the propulsion of motor vehicles, motor boats, or airplanes, except that it does not include any of the foregoing sold for use otherwise than as a fuel or in the manufacture or production of such fuel. The term "gasoline" does not include products commonly or commercially known or sold as kerosene, gas oil, or fuel oil.

(j) *Lubricating oils*. 4½ cents a gallon. (Sec. 3413.) The term "lubricating oil" as used in these regulations includes all oils, regardless of their origin, which are sold as lubricating oil and all oils which are suitable for use as a lubricant. The term "lubricating oils" does not include products of the type commonly known as grease.

§ 81.817 *Federal retailers' excise taxes*. The items on which Federal retailers' excise taxes are imposed are listed below. The tax is in the amount of 10 per centum of the price for which sold, and the taxes are effective as of October 1, 1941.

CHAPTER 19—RETAILERS' EXCISE TAXES

(a) SEC. 2400. *Jewelry, etc.* All articles commonly or commercially known as jewelry, whether real or imitation; pearls, precious and semi-precious stones, and imitations thereof; articles made of, or ornamented, mounted or fitted with, precious metals or imitations thereof; watches and clocks and cases and movements therefor; gold, gold-plated, silver, silver-plated or sterling flatware or hollow ware; opera glasses; lorgnettes; marine glasses; field glasses; and binoculars.

(b) SEC. 2401. *Furs*. Articles made of fur on the hide or pelt, and articles of which such fur is the component material of chief value.

(c) SEC. 2402. *Toilet Preparations*. Perfumes, essences, extracts, toilet waters, cosmetics, petroleum jellies, hair oils, pomades, hair dressings, hair restoratives, hair dyes, aromatic cachous, toilet powders, and any similar substance, article, or preparation, by whatsoever name known or distinguished: any of the above which are used or applied or intended to be used or applied for toilet purposes.

LABOR

CONVICT LABOR LAW

§ 81.901 *Convict labor; basic statutes*. The public policy of the United States as to convict labor is expressed in the act of February 23, 1887 (24 Stat. 411; 18 U.S.C. 708, 709). This statute is a penal one and provides for imprisonment or fine for its violation. (See also 47 Stat. 418; 31 U.S.C. 686b; 45 Stat. 1084; 49 U.S.C. 60; 49 Stat. 494; 19 U.S.C. 61–64; 54 Stat. 1134, as amended 55 Stat. 581; 18 U.S.C. 396a)

§ 81.902 *Executive Order of the President*. (a) Pursuant to the public policy prescribed by the aforementioned act of February 23, 1887, the President on May 18, 1905, issued an Executive Order which provides, in substance, that all contracts which shall hereafter be entered into by officers or agents of the United States involving the employment of labor in the States composing the Union, or the Territories contiguous thereto, shall, unless otherwise provided by law, contain a stipulation forbidding, in the performance of such contracts, the employment of persons undergoing sentences of imprisonment at hard labor which have been imposed by courts of the several states, territories, or municipalities having criminal jurisdiction.

(b) Under date of July 9, 1942, the President issued Executive Order 9196 which "in order to remove any doubts which might otherwise exist and to insure the effective utilization of all existing productive facilities, * * * ordered that Executive Order No. 325A of May 18, 1905, be, and the same is hereby, suspended for the period of the war and for six months thereafter to the extent necessary to permit officers and agencies of the Federal Government charged with the purchase or procurement of articles necessary in the conduct of war to procure, directly or indirectly, through any contractor or subcontractor or otherwise, articles of any kind produced in any Federal, State or territorial prison, provided such articles are not produced pursuant to any contract or other arrangement under which prison labor is hired out to, or employed or used by, any private person, firm, or corporation."

§ 81.903 *Application of basic statutes*. (a) The prohibitions contained in the foregoing provisions of this section do not apply to the following purchases:

(1) Purchases of items manufactured by the Federal Prison Industries, Inc. (See § 81.608)

(2) Purchases of items manufactured or produced by State prisons or other correctional State institutions. (See § 81.608 a)

(b) Assistant Solicitor General has advised the Chairman of the War Production Board that the Federal statutes prohibiting shipment of convict-made goods and subjecting such shipments to the operations of state prohibitory laws (See e. g. 54 Stat. 1134, as amended 55 Stat. 581; 18 U. S. C. 396 a; 45 Stat. 1084; 49 U. S. C. 60; 49 Stat. 494; 49 U. S. C. 61–64) do not extend to convict-made goods being procured by a contractor directly or indirectly for the Federal Government, *Provided*,

(1) That there is no other source of supply readily available to him on the open market;

(2) That purchases of such articles, materials or supplies are limited to the amount necessary to fulfill specific existing contracts with the Government; and

(3) That all such purchases are made at prices substantially equivalent to the current market price of the commodity purchased.

He has also expressed the view that an order of the Secretary of Labor, dated May 26, 1942, has the effect of exempting from the operation of the convict labor provisions of the Walsh-Healey Act (49 Stat. 2036, as amended, 41 U. S. C. 35 et seq.)

Contracts negotiated during the present war for the purchase of prison-made goods by contractors, subcontractors or brokers when such purchases are limited as above set forth to the purchase of such goods for the purposes of existing Government Contracts.

(See opinion of Attorney General, May 6, 1942; letter amplifying this opinion to the Chairman, War Production Board from the Assistant Solicitor General, dated June 20, 1942.)

(c) The provisions of the statute referred to in § 81.901 do not prohibit the employment by contractors or subcontractors of persons serving sentences on parole or probation, nor to convicts who have served their terms.

EIGHT HOUR LAW OF 1912

§ 81.904 *Basic law*. Eight hour law approved June 19, 1912 (37 Stat. 137), as amended by sec. 5 (b), act of June 28, 1940 (54 Stat. 679) and sec. 303, act of September 9, 1940 (54 Stat. 884). (40 U.S.C. 324, 325; M.L., 1939 and Sup. I, secs. 743, 745)

§ 81.905 *Applicability of eight-hour law*. The basic law applies to contracts for work which may require or involve the employment of laborers or mechanics. It does not apply to the following classes of contracts except when the classes of work contracted for have been or at the time of entering into the contract are performed by the Government:

(a) Contracts for supplies, whether manufactured to conform to particular specifications or not, as well as contracts to which the Walsh-Healey Public Contracts Law is applicable.

(b) Contracts for such materials or articles as may usually be bought in open market, except armor and armor plate, whether made to conform to particular specifications or not.

(c) Contracts for the construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable waters of the United States.

(d) Contracts for the transmission of intelligence.

(e) Contracts for transportation by land or water.

ANTI-REBATE (COPELAND OR "KICK-BACK") LAW

§ 81.906 *Basic law*. Act June 13, 1934 (48 Stat. 948); 40 U.S.C., Sup. 276b and c; M. L.; 1939, sec. 740, sec. 9, Reorganization Plan No. IV (54 Stat. 1236), effective June 30, 1940, in accordance with sec. 4 of H. J. Res. 551 (Pub. Res., No. 75, 76th Congress; 54 Stat. 231).

§ 81.907 *Applicability of anti-rebate law*. The basic law applies to all contracts and subcontracts for the repair, construction, prosecution, or completion of any public building, public work, or building or work financed in whole or in part by loans or grants from the United States, irrespective of the amounts of such contracts and the fact such contracts may not specify the wages to be paid by the contractors to their employees (19 Comp. Gen. 576).

§ 81.908 *Procedure*. Pursuant to the regulations of the Secretary of Labor made effective April 30, 1942, the following procedure is prescribed:

(a) Each contractor or subcontractor engaged in work subject to the basic law shall furnish each week a sworn affidavit with respect to the wages paid each of its employees engaged on the work covered by the basic law during the preceding weekly pay roll period. The affidavit shall be executed and sworn to by the contractor or subcontractor or by an authorized officer or employee of the contractor or subcontractor who supervises the payment of wages and shall be in the following form:

STATE OF ------------------
County of ------------------, *ss:*

I, ------------------ (name of party signing affidavit), ---------------------- (title), being duly sworn, do depose and say: That I pay or supervise the payment of the persons employed by ------------------ (contractor or subcontractor) on the ------ ---------------- (building or work); that the attached pay roll sets out accurately and completely the name, occupation, and hourly wage rate of each person so employed for the weekly pay roll period from the ------ day of --------- 194----, to the ------ day of ---------, 194----, the total number of hours worked by him during such period, the full weekly wages earned by him and any deductions made from such weekly wages, and the actual weekly wages paid to him; that no rebates have been or will be made either directly or indirectly to or on behalf of said ------------------ (contractor or subcontractor) from the full weekly wages earned as set out on the attached pay roll; and that no deductions, other than the permissible deductions (as defined in the Regulations under the "Kick-Back" Act (48 Stat. 948)) described in the following paragraph of this affidavit, have been made or will be made, either directly or indirectly, from the full weekly wages earned as set out on the attached pay roll.

(Paragraph describing deductions, if any.)

(Signature and title) --------------------------

Sworn to before me this -------- day of ---------, 194----.

(b) Each weekly affidavit shall be delivered by the contractor or subcontractor within seven (7) days after the regular payment date of the pay roll period, to a representative of a Federal or State agency in charge at the site of the building or work, or, if there no representative of a Federal or State agency at the site of the building or work, the affidavit shall be mailed by the contractor or subcontractor, within such time, to a Federal or State agency contracting for or financing the building or work. After such examination and check as may be made, such affidavit, or a copy thereof, together with a report of any violation, shall be transmitted to the United States Department of Labor, Washington, D. C., unless otherwise arranged with the Department of Labor.

(c) Each contractor or subcontractor, shall, within seven (7) days after the making of any subcontract with another person concerning work which is subject to the basic law, deliver to the local or national Government representative in charge at the site of the building or work, or, if there is no Government representative, shall mail within such time to the Federal agency contracting for or financing the building or work, an affidavit setting forth the name and address of his subcontractor and a summary statement of the precise work subcontracted.

§ 81.909 *Authorized pay roll deductions.* The following pay roll deductions are authorized:

(a) Deductions for the following purposes are permissible:

(1) Where required by Federal, state or local statutes or ordinances to be made by the employer from the wages earned by the employee;

(2) Bona fide prepayment of wages without discount or interest;

(3) Deductions required by court process; *Provided,* That the contractor or subcontractor will not be permitted to make such a deduction in favor of the contractor, subcontractor, or any affiliated person or where collusion or collaboration exists.

(b) Any deduction is also permissible which in fact meets the following standards and with respect to which the contractor or subcontractor shall have made written application by registered mail to the Secretary of Labor, a copy of which application shall be sent to the contracting agency by the contractor or subcontractor, setting forth all the pertinent facts indicating that such deductions will meet the following standards:

(1) That such deduction is not prohibited by other law; and

(2) That such deduction is: (i) voluntarily consented to by the employee in writing and in advance of the period in which the work was done, and that consent to the deduction is not a condition either for the obtaining of or for the continuance of employment; or (ii) that such deduction is for the benefit of the employees or their labor organization through which they are represented and is provided for in a bona fide collective bargaining agreement; and

(3) That from such deduction no payment is made to, nor profit or benefit is obtained directly or indirectly by the contractor or subcontractor or any affiliated person, and that no portion of the funds, whether in the form of a commission or otherwise, will be returned to the contractor or subcontractor or to any affiliated person; and

(4) That the convenience and interest of the employees are served thereby, and that such or similar deductions have been customary in this or comparable situations.

(c) After application in good faith, the deduction may be made in accordance with the foregoing standards: *Provided, however,* That if the Secretary of Labor, on his own motion, or on the application of any person or agency affected by the granting of the application, shall conclude at any time, after written notice to the applicant and an opportunity for him to present his views in support of the deduction, that the deduction has not met the foregoing standards, such deductions shall cease to be "permissible" seven days after the applicant and the federal agency concerned have been notified of the Secretary's decision.

(d) Upon application to and prior written permission from the Secretary of Labor, and subject to the standards set forth in paragraphs (b) (1), (2) and (4) hereof, deductions may be made by a contractor or subcontractor or any affiliated person, for membership fees in group benefit or retirement associations; for board and lodging; or for other purposes where the Secretary of Labor concludes the deduction is required by compelling circumstances: *Provided, however,* the contractor, subcontractor, or any affiliated person does not make a profit or benefit directly or indirectly from the deduction. A copy of the Secretary's decision shall be sent to the applicant and the federal agency concerned.

(e) In accordance with and subject to the standards set forth in paragraph (b) (1) to (4) inclusive of this section general permission is hereby granted to make pay roll deductions for:

(1) The payment of the purchase price of United States Defense Stamps and Bonds and United States Tax Savings Notes;

(2) The repayment of loans to or the purchase of shares in credit unions organized and operated in accordance with District of Columbia, Federal, or State credit union statutes;

(3) Contributions to a federal governmental or quasi-governmental agency.

(f) If any case in which the employee does not have full and actual freedom of disposition of his wage payment, whether made in cash or by check, any restricted payment made to the employee is considered a deduction under the regulations in this section.

(g) Nothing herein shall be construed to permit any deduction which the contractor or subcontractor knew, or in the exercise of good faith should have known, did not meet the foregoing standards. In order to insure compliance with this section, the Secretary of Labor may notify the contractor or subcontractor that the deduction will be permitted only if certain conditions with respect thereto are observed. The contractor or subcontractor or any affiliated person shall also comply with such general rules and regulations concerning the deductions as the Secretary of Labor shall make from time to time, notice of which shall have been given to the contractor or subcontractor or any affiliated person making the deduction and to the federal agency concerned either directly or through publication in the FEDERAL REGISTER.

DAVIS-BACON LAW

§ 81.910 *Davis-Bacon Act, as amended.* Act August 30, 1935 (49 Stat. 1011) as amended by the acts approved June 15, 1940 (54 Stat. 399) and March 23, 1941 (Pub. Law 22–77th Cong.) (40 U.S.C. 276a; M. L., 1939 and Sup. 1, sec. 746)

§ 81.911 *Applicability of Davis-Bacon law*—(a) *Contracts in excess of $2,000.* The basic law, as amended, applies to all contracts in excess of $2,000 for:

(1) Construction, alteration, or repair of any public building, highway, or other work of construction;

(2) Alteration or repair of vessels, boats and aircraft;

(3) Performance of any work upon Government-owned personal property, except where such work is to be performed under the Walsh-Healey Public Contracts Act pursuant to general or special directions of the Secretary of Labor.

(b) *Alaska, Hawaii, and District of Columbia.* The basic law is also applicable within the geographical limits of the Territory of Alaska, the Territory of Hawaii, and the District of Columbia.

(c) *Contracts without advertising for bids.* The amendment made by the act of March 23, 1941, makes the basic law applicable to contracts entered into upon a cost-plus-a-fixed-fee basis or otherwise without advertising for bids.

(d) *Exceptions.* The basic law does not apply to:

(1) Contracts for the construction or repair of ships or other movables where the place of performance of the contract cannot be ascertained at the time the contract is negotiated.

(2) Contracts awarded by institutions or groups supported in whole or in part by Federal funds, but to which contracts neither the United States nor the District of Columbia is a party.

(3) Contracts for the rental of equipment with operating personnel. (19 Comp. Gen. 467.)

§ 81.912 *Regulations and forms*—(a) *Regulations.* Regulations No. 503, Department of Labor, dated September 30, 1935, as amended, are required to be followed by every contracting officer in executing contracts to which the basic law is applicable. The Department of Labor has repealed section 22 of Regulations No. 503, as amended, and in place thereof has added the following new section 22, effective April 30, 1942:

> Section 22. *Pay roll deductions.* The "Regulations Applicable to Contractors and Subcontractors on Public Building and Public Work and on Building and Work Financed in Whole or in Part by Loans or Grants From the United States" promulgated from time to time by the Secretary of Labor pursuant to the act of June 13, 1934, shall be applicable to the compensation of all laborers and mechanics employed on public buildings or public works subject to the Davis-Bacon Act, as amended. (7 Fed. Reg. 686.)

(b) *Authorized pay roll deductions.* (See § 81.909 for authorized deductions)

(c) *Forms.* (1) Department of Labor Forms DB–11 and DB–15. (2) Standard Form No. 1093.

(d) *How obtained.* Copies of the above regulations will be obtained by the chiefs of the supply services directly from the Department of Labor for distribution to those concerned. Chiefs of supply services are responsible for the supply of the necessary forms to their contracting officers.

§ 81.913 *Requests for predetermination of wage rates*—(a) *Separate request for each contract.* Prior to entering into negotiations for awarding a contract to which the basic law is applicable, the contracting officer will request the Secretary of Labor, through the chief of the supply service concerned, to predetermine the wage rates to be contained in the contract. This request will be made on Department of Labor Form DB–11, and the instructions on that form will be followed. Since the Department of Labor has stated that the basic law does not apply to the following positions, no predetermination of wages is necessary in their cases:

Assistant engineer on dredges or floating plant in supervisory positions

Assistant foreman
Camp assistant
Checker
Chief engineer
Chief mate
Civil engineer
Clerk
Cook
Cook's helper
Foreman
Junior deck officer
Master or captain
Mate
Mess boy
Messenger
Office Manager
Pilot
Quartermaster or steersman
Steward
Storekeeper
Superintendent
Timekeeper
Waiter
Watchman

(b) *Information as to local wage conditions.* Each request submitted as indicated in paragraph (a) of this section will be accompanied by one or more copies of Department of Labor Form DB–15, executed in accordance with the instructions on that form, which require a separate form for each occupation. In filling out this form the contracting officer will consult the following and consider the information obtained therefrom in forming the opinion which he is required to state on the form:

(1) The Building Trades Council (or some other local federation or council of the various craft unions),

(2) Independent labor organizations not allied with the local Building Trades Council,

(3) Municipal officials (the commissioner of public works, the city clerk or other officials in charge of municipal construction who have data on the wage rates paid on city projects),

(4) The employers' organizations (such as master builders, the master painters, or other contractors' associations, the local chamber of commerce, etc.),

(5) Individual contractors and architects in the locality,

(6) The State Labor Department or its equivalent,

(7) The contracting officer and supervising superintendent, and

(8) The local office of the United States Employment Service or affiliated agency.

§ 81.914 *Special contract clause.* Each contract subject to the basic law will contain the following clause:

> The minimum wages to be paid laborers and mechanics on this project, as determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the pertinent locality, are as follows:
>
> | Classification of laborers and mechanics | Minimum rates of wages per hour |
> |---|---|
> | | |
>
> Any class of laborers and mechanics not listed in the preceding paragraph, which will be employed on this contract, shall be classified or reclassified conformably to the foregoing schedule. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question, accompanied by the recommendations of the contracting officer, shall be referred to the Secretary of Labor for final determination.

§ 81.915 *Under payment of wages.* Where a contracting officer finds that any laborer or mechanic employed by a contractor or subcontractor on work contracted for which is subject to the basic law has been or is being paid a rate of wages less than the wages required by the contract to be paid, the contracting officer will make a report on Standard Form No. 1093 (Schedule of Deductions from Payments to Contractor), executed as completely as is possible from his records, to the disbursing officer. The latter will complete the executing of the form from his records and transmit it to the office indicated on the form. Circular Letter A–34106, February 28, 1936, of the Comptroller General.

WALSH-HEALEY PUBLIC CONTRACTS LAW

§ 81.916 *Basic law: Walsh-Healey public contracts law.* (a) Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. 35–45; M. L., 1939, sec. 747). The law is quoted in the publication referred to in paragraph 917.1 below.

(b) Subsection 1 (c) of the basic law was amended by the act of May 13, 1942 (Pub. Law 552—77th Congress) so as to add a colon at the end thereof and the following proviso:

> *Provided,* That the provisions of this subsection shall not apply to any employer who shall have entered into an agreement with his employees pursuant to the provisions of paragraphs 1 or 2 of subsection (b) of section 7 of an Act entitled "Fair Labor Standards Act of 1938."

§ 81.917 *Applicability of Walsh-Healey public contracts law.* (a) Generally, the law is applicable to all contracts for the purchase of supplies when the amount thereof exceeds $10,000. The publication of the Department of Labor entitled "Rulings and Interpretations, September 29, 1939, Walsh-Healey Public Contracts Act," and additions and amendments thereto, contain detailed information as to the contracts which are subject to and those exempt from the act.

(b) The following changes and additions to the regulations referred to in paragraph (a) above have been published:

(1) Contracts for the rental of equipment are not subject to the act.

(2) Individuals, corporations, or other organizations, not manufacturers or regular dealers as defined by the act, but acting at the instance of Defense Production Associations certified by the War Production Board, are exempt from the representation and stipulation required by section 1 (a) of the Act.

(3) All emergency plant facilities contracts executed on an approved form are exempt from the act.

(4) Ice has been held to be a nonperishable commodity and thus contracts therefor are subject to the act.

(5) An exemption from the application of section 1 (d) and section 2 of the basic law has been granted with respect to employment of girls between the ages of 16 and 18 by contractors in any of the following industries:

Food Processing
Leather Products (including luggage and saddlery)
Boots and Shoes
Rubber Products
Photographic Equipment and Supplies
Chemical, Drug and Allied Products
Surgical and Scientific Instruments
Optical Instruments
Arms and Ammunition
Electrical Manufacturing
Plastic Products
Safety Appliances
Machinery and Allied Products
Converted Paper Products
Fabrication of Metal Products
(including nonferrous metal products)

Subject to the following conditions:

(i) That no girl under 16 years of age shall be employed.

(ii) That no girl under 18 years of age shall be employed for more than 8 hours in any one day, or between the hours of 10 p. m. and 6 a. m., or in any way contrary to State laws governing hours of work.

(iii) That no girl under 18 years of age shall be employed in any operation or occupation which, under the Fair Labor Standards Act or under any State law or administrative ruling, is determined to be hazardous in nature or dangerous to health.

(iv) That for every girl under the age of 18 years employed by him the contractor shall obtain and keep on file a certificate of age showing that the girl is at least 16 years of age.

(v) That a specific and definite luncheon period of at least 30 minutes be regularly granted any women workers under 18 years of age.

(vi) That no girl under 18 shall be employed at less than the minimum hourly rate set by or under the Fair Labor Standards Act or the Walsh-Healey Public Contracts Act for the industry in which the exemption is granted.

(6) Contracts awarded to any railroad or other carrier are excepted from the representations and stipulations required by section 1 of the act.

(7) Contracts negotiated during the present war with states or territories of the United States or with corporations, commissions or authorities wholly owned and controlled by such states or territories are exempt from the application of Article 1 of the regulations.

(8) Stipulation (c) of Article 1 of the contract stipulations (page 39 of the regulations) has been amended so as to add a colon at the end thereof and the following provisos:

Provided, however, That the provisions of of this stipulation shall not apply to any employer who shall have entered into an agreement with his employees pursuant to the provisions of paragraphs 1 or 2 subsection (b) of section 7 of an act entitled "The Fair Labor Standards Act of 1938"; *Provided further*, That in the case of such an employer, during the life of the agreement referred to the applicable overtime rate set by the Secretary of Labor shall be paid for hours in excess of 12 in any 1 day or in excess of 56 in any 1 week and if such overtime is not paid, the employer shall be required to compensate his employees during that week at the applicable overtime rate set by the Secretary of Labor for hours in excess of 8 in any 1 day or in excess of 40 in any 1 week.

(9) Article 103 (Overtime) of the Administrative Regulations (page 42 of the regulations) has been amended so as to add the following paragraph:

In the case of any employer who shall have entered into an agreement with his employees pursuant to the provisions of paragraphs 1 or 2 of subsection (b) of section 7 of an Act entitled "The Fair Labor Standards Act of 1938," the foregoing requirements shall be the same except that during the life of the agreement overtime compensation shall be payable only for hours worked in excess of 12 in any 1 day or in excess of 56 in any 1 week. If overtime is not paid for hours in excess of 12 in any 1 day or in excess of 56 in any 1 week, the employer shall be required to compensate his employees during that week for overtime for hours in excess of 8 in any 1 day or in excess of 40 in any 1 week. The requirements of section 7 (b) 1 and 2 of the Fair Labor Standards Act are more fully explained in Interpretative Bulletin No. 8 of the Wage and Hour Division.

(10) Articles 601, 602, 1101 and 1201 of the Administrative Regulations (pages 43 to 45 of the regulations) have been amended as follows:

(a) ART. 601. *Requests for exceptions and exemptions.* Request for the exception or exemption of a contract or class of contracts from the inclusion or application of one or more of those stipulations required by article 1 must be made by the head of a contracting agency or department and shall be accompanied with a finding by him setting forth reasons why such inclusion or application will seriously impair the conduct of Government business.

Request for the exception or exemption of a stipulation respecting minimum rates of pay and maximum hours of labor contained in an existing contract must be made jointly by the head of the contracting agency and the contractor and shall be accompanied with a joint finding by them setting forth reasons why such exception or exemption is desired.

All requests for exceptions or exemptions shall be transmitted to the Public Contracts Division of the Department of Labor.

(b) ART. 602. *Decisions concerning exceptions and exemptions.* Decisions concerning exceptions and exemptions shall be in writing and approved by the Secretary of Labor or officer prescribed by him, originals being filed in the Department of Labor, and certified copies shall be transmitted to the department or agency originating the request, to the Comptroller General, and to the Procurement Division of the Treasury. All such decisions shall be promulgated to all contracting agencies by the Public Contracts Division of the Department of Labor.

(c) ART. 1101. *Minimum wages.* Until a determination of the prevailing minimum wage for a particular industry or group of industries has been made by the Secretary of Labor prior to the invitation for bids, the stipulation with respect to wages in section 1 (b) of the Act will be inoperative, as provided in article 1 (b) of these Regulations.

Determinations of prevailing minimum wages or changes therein will be published in the FEDERAL REGISTER and sent to contracting officers by the Public Contracts Division of the Department of Labor. Such determinations will be effective upon the dates fixed therein.

(d) ART. 1201. Reports of contracts awarded. Whenever the contracting officer shall award a contract in which the stipulations required under article 1 are operative, he shall furnish the Department of Labor in quadruplicate on a form provided for this purpose the information required by such form.

§ 81.918 *General instructions.* (a) The regulations and instructions contained in "Ruling and Interpretations, September 29, 1939, Walsh-Healey Public Contracts Act", and amendments thereto, will be complied with by all contracting officers. Chiefs of supply services are responsible for furnishing this publication and a supply of the forms referred to therein to each of their contracting officers.

(b) The prospective contractors will be informed of applicable minimum wage determinations, if any, in advance of or coincident with negotiating contracts.

(c) Requests for exceptions, modifications and exemptions authorized by section 6 of the basic law will be submitted to the Purchases Branch, Procurement and Distribution Division, Headquarters, Services of Supply, by the chief of the supply service concerned.

(d) The minimum wage determinations made to date by the Secretary of Labor are published in the succeeding paragraphs.

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§ 81.919 *Knitted and men's woven underwear and commercial knitting industry.* Knitted and men's woven underwear and commercial knitting. The following described manufacturing, processing, and finishing operations:

(a) The manufacturing, dyeing, or other finishing of any knitted fabrics made from any yarn or mixture of yarns, except:

(1) The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing, or other finishing of knitted garments, knitted garment sections, or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed: *Provided*, That this exception shall not be construed to apply to the garments or garment accessories designated in paragraph (b) of this section.

(2) Fulled suitings, coatings, topcoatings, or overcoatings containing more than 25 percent, by weight, of wool or animal fiber other than silk.

(3) Hosiery.

(b) The manufacturing, dyeing, or other finishing from any yarn or mixture of yarns, or from purchased knitted fabric, of any of the following products:

(1) Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.

(2) Fleece-lined garments made from knitted fabric containing cotton only or containing any mixture of cotton and not more than 25 per cent, by weight, or wool or animal fiber other than silk.

(3) Knitted shirts of cotton or any synthetic fiber or any mixture of such fibers which have been knit on machinery of 10-cut or finer in the same establishment as that where the knitting process is performed.

(4) Knitted towels or cloths.

(c) The manufacturing of men's and boys' underwear from any woven fabric.

Date effective: March 3, 1942.

Wage: 40 cents per hour or $16.00 per week of 40 hours, arrived at either upon a time or piece work basis. Learners and handicapped workers may be employed in accordance with the present regulations under the Fair Labor Standards Act, which were adopted for the purposes of this wage determination.

§ 81.920 *Work gloves industry.* Including leather work gloves, leather-palm cotton gloves, all canvas or canton-flannel work gloves, knit gloves, woolen knit lined gloves, and officers' white cotton gloves.

Date effective: August 2, 1937.

Wage: $14.00 per week for a week of 40 hours or 35 cents per hour, arrived at either upon a time or piece work basis.

A tolerance of not to exceed 10 per cent of the workers in any one establishment is granted for those workers who are in fact learners or handicapped or superannuated workers, subject to the conditions that they be paid not less than 25 cents per hour or $10.00 per week and not less than piece rates paid to other workers in the same establishment and that they be qualified for such exemption in accordance with such requirements as may be established hereafter.

§ 81.921 *Seamless hosiery industry.* Manufacture and furnishing of seamless hosiery.

Date effective: March 30, 1942;

Wage: $14.40 per week for a week of 40 hours, or 36 cents per hour, arrived at either upon a time or piece work basis. Learners and handicapped workers may be employed in accordance with the present regulations under the Fair Labor Standards Act of 1938 which regulations were adopted for the purposes of this wage determination.

§ 81.922 *Men's hats and caps industry.*

Date effective: August 2, 1937.

Wage: 67.5 cents per hour or $27.00 per week for a 40-hour week, to be arrived at either upon a time or piece work basis.

Variation from minimum wage determination.

Date effective: February 11, 1938.

A tolerance of not more than 20 per cent of the employees in any one factory whose activities at any given time are subject to the provisions of the basic law is granted for auxiliary workers; *Provided*, That such auxiliary workers be paid a wage of not less than 37.5 cents per hour or $15.00 per week for a 40-hour week, arrived at either upon a time or piece work basis, *And Provided further*, That the term "auxiliary worker" when used in connection with employees in the uniform cap and in the stitched hat branches of the industry shall not be interpreted to include cutters or workers in the cutting room, machine workers, or workers on any kind of machine, blockers, pressers, or handsewers.

Extension of minimum wage determination: Women's hats and caps.

Date effective: July 11, 1942.

Wage: The minimum wage for the manufacture or furnishings of women's hats and caps of design and construction similar to those covered by the above determinations effective August 2, 1937 and February 11, 1938, for the men's hat and cap industry shall be the minimum wage set forth in those determinations.

Nothing in this determination shall be interpreted as abrogating any obligation that may have been incurred under the previous determinations for the industry.

§ 81.923 *Men's raincoat industry.* Including vulcanized and rubberized raincoats and raincoats made from material known under the registered trade-mark of "Cravanette" or from fabric chemically or otherwise treated so as to render it water-resistant (except oiled cotton).

Date effective: Determined to be September 18, 1939.

Wage: 40 cents per hour or $16.00 per week of 40 hours, arrived at either on a time or piece work basis.

A tolerance of not to exceed 10 per cent of the workers in any one establishment is granted for those workers who are in fact learners, handicapped or superannuated workers, subject to the conditions that they be paid not less than 25 cents per hour or $10.00 per week for a 40-hour week and not less than the piece rates paid to other workers in the same establishment, and that they be qualified for such exemption in accordance with such requirements as may be established hereafter.

Extension of minimum wage determination: Men's and women's oiled cotton waterproof outer garments and other oiled waterproof rainwear.

Date effective: March 6, 1941.

Wage: The minimum wage determination for men's raincoats, including the tolerance provision applicable thereto, is extended to the manufacture of men's and women's oiled cotton waterproof outer garments and other oiled waterproof rainwear.

§ 81.924 *Cotton garments and allied industries.* The cotton garment and allied industries shall be understood to be that industry which manufactures or furnishes any of the following commodities:

Trousers, knickers, work pants, and breeches (except when made wholly of wool and uniform trousers and breeches made wholly or partially of wool); dress or work shirts and nightwear of any material except knit fabric; overalls, overall jackets, and one-piece overall suits; work coats and work jackets (except wool and wool-lined, and leather and sheep-lined); washable service apparel (hospital, professional, etc.); other cotton outerwear of any material except knit fabric; barrack bags; bandoleers; ammunition and cartridge belts made of textiles; canvas leggins; cot covers; fabric pouches and carriers for first aid equipment, such as: kit cantle ring straps, kit inserts, kit laces, kit pouches and kit suspenders; mattress covers; mosquito bars; and wardrobe bags with drawstrings, made of textiles.

Date effective: July 20, 1942.

Wage: 40 cents per hour or $16.00 per week of 40 hours, arrived at either upon a time or piece work basis.

Learners and handicapped workers may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act which were adopted by the Secretary of Labor for the purposes of this determination.

§ 81.925 *Men's neckwear industry.* All but knitted neckwear.

Date effective: August 2, 1937.

Wage: 50 cents per hour or $20.00 per week for a 40-hour week, arrived at either upon a time or piece work basis.

A tolerance of not to exceed 10 per cent of the workers in any one establishment is granted for those workers who are in fact learners or handicapped or superannuated workers, exclusive of boxers and trimmers, with an additional tolerance to persons actually employed as boxers and trimmers: *Provided*, That all such workers including learners, handicapped and superannuated workers and boxers and trimmers, be paid not less than 37.5 cents per hour or $15.00 per week for a 40-hour week and not less than the piece rates paid to all other workers in the same occupational classification: *Provided further*, That all such employees be qualified for such exception in accordance with such requirements as may be established hereafter.

§ 81.926 *Dimension granite industry.* Including monumental stone, building stone, paving blocks, curbing, riprap, and rubble, but not crushed stone.

Date effective: January 15, 1938.

Wage: In Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and New York—57.5 cents per hour or $23.00 per week based on a 40-hour week, arrived at either on a time or piece work basis.

In North Carolina, Virginia, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Mississippi, Louisiana, Arkansas, and Texas—32.5 cents per hour or $13.00 per week based on a 40-hour week, arrived at either on a time or piece work basis.

In Pennsylvania, Maryland, Wisconsin, Minnesota, South Dakota, and all other States not included in the foregoing subparagraphs—42.5 cents per hour or $17.00 per week based on a 40-hour week, arrived at either on a time or piece work basis.

Monumental stone, building stone, paving blocks, curbing, riprap, and rubble, specifically made subject to the minimum wage determination for the dimension granite industry, are exclusively products of granite quarries, and such stones when the products of other quarries are not subject to the minimum wage determination for the dimension granite industry.

§ 81.927 *Shoe manufacturing and allied industries.* The term "Shoe Manufacturing and Allied Industries" means:

(a) The manufacture or partial manufacture of footwear from any material and by any process except knitting, vulcanizing of the entire article or vulcanizing (as distinct from cementing) of the sole to the upper.

(b) The manufacture or partial manufacture of the following types of footwear, subject to the limitations of paragraph (a) of this section but without prejudice to the generality of that paragraph:

Athletic shoes
Boots
Boot tops
Burial shoes
Custom made boots or shoes
Mocassins
Puttees, except spiral puttees
Sandals
Shoes completely rebuilt in a shoe factory
Slippers

(c) The manufacture from leather or from any shoe-upper material of all cut stock and findings for footwear, including bows, ornaments, and trimmings.

(d) The manufacture of the following types of cut stock and findings for footwear from any material except from rubber or composition of rubber, molded to shape:

Cutsoles, Midsoles, Insoles, Taps, Lifts, Rands, Toplifts, Bases, Shanks, Boxtoes, Counters, Stays, Stripping, Sock linings, Heel pads.

(e) The manufacture of heels of any material except molded rubber, but not including the manufacture of wood-heel blocks.

(f) The manufacture of cut upper parts for footwear, including linings, vamps, and quarters.

(g) The manufacture of pasted shoe stock.

(h) The manufacture of boot and shoe patterns.

Date effective: July 11, 1942.

Wage: 40 cents an hour or $16.00 for a week of 40 hours, arrived at on a time or piece work basis.

Learners, handicapped workers, and apprentices may be employed in accordance with the following regulations under the Fair Labor Standards Act of 1938, which are hereby adopted for the purpose of this wage determination; Regulations Applicable to the Employment of Learners (5 F. R. 2862; Title 29, Chapter V, Code of Federal Regulations, Part 522); Regulations Applicable to the Employment of Handicapped Persons (5 F. R. 2959; Title 29, Chapter V, Code of Federal Regulations, Part 524); Regulations Applicable to the Employment of Apprentices (5 F. R. 3766; Title 29, Chapter V, Code of Federal Regulations, Part 521); and the Regulations Applicable to the Employment of Handicapped Clients in Sheltered Workshops (5 F. R. 655; Title 29, Chapter V, Code of Federal Regulations, Part 525).

Nothing in this determination shall be interpreted as abrogating any obligation that may have been incurred under the previous determination for the Men's Welt Shoe Industry.

§ 81.928 *Handkerchief industry.* Handkerchiefs.

Date effective: January 26, 1938.

Wage: 35 cents per hour or $14.00 per week for a week of 40 hours, arrived at either upon a time or piece work basis.

§ 81.929 *Envelope industry.* Envelopes.

Date effective: May 12, 1938.

Wage: 42.5 cents per hour or $17.00 per week for a week of 40 hours, to be arrived at either upon a time or piece work basis.

§ 81.930 *Vitreous or vitrified china industry.* Vitreous or vitrified china, excluding semivitreous or semivitrified china.

Date effective: May 19, 1938.

Wage: 42.75 cents per hour or $17.10 per week for a week of 40 hours, to be arrived at either upon a time or piece work basis. The Administrator for the Public Contracts Division, Department of Labor, advises the above applies only to "tableware, kitchenware, dinnerware, and kindred lines, and not to plumbers' and sanitary supplies."

§ 81.931 *Leather, leather trimmed, and sheep-lined garments industry.* All leather, leather trimmed, and sheep-lined garments for men, women, or children.

Date effective: September 19, 1941.

Wage: 42.5 cents per hour or $17.00 per week of 40 hours, arrived at either upon a time or piece rate basis.

NOTE: The Administrator of Public Contracts, Department of Labor, in letter dated January 6, 1942, states that it has been determined that sheep-lined aviation helmets and leather aviation helmets come within the purview of the above determination.

§ 81.932 *Flint glass industry.*

Date effective: July 12, 1938.

Wage: 42.5 cents an hour or $17.00 per week for a week of 40 hours, arrived at either upon a time or piece work basis.

The flint glass industry produces such types of glassware as illuminating, table glassware, all thin blown glass, thermos bottles, chemical and laboratory ware, perfumery ware, stoppers and bottles, and the like, which character of glassware is produced by the pressed, pressed and blown, off hand and blown method, cutting and polishing; in fact, all types of glassware other than window, plate, and rolled glass, common bottles, containers, and prescription glassware.

NOTE: The Department of Labor has advised that this wage determination is intended to cover all types of glassware other than window, plate and rolled glass, common bottles, containers, and prescription glassware. Among the items particularly included under this intended coverage are fiberglass and fiberglass products.

§ 81.933 *Luggage and saddlery industries.* Luggage, including mail satchels or pouches.

Date effective: July 27, 1938.

Wage: 40 cents an hour or $16.00 per week of 40 hours, arrived at either upon a time or piece work basis, for the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Delaware, Washington, Oregon, California, Idaho, Nevada, Arizona, Montana, Wyoming, Utah, Colorado, New Mexico; and 37.5 cents an hour or $15.00 per week of 40 hours, arrived at either upon a time or piece work basis, for the other 26 States and the District of Columbia.

Extension of minimum wage determination: Carrier's tie straps and leather pouches.

Date effective: October 11, 1939.

Wage: That the minimum wage determination for the luggage and saddlery industries is extended to the manufacture of carrier's tie straps and leather pouches, consisting of a leather pouch or pocket of holster type with belt loop used for carrying pliers and knife.

§ 81.934 *Fireworks industry*—(a) *Commercial fireworks division.* Commercial fireworks.

Date effective: October 15, 1938.

Wage: 31.25 cents an hour or $12.50 per week for a week of 40 hours, arrived at either upon a time or piece work basis.

(b) *Fusee division.* Fusees, flares, and ship and railroad torpedoes.

Date effective: October 15, 1938.

Wage: 37.5 cents an hour or $15.00 per week for a week of 40 hours, arrived at either upon a time or piece work basis.

§ 81.935 *Wool carpet and rug industry.* Wool carpets and rugs (exclusive of rag rugs).

Date effective: October 15, 1938.

Wage: 40 cents an hour or $16.00 per week of 40 hours, to be arrived at either upon a time or piece work basis.

§ 81.936 *Tag industry.* Tags.

Date effective: September 23, 1941.

Wage: 40 cents an hour or $16.00 per week of 40 hours, arrived at either upon a time or piece work basis.

§ 81.937 *Aircraft manufacturing industry*—(a) *The aircraft manufacturing industry* is that industry which manufactures airplanes and gliders, aircraft-type engines, aircraft propellers, parts and accessories for the above-mentioned products, and specialized aircraft servicing equipment.

(b) *Expressly excluded* from the scope of the definition are such commodities as:

(1) *Fabricated textile products.* Fabric covers (including engine-warming covers); parachutes; safety belts; tow targets; and wind socks.

(2) *Pyrotechnics.* Cartridges for engine starters; and flares and signals.

(3) *Electrical and radio equipment.* Batteries; electric wire and cable; intercommunication equipment; landing and navigation lights; lighting systems; radios; and radio compasses.

(4) *Rubber products.* Rubber de-icing equipment; flotation gear; life preservers and life rafts; bonded rubber mountings and vibration dampers; rubber utilities; and tires and tubes.

(5) *Machine shop products and machinery.* Bearings; bolts, nuts, rivets, screws and washers; gas refueling systems (including refueling pumps); gears and sprockets; piston rings; springs; and wire rope.

(6) *Miscellaneous products.* Cameras; fire extinguishers; first aid equipment; gaskets; instruments; lavatory equipment; and lighter-than-air-craft.

Date effective: May 7, 1942.

Wage: 50 cents an hour or $20.00 for a week of 40 hours, arrived at on a time or piece-work basis.

Nothing in this determination shall be interpreted as abrogating any obligation that may have accrued under the terms of the determinations for the industry effective on December 29, 1938, and on November 18, 1941.

§ 81.938 *Bobbinet industry.* See § 81.960 (textile industry).

§ 81.939 *Iron and steel industry.* This determination covers only pig iron, iron or steel ingots, and rolled or drawn iron or steel products as hereinafter stated, and such fabricated iron or steel products as are specifically named but does not include any unspecified coated, insulated, forged, or cast items. The definition as formulated below describes the products of the iron and steel industry and the provisions thereof do not apply to any production in open hearth and electric furnaces other than that specifically enumerated.

The iron and steel industry is defined to mean and include the business of producing and selling all or any one or more of the following products:

Axles—rolled or forged.
Bale ties—single loop.
Bars—alloy steel, hot rolled.
Bars—cold finished, carbon and alloy.
Bars—concrete reinforcing, straight lengths.
Bars—ingots, blooms and billets—iron.
Bars—merchants steel.
Bars—tool steel.
Ferro-manganese and spiegeleisen.
Girder rails and splice bars therefor.
Ingots, blooms, billets and slabs—alloy.
Ingots, blooms, billets, and slabs—carbon.
Light rails—60 pounds or less per yard, and splice bars and angle bars therefor.
Standard tee rails of more than 60 pounds per yard, and angle bars and rail joints therefor, or any of such products.
Mechanical tubing.
Pig iron—foundry, high silicon silvery, malleable, open hearth basic, Bessemer, and high silicon Bessemer.
Pig iron—low phosphorus.
Pipe—standard, line pipe, and oil country tubular products.
Plates.
Posts—fence and sign.
Railroad tie plates.
Railroad track spikes.
Sheet bars.
Sheets.
Skelp.
Steel sheet piling.
Strip steel—cold rolled.
Strip steel—hot rolled.
Structural shapes.
Tubes—boiler.
Tube rounds.
Wheels—car, rolled steel.
Wire—drawn.
Wire hoops—twisted or welded.
Wire nails and staples, twisted barbless wire, barbed wire, twisted wire fence stays and wire fencing (except chain-link fencing).
Wire rods.
Wire—spring.
Wire—telephone.

Date effective (Note): This determination was originally effective March 1, 1939, but its operation was subsequently suspended due to court proceedings. Its operation was again resumed effective May 27, 1940.

Wage. Whether arrived at on a time or piece work basis, 45 cents per hour in the locality consisting of the States of Louisiana, Arkansas, Mississippi, North Carolina, South Carolina, Florida, Oklahoma, Texas, Alabama, Tennessee, Georgia, Virginia, and West Virginia (except the counties of Hancock, Brooke, Ohio, Harrison, Monongalia, and Marshall);

60 cents per hour in the locality consisting of the States of Washington, Oregon, California, Montana, Idaho, Nevada, Wyoming, New Mexico, Utah, Colorado, and Arizona; 58½ cents per hour in the locality consisting of the States of North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, and the area in and about East Saint Louis, Illinois;

62½ cents per hour in the locality consisting of the States of Wisconsin, Illinois (except the area in and about East Saint Louis, Illinois), Michigan, Indiana, Ohio, Pennsylvania, Delaware, Maryland, Kentucky, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and that portion of the State of West Virginia comprised within the counties of Hancock, Brooke, Ohio, Marshall, Harrison, and Monongalia, and the District of Columbia.

Provided, That apprentices may be employed at lower rates if their employment conforms to the standards of the Federal Committee on Apprenticeship.

This wage determination has heretofore been interpreted to cover the following:

Plate, armor
Strips, galvanized
Sheets, galvanized
Plates, galvanized
Shapes, structural, galvanized

and to exclude the following:

Wire, telephone, insulated
Rods, welding, coated.

§ 81.940 *Tobacco industry.* Cigarettes, chewing and smoking tobacco, snuff (cigars are specifically excluded).

Date effective: May 2, 1939.

Wage: 32.5 cents an hour or $13.00 per week of 40 hours, arrived at either upon a time or piece work basis.

§ 81.941 *Furniture industry.* This determination applies to all contracts subject to the basic law, for any of the commodities included in the determination under the wood furniture branch, the public seating branch, and the metal furniture branch of the furniture manufacturing industry.

(a) *Metal furniture branch.* The metal furniture branch of the furniture manufacturing industry is defined to be that industry whose products include:

Metal office furniture—Vertical filing cabinets; horizontal sections and half sections, and bookcases; hi-line and bookshelf units; desks; tables; chairs; storage cabinets; and wardrobes.
Metal household furniture.
Steel shelving—Industrial and general purpose steel shelving, miscellaneous fittings, attachments, and accessories.
Steel lockers—Box lockers; single-tier lockers; double-tier lockers; two-person and compartment lockers; miscellaneous fittings as used in schools, clubs, gymnasiums, commercial, and industrial establishments.
Visible filing equipment—Cabinets; panels.

Date effective: May 13, 1939.

Wage: 45 cents an hour or $18.00 per week of 40 hours, arrived at either upon a time or piece rate basis.

Extension of minimum wage determination: Metal furniture branch.

Date effective: July 28, 1941.

Wage: That the minimum wage determination for the metal furniture branch of the furniture industry is extended to the manufacture of metal cabinets for printers' type; metal cabinet partitions; metal tool boxes, tool cabinets, and tool chests; metal trunks, box type; metal rotating bins; metal sectional bins; and metal work benches, desks, and tables.

(b) *Public seating branch.* The public seating branch of the furniture manufacturing industry is defined to be that industry which fabricates, assembles, and installs (by those who fabricate or assemble) public seating (Upholstered or unupholstered), fabricated or assembled of wood, plywood, iron, steel, nonferrous metals, or any combinations of these materials, and consisting of the following:

(1) Fixed or connected seating for such public places as theaters, auditoriums, lodges, assembly halls, shoe stores, rinks, ball parks, race tracks, stadia, and other similar buildings and structures;

(2) Pewing, chancel, choir stalls, and related furniture and accessories for ecclesiastical purposes, seats and benches for court houses, hospitals, public waiting rooms, and for other similar public purposes;

(3) Pupils, desks, pupils' tables, pupils' chairs, and school furniture for all educational purposes;

(4) Portable chairs with folding seats in both single and multiple units;

(5) Portable folding seating in single units for other than household use,

Provided, That the following are specifically not included: Tablet armchairs and school chairs fabricated and/or assembled exclusively of wood.

Date effective: August 15, 1942.

Wage: 40 cents an hour, or $16.00 for a week of 40 hours arrived at either on a time or piecework basis.

(c) *Wood furniture branch.* The wood furniture branch of the furniture manufacturing industry is defined to mean the manufacturing, assembling, upholstering, and finishing, from wood, reed, rattan, willow, and fiber, of upholstered and other household, office, lawn, camp, porch and juvenile and toy furniture, including but without limitation porcelain top breakfast furniture and radio, phonograph and sewing machine cases and cabinets; the manufacturing and assembling from wood, of furniture parts for the above, separately, set up or knocked down including but without limitation parlor furniture frames and chairs in the white. This definition does not include the manufacture of any product covered by the prevailing minimum wage determination for the public seating branch of the furniture manufacturing industry. The manufacturing of any products covered under this definition is deemed to begin following the delivery of the wood from the kiln or from the air-dried dimension shed.

Date effective: August 15, 1942.

Wage: 40 cents an hour, or $16.00 for a week of 40 hours, arrived at either on a time or piecework basis for the District of Columbia, and all states other than California, Washington, and Oregon; and 50 cents an hour, or $20.00 for a week of 40 hours, arrived at either on a time or piecework basis, for the States of California, Washington, and Oregon.

§ 81.942 *Drug and medicine industry.* Manufacture or packaging of any one or more of the following products:

(a) Drugs or medicinal preparations (other than food) intended for internal or external use in the diagnosis, treatment, or prevention of disease in, or to affect the structure or any function of, the body of man or other animals:

(b) Dentifrices, cosmetics, perfume, or other preparations designed or intended for external application to the person for the purpose of cleansing, improving the appearance of, or refreshing the person.

The foregoing shall not be deemed to include the manufacture or packaging of shaving cream, shampoo, essential (volatile) oils, glycerine, and soap, or the milling or packaging without further processing of crude botanical drugs.

Date effective: September 19, 1941.

Wage: 40 cents per hour or $16.00 per week of 40 hours, arrived at either upon a time or piece rate basis.

§ 81.943 *Photographic supplies industry.* Cameras, including motion-picture cameras (except 35 millimeter); photostat and blueprint machines; tripods, film rewinders and reels, shutters, and other photographic accessories (except 35 millimeter); such equipment as flashlight apparatus, plate holders, developing apparatus; supplies such as films, photographic paper, and plates; and projectors of all types (except 35 millimeter).

Date effective: August 14, 1939.

Wage: 40 cents an hour or $16.00 per week of 40 hours, arrived at either upon a time or piece work basis; *Provided*, That learners may be employed at lower rates for a period of not to exceed 60 days if the total number of such workers in any one establishment does not exceed 5 per cent of the workers on the payroll, and if such learners are paid not less than 80 per cent of the minimum wage as determined, or 32 cents an hour or $12.80 per week of 40 hours, arrived at either upon a time or piece work basis.

NOTE: This determination was extended to include the blueprint paper coating industry. (See § 81.944.)

§ 81.944 *Blueprint paper coating industry.* The blueprint paper coating industry includes the manufacture or supply of blueprint, brownprint, blackprint, blackline, and other similarly sensitized papers and cloths.

Date effective: October 11, 1940.

Wage: The prevailing minimum wage determination for the photographic supplies industry, set forth in § 81.943, has been extended to include the blueprint paper coating industry.

§ 81.945 *Soap Industry.* Soap in bars, cakes, chips, and flakes, and in granulated, powdered, paste, and liquid forms, and glycerine; cleaners containing soap, scouring powders, and shaving soaps, and creams containing soap, and washing compounds containing soap.

Date effective: August 14, 1939.

Wage: 40 cents an hour or $16.00 per week of 40 hours, arrived at either upon a time or piece work basis.

§ 81.946 *Fertilizer industry.* Superphosphates, concentrated superphosphates, and concentrated fertilizer from superphosphates, potash, and ammoniates.

Date effective: September 12, 1939.

Wage: The amount indicated for each of the following groups of States, whether arrived at upon a time or piece work basis:

For the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware (except Kent and Sussex Counties), Maryland (except the Eastern Shore consisting of Cecil, Kent, Queen Annes, Talbot, Caroline, Dorchester, Wicomico, Worcester, and Somerset Counties), West Virginia, Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, and the District of Columbia, 40 cents an hour or $16.00 per week of 40 hours.

For the States of New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, and Washington, 50 cents an hour or $20.00 per week of 40 hours.

For Kent and Sussex Counties of Delaware, the Eastern Shore of Maryland (including Cecil, Kent, Queen Annes, Talbot, Caroline, Dorchester, Wicomico, Worcester, and Somerset Counties), Virginia, Tennessee, and Kentucky, 30 cents an hour or $12.00 per week of 40 hours.

For the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, and Texas, effective April 19, 1940, 30 cents an hour or $12.00 per week of 40 hours.

§ 81.947 *"Specialty accounting" supply manufacturing industry.* The commodities covered by this determination are as follows:

(a) Autographic and/or credit registers and/or supplies thereof, such as are used in making handwritten records of various transactions.

(1) Autographic registers may be further described as a machine or device for storing, alining, registering, and issuing copies of handwritten records.

(i) The accounting forms are usually folded in zigzag style, although some roll stationery is used. Such accounting forms are usually printed with the name and business of the user, but stock printed forms and plain stationery may be used. One or multiple copies of stationery may be used. Some roll and folder stationery is provided with edge perforations which engage pin sprockets for registration of forms.

(ii) The one or several carbon copies required may be arranged on rolls at right angles to rolls of stationery or such carbon sets may be interleaved with the forms and may cover the entire area or only a part of such forms.

(iii) Registers may be equipped to retain one or more copies of the transaction in a lock compartment and to issue the remaining copies. Registers may be supplied with a cash drawer, which is opened only by an operation which delivers a serially numbered form into a locket compartment.

(2) Credit registers may be further described as a cabinet or device for retaining in orderly arrangement sales tickets representing charge and other transactions.

(i) Such credit registers usually contain a set of vertical-hinged leaves, each leaf containing several numbered springs, the numbers corresponding with customers' names written on an index.

(ii) Such registers usually contain a storage and cash drawer and are sometimes supplied in combination with adding machines.

(b) Continuous form stationery, which is described as multiple sets of "business forms" with or without carbons, attached and/or folded, for use in billing machines, typewriters, and other office equipment. For example, continuous form stationery may be rolled or "fan folded" and may provide any number of copies up to the limit which will take a carbon impression. This type of stationery is usually printed according to specifications. They may be coated with carbon on the back or interleaved with carbon sheets.

(c) Sales and manifold books, which are described as bound books of multiple sets of forms for making original, handwritten records of sales and/or other transactions. For example, sales books are bound books of sales checks or tickets arranged in sets, usually either carbon coated on the back or arranged to fold or lay one or more carbon sheets between each two copies of a set. Translucent sheets are occasionally combined with carbon paper coated on both sides to reduce the number of carbon sheets. Covers may be arranged to fold in for the purpose of providing a better writing surface and may be ruled for tabulating sales, Sales books may or may not be printed.

Date effective: November 1, 1939.

Wage: 40 cents per hour or $16.00 per week of 40 hours, arrived at either upon a time or piece work basis, *Provided*, That apprentices may be employed at lower rates if their employment conforms with the standards of the Federal Committee on Apprenticeship.

§ 81.948 *Explosives and related products industry*—(a) *Blasting and detonating caps.*

Date effective: October 19, 1939.

Wage: 47.5 cents per hour or $19.00 per week of 40 hours, arrived at either upon a time or piece rate basis. Apprentices may be employed at lower rates than herein determined, provided their employment conforms to the standards of the Federal Committee on Apprenticeship.

(b) *Powder and other explosives.* Dynamite; nitroglycerine; black blasting powder; pellet and fuse powder; smokeless gun powder; permissible explosives (those approved by the United States Bureau of Mines for use in mines where dust and gas explosions are likely to occur).

List of permissible explosives as of June 30, 1941, according to Bureau of Mines Report of Investigations 3583, has been published. Where necessary, copies should be obtained by purchasing officers from the chief of the supply service concerned.

Date effective: October 19, 1939.

Wage: 57.5 cents an hour or $23.00 per week of 40 hours, arrived at either upon a time or piece rate basis. Apprentices may be employed at lower rates than herein determined, provided their employment conforms to the standards of the Federal Committee on Apprenticeship.

(c) *Small arms ammunition.*—Ammunition and parts thereof for small arms and such related products as saluting primers and cartridges for cartridge type aircraft engine starters.

Date effective: Determined to be October 19, 1939.

Wage: 42.5 cents an hour or $17.00 per week of 40 hours, arrived at either upon a time or piece rate basis. Apprentices may be employed at lower rates than herein determined, provided their employment conforms to the standards of the Federal Committee on Apprenticeship.

§ 81.949 *Paper and pulp industry.* Pulp and other fiber and the primary conversion of pulp and other fiber into paper and paperboard, and in addition, the manufacture and conversion of primary paper into toilet paper and paper towels, coated book paper, and paper shipping sacks.

Date effective: Determined to be October 15, 1939.

Wage: For the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Tennessee, Kentucky, Mississippi, Louisiana, Arkansas, Oklahoma, Florida, and Texas, 35 cents an hour or $14.00 per week of 40 hours, arrived at either upon a time or piece work basis.

For the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, and the District of Columbia, 39 cents an hour or $15.60 per week of 40 hours, arrived at either upon a time or piece work basis.

For the States of Washington, Oregon, and California, 50 cents an hour or $20.00 per week of 40 hours, arrived at either upon a time or piece work basis.

The following explanation of this determination has been received from the Public Contracts Division, Department of Labor:

Except for those products listed in the determination as manufactured or converted from primary paper, this determination is limited in application to paper and paperboard manufactured from pulp and other fiber, and to pulp and other fiber of the character used in manufacturing paper and paperboard. The majority of paper and paperboard items purchased by the Government that are subject to this wage determination are classified and listed as follows:

(a) *Book paper, writing paper, and cover paper.* (1) Book paper includes antique-finish, book end, coated book, half-tone, lithograph, machine-finished sized and supercalendered, and offset papers.

(2) Cover paper includes laid cover and machine-finish cover papers.

(3) Writing paper includes bond, duplicate check copies, index, internal revenue, ledger, manifold (including glazed), map, mimeograph, parchment deed, vellum finish, and postage stamp papers.

(b) *Building paper.* Felts and sheathing paper.

(c) *Ground-wood printing and specialty paper.* Blueprint paper (unsensitized), distinctive papers (public debt, securities, etc.), safety papers (safety device incorporated in manufacture of paper), and tracing paper.

(d) *Newsprint paper.* Facing slips and newsprint paper.

(e) *Paperboards.* Black-lining, binder's board or tarboard, bristol board, chipboard, lined boards (box, chip, marble-grained), newsboard, pressboard, red sulphite, tag board, manila cardboard, and strawboard.

(f) *Tissue and absorbent paper.* (1) Absorbent paper includes blotting, filter, and matrix paper and board.

(2) Tissue paper includes lens tissue, paper towels, and toilet paper.

(g) *Wrapping paper.* (1) Kraft wrapping paper.

(2) Manila paper includes target paper and uncut label paper.

(3) Plate and roll wiping paper.

§ 81.950 *Cement industry.* Portland cements, including modified portland cement, such as portland masonry cement and portland puzzolan cement.

Date effective: March 2, 1940.

Wage: Within the States of Pennsylvania, New York, New Jersey, Maryland, West Virginia, Ohio, Delaware, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, and the District of Columbia, 57 cents an hour or $22.80 per week of 40 hours.

Within the States of Maine, Michigan, Indiana, Kentucky, South Dakota, North Dakota, Nebraska, and Kansas, 50 cents an hour or $20.00 per week of 40 hours.

Within the State of Illinois, 63½ cents an hour or $25.40 per week of 40 hours.

Within the States of Wisconsin, Minnesota, Iowa, Missouri, Colorado, Wyoming, Utah, Montana, Idaho, Oregon, Nevada, Arizona, and New Mexico, 55 cents an hour or $22.00 per week of 40 hours.

Within the State of Washington, 70 cents an hour or $28.00 per week of 40 hours.

Within the State of California, 62½ cents an hour or $25.00 per week of 40 hours.

Within the States of Oklahoma and Texas, 47 cents an hour or $18.80 per week of 40 hours.

Within the States of Arkansas, Louisiana, Alabama, Tennessee, Virginia, Georgia, Florida, Mississippi, North Carolina, and South Carolina, 40 cents an hour or $16.00 per week of 40 hours.

§ 81.951 *Structural clay products industry.* Common brick, face brick (including glazed and enameled brick), salt glazed brick, manhole brick, structural clay tile (including glazed tile), unglazed face tile, paving brick, and clay or shale granules.

Date effective: October 27, 1941.

Wage: Arrived at either upon a time or piece work basis:

In the States of Maryland, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, Louisiana, Arkansas, Oklahoma, Texas, New Mexico, and the District of Columbia, 34 cents an hour or $13.60 per week of 40 hours.

For the remaining States of the United States, 40 cents an hour or $16.00 per week of 40 hours.

§ 81.952 *Uniform and clothing industry*—(a) *Suit and coat branch.* The suit and coat branch of the uniform and clothing industry is defined to be that industry which manufactures men's civilian suits and overcoats, tailored-to-measure uniforms including the pants, uniform overcoats, and uniform coats. Expressly excluded from this definition are shirts, single pants regardless of material, outdoor jackets, leather and sheep-lined jackets, work clothing, and washable service apparel.

Date effective: February 25, 1941.

Wage: 60 cents an hour or $24.00 per week of 40 hours, arrived at either upon a time or piece work basis, with a 20 percent tolerance for auxiliary workers, provided they be paid not less than 40 cents an hour or $16.00 per week of 40 hours.

(b) *Outdoor jackets branch.* The outdoor jackets branch of the uniform and clothing industry is defined to be that industry which manufactures wool and wool-lined jackets whether or not such jackets are properly described as mackinaws, field jackets, windbreakers, lumber jackets, peajackets, wool jumpers, or middies, blanket-lined or similar coats, or by any other similar designation.

Date effective: February 25, 1941.

Wage: 40 cents an hour or $16.00 per week of 40 hours, arrived at either upon a time or piece work basis.

(c) *Wool trousers branch.* The wool trousers branch of the uniform and clothing industry is defined to be that industry which manufactures wool or part wool uniform trousers or breeches, except tailored-to-measure trousers.

Date effective: February 25, 1941.

Wage: 40 cents an hour or $16.00 per week of 40 hours, arrived at either upon a time or piece work basis.

§ 81.953 *Die casting manufacturing industry.* The die casting manufacturing industry is defined to be that industry which manufactures die castings for sale and does not include the manufacture of die castings when incorporated into another product by the manufacture of such other products. The term "die casting" as used herein describes a casting made by forcing molten metal under pressure into a metallic mold or die.

Date effective: April 5, 1941.

Wage: 50 cents an hour or $20.00 per week of 40 hours, arrived at either upon a time or piece work basis. Apprentices may be employed at lower rates of pay if their employment conforms to the standards of the Federal Committee on Apprenticeship. Learners may be employed at the rate of 40 cents an hour or $16.00 per week of forty hours for a period of not to exceed 60 days if the total number of employees classified as such does not exceed 5 per cent of the total number of employees in any one establishment.

§ 81.954 *Dental goods and equipment manufacturing industry*—(a) *Durable goods.* Hand instruments, including forceps and pliers, broaches and cutting instruments, for dental use.

Dental chairs.
Dental cabinets.
Equipment units.
Dental sterilizers.
Dental gas apparatus.
Dental X-ray equipment.
Dental compressors, engines, and lathes.
Dental lights.
Dental laboratory equipment, other than laboratory furniture.

Date effective: September 23, 1941.

Wage: 40 cents an hour or $16.00 per week of 40 hours, arrived at either upon a time or piece work basis. Apprentices may be employed at lower rates of pay if their employment conforms to the standards of the Federal Committee on Apprenticeship. Learners may be employed at the rate of 35 cents an hour or $14.00 per week of 40 hours for a period of not to exceed 60 days, if the total number of employees so classified does not exceed 10 per cent of the total number of employees in any one establishment in any given pay roll or work week.

(b) *Consumable goods.*

Dental gold.
Dental alloy for amalgams.
Dental cement and filling materials.
Teeth, porcelain and gold.
Orthodentic appliances.
Waxes, compounds, and investments.
Rubber dental materials.
Denture materials other than rubber.
Burs, drills, and similar tools for use with handpieces.
Abrasive points, wheels, and disks.

Date effective: September 23, 1941.

Wage: 35 cents an hour or $14.00 per week of 40 hours, arrived at either upon a time or piece work basis.

§ 81.955 *Scientific industrial and laboratory instruments industry.* Instruments and apparatus of the types used in navigation; surveying, engineering; drafting; target detection; fire control; meteorology; laboratories for physical, chemical, clinical, biological, bacteriological, geological, physiological, and psychological teaching, demonstration, research, and testing.

Instruments and apparatus for indicating, measuring, recording, or controlling the following:

Quantity
Quality
Temperature
Combustion
Pressure
Flow
Density
Intensity
Humidity
Conductivity
Position
Altitude
Level
Atitude
Angle
Direction
Distance
Speed
Acceleration

Electrically-actuated instruments used to measure physical quantities; and optical glass; *but not including:*

Instruments and apparatus for measuring or controlling flow or consumption of water, gas, or gasoline, used in the services rendered by public utilities and service stations in indicating consumer consumption; instruments and apparatus used on automobiles; clocks and watches; and machinists' gages.

Date effective: September 23, 1941.

Wage: 40 cents an hour or $16.00 per week of 40 hours, arrived at either upon a time or piece work basis.

Apprentices may be employed at lower rates of pay if their employment conforms to the standards of the Federal Committee on Apprenticeship. Learners may be employed at the rate of 35 cents an hour or $14.00 per week of 40 hours for a period of not to exceed 60 days, if the total number of employees so classified does not exceed 10 per cent of the total number of employees in any one establishment in any given payroll or work week.

NOTE: The Department of Labor has issued the following interpretation of the term "optical glass" as used in the above determination:

Optical glass is a generic term applying to that type of glass which after grinding and polishing assumes definite refractive qualities and is intended to include finished products as well as blanks.

By this token, ophthalmic glass and its products, including eye glass lenses, as well as wholly or partially ground and polished lenses for any purpose other than photographic, are covered by the determination.

§ 81.956 *Surgical instruments and apparatus industry.* Instruments and apparatus used in, or in connection with, or in the aid of the practice of medicine and as particularly applied to surgery, such as surgical and diagnostic instruments and apparatus for medical and surgical treatment, including sutures, ligatures, and sterilizers for surgical purposes; but not including:

Electrosurgical instruments and apparatus in which electricity is the diagnostic, therapeutic, or functioning element, such as X-ray, fluoroscope, and high frequency apparatus and equipment, ultraviolet and infra-red ray and other therapeutic and heating lamps, apparatus, and equipment, orthopedic appliances, such as trusses, braces, supports, splints, artificial limbs, and elastic belts and stockings; and surgical dressings.

Date effective: September 23, 1941.

Wage: 40 cents an hour or $16.00 per week of 40 hours, arrived at upon a time or piece work basis.

Apprentices may be employed at lower rates of pay if their employment conforms to the standards of the Federal Committee on Apprenticeship. Learners may be employed at the rate of 35 cents an hour or $14.00 per week of 40 hours for a period of not to exceed 60 days, if the total number of employees so classified does not exceed 10 per cent of the total number of employees in any one establishment in any given pay roll or work week.

§ 81.957 *Evaporated milk industry.* Evaporated milk.

Date effective: November 3, 1941.

Wage: Arrived at either upon a time or piece work basis:

In the States of Washington, Oregon, and California, 50 cents per hour or $20.00 per week of 40 hours.

In the States of Idaho, Montana, Nevada, Utah, Arizona, New Mexico, Colorado, Wyoming, North and South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Michigan, and Ohio, 40 cents per hour or $16.00 per week of 40 hours.

In the remaining States of the United States and the District of Columbia, 32.5 cents per hour or $13.00 per week of 40 hours.

§ 81.958 *Paint and varnish industry.* Pigments or colors, either in dry or paste form; paints mixed ready for use or in dry or paste form; varnishes, lacquers, enamels; fillers, putty, top dressings; paint and varnish removers; furniture and floor wax; and lacquer thinners.

Date effective: November 6, 1941.

Wage: Arrived at either upon a time or piece work basis: For the States of Virginia, North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, and Arkansas, 40 cents an hour or $16.00 per week of 40 hours.

For all other States of the United States and the District of Columbia, 50 cents an hour or $20.00 per week of 40 hours.

§ 81.959 *Leather manufacturing industry.* The leather manufacturing industry is defined to be that industry which tans, curries, and finishes leather (including rawhide) from any type of hide or skin, and manufactures welting and power transmission belting when made wholly or principally of leather.

(a) Tanning, currying, and finishing of leather (including rawhide).

Date effective: December 17, 1941.

Wage: Arrived at either upon a time or piece rate basis.

In the States of Maine, Vermont, New Hampshire, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Maryland, Pennsylvania, Delaware, Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, New Mexico, Colorado, Wyoming,

Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, Washington, and the District of Columbia, 50 cents an hour or $20.00 per week of 40 hours.

In the States of West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, Arkansas, Louisiana, Oklahoma, and Texas, 40 cents an hour or $16.00 per week of 40 hours.

(b) *Welting and power transmission belting.*

Date effective: December 17, 1941.

Wage: Arrived at either upon a time or piece rate basis. 40 cents an hour or $16.00 per week of 40 hours, regardless of where manufactured.

§ 81.960 *Textile industry.* The term textile industry means:

(a) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs containing any wool) from cotton, flax, jute, other vegetable fiber, silk, grass, or any synthetic fiber, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in paragraphs (g) and (h) of this section; except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber;

(b) The manufacturing of batting, wadding, or filling and the processing of waste from the fibers enumerated in paragraph (a) of this section;

(c) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics or cords (except carpets and rugs containing any wool) from any fiber or yarn;

(d) The processing of any textile fabric, included in this definition of this industry, into any of the following products: bags; bandages and surgical gauze; bath mats and related articles; bedspreads; blankets; diapers; dishcloths; scrubbing cloths and wash-cloths; sheets and pillow cases; tablecloths, lunchcloths and napkins; towels; window curtains; shoe laces and similar laces;

(e) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

(f) The manufacturing of cordage, rope or twine from any fiber or yarn including the manufacturing of paper yarn and twine;

(g) The manufacturing, or processing of yarn (except carpet yarn containing any carpet wool) or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in paragraph (a), containing not more than 45 per cent by weight of wool or animal fiber (other than silk);

(h) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 per cent by weight of wool or animal fiber (other than silk), with any of the fibers designated in paragraph (a) of this section, with a margin of tolerance of 2 per cent to meet the exigencies of manufacture;

(i) The manufacturing, dyeing, finishing or processing or rugs or carpets from grass, paper, or from any yarn or fiber except yarn containing any wool but not including the manufacturing by hand of such products.

Date effective: June 24, 1942.

Wage: 40 cents an hour or $16.00 for a week of 40 hours, arrived at on a time or piece work basis.

Learners, handicapped workers, and apprentices may be employed, and deductions from the wages of employees may be made in accordance with the present regulations under the Fair Labor Standards Act of 1938, which were adopted for the purpose of this wage determination.

This determination shall not be interpreted as abrogating any obligation that may have occurred under the previous determination for the industry or under the previous wage determination for the manufacture of bobbinets which is covered by the present definition of the Textile Industry.

§ 81.961 *Chemical and related products industry.* The chemical and related products industry is defined to be that industry which manufactures:

(a) (1) Heavy, industrial, and fine chemicals, including among others, compressed and liquefied gases, and insecticides and fungicides, and

(2) The byproducts of the foregoing; and

(b) The manufacture of such commodities as bluing; bone black, carbon black, and lampblack; cleaning and polishing preparations (except paint and varnish remover, furniture and floor wax and polish, and soap); mucilage, paste and other adhesives.

Omitted from the scope of the definition of this industry are ammunition; drugs and medicines; explosives; fertilizer; fireworks; paints, pigment, varnishes, and lacquers; and soap, which are covered in other paragraphs of this section. See § 81.918 (d).)

Date effective: April 28, 1942.

Wage: Arrived at either upon a time or piece work basis.

(1) 40 cents an hour or $16.00 per week of 40 hours, for the States of Maryland, Virginia, North Carolina, South Carolina, Tennessee, Arkansas, Mississippi, Alabama, Georgia, Florida, and the District of Columbia; and

(2) 50 cents an hour or $20.00 per week of 40 hours for the remaining States of the United States.

NOTE: The following elaboration of the intended scope of the above determination has been furnished by the Department of Labor:

The heavy, industrial, and fine chemicals referred to in the determination are those classified by the 1939 Census of Manufacturers in the following industries:

Census Industry Number:	*Census industry title*
933	Insecticides, fungicides and related industrial and household chemical compounds;
981	Coal-tar products, crude and intermediates;
982	Plastic materials;
985	Compressed and liquefied gases;
999	Chemicals not elsewhere classified.

The definition does not extend to the utilization of chemicals in other industries, nor does it apply to the following products which are grouped with Chemicals by various industrial classification codes:

Animal and vegetable oils;
Candles;
Glue and gelatin;
Grease and tallow;
Ink;
Rayon and allied products;
Salt;
Tanning extracts and natural dyestuffs;
Wood distillation products, charcoal and naval stores.

PLANT FACILITIES EXPANSIONS

POLICY

§ 81.1001 *General policy in regard to new facilities.* The conservation of critical material and the fullest possible utilization of existing facilities, whether structures, machinery, or equipment, requires that preference in placing contracts should be given first to contractors who have existing buildings or machinery available, and, second, to contractors who need to acquire the least amount of additional facilities for performance of the contract. Where it has been determined that new facilities are essential, preference should be given to contractors who will themselves finance such facilities. So far as practicable, direct payment or direct reimbursement by the Government for the cost of new facilities should be confined to facilities which themselves form a separate unit (on land covered by the facilities contract or controlled by a long-term lease) or which are readily removable or separable from the contractor's existing plant without unreasonable expense or loss of value. Thus, so far as practicable, buildings should not be erected at the Government's expense on land owned by the contractor unless the Government is given an option to lease on an appropriate basis for a substantial term (e. g. ten years) after the emergency, or an option to buy land at a reasonable price, now or later determined by negotiation.

In connection with new construction projects, the following measures will be observed in order to conserve critical materials:

(a) The site will be selected with a view to minimizing the requirements for additional utilities, transportation, and housing facilities. An effort will also be made to avoid the necessity of multiple-storied structures.

(b) Whenever possible, structures should be of a temporary nature and should be of the simplest construction consistent with the proposed use of the structure and the applicable building codes.

(c) Air conditioning will be employed in only those structures or portions of structures where the manufacturing process makes such use essential. Air conditioning will not be employed for the comfort or for increasing the efficiency of personnel.

(d) Construction of new facilities will, insofar as possible, be of materials the use of which is not prohibited by applicable orders of the Army-Navy Munitions Board or the War Production Board.

(e) Compliance with Procurement Regulation No. 10. Unless otherwise specifically provided, compliance with any provision of Procurement Regulation No. 10 §§ 81.1001 to 81.1017, inclusive, or of any amendment thereto which requires a change in contract procedure or in any contract provision shall not be mandatory until thirty days after the issuance of such regulation or amendment.

§ 81.1002 *Rental or allowance for the use of Government-financed facilities.* In cases where competition in a price sense will or may exist between the contractor receiving Government-financed facilities and other manufacturers (not using comparable Government facilities on a no-rental basis), appropriate steps will be taken to equalize insofar as possible the competitive situation. To this end, a reasonable rental not less than normal depreciation during the period of use will ordinarily be charged in such cases. Where there is direct Government construction or installation of Government-owned machinery or equipment (not including construction or installation under a defense plant corporation lease), in lieu of the rental charge, cognizance may be taken of the difference in the ownership or rental status of the facilities, as between the several manufacturers, and this factor taken into account in placing the contract.

Where Government-financed facilities are employed for the performance of contracts other than those directly with the Government, a rental will usually be charged for the facilities so employed. However, where the facilities are furnished as a part of an integrated production program under which a reduction commensurate with the facilities furnished is obtained in the cost of the supplies to the Government, and the furnishing of the facilities without rental does not create an unfair competitive advantage, the rental charge need not be made. Rental may also be waived with respect to production for a foreign Government for cause deemed adequate by the chief of the supply service.

§ 81.1003 *Reconversion and storage costs.* Where, pursuant to the policy stated in § 81.1001, the Government undertakes to finance the conversion of plants to war production (including required new machinery, equipment, and building installations), the cost of such conversion may include the cost of removing existing commercial machinery, equipment, and installations, and the cost of incidental building rehabilitation and alteration. In such cases, provision may be made for payment, on termination of production for the Government, of the costs of removal of Government-financed machinery and equipment, including preparation for shipment and storage. No provision may be made, however, for the Government's bearing, either directly or indirectly, any part of the cost of reconverting the contractor's plant to commercial production (including reinstallation of privately owned machinery and equipment), nor will the Government bear the cost of storing such machinery and equipment during the period between conversion and reconversion. This policy is equally applicable to all types of contracts, whether facilities contracts, cost-plus-a-fixed-fee contracts, or fixed-price contracts.

§ 81.1004 *Tax amortization.* Under the provisions of section 124 of the Internal Revenue Code, the cost of facilities which are acquired by corporations may be amortized over a period of sixty months (or, under certain circumstances, a shorter period) for the purpose of computing taxable income. The amortization provisions do not apply when the facilities expansion is financed under a plan of the type described in Plans III, IV, or V, in § 81.1006 (c) (d) (e). In order to secure the benefits of such amortization, the corporation must obtain from the War Department or the Navy Department a Necessity Certificate which certifies to the Commissioner of Internal Revenue that the facilities therein described are necessary in the interest of National Defense. The duties of the Services of Supply with respect to processing applications for such certificates are set forth in §§ 81.1014 to 81.1017.

METHODS FOR PROVIDING NEW FACILITIES AND PROTECTION OF THE GOVERNMENT'S INTEREST IN GOVERNMENT FINANCED FACILITIES

§ 81.1005 *Protection of the Government's interest.* The duty of protecting the Government's interest in facilities for which the Government has paid in whole or in part rests upon the contracting officer. Where the new facilities are paid for by the contractor, and the cost thereof is not to be borne by the Government directly or indirectly, there is no problem of protecting the interest of the Government in the facilities. (See Plan I, § 81.1006 (a).) Where the new facilities are to be financed by the Government, protection of the Government's interest therein will ordinarily be accomplished by the use of Plan II, III, IV, or V, as outlined in § 81.1006 (b) (c) (d) or (o). In exceptional cases, such protection may be accomplished by the use of Special Facilities Contracts or Lease Agreements or through the use of the procedure outlined in § 81.1007.

§ 81.1006 *Methods for providing new facilities.* The following methods are typical of those which may be used for providing new facilities:

(a) *Plan I: Private ownership, with no Government interest*—(1) *Purpose.* For cases in which the contractor is not to be paid by the Government directly or indirectly for the cost of the facilities except to the extent of normal depreciation included in the price of articles sold to the Government.

(2) *Financing.* Financed by the contractor.

(3) *Title.* Vested in the contractor.

(b) *Plan II: Private ownership, with Government interest; emergency plant facilities contract*—(1) *Purpose.* For cases in which the contractor is to be reimbursed by the Government and desires to retain a future interest in the facilities.

(2) *Financing.* By the contractor until repaid by the Government.

(3) *Title.* Vested in the contractor with option to purchase such interest as the Government may have acquired by having repaid the contractor partially or wholly for facilities.

(c) *Plan III: Government ownership; War Department construction contract*—(1) *Purpose.* For cases in which the contractor is constructing facilities for the Government and at Government expense.

(2) *Financing.* By the Government.

(3) *Title.* Vested in the Government. When the facilities will constitute an addition to or an extension of an existing plant of the contractor, the contractor may be given an option to purchase the facilities.

(d) *Plan IV: Government ownership; Defense Plant Corporation lease*—(1) *Purpose.* For cases in which the Defense Plant Corporation pays for the facilities.

(2) *Financing.* Defense Plant Corporation, upon recommendation by the War Department, enters into an Agreement of Lease with the Contractor which, as agent for and in the name of Defense Plant Corporation, constructs the buildings and purchases the machinery and then leases the facilities from Defense Plant Corporation at an agreed rental. In most cases where the rental agreed upon is insufficient to reimburse Defense Plant Corporation in full over the term of the lease, part of the financing is borne by the War Department under an agreement with Defense Plant Corporation.

(3) *Title.* Vested in Defense Plant Corporation, with option in contractor to buy at the end of the lease.

(e) *Plan V: Government ownership; Supply contract*—(1) *Purpose.* For cases in which the contractor will acquire facilities (other than real estate and buildings) for the amount of and to be paid for by the Government; facilities to be used by contractor to manufacture supplies under War Department Supply Contract; contractor to pay cost of maintenance and replacement during life of contract. This type of Governmental financing is provided for by the article entitled "Government-Owned Facilities," (§ 81.332)

(2) *Financing,* Government funds.

(3) *Title.* Vested in the Government, with option in contractor, in certain cases, to buy at cost less depreciation.

§ 81.1007 *Other methods of protecting the Government's interest in Government-financed facilities.* Where, because of special circumstances (such as the inseparability of the new facilities from existing privately owned facilities), the adoption of none of the methods set forth in § 81.1006 is practicable and the Government bears, as a part of the contract price, all or a portion of the cost of the facilities to the contractor, the Contracting Officer will include in the contract which provides for such payment by the Government for the facilities suitable provisions for the protection of the Government's interest in the facilities and will state in the contract the amount of such payment. Ordinarily, in such cases the provisions hereinafter set forth should all be included. However, in exceptional circumstances one or more of such provisions, with the approval of the Chief of the Purchases Branch, Procurement and Distribution Division, Services of Supply, may be omitted from the contract with or without substitution of modified provisions directed to the same end:

(a) Requirement that the contractor maintain the facilities, or an appropriate portion thereof, in good condition at its own expense for a period provided for in the contract extending beyond the period of existing supply contract, unless upon request the contracting officer releases it from such obligation;

(b) Requirement that the contractor retain title to the facilities, or an appropriate portion thereof, during said period free of encumbrances not consented to in writing by the contracting officer;

(c) Requirement that the contractor makes no material alteration in the nature of the facilities, or an appropriate portion thereof, without the written consent of the contracting officer;

(d) Requirement that the contractor give priority to Government orders during said period;

(e) Requirement that the contractor shall not include in any price in any supply contract with the Government any sum for depreciation or amortization of the facilities, or an appropriate portion thereof, during said period;

(f) Provision that the contractor may at any time be released from the above requirements upon payment to the Government of a sum agreed upon between the contractor and the contracting officer as constituting fair and just return to the Government for its payment for the facilities.

Where reference is made in the above to "an appropriate portion" of the facilities, that portion for which payment is made by the Government is intended.

PROCEDURE FOR OBTAINING CLEARANCE AND APPROVAL OF FACILITIES EXPANSIONS

§ 81.1008 *Preliminary clearance.* (a) The Chief of the supply service concerned will report to the Deputy Chief of Staff for Resources and Requirements, headquarters, Services of Supply, every proposed facilities expansion involving either:

(1) New construction, regardless of amount,

(2) The addition of machinery or equipment where expediting production funds are required, or

(3) The addition, under a supply contract, of machinery or equipment the estimated cost of which exceeds twenty per cent of the total amount of the contract and $25,000.

(b) Such report should be made when the facility is first conceived, and should contain the following information:

Name of the company.
Nature and location of the proposed project.
Nature of the product concerned in this expansion.
Estimated increase in productive capacity expected to result from the proposed expansion.
Estimated cost of the expansion:
  Construction, including land and improvements.
  Machinery and equipment.
  Total.
Estimated labor requirements for operation:
  Men.
  Women.
Estimated additional demand for power stated in kilowatts, and estimated additional requirements for natural gas.
A brief statement demonstrating that the proposal is essential to meet the needs for equipment or material under the latest "Requirements for Army Supply Program," and that existing facilities or structures are not available for the required purpose.

§ 81.1009 *Plant Site Board clearance.* Every proposed facilities expansion in excess of $1,000,000 must be approved by the Plant Site Board of the War Production Board. In order to obtain the clearance of the Plant Site Board, it will be necessary to submit substantially the same information as that required under § 81.1008. Where the chief of the supply service concerned deems it desirable in the interests of expedition, the information may be furnished and the clearance obtained by telephone.

§ 81.1010 *Final approval and release of expediting funds.* Applications for final approval of proposed facilities expansions of the types set forth in § 81.1008, and for the release of expediting funds, where such funds are required, will be submitted to the Deputy Chief of Staff for Resources and Requirements, Headquarters, Services of Supply (or in the case of the Air Corps, such applications will be submitted to the Under Secretary of War). Such applications will supply the following information:

The name of the project.
The nature and location of the project.
The nature of the product.
The estimated maximum capacity of the proposed facility.
The name of the proposed operator.
The estimated cost of the project.
The amount of "expediting production" funds requested.
The proposed manner of financing the balance of the cost.
A statement substantially as follows: "This project was formally cleared by the Plant Site Board of the War Production Board on ------------ (date)."
Estimated date production operations to commence.
Map in duplicate showing location.
Floor space to be provided (where appropriate).
Estimated costs:
  Land --------------------acres-- $------
  Construction -------------------- $------
  Machinery and equipment-------- $------
  Government overhead and other- $------
    Total------------------------ $------

Estimated labor requirements for operation (include estimated percentage of female labor.)

  Supervisory and administrative salary range----- ------ ------
  Skilled, salary range------ ------ ------
  Semiskilled, salary range-- ------ ------
  Unskilled, salary range---- ------ ------
    Total ---------------- ------ ------

Statement as to local availability of labor for proposed plant.

Power:
  Expected maximum demand in kilowatts. ------
  Is adequate power available locally? ------
  What is proposed source of power supply? ------
Transportation:
  Estimated transportation requirements ------
  Are there adequate main line rail facilities? ------
  Are there adequate improved highway facilities to the site? ------
Water:
  Expected water requirements in gallons per day. ------
  Is there an adequate supply of water available? What is proposed source of supply? ------
Fuel: Is there an adequate supply of fuel? ------
Sewage disposal requirements and method of handling proposed.

(21) Housing: Will additional housing for operating personnel be required? If so, state approximate number of units ------------
Has the proposed site been favorably reported on from an engineering standpoint by the Department charged with responsibility for construction? ------------
Alternate locations: Have alternate sites been reconnoitered? What are the reasons which caused the recommended site to be selected? ------------
A statement by the chief of the supply service that he has made a thorough investigation and has determined that the facilities proposed are essential to meet the needs for equipment and material set forth by the latest "Requirements for Army Supply Program", that there are no existing manufacturing facilities available or susceptible of conversion for the purpose, and that there are no existing structures which can be made available for the purpose by purchase or lease.

Where it is deemed essential in the interest of expedition to file the application before the complete information required above is available, the information required by items (10) through (24) may be supplied in a second letter following the original application.

§ 81.1011 *Contract clearance.* All proposals for facilities expansions and amendments thereto in excess of $5,000,000 under Defense Plant Corporation Lease Agreements and all proposed contract awards in excess of $5,000,000 involving any type of Government financing of facilities expansions or installations will be submitted to the Chief, Purchases Branch, Procurement and Distribution Division, Headquarters, Services of Supply.

§ 81.1012 *Obtaining the letter of commitment in connection with Defense Plant Corporation Lease Agreements.* Where the proposed expansion is to be financed through a Defense Plant Corporation Lease Agreement, the letter of commitment from the War Department to the Defense Plant Corporation will be submitted to the Under Secretary of War. Such submission will be through the Special Legal and Liaison Division, Office of the Under Secretary of War, and will be accompanied by a brief statement of the nature, location, estimated cost, and productive capacity of the project, together with a statement that the project is essential and that the estimated cost thereof is believed reasonable.

§ 81.1013 *Approval of contracts required in special cases.* All Emergency Plant Facilities contracts, all Special Facilities contracts and Special Lease Agreements, and all contracts required to be submitted under § 81.1007, will be submitted to the Chief, Purchases Branch, Procurement and Distribution Division, Services of Supply, for approval.

PROCESSING APPLICATIONS FOR NECESSITY CERTIFICATES IN CONNECTION WITH FACILITIES EXPANSIONS

§ 81.1014 *Information to be submitted in application.* Applications for Necessity Certificates should contain the information and be executed in the manner indicated in the following publications:

(a) Form of application for Necessity Certificate, with instruction sheet, issued jointly by the War and Navy Departments, dated October 27, 1941, as the same may from time to time be thereafter amended.

(b) Regulations prescribed by the Secretary of War and the Secretary of the Navy, with the approval of the President, governing the issuance of Necessity Certificates under Section 124 (f) of the Internal Revenue Code.

Copies of the foregoing publications may be obtained from the Tax Amortization Section, Headquarters, Services of Supply. Taxpayers may be advised that copies are thus obtainable.

§ 81.1015 *Place of filing application.* The application for necessity certificate should ordinarily be filed with the Tax Amortization Section, Headquarters, Services of Supply, Washington, D. C. In some instances, taxpayers, unfamiliar with the procedure, may file applications with officers of the supply services. An original and one copy of applications thus filed, will be promptly forwarded by the officer, through the chief of the supply service concerned to the Tax Amortization Section, Headquarters, Services of Supply. The third copy will be retained in order to enable the officer to make investigation and report pursuant to § 81.1016 (e).

§ 81.1016 *Procedure for processing applications.* The following procedure will govern the processing of applications:

(a) The Tax Amortization Section, Headquarters, Services of Supply, will, in cases which concern a supply service, send one copy of the application to the chief of such supply service with a request for report.

(b) The chief of the supply service concerned will transmit this copy to the officer most appropriately qualified, for investigation and report.

(c) The reporting officer, referred to in paragraph (b) of this section, will retain the application and transmit his report thereon to the chief of the supply service concerned, in duplicate, not later than fifteen days after the receipt of the application by him, except in cases in which he is unable to complete his report within such time, in which event he will send an original and a copy of a statement giving his reasons for his inability so to report within the prescribed time and stating when the report will be filed.

(d) The chief of the supply service will retain one copy of the report and forward the original to the Tax Amortization Section, Headquarters, Services of Supply.

(e) The report will, with the exception noted below, be limited to advice as to whether the construction, reconstruction, erection, installation, or acquisition of a facility is necessary in the interest of National Defense during the emergency period, within the meaning of section 124 of the Internal Revenue Code as interpreted by Article 3 of the regulations. This will involve advice on the following points:

(1) Is the "supply to be produced with the facility sought to be certified" "required" within the meaning of Article 3-a of the regulations?

(2) Is the facility sought to be certified appropriate for the production of the supply?

(3) Is there "an existing or prospective shortage of facilities for the production of the supply" within the meaning of Article 3-b of the regulations and what facts form the basis of the reporting officer's conclusions with regard to this point?

(4) In the light of information on hand or readily available, do the statements made in the application bearing upon determination of necessity (particularly those relative to replacements and the applicant's attempts to subcontract) appear to be correct?

In the event that a supply service has sponsored the supply to be produced with the facilities sought to be certified for defense rating under Priorities Regulation No. 1, a statement to this effect will be made by the reporting officer in connection with his answer to the first of the above questions. In the event that a supply service has sponsored the facility for a project rating, a statment to this effect will be made by the reporting officer in cennection with his answer to the second and third of the above questions. In exceptional cases where the officer has special knowledge of other facts relating to the application, such as data in regard to the time of filing, which are not known to or readily ascertainable by the Tax Amortization Section, Headquarters, Services of Supply, he shall mention these facts in his report.

§ 81.1017 *Certificates of non-reimbursement and Government protection discontinued.* In view of the repeal by Congress, as of the date of its original enactment, of subsection (i) of section 124 of the Internal Revenue Code, the issuance of certificates of non-reimbursement and certificates of Government protection has been discontinued, and all copies of executed applications for such certificates should be forwarded to the Tax Amortization Section, Headquarters, Services of Supply.

MISCELLANEOUS PURCHASE INSTRUCTIONS

§ 81.1101 *Discounts in purchasing.* (a) All purchases regardless of the method used (after advertising or by negotiation) will be made on a firm price basic without regard to seller's offer of prompt payment or cash discount provisions.

(b) For all purchases hereafter initiated, all prompt payment of cash discount provisions in invitations for bids, requests for quotations or estimates, or other purchases instruments will be deleted. All requests for bids, formal or informal, will contain a clause reading substantially as follows:

> No offers of prompt payment or cash discounts will be rendered to or considered by the Government.

(c) Nothing in this section will be construed to apply to:

(1) Purchases made without competition,

(2) Purchases made under a contract executed by another Federal department or agency, or

(3) A cash discount offered after acceptance of an offer and making of award.

§ 81.1102 *Contracts with foreign nationals.* (a) By virtue of Executive Order No. 8389, April 10, 1940, as amended, and Treasury Department regulations issued pursuant thereto, the award of contracts in which certain foreign countries or nationals thereof have any interest is prohibited.

(b) The above prohibition does not apply to contracts with individuals, partnerships, associations, corporations, or other organizations which have been granted a general or special license by the Secretary of the Treasury.

(c) Whenever a contracting officer has reason to believe that any prospective contractor is subject to the above prohibition he would inquire of the chief of the supply service concerned or the nearest Federal Reserve Bank as to the eligibility of the prospective contractor.

§ 81.1103 *Contracts with blocked nationals.* (a) The Secretary of State from time to time publishes lists of persons and organizations deemed to be acting directly or indirectly for the benefit of the enemy. Copies of these lists will be made available to the chiefs of the supply services.

(b) No contract will be knowingly awarded to any person or organization so listed.

§ 81.1104 *Limitation on purchase of arms, ammunition and implements of war.* (a) No purchase of arms, ammunition or implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of section 12 of Public Resolution of November 4, 1939 (Pub. Res. No. 54, 76th Cong.).

(b) Articles which are considered arms, ammunition and implements of war will be proclaimed from time to time by the President. Chiefs of the supply services concerned will publish such information to the contracting officers concerned and secure compliance with the above limitation.

§ 81.1105 *Maximum prices.* In connection with cost-plus-a-fixed-fee contracts, contracting officers in approving items for reimbursement shall not be responsible for determining whether the costs of materials, supplies, tools, equipment or machinery exceed the maximum prices fixed in accordance with the Emergency Price Control Act of 1942, Public Law 421, approved January 30, 1942. Likewise, contracting officers, in executing contracts, unless otherwise specifically directed, are not required to verify the prices charged by any vendor or contractor against the maximum prices thus fixed, and in the absence of actual knowledge of violation of price limitations, they may assume that prices charged do not exceed maximum prices.

The action of certifying and disbursing officers in connection with such price limitations is governed by Fiscal Directive SPBFA—11A, June 19, 1942, providing as follows:

> 1. The certification now required on Standard Form No. 1034—revised, as used in connection with payments made to vendors or contractors for purchases or services rendered other than personal, will be continued in use and is a proper and sufficient warranty of compliance by the vendor or contractor with the price ceilings established in accordance with the provisions of the Emergency Price Control Act of 1942, Public Law 421, approved January 30, 1942.
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> 2. In the absence of actual knowledge of violation of price limitations, certifying officers may rely upon the certificate of the vendor or contractor as to the correctness of the prices charged and will not be required to verify such prices against maxima established by the Office of Price Administration. Disbursing officers may rely upon their records and the certificate of the vendor or contractor and will not be required to verify such maxima prices.
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> 3. Disbursing officers will make payment in accordance with the above outlined procedure.

§ 81.1106 *Numbering of compressed gas cylinders*—(a) *Specifications of Interstate Commerce Commission.* Cylinders for compressed gases must be made under specifications of the Interstate Commerce Commission. Deviations from those specifications are permitted in certain cases. Those specifications require identification of the cylinders by a serial number and by an identification symbol.

(b) *Assignment of serial numbers.* The serial numbers which are to be used by the purchasing officers of the War Department will be assigned by the Commanding General, Services of Supply, to the chief of the supply service concerned upon request. Letters should be prefixed and suffixed to those serial numbers to indicate type and size of cylinder as indicated below.

(c) *Identification symbol.* The registered identification symbol of the War Department is WD.

(d) *Maintenance of records.* Chiefs of supply services will furnish to their field agencies such serial numbers as may be required from those assigned as indicated in paragraph (b) of this section. A record will be maintained of the numbers that have been actually used by their field agencies, together with a record of cylinders which have been manufactured or purchased.

(e) *Markings on cylinders.* Ordinary markings for a cylinder are illustrated by the following example:

ICC-3A480	(Specification mark)
KM1234H	(Serial No.)
WD	(Symbol)

Any special markings desired on cylinders are permissible but must be specified as "additional marks" and must not interfere with the ordinary marks as above noted.

NOTE: The mark ICC-3A480 means that the cylinder has been made under specification 3A with service pressure 480 lbs. per square inch, and that it is limited to use for gas with pressure not over 480 lbs. per square inch at 70° F., and not over 480 × 5/4=600 lbs. per square inch at 130° F.

(f) *Safety devices.* Cylinders must be fitted with safety devices of approved type as required by regulations of the Interstate Commerce Commission. Manufacturers of cylinders and valves are familiar with those requirements.

(g) *Types of cylinders*—(1) *Anhydrous ammonia.* Cylinders for anhydrous ammonia should preferably be of types ICC-4 or ICC-4A480. Type ICC-3A480 is also authorized but will probably be found more expensive.

(2) *Chlorine.* Cylinders for chlorine will be type ICC-3A480.

(3) *Hydrogen sulphide.* Cylinders for hydrogen sulphide should preferably be of type ICC-4B480. Types ICC-3A480, ICC-3B480, and ICC-4A480 are also authorized but will probably be found more expensive.

(4) *Methyl chloride; sulphur dioxide.* Cylinders for methyl chloride and for sulphur dioxide should preferably be of type ICC-4B300. Types ICC-3A300, ICC-3B300, ICC-4A300, and ICC-4 are also authorized but will probably be found more expensive.

(5) *Acetylene.* Cylinders for acetylene will be of type ICC-8.

(6) *Oxygen and other nonliquefied gas; carbon dioxide; nitrous oxide.* High pressure cylinders, for oxygen and other nonliquefied gas, and for carbon dioxide and nitrous oxide, should preferably be of type ICC-3A2015. Type ICC-3A1800 is also authorized but is less efficient and not less expensive. Cylinders of 75 lbs. and 100 lbs. capacity for carbon dioxide and nitrous oxide will be of type ICC-3A2300.

(7) *Compressed gases (except acetylene).* Cylinders of type ICC-3E are also authorized for all compressed gases except acetylene. These will be less than 2 inches outside diameter and not over 12 inches long, exclusive of neck.

(8) *Phosgene; mustard gas; other highly poisonous gases.* Cylinders for phosgene, mustard gas, and other highly poisonous materials (class A poison under regulations of the Interstate Commerce Commission) will be of type ICC-3D480 except as follows: chlorpicrin, or mixtures of chlorpicrin with nonpoisonous liquid or gas, and monochloracetone, are authorized in any cylinder, except type ICC-8, of sufficient strength. See note under paragraph (e) of this section.

(h) *System of serial numbers.* The use of serial numbers together with letters prefixed and suffixed thereto, will conform with the following:

(1) *High pressure cylinders made under Interstate Commerce Commission specification 3 A for service pressure, 1,800 lbs. per square inch and higher.*

Prefix:	Required for cylinders—
A	$2\frac{15}{16}$'' i.d. x $7\frac{3}{8}$'' (approximately).
C	$3\frac{1}{8}$'' i.d. x 13'' (approximately).
D	$3\frac{15}{16}$'' i.d. x $16\frac{3}{4}$'' (approximately).
DE	$3\frac{15}{16}$'' i.d. x $21\frac{1}{4}$'' (approximately).
E	$3\frac{15}{16}$'' i.d. x $25\frac{3}{4}$'' (approximately).
EE	$4\frac{1}{8}$'' i.d. x 26'' (approximately).
EF	5'' i.d. x 26'' (approximately).
F	5'' i.d. x 51'' (approximately).
FG	$6\frac{5}{8}$'' i.d. x 43'' (approximately).
G	8'' i.d. x 51'' (approximately).
H	$8\frac{1}{2}$'' i.d. x 51'' (approximately).
J	For nonliquefied gas with capacity considerably above 220 feet of gas and up to 325 feet of gas.
JC	For 75 pounds of carbon dioxide.
L	For nonliquefied gas with capacity over 325 feet of gas.
LC	For 100 pounds of carbon dioxide.

Examples: E1234; H1234; etc.

NOTE: Suffix letters to serial numbers are not to be used.

(2) *High pressure cylinders made under Interstate Commerce Commission*

specification 3 E. Serial numbers will not be used. Cylinders will be, in all cases, not over 1.99 inches outside diameter and not over 12 inches long, exclusive of neck.

(3) *Acetylene cylinders made under Interstate Commerce Commission specification 8.* Prefix W required in all cases. Suffix letters required in all cases, dependent on rated gas capacity (approximately) as follows:

Suffix:	Rated gas capacity required (approx.) *Feet*
B	50
C	100
H	150
J	250
K	300

Examples: W1234H; W1234K; etc.

(4) *Low pressure cylinders made under Interstate Commerce Commission specifications 3A, 3B, 3C, 4, 4A, 4B, and 4C for service pressure not over 480 lbs. per square inch.*

Prefix:	Required for cylinders marked
KC	ICC-3A150
KF	ICC-3A240
KJ	ICC-3A300
KM	ICC-3A480
NC	ICC-3B150
NF	ICC-3B240
NJ	ICC-3B300
NM	ICC-3B480
OA	ICC-3C90
OC	ICC-3C150
OF	ICC-3C240
OJ	ICC-3C300
P	ICC-3D480
RC	ICC-4A150
RF	ICC-4A240
RJ	ICC-4A300
RM	ICC-4A480
S	ICC-4
TC	ICC-4B150
TF	ICC-4B240
TJ	ICC-4B300
TM	ICC-4B480
UA	ICC-4C90
UC	ICC-4C150
UF	ICC-4C240
UJ	ICC-4C300

Suffix letters also required, dependent on size, as follows:

Water capacity (*pounds*):	*Suffix required*
Below 4	None
4 to 7.99	A
8 to 11.99	B
12 to 15.99	C
16 to 19.99	D
20 to 39.99	E
40 to 59.99	F
60 to 79.99	G
80 to 99.99	H
100 to 129.99	K
130 to 159.99	M
160 to 229.99	P
230 to 319.99	S
320 to 399.99	U
400 to 499.99	W
500 to 749.99	Y
750 to 1000.00	Z

Example: KM1234K for a cylinder marked ICC-3A480 of 125 pounds water capacity; etc.

(i) *Cylinders originally made for other agencies.* Cylinders, new or second hand, originally made for any agency other than the War Department, including commercial firms, may be purchased when authorized by chiefs of supply services. In such cases, the following procedure will be followed:

(1) Cylinders shall have been manufactured or retested within 12 months prior to date of delivery except as follows: Acetylene cylinders, Interstate Commerce Commission specification 8, less than 5 years old; cylinders made under Interstate Commerce Commission specification 3E.

(2) Cylinders of less than 12 pounds water capacity (332.8 cu. in.) will be marked with an added mark WD. Report of such purchase will be made to the chief of the supply service concerned giving the following data: Name of agency or firm from which purchased, contract or purchase order number and date, list of serial numbers, and the corresponding identification symbols (see paragraph (a) of this section); also statement that the symbol WD has been applied. Example of such marking is as follows:

Original marks	*Added marks*
ICC-3A2015 75678 XYZ	WD

(3) Cylinders of 12 pounds water capacity (332.8 cu. in.) and above will be marked with added marks WD and the War Department serial numbers with prefix and suffix letters as prescribed herein. Report of such purchase will be made to the chief of the supply service concerned, giving the following data: Name of agency or firm from which purchased; contract or purchase order number and date; serial numbers of War Department applied (including prefix and suffix letters), listed consecutively; corresponding original serial numbers; original identification symbols; statement that the symbol WD and War Department serial numbers have been applied. Example of such marking is as follows:

Original marks	*Added marks*
ICC-4B240 17652 XYZ	WD TF1234K

(4) The added marks will be stamped plainly into the metal at some convenient point so that they will not obscure or be confused with the original marks.

(j) *Packing compressed gases, filling limit.* The Interstate Commerce Commission has amended section 303 (j) (3) of its regulations by adding the following note:

> NOTE: Because of the present emergency and until further order of the Commission, ICC-3A cylinders may be charged with compressed gases, other than liquefied or dissolved gases, to a pressure 10 percent in excess of their marked service pressures. (7 F. R. 2911)

§ 81.1107 *Contingent fees.* (a) In connection with purchases and subcontracting by cost-plus-a-fixed-fee contractors, the vendor or subcontractor involved should not be permitted to pay third-party intermediaries a commission, percentage, brokerage, or contingent fee based upon the amount of the order or subcontract where the services performed by such intermediaries are merely the obtaining of the order or, if additional services are in fact performed by such intermediaries, the fees are disproportionate. To accomplish the foregoing, it is essential that the attention of contracting officers be directed to the necessity of taking effective administrative measures so as to bring such practices to light with a view to their elimination. In some cases the prime contractor may be directed to require the disclosure by the vendor or subcontractor, as a condition to award, of any contingent or broker's fee or commission which may be included in the price quoted by such vendor or subcontractor.

(b) In many cases third-party intermediaries and others in similar categories are capable of and do perform valuable services in connection with the purchasing and subcontracting, for which they are entitled to a return. In such cases it is not the purpose to limit the opportunities to obtain increased production by prohibiting altogether the use of such intermediaries by vendors and subcontractors. The purpose to be accomplished, however, is to prevent the abuses inherent in the inclusion in the purchase price or subcontract price of a commission, percentage, brokerage, or contingent fee in an amount not related to the services performed and the payment of such fees where the only service performed is the obtaining of the order for the vendor or subcontractor.

RENEGOTIATION AND PRICE ADJUSTMENT

CONTRACT ARTICLES FOR RENEGOTIATION

§ 81.1201 *Rescission of regulations.* Procurement Regulations 10-T and 17-T, issued April 30, 1942 and May 11, 1942 by Headquarters, Services of Supply, Washington, and all other prior directives and instructions relating to contact provisions for renegotiation of the contract price are hereby rescinded.

§ 81.1202 *Statutory provisions.* Section 403 (b) of the Sixth Supplemental National Defense Appropriation Act, 1942 (hereafter called "the Act") authorizes and directs the Secretary of War to insert in any contract for an amount in excess of $100,000 thereafter made by the War Department:

> (1) a provision for the renegotiation of the contract price at a period or periods when, in the judgment of the Secretary, the profits can be determined with reasonable certainty; (2) a provision for the retention by the United States or the repayment to the United States of (A) any amount of the contract price which is found as a result of such renegotiation to represent excessive profits and (B) an amount of the contract price equal to the amount of the reduction in the contract price of any subcontract under such contract pursuant to the renegotiation of such subcontract as provided in clause (3) of this subsection; and (3) a provision requiring the contractor to insert in each subcontract for an amount in excess of $100,000 made by him under such contract (A) a provision for the renegotiation by such Secretary and the subcontractor of the contract price of the subcontract at a period or periods when, in the judgment of the Secretary, the profits can be determined with reasonable certainty, (B) a provision for the retention by the United States or the repayment to the United States of any amount of the contract price of the subcontract which is found as a result of such renegotiation, to represent excessive profits, and (C) a provision for relieving the contractor from any liability to the subcontractor on account of any amount so retained by or repaid to the United States.

§ 81.1203 *Articles authorized; deviations.* Standard forms of contract articles approved for use in accordance with this regulation to satisfy the statutory requirements set forth in § 81.1202 are contained in § 81.342 (a) and (b) of these regulations. The article set forth in § 81.342 (a) is hereafter called Form I and the article in § 81.342 (b) is hereafter called Form II. Except as expressly authorized in this regulation or subsequent instructions, deviations from the standard articles will not be used.

§ 81.1204 *Fixed-price contracts.* Form I will be included in all fixed-price or lump-sum contracts hereafter made for an amount in excess of $100,000.

§ 81.1205 *Fixed-fee contracts.* Either Form I or Form II will be included in every fixed-fee contract, the estimated cost of which, including the fixed-fee, is an amount in excess of $100,000. When it is desired to provide for renegotiation of the fixed-fee and the chief of the supply service so authorizes or directs, Form I will be used, but in place of the term "Contract price" in sections (a) and (c) there will be substituted the words "fixed-fee specified in Article ----". If Form I is not used, Form II will be included in the contract.

§ 81.1206 *Supplemental agreements.* With respect to supplemental agreements (which as used herein include change orders), the following principles will be observed:

(a) Every supplemental agreement for an amount in excess of $100,000 will include either Form I or Form II, whichever, is appropriate, unless the contract to which the supplemental agreement relates contains an adequate renegotiation article which will apply to the supplemental agreement.

(b) If the chief of the supply service determines that it will be practicable to renegotiate the contract price of the supplemental agreement separately, the renegotiation article may be limited in its application to the supplemental agreement; otherwise, the renegotiation article included in the supplemental agreement will be made to apply to the original contract as well as the supplemental agreement. The chief of a supply service may delegate the authority to make such determinations to such officers or civilian personnel under his command or direction as he may designate.

(c) (1) When Form I is to be limited to the supplemental agreement, subsection (4) of section (g) will be omitted and the following section will be added to the article:

> (h) This article applies only to the supplemental agreement by which it was added (as modified from time to time), and shall be construed accordingly: (1) the term "this contract" means that supplemental agreement; (2) the term "the contract price" means the price provided by that supplemental agreement; and (3) the obligation of the Contractor under section (d) to insert renegotiation provisions in subcontracts applies only to subcontracts made under that supplemental agreement.

(2) When Form II is to be limited to the supplemental agreement, subsection (4) of section (d) will be omitted, and the following section will be added to the article:

> (e) This article applies only to the supplemental agreement by which it was added (as modified from time to time), and shall be construed accordingly: (1) the term "this contract" means that supplemental agreement; and (2) the obligation of the Contractor under section (a) to insert renegotiation provisions in subcontracts applies only to subcontracts made under that supplemental agreement.

(d) When the renegotiation article (Form I or Form II) is to apply to the original contract, as well as to the supplemental agreement, the article will be added to the original contract by the supplemental agreement and the first sentence of section (d) of Form I or of section (a) of Form II, whichever is used, will be modified to read as follows:

> The Contractor will include in each fixed-price or lump-sum subcontract for an amount in excess of $100,000 made under this contract after the date of the supplemental agreement which added this Article, the following provisions:

By this change the obligation of the contractor to insert renegotiation provisions in subcontracts will be limited to those made after the date of the supplemental agreement which adds the article to the original contract.

§ 81.1207 *Specified time for renegotiation.* Where it is desired to provide in the contract for renegotiation after the expiration of a specified time or after the production of a specified number of units, the first sentence of paragraph (a) of Form I may be amended in substantially the following manner:

> (a) The contract price of this contract will be renegotiated to eliminate therefrom any amount found as a result of such renegotiation to represent excessive profits (1) after the expiration of ------------ days from the date of this contract [or, upon the completion of ------------ articles under this contract], and, (2) upon the written demand of the Secretary, at such other period or periods when, in the judgment of the Secretary, the profits accruing to the contractor under this contract can be determined with reasonable certainty.

Where such a provision is employed, the time specified in the contract for renegotiation should be such that the profits to be made under the contract can probably then be determined with reasonable certainty. In no event, however, will this provision limit the authority of the Secretary of War to require renegotiation at some other period or periods.

§ 81.1208 *Statement of estimated costs.* Wherever it is desired, in connection with a fixed-price contract, to require of the contractor an itemized statement of the estimated cost upon which the contract price is based, the following section may be substituted for section (b) in Form I:

> (b) (1) The Contractor represents that the contract price provided in Article ------ is based upon a total estimated cost of $----------------, itemized as follows:
>
> A. Factory cost
> 1. Direct materials
> 2. Direct productive labor
> 3. Direct engineering labor
> 4. Miscellaneous direct factory charges
> 5. Indirect factory expenses (State basis of allocation)
> Total factory cost
> B. Other manufacturing cost
> C. Miscellaneous direct expenses
> D. Indirect engineering expenses
> E. Expenses of distribution, servicing and administration
> F. Guarantee expenses
>
> (2) The Contractor will furnish to the Secretary such statements of actual costs of production and such other financial statements, at such times and in such form and detail, as the Secretary may prescribe, and will permit such audits and inspections of its books and records as the Secretary may request.

Where this substitute section (b) is used, the form of the itemized break-down in subsection (1) may be altered to suit the particular circumstances. In any case under the item of "Indirect factory expenses" (A.5), there should be stated separately the estimated amount included for (a) normal depreciation and (b) special amortization.

§ 81.1209 *Redetermination of price article.* In addition to the article required by this regulation, the contracting officer in appropriate cases may insert in the contract the article entitled "Redetermination of Price" contained in § 81.341 of these regulations. The clause for redetermination of price sets up objective standards for automatically redetermining the contract price downward on the basis of actual experience under the contract. It should be used where the contract price is based on speculative or uncertain cost estimates. Where included, the article for redetermination of price shall be expressly made subject to the renegotiation article required by this regulation.

§ 81.1210 *Renegotiation upward.* In special cases where great uncertainty in the contractor's costs makes it desirable to provide for renegotiation of the contract price upward, as well as downward, and where the Government is prepared to make such audits or cost examinations as may be required to pass on any claim by the contractor for upward revision of the contract price, special permission may be granted to include such a clause. Requests for such permission will be submitted to the Director, Purchases Division, Headquarters, Services of Supply, and will set forth in detail the reasons for requesting such permission.

§ 81.1211 *Substitution of this article for prior form.* Where a renegotiation provision pursuant to section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, has been included in a contract in a form different from that herein prescribed, the contracting officer is authorized to amend the contract to substitute the form herein prescribed for the earlier form if the contractor so desires.

§ 81.1212 *Exceptions and special cases*—(a) *Contracts and subcontracts with Federal Agencies.* A contract by the War Department with any Federal department, bureau, agency or governmental corporation is not required to include any contract article for renegotiation. A contractor with the War Department is not required by the renegotiation article in his prime contract to insert the contract article for renegotiation in any subcontract with any Federal department, bureau, agency or governmental corporation.

(b) *Agreements relating solely to patent licenses.* The inclusion or exclusion of a price renegotiation article in a contract granting to the Government a license under a patent or a patent application or transferring a patent or a patent application to the Government will be within the discretion of the chief of the particular supply service concerned: *Provided, however,* That every such contract whereby the aggregate royalty payable under the contract for its duration or for any stated period is not either:

(1) A fixed amount determinable at the time of the execution of the contract, or

(2) Limited in the contract to a maximum amount determinable at the time of the execution of the contract will contain the price renegotiation article. In such case clauses (a), (b), (c), and (g) (1), (3) and (4) of Form I § 81.342 (a) will be used, substituting for the words "contract price" the words "royalty payable hereunder".

§ 81.1213 *Renegotiation and redetermination.* (a) The contracting officer is authorized (1) to renegotiate the contract price or fixed-fee pursuant to any renegotiation article in any contract whether inserted under this Regulation or otherwise; (2) to redetermine the contract price under any article in the contract providing therefor; (3) to enter into supplemental agreements effecting voluntary reductions in the contract price or fixed-fee of any contract; and (4) to demand cost and financial statements pursuant to statutory or contract provisions to the extent necessary to carry out these functions. The contracting officer will periodically review costs and profits under contracts subject to his supervision in order to obtain reductions in the contract price whenever justified.

(b) The contract price as renegotiated or redetermined by the contracting officer or as voluntarily reduced will still be subject to renegotiation under section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, and any contract article pursuant thereto, to eliminate excessive profits of the contractor. The supplemental agreement or other instrument effecting in price or fixed-fee will therefore include a provision substantially as follows:

> The adjustment hereby made in the contract price is without prejudice to the determination of any excessive profits of the contractor upon subsequent renegotiation under Section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, or any contract article inserted pursuant to that Act.

The contracting officer will promptly report each such adjustment to the chief of the appropriate supply service for transmittal to the Director, Purchases Division, Headquarters, Services of Supply.

FORMS OF CONTRACTS

The contract forms contained in § 81.1301 et. seq., (listed in the Table of Contents below) are approved for use for War Department purchases, subject to §§ 81.322 to 81.358, inclusive. It should be noted that many of the contract articles are set out by reference to said Sections. In preparing contracts the standard clauses contained in the articles referred to will be set out only if, and to the extent that, their inclusion is required by the provisions of the sections referred to. There will be set out such of the other clauses contained in §§ 81.322 to 81.358, inclusive, not expressly referred to in the form, as are required for any particular contract. In certain cases it will be necessary to make certain editorial changes in the clauses contained in §§ 81.322 to 81.358 so that certain words or phrases used throughout the contract will be in conformity.

War Department Contract Form No. and Description	*Sec.*
1. Lump sum supply contract	81.1301
2. Lump sum construction contract	81.1302
3. Cost-plus-a-fixed-fee construction contract	81.1303
4. Cost-plus-a-fixed-fee architect-engineer contract	81.1304
5. Short form supply contract (negotiated)	81.1305
6. Offer and acceptance	81.1306
7. Letter purchase order	81.1307
8. Letter contract (supplies)	81.1308
9. Letter contract (fixed-fee construction)	81.1309
10. Letter contract (lump sum construction)	81.1310
11. War risk indemnity contract	81.1311
*12. Fixed-fee architect-engineer-construction - management services contract	81.1312
20. Supplemental agreement for advance payments with interest on fixed-price contracts	81.1320
21. Supplemental agreement for advance payments with interest on fixed-fee contracts	81.1321
22. Supplemental agreement for advance payments with interest on a letter purchase order	81.1322
23. Supplemental agreement for advance payments without interest on fixed-price contracts	81.1323
24. Supplemental agreement for advance payments without interest on fixed-fee contracts	81,1324
25. Supplemental agreement for advance payments without interest on letter purchase orders	81.1325
26. Supplemental agreement for advance payments on fixed-price contracts for critical machine tools	81.1326

§ 81.1301 *W. D. Contract Form No. 1.*

Contract No-----------------

Supply Contract

WAR DEPARTMENT

Contractor and address:
Contract for:
Amount: $
Location:
Payment:
To be made by --------------------
United States Army, at -------------------- --------------------

The supplies and services to be obtained by this instrument are authorized by, or for the purposes set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same: -------------

This contract is authorized by the following laws:

Contract for Supplies*

This Contract, entered into this ---- day of ------------, 194--, by the UNITED STATES OF AMERICA (hereinafter called the Government) represented by the Contracting Officer executing this contract, and ------------------------------ ------------------------------

*a corporation organized and existing under the laws of the State of --------------
*a partnership consisting of -------------- ------------------------------ ------------------------------
*an individual trading as -------------- ------------------------------ ------------------------------
of the city of -------------------- in the State of --------------- (hereinafter called the Contractor), witnesseth that the parties hereto do mutually agree as follows:

(a) Article 1. *Scope of this contract.* The contractor shall furnish and deliver ------- for the consideration stated ------------- in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof and designated as follows:

Deliveries shall be made as follows:

(b) Art. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the Contracting Officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications. Changes as to shipment and packing of all supplies may also be made as above provided. If such changes cause an increase or decrease in the amount due under this contract, or in the time required for its performance, an equitable adjustment shall be made and the contract shall be modified in writing accordingly. Any claim for adjustment under this article must be asserted within 10 days from the date the change is ordered: *Provided, however,* That the Contracting Officer, if he determines that the facts justify such action, may receive and consider, and with the approval of the Secretary of War or his duly authorized representative, adjust any such claim asserted at any time prior to the date of final settlement of the contract. If the parties fail to agree upon the adjustment to be made the dispute shall be determined as provided in Article 11 hereof. But nothing provided in this article shall excuse the Contractor from proceeding with the contract as changed.

(c) Art. 3. *Extras.* Except as otherwise herein provided, no charge for extras will be allowed unless the same have been ordered in writing by the Contracting Officer and the price stated in such order.

(d) Art. 4. *Inspection.* (a) All material and workmanship shall be subject to inspection and test at all times and places and, when practicable, during manufacture. In case any articles are found to be defective in material or workmanship, or otherwise not in conformity with the specification requirements, the Government shall have the right to reject such articles, or require their correction. Rejected articles and/or articles requiring correction, shall be removed by and at the expense of the Contractor promptly after notice so to do. If the Contractor fails to promptly remove such articles and to proceed promptly with the replacement and/or correction thereof, the Government may, by contract or otherwise replace and/or correct such articles and charge to the Contractor the excess cost occasioned the Government thereby, or the Government may terminate the right of the Contractor to proceed as provided in Article 5 of this contract, the Contractor and surety being liable for any damage to the same extent as provided in said Article 5 (or in said substitute article) for terminations thereunder.

(b) If inspection and test, whether preliminary or final, are made on the premises of the Contractor or subcontractor, the Contractor shall furnish, without additional charge, all reasonable facilities and assistance for the safe and convenient inspections and tests required by the inspectors in the performance of their duty. All inspections and tests by the Government shall be performed in such a manner as not to unduly delay the work. Special and performance tests shall be as described in the specifications. The Government reserves the right to charge to the Contractor any additional cost of inspection and test when articles are not ready at the time inspection is requested by the Contractor.

(c) Final inspection and acceptance of materials and finished articles will be made after delivery, unless otherwise stated. If final inspection is made at a point other than the premises of the Contractor or subcontractor, it shall be at the expense of the Government except for the value of samples used in case of rejection. Final inspection shall be conclusive except as regards latent defects, fraud, or such gross mistakes as amount to fraud. Final inspection and acceptance or rejection of the materials or supplies shall be made as promptly as practicable, but failure to inspect and accept or reject materials or supplies shall not impose liability on the Government for such materials or supplies as are not in accordance with the specifications. In the event public necessity requires the use of materials or supplies not conforming to the specifications, payment therefor shall be made at a proper reduction in price.

(e) Art. 5. *Delays—damages.* (Insert § 81.352)

(f) Art. 6. *Responsibility for supplies tendered.* The Contractor shall be responsible for the articles or materials covered by this contract until they are delivered at the designated point, but the Contractor shall bear all risk on rejected articles or materials after notice of rejection. Where final inspection is at point of origin but delivery by Contractor is at some other point, the Contractor's responsibility shall continue until delivery is accomplished.

(g) Art. 7. *Increase or decrease.* Unless otherwise provided herein, no increase or decrease in the total number of articles contracted for under Article I hereof, will be accepted, without the prior written approval of the Contracting Officer (or insert § 81.329).

(h) Art. 8. *Payments.* The Contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the Contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 per cent of the total amount of the contract.

(i) Art. 9. *Officials not to benefit.* (Insert § 81.322)

(j) Art. 10. *Covenant against contingent fees.* (Insert § 81.323)

(k) Art. 11. *Disputes.* (Insert § 81.326)

(l) Art. 12. *Termination for convenience of the Government.* Insert § 81.324)

(m) Art. 13. *Renegotiation.* (Insert § 81.342 and §§ 81.1201–81.1213)

(n) Art. 14. *Walsh - Healey Act.* (Insert § 81.353)

(o) Art. 15. *Notice to Government of labor disputes.* (Insert § 81.354)

(p) Art. 16. *Prison-made materials.* (Insert § 81.345)

(q) Art. 17. *Anti-discrimination.* (Insert § 81.325)

(r) Art. 18. *Assignment of claims.* (Insert § 81.355)

(s) Art. 19. *Notice of shipments.* (Insert § 81.328)

(t) Art. 20. *Federal, state and local taxes.* (Insert § 81.357)

(u) Art. 21. *Domestic articles.* (Insert § 81.327)

(v) Art. 22. *Definitions.* (a) The term "Secretary of War" as used herein shall include the Under Secretary of War, and the term "his duly authorized representative" shall mean any person or board authorized by the Secretary of War to act for him other than the Contracting Officer.

(b) Except for the original signing of this contract, and except as otherwise stated herein, the term "Contracting Officer" as used herein shall include his duly appointed successor or his authorized representative.

(w) Art. 23. *Alterations.* The following changes were made in this contract before it was signed by the parties hereto:

In Witness Whereof, the parties hereto have executed this contract as of the day and year first above written.

The United States of America,
By ------------------------------
------------------------------ (Official title)

Two Witnesses:
------------------ ------------------ (Contractor)
------------------ By ------------------
(address)
------------------ (Business Address)

(address)

I ------------------, certify that I am the Secretary of the corporation named as Contractor herein; that ----------- who signed this contract on behalf of the Contractor was then ----------- of said corporation; that said contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In Witness Whereof, I have hereunto affixed my hand and the seal of said corporation this ----------- of ----------------- 194--

[Corporate Seal] ---------------------- (Secretary)

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry, ------------------------- who signed this contract for the ----------- had authority to execute the same, and is the individual who signs similar contracts on behalf of this corporation with the public generally.

-------------------- Contracting Officer.

(a) *Additional articles.* The following additional articles may be inserted in supply contracts in appropriate cases:

(x) Art. --. *Final inspection with performance tests.* (a) No acceptance of the articles contracted for herein shall be regarded as final until such article shall have passed such final inspection as may be prescribed by ---------- ----------, *or his duly authorized representative, and which shall include the following, but without limitation:

1. Inspection of each article upon arrival at the site of final inspection, for damage in transit, which damage shall be at the risk of the Contractor.
2. Such special and performance tests as are described in the specifications.
3. Inspection of components for failure due to such performance tests.

(b) When, during said performance tests, failure occurs due to faulty material or workmanship for which the Contractor is responsible, and such failure is of such magnitude that additional performance tests are required after the necessary repairs or replacements have been made, the cost of such additional performance tests will be borne by the Contractor. The --------, *or his duly authorized representative, will decide in each case whether additional performance tests are required, and his decision in this regard shall be final and conclusive.

(c) The Contractor is authorized to have a representative present during the performance tests of any of the articles delivered under this contract.

(b) *Tests after delivery; payments.* Where final acceptance cannot be made without some test after delivery, such as a proof test or a performance test, use the following in place of Article 8.

Art. --. *Payment.* The Contractor shall be paid as follows:

(a) -------- percent of the unit contract price of the supplies contracted for, upon submission of property certified invoices therefor, and after delivery thereof: *Provided,* That any advance payments, or partial payments, made under this contract shall be liquidated by appropriate deductions from all payments made under this paragraph (a).

(b) -------- percent of the unit contract price on each unit delivered, after final tests and final acceptance thereof; but in any event payment will be made within six (6) months after such delivery, if not rejected within such time and if the units delivered comply with the specifications in all respects other than such as are determinable only by final tests: *Provided further,* If any advance payments or partial payments proportionately chargeable against such units remain unliquidated, appropriate deductions shall be made from payments made under this paragraph (b).

(aa) Art. --. *Material to be furnished by the Government.* (a) The Government shall deliver to the Contractor at --------------- for use in the manufacture of the supplies to be furnished under the terms of this contract, the following material:

(b) Upon the completion or termination of this contract, the Contractor shall deliver to the Government, f. o. b. -------- any of said material, exclusive of scrap or wastage, not used in connection with this contract.

(c) In consideration of a reduction of $-------- per unit in the price of the supplies hereunder, which reduction has been taken account of in the unit contract price stated in Article ---- above, title to all scrap or wastage resulting from the processing of the materials referred to in paragraph (a) hereof shall be and remain in the Contractor.

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*This form, which was previously designated W. D. Contract Form No. 4A has for convenience been renumbered 12.

*Delete all lines which do not apply.

*The Chief of the supply arm or service concerned.

*(c) The Contractor shall provide and maintain adequate facilities in which he shall store and keep all scrap or wastage resulting from the use of said materials furnished by the Government. Title to all such scrap or wastage shall remain in the Government.

(bb) Art. --. *Neutrality Act.* (a) Subsection 12 (g) of the Joint Resolution approved by the President, November 4, 1939, provides:

"No purchase of arms, ammunition, or implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this Joint Resolution."

(b) Prior to the execution of this contract, the Contractor shall furnish a certified or photostatic copy of its Certificate of Registration with the Department of State, which copy shall be attached to the copy of this contract on file in the office of the Chief of ----------------.

§ 81.1302 *W. D. Contract Form No. 2*

Contract No. ----

CONSTRUCTION CONTRACT

WAR DEPARTMENT

Contractor and address:
Contract for:
Amount: $
Location:
Payment:
To be made by ----------------------
United States Army, at----------------------

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same: -------- --

This contract is authorized by the following laws:

CONTRACT FOR CONSTRUCTION

This Contract, entered into this -------- day of ------------, 194--, by the United States of America, (hereinafter called the Government) represented by the Contracting Officer executing this contract, and----- -- -- --

**a corporation organized and existing under the laws of the State of ------------------

**a partnership consisting of---------------- -- --

**an individual trading as------------------ -- --

of the city of----------------in the state of --------(hereinafter called the Contractor), witnesseth that the parties hereto do mutually agree as follows:

(a) Article 1. *Statement of work.* The contractor shall furnish the materials, and perform the work for---------------------- for the consideration of------------------- in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof and designated as follows:

The work shall be commenced-------------
and shall be completed-------------------.

(b) Art. 2. *Specifications and drawings.* The contractor shall keep on the work a copy of the drawings and specifications and shall at all times give the contracting officer access thereto. Anything mentioned in the specifications and not shown on the drawings, or shown on the drawings and not mentioned in the specifications, shall be of like effect as if shown or mentioned in both. In case of difference between drawings and specifications, the specifications shall govern. In any case of discrepancy in the figures, drawings, or specifications, the matter shall be immediately submitted to the contracting officer, without whose decision said discrepancy shall not be adjusted by the contractor, save only at his own risk and expense. The contracting officer shall furnish from time to time such detail drawings and other information as he may consider necessary, unless otherwise provided.

(c) Art. 3. *Changes.* The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specification of this contract within the general scope thereof. If such changes cause an increase or decrease in the amount due under this contract, or in the time required for its performance, an equitable adjustment shall be made and the contract shall be modified in writing accordingly. Any claim for adjustment under this article must be asserted within 10 days from the date the change is ordered: *Provided, however,* That the contracting officer, if he determines that the facts justify such action, may receive and consider, and with the approval of the Secretary of War or his duly authorized representative, adjust any such claim asserted at any time prior to the date of final settlement of the contract. If the parties fail to agree upon the adjustment to be made the dispute shall be determined as provided in Article 15 hereof. But nothing provided in this article shall excuse the contractor from proceeding with the prosecution of the work so changed.

(d) Art. 4. *Changed conditions.* Should the contractor encounter, or the Government discover, during the progress of the work, subsurface and/or latent conditions at the site materially differing from those shown on the drawings or indicated in the specifications, or unknown conditions of an unusual nature differing materially from those ordinarily encountered and generally recognized as inhering in work of the character provided for in the plans and specifications, the attention of the contracting officer shall be called immediately to such conditions before they are disturbed. The Contracting Officer shall thereupon promptly investigate the conditions, and if he finds that they do so materially differ the contract shall with the written approval of the Secretary of War or his duly authorized representative, be modified to provide for any increase or decrease of cost and/or difference in time resulting from such conditions.

(e) Art. 5. *Extras.* Except as otherwise herein provided, no charge for any extra work or material will be allowed unless the same has been ordered in writing by the contracting officer and the price stated in such order.

(f) Art. 6. *Inspection.* (a) All material and workmanship (if not otherwise designated by the specifications) shall be subject to inspection, examination, and test by Government inspectors at any and all times during manufacture and/or construction and at any and all places where such manufacture and/or construction are carried on. The Government shall have the right to reject defective material and workmanship or require its correction. Rejected workmanship shall be satisfactorily corrected and rejected material shall be satisfactorily replaced with proper material without charge therefor, and the contractor shall promptly segregate and remove the rejected material from the premises. If the Contractor fails to proceed at once with the replacement of rejected material and/or the correction of defective workmanship the Government may, by contract or otherwise, replace such material and/or correct such workmanship and charge the cost thereof to the contractor, or may terminate the right of the contractor to proceed as provided in Article 9 of this contract, the contractor and surety being liable for any damage to the same extent as provided in said Article 9 for terminations thereunder.

(b) The Contractor shall furnish promptly without additional charge, all reasonable facilities, labor, and materials necessary for the safe and convenient inspection and test that may be required by the inspectors. All inspection and tests by the Government shall be performed in such manner as not unnecessarily to delay the work. Special, full size, and performance tests shall be as described in the specifications. The Contractor shall be charged with any additional cost of inspection when material and workmanship is not ready at the time inspection is requested by the contractor.

(c) Should it be considered necessary or advisable by the Government at any time before final acceptance of the entire work to make an examination of work already completed, by removing or tearing out same, the contractor shall on request promptly furnish all necessary facilities, labor, and material. If such work is found to be defective in any material respect, due to fault of the contractor or his subcontractors, he shall defray all the expenses of such examination and of satisfactory reconstruction. If, however, such work is found to meet the requirements of the contract, the actual cost of labor and material necessarily involved in the examination and replacement, plus 15 percent, shall be allowed the contractor and he shall, in addition, if completion of the work has been delayed thereby, be granted a suitable extension of time on account of the additional work involved.

(d) Inspection of material and finished articles to be incorporated in the work at the site shall be made at the place of production, manufacture, or shipment, whenever the quantity justifies it, unless otherwise stated in the specifications; and such inspection and acceptance, unless otherwise stated in the specifications, shall be final, except as regards latent defects, departures from specific requirements of the contract and the specifications and drawings made a part thereof, damage or loss in transit, fraud, or such gross mistakes as amount to fraud. Subject to the requirements contained in the preceding sentence, the inspection of material and workmanship for final acceptance as a whole or in part shall be made at the site.

(g) Art. 7. *Materials and workmanship.* Unless otherwise specifically provided for in the specifications, all workmanship, equipment, materials, and articles incorporated in the work covered by this contract are to be of the best grade of their respective kinds for the purpose. Where equipment, materials, or articles are referred to in the specifications as "equal to" any particular standard, the contracting officer shall decide the question of equality. The Contractor shall furnish to the contracting officer for his approval the name of the manufacturer of machinery, mechanical and other equipment which he contemplates incorporating in the work, together with their performance capacities and other pertinent information. When required by the specifications, or when called for by the Contracting Officer, the Contractor shall furnish the Contracting Officer for approval full information concerning the materials or articles which he contemplates incorporating in the work. Samples of materials shall be submitted for approval when so directed. Machinery, equipment, materials, and articles installed or used without such approval shall be at the risk of subsequent rejection. The contracting officer may require the contractor to remove from the work such employee as the Contracting Officer deems incompetent, careless, insubordinate, or otherwise objectionable, or whose continued employment on the work is deemed by the Contracting Officer to be contrary to the public interest.

(h) Art. 8. *Superintendence by contractor.* The Contractor shall give his personal superintendence to the work or have a competent foreman or superintendent, satisfactory to the Contracting Officer, on the work at all times during progress, with authority to act for him.

(i) Art. 9. *Delays—Damages.* If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extention thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. In such event the Government may take over the work and prosecute the same to completion, by contract or otherwise, and the contractor and his sureties shall be liable to the Government for any excess cost occasioned the Government thereby. If the contractor's right to proceed is so terminated, the Government may take possession of and utilize in completing the work such materials, appliances, and plant as may be on the site of the work and necessary therefor. If the Government does not terminate the right of the contractor to proceed, the contractor shall continue the work, in which event it will be impossible to determine the actual damages for the delay and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractor and his sureties shall be liable for the amount thereof: *Provided,* That the right of the contractor to proceed shall not be terminated under the article or the contractor charged with liquidated damages because of any delays in the completion of the work due to unforeseeable causes beyond the control and without the fault or negligence of the contractor, including, but not restricted to acts of God, or of the public enemy, acts of the Government (including, but not restricted to any preference, priority or allocation order), acts of another contractor in the performance of a contract with the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather or delays of subcontractors due to such causes, if the contractor shall within 10 days from the beginning of any such delay (unless the contracting officer, with the approval of the Secretary of War or his duly authorized representative, shall grant a further period of time prior to the date of final settlement of the contract) notify the contracting officer in writing of the causes of delay, who shall ascertain the facts and the extent of the delay and extend the time for completing the work when in his judgment the findings of fact justify such an extension, and his findings of fact thereon shall be final and conclusive on the parties hereto, subject only to appeal within 30 days by the contractor to the Secretary of War or his duly authorized representative, whose decision on such appeal as to the facts of delay and the extension of time for completing the work shall be final and conclusive on the parties hereto.

(j) Art. 10. *Permits and responsibility for work.* The Contractor shall, without additional expense to the Government, obtain all required licenses and permits and be responsible for all damages to persons or property that occur as a result of his fault or negligence in connection with the prosecution of the work, and shall be responsible for all materials delivered and work performed until completion and final acceptance. Upon completion of the contract the work shall be delivered complete and undamaged.

(k) Art. 11. *Eight-hour law, overtime compensation—Convict labor.* (a) (Insert § 81.346)

(b) (Insert § 81.345)

(l) Art. 12. *Covenant against contingent fees.* (Insert § 81.323)

(m) Art. 13. *Other contracts.* The Government may award other contracts for additional work, and the Contractor shall fully cooperate with such other Contractors and carefully fit his own work to that provided under other contracts as may be directed by the Contracting Officer. The contractor shall not commit or permit any act which will interfere with the performance of work by any other contractor.

(n) Art. 14. *Officials not to benefit.* (Insert § 81.322)

(o) Art. 15. *Disputes.* (Insert § 81.326)

(p) Art. 16. *Payments to contractor.* (a) Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the Contracting Officer. In preparing estimates the material delivered on the site and preparatory work done may be taken into consideration.

(b) In making such partial payment there shall be retained 10 percent on the estimated amount until final completion and acceptance of all work covered by the contract: *Provided, however,* That the contracting officer, at any time after 50 percent of the work has been completed, if he finds that satisfactory progress is being made, may make any of the remaining partial payments in full, and *Provided further,* That on completion and acceptance of each separate building, vessel, public work, or other division of the contract, on which the price is stated separately in the contract, payment may be made in full, including retained percentages thereon, less authorized deductions.

(c) All material and work covered by partial payments made shall thereupon become the sole property of the Government, but this provision shall not be construed as relieving the contractor from the sole responsibility for all materials and work upon which payments have been made or the restoration of any damaged work, or as a waiver of the right of the Government to require the fulfillment of all of the terms of the contract.

(d) Upon completion and acceptance of all work required hereunder, the amount due the Contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor, after the Contractor shall have furnished the Government with a release, if required, of all claims against the Government arising under and by virtue of this contract, other than such claims, if any, as may be specifically excepted by the contractor from the operation of the release in stated amounts to be set forth therein.

(q) Art. 17. *Rate of wages.* (Insert § 81.343)

(r) Art. 18. *Termination for convenience of the Government.* (Insert § 81.324 (a))

(s) Art. 19. *Nonrebate of wages.* (Insert § 81.344)

(t) Art. 20. *Taxes.* (Insert § 81.357)

(u) Art. 21. *Additional security.* Should any surety upon any bond furnished in connection with this contract become unacceptable to the Government, or if any such surety shall fail to furnish reports as to his financial condition from time to time as requested by the Government, the Contractor must promptly furnish such additional security as may be required from time to time to protect the interest of the Government or of persons supplying labor or materials in the prosecution of the work contemplated by the contract.

(v) Art. 22. *Loading and unloading cars.* The Contractor shall load promptly all railroad cars furnished for loading upon his order and shall unload from railroad cars promptly upon arrival all shipments consigned to him, and shall provide storage facilities and other facilities necessary for these purposes; and the Contractor shall not order railway cars for loading unless they can be loaded promptly and shall not cause or permit shipments to be consigned to him unless they can be unloaded from railroad cars promptly upon arrival.

(w) Art. 23. *Assignment of claims.* (Insert § 81.355)

(x) Art 24. *Renegotiation.* (See § 81.342 and §§ 81.1201–81.1213)

(y) Art. 25. *Anti-discrimination.* (Insert § 81.325)

(z) Art. 26. *Notice to the Government of labor disputes.* (Insert § 81.354)

(aa) Art. 27. *Definitions.* (a) The term "Secretary of War" as used herein shall include the Under Secretary of War, and the term "his duly authorized representative" shall mean any person or board authorized by the Secretary of War to act for him other than the Contracting Officer.

(b) Except for the original signing of this contract, and except as otherwise stated herein, the term "Contracting Officer" as used herein shall include his duly appointed successor or his authorized representative.

(bb) Art. 28. *Alterations.* The following changes were made in this contract before it was signed by the parties hereto:

In Witness Whereof, the parties hereto have executed this contract as of the day and year first above written.

THE UNITED STATES OF AMERICA
By --------------------------
-------------------------- (Official Title)

Two Witnesses:
------------------ ------------------ (Contractor)
------------------ (Address)
By ----------------
------------------ ------------------ (Business Address)
------------------ (Address)

I ------------------, certify that I am the Secretary of the corporation named as Contractor herein; that ---------------- who signed this contract on behalf of the Contractor was then ------------- of said corporation; that said contract was duly signed up for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In Witness Whereof, I have hereunto affixed my hand and the seal of said corporation this --------- day of ------------, 194--.

(Corporate Seal) ---------------------- (Secretary).

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry, ---------------------- ----------- who signed this contract for the ----------------- had authority to execute the same, and is the individual who signed similar contracts on behalf of this corporation with the public generally.

---------------------- Contracting Officer.

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*This paragraph will be used as a substitute for the above paragraph (c), in appropriate cases, where the Government desires the return of the scrap or wastage.

**Delete all lines which do not apply.

§ 81.1303 *W. D. Contract Form No. 3.*

Contract No. ----

FIXED FEE

CONSTRUCTION CONTRACT

WAR DEPARTMENT

Contractor and address:
Contract for construction of:
Location:
Fixed fee:
Estimated construction cost exclusive of fixed fee:
Payment:
To be made by ---------------- U. S. Army, at ------------------------------

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same: ------------------------------

This contract is authorized by the following laws:

FIXED FEE CONSTRUCTION CONTRACT

THIS CONTRACT, entered into this -------- ---------- day of ----------, 194---, by the UNITED STATES OF AMERICA (hereinafter called the Government) represented by the Contracting Officer executing this contract, and ------------------------------ ------------------------------ ------------------------------ ------------------------------

*a corporation organized and existing under the laws of the State of ----------------

*a partnership consisting of ---------------- ------------------------------ ------------------------------ ------------------------------

*an individual trading as ---------------- of the City of ------ in the State of ------ ------ (hereinafter called the Contractor).

WITNESSETH that:

Whereas, the Government desires to engage the services of a Contractor to perform the work and services hereinafter set forth; and

Whereas, the accomplishment of the said work under a fixed-fee contract entered into after negotiations approved by the Secretary of War, and without advertising for proposals, is authorized by law and will facilitate the prosecution of the war, and

Whereas, as a result of such negotiations, the Secretary of War has directed that the Government enter into a fixed-fee contract with the Contractor for the accomplishment of the said work:

Now therefore, the parties hereto do mutually agree as follows:

(a) ARTICLE I. *Statement of work.* 1. Description.

a. The Contractor shall, in the shortest reasonable time, furnish the labor, materials, tools, machinery and equipment, facilities, supplies, not furnished by the Government, and services, and do all things necessary for the completion of the following described work;**

b. The Contractor shall, in the shortest practicable time, furnish the labor, materials, tools, machinery and equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following described work, in addition to that prescribed by Section 1a of this Article.**

All in accordance with the drawings and specifications or instructions contained in Appendix "A" hereto attached and made a part hereof, or to be furnished hereafter by the Contracting Officer and subject in every detail to his supervision, direction and instructions.

2. The Contractor shall also perform management services which shall include, among other functions, the scheduling and/or purchasing of items of materials and equipment to avoid any delays in the prosecution of the work hereunder. The Contractor shall advise and consult with the subcontractors on this project and shall direct and supervise their work, subject to the provisions of Article VII; and shall, subject to the direction of the Contracting Officer, store materials and equipment for use in connection with the project.

3. It is estimated that the construction cost of the work listed in Section 1 of this Article will be------------------------------ ------------------------------ dollars, ($--------), exclusive of the Contractor's Fee, and that the work herein contracted for will be ready for utilization by the Government on or before------------ It is expressly understood, however, that neither the Government nor the Contractor guarantee the correctness of either of these estimates. In consideration of his undertaking under this contract the Contractor shall receive the following:

a. Reimbursement for expenditures as provided in Article II.

b. Rental for Contractor's equipment as provided in Article II.

c. A fixed fee in the amount of------------ ------------------------------ dollars ($--------) which shall constitute compensation for the Contractor's services including profit and all general overhead expenses.

4. When in the opinion of the Contracting Officer it is to the best interest of the United States, the Contractor shall when so ordered or authorized, subcontract any or all items or classifications of work required under this contract or subsequently added thereto. Such subcontracting of work, or the performance thereof with the Contractor's own forces, regardless of the amount and/or extent of work performed or subcontracted, all with the prior written approval or order of the Contracting Officer, shall entail no adjustment in the fixed fee stipulated in Section 3c of this Article. The fixed fee stipulated in Section 3c of this Article has been determined in the light of the fact that all of the work may be subcontracted pursuant to the foregoing provision. Such fee includes compensation for the services which may be rendered by the Contractor in the negotiation, supervision, and coordination of any work subcontracted and the responsibilities assumed by the Contractor in connection therewith, and is deemed to be reasonable, regardless of the amount or extent of work performed or subcontracted.

5. The Contracting Officer may at any time by written order issue additional instructions, require additional work or services or direct the omission of work or services covered by this contract. If such changes cause a material increase or decrease in the amount or character of the work to be done under Section 1a of this Article or in the time required for its performance an equitable adjustment of the amount of the fixed fee to be paid the Contractor shall be made and the contract shall be modified in writing accordingly. The adjustment of the fixed fee shall be made upon the completion or termination of the contract or whenever the scope of the whole project has been increased or decreased by reason of changes in excess of 25% of the original work contemplated under Section 1a of this Article. Nothing provided in this Article shall excuse the Contractor from proceeding with the prosecution of the work so changed: *Provided, however,* That there shall be no adjustment in the amount of the fixed fee as provided herein, nor any claim therefor because of any errors and/or omissions made in computing the estimated cost of the construction of the work under this contract or where the actual cost varies from the estimated cost.

6. Nothing contained in this Article shall be taken to authorize or require any adjustment of the fee to be paid the Contractor on account of any additional instructions, work or services ordered or performed by the contractor with regard to the construction work described in Section 1b of this Article and there shall be no increase or decrease in the fee to be paid Contractor in any event on account of any increase or decrease in the quantity or character of the work to be performed under Section 1b.

(b) ART. II. *Cost of the work.* 1. *Reimbursement for Contractor's expenditures.* The Contractor shall be reimbursed in the manner hereinafter described for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer and as are included in the following items:

a. All labor, materials, tools, machinery, equipment, supplies, services, utilities, power, and fuel necessary for either temporary or permanent use for the benefit of the work.

b. All subcontracts made in accordance with the provisions of this contract.

c. Rental actually paid by the Contractor, at rates not to exceed those approved by the Contracting Officer, for construction plant in sound and workable condition exceeding $300 in value as may be necessary for the proper and economical prosecution of the work. Each contract for the rental of construction plant or parts thereof by the Contractor from third parties shall be in a form prescribed by the Contracting Officer and shall be subject to his approval and shall include provisions 1. that title to such construction plant or parts thereof free of all liens and encumbrances shall vest in the Government when and if the total rental paid and/or accrued to the lessor for any item of construction plant or parts thereof shall equal the approved value thereof plus one percent (1%) of the approved value per month for each contract month or fraction thereof such piece of equipment shall have been in use, and that on demand the lessor will deliver to the Contracting Officer such evidences of title as he shall demand; and 2, that at any time prior to termination of such rental agreement, the Government may at its option purchase any piece of equipment by paying the lessor the difference between the valuation of such piece of equipment plus one percent (1%) of the approved value per month for each contract month or part thereof such piece of equipment shall have been in use, and the total rental therefor paid for such piece of equipment: *Provided, however,* That either of such provisions may be omitted from such rental agreements if the omission is approved by the Chief of the Supply Service.

d. Unloading and assembling at the site of the work of construction plant owned or rented by the Contractor; transportation thereof to the place or places where it is to be used in connection with said work, dismantling, unloading and return transportation to the point of original shipment or equivalent mileage, but in no event will the payment made for return transportation exceed the payment made for transportation to the job site unless such excess costs results solely from an increase of freight rates, or is required by Government transfer of such equipment to another site more distant from the point of origin than the site of the work set out in Article 1 hereof. Charges for transportation over distances in excess of 500 miles must have the written authorization of the Contracting Officer in advance. Loading at the site of origin and unloading when returned to the original shipping point or other return shipping point will not be paid by the Government and is not a reimbursable item.

e. Repairs and repair parts as are not included in the rental or are not made necessary by the fault or negligence of the Contractor or his employees.

f. Transportation charges on materials and supplies.

g. Transportation and traveling expenses to and from the work of the necessary field forces for the economical and successful prosecution of the work; expenses of procuring labor and expediting the production and transportation of material and equipment. Expenditures under these items must have the written authorization of the Contracting Officer in advance.

h. Salaries of resident engineers, superintendents, timekeepers, foremen, and other field employees of the Contractor in connection with the work. In case the full time of any field employee of the Contractor is not applied to the work, his salary shall be included in this item only in proportion to the actual time applied thereto. No person shall be assigned to service by the Contractor as superintendent of construction, chief engineer, chief purchasing agent, chief accountant, or similar position in the Contractor's field organization, or as principal assistant to any such person, until there has been submitted to and approved by the Contracting Officer a statement of the qualifications, experience and salary of the person proposed for such assignment. The regular salary or compensation rate of any such person shall not be in excess of the highest salary or compensation rate received by him during the year preceding the date of this contract plus such increase as the Contracting Officer may approve. The payment of any excess salary over such scheduled amounts shown in the approved salary schedule agreed to at the time of negotiation of this contract shall not be reimbursable, unless and until the Chief of the Supply Service or his duly authorized representative has so approved in writing.

i. Buildings, trade fixtures and equipment required for necessary field offices, commissaries, hospitals, and other facilities, and the cost of maintaining and operating such field offices, commissaries, hospitals and other facilities; provided that the Contractor may enter into a contract with any third party or parties for the operation of the commissaries, hospitals, or other facilities provided for herein, in which event such contract shall be reduced to writing and terms thereof subject to the prior written approval of the Contracting Officer.

j. Temporary rights in land required in connection with the work.

k. Premiums on such bonds and insurance policies as the Contracting Officer may approve or require as reasonably necessary for the protection of the Government or the Contractor. In every instance where this contract requires or permits the United States to pay the premium on a bond or insurance policy either directly or ultimately as a reimbursable item, the bond or insurance policy shall contain an indorsement or other recital excluding by appropriate language any claim on the part of the insurer or obligor to be subrogated, on payment of a loss or otherwise, to any claim against the United States.

l. Losses and expenses, not compensated by insurance or otherwise (including settlements made with the written consent of the Contracting Officer), actually sustained by the Contractor in connection with the work and found and certified by the Contracting Officer to be just and reasonable unless reimbursement therefor is expressly prohibited.

m. The cost of reconstructing and replacing any of the work destroyed or damaged, and not covered by insurance, but expenditures under this item must have the written authorization of the Contracting Officer in advance.

n. Payments from his own funds made by the Contractor under the Social Security Act, and any disbursements required by law, which the Contractor may be required on account of this contract to pay on or for any plant, equipment, process, organization, materials, supplies, or personnel; and, if approved in writing by the Contracting Officer in advance, permit and license fees and royalties on patents used, including those owned by the Contractor.

o. If the Contractor and/or his representative shall be required to travel, the Government will reimburse the Contractor for the transportation, including Pullman where necessary, and will allow for such travel Six Dollars ($6.00) per day in lieu of all other expenses. Transportation by automobile on such required travel shall be reimbursed at the rate of Five cents ($.05) per mile as representing the actual cost of such transportation.

All travel shall be either authorized or approved in writing by the Contracting Officer. Should the Contractor, or any representative thereof, remain in a travel status in excess of six (6) days at any one time, not including the time consumed in travel, the cost for such excess travel status shall be at expense of the Contractor, unless otherwise ordered in writing by the Contracting Officer.

p. When specifically approved in advance by the Chief of the Supply Service, a reasonable allowance for work done in the Contractor's general offices exclusively for and directly chargeable to the work.

q. Disbursements incident to payment of payrolls, including but not limited to the cost of disbursing cash, necessary guards, cashiers, and paymasters. If payments to employees are made by check, facilities for cashing checks must be provided without expense to employees, and the Contractor shall be reimbursed therefor.

r. Such other items not expressly excluded by other provisions of this contract as should, in the opinion of the Contracting Officer, be included in the cost of the work. When such an item is allowed by the Contracting Officer, it shall be specifically certified as being allowed under this Subsection.

s. All expenditures for which reimbursement has not been made pursuant to Letter Contract dated --------------------------, a copy of which is attached hereto. Such Letter Contract is hereby merged and superseded by this contract. This Subsection s. shall be deemed to be included herein if and only if this contract is preceded by a Letter Contract.

2. *Rental for construction plant owned by contractor:*

a. Rental shall be paid to the Contractor for construction plant in sound and workable condition, owned and furnished by him for the proper and economical prosecution of the work, as shown in the attached "Appendix B" hereby made a part hereof, at rental rates prescribed by the Under Secretary of War in "Uniform Rental Rates for Contractor-Owned Construction Plant," August 27, 1941.

b. In the event the Contractor, with the approval of the Contracting Officer, furnishes additional equipment that is not included in "Appendix B," rental for such equipment will be paid in accordance with the said "Uniform Rental Rates for Contractor-Owned Construction Plants."

c. Except as otherwise specified herein, rental shall begin on the date of delivery of the construction plant to a common carrier for shipment to the site of the work, as evidenced by bill of lading or other satisfactory evidence covering such shipment. In the event the construction plant is conveyed by the Contractor, the rental shall start at the time transportation to the site begins; however, the rental paid shall not exceed that for the equivalent time of shipment by common carrier.

d. If such construction plant is not in sound and workable condition, to the satisfaction of the Contracting Officer, when delivered at the site of the work, the rental period therefor shall not begin until the construction plant shall have been placed in sound and workable condition at the expense of the Contractor, and rental therefor shall not be paid for any prior period.

e. If such construction plant cannot be placed in sound and workable condition within reasonable time to the satisfaction of the Contracting Officer, no transportation charges for the shipment thereof, to or from the site of the work, shall be paid.

f. The approved value of the construction plant as shown in "Appendix B" shall be deemed binding unless the Contracting Officer shall, within twenty days after such plant has been set up and working modify or change such valuation. In the event a change is made in the valuation of the construction plant, a corresponding change shall be made in the rental rate in accordance with said "Uniform Rental Rates for Contractor-Owned Construction Plant." Thereafter the valuation and the related rental rate shall be binding unless the rental is modified as specified below.

g. Rental for time consumed for repairs, in excess of the time normally required for such repairs as determined by the Contracting Officer, shall be deducted from the rental in the amount of one-thirtieth of the monthly rental rate for each day determined to be in excess. When in the opinion of the Contracting Officer the amount of repairs or maintenance is excessive, a deduction shall be made from the rental.

h. The payment of rental shall cease on a date to be established in a written notice by the Contracting Officer to the Contractor, that the Construction plant is no longer required. The date of release thus established shall include an allowance for the time necessary for final repairs, dismantling and loading for shipment.

3. Title to all materials, tools, machinery, equipment and supplies for which the Contractor shall be entitled to reimbursement under Article II shall vest in the Government at such point or points as the Contracting Officer may designate in writing: *Provided,* That the right of final inspection and acceptance or rejection of such materials, tools, machinery, equipment and supplies at such place or places as he may designate in writing is reserved to the Contracting Officer: *Provided further,* That upon such final in-

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*Delete all lines which do not apply.

**(List here all buildings, structures and utilities for which definite units are available or make proper reference to data contained in Engineering and Construction information.)

**(List here all items of work for which there are no definite units available at the time of signing of the contract. Where utility lines or systems are listed here, include the phrase, "and all component parts or appurtenant works which may be necessary and which may be required.")

spection, the Contractor shall be given written notice of acceptance or rejection as the case may be. In the event of rejection, the Contractor shall be responsible for the removal of the rejected property within a reasonable time.

4. The work shall be executed in the best and most workmanlike manner by qualified, careful, and efficient workers, in strict conformity with the best standard practices.

5. Except as otherwise authorized by the Contracting Officer, all materials shall be of the best quality of their respective kinds. If the Contracting Officer requires that the Contractor submit for prior approval samples of materials proposed for use in the work covered by this contract, the Contractor shall make no commitments for such materials until the submitted sample has been approved by the Contracting Officer.

6. During the performance of this contract, the work shall be under the full-time resident direction of the Contractor, if an individual; of one or more principal partners if the Contractor is a partnership; or in case the Contractor is a corporation, association, or similar legal entity, one or more senior officers thereof, *Provided however*, That the Contractor, whether an individual, a partnership, a corporation, or other legal entity, may be represented in the direction of the work by some person of a class other than those specified above, if the Contracting Officer gives his approval. In any event the Contractor shall not be entitled to be reimbursed for any salary, wages or like compensation paid for such direction of the work, whether performed by an individual, a partner, a corporate officer or other representative.

7. The Government reserves the right to furnish any materials, construction equipment, machinery, tools, or services, including communication services necessary for the completion of the work. The Contractor shall cause all equipment, machinery, and tools to which title is vested in the Government to be suitably marked with an identifying mark or symbol indicating that such items are the property of the United States. The Contractor shall maintain at all times, in a manner satisfactory to the Contracting Officer, records showing the disposition and/or use of all equipment, machinery, tools, and materials purchased for the work and for which he has been reimbursed by the Government or which have been furnished by the Government. Upon the completion of this contract or upon demand, the Contractor shall return such equipment, machinery, tools and unused materials to the place designated by the Contracting Officer.

8. *a*. The Government reserves the right to pay directly to common carriers any or all freight charges on construction plant, materials, and supplies.

b. The Government will pay directly for all telegrams, telephone communications (including teletype and facsimile when authorized by the Contracting Officer to be installed), cablegrams, radiograms, and similar messages that may be sent by the Contractor pertaining directly to the contract for work to be done or materials to be furnished thereunder, and the Contractor is hereby designated as an agent of the Government for the purpose of causing to be transmitted any such messages.

9. The Government reserves the right to pay directly to the persons concerned all sums due from the Contractor for labor, materials, or other charges.

10. No salary of the Contractor, partners or corporate officers of the Contractor's organization shall be included in the cost of the work. No part of the expense incurred in conducting the Contractor's main office or regularly established branch offices, and no overhead expense of any kind, except as specifically authorized in Section 1 of this Article, shall be included in the cost of the work; nor shall any interest on capital employed or on borrowed money be included in the cost of the work.

11. The Contractor shall, to the extent of his ability, take all cash and trade discounts, rebates, allowances, credits, salvage, commissions, and bonifications, and when unable to take advantage of such benefits he shall promptly notify the Contracting Officer with the reason therefor. In determining the actual net cost of articles and materials of every kind required for the purpose of this contract, there shall be deducted from the gross cost thereof all cash and trade discounts, rebates, allowances, credits, commissions, and bonifications which have accrued to the benefit of the Contractor or would have so accrued but for the fault or neglect of the Contractor. Such benefits lost through no fault or neglect on the part of the Contractor, or lost through fault of the Government, shall not be deducted from gross costs.

12. All revenue received by the Contractor from the operations of the hospital, commissaries, or other facilities, or from rebates, discounts, refunds, etc., shall be accounted for by the Contractor and, except for any reasonable compensation accruing to a third party or parties for the operation of commissaries, hospitals, or other facilities, applied in reduction of the cost of the work.

(c) Art. III. *Payments. 1. Reimbursement for cost.* The Government will currently reimburse the Contractor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original signed pay-rolls for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

2. *Rental for contractor's equipment*. Rental as provided in Article II for such construction plants or parts thereof as the Contractor may own and furnish shall be paid monthly upon presentation of proper vouchers.

3. *Payment of the fixed-fee*. Ninety percent (90%) of the fixed-fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer. Final payment upon completition of the work and its final acceptance shall be made in accordance with Section 6. If the contract is terminated by the Government, payment shall be made in accordance with Article VI.

4. *Payments by contractor*. If bills for purchase of material, machinery or equipment, or payrolls covering employment of laborers or mechanics incurred by the Contractor or by any subcontractor hereunder are not paid promptly by the Contractor or subcontractor as the case may be, the Contracting Officer may, in his discretion, withhold from payments otherwise due the Contractor an amount equivalent to the amount of any such bill or payroll. Should the Contractor neglect or refuse to pay such bills or payrolls or to direct any subcontractor to pay such bills or pay-rolls within five (5) days after notice from the Contracting Officer so to do, the Government shall have the right to pay such bills or pay-rolls directly, and in such event a deduction equal to five percent (5%) of the amount so paid directly shall be made from the Contractor's fee.

5. *Final payment*. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee, less any sum that may be necessary to settle any unsettled claims in connection with this contract, or any claim the Government may have against the Contractor. The Contracting Officer shall accept the completed work with reasonable promptness. Prior to final payment and as condition thereto, the Contractor shall furnish the Government with a release of all claims against the Government arising under and by virtue of this contract other than such claims, if any, as are specifically excepted by the Contractor from the operation of the release in stated amounts to be set forth therein.

(d) Art. IV. *Records and accounts inspection and audit*. 1. The Contractor agrees to keep records and books of account, showing the actual cost to him of all items of labor, materials, equipment, supplies, services, and other expenditures of whatever nature for which reimbursement is authorized under the provisions of this contract. The system of accounting to be employed by the Contractor shall be such as is satisfactory to the Contracting Officer.

2. The Contracting Officer shall at all times be afforded proper facilities for inspection of the work and shall at all times have access to the premises, work and materials, to all books, records, correspondence, instructions, plans, drawings, receipts, vouchers, and memoranda of every description of the Contractor pertaining to said work except such documents as have been submitted in support of reimbursement vouchers; and the Contractor shall preserve such papers without additional compensation therefor, for a period of three (3) years after completion or termination of this contract.

3. Any duly authorized representative of the Contractor shall be accorded the privilege of examining the books, records, and papers of the Contracting Officer relating to the cost of the work for the purpose of checking and verifying such cost.

4. In order to avoid so far as possible duplication in accounting and auditing functions performed by the Contractor and the Government, it is agreed that the following accounting and auditing functions shall be performed by the Government exclusively:

a. Time checking (not time keeping) in the field, or in the Contractor's plant.

b. Audit of original pay-rolls of the Contractor (or such portions thereof as are applicable), where such pay-rolls are prepared by the Contractor.*

c. Checking of equipment rentals and the preparation and delivery of properly approved rental rolls to the Contractor for payment.**

d. Such other accounting and auditing functions as may be effectively performed by Government employees and to which the Contracting Officer and the Contractor may mutually agree in writing.

5. It is further agreed that if any of the accounting and auditing functions performed exclusively by the Government do not adequately discharge such accounting and auditing functions to the satisfaction of the Contractor, the Contractor, with the approval in writing of the Contracting Officer, may perform such additional checking and auditing as may be so approved. The Contractor shall be reimbursed for the cost of such additional accounting and auditing functions as are so approved.

(e) Art. V. *Special requirements*. 1. The Contractor hereby agrees that he will:

a. Procure and maintain such bonds and insurance in such forms and in such amounts and for such periods of time as the Contracting Officer may require.

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*Note: Where pay-rolls are prepared by the Government the audit thereof by the Government will be concurrent with such preparation.

**Note: If not applicable, this section will be omitted.

b. Procure all necessary permits and licenses; obey and abide by all applicable laws, regulations, ordinances, and other rules of the United States of America, of the State, Territory, or political subdivision thereof wherein the work is done, or of any other duly constituted public authority.

c. Reduce to writing, unless this provision is waived in writing by the Contracting Officer, every contract in excess of Two Thousand Dollars ($2,000) made by him for the purpose of the work hereunder for services, materials, supplies, machinery, equipment, or for the use thereof; insert therein a provision that such contract is assignable to the Government; make all such contracts in his own name, and not bind or purport to bind the Government or the Contracting Officer thereunder. No purchase in excess of $2,000 shall be made or placed without the prior approval of the Contracting Officer.

d. Enter into no subcontract for any portion of the work, except in the form prescribed by the Chief of Supply Service with the written approval of the Contracting Officer. Subcontracts are defined as contracts entered into by the Contractor with others which involve the performance, wholly or in part at the site of the work, of some part of the work described in Article I hereof.

e. At all times during the progress of the work, keep at the site thereof a duly appointed and qualified representative who shall receive and execute on the part of the Contractor such notices, directions, and instructions as the Contracting Officer may give.

f. The Contracting Officer may require the Contractor to dismiss from work such employee or employees as the Contracting Officer deems incompetent, careless, or insubordinate or whose continued employment is deemed inimical by the Contracting Officer to the public interest. The Contractor shall make every reasonable effort in the selection of his employees and in the prosecution of the work under this contract, to safeguard plot drawings and schematic drawings furnished him and drawings and specifications, and to prevent the theft or unauthorized use of the same.

g. Furnish sufficient technical, supervisory and administrative personnel to insure the prosecution of the work in accordance with a progress schedule approved by the Contracting Officer. If, in the opinion of the Contracting Officer the Contractor falls behind a progress schedule approved by the Contracting Officer, the Contractor shall take such steps as may be necessary to improve his progress and the Contracting Office may direct him to increase working days, or hours of labor per day. Failure to promptly comply with such directions shall be deemed sufficient cause to terminate the contract for the fault of the Contractor.

h. Furnish within 15 days of the date of the receipt of written notice from the Contracting Officer, construction plant listed in "Appendix B" provided that the date upon which the Contractor is required to furnish such plant shall not precede the date on which such construction plant is listed as available in said "Appendix B". In the event the Contractor fails to furnish construction plant as required by such notice, the additional cost of acquiring replacement construction plant from any source other than the Contractor shall be paid by the Contractor and shall not be a reimbursable expenditure.

i. Immediately upon termination of third-party rental agreement, make all repairs to equipment rented thereunder which are required to be made by the terms of such rental agreements and remove such equipment from the site of the work. In cases where such repairs and removal cannot promptly be made, the Contractor shall notify the Contracting Officer of the reasons for such delay.

(f) Art. VI. *Termination of contract by Government*. (Insert § 81.350).

(g) Art. VII. *Contracting officer's decisions*. The extent and character of the work to be done by the Contractor shall be subject to the general supervision, direction, control and approval of the Contracting Officer to whom the Contractor shall report and be responsible.

(h) Art. VIII. *Disputes*. (Insert § 81.326).

(i) Art. IX. *Convict labor*. (Insert § 81.395).

(j) Art. X. *Labor*. (a) (Insert § 81.343) (b) (Insert § 81.346).

(k) Art. XI. *Nonrebate of wages*. (Insert § 81.344).

(l) Art. XII. *Anti-discrimination*. (Insert § 81.325).

(m) Art. XIII. *Workmen's Compensation Insurance*. During the life of this contract the Contractor will provide and maintain, for all employees of the Contractor engaged in work under this contract, Workmen's Compensation Insurance or such other protection for employees as may be required by Federal or State statutes in the jurisdiction in which such work is performed, under direction of the Contracting Officer. If the whole or any part of the work under this contract is sublet on a Fixed-Fee basis, the same protection provided for employees of the Contractor will be provided for the protection of the employees of the subcontractors. In those cases where the whole or any part of the work under this contract is sublet on a Lump Sum basis, the Contractor will require the subcontractors to maintain for their employees Workmen's Compensation Insurance or such other protection for employees as may be required by Federal or State statutes in the jurisdiction in which such work is performed. Prior to commencement of operations under this contract the Contractor will supply the Contracting Officer with proof of compliance with this article.

(n) Art. XIV. *Accident prevention*. In order to protect the life and health of his employees in the performance of this contract, the Contractor will comply with all pertinent provisions of the "Safety Requirements in Excavation—Building—Construction" approved by Chief of Engineers December 16, 1941 (a copy of which is on file in the Office of the Contracting Officer), and as may be amended, and will take or cause to be taken such additional measures as the Contracting Officer may determine to be reasonably necessary for this purpose. The Contractor will maintain an accurate record of, and will report to the Contracting Officer in the manner and on the forms prescribed by the Contracting Officer, all cases of death, occupational disease, and traumatic injury arising out of or in the course of employment on work under this contract.

The Contracting Officer will notify the Contractor of any non-compliance with the forgoing provisions and the action to be taken. The Contractor shall, after receipt of such notice, immediately correct the conditions to which attention has been directed. Such notice when served on the Contractor or his representative at the site of the work shall be deemed sufficient for the purpose aforesaid.

If the Contractor fails or refuses to comply promptly, the Contracting Officer may issue an order stopping all or any part of the work. When satisfactory corrective action is taken, a start order will be issued.

(o) Art. XV. *Notice to Government of labor disputes*. (Insert § 81.354)

(p) Art. XVI. *Officials not to benefit*. (Insert § 81.322)

(q) Art. XVII. *Covenant against contingent fees*. (Insert § 81.323)

(r) Art. XVIII. *Contractor's organization and methods*. Upon the execution of this contract, the Contractor shall submit to the Contracting Officer a chart showing in general the executive and administrative organization, duties and personnel to be employed in connection with the work under the contract; the data so furnished shall be supplemented as additional information becomes available.

(s) Art. XIX. *Loading and unloading cars*. The Contractor shall load promptly all railroad cars furnished for loading upon his order and shall unload from railroad cars promptly upon arrival all shipments consigned to him, and shall provide storage facilities and other facilities necessary for these purposes; and the Contractor shall not order railway cars for loading unless they can be loaded promptly and shall not cause or permit shipments to be consigned to him unless they can be unloaded from railroad cars promptly upon arrival.

(t) Art. XX. *Assignment of claims*. (Insert § 81.355)

(u) Art. XXI. *Renegotiation*. (See § 81.342 and §§ 81.1201–81.1213)

(v) Art. XXII. *Definitions*. 1. The term "Secretary of War" as used herein shall include the Under Secretary of War; and the term "Chief of Supply Arm or Service" shall mean the Chief of ------------------------.

2. The term "his duly authorized representative" shall mean any person or board authorized by the Secretary of War or the Chief of the Supply Service, as the case may be, to act for him, other than the Contracting Officer.

3. Except for the original signing of this contract and except as otherwise stated herein, the term "Contracting Officer" as used herein shall include his duly appointed successor or his authorized representative.

4. The term "construction plant" shall include any part thereof.

(w) Art. XXIII. *Approval Required*. This contract shall be subject to the approval of ---------------------- and shall not be binding unless so approved.

(x) Art. XXIV. *Alterations*. The following changes were made in this contract before it was signed by the parties hereto:

In Witness Whereof, the parties hereto have executed this contract as of the day and year first above written:

THE UNITED STATES OF AMERICA
By ------------------------------
------------------------------ (Official Title)

Two Witnesses:
-------------------- -------------------- (Contractor)
-------------------- (Address)
By --------------------
-------------------- -------------------- (Business Address)
-------------------- (Address)

I --------------------, certify that I am the Secretary of the corporation named as Contractor herein; that -------------------- who signed this contract on behalf of the Contractor was then -------------------- of said corporation; that said contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In Witness Whereof, I have hereunto affixed my hand and the seal of said corporation this -------- day of ------------ 19----

[CORPORATE SEAL] ---------------------- (Secretary.)

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry, ______________________, who signed this contract for ___________________ had authority to execute the same, and is the individual who signs similar contracts on behalf of this corporation with the public generally.

____
(Contracting Officer.)

APPENDIX "B"

Project item No.	Date available	Units	Item: Complete description, capacity, and identifying numbers	Date of original purchase, new	Total purchase cost or fair value, new	Assgd. service life	Age to nearest year	Rental rate, dol. per month
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

§ 81.1304 *W. D. Contract Form No. 4.*

Contract No. W______

FIXED FEE ARCHITECT-ENGINEER CONTRACT
WITH OPTIONAL SUPERVISION

WAR DEPARTMENT

Architect-Engineers and address:
Contract for Architect-Engineer:
Services in Connection with:
Location:
Fixed fee for Title I $________
for Title II $________
Estimated construction cost:
Exclusive of fixed fee:
Payment: To be made by ________________
U. S. Army at:

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authority or authorities, the available balances of which are sufficient to cover the cost of the same:

____

This contract is authorized by the following Laws:

ARCHITECT-ENGINEER SERVICES

THIS CONTRACT, entered into this ________ day of ____________, 19____, by THE UNITED STATES OF AMERICA (hereinafter referred to as "the Government"), represented by the Contracting Officer executing this contract, and ________________________________
____
____
____
____
*a corporation organized and existing under the laws of the State of________________
*a partnership consisting of______________
____
____
____
*an individual trading as________________
in the City of__________________________
State of________________________________
(hereinafter referred to as "the Architect-Engineer"), WITNESSETH THAT:

Whereas, the accomplishment of the hereinafter described work and services is authorized by law and will facilitate the prosecution of the war; and

Whereas, it is deemed by the Secretary of War to be advantageous to the war effort to employ the Architect-Engineer to render services as hereinafter set forth for the preparation of necessary reports, designs, drawings specifications, and other documents; and, at the option of the Government, for technical supervision of the construction of the project described in Article I–A hereof; and

Whereas, the Secretary of War has authorized the Government to negotiate this Cost-Plus-A-Fixed-Fee Architect-Engineer contract:

Now, therefore, the parties hereto do mutually agree as follows:

TITLE I

(a) ARTICLE I–A. *Description of project.* 1. The project shall be located at or near and is generally described as follows:

a. *

b. **

(b) ART. I–B. *Statement of architect-engineer services.* The Architect-Engineer shall, in the shortest reasonable time, establish and maintain an office at or near the site of the work under the full-time resident direction of the Architect-Engineer; of one or more principal partners if the Architect-Engineer is a partnership or in case the Architect-Engineer is a corporation, association, or similar legal entity, one or more corporate officers thereby; or a responsible representative approved by the Contracting Officer; and the Architect-Engineer shall perform the following services (in addition to such services which may be required to be performed under Title III of this Contract):

a. Make all necessary topographical and other surveys and maps; arrange for and supervise necessary test borings and other subsurface investigations: *Provided, however,* That this provision is not to be deemed to require the Architect-Engineer to make real estate or boundary surveys.

b. Prepare, subject to the approval of the Contracting Officer, preliminary studies, sketches, and layout plans and reports including estimates of cost of the proposed project and of all structures, utilities and appurtenances thereto.

c. Adapt Government designs, drawings, specifications and standards for buildings and other structures as necessary to meet the requirements of the approved layout of the proposed project, and prepare detailed designs, specifications and drawings in required form for which Government designs are incomplete or unavailable.

d. Obtain necessary permits and approvals from all local, State and Federal authorities. Should it become necessary in the performance of the work and services for the Architect-Engineer to secure the right of ingress and egress to perform any of the work required by this contract on properties not owned or controlled by the Government, the Architect-Engineer shall secure the consent of the owner, his representative, or agent, prior to effecting entry on such property. In the event the owner requires the payment of any fee for a license to enter upon and/or use such property, the Architect-Engineer, when so directed by the Contracting Officer, shall pay such fee and obtain a receipt therefor.

e. Prepare estimates of material quantities required to construct the project.

f. When preliminary drawings are approved in writing by the Contracting Officer, prepare final designs, detailed working drawings and specifications in accordance with Government standards necessary for the effective coordination and efficient execution of the construction work and revise such drawings and specifications if necessary. All reservation, topographical, utility and unit layout maps shall be inked in on linen. If deemed practicable by the Contracting Officer, all other drawings for structures and other items may be made in pencil. Prepare copies of the specifications and sets of full size copies of working drawings in such manner and in such numbers as the Contracting Officer may require. There shall be included in the specifications all provisions which the Contracting Officer may direct to have incorporated therein relating to the negotiating or awarding of contract or contracts, conditions under which the work shall be done, and any special provisions required by statute or existing War Department regulations or instructions.

g. Prepare an estimate of the cost of the proposed project based on the approved designs, drawings and specifications therefor.

h. Establish a permanently monumented base line, with elevations, tied into North American Datum, unless specifically exempted by written instructions of the Contracting Officer.

i. Check and approve all shop and working drawings submitted in connection with the construction work to assure that they conform with approved drawings.

j. Assist the Contracting Officer in preparing invitations for offers, analyzing and evaluating proposals for a construction contract or contracts based upon the approved drawings and specifications.

(c) ART. I–C. *Period of service.* The Architect-Engineer shall complete all work and services under Title I of this contract except work and services required under Subparagraph i of Article I–B, within ______ months after the date of this contract, but such services will extend thereafter, without additional fee, until the services set forth in Article I–B are complete or otherwise terminated.

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* Delete all lines which do not apply.

*(List here all buildings, structures and utilities for which definite units are available or make proper reference to data contained in Engineering and Construction Information.)

**(List here all items of work for which there are no definite units available at the time of signing of the contract. Where utility lines or systems are listed here, include the phrase, "and all component parts or appurtenant works which may be necessary and which may be required.")

(d) ART. I–D. *Fixed fee and reimbursement of expenditures.* 1. In consideration for his undertakings under this Title I, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of____________
________________________ dollars ($________)
which shall constitute complete compensation under this Title I for the Architect-Engineer's services, including the services of the resident partners or corporate officers, or the representatives referred to in Aticle I–B and also all general overhead expenses except as otherwise herein expressly provided. Payments on account of the fixed-fee shall be made as provided in Article III–G hereof.

b. Reimbursement for expenditures as specified in Article III–E hereof.

TITLE II

At any time prior to six months after satisfactory completion and acceptance of the work and services to be furnished under Title I except subparagraph *i* of Article I–B, the Government, at its option, may direct, by a written order, the Architect-Engineer to perform the work and services provided under this Title II. Upon receipt of such direction, the Architect-Engineer shall proceed with such work and services.

(e) ART. II–A. *Services to be furnished by Architect-Engineer.* 1. The Architect-Engineer shall perform the following services:

a. Furnish all governing lines, bench marks and grades essential to the construction of the project.

b. Supervise the work included in this contract to assure the construction of every part of the work in accordance with the approved drawings and specifications within the areas and boundaries designated for the project.

c. Make such field and laboratory tests of concrete and concrete aggregates and all other materials at the site or at any time or place as the Contracting Officer may require. Inspect and report to the Contracting Officer in writing as to the conformity or nonconformity of the workmanship and materials to specifications; and on the progress of the project.

(1) When so directed by the Contracting Officer, arrange for, by subcontract or otherwise, and supervise tests and inspections of materials and workmanship by commercial testing laboratories or other similar agencies, either at such laboratories or at the points of manufacture or fabrication of materials. The cost of such tests and inspection shall be reimbursable and shall entail no adjustment in the fixed fee.

d. Furnish for the approval of the Contracting Officer:

(1) Labor estimates, to be prepared with the assistance of the Contractor, showing the approximate numbers, trades and dates required to meet the approved construction schedule.

(2) In addition to the requirements of Article III–M, semimonthly progress reports in approved form showing the progress of the construction work and any deviation from the approved construction schedule.

e. Upon termination or completion of this contract, as determined by the Contracting Officer, and before final payment of the fixed-fee, the Architect-Engineer shall:

(1) Prepare record drawings in required form, or correct drawings and specifications to show construction as actually accomplished as follows:

(a) Drawings of topographical surveys, project layouts, utility layout maps, unit layout maps, (including utilities), landscape layouts and detailed drawings for all special structures of a permanent nature, including sewage disposal plants, and water and electrical supply systems, shall be inked in on linen.

(b) All other drawings for structures and other items may be made in pencil if deemed practicable by the Contracting Officer.

(2) Supervise the testing of operating units designated by the Architect-Engineer to assure their conformance with specifications and furnish all engineering services necessary to secure such conformance.

(3) Prepare instructions for the proper operation and maintenance of all utilities and operating equipment designed by him.

(4) Assist in preparation of the completion report for the project.

f. Prepare such partial and final estimates of quantities and values of construction work performed under lump sum and unit price contracts and/or subcontracts as may be necessary to provide the data required under the payment provisions of such contracts and/or subcontracts.

g. Perform such other services as may be required under the provisions of Title III hereof.

(f) ART. II–B. *Period of service.* The period of service of the Architect-Engineer under this Title II is estimated as ________ months from receipt of order to proceed thereunder, but will extend thereafter until the services set forth herein are complete or otherwise terminated. If for any reason the time required of the Architect-Engineer under this Title II is extended for more than thirty (30) calendar days beyond that estimated in this Article, there shall be a prompt and equitable adjustment in the Architect-Engineer fixed fee, as may be agreed upon between the Architect-Engineer and the Contracting Officer.

(g) ART. II–C. *Fixed-fee and reimbursement of expenditures.* 1. In consideration for his undertakings under this Title II, the Architect-Engineer shall be paid the following:

a. Fixed-fee in the amount of____________
________ DOLLARS ($________) which shall constitute complete compensation under this Title II for the Architect-Engineer's services, including the services of the resident partners or corporate officers, or the representative referred to in Article I–B, and all general overhead expenses except as otherwise herein expressly provided. Payment on account of the fixed-fee shall be made as provided in Article III–G hereof.

b. Reimbursement for expenditures as specified in Title III.

TITLE III

The provision of this title shall apply to this entire contract, to wit: to Title I and likewise to Title II, should Title II become operative as provided therein.

(h) ART. III–A. *Additional services to be performed by Architect-Engineer.* 1. Without additional compensation the Architect-Engineer shall perform the following services:

a. The Architect-Engineer, or any member of the organization, when requested, shall consult and advise with the Contracting Officer on any questions which may arise in connection with the service furnished under this contract.

b. Prepare schedules and charts showing the sequences of operations in the construction of each of the several portions of the work.

c. Prepare estimates showing the quantities of critical and important materials and length of time after award of the construction contract when such materials will be required on the site.

d. Perform all other architectural and engineering services within the scope of this contract, required by the Contracting Officer.

(i) ART. III–B. *Records and accounts, inspection and audit.* 1. *Records and books of account.* The Architect-Engineer agrees to keep records and books of account, showing the actual cost to him of all items of labor, material, equipment, supplies, services, and other expenditures of whatever nature for which reimbursement is authorized under the provisions of this contract. The system of accounting to be employed by the Architect-Engineer shall be such as is satisfactory to the Contracting Officer.

2. *Access to records by Contracting Officer and Architect-Engineer.* The Contracting Officer shall at all times be afforded proper facilities for inspection of the work and shall at times have access to the premises, work and materials, to all books, records, correspondence, instructions, plans, drawings, receipts, vouchers, and memoranda of every description of the Architect-Engineer pertaining to said work except such documents as are submitted in support of reimbursement vouchers; and the Architect-Engineer shall preserve such papers, without additional compensation therefor, for a period of three (3) years after completion or termination of this contract. Likewise any duly authorized representative of the Architect-Engineer shall be accorded the privilege of examining the books, records, and papers of the Contracting Officer relating to the actual cost of the work for the purpose of checking and verifying such cost.

3. *Auditing functions.* In order to avoid so far as possible duplication in accounting and auditing functions performed by the Architect-Engineer and the Government, it is agreed that the following accounting and auditing functions shall be performed by the Government exclusively.

a. Time checking in the field or in the Architect-Engineer's plant (not time keeping).

b. Audit or original pay rolls of the Architect-Engineer (or such portions thereof as are applicable), where such payrolls are prepared by the Architect-Engineer.*

c. Checking of equipment rentals and the preparation and delivery of properly approved rentals rolls to the Architect-Engineer for payment.

d. Such other accounting and auditing functions as may be effectively performed by Government employees and to which the Contracting Officer and the Architect-Engineer may mutually agree in writing.

4. *Discharge of functions.* It is further agreed that if any of the accounting and auditing functions performed exclusively by the Government do not adequately discharge such accounting and auditing functions to the satisfaction of the Architect-Engineer, the Architect-Engineer, with the approval in writing of the Contracting Officer, may perform such additional checking and auditing as may be so approved. The Architect-Engineer shall be reimbursed for the cost of such additional accounting and auditing functions as are so approved.

(j) ART III–C. *Equipment and services to be furnished by the Government.* 1. The Government shall provide for the use of the Architect-Engineer's field organization during the period covered by this contract, all office and drafting room space, supplies, equipment, facilities, and services necessary for the proper performance of work hereunder.

a. If any of the foregoing articles, equipment, services or other items required by the Architect-Engineer's field organization are not promptly made available by the Government, the Architect-Engineer, when such action is approved by the Contracting Officer, shall procure such items and the Architect-Engineer shall be reimbursed for expenses incurred in connection therewith: *Provided,* That direct payment by the Government shall be made as prescribed in Article III–E, Section 2 hereof for any communication services mentioned in that Article which the

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*NOTE. Where payrolls are prepared by the Government the audit thereof by the Government will be concurrent with such preparation.

Architect-Engineer procures. Unless procurement on a rental basis is approved in advance by the Contracting Officer, all items of office equipment which the Architect-Engineer procures under this section shall be purchased and title thereto shall vest in the Government. Third party rental agreements made for items covered by this provision shall be terminable at the option of the Government and, except for third-party owned motor-propelled vehicles, shall not contain a recapture clause.

2. The Architect-Engineer's repsonsibility for the equipment and machinery furnished or purchased pursuant to this article shall be that of a bailee under a mutual benefit bailment. He shall cause the foregoing equipment and machinery to be suitably marked with an identifying mark or symbol, indicating that such item is the property of the United States. Upon completion of this contract or upon demand, the Architect-Engineer shall return such equipment and machinery to the place designated by the Contracting Officer.

3. In the event office space at or near the site of the work is not provided by the Government in sufficient time to permit the work and services described herein to be performed efficiently and expeditiously, the Architect-Engineer, if approved in advance in writing by the Contracting Officer, may rent or lease such space at a convenient location, or if such rented or leased space is not available, may arrange by subcontract or otherwise for the construction of a temporary structure or structures to meet his immediate needs, on Government owned or controlled property or on privately owned property leased for such purpose.

(k) Art. III–D. *Estimated cost of construction.* 1. The present preliminary estimated construction cost of the project on which the services of this contract are based is approximately _____________ DOLLARS ($________) exclusive of Architect-Engineer's fixed-fee. It is expressly understood, however, that neither the Government nor the Architect-Engineer guarantees the correctness of this estimate.

(l) Art. III–E. *Reimbursement for expenditures.* 1. In addition to the payment of the fixed-fee as specified herein, the Architect-Engineer will be reimbursed for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer and as are included in the following items:

a. Actual salaries or wages paid to principal assistant engineers, engineers, architects and other technical, administrative and field employees of the Architect-Engineer directly engaged in the work including those in both his home and field office. The payment of any excess over the scheduled amounts shown in the approved salary schedule agreed to at the time of the negotiation of this contract shall not be reimbursable, unless and until the Chief of the Supply Service has so approved in writing.

b. In case the full time of one or more employees of the Architect-Engineer is not applied to the work hereunder, the salaries or wages of such employees shall be included in this item only in proportion to the actual time applied thereto.

c. Travel: (1) If the Architect-Engineer and/or his representatives shall be required to travel, the Government will reimburse the Architect-Engineer for the transportation, including Pullman where necessary, and will allow the traveler Six Dollars ($6.00) per day in lieu of all other expenses.

(2) All travel shall be either authorized or approved in writing by the Contracting Officer. Should the Architect-Engineer, or any representative thereof, remain in a travel status in excess of six (6) days at any one time, not including the time consumed in travel the cost for such excess travel status shall be at the expense of the Architect-Engineer unless otherwise ordered in writing by the Contracting Officer.

(3) Authorized transportation by automobile shall be reimbursed at the rate of Five Cents ($.05) per mile as representing the actual cost of such transportation.

d. Payment from his own funds made by the Architect-Engineer under the Federal Social Security Act and any applicable state or local taxes, fees, or charges which the Architect-Engineer may be required to pay from his own funds on account of this contract.

e. Costs of such bonds and insurance policies and premiums thereon as the Contracting Officer may require for the protection of the Government and may approve as reasonably necessary for the protection of the Architect-Engineer. In every instance where this contract requires or permits the United States to pay the premium on a bond or insurance policy either directly or ultimately as a reimbursable item, the bond or insurance policy shall contain an indorsement or other recital excluding by appropriate language any claim on the part of the insurer or obligor to be subrogated, on payment of a loss or otherwise, to any claim against the United States.

f. Losses and expenses, not compensated by insurance or otherwise (including settlements made with the written consent of the Contracting Officer), actually sustained by the Architect-Engineer in connection with the work and found and certified by the Contracting Officer to be just and reasonable unless reimbursement therefor is expressly prohibited.

g. Subcontracts, when approved by the Contracting Officer. Unless otherwise expressly provided for in this contract, subcontracting of any services covered by this contract shall be subject to a decrease in the fixed fee by an equitable adjustment on the basis of the decrease in services due to such subcontracting.

h. Temporary rights in land required in connection with the work and services hereunder, when approved in writing by the Contracting Officer.

i. The actual cost of expenditures made by the Architect-Engineer under the provisions of Article III–C and III–F of this contract.

j. Such other items as should in the opinion of the Contracting Officer, be included in the cost of the work, provided that when such items are allowed by the Contracting Officer, they shall be specifically certified as being allowed under this subsection.

k. All expenditures for which reimbursement has not been made pursuant to Letter Contract dated _______________________, a copy of which is attached hereto. Such Letter Contract is hereby merged and superseded by this contract.* This subparagraph *k* shall be deemed to be included herein if and only if this contract is preceded by a Letter Contract.

l. Rental for equipment owned and furnished by the Architect-Engineer, subject to such rental rates, terms and conditions as may be approved by the Contracting Officer; provided that the necessity for the use of such equipment is approved in advance by the Contracting Officer; and *Provided, further,* That such equipment shall not be subject to recapture.

m. Rental paid by the Architect-Engineer for third-party-owned motor propelled vehicles. Each agreement for the rental of such equipment shall be in a form prescribed by the Contracting Officer, shall be subject to his approval and shall include provisions (1) that title to such equipment free of all liens and encumbrances shall vest in the Government when and if the total rental paid and/or accrued to the lessor for any item of equipment shall equal the approved value thereof plus one per cent (1%) of the approved value per month for each contract month or fraction thereof such piece of equipment shall have been in use, and that on demand the lessor will deliver to the Contracting Officer such evidences of title as he shall demand; and (2) that at any time prior to termination of such rental agreement, the Government may at its option purchase any piece of equipment by paying the lessor the difference between the valuation of such piece of equipment plus one per cent (1%) of the approved value per month for each contract month or part thereof such piece of equipment shall have been in use, and the total rental theretofore paid for such piece of equipment: *Provided, however,* That either of such provisions may be omitted from such rental agreements if the omission is approved by the Chief of the Supply Service.

n. Fees for necessary permits and licenses under subparagraph *d* of Article I-B hereof.

o. Reimbursement under this Article shall include all actual expenditures directly chargeable to the work and services provided herein performed at the Architect-Engineer's home office, its field office, or elsewhere.

2. The Government will pay directly for all telegraphic communications (including teletype and facsimile when authorized by the Contracting Officer to be installed), cablegrams radiograms, and similar messages that may be sent by the Architect Engineer pertaining directly to the contract for work to be done or materials to be furnished thereunder, and the Architect-Engineer is hereby designated as an agent of the Government for the purpose of causing to be transmitted any such messages.

3. No salary, wages or like compensation of the Architect-Engineer, partners or corporate officers of the Architect-Engineer's organization and no salary, wages or like compensation of the resident manager referred to in Article I–B shall be included in the cost of the work; nor shall any interest on capital employed or on borrowed money be included in the cost of the work.

(m) Art. III–F. *Expert technical assistance.* 1. When in the judgment of the Architect-Engineer the complexity and nature of the project are such as to require expert technical assistants, or services, or advice in connection with special phases of the work such as site planning, manufacturing processes, or other problems of a highly technical character, the Architect-Engineer may employ, by contract or otherwise, with the written consent and approval of the Contracting Officer obtained in advance, such supplemental professional services as are necessary for the proper performance of this contract.

(n) Art. III–G. *Method of payment.* 1. Payments to the Architect-Engineer are to be made as follows:

a. At intervals of not less than two weeks, the Architect-Engineer shall prepare a statement of the actual salaries paid, as hereinbefore mentioned, during the preceding period of two weeks, together with a statement of all other reimbursable expenses and including an estimate of the portion of the Architect-Engineer's fixed-fee earned. These statements, with original certified payrolls, receipted bills for all expenses including materials, rentals, supplies and equipment, and all other supporting data as may be required, shall be delivered to the Contracting Officer. The approved amounts of such statements shall be the basis for the preparation of the public voucher.

b. Payments of reimbursable cost items and of 90% of the amount of the Architect-Engineer's fee earned shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, supported by original certified payrolls, receipted bills for all expenses, including materials, supplies and equipment, rentals, and all other supporting data. Upon completion of the project and its final acceptance the Architect-Engineer shall be paid the unpaid balance of any money due the Architect-Engineer hereunder. Prior to final payment under the contract, or prior to settlement upon termination of the contract, and as a condition precedent thereto, the Architect-Engineer shall execute and deliver to the Contracting Officer a release of all claims against the Government arising under and by virtue of this contract other than such claims, if any, as are specifically excepted by the Architect-Engineer from the operation of the release in stated amounts to be set forth therein.

c. In the event that the Government does not exercise the option under Title II of this contract within 30 days after the satisfactory completion and acceptance by the Contracting Officer of the Work done by the Architect-Engineer under Article I–B, subparagraphs *a* through *h* inclusive, the Architect-Engineer shall be paid the unpaid balance of any money due for work done under said Article I–B, subparagraphs *a* through *h* inclusive.

(o) Art. III–H. *Drawings and other data to become property of Government.* 1. All drawings, designs and specifications are to become the property of the Government on completion as outlined in this contract, and the Government shall have full right to use said drawings, designs and specifications as instruments for the purpose of constructing, under contract or otherwise any buildings or other structures for the sole use of the Government when and where the Government may designate, without any claim on the part of the Architect-Engineer for additional compensation.

2. All notes, designs, drawings and other data concerning the project shall be delivered to the Government whenever requested by the Contracting Officer and, furthermore, access to such data shall be restricted to trusted and duly authorized representatives of the Government and of the Architect-Engineer.

(p) Art. III–I. *The Contracting Officer's decisions.* 1. The extent and character of the work to be done by the Architect-Engineer shall be subject to the general supervision, direction, control, and approval of the Contracting Officer, to whom the Architect-Engineer shall report and be responsible.

(q) Art. III–J. *Disputes.* (Insert § 87.326)

(r) Art. III–K. *Changes in work or services.* 1. The Contracting Officer may at any time by written order issue additional instructions, require additional work or services or direct the omission of work or services covered by this contract. If such changes cause a material increase or decrease in the amount or character of the work and services to be done under subparagraph *a* of Article I–A an equitable adjustment of the amount of the fixed fee to be paid the Architect-Engineer shall be made and the contract shall be modified in writing accordingly. The adjustment of the fixed fee shall be made upon the completion or termination of the contract or whenever the scope of the whole project has been increased or decreased by reason of changes in excess of 25% of the original work contemplated under subparagraph *a*, Article I–A. Nothing provided in this Article shall excuse the Architect-Engineer from proceeding with the prosecution of the work so changed: *Provided, however,* That there shall be no adjustment in the amount of the fixed fee as provided herein, nor any claim therefor because of any errors and/or omissions made in computing the estimated cost of the construction of the work under this contract or where the actual cost varies from the estimated cost.

2. Nothing contained in Section 1 of this Article shall be taken to authorize or require any adjustment of the fee to be paid the Architect-Engineer on account of any additional instructions, work or services ordered or performed by the Architect-Engineer with regard to the construction work described in subparagraph *b* of Article I–A and there shall be no increase or decrease in the fee to be paid the Architect-Engineer in any event on account of any increase or decrease in the quantity or character of the work to be performed under subparagraph *b* of Article I–A.

(s) Art. III–L. *Termination for cause or for convenience of the Government.* 1. The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer. Upon receipt of such notice the Architect-Engineer shall, unless the notice directs otherwise, immediately discontinue all work and the placing of all orders for materials, facilities and supplies in connection with performance of this contract and shall proceed to cancel promptly all existing orders and terminate work under subcontracts insofar as such orders and/or work are chargeable to this contract.

2. Upon the termination of this contract, full and complete settlement of all claims of the Architect-Engineer arising out of this contract shall be made as follows:

a. The Government shall assume and become liable for all obligations, commitments, and claims that the Architect-Engineer may have theretofore in good faith undertaken or incurred in connection with said work and in accordance with the provisions of this contract; and the Architect-Engineer shall, as a condition of receiving the payments mentioned in this Article, execute and deliver all such papers and take all such steps as the Contracting Officer may require for the purpose of fully vesting in the Government the rights and benefits of the Architect-Engineer under such obligations or commitments.

b. The Government shall reimburse the Architect-Engineer for all expenditures made in accordance with Article III–E and not previously reimbursed.

c. The obligations of the Government to make any of the payments required by this Article, or by Article III–G of this contract, shall be subject to any unsettled claims for labor or material or any claim the Government may have against the Architect-Engineer.

3. If the contract is terminated for the convenience of the Government, the Architect-Engineer will be paid promptly that proportion of the prescribed fixed-fee which the work actually performed bears to the total work called for under this contract, less fixed-fee payments previously made, and the Government shall further reimburse the Architect-Engineer for such essential expenditures, made after the date of termination, for the protection of Government property and for accounting services in connection with the settlement of this contract, as the Contracting Officer may approve.

4. If the contract is terminated due to the fault of the Architect-Engineer, no further payments on account of the fixed-fee will be made.

(t) Art. III–M. *Progress reports and changes in personnel.* 1. The Architect-Engineer shall promptly, after the execution of the contract, prepare and submit to the Contracting Officer, for approval, a schedule showing the order in which the Architect-Engineer proposes to carry on the work, with dates on which he will start the several salient features of the work and the contemplated dates for completing the same. The schedule shall be in the form of a progress chart at suitable scale as to indicate with symbols the percentage completed at any time. The Architect-Engineer shall correct the progress schedule at the end of each week and shall immediately deliver to the Contracting Officer three copies of the same.

2. The Architect-Engineer shall furnish sufficient technical, supervisory and Administrative personnel to insure the prosecution of the work in accordance with the approved progress schedule. If, in the opinion of the Contracting Officer, the Architect-Engineer falls behind the progress schedule, the Architect-Engineer shall take such steps as may be necessary to improve his progress and the Contracting Officer may direct him to increase working days per week, or hours of labor per day and failure to promptly comply with such directions shall be deemed sufficient cause to terminate the contract.

3. When in the opinion of the Contracting Officer the Architect-Engineer's personnel and/or overhead is excessive for the proper performance of this contract, reductions thereof shall be made as required by the Contracting Officer.

(u) Art. III–N. *Covenant against contingent fees.* (Insert § 81.323)

(v) Art. III–O. *Officials not to benefit.* (Insert § 81.322)

(w) Art. III–P. *Assignment of claims.* (Insert § 81.355)

(x) Art. III–Q. *Anti-discrimination.* (Insert § 81.325)

(y) Art. III–R. *Convict labor.* (Insert § 81.345)

(z) Art. III–S. *Dismissals.* 1. Should the continued employment, under this contract, of any person in the Architect-Engineer's organization be deemed by the Contracting Officer to be prejudicial to the interests of the Government, that person shall be immediately removed from the work. The Architect-Engineer shall make every reasonable effort in the selection of his employees and in the prosecution of the work under this contract to safeguard plot drawings and schematic drawings furnished him, and drawings and specifications, and to prevent the theft or unauthorized use of the same.

(aa) Art. III–T. *Workmen's Compensation Laws.* 1. Under the Act of June 25, 1936 (49 Stat. 1938; 40 U.S.C. 290) the several States have authority to make their Workmen's Compensation Laws applicable to contracts for the construction, alteration or repair of a public building or public work of the United States, and the several States are vested with the power and authority to enforce such State laws on lands of the United States.

(bb) Art. III–U. *Accident prevention.* 1. In order to protect the life and health of his employees in the performance of this contract, the Architect-Engineer will comply with all pertinent provisions of the specifications, and will take or cause to be taken such additional measures as the Contracting Officer may determine to be reasonably necessary for this purpose. The Architect-Engineer will maintain an accurate record of, and will report to the Contracting Officer in the manner and on the forms prescribed by the Contracting Officer, all cases of death, occupational disease, and traumatic injury arising out of or in the course of employment on work under this contract.

(cc) Art. III–V. *Renegotiation.* (See § 81.342 and §§ 81.1201–81.1213)

(dd) Art. III–W. *Definitions.* 1. The terms "Secretary of War" and "Chief of Engineers" shall include any person or board authorized by the Secretary of War or the Chief of the Supply Service, as the case may be, to act for him, other than the Contracting Officer.

2. Except for the original signing of this contract, the term "Contracting Officer" as used herein shall include his duly appointed successor or his authorized representative.

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*Note: This contract will bear same date as Letter contract.

(ee) **Art. III–X.** *Alterations.* The following changes were made in this contract before it was signed by the parties hereto:

In Witness Whereof, the parties hereto have executed this contract as of the day and year first above written.

THE UNITED STATES OF AMERICA
By ------------------------------
------------------------------ (Contracting Officer)

ARCHITECT–ENGINEER
By----------------
Witnesses as to signature of Architect–Engineer: Title----------------
Business Address----

-------------------- -------------------- (Address)
-------------------- -------------------- (Address)

§ 81.1305 *W. D. Contract No. 5.*

SHORT FORM SUPPLY CONTRACT
(Negotiated)

Invitation No. ----
Contract No. ------

------------------------------ (Dept. or establishment) (Office or station)
------------------------------ (Address) (Date)

Payment: To be made by ----------------
U. S. Army, at: --------------------.

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in; and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same-------- ------------------------------.

INFORMAL INVITATION

Sealed informal bids, in ------------, subject to the conditions on the reverse hereof, and the accompanying sheets, will be received at this office until -------- o'clock ---- m., ------------ for furnishing the supplies and/or services, listed on the accompanying sheets numbered ------------------------. Each sheet must show the name of the bidder.

INFORMAL BID

-------------------- (date)

In compliance with the above informal invitation for bids and subject to all the conditions thereof, the undersigned offers, and agrees, if this bid be accepted within ------------ calendar days from the date of the opening, to furnish any or all of the items upon which prices are quoted, at the price set opposite each item, delivered at the point(s) as specified and, unless otherwise specified, within ------------ calendar days after receipt of order. It is understood that the Government reserves the right to reject any or all bids regardless of whether the same constitute the lowest bids.

Bidder -------------- Address ------------
-------------- ------------
By -------------- Title--------------
(Signature of person authorized to sign this bid)

ACCEPTANCE BY THE GOVERNMENT

-------------------- (Date)

Accepted as to items numbered------------ ------------------------------ ------------------------------ ------------------------------ ------------------------------ ------------------------------ ------------------------------ ------------------------------ ------------------------------ ------------------------------

Name-------------------- Title--------

Conditions

1. Insert § 81.322.
2. Insert § 81.323.
3. Insert § 81.352.
4. Insert § 81.324.
5. Insert § 81.325.
6. Insert § 81,357.
7. Insert § 81.326.
8. Insert § 81.328.
9. Renegotiation (See § 81.342 and §§ 81.1201–81.1205).
10. Insert § 81.353.
11. Insert § 81.354.
12. Insert § 81.345.
13. Insert § 81.355.

Note: For form of certificate as to the authority of the person signing on behalf of the Contractor see § 81.130 (W).

§ 81.1306. *W. D. Contract Form No. 6.*

Contract No--------
Purchase Order Office Identifying No--------
Offer and Acceptance

Date ----------------

-------------------- (Office or Station)

-------------------- (Address)

Payment will be made by Finance Officer at ---------- ------------------

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority, No. quoted below, the available balance of which is sufficient to cover cost of same. Auth. No. ----------

Payment: To be made by ----------------
U. S. Army at: ----------------------------

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same: ---------------- ------------------------------

OFFER

Confirming negotiations, the undersigned agrees to furnish the supplies, and/or services as listed below, at the price and terms specified and in accordance with the conditions on the reverse hereof and on continuation sheets attached hereto.

Articles or services	Quantity	Unit	Unit price	Amount	
				Dollars	Cents

Delivery point, f. o. b.--------------------
Delivery Schedule: --------------------

Contractor-------------- Address----------

By-------------------- Title----------
(Signature of person authorized to sign this contract)

ACCEPTANCE BY THE GOVERNMENT

-------------------- (Date)

Name------------------ Title------------

Conditions

1. Insert § 81.322.
2. Insert § 81.323.
3. Insert § 81.352.
4. Insert § 81.324.
5. Insert § 81.325.
6. Insert § 81.357.
7. Insert § 81.326.
8. Insert § 81.328.
9. Renegotiation (If more than $100,000, see § 81.342 and §§ 81.1201–81.1213).
10. Insert § 81.353.
11. Insert § 81.354.
12. Insert § 81.345.
13. Insert § 81.355.

Note: For a form of certificate as to the authority of the person signing on behalf of the Contractor see § 81.1301 (w).

§ 81.1307 *W. D. Contract Form No. 7.*

LETTER PURCHASE ORDER

Contract No--------------------
Date--------------------
Place --------------------

-------------------- (Contractor)
-------------------- (Address)

GENTLEMEN:

1. An order is hereby placed with you for the manufacture of the following articles---- ------------------------------ ------------------------------

The schedules of delivery and the price, terms and conditions will be subject to future negotiations.

2. You are directed to proceed immediately to procure the necessary jigs, dies, tools, fixtures, equipment, and materials, and to commence the manufacture of the items called for in paragraph 1, and to pursue such work with all diligence to the end that the supplies may be delivered to the Government at the earliest practicable date, in furtherance of which you are now authorized to expend or obligate not more than ---------- dollars. If for any reason this order is terminated by the Government before any formal contract is executed, the Government binds itself to reimburse you for the costs incurred in the performance of this order and will assume your obligation for any commitment which you may have made in this connection, but not to exceed the amount above specified. Upon such payment and assumption, title to the jigs, dies, tools, fixtures, equipment and materials, including rights under any commitment assumed, will vest in the Government.

3. The sums referred to above are chargeable against Procurement Authority No. -----. The available balance is sufficient to cover the cost of this order.

4. Upon your acceptance hereof, partial and advance payments in accordance with the existing requirements of the War Department may be made to you upon your application.

5. All applicable clauses required by Federal law, Executive Order, or Army Regulations, to be included in contracts for supplies of the kind herein described are incorporated herein by reference and will be included in the formal contract.

6. Your acceptance of this order will be indicated by affixing your signature hereon and two copies will be returned to the undersigned contracting officer so as to be received by him not later than ----------------, 1942. By such acceptance it is agreed that you will undertake immediately to commence work in accordance with this order and to pursue such work with all diligence and that you will enter into negotiations and will execute a formal contract without delay, which formal contract shall follow in the main War Department Supply Contract Form No. 1.

THE UNITED STATES OF AMERICA
By ------------------------------
------------------------------ (Official Title)

Accepted this ------ day of ------, 194--.
---------------------- (Corporate Seal)
(Contractor)
By ----------------------
---------------------- (Business Address)

§ 81.1308 *W. D. Contract Form No. 8.*

LETTER CONTRACT
(SUPPLIES)

Contract No. ----
Date ----------
Place ----------

---------------------- (Contractor)
---------------------- (Address)

GENTLEMEN:

The United States of America, acting through the undersigned Contracting Officer, hereby places with you an order for ----------------, at a unit price of $------.
(Quantity & Item)
Deliveries on this order shall begin on or about -------- and shall be completed on or before --------. This order will be paid for from funds appropriated and now available for the use of the War Department under Procurement Authority --------.

If this order is acceptable to you, will you kindly so indicate hereon and on the two copies of this order, and return this order and the two copies thereof on or before June ------, 1942. Such acceptance will constitute this order a contract. It is contemplated that this contract will be supplemented by a more formal contract between yourself and the United States of America following in the main War Department Supply Contract Form No. 1. A performance bond in the amount of ----% will be required at the time the supplemental contract is executed.* Such supplemental contract will include a detailed delivery schedule and all applicable contract clauses required by Federal law, Executive Order, or Army Regulations to be incorporated in contracts for articles of the kind herein purchased; and all such clauses are hereby incorporated herein by reference. Such supplemental contract will also include an appropriate clause providing for the termination of the contract for the convenience of the United States of America.

Upon your acceptance hereof, partial and advance payments in accordance with the existing requirements of the War Department may be made to you upon your application.

Any claim arising from this contract and any supplemental contract hereinafter entered into may be assigned pursuant to the terms of the Assignment of Claims Act of 1940 unless the subject matter of this order has been classified as secret, confidential or restricted, and any claims arising under this contract shall not be subject to reduction or set off for any indebtedness of the assignor to the United States arising independently of this contract.

Pending the execution of such supplemental contract, all subcontracts, orders for materials or equipment, or other expenditures or commitments made in furtherance of the performance of this contract entered into by the contractor for a sum in excess of $--------**, shall be made subject to the written approval of the Contracting Officer. In the event such supplemental contract is not executed on or before --------, this contract shall terminate and the United States of America will pay you in full settlement thereof a sum equal to reimbursement for all costs incurred by you in connection with the performance of this contract plus such other sums as have actually been expended by you, in good faith, in settlement of all obligations, commitments and claims which you may theretofore have incurred, but in any event such payments shall not exceed the sum of $--------. Upon such payments title to all material, equipment, work in process, finished articles and all other things procured or produced by you in the performance of this contract shall vest in the United States of America.

Very truly yours,
THE UNITED STATES OF AMERICA
By ------------------------------
------------------------------ (Official Title)

Accepted this -------- day of --------, 194--
------------------------ (Corporate Seal)
(Contractor)
By ----------------------
---------------------- (Business Address)

§ 81.1309 *W. D. Contract Form No. 2.*

LETTER CONTRACT
(Fixed-fee, Construction)

Contract No----------
Date ----------------
Place----------------

-------------------------- (Contractor)
-------------------------- (Address)

Gentlemen:

The United States of America, acting through the undersigned Contracting Officer, hereby places an order with you that you shall, in the shortest possible time, furnish the labor, material, tools, machinery, equipment, facilities, supplies not furnished by the United States of America, and services, and do all things necessary to construct the following: ------------------------------ ------------------------------ ------------------------------ -------------------------- which is now estimated to cost $------ exclusive of your fee.

The work referred to shall be started within ------------------ days from the date of acceptance of this order, and shall be completed on or before----------------

Funds for carrying out this construction work have been appropriated and are now available for use of the War Department under procurement authority----------------.

The Secretary of War finds that it is in the interest of the war effort that this work be not delayed awaiting the negotiation of a formal contract.

Pending the execution of such formal contract, each subcontract, orders for materials, equipment, other expenditures, and any commitment made in furtherance of the performance of this contract, entered into by you for a sum in excess of $------* shall be subject to the prior written approval of the Contracting Officer.

Upon your acceptance hereof, advance payments in accordance with the existing requirements of the War Department may be made to you upon your application.

It is contemplated that this contract will be supplemented by the execution of a formal contract between you and the United States of America following, in general, W. D. Contract Form No. 3. That contract will include an appropriate clause providing for the termination of the contract for the convenience of the United States of America. All applicable contract clauses required by Federal Laws, Executive Orders, and War Department Procurement Regulations to be incorporated in such contracts are hereby incorporated herein by reference and will be incorporated in the formal contract and in all subcontracts hereunder. Pending the execution of such formal contract, reimbursements shall be made in the manner described in and for the items set forth under said W. D. Contract Form No. 3* as reimbursable items when approved or ratified by the Contracting Officer: *Provided, however,* That in no event shall such reimbursements exceed the limitation on obligations set forth in the next to last paragraph of this letter contract.

Any claim arising under this contract and any contract supplementing it may be assigned pursuant to the terms of the Assignment of Claims Act of 1940 unless the subject matter of this contract has been classified as secret, confidential, or restricted, and any claims arising under this contract shall not be subject to reduction or set off for any indebtedness of the assignor to the United States arising independently of this contract.

In the event the United States of America is unable to negotiate with you a satisfactory contract to supplement this contract prior to------------this contract will terminate and the United States of America will pay you in full settlement thereof a sum equal to reimbursement for all costs incurred by you in connection with the performance of this contract plus such other sums as have actually been expended by you, in good faith, in settlement of all obligations, commitments and claims which you may theretofore have incurred, less any reimbursements previously made, but in any event the total payments shall not exceed the sum of $----------------------------

If the foregoing is acceptable to you, it is desired that you so indicate hereon and on the enclosed two copies of this letter and return the original and two copies to the Contracting Officer on or prior to---------- Such acceptance will constitute this order a contract and a notice to proceed.

Very truly yours,
THE UNITED STATES OF AMERICA,
By ------------------------------
------------------------------ (Official Title)

Accepted this------day of------------,194--
------------------------(Corporate Seal)
(Contractor)
By --------------------------
-------------------------- (Business Address)

§ 81.1310 *W. D. Contract Form No. 10.*

LETTER CONTRACT
(Lump Sum Construction)

Contract No.--------------
Date --------------------
Place--------------------

---------------------------- (Contractor)
---------------------------- (Address)

GENTLEMEN:

1. The United States of America, acting through the undersigned Contracting Officer, hereby places an order with you that you shall furnish the material and perform the work necessary for the construction and completion of------------------------------ ------------------------------

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*Delete this sentence if performance bond not required.

**Amount to be filled in by Contracting Officer.

*Amount to be inserted by Contracting Officer.

* Use No. 4 if Architect-Engineer Contract, and No. 12 if Architect-Engineer-Construction Management Services Contract.

----

in strict accordance with specifications, schedules and drawings, all of which are made a part hereof or which will be furnished to you prior to ------------------, 19----

The work referred to herein shall be started within ---- calendar days after the date of the acceptance of this letter contract by the contractor and (shall be entirely completed within ---- calendar days after date of acceptance.) This letter contract, upon acceptance, constitutes the contractor's notice to proceed referred to in paragraph ---- of the specifications.

2. Funds for carrying out this construction work have been appropriated and are now available for use of the War Department under procurement authority -------------

3. The Secretary of War finds that it is in the interest of the National Defense that this work be not delayed awaiting the negotiation of a formal contract.

4. Pending the execution of such formal contract, each subcontract, orders for materials, equipment, other expenditures, and any commitment made in furtherance of the performance of this contract, entered into by you for a sum in excess of $------* shall be subject to the prior written approval of the Contracting Officer.

5. It is contemplated that this contract will be supplemented by the execution of a formal contract between you and the United States of America following, in general, War Department Contract Form No. 2. That contract will include an appropriate clause providing for the termination of the contract for the convenience of the United States of America. All applicable contract clauses required by Federal Laws, Executive Orders, and Army Regulations to be incorporated in such contracts are hereby incorporated herein by reference and will be incorporated in the formal contract and in all subcontracts hereunder.

6. Any claim arising under this contract and any contract supplementing it may be assigned pursuant to the terms of the Assignment of Claims Act of 1940 unless the subject matter of this contract has been classified as secret, confidential or restricted, and any claims arising under this contract shall not be subject to reduction or set off for any indebtedness of the assignor to the United States arising independently of this contract.

7. In the event the United States of America is unable to negotiate with you a satisfactory contract to supplement this contract prior to ------------------------ this contract will terminate and you will be reimbursed for all costs incurred by you in connection with the performances of this contract plus such other sums as have actually been expended by you, in good faith, in settlement of all obligations, commitments and claims which you may theretofore have incurred, but in any event such payments shall not exceed the sum of $------. Upon such payment title to all material, equipment, work in process, and all other things procured or produced by you in the performance of this contract shall vest in the United States of America.

8. If the foregoing is acceptable to you, it is desired that you so indicate hereon and on the inclosed two copies of this letter and return the original and two copies to the Contracting Officer on or prior to -----------. Such acceptance will constitute this order a contract.

Very truly yours,

THE UNITED STATES OF AMERICA,

By ---------------------------

(Official Title)

Accepted this ------ day of -----------, 194----

----------------------------- (Corporate Seal)
(Contractor)

By -------------------------

(Business Address)

§ 81.1311 *W. D. Contract Form No. 11.*

Contract No. ----------

WAR RISK INDEMNITY CONTRACT

(Name and address of contractor)

contractor under Government contract No.

(Name and address of subcontractors)

(Name and address of insurance carrier)

Location and description of project---------

This contract is authorized by Act approved December 18, 1941 (Public Law 354—77th Congress) and Executive Order No. 9001 dated December 27, 1941.

THIS AGREEMENT made and entered into in accordance with regulations prescribed by The President pursuant to the provisions of Title II of an Act approved December 18, 1941 (Public Law No. 354—77th Congress), by and between the United States of America, hereinafter designated and referred to as the Government, and ------------------, a corporation organized and existing under the laws of the state of ---------------, hereinafter designated and referred to as the Carrier,

Witnesseth That:

Whereas it is necessary or desirable for contractors on War Department projects to procure and maintain certain forms of insurance in connection with such projects, and

Whereas insurance carriers are unwilling to enter into insurance contracts with such contractors or maintain the presently existing insurance contracts on such projects in view of the increased hazards arising from the present state of war, and have requested that they be relieved of or reimbursed for losses hereinafter defined as "War Risk and Transportation Losses" occurring in connection with such projects, and

Whereas the Secretary of War deems the procuring and maintenance of insurance by the contractors on the project referred to in the caption as necessary to facilitate the war effort, and in order that such insurance may be procured and/or maintained thereon, the Government does agree to reimburse the Carrier for "War Risk and Transportation Losses" occurring in connection with such project;

Now, Therefore, the parties hereto do agree as follows:

1. The Government will reimburse or pay the Carrier in the manner prescribed in this agreement for all losses defined as "War Risk and Transportation Losses", paid or payable by said Carrier under the insurance contracts issued in connection with the project and approved by the Under Secretary of War, or his duly authorized representative, which are listed in Appendix A attached hereto.

2. The Government will reimburse the Carrier, subject to approval of the Under Secretary of War, or his duly authorized representative for all necessary claims expense paid or incurred by the Carrier in servicing "War Risk and Transportation Losses" in an amount equal to twelve (12) percentum of the total "War Risk and Transportation Losses" paid or incurred by the Carrier and which are reimbursable or payable by the Government as herein provided.

3. "War Risk and Transportation Losses" as used in this contract shall be defined as follows:

a. All losses arising from war whether declared or not, international hostilities, rebellion, insurrection, the discharge or explosion of munitions, or the use of any instrument of war.

b. All losses arising from the collision of vessels in convoy or arising from the operation of vessels without running lights or without customary peacetime aids to navigation.

4. Whenever a loss defined as a "War Risk and Transportation Loss" is sustained and such loss is paid or payable by the Carrier pursuant to the terms of the insurance contracts listed in Appendix A, or those insurance contracts referred to and approved as provided in this Agreement, the Carrier shall furnish a detailed statement of such loss to the Under Secretary of War within six (6) months after the occurrence of such loss (or within such period of time as may be agreed upon between the parties, but not longer than six months after the termination of the state of war now existing between the Government of the United States and the Governments of Japan, Germany, and Italy).

5. Payment or reimbursement by the Government to the Carrier for "War Risk and Transportation Losses", as herein defined shall be subject to the approval of the Under Secretary of War, or his duly authorized representative.

6. Upon receipt by the Under Secretary of War of the detailed statement of losses herein defined as "War Risk and Transportation Losses" and claims expense as described in paragraph 2, subject to the other provisions of this agreement, preliminary settlement of such losses and claims expense will be made with the Carrier. Within eight (8) months after the date the Carrier furnishes to the Under Secretary of War a detailed statement of "War Risk and Transportation Losses", as provided in paragraph 4 of this Agreement, the Carrier shall furnish to the Under Secretary of War a first supplementary statement of such losses and claims expense as of the date six (6) months after the statement is filed as provided in paragraph 4. At the option of either the Government or the Carrier exercised at any time within twenty-four (24) months following the date of the first supplementary statement the Carrier shall furnish to the Under Secretary of War a further supplementary statement of such losses and claims expense as of the date on which the option is exercised. As soon as reasonably possible following each supplementary statement furnished to the Under Secretary of War there shall be an adjustment, on the basis of such statements, of reimbursements or payments previously made by the Government on account of such losses and claims expense in connection therewith, all subject to the approval of the Under Secretary of War, or his duly authorized representative. The Carrier shall furnish to the Under Secretary of War within thirty-two (32) months after the date that the Carrier furnishes the first detailed statement of such losses and claims expense a final statement of all such losses and claims expense and a final settlement under this agreement shall then be made. In the event a determination of the losses and claims expense cannot be reached by this method, the matter shall be referred for arbitration to a committee of three, one member of which shall be selected by the Carrier, one by the Under Secretary of War, and the third by the two members so selected, and the decision of this committee shall be final upon approval of the Under Secretary of War, or his duly authorized representative.

7. This Agreement shall terminate as to any insurance contract listed in Appendix A or provided for in paragraph 11 hereof upon the termination or cancellation thereof. The Carrier may not terminate or cancel any such insurance contract without first giving notice thereof in writing, mailed or delivered, to the Under Secretary of War: *Provided,* That the effective date of such cancellation or termination shall be not less than thirty (30) days after the date said notice is mailed or delivered. The Government or the Carrier may terminate all or any part of this Agreement by giving notice in writing thereof mailed or delivered, to the other party: *Provided,* That the effective date of such termination shall be not less than thirty (30) days after date said notice is mailed or delivered. Upon the termination of the state of war between the Government of the United States and the Governments of Japan, Germany, and Italy this agreement will cease to be in effect. The termination of the whole or any part of this Agreement shall not affect the rights or obligations of either party which have accrued under this agreement prior to the effective date of such termination.

8. (Insert § 81.323)

9. (Insert § 81.322)

10. This agreement is not for the benefit of any third party and no third party shall be entitled to recover from the Government or the Carrier by virtue of this Agreement.

11. This Agreement shall apply to any extensions or amendments of the insurance contracts listed in Appendix A, to any renewals thereof, and to any additional insurance contracts issued in connection with the project described on the title page, when approved by the Under Secretary of War.

12. This Agreement shall be subject to the written approval of --------------------- (Chief of the supply arm or service concerned) or his duly authorized representative and shall not be binding until so approved.

In witness whereof, the parties hereto have executed this contract on the ------ day of ------------, 1942

THE UNITED STATES OF AMERICA,

By ------------------------------

(Official Title)

Two Witnesses:

-------------------- --------------------

-------------------- (Carrier)
(Address)

-------------------- --------------------

-------------------- By ----------------
(Address) (Business address)

I ------------------, certify that I am the Secretary of the corporation named as Carrier herein; that ------------------ who signed this contract on behalf of the Carrier was then ---------------------- of said corporation; that said contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this ------ day of --------------, 194----.

(Corporate Seal) ----------------------
(Secretary)

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry, -----------------, who signed this contract for ------------------ had authority to execute the same, and is the individual who signs similar contracts on behalf of this corporation with the public generally.

(Contracting Officer)

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*Amount to be inserted by Contracting Officer.

APPENDIX "A"

To Contract No. ------ in connection with Government Contract No. ------.

Policy No.	Kind of insurance	Name of insured	Effective date of policy	Expiration date of policy

§ 81.1312. *W. D. Contract Form No. 12.*

Contract No.----------

FIXED FEE ARCHITECT-ENGINEER-CONSTRUCTION-MANAGEMENT SERVICES CONTRACT

WAR DEPARTMENT

Architect-Engineer-Construction-Manager and Address:

Contract for Architect-Engineer-Construction-Management Services In Connection With*

Location:

Fixed Fee:

Estimated Construction Cost Exclusive of Fixed Fee:

Payment: To be made by----------------

------------- at ----------------------

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

This contract is authorized by the following laws:

Fixed-Fee
Architect-Engineer-Construction
Management Services Contract

THIS CONTRACT, entered into this ------ day of------------------, 194----, by THE UNITED STATES OF AMERICA (hereinafter called the "Government"), represented by the Contracting Officer executing this contract, and----------------------------------

----

----

* a corporation organized and existing under the laws of the State of-----------------

----

* a partnership consisting of--------------

----

* an individual trading as----------------- -----------of the City of---------------- in the State of---------------- (hereinafter for brevity called the "A-E-M"),

WITNESSETH THAT:

Whereas The Government desires to engage the services of an architect-engineer-manager to perform such architect-engineering services as are hereinafter described, the construction of certain portions of the work, and management services for the entire project; and

Whereas the accomplishment of the work by the A-E-M under a cost-plus-a-fixed-fee contract, entered into after negotiations approved by the Secretary of War, and without advertising for proposals, is authorized by law and will facilitate the prosecution of the war; and

Whereas as a result of such negotiations, the Secretary of War has directed that the Government enter into such contract with the A-E-M for the accomplishment of the work hereinafter described:

Now, therefore, the parties hereto do mutually agree as follows:

ARTICLE I. *Statement of work.* 1. Description.

a. The A-E-M shall, in the shortest reasonable time, furnish the labor, materials, tools, machinery and equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following described work:*

b. The A-E-M shall, in the shortest reasonable time, furnish the labor, materials, tools, machinery and equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following described work, in addition to that prescribed by Section 1*a.* of this Article:**

All in accordance with the drawings and specifications or instructions contained in Appendix "A" hereto attached and made a part hereof, or to be furnished hereafter by the Contracting Officer and subject in every detail to his supervision, direction and instructions.

ART. II. *General statement of work and services.* 1. The A-E-M shall render all architect-engineering and other services incident to design, inspection and supervision of the project, more specifically described in Article I hereof.

2. Insofar as is practicable, where such action will not, in the opinion of the A-E-M, result in delay in completion of the facilities, all construction work shall be accomplished by contracts, either on lump sum or unit price basis awarded and entered into by the Government after negotiations therefor with the assistance of the A-E-M.

3. The A-E-M shall, in the shortest reasonable time, prepare adequate plans, specifications, bills of material and estimates covering:

a. Items of materials and equipment.

b. Any and all items of construction work for which contracts may be awarded on lump sum or unit price basis.

c. All other items of construction work for which lump sum or unit price contracts are not awarded.

4. When drawings and specifications are sufficiently complete with respect to any portion of construction work, which in the judgment of the A-E-M and the Contracting Officer may be contracted for on lump sum or unit price basis, the A-E-M shall furnish complete bid documents, conforming to law and regulations, for the letting of such contracts by the Government, and shall assist the Contracting Officer in evaluating proposals, and shall render such other services in connection with the award of contracts, based upon such approved drawings and specifications, as the Contracting Officer may require.

5. The A-E-M shall furnish or assemble such necessary force of superintendents, foremen, skilled workmen and laborers, construction tools and equipment and shall construct all items of construction work required by

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*Delete all lines which do not apply.

*(List here all buildings, structures and utilities for which definite units are available or make proper reference to data contained in Engineering and Construction Information.)

**(List here all items of work for which there are no definite units available at the time of signing of the contract. Where utility lines or systems are listed here, include the phrase, "and all component parts or appurtenant works which may be necessary and which may be required.")

this contract for which contracts are not awarded by the Government on lump sum or unit price basis, except that the A-E-M may with the prior approval of the Contracting Officer subcontract in his own name for the performance of construction work on a lump sum, unit price, or fixed-fee basis when this method will in his opinion result in decreasing the time of completion of the project and/or the cost to the Government. Cost-plus-a-fixed-fee subcontracts will be entered into only after a written determination with reasons therefor by the A-E-M, and the approval of the Contracting Officer.

6. The A-E-M shall provide the necessary office space, at the site of the work for the representatives of the Contracting Officer and himself.

Art. III. *Statement of Architect—Engineer services.* 1. The A-E-M shall, in the shortest reasonable time establish and maintain an office at or near the site of the work under the full-time resident direction of the A-E-M, if an individual; of one or more principal partners if the A-E-M is a partnership; or in case the A-E-M is a corporation, association or similar legal entity, one or more senior officers thereof: *Provided, however,* That the A-E-M, whether an individual, a partnership, a corporation, or other legal entity may be represented in the direction of the work by some person or persons of a class other than those specified above, if the Contracting Officer gives his approval and the A-E-M shall perform the following services:

a. Make all necessary topographical and other surveys and maps; arrange for and supervise necessary test borings and subsurface investigations. *Provided, however,* That this provision is not to be deemed to require that A-E-M to make real estate surveys.

b. Prepare, subject to the approval of the Contracting Officer, preliminary studies, sketches, and layout plans and reports including estimates of cost of the proposed project and of all structures, utilities and appurtenances thereto.

c. Adapt and modify Government designs, drawings, specifications and standards for buildings and other structures as necessary to meet the requirements of the approved layout of the proposed project, and prepare detailed designs, specifications and drawings in required form for which Government designs are incomplete or unavailable.

d. Obtain necessary permits and approvals from all local, State and Federal authorities. Should it become necessary in the performance of the work and services for the A-E-M to secure the right of ingress or egress to perform any of the work required by this contract on properties not owned or controlled by the Government, the A-E-M shall secure the consent of the owner, his representative, or agent, prior to effecting entry on such property. In the event the owner requires the payment of any fee for a license to enter upon and/or use such property, the A-E-M, when so directed by the Contracting Officer, shall pay such fee and obtain a receipt therefor.

e. Prepare estimates of material quantities required to construct the project.

f. When preliminary drawings are approved in writing by the Contracting Officer, prepare final designs, detailed working drawings and specifications in accordance with Government standards necessary for the effective coordination and efficient execution of the construction work and revise such drawings and specifications if necessary. All reservation, topographical, utility and unit layout maps shall be inked in on linen. If deemed practicable by the Contracting Officer, all other drawings for structures and other items may be made on paper in pencil. Prepare copies of the specifications and sets of full size copies of working drawings in such manner and in such numbers as the Contracting Officer may require. There shall be included in the specifications all provisions which the Contracting Officer may direct to have incorporated therein relating to the awarding of the construction contracts, contemplated by Section 2 of Article II, conditions under which the work shall be done, including a provision that the contractors (lump sum and unit price contractors and lump sum subcontractors) and all persons employed directly or indirectly under such construction contracts, will utilize the hospital and first-aid facilities furnished by the A-E-M, and any special provisions required by statute or existing War Department regulations or instructions.

g. Prepare an estimate of the cost of the proposed project based on the approved designs, drawings and specifications therefor, and furnish for the approval of the Contracting Officer:

(1) Schedules and charts showing the proposed sequence of operations in the construction of each of the several portions of the work.

(2) Estimates showing the amounts of critical and important materials and dates when such materials will be required on the site.

(3) Labor estimates, to be prepared with the assistance of other construction contractors, contemplated by Section 2 of Article II, showing the approximate numbers, trades and dates required to meet the schedule in (1) above.

(4) In addition to the requirements of Article XXVI, semi-monthly progress reports in approved form showing the progress of the construction work and any deviation from the approved construction schedule.

h. Establish a permanently monumented base line, with elevations, tied into the North American Datum, unless specifically exempted by written instructions of the Contracting Officer. Furnish all governing lines, bench marks and grades essential to the construction of the project.

i. Supervise the work included in this contract to assure the construction of every part of the work in accordance with the approved drawings and specifications within the areas and boundaries designated for the project.

j. Check and approve all shop and working drawings submitted in connection with the construction work to assure that they conform with approved drawings.

k. Make or cause to be made such field and laboratory tests of concrete and concrete aggregates and all other materials at the site or at any time or place as the Contracting Officer may require. Inspect and report to the Contracting Officer in writing as to the conformity or nonconformity of the workmanship and materials to specifications; and on the progress of the project.

(1) When so directed by the Contracting Officer, arrange for, by subcontract or otherwise, and supervise tests and inspections of materials and workmanship by commercial testing laboratories or other similar agencies, either at such laboratories or at the points of manufacture or fabrication of materials. The cost of such tests and inspection shall be reimbursable and shall entail no adjustment in the fixed fee. Subcontracting of any other architect-engineer services shall be subject to a decrease in the fixed fee by an equitable adjustment on the basis of the decrease in services due to such subcontracting.

l. Upon termination or prior to completion of this contract, as determined by the Contracting Officer, and before final payment of the fixed-fee, the A-E-M shall:

(1) Prepare record drawings in required form, or correct drawings and specifications to show construction as actually accomplished as follows:

(a) Drawings of topographical surveys, project layouts, utility layout maps, unit layout maps (including utilities), landscape layouts and detailed drawings for all special structures of a permanent nature, including sewage disposal plants, and water and electrical supply systems, shall be inked in on linen.

(b) All other drawings for structures and other items may be made in pencil if deemed practicable by the Contracting Officer.

(2) Supervise the testing of operating units designed by the A-E-M to assure their conformance with specifications and furnish all engineering services necessary to secure such conformance.

(3) Prepare instructions for the proper operation and maintenance of all utilities and operating equipment designed by the A-E-M.

m. Without additional compensation the A-E-M, or any member of the organization, when requested, shall consult and advise with the Contracting Officer on any questions which may arise in connection with the work.

n. Prepare partial and final estimates of quantities and values of work done under lump sum and unit price contracts and subcontracts necessary to provide data required under the payment provisions of such contracts and subcontracts.

o. Perform all other architectural and engineering services within the scope of this contract required by the Contracting Officer.

Art. IV. *Statement of construction services.* 1. The A-E-M shall, in the shortest practicable time, furnish the services, labor, materials, tools, machinery, equipment, facilities and supplies not furnished by the Government and do all things necessary for the construction of that portion of the project not performed by the Government or performed under the contracts contemplated by Sectionds 2 and 5 of Article II, all in accordance with the approved drawings and specifications.

Art. V. *Statement of management services.* 1. The A-E-M shall furnish management services to assure the satisfactory completion of the project. Such services shall include, among other functions, the preparation of contract documents, and scheduling such contracts as to units of work, time of completion, and other salient phases so as to assure the orderly prosecution of the work. Such services shall also extend to the scheduling and/or purchasing of items of materials and equipment to avoid any delays in the prosecution of the work hereunder. The A-E-M shall advise and consult with the construction contractors on this project and shall direct and supervise their work, subject to the provisions of Article XVII; and shall, when directed or authorized by the Contracting Officer, procure and store materials and equipment for use in connection with the project.

Art. VI. *Estimated cost, fee and performance period.* 1. It is estimated that the cost of the construction of the project will be -- -- Dollars ($-----------) exclusive of the A-E-M's fee, and that the work herein contracted for will be ready for utilization by the Government ------------------------ It is expressly understood, however, that neither the Government nor the A-E-M guarantees the correctness of either of these estimates. The estimated cost set forth above is based upon the data now available and agreed to by both the Government and the A-E-M, a copy of which is on file in the office of the Contracting Officer.

2. In consideration for his undertaking under this contract the A-E-M shall receive the following:

a. Reimbursement for expenditures as provided in Article XI.

b. Rental for A-E-M's equipment as provided in Article XI.

c. A fixed fee in the amount of ---------- ---------------------------------- Dollars ($----------) which shall constitute complete compensation for the A-E-M's services, including profit and all general overhead expenses.

3. When in the opinion of the Contracting Officer it is to the best interests of the Government, the A-E-M shall when so ordered or authorized, subcontract any or all items or classifications of construction work required under this contract or subsequently added thereto, for which contracts are not awarded by the Government on a lump sum or unit price basis. Such subcontracting of construction work, or the performance thereof with the A-E-M's own forces, regardless of the amount and/or extent of work performed or subcontracted, all with the prior written approval or order of the Contracting Officer, and such awarding of contracts for construction work hereunder by the Government on a lump sum or unit price basis, irrespective of the amount and extent thereof, shall entail no adjustment to the fixed fee stipulated in Section 2 *c.* of this Article VI. The fixed fee stipulated in Section 2 *c.* of this Article VI has been determined in the light of the fact that all of the construction work may be subcontracted or contracts for such work may be awarded by the Government on a lump sum or unit price basis. Such fee includes compensation for the services which may be rendered by the A-E-M in the negotiation, supervision, and coordination of any construction work subcontracted or for which contracts have been awarded by the Government on a lump sum or unit price basis and the responsibilities assumed by the A-E-M in connection therewith, and is deemed to be reasonable, regardless of the amount or extent of construction work performed, subcontracted, or for which contracts are awarded by the Government on a lump sum or unit price basis.

Art. VII. *Changes.* 1. The Contracting Officer may at any time by written order issue additional instructions, require additional work or services or direct the omission of work or services covered by this contract. If such changes cause a material increase or decrease in the amount or character of the work to be done under Section 1 *a.* of Article I, or in the time required for its performance, an equitable adjustment of the amount of the fixed fee to be paid the A-E-M shall be made and the contract shall be modified in writing accordingly. The adjustment of the fixed fee shall be made upon the completion or termination of the contract or whenever the scope of the whole project has been increased or decreased by reason of changes in excess of 25% of the original work contemplated under Section 1 *a.*, Article I. Nothing provided in this Article shall excuse the A-E-M from proceeding with the prosecution of the work so changed, *Provided, however,* Nothing contained in this Article shall be taken to authorize or require any adjustment of the fee to be paid the A-E-M on account of any additional instructions, work or services ordered or performed by the A-E-M with regard to the construction work described in Section 1 *b.* of Article I and there shall be no increase or decrease in the fee to be paid the A-E-M in any event on account of any increase or decrease in the quantity or character of the work to be performed under Section 1 *b.* of Article I: *Provided, however,* That there shall be no adjustment in the amount of the fixed fee as provided herein, nor any claim therefor, because of any errors and/or omissions made in computing the estimated cost of the construction of the work under this contract or where the actual cost varies from the estimated cost.

Art. VIII. *Title to work.* 1. Title to all materials, tools, machinery, equipment and supplies for which the A-E-M shall be entitled to reimbursement under Article XI shall vest in the Government at such point or points as the Contracting Officer may designate in writing, provided that the right of final inspection and acceptance or rejection of such materials, tools, machinery, equipment and supplies at such place or places as he may designate in writing is reserved to the Contracting Officer; *Provided further,* That, upon such final inspection, the A-E-M shall be given written notice of acceptance or rejection as the case may be. In the event of rejection, the A-E-M shall be responsible for the removal of the rejected property within a reasonable time.

Art. IX. *Workmanship and materials.* 1. The work shall be executed in the best and most workmanlike manner by qualified, careful and efficient workers, in strict conformity with the best standard practices. Except as otherwise authorized by the Contracting Officer all materials shall be of the best quality of their respective kinds. If the Contracting Officer requires that the A-E-M submit for prior approval samples of materials proposed for use in the work covered by this contract, the A-E-M shall make no commitments for such materials until the submitted sample has been approved by the Contracting Officer.

Art. X. *Expert technical assistance.* 1. When in the judgment of the A-E-M the complexity and nature of the project are such as to require expert technical assistants, or services, or advice in connection with special phases of the work such as site planning, manufacturing processes, or other problems of a highly technical character, the A-E-M may employ, by contract or otherwise, with the written consent and approval of the Contracting Officer obtained in advance, such supplemental professional services as are necessary for the proper performance of this contract.

Art. XI. *Cost of the work.* 1. *Reimbursement for A-E-M expenditures.* The A-E-M shall be reimbursed in the manner hereinafter described for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer and as are included in the following items:

a. All labor, materials, tools, machinery, equipment, supplies, services, utilities, power and fuel necessary for either temporary or permanent use for the benefit of the work.

b. All subcontracts made in accordance with the provisions of this contract.

c. Rental actually paid by the A-E-M at rates not to exceed those approved by the Contracting Officer, for construction plant in sound and workable condition exceeding $300 in value as may be necessary for the proper and economical prosecution of the work. Each contract for the rental of construction plant or parts thereof by the A-E-M from third parties shall be in a form prescribed by the Contracting Officer and shall be subject to his approval and shall include provisions (1) that the lessor shall deliver to the Government title to such construction plant or parts thereof free of all liens and encumbrances when and if the total rental paid and/or accrued to the lessor for any item of construction plant or parts thereof shall equal the approved value thereof plus one percent (1%) of the approved value per month for each contract month or fraction thereof such piece of equipment shall have been in use, and (2) that any time prior to termination of such rental agreement, the Government may at its option purchase any piece of equipment by paying the lessor the difference between the valuation of such piece of equipment plus one percent (1%) of the approved value per month for each contract month or part thereof such piece of equipment shall have been in use, and the total rental theretofore paid for such piece of equipment. *Provided, however,* That either of such provisions may be omitted from such rental agreements if the omission is approved by the Chief of the Supply Service.

d. Unloading and assembling at the site of the work of construction plant owned or rented by the A-E-M; transportation thereof to the place or places where it is to be used in connection with said work, dismantling, loading and return transportation to the point of original shipment or equivalent mileage, but in no event will the payment made for return transportation exceed the payment made for transportation to the job site unless such excess cost results solely from an increase of freight rates, or is required by Government transfer of such equipment to another site more distant from the point of origin than the site of the work set out in Article I hereof. Charges for transportation over distances in excess of 500 miles must have the written authorization of the Contracting Officer in advance. Loading at the site of origin and unloading when returned to the original shipping point or other return shipping point will not be paid by the Government and is not a reimbursable item.

e. Repairs and repair parts for construction plant, except such as are included in the rental and those made necessary by defects in such plant, or parts thereof, or by the fault or negligence of the A-E-M or his employees.

f. Transportation charges on materials and supplies.

g. Transportation and traveling expenses to and from the work of the necessary field forces for the economical and successful prosecution of the work; expenses of procuring labor and expediting the production and transportation of material and equipment. Expenditures under these items must have the written authorization of the Contracting Officer in advance.

h. Salaries of engineers, resident engineers, principal assistant engineers, architects, superintendents, timekeepers, foremen, technical, administrative employees and other field employees of the A-E-M in connection with the work. In case the full time of any field employee of the A-E-M is not applied to the work, his salary shall be included in this item only in proportion to the actual time applied thereto. No person shall be assigned to service by the A-E-M as superintendent of construction, chief engineer, chief purchasing agent, chief accountant, or similar position in the A-E-M's field organization, or as principal assistant to any such person, until there has been submitted to and approved by the Contracting Officer a statement of the qualifications, experience, and salary of the person proposed for such assignment. The regular salary or compensation rate of any such person shall not be in excess of the highest salary or compensation rate received by him during the year preceding the date of this contract plus such increase as the Contracting Officer may approve. The payment of any excess salary over such scheduled amounts shown in the approved salary schedule agreed to at the time of negotiation of this contract shall not be reimbursable, unless and until the Chief of the Supply Service or his duly authorized representative has so approved in writing.

i. Buildings, trade fixtures and equipment required for necessary field offices, commissaries, hospitals, and other facilities, and the cost of maintaining and operating such field offices, commissaries, hospitals and other facilities: *Provided,* That the A-E-M may enter into a contract with any third party or parties for the operation of the commissaries, hospitals, or other facilities provided for herein, in which event such contract shall be reduced to writing and the terms thereof subject to the prior written approval of the Contracting Officer.

j. Temporary rights in land required in connection with the work.

k. Premiums on such bonds and insurance policies as the Contracting Officer may approve or require as reasonably necessary for the protection of the Government or the A-E-M. In every instance where this contract requires or permits the United States to pay the premium on a bond or insurance policy either directly or ultimately as a reimbursable item, the bond or insurance policy shall contain an indorsement or other recital excluding by appropriate language any claim on the part of the insurer or obligor to be subrogated, on payment of a loss or otherwise, to any claim against the United States.

l. Losses and expenses, not compensated by insurance or otherwise (including settlements made with the written consent of the Contracting Officer), actually sustained by the A-E-M in connection with the work and found and certified by the Contracting Officer to be just and reasonable unless reimbursement therefor is expressly prohibited.

m. The cost of reconstructing and replacing any of the work destroyed or damaged, and not covered by insurance, but expenditures under this item must have the written authorization of the Contracting Officer in advance.

n. Payments from his own funds made by the A-E-M under the Social Security Act, and any disbursements required by law which the A-E-M may be required on account of this contract to pay on or for any plant, equipment, process, organization, materials, supplies, or personnel; and, if approved in writing by the Contracting Officer in advance, permit and license fees and royalties on patents used including those owned by the A-E-M.

o. (1) If the A-E-M or any representative thereof, shall be required to travel, the Government will reimburse the A-E-M for the transportation, including Pullman where necessary and will allow for such travel Six Dollars ($6.00) per day in lieu of all other expenses. Transportation by automobile on such required travel, shall be reimbursed at the rate of Five Cents ($.05) per mile as representing the actual cost of such transportation.

(2) All travel shall be either authorized or approved in writing by the Contracting Officer. Should the A-E-M, or any representative thereof, remain in a travel status in excess of six (6) days at any one time, not including the time consumed in travel, the cost of such excess travel status shall be at the expense of the A-E-M, unless otherwise ordered in writing by the Contracting Officer.

p. When specifically approved in advance by the Chief of the Supply Service, a reasonable allowance for work done in the A-E-M's general offices exclusively for and directly chargeable to the work.

q. Disbursements incident to payment of payrolls, including but not limited to, the cost of disbursing cash, necessary guards, cashiers, and paymasters. If payments to employees are made by check, facilities for cashing checks must be provided without expenses to employees, and the A-E-M shall be reimbursed therefor.

r. The actual cost of expenditures made by the A-E-M under the provisions of Subsection *d* of Section 1 of Article III and Article X.

s. Such other items not expressly excluded by other provisions of this contract as should, in the opinion of the Contracting Officer, be included in the cost of the work. When such an item is allowed by the Contracting Officer, it shall be specifically certified as being allowed under this Subsection.

If this contract was preceded by a Letter Contract, the following provision shall be deemed to be included herein:

t. All expenditures for which reimbursement has not been made pursuant to Letter Contract dated ---------------- a copy of which is attached hereto. Such Letter Contract is hereby merged and superseded by this contract.*

2. *Rental for construction plan owned by A-E-M.* a. Rental shall be paid to the A-E-M for construction plant in sound and workable condition, owned and furnished by him for the proper and economical prosecution of the work, as shown in the attached "Appendix B" hereby made a part hereof, at rental rates prescribed by the Under Secretary of War in "Uniform Rental Rates for Contractor-Owned Construction Plant", August 27, 1941.

b. In the event the A-E-M, with the approval of the Contracting Officer furnishes additional equipment that is not included in "Appendix B", rental for such equipment will be paid in accordance with said "Uniform Rental Rates for Contractor-Owned Construction Plant."

c. Except as otherwise specified herein, rental shall begin on the date of delivery of the construction plant to a common carrier for shipment to the site of the work, as evidenced by bill of lading or other satisfactory evidence covering such shipment. In the event the construction plant is conveyed by the A-E-M, the rental shall start at the time transportation to the site begins; however, the rental paid shall not exceed that for the equivalent time of shipment by common carrier.

d. If such construction plant is not in sound and workable condition to the satisfaction of the Contracting Officer, when delivered at the site of the work, the rental period therefor shall not begin until the construction plant shall have been placed in sound and workable condition at the expense of the A-E-M, and rental therefor shall not be paid for any prior period.

e. If such construction plant cannot be placed in sound and workable condition within reasonable time to the satisfaction of the Contracting Officer, no transportation charges for the shipment thereof, to or from the site of the work, shall be paid.

f. The approved value of the construction plant as shown in "Appendix B" shall be deemed binding unless the Contracting Officer shall, within twenty days after such plant has been set up and working, modify or change such valuation. In the event a change is made in the valuation of the construction plant, a corresponding change shall be made in the rental rate in accordance with said "Uniform Rental Rates for Constructor-Owned Construction Plant". Thereafter the valuation and the related rental rate shall be binding unless the rental is modified as specified below.

g. Rental for time consumed for repairs, in excess of time normally required for such repairs as determined by the Contracting Officer, shall be deducted from the rental in the amount of one-thirtieth of the monthly rental rate for each day determined to be in excess. When in the opinion of the Contracting Officer the amount of repairs or maintenance is excessive, a deduction shall be made from the rental.

h. The payment of rental shall cease on a date to be established in a written notice by the Contracting Officer to the A-E-M that the construction plant is no longer required. The date of release thus established shall include an allowance for the time necessary for final repairs, dismantling and loading for shipment.

GENERAL

3. *Reservations by Government.* *a.* The Government reserves the right to furnish any materials, construction equipment, machinery, tools, or services, including communication services necessary for the completion of the work. The A-E-M shall cause all equipment, machinery, and tools to which title is vested in the Government to be suitably marked with an identifying mark or symbol indicating that such items are the property of the United States. The A-E-M shall maintain at all times, in a manner satisfactory to the Contracting Officer records showing the disposition and/or use of all equipment, machinery, tools, and materials, purchased for the work and for which he has been reimbursed by the Government or which have been furnished by the Government. Upon the completion of this contract or upon demand, the A-E-M shall return such equipment, machinery, tools, and unused materials to the place designated by the Contracting Officer.

b. The Government reserves the right to pay directly to common carriers any or all freight charges on construction plant, materials and supplies.

c. The Government reserves the right to pay directly to the person concerned all sums due from the A-E-M for labor, materials, or other charges.

d. The Government will pay directly for all telegraphic communications (including teletype and facsimile when authorized by the Contracting Officer to be installed), cablegrams, radiograms, and similar messages that may be sent by the A-E-M pertaining directly to the contract for work to be done or materials to be furnished thereunder, and the A-E-M is hereby designated as an agent of the Government for the purpose of causing to be transmitted any such messages.

4. *Salaries of corporate officers, etc.* No salary, wages, or like compensation of the A-E-M, partners or corporate officers of the A-E-M's organization and no salary, wages or like compensation of the resident managers referred to in Section I of Article III shall be included in the cost of the work. No part of the expense incurred in conducting the A-E-M's main office or regularly established branch offices, and no overhead expense of any kind, except as specifically authorized in Section 1 of this Article, shall be included in the cost of the work; nor shall any interest or capital employed or on borrowed money be included in the cost of the work.

5. *Discounts.* The A-E-M shall, to the extent of his ability, take all cash and trade discounts, rebates, allowances, credits, salvage, commissions, and bonifications, and when unable to take advantage of such benefits he shall promptly notify the Contracting Officer of the reason therefor. In determining the actual net cost of articles and materials of every kind required for the purpose of this contract there shall be deducted from the gross cost thereof all cash and trade discounts, rebates, allowances, credits, commissions, and bonifications which have accrued to the benefit of the A-E-M or would have so accrued but for the fault or neglect of the A-E-M. Such benefits lost through no fault or neglect on the part of the A-E-M, or lost through fault of the Government, shall not be deducted from gross costs.

6. *Revenue.* All revenue received by the A-E-M from the operations of the hospital, commissaries, or other facilities, or from rebates, discounts, refunds, etc., shall be accounted for by the A-E-M and, except for any reasonable compensation accruing to a third party or parties for the operation of commissaries, hospitals, or other facilities, applied in reduction of the cost of the work.

ART. XII. *Payments.* 1. *Reimbursement for cost.* The Government will currently reimburse the A-E-M for expenditures made in accordance with Article XI upon certification to and verification by the Contracting Officer of the original of signed payrolls for labor, the receipted invoices for materials, or such other documents as the Contracting Officer may require. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

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*NOTE: This contract will bear same date as Letter Contract.

2. *Rental for A-E-M's equipment.* Rental as provided in Section 2, Article XI for such construction plant or parts thereof as the A-E-M may own and furnish shall be paid monthly upon presentation of proper vouchers.

3. *Payment of the fixed-fee.* Ninety percent (90%) of the fixed-fee set out in Article VI shall be paid by the Government as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer. Final payment upon completion of the work and its final acceptance shall be made in accordance with Section 5 of this Article. If the contract is terminated by the Government, payment shall be made in accordance with Article XVI.

4. *Payments by A-E-M.* If bills for purchase of material, machinery or equipment, or pay-rolls covering employment of laborers or mechanics incurred by the A-E-M or by any subcontractor hereunder are not paid promptly by the A-E-M or subcontractor as the case may be, the Contracting Officer may, in his discretion, withhold from payments otherwise due the A-E-M an amount equivalent to the amount of any such bill or payroll. Should the A-E-M neglect or refuse to pay such bills or payrolls or to direct any subcontractor to pay such bills or payrolls within five (5) days after notice from the Contracting Officer so to do, the Government shall have the right to pay such bills or payrolls directly, and in such event a deduction equal to five percent (5%) of the amount so paid directly shall be made from the A-E-M's fee.

5. *Final payment.* Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the A-E-M the unpaid balance of the cost of the work determined under Article XI, and of the fee, less any sum that may be necessary to settle any unsettled claims in connection with this contract, or any claim the Government may have against the A-E-M. The Contracting Officer shall accept the completed work with reasonable promptness. Prior to final payment and as a condition thereof, the A-E-M shall furnish the Government with a release of all claims against the Government arising under and by virtue of this contract other than such claims, if any, as are specifically excepted by the A-E-M from the operation of the release in stated amounts to be set forth therein.

ART. XIII. *Records and accounts, inspection and audit.* 1. *Records and books of account.* The A-E-M aggrees to keep records and books of account, showing the actual cost to him of all items of labor, materials, equipment, supplies, services, and other expenditures of whatever nature for which reimbursement is authorized under the provisions of this contract. The system of accounting to be employed by the A-E-M shall be such as is satisfactory to the Contracting Officer.

2. *Access to records by contracting officer and A-E-M.* The Contracting Officer shall at all times be afforded proper facilities for inspection of the work and shall at all times have access to the premises, work and materials, to all books, records, correspondence, instructions, plans, drawings, receipts, vouchers, and memoranda of every description of the A-E-M pertaining to said work except such documents as are submitted in support of reimbursement vouchers; and the A-E-M shall preserve such papers, without additional compensation therefor, for a period of three (3) years after completion or termination of this contract. Likewise, any duly authorized representative of the A-E-M shall be accorded the privilege of examining the books, records, and papers of the Contracting Officer relating to the actual cost of the work for the purpose of checking up and verifying such cost.

3. *Auditing functions.* In order to avoid so far as possible duplication in accounting and auditing functions performed by the A-E-M and the Government, it is agreed that the following accounting and auditing functions shall be performed by the Government exclusively:

a. Time checking (not time keeping) in the field or in the A-E-M's plant.

b. Audit of original pay rolls of the A-E-M (or such portions thereof as are applicable), where such pay rolls are prepared by the A-E-M.*

c. Checking of equipment rentals and the preparation and delivery of properly approved rental rolls to the A-E-M for payment.**

d. Such other accounting and auditing functions as may be effectively performed by Government employees and to which the Contracting Officer and the A-E-M may mutually agree in writing.

4. *Discharge of functions.* It is further agreed that if any of the accounting and auditing functions performed exclusively by the Government do not adequately discharge such accounting and auditing functions to the satisfaction of the A-E-M, the A-E-M, with the approval in writing of the Contracting Officer, may perform such additional checking and auditing as may be so approved. The A-E-M shall be reimbursed for the cost of such additional accounting and auditing functions as are so approved.

ART. XIV. *Drawings and other data to become property of Government.* 1. All drawings, designs and specifications are to become the property of the Government on completion thereof as outlined in this contract, and the Government shall have full right to use said drawings, designs and specifications as instruments for the purpose of constructing, under contract or otherwise, any buildings or other structures for the sole use of the Government when and where the Government may designate without any claim on the part of the A-E-M for additional compensation.

2. All notes, designs, drawings and other data concerning the project shall be delivered to the Government whenever requested by the Contracting Officer and, furthermore, access to such data shall be restricted to trusted and duly authorized representatives of the Government and of the A-E-M.

ART. XV. *Special requirements.* 1. The A-E-M hereby agrees that he will:

a. Procure and maintain bonds and insurance in such forms and in such amounts and for such periods of time as the Contracting Officer may require or approve. Insurance shall cover all work required by this contract, regardless of whether it is performed by the A-E-M's own forces, subcontractors, or direct contracts with the Government, as is contemplated in Article II of this contract.

b. Procure all necessary permits and licenses; obey and abide by all applicable laws, regulations, ordinances, and other rules of the United States of America, of the State, Territory, or political subdivision thereof wherein the work is done, or of any other duly constituted public authority.

c. Reduce to writing, unless this provision is waived in writing by the Contracting Officer, every contract in excess of two thousand dollars ($2,000) made by him for the purpose of the work hereunder for services, materials, supplies, machinery, equipment, or for the use thereof; insert therein a provision that such contract is assignable to the Government; make all such contracts in his own name, and not bind nor purport to bind the Government or the Contracting Officer thereunder. No purchase in excess of two thousand dollars ($2,000) shall be made or placed without the prior approval of the Contracting Officer.

d. Enter into no subcontract for any portion of the construction work except in the form prescribed by the Chief of the Supply Service, with the written approval of the Contracting Officer. Subcontracts are defined as contracts entered into by the A-E-M with others which involve the performance, wholly or in part at the site of the work, of some part of the work described in this contract.

e. The Contracting Officer may require the A-E-M to dismiss from work such employee or employees as the Contracting Officer deems incompetent, careless or insubordinate, or whose continued employment is deemed inimical by the Contracting Officer to the public interest. The A-E-M shall make every reasonable effort in the selection of his employees and in the prosecution of the work under this contract to safeguard plot drawings and schematic drawings furnished him and drawings and specifications, and to prevent the theft or unauthorized use of the same.

f. Furnish within 15 days of the date of the receipt of written notice from the Contracting Officer, construction plant listed in Appendix "B", provided that the date upon which the A-E-M is required to furnish such plant shall not precede the date on which such construction plant is listed as available in said Appendix "B". In the event the A-E-M fails to furnish construction plant as required by such notice, the additional cost of acquiring replacement construction plant from any source other than the A-E-M shall be paid by the A-E-M and shall not be a reimbursable expenditure.

g. Immediately upon termination of third-party rental agreements, make all repairs to equipment rented thereunder which are required to be made by the terms of such rental agreements and shall remove such equipment from the site of the work. In cases where such repairs and removal cannot promptly be made, the A-E-M shall notify the Contracting Officer of the reasons for such delay.

ART. XVI. *Termination of contract by the Government.* (Insert § 81.350)

ART. XVII. *The contracting officer's decisions.* 1. The services rendered and the work done by the A-E-M shall be subject to the supervision and approval of the contracting officer to whom the A-E-M shall report and be responsible.

ART. XVIII. *Disputes.* (Insert § 81.326)

ART. XIX. *Convict labor.* (Insert § 81.345)

ART. XX. *Labor.* (a) (Insert § 81.343) (b) (Insert § 81.346) (c) (Insert § 81.344)

ART. XXI. *Anti-discrimination.* (Insert § 81.325)

ART. XXII. *Workmen's Compensation Insurance.* 1. During the life of this contract the A-E-M will provide and maintain, for all employees of the A-E-M engaged in work under this contract, Workmen's Compensation Insurance or such other protection for employees as may be required by Federal or State statutes in the jurisdiction in which such work is performed, under direction of the Contracting Officer. If the whole or any part of the work under this contract is sublet on a cost-plus-a-fixed-fee basis, the same protection provided for employees of the A-E-M shall be provided for the protection of the employees of the subcontractors. In those cases where the whole or any part of the work under this contract is sublet on a lump sum basis, the A-E-M shall maintain for the employees of the lump sum subcontractors Workmen's Compensation Insurance or such other protection for employees as may be required by Federal or State statutes in the jurisdiction in which such work is performed. Prior to commencement of operations under this contract, the A-E-M shall supply the Contracting Officer with proof of compliance with this Article.

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*NOTE: Where pay rolls are prepared by the Government the audit thereof by the Government will be concurrent with such preparation.

**NOTE: If not applicable, this section will be omitted.

ART. XXIII. *Accident prevention.*

1. In order to protect the life and health of his employees in the performance of this contract, the A-E-M will comply with all pertinent provisions of the "Safety Requirements in Excavation—Building—Construction" approved by Chief of Engineers December 16, 1941 (a copy of which is on file in the Office of the Contracting Officer), and as may be amended, and will take or cause to be taken such additional measures as the Contracting Officer may determine to be reasonably necessary for this purpose. The A-E-M will maintain an accurate record of, and will report to the Contracting Officer in the manner and on the forms prescribed by the Contracting Officer, all cases of death, occupational disease, and traumatic injury arising out of or in the course of employment on work under this contract.

2. The Contracting Officer will notify the A-E-M of any noncompliance with the foregoing provisions and the action to be taken. The A-E-M shall, after receipt of such notice, immediately correct the conditions to which attention has been directed. Such notice when served on the A-E-M or his representatives at the site of the work shall be deemed sufficient for the purpose aforesaid.

3. If the A-E-M fails or refuses to comply promptly, the Contracting Officer may issue an order stopping all or any part of the work. When satisfactory corrective action is taken, a start order will be issued.

ART XXIV. *Notice to Government of labor disputes.* (Insert § 81.354)

ART. XXV. *Officials not to benefit.* (Insert § 81.322)

ART. XXVI. *Covenant against contingent fees.* (Insert § 8'.323)

ART. XXVII. *A-E-M's organization and methods.* 1. Upon the execution of this contract, the A-E-M shall submit to the Contracting Officer a chart showing in general the executive and administrative organization, duties and personnel to be employed in connection with the work under contract; the data so furnished shall be supplemented as additional information becomes available.

ART. XXVIII. *Progress reports and changes in personnel.* 1. The A-E-M shall promptly, after the execution of this contract, prepare and submit to the Contracting Officer, for approval, a schedule showing the order in which the A-E-M proposes to carry on the work, with dates on which he will start the several salient features of the work and the contemplated dates for completing the same. The schedule shall be in the form of a progress chart at suitable scale so as to indicate with symbols the percentage completed at any time The A-E-M shall correct the progress schedule at the end of each week and shall immediately deliver to the Contracting Officer three copies each of the same.

2. The A-E-M shall furnish sufficient technical, supervisory and administrative personnel to insure the prosecution of the work in accordance with the approved progress schedule. If in the opinion of the Contracting Officer, the A-E-M falls behind the progress schedule, the A-E-M shall take such steps as may be necessary to improve his progress, and the Contracting Officer may direct him to increase working days per week, or hours of labor per day. When in the opinion of the Contracting Officer, the A-E-M's personnel and/or overhead is excessive for the proper performance of this contract, reductions thereof shall be made as required by the Contracting Officer. Failure to promptly comply with such directions shall be deemed sufficient cause to terminate this contract for the fault of the A-E-M.

ART. XXIX. *Loading and unloading railway cars.* 1. The A-E-M shall load promptly all railroad cars furnished for loading upon his order and shall unload from railroad cars promptly upon arrival all shipments consigned to him and shall provide storage facilities and other facilities necessary for these purposes; and the A-E-M shall not order railway cars for loading unless they can be loaded promptly and shall not cause or permit shipments to be consigned to him unless they can be unloaded from railroad cars promptly upon arrival.

ART. XXX. *Assignment of claims.* (Insert § 81.355) 5. No assignee shall divulge any information concerning the contract, or contained therein, except to those persons authorized by the Contracting Officer.

If this contract is classified as Secret, Confidential, or Restricted, the foregoing provisions of this Article shall not be applicable, and the following provision shall be deemed to be substituted therefor:

1. Neither this contract, nor any interest therein, or claim thereunder, shall be assigned or transferred by the A-E-M to any party or parties.

ART. XXXI. *Renegotiation.* (See § 81.342 and §§ 81.1201–81.1213)

ART. XXXII. *Approval required.* 1. This contract shall be subject to the approval of the ---------------- and shall not be binding unless so approved.

ART. XXXIII. *Definitions.* 1. The term "Chief of the Supply Service" refers to the head of a service of the War Department, e. g., the Chief of Engineers.

2. The terms "Secretary of War" and "Chief of the Supply Service" shall include their duly authorized representatives as the case may be other than the Contracting Officer.

3. The term "his duly authorized representative" shall mean any person or board authorized by the Secretary of War or the Chief of the Supply Service, as the case may be, to act for him, other than the Contracting Officer.

4. For the original signing of the contract and modification thereof, the term "Contracting Officer" as used herein shall be deemed to include the Contracting Officer in the Office of the Chief of Engineers appointed for that purpose by the Chief of Engineers. For all other purposes, the term "Contracting Officer" shall mean the District Engineer of the United States Engineer District in which the contract work is being performed, his successor or duly authorized representative.

5. The term "construction plant" shall include any part thereof.

ART. XXXIV. *Alterations.* The following changes were made in this contract before it was signed by the parties hereto:

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the day and year first above written.

THE UNITED STATES OF AMERICA,
By ------------------------------
(Contracting Officer)

A-E-M
By ------------------------------

Witnesses as to signature of A-E-M:

(Address)

(Address)

CERTIFICATION

I, -------------------------- do hereby certify that I am the duly qualified -------------------- of the corporation named herein as Architect-Engineer-Construction-Manager; that -------------------------- who signed this contract on behalf of the Architect-Engineer-Construction-Manager was then ------------------ of said corporation; that said contract was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers

In witness whereof, I have hereunto affixed my hand and the seal of the -------------------------- this ----- day of ---------, 194---

(Corporate Seal)

APPENDIX "B"

to Contract No. ------

(all equipment available ------------------ except where otherwise specified)

Quantity	Item: Complete description, capacity, and identifying Nos.	Total purchase cost or fair value	Rental rate $----- month, week or day

§ 81.1320 *W. D. Contract Form No. 20.*

WAR DEPARTMENT

Supplemental Contract to
Contract No. ----------
and Contract No. ----------
etc.

(Name of arm or service)

Whereas under date of ------------------
(Insert date of original contract)
a contract numbered ----------, was entered
(Insert number of original contract)
into between the United States of America by ----------------------------------
(Insert name, rank and branch of Contracting Officer)
U. S. Army as Contracting Officer, acting by authority of the Secretary of War, hereinafter referred to as the Government, and ---------------------------- a corpora-
(Insert name, rank, and branch of Con-
tion organized and existing under the laws of the State of ------------ hereinafter referred to as the Contractor, providing for the construction of --------------------------
(the furnishing of --------------------------)
(Insert number of units for
(amount of equipment purchased)
by the Contractor, and

Whereas, it is provided by Section 201, Title II of Public Act No. 354, 77th Congress, approved December 18, 1941, that the President may authorize any department or agency of the Government exercising functions in connection with the prosecution of the war effort to enter into contracts and to make advance, progress, and other payments thereon, whenever he deems such action would facilitate the prosecution of the war; and

Whereas by Executive Order 9001 issued December 27, 1941, the President has authorized the War Department to make such advance payments; and

Whereas, the making of advance payments to the Contractor is deemed necessary by the War Department to facilitate the prosecution of the war,

Now therefore, this supplemental contract is entered into this ------ day of ----------, 194----, between the Government and the Contractor, said parties agreeing to and with each other as follows:

ARTICLE 1. At any time and from time to time, after the approval of this supplemental contract, at the request of the Contractor and subject to the approval of the --------------
(Chief of supply
---------- or his duly authorized representa-
service)
tive, or of the person to whom authority has been delegated to make advance payments, as to the present need therefor, the Government shall advance to the Contractor sums not to exceed -------------------------------- or
(Insert amount of advance payment)
-------- per cent (--------%) of the principal contract price (or principal contract prices), at it (they) may be amended, whichever shall be the smaller. On the unliquidated balance of the advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half percent (2½%) per annum to be computed in accordance with the provisions of Article 6 hereof.

ART. 2. As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such adequate security as the Under Secretary of War or the person to whom authority has been delegated to make advance payments shall prescribe: *Provided,* That if other security is not prescribed, the terms of this supplemental contract shall be considered adequate security for such advance payments; and *Provided further,* That if at any time the Under Secretary of War deems the security furnished by the Contractor inadequate, the Contractor shall furnish such additional security as shall be satisfactory to the Under Secretary of War.

ART. 3. Until all advance payments hereunder are liquidated, all funds received as advance payments under this supplemental contract together with ------------------
(Insert percent to be
deposited which shall be not less than 75%)
percent (------%) of all other cash payments under the principal contract (or principal contracts), shall be deposited in a special bank account or accounts at a member bank or banks of the Federal Reserve System, or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684, as amended; 12 U. C. S. 264), separate from the Contractor's general or other funds. Such special bank account or accounts shall be so designated as to indicate clearly to the bank their special character and purpose, and the balance in such account or accounts shall be used by the Contractor exclusively as a revolving fund for carrying out the purposes of the principal contract (or principal contracts), (including reimbursement to the Contractor for any reasonable amounts expended by him for such purposes), and any amendments thereto, and not for the other business of the Contractor: (*Provided,* That it is understood that all funds deposited in the said special amount created hereunder may be used by the Contractor for the purposes of either or all of the principal contracts without regard to the origin of such payments and)* *Provided,* That for the purpose of determining proper disposition of funds hereunder such of the Contractor's costs as may not be directly allocable to the principal contract (or principal contracts), as it (or they) may be amended, may be charged against funds deposited in the special account in that proportion which the amount of the work being done under the principal contract (or principal contracts), as it (they) may be amended, approximately bears to the total amount of work being performed by the Contractor, out of which such costs also arise, but within the period to which such costs relate. When required by the ---------------------------- or his duly
(Chief of Supply Service)
authorized representative, or by other person to whom authority to make advance payments has been delegated, withdrawals from special account or accounts shall be made subject to the prior written approval of the Contracting Officer or his duly authorized representative. Any balances from time to time in such special account or accounts shall secure the repayment of the advances in connection with which the special account or accounts are opened, and the Government shall have a lien upon such balances to secure the repayment of such advances, which lien shall be superior to any lien of the bank, or any other person, upon such account or accounts by virtue of assignment to it of the principal contract (or contracts) or otherwise: *Provided,* That the bank shall be under no liability to any party hereto for the withdrawal of any funds from said special account upon checks, properly endorsed and signed by the Contractor except that after the receipt by the bank of written directions from the ---------------------------- or
(Chief of supply service)
his duly authorized representative, the bank shall act thereon and be under no liability to any party hereto for any action taken in accordance with the said written directions. Any instructions or written directions received by the bank through the Contracting Officer upon War Department stationery and purporting to be signed by, or by the direction of, the ----------------------------
(Chief of supply service)
or his duly authorized representative, shall insofar as the rights, duties, and liabilities of the bank are concerned, be conclusively deemed to have been properly issued and filed with the bank by the ----------------------------
(Chief of supply service)
or his duly authorized representative.

ART. 4. If, upon completion of the principal contract, (or of any of the principal contracts), or upon the termination thereof for other than the fault of the Contractor, the advance payments made to the Contractor in respect of such contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor in respect of such contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of such contract. In the event of cancellation or termination of the principal contract (or of any of the principal contracts) because of the fault of the Contractor, the Contractor, notwithstanding any ultimate rights to be reimbursed, agrees to return to the Government, upon demand, without setoff of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of the ----------------------------
(Chief of supply service)
or his duly authorized representative, the unobligated balance of the advance payments made by the Government under Article 1 hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the ----------------------------
(Chief of supply service)
or his duly authorized representative the amount of such excess shall, upon demand by the ---------------------------- or his
(Chief of supply service)
duly authorized representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this Article is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) rather than two and one-half percent (2½%) per annum from the date of the receipt of the demand until payment is made; *Provided, however,* That such additional interest over and above the regular two and one-half percent is hereby waived as to any sums paid by the Contractor within 15 days after the amount becomes due hereunder.

ART. 5. Except as otherwise provided herein, liquidation of the principal of any advance payment or advance payments made to the Contractor hereunder shall be made by means of direct repayment by the Contractor from his own free funds or from the special account or by deductions of ------------------
(Percent of advance
---------- percent (------%) from any and
authorized)
all payments made by the Government under the terms of the principal contract (or principal contracts): *Provided,* That if at any time as a result of amendments to the principal contract (or principal contracts) or otherwise, the unliquidated balance of the principal of advance payments made exceeds ---------------------------------- percent
(Percent of advance authorized)
(------%) of the contract price of units still to be delivered under the principal contract (or principal contracts), the amount of such excess shall upon demand of the ----------
(Chief of
------------------ or his duly authorized
supply service)
representative be promptly returned to the Government by withdrawal from the special account or otherwise, or if not so returned, shall be deducted from any and all payments to be made by the Government under the principal contract (or principal contracts): *Provided further,* That if and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligation to the Government on account thereof.

ART. 6. On the unliquidated balance of the advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half percent (2½%) per annum. Such interest shall be computed at the end of each calendar month on the average daily balance of the principal of the unliquidated advance payments outstanding. In determining such balance, charges on account of the advance payments to the Contractor hereunder shall be made as of the dates of the checks therefor; credits arising from deductions from payments to the Contractor under this contract shall be made as of the dates the checks for such payments are drawn; and credits arising from cash repayments to the Government by the Contractor shall be made as of the dates the checks therefor are received by the disbursing officer. As soon as such monthly computations shall have been made, the interest so determined shall be deducted from the payments otherwise due the Contractor under this contract: *Provided,*

---

*This proviso to be used where agreement is supplemental to two or more contracts.

however, That in no event shall deduction on account of interest exceed five percent (5%) of the gross payment due the Contractor prior to any deduction under this Article or Article 5 or any other provisions of this contract. In the event the accrued interest exceeds such five percent, the excess of such interest shall be carried forward and deducted from subsequent payments. The interest shall not be compounded, and shall, subject to the provisions of Article 4 hereof, cease to accrue upon the termination of the contract for other than the fault of the Contractor, or upon the date found by the Contracting Officer to be the date upon which the Contractor completed his performance under the contract.

Art. 7. The Contractor shall, at all times, afford to the Contracting Officer, or his duly authorized representative, proper facilities for the inspection and audit of the Contractor's accounts, and the Contractor hereby agrees that the Contracting Officer, or his duly authorized representative, shall have the right, so far as the Contractor's rights are concerned, during business hours, to inspect and make copies of any entries in the books and records of the bank or banks relating to the said special account or accounts.

Art. 8. Subject to the approval of the Contracting Officer or his duly authorized representative the Contractor may make payments to subcontractors and materialmen in advance out of the special account, for labor or services, or to pay for materials in advance of delivery at the site of the work or at an approved storage site. Such subadvances shall not exceed ------------ percent (------%) of the subcontract price and the subcontractor or materialmen to whom such advances are made shall furnish adequate security therefor. Unless other security is furnished, covenants in subcontracts, expressly made for the benefit of the Government, providing for a subspecial account with Government lien thereon and for a Government lien on property, tangible or intangible, purchased from the special account, and imposing upon the subcontractor substantially the same duties and giving the Government substantially the same rights as are provided herein between the Government and the Contractor, have been prescribed by the Under Secretary of War as minimum adequate security for such subadvances.

Art. 9. If no surety bond is furnished as part of the security under Article 2 hereof, then, upon receipt of items or materials paid for from such special account or accounts, such items or materials shall be segregated and the Government shall have a lien on such items or materials until the advance payment or payments have been fully liquidated, or until the item and/or materials concerned have become the property of the Government as the result of partial payments, or otherwise: *Provided*, That if segregation in any instance be impracticable and the items or materials concerned are consequently intermingled with other property of the Contractor, then and in that event the lien above provided for in favor of the Government shall extend to the intermingled mass to the amount represented by the value of the items or materials involved; and, without limiting the generality of the foregoing, such lien shall continue as follows: (a) in case the contract covers construction, until such items or materials are incorporated into the building, and thereafter on the building in the construction of which the items or materials are incorporated; (b) in the case of items or materials comprising facilities, on such facilities, both before and after their installation in the plant; and (c) in the case of articles contracted for, until the items or materials so paid for are fabricated into such articles, and thereafter on the articles until accepted by the Government; [and the Government shall hereby likewise have an effective assignment of a security interest in all intangible property purchased, or otherwise acquired with funds from said special account].* If at any time during the progress of the work under the principal contract (or principal contracts) it becomes necessary to deliver any item or items and/or materials upon which the Government has a lien as aforesaid to a third person, the Contractor shall notify such third person of the lien herein provided and shall obtain from such third person a receipt, in duplicate, acknowledging, *inter alia*, the existence of such lien. A copy of each receipt shall be delivered by the Contractor to the Contracting Officer.

Art. 10. Any assignment of moneys due or to become due under the principal contract (or principal contracts) shall be subordinate to the rights or claims of the Government arising under the principal contract (or principal contracts) or any amendment thereto by virtue of any advance payments authorized herein or otherwise: *Provided*, That if at any time any claim arising under the principal contract (or principal contracts) is assigned or purportedly assigned in any manner inconsistent with the said rights of the Government, the --------------------------
(Chief of supply service)
or his duly authorized representative shall have the right to suspend further advance payments without notice.

Art. 11. Except as hereby amended, all the terms and conditions of the contract (or contracts) affected shall remain unmodified and in full force and effect and shall also apply in carrying out the provisions of this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this supplemental contract on the day and year first above written.

The United States of America
By --------------------------
____
(Official Title)

Two Witnesses:
------------------ ------------------
------------------ (Contractor)
(Address)
------------------ ------------------
------------------ By ------------------
(Address) (Business address)

I ----------------------------, certify that I am the Secretary of the corporation named as Contractor herein; that ---------- ------------ who signed this supplemental contract on behalf of the Contractor was then ------------------ of said corporation; that said supplemental contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this ------ day of ------------, 19----.
(Corporate Seal) ------------------------
(Secretary)

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry, ------------------------ who signed this supplemental contract for ------------------------ had authority to execute the same, and is the individual who signs similar contracts on behalf of this corporation with the public generally.

____
(Contracting Officer)

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*The bracketed provision may be inserted in the case of experimental contracts or other cases where deemed especially appropriate.

§ 81.1321 *W. D. Contract Form No. 21.*

War Department

Supplement Contract to Contract No------
____
(Name of arm or service)
Whereas under date of------------------
(Insert date of Original
------------a contract, numbered----------
Contract) (Insert
------------------was entered into be-
number of original contract)
tween the United States of America by----
(Insert name,
---------------------------- U. S. Army,
rank and branch of contracting officer)
as Contracting Officer, acting by authority of the Secretary of War, hereinafter referred to as the Government, and----------
(Insert name
------------------a corporation organized
of Contractor)
and existing under the laws of the State of --------------, hereinafter referred to as the Contractor, providing for the construction of ---------------------- the furnishing of
____
(Insert number of units or amount of equipment purchased)
by the Contractor, and

Whereas it is provided by Section 201, Title II of Public Act No. 354, 77th Congress, approved December 18, 1941, that the President may authorize any department or agency of the Government exercising functions in connection with the prosecution of the war effort to enter into contracts and to make advance, progress, and other payments thereon whenever he deems such action would facilitate the prosecution of the war; and

Whereas by Executive Order 9001, issued December 27, 1941, the President has authorized the War Department to make such advance payments; and

Whereas the making of advance payments to the Contractor is deemed necessary by the War Department to facilitate the prosecution of the war,

Now, therefore, this supplemental contract is entered into this ------ day of ----------, 194---- by the Government and the Contractor, said parties agreeing to and with each other as follows:

Article 1. At any time and from time to time after the execution of this supplemental contract, the Government at the request of the Contractor and subject to the approval of the ---------------------------- or his
(Chief of supply service)
duly authorized representative, or the person to whom authority to make advance payments has been delegated, as to the present need therefor shall advance to the Contractor sums not to exceed ------------ per centum (------%) of the estimated cost of the principal contract (exclusive of the Contractor's fixed fee), as it may be amended from time to time. On the unliquidated balance of the advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half percent (2½%) per annum to be computed in accordance with the provisions of Article 6 hereof.

Art 2. As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such adequate security as the Under Secretary of War or the person to whom authority has been delegated to make advance payments shall prescribe: *Provided*, That if other security is not prescribed, the terms of this supplemental contract shall be considered adequate security for such advance payments: And *provided further*, That if at any time the Under Secretary of War deems the security furnished by the Contractor inadequate, the Contractor shall furnish such additional security, in the form of a surety bond or surety bonds, as shall be satisfactory to the Under Secretary of War.

Art. 3. Until all advance payments hereunder are liquidated, all funds received as advance payments under this supplemental contract together with all funds received as reimbursements for the cost of the work under Article ------ of the principal contract, exclusive of the principal contract, exclusive of the Contractor's fixed fee, shall be deposited in a special bank account or accounts at a member bank or banks of the Federal Reserve System or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684, as amended; 12 U. S. C. 264) separate from the Contractor's general or other funds. Such special bank account or accounts shall be so designated as to indicate clearly to the bank their special character and purpose, and the balance in such account or accounts shall be used by the Contractor exclusively as a revolving fund for carrying out the purposes of the principal contract and any amendments thereto, and not for other business of the Contractor. Any balances from time to time in such special account or accounts shall at all times secure the repayment of the advances in connection with which the special account or accounts are opened, and the Government shall have a lien upon such balances to secure the repayment of such advances, which lien shall be superior to any lien of the bank or any other person upon such account or accounts by virtue of assignment to it of such contract or otherwise: *Provided*, That the bank shall be under no liability to any party hereto for the withdrawal of any funds from said special account upon checks properly endorsed and signed by the Contractor, except that after the receipt by the bank of written directions from the -------------------------- or his duly
(Chief of supply services)
authorized representative, the bank shall act thereon and be under no liability to any party hereto for any action taken in accordance with the said written directions. Any instructions or written directions received by the bank through the Contracting Officer upon War Department stationery and purporting to be signed by, or by the direction of, the -------------------------- or his
(Chief of supply service)
duly authorized representative, shall, insofar as the rights, duties, and liabilities of the bank are concerned, be conclusively deemed to have been properly issued and filed with the bank by the --------------------------
(Chief of supply service)
or his duly authorized representative.

Art. 4. It is agreed that the aggregate of the advance payments outstanding under this supplemental contract, together with funds received as reimbursement for the cost of the work by the Contractor under Article ------ of the principal contract shall, at no time, exceed the total estimated cost of the work under the principal contract as it may be revised from time to time, and any such excess shall be immediately repaid by the Contractor to the Government or if any reimbursement is due from the Government to the Contractor, shall be deducted therefrom: *Provided, however*, That if the total cost of the work under the principal contract shall be in excess of the amount so paid to the Contractor, including said advance payments, the Government upon presentation of satisfactory evidence shall currently and promptly reimburse the Contractor to the extent of such excess cost (subject to any delay in the availability of appropriated funds).

Art. 5. If, upon completion of the principal contract, or upon the termination thereof for other than the fault of the Contractor, the advance payments made to the Contractor in respect of such contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor in respect of such contract; and if the sum or sums due the Contractor be insufficient to cover such balances, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of such contract. In the event of cancelation or termination of the principal contract because of the fault of the Contractor, the Contractor, notwithstanding any ultimate rights to be reimbursed, agrees to return to the Government upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of the ---------------------- or his
(Chief of supply service)
duly authorized representative, the unobligated balance of the advance payments made by the Government under Article 1 hereof, exceeds the amount necessary for the current needs of the Contractor, as determined by the ---------------------- or his duly author-
(Chief of supply service)
ized representative, the amount of such excess shall, upon demand by the ----------------
(Chief of supply
------ or his duly authorized representative,
service)
be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this Article is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) rather than two and one-half percent (2½%) per annum from the date of the receipt of the demand until payment is made: *Provided, however*, That such additional interest over and above the regular two and one-half percent is hereby waived as to any sums paid by the Contractor within 15 days after the amount becomes due hereunder. If and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder, and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligation to the Government on account thereof.

Art. 6. On the unliquidated balance of the advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half percent (2½%) per annum. Such interest shall be computed at the end of each calendar month on the average daily balance of the principal of the unliquidated advance payments outstanding. In determining such balance, charges on account of the advance payments to the Contractor hereunder shall be made as of the date of the checks therefor; credits resulting from disbursements made by the Contractor, which are applied against advance payments, shall be made as of the dates on which the vouchers therefor are approved by the disbursing officer; and credits arising from cash repayments to the Government by the Contractor shall be made as of the dates the checks therefor are received by the disbursing officer. As soon as such monthly computations shall have been made, the interest charge so determined shall be deducted from any payments on account of the fixed fee which may be made to the Contractor from time to time under this contract. In the event the accrued interest exceeds any such payment, the excess of such interest shall be carried forward and deducted from subsequent payments on account of the fixed fee. The interest shall not be compounded, and shall, subject to the provisions of Article 5 hereof, cease to accrue upon the termination of the contract for other than the fault of the Contractor, or upon the date found by the Contracting Officer to be the date upon which the Contractor completed his performance under the contract.

Art. 7. The Contractor shall, at all times, afford to the Contracting Officer, or his duly authorized representative, proper facilities for the inspection and audit of the Contractor's accounts, and the Contractor hereby agrees that the Contracting Officer, or his duly authorized representative, shall have the right so far as the Contractor's rights are concerned, during business hours, to inspect and make copies of any entries in the books and records of the bank or banks relating to the said special account or accounts.

Art. 8. Subject to the approval of the Contracting Officer or his duly authorized representative the Contractor may make payments to subcontractors and materialmen in advance out of the special account, for labor or services, or to pay for materials in advance of delivery at the site of the work or at an approved storage site. Such subadvances shall not exceed ------------ percent (------%) of the subcontract price or estimated cost, as the case may be, and the subcontractor or materialmen to whom such advances are made shall furnish adequate security therefor. Unless other security is furnished, covenants in subcontracts, expressly made for the benefit of the Government, providing for a subspecial account with Government lien thereon and for a Government lien on or title to property, tangible or intangible, purchased from the special account, and imposing upon the subcontractor substantially the same duties and giving the Government substantially the same rights as are provided herein between the Government and the Contractor, have been prescribed by the Under Secretary of War as minimum adequate security for such subadvances.

Art. 9. Except as hereby amended, all the terms and conditions of the contract affected shall remain unmodified and in full force and effect and shall also apply in carrying out the provisions of this supplemental agreement.

In witness whereof, the parties hereto have executed this supplemental contract on the day and year first above written.

The United States of America,
By ----------------------------
____
(Official Title)
____
(Contractor)
By ------------------------
____
(Business Address)

Two Witnesses:
____
____
(Address)
____
____
(Address)

I ----------------------------, certify that I am the Secretary of the corporation named as Contractor herein; that ---------- ------------------ who signed this supplemental contract on behalf of the Contractor was then ------------------ of said corporation; that said supplemental contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this ------ day of ------------, 19----.

(Corporate Seal) ------------------------------ (Secretary)

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry, ---------------------------------, who signed this supplemental contract for ---------------------------- had authority to execute the same, and is the individual who signs similar contracts on behalf of this corporation with the public generally.

------------------------------ (Contracting Officer)

§ 81.1322 *W. D. Contract Form No. 22.*

War Department

Supplemental Contract to
Letter Purchase Order No------------

-- (Name of arm of service)

Whereas under date of ----------------
(Insert date of purchase order)
a letter purchase order, numbered----------
(Insert number of urchase order)
----------------- was entered into between the United States of America by-----------
(Insert name, rank and branch of Contracting Officer)
-----------------------------, U. S. Army, as Contracting Officer, acting by authority of the Secretary of War, hereinafter referred to as the Government and ----------------
(Insert name of Contractor)
------------, (hereinafter called the Contractor), a corporation organized and existing under the laws of the State of----------, providing for the construction of----------------------------- (the furnishing of ---
(Insert number of units or amount of equipment purchased)
---------- by the Contractor, and

Whereas it is provided by Section 201, Title II of Public Act No. 354, 77th Congress, approved December 18, 1941, that the President may authorize any department or agency of the Government exercising functions in connection with the prosecution of the war effort to enter into contracts and to make advance, progress and other payments thereon, whenever he deems such action would facilitate the prosecution of the war; and

Whereas by Executive Order 9001, issued December 27, 1941, the President has authorized the War Department to make such advance payments; and

Whereas the making of advance payments to the Contractor is deemed necessary by the War Department to facilitate the prosecution of the war,

Now, therefore, this supplemental contract is entered into this ------ day of ----------, 194--, by the Government and the Contractor, said parties agreeing to and with each other as follows:

Article 1. At any time and from time to time after the approval of this supplemental contract, the Government at the request of the Contractor and subject to the approval of the ---------------------------- or his
(Chief of supply service)
duly authorized representative, or of the person to whom authority has been delegated to make advance payments, as to the present need therefor, shall advance to the Contractor sums not to exceed ---------- percent (------%) of that amount authorized for expenditure or obligation under Paragraph 2 of such Letter Purchase Order as such amount may be modified or changed from time to time. On the unliquidated balance of advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half percent (2½%) per annum to be computed in accordance with the provisions of Article 6 hereof.

Art. 2. As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such adequate security as the Under Secretary of War, or the person to whom authority has been delegated to make advance payments, shall prescribe: *Provided*, That if other security is not prescribed, the terms of this supplemental contract shall be considered adequate security for such advance payments, *And provided further*, That if at any time the Under Secretary of War deems the security furnished by the Contractor inadequate, the Contractor shall furnish such additional security as shall be satisfactory to the Under Secretary of War.

Art. 3. Until all advance payments hereunder are liquidated, all funds received as advance payments under this contract shall be deposited in a special bank account or accounts at a member bank or banks of the Federal Reserve System, or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684 as amended; 12 U.S.C. 264), separate from the Contractor's general or other funds. It is not contemplated that any reimbursement shall be made under the Letter Purchase Order until the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order is entered into, or such Letter Purchase Order is terminated by reason of default of the Contractor, or failure to enter into such more formal contract. Such special bank account or accounts shall be so designated as to indicate clearly to the bank their special character and purpose, and the balance in such account or accounts shall be used by the Contractor exclusively as a fund for carrying out the purposes of the Letter Purchase Order and any amendments, revisions or changes thereto and not for other business of the Contractor. Withdrawals from such special bank account or accounts shall be subject to the prior written approval of the Contracting Officer unless he shall otherwise direct. Any balances from time to time in such special account or accounts shall at all times secure the repayment of the advances and all interest which may accrue thereon, in connection with which the special account or accounts are opened, and the Government shall have a lien upon such balances to secure the repayment of such advances and the payment of all interest which may accrue thereon which lien shall be superior to any lien of the bank or any other person upon such account or accounts by virtue of assignment to it of such contract or otherwise: *Provided*, That the bank shall be under no liability to any party hereto for the withdrawal of any funds from said special account upon checks, properly endorsed and signed by the Contractor, except that after the receipt by the bank of written directions from the ---------------------------- or his duly
(Chief of supply service)
authorized representative, or the Contracting Officer or his duly authorized representative, the bank shall act thereon and be under no liability to any party hereto for any action taken in accordance with the said written directions. Any instructions or written directions received by the bank through the Contracting Officer upon War Department stationery and purporting to be signed by, or by the direction of the ---------------------------- or his duly
(Chief of supply service)
authorized representative, shall, insofar as the rights, duties, and liabilities of the bank are concerned, be conclusively deemed to have been properly issued and filed with the bank by the ---------------------------
(Chief of supply service)
or his duly authorized representative.

Art. 4. At such time as the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order is entered into, a provision will be made for advance payments not to exceed that percentage of the contract price agreed upon under such more formal contract as shall be deemed necessary by the Contracting Officer in order to provide the Contractor with adequate working capital to carry on the work contemplated by the Letter Purchase Order, as it may be modified or changed: *Provided*, That it is agreed that the Contractor shall continue to pay interest under the provisions of such more formal contract at the rate of two and one-half percent (2½%) per annum on the unliquidated balance of advance payments outstanding, computed in accordance with existing regulations, and *Provided*, That if such percentage should exceed thirty percent (30%) of such contract price, or such contract price should exceed five million dollars ($5,000,000.00) the contract shall be subject to the approval of higher authority in accordance with existing regulations of the War Department, and *Provided*, That the terms of such advance payment agreement shall be strictly in accordance with standard provisions now authorized under existing regulations. Such provisions shall treat such advances as may be made hereunder as though they were made pursuant to such more formal contract and shall provide for the liquidation of advances made hereunder accordingly.

Art. 5. If upon termination of the Letter Purchase Order for other than the fault of the Contractor, the advance payments made to the Contractor and all interest which may have accrued thereon in respect of such contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such payments and accrued interest shall be deducted from any payments otherwise due the Contractor in respect of such contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of such contract. In the event of cancellation or termination of the principal contract because of the fault of the Contractor, or its termination due to failure to enter into the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order, the Contractor notwithstanding any ultimate rights to be reimbursed, agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payments and any interest which may have accrued thereon: *Provided*, That the Contractor may retain in the account an amount sufficient to meet the outstanding obligations incurred by it in good faith pursuant to authorization by the Contracting Officer under Paragraph 2 of the Letter Purchase Order until assumption and discharge of such obligations by the Government or final disallowance thereof. Furthermore if, in the opinion of the --------
(Chief of
-------------------- or his duly authorized
supply service)
representative the unobligated balance of the advance payments made by the Government under Article 1 hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the -------------
(Chief of supply service)
-------------------- or his duly authorized representative, the amount of such excess shall, upon demand by --------------------
(Chief of supply service)
---------- or his duly authorized representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this Article is not met upon receipt of such demand by the Contractor, the Amount demanded will bear interest at the rate of six percent (6%) rather than at two and one-half percent (2½%) per annum from the date of the receipt of the demand until payment is made: *Provided, however*, That such additional interest over and above the regular two and one-half percent (2½%) is hereby waived as to any sum paid by the Contractor within 15 days after the amount becomes due hereunder. If and when the Contractor, has, by means of deductions or otherwise, reimbursed the Governmnt in full for payments made and all interest which may have accrued thereon, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligations to the Government on account thereof.

Art. 6. On the unliquidated balance of the advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half per cent (2½%) per annum. Such interest shall be computed at the end of each calendar month on the average daily balance of the principal of the unliquidated advance payments outstanding. In determining such balance, charges on account of the advance payments to the Contractor hereunder shall be made as of the dates of the checks therefor. It is agreed that pending the execution of the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order that the Contractor may, if he so elects, make direct repayment to the Government on account of advances made out of his own free funds, or may be required to make repayment out of the special account or otherwise as provided by Article 5. Credits arising out of such cash repayments shall be made as of the dates the checks therefor are received by the disbursing officer. As soon as such monthly computations shall have been made, the interest charge shall be allowed to accrue, and shall not be payable until such time as provision is made for such payment under the provisions of the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order, except as provided by Article 5 hereof. The interest shall not be compounded, and shall, subject to the provisions of Article 5, cease to accrue upon the termination of the contract for other than the fault of the Contractor.

Art. 7. The Contractor shall, at all times, afford to the Contracting Officer, or his duly authorized representative, proper facilities for the inspection and audit of the Contractor's accounts, and the Contractor hereby agrees that the Contracting Officer, or his duly authorized representative shall have the right so far as the Contractor's rights are concerned, during business hours, to inspect and make copies of any entries in the books and records of the bank or banks relating to the said special account or accounts.

Art. 8. Subject to the approval of the Contracting Officer, or his duly authorized representative, the Contractor may make payments to subcontractors, suppliers and/or materialmen in advance out of the special account, for labor or services, or to pay for materials in advance of delivery at the site of the work or at an approved storage site. Such sub-advances shall not exceed -------------- percent (------%) of the sub-contract price or estimated cost, as the case may be, and the subcontractor, supplier and/or materialman to whom such advances are made shall furnish adequate security therefor. Unless other security is furnished, covenants in sub-contracts, expressly made for the benefit of the Government, providing for a sub-special account with Government lien thereon and for a Government lien on or title to property, tangible or intangible, purchased from the special account, and imposing upon the sub-contractor substantially the same duties and giving the Government substantially the same rights as provided herein between the Government and the Contractor, have been prescribed by the Under Secretary of War as minimum adequate security for such sub-advances.

Art. 9. The title to all work, completed or in the course of construction, preparation or manufacture under such Letter Purchase Order shall be in the Government. Likewise, upon delivery at the site of the work, at an approved storage site or other place approved by the Contracting Officer and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment, and supplies for which the Contractor shall be entitled to reimbursement under the provisions of Paragraph 2 of the Letter Purchase Order shall vest in the Government. For the purposes of this supplemental contract, these provisions as to title being vested in the Government, are for security with respect to such advances as may be made hereunder, and shall cease and determine when the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order is executed, unless specifically continued in effect by such more formal contract. These provisions as to title being vested in the Government shall not operate to relieve the Contractor from any duties imposed under the terms of the Letter Purchase Order, the more formal supplemental contract, or any other supplements thereto.

Art. 10. Except as hereby amended, all the terms and conditions of the Letter Purchase Order affected shall remain unmodified and in full force and effect and shall also apply in carrying out the provisions of this supplemental agreement.

In witness whereof, the parties hereto have executed this Supplemental Contract on the day and year first above written.

The United States of America

By-----------------------------
----------------------------- (Official Title)

Two Witnesses:

------------------ ------------------ (Contractor)

------------------ (Address)

By------------------

------------------ ------------------ (Business Address)

------------------ (Address)

I-------------------------------, certify that I am the Secretary of the corporation named as Contractor herein; that---------- who signed this supplemental contract on behalf of the Contractor was then---------- of said corporation; that said supplemental contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this------day of------------, 19----.

(Corporate Seal) -------------------------- (Secretary)

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry, -------------------------- signed this supplemental contract for-------------------------had authority to execute the same, and is the individual who signs similar contracts on behalf of this corporation with the public generally.

---------------------------- (Contracting Officer)

§ 81.1323 *W. D. Contract Form No. 23.*

War Department

Supplemental Contract to
Contract No. -----------
and Contract No. -------
etc.

-- (Name of arm or service)

Whereas, under date of ----------------
(Insert date of original contract)
a contract, numbered ------------------
(Insert number of original contract)
was entered into between the United States of America by ------------------------
(Insert name, rank, and Branch of Contracting Officer)
-----------------------------, U. S. Army, as Contracting Officer, acting by authority of the Secretary of War, hereinafter referred to as the Government and --------------
(Insert Name of
----------------, a corporation organized
Contractor)
and existing under the laws of the State of -------------- hereinafter referred to as the Contractor, providing for the construction of -------------------- (the furnishing of ------------------------------------
(Insert number of units or amount of
-----------------) by the Contractor, and *
equipment purchased)

Whereas, it is provided by section 201, Title II of Public Act No. 354, 77th Congress, approved December 18, 1941, that the President may authorize any department or agency of the Government exercising functions in connection with the prosecution of the war effort to enter into contracts and to make advances, progress and other payments thereon, whenever he deems such action would facilitate the prosecution of the war; and

Whereas, by Executive Order 9001 issued December 27, 1941, the President has authorized the War Department to make such advance payments; and

Whereas, the making of advance payments to the Contractor is deemed necessary by the War Department to facilitate the prosecution of the war,

Now, therefore, this supplemental contract is entered into this ---------------- of ------------------------------, 194--, between the Government and the Contractor, said parties agreeing to and with each other as follows:

Article 1. At any time and from time to time, after the approval of this supplemental contract, at the request of the Contractor and subject to the approval of the ------------------------- or his duly
(Chief of supply service)
authorized representative, or of the person to whom authority has been delegated to make advance payments, as to the present need therefor, the Government shall advance to the Contractor, without payment of interest therefor by the Contractor, sums not to exceed ------------------------------
(Insert amount of advance payment)
or -------------- percentum (-------%) of the principal contract price (or principal contract prices), as it (they) may be amended, whichever shall be the smaller.

Art. 2. As a condition precedent to the making of any advance payment or payments as hereinbefore provided the Contractor shall furnish the Government with such adequate security as the Under Secretary of War or the person to whom authority has been delegated to make advance payments shall prescribe; *Provided*, That if other security is not prescribed, the terms of this supplemental contract shall be considered adequate security for such advance payment; *Provided further*, That if at any time the Under Secretary of War deems the security furnished by the Contractor inadequate, the Contractor shall furnish such additional security as shall be satisfactory to the Under Secretary of War.

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*Where it is desired to combine advance payments for several principal contracts under one supplemental agreement this clause must be repeated for each contract concerned.

ART. 3. Until all advance payments hereunder are liquidated, all funds received as advance payments under this supplemental contract together with ------------------
(Insert % to be deposited which shall be not less than 75%)
percent (----%) of all cash payments under the principal contract (or principal contracts), shall be deposited in a special bank account or accounts at a member bank or banks of the Federal Reserve System or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684, as amended; 12 U.S.C. 264), separate from the Contractor's general or other funds. Such special bank account or accounts shall be so designated as to indicate clearly to the bank their special character and purpose, and the balances in such account or accounts shall be used by the Contractor exclusively as a revolving fund for carrying out the purposes of this supplemental contract and the principal contract (or principal contracts), (including reimbursement to the Contractor for any resonable amounts expended by him for such purposes), and any amendments thereto, and not for the other business of the Contractor; (*Provided*, That it is understood that all funds deposited in the said special account created hereunder may be used by the Contractor for the purposes of either or all of the principal contracts without regard to the origin of such payments)* and *Provided*, That for the purpose of determining proper disposition of funds hereunder such of the Contractor's costs as may not be directly allocable to the principal contract, (or principal contracts), as it (or they) may be amended, may be charged against funds deposited in the special account in that proportion which the amount of the work being done under the principal contract (or principal contracts), as it (they) may be amended, approximately bears to the total amount of work being performed by the Contractor, out of which such costs also arise, but within the period to which such costs relate. When required by the ---------------------------
(Chief of supply service)
or his duly authorized representative, or any other person to whom authority to make advance payments has been delegated, withdrawals from special account or accounts shall be made subject to the prior written approval of the Contracting Officer or his duly authorized representative. Any balance from time to time in such special account or accounts shall secure the repayment of the advances in connection with which the special account or accounts are opened, and the Government shall have a lien upon such balances to secure the repayment of such advances which lien shall be superior to any lien of the bank, or any other person, upon such account or accounts by virtue of assignment to it of the principal contract (or contracts) or otherwise: *Provided*, That the bank shall be under no liability to any party hereto for the withdrawal of any funds from said special account upon checks, properly endorsed and signed by the Contractor, except that after the receipt by the bank of written directions from the ---------------------------- or
(Chief of supply service)
his duly authorized representative, the bank shall act thereon and be under no liability to any party hereto for any action taken in accordance with the said written directions. Any instructions or written directions received by the bank through the contracting officer upon War Department stationery and purporting to be signed by, or by the direction of, the ---------------------------
(Chief of supply service)
or his duly authorized representative, shall, in so far as the rights, duties, and liabilities of the bank are concerned, be conclusively deemed to have been properly issued and filed with the bank by the ------------------
(Chief of supply service)
or his duly authorized representative.

ART. 4. If, upon completion of the principal contract (or of any of the principal contracts), or upon the termination thereof for other than the fault of the Contractor, the advance payments made to the Contractor in respect of such contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor in respect of such contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of such contract. In the event of cancellation or termination of the principal contract (or of any of the principal contracts) because of the fault of the Contractor, the Contractor agrees to return to the Government, upon demand, without setoff of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment. Furthermore, if in the opinion of the--------------------------
(Chief of supply service)
or his duly authorized representative, the unobligated balance of the advance payments made by the Government under Article 1 hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the----------------------
(Chief of supply service)
------or his duly authorized representative, the amount of such excess shall, upon demand made by the----------------------
(Chief of supply service)
------or his duly authorized representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this Article is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) per annum from the date of the receipt of the demand until payment is made: *Provided, however*, that such payment of interest is hereby waived as to any sum paid by the Contractor within 15 days after the amount becomes due hereunder.

ART. 5. Except as otherwise provided herein, liquidation of any advance payment or advance payments made to the Contractor hereunder shall be made by means of direct repayment by the Contractor from his own free funds or from the special account or by deductions of --------------------------
(Percent of advance authorized)
percent (------%) from any and all payments made by the Government under the terms of the principal contract (or principal contracts): *Provided*, That if at any time, as a result of amendments to the principal contract (or principal contracts) or otherwise, the unliquidated balance of advance payments made exceeds --------------------------
(Percent of advance authorized)
percent (------%) of the contract price of units still to be delivered under the principal contract (or principal contracts), the amount of such excess shall upon demand of the --------------------------- or his duly
(Chief of supply service)
authorized representative be promptly returned to the Government by withdrawal from the special account or otherwise, or if not so returned, shall be deducted from any and all payments to be made by the Government under the principal contract (or principal contracts): *Provided further*, That if and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligation to the Government on account thereof

ART. 6. The Contractor shall, at all times, afford to the Contracting Officer, or his duly authorized representative, proper facilities for the inspection and audit of the Contractor's accounts, and the Contractor hereby agrees that the Contracting Officer, or his duly authorized representative shall have the right, so far as the Contractor's rights are concerned, during business hours, to inspect and make copies of any entries in the books and records of the bank or banks relating to the said special account or accounts.

ART. 7. Subject to the approval of the Contracting Officer or his duly authorized representative the Contractor may make payments to subcontractors and materialmen in advance out of the special account, for labor or services, or to pay for materials in advance of delivery at the site of the work or at an approved storage site. Such sub-advances shall not exceed ------------------------ percent (------%) of the subcontract price and the subcontractor or materialmen to whom such advances are made shall furnish adequate security therefor. Unless other security is furnished, covenants in subcontracts, expressly made for the benefit of the Government, providing for a sub-special account with Government lien thereon and for a Government lien on property, tangible or intangible, purchased from the special account, and imposing upon the subcontractor substantially the same duties and giving the Government substantially the same rights as are provided herein between the Government and the Contractor, have been prescribed by the Under Secretary of War as minimum adequate security for such sub-advances.

ART. 8. If no surety bond is furnished as part of the security under Article 2 hereof, then, upon receipt of items or materials paid for from such special account or accounts, such items or materials shall be segregated and the Government shall have a lien on such items or materials until the advance payment or payments have been fully liquidated, or until the item or items and/or materials concerned have become the property of the Government as the result of partial payments, or otherwise; *Provided*, That if segregation in any instance be impracticable and the items or materials concerned are consequently intermingled with other property of the contractor, then and in that event the lien above provided for in favor of the Government shall extend to the intermingled mass to the amount represented by the value of the items of materials involved; and, without limiting the generality of the foregoing, such lien shall continue as follows: (a) in case the contract covers construction, until such items or materials are incorporated into the building, and thereafter on the building in the construction of which the items or materials are incorporated; (b) in the case of items or materials comprising facilities, on such facilities both before and after their installation in the plant; and (c) in the case of articles contracted for, until the items or materials so paid for are fabricated into such articles, and thereafter on the articles until accepted by the Government; [and the Government shall hereby likewise have an effective assignment of a security interest in all intangible property purchased, or otherwise acquired with funds from said special account]*. If at any time during the progress of the work under the principal contract (or principal contracts) it becomes necessary to deliver any item or items and/or materials upon which the Government has a lien as aforesaid to a third person, the contractor shall notify such third person of the lien herein provided and shall obtain from such third person a receipt, in duplicate, acknowledging, inter alia, the existence of such lien. A copy of each receipt shall be delivered by the Contractor to the Contracting Officer.

ART. 9. Any assignment of moneys due or to become due under the principal contract (or principal contracts) shall be subordinate to the rights or claims of the Government arising under the principal contract (or principal contracts) or any amendment thereto by virtue of any advance payments authorized herein or otherwise: *Provided*, That if at any time any claim arising under the principal contract (or principal contracts) is assigned or purportedly assigned in any manner inconsistent with the said rights of the Government, the ---------------------------- or
(Chief of supply service)
his duly authorized representative shall have the right to suspend further advance payments without notice.

ART. 10. Except as hereby amended, all the terms and conditions of the contract (or contracts) affected shall remain unmodified and in full force and effect and shall also apply in carrying out the provisions of this supplemental contract.

In witness whereof, the parties hereto have executed this supplemental contract on the day and year first above written.

THE UNITED STATES OF AMERICA
By --------------------------
-------------------------- (Official Title)

Two Witnesses:
------------------ ------------------ (Contractor)
------------------ By ------------------
(Address)
------------------ ------------------ (Business Address)
------------------ (Address)

I ---------------------------- certify that I am the Secretary of the corporation named as Contractor herein; that ---------- who signed this supplemental contract on behalf of the Contractor was then ---------- of said corporation; that said supplemental contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this --------- day of ----------, 19----.
(Corporate Seal) -------------------------- (Secretary)

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry, -------------------------- who signed this supplemental contract for -------------------------------------- had authority to execute the same, and is the individual who signs similar contracts on behalf of this corporation with the public generally.

-------------------------- (Contracting Officer)

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*This proviso to be under where agreement is supplemental to two or more contracts.

*The bracketed provision may be inserted in the case of experimental contracts or other cases where deemed especially appropriate.

§ 81.1324 *W. D. Contract Form No. 24.*

WAR DEPARTMENT

Supplemental Contract
to Contract No ---------

-- (Name of Arm or Service)

Whereas under date of------------------,
(Insert date of original contract)
a contract, numbered----------, was entered into between the United States of America by -----------------------------------
(Insert name, rank and Branch of Contracting Officer)
as Contracting Officer, acting by authority of the Secretary of War, as party of the first part and -------------------------- (here-
(Insert Name of Contractor)
inafter called the Contractor), a corporation organized and existing under the laws of the State of --------------- providing for the construction of ------------------ (the furnishing of ------------------) by the Contractor, as party of the second part, and

Whereas it is provided by Section 201, Title II of Public Act No. 354, 77th Congress, approved December 18, 1941, that the President may authorize any department or agency of the Government exercising functions in connection with the prosecution of the war effort to enter into contracts and to make advance, progress and other payments thereon whenever he deems such action would facilitate the prosecution of the war; and

Whereas, by Executive Order 9001, issued December 27, 1941, the President has authorized the War Department to make such advance payments; and

Whereas, the making of advance payments to the Contractor is deemed necessary by the War Department to facilitate the prosecution of the war,

Now, therefore, this Supplemental contract is entered into this ------ day of ----------, 194--, by the Government and the Contractor, said parties agreeing to and with each other as follows:

ARTICLE 1. At any time and from time to time after the execution of this supplemental contract, the Government at the request of the Contractor and subject to the approval of the -------------------------- or his duly
(Insert Chief of supply service)
authorized representative, or the person to whom authority to make advance payments has been delegated, as to the present need therefor shall advance to the Contractor, without payment of interest thereon by the Contractor, sums not to exceed ----------- percent (-------%) of the estimated cost of the principal contract (exclusive of the Contractor's fixed fee), as it may be amended from time to time.

ART. 2. As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such adequate security as the Under Secretary of War or the person to whom authority has been delegated to make advance payments shall prescribe: *Provided*, That if other security is not prescribed, the terms of this supplemental contract shall be considered adequate security for such advance payments; and *Provided further*, That if at any time the Under Secretary of War deems the security furnished by the Contractor inadequate, the Contractor shall furnish such additional security, in the form of a surety bond or surety bonds, as shall be satisfactory to the Under Secretary of War.

ART. 3. Until all advance payments hereunder are liquidated, all funds received as advance payments under this supplemental contract together with all funds received as reimbursements for the cost of the work under Article ------ of the principal contract, exclusive of the Contractor's fixed fee, shall be deposited in a special bank account or accounts at a member bank or banks of the Federal Reserve System or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684) as amended (12 U.S.C. 264) separate from the Contractor's general or other funds. Such special bank account or accounts shall be so designated as to indicate clearly to the bank their special character and purpose, and the balance in such account or accounts shall be used by the Contractor exclusively as a revolving fund for carrying out the purposes of the principal contract and any amendments thereto and not for other business of the Contractor. Any balances from time to time in such special account or accounts shall at all times secure the repayment of the advances in connection with which the special account or accounts are opened, and the Government shall have a lien upon such balances to secure the repayment of such advances, which lien shall be superior to any lien of the bank or any other person upon such account or accounts by virtue of assignment to it of such contract or otherwise: *Provided*, That the bank shall be under no liability to any party hereto for the withdrawal of any funds from said special account upon checks, properly endorsed and signed by the Contractor, except that after the receipt by the bank of written directions from the --------------------- or his duly author-
(Chief of supply service)
ized representative, the bank shall act thereon and be under no liability to any party hereto for any action taken in accordance with the said written directions. Any instructions or written directions received by the bank through the Contracting Officer upon War Department stationery and purporting to be signed by, or by the direction, of the --------------------- or his duly author-
(Chief of supply service)
ized representative, shall, in so far as the rights, duties, and liabilities of the bank are concerned be conclusively deemed to have been properly issued and filed with the bank by the ---------------------------- or his
(Chief of supply service)
duly authorized representative.

ART. 4. It is agreed that the aggregate of the advance payments outstanding under this supplemental contract together with funds received as reimbursement for the cost of the work by the Contractor under Article ----------- of the principal contract, shall, at no time, exceed the total estimated cost of the work under the principal contract as it may be revised from time to time and any such excess shall be immediately repaid by the Contractor to the Government or if any reimbursement is due from the Government to the Contractor, shall be deducted therefrom; *Provided, however*, That if the total cost of the work under the principal contract shall be in excess of the amount so paid to the Contractor, including said advance payments, the Government upon presentation of satisfactory evidence shall currently and promptly reimburse the Contractor to the extent of such excess cost (subject to any delay in the availability of appropriated funds).

ART. 5. If, upon completion of the principal contract or upon the termination thereof for other than the fault of the Contractor, the advance payments made to the Contractor in respect of such contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor in respect of such contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Govern-

ment of all accounts hereunder in respect of such contract. In the event of cancellation or termination of the principal contract because of the fault of the Contractor, the Contractor, notwithstanding any ultimate rights to be reimbursed, agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of the ------------------ or his
(Chief of supply service)
duly authorized representative, the unobligated balance of the advance payments made by the Government under Article 1 hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the ---------------------------- or his duly
(Chief of supply service)
authorized representative, the amount of such excess shall, upon demand by the ---------------------------- or his duly
(Chief of supply service)
authorized representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this Article is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) per annum from the date of the receipt of the demand until payment is made: *Provided, however*, That such payment of interest is hereby waived as to any sum paid by the Contractor within 15 days after the amount becomes due hereunder. If and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligation to the Government on account thereof.

ART. 6. The Contractor shall, at all times, afford to the Contracting Officer, or his duly authorized representative, proper facilities for the inspection and audit of the Contractor's accounts, and the Contractor hereby agrees that the Contracting Officer, or his duly authorized representative shall have the right so far as the Contractor's rights are concerned, during business hours, to inspect and make copies of any entries in the books and records of the bank or banks relating to the said special account or accounts.

ART. 7. Subject to the approval of the Contracting Officer or his duly authorized representative the Contractor may make payments to subcontractors and materialmen in advance out of the special account, for labor or services, or to pay for materials in advance of delivery at the site of the work or at an approved storage site. Such subadvances shall not exceed ---------- percent (-----%) of the subcontract price or estimated cost, as the case may be, and the subcontractor or materialmen to whom such advances are made shall furnish adequate security therefor. Unless other security is furnished, covenants in subcontracts, expressly made for the benefit of the Government, providing for a sub-special account with Government lien thereon and for a Government lien on or title to property, tangible or intangible, purchased from the special account, and imposing upon the subcontractor substantially the same duties and giving the Government substantially the same rights as are provided herein between the Government and the contractor, have been prescribed by the Under Secretary of War as minimum adequate security for such subadvances.

ART. 8. Except as hereby amended, all the terms and conditions of the Contract affected shall remain unmodified and in full force and effect and shall also apply in carrying out the provisions of this supplemental agreement.

In witness whereof, the parties hereto have executed this Supplementary Agreement on the day and year first above written.

THE UNITED STATES OF AMERICA
By ----------------------------
---------------------------- (Official Title)
---------------------------- (Contractor)
By ----------------------------
---------------------------- (Business Address)

Two Witnesses:

------------------------ (Address)

------------------------ (Address)

I ------------------------------, certify that I am the Secretary of the corporation named as Contractor herein; that ------------------- who signed this supplemental contract on behalf of the Contractor was then ----------------- of said corporation; that said supplemental contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers. the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this --------- day of -----------------, 19---.

(Corporate Seal) ----------------------
(Secretary)

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry, ----------------------- who signed this supplemental contract for ----------------------- had authority to execute the same, and is the individual who signs similar contracts on behalf of this corporation with the public generally.

---------------------------- (Contracting Officer)

§ 81.135 *W. D. Contract Form No. 25.*

WAR DEPARTMENT

Supplemental Contract
to Letter Purchase
Order No. ----------------

Whereas, under date of -----------------
(Insert date of original contract)
a letter purchase order, numbered---------- was entered into between the United States of America by -------------------------
(Insert name, rank and
----------------------------- as Con-
Branch of Contracting Officer)
tracting Officer, acting by authority of the Secretary of War, hereinafter referred to as the Government and ----------------------
(Insert name of Contractor)
a corporation organized and existing under the laws of the State of -----------------, hereinafter referred to as the Contractor, providing for construction of ------------- ---------------------- (the furnishing of ----------------------------------)
(Insert number of units or amount of equipment purchased)
by the Contractor and

Whereas it is provided by Section 201, Title II of Public Act No. 354, 77th Congress, approved December 18, 1941, that the President may authorize any department or agency of the Government exercising functions in connection with the prosecution of the war effort to enter into contracts and to make advance, progress and other payments thereon whenever he deems such action would facilitate the prosecution of the war; and

Whereas by Executive Order 9001, issued December 27, 1941, the President has authorized the War Department to make such advance payments; and

Whereas the making of advance payments to the Contractor is deemed necessary by the War Department to facilitate the prosecution of the war,

Now, therefore, this supplemental contract is entered into this ----------- day of ---------------, 194--, between the Government and the Contractor, said parties agreeing to and with each other as follows:

ARTICLE 1. At any time and from time to time, after the approval of this supplemental contract, the Government at the request of the Contractor and subject to the approval of the ---------------------------- or his
(Chief of supply service)
duly authorized representative, or of the person to whom authority has been delegated to make advance payments, as to the present need therefor, shall advance to the Contractor, without payment of interest thereon by the Contractor, sums not to exceed ------ percent (------%) of that amount authorized for expenditure or obligation under Paragraph 2 of such Letter Purchase Order as such amount may be modified or changed from time to time.

ART. 2. As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such adequate security as the Contracting Officer shall prescribe; *Provided*, That if other security is not prescribed, the terms of this supplemental contract shall be considered adequate security for such advance payments; and *Provided further*, That if at any time the Under Secretary of War deems the security furnished by the Contractor to be inadequate, the Contractor shall furnish such additional security as shall be satisfactory to the Under Secretary of War.

ART. 3. All sums received as advance payments under this supplemental contract shall be deposited in a special bank account or accounts at a member bank or banks of the Federal Reserve System or any "insured bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684, as amended; 12 U.S.C. 264) separate from the Contractor's general or other funds. It is not contemplated that any reimbursement shall be made under the Letter Purchase Order until the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order is entered into, or such Letter Purchase Order is terminated by reason of default of the Contractor, or failure to enter into such more formal contract within the date of expiration set forth in Paragraph 6 of the Letter Purchase Order or any duly authorized extensions thereof. Such special bank account or accounts shall be so designated as to indicate clearly to the bank their special character and purpose, and the balance in such account or accounts shall be used by the Contractor exclusively as a fund for carrying out the purposes of the Letter Purchase Order and any amendments, revisions or changes thereto and not for other business of the Contractor. Withdrawals from such special bank account or accounts shall be subject to the prior written approval of the Contracting Officer unless he shall otherwise direct. Any balances from time to time in such special account or accounts shall at all times secure the repayment of the advances in connection with which the special account or accounts are opened, and the Government shall have a lien upon such balances to secure the repayment of such advances, which lien shall be superior to any lien of the bank or any person upon such account or accounts by virtue of assignment to it of such contract or otherwise; *Provided*, That the bank shall be under no liability to any party hereto for the withdrawal of any funds from said special account upon checks, properly endorsed and signed by the Contractor, except that after the receipt by the bank of written directions from the ------ ---------------------------- or his duly
(Chief of supply service)
authorized representative, or the Contracting Officer or his duly authorized representative, the bank shall act thereon and be under no liability to any party hereto for any action taken in accordance with the said written directions. Any instructions or written directions received by the bank through the Contracting Officer upon War Department stationery and purporting to be signed by, or by the direction of ------------------
(Chief of supply
-------------------- or his duly authorized
service)
representative, or the Contracting Officer or his duly authorized representative shall, insofar as the rights, duties, and liabilities of the bank are concerned, be conclusively deemed to have been properly issued and filed with the bank by the ---------------
(Chief of supply
---------------------- or his duly author-
service)
ized representative.

ART. 4. At such time as the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order is entered into, provision will be made for advance payments not to exceed that percentage of the contract price agreed upon under such more formal contract as shall be deemed necessary by the Contracting Officer in order to provide the Contractor with adequate working capital to carry on the work contemplated by the Letter Purchase Order, as it may be modified or changed: *Provided*, That if such percentage should exceed thirty percent (30%) of such contract price, or such contract price should exceed five million dollars ($5,000,000,000) the contract shall be subject to the approval of higher authority in accordance with existing regulations of the War Department, and *Provided*, That the terms of such advance payment agreement shall be strictly in accordance with standard provisions now authorized under existing regulations. Such provisions shall treat such advances as may be made hereunder as though they were made pursuant to such more formal contract and shall provide for the liquidation of advances made hereunder accordingly.

ART. 5. If upon termination of the Letter Purchase Order for other than the fault of the Contractor, the advance payments made to the Contractor in respect of such contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor in respect of such contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of such contract. In the event of cancellation or termination of the principal contract because of the fault of the Contractor, or its termination due to failure to enter into the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order on or before the date of expiration set forth in Paragraph 6 of the Letter Purchase Order, or any duly authorized extensions thereof, the Contractor, notwithstanding any ultimate rights to be reimbursed, agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment or advance payments made hereunder; *Provided*, That the Contractor may retain in the account an amount sufficient to meet the outstanding obligations incurred by it in good faith pursuant to authorization by the Contracting Officer under Paragraph 2 of the Letter Purchase Order until assumption and discharge of such obligations by the Government or final disallowance thereof. Furthermore, if, in the opinion of the ---------------------------- or his
(Chief of supply service)
duly authorized representative, the unobligated balance of the advance payments made by the Government under Article 1 hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the ---------------------------- or his
(Chief of supply service)
duly authorized representative, the amount of such excess shall, upon demand made by the ---------------------------- or his
(Chief of supply service)
duly authorized representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this article is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) per annum from the date of the receipt of the demand until payment is made; *Provided, however*, That such payment of interest is hereby waived as to any sum paid by the Contractor within 15 days after the amount becomes due hereunder. If and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligations to the Government on account thereof.

ART. 6 The Contractor shall at all times afford to the Contracting Officer, or his duly authorized representative, proper facilities for the inspection and audit of the Contractor's accounts, and the Contractor hereby agrees that the Contracting Officer, or his duly authorized representative shall have the right so far as the Contractor's rights are concerned, during business hours, to inspect and make copies of any entries in the books and records of the bank or banks relating to the said special account or accounts.

ART. 7. Subject to the approval of the Contracting Officer, or his duly authorized representative the Contractor may make payments to sub-contractors, suppliers and/or materialmen in advance out of the special account, for labor or services, or to pay for materials in advance of delivery at the site of the work or at an approved storage site. Such sub-advances shall not exceed ------ percent (------%) of the sub-contract price or estimated cost, as the case may be, and the sub-contractor, supplier and/or materialman to whom such advances are made shall furnish adequate security therefor. Unless other security is furnished, Covenants in subcontracts, expressly made for the benefit of the Government, providing for a sub-special account with Government lien thereon and for a Government lien on or title to property, tangible or intangible, purchased from the special account, and imposing upon the subcontractor substantially the same duties and giving the Government substantially the same rights as are provided herein between the Government and the Contractor, have been prescribed by the Under Secretary of War as minimum adequate security for such sub-advances.

ART. 8. The title to all work, completed or in the course of construction, preparation or manufacture under such Letter Purchase Order shall be in the Government. Likewise, upon delivery at the site of the work, at an approved storage site or other place approved by the Contracting Officer and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment, and supplies for which the Contractor shall be entitled to reimbursement under the provisions of Paragraph 2 of the Letter Purchase Order shall vest in the Government. For the purposes of this supplemental contract, these provisions as to title being vested in the Government, are for security with respect to such advances as may be made hereunder, and shall cease and determine when the more formal contract and contemplated by paragraph 2 of the Letter Purchase Order is executed, unless specifically continued in effect by such more formal contract. These provisions as to title being vested in the Government shall not operate to relieve the Contractor from any duties imposed under the terms of the Letter Purchase Order, the more formal supplemental contract, or any other supplements thereto.

ART. 9. Except as hereby amended, all the terms and conditions of the Letter Purchase Order affected shall remain unmodified and in full force and effect and shall also apply in carrying out the provisions of this supplemental contract.

In witness whereof, the parties hereto have executed this supplemental contract on the day and year first above written.

THE UNITED STATES OF AMERICA,
By ----------------------------
---------------------------- (Official Title)

Two witnesses:
------------------ ------------------ (Contractor)
------------------ (Address)
By ------------------
------------------ ------------------ (Business Address)
------------------ (Address)

I ------------------------------, certify that I am the Secretary of the corporation named as Contractor herein; that ---------- who signed this supplemental contract on behalf of the Contractor was then ----------- of said corporation; that said supplemental contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this ----------- day of -----------------, 19---.

(Corporate Seal) ----------------------
(Secretary)

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry, ------------------ who signed this supplemental contract for ---------- had authority to execute the same, and is the individual who signs similar contracts on behalf of this corporation with the public generally.

---------------------------- (Contracting Officer)

§ 81.1326 *W. D. Contract Form No. 26.*

WAR DEPARTMENT

Supplemental Contract to
Contract No------------------
and Contract No--------------
etc.

---------------------------------- (Name of arm or service)

Whereas, under date of -----------------
(Insert date of orig-
------------, a contract numbered --------
inal contract)
(Insert
--------------------------, was entered in-
number of original contract)

to between the United States of America by ------------------------------------

(Insert name, rank, and branch of Contracting Officer)

-----------, U. S. Army, as Contracting Officer, acting by authority of the Secretary of War, hereinafter referred to as the Government, and -------------------------, a corporation

(Insert Name of Contractor)

organized and existing under the laws of the State of ---------------, hereinafter referred to as the Contractor, providing for the furnishing of ------------------------------; and*

(Insert number of units or amount of equipment purchased)

Whereas it is provided by Section 201, Title II of Public Act No. 354, 77th Congress, approved December 18, 1941, that the President may authorize any department or agency of the Government exercising functions in connection with the prosecution of the war effort to enter into contracts and to make advance, progress and other payments thereon, whenever he deems such action would facilitate the prosecution of the war; and

Whereas by Executive Order 9001 issued December 27, 1941, the President has authorized the War Department to make such advance payments; and

Whereas the making of advance payments to the Contractor is deemed necessary by the War Department to facilitate the prosecution of the war, and to be in the national interest,

Now, therefore, this supplemental contract is entered into this ------------ day of -------------, 194----, between the Government and the Contractor, said parties agreeing to and with each other as follows:

ARTICLE 1. Upon the approval of this supplemental contract, at the request of the Contractor, the Government shall advance to the Contractor, without payment of interest therefor by the Contractor, sums not to exceed ------------------------ or ------

(Insert amount of advance payment)

per cêntum (------%) of the principal contract price (or principal contract prices), as it (they) may be amended, whichever shall be the smaller.

ART. 2. If at any time the contracting officer deems the national interest requires that security be furnished by the Contractor in addition to the provisions of this supplemental contract, the Contractor shall furnish such additional security as shall be satisfactory to the contracting Officer.

ART. 3. If, upon completion of the principal contract (or of any of the principal contracts), or upon the termination thereof for other than the fault of the Contractor, the advance payments made to the Contractor in respect of such contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor in respect of such contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of such contract. In the event of cancellation or termination of the principal contract (or of any of the principal contracts) because of the fault of the Contractor or in case of breach of this supplemental contract, the Contractor agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor the unliquidated balance of any advance payment. If the demand made in any event set forth in this article is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) per annum from the date of the receipt of the demand until payment is made: *Provided, however,* That such payment of interest is hereby waived as to any sum paid by the Contractor within 15 days after the amount becomes due hereunder.

ART. 4. Except as otherwise provided herein, liquidation of any advance payment or advance payments made to the Contractor hereunder unless directly repaid by the Contractor, shall be made by deductions of --------

(Percent of advance authorized)

-------------------- percent from any and all payments made by the Government under the terms of the principal contract (or principal contracts): *Provided,* That if at any time, as a result of amendments to the principal contract (or principal contracts) or otherwise the unliquidated balance of advance payments made exceeds --------------

(Percent of advance authorized)

------------------ (------%) of the contract price of units still to be delivered under the principal contract (or principal contracts), the amount of such excess shall upon demand of the Contracting Officer or his duly authorized representative be promptly returned to the Government by withdrawal from the special account or otherwise, or if not so returned, shall be deducted from any and all payments to be made by the Government under the principal contract (or principal contracts).

ART. 5. The Contractor shall, at all times afford to the Contracting Officer, or his duly authorized representative, proper facilities for the inspection and audit of the Contractor's accounts.

ART. 6. Except with the approval of the Contracting Officer or his duly authorized representative, sub-advances shall not exceed thirty percent (30%) of the subcontract price.

ART. 7. Any assignment of moneys due or to become due under the principal contract (or principal contracts) shall be subordinate to the rights or claims of the Government arising under the principal contract (or principal contracts) or any amendment thereto by virtue of any advance payments authorized herein or otherwise: *Provided,* that, if at any time any claim arising under the principal contract (or principal contracts) is assigned or purportedly assigned in any manner inconsistent with the said rights of the Government, the Contracting Officer or his duly authorized representative shall have the right to suspend further advance payments without notice.

ART. 8. Except as hereby amended, all the terms and conditions of the contract (or contracts) affected shall remain unmodified and in full force and effect and shall also apply in carrying out the provisions of this agreement.

In witness whereof the parties hereto have executed this supplemental contract on the day and year first above written.

THE UNITED STATES OF AMERICA,
By ----------------------------
(Official Title)

Two Witnesses:

(Contractor)
(Address)
By ------------------
(Business address)
(Address)

I ------------------------------, certify that I am the Secretary of the Corporation named as Contractor herein; that ---------- ------------------ who signed this supplemental contract on behalf of the Contractor was then ------------------ of said corporation; that said supplemental contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this ------------------ day of ------------ -------------- 19----

(Corporate Seal) --------------------------
(Secretary)

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry, ------------------ who signed this supplemental contract for ------------ ------------------ had authority to execute the same, and is the individual who signs similar contracts on behalf of this corporation with the public generally.

(Contracting officer)

---

*Where it is desired to combine advance payments for several principal contracts under one supplemental agreement this clause must be repeated for each contract concerned.

PART 83—DISPOSITION OF SURPLUS AND UNSERVICEABLE PROPERTY

Sec.
83.701 Rescission of regulations.
83.702 Definitions.
83.703 Declaration as surplus; by chiefs of supply service.
83.704 By Commanding General, Services of Supply.
83.705 Transfer of property to other supply services.
83.706 Transfer to other Federal agencies.
83.707 Exchange of unserviceable property.
83.708 Sale of surplus property.
83.709 Responsibility for sale of salvage and "to be sold" property.
83.710 Sales at nominal prices to effect transfer.

§ 83.701 *Rescission of regulations.* Army Regulations 5-50, May 22, 1939, as amended, and all other instructions inconsistent herewith are hereby rescinded.

§ 83.702 *Definitions*—(a) *Surplus property.* New, obsolete, used or deteriorated articles which have been declared by competent authority as not needed by the War Department.

(b) *"To be sold" property.* Obsolete or unserviceable articles which have been classified as "to be sold" property by an inspector.

(c) *Salvage.* Unserviceable articles which have been classified as "salvage" by an inspector.

(d) *Negotiation.* Any method of reaching an agreement on the terms of sale except the formal sealed bid procedure contemplated by section 3709, Revised Statutes.

§ 83.703 *Declaration as surplus; by chiefs of supply services.* Chiefs of supply services are authorized to declare property surplus to the needs of the War Department without reference to higher authority, under the following conditions:

(a) When the property is unqualifiedly in excess of the requirements of the supply service and cannot be advantageously exchanged as part or total payment for similar property which is needed;

(b) When it has been ascertained that the property is not desired by any other supply service of the War Department; and

(c) When the total current estimated value does not exceed $50,000.

§ 83.704 *By Commanding General, Services of Supply.* In those cases where the chief of the supply service concerned is not permitted by § 83.703 to declare property surplus and it has been ascertained that the property is not required by any other supply service, such property will be recommended to the Commanding General, Services of Supply, for declaration as surplus to the War Department. The following information will be furnished with each such recommendation:

(a) List of the property with its estimated original and present value. When the property is damaged, wrecked, burned or otherwise depreciated, the estimated cost of repairs necessary to put it in serviceable condition will be furnished;

(b) Statement of reason for disposing of the property, including information as to whether it is new, used or deteriorated;

(c) An estimate of the storage space which the property occupies; and

(d) Statement that the requirements for the property by other supply services have been ascertained and satisfied.

§ 83.705 *Transfer of property to other supply services.* Property which is excess to the requirements of a particular supply service whether or not it has been declared surplus and property which has been classified as "to be sold" may, upon request of another supply service, be transferred without reimbursement except for the costs of packing, handling and transportation.

§ 83.706 *Transfer to other Federal agencies.* (a) Property which has been declared surplus, in accordance with § 83.703 or § 83.704 and "to be sold" property will be promptly reported to the Procurement Division, Treasury Department, by the chief of the supply service concerned, for the purpose of effecting a transfer of the property to some other Federal agency.

(b) Property so reported will be withheld from sale, pending a possible transfer, for such length of time as the chief of the supply service concerned shall permit.

(c) Upon requests from the Procurement Division, Treasury Department, property so held for transfer may be transferred without reimbursement except for the costs of packing, handling and transportation.

§ 83.707 *Exchange of unserviceable property.* (a) Whenever unserviceable articles can be advantageously exchanged as payment in full or in part for serviceable articles of like character, such unserviceable articles will be disposed of in this manner.

(b) Exchanges of unserviceable property for serviceable property will be made under the direction and supervision of the chief of the supply service concerned.

(c) When the property to be exchanged is subject to a price fixing order issued by an agency of the Government, effort should be made to secure the established price in the exchange transaction.

(d) A copy of each contract covering the exchange of deteriorated, unserviceable, obsolescent or surplus military equipment, munitions or supplies for other military equipment, munitions or supplies will be furnished the respective chairmen of the House Military Affairs Committee and the Senate Military Affairs Committee within twenty-four hours after the contract has been made.

§ 83.708 *Sale of surplus property.* (a) Property having been declared surplus in accordance with § 83.703 or § 83.704 will be sold by negotiation under the direction and supervision of the chief of the supply service concerned, if a transfer is not effected.

(b) *Sales to National Council of the Boy Scouts of America.* Surplus and "to be sold" property and salvage may be sold to the National Council of the Boy Scouts of America under the direction and supervision of the chief of the supply service concerned. The sales price will represent a fair value to the War Department, including costs of packing, handling and transportation.

(c) When property consists of articles or materials on which maximum prices have been placed by any authorized agency of the Government, no award will be made at a price higher than the prescribed maximum.

§ 83.709 *Responsibility for sale of salvage and "to be sold" property.* (a) All unserviceable articles which have been classified as salvage or as "to be sold" property by competent authority will be turned over to the Quartermaster Corps for sale, except as follows:

(1) Property which can be advantageously exchanged in accordance with § 83.707.

(2) Accumulations of scrap, cuttings and by-products resulting directly from manufacturing operations in arsenals, depots, plants, or commercial establishments, all of which will be disposed of by the chief of the supply service concerned.

(b) Sales of salvage and "to be sold" property will be made by negotiation under the direction and supervision of The Quartermaster General, or, in the cases provided for in paragraph (a) (1) and (2) of this section, of the chief of the supply service concerned.

§ 83.710 *Sales at nominal prices to effect transfer.* As a measure appropriate to the relief of distress from economic causes or from disaster, the Secretary of War has authorized, subject to discontinuance when desirable, certain sales of salvage at nominal prices, as follows:

Condemned clothing, shoes, equipment, and similar supplies in salvage, that may be accumulated at posts, camps, and stations of the Regular Army or National Guard, may be sold for relief purposes to charitable organizations of commonly recognized standing or to state relief administrations at nominal prices to be fixed by the chief of the supply service concerned.

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-9203; Filed, September 17, 1942; 11:05 a. m.]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

Sections 81.303, 81.318, 81.324 (a), 81.326, 81.333, 81.352, 81.811 (b), 81.812, 81.813 (c) and (d), 81.916 (d), 81.1006 (e), and 81.1301 (d) are hereby amended; §§ 81.304 (a) (26), 81.321 (c) (9) and (10), (d) (2) (iii), and (e), 81.349, 81.811 (c) and 81.1326 are rescinded, and §§ 81.420 (g) and 81.917 (b) (11) and (12) are added.[1]

These changes in the Procurement Regulations are also contained in Circular 60, Headquarters, Services of Supply, dated September 13, 1942. Figures to the right of the decimal point in section numbers correspond with paragraph numbers in Procurement Regulations.

AUTHORITY: Sec. 5a, National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193-1195, and the First War Powers Act, 1941, 55 Stat. 838; 50 U.S.C. Sup. 601-622.

§ 81.303 *General requirements for contracts.* Every purchase transaction except those where payment is made coincidentally with receipt of supplies will be covered by a contract. Such contract will take the form of a written agreement (contained in one or more instruments) executed by the Contractor and by a contracting officer on behalf of the United States except that in the following cases it may take the form of a written order signed only by the contracting officer on behalf of the United States and not by the Contractor:

(a) Contracts covering purchases made at public auction, at a produce exchange, or under similar conditions and involving only one payment.

(b) Contracts covering purchases amounting to less than $5,000 and requiring only one payment.

§ 81.304 *Contract forms*—(a) *Authorized contract forms.* * * *

(26) [Rescinded]

* * * * *

§ 81.318 *Adherence to approved forms.* (a) The authority of §§ 81.315 to 81.319 will not be used for the purpose of authorizing a deviation from approved forms of War Department contracts, unless such deviation is authorized by these regulations nor will it be used for the purpose of making material changes in the character or terms of an award or contract previously approved by the Under Secretary of War or the Director, Purchases Division, Headquarters, Services of Supply. The same requirements and restrictions with respect to approved forms are applicable to supplemental agreements and change orders as are applicable to original contracts.

(b) Except as otherwise specifically provided to the contrary in § 81.1206 or in any other section of these Procurement Regulations, whenever any contract (either as originally drawn or as the same may have been modified, amended or supplemented) contains a provision covering the same subject matter as a clause prescribed by §§ 81.322-81.358 of this Procurement Regulation No. 3, but in a form different from that therein prescribed, it will not be necessary, in executing any supplemental agreement or change order in connection with said contract, to amend such provision either with respect to the items which are the subject of the contract or with respect to the items which are the subject of the supplemental agreement or change order.

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[1] *Supra.*

§ 81.321 *Advance payments.* * * *

(c) *Forms and special contract clauses.* * * *

(9) [Rescinded]

(10 [Rescinded]

(d) *Interest.* * * *

(2) * * *

(iii) [Rescinded]

(e) *Advance payments to suppliers of critical machine tools.* [Rescinded]

* * * * *

§ 81.324 *Termination for convenience of the Government.* * * *

(b) Every lump-sum construction contract regardless of subject matter, except:

* * * * *

§ 81.326 *Disputes concerning questions of fact.* Every contract, regardless of subject matter except contracts for an amount of less than $5,000 will contain the following clause without deviation:

* * * * *

§ 81.333 *Liability for Government-owned property.* All contracts which involve the use of Government-owned property in the performance thereof will contain a clause substantially as follows:

Liability for Government-owned property. Except as to property the liability for which is fixed by any other instrument or agreement or by some other provision of this contract, the Contractor shall not be liable for loss or destruction of or damage to property of the Government in the possession or control of the Contractor in connection with this contract unless such loss, damage or destruction results from wilful misconduct or failure to exercise good faith on the part of the Contractor's corporate officers or other representatives having supervision or direction of the operation of the whole of the Contractor's business or of the whole of any plant operated by the Contractor in the performance of this contract.

§ 81.349 *Advance payments, machine tools.* [Rescinded]

§ 81.352 *Delays-damages clause.* Every lump-sum supply contract regardless of subject matter except contracts for an amount of less than $5,000 will contain a clause substantially as follows:

* * * * *

§ 81.420 *Cost-plus-a-fixed fee contracts.* * * *

(g) *Insurance on Government-owned property.* No insurance of any kind will be required or authorized on or in connection with property, legal title to which is in the United States, in the possession, care, custody or control of contractors or otherwise without the prior approval of the Insurance Branch, Fiscal Division, Headquarters, Services of Supply.

§ 81.811 *Standard tax exemption forms.* * * *

(b) *Supply of standard forms; reports of forms*—(1) *Supply of standard forms.* Chiefs of supply services are responsible for the supply of necessary standard forms to their contracting officers.

(2) *Reports of forms.* Reports, accounting for these forms, will be submitted by issuing officers as directed by the chief of the supply service concerned. Semi-annual reports will be submitted by chiefs of services as of September 30 and March 31, through the Administrative Assistant, War Department, to the Treasury Department, Procurement Division, Printing and Binding Section, describing each book procured from the Treasury Department and stating whether it is in stock, not used, or is used and in use, or has been exhausted by the use of all the tax exemption certificates. Exemption certificates which have been canceled during a period will be listed on the return for that period and forwarded therewith. Each report will show the balance of U. S. Government tax exemption certificate books and U. S. Government tax exemption identification cards on hand at the beginning of the period, if any, the number of each received during the period, the number of each issued during the period, and the balance on hand at the end of the period.

(c) [Rescinded]

* * * * *

§ 81.812. *Preparation and execution; identification cards*—(a) *Preparation and execution.* (1) In the preparation of tax exemption certificates the typewriter will be used when practicable; otherwise ink or indelible pencil will be used. The use of ordinary lead pencil is prohibited. All blank spaces must be properly filled in or lined out, and no such exemption certificate will be delivered to a contractor unless fully and properly executed, except that, if at the time of entering into a contract for articles or supplies to be sold for the exclusive use of the Government or for exportation under the Lend-Lease Act, Federal tax excluded, it is impossible to determine the amount of such taxes, for example as in the case of an indefinite quantity contract, it is permissible to issue a blanket tax exemption certificate to cover all sales under the contract. The certificate should cover all articles purchased under such contract, including delivery orders placed thereunder by other officers. As to blanket tax exemption certificates covering purchases under contracts of the General Schedule of Supplies, see (c) of this section.

(2) A separate certificate for each kind of tax (Federal, State, local, etc.) involved will be prepared. In the issuance of these certificates care must be exercised to fill in the blank spaces provided for showing on each certificate the separate amounts of the taxes involved so that the certificates may be used only for the purpose intended.

(3) Where the supplies or work covered by the contract are not taxable as such and the certificate is to be used for the purpose of obtaining exemption on the articles to be incorporated in the supplies or work covered by the contract, the amount of tax to be shown on the certificate should be stated as "None." No tax should be shown on the certificate except the tax imposed directly upon the supplies or work covered by the contract.

(4) Except as provided in § 81.813 (c) (1), the following statement will be written or stamped upon the face of each certificate pertaining to Federal taxes (except where a cost-plus-fixed-fee contract is involved): "W. D. Tax Form No. 1 attached." Tax Exemption Certificate Form No. 1094 may be modified insofar as necessary with respect to contracts for construction, alterations, improvements and repairs. The person issuing a tax exemption certificate will, in addition to his signature and title, insert on the lines provided therefor, his identification card number. (See paragraph (b) of this section.)

(b) *Who may execute; identification cards.* (1) Tax exemption certificates will be executed only by those officers and Federal employees who have been supplied with a Standard Form No. 1094–C (U. S. Government Tax Exemption Identification Card).

(2) The identification card of authorized officers and employees of supply services responsible for purchasing activities pertaining thereto at a post, camp, or station will be signed by the commanding officer. Identification cards supplied to other officers and Federal employees will be signed by the officer who furnishes such officer or employee with tax exemption certificates.

(c) *Blanket tax exemption certificates, contracts under General Schedule of Supplies.* Nothing contained in these regulations will be construed as authorizing the issuance of blanket tax exemption certificates by chiefs of supply services or contracting officers covering purchases under contracts of the General Schedule of Supplies. Upon application of the contractor the Procurement and Accounting Division, Office of the Secretary of War, will issue blanket tax exemption certificates as may be necessary to cover all purchases made by War Department agencies in Washington, D. C., and in the field under term contracts of the General Schedule of Supplies, Procurement Division, Treasury Department. Information as to items and contracts listed in the General Schedule of Supplies covered by such blanket tax exemption certificates will be furnished to contracting officers and others concerned by the respective chief of supply service.

§ 81.813. *Use of tax exemption certificates.* * * *

(c) At the request of the contractor at any time after the execution of the contract, a tax exemption certificate (Form 1094) will be executed and delivered to the contractor covering Federal taxes in the following cases:

* * * * *

(d) Tax exemption certificates are also used for establishing exemptions from state and local taxes. In such cases certificates should be prepared in accordance with the requirements of the particular state or local tax officials concerned. Except as provided in § 81.815 (a), no tax exemption certificate should be issued with respect to a state or local tax unless the contract shows that the price paid by the Government is exclusive of the tax to which the certificate pertains or unless the contractor consents to the deduction of such tax from the contract price and the acceptance of the tax exception certificate in lieu thereof.

§ 81.917 *Applicability of Walsh-Healey Public Contracts Law.* * * *

(b) * * *

(11) The following article has been added to the aforementioned rulings and interpretations:

ART. 1102 *Tolerance for Handicapped Workers.* Workers whose earning capacity is impaired by age or physical or mental deficiency or injury may be employed either by commercial establishments or as handicapped clients in sheltered workshops at wages lower than the prevailing minimum wages applicable under section 1 (b) of the Public Contracts Act upon the same terms and conditions as are prescribed for the employment of handicapped persons and of handicapped clients in sheltered workshops under section 14 of the Fair Labor Standards Act of 1938, c 676, 52 Stat. 1060, 29 U.S.C. sec. 201, by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (Title 29, Chapter V, Code of Federal Regulations, Parts 524 and 525), which are hereby adopted as the regulations governing employment of handicapped persons and of handicapped clients in sheltered workshops under the Public Contracts Act.

Any certificate issued by the Administrator of the Wage and Hour Division, pursuant to such regulations, authorizing the employment of a handicapped worker under the Fair Labor Standards Act shall constitute authorization for the employment of that worker under the Public Contracts Act in accordance with the terms of the certificate.

The Administrator of the Wage and Hour Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two Acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(12) By order dated September 2, 1942, the Secretary of Labor excepted from the requirements of section (1) of the Walsh-Healey Act contracts with a foreign Government or its representative for the purchase of materials which have been purchased for export to a foreign country but which have not been exported because of existing conditions due to the war in the foreign country of export and contracts with the custodians of or the holders of title documents to the materials purchased for export but which have not been exported because their exportation has been prohibited or curtailed pursuant to the Act of July 2, 1940 (54 Stat. 714); 50 U.S.C. 701).

§ 81.918 *General instructions.* * * *

(d) The minimum wage determinations made to date by the Secretary of Labor are published in the succeeding paragraphs.

NOTE: Under date of August 12, 1942, the Secretary of Labor amended all prevailing minimum wage determinations issued under the Walsh-Healey Act and in effect on said date to provide that handicapped or superannuated workers may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standard Act, and that such handicapped or superannuated workers may not be employed at subminimum rates under any other conditions. Said amendment was made applicable to all contracts subject to the Walsh-Healey Act, bids for which were solicited or negotiations for which were commenced on or after September 15, 1942.

§ 81.1006 *Methods of providing new facilities.* * * *

(e) *Plan V; Government ownership; supply contract*—(1) *Purpose.* For cases in which the contractor will acquire facilities (other than real estate and buildings) for the account of and to be paid for by the Government; facilities to be used by contractor to manufacture supplies under War Department Supply Contract. This type of Governmental financing is provided for by the article entitled "Government-Owned Facilities" (§ 81.332).

(2) *Financing.* Government Funds.

(3) *Title.* Vested in the Government, with option in contractor, in certain cases, to buy at cost less depreciation.

§ 81.1301 *W. D. Contract Form No. 1.* * * *

(d) ART. 4. *Inspection.* (a) All material and workmanship shall be subject to inspection and test at all times and places and, when practicable, during manufacture. In case any articles are found to be defective in material or workmanship, or otherwise not in conformity with the specification requirements, the Government shall have the right to reject such articles, or require their correction. Rejected articles, and/or articles requiring correction, shall be removed by and at the expense of the Contractor promptly after notice so to do. If the Contractor fails to promptly remove such articles and to proceed promptly with the replacement and/or correction thereof, the Government may, by contract or otherwise replace and/or correct such articles and charge to the Contractor the excess cost occasioned the Government thereby, or the Government may terminate the right of the Contractor to proceed as provided in Article 5 of this contract, the Contractor and surety being liable for any damage to the same extent as provided in said Article 5 for terminations thereunder.

* * * * *

§ 81.1326 *W. D. Contract Form No. 26.* [Rescinded]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–10050; Filed, September 25, 1942; 9:51 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Proclaimed List of Certain Blocked Nationals

SUPPLEMENT 3 to REVISION III

ADMINISTRATIVE ORDER

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Board of Economic Warfare, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), the following Supplement 3 containing certain additions to, amendments to, and deletions from The Proclaimed List of Certain Blocked Nationals, Revision III of August 10, 1942 (7 F.R. 6282, 6847, 7422), is hereby promulgated.

By direction of the President:

SUMNER WELLES,
Acting Secretary of State.
H. MORGENTHAU, Jr.,
Secretary of the Treasury.
JESSE H. JONES.
Secretary of Commerce.
FRANCIS BIDDLE,
Attorney General.
MILO PERKINS,
Executive Director,
Board of Economic Warfare.
PERCY L. DOUGLAS,
Acting Coordinator of
Inter-American Affairs.

OCTOBER 10, 1942.

GENERAL NOTES: (1) The Proclaimed List is divided into two parts: part I relates to listings in the American republics; part II relates to listings outside the American republics.

(2) In part I titles are listed in their letter-address form, word for word as written in that form, with the following exceptions:

If the title includes a full personal name, that is, a given name or initial and the surname, the title is listed under the *surname.*

Personal-name prefixes such as *de la, von,* etc., are considered as part of the surname and are the basis for listing.

The listing is made under the next word of the title when the initial word or phrase, or abbreviation thereof, is one of the following Spanish forms or similar equivalent forms in any other language:

Compañía; Cía.; Comp.
Compañía Anónima; C. A.; Comp. Anón.
Sociedad; Soc.
Sociedad Anónima; S. A.; Soc. Anón.

(3) The indication of an address for a name on the list is not intended to exclude other addresses of the same firm or individual. A listed name refers to all branches of the business in the country.

(4) For an explanation of the use of the symbol following each addition in this supplement see General Notes, Revision III.

PART I—LISTINGS IN AMERICAN REPUBLICS

ADDITIONS

Argentina

Beltrame Ltda. S. A., Antenor.—Cañada de Gómez, Provincia de Santa Fe., III–3.

Brennecke, Carlos.—General Mitre 588, Rosario. III-3.

Capello, Marcos Osvaldo.—San Juan 4790, Lanús, F. C. S.; and Perrault 1166 y Moreno 970, Buenos Aires. III-3.

Delta Compañía Forestal Argentina S. A.—Bernado de Irigoyen 330, Buenos Aires. III-3.

Dietz, Guillermo F.—Buenos Aires. III-3.

Ecke, Rodolfo Federico Francisco.—14 de Julio 636–48, Buenos Aires. III-3.

Ecke y Cía.—14 de Julio 636–48, Buenos Aires. III-3.

Elfers, Enrique.—Lavallee 749, Rosario. III-3.

Establecimientos Sicar, S. de R. L.—Defensa 502 y Palpa 3543, Buenos Aires. III-3.

Ferloni y Montés.—Bernardo de Irigoyen 645, Buenos Aires. III-3.

Ferrocal S. de R. L.—San Lorenzo 1338 y Boulevard 27 de Febrero 799, Rosario; and Perú 79, Buenos Aires. III-3.

"Hechos".—25 de Mayo 171, Buenos Aires. III-3.

Heinze, Carlos.—Posadas 1575, Buenos Aires. III-3.

Hilandería Florida, S. de R. L.—Gerardo V. Romano 560, Villa Martelli, Florida, F. C. C. A. III-3.

Italia-América, Sociedad Argentina de Empresas Marítimas.—Avenida Presidente Roque Sáenz Peña 680, Buenos Aires. III-3.

Kaiser, Juan Pablo.—Buenos Aires. III-3.

Knospe, Germán Carlos.—Buenos Aires. III-3.

Lamota, José.—Avenida Montes de Oca 2211, Buenos Aires. III-3.

Linder, Severino.—Santiago del Estero 466, Buenos Aires. III-3.

Maldonado y Cía.—Callao 1553, Rosario. III-3.

Mérida, Juan.—Alsina 1328, Buenos Aires. III-3.

Michelizzi, Natalio.—Piedras 1073, Buenos Aires. III-3.

Molinos Fénix S. A.—Córdoba 1411, Rosario; and 25 de Mayo 347, Buenos Aires. III-3.

Nueva Lubecka, Sociedad Anónima Comercial Rural y Mercantil.—Reconquista 336, Buenos Aires. III-3.

Ohmstede, Emilio.—General Mitre 588, Rosario. III-3.

Pozzi, Caimi.—Rincón 226, Buenos Aires. III-3.

Rola y Cía.—Villa Mercedes, San Luis; and Cañada Verde, Córdoba. III-3.

Rosenberg Killegaart, Julio.—Florida 229, Buenos Aires. III-3.

Salsa, Hijos de Bernardo.—Belgrano 510, Buenos Aires; F. Amegino 330, Avellaneda, B. A.; and General Pico, Gobernación de La Pampa. III-3.

Schneider, Herbert Luis.—Paraguay 110, Alta Gracia, Provincia de Córdoba. III-3

Soquel, Heriberto C.—25 de Mayo 347, Buenos Aires. III-3.

Speratti Romanelli.—Victoria 3274, Buenos Aires. III-3.

Storz y Cía., S. de R. L., C. W.—Tucumán 839, Buenos Aires. III-3.

Stover Argentina S. A.—Perú 347, Buenos Aires. III-3.

Suárez ,Fernando A.—25 de Mayo 11, Buenos Aires. III-3.

Velden Ltda., S. de R. L.—Florida 229, Buenos Aires. III-3.

Vicum y Cía. S. de R. L., Carlos.—Malvinas 180, Buenos Aires; and General Martín Rodríguez 324–36, Adrogue, F. C. S. III-3.

von den Velden, Reinhard Alexander.—Florida 229, Buenos Aires. III-3.

Wechsberg, Alberto.—Avenida Mitre 4827, Villa Dominico, F. C. S. III-3.

Wechsberg, Ricardo.—Avenida Mitre 4827, Villa Dominico, F. C. S. III-3.

Weco y Cía.—Avenida Mitre 4827, Villa Dominico, F. C. S. III-3.

Werner, Enrique Roberto.—Córdoba 1411, Rosario. III-3.

Werner, F. R.—Córdoba 1411, Rosario. III-3.

Bolivia

Becerra, Alberto.—La Paz. III-3.

Gushi, José.—Riberalta. III-3.

Gushi, Juan.—Riberalta. III-3.

Hayashida, Angel.—Riberalta. III-3.

Hinojosa, Jorge.—La Paz. III-3.

Kishimoto, Kiyugo.—Riberalta. III-3.

Linale, Nícola.—La Paz. III-3.

Linale & Weiss.—Avenida Montés 786–794 (Casilla 216), La Paz, and all branches in Bolivia. III-3.

Nakamura, Kokiguro.—Riberalta. III-3.

Ortíz, Isaac.—Casilla 354, La Paz. III-3.

Shimoida, Nobuo.—Jordán 20, Cochabamba. III-3.

Shimosi, Pedro.—Riberalta. III-3.

Shiosaki, Juan.—Riberalta. III-3.

Teruya, Koki.—Riberalta. III-3.

"TOYO".—Riberalta. III-3.

Weiss, Federico.—La Paz. III-3.

Yshiy, Ernesto.—Riberalta. III-3.

Brazil

Casa de Electricidade Electron Ltda.—Rua da Quitanda 60, Rio de Janeiro. III-3.

Keetman, Wilhelm.—Rua Saccadura Cabra 109, Rio de Janeiro. III-3.

Keetman e Cia., W.—Rua Saccadura Cabra 109, Rio de Janeiro. III-3.

Kuhn, Carlos Guilherme.—Santa Cruz, Rio Grande do Sul. III-3.

Chile

American Bar.—Cochrane 301, Valparaiso. III-3.

Bar La Playa.—Errázuriz 642, Valparaiso. III-3.

Bar Martini.—Plaza Sotomayor 160, Valparaiso. III-3.

Barria, Elías.—Calle Guillermo Aguilar, Valdivia. III-3.

Barria, Nicolás.—Picarte 568, Valdivia. III-3.

Bertolotto, Bernardo.—Barros Arana 333, Temuco. III-3.

Busch, Adolfo.—Carlos Anwandter 820, Valdivia. III-3.

Café Rio de Janeiro.—Puente 548, Santiago. III-3.

Casa Antofagasta.—Condell 631, Antofagasta. III-3.

Casa Japonesa.—Condell 625–631, Antofagasta. III-3.

Cataneo, Domingo.—Bories 858, Punta Arenas. III-3.

Coronata, Italo.—Barros Arana 709, Concepción. III-3.

Eller Kittner, Roberto.—A. Varas 854 (Casilla 107), Temuco. III-3.

Elórtegui Armendaris, Carlos.—Valparaiso. III-3.

Elórtegui Armendaris, Domingo.—Valparaiso. III-3.

Elórtegui Armendaris, Juan.—Valparaiso. III-3.

Elórtegui Armendaris, Pedro.—Valparaiso. III-3.

Elórtegui Bilbao, Carlos.—Valparaiso. III-3.

Elórtegui Bilbao, José.—Valparaiso. III-3.

Elórtegui Bazar.—Valdivia 269, Valparaiso. III-3.

Fábrica de Pasteles "Fancy".—Carmen 93, Santiago. III-3.

Farmacia Vienesa.—Colón 2763, Valparaiso. III-3.

Fasching Stadlhuber, Carlos.—Colón 2763, Valparaiso. III-3.

Fritzsche F., Rudolf.—Villanelo Alto 505, Viña del Mar. III-3.

Fugiike Fugiike, Yohei.—J. Santos Ossa 563, Antofasgasta. III-3.

García García, Teodoro. — Victoria 2704, Valparaiso. III-3.

Gómez Henríquez, Alfredo.—García Reyes 37, Santiago. III-3.

Hartung Drechsler, Enrique.—Aguirre 1203, Santiago. III-3.

Hauser, Carlos.—Chacabuco 142, Concepción. III-3.

Hoffman Bernd, Pablo.—Calle Guillermo Gallardo esquina Urmeneta, Puerto Montt. III-3.

Hoffman Provisiones.—Calle Guillermo Gallardo esquina Urmeneta, Puerto Montt. III-3.

Hotel Reina Victoria.—Plaza Sotomayor 160, Valparaiso. III-3.

Houber Schneider, Emilio.—García Reyes 37, Santiago. III-3.

Houber y Cía., Ltda., Emilio.—Romero 2455, Santiago. III-3.

Houber y Gómez Ltda.—García Reyes 37, Santiago. III-3.

Imperatore, Cayetano.—Errázuriz 675, Punta Arenas. III-3.

Imperatore, Esteban.—Bories 970, Punta Arenas. III-3.

Imperatore y Cía., Cayetano.—Errázuriz 675, Punta Arenas. III-3.

Imprenta Moderna.—Picarte 568, Valdivia. III-3.

Imprenta Valdivia.—Calle Guillermo Aguilar, Valdivia. III-3.

Kamae Kamae, Yasuji.—Condell 620, Antofagasta. III-3.

Kirsten, Enrique.—Ramírez 919, Osorno. III-3.

Lavanchy C., Cornelio.—Freire 200, Concepción. III-3.

Machino Igarashi, Taro.—Paicavi 1190, Concepción. III-3.

"Madame Ginette".—Barros Arana 709, Concepción. III-3.

Matas Andreucić, Mateo.—Taltal. III-3.

Mercería García.—Victoria 2704, Valparaiso. III-3.

Mizumuma Sotome, Hisashi.—Condell 631, Antofagasta. III-3.

Molino Frutillar.—Frutillar. III-3.

Nehls Heinrich, Jorge.—O'Higgins, 1211, Valparaiso. III-3.

Nocera, Cosme.—Bories 663, Punta Arenas. III-3.

Oestreich y Cía. Ltda., P. (Dr.).—Merced 673, Santiago. III-3.

Otsu Naka, Jorge.—Matta 734 Antofagasta. III-3.

Pabst Rudloff, Carlos.—Diego Portales 8.7, Temuco. III-3.

Paetz Zaengler, Juan.—Colo-Colo 467, Concepción. III-3.

Richter y Cía. Ltda.—Frutillar. III-3.

Saip Dreher, Francisco.—Lincoyán 244, Concepción. III-3.

Saip Dreher, Pablo.—Lincoyán 244, Concepción. III-3.

Saip Müller, Pablo.—Lincoyán 244, Concepción. III-3.

Saip y Cía. Ltda., P.—Lincoyán 244, Concepción. III-3.

Schlephack, August.—Puente 548 (Casilla 2921), Santiago. III-3.

Schwencke, Armando.—Calle Esmeralda, La Unión. III-3.

Seguros Generales "La Genovesa", Cía. de.—Morandé 348, Santiago. III-3.

Stagno Dell'Orto, Hugo.—Carmen 93, Santiago. III-3.

Stark Schropp, Otto.—Valparaíso 421, Viña del Mar. III-3.

Stark y Cía., Otto.—Valparaíso 421, Viña del Mar. III-3.

Tienda "La Mundial".—Bories 663, Punta Arenas. III-3.

Wiegand O., Augusto.—Valparaiso. III-3.

Wurth Meckes, Hermann.—Valparaíso 421, Viña del Mar. III-3.

Yoshinaga Motonao, Segundo.—Condell 625–631, Antofagasta. III-3.

Colombia

Bickel, Emil Werner.—Bucaramanga. III-3.

Buecking, Peter Martin.—Zapatcca. III-3.

Castillo Jesús.—Sonsón. III-3.

Fábrica Nacional de Carteras "El León".—Bucaramanga. III-3.

Gallenmuller, Anton.—Medellín. III-3.

Haertel, Robert.—Banco Alemán Antioqueño, oficina 403–404, Bogotá. III-3.

Karpf, Eugen.—Bucaramanga. III-3.

Costa Rica

Czaska Strasibka, Alfred William.—San José. III-3.

Fuscaldo Cosenza, Pedro.—San José. III-3.

Huehne G., M. E.—San José. III-3.

Italiana di Mutuo Soccorso, Societá.—San José. III-3.

Paschka, M. E. Huehne de.—San José. III-3.

"UFFRA" Union Financière Française, S. A.—San José. III-3.

Union Financière Française, S. A.—San José. III-3.

Cuba

El Zafiro.—San Carlos 104, Cienfuegos. III-3.

Suáz, Camilo.—San Carlos 104, Cienfuegos. III-3.

El Salvador

Beneficio "El Amate".—San Salvador-San Marcos. III-3.

Finca "Coatepeque". — Santa Ana. III-3.

Fisher, Ricardo.—Finca "Coatepeque", Santa Ana. III-3.

Lassally, Teodoro.—la Avenida Norte 14, San Salvador. III-3.

Lassally, Reich & Co.—la Avenida Norte 14, San Salvador. III-3.

Reich, Ernesto.—la Avenida Norte 14, San Salvador. III-3.

Paraguay

Casa Lange.—Presidente Eligio Ayala 200, Asunción. III-3.

Peru

Famco Trading Company S. A.—Cailloma 840, Lima. III-3.

Meneses Vásquez, L.—Alfonso Ugarte 1426 (Apartado 2433), Lima. III-3.

Voisin, Max.—Cailloma 840, Lima. III-3.

Walther, René Marcel.—Cailloma 840, Lima. III-3.

Uruguay

Antola, Fortunato.—Balta Ojeda 3843, Montevideo. III-3.

Berger, Enrique.—Cerro Largo 800 y Vilardebó 1243, Montevideo. III-3.

CX 22 Radio Universal.—Soriano 1217, Montevideo. III-3.

Cappellin, Domingo.—Juan Carlos Gómez 1483, Montevideo. III-3.

English Transcontinental Co.[1]—Cerrito 558, Montevideo, and all branches in Uruguay. III-3.

Fontana y Cía.—Cerrito 372, Montevideo. III-3.

Harispuru, Juan José.—Obligado 1207, Montevideo. III-3.

Harispuru Hermanos.—Paraguay 1337, Montevideo. III-3.

Hotel Planeta.—Atlántida, Departamento de Canelones. III-3.

La Hora Oficial.—Convención 1309, Montevideo. III-3.

Lois, Fructuoso A.—Gonzalo Ramírez 1731. Montevideo. III-3.

Luedeke, Bruno.—Garibaldi 2929, Montevideo. III-3.

Luedeke, Ricardo.—Piedras 326 y C. María de Pena 4086, Montevideo. III-3.

Michelizzi, Natalio.—Montevideo. III-3.

Planells, Juan Carlos.—Blvd. España 2275, Apt. 3, Montevideo. III-3.

Radio Universal CX 22.—Soriano 1217, Montevideo. III-3.

Von Seidlitz, Eitel Fritz.—Montevideo. III-3.

Von Seidlitz, Wilhelm.—Montevideo. III-3.

Wolf, Jorge.—Convención 1309, Montevideo. III-3.

Venezuela

Agencia Caballito.—Padre Sierra a Múñoz 9 (Apartado 1082), Caracas. III-3.

Agencias Interamericanas.—Apartado 440 Maracaibo. III-3.

Blaschitz, Carlos.—Apartado 106, Caracas. III-3.

Burkle, Willy.—Esquina de Mercaderes (altos), Caracas. III-3.

Constructora Industrial, Comp. Anón.—Apartado 106, Caracas. III-3.

Dauer, Greta.—Municipal a Reducto 57, Caracas. III-3.

Dorn, Franz.—Piñango a Camino Nuevo 30, Caracas. III-3.

Estaba A., Luis.—Apartado 1912, Caracas. III-3.

Hormann, Werner.—Mercaderes a La Gorda 26, Caracas. III-3.

Hotel Plaza.—Plaza Bolívar, Valencia. III-3.

Kraemer, Hans.—Plaza Bolívar, Valencia. III-3.

León V., Angel Eduardo.—Apartado 587, Maracaibo. III-3.

Restaurant Vienna.—Mercaderes a La Gorda 26, Caracas. III-3.

Restaurant-Café Dorn.—Piñango a Camino Nuevo 30, Caracas. III-3.

Salón Greta's.—Municipal a Reducto 57, Caracas. III-3.

Sittel, Hermann.—Municipal a Reducto 57, Caracas. III-3.

Soriano, Antonio.—Apartado 1183, Caracas. III-3.

Wiese, Gertrud.—Esquina Mercaderes 27, Caracas. III-3.

AMENDMENTS

Argentina

Relative to Frommhold, Humberto.—San Martín 66, Buenos Aires, *see* footnote 2.

For Iida y Cía. Ltda., Takashimaya.—Rodríguez Peña 162, Buenos Aires, substitute Iida y Cía. Ltda., Takashimaya.—Balcarce 260, Buenos Aires.

For Moro e Hijos (Argentina) Comercial, Industrial y Financiera S. A., Tomás.—Avenida Alvear 4476, Buenos Aires, substitute Moro Sociedad Anónima Comercial, Industrial y Financiera.—Avenida Alvear 4476, Buenos Aires.

For Pando, Gonzalo.—Moreno 970, Buenos Aires, substitute Pando, Gonzalo.—Moreno 970, Buenos Aires; and Villa Angela, F. C. Santa Fe.

For Takashimaya, Iida y Cía., Ltda.—Rodríguez Peña 162, Buenos Aires, substitute Takashimaya, Iida y Cía., Ltda.—Balcarce 260, Buenos Aires.

Relative to Teloni, Gaetano.—San Martín 66, Buenos Aires, *see* footnote 3.

Bolivia

For Valdivia, Miguel.—Potosí, substitute Valdivia, Miguel.—Potosí; and Casilla 876, La Paz.

Brazil

For Casa Allemã Tecidos, Moveis e Tapecarias, S. A.—Rua do Ouvidor 158, Rio de Janeiro, substitute Casa Allemã, Tecidos, Modas, Moveis, Tapeçarias S. A.—Rua do Ouvidor 158, Rio de Janeiro.

Relative to Fazenda Barra Mansa.—Avanhandava, São Paulo, *see* footnote 4.

For Foto Optica Adro.—Rua 15 de Novembro 357, Curitiba, substitute Foto

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[1] Not to be confused with English Transcontinental Ltd., London, England.

[2] Not to be confused with P. J. Fromhold, 25 de Mayo 347, Buenos Aires.

[3] Representative in Argentina for Banca Nazionale del Lavoro of Rome, Italy.

[4] Not to be confused with other fazendas of the same name at other places in Brazil.

Otica Adro.—Rua 15 de Novembro 357, Curitiba.

Relative to Marx, Fritz.—Rua José Maria Lisboa 1008, São Paulo, *see* footnote 5.

For Rik, Richard.—Rua Conselheiro Moreira de Barros 213, São Paulo, substitute Rix, Richard.—Rua Conselheiro Moreira Barros 213, São Paulo.

For Schrappe, Max.—Rua Commendador Araujo 731-747, Curitiba, Paraná, substitute Schrappe, Max.—Rua Commendador Araujo 731-747, Curitiba, Paraná; and Blumenau, Santa Catharina.

For Von Zimmermann, Hortz.—Rua Tamoyos 487, Bello-Horizonte, Minas Geraes, substitute Von Zimmermann, Horst.—Rua Tamoyos 487, Bello-Horizonte Minas Geraes.

Chile

For Casa Alemana de Automóbiles "Mercedes-Benz".—Monjitas 739, Santiago, substitute Casa Alemana de Automóbiles "Mercedes-Benz".—República 47-55 y García Reyes 81, Santiago.

For Hagemann, Walter.—Monjitas 739, Santiago, substitute Hagemann, Walter.—República 47-55 y García Reyes 81, Santiago.

For Shigemitsu, Kito.—Avenida Pedro Montt 2139, Valparaiso, substitute Kito, Shigemitsu.—Avenida Pedro Montt 2139, Valparaiso.

Colombia

For Mesa, Alfredo.—Medellín, substitute Mesa Medina, Alfredo.—Carrera 36a no. 45-47, Medellín.

Costa Rica

Relative to Brenes Gutiérrez, Ramiro (Dr.).—San José, *see* footnote 1.

Ecuador

For Alemana de Agencias, Cía.—Guayaquil, substitute Alemana de Agencias, Cía.—Casilla 787, Guayaquil.

Panama

For Kaufmann, Arno Wilhelm August.—Imperial Hotel, Colón, substitute Kaufmann, Arno Wilhelm August.—Colón.

Peru

For Orihuela, Mariano.—Cuadra 15, Avenida Brasil, Magdalena Bieja, Lima, substitute Orihuela, M.—Puno 250, Lima.

For Zettel, José.—Unión 517, Lima; and Lima 475, Miraflores, Lima, substitute Zettel, José.—Lima 475, Miraflores, Lima.

DELETIONS

Brazil

Internacional de Capìtalização, Cia.—Rua 1° de Março 6, Rio de Janeiro, and all branches in Brazil.

Chile

Droste y Cía., Carlos F.—Morandé 536 (Casilla 27), Santiago.

Martinic, Antonio.—O'Higgins 1046, Punta Arenas.

Sahr Christie, Otto.—Casilla 26, Puerto Aysen.

Colombia

Agencia Phillips.—Junín 53-68, Medellín.

Hotel Continental.—Avenida 1 de Mayo, Medellín.

Costa Rica

Steinvorth, Ernesto.—San José.

Ecuador

Sánchez Z., Miguel A.—Guayaquil.

Nicaragua

"Alemania".—Casa Colorada.

"Chale Costa".—El Tamarindo, Paz Centro.

"El Guayabal".—El Tamarindo, Paz Centro.

Paraguay

Salum Hermanos.—Estrella 136, Asunción.

Venezuela

Téxtil Venezolana, Compañía Anónima.—Caracas.

PART II—LISTINGS OUTSIDE AMERICAN REPUBLICS

ADDITIONS

Iran

Akhavan, Ahmed.—Tehran. III-3.

Akhavan, Habib.—Tehran. III-3.

Akhavan, Hadji Mohammed Hussein Kashani (Kashani, Hadji Mohammed Hussein Akhavan).—Tehran. III-3.

Akhavan, Morteza Kashani (Kashani, Morteza Akhavan).—Tehran. III-3.

Morocco

Tangier International Zone

Ballweg, Dr. Ernst.—Rif Hotel, Tangier. III-3.

Benadiba, Hola.—Legazpi 50, Tangier. III-3.

Bendahan, Albert (Jacob Abraham Bendahan).—Legazpi 50, Tangier. III-3.

Bendahan & Benadiba.—Legazpi 50, Tangier. III-3.

Portugal and Possessions

Portugal

Albuquerque, Dr. Augusto Lima.—Lisbon and Caldas da Rainha. III-3.

Almeida, Luiz Fernandes Serzedelo de.—Praca dos Restauradores 13, Lisbon. III-3.

Bartosch, Eduardo Rudolfo.—Rua Fernandes Tomaz 571, Oporto. III-3.

Bartosch Ltda., Eduardo.—Rua Fernandes Tomaz 571, Oporto. III-3.

Bayao, Francisco Ferreira.—Rua Augusta 219, Lisbon. III-3.

Bensabat, Saragga, Carlos.—Rua de S. Francisco Sales 2, and Praca Luiz de Camoes 4, Lisbon. III-3.

Best, Emil.—Avenida Palace Hotel, Lisbon. III-3.

Carp, Maurice.—Rua Bartolomeu Dias 120, Lisbon. III-3.

Dionisio, Joao.—Praca dos Restauradores 13, Lisbon. III-3.

Dionisio & Rosados Ltda.—Praca dos Restauradores 13, Lisbon. III-3.

Duerholt, Hans R.—Rua da Madalena 119, Lisbon. III-3.

Fontoura, Armindo.—Ave. da Liberdade 53, Lisbon. III-3.

Freitas, Antonio.—Rua dos Clerigos 82, Oporto. III-3.

Freitas, J. (Jose de Freitas Sampaio e Castro).—Rua dos Clerigos 82, Oporto. III-3.

Gasper, Georg.—Avenida Palace Hotel, Lisbon. III-3.

Lusitana de Exportacoes Ltda., Soc.—Rua Augusta 219, Lisbon. III-3.

Olpe, Fritz.—Avenida Palace Hotel, Lisbon. III-3.

Perianes Palma Ltda., Soc. Comercial.—Ave. de Libèrdade 21, Liscbon. III-3.

Portuguesa de Comercio Internacional Ltda. Soc. ("Sopocil").—Rua Ivens 44, Lisbon. III-3.

Rosado, Jnr., Joaquim Antonio.—Praca dos Restauradores 13, Lisbon. III-3.

Rosado, Joao Paulo.—Praca dos Restauradores 13, Lisbon. III-3.

Saragga, Carlos Bensabet.—Rua de S. Francisco Sales 2, and Praca Luiz de Camoes 4, Lisbon. III-3.

"Sopocil" - Soc. Portuguesa de Comercio Internacional Ltda.—Rua Ivens 44, Lisbon. III-3.

Transportes Batista Carvalho Ltda.—Rua de Sao Juliao 52, Lisbon. III-3.

Azores

Corsepius, Gustav A. S.—Horta, Fayal. III-3.

Majerviez, Johann.—Horta, Fayal. III-3.

Schroeder, Otto.—Horta, Fayal. III-3.

Madeira

Dantas & Dantas.—Funchal. III-3.

Mozambique

Moura, Abel Ribeiro de Castro e.—Rua Gouveia 8-10, Caixa Postal 1037, Lourenço Marques. III-3.

Moura, Amadeu Ribeiro de Castro e.—Lourenço Marques. III-3.

Portuguese Guinea

Assad, Aly.—Bissau. III-3.

Cadillac, Henri.—Bissau. III-3.

Carbou, Henry.—Bissau. III-3.

Courrent, Paul.—Bissau. III-3.

Henein, Jamil.—Bafata. III-3.

Joseph & Irmao, Aly.—Farim. III-3.

Oliveira, Henrique de.—Bissau. III-3.

Spain

"Alvacork"—Francisco Alvarez y Alvarez.—Hernando Colon 24-26, and Jupiter 6, Seville. III-3.

Alvarez y Alvarez, Francisco ("Alvacork").—Hernando Colon 24-26, and Jupiter 6, Seville. III-3.

Bachmann, Leon.—Via Augusta 151, Barcelona III-3.

Bachmann, Max.—Via Augusta 151, Barcelona. III-3.

Best, Emil.—Palace Hotel, Madrid. III-3.

Ceramica de las Cies S. L.—Calvario, Vigo. III-3.

Comercial Iberica S. A., Soc.—Nicolas Maria Rivero 9, Madrid. III-3.

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[5] Not to be confused with Fritz Marx, owner of "Foto Preuss", Praça Getulio Vargas 2, Rio de Janeiro.

[1] Not to be confused with Roberto Brenes Gudiño.

Garcia, Manuel.—Paseo de la Industria 14, Barcelona, Goya 46, Madrid, and all branches in Spain. III-3.

General Mercantil del Atlantico S. A., Cia.—Jose Antonio 27, Madrid. III-3.

Granell Peris, Fernando.—Costanilla de los Angeles 18, Madrid. III-3.

Industrias Sanitarias S. A.—Paseo Gracia 48, Barcelona. III-3.

Jover, Eduardo.—Gerona 24, Barcelona. III-3.

Lambarter, Eugenio.—Santa Ana 9, Seville. III-3.

Marten, Guillermo.—Ave. Jose Antonio 604, Barcelona. III-3.

Marten, Martin.—Ave. Jose Antonio 604, Barcelona. III-3.

Navarro Pardo, Justo.—Real 21, Coruna, and at Gijon. III-3.

Navarro, viuda de Justo.—Real 21, Coruna. III-3.

Reboredo Isla, Alejandro Garcia.—Garcia Olloqui 2, Vigo, and at Villagarcia. III-3.

Reboredo Isla, Jose Garcia.—Garcia Olloqui 2, Vigo. III-3.

Reboredo Isla, Ramon Garcia.—Garcia Olloqui 2, Vigo, and at Villagarcia. III-3.

Reboredo Hnos., Garcia.—Garcia Olloqui 2, Vigo, and at Villagarcia. III-3.

Reimann, Juan.—Castellana 13, Madrid. III-3.

Rueda Blanco, Fernando.—Lauria 118, Barcelona. III-3.

Sans Magin.—Ave. Gen. Franco 51, Tarragona. III-3.

Sweden

Gevaerts Skandinaviska Generalagentur.—Hamngatan 24, Stockholm. III-3.

Switzerland

Banque de Paris et des Pays-Bas, Succursale de Geneve.—Rue de Hollande 6, Geneva. III-3.

Continentale Elektrizitaets-Union A. G.—Freiestr. 90, Basel. III-3.

Gestion Industrielle et Financiere, Soc. de.—St. Alban Anlage 1, Basel. III-3.

Gyr-Kalin, Mrs. Pia.—Peterstr. 11, Zürich. III-3.

Hermann, Dr. Alois.—Peterstr. 11, Zürich. III-3.

Imperium S. A.—Zürich. III-3.

Lang, Eugen.—Peterstr. 11, Zürich. III-3.

Medilabor G. m. b. H.—Peterstr. 11, Zürich. III-3.

Pediglob-Fusstutzen, Dr. Keller & Gyr, G. m. b. H.—Peterstr. 11, Zürich. III-3.

Recta Watch Co. Ltd. (Fabrique d'Horlogerie Recta S. A.).—Rue du Viaduc 3, Bienne. III-3.

Riedweg, Dr. Albert.—Schwanenplatz 8, Lucerne. III-3.

Schunke, Commendatore Professor Gerhard.—Villa Voltadone, Breganzona. III-3.

Thomas, Albert.—Rue de la Corraterie 26, Geneva. III-3.

Traber, Werner.—Blauenstr. 26, and St. Albantal 34-5, Basel. III-3.

Vaucher, Andre.—Rue du Viaduc 3, Bienne. III-3.

Vaucher, Maurice.—Rue du Viaduc 3, Bienne. III-3.

Turkey

Abeniacar, Abramo Vittorio.—P. O. Box 110, Istanbul. III-3.

Coskun, J. A.—Mersin. III-3.

Giras, Giorgio.—Taptas Han 16-20, Galata, Istanbul. III-3.

Giras, Giorgio ve Osman Nebioglu.—Taptas Han 16-20, Galata, Istanbul, and all branches in Turkey. III-3.

Nebioglu, Osman.—Taptas Han 16-20, Galata, Istanbul. III-3.

AMENDMENTS

Morocco

Spanish Morocco

Relative to Almadraba Marroqui, add (owner of S. T. "Paco").

Tangier International Zone

Relative to Bata, Calzados S. A., for Rue de Fez 68, Tangier, substitute Rue de Foucauld 18, Tangier, and all branches in Tangier.

Relative to Carranza, Ramon, delete S. T. "Paco".

Portugal

Relative to Polonia, Adao Pacheco, for "Carlos Alberto", substitute "Carlos Alberto Primeiro" and for "Goncalo Zarco" substitute "Goncalves Zarco Segundo".

Spain

For Aduanas y Transportes Jose Herrero, S. A.—Barcelona, substitute Aduanas y Transportes Internacionales Jose Herrero S. A.—Rambla Santa Monica 29, Barcelona.

Relative to Alvarez Gonzalez, Francisco, for Seville, substitute and Hernando Colon 24-26, Seville.

Relative to Greiner, J. A., for Calle Pecher y Santa, San Feliu de Guixols, substitute Calle Pecher y Santa Magdalena, San Feliu de Guixols.

Relative to Greiner, C. A. y Hijos S. A., for Calle Pecher y Santa, San Feliu de Guixols, substitute Calle Pecher y Santa Magdalena, San Feliu de Guixols.

For Herrero S. A., Jose, Aduanas y Transportes.—Barcelona, substitute Herrero S. A., Jose-Aduanas y Transportes Internacionales.—Rambla Santa Monica 29, Barcelona.

For Nortes.—Seville, substitute Nortes Macanes, Jose.—Rosario 2, Seville.

For Wuelfing, Federico.—Calle Pecher y Santa, San Feliu de Guixols, substitute Wirsing, Federico.—Calle Pecher y Santa Magdalena, San Feliu de Guixols.

Sweden

Relative to Axelsson & Co., Torsten, for Kungsgatan 42, substitute Kungsgatan 37.

Relative to Tobis Film A/B, for Adolf Fredriks Kyrkogatan 5-7, substitute Kungsgatan 15.

Switzerland

Relative to Beyer, Max, for Arbon, substitute Neubrunnenstr. 41, Zürich.

For Buas A. G.—Aeschengraben 24, Basel, substitute Buss A. G.—Aeschengraben 24, Basel.

Relative to Haniel A. G., Franz add and all branches in Switzerland.

DELETIONS

Iraq

Baladi, H. & Fils.—5-33 Rewaq St., Baghdad.

Morocco

Tangier International Zone

Benhaim, S. M.—Azancot Bldg., Grand Socco, Tangier.

Portugal and Possessions

Portugal

Cale, Jose.—Mexilhoeira da Carregacao, Portimao.

Feu Manuel.—Mexilhoeira da Carregacao, Portimao.

Feu Marchena, Caetano.—Mexilhoeira da Carregacao, Portimao.

Feu Marchena, Ernesto.—Mexilhoeira da Carregacao, Portimao.

Feu Marchena, Jose Antonio.—Mexilhoeira da Carregacao, Portimao.

Feu Hnos. Soc. de Resp. Ltda.—Mexilhoeira da Carregacao, Portimao.

Gottlieb, Egon.—Rua do Arsenal 108, Lisbon.

Madeira

Branco, Jose Maria.—Funchal.

Turkey

Latif, Akif.—Fatih, Tramvay Duragi Yerinde 84, Istanbul.

[F. R. Doc. 42-10156; Filed, October 10, 1942; 11:06 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletins 114-116]

PART 408—ACCOUNTING DIVISION

INTEREST CONVENIENCE PERIOD, ETC.

Amending Part 408, Chapter IV, Title 24 of the Code of Federal Regulations.

The second paragraph of § 408.00d is amended to read as follows:

§ 408.00d *Interest convenience period.* * * *

The interest convenience period shall apply also to any excess payment or curtailment or miscellaneous credit."

The second paragraph of § 408.00e is amended to read as follows:

§ 408.00e *Interest convenience period applicable to advances.* * * *

The interest convenience rule prescribed in § 408.00d shall apply also to any advance made by the Corporation for the account of a home owner.

Section 408.00j is amended to read as follows:

§ 408.00j *Interest convenience period applicable to payment in full.* In considering the date of full and final payment of all moneys due the Corporation on an account, the mailing date (as evidenced by the postmark on the envelope transmitting such payment to an office of the Corporation) shall be accepted as the date on which the payment was received by the Corporation. The interest convenience rule prescribed in § 408.00d shall apply also to any such final payment.

(Effective October 15, 1942.)

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, as amended by section 13, 48 Stat. 647: 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529.)

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 42-10235; Filed, October 12, 1942; 11:01 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1470]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

DISTRICT NO. 8—CRYSTAL BLOCK MINING CO.

Findings of fact, conclusions of law, memorandum opinion and order in the matter of petition of Bituminous Coal Producers Board for District No. 8 for a change in classifications and minimum prices for coals of the Crystal Block Mining Company, a code member in District No. 8, for all shipments.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division (the "Division") on May 29, 1942, by District Board No. 8, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Act"). The petitioner requests a change in price classifications and minimum prices for coals of the Crystal Block Mining Company.

The petitioner proposes a change in minimum prices as established by final order of the Acting Director in Docket No. A-1054, 6 F.R. 5388, for certain coals of Crystal Block Mining Company, a code member in District 8, operating its No. 2 Mine (Mine Index No. 921) located in Mingo County, West Virginia, Freight Origin Group No. 120, and operating in the Alma Seam, which are shipped by rail, rail-lake and truck from Lobata, West Virginia. The presently effective classifications and prices are as follows: In Size Groups 18–21, inclusive, for shipment by rail to destinations other than Great Lakes, Classification "E"; Size Groups 18–21, inclusive, for Great Lakes cargo only, Classification "E"; and Size Groups 7 and 8, truck, $1.80 and $1.75, respectively. The petitioner requests that the following classifications and minimum prices be established: Size Groups 18–21, inclusive, for shipment by rail to destinations other than Great Lakes—"C"; Size Groups 18–21, inclusive, for Great Lakes cargo only—"C"; and Size Groups 7 and 8 for truck shipment "$1.90" and "$1.85" respectively.

Pursuant to appropriate orders and after notice to interested persons, a hearing in this matter was held on May 6, 1942, before W. A. Cuff, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C.

All interested persons were afforded an opportunity to be present, adduce evidence, cross examine witnesses and otherwise be heard. District Board No. 8 and the Consumers' Counsel appeared. The preparation and the filing of a report by the Examiner was waived by all parties and the record was thereupon submitted to the undersigned.

The No. 2 Mine (Mine Index No. 921) of Crystal Block Mining Company produces coal from the Alma Seam for steam use only. The producer is and has been since on or about October 1, 1941, equipped to produce only mine run coal which it crushed down to 2'' x 0 (Size Group 20) coal. Size Group 20 coal thus produced, consisting of the entire output of the mine, is shipped principally by rail to Market Areas 15 to 21, inclusive, and via rail to Market Area 99, for shipment via the Great Lakes. Such coal is also sold in Market Area 101 to which it is shipped via truck. In each of such markets, Size Group 20 coal produced from the No. 2 Mine is variously competitive with similarly sized coals produced from mines operated by other code members in District 8 and most directly competitive with such coals produced from Alma Mine (Mine Index No. 13) of Alma Fuel Company, No. 6 Mine (Mine Index No. 394), of Red Jacket Coal Corporation.

The classification and effective minimum prices presently applicable to the 2'' x 0'' coal produced from the No. 2 Mine of Crystal Block Mining Company were established by the Director in Docket No. A-1054 in conformity with the classifications and minimum prices proposed therefor by the petitioner. At the time these prices were established the mine had just begun operation.

Development has now been completed and further inspection and current analysis of the coal produced from said mine, as testified to by F. L. Poindexter, a member of the classification and price committee of District Board No. 8, indicate that such coal is competitive with and comparable to Size Group 20 coals produced from mines presently classified at "C" for rail and rail-lake shipment and $1.90 and $1.85 in Size Groups 7 and 8, respectively, for truck shipment rather than being comparable to Size Group 20 coal produced by mines presently classified "E" for rail and rail-lake shipment and at $1.80 and $1.75 in Size Groups 7 and 8, respectively, for truck shipment, with which the No. 2 Mine coals of Crystal Block Mining Company were thought to be comparable when prices were first proposed and established for such coals.

The order in Docket No. A-1054 was issued on October 7, 1941, 6 F.R. 5388. It was provided that the prices would become finally effective 60 days thereafter unless it should otherwise be ordered. Up until the spring of 1942, the Board, it is said, had no indication that the temporary prices were not proper and, therefore, allowed the aforesaid order to become final and the prices established thereunder have been effective since December 6, 1941.

Ever since the mine began its operations, its entire output has been crushed to 2'' x 0 and has been sold principally for steam raising purposes as Size Group 20 coals upon the general industrial market. In this market the coals of this mine entered into competition with the bulk of Size Group 20 coals produced in District No. 8. On May 27, 1942, District Board had the coals in Size Group 20 as loaded in railroad cars at the mine sampled by Commercial Testing and Engineering Company. The analysis showed that the qualities of the coal produced by the mine were comparable to those produced by mines classified as "C" and which had been marketed under a "C" classification in Size Groups 18–21, since the initial establishment of minimum prices in General Docket No. 15. Thereafter, District Board at its meeting on May 8, 1942, reconsidered the proposals that it had therefore made to the Division on September 8, 1941, and passed a resolution to the effect that No. 2 mine coals in Size Groups 18–21 should be classified "C".

On May 14, 1942, the District Board had a further analysis made which showed the coal to have almost exactly the heat value of coals of the same size produced by the Alma Fuel Company from its Alma Mine and very closely related to the Size Group 20 coals produced from Red Jacket Coal Company at its No. 6 Mine both of which had been marketed under a "C" classification.

The two analyses showed a difference in B. t. u. content of 300 B. t. u.'s, but it was pointed out that this difference was attributable to a difference in moisture, and that the displacement of the B. t. u.'s by moisture is not of the same significance in evaluating coals as a difference in the ash content. This is said to be because of the fact that the moisture content is more variable than ash content, depending upon climatic and mining conditions, which may exist for only relatively short periods and which would not be typical. Therefore, the question of whether or not the analysis of March 27 was more truly representative of the actual production of coals at the mine is relatively immaterial for the purposes of this proceeding in that either analyses, if typical, would warrant a classification of "C" and witness Poindexter testified that: "When both analyses are considered together it is my view that the representative quality of the coals fall somewhere within the range of the two analyses."

Other factors to be taken into consideration in considering an increase in the classification of the coals of the No. 2 Mine of Crystal Block Mining Company to reflect their real market values are as follows: The heat value of Size Group 20 coals is a factor of prime importance in the determination of market values in a competitive market in that in the absence of actual plant tests, the heat values in the competitive market may be expected to be expressed by relative prices.

The record shows that in the prevailing market since October, 1941, there has been a specially strong demand for steam coals of all kinds, and, therefore, relative prices have lost such of their importance as an indication of relative market values.

It appears from the record that while the coals of Crystal Block No. 2 Mine are selling on the present market and the market existing for the past year at practically the same price as competing coals of the same quality that on a very competitive market such as was contemplated by the Act, the coals of Crystal Block No. 2 Mine, as presently classified, could sell at different or lower prices.

It appears that on the basis of the analytical quality of the coal as compared with the analytical qualities of the two coals presently classified "C" as above set forth for the Alma Mine and the Red Jacket Mine that the coal in question should have a "C" classification for 2'' x 0 coals and for Size Groups 18–21, inclusive.

The record shows that all of the coals produced by the Crystal Block No. 2 Mine are produced for rail shipment and that inasmuch as it is customary in the pricing of coal to give all rail mines truck prices which are usually the equivalent of rail prices for the same sizes that the increase of 10 cents per ton for the truck prices similar to the increase sought for the rail prices is warranted.

Now, therefore, it is ordered, That the price classifications and minimum prices established for the coals of No. 2 Mine (Mine Index No. 921) of Crystal Block Mining Company for all shipments except truck, and for truck shipments by order in Docket No. A-1054, be and the same are hereby terminated.

It is further ordered, That effective fifteen (15) days from the date of this order § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: September 26, 1942.

[SEAL] DAN H. WHEELER, *Director.*

DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilties, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Sub-district No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.																													
								For destinations other than Great Lakes																For Great Lakes cargo only													
								1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
921	Crystal Block Mining Company	No. 2	Alma	8	Sprigg, W. Va	N&W	130	•	•	•	•	•	•	•	•	•	C	†	†	•	•	•	•	•	•	•	•	•	•	•	•	C	†	•	•	•	•

•Indicates previously classified these size groups.
†Indicates no classification effective for these size groups.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2'', Egg 4'' x 6''	Lump 2'' and under, Egg 3'' x 6''	Lump ¾'' and under	Egg 2'' x 4'' Egg 2'' x 5''	Stove 3'' and under, Nut 2'' and under	Straight mine run	2'' and under, Slack	¾'' and under, Slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 8—WILLIAMSON											
MINGO COUNTY, W. VA.											
Crystal Block Mining Company	No. 2	921	Alma	(*)	(*)	(*)	(*)	(*)	(*)	190	185

*Indicates previously classified these size groups.

[F. R. Doc. 42-10096; Filed, October 9, 1942; 9:07 a. m.]

[Docket No. A-1475]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

DISTRICT NO. 8—BRIMSTONE MINE

Findings of fact, memorandum opinion and order of the Director in the matter of the petition of District Board No. 8 for increase of price classifications and minimum prices for the Brimstone Mine.

This proceeding was instituted upon a petition filed on May 29, 1942, by District Board No. 8, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, wherein petitioner prayed for certain increases in the price classifications and effective minimum prices for the coals produced at the Brimstone Mine, Mine Index No. 67.

Pursuant to an order of the Director dated June 12, 1942, this matter came on for hearing before W. A. Cuff, duly designated Examiner of the Division, at a hearing thereof in Washington, D. C. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise participate fully in the hearing.

District Board No. 8, the Bituminous Coal Consumers' Counsel and Brimstone Coal Company were represented at the hearing. At the conclusion of the hearing the parties waived the preparation and filing of a report by the Examiner and the matter was thereupon submitted to the undersigned for his consideration.

District Board No. 8, petitioner, prayed that the Division increase the minimum price classifications established for the coals produced at the Brimstone Mine, Mine Index No. 67, of the Brimstone Coal Company, in District No. 8, in Size Groups 18 to 21, inclusive, for all shipments except truck for all destinations other than the Great Lakes, and for Great Lakes cargo only, from "M" to "G", and to increase the minimum prices applicable to the coals produced at said mine, in Size Groups 7 and 8 for truck shipments only, from $1.55 and $1.50, respectively, to $1.70 and $1.65, respectively.

The reasons set forth by the petitioner as the basis for the increase as prayed for herein are as follows: District Board No. 8 in Docket No. A–81 proposed classifications and effective minimum prices for the coals produced at the Brimstone Mine upon an indicated market history of such coals in competition with similarly sized coals produced in District No. 8 at the Rainbow Mine (Mine Index No. 548) operated by Ed. Lindsey, Blue Heron Mine (Mine Index No. 445), No. 11 Mine (Mine Index No. 443), and No. 15 Mine (Mine Index No. 444), of Stearns Coal and Lumber Company, all operating in the No. 1 Seam, and Zenith Mine (Mine Index No. 511) and Marlowe Mine (Mine Index No. 577) operating in the Dean Seam. At the time the proposal for effective minimum prices was made by District Board No. 8 in Docket No. A–81, no analyses of the coal produced at the Brimstone Mine were available to the petitioner.[1]

Since the original classification of Size Groups 18 to 21 coal produced at the Brimstone Mine, the petitioner had analyses of the coals made, said analyses being made by the Commercial Testing and Engineering Company. These analyses showed that the coals produced at the Brimstone Mine were of a far superior market value in comparison with the coals produced from any of the other mines which were classified in Docket No. A–81.

On July 9, 1941, Red Jacket Coal Corporation, a code member operating several mines in District No. 8, assumed ownership and control of the Brimstone Mine. Under the management of Red Jacket Coal Corporation the output of the mine has been increased and the distribution of 2″ x 0 slack coal produced at the Brimstone Mine had become more widely distributed.

On October 29, 1941, the Brimstone Coal Company, in a letter to the Bituminous Coal Producers Board for District No. 8, called attention to the superiority of the coal produced at the Brimstone Mine and suggested that Size Group 20 be reclassified due to the fact that the minimum price of which was too low in comparison with competitive coals moving into the same market.[2]

F. D. Poindexter testifying in behalf of petitioner testified that in Docket A–81, the established effective minimum prices for the coals produced at the Brimstone Mine were established by correlating the coals produced therefrom with coals produced at the Zenith and Marlowe Mines. However, he stated that the Brimstone Mine operated in the Glen Mary Seam and, as far as he knew, was the only mine producing coal from such seam for rail shipment, and also the only mine operating in Scott County, Tennessee, with the exception of Straight Fork Coal Company which operates in the upper Dean Seam. He stated further that at the time the mine was first classified the shipping point was on the CNO & TP at New River, Tennessee, and the shipping point has since been changed to Round Mountain, Tennessee. He stated further that at the time of the establishment of effective minimum prices in District No. 8, owing to the large number of mines, District Board No. 8 had not obtained analyses of the coals produced at the different mines, and particularly the small truck mines, and therefore, the Zenith and Marlowe Mines being the nearest adjoining mines to the Brimstone Mine, the same effective minimum prices were recommended for these mines. Poindexter also stated that in District No. 8 there are about 44 rail mines that have a "G" classification which compete with the coals produced at the Brimstone Mine. The chief factor considered by the committee in making the present proposal that Size Group 18 to 21 coals produced at said mine be classified as "G" was that the Brimstone Mine operated principally in competition with rail mines, rather than with small truck mines.

R. D. Stockdale, President of Red Jacket Coal Sales Company, testified at the hearing and stated that in his opinion the request as set forth in the petition herein was based upon a fair competitive analysis of the coals produced at the Brimstone and other competing mines and that he found they were able to market Size Group 20 coal produced at the Brimstone Mine at prices ranging from $2.15 to $2.25 per ton, which was comparable to the prices obtained during the same period for coals produced at other mines which were classified as "G" classification. He stated also that competitive coals which the Red Jacket Coal Corporation met in the normal market, such as the Jellico seam coals, were selling at prices ranging from $2.15 to $2.25 per net ton, and due to the fact that the coals produced at the Brimstone Mine had a "M" classification, sales resistance was encountered.

There is no direct evidence in the record to refute the contention of the petitioner herein. However, the names and mine index numbers of other mines operating in the Glen Mary Seam appear in the record, namely, Dewey Lindsey Mine (Mine Index No. 574), Glen Mary Coal Company Mine (Mine Index No. 5383) and John West Mine (Mine Index No. 2829). It is contended in behalf of the petitioner that these mines are small truck mines. Nevertheless, a "K" classification was established for Size Groups 18 to 21, inclusive, produced at these mines for shipment by rail. It, therefore, appears appropriate, notwithstanding that these mines sell a good deal of their production for shipment by truck, to establish a "K" classification for Size Groups 18 to 21, inclusive, coals produced at the Brimstone Mine in order to relate properly these coals to others produced in District No. 8, and most especially those by mines operating in the Glen Mary Seam.

Petitioner further seeks an increase in the established effective minimum prices for Size Groups 7 and 8 coals produced at the Brimstone Mine from $1.55 and $1.50, respectively, to $1.70 and $1.65, respectively. However, at the time effective minimum prices for truck shipments of $1.55 and $1.50 for Size Groups 7 and 8, respectively, were established, such prices were established on a basis of a "K" classification for rail shipments, and it appears that fair competitive prices will be maintained by retaining the established effective minimum prices of $1.55 and $1.50, respectively, for Size Groups 7 and 8 for truck shipments for the Brimstone Mine. Therefore the request to increase the prices for truck shipments will be denied.

Now, therefore, it is ordered, That effective fifteen (15) days from the date of this order § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

Dated: September 26, 1942.

[SEAL] DAN H. WHEELER,
Director.

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[1] In the original petition in Docket No. A–81 a "K" classification was requested for Size Group 20 coal produced at the Brimstone Mine. Before the matter came on for hearing the request was changed from "K" to "M" classification, and a "M" classification was established for Size Group 20.

[2] 2″ x 0 slack coal, as set forth in § 328.3 in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck, is classified as Size Group 20. At the time of the request for a reclassification of Size Group 20, research had not been made with respect to other size groups to ascertain proper classification.

DISTRICT NO. 8

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name seam	High volatile	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.																													
								For destinations other than Great Lakes																For Greak Lakes cargo only													
								1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17,	18, 19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
67	Brimstone Coal Company	Brimstone	Glen Mary	6	Round Mountain, Tenn.	Brimstone	73	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	K	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	K	(†)	(*)	(*)	(*)	(*)

*Indicates previously classified these size groups.
†Indicates no classification effective for these size groups.

[F. R. Doc. 42–10095; Filed, October 9, 1942; 9:07 a. m.]

[Docket No. A–1639]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of the Arkansas Coal Company for the establishment of additional price classifications and minimum prices for the coals of its Arkansas Coal Company Mine (Mine Index No. 593) and for a change in the subdistrict number for this mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party, requesting the establishment both temporary and permanent, of additional price classifications and minimum prices for the coals of the Arkansas Coal Company Mine (Mine Index No. 593), in District No. 14, and requesting a change in the subdistrict number for this mine.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 334.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 334.24 (*General prices for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Price classifications and minimum prices for Size Groups 14, 15, and 16 were established in Docket No. A–1343 upon the basis of a petition filed by District Board No. 14. Although the seam in which the mine is located was unknown, the mine was designated as being located in Subdistrict No. 1. It now appears that the mine is in the Philpott Seam and is, in fact, in Subdistrict No. 2. The price classifications and minimum prices heretofore established for this mine were, however, based upon those for comparable and analogous coals produced in Subdistrict No. 2. Accordingly, the Subdistrict number (No. 1) designated for this mine in the Schedules attached to and made a part of the Order issued in Docket No. A–1343 is hereby deleted.

No price classifications and minimum prices are proposed by petitioner for the coals in Size Group 12, produced from the Arkansas Coal Company Mine (Mine Index No. 593). However, the consolidated Order issued in Dockets Nos. A–137, A–208, and A–251, on March 28, 1942, 7 F.R. 2703, permanently established a price classification of "L" for all shipments except truck and a minimum price of $3.00 per ton for truck shipments, for the coals in Size Group 12 produced from mines in Production Groups 2 to 9, inclusive, in District No. 14. For purposes of uniformity, it is deemed advisable to establish price classifications and minimum prices for the above-named mine which will correspond with those in effect for other mines in the same subdistricts producing comparable and analogous coals. Accordingly, price classifications and minimum prices for all shipments except truck and for truck shipments have been included in the attached Schedules marked Supplement R and Supplement T for the coals in Size Group 12 produced from Mine Index No. 593.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: September 26, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Code member	Mine index No.	Mine name	Sub-dis-trict No.	Shipping point	Railroad	Freigh origin group No.	Price classification by size group																			
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Arkansas Coal Company % Earl Cobb	593	Arkansas Coal Co.	2	Hartman, Arkansas	MP	33	------	------	B	K	-----	L	L	L	L	H	G	L	-----	(*)	(*)	(*)	-----	N	-----	-----

*Previously classified for these size groups. No changes requested.

The above classifications are subject to the Order granting temporary relief in Docket A-1360.

FOR TRUCK SHIPMENTS

§ 334.24 *General prices for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member	Mine index No.	Mine name	Sub-district No.	County	Prices and size group numbers																			
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Arkansas Coal Company c/o Earl Cobb	593	Arkansas Coal Co.	2	Johnson, Arkansas	------	------	400	400	-----	400	400	400	380	360	335	300	-----	(*)	(*)	(*)	-----	325	-----	-----

* Previously priced for these size groups. No changes requested.

The above prices are subject to the order granting temporary relief in Docket A-1360.

[F. R. Doc. 42-10110; Filed, October 9, 1942; 11:24 a. m.]

[Docket No. A-1626]

PART 337—MINIMUM PRICE SCHEDULE DISTRICT NO. 17

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of Manuele Arcuri, a code member in District No. 17, for the establishment of price classifications and minimum prices for the coals of the Mary No. 2 Mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Mary No. 2 Mine, Mine Index No. 522 of code member Manuele Arcuri in Subdistrict 7 in District No. 17 for shipment by truck to all market areas; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 337.4 (*Code member price index*) is amended by adding thereto Supplement T-I, and § 337.21 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T-II which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: September 28, 1942.

[SEAL] DAN H. WHEELER,
Director.

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 337, Minimum Price Schedule for District No. 17, and supplements thereto.

FOR TRUCK SHIPMENTS

The following price classification and minimum prices shall be inserted in Minimum Price Schedule for District No. 17:

§ 337.4 *Code member price index*—Supplement T-I

Insert the following listing in proper alphabetical order:

Producer	Mine	Mine index No.	County, State	Subdistrict price group	Prices	
					Rail	Truck
Arcuri, Manuele	Mary No. 2	522	Las Animas, Colo.	7	-----	§337.4

§ 337.21 *General prices in cents per net ton for shipment into all market areas*—Supplement T-II

Insert the following code member name, Mine Name and county under Subdistrict No. 7, in proper order, and the following prices:

Code member mine name	County	Size groups										
		1	2	3	4	5	6	7	9	10	13	17
Subdistrict No. 7—Arcuri, Manuele Mary No. 2.	Las Animas	430	420	400	400	375	375	365	330	315	225	340

[F. R. Doc. 42-10109; Filed, October 9, 1942; 11:24 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter III—Bureau of Mines

PART 301—CONTROL OF EXPLOSIVES AND THEIR INGREDIENTS IN TIME OF WAR OR NATIONAL EMERGENCY

AMENDING REGULATIONS UNDER FEDERAL EXPLOSIVES ACT

Pursuant to the authority conferred by section 18 of the act of December 26, 1941 (55 Stat. 863), the regulations under the Federal Explosives Act heretofore promulgated[1] are hereby amended as follows:

Section 301.6 (c) is amended by changing the reference "§§ 301.7 (g) and 301.9 (a)" to "§§ 301.7 (i) and 301.9 (a)", and by adding the following sentence:

§ 301.6 *Qualifications of applicants for license.* * * *

(c) * * *

* * * No license may be granted to any person, citizen or alien, who may be prohibited from possessing, using or controlling explosives or component parts thereof by regulation or proclamation of the War Department or other Federal agency. (Sec. 2, 55 Stat. 863; 50 U.S.C. 121–142)

Section 301.7 (g) is amended to read as follows:

§ 301.7 *Applications for licenses; forms.* * * *

(g) *Qualification affidavits required.* Every individual applicant and every partner, where a partnership is an applicant, must file with an application affidavits supporting his qualifications executed by at least two responsible citizens, preferably Federal, State or local officials. The affiants must not be connected with the applicant by blood, marriage or business relationship, except that one of the affiants supporting the application for a foreman's license may be the applicant's employer or an officer or agent of his employer. The affidavits shall state the length of time the affiants have known the applicant, in what connection they have known him, and the affiants' knowledge and judgment as to the reliability and experience of the applicant in regard to explosives or explosives ingredients, as to his loyalty and friendliness to the United States, and as to his need for the license applied for. For this purpose the affiants may use the Bureau of Mines form entitled Affidavit in Support of Application for a Federal Explosives License. (Sec. 2, 55 Stat. 863; 50 U.S.C. 121–142)

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[1] 7 F.R. 305, 1103, 1976, 3876, 4758, 5901.

Section 301.7 is further amended by adding paragraph (h) to read as follows:

(h) *Supplementary questionnaire.* A supplementary questionnaire executed under oath on a Bureau of Mines form may be required by a licensing agent of any applicant concerning whose qualifications he desires further information. It may likewise be required by the Director of the Bureau of Mines at any time of any licensee or applicant. It is required to be filled out by individual applicants who are enemy aliens, by applicant organizations of which one or more directors or officers or one or more stockholders or members listed in the application are enemy aliens, and by all applicants who have at any time failed to comply with Federal, State or local laws, regulations and instructions relating to the manufacture, handling and storage of explosives and ingredients thereof. (Sec. 2, 55 Stat. 863; 50 U.S.C. 121–142.)

Section 301.7 is further amended by adding paragraph (i) to read as follows:

(i) *Permission of United States Attorney to enemy aliens.* All enemy aliens prohibited by proclamation of the President or regulation of the Attorney General from having the use, possession or custody of explosives or component parts thereof, except upon the written permission of a United States Attorney, are required to submit with their applications the original copy of the permission given by a United States Attorney. An original copy of such permission must be submitted by every applicant organization for each officer or director or partner listed in its application who may be an enemy alien subject to such prohibition, and for each officer or employee shown in a supplementary questionnaire as responsible for the handling of explosives who may be such an enemy alien. (Sec. 2, 55 Stat. 863, 50 U.S.C. 121–142.)

Section 301.8 (a) is amended to read as follows:

§ 301.8 *Filing of applications*—(a) *Purchaser's, vendor's or foreman's applications.* Application for a purchaser's, vendor's or foreman's license shall be filed with a licensing agent in the city, town or village in which the applicant resides or conducts his business. If there is no licensing agent therein, or if the applicant does not reside or conduct his business in a city, town or village, the applicant shall apply to the licensing agent in the county of his place of residence or business or in any county adjoining thereto. The requirement for filing an application with a licensing agent in a particular locality may in the discretion of a licensing agent be waived by him where good cause is shown by the applicant for such waiver. In such case, the licensing agent shall forthwith report the circumstances to the Director and the licensing agent to whom the application should otherwise have been addressed.

Applications for a purchaser's, vendor's or foreman's license shall not be filed with the Director, except for a special reason stated with the application. Any application filed with the Director unaccompanied by such a statement or accompanied by a statement deemed insufficient, will be returned to the applicant for filing with a local licensing agent. (Sec. 2, 55 Stat. 863; 50 U.S.C. 121–142.)

Section 301.8 (c) is amended to read as follows:

(c) *Appearance by applicant.* In all cases where licenses are issued by licensing agents, the applicant or representative of the applicant (in the case of a firm, corporation, or other organization) to whom the license is to be issued should appear personally before the licensing agent, and the licensing agent may, in his discretion, require him to do so. The oath on an application and on any supplementary questionnaire required in connection with an application should be executed, wherever possible, before the licensing agent. (Sec. 2, 55 Stat. 863, 50 U.S.C. 121–142.)

Section 301.9 (a) is amended by changing the first paragraph to read as follows:

§ 301.9 *Issuance of original licenses*—(*a*) *Issuing officers and fees.* Licensing agents are authorized to issue only three kinds of licenses, to wit: vendor's, purchaser's and foreman's. Only the Director may issue manufacturer's and analyst's-inventor's-educator's-investigator's licenses, but the Director may receive applications for and issue all forms of licenses. Licensing agents are not authorized to issue licenses to enemy aliens or to firms, corporations or other organizations of which any of the officers or directors is an enemy alien or which is controlled by members or stockholders who are enemy aliens, but all applications of this type shall be forwarded to the Director with the necessary supplementary questionnaires, supporting affidavits and original copies of permission from a United States Attorney, and with the recommendations of the licensing agents as to appropriate action. The Director, upon the showing of special circumstances, may issue licenses in such cases. (Sec. 2, 55 Stat. 863; 50 U.S.C. 121–142)

Section 301.11 (e) is amended to read as follows:

§ 301.11 *Licensing agents; instructions.* * * *

(e) *Publicizing appointment and licensees.* Licensing agents should, for the convenience of the public, publicize their authority to issue Federal explosives licenses by informing local public officials, by notifying local newspapers and radio stations, and by such other means as may be available and appropriate.

Licensing agents should also publicize as widely as possible, for the protection of the public, the names and addresses of licensees and their sponsors, if any, who have signed qualification affidavits by posting such names and addresses in public places, by informing local public officials, newspapers and radio stations, and by such other means as may be available and appropriate. Licensing agents shall post prominently in their own offices the name and address of each licensee and his sponsors for a period of at least six months after the license is issued. (Sec. 2, 55 Stat. 863; 50 U.S.C. 121–142)

Section 301.13 is amended to read as follows:

§ 301.13 *Information available to officials and the public.* All information and records in the possession of a licensing agent concerning any applicant for a license or licensee shall be available to officials of the Federal Government and to State, county and city police officers and open to their inspection. In his discretion the licensing agent may give information concerning an applicant or licensee to any member of the public, based upon the records in his possession, except that information relating to the financial interests of stockholders or members of an organization, or to the amount of explosives or explosives ingredients previously acquired, used and disposed of by the applicant or licensee shall not be disclosed and the application form shall not be shown to the public unless permission is given by the applicant, the licensee, or the Director. Information and records relating to appellate proceedings shall not be available to the public without the consent of the Director. (Sec. 2, 55 Stat. 863; 50 U.S.C. 121–142)

Section 301.14 (d) is amended to read as follows:

§ 301.14 *Licenses; duties and obligations.* * * *

(d) *Records of transactions.* One purpose of the act is to make it possible at all times to know or ascertain the source and the ultimate disposition of all explosives and ingredients covered by the act. To this end licensees must keep full and detailed records of transactions in explosives and ingredients, showing the amount and kind on hand at the beginning of the account; the amount and kind received by purchase, issuance or otherwise; the amount and kind sold or otherwise disposed of including sales or issuances to employees, the names of the persons to whom explosives or ingredients are sold, issued or otherwise disposed of, and the balance on hand. Licensees should keep records adequate and suitable with reference to the nature of their operations and the extent of their transactions. The records of manufacturers and vendors must include tabulation of the persons to whom, the amounts in which, and the dates on which explosives or ingredients were sold or otherwise disposed of, and the Federal explosives license number of the person to whom each sale or other disposition was made. The records of foremen must include tabulation of each employee to whom explosives or ingredients are sold or issued and the amount sold or issued and returned and shall conform with the requirements for foremen's records in § 301.20 (d). The records of purchasers and analysts, educators, inventors and investigators must include a showing of the persons from whom, and the dates

on which, and the amounts in which explosives or ingredients were purchased or otherwise acquired, and the dates on which, the amounts in which, and the purposes for which they were used. Copies of records must be sworn to and furnished to the Director of the Bureau of Mines or his authorized representative whenever requested. Sec. 2, 55 Stat. 863; 50 U.S.C. 121–142)

Section 301.14 is further amended by adding paragraph (g) to read as follows:

(g) *Restrictions on employees handling explosives.* No licensee shall permit any enemy alien covered by the prohibition referred to in § 301.7 (i), who is under the licensee's direction or control, to use, or have possession, control or custody of explosives or ingredients thereof unless such alien shall have secured the written permission of a United States Attorney.

No licensee shall permit any person, whether a citizen or an alien, who is prohibited by any Federal agency from possessing explosives or component parts thereof, and who is under the licensee's direction or control, to use or have possession, control or custody of explosives or ingredients thereof. (Sec. 2, 55 Stat. 863; 50 U.S.C. 121–142)

R. R. SAYERS,
Director, Bureau of Mines.

Approved: October 9, 1942.
HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-10217; Filed, October 12, 1942; 9:54 a. m.]

Chapter VI—Selective Service System

[No. 130]

Registrant's Affidavit; Family Status and Dependents

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 41, entitled "Registrant's Affidavit—Family Status and Dependents," effective immediately upon the filing hereof with the Division of the Federal Register.[1] The original supply of forms on hand will be used until exhausted.

The foregoing revision shall become a part of the Selective Service Regulations, effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

OCTOBER 1, 1942.

[F. R. Doc. 42-10125; Filed, October 9, 1942; 2:56 p. m.]

[Order 59]

Elkton Project

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941,[1] hereby designate the Elkton Project to be work of national importance, to be known as Civilian Public Service Camp No. 59. Said camp, located near Elkton, Douglas County, Oregon, will be the base of operations for general land office work in the State of Oregon, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to Civilian Public Service Camp No. 59 will consist of forest protection and reforestation and shall be under the technical direction of the General Land Office of the Department of Interior insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

OCTOBER 7, 1942.

[F. R. Doc. 42-10126; Filed, October 9, 1942; 2:56 p. m.]

[Order 60]

Lapine Project

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675[1] dated February 6, 1941, hereby designate the Lapine Project to be work of national importance, to be known as Civilian Public Service Camp No. 60. Said camp, located at Lapine, Deschutes County, Oregon, will be the base of operations for reclamation work in the State of Oregon, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV–E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to Civilian Public Service Camp No. 60 will consist of construction of impounding and diversion dams, reservoir clearance, forest fire fighting and the fire presuppression program, and shall be under the technical direction of the Bureau of Reclamation of the Department of Interior insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

OCTOBER 7, 1942.

[F. R. Doc. 42-10127; Filed, October 9, 1942; 2:56 p. m.]

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment No. XLVII]

Part 801—General Regulations

PROHIBITED EXPORTATIONS; VARIOUS COMMODITIES

Section 801.2 *Prohibited exportations* is amended in the following particulars:

In the column headed "Gen. Lic. Group", the group designations assigned to the commodities listed below (at every place where said commodities appear in said section) are amended to read as follows:

Commodity	Dept. of Comm. No.	Gen. Lic. Group
Sheep and lamb glove and garment leather (except shearlings)	0336	K
Pig and hog glove and garment leather	0338	K
Other glove and garment leather	0339	K
Case, bag and strap leather	0356	K
Reptilian and aquatic leather	0357	K
Gum rosin	2110	K
Wood rosin	2111	K
Gum spirits of turpentine	2114	K

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[1] Filed as part of the original document.

[1] 6 F.R. 831.

Commodity	Dept. of Comm. No.	Gen. Lic. Group
Wood turpentine	2115. 1	K
Other terpene hydrocarbons derived from naval stores	2116. 1	K
Tar and pitch of wood	2118	K
Pile piece goods (velvets, etc.) of synthetic textiles	3845	K
Rags for paper stock valued $50 or over per ton	4690	K
Rags for paper stock, valued under $50 per ton	4691	K
Waste paper, No. 1 mixed paper	4699. 01	K
Waste paper, super-mixed paper	4699. 02	K
Waste paper, box board cuttings	4699. 09	K
Waste paper, white blank news	4699. 11	K
Waste paper, extra manilas	4699. 13	K
Waste paper, mixed books	4699. 27	K
Waste paper, over issue magazines	4699. 29	K
Waste paper, other	4699. 58	K
Other paper stock	4699. 98	K
Newsprint	4711	K
Anthracite coal	5001	K
Bituminous coal	5002	K
Coal and coke briquets	5003	K
Marble and other building and monumental stone, rough or dressed	5101	K
Manufactures of stone, n. e. s	5127	K
Hydraulic cement, Standard Portland	5164	K
Hydraulic cement, white nonstaining and other	5165	K
Concrete and cement manufactures	5170	K
Lime	5171	K
Metal and stove polishes	8290	K
Shoe polishes and shoe cleaners	8291	K
Floor wax, wood and furniture polishes	8293	K
Automobile polishes	8294	K
Teeth	9152	K
New pianos	9211	K
Used or rebuilt pianos	9212	K
Pipe Organs	9230	K
Other organs	9232	K
Percussion instruments	9245	K
Brass-wind instruments	9247	K
Wood-wind instruments	9248	K
String instruments	9293	K
Other musical instruments	9295	K
Musical instrument parts and accessories, n. e. s	9297	K
Dolls and parts	9400	K
Children's wheel goods and parts	9405	K
Mechanical toys and parts	9408	K
Toys, except mechanical, of metal	9409	K
Toys, except mechanical, of wood	9410	K
Toys, except mechanical, other toys and parts, except rubber	9418	K
Fishing rods	9420	K
Fishing reels	9421	K
Other fishing tackle and parts	9422	K
Golf balls	9433	K
Foot, basket, base, tennis and other balls	9434	K
Golf clubs	9436	K
Ice skates	9440	K
Roller skates	9441	K
Billiard tables and accessories	9445	K
Other athletic and sporting goods	9449	K
Amusement park and playground devices and parts	9450	K
Buttons, button parts, etc., of cellulose compounds, galalith, and other compounds	9711	K
Buttons, button parts, etc., of pearl or shell	9712. 5	K
Buttons, button parts, etc., of other materials	9712. 9	K
Button parts, backs, blanks or molds	9713	K
Toothbrushes	9822	K
Toilet brushes	9824	K

(Sec. 6, 54 Stat. 714, Public Law 75, 77th Cong., Public Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951.)

A. N. ZIEGLER,
Acting Chief,
Export Control Branch,
Office of Exports.

OCTOBER 8, 1942.

[F. R. Doc. 42-10150; Filed, October 10, 1942; 9:39 a. m.]

[Amendment XLVI]

PART 803—UNLIMITED LICENSES

BRITISH MINISTRY OF SUPPLY MISSION

Paragraph (c) of § 803.2 *Commodities and countries of destination* is hereby amended in the following particulars:

1. "British Ministry of Supply Mission" is substituted for "British Purchasing Commission".

2. The following paragraph is added after the list of commodities set forth in this paragraph:

The articles and materials listed above may also be exported under this unlimited license to British Government agencies for their official use in any destination: *Provided,* That the release certificate issued by the British Ministry of Supply Mission contains the following statement: "Shipment to a British Government agency for its official use".

(Sec. 6, 54 Stat. 714, Pub. Law 75, 77th Cong., Public Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951.)

OCTOBER 5, 1942.

A. N. ZIEGLER,
Acting Chief,
Export Control Branch,
Office of Exports.

[F. R. Doc. 42-10151; Filed, October 10, 1942; 9:39 a. m.]

[Amendment XLVIII]

PART 809—SHIPPING PRIORITY RATINGS

SHIPPING RATINGS ASSIGNED VARIOUS ARTICLES AND MATERIALS

Paragraph (a) of § 809.6 *Ratings assigned articles and materials under general licenses* is hereby amended by the assignment of the following new shipping ratings to the following listed commodities:

Schedule B No.	Commodity	Shipping rating
0336	Sheep & lamb glove & garment leather (except shearlings)	D
0338	Pig & hog glove & garment leather	D
0339	Other glove & garment leather	D
0356	Case, bag & strap leather	D
0357	Reptilian & aquatic leather	D
2110	Gum rosin	C
2111	Wood rosin	C
2114	Gum spirits of turpentine	C
2115. 1	Wood turpentine	C
2116. 1	Other terpene hydrocarbons derived from naval stores	C
2118	Tar and pitch of wood	C
3845	Pipe piece goods (velvets, etc.) of synthetic textiles.	D
4690	Rags for paper stock, valued $50 or over per ton.	D
4691	Rags for paper stock, valued under $50 per ton.	D
4699. 01	Waste paper, No. 1 mixed paper	D
4699. 02	Waste paper, super-mixed paper	D
4699. 09	Waste paper, box board cuttings	D
4699. 11	Waste paper, white blank news	D
4699. 13	Waste paper, extra manilas	D
4699. 27	Waste paper, mixed books	D
4699. 29	Waste paper, over issue magazines	D
4699. 58	Waste paper, other	D
4699. 98	Other paper stock	D
4711	Newsprint	D*
5001	Anthracite coal	D*
5002	Bituminous coal	D*
5003	Coal and coke briquets	D*
5101	Marble and other building and monumental stone rough or dressed	D
5127	Manufactures of stone, n. e. s	D
5164	Hydraulic cement, Standard Portland	D*
5165	Hydraulic cement, white nonstaining and other	D*
5170	Concrete and cement manufactures	D
5171	Lime	D
8290	Metal and stove polishes	D
8291	Shoe polishes and shoe cleaners	D
8293	Floor wax, wood and furniture polishes	D
8294	Automobile polishes	D
9152	Teeth	D
9211	New pianos	D
9212	Used or rebuilt pianos	D
9230	Pipe organs	D
9232	Other organs	D
9245	Percussion instruments	D
9247	Brass-wind instruments	D
9248	Wood-wind instruments	D
9293	String instruments	D
9295	Other musical instruments	D
9297	Musical instrument parts and accessories, n. e. s	D
9400	Dolls and parts	D
9405	Children's wheel goods and parts	D
9408	Mechanical toys and parts	D
9409	Toys, except mechanical, of metal	D
9410	Toys, except mechanical, of wood	D
9418	Toys, except mechanical, other toys and parts, except rubber	D
9420	Fishing rods	D
9421	Fishing reels	D
9422	Other fishing tackle and parts	D
9433	Golf balls	D
9434	Foot, basket, base, tennis, and other balls	D
9436	Golf clubs	D
9440	Ice skates	D
9441	Roller skates	D
9445	Billiard tables and accessories	D
9449	Other athletic and sporting goods	D
9450	Amusement park and playground devices and parts	D
9711	Buttons, button parts, etc., of cellulose compounds galalith, and other compounds	C
9712. 5	Buttons, button parts, etc., of pearl or shell	C
9712. 9	Buttons, button parts, etc., of other materials	C
9713	Button parts, backs, blanks or molds	C
9822	Toothbrushes	C
9824	Toilet brushes	C

* Rating only applicable if shipment is less than 2,240 pounds.

(Sec. 6, 54 Stat. 714, Pub. Law 75, 77th Cong., Pub. Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 267, F.R. 4951.)

A. N. ZIEGLER,
Acting Chief,
Export Control Branch,
Office of Exports.

OCTOBER 8, 1942.

[F. R. Doc. 42-10152; Filed, October 10, 1942; 9:39 a. m.]

Subchapter B—Export Control

[Amendment XLIX]

PART 808—PROCEDURE TO SECURE SHIPPING SPACE TO THE OTHER AMERICAN REPUBLICS.

APPLICATION FOR SHIPPING SPACE

Section 808.5 *Application form prescribed* [1] is hereby amended to read as follows:

Application for shipping space shall be made on the form prescribed by the Export Control Branch.

(Sec. 6, 54 Stat. 714, Pub. Law 75, 77th Cong., Pub. Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951.)

A N. ZIEGLER,
Acting Chief,
Export Control Branch,
Office of Exports.

OCTOBER 8, 1942.

[F. R. Doc. 42-10204; Filed, October 12, 1942; 9:44 a. m.]

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[1] 7 F.R. 5267.

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 904—PROCUREMENT

[Directive 2,[1] Amended]

PLACING WAR CONTRACTS BY NEGOTIATION

Pursuant to the authority vested in me by Executive Order No. 9024 of January 16, 1942, and Executive Order No. 9040 of January 24, 1942, the following policies and procedures are prescribed for all departments and agencies now or hereafter authorized by the President to exercise the powers set forth in Title II, section 201 of the First War Powers Act, 1942 (Pub. Law 354, 77th Congress).

904.1 *Placing war contracts by negotiation.* (a) Except as hereinafter provided, all such departments and agencies shall place contracts relating to war procurement by negotiation. Negotiation as used in this directive may include not only face-to-face dealings, but also purchasing by securing informal written bids or telephone quotations. Where consistent with the required speed of war procurement, notification of the proposed procurement shall be given to a reasonable number of qualified contractors and quotations secured from them.

(b) (1) In negotiating contracts relating to war procurement the following considerations shall govern:

(i) Primary emphasis shall be upon securing deliveries or performance at the times required by the war program.

(ii) Subject to the considerations stated in subdivisions (i) contracts shall be placed with concerns needing to acquire the least amounts of additional new machinery, equipment, or facilities for performance of the contracts.

(iii) Subject to the considerations stated in subdivisions (i) and (ii), it shall be the policy of all war procurement departments and agencies to avoid contracting for the production of items or materials in communities or areas in which acute labor shortages are known to exist whenever it is practical to procure the needed items or materials elsewhere. The War Manpower Commission shall be relied upon to certify to the war procurement agencies communities and areas in which acute labor shortages exist to such a degree that the policy stated in this subdivision is applicable.

(iv) Subject to the considerations stated in subdivisions (i), (ii), and (iii), such contracts shall be placed so as to conserve, for the more difficult war production problems, the resources of concerns best able, by reason of engineering, managerial, and physical resources, to handle them. Accordingly, contracts for items which involve relatively simple production problems shall be placed with concerns, normally the smaller ones, which are less able to handle the more difficult war production problems.

(v) Subject to the considerations stated in subdivisions (i), (ii), (iii), and (iv), and also subject to the provisions of the Production Concentration Programs, which have been or may in the future be instituted by the War Production Board, such contracts shall be placed so as to spread production among as many firms as is reasonable and feasible.

(c) War procurement departments and agencies are hereby authorized and directed to pay higher prices than would otherwise be required if such action is necessary to put into effect the policies stated in subdivisions (i) through (v), inclusive. If all the considerations set forth in subdivisions (i) through (v) have been met and there is still need for selection among contractors, contracts shall be so placed as to obtain the lowest price for the Government.

(d) Authority to depart from these policies may, upon specific request, be granted by the Director of the Procurement Policy Division of the War Production Board, or by such person or persons as he may designate for this purpose.

(E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of October 1942.

DONALD M. NELSON,
Chairman, War Production Board.

[F. R. Doc. 42-10166; Filed, October 10, 1942; 12:44 p. m.]

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[1] 7 F.R. 1732.

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-106]

OAK CLIFF PARTS COMPANY

Oak Cliff Parts Company, Dallas, Texas, is owned and operated by J. R. Terry, and is engaged in the business of jobbing and distributing automotive supplies. During the period from April 11, 1942 to June 17, 1942, the company made deliveries on unrated orders of 6,140 pounds of solder whose tin content was more than 16 per cent by weight, which deliveries constituted violations of General Preference Order M-43.[1] The company sold 4,500 pounds of this solder after it had been advised by a representative of the War Production Board that the sale thereof on unrated orders would constitute a violation of General Preference Order M-43.

These violations of General Preference Order M-43 have impeded and hampered the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered:*

§ 1010.106 *Suspension Order S-106.* (a) Deliveries of materials to Oak Cliff Parts Company, its successors and assigns, or to J. R. Terry, his successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to Oak Cliff Parts Company, or to J. R. Terry by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations.

(b) No allocations shall be made to Oak Cliff Parts Company, its successors and assigns, or to J. R. Terry, his successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or of the Director General for Operations except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve Oak Cliff Parts Company, its successors and assigns, or J. R. Terry, his successors and assigns, from any restrictions, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or of the Director General for Operations except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on October 12, 1942, and shall expire on January 12, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10143; Filed, October 9, 1942; 3:36 p. m.]

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[1] 7 F.R. 4536.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-107]

RYALS-CAMPBELL REALTY CO.

Ryals-Campbell Realty Company, Muskogee, Oklahoma, a partnership composed of H. G. Ryals and G. Campbell, is engaged in the business of constructing dwelling houses. On January 17, 1942, February 5, 1942, and March 10, 1942, the company made application to the War Production Board for priorities assistance under Preference Rating Order P-55 [1] to construct dwelling houses in and around Muskogee, Oklahoma. The priorities assistance was granted on the basis of the company's representations and agreements that the dwelling houses to be constructed were to be rented at a fixed rental and not sold. Notwithstanding the company's agreements and its knowledge of the terms upon which the preference ratings were issued, it sold some of the houses and rented others at a price in excess of the amounts permitted.

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[1] 7 F.R. 1636, 2940.

This company's failure to abide by its agreement has hampered and impeded the war effort of the United States. In view of the foregoing facts, *it is hereby ordered*, That:

§ 1010.107 *Suspension order S–107.* (a) Deliveries of material or equipment to Ryals-Campbell Realty Company, its successors and assigns, or to H. G. Ryals, his successors and assigns, or to G. Campbell, his successors and assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference ratings shall be applied or assigned to such deliveries by preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or of the Director General for Operations.

(b) No allocations shall be made to Ryals-Campbell Realty Company, its successors and assigns or to H. G. Ryals, his successors and assigns or to G. Campbell, his successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or of the Director General for Operations except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve said Ryals-Campbell Realty Company, its successors and assigns, or H. G. Ryals, his successors and assigns, or G. Campbell, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations, or of the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on October 12, 1942, and shall expire on January 12, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10144; Filed, October 9, 1942; 3:36 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-108]

NATIONAL TINSEL MANUFACTURING CO.

National Tinsel Manufacturing Company of Manitowoc, Wisconsin, is a manufacturer of Christmas tree decorations and ornaments. Among other products it manufactures garlands, ornaments, cord, and ribbon which items are included on List A of Conservation Order M–9–c.[1] Under the restrictions of Conservation Order M–9–c the company was permitted to use a maximum of 36,879 pounds of copper or copper base alloy in the manufacture of these products between October 15, 1941, and December 31, 1941. Despite these restrictions, the company during that period used 65,547 pounds of copper or copper base alloy in the manufacture of these products. Furthermore, the company used substantial amounts of copper and copper base alloy in the manufacture of these products subsequent to January 1, 1942, without regard to the restrictions imposed by Conservation Order M–9–c as amended December 10, 1941.

These violations of Conservation Order M–9–c have hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing facts,

It is hereby ordered, That:

§ 1010.108 *Suspension Order S–108.* (a) Deliveries of material to National Tinsel Manufacturing Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to National Tinsel Manufacturing Company by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to National Tinsel Manufacturing Company, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) The provisions and restrictions contained in paragraphs (a) and (b) shall not apply to the application or extension by National Tinsel Manufacturing Company of any preference rating of AA–3 or higher and shall not prevent an allocation of material to National Tinsel Manufacturing Company to permit it to fill any purchase order or contract bearing a preference rating of AA–3 or higher.

(d) Nothing contained in this order shall be deemed to relieve National Tinsel Manufacturing Company from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect October 12, 1942, and shall expire on January 12, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E. O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10145; Filed, October 9, 1942; 3:36 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-109]

LAUREL OIL CO.

Laurel Oil Company, Inc., of Hartford, Connecticut, is a distributor of gasoline and fuel oil. During the months of April, May and June, 1942, the company made deliveries of motor fuel to thirteen service stations in excess of the amounts permitted to be so delivered in accordance with the provisions of Limitation Order L–70.[1] Seven of the service stations received overdeliveries in excess of 1,000 gallons in each of the months of April, May and June, 1942, four of them received overdeliveries in excess of 1,000 gallons in both May and June, 1942, and one received overdeliveries in excess of 1,000 gallons only in June, 1942. At all times while deliveries of motor fuel were being made, the company was aware of the provisions contained in Limitation Order L–70 governing the amount of motor fuel which may be delivered to each service station, and, therefore, deliveries of motor fuel in excess of the amounts permitted under the provisions of Limitation Order L–70 constitutes a wilful violation of that order.

These violations of Limitation Order L–70 have impeded and hampered the war effort of the United States by diverting motor fuel to uses unauthorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered*, That:

§ 1010.109 *Suspension Order S–109.* (a) Laurel Oil Company, Inc., its successors and assigns, shall not deliver or cause to be delivered, directly or indirectly, in any calendar month to any of the twelve service stations listed below, any motor fuel, as the same is defined in Limitation Order L–70, in excess of 25 percent of the normal gallonage of such service station for such month, computed in accordance with the provisions of Limitation Order L–70, without the benefit of any adjustment under paragraph (e) of that order:

John Boyle, 91 Charter Oak St., Hartford, Connecticut; P. Cipolla, Park and Hudson Sts., Hartford, Connecticut; J. Kelly, 311 Washington St., Hartford, Connecticut; Elm Service Station, Elm Street, Windsor Locks, Connecticut; A. Cormier, 915 Farm Avenue, West Hartford, Connecticut; R. Giddings, Hop Meadow, Simsbury, Connecticut; William Granata, Sullivan Drive, East Hartford, Connecticut; D. Persky, Village and Pleasant Sts., Hartford, Connecticut; F. Sullivan, 675 Maple Avenue, Hartford, Connecticut; J. Lipski, Wintenbury Avenue, Bloomfield, Connecticut; Art Jones, 2817 Main Street, Glastonbury, Connecticut; Roy Booth, 43 New Britain St., Hartford, Connecticut.

(b) Nothing contained in this order shall be deemed to relieve the Laurel Oil Company, Inc., from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall remain in effect during the calendar months of October, November and December, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10146; Filed, October 9, 1942; 3:37 p. m.]

PART 978—UTILITIES—MAINTENANCE, REPAIR, AND SUPPLIES

[Preference Rating Order P-46 as Amended October 10, 1942]

Preference Rating Order P–46, as heretofore amended, is hereby amended to read as follows:

§ 978.1 *Preference Rating Order P–46* [1]—(a) *Definitions.* For the purposes of this order: (1) "Producer" means any individual, partnership, association, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, located in the United States, its territories, or possessions, or any such producer located in the Dominion of Canada to whom and in whose name a copy of this order has been specifically issued, engaged in, or constructing facilities for the purpose of engaging in, one or more of the following services, whether or not such producer has applied the preference ratings herein assigned:

(i) Supplying electric power directly or indirectly for general use by the public.

(ii) Supplying gas, natural or manufactured, directly or indirectly for general use by the public.

(iii) Supplying water directly or indirectly for general use by the public.

(iv) Supplying central steam heating directly or indirectly for general use by the public.

(v) Supplying public sanitation services; but not including manufacturers of public sanitation products.

(2) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(3) "Maintenance" means the upkeep of a producer's property and equipment in sound working condition.

(4) "Repair" means the restoration of a producer's property and equipment to sound working condition after wear and tear, damage, destruction of parts, or the like have made such property or equipment unfit or unsafe for service.

(5) "Operating supplies" means:

(i) Material which is essential to the operation of any of the industries or services specified above and which is generally carried in a producer's inventory and charged to operating expense accounts.

(ii) Material for an addition to or an expansion of property or equipment, provided that such addition or expansion shall not include any work order, job, or project in which the cost of material shall exceed $1,500 in the case of underground construction and $500 in the case of other construction, and provided further that no single construction project shall be subdivided into parts in order to come below these limits.

(6) Material for "operating supplies," "maintenance," and "repair" includes only material which is essential to minimum service standards, and does not include material for the improvement of a producer's property or equipment through the replacement of material which is still usable in the existing installation with material of a better kind, quality, or design.

(7) "Supplier" means any person with whom a purchase order or contract has been placed for delivery of material to a producer or to another supplier.

(8) "Calendar quarterly period" means the quarterly period commencing on the first day of the first, fourth, seventh, and tenth months of the calendar year and ending, respectively, on the last day of the third, sixth, ninth, and twelfth months of the calendar year, or the producer's customary accounting period closest to such period.

(9) "Inventory" means all new or salvaged material in the producer's possession, unless physically incorporated in plant, without regard to its accounting classification, excluding, however, appliances and merchandising supplies, and material in the producer's possession which is segregated for use in additions and expansions specifically authorized under paragraph (e) (2) of this order, or by an operative order in the P–19 series, or by an operative preference rating certificate issued by the War Production Board.

(b) *Assignment of preference ratings.* Subject to the terms of this order, the following preference ratings are hereby assigned:

(1) *Producers.* (i) AA–5 to deliveries, to a producer, of material required by him for maintenance or repair, and to deliveries of operating supplies.

(ii) Subject to the provisions of paragraph (e) (2), AA–5 to deliveries, to a producer, of material required by him for protection against sabotage, air raids, or other hostile acts, provided such protection is directed by an authorized Federal or State agency.

(iii) Subject to the provisions of paragraph (e) (2), deliveries, to a producer, of material required by him for the construction of transmission, switching and distribution facilities necessary to serve projects bearing a rating of A–5 or better, or to serve equipment the delivery of which is rated A–5 or better, are assigned the same rating as is assigned to such project or to the delivery of such equipment; except that where such project or such equipment is assigned two or more ratings and both or all of these are A–5 or better, deliveries to a producer of items containing copper, or iron, or steel are assigned the highest rating which is assigned by the project or equipment rating order to deliveries of items containing the like metal, and in the case of all other items such deliveries to a producer are assigned the lowest rating which is assigned to such project or equipment.

(iv) AA–2X to deliveries, to a producer, of material required by him for repair of facilities following an actual breakdown thereof, or to make reasonable advance provision for such repair, provided that such AA–2X rating shall not be applied to more than 30 percent of the material in any class which can be scheduled for delivery in each calendar quarterly period under the provisions of paragraph (f) of this order.

(c) *Revocation or amendment.* This order may be revoked or amended at any time as to any producer or any supplier. In the event of revocation, deliveries already rated pursuant to this order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the producer or supplier affected by such revocation.

(d) *Restrictions on use of rating.* The preference ratings hereby assigned shall not be applied or extended by a producer or supplier to obtain deliveries of scarce material, the use of which could be eliminated without serious loss of efficiency by substitution of a less scarce material or by change of design.

(e) *Application and extension of ratings.* (1) The ratings assigned by this order may be applied and extended by a producer or supplier either:

(i) In accordance with Priorities Regulation No. 3 as amended; provided, however, that in no case may the ratings assigned in paragraphs (b) (1) (ii) and (b) (1) (iii) hereof be applied or extended until approval has been granted pursuant to paragraph (e) (2) hereof, or

(ii) By endorsement of the following statement on the original and all copies of each purchase order or contract for material the delivery of which is rated by this order, and delivery of a copy of such order or contract to any supplier:

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[1] 7 F.R. 3424, 3660, 3745, 4205, 4480, 4535, 5344, 5902, 6162, 6866.

[1] 7 F.R. 5552, 6419.

[1] 7 F.R. 2348, 4699, 5272, 5903, 7234, 7802.

Rating ----. Material to be delivered pursuant to paragraph (b) ---- of Preference Rating Order P-46, Utilities: Maintenance, Repair and Supplies, with the terms of which I am familiar.

(Name of Producer or Supplier)

(Signature of Designated Official)

(2) In addition to the requirements of paragraph (e) (1), a producer, in order to apply the preference ratings assigned by paragraphs (b) (1) (ii) and (b) (1) (iii), to segregate material from inventory for the uses described in such paragraphs, or to accept delivery of material for such uses, must, unless otherwise directed, communicate with the Power Branch, War Production Board, Washington, D. C., Ref: P-46 (except that communications with reference to public sanitation shall be addressed to the Bureau of Governmental Requirements, War Production Board, Ref: P-46), supplying in detail the following information or such other information as may from time to time be required:

(i) The producer's job number relating to the proposed construction.

(ii) A description of the project or equipment to be served, including the location, an estimate of peak load and consumption, as well as other pertinent information.

(iii) A description of the proposed utility construction, including a print of line construction showing size of conductor or pipe, capacity of transformers, pumps, compressors, tanks, holders, and other equipment, the location of hydrants and important control valves, as well as other information relevant thereto.

(iv) A statement of relationship to military needs, war production, public health or safety.

(v) A copy of the customer's project or equipment preference rating order or certificate. (Such copies of orders or certificates are not required when utilities' applications accompany the customer's project application.)

(vi) A statement explaining whether service can be rendered in any other way, or by any other producer, with the use of smaller quantities of critical materials.

(vii) An estimate of the total cost of the producer's project.

(viii) A list of materials required for the construction, giving the estimated weight of each material with the estimated cost, classified as indicated in the instructions for revised Form PD-200. (Such list should indicate materials in inventory not to be replaced, materials to be purchased from the excess stocks of other utilities, materials to be obtained or replaced without priorities assistance, and materials expected to be obtained or replaced with priorities assistance.)

The Director General for Operations will notify the producer whether and to what extent the application is approved and no producer shall apply such preference ratings, segregate material from inventory for the uses described in paragraphs (b) (1) (ii) and (b) (1) iii), or accept delivery of material for such uses without such approval.

(3) In addition to the records required to be kept under Priorities Regulation No. 1, the producer, and each supplier placing or receiving any purchase order or contract rated hereunder, shall retain, for a period of 2 years, for inspection by representatives of the War Production Board, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such manner that they can be readily segregated for such inspection.

(f) *Restrictions on deliveries, withdrawals, and inventory.* (1) No producer shall, in placing orders, schedule for delivery to him in any calendar quarterly period any items of material (whether or not rated pursuant to this order) to be used as operating supplies, or for maintenance or repair, or for any other purpose (except material to be segregated for use in additions and expansions specifically authorized under paragraph (e) (2) of this order, or by an operative order in the P-19 series, or by an operative preference rating certificate issued by the War Production Board), the aggregate dollar volume of which shall exceed the applicable percentage, as indicated below, of the aggregate dollar volume of withdrawals of items of materials of the same class from inventory during the calendar year 1940. Such percentage shall be:

(i) In the case of electric power producers (*a*) 15 per cent as to transmission and distribution material, provided that not less than 75 per cent of all scheduled deliveries of wire, cable, and bus bar shall be from the inventory of another producer; (*b*) 25 per cent as to all other classes of material;

(ii) In the case of gas and water producers (*a*) 15 per cent as to transmission and distribution material, provided that not less than 40 per cent of all scheduled deliveries of such material (excluding meters) shall be from the inventory of another producer; (*b*) 25 per cent as to all other classes of material;

(iii) In the case of central steam heating and sanitation service producers, 25 per cent as to all classes of material.

(2) No producer shall at any time accept deliveries (whether or not rated pursuant to this order) of any item of material to be used as operating supplies or for maintenance or repair or for any other purpose (except material to be segregated for use in additions and expansions specifically authorized under paragraph (e) (2) of this order, or by an operative order in the P-19 series, or by an operative preference rating certificate issued by the War Production Board) until such producer's inventory of items of the same class has been reduced to a practical working minimum. Such inventory shall in no case exceed:

(i) For any class of material commonly used for transmission and distribution plant (including meters, and in the case of electric systems, material for switching and substation plant as well as wire, cable, and bus bar material) 60 per cent of the aggregate dollar volume of items of material of the same class in inventory on the most recent date during the calendar year 1940 on which the producer's inventory was taken;

(ii) For every other class of material, the aggregate dollar volume of items of material of the same class in inventory on the most recent date during the calendar year 1940 on which the producer's inventory was taken.

(3) No producer shall (i) during any calendar quarterly period, make withdrawals from inventory of any item of material to be used as operating supplies for maintenance or repair or for any other purpose (except to segregate such material for use in additions and expansions specifically authorized under paragraph (e) (2) of this order, or by an operative order in the P-19 series, or by an operative preference rating certificate issued by the War Production Board), the aggregate dollar volume of which shall exceed:

(*a*) For any class of material commonly used for transmission and distribution plant (including meters and, in the case of electric systems, material for switching and substation plant as well as wire, cable, and bus bar material), 60 per cent of the aggregate dollar volume of withdrawals of such items of material of the same class during the corresponding quarter of 1940, or at the producer's option, 15 per cent of the aggregate dollar volume of withdrawals of such items of material of the same class during the calendar year 1940;

(*b*) For every other class of material, the aggregate dollar volume of withdrawals of such items of material of the same class during the corresponding quarter of 1940, or at the producer's option, 25 per cent of the aggregate dollar volume of withdrawals of such items of material of the same class during the calendar year 1940.

(ii) Construct an addition to or an expansion of property or equipment, and no producer shall, in the case of contract construction, accept delivery of material for such purposes unless:

(*a*) Such addition or expansion is specifically authorized by the Director General for Operations, or

(*b*) Such addition or expansion is an extension less than 250 feet in length (including service drop or service pipe and any portion built by or for a consumer) of a line to serve a new building where the foundation, under the main part of the structure, was completed prior to July 1, 1942, or

(*c*) Such addition or expansion is not an extension of a line to consumer premises and requires an expenditure of material having a dollar value of less than $1,500 in the case of underground construction and $500 in the case of other construction: *Provided, however,* That no single work order, job, or project shall be subdivided into parts to come below these limits.

(4) Notwithstanding the provisions contained in paragraphs (f) (1), (2) and (3), a producer may:

(i) In any calendar quarterly period increase the aggregate dollar volume of scheduled deliveries of material for the maintenance and repair of, an[illegible] operating supplies for, generation, production, and pumping facilities, and withdrawals of material for such use over the limits prescribed in paragraphs (f) (1) and (f) (3) respectively, proportionately to the increase in system output in the preceding calendar quarterly period over the system output in the calendar quarter of 1940 corresponding to such preceding calendar quarterly period;

(ii) Schedule for delivery in any calendar quarterly period items of material which will increase the aggregate dollar volume of inventory of material for the maintenance and repair of, and for operating supplies for, generation, production and pumping facilities over the aggregate dollar volume of material in inventory on the most recent date during the calendar year 1940 on which the producer's inventory was taken, proportionately to the increase in system output during the preceding calendar quarterly period of 1940 corresponding to such preceding calendar quarterly period;

(iii) Schedule for delivery to him in any calendar quarterly period consumer's meters and house-regulators or make withdrawals from inventory of such meters and house-regulators in an amount not in excess of 15 per cent of the number of such meters or house-regulators condemned and destroyed by the producer in 1940, (or, at the producer's option, not in excess of 60 per cent of the number of such meters and house-regulators condemned and destroyed in the corresponding quarter of 1940) plus the number of meters and house-regulators necessary to serve the net increase in customers occurring in the current quarter. For the purposes of this subparagraph (iii), withdrawals of meters and house-regulators shall not include meters or house-regulators put in service to replace meters and house-regulators removed from service;

(iv) In order to provide material for unavoidable and emergency situations in cases where the inventory of a class of material exceeds a practical working minimum, accept in any calendar quarterly period deliveries of any short item of material within such class, such deliveries, however, not to exceed 5 per cent of the dollar volume of withdrawals of material of the same class in the calendar year 1940;

(v) In any calendar quarterly period schedule for delivery, or accept delivery of, or make withdrawals in such period of, material necessary for the maintenance or repair of the producer's property or equipment which is damaged by acts of the public enemy, sabotage, explosion, fire, flood or other climatic conditions: *Provided,* That if the restrictions in paragraph (f) (1), (2) or (3) as modified by the provisions of paragraph (f) (4) (i), (ii), (iii) and (iv) are exceeded because of the scheduling or acceptance of such deliveries, or because of such withdrawals, a full report thereof together with reasons therefor shall be made immediately to the Director General for Operations;

(vi) In any calendar quarterly period schedule for delivery, or accept delivery of, items of material in any class (as such class is indicated in War Production Board inventory report forms) having in the aggregate a dollar value not more than the dollar value of material of the same class taken from the producer's inventory for delivery to other producers or suppliers, and of such material so taken for delivery to any person pursuant to Priorities Regulation No. 13, and of such material taken for delivery to any person to whom a special sale of war material would be permissible under paragraphs (c) (2) (i) and (c) (2) (iv) of Priorities Regulation No. 13, to the extent that such takings have reduced the producer's inventory of items of material of the same class below a practical working minimum which shall in no case exceed the limits set up in paragraph (f) (2) hereof; and

(vii) In any calendar quarterly period withdraw from inventory items of material in any class (as such class is indicated in War Production Board inventory report forms) having in the aggregate a dollar value not more than the dollar value of usable material of the same class salvaged from plant during the current calendar quarterly period.

(5) The Director General for Operations may, on the application of any producer, authorize such producer to exceed the restrictions on deliveries, withdrawals, and inventory set forth in this paragraph (f). Nothing herein contained shall be construed to affect in any way any specific authorizations or approvals issued by the Director General for Operations pursuant to Preference Rating Order P-46 prior to October 10, 1942.

(6) The provisions of paragraphs (f) (1), (f) (2), and (f) (3) (i) shall not apply to fuel, water purification chemicals, wooden poles, or wooden crossarms.

(g) *Sales of material from excess inventory.* Any producer may sell to any other producer material from the seller's inventory in excess of a practical working minimum, provided that (1) a preference rating of A-1-j or higher assigned by this order or by any preference rating certificate or order, or (2) a specific direction issued by the Director General for Operations is applied or extended to the producer selling such material; and any such sale shall be expressly permitted within the terms of paragraph (c) (3) of Priorities Regulation No. 13.

(h) *Audits and reports.* (1) Each producer and each supplier who applies the preference ratings hereby assigned, and each person who accepts a purchase order or contract for material to which a preference rating is applied, shall submit from time to time to an audit and inspection by duly authorized representatives of the War Production Board.

(2) Each producer and each such supplier shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request. No such reports shall be filed until such time as the proper forms are prescribed by the War Production Board.

(3) Each producer shall maintain a continuing record of inventory and of segregated material in his possession.

(i) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order (except reports and communications with reference to public sanitation, which must be addressed to the Bureau of Governmental Requirements, War Production Board, Ref: P-46), shall, unless otherwise directed, be addressed to: Power Branch, War Production Board, Washington, D. C. Ref.: P-46.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from process or use of, material under priority control, and may be deprived of priorities assistance.

(k) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10167; Filed, October 10, 1942; 12:41 p. m.]

PART 978—UTILITIES: MAINTENANCE, REPAIR AND SUPPLIES

[Supplementary Preference Rating Order P-46-a, as Amended October 10, 1942]

In accordance with the provisions of § 978.1 *Preference Rating Order P-46,*[1] as amended, which the following order supplements:

§ 978.2 *Supplementary Preference Rating Order P-46-a.*[2] Notwithstanding the provisions of paragraph (f) (3) (ii) of Preference Rating Order P-46 as amended, service connections may be made by producers to facilities of the Army or Navy of the United States or the Maritime Commission, upon the direct order of the Army, Navy, or Maritime Commission: *Provided*, That the total length of the main extension or the service line does not exceed 250 feet, and the total cost of materials required for the extension does not exceed $1,500 in the case of underground construction and $500 in the case of other jobs.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10168; Filed, October 10, 1942; 12:41 p. m.]

PART 978—UTILITIES: MAINTENANCE, REPAIR AND SUPPLIES

[Supplementary Preference Rating Order P-46-b, as Amended October 10, 1942]

In accordance with the provisions of § 978.1 *Preference Rating Order P-46,*[3] as amended, which the following order supplements:

§ 978.3 *Supplementary Preference Rating Order P-46-b.*[4] Notwithstanding the provisions of paragraph (f) (3) (ii) of Preference Rating Order P-46 as amended, gas and electric service connections may be made by producers to permit the operation of a gas or electric range in the dwelling of a domestic consumer; *Provided*, That:

(a) Complete facilities are not installed for serving either a gas range or an electric range;

(b) The dwelling proposed for connection is not equipped with a range of any kind; and

(c) Connections (including any additional service drop, primary, secondary, and ground conductor, but excluding service entrance conductor and interior wiring) can be made with an expenditure by the producer of not more than the following amounts of material:

(1) In the case of an electric range, 15 pounds of copper, or

(2) In the case of a gas range, 75 feet of one and one-quarter inch steel pipe, or any length of steel pipe weighing in the aggregate not more than 170 pounds.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 R.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10169; Filed, October 10, 1942; 12:42 p. m.]

PART 996—CHLORINATED HYDROCARBON SOLVENTS

[Amendment 2 to General Preference Order M-41, as Amended May 2, 1942]

Section 996.1 *General Preference Order M-41,*[1] as amended May 2, 1942, is hereby amended by striking paragraph (d) (1) of said section and inserting the following in lieu thereof:

(1) No person requiring any chlorinated hydrocarbon solvents for any use to which a preference rating of B-2 is assigned by paragraph (c) of this order shall in any month receive delivery of chlorinated hydrocarbon solvents intended for such use in an amount in excess of fifty (50) percent of such person's average monthly consumption of chlorinated hydrocarbon solvents in such use during the base period: *Provided, however*, That during the period commencing October 10, 1942, the effective date of this amendment, and ending December 31, 1942, any person requiring carbon tetrachloride for any use to which a preference rating of B-2 is assigned by paragraph (c) of this order may receive delivery in any month of an amount of carbon tetrachloride up to but not in excess of one hundred (100) percent of such person's average monthly consumption of carbon tetrachloride in such use during the base period.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10177; Filed, October 10, 1942; 12:40 p. m.]

PART 1114—TIRE RETREADING, RECAPPING AND REPAIR EQUIPMENT

[General Limitation Order L-61, as Amended October 10, 1942]

Section 1114.1 *General Limitation Order L-61*[2] is hereby amended to read as follows:

§ 1114.1 *General Limitation Order L-61*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or any organized group of persons, whether incorporated or not.

(2) "Retreading, recapping and repair equipment" means any mechanical device used in connection with applying uncured rubber (in the form of camelback, patching rubber or otherwise) to rubber casings or inner tubes for the purpose of renewing or repairing a rubber casing or inner tube. The term includes, but is not limited to, full circle molds, full circle matrices, holders, tables, steam chambers, kettle curing devices, curing rings, curing bands, pressure plates, spacer rings, curing rims, sectional molds, sectional matrices, tire and tube repair and spot equipment, tire spreaders, tire buffers, mechanical stitchers, mechanical rollers, and regroovers. It does not include, however, small tools, such as knives, hand rollers, hand stitchers, jacks, shears, and other miscellaneous shop tools and supplies.

(b) *Restrictions on manufacture and distribution.* No manufacturer of retreading, recapping and repair equipment, or parts therefor, shall produce any such equipment, or parts therefor, except to fill orders rated A-9 or higher on a preference rating certificate PD-1A or PD-1X, or forms of the PD-408 series, issued by the Director General for Operations; and no manufacturer or distributor of retreading, recapping and repair equipment, or parts therefor, shall sell, lease, rent, deliver or otherwise transfer any new retreading, recapping or repair equipment, or parts therefor, except to fill orders rated A-9 or higher on a preference rating certificate PD-1A or PD-1X, or forms of the PD-408 series, issued by the Director General for Operations.

(c) *Criteria for issuing preference rating certificates.* In issuing ratings on preference rating certificates, the Director General for Operations will consider the following factors, to the extent feasible, among others:

(1) The number and capacity of retreading, recapping and repair equipment facilities at present available in the particular locality.

(2) The anticipated need for retreading, recapping and repair equipment in the particular locality.

(3) The amount of uncured rubber (in the form of camelback, patching rubber or otherwise) expected to be made available in the particular locality.

(d) *Non-applicability to repair or maintenance of existing equipment.* The prohibitions of paragraph (b) hereof shall not be construed to restrict the manufacture, sale, lease, loan, renting, delivery or other transfer of parts to be used to repair or maintain existing retreading, recapping or repair equipment or to repair or maintain equipment delivered in accordance with the terms of this order.

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[1] 7 F.R. 2348, 4696, 5272, 7234, 7802.

[2] 7 F.R. 5661.

[3] 7 F.R. 2348, 4699, 5272, 5903, 7234, 7802.

[4] 7 F.R. 7589.

[1] 7 F.R. 3315, 5981.

[2] 7 F.R. 1855.

(e) *Production requirements plan.* Pursuant to paragraph (c) of Priorities Regulation No. 11, any person manufacturing retreading, recapping, or repair equipment, who desires priorities assistance in procuring materials to be used in such manufacture, is hereby required, unless exempted by the Director General for Operations, to file a PRP application, to qualify as a PRP unit, and to operate under the Production Requirements Plan after January 1, 1943.

(f) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time, except that notwithstanding the provisions of Priorities Regulation No. 3, any person applying or extending a preference rating for retreading, recapping, or repair equipment shall certify on his purchase order or contract whether the preference rating is one assigned by a preference rating certificate PD-1A or PD-1X, or by a form of the PD-408 series, issued by the Director General for Operations.

(g) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref: L-61.

(h) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the Director General for Operations, Washington, D. C., Ref: L-61, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Records.* Each manufacturer or distributor of new retreading, recapping and repair equipment affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventory, production and sales of such equipment.

(k) *Reports.* Each person affected by this order shall execute and file with the War Production Board, such reports and answers to questionnaires as the Board shall from time to time request.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10181; Filed, October 10, 1942; 12:39 p. m.]

PART 1219—CASHEW NUT IMPORTS

[Revocation of Cashew Nut Imports Order M-147]

Section 1219.1 *Cashew Nut Imports Order M-147*[1] is hereby revoked, the subject matter of the said order now being covered by § 1042.1 *General Imports Order M-63, as amended.*

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10178; Filed, October 10, 1942; 12:40 p. m.]

PART 1262—HAND SERVICE TOOLS

[Amendment 2 to General Preference Order E-6]

Section 1262.1 *General Preference Order E-6*[2] is hereby amended as follows:

1. Paragraph (b) is hereby amended to read as follows:

(b) *Restrictions on use of steel for the manufacture of hand service tools.* No producer shall manufacture any hand service tools out of any alloy steels except those which are in the series specified in Exhibit B to this order, or except pursuant to specific permission of the Director General for Operations: *Provided, however*, That any alloy steel in a series which is not listed in exhibit A but which has been received by the producer for use in the manufacture of hand service tools before the first day of November 1942 may be so used by him.

2. Paragraph (c) is hereby amended to read as follows:

(c) *Restrictions on sales of hand service tools.* No producer shall sell or deliver any hand service tools except pursuant to a purchase order bearing a preference rating of A-9 or higher, or except pursuant to specific permission of the Director General for Operations.

3. Exhibit B is hereby amended to read as follows:

EXHIBIT B TO GENERAL PREFERENCE ORDER E-6

NE 1300 Series.
NE 8000 Series.
NE 9200 Series.
NE 9600 Series.
NE 9400 Series.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10179; Filed, October 10, 1942; 12:39 p. m.]

PART 3045—COTTON TEXTILES FOR WORK APPAREL

[Amendment 1 to Schedule I to General Preference Order M-207]

Section 3045.2 *Schedule I to General Preference Order M-207*[1] is hereby amended in the following respects:

1. The classification "Denims" of paragraph (a) (2) (i) is amended to read as follows:

Denims:

White back, 28" to 29" width basis:

Regular finish weight basis	*or*	*Shrunk weight basis*
1.60 yard		11 ounce.
2.00 yard		9 ounce.
2.20 yard		8 ounce.
2.45 yard		2.20 yard.
3.00 yard		2.70 yard.

Denim stripes, 28" to 29" with basis:

Regular finish weight basis	*or*	*Shrunk weight basis*
2.20 yard		8 ounce.

2. Paragraph (a) (2) (i) is amended by inserting between "Denims" and "Chambrays" the following new classification:

Pin Checks:
38" to 40"—2.40 to 2.85 yard, regular finish weight basis.

3. Paragraph (a) (3) (iii) is amended to read as follows:

(iii) the converter or finisher of work clothing textiles who purchases gray goods for bleaching, finishing or processing into work clothing textiles for sale to a manufacturer of male work clothing.

4. Paragraph (f) (1) is amended by inserting after the words "Work pants", therein, the words "other than of cotton moleskin or cotton corduroy".

5. Paragraph (f) (2) is amended to read as follows:

(2) No manufacturer of waistbands or trouser curtains and no converter or finisher of work clothing textiles shall after August 22, 1942, hold in his inventory any work clothing textiles, except cotton suedes, cotton corduroys and cotton moleskins, in excess of the total quantity of such textiles, including such textiles in process, which will be delivered out of his inventory within 90 days.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10173; Filed, October 10, 1942; 12:40 p. m.]

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[1] F. R. 3477.

[2] 7 F.R. 4452, 4778.

[1] 7 F. R. 6673.

PART 3045—COTTON TEXTILES FOR WORK APPAREL

[Amendment 1 to Schedule II to General Preference Order M-207]

§ 3045.3 *Schedule II to General Preference Order M-207*[1] is hereby amended in the following respects:

1. Paragraph (a) (2) is amended by deleting under the classification "Mitten flannel" the words "13 ounces per linear yard, 4 harness, 34 inches", therein, and inserting in lieu thereof the words "13 ounces per linear yard, 5 harness, 34 inches"; and by inserting between the classifications "Knitted jersey" and "Twill" the following additional classification:

Cotton tubing:
12 yards to pound—2¼ inches wide.
15 yards to pound—not over 2 inches wide.
17 yards to pound—not over 1¾ inches wide.

2. Paragraph (a) (3) (ii) is amended to read as follows:

(ii) The converter or processor of work glove textiles who purchases fabrics for bleaching, finishing or processing into work glove textiles for sale to a manufacturer of work gloves.

3. Paragraph (d) (1) is amended to read as follows:

(1) No work glove manufacturer shall after August 22, 1942, hold in his inventory a total quantity of work glove textiles or work gloves, except such textiles as are intended for the manufacture of work gloves for seasonal use, and such work gloves for seasonal use, in excess of such total quantity as will be delivered out of his inventory within 90 days.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10174; Filed, October 10, 1942; 12:40 p. m.]

PART 3051—SCALES, BALANCES, AND WEIGHTS

[Limitation Order L-190]

The fulfillment of requirements for the defense of the United States has created a shortage in the materials used in the manufacture of scales, balances, and weights for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3051.1 *Limitation Order L-190*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Scales" means devices used for weighing persons, materials, objects or substances, or for grading, classifying, counting or evaluating materials, objects or substances in terms of weight, or the measuring of forces expressed in terms of weight. The term includes scales, balances, and weights.

(3) "Weights" means objects of established weight used in connection with the operation of scales and necessary to the operation or testing thereof.

(4) "Scales for household use" includes all scales commonly used for household purposes, except dietetic scales graduated in the metric system for personal use by a person whose diet is regulated by a licensed physician.

(5) "New" scales are all scales other than those which have been used, or sold, leased or lent for the purpose of being used, except scales which have been used solely for demonstration, trial loans, or emergency repair loans.

(6) "Emergency repair loan" means the temporary leasing or lending of a scale to replace a similar scale while the latter is being repaired.

(7) "Class One scales" means commercial scales for use in retail trade, baby weighing scales for domestic use, and scales for household use including bathroom scales and kitchen scales.

(8) "Class Two scales" means baby weighing scales for clinical use, person weighing scales for clinical use, and dietetic scales graduated in the metric system.

(9) "Class Three scales" means mailing and parcel post scales.

(10) "Class Four scales" means all scales other than those in Class One, Class Two or Class Three.

(b) *Restrictions on production.* (1) After a period of sixty days commencing with the issuance of this order, no person may put materials into process to be assembled into Class One scales. During this period, no person may fabricate parts for Class One scales, which, together with similar parts for Class One scales in process or in inventory at the date of issuance of this order, would constitute more than a supply equal to the number of such parts required for the assembly of one-twelfth of the total number of Class One scales billed by such person to customers during the calendar year of 1941.

(2) After a period of ninety days commencing with the issuance of this order, no person may assemble any new Class One scales. During this period no person may assemble any Class One scale unless ninety percent by weight of the parts thereof had been fabricated prior to the date of issuance of this order to such an extent that they could be used for no other class of scale.

(3) Commencing October 1, 1942, no person may fabricate or assemble in any calendar quarter a total number of new Class Two and Class Three scales in excess of one-sixteenth of the total number of such scales billed by him to customers during the calendar year of 1941.

(4) No person engaged in the manufacture of scales shall increase his inventory of any type of new scales in Class Four if that inventory following such increase will exceed one-twelfth of the total number of such scales billed by him to customers during the calendar year of 1941.

(c) *Restrictions on transfer.* (1) No person shall sell, lease or lend any new Class Two, Class Three or Class Four scales (other than dietetic scales graduated in the metric system) except to fill orders rated A-9 or higher.

(2) No person shall sell, lease or lend any new dietetic scales graduated in the metric system to any person acquiring such scales for use, except to fill the prescription of a licensed physician.

(3) The restrictions of paragraphs (c) (1) and (c) (2) of this order shall not apply to an emergency repair loan of new scales when no used scales are available for such use.

(d) *Repair and maintenance parts.* (1) No person shall produce any repair or maintenance parts for scales for household use.

(2) Commencing October 1, 1942, no person shall fabricate during any calendar quarter a quantity of parts for repair and maintenance of scales which contains, when finished, a total weight of metals greater than three-eighths of the total weight of metals in the parts (exclusive of those for scales for household use) used or sold by him for repair and maintenance of scales during the calendar year of 1941.

(e) *Restrictions on types, sizes and materials.* (1) So far as any other order of the Director General for Operations may have the effect of limiting or curtailing the use of any material in any scales or parts thereof to an extent greater than herein provided, the limitations of such order shall be observed.

(2) After a period of sixty days following the issuance of this order, no manufacturer shall assemble scales equipped with poises, weighbeams, pans, scoops or commodity receivers of copper or copper base alloys. This restriction does not apply to type bars, equal-arm balances with suspended pans, or racks, pinions and rollers for registering poises.

(3) After a period of sixty days following the issuance of this order, no manufacturer may fabricate weights of copper or copper base alloys if such weights are of denominations of 20 grams (metric) or ½ ounce (avoirdupois) and over. This restriction does not apply to weights of classes A, B, M, S, and S2 as defined and recognized by the National Bureau of Standards.

(4) The Director General for Operations may from time to time issue schedules establishing simplified practices with respect to the types, sizes, forms, materials and specifications or other qualifications for scales. After the effective date of any such schedule no scales shall be fabricated, or assembled, except such as conforms to the issued schedule and except as specifically permitted by such schedule.

(f) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(g) *Records.* All persons to whom this order applies shall keep, and preserve for not less than two years, accurate and complete records concerning inventories, production and sales.

(h) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and answers to questionnaires as the War Production Board shall from time to time request.

(j) *Violations.* Any person who willfully violates any provisions of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal to the War Production Board setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(l) *Communications.* All reports to be filed hereunder, or communications concerning this order, should be addressed to: War Production Board, Services Branch, Service Machinery Section, Washington, D. C. Ref: L-190.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10175; Filed, October 10, 1942; 12:39 p. m.]

PART 3056—PETROLEUM COKE

[Conservation Order M-212]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of petroleum coke for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3056.1 *Conservation Order M-212*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Petroleum" means petroleum, petroleum products and associated hydrocarbons, including but not limited to natural gas.

(3) "Raw petroleum coke" means any solid, infusible, carbonaceous residue produced by the destructive distillation of petroleum, when the residue equals or exceeds 5 pounds for every barrel (of 42 gallons) of petroleum processed by destructive distillation.

(4) "Calcined petroleum coke" means raw petroleum coke after being calcined or graphitized.

(5) "Petroleum coke" means raw petroleum coke or calcined petroleum coke.

(c) *Limitations on delivery and use of petroleum coke.* Subject to the exceptions in paragraph (d) of this order, no person shall deliver, and no person shall accept delivery of or use, petroleum coke except where (1) it is to be incorporated into the following materials and articles:

Anodes
Arc carbons
Bearings
Blocks (for other than fuel purposes)
Bricks (for other than fuel purposes)
Bushings
Cathodes
Diffusers
Dry battery electrodes
Dry battery mixes
Electrical contacts
Electrodes
Extruded specialties
Filters
Fittings
Generator brushes
Joint compounds
Machined specialties
Motor brushes
Moulded specialties
Packing rings
Pipes
Powder
Raschig rings
Resister discs
Structural material
Telephone specialties
Tower sections
Tubes
Welding plates
Welding rods, or

(2) It is to be incorporated into silicon carbide abrasives, or

(3) It is to be used (otherwise than as fuel) in the treating of metals or ores after receipt of the written authorization of the Director General for Operations authorizing the specific use. Applications for such authorization should be made by the prospective user by letter filed in quadruplicate addressed to the War Production Board, Aluminum and Magnesium Branch, Washington, D. C., Ref.: M-212, which letter should state:

(i) His name and address,

(ii) The quantity and specifications of petroleum coke he proposes to use in the ensuing three months,

(iii) Why he believes no other material may be used instead of petroleum coke,

(iv) The quantity of petroleum coke in his inventory on the date of the letter,

(v) The quantity, if any, of petroleum coke he desires permission to acquire, and

(vi) The name and address of the supplier, if any, from whom he wishes to acquire the petroleum coke.

(d) *Exceptions.* (1) Until October 26, 1942, any person may use petroleum coke which was in his possession or under his control on the date of issuance of this order, free from the restrictions of paragraph (c) hereof.

(2) Any person who has in his possession or under his control not in excess of 100 short tons of petroleum coke (exclusive of briquets) on the date of the issuance of this order, may deliver or use, free from the restrictions of paragraph (c) hereof, any petroleum coke from such stocks; and any person may accept delivery of any petroleum coke from such stocks and thereafter such petroleum coke shall be free from the restrictions of paragraph (c) hereof.

(3) Any person may deliver or use free from the restrictions of paragraph (c) hereof and any person may accept delivery of or use free from the restrictions of paragraph (c) hereof, petroleum coke already manufactured into briquets for fuel purposes on the date of issuance of this order.

(e) *Special directions.* The Director General for Operations may from time to time issue specific directions or prohibitions with respect to the production and qualities of petroleum coke.

(f) *Reports.* Reports shall be made at such times and on such forms as may be prescribed therefor by the Director General for Operations, War Production Board.

(g) *Appeals.* Any person affected by this order (otherwise than by the failure of the Director General for Operations to grant an authorization under paragraph (c) (3) hereof) who considers that compliance therewith would interfere with the war effort, may appeal to the Director General for Operations, setting forth the pertinent facts, and the reasons he considers that he is entitled to relief. Such appeal should be made by letter in quadruplicate and shall be addressed to: War Production Board, Aluminum and Magnesium Branch, Washington, D. C., Ref.: M-212. The Director General for Operations may thereupon take such action as he deems appropriate.

(h) *Communications.* All statements and reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be in duplicate and addressed to: War Production Board, Aluminum and Magnesium Branch, Washington, D. C., Ref.: M-212.

(i) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and, upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

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[1] 7 F.R. 6673.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10170; Filed, October 10, 1942; 12:41 p. m.]

PART 3064—COTTON TEXTILES FOR AGRICULTURAL AND FOOD PROCESSING USES

[Amendment 1 to Schedule II to General Preference Order M-218]

Section 3064.3 *Schedule II*[1] *to General Preference Order M-182*[2] is hereby amended in the following respects:

1. Paragraph (b) is amended to read as follows:

(b) *Assignment of preference rating.* Purchase orders for crop cultivation fabrics placed with the manufacturer thereof by cloth merchants, or users, are hereby assigned a preference rating of A-2.

2. Paragraph (d) is amended by striking the period at the end thereof and adding thereto the following:

", and users may use the same."

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10172; Filed, October 10, 1942; 12:41 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Regulation 15]

§ 944.36 *Priorities Regulation 15—(a) Application of limitation and conservation orders to exports.* Exports and deliveries of material to be exported may be made regardless of any order of the Director General for Operations restricting inventories of material or uses thereof in manufacture or otherwise, or requiring certificates with respect to such inventories or uses, insofar as such inventories are maintained or such uses occur in the country to which such material is to be exported, but shall be subject to such restrictions with respect to inventories maintained or uses occurring within the United States prior to export.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10171; Filed, October 10, 1942; 12:41 p. m.]

PART 935—VINYL POLYMERS

[General Preference Order M-10, as Amended October 10, 1942]

Part 935—Polyvinyl Chloride is hereby amended to read Part 935—Vinyl Polymers.

Section 935.1 *General Preference Order M-10*,[1] is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of vinyl polymers for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 935.1 *General Preference Order M-10*—(a) *Definitions.* For the purposes of this order:

(1) "Vinyl polymers" means plasticized or unplasticized polymers and copolwmers of vinyl acetate, vinyl chloride and polyvinyl alcohol and includes their condensation products. Such term also includes, but is not limited to, vinyl chloride-acetate copolymers, polyvinyl butyral, polyvinyl formal and polyvinyl acetal and the materials known by the trade names of Koroseal, Vinylite V, Saran, Butvar, Formvar, Alvar, Butacite, Heydenite, Saflex, Vinylite X, Vinylite A, PVA, Gelva and Solva. Such term also includes vinyl polymer scrap regardless of the source from which derived.

(2) "Producer" means any person engaged in the production of any vinyl polymer and includes any person who has any vinyl polymer produced for him pursuant to toll agreement.

(b) *Restrictions on use and delivery.* (1) During the period commencing October 10, 1942, the effective date of this amendment, and ending October 31, 1942, no producer shall deliver, and no person shall accept delivery of, any polyvinyl chloride, as defined in General Preference Order M-10 as in effect prior to the date of this amendment, except in accordance with the provisions of such order.

(2) On and after November 1, 1942, no producer shall, subject to the exemptions provided for in paragraph (c) hereof, deliver any vinyl polymer except as specifically authorized or directed by the Director General for Operations.

(3) On and after November 1, 1942, no person, including a producer, shall, subject to the exemptions provided for in paragraph (c) hereof, use or accept delivery of any vinyl polymer except as specifically authorized or directed by the Director General for Operations upon application pursuant to paragraph (d) hereof.

(4) Each person affected by this order shall comply with such directions as may be given from time to time by the Director General for Operations, with respect to the use or delivery of any vinyl polymer.

(c) *Exemptions.* The restrictions provided for in paragraphs (b) (1) and (b) (2) hereof shall not apply to, and the specific authorization provided for in paragraph (b) (3) hereof shall not be required with respect to, the following:

(1) Delivery of any vinyl polymer to a producer by any person other than a producer, or to the acceptance of any such delivery.

(2) Delivery, acceptance of delivery or use of any material made in whole or in part from any vinyl polymer pursuant to any specific authorization or direction issued by the Director General for Operations: *Provided, however,* That this exemption shall not be construed to apply to vinyl polymer scrap.

(d) *Reports.* In addition to such other reports as may from time to time be required by the Director General for Operations:

(1) Each person seeking authorization to use or accept delivery of any vinyl polymer pursuant to paragraph (b) (3) hereof, shall apply for such authorization on Form PD-36. Such applicant shall file with the War Production Board the original and two copies of such form on or before the 20th day of the month preceding the month for which such authorization is requested, which form shall be prepared in the manner prescribed therein.

(2) Each producer shall file with the War Production Board the original and one copy of Form PD-33 on or before October 5, 1942, and on or before the 5th day of each month thereafter, which form shall be prepared in the manner prescribed therein.

(e) *Notification of customers.* Producers shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any such person from complying with the terms thereof.

(f) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board Priorities Regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C. Ref: M-10.

(P. D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10176; Filed, October 10, 1942; 12:40 p. m.]

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[1] 7 F.R. 7432.

[2] 7 F.R. 7433.

[1] 6 F.R. 2838; 7 F.R. 70, 3231.

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

[Amendment 2 to Supplementary General Limitation Order L-1-e]

Section 976.15 *Supplementary General Limitation Order L-1-e*[1] *as amended,* is hereby further amended by adding paragraph (f) to read as follows:

(f) *Protection of production schedules.* Producers of off-the-highway motor vehicles under the terms of this order may, notwithstanding the provisions of Priorities Regulation No. 1 (Part 944), schedule their production of such vehicles as if the orders therefor bore a rating of AA-2X.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024; 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Public Laws 89 and 507, 77th Cong.)

Issued this 10th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10180; Filed, October 10, 1942; 12:39 p m.]

PART 1179—GOLF CLUBS

[General Limitation Order L-93, as Amended October 12, 1942]

Section 1179.1 *General Limitation Order L-93*[2] is hereby amended to read as follows:

§ 1179.1 *General Limitation Order L-93*—(a) *Definitions.* For the purposes of this order:

(1) "Manufacturer" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, engaged in the production of golf clubs, repair or replacement parts, or of any parts made specifically for incorporation into golf clubs.

(2) "Critical material" means plastics which are not in a completely fabricated shape ready for assembly, cork, and any metal other than iron, steel, gold and silver.

(3) "Repair or replacement part" means any part for a golf club which is not produced for or used in a new golf club.

(b) *General restrictions.* (1) No manufacturer shall process, fabricate, work on or assemble any iron, steel or critical materials for use in the production of golf clubs, golf club parts, or repair or replacement parts. Nothing in this subparagraph shall be construed to prevent the assembly of repair or replacement parts which were completely processed, fabricated, worked on or assembled prior to October 12, 1942, with used golf clubs for repair purposes.

(2) No manufacturer shall procure or acquire any iron, steel or critical materials for use in the production of golf clubs, golf club parts, or repair or replacement parts.

(c) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(d) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(g) *Appeal.* Any appeal from the provisions of this order must be made on Form PD-500 and must be filed with the field office of the War Production Board of the district in which is located the plant to which the appeal relates.

(h) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Washington, D. C., Ref: L-93.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10227; Filed, October 12, 1942; 11:25 a. m.]

PART 1217—COCOA

[Amendment 1 to Conservation Order M-145]

Paragraph (c) of § 1217.1 *Conservation Order M-145*[1] is amended in the following respects:

1. By amending the introductory phrase in paragraph (c) (1) to read as follows: "Except as otherwise permitted in this paragraph".

2. By adding a new paragraph numbered (c) (6) and reading as follows:

(6) During any quota period, any person who processes cocoa beans may utilize not more than one-tenth of his quota for the preceding quota period if the portion of the quota so carried over was not utilized by him during such preceding quota period.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of October, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10226; Filed, October 12, 1942; 11:25 a. m.]

PART 1233—THERMOPLASTICS

[Revocation of Supplementary Order M-154-a]

Section 1233.2 *Supplementary Order M-154-a*[2] is hereby revoked, the subject matter of said order now being covered by § 935.1 *General Preference Order No. M-10, as amended October 10, 1942.* This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M-154-a.

This order shall take effect November 1, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W. P. B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10242; Filed, October 12, 1942; 11:25 a. m.]

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[1] 7 F.R. 2782.

[2] 7 F.R. 2735, 2868, 3518, 4272.

[1] 7 F.R. 3480, 4380.

[2] 7 F.R. 6419.

PART 1292—USED SILK HOSIERY

[Conservation Order M-182, as Amended October 12, 1942]

Section 1292.1 *Conservation Order M-182*[1] is hereby amended to read as follows:

§ 1292.1 *Conservation Order M-182*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Used silk hosiery" means any women's or misses' hosiery of any length or size of which the body is silk and/or nylon and which has been worn or otherwise used or damaged so that it can be sold only as second hand material.

(2) "Sorter" means any person regularly engaged in the course of his business in sorting rags or other waste materials received by him into grades, kinds or classes, and shall include persons sorting used silk hosiery from such rags or other material whether sorted separately or sorted together with other used women's hosiery of rayon or nylon.

(3) "Dealer" means any person, other than a sorter as hereinabove defined who, in the course of his business buys, holds or sells in bulk or in bales any used silk hosiery as such or women's used hosiery as such, and the term shall also include exporters, importers, agents or brokers, whether or not they hold title to the used hosiery.

(4) "Processor" means any person engaged in the purchasing or collecting of used silk hosiery as such or women's used hosiery as such for use in the manufacture of any product or for processing in any manner, and so using and processing the same.

(c) *Restrictions on sorters.* Every sorter shall separate women's used hosiery from all other rags or materials received by him and shall only sell and deliver such segregated hosiery in accordance with the provisions of paragraph (e) of this order.

(d) *Restrictions on sales and deliveries of used silk hosiery.* Except as permitted in paragraph (e), no sorter, dealer, or processor shall sell or deliver and no processor shall purchase, accept delivery of, cut, or process any used silk hosiery.

(e) *General exceptions.* The prohibitions and restrictions of this order shall not apply to:

(1) Sales and deliveries by dealers of mixed rags or waste materials a portion of which is used silk hosiery.

(2) Sales and deliveries by dealers and sorters to other dealers or sorters of used silk hosiery as such or women's used hosiery as such.

(3) The processing and use by any processor of used silk hosiery owned by such processor for physical incorporation into powder bags required to be delivered under orders placed by, or contracts held with, the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(4) Sales and deliveries by or to the Defense Supplies Corporation, or to any person designated by it to purchase, sell, deliver, and accept delivery of such used silk hosiery for its account.

(5) The processing and use of used silk hosiery purchased from the Defense Supplies Corporation to the extent and for the purpose authorized by the Director General for Operations.

(6) Deliveries by or to any person having temporary custody of used silk hosiery for the sole purpose of transportation or public warehousing.

(7) Sales or deliveries to reprocessors of hosiery for mending, cleaning or other repair and sales of such reconditioned hosiery for use as hosiery.

(8) Sales or deliveries by retail stores or to such stores by their retail customers either on return for credit or otherwise.

(f) *Applications for authorization to purchase and use.* Any person desiring to purchase used silk hosiery from the Defense Supplies Corporation for physical incorporation into material or equipment to be delivered to, or for the account of, the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or the Defense Plant Corporation, shall make application therefor by letter addressed to the War Production Board, stating the amount required, the intended use thereof, the number or designation of the contract with one of the said agencies for the fulfillment of which it will be used, and the present inventory thereof. Such applications as are granted will carry therewith an authorization to use the used silk hosiery purchased from the Defense Supplies Corporation for the purposes specified in such authorization.

(g) *Inventory and other reports.* Any sorter, dealer or processor having in his possession on October 12, 1942 any used silk hosiery sorted or baled as such or sorted or baled with other women's used hosiery as such shall file with the War Production Board the inventory, receipts and distribution record required by Form PD-686 for the month of October 1942 and monthly thereafter; and such other reports or questionnaires as shall from time to time be required by said Board. Copies of Form PD-686 may be obtained on application to the War Production Board, Textile, Clothing and Leather Branch, Washington, D. C., Reference: M-182.

(h) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of used silk hosiery conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or telegram, Reference M-182, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(i) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(j) *Communications to the War Production Board.* The applications referred to in paragraph (f), the reports required to be filed under paragraph (g), all other reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Branch, Washington, D. C., Reference M-182.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10243; Filed, October 12, 1942; 11:25 a. m.]

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[1] 7 F.R. 5557.

Chapter XI—Office of Price Administration

PART 1304—IRON AND STEEL SCRAP

[Amendment 8 to Revised Price Schedule 4[1]]

IRON AND STEEL SCRAP

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (5) of § 1304.6 (a), item 11 of § 1304.13 (a) (2), subdivision (iii) of § 1304.13 (a) (4), § 1304.13 (a) (7), § 1304.13 (d) (1) are amended; introductory text to Exception 3 of § 1304.13 (d) (4), subparagraph (3) of § 1304.13 (e), items (2), (11), (13), (14) and (16) of § 1304.13 (f), subparagraph (4) of § 1304.14 (e), subparagraph (4) of § 1304.15 (a), subparagraph (1) of § 1304.15 (b), are amended. Paragraph (f) of § 1304.8, item 28a of § 1304.13 (a) (3) are added.

The text of § 1304.13 (a) (5) is designated § 1304.13 (a) (5) (i) and amended and a new subdivision (ii) is added. Subparagraphs (4) and (5) of § 1304.13 (e), item (28a) of § 1304.13 (f) and paragraph (f) § 1304.14 are added. Item (17) of § 1304.13 (f) is revoked; all to read as set forth below:

§ 1304.6 *Commissions.* (a) * * *

(5) The commission is shown as a separate item on the invoice.

No commission shall be payable to a person for scrap which he prepares; nor shall any commission be payable to a person controlling, or holding directly or indirectly a substantial financial interest in, the person preparing the scrap, or to a person controlled by the person preparing the scrap, or to a person in whom the person preparing the scrap holds directly or indirectly a substantial financial interest.

* * * * *

§ 1304.8 *Record-keeping and reporting requirements.* * * *

(f) Reports regarding initial sales of inferior unlisted grades of scrap shall be filed in accordance with the requirements of §§ 1304.13 (a) (7) and 1304.15 (a) (4).

* * * * *

§ 1304.13 *Appendix A: Maximum prices for iron and steel scrap other than railroad scrap.* (a) * * *

(2) *Basing point prices of standard grades.* * * *

Standard grades:	*Adjustments (plus or minus)*
* * *	* *
11. No. 2 busheling	−$2.50
* * *	* *

(3) *Basing point prices of special grades.* * * *

Special grades	*Adjustments (plus or minus)*
* * *	* *
28a. Baled machine shop turnings	------
* * *	* *

(4) *Premiums for alloy content.* * * *

(iii) Where high manganese steel scrap containing at least 10% manganese, cut 12″ x 24″ x 8″ and under, and suitable without further preparation for direct charging into an electric furnace, is sold for electric furnace use only, the basing point price at the applicable basing point shall be $7.00 per gross ton over No. 1 Heavy Melting Steel. If the material is larger than 12″ x 24″ x 8″ and is sold for electric furnace use only, the basing point price at the applicable basing point shall be $3.00 per gross ton over No. 1 heavy melting steel.

* * * * *

(5) *Special preparation charges.* (i) Except as otherwise provided in this subparagraph, no charge may be made for special preparation without prior approval by the Office of Price Administration. A $2.00 per gross ton charge may be made by scrap dealers for crushing turnings other than heavy turnings, Item 26. An industrial producer may charge $1.00 per gross ton for crushing turnings other than heavy turnings, Item 26.

(ii) Whenever scrap has arrived at the point of delivery, and the consumer engages a dealer to prepare such scrap, no charge may be made for such service unless prior approval is secured from the Office of Price Administration.

* * * * *

(7) *Grades inferior to No. 1 heavy melting steel.* Grades (other than those listed in this paragraph) which are inferior to the base grade, No. 1 heavy melting steel, shall be priced at the average differential below the base grade price which the seller received during the base period September 1, 1940 to January 31, 1941: *Provided, however,* That if the seller's base period experience was inadequate or unrepresentative, the seller shall apply to the Office of Price Administration, Washington, D. C., for the establishment of an appropriate price. For the initial sale after October 15, 1942, of each unlisted grade of scrap priced according to the seller's base period experience, such seller shall file with the Office of Price Administration, Washington, D. C., within 15 days after delivery of such scrap, a complete description of the material sold and the price charged.

For the purposes of this subparagraph only, the term seller means the person selling to the broker, or, in cases where a broker is not involved in the transaction, the person selling to the consumer.

* * * * *

(d) *Maximum prices delivered to the plant of a consumer.* * * *

(1) Where transportation from shipping point to point of delivery is wholly or partially by rail, by vessel, or combination of rail and vessel, the maximum delivered price shall be the shipping point price as determined in paragraph (c) of this section, plus the established charge for transporting the scrap from the shipping point to the point of delivery by the mode of transportation employed.

Where transportation from shipping point to point of delivery includes a rail-truck movement to a consumer lacking adequate facilities for receiving the scrap by rail, and the truck portion of such rail-truck movement occurs in a motor vehicle other than a public carrier, no established charges or costs incurred in unloading the scrap from the railroad car and hauling the scrap to point of delivery may be included in the delivered price. In lieu thereof, $1.00 per gross ton may be included in the delivered price. If the consumer has adequate facilities for receiving the scrap by rail, no charge may be made for the truck portion of such rail-truck movement.

* * * * *

(4) * * *

Exception 3. "Remote scrap" means all the kinds and grades of iron and steel scrap referred to in § 1304.13, Appendix A, having a shipping point and a point of origin within the States of Montana, Idaho, Wyoming, Nevada, Arizona, New Mexico, Texas, Oklahoma, Florida, Oregon, Utah, Washington, North Dakota, South Dakota and Louisiana. Nebraska and Kansas shall be remote for shipping points having a maximum shipping point price of $13.00 per gross ton. Colorado scrap shall be remote scrap for Colorado consumers only. Shipping points in California having a maximum shipping point price of $13.00 per gross ton shall be remote for California consumers only.

* * * * *

(e) *Unprepared scrap.* * * *

(3) Except as otherwise provided in this paragraph, where scrap is to undergo preparation prior to its arrival at the point of delivery, such scrap is not at its shipping point, as that phrase is defined in paragraph (c) of this section, until after such preparation has been completed.

(4) Where a consumer purchases unprepared remote scrap in rail carload lots, if no adequate facilities for preparation exist at or near the shipping point, the consumer may designate a dealer or dealers to prepare such scrap on a preparation fee basis. The maximum preparation fee shall be $4.00 per gross ton for No. 1, No. 2, and No. 3 bundles, and $2.50 per gross ton for all other grades. The maximum delivered price shall be the maximum shipping point price for the unprepared scrap at the remote shipping point, plus the rail transportation charges incurred in moving the scrap to the dealer's yard, plus the applicable maximum preparation fee, plus transportation charges from the dealer's yard to the point of delivery. The transportation charges from the dealer's yard to the point of delivery shall be computed in the same manner as the charges allowable under § 1304.13 (d) on an identical tonnage of scrap shipped by the dealer from his yard to the same point of delivery. The maximum delivered price of such scrap shall not exceed by more than $5.00 the price at the basing point nearest the consumer's plant except upon prior approval of the Office of Price Administration as provided in Exception 3 in paragraph (d) (4) of this section. Every purchase of scrap on this preparation fee basis shall likewise be subject to all the filing and other requirements in Exception 3 of paragraph (d) (4) of this section. At no time shall ownership of such scrap reside in the dealer to whom the preparation fee is paid.

(5) If unprepared scrap in rail carload lots is allocated by the War Production Board to a consumer lacking facilities for preparing such scrap, such consumer may designate a dealer or dealers to prepare such scrap on a preparation fee basis. The maximum preparation fee shall be the differential established in paragraph (a) of this section between the unprepared scrap and the listed grade into which the scrap is prepared—e. g. $2.50 per gross ton for No. 1 heavy melting steel, $3.50 per gross ton for cut automotive steel 1 foot and under, and $4.00 per gross ton for No. 1, No. 2, and No. 3 bundles. The maximum delivered price shall be the maximum shipping point price for the unprepared scrap

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1207, 1836, 2132, 2155, 2507, 3087, 3550, 3889, 4488, 6217.

at the original shipping point, plus the rail transportation charges incurred in moving the scrap to the dealer's yard, plus the applicable maximum preparation fee, plus transportation charges from the dealer's yard to the point of delivery. The transportation charges from the dealer's yard to the point of delivery shall be computed in the same manner as the charges allowable under § 1304.13 (d) on an identical tonnage of scrap shipped by the dealer from his yard to the same point of delivery pursuant to an allocation order. At no time shall the ownership of such scrap reside in the dealer to whom the preparation fee is paid.

(f) *Definitions of grades referred to in paragraph* (a). * * *

(2) *No. 2 heavy melting steel.* Wrought iron or steel scrap, black or galvanized, ⅛ inch and over in thickness, not over 18 inches in width and not over 5 feet in length. (Uncut bumpers and front axles of passenger automobiles, and uncut rear ends of passenger automobiles free of wheels and brake assemblies and drained of oil, may be included even though over 5 feet in length.) Individual pieces must be free from attachments and so cut as to lie flat in the charging box. May include pipe; heavy oil field or similar cable not less than 1 inch in diameter and cut to lengths of 3 feet or less; and car sides and light plate cut 15 inches by 15 inches or under. May not include auto body and fender stock.

* * * * *

(11) *No. 2 busheling.* Cut hoops, netting, cut unbaled fence wire, light sheets, rusted car sides, cotton ties, and galvanized light material. No dimension over 12 inches. May be black or galvanized. No hard steel, cast, malleable, or enameled or metal coated material may be included.

* * * * *

(13) *Billet, bloom and forge crops.* Billet, bloom, axle, slab, heavy plate and heavy forge crops, not over 0.05% phosphorus or sulphur, not over 0.5% silicon and free from alloys. Must be not less than 2 inches in thickness, not over 18 inches in width, and not over 36 inches in length. No piece to weigh less than 10 pounds nor more than 500 pounds. Must be new material.

(14) *Bar crops and plate scrap.* Bits, jars, tool joints, shell forgings, flashings, bar crops, and plate scrap, not over 0.05% of phosphorus or sulphur, not over 0.5% of silicon, and free from alloys. Must be not less than 2 inches in thickness, not over 18 inches in width, and not over 36 inches in length, except that plate scrap may not be less than ½ inch in thickness. Flashings may be of any thickness but may not exceed 2 feet in length.

* * * * *

(16) *Punchings and plate scrap.* Punchings and plate scrap, not over 0.05% of phosphorus or sulphur, not over 0.5% of silicon and free of alloys. May include bar crops. All material must be cut 12 inches and under. Punchings may not be less than ¼ inch in diameter.

* * * * *

(28a) *Baled machine shop turnings.* Machine shop turnings, Item 8, hydraulically compressed into bundles weighing not less than 75 pounds per cubic foot. May not include any binding or wrapping material.

* * * * *

§ 1304.14 *Appendix B: Maximum prices for iron and steel scrap originating from railroads*—(a) * * *

(e) *Unprepared scrap.* * * *

(4) Where a consumer purchases grades of unprepared scrap for which maximum prices have been authorized under paragraph (a) (1) (ii) or paragraph (b) (2) of this section, the consumer may designate a dealer or dealers to prepare such scrap on a preparation fee basis. The maximum preparation fee shall be the differential established in paragraph (a) of § 1304.13 between the unprepared scrap and the listed grade into which the scrap is prepared—e. g. $2.50 per gross ton for No. 1 heavy melting steel, and $4.50 per gross ton for cut structural and plate scrap 1' and under. In such cases the maximum delivered price shall be the maximum delivered price applicable to an identical shipment of the unprepared scrap direct to such consumer, plus the applicable maximum preparation fee. At no time shall ownership of such scrap reside in the dealer to whom the preparation fee is paid.

(f) *Mixed shipments.* (1) When grades of scrap commanding different maximum prices under the provisions of this Revised Price Schedule No. 4, are included in one vehicle, the maximum price for the scrap in such vehicle shall be the maximum price applicable to the lowest priced grade in the vehicle.

(2). The limitation in (1) of this paragraph shall not affect shipments involving vessel movement if each grade commanding a different maximum price under the provisions of Revised Price Schedule No. 4 is segregated in the vessel.

(3) Where one vehicle contains exclusively grades of scrap for which premiums for alloy content are established under the provisions of this Revised Price Schedule No. 4, such premiums shall not apply (and the limitations set forth in (1) of this paragraph shall apply), unless each such grade is segregated in the vehicle.

§ 1304.15 *Appendix C: Maximum prices for cast iron scrap other than railroad scrap*—(a) * * *

(4) *Grades inferior to No. 1 cupola cast.* Grades (other than those listed in this paragraph) which are inferior to No. 1 cupola cast shall be priced at the average differential below the base grade price which the seller received during the base period September 1, 1940 to January 31, 1941: *Provided however,* That if the seller's base period experience was inadequate or unrepresentative, the seller shall apply to the Office of Price Administration, Washington, D. C., for the establishment of an appropriate price. For the initial sale after October 15, 1942, of each unlisted grade of scrap priced according to the seller's base period experience, such seller shall file with the Office of Price Administration, Washington, D. C., within 15 days after delivery of such scrap, a complete description of the material sold and the price charged.

For the purposes of this subparagraph only, the term seller means the person selling to the broker, or, in cases where a broker is not involved in the transaction, the person selling to the consumer.

* * * * *

(b) *Maximum price delivered to a consumer.* * * *

(1) Where transportation from shipping point to point of delivery is wholly or partially by rail or vessel, or combination of rail and vessel, the maximum delivered price shall be the shipping point price listed in paragraph (a) of this section, plus the established charge for transporting the scrap from the shipping point to the point of delivery by the mode of transportation employed. Where transportation from shipping point to point of delivery includes a rail-truck movement to a consumer lacking adequate facilities for receiving rail deliveries of scrap, and the truck portion of such rail-truck movement occurs in a motor vehicle other than a public carrier, no established charges or costs incurred in unloading the scrap from the railroad car and hauling the scrap to point of delivery may be included in the delivered price. In lieu thereof, $1.00 per gross ton may be included in the delivered price. If the consumer has adequate facilities for receiving the scrap by rail, no charge may be made for the truck portion of such rail-truck movement.

* * * * *

§ 1304.12a *Effective dates of amendments.* * * *

(h) Amendment No. 8 (§§ 1304.6 (a) (5), 1304.8 (f), 1304.13 (a) (2), (a) (3), (a) (4) (iii), (a) (5), (a) (7), (d) (1), (d) (4), (e) (3), (e) (4), (e) (5), (f), 1304.14 (e) (4), 1304.15 (a) (4), (b) (1)) to Revised Price Schedule No. 4 shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10136; Filed, October 9, 1942; 2:53 p. m.]

PART 1305—ADMINISTRATION

[Supplementary Order 22]

SALES TO OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT

A statement involved in the issuance of this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.* For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is hereby ordered:*

§ 1305.26 *Removal of sales to Office of Scientific Research and Development from the operation of all price regulations.* (a) Sales and deliveries of commodities and sales of services pursuant to:

(1) Contracts with the Office of Scientific Research and Development or,

(2) Subcontracts under such contracts which are designated as "secret" by the Office of Scientific Research and Development, shall not be subject to any price regulation issued, or which may be issued by the Office of Price Administration, unless specific provisions making a price regulation applicable to such sales shall hereafter be included in such regulation.

(b) "Price regulation", as used in this Supplementary Order No. 22 means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any amendment or supplement thereto or order issued thereunder.

(c) This Supplementary Order No. 22 (§ 1305.26) shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10137; Filed, October 9, 1942; 2:50 p. m.]

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*Copies may be obtained from the Office of Price Administration.

PART 1337—RAYON

[Amendment 1 to Maximum Price Regulation 168[1]]

CONVERTED RAYON YARN AND CONVERTING CHARGES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1337.56, paragraph (c) is amended and in § 1337.62 in paragraph (a) Tables I, III, IV, V, VII and VIII are amended and Tables XVI, XVII, XVIII, XIX, XX, and XXI are added and a new § 1337.61a is added as set forth below:

§ 1337.56 *Records and reports.* * * *

(c) *Reports.* On or before November 10, 1942 and on or before the 10th day of each month thereafter, every person performing a converting operation for which maximum prices are established by Table XXI of paragraph (a) of § 1337.62 shall file a report with the Office of Price Administration in Washington, D. C., in the detail required by the Form 268: setting forth for each type of conversion operation performed, the details thereof and the maximum price charged therefor.

§ 1337.62 *Appendix A: Maximum prices.* (a) * * *

TABLE I—HOSIERY THROWING

[Prices based on the use of graded yarns supplied on oiled cones, with original twist, delivery to be on 4" base cones, 3" tops]

Denier	Base price per pound up to 10 t. t. per inch	Differentials								
		If delevered on 5" base cones	If received on unoiled cones	If received in skeins or cakes	If cones are to be reeled	Each turn over 10 t.t. per inch	If inferior skeins used	If bemberg yarn is used [2]	Special hosiery throwing [1]	
									Each turn in and each turn backed out	Redraw and extra cost allowance
										Per pound
50	$.62	$-.03	$+.035	$+.08	$+.23	$+.005	$+.05	$+.045	$+.005	$+.37
65	.54	-.03	+.035	+.08	+.20	+.005	+.03	+.045	+.005	+.23
75	.425	-.03	+.035	+.07	+.19	+.005	+.03	+.035	+.005	+.23
100	.355	-.03	+.035	+.07	+.17	+.005	+.03	+.030	+.005	+.21
125	.32	-.03	+.035	+.06	+.15	+.005	+.02	+.025	+.005	+.18
150	.29	-.03	+.035	+.06	+.14	+.005	+.02	+.020	+.005	+.18
200	.28	-.02	+.035	+.06	+.12	+.005	+.015	--------	+.005	+.15
250	.27	-.02	+.035	+.05	+.12	+.005	+.01	--------	+.005	+.15
275	.26	-.02	+.035	+.05	+.10	+.005	+.01	--------	+.005	+.15
300	.25	-.02	+.035	+.05	+.10	+.005	+.01	--------	+.005	+.15

[1] Invoice for commission work or bill of sale for yarn twisted on the above basis must indicate number of turns "in" applied, and number of turns backed out.

[2] Based on no original twist price for special lubricating treatment.

Prices for special lubricating treatment

If yarns are specially treated with a wax or wax-like substance requiring an organic volatile solvent as a carrier agent and the retained basic sizing substance is not less than 10% of the weight of the yarn, there may be added an additional charge of 14 cents per pound. A statement of the special lubrication treatment and the charges therefor shall be enumerated on each invoice delivered.

Other lubricants

The maximum prices for other lubricants are to be determined pursuant to Table XXI of this paragraph. The prices so established are to be reported pursuant to § 1337.56 (c).

TABLE III—CREPE TWISTING

[Unless otherwise indicated, prices are based on the use of graded yarns supplied in standard long skeins, with original twist, delivery to be on spools]

Denier	Basic total turns twist	Price per pound	If from doped cones or cakes	Differentials			
				If inferior skeins used	If short skeins used [2]	Each turn over basic total turns twist	Each turn under basic total turns twist
50	65	$.72	$-.04	$+.05	$+.02	$+.005	$-.005
75	57½	.43	-.03	+.03	+.02	+.005	-.005
100	55	.30	-.02	+.03	+.015	+.004	-.004
125	52	.26	-.02	+.02	+.015	+.003	-.003
150	50	.26	-.02	+.02	+.01	+.003	-.003
200	50	.23	-.02	+.015	+.01	+.002	-.001
75 Bemberg [1]	57½	.46	.00	+.05	.00	+.005	-.005

[1] Based on no original twist.

[2] Under 7.500 yards.

All delivered weights based on Standard 11% moisture regain.

TABLE IV—VOILE TWISTING

[Unless otherwise indicated, prices are based on the use of graded yarns supplied in standard long skeins with original twist, with delivery to be on spools]

Process	Denier	Basic total turns twist	Price per pound	Differentials				
				If from doped cone or cakes	If inferior skeins used	If short skeins used [3]	Each turn over basic total turns twist	Each turn under basic total turns twist
Acetate	75	28 to 30 inc	$.30	[1] $.00	$+.05	$+.02	$+.005	$-.005
Viscose	75	34 to 38 inc	.33	-.03	+.03	+.02	+.005	-.005
Acetate	100	25 to 28 inc	.23	[1] .00	+.03	+.015	+.004	-.004
Viscose	100	25 to 28 inc	.25	-.02	+.03	+.015	+.004	-.004
Viscose	150	20 to 22 inc	.22	-.02	+.02	+.01	+.003	-.003
Acetate	150	20 to 22 inc	.21	[1] .00	+.02	+.01	+.003	-.003
Acetate	200	22	.18	[1] .00	+.015	+.01	+.002	-.002
Acetate	300	15	.16	[1] .00	+.01	+.01	+.002	-.002
Bemberg [2]	65	28	.36	--------	+.05	--------	--------	--------

[1] Original yarn supplied on cones, whether doped or not.

[2] No original twist.

[3] Less than 7,500 yards.

All delivered weights based on Standard 11% moisture regain.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 4663.

TABLE V—COMBINATION YARN TWISTING [2]

[Prices are based on the use of graded yarns supplied in standard long skeins, with original twist, delivery to be on spools]

Type of combination	Basic no. turns twist in single yarn	Basic no. turns twist in ply	Base price per pound	Differentials				
				If supplied in pretreated cones	If inferior skeins used	If short skeins used [1]	Each turn in ply over indicated base	Each turn in ply under indicated base
75 Denier Viscose 75 Denier Acetate	55-60 Standard	15	$.43	$-.015	$+.015	$+.01	$+.005	$-.005
75 Denier Viscose 100 Denier Acetate	55-60 Standard	15	.39	-.015	+.015	+.01	+.005	-.005
100 Denier Viscose 100 Denier Acetate	52½-57½ Standard	12	.35	-.01	+.01	+.01	+.005	-.005
100 Denier Viscose 150 Denier Acetate	52½-57½ Standard	15	.27	-.01	+.01	+.01	+.005	-.005
150 Denier Viscose 150 Denier Acetate	45-50 Standard	10	.24	-.01	+.01	+.01	+.005	-.005

[1] Under 7,500 yards.

[2] These prices apply only to sales in quantities of more than 20 pounds.

All delivered weights are based on Standard 11% moisture regain.

TABLE VII—SCHIFFLI TWISTING [1]

[Prices are based on the use of graded or inferior yarn supplied either on cones or in skeins, with original twist, delivery to be on cones or headless packages]

Denier	Ply	Twist	Price per pound
75	2 or 3	10 x 12	$.31
100	2 or 3	10 x 12	.295
125	2 or 3	10 x 12	.28
150	2 or 3	7 to 10 inc. x 7 to 10 inc	.26
200	2 or 3	7 to 10 inc. x 7 to 10 inc	.24
300 (or coarser)	2 or 3	7 to 10 inc. x 7 to 10 inc	.22

[1] These prices apply only to sales in quantities of more than 20 pounds.

TABLE VIII—BRAIDER TUBE WINDING [1]

[Prices are based on the use of graded or inferior yarns supplied in skeins or cones with original twist, delivery to be on braider tubes]

A—STANDARD TWIST

Denier	Base price per pound for one end up	Differentials			
		If delivered on metal shipping spools	For two ends up	For three ends up	For four ends up
150	$.16	$-.02	$+.02	$+.02½	$+.03
200	.15	-.02	+.02	+.02½	+.03
300	.14	-.02	+.02	+.02½	+.03

B—OPEN TWIST

150	.27	-.04			
200	.26	-.04			
300	.21	-.04			

[1] These prices apply only to sales in quantities of more than 20 pounds.

TABLE XVI—COMBINATION SILK AND VISCOSE YARN TWISTING

[Viscose yarn to be received on oiled cones Silk to be received on spools. Combination to be delivered on 2 lb. cones]

Type of combination	Price per pound						Differentials		
	5 turns	10 turns	15 turns	20 turns	25 turns	30 turns	If Viscose is received in cakes or skeins	If combination is 4 ends Japan 13/15	If combination is 5 ends Japan 13/15
50 Denier Viscose and 1 end [1] 13/15 Japan	$.5875	$.6500	$.68125	$.7125	$.74375	$.7750	$+.08	$+.01	$+.02
60 Denier Viscose and 1 end [1] 13/15 Japan	.5625	.6250	.65625	.6875	.71875	.7500	+.08	+.01	+.02
75 Denier Viscose and 1 end [1] 13/15 Japan	.4375	.5000	.53125	.5625	.59375	.6250	+.08	+.01	+.02
100 Denier Viscose and 1 end [1] 13/15 Japan	.3750	.4375	.46875	.5000	.53125	.5625	+.07	+.01	+.02
125 Denier Viscose and 1 end [1] 13/15 Japan	.3250	.3875	.41875	.4500	.48125	.5125	+.06	+.01	+.02
150 Denier Viscose and 1 end [1] 13/15 Japan	.3000	.3625	.39375	.4250	.45625	.4875	+.06	+.01	+.02
200 Denier Viscose and 1 end [1] 13/15 Japan	.2750	.3375	.36875	.4000	.43125	.4625	+.06	+.01	+.02

[1] For 2 or 3 ends 13/15 Japan combination, same price is applicable. Delivered weights are with full boil off allowance.

TABLE XVII.—DYEING 100% SPUN VISCOSE YARNS IN SKEINS

Yarn sizes	Lot size	Ordinary direct dye, per pound	Sunfast dye per pound
All	200 lbs. or over	$.14	$.16
All	100 lbs. to 199 lbs. inc	.15	.17
All	49 lbs. to 99 lbs. inc	.17	.19
All	25 lbs. to 48 lbs. inc	.20	.22
All	11 lbs. to 24 lbs. inc.[1]	.25	.27

[1] In quantities of less than 11 pounds, a minimum charge of $2.50 may be made.

TABLE XVIII.—DYEING SPUN VISCOSE AND ACETATE BLENDED YARNS IN SKEINS [1] VISCOSE DYED, ACETATE WHITE [2]

Yarn sizes	Lot size	Ordinary direct dyes, per pound	Union or cross-dyed
All	200 lbs. or over	$0.18	(2)
All	100 lbs. to 199 lbs	.20	(2)
All	49 lbs. to 99 lbs., inc	.25	(2)
All	25 lbs. to 48 lbs., inc	.27	(2)
All	11 lbs. to 24 lbs., inc.[3]	.39	(2)

[1] Above prices apply to the following blends: 50% Spun Viscose, 50% Spun Acetate; 60% Spun Viscose, 40% Spun Acetate; 80% spun Viscose, 20% Spun Acetate; and all blends within these limits

If yarn is union or cross-dyed, prices in Table XIII are applicable.

[3] In quantities of less than 11 pounds, a minimum charge of $4.00 may be made for ordinary direct dyes.

TABLE XIX.—DYEING SPUN VISCOSE AND WOOL BLENDED YARNS IN SKEINS [1]

Yarn sizes	Lot size	Price per pound employing viscose dyeing only
All	200 lbs. or over	$0.14
All	100 lbs. to 199 lbs. inc	.15
All	49 lbs. to 99 lbs. inc	.17
All	25 lbs. to 48 lbs. inc	.20
All	11 lbs. to 24 lbs. inc.[2]	.25

[1] Above prices apply to the following blends: 50% Spun Rayon, 50% Wool; 60% Spun Rayon, 40% Wool; 80% Spun Rayon, 20% Wool; and all blends within these limits.

[2] In quantities of less than 11 pounds a minimum charge of $2.50 may be made.

TABLE XX.—DYEING SPUN ACETATE AND WOOL BLENDED YARNS IN SKEINS [1]

Yarn Sizes	Lot sizes	Price per pound union or cross-dyed			Acetate dyed only wool white
		light	medium	dark	
All	200 lbs. or over	$.34	$.40	$.50	(2)
All	100 lbs. to 199 lbs. inc	.36	.42	.52	(2)
All	49 lbs. to 99 lbs. inc	.39	.45	.55	(2)
All	25 lbs. to 48 lbs. inc	.43	.49	.59	(2)
All	11 lbs to 24 lbs. inc. [3]	.57	.63	.69	(2)

[1] Above prices apply to the following blends: 50% Spun Acetate, 50% wool; 60% Spun Acetate, 40% Wool; 80% Spun Acetate, 20% Wool ;and all blends within these limits.

[2] Prices in Table XIII are applicable.

[3] In quantities of less than 11 pounds, a minimum charge of $6.50 may be made for light and medium shades, and $7.50 for dark shades.

TABLE XXI—IN LINE PRICES

The maximum price for all other types of conversion operations shall be a price in line with the nearest related conversion operation for which a maximum price is established by this paragraph. The term "in line with" means having a justifiable relation to such maximum price with commensurate increases or decreases to give effect to the differences in cost due to differences in yarn, the number of turns per inch, the turns in ply, and other differences in specifications.

§ 1337.61a *Effective date of amendments.* (a) Amendment No. 1 (§ 1337.56 (c), § 1337.62 (a), Tables I, III, IV, V, VII, VIII, XVI, XVII, XVIII, XIX, XX, and XXI and § 1337.61a) to Maximum Price Regulation No. 168 shall become effective October 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10138; Filed, October 9, 1942; 2:53 p. m.]

PART 1346—BUILDING MATERIALS

[Maximum Price Regulation 236]

HEATING BOILER CONVERSION PARTS

In the judgment of the Price Administrator it is necessary and proper, in order to effectuate the purpose of the Emergency Price Control Act of 1942, to replace the General Maximum Price Regulation with a separate regulation establishing maximum prices for the sale of conversion parts used in converting heating boilers from oil to hand fired solid fuels and for installation services relating thereto.

So far as practicable, the Price Administrator consulted with representatives of the trade and industry which will be affected by this regulation. In the judgment of the Price Administrator, the maximum prices established by this regulation are generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator and the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1 [1] issued by the Office of Price Administration, Maximum Price Regulation No. 236 is hereby issued.

Sec.
1346.151 Applicability of the General Maximum Price Regulation.
1346.152 Export sales.
1346.153 Geographical applicability.
1346.154 Prohibition.
1346.155 Maximum prices for the sale and delivery of conversion parts.
1346.156 Maximum prices for installation service.
1346.157 Less than maximum prices.
1346.158 Federal and State taxes.
1346.159 Conditional agreements.
1346.160 Evasion.
1346.161 Records and reports.
Sec.
1346.162 Details required in contract of sale and invoice.
1346.163 Licensing.
1346.164 Application for adjustment and petition for amendment.
1346.165 Enforcement.
1346.166 Definitions.
1346.167 Effective date.

AUTHORITY: §§ 1346.151 to 1346.167, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1346.151 *Application of the General Maximum Price Regulation.* The provisions of the General Maximum Price Regulation are superseded by this Maximum Price Regulation No. 236 with respect to sales, deliveries, and installations of conversion parts for which maximum prices are in effect pursuant to this Maximum Price Regulation No. 236.

§ 1346.152 *Revised Maximum Export Price Regulation applicable.*[2] The maximum price at which a person may export any conversion parts shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration. An "export sale" is any sale between a seller in the continental United States and a purchaser outside thereof in which the commodity sold is transported from the continental United States to a point outside thereof and includes any sale of a commodity outside the continental United States by an agent of the exporter or by a corporation owned or controlled by the exporter within a period of two years after the date of shipment of the commodity from the continental United States.

§ 1346.153 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 236 shall be applicable to the Eastern part of the United States defined herein as the states of: Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. This Maximum Price Regulation No. 236 applies to all sales of conversion parts where delivery or installation is to be made within the above described geographical area although the person making the sale or installation may be located outside the area.

§ 1346.154 *Prohibitions against sales and the installation of conversion parts at higher than maximum prices.* On and after October 14, 1942, regardless of any contract, lease, or other obligation:

(a) No person shall sell or deliver any conversion parts and no person shall supply conversion parts service at a price higher than the maximum price permitted by this Maximum Price Regulation No. 236: *Provided,* That the provisions of this paragraph shall not be applicable to sales and deliveries of conversion parts or the supplying of installation services relating thereto to a purchaser, if prior to October 14, 1942:

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 971, 3663, 6967.

[2] 7 F.R. 5059, 7242.

(1) Such conversion parts have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser, or

(2) If the seller has delivered the conversion parts to the site designated by the purchaser where the installation is to be made, or

(3) The service of installation has actually begun.

(b) No person in the course of trade or business shall buy or receive any conversion parts or installation services at a price higher than that permitted by this Maximum Price Regulation No. 236: *Provided*, That if upon the purchase of any conversion parts, the purchaser shall receive from the seller or supplier a written affirmation that to the best of his knowledge, information, and belief, the prices charged do not exceed the maximum price established by this Maximum Price Regulation No. 236; and if in such case the purchaser shall have no knowledge of the maximum price and no cause to doubt the accuracy of the affirmation, the purchaser shall be deemed to have complied with this section.

(c) No person shall agree, offer, solicit, or attempt to do any of the acts prohibited in subparagraphs (a) and (b) of this paragraph.

§ 1346.155 *Maximum prices for the sale and delivery of conversion parts.* (a) The maximum price for the sale and delivery of conversion parts to the ultimate purchaser shall not exceed 18¢ per net pound.

(b) The maximum price for the sale and delivery of conversion parts to retailers shall not exceed 13¾¢ per net pound.

(c) The maximum price f. o. b. manufacturer's foundry for the sale of conversion parts to wholesalers shall not exceed 11¢ per net pound.

§ 1346.156 *Maximum prices for the installation of conversion parts.* The maximum price for the installation of conversion parts shall not be in excess of a sum computed in the following manner:

(a) Take the number of hours utilized in making the installation.

(b) Multiply the number of hours utilized by the highest hourly price charged by the installer during the month of March, 1942, for the same or similar mechanical service employing the same class of mechanics or, in the event the installer had no such established hourly price for such service or similar service during March, 1942, the maximum hourly price of the nearest competitor who pays the same wage rate and employs the same class of mechanics: *Provided*, That the hourly price charged may be adjusted to reflect actual increases in wage rates paid by the installer becoming effective between March 31, 1942, and July 1, 1942, by adding to such March hourly price charged only the actual hourly increase in the wage rate during such period.

§ 1346.157 *Less than maximum prices.* Lower prices than those set forth under §§ 1346.155 and 1346.156 may be offered, charged, demanded, or paid.

§ 1346.158 *Federal and State taxes.* There may be added to the maximum price established by this Maximum Price Regulation No. 236 the amount of tax levied by any Federal excise tax statute or any State or municipal sales, gross receipts, gross proceeds, or compensating use tax statute or ordinance, under which the tax is measured by gross proceeds or units of sale, if, but only if, (a) such statute or ordinance requires the vendor to state the tax separately from the purchase price paid by the purchaser, consumer, or user, on the bill, sales check, or evidence of sale, at the time of the transaction; or (b) such statute or ordinance requires such tax to be separately paid by the purchaser, consumer or user with tokens or other media of State or municipal tax payment; or (c) such a statute or ordinance permits the vendor to state such tax separately, and such tax is in fact stated separately, by the vendor. The amount of tax permitted to be added by this paragraph shall in no event exceed that paid by the purchaser, consumer, or user.

§ 1346.159 *Conditional agreements.* No manufacturer of conversion parts shall enter into an agreement permitting the adjustment of the price to prices which may be higher than the maximum prices provided by §§ 1346.155 or 1346.156 in the event that this Maximum Price Regulation No. 236 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment or application for adjustment has been filed, and such petition or application requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment or application for adjustment. Requests for such an exception may be included in the aforesaid petition for amendment or application for adjustment.

§ 1346.160 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 236 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, supply, or delivery of, or relating to conversion parts or installation services relating thereto, either alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise. No retailer or installer shall require an ultimate purchaser to buy conversion parts not actually required to complete in good mechanical working order the conversion of his oil fired heating boiler for the use of hand fired solid fuel. No seller shall require any purchaser for resale to purchase conversion parts which he does not want as a condition of receiving conversion parts which he does want.

§ 1346.161 *Records and reports.* (a) Every person making sales of conversion parts subject to this Maximum Price Regulation No. 236 shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect complete and accurate records of each such sale, showing the date thereof, the name and address of the purchaser, an itemized list of conversion parts sold, and the total net weight of the conversion parts sold.

(b) Every person engaged in the sale or supply of conversion parts installation services shall preserve for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect complete and accurate records of each such sale or supply of installation services showing:

(1) The name and address of the purchaser of such service or installation;

(2) The date thereof;

(3) The actual number of hours employed for completion of the conversion;

(4) The rate charged the purchaser per hour;

(5) The type and number of unit converted.

(c) Every person engaged in the sale and supply of conversion parts installation service shall file, on or before November 1, 1942, with the War Price and Rationing Board of the Office of Price Administration having jurisdiction over the area in which the seller is located the following:

(1) The hourly prices charged for conversion parts installation services during the month of March, 1942;

(2) The hourly rate of wages paid to employees performing such service or a similar service in March, 1942;

(3) If there has been any increase in the hourly wage rate between the period of March 31, 1942, and July 1, 1942, the amount thereof and the effective date of such increase;

(4) If the installer of conversion parts did not have such established hourly price for such service or a similar service during March, 1942, the maximum hourly price of the nearest competitor who pays the same wage rate and employs the same class of mechanics.

(d) Every person engaged in the sale and supply of conversion parts installation service shall prepare on or before November 1, 1942, to the full extent of all available information and records and thereafter keep posted in a conspicuous manner at his place of business for examination by any person during ordinary business hours a statement showing the highest prices which he may charge for installation services pursuant to the terms of § 1346.156 of this regulation.

(e) Persons affected by this Maximum Price Regulation No. 236 shall submit such other reports to the Office of Price Administration as it may from time to time require.

§ 1346.162 *Details required in contract of sale and invoice.* (a) Every seller of conversion parts shall with respect to every sale thereof deliver to the purchaser an invoice which shall contain the name and address of the purchaser and the seller; the date upon which the sale was made; an itemized list of the conversion parts sold; the total net weight of all conversion parts sold; the price per net pound of such conversion parts; and the total price paid.

(b) Every person supplying conversion parts installation service shall furnish with respect to each installation an invoice which shall contain the name and address of the purchaser and the seller; the date on which the installation was made; the total number of hours actually employed to complete the conversion; the rate per hour charged for such service; and the type and number of unit converted.

(c) Every person selling conversion parts and supplying the services necessary for their installation shall furnish to the purchaser an invoice containing all of the information required in paragraphs (a) and (b) of this section. The invoice shall also bear the following statement signed by the seller and shall be true to the knowledge of the seller in all respects:

> The total conversion parts used do not exceed the actual requirements for the conversion of the heating boiler from oil firing to the use of solid fuels. The weight of the parts so used and listed on this invoice is accurate and the prices therefor conform with Maximum Price Regulation No. 236 issued by the Office of Price Administration to the best of my knowledge and belief.

§ 1346.163 *Licensing.* The provisions of Supplementary Order No. 18 (§ 1305.22) licensing persons selling lumber, lumber products or building materials are applicable to every person (except manufacturers) making a sale of conversion parts for which maximum prices are fixed by this regulation.

§ 1346.164 *Application for adjustment and petition for amendment.* (a) Any person seeking relief from a maximum price established under this Maximum Price Regulation No. 236, may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed in accordance with Procedural Regulation No. 1 and shall set forth the facts relating to the hardship to which such maximum price subjects the applicant together with a statement of reasons why he believes that the granting of relief in his case and in all like cases will not defeat or impair the policy of the Emergency Price Control Act of 1942 and of this Maximum Price Regulation No. 236 to eliminate the danger of inflation.

(b) Any person seeking a modification of any provision of this Maximum Price Regulation No. 236 (other than an adjustment provided by paragraph (a)) may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1346.165 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 236 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 236 or any price schedule, regulation, or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation are urged to communicate with the nearest state, district, or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

(c) The provisions of paragraph (a) of this section shall not be applicable to any war procurement agency or any contracting officer thereof, and any such contracting officer or any paying finance officer shall be relieved of any and every liability, civil or criminal, imposed by this Maximum Price Regulation No. 236 or by the Emergency Price Control Act of 1942.

§ 1346.166 *Definitions.* (a) When used in the Maximum Price Regulation No. 236, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" means a person operating a foundry or plant which produces conversion parts.

(3) "Wholesaler" means a person who purchases conversion parts for purposes of resale primarily from a manufacturer and sells primarily to persons who will resell to the ultimate purchaser.

(4) "Retailer" means a person who purchases conversion parts for purposes of resale to ultimate purchasers, whether or not he is an installer.

(5) "Ultimate purchaser" means a person who purchases conversion parts for use rather than resale.

(6) "Installation service" means a mechanical service necessary to convert an oil fired heating boiler and make it ready for use for hand fired solid fuels.

(7) "Installer" means a person who furnishes installation services.

(8) "Conversion parts" means the metal parts necessary to convert an oil fired heating boiler and make it ready for use for hand fired solid fuels, and shall include the following parts whether actually used for conversion or otherwise:

(i) Grate assemblies and parts.
(ii) Grate supports.
(iii) Shaker handles.
(iv) Ashpit doors and frames.
(v) Poker.
(vi) Ash hoe.
(vii) Clinker tongs (Domestic type). } (Only when sold with grate assemblies)
(viii) Smokehood, with check control.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1346.167 *Effective date.* This Maximum Price Regulation No. 236 (§§ 1346.151 to 1346.167, inclusive) shall become effective October 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10139; Filed, October 9, 1942; 2:54 p. m.]

[Amendment 2 to Temporary Maximum Price Regulation 22[1]]

PART 1351—FOODS AND FOOD PRODUCTS

CERTAIN ESSENTIAL FOOD PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new § 1351.802a, a new sub-paragraph (3) to § 1351.803 (a) and a new § 1351.814 (b) are added as set forth below.

1351.802a *Maximum prices for fresh citrus fruits at retail.* (a) The seller's maximum price at retail for fresh citrus fruits shall be established as provided in this section. Any provision of this Temporary Maximum Price Regulation 22 which is contrary to or inconsistent with the provisions of this section, shall not apply to sales of fresh citrus fruits at retail, but each and every provision or definition of Temporary Maximum Price Regulation 22, which is not contrary to or inconsistent with the provisions of this section, shall remain in full force and effect and shall apply to all sales of fresh citrus fruits at retail.

(b) Sales of fresh citrus fruits by mail or express shipment to the ultimate consumer shall not be deemed sales of fresh citrus fruits at retail for the purposes of this Temporary Maximum Price Regulation 22.

(c) For the purposes of this section, oranges shall include tangerines and all oranges wherever grown; lemons shall include all lemons, wherever grown; and limes shall include all limes, wherever grown.

(d) The seller's maximum price at retail for all fresh citrus fruits, except grapefruit, and includling but not limited to oranges, lemons and limes, shall be the highest price charged by the seller during the period September 28, 1942, to October 2, 1942, inclusive, for the same commodity. If the seller did not sell the same commodity during that period, his maximum price shall be the highest price charged during that period by his most closely competitive seller of the same class for the same commodity.

(e) The seller's maximum price at retail for California or Arizona grapefruit shall be the highest price charged by the seller during the period September 28,

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7914.

1942, to October 2, 1942, inclusive, for the same commodity. If the seller did not sell California or Arizona grapefruit during that period, his maximum price shall be the highest price charged during that period by his most closely competitive seller of the same class, for the same commodity. If the seller is unable to obtain a maximum price by either of the foregoing methods, his maximum price for California or Arizona grapefruit shall be either ten cents per grapefruit, or the cost to him of each such grapefruit plus two and one half cents, whichever results in the lower price.

(f) The seller's maximum price at retail for all grapefruit other than California and Arizona grapefruit, shall be the highest price charged by the seller during the period September 28, 1942, to October 2, 1942, inclusive, for the same commodity. If the seller did not sell such grapefruit during that period, his maximum price shall be the highest price charged during that period by his most closely competitive seller of the same class for the same commodity. If the seller is unable to obtain a maximum price for such grapefruit by either of the foregoing methods, his maximum price shall be either ten cents per grapefruit, or the cost to him of each such grapefruit plus two and one-half cents, whichever price is lower.

(g) The cost of a grapefruit to the seller shall be the actual cost delivered at the seller's place of business, less any cash discounts or allowances to the seller.

* * * * *

§ 1351.803 *Exempt sales.* (a) * * *

(3) Sales and deliveries of all fresh citrus fruits, including but not limited to oranges, tangerines, grapefruit, lemons and limes, except sales of fresh citrus fruits at retail.

* * * * *

§ 1351.814 *Effective dates of amendments.* * * *

(b) Amendment No. 2 to Temporary Maximum Price Regulation 22 (§§ 1351.802a, 1351.803 (a) (3) and 1351.814) shall become effective on October 9, 1942.

Issued this 9th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10147; Filed, October 9, 1942; 5:20 p. m.]

PART 1382—HARDWOOD LUMBER

[Amendment 8 to Maximum Price Regulation 146 [1]]

APPALACHIAN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1382.13 (b) a new subparagraph is added as set forth below:

§ 1382.13 *Appendix C: Maximum price for Appalachian hardwood lumber in "non-recurring special" grades or items.* * * *

(b) * * *

In case of direct mill sales by wholesalers, the wholesaler need not file a report under this sub-section but the producing mill must file such report. The report of the price charged for the stock shall show the price before deduction of the functional discount allowed the wholesaler or commission salesman. The maximum price which the wholesaler may charge is the price charged by the mill.

* * * * *

§ 1382.10 a *Effective dates of amendments* * * *

(h) Amendment No. 8 (§ 1382.13 (b)) to Maximum Price Regulation No. 146 shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10141; Filed, October 9, 1942; 2:53 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Amendment 29 to Maximum Price Regulation 136, as Amended [1]]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph (19) is added to § 1390.25 (c) and new paragraph (cc) is added to § 1390.31a as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(19) *The Parks Woodworking Machine Company.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale by The Parks Woodworking Machine Company, Cincinnati, Ohio, of any woodworking machine except the No. 95 12'' Heavy Duty Planer shall be determined pursuant to the provisions of § 1390.5, except that the date November 15, 1941, shall be substituted for the date October 1, 1941 wherever that date appears in § 1390.5: *Provided,* That said company shall have notified its dealers that they may not charge prices higher than their maximum prices established by this Maximum Price Regulation No. 136, as amended. The maximum price for the No. 95 12'' Heavy Duty Planer shall be determined pursuant to the provisions of § 1390.5.

§ 1390.31a *Effective dates of amendments.* * * *

(cc) Amendment No. 29 (§ 1390.25 (c) (19)) to Maximum Price Regulation No. 136, as amended, shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10142; Filed, October 9, 1942; 2:51 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Amendment 30 to Maximum Price Regulation 136,[1] as Amended]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph (20) is added to § 1390.25 (c) as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(20) *Union Fork and Hoe Company.* Notwithstanding the provisions of §§ 1390.5 and 1390.6 the maximum price applicable to the sale of twenty-three (23) #303 Rome Diesel Powered Road Graders manufactured by the Rome Grader and Machinery Division of the Union Fork and Hoe Company, Columbus, Ohio, shall be $5,000.54 net each: *Provided,* That if any such grader is sold to a dealer, the said Company shall notify such dealer that he may not resell such grader at a price in excess of his maximum price for such grader established by this Maximum Price Regulation No. 136, as amended.

* * * * *

§ 1390.31a *Effective dates of amendments.* * * *

(dd) Amendment No. 30 (§ 1390.25 (c) (20)) to Maximum Price Regulation No. 136, as amended, shall become effective October 6, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 9th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10148; Filed, October 9, 1942; 5:20 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3776, 4179, 4852, 5520, 6053, 6998, 7600, 7747.

[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6937, 6964, 6965, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7913, 7944, 7945.

[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6937, 6964, 6965, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7913, 7944, 7945.

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[Amendment 1 to Maximum Price Regulation 216 [1]]

RAILROAD TIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In paragraph (b) of § 1426.6, the date of "October 1, 1942" is amended to read "November 1, 1942"; in paragraph (b) of § 1426.8 the filing period of 30 days is amended to read "60 days"; and a new § 1426.13a is added to read as set forth below:

§ 1426.13a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1426.6 (b), 1426.8 (b), and 1426.13a) shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10140; Filed, October 9, 1942; 2:51 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 40 to Supplementary Regulation 14 [2] to General Maximum Price Regulation [3]]

STORAGE AND WAREHOUSING OF COTTON

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Subparagraph (14) of paragraph (a) of § 1499.73 is amended to read as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided:

* * * * *

(14) *Storage and warehousing of cotton and services incident thereto*—(i) *Cotton other than Government loan or Government owned cotton.* Maximum prices for storage and handling in and out of warehouse of cotton, other than government loan or government owned cotton, actually received for storage on or before August 24, 1942, shall be the prices set forth in inferior subdivision (i) (*a*) hereof. Maximum prices for storage and handling in and out of warehouse of cotton, other than government loan or government owned cotton, actually received for storage on or after August 25, 1942, shall be either the prices set forth in inferior subdivision (i) (*a*) hereof or the prices set forth in inferior subdivision (i) (*b*) hereof and every person engaged in the storage and warehousing of cotton other than government loan cotton or government owned cotton must file with the appropriate field office of the Office of Price Administration, within 30 days after the date of this amendment, on the form set forth in Appendix A hereto, a notice of his election to observe as his maximum prices either the maximum prices specified in inferior subdivision (i) (*a*) hereof or the maximum prices specified in inferior subdivision (i) (*b*) hereof:

(*a*) Maximum prices for storage and handling in and out of warehouse computed under § 1499.2 of the General Maximum Price Regulation, or

(*b*) (*1*) For handling of cotton in and out of warehouse, 35¢ per bale;

(*2*) For storage: cotton stored in warehouses operating compress facilities, 17½¢ per bale per month, or fraction thereof, for the first six months of storage and 15¢ per bale per month, or fraction thereof, thereafter; cotton stored in warehouses not operating compress facilities, 20¢ per bale per month, or fraction thereof, for the first six months of storage and 17½¢ per bale per month, or fraction thereof, thereafter. The storage charge provided for in this inferior subdivision (*b*) includes fire insurance if the seller included fire insurance in the storage charge made to purchasers of the same class during the month of March 1942.

(ii) *Government loan cotton.* Maximum prices for storage and handling in and out of warehouse of government loan cotton actually received for storage on or after August 25, 1942, shall be the prices set forth in inferior subdivision (i) (*b*) hereof. Maximum prices for storage and handling in and out of warehouse of government loan cotton actually received for storage on or before August 24, 1942, shall be the prices set forth in inferior subdivision (i) (*a*) hereof.

(iii) *Government owned cotton.* Maximum prices for storage and handling in and out of warehouse of government owned cotton shall be the prices set forth in inferior subdivision (i) (*a*) hereof.

(iv) *Definitions.* When used in this subparagraph (14):

(*a*) The term "handling in and out" includes services ordinarily incident to receiving cotton for and delivering it from storage, such as weighing, marking, tagging, and sampling, but does not include services for which the particular seller customarily made a separate or different charge during the season from August 1, 1941, to July 31, 1942, in addition to or apart from his charges for receiving and delivering, and does not include penalty charges assessed for the delivery of uncompressed cotton from a warehouse operating compress facilities.

(*b*) The term "government loan cotton" means cotton which is subject to a loan made by the United States Government or any agency thereof.

(*c*) The term "government owned cotton" means cotton which is owned by the United States Government or any agency thereof.

(*d*) The term "warehouse operating compress facilities" means a warehouse which has compress facilities and which customarily makes a charge for compressing cotton or collects a penalty charge for delivery of uncompressed cotton.

(*e*) The term "warehouse not operating compress facilities" means a warehouse which does not have compress facilities, or a warehouse which does not customarily make a charge for compressing cotton or make a penalty charge for delivery of uncompressed cotton even though such warehouse does operate compress facilities.

(v) *Appendix A. O. P. A. Form No. SR 14:7. Form of Election Under Amendment No. 40 to Supplementary Regulation No. 14 to General Maximum Price Regulation.*

Office of Price Administration

(City)

(State)

Pursuant to the provisions of Amendment No. 40 to Supplementary Regulation No. 14 to the General Maximum Price Regulation, I hereby elect to observe as maximum prices for the handling in and out of warehouse and storage of cotton other than government loan or government owned cotton:

( ) (1) The maximum prices specified in inferior subdivision (i) (*a*) of said Amendment.
( ) (2) The maximum prices specified in inferior subdivision (i) (*b*) of said Amendment.

My maximum prices for such storage and handling:

( ) (1) Are set forth in the attached tariff.
( ) (2) Are as follows:
For handling in and out of warehouse:

For storage:

(Name of Company)

(location of warehouse—a separate form must be filed for each separate warehouse unless the same election is made as to all warehouses operated by this company)

(Name of person signing this form and position occupied in company.)

(b) *Effective dates.* * * *

(41) Amendment No. 40 (§ 1499.73 (a) (14)) to Supplementary Regulation No. 14 shall become effective October 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10149; Filed, October 9, 1942; 6:06 p. m.]

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* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7097, 7368.

[2] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 7400, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401.

[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5775, 5784, 5783, 6058, 6081, 5484, 5565, 6007, 6216, 6615, 6794, 6939 7093, 7322.

PART 1499—COMMODITIES AND SERVICES

[Order 65 Under § 1499.18 (c) of General Maximum Price Regulation]

P. SHARKEY AND SON

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.915 *Denial of application for adjustment of maximum price of horse collars sold by P. Sharkey and Son of Portland, Oregon.* (a) The application of P. Sharkey and Son of Portland, Oregon, filed July 30, 1942 and assigned Docket No. GF3-860, requesting permission to increase the maximum price of horse collars sold by it, is denied without prejudice.

(b) This Order No. 65 (§ 1499.915) shall become effective October 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10133; Filed, October 9, 1942; 2:50 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 66 Under § 1499.18 (c) of General Maximum Price Regulation—Docket GF3-1230]

INDUSTRIAL CIGAR COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.916 *Adjustment of maximum prices for stogies manufactured by Industrial Cigar Company.* (a) Industrial Cigar Company, 610-614 South Mathilda Street, Pittsburgh, Pennsylvania, wholesalers and retailers, may sell and deliver and any person may buy and receive from Industrial Cigar Company, wholesalers and retailers, "Arco Specials", "Tech", and "Gold Flower" stogies manufactured by Industrial Cigar Company at prices not higher than those set forth below:

(1) *Industrial Cigar Company.* $24.00 per 1000 less trade discount of 12% and cash discount of 2% (f. o. b. destination).

(2) *Wholesalers.* $24.00 per 1000 less the customary discounts established by the particular wholesaler for sales to the particular class of purchasers, (f. o. b. destination).

(3) *Retailers.* 3 cents per stogie.

(b) The adjustment granted to Industrial Cigar Company, wholesalers and retailers is subject to the condition that Industrial Cigar Company shall forthwith by circular or other appropriate means notify all wholesalers and retailers selling stogies manufactured by it that their maximum prices have been adjusted to those set forth in paragraph (a).

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 66 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 66 (§ 1499.916) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 66 (§ 1499.916) shall become effective October 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O., 9250, 7 F.R. 7871)

Issued this 9th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10134; Filed October 9, 1942; 2:50 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 67 under § 1499.18 (c) of the General Maximum Price Regulation—Docket GF1-710-P]

BUSH PAN-AMERICA, LTD.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.917 *Adjustment of maximum price of 3,401 pounds of essence of guiacum imported by Bush Pan-America, Ltd. of New York, New York.* (a) The maximum price for sales of the 3,401 pounds of essence of guiacum imported by Bush Pan-America, Ltd., of New York, New York and received by said company in the following shipments, i. e., 1,235 pounds on June 22, 1942, and 2,166 pounds on August 12, 1942, is established at $6.25 per pound. The Bush Pan-America, Ltd. may sell and any person may buy the whole or any part thereof at the maximum price set forth above.

(b) All discounts, trade practices and trade allowances upon the sale by Bush Pan-America, Ltd. of the commodity referred to in paragraph (a) above during March, 1942, shall apply to the maximum price set forth in paragraph (a).

(c) This Order No. 67 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of the applicant not granted herein are denied.

(e) This Order No. 67 (§ 1499.917) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of the maximum price established by § 1499.2.

(f) This Order No. 67 (§ 1499.917) shall become effective October 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10135; Filed, October 9, 1942; 2:50 p. m.]

PART 1302—ALUMINUM

[Amendment 2 to Revised Price Schedule 2,[1] as Amended]

ALUMINUM SCRAP AND SECONDARY ALUMINUM INGOT

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (a) of § 1302.14 is amended as set forth below:

§ 1302.14 *Appendix A: Maximum prices for aluminum scrap.*—(a) *Schedule of prices.*

Grade of aluminum scrap	Column I	Column II	Column III
	Maximum price (cents per pound) for shipment at one time of less than 1,000 pounds	Maximum price (cents per pound) for shipment at one time of 1,000 to 20,000 pounds (if shipped by truck) or 1,000 pounds to minimum carload (if shipped by rail)	Maximum price (cents per pound) for shipment at one time of 20,000 pounds or more (if shipped by truck) or minimum carload or more (if shipped by rail)
(1) Plant scrap, segregated:			
2S solids	10	11	11½
17S, 24S, and 52S solids:			
Briquetted, or in large pieces too heavy to briquette	10½	11½	12
Baled or packaged, suitable for briquetting	10	11	11½
Loose, suitable for briquetting	9½	10½	11
All other solids	9½	10½	11
Borings and turnings	7½	8½	9
(2) Plant scrap, mixed:			
All solids	8½	9½	10
Borings and turnings	6½	7½	8
(3) Obsolete scrap:			
Pure cable	10	11	11½
Old sheet and utensils	8½	9½	10
Old castings and forgings	9	9½	10
Pistons free of struts	9	9½	10
Pistons with struts	7	7½	8
(4) Drosses, skimmings, grindings, sweepings, savings and spatters:			
Containing 15 percent or more by weight of metallic aluminum, as determined by fire assay.	8 cents per pound of metallic aluminum contained, as determined by fire assay, irrespective of quantity.		
Containing less than 15 percent by weight of metallic aluminum, as determined by fire assay.	1.2 cents per pound of material irrespective of aluminum content and irrespective of quantity.		

* * * * *

§ 1302.13a *Effective dates of amendments.* * * *

(c) Amendment No. 2 to Revised Price Schedule No. 2, as amended (§ 1302.14 (a)) shall become effective October 16, 1942.

(Pub. Law 421, 77th Cong., Pub. Law 729, 77th Cong. and E.O. 9250, 7 F.R. 7871.)

Issued this 10th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10157; Filed, October 10, 1942; 12:20 p. m.]

PART 1316—COTTON TEXTILES

[Amendment 8 to Revised Price Schedule No. 35[1]]

CARDED GREY AND COLORED-YARN COTTON GOODS

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The item in footnote 5 to Table III of § 1316.61 (b) (4) beginning "For any osnaburg 42″ or over in width" is hereby amended to read as set forth below:

§ 1316.61 *Appendix A: Maximum prices for cotton goods.*

(b) * * *

(4) *Maximum price tables.* * * *

TABLE III—SHEETING YARN GROUP

* * * * *

[5] * * * For any osnaburg 42″ or over in width a premium of 5 per cent over the otherwise applicable maximum price: *Provided,* That maximum prices for deliveries of osnaburgs 42″ and over in width against contracts entered into between May 4, and May 29, 1942, both inclusive, shall be determined in accordance with Maximum Price Regulation No. 118 (7 F.R. 3038, 3211, 3522, 3578, 3824, 3905, 4405, 5224, 5405, 5567, 5836, 6005, 6484): *Provided further,* That contracts entered into between May 30, 1942, and October 11, 1942, both inclusive, under the terms of and at prices in compliance with this Revised Price Schedule No. 35, may be carried out at the contract price.

* * * * *

§ 1316.60a *Effective dates of amendments.* * * *

(h) Amendment No. 8 (Footnote 5 to Table III of § 1316.61 (b) (4) to Revised Price Schedule No. 35 shall become effective October 12, 1942.

(Pub. Law 421, 77th Cong., Pub. Law 729, 77th Cong., E.O. 9250, 7 F.R. 7871.)

Issued this 10th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10158; Filed, October 10, 1942; 12:22 p. m.]

PART 1335—CHEMICALS

[Amendment 1 to Revised Price Schedule 21[2]]

FORMALDEHYDE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1335.56 is amended and new §§ 1335.56a and 1335.59a are added, to read as set forth below:

§ 1335.56 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 21 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1335.56a *Licensing.* (a) The provisions of Supplementary Order No. 11, licensing distributors of chemicals and drugs, are applicable to every distributor selling formaldehyde for which maximum prices are established by Appendix A (§ 1335.60). The term "distributor" shall have the meaning given to it by Supplementary Order No. 11.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at retail formaldehyde for which maximum prices are established by Appendix A (§ 1335.60). The term "selling at retail" shall have the meaning given it by § 1499.20(o) of the General Maximum Price Regulation.

§ 1335.59a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1335.56(a), 1335.56a, and 1335.59a) to Revised Price Schedule No. 21 shall become effective October 16, 1942.

(Pub. Laws 421, and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.)

Issued this 10th day of October, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10192; Filed, October 10, 1942; 12:24 p. m.]

PART 1335—CHEMICALS

[Amendment 1 to Revised Price Schedule 31[1]]

ACETIC ACID

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1335.206 is amended and new §§ 1335.206a and 1335.209a are added, to read as set forth below:

§ 1335.206 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 31 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1335.206a *Licensing.* (a) The provisions of Supplementary Order No. 11, licensing distributors of chemicals and drugs, are applicable to every distributor selling Acetic Acid for which maximum prices are established by Appendix A (§ 1335.210). The term "distributor" shall have the meaning given to it by Supplementary Order No. 11.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at retail acetic acid for which maximum prices are established by Appendix A (§ 1335.210). The term "selling at retail" shall have the meaning given it by § 1499.20 (o) of the General Maximum Price Regulation.

§ 1335.209a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1335.206, 1335.206a, and 1335.209a) to Revised Price Schedule No. 31 shall become effective October 16, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.)

Issued this 10th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10198; Filed, October 10, 1942; 12:24 p. m.]

PART 1335—CHEMICALS

[Amendment 1 to Revised Price Schedule 34[1]]

WOOD ALCOHOL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1335.256 is amended, and new §§ 1335.256a and 1335.258a are added, to read as set forth below:

§ 1335.256 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 34 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1335.256a *Licensing.* (a) The provisions of Supplementary Order No. 11, licensing distributors of chemicals and drugs, are applicable to every distributor selling wood alcohol for which maximum prices are established by Appendix A (§ 1335.259). The term "distributor" shall have the meaning given to it by Supplementary Order No. 11.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at retail wood alcohol for which maximum prices are established by Appendix A (§ 1335.259). The term "selling at retail" shall have the meaning given it by § 1499.20 (o) of the General Maximum Price Regulation.

§ 1335.258a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1335.256, 1335.256a, and 1335.258a) to

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1203, 1600, 1836, 2132, 3746, 4584, 5513, 6468, 7973.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1270, 1836, 2132, 2738, 2795, 3060, 3164, 3447, 3900, 6640, 7248, 7318.

[2] 7 F.R. 1249, 1836, 2000, 2132, 6385.

[1] 7 F.R. 123, 1263, 1836, 2000, 2132, 6385.

[1] 7 F.R. 1269, 1836, 2000, 2132, 6385.

Revised Price Schedule No. 34 shall become effective October 16, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.)

Issued this 10th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10197; Filed, October 10, 1942; 12:24 p. m.]

PART 1335—CHEMICALS

[Amendment 3 to Revised Price Schedule 38[1]]

GLYCERINE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1335.406 is amended and new § 1335.406a is added, to read as set forth below:

§ 1335.406 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 38 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1335.406a *Licensing.* (a) The provisions of Supplementary Order No. 11, licensing distributors of chemicals and drugs, are applicable to every distributor selling glycerine for which maximum prices are established by Appendix A (§ 1335.410). The term "distributor" shall have the meaning given to it by Supplementary Order No. 11.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at retail glycerine for which maximum prices are established by Appendix A (§ 1335.410). The term "selling at retail" shall have the meaning given it by § 1499.20 (o) of the General Maximum Price Regulation.

§ 1335.409a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1335.406 and 1335.406a) to Revised Price Schedule No. 38 shall become effective October 16, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.)

Issued this 10th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10194; Filed, October 10, 1942; 12:25 p. m.]

PART 1335—CHEMICALS

[Amendment 3 to Revised Price Schedule 42[1]]

PARAFFIN WAX

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1335.456 is amended and new §§ 1335.456a and 1335.460a are added, to read as set forth below:

§ 1335.456 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 42 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1335.456a *Licensing.* (a) The provisions of Supplementary Order No. 11, licensing distributors of chemicals and drugs, are applicable to every distributor selling paraffin wax for which maximum prices are established by Appendix A (§ 1334.410). The term "distributor" shall have the meaning given to it by Supplementary Order No. 11.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at retail paraffin wax for which maximum prices are established by Appendix A (§ 1335.460). The term "selling at retail" shall have the meaning given it by § 1499.20 (o) of the General Maximum Price Regulation.

§ 1335.460a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1335.456 and 1335.456a) to Revised Price Schedule No. 42 shall become effective October 16, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.)

Issued this 10th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10193; Filed, October 10, 1942; 12:25 p. m.]

PART 1335—CHEMICALS

[Amendment 2 to Revised Price Schedule 78[2]]

OXALIC ACID

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1335.555 is amended and new § 1335.555a is added, to read as set forth below:

§ 1335.555 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 78 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1335.555a *Licensing.* (a) The provisions of Supplementary Order No. 11, licensing distributors of chemicals and drugs, are applicable to every distributor selling oxalic acid for which maximum prices are established by Appendix A (§ 1335.559). The term "distributor" shall have the meaning given to it by Supplementary Order No. 11.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at retail oxalic acid for which maximum prices are established by Appendix A (§ 1335.559). The term "selling at retail" shall have the meaning given it by § 1499.20 (o) of the General Maximum Price Regulation.

§ 1335.558a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1335.555 and 1335.555a) to Revised Price Schedule No. 78 shall become effective October 16, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.)

Issued this 10th day of October, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10195; Filed, October 10, 1942; 12:25 p. m.]

PART 1335—CHEMICALS

[Amendment 3 to Revised Price Schedule 79[1]]

CARBON TETRACHLORIDE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1335.605 is amended, and new § 1335.605a is added, to read as set forth below:

§ 1335.605 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 79 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1335.605a *Licensing.* (a) The provisions of Supplementary Order No. 11, licensing distributors of chemicals and drugs, are applicable to every distributor selling carbon tetrachloride for which maximum prices are established by Appendix A (§ 1335.609). The term "distributor" shall have the meaning given to it by Supplementary Order No. 11.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at retail carbon tetrachloride for which maximum prices are established by Appendix A (§ 1335.609). The term "selling at retail" shall have the meaning given it by § 1499.20 (o) of the General Maximum Price Regulation.

§ 1335.608a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1335.605 and 1335.605a) to Revised Price Schedule No. 79 shall become effective October 16, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 10th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10161; Filed, October 10, 1942; 12:23 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 FR. 1277, 1836, 2000, 2132, 2997, 5178, 6385.

[1] 7 F.R. 1285, 1836, 2000, 2132, 3430, 4853, 6385.

[2] 7 F.R. 1353, 1836, 2132, 2512, 6385.

[1] 7 F.R. 1354, 1836, 2132, 2792, 5056.

PART 1335—CHEMICALS

[Amendment 3 to Revised Price Schedule 80[1]]

LITHOPONE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1335.655 is amended and new § 1335.655a is added, to read as set forth below:

§ 1335.655 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 80 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1335.655a *Licensing.* (a) The provisions of Supplementary Order No. 11, licensing distributors of chemicals and drugs, are applicable to every distributor selling lithopone for which maximum prices are established by Appendix A (§ 1335.659). The term "distributor" shall have the meaning given to it by Supplementary Order No. 11.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at retail lithopone for which maximum prices are established by Appendix A (§ 1335.659). The term "selling at retail" shall have the meaning given it by § 1499.20 (o) of the General Maximum Price Regulation.

§ 1335.658a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1335.655 and 1335.655a) to Revised Price Schedule No. 80 shall become effective October 16, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 10th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10196; Filed, October 10, 1942; 12:26 p. m.]

PART 1335—CHEMICALS

[Amendment 2 to Revised Price Schedule 98[1]]

TITANIUM PIGMENTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1335.755 is amended and new § 1335.755a, is added, to read as set forth below:

§ 1335.755 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 98 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1335.755a *Licensing.* (a) The provisions of Supplementary Order No. 11, licensing distributors of chemicals and drugs, are applicable to every distributor selling titanium pigments for which maximum prices are established by Appendix A (§ 1335.759). The term "distributor" shall have the meaning given to it by Supplementary Order No. 11.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at retail titanium pigments for which maximum prices are established by Appendix A (§ 1335.759). The term "selling at retail" shall have the meaning given it by § 1499.20 (o) of the General Maximum Price Regulation.

§ 1335.758a *Effective dates of amendments.* * * * (b) Amendment No. 2 (§§ 1335.755 and 1335.755a) to Revised Price Schedule No. 98 shall become effective October 16, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 10th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10191; Filed, October 10, 1942; 12:26 p. m.]

PART 1335—CHEMICALS

[Amendment 1 to Revised Price Schedule 99[1]]

ACETYL SALICYLIC ACID

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1335.805 is amended and new § § 1335.805a and 1335.808a are added, to read as set forth below:

§ 1335.805 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 99 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1335.805a *Licensing.* (a) The provisions of Supplementary Order No. 11, licensing distributors of chemicals and drugs, are applicable to every distributor selling acetyl salicylic acid for which maximum prices are established by Appendix A (§ 1335.809). The term "distributor" shall have the meaning given to it by Supplementary Order No. 11.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at retail acetyl salicylic acid for which maximum prices are established by Appendix A (§ 1335.809). The term "selling at retail" shall have the meaning given it by § 1499.20 (o) of the General Maximum Price Regulation.

§ 1335.808a *Effective dates of amendments.* (a) Amendment No. 1 (§ § 1335.805, 1335.805a and 1335.808a) to Revised Price Schedule No. 99 shall become effective October 16, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 10th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10159; Filed, October 10, 1942; 12:24 p. m.]

PART 1335—CHEMICALS

[Amendment 1 to Revised Price Schedule 103[2]]

SALICYLIC ACID

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1335.955 is amended and new §§ 1335.955a and 1335.958a are added, to read as set forth below:

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1355, 1643, 1836, 2132, 2759, 6385.

[1] 7 F.R. 1392, 1836, 2108, 2132, 6385.

[1] 7 F.R. 1402, 1836, 2132.

[2] 7 F.R. 1393, 1836, 2108, 2132.

§ 1335.955 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 103 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1335.995a *Licensing.* (a) The provisions of Supplementary Order No. 11, licensing distributors of chemicals and drugs, are applicable to every distributor selling salicylic acid for which maximum prices are established by Appendix A (§ 1335.959). The term "distributor" shall have the meaning given to it by Supplementary Order No. 11.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at retail salicylic acid for which maximum prices are established by Appendix A (§ 1335.959). The term "selling at retail" shall have the meaning given it by

§ 1499.20 (o) of the General Maximum Price Regulation.

§ 1335.958a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1335.955, 1335.955a and 1335.958a) to Revised Price Schedule No. 103 shall become effective October 16, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.)

Issued this 10th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10160; Filed, October 10, 1942; 12:24 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Amendment 11 to Revised Price Schedule 53 [1]]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new sub-paragraph (13) is added to paragraph (b) of § 1351.151 as set forth below:

§ 1351.151 *Maximum prices for fats and oils.* * * *

(b) * * *

(13) On and after October 16, 1942, § 1351.151 (b) (1) to (5), both inclusive, of this paragraph (b) shall have no application to the following fats and oils, and the maximum prices thereof shall be the following prices:

Wool Grease: f. o. b. producer's plant, in returnable drums, carlots.

	Cents per pound
U. S. P. lanolin, anhydrous cosmetic grade	35
U. S. P. lanolin, pharmaceutical type	33
U. S. P. lanolin, hydrous	32
Technical lanolin, bleached and deodorized, ash maximum 1/10 of 1%, moisture maximum ¾ of 1%, acid maximum ¾ of 1%, 1½% loss with petroleum ether extraction, color 3½ A. S. T. M. standard	31
Neutral wool grease, fully refined, acid maximum 2%, ash maximum 1/10 of 1%, moisture maximum 1%	29
Neutral wool grease, fully refined, over 2% acid, ash maximum 1/10 of 1%, moisture maximum 1%	27½
Crude centrifugal wool grease, known as dry, moisture maximum 2½%, ash maximum ¾ of 1%, maximum 1½ F. F. A	20
Crude centrifugal wool grease, known as wet, over 5% moisture, maximum 2½ F. F. A., not refined, anhydrous grease basis	17
Common Degras, moisture maximum 2½%, ¼ to 1% ash, maximum 11% F. F. A	12
Common Degras, moisture maximum 2½%, ¼ to 1% ash, maximum 20% F. F. A	11
Common Degras, moisture maximum 2½%, ¼ to 1% ash, maximum 30%, F. F. A	10

(i) The usual or normal differential for type of container shall continue to apply.

(ii) The usual or normal differentials for grades above or below the listed grades shall continue to apply

(iii) The maximum price of an imported wool grease, duties and taxes paid, shall be the maximum price established above for the closest grade of domestic wool grease.

* * * * *

§ 1351.159 *Effective dates of amendments.* * * *

(k) Amendment No. 11 (§ 1351.151 (b) (13)) to Revised Price Schedule No. 53 shall become effective October 16, 1942.

(Pub. Law 421, 77th Cong., Pub. Law 729, 77th Cong., E.O. 9250, 7 F.R. 7871.)

Issued this 10th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10162; Filed, October 10, 1942; 12:19 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 6 F.R. 6409; 7 F.R. 81, 756, 1009, 1309, 1836, 2132, 3430, 3821, 4229, 4294, 4484, 5605, 7665, 7666, 7977.

PART 1351—FOOD AND FOOD PRODUCTS

[Amendment 12 to Revised Price Schedule 53 [1]]

FATS AND OILS

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new subparagraph (14) is added to paragraph (b) of § 1351.151 as set forth below:

§ 1351.151 *Maximum prices for fats and oils.* * * *

(b) * * *

(14) On and after October 16, 1942 § 1351.151 (b) (1) to (5) shall have no application to the following fats and oils, and the maximum prices thereof shall be the following prices:

(i) *Raw soap stocks.*

	Cents per lb. delivered in tankcars
Cottonseed foots, basis 50% T. F. A.:	
Midwest	3½
East	3⅝
Corn foots, basis 50% T. F. A.:	
Midwest	3⅜
East	3½
Soybean foots, basis 50% T. F. A.:	
Midwest	3⅜
East	3½

(ii) *Recovered or acidulated soap stocks.*

	Cents per lb. delivered in tankcars
Soybean oil, basis 95% T. F. A.:	
Midwest	7
East	7¼
Corn oil,, basis 95% T. F. A.:	
Midwest	7
East	7¼
Peanut oil, basis 95% T. F. A.:	
Midwest	8
East	8¼
Acidulated cottonseed foots (black grease), basis 95% T. F. A.:	
Midwest	7¼
East	7⅜
Coconut oil, 98% saponifiable	10⅛

(iii) *Distilled fatty acids.*

	Cents per lb. delivered, tank cars	Cents per lb. delivered, carloads, in returnable drums or nonreturnable packages
Tallow:		
East	12	12¾
Texas and Oklahoma	12½	13¼
West of Rockies	13	13¾
Cottonseed, single distilled:		
East	11¼	12
Texas and Oklahoma	11¾	12½
West of Rockies	12¼	13
Cottonseed, double distilled:		
East	11¾	12½
Texas and Oklahoma	12¼	13
West of Rockies	12¾	13½
Coconut, undistilled, #2 grade	13⅜	----------
Coconut, distilled, #1 grade	----------	15½
Coconut, triple distilled, special light color	----------	16¾
Soya bean oil, from foots	10	10¾
Soya bean oil, from crude	15¾	16½
Corn oil	10⅛	10⅞
Peanut oil	11¼	12

(*a*) When shipped in less than carload lots, the usual or normal premium shall continue to apply.

(*b*) The usual or normal differential for type of container shall continue to apply.

(*c*) The maximum prices of fractionated fatty acids shall be computed in accordance with § 1351.151 (b) (1) to (5) of this Revised Price Schedule No. 53.

(*d*) The maximum toll which may be charged for splitting fats and oils shall be (in addition to the retention of the glycerin for the account of the splitter) 75 cents per 100 lbs. in tankcar lots for all material testing under 20 F. F. A. and $1.00 per 100 lbs. in tankcar lots for all material testing 20 F. F. A. and over. All freight shall be for the account of the buyer. The normal premium for less than tankcar lots shall continue to apply.

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[1] 6 F.R. 6409; 7 F.R. 81, 756, 1009, 1309, 1836, 2132, 3430, 3821, 4229, 4294, 4484, 5605, 7665, 7666, 7977.

(iv) *Stearic acid and oleic acid.*

	Cents per lb. del'd east of Rockies	Cents per lb. del'd Texas and Oklahoma	Cents per lb. del'd west of Rockies
Stearic acid, carloads, in bags:			
Single pressed	15⅜	15⅞	16⅜
Double pressed	15⅞	16⅜	16⅞
Triple pressed	18⅝	19⅛	19⅝
Oleic acid:			
Tankcars	12½	13	13½
Carloads, in returnable drums or barrels	13¼	13¾	14¼
Double distilled oleic acid:			
Carloads, in returnable drums	15⅞	16⅜	16⅞
Carloads, in special drums or barrels (packages included)	16⅝	17⅛	17⅝

(*a*) When shipped in less than carload lots, the usual or normal premium shall continue to apply.

(*b*) The usual or normal differential for type of container shall continue to apply.

(*c*) The usual or normal differentials for grades above or below the listed grades shall continue to apply.

§ 1351.159 *Effective dates of amendments.* * * *

(l) Amendment No. 12 (§ 1351.151 (b) (14)) to Revised Price Schedule No. 53 shall become effective October 16, 1942.

(Pub. Law 421, 77th Cong., Pub. Law 729, 77th Cong., E.O. 9250, 7 F.R. 7871.)

Issued this 10th day of October, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10163; Filed, October 10, 1942; 12:21 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Maximum Price Regulation 237]

ADJUSTED AND FIXED MARKUP REGULATION FOR SALES OF CERTAIN FOOD PRODUCTS AT WHOLESALE

In the judgment of the Price Administrator, it is necessary and proper to establish new maximum prices for the sale of certain food products at wholesale where the maximum prices established by the General Maximum Price Regulation threaten the continued distribution of those food products through their normal channels.

The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 237 is hereby issued.

Sec.
1351.501 Applicability of this Maximum Price Regulation No. 237.
1351.502 How a wholesaler calculates his maximum prices for food products listed in Appendix A.
1351.503 How a wholesaler calculates his maximum prices for food products listed in Appendix B.
1351.504 How a wholesaler may re-calculate a new maximum price if his "net cost" increases before the final date for calculating a maximum price.
1351.505 Maximum prices set under this regulation cannot be changed.
1351.506 Final dates for calculating and filing maximum prices.
1351.507 Fractions of cents.
1351.508 How a service wholesaler calculates his maximum price when he makes cash-and-carry sales.
1351.509 Addition allowed for delivery by a retailer-owned cooperative wholesaler or a cash-and-carry wholesaler.
1351.510 Adjustment of maximum prices for different classes of purchasers.
1351.511 Records.
1351.512 Relation between Maximum Price Regulation No. 237 and the General Maximum Price Regulation.
1351.513 Evasion.
1351.514 Enforcement.
1351.515 Definitions.
1351.516 Geographical applicability.
1351.517 Effective date.
1351.518 Appendix A.
1351.519 Appendix B.
1351.520 Appendix C.

AUTHORITY: §§ 1351.501 to 1351.520, inclusive, issued under Pub. Law 421, 77th Cong., Pub. Law 729, 77th Cong.; and E.O. 9250, 7 F.R. 7871.

§ 1351.501 *Applicability of this Maximum Price Regulation No. 237*—(a) *What commodities may be priced under this regulation.* This regulation applies only to the particular food products listed in Appendix A (§ 1351.518) and Appendix B (§ 1351.519) of this regulation.

(b) *To what types of sellers this regulation applies.* This regulation applies only to sellers at wholesale (hereinafter referred to as wholesalers), which for the purpose of this regulation are divided into the following three classes:

(1) *Class 1: Retailer-owned cooperative wholesaler.* A retailer-owned cooperative wholesaler is either a nonprofit organization or a corporation, 51% of the stock of which is owned by its retailer customers, and which distributes food products for resale without materially changing their form.

(2) *Class 2: Cash-and-carry wholesaler.* A cash-and-carry wholesaler is a wholesaler not in Class 1 who distributes food products for resale or to commercial, industrial or institutional users without materially changing their form and who does not customarily deliver or extend credit to retail buyers.

(3) *Class 3: Service wholesaler.* A service wholesaler is a wholesaler not in Class 1 who distributes food products for resale or to commercial, industrial or institutional users without materially changing their form and who customarily delivers, or delivers and extends credit to retail buyers.

(c) *Purpose of this regulation*—(1) *Food products listed in Appendix A.* This regulation provides that for the particular food products listed in Appendix A, a wholesaler may use either a new adjusted maximum price calculated under this regulation or, if it is higher, his maximum price calculated under the provisions of any other applicable price regulation or order issued by the Office of Price Administration.

(2) *Food products listed in Appendix B.* This regulation provides new maximum prices for the particular food products listed in Appendix B. These new maximum prices are to be the only maximum prices for all sales of such food products after the effective date of this regulation and are to be used instead of the maximum prices calculated under any other price regulation or order issued by the Office of Price Administration.

(3) *Prohibition.* On and after October 15, 1942, the date this regulation takes effect, regardless of any contract or obligation, no person is permitted to sell or deliver at wholesale any of the food products listed in Appendix A or B at a price which is higher than the maximum price fixed by this regulation, and no person is permitted to buy or receive any of these food products in the course of trade or business at a price higher than that maximum price. Lower prices than the maximum prices may be charged and paid.

§ 1351.502 *How a wholesaler calculates his maximum prices for food products listed in Appendix A.* (a) The wholesaler may calculate his maximum prices for each item (that is, for each kind, brand, grade and container size) of a food product listed in Appendix A as follows:

(1) The wholesaler should first find from paragraph (b) of § 1351.501 of this regulation in what class of wholesaler he falls.

(2) The wholesaler will next find his net cost of the item he is pricing. "Net cost" in this regulation means the amount he paid for an item delivered at his customary receiving point less all discounts allowed him except the discount for prompt payment; however, no charge or cost for local unloading or local trucking shall ever be included. "Net cost" shall be based on the wholesaler's most recent purchase since May 11, 1942, of a customary quantity from a customary supplier and on the customary mode of transportation.

(3) The wholesaler will then multiply his net cost by the figure in Appendix A which applies to a wholesaler of his class for the item being priced.

(4) The wholesaler may use the resulting amount as his maximum price if it is higher than his maximum price under any other applicable price regulation or order issued by the Office of Price Administration.

(b) If a wholesaler uses this resulting amount as his new maximum price, he must fill out Form No. 337:1 (or a copy thereof) as set forth in Appendix C (§ 1351.520) of this regulation before making any sales at this new price.

(c) If a wholesaler fails to file such new maximum price as required by paragraph (b) of § 1351.506 of this regulation, any such price calculated under this section shall no longer be applicable to such wholesaler, and sales or deliveries of that item shall be made thereafter at prices no higher than those established by any other applicable price regulation or order issued by the Office of Price Administration.

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*Copies may be obtained from the Office of Price Administration.

§ 1351.503 *How a wholesaler calculates his maximum price for food products listed in Appendix B.* The wholesaler must calculate his maximum price for each item (that is, for each kind, brand, grade and container size) of a food product listed in Appendix B as follows:

(1) The wholesaler shall multiply his "net cost" of the item he is pricing by the figure in Appendix B which applies to a wholesaler of his class for that item. He must find his "net cost" and "class of wholesaler" by following the rules of paragraphs (1) and (2) of the foregoing § 1351.502.

(2) The resulting amount shall be the wholesaler's maximum price for the particular item, but before making any sales at this new price, he must fill out Form No. 337:1 (or a copy thereof) as set forth in Appendix C of this regulation.

§ 1351.504 *How a wholesaler may recalculate a new maximum price if his "net cost" increases before the final date for calculating a maximum price.* If, after calculating any maximum price and after filling out Form No. 337:1 (or a copy thereof), a wholesaler, before the final date set opposite the name of the food product in Appendix A or B for the calculation of a maximum price, purchases a customary quantity of the same item from a customary supplier at a higher "net cost" than he used in calculating his maximum price, he may calculate a new maximum price on the basis of his new "net cost". Before making any sales at this new price, he must fill out Form No. 337:1 (or a copy thereof) as set forth in Appendix C of this regulation. The facts recorded in Form No. 337:1 (or a copy thereof) for the first new maximum price must not be changed, and a wholesaler should note on the form that a new maximum price has been calculated.

§ 1351.505 *Maximum prices set under this regulation cannot be changed.* A maximum price for any item of a food product calculated by a wholesaler under §§ 1351.502 and 1351.503 of this regulation and entered on Form No. 337:1 (or a copy thereof) shall be his maximum price for that item from that time forward. However, where a wholesaler recalculates a maximum price under § 1351.504 of this regulation, such recalculated price shall be his maximum price for that item from and after the date that the re-calculated price is entered on Form No. 337:1 (or a copy thereof).

§ 1351.506 *Final dates for calculating and filing maximum prices*—(a) *Recording of maximum prices.* A wholesaler must calculate and record on Form No. 337:1 (or a copy thereof) as set forth in Appendix C of this regulation all new maximum prices for any item of a food product on or before the date set opposite the name of that food product in Appendix A or B.

(b) *Filing of maximum prices.* Within ten days after the final date for the calculation of a maximum price for a food product under this regulation, a wholesaler must report all his new maximum prices to the nearest district office or, in the absence of a district office, to the nearest state office of the Office of Price Administration on Form No. 337:1 (or a copy thereof) as set forth in Appendix C of this regulation. This form shall be signed and subscribed or sworn to before a notary or other proper official.

§ 1351.507 *Fractions of cents.* Any maximum price calculated under this regulation shall be based on the wholesaler's customary unit of sale, that is, per case, per box, per bag, per dozen or the like. All such calculations resulting in a fraction of a cent shall be reduced to the nearest lower cent if the fraction is less than one-half cent and shall be increased to the nearest higher cent if the fraction is one-half cent or more.

§ 1351.508 *How a service wholesaler calculates his maximum price when he makes cash-and-carry sales.* Where a service wholesaler (Class 3) makes cash-and-carry sales (Class 2) and has customarily maintained a price differential between cash-and-carry sales and his service sales, he must use for the cash-and-carry sales the figure in Appendix A or B, which applies to a cash-and-carry wholesaler (Class 2).

§ 1351.509 *Addition allowed for delivery by a retailer-owned cooperative wholesaler or a cash-and-carry wholesaler.* (a) A retailer-owned cooperative wholesaler (Class 1) or a cash-and-carry wholesaler (Class 2), who has customarily added a set amount or percentage to his sales price for delivering to retail buyers, may continue to add such set amount or percentage to his total sales price of those sales which he delivers to his retail buyers. Such amount or percentage must be shown on the wholesaler's invoice.

(b) A retailer-owned cooperative wholesaler (Class 1) or a cash-and-carry wholesaler (Class 2), who has not customarily added a set amount or percentage to his sales price for delivering to retail buyers, may add one percent (1%) of the total amount of a sale of the food products covered by this regulation, to his total sales price of those sales which he delivers to his retail buyers. Such percentage must be shown on the wholesaler's invoice.

§ 1351.510 *Adjustment of maximum prices for different classes of purchasers.* If a wholesaler had a practice during March 1942 of giving to different classes of purchasers allowances, discounts or other price differentials, he is required to reduce his maximum price calculated for any food product by the amount of such allowances, discounts or price differentials. No wholesaler shall change his customary allowances, discounts and price differentials if the change results in a higher net price.

§ 1351.511 *Records.* (a) On the same day as a wholesaler calculates any new maximum price under this regulation and fills out Form No. 337:1 (or a copy thereof) he shall record on his base-period record required in § 1499.11 of the General Maximum Price Regulation, any new maximum price. The record of the old maximum price shall not be destroyed.

(b) In addition to the records required in § 1499.11 of the General Maximum Price Regulation or any other applicable price regulation, every wholesaler shall keep all records showing how he calculated any maximum price under this regulation, which records shall be kept for so long as the Emergency Price Control Act of 1942 remains in effect.

§ 1351.512 *Relation between Maximum Price Regulation No. 237 and the General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 237 supersede the provisions of the General Maximum Price Regulation or any other applicable price regulation or order issued by the Office of Price Administration with respect to sales and deliveries for which maximum prices are established by this regulation. However, the following sections of the General Maximum Price Regulation, as well as the amendments to them, shall continue to be applicable to every wholesaler selling any food product listed in Appendix A or B:

(1) Transfers of business or stock in trade (§ 1499.5).
(2) Sales for export (§ 1499.6).
(3) Federal and State Taxes (§ 1499.7).
(4) Base-period records (§ 1499.11).
(5) Current records (§ 1499.12).
(6) Sales slips and receipts (§ 1499.14).
(7) Registration (§ 1499.15).
(8) Licensing (§ 1499.16).

§ 1351.513 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 237 shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, any of the commodities listed in Appendix A or B hereof, alone or in conjunction with any other commodity or by way of commission, service, transportation, or any other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by calculating "net cost" on purchases from non-customary suppliers, purchases of non-customary quantities or non-customary modes of transportation, or otherwise.

§ 1351.514 *Enforcement.* Persons violating any provisions of this Maximum Price Regulation No. 237 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942.

§ 1351.515 *Definitions.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, and in § 1499.2 and § 1499.20 of the General Maximum Price Regulation shall apply to terms used herein.

§ 1351.516 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 237 shall be applicable to the forty-eight states of the United States and the District of Columbia.

§ 1351.517 *Effective date.* This Maximum Price Regulation No. 237 (§§ 1351.501 to 1351.520, inclusive) shall become effective October 15, 1942.

§ 1351.518 *Appendix A.*

(Figures to be used by wholesale distributors in determining new maximum prices under § 1351.502 of this regulation (new maximum prices are optional: Wholesaler may continue to use present maximum prices))

Food product [1]	Last date for determining new maximum prices under this regulation	Last date for filing new maximum prices with appropriate OPA District or State Offices	Figure to be multiplied by net cost of item in determining new maximum prices under this regulation [2]		
			Class 1 Retail-owned cooperative	Class 2 Cash and carry	Class 3 Service and delivery
Cereals, breakfast	November 30, 1942	December 10, 1942	1.035	1.06	1.08
Coffee	November 30, 1942	December 10, 1942	1.035	1.035	1.06
Fish, canned	November 30, 1942	December 10, 1942	1.055	1.11	1.135
Oils, cooking and salad	November 30, 1942	December 10, 1942	1.04	1.055	1.08
Rice	November 30, 1942	December 10, 1942	1.04	1.055	1.08
Shortening, hydrogenated	November 30, 1942	December 10, 1942	1.03	1.03	1.035
Shortening, other	November 30, 1942	December 10, 1942	1.035	1.035	1.04
Sugar, cane and beet	November 30, 1942	December 10, 1942	1.02	1.02	1.04
Vegetables, canned	November 30, 1942	December 10, 1942	1.06	1.085	1.135

As described below.

[2] See "Example of how to compute new maximum prices," below. For definition of classes of wholesalers, see paragraph (b) of 1351.501 of this regulation.

1. *Example of how to compute new maximum prices.* A wholesaler desires to secure a new maximum price on "XX" brand, No. 2 can, large green asparagus for which he paid $6.46 delivered. This wholesaler operates as a service and delivery distributor. Therefore, he takes the canned vegetable figure for his clas (service and delivery—1.135), and multiplies it by his delivered cost of $6.46 ($6.30 f. o. b.—$.16 freight) per case. The resulting figure of $7.33 would be his new ceiling, as shown in the calculation below:

Invoice cost per case	$6.30
	.16
Total warehouse delivered cost (excluding local trucking charges)	$6.46
Multiplied by adjustment figure	1.135
	3230
	1938
	646
	646
New ceiling	$7.33210

Since the fractional part of a cent is more than one-half cent, the wholesaler's permitted ceiling is $7.33, under § 1351.507 of this regulation, which provides that fractions one-half cent or more shall be adjusted to the next higher cent.

2. *Definition of food products on which wholesalers are allowed to determine new maximum prices under 1351.502 of this regulation.* a. Breakfast cereals shall mean bulk or packaged processed cereal grains used as breakfast foods, both uncooked and ready-to-eat types. Included in this classification are hominy grits, puffed rice, and puffed wheat; excluded are *rice*, corn meal, pearled barley, and pancake or buckwheat flour.

b. Coffee shall mean all roasted coffee, either whole or ground, and shall include all decaffeinated coffees, but shall exclude coffee concentrates.

c. Canned fish shall mean all processed fish and sea food in hermetically sealed containers, except canned shrimp and crab meat; excluded are fresh and frozen fish and sea food.

d. Cooking and salad oils shall mean all vegetable oils, whether pure or mixed; but shall not include prepared dressings.

e. Rice shall mean all bulk and packaged rice.

f. Hydrogenated shortening shall include all *fully* hydrogenated pure vegetable shortenings, such as Bakerite, Crisco, Dexo, Krogo, Royal Satin, Spry & Tex.

g. Other shortenings shall include all shortenings except those included in (f) above, and except pure lard.

h. Sugar shall mean all bulk and packaged cane and beet sugar.

i. Canned vegetables shall include vegetable juices, pickles, tomato sauce, tomato catsup, tomato paste, chili sauce, cocktail sauce, pureed or chopped vegetables, and *all other vegetables* packed in containers of metal, glass, or other material.

3. *Additional instructions.* a. A new maximum price calculated under the requirements of this regulation need not be taken on all brands, grades, sizes or kinds of a food product. The wholesaler may establish new maximum prices on whichever brands, grades, sizes, or kinds he desires, and may retain his present maximum prices on other brands, grades, sizes, or kinds of the same food product.

b. When a wholesaler elects to take a new ceiling, he must apply the figure given in this appendix to his net cost based on his usual unit of purchase (per dozen, per box, etc.). This applies even though his invoice normally shows a smaller unit; i. e., coffee is often quoted by the processor on a per pound basis even though sold in cases. For purposes of this regulation, the case would be considered the usual unit of purchase.

c. Adjustments may be made as soon as this regulation becomes effective, but before making any sales at new prices, form No. 337:1 must be filled out. Filing of this form is *not* required until the date specified in Appendix A. If the wholesaler's net cost on a food product increases before the final date for calculating new maximum prices under this regulation, a new maximum price may be calculated, but must also be entered on form No. 337:1 before any sales are made. If more than one maximum price is computed on any item, the one in effect on the final date for determining new prices under this regulation shall be the permanent maximum price from that date forward.

§ 1351.519 *Appendix B.*

[Figures to be used by wholesale distributors in determining new maximum prices under § 1351.503 of this regulation (new maximum prices are required after the effective date of this regulation)]

Food product [1]	Last date for determining new maximum prices under this regulation	Last date for filing new maximum prices with appropriate OPA District or State Offices	Figure to be multiplied by net cost of item in determining new maximum prices under this regulation [2]		
			Class 1 Retail-owned co-operative	Class 2 Cash and Carry	Class 3 Service and Delivery
Fruit, dried	November 30, 1942	December 10, 1942	1.055	1.125	1.165
Lard	November 30. 1942	December 10, 1942	1.035	1.035	1.075

[1] As described below.

[2] See "Example of how to compute new maximum prices," below. For definition of classes of wholesalers, see paragraph (b) of 1351.501 of this regulation.

1. *Example of how to compute new maximum prices.*—A wholesaler must calculate a new maximum price on bulk, choice, Blenheim apricots for which he paid $5.78 delivered. This wholesaler is a cash and carry wholesaler Therefore he takes the dried fruit figure for his class (cash and carry—1.125), and multiplies it by the cost of $5.78 per 25-lb box which includes his f. o. b. invoice cost and his freight payment. The resulting figure of $6.50250 will be his new ceiling per box. This figure will be rounded to $6.50.

Invoice cost one 25-lb. box @ $0.21⅔ per lb per box	$5.42
Freight	.36
Total warehouse del. cost (excluding local trucking charges)	$5.78
Multiplied by adjustment figure	1.125
	2890
	1156
	578
	578
New ceiling	$6.50250

Since the fractional part of a cent is less than one half cent the wholesaler's permitted ceiling is $6.50, under section 1351.507 of this regulation which provides that fractions of less than one half cent shall be adjusted to the next lower cent. Fractions equal to *one half cent or more* shall be rounded to the next higher cent.

2. *Definition of food products on which wholesalers must determine new maximum prices under § 1351.503 of this regulation.*—a. Dried fruits shall mean dried apples, apricots, currants, nectarines, peaches, pears, prunes, raisins and any combination of the above, package or bulk. Stuffed or glaced dried fruit and figs shall be excluded.

b. Lard shall mean all pure packaged or bulk lard derived wholly from pork.

3. *Additional instructions.*—a. A new maximum price must be calculated before making a sale of any brand, grade, size, or kind of the food products included in Appendix B after the effective date of this regulation.

b. When a wholesaler calculates his new ceiling, he must apply the figure given in this Appendix B to his net cost based on his usual unit of purchase (per dozen, per box, etc.). This applies even though his invoice normally shows a smaller unit; i. e., Blenheim apricots in bulk are usually quoted by the processor on a per pound basis even though they are sold in 25-pound boxes. For purposes of this regulation. 25-pound boxes would be considered the usual unit of purchase.

c. New ceilings must be calculated as soon as this regulation becomes effective, and before making any sales after the effective date of this regulation, form No. 337:1 must be filled out. Filing of this form is not required until the date specified in Appendix B. If the wholesaler's net cost on a food product increases before the final date for calculating new maximum prices under this regulation, he may calculate a new maximum price based on his last cost, but must also enter this new price on form No. 337:1 before making any sales. The maximum price on any item in effect on the final date for determining new prices under this regulation shall be the permanent maximum price from that date forward.

§ 1351.520 *Appendix C: OPA Form No. 337.1.*

Make two copies, keep one, mail one to your OPA State or District Office before Dec. 10, 1942

Do not write in this space

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

Wholesaler's report on new maximum prices calculated under the adjusted mark-up method authorized in MPR #237

Typewrite or use ink:

A. Name of wholesaler ....

B. Address: Street ....

City .... State ....

C. Type of operation (check one):

Retailer-owned ----

Cash and carry ----

Service ----

D. Number of pages in this report ....

(1) Date of calculating new ceiling price	(2) Class of food product	(3) Name and brand of item	(4) Grade and type	(5) Weight or container size	(6) Supplier's name—	(7) Date of last invoice	(8) Customary unit of purchase	(9) Net cost per customary unit of purchase	(10) Applicable figure	(11) New ceiling price for customary unit of sale	(12) Old ceiling price
Example: Oct. 16, 1942	Canned vegetables	King asparagus	Large green	#2 can	Jones and Co	10/15/42	24's	$6.46	1.135	7.33	6.50

(Use as many copies of this form as needed to list all ceiling price changes determined under the allowed mark-up method).

Notary: ....

....

Name of wholesaler ....

Signature ....

Send this form to the OPA Office for your State or District on or before December 10, 1942

INSTRUCTIONS FOR PREPARING WHOLESALER'S OFFICIAL REPORT

The following information must be reported in the spaces shown on the form:

Line A: *Name of wholesaler* Write name of wholesale organization.

Line B: *Address.* Write business address of organization.

Line C: *Type of operation.* Check type of wholesale operation you conduct.

Line D: *Number of pages.* At the time you send this report to OPA, write the number you are sending in this space.

Col. 1: *Date.* Show the date you calculate your new ceiling price.

Col. 2: *Class of food product.* Write the class of food product in which this item falls as listed in the table of mark-ups.

Col. 3: *Brand and name of item.* Write brand name of item. Examples: "Princess Corn", "King Salmon", "Queen Sugar", etc.

Col. 4: *Grade and type.* Show additional description here. Examples: Standard, extra standard, etc. for canned goods; granulated, brown, etc. for sugar.

Col. 5: *Weight or container size.* Show weight or size of individual container Examples: 1 pound, #2½ can, 1 pint, etc. For sugar, dried fruit lard, etc. sold by retailers from bulk, show size of sack, can or box: 25 lbs., 100 lbs., etc.

Col. 6: *Supplier's name.* Write name of company who sold this item to you on your last purchase.

Col. 7: *Date of last invoice.* Write date shown on invoice covering your last purchase of this item.

Col. 8: *Customary unit purchase.* Write size of unit you normally purchase. Examples: Canned goods, unit: 24's, 36's, 48's, etc. Packaged rice, cereals, unit: 18's, 24's, 36's, etc. Bulk sugar, rice, dried fruit, unit: 25 lb., 100-lb., etc.

Col. 9: *Net cost per customary unit of purchase.* Show the price you paid for this item delivered to your customary receiving point, less all discounts (except discounts for prompt payment). Exclude local unloading and trucking charges.

Col. 10: *Applicable figure.* Show figure in mark up table applying to this item for your class of business.

Col. 11: *New ceiling price for customary unit of sale.* Write new ceiling price obtained by multiplying your net cost per customary unit of purchase (Col. 9) by the applicable figure (Col. 10). If your customary unit of purchase differs from your customary unit of sale for this item, divide the product of Columns 9 and 10 to obtain your new ceiling price. Example: If your net cost for rice in 100-lb. bags is $7.45 and you sell in 25-lb. bags, multiply $7.45 by your applicable figure and divide by four to obtain your ceiling price for your customary selling unit for this item (25-lb. bags).

Col. 12: *Old ceiling price for customary unit of sale.* Write ceiling price you have been using for this item before calculating new ceiling price.

Issued this 10th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10202; Filed, October 10, 1942; 1:01 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Maximum Price Regulation 238]

ADJUSTED AND FIXED MARKUP REGULATION FOR SALES OF CERTAIN FOOD PRODUCTS AT RETAIL

In the judgment of the Price Administrator, it is necessary and proper to establish new maximum prices for the sale of certain food products at retail where the maximum prices established by the General Maximum Price Regulation threaten the continued distribution of those food products through their normal channels. The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 Maximum Price Regulation No. 238 is hereby issued.

Sec.

1351.601 Applicability of this Maximum Price Regulation No. 238.

1351.602 How a retailer calculates his maximum price for food products listed in Appendix A.

1351.603 How a retailer calculates his maximum price for food products listed in Appendix B.

1351.604 How a retailer may re-calculate a new maximum price if his "net cost" increases before the final date for calculating a maximum price.

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*Copies may be obtained from the Office of Price Administration.

Sec.
1351.605 Maximum prices set under this regulation cannot be changed.
1351.606 Final dates for calculating and filing maximum prices.
1351.607 How a retailer determines whether he is an independent outlet or a member of a chain.
1351.608 How a retailer determines his annual gross sales volume.
1351.609 Fractions of cents.
1351.610 Adjustment of maximum prices for different classes of purchasers.
1351.611 Records.
1351.612 Relation between Maximum Price Regulation No. 238 and the General Maximum Price Regulation.
1351.613 Evasion.
1351.614 Enforcement.
1351.615 Definitions.
1351.616 Geographical applicability.
1351.617 Effective date.
1351.618 Appendix A.
1351.619 Appendix B.
1351.620 Appendix C.

AUTHORITY: §§ 1351.601 to 1351.620, inclusive, issued under Pub. Law 421, 77th Cong., Pub. Law 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1351.601 *Applicability of this Maximum Price Regulation No. 238*—(a) *What commodities may be priced under this regulation.* This regulation applies only to the particular food products listed in Appendix A (§ 1351.618) and Appendix B (§ 1351.619) of this regulation.

(b) *To what types of sellers this regulation applies.* This regulation applies only to sellers at retail (hereinafter referred to as retailers) which for the purpose of this regulation are divided into the following five classes:

(1) Class 1: Independent retail outlets with an annual gross sales volume of less than $20,000.

(2) Class 2: Independent retail outlets with an annual gross sales volume of $20,000 to $50,000.

(3) Class 3: Independent retail outlets with an annual gross sales volume of $50,000 to $250,000.

(4) Class 4: Chain retail outlets with an annual gross sales volume of less than $250,000.

(5) Class 5: Chain or independent retail outlets with an annual gross sales volume of $250,000 or more.

(c) *Purpose of this regulation*—(1) *Food products listed in Appendix A.* This regulation provides that for the particular food products listed in Appendix A, a retailer may use either a new adjusted maximum price calculated under this regulation or, if it is higher, his maximum price calculated under the provisions of any other applicable price regulation or order issued by the Office of Price Administration.

(2) *Food products listed in Appendix B.* This regulation provides new maximum prices for the particular food products listed in Appendix B. These new maximum prices are to be the only maximum prices for all sales of such food products after the effective date of this regulation and are to be used instead of the maximum prices calculated under any other price regulation or order issued by the Office of Price Administration.

(3) *Prohibition.* On and after October 15, 1942, the date this regulation takes effect, regardless of any contract or obligation, no person is permitted to sell or deliver at retail any of the food products listed in Appendix A or B at a price which is higher than the maximum price fixed by this regulation, and no person is permited to buy or receive any of these food products in the course of trade or business at a price higher than that maximum price. Lower prices than the maximum prices may be charged and paid.

§ 1351.602 *How a retailer calculates his maximum price for food products listed in Appendix A.* (a) The retailer may calculate his maximum price for each item (that is, for each kind, brand, grade and container size) of a food product listed in Appendix A as follows:

(1) The retailer should first find from §§ 1351.607 and 1351.608 of this regulation in what class of retailers as set forth in paragraph (b) of § 1351.601 he falls.

(2) The retailer will next find his net cost of the item he is pricing.

(i) Where the item being priced is purchased by the retailer from the manufacturer, "net cost" in this regulation means the amount the retailer paid for an item delivered at his customary receiving point, less all discounts allowed him except the discount for prompt payment; however, no charge or cost for local unloading or local trucking shall ever be included.

(ii) Where the item being priced is purchased by the retailer from a wholesaler, "net cost" in this regulation means the amount paid by the retailer as shown on the invoice of the wholesaler, less all discounts allowed him except the discount for prompt payment. When transportation charges, other than local trucking, are paid by the retailer and are not shown on the wholesaler's invoice, they may be added to the wholesaler's invoice in calculating "net cost".

(iii) "Net cost" shall in all cases be based on the retailer's most recent purchase since May 11, 1942, of a customary quantity from a customary supplier and on the customary mode of transportation.

(3) The retailer will then multiply his net cost by the figure in Appendix A which applies to a retailer of his class for the item being priced.

(4) The retailer may use the resulting amount as his maximum price if it is higher than his maximum price under any other applicable price regulation or order issued by the Office of Price Administration.

(b) If a retailer uses this resulting amount as his new maximum price, he must fill out Form No. 338:1 (or a copy thereof) as set forth in Appendix C (§ 1351.620) of this regulation before making any sales at his new price.

(c) If a retailer fails to file such new maximum price as required by paragraph (b) of § 1351.606 of this regulation, any such price calculated under this section shall no longer be applicable to such retailer, and sales or deliveries of that item shall be made thereafter at prices no higher than those established by any other price regulation or order issued by the Office of Price Administration.

§ 1351.603 *How a retailer calculates his maximum price for food products listed in Appendix B.* The retailer must calculate his maximum price for each item (that is, for each kind, brand, grade and container size) of a food product listed in Appendix B, as follows:

(1) The retailer shall multiply his "net cost" of the item he is pricing by the figure in Appendix B which applies to a retailer of his class for that item. He must find his "class of retailer" and "net cost" by following the rules of paragraphs (1) and (2) of the foregoing § 1351.602.

(2) The resulting amount shall be the retailer's maximum price for the particular item, but before making any sales at this new price, he must fill out Form No. 338:1 (or a copy thereof) as set forth in Appendix C of this regulation.

§1351.604 *How a retailer may recalculate a new maximum price if his "net cost" increases before the final date for calculating a maximum price.* If, after calculating any maximum price and after filling out Form No. 338:1 (or a copy thereof), a retailer, before the final date set opposite the name of the food product in Appendix A or B for the calculation of a maximum price, purchases a customary quantity of the same item from a customary supplier at a higher "net cost" than he used in calculating his maximum price, he may calculate a new maximum price on the basis of his new "net cost". Before making any sales at this new price, he must fill out Form No. 338:1 (or a copy thereof) as set forth in Appendix C of this regulation. The facts recorded on Form No. 338:1 (or a copy thereof) for the first new maximum price must not be changed, and the retailer should note on the form that a new maximum price has been calculated.

§ 1351.605 *Maximum prices set under this regulation cannot be changed.* A maximum price for any item of a food product calculated by a retailer under § 1351.602 or § 1351.603 of this regulation and entered on Form No. 338:1 (or a copy thereof) shall be his maximum price for that item from that time forward. However, where a retailer recalculates his maximum price under § 1351.604 of this regulation, such recalculated price shall be his maximum price for that item from and after the date that the re-calculated price is entered on Form No. 338:1 (or a copy thereof).

§ 1351.606 *Final dates for calculating and filing maximum prices*—(a) *Recording of maximum prices.* A retailer must calculate and record on Form No. 338:1 (or a copy thereof) as set forth in Appendix C of this regulation all new maximum prices for any item of a food product on or before the date set opposite the name of that food product in Appendix A or B.

(b) *Filing of maximum prices.* Within ten days after the final date for the calculation of a maximum price for a food product under this regulation, a retailer must report all his new maximum prices to the War Price and Rationing Board of the Office of Price Administration which has charge of the area in which his outlet is located on Form No. 338:1 (or a copy thereof) as set forth in Appendix C of this regulation. This form shall be signed and subscribed and sworn to before a notary or other proper official.

§ 1351.607 *How a retailer determines whether he is an independent outlet or a member of a chain.* For the purpose of this regulation, a retailer shall be considered an independent outlet or a member of a chain as follows:

(1) A retail outlet shall be a member of a chain if it is a unit of 4 or more retail outlets under one ownership.

(2) A retail outlet shall be an independent outlet if it is not a unit of 4 or more retail outlets under one ownership.

§ 1351.608 *How a retailer determines his annual gross sales volume.* (a) For the purpose of this regulation, a retailer shall determine his annual gross sales volume as follows:

(1) If the retailer filed a Federal Income Tax Return for the taxable year 1941, then his annual gross sales volume shall be his total gross sales as stated in such tax return.

(2) If the retailer did not file a Federal Income Tax Return for the year 1941, or was not in operation during the year 1941, then his annual gross sales volume shall be determined by dividing his total gross sales for the period in operation during 1942, as shown on his records, by the number of weeks in operation during 1942 and multiplying the result by 52.

(3) If the retailer filed a Federal Income Tax Return for the taxable year 1941 which return covered a period of less than 52 weeks, then his annual gross sales volume shall be determined by dividing his total gross sales as shown in such tax return by the number of weeks covered by such return and multiplying the result by 52.

(b) If a retailer makes sales through more than one retail outlet or is a department store in which the sales of food products are made in a separate department, then each retail outlet or department shall be considered a separate retailer for the purpose of determining annual gross sales volume. If the retailer in such a case did not file a separate Federal Income Tax Return for the taxable year 1941 for each outlet or department, then the gross sales volume for the particular outlet or department, as shown on the retailer's records for the same period as covered by the retailer's Federal Income Tax Return for the taxable year 1941, shall be the annual gross sales volume of that outlet or food department.

(c) If a retailer sells food products in a retail outlet in which sales of food products are made by more than one retailer, and in which no more than one retailer sells the same food products, then each retailer shall use as his annual gross sales volume for the purpose of determining in what class of retailers he falls, the combined annual gross sales volume of all the retailers of food products in that retail outlet. (For example, a retailer who leases the meat department in his retail outlet must include the annual gross sales volume of the meat retailer as well as the sales of all other departments selling food products in determining his class of retailers. Similarly, the meat retailer in this outlet must include the annual gross sales of all food products in the outlet in determining his class of retailer.)

(d) If a retailer sells food products in a retail outlet in which sales of food products are made by more than one retailer, and in which more than one retailer sells the same food products, then each retailer shall be considered a separate retailer for the purpose of determining annual gross sales volume. (For example, if more than one retailer operates a grocery stall in a public market, then each grocery retailer shall use only his own annual gross sales volume in determining his class of retailers.)

§ 1351.609 *Fractions of cents.* Any maximum price calculated under this regulation shall be based on the retailer's customary unit of sale, that is, per can, per jar, per package, per pound or the like. All such calculations resulting in a fraction of a cent shall be reduced to the nearest lower cent if the fraction is less than one-half cent and shall be increased to the nearest higher cent if the fraction is one-half cent or more.

§ 1351.610 *Adjustment of maximum prices for different classes of purchasers.* If a retailer had a practice during March 1942 of giving to different classes of purchasers allowances, discounts or other price differentials, he is required to reduce his maximum price calculated for any food product by the amount of such allowances, discounts or price differentials. No retailer shall change his customary allowances, discounts and price differentials if the change results in a higher net price.

§ 1351.611 *Records.* (a) On the same day as a retailer calculates any new maximum price under this regulation and fills out Form No. 338:1 (or a copy thereof) he shall record on his base-period record, required in § 1499.11 of the General Maximum Price Regulation, any new maximum price. The record of the old maximum price shall not be destroyed.

(b) In addition to the records required in § 1499.11 of the General Maximum Price Regulation or any other applicable price regulation, every retailer shall keep all records showing how he calculated any maximum price under this regulation, which records shall be kept for so long as the Emergency Price Control Act of 1942 remains in effect.

§ 1351.612 *Relation between Maximum Price Regulation No. 238 and the General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 238 supersede the provisions of the General Maximum Price Regulation or any other applicable price regulation or order issued by the Office of Price Administration with respect to sales and deliveries for which maximum prices are established by this regulation. However, the following sections of the General Maximum Price Regulation, as well as the amendments to them, shall continue to be applicable to every retailer selling any food product listed in Appendix A or B:

(1) Determination of maximum prices by sellers at retail operating more than one retail establishment (§ 1499.4a).

(2) Transfers of business or stock in trade (§ 1499.5).

(3) Sales for export (§ 1499.6).

(4) Federal and State Taxes (§ 1499.7).

(5) Base-period records (§ 1499.11).

(6) Current records (§ 1499.12).

(7) Sales slips and receipts (§ 1499.14).

(8) Maximum prices of cost-of-living commodities; statement, marketing, or posting (§ 1499.13).

(9) Registration (§ 1499.15).

(10) Licensing (§ 1499.16).

§ 1351.613 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 238 shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, any of the commodities listed in Appendix A or B hereof, alone or in conjunction with any other commodity or by way of commission, service, transportation, or any other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by calculating "net cost" on purchases from non-customary suppliers, purchases of non-customary quantities or non-customary modes of transportation, or otherwise.

§ 1351.614 *Enforcement.* Persons violating any provisions of this Maximum Price Regulation No. 238 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942.

§ 1351.615 *Definitions.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, and in §§ 1499.2 and 1499.20 of the General Maximum Price Regulation shall apply to terms used herein.

§ 1351.616 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 238 shall apply to the forty-eight states of the United States and the District of Columbia.

§ 1351.617 *Effective date.* This Maximum Price Regulation No. 238 (§§ 1351.601 to 1351.620, inclusive) shall become effective October 15, 1942.

§ 1351.618 *Appendix A.*

[Figures to be used by retail distributors in determining new maximum prices under § 1351.602 of this regulation (New maximum prices are optional: Retailer may continue to use present maximum prices)]

Food product[1]	Last date for determining new maximum prices under this regulation	Last date for filing new maximum prices with local war price and rationing board	Figure to be multiplied by net cost of item in determining new maximum prices under this regulation[2]				
			Independent retailer with annual volume				
			Class 1 Under $20,000	Class 2 $20,000 but less than $50,000	Class 3 $50,000 but less than $250,000	Class 4 Chain retailer with annual volume under $250,000	Class 5 Any retailer (chain or independent) with annual volume of $250,000 or more
Cereals, breakfast	December 31, 1942	January 10, 1943	1. 22	1. 22	1. 20	1. 13	1. 11
Coffee	December 31, 1942	January 10, 1943	1. 11	1. 10	1. 10	1. 09	1. 07
Fish, canned	December 31, 1942	January 10, 1943	1. 23	1. 20	1. 20	1. 16	1. 14
Oils, cooking and salad	December 31, 1942	January 10, 1943	1. 23	1. 20	1. 17	1. 16	1. 14
Rice	December 31, 1942	January 10, 1943	1. 20	1. 20	1. 20	1. 18	1. 15
Shortening, hydrogenated	December 31, 1942	January 10, 1943	1. 07	1. 07	1. 05	1. 05	1. 05
Shortening, other	December 31, 1942	January 10, 1943	1. 16	1. 14	1. 12	1. 09	1. 07
Sugar, cane and beet	December 31, 1942	January 10, 1943	1. 17	1. 16	1. 12	1. 07	1. 06
Vegetables, canned	December 31, 1942	January 10, 1943	1. 25	1. 23	1. 23	1. 21	1. 19

[1] As described below.

[2] See "Example of how to compute new maximum prices," below. For definition of classes of retailers, see paragraph (b) of § 1351.601 of this regulation.

1. *Example of how to compute new maximum prices.* A retailer desires to secure a new maximum price on "XX" brand, No. 2 can, large green asparagus which he has bought from a wholesaler at a net cost as shown on the invoice) of $7.33 per case. This independent retailer had an annual volume of $18,000 in total sales in 1941. Therefore, he takes the canned vegetable figure for his class (independent retailers with less than $20,000 annual volume—1.25) and multiplies it by the cost of $7.33 per case. The resulting figure is divided by 24 to secure his ceiling per can. This will give a unit price of 38¢ as his new ceiling, as shown in the calculation below.

```
Invoice cost, (from wholesaler)......................per case of 24..  $7.33
Multiplied by adjustment figure...........................................  1.25
                                                                            ----
                                                                            3665
                                                                           1466
                                                                           733
                                                                         ------
Divided by number of cans in purchase unit.....................24/$9.1625/$.38177
                                                                   7 2
                                                                   ---
                                                                   1 96
                                                                   1 92
                                                                   ----
                                                                      42
                                                                      24
                                                                      --
                                                                      185
                                                                      168
                                                                      ---
                                                                       170
                                                                       168
                                                                       ---
                                                                        +2
```

Since the fractional part of a cent is less than one-half cent the retailer's permitted ceiling is 38¢, under § 1351.609 of this regulation which provides that fractions of less than one half cent shall be adjusted to the next lower cent. Fractions equal to *one-half cent or more* shall be rounded to the next higher cent.

2. *Definition of food products on which retailers are allowed to determine new maximum prices under 1351.602 of this regulation.* a. Breakfast cereals shall mean bulk or packaged, processed cereal grains used as breakfast foods, both uncooked and ready-to-eat types. Included in this classification are hominy grits, puffed rice, and puffed wheat; excluded are *rice*, corn meal, pearled barley, and pancake or buckwheat flour.

b. Coffee shall mean all roasted coffee, either whole or ground, and shall include all decaffeinated coffees, but shall exclude coffee concentrates.

c. Canned fish shall mean all processed fish and sea food in hermetically sealed containers except canned shrimp and crab meat; excluded are fresh and frozen fish and sea food.

d. Cooking and salad oils shall mean all vegetable oils whether pure or mixed; but shall not include prepared dressings.

e. Rice shall mean all bulk and packaged rice.

f. Hydrogenated shortening shall mean all *fully* hydrogenated pure vegetable shortenings, such as Bakerite, Crisco, Dexo, Krogo, Royal Satin, Spry and Tex.

g. Other shortenings shall include all shortenings, except those included in (f) above, and except pure lard.

h. Sugar shall mean all bulk and packaged cane and beet sugar.

i. Canned vegetables shall include vegetable juices, pickles, tomato sauce, tomato catsup, tomato paste, chili sauce, cocktail sauce, pureed or chopped vegetables and all other vegetables packed in containers of metal, glass, or other material.

3. *Additional instructions.* a. A new maximum price calculated under the requirements of this regulation need not be taken on all brands, grades, sizes, or kinds of a food product. The retailer may establish new maximum prices on whichever brands, grades, sizes, or kinds he desires, and may retain his present maximum prices on other brands, grades, sizes, or kinds of the same food product.

b. When a retailer elects to take a new ceiling, he must apply the figure given in this appendix to his net cost based on his usual unit of purchase (per dozen, per box, etc.). After he has determined a new maximum price on this basis, he divides the resulting figure by the number of sales units (cans, pounds, etc.) included in the unit of purchase, to obtain a new ceiling on a sales unit basis.

c. Adjustments may be made as soon as this regulation becomes effective, but before making any sales at new prices, form No. 338:1 must be filled out. Filing of this form is not required until the date specified in Appendix A. If the retailer's net cost on a food product increases before the final date for calculation of new maximum prices under this regulation, he may calculate a new maximum price, but must also enter this new price on form No. 338:1 before making any sales. If more than one maximum price is computed on any item, the price in effect on the final date for determining new prices under this regulation shall be the permanent maximum price from that date forward.

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§ 1351.619 *Appendix B.*

[Figures to be used by retail distributors in determining new maximum prices under §1351.603 of this regulation (new maximum prices are required after the effective date of this regulation)]

Food product[1]	Last date for determining new maximum prices under this regulation	Last date for filing new maximum prices with appropriate local war price and rationing board	Figure to be multiplied by net cost of item in determining new maximum prices under this regulation[2]				
			Independent retailer with annual volume			Class 4	Class 5
			Class 1 Under $20,000	Class 2 $20,000 but less than $50,000	Class 3 $50,000 but less than $250,000	Chain retailer with annual volume under $250,000	Any retailer (chain or independent) with annual volume $250,000 or more
Fruit, dried	December 31, 1942	January 10, 1943	1. 27	1. 25	1. 25	1. 23	1. 22
Lard	December 31, 1942	January 10, 1943	1. 20	1. 20	1. 18	1. 13	1. 10

[1] As described below.

[2] See "Example of how to compute new maximum prices," below. For definition of classes of retailers, see paragraph (b) of §1351.601 of this regulation.

1. *Example of how to compute new maximum prices.* A retailer must secure a new maximum price on bulk choice, Blenheim apricots which he has bought from a wholesaler at a net cost (as shown on the invoice) of $6.50 per 25-pound box. This independent retailer had an annual volume of $18,000 in total sales in 1941. Therefore, he takes the dried fruit figure for his class (independent retailers with less than $20,000 annual volume—1.27), and multiplies it by the cost of $6.50 per box. The resulting figure is divided by 25 to secure his ceiling per pound. This will give a unit price of 33¢ as his new ceiling, as shown in the calculation below.

```
Invoice cost (from wholesaler)....................per 25# box..  $6.50
Multiplied by adjustment figure...................................  1.27
                                                                    ----
                                                                    4550
                                                                   1300
                                                                   650
                                                                  ------
No. of pounds in purchase unit...............................25/$8.2550/$.3302
                                                                 75
                                                                 --
                                                                  75
                                                                  75
                                                                  --
                                                                   50
                                                                   50
                                                                   --
```

Since the fractional part of a cent is less than one-half cent, the retailer's permitted ceiling is 33 ¢ under § 1351.609 of this regulation which provides that fractions of less than one-half cent shall be adjusted to the next lower cent. Fractions equal to *one-half cent or more* shall be rounded to the next higher cent.

2. *Definition of food products on which retailers must determine new maximum prices under 1351.603 of this regulation.* a. Dried fruit shall mean dried apples, apricots, currants, nectarines, peaches, pears, prunes, raisins and any combination of the above, packaged or bulk. Stuffed or glaced dried fruit and figs shall be excluded.

b. Lard shall mean all pure packaged or bulk lard derived wholly from pork.

3. *Additional instructions.* a. A new maximum price must be calculated before making a sale of any brand, grade, size or kind of the food products included in this Appendix B after the effective date of this regulation.

b. When a retailer calculates his new ceiling, he must apply the figure given in this appendix to his net cost based on his usual unit of purchase (per dozen, per box, etc.). After he has determined a new maximum price on this basis, he divides the resulting figure by the number of sales units (cans, pounds, etc.) included in the unit of purchase, to obtain a new ceiling on a sales unit basis.

c. New ceilings must be calculated as soon as this regulation becomes effective, and, before making any sales, form No. 338.1 must be filled out. Filing of this form is not required until the date specified in this Appendix B. If the retailer's net cost on a food product increases before the final date for calculating new maximum prices under this regulation, he may calculate a new maximum price based on his last invoice cost, but must also enter this new price on form No. 338.1 before making any sales. The maximum price on any item in effect on the final date for determining new prices under this regulation shall be the permanent maximum price from that date forward.

§ 1351.620 *Appendix C: OPA Form No. 338:1.*

Make two copies. Keep one. Mail one to your Local War Price & Rationing Board before Jan. 10, 1943.

D o not write in this space

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

Retailers report on new maximum prices calculated under the adjusted mark-up method authorized in MPR #238

Typewrite or use ink:

A. Name of retailer..........

B. Address: Street.......... City.......... State..........

C. Total annual sales volume (check one):

Independent under $20,000.......... ☐

Independent $20,000–$50,000.......... ☐

Independent $50,000–$250,000.......... ☐

Chains under $250,000.......... ☐

Independent or chain over $250,000.......... ☐

D. Number of pages in this report.......... ☐

(1) Date of calculating new ceiling price	(2) Class of food product	(3) Name and brand of item	(4) Grade and type	(5) Weight or container size	(6) Supplier's name	(7) Date of last invoice	(8) Customary unit of purchase	(9) Net cost per customary unit of purchase	(10) Applicable figure	(11) New ceiling price for customary unit of sale	(12) Old ceiling price
(Example:) Oct. 18/42	Canned vegetables.	King asparagus	Large green	#2 Can	Smith and Co.	Oct. 17, 1942	24's	$7.33	$1.25	$0.38	$0.35

(Use as many copies of this form as needed to list all ceiling price changes determined under the allowed mark-up method)

Notary..........

....

Name of retailer..........

Signature..........

Title..........

Send this form to your local War Price and Rationing Board on or before January 10, 1943

INSTRUCTIONS FOR PREPARING RETAILER'S OFFICIAL REPORT

The following information must be reported in the spaces shown on this form:

Line A: *Name of retailer.* Write name of retail store.

Line B: *Address.* Write address of store.

Line C: *Total annual sales volume.* Check the volume group in which your store falls according to 1941 total sales.

Line D: *Number of pages.* At the time you send this report to your Local War Price and Rationing Board, write the number of pages you are sending in this space.

Col. 1: *Date.* Show the date you calculate your new ceiling price.

Col. 2: *Class of food product.* Write the class of food product in which this item falls, as listed in the table of mark-ups.

Col. 3: *Brand and name of item.* Write brand and name of item. Examples: "Princess Corn", "King Salmon", "Queen Sugar", etc.

Col. 4: *Grade and type.* Show additional description here. Examples: Standard, extra standard, etc. for canned goods. Granulated, brown, etc. for sugar.

Col. 5: *Weight or container size.* Show weight of size of individual container. Examples: 1 pound, #2½ can, 1 pint, etc. For sugar, dried fruits, lard, etc. sold by retailers from bulk, show size of sack, can or box: 25 lbs., 100 lbs., etc.

Col. 6: *Supplier's name.* Write name of company who sold this item to you on your last purchase.

Col. 7: *Date of last invoice.* Write date shown on invoice covering your last purchase of this item.

Col. 8: *Customary unit purchase.* Write size of unit you normally purchase. Examples: Canned goods, unit: 24's, 36's, 48's, etc. Packaged rice, cereals, unit: 18's, 24's, 36's, etc. Bulk sugar, rice, dried fruit, unit: 25-lb., 100-lb., etc.

Col. 9: *Net cost per customary unit of purchase.* If last purchase of this item was from a wholesaler, show price appearing on the invoice, less all discounts, except discount for prompt payment. If last purchase of this item was from a manufacturer, show price you paid delivered at your customary receiving point, less all discounts, except discount for prompt payment. If you purchased from a wholesaler and you paid for the delivery of this item from a point outside of your local community, you may add this delivery charge. Under no circumstances can you add charges made for local trucking or local unloading.

Col. 10: *Applicable figure.* Show figure in mark-up table applying to this item for your class of business.

Col. 11: *New Ceiling price for customary unit of sale.* Write new ceiling price obtained by multiplying net cost (col. 9) by applicable figure (col. 10) and dividing this result by unit of purchase (col. 8). Example: Net cost for 100-lb. bag of sugar is $5.60. Applicable mark-up is 1.06. Unit of purchase is 100 lbs. Multiply $5.60 by 1.06 and divide by 100=5.9¢ (6¢ after rounding fraction) per lb., your new ceiling price.

Col. 12: *Old ceiling price for customary unit of sale.* Write ceiling price you have been using for this item before calculating the new ceiling price.

Issued this 10th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10203; Filed, October 10, 1942; 1:01 p. m.]

PART 1363—FEEDINGSTUFFS

[Amendment 2 to Maximum Price Regulation 74,[1] as Amended]

ANIMAL PRODUCT FEEDINGSTUFFS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Sections 1363.52, 1363.56 (a), 1363.59, subparagraphs (2), (5) and (6) of paragraph (a) of §§ 1363.60, and 1363.62 are amended and subparagraphs (9) to (13) inclusive of paragraph (a) of § 1363.60 and §§ 1363.63, 1363.64, and 1363.65 are added as set forth below.

§ 1363.52 *Sales at retail.* Sales at retail as defined in § 1363.60 (a) (6) are not governed by Maximum Price Regulation No. 74 as amended but are governed by the General Maximum Price Regulation.[2]

§ 1363.56 *Records and reports.* (a) Every person making a purchase or sale of animal product feedingstuffs in the course of trade or business after May 1942, except sales at retail, shall keep for inspection by the Office of Price Administration, so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each such purchase and sale including the date thereof, the name of the seller and purchaser, the price, classification, amount and grade of animal product feedingstuffs.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 4177, 4762, 4884.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5763, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913.

§ 1363.59 *Application of the General Maximum Price Regulation.* Except as provided in § 1363.52 the provisions of Maximum Price Regulation No. 74 as amended, supersede the provisions of the General Maximum Price Regulation with respect to sales for which maximum prices are established by this regulation.

* * * * *

§ 1363.60 *Definitions.* (a) When used in Maximum Price Regulation No. 74 as amended, the term:

* * * * *

(2) "Classifications" of animal product feedingstuffs are: dry rendered tankage, wet rendered tankage, dried blood, blood meal, blood flour, meat scraps, and digester tankage.

* * * * *

(5) "Grade" means in case of meat scraps, digester tankage, blood meal and blood flour, the guaranteed minimum percentage of protein. It means in the case of dry rendered tankage either the actual analysis of protein content or the guaranteed minimum percentage of protein. It means in the case of wet rendered tankage either the actual analysis of protein content or the guaranteed minimum percentage of protein. It means in the case of wet rendered tankage or dried blood, either the actual analysis of units of ammonia or the guarranteed minimum units of ammonia.

(6) "Sale at retail" means a sale to the feeder; *Provided,* That the following shall not be deemed to be a sale at retail:

(i) Sales of wet or dry rendered tankage or dried blood.

(ii) Sales of animal product feedingstuffs to a person who receives delivery and resells without processing or grinding.

(iii) Sales to a person who mixes animal product feedingstuffs with other feed ingredients for sale.

(iv) Sales in carload lots of meat scraps, digester tankage, blood meal and blood flour.

* * * * *

(9) "Dried blood" means blood dried and processed for feeding or for blending with other animal product feedingstuffs and containing a minimum of 15 units of ammonia.

(10) "Blood meal" means ground dried blood for animal feeding.

(11) "Blood flour" means dried blood prepared by special processes and reduced to a fine powder for animal feeding.

(12) "Dry rendered tankage" means the dry rendered residue from animal tissues exclusive of hoof, horn, blood, manure and stomach contents except in such traces as might occur unavoidably in good factory practice. It shall not contain more than 15 per cent fat.

(13) "Wet rendered tankage" means the wet rendered residue from animal tissues exclusive of hoof, horn, manure and stomach contents except in such traces as might occur unavoidably in good factory practice. It shall not contain more than 15 per cent fat.

* * * * *

§ 1363.62 *Maximum prices for sales of animal product feedingstuffs.* (a) Maximum prices for sales of the following classifications of animal product feedingstuffs, bulk, less than carload lots f. o. b. conveyance at production plant located in the following zones:

(1) *Maximum prices for sales of dry rendered tankage and meat scraps.*

Zone 1: California, Washington and Oregon.

Zone 2: Idaho, Nevada, Utah, Montana, Wyoming and Arizona.

Zone 3: North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa and Buchanan County, Missouri.

Zone 4: Michigan, Wisconsin, Illinois, Indiana, Ohio, Missouri (except Buchanan County), Kentucky, Oklahoma, Arkansas, Louisiana, Texas, Colorado and New Mexico.

Zone 5: Tennessee, Alabama, Florida, Georgia, Mississippi and South Carolina.

Zone 6: West Virginia, western 25 counties of Pennsylvania including all counties west of the eastern borders of the following counties: Potter, Cameron, Clearfield, Cambria, and Somerset; and western ten counties of New York including all counties west of the eastern borders of the following counties: Monroe, Livingston and Allegheny.

Zone 7: Those portions of New York and Pennsylvania not included in zone 6, New Jersey, Delaware, Maryland, Virginia, North Carolina and the District of Columbia.

Zone 8: Maine, Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island.

	Dry rendered tankage dollars per unit of protein	Meat scraps dollars per ton guaranteed minimum percentage of protein				
		45%	50%	55%	60%	65%
Zone 1	$1.01	$52.95	$58.00	$63.05	$68.10	$73.15
Zone 2	1.09	56.55	62.00	67.45	72.90	78.35
Zone 3	1.25	63.75	70.00	76.25	82.50	88.75
Zone 4	1.21	61.95	68.00	74.05	80.10	86.15
Zone 5	1.17	60.15	66.00	71.85	77.70	83.55
Zone 6	1.15	59.25	65.00	70.75	76.50	82.25
Zone 7	1.09	56.55	62.00	67.45	72.90	78.35
Zone 8	1.11	57.45	63.00	68.55	74.10	79.65

(2) *Maximum prices for sales of wet rendered tankage, dried blood and digester tankage*

	Wet rendered tankage dollars per unit of ammonia	Dried blood dollars per unit of ammonia	Digester tankage dollars per ton guaranteed minimum percentage of protein		
			50%	55%	60%
Zone 1	$5.10	$4.95	$56.10	$61.06	$66.02
Zone 2	5.53	5.38	60.28	65.66	71.04
Zone 3	5.10	4.95	56.10	61.06	66.02

(3) To determine the maximum prices per ton for dry rendered tankage, wet rendered tankage and dried blood, multiply the percentage of protein (in the case of dry rendered tankage) or ammonia (in the case of wet rendered tankage and dried blood) by the zone price per unit of protein or per unit of ammonia. There shall be no increase in maximum prices for bone phosphate of lime content. There shall be no rounding of maximum prices.

(4) *Maximum Prices for sales of blood meal and blood flour.* $7.50 per ton more than the maximum zone price per ton of dried blood of the same grade.

(5) *Grades*—(i) *Standard guaranteed minimum percentages of protein.* Except as permitted under subdivision (ii) of this subparagraph (5) no person shall sell or offer to sell and no person in the course of trade or business, shall buy or offer to buy meat scraps or digester tankage except on the basis of the following guaranteed minimum percentages of protein:

For meat scraps—45%, 50%, 55%, 60% and 65%.

For digester tankage—50%, 55% and 60%.

If, however, the actual analysis differs from the guaranteed minimum percentage of protein then:

(*a*) If above the guaranteed minimum percentage of protein, no increase in maximum prices is permitted.

(*b*) If one percent or less below the guaranteed minimum percentage of protein, deduct $1.50 per ton from the selling price.

(*c*) If more than one percent below the guaranteed minimum percentage of protein, deduct $3.00 per ton from the selling price for every percent or fraction thereof.

(ii) Any person desiring to sell meat scraps or digester tankage of a different grade from those standard guaranteed minimum percentages of protein listed in subdivision (i) may file with the Feed and Grain Section, Food and Food Products Branch, Office of Price Administration, Washington, D. C. an application verified by his oath or affirmation setting forth what grade he desires to sell and the reasons therefor, including all circumstances of hardship which he will suffer if required to sell meat scraps or digester tankage of a standard guaranteed minimum percentage of protein listed above in subdivision (i). No meat scraps or digester tankage of a different grade from the standard guaranteed minimum percentages of protein listed in subdivision (i) shall be sold or purchased unless the maximum price therefor has been established by the Office of Price Administration by order in writing after an application has been filed hereunder.

(b) *Customary trade differentials—Requirement of filing*—(1) *For sales not at retail.* If a seller had customary trade differentials prevailing during March 1942 for different kinds of purchasers or for different quantities or for different conditions of sale, establishing prices lower than his less-than-carload price, such differentials shall not be reduced or narrowed.

(2) *Filing.* Every seller (packer, renderer, jobber, or wholesaler) making sales for which maximum prices are established by this Maximum Price Regulation No. 74 as amended, shall file with the Feed and Grain Unit of the Office of Price Administration, Washington, D. C., on or before November 1, 1942, a complete list of his customary trade differentials prevailing during March 1942. If he had no customary trade differentials prevailing during March 1942, he shall so state.

(c) *Maximum prices in bags or other containers*—(1) *Seller's bags or other containers.* To determine maximum prices in seller's bags or other containers add cost of bags or other containers used at replacement cost at production point of the animal product feedingstuffs to the applicable maximum price, but in no event may more than $3.50 per ton be added to cover cost of bags or other containers.

(2) *Buyer's bags or other containers.* To determine a maximum price in buyer's bags or other containers, add 50 cents per ton to the applicable maximum bulk price.

(d) *Maximum delivered prices.* To determine maximum delivered prices add the seller's transportation costs as defined in § 1363.60 (a) (7) to the applicable maximum prices

(e) *Maximum grinder's service charges.* The maximum service charge of a grinder for grinding dry or wet rendered tankage shall be so limited that the cost of the meat scraps and digester tankage to any person delivered at his point of delivery shall not exceed the maximum prices of meat scraps and digester tankage delivered to the buyer's receiving point as determined under paragraph (d) of this section if purchased by said person from said grinder.

§ 1363.63 *Duty to describe classification and grade.* No person shall sell or offer to sell and no person in the course of trade or business shall buy or receive any animal product feedingstuffs which have not been described according to classification and grade. The description of animal product feedingstuffs sold in bags or other containers shall be by means of a label or tag printed on or attached to the bags or other containers. Descriptions in the case of sales in bulk shall be by means of tag or certificate accompanying the shipment. A duplicate thereof shall be attached to the invoice, bill of lading or other documents accompanying the shipment.

§ 1363.64 *Licensing—Applicability of the registration and licensing provisions of the General Maximum Price Regulation.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Maximum Price Regulation No. 74, as amended, selling at wholesale any animal product feedingstuffs covered by this Maximum Price Regulation No. 74, as amended. When used in this section, the term "selling at wholesale" has the definition given to it by § 1499.20 (p) of the General Maximum Price Regulation. Said registration and licensing provisions became effective as to persons selling at wholesale on May 11, 1942.

§ 1363.65 *Applicability.* The provisions of this Maximum Price Regulation No. 74 as amended, shall be applicable to the several states of the United States and the District of Columbia.

§ 1363.61a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1363.52, 1363.56, 1363.59, 1363.60 (a) (2), (a) (5), (a) (6), (a) (9), (a) 10, (a) (11), (a) (12), and (a) (13), §§ 1363.62, 1363.63, 1363.64 and 1363.65) to Maximum Price Regulation No. 72 as amended, shall become effective October 16, 1942.

(Pub. Law 421, 77th Cong. Pub. Law 729, 77th Cong., E. O. 9250, 7 F.R. 7871.)

Issued this 10th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10182; Filed, October 10, 1942; 12:21 p. m.]

PART 1385—NAVAL STORES

[Amendment 1 to Maximum Price Regulation 179 [1]]

PINE OIL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1385.8 is amended and new §§ 1385.8a and 1385.13 are added, to read as set forth below:

§ 1385.8 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 179 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1385.8a *Licensing.* (a) The provisions of Supplementary Order No. 11, licensing distributors of chemicals and drugs, are applicable to every distributor selling pine oil for which maximum prices are established by Appendix A (§ 1385.11). The term "distributor" shall have the meaning given to it by Supplementary Order No. 11.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at retail pine oil for which maximum prices are established by Appendix A (§ 1385.11). The term "selling at retail" shall have the meaning given it by § 1499.20 (o) of the General Maximum Price Regulation.

§ 1385.13 *Effective dates of amendments.* (a) Amendment No. 1 (§ § 1385.8, 1385.8a and 1385.13) to Maximum Price Regulation No. 179 shall become effective October 16, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 10th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10183; Filed, October 10, 1942; 12:23 p. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[Amendment 12 to Maximum Price Regulation 118 [1]]

COTTON PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Amended:
1400.118 (b) (2).
The sixth item in the table of premiums in § 1400.118 (d) (3).
1400.118 (d) (13) (i).
1400.118 (d) (13) (iv) (*a*).
(d) (13) (v) (*a*).
(d) (13) (vi)
(d) (13) (vii) (*a*).
(d) (23) (ii).
Revoked:
1400.118 (d) (23) (i) (*c*).
Added:
An unnumbered paragraph to § 1400.118 (d) (29) (v) (i).

§ 1400.118 *Specific and formula prices for certain cotton products: construction reports.* * * *

(b) Each maximum price set forth in (d) below shall apply, in lieu of the maximum price established by § 1400.101 (b) and (d), to:

* * * * *

(2) Deliveries of cotton products to which title has not passed (within the terms of the Worth Street Rules) to the purchaser prior to said effective date: *Provided,* That such prices shall not apply:

(i) To deliveries pursuant to contracts entered into on or after May 4, 1942, and prior to said effective date; and

(ii) Where a maximum price in (d) below is altered by amendment and no provision to the contrary is made therein, to deliveries pursuant to contracts entered into on and after said effective date and prior to the effective date of such amendment at prices in compliance with this Maximum Price Regulation No. 118.

* * * * *

(d) * * *

(3) *Gray soft-filled sheeting.* * * *

The following premiums may be added to the above base maximum price:

* * * * *

	Percent
For goods 42 inches and over in width as sold:	
If napped add to napped price	5
If unnapped add to the unnapped price	5

* * * * *

(13) *Wide sheeting, drills, twills, broken twills, and sateens.*

(i) The maximum prices established herein are for wide fabrics of the types listed below, whether sold for industrial uses or conventional textile uses, except that such prices shall not apply to wide domestic sheetings which are subject to Revised Price Schedule No. 89.[2]

* * * * *

(iv) *Wide sheeting.* (*a*) The base maximum prices for clean sheetings 42'' and wider (other than domestic sheetings which are subject to Revised Price Schedule No. 89)[2] shall be:

Class	Average yarn numbers	Cents per lb.
A	Up to 15s	43. 50
B	16s to 21s	46. 625
C	22s to 25s	46. 25
D	Finer than 25s	48. 50

* * * * *

(v) *Wide broken twills.* (*a*) The base maximum price for clean broken twills 42'' and wider shall be 42 cents per pound.

* * * * *

(vi) *Wide drills and four-leaf twills.* The maximum price for clean drills and four-leaf twills 42'' and wider and made of single yarns throughout shall be:

Class	Yds. per lb., pro rata to 37''	Cents per lb.
A	2.00 and under	42. 00
B	2.01 to 2.50	43. 00
C	2.51 to 3.00	44. 125
D	3.01 to 3.50	45. 125
E	3.51 to 4.00	46. 25
F	4.01 and over	48. 375

(vii) *Wide sateens.* (*a*) The base maximum price for clean sateens 42'' and wider and made of single yarns throughout shall be 43½ cents per pound.

* * * * *

(23) *Wide print cloths.* * * *

(ii) (*a*) Except as provided in (*b*) below, the maximum prices for print cloth 42 inches and more in width shall be:

Class:	*Cents per lb.*
A	51. 625
B	53. 25
C	54. 875

(*b*) For window shade or book cloth, 42 inches or more in width, of the same constructions as print cloth of Class A or Class B, the maximum prices shall be:

Class:	*Cents per lb.*
A	56. 5
B	58

These prices shall not be applicable to selected print cloth but only to goods manufactured for use in high quality window shades or for other uses requiring cloth equally free of imperfections. On or before the 10th day of November, 1942, and on or before the 10th day of each month thereafter, every person who has sold window-shade or book cloth at a price which exceeds the maximum price set forth in (*a*) above, shall submit to the Office of Price Administration, Washington, D. C., a report showing for the calendar month preceding that in which the report is due: The name and address of the person making the report. The name and address of each person to whom such cloth was sold or contracted to be sold during such month. The quantity sold (in yards). The price charged (in cents per lb.). The use to which the goods are to be put by the purchaser.

(*c*) No premiums shall be charged for feeler motion, special packaging, specification requirements, or any other element of construction, regardless of whether the goods have in the past commanded a premium for such reason.

* * * * *

(29) *Huck and crash towels and corded napkins.* * * *

(v) * * *

(i) * * *

For stamping, if required by the specifications, a premium of 5 cents per dozen may be added to the maximum price set forth herein.

* * * * *

§ 1400.117 *Effective dates of amendments.* * * *

(1) Amendment No. 12 (§§ 1400.118 (b) (2), (d) (3), (d) (13) (i), (d) (13) (iv) (*a*), (d) (13) (v) (*a*), (d) (13) (vi), (d) (13) (vii) (*a*), (d) (23) (i) (*c*), (d) (23) (ii), (d) (29) (v) (i)) shall become effective October 12, 1942.

(Pub. Law 421, 77th Cong., Pub. Law 729, 77th Cong., E.O. 9250, 7 F.R. 7871.)

Issued this 10th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10184; Filed, October 10, 1942; 12:22 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Amendment 1 to Restriction Order 1 [1]]

MEAT RESTRICTION ORDER

The references in §§ 1407.908 (a) and 1407.913 (a) to "§§ 1407.905 and 1407.906" are amended to read "§§ 1407.906 and 1407.907"; the reference in § 1407.912 (h) (5) to "§ 1407.910" is amended to read "§ 1407.913"; the reference in § 1407.912 (i) to "(f)" is amended to read "(h)"; the word "live" is inserted in § 1407.913 (a) between the word "average" and the words "purchase weight of the total number"; the words "live purchase weight" are inserted in § 1407.913 (a) between the word "average" and the word "falls"; the words "Average Live" are deleted from the title of the Weight Range table in § 1407.913 (a); the registration date specified in § 1407.914 (a) is amended to read "November 15, 1942"; the word "exemption" in the title of § 1407.917 is amended to read "exception"; the references in §§ 1407.918 and 1407.919 to "§ 1407.912 (b)" are amended to read "§ 1407.912"; § 1407.913 (b) is amended to read as follows; and a new § 1407.925 is added to read as set forth below:

§ 1407.913 *Conversion weight factors.* * * *

(b) * * *

Type of controlled meat	Description of product	Conversion factor (multiplier)	
Beef	Dressed carcasses and cuts, bone in, fresh (chilled) or frozen.	1.00	
	Boned beef and trimmings, fresh (chilled) or frozen.	1.33	
	Cured other than dried	1.05	
	Dried (including smoked)	2.00	
Veal	Dressed carcasses hide off, and cuts, bone in, fresh (chilled) or frozen.	1.00	
	Dressed carcasses hide on, fresh (chilled) or frozen.	.90	
	Bone, fresh (chilled) or frozen	1.33	
Lamb and mutton.	Dressed carcasses pluck out, and cuts, bone in, fresh (chilled) or frozen.	1.00	
	Dressed carcasses pluck in, fresh (chilled) or frozen.	.90	
	Boned, fresh (chilled) or frozen.	1.33	
Pork	Dressed carcasses (with cutting fats on), fresh (chilled) or frozen.	.90	
		Bone in	Bone out
	Cuts:		
	Fresh (chilled)	1.00	1.15
	Cured	1.00	1.10
	Smoked	1.10	1.20
	Cooked	1.20	1.35
	Trimmings:		
	Fresh (chilled) or frozen	------	1.10

* * * * *

§ 1407.925 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1407.908 (a), 1407.912 (h) (5) and (i), 1407.913 (a) and (b), 1407.914 (a), 1407.917, 1407.918, and 1407.919) to Restriction Order No. 1 shall be effective as of October 1, 1942.

(Pub. Law 671, 76th Cong., 3rd Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess., and by Pub. Law 507, 77th Cong., 2d Sess., Pub. Law 421, 77th Cong., 2d Sess., Pub. Law 729, 77th Cong., 2d Sess., WPB Directive No. 1, Supp. Dir. No. 1-M, 7 F.R. 562, 7234).

Issued this 10th day of October, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10185; Filed, October 10, 1942; 12:19 p. m.]

PART 1416—COAL TAR

[Amendment No. 1 to Maximum Price Regulation No. 192 [1]]

IMPORTED CRESYLIC ACID

A statement of the considerations involved in the issuance of this amendment

has been issued simultaneously herewith and filed with the Division of the Federal Register.*

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5482.

[1] 7 F.R. 3038, 3211, 3522, 3578, 3824, 3905, 4405, 5224, 5405, 5567, 5836, 6005, 6484, 7451.

[2] 7 F.R. 1375, 1836, 2107, 2000, 2132, 2299, 2739, 3163, 3327, 3447, 3962, 4176, 4732, 7599.

[1] 7 F.R. 7839.

[1] 7 F.R. 5999.

Paragraph (a) of § 1416.56 is amended and new §§ 1416.56a and 1416.62 are added, to read as set forth below:

§ 1416.56 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 192 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1416.56a *Licensing.* (a) The provisions of Supplementary Order No. 11, licensing distributors of chemicals and drugs, are applicable to every distributor selling imported cresylic acid for which maximum prices are established by Appendix A (§ 1416.60). The term "distributor" shall have the meaning given to it by Supplementary Order No. 11.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at retail imported cresylic acid for which maximum prices are established by Appendix A (§ 1416.60). The term "selling at retail" shall have the meaning given it by § 1499.20 (o) of the General Maximum Price Regulation.

§ 1416.62 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1416.56, 1416.56a and 1416.62) to Maximum Price Regulation No. 192 shall become effective October 16, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.)

Issued this 10th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10186; Filed, October 10, 1942; 12:23 p. m.]

PART 1419—EXPLOSIVES

[Amendment 2 to Maximum Price Regulation 191 [1]]

COTTON LINTERS AND HULL FIBERS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1419.6 is amended and new § 1419.6a is added, to read as set forth below:

§ 1419.6 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 191 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1419.6a *Licensing.* (a) The provisions of Supplementary Order No. 11, licensing distributors of chemicals and drugs, are applicable to every distributor selling cotton linters and hull fibers for which maximum prices are established by § 1419.1. The term "distributor" shall have the meaning given to it by Supplementary Order No. 11.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at retail cotton linters and hull fibers for which maximum prices are established by § 1419.1. The term "selling at retail" shall have the meaning given it by § 1499.20 (o) of the General Maximum Price Regulation.

§ 1419.12 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1419.6 and 1419.6a) to Maximum Price Regulation No. 191 shall become effective October 16, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 10th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10187; Filed, October 10, 1942; 12:23 p. m.]

PART 1421—IRON AND STEEL FOUNDRY PRODUCTS

[Maximum Price Regulation 235]

MANGANESE STEEL CASTINGS AND MANGANESE STEEL CASTINGS PRODUCTS

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for sales of manganese steel castings and manganese steel castings products. Such action is required as the General Maximum Price Regulation [1] does not provide a satisfactory method for the pricing of manganese steel castings and manganese steel castings products, and the Price Administrator has ascertained and given due consideration to the prices of manganese steel castings and manganese steel castings products prevailing between October 1 and October 15, 1941, and has determined that those prices are generally more fair and equitable than the prices established by the General Maximum Price Regulation and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, Maximum Price Regulation No. 235, is hereby issued.

Sec.
1421.51 Maximum prices for manganese steel castings and manganese steel castings products.
1421.52 Less than maximum prices.
1421.53 Adjustable pricing.
1421.54 Evasion.
1421.55 Records and reports.
1421.56 Filing.
1421.57 Enforcement.
1421.58 Petitions for amendment, adjustment and exceptions.
1421.59 Federal and State taxes.
1421.60 Applicability of General Maximum Price Regulation.
1421.61 Export sales.
1421.62 Definitions.
1421.63 Effective date.
1421.64 Appendix A: Maximum delivered prices for manganese steel castings and manganese steel castings products.
1421.65 Appendix B: Maximum prices referred to in § 1421.64 (b).
1421.66 Appendix C: Form No. 335:1.
1421.67 Appendix D: Form No. 335:2.

AUTHORITY: §§ 1421.51 to 1421.67, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1421.51 *Prohibition against sales of manganese steel castings and manganese steel castings products above maximum prices.* On and after October 14, 1942, regardless of any contract, agreement, lease or other obligation:

(a) No person shall sell or deliver any manganese steel castings and manganese steel castings products at higher prices than the maximum prices set forth in Appendix A of this Maximum Price Regulation No. 235.

(b) No person shall buy or receive any manganese steel castings and manganese steel castings products in the course of trade or business at higher prices than the maximum prices set forth in this Maximum Price Regulation No. 235.

(c) No person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided,* That the provisions of this section shall not be applicable (i) to sales or deliveries of manganese steel castings and manganese steel castings products to a purchaser if prior to October 14, 1942, such manganese steel castings and manganese steel castings products had been received by a carrier other than a carrier owned or controlled by the seller for shipment to such purchaser or (ii) to deliveries made on or before January 1, 1943, of manganese steel castings and manganese steel castings products for which maximum prices are established by paragraph (c) of § 1421.64 in cases where such deliveries are made pursuant to sales or contracts of sale which were in existence before October 14, 1942.

(d) The maximum prices in this regulation shall not be increased by any charges for the extension of credit.

(e) If upon the purchase of any manganese steel castings and manganese steel castings products the purchaser shall receive from the seller or supplier a written affirmation that to the best of his knowledge, information and belief the price charged does not exceed the maximum price established by this Maximum Price Regulation No. 235, and if in such case the purchaser shall have no knowledge of the maximum price and no cause to doubt the accuracy of the affirmation, the purchaser shall be deemed to have complied with this section.

§ 1421.52 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1421.64) may be charged, demanded or offered.

§ 1421.53 *Adjustable pricing.* Any person may offer or agree to adjust prices to or at prices not in excess of the maximum prices in effect at the time of delivery.

§ 1421.54 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 235 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to manganese steel castings and manganese steel castings products alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding or otherwise; without limiting the foregoing the price limitations set forth in this Maximum Price Regulation No. 235 shall not be evaded by improper classification, unnecessary pattern changes, improper application of extras, exchange of patterns, or division of orders to obtain more favorable quantity price differentials.

§ 1421.55 *Records and reports.* (a) Every person making purchases and every person making sales of manganese steel castings and manganese steel castings products in the course of trade or business on and after October 14, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or seller, either the shipping point or delivered price paid or received, and transportation charges or allowances, if any.

(b) Every producer shall preserve and keep for inspection by the Office of Price Administration all of its records in regard to its labor rates for each class of laborer and its material costs and machine hour rates prevailing and in effect at each of its foundries and machine shops, between October 1 and October 15, 1941, inclusive, together with records in regard to the methods and rates used for figuring or estimating burden or overhead, transportation charges or allowances, and selling and administrative expense customarily used between October 1 and October 15, 1941, inclusive.

(c) Persons affected by this Maximum Price Regulation No. 235 shall submit such reports to the Office of Price Administration as it may, from time to time, require.

§ 1421.56 *Filing.* (a) Each seller of manganese steel castings and manganese steel castings products shall file with the Iron and Steel Branch, Office of Price Administration, Washington, D. C., on or before October 31, 1942, its published price lists and schedules, including extras and whether tentative or subject to change or otherwise, for manganese steel castings and manganese steel castings products insofar as such lists and schedules were in effect for such seller and distributed and outstanding with one or more of such seller's customers or prospective customers between October 1 and October 15, 1941, inclusive. If a seller had no such lists or schedules, he shall file a statement to that effect.

(b) Each seller of manganese steel castings and manganese steel castings products shall file with the Iron and Steel Branch, Office of Price Administration, Washington, D. C., on or before October 31, 1942, a statement listing or describing its customary commissions, discounts and other allowances and quantity price differentials in effect between October 1 and October 15, 1941, inclusive. If a seller had no such commissions, discounts or allowances, he shall file a statement to that effect.

§ 1421.57 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 235 are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 235 or any price schedule, regulation or order issued by the Office of Price Administration or any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1421.58 *Petitions for amendment, adjustment and exceptions.* (a) Any person who has entered into or proposes to enter into a contract for the sale of manganese steel castings and manganese steel castings products, who believes that the maximum prices for such manganese steel castings and manganese steel castings products as established by this Maximum Price Regulation No. 235 impedes or threatens to impede the production of manganese steel castings and manganese steel castings products, which are essential to the war program and which are or will be the subject of a contract for production essential to the war program may petition for, and the Price Administrator may grant, adjustment of the maximum price. The petition for adjustment pursuant to this paragraph shall be made on Form No. 335: 1 set out in Appendix C, incorporated herein as § 1421.66 and separate forms shall be used for each manganese steel casting and manganese steel castings product of different design or specification. Petitions for such adjustment must be filed in accordance with Procedural Regulation No. 1 [3] issued by the Office of Price Administration. These forms can be obtained at the Iron and Steel Branch of the Office of Price Administration, in Washington, D. C., or may be copied from Appendix C (§ 1421.66). After a petition has been filed and pending the issuance of an order granting or denying the petition, the petitioner may enter into or offer to enter into contracts and may make deliveries at the price requested in the petition. If the order issued denies the petition in whole or in part, the contract price shall be revised downward to the maximum price ordered, and if any payment has been made at the requested price the petitioner shall refund the excess.

(b) The Price Administrator may grant an exception permitting a seller to charge more than the maximum price set forth in this Maximum Price Regulation No. 235 in cases where the seller shows that he must otherwise absorb abnormally high transportation costs resulting from the emergency demands of war. In all such cases the petitioner shall submit a description of the shipment or shipments, the reasons why the shipment or shipments bear abnormally high transportation costs, the price or proposed price, the transportation costs and the relation of such shipment or shipments to the war effort. Petitions for such exception must be filed in accordance with Procedural Regulation

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6000, 6150, 7093.

[1] 7 F.R. 3153, 3330, 3666, 3991, 4339, 4487, 4659, 4738, 3990, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758.

[2] 7 F.R. 971, 3663, 6967.

[3] *Supra.*

No. 1[4] issued by the Office of Price Administration. After a petition has been filed and pending the issuance of an order granting or denying the petition, the petitioner may enter into or offer to enter into contracts and may make deliveries at the price requested in the petition. If the order issued denies the petition in whole or in part, the contract price shall be revised downward to the maximum price ordered, and if any payment has been made at the requested price the petitioner shall refund the excess.

(c) Persons seeking any modification of this Maximum Price Regulation No. 235, or an adjustment or exception not provided for therein, may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1[5] issued by the Office of Price Administration. Any person may offer or agree to adjust prices upon deliveries made during the pendency of a petition for amendment in accordance with the disposition of such petition.

§ 1421.59 *Federal and State taxes.* Any tax upon, or incident to, the sale, delivery, processing, or use of manganese steel castings and manganese steel castings products, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such manganese steel castings and manganese steel castings products and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect between October 1 and October 15, 1941, inclusive.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price between October 1 and October 15, 1941, inclusive, the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 235. (2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 235.

(b) *As to a tax or increase in a tax which becomes effective after October 15, 1941.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1421.60 *Applicability of general maximum price regulation.* The provisions of this Maximum Price Regulation No. 235 supersede the provisions of the General Maximum Price Regulation[6] with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1421.61 *Export sales.* The maximum price at which a producer may export manganese steel castings and manganese steel castings products shall be determined in accordance with the provisions of the Maximum Export Regulation[7] issued by the Office of Price Administration. "Export" or "export sale" means any sale or sales of a manganese steel casting or manganese steel castings product located within the Continental United States by a seller in the Continental United States to a purchaser outside thereof in which the manganese steel casting or manganese steel castings product sold is transported from the Continental United States to a point outside thereof and includes any sale of the exported manganese steel castings or manganese steel castings products by an agent of the exporter or by a corporation owned or controlled by the exporter within a period of two years after the date of shipment of the manganese steel casting or manganese steel castings product from the Continental United States: *Provided,* That it shall not include such a sale if the agent or subsidiary has processed, fabricated or otherwise substantially changed the form of the manganese steel casting or manganese steel castings product exported, or if the sale by the agent or subsidiary is through a regularly established retail outlet owned or operated by the agent or subsidiary.

§ 1421.62 *Definitions.* (a) When used in this Maximum Price Regulation No. 235 the term:

(1) "Person" includes an individual, corporation, partnership, association or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Producer" means any person engaged in the production of manganese steel castings and manganese steel castings products.

(3) "Manganese steel castings" means any cast steel object, rough or machined, that has been initially cast into the desired shape of the finished product and which contains 10% to 16% manganese.

(4) "Manganese steel castings products" means devices, assemblies and parts primarily produced from manganese steel castings and also includes such devices, assemblies and parts when complemental products are assembled therewith or added thereto; it does not mean or include completed pumps, whether furnished with or without driving units; it does not mean or include finished, fabricated trackwork such as assembled frogs, switches and crossings.

(5) "Continental United States" means only the forty-eight states and the District of Columbia.

(6) "Point of destination" means the point at which a manganese steel casting or manganese steel casting product will first be put to the use for which it was purchased.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1421.63 *Effective date.* This Maximum Price Regulation No. 235 (§§ 1421.51 to 1421.67 inclusive) shall become effective October 14, 1942.

§ 11421.64 *Appendix A: Maximum delivered prices for manganese steel castings and manganese steel castings products*—(a) *Maximum delivered prices for manganese steel castings and manganese steel castings products listed in a seller's published price lists or schedules effective October 1 to October 15, 1941, inclusive.* The maximum delivered price, including extras, for a seller for a manganese steel casting and a manganese steel castings product shall be the price and applicable extras for such casting or product listed in any published price lists or schedules, whether tentative or subject to change or otherwise, in effect for such seller and distributed and outstanding with one or more of such seller's customers or prospective customers between October 1 and October 15, 1941, inclusive: *Provided,* That (1) where any commission or other discount or any applicable and established quantity price differential was or would have been customarily allowed by such seller between October 1 and October 15, 1941, inclusive, to any manufacturer, jobber, dealer or other distributor or to specific classes of purchasers, the amount of such commission or discount shall be deducted and adjustment shall be made for such quantity price differential; (2) the maximum charge for transportation which may be added is the charge computed at the lowest applicable rail rate in effect at the time of shipment from whatever producer's foundry (even though other than the actual foundry where produced) is situated most favorably freightwise to the point of destination and which foundry also has the necessary physical equipment to produce such casting or product at the time of sale and is a producer at the time of sale, except that (i) where the purchaser specifies a means of transportation costing in excess of the charge computed at the lowest applicable rail rate for the actual shipment, the seller may also add the amount of such excess and (ii) on shipments from points east of the states of Washington, Oregon and California wholly by rail or motor vehicle to points in said states, the seller may, in any case where cost of transportation is required to be computed on an equalized basis under the provisions of this subparagraph, add the amount of the difference obtained by subtracting the charge computed at the lowest applicable rail and water rate in effect between October 1 and October 15, 1941, inclusive, for the transportation of an identical quantity from the producer's foundry to the point of destination from the actual cost of transportation for the shipment; (3) where packing for export shipment is specified there may be added an amount not exceeding such extra charge therefor, if any, as was or would have been customarily made by the seller between October 1 and October 15, 1941, inclusive; and (4) there shall be deducted one-half of one percent after adjustment for transportation allowances and charges, for payment within ten days from receipt of the invoice by the purchaser.

(b) *Maximum delivered prices for manganese steel castings and manganese steel castings products other than those in paragraph* (a) *but of types classified in Appendix B* (*§ 1421.65*). The maximum delivered prices for manganese steel castings and manganese steel castings products other than those in paragraph (a) but of types classified in Appendix B (§ 1421.65) shall be the price listed in said Appendix B: *Provided,* That (1) where any commission or other discount or any applicable and established quantity price differential was or would have been customarily allowed by such seller between October 1 and October 15, 1941, inclusive, to any manufacturer, jobber, dealer or other distributor or to specific classes of purchasers, the amount of such commission or discount shall be deducted and adjustment shall be made for such quantity price differential; (2) the maximum charge for transportation which may be added is the charge computed at the lowest applicable rail rate in effect at the time of shipment from whatever producer's foundry (even though other than the actual foundry where produced) is situated most favorably freightwise to the point of destination and which foundry also has the necessary physical equipment to produce such casting or product at the time of sale and is a producer at the time of sale, except that (i) where the purchaser specifies a means of transportation costing in excess of the charge computed at the lowest applicable rail rate for the actual shipment, the seller may also add the amount of such excess and (ii) on shipments from points east of the states of Washington, Oregon and California wholly by rail or motor vehicle to points in said states, the seller may, in any case where cost of transportation is required to be computed on an equalized basis under the provisions of this subparagraph, add the amount of the difference obtained by subtracting the charge computed at the lowest applicable rail and water rate in effect between October 1 and October 15, 1941, inclusive, for the transportation of an identical quantity from the producer's foundry to the point of destination from the actual cost of transportation for the shipment; (3) where packing for export shipment is specified there may be added an amount not exceeding such extra charge therefor, if any, as was or would have been customarily made by the seller between October 1 and October 15, 1941, inclusive; and (4) there shall be deducted one-half of one percent after adjustment for transportation allowances and charges, for payment within ten days from receipt of the invoice by the purchaser.

(c) *Maximum delivered prices for manganese steel castings and manganese steel castings products other than those in paragraphs* (a) *and* (b). The maximum delivered price for any manganese steel casting and manganese steel castings product for which a maximum price is not established by paragraphs (a) and (b) of this section shall be the price for any seller which is established as follows: A producer who proposes to sell or offer to sell such casting or product shall file with the Iron and Steel Branch of the Office of Price Administration, Washington, D. C., a cost estimate and proposed maximum selling price for such casting or product on and pursuant to Form No. 335:2 (set out in Appendix D, incorporated herein as § 1421.67, which Form may be duplicated or copies may be obtained from the Office of Price Administration, Washington, D. C.) which proposed maximum selling price shall be approved as filed, or approved subject to such adjustments, conditions and limitations as the Office of Price Administration may provide, or shall be disapproved, within seven days from the time it is received by said Iron and Steel Branch, and in the event the Office of Price Administration does not send out in writing its approval or disapproval within seven days as above, the proposed maximum selling price as filed shall be deemed approved for the proposed sale with respect to which it was stated on Form No. 335:2 to be filed: *Provided,* That (1) in filling out the items on Form No. 335:2 the cost factors and profit margin used shall be those in effect and prevailing between October 1 and October 15, 1941 for the producer filing said Form No. 335:2; (2) where a price for a casting or a product has been approved pursuant to this paragraph for a producer, such producer may submit to the Iron and Steel Branch of the Office of Price Administration, Washington, D. C., for approval a quantity price differential for such casting or product, and if approved, such prices shall constitute the maximum prices at which such producer may sell such castings or products, except that maximum prices so established shall be subject to adjustment by the Office of Price Administration; (3) where a price for a manganese steel casting or manganese steel castings product was established by a seller on or before October 15, 1941, such seller may, in lieu of the other provisions of this paragraph, submit to the Iron and Steel Branch of the Office of Price Administration, Washington, D. C., such price as his proposed maximum selling price for such casting or product together with a statement of the manner in which such proposed selling price is alleged to have been established, and said proposed maximum price shall be either approved or disapproved within seven days from the time it is received by said Iron and Steel Branch, and in the event the Office of Price Administration does not send out, in writing, its approval or disapproval within seven days, the proposed maximum selling price shall constitute the maximum price at which such seller may sell such casting or product; (4) The maximum charge for transportation which may be added is the charge computed at the lowest applicable rail rate in effect at the time of shipment from whatever producer's foundry (even though other than the actual foundry where produced) is situated most favorably freightwise to the point of destination and which foundry also has the necessary physical equipment to produce such casting or product at the time of sale and is a producer at the time of sale, except that (i) where the purchaser specifiies a means of transportation costing in excess of the charge computed at the lowest applicable rail rate for the actual shipment, the seller may also add the amount of such excess and (ii) on shipments from points east of the states of Washington, Oregon and California wholly by rail or motor vehicle to points in said states, the seller may, in any case where cost of transportation is required to be computed on an equalized basis under the provisions of this subparagraph, add the amount of the difference obtained by subtracting the charge computed at the lowest applicable rail and water rate in effect between October 1 and October 15, 1941, inclusive, for the transportation of an identical quantity from the producer's foundry to the point of destination from the actual cost of transportation for the shipment; and (5) there shall be deducted one-half of one percent after adjustment for transportation allowances and charges, for payment within ten days from receipt of the invoice by the purchaser.

§ 1421.65 *Appendix B: Maximum prices referred to in § 1421.64* (b). The maximum prices for manganese steel castings or manganese steel castings products referred to in § 1421.64 (b) are set forth hereinafter. Where no prices are listed for pieces of certain weights per piece, the maximum prices for manganese steel castings or manganese steel castings products falling within such weight per piece classification shall be determined in accordance with the provisions of § 1421.64 (c).

(a) *Brick and clay machinery—pug mills or brick machines:*

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[4] *Supra.*

[5] *Supra.*

[6] *Supra.*

[7] 7 F.R. 3096, 3824, 4294, 4541, 5059, 7242.

(1) AUGERS, CAMS AND KNIVES

Weight per piece	Number of pieces					
	1–11	12–24	25–49	50–99	100–149	150 and over
	Pound	*Pound*	*Pound*	*Pound*	*Pound*	*Pound*
5 lbs., up to 10 lb. each	$.22	$.185	$.1725	$.1625	$.1575	$.1525
10 lbs., up to 20 lb. each	.21	.175	.165	.155	.15	.145
20 lbs., each and over	.20	.1675	.1575	.1475	.1425	.1375

(2) TIPS, SHANKS OR HOLDERS, BLADES

Weight per piece	Number of pieces				
	1–24	25–49	50–99	100–199	200 and over
	Pound	*Pound*	*Pound*	*Pound*	*Pound*
1 lb. up to 5 lbs. each	$.23	$.22	$.215	$.21	$.205
5 lbs. up to 10 lbs. each	.21	.205	.20	.195	.19
10 lbs. up to 25 lbs. each	.20	.195	.19	.185	.1775
25 lbs. up to 50 lbs. each	.19	.185	.1775	.1725	.1675
50 lbs. each and over	.1775	.1725	.1675	.1625	.1575

(3) SCREEN PLATES

(I) WHEN ORDERED IN LOTS OF SIX (6) OR MORE

Weight per piece—pounds	Size of slots			
	⅛″ to 3/16″	3/16″ to ¼″	¼″ to ½″	½″ and over
	Pound	*Pound*	*Pound*	*Pound*
Less than 100 pounds each	$.2725	$.2625	$.2525	$.2425
100 to 150 pounds each	.2525	.2425	.23	.22
150 to 200 pounds each	.23	.22	.21	.20
200 pounds and over each	.21	.20	.19	.1775

(II) WHEN ORDERED IN LOTS OF LESS THAN SIX (6) ADD 10 PERCENT TO PRICES IN SUBDIVISION (I)

(4) TREAD OR MULLER PLATES

Weight per piece	Number of pieces	
	1–3	4 and over
	Pound	*Pound*
Less than 100 lbs. each	$.1375	$.13
100 lbs. up to 250 lbs.	.13	.125
250 lbs. each and over	.125	.12

(5) MULLER TIRES

Weight per piece	Number of pieces	
	1–3	4 and over
	Pound	*Pound*
Less than 1,000 lbs. each	$.13	$.1275
1,000 lbs. to 2,000 lbs. each	.12	.1175
2,000 lbs. each and over	.1175	.115

(6) PAN SCRAPERS

Pan scrapers	$.1775 per lb., regardless of weight or quantity.

(7) CLAY ROLLS

Weight per piece—100 lbs. or more	$.1775 per lb. regardless of quantity.

This price does not include zincing of the roll.

(b) *Crushing machinery:*

(1) BALL, ROD & TUBE MILLS

(I) LINERS—SHELL

Feed end other than cylindrical type

Weight per piece lbs.	Under 10 tons	10 tons and over
	Pound	*Pound*
Less than 100 lbs. each	$.1375	$.1350
100 lbs. up to 250 lbs. each	.1275	.1250
250 lbs. up to 500 lbs. each	.1175	.1150
500 lbs. each and over	.1125	.11

(II) LINERS—FEED END CYLINDRICAL TYPE

For prices on feed end trunnion liners add 3¢ per lb., to the prices in subdivision (I).

(III) WEDGE OR LIFTER BARS

Weight per piece lbs.:	*Any quantity (pound)*
Less than 50 lbs. each	$.1475
50 lbs. up to 75 lbs. each	.1425
75 lbs. up to 100 lbs. each	.1350
100 lbs. each and over	.1250

(IV) FEEDER LIPS

Weight per piece lbs.:	*Any quantity (pound)*
Less than 100 lbs. each	$.215
100 lbs. each and over	.195

(V) GRATES

Weight per piece lbs.	Less than 5/16″	5/16″–½″	Over ½″
	Pound	*Pound*	*Pound*
Less than 100 lbs. each	$.2775	$.2550	$.2350
100 lbs. up to 150 lbs. each	.2375	.2175	.1950
150 lbs. up to 250 lbs. each	.2250	.2025	.1825
250 lbs. up to 500 lbs. each	.2150	.1925	.1725
500 lbs. up to 750 lbs. each	.21	.1875	.1675
750 lbs. each and over	.1950	.1750	.1525

(2) COAL CRUSHERS

(I) SEGMENTS BREAKER

Weight per piece lbs.:	*Pound*
Less than 100 lbs. each	$.19
100 lbs. up to 150 lbs. each	.18
150 lbs. up to 250 lbs. each	.165
250 lbs. up to 500 lbs. each	.155
500 lbs. each and over	.145
	***Per** lb.*
Extra for machining eyes in soft steel inserts	$.03

(3) GYRATORY CRUSHERS

(I) MANTLES—ROUGH

Weight per piece lbs.	*Pound*
Less than 500 lbs. each	$.21
500 lbs. up to 1,000 lbs. each	.1875
1,000 lbs. each and over	.175
Where furnished with soft steel inserts there may be added	.008

(II) CONCAVES—SECTIONAL—KEY CONCAVES INCLUDED IN PRICE OF SET

Weight per piece lbs.:	*Pound*
Less than 20 lbs. each	$.23
20 lbs. up to 50 lbs. each	.18
50 lbs. up to 100 lbs. each	.17
100 lbs. up to 250 lbs. each	.16
250 lbs. each and over	.15

(III) OTHER CASTINGS NOT LESS THAN 1″ THICK INCLUDING DIAPHRAGM LINERS, DUST CAPS AND SPIDER ARM SHIELDS

Weight per piece lbs.	*Pound*
1 lb. up to 50 lbs. each	$.25
50 lbs. up to 500 lbs. each	.21
500 lbs. up to 1,000 lbs. each	.1925
1,000 lbs. each and over	.17

(4) JAW CRUSHERS

(I) JAWS OR DIES

Weight per piece lbs.	Number of pieces		
	1–3	4–9	10 and over
	Pound	*Pound*	*Pound*
Less than 100 lbs. each	$.245	$.235	$.22
100 lbs. up to 250 lbs. each	.21	.20	.19
250 lbs. up to 750 lbs. each	.195	.185	.175
750 lbs. up to 1,500 lbs. each	.175	.1675	.16
1,500 lbs. each and over	.16	.1575	.155

(II) CHECK PLATES AND TOGGLES; KEY PLATES

Weight per piece lbs.	Number of pieces		
	1–3	4–9	10 and over
	Pound	*Pound*	*Pound*
Less than 100 lbs. each	$.235	$.225	$.21
100 lbs. up to 250 lbs. each	.20	.19	.18
250 lbs. up to 750 lbs. each	.185	.175	.165
750 lbs. up to 1,500 lbs. each	.165	.1575	.15
1,500 lbs. each and over	.15	.1475	.145

(III) TOGGLE BEARINGS OR SEATS; FINISHED DIE WEDGES

Weight per piece lbs.	Number of pieces		
	1–3	4–9	10 and over
	Pound	*Pound*	*Pound*
Less than 25 lbs. each	$.47	$.45	$.43
25 lbs. up to 50 lbs. each	.415	.39	.36
50 lbs. up to 100 lbs. each	.36	.335	.305
100 lbs. up to 150 lbs. each	.305	.28	.25
150 lbs. up to 200 lbs. each	.28	.25	-------
200 lbs. up to 250 lbs. each	.25	.23	-------
250 lbs. each and over	.23	.22	-------

(5) ROLL SHELLS*

Weight per piece (lbs.)	Rough ground	Trued up Is or Os	Finished Is or Os	Trued up Is and Os	Finished Is trued up Os	Finished Is and Os
	Pound	*Pound*	*Pound*	*Pound*	*Pound*	*Pound*
200 lbs. up to 500 lbs. each	$.19	$.2075	$.24	$.24	$.2575	$.2625
500 lbs. up to 1,000 lbs. each	.1825	.1925	.1975	.1975	.205	.21
1,000 lbs. up to 2,000 lbs. each	.165	.1725	.1775	.1775	.185	.1925
2,000 lbs. up to 4,000 lbs. each	.155	.165	.17	.17	.1775	.1825
4,000 lbs. each and over	.1525	.1625	.1675	.1675	.175	.18

Where furnished with slugger teeth there may be added	$.01 per lb.
Where finished grinding is done on both ends there may be added	$4.00 per shell

*As used in this subparagraph "Is" means inside and "Os" means outside.

(c) *Pulverizer parts—Hammer or ring type:*

(1) HAMMERS—ONE PIECE AND SINGLE ARM ONLY

(I) RINGS—PLAIN ONLY; SPACERS

Weight per piece lbs.	Number of pieces			
	1–19	20–49	50–99	100 and over
Less than 2 lbs. each	$.60 ea	$.54 ea	$.49 ea	$.47 ea.
2 lbs. up to 5 lbs. each	$.285 lb	$.255 lb	$.23 lb	$.22 lb.
5 lbs. up to 10 lbs. each	$.23 lb	$.21 lb	$.205 lb	$.20 lb.
10 lbs. up to 25 lbs. each	$.21 lb	$.185 lb	$.18 lb	$.175 lb.
25 lbs. up to 50 lbs. each	$.185 lb	$.175 lb	$.17 lb	$.165 lb.
50 lbs. up to 100 lbs. each	$.175 lb	$.165 lb	$.16 lb	$.155 lb.
100 lbs. each and over	$.17 lb	$.155 lb	$.15 lb	$.145 lb.

(II) RINGS—LUG OR SHREDDER TYPE—ADD $.01 PER LB. TO SUBDIVISION (I)

(2) HAMMERS WITH RENEWABLE TIPS

Two or three piece design, requiring accurate fitting. Holders, shanks or tips ordered separately or assembled. This does not apply to Lucas Type Hammers and other similar patented types.

Weight per piece lbs.	Number of pieces			
	1–19	20–49	50–99	100 and over
Less than 2 lbs. each	$.66 ea	$.60 ea	$.55 ea	$.53 ea.
2 lbs. up to 5 lbs. each	.315 lb	.285 lb	.26 lb	.25 lb.
5 lbs. up to 10 lbs. each	.26 lb	.24 lb	.235 lb	.23 lb.
10 lbs. up to 25 lbs. each	.24 lb	.215 lb	.21 lb	.205 lb.
25 lbs. up to 50 lbs. each	.215 lb	.205 lb	.20 lb	.195 lb.
50 lbs. up to 100 lbs. each	.205 lb	.195 lb	.19 lb	.185 lb.
100 lbs. each and over	.20 lb	.185 lb	18 lb	.175 lb.

Where assembling is required by the purchaser there may be added an amount not in excess of the charge which was or would have been customarily made for such assembling between October 1 and October 15, 1941, inclusive.

(3) HAMMERS—DOUBLE ARM—STIRRUP OR "U" SHAPED CAST IN ONE PIECE

Weight per piece lbs.	Number of pieces			
	1–19	20–49	50–99	100 and over
Less than 2 lbs. each	$.69 ea	$.62 ea	$.56 ea	$.54 ea.
2 lbs. up to 5 lbs. each	.3275 lb	.2925 lb	.2625 lb	.2525 lb.
5 lbs. up to 10 lbs. each	.2625 lb	.24 lb	.235 lb	.2275 lb.
10 lbs. up to 25 lbs. each	.24 lb	.2125 lb	.205 lb	.20 lb.
25 lbs. up to 50 lbs. each	.2125 lb	.20 lb	.195 lb	.1875 lb.
50 lbs. up to 100 lbs. each	.20 lb	.1875 lb	.1825 lb	.1775 lb.
100 lbs. each and over	.195 lb	.1775 lb	.17 lb	.165 lb.

(4) STAVES: COVER OR BREAKER PLATES; BLANK CHEEK PLATES: LINERS EXCEPT FOR RAYMOND MILLS

Weight per piece lbs.	Number of pieces			
	1-9	10-24	25-49	50 and over
	Pound	*Pound*	*Pound*	*Pound*
5 lbs. up to 10 lbs. each	$.27	$.2375	$.21	$.205
10 lbs. up to 25 lbs. each	.24	.2075	.185	.18
25 lbs. up to 50 lbs. each	.22	.185	.175	.17
50 lbs. up to 100 lbs. each	.1975	.17	.165	.1575
100 lbs. each and over	.185	.1575	.1525	.1475

(5) GRATES OR SCREENS: GRATE BARS, MULTIPLE OR SLOTTED

Weight per piece lbs.	Size of slots					
	1/8″-3/16″	3/16″-1/4″	1/4″-1/2″	1/2″-3/4″	3/4″-1″	1″ and over
	Pound	*Pound*	*Pound*	*Pound*	*Pound*	*Pound*
Less than 40 lbs. each	$.2925	$.2625	$.23	$.22	$.21	$.20
40 lbs. up to 80 lbs. each	.2825	.25	.22	.21	.20	.1875
80 lbs. up to 150 lbs. each	.2625	.24	.21	.20	.1875	.1775
150 lbs. each and over	.25	.23	.20	.1875	.1775	.1675

(6) GRATE BARS—SINGLE; CAGE BARS

Weight per piece lbs.	Number of pieces			
	1-9	10-24	24-49	50 and over
Under 3 lbs. each	$1.15 ea.	$1.10 ea.	$1.05 ea.	$1.00 ea.
3 lbs. up to 5 lbs. each	.37 lb.	.35 lb.	.33 lb.	.31 lb.
5 lbs. up to 7½ lbs. each	.33 "	.31 "	.29 "	.27 "
7½ lbs. up to 10 lbs. each	.29 "	.27 "	.25 "	.23 "
10 lbs. up to 25 lbs. each	.26 "	.24 "	.22 "	.20 "
25 lbs. up to 50 lbs. each	.24 "	.20 "	.19 "	.18 "
50 lbs. up to 100 lbs. each	.21 "	.19 "	.18 "	.17 "
100 lbs. each and over	.19 "	.17 "	.16 "	.15 "

(d) *Dredges—Hydraulic:*

(1) TEETH CUTTERHEAD

Weight per piece lbs.	Less than 50 pieces	50 pieces and over
	Pound	*Pound*
Less than 5 lbs. each	$.34½	$.30¾
5 lbs. up to 10 lbs. each	.24¾	.22½
10 lbs. up to 25 lbs each	.18¾	.17¾
25 lbs. up to 50 lbs. each	.15¾	.14¾
50 lbs. each and over	.13¾	.12¼

(2) BLADES—CUTTERHEAD

Weight per piece lbs.	*Per pound*
Less than 100 lbs. each	$.24¼
100 lbs. up to 150 lbs. each	.21¼
150 lbs. up to 250 lbs. each	.17¾
250 lbs. up to 500 lbs. each	.15¾
500 lbs. each and over	.15¼

(e) *Placer dredge castings:*

(1) BUCKETS

Weight per piece lbs.:	*Per cwt.*
300 lbs. up to 600 lbs. each	$20.25
600 lbs. up to 1,000 lbs. each	17.75
1,000 lbs. to 3,000 lbs. each	15.25
3,000 lbs. and over	14.75

(2) LIPS

Weight per piece lbs.:	*Per cwt.*
100 lbs. up to 125 lbs. each	$21.00
125 lbs. up to 170 lbs. each	18.00
170 lbs. up to 300 lbs. each	15.50
300 lbs. up to 600 lbs. each	14.75
600 lbs. and over	14.50

(3) ASSEMBLY CHARGES

	Each
1 up to 4.99′ capacity	$9.75
5′ up to 9.99′ capacity	12.75
10′ capacity and over	14.00

(4) BUSHINGS

Weight per piece lbs.:	*Per cwt.*
Under 10 lbs	$24.75
10 lbs. up to 20 lbs	20.00
20 lbs. and over	16.50

(5) TUMBLERS

(i) ONE PIECE

Weight per piece lbs.:	*Per cwt.*
Under 5,000 lbs. each	$20.00
5,000 lbs. up to 10,000 lbs. each	18.75
10,000 lbs. up to 20,000 lbs. each	17.75
Over 20,000 lbs	16.50

(ii) TWO PIECES

Weight per piece lbs.:	*Per cwt.*
Under 5,000 lbs. each half	$17.75
5,000 lbs. up to 10,000 lbs. each half	17.00
10,000 lbs. up to 20,000 lbs. each half	16.00
Over 20,000 lbs. each half	14.75

(6) MACHINING CHARGES ON TUMBLERS

Weight per piece lbs.:	*Each*
Under 5,000 lbs	$235.00
5,000 lbs. up to 10,000 lbs	300.00
10,000 lbs. up to 20,000 lbs	365.00
Over 20,000 lbs	445.00

(7) ASSEMBLY CHARGES

Tumblers and shafts (one or two pieces)

Weight per piece lbs.:	*Each*
Under 5,000 lbs	$40.75
5,000 lbs. up to 10,000 lbs	45.25
10,000 lbs. up to 20,000 lbs	49.50
Over 20,000 lbs	53.00

(8) HEEL, TREAD AND EAR PLATES, HOPPER & SCREEN DISCHARGE LINER BARS

Weight per piece lbs.:	*Per cwt.*
Under 20 lbs	$16.00
20 lbs. up to 50 lbs	13.75
50 lbs. up to 100 lbs	12.50
Over 100 lbs	11.75

(9) SCREEN LINER PLATES AND BUCKET IDLER LINERS

$14.00 per cwt.

(10) SCREEN PLATES

$16.00 per cwt.

(11) SCREEN LIFTER BARS AND BUTT STRAPS

$16.00 per cwt.

(12) OBSTRUCTION SEGMENTS

$17.50 per cwt.

(f) *Ladder—Sand dredge:*

(1) BUCKETS

Weight per piece lbs.	Number of pieces		
	1-9	10-24	25 and over
	Pound	*Pound*	*Pound*
Less than 600 lbs. each	$.18	$.17	$.1625
600 lbs. each and over	.1625	.1525	.145

(2) LIPS

Weight per piece lbs.	Number of pieces		
	1-9	10-24	25 and over
	Pound	*Pound*	*Pound*
Less than 75 lbs. each	$.265	$.255	$.25
75 lbs. up to 125 lbs	.22	.21	.205
125 lbs. each and over	.195	.185	.18

(3) BUSHINGS

Weight per piece lbs.	Number of pieces				
	1-24	25-49	50-99	100-500	500 and over
Less than 1 lb. each	$.70 ea.	$.50 ea.	$.45 ea.	$.40 ea.	$.35 ea.
1 lb. up to 3 lb. each	.59 lb.	.44 lb.	.375 lb.	.355 lb.	.30 lb.
3 lb. up to 5 lb. each	.485 "	.375 "	.3125 "	.29 "	.2475 "
5 lb. up to 10 lb. each	.375 "	.28 "	.2475 "	.225 "	.1975 "
10 lb. up to 20 lb. each	.3225 "	.2475 "	.215 "	.1925 "	.1625 "
20 lb. each and over	.27 "	.205 "	.1725 "	.1625 "	.14 "

(4) CHAIN—SMOOT TYPE

(i) LINKS—ATTACHMENTS

Weight per piece lbs.:	*Pound*
Under 40 lb. each	$.185
40 lb. up to 60 lb. each	.145
60 lb. each and over	.14

(ii) LINKS—PLAIN

Regardless of Weight $.15 lb.

(iii) BAR TYPE LINKS—PLAIN

Weight per piece lbs.:	*Pound*
Under 10 lb. each	$.1925
10 lb. up to 15 lb. each	.1825
15 lb. up to 25 lb. each	.1675
25 lb. up to 50 lb. each	.15
50 lb. each and over	.14

(iv) HORN WHEEL SEGMENTS—(ROUGH GROUND)

Regardless of Weight $.1725 lb.

(g) *Elevating and conveying equipment:*

(1) BUCKETS—ELEVATOR

Weight per piece	Number of pieces			
	1-24	25-49	50-99	100 and over
	Pound	*Pound*	*Pound*	*Pound*
10 up to 25 lbs. each	$.2975	$.2875	$.2725	$.2625
25 up to 50 lbs. each	.2725	.2675	.2575	.2425
50 lbs. each and over	.2575	.2525	.2325	.22

(2) GUDGEONS & HANGERS

(i) ROUGH GROUND

Weight per piece	Number of pieces	
	1-9	10 and over
	Pound	*Pound*
Less than 10 lbs. each	$.2175	$.2025
10 up to 25 lbs. each	.2075	.19
25 lbs. each and over	.19	.175

(ii) FINISH GROUND

Add $.03 lb. to above prices in subdivision (i).

(3) FLIGHTS, SCREW CONVEYOR

(i) SINGLE FLIGHTS—ONE SECTION OR ONE PITCH WITH OR WITHOUT INTEGRAL HUB

Weight per piece	Number of pieces		
	1-3	4-9	10 and over
	Pound	*Pound*	*Pound*
10 up to 25 lbs. each	$.455	$.43	$.4025
25 up to 50 lbs. each	.4025	.38	.3575
50 up to 100 lbs. each	.3575	.3425	.325
100 lbs. each & over	.325	.3075	.2925

(ii) MULTIPLE FLIGHTS—LESS THAN 5 FT. IN LENGTH

Regardless of quantity or weight	$.3525 lb.

(4) TUBES, CONVEYOR

	Number of pieces	
	1-3	4 and over
	Pound	*Pound*
Regardless of weight	$.3075	$.2925

(5) CHAIN

(i) BARKING DRUM

Pitch (inches):	*Price per foot*
4.0625	$6.90
6	6.70

(ii) DRAG

Chain No.	Pitch (inches)	Pin diameter (inches)	Sprocket No.	Width (inches)	Price per foot assembled	Price plain links (each)
H-102	5	⅝	H-102	0.0625	$4.45	$1.30
H-110	6	⅝		12.5	4.90	1.90
H-112	8	⅝	H-112	12	5.00	3.10
H-116	8	⅝		16.5	5.75	2.80
H-120	6	¾		12.875	5.80	3.80
H-480	8	¾	H-480	16.25	6.95	3.90
465	6	¾		13.5	5.30	2.25
990	6.07	¾	990	14.25	6.55	2.65

(III) COMBINATION STANDARD

Chain No.	Pitch (inches)	Pin, diameter	Sprocket No.	Plain chain, per foot	Plain center links (each)	Side bars, per pair	Coupling links (each)	Type	Bucket wings (each)
188	2.60	½	75-78-88	$3.08	$.41	$.41			
131	3.07	⅓	103	2.63	.41	.40	$.47	G60	$1.21
102	3.95	½	102	2.37	.70	.62	.81		
102½	4.028	¾	102½	2.99	.70	.64	.81		
111	4.70	¾	108	2.47	.64	.62	.99	A	.64
110 or 141	6.00	⅝	110	1.93	.85	.70	.99		
132	6.125	1	122	3.15	1.51	1.04	1.47	4A	.64
111	Special 4.78-inch side bars 7.22 pitch 4 percent over above list.								

(IV) ATTACHMENT LINKS—COMBINATION STANDARD

Chain No.	A42 (each)	A114 (each)	F2 (each)	F2½ (each)	G6 (each)	G17 (each)	K-1 (each)	K-2 (each)
188			$.87		$.87		$.87	
131	$.81	$.81	.81		.81	$.81	.81	
102								$1.38
102½			1.38		1.38			1.38
111					1.04			1.04
110 or 141			1.28	$1.28				1.28
132	2.54							2.31
111	Special 4.78″ pitch center link and side bars 7.22″ pitch—4 percent over above list.							

Chain No.	Price per foot with F2, G6, K1, or K2 attachments every [1]—						
	2-P	3-P	4-P	5-P	6-P	7-P	8-P
188	$4.15	$3.78	$3.61	$3.50	$3.43	$3.38	$3.34
131	3.40	3.16	3.02	2.94	2.90	2.86	2.83
102	3.15	3.07	2.87	2.79	2.70	2.67	2.63
102½	4.03	3.68	3.51	3.38	3.34	3.28	3.24
111	2.96	2.79	2.70	2.66	2.62	2.61	2.58
110 or 141	2.37	2.22	2.15	2.12	2.09	2.06	2.05
132	4.21	3.94	3.81	3.74	3.68	3.65	3.62
111	Special 4.78″ pitch center link and side bars 7.22″ pitch—4 percent over above list.						

[1] "2-P" means that one of the attachments (F2, G6, K1, or K2) appears every second pitch. "3-P" means every third pitch, etc.

(V) COMBINATION POSSELT

Chain No.	Pitch (inches)	Pin, diameter (inches)	Sprocket No.	Plain chain, per foot	Center links, each	Side bars, per pair	Coupling links, each
131	3.07	19/32	103	$3.43	$0.41	$0.81	
131½	3.07	19/32	325	3.67	.41	.93	
102½	4.028	¾	102½	3.71	.70	1.28	
102½S	4.02	¾	825	3.71	.70	1.28	
111	4.70	¾	108	2.99	.64	1.04	$1.10
110 or 141	6.00	⅝	110	2.73	.85	1.35	
132	6.125	1	122	4.21	1.51	1.50	1.39
132S	6.125	1.125	122	(1)	(1)	(1)	

[1] 6 percent over above list.

(VI) COMBINATION POSSELT ATTACHMENT LINKS

Chain No.	Price, each					
	A42	A114	F2½	G6	G19	K2
131		$.81	$.81	$.81	$.81	$.81
131½						.90
102½				1.38		1.38
102½S						1.38
111				1.04		1.04
110 or 141			1.28	1.28		1.28
132	$2.31					2.31
132S						

(VII) COMBINATION POSSELT ASSEMBLED WITH ATTACHMENTS

A42, G6 or K2 Every—	Price per foot						
	131	131½	102½	102½S	111	110 or 141	132
2nd pitch	$4.20	$4.62	$4.75	$4.76	$3.48	$3.15	$5.03
3rd pitch	3.94	4.30	4.39	4.42	3.32	3.00	4.76
4th pitch	3.80	4.15	4.24	4.24	3.24	2.93	4.62
5th pitch	3.74	4.05	4.14	4.14	3.19	2.90	4.54
6th pitch	3.69	3.99	4.06	4.06	3.15	2.88	4.50
7th pitch	3.66	3.94	4.01	3.14	3.14	2.85	4.45
8th pitch	3.63	3.91	3.97	3.97	3.12	2.83	4.43

(VIII) DETACHABLE LINK

Chain No.	Pitch (inches)	Plain chain, per foot	Couplings per pair	Price per foot				
				A-1	A-3	A-7	A-11	A-12
55		$1.67						
57		1.41						
66		1.56						
75		1.48						
77	2.293	1.21	$1.79	$2.30				
85	4.00	1.33	2.39					
88	2.60	1.02	1.77	2.23			$2.01	
93	4.05	1.33	2.39					
95	4.00	1.25	2.28					
103	3.07	1.09	1.69	2.19	$2.19	$2.19	2.00	
104½	4.52	1.60	3.13					
105	6.00	2.00	3.59					
108	4.70	1.67	2.39					
114	3.25	1.36	2.19					
122	6.15	3.36	3.99					
124	4.05	1.36	1.94					$2.66
126	6.08	3.36	5.65					
145	7.625	3.36	6.37					

Price per foot

Chain No.	Pitch (inches)	Plain chain (foot)	Couplings per pair	C-7	C-8	F-2	F-4	F-8	F-15
55		$1.67							
57		1.41							
66		1.56							
75		1.48							
77	2.293	1.21	$1.79			$2.19			
85	4.00	1.33	2.39						
88	2.60	1.02	1.77			2.30	$2.30	$2.51	
93	4.05	1.33	2.39						$3.99
95	4.00	1.25	2.28			2.40			
103	3.07	1.09	1.69		$1.89	1.89		2.30	
104½	4.52	1.60	3.13						
105	6.00	2.00	3.59						
108	4.70	1.67	2.39						
114	3.25	1.36	2.19	$2.67		2.83		2.62	
122	6.15	3.36	3.99						
124	4.05	1.36	1.94			2.83			2.83
126	6.08	3.36	5.65						
145	7.625	3.36	6.37		5.78	5.19			

Price per foot

Chain No.	Pitch (inches)	G-1	G-6 & 8	G-19	H-1	H-2	H-6	H-13	K-1	K-2	M-3	A-3 Att. cplg. pair
77	2.293	$2.50								$2.01		
85	4.00			$3.15						2.19		
88	2.60	2.61	$2.30	2.30	$2.30	$2.30			$2.01	2.01	$2.51	
93	4.05											
95	4.00									2.30		
103	3.07		1.89	2.19		2.10		$2.30	1.87	1.87		$3.78
104½	4.52									2.92		
105	6.00									3.99		
108	4.70									3.19		
114	3.25								2.51	2.51		
122	6.15									4.58		
124	4.063		2.85						2.92	2.92	3.32	
126	6.08						$4.39			4.39		
145	7.625									4.78		

(ix) PINTLE STANDARD H SERIES

Chain No.	Pitch (inches)	Pin dia. (inches)	Sprocket No.	Plain chain ft.	Att. links including pins per foot	Plain links each	Attachment links F2	F4	G6	K2	K1
H78 or R78	2.6	½	78 & 88	$2.63	$5.82	$.41	$1.10	$1.10	$1.10	$1.10	$1.10
0326-4103	3.07	⅝	103	2.76	3.94	.51	.81		.81	.81	
H82 or R82	3.07	⅝	103	2.76	3.94	.51	.81		.81	.81	
H108	4.7	9/16	108	3.06	4.21	.93				1.38	
H124	4.05	¾	124	3.16		.90					
335	4		335	2.63	4.32	.81				1.38	
345	5	⅝	345	2.93	4.04	.93				1.51	
325	3.08	⅝		2.79	3.93	.55			.85	.85	
4124	4.1	3/16		3.27	4.39	.83					1.21

(x) PINTLE 700 SERIES

Chain No.	Pitch (inches)	Pin dia. (inches)	Sprocket No.	Width	Plain chain foot	A114, G6 or K2 att. ft.	F2 att. ft.	Plain links each	Attachment links A114	G6	K2	F2
710	4.7	1 1/16	710	5 11/16	$2.65	$3.82		$.81			$1.28	
714	3.25	¾	714	4¼	3.34	5.06		.58			1.04	
730	6	¾	730	3⅝	2.94	4.54	$5.03	1.28		$2.07		$2.31
744	6	¾	744	6⅛	2.76	4.39		1.04			1.85	
746	9	1	746	6⅞	5.42	6.79	7.42	3.38	$4.38		4.39	4.88
755	12	1⅛	755	8½	5.81	6.07	6.54	4.98			5.26	5.72

(xi) PINTLE 800 SERIES

Chain No.	Pitch (inches)	Pin, diameter (inch)	Sprocket No.	Width (inches)	Plain chain, foot	Plain links (each)	Price per foot AZ att.	A12 att.	A42 att.	F2 att.	G6 att.	K
823S	4.109	½	823S	3⅛	$3.11	$.84			$4.73	$5.00		$4.35
825S	4.00	¾	825S	4	2.94	.70	$3.99	$3.99	3.99	4.20	$3.99	3.99
830	6	¾	830	4	3.00	1.28			4.59	4.42		
830S	6	1⅛	830S	4⅜	3.71	1.28			5.31	5.13	4.62	4.62
835S	4	⅝	835S	6	4.09	1.04						5.85
843S	6	¾	843S	6	3.21	1.38				4.52		4.15
844A	6	1	844S	6¼	4.35	1.66				5.72		5.13
844S	6	¾	844S	6¼	3.59	1.47			4.89	4.89		4.06
844SA	6	⅞	844S	6¼	4.06	1.50						4.70
S844SA	6	1⅛	844S	6¼	5.07	1.85				6.54		6.01
846S	9.3135	⅞	846S	6 3/16	6.27	4.27						8.22
847S	6	1	847S	7½	5.45	2.09					9.16	8.67

(xii) PINTLE 800 SERIES

Chain No.	Pitch (inches)	Pin, diameter (inches)	Sprocket No	Width (inches)	AZ	A-12	A-42	F-2	G-6	K-2	Bucket wings (each)
823S	4.109	½	823S	3⅛			$1.40			$1.28	
825S	4.00	¾	825S	4	$1.04	$1.04	1.04	$1.13	$1.04	1.04	
830	6	¾	830	4			2.07	1.98			$.81
830S	6	1⅛	830S	4⅜			2.07	1.98	1.74	1.74	
835S	4	⅝	835S	6						1.62	
843S	6	¾	843S	6				2.04		1.85	
844A	6	1	844S	6¼			2.35			2.05	
844S	6	¾	844S	6¼			2.12	2.12		1.69	
844SA	6	⅞	844S	6¼						1.81	
S844SA	6	1⅛	844S	6¼			2.55			2.31	
846S	9.3135	⅞	846S	6 3/16						5.80	
847S	6	1	847S	7½					3.90	3.69	

(6) SPROCKETS—STANDARD

Sprocket No.	Pitch (inches)	Number of teeth 5	6	7	8	9	10	11	12	13	14	15	16
45-55	1.63								$7.00				$8.35
67-77	2.3		$11.35		$16.00	$17.60	$18.45	$19.20	20.05		$22.50	$23.15	24.05
75-78-88-188	2.6		16.80	$17.65	18.45	19.20	19.95	21.10	22.10	$22.85	24.05	24.80	26.05
83-93	4.03			20.70	22.35	24.05	25.55		28.85		32.05		34.50
85-95	4				24.05		27.25	28.85	30.40		33.75	35.40	36.80
102	3.96		21.55					28.00	30.40	32.85	34.15	35.50	36.80
102½	4.028		20.85			25.55	27.55	29.05	30.60		33.65	35.25	36.80
103-131	3.07	$18.25	19.40	20.40	21.50	22.65	23.85	24.80	26.05	26.95	27.90	28.85	29.60
108-111	4.7				27.25	28.85	30.40	32.05	33.70	35.75	37.70	39.70	41.55
110-141	6		22.10		27.35	29.55	32.60		38.40	42.40			52.85
114	3.25	18.40	18.55		19.20	21.55	23.30	26.45	28.00	30.20	32.05	34.10	36.00
124	4.05		23.85		25.90	27.25	28.85	30.40	32.05	33.65	35.35	36.80	38.40
126	6.08			33.65	37.70	42.40	44.80		49.55	52.05		56.10	
132	6.15					35.40	38.40		44.80	47.60	50.50	54.45	59.30
145	7.625								76.05				
325	3.08								26.05	26.95			
325S	4				26.90	28.30	29.65		32.50				38.55

(6) SPROCKETS—STANDARD—Continued

Sprocket No.	Pitch (inches)	Number of teeth 5	6	7	8	9	10	11	12	13	14	15	16
710	4.7						$37.55		$44.85	$48.45			$61.95
714	3.25						36.00		46.40			$60.85	64.85
730	6						44.35		52.05	56.05			68.00
744	6						44.80				$64.05	68.95	73.60
755	12				$88.00								
823S	4				26.90	$28.30	29.65		32.50			37.25	38.55
825S	4				27.25	28.85	30.35	$32.80	34.00		38.35	40.00	41.15
830S	6				42.70	48.05	50.70		56.15		64.10	67.85	71.60
835S	6											56.05	
843S	6								57.50			67.40	71.40
844S	6					46.50	51.15		60.85	64.05	68.95	73.60	77.85
846S	9 5/16						88.65			115.15			
847S	6		$42.85			69.75	77.75		91.20		104.55	111.10	117.60
990	6					53.30	63.25						
1130	6					32.90							58.40
1131	6						35.65						59.40
4124	4.1								37.40		41.75		

Sprocket No.	Pitch (inches)	Number of teeth 17	18	19	20	21	22	23	24	25	26	27
45-55	1.63			$10.95	$11.85			$14.55				
67-77	2.3		$26.55		27.25	$27.95				$29.65		
75-78-88-188	2.6	$27.25	28.20	28.85	29.55	30.20	$30.80	31.40	$32.05	32.90	$33.95	$34.90
83-93	4.03		36.75		39.35				43.35			
85-95	4		38.40	40.00	41.55				47.40		51.20	
102	3.96			40.00	41.15							
102½	4.028		39.00	40.00		43.20	44.80	46.40				
103-131	3.07	30.40	31.35	31.95	32.85	33.60	34.50	35.35	36.00	37.70	38.40	40.00
108-111	4.7	44.80	49.10	53.30	57.60				78.50			
110-141	6											
114	3.25	37.70	39.35	40.85	42.40	43.60	44.70	45.55	46.40		48.05	
124	4.05	39.95	41.55	42.40	44.80		49.70	52.85	56.05	59.30		62.45
126	6.08	59.30		62.45								
132	6.15		67.40									
145	7.625											
325	3.08		32.35									
325S	4				44.70							
710	4.7	62.80			73.60							
714	3.25	69.60				87.15			100.50			
730	6		76.70									
744	6											
755	12											
823S	4				44.70							
825S	4	42.20	43.35	48.05	52.90		62.45	67.40	72.05	76.75		
830S	6		78.90									
835S	6		60.85					68.95				
843S	6											
844S	6	82.45	86.50	91.20	96.05							
846S	9 5/16											
847S	6	123.95	130.55		144.05				186.05			
990	6											
1130	6											
1131	6											
4124	4.1											

Sprocket No.	Number of teeth 28	29	30	31	32	33	34	35	36	37	38	39	40	41
45-55														
67-77	$31.05		$32.05					$35.35			$36.80		$38.40	
75-78-88-188	36.00	$36.85	37.70		$38.40		$39.85	40.65	$42.00		43.35	$44.10	44.80	
83-93														
85-95														
102														
102½			60.95								71.65			
103-131	41.55		44.80	$46.40	48.05		52.85		56.30	$57.60	59.30		63.75	$65.60
108-111		105.45				124.55								
110-141														
114			52.85		54.95	56.05	57.60	59.30	60.85					70.40
124	64.00		67.40		70.40		75.20		80.10		84.95			92.05
126			90.35						99.90					
132														
145														
325														
325S														
710														
714														
744														
755														
825S	94.40		100.90				110.45				119.90			
830S														
835S														
843S														
844S														
846S														
847S														
990														
1130														
1131														
4124														

Sprocket Number	Number of teeth													
	42	43	46	48	49	50	51	52	55	56	57	58	60	61
45-55	------	------	------	------	------	------	------	------	------	------	------	------	------	------
67-77	------	------	------	------	------	------	------	------	------	------	------	------	------	------
75-78-88-188	------	$47.25	------	$51.35	------	------	------	------	------	------	$56.70	------	$58.40	------
83-93	------	------	------	------	------	------	------	------	------	------	------	------	------	------
85-95	------	------	------	------	------	------	------	------	------	------	------	------	------	------
102	------	------	------	------	------	------	------	------	------	------	------	------	------	------
102½	------	------	------	------	------	------	------	------	------	------	------	------	------	------
103-131	$68.00	------	73.90	76.55	$78.35	------	------	------	------	------	------	$90.35	------	$95.60
108-111	------	------	------	------	------	------	------	------	------	------	------	------	------	------
110-141	------	------	------	------	------	------	------	------	------	------	------	------	------	------
114	72.55	------	80.55	84.85	------	$85.95	$88.15	$92.60	$99.30	$99.30	------	------	108.25	------
124	------	------	------	108.90	------	114.20	------	------	------	------	------	------	------	------
126	------	------	------	------	------	------	------	------	------	------	------	------	------	------
132	------	------	------	------	------	------	------	------	------	------	------	------	------	------
145	------	------	------	------	------	------	------	------	------	------	------	------	------	------
325	------	------	------	------	------	------	------	------	------	------	------	------	------	------
325S	------	------	------	------	------	------	------	------	------	------	------	------	------	------
710	------	------	------	------	------	------	------	------	------	------	------	------	------	------
714	------	------	------	------	------	------	149.45	------	------	162.90	------	------	------	------
730	------	------	------	------	------	------	------	------	------	------	------	------	------	------
744	------	------	------	------	------	------	------	------	------	------	------	------	------	------
755	------	------	------	------	------	------	------	------	------	------	------	------	------	------
825S	132.25	------	------	------	------	------	------	------	------	------	------	148.75	------	------
830S	------	------	------	------	------	------	------	------	------	------	------	------	------	------
835S	------	------	------	------	------	------	------	------	------	------	------	------	------	------
843S	------	------	------	------	------	------	------	------	------	------	------	------	------	------
844S	------	------	------	------	------	------	------	------	------	------	------	------	------	------
846S	------	------	------	------	------	------	------	------	------	------	------	------	------	------
847S	------	------	------	------	------	------	------	------	------	------	------	------	------	------
990	------	------	------	------	------	------	------	------	------	------	------	------	------	------
1130	------	------	------	------	------	------	------	------	------	------	------	------	------	------
1131	------	------	------	------	------	------	------	------	------	------	------	------	------	------
4124	------	------	------	------	------	------	------	------	------	------	------	------	------	------

Bores—Add or deduct as applicable

Length of hub	Ground bores			Bores carbon steel bushed			
	1 to 1¼″	1⁵⁄₁₆–2½″	2⁹⁄₁₆–12″	1″ to 3″	3¹⁄₁₆–6″	6¹⁄₁₆–9″	9¹⁄₁₆–12″
3″	Minus $0.40	Minus $0.40	Minus $0.35	Minus $0.70	Minus $0.55	Minus $0.25	Plus $0.80
4″	Plus .25	Plus .15	Plus .10	Minus .55	Minus .25	Plus .30	Plus 1.90
5″	Plus 1.45	Plus 1.15	Plus 1.65	Minus .35	Plus .85	Plus 1.75	Plus 3.85
6″	Plus 3.20	Plus 2.65	Plus 3.50	Plus .15	Plus 1.75	Plus 2.65	Plus 5.20
7″	------------	Plus 4.90	Plus 5.20	------------	Plus 2.65	Plus 4.15	Plus 6.50
8″	------------	Plus 6.65	Plus 7.75	------------	Plus 3.85	Plus 5.80	Plus 8.20
9″	------------	------------	Plus 10.45	------------	Plus 5.25	Plus 8.00	Plus 10.20
10″	------------	------------	Plus 12.10	------------	------------	------------	------------

The following extras apply where furnished:

(i) ADD FOR FINISH GRINDING ENDS OF HUB

	One end	Both ends
1″ to 1¼″ bore	$.70	$1.40
1⁵⁄₁₆″ to 2½″ bore	1.25	2.45
2⁹⁄₁₆″ to 12″ bore	3.50	6.85

(ii) WHERE THE LENGTH OF HUB COMES ON THE HALF INCH OR ABOVE, TAKE THE NEXT HIGHER INCH; WHEN LENGTH IS UNDER THE HALF INCH, TAKE THE NEXT LOWER

(7) SPLITTING SPROCKETS

For those listed up to and ineluding $15.00, add 35%, before adding figures in tables:	25%
Over $15.00 to $25.00 add	20%
Over $25.00 to $50.00 add	12%
Over $50.00 add	

(8) TRACTION WHEELS

Take the same prices as sprockets of corresponding diameter and hub sizes.......... Less 10%

For example, price on one 24-tooth #103 sprocket, ground bore, 3⁷⁄₁₆″ diameter, K. S. and S. S., hub 5¾″ long central, finish one end.

Price list shows	$36.00
Add for new bore and hub	3.50
Add for finish one end of hub	3.50
	43.00

(Price on same sprocket split)

Price list shows	$36.00
Add 20% of above for split	7.20
Add for new bore	3.50
Add for finish one end of hub	3.50
	50.20

(h) *Manganese steel coil type—Dragline bucket pulling chain:*

(1) CHAIN—END RINGS INCLUDED

Size chain	Pitch	Weight per ft.	Price per ft.
		Pounds	
¾″	4″	5⅝	$4.70
⅞″	4¼″	7¾	5.00
1″	4½″	10¾	5.40
1⅛″	5″	11½	5.85
1¼″	5½″	14	6.40
1⅜″	5¾″	17½	6.90
1½″	6″	20½	7.50
1¾″	6¾″	31	8.75
2″	7″	46	10.25
2¼″	8¾″	48	11.85

(2) COUPLING LINKS

Size chain	Pitch	Wt. per complete link	Price per complete link
		Pounds	
⅞″	4½″	4½	$2.10
1″ and 1⅛″	5″	7	2.65
1¼″	5½″	9½	3.60
1⅜″	5¾″	13	3.85
1½″	6″	15½	4.15
1¾″	6¾″	23	5.35
2″	7″	31	7.10
1″	------------	------	2.10
1½″	------------	------	4.15
1½″	Pear Coup. Link 5″	23	6.50
1¾″	Pear Coup. Link 9″	30	8.85

(i) *Excavating machines—Power shovels and cranes:*

(1) LIPS FOR GRAB BUCKET, DRAG SCRAPER AND TRAY

[Grab bucket or clam shell type]

Weight per piece per lb.	Width of lip *								
	Under 3′	3–4′	4–5′	5–6′	6–7′	7–8′	8–9′	9–10′	10–12′
	Pound	*Pound*	*Pound*	*Pound*	*Pound*	*Pound*	*Pound*	*Pound*	*Pound*
Less than 100 lb. **	$.375	$.385	$.395	------	------	------	------	------	------
100 up to 200 lb. ea	.28	.295	.325	$.345	------	------	------	------	------
200 up to 300 lb. ea	.24	.26	.28	.3025	$.32	------	------	------	------
300 up to 400 lb. ea	.21	.24	.26	.275	.295	$.31	------	------	------
400 up to 500 lb. ea	------	.21	.22	.24	.275	.295	$.305	------	------
500 up to 600 lb. ea	------	.205	.215	.23	.24	.265	.275	$.295	------
600 up to 700 lb. ea	------	------	.205	.215	.22	.24	.2525	.265	------
700 up to 800 lb. ea	------	------	.20	.21	.215	.23	.23	.24	------
800 up to 900 lb. ea	------	------	.1925	.21	.21	.22	.22	.225	$.225
900 up to 1000 lb. ea	------	------	------	.205	.205	.205	.205	.205	.205
1000 lb. ea. and over	------	------	------	.1975	.1975	.1975	.1975	.1975	.1975

* The width of the lip or tray is determined by measurement of the outside dimension.

** Where lips weighing less than 100 pounds each are sold in lots of 25 and over deduct 5%.

(2) TRAYS—GRAB BUCKET OR CLAM SHELL TYPE

Weight per piece per pound	4–5′	5–6′	6–7′
	Pound	*Pound*	*Pound*
700 up to 800 pounds each	$.265	$.23	$.21
800 up to 900 pounds each	.23	.21	.185
900 up to 1,000 pounds each	.21	.185	.17
1,000 pounds each and over	.185	.17	.165

(3) DIPPER PARTS

(i) FRONTS, PLAIN; FRONTS, BASES INTEGRAL; FRONTS, HIGH SIDES; BACKS; BAILS; DOORS; DOOR REINFORCEMENTS; HINGES; LIPS, PLAIN.

Weight per piece	Number of pieces			
	1–3	4–9	10–24	25 and over
	Pound	*Pound*	*Pound*	*Pound*
Less than 250 pounds each	$.285	$.28	$.27	$.265
250 to 400 pounds each	.265	.26	.2525	.2475
400 to 750 pounds each	.26	.2525	.2425	.2375
750 to 1,000 pounds each	.2425	.235	.225	.22
1,000 to 1,250 pounds each	.225	.22	.215	.21
1,250 to 1,500 pounds each	.215	.21	.20	.195
1,500 pounds each and over	.21	.20	.195	.1875

(*a*) Fronts with bases cast integral add $.01 to above schedule up to and including 1,500 pounds. Over 1,500 pounds—no extra.

(*b*) Fronts with high sides add $.015 to above schedule up to and including 2,000 pounds. Over 2,000 pounds—no extra. The height of a dipper is the vertical distance from the front casting to the back. A high side front is a front casting having integral sides, the uppermost part of which measures more than 50% of the inside width. The height to be measured on the center line of the front at the foremost part of the cutting edge.

(*c*) Latch mechanism assembled with door, the same pound price applies as for the door except that hinges are not included.

(ii) Other Dipper Parts: Bail Brackets; Bail bracket supports; Bottom Bands; Brace Arms; Hinge Frames; Hinge Bumpers; Latches; Latch Bars; Latch Brackets; Latch Guides; Latch Keepers; Latch Keepers with "not drilled" inserts [1]; Latch Levers; Latch Plates; Heel Bands.

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[1] Up to 100 pounds each the above pound prices apply, plus piece price for insert; where 100 pounds or more, the above pound prices include weight of insert "not drilled."

Weight per piece	Number of pieces			
	1-3	4-9	10-24	25 and over
	Pound	*Pound*	*Pound*	*Pound*
Under 5 pounds each	$.47	$.4525	$.435	$.43
5 to 10 pounds each	.41	.3875	.375	.37
10 to 25 pounds each	.3525	.3475	.3275	.3225
25 to 50 pounds each	.3275	.3125	.2975	.2925
50 to 100 pounds each	.285	.28	.265	.26
100 to 250 pounds each	.27	.265	.245	.24
250 pounds each and over	.245	.24	.23	.225

(4) BUSHINGS—DIPPER

For Hinges, Bails, Latches, etc.

The pound price of the article into which a bushing is pressed or assembled applies to bushings, assembled with bails, hinges, brackets, etc.

(5) DRAGLINE BUCKET PARTS

(i) ARCHES; BOTTOMS; WEARING STRIPS; LIPS; DIPPER AND/OR DRAGLINE; LIPS WITH BASES CAST INTEGRAL AND ALL COMPLICATED DESIGNS WHEN SOLD AS REPLACEMENT PARTS.

Weight per piece	Number of pieces			
	1-3	4-9	10-24	25 and over
Less than 250 lbs. ea	$.26	$.2525	$.2475	$.2425
250 up to 400 lbs. ea	.2425	.235	.2275	.225
400 up to 750 lbs. ea	.235	.2275	.22	.215
750 up to 1,000 lbs. ea	.22	.2125	.2075	.2025
1,000 up to 1,250 lbs. ea	.2075	.2025	.1925	.19
1,250 up to 1,500 lbs. ea	.1925	.1875	.1825	.1775
1,500 lbs ea. and over	.1875	.1825	.175	.1725

(6) CLEVISES AND SHACKLES

Weight per piece	Number of pieces				
	1-9	10-24	25-49	50-99	100 and over
5 lbs. up to 10 lbs	$.345	$.3125	$.295	$.275	$.2625
10 lbs. up to 25 lbs	.2675	.245	.23	.2175	.205
25 lbs. up to 50 lbs	.2575	.23	.2175	.205	.1925
50 lbs. and over	.245	.2175	.205	.1925	.18

(7) RACKS—TRUED UP ONLY WITH CORED HOLES

Weight per Piece Lb.	Number of pieces		
	1-3	4-9	10 and over
	Pound	*Pound*	*Pound*
Less than 150 lbs. ea	$.31	$.2925	$.2675
150 lbs. up to 300 lbs. ea	.2675	.25	.24
300 lbs. up to 500 lbs. ea	.24	.2275	.215
500 lbs. up to 750 lbs. ea	.22	.21	.195
750 lbs. each and over	.195	.195	.185

If drilled holes are required—Add for each hole drilled $.85

(8) DIPPER TEETH—ONE PIECE SOLID

Weight per piece per pound	Number of pieces		
	1-9	10-49	50 and over
	Pound	*Pound*	*Pound*
Less than 25 lbs. each	$.2575	$.23	$.22
25 lbs. up to 50 lbs. each	.2125	.1925	.185
50 lbs. up to 75 lbs. each	.18	.165	.1575
75 lbs. up to 100 lbs. each	.17	.1525	.1475
100 lbs. up to 250 lbs. each	.1575	.1425	.1375
250 lbs. each and over	.1475	.13	.125

(j) *Excavating machines; trenching or ditching machines.* Where sold on a piece price basis, the following apply to the nearest five cents:

(1) BUCKETS, EXCAVATOR

Over-all Width (inches)	Number of pounds			
	25-30	30-50	50-75	75 and Over
	Pound	*Pound*	*Pound*	*Pound*
12	$.3825			
15		$.35		
18			$.295	
24				$.2625
30				.24

(2) LINKS—EXCAVATOR

Weight per piece lbs.:	*Per pound*
Less than 6 lbs., each	$.35
6 lbs. up to 10 lbs., each	.3225
10 lbs. up to 15 lbs., each	.2950
15 lbs. each and over	.2675

(3) PINS, EXCAVATOR LINK

Weight per piece lbs.:	*Per pound*
Less than 1 lb., each	$.845
1 lb. up to 2 lbs., each	.57
2 lbs. each and over	.4325

(4) BUSHINGS, EXCAVATOR LINK

Weight per piece lbs.:	*Per pound*
Less than ½ lb. each	$2.50
½ lb. up to 1 lb. each	1.25
1 lb. each and over	.85

(5) TEETH

(i) SPROCKET

Weight per piece lbs.:	*Per pound*
Less than 2½ lbs. each	$0.68
2½ lbs. up to 10 lbs. each	.515
10 lbs. each and over	.46

(ii) CUTTER

Weight per piece lbs.	Number of pieces			
	1-9	10-49	50-99	100 and over
	Pound	*Pound*	*Pound*	*Pound*
5 lbs. up to 10 lbs. each	$.295	$.2725	$.2625	$.25
10 lbs. up to 20 lbs. each	.2725	.25	.24	.23
20 lbs. up to 30 lbs. each	.25	.24	.23	.2175
30 lbs. up to 50 lbs. each	.23	.2175	.2075	.195

(k) *Mixing machines—asphalt:*

(1) TIPS, SHANKS OR HOLDERS, BLADES

Weight per piece	Number of pieces				
	1-24	25-49	50-99	100-199	200 and over
	Lb.	*Lb.*	*Lb.*	*Lb.*	*Lb.*
1 lb. up to 5 lb. ea	$.23	$.22	$.215	$.21	$.205
5 lb. up to 10 lb. ea	.21	.205	.20	.195	.19
10 lb. up to 25 lb. ea	.20	.195	.19	.185	.1775
25 lb. up to 50 lb. ea	.19	.185	.1775	.1725	.1675
50 lb. and over, each	.1775	.1725	.1675	.1625	.1575

(2) LINERS—FLAT

Weight per piece	Number of pieces less than ½″ thick			Number of pieces ½″ to ⅝″ thick			Number of pieces 1 1/16″ to ¾″ thick		
	1-9	10-24	25 and over	1-9	10-24	25 and over	1-9	10-24	25 and over
	Pound	*Pound*	*Pound*	*Pound*	*Pound*	*Pound*	*Pound*	*Pound*	*Pound*
25 up to 50 lbs. each	$.25	$.2425	$.2375	$.2325	$.2275	$.22	$.22	$.2125	$.2075
50 up to 75 lbs. each	.2425	.2375	.2375	.2275	.22	.2125	.2125	.2075	.2025
75 up to 100 lbs. each	.2375	.2325	.2275	.22	.2125	.2075	.2125	.2075	.2025
100 up to 150 lbs. each	.2325	.2275	.22	.2125	.2075	.2025	.2075	.2025	.195
150 up to 200 lbs. each	.2275	.22	.2125	.2075	.2025	.195	.2025	.195	.19
200 up to 250 lbs. each	.22	.2125	.2075	.2025	.195	.19	.195	.19	.1825
250 lbs. each & over	.2125	.2075	.2025	.195	.19	.1825	.19	.1825	.1775

(3) LINERS—CURVED

The prices set forth in subparagraph (2) apply except that there may be added $.015 lb.

(1) *Rolling mill and steel plants:*

(1) BENDING DIES

Weight per piece	Number of pieces	
	1-6	7 and over
	Pound	*Pound*
100 lbs. up to 250 lbs. each	$.18	$.17
250 lbs. each and over	.17	.1575

(2) BELL BLOCKS—REGARDLESS OF QUANTITY

Weight per piece:	*Pound*
1 lb. up to 25 lbs. each	$.1925
25 lbs. up to 50 lbs. each	.18
50 lbs. up to 100 lbs. each	.17
100 lbs. Each and over	.1575

(3) HOPPER PARTS

(i) BELLS—HALVES

Weight per piece:	*Pound*
Less than 3,000 lbs. total weight	$.245
3,000 lbs. up to 3,500 lbs. weight	.2325
3,500 lbs. to 4,500 lbs. weight	.2275
4,500 lbs and over	.2125

(ii) BELL SEATS—HALVES

Weight per piece:	*Pound*
2500 lbs. up to 4500 lbs. weight	$.2675
4500 lbs. up to 6500 lbs. weight	.2525
6500 lbs. up to 8500 lbs. weight	.2325
8500 lbs. and over	.2125

(iii) BELL ROD PROTECTORS OR SHIELDS (ROUGH GROUND CASTINGS ONLY)

Weight per piece:	*Pound*
Less than 100 lbs. each	$.165
100 lbs. to 250 lbs. each	.155
250 lbs. to 500 lbs. each	.15
500 lbs. each and over	.1425

(4) PIG CASTING MACHINE

(i) LINKS—BRIDGE TYPE

Weight per piece	Number of pieces		
	1-49	50-99	100 and over
	Pound	*Pound*	*Pound*
Less than 10 lbs. each	$.2375	$.2325	$.2275
10 lbs. to 20 lbs. each	.18	.175	.17
20 lbs. each and over	.17	.1625	.1575

(ii) WHEELS OR ROLLERS

Weight per piece	Number of pieces			
	1-49	50-99	100-199	200 and over
	Pound	*Pound*	*Pound*	*Pound*
8 lbs. to 15 lbs. each	$.1825	$.175	$.17	$.1625
15 lbs. each and over	.17	.1625	.1575	.1525

(iii) PINS—PLAIN CASE, NO OIL HOLES

Under 100 pieces	$.95 each
100 pieces and over	.90 each

(5) ROLLING MILL PARTS

(i) COUPLING BOXES, CRABS, SPINDLES

Weight per piece	Number of Pieces			
	1-3	4-9	10-24	25 and over
	Pound	*Pound*	*Pound*	*Pound*
Less than 50 lbs. each	$.22	$.2025	$.1925	$.185
50 lbs. up to 100 lbs. each	.1925	.18	.1675	.155
100 lbs up to 250 lbs. each	.15	.14	.135	.125
250 lbs. up to 500 lbs. each	.14	.135	.12	.115
500 lbs. up to 1,000 lbs. each	.12	.115	.115	.115
1,000 lbs. each and over	.115	.11	.11	.11

(m) *Screening and washing equipment:*

(1) SCREENS—GRIZZLY (FIXED TYPE)

(i) GRIZZLY BARS (PLAIN STRAIGHT BARS ONLY) AND GRIZZLY BAR CAPS

Weight per piece:	*Pound*
Less than 10 pounds, each	$.2175
10 pounds up to 15 pounds, each	.1925
15 pounds up to 25 pounds, each	.1625
25 pounds up to 100 pounds, each	.14
100 pounds up to 200 pounds, each	.1275
200 pounds each and over	.1175

(ii) BAR FRAMES—ROUGH GROUND

Weight per piece:	*Pound*
Less than 25 pounds, each	$.1925
25 pounds up to 50 pounds, each	.18
50 pounds up to 75 pounds, each	.1675
75 pounds up to 100 pounds, each	.155
100 pounds up to 150 pounds, each	.1425

(2) SCREENS, GRIZZLY (ROLL TYPE)

(i) DISCS-GRIZZLY SINGLE OR MULTIPLE

Weight per piece	Number of pieces				
	1-12	13-49	50-99	100-199	200 and over
	Lb.	*Lb.*	*Lb.*	*Lb.*	*Lb.*
1 pound up to 5 pounds each	$.2975	$.2875	$.285	$.2725	$.2675
5 pounds up to 10 pounds each	.2725	.2625	.2575	[illegible]	.2425
10 pounds up to 25 pounds, each	.25	.2375	.2325	.2275	.22
25 pounds up to 50 pounds, each	.2325	[illegible]	.2125	.205	.20
50 pounds up to 100 pounds, each	.22	.21	.205	.20	.1925
100 pounds each and over	.205	.20	.1925	.1875	.18

(3) PLATES (SCREENS—ROTARY)

(i) ⅝″ TO 1″ THICK—PERFORATED

[Round perforations not less than ¾″ diameter; slotted perforations not less than ¾″ square]

Weight per piece	1-9 pieces		10 pieces and over	
	Flat	Curved	Flat	Curved
	Pound	*Pound*	*Pound*	*Pound*
10 pounds up to 25 pounds each	$.2775	$.3125	$.2675	$.3025
25 pounds up to 50 pounds each	.23	.2775	.2175	.2625
50 pounds up to 100 pounds each	.2225	.2575	.2125	.2475
100 pounds up to 250 pounds each	.1925	.2325	.1825	.2225
250 pounds each and over	.1825	.2175	.17	.2025

(ii) 1 INCH THICK AND OVER—PERFORATED

The prices in subdivision (i) apply except that there shall be deducted $.01 pound.

(n) *Track work:*

(1) ELECTRIC AND STEAM RAILWAY

(i) GUARD RAILS—ONE-PIECE MANGANESE STEEL

Weight per piece:	*Regardless of quantity per pound*
Less than 275 lbs. each	$.1225
275 lbs. up to 350 lbs. each	.12
350 lbs. up to 400 lbs. each	.1175
400 lbs. each and over	.115

(o) *Gears and pinions:*

(1) GEARS AND PINIONS, BUT NOT INCLUDING GYRATORY CRUSHERS SHIPPER SHAFT AND MILL PINIONS

(i) ROUGH CASTINGS OF PLAIN DESIGN WITH PITCH OF TEETH NOT LESS THAN 1¼″ BUT NOT INCLUDING CASTINGS HAVING SMALL SPINDLING ARMS OR THIN WEBS BETWEEN HUB AND RIM

Weight per piece	Number of pieces			
	1-3	4-9	10-24	25 and over
	Pound	*Pound*	*Pound*	*Pound*
Less than 25 lbs. each	$.2825	$.2725	$.2525	$.235
25 lbs. up to 50 lbs. each	.24	.235	.2225	.2075
50 lbs. up to 100 lbs. each	.2025	.1975	.185	.1725
100 lbs. up to 250 lbs. each	.17	.165	.16	.155
250 lbs. up to 500 lbs. each	.165	.16	.155	.1475
500 lbs. up to 1,000 lbs. each	.16	.155	.1475	.1425
1,000 lbs. up to 2,500 lbs. each	.1475	.145	.1425	.135
2,500 lbs. each and over	.1425	.1425	.135	.1325

(2) MACHINING CHARGES

(I) GRINDING BORES AND CUTTING SOFT STEEL BORES

Bore diameter:	*Price per inch*
Up to 5″	$.75
5″ up to 8″ incl.	.85
Over 8″	.95

(II) GRINDING HUB ENDS

Hub diameter:	*Price, each end*
Less than 6″	$1.80
6″ and over	2.75

(III) GRINDING KEYWAYS

Ground in solid manganese Minimum bore 3″ diameter		Cutting in soft steel inserts	
Length (inches	Price each	Length (inches)	Price each
3 up to 4	$4.85		
Over 4 up to 5	5.45	Under 5	$3.30
Over 5 up to 6	6.65		
Over 6 up to 8	7.85	5 to 8 Incl	4.40
Over 8 up to 10	9.10	Over 8	5.50
10 and over	11.50		

(IV) GRINDING KEYWAYS—OUTSIDE OF HUB

Outside diameter	Ground in solid mang.	Cut in soft steel	Keyways cut or ground over 1½″ wide
	Inch	*Inch*	*Inch*
Less than 6″ O. D	$1.55	$1.10	$.75
6″ O. D. and over	.95	.85	.75

(p) *Liners or plates—Miscellaneous* (for chutes, skip cars and similar uses):

(1) LINERS OR PLATES

(I) FLAT

Weight per piece	Thickness of plate (inches)			
	½	½-¾	¾-1	Over 1
	Pound	*Pound*	*Pound*	*Pound*
Under 50 lbs. each	$.2475	$.205	$.1725	$.1625
50 lbs. up to 100 lbs	.2225	.1875	.1575	.1425
100 lbs. up to 250 lbs	.2025	.175	.15	.1375
250 lbs. up to 500 lbs	.1925	.1675	.1425	.1325
500 lbs. each and over	.18	.1575	.1375	.125

(II) CURVED PLATES

Under 250 lbs. each there may be added $.01 lb.
250 lbs. each and over there may be added $.005 lb.

(2) KOMINUTER PLATES

Dry or Wet—Regardless of weight or quantity. $.12 lb.

(3) END LINERS

Regardless of weight or quantity .... $.155 lb.

(4) SCREEN GRATES

Regardless of weight or quantity .... $.21 lb.

(q) *Miscellaneous sprockets:*

(1) SPROCKETS

Solid but not including Sprockets for the following: Standard Chain, Travelling Suction Screen, Trench Machine.

Weight per piece	Number of pieces			
	1-3	4-9	10-24	25 and over
	Pound	*Pound*	*Pound*	*Pound*
Less than 10 lbs. each	$.3625	$.34	$.33	$.3075
10 lbs., to 25 lbs. each	.295	.275	.2625	.24
25 lbs., to 50 lbs. each	.23	.22	.2075	.1975
50 lbs., to 100 lbs. each	.185	.18	.175	.165
100 lbs., to 250 lbs. each	.17	.165	.1575	.1525
250 lbs., to 500 lbs. each	.1575	.1575	.1525	.1475
500 lbs., to 1,000 lbs. each	.1475	.1475	.1425	.1425
1,000 lbs., each and over	.1425	.1425	.1375	.1375

(2) TRACTION WHEELS OR IDLERS

Prices in subparagraph (1) apply in exactly the same manner as for sprockets of corresponding dia. and hub size. When price is determined, deduct 10%.

(3) MACHINING CHARGES

(I) GRINDING OR CUTTING BORES

Bore diameter:	
2-5″	$.75 per in.
5-8″ incl.	.85 per in.
Over 8 diameter	.95 per in.

(II) GRINDING HUB ENDS

Bore diameter:	
1″ to 1¼″	$0.55 per end
1⁵⁄₁₆″ to 2½″	1.05 per end
2½″ to 6″	1.80 per end
Over 6″	2.75 per end

(III) SPLITTING SPROCKETS

Determine actual or estimated weight and multiply by correct pound price for quantity or weight. If piece price for rough castings is less than—

$15.00	Add 25%
If over $15.00 to $25.00	Add 20%
If over $25.00 to $50.00	Add 15%
If over $50.00	Add 10%

(IV) GRINDING OUTSIDE DIAMETER OF EXTENDED HUBS

Hub diameter:	
4-6″	$3.55 each
Over 6-11″	5.00 each
Over 11″	5.70 each

(V) KEYWAYS—IN BORE

(*a*) *Ground in Solid Manganese; Minimum Bore 3″ Diameter*

Length:	*Price each*
3″ up to 4″	$4.40
4″ up to 5″	4.95
5″ up to 6″	6.05
6″ up to 8″	7.15
8″ up to 10″	8.25
10″ & Over	10.45

(*b*) *Cutting in Soft Steel Inserts*

Length:	*Price each*
Less than 5″	$3.30
5-8″ inc	4.40
Over 8″	5.50

(VI) KEYWAYS—ON OUTSIDE DIAMETER

(*a*) *Ground in Solid Manganese*

Outside diameter:	*Price per in.*
Less than 6″ O. D	$1.40
6″ O. D. and over	.85

(*b*) *Cut in Soft Steel*

Outside diameter:	*Price per in.*
Less than 6″ O. D	$1.00
6″ O. D. and over	.75

(*c*) *Keyways cut or Ground over 1½″*

Outside diameter:	*Price per in.*
Less than 6″ O. D	$.65
6″ O. D. and over	.65

(r) *Wheels—Crane:*

(1) SCHEDULE FOR ROUGH CASTINGS

[Double or single flange; spoke or web design]

Weight per piece	Number of pieces		
	1-3	4-9	10 and over
	Pound	*Pound*	*Pound*
25 up to 50 lbs. each	$.23	$.19	$.1875
50 up to 100 lbs. each	.19	.1775	.16
100 up to 250 lbs. each	.1625	.145	.13
250 lbs. each and over	.145	.13	.12

(2) MACHINING CHARGES

(I) GRINDING TREADS—DOUGLE FLANGE

Wheel diameter	Plain treads	Tapered treads
	Each	
12″ up to 14″	$5.05	Plus 20%
14″ up to 16″	6.35	Plus 20%
16″ up to 18″	7.75	Plus 20%
18″ up to 20″	9.10	Plus 20%
20″ up to 22″	10.00	Plus 20%
22″ up to 24″	10.90	Plus 20%
24″ up to 26″	11.70	Plus 20%
26″ up to 28″	12.70	Plus 20%
28″ up to 30″	14.50	Plus 20%
30″	18.15	Plus 20%

(II) GRINDING TREADS—SINGLE FLANGE OVER 22″

—The charges in subdivision (I) apply except that there shall be deducted 5 percent.

(III) GRINDING BORES AND CUTTING SOFT STEEL BORES

Bore diameter (inches):	*Inch*
2-5	$.75
5-8, inclusive	.85
Over 8	.95

(IV) GRINDING HUB ENDS

Hub diameter (inches):	*Each end*
Less than 6	$1.80
6 and over	2.75

(V) GRINDING OUTSIDE DIAMETER OF EXTENDED HUBS

Hub diameter (inches):	*Each*
4-6	$3.95
6-11, inclusive	5.50
Over 11	6.30

(V.) KEYWAYS—IN BORE

(*a*) *Ground in Solid Manganese Minimum Bore 3″ Diameter*

Length (inches):	*Price each*
3 up to 4	$4.85
4 up to 5	5.45
5 up to 6	6.65
6 up to 8	7.85
8 up to 10	9.10
10 and over	11.50

(*b*) *Cutting in Soft Steel Inserts*

Length (inches):	*Price each*
Less than 5	$3.30
5 to 8	4.40
Over 8	5.50

(VII) KEYWAYS—ON OUTSIDE DIAMETER

Outside Diameter	Ground in solid manganese, price per inch	Cut in soft steel, price per inch	Keyways cut or ground over 1½ inches wide, price per inch
Less than 6 inches outside diameter	$1.55	$1.10	$.75
6 inches outside diameter and over	.95	.85	.75

(s) *Mine car wheels:*

(1) ROUGH CASTINGS

Weight per piece	Number of pieces				
	1-24	25-49	50-99	100-199	200 and over
	Per pound	*Per pound*	*Per pound*	*Per pound*	*Per pound*
25 pounds to 50 pounds, each	$.175	$.165	$.1525	$.1475	$.1425
50 pounds to 75 pounds, each	.165	.1525	.1425	.1375	.13
75 pounds to 100 pounds, each	.1525	.1425	.1375	.13	.125
100 pounds to 125 pounds, each	.1475	.1375	.13	.125	.115
125 pounds each and over	.1425	.13	.125	.12	.11

(2) SCHEDULE FOR MACHINING

(I) GRINDING TREADS CONCENTRIC WITH BORE

(*a*) *Where under 100 wheels from one pattern*

Wheel Diameter	Tread Size	Price
12″	2″	$1.55
12″	3″	1.80
14″	2½″	1.80
14″	3″	2.70
16″	3″	3.65
16″	3½″	4.35

(*b*) *Where 100 or more there shall be deducted 10%*

(II) FACING ONE OR BOTH HUB ENDS—REGARDLESS OF WHEEL DIAMETER

(*a*) *Where under 100 wheels from one pattern*

Bore Diameter	Price each end
2″ to 3″	$.50
3″ to 4″	.60
4″ to 5″	.85

(*b*) *Where 100 or more there shall be deducted 10%*

(III) GRINDING OR CUTTING BORES

2″-5″ diam. bores	.75¢ per in. length
Where 100 or more	deduct 10%

(IV) GRINDING OUTSIDE DIAM. OF HUBS

3″ to 4″ o. d	.45¢ per run. inch
4″ to 5″ o. d	.60¢ per run. inch
Where 100 or more	deduct 10%

(t) *Sheaves—Miscellaneous:*

(1) ROUGH CASTINGS

[No machine work and without soft steel inserts or bushings of any type]

Weight per piece	Number of pieces		
	1-9	10-49	50 and over
	Pound	*Pound*	*Pound*
Less than 25 lbs. each	$0.315	$0.28	$0.27
25 lbs. up to 50 lbs. each	.24	.2125	.21
50 lbs. up to 100 lbs. each	.2025	.1975	.1875
100 lbs. up to 250 lbs. each	.19	.1875	.1775
250 lbs. up to 300 lbs. each	.1775	.17	.1625
300 lbs. each and over	.16	.155	.1525

(2) MACHINING CHARGES

(I) MACHINING PRICE OF ROPE GROOVES

Under 8″ diameter	$2.55 each
8″-12″ diameter	3.20 each
12″-18″ diameter	3.80 each
18″-22″ diameter	4.80 each
22′-26″ diameter	5.80 each
26″-30″ diameter	7.25 each
30″-36″ diameter	9.25 each

(II) GRINDING BORES AND CUTTING SOFT STEEL BORES

Bore diameter:	*Price per inch*
2″-5″	$.75
5″-8″ inc	.85
Over 8″	.95

(III) GRINDING HUB ENDS

Hub diameter:	*Price*
Less than 6″	$1.80 each end
6″ and over	$2.75 each end

§ 1421.66 *Appendix C: Form No. 335:1* (referred to in § 1421.58 (a)).

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

Form OPA 335:1[1]

Petition for adjustment of maximum prices for manganese steel castings and manganese steel castings products[2] *under § 1421.58 (a) of Maximum Price Regulation No. 235.*

The petitioner, ______________________,
(insert name and address of establishment)
hereby petitions the Price Administrator, under § 1421.58 (a) of Maximum Price Regulation No. 235 and Procedural Regulation No. 1 for adjustment of the maximum price established for the particular manganese steel casting or manganese steel castings product[2] described below.

The following facts are furnished to the OPA in support of this petition:

I. Description of casting:

Item	Casting	Casting	Casting	Casting
a. Classification or type				
b. Product in which used				
c. Chemical analysis specified in contract of sale				
d. Pattern No				
e. Kind of Pattern				
f. Size flask				
g. No. Patterns in flask				
h. No. Cores				
i. Method of molding				
j. Heads, gates, recovered scrap (estimate in lbs. for each casting)				
k. Defectives (estimate percent)				
l. Yield from charge (estimate)				
m. Shipping weight each (estimate)				

II. *Description of contract or proposed contract.*[1] Answer (a) and either (b) or (c).

(a) Give name and address of purchaser or prospective purchaser:

(1) Name of Purchaser ________________
(2) Address of Purchaser ______________
____
(street) (city) (state)

(b) Give serial number or other identification of contract and the other details shown if price adjustment is sought with respect to deliveries under an existing contract:

(1) Identification of Contract __________
(2) Date of Contract ________________
(3) Estimated date of completion________

(4) Total quantity of castings or products contracted for ____________________ (lbs.)

(5) Total quantity of castings or products remaining to be delivered or supplied ______

(c) Give the following details if price adjustment is sought under a proposed contract:

(1) Final delivery date to be stipulated by proposed contract ______________________

(2) Estimated date at which deliveries will begin ________________________________

(3) Total quantity of castings or products to be contracted for ________________ (lbs.)

(4) Value of proposed contract (proposed price per casting or product times quantity) ________________________________

III. *Importance of the contract in petitioner's operations.* The term "sales" means sales as usually computed by petitioner.

(a) Total of petitioner's sales of manganese steel castings or manganese steel castings products for last six calendar months prior to the date of this petition $________

(b) Estimated sales for next six months of particular manganese steel casting or manganese steel castings product with respect to which this petition is made, assuming the price adjustment requested is granted $________

(c) Total of petitioner's sales of all castings and all products (castings and other), for last six calendar months prior to the date of this petition $________

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[1] One original and four copies of this form shall be filed with the Secretary of the Office of Price Administration, Washington, D. C., in accordance with § 1300.39 of Procedural Regulation No. 1. The provision of that section with respect to the contents of a petition may be disregarded except insofar as required by this form.

[2] Where the information is furnished in respect to a product, the information requested in section I should be furnished in regard to each manganese steel casting used in the product. Add a statement describing the other parts of the product and the nature of the assembled product. Use the columns appearing herein, and if more manganese castings must be reported than there are columns available, attach a supplementary page hereto giving the complete information requested in lines a. to m. for each such additional casting, using a separate column for each casting.

[1] The term "contract" includes purchase orders.

IV. *Costs of producing particular casting or product.* The following instructions should be followed in furnishing the information required in Columns I and II below. The furnishing of the information required in Column I is optional.

(a) Where the information is furnished with respect to a product rather than a casting table IV shall be duplicated for *each manganese steel casting* used in the product. In addition a detailed statement shall also be furnished of the cost of the other parts of the product and the cost of assembly.

(b) Give actual cost data if available. If no actual cost data are available, give estimates as to current costs. Indicate, however, by encircling the appropriate figures where estimates are being employed.

(c) Net Metal Cost. In computing "net metal cost," use costs shown on your books. Report "net metal cost" as the difference between the cost of gross metal charged and the value of recovered scrap. "Conversion Cost" will include labor, fuel, power, electrodes, supplies, furnace repairs, and other overhead items applicable to the melting department.

(d) Direct Labor. State cost of direct or production labor following the classifications in your own records; and for each classification, use actual wages of men employed on the job, or if not practicable, base cost on departmental or shop average wage rates for each classification.

(e) Other foundry costs. If the practice of your foundry is to allocate shop overhead to departments, report overhead by departments. If, however, "General Shop Overhead" is not broken down by departments, report only as "General Shop Overhead." If shop overhead by departments is used as well as "General Shop Overhead" not directly applicable to departments, report both by departments and also by "General Shop Overhead."

(f) Costs shall be given on either a per piece or per 100 pound basis. Indicate whichever basis is used.

Details of cost	Column I Oct. 1 to Oct. 15, 1941	Column II Current date
MELTED METALS		
Net metal cost		
Conversion cost		
1. Total metal cost		
MOLDING DEPT.		
2. Direct labor		
3. Overhead		
CORE DEPT.		
4. Direct labor		
5. Overhead		
CLEANING DEPT.		
6. Direct labor		
7. Overhead		
8. Heat treating		
9. General shop overhead		
10. Shop cost (total 1 through 9)		
11. Defectives (% of 10)		
12. Total shop cost (10+11)		
MACHINE DEPT.		
13. Direct labor		
14. Overhead		
15. Adm. and sales		
16. Total cost (12 through 15)		
17. Margin of profit		
18. Selling price (16+17)		
19. Pattern expense		
20. Special rigging		
21. Total selling price (18 through 20)		

V. Indicate by a cross (X) in the space provided whether the petitioner has entered into, or will enter into a contract or will make deliveries at the requested price pending final action by the Office of Price Administration. Yes [ ] No [ ].

VI. Submit on separate pages any other facts relevant to this request for a price adjustment, including a statement of the established maximum price for the particular casting or product at the time this petition was filed and the computation by which said maximum price was ascertained.

VII. Submit the following:

A. Balance Sheets as of the close of:
  1. 1936 through 1941 (fiscal or calendar years: indicate which and give dates).
  2. Most recent accounting period.

B. Income Statements for:
  1. 1936 through 1941 (fiscal or calendar years: indicate which and give dates).
  2. Most recent accounting period.

C. Sales:
  1. Of all products in 1941.
  2. Of manganese steel castings or manganese steel castings products in 1941.

Instructions. (1) Income statements must show: (a) net sales; (b) cost of products sold, stating separately total direct material costs, and total other manufacturing costs; (c) general and administrative expenses, segregating compensation to officers and directors, and; (d) net profits before income and excess profits taxes. All charges to operations representing accumulations of reserves must be shown in detail on the statements.

(2) The petitioner need not file with the petition any required financial data which were previously submitted on Form A—Annual Financial Report—or Form B—Interim Financial Report—or any other questionnaire issued by the Office of Price Administration.

Applicant

By ------------------------------

Title

Affidavit

STATE OF ------------------ } *ss:*
County of ---------------- }

The undersigned ----------------------, being first duly sworn according to law, on oath, deposes and says: that he is the person whose name appears subscribed to the above petition for Adjustment; and that he has read the same and knows to his own knowledge that the facts contained therein are true and correct.

Signature

Subscribed and sworn to before me this -------- day of ---------------- A. D. 194--.

Officer Administering Oath

§ 1421.67 *Appendix D: Form No. 335:2 (referred to in § 1421.64 (c)).*

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
Form No. 335:2

*Cost estimate sheet for manganese steel castings and manganese steel castings products based upon cost factors and profit margin in effect October 1–15, 1941**

Name of foundry-----	Date----------------
Name of customer----	Priority rating-------
Description of casting---------------------	
Product where used----------------------	

Pattern No.----------	Est. rough weight----
Dwg. No.-----------	Est. finished wt------
No. Cstgs. ordered-------------	Est. defective-------%
	Yield -------------%

Method of manufacture

☐ Floor ☐ Bench ☐ Machine

(check above)

---

*For a manganese steel castings product prepare a separate sheet for each different manganese steel casting incorporated in the product. In addition furnish a statement of the nature and cost of the other parts entering into the assembly; and the total assembling and other costs of the completed product.

Line No.	Details of cost	Cost per piece [3]	Cost per net ton [3]	Pattern equipment
	MELTED METALS			
	Net metal cost [1]			No. of Patts
	Conversion cost [1]			Kind of Patt
1	Total metal cost			Size of Flask
	MOLDING DEPT.			
2	Direct labor			No. of Patts. in Flask
3	Overhead [2]			No. of cores per cstg
	CORE DEPT			
4	Direct labor			
5	Overhead [2]			
	CLEANING DEPT.			
6	Direct Labor			
7	Overhead [2]			
8	Heat treating			
9	Genl. shop overhead [2]			
10	Shop cost (total 1 through 9)			
11	Defectives (% of 10)			
12	Total shop cost (10+11)			
	MACHINE DEPT.			
13	Direct Labor			
14	Overhead			
15	Adm. and sales			
16	Total cost (12 through 15)			
17	Margin of profit			
18	Selling price (16+17)			
19	Pattern expense			
20	Special rigging			
21	Total selling price (18 through 20)			

[1] Report "Net Metal Cost" as the difference between gross metal charged and recovered scrap. "Conversion Cost" will include labor, fuel, power, electrodes, supplies, furnace repairs, and other overhead items applicable to the melting department.

[2] If the practice of your foundry is to allocate shop overhead to departments, report overhead by departments. If, however, "General Shop Overhead" is not broken down by departments, report only as "General Shop Overhead." If shop overhead by departments is used as well as "General Shop Overhead" not directly applicable to departments, report both by departments and also by "General Shop Overhead."

[3] Either method is satisfactory.

A. Do you propose to sell the above castings through a dealer?

B. If the answer to "A" is in the affirmative, what discount, if any, do you propose to give to the dealer?

Remarks: ------------------------------

State of -----------
County of --------, *ss:*

Name of Applicant

By -------- --------
Officer Signing Title

--------------------, being duly sworn, deposes and says: That he is the person whose name appears subscribed to this Form No. 335:2 and that he has read the same and to the best of his knowledge and belief the facts contained therein are true and correct.

Signature

Subscribed and sworn to before me this -------- day of -------- A. D. 194--.

Officer Administering Oath

Issued this 9th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10201; Filed, October 10, 1942; 1:00 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 38 to Supplementary Regulation 14 to General Maximum Price Regulation]

TIN BASE, LEAD BASE, OR TIN-LEAD BASE SOLDERS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new subparagraph (32) is added to paragraph (a) of § 1499.73 as set forth below.

§ 1499.73 *Modification of maximum prices established by § 1499.2 of the General Maximum Price Regulation for certain commodities, services, and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided:

* * * * *

(32) *Solder containing silver*—(i) *Maximum prices for solder containing silver.* On sales and deliveries made on and after August 31, 1942, the seller's maximum price for any tin base, lead base, or tin-lead base solder containing silver shall be the maximum price for such article established by § 1499.2 of the General Maximum Price Regulation, plus 9.634 cents per fine troy ounce of silver content.

(ii) *Discounts, allowances, and differentials.* All discounts, allowances, quantity price differentials, and trade practices in effect during March, 1942, with respect to solder as defined herein, shall remain in effect under this Amendment No. 38.

(iii) *Report of maximum prices.* Within 30 days of the effective date of this Amendment No. 38 or before making further sales and deliveries of solder as defined herein, whichever is later in time, each seller of such solder shall file with the Office of Price Administration in Washington, D. C., a statement showing:

(*a*) The highest prices which he charged to each class of purchaser for such of those solders as he sold and delivered during March, 1942, or, if no sales were made during that month, his highest offering prices to each class of purchaser for the sale and delivery of such solders during March 1942, together with a detailed description as to shape, dimension and metal content of each such solder;

(*b*) All his allowances, discounts, and other price differentials applicable to sales of solder as defined herein which prevailed during the month of March, 1942.

(iv) *Definitions.* As used in this § 1499.73 (a) (32), the term "solder" shall mean tin base, lead base, or tin-lead base solder containing silver.

(v) This Amendment No. 38 to Supplementary Regulation No. 14 may be revoked or amended by the Price Administrator at any time.

* * * * *

(b) *Effective date.* * * *

(39) Amendment No. 38 (§ 1499.73 (a) (32)) to Supplementary Regulation No. 14 shall become effective October 16, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 10th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10189; Filed, October 10, 1942; 12:21 p. m.]

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*Copies may be obtained from the Office of Price Administration.

PART 1499—COMMODITIES AND SERVICES

[Amendment 3 to Maximum Price Regulation 211[1]]

COTTON GINNING SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1499.552, paragraph (a) is amended and a new paragraph (c) is added; § 1499.553 is amended; the text of § 1499.558 is amended and designated paragraph (a); paragraphs (a), (b), (c), (d), (e), (f), (g) and (h) are redesignated subparagraphs (1), (2), (3), (4), (5), (6), (7) and (8) and a new paragraph (b) is added; in § 1499.564 subparagraphs (1) and (2) of paragraph (a) are amended and in § 1499.565 a new subparagraph (13) is added to paragraph (a), as set forth below:

§ 1499.552 *Maximum prices for cotton ginning services*—(a) *Maximum prices for cotton ginning services which are the same as or substantially similar to those sold by the ginner during the base period.* Except as provided in paragraph (c) below, the maximum price for cotton ginning services which are the same as or substantially similar to the cotton ginning services sold or supplied by the ginner during the base period shall be:

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[1] 7 F.R. 6828, 7406, 7322, 7813.

* * * * *

(c) Maximum prices for bagging and ties costing the ginner more than his maximum price for bagging and ties established under paragraph (a) of this § 1499.552. In the event that a ginner has exhausted his supply of bagging and ties costing him less than his maximum price[2] established therefor in accordance with paragraph (a) of § 1499.552, he may use in place of that maximum price a maximum price determined in accordance with this paragraph (c). In such case, his maximum price for bagging and ties shall be his actual cost or $1.75 per unit of bagging and ties, whichever is lower: *Provided*, That no ginner shall sell or supply bagging and ties at a price determined under this paragraph (c) until he has filed a report with the appropriate Regional Office of the Office of Price Administration in accordance with paragraph (b) of § 1499.558 and the Regional Office has acknowledged in writing that this report conforms with the requirements set forth in this paragraph and paragraph (b) of § 1499.558.

§ 1499.553 *Prohibition against using more than one pricing method set forth in § 1499.552 (a).* No ginner whose maximum price for cotton ginning services is determined in accordance with paragraph (a) or paragraphs (a) and (c) of § 1499.552 shall employ more than one of the three pricing methods set forth in paragraph (a).

* * * * *

§ 1499.558 *Reports to be submitted by ginners to the appropriate Regional Office of the Office of Price Administration—*(a) *Reports to be filed by all ginners.* On or before September 19, 1942, each ginner shall submit to the appropriate Regional Office of the Office of Price Administration, with respect to each of his ginning establishments a report containing (1) his name, (2) his address, (3) the pricing method he employed in determining his maximum price for cotton ginning services in accordance with § 1499.552 (a), (4) the highest price he charged during the base period for ginning cotton, (5) the highest price he charged during the base period for bagging and ties, (6) the highest price he charged during the base period for any other cotton ginning services, (7) his maximum price, if determined by one of the three pricing methods set forth in § 1499.552 (a), and (8) such other information as the Office of Price Administration may from time to time require.

(b) *Reports to be filed by ginners electing to determine their maximum prices for bagging and ties in accordance with paragraph (c) of § 1499.552.* Each ginner who elects to establish a maximum price for bagging and ties in accordance with paragraph (c) of § 1499.552 shall submit to the appropriate Regional Office of the Office of Price Administration with respect to each of his ginning establishments a report[3] containing:

(1) His name;

(2) His address;

(3) The pricing method set forth in paragraph (a) of § 1499.552 which he has employed in determining his maximum price for cotton ginning services and his maximum price for bagging and ties as established thereunder;

(4) A complete list of the units of bagging and ties[4] purchased or ordered by the ginner during the 1942 ginning season up to the date of the filing of this report and which cost him less than the maximum price established therefor in accordance with paragraph (a) of § 1499.552, showing with respect to each such purchase or order (i) the date, (ii) the name and address of the supplier, (iii) the quantity of bagging and ties purchased or ordered, (iv) the price paid or agreed to be paid and (v) the freight cost incurred by the ginner for delivery of the bagging and ties to his ginning establishment;

(5) The number of units of bagging and ties which the ginner sold or supplied during the 1942 ginning season up to the date of the filing of this report; and

(6) A statement by the ginner that at the date of the filing of this report he has sold or supplied a number of units of bagging and ties equal to the number of units which he had received from and still has on order with suppliers during the 1942 ginning season up to the date of the filing of this report and which cost him less than the maximum price established therefor in accordance with paragraph (a) of § 1499.552.

* * * * *

§ 1499.564 *Petitions for adjustment and amendment.* (a) * * *

(1) Any ginner who can show that the maximum price for cotton ginning services established for him by this Maximum Price Regulation No. 211 is abnormally low in relation to the maximum prices for the same or substantially similar services rendered by ginners in the same competitive area and that this abnormality subjects him to substantial hardship; and

(2) Any ginner who can show that the maximum prices for cotton ginning services established for him and substantially all of the ginners in the same competitive area by this Maximum Price Regulation No. 211 are abnormally low in relation to the maximum prices for the same or substantially similar services rendered by substantially all of the ginners in the nearest competitive area and that this abnormality subjects him to substantial hardship.

* * * * *

§ 1499.565 *Definitions.* (a) When used in this Maximum Price Regulation No. 211, the term:

* * * * *

(13) "Actual cost" means the cost to the ginner of bagging and ties at his establishment and shall consist of the net price charged by the supplier to the ginner for the bagging and ties plus the freight costs.

* * * * *

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[2] It is possible that a ginner who has selected pricing method (1) set forth in paragraph (a) of § 1499.552 may be unable to compute a separate maximum price for bagging and ties because he did not make a separate charge for these commodities during the base period. In this event, a ginner may elect to determine his maximum price for bagging and ties in accordance with paragraph (c) above when he has exhausted his supply of bagging and ties costing him less than $1.50 per unit which, for the purposes of paragraph (c), shall be considered his maximum price as established by paragraph (a).

[3] It is suggested that ginners in submitting to the Office of Price Administration the data required in paragraph (b) above use the following form with such modifications as may be necessary:

1. Name------------------------------------
2. Address----------------------------------

(Street) (Town or city)

(County) (State

3. My maximum price for bagging and ties under paragraph (a) of Section 1499.552 is $--------- per unit. This price is determined pursuant to the pricing method indicated below which I have elected in determining my maximum prices for cotton ginning services.

(check one)

1499.552 (a) (1) ☐ 1499.552 (a) (2) ☐ 1499.552 (a) (3) ☐

4. The following is a complete list of all of my purchases or orders of bagging and ties during the 1942 ginning season to date costing me less than my maximum price as stated in 3 above:

Date of purchase or order	Name of supplier	Address of supplier	Number of units of bagging and ties purchased or ordered	Freight cost per unit	Total cost per unit
1.-------	-------------	-------------	-------	----	----
2.-------	-------------	-------------	-------	----	----
3.-------	-------------	-------------	-------	----	----
4.-------	-------------	-------------	-------	----	----
5.-------	-------------	-------------	-------	----	----
6.-------	-------------	-------------	-------	----	----
7.-------	-------------	-------------	-------	----	----

5. I have sold -------- units of bagging and ties during the 1942 ginning season to date.
6. I have sold or supplied to date during this 1942 ginning season a number of units of bagging and ties equal to the number of units of bagging and ties which I have received from and still have on order with my suppliers and which cost me less than my maximum price for bagging and ties set forth in 3 above.

(Signed)

Date------------------------

[4] As used in this Maximum Price Regulation No. 211, the term "unit of bagging and ties" means the quantity of bagging and ties customarily used for the baling and wrapping of one bale of lint cotton.

§ 1499.566a *Effective dates of amendments.* * * *

(d) Amendment No. 3 (§§ 1499.552 (a), 1499.553, 1499.558, 1499.564 (a) and 1499.565 (a) to Maximum Price Regulation No. 211 shall become effective October 10, 1942.

(Pub. Laws, 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 10th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10188; Filed, October 10, 1942; 12:19 p. m.]

Part 1499—Commodities and Services

[Order 68 Under § 1499.18 (c) of General Maximum Price Regulation]

U. S. MICA MFG. CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.918 *Denial of adjustment of maximum prices for roofing grade mica sold by the U. S. Mica Mfg. Co.* (a) The petition of the U. S. Mica Mfg. Co., 1521–1527 Circle Avenue, Forest Park, Illinois, to increase its maximum price for its roofing grade mica from $30.00 to $31.00 per ton is hereby denied.

(b) This Order No. 68 (§ 1499.918) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(c) This Order No. 68 (§ 1499.918) shall become effective October 12, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 10th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10190; Filed, October 10, 1942; 12:20 p. m.]

Part 1499—Commodities and Services

[Amendment 2 to Maximum Price Regulation 165 as Amended[1]]

SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In § 1499.102, paragraph (a), the word "or" is deleted at the end of the proviso, and a new proviso is added as set forth below:

§ 1499.102 *Maximum prices for services: general provisions.* * * *

(a) * * * *Provided, further,* That a person engaged in commission selling, auctioneering, or the brokerage of commodities may continue to determine his maximum price by the use of the highest percentage rate he used during March 1942 in connection with the sale of the particular commodity, or, when the same or a similar commodity was not sold or purchased by him in March 1942, he may use such highest percentage rate used in the same calendar month of 1941 as the month in which he is presently supplying the service; or

* * * * *

§ 1499.121a *Effective dates of amendments.* * * *

(b) This Amendment No. 2 (§ 1499.102 (a)) to Maximum Price Regulation No. 165 as amended shall become effective October 10, 1942.

(Pub. Law 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10200; Filed, October 10, 1942; 12:58 p. m.]

Chapter XVII—Office of Civilian Defense

[Amendment 2 to Regulations 1]

Part 1901—Loans of Equipment and Supplies to Civil Authorities

DUTIES OF REGIONAL DIRECTORS—FOREST FIRE FIGHTERS SERVICE ARM BANDS

By virtue of the authority vested in me by Executive Order No. 8757, dated May 20, 1941, as amended by Executive Order No. 9134, dated April 15, 1942, and Executive Order No. 9088, dated March 6, 1942, and pursuant to section 1 of the Act approved January 27, 1942, and in accordance with Article 13 of Executive Order No. 9088 dated March 6, 1942, authorizing the Director of Civilian Defense to make and issue such rules, regulations, and orders as he may deem necessary or desirable to carry out the purposes of the aforementioned Act of January 27, 1942, it is hereby ordered that §§ 1901.1 to 1901.11 of this chapter (Regulations No. 1 of the Office of Civilian Defense),[1] as heretofore issued and amended, be further amended as follows:

AUTHORITY: Pub. Law 415, 77th Cong.; E.O. 8757, 6 F.R. 2517; E.O. 9088, 7 F.R. 1775; E.O. 9134, 7 F.R. 2887.

By striking out § 1901.4 thereof and substituting the following:

§ 1901.4 *Duties and authority of Regional Directors.* (a) Regional Directors of the Office of Civilian Defense, appointed by the Director, will supervise the activities of State Property Officers and Local Property Officers with the view of assuring compliance with rules, regulations, orders, and instructions of the Director. Regional Directors are authorized to take such steps as may be deemed by them to be desirable to supervise the arrangements made by State Property Officers and Local Property Officers with respect to the storage, handling, maintaining, protecting, delivering, and returning of all property and the maintaining and filing of proper reports, records, and accounts with respect thereto, and in particular with respect to the distribution of property in the communities in accordance with the provisions of § 1901.7 of this chapter; and they shall from time to time make inspections for such purpose.

(b) Each Regional Director is authorized, to the extent deemed by him to be necessary in his region for the protection of persons and property in the event of actual or imminently threatened enemy attack, or in the event of an act of sabotage, to recall any property loaned to any community (whether in the custody of a State Property Officer, a Local Property Officer, or any distributee), to transfer and loan any of such property, as well as any property in any Office of Civilian Defense warehouse or in transit within his Region, to any other community deemed by him to be in need of, but unable to provide, such property in accordance with § 1901.7 of this chapter, or otherwise. In making any such loan of property, the Regional Director may dispense with, or accept any modification of, OCD Form No. 501 if deemed advisable by him under the circumstances. State Property Officers and Local Property Officers are authorized and directed to act in accordance with any instructions of any Regional Director with respect to the recall, transfer, and loan of property.

By adding a new § 1901.12 as follows:

§ 1901.12 *Forest Fire Fighters Service arm bands.* (a) The Forest Fire Fighters Service has been established by the Director to assist in safeguarding forest lands and other timber facilities and resources, to aid in prevention and suppression of fires which might endanger such facilities and resources, and to minimize the effects of any such fires. Its members (herein called the "members") are required to perform duties in localities which embrace national, State and private forest lands, national and State parks, rural areas and sparsely settled areas in the public domain. Members require arm bands embodying the prescribed insigne of the Forest Fire Fighters Service as a means of identification in order that they may be permitted to move on the public ways during an air raid or other emergency. The aforesaid localities in which the members are to operate are in need of such arm bands so that the members may adequately perform their duties, including the protection of persons and property from fire resulting from bombing attacks, sabotage, or other war hazards; and such localities are unable satisfactorily to provide such arm bands. Accordingly, the Director will make such arm bands available to such localities by loans to the State Foresters, or other State officials responsible for administering affairs relative to forest lands and timber resources (herein referred to as the "foresters"), as the duly constituted civil authorities of the States comprising or situated within such localities.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 4734, 5028, 5567, 6428, 6966, 7249, 7539.

[1] 7 F.R. 2172, 6370.

(b) Each borrowing forester may distribute the arm bands only to duly enrolled members located within his State and shall promptly recall any arm band from any person ceasing to be a member. Distribution in every case shall be as directed by the State Coordinator of the Forest Fire Fighters Service. Whenever ordered by the Regional Director, foresters shall distribute any such arm bands only with the approval of the State Defense Council.

(c) Each forester shall agree, as a condition of such loans, that the arm bands so loaned shall be adequately protected and maintained, that they shall not be used otherwise than for the protection of persons or property from bombing attacks, sabotage, or other war hazards, or for training or instructions incidental to such use, that such arm bands, unless lost, destroyed, or consumed in the course of such use, shall be returned to the United States Government at any time upon order of, or pursuant to rules and regulations prescribed by, the Director, and that he shall comply with all rules, regulations, orders, and instructions issued by the Director with respect to said arm bands.

(d) The duties and responsibilities of each forester with respect to borrowed arm bands shall be, to the extent applicable, the same as set forth in § 1901.9 of this chapter, with respect to Local Property Officers. Foresters may appoint agents to assist in the performance of their duties, and may delegate all or any of their powers to such agents, but shall be responsible for the acts and omissions of such agents.

(e) Arm bands will be shipped directly to the foresters, who shall be responsible and accountable therefor. The State Property Officers and Local Property Officers shall have no duties, obligations, or responsibility with respect to such arm bands.

[SEAL] JAMES M. LANDIS,
Director.

OCTOBER 9, 1942.

[F. R. Doc. 42-10124; Filed, October 9, 1942; 12:30 p. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order 21, Supp. 1]

PART 306—GENERAL AGENTS AND AGENTS

SERVICE AGREEMENTS FOR VESSELS TIME CHARTERED FROM OTHERS

§ 306.48 *Part II to Service Agreement (TCA).* Vessels of which the United States of America, by and through its governmental agencies or departments other than the War Shipping Administration, is owner or owner pro hac vice, are from time to time released to the War Shipping Administration so that the latter may conduct the business of booking, loading and discharging cargo. Such vessels will be assigned to agents under the "Service Agreement for Vessels Time Chartered From Others By the War Shipping Administration" (TCA-4/4/42 as set forth in G.O. 21 § 306.45)[1] modified by "Part II" to said agreement as follows:

PART II TO SERVICE AGREEMENT FOR VESSELS TIME CHARTERED FROM OTHERS BY THE WAR SHIPPING ADMINISTRATION

(Provisions Relating to Vessels of Which the United States of America, By and Through Its Agencies or Departments Other Than The War Shipping Administration, Is Owner Or Owner Pro Hac Vice Which Are Released to the War Shipping Administration)

Whereas the United States of America (herein called the "United States") acting by and through the Administrator, War Shipping Administration, and ------------------- (herein called the "Agent") entered into an Agreement (Contract WSA ----) dated ------------------ (herein called the "Service Agreement") whereby the United States appointed the Agent as its agent to conduct the business of vessels time chartered by the United States and assigned to it by the United States from time to time, and

Whereas the Army, the Navy, and other departments and agencies of the United States release to the War Shipping Administration, from time to time, vessels of which the United States (through such departments or agencies) is the owner or owner pro hac vice, under an arrangement whereby the War Shipping Administration is responsible for the booking and/or loading and/or discharging activities in connection with such vessels for certain voyages; and

Whereas it is desirable to have both the vessels which are released to the War Shipping Administration by other departments or agencies of the United States as well as vessels which are time chartered by the War Shipping Administration, subject to the uniform provisions of one agreement.

Now, therefore, in consideration of the reciprocal covenants and agreements contained in the Service Agreement, it being understood that nothing herein contained shall alter the terms of the Service Agreement (TCA4/4/42) in respect of vessels time chartered from others by the War Shipping Administration, it is hereby agreed that, as to vessels heretofore or hereafter released by the Army, the Navy or some other agency or department of the United States Government to the War Shipping Administration and, in turn, assigned to the Agent under the Service Agreement, the parties hereto shall be governed by the provisions of the said Service Agreement modifid as follows:

Section 1. Article 1 of the Service Agreement shall be considered altered and amended to read as follows:

"The United States appoints the Agent as its agent and not as an independent contractor, to conduct the business of vessels of which the United States, acting by and through any of its departments or agencies other than the War Shipping Administration, is owner or owner pro hac vice and which are released, allocated or assigned to the War Shipping Administration and, in turn, assigned to the Agent under the terms of this Service Agreement."

Section 2. Article 3A (a) of the Service Agreement shall be considered altered and amended to read as follows:

"Perform all of the customary duties of an agent for the booking of cargo and all loading and discharging activities in connection with the vessels subject to this Agreement, subject to the orders of the United States as to voyages, cargoes, priorities of cargoes, charters, rates of freight and other charges and as to all matters connected with the use of the vessels; or in the absence of such orders, the Agent shall follow reasonable commercial practice;"

Section 3. Article 3A (c) of the Service Agreement shall be considered altered and amended as follows:

"In the first line the words "fuel, fresh water" shall be deleted. In the sixth line the words "time charterer of" shall be deleted and the words "carrier of the cargo in" shall be inserted in place of the deletion. In line 9 the words "and supplying fuel" shall be deleted.

Section 4. Article 3A (d) shall be considered altered and amended so as to read as follows:

"Issue or cause to be issued to shippers customary freight contracts and Bills of Lading in accordance with orders, instructions and regulations promulgated by the War Shipping Administration. All Bills of Lading shall be issued by the Agent or its agents as Agent for the Master and the signature clause may provide as follows:

The Agent makes no warranty or representation as to the authority of the United States or the Master to enter into the agreement, and the Agent assumes no liability with respect to the goods described therein or the transportation thereof."

Section 5. Article 9 of the Service Agreement shall be considered altered and amended as follows:

The last sentence shall be deleted.

Section 6. Article 10 of the Service Agreement shall be considered altered and amended so as to read as follows:

"The negotiation and settlement of all salvage claims for services rendered by vessels shall be controlled by the United States. The Agent shall furnish the United States with full reports and information on all salvage services renderd."

In witness whereof the parties hereto have executed this Part II to the Service Agreement in triplicate this ------- day of --------------, 19----.

UNITED STATES OF AMERICA,
By E. S. LAND,
Administrator,
War Shipping Administration.

By ------------------------------
For the Administrator.

By ------------------------------
Attest:

Approved as to form:

Assistant General Counsel,
War Shipping Administration.

(E.O. 9055, 7 F.R. 837.)

[SEAL] E. S. LAND,
Administrator.

OCTOBER 10, 1942.

[F. R. Doc. 42-10216; Filed, October 12, 1942; 10:05 a. m.]

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[1] 7 F.R. 7561.

Notices

OFFICE OF PRICE ADMINISTRATION.

[Order 2 Under § 1362.59a of Maximum Price Regulation 116—China and Pottery]

PADEN CITY POTTERY CO.—MONTGOMERY WARD

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register,

It is ordered, That:

(a) The Paden City Pottery Co., Paden City, West Virginia, may sell china and pottery of the Rosalee pattern to Montgomery Ward at prices no higher than the prices determined by adding to the maximum prices for such sales, as determined under Maximum Price Regulation No. 116, the amounts appearing in the following table:

32-piece set	$0.17 each.
53-piece set	.25 each.
95-piece set	.40 each.
Open stock	.25 pound sterling.

(b) All prayers of the petition not heretofore granted are hereby denied.

(c) Order No. 2 under § 1362.59a of Maximum Price Regulation No. 116 shall become effective October 10, 1942.

Issued this 9th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10130; Filed, October 9, 1942; 2:52 p. m.]

[Order 3 Under Revised Price Schedule 28—Ethyl Alcohol—Docket GF3-1604]

PARK & TILFORD DISTILLERS, INC.

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is ordered:*

(a) Notwithstanding anything to the contrary contained in Revised Price Schedule No. 28 or in the General Maximum Price Regulation; Park & Tilford Distillers, Inc., of New York, New York, may charge for deliveries of ethyl alcohol of 188 proof or higher, of any formulae thereof, including pure ethyl alcohol, which were made to the Defense Supplies Corporation between August 15, 1942, and September 30, 1942, from its distillery at Midway, Kentucky, and the Defense Supplies Corporation may pay for such ethyl alcohol, at prices not in excess of those set forth below:

$.653 per wine gallon, f. o. b. plant.

(b) All prayers of the applicant not granted herein are denied.

(c) This Order No. 3 under Revised Price Schedule No. 28 shall become effective October 10, 1942.

Issued this 9th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10129; Filed, October 9, 1942; 2:52 p. m.]

[Order 25 Under Revised Price Schedule 64—Domestic Cooking and Heating Stoves]

J. B. SLATTERY & BROTHER, INC.

ORDER GRANTING ADJUSTMENT

On July 13, 1942, J. B. Slattery & Brother, Inc., of Brooklyn, New York, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices of a new model gas range designated in said application as Model No. V42-T.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is hereby ordered:*

(a) J. B. Slattery & Brother, Inc., of Brooklyn, New York, may sell, offer to sell, deliver or transfer Model No. V42-T With Control at a maximum price of $32.14 to the real estate trade delivered within the Metropolitan area of New York, New York, and Model No. V42-T Without Control at a maximum price of $24.27 to the real estate trade delivered within the Metropolitan area of New York, New York, subject to discounts and allowances no less favorable than those in effect as to Model No. 214IMTJ With Control, and Model No. 214IMTJ Without Control respectively, under § 1356.1 (a) (1) of Revised Price Schedule No. 64.

(b) This Order No. 25 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to the terms used herein.

(d) This Order No. 25 shall become effective on the 10th day of October 1942.

Issued this 9th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10128; Filed, October 9, 1942; 2:52 p. m.]

[Order 4 Under Revised Price Schedule 88[1]—Petroleum and Petroleum Products]

GULF COAST REFINERS AND TERMINAL OPERATORS

ORDER REQUIRING CERTAIN INFORMATION

Order requiring information of Gulf Coast refiners of petroleum and/or Gulf Coast terminal operators handling petroleum products.

Pursuant to the authority vested in the Price Administrator in accordance with section 202 (b) of the Emergency Price Control Act of 1942 and paragraph (e) of § 1340.154 of Revised Price Schedule No. 88, *It is hereby ordered,* That refiners of petroleum and/or terminal operators handling petroleum products shall file, within 30 days from receipt of a written notice hereinafter referred to, with the Office of Price Administration at its principal office in Washington, D. C., a statement listing each invoice issued in connection with each domestic sale in bulk from their refineries or terminals at Gulf Coast ports of aviation gasoline of less than 91 octane and of components, base stocks or fractions manufactured for, and used in aviation gasoline of less than 91 octane grade, in the period September 15, 1941, to October 14, 1941, inclusive. Such statement shall be made and the information shall be given in accordance with a written notice to be sent by registered mail. Such written notice shall contain a reference to this order.

(a) This Order No. 4 shall become effective October 10, 1942.

Issued this 9th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10131; Filed, October 9, 1942; 2:51 p. m.]

[Order 5 Under Revised Price Schedule 88[1]—Petroleum and Petroleum Products]

GULF COAST REFINERS AND TERMINAL OPERATORS

ORDER REQUIRING CERTAIN INFORMATION

Order requiring information of refiners of petroleum and/or terminal operators handling petroleum products.

Pursuant to the authority vested in the Price Administrator in accordance with section 202 (b) of the Emergency Price Control Act of 1942 and paragraph (e) of § 1340.154 of Revised Price Schedule No. 88 *It is hereby ordered,* That refiners of petroleum and/or terminal operators handling petroleum products shall file, within 30 days from receipt of a written notice hereinafter referred to, with the Office of Price Administration at its principal office in Washington, D. C., a statement listing each invoice issued in connection with each spot sale in bulk of all petroleum products, excepting aviation gasoline and asphalt, under whatever designation sold, at each actual shipping point at which such seller as designated above sold the specified petroleum products in the period September 15, 1941, to October 14, 1941, inclusive. Such statement shall be made and the information shall be given in accordance with a written notice to be sent by registered mail. Such written notice shall contain a reference to this order.

(a) This Order No. 5 shall become effective October 10, 1942.

Issued this 9th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10132; Filed, October 9, 1942; 2:51 p. m.]

[Amendment 1 to Administrative Order 25]

REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY TO ACT FOR THE PRICE ADMINISTRATOR

Subparagraph (1) of paragraph (a) and subparagraph (1) of paragraph (b) of Administrative Order 25 are hereby amended to read as set forth below:

(a) * * *

(1) Applications for adjustment of maximum prices pursuant to § 1499.18 (a) of the General Maximum Price Regulation, or any identical provision of any maximum price regulation, or § 1499.18 (d) of the General Maximum Price Regulation, or pursuant to § 1499.114 of Maximum Price Regulation No. 165, as amended, (Services), pursuant to §§ 1393.8 (a) and 1393.8 (b) of Maximum

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[1] 7 F.R. 1107, 1371, 1798, 1799, 1836, 2132, 2304, 2352, 2634, 2945, 3116, 3482, 3524, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5988, 6057, 6167, 6471, 3166, 3552, 5868, 6680, 7242, 7838.

Price Regulation No. 154, as amended, (Ice).

* * * * *

(b) * * *

(1) Applications for adjustment of maximum prices pursuant to § 1499.18 (a) of the General Maximum Price Regulation or any identical provisions of any maximum price regulation, or § 1499.18 (d) of the General Maximum Price Regulation, or pursuant to § 1499.114 of Maximum Price Regulation No. 165, as amended, (Services), or pursuant to §§ 1393.8 (a) and 1393.8 (b) of Maximum Price Regulation No. 154, as amended, (Ice).

* * * * *

This Amendment No. 1 to Administrative Order 25 shall be effective this 16th day of October, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10165; Filed, October 10, 1942; 12:22 p. m.]

[Order 25 Under Revised Price Schedule 6—Iron and Steel Products—Docket 3006-24]

KEYSTONE DRAWN STEEL COMPANY

ORDER GRANTING EXCEPTION

On September 21, 1942, Keystone Drawn Steel Company, Spring City, Pennsylvania, filed a petition for an exception to Revised Price Schedule No. 6, as amended, pursuant to § 1306.7 (c) thereof. Due consideration has been given to the petition and an opinion in support of this Order No. 25 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, *It is hereby ordered:*

(a) Keystone Drawn Steel Company may sell and deliver, and agree, solicit and attempt to sell and deliver, cold finished steel bars at prices not in excess of those stated in paragraph (b), when such bars are shipped to points not located within its usual market area under its contracts DA-TPS-9528, DA-TPS-10706 and DA-TPS-15511 with the Procurement Division of the Treasury Department or under subsequent contracts entered into by it under allocations or directives of the War Production Board.

(b) The maximum price which may be charged by Keystone Drawn Steel Company on sales of cold finished bars covered by paragraph (a) above shall be the Pittsburgh base price on cold finished bars plus the carload freight rate on hot rolled bars from Pittsburgh to Spring City, Pennsylvania, f. o. b. Spring City, Pennsylvania.

(c) This Order No. 25 may be revoked or amended by the Price Administrator at any time.

(d) The definitions set forth in § 1306.8 of Revised Price Schedule No. 6 shall apply to terms used herein.

(e) This Order No. 25 shall become effective October 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 10th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10164; Filed, October 10, 1942; 12:20 p. m.]

NORMAN TUCKER AND SAMUEL SLOME

ORDER RESTRICTING TRANSACTIONS

[Suspension Order 141]

Norman Tucker and Samuel Slome, 112 Lunenberg Street, Fitchburg, Massachusetts, hereinafter called respondents, were duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations. Pursuant to said notice, a hearing upon such charges was held in Concord, New Hampshire, September 9, 1942. There appeared a representative of the Office of Price Administration and Samuel Slome, one of the respondents. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator,

It is hereby determined that:

1. Since July 22, 1942, in Keene, New Hampshire, respondents have operated a filling station known as Sterling Service Station, at which station gasoline was regularly transferred to consumers.

2. Respondents have violated the Gasoline Rationing Regulations in that at divers times between July 22 and September 5, 1942, respondents sold and transferred gasoline to consumers in exchange for gasoline rationing coupons Class A, Number 2.

Because of the great scarcity and critical importance of gasoline in New Hampshire, violations of the gasoline rationing regulations have necessarily resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses. It appearing to the Deputy Administrator from the evidence before him that further violations of the gasoline rationing regulations by respondents are likely unless appropriate administrative action be taken.

It is therefore ordered:

(a) That during the period in which this suspension order shall be in effect,

(1) Respondents shall not accept any deliveries or transfers of, or in any manner directly or indirectly, receive from any source, any gasoline at or for the Sterling Service Station, Keene, New Hampshire.

(2) Respondents shall not sell, transfer or deliver or otherwise deal or trade in any gasoline at the Sterling Service Station, Keene, New Hampshire.

(b) Any terms used in this order that are defined in the gasoline rationing regulations shall have the meaning therein given them.

(c) This Suspension Order No. 141 shall become effective 12:01 A. M. October 12, 1942, and unless sooner terminated, shall expire 12:01 A. M. November 11, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); WPB Directive No. 1 and Supplementary Directive No. 1H, 7 F.R. 562, 3478, 3877)

Issued this 10th day of October 1942.

PAUL M. O'LEARY,
Deputy Administrator
In Charge of Rationing.

[F. R. Doc. 42-10199; Filed, October 10, 1942; 1:00 p. m.]

WAR MANPOWER COMMISSION.

[Directive XIII]

EMPLOYMENT OF WORKERS PREVIOUSLY EMPLOYED AS PRODUCTION OR MAINTENANCE WORKERS IN GOLD MINES

By virtue of the authority vested in me as Chairman of the War Manpower Commission, and having found after consultation with the members of the War Manpower Commission that substantial numbers of persons, heretofore employed as production or maintenance workers in gold mines, are or will be unemployed, that such persons possess skills needed in and readily adaptable for use in essential non-ferrous metal industries, that critical labor shortages in essential non-ferrous metal industries can be greatly alleviated by the employment in such industries of such persons, and that the measures hereinafter set forth are necessary to promote the effective mobilization and maximum utilization of the Nation's manpower in the prosecution of the war, it is hereby declared to be the policy of the War Manpower Commission that:

I. On and after the date hereof no employer shall hire in, or hire for work in, Alaska or any State west of the Mississippi River, any person who on or after October 7, 1942, has ceased to be employed as a production or maintenance worker in connection with gold mining except upon referral of such worker to such employer by the United States Employment Service.

II. No person who on or after October 7, 1942, has ceased to be employed as a production or maintenance worker in connection with gold mining shall be referred by the United States Employment Service to any work in Alaska or a State west of the Mississippi River other than work in essential non-ferrous metal mining, milling, smelting, and refining activities unless such referral would be in the best interests of the war effort or unless the denial of such referral would entail an undue hardship upon the individual concerned, as determined in accordance with regulations and standards prescribed by the Chairman of the War Manpower Commission.

III. Any worker or employer, or group of workers or employers, dissatisfied with any act or failure to act pursuant to this directive shall be given a fair opportunity to present his or their case to the local area War Manpower Committee. Such Committee shall make recommendations concerning such cases as well as other matters pertaining to the carrying out of this directive in its area to the manager of the appropriate local employment office of the United States Employment Service. The Chairman of the War Manpower Commission shall prescribe regulations and procedures for the carrying out of the responsibilities of local area committees under this directive, including procedures for the review of the recommendations of such committees by Regional War Manpower Committees and by the National Management-Labor Policy Committee.

IV. All persons are hereby enjoined to observe strictly all provisions of this directive and all provisions of regulations and interpretations issued by the Chairman of the War Manpower Commission in implementation of this directive.

V. Each department and agency of the Federal Government is hereby directed to take all lawful and appropriate steps under authority vested in it by law to achieve and promote compliance with the provisions of this directive.

VI. This directive may be cited as the "Employment of Gold Mine Production and Maintenance Workers Directive."

PAUL V. MCNUTT,
Chairman.

OCTOBER 7, 1942.

[F. R. Doc. 42-10123; Filed, October 9, 1942; 12:30 p. m.]

OCT 15 1942

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 7 NUMBER 202

Washington, Wednesday, October 14, 1942

Regulations

TITLE 7—AGRICULTURE

Chapter VIII—Sugar Agency

PART 802—SUGAR DETERMINATIONS

WAGE RATES FOR HARVESTING LOUISIANA SUGARCANE

Determination of fair and reasonable wage rates for harvesting sugarcane in Louisiana between September 1, 1942, and June 30, 1943.

Whereas section 301 (b) of the Sugar Act of 1937, as amended, provides the following as one of the conditions for payment to producers of sugar beets and sugarcane:

> That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, and the differences in conditions among various producing areas: *Provided, however,* That a payment which would be payable except for the foregoing provisions of this subsection may be made, as the Secretary may determine, in such manner that the laborer will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work, and that the producer will receive the remainder, if any, of such payment.

and

Whereas the Secretary of Agriculture has held public hearings in Louisiana for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable wage rates for persons employed in the harvesting of sugarcane during the period from September 1, 1942, to June 30, 1943.

Now, therefore, I, Claude R. Wickard, Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearing and all other information before me, do hereby make the following determination:

§ 802.24j *Fair and reasonable wage rates for persons employed in the harvesting of sugarcane in Louisiana between September 1, 1942, and June 30, 1943.* The requirements of section 301 (b) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to the harvesting of sugarcane in Louisiana during the period from September 1, 1942, to June 30, 1943, if all persons employed on the farm during that period in the harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates not less than the following:

(a) *Time rate*

	Per day of 9 hours	Per hour (cents)
Cutting, topping, and stripping:		
Adult males	$1.85	21.0
Adult females	1.50	17.0
Loading	2.25	25.0
Cutting and loading	2.00	22.0
Tractor drivers and truck drivers	2.30	26.0
Teamsters	2.20	24.0
Hoist operators	2.00	22.0
Any other harvesting operations not connected with mechanical loading or mechanical harvesting:		
Adult males	1.55	17.0
Adult females	1.25	14.0
Operations connected with mechanical loading or mechanical harvesting:		
Operators of mechanical loading or harvesting equipment	2.45	27.0
Grabmen, spotters, ropemen	2.25	25.0
Pilers	2.00	22.0
Scrappers	1.85	21.0
Other operations connected with mechanical loading or mechanical harvesting	1.85	21.0

(b) *Tonnage rates*—(1) *Green sugarcane, per ton.*

Variety of sugarcane	Cutting, topping, and stripping	Loading	Cutting and loading as combined operation
Co. 290, C. P. 29-103, or C. P. 29-116	$0.80	$0.19	$0.99
All other varieties	.93	.25	1.18

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1934

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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(2) *Burnt sugarcane, per ton.*

Variety of sugarcane	Cutting, topping, and stripping	Loading	Cutting and loading as combined operation
Co. 290, C. P. 29-103, or C. P. 29-116	$0.62	$0.19	$0.81
All other varieties	.68	.25	.93

(c) *Rates for harvesting operations performed by children.* (1) For children between the ages of 14 and 16 years, the rate per day of 8 hours (maximum hours per day for such children) shall be not less than three-fourths of the rates established above for adult male workers for a 9-hour day. For a working day shorter than 8 hours, the rate shall be in proportion.

(2) The piece rates for children between the ages of 14 and 16 years shall be the same as those established above for adults (except that such children shall not be so employed or permitted to work for more than 8 hours per day).

Provided, however, (i) That the piece rate for a particular harvesting operation calculated on a basis other than prescribed in this determination shall be such as to provide earnings per 9-hour day or per hour of not less than the daily or hourly rates specified above for such operation;

(ii) That for a working day longer or shorter than 9 hours, the applicable time rate for a particular harvesting operation shall be the hourly rate specified above for such operation;

(3) That the producer shall furnish to the laborer without charge the customary perquisites, such as a habitable house, a suitable garden plot with facilities for its cultivation, pasturage for livestock, medical attention, and similar incidentals;

(4) That the producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined above; and

(5) That nothing in this determination shall be construed to mean that a producer may qualify for a payment under the act who has not paid in full the amount agreed upon between the producer and laborer. (Sec. 301, 50 Stat. 909; 7 U.S.C. 1940 ed. 1131).

Done at Washington, D. C., this 10th day of October 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-10236; Filed, October 12, 1942; 11:17 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Agricultural Marketing Administration

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

TREV. MOORE SALES-SERVICE, HYNES, CALIF.

OCTOBER 12, 1942.

Trevor H. (Trev.) Moore, doing business as Trev. Moore Sales-Service, Hynes, California—Notice under Packers and Stockyards Act.[1]

Whereas, the Trev. Moore Sales-Service was posted on December 16, 1940, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas, it appears that the Trev. Moore Sales-Service is not being operated as a stockyard within the meaning of that term as defined in said Act;

Now, Therefore, notice is hereby given that the Trev. Moore Sales-Service no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary of Agriculture.[2]

[F. R. Doc. 42-10278; Filed, October 13, 1942; 11:11 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 240]

PART 239—CHARTER TRIPS AND SPECIAL SERVICES

[Amendment 2 of § 239.1]

Amendment of § 239.1 *Charter trips and special service by air carriers holding Certificates of Public Convenience and Necessity.*

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 29th day of September 1942.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 401 (f) thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

Effective October 5, 1942, paragraph (a) of § 239.1 of the Economic Regulations is hereby amended by striking out the words "the Military Director of Civil Aviation or his designee," and inserting in lieu thereof the words "the Commanding General, The Air Transport Command, or his designee".

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-10298; Filed, October 13, 1942; 11:40 a. m.]

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

PART 30—TRAVEL AND OTHER CONDUCT OF ALIENS OF ENEMY NATIONALITIES

CLASSES OF PERSONS CONTROLLED BY REGULATIONS

Section 30.1 is amended to read as follows:

§ 30.1 *Classes of persons controlled by these regulations.* Except as hereinafter expressly excluded by § 30.2, persons in the United States (including Puerto Rico and the Virgin Islands) required to comply with these regulations are as follows:

(a) All aliens of the age of 14 years or older who were or are citizens or subjects of Germany or Japan.

(b) All aliens of the age of 14 years or older who at present are stateless but who at the time at which they became stateless were citizens or subjects of Germany or Japan.

Section 30.2 is amended by revising paragraphs (a) and (b), by striking therefrom paragraphs (c) and (d), by adding thereto a new paragraph marked (c) and by redesignating paragraph (e) as paragraph (d).

Section 30.2 will now read as follows:

§ 30.2 *Classes of persons not required to comply with these regulations.* Persons not required to comply with these regulations are as follows:

(a) Former German or Japanese citizens or subjects who before December 7, 1941, in the case of former Japanese citizens or subjects, and before December 8, 1941, in the case of former German citizens or subjects became and are citizens or subjects of any nation other than Germany or Japan.

(b) Austrians or Austrian-Hungarians (Austro-Hungarians) or Koreans who registered as such under the Alien Registration Act of 1940, provided that such persons have not at any time voluntarily become German or Japanese citizens or subjects.

(c) All citizens or subjects of Italy, and all aliens who at present are stateless but who at the time at which they became stateless were citizens or subjects of Italy.

(d) Aliens of enemy nationalities during their term of military service in the armed forces of the United States.

But these regulations shall not be construed as defining or limiting the classes of aliens of enemy nationalities subject to apprehension, detention, or internment or the other provisions of the aforesaid Proclamations.

Effective date of these amendments is October 19, 1942.

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 42-10280; Filed, October 13, 1942; 11:14 a. m.]

TITLE 29—LABOR

Chapter II—National Labor Relations Board

[Amendment to Rules and Regulations—Series 2—as Amended]

PART 202—PROCEDURE UNDER SECTION 10 OF THE ACT FOR THE PREVENTION OF UNFAIR LABOR PRACTICES

EXCEPTIONS, ETC.

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935, the National Labor Relations Board hereby issues the following amendments to its Rules and Regulations—Series 2—as amended (General Rules and Regulations) which it finds necessary to carry out the provisions of said Act. Said amendments to the Rules and Regulations—Series 2—as amended, shall become effective upon the signature of the original amendments by the members of the Board, and upon the publication thereof in the FEDERAL REGISTER.

Sections 202.33 and 202.37,[1] National Labor Relations Board Rules and Regulations, Series 2—as amended, are hereby amended in the following manner: § 202.33 is amended by changing the word "thirty" in the first sentence of the first paragraph thereof to the word "fifteen" and by changing the word "twenty" in the first sentence of the last paragraph thereof to the word "ten". § 202.37 is amended by changing the word "thirty" in the first sentence of the second paragraph thereof to the word "fifteen" and by changing the word "twenty" in the first sentence of the last paragraph thereof to the word "ten". As amended, §§ 202.33 and 202.37, Rules and Regulations—Series 2—as amended, shall read as follows:

§ 202.33 *Exceptions; time for filing; where to file; service on parties; extension of time; effect of failure to include matter in exception.* Within fifteen days from the date of the entry of the order transferring the case to the Board, pursuant to § 202.32, any party may file with the Board at Washington, D. C., an original and four copies of a statement in writing setting forth such exceptions to the Intermediate Report or to any other part of the record or proceeding (including rulings upon all motions or objections) as he relies upon, together with the original and four copies of a brief in support thereof. Immediately upon the filing of the statement of exceptions, the party filing the same shall serve a copy thereof upon each of the other parties and shall file a copy with the Regional Director. Upon proper cause shown, the Board may extend the period within which to file a statement of exceptions or brief.

---

[1] Modifies list posted stockyards 9 CFR 204.1.

[2] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81, 7 F.R. 2656).

[1] F.R. 4604.

No matter not included in a statement of exceptions may thereafter be objected to before the Board, and failure to file a statement of exceptions shall operate as a submission of the case to the Board on the record.

Should any party desire permission to argue orally before the Board, request therefor must be made in writing to the Board within ten days after the date of the entry of the order transferring the case to the Board (or in Board cases the date of filing the Intermediate Report), pursuant to § 202.32. The Board shall notify the parties of the time and place for oral argument, if such permission is granted.

§ 202.37 *Procedure before Board in cases over which it has assumed jurisdiction.* After a hearing for the purpose of taking evidence upon the complaint in any proceeding over which the Board has assumed jurisdiction in accordance with § 202.36, the Board may:

(a) Direct that the Trial Examiner prepare an Intermediate Report, in which case the provisions of §§ 202.32 to 202.35, inclusive, shall insofar as applicable govern subsequent procedure, and the powers granted to Regional Directors in such provisions shall for the purpose of this section be reserved to and exercised by the Board; or

(b) Reopen the record and receive further evidence before a member of the Board, or other agent or agency; or

(c) Issue proposed findings of fact, proposed conclusions of law, and proposed order; or

(d) Make other disposition of the case.

Within fifteen days from the date of filing the Intermediate Report pursuant to paragraph (a) of this section, or from the date of issuance of proposed findings of fact, proposed conclusions of law, and proposed order, pursuant to paragraph (c) of this section, any party may file with the Board at Washington, D. C., an original and four copies of a statement in writing setting forth such exceptions to the Intermediate Report, or to the proposed findings, conclusions, and order, as the case may be, or to any other part of the record or proceeding (including rulings upon all motions or objections) as he relies upon, together with the original and four copies of a brief in support thereof. Immediately upon the filing of the statement of exceptions and brief the party filing the same shall serve copies with the Regional Director. Upon proper cause shown, the Board may extend the period within which to file a statement of exceptions or brief.

Should any party desire permission to argue orally before the Board, request therefor must be made in writing to the Board within ten days after the date of the Intermediate Report or the date of the proposed findings, conclusions, and order, as the case may be. The Board shall notify the parties of the time and place for the oral argument, if such permission is granted. Thereafter the Board shall forthwith decide the matter or make other disposition of the case.

(Sec. 6 (2), 49 Stat. 452; 29 U.S.C., Sup. IV, 156)

Signed at Washington, D. C., this 12th day of October 1942.

H. A. MILLIS,
Chairman.

WM. M. LEISERSON,
Member.

GERARD D. REILLY,
Member.

[F. R. Doc. 42-10260; Filed, October 12, 1942; 3:19 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Dockets Nos. A-1646 and A-1647]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING RELIEF, ETC.

Order of consolidation and order granting temporary relief and conditionally providing for final relief in the matter of the petitions of District Board No. 11 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 11.

Original petitions having been duly filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11; and

It appearing that the above-entitled matters raise similar and related issues; and

It further appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matters; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: September 30, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members*—Supplement R

Mine index No.	Code member	Mine	Seam	Subdistrict	Freight origin group	Price group	Shipping point	Railroad
795	Peacock Mining Company	Peacock	V	BO	20	11	Boonville	Sou.

Mine Index No. 795 shall be included in Price Group 11 and shall take the same f. o. b. mine prices as other mines in Price Group 11 in Minimum Price Schedule, District No. 11, For All Shipments Except Truck. It shall also take the same adjustments in f. o. b. mine prices on account of differences in freight rates as other mines in Freight Origin Group 20 of the Boonville Subdistrict having the same freight rate.

Mine Index No. 795 shall be accorded the same prices for railroad locomotive fuel as shown in §331.10 in Minimum Price Schedule, District No. 11, For All Shipments Except Truck as are shown for Mine Index No. 87.

Docket A-1646

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.													
				1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16
PERRY COUNTY																	
Bolin, Bennie	497	Bolin	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55
WARRICK COUNTY																	
Houston, Gurney E. (Houston Mining Company).	1353	No. 3	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55
Wilson, R. H	1352	Wilson	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55

[F. R. Doc. 42-10238; Filed, October 12, 1942; 11:30 a. m.]

[Docket No. A-1587]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 14 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 14.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 14; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 334.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R and § 334.24 (*General prices for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

No price classifications or minimum prices are proposed by petitioner for the coals, in Size Group 12, produced from the No. 1 Mine of code member E. A. Watkins (Mine Index No. 607) and the Thayer Mine (Mine Index No. 608) in Subdistrict 5 in District No. 14, nor for the coals, in Size Group 12, produced from the New Paradise Mine (Mine Index No. 610) in Subdistrict 3 in District No. 14. However, the joint order issued in Docket Nos. A-137, A-208 and A-251, on March 28, 1942, 7 F. R. 2703, permanently established a price classification of "L" for all shipments except truck and a minimum price of $3.00 per ton for truck shipments, for the coals in Size Group 12 produced from mines in Production Groups 2 to 9, inclusive, in District No. 14. For the purpose of uniformity, it is deemed advisable to establish classifications and minimum prices for the above-named mines which will correspond with those in effect for other mines in the same subdistricts producing comparable and analogous coals. Accordingly, price classifications and minimum prices for all shipments except truck and for truck shipments have been included in the attached schedules marked "Supplement R" and "Supplement T" for the coals in Size Group 12, produced from Mine Index Nos. 607, 608 and 610.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: September 29, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14, and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Code member	Mine index No.	Mine name	Production group No.	Shipping point
Loftis, Earl	609	Loftis Mining Co	10	Stigler, Okla
New Paradise Coal Company (Harold Arnold)	610	New Paradise	3	Paris, Ark
Thayer, Willard (Thayer Coal Company)	608	Thayer	5	Excelsior, Ark
Watkins, E. A	607	No. 1	5	Mansfield, Ark

RR	Freight origin grp. No.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
MV	15	----	----	B	----	----	----	----	----	----	----	----	----	----	B	----	----	----	----	----	A
MP	14	----	----	C	----	----	----	----	----	----	----	----	L	----	B	----	----	----	N	----	----
MV	15	----	----	C	----	----	----	----	----	----	----	H	L	----	B	B	B	----	P	----	----
SLSF	16	----	----	F	----	----	----	----	----	----	----	----	L	----	B	----	----	----	Q	----	----

The above classifications are subject to the Order granting temporary relief in Docket A-1360.

FOR TRUCK SHIPMENTS

§ 334.24 *General prices for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Sub-district No.	County	Prices and size group Nos.																			
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Loftis, Earl	609	Loftis Mining Co.	10	Haskell	-----	-----	400	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	135	-----	-----	-----	-----	-----	500
New Paradise Coal Company (Harold Arnold).	610	New Paradise	3	Logan	-----	-----	385	-----	-----	-----	-----	-----	-----	-----	-----	300	-----	135	-----	-----	-----	325	-----	-----
Thayer, Willard (Thayer Coal Company)	608	Thayer	5	Sebastion	-----	-----	385	-----	-----	-----	-----	-----	-----	-----	325	300	-----	135	115	105	-----	280	-----	-----
Watkins, E. A.	607	No. 1	5	Sebastion	-----	-----	335	-----	-----	-----	-----	-----	-----	-----	-----	300	-----	135	-----	-----	-----	270	-----	-----

The above prices are subject to the Order granting temporary relief in Docket A-1360.

[F. R. Doc. 42-10237; Filed, October 12, 1942; 11:30 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[General Imports Order M-63, as Amended September 30, 1942 [1]]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain imported materials for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1042.1 *General Imports Order M-63* [2]—(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether or not incorporated.

(2) "Owner" of any material means any person who has any property interest in such material except a person whose interest is held solely as security for the payment of money.

(3) "Consignee" means the person to whom a material is consigned at the time of importation.

(4) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States (including the Philippine Islands). It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments in bond into the continental United States for transshipment to Canada, Mexico, or any other foreign country.

(5) "Place of initial storage" means any warehouse, yard ground storage, or other place, to which the person making the entry or withdrawal from custody of the United States Bureau of Customs of material imported subject to this order directs or has directed that such material be transported from the port of entry to be held until disposed of pursuant to this order.

(6) Material shall be deemed "in transit" if either it is afloat or an on board ocean bill of lading has actually been issued with respect to it.

(b) *Restrictions on imports of materials.* (1) After the date upon which any material is first made subject to this order, no person, other than the Board of Economic Warfare, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation, and any other United States governmental department, agency or corporation, or any agent acting for such company, department, agency, or corporation, shall, except as authorized or otherwise directed in writing by the Director General for Operations, purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for the importing of, any such material. No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation of any such material unless such bank or person has received either a copy of the authorization issued by the Director General for Operations, or, if the material is one of those on List I or List II, an affidavit stating that the material is imported under a contract made before, or in existence on, the date when such material was first made subject to the provisions of this order. The materials subject to this order are those listed upon List I, List II, and List III attached hereto, and those hereafter made subject to this order by the Director General for Operations.

(2) Any person desiring such authorization, whether owner, purchaser, seller, or consignee of the material to be imported, or agent of any of them, shall make application therefor in duplicate on Form PD-222-C, addressed to the War Production Board, Ref.: M-63, Washington, D. C.

(3) Unless otherwise directed by the Director General for Operations, this prohibition shall not prevent the importing, under the restrictions hereinafter set forth, of any material on List I or List II by any person under any contract made before, or in existence on, the date when such material was first made subject to the provisions of this Order M-63.

(4) This prohibition shall apply, however, to the importing of any material on List III by any person under any contract or other arrangement whether made prior or subsequent to the date upon which such material was made subject to the order except where on such date such material was in transit to a point within continental United States.

(5) Unless otherwise directed by the Director General for Operations, the restrictions set forth in this paragraph (b) shall not apply to any material of which any United States governmental department, agency, or corporation is the owner at the time of importation or to any material which the owner at the time of importation had purchased or otherwise acquired from any United States governmental department, agency, or corporation.

(c) *Restrictions on disposition of imported material on List I.* Except as hereinafter specifically provided in paragraph (d) hereof:

(1) *Restrictions upon owners and consignees.* No owner or consignee of any material on List I which is imported after such material has become subject to this order shall in any way, directly or indirectly:

(i) Dispose of any interest in such material;

(ii) Process or in any way change the physical condition of such material;

(iii) Transfer possession, or cause or permit a transfer of possession, of such material except to the port of entry and from the port of entry to the place of initial storage of such material; or

(iv) Change, or cause or permit a change of, the location of such material except to the port of entry and from the port of entry to the place of initial storage of such material.

Provided: That a consignee of such material may dispose of his interest in such material to the extent necessary to complete any commitment or contract made prior to the effective date of this order.

The person to whom he disposes of such interest shall be subject to all restrictions imposed upon owners by this order.

(2) *Restrictions upon banks and persons similarly situated.* No bank or other person which, as agent, pledgee, beneficiary under a trust receipt, or otherwise, has possession of or any interest in any written instrument evidencing any interest in any material on List I shall in any way, directly or indirectly, dispose of any such interest, or transfer possession, or cause or permit a transfer of possession, of such instrument, unless: (i) Such material was imported before it became subject to this order; or

(ii) Such person neither knows nor has reason to know that such material was imported after it became subject to this order; or

(iii) Such disposition or transfer is necessary to permit a consignee to make a permissible disposition of material in accordance with subparagraph (1) of this paragraph (c); or

(iv) Such disposition or transfer is made to the owner of the material and such owner has complied with all the provisions of this order.

(d) *Permissible disposition of imported materials on List I*—(1) *Transfer to Governmental agency.* Nothing contained in this order shall prohibit any person having any interest whether as owner, consignee, or otherwise, in any material on List I imported after such material has become subject to this order from disposing of, or making any arrangement to dispose of, any interest in such material to the Board of Economic Warfare, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation, or any other United States governmental department, agency, or corporation.

(2) *Authorization by Director General for Operations.* Notwithstanding the provisions of paragraph (c), an owner of material on List I imported after such material has become subject to this order or a bank or other person having possession of or an interest in a written instrument evidencing an interest in such material, may process such material or may dispose of any interest in such material or any such written instrument, or transfer possession or change the location thereof, or cause or permit such a transfer of possession or change of location, upon written authorization by the Director General for Operations. Any such person may make application in duplicate for such an authorization on Form PD-222A, which form shall be addressed to the War Production Board, Ref: M-63, Washington, D. C.

(3) *Exceptions.* The restrictions set forth in paragraph (c) shall not apply to any material of which any United States governmental department, agency, or corporation is the owner at the time of importation, and shall not apply to any such material after any United States governmental department, agency, or corporation becomes the owner thereof, and shall not apply to any material purchased or otherwise acquired from any United States governmental department, agency, or corporation.

(e) *Restrictions on disposition of imported material on List II or List III.* Any material on List II or List III, which is imported after such material has become subject to this order, may be sold, processed, consumed, or otherwise disposed of without restriction, subject to the provisions of paragraph (f) hereof as to reports, and subject to the provisions of Priorities Regulation No. 1 (Part 944), hereinafter mentioned, and of any general preference, conservation, or limitation order of the Director General for Operations which now or hereafter may be in effect with respect to such material.

(f) *Reports*—(1) *Reports of existing contracts to the War Production Board.* Promptly after any List I or List II material has become subject to this order, every person other than any United States governmental department, agency, or corporation, or any agent acting for any such department, agency, or corporation who has outstanding any order, contract, or other arrangement for the importing of any such material or who has heretofore acquired for import any such material which has not physically arrived at the port of entry thereof when this order becomes effective with respect thereto, shall report all relevant facts with respect to such material to the War Production Board, Ref: M-63, Washington, D. C. Such report shall be filed in duplicate.

(2) *Reports of authorized contracts to the War Production Board.* Every person (other than any United States governmental department, agency, or corporation, or any agent acting for such department, agency, or corporation), who is authorized by the Director General for Operations under paragraph (b) hereof, to make any contract or other arrangement for the importing of any material subject to this order, shall promptly report all relevant facts with respect to any contract or other arrangement entered into pursuant to such authorization to the War Production Board, Ref: M-63, Washington, D. C. Such report shall be filed in duplicate.

(3) No material which is imported after it has become subject to this order, including materials imported by or for the account of the Board of Economic Warfare, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation, or any other United States governmental department, agency, or corporation, shall be entered through the United States Bureau of Customs for any purpose, whether for consumption, for warehouse, in transit, in bond, for re-export, for appraisal, or otherwise, unless the person making the entry shall file with the entry Form PD-222-B in duplicate. No material on List I or List II which was imported prior to July 2, 1942, and which on July 2, 1942, was in a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States shall be withdrawn for consumption unless the person making the withdrawal shall file with the withdrawal Form PD-222-B in duplicate. Both copies of such form shall be transmitted by the Collector of Customs to the War Production Board, Stockpile and Shipping Branch, Ref: M-63, Washington, D. C.

(4) *Other reports.* All persons having any interest in, or taking any action with respect to, any material imported after it has become subject to this order, whether as owner, agent, consignee, or otherwise, shall file such other reports as may be required from time to time by the War Production Board.

(g) *Routing of communications.* All communications concerning this order shall, unless otherwise herein directed, be addressed to: War Production Board, Washington, D. C., Ref.: M-63.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or who furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority assistance.

(i) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(j) *Effective date.* This order shall take effect at 12:01 a. m. on the 30th day after June 2, 1942, and shall continue in effect until revoked. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

LIST I

[Attached to General Imports Order M-63, as Amended September 30, 1942]

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1941, as supplemented January 1, 1942). Materials are included in the list to the extent that they are covered by the commodity numbers listed below.

Material	*Commerce import class No.*
Asphalt	5394. 0 5078. 1 5079. 1
Beef and mutton tallow—includes oleo stock	0036. 6
Beef and mutton tallow (inedible)—includes oleo stock	0815. 6
Brazilian pebble (quartz crystals), unmanufactured	5120. 6
Brazilian pebble (quartz crystals), manufactured and semi-manufactured in blanks, slabs, bars, etc	[1] N. S. C.
Castor beans	2231. 0
Castor oil	226. 02

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[1] This order as amended makes certain changes in Lists I, II, and III.

[2] This document is a restatement of Amendment 6 to M-63, which appeared in the FEDERAL REGISTER of October 1, 1942, page 7773, and reflects the order in its completed form as of September 30, 1942.

[1] N. S. C.=No Separate Class. Commodity number has not yet been assigned by the Department of Commerce, Statistical Classification of Imports.

Material	*Commerce import class No.*
Cinchona bark or other bark from which quinine may be extracted	2201.0
Cod oil	0804.0
Columbium ore (columbite) or concentrates	6270.3
Cottonseed oil, crude, refined	1423.1
	1423.2
Divi-divi pods	232.14
Divi-divi, hemlock, and chestnut extracts	2345.0
Flax, unmanufactured (all types)	3261.0
	3262.5
	3262.6
	3262.7
	3262.8
	3262.9
Flaxseed (linseed)	2233.0
Glycerine—crude and refined	8290.0
	8291.1
Goose down	[1] N.S.C.
Graphite or plumbago:	
Amorphous, natural (except of Mexican origin)	5730.1
Crystalline, flake	5730.5
Crystalline, lump, chip, or dust	5730.6
Hemp (Cannabis Satiba type only) unmanufactured:	
Hackled, including "line of hemp"	[1] N. S. C.
Not hackled	[1] N. S. C.
Tow	[1] N. S. C.
Horse mane and tail hair, including switches	3694.0
	3694.1
Lac, crude, seed, button and stick	2105.0
Linseed oil, and combinations and mixtures, in chief value of such oil	2254.0
Mangrove extract	2342.0
Metallic mineral substances in crude form, not otherwise classified (such as drosses, skimmings, residues, brass foundry ash, and flue dust)	674.19
Muru muru nuts and kernels	2239.63
	2239.64
Muru muru nut oil	[1] N.S.C.
Myrobalan fruit and extract	2304.0
	2345.8
Neatsfoot oil and animal oils known as neatsfoot stock	0808.95
Oleo oil	0036.2
Peanut (ground nut) oil	1427.0
Quebracho extract	2344.0
Rotenone bearing roots (cube root (timbo or barbasco), derris and tuba), crude and advanced	221.28
	221.30
	222.36
	222.37
Rubber seed	2239.5
Rubber seed oil	[1] N. S. C.
Rutile	6270.2
Sunflower oil (edible)	1421.0
Sunflower oil (denatured)	2247.0
Tantalum ore (tantalite)	6270.4
Tara	232.23
Tucum nuts and kernels	2239.65
	2239.66
Tucum oil	[1] N.S.C.
Valonia beards and valonia extract	2307.0
	2345.1
Wattle extract	2345.5
Whale oil (other than sperm)	0803.5
Wool (apparel, finer than 44's)	3520.0
	3521.1
	3521.2
	3521.3
	3522.0
	3523.1
	3523.2
	3523.3
	3526.0
	3527.1
	3527.2
	3527.8
Wool (apparel, finer than 44's)—Con.	
	3528.0
	3529.1
	3529.2
	3529.3
Wool grease, including degras or brown wool grease (all grades)	0813.2
	0813.3
	0813.5
Zirconium ore	6270.5

LIST II

[Attached to General Imports Order M–63, as Amended September 30, 1942]

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1941, as supplemented January 1, 1942). Materials are included in the list to the extent that they are covered by the commodity numbers listed below.

Material	*Commerce import class No.*
Aluminum scrap	6302.3
Antimony	6650.0
	6651.0
	6651.1
	838.180
	838.210
Asbestos, unmanufactured (originating in Rhodesia or Union of South Africa)	5500.0
	5500.1
	5501.0
	5501.1
	5501.9
	5502.1
Babassu nuts and kernels	2239.13
	2239.15
Babassu nut oil	2257.1
Balsa wood:	
Logs	4029.1
Sawed boards, planks, deals, and sawed timber	4118.0
Beryl ore or beryllium ore	6270.0
Beryllium oxide, carbonate and other beryllium salts	838.963
Cashew nut oil and shell oil	2257.2
Cattle, ox, and calf tail hair including switches	3696.1
Chrome ore (chromite)	6213.0
Coconut oil	2242.5
Cohune nuts and kernels	[1] N. S. C.
Cohune nut oil	[1] N. S. C.
Copper	6401.8
	6417.1
	643.00
	6418.3
Copper and brass scrap	6401.9
	6418.1
	6453.0
	676.02
Copra	2232.0
Corn or maize oil (edible)	1422.0
Corundum and emery in grains, or ground, pulverized, or refined	547.01
Corundum ore	5460.0
Cotton linters, munitions, or chemical grades only (Grades 3–6 according to Department of Agriculture Classification)	[1] N. S. C.
Cotton yarns and fabrics as follows:	
Combed SAK cotton yarns, single or plied, in counts of 60's and finer	[1] N. S. C.
Tracing cloth	3970.0
Typewriter ribbon fabric	[1] N. S. C.
Type HH balloon fabric	[1] N. S. C.
Type SS balloon fabric	[1] N. S. C.
Type MM airplane cloth	[1] N. S. C.
Cottonseed hull fibre	[1] N. S. C.
Goat and kid skin furs	0711.4
Hides and skins:	
Cattle hides, dry and wet	0201.0
	0202.0
Buffalo hides, dry and wet	0203.0
	0203.1
Kip, dry and wet	0205.0
	0206.0
Calf, dry and wet	0207.0
	0208.0
Cabretta skins or hair sheep	0235.0
Goat and kidskins, dry and wet	0241.0
	0242.0
Shearlings (includes dry and green salted skins)	0231.3
Iron and steel scrap, fit only for remanufacture	6004.0
	6004.1
Istle or tampico fiber, unmanufactured	3405.0
Jute, unmanufactured	3241.0
Jute butts, unmanufactured	3242.0
Kapok	3403.0
Kyanite and sillimanite	593.95
Lead	6504.0
	6505.0
	6506.1
	6506.5
	6506.9
	6507.0
	6509.0
Lead, reclaimed, scrap, dross, etc	6505.1
Loofa (Luffa) sponges	[1] N. S. C.
Magnesium, metallic and scrap	676.31
Mahogany logs	4031.0
Mahogany, rough (not further manufactured than sawed)	4202.1
Mahogany, dressed (sawed and not further manufactured than planed, tongued, and grooved)	4204.1
Mercury-bearing ores and concentrates	[1] N. S. C.
Mercury or quicksilver (metallic)	6662.0
Meshta fiber	[1] N.S.C.
Metallic beryllium, caesium, lithium and potassium	838.870
Mica	5560.7
	5560.8
	5560.9
	5561.0
	5561.8
	5561.9
	5564.0
	5564.2
Mica splittings	5561.7
Nutgalls or gall nuts	2310.0
Oiticica oil	2255.6
Ouricury (uricury) nuts and kernels	2239.61
	2239.62
Ouricury (uricury) oil	[1] N. S. C.
Palm nut kernels	2236.5
Palm kernel oil	2248.0
Palm oil	2243.0
Pig and hog bristles	0917.0
	0979.1
Rapeseed oil, denatured and not denatured	2246.0
	2253.0
Shellac (unbleached and bleached)	2107.2
	2108.0
Silver:	
Ores, concentrates, and base bullion, valuable chiefly for silver content	6819.5
Bullion, refined	6819.6
Coin, foreign	6819.8
Sweepings and scrap, including silver sulphides	6819.9
Semiprocessed items, valuable chiefly for silver content	[1] N. S. C.
Compounds, mixtures, and salts, valuable chiefly for silver content	[1] N. S. C.
Sperm oil, crude, refined or otherwise processed	0803.0
	0803.1
Tin bars, blocks, pigs, grain, granulated or scrap, and alloys, chief value tin	6551.0
Tin-plate scrap	674.05
Tung oil	2241.0
Tungsten ore and concentrates	6232.0
Urena lobata fiber	[1] N.S.C.
Vanadium ore	6260.0
Zinc, blocks, pigs, or slabs	6558.2

[1] N. S. C.=No Separate Class. Commodity number has not yet been assigned by the Department of Commerce, Statistical Classification of Imports.

LIST III

[Attached to General Imports Order M–63, as Amended September 30, 1942]

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1941, as supplemented January 1, 1942). Materials are included in the list to the extent that they are covered by the commodity numbers listed below.

Material	*Commerce import class No.*
Alfalfa seed	2401.0
Agave carpet yarns, dyed or undyed	[1] N. S. C.
Argols, tartar and wine lees, and crude calcium tartrate	8329.0
	8330.0
	837.11
Balsams, crude, not containing alcohol	2141.0
	2141.3
	2141.4
	2141.5
	2141.9
Baskets and bags, wood, straw, etc	4221.0
	4221.2
	4221.5
	4221.6
	4221.9
Beeswax	0972.0
	0972.1
	0974.0
Blood, dried	8505.0
Bone black, bone char, and blood char	099.13
Bones, crude	0911.2
Bones, ground, ash, dust, meal, and flour	0911.3
Boxwood (logs)	4033.0
Brazil or cream nuts	1356.0
	1357.0
Butter	0044.0
Cacao butter	1420.0
Canary seed	2452.0
Candelilla wax	2252.2
Carnauba wax	2251.0
Caroa fiber	4692.8
Caroa yarn	[1] N.S.C.
Casein or lactarene	0943.0
Cashew nuts and kernels	1377.0
Cassia buds, unground	1533.0
Cassia, cassia vera, unground	1533.1
Cassia, cassia buds and cassia vera, ground	155.07
Cheese	0045.1–0046.99 inc.
Chicle, crude and refined or advanced	2131.0
	2189.3
China clay or Kaolin	5300.0
Cinnamon and chips of, unground	1526.0
Cinnamon and chips of, ground	155.03
Cocoa beans or cacao beans	1501.3
Coffee, raw or green; roasted or processed	1511.0
	1511.1
Combinations and mixtures of animal, vegetable, or mineral oils, or any of them, with or without other substances, not specifically provided for	226.12
Cotton linters, grades 1 and 2 (other than munitions and chemical grades)	[1] N. S. C.
Cotton, raw (all staple length)	3001.0
	3003.6
	3003.7
	3003.8
Cotton waste	3006.1
	3006.2
	3006.31
	3006.33
	3006.35
	3006.6
	323.38
	323.39
	985.902
	985.903
	985.905
Cottonseed oil fatty acids	226.22
Dog food	1190.7
	1190.8
Eggs (chicken)	0088.1
Ergot	221.33
Fabrics woven of agave fiber	[1] N. S. C.
Fatty acids and salts from animal oils	[1] N. S. C.
Fatty acids, not specifically provided for, derived from vegetable oils, animal or fish oils, animal fats and greases, not elsewhere specified:	
Linseed oil	226.21
Soybean oil	226.23
Other not elsewhere specified	226.24
Fatty alcohols and fatty acids sulphated, not elsewhere specified, and salts of fatty acids sulphated not elsewhere specified	226.28
Fish and shellfish and their products:	
Alewives and other pickled or salted fish, n. s. p. f.	0073.3–0073.9 inc.
Anchovies, canned, in oil or not in oil	0067.0
Crabs, fresh or frozen; prepared or preserved	0086.4
	0086.5
Herring, pickled or salted (all types)	0070.0–0070.9 inc.
Lobsters, canned and not canned	0083.0
	0084.0
Tuna fish, fresh or frozen	0058.0
Turtles	0086.2
Fish scrap and fish meal	0976.0, 8509.7
Fluorspar	5301.0
	5301.1
Fruits:	
Bananas	1301.0
Grapefruit	1302.0
Grapes, fresh (other than hothouse)	1318.5
Limes	1304.0
Melons	133.42
	133.43
Peaches, green, ripe, or in brine	133.61
Pears, green, ripe, or in brine	133.66
Ginger root, unground, not preserved or candied	1536.1
Ginger root, ground, not preserved or candied	155.08
Glue, except glue size and fish glue (value—under 40¢ lb.)	0940.1
Goat and kid hair except Angora (mohair) and Cashmere	3696.2
Grain and grain preparations:	
Barley malt	1080.0
Bran; shorts; and other wheat by-product feeds	1181.0
Corn	1031.0
Cracked corn	109.18
Oats, unground and ground	1041.0
	1041.1
Grain and grain preparations—Con.	
Rice, broken	1059.2
Rye	1044.0
Guano	8504.0
Hempseed	2238.0
Hempseed oil	226.03
Hibiscus canabinus or ferox	[1] N. S. C.
Hide cuttings, raw	0930.8
Hides and skins:	
Horse, colt, and ass	0211.1
	0211.3
	0212.1
	0212.2
	0212.3
	0212.5
Raw; deer, buck, or doe	0293.1
Sheep and lamb skins, except shearlings, cabrettas, etc.:	
Pickled skins, not split, no wool	0234.0
Pickled fleshers, split, flesh side	0234.1
Pickled skivers, split, grain side	0234.2
Slats, dry, no wool	0231.7
Other wooled, (wool on) except shearlings	0231.5
Honey	1654.8
Hydrogenated or hardened oils and fats, vegetable or animal	226.10
Ilmenite (including ilmenite sand)	6270.1
Iodine	8300.0
	838.630
Iron ore	6001.0
Kola nuts	221.49
Lamb and sheep fur	0711.3
Leather	0300.1–0345.9 inc.
Lignaloe oil or Bois de Rose	228.27
Mace, unground	1540.0
Mace, ground	155.09
Mace, Bombay or wild, unground	1549.2
Mace, Bombay or wild, ground	155.10
Mandoica flour	[1] N. S. C.
Mate	221.57
Maté, Yerba, advanced in value or condition (Paraguay tea)	177.90
Meat products:	
Beef and veal, pickled or cured	0029.0
Beef, canned, including corned beef	0028.0
Meat extracts, including fluid	0096.0
Offal, edible	0023.6
Pork, hams, shoulders, bacon, sausage; prepared, cooked, boned, canned, etc	0030.9
	0031.9
Sausage casings, sheep and lamb and goat only	0034.0
Sausage casings, other	0035.5
Milk, condensed and evaporated	0040.0
	0040.1
	0040.7
Molasses, edible and inedible	163.48–1640.0 inc.
Monazite sand and other thorium ore	593.30
Nitrates, Sodium and Potassium	8506.0
	8527.5
	8527.9
Nutmegs, unground	1539.0
Nutmegs, ground	155.11
Oil cake and oil cake meal, made of cottonseed, peanut, hempseed, and others (except coconut or copra, soybean, and linseed)	1114.0
	1119.6–1119.9 inc.
Oleo stearin	0036.2
Ouricury (uricury) wax	[1] N. S. C.
Paper base stock:	
Rags for paper stock	4691.0
Waste bagging, gunny cloth and bags	4692.0
Grasses, fibers, waste, shavings, clippings, etc	4692.9
Piassava fiber	[1] N. S. C.

Material	Commerce import class No.
Pigeons (all types)	[1] N. S. C.
Pimento (allspice), unground	1543. 0
Pimento (allspice), ground	155. 13
Rapeseed	2237. 0
Salts derived from vegetable oils, animal oils, fish oils, animal fats and greases, not elsewhere specified, or from fatty acids thereof	226. 26
Sesame oil	1428. 2 2249. 0
Sesame seed	2234. 0
Soap (except Castile) and soap powder	8712. 3–8719. 9 inc.
Soap bark seed or quillaya	221. 82
Sugar, cane	161. 75–161. 00 inc.
Sunflower seed	2240. 0
Tallow, vegetable	2250. 0
Tankage	0975. 0 8509. 6
Tanning materials and coloring agents:	
Annatto and annatto extracts	232. 00
Mangrove bark	232. 18
Quebracho wood	2305. 0
Tanning extracts (other than those listed on List I)	2345. 9
Wattle bark	2309. 0

Material	Commerce import class No.
Tapioca, tapioca flour, and cassava	1228. 0
Tea, not specially provided for	1521. 0
Tobacco, unmanufactured	2601. 0–2610. 0 inc.
Tonka beans	1546. 0
Vanilla beans	1545. 0
Vegetable ivory or tagua nuts	2911. 0
Vegetable soapstock	[1] N. S. C.
Other vegetable oil foots	[1] N. S. C.
Vegetables:	
Beans, dried	1192. 0
Chickpeas and garbanzos, dried	1200. 0
Garlic	1205. 0
Lentils	1199. 0
Lupines	1199. 1
Onions, edible	1208. 1
Peas, dried and split	1197. 0 1198. 0
Wool and related fibers:	
Alpaca, llama, and vicuna hair	3535. 0–3535. 4 inc.
Apparel wool, 44's or coarser	3506. 0–3509. 3 inc. 3513. 0–3514. 3 inc. 3524. 0–3525. 3 inc.
Carpet wool	3501. 0–3502. 3 inc.
Mohair	3530. 0–3530. 4 inc.
Wool noils and wastes	3550. 0–3553. 7 inc.

INTERPRETATION 1

No authorization under paragraph (b) of the order is necessary for the release or withdrawal of materials on List II or List III from a free port, a free zone, or the bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States regardless of the date when such materials first entered such place. The actual importation, which is the subject of restriction under paragraph (b), is deemed to have occurred before the question of release or withdrawal arises. Also, no authorization under paragraph (d) of the order is necessary for the subsequent disposition, processing, or shipment of such released or withdrawn List II and List III materials.

As to List I materials which are similarly situated, no authorization under paragraph (b) of the order is necessary for their release or withdrawal from free port, free zone, or bonded custody, but authorization under paragraph (d) of the order is necessary for their subsequent disposition, processing, or shipment unless they are shipped in bond to Canada, Mexico, or some other foreign country, in which event the foreign destination is deemed to be the place of initial storage as such term is used in the order.

[F. R. Doc. 42–10244; Filed, October 12, 1942; 11:45 a. m.]

PART 1052—KITCHEN, HOUSEHOLD AND OTHER MISCELLANEOUS ARTICLES

[Limitation Order L–30, as Amended September 30, 1942 [1]]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel and other materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1052.1 *General Limitation Order L–30*—(a) *Definitions.* For the purposes of this order:

(1) "Group I products" means the following: kitchen utensils used primarily in the preparation, cooking, and storage of foods for household, institutional, and commercial uses (except those utensils mentioned in paragraphs (a) (2), (a) (3) and (b) (4)).

(2) "Group II products" means the following kitchen, household, and other miscellaneous articles (whether manufactured for household or for any other purpose): wash basins, dish pans, rinsing pans, wash boilers, ash cans, garbage cans and pails (including step-on cans), wringer buckets, clothes wringers, pails (except dairy pails), commodes, chambers and chamber covers, combinets, bread boxes, funnels, liquid measures, galvanized and other portable tubs, wash boards, ironing boards, carpet sweepers, dust pans, refrigerator pans, and all kitchen tools, including (but not limited to) can openers, jar openers, bottle openers, beaters, ice cream dippers or scoops, corers, and mashers.

"Group II products" shall not include: (i) Any pail or tub designed expressly for use as a packing or shipping container; or (ii) any pail or tub which contains metal in only hoops, bails, ears and handles, provided that the total weight of such metal does not exceed 15% of the total weight of the pail or tub, and further provided that any such pail does not have more than two hoops and that any such tub with a capacity of less than 15 gallons does not have more than two hoops.

(3) "Group III products" means the following kitchen, household, and other miscellaneous articles (whether manufactured for household or for any other purpose): all closet accessories, including, but not limited to, coat and garment hangers and hooks, tie racks, and boot and shoe-trees, but excluding any paper board or wood garment and cloak hanger, the only scarce material content of which is a steel wire hook; all articles of fireplace equipment except fire screens, grates and dampers; towel bars and racks, tooth brush holders, soap dishes, soap savers, toilet and other paper holders, pot chains, fly swatters, sink drainers, dish drainers, cuspidors, vegetable bins, curtain rods, fixtures, and drapery attachments, clothes-pins, candlesticks, carpet beaters, pot cover holders, picnic stoves, camp grids, cup frames, and cake coolers.

(4) "Scarce materials" means the following: iron, steel, tin, aluminum, nickel, copper and copper base alloys, chromium and lead.

(5) "To use" a material means to put that material into production for the first time. (When a person is limited to a percentage of the material used in a base period, this limitation applies to the aggregate weight of such material when first put into production by that person, whether in the form of raw materials or as purchased parts.)

(6) "Manufacturer" means any person who produces or assembles any Group I, Group II, or Group III product.

(7) "Base period" means the twelve months ending June 30, 1941.

(8) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind used in the production of any Group I, Group II or Group III product.

(9) "Supplier" means any person who delivers material to a manufacturer or to another supplier.

(10) "Manufacturer's inventory" means raw materials, semi-processed materials or finished parts for use in the production of any Group I, Group II or Group III product, which prior to April 1, 1942 were either in the physical possession of the manufacturer or in the physical possession of a supplier, earmarked on a firm commitment for delivery to a manufacturer pursuant to a contract or commitment made prior to April 1, 1942.

(b) *General restrictions.* (1) During the period from the date of issuance of this order to the last day of the calendar month in which it is issued, inclusive.

(i) The average daily use of iron and steel by any manufacturer in his total production of Group I, Group II and Group III products shall not exceed his average daily aggregate use of scarce materials in the production of such products during the base period, and

(ii) The average daily use of zinc by any manufacturer in his total production of Group II and Group III products shall not exceed his average daily use of zinc in the production of such products during the base period,
Provided, That a manufacturer may use more than his quota of iron and steel or zinc under this subparagraph if, but only if, he reduces his corresponding quota under subparagraph (2) by an equivalent amount of iron and steel or zinc.

(2) During the three months' period beginning with the first day of the first calendar month following the date of issuance of this order, no manufacturer shall use

(i) More iron and steel in his total production of:

(*a*) Group I products than 22½ per cent of his aggregate use of scarce materials in the production of such products in the base period;

(*b*) Group II products than 17½ per cent of his aggregate use of scarce materials in the production of such products in the base period; or

(*c*) Group III products than 12½ per cent of his aggregate use of scarce materials in the production of such products in the base period;
except that a manufacturer may use in the production of Group I or Group II products any part of his quota of iron and steel for Group III products, and may use in the production of Group I products any part of his quota of iron and steel for Group II products: *Provided,* That he reduces his quota of iron and steel for Group III or Group II products, as the case may be, by an equivalent amount.

(ii) More zinc in his total production of Group II and Group III products than 12½ per cent of the zinc used by him in the production of such products during the base period.

(3) Effective the first day of the fourth calendar month following the date of issuance of this order, no manufacturer shall use any scarce materials or other metals in the production of Group III products.

(4) Nothing in this order shall limit the manufacture or production of electrical appliances, cutlery, and silver plated hollow-ware.

(5) Nothing in this order is intended in any way to prohibit a manufacturer from using a minimum amount of iron or steel for such nuts, nails, bolts, screws, clasps, rivets, and other joining hardware as are required to manufacture or assemble any Group I, II, or III product: *Provided, however,* That the aggregate weight of all joining hardware entering into any Group I, II, or III product shall not exceed 5% of the total weight of such product, when completed.

(6) Notwithstanding the provisions of paragraph (b) (2), any manufacturer may use in the production of carpet sweepers up to and including June 30, 1942, any iron or steel which was in such manufacturer's inventory and which had been so fabricated or processed prior to April 1, 1942 that it could not be used for any purpose other than the production of carpet sweepers for which it was originally fabricated or processed. On and after July 1, 1942, no manufacturer shall use any scarce materials in the production of carpet sweepers.

(7) Notwithstanding the provisions of paragraph (b) (2), any manufacturer may use in the production of curtain rods and fixtures and drapery attachments up to and including June 30, 1942.

(i) Any iron or steel which was in such manufacturer's inventory and which had been so fabricated or processed prior to April 1, 1942 that it could not be used for any purpose other than the production of curtain rods and fixtures and drapery attachments; and

(ii) Any steel designed for use in the production of curtain rods and fixtures and drapery attachments, which was in such manufacturer's inventory and had a paint or enamel coating prior to April 1, 1942.

(8) During the month of July, 1942, no manufacturer shall use:

(i) More iron and steel in his total production of:

(*a*) Group I Products than 90% of his average monthly use of scarce materials in the production of such products in the base period, or

(*b*) Group II Products than 70% of his average monthly use of scarce materials in the production of such products in the base period,
except that a manufacturer may use in the production of Group I Products any part of his quota of iron and steel for Group II Products, provided that he reduces his quota of iron and steel for Group II Products by an equivalent amount; or

(ii) More zinc in his total production of Group II Products than 50% of his average monthly use of zinc in the production of such products during the base period

(9) During the period of two months beginning August 1, 1942, no manufacturer shall use more iron and steel in his total production of:

(i) Group I products than two times 70% of his average monthly use of scarce materials in the production of such products in the base period, or

(ii) Group II products than two times 50% of his average monthly use of scarce materials in the production of such products in the base period,
except that a manufacturer may use in the production of Group I products any part of his quota of iron and steel for Group II products: *Provided,* That he reduces his quota of iron and steel for Group II products by an equivalent amount.

(10) During the month of October 1942 no manufacturer shall use more iron and steel in his total production of:

(i) Group I products than 70% of his average monthly use of scarce materials in the production of such products in the base period, or

(ii) Group II products than 50% of his average monthly use of scarce materials in the production of such products in the base period,

except that a manufacturer may use in the production of Group I products any part of his quota of iron and steel for Group II products: *Provided,* That he reduces his quota of iron and steel for Group II products by an equivalent amount.

(c) *Avoidance of excessive inventories.* Manufacturers of Group I, Group II and Group III products shall not accumulate for use in the manufacture of such products, inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of such products at the rates permitted by this order.

(d) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* Each manufacturer to whom this order applies shall file with the War Production Board such reports and questionnaires as said Board shall from time to time prescribe.

(g) *Violations.* Any person who wilfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order may be prohibited from receiving further deliveries of any materials subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Applicability of other orders.* Insofar as any other order issued, or to be issued hereafter, limits the use of any material in the production of Group I, Group II and Group III products to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(i) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance therewith would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(j) *Application of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(k) *Routing of correspondence.* All reports to be filed, appeals, and other communications concerning this order should be addressed to the War Production Board, Washington, D. C., Ref: L–30.

(l) *Effective date.* This order shall take effect on the date of its issuance, and shall continue in effect until revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10245; Filed, October 12, 1942; 11:44 a. m.]

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[1] This document is a restatement of Amendment 6 to M–63, which appeared in the FEDERAL REGISTER of October 1, 1942, page 7773, and reflects the order in its completed form as of September 30, 1942.

PART 1090—AGAVE FIBER

[General Preference Order M-84, as Amended September 25, 1942[1]]

Whereas the uncertainty of future shipments of agave fiber from abroad and national defense requirements for agave cordage and agave twine have created a shortage thereof for defense and for private account and for export, and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 1090.1 *General Preference Order M-84*—(a) *Definitions.* For the purposes of this order:

(1) "Agave fiber" means agave fiber of the species of agave sisalana, agave fourcroydes, and agave cantala, of all grades and qualities including tow, waste, and fiber under 20'' in length, commonly known in the trade as sisal, henequen, cantala and maguey, and sometimes preceded by an adjective designating the country or district of origin.

(2) "Agave cordage" means cables and ropes 3/16'' in diameter and larger, and twines used for fishing nets, in which agave fiber either alone or in combination with other material is used.

(3) "Processor" means any person who spins, twists, weaves or otherwise uses agave fiber in the production of cordage, twine or any other product.

(4) "Processing" means any use of agave fiber for the manufacture of any article or commodity into which agave fiber goes or of which it becomes a part.

(5) "Dealer" means any person who procures agave cordage or agave twine for storage or for sale, and includes selling agents and other commercially recognized agents acting for their own account or for others, whether or not acquiring title to such agave cordage or agave twine, but shall not include any person who imports agave cordage and/or agave twine.

(6) "Wrapping twine" means twine, including lath yarns (ply and yarn goods) as included in National Bureau of Standards Simplified Practice Recommendation R 92-38, and any other twine suitable for the same purposes for which those twines described in said Simplified Practice Recommendation R 92-38 are used, which contains agave fiber, but shall not include binder twine.

(7) "Binder twine" or "binding twine" means a single yarn twine, manufactured of agave fiber of the type customarily heretofore manufactured and sold in lengths measuring 500 feet, 550 feet, 600 feet or 650 feet to the pound, with a plus or minus tolerance of 5 per centum, containing a lubricant of not less than 10 per centum of the total weight of the twine and an insect repellent, and which is put up in balls of approximately 5 or 8 pounds each, is suitable for use with a harvesting machine, and is used in the harvesting of agricultural products.

(8) "Inventory" with respect to any person shall include all of any agave product held or controlled by such person at all warehouses, plants or places of storage, but shall not include any of such product while actually in transit or actually in use.

(9) "Supply" means the average monthly amount of any agave product withdrawn from inventory which has been resold or put into actual use:

(i) In the three calendar months preceding the calendar month for which supply is being calculated; or,

(ii) In the three calendar months of the previous year which immediately followed the calendar month of that year corresponding to the said calendar month for which supply is being calculated;

whichever of the two shall be the higher.

(10) "Basic monthly poundage" with respect to any cordage processor for any month shall be the average number of pounds per month of both Manila and agave cordage sold by such processor during the period from January 1, 1939, to December 31, 1941, minus 37% of such person's Manila fiber basic monthly poundage calculated as required by General Preference Order M-36: *Provided,* That any cordage processor keeping his books on a weekly basis may calculate his basic monthly poundage from the fifty-two week period of the 1939 calendar year and adjust any other calculations or quotas under this order.

(b) *Restrictions on sales and deliveries of agave fibers.* No person shall sell, or deliver, or make or accept delivery of agave fiber of any grade or quality; *except* that purchases, sales and deliveries of agave fiber may be made:

(1) By and to Defense Supplies Corporation.

(2) By and to persons importing or otherwise handling agave fiber in accordance with written instructions from Defense Supplies Corporation, provided, that such agave fiber is to be delivered, either processed or unprocessed, directly or through one or more other persons to Defense Supplies Corporation.

(3) By and to importers, dealers, jobbers, or processors, pursuant to contracts entered into on or before February 20, 1942, but only of agave fiber in the amounts specified in such contracts on or before the said date, or by any amendments or supplements thereto on or before August 5, 1942: *Provided, however,* That purchases, sales and deliveries under general requirements contracts or contracts to take all, or a specified percentage of a production may continue to be made until December 31, 1942.

(4) By and to importers, dealers, jobbers, or processors of agave fiber which has been rejected by Defense Supplies Corporation as unfit for its use.

(5) By and to importers, dealers, jobbers or processors of tow, waste, bagasse flume or fiber less than 20 inches in length, provided that such fiber was on hand in the United States on February 20, 1942, or was, or is thereafter imported into the United States pursuant to this paragraph (b).

(6) By processors to processors whether directly or through one or more other persons of agave fiber which was on hand in the United States on or before August 5, 1942, or which is thereafter imported into the United States pursuant to this paragraph (b).

(c) *Restrictions on the processing of agave fibers.* (1) Except as provided in paragraphs (c) (2), (3) and (4), no person shall process any agave fiber in the manufacture of any product except the products specified below, and then only from the fibers and in the amounts expressly permitted below. The quotas hereinbelow established shall include processing for delivery to or for physical incorporation into material or equipment to be delivered to, or for the account of, the Army of the United States, the United States Navy, the United States Maritime Commission, or the War Shipping Administration, or their general or operating agents.

(i) *Wrapping twine.* Processors may use agave fiber for the manufacture of wrapping twine in an amount in any month not in excess of the percentage, for such month, of his average monthly

sales for the calendar year 1941 described below:

Year 1942:	*Percent*
February	100
March	70
April	65
May	65
June	57½
July	50
August	40
September	20
October, and each month thereafter	0

Provided, however, That no person shall put into process after April 13, 1942, any Java agave sisalana for the manufacture of wrapping twine, or after August 5, 1942, any Java agave cantala for this purpose.

(ii) *Binder twine.* Processors may use agave fiber, in an amount not in excess of:

(*a*) During the eleven months ending June 30, 1942, an amount which, when added to binder twine in his stocks on November 1, 1941, equals 120% of that processor's total sales of binder twine in the United States during the twelve months ending October 31, 1941;

(*b*) During the four months commencing July 1, 1942, and ending October 31, 1942, an amount which equals 40% of that processor's total sales of binder twine in the United States during the twelve months ending October 31, 1941:

Provided, however, That no person shall put into process binder twine containing any Java agave sisalana after April 13, 1942, or any Java agave cantala after August 5, 1942; *And provided further,* That the Director General for Operations may increase pro rata the amount of agave fiber which processors may be allowed to process into binder twine, if, in the Director's opinion, additional amounts of binder twine are needed to provide for the growing or harvesting of agricultural food products or sewing up bags containing such products.

(iii) *Carpet yarns.* Processors may use agave fiber for manufacturing carpet yarns, if such fibers had actually been put into process for such purpose on or before February 20, 1942.

(iv) *Padding or stuffing.* Processors manufacturing padding or stuffing may use for that purpose only bagasse waste except on orders to be delivered to or for the account of, or to be physically incorporated into material or equipment to be delivered to, or for the account of, the Army of the United States, the United States Navy, the United States Maritime Commission or the War Shipping Administration, or their general or operating agents, in which case tow, waste, and fibers less than 20'' in length may be used.

(v) *Reinforced paper, tape and plastics.* Processors manufacturing reinforced paper, tape and plastics may use any agave fibers except Java sisalana and Java cantala, but only in an amount not in excess of 50% of the fiber content of their average monthly sales of such products for the twelve months ended June 30, 1942.

(vi) *Agave cordage.* Processors manufacturing agave cordage shall not put into process in any of the periods listed below an amount of agave fiber in excess of the amounts hereinafter specified for such period:

Periods	*Amounts of Agave fiber*
July 1, 1942, through December 31, 1942	12.2 times basic monthly poundage.
Each calendar quarterly period in 1943	5.3 times basic monthly poundage.

Provided, That the amount of agave fiber which may be put into process by any cordage processor in any such period shall be:

(*a*) *Diminished* by the amount of any additional Manila fiber which may be put into process by such cordage processor during such period pursuant to any exceptions or additional authorizations issued by the Director General for Operations pursuant to General Preference Order No. M-36;

(*b*) *Increased* by the difference, if any, between the amount of Manila fiber permitted to be put into process by such cordage processor pursuant to General Preference Order M-36, and any lesser amount of Manila fiber actually put into process by such cordage processor during such period, and

(*c*) *Increased* by any or all of the said processor's permitted amount of agave fiber for use in the manufacture of wrapping twine as provided in paragraph (c) (1) (i).

(2) A person may process agave fiber in the manufacture of a product not specified in paragraph (c) (1), for delivery to, or for the account of, or for physical incorporation into material or equipment to be delivered to, or for the account of, the Army of the United States, the United States Navy, the United States Maritime Commission or the War Shipping Administration, or their general or operating agents.

(3) The prohibitions of paragraph (c) (1) shall not apply to the manufacture of wrapping twine, binder twine, agave cordage, reinforced paper, tape, or plastics from tow, waste, or fiber under 20'' in length.

(4) Any processor who, by reason of the foregoing limitations is unable to meet his required deliveries under contracts existing on August 5, 1942, of agave cordage to be delivered to, or for the account of, the Army of the United States, the United States Navy, the United States Maritime Commission, the War Shipping Administration, or its general or operating agents, or any processor of agave cordage who, by reason of meeting the requirements of any such contracts, is required to reduce his operations during the period July 1, 1942, through December 31, 1942, to such an extent that it will cause serious labor displacement, may apply to the War Production Board for permission to process such additional amounts of agave fiber as may be necessary to enable him to meet his said required deliveries. Each application must be filed on or before August 31, 1942, and must state:

(i) Each contract held by the said processor of the type mentioned above,

(ii) The deliveries per month required thereunder,

(iii) The total deliveries per month required under all such contracts,

(iv) The amount of agave fiber processed by such person in May, 1942,

(v) The amount of agave fiber permitted to be processed during the period July 1, 1942, through December 31, 1942, by such processor under the foregoing limitations, and

(vi) The exact amount of relief desired during the said period.

(5) The Director General for Operations may, whenever supplies of agave fiber on hand in the United States and available for future purchase by the United States warrant, increase pro rata the amounts of agave fiber which may be entered into process for the manufacture of agave cordage or for such other products as in the judgment of the Director General for Operations may be necessary to promote the national defense and in the public interest.

(d) *Restrictions on purchases, sales and deliveries of agave cordage and wrapping twine.* (1) No dealer shall order, purchase or accept deliveries of any wrapping twine or agave cordage which will result in such dealer having in inventory an amount thereof in excess of a two months' supply.

(2) No person (other than a dealer, the Army of the United States, the United States Navy, or the United States Maritime Commission, and the War Shipping Administration, and its general or operating agents) shall order or accept delivery of any wrapping twine or agave cordage which will result in such person having in inventory an amount thereof in excess of one and one-half months' supply; and no such person shall have outstanding at any one time orders for future deliveries of wrapping twine or agave cordage in excess of one month's supply for such person.

(3) No importer shall sell or deliver in any month agave cordage in excess of his average monthly sales of Manila and agave cordage in the calendar years 1939-1941, or wrapping twine, imported or domestic, in excess of the following percentages of his average monthly sales thereof during the calendar year 1941:

	Percent
July	65
August	40
September, and each month thereafter	20

Provided, however, That no importer shall, after September 30, 1942, import, purchase for import, offer to import, offer to purchase for import, contract or otherwise arrange to import any wrapping twine unless specifically authorized by the Director General for Operations. Authorizations will only be granted, in the absence of extraordinary circumstances, where it can clearly be demonstrated that such wrapping twine was processed only from tow, waste or fiber under 20″ in length.

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[1] This document is a restatement of Amendment 3 to M-84 as amended August 5, 1942, which appeared in the FEDERAL REGISTER of September 29, 1942, page 7661, and reflects the order in its completed form as of September 25, 1942.

(4) Nothing in this paragraph shall prevent the orderly advance accumulation of a supply of wrapping twine to meet an expected seasonal demand for agricultural purposes, provided that the total amount so accumulated shall not be in excess of the amount estimated to be necessary for use for such purpose based on the most recently available crop forecasts of the Department of Agriculture.

(5) On and after September 26, 1942, to and including December 31, 1942, no processor shall process agave fiber for cordage or sell or deliver any agave cordage except for filling purchase orders for the following categories of uses:

(i) *Class One*—(*a*) Use by the United States Army and Navy, the United States Maritime Commission, Federal Barge Lines, the Panama Canal, the War Shipping Administration and its general or operating agents, or for physical incorporation into material or equipment (excluding grommets and ammunition box handles) to be delivered to and for the account of any of the foregoing agencies;

(*b*) Use upon any contract or order placed by any department or agency of the United States Government for delivery to or for the account of the Government of any country pursuant to the Act of March 11, 1941, entitled "An Act to promote the Defense of the United States" (Lend-Lease Act).

(ii) *Class Two*—(*a*) Commercial marine, towage or lighterage uses, provided the cordage for such uses shall be one inch or more in diameter;

(*b*) Fishing uses for commercial fish markets or canneries;

(*c*) Use as catlines, bull-ropes and drilling cables in the operation or drilling of oil or gas wells;

(*d*) Use as drilling cables in mines or quarries;

(*e*) Power transmission uses;

(*f*) Shipyard or construction rigging uses.

(6) Each purchaser of agave cordage from a processor shall furnish a certificate as a condition to receiving said cordage, and no processor shall sell or deliver any agave cordage to such purchaser without obtaining a certificate signed by such purchaser or his duly authorized representative, in substantially the following form:

> The undersigned hereby represents to the seller and the War Production Board that the agave cordage covered by this certificate will be used or sold only for the uses described in paragraph (d) (5) of General Preference Order M-84 as amended September 25, 1942, with the terms of which the undersigned is familiar.

(7) During the period beginning September 26, 1942, to and including December 31, 1942, no processor shall put into process any agave fiber for the purpose of filling purchase orders for Class Two cordage uses, as specified in paragraph (d) (5) (ii) hereof, in excess of 20% of the unprocessed balance of his processing quota as established under paragraph (c) hereof as said balance may appear at the close of business on September 25, 1942.

(e) *Restrictions on purchases, sales and use of binder twine.* No person shall hereafter sell, purchase, deliver, accept delivery of or use any binder twine except for the growing or harvesting of agricultural products or for sewing up bags containing such products, and any person purchasing any binder twine shall endorse on, or attach to his purchase order or delivery receipt therefor, a statement signed by such person, or on his behalf by a duly authorized individual, a certificate in substantially the following form:

> The undersigned hereby represents that the binder twine covered by this certificate will be either resold or used by the undersigned, during the next twelve months, for and only for one or more of the uses specified in paragraph (e) of General Preference Order No. M-84 (for 1942 growing, harvesting or bagging requirements).

(f) *Control of stocks of agave fiber.* Control is hereby taken of the distribution and use of agave fiber. Any agave fiber at any time hereafter in the inventory of any person shall be sold and delivered by such person if, and as, specifically directed in any order of the Director General for Operations which may be issued whenever the Director General for Operations shall determine that a shortage of any particular grade of agave fiber for defense, or for private account and for export, renders it necessary or appropriate so to allocate such agave fiber in the public interest, or to promote the national defense by so directing its sale and delivery by such person. Any such sale shall be made at the established prices and terms of sale and payment therefor. No person shall dispose of or use agave fiber in any manner inconsistent with any such order.

(g) *Reports.* Each person affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be required by said Board from time to time.

(h) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(i) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of agave fiber conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or telegram, Reference M-84, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(j) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Branch, Washington, D. C. Reference: M-84.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(l) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 25th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10246; Filed, October 12, 1942; 11:46 a. m.]

PART 1108—REPAIR, MAINTENANCE, AND OPERATION OF PLANTS PROCESSING OR PRODUCING DAIRY PRODUCTS

[Preference Rating Order P-118 as Amended September 29, 1942[1]]

§ 1108.1 *Preference Rating Order P-118*—(a) *Definitions.* For the purposes of this order:

(1) "Processor" means any person located in the United States, its territories or possessions, engaged in one or more of the following capacities to the extent that he is so engaged:

(i) Pasteurizing milk,

(ii) Receiving milk from other persons for cooling preparatory to reshipment for further processing,

(iii) Producing dairy products, for sale, by processing milk or cream in a plant not located on the farm where the milk was produced;

or any person, located in the Dominion of Canada, to whom and in whose name a copy of this order is specifically issued

(2) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(3) "Maintenance" means minimum upkeep necessary to enable the processor's existing plant and equipment to be used at its maximum rate of operation permissible under any applicable orders.

(4) "Repair" means restoration of a processor's machinery, plant or equipment to sound working condition within a reasonable time after physical depreciation, wear and tear, damage, destruction of parts or the like have impaired its fitness for service but not to an extent involving major reconstruction.

(5) "Material required for operation" means operating supplies to be consumed in the course of a processor's operations but not to be physically incorporated in the finished products nor used as packaging or fuel.

(6) "Replacement" means substitution of new machinery or equipment for existing machinery or equipment which is beyond economic repair: *Provided,* That such substitution is made within a reasonable time after such condition develops: *And provided further,* That the replacement is not of greater productive capacity than the replaced machinery or equipment except to the minimum possible extent when a replacement of equivalent capacity is obsolete, unobtainable, or not obtainable within a reasonable time in relation to the processor's operating needs.

(7) "Addition and expansion" means introduction of additional plant or equipment, other than replacements, to increase the productive capacity of a processor's existing plant or equipment.

(8) "Supplier" means any person with whom a contract or purchase order has been placed for delivery of material to a processor or to another supplier.

(b) *Assignment of preference ratings.* Preference ratings are hereby assigned as follows, subject to the restrictions and conditions of paragraphs (d) and (e) hereof:

(1) A-1-j to deliveries, to a processor, of material required for maintenance or repair, or which will be physically incorporated into material which will be delivered for such use.

(2) A-3 to deliveries, to a processor, of material required for operation or replacement, or which will be physically incorporated into material which will be delivered for such use, excluding, however, any material for addition or expansion.

(3) For the purposes set forth in paragraphs (1) and (2) herein, the ratings therein assigned are also assigned to deliveries to any supplier of material which will be delivered by him or another supplier to the processor under the ratings assigned above, or which will be physically incorporated into material which will be so delivered, or which will be used, within the limitation of paragraph (d) hereof, to replace in such supplier's inventory material which is delivered by him under either of the ratings assigned above: *Provided, however,* That no supplier engaged in the business of manufacturing machinery may apply or extend a rating hereunder in order to obtain delivery of material to be used by him in the manufacture of machinery or parts whether or not to be physically incorporated in such machinery.

(c) *Persons entitled to apply preference ratings.* The preference ratings hereby assigned may, in the manner and to the extent hereby authorized, be applied by:

(1) A processor: *Provided, however,* That if the material is for replacement, the rating may be applied by the processor only after specific advance approval of the Director General for Operations pursuant to paragraph (e) of this order;

(2) Any supplier of material to the delivery of which a preference rating has been applied as provided in paragraph (c), and subject to the limitations of paragraph (b) (3) of this order;

Provided, That the preference ratings hereby assigned may not be applied to deliveries of any material to be used for purposes prohibited by any order or regulations issued by the Director General for Operations.

(d) *Restrictions on use of ratings*—(1) *Restrictions on processor.* (i) Every contract and purchase order for material, to which a preference rating is to be applied hereunder, must specify the date or dates by which delivery is required, and the preference rating may be applied only to such material, or portion thereof, which, under the contract or purchase order, is to be delivered to the processor for his operations during the period from April 18, 1942, to the date of the expiration of this order. The processor may apply the ratings only to those quantities and kinds of material essential to enable him to maintain his production schedules for that period.

(ii) The processor shall not apply any preference rating assigned by paragraph (b) above if, in view of the current rate of consumption of his inventory or stores for repair and maintenance or operation, the delivery of the material to be rated would increase such inventory or stores above the minimum permitted or provided in paragraph (f) below.

(iii) The processor shall not apply any preference rating hereunder unless the material to be delivered cannot be secured when required without such rating.

(2) *Restrictions on supplier.* (i) No supplier may deliver material pursuant to a rating, applied to him by a processor located in the Dominion of Canada, unless the endorsement on the purchase order placed with such supplier includes a serial number.

(ii) No supplier may apply the rating to obtain material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder, or, within the limitations of subdivisions (iii) and (iv) of this subparagraph, to replace in his inventory material so delivered. He shall not be deemed to require such material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and, if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

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[1] This document is a restatement of Amendment 3 to P-118 which appeared in the FEDERAL REGISTER of September 30, 1942, page 7730, and reflects the order in its completed form as of September 29, 1942.

(iii) A supplier who supplies material which he has in whole or in part manufactured, processed, assembled, or otherwise physically changed may not apply the rating to restore his inventory to a practicable working minimum unless he applies the rating, subject to the limitations of paragraph (b) (3) of this order, before completing the rated delivery which reduces his inventory below such minimum.

(iv) A supplier who supplies material which he has not in whole or in part manufactured, processed, assembled, or otherwise physically changed, may, in restoring his inventory to a practicable working minimum, defer applications of the rating hereunder to purchase orders or contracts for such material to be placed by him until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided*, That he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(e) *Application of preference rating*. (1) A processor or any supplier, in order to apply the preference ratings assigned hereunder to deliveries to him, must, (i) endorse on each purchase order or contract which is covered by a rating assigned hereunder, a statement in the following form, signed, manually or as provided in Priorities Regulation No. 7 (Part 944), by an official duly authorized for such purpose, specifying the rating assigned:

Preference Rating A ------ is applied hereto under Preference Rating Order No. P–118, with the terms of which order the undersigned is familiar.

(Name of processor or supplier and serial number, when required)

By----------------------------
(Duly authorized official)

Such endorsement shall constitute a representation to the War Production Board and the supplier with whom the purchase order or contract is placed that such purchase order or contract is duly rated in accordance herewith. Such supplier shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false. Any such purchase order or contract shall be restricted to material, the delivery of which is rated in accordance herewith.

(ii) If the material is required for replacement, the processor shall not apply preference rating A–3, unless he shall have communicated with the War Production Board, describing the material needed and the nature of the proposed replacement, and shall have received from the Director General for Operations a specific authorization to apply such rating. Such application for authorization may be made by a written statement on Form PD–414 or, in any emergency, by telegram giving substantially the information called for by said Form PD–414.

(2) With respect to a purchase order or contract placed before the effective date of this order, and subject to the restrictions in paragraphs (e) (1) (ii) and (iii) of this order, a preference rating may be applied by delivering to the supplier a copy of such purchase order or contract endorsed as provided above.

(3) A supplier who has received from two or more processors or suppliers endorsed purchase orders or contracts for material to the delivery of which the same rating has been applied in accordance with this order, may include in a single purchase order or contract, and (within the limitations of paragraph (b) (3) of this order) may apply the rating to any or all of the material which he in turn requires to make such rerated deliveries or to replace in his inventory material so delivered.

(f) *Inventory provisions*. A processor who applies a rating hereunder to deliveries of any material shall not accept deliveries (whether rated hereunder or not) of material for repair and maintenance or operation which will increase the inventory or stores available to the processor for such purposes to an amount greater than the minimum necessary for repair and maintenance and to sustain the current level of operations of the processor, and the ratio of such inventory and stores to current operations shall in no event exceed the ratio of average inventory to average operations for the years 1938, 1939, and 1940.

(g) *Records*. In addition to the records required to be kept under Priorities Regulation No. 1, a processor, and each supplier placing or receiving any purchase order or contract rated hereunder, shall each retain, for a period of two years, for inspection by representatives of the War Production Board, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts, or filed in such manner that they can be readily segregated for such inspection.

(h) *Reports*. Each processor and each supplier who applies a preference rating hereunder shall file such reports as may be required from time to time by the War Production Board; and until further notice any processor or supplier who applies a preference rating hereunder for repair, maintenance, or operation, shall file Form PD–413 on or before the 10th day of each month.

(i) *Communications to War Production Board*. All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref: P–118.

(j) *Violations*. Any person who wilfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(k) *Revocation or amendment*. This order may be revoked or amended at any time as to any processor or any supplier. In the event of revocation, deliveries already rated pursuant to this order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the processor or supplier affected by such revocation.

(l) *Applicability of Priorities Regulation No. 1*. This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case, the provisions of this order shall govern.

This order shall continue in effect through December 31, 1942, unless revoked, amended, or modified prior thereto. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of September, 1942.

ERNEST KANZLER,
Director General for Operations.

INTERPRETATION 1

Order P–118, as amended, assigns high preference ratings to milk and cream "processors" to enable them to obtain deliveries of repair, maintenance, operating and replacement materials in sufficient time to avoid spoilage of milk or cream.

The order defines a "processor" as a person engaged in certain dairy businesses, to the extent that he is so engaged. Question has arisen as to what phases of such a processor's business may be supplied under the order. The order is interpreted as applying to only the primary processing operations and not to secondary processing or distribution operations. The line of demarcation between primary processing and secondary processing is at the point at which milk, cream, or dairy products have been made ready for delivery from the processor's original processing plant. Ratings under the order may be applied to materials related to any operations up to that point, subject to the restrictions in the order. Ratings under the order may not be applied to materials related to the operations beyond that point, such as delivery from the original plant, reprocessing or repackaging ice cream mix, cheese, butter or other dairy products in a plant other than the original plant, distribution of the finished product, or refrigeration maintained in customers' establishments.

Question has also arisen as to whether the ratings under the order may be applied to obtain automotive replacement parts. The War Production Board program for automotive replacement parts, as provided for in Limitation Order No. L–158 (Part 1297), is devised to develop a sufficient supply of such parts to meet reasonable needs without the use of preference ratings for their acquisition. Order P–118, in paragraph (d) (1) (iii) as amended, prohibits the use of its ratings to obtain material which can be secured without the use of those ratings. Therefore, such ratings may not be used to obtain automotive replacement parts.

[F. R. Doc. 42–10252; Filed, October 12, 1942; 11:48 a. m.]

PART 1115—FUEL OIL

[Limitation Order L–56, as Amended September 29, 1942[1]]

Whereas fulfillment of requirements for the defense of the United States has created in certain areas a shortage in the supply of fuel oil for defense, private account and export, it is necessary in the public interest and to promote the defense of the United States to allocate the supply thereof in the manner and to the extent hereinafter in this order provided,

Now, therefore, it is ordered, That:

§ 1115.1 *Limitation Order L–56*—(a) *Applicability of Priorities Regulation No. 1*. This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(b) *Definitions*. When used in this order:

(1) "Additional facilities" means any equipment designed to use fuel oil, other than internal combustion engines or equipment used for domestic cooking or illumination purposes, which equipment has been installed subsequent to July 31, 1942: *Provided*, That the replacement of wornout parts shall not be deemed to be the installation of additional facilities when the existing equipment is not adaptable to the use of alternate fuels.

(2) "Alternate fuel" means any fuel other than fuel oil, electricity, natural gas, manufactured gas or mixed natural and manufactured gas.

(3) "Area One" means the area specified in paragraphs (a) and (b) of Exhibit A hereof as the same may be amended from time to time.

(4) "Area Two" means the area specified in paragraph (c) of Exhibit A hereof as the same may be amended from time to time.

(5) "Area Three" means the area specified in paragraphs (d) and (e) of Exhibit A hereof as the same may be amended from time to time.

(6) "Area Four" means the area specified in Exhibit B hereof as the same may be amended from time to time.

(7) "Coal spraying equipment" means any equipment designed to use or using fuel oil or any other petroleum product for the purpose of applying such fuel oil or other petroleum product to coal.

(8) "Consumer" means any person acquiring fuel oil for use, including use as a component part of any manufactured article, material, or compound other than fuel oil. The term includes dealers and suppliers to the extent that they use fuel oil, or acquire fuel oil for use rather than for transfer.

(9) "Converted facilities" means any fuel oil burning equipment which was designed to use an alternate fuel and which has been converted to the use of fuel oil.

(10) "Coupon note" means a writing signed by a person to whom or to whose account fuel oil is transferred, whereby such person agrees to surrender coupons or other evidences, of a stated gallonage value, authorized by or issued under any fuel oil ration order of the Office of Price Administration, within fifteen (15) days after the effective date of such order. Such coupon note shall be in substantially the following form:

Date: October ----------------, 1942.

Amount: -------- Gallons.

The undersigned acknowledges receipt from ---------------------------------- of
(name and address of the transferor)
-------- gallons of fuel oil and agrees to surrender fuel oil ration coupons or other evidences representing such gallonage within fifteen (15) days after the effective date of any fuel oil ration order of the Office of Price Administration, in accordance with the requirements of Limitation Order L–56.

(Name of transferee)

By: ---------------------------
(Officer or agent)

(Address of transferee)

(11) "Dealer" means any person, including a supplier, who operates a regular place of business at or from which fuel oil is regularly transferred to consumers. The term also includes any person who operates a tank truck or tank wagon for the transfer of fuel oil directly to consumers and who does not also maintain stationary fuel oil storage tanks.

(12) "Evidence" means a token, including a ration coupon, authorized by the Office of Price Administration to represent a right to receive a transfer of fuel oil.

(13) "Fuel oil" means any liquid petroleum product commonly known as fuel oil, including grades No. 1, 2, 3, 4, 5, and 6, Bunker C, Diesel oil, kerosene, range oil, gas oil, or any other liquid petroleum product used for the same purposes as the above designated grades.

(14) "Passenger automobile" means any motor vehicle other than a motorcycle, built primarily for the purpose of transporting passengers and having a rated seating capacity of seven persons or less.

(15) "Person" means any individual, partnership, corporation, association, government or government agency, or any other organized group or enterprise.

(16) "Primary supplier" means:

(i) Any person who refines fuel oil within Area Four; or

(ii) Any person who maintains stationary storage facilities within Area Four from which the first transfer of fuel oil within Area Four is made; or

(iii) Any consumer who maintains an establishment within Area Four at which delivery of fuel oil for his own use is taken by pipe line, barge, tank ship, or railroad tank car, directly from without Area Four; or

(iv) Any person, whether within or without Area Four, who does not maintain stationary storage facilities within Area Four, and who sends or brings fuel oil into Area Four and transfers it to a person other than a primary supplier as defined in subdivisions (i), (ii), or (iii) of this subparagraph (16). A person shall be deemed to be a primary supplier only with respect to the establishments maintained by him from which operations described in subdivisions (i), (ii), (iii), or (iv) of this subparagraph are carried on, and with respect to the establishments which are replenished solely on a stock transfer basis, rather than on a sales basis, from the establishments from which operations described in subdivisions (i), (ii), (iii) or (iv) of this subparagraph are carried on: *Provided*, That, if such person does not maintain stationary storage facilities, he shall be deemed to be a primary supplier with respect to all the mobile facilities operated by him within Area Four.

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[1] This document is a restatement of Amendment 4 to L–56 as Amended which appeared in the FEDERAL REGISTER of October 1, 1942, page 7770, and reflects the order in its completed form as of September 29, 1942.

(17) "Secondary supplier" means any person, other than a primary supplier, who is engaged in the business of transferring fuel oil for resale: *Provided*, That any person who receives fuel oil on consignment from a primary supplier, title to the fuel oil remaining in the primary supplier until the time of transfer by the consignee, shall not be deemed to be a secondary supplier with respect to such fuel oil but shall, for all the purposes of this order, be deemed to be an agent of such primary supplier.

(18) "Standby facilities" means equipment (other than fireplaces) in serviceable operating condition designed to use an alternate fuel, for the operation of which a supply of such fuel is available.

(19) "Supplier" means a primary supplier, a secondary supplier, or both.

(20) "Transfer" means to sell, give, exchange, lease, lend, deliver, supply or furnish, and includes the acquisition of title by legal process or operation of law, such as, but not limited to, the acquisition of title by will, inheritance or foreclosure; it also includes the use by any dealer or supplier of fuel oil held by him; but does not include the creation of a security interest or security title involving no change of possession. Delivery to a carrier for shipment, or by a carrier in the course of or in completion of shipment, shall not be deemed a transfer to or by such carrier.

(21) "Transfer", as applied to an establishment or place of business, means any change from one person to another of the right to occupation of the premises and the right to possession and disposal of any fuel oil stocks on hand, whether or not the transferor continues on the premises in another capacity.

(c) *Prohibited transfers of fuel oil.* (1) No person shall transfer or accept a transfer of fuel oil:

(i) For use in the operation of coal spraying equipment in any place in the United States:

(ii) For use in the operation of additional facilities or converted facilities within Areas One, Two, and Three, except if:

(*a*) In the case of new construction, the additional facilities were specified in the construction contract and the foundations under the main part of the structure in which the additional facilities were to be installed was completed prior to July 31, 1942;

(*b*) In the case of converted facilities, such conversion was completed prior to July 31, 1942;

(*c*) In the case of either additional or converted facilities, the person using such facilities cannot use an alternate fuel either because such fuel is unavailable or because technical utilization factors prevent its use;

(iii) For use in the operation of oil burning equipment within Areas One, Two, and Three, where standby facilities are available, unless such standby facilities are operated to take the place of such equipment to the maximum possible extent and to effect the maximum reduction of fuel oil requirements;

(iv) For use in the operation of oil burning equipment, within Area Four, for the purpose of cooling space (other than hospital space) for human occupancy;

(v) From within Area Four to any point without Area Four, except to a consumer as provided in paragraph (d) (2);

(vi) For the operation of a passenger automobile anywhere in the United States.

(d) *Restrictions on transfers of fuel oil to or by consumers in Area Four.* (1) Within Area Four, on and after October 1, 1942, notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person other than a dealer or supplier shall transfer or offer to transfer fuel oil to a consumer.

(2) During the period from October 1, 1942 to October 31, 1942, inclusive, notwithstanding the terms of any contract, agreement or commitment, regardless of when made, no dealer or supplier may transfer fuel oil from within or without Area Four to a consumer within Area Four, or from within such Area to a consumer without such Area, and no consumer shall accept such transfer except in exchange for coupon notes (or coupons or other evidences), for an amount equal to the number of gallons of fuel oil transferred. Such coupon notes shall be executed and forwarded to the transferor at the time of transfer or within twenty-four (24) hours thereafter.

(3) Nothing herein shall be deemed to forbid:

(i) The transfer of fuel oil actually in the fuel supply tank of a vehicle, boat or equipment used for purposes other than supplying heat or hot water to buildings or structures, in conjunction with a lawful and bona fide transfer of such vehicle, boat or equipment itself; or the consumption by the transferee in such vehicle, boat or equipment of fuel oil actually in the fuel supply tank thereof at the time of transfer; or

(ii) Transfers of fuel oil by legal process or by operation of law; or transfers of fuel oil in a storage tank or other container maintained by a consumer as part of an enterprise or establishment, or in the fuel supply tank of equipment supplying heat or hot water to buildings or structures, in conjunction with a lawful and bona fide transfer of such enterprise, establishment or equipment itself; or transfers of fuel oil by consumers to dealers or suppliers. Any person to whom a transfer of the character described in this sub-division (ii) is made within Area Four, shall forthwith report such transfer and the amount of fuel oil involved, to the Local War Price and Rationing Board in the area in which such fuel oil is located. Such person, if a dealer or supplier, shall surrender to the Board, together with such report, coupon notes signed by him for an amount equal to the number of gallons of fuel oil transferred. Such person, if not a dealer or supplier, may either:

(*a*) Transfer all or any part of such fuel oil in exchange for coupon notes for an amount equal to the number of gallons of fuel oil so transferred, and surrender to the Local War Price and Rationing Board coupon notes signed by him for an amount equal to such number of gallons; or

(*b*) Consume such fuel oil: *Provided*, That such person shall report the amount of fuel oil so consumed as fuel oil on hand if he makes application, under any fuel oil ration order issued by the Office of Price Administration, for a fuel oil ration covering the period during which such fuel oil was consumed.

(e) *Restrictions on transfers of fuel oil to dealers and suppliers within Area Four.* (1) During the period from October 1, 1942 to October 31, 1942, inclusive, no primary supplier within or without Area Four, and no dealer or secondary supplier within Area Four, shall transfer or offer to transfer fuel oil to any dealer or supplier within Area Four, and no dealer or supplier within Area Four shall accept such transfer of fuel oil, except in exchange for coupon notes (or coupons or other evidences) for an amount equal to the number of gallons of fuel oil transferred. Such coupon notes shall be executed by the transferee and forwarded to the transferor within twenty-four (24) hours after the transfer.

(2) If, between October 1, 1942 and October 31, 1942, the place of business of any dealer or supplier within Area Four, is transferred, the transferee of the business may acquire the fuel oil inventory of the transferor without executing a coupon note. All coupon notes of the transferor shall be turned over to the transferee, and shall be held by the transferee until they have been redeemed; the coupons or other evidences received in redemption of the coupon notes shall be disposed of in the manner provided in the fuel oil ration order of the Office of Price Administration pursuant to which such coupons or evidences are issued.

(f) *Records to be kept by dealers and suppliers.* (1) At the time of making any transfer of fuel oil to any dealer or supplier within Area Four, every transferor shall furnish to such dealer or supplier an invoice, delivery ticket, or other document of transfer showing the name and address of the transferee and the date and amount of the transfer. Every such transferee shall retain at his place of business for a period of at least one year from the date of such transfer of fuel oil, the invoice, delivery ticket, or other document so furnished him.

(2) Every dealer or supplier who makes a transfer to a consumer, of the type described in paragraph (d) (2), shall keep a record of such transfer, showing the name and address of the transferee, the date of the transfer, and the number of gallons of fuel oil transferred. Every dealer or supplier shall retain such record at his place of business for a period of at least one year from the date of such delivery.

(3) Every person to whom coupon notes have been given shall retain all such coupon notes and, at the time of surrender to him of coupons or other evidences in full redemption of a coupon note, shall return such note to the person who signed it: *Provided*, That within thirty (30) days after the effective date of any fuel oil ration order issued by the Office of Price Administration, each such person shall report to the Regional Office of the Office of Price Administration in his region, the name and address of each person who has failed to redeem his coupon notes in full, and the amount of fuel oil transferred to such person.

(4) All coupon notes, records, reports, or other documents required by Limitation Order L–56 to be prepared and kept by any person, and the fuel oil facilities of any person, shall be subject to inspection by the War Production Board or the Office of Price Administration, or by any agent, representative or employee of either; such inspection may be made at the establishment or office of any such person at any reasonable time.

(g) *Redemption of coupon notes.* Within fifteen (15) days after the effective date of any fuel oil ration order issued by the Office of Price Administration, every person who has executed (or is required by this order to execute) a coupon note shall surrender to the person to whom the note was given (or was required by this order to be given) coupons or other evidences, issued pursuant to such fuel oil ration order, equal in gallonage value to the number of gallons for which such notes were executed or required.

(h) *Directions as to deliveries and conversions.* (1) The Director General for Operations may, from time to time, subject to the provisions of paragraphs (d), (e) and (g) of this order, issue specific directions directing or forbidding the transfer of fuel oil to any person or class of persons.

(2) The Director General for Operations or a representative of the Office of Petroleum Coordinator for War designated by him may from time to time examine and investigate the fuel oil burning facilities owned or operated by any person for the purpose of determining whether such equipment can be converted to the use of an alternate fuel. In making such investigation facts and circumstances which may relate to the particular problem, including the availability of alternate fuel, shall be considered. If it is found that the fuel oil burning facilities of any person may be converted to the use of alternate fuel, and that a supply of such fuel is available, without any unreasonable expenditure upon the part of the person and without working any exceptional or unreasonable hardship upon such person, then the Director General for Operations may, after notice sufficient to permit such conversion, forbid further deliveries of fuel oil for use in such facilities.

(i) *Appeals and applications.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may file an appeal setting forth the pertinent facts and the reasons why he considers himself entitled to relief. All appeals shall be filed in quadruplicate.

Any appeal involving a defense housing project shall be filed with the local Federal Housing Administration office which shall review such appeal and transmit it, together with specific recommendations, to the Director of Marketing, Office of Petroleum Coordinator for War, Department of the Interior, Washington, D. C., for further proceedings. All other appeals shall be filed as follows:

If appellant is located in Area One or in the area specified in paragraph (c) of Area Three, Exhibit A, the appeal shall be addressed to the District Director of Marketing, Office of Petroleum Coordinator for War, 122 East 42d Street, New York, New York.

If appellant is located in the area specified in paragraph (d) of Area Three, Exhibit A, the appeal shall be addressed to the District Director of Marketing, Office of Petroleum Coordinator for War, 855 Subway Terminal Building, Los Angeles, California.

If appellant is located in Area Two, Exhibit A, the appeal shall be addressed to the District Director of Marketing, Office of Petroleum Coordinator for War, Suite 1336, 120 South LaSalle Street, Chicago, Illinois.

The District Director of Marketing shall promptly investigate and consider the matter and shall seek to bring about a voluntary settlement of the controversy in accordance with the provisions of this order. In the event that no settlement can be reached, then the District Director of Marketing shall forward the appeal and record thereon, together with his recommendations, to the Director of Marketing, Office of Petroleum Coordinator for War, Washington, D. C.

(j) *Violations or false statements.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to any Department or Agency of the United States in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priorities control and may be deprived of priorities assistance by the Director General for Operations.

(k) *Reports and correspondence.* All reports required to be filed hereunder and all correspondence concerning this order shall, unless otherwise directed, be addressed to: Office of Petroleum Coordinator, Department of the Interior, Washington, D. C., Ref.: L–56.

(l) *Effective date.* This order shall take effect on October 1, 1942 and shall continue in effect until revoked. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT A

(a) *Area One:* The entire eastern part of the continental United States up to and including all of the counties of Wayne, Ontario and Steuben in the State of New York; Tioga, Lycoming, Clinton, Centre, Blair and Bedford in the State of Pennsylvania; Allegany in the State of Maryland; Mineral, Grant and Pendleton in the State of West Virginia; Highland, Bath, Alleghany, Craig, Giles, Pulaski, Wythe and Grayson in the State of Virginia; Ashe, Watauga, Avery, Mitchell, Yancey, Madison, Haywood, Swain, Graham and Cherokee in the State of North Carolina; Fannin, Murray, Whitfield, Catoosa, Dade, Walker, Chattooga, Floyd, Polk, Haralson, Carroll, Heard, Troup, Harris, Muscogee, Chattahoochee, Stewart, Quitman, Clay, Early, Seminole and Decatur in the state of Georgia; and Gadsden, Liberty and that part of Franklin which lies east of the Appalachicola River in the state of Florida.

(b) *Area Two:* The states of Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee and Wisconsin.

(c) *Area Three:* All of the states of Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and the District of Columbia.

(d) The states of Oregon and Washington.

EXHIBIT B

Area Four: The States of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

[F. R. Doc. 42-10247; Filed, October 12, 1942; 11:44 a. m.]

PART 1128—CLOSURES FOR GLASS CONTAINERS

[Conservation Order M-104, as Amended September 26, 1942[1]]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of glass container closures for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1128.1 *Conservation Order M-104*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, public trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Glass container" means any bottle, jar, or tumbler which is intended for packing, packaging, or putting up products of any kind and which is made of glass, but does not include any closure therefor.

(3) "Closure" means any sealing or covering device affixed to a glass container in order to retain the contents within the container.

(4) "Two-piece home canning closure" means a closure consisting of two separable pieces, one of which is a disc made of tinplate, glass, porcelain, or crockery, and the other of which is a metal screw band usually threaded, but not in contact with the contents of the glass container, and serving to hold the disc in place. "Metal screw band" includes both a band with its center portion or a part thereof cut out, and the band whose center portion or part thereof is not cut out.

(5) "Cover cap" means a secondary closure made of tinplate, terneplate, or blackplate, which fits over the primary seal or closure of a glass container, and which is illustrated by but not limited to the slip cap or secondary closure sometimes used to pack tomato catsup and chile sauce, or to cover jelly glasses filled in the home and given a primary seal of paraffin.

(6) "Tinplate" means blackplate coated with tin, and includes "primes", "seconds", "waste-waste", and all other forms of tinplate except waste.

(7) "Terneplate" means blackplate coated with a lead-tin alloy, and includes "primes", "seconds", "waste-waste", and all other forms of terneplate except waste.

(8) "Blackplate" means any sheet steel, other than tinplate or terneplate, suitable for manufacture into closures, and includes "rejects" and all other forms of blackplate except waste.

(9) "Malt beverages" means beer, ale, stout, near-beer, and beverages of a similar kind, made by alcoholic fermentation of malted barley with or without other food products, and with hops or hop extracts.

(10) "Non-alcoholic beverages" means bottled drinks of the type usually prepared by the soft-drink industry, being carbonated and non-carbonated drinks and waters, including but not limited to bottled chocolate sodas and sterilized milk drinks: *Provided,* That the term does not include (i) drinks consisting of fruit juices, vegetable juices, and combinations thereof, where at least 85 percent by weight of such drinks is pure fruit juice, vegetable juice, or a mixture thereof; (ii) sweet syrups including only cane, maple, molasses, corn and sorghum syrups; (iii) citrate of magnesia and pectin products.

(11) "Waste" means used closures and used cans, made of tinplate, terneplate, or blackplate.

(b) *Restrictions on manufacture, sale, and delivery of closures*—(1) *General restrictions.* No person shall use any tinplate, terneplate, or blackplate for the manufacture of closures to be affixed to glass containers for any purpose prohibited by this order or any order supplementary hereto. No person shall sell or deliver any glass container closures, other than closures for malt beverages and non-alcoholic beverages, to any person except under purchase orders or contracts validated by delivery to such person of a purchaser's certificate, manually signed by an authorized official, in substantially the form attached hereto as Exhibit A; and no person shall sell or deliver any closures for malt beverages or non-alcoholic beverages to any person except under purchase orders or contracts validated by delivery to such person of a purchaser's certificate, manually signed by an authorized official, on Form PD-519.

(2) *Closures for malt beverages or non-alcoholic beverages.* No person shall use any tinplate or terneplate for the manufacture of closures for malt beverages or non-alcoholic beverages: *Provided,* That this prohibition shall not prevent the completion, sale, and delivery of such closures made of tinplate or terneplate which were completely manufactured or in process of manufacture on or before the effective date of this order and which cannot be used for products other than malt beverages and non-alcoholic beverages by reason of private lithographic design or other special construction. During any calendar month, beginning June 1, 1942, no person shall use any blackplate for the manufacture of closures for malt beverages or non-alcoholic beverages in excess of 60 percent of the tonnage of tinplate, terneplate, and blackplate which he used in the corresponding month of 1941 for the manufacture of such closures for glass containers and for cap-sealed cans.

(3) *Closures for wine or distilled spirits.* No person shall use any tinplate or terneplate for the manufacture of closures for wine or distilled spirits. Until August 1, 1942, no person shall use any blackplate for the manufacture of closures for wine or distilled spirits, except to the extent required after exhausting inventories of closures on hand to fill purchase orders permitted under paragraph (c) (5) of this order. Beginning August 1, 1942, no person shall use any blackplate for the manufacture of such closures: *Provided,* That this prohibition shall not prevent the completion, sale, and delivery of such closures made of tinplate, terneplate, or blackplate which were completely manufactured or in process of manufacture on or before May 30, 1942 and which cannot be used for products other than wine or distilled spirits, by reason of private lithographic design or other special construction.

(4) *Cover caps and metal screw bands.* No person shall use any tinplate or terneplate for the manufacture of cover caps, or metal screw bands for two-piece home canning closures.

(5) *Animal foods.* No person shall use any tin plate, terneplate, or blackplate for the manufacture of closures to be affixed to glass containers for any kind of food not intended for human consumption.

(6) *Double shell or semi-double shell caps.* No person shall use any tinplate, terneplate, or blackplate for the manufacture of any double shell or semi-double shell caps, unless one shell thereof is made from waste or scrap material referred to in paragraphs (a) (6), (a) (7), or (a) (8) and expressly excepted from the terms therein defined.

(c) *Restrictions on purchase, acceptance of delivery, and use of closures*—(1) *Closures made of tinplate.* No person shall use any glass container closures made of tinplate to pack any of the following products:

Alcohol; rubber cement of solvent type; acetone; amyl acetate; carbon bisulfide; triethanolamine; sodium silicate; benzol, including but not limited to naptha; dyes (paste or liquid); fire extinguisher fluid; graphite; liquid glues and pastes; glycerine; polish; waxes (emulsion type); and paints, including but not limited to shellac, varnish, lacquer, enamel, turpentine, linseed oil, and paint thinners.

The foregoing prohibition shall not apply to the use of glass container closures for packing any of the following products where chemical purity is required:

Alcohol; acetone; amyl acetate; carbon bisulfide; turpentine; and glycerine; or closures to be used on glass containers for paste and liquid dyes for certified food colors.

(2) *Closures made of tinplate or terneplate.* No person shall use any glass container closures made of tinplate or terneplate to pack any of the following products:

Coffee; tea and teaballs; dry spices (except those containing salt, onion salt or garlic); candy; butter; peanut butter, lard, shortening, and edible oils; baking powders; tobacco and tobacco products, including cigars and cigarettes, smoking and chewing tobacco, and snuff; cements, including linoleum, radiator, shoe, and belting cements; radiator antirust compounds, carbon removers, and knee-action or brake fluids; lighter fluids; oleic acid; dry cleaners and dry cleaning fluids; dry solvents; insecticides and agricultural disinfectants; printing, duplicating, and lithographing ink; lubricating oil and cutting oil; medicinal oils, ointments, and petroleum jelly; graphite (where no water is present); and paste type waxes.

(3) *Closures made of tinplate, terneplate, or blackplate for malt beverages or non-alcoholic beverages.* During any calendar month, beginning June 1, 1942, no person shall use any closures made of tinplate, terneplate, or blackplate, to be affixed to glass containers for malt beverages or non-alcoholic beverages, in excess of 60 percent of the tonnage of such glass container closures made of tinplate, terneplate, or blackplate which he used for such purposes during the corresponding month of 1941: *Provided,* That such person shall be allowed to use an additional tonnage of such closures, equal to 60 percent of the tonnage of such closures made from 90 pound per base box blackplate which he would have used for packing in glass containers of equivalent capacity the malt beverages which he packed during the corresponding month in 1941 in flat-top cans and cap-sealed cans made of tinplate, terneplate, or blackplate. To the extent that a person uses lighter weight closures than he did in 1941, the number of closures which he may use is increased, since the quota shall be calculated upon the basis of the total weight of blackplate to be used. For the purpose of calculating the tonnage of finished closures in the possession of the user on or before June 1, 1942, all such closures may be considered as having been made from 90 pound per base box blackplate.

No person shall purchase or accept delivery of closures made of tinplate, terneplate, or blackplate to be affixed to glass containers for malt beverages or non-alcoholic beverages, when the effect of such purchase or delivery will be to increase his inventory of such closures beyond 20 percent of the number of such closures for glass containers, which he used during the calendar year 1941, plus 20 percent of the number of such closures he would have used for packing in glass containers of equivalent capacity the malt beverages which he packed during the calendar year 1941 in flat-top cans and cap-sealed cans made of tinplate, terneplate, or blackplate.

(4) *Closures for waters.* No closures made of tinplate, terneplate, or blackplate shall be affixed to glass containers smaller than 12 fluid ounces, for packing unflavored carbonated, natural or mineral waters, unless such glass containers were manufactured on or before June 1, 1942.

(5) *Closures for wine or distilled spirits.* Until August 1, 1942, no person shall purchase or accept delivery of any closures made of tinplate, terneplate, or blackplate to be affixed to glass containers for wine or distilled spirits when the effect of such purchase or delivery will be to increase his inventory of such closures made of tinplate, terneplate, or blackplate beyond a quantity equal to the tonnage of such closures which he used during the months of May, June, and July, 1941. Beginning August 1, 1942, no person shall purchase or accept delivery of such closures except those which were completely manufactured or in process of manufacture on or before the effective date of this order and which cannot be used for products other than wine or distilled spirits by reason of private lithographic design or other special construction.

(d) *Exceptions*—(1) *Closures for malt beverages or non-alcoholic beverages.* The quota restrictions specified in paragraph (c) (3) relating to the use of closures for malt beverages or non-alcoholic beverages shall not apply to closures which are used for the sale and delivery of malt beverages or non-alcoholic beverages to or for any of the following persons or agencies:

(i) To any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), to the Army or Navy of the United States or such other governmental agency as the Director General for Operations may designate.

(ii) To any person, for retail sale through concessions at restaurants at Army or Navy camps or through outlets not operated for private profit and established primarily for the use of Army or Navy enlisted personnel within Army or Navy establishments or on Army or Navy vessels, including posts exchanges, sales commissaries, officers' messes, servicemen's clubs and stores.

(iii) The American Red Cross or the United Service Organizations.

(2) *Certain closures on hand or in process of manufacture.* In respect of closures for glass containers other than for malt beverages, non-alcoholic beverages, wine, and distilled spirits, nothing in this order shall be construed to prevent the completion of closures made of tinplate, terneplate, or blackplate which was already lacquered, varnished, or lithographed on or before April 3, 1942, or to prevent the sale, delivery, and use of such closures so manufactured, or the sale, delivery, and use of completely manufactured closures in inventory on such date; provided that such closures cannot be used for purposes permitted by this order, by reason of private lithographic design or other special construction.

(e) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case provisions of this order shall govern.

(2) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of material conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense work, may appeal to the War Production Board by letter or other written communication, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(3) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: M-104.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT A

Endorsement

The undersigned purchaser hereby certifies to the seller herein and to the War Production Board that he is familiar with Conservation Order M-104 (as heretofore amended) and that, during the life of such order, he will not use any closures purchased from the seller pursuant to this or future contracts or orders, in violation of the terms of such order.

Dated ______________________________

By ______________________________

[F. R. Doc. 42-10248; Filed, October 12, 1942; 11:46 a. m.]

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[1] This document is a restatement of Amendment No. 1 to M-104, as Amended May 30, 1942, which appeared in the FEDERAL REGISTER of September 29, 1942, page 7660, and reflects the order in its completed form as of September 26, 1942.

PART 1176—IRON AND STEEL CONSERVATION

[Conservation Order M-126 as Amended October 2, 1942[1]]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1176.1 *General Conservation Order M-126*—(a) *Restrictions with respect to List A products.* Except as provided in paragraph (c):

(1) *Raw material deliveries and fabrication.* From and after May 20, 1942, no person shall deliver or accept delivery of any iron or steel which he knows or has reason to know will be used to make any item on List A or part thereof, and from and after June 19, 1942, no person shall put into process or process any iron or steel to make any item on List A or part thereof.

(2) *Assembly.* From and after August 3, 1942, no person shall assemble any item on List A or part thereof containing any iron or steel.

(3) *Finished item deliveries.* No person shall deliver or accept delivery of any item on List A or part thereof which he knows or has reason to know was fabricated, assembled or delivered in violation of any applicable provision of this order as amended from time to time.

(b) *Restrictions with respect to Supplementary List A products.* Except as provided in paragraph (c):

(1) *Raw material deliveries.* From and after the applicable governing date (as hereafter defined) of any item on Supplementary List A, no person shall deliver or accept delivery of any iron or steel which he knows or has reason to know will be used to make any item on Supplementary List A, or part thereof.

(2) *Fabrication*—(i) *Limitation.* During the 30 days next following the applicable governing date of any item on Supplementary List A, no person shall put into process any iron or steel to make any item on Supplementary List A, or part thereof, in an aggregate weight greater than 75 percent of the average monthly weight of all metals put into process by him during 1941 in the making of such items and parts, and no person shall put into process any iron or steel in the making of any such item or part unless processing thereof will be completed within such 30 day period.

(ii) *Prohibition.* From and after the date 30 days after the applicable governing date of any item on Supplementary List A, no person shall process any iron or steel to make any item on Supplementary List A, or part thereof.

(3) *Assembly.* From and after the date 60 days after the applicable governing date of any item on Supplementary List A, no person shall assemble any item on Supplementary List A, or part thereof, containing any iron or steel.

(4) *Finished item deliveries.* No person shall deliver or accept delivery of any item on Supplementary List A, or part thereof, which he knows or has reason to know was fabricated, assembled or delivered in violation of the provisions of this paragraph (b).

(c) *Exemption for Army-Navy-Maritime orders.* The provisions of paragraph (a) shall not apply to Army-Navy-Maritime orders for any item on List A or part thereof until August 4, 1942; and the provisions of paragraph (b) shall not apply to Army-Navy-Maritime orders for any item on Supplementary List A or part thereof for a period of 60 days after its governing date. From and after the expiration of the applicable exemption period, no person shall deliver, accept delivery of, put into process, process or assemble any iron or steel for the making of any item on List A or Supplementary List A, or part thereof, unless such item or part is on List C. The provisions of paragraphs (a) and (b) shall not apply to Army-Navy-Maritime orders for any item on List C or part thereof.

(d) *Restrictions with respect to other products*—(1) *Roofing and siding.* No person shall manufacture any iron or steel into roofing or siding except:

(i) For delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development; or

(ii) For delivery on a preference rating of A-1-k or higher assigned by a PD-3A preference rating certificate or by a preference rating order in the P-19 series; or

(iii) For defense housing, as permitted by the Defense Housing Critical List; or

(iv) For the manufacture of railroad freight cars, street cars, busses, trucks or trailers; or

(v) For delivery to an ultimate purchaser for maintenance and repair purposes regardless of rating. With respect to this paragraph (d) (1) (v), no person may manufacture from May 5, 1942 to December 31, 1942, more than 20 percent of the roofing and siding made by him from iron or steel during the calendar year 1940; or in the calendar year 1943 and subsequent calendar years, more than 25 percent of the roofing and siding made by him from iron or steel during the calendar year 1940.

Any person manufacturing or selling any such roofing or siding may rely on the certificate of his customer that such roofing or siding will only be sold or used as permitted by this paragraph (d) (1).

(2) *Other products.* From and after May 5, 1942, no person shall use any iron or steel to make any article not on List A or Supplementary List A, or any part thereof, where and to the extent that the use of other material (excluding material on List D) is practicable. Alloy steel shall not be used when the use of carbon steel is practicable, and no more iron or steel shall be used in connection with the manufacture of any such article than is essential. The provisions of this paragraph (d) (2) shall not apply in the case of articles or parts to be purchased by or for the account of the Army or Navy of the United States or the United States Maritime Commission, or to be physically incorporated into products to be so purchased to the extent that the use of iron or steel is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission applicable to the contract, subcontract or purchase order.

(e) *Restrictions with respect to other scarce materials.* No person whose use of iron or steel is restricted by paragraphs (a), (b), (c) or (d) shall use as a substitute therefor any material on List D.

(f) *Disposition of frozen and excessive inventories.* The disposition of frozen and excessive inventories containing iron or steel shall be subject to the applicable provisions of Priorities Regulation No. 13 (§ 944.34).

(g) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Appeal.* Any appeal from the provisions of this order must be made on Form PD-500 and must be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(3) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply whether the items are ordered or manufactured pursuant to a contract made prior to, on or subsequent to May 5, 1942 or pursuant to a contract supported by a preference rating. Insofar as any other order of the Director General for Operations may have the effect of limiting or curtailing to a greater extent than herein provided the use of any material in the production of any item, the limitations of such order shall be observed.

(4) *Intra-company deliveries.* The restrictions of this order with respect to deliveries prohibit or restrict deliveries not only to other persons, including affiliates or subsidiaries, but also from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(5) *Violations.* Any person who wilfully violates any provision of this order or who wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

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[1] This document is a restatement of Amendment 7 to M-126 which appeared in the FEDERAL REGISTER of October 3, 1942, page 7833, and reflects the order in its completed form as of October 2, 1942.

(6) *Installation.* The restrictions of this order with respect to putting into process, processing, and assembling shall not apply to the installation of an item or part for the ultimate consumer on his premises when any putting into process, processing or assembling of such item or part is incidental to such installation and is done on such premises.

(7) *Repair.* The restrictions of this order (other than those contained in paragraph (d) (2)) shall not apply to a person repairing a used article on or off the premises of the owner, if the person making the repair does not use steel or iron weighing in the aggregate more than 25 pounds and if any putting into process, processing or assembling done by such person is for the purpose of making the specific repair.

(8) *Definitions.* For the purposes of this order:

(i) With respect to any item on Supplementary List A, or part thereof, "Governing date" means the date set forth opposite such item in Column 2 of Supplementary List A.

(ii) "Army-Navy-Maritime order" means an order for material to be purchased (or physically incorporated into material to be purchased) by or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration, where the use of iron or steel is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration, applicable to the contract, sub-contract or purchase order.

(iii) The terms "iron" and "steel" shall not be deemed to include screws, nails, rivets, bolts, or wire, strapping or small hardware for joining or other similar essential purposes.

(iv) "Process" means cut, draw, machine, stamp, melt, cast, forge, roll, turn, spin, or otherwise shape.

(v) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(vi) The term "assemble" shall not be deemed to include the putting together of an article after delivery to a sales outlet or consumer in knockdown form pursuant to an established custom. The term "assemble" shall also not be deemed to include adding finished parts to an otherwise finished article when the placing of one or more finished parts or the size or type of one or more finished parts is determined by the use to which the ultimate consumer is to put the article. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2nd day of October, 1942.

ERNEST KANZLER,
Director General for Operations.

LIST A

Item

- Access panels, except as required by Underwriters Code.
- Acoustical ceilings.
- Advertising novelties.
- Air-conditioning systems[1]—except for hospital operating rooms and industrial plants.
- Amusement park devices and roller coasters.[1]
- Area walls.
- Ash sieves.
- Asparagus tongs.
- Atomizers, perfume—boudoir.
- Attic fans.
- Autographic registers.[1]
- Automobile accessories—except as required by law.
- Automotive replacement parts, non-functional.
- Awning frames and supports.
- Bag, purse and pocketbook frames.
- Barber and beauty shop furniture.
- Baskets—except for commercial cooking and manufacturing uses.
- Bath tubs.
- B-B shot for air rifles.
- Beds—except hospital.
- Bed spring frames—except for hospital link fabric spring type bed.
- Beer kegs—except hoop and fittings for wooden kegs.
- Beer mugs.
- Beer stands.
- Beer steins.
- Bench legs—except industrial.
- Binoculars—except U. S. Government agencies.
- Bird cages and stands.
- Bird houses and feeders.
- Biscuit boxes.
- Blackboards.
- Blade stroppers, mechanical.
- Bleachers and grandstands.[1]
- Book ends.
- Bottle holders.
- Boxes and trays for jewelry, cutlery, combs, toilet sets.
- Bread racks.
- Bridge splash guards.
- Building ornaments.
- Butter chips.
- Butter knives.
- Cabinets—except
  - (a) Hospital operating and examining rooms.
  - (b) Office furniture as permited in Limitation Orders L-13-a, and L-62.
- Cake cutters.
- Cake tongs.
- Candy display dishes.
- Canopies for electric brooders.
- Canopies and supports.
- Cans or containers for:
  - Anti-freeze (under 5 gal. size), artist supplies, coffee, and tobacco products; except that closures for glass containers for such items may be processed until October 1, 1942, but only from distressed stocks of black plate already lithographed on or before September 3, 1942.
  - Bouillon cubes.
  - Candy.
  - Caviar.
  - Chalk.
  - Gloves.
  - Incense.
  - Lawn seed.
  - Nuts.
  - Pencils.
  - Pet food.
  - Phonograph needles.
  - Playing cards.
  - Razor blades.
  - Sponges.
  - Staples.
- Cans or containers for—Continued.
  - Tennis balls.
  - Toilet water.
  - Yarn.
- Carpet rods.
- Carving set holders.
- Cash boxes.
- Cash registers.[1]
- Casket hardware.
- Cattle stanchions—except hangers and fasteners.
- Ceilings.
- Cheese dishes.
- Chicken crates.
- Chick feeders.
- Christmas tree holders.
- Christmas tree ornaments.
- Cigar and cigarette holders and cases.
- Cigarette lighters.
- Cigar slippers.
- Clock cases—except on recording and controlling industrial instruments.
- Clothes line pulleys.
- Clothes line reels.
- Clothes racks and dryers.
- Clothes trees.
- Coal chute and door, household.
- Coal pans.
- Cocktail glasses.
- Cocktail sets.
- Cocktail shakers.
- Coffee roasting machinery.[1]
- Compacts.
- Cooking stoves, commercial electric.[1]
- Copy holders.
- Corn cribs.
- Corn poppers and machines.
- Counter tops.
- Croquet sets.
- Crumb trays.
- Culverts.
- Cupboard turns.
- Cups of all kinds, drinking.
- Curb guards.
- Decorative iron products.
- Dictaphone racks.
- Dinner bells.
- Dishwashing machines[1]—except hospitals.
- Dispensers, hand, for—
  - Hand lotions.
  - Paper products.
  - Soap.
  - Straws.
- Document stands.
- Door chimes.
- Door knockers.
- Door closers—except for hospitals, public toilet doors, exterior doors on public buildings, and where required to meet fire regulations.[1]
- Door handles—except shipboard use.
- Door stops.
- Drain boards and tub covers, household.
- Drawer pulls.
- Dress forms.
- Dummy police.
- Dust collecting systems and equipment—except on A-1-j or higher.[1]
- Ediphone racks.
- Egg slicers.
- Electric drinking water coolers—except for use in war plants.
- Enamel store fronts.
- Erasing knives.
- Escalators.[1]
- Feed troughs.
- Fence posts—except on A-2 or higher.
- Fences, chain link—except on A-2 or higher.
- Fences, ornamental.
- Finger bowls.
- Fireplace equipment, including but not limited to, grates, clean out doors and ash dumps—except dampers.
- Fireplace screens.

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[1] Maintenance and repair excepted.

Fish aquariums.
Flagpoles.
Flashlight tubes.
Floor and ceiling plates for piping.
Floor and counter covering trim.
Floor polishing machines.
Flour, salt and pepper shakers.
Flower boxes, pot holders, and vases.
Flower shears.
Fly traps.
Foot baths—except hospitals.
Foot scrapers.
Fountain pens—except functional parts.
Fountains, ornamental.
Furniture [1]—except—
  (a) Wood furniture.
  (b) As listed in Limitation Orders L–13–a and L–62.
  (c) Hospital operating and examining rooms.
  (d) Hospital beds and cots.
Garage hoists, car lifts and racks.
Golf bag supports.
Grain storage bins—except strapping, hardware, and reinforcing materials.
Grass shears.
Grilles:
  Ornamental.
  Sewers [1]—except on A–2 or higher and reinforcing for concrete sewers.
Gutters, spouting, conductor pipe, and fittings for single family dwellings.[1]
Hair curlers, non-electric.
Hair dryers.
Hand mirrors.
Hangers and track for garage doors for private use.
Hanger rings on brushes, brooms, etc.
Hat frames.
Hat-making machinery.[1]
Hedge shears.
Helmets—except on A–2 or higher.
Hose reels—except—
  (a) Fire fighting equipment.
  (b) Industrial uses in direct fire hazard areas.
House numerals.
Ice box exteriors—except portable blood banks.
Ice cream freezers, household.
Ice cube trays.
Ink well holders.
Incinerators—except industrial, commercial and as allowed in Defense Housing Critical List.
Insulation, metal reflecting type.
Jam boxes.
Jelly molds.
Jewelry.
Jewelry cases.
Kitchenware of stainless steel.
Knitting needles.
Lard or vegetable oil tubs—except 5 lbs. and over and straps for wood containers.
Laundry chutes.
Laundry trays—except reinforcing mesh.
Lavatories—except hangers.
Lawn sprinklers.
Letter chutes.
Letter openers.
Letter trays.
Lighting poles and standards.[1]
Lipstick holders.
Lobster forks.
Lobster tongs.
Lockers—except—
  (a) Oil refinery use.
  (b) Office equipment as limited by Limitation Order L–13–a.
Mail boxes—except as required by U. S. postal regulations.
Mailing tubes.
Marine hardware for pleasure boats.
Marquees.
Match boxes.
Material for housing, not otherwise specified in this order—except as allowed in Defense Housing Critical List.
Mechanical book binding wire.
Measuring pumps and dispenser [1] for gasoline station, garage and household use, including but not limited to—
  Gasoline dispensing pumps.
  Grease pumps.
  Oil pumps, except barrel pumps and lubesters.
  Kerosene pumps.
  Air pumps.
Menu holders.
Milk bottle cases—except that a total of 4½ lbs. of iron and steel per case (including joining and essential hardware) may be used.
Millinery wire and gimps.
Mop wringers.
Music stands.
Napkin rings.
Necktie racks.
Newspaper boxes or holders.
Novelties and souvenirs of all kinds—except that the assembling of artificial leaves, fruit, flowers, and of feather ornaments shall be permitted when any iron or steel wire to be used was drawn on or before June 19, 1942 or was sold to the manufacturer of the artificial leaves, fruit, flowers or feather ornaments as scrap.
Office machinery used for [1]—
  Change making.
  Coin handling.
  Check cancelling.
  Check cutting.
  Check dating.
  Check numbering.
  Check signing.
  Check sorting.
  Check writing.
  Envelope handling.
  Envelope opening.
  Envelope sealing.
  Envelope stamping.
  Envelope mailing.
  Folding contents of envelope.
Ornamental hardware and mouldings.
Outdoor fireplace parts.
Packing twine holders.
Pail clasps.
Paint spray outfits—except industrial.
Paper rollers, household.
Park and recreational benches.
Parking meters.
Pencils, mechanical or automatic.
Pen holders.
Permanent wave machines.
Pet beds.
Pet cages.
Pet dishes.
Phonograph motors, hand wound.
Phonograph record blanks.
Photographic accessories.
Physical reducing machines.
Picture and mirror hardware.
Pie plates—except commercial or institutional.
Pipe cases.
Pipe-cleaner knives.
Plant and flower supports.
Pleasure boats.
Pneumatic tube delivery systems [1] except industrial.
Polishing-wax applicators.
Polishing-wax sprayers.
Portable bath tubs.
Poultry incubator cabinets.
Push carts.
Push plates and kick plates, doors.
Racquets.
Radiator enclosures.
Radio antennae poles [1]—except on ratings of A–2 or higher.
Refrigerator containers and trays, household.
Rotary door bells.
Salesmen's display cases and sales kits.
Salt and pepper holders.
Sample boxes.
Scaffolding.
Screen frames—except industrial processing.
Scrubbing boards.
Service food trays.
Sewer pipe, exterior installations [1]—except for vents and within 5 ft. of buildings.
Sheet iron or hoop iron packings for cookies and sweet goods.
Shirt and stocking dryers.
Shoe cleaning kits.
Shower receptors—except frames.
Shower stalls—except frames.
Show window lighting and display equipment.
Sign hanger frames.
Sign posts.
Signets.
Silos [1]—except strapping and reinforcing.
Sink aprons and legs.
Sink drainboards, both integral and removable.
Sitz baths.
Skates, roller and ice.
Ski racks.
Slide fasteners.
Snow shovels and pushers, hand and power propelled [1]—except A–1–j or higher.
Spittoons.
Sporting and athletic goods—except that fully fabricated skates, cleats, and similar items may be attached to athletic shoes without restriction.
Spray containers, household.
Stadiums.[1]
Stamped bakery equipment—except pie plates for commercial or institutional use.
Starter shingle strips.
Statues.
Steel wool for household use made from other than waste.
Store display equipment and show cases.
Structural steel home construction.
Subway turnstiles.[1]
Sugar cube dryer trays.
Sugar holders.
Swivel chairs.
Table name-card holders.
Table tops for household use.
Tablets.
Tags: Key: name; price; identification—except:
  (a) Personnel identification tags or badges where metal tags or badges are required for protection of governmental agencies.
  (b) Personnel identification tags or badges containing not more than ¾ ounce of iron and steel where metal tags or badges are required for protection of industrial plants.
  (c) Metal tags required for identification of livestock and poultry and products made therefrom.
  (d) Pin attached or wire attached tickets for price marking soft goods.
  (e) Metal tags for marking and identification of export shipments of iron and steel.
Tanks (strapping excluded):
  Dipping—for animals.
  Watering—for animals.
  Feeding—for animals.
  Storage, beer.
  Storage, water [1]—except:
    (a) In tropical climates.
    (b) Heights in excess of 100 ft.
    (c) Range boilers and hot water storage.
    (d) Pneumatic pressure tanks 82 gallon size and 31 gallon or smaller size.
Teapots.
Telephone bell boxes—except bases and where required for safety.
Telephone booths.
Telescopes—except U. S. Government agencies.
Terrazzo spacers and decorative strips—except hospital operating rooms.
Thermos jugs and bottles over 1 qt.
Thermometer bases, household.
Tile, steel-back.
Tongs, food handling and household use.
Tool boxes—except industrial.

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[1] Maintenance and repair excepted.

Tool cases—except industrial.
Tool handles—except power-driven.
Urinals.
Wagon bodies and frames [1]—except for construction.
Voting machines.
Wardrobe trunks.
Wastebaskets.
Water color paint boxes.
Weather stripping.
Wheelbarrows—except wheels.
Whiskey service sets.
Window display advertising.
Window stools.
Window ventilators—except industrial and hospitals.
Wine coolers.
Wine service sets.
Wire parcel handles and holders.
Wire racks and baskets—except
  (a) Industrial.
  (b) Scientific laboratory equipment.
  (c) Animal cages for biological work.
Work benches—except shipboard and industrial where required for safety.

SUPPLEMENTARY LIST A

Item	*Governing date*
Accessories, soda fountain [1]	July 15, 1942
Adhesive tape sleeves	July 15, 1942
Automobile heaters, except for passenger carriers, as defined in L–158, police cars, ambulances, trucks and fire wagons [1]	July 15, 1942
Balers, paper for household use	
Ball park equipment, including but not limited to:	
Cages.[1]	
Fences.	
Lighting systems, except lamp bulbs.	
Metal bases.	
Protective netting.[1]	
Railings.	
Rollers.	
Score boards.	
Screens.[1]	
Seats.[1]	
Tampers	July 15, 1942
Barber and beauty shop supplies, machines and equipment [1]	July 15, 1942
Barn pushers and scrapers	July 15, 1942
Barware and bar accessories	July 15, 1942
Beach umbrellas	July 15, 1942
Beverage bottle cases, including but not limited to beer and all soft drinks	July 15, 1942
Blocks, hat	July 15, 1942
Bowling Alleys, bowling pins and accessories [1]	July 15, 1942
Bread and cake boxes, household	July 15, 1942
Bread slicers for home use, except knives	July 15, 1942
Brushes and brush backs, except industrial	July 15, 1942
Buckles for	
Shoes, except for waterproof shoes	
Pocketbooks	July 15, 1942
Buttons for clothing, except for overalls, overall suits and dungarees	July 15, 1942
Cabinets for diathermy, sinusoidal and galvanic apparatus	July 15, 1942
Cafeteria and restaurant equipment of stainless steel [1]	July 15, 1942
Cake icing equipment	July 15, 1942
Calendar and memo pad stands	July 15, 1942
Calliopes or steam organs	July 15, 1942
Canes	July 15, 1942
Carillons	July 15, 1942
Casket carriers [1]	July 15, 1942
Carrousels (merry-go-rounds)	July 15, 1942
Cases, vanity	July 15, 1942
Chamber pots	July 15, 1942
Chicken house scrapers	July 15, 1942
Circus and carnival apparatus, equipment [1] and devices, including but not limited to:	
Animal cages.[1]	
Animal stands.	
Tent standers.	
Trailers.[1]	
Trapeze bars	July 15, 1942
Clothing trim and dress ornaments	July 15, 1942
Coasters and trivets for glass and hot containers	July 15, 1942
Coin changers, except for public transportation	July 15, 1942
Combs, hair combs except curry combs	July 15, 1942
Containers for cosmetics and toiletries	July 15, 1942
Closures for toiletries and cosmetics	July 15, 1942
Crochet hooks	July 15, 1942
Curtain stretchers	July 15, 1942
Desk equipment, including, but not limited to:	
Desk sets	
Desk pads.	
Fountain pen and pencil stands.	
Paper weights.	
Letter openers.	
Name plates.	
Dishwashing racks, household	July 15, 1942
Display forms	July 15, 1942
Door mats	July 15, 1942
Drapery and curtain fasteners and rings	July 15, 1942
Dust covers and enclosures except industrial [1]	July 15, 1942
Easels—all types	July 15, 1942
Embalming tables [1]	July 15, 1942
Exercising and reducing machines [1]	July 15, 1942
Exhibition and fair apparatus and equipment,[1] including but not limited to:	
Lighting equipment.	
Racks.	
Stands.	
Fences, chain link, A–2 or higher	July 15, 1942
Fireplace dampers	Sept. 3, 1942
Flatware, except cooking and eating utensils	July 15, 1942
Floats for pageants, parades, advertising, etc., except trucks	July 15, 1942
Floor scrapers, except power-driven	July 15, 1942
Floral tools and floral hoes	July 15, 1942
Frames, clothes drying	July 15, 1942
Frames for artists' canvas and darning and needle work	July 15, 1942
Fruit juice extractors, household [1]	July 15, 1942
Galley and mess equipment of stainless steel [1]	July 15, 1942
Game and gambling devices	July 15, 1942
Garbage grinders, household [1]	July 15, 1942
Garden trowels	July 15, 1942
Garment hangers	July 15, 1942
Gas toasters, household	July 15, 1942
Glassware holders and trim (except on cooking utensils)	July 15, 1942
Grass whips	July 15, 1942
Hair combs, except curry combs	July 15, 1942
Hand seals for documents	July 15, 1942
Hand weeders	July 15, 1942
Handles, broom and mop	July 15, 1942
Harness and saddlery fittings, except for draft, work and ranch animals [1]	July 15, 1942
Heat resisting pads for kitchen use	July 15, 1942
Highway railroad flasher lights (except lamp bulbs)[1]	July 15, 1942
Highway guard rail, wire, strip and posts [1]	July 15, 1942
Highway guard rail reflectors [1]	July 15, 1942
Hitching posts	July 15, 1942
Hoops galvanized wire for flower garden trim	July 15, 1942
Hospital equipment: [1]	
Anesthesia tables, except for use in operating rooms.	
Arm immersion stands.	
Back rests.	
Bassinets, except for frame and basket.	
Bed feeding and reading trays.	
Bath cabinets, except for hospital use.	
Bedside panel screens.	
Bed trays.	
Blanket warming cabinets.	
Book trucks, except wheel tires.	
Bowl stands, except for use in operating rooms.	
Chairs, other than examining or specialist chairs or dental chairs.	
Chart holders, except necessary hardware.	
Chiropractic adjustment tables	
Clothes hampers.	
Commodes, except receptacle.	
Couch tables.	
Dish trucks, except wheel tires.	
Dental cabinets.	
Dressing stands.	
Dressing carriage, except frame and necessary hardware.	
Examining tables, non-adjustable.	
Ice trucks, except wheel tires.	
Instrument cabinets, except for use in operating rooms.	
Instrument tables, except for use in operating rooms.	
Linen trucks, except wheel tires.	
Laundry trucks, except wheel tires.	
Linen hampers, except for frames.	
Needle cabinets, except for use in operating rooms.	
Nurses' work tables.	
Orthopedic and fracture carts except wheel tires and frames.	
Overbed and swing overbed tables	July 15, 1942
Partitions	Sept. 3, 1942
Record and chart desks and racks.	
Shelf trucks, except wheel tires and frame (not food).	
Step-on cans, except receptacle, and mechanism other than those for use in operating rooms.	
Sterilizer stands, except frame and top.	
Stools, except for use in operating rooms and except mechanism for adjustable stools.	
Supply and treatment cabinets, except for operating rooms.	
Stretchers, wheel type, except wheel tires and frame.	
Tables, examining, adjustable, except frame and operating mechanism.	
Thermometer baskets.	
Utensil racks.	

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[1] Repair and maintenance excepted.

Item—Continued	*Governing date*
Hospital equipment—Con.	
Vasoscillator — oscillating beds.	
Wall shelf stands, except for use in operating rooms.	
Wheel chairs, except essential hardware	July 15, 1942
Humidors	July 15, 1942
Ice cream cabinets of stainless steel	July 15, 1942
Ironing boards and stands	July 15, 1942
Kaleidoscopes	July 15, 1942
Key cases, chains and rings	July 15, 1942
Keys for opening cans	July 15, 1942
Lanterns, magic	July 15, 1942
Lawn brooms	July 15, 1942
Lawn edgers	July 15, 1942
Lawn rakes	July 15, 1942
Lawn rollers [1]	July 15, 1942
Lawn tampers	July 15, 1942
Lawn seeders [1]	July 15, 1942
Logs, artificial for gas and electric fireplaces	July 15, 1942
Luggage, except locks [1]	July 15, 1942
Memorial tablets	July 15, 1942
Metal dust covers and enclosures, except industrial	July 15, 1942
Monograms and initials	July 15, 1942
Outing spades	July 15, 1942
Pads, inking and stamping	July 15, 1942
Parasols, shafts and handles	July 15, 1942
Partitions	Sept. 3, 1942
Pet equipment, including but not limited to (except license tags):	
Chains.	
Collars.	
Feeders.	
Houses.	
Leashes.	
Muzzles.	
Carriers	July 15, 1942
Picnic and outing boxes and accessories	July 15, 1942
Playground equipment	Sept. 3, 1942
Play pens, boxes and enclosures, children's	July 15, 1942
Pitchers, except for hospital use	July 15, 1942
Pocketbook ornaments	July 15, 1942
Racetrack apparatus and equipment,[1] including but not limited to:	
Mutuel ticket machines.	
Pari-mutuel boards.	
Race finish photographic equipment.	
Starting gates	July 15, 1942
Railing, barriers, and fences, except livestock and poultry enclosures, and essential industrial use	July 15, 1942
Railroad rail joint angle bars over 24'' in length, except for replacement on used rails [1]	July 15, 1942
Reading stands	July 15, 1942
Refrigerators and refrigeration equipment of stainless steel, except essential machinery parts	July 15, 1942
Regalia	July 15, 1942
Rodeo equipment, including but not limited to:	
Animal trappings.	
Gates.[1]	
Fences.	
Rolling boardwalk chairs [1]	July 15, 1942
Rolling pins	July 15, 1942
Scales, coin operated	July 15, 1942
Scenery and stage hardware equipment [1], for dramatic theatrical and operatic use, except lamp bulbs, including but not limited to:	
Battens.	
Cables.	
Lights.	
Reflectors.	
Stage drops.	
Score boards	July 15, 1942
Shoe ornaments	July 15, 1942
Shutters, window, except where required in industrial use by underwriters [1]	July 15, 1942
Sidewalk scrapers	July 15, 1942
Siphon chargers	July 15, 1942
Skating rink apparatus and equipment [1]	July 15, 1942
Sleds, except runners	July 15, 1942
Sleighs, except runners	July 15, 1942
Smokers' accessories	July 15, 1942
Sod lifters	July 15, 1942
Spading forks, children's	July 15, 1942
Sprinkling cans, garden	July 15, 1942
Stairs and threshold treads, household, institutional and commercial buildings, except for fire escape and essential industrial use [1]	July 15, 1942
Stands and racks for colonic irrigation apparatus	July 15, 1942
Stretchers, glove, sock and sweater	July 15, 1942
Sun dials	July 15, 1942
Sun lamps and infra-red lamps, except for professional and hospital use, and except where lamps and reflectors are used for drying and baking	July 15, 1942
Swimming pool equipment,[1] including but not limited to:	
Diving boards.	
Diving stands.	
Ladders.	
Slides	July 15, 1942
Tickers, stock	July 15, 1942
Ticket vending machines, except for public transportation	July 15, 1942
Trailer bodies,[1] except tank and dump bodies and essential hardware, structural and bracing members for bodies essentially of wood construction	July 15, 1942
Transplanting trowels	July 15, 1942
Treads, stair and household, threshold, institutional and commercial buildings [1]	July 15, 1942
Trophies	July 15, 1942
Truck bodies,[1] except tank and dump bodies and essential hardware, structural and bracing members for bodies essentially of wood construction	July 15, 1942
Trunks, except locks [1]	July 15, 1942
Turf edgers	July 15, 1942
Umbrellas, garden	July 15, 1942
Umbrella shafts and handles	July 15, 1942
Vanity cases	July 15, 1942
Vending machines, ticket, except for public transportation	July 15, 1942
Waste paper receptacles	July 15, 1942
Watch straps	July 15, 1942
Water troughs [1]	July 15, 1942
Weather vanes	July 15, 1942
Weed cutters and pullers, including dandelions, thistle and dock	July 15, 1942

LIST C

Access panels—for use on board ship, on military vehicles, and where climatic or safety conditions make necessary.
Accessories—soda fountain—for use on board ship.
Acoustical ceilings—for use on board ship.
Air conditioning systems—for hospital operating rooms and industrial plants (excluding offices), for use on board ship, for use outside continental limits of the United States, for use in fortifications, for handling and storage of explosives, for storage and handling of instruments critical to temperature or humidity, for use in gas proofing installations, and for use in mobile surgical vehicles and laboratory vehicles.
Attic fans—where climatic conditions make necessary.
Automobile accessories.
Automobile heaters—where specified for military vehicles.
Automotive replacement parts, non-functional.
Awning frames and supports—for use on board ship, military repair units, hospital installations, and military construction units.
Barber shop supplies.
Baskets—for cooking and manufacturing uses and for ordnance operations.
Bath tubs—for use on board ship and in hospitals.
B-B shot—for training and shot blast cleaning purposes.
Beds—for use on board ship; beds containing not more than 5 pounds of iron or steel, excluding springs.
Bed spring frames—for use on board ship and for maintenance and repair.
Bench legs.
Binoculars.
Bird cages—for carrier pigeons.
Bird feeders—for carrier pigeons.
Biscuit boxes—for use on board ship or where climatic conditions make necessary.
Bleachers and grandstands—but only straps and necessary fasteners for demountable wooden bleachers and grandstands.
Bottle holders—for use on board ship and in hospitals.
Bread racks.
Brushes, wire bristles only.
Buttons.
Cabinets—for mobile units such as maintenance company equipment (truck mounted), spare parts trucks and mobile reproduction units, and for electrical installations, hospital operating and examining rooms, and office furniture as permitted by L-13-a and L-62.
Canopies and supports—for use on board ship, military repair units, hospital installations, and military construction units.
Cans or containers for anti-freeze, candy, coffee, nuts—where climatic conditions make necessary.
Cash boxes.
Casket handles.
Ceilings—for use on board ship, but only where necessary.
Cigarette lighters—for use outside continental limits of United States, for sale by Post Exchanges at ports of embarkation, and for sale by Ships Service Stores on board ship.
Clock cases.
Clothing trim.
Coffee roasting machinery.
Cooking stoves—commercial electric.
Counter tops—for use on board ship.
Culverts—for airports, for use outside continental limits of the United States, and where certified to the manufacturer or supplier as necessary by the Army or Navy engineer in charge.
Cups of all kinds, drinking.
Dishwashing machines.
Door closers—for fire prevention, for use on board ship, and where climatic or safety conditions make necessary.
Door handles—for fire prevention, for use on board ship, for military vehicles, and where climatic or safety conditions make necessary.
Door stops—for use on board ship and where climatic or safety conditions make necessary.
Drapery and curtain fasteners and rings—for use on board ship.
Dust collecting systems and equipment.
Dust covers and enclosures—when specified for military vehicles.
Electric drinking water coolers—for use on board ship, in hospitals and in tropical climates.

Erasing knives.
Fences, chain link, weighing not more than 2 pounds per lineal foot and not more than .33 pounds per square foot.
Flag staffs and flag masts—for use on board ship, and on military vehicles.
Flashlight tubes.
Floor and ceiling plates for piping, for use on board ship, for military vehicles, and where climatic or safety conditions make necessary.
Floor polishing machines—maintenance and repair only.
Furniture—for use on board ship.
Galley and mess equipment of stainless steel, but only—
  Clad stainless steel for steam tables and warming pans.
  Single clad stainless steel on inside of steam jacketed kettles.
  Clad stainless steel bottoms and solid stainless steel sides for pressure cookers.
  Non-nickel bearing stainless steel clad doors and other parts coming in direct contact with food in cold storage spaces on board ship.
  Non-nickel bearing stainless steel linings for coffee urns.
  Stainless steel single clad sinks and dresser tops for use on board ship.
  Non-nickel bearing stainless steel liners for portable water coolers.
  Non-nickel bearing stainless steel for tanks and hoods of dish washing machines.
  Metal sponges from non-nickel bearing stainless steel wire.
  Compartment mess trays, but only from existing finished stocks of stainless steel or new stainless steel, only if the processing is past the melting stage on September 3, 1942.
Games.
Garage hoists and car lifts.
Grilles—sewer.
Hand mirrors—for signal use.
Hand seals for documents.
Harness and saddlery fittings.
Hat frames, wire and gimps.
Hat-making machinery, but only—
  Blocking machines with complete sets of blocks.
  Sets or dies for cutting parts.
Helmets.
Hose reels.
Hospital equipment—
  Arm immersion stands.
  Bed trays.
  Bedside panel screen frames—for use in operating rooms, and outside continental limits of United States.
  Bowl stands—for use in operating rooms and on board ship.
  Cabinets—X-ray film filing.
  Cabinets for diathermy, sinusoidal and galvanic apparatus.
  Chart holders.
  Commodes—for hospital use outside continental limits of United States.
  Dish trucks—frames and wheel tires only.
  Dressing stand frames.
  Examining tables, non-adjustable—for use on board ship and in Field Hospitals.
  Instrument cabinets.
  Instrument tables.
  Nurses' work tables.
  Overbed and swing overbed tables—functional parts only.
  Stands and racks for colonic irrigation apparatus.
  Sterilizer stands.
  Supply and treatment cabinets.
  Utensil racks.
Ice box exteriors—for use on board ship, mobile type refrigerators, and for use where climatic conditions make necessary.
Ice cube trays.
Incinerators.
Keys for opening cans.
Laundry trays—for use on board ship.
Lavatories—for use on board ship and outside continental limits of United States.
Lockers—for office equipment as limited by Limitation Order L-13-a, for use on board ship, military vehicles, outside continental limits of United States and in ordnance plants.
Mail boxes—for use on board ship.
Mailing tubes—for transportation of cultures of bacteria.
Measuring pumps and dispensers for gasoline stations and garages, including but not limited to—
  Gasoline dispensing pumps.
  Grease pumps.
  Oil pumps.
  Kerosene pumps.
  Air pumps.
Pads, inking and stamping.
Paint spray outfits.
Partitions—for use in hospitals and on board ship.
Pencils, mechanical or automatic functional parts only, except for resale.
Phonograph motors, hand wound
Phonograph record blanks.
Photographic accessories.
Pie plates.
Pitchers.
Pneumatic tube delivery systems.
Portable bath tubs.
Push carts—for ordnance and combat organizations.
Radio antennae poles.
Railings—for use on board ship.
Scaffolding—for use in shipyards, airfields and other places where use of wood scaffolding is impracticable.
Screen frames.
Sewer pipe, exterior installations—for pressure lines only.
Shirt and stocking dryers of cast iron only.
Shower receptors—for use on board ship.
Shower stalls—for use on board ship.
Sink aprons and legs—for use on board ship.
Sink drainboards, both integral and removable—for use on board ship and where required for sterilization.
Siphon chargers for life jacket inflation.
Slide fasteners.
Snow shovels and pushers, hand and power propelled.
Sporting and athletic goods.
Stamped bakery equipment.
Swivel chairs—for use on board ship.
Tags—identification (name).
Tags—for marking ammunition.
Tanks, storage, water, but only for use on board ship, mobile units, range boilers and hot water storage, use outside continental limits of United States, heights in excess of 100 feet, pneumatic pressure tanks.
Telephone bell boxes—for use on board ship or where climatic or safety conditions make necessary.
Telescopes.
Thermos jugs and bottles.
Tile, steel back—for ladder treads, step plates and use on board ship.
Tool boxes.
Tool cases—for mobile equipment.
Tool handles, where specified.
Truck and trailer units and bodies, where specifically designed for military purposes.
Urinals—for use on board ship, and outside continental limits of United States.
Waste baskets—for hospital use only.
Water troughs, frame and support only.
Wheelbarrows.
Wire racks and baskets.
Work benches where wooden benches will not stand up under ordinary use.

LIST D

(Other Scarce Materials)

Metals—all.
Rubber.

[F. R. Doc. 42-10251; Filed, October 12, 1942; 11:47 a. m.]

PART 1198—GLASS CONTAINER AND CLOSURE SIMPLIFICATION

[Schedule C to Limitation Order L-103, as Amended September 30, 1942 [1]]

GLASS CONTAINERS FOR PRESERVES AND JELLY

§ 1198.4 *Schedule C to Limitation Order L-103*—(a) *Definitions.* For the purposes of this schedule:

(1) "Preserves and jelly," means the following:

(i) The product made from fruits, berries, fruit and berry juices and sugar by evaporation according to standards of identity established by the Food and Drug Administration;

(ii) The food products commonly known as preserves, conserves, jams, jellies, marmalades, fruit butters and imitations although same may deviate from the Food and Drug Administration standards;

(iii) The term shall not include aspic or meat jellies.

(2) "Standard glass container for preserves and jelly" means any of the following:

(i) A tumbler with a finish not larger than 68 mm. and with an overflow capacity of 9.4 fluid oz.

(ii) A tumbler with a finish not larger than 73 mm. and with an overflow capacity of 12½ fluid oz.

(iii) A glass container described in Exhibits 10, 14, 18, 22, and 23 of Limitation Order L-103, which possesses the finish prescribed for the respective container in the said Exhibits or any other Glass Container Association standard finish which is interchangeable therewith without alteration of the specified body mold.

(b) *Restrictions on use.* With the exceptions set forth in paragraph (c) of this schedule, on and after September 12, 1942:

(1) No person shall use a glass container other than a standard glass container as herein defined for the packaging of preserves and jelly for sale.

(2) No person shall use the standard glass container described in subparagraph (a) (2) (i) of this schedule for the packing for sale of any commodity herein described as "preserves and jelly," except jelly.

(3) No person shall use the standard glass container having a capacity of one quart and described in Exhibit 18 of Limitation Order L-103 for the packaging for sale of any commodity herein

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[1] Maintenance and repair excepted.

[1] This document is a restatement of Amendment 1 to Schedule C to L-103 which appeared in the FEDERAL REGISTER of October 1, 1942, page 7775, and reflects the order in its completed form as of September 30, 1942.

defined as preserves and jelly, except fruit butter.

(c) *Exceptions.* (1) Nothing in this schedule shall prevent the use for the packaging of preserves and jelly of any non-standard glass containers which were

(i) Completely manufactured on or before the 12th day of September, 1942, or

(ii) Which have the same capacity as any standard glass container described in this schedule, and were completely manufactured prior to January 1, 1943, from a mold actually in existence prior to September 12, 1942.

Provided, however, That no person shall use for the packaging of preserves and jelly for sale any glass container purchased or delivered on or after September 12, 1942, which has a capacity differing from those established for standard glass containers by this schedule, unless and until he shall have received from his seller a certificate or certificates covering all such containers so used, manually signed by such seller, or by an individual authorized to sign for such seller, in the following form:

> The undersigned hereby certifies to his vendee and to the War Production Board that those containers covered by the annexed purchase order which have capacities differing from those established for standard glass containers in Schedule C to Limitation Order L-103 were completely manufactured on or before September 12, 1942.

And no person shall use for the packaging of preserves and jelly for sale any non-standard glass container purchased or delivered after January 1, 1943, unless said certificate, in addition to the foregoing, shall state:

> And those non-standard containers covered by the annexed purchase order having the same capacities as those established for standard glass containers in Schedule C to Limitation Order L-103 were completely manufactured on or before January 1, 1943, from a mold actually in existence prior to September 12, 1942.

And provided further, That no person shall be entitled to rely on any such certificate if he knows or has reason to believe it to be false.

(2) Nothing in this schedule shall restrict the sale, delivery, use or manufacture of glass containers larger than one gallon capacity, of designs that existed on May 11, 1942.

(3) Nothing in this schedule shall be deemed to prevent or restrict the use for the packaging of preserves and jelly of any non-standard glass containers by a person who packed less than 1000 pounds of preserves and jelly for sale during the twelve months' period beginning September 1, 1941, and ending August 30, 1942.

(4) Except as specifically permitted by the exhibits referred to in paragraph (a) (2) (iii) of this schedule, lettering on standard glass containers for preserves and jelly shall be limited to the manufacturer's identification (which may include trademark, name, symbol), place of manufacture, date of manufacture by year, design number, and mold or cavity number.

(d) *Manufacture.* On and after September 12, 1942 no molds may be manufactured for a preserves or jelly jar or finish which does not conform to the specifications of a standard glass container for preserves and jelly, nor may any mold for a glass container for preserves or jelly be replaced—whether because of wear or for any other reason—except by a mold which conforms to the said specifications.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10249; Filed, October 12, 1942; 11:45 a. m.]

PART 3022—SILVER

[Conservation Order M-199 as Amended September 28, 1942[1]]

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of silver for defense, for private account, and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3022.1 *Conservation Order M-199*—(a) *Definitions.* For the purposes of this order:

(1) "Silver" means silver bullion, silver scrap and other secondary forms of silver, and any alloy, compound, salt, or mixture containing more than one-half of one per cent of silver by weight. The term does not include alloyed gold produced in accordance with U. S. Commerce Standards CS 51-35 and CS 67-38.

(2) "Foreign silver" means any silver except that which has been produced since July 1, 1939, from mines situated inside of the territorial limits of the United States, its territories and possessions. It also includes foreign silver scrap and other secondary forms of foreign silver, and any alloy, compound, salt, or other mixture containing more than one-half of one per cent of foreign silver by weight. *Provided, however,* That scrap and other secondary forms of silver resulting from the processing of silver produced since July 1, 1939, from mines situated inside of the territorial limits of the United States, its territories and possessions, shall be considered as excepted from the category of "foreign silver," as such term is used herein, only as long as such scrap and secondary form of silver remains in the ownership of the person whose processing operations produced it.

(3) "Restricted use" means a use of silver in the manufacture of a product or part thereof or in any other use appearing upon List A hereto attached.

(4) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(5) "Manufacturer" means any person who uses silver by incorporating it physically in the products or parts thereof which he manufactures or who uses or consumes silver in any manufacturing, testing, laboratory, plating, or repairing process.

(6) "Supplier" means any person who imports, smelts, alloys, melts, rolls, or refines silver, or who sells silver to manufacturers. The term includes distributors.

(7) "Process" means cut, draw, machine, stamp, melt, cast, forge, roll, turn, spin, or otherwise shape. It also means assemble. The term does not include sand-bobbing, buffing, or polishing an assembled article.

(8) "Put into process" means the first change by the manufacturer in the form of material from that form in which it is received by him.

(9) The term "assemble" shall not be deemed to include the putting together of an article after delivery to a sales outlet or consumer in knockdown form pursuant to an established custom. The term "assemble" shall also not be deemed to include adding finished parts to an otherwise finished article when the placing of one or more finished parts or the size or type of one or more finished parts is determined by the use to which the ultimate consumer is to put the article. In all other cases, the term "assemble" shall be deemed to include adding parts, whether of silver or of any other material, to an article of silver, where such article is not deemed complete and ready for immediate sale or use until such parts have been added, including adding gems, stones, or glass jewels or beads to articles or parts of silver, and adding brushes, combs, knives, forks, or other utensils to backs or handles of silver.

(10) The term "deliver" shall not be deemed to include a redelivery of silver to the owner thereof, who is a manufacturer, by a person to whom such owner delivered such silver to be alloyed or processed and returned to such owner for further processing; nor does it include the delivery under the same circumstances by the owner to the person who alloys or processes the silver for the owner.

(11) The term "receive" shall not be deemed to include a receipt of silver by the owner thereof, who is a manufacturer, from a person to whom such owner delivered such silver to be alloyed or processed and returned to such owner for further processing; nor does it include the receipt under the same circumstances from the owner by the person who alloys or processes the silver for the owner.

(b) *Restrictions upon sale or delivery of foreign silver for restricted uses.* No supplier shall sell foreign silver except to a supplier or a manufacturer. No

manufacturer shall sell foreign silver in the form of raw material, semi-processed material, or scrap except to a supplier or to fill orders bearing a preference rating of A-3 or higher or to Metals Reserve Company or any other corporation organized under section (5) (d) of the Reconstruction Finance Corporation Act as amended. Between July 29, 1942, and October 1, 1942, except to fill orders bearing a preference rating of A-3 or higher, no supplier shall sell or deliver foreign silver to any manufacturer for restricted uses in excess of one-twelfth of the aggregate amount by weight of such foreign silver sold or delivered by him to such manufacturer for restricted uses during the calendar year 1941 or in excess of one-sixth of the aggregate amount by weight of such foreign silver sold or delivered to him by such manufacturer for restricted uses during the period from January 1, 1942, to July 1, 1942, whichever is greater; and after October 1, 1942, except to fill orders bearing a preference rating of A-3 or higher, no supplier shall sell or deliver any foreign silver to any manufacturer for restricted uses. No supplier shall sell or deliver foreign silver to any person if he knows, or has reason to believe, such silver is to be received or used in violation of the terms of this order.

(c) *Restrictions upon purchase or receipt of foreign silver for restricted uses.* Between July 29, 1942, and October 1, 1942, except to fill orders bearing a preference rating of A-3 or higher, no manufacturer shall purchase or receive foreign silver for restricted uses in excess of one-twelfth of the aggregate amount by weight of such foreign silver purchased or received by such manufacturer for restricted uses during the calendar year 1941 or in excess of one-sixth of the aggregate amount by weight of such foreign silver purchased or received by such manufacturer for restricted uses during the period from January 1, 1942, to July 1, 1942, whichever is greater; and after October 1, 1942, except to fill orders bearing a preference rating of A-3 or higher, no manufacturer shall purchase or receive any foreign silver for restricted uses.

(d) *Restrictions upon manufacture of foreign silver for restricted uses.* Between July 29, 1942, and October 1, 1942, except to fill orders bearing a preference rating of A-3 or higher, no manufacturer shall put into process foreign silver for restricted uses in excess of one-twelfth of the aggregate amount by weight of such foreign silver put into process by such manufacturer for restricted uses during the year 1941 or in excess of one-sixth of the aggregate amount by weight of such foreign silver put into process by such manufacturer for restricted uses during the period from January 1, 1942, to July 1, 1942, whichever is greater. Except to fill orders bearing a preference rating of A-3 or higher, no manufacturer shall put into process any foreign silver for restricted uses, nor shall he process further any partially processed products or parts thereof of foreign silver on List A, unless the foreign silver was put into process prior to October 1, 1942, and unless the products or parts will be finished by November 15, 1942. After October 1, 1942, except to fill orders bearing a preference rating of A-3 or higher, no manufacturer shall put into process any foreign silver for restricted uses; and after November 15, 1942, except to fill orders bearing a preference rating of A-3 or higher, no manufacturer shall process any foreign silver for restricted uses.

(e) *Delivery certificate for foreign silver.* No supplier shall deliver foreign silver to any manufacturer and no manufacturer shall receive foreign silver from any supplier unless the manufacturer shall make and deliver to the supplier, or endorse on the purchase order, a certificate, manually signed by the manufacturer or a responsible official thereof, in substantially the following form, to-wit:

> The undersigned hereby certifies that he is familiar with the terms of Conservation Order M-199; that he is a manufacturer as such term is used in such order; and that the foreign silver covered by the accompanying order of even date shall be received and used as permitted by said Order M-199.

Dated ----------------------
Name ----------------------
By ----------------------

Such certificate shall constitute a representation by the manufacturer to the supplier and the War Production Board of the facts stated therein. The supplier shall be entitled to rely on such representation unless he knows or has reason to believe it to be false.

(f) *General exception.* None of the restrictions in this order as to sale, purchase, delivery, receipt, or use of foreign silver shall be applicable to the United States or any of its departments or governmental agencies.

(g) *Repair exception.* The restrictions of this order shall not apply to a person repairing a used article on or off the premises of the owner, if the person making the repair does not use foreign silver weighing in the aggregate more than 5 ounces and if any putting into process or processing done by such person is for the purpose of making the specific repair.

(h) *Limitations of inventories.* No manufacturer shall receive delivery of foreign silver, in the form of raw materials, semi-processed materials, finished parts, or sub-assemblies, nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of raw, semi-processed, or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the use of foreign silver by this order.

(i) *Reports.* Each supplier and each manufacturer and every other person affected by this order shall file such reports as may be requested from time to time by the Director General for Operations.

(j) *Miscellaneous provisions*—(1) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of silver conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or other written communication, in triplicate, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(2) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all items manufactured after July 29, 1942 irrespective of whether such items are manufactured pursuant to a contract made prior or subsequent to July 29, 1942. Insofar as any other order of the Director General for Operations may have the effect of limiting or curtailing to a greater extent than herein provided, the use of foreign silver in the production of any item, the limitations of such other order shall be observed.

(3) *Applicability of Priorities Regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Miscellaneous Minerals Branch, Washington, D. C. Ref.: M-199.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 28th day of September, 1942.

ERNEST KANZLER,
Director General for Operations.

LIST A

RESTRICTED USES OF FOREIGN SILVER UNDER CONSERVATION ORDER M-199

1. Silverware, including, without limitation, knives, forks, spoons, plates, platters, dishes, pitchers, vases, cups, candlesticks, and all other kinds of flatware and holloware and table, kitchen, and decorative utensils and objects.

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[1] This document is a restatement of Amendment 2 to M-199 which appeared in the FEDERAL REGISTER of September 29, 1942, page 7664, and reflects the order in its completed form as of September 28, 1942.

2. Watch cases and jewelry, including, without limitation, costume jewelry, blackout jewelry and other articles of personal adornment.
3. Badges and insignia.
4. Church goods as defined in General Limitation Order L-136.
5. Slide fasteners, hooks and eyes, snaps, fasteners, and buttons.
6. Closures for containers.
7. Pens and pencils.
8. Toilet sets and picture frames.
9. Musical instruments.
10. Electroplating not necessary for operational purposes, except for use in the manufacture and repair of dental, surgical, and veterinary instruments, appliances and equipment.
11. Silverclad metal, except for use in the manufacture and repair of dental, surgical, and veterinary instruments, appliances, and equipment.
12. Insulated wire for electrical conductors.

INTERPRETATION 1

Conservation Order M-199 imposes certain limitations upon the amount of foreign silver which a manufacturer may put into process for restricted uses. In many silver manufacturing processes, a manufacturer starts with a certain amount of silver in primary shapes and ends the operation with a large part of such silver in the form of scrap. It is customary for the manufacturer in these cases to have this scrap melted, rolled, or otherwise processed so as to return it to a primary shape in which it can again be subjected to manufacturing processes. This reforming of the silver scrap in some instances is done by the manufacturer himself, in other instances the work is done by others under toll agreement. The question has been presented as to whether the processing of this reformed scrap must be considered as coming within the meaning of the term "put into process" or whether such processing of reformed scrap shall be considered as only the continuation of a processing operation which began when the manufacturer processed for the first time in any form for a restricted use the specific amount of silver from which such scrap was produced.

It is hereby determined that for the purposes of Order M-199, the term "put into process" shall be deemed to cover only the manufacturer's first processing for a restricted use of a given amount of silver. It shall not be deemed to cover the subsequent processing of reformed scrap produced therefrom, whether such reforming is done by the manufacturer himself or by others for him under toll agreement. The term shall be deemed to cover, however, the processing for a restricted use of reformed scrap which was produced in a manufacturing operation which is not restricted under the order.

[F. R. Doc. 42-10253; Filed, October 12, 1942; 11:47 a. m.]

PART 3042—PILCHARD

[Conservation Order M-206 as Amended September 30, 1942 [1]]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of pilchard for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3042.1 *General Preference Order M-206*—(a) *Definitions.* For the purposes of this order:

(1) "Delivery" means the transfer of pilchard to a processing plant, for canning or reduction, or to a place of storage, whether or not the same person owns or controls the vessel from which it is transferred, the plant, or the fish.

(2) "Pilchard" means raw, unprocessed pilchard (Sardinia caerulea), by whatever name known, including sardines.

(b) *Restrictions on delivery.* Unless authorized by the Director General for Operations, on and after September 1, 1942:

(1) No contract or agreement shall be entered into or carried out which directly or indirectly operates to place "limits" on the amount of pilchard which may be caught by any fishing vessel nor the frequency with which any pilchard fishing vessel shall leave port for or return from the fishing grounds.

(2) No fishing vessel with a cargo of pilchard aboard shall remain, or be required to remain, for more than twelve hours at a processing plant for unloading.

(3) No processing plant shall accept delivery of more pilchard than can be processed, by canning or reduction, in such plant within 48 hours after receipt of such pilchard.

(4) On and after September 30, 1942, no person shall make delivery of, or use or process such pilchard in violation of orders of the Director General for Operations issued pursuant to this paragraph. The Director General for Operations may from time to time allocate the supply of pilchard and specifically direct the time, manner and quantities in which deliveries to particular persons shall be made or withheld. He may require fishing vessels delivering pilchard to deliver part or all of such pilchard to particular ports or to particular persons. The Director General for Operations may also direct or prohibit particular uses of such pilchard.

(5) Orders given by the Director General for Operations pursuant to paragraphs (b) (1) through (b) (4) must be carried out without regard to inconsistent provisions in any contract or agreement.

(c) *Applications and reports.* (1) On and after September 1, 1942, no person owning or operating a fishing vessel shall make delivery of any pilchard to any person unless on or before the date of first delivery he files with the War Production Board a statement substantially in the form of Exhibit A attached hereto, certifying that he has not entered into any contract or agreement placing "limits" on his catch of pilchard, or if he has done so, that such "limits" are not now effective. Failure on the part of any person owning or operating a fishing vessel to file such statement may be construed as notice to the Director General for Operations that such person does not desire to make delivery of pilchard to any person.

(2) On and after September 1, 1942, no person shall accept delivery of pilchard unless on or before the date on which delivery is desired, he shall have filed with the War Production Board a statement substantially in the form of Exhibit B, attached hereto, certifying that he has not directly or indirectly caused "limits" to be placed upon the catch of any vessel fishing for pilchard, or if he has done so, that such "limits" are not now effective. Failure by any person to file such statement may be construed as notice to the Director General for Operations that such person does not desire to accept delivery of pilchard.

(d) *Appeals.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship upon him may appeal to the War Production Board, by letter, setting forth the pertinent facts and reasons such person considers that he is entitled to relief. The Director General for Operations may take such action as he deems appropriate.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, purchases, production and sales.

(f) *Audit and inspection.* All records required to be kept by this order or by any rule, regulation or order of the Director General for Operations, shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Communications to War Production Board.* All reports and certifications required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Food Branch, San Francisco, California. Ref.: M-206.

(h) *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the Director General for Operations in connection with this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(i) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of September, 1942.

ERNEST KANZLER,
Director General for Operations.

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[1] This document is a restatement of Amendment 1 of M-206 which appeared in the FEDERAL REGISTER of October 1, 1942, page 7776, and reflects the order in its completed form as of September 30, 1942.

EXHIBIT A

WAR PRODUCTION BOARD

WASHINGTON, D. C.

Pilchard (Pacific sardine) Fishing Vessel Owner's Certificate

The undersigned hereby certifies that he owns or operates the fishing vessel ---------- (Name of vessel) ----------, Official No. ------------; that he intends to operate such vessel in the pilchard fisheries during the season 1942-1943; that neither he nor anyone else has entered into any contract or agreement placing limits on the catch of the said vessel, or, if he or anyone else has done so, that such limits are not now effective; that no such agreement will be entered into during the effective life of Order M-206, with the terms of which he is familiar; that he will not deliver pilchard to any person who, under the terms of Order M-206, is not entitled to receive the same; and that he will comply with the said Order M-206 and all orders or instructions issued by the Director General for Operations pursuant thereto.

(Name of owner)

By ------------------------
(Duly authorized official)

This certificate, when filled in, should be mailed to:

War Production Board
Food Branch
San Francisco, California Ref.: M-206

EXHIBIT B

WAR PRODUCTION BOARD

WASHINGTON, D. C.

Pilchard (Pacific sardine) Canners and Reductionists Certificate

The undersigned hereby certifies that it is a processor of pilchard; that it is familiar with the terms of Order M-206 and agrees to comply with the said order and all orders or instructions issued by the Director General for Operations pursuant thereto; that it has not directly or indirectly caused limits to be placed upon the catch of any vessel fishing for pilchard, or, if it has done so that such limits are not now effective; that it will enter into no such agreement during the effective life of Order M-206.

(Date)

(Name of company)

(Signature of Authorized Official)

This certificate, when filled in, should be mailed to:

War Production Board
Food Branch
San Francisco, California Ref.: M-206

[F. R. Doc. 42-10254; Filed, October 12, 1942; 11:47 a. m.]

PART 3058—USED CONSTRUCTION EQUIPMENT

[Limitation Order L-196, as Amended September 28, 1942 [1]]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of rubber and other materials used in the production of construction equipment for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3058.1 *Limitation Order L-196*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(b) *Inapplicability of this order.* This order shall not apply to the Army, Navy, Maritime Commission or to any person or agency who has acquired used construction equipment for export outside the continental limits of the United States.

(c) *Definitions.* (1) "Person" means any individual, partnership association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, except those excluded by paragraph (b) hereof.

(2) "Construction equipment" means any of those products listed in Schedule A attached hereto and made a part of this order.

(3) "Used" when applied to construction equipment, means any construction equipment which has been delivered to an ultimate consumer.

(d) *Registration of used construction equipment.* Any person owning used construction equipment purchased prior to October 1, 1942, shall on or before October 31, 1942, register such equipment by completing, signing and returning by mail WPB Form 1159 to Used Construction Equipment Regional Specialist in the War Production Board Regional Office in the region in which such equipment is located.

(e) *Registration of change of status of used construction equipment.* Within one week after any used construction equipment (1) is moved from the project on which it is being used; (2) becomes idle after completing its work on that project even if not moved from the project; (3) not being on a project is put into use on a project; or (4) has had its ownership changed, any person owning such equipment shall register such change of status by completing, signing and returning by mail WPB Form 1333 or such other form as may be in the future specified by the Director General for Operations to Used Construction Equipment Regional Specialist in the War Production Board Regional Office in the region in which such equipment is located.

(f) *Records* All persons affected by this order shall keep and preserve for not less than two (2) years accurate and complete records concerning the movement of used construction equipment from projects.

(g) *Audit and inspection.* All records required to be kept by this order, shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(i) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board Regional Office in the region in which the equipment is located setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action, if any, as he deems appropriate by the amendment of this order or otherwise.

(j) *Communications.* All communications concerning this order shall be addressed to Used Construction Equipment Regional Specialist in the War Production Board Regional Office in the region in which the equipment is located. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

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[1] This document is a restatement of Amendment 1 to L-196 which appeared in the FEDERAL REGISTER of September 29, 1942, page 7665, and reflects the order in its completed form as of September 28, 1942.

Issued this 28th day of September 1942.

ERNEST C. KANZLER,
Director General for Operations.

SCHEDULE A

Buckets, clamshell.
Buckets, concrete.
Buckets, dragline.
Buckets, orange peel.
Buckets, scraper (bottomless) for dragline operation.
Buckets, shovel.
Cranes, crawler mounted power.
Cranes, tractor mounted power.
Cranes, rubber tire mounted power.
Discs, road.
Ditchers, blade.
Ditchers, ladder.
Ditchers, wheel.
Dragline, *see* cranes.
Draglines, slack line.
Draglines, walking.
Dredges & dredge equipment.
[1] Drilling machines, earth & rock blast hole drills.
[1] Drilling machines, earth & rock core drills.
[1] Drilling machines, earth & rock jack hammers.
[1] Drilling machines, earth & rock rock drills.
Earth boring machines.
Excavators, *see* Power shovels.
Graders, blade or pull type earth moving.
Graders, elevating earth moving.
Graders, self-propelled earth moving.
Graders, under-truck earth moving.
Hammers, pile.
Rollers, road, tamping.
Rollers, road, tandem.
Rollers, road, three wheeled.
Scrapers, carrying or hauling, both drawn and self-propelled.
Shovels, crawler mounted power.
Shovels, rubber tire mounted power.
Shovels, tractor mounted power.
Batching plants, contractors.
Bins, construction material.
Conveyors, construction material belt.
Crushers, construction material asphalt.
Crushers, construction material cone.
Crushers, construction material gyratory.
Crushers, construction material jaw.
Crushing plants, other than stationary, construction.
Distributors, bituminous.
Finishers, bituminous.
Hoists, contractors (other than tractor mounted).
Loaders, portable bucket type (other than coal).
Mixers, bituminous.
Mixers, concrete agitator & truck.
Mixers, concrete construction.
Mixers, paving.
Plants, asphalt.
Pumps, concrete.
Screening plants, construction material (other than stationary).
Washing & screening plants, portable.
Winches, contractors.
Track-laying tractors.
Angledozers.
Bulldozers.
Tractor operated control units.
Internal combustion engines—Diesel and gasoline unattached.

[F. R. Doc. 42-10250; Filed, October 12, 1942; 11:45 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-114]

U-NEED-A-PAK PRODUCTS CORPORATION

U-Need-A-Pak Products Corporation, 135 Plymouth Street, Brooklyn, New York, is a manufacturer of cigarette vending machines, the manufacture of which is governed by General Limitation Order L-27. Despite the fact that since December 31, 1941, the effective date of this order, the company was familiar with the restrictions contained therein, during the period of January through April, 1942, the company wilfully violated General Limitation Order L-27 by using a large amount of iron, steel, and other metals in the manufacture of cigarette vending machines in excess of the quantity which it was permitted to use for such purpose. Because of its violation of General Limitation Order L-27 the company produced 1,247 more cigarette vending machines than it should have produced.

These violations of General Limitation Order L-27 have impeded and hampered the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing facts,

It is hereby ordered:

§ 1010.114 *Suspension Order S-114.* (a) For a period of six months from the effective date of this order, deliveries of material to U-Need-A-Pak Products Corporation, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) For a period of six months from the effective date of this order, no allocation shall be made to U-Need-A-Pak Products Corporation, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations, or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) U-Need-A-Pak Products Corporation, its successors and assigns, shall not sell, transfer or deliver any cigarette vending machines, whether in semi-finished form or in finished form, except as specifically authorized by the Director General for Operations: *Provided, however,* That the company may deliver or transfer such machines for the purpose of storing the same for its own account.

(d) Nothing contained herein shall be deemed to relieve U-Need-A-Pak Products Corporation, its successors and assigns, from any restriction, prohibition or provisions contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on October 13, 1942, and remain in effect until revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10261; Filed, October 12, 1942; 3:22 p. m.]

PART 965—IRON AND STEEL SCRAP

[General Preference Order M-24, as Amended to October 13, 1942]

Section 965.1 *General Preference Order M-24* [1] is hereby amended to read as follows:

§ 965.1 *General Preference Order M-24*—(a) *Definitions.* For the purposes of this order:

(1) "Scrap" means all ferrous materials, either alloyed or unalloyed, of which iron or steel is a principal component, which are the waste of industrial fabrication, or objects that have been discarded on account of obsolescence, failure or other reason.

(2) "Producer" means any person who produces scrap in the conduct of a business or other enterprise.

(3) "Dealer" and/or "broker" means any person who, as principal or as agent, buys and sells scrap in the regular course of his business.

(4) "Consumer" means any person who uses scrap in the production of iron, steel, or ferroalloy material or products.

(b) *Special instructions.* The Director General for Operations may from time to time issue specific directions to any person as to the source, destination, or amount of scrap to be delivered or acquired by such person.

(c) *Inventory restrictions suspended.* Subject to the provisions of paragraph (b), delivery of scrap to, or acceptance of such delivery by a consumer is specifically authorized until further order of the Director General for Operations, without regard to the restrictions set forth in § 944.14 of Priorities Regulation No. 1, as amended.

(d) *Reports.* Producers, dealers, brokers, and consumers shall file such reports as may be prescribed by the Director General for Operations. Until further notice such reports shall be filed on or before the 10th day of each month, by producers on forms PD-149 and 149A, by brokers and dealers on form PD-151, and by consumers on form PD-150.

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[1] Except when owned by mines operating under a serial number assigned by P-56.

[1] 6 F.R. 5217, 7 F.R. 3878.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(f) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10284; Filed, October 13, 1942; 11:17 a. m.]

PART 965—IRON AND STEEL SCRAP

[Amendment 1 to Supplementary Order M-24-c]

ALLOY SCRAP SEGREGATION

Section 965.4 *Supplementary Order M-24-c* [1] is amended by substituting for Classification 16 of Schedule A the following classifications:

16 Chromium 16%-20% inclusive, and Nickel 8%-10% inclusive, except as included in Classification 16A or 16B.

16A Turnings—Chromium 16%-20% inclusive, Nickel 8%-10% inclusive, Phosphorus up to and including .04%, Sulphur .18%-35% inclusive.

16B Turnings—Chromium 16%-20% inclusive, Nickel 8%-10% inclusive, Sulphur up to and including .04%, Phosphorus .12%-.17% inclusive, Selenium .15%-.35% inclusive.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10285; Filed, October 13, 1942; 11:17 a. m.]

PART 982—MINES

[Amendment 4 to Preference Rating Order P-56, as Amended March 2, 1942]

Section 982.1 *Preference Rating Order P-56* [2] is hereby amended as follows:

1. Paragraph (c) is amended to read as follows:

(c) *Assignment of preference ratings.* Subject to the terms of this order, the following preference ratings are hereby assigned to deliveries to operators, but nothing herein contained shall prevent the use of any other or higher rating to which any person may be entitled by reason of any other preference rating certificate or order.

(1) AA-2X to deliveries of material for maintenance and repair. This rating may be applied by an operator to deliveries in any calendar quarter only up to the amount of the operator's quota of such material for such quarter as established by the Director General for Operations after application by the operator. For metals as listed on the Metals List of Priorities Regulation No. 11, the Director General will establish quotas in terms of amounts of material; for repair parts for machinery and equipment of the types listed in Schedule A to this order, and for other material for repair and maintenance, the Director General will establish quotas in terms of dollar value.

(2) A-1-a to deliveries of material for operating supplies.

2. Paragraph (d) is amended to read as follows:

(d) *Other preference ratings assignable.* The Director General may also upon written, telegraphic, or telephonic request assign such preference ratings as he deems proper to deliveries to operators:

(1) In case of actual or threatened breakdown or suspension of operations. Requests for preference ratings in such cases must describe the material needed and the nature of the emergency.

(2) Of essential material and equipment, whether or not listed in Schedule A. Requests for preference ratings in such cases must describe the material needed and the reasons why it is essential for the proper operation of the mining enterprise.

3. Paragraphs (e) and (f) are redesignated (f) and (g) respectively.

4. A new paragraph (e) is adopted as follows:

(e) *Standards.* In establishing quotas under paragraph (c) and in assigning preference ratings under paragraph (d) the Director General will consider the importance to national defense of each operator's production and of the materials required to meet the operator's needs.

(P. D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10286; Filed, October 13, 1942; 11:19 a. m.]

PART 1024—PIGS' AND HOGS' BRISTLES

[General Preference Order M-51, as Amended October 13, 1942]

Section 1024.1 *General Preference Order M-51* is hereby amended to read as follows:

§ 1024.1 *General Preference Order M-51*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to the provisions of priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Bristles" shall mean pigs' or hogs' bristles of the lengths of two inches and longer, whether new or reclaimed and whether imported or not, but not including unturned riflings imported as such.

(2) "Dealer" shall mean any person engaged in the business of purchasing and reselling bristles without changing the condition thereof.

(3) "Dresser" or "reclaimer" shall mean any person grading, sorting, dressing or reclaiming bristles and reselling to a dealer or to other dressers or reclaimers.

(c) *Restrictions of deliveries to defense orders.* Notwithstanding the provisions of Priorities Regulation No. 13, as amended, no person shall sell, deliver, or transfer title to any person other than the Defense Supplies Corporation, and no person, other than the Defense Supplies Corporation, shall buy, take title to, or accept delivery of bristles except upon defense orders, unless specifically authorized by the Director General for Operations: *Provided, however,* That sales, deliveries, and transfers of title to bristles may be made to the person importing the same, either directly or through an agent, if each person participating in the transaction shall report to the War Production Board on or before the close of the next business day following such participation, the amount, origin, size, color, number of cases, and identifying case numbers of any bristles so sold, delivered, or to which title has been so transferred, and the extent of such person's participation in such transaction: *Provided, further,* That nothing contained in this paragraph shall prevent purchases or sales, deliveries or acceptance of deliveries, or transfers of title to fill orders in accordance with the provisions of paragraphs (d) (3) (i), (d) (3) (ii), (d) (3) (iv).

(d) *Restrictions on use of bristles.* (1) No person shall hereafter boil, steam, sterilize, cut, trim, or mix any bristles, or otherwise commence the manufacture of any product of which bristles are a component part except upon defense orders, unless specifically authorized by the Director General for Operations.

(2) No person shall hereafter open any cases containing bristles or remove any bristles from cases, opened, broken or otherwise, except upon defense orders, unless specifically authorized by the Director General for Operations, or unless necessary to preserve such bristles from deterioration. Any action taken to prevent bristles from deterioration shall be reported at once to the War Production Board, together with a complete description of the bristles so saved from deterioration, and the location thereof after such action, together with a statement of the reasons why such action was necessary. Such bristles shall not thereafter be sold, delivered or title thereto

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[1] 7 F.R. 4535.

[2] 7 F.R. 1637, 2786, 3660, 4473, 6205.

transferred unless specifically authorized by the Director General for Operations.

(3) Notwithstanding the foregoing, nothing in this order shall prevent:

(i) Dressers or reclaimers from removing bristles from cases, performing their operations thereon, and reselling, delivering or transferring title to them upon orders placed by dealers for inventory.

(ii) Dealers from placing orders for delivery of, buying, taking title to, or accepting delivery of bristles for inventory.

(iii) The opening of cases for inspection as to quality and condition, verification of sizes and weights, and removal of the bristles of less than two inches in length.

(iv) The opening of cases, removal of bristles, deliveries and transfers of title, upon orders for shoe bristles.

(v) The manufacture, subject to the limitations of paragraph (e), of the minimum commercially practicable amounts of finished products when the manufacture of additional amounts of such products is required in order to fill defense orders: *Provided, however,* Any excess so manufactured shall be sold only on defense orders.

(4) Notwithstanding the foregoing, nothing in this order shall prevent any manufacturer of products containing bristles from placing purchase orders for or accepting delivery of such amounts of bristles as may be necessary to enable him to manufacture, for inventory, subject to the limitation in paragraph (e), an amount of his finished products not in excess of the amount of his finished products delivered by him upon defense orders in the calendar month preceding the date on which the purchase order is placed: *Provided,* That his inventory is not in excess of a practicable minimum working inventory at the time the order is placed and that to the best of his knowledge and belief, it will not become so at the time the bristles are scheduled to be delivered, *And provided, further,* That delivery may not be accepted at any time when acceptance would bring his inventory above a practicable minimum working inventory. Such finished products shall be only of the kind and type suitable for delivery upon defense orders. No person shall make delivery of bristles unless each such order shall have endorsed thereon a certificate from such manufacturer, signed by an individual authorized to sign for such manufacturer, and in substantially the following form:

> The undersigned manufacturer hereby certifies to his vendor and to the War Production Board, subject to the provisions of section 35 (A) of the Criminal Code (18 U. S. C. 80) that the bristles to be delivered on this purchase order are required by the undersigned to enable the undersigned to manufacture, for inventory, an amount of the undersigned's finished products not in excess of the amount of the undersigned's finished products delivered upon defense orders in the calendar month preceding the date on which this purchase order is placed; that the undersigned's inventory is not in excess of a practicable minimum working inventory, and, to the best of his knowledge and belief, it will not become so at the time the bristles are scheduled to be delivered; and that delivery will not be accepted at any time when acceptance would bring the inventory of the undersigned above a practicable minimum working inventory.
>
> \-------------------------------
> (Company)
>
> By -------------------------------
> (Signature of authorized individual)
>
> \-------------------------------
> (Title)
>
> Date-------------------
>
> The undersigned hereby certifies to the above vendor and to the War Production Board, subject to the provisions of section (35) A of the United States Criminal Code, that the above certificate was signed by the undersigned on behalf of and by authority of the said manufacturer.
>
> \-------------------------------
> (Individual)
>
> Date -------------------

(e) *Conservation of bristles.* No person shall use in the manufacture of any product a bristle mixture containing less than 45% of material other than pigs' or hogs' bristles of any length whatever: *Provided, however,* That this restriction shall not apply to the manufacture of any product purchased by or for the account of the United States Army, Navy, Maritime Commission or the War Shipping Administration where a contracting or inspecting officer of the department or agency concerned shall, after reviewing the applicable Emergency Alternate Federal Specification, certify in a signed certificate furnished to the manufacturer that a bristle mixture of a content different from that provided in this paragraph is necessary for military or naval uses, or to the manufacture of any product made in accordance with applicable State, County or Municipal health regulations or orders in effect September 7, 1942.

(f) *Restrictions on importation and disposition of bristles.* In addition to all other requirements of this order, the importation and disposition of bristles shall be made in conformity with the provisions of General Imports Order M-63, as amended from time to time.

(g) *Reports and communications.* (1) Each person participating in any transaction involving bristles shall execute and file with the War Production Board such reports and questionnaires as may be requested by the Board from time to time.

(2) All reports required to be filed under, and all communications concerning, this order shall be addressed to War Production Board, Textile, Clothing and Leather Branch, Washington, D. C., Ref.: M-51.

(h) *Records and inspection.* (1) Each person participating in any transaction involving bristles shall keep and preserve for a period of not less than two years accurate and complete records of his inventories, production, sales and transactions in bristles.

(2) All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *Appeals.* Any person affected by the order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(j) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10287; Filed, October 13, 1942; 11:18 a. m.]

PART 1050—DISTILLED SPIRITS

[General Preference Order M-69, as Amended Effective November 1, 1942]

Sections 1050.1, 1050.2, 1050.3 and 1050.4 *General Preference Order M-69* and orders supplemental thereto[1] are hereby amended to read:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of distilled spirits, as hereinafter defined, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1050.1 *General Preference Order M-69*—(a) *Definitions.* (1) "Distilled spirits" means ethyl alcohol of 190 proof or higher produced from corn or grain.

(2) "High wines" means spirits distilled at less than 190 proof from corn or grain.

(3) "Producer" means any person engaged in the operation of a distillery.

(4) "Distillery" means any distillery which has equipment and facilities to convert corn or grain into distilled spirits or high wines.

(b) *Restrictions on operations of distilleries.* No producer shall, except as specifically authorized or directed by the Director General for Operations, operate any part of his distillery except for the production of distilled spirits: *Provided, however,* That the Director General for Operations, on a proper showing by a producer that the equipment and facilities of his distillery, or of any part of his distillery, cannot be converted or adapted to the production of distilled spirits, may authorize the operation thereof for the production of high wines.

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[1] 7 F.R. 224, 655, 903, 1128, 3081.

(c) *Restrictions on use.* No producer, except as specifically authorized or directed by the Director General for Operations, shall use, bottle or barrel for beverage purposes or otherwise allocate or appropriate to such purposes any distilled spirits produced on or after February 20, 1942 or any high wines produced on or after November 1, 1942.

(d) *Directions and restrictions respecting delivery.* (1) The Director General for Operations will from time to time issue authorizations or directions to each producer to deliver specified quantities of distilled spirits to designated persons for designated non-beverage purposes. Except as specifically authorized or directed by the Director General for Operations, no producer shall deliver to any person distilled spirits produced on or after February 20, 1942: *Provided, however,* That if at any time all deliveries theretofore authorized or directed by the Director General for Operations have been made or provided for, a producer many deliver such distilled spirits for non-beverage purposes to the persons and in the quantities permitted by General Preference Order M-30, as amended from time to time.

(2) The Director General for Operations will from time to time issue authorizations and directions to each producer to deliver specified quantities of high wines to designated persons for redistillation into distilled spirits. Except as specifically authorized or directed by the Director General for Operations, no producer shall deliver high wines produced on or after November 1, 1942 to any person for any purpose. No producer shall deliver high wines produced before that date unless all deliveries theretofore directed by the Director General for Operations shall have been made or provided for.

(3) No person shall accept delivery of distilled spirits or high wines if such person knows or has reason to believe that the said delivery is made in violation of the restrictions of this paragraph (d).

(e) *Alterations of existing equipment and facilities.* Except as specifically authorized or directed by the Director General for Operations, no producer whose distillery has equipment and facilities for the production of distilled spirits shall alter such equipment and facilities in any way so as to impair the capacity of such distillery to produce distilled spirits.

(f) *Notification of customers.* Producers of distilled spirits and high wines shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any such person from complying with the terms hereof.

(g) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of the War Production Board priorities regulations, as amended from time to time.

(2) *Intra-company transactions.* The prohibitions and restrictions of this order with respect to deliveries of distilled spirits and high wines, shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of material conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Director General for Operations by addressing a letter to the War Production Board, Chemicals Branch, Washington, D. C., Ref: M-69, setting forth the pertinent facts and the reasons he considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(5) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C. Ref: M-69.

This amendment shall take effect November 1, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10288; Filed, October 13, 1942; 11:18 a. m.]

PART 1222—EXPORTS UNDER LICENSES ISSUED BY THE BOARD OF ECONOMIC WARFARE

[General Exports Order M-148, as Amended September 28, 1942—Supplement 1]

STEEL

Pursuant to the provisions of § 1222.1 *General Exports Order M-148,*[1] it is hereby ordered:

§ 1222.2 *Supplement 1 to General Exports Order M-148*—(a) *Establishment of export quotas.* An export quota system is hereby established for producers of the steel products listed in Schedule A hereto. Such export quotas will be established by the Director General for Operations within the quantities for which the Board of Economic Warfare is authorized to assign preference ratings pursuant to paragraph (a) of Order M-148. No such producer shall export or accept an order for export of such steel products under export license granted by the Board of Economic Warfare unless an export quota has been so established for him, or in excess of such quota, except on specific authorization of the Director. Requests for such authorization shall be made to the Iron and Steel Branch, War Production Board, Washington, D. C., Reference: M-148.

(b) *Reports.* In addition to the reports required by paragraph (b) of Order M-148, each producer who fills a purchase order for export of such steel products under export license granted by the Board of Economic Warfare shall file with the Iron and Steel Branch, War Production Board, Washington, D. C., Reference: M-148, immediately upon shipment, a copy of form BEW-138 covering the material shipped, with date of shipment, car number, routing, destination, and ODT permit number (if issued) noted thereon.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

- Bars—concrete reinforcing.
- Bars—
  - Hot rolled—shell steel.
    - —merchant, all other.
  - Cold finished—shell steel.
    - —all other.
  - Tool steel (including high speed steel).
  - Wire rods.
- Pipe and tubing—welded.
  - Pipe—butt weld.
    - —lap weld.
    - —electric weld (including oil well tubing).
  - Tubing—electric weld, mechanical or pressure.
- Pipe and tubing—seamless.
  - Pipe—seamless, including oil well tubing.
  - Tubing—seamless, mechanical or pressure.
- Plates (including skelp in plate sizes).
  - Sheared (except rolled armor).
  - Universal (except rolled armor).
  - Strip mill (except rolled armor).
- Sheets and strip:
  - Skelp (other than in plate sizes).
  - Tin mill black plate.
  - Sheets—hot rolled
    - —cold rolled.
    - —galvanized.
    - —long terne.
  - Strip—hot rolled.
    - —cold rolled.
- Structural shapes and piling.
- Tin plate and terne plate.
  - Tin plate (hot and cold rolled)—hot dip.
    - —electrolytic.
  - Terne plate (hot and cold rolled).
- Wire—drawn.
- Wire—barbed and twisted.

[F. R. Doc. 42-10289; Filed, October 13, 1942; 11:18 a. m.]

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[1] 7 F.R. 7730.

PART 3019—TOILETRIES AND COSMETICS

[Revocation of General Limitation Order L–171]

Section 3019.1 *General Limitation Order L–171*,[1] § 3019.2 *Schedule I to General Limitation Order L–171* and § 3019.3 *Schedule 2 to General Limitation Order L–171* are hereby revoked. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order L–171 or under any section thereof.

This order shall take effect October 13, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Dcc. 42–10281; Filed, October 13, 1942; 11:17 a. m.]

PART 3087—COMBAT MEASURING INSTRUMENTS

[General Limitation Order L–203]

The fulfillment of requirements for the defense of the United States has created a shortage in the production of combat measuring instruments for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3087.1 *General Limitation Order L–203*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Manufacturer" means any person who fabricates or assembles combat measuring instruments, and includes sales and distribution outlets controlled by such person.

(3) "Combat measuring instrument" means any new measuring mechanism of the kind or type listed on List A and used on or in the operation of any vessel built for the Army, Navy, Maritime Commission, or War Shipping Administration, any aircraft, or any combat equipment. "Combat equipment" means any combat end product (including, but not limited to, ammunition and other ordnance, warships, and tanks) prescribed for field or combat use by the Army or Navy of the United States.

(4) "Approved order" means:

(i) Any order for the direct use of the Army, Navy, Maritime Commission, or War Shipping Administration, including orders for that purpose placed with subcontractors;

(ii) Any order for combat measuring instruments to be used in the operation of any aircraft; and

(iii) Any order authorized by the Director General for Operations as provided in paragraph (c) below.

(b) *Restrictions on acceptance and delivery of orders.* Regardless of the terms of any order, contract of sale or purchase or other commitment, or of any preference rating certificate or blanket preference rating order, or of any rule or regulation applicable thereto:

(1) No person shall accept any order for combat measuring instruments of the kinds listed in List A hereto, unless such order is an approved order; and

(2) No person shall deliver, and no person shall accept delivery of, any combat measuring instruments of the kinds listed in List A hereto, in fulfillment of any order placed hereafter, unless such order is an approved order.

(c) *Authorization of the Director General for Operations.* Application for the authorization of the Director General for Operations to render any order (except an order described in paragraphs (a) (4) (i) and (a) (4) (ii)) an approved order shall be made by the purchaser on Form PD–674, in triplicate. The Director General for Operations may grant such application unconditionally or upon specified conditions, including the requirement that the order be placed with the supplier named by the Director General for Operations. Any order so authorized shall be placed only with the supplier, if any, so named.

(d) *Delivery schedules.* (1) On and after November 1, 1942, no manufacturer shall deliver any combat measuring instruments of the kinds listed on List A hereto, except pursuant to a delivery schedule thereof approved by the Director General for Operations, as provided below.

(2) On or before the 25th day of October and the fifteenth day of each succeeding calendar month, every manufacturer shall file with the Director General for Operations, on Form PD–675, his proposed delivery schedule, for the following month, for combat measuring instruments of the kinds listed in List A hereto, and a monthly operations report on Form PD–676, giving shipments and such other data as shall be required by said form. The delivery schedule for the calendar month following the filing shall be deemed to be approved by the Director General for Operations upon receipt thereof by the War Production Board, unless and until the Director General for Operations shall otherwise direct. Regardless of the terms of any other order or rule or regulation of the War Production Board, or of any commitment by the manufacturer or any customer, the Director General for Operations may at any time change any schedule; direct the cancellation of any order held by the manufacturer, whether or not included or reflected in any schedule; prescribe any other schedule for deliveries; allocate any order theretofore received by the manufacturer to any other manufacturer; or direct the delivery of any combat measuring instrument in production or completed to any person, at the established price and terms. No manufacturer shall alter any approved or prescribed delivery schedule unless authorized or directed to do so by the Director General for Operations; except that delivery of an order may be made to any new destination specified by the same purchaser, without such authorization.

(e) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(f) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who wilfully furnishes false information to the Director General for Operations in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priorities control and may be deprived of priorities assistance by the Director General for Operations.

(h) *Records and reports.* All manufacturers and dealers affected by this order shall keep and preserve for not less than two years accurate and complete records concerning production, deliveries, and orders for combat measuring instruments. All manufacturers and dealers affected by this order shall execute and file with the War Production Board, such reports and questionnaires as the War Production Board shall from time to time request.

(i) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Branch, Ref.: L–203.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

LIST A

1. Electric panel type combat instruments of not more than 3½" diameter (except instruments used on passenger automobiles and carrers, trucks, trailers, and off-the-highway motor vehicles, as defined in Limitation Order L–158), including (but not limited to):

Ammeters.
Milliammeters.
Microammeters.
Ohmmeters.
Sound level meters (decibel).
Synchroscope.
Thermometers—resistance type.
Thermometers—thermocouple type.
Voltmeters.
Millivoltmeters.

[F. R. Doc. 42–10282; Filed, October 13, 1942; 11:17 a. m.]

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[1] 7 F. R. 5510, 5511, 6934, 7661.

PART 3092—STEATITE TALC

[Conservation Order M–239]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of steatite talc for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3092.1 *Conservation Order M–239*—(a) *Definitions.* For the purposes of this order:

(1) "Steatite talc" means naturally occurring magnesium silicate, both crude and beneficiated, suitable for use in the manufacture of electrical insulators and containing not to exceed one and one-half per cent (1½%) lime (CaO) and one and one-half per cent (1½%) ferric oxide (Fe_2O_3).

(2) "Permitted use" means a use in the manufacture of a product or in a process appearing upon List A hereto attached.

(3) "Producer" means a person who mines, mills, treats, or classifies steatite talc or otherwise prepares or beneficiates steatite talc for use by consumers.

(4) "Supplier" means a person who imports steatite talc into the United States or who offers steatite talc for sale to consumers. A producer may also be a supplier.

(5) "Consumer" means a person who uses steatite talc by incorporating it physically in a product he manufactures or who uses or consumes steatite talc in any other commercial or laboratory process.

(6) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of, or under common control with, or available for the use of such person.

(7) "Minimum practicable working inventory" means a three months' supply.

(b) *Restrictions on use of steatite talc.* (1) Between October 13, 1942, and November 15, 1942, no consumer shall use or consume steatite talc, except for permitted uses, in excess of 50 per cent of the average monthly weight of steatite talc used or consumed by him during the year 1941 for other than permitted uses; and, during such period, except for permitted uses, no consumer shall put into process any steatite talc in the manufacture of any product, or commence any process in which steatite talc is used or consumed, unless the product or the process will be completed by November 15, 1942.

(2) After November 15, 1942, no consumer shall use or consume any steatite talc except for permitted uses.

(c) *Restrictions on sales or deliveries of steatite talc.* No person after October 13, 1942, shall sell or deliver (including a delivery under toll agreement) steatite talc to any person if he knows or has reason to believe such material is to be received or used in violation of the terms of this order.

(d) *Limitations of inventories.* No person, other than a producer, shall accumulate an inventory of steatite talc in the form of raw materials, semi-processed materials, finished parts, or sub-assemblies in quantities in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the uses of steatite talc by this order. Any person, other than a producer, who has an inventory in excess of a minimum practicable working inventory is prohibited from receiving any additional steatite talc until his inventory thereof has been reduced below a minimum practicable working inventory.

(e) *Production of steatite talc.* Each producer shall conduct his operations so as to produce the largest possible amounts of steatite talc in relation to the amounts of other grades of talc produced by him. The mines, mills, and plants of all producers shall be open for inspection at all reasonable times by agents or representatives of the War Production Board.

(f) *Reports.* On or before the 10th day of each month, each producer shall file with the War Production Board, in duplicate, Form PD–678 and each supplier shall file with the War Production Board, in duplicate, Form PD–679. All persons affected by this order shall file such other reports as may be requested from time to time by the Director General for Operations.

(g) *Miscellaneous provisions*—(1) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of steatite talc conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or other written communication, in triplicate, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(2) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of steatite talc in all items hereafter manufactured irrespective of whether such items are manufactured pursuant to a contract made prior or subsequent to the effective date hereof. Insofar as any other order of the Director General for Operations may have the effect of limiting or curtailing to a greater extent than herein provided, the use of steatite talc in the production of any item, the limitations of such other order shall be observed.

(3) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Miscellaneous Minerals Branch, Washington, D. C. Ref: M–239.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

LIST A—PERMITTED USES OF STEATITE TALC

1. Steatite insulators for use in communications, radio, radar, and underwater sound instruments.

2. Spark plugs being produced or purchased under specific contract, subcontract, or purchase order for delivery to or for the account of the Army, the Navy, or the Coast Guard of the United States, the United States Maritime Commission, the War Shipping Administration, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, or any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or being produced in accordance with Limitation Order L–158.

3. Filtering of foods, flavoring extracts, and medicines.

4. Medicinal preparations and health supplies, not including talcum powder or cosmetic preparations.

[F. R. Doc. 42–10283; Filed, October 13, 1942; 11:18 a. m.]

Chapter XI—Office of Price Administration

PART 1300—PROCEDURE

[Procedural Regulation 10]

DISQUALIFICATION OF BOARD MEMBERS AND REVIEW OF BOARD ACTION

Pursuant to the authority conferred upon the Administrator by Executive Order 9125 and by War Production Board Directive No. 1, the following procedure is prescribed for the disqualification of Board members and the review of Board action.

AUTHORITY: §§ 1300.851 to 1300.854 issued under Pub. Law 507, 77th Cong., WPB Directive No. 1, 7 F.R. 562; E.O. 9125, 7 F.R. 2719.

§ 1300.851 *Scope of regulations.* Procedural Regulation No. 10 shall apply to all ration orders. Its purpose is to provide for the disqualification of Board members in certain types of cases and to establish a procedure for review of Board action where a member is disqualified.

§ 1300.852 *Disqualification of Board members.* No Board member shall act officially in connection with any matter arising in the administration of any ration order:

(a) Where such matters concern an application made by such Board member for a rationed commodity; or

(b) Where such Board member has any interest in such matter by reason of business connection or relationship by blood, marriage or adoption.

§ 1300.853 *Procedure where Board member is disqualified.* In the event a Board member is disqualified to act under § 1300.852 the remaining members of the Board shall constitute a quorum to act as the Board. If the Board takes favorable action upon the application made by the disqualified member or in which he has an interest described in § 1300.852, the application, together with all pertinent records, shall be forwarded to the State Director on or before the tenth day of the following month. The State Director shall review the matter and shall either confirm, modify or reverse the action of the Board. The State Director shall direct the Board to take such action as may be necessary to give effect to his decision.

§ 1300.854 *Effective date of Procedural Regulation No. 10.* Procedural Regulation No. 10 (§§ 1300.851 to 1300.854, inclusive) shall become effective October 17, 1942.

Issued this 12th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10232; Filed, October 12, 1942; 11:53 a. m.]

PART 1305—ADMINISTRATION

[Amendment 1 to Supplementary Order 8[1]]

REMOVAL OF THE PANAMA CANAL ZONE FROM THE OPERATION OF ALL PRICE REGULATIONS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (1) to paragraph (d) of § 1305.10 and paragraph (e) of § 1305.10 are added as set forth below:

§ 1305.10 *Removal of the Panama Canal Zone from the operation of all price regulations.* * * *

(e) "Sales and deliveries of commodities in the Panama Canal Zone" do not include sales from a seller outside the Panama Canal Zone to a purchaser in the Panama Canal Zone. Export sales from a seller in the continental United States to a purchaser in the Panama Canal Zone shall be governed by the maximum prices established for export sales by the Revised Maximum Export Price Regulation.

(d) *Effective date.* * * *

(1) The effective date of Amendment No. 1 (§ 1305.10 (e) and (d) (1)) to Supplementary Order No. 8 shall become effective October 16, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 12th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10234; Filed, October 12, 1942; 11:53 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 5 to Supplementary Regulation 11 to General Maximum Price Regulation]

TRANSPORTATION OF LIMING MATERIALS AND SUPERPHOSPHATE FOR THE DEPARTMENT OF AGRICULTURE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

A new subparagraph (104) is added to paragraph (b) of § 1499.46 as set forth below.

§ 1499.46 *Exceptions for certain services* * * *

(b) The provisions of the General Maximum Price Regulation shall not apply to the rates, fees, charges or compensation for the following services:

* * * * *

(104) Transportation of liming materials and superphosphate for the Department of Agriculture in the operation of the Agricultural Conservation Program of that Department, when performed by carriers other than common carriers within the exemption conferred by section 302 (c) (2) of the Emergency Price Control Act of 1942.

* * * * *

(d) *Effective dates.* * * *

(6) Amendment No. 5 (§ 1499.46 (b) (104)) to Supplementary Regulation No. 11 shall become effective October 16, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 12th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10231; Filed, October 12, 1942; 11:53 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 55 Under § 1499.18 (b) of General Maximum Price Regulation—Docket GF3-583]

FALLS PICKLE CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered;*

§ 1499.855 *Adjustment of maximum prices for salted and fermented cucumbers sold by Falls Pickle Company.* (a) Falls Pickle Company of 928 Bond Street, Green Bay, Wisconsin, fermenters and salters of cucumbers may sell and deliver and any person may buy and receive from Falls Pickle Company salted and fermented cucumbers at prices no higher than $2.00 per bushel for large and nubbin pickles and $3.00 per bushel for vat-run small pickles.

(b) Falls Pickle Company, either before or at the time of its first sale to each purchaser of salted and fermented cucumbers after the effective date of this order shall mail or cause to be mailed to such purchaser written notice of the maximum selling prices established in paragraph (a) above of this order.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 55 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 55 (§ 1499.855) is hereby incorporated as a Section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 55 (§ 1499.855) shall become effective October 13, 1942.

(Pub. Laws 421 and 729 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 12th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10229; Filed, October 12, 1942; 11:54 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 69 Under § 1499.18 (c) of General Maximum Price Regulation—Docket GF3-1596]

FREDERIC H. BURNHAM CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.919 *Adjustment of maximum prices for buckskin gloves manufactured by Frederic H. Burnham Company.* (a) Frederic H. Burnham Company, Michigan City, Indiana may sell and deliver to Perfect Circle Company, Hagerstown, Indiana, and Perfect Circle Company may buy and receive from Frederic H. Burnham Company buckskin gloves style #3989 at prices not higher than $8.75 per dozen pairs.

(b) The adjustment granted to Frederic H. Burnham Company in paragraph (a) is subject to the following limitations:

(1) This order is limited to sales to Perfect Circle Company by Frederic H. Burnham Company.

(2) This order does not permit an increase in the maximum prices at which Perfect Circle Company may resell such gloves and shall not constitute the basis for an application for adjustment by the Perfect Circle Company under the General Maximum Price Regulation.

(c) All prayers of the application not herein granted are denied.

(d) This Order No. 69 may be revoked or amended by the Price Administrator at any time.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5310.

(e) This Order No. 69 (§ 1499.919) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 69 (§ 1499.919) shall become effective October 13, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10230; Filed, October 12, 1942; 11:53 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 72 Under § 1499.18 (c) of General Maximum Price Regulation—Docket GF3-2097]

PUBLIC SERVICE CO. OF INDIANA, INC.

For the reasons set forth in an opinion issued simultaneously herewith *It is ordered:*

§ 1499.922 *Adjustment of maximum prices for steam heat service sold by Public Service Company of Indiana, Inc.* (a) The application for adjustment of maximum prices for steam heat service sold by the Public Service Company of Indiana, Inc., is hereby granted to the extent set forth below:

The maximum prices for steam heat service to be charged by the Public Service Company of Indiana, Inc., to customers in the city of Rochester, Indiana shall be as follows:

First 50,000 lbs. used per month at $1.15 per 1000 lbs.

Next 150,000 lbs. used per month at $1.00 per 1000 lbs.

Next 200,000 lbs. used per month at $0.85 per 1000 lbs.

Next 400,000 lbs. used per month at $0.70 per 1000 lbs.

Over 800,000 lbs. used per month at $0.55 per 1000 lbs.

Monthly Minimum Charge—$6.00 per meter.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 72 (§ 1499.922) shall become effective October 13, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10233; Filed, October 12, 1942; 11:55 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 70 Under § 1499.18 (c) of General Maximum Price Regulation]

ALLIED BARREL CORP.—NOVADEL-AGENE CORP.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.920 *Adjustment of maximum prices for sale by Allied Barrel Corporation, Oil City, Pennsylvania, of beer half-barrel heads to the Novadel-Agene Corporation, Belleville, New Jersey.* (a) The Allied Barrel Corporation, Oil City, Pennsylvania, may sell to the Novadel-Agene Corporation, Belleville, New Jersey, and the Novadel-Agene Corporation may buy from the Allied Barrel Corporation, beer half-barrel heads, 1¼" thick with metal Peerless tap bush, produced by cutting down material designed for full barrel heading, at a price not higher than $1.75 per unit, delivered to the plant of the Novadel-Agene Corporation in Belleville, New Jersey.

(b) Where the Allied Barrel Corporation delivers to the Novadel-Agene Corporation, beer half-barrel heads (1¼" thick with metal Peerless tap bushes) produced by cutting down material designed for full barrel heads at a price in excess of $1.30 per unit, delivered to the Belleville, New Jersey, plant of the Novadel-Agene Corporation (which is the maximum price established by the General Maximum Price Regulation for such a sale), the Allied Barrel Corporation must certify in writing to the Novadel-Agene Corporation that the units were produced by cutting down material designed for full barrel heading.

(c) The maximum price established by the General Maximum Price Regulation for sales by the Allied Barrel Corporation of beer half-barrel heads produced from material designed for such heads is not modified by this order.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 70 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 70 (§ 1499.920) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 70 (§ 1499.920) shall become effective October 13, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10263; Filed, October 12, 1942; 4:27 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[Maximum Price Regulation 233]

DRIED AND CANNED APPLES AND APPLE PRODUCTS

Correction

Section 1341.401 (b), appearing on page 7904 of the issue for Tuesday, October 6, 1942, should read as follows:

(b) No person in the course of trade or business shall buy or receive any dried apples, canned apples, canned applesauce, or canned or bottled apple juice or sweet apple cider, from a canner or packer at a price higher than the maximum price established therefor pursuant to this Maximum Price Regulation No. 233; and

Section 1341.418 (c) (2), appearing on page 7906 of the same issue should read as follows:

(2) When a canner has established a maximum price by using the maximum price of a competitor, his base price for that item shall be the same as the base price of his competitor for the same item.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Revised Zoning Order 1 Under Rationing Order 3]

SUGAR RATIONING REGULATIONS

ORDER ESTABLISHING ZONES

Correction

In § 1407.281 appearing on page 7812 of the issue for October 2, 1942, the subparagraph designated "(a)" should be "(2)".

PART 1499—COMMODITIES AND SERVICES

[Amendment 37 to Supplementary Regulation 14 to General Maximum Price Regulation]

NEW COMMERCIAL MOTOR VEHICLES

Correction

The caption of the amendment appearing on page 7946 of the issue for Wednesday, October 7, 1942 is corrected to read as set forth above.

PART 1367—FERTILIZERS

[Maximum Price Regulation 240]

FLORIDA LAND PEBBLE PHOSPHATE ROCK AND TENNESSEE BROWN PHOSPHATE ROCK

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for sales by miners of Florida land pebble phosphate rock and Tennessee brown phosphate rock. Sales by others than miners, and all sales of other kinds of phosphate rock are subject to the General Maximum Price Regulation.[1] The maximum prices established by this Maximum Price Regulation No. 240, are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices established by the General Maximum Price Regulation, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 this Maximum Price Regulation No. 240 is hereby issued.

AUTHORITY: §§ 1367.101 to 1367.114, inclusive, issued under Pub. Law 421, 77th Cong., Pub. Law 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1367.101 *Maximum Prices for Florida land pebble phosphate rock and Tennessee brown phosphate rock.* On and after October 19, 1942 regardless of any contract, agreement or other obligation, no miner of Florida land pebble phosphate rock and Tennessee brown phosphate rock shall sell or deliver such phosphate rock, and no person in the course of business shall buy or receive such phosphate rock from a miner at prices higher than prices set forth in Appendix A and Appendix B, respectively, incorporated herein as §§ 1367.113 and 1367.114; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of such phosphate rock to a purchaser if prior to October 19, 1942 such phosphate rock had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1367.102 *Less than maximum prices.* Lower prices than those set forth in Appendix A and Appendix B (§§ 1367.113 and 1367.114) may be charged, demanded, paid or offered.

§ 1367.103 *Export sales.* The provisions of the Revised Maximum Export Price Regulation[2] thereto shall be applicable to every sale of Florida land pebble phosphate rock and Tennessee brown phosphate rock to be shipped for export.

§ 1367.104 *Conditional agreements.* No miner of Florida land pebble phosphate rock or Tennessee brown phosphate rock shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by §§ 1367.113 and 1367.114, in the event that this Maximum Price Regulation No. 240 is amended or determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment (or for exception) has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may, on application, grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of this petition for amendment (or for adjustment or exception, as the case may be). Requests for such an exception may be included in the aforesaid petition for amendment (or for adjustment or for exception).

§ 1367.105 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 240 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to Florida land pebble phosphate rock and Tennessee brown phosphate rock, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

§ 1367.106 *Records and reports.* (a) On and after October 19, 1942 every miner of Florida land pebble phosphate rock and Tennessee brown phosphate rock who offers, agrees to sell, sells, or delivers such phosphate rock shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, a complete and accurate record of every such offer, agreement, purchase, sale or delivery, showing the date thereof, the name and address, the amount of the transportation charges paid by the miner and the quantity, grade and size sold.

(b) Persons affected by this Maximum Price Regulation No. 240 shall submit such reports to the Office of Price Administration as it may from time to time require.

§ 1367.107 *Licensing*—(a) *License required.* A license is hereby required of every miner now or hereafter selling to any person Florida land pebble phosphate rock or Tennessee brown phosphate rock, or both, for which maximum prices are established by this Maximum Price Regulation No. 240.

(b) *License granted.* Effective October 19, 1942, every miner now or hereafter selling to any person Florida land pebble phosphate rock or Tennessee brown phosphate rock, or both, for which maximum prices are established by this Maximum Price Regulation No. 240, is hereby granted a license as a condition of selling any such phosphate rock. The license hereby granted shall, unless suspended as provided by the Emergency Price Control Act of 1942, continue in force so long as and to the extent that this Maximum Price Regulation No. 240 remains in force.

§ 1367.108 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 240 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 240 or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute a violation, are urged to communicate with the nearest district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1367.109 *Petition for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 240 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1367.110 *Applicability of the General Maximum Price Regulation.* Except as provided in § 1367.111 (b), this Maximum Price Regulation No. 240 supersedes the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1367.111 *Definitions.* (a) When used in this Maximum Price Regulation No. 240 the terms:

(1) "Person" includes an individual, corporation, partnership, association, or other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Miner" means a person who mines or recovers from the soil, phosphate rock and who may process the same to whatsoever extent before shipment.

(3) "Phosphate rock" means rock composed of mixtures of phosphate minerals the chief of which is tricalcium phosphate or tribasic phosphate of lime, a compound of phosphoric acid and lime chemically described as $CA_3(PO_4)_2$.

(4) "Florida land pebble phosphate rock" means phosphate rock of pebble-like formation mined and recovered in the State of Florida from land as distinguished from river beds.

(5) "Tennessee brown phosphate rock" means phosphate rock brown in color mined and recovered in the State of Tennessee.

(6) "B. P. L." means bone phosphate of lime a commercial description of phosphate rock based upon the content tricalcium phosphate or tribasic phosphate of lime ($CA_3(PO_4)_2$).

(7) "Kind" means a phosphate rock described by the name of the state in which it is mined, the basic substance of which it is composed and may include the color of its appearance as for example "Florida land pebble phosphate rock"; "Tennessee brown phosphate rock".

(8) "Grade" means the percentage of phosphorus content expressed in units of bone phosphate of lime or phosphorus pentoxide (P_2O_5).

(b) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation and the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to the terms used herein.

§ 1367.112 *Effective date.* This Maximum Price Regulation No. 240 (§§ 1367.101 to 1367.114 inclusive) shall become effective October 19, 1942.

§ 1367.113 *Appendix A: Maximum prices for Florida land pebble phosphate rock.* The miner may charge any person for Florida land pebble phosphate rock upon the terms and conditions, and for the grades and descriptions, the prices all as set forth in the following schedule:

A. Unground phosphate rock:

Size	Run of mine in carload lots—washed, dried and unground.
Price	Basis gross ton (2240 lbs.) f. o. b. cars at mines.
Quality	Bone phosphate of lime (B.P.L.) on a dry basis, and not more than 4% combined oxide of iron and aluminum (when determined separately on a dry basis) and not more than 3% moisture.
Grades	
68/66% B.P.L.	$2.00 basis 68% B.P.L., 7½¢ per unit rise to 70% maximum and 15¢ per unit fall to 66% minimum, fractions in proportion.
70/68% B.P.L.	$2.40 basis 70% B.P.L. 10¢ per unit rise to 72% maximum and 20¢ per unit fall to 68% minimum, fractions in proportion.
72/70% B.P.L.	$3.00 basis 72% B.P.L., 15¢ per unit rise to 74% maximum and 30¢ per unit fall to 70% minimum, fractions in proportion.
75/74% B.P.L.	$4.00 basis 75% B.P.L., 20¢ per unit rise to 76% maximum and 40¢ per unit fall to 74% minimum, fractions in proportion.
77/76% B.P.L.	$5.00 basis 77% B.P.L., 25¢ per unit rise to 81% maximum and 50¢ per unit fall to 76% minimum, fractions in proportion.
Special sizes	Add 50¢ per gross ton for all pebble rock. Screened rock after drying for furnace use. Add $1.00 per gross ton for plus 5/32 inch.
Wet calcining	Deduct 50¢ per gross ton for wet rock not dried. Add $1.00 per gross ton for calcining basis 1500° Fahrenheit plus 5¢ per gross ton for each even 100° Fahrenheit above 1500° or less 5¢ per gross ton for each 100° below 1500° guaranteed.
Grinding	Add 40¢ per gross ton for grinding 48 to 52% minus 200 mesh. Add 50¢ per gross ton for grinding 58 to 62% minus 200 mesh.
Car door boards	Add $2.00 per car for boarding up car doors.
Lining cars	Add 75¢ per car for lining doors. Add $1.75 per car for lining cars.
Note	Above prices without any guarantee as to oxide of iron and alumina apply to sales to ferrophosphorous and pig iron manufacturers.

B. Finely ground phosphate rock:

Price	Basis net ton (2,000 lbs.) f. o. b. cars at mines in carload lots in bulk.
Quality	Phosphorous pentoxide (P_2O_5) on a dry basis minimum grade guaranteed and not more than 3% moisture, Ground 85% minus 200 mesh.
Grades	
65.5% B.P.L.	$2.75 per net ton basis 30% P_2O_5 minimum.
68% B.P.L.	$3.00 per net ton basis 31% P_2O_5 minimum.
70% B.P.L.	$3.25 per net ton basis 32% P_2O_5 minimum.
	Add 75¢ per car for partial paper lining and $2.00 per car for car door boards on ground rock shipped in bulk.
	Add $1.50 per net ton for ground rock in 100 lb. capacity multi-wall paper bags.
	Add 30¢ per net ton for truck load shipments in bulk.

C. Dust collector product:

$2.29 per gross ton approximately 60% to 75% B. P. L. and fineness of approximately 40 to 69 minus 200 mesh with no guarantee plus $3.00 per car for partial paper lining and car door boards.

§ 1367.114 *Appendix B: Maximum prices for Tennessee brown phosphate rock.* The miner may charge any person for Tennessee Brown Phosphate Rock upon the terms and conditions, and for the grades and descriptions, the prices, all as set forth in the following schedule:

A. Unground phosphate rock:

Size	Run of mine in carload lots—washed, dried and unground.
Price	Basis gross ton (2240 lbs.) f. o. b. cars at mines.
Quality	Bone phosphate of lime (B. P. L.) on a dry basis, combined oxide of iron and alumina (I. & A. determined separately on a dry basis) adjusted basis 2 units B. P. L. for 1 unit I. & A., and not more than 3% moisture.
Grades	
68/66% B. P. L. 6% I. & A.	$4.30 basis 68% B. P. L., 12½¢ per unit rise to 70% maximum and 15¢ per unit fall to 66% minimum, fractions in proportion; I. & A. basis 6% with 2 units B. P. L. for 1 unit I. & A., fractions in proportion, added when below or deducted when above.
70/68% B. P. L. 5½% I. & A.	$4.80 basis 70% B. P. L., 15¢ per unit rise to 72% maximum and 20¢ per unit fall to 68% minimum, fractions in proportion; I. &. A. basis 5½% with 2 units B. P. L. for 1 unit I. & A., fractions in proportion, added when below or deducted when above.
72/70% B. P. L. 5½% I. & A.	$5.30 basis 72% B. P. L., 20¢ per unit rise to 75% maximum and 25¢ per unit fall to 70% minimum, fractions in proportion; I. & A. basis 5½% with 2 units B. P. L. for 1 unit I. & A., fractions in proportion, added when below or deducted when above.
Lump rock	Add 50¢ per gross ton for screened lump rock of not more than 8% moisture, and with no adjustment for I. & A.
Wet rock	Deduct 50¢ per gross ton for wet rock not dried.
Calcining	Add $1.00 per gross ton for calcining basis 1500° Fahrenheit plus 5¢ per gross ton for each even 100° Fahrenheit above 1500° or less 5¢ per gross ton for each 100° below 1500° guaranteed.
Grinding	Add 50¢ per gross ton for grinding 50% minus 200 mesh. Add 70¢ per gross ton for grinding 60% minus 200 mesh.
Car door boards	Add $2.00 per car for boarding up car doors.
Lining cars	Add 75¢ per car for paper lining doors. Add $1.75 per car for paper lining car.

B. Finely ground phosphate rock:

Price	Basis net ton (2,000 lbs.) f. o. b. cars at mines in car load lots in bulk.
Quality	Phosphorous pentoxide (P_2O_5) on a dry basis minimum grade guaranteed and not more than 3% moisture, no adjustment for excess grade or I. & A. Ground 95% minus 200 mesh or 85% minus 300 mesh.
Grades	
29% P_2O_5	$4.50 per net ton basis 29% P_2O_5 minimum.
30% P_2O_5	$4.70 per net ton basis 30% P_2O_5 minimum.
31% P_2O_5	$4.80 per net ton basis 31% P_2O_5 minimum.
32% P_2O_5	$5.00 per net ton basis 32% P_2O_5 minimum.
33% P_2O_5	$5.50 per net ton basis 33% P_2O_5 minimum.

No charge for car liners or car door boards.

Add 30¢ per net ton for bagging in valve bags which purchaser provides.

Add 30¢ per net ton for truck load shipments in bulk.

Add $1.50 per net ton for bagging in 100 lb. multi-wall paper bags.

Issued this 13th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10292; Filed, October 13, 1942; 11:37 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 56 Under § 1499.18 (b) of General Maximum Price Regulation—Docket GF3-285]

DEAN'S CHIP CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.856 *Adjustment of maximum prices through package weight reductions for "Dean's" Potato Chips manufactured by Dean's Chip Company.* (a) Dean's Chip Company of 217 South Sherman Street, Spokane, Washington may sell and deliver and any person may buy and receive from Dean's Chip Company packages of reduced weight of "Dean's" Potato Chips at prices no higher than those charged during March 1942 for corresponding packages of higher weight of "Dean's" Potato Chips as follows:

(1) 14 ounce packages at the maximum prices for the 16 ounce package.

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[2] 7 F.R. 5059, 7242.

(2) 8 ounce packages at the maximum prices for the 9 ounce package.

(3) 4 ounce packages at the maximum prices for the 5 ounce package.

(4) 2½ ounce packages at the maximum prices for the 3 ounce package.

(b) Distributors and retailers may sell and deliver and any person may buy and receive from distributors and retailers packages of reduced weight of "Dean's" Potato Chips at prices no higher than those set forth below:

(1) The maximum prices established for the particular seller during March 1942 for corresponding packages of higher weight of "Dean's" Potato Chips as stated in paragraph (a) of this order.

(2) If no maximum prices have been established for the particular seller for the former size packages of "Dean's" Potato Chips, such maximum prices as may be established for such seller under § 1499.2 of the General Maximum Price Regulation.

(c) Sellers shall give the same or greater customary allowances, discounts or other price differentials for the new sizes of "Dean's" Potato Chips as they gave on the corresponding larger sizes of potato chips.

(c) The adjustments granted to Dean's Chip Company, to distributors and to retailers in paragraphs (a) and (b) are subject to the condition that before or at the time of each initial sale of new reduced weight packages of "Dean's" Potato Chips, Dean's Chip Company shall distribute or cause to be distributed to each distributor and to each retailer written notice as follows:

> The Office of Price Administration has authorized us to sell 14 ounce, 8 ounce, 4 ounce and 2½ ounce packages of "Dean's" Potato Chips at maximum prices established for 16 ounce, 9 ounce, 5 ounce and 3 ounce packages respectively.
>
> You are authorized by the same Office of Price Administration Order to sell the reduced weight packages at your maximum selling prices established by the General Maximum Price Regulation for the corresponding packages of higher weight.
>
> You are required to keep this notice for examination.

(e) All prayers of the application not granted herein are denied.

(f) This Order No. 56 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 56 (§ 1499.856) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(h) This Order No. 56 (§ 1499.856) shall become effective October 14, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 13th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10294; Filed, October 13, 1942; 11:37 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 73 Under § 1499.18 (c) of General Maximum Price Regulation]

R. ODELL & SONS CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.923 *Denial of application for adjustment of maximum prices of Concentrated Drene Shampoo, manufactured by Procter and Gamble, sold by R. Odell & Sons Co., Newark, New Jersey.* (a) The application of R. Odell & Sons Co., of Newark, New Jersey, filed August 5, 1942, requesting permission to increase the maximum prices to retailers of Concentrated Drene Shampoo on sales of single bottles and on cases of six bottles, is denied.

(b) This Order No. 73 (§ 1499.923) shall become effective October 14, 1942.

(Pub. Laws, 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 13th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10293; Filed, October 13, 1942; 11:39 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 90 Under § 1499.3 (b) of General Maximum Price Regulation]

KRAFT CHEESE CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.954 *Authorization of a maximum price for sales of Phenix Mushroom Soup, 2 ounce package of dehydrated soup mix, by Kraft Cheese Company of Chicago, Illinois and by retailers.* (a) On and after October 14, 1942, the maximum price for sale by Kraft Cheese Company, having its principal place of business in Chicago, Illinois, of Phenix Mushroom Soup, a dehydrated soup mix, shall be a gross list price to retailers of $1.19 per dozen of 2 ounce packages subject to the customary trade discount of 20% or a net price of 95¢ for one dozen of 2 ounce packages.

(b) A seller at retail shall determine his maximum selling price of Phenix Mushroom Soup by adding to his net cost of this product a margin of profit of 33⅓% of his net cost, except that the maximum selling price at retail so determined shall not exceed 11¢ per 2 ounce package. If the price so determined is a fractional cent price and the fraction of a cent is less than one-half of a cent, the price shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the retailer is permitted to increase his maximum price to the next higher cent.

Net cost as used in this paragraph shall be the retailers' invoice cost for Phenix Mushroom Soup delivered at his customary receiving point less all discounts, allowances and free deals, except cash discounts for prompt payment. Net cost shall not include unloading charges or charges for local cartage.

(c) All other customary discounts allowed by any seller from his prices for dehydrated soup mixes shall be deductible from the maximum price prescribed for his sales of Phenix Mushroom Soup.

(d) Kraft Cheese Company shall distribute at the time of or before the initial sale to each purchaser of Phenix Mushroom Soup from said company written notice as follows:

> The Office of Price Administration has authorized us to sell Phenix Mushroom Soup at a maximum gross ceiling price of $1.19 per dozen of 2 ounce packages subject to our customary trade discount of 20%, making a net price of 95¢ for one dozen of 2 ounce packages. This net selling price is subject to our other customary discounts and allowances applying to dehydrated soups.
>
> As a retailer, you are to determine your maximum selling price of Phenix Mushroom Soup by adding to your net cost of Phenix Mushroom Soup a 33⅓% margin of profit on your net cost. Your maximum selling price so determined cannot exceed 11¢ per 2 ounce package. If your maximum selling price so determined results in a fractional cent price and the fraction of a cent is less than one-half of a cent the price shall be lowered to the next lower cent. If the fraction is one-half of a cent or larger, you are permitted to increase your maximum price to the next higher cent.
>
> Your "net cost" of Phenix Mushroom Soup is described by the Office of Price Administration Order as your invoice cost less all discounts, allowances and free deals other than a cash discount for prompt payment. Net cost shall not include unloading charges or charges for local cartage.
>
> You are required to keep this notice for examination.

(e) This Order No. 90 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 90 (§ 1499.954) shall become effective as of October 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10295; Filed, October 13, 1942; 11:38 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 91 Under § 1499.3 (b) of General Maximum Price Regulation]

P. D. RIDENOUR SALES CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.955 *Authorization of maximum prices for sales of "Little Major" Dehydrated Carrot Juice Cocktail Mix, ¾ ounce packages of dehydrated vegetable product, by the P. D. Ridenour Sales Company of Chicago, Illinois, by wholesalers and by retailers.* (a) On and after October 14, 1942, the maximum price for sale by P. D. Ridenour Sales Company of Chicago, Illinois, of "Little Major" Dehydrated Carrot Juice Cocktail Mix, a dehydrated vegetable product, shall be 75¢ per dozen of ¾ ounce packages F. O. B. Chicago.

(b) The maximum price for sales at wholesale of "Little Major" Dehydrated Carrot Juice Cocktail Mix shall be 20¢ per dozen of ¾ ounce packages.

(c) A seller at retail shall determine his maximum selling price of "Little Major" Dehydrated Carrot Juice Cocktail Mix by adding to his net cost of this product a margin of profit of 33⅓% of his net cost, except that the maximum selling price at retail so determined shall not exceed 10¢ per ¾ ounce package. If the price so determined is a fractional cent price and the fraction of a cent is less than one-half of a cent, the price shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the retailer is permitted to increase his maximum price to the next higher cent.

Net cost as used in this paragraph shall be the retailer's invoice cost for "Little Major" Dehydrated Carrot Juice Cocktail Mix delivered at his customary receiving point less all discounts, allowances and free deals, except cash discounts for prompt payment. Net cost shall not include unloading charges or charges for local cartage.

(d) Sellers shall give the same or greater customary allowances, discounts or other price differentials on the price of the new dehydrated product as they gave on the canned product.

(e) The P. D. Ridenour Sales Company shall distribute or cause to be distributed at the time of or before the initial sale to each purchaser of "Little Major" Dehydrated Carrot Juice Cocktail Mix from this company written notice as follows:

> The Office of Price Administration has authorized us to sell "Little Major" Dehydrated Carrot Juice Cocktail Mix at a maximum price of 75¢ per dozen of ¾ ounce packages f. o. b. Chicago, subject to our customary discounts, allowances and other price differentials.
>
> The same Office of Price Administration Order authorizes a maximum price for sales at wholesale of 90¢ per dozen.
>
> The order requires us to print on, securely attach to or include in each shipping case of "Little Major" Dehydrated Carrot Juice Cocktail Mix a written notice informing retailers of the method for determining their maximum selling prices at retail. This makes unnecessary your providing retailers with any additional notification with full shipping case sales. However, you will be required to send copies of this retailer notification to each purchaser of less than a full shipping case of this product before or at the time of making a broken case sale if such sale constitutes an initial sale to that purchaser.
>
> You are required to keep this notice for examination.

(f) The P. D. Ridenour Sales Company shall for a period of three months starting with the first offering of "Little Major" Dehydrated Carrot Juice Cocktail Mix print on, securely attach to or include in each shipping case of this product written notice as follows:

> The Office of Price Administration has authorized maximum selling prices for "Little Major" Dehydrated Juice Cocktail Mix including a maximum selling price for wholesalers of 90¢ per dozen of ¾ ounce packages.
>
> As a retailer, you are to determine your maximum selling price by adding to your net cost of "Little Major" Dehydrated Carrot Juice Cocktail Mix a 33⅓% margin of profit on your net cost. Your maximum selling price so determined cannot exceed 10¢ per ¾ ounce package. If your maximum selling price so determined results in a fractional cent price and the fraction of a cent is less than one-half of a cent the price shall be lowered to the next lower cent. If the fraction is one-half of a cent or larger, you are permitted to increase your maximum price to the next higher cent.
>
> Your "net cost" of "Little Major" Dehydrated Carrot Juice Cocktail Mix is described by the Office of Price Administration Order as your invoice cost less all discounts, allowances and free deals other than a cash discount for prompt payment. Net cost shall not include unloading charges or charges for local cartage.
>
> You are required to keep this notice for examination.

(g) This Order No. 91 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 91 (§ 1499.955) shall become effective as of October 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10296; Filed, October 13, 1942; 11:38 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 92 Under § 1499.3 (b) of General Maximum Price Regulation]

KRAFT CHEESE CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.956 *Authorization of maximum prices for sales of Kraft Spaghetti Dinner, a combination of dry spaghetti and a dehydrated sauce mixed with cheese, by Kraft Cheese Company of Chicago, Illinois and by retailers.* (a) On and after October 14, 1942, the maximum price for sale by Kraft Cheese Company, having its principal place of business in Chicago, Illinois, of Kraft Spaghetti Dinner, a combination of dry spaghetti and a dehydrated sauce mixed with cheese, shall be a gross list price to retailers of $1.71 per dozen of 7½ ounce packages subject to the customary trade discount of 17% or a net price of $1.42 for one dozen of 7½ ounce packages.

(b) A seller at retail shall determine his maximum selling price of Kraft Spaghetti Dinner by adding to his net cost of this product a margin of profit of 33⅓% of his net cost, except that the maximum selling price at retail so determined shall not exceed 16¢ per 7½ ounce package. If the price so determined is a fractional cent price and the fraction of a cent is less than one-half of a cent, the price shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the retailer is permitted to increase his maximum price to the next higher cent.

Net cost as used in this paragraph shall be the retailers' invoice cost for Kraft Spaghetti Dinner delivered at his customary receiving point less all discounts, allowances and free deals, except cash discounts for prompt payment. Net cost shall not include unloading charges or charges for local cartage.

(c) All other customary discounts allowed by any seller from his prices for macaroni and spaghetti dinner items shall be deductible from the maximum price prescribed for his sales of Kraft Spaghetti Dinner.

(d) Kraft Cheese Company shall distribute at the time of or before the initial sale to each purchaser of Kraft Spaghetti Dinner from said company written notice as follows:

> The Office of Price Administration has authorized us to sell Kraft Spaghetti Dinner at a maximum gross selling price of $1.71 per dozen of 7½ ounce packages subject to our customary trade discount of 17%, making a net price of $1.42 for one dozen of 7½ ounce packages. This net selling price is subject to our other customary discounts and allowances applying to Kraft Dinner items.
>
> As a retailer, you are to determine your maximum selling price of Kraft Spaghetti Dinner by adding to your net cost of Kraft Spaghetti Dinner a 33⅓% margin of profit on your net cost. Your maximum selling price so determined cannot exceed 16¢ per 7½ ounce package. If your maximum selling price so determined results in a fractional cent price and the fraction of a cent is less than one-half of a cent the price shall be lowered to the next lower cent. If the fraction is one-half of a cent or larger, you are permitted to increase your maximum price to the next higher cent.
>
> Your "net cost" of Kraft Spaghetti Dinner is described by the Office of Price Administration Order as your invoice cost less all discounts, allowances and free deals other than a cash discount for prompt payment. Net cost shall not include unloading charges or charges for local cartage.
>
> You are required to keep this notice for examination.

(e) This Order No. 92 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 92 (§ 1499.956) shall become effective as of October 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10297; Filed, October 13, 1942; 11:38 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 88]

PART 96—JOINT USE OF TERMINALS

PORTIONS OF TERMINALS AT MEMPHIS, TENN.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of October, A. D. 1942.

It appearing that, due to the existing state of war, an emergency exists which, in the opinion of the Commission, requires immediate action to prevent delay in the movement of railroad equipment, troops and war materials, and to prevent congestion of traffic; and

It further appearing, that the present operation of certain portions of the railroad terminals in Memphis, Tenn., described in the succeeding paragraphs of this order, results in serious delays in the movement of locomotives and cars and in congestion of traffic:

It is ordered, That:

§ 96.1 *Portions of terminals at Memphis, Tennessee.* (a) The Chicago, Rock Island & Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, trustees), Illinois Central System, Louisville & Nashville Railroad Company, Missouri Pacific Railroad Company (Guy A. Thompson, trustee), Nashville, Chattanooga & St. Louis Railway, St. Louis-San Francisco Railway (J. M. Kern and John G. Lonsdale, trustees), St. Louis Southwestern Railway Lines (Berryman Henwood, trustee), and Union Railway Company of Memphis are hereby required to make such joint or common use of railroad yards and tracks owned or used by them, extending between Main Street Crossing, Memphis, Tenn., and the Harahan Bridge and the Frisco Bridge across the Mississippi River, a distance of approximately four thousand (4,000) feet, within the Memphis, Tenn., switching district, as will result in the best and most expeditious movement of locomotives and loaded and empty cars with the least delay to locomotives and cars and congestion of traffic, and upon such terms between said carriers as they may agree upon, or, in the event of their disagreement, as this Commission may after subsequent hearing find to be just and reasonable.

(b) The Chicago, Rock Island & Pacific Railway Company (Frank O. Lowden and Joseph B. Fleming, trustees), Illinois Central System, Louisville & Nashville Railroad Company, Nashville, Chattanooga & St. Louis Railway, and Southern Railway System are hereby required to make such joint or common use of railroad yards and tracks owned or used by them, including tracks owned by the Nashville, Chattanooga & St. Louis Railway, and the double-track line owned by the Southern Railway System extending between Tower "B" and Kansas City Junction, a distance of approximately two and seven-tenths (2.7) miles, within the Memphis, Tenn., switching district, as will result in the best and most expeditious movement of locomotives and loaded and empty cars with the least delay to locomotives and cars and congestion of traffic, and upon such terms between said carriers as they may agree upon, or in the event of their disagreement, as this Commission may after subsequent hearing find to be just and reasonable.

(c) This order shall take effect 12:01 A. M., October 23, 1942, and remain in force until further order of the Commission. (Issued under 40 Stat. 101, 41 Stat. 476, 49 Stat. 543, 54 Stat. 901, 49 U.S.C. 1-(10)-(17).)

It is further ordered, That copies of this order and direction be served upon the above-named carriers, the Association of American Railroads, Car Service Division, as agents of the carriers subscribing to the car service and per diem agreement under terms of that agreement, and that notice of this order be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-10291; Filed, October 13, 1942; 11:27 a. m.]

Notices

DEPARTMENT OF THE INTERIOR

Bituminous Coal Division.

[Docket No. D-13]

HOLMES-DARST COAL CORPORATION

ORDER GRANTING ORAL ARGUMENT

In the matter of the application of Holmes-Darst Coal Corporation to secure a determination as provided by Rule 10, section II of the Marketing Rules and Regulations, and by subsection (b) (8), section 304.12 of the Rules and Regulations for the Registration of Distributors.

Holmes-Darst Coal Corporation, petitioner herein, having filed exceptions to the Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner, dated August 6, 1942, and petitioner having requested oral argument;

Now, therefore, it is ordered, That oral argument on the exceptions to the Examiner's Report be held at 10 a. m., on Wednesday, October 21, 1942, in the offices of the Division, at Washington, D. C.

Dated: October 10, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10239; Filed, October 12, 1942; 11:30 a. m.]

[Docket No. A-1591]

NEW BLACK DIAMOND COAL CO.

ORDER DISMISSING PETITION

In the matter of the petition of the New Black Diamond Coal Co. for the establishment of price classifications and minimum prices for the coals of its new Black Diamond Coal Co. mine in District No. 10.

In an order issued August 31, 1942, in the above-entitled matter, temporary and conditionally final relief was granted as sought in the original petition and the relief previously granted the original petitioner by order issued February 17, 1941, in Docket No. A-1079 was revoked. Subsequently, petitioner filed a motion to withdraw its petition in the above-entitled matter and requested the reinstatement of the relief previously granted it in Docket No. A-1079, alleging that the necessity for a different shipping point for the coals of its mine, the relief granted by the order issued August 31, 1942, in the above-entitled matter, no longer existed.

No petitions of intervention in opposition to this motion have been received and good cause has been shown why it should be granted.

Accordingly, *It is ordered*, That the original petition in the above-entitled matter be, and the same hereby is, dismissed without prejudice.

It is further ordered, That the temporary relief heretofore granted in the above-entitled matter by order issued August 31, 1942, be, and the same hereby is, revoked.

It is further ordered, That the portion of the order dated August 31, 1942, in the above-entitled matter terminating the relief heretofore granted the coals of Mine Index No. 1190, in Docket No. A-1079, be, and the same hereby is, revoked.

Dated: October 10, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10240; Filed, October 12, 1942; 11:31 a. m.]

[Docket No. 1714-FD]

THOMAS REDDING, CODE MEMBER

ORDER RESCHEDULING HEARING AND REDESIGNATING TRIAL EXAMINER

The hearing in the above-entitled matter having been postponed by an order issued herein on September 24, 1942, to a time and place to be thereafter designated by an appropriate order; and

The Director deeming it advisable that said hearing should now be rescheduled;

Now, therefore, it is ordered, That the hearing in the above-entitled matter shall be held on October 19, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 118, Colonial Hotel, Altoona, Pennsylvania; and

It is further ordered, That W. A. Cuff shall preside at said hearing vice Charles S. Mitchell; and

It is further ordered, That the Notice of and Order for Hearing issued herein on July 24, 1942, shall, in all other respects, remain in full force and effect.

Dated: October 10, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10241; Filed, October 12, 1942; 11:31 a. m.]

[Docket No. 1867-FD]

SHERWOOD-TEMPLETON COAL CO., ET AL.

MEMORANDUM OPINION AND ORDER

In the matter of the application of Sherwood-Templeton Coal Company, Inc., and Linton-Summit Coal Company, Inc., for a determination of the status of the waste slurry coal produced at Mine Index Nos. 63, 101, 108, and 112 in District No. 11, pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937.

On August 21, 1942, 7 F. R. 6690, an order was issued in the above-entitled matter denying the application for exemption filed by Sherwood-Templeton Coal Company, Inc., and Linton-Summit Coal Company, Inc., applicants therein and providing that such denial was to become effective at the end of 60 days from the date of said order. Findings of Fact, Conclusions of Law and an Opinion in this matter were filed simultaneously with the said order and explained that the 60-day period was allowed as a reasonable time within which to file a petition pursuant to section 4 II (d) of the Act requesting the establishment of minimum prices for the coals involved in this proceeding.

On October 6, 1942, the applicants filed a motion requesting that the effective date of said Order dated August 21, 1942, be extended to 120 days from the date thereof on the ground that they have made formal application to District Board No. 11 to file a 4 II (d) petition proposing minimum prices for such coal but that they have been advised that the District Board will be unable to complete its investigations and tests within the 60-day period established by the Order of August 21, and that "because of the unusual circumstances existing in connection with classifying and pricing said coal, an additional period of 60 days will be required before such price . . . can be proposed." On September 30, 1942, District Board No. 11 filed a verified statement of facts substantiating the allegations of the aforesaid motion.

It appears that a reasonable showing has been made for an extension of time as requested.

Now, therefore, it is ordered, That the Order dated August 21, 1942, 7 F.R. 6690, in the above-entitled matter be, and it hereby is, modified to the extent that the effective date of the said order shall be 120 days from the date thereof.

Dated: October 12, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10268; Filed, October 13, 1942; 10:51 a. m.]

[Docket No. A-1212]

DISTRICT BOARD 11

MEMORANDUM OPINION AND ORDER RESUMING HEARING

In the matter of the petition of District Board No. 11 for revision of the schedules of minimum prices applicable to coals shipped from District No. 9 and District No. 11 to Charlestown and Speed, Indiana, Market Area No. 31, for a recoordination of the delivered price relationships of such coals at said destinations, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on December 9, 1941, by District Board 11, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. As amended at the hearing, the petition requests that the f. o. b. mine prices of District 9 coals be increased for delivery at Speed,[1] Indiana, and Charlestown, Indiana, including Watson or Watson's Siding,[2] Indiana, so as to effectuate the same delivered price relationships between the coals in Districts 9 (West Kentucky) and 11 (Indiana) at said destinations as exist between said coals in Market Area 29 (Chicago). The petition requests that such recoordination be accomplished by increasing the f. o. b. mine prices of the coals of District 9 by the following amounts per ton in the size groups indicated:

Size groups:	*Cents*
1, 3 to 12, 17 to 21	40
2	35
13, 15, 22, 23, 25, 26	30
14, 24, 27 to 29	20

Temporary relief pending final disposition of this proceeding was requested but has not been granted.

District Boards 8 and 9 filed petitions of intervention and the Bituminous Coal Consumers' Counsel ("Consumers' Counsel") filed notice of appearance. Pursuant to appropriate orders, a hearing was held on April 1 and 2, 1942, before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. Interested persons were afforded an opportunity to be present and participate fully in the hearing. District Boards 8, 9, and 11 and Consumers' Counsel appeared.

Briefs were filed by District Board 11 and Consumers' Counsel.

On July 20, 1942, the Examiner submitted his Proposed Findings of Fact and Conclusions of Law, and upon the basis thereof recommended that the f. o. b. mine prices of District 9 coals should be increased for delivery at Speed, Charlestown, and Watson, Indiana, so as to effectuate the same delivered price relationship between Districts 9 and 11 coals at said destinations as between said coals in Market Area 29. This would necessitate increases of District 9 f. o. b. mine prices, for shipments over the Illinois Central ("IC") of 40 cents per ton in Size Groups 1, 3 to 12, and 17 to 21; 35 cents per ton in Size Group 2; 30 cents per ton in Size Groups 13, 15, 22, 23, 25, and 26; and 20 cents per ton in Size Groups 14, 24, and 27 to 29. It would also require an additional 10 cents per ton increase of these amounts for shipments over the Louisville and Nashville ("L&N") to Watson.

An opportunity was afforded to all parties to file exceptions to the Examiner's Report and supporting briefs. Exceptions were so filed by Consumers' Counsel on August 7, 1942, and by District Board 9 on August 20, 1942.

The Examiner pointed out that no price adjustments were made in General Docket No. 15 to reflect freight rate differentials by lowering District 11 delivered prices for shipments to Speed, Charlestown, and Watson, because to have done so would have allowed mines with higher freight rates than Indiana a competitive opportunity at these destinations not previously enjoyed.

Stated succinctly, the situation here is this: Under the prices established in General Docket No. 15, District 11 coals delivered at Charlestown, Speed, and Watson, Indiana, in Market Area 31, at prices somewhat below those at which District 9 coals delivered in the same destinations. By virtue of certain freight rate changes effective in February, April, and November 1941, the delivered price relationship at these destinations between the District 9 and 11 coals have changed to the disadvantage of District 11. Since General Docket No. 15 the market conditions in these destinations have changed considerably. The amount of coal consumed at these destinations has increased greatly. The cement plant at Speed, the government-owned Indiana Ordnance Works at Charlestown, and the government-owned bag loading plant at Watson are all intimately related to the war program. Freight rate reductions have eliminated the differentials in the base sizes between District 9 Ninth Vein and District 11 Standard Fifth Vein coals from the Princeton-Ayshire, Boonville, Brazil-Clinton, and Lynton-Sullivan Subdistricts. These coals now deliver at Speed and Charlestown at a parity when District 9 shipments originate on the Illinois Central Railroad and District 9 Ninth Vein coals deliver at Watson from mines on the Louisville and Nashville at a price 10 cents below that at which District 11 Standard Fifth Vein coals deliver.

District Board 9 complains of the Examiner's recommendation upon the ground that it is based on a mere apprehension of a future loss of business by District 11. The Bituminous Coal Consumers' Counsel takes a broader position and urges, as it has urged in the past, that producers and consumers should have the advantage of altered market conditions brought about by freight rate changes and that such advantages should not be cancelled by recoordination of price relationships in order to maintain former competitive opportunities.

We are here presented, then, with the important issue of whether a change in freight relationships should be the basis for a corresponding change in f. o. b. mine prices. That issue has been presented in previous cases and from time to time resolved in the light of the record facts. For the most part those decisions have been made in cases involving small adjustments and relatively small tonnages. But always it has been recognized that the resolution of the issue was not to be taken lightly for there is always present the interplay of many and sometimes conflicting considerations and interests. There is the problem of preserving fair competitive opportunities in the coordination of prices; there is the problem of satisfying the interests of consumers; and there is the problem of determining the extent to which the minimum price structure for bituminous coal should be modified or altered by reason of the action of another regulatory body which is charged with the task of regulating freight rates.

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[1] So in the freight schedules; referred to in the petition and transcript as "Speeds."

[2] In the freight schedules as "Watson."

I have canvassed this record with care and I am not satisfied with the showing that has been made. We are here dealing with an important market area in which the coals of several districts are in active competition. Since General Docket No. 15 significant changes in the market conditions have taken place. Freight rate changes have been permitted by the regulatory body intrusted with that task. That action may have been taken upon some showing of necessity therefor. Nevertheless, while I am asked to take steps to counteract that action, I am presented with a record that fails to disclose adequately that the freight rate changes warrant the relief requested. This I refuse to do. Whatever may have been the administrative practice heretofore, I shall not hereafter effect a recoordination of mine prices in order to offset freight rate changes unless the petitioner makes a full and complete showing as to the effects of the rate changes upon a reasonable opportunity to compete on a fair basis, the effect thereof on the movement of coal, the relative market value of the various coals involved, taking into account uses, demand, etc., the propriety of re-establishing the coordination that existed or, as in the case here, a coordination which exists in another market area in which the same coals compete, and all circumstances surrounding the freight rate changes.

Because of the deficiencies of this record in the light of the importance of the issue, I have concluded to take no action in this case at this time but to order the hearing reopened. At the reopened hearing I will expect the parties to develop a full and adequate record in the light of the considerations expressed above. The order resuming the hearing will direct that the Examiner file a supplemental report unless the parties elect to waive it.

Now, therefore, it is ordered, That the hearing in this cause be resumed on December 10, 1942, at 10 A. M. at a hearing room of the Division in Washington, D. C., to be designated on the day of the hearing by the Chief of Records Section in the Offices of the Division, and that Charles O. Fowler, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter, shall exercise such powers as were conferred upon him by the initial Notice of and Order for Hearing in this proceeding, and shall prepare and submit a supplemental report in this matter.

Notice of such hearing is hereby given to all parties herein and to persons or instrumentalities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Division for proceedings instituted pursuant to section 4 II (d) of the Act, stating further the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Division on or before December 1, 1942.

The matter concerned herewith is in regard to the petition of District Board 11 for revision of the schedules of minimum prices applicable to coals shipped from District 9 and from District 11 to Charlestown, Speed, and Watson, Indiana, in Market Area 31, for the purpose of effecting the same delivered price relationships of such coals at said destination as currently exist between such coals in Market Area No. 29.

Dated: October 12, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10267; filed, October 13, 1942; 10:51 a. m.]

[Docket No. B-303]

J. J. FOUTZ, CODE MEMBER

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on November 19, 1942, at 1 p. m. at a hearing room of the Bituminous Coal Division, at the Franciscan Hotel, Albuquerque, New Mexico; and

The Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from November 19, 1942, to November 23, 1942, at 10 a. m. at a hearing room of the Division at the Franciscan Hotel, Albuquerque, New Mexico, before the officer or officers heretofore designated to preside at said hearing.

Dated: October 12, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10269; Filed, October 13, 1942; 10:51 a. m.]

[Dockets Nos. B-321, B-323, B-325]

BALDY COAL COMPANY, ET AL.

ORDER POSTPONING HEARING

In the matter of E. W. Meggison and E. E. Bowen, individually and as co-partners, doing business under the name and style of Baldy Coal Company, Guillermo Bowman, John Foderaro, Code Members.

The above-entitled matters of E. W. Meggison and E. E. Bowen, individually and as co-partners, doing business under the name and style of Baldy Coal Company, Docket No. B-321, Guillermo Bowman, Docket No. B-323, John Foderaro, Docket No. B-325, having been heretofore scheduled for hearing on November 14, 1942, November 16, 1942, and November 17, 1942, respectively, at 10 a. m. at a hearing room of the Bituminous Coal Division (the "Division"), at the Court Houst, Trinidad, Colorado; and

The Director deeming it advisable that said hearings be postponed;

Now, therefore, it is ordered, That the hearings in the above-entitled matters be postponed, as follows:

E. W. Meggison and E. E. Bowen, individually and as co-partners, doing business under the name and style of Baldy Coal Company, Docket No. B-321, from November 14 to November 17, 1942 at 10 a. m.;

Guillermo Bowman, Docket No. B-323, from November 16 to November 18, 1942 at 10 a. m.; and

John Foderaro, Docket No. B-325, from November 17 to November 19, 1942 at 10 a. m.; and that the aforesaid hearings be held at a hearing room of the Division at the Court House, Trinidad, Colorado, before the officer or officers previously designated to preside at said hearings.

Dated: October 12, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10270; Filed, October 13, 1942; 10:51 a. m.]

[Docket No. B-332]

FRANK YASBEZ, CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 2, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on October 6, 1942, by Bituminous Coal Producers Board for District No. 17, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Frank Yasbez, Raton, New Mexico, (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 19, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Court House, Trinidad, Colorado.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said code member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under section 301.123 of the Rules and Regulations Governing Practice and Procedure

Before the Division in proceedings instituted pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure Before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that the Code Member, whose Code Membership became effective as of May 5, 1938, operator of the Franks Mine, Mine Index No. 418, and Franks No. 2 Mine (for which no mine index number had been assigned) located in Colfax County, New Mexico, Subdistrict No. 10 of District No. 17, has wilfully violated Order of the Division dated October 9, 1940, entered in General Docket No. 19, by selling and delivering by truck subsequent to October 14, 1940, coal produced at the aforesaid Franks No. 2 Mine for which minimum prices temporary or final had not been established by the Division including sales during the period December 12, 1941 and March 27, 1942, both dates inclusive, to the Bin to User Coal Company at Raton, New Mexico, of approximately 170.0775 net tons of 1½" x ½" nut coal at a delivered price of $2.50 per net ton f. o. b. the mine.

Dated: October 12, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10271; Filed, October 13, 1942; 10:52 a. m.]

[Docket No. B-334]

SONCHAR BROTHERS

NOTICE OF AND ORDER FOR HEARING

In the matter of Joe Sonchar and Victor Sonchar, individually and as copartners doing business under the name and style of Sonchar Brothers, Code Member.

A complaint dated October 2, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on October 6, 1942, by the Bituminous Coal Producers Board for District No. 17, a District Board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Joe Sonchar and Victor Sonchar, individually and as copartners doing business under the name and style of Sonchar Brothers, (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 20, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Court House, Trinidad, Colorado.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entitles having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in proceedings instituted pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that the Code Member located at Raton, New Mexico, whose Code Membership became effective as of April 15, 1938, operator of the Sonchar Brothers Mine, Mine Index No. 392, located in Colfax County, New Mexico, Subdistrict No. 10 of District No. 17, has wilfully violated:

1. Section 4 II (e) and (i) 8 of the Act and Part II (e) and (i) 8 of the Code, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations by selling for truck shipment, subsequent to September 30, 1940, coal produced at the aforesaid mine at prices below the effective minimum prices as set forth in the Schedule of Effective Minimum Prices for District No. 17 For All Shipments, and misrepresenting of the sizes thereof, including the following transactions:

(a) Sales to various purchasers during the period from November 14, 1940 to May 13, 1941, both dates inclusive, of approximately 65.78 net tons of 1½" x ½" coal (Size Group No. 10) at $2.50 per net ton f. o. b. the mine, whereas the effective minimum price for said coal was $3.15 per net ton f. o. b. the mine, as set forth in the aforesaid schedule, and the intentional misrepresentation of the size of said coal in that it was falsely recorded on truck sales tickets 1½" x ⅜" coal;

(b) Sales to various purchasers during the period from May 10, 1941 to October 29, 1941, both dates inclusive, of approximately 66.005 net tons of 1½" to ¼" coal (Size Group No. 10) at $2.0[illegible] per net ton f. o. b. the mine, whereas the effective minimum price for said coal was $3.15 per net ton f. o. b. the mine, as set forth in the aforesaid schedule, and the intentional misrepresentation of the size of said coal in that it was falsely recorded on truck sales tickets as 1½" x 0 slack;

(c) Sales to various purchasers during the period from October 29, 1941 to December 18, 1941, both dates inclusive, of approximately 94.805 net tons and 1½" x ¼" coal, (Size Group No. 10) at $2.25 per net ton f. o. b. the mine, whereas the effective minimum price for said coal was $3.15 per net ton f. o. b. the mine, as set forth in the aforesaid schedule, and the intentional misrepresentation of the size of said coal in that it was falsely recorded on truck sales tickets as 1½″ x 0 slack;

(d) Sales to A. Romero on or about February 17, 1942, of approximately 5.35 tons of 1½″ x ¼″ coal (Size Group No. 10) at $2.075 per net ton f. o. b. the mine, whereas the effective minimum price for said coal was $3.15 per net ton f. o. b. the mine, as set forth in the aforesaid schedule, and the intentional misrepresentation of the size of said coal in that it was falsely recorded on truck sales tickets as 1½″ x 0 slack;

(e) Sales to various purchasers during the period from October 7, 1940 to October 23, 1940, both dates inclusive, of approximately 51.78 net tons of 1½″ lump coal, (Size Group No. 5) at $3.55 per net ton f. o. b. the mine, whereas the effective minimum price for said coal was $3.75 per net ton f. o. b. the mine, as set forth in the aforesaid schedule, and the intentional misrepresentation of the size of said coal in that it was falsely recorded on truck sales tickets as 1″ lump;

(f) Sales to various purchasers during the period from May 12, 1941 to March 5, 1942, both dates inclusive, of approximately 1599.67 net tons of 1½″ lump coal at $3.50 per net ton f. o. b. the mine, whereas the effective minimum price for said coal was $3.75 per net ton f. o. b. the mine, as set forth in the aforesaid schedule, and the intentional misrepresentation of the size of said coal in that it was falsely recorded on truck sales tickets as 1½″ nut; and

2. Section 4 II (e), (g) and (i) 8 of the Act, Part II (e), (g) and (i) 8 of the Code, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations by selling and delivering by truck, subsequent to September 30, 1940, coal produced at the aforesaid mine at prices below the effective minimum prices therefor, plus the transportation, handling and incidental charges from the transportation facilities at the mine to the points from which all such charges were assumed and directly paid by the purchasers, as required by Price Instruction and Exception No. 14, as amended and contained in Supplement No. 1 to said schedule, including the sale and delivery during the period November 24, 1941 to March 15, 1942, both dates inclusive, of approximately 832.8123 tons of 1½″ x ¼″ coal (Size Group No. 10), to the Bin to User Coal Company, Raton, New Mexico, a distance of approximately 10 miles from said mine, at delivered prices of $2.25, $2.50 and $2.75 per net ton, which was less than the effective minimum f. o. b. mine price for said coal of $3.15 per net ton, plus the transportation, handling, and incidental charges from the transportation facilities at the mine to the point from which all such charges were assumed and directly paid by said purchaser as required by the aforesaid Price Instruction and Exception No. 14, and the intentional misrepresentation of the size of said coal in that it was falsely recorded on truck sales tickets as 1½″ slack coal.

Dated: October 12, 1942.

[SEAL] DAN H. WHEELER
Director.

[F. R. Doc. 42-10272; Filed, October 13, 1942; 10:52 a. m.]

[Docket No. B-215]

JACK SMITH, CODE MEMBER

ORDER RESTORING CODE MEMBERSHIP

A written complaint dated February 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on February 10, 1942, by the Bituminous Coal Producers Board for District No. 1, a district board, alleging willful violation by Jack Smith, the above-named defendant, of the Bituminous Coal Code (the "Code") and rules and regulations thereunder; and

An order having been issued, after hearing, by the Acting Director, on June 25, 1942, revoking and cancelling the membership of the said Jack Smith in the Code, and providing, pursuant to section 5 (c) of the Act, that a tax of $395.23 shall be paid to the United States prior to any reinstatement thereof, and said order having been duly served on said Jack Smith on June 30, 1942; and

An application for the restoration of membership in the Code dated August 31, 1942, having been duly filed with the Division September 2, 1942, by the said Jack Smith; and

It appearing from said application that the said Jack Smith has paid to the United States said tax of $395.23, on August 31, 1942, pursuant to said order dated June 25, 1942, and section 5 (c) of the Act, as a condition precedent to the restoration of his membership in the Code;

Now, therefore, it is ordered, That the said application of the said Jack Smith for restoration of membership in the Code be and the same hereby is granted; and

It is further ordered, That said restoration of the membership of Jack Smith in the Code be and the same hereby is restored as of 12:01 a. m. on August 31, 1942.

Dated: October 10, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10273; Filed, October 13, 1942; 10:52 a. m.]

BLUE GRASS COAL COMPANY, ET AL.

NOTICE OF FILING OF APPLICATIONS

To all district boards, code members, distributors, the consumers' counsel and other interested persons:

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name and address	*Date application filed*
Blue Grass Coal Co., 3301 Carew Tower, Cincinnati, Ohio	9/29/42
Warner Coal Corporation, 570 Union Commerce Building, Cleveland, Ohio	9/21/42

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before November 9, 1942. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: October 10, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10274; Filed, October 13, 1942; 10:52 a. m.]

Fish and Wildlife Service.

HART MOUNTAIN NATIONAL ANTELOPE REFUGE, OREGON

DESIGNATION AS A PUBLIC USE AREA

Pursuant to authority of § 12.2 of the regulations of December 19, 1940, for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service, the SE¼SW¼ and the SW¼SE¼, sec. 24, T. 36 S., R. 25 E., Willamette Principal Meridian, of the Hart Mountain National Antelope Refuge are hereby designated as a public use area upon which persons may without a permit enter and temporarily use for recreational and other appropriate purposes, subject to the following conditions and restrictions:

1. All persons shall observe sanitary and other restrictions as directed by the officer in charge of the refuge.

2. Fires for cooking and other purposes will be permitted only in fireplaces or at other points designated by the officer in charge of the refuge.

3. Garbage and other refuse shall be disposed of in containers provided for the purpose or at other points designated by the officer in charge of the refuge.

4. Defacement, destruction, or removal of any natural object or property of the refuge shall constitute a violation of the regulations for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service.

CHAS. E. JACKSON,
Acting Director.

SEPTEMBER 22, 1942.

[F. R. Doc. 42-10215; Filed, October 12, 1942; 9:57 a. m.]

General Land Office.

[Public Land Order 43]

CALIFORNIA

WITHDRAWING PUBLIC LAND FOR USE OF THE WAR DEPARTMENT AS AN AIR BASE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, and section 3 of the act of June 17, 1902, c. 1093, 32 Stat. 388 (U.S.C., title 43, sec. 416), it is ordered as follows:

Subject to valid existing rights, the public lands in the following-described areas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as an Air Base:

SAN BERNARDINO MERIDIAN

T. 6 S., R. 12 E.,
Sec. 10, NE¼, N½SE¼.

The areas described, including both public and non-public lands, aggregate 240 acres.

The order of the Secretary of the Interior of April 4, 1930, withdrawing certain lands for reclamation purposes is hereby modified to the extent necessary to permit the use of the above-described lands as herein provided.

This order shall be subject to the Executive Order of May 17, 1927, withdrawing certain lands within fifty feet of a proposed water conduit for municipal water-supply purposes so far as such order affects the above-described lands.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior, when they are no longer needed for the purpose for which they are reserved.

HAROLD L. ICKES,
Secretary of the Interior.

SEPTEMBER 29, 1942.

[F. R. Doc. 42-10212; Filed October 12, 1942; 9:56 a. m.]

[Public Land Order 44]

ARIZONA

WITHDRAWAL FOR ARMY AIRCRAFT PILOTS TRAINING SCHOOL

Withdrawing public lands for use of the Defense Plant Corporation in Connection with the operation of a school for training Army Aircraft Pilots.

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the Defense Plant Corporation in connection with the operation of a school for training army aircraft pilots.

GILA AND SALT RIVER MERIDIAN

T. 15 S., R. 12 E.,
Sec. 7, lots 1, 2, 3, 4, E½W½

The areas described aggregate 338.16 acres.

This order shall take precedence over, but shall not rescind or revoke, the temporary withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended, so far as such order affects the above-described lands.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior, when they are no longer needed for the purpose for which they are reserved.

HAROLD L. ICKES,
Secretary of the Interior.

SEPTEMBER 30, 1942.

[F. R. Doc. 42-10211; Filed, October 12, 1942; 9:56 a. m.]

NEW MEXICO

ELIMINATION FROM GRAZING DISTRICT NO. 3

Under and pursuant to the provisions of section 1 of the act of June 28, 1934, as amended (48 Stat. 1269; 49 Stat. 1976; 43 U.S.C. 315), known as the Taylor Grazing Act, the order of the Secretary of the Interior of July 11, 1935, establishing New Mexico Grazing District No. 3, is hereby revoked, so far as it affects the following-described land:

NEW MEXICO PRINCIPAL MERIDIAN

T. 16 S., R. 7 W., sec. 2.

ABE FORTAS,
Acting Secretary of the Interior.

SEPTEMBER 29, 1942.

[F. R. Doc. 42-10213; Filed, October 12, 1942; 9:55 a. m.]

CERTAIN OREGON & CALIFORNIA RAILROAD—COOS BAY WAGON ROAD GRANT LANDS

CLOSURE FOR PROTECTIVE PURPOSES

In furtherance of forest protection from fire and other acts of sabotage intended to destroy the timber growing on lands administered under the Act of August 28, 1937 (50 Stat. 874), relating to the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands, it is hereby ordered, pursuant to section 5 of that Act, that such of these lands as are located within an area closed under any proclamation by the Governor of the State of Oregon, now in effect or hereafter issued under section 107-209, Oregon Compiled Laws Annotated, as amended by chapter 238, Oregon Laws, 1941, shall likewise be closed in accordance with the provisions of such proclamation.

ABE FORTAS,
Acting Secretary of the Interior.

OCTOBER 1, 1942.

[F. R. Doc. 42-10214; Filed, October 12, 1942; 9:56 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

DUBUQUE, IOWA, MARKETING AREA

NOTICE ON HANDLING OF MILK

Notice of report and opportunity to file written exceptions with respect to a proposed marketing agreement, as amended, and a marketing order, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area, prepared by the Administrator of the Agricultural Marketing Administration.

Pursuant to § 900.12 (a) of the General Regulations of the Agricultural Marketing Administration, United States Department of Agriculture, governing proceedings to formulate marketing orders and marketing agreements, notice is hereby given of the filing with the hearing clerk of this report of the Administrator of the Agricultural Marketing Administration, with respect to a proposed marketing agreement, as amended, and to a marketing order, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area. Interested parties may file exceptions to the report with the Hearing Clerk, Room 1019, South Building, United States Department of Agriculture, Washington, D. C., not later than the close of business on the 10th day after publication of this notice in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary Statement

The proceeding was initiated by the Agricultural Marketing Administration upon receipt of a petition dated June 10, 1942, received from the Dubuque Cooperative Dairy Marketing Association of Dubuque, Iowa, for a public hearing to receive evidence on several changes they proposed in the marketing agreement and order. Dubuque handlers then submitted one proposal for amendment and the Dairy and Poultry Branch of the Agricultural Marketing Administration suggested changes in the regulations pertaining largely to administrative matters. Notice of hearing was issued on August 12, 1942, and the hearing was convened on August 19, 1942.

The major issues developed at the hearing were concerned with (1) the changes in the program made desirable by the operation of the health regulations of the city of Dubuque, (2) revision of the classes of milk, and (3) the specification of administrative practice in greater detail.

With respect to these issues it is concluded from the record that:

1. Provisions of the order should cover all milk received at handlers' plants, with the exception that the market pool should include only that milk meeting the requirements of the health regulations;

2. The classes of milk should be revised; and

3. It is desirable to revise the administrative provisions of the order in keeping with accepted principles, present

practice, and a clear specification of detail.

The proposed marketing order, as amended, which follows is the detailed means by which these conclusions may be effectuated. The proposed marketing agreement, as amended, is not included in this report because the provisions thereof will be the same as the provisions of the proposed marketing order, as amended, set forth below.

PROPOSED MARKETING ORDER, AS AMENDED

It is found upon the evidence introduced at the public hearing held in Dubuque, Iowa, on August 19, 1942:

Findings

1. That the order, as amended, regulates the handling of milk in the same manner as, and is applicable only to handlers defined in, a marketing agreement, as amended, upon which a hearing has been held; and

2. That the issuance of this order, as amended, and all of its terms and conditions, tends to effectuate the declared policy of the act.

Provisions

§ 912.3 *Definitions*—(a) *Terms.* The following terms shall have the following meanings:

(1) The term "Dubuque, Iowa, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the city of Dubuque, Iowa, the township of Dubuque, Iowa, sections 1, 2, 3, 11, and 12 of the township of Table Mound, and sections 5 and 6 of the township of Mosalem, all in the county of Dubuque in the State of Iowa.

(2) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(3) The term "producer" means any person who produces milk which is received at the plant of a handler from which Class I or Class II milk is disposed of in the marketing area.

(4) The term "graded producer" means any person who, in conformity with the requirements of the Dubuque health authorities for milk disposed of for consumption as milk, produces milk which is received at the plant of a handler from which Class I or Class II milk is disposed of in the marketing area, or which a cooperative association causes to be delivered to a plant from which no Class I or Class II milk is disposed of in the marketing area.

(5) The term "handler" means any person who, on his own behalf or on behalf of others, purchases or receives milk or cream and who disposes of Class I or Class II milk in the marketing area. This definition shall include any cooperative association with respect to milk caused to be delivered from a graded producer to a plant from which no Class I or Class II milk is disposed of in the marketing area.

(6) The term "producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided*, That (a) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk is the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (b) the processing, packaging, and distribution of the milk is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

(7) The term "market administrator" means the person designated pursuant to § 912.4 as the agency for the administration hereof.

(8) The term "delivery period" means the current marketing period from the first to and including the last day of each month.

(9) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(10) The term "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

(11) The term "cooperative association" means any cooperative association of producers which the Secretary determines (i) to have its entire activities under the control of its members, and (ii) to have and to be exercising full authority in the sale of milk of its members.

§ 912.4 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall: (1) Administer the terms and provisions hereof; and (2) Report to the Secretary complaints of violation of the provisions hereof.

(c) *Duties.* The market administrator shall: (1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Pay, out of the funds provided by § 912.11, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office.

(3) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the Secretary may designate.

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 912.7, or (ii) made payments pursuant to § 912.10.

(5) Promptly verify the information contained in the reports submitted by handlers.

§ 912.5 *Classification of milk*—(a) *Basis of classification.* All milk or cream purchased or received by a handler or caused to be delivered by a cooperative association to a plant from which no milk is disposed of in the marketing area shall be reported by the handler and shall be classified by the market administrator in the classes set forth in (b) of this section: *Provided*, That (1) any milk moving as fluid milk from any handler's plant to a plant of a nonhandler who distributes fluid milk shall be classified as Class I milk and any cream moving as fluid cream to a plant of such nonhandler shall be classified as Class II milk; (2) any milk or cream moving from a handler's plant to a plant of a nonhandler who does not distribute fluid milk or cream shall be classified as Class III milk, subject to verification by the market administrator; and (3) any milk moving as fluid milk from any handler's plant to a plant of another handler shall be classified as Class I milk, and any cream moving as fluid cream from any handler's plant to a plant of another handler shall be classified as Class II milk: *Provided*, That if the selling handler, except for milk and cream moving to the plant of a producer-handler or to the plant of a handler who is also a producer, on or before the 5th day after the end of the delivery period during which such milk or cream was moved, furnishes to the market administrator a statement which is signed by the buyer and the seller that such milk or cream was utilized in a lower classification, such milk or cream shall be classified accordingly, subject to verification by the market administrator.

(b) *Classes of utilization.* Subject to the conditions set forth in (a) of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of as milk except such milk as is classified as Class II milk and as Class III milk pursuant to (2) and (3) of this paragraph and all unaccounted for milk in excess of 3 percent of the total receipts of butterfat from producers converted to 3.5 percent milk equivalent.

(2) Class II milk shall be all milk disposed of as cream, for consumption as cream including any cream product in fluid form which contains 6 percent or more but less than 18 percent butterfat, flavored milk, creamed buttermilk, and creamed cottage cheese.

(3) Class III milk shall be all milk accounted for as used to produce butter, cheese other than creamed cottage cheese, evaporated milk, condensed milk, powdered whole milk, ice cream mix, and ice cream and all unaccounted for milk not in excess of 3 percent of the total receipts of butterfat from producers converted to 3.5 percent milk equivalent.

(c) *Responsibility of handlers in establishing the classification of milk.* In establishing the classification of milk as required in (b) of this section, the burden rests upon the handler who receives milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(d) *Computation of milk in each class.* For each delivery period, the market administrator shall compute, in the case of each handler, the amount of milk in each class, as defined in (b) of this section, as follows:

(1) Determine the total pounds of milk received from (i) producers, (ii) handler's own farm production, (iii) other handlers, (iv) other sources, and (v) add together the resulting amounts.

(2) Determine the total pounds of butterfat received as follows: (i) multiply the weight of the milk received from producers by its average butterfar test; (ii) multiply the weight of the milk received from handler's own farm production by its average butterfat test; (iii) multiply the weight of the milk received from other handlers by its average butterfat test; (iv) multiply the weight of the milk received from other sources by its average butterfat test; and (v) add together the resulting amounts.

(3) Determine the total pounds of milk in Class I as follows: (i) convert to pounds the total quantity of milk disposed of in the form of milk on the basis of 2.15 pounds per quart; (ii) multiply the result by the average butterfat test of such milk; and (iii) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk, computed pursuant to (4) (ii) and (5) (iv) of this paragraph, is less than the total pounds of butterfat received, computed in accordance with (2) of this paragraph, an amount equal to the difference shall be divided by 3.5 percent and added to the quantity of milk determined pursuant to (i) of this subparagraph.

(4) Determine the total pounds of milk in Class II as follows: (i) multiply the actual weight of each of the several products of Class II milk by its average butterfat test; (ii) add together the resulting amounts; and (iii) divide the result obtained in (ii) of this subparagraph by 3.5 percent.

(5) Determine the total pounds of milk in Class III as follows: (i) multiply the actual weight of each of the several products of Class III milk by its average butterfat test; (ii) add together the resulting amounts; (iii) subtract the total pounds of butterfat in Class I milk and Class II milk, computed pursuant to (3) (ii) and (4) (ii) of this paragraph, and the total pounds of butterfat computed pursuant to (ii) of this subparagraph, from the total pounds of butterfat computed pursuant to (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 3 percent of the total receipts of butterfat from producers by the handler); (iv) add the result obtained in (iii) of this subparagraph (but not to exceed 3 percent of the total receipts of butterfat from producers by the handler) and the result obtained in (ii) of this subparagraph; and (v) divide the result obtained in (iv) of this subparagraph by 3.5 percent.

(6) Determine the classification of milk received from producers as follows: (i) subtract from the total pounds of milk in each class the total pounds of milk which were received from other handlers and used in such class; (ii) subtract from the remaining pounds of milk in each class the total pounds of milk which were received from sources other than producers and handlers and used in such class; (iii) subtract pro rata from the remaining pounds of milk in each class the total pounds of milk which were received from the handler's own farm production; and (iv) except as set forth in (e) of this section, the result shall be known as the "net pooled milk" in each class.

(e) *Reconciliation of utilization of milk by classes with receipts of milk from producers.* In the event of a difference between the total quantity of milk utilized in the various classes as computed pursuant to (d) of this section and the quantity of milk received from producers, except for excess milk or milk equivalent of butterfat pursuant to § 912.8 (d), such difference shall be reconciled as follows:

(1) If the total utilization of milk in the various classes for any handler, as computed pursuant to (d) of this section, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler, which result shall be known as the "net pooled milk" in each class.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to (d) of this section is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class III for such handler by an amount equal to the difference between the total utilization of milk by classes for such handler and the receipts of milk from producers, which result shall be known as the "net pooled milk" in each class.

§ 912.6 *Minimum prices*—(a) *Class prices.* Each handler shall pay, at the time and in the manner set forth in § 912.10, not less than the prices set forth in this paragraph per hundredweight of milk received during each delivery period at such handler's plant or caused by such handler to be delivered to a plant from which no milk is disposed of in the marketing area, on the basis of milk of 3.5 percent butterfat content:

(1) For Class I milk—the price shall be the price determined and announced pursuant to (5) of this paragraph, plus 70 cents per hundredweight.

(2) For Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief—the price shall be the price determined and announced pursuant to (5) of this paragraph, plus 23 cents per hundredweight.

(3) For Class II milk—the price shall be the price determined and announced, pursuant to (5) of this paragraph, plus 25 cents per hundredweight.

(4) For Class III milk—the price shall be the result of the following computation by market administrator: multiply by 2.4 the average weekly prevailing price per pound of the cheese known as "Twins" during said delivery period on the Wisconsin Cheese Exchange, Plymouth, Wisconsin (or in the absence of such prices, the prices of such "Twins" at Chicago, as reported by the United States Department of Agriculture), and multiply such result by 3.5.

(5) Computation of foundation price for Class I and Class II milk—the market administrator shall determine and announce the average of the basic or field prices per hundredweight, ascertained to have been paid for milk of 3.5 percent butterfat content received during the period beginning with the 16th day of the previous month and ending with the 15th day of the then current month at the plants listed in this subparagraph: *Provided*, That if the price so determined is less than the price computed by the market administrator in accordance with the following formula, such formula price shall be announced: multiply by 0.4 the average weekly prevailing price per pound of the cheese known as "Twins" during said delivery period on the Wisconsin Cheese Exchange, at Plymouth, Wisconsin (or in the absence of such prices, the prevailing prices for such "Twins" at Chicago, as reported by the United States Department of Agriculture), add the average wholesale price per pound of 92-score butter at Chicago for said delivery period as reported by the United States Department of Agriculture, and multiply such result by 3.9.

Concern and location of plants

Amboy Milk Products Co., Amboy, Ill.
United Milk Products Co., Argo Fey, Ill.
Dean Milk Co., Belvidere, Ill.
Borden Co., Dixon, Ill.
Libby, McNeil & Libby Co., Morrison, Ill.
Carnation Milk Co., Oregon, Ill.
Dean Milk Co., Pearl City, Ill.
Dean Milk Co., Pecatonica, Ill.
Borden Co., Sterling, Ill.
Pet Milk Co., Schullsburg, Wis.

§ 912.7 *Reports of handlers*—(a) *Periodic reports.* On or before the 5th day after the end of each delivery period each handler, with respect to milk or milk products which were during such delivery period (1) received from producers, (2) received from handlers, (3) received from such handler's own production, (4) received from any other source, or (5) caused to be delivered to a plant from which no milk is disposed of in the marketing area, shall report to the market administrator, in the detail and form prescribed by him, as follows:

(1) The receipts at each plant from producers who are not handlers;

(2) The receipts at each plant from any other handler, including any handler who is also a producer;

(3) The receipts at each plant from such handler's own production;

(4) The receipts at each plant from any other source;

(5) The respective quantities of milk and milk products disposed of or on hand; and

(6) The respective butterfat content of each of the above.

(b) *Reports as to producers.* Each handler shall report to the market administrator as follows:

(1) Within 10 days after the market administrator's request, with respect to any producer and with respect to a period of time designated by the market administrator, (i) the name and address, (ii) the total pounds of milk received, (iii) the average butterfat test of milk received, and (iv) the number of days upon which milk was received; and

(2) Within 5 days after first receiving milk from any producer, (i) the name and address of such producer, (ii) the date upon which such milk was first received, and (iii) the plant at which the milk of such producer was received.

(c) *Reports of payments to producers.* On or before the 20th day after the end of each delivery period each handler shall submit to the market administrator his producer pay roll for such delivery period which shall show for each producer (i) the net amount of such producer's payment with the prices, deductions, and charges involved, and (ii) the total delivery of milk with the average butterfat test thereof.

(d) *Reports of producer-handlers and handlers whose sole sources of supply are receipts from other handlers.* Producer-handlers and handlers whose sole sources of supply are receipts from other handlers shall report to the market administrator at such time and in such manner as the market administrator may request.

(e) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records, and of the records of any other handler or person upon whose disposition of milk such handler claims classification. Each handler shall keep adequate records of receipts and utilization of milk and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to:

(1) Verify the receipts and disposition of all milk required to be reported pursuant to this section and, in case of errors, or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content the milk received from producers and any product of milk upon which classification depends; and

(3) Verify the payments to producers prescribed in § 912.10.

§ 912.8 *Application of provisions*—(a) *Producer-handlers.* (1) §§ 912.6, 912.9, 912.10, 912.11, and 912.12 shall not apply to the handling of milk by handlers (i) whose sole sources of supply are receipts from other handlers or (ii) who are also producer-handlers pursuant to § 912.3 (a) (6), as verified by the market administrator in the manner provided in (2) of this paragraph.

(2) Handlers shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence of their qualifications as producer-handlers pursuant to § 912.3 (a) (6), as of the effective date of the provisions hereof, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing their milk that affects their qualification as producer-handlers; such verification by the market administrator shall be made within 15 days of the date of receipt of the evidence and shall be effective retroactively to the effective date of the provisions hereof in cases verified within 45 days of such effective date and shall be effective retroactively to the first day of the delivery period during which verification is made in subsequent cases.

(b) *Milk received by a handler from another handler who is also a producer or a producer-handler.* If any handler has purchased or received milk or cream from another handler who is also a producer or a producer-handler, such milk or cream shall be considered as Class III milk. If such receiving handler disposes of such milk or cream for other than Class III purposes, the market administrator in computing the net pool obligation of such handler pursuant to § 912.9 (a) shall add an amount equal to the difference between (1) the value of such milk or cream in accordance with its actual utilization by such handler and (2) the value at the Class III price.

(c) *Payment for milk received by a handler from sources determined as other than producers or other handlers.* If any handler has purchased or received milk or butterfat from sources determined as other than producers or other handlers, such milk or milk equivalent of such butterfat shall be considered as Class III milk. If such receiving handler disposes of such milk or butterfat for other than Class III purposes, the market administrator in computing the net pool obligation of such handler pursuant to § 912.9 (a) shall add an amount equal to the difference between (1) the value of such milk or milk equivalent of such butterfat in accordance with its actual utilization by such handler and (2) the value at the Class III price. This provision shall not apply to such milk or butterfat if such handler can prove to the market administrator that such milk or butterfat was used for purposes which did not violate any regulations issued by the health authorities in the marketing area.

(d) *Payment for excess milk or butterfat.* If a handler, after subtracting receipts from his own farm production, receipts from other handlers, and receipts from sources determined as other than producers or other handlers, has disposed of milk or butterfat in excess of the milk or butterfat which, on the basis of his reports, has been credited to his producers as having been delivered by them, the market administrator in computing the net pool obligation of such handler pursuant to § 912.9 (a) shall add an amount equal to the value of such milk or milk equivalent of such butterfat in accordance with its actual utilization by the handler.

§ 912.9 *Determination of uniform prices to producers*—(a) *Net pool obligation of handlers.* Subject to the provisions of § 912.8, the net pool obligation of each handler for milk received from producers during each delivery period shall be a sum of money computed for such delivery period by the market administrator as follows: multiply the "net pooled milk" in each class, computed pursuant to § 912.5, by the class price pursuant to § 912.6, and add together the resulting values.

(b) *Computation and announcement of the uniform price.* For each delivery period the market administrator shall compute and announce the uniform price per hundredweight of milk as follows:

(1) Combine into one total the net pool obligations of all handlers, computed pursuant to (a) of this section, who made the reports pursuant to § 912.7 (a) for such delivery period and who made the payments to the market administrator pursuant to § 910.10 (d);

(2) Subtract the total amount to be paid pursuant to § 912.10 (a) (2) (ii) and (iii);

(3) Add the amount of cash balance in the producer-settlement fund less the amount due handlers pursuant to § 912.10 (f);

(4) Divide the result obtained in (3) of this paragraph by the total hundredweight of milk of graded producers, other than that represented by the amount subtracted in (2) of this paragraph;

(5) Subtract not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. This result shall be known as the uniform price for such delivery period for milk of graded producers containing 3.5 percent butterfat; and

(6) On or before the 10th day after the end of such delivery period notify all handlers and make public announcement of these computations, of the uniform price per hundredweight of milk, of the Class I, Class II, and Class III prices, and of the butterfat differential computed pursuant to § 912.10 (b).

§ 912.10 *Payments for milk*—(a) *Time and method of payment.* Each handler shall make payment, subject to the butterfat differential set forth in (b) of this section, for milk purchased or received from producers by such handler during each delivery period, as follows:

(1) To producers, for milk which was caused to be delivered to such handler from such producers by and for the account of a cooperative association, on or before the 12th day after the end of the delivery period during which such milk was purchased or received, through such cooperative association of a total amount equal to but not less than the sum of the individual payments otherwise payable to such producers.

(2) To producers for milk which was not caused to be delivered to such handler from such producers by and for the account of a cooperative association, on or before the 15th day after the end of the delivery period during which such milk was purchased or received, (i) to graded producers, except as set forth in (ii) of this subparagraph, at not less than the uniform price per hundredweight computed pursuant to § 912.9 (b); (ii) to graded producers from whom milk was not regularly purchased or received by a handler or who did not distribute milk in the marketing area during a period of 30 days prior to the effective date hereof, for all the milk received from such producers during a period beginning with the date of the first regular receipt of milk from such producers and continuing through the first 2 full calendar months following the date of such first receipt of milk, at the price per hundredweight computed for Class III milk pursuant to § 912.6 (a) (4); and (iii) to producers other than graded producers at the price per hundredweight computed for Class III milk pursuant to § 912.6 (a) (4).

(b) *Butterfat differential.* If the milk of any producer, received by a handler or caused by a cooperative association to be delivered to a plant from which no milk is disposed of in the marketing area during the delivery period, has an average butterfat content other than 3.5 percent, such handler shall add to the prices for such producer, for each one-tenth of 1 percent of average butterfat content in milk above 3.5 percent, not less than, or shall deduct from the prices for such producer, for each one-tenth of 1 percent of average butterfat content in milk below 3.5 percent, not more than, an amount which is one thirty fifth of the price per hundredweight for Class III milk.

(c) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund, known as "the producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to (d) and (f) of this section and out of which he shall make all payments to handlers pursuant to (e) and (f) of this section.

(d) *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator, for payment to graded producers through the producer-settlement fund, the amount by which the net pool obligation of such handler including the payments required to be made pursuant to § 912.8 is greater than the sum required to be paid producers by such handler pursuant to (a) (1) and (2) of this section.

(e) *Payments out of producer-settlement fund.* (1) On or before the 15th day after the end of each delivery period, the market administrator shall pay to each handler for payment to graded producers the amount by which the sum required to be paid producers by such handler pursuant to (a) (1) and (2) of this section is greater than the net pool obligation of such handler including the payments required to be made pursuant to § 912.8.

(2) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 15th day after the end of each delivery period, has not received the balance of such reduced payment from the market administrator, shall be deemed to be in violation of (a) of this section if he reduces his payments to graded producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(f) *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to the producer-settlement fund made pursuant to (d) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to (e) of this section, the market administrator shall, within 5 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.

§ 912.11 *Expense of administration*—(a) *Payment by handlers.* As his pro rata share of the expense of the administration hereof, each handler who received milk from producers, with respect to all milk received, including such handler's own production, and each cooperative association with respect to all milk which it caused to be delivered to a plant from which no milk is disposed of in the marketing area, during the delivery period, shall pay to the market administrator, on or before the 15th day after the end of such delivery period, an amount not to exceed 4 cents per hundredweight, the exact amount to be determined by the market administrator, subject to review by the Secretary.

(b) *Suits by the market administrator.* The market administrator, with the approval of the Secretary, may maintain a suit in his own name against any handler for the collection of such handler's prorata share of expenses set forth in this section.

§ 912.12 *Marketing services.* In making payments to producers pursuant to § 912.10 (a) (2) each handler shall, with respect to all milk received at such handler's plant during such delivery period from each such producer, deduct 5 cents per hundredweight, or such lesser amounts as the market administrator shall determine to be sufficient and shall, on or before the 15th day after the end of such delivery period, pay such deductions to the market administrator. Such money shall be expended by the market administrator only in providing for market information to such producers and for verification of weights, samples, and tests of milk received by such handler. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services.

§ 912.13 *Effective time, suspension, or termination of order, as amended*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary may suspend or terminate this order, as amended, or any provision hereof, whenever he finds that this order, as amended, or any provision hereof, obstructs, or does not tend to effectuate the declared policy of the act. This order, as amended, shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until removed by the Secretary; (ii) from time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary may direct; and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall liquidate, if so directed by the Secretary, the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 912.14 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

This report filed at Washington, D. C., this 12th day of October 1942.

ROY F. HENDRICKSON,
Administrator.

[F. R. Doc. 42-10259; Filed, October 12, 1942; 2:57 p. m.]

CUMBERLAND, MARYLAND, MARKETING AREA

NOTICE ON HANDLING OF MILK

Notice of report and opportunity to file written exceptions with respect to a proposed marketing agreement, and to a proposed marketing order regulating the handling of milk in the Cumberland, Maryland, Marketing Area, prepared by the Administrator of Agricultural Marketing Administration.

Pursuant to § 900.12 (a) of the General Regulations of the Agricultural Marketing Administration, United States Department of Agriculture, governing proceedings to formulate marketing orders and marketing agreements, notice is hereby given of the filing with the hearing clerk of this report of the Administrator of the Agricultural Marketing Administration, with respect to a proposed marketing agreement and to a proposed marketing order regulating the handling of milk in the Cumberland, Maryland, marketing area. Interested parties may file exceptions to the report with the Hearing Clerk, Room 1019, Department of Agriculture, Washington, D. C., not later than the close of business on the 7th day after publication of this notice in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary Statement

The proceedings were initiated by the Agricultural Marketing Administration upon receipt of a petition from the Tri-State Milk Producers Association of Cumberland, Maryland, for a public hearing on a marketing agreement and marketing order program which it proposed. Following this request, and after consideration of the proposal, notice of the hearing was issued on July 30, 1942, and the hearing was convened on August 17, 1942. The time for filing briefs was set at the close of the hearing, to expire at midnight September 1, 1942.

The underlying issue in this proceeding is whether or not the Secretary shall issue a marketing order. It is concluded from the record that an order should be issued and that a marketing agreement should be offered to the handlers who regularly sell milk in the prescribed marketing area to be known as the Cumberland, Maryland, marketing area, irrespective of the original source of the milk sold. By this means orderly marketing conditions will be promoted and preserved and the policy of the act will be effectuated.

From the conclusion on the underlying issue, several principal issues pertaining to certain features of the proposed program assume prominence from the record, as follows:

1. What constitutes the most practical marketing area, and what constitutes its supply of milk which should be regulated?

2. At what level shall the minimum class prices be fixed?

3. By what method shall the proceeds of these minimum prices be distributed to producers?

On these issues, it is concluded that:

1. The marketing area should include the territory within 18 miles of City Hall, Cumberland, Maryland, and that the supply to be regulated should be that handled by plants from which fluid milk is regularly used as Class I milk in the marketing area.

2. Parity prices calculated from the period August 1919–July 1929 are unreasonable in view of present conditions and that it is necessary to fix prices, under section 8c (18) of the act, such that farmers will receive a price for milk produced for sale in the marketing area sufficient to maintain an adequate supply of pure and wholesome milk for such area and to be in the public interest.

3. Payment should be made to all producers delivering milk to all handlers of uniform prices for all milk so delivered, or on any uniform basis approved by the market administrator, irrespective of the uses made of such milk by the individual handler to whom it is delivered;

4. The purchasing power of milk in the Cumberland, Maryland, marketing area specified in section 2 of the act cannot be determined satisfactorily from available statistics of the Department of Agriculture for the period August 1909–July 1914, but can be determined satisfactorily from available statistics of the Department of Agriculture for the post-war period August 1925–July 1929 and the post-war period should be the base period to be used in determining the purchasing power of milk sold in the Cumberland, Maryland, marketing area.

The following proposed marketing order prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, as amended, Agricultural Marketing Administration, is recommended as the detailed means by which these conclusions may be carried out. The proposed marketing agreement is not included in this report because the provisions thereof will be the same as the provisions of the proposed marketing order.

PROPOSED MARKETING ORDER REGULATING THE HANDLING OF MILK IN THE CUMBERLAND, MARYLAND, MARKETING AREA

It is found upon the evidence introduced at the public hearing held in Cumberland, Maryland, August 17 and 18, 1942:

Findings

1. That all handling of milk sold or disposed of by handlers as defined in § 967.3 (6) of this order is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products, and that handlers so defined are engaged in the handling of milk which is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. That the order regulates the handling of milk in the same manner as, and is applicable only to handlers defined in, a marketing agreement upon which a hearing has been held;

3. That a pro rata assessment, on handlers receiving milk from producers, not to exceed 4 cents per hundredweight, as provided by § 967.11 of this order, on all milk received of producers or produced by such handlers, during each delivery period, plus 4 cents per hundredweight of milk and cream sold directly for fluid consumption in the marketing area, by handlers buying their milk from farmers who are not producers, will provide funds necessary to pay such expenses as necessarily will be incurred by the market administrator under such order for the maintenance and proper functioning of his office; and

4. That orderly conditions for milk flowing into the Cumberland, Maryland, marketing area are so disrupted as to result in the impairment of the purchasing power of such milk and that the issuance of this order and all of its terms and conditions, will tend to effectuate the declared policy of the act.

Provisions

§ 967.3 *Definitions.* As used herein the following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937), 7 U. S. C. 1940 ed. 601 et seq.), as amended.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture of the United States.

(c) "Cumberland marketing area," hereinafter referred to as the "marketing area," means the territory included within 18 miles of the City Hall, Cumberland, Maryland.

(d) "Person" includes any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is delivered direct to a milk plant approved or licensed for the sale of milk for fluid consumption in the marketing area: *Provided,* That "producer" shall not include a person who delivers milk to a milk plant from which during any delivery period less than 5 percent of the milk received at such plant is disposed of in the marketing area.

(f) "Handler" means any person, irrespective of whether such person is a cooperative association of producers, who engages in the handling of milk or cream for fluid consumption in the marketing area.

(g) "Producer's milk plant" means any milk plant currently used for any or all of the handling functions of receiving,

weighing (or measuring), sampling, cooling, pasteurizing, bottling, or other preparation of milk of producers for fluid sale or disposition in fluid form in the marketing area.

(h) "Farmer's milk plant" means any milk plant other than a "producer's milk plant" currently used for any or all of the handling functions of receiving, weighing, (or measuring), sampling, cooling, pasteurizing, bottling, or other preparation of milk of persons who are not producers as defined in (e) of this section.

(i) "Market administrator" means the person designated pursuant to § 967.4 as the agency for the administration hereof.

(j) "Delivery period" means the current marketing period from the first to the last day of each month, both inclusive.

§ 967.4 *Market administrator* — (a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal or suspension at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall have power:

(1) To administer the terms and provisions hereof; and

(2) To receive, investigate, and report to the Secretary complaints of violation of the terms and provisions hereof.

(c) *Duties.* The market administrator shall, in addition to the duties hereinafter described:

(1) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the Secretary may designate;

(2) Submit his books and records to examination by the Secretary at any and all times;

(3) Furnish such information and such verified reports as the Secretary may request;

(4) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(5) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 20 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 967.7 or (ii) made payments pursuant to § 967.10;

(6) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(7) Pay, out of the funds provided by § 967.11 (i) the cost of his bond, and of the bonds of such employees as handle funds entrusted to the market administrator; (ii) his own compensation; and (iii) all other expenses which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(8) Promptly verify the information contained in the reports submitted by handlers;

(9) Check weight and butterfat test of milk received from producers by each handler each delivery period and report the results of the butterfat tests to producers and handlers or to their cooperative associations. The market administrator may designate an independent agency to check the weight and butterfat test of milk received by handlers; and

(10) Publicly disclose to consumers, handlers, and producers the average butterfat test of each of the principal products made from milk delivered by producers to each handler.

§ 967.5 *Classification of milk*—(a) *Milk to be classified.* All milk, skim milk, and cream handled by each handler in his producers' milk plant shall be classified in the classes set forth in (b) of this section, subject to (c) of this section.

(b) *Classes of utilization.* The classes of utilization shall be as follows:

(1) Class I–A shall be all butterfat in milk, skim milk, and cream received by a handler that is not classified as Class II–A and Class III–A.

(2) Class I–B shall be all skim milk in milk, skim milk, and cream received by a handler, disposed of for human consumption in fluid form, such as fluid milk, fluid cream, skim milk, buttermilk, and flavored milk drinks, and all skim milk the utilization of which is not classified in Class II–B and Class III–B.

(c) Class II–A shall be all butterfat in milk, skim milk, and cream received by a handler that is used in the manufacture of butter and for animal feed, and any actual plant loss not in excess of 2 percent of the amount of butterfat contained in such products.

(4) Class II–B shall be all skim milk in milk, skim milk, and cream received by a handler and used for animal feed and in the manufacture of products not disposed of for human consumption in fluid form, and any actual plant loss not in excess of 2 percent of the amount of skim milk contained in such products.

(5) Class III–A shall be all butterfat in milk, skim milk, buttermilk, flavored milk drinks, and cream on hand at the end of a delivery period.

(6) Class III–B shall be all skim milk in milk, skim milk, buttermilk, flavored milk drinks, and cream on hand at the end of a delivery period.

(c) *Transfers of milk and cream.* (1) Milk, skim milk, and cream received at a producer's milk plant from another producer's milk plant shall be allocated to Class I–A and Class I–B: *Provided,* That it may be allocated to Class II–A and Class II–B, if such classification is agreed upon in writing between the receiving handler and the selling handler and is submitted to the market administrator: *Provided further,* That the amount so allocated to any class shall not be greater than the amount used in that class by the receiving handler after deduction of any butterfat and skim milk classified pursuant to (2) of this paragraph.

(2) Milk, skim milk, and cream received at a producer's milk plant from a farmer's milk plant shall be allocated to Class II–A and Class II–B.

(3) Milk, skim milk, and cream received at a producer's milk plant from a farmer's milk plant under another Federal milk order issued pursuant to the act shall be allocated to each class in accordance with its use as determined by the market administrator under the latter order.

(4) Milk, skim milk, and cream moved directly from a producer's milk plant to a farmer's milk plant shall be allocated to the different classes on the following basis:

(i) The butterfat shall be allocated to Class II–A if 80 percent or more of the butterfat received at the farmer's milk plant is used in the production of butter and to Class I–A if less than 80 percent of the butterfat received at the farmer's milk plant is used in the production of butter.

(ii) The skim milk shall be allocated to Class II–B if 80 percent or more of the skim milk received at the farmer's milk plant is used for animal feed or in the manufacture of products which are not disposed of in fluid form and to Class I–B if less than 80 percent of the skim milk received at the farmer's milk plant is used in the manufacture of products which are not disposed of in fluid form.

§ 967.6 *Minimum prices.* Each handler who receives milk from producers shall pay producers, at the time and in the manner set forth in § 967.10, not less than the following prices per pound of product in each class:

(a) Class I–A (butterfat)—Add all market quotations (using midpoint of any weekly range as one quotation) of prices for a 40-quart can of sweet cream approved for "Pennsylvania only," and for "Pennsylvania, Newark, and lower Merion Township," in the Philadelphia, Pennsylvania, market, reported by the United States Department of Agriculture for each week ending within the month, divide by the number of quotations, subtract 28 cents, divide by 33.48, and subtract 6.375 cents;

(b) Class I–B (skim milk)—Subtract 4 times the price of Class I–A determined pursuant to (a) of this section from $3.40 and divide by 96;

(c) Class II–A (butterfat)—Multiply the average of the highest prices for 92-score butter at wholesale in the New York market for the month for which payment is to be made by 1.2 and subtract 5 cents;

(d) Class II–B (skim milk)—Subtract 6 cents from any plus amount which is equal to 7.5 times the average of all the hot roller process dry skim milk quotations for "other brands, animal feed" and for "other brands, human consumption," carlots, bags, or barrels, in both cases (using midpoint of any range as one quotation) as published for such month in the "Producers' Price Current," less 4.5 cents, and divide by 96;

(e) Class III–A (butterfat)—Same as Class II–A; and

(f) Class III–B (skim milk)—Same as Class II–B.

§ 967.7 *Reports of handlers*—(a) *Reports to market administrator.* Each handler, under his own signature or under that of a person certified by such handler to the market administrator as being authorized to sign the reports required by this section, shall report to the market administrator, in the detail and on forms prescribed by him, as follows:

(1) On or before the 6th day after the end of each delivery period, each handler who handled milk of producers shall report the following information with respect to all milk, skim milk, and cream handled by him during such delivery period:

(i) The quantity of milk of each producer (including that of such handler's own production), the butterfat content thereof, and the number of days on which such milk was handled;

(ii) The milk, skim milk, and cream, with its butterfat content, received from producers' milk plants;

(iii) The milk, skim milk, and cream, with its butterfat content, received from farmers' milk plants;

(iv) The utilization of all butterfat and skim milk in milk, skim milk, and cream handled;

(v) The name and address of each producer whose milk had not been handled during the previous delivery period; and

(vi) The names of handlers from whom or to whom milk or cream was received or delivered.

(2) Within 10 days after the market administrator's request each handler who handled milk of producers shall report with respect to any producer from whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (i) the name and address, (ii) the total pounds of milk delivered, (iii) the average butterfat test of milk delivered, and (iv) the number of days upon which deliveries were made.

(3) On or before the 15th day after the end of each delivery period, each handler who handled milk of producers shall report his producer pay roll for such delivery period, which shall show for each producer (i) the total pounds of milk delivered with the average butterfat test thereof and (ii) the net amount of such handler's payment to such producer with the prices, deductions, and itemized charges involved.

(4) Each handler who receives milk at a farmer's milk plant shall report to the market administrator at such time and in such manner as the market administrator may request.

(b) *Verification of reports.* (1) Each handler shall make available to the market administrator, his agent, or such other person as the Secretary may designate, (i) all records and facilities necessary for the verification of the information contained in the reports submitted pursuant to this section and for the accounting of the usage of all milk, skim milk, and cream handled, and (ii) those facilities which are necessary for weighing, sampling, and testing of the milk of each producer.

(2) If the market administrator finds that, subsequent to the delivery period for which such verification is being made, any milk, skim milk, or cream handled during such delivery period was used in a class other than that in which it was first reported, such milk, skim milk, or cream shall be reclassified accordingly, and the adjustments necessary to reflect the reclassified value of such milk, skim milk, or cream shall be made.

§ 967.8 *Application of provisions.* No provision hereof shall apply to a handler who is also a producer and who purchases or receives no milk from producers or an association of producers, except that such handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 967.9 *Determination of uniform prices to producers*—(a) *Computation of the value of milk for each handler.* The net obligation of each handler for milk received from producers shall be a sum of money computed for each delivery period by combining in one sum the value obtained by multiplying the pounds of product in each class, computed pursuant to § 967.5, by the prices applicable pursuant to § 967.6 and subtracting therefrom the corresponding values of Class III–A and Class III–B for the preceding delivery period.

(b) *Computation and announcement of uniform prices for each handler.* The market administrator shall announce for each delivery period the uniform prices per pound of butterfat and skim milk and per hundredweight of milk containing 4 percent butterfat computed as follows:

(1) Butterfat—From the combined value of Class I–A, Class II–A, and Class III–A subtract the value of Class III–A for the preceding delivery period and divide by the pounds of butterfat received from producers, including his own production;

(2) Skim milk—From the combined value of Class I–B, Class II–B, and Class III–B subtract the value of Class III–B for the preceding delivery period and divide by the pounds of skim milk received from producers including his own production.

(3) Milk containing 4.0 percent butterfat—Add together the value of 4 pounds of butterfat and 96 pounds of skim milk at the uniform prices computed pursuant to (1) and (2), respectively, of this paragraph;

(4) The results obtained pursuant to (1), (2), and (3) of this paragraph shall be known as the uniform prices for butterfat, skim milk, and milk containing 4.0 percent butterfat, respectively; and

(5) On or before the 9th day after the end of each delivery period notify each handler and publicly announce the uniform prices computed for each handler pursuant to this section.

§ 967.10 *Payments to producers*—(a) *Time and method of payments.* On or before the 12th day after the end of each delivery period each handler shall make full payment, subject to (b), (c), and (d) of this section, to each producer for the total value of milk received from such producers, during such delivery period, at not less than the uniform prices per pound of butterfat and skim milk contained in such milk, computed pursuant to § 967.9.

(b) *Butterfat content of milk received from producers.* The butterfat content of milk received shall be determined by taking the average of not less than 5 separate butterfat tests made from fresh samples during each delivery period. The market administrator may designate an independent laboratory to make these tests. If such a laboratory is designated by the market administrator, handlers shall pay their producers the butterfat differential in accordance with such test. If no such laboratory is designated by the market administrator, these tests may be conducted by an independent laboratory agreed upon by the handlers and the producers, in which case the expense of such butterfat testing shall be borne jointly and equally by each handler and each producer delivering to him, and the producers' share may be deducted from the amount paid them by handlers, but the handler shall be responsible for any errors in these tests.

(c) *Errors in payments.* Errors in payment prescribed in this section shall be corrected not later than the date for making payment following the determination of such errors.

(d) *Distribution of payments.* Handlers may distribute the payments they are required to make to producers for milk received by them on any uniform basis other than that specified above in this section that is approved by the market administrator.

§ 967.11 *Expense of administration*—(a) *Payments by handlers.* As his pro rata share of the expense of the administration hereof, each handler, except those handlers exempted pursuant to § 967.8, shall pay to the market administrator, on or before the 12th day after the end of each delivery period, an amount equal to 4 cents per hundredweight with respect to all milk received by him from producers, or produced by him during such delivery period, or such lesser amount which may be determined by the market administrator subject to review by the Secretary: *Provided,* That all handlers buying their milk from farmers who are not producers shall pay 4 cents per hundredweight of milk and cream sold directly for fluid consumption in the marketing area.

If the market administrator designates an independent agency to determine the butterfat content of milk received by handlers from producers, as permitted under § 967.10 (b), each handler shall pay to the market administrator, on or before the 12th day after the end of each delivery period, an amount equal to not more than 20 cents per test, the exact amount to be determined by the market administrator.

(b) *Marketing services.* If the market administrator designates an independent agency to determine the butterfat content of milk received by the handler from producers, as permitted under § 967.10 (b), each handler may deduct from his payments to each producer one-half of any amount paid to the market administrator for such tests pursuant to (a) of this section. Such moneys shall be used by the market administrator to pay the independent laboratory for the verification of weight, sampling, and testing of milk received from producers.

§ 967.12 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 967.13 *Effective time, suspension, and termination*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension and termination.* Any or all provisions hereof, or any amendment hereto, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

This report filed at Washington, D. C. the 12th day of October 1942.

[SEAL] ROY F. HENDRICKSON,
Administrator, Agricultural Marketing Administration.

[F. R. Doc. 42–10299; Filed, October 13, 1942; 11:46 a. m.]

Office of the Secretary.

DIRECTOR OR ACTING DIRECTOR OF EMERGENCY RUBBER PROJECT

DELEGATION OF AUTHORITY

Delegation of authority to Director or Acting Director of the Emergency Rubber Project to acquire, use and dispose of property under Title II of the Second War Powers Act, 1942.

By virtue of the authority vested in me by Executive Order No. 9249, dated October 1, 1942 (7 F.R. 7874), I, Claude R. Wickard, Secretary of Agriculture, hereby delegate to the Director or Acting Director of the Emergency Rubber Project the authority to acquire, use, and dispose of any real property, temporary use thereof, or other interest therein, together with any personal property located thereon, or used therewith, that shall be deemed necessary for war purposes in connection with the Emergency Rubber Project of the Department of Agriculture, in accordance with the provisions of Title II of the Second War Powers Act, 1942, approved March 27, 1942.

(Pub. Law 507, 77th Cong.)

Done at Washington, D. C., this 12th day of October, 1942. Witness my hand and the seal of the Department of Agriculture,

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42–10279; Filed, October 13, 1942; 11:11 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

AMENDMENT OF LEARNER REGULATIONS

NOTICE OF HEARING

Notice of hearing on amendments of Learner Regulations and Determinations applicable to the hosiery industry, women's apparel industry, single pants, shirts and allied garments industry, sportswear and other odd outerwear divisions of the apparel industry, belts division of the apparel industry, textile industry, knitted and men's woven underwear and commercial knitting industry, knitted outerwear industry and gloves and mittens industry to provide for an increase in the number of percentage of learners in such industries to meet conditions of abnormal labor turnover resulting from the war emergency, and to provide for increases in the minimum wage rates applicable to such learners.

Whereas written requests have been received setting forth reasonable grounds for amendments to Learner Regulations and Determinations applicable to the above industries to meet conditions of abnormal labor turnover in individual plants in these industries resulting from the war emergency, and

Whereas it appears to the Administrator that reasonable grounds exist for reconsidering the rates for learners established in the Learner Regulations and Determinations applicable to these industries;

Now, therefore, notice is hereby given of a public hearing to commence at 10:00 A. M. on October 26, 1942, at the Hotel Astor, 44th Street and Broadway, New York, New York, before Merle D. Vincent, hereby authorized as presiding officer to conduct said hearing and to take testimony for the purpose of determining whether the regulations or determinations which apply to the employment of learners in the above industries shall be amended to provide for (1) an increase in the number or percentage of learners which may be authorized in individual plants under special learner certificates to meet the needs of abnormal labor turnover resulting from the war emergency, and (2) increases in the wage rates below which no learner may be employed under such certificates. At this hearing, opportunity to present evidence on the above questions will be afforded any interested person provided the presiding officer shall have received at the National Office of the Wage and Hour Division, 165 West 46th Street, New York, New York, from such person, prior to October 24, 1942, a notice of intention to appear, setting forth his name and address, the company or organization which he represents, and the approximate length of time required for such presentation. Any interested party unable to appear in person may file a brief or a statement which will be considered if received by October 26, 1942.

Appearances for employers and labor from these industries will be scheduled insofar as possible in the order in which they are listed herein.

The industries referred to in this notice are defined in the following wage orders:

Hosiery Industry, Regulations, Part 551.

Women's Apparel Industry, Regulations, Part 605.

Single Pants, Shirts and Allied Garments Industry, Regulations, Part 606.

Sportswear and Other Odd Outerwear Divisions of the Apparel Industry, Regulations, Part 561.

Belts Division of the Apparel Industry, Regulations, Part 575.

Textile Industry, Regulations, Part 619.

Knitted and Men's Woven Underwear and Commercial Knitting Industry, Regulations, Part 613.

Knitted Outerwear Industry, Regulations, Part 617.

Gloves and Mittens Industry, Regulations, Part 621.

Following the hearing, the presiding officer shall file with the Administrator a complete record of the proceeding, together with his findings of fact and recommendation thereon.

Signed at New York, New York, this 10th day of October 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-10257; Filed, October 12, 1942; 12:25 p. m.]

PRINTING AND PUBLISHING AND ALLIED GRAPHIC ARTS INDUSTRY

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION

Notice of hearing on the minimum wage recommendation of Industry Committee No. 49 for the Printing and Publishing and Allied Graphic Arts Industry, to be held November 9, 1942.

Whereas, the Acting Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938 on September 2, 1942, by Administrative Order No. 156, appointed Industry Committee No. 49 for the Printing and Publishing and Allied Graphic Arts Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas, Industry Committee No. 49, on September 29, 1942, recommended a minimum wage rate for the Printing and Publishing and Allied Graphic Arts Industry and duly adopted a report containing such recommendations and reasons therefor and filed such report with the Administrator on October 1, 1942, pursuant to section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas, the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 49 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing and taking into consideration the same factors as are required to be considered by the industry committee, will carry out the purposes of section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 49 is as follows:

Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Printing and Publishing and Allied Graphic Arts Industry (as defined in Administrative Order No. 156) who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Printing and Publishing and Allied Graphic Arts Industry as set forth in Administrative Order No. 156, issued September 2, 1942, is as follows:

The impressing, stamping, or transferring on paper or other materials, of any mark, character, or delineation, through the use of ink, color, or graphic art processes, as well as any preparatory or finishing operations related thereto.

1. It includes, but without limitation, the printing and publishing of newspapers, books, periodicals, maps, music, and all other products or services of typesetters and advertising typographers, electrotypers and stereotypers, photo-engravers, steel and copper plate engravers, commercial printers, lithographers, gravure printers, letter shops, decalcomania manufacturers, private printing plants of concerns engaged primarily in other business, book and pamphlet binders, trade binderies, and news syndicates.

2. The printing of printed forms, blank books, stationery, tablets, calendars, announcement cards, greeting cards, and the like is included within this definition only when performed in "job printing establishments" (as this term is used in the wage order for the Converted Paper Products Industry).

Provided, however, That this definition shall not include the manufacture of products which are covered by a wage order heretofore issued by the Administrator of the Wage and Hour Division, business service establishments not engaged in printing or publishing operations, nor the production of motion pictures, blueprints or photographs, except photographs made in establishments engaged in the production of the articles or services covered by this definition.

The definition of the printing and publishing and allied graphic arts industry covers all occupations in the industry which are necessary to the production of the products or services specified in the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

III. The full text of the report and recommendation of Industry Committee No. 49 is and will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division.

Boston, Massachusetts, Old South Building, 294 Washington Street.
New York, New York, 341 Ninth Avenue.
Newark, New Jersey, Essex Building, 31 Clinton Street.
Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut and Juniper Streets.
Pittsburgh, Pennsylvania, 219 Old Post Office Building, Fourth and Smithfield Streets.
Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.
Baltimore, Maryland, 201 North Calvert Street.
Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.
Columbia, South Carolina, Federal Land Bank Building, Hampton and Marion Streets.
Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street NE.
Jacksonville, Florida, 456 New Post Office Building.
Birmingham, Alabama, 1908 Comer Building, 2nd Avenue and 21st Street.
New Orleans, Louisiana, 916 Union Building.
Jackson, Mississippi, 402 Deposit Guaranty Bank Building, 102 Lamar Street.
Nashville, Tennessee, 509 Medical Arts Building, 115 Seventh Avenue, N.
Cleveland, Ohio, Main Post Office, West 3rd and Prospect Avenue.
Cincinnati, Ohio, 1312 Traction Building, 5th and Walnut Streets.
Detroit, Michigan, David Scott Building, 1150 Griswold Street.
Chicago, Ill, 1200 Merchandise Mart, 222 West North Bank Drive.
Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.
Kansas City, Missouri, 504 Title and Trust Building, 10th and Walnut Streets.
St. Louis, Missouri, 100 Old Federal Building.
Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.
Dallas, Texas, Rio Grande National Building, 1100 Main Street.
San Francisco, California, Room 500, Humboldt Bank Building, 785 Market Street.
Los Angeles, California, 417 N. W. Hellman Building.
Seattle, Washington, 305 Post Office Building, 3rd Avenue and Union Street.
San Juan, Puerto Rico, Post Office Box 112.
Washington, District of Columbia, Department of Labor, 1st Floor.
New York, New York, 165 West 46th Street.

Copies of the committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

IV. A public hearing will be held on November 9, 1942, before Major Robert N. Campbell, Presiding Officer, at 10:00 a. m. in Room 1610, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, for the purpose of taking evidence on the following question:

Whether the recommendation of Industry Committee No. 49 should be approved or disapproved.

V. Any interested person supporting or opposing the recommendation of Industry Committee No. 49 may appear at the aforesaid hearing to offer evidence, either on his behalf or on behalf of any other person: *Provided,* That not later than November 4, 1942, such person shall file with the Administrator at New York, New York, a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 49.
4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 49 may secure further information concerning the

aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, or by consulting with attorneys representing the Administrator who will be available for that purpose at the Office of the Solicitor, United States Department of Labor, in Washington, D. C. and New York, New York.

VII. Copies of the following document relating to the Printing and Publishing and Allied Graphic Arts Industry will be made available on request for inspection by any interested person who intends to appear at the aforesaid hearing:

Report entitled, *Economic Factors Bearing on Minimum Wages in the Printing and Publishing and Allied Graphic Arts Industry,* prepared by the Economics Branch, Wage and Hour Division, United States Department of Labor, September 1942.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Presiding Officer as are deemed appropriate.

1. The hearings shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice, he will not be permitted to offer evidence at any other time except by special permission of the Presiding Officer.

3. At the discretion of the Presiding Officer, the hearing may be continued from day to day, or adjourned to a later date, or to a different place by announcement thereof at the hearing by the Presiding Officer, or by other appropriate notice.

4. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the Presiding Officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the Presiding Officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the Presiding Officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be put in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The Presiding Officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person insofar as is practicable, and to object to the admission or exclusion of evidence by the Presiding Officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the Presiding Officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the Presiding Officer.

12. Before the close of the hearing, the Presiding Officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. The requests will be forwarded to the Administrator by the Presiding Officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing, the Presiding Officer shall forthwith file a complete record of the proceedings with the Administrator. The Presiding Officer shall not file an intermediate report unless so directed by the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at New York, New York, this 10th day of October 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-10255; Filed, October 12, 1942; 12:25 p. m.]

MINIMUM WAGE RECOMMENDATION FOR HANDKERCHIEF MANUFACTURING INDUSTRY

NOTICE OF FINAL DATE FOR SUBMISSION OF BRIEFS

Notice of final date for submission of written briefs in the matter of the minimum wage recommendation of Industry Committee No. 46 for the Handkerchief Manufacturing Industry and the prohibition, restriction or regulation of homework in the industry.

Notice is hereby given that the Administrator of the Wage and Hour Division will receive at his office, 165 West 46th Street, New York, New York, from persons who entered an appearance at the hearing held on October 7, 1942 on the minimum wage recommendation of Industry Committee No. 46 for the Handkerchief Manufacturing Industry and the Prohibition, Restriction or Regulation of Homework in the Industry, written briefs bearing on the issues which are before him in this matter, provided that at least twelve copies of each such brief shall be submitted to him before 4:30 p. m., Wednesday, November 4, 1942.

Signed at New York, New York, this 10th day of October 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-10256; Filed, October 12, 1942; 12:25 p. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of Special Certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 12, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

Capitol City Clothing Co., 1 Breunig Ave., Trenton, New Jersey; Men's coats; 7 learners (T); October 12, 1943.

Stanley's Sportswear, 10 Leonard St., Amsterdam, New York; Sportswear, jackets; 7 learners (T); October 12, 1943.

Taneytown Mfg. Co., Taneytown, Maryland; Men's coats, vests and pants; 5 percent (T); October 12, 1943.

Union Underwear Co., Inc., Frankfort, Kentucky; Men's and boys' underwear of woven fabrics; 60 learners (E); April 12, 1943.

Adolf Vogel, 119 Military Plaza, San Antonio, Texas; Men's leather belts; 5 learners (T); October 12, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-lined Garments Divisions of the Apparel Industry

Bayard Sportswear Co., 40 Harrison Ave., Boston, Massachusetts; Trousers, sport coats, ski jackets and ski pants; 3 learners (T); October 12, 1943.

Michael Berkowitz Co., Inc., Frostburg, Maryland; Men's pajamas; 10 percent (T); October 12, 1943.

Max Blank, 432 Market St., Philadelphia, Pennsylvania; Ladies' cotton dresses and blouses; 8 learners (T); October 12, 1943.

Blossom Dress Co., 315 Cherry St., Scranton, Pennsylvania; Ladies' and children's dresses; 10 learners (T); October 12, 1943.

Burney Axe Co., 1315 Cherry St., Philadelphia, Pennsylvania; Ladies' dresses; 10 percent (T); October 12, 1943.

Cluett, Peabody & Co., Inc., 433 River St., Troy, New York; Cravats, woven underwear and handkerchiefs; 5 percent (T); October 12, 1943.

Cluett, Peabody & Co., Inc., 433 River St., Troy, New York; Collars, dress and sport shirts; 10 percent (T); October 12, 1943.

Cluett, Peabody & Co., First St., Leominster, Massachusetts; Men's fine shirts; 10 percent (T); October 12, 1943.

Cluett, Peabody & Co., Inc., Corinth, New York; Dress and sport shirts; 10 percent (T); October 12, 1943.

Cluett, Peabody & Co., Inc., 2022 Murphy Ave., S. W., Atlanta, Georgia; White and colored dress shirts; 10 percent (T); October 12, 1943.

Cookeville Shirt Co., 201 North Walnut St., Cookeville, Tennessee; Work shirts; 10 percent (T); October 12, 1943.

Corrine Undergarment Co., Inc., 105–115 South Market St., Chicago, Illinois; Ladies' and children's raincoats; 5 learners (T); October 12, 1943.

Cortland Corset Co., 75 East Court St., Cortland, New York; Corsets and foundation garments; 10 percent (T); October 12, 1943.

Cosmopolitan Mfg. Co., 56 Amherst St., Cambridge, Massachusetts; Men's waterproof clothing, Field jackets and other coats; 5 percent (T); October 12, 1943.

Crescent Corset Co., Inc., 165 Main St., Cortland, New York; Foundation garments and slips; 10 percent (T); October 12, 1943.

Diane Sportswear Co., 12 N. Hamilton St., Poughkeepsie, New York; Ladies' blouses; 5 learners (T); October 12, 1943.

D. Gamson & Co., 1105 West Chicago Ave., Chicago, Illinois; Ladies' and children's aprons and wash dresses; 10 learners (T); October 12, 1943.

Hollywood Maxwell Co., Unit #3, Cameron, Missouri; Brassieres; 5 learners (T); October 12, 1943.

The Hooker Corser & Mitchell Co., 21 Frost St., Brattleboro, Vermont; Overalls, coats, shirts, pants and aprons; 10 learners (T); October 12, 1943. (This certificate replaces the one bearing the expiration date of July 27, 1943.)

Hoosick Falls Undergarment Corp., Hoosick St., Hoosick Falls, New York; Ladies' rayon knitted underwear and rayon woven slips; 10 learners (T); October 12, 1943.

Joseph Horowitz & Sons, Inc., 43 Liberty St., Batavia, New York; Work shirts, army and officers' shirts; 10 percent (T); October 12, 1943.

Huntington Mfg. Co., 5218 Wentworth Ave., Chicago, Illinois; Cotton wash dresses; 5 percent (T); October 12, 1943.

Knickerbocker Mfg. Co., Inc., Main St., West Point, Mississippi, Shorts (civilian and U. S. Army), pajamas; 10 percent (T); October 12, 1943.

Kramer Pants Co., 711 Main St., Asbury Park, New Jersey; Boys' pants; 5 learners (T); October 12, 1943.

T. S. Lankford & Sons, 151½ Walnut St., Abilene, Texas; U. S. Army trousers, uniforms and work clothing; 10 percent (T); October 12, 1943.

Lebanon Garment Co., Market St., Lebanon, Tennessee; Single pants; 10 percent (T); October 12, 1943.

Louisville Shirt Co., Louisville, Georgia; Men's and boys' work cotton clothes; 5 learners (T); October 12, 1943.

McMullen-Leavens Co., 51 Lawrence St., Glens Falls, New York; Men's shirts and women's dresses; 10 percent (T); October 12, 1943.

Monarch Wash Suit Co., 322 Bank St., New London, Connecticut; Boy's shirts and slacks; 10 learners (T); October 12, 1943.

The Nite Kraft Corp., 451 South Jefferson St., Orange, New Jersey; Girls' and women's sleeping apparel; 40 learners (T); October 12, 1943.

Normandin Brothers Co., 2715 South Main St., Los Angeles, California; Robes and sportswear; 10 learners (T); October 12, 1943.

The Parker Shirt Co., 24 Walnut St., New Britain, Connecticut; Shirts, pajamas, short drawers; 10 learners (T); October 12, 1943. (This certificate replaces the one bearing the expiration date of October 5, 1943).

Pioneer Mfg. Co., Inc., 61 South Pennsylvania Ave., Wilkes-Barre, Pennsylvania; Children's dresses and play togs; 10 percent (T); October 12, 1943.

Rice-Stix Factory #9, 417 North 10th St., St. Louis, Missouri; Ladies dresses; 10 percent (T); October 12, 1943.

J. Rogat Shirt Co., 201 Pennsylvania Ave., Bangor, Pennsylvania; Men's shirts; 10 percent (T); October 12, 1943.

Royal Mfg. Co., Washington, Georgia; Cotton trousers; shorts and shirts; 65 learners (E); April 12, 1943.

Savada Brothers, Baltimore St., Glen Rock, Pennsylvania; Boys' pajamas; sport shirts; 10 percent (T); October 12, 1943.

Shawnee Garment Co., 110 Downing St., Plymouth, Pennsylvania; Dresses; 25 learners (E); April 12, 1943.

Boris Smoler & Sons, Crawford & Prospect Sts., Elkhart, Indiana; Wash dresses and mosquito bars; 10 percent (T); October 12, 1943. (This certificate replaces the one bearing the expiration date of October 1, 1943.)

Tiny Town Togs, Inc., 2 River St., Troy, New York; Children's dresses; 10 percent (T); October 12, 1943.

The Umholtz Mfg. Co., 115 Gordon Ave., Carbondale, Pennsylvania; Women's cotton pajamas and dresses; 10 learners (T); October 12, 1943.

Elias Wexelblat & Sons, 432 Market St., Philadelphia, Pennsylvania; Ladies' cotton dresses; 5 learners (T); October 12, 1943.

Wilson-Collier Co., 655 Atlantic Ave., Boston, Massachusetts; Children's dresses, skirts and blouses; 10 percent (T); October 12, 1943.

Winer Mfg. Co., 231 Condit St., Hammond, Indiana; Jackets and mackinaws; 10 learners (T); October 12, 1943.

Cigar Industry

Cuban Cigar Co., 717 Main St., Joplin, Missouri; Cigars; 10 percent (T); Cigar machine operators and cigar packers to have learning period of 320 hours and stripping machine operators to have learning period of 160 hours at 75 percent of the applicable minimum wage; October 11, 1943.

Glove Industry

Julius Kayser & Co., 453 DeKalb Ave., Brooklyn, New York; Knit fabric gloves; 10 percent (T); October 12, 1943. (This certificate replaces the one bearing the expiration date of November 24, 1942.)

Peerless Glove Co., 633 Elliott St., Grand Haven, Michigan; Work gloves; 5 learners (T); October 12, 1943.

United Glove Co., 2439 West Fond du Lac Ave., Milwaukee, Wisconsin; Work gloves; 2 learners (T); October 12, 1943.

Wings Knitting Co., 827 E. Locust St., Milwaukee, Wisconsin; Knit wool gloves; 5 learners (T); October 12, 1943. (This certificate replaces the one bearing the expiration date of August 31, 1943.)

Hosiery Industry

Asheville Hosiery Co., Deaverview Road, Asheville, North Carolina, Full-fashioned hosiery; 5 percent (T); October 12, 1943. (This certificate replaces the one bearing the expiration date of March 30, 1943.)

Black Mountain Hosiery Mills, Inc., Black Mountain Ave., Black Mountain, North Carolina; Seamless hosiery; 5 learners (T); October 12, 1943.

Damascus Hosiery Mills, Inc., Damascus, Virginia; Seamless hosiery; 5 learners (T); October 12, 1943.

Holston Mfg. Co., Ninth & Mitchell St., Knoxville, Tennessee; Seamless hosiery; 5 percent (T); October 12, 1943.

Infants Socks, Inc., Eufaula, Alabama; Seamless hosiery; 5 percent (T); October 12, 1943.

Laurens Hosiery Mills, Inc., 424 Catherine St., Laurens, South Carolina; Full-fashioned hosiery; 20 learners (E); April 12, 1943.

Mac Hosiery Mill, Granite Falls, North Carolina; Seamless hosiery; 2 learners (T); October 12, 1943.

Maywood Silk Hosiery Mills, Inc., Cordele, Georgia; Full-fashioned hosiery; 5 learners (T); October 12, 1943.

Nelson Knitting Co., 909–11 South Main St., Rockford, Illinois; Seamless hosiery; 5 percent (T); October 12, 1943.

Shenandoah Knitting Mills, Inc., Shenandoah, Virginia; Full-fashioned hosiery; 5 percent (T); October 12, 1943.

Triangle Hosiery Co., Grimes St., High Point, North Carolina; Seamless hosiery; 5 percent (T); October 12, 1943.

Textile Industry

The American Mills—Permoflex Plant, 158 Orange Ave., West Haven, Connecticut; Cotton and rayon; 30 learners (E); January 12, 1943.

Cleveland Silk Mills, Inc., 38th St., Cleveland, Tennessee; Twisting rayon for hosiery; 5 learners (T); October 12, 1943.

Columbia Silk Throwing Co., Seventh St., Bloomsburg, Pennsylvania; Commission throwing rayon; 6 learners (T); October 12, 1943.

Louis Ungar Braid Co., Inc., 177 Jersey Ave., Port Jervis, New York; Cotton and rayon; 3 learners (T); October 12, 1943.

Signed at New York, N. Y., this 10th day of October 1942.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 42–10258; Filed, October 12, 1942; 12:26 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket 6410]

MIAMI BROADCASTING COMPANY (WQAM)

NOTICE DENYING PETITION

In re application of Miami Broadcasting Company (WQAM), dated March 9, 1942, for modification of construction permit; class of service, broadcast; class of station, broadcast; location, Miami, Florida; operating assignment specified: frequency, 560 kc.; power, 1 kw. night; 5 kw. day; hours of operation, unlimited.

You are hereby notified that the Commission on August 18, 1942, denied the petition of the applicant filed pursuant to the memorandum opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the operation of Station WQAM as proposed would be consistent with the Standards of Good Engineering Practice particularly as to the population residing within the predicted 250 mv/m contour (section 4, Standards of Good Engineering Practice).

2. To determine the availability of other transmitter sites which would comply with the Standards of Good Engineering Practice.

3. To determine the cost of completing the construction authorized in permit No. B3–P–2597, and the financial outlay, if any, incurred in connection therewith by the applicant prior to April 27, 1942.

4. To determine when the construction heretofore authorized in permit No. B3–P–2597 was actually commenced.

5. To determine what materials and equipment the applicant has on hand or available for the construction authorized in permit No. B3–P–2597 and the additional materials and equipment, if any, necessary for the completion thereof.

6. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its memorandum opinion of April 27, 1942.

7. To determine whether, in view of the foregoing, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Miami Broadcasting Company, Radio Station WQAM 327–329 N. E. First Avenue, Miami, Florida.

Dated at Washington, D. C., October 8, 1942.

By the Commission,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42–10275; Filed, October 13, 1942; 11:00 a. m.]

[Docket 6397]

INDEPENDENCE BROADCASTING COMPANY

NOTICE OF HEARING

In re application of Independence Broadcasting Company (WHAT), dated May 25, 1942, for modification of license; class of service, broadcast; class of station, broadcast; location, Philadelphia, Pennsylvania; operating assignment specified: frequency, 1550 kc.; power, 100 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine the extent of interference which would result from the simultanous operation of Station WHAT as proposed and Station CKTB, St. Catherines, Ontario.

2. To determine whether the operation of Station WHAT as proposed would be in compliance with the provisions of the NARBA (Appendix I, Table III, NARBA).

3 To determine whether the granting of this application would be consistent with Standards of Good Engineering Practice particularly in view of the expected nighttime interference limitation to the service of Station WHAT operating as proposed.

4. To determine the areas and populations which would lose service should Station WHAT operate as proposed and what other broadcast services are available to these areas and populations.

5. To determine whether the proposed radiating system of Station WHAT complies with the Standards of Good Engineering Practice particularly as to height.

6. To determine whether the granting of this application would be in compliance with §§ 3.22 (b) and 3.25 (b), Federal Communications Commission Rules.

7. To determine whether the granting of this application would be consistent with the Commission's memorandum opinion of April 27, 1942.

8. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radiobroadcast service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

9. To determine whether in view of the foregoing, the granting of this application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Independence Broadcasting Co., Inc. (WHAT), Public Ledger Building, Sixth and Chestnut Streets, Philadelphia, Pennsylvania.

Dated at Washington, D. C., October 12, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-10276; Filed, October 13, 1942; 11:00 a. m.]

[Docket 6387]

WBYN—BROOKLYN INCORPORATED (WBYN)

NOTICE OF HEARING

In re application of WBYN—Brooklyn, Incorporated (WBYN) dated May 4, 1942, for modification of license to move main studio; class of service, broadcast; class of station, broadcast; location, Brooklyn, New York; operating assignment specified: Frequency, 1430 kc.; power, 500 w. night; 1 kw. day; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether Station WBYN would have a minimum field intensity of 25 to 50 mv/m both daytime and nighttime over the business and factory areas of the Borough of Manhattan.

2. To determine whether Station WBYN would have a minimum field intensity of 5 to 10 mv/m both daytime and nighttime over the most distant residential sections of the Borough of Manhattan.

3. To determine whether the operation of Station WBYN as proposed would be consistent with § 3.30 (b), Federal Communications Commission Rules.

4. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

5. To determine whether, in view of the foregoing, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: WBYN—Brooklyn, Incorporated, Radio Station WBYN, #1 Nevins Street, Brooklyn, New York.

Dated at Washington, D. C., October 12, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-10277; Filed, October 13, 1942; 11:00 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 129]

PATENTS OF ENEMY NATIONALS

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in the patents the numbers of which are listed in Exhibits A, B, C, D, E and F attached hereto and made a part hereof, and the titles to which stand of record in the United States Patent Office in the names of the persons appearing at the respective tops thereof,

is property in which nationals of a foreign country or countries have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of said Executive Order.

Executed at Washington, D. C. on August 28, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Design patents the titles to which stand of record in the United States Patent Office in the name of Morimura Bros., Inc., and the numbers of which are as follows:

Design patent No.	Date	Inventor	Title
97, 893	12/24/35	Y. Buma	Design for a plate or similar article.
97, 894	12/24/35	Y. Buma	Design for a plate or similar article.
97, 895	12/24/35	Y. Buma	Design for a plate or similar article.
97, 896	12/24/35	Y. Buma	Design for a plate or similar article.
97, 897	12/24/35	Y. Buma	Design for a plate or similar article.
97, 898	12/24/35	Y. Buma	Design for a plate or similar article.
97, 899	12/24/35	Y. Buma	Design for a plate or similar article
97, 900	12/24/35	Y. Buma	Design for a plate or similar article.
97, 901	12/24/35	Y. Buma	Design for a plate or similar article.
97, 902	12/24/35	Y. Buma	Design for a plate or similar article.
97, 903	12/24/35	Y. Buma	Design for a plate or similar article.
97, 904	12/24/35	Y. Buma	Design for a plate or similar article.
98, 140	1/14/36	Y. Buma	Design for a plate or similar article.
98, 141	1/14/36	Y. Buma	Design for a plate or similar article.
98, 142	1/14/36	Y. Buma	Design for a plate or similar article.
98, 143	1/14/36	Y. Buma	Design for a plate or similar article.
98, 144	1/14/36	Y. Buma	Design for a plate or similar article.
98, 211	1/21/36	Y. Buma	Design for a plate or similar article.
98, 212	1/21/36	Y. Buma	Design for a plate or similar article.
98, 213	1/21/36	Y. Buma	Design for a plate or similar article.
98, 214	1/21/36	Y. Buma	Design for a plate or similar article.
98, 215	1/21/36	Y. Buma	Design for a plate or similar article.
98, 216	1/21/36	Y. Buma	Design for a plate or similar article.
98, 217	1/21/36	Y. Buma	Design for a plate or similar article.
98, 218	1/21/36	Y. Buma	Design for a plate or similar article.
98, 219	1/21/36	Y. Buma	Design for a plate or similar article.
98, 220	1/21/36	Y. Buma	Design for a plate or similar article.
98, 221	1/21/36	Y. Buma	Design for a plate or similar article.
98, 222	1/21/36	Y. Buma	Design for a plate or similar article.
98, 223	1/21/36	Y. Buma	Design for a plate or similar article.
98, 224	1/21/36	Y. Buma	Design for a plate or similar article.
98, 225	1/21/36	Y. Buma	Design for a plate or similar article.
98, 226	1/21/36	Y. Buma	Design for a plate or similar article.
98, 827	3/10/36	Y. Buma	Design for a plate or similar article.
98, 828	3/10/36	Y. Buma	Design for a plate or similar article.
98, 829	3/10/36	Y. Buma	Design for a plate or similar article.
98, 830	3/10/36	Y. Buma	Design for a plate or similar article.
98, 831	3/10/36	Y. Buma	Design for a plate or similar article.
98, 832	3/10/36	Y. Buma	Design for a plate or similar article.
98, 833	3/10/36	Y. Buma	Design for a plate or similar article.
98, 834	3/10/36	Y. Buma	Design for a plate or similar article.
98, 835	3/10/36	Y. Buma	Design for a plate or similar article.
98, 836	3/10/36	Y. Buma	Design for a plate or similar article.
98, 837	3/10/36	Y. Buma	Design for a plate or similar article.
98, 838	3/10/36	Y. Buma	Design for a plate or similar article.
98, 839	3/10/36	Y. Buma	Design for a plate or similar article.
98, 840	3/10/36	Y. Buma	Design for a plate or similar article.
98, 841	3/10/36	Y. Buma	Design for a plate or similar article.
98, 842	3/10/36	Y. Buma	Design for a plate or similar article.
98, 843	3/10/36	Y. Buma	Design for a plate or similar article.
98, 844	3/10/36	Y. Buma	Design for a plate or similar article.
98, 845	3/10/36	Y. Buma	Design for a plate or similar article.
98, 846	3/10/36	Y. Buma	Design for a plate or similar article.
98, 847	3/10/36	Y. Buma	Design for a plate or similar article.
98, 848	3/10/36	Y. Buma	Design for a plate or similar article.
98, 849	3/10/36	Y. Buma	Design for a plate or similar article.
100, 063	6/16/36	Y. Buma	Design for a plate or similar article.
100, 064	6/16/36	Y. Buma	Design for a plate or similar article.
100, 065	6/16/36	Y. Buma	Design for a plate or similar article.
100, 066	6/16/36	Y. Buma	Design for a plate or similar article.
100, 067	6/16/36	Y. Buma	Design for a plate or similar article.
100, 068	6/16/36	Y. Buma	Design for a plate or similar article.
100, 069	6/16/36	Y. Buma	Design for a plate or similar article.
100, 070	6/16/36	Y. Buma	Design for a plate or similar article.
100, 326	7/ 7/36	C. Leigh	Design for a plate or similar article.
100, 327	7/ 7/36	C. Leigh	Design for a plate or similar article.
100, 328	7/ 7/36	C. Leigh	Design for a plate or similar article.
100, 329	7/ 7/36	C. Leigh	Design for a plate or similar article.
100, 330	7/ 7/36	C. Leigh	Design for a plate or similar article.
100, 331	7/ 7/36	C. Leigh	Design for a plate or similar article.
100, 332	7/ 7/36	C. Leigh	Design for a plate or similar article.
101, 269	9/22/36	Y. Buma	Design for a plate or similar article.
101, 270	9/22/36	Y. Buma	Design for a plate or similar article.
101, 588	10/13/36	C. Leigh	Design for a plate or similar article.
102, 647	1/ 5/37	Y. Buma	Design for a plate or similar article.
102, 778	1/19/37	Y. Buma	Design for a plate or similar article.
103, 004	2/ 2/37	Y. Buma	Design for a plate or similar article.
103, 005	2/ 2/37	Y. Buma	Design for a plate or similar article.
103, 006	2/ 2/37	Y. Buma	Design for a plate or similar article.
103, 007	2/ 2/37	Y. Buma	Design for a plate or similar article.
103, 008	2/ 2/37	Y. Buma	Design for a plate or similar article.
103, 009	2/ 2/37	Y. Buma	Design for a plate or similar article.
103, 028	2/ 2/37	Y. Buma	Design for a creamer or similar article.
103, 029	2/ 2/37	Y. Buma	Design for a sugar bowl or similar article.
103, 030	2/ 2/37	Y. Buma	Design for a teapot or similar article.
103, 031	2/ 2/37	Y. Buma	Design for a jam jar or similar article.
103, 032	2/ 2/37	Y. Buma	Design for a butter tub or similar article
103, 033	2/ 2/37	Y. Buma	Design for a salt and pepper shaker or similar article.
103, 034	2/ 2/37	Y. Buma	Design for a plate or similar article.
103, 035	2/ 2/37	Y. Buma	Design for a plate or similar article.
103, 036	2/ 2/37	Y. Buma	Design for a plate or similar article.
103, 037	2/ 2/37	Y. Buma	Design for a plate or similar article.
103, 038	2/ 2/37	Y. Buma	Design for a plate or similar article.
103, 039	2/ 2/37	Y. Buma	Design for a plate or similar article.
103, 040	2/ 2/37	Y. Buma	Design for a plate or similar article.
103, 041	2/ 2/37	Y. Buma	Design for a plate or similar article.
103, 042	2/ 2/37	Y. Buma	Design for a plate or similar article.
104, 528	5/18/37	Y. Buma	Design for a plate or similar article.
104, 529	5/18/37	Y. Buma	Design for a plate or similar article.
104, 530	5/18/37	Y. Buma	Design for a plate or similar article.
104, 531	5/18/37	Y. Buma	Design for a plate or similar article.
104, 532	5/18/37	Y. Buma	Design for a plate or similar article.
104, 533	5/18/37	Y. Buma	Design for a plate or similar article.
104, 534	5/18/37	Y. Buma	Design for a plate or similar article.
104, 535	5/18/37	Y. Buma	Design for a plate or similar article.

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[1] 7 F.R. 1971.

EXHIBIT A—Continued

Design patent No.	Date	Inventor	Title
104, 536	5/18/37	Y. Buma	Design for a plate or similar article.
104, 537	5/18/37	Y. Buma	Design for a plate or similar article.
104, 538	5/18/37	Y. Buma	Design for a plate or similar article.
105, 689	8/17/37	Y. Buma	Design for a plate or similar article.
105, 690	8/17/37	Y. Buma	Design for a plate or similar article.
106, 879	11/9/37	Y. Buma	Design for a plate or similar article.
108, 354	2/8/38	Y. Buma	Design for a teacup or similar article.
108, 355	2/8/38	Y. Buma	Design for a teapot or similar article.
108, 356	2/8/38	Y. Buma	Design for a plate or similar article.
108, 357	2/ 8/38	Y. Buma	Design for a sugar bowl or similar article.
108, 358	2/ 8/38	Y. Buma	Design for a creamer or similar article.
108, 359	2/ 8/38	Y. Buma	Design for a jug or similar article.
108, 360	2/ 8/38	Y. Buma	Design for a bowl or similar article.
108, 361	2/ 8/38	Y. Buma	Design for a jar or similar article.
108, 362	2/ 8/38	Y. Buma	Design for a teapot or similar article.
108, 363	2/ 8/38	Y. Buma	Design for a teapot or similar article.
108, 364	2/ 8/38	Y. Buma	Design for a salt or pepper shaker.
108, 365	2/ 8/38	Y. Buma	Design for a salt or pepper shaker.
108, 366	2/ 8/38	Y. Buma	Design for a salt or pepper shaker.
108, 367	2/ 8/38	Y. Buma	Design for a plate or similar article.
108, 368	2/ 8/38	Y. Buma	Design for a plate or similar article.
108, 369	2/ 8/38	Y. Buma	Design for a plate or similar article.
108, 370	2/ 8/38	Y. Buma	Design for a plate or similar article.
108, 371	2/ 8/38	Y. Buma	Design for a plate or similar article.
108, 372	2/ 8/38	Y. Buma	Design for a plate or similar article.
108, 373	2/ 8/38	Y. Buma	Design for a plate or similar article.
108, 374	2/ 8/38	Y. Buma	Design for a plate or similar article.
108, 375	2/ 8/38	Y. Buma	Design for a plate or similar article.
108, 376	2/ 8/38	Y. Buma	Design for a plate or similar article.
108, 377	2/ 8/38	Y. Buma	Design for a plate or similar article.
108, 378	2/ 8/38	Y. Buma	Design for a plate or similar article.
108, 379	2/ 8/38	Y. Buma	Design for a plate or similar article.
108, 380	2/ 8/38	Y. Buma	Design for a plate or similar article.
109, 490	5/ 3/38	C. Leigh	Design for a plate or similar article.
109, 491	5/ 3/38	C. Leigh	Design for a plate or similar article.
109, 492	5/ 3/38	C. Leigh	Design for a plate or similar article.
109, 493	5/ 3/38	C. Leigh	Design for a plate or similar article.
109, 494	5/ 3/38	C. Leigh	Design for a plate or similar article.
109, 894	5/31/38	C. Leigh	Design for a plate or similar article.
112, 839	1/ 3/39	C. Leigh	Design for a plate or similar article.
112, 921	1/17/39	Y. Buma	Design for a plate or similar article.
112, 922	1/17/39	Y. Buma	Design for a plate or similar article.
112, 923	1/17/39	Y. Buma	Design for a plate or similar article.
112, 924	1/17/39	Y. Buma	Design for a plate or similar article.
112, 925	1/17/39	Y. Buma	Design for a plate or similar article.
112, 926	1/17/39	Y. Buma	Design for a plate or similar article.
112, 927	1/17/39	Y. Buma	Design for a plate or similar article.
112, 928	1/17/39	Y. Buma	Design for a plate or similar article.
112, 929	1/17/39	Y. Buma	Design for a plate or similar article.
112, 930	1/17/39	Y. Buma	Design for a plate or similar article.
112, 931	1/17/39	Y. Buma	Design for a plate or similar article.
112, 932	1/17/39	Y. Buma	Design for a plate or similar article.
114, 072	4/ 4/39	C. Leigh	Design for a plate or similar article.
114, 073	4/ 4/39	C. Leigh	Design for a plate or similar article.
114, 074	4/ 4/39	C. Leigh	Design for a plate or similar article.
114, 075	4/ 4/39	C. Leigh	Design for a plate or similar article.
114, 076	4/ 4/39	C. Leigh	Design for a plate or similar article.
114, 077	4/ 4/39	C. Leigh	Design for a plate or similar article.
114, 078	4/ 4/39	C. Leigh	Design for a plate or similar article.
114, 079	4/ 4/39	C. Leigh	Design for a plate or similar article.
114, 08	4/ 4/39	C. Leigh	Design for a plate or similar article.
114, 081	4/ 4/39	C. Leigh	Design for a plate or similar article.
114, 082	4/ 4/39	C. Leigh	Design for a plate or similar article.
114, 083	4/ 4/39	C. Leigh	Design for a plate or similar article.
114, 197	4/ 4/39	C. Leigh	Design for a plate or similar article.
114, 309	4/11/39	C. Leigh	Design for a plate or similar article.
114, 402	4/18/39	C. Leigh	Design for a plate or similar article.
114, 452	4/25/39	C. Leigh	Design for a plate or similar article.
114, 684	5/ 9/39	C. Leigh	Design for a plate or similar article.
117, 372	10/31/39	C. Kaiser	Design for a creamer.
117, 508	11/ 7/39	C. Kaiser	Design for a casserole dish.
117, 790	11/28/39	C. Leigh	Design for a plate or similar article.
117, 791	11/28/39	C. Leigh	Design for a plate or similar article.
117, 792	11/28/39	C. Leigh	Design for a plate or similar article.
117, 793	11/28/39	C. Leigh	Design for a plate or similar article.
117, 794	11/28/39	C. Leigh	Design for a plate or similar article.
117, 811	11/28/39	C. Leigh	Design for a plate or similar article.
117, 812	11/28/39	C. Leigh	Design for a plate or similar article.
117, 813	11/28/39	C. Leigh	Design for a plate or similar article.
117, 814	11/28/39	C. Leigh	Design for a plate or similar article.
117, 815	11/28/39	C. Leigh	Design for a plate or similar article.
117, 816	11/28/39	C. Leigh	Design for a plate or similar article.
117, 817	11/28/39	C. Leigh	Design for a plate or similar article.
117, 818	11/28/39	C. Leigh	Design for a plate or similar article.
117, 819	11/28/39	C. Leigh	Design for a plate or similar article.
117, 820	11/28/39	C. Leigh	Design for a plate or similar article.
118, 703	1/30/40	C. Leigh	Design for a plate or similar article.
118, 704	1/30/40	C. Leigh	Design for a plate or similar article.
118, 705	1/30/40	C. Leigh	Design for a plate or similar article.
118, 706	1/30/40	C. Leigh	Design for a plate or similar article.
118, 707	1/30/40	C. Leigh	Design for a plate or similar article.
118, 708	1/30/40	C. Leigh	Design for a plate or similar article.
119, 270	3/ 5/40	C. Leigh	Design for a plate or similar article.
119, 271	3/ 5/40	C. Leigh	Design for a plate or similar article.
119, 272	3/ 5/40	C. Leigh	Design for a plate or similar article.
119, 273	3/ 5/40	C. Leigh	Design for a plate or similar article.
119, 274	3/ 5/40	C. Leigh	Design for a plate or similar article.
121, 049	6/11/40	C. Leigh	Design for a plate or similar article.
124, 624	1/14/41	C. Leigh	Design for a plate or similar article.
124, 625	1/14/41	C. Leigh	Design for a plate or similar article.
124, 626	1/14/41	C. Leigh	Design for a plate or similar article.
124, 627	1/14/41	C. Leigh	Design for a plate or similar article.
124, 628	1/14/41	C. Leigh	Design for a plate or similar article.
124, 629	1/14/41	C. Leigh	Design for a plate or similar article.
124, 630	1/14/41	C. Leigh	Design for a plate or similar article.
124, 631	1/14/41	C. Leigh	Design for a plate or similar article.
124, 632	1/14/41	C. Leigh	Design for a plate or similar article.
124, 633	1/14/41	C. Leigh	Design for a plate or similar article.
124, 634	1/14/41	C. Leigh	Design for a plate or similar article.
124, 635	1/14/41	C. Leigh	Design for a plate or similar article.
125, 935	3/18/41	C. Leigh	Design for a plate or similar article.
125, 936	3/18/41	C. Leigh	Design for a plate or similar article.
126, 790	4/22/41	C. Leigh	Design for a plate or similar article.
127, 297	5/20/41	C. Leigh	Design for a plate or similar article.
127, 298	5/20/41	C. Leigh	Design for a plate or similar article.
127, 299	5/20/41	C. Leigh	Design for a plate or similar article.
127, 300	5/20/41	C. Leigh	Design for a plate or similar article.
127, 352	5/20/41	C. Leigh	Design for a plate or similar article.

EXHIBIT B

Patents the titles to which stand of record in the United States Patent Office in the name of G. Polysius A. G., and the numbers of which are as follows:

Patent No.	Patent date	Inventor	Title
1, 640, 528	8/30/27	B. Bruhn	Regulating discharge from containers.
1, 650, 508	11/22/27	P. Goebels	Compound mill.
1, 671, 243	5/29/28	J. Ihlefeldt	Rotary mill.
1, 673, 051	6/12/28	F. Luther	Rotary kiln for burning, roasting, and sintering of mineral materials.
1, 675, 717	7/3/28	F. Luther	Drying apparatus for rotary kilns.
1, 677, 182	7/17/28	A. Hasselbach	Method of manufacturing cements rich in alumina.
1, 698, 313	1/8/29	F. Luther	Device for utilizing the heat radiated from kilns.
1, 700, 667	1/29/29	A. Bues	Grinding body for tube and drum mills.
1, 717, 564	6/18/29	J. Ihlefeldt	Apparatus for weighing continuously-moving granular material.
1, 719, 979	7/9/29	J. Ihlefeldt	Crushing machine for hard materials.
1, 733, 302	10/29/29	H. Horn	Blowing-out nozzle for conveying plants operated with compressed air.
1, 741, 973	12/31/29	B. Bruhn	Process of making fused cement.
1, 744, 547	1/21/30	A. Hasselbach	Refractory material.
1, 751, 898	3/25/30	R. Uhlig	Device for weighing material during its motion through a conveyer.
1, 755, 779	4/22/30	P. Goebels	Conveyer for pulverized material.
1, 757, 832	5/ 6/30	P. Goebels	Conveyer.
1, 762, 982	6/10/30	A. Hasselbach	Apparatus for burning coal dust.
1, 773, 619	8/19/30	P. Goebels	Method of and apparatus for mixing powdered material.
1, 788, 839	1/13/31	F. Luther	Cooling apparatus for rotary kilns.
1, 797, 831	3/24/31	F. Luther	Rotary-kiln cooler.
1, 801, 741	4/21/31	A. Hasselbach	Method of reducing gypsum.
1, 815, 403	7/21/31	P. Goebels	Apparatus for conveying bulk-goods.
1, 869, 237	7/26/32	B. Bruhn	Method of producing a lining for a rotary furnace.
1, 935, 843	11/21/33	P. Goebels	Apparatus for conveying pulverulent material.
1, 957, 138	5/ 1/34	A. Hasselbach	Apparatus for treating cement slurry and the like.
1, 971, 852	8/28/34	P. Goebels	Process for stirring up farinaceous materials in receptacles of any kind by compressed air, compressed gas or the like.

EXHIBIT B—Continued

Patent No.	Patent date	Inventor	Title
1, 971, 853	8/28/34	J. Ihlefeldt	Apparatus for conveying powdered material.
2, 031, 710	2/25/36	J. Ihlefeldt	Pulverizing apparatus.
2, 033, 506	3/10/36	A. Barenyi	Photographic camera.
2, 035, 684	3/31/36	A. Barenyi	Photographic shutter.
2, 073, 105	3/ 9/37	J. Hoffmann	Heat exchange apparatus.
2, 087, 344	7/20/37	A. Hasselbach	Heat exchange apparatus.
2, 112, 492	3/29/38	J. Hoffmann	Apparatus for use in the manufacture of cement.
2, 112, 566	3/29/38	A. Hasselbach	Process and apparatus for the production of metallic iron in the rotary tube kiln.
2, 128, 166	8/23/38	T. Schmidt	Centrifugal separator.
2, 190, 234	2/13/40	A. Hasselbach	Heat exchange apparatus.

EXHIBIT C

Patents the titles to which stand of record in the United States Patent Office in the name of Fried. Krupp A. G., and the numbers of which are as follows:

Patent No.	Patent date	Inventor	Title
1, 551, 874	9/ 1/25	E. Hagenbucher	Locomotive tender.
1, 557, 545	10/20/25	W. Akemann	Fire-control apparatus for naval guns.
1, 561, 389	11/10/25	G. Wollers	Reflex oven.
1, 574, 272	2/23/26	W. Akemann	Apparatus for determining the time of flight of a projectile.
1, 585, 101	5/18/26	P. Kruger	Underframe for railway cars.
1, 602, 028	10/ 5/26	R. Klingelhoffer	Condensing steam locomotive.
1, 609, 515	12/ 7/26	R. Klingelhoffer	Locomotive.
1, 617, 057	2/ 8/27	R. Klingelhoffer	Recooling device for condensing locomotives.
1, 630, 214	5/24/27	J. Pfretzschner	Electric overload protective system.
1, 631, 141	6/ 7/27	R. Lorenz	Surface condenser.
1, 638, 032	8/ 9/27	K. Himmelsbach	Fuel-injection device for internal-combustion engines.
1, 643, 570	9/27/27	M. Bartholdy	Implement for testing cones.
1, 648, 138	11/ 8/27	K. Lauer	Precision indicator.
1, 658, 994	2/14/28	K. Lauer	Feeling-bolt-hole gauge.
1, 664, 535	4/ 3/28	M. Bartholdy	Method of testing taper holes.
1, 670, 968	5/22/28	R. Klingelhoffer	Condensing locomotive.
1, 671, 220	5/29/28	M. Bartholdy	Precision indicator for gauge measuring.
1, 676, 719	7/10/28	O. Von Eberhard	Milling cutter.
1, 676, 721	7/10/28	M. Bartholdy	Gauge with a precision indicator for testing the flank diameter of external threads.
1, 683, 776	9/11/28	H. Herrmann	Power-driven vehicle.
1, 684, 700	9/18/28	F. Hauptmeyer	Casting article of corrosionproof steel.
1, 688, 111	10/16/28	K. Bohle	Manufacturing kettle-shaped hollow bodies.
1, 690, 953	11/ 6/28	L. Schon	Alternating-current induction motor.
1, 700, 674	1/29/29	A. Fry	Method of treating low-carbon steel and the like.
1, 701, 233	2/ 5/29	E. Hagenbucher	Desuperheater.
1, 707, 267	4/ 2/29	K. Himmelsbach	Piston for internal-combustion engines.
1, 711, 733	5/ 7/29	E. Houdremont	Steel alloy.
1, 712, 719	5/14/29	L. Schon	Converting multiphase current into single-phase current and vice versa.
1, 712, 992	5/14/29	H. Herrmann	Turbine locomotive.
1, 722, 923	7/30/29	H. Just et al	Fire-control apparatus for guns.
1, 723, 176	8/ 6/29	E. Kalisch	Welded underframe for railway cars.
1, 724, 202	8/13/29	W. Jacobs	Variable-speed gear.
1, 728, 061	9/10/29	G. Immand et al	Self-discharging car.
1, 729, 378	9/24/29	A. Fry	Method of manufacturing articles for which a resistibility against the noxious effect of the aged state is required.
1, 741, 631	12/31/29	W. Jacobs	Variable-speed gear.
1, 743, 557	1/14/30	W. Lindner	Combustion motor-driven locomotive and method of operating same.
1, 747, 238	2/18/30	S. Gross	Buffer.
1, 749, 842	3/11/30	J. Pfretzschner	Electromagnetic controlling apparatus.
1, 750, 364	3/11/30	A. Schmucking	Separator drum.
1, 758, 273	5/13/30	J. Becker et al	Sighting device for guns.
1, 759, 558	5/20/30	W. Jacobs	Variable-speed gear.
1, 759, 755	5/20/30	W. Lindner	Pneumatic couplings.
1, 760, 326	5/27/30	F. Stablein	Iron-nickel alloy.
1, 770, 783	7/15/30	H. Just et al	Fire control apparatus.
1, 771, 114	7/22/30	A. Fry	Ladle.
1, 771, 918	7/29/30	A. Fry	Heating metal melts.
1, 775, 460	9/ 9/30	H. Herrmann	Variable-speed gear.
1, 782, 923	11/25/30	K. Hofmann	Purifying pig iron.
1, 787, 403	12/30/30	B. Strauss	Steel alloy insensible to hot gases and vapors.
1, 795, 368	3/10/31	W. Lindner	Multiple-speed wheel gear.
1, 795, 532	3/10/31	U. Wilck	Forceps or scissors-like surgical instrument.
1, 796, 555	3/17/31	A. Bessler	Dynamic braking device for idly running motors.
1, 800, 082	4/7/31	J. Knigge	Metal drum.
1, 800, 122	4/7/31	H. Voigtlander et al	Process for producing articles of refractory metal alloys.
1, 808, 435	6/2/31	F. Punga	Controlling system for polyphase alternating current motors.
1, 814, 214	7/14/31	S. Gross	Laminated spring.
1, 827, 582	10/13/31	W. Jacobs	Variable speed gear.
1, 829, 118	10/27/31	B. Strauss	Process for making steel insensible to the action of hot gases and vapors.
1, 830, 977	11/10/31	W. Banfer	Milling the rail seats of timber ties.
1, 833, 088	11/24/31	P. Mohring	Muffle furnace.
1, 855, 105	4/19/32	A. Fry	Low carbon steel.
1, 855, 994	4/26/32	E. Schnebel	Process for manufacturing shapes from homogeneous alloys of great hardness.
1, 862, 266	6/7/32	V. Herwig et al	Railway tie.
1, 863, 673	6/21/32	A. Schraven	Indicator jaw gauge.
1, 871, 493	8/16/32	E. Burmeister	Condensing locomotive.
1, 876, 091	9/6/32	B. Strauss	Steel article insensible to the action of hot gases, vapors, and liquids.
1, 886, 935	11/8/32	K. Bohle	Drawing press.
1, 888, 899	11/22/32	P. Wolf	Metal drum.
1, 889, 728	11/29/32	A. Flettner	Steering gear for vehicles.
1, 892, 339	12/27/32	S. Gross	Conical spiral spring.
1, 895, 950	1/31/33	H. Voigtlander et al	Shaped body having a predominating percentage of tungsten or molybdenum and process of producing it.
1, 897, 126	2/14/33	M. Ingenkamp	Quadrangular tube.
1, 900, 988	3/14/33	F. Gorschlueter et al	Steel vessel and method of producing same.
1, 904, 755	4/18/33	P. Wolf	Metal drum.
1, 920, 410	8/ 1/33	R. Lorenz et al	Railway car coupler.
1, 922, 789	8/15/33	P. Wolf	Closing means, more particularly for milk cans and the like.
1, 935, 856	11/21/33	R. Meyer	High speed piston compressor.
1, 943, 249	1/ 9/34	W. Walther et al	Magneto ignition apparatus.
1, 950, 587	3/13/34	C. Alma et al	Brake operating means.
1, 959, 791	5/22/34	K. Kautz	Welding iron, steel, and their alloys.
1, 968, 765	7/31/34	F. Hauptmeyer	Dental plate.
1, 987, 841	1/15/35	F. Rittershausen	Armor plate.
2, 021, 367	11/19/35	M. Louis	Beverage delivering apparatus.
2, 021, 368	11/19/35	M. Louis	Beverage delivering apparatus.
2, 022, 253	11/26/35	F. Nortz	Draft gear for railway vehicles.
2, 054, 770	9/15/36	K. Kautz	Welding iron, steel, and alloys of iron or steel.
2, 054, 927	9/22/36	C. Carius	Corrosion resistant alloy.
2, 059, 746	11/ 3/36	F. Rittershausen	Homogeneous armor plate.
2, 059, 893	11/ 3/36	F. Naumann	Manufacture of articles from steel alloys.
2, 075, 911	4/ 6/37	A. Roth	Internal combustion engine.
2, 090, 105	8/17/37	C. Carius	Corrosion resistant alloy.
2, 094, 315	9/28/37	E. Burmeister	Method of discharging the exhaust steam of steam plants into the open air.
2, 104, 101	1/ 4/38	K. Rosenbaum	Jointed coupling.
2, 109, 118	2/22/38	F. Naumann	Manufacture of articles from steel alloys.
2, 109, 119	2/22/38	F. Naumann	Manufacture of articles from steel alloys.
2, 132, 877	10/11/38	F. Naumann	Manufacture of articles from steel alloys.
2, 157, 653	5/ 9/39	F. Naumann	Manufacture of articles from steel alloys.
2, 157, 654	5/ 9/39	F. Naumann	Manufacture of articles from steel alloys.
2, 190, 332	2/13/40	E. Nuding	Pivot gun.
2, 209, 618	7/30/40	W. Vogel	Preparing bulk material and apparatus therefor.
2, 240, 172	4/29/41	E. Burmeister	Automatic lubrication of bearings on crankpins.

EXHIBIT D

Patents the titles to which stand of record in the United States Patent Office in the name of Fried. Krupp Grusonwerk, A. G., and the numbers of which are as follows:

Patent No.	Patent date	Inventor	Title
1,565,038	12/ 8/25	G. Ullrich	Zone pole for magnetic separators.
1,576,690	3/16/26	G. Ullrich	Process and apparatus for wet magnetic separation.
1,601,658	9/28/26	G. Ullrich	Magnetic separator.
1,617,971	2/15/27	G. Ullrich	Magnetic separator.
1,618,204	2/22/27	F. Johannsen	Treatment of ores and metallurgical products.
1,628,816	5/17/27	P. Wieghardt	Platen Printing Press.
1,654,109	12/27/27	A. Born	Extrusions Press.
1,661,594	3/ 6/28	A. Born	Extrusion press.
1,661,614	3/ 6/28	P. Kutschbach	Liquid-expressing apparatus.
1,663,331	3/20/28	A. Born	Extrusion press.
1,663,363	3/20/28	P. Wieghardt	Platen printng press.
1,670,336	5/22/28	A. Born	Extrusion press.
1,672,659	6/ 5/28	K. Sohler	Straining press.
1,685,534	9/25/28	C. Drahn	Apparatus for the separation of oil from oil-containing substances.
1,689,552	10/30/28	E. Kastel	Hotbed.
1,689,572	10/30/28	P. Wieghardt	Lead-cable press.
1,689,573	10/30/28	P. Wieghardt	Vertical lead-cable press.
1,697,375	1/ 1/29	G. Ullrich	Process and apparatus for the wet-magnetic separation of ores and other mixtures of materials on drum separators.
1,705,128	3/12/29	C. Matzel	Process of producing zinc.
1,720,974	7/16/29	K. Sohler	Apparatus for heating materials.
1,725,815	8/27/29	F. Mertz	Machine for decorticating fibrous parts of agaves and other plants.
1,725,865	8/27/29	F. Johannsen	Method of producing metallic sulphates.
1,728,681	9/17/29	F. Johannsen	Treatment of sulphide ores or sulphidic metallurgical products.
1,729,396	9/24/29	F. Mertz	Cleaning plant fibers.
1,730,906	10/ 8/29	A. Voegel	Roller mill.
1,731,898	10/15/29	H. Heine	Treatment of ores and metallurgical products.
1,736,665	11/19/29	H. Pape	Process of extracting volatilizable metals from ores and metallurgical products.
1,737,071	11/26/29	S. Birnie	Process and apparatus for stripping the kernels of coffee berries and other similar fruits.
1,737,773	12/ 3/29	K. Schrott	Lead cable press.
1,743,298	1/14/30	P. Wieghardt	Multiple-tape-winding machine.
1,753,685	4/ 8/30	P. Bodenstein	Discharge means for tube or ball mills.
1,754,169	4/ 8/30	F. Johannsen	Method of recovering gasifiable metals as oxides.
1,754,170	4/ 8/30	F. Johannsen	Process for treating ores and metallurgical products, slags, and the like.
1,755,712	4/22/30	H. Stephani	Process of recovering volatilizable metals from ores or the like.
1,762,867	6/10/30	F. Johannsen	Process for working up complex ores and metallurgical products.
1,769,658	7/ 1/30	G. Veenhuyzen	Press for the treatment of moist materials.
1,786,102	12/23/30	P. Wieghardt et al	Machine for winding or covering cables or the like with tape or strip material.
1,787,841	1/ 6/31	E. Schulze	Rotary tubular furnace.
1,794,075	2/24/31	M. Hesse	Shaking sifter.
1,797,597	3/24/31	G. Ullrich	Magnetic separating machine.
1,798,826	3/21/31	P. Wieghardt	Apparatus for vulcanizing tires and other rubber articles.
1,806,226	5/19/31	A. Voegel	Apparatus for grinding the rolls of ore crushing or like mills.
1,814,908	7/14/31	E. Edwin	Packing.
1,816,305	7/28/31	G. Ullrich	Magnetic separating machine.
1,840,263	1/ 5/32	K. Sohler	Press for moist material.
1,842,851	1/26/32	G. Ullrich	Magnetic separation and discharge of bulk goods.
1,844,660	2/ 9/32	E. Kastel	Rotary cutter.
1,844,782	2/ 9/32	C. Mittag	Apparatus for cooling loose material.
1,857,785	5/10/32	K. Holzapfel	Rotary drum.
1,864,542	6/28/32	K. Holzapfel	Grinding body.
1,866,781	7/12/32	G. Ullrich	Charging device of the hopper type.
1,890,551	12/13/32	G. Ullrich	Apparatus for magnetic separation of materials.
1,895,201	1/24/33	C. Mittag	Apparatus for evaporating cement slurry.
1,895,390	1/24/33	F. Helmrich	Eccentric or draw rod for stone crushers.
1,896,712	2/ 7/33	G. Linke	Oscillation generator for sieves, troughs, and like apparatus.
1,899,470	2/28/33	F. Mertz	Machine for decorticating fiber-containing foliate plants.
1,921,825	8/ 8/33	F. Johannsen	Process for the recovery of metal values.
1,927,625	9/19/33	B. Baumann	Conveyer.
1,935,286	11/14/33	A. Born	Extrusion press for the production of rod or tube-shaped bodies.
1,936,861	11/28/33	A. Schmid	Apparatus for the treatment of raw cement sludge.
1,941,147	12/26/33	H. Johlige	Classifying apparatus.
1,951,935	3/20/34	F. Johannsen	Process for sintering fine ores or the like.
1,955,914	4/24/34	K. Holzapfel	Apparatus for producing cement and similar substances.
1,964,917	7/ 3/34	F. Johannsen	Process of directly producing wrought iron.
1,966,627	7/17/34	F. Johannsen et al	Distillation apparatus for the production of zinc or similar volatilizable metals.
1,968,946	8/ 7/34	F. Johannsen et al	Furnace for the production of metal sponge.
1,968,960	8/ 7/34	H. Resow	Heat treatment of manganese hard steel objects.
1,973,002	9/11/34	W. Kroepfle	Apparatus for mixing materials.
1,974,617	8/28/34	K. Schon	Roller weir.

EXHIBIT D—Continued

Patent No.	Patent date	Inventor	Title
1,981,411	11/20/34	A. Fritz	Annealing and pickling plant.
1,985,171	12/18/34	F. Johannsen	Distillation of metals.
1,985,872	12/25/34	K. Schon	Sluice weir.
1,995,992	3/26/35	G. Linke	Screening apparatus.
1,997,314	4/ 9/35	K. Schon	Emergency sluice.
1,997,499	4/ 9/35	H. Schieferstein et al	Oscillating sieve.
2,000,140	5/ 7/35	A. Leysner	Process for the distillation of zinc and similar metals.
2,005,917	6/25/35	G. Linke	Means for the production of circular or elliptical oscillations.
2,007,121	7/ 2/35	F. Johannsen	Roasting furnace.
2,007,332	7/ 9/35	F. Johannsen	Apparatus for the distillation of zinc and other volatile metals.
2,013,179	9/ 3/35	E. Gerasch	Grinding mill.
2,013,486	9/ 3/35	G. Brunkow	Rotary furnace.
2,021,365	11/19/35	A. Leysner	Apparatus for the fractional condensation of metal vapors in a condenser rotating about a horizontal axis.
2,026,656	1/7/36	K. Schon	Sluice weir.
2,026,683	1/7/36	F. Johannsen	Treating ferriferous ores.
2,035,833	3/31/36	F. Peilert	Sluice gate.
2,043,409	6/9/36	H. Heitmann	Apparatus for the continuous extraction of material.
2,047,562	7/14/36	F. Johannsen	Process of producing wrought iron.
2,049,818	8/4/36	K. Meister	Jaw crusher.
2,054,984	9/22/36	H. Kohler	Scraper for classifying grates.
2,123,017	7/5/38	K. Meister	Jaw breaker.
2,124,856	7/26/38	H. Kohler	Disk roller classifying grate for coal.
2,127,299	8/16/38	F. Johannsen et al	Treating lumped iron.
2,130,673	9/20/38	K. Meister	Crusher.
2,130,744	9/20/38	W. Reintrock	Rotary drum.
2,139,089	12/6/38	H. Linke	Vibrating screen.
2,139,458	12/6/38	F. Peilert	Sluice gate.
2,150,248	3/14/39	K. Rosenbaum	Rolling mill.
2,208,077	7/16/40	G. Linke	Grinding mill.
2,211,386	8/13/40	K. Rosenbaum	Rolling mill.
2,219,592	10/29/40	H. Kohler	Ring type roller press.
2,222,776	11/26/40	G. Linke et al	Scrubbing machine.

EXHIBIT E

Patents the titles to which stand of record in the United States Patent Office in the name of Fried. Krupp Germaniawerft, A. G., and the numbers of which are as follows:

Patent No.	Patent date	Inventor	Title
1,567,748	12/29/25	E. Oehler	Device for relatively propping piston engines on ships.
1,567,750	12/29/25	W. Profitlich	Piston for high-pressure compressors and the like.
1,581,553	4/20/26	F. Soltau	Drive for ships' propellers by means of internal-combustion engines.
1,581,554	4/20/26	F. Soltau	Method of eliminating dangerous vibration periods in ships' propeller shafts.
1,585,095	5/18/26	E. Herkt	Internal-combustion engine.
1,587,585	6/8/26	A. Hansen	Scavenging internal-combustion engines.
1,611,040	12/14/26	G. Jahn et al	Steam boiler heated by the waste gases of internal-combustion engines.
1,614,839	1/18/27	W. Hopf	Water-tube boiler.
1,621,560	3/22/27	C. Regenbogen	Cooling arrangement for internal-combustion engines.
1,627,549	5/10/27	H. Becker	Cylinder for internal-combustion engines.
1,645,574	10/18/27	H. Becker	Valve gear for power engines.
1,645,575	10/18/27	H. Becker	Cylinder for two-stroke internal-combustion engines with scavenging ports.
1,645,595	10/18/27	E. Herkt	Internal-combustion engine.
1,649,356	11/15/27	M. Louis	Pump.
1,649,440	11/15/27	H. Becker	Internal-combustion engine.
1,656,249	1/17/28	H. Techel	Underwater torpedo tube.
1,664,817	4/ 3/28	E. Herkt	Scavenging internal-combustion engine.
1,665,664	4/10/28	W. Hopf	Water-tube boiler.
1,668,886	5/ 8/28	H. Becker	Compressed-air starting device for internal-combustion engines
1,680,380	8/14/28	G. Jahn et al	Horizontal waste-gas steam boiler.
1,684,693	9/18/28	G. Bohm	Thrust bearing with fluid friction.
1,688,519	10/23/28	G. Bohm	Thrust bearing with fluid friction.
1,698,161	1/ 8/29	M. Louis	Diesel engine.
1,703,381	2/26/29	H Becker	Safety governor for two-stroke engines designed for the propulsion of vehicles.
1,712,963	5/14/29	M. Louis	Two-stroke internal-combustion engine.
1,721,040	7/16/29	H. Rohwer	Diesel engine.

EXHIBIT E—Continued

Patent No.	Patent date	Inventor	Title
1,743,606	1/14/30	W. Hopf	Waste-heat boiler plant for industrial furnaces.
1,750,403	3/11/30	E. Herkt	Device for operating internal-combustion engines with an ignition chamber.
1,752,082	3/25/30	E. Herkt	Internal-combustion engine.
1,766,383	6/24/30	E. Herkt	Bed for vertical internal-combustion engines.
1,773,226	8/19/30	E. Herkt	Internal-combustion engine.
1,776,812	9/30/30	M. Louis	Fuel atomizer for Diesel engines with air supply.
1,779,596	10/28/30	W. Heydemann	Internal-combustion engine.
1,784,354	12/ 9/30	K. Haussmann	Drive for motor boats.
1,808,120	6/ 2/31	A. Runkwitz	Pulverized fuel furnace.
1,809,481	6/ 9/31	K. Haussmann	Cam shaft drive for internal combustion engines.
1,819,744	8/18/31	H. Dunkelmann	Internal combustion engine cooling system.
1,836,119	12/15/31	A. Huster	Water tube boiler.
1,836,635	12/15/31	A. Welling	Internal combustion engine.
1,839,576	1/ 5/32	K. Mohr et al	Scavenging two-stroke cycle internal combustion engine.
1,840,256	1/ 5/32	H. Rohwer	Fuel feeding valve.
1,847,610	3/ 1/32	E. Herkt	Two-stroke internal combustion engine.
1,851,842	3/29/32	A. Huster	Water tube boiler.
1,853,757	4/12/32	H. Behrens	Elastic shaft coupling.
1,911,876	5/30/33	H. Behrens	Synchronizing prime movers.
1,942,861	1/ 9/34	A. Huster	Producing high-pressure steam.
1,950,249	3/ 6/34	F. Johannsen	Distillation of readily volatilizable metals.
1,953,695	4/ 3/34	H. Walter	Rotary piston engine.
1,987,849	1/15/35	A. Hanschke	Thrust bearing with fluid friction.
2,061,902	11/24/36	A. Hanschke	Turbine plant.
2,063,094	12/ 8/36	A. Hanschke	Turbine plant.
2,112,090	3/22/38	A. Hanschke	Turbine plant.
2,119,226	5/31/38	F. Ernst	Internal combustion engine.
2,130,339	9/20/38	H. Dunkelmann	Fuel-injecting pump for internal combustion engines.

EXHIBIT F

Patents the titles to which stand of record in the United States Patent Office in the name of Rheinische Metallwaaren—Und Maschinenfabrik, and the numbers of which are as follows:

Patent No.	Patent date	Inventor	Title
1,599,093	9/ 7/26	A. Kottmann	Key canceling and locking mechanism.
1,633,256	6/21/27	A. Kottmann	Key mechanism for calculating and adding machines.
1,637,827	8/ 2/27	A. Kottmann	Coupling device for calculating machines.
1,647,529	11/ 1/27	A. Kottmann	Total and subtotal mechanism
1,786,164	12/23/30	A. Kottmann	Drive for the stepped drums of calculating machines.
1,791,675	2/10/31	A. Kottmann	Drive for the stepped drums of calculating machines.
1,846,207	2/23/32	A. Kottmann	Calculating machine.
1,908,986	5/16/33	A. Kottmann	Automatic rounding off mechanism for calculating machines.
1,921,529	8/ 8/33	A. Kottmann	Calculating machine with two counting mechanisms.
1,932,220	10/24/33	A. Kottmann	Calculating machine
1,942,106	1/ 2/34	A. Kottmann	Total-printing device.
1,950,183	3/ 6/34	A. Kottmann	Automatic rounding off mechanism for calculating machines.
1,962,690	6/12/34	A. Kottmann	Apparatus forActuating the counting wheels of calculating machines.
1,973,437	9/11/34	A. Kottmann	Calculating machine with automatic multiplying device.
1,991,806	2/19/35	A. Kottmann	Calculating machine.
2,034,345	3/17/36	A. Kottmann	Calculating machine.
2,034,724	3/24/36	A. Kottmann	Device for the automatic clearing of the registers of computing machines.
2,035,322	3/24/36	A. Kottmann	Calculating machine with automatic multiplying device and with result and totalizing registers.
2,046,329	7/ 7/36	A. Kottmann	Calculating machine.
2,054,904	9/22/36	A. Kottmann	Automatic operating device for use with calculating machines.
2,054,905	9/22/36	A. Kottmann	Zero-setting mechanism.
2,084,445	6/22/37	A. Kottmann	Combined calculating and typewriting machine.
2,130,723	9/20/38	A. Kottmann	Calculating machine.

[F. R. Doc. 42-10218; Filed, October 12, 1942; 10:49 a. m.]

[Vesting Order 141]

PATENTS OF ENEMY NATIONALS

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All right, title, interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the patents, the numbers of which are listed in Exhibits A, B and C attached hereto and made a part hereof, and the titles to which stand of record in the United States Patent Office in the names of the persons appearing (a) in the cases of the aforesaid Exhibits A and B at the respective tops thereof, and (b) in the case of said Exhibit C opposite the respective numbers listed therein,

is property in which nationals of a foreign country or countries have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of said Executive Order.

Executed at Washington, D. C., on September 8, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patents the titles to which stand of record in the United States Patent Office in the name of Robert Bosch, A. G., and which are identified as follows:

Patent No.	Patent date	Inventor	Title
1,558,095	10/20/25	F. Kratz et al	Dynamo-electric machine.
1,558,101	10/20/25	G. Lieb	Automatic circuit-breaking device.
1,574,646	2/23/26	W. Hahnle	Magneto-electric ignition machine.
1,574,647	2/23/26	W. Hahnle et al	Dynamo machine.
1,584,162	5/11/26	L. Bech	Impulse starter for ignition apparatus.
1,586,390	5/25/26	H. Steinhart	Dynamo-electric machine.
1,589,071	6/15/26	W. Hahnle	Electric signaling system.
1,602,114	10/ 5/26	A. Kazenmaier et al	Signaling instrument of power vehicles.
1,603,073	10/12/26	A. Diemer et al	Electromagnetic sounding device.
1,650,879	11/29/27	M. Schafer et al	Magneto-electric and the like machine.
1,659,596	2/21/28	O. Fischer et al	Ignition coil for combustion motors.
1,688,951	10/23/28	W. Walther et al	Ignition device.
1,694,118	12/ 4/28	F. Ehrmann	Casting apparatus.
1,694,276	12/ 4/28	A. Mohrle	Electrical condenser.
1,696,102	12/18/28	A. Schmid et al	Continuous-current dynamo-electric machine.
1,720,561	7/ 9/29	R. Maier et al	Internal-combustion engine.
1,721,454	7/16/29	K. Kleinert	Searchlight.
1,739,179	12/10/29	R. Rassler	Headlight.
1,740,360	12/17/29	P. L'Orange	Fuel pump for internal-combustion engines.
1,757,393	5/ 6/30	A. Schmid	Commutator.

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[1] 7 F.R. 1971.

EXHIBIT A—Continued

Patent No.	Patent date	Inventor	Title
1,765,381	6/24/30	F. Menzel	Combined automatic switch and regulator.
1,771,620	7/29/30	F. Ehrmann	Process of forming compound metal bodies.
1,771,830	7/29/30	W. Walther	Magneto.
1,778,158	10/14/30	P. L'Orange	Fuel pump for internal-combustion engines.
1,783,495	12/ 2/30	H. Burkas	Circuit breaker for ignition installations of internal-combustion engines.
1,783,803	12/ 2/30	F. Lang	Internal-combustion engine.
1,791,888	2/10/31	W. Dorn	Electrical contact breaker.
1,793,375	2/17/31	M. Schafer	Circuit breaker for ignition devices.
1,795,010	3/ 3/31	H. Conzelmann, et al	Electric-switch box.
1,798,571	3/31/31	W. Walther	Magneto-electric ignition apparatus.
1,810,288	6/16/31	A. Mattes	Voltage regulation for electric generators.
1,812,517	6/30/31	W. Dorn	Battery ignition apparatus.
1,812,520	6/30/31	A. Ellwanger	Ignition coil.
1,812,552	6/30/31	M. Rall et al	Gearing.
1,818,334	8/11/31	A. Kazenmaier et al	Brake mechanism.
1,820,361	8/25/31	F. Menzel	Electric switch.
1,827,849	10/20/31	A. Kazenmaier	Brake mechanism.
1,828,620	10/20/31	M. Rall	Electrical ignition system for internal-combustion engines.
1,831,649	11/10/31	O. Baur	Injection pump.
1,832,792	11/17/31	E. Sachs	Device for determining the specific gravity of liquids.
1,836,654	12/15/31	W. Dorn et al	Electrical make and break apparatus.
1,839,998	1/5/32	O. Selling	Curling tongs.
1,840,277	1/5/32	M. Rall et al	Resilient gear.
1,840,279	1/5/32	W. Sturm	Carburetor.
1,845,429	2/16/32	K. Lorenz et al	Lubricating pump.
1,849,154	3/15/32	A. Rehm et al	Curling tongs.
1,855,937	4/26/32	A. Callsen	Clutch.
1,857,889	5/10/32	W. Sturm	Carburetor.
1,861,417	5/31/32	E. Klaiber	Ignition control apparatus for internal-combustion engines.
1,861,534	6/7/32	A. Kazenmaier	Vacuum operated servo brake.
1,862,459	6/7/32	O. Baur	Injection nozzle for internal-combustion engines.
1,863,857	6/21/32	A. Kazenmaier	Automatic ignition control for internal-combustion engines.
1,866,747	7/12/32	G. Brodbeck et al	Curling tongs.
1,867,078	7/12/32	A. Kazenmaier	Brake mechanism.
1,871,872	8/16/32	O. Baur	Oil pump.
1,873,909	8/23/32	H. Steinhart et al	Switch control means for vehicle lamps.
1,877,353	9/13/32	F. Menzel	Electromagnetic switch.
1,877,936	9/20/32	A. Mohrle	Starting cartridge.
1,883,866	10/25/32	O. Baur	Spring loaded valve.
1,883,873	10/25/32	H. Breitbart et al	Ignition apparatus.
1,883,885	10/25/32	E. Durst	Magneto-electric ignition apparatus.
1,883,932	10/25/32	A. Kazenmaier et al	Electric condenser.
1,883,933	10/25/32	A. Kazenmaier	Carburetor.
1,883,951	10/25/32	E. Klaiber	Battery ignition device.
1,883,953	10/25/32	K. Kleinert	Signaling apparatus.
1,883,954	10/25/32	K. Kleinert	Signaling device.
1,883,980	10/25/32	F. Lang	Fuel pump.
1,884,071	10/25/32	F. Menzel	Electric storage battery.
1,884,224	10/25/32	M. Rall et al	Lubrication of bearings.
1,884,232	10/25/32	A. Rehm	Electrical heating device for curling tongs.
1,884,233	10/25/32	A. Rehm et al	Centrifugal governor.
1,884,294	10/25/32	K. Schweizer	Automatic control device.
1,884,341	10/25/32	H. Steinhart	Electric switch.
1,884,349	10/25/32	F. Stockmeyer	Regulator for the gas supply.
1,884,359	10/25/32	W. Sturm	Carburetor.
1,884,360	10/25/32	W. Sturm	Carburetor.
1,884,958	10/25/32	F. Allendorff	Magneto electric ignition apparatus.
1,884,959	10/25/32	F. Allendorff	Magneto ignition apparatus.
1,901,846	3/14/33	E. Klaiber	Ignition device for aircraft engines.
1,903,162	3/28/33	O. Baur et al	Shaft coupling.
1,903,586	4/11/33	H. Arnold et al	Switch control means for vehicle lamps.
1,903,641	4/11/33	F. Allendorff	Interrupter for ignition devices.
1,904,805	4/18/33	O. Selling	Electrical lead-in.
1,905,580	4/25/33	F. Allendorff	Dynamo-electric ignition apparatus.
1,905,988	4/25/33	M. Lorenz	Carburetor.
1,908,274	5/ 9/33	W. Walther	Make and break device for electric ignition apparatus.
1,909,143	5/16/33	H. Arnold et al	Controlling ring for signaling devices of vehicles.
1,909,151	5/16/33	K. Kleinert	Lamp for vehicles.
1,911,147	5/23/33	W. Dorn	Ignition system of internal combustion engines.
1,913,085	6/ 6/33	R. Linder et al	Carburetor.
1,915,712	6/27/33	F. Allendorff	Electrical machine.
1,916,181	6/27/33	E. Klaiber	Centrifugal governor.
1,916,182	6/27/33	A. Rehm et al	Centrifugal governor.
1,916,700	7/ 4/33	W. Walther	Flywheel magneto ignition apparatus.
1,919,432	7/25/33	L. Holm	Housing of electrical switches or distribution boxes.
1,922,596	8/15/33	R. Mangold	Variable coupling.
1,922,779	8/15/33	M. Rall	Starting ignition device.
1,925,621	9/ 5/33	F. Allendorff	Snapper coupling for magnetos.
1,925,626	9/ 5/33	A. Callsen	Eddy current electric motor.
1,928,476	9/26/33	O. Baur et al	Centrifugal governor for high speed internal combustion engines.
1,928,520	9/26/33	G. Werner	Shrouding cap for sparking plugs.
1,931,188	10/17/33	O. Gauss et al	Electromagnetic relay.
1,931,462	10/17/33	F. Stockmeyer	Lighter burner.
1,931,784	10/24/33	O. Widmaier	Small electric motor.
1,934,593	11/7/33	E. Durst et al	Signaling device.
1,934,669	11/7/33	G. Hegwein	Lubricating pump.
1,935,230	11/14/33	G. Pfrommer et al	Dynamo-electric machine.
1,935,465	11/14/33	F. Allendorff et al	Interrupter for ignition apparatus.
1,940,550	12/19/33	A. Kazenmaier	Brake operating mechanism.
1,941,187	12/26/33	M. Rall et al	Ignition control apparatus.
1,944,858	1/23/34	O. Baur	Fuel injection pump.
1,947,400	2/13/34	F. Allendorff	Lubricating arrangement for magneto-electric ignition apparatus.
1,948,557	2/27/34	O. Baur	Fuel spraying nozzle.
1,949,030	2/27/34	F. Stockmeyer	Gas burning apparatus.
1,953,759	4/3/34	M. Hurst	Filter for liquids.
1,953,913	4/3/34	W. Walther	Ignition distributor for internal combustion engines.
1,957,396	5/1/34	A. Rehm et al	Ignition system.
1,957,399	5/1/34	W. Walther	Magneto-electric ignition apparatus.
1,957,891	5/8/34	A. Kazenmaier	Brake mechanism for vehicles.
1,958,070	5/8/34	A. Schmid et al	Power transmission clutch.
1,962,706	6/12/34	A. Callsen et al	Starting device for internal combustion engines.
1,962,728	6/12/34	W. Walther	Magneto.
1,963,024	6/12/34	G. Lieb et al	Compressor.
1,963,855	6/19/34	F. Kratz	Power driven screw-driver.
1,964,697	6/26/34	W. Walther et al	Interrupter for ignition systems.
1,964,698	6/26/34	W. Walther et al	Double ignition for internal combustion engines.
1,965,270	7/ 3/34	G. Werner	Cable fastening.
1,967,101	7/17/34	E. Rassbach et al	Fuel feed mechanism.
1,970,801	8/21/34	M. Hurst	Fuel injection nozzle for internal combustion engines.
1,973,359	9/11/34	K. Schweizer	Interrupter.
1,974,851	9/25/34	M. Hurst	Governor for internal combustion engines.
1,974,852	9/25/34	F. Menzel et al	Combined electromagnetic governor and switch.
1,974,858	9/25/34	O. Baur et al	Centrifugal governor for internal combustion engines.
1,976,466	10/ 9/34	G. Werner et al	Incandescent wire ignition plug.
1,981,638	11/20/34	W. Walther	Magneto ignition apparatus.
1,984,313	12/11/34	A. Mohrle	Sparking plug.
1,990,017	2/ 5/35	E. Baumgratz et al	Electrically driven portable tool.
1,990,035	2/ 5/35	F. Kratz et al	Portable electrical tool.
1,990,053	2/ 5/35	H. Steinhart et al	Hand tool.
1,992,137	2/19/35	G. Zeininger	Electric motor.
1,993,759	3/12/35	F. Stockmeyer	Fuel injection pump.
1,998,409	4/16/35	E. Klaiber	Dynamo electric machine.
2,004,440	6/11/35	A. Kazenmaier et al	Packing arrangement for electrical machines.
2,004,647	6/11/35	K. Beer et al	Electric condenser.
2,006,297	6/25/35	E. Eisemann	Film feeding mechanism for cinematograph apparatus.
2,006,317	6/25/35	F. Menzel	Electric switch.
2,010,771	8/6/35	G. Zeininger et al	Electric horn.
2,012,943	9/3/35	H. Arnold et al	Electric switch.
2,013,435	9/3/35	E. Dobler et al	Control arrangement.
2,013,639	9/3/35	H. Steinhart et al	Apparatus for spraying liquids such as paints, varnishes, or the like.
2,013,640	9/3/35	H. Steinhart et al	Method for applying coating liquids such as paints, varnishes, or the like.
2,017,028	10/8/35	H. Heinrich et al	Injection nozzle for self-igniting internal combustion engines.
2,017,401	10/15/35	F. Johannsen	Distillation of readily volatilizable metals.
2,018,479	10/22/35	G. Zeininger	Electromagnetic horn.
2,020,258	11/5/35	E. Gutjahr	Dynamo-electric machine.
2,024,427	12/17/35	A. Callsen	Starting device for internal combustion engines.
2,027,692	1/14/36	E. Klaiber	Method of obtaining advanced and retarded ignition.
2,031,985	2/25/36	H. Stoll	Incandescent igniter.
2,037,662	4/14/36	R. Kurz	Automatic electric cut-out.
2,040,051	5/5/36	E. Klingler	Method and means for preparing refractories and refractory masses so produced.
2,041,225	5/19/36	A. Callsen et al	Electric starter.
2,042,004	5/26/36	M. Hurst	Supply pump for engines.
2,045,318	6/23/36	R. Stribeck	Spark plug insulator.
2,048,161	7/21/36	E. Klaiber	Dynamo-electric machine frame.
2,048,984	7/28/36	G. Zeininger	Electric horn.
2,049,708	8/4/36	G. Lieb	Refrigerator.
2,052,127	8/25/36	A. Callsen	Starting device for internal combustion engines.
2,052,128	8/25/36	A. Callsen	Starting device for internal combustion engines.
2,056,557	10/6/36	O. Bayerdorfer	Lighting generator.
2,063,848	12/8/36	A. Meyer et al	Injection internal combustion engine.
2,064,750	12/15/36	M. Hurst	Piston pump for the conveyance of liquids.
2,065,272	12/22/36	P. Filehr	Method of and means for regulating the fuel feed of internal combustion engines.
2,065,389	12/22/36	A. Mohrle	Cement for metallic and ceramic constructional parts.
2,074,266	3/16/37	F. Koch	Acoustic warning device.
2,077,362	4/13/37	L. Holm	Electrical switch of the snap spring type.
2,080,306	5/11/37	E. Dobler et al	Switch control device
2,080,746	5/18/37	A. Schwaizer	Fuel regulator for engines.
2,090,342	8/17/37	A. Callsen	Starting apparatus for internal combustion engines.
2,090,350	8/17/37	H. Heinrich et al	Injection internal combustion engine.
2,090,351	8/17/37	H. Heinrich et al	Injection pump.
2,091,163	8/24/37	A. Schweizer	Speed-governing apparatus for injection internal combustion engines.
2,093,984	9/21/37	A. Schweizer	Speed-governing apparatus for injection internal combustion engines.
2,097,413	10/26/37	M. Hurst et al	Multicylinder fuel injection pump.
2,099,524	11/16/37	H. Klein	Starter for internal combustion engines.
2,102,338	12/14/37	A Schweizer	Governor means for liquid injection internal combustion engines.
2,115,666	4/26/38	W. Dorn	Sparking plug.
2,115,671	4/26/38	W. Pfister	Starting apparatus for internal combustion engines.
2,116,353	5/ 3/38	E. Klaiber	Double magneto.
2,116,354	5/ 3/38	H. Bischoff	Magneto.
2,117,247	5/10/38	E. Holzbaur	Pneumatic governor for internal combustion engines.
2,117,248	5/10/38	M. Hurst et al	Apparatus for controlling the amount of fuel delivered by an injection pump.
2,119,472	5/31/38	A. Meyer et al	Injection pump for internal combustion engines.
2,123,133	7/ 5/38	A. Callsen	Apparatus for switching on the starter of an internal-combustion engine.
2,123,711	7/12/38	A. Callsen	Method of starting internal-combustion engines.
2,127,855	8/23/38	E. Baumgratz et al	Power-operated tool.
2,128,939	9/ 6/38	R. Hammer	Starting apparatus for internal-combustion engines.
2,128,947	9/ 6/38	H. Klein	Starting device for internal-combustion engines.
2,190,630	2/13/40	J. Weber et al	Output control for internal-combustion engines.

EXHIBIT B

Patents the titles to which stand of record in the United States Patent Office in the name of Kalle & Co. A. G., and which are identified as follows:

Patent No.	Patent date	Inventor	Title
1,590,663	6/29/26	H. Altgelt et al	Enzymes and process of isolating them from their solutions.
1,628,279	5/10/27	M. Schmidt et al	Sensitive layer on a suitable base and process of making same.
1,756,400	4/29/30	M. Schmidt et al	Light-sensitive materials and process of making them.
1,762,033	6/ 3/30	M. Schmidt et al	Process of preparing pictures to be produced by tanning action.
1,778,096	10/14/30	J. Voss et al	Nontransparent and glossy capsule of regenerated cellulose and process of preparing same.
1,822,065	9/ 8/31	E. Sprongerts et al	Azo dyestuff components and process of preparing them.
1,831,212	11/10/31	J. Voss et al	Shrinkable capsule and processes for making it.
1,844,986	2/16/32	E. Siemers	Apparatus for developing photoprints.
1,857,920	5/10/32	R. Lantz	Light sensitive papers and other bases and light sensitive layers therefor.
1,861,329	5/31/32	C. Uhlich et al	Apparatus for developing light-sensitive material.
1,892,247	12/27/32	W. Neugebauer	Process of preparing proteinases free from peptidases.
1,897,422	2/14/33	A. Dulitz et al	Capsule made of cellulose esters and process for preparing it.
1,906,240	5/2/33	M. Schmidt et al	Photographic process.
1,917,646	7/11/33	O. Herrmann	Method of making viscose.
1,929,003	10/3/33	W. Neugebauer	Process for preparing proteinases and carboxy-polypeptidases of the pancreas.
1,932,680	10/31/33	A. Schade	Method and apparatus for feeding sheets.
1,940,265	12/19/33	W. Neugebauer	Agent and process for drenching skins.
1,943,346	1/16/34	W. Schwalbe et al	Method or preparing regenerated cellulose structures.
1,943,486	1/16/34	U. Ostwald	Planographic printing base and process of preparing it.
1,966,412	7/10/34	W. Krieger	Multicolor film and process of preparing it.
2,006,661	7/ 2/35	J. Voss	Process of treating regenerated cellulose articles.
2,016,527	10/ 8/35	W. Voigt	Device for storing and affixing adhesive strips.
2,081,676	5/25/37	W. Neugebauer	Preparation of starch-degrading enzymes.
2,119,163	5/31/38	O. Herrmann et al	Roll of adhesive strip.
2,238,862	4/15/41	W. Neugebauer	Desizing agent.
2,286,656	6/16/42	O. Sus	Photographic printing material and developer.
2,286,701	6/16/42	G. Werner	Diazotype printing material.

EXHIBIT C

Patents which are identified as follows and the titles to which stand of record in the United States Patent Office in the names of the persons indicated, respectively:

Patent No.	Date	Record owner	Inventor	Title
Des. 105, 838	8/31/37	W. Heraeus G. m. b. H	H. Bruning et al	Design for warming ovens or the like.
1, 552, 345	9/1/25	Deutsche Werke Kiel A. G	V. Rembold	Frame standard for upright engine cylinders.
1, 554, 812	9/22/25	Quarzlampen G. m. b. H	F. Girard	Electric heat radiator.
1, 556, 859	10/13/25	Motoren-Werke Mannheim A. G. Vorm. Benz Abt. Stationarer Motorenbau.	P. L'Orange	Internal combustion engine.
1, 566, 534	12/22/25	W. Heraeus G. m. b. H	E. Haagn	Alloys and articles partially composed of same, and process for producing the alloys.
1, 568, 404	1/5/26	O. Junghans	O. Junghans	Clockwork-testing machines.
1, 574, 966	3/2/26	W. Heraeus G. m. b. H	E. Haagn	Osmium alloy.
1, 576, 005	3/9/26	I. G. Farbenindustrie A. G	W. Schrauth	Decomposing fats, oils, and waxes.
1, 579, 065	3/30/26	Krupp Patent-Platten-Gussform-Vertrieb G. m. b. H.	C. Betterman	Mold for producing molded stone slabs.
1, 580, 973	4/13/26	V. Rembold	V. Rembold	Compressor.
1, 580, 974	4/13/26	Deutsch Werke Kiel A. G	V. Rembold	Air preheater.
1, 582, 343	4/27/26	B. Roos & Co	K. Muller	Method of manufacturing mold powder.
1, 586, 689	6/1/26	Actien-Gesellschaft "Weser"	H. Muller	Engine governor.
1, 591, 763	7/6/26	Zeiss Ikon A. G	J. Happacher	Film-feeding device.
1, 603, 339	10/19/26	Electricitatsgesellschaft, "Sanitas" G. m. b. H.	H. Herrmann	System for unipolar high-frequency treatment.
1, 608, 932	11/30/26	J. Fischer	F. Fischer	Dyeing and similar machines.
1, 622, 805	3/29/27	Bergmann-Elektricitats-Werke A. G.	W. Pape	Steam turbines.
1, 660, 094	2/21/28	J. Scheiber et al	J. Scheiber et al	Process for the preparation of a new type of shellac substitutes.
1, 660, 159	2/21/28	W. Heraeus G. m. b. H	E. Haagn	Production of alloys of the platinum group.
1, 662, 681	3/13/28	Hohenzollern Aktiengesellschaft fur Lokomotivbau.	W. Lindner	Friction wheel gear.
1, 665, 666	4/10/28	O. Junghans	S. Junghans	Percussion fuse.
1, 668, 115	5/1/28	Deutsche Atlantische Telegraphengesellschaft.	E. Gumlich	Magnetizable material.
1, 669, 434	5/15/28	Elektrizitaets-Gesellschaft, Richter, Dr. Weil & Co. A. G.	G. Werner	Switching device.
1, 682, 017	8/28/28	The Firm Johann Carl Muller	H. Muller	Machine for mechanically mixing tobacco leaves.
1, 689, 456	10/30/28	The Firm Meier & Weichelt	E. Schuz	Metallurgical product and process of producing same.
1, 693, 516	11/27/28	O. Junghans A. G	O. Junghans	Mechanical time fuse.
1, 695, 410	12/18/28	Lorenz-Zeiss-Zugsicherungs G. m. b. H.	W. Baseler	Train controlling means by light rays.
1, 697, 692	1/ 1/29	Siemens-Reineger-Velfa Gesellschaft fur Medizenesche Technik m b. H.	M. Pohlmann	X-ray system.
1, 709, 442	4/16/29	W. Lehmann	H. Schulz	Journal bearings.
1, 710, 857	4/30/29	Maschinenfabrik Augsburg-Nuernberg A. G.	H. Becker	Cylinder for double-acting two-stroke Diesel engines with slotted exhaust opening and divided cylinder liner.
1, 716, 999	6/11/29	Maschinenfabrik Augsburg-Nuernberg A. G.	H. Becker	Maneuvering device with valve gear.
1, 724, 666	8/13/29	G. Kogel	G. Kogel	Process of preparing pictures from light-sensitive layers containing organic colloids.
1, 732, 718	10/22/29	Gesellschaft fur Electrisch Apparate m. g. H.	B. Gluer	Devices for controlling the firing of ordnances or the like when firing at a moving target.
1, 740, 342	12/17/29	I. G. Farbenindustrie A. G	C. Hansen	Recovery of sulphurous acid from waste gases.
1, 745, 464	2/4/30	C. Lorenz A. G. & Siemens & Halske A. G.	F. Wever	Process for the purification of metals.
1, 750, 198	3/11/30	I. G. Farbenindustrie A. G	W. Schrauth	Cleaning, wetting, and emulsifying.
1, 753, 708	4/8/30	E. Lehmann	E. Lehmann	Sensitized element, process of making same, and process for producing photographic images thereon.
1, 761, 864	6/3/30	Maschinenfabrik Augsburg-Nuernberg A. G.	H. Becker	Piston-cooling device for internal combustion engines.
1, 767, 831	6/24/30	E. Leitz Optische Werke	M. Berek	Polarimetric apparatus.
1, 770, 578	7/15/30	Seyfert & Donner	M. Lohs	Flat knotting frame.
1, 772, 772	8/12/30	I C A, Aktiengesellschaft	O. Fischer	Cinematographic camera.

EXHIBIT C—Continued

Patent No.	Date	Record owner	Inventor	Title
1, 773, 611	8/19/30	Ruhrchemie	M. Banck	Preparation of acetylene a hydrogen.
1, 776, 010	9/16/30	K. Schrader	E. Schulze	Manufacturing permanently-stele injection liquids.
1, 777, 709	10/7/30	Telephon-Apparat-Fabrik E. Zwertusch & Co. G. m. b. H.	F. Appelius	Telephone systems.
1, 779, 112	10/21/30	Maschinenfabrik Augsburg-Nuernberg A. G.	H. Becker	Double-acting two-stroke combustion engine with slot scavenging.
1, 787, 430	1/ 6/31	Telephon-Apparat-Fabrik E. Zwertusch & Co.	F. Appelius	Telephone systems.
1, 788, 996	1/13/31	Gesellschaft Für Electrische Apparate G. m. b. H.	O. Gaedke	Apparatus for evaluating rangetable functions of two independent variables.
1, 789, 733	1/20/31	W. Heraeus G. m. b. H	O. Feuszner	Thermo-electric generator.
1, 795, 120	3/ 3/31	I. G. Farbenindustrie A. G	C. Hansen	Process for the simultaneous absorption of ammonia and hydrogen sulfide from industrial gases.
1, 795, 121	3/ 3/31	I. G. Farbenindustrie A. G	C. Hansen	Process for the absorption of hydrogen sulfide and ammonia from gases.
1, 797, 514	3/24/31	Deutsche Werke Kiel A. G	O. Richter	Starting device for aeroplanes.
1, 812, 740	6/30/31	Allgemeine Elektricitäts Gesellschaft.	W. Ehlers	Magnetic cores.
1, 814, 246	7/14/31	Siemens-Schuckertwerke A. G.	F. Doring	Electric switch.
1, 815, 876	7/21/31	Siemens-Bauunion G. m. b. H. K. G.	M. Muller	Process of chemically solidifying earth.
1, 818, 781	8/11/31	Deutsch Hydrierwerke A. G	S. Bakonyi	Method of carrying out biochemical processes.
1, 820, 722	8/25/31	Siemens-Bauunion G. m. b. H. K. G.	C. Zemlin	Process of solidifying layers of ground and similar masses.
1, 822, 989	9/15/31	W. Heraeus G. m. b. H	O. Feussner	Instrument control apparatus.
1, 823, 056	9/15/31	Telefon-Apparate-Fabrik E. Zwetusch G. m. b. H.	H. Marburg	Cartridge Separating Device for pneumatic tube plants.
1, 826, 779	10/13/31	I. G. Farbenindustrie A. G	C. Hansen	Process for the absorption of hydrogen sulphide and ammonia from gases.
1, 827, 238	10/13/31	Tiefbau-und Kalteindustrie Akt., Vormals Gebhardt & Koenig & Siemens-Bau-union Gesellschaft m. b. H. K. G.	H. Joosten	Process of solidifying permeable rock, loosely spread masses or building structures.
1, 829, 594	10/27/31	Zeiss-Aerotopograph G. m. b. H.	R. Hugershoff	Devices for continuously recording the path of flight of aircraft.
1, 829, 950	11/3/31	Meutsch Voightlander & Co. Vormals Gewerkschaft Wallram.	H. Voightlander et al	Process for the manufacture of difficultly melting heavy metals.
1, 836, 435	12/15/31	Maschinenfabrik Augsburg-Nurnberg A. G.	H. Becker	Fuel pump for engines having a plurality of injection valves in the cylinder.
1, 838, 208	12/29/31	Telephon-Apparat-Fabrik E. Zwietusch & Co. G. m.b.H.	F. Appelius	Switching or control mechanisms for dispatch systems.
1, 840, 427	1/12/32	Ernst Leitz Optische Werke	O. Barnack	Device for developing film rolls.
1, 843, 220	2/2/32	Heinrich Koppers Akt	C. Hansen	Method of decomposing sulfur-oxygen compounds.
1, 843, 456	2/2/32	August Thyssen-Hutte A. G	H. Meyer	Manufacture of steel.
1, 846, 815	2/23/32	Siemens-Bauunion G. m. b. H. K. G.	W. Sichardt et al	Process for fastening solidified foundation soil to building structures and the structure produced thereby.
1, 849, 445	3/15/32	Ernst Leitz Optische Werke	O. Barnack	Adjusting device for the part of optical instruments.
1, 862, 206	6/ 7/32	Telephon-Apparat-Fabrik E. Zwietusch & Co.	G. Tauchmann	Ring winding machines.
1, 864, 090	6/21/32	Schloemann A. G	P. Muller	Drive mechanism for the rolls of rolling mills.
1, 873, 126	8/23/32	Zeiss-Aerotopograph G. m. b. H.	R. Hugershoff	Apparatus for continuously recording the path of flight of aircraft
1, 873, 812	8/23/32	Maschinenfabrik Augsburg-Nurnberg A. G.	H. Becker	Pump.
1, 874, 987	8/30/32	Fried. Krupp A. G. Friedrich-Alfred-Hutte.	F. Hartmann	Iron sleeper.
1, 877, 962	9/20/32	Deutsch Edelstahlwerke A. G	F. Polzguter	Steel alloy.
1, 885, 831	11/1/32	Siemens-Elektro-Osmose G. m b. H.	K. Illig	Process for the separation of rubber.
1, 890, 293	12/6/32	Gesellschaft Fur Elektrische Apparate m. b. H.	H. Hort	Steering gear for water and air vehicles.
1, 890, 821	12/13/32	Degea A. G	H. Meyer	Pressure reducing valve.
1, 894, 272	1/17/33	Gesellschaft Fur Elektrische Apparate.	H. Hort	Ship stabilizer.

EXHIBIT C—Continued

Patent No.	Date	Record owner	Inventor	Title
1, 902, 210	3/21/33	Telefon-Apparate-Fabrik E. Zwietusch & Co.	G. Biniek	Paystation apparatus.
1, 903, 598	4/11/33	Walter Dux	J. Scheiber	Shellac substitutes.
1, 904, 546	4/18/33	Deutsche Hydrierwerke A. G	W. Schrauth	Method of producing stearine.
1, 905, 454	4/25/33	Zeiss Ikon A. G	M. Engelmann	Cinematographic apparatus.
1, 908, 043	5/9/33	Projector G. m. b. H	K. Morsbach & H. Schulz.	Optical projection system.
1, 909, 215	5/16/33	Gutehoff-Nungshutte A. G	P. Nashan	Process for the manufacture of formaldehyde from methane.
1, 911, 220	5/30/33	Maschinenfabrik Augsburg-Nurnberg A. G.	H. Becker	Internal combustion engine.
1, 915, 284	6/27/33	Maschinenfabrik Augsburg-Nurnberg A. G.	H. Becker	Cooled piston rod for double acting engines.
1, 915, 655	6/27/33	Eisemann-Werke A. G	E. Eisemann	Magneto electric ignition device.
1, 915, 890	6/27/33	Helmut Junghans and Gebruder Junghans A. G.	H. Junghans	Mechanical time fuses for artillery projectiles.
1, 918, 430	7/18/33	Gutehoffnungshutte Oberhausen A. G.	J. Schlotmann	Means for uniformly cooling hot blast and hot gas gate valve disks.
1, 921, 898	8/8/33	I. G. Farbenindustrie A. G	H. Tonnies	Focusing device for photographic cameras.
1, 926, 596	9/12/33	Voigtlander & Sohn A. G	A. Naumann	Arrangement for printing photographs.
1, 926, 597	9/12/33	Voigtlander & Sohn A. G	A. Naumann	System for visually testing photographic negatives.
1, 927, 746	9/19/33	Helmut Junghans and Gebruder Junghans A. G.	H. Junghans	Mechanical time fuse.
1, 927, 884	9/26/33	Voigtlander & Sohn A. G	A Barenyi	Photographic camera.
1, 930, 210	10/10/33	Gutehoffnungshutte A. G	P. Nashan	Process for preparing hexamethylene tetramine from methane.
1, 935, 327	11/14/33	Projector G. m. b. H	K. Morsbach & K. Cousin.	Motion picture film camera.
1, 938, 468	12/ 5/33	Walter Dux	J. Scheiber	Process of preparing shellac-like resins from agatho-copal resins.
1, 941, 753	1/ 2/34	Ernst Leitz Optische Werke G. m. b. H.	H. Plies	Holder for microscopes.
1, 941, 784	1/ 2/34	Voigtlander & Sohn A. G	A. Barenyi	Photographic camera.
1, 943, 051	1/ 9/34	Jenaer Glaswerk Schott & Gen	E. Berger	Optical glass.
1, 943, 385	1/16/34	Gutehoffnungshutte Oberhausen A. G.	W. Heckel et al	Process for production of oxidation products of acetylene.
1, 956, 359	4/24/34	Projector G. m. b. H	K. Morsbach & O. Steiner.	Centrifugal governor.
1, 958, 679	5/15/34	Voigtlander & Sohn A. G	F. Reiss	Photometer and method of operating same.
1, 964, 629	6/26/34	I. G. Farbenindustrie A. G	H. Grimm et al	Vitreous composition.
1, 967, 649	7/24/34	Chinoin Gyosgyszer is Vegyeszeti Termekek Gyara R. T. (Dr. Kereszti and Dr. Wolf).	E. Wolf	Tasteless basic aluminum acetylsalicylate and method for producing same.
1, 969, 222	8/7/34	Helmut Junghans and Gebruder Junghans A. G.	H. Junghans	Fuses for aeroplane defense projectiles.
1, 970, 084	8/14/34	W. Heraeus G. m. b. H	O. Feussner	Electrical resistance thermometer.
1, 971, 215	8/21/34	W. Heraeus G. m. b. H	O. Feussner	Apparatus for testing by spectrum analysis.
1, 972, 971	9/11/34	Voigtlander & Sohn A. G	A. Barenyi	Retarding device for gears.
1, 978, 535	10/30/34	Anker-Werke A. G	M. Jacob	Check printing mechanism for cash registers.
1, 990, 034	2/5/35	H. Junghans	H. Junghans	Mechanical time fuse.
1, 991, 442	2/19/35	Voigtlander & Sohn A. G	A. Barenyi	Photographic roll-film.
1, 992, 696	2/26/35	Franz Braun A. G	H. Gastrow	Electric drive for die casting machines for plastic masses.
1, 996, 608	4/ 2/35	Wilhelm Beck	K. Beck	Soot separator.
1, 998, 568	4/23/35	Voigtlander & Sohn A. G	A. Barenyi	Photographic camera.
2, 000, 555	5/ 7/35	Maschinenfabrik Augsburg-Nurnberg A. G.	H. Becker	Drive for fuel pumps for combustion power engines.
2, 002, 800	5/28/35	Deutsche Hydrierwerke A. G	W. Schrauth	Plastic materials.
2, 003, 930	6/ 4/35	Siemens Apparate und Maschinen G. m. b. H.	E. Fischel	Automatic rudder control device.
2, 008, 536	7/16/35	Chinoin Gyogyszer is Vegyeszeti Termekek Gyara R. T. (Dr. Kereszty & Dr. Wolf).	E. Wolf	Process for the production of hydrogenat benzo-iso-tetrazoles.
2, 010, 257	8/ 6/35	Vereinigte Lausitzer Glaswerke A. G.	A. Fehse	Process for producing the fitting surfaces involved in the case of glass bottle necks fitted with glass stoppers.
2, 011, 002	8/13/35	Ernst Leitz Optische Werke G. m. b. H.	E. Leitz Jr	Concentrically adjustable objective diaphragm.
2, 011, 432	8/13/35	Voigtlander & Sohn A. G	A. Barenyi	Photographic film camera.
2, 013, 600	9/ 3/35	Kohle und Eisenforschung G. m. b. H.	K. Carius	Articles which must have a reduced tendency to rust.

EXHIBIT C—Continued

Patent No.	Date	Record owner	Inventor	Title
2, 014, 965	9/17/35	Siemens-Apparate und Maschinen G. m. b. H.	E. Fischel	Regulating device.
2, 016, 857	10/ 8/35	Siemens Apparate und Maschinen G. m. b. H.	E. Fischel	Self-steering arrangement.
2, 020, 937	11/12/35	Chinoin Gyogyszer is Vegyeszeti Termekek.	Z. Foldi	Methods for producing cyclical disubstituted tetrazoles.
2, 024, 822	12/17/35	Siemens Apparate und Maschinen G. m. b. H.	H. Hort	Stabilization of ships by means of liquid filled tanks.
2, 025, 413	12/24/35	Junkers & Co., G. m. b. H	G. Hegwein et al	Controlling device for gas burners.
2, 025, 616	12/24/35	Heraeus-Vacuumschmelze A. G.	W. Rohn	Process for producing beryllium alloys.
2, 026, 084	12/31/35	E. Elster	E. Elster	Automatic snap fastener for skis.
2, 027, 351	1/ 7/36	Deutsche Hydrierwerke A. G	W. Schrauth	Procedure for the manufacture of condensation products.
2, 029, 776	2/ 4/36	Anker-Werke A. G	M. Jacob	Cash register.
2, 030, 802	2/11/36	Deutsche Hydrierwerke A. G	W. Schrauth	Method of catalytic oxidation of turpentine oils.
2, 030, 921	2/18/36	Heraeus-Vacuumschmelze A. G.	W. Hessenbruch	Copper beryllium alloys.
2, 037, 223	4/14/36	Wilhelm Dreusicke & Co., G. m. b. H.	O. Fischer	Tongs for removing and putting in place the key rings of typewriting machines and the like.
2, 037, 360	4/14/36	Voigtlander & Sohn A. G	A. Barenyi	Shutter for photographic cameras.
2, 037, 684	4/14/36	Junkers & Co., G. m. b. H	G. Hegwein	Safety control apparatus for gas burners.
2, 039, 000	4/28/36	Kurt Lange	H. Hesse	Hemadynamometers operating according to the compensation method.
2, 040, 604	5/12/36	Heraeus-Vacuumschmelze A. G.	H. Gruber et al	Method of manufacturing low carbon iron and steel alloys.
2, 040, 683	5/12/36	Telefon-Apparate-Fabrik E. Zwietusch & Co. G. m. b. H.	G. Biniek	Electric safety razor.
2, 040, 972	5/19/36	Maschinenfabrik Augsburg-Nurnberg A. G.	H. Becker	Piston.
2, 041, 333	5/19/36	Heraeus-Vacuumschmelze A. G.	H. Gruber et al	Apparatus for producing carbon-free metals, alloys and the like.
2, 042, 293	5/26/36	Telefon-Apparate-Fabrik E. Zwietusch & Co.	G. Biniek	Safety razor with rotary drive.
2, 044, 257	6/16/36	Siemens-Reiniger Werke A. G	J. Patzold	Apparatus for electromedical treatment.
2, 045, 415	6/23/36	W. Schrauth	W. Schrauth	Salves, creams, soaps, and the like.
2, 045, 769	6/30/36	H. Geffcken & H. Richter	H. Geffcken et al	Electrical control circuit.
2, 046, 852	7/7/36	Deutsche Hydrierwerke A. G	W. Schrauth	Cellulose derivative.
2, 047, 662	7/14/36	Voigtlander & Sohn A. G	A. Barenyi	Photographic shutter.
2, 048, 647	7/21/36	W. Heraeus G. m. b. H	O. Feussner et al	Process of producing hard alloys.
2, 048, 648	7/21/36	W. Heraeus G. m. b. H	O. Feussner et al	Alloy and process of making same.
2, 050, 874	8/11/36	Voigtlander & Sohn A. G	A. Barenyi	Roll film camera.
2, 051, 837	8/25/36	Siemens Apparate und Maschinen G. m. b. H.	E. Fischel	Automatic control arrangement for aircraft.
2, 055, 237	9/22/36	Ernst Leitz Optische Werke G. m. b. H.	E. Lietz, Jr	Projection and reproduction system.
2, 057, 945	10/20/36	Franz Braun A. G	H. Gastrow	Heatable mass cylinder of die casting machines for plastic masses.
2, 060, 081	11/10/36	W. Heraeus G. m. b. H	A. Jedele	Point for gold pens and method of producing the same.
2, 062, 130	11/24/36	Heraeus-Vacuumschmelze A. G.	W. Hessenbruch	Heat treatable nickel-beryllium alloys.
2, 064, 472	12/15/36	Elektricitatsgesellschaft "Sanitas."	H. Herrmann	Apparatus for making photographic exposures.
2, 066, 150	12/29/36	Gesellschaft fur Elektrische Apparate m. b. H.	H. Hort	Ship stabilizer.
2, 066, 542	1/5/37	Deutsche Hydrierwerke A. G	W. Schrauth	Heteropolar compounds and method of producing the same.
2, 067, 569	1/12/37	Heraeus-Vacuumschmelze A. G.	W. Hessenbruch	Heat resisting implements.
2, 069, 987	2/9/37	Gutehoffnungshutte Oberhausen A. G.	A. Winckler	Fastening means.
2, 071, 835	2/23/37	Gutehoffnungshutte Oberhausen A. G.	L. Hermanns	Process and apparatus for treating residue, waste, and the like.
2, 072, 368	3/2/37	W. Heraeus G. m. b. H	A. Jedele	Tungsten base alloy for points of gold nibs.
2, 072, 676	3/2/37	W. Heraeus G. m. b. H	A. Jedele	Tungsten-base alloy.
2, 074, 474	3/23/37	W. Heraeus G. m. b. H	A. Jedele	Tungsten-base alloy for points of gold nibs.
2, 074, 655	3/23/37	Firma Johannes Richter A. G	W. Lindner	Sewing machine for the manufacture of gloves.
2, 075, 718	3/30/37	Heraeus-Vacuumschmelze A. G.	W. Hessenbruch	Heat-resisting implement.
2, 078, 579	4/27/37	Ernst Leitz G. m. b. H	C. Luz	Film spool and developing tank.
2, 079, 936	5/11/37	Firma Franz Braun Akt.-Ges.	H. Gastrow	Die casting machine.

EXHIBIT C—Continued

Patent No.	Date	Record owner	Inventor	Title
2,081,543	5/25/37	Maschinenfabrik Augsburg-Nurnberg A. G.	H. Kohler	Engine frame.
2,081,727	5/25/37	Voigtlander & Sohn A. G	A. Barenyi	Retarding mechanism for photographic shutters.
2,082,561	6/1/37	Telephon-Apparat-Fabrik E. Zwietusch & Co.	F. Appelius	Paystation telephone systems.
2,090,044	8/17/37	Heraeus-Vacuumschmelze A. G.	W. Hessenbruch	Alloys.
2,091,162	8/24/37	Deutsch Hydrierwerke A. G	W. Schrauth	Fixing agents for perfumes and other volatile compounds.
2,093,282	9/14/37	Ernst Leitz G. m. b. H	L. Leitz et al	Focusing means for camera objectives.
2,093,592	9/21/37	Humboldt-Deutzmotoren A. G.	H. Triebnigg	Internal-combustion engine.
2,094,163	9/28/37	Auto Union A. G	H. Weber	Gear controlling means for motorcycles.
2,094,921	10/ 5/37	W. Heraeus G. m. b. H	A. Jedele et al	Tubular fountain pen point.
2,096,325	10/19/37	Ernst Leitz G. m. b. H	H. Heine	Microscope.
2,100,391	11/30/37	I. G. Farbenindustrie A. G	H. Grimm et al	Vitreous compositions or glasses
2,100,900	11/30/37	I. G. Farbenindustrie A. G	H. Fikentscher et al	Production of interpolymerization products.
2,102,160	12/14/37	Gutehoffnungshutte Oberhausen A. G.	P. Nashan	Process for the production of formaldehyde from methane.
2,103,672	12/28/37	W. Heraeus G. m. b. H	W. Heraeus	Metal gauge.
2,104,835	1/11/38	Heraeus-Vacuumschmelze A. G.	W. Hessenbruch	Heat-resisting implement.
2,104,836	1/11/38	Heraeus-Vacuumschmelze A. G.	W. Hessenbruch	Heat-resisting implement.
2,105,629	1/18/38	Ernst Leitz G. m. b. H	H. Becker	Moving picture camera casette.
2,105,671	1/18/38	Ernst Leitz G. m. b. H	S. Roesch	Microscope.
2,106,622	1/25/38	Voigtlander & Sohn A. G	K. Pritschow et al	Photographic camera.
2,108,520	2/15/38	Bohme Fettchemie-Gesellschaft	B. Wolf et al	Textile and method of finishing.
2,110,622	3/8/38	Siemens Apparate und Maschinen G. m. b. H.	E. Fischel	Automatic speed stabilizing devices for aircraft.
2,112,701	3/29/38	Ernst Leitz G. m. b. H	L. Leitz	Exposure meter.
2,112,731	3/29/38	W. Heraeus G. m. b. H	H. Bruning et al	Drying boxes and incubators.
2,113,537	4/5/38	Heraeus-Vacuumschmelze A. G.	H. Hiemenz	Method of rolling and treating silicon steel.
2,116,637	5/10/38	Siemens-Reiniger-Werke A. G.	C. Niemann	Secondary X-ray diaphragm and method of manufacturing the same.
2,116,872	5/10/38	Chinoin Gyogyszer is Vegyeszeti Termekek Gyara R. T. (Dr. Kereszty & Dr. Wolf).	E. Wolf	Medicinal preparation of diuretic effect and process for its preparation.
2,120,267	6/14/38	I. G. Farbenindustrie A. G	E. Schirm	Method of enhancing the colorability of cellulose fiber.
2,123,330	7/12/38	W. Heraeus G. m. b. H	O. Feussner	Palladium alloys.
2,123,599	7/12/38	I. G. Farbenindustrie Akt	H. Fikentscher et al	Production of polymerization products.
2,130,784	9/20/38	Voigtlander & Sohn A. G	A. Barenyi	Photographic shutter.
2,133,670	10/18/38	Siemens Apparate und Maschinen G. m. b. H.	H. Schuchmann	Voltage measuring system.
2,134,241	10/25/38	Gutehoffnungshutte Oberhausen A. G.	K. Susselbeck	Process for purifying crude hydrocarbons, more particularly crude benzole, crude benzine, and crack benzine.
2,137,974	11/22/38	Siemens Apparate und Maschinen G. m. b. H.	E. Fischel	Aileron control for airplanes.
2,142,094	1/ 3/39	Robert Bosch G. m. bH	W. Dorn	Magnetos.
2,144,200	1/17/39	Heraeus-Vacuumschmelze A. G.	W. Rohn et al	Method of manufacturing silicon iron alloys.
2,144,950	1/24/39	C. Lorenz A. G	A. Wiessner	Filters for separating high frequencies from low frequencies.
2,144,977	1/24/39	B. Jacob	M. Jacob	Hinge for curved vehicle doors.
2,147,233	2/14/39	Telefon-Apparat-Fabrik E. Zwietusch & Co.	G. Biniek	Telephone call fee indicator.
2,148,574	2/28/39	Julius Pintsch K. G	P. Muller	Nondazzle lamp.
2,149,257	3/ 7/39	Heraeus-Vacuumschmelze A. G.	H. Gruber	Method for production of beryllium alloys.
2,156,418	5/ 2/39	Triumph-Werke Nurnberg A. G.	F. Wunderlich	Noiseless return for typewriter carriages.
2,156,976	5/ 2/39	Siemens-Apparate und Maschinen G. m. b. H.	E. Fischel	Control apparatus for vehicles.
2,158,510	5/16/39	Deutsche Eisenwerke A. G	K. Lauer	Method for operating cupola furnaces.
2,158,511	5/16/39	Deutsche Eisenwerke A. G	K. Lauer	Method for the production of cast iron in cupola furnaces.
2,161,510	6/ 6/39	Siemens Apparate und Maschinen G. m. b. H.	E. Fischel	Apparatus for measuring the liquid contents of a container or vessel.
2,163,181	6/20/39	I. G. Farbenindustrie A. G	H. Ulrich et al	Process of producing halogenalkyl amines or their salts.
2,164,977	7/4/39	C. Lorenz A. G	A. Wiessner	Loudspeaker arrangements.
2,167,132	7/25/39	Chinoin Gyogyszer is Vegyeszeti Termekek Gyara R. T. (Dr. Kereszty & Dr. Wolf).	R. Weisz	Process for the preparation of derivatives of estradiol.
2,167,412	7/25/39	Siemens Apparate und Maschinen G. m. b. H.	M. Baesecke	Method and means for measuring the altitude of aircraft.
2,170,819	8/29/39	Allgemeine Elecktricitats Gesellschaft.	W. Heimann	Cathode ray tube recording device.
2,173,312	9/19/39	Heraeus-Vacuumschmelze A. G.	W. Rohn et al	Silicon-iron alloys.
2,173,996	9/26/39	Ernst Leitz G. m. b. H	H. Becker	Film-guiding mechanism.
2,174,319	9/26/39	Franz Braun A. G	H. Gastrow	Molding of thermoplastic materials.
2,180,367	11/21/39	Naftolen-Gesellschaft zur Verwertung der Rostler-Mehner'schen Verfahren m. b. H.	F. Rostler et al	Method of producing mixtures for use in the manufacturing of rubber goods and in allied branches of industry.
2,181,111	11/21/39	Erich Weber	J. Horn	Method for the production of metallic printing plates or cylinders.
2,184,491	12/26/39	Chinoin Gyogyszer is Vegyeszeti Termekek Gyara R. T. (Dr. Kereszty & Dr. Wolf).	Z. Foldi	Process for the production of polyoxy-fuchsone derivatives by means of aliphatic groups.
2,184,826	12/26/39	C. Lorenz A. G	A. Wiessner	Signal transmission system.
2,186,197	1/9/40	Maschinenfabrik Einsiedel	H. Hoeppner	Knitting machines.
2,186,443	1/9/40	Ernst Leitz G. m. b. H	H. Becker et al	Motion picture camera.
2,188,628	1/30/40	Siemens Apparate und Maschinen G. m. b. H.	E. Freystedt	Measuring instruments.
2,191,250	2/20/40	Siemens Apparate und Maschinen G. m. b. H.	E. Fischel	System for the automatic control of airplanes.
2,191,281	2/20/40	Ernst Leitz G. m. b. H	L. Leitz et al	Combined photographic camera and view finder.
2,194,784	3/26/40	Jenaer Glaswerk Schott & Gen.	E. Berger	Heat-absorbing glass.
2,203,316	6/4/40	C. Lorenz A. G	A. Wiessner	High frequency systems.
2,204,198	6/11/40	C. Lorenz A. G	A. Wiessner	Arrange for carrier frequency modulation.
2,205,052	6/18/40	Ernst Leitz G. m. b. H	W. Stein	Device for loading film casettes.
2,208,915	7/23/40	Chinoin Gyogyszer is Vegyeszeti Termekek Gyara R. R. (Dr. Kereszty/Dr. Wolf).	R. Weiss	Process for preparing reductio products of etherified estrone.
2,208,917	7/23/40	C. Lorenz A. G	A. Wiessner	High-frequency systems.
2,208,918	7/23/40	C. Lorenz A. G	A. Wiessner	Communication systems.
2,214,916	9/17/40	C. Lorenz A. G	A. Wiessner	Radio transmission arrangements.
2,227,207	12/31/40	C. Lorenz A. G	A. Wiessner	High-frequency systems.
2,227,384	12/31/40	C. Lorenz A. G	A. Wiessner	Electric frequency separator.
2,227,785	1/7/41	Rheinmetall-Borsig et al	A. Kottmann	Calculating machine having means for performing division.
2,230,629	2/ 4/41	Oswald Wyss	A. Schmid	Manufacture of semipyrophoric compounds.
2,238,268	4/15/41	C. Lorenz A. G	W. Kautter	Reflecting antennae for radio beacons.
2,247,104	6/24/41	Voigtlander & Sohn A. G	P. Takacs	Photographic roll film camera.
2,281,895	5/ 5/42	G. von Poser et al	G. von Poser et al	Light sensitive material.
2,284,150	5/26/42	Universum-Film A. G	G. Kemna	Film inspecting machine.
2,288,533	6/30/42	Fridolin Glass	I. Kreidl	Process for the production of artificial resins.
2,289,507	7/14/42	Telefon-Apparate-Fabrik E. Zwietusch & Co. G. m. b. H.	M. Langer	Telephone pay station.
2,289,562	7/14/42	Fides Gesellschaft fur die Verwaltung und Verwertung von Gewerblichen Schutzrechten m. b. H.	F. Wolf	Telephone system.
2,291,567	7/28/42	Junkers & Co. G. m. b. H	G. Wunsch et al	Thermoelectric control and safety shut-off device.

[F. R. Doc. 42-10219; Filed, October 12, 1942; 10:49 a. m.]

[Vesting Order 151]

PATENTS OF ENEMY NATIONALS

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the patents, the numbers of which are listed in Exhibits A, B and C, attached hereto and made a part hereof, and the titles to which stand of record in the United States Patent Office in the names of the persons appearing at the respective tops of such Exhibits,

is property in which nationals of a foreign country or countries have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 17, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patents the titles to which stand of record in the United States Patent Office in the name of Askania-Werke A. G. Vormals Centralwerkstatt-Dessau und Carl Bamberg-Friedenau, and which are identified as follows:

Patent No.	Patent date	Inventor	Title
1,550,410	8/18/25	E. Wunsch	Apparatus for controlling processes of combustion.
1,558,529	10/27/25	G. Wunsch	Gas-mixture regulator.
1,558,530	10/27/25	G. Wunsch	Device for increasing small pressure differences.
1,583,040	5/ 4/26	G. Wunsch	Dry gas meter.
1,585,210	5/18/26	M. Roux	Navigation apparatus.
1,591,118	7/ 6/26	H. Friess	Positive film band strip and method of manufacturing it.
1,620,707	3/15/27	G. Wunsch	Device for regulating gas pressure.
1,632,770	6/14/27	E. Von Schubert	Device for taking photographs.
1,639,394	8/16/27	E. Wunsch	Retort and gas-flow regulating apparatus.
1,656,542	1/17/28	J. Stoecker et al	Burner for air heaters.
1,708,087	4/ 9/29	H. Friess	Cinematographic exposing apparatus.
1,712,128	5/ 7/29	E. Wunsch	Apparatus for regulating the gas mixture in gas-fired furnace installations.
1,721,800	7/23/29	G. Wunsch	Apparatus for regulating combustion.
1,726,463	8/27/29	E. Wunsch	Apparatus for measuring the quantity of steam, gas, air, water, or like medium flowing through a pipe.
1,729,850	10/1/29	G. Wunsch	Steering indicator for aircraft.
1,737,487	11/26/29	E. Wunsch	Lateral-reading compass.
1,737,660	12/3/29	E. Kogbetliantz	Three-weighted torsion balance.
1,747,651	2/18/30	W. Schweydar	Torsion balance for measuring the gravitation.
1,752,135	3/25/30	G. Wunsch	Apparatus for the regulation of driving engines for electric-current generators.
1,757,051	5/6/30	C. Klopfer	Apparatus for the regulation of combustion in furnaces.
1,768,726	7/1/30	E. Wunsch	Gas-flow-regulating apparatus.
1,776,240	9/16/30	G. Wunsch	Thermostats.
1,778,303	10/14/30	E. Wunsch	Compass.
1,782,860	11/25/30	E. Reipert	Apparatus for making exposures of the path or route of flying machines or the like.
1,822,184	9/8/31	E. Wunsch	Device for the conversion of mechanical measuring values into corresponding electrical measuring values.
1,844,905	2/9/32	W. Schweydar	Planimeter for computing forces.
1,920,827	8/1/33	G. Wunsch	Method of and apparatus for regulating or governing physical conditions.
1,938,492	12/ 5/33	W. Moller	Fluid pressure governing device for measuring systems.
1,944,339	1/23/34	G. Wunsch	Proportional gas meter.
1,967,155	7/17/34	W. Moller	Aircraft control-system.
1,967,156	7/17/34	W. Moller	Apparatus for the automatic control more particularly of aircraft.
1,967,214	7/24/34	H. Acht	Photographic lens system.
1,967,215	7/24/34	H. Acht	Photographic lens system.
1,972,054	8/28/34	W. Moller	Fluid meter.
1,976,636	10/ 9/34	E. Roux	Magnetic balance for the measurement of intensities.
1,980,926	11/13/34	W. Moller et al	Remote revolution indicating and recording apparatus.
1,986,761	1/ 1/35	W. Moller	Controlling apparatus for aircraft.
2,007,515	7/ 9/35	G. Wunsch et al	Method of and apparatus for automatic aircraft-control.
2,011,453	8/13/35	W. Moller	Compressed fluid operated apparatus.
2,025,629	12/24/35	G. Wunsch	Method of and apparatus for controlling marine boilers.
2,042,374	5/26/36	G. Wunsch et al	Apparatus for regulating and/or measuring the flow of fluids.
2,052,375	8/25/36	G. Wunsch et al	Combustion regulator.
2,062,922	12/ 1/36	G. Wunsch	Paper machine control.
2,068,458	1/19/37	W. Moller	Bearing.
2,074,882	3/23/37	G. Wunsch	Proportioning control apparatus and method of controlling the operation thereof.
2,074,883	3/23/37	H. Ziebolz et al	Method of and apparatus for controlling the flow of fluids.
2,077,849	4/20/37	W. Moller et al	Compass follow-up.
2,089,106	8/ 3/37	F. Beck	Moving picture camera.
2,089,164	8/ 3/37	H. Imhof	Suspension for Eotvos balance.
2,089,745	8/10/37	A. Graf	Gravity instrument.
2,090,564	8/17/37	A. Zimmermann	Suspension for compasses and other instruments.
2,095,404	10/12/37	C. Wurr	Servomotor.
2,098,917	11/ 9/37	W. Gunther	Optical instrument.
2,100,706	11/30/37	G. Wunsch	Altitude measuring apparatus.
2,100,978	11/30/37	P. Rheinlander	Apparatus for measuring and delivering gas quantities reduced to a normal condition.
2,104,627	1/ 4/38	G. von Manteuffel	Steering device.
2,105,146	1/11/38	H. Haalck	Gravitation measuring instrument.
2,107,971	2/ 8/38	G. Wunsch et al	Jet pipe relay.
2,107,976	2/ 8/38	K. Blasig	Measuring and indicating apparatus.
2,111,466	3/15/38	G. Wunsch	Fluid operated relay mechanism.
2,126,855	8/16/38	G. Wunsch et al	Direction maintaining means for use on dirigible craft.
2,126,935	8/16/38	G. von Manteuffel	Direction maintaining means for use on dirigible craft.
2,129,613	9/6/38	G. Wunsch et al	Apparatus for controlling the fuel feed in internal combustion engines.
2,161,732	6/6/39	G. von Manteuffel	Clutch.
2,175,165	10/3/39	W. Heinrich	Remote control device.
2,206,618	7/2/40	P. Rheinlander	Apparatus for measuring and delivering gas quantities reduced to a normal condition
2,227,371	12/31/40	G. von Manteuffel	Gyroscopic apparatus.
2,230,217	1/28/41	G. Rathke	Magnetic compass for current meters.
2,242,806	5/20/41	G. Wunsch	Gyroscope.
2,248,141	7/8/41	G. von Manteuffel	Directional gyroscope.
2,293,311	8/18/42	H. Schuchardt	Electrically driven gyroscope.

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[1] 7 F.R. 1971.

EXHIBIT B

Patents the titles to which stand of record in the United States Patent Office in the name of Askania-Werke A. G., and which are identified as follows:

Patent No.	Patent date	Inventor	Title
1,763,994	6/17/30	H. Thoma	Frictionless sliding valve for self-acting regulators or governors.
1,900,516	3/7/33	W. Moller	Steering apparatus for aircraft.
1,905,401	4/25/33	W. Moller	Measuring apparatus.
1,929,230	10/3/33	G. Wunsch	Art of regulating combustion in furnaces or the like.
1,959,890	5/22/34	G. Wunsch	Means for liquid level control.
1,963,010	6/12/34	G. Wunsch	Art of mixing gas and air for high-power burners.
1,978,502	10/30/34	W. Moller	Means for producing movement at a distance by fluid pressure.
1,982,564	11/27/34	G. Wunsch	Apparatus for regulating the operation of conveyers.
2,010,245	8/ 6/35	E. Roux	Magnetic balance.
2,038,465	4/21/36	G. Wunsch	Temperature measuring and/or recording apparatus.
2,075,625	3/30/37	E. Roux et al	Torsion balance.
2,134,745	11/ 1/38	H. Ziebolz et al	Method of and apparatus for proportioning the flow of fluids.
2,169,174	8/ 8/39	H. Ziebolz et al	Method of and apparatus for controlling the flow of fluids.
2,169,175	8/ 8/39	H. Ziebolz et al	Method of and apparatus for controlling the flow of fluids.

EXHIBIT C

Patents the titles to which stand of record in the United States Patent Office in the name of Felten & Guilleaume Carlswerk A. G., and which are identified as follows:

Patent No.	Patent date	Inventor	Title
1,640 744	8/30/27	G. Zapf	Means for protecting cables from kinking at the point where they emerge from junction boxes or casings.
1,753,079	4/1/30	G. Zapf	Submarine cable with pressure-protecting covering.
1,798,298	3/31/31	G. Zapf	Pressure-protecting covering for submarine cables.
1,808,444	6/2/31	G. Zapf	Manufacture of wire cables.
1,838,606	12/29/31	G. Zapf	Press for metal tubes or sheathings.
1,888,753	11/22/32	G. Zapf	Method and means for anchoring the cable ends of suspension bridges.
1,893,119	1/3/33	G. Zapf	Cable for comparatively deep seas.
1,893,120	1/3/33	G. Zapf	Electric hollow conductor.
1,894,389	1/17/33	G. Zapf	Method of finishing the ends and fixing ropes.
1,906,782	5/2/33	G. Zapf	Method for reducing the extension in wire ropes.
1,920,731	8/1/33	G. Zapf	Dredger.
1,936,282	11/21/33	G. Zapf	Method of measuring the elongation of hollow cables.
1,941,964	1/2/34	G. Zapf	Carrying rope
1,942,321	1/2/34	G. Zapf	Submarine cable.
1,951,687	3/20/34	G. Zapf	Method of stretching wire ropes.
1,978,976	10/30/34	G. Zapf	Manufacture of lead tubes and cable sheaths.
1,981,535	11/20/34	G. Zapf	Oil-filled high voltage cable.
1,981,536	11/20/34	G. Zapf	High tension electric cable.
1,981,890	11/27/34	G. Zapf	Electric cable.
2,003,673	6/4/35	G. Zapf	Machine for manufacturing moisture-proof cable coverings.
2,011,389	8/13/35	G. Zapf	Oil-filled cable installation.
2,081,691	5/25/37	G. Zapf	Cable manufacture.

[F. R. Doc. 42-10220; Filed, October 12, 1942; 10:49 a. m.]

[Vesting Order 152]

PATENTS OF ENEMY NATIONALS

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the patents, the numbers of which are listed in Exhibits A and B, attached hereto and made a part hereof, and the titles to which stand of record in the United States Patent Office in the names of the persons appearing at the respective tops of such Exhibits,

is property in which nationals of a foreign country or countries have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of said Executive Order.

Executed at Washington, D. C., on September 17, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

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[1] 7 F.R. 1971.

EXHIBIT A

Patents the titles to which stand of record in the United States Patent Office in the name of Siemens & Halske, A. G. Wernerwerk, and which are identified as follows:

Patent No.	Patent date	Inventor	Title
Des. 85,679	12/1/31	O. Weeber et al	Design for a desk telehpone.
1,572,859	2/9/26	E. Horn et al	Telephone system.
1,572,860	2/9/26	E. Horn	Telephone system.
1,578,417	3/30/26	G. Frubing	Automatic telephone-exchange system.
1,609,985	12/7/26	K. Bohme et al	Electromagnetic switch.
1,615,206	1/18/27	E. Horn	Telephone system.
1,620,090	3/8/27	A. Flad	Telephone system.
1,627,206	5/3/27	W. Setzepfand	Telephone system.
1,632,010	6/14/27	F. Lubberger	Automatic telephone system.
1,632,343	6/14/27	F. Lubberger et al	Automatic telephone system.
1,646,387	10/25/27	A. Preuss	Automatic telephone system.
1,647,966	11/1/27	M. Mathias	Automatic telephone-switching system.
1,653,931	12/27/27	A. Schlurmann	Telephone system.
1,657,117	1/24/28	A. Flad	Telephone system.
1,672,990	6/12/28	A. Scheunert	Telephone system.
1,674,413	6/19/28	A. Preuss	Selecting device for telephone systems.
1,677,325	7/17/28	H. Beckerath	Telephone system.
1,678,301	7/24/28	P. Quassowski	Selecting device for telephone systems.
1,682,055	8/28/28	A. Waschnack	Telephone system.
1,687,117	10/9/28	O. Weeber	Telephone desk set.
1,688,477	10/23/28	O. Weeber	Hand telephone.
1,689,213	10/30/28	A. Scheunert	Telephone system.
1,690,464	11/6/28	G. Tauchmann	Telephone-meter unit.
1,693,927	12/4/28	W. Kroll	Telephone system.
1,697,221	1/1/29	K. Bohme	Switch-bank contact.
1,697,222	1/1/29	K. Bohme	Multiple contact bank
1,699,415	1/15/29	G. Wetzel	Telephone system.
1,705,732	3/19/29	M. Langer	Telephone system.
1,714,881	5/28/29	M. Langer	Circuit arrangement for automatic telephone systems.
1,721,625	7/23/29	C. Hartmann	Acoustic diaphragm.
1,728,779	9/17/29	K. Bohme et al	Switching mechanism.
1,729,852	10/1/29	F. Lubberger	Telephone system.
1,729,855	10/1/29	F. Lubberger	Alternate trunking director system.
1,730,617	10/8/29	M. Mathias	Telephone system.
1,734,729	11/5/29	A. Horn	Measured service telephone system.
1,737,554	12/3/29	A. Auteri	Coin box station.
1,745,999	2/4/30	M. Langer	Automatic telephone system.
1,746,327	2/11/30	H. Beckerath	Telephone system.
1,747,405	2/18/30	H. Beckerath	Impulse correcting repeater.
1,750,848	3/18/30	F. Lubberger et al	Automatic telephone system.
1,752,500	4/ 1/30	W. Munchenhagen	Multioffice telephone system.
1,756,540	4/29/30	F. Doring et al	Electromagnetic switch.
1,757,753	5/ 6/30	F. Thiery et al	Cartridge fuse.
1,771,657	7/29/30	W. Schulz	Telephone system.
1,783,312	12/ 2/30	W. Schulz et al	Telephone system.
1,785,994	12/23/30	M. Auteri	Coin-collecting apparatus.
1,792,651	2/17/31	M. Mathias	Class signaling for telephone systems.
1,795,339	3/10/31	M. Langer	Circuit arrangement for automatic telephone systems.
1,796,209	3/10/31	M. Mathias	Automatic telephone system.
1,798,495	3/31/31	G. Radke	Automatic telephone system.
1,798,507	3/31/31	H. Tatzl	Telephone system.
1,809,046	6/ 9/31	R. Kruse	Telephone system.
1,812,114	6/30/31	E. Nolke	Cheek microphone.
1,812,222	6/30/31	J. Stich	Telephone system.
1,832,657	11/17/31	H. Rassow	Double contact relay.
1,836,092	12/15/31	M. Siede et al	Relay system.
1,838,787	12/29/31	A. Preuss	Electromagnetic relay.
1,843,137	2/ 2/32	F. Lubberger et al	Repeater
1,844,256	2/ 9/32	M. Langer	Circuit arrangement for relay selectors in telephone systems.
1,845,215	2/16/32	K. Ballhorn	Telephone system.
1,858,464	5/17/32	R. Schaumberger	Switch key.
1,858,562	5/17/32	H. Schedlabuer	Electromagnetic relay.
1,858,832	5/17/32	W. Kusche	Circuit arrangement for stepping switches.
1,862,689	6/14/32	F. Lubberger et al	Telephone system.
1,865,156	6/28/32	F. Wolf	Telephone system.
1,865,187	6/28/32	E. Horn	Telephone system.
1,866,597	7/12/32	R. Hoefert et al	Automatic telephone system.
1,866,639	7/12/32	W. Feind	Intercommunication telephone system.
1,867,791	7/19/32	G. Zapf et al	Automatic telephone system.
1,868,036	7/19/32	A. Waschnack	Telephone system
1,871,080	8/ 9/32	A. Peissner	Telephone system.
1,872,842	8/23/32	P. Storch et al	Call recording and charging system.
1,901,133	3/14/33	J. Stich	Automatic telephone system.
1,901,179	3/14/33	M. Mathias	Automatic telephone system.
1,902,613	3/21/33	G. Blumberg	Fuse.
1,907,660	5/ 9/33	A. Pfeiffer	Telephone substation circuit.
1,908,365	5/ 9/33	A. Keyser	Telephone system.
1,914,391	6/20/33	R. Wolf	Telephone system.
1,917,403	7/11/33	J. Stich	Repeater
1,920,214	8/ 1/33	A. Preuss	Telephone system.
1,922,199	8/15/33	A. Flad	Telephone system.
1,923,352	8/22/33	A. Wiessner	Telephone system.
1,925,261	9/ 5/33	M. Langer et al	Telephone system.
1,927,512	9/19/33	K. Baloun	Electrical switching device.
1,927,551	9/19/33	L. Linder	Banding for ring-shaped coils.
1,929,587	10/10/33	H. Hopf	Telephone system
1,929,592	10/10/33	M. Langer	Telephone system.
1,930,522	10/17/33	A. Keyser et al	Multioffice automatic telephone system.
1,935,954	11/21/33	W. Pinell	Telephone system.
1,938,433	12/ 5/33	F. Lill	Telephone system.
1,941,237	12/26/33	O. Weeber et al	Hand telephone.
1,941,254	12/26/33	A. Flad	Automatic telephone system.
1,944,684	1/23/34	E. Ehricke	Telephone system.
1,944,701	1/23/34	O. Weeber et al	Telephone set.
1,946,678	2/13/34	A. Flad	Current generating system.
1,951,159	3/13/34	F. Lubberger	Telephone system.
1,952,403	3/27/34	E. Wochinger et al	Telephone system.
1,954,092	4/10/34	K. Muller	Electromagnetic switching device.
1,957,659	5/ 8/34	F. Lubberger	Telephone substation system.
1,960,552	5/29/34	O. Richter	Electric drive.
1,963,586	6/19/34	M. Langer	Automatic telephone system.
1,967,404	7/24/34	E. Gretener	Signaling apparatus.
1,968,087	7/31/34	M. Mathias	Automatic telephone system.
1,974,164	9/18/34	F. Simon	Telephone system.
1,974,193	9/18/34	F. Pfleiderer	Telephone system.
1,974,257	9/18/34	F. Brandt	Fuse cartridge.
1,978,700	10/30/34	F. Doring et al	Electrically operated driving device.
1,989,184	1/29/35	J. Boysen	Telephone system.
1,996,992	4/ 9/35	E. Feist	Telephone system.
1,997,020	4/ 9/35	O. Soldan	Electrical coil.
2,010,365	8/ 6/35	R. Hoefert et al	Telephone system.
2,018,864	10/29/35	R. Nebelung	Automatic step-by-step switch.
2,036,163	3/31/36	H. Tatzl	Telephone system.
2,040,702	5/12/36	M. Mathias	Counting mechanism.
2,053,779	9/8/36	R. Pfannschmidt	Telephone system.
2,056,738	10/6/36	W. Pinell	Telephone system.
2,057,868	10/20/36	E. Wochinger	Telephone system.
2,057,890	10/20/36	E. Feist	Telephone system.
2,057,898	10/20/36	R. Kruse et al	Telephone signaling system.
2,061,802	11/24/36	W. Kroll et al	Impulse repeater.
2,068,726	1/26/37	E. Wochinger	Telephone system.
2,070,876	2/16/37	E. Wochinger	Telephone system.
2,070,909	2/16/37	F. Lubberger	Telephone system.
2,072,234	3/2/37	E. Wochinger	Telephone metering system.
2,077,947	4/20/37	F. Lubberger	Telephone party line system.
2,084,003	6/15/37	W. Pfaff	Telephone system.
2,086,623	7/13/37	J. Kuchley et al	Telephone line repeater.
2,090,171	8/17/37	F. Wolf	Telephone system.
2,090,172	8/17/37	F. Wolf	Telephone system.
2,093,246	9/14/37	F. Lubberger et al	Telephone system.
2,094,140	9/28/37	E. Wochinger	Telephone system.
2,100,518	11/30/37	O. Rinkow	Impulse sender mechanism.
2,103,441	12/28/37	K. Wollack	Measured service telephone system.
2,104,998	1/11/38	F. Lill et al	Impulse sender.
2,105,001	1/11/38	W. Michaelis	Telephone system.
2,106,881	2/1/38	F. Wolf	Telephone system.
2,110,908	3/15/38	C. Hartmann	Means for damping acoustic apparatus.
2,122,490	7/5/38	W. Pinell	Telephone system.
2,137,408	11/22/38	F. Lill	Telephone system.
2,137,412	11/22/38	W. Pfaff	Telephone system.
2,139,135	12/ 6/38	G. Rothert	Telephone system.
2,140,859	12/20/38	O. Soldan et al	Telephone transmitter.
2,142,663	1/ 3/39	H. Topfer	Telephone system.
2,142,664	1/ 3/39	E. Wochinger	Telephone system.
2,153,313	4/ 4/39	R. Pfannschmidt	Automatic telephone system.
2,153,319	4/ 4/39	H. Topfer et al	Automatic telephone system.
2,153,323	4/ 4/39	M. Langer et al	Telephone system.
2,159,101	5/23/39	W. Pinell	Telephone system.
2,167,725	8/ 1/39	W. Pfaff	Telephone system.

EXHIBIT A—Continued

Patent No.	Patent date	Inventor	Title
2,170,903	8/29/39	U. Kesten	Telephone system.
2,176,321	10/17/39	K. Baloun	Telephone system.
2,179,723	11/14/39	B. Kudrna	Telephone system.
2,182,482	12/ 5/39	H. Lurk	Automatic telephone system.
2,183,832	12/19/39	F. Etzel	Telephone system.
2,183,838	12/19/39	R. Hornickel	Telephone system.
2,183,839	12/19/39	E. Jauch et al	Automatic telephone system.
2,183,848	12/19/39	F. Simon	Telephone system.
2,186,315	1/9/40	K. Baloun	Telephone system.
2,186,340	1/9/40	K. Muller	Electromagnetic relay.
2,187,478	1/16/40	E. Wochinger	Automatic telephone system.
2,187,499	1/16/40	M. Langer et al	Automatic telephone system.
2,188,467	1/30/40	E. Wochinger	Telephone system.
2,188,520	1/30/40	E. Wochinger	Party line telephone system.
2,188,535	1/30/40	E. Feist et al	Measured service telephone system.
2,194,051	3/19/40	K. Muller	Telephone switch.
2,198,010	4/23/40	F. Lill	Telephone system.
2,200,803	5/14/40	K. Muller	Motor driven switch.
2,200,804	5/14/40	K. Muller	Motor driven switch.
2,200,814	5/14/40	K. Wolak	Telephone system.
2,203,755	6/11/40	H. Topfer	Telephone system.
2,203,756	6/11/40	R. Urban	Telephone system.
2,203,935	6/11/40	E. Wochinger	Telephone system.
2,207,510	7/9/40	R. Pfannschmidt	Telephone system.
2,211,159	8/13/40	R. Pfannschmidt	Automatic telephone system.
2,217,084	10/8/40	H. Konig	Telephone system.
2,218,630	10/22/40	H. Topfer	Measured service telephone system.
2,221,652	11/12/40	F. Pfleiderer et al	Telephone system.
2,221,660	11/12/40	E. Wochinger	Telephone system.
2,222,108	11/19/40	M. Langer et al	Automatic telephone system.
2,222,132	11/19/40	E. Wochinger	Telephone system.
2,228,375	1/14/41	H. Topfer	Telephone metering system.
2,250,735	7/29/41	H. Topfer	Telephone system.
2,265,235	12/9/41	A. Keyser et al	Telephone system.
2,273,550	2/17/42	G. Zapf	Impulse sender.
2,282,916	5/12/42	F. Wolf	Impulse transmitter.

EXHIBIT B

Patents the titles to which stand of record in the United States Patent Office in the name of Siemens & Halske, A. G., and the numbers of which are as follows:

Patent No.	Patent date	Inventor	Title
1,555,291	9/29/25	P. Kaminski	Arrangement for the telecontrol of guns or the like.
1,555,318	9/29/25	H. Sell	Measuring device.
1,557,356	10/13/25	E. Gerlach	Electrodynamic loud-speaking apparatus.
1,557,702	10/20/25	P. Kaminski	Gun-laying apparatus.
1,563,994	12/1/25	P. Kaminski	System for adjusting devices at a distance.
1,567,532	12/29/25	H. Marburg	Telephone switch.
1,567,791	12/29/25	E. Duhme	Electrolytic production of metals.
1,570,212	1/19/26	E. Duhme	Apparatus for the production of electrolytic iron.
1,570,287	1/19/26	H. Sell	Telephone.
1,571,084	1/26/26	M. Hosenfeld	Method for removing silica from ore leaches.
1,573,155	2/16/26	H. Gerdien	Rectifier with a change-over switch.
1,581,268	4/20/26	P. Kaminski	Means for correcting errors in gun-training devices.
1,581,729	4/20/26	H. Gerdien et al	Arc lamp.
1,582,694	4/27/26	H. Riegger	Submarine signaling apparatus.
1,588,764	6/15/26	F. Lubberger	Telephone system.
1,589,341	6/15/26	H. Arndt	Electric signaling system.
1,593,164	7/20/26	E. Ehrhardt	Apparatus for the electric transmission of signs.
1,603,468	10/19/26	R. Jaeger	Method of improving the insulation of vacuum tubes.
1,603,805	10/19/26	H. Riegger	Filter circuits.
1,603,806	10/19/26	H. Riegger	Filter chain.
1,604,532	10/26/26	H. Riegger	Electrodynamic telephone.
1,605,103	11/2/26	F. Eichler et al	Arrangement for the remote transmission of the positions of pointers.
1,606,805	11/16/26	B. Pohlmann et al	Telephone installation.
1,606,807	11/16/26	H. Riegger	Filter chain.
1,607,245	11/16/26	E. Duhme	Manufacture of metal alloys.
1,608,270	11/23/26	L. Friderich et al	Method for the decarbonizing of highly-carbonaceous ferrochromium.

EXHIBIT B—Continued

Patent No.	Patent date	Inventor	Title
1,609,475	12/7/26	F. Janus	X-ray screen.
1,612,835	1/4/27	W. Schottky	Intermediate electrode in incandescent cathode tube.
1,614,987	1/18/27	B. Langenbeck et al	Holding or attaching means for ear telephones. listening tubes, and similar devices for improving the hearing.
1,617,912	2/15/27	H. Kafka et al	Measuring device for high-voltage networks.
1,624,511	4/12/27	H. Sell	Microphonic relay.
1,627,106	5/3/27	M. Moeller	Measuring instrument.
1,638,536	8/9/27	K. Kupfmuller	Distortion compensator.
1,640,955	8/30/27	P. Mansel	Machine for recording time.
1,642,453	9/13/27	F. Luschen et al	Alternating-current telegraphy.
1,643,668	9/27/27	N. Lindblad	Thermoelectrical measuring arrangement.
1,644,333	10/4/27	H. Gerdien	Device for determining a difference in length.
1,644,340	10/4/27	G. Keinath	Optical pyrometer.
1,644,395	10/4/27	B. Pohlmann	Transmission system.
1,645,773	10/18/27	B. Pohlmann	Telephone.
1,646,065	10/18/27	M. Pohlmann	Apparatus for X-ray examination and X-ray photographing.
1,647,659	11/1/27	H. Pauli	Transmitter circuit.
1,647,985	11/8/27	W. Deutschmann	Artificial line.
1,648,895	11/15/27	H. Gerdien	Device for measuring microscopically small distances.
1,650,723	11/29/27	B. Pohlmann	Telephone repeater system.
1,654,084	12/27/27	M. Kirn	Electrical transmission system.
1,660,214	2/21/28	F. Ahrberg et al	High-tension-current transformer.
1,665,008	4/3/28	H. Arndt	Automatic section-block system for railroads.
1,665,683	4/10/28	T. Zuschlag	Telephone system.
1,667,149	4/24/28	E. Gerlach	Acoustic device.
1,668,710	5/8/28	F. Doring et al	Casing for loading coils.
1,669,041	5/8/28	A. Clausing	Alternating-current cable transmitter.
1,670,659	5/22/28	H. Gerdien	Process of making asbestos bodies.
1,671,620	5/29/28	E. von Marchtal	Method of producing type or type blocks.
1,673,043	6/12/28	H. Fischer	Method for the producing of technical pure beryllium respectively for freeing metallic beryllium from impurities.
1,673,048	6/12/28	H. Karsten et al	Method of eliminating cross talk in phantomed transmission systems.
1,676,545	7/10/28	R. Gross	Induction furnace.
1,677,378	7/17/28	D. Albrecht	Device for indicating the quotient of two electrical quantities.
1,683,301	9/4/28	H. Rassow	Device for synchronizing individually driven parts at a transmitter and a receiver station.
1,685,570	9/25/28	G. Masing et al	Process of improving the qualities of nickel-beryllium alloy.
1,687,295	10/9/28	A. Hubner	Interference elimination.
1,689,334	10/30/28	R. Feldtkeller	Artificial line.
1,689,660	10/30/28	D. Albrecht	Method and arrangement for comparative alternating-current, measurements.
1,689,692	10/30/28	H. Sell	Aural telephone system.
1,690,233	11/6/28	K. Kupfmuller	Impedance-correcting network.
1,691,138	11/13/28	H. Schmick	Determining the contents of a gas.
1,695,031	12/11/28	H. Schmick	Determining gaseous carbonic acid.
1,695,313	12/18/28	H. Arndt	Automatic block signal system.
1,701,181	2/5/29	H. Gruss	Process of using an apparatus for the determination of the amount of carbonic acid contained in flue gases.
1,702,254	2/19/29	W. Esmarch	Arrangement for the manufacture of Ozone.
1,705,926	3/19/29	K. Kupfmuller et al	Transmission-measuring apparatus.
1,706,968	3/26/29	M. Schleicher et al	Apparatus for the control of a movable member.
1,708,126	4/9/29	W. Esmarch	Method for the treatment of hydrocarbons, especially oils by means of corona arc discharges.
1,709,360	4/16/29	H. Mayer	Amplifier.
1,709,688	4/16/29	H. Sell et al	Telephone apparatus.
1,709,747	4/16/29	H. Sell	Electrical apparatus for persons defective in hearing.
1,719,107	7/2/29	A. Ebeling	Method of and means for reducing cross talk on loaded lines.
1,719,478	7/2/29	K. Kupfmuller	Pupin-loaded long-distance cable with phantom formation.
1,721,073	7/16/29	W. Esmarch	High-frequency induction furnace.
1,723,641	8/6/29	A. Abild et al	Image-drum arrangement for the transmission of images.
1,723,835	8/6/29	H. Arndt	Train-stop-control device.
1,725,026	8/20/29	R. Swinne	Electromagnetic body.
1,725,774	8/27/29	O. Zeithammer	Bevel-wheel gear.
1,732,060	10/15/29	M. Moeller et al	Arrangement for regulation of steam boilers.
1,735,002	11/12/29	W. Gaarz et al	Quick-responding leakage relay.
1,737,503	11/26/29	K. Kupfmuller et al	Control of the transmission efficiency.
1,737,932	12/3/29	E. Marchthal	Railway-ticket-delivering apparatus.
1,740,130	12/17/29	R. von Voss et al	Measuring instrument.
1,740,188	12/17/29	M. Martens	Resistance-measuring instrument.
1,743,408	1/14/30	D. Thierbach	Measurement of echo effects in transmission systems.
1,746,012	2/4/30	A. Schack et al	Flow pyrometer.
1,746,356	2/11/30	G. Masing et al	Process for the improvement of the properties of iron-beryllium alloys.
1,746,363	2/11/30	M. Schleicher	Electric switch.
1,746,368	2/11/30	W. Skawran et al	Telegraphic transmission of pictures.
1,746,484	2/11/30	E. Lubcke	Vapor-discharge tube.

EXHIBIT B—Continued

Patent No.	Patent date	Inventor	Title
1,748,706	2/25/30	W. Esmarch	Electric induction furnace.
1,749,635	3/4/30	E. Gerlach	Diaphragm for electroacoustic apparatus.
1,750,960	3/18/30	B. Langenbeck et al	Electrical instrument for diagnosing and assisting defective hearing.
1,753,279	4/8/30	O. Anders	Telephone system.
1,754,186	4/8/30	H. Becker	Process of manufacturing drying varnishes.
1,757,037	5/6/30	G. Biermann et al	X-ray device
1,757,047	5/6/30	M. Hosenfeld et al	Process of electrolytically refining copper or copper alloys.
1,758,088	5/13/30	H. Schmick	Method of and means for determining a constituent in a mixture of substances.
1,758,097	5/13/30	P. Wiessner	Dynamometric measuring instrument.
1,762,964	6/10/30	A. Ebeling	Loaded cable circuit.
1,767,790	6/24/30	E. Gerlach	Process and apparatus for the production and reproduction of phonofilms.
1,768,274	6/24/30	P. Thomas et al	Inductance device for loading phantom circuits.
1,770,485	7/15/30	A. Jipp	Means for neutralizing disturbances, especially of telegraph signals transmitted by radio.
1,771,717	7/29/30	E. Lubcke	Thermionic tube.
1,772,771	8/12/30	B. Fetkenheuer et al	Magnetic alloy.
1,774,673	9/2/30	M. Schleicher et al	System for the regulation of machines.
1,775,502	9/9/30	M. Schleicher et al	Apparatus for measuring earth resistances.
1,778,985	10/21/30	H. Sell	Electric appliance for the measuring of the acuteness of hearing.
1,782,100	11/18/30	M. Schleicher et al	Relay.
1,782,534	11/25/30	A. Jipp	Method of and means for receiving telegraphic signals.
1,784,546	12/9/30	M. Schleicher	Apparatus for controlling and indicating earth leakages in alternating current lines.
1,788,997	1/13/31	O. Gaedke	Apparatus for evaluating range-table functions if two independent variables.
1,789,863	1/20/31	M. Buchting et al	Arrangement for the regulation of steam generators.
1,792,219	2/10/31	B. Grebel	Method of securing grid wires.
1,794,679	3/3/31	K. Etzrodt	Device for tapping supply lines.
1,795,295	3/10/31	R. Dahms	Telephone system.
1,795,494	3/10/31	W. Kusche et al	Telephone system.
1,795,607	3/10/31	G. Keinath et al	Testing apparatus for measuring transformers.
1,795,941	3/10/31	J. Fischer	Method of coating with lead peroxide.
1,797,711	3/24/31	R. Bornschein	Long-distance signaling device working with current-impulse combination.
1,797,880	3/24/31	O. Schirm	Electric-light signal.
1,800,206	4/14/31	W. Birett	Electrolytic production of lead peroxide.
1,800,973	4/14/31	H. Wusteney	Mechanical translating apparatus for printing-telegraph systems.
1,804,429	5/12/31	W. Noddack et al	Production of concentrates of rhenium.
1,805,999	5/19/31	M. Schleicher et al	Means for indicating the position of a connector switch.
1,806,410	5/19/31	W. Noddack et al	Electric incandescent body.
1,809,269	6/9/31	W. Gaarz et al	Summation meter
1,814,236	7/14/31	H. Wusteney	Type printing telegraph apparatus.
1,818,847	8/11/31	H. Gruss	Apparatus for measuring a plurality of values.
1,819,604	8/18/31	A. Jaumann	Constant potential device.
1,820,738	8/25/31	H. Gruss et al	Arrangement for the determination of resistances.
1,820,751	8/25/31	P. Mansel	Stamping apparatus for registration of any desired values of business or work operations.
1,821,407	9/1/31	W. Schottky	Process of decarburizing iron or steel or their alloys.
1,823,072	9/15/31	D. Thierbach	Rectifier relay circuit.
1,823,978	9/22/31	A. Jipp	Telegraph or teletyper plant.
1,824,476	9/22/31	W. Gaarz et al	Protection of electric lines or line systems.
1,824,999	9/29/31	A. Jipp	Synchronizing device.
1,825,754	10/6/31	H. Poleck	Apparatus for determining the distance to ground connections in electric conductors.
1,827,061	10/13/31	O. Anders	Telephone system.
1,830,162	11/3/31	A. Gehrts et al	Cathode and process of making the same.
1,830,546	11/3/31	J. Herrmann	Synchronizing system.
1,830,992	11/10/31	F. Frenzel	Electric furnace.
1,832,452	11/17/31	R. Feldtkeller et al	Telephone interconnecting circuit.
1,837,031	12/15/31	V. Engelhardt et al	High frequency induction furnace or heating apparatus.
1,839,416	1/5/32	H. Schuchmann	Machine regulating means.
1,842,769	1/26/32	M. Schleicher	Device for regulating operating quantities.
1,847,127	3/1/32	H. Mayer	Electrical testing system.
1,849,677	3/15/32	P. Mansel	Electrically controlled sorting machine.
1,850,967	3/22/32	E. Lubcke	Vapor discharge tube with control grid.
1,851,545	3/29/32	F. Doring et al	Arrangement for the telegraphic transmission of pictures and the like.
1,854,315	4/19/32	R. Schmook	Transmission of colored pictures.
1,854,829	4/19/32	F. Doring et al	Coupling for revolving parts.
1,855,562	4/26/32	R. Swinne	Method of insulating bodies.
1,856,969	5/3/32	T. Reiter et al	Apparatus for treating living cells by means of rays of light.
1,857,590	5/10/32	V. Engelhardt et al	Apparatus for electrolytically refining precious metals.
1,857,600	5/10/32	G. Masing	Manufacture of metal covered copper wires.
1,857,742	5/10/32	G. Rieper	Picture telegraphy circuit.
1,857,745	5/10/32	R. Schmook	Picture telegraph apparatus.
1,857,752	5/10/32	W. Fanselau	Electrolytic production of tin from alkali stannite or alkali stannite lyes.
1,857,970	5/10/32	H. Neumann et al	Magnetic alloy of high permeability.
1,858,771	5/17/32	H. Fischer	Process for the production of beryllium oxide or Beryllium hydroxide from technical alkali-beryllium double halides, in particular flourides.
1,859,776	5/24/32	A. Jipp	Telegraph plant or type-printing telegraph.
1,860,859	5/31/32	G. Keinath	Process for assembling current transformers.
1,864,100	6/31/32	O. Steiner	Film guide for photographic cameras.
1,865,752	7/5/32	D. Gabor	Vacuum tube.
1,866,124	7/5/32	J. Oertli	Conveying apparatus, particularly for electroplating.
1,867,176	7/12/32	E. Rieckmann	Oscillograph.
1,867,193	7/12/32	R. Swinne	Kerr cell.
1,870,762	8/9/32	C. Winter	Plug-in device.
1,870,997	8/9/32	A. Jipp et al	Printing telegraph exchange system.
1,872,264	8/16/32	R. Feldtkeller	Amplifier system.
1,873,049	8/23/32	C. Schrader	High tension transformer.
1,874,910	8/30/32	F. Conrad	Method of and means for eliminating aperiodic disturbances.
1,875,027	8/30/32	K. Kupfmuller et al	Atmospheric disturbance elimination.
1,875,968	9/6/32	O. Weeber	Static and magnetic shield.
1,877,844	9/20/32	E. Gerlach	Reproducer for sound films.
1,879,887	9/27/32	M. Schleicher	Apparatus for the supervision of electric power distributing systems.
1,882,631	10/11/32	A. Jaumann	Electric filter arrangement.
1,882,653	10/11/32	J. Sedlmayer	Signal transmission system.
1,883,074	10/18/32	P. Storch	Chemical picture-telegraph equipment.
1,883,781	10/18/32	F. Gosslau	Multicylinder two-stroke internal-combustion engine.
1,885,810	11/1/32	W. Esmarch	Process for the separation of electrically charged particles from fluids with the aid of an electric current.
1,888,667	11/22/32	H. Hort	Stabilizing device for ships.
1,888,984	11/29/32	H. Gruss et al	Apparatus for the determination of the contents of combustible gases in gas mixtures.
1,889,552	11/29/32	G. Keinath et al	High-tension current transformer.
1,889,553	11/29/32	G. Keinath et al	Arrangement for obtaining instantaneous values.
1,889,748	12/ 6/32	G. Gruschke	Loud speaker with actuating systems of different types.
1,892,371	12/27/32	F. Tuczek	Method of picture transmission.
1,892,401	12/27/32	G. Keinath	Frequency measurer.
1,892,412	12/27/32	O. Steiner	Motion film camera with spring motor drive.
1,894,271	1/17/33	G. Hanse et al	Electrolytic treatment of solutions containing a high percentage of chlorine ions.
1,895,776	1/31/33	F. Stolp	Spool for electrical coils.
1,896,614	2/ 7/33	A. Gehrts	Gas content rectifier.
1,899,425	2/28/33	M. Schleicher	Electrical protective system.
1,899,501	2/28/33	W Gabriel	Cable for communication circuits.
1,899,502	2/28/33	O. Hachfeld	Electromagnet.
1,901,933	3/21/33	H. Sell	Microphone.
1,904,097	4/18/33	O. Steiner	Film holder for photographic cameras.
1,907,881	5/ 9/33	H. Rudolph	Picture telegraph apparatus.
1,908,134	5/ 9/33	V. Engelhardt et al	Electrolytic cell of the mercury type.
1,908,138	5/ 9/33	E. Gerlach	Tone carrier projecting apparatus.
1,908,977	5/16/33	H. Gruss et al	Optical pyrometer with two filaments heated by the same source of current.
1,910,253	5/23/33	G. Keinath	Current transformer.
1,912,983	6/ 6/33	A. Jipp et al	Secret telegraph system.
1,913,024	6/ 6/33	E. Gerlach	Multistage amplifier or receiver arrangement.
1,916,588	7/ 4/33	C. Schrader et al	Power transformer and more particularly to transformers and reactors for extra-high voltage currents.
1,916,624	7/ 4/33	P. Mansel	Automatic control mechanism.
1,917,309	7/11/33	J. Leopold	Diaphragm for acoustic apparatus.
1,917,722	7/11/33	I. Kirstaedter	Amplifier power supply.
1,918,043	7/11/33	E. Kruhme et al	System of communication by means of current impulses.
1,919,015	7/18/33	K. Eisenzapf	Method of determining distances.
1,919,284	7/25/33	H. Walter	Apparatus for measuring alternating current.
1,919,806	7/25/33	H. Schulz	Magnetic material.
1,920,660	8/ 1/33	J. Nienhold	Glow discharge rectifier with hollow cathodes.
1,921,206	8/ 8/33	J. Oertli	Apparatus for passing articles suspended from supporting devices through baths.
1,921,830	8/ 8/33	K. Krambeer	Protective ground connection.
1,923,060	8/22/33	F. Appelius	Counting-relay switch.
1,924,469	8/29/33	F. Strecker	Push-pull amplifier.
1,924,680	8/29/33	W. Esmarch	Coil for induction furnaces.
1,924,700	8/29/33	H. Thilo	Diaphragm for apparatus for picture telegraphy.
1,925,909	9/5/33	E. Rossberg	Telegraph exchange system.
1,926,127	9/12/33	F. Ulrich et al	Tuning.
1,929,216	10/3/33	H. Pfannenmuller	Apparatus for controlling electrical circuits by means of electrical valves.

EXHIBIT B—Continued

Patent No.	Patent date	Inventor	Title
1,931,267	10/17/33	H. Pfannenmuller	Mechanical rectifier.
1,931,660	10/24/33	W. Kautter	Automatic gain control.
1,933,627	11/7/33	A. Jaumann	Modulation circuit arrangement.
1,934,184	11/7/33	E. Gerlach et al	Electrodynamic loud speaker.
1,936,058	11/21/33	A. Jenny et al	Production of corrosion-resistant coatings on aluminum an aluminum alloys.
1,936,201	11/21/33	P. Mansel	Perforating machine.
1,940,414	12/19/33	W. Hahnle	Amplifier circuits.
1,942,178	1/2/34	A. Machenheimer	Fuse plug adapter.
1,942,580	1/9/34	D. Thierbach	Wireless transmission of telegraph impulses.
1,943,064	1/9/34	F. Fischer	Electrical machine.
1,943,065	1/9/34	F. Fischer	Electrical drive for sound film equipments and the like.
1,944,283	1/23/34	F. Strecker	Telephone interconnecting circuit.
1,944,720	1/23/34	H. Sell	Microphone for the deaf.
1,944,721	1/23/34	H. Sell	Control device for electric currents.
1,947,981	2/20/34	J. Fischer	Plating aluminum.
1,948,254	2/20/34	L. Brandenburger	Switch position indicator.
1,950,184	3/ 6/34	K. Kupfmuller	Pupin cable for simultaneous low frequency and carrier frequency telephony
1,950,187	3/ 6/34	P. Mansel	Statistical machine.
1,952,854	3/27/34	A. Gehrts	Manufacture of thermionic cathodes.
1,953,658	4/ 3/34	H. Rassow	Multiplex telegraph equipment.
1,954,108	4/10/34	O. Weeber	Telephone handset.
1,954,121	4/10/34	F. Doring et al	Switch for use in telephone systems.
1,954,782	4/17/34	A. Arzmaier et al	Circuit arrangement for thermionic receivers.
1,956,386	4/24/34	H. Gruss	Hygrometer.
1,957,435	5/ 8/34	O. Baur	Pumping mechanism.
1,957,796	5/ 8/34	P. Muller	Tuning arrangement.
1,959,131	5/15/34	A. Jaumann	Electric wave filter.
1,962,026	6/ 5/34	H. Mayer et al	Duplex transmission system.
1,962,206	6/12/34	H. Neumann	Electrodynamic telephone.
1,962,606	6/12/34	G. Masing et al	Copper beryllium alloy.
1,965,393	7/ 3/34	M. Schleicher et al	Arrangement for the operation of a substation from a remote main station.
1,965,649	7/10/34	A. Jaumann	Power transformer for radiofrequency work having a broad transmission range.
1,965,977	7/10/34	H. Kohl et al	Spark plug for internal combustion engines.
1,968,106	7/31/34	D. Thierbach	Transmission system.
1,968,483	7/31/34	J. Fischer	Plating aluminum and its alloys.
1,969,779	8/14/34	F. Conrad	Motor interference elimination system.
1,971,452	8/28/34	A. Herrmann	Diaphragm for electrodynamic loud speakers.
1,974,079	9/18/34	K. Maier	Magnetic body and process of making same.
1,974,914	9/25/34	F. Gabbert	Diaphragm centering means.
1,975,239	10/2/34	A. Ungelenk et al	Method of chromium plating.
1,978,182	19/23/34	K. Wilhelm	Automatic volume control.
1,978,224	10/23/34	H. Poleck	Line protecting device.
1,979,392	11/6/34	E. Lubcke	Cathode ray tube.
1,981,056	11/20/34	G. Lohrmann	Method of neutralizing disturbing electric waves.
1,981,498	11/20/34	V. Engelhardt et al	Electrolytic cell.
1,982,717	12/4/34	K. Wilhelm	Low capacity switching means.
1,983,311	12/4/34	M. Schleicher	Luminous duplicating system for the purpose of supervising electrical distributin systems.
1,983,339	12/4/34	L. Brandenburger	Remote control plant.
1,984,166	12/11/34	H. Walter	Method and device for determining the properties of startified or fibrillated materials.
1,984,835	12/18/34	H. Kohl	Method of making tools.
1,985,028	12/18/34	A. Gehrts	Discharge device.
1,985,999	1/ 1/35	W. Krambeer	Audio frequency amplifier.
1,986,585	1/ 1/35	W. Kroll	Nickel alloy.
1,987,124	1/ 8/35	P. Muller	Tuning control.
1,987,412	1/ 8/35	H. Neumann	Acoustic apparatus.
1,987,961	1/15/35	M. Langer et al	Multiple transmitting system.
1,988,614	1/22/35	F. Tuczek	Selective transmission system.
1,989,730	2/ 5/35	L. Babik et al	Radio frequency coupling system.
1,991,143	2/12/35	W. Ehlers	Production of finely divided magnetic bodies.
1,993,526	3/ 5/35	W. Rihl	Submarine communication cable.
1,993,880	3/12/35	K. Faber	Circuit arrangement for neon lamps in telephone systems.
1,994,517	3/19/35	F. Hennig	Signaling.
1,995,976	3/26/35	E. Gerlach	Process for the production of sound films according to the amplitude process.
1,997,173	4/ 9/35	F. Gosslau et al	Cooling arrangements for internal combustion engines.
1,997,388	4/ 9/35	A. Ohlhans	Telemetering system.
1,997,412	4/ 9/35	E. Fischel	Regulating the altitude of aircraft.
1,997,683	4/16/35	F. Hennig	Antiparasitic system for telegraph signals with electrostatic storing of signals.
1,998,792	4/23/35	J. Sedlmayer	Interference elimination system.
1,999,566	4/30/35	W. Kautter	Antidistortion device.
2,002,344	5/21/35	E. Fischer et al	Communication cable with reduced magnetic coupling.
2,002,546	5/28/35	K. Muller et al	Electric motor and control therefor.
2,003,929	6/4/35	E. Fischel et al	Fluid compass.
2,004,175	6/11/35	W. Schottky	Discharge tube.
2,010,978	8/13/35	A. Clausing	Superregenerative receiver.
2,011,372	8/13/35	J. Nienhold	Glow-discharge vessel filled with gas or vapor.
2,011,384	8/13/35	W. Thal	Supervising a loaded alternating current conductor.
2,012,135	8/20/35	P. Mansel	Machine for automatically sorting, evaluating, or accounting of perforated cards.
2,013,544	9/3/35	M. Schleicher	Device for the transmission of measurement values over long-distance lines.
2,014,136	9/10/35	W. Kautter	Generator.
2,018,522	10/22/35	W. Herrmann et al	Electrolytic condenser.
2,020,067	11/5/35	G. Keinath	Device for determining the temperature of electrically conductive bodies.
2,022,496	11/26/35	R. Feldtkeller	Amplifier.
2,023,221	12/3/35	F. Fischer et al	Transmitting measurements to a remote point.
2,026,100	12/31/35	H. Robeck	Image transmission apparatus.
2,027,067	1/7/36	K. Schubert	Filter circuit.
2,028,626	1/21/36	M. Schleicher et al	Remote control device.
2,029,685	2/4/36	W. Thal	Supervision of the dielectric losses of a conductor.
2,030,275	2/11/36	P. Strehmel	Shielding device.
2,033,193	3/10/36	F. Fischer	Method and device for reproducing sound records obtained on lenticulated films.
2,034,107	3/17/36	P. Mansel	Machine for automatically sorting cards.
2,034,906	3/24/36	A. Jaumann	Electric wave-filter
2,036,962	4/7/36	J. Fischer	Method for production of firmly adhering galvanic coatings on aluminum and aluminum alloys.
2,037,552	4/14/36	F. von Werther	Cable system.
2,040,632	5/12/36	W. Schottky	Photoelectric generator.
2,041,147	5/19/36	F. Preisach	Signaling system.
2,041,562	5/19/36	H. Mayer	Four-wire system with echo suppressors.
2,046,019	6/30/36	W. Flammiger et al	Method for sealing in lead-in wires.
2,047,367	7/14/36	H. Gerdien et al	Acoustic device.
2,047,777	7/14/36	C. Hartmann	Electrodynamic transmitter.
2,050,866	8/11/36	R. Tamm	Apparatus for testing the running of timepieces.
2,053,560	9/8/36	W. Janovsky	Device for measuring mechanical forces and momenta.
2,054,657	9/15/36	H. Mayer	Automatic selective fading control circuits.
2,055,343	9/22/36	K. Etzrodt et al	Telegraphic repeater system.
2,056,769	10/6/36	M. Buchting	Electrical system for controlling any industrial measuring value
2,065,489	12/22/36	K. Etzrodt	Transmission level controlling arrangement.
2,067,055	1/5/37	W. Jacobi et al	Device for avoiding nonlinear distortion.
2,069,605	2/2/37	E. Fischel	Control arrangement for motors, particularly rudder motors.
2,072,279	3/2/37	P. Scharrer	Operation of radio broadcast stations.
2,073,849	3/16/37	H. Nottebrock	Rheostat or adjustable resistance and potentiometer with contact members.
2,075,208	3/30/37	O. Krenzien	Electron discharge device.
2,079,071	5/4/37	G. Keinath	Combination of current transformer and measuring condenser.
2,080,825	5/18/37	G. Keinath	Device for testing the operation of timepieces.
2,081,748	5/25/37	W. Janovsky	Method of measuring mechanical forces.
2,084,678	6/22/37	W. Geyger	Arrangement for carrying out alternating current measurements with the aid of measuring rectifiers.
2,085,118	6/29/37	F. Noll	Magnetic material and manufacture thereof.
2,095,519	10/12/37	J. Fischer	Method for producing galvanic coatings on aluminum or aluminum alloys.
2,095,701	10/12/37	J. Herrmann	Picture telegraphy.
2,100,458	11/30/37	H. Walter	Electrical circuit with modulating or rectifying devices.
2,100,510	11/30/37	R. Hoefert et al	Telephone system.
2,101,699	12/7/37	M. Baesecke et al	Alternating current signaling system.
2,102,472	12/14/37	H. Mayer	Multichannel carrier transmission system.
2,107,353	2/8/38	H. Vatter	Lead-in for electron discharge devices.
2,108,766	2/15/38	F. Fischer et al	Distance measuring means and method.
2,109,325	2/22/38	W. Thal	System for measuring a component of an alternating current or an alternating voltage.
2,109,334	2/22/38	H. Kaden et al	Communication cable comprising one or more screened core groups.
2,110,523	3/ 8/38	W. Geyger	Bridge and similar connection for measuring alternating current.
2,111,386	3/15/38	E. Buchmann et al	Electrical circuit control device.
2,112,306	3/29/38	E. Rossberg et al	Printing telegraphy.
2,112,971	4/5/38	H. Neumann	Ferromagnetic alloy.
2,113,429	4/5/38	R. Hell	Arrangement for synchronizing of telegraph apparatus.
2,115,498	4/26/38	G. Rieper	Direction maintaining device for dirigible craft.
2,117,462	5/17/38	W. Thal	System for measuring a component of an alternating current or an alternating voltage.
2,117,721	5/17/38	R. Hornickel	Telephone system.
2,118,072	5/24/38	W. Deutschmann	Potentiometer.

EXHIBIT B—Continued

Patent No.	Patent date	Inventor	Title
2,118,103	5/24/38	W. Oeding	Cable connecter and support.
2,118,248	5/24/38	G. Keinath	Hydraulic governor.
2,121,180	6/21/38	H. Vatter	Method for gettering vacuum tubes.
2,121,448	6/21/38	G. Ritzau	Hard metal composition.
2,121,597	6/21/38	O. Karl	Electrode support.
2,121,615	6/21/38	H. Vatter	Gas or vapor filled discharge device.
2,121,930	6/28/38	R. Reichmann	Heating device and the like.
2,122,748	7/5/38	H. Mayer	Four-pole device containing non-linear resistors.
2,124,607	7/26/38	A. Buchner et al	Method for manufacturing permanent magnets.
2,126,017	8/9/38	A. Jenny et al	Method of producing photographic representations on aluminum surfaces.
2,126,067	8/9/38	H. Walter	Rectifier.
2,127,364	8/16/38	G. Keinath et al	Instrument for testing or utilizing very high voltages.
2,129,074	9/6/36	D. Thierbach	Automatic signal transmission control circuit.
2,129,892	9/13/38	H. Vatter	Vacuum circuit breaker.
2,130,432	9/20/38	R. Schmook	Air-cored high-frequency transformer.
2,131,204	9/27/38	E. Waldschmidt	Indirectly heated thermionic cathode.
2,133,492	10/18/38	H. Vatter	Method for manufacturing vacuum vessels.
2,134,027	10/25/38	H. Bruhe	Antenna tensioning device.
2,134,064	10/25/38	F. Ulrich et al	Electrodynamic loudspeaker.
2,134,539	10/25/38	W. Thal	Alternating current apparatus for testing magnetizable materials.
2,134,577	10/25/38	A. Putzer	Electrode system.
2,134,589	10/25/38	J. Stanek	Apparatus for measuring high-frequency alternating currents.
2,134,850	11/1/38	M. Baesecke	Signal transmission.
2,136,606	11/15/38	H. Bendel	Modulator.
2,137,069	11/15/38	H. Vatter	Electric discharge vessel.
2,137,401	11/22/38	E. Hobbie	Electrical control device.
2,138,344	11/29/38	W. Geyger	System for measuring alternating current quantities.
2,138,359	11/29/38	O. Siepke	Indicating device.
2,138,953	12/6/38	J. Bohme et al	High-frequency system.
2,139,431	12/6/38	H. Vatter	Method for applying metallic coatings to ceramic bodies.
2,139,437	12/6/38	G. Biniek	Electrolytic condenser.
2,139,447	12/6/38	A. Ebinger	Electric condenser.
2,139,452	12/6/38	F. Kreuzer	Printing telegraph receiver.
2,139,453	12/6/38	L. Linder	Electric condenser.
2,139,469	12/6/38	H. Sachse	Piezoelectric crystal electrode and method of forming the same.
2,140,596	12/20/38	H. Rassow	Method and arrangement for synchronizing of printing telegraphs.
2,144,036	1/17/39	F. Strecker	Amplitude limiting device.
2,144,655	1/24/39	W. Hahnle	Arrangement for modulation.
2,145,095	1/24/39	F. Pfleiderer	Telephone system.
2,146,818	2/14/39	W. Hahnle	Circuit arrangement for the control of glow tubes.
2,149,256	3/7/39	W. Geyger	Arrangement for measuring the losses in condenserlike objects.
2,150,377	3/14/39	G. Keinath	Arrangement for testing the inner work absorbed by materials.
2,152,016	3/28/39	M. Baesecke et al	Modulation.
2,152,221	3/28/39	O. Steiner	Film feeding device.
2,154,288	4/11/39	P. Scholz	Process for making electrical contacts.
2,154,528	4/18/39	H. Rassow et al	Printing telegraph apparatus.
2,156,631	5/2/39	O. Krenzien	Electric discharge device.
2,156,649	5/2/39	H. Bendel et al	Amplifying detector.
2,159,790	5/23/39	E. Freystedt et al	Frequency analyzer.
2,161,844	6/13/39	J. Babler	Amplifier cascade with negative feedback.
2,162,267	6/13/39	H. Mayer	Amplifier.
2,162,471	6/13/39	K. Marquardt	Electric condenser.
2,162,489	6/13/39	K. Matthies et al	Lead wire construction.
2,163,412	6/20/39	O. Schneider	Shielded connector device.
2,164,595	7/4/39	K. Siebertz	Method of coating electrodes.
2,166,932	7/25/39	G. Keinath	Method and system for testing high-voltage insulation.
2,168,569	8/8/39	H. Jacoby et al	Microphone.
2,168,589	8/8/39	F. Strecker et al	Transmission system.
2,169,360	8/15/39	H. Kimmel	Transmission line.
2,170,047	8/22/39	W. Dannohl et al	Permanent magnet of copper-cobalt-nickel alloy.
2,170,050	8/22/39	V. Gandtner	Arrangement for shielding amplifiers.
2,170,056	8/22/39	G. Keinath et al	Method for automatic indication of inflammable gas admixtures.
2,170,878	8/29/39	F. Strecker	Amplifier feedback suppression.
2,171,978	9/5/39	W. Geyger	System for indicating the values of components of an electromotive force.
2,172,198	9/5/39	M. Harnisch	Tube having a plurality of grids.
2,172,205	9/5/39	O. Karl et al	Electric discharge device.
2,172,207	9/5/39	H. Kolligs et al	Glow cathode.
2,172,737	9/12/39	P. Mansel	Sorting machine.
2,172,875	9/12/39	F. Lubberger	Telephone system.
2,172,961	9/12/39	L. Merz	Self-compensating amplifier.
2,173,233	9/19/39	F. Lieneweg et al	Apparatus for measuring the electric conductivity of liquids.
2,176,312	10/17/39	H. Rassow	System for remotely switching in and out the driving motor of telegraph apparatus.
2,176,349	10/17/39	B. Kudrna	Party-line telephone system.
2,177,266	10/24/39	P. Schupp et al	Electrical condenser with dielectric of polymeric material.
2,177,835	10/31/39	W. Mennerich et al	Arrangement for varying the band width in high-frequency circuits.
2,177,842	10/31/39	A. Schone et al	Variable inductance device.
2,177,847	10/31/39	R. Tamm	Circuit arrangement adapted to equalize working voltage fluctuations in amplifiers.
2,178,252	10/31/39	F. Forster	Apparatus for testing the mechanical oscillation properties of bodies.
2,178,645	11/7/39	H. Poleck	Measuring arrangement for potential transformers.
2,181,312	11/28/39	A. Arzmaier	Modulating system.
2,182,089	12/5/39	H. Lueder	Frequency dependent damping network.
2,182,324	12/5/39	J. Stanek	Device for measuring high-frequency currents.
2,182,641	12/5/39	H. Poleck	Tilting relay depending on the ratio between current and voltage and the phase displacement.
2,183,755	12/19/39	W. Schottky	Thermonegative resistor.
2,186,702	1/9/40	K. Krambeer	Method of selective tuning.
2,187,184	1/16/40	K. Siebertz	Electron multiplier.
2,189,318	2/6/40	O. Krenzien	Electron multiplier tube.
2,189,593	2/6/40	A. Putzer	Gas or vapor filled discharge tube.
2,190,835	2/20/40	H. Gruss et al	Arrangement for carrying our electrometrical measurements.
2,190,914	2/20/40	O. Krenzien	Electronic device.
2,194,165	3/19/40	R. Hellmann et al	Mechanical filter.
2,195,294	3/26/40	E. Bahr	Key arrangement.
2,197,611	4/16/40	J. Fischer et al	Method of producing protective coatings on magnesium and the alloys thereof.
2,197,616	4/16/40	T. Lehne et al	Air-space insulated conductor.
2,197,867	4/23/40	F. Klement	Method for receiving and transmitting signals.
2,198,988	4/30/40	G. Biniek	Electrolytic condenser.
2,199,757	5/ 7/40	L. Rohde	High-frequency voltmeter for high voltages.
2,200,796	5/14/40	F. Lill et al	Telephone metering system.
2,201,642	5/21/40	R. Bauer	Inductive regulator for coarse and fine regulation.
2,203,484	6/ 4/40	H. Bendel	Amplifier linearized by negative feedback.
2,204,975	6/18/40	D. Thierbach	Automatic amplification control.
2,204,982	6/18/40	H. Dahling	Electrolytic water decomposer.
2,204,999	6/18/40	K. Siebertz	Electric discharge device.
2,205,207	6/18/40	O. Krenzien	Amplifying scheme for photo-cathode.
2,206,547	7/ 2/40	E. Gerlach	Method of making sound films.
2,207,829	7/16/40	H. Sell	Recording instrument for electrical measurements.
2,207,962	7/16/40	H. Werrmann	Negative feedback amplifier.
2,208,352	7/16/40	A. von Pichler-Tennenberg	Device for compensating the pressure in water decomposers.
2,209,022	7/23/40	E. Jauch	Telephone system.
2,210,029	8/ 6/40	W. Egerland	Variable condenser.
2,210,400	8/ 6/40	E. Fischer et al	Air spaced coaxial high-frequency cable.
2,210,683	8/ 6/40	G. Maurer	Photoelectric tube.
2,210,936	8/13/40	W. Geyger	Apparatus for simultaneously measuring two magnitudes through a common line section.
2,210,981	8/13/40	K. Kupfmuller	Wide frequency band amplifier.
2,212,109	8/20/40	K. Abraham	Device for ozonizing refrigerators.
2,216,463	10/ 1/40	O. Steiner	Cinematograph camera provided with a magazine.
2,217,448	10/ 8/40	E. Muller	Cathode.
2,220,968	11/12/40	S. Link	Magnetron oscillator and modulation means therefor.
2,221,102	11/12/40	H. Mayer	Push-pull amplifier circuit.
2,223,820	12/ 3/40	M. Dressler et al	Printing telegraph apparatus.
2,225,908	12/24/40	H. Garthe	Rotary pump.
2,227,087	12/31/40	W. Hinsch	Cathode ray tube.
2,227,902	1/7/41	W. Hahnle	Carrier frequency signal system.
2,227,946	1/7/41	F. Polzguter	Manufacture of permanent magnets.
2,228,121	1/7/41	O. Krenzien	Amplifying device for electron currents.
2,229,433	1/21/41	A. Arzmaier	Carrier current receiver.
2,229,738	1/28/41	M. Harnisch	Electron discharge device.
2,231,160	2/11/41	P. Gottschalt	Inductance core having low negative temperature coefficient of inductance and method of making it.
2,233,453	3/4/41	F. Kaeser	Transmitter.
2,235,021	3/18/41	G. Junga	Carrier frequency telegraph system.
2,238,457	4/15/41	W. Von Werther et al	Amplifier circuit organization with means to compensate non-linear distortions.
2,240,028	4/29/41	W. Bader	Luminous mark measuring arrangement.
2,241,912	5/13/41	M. Kersten et al	Arrangement for coil winding with magnetizable cores.
2,245,373	6/10/41	A. Weis et al	Magnetizable core.
2,245,766	6/17/41	W. Dorfël et al	Self-supporting hollow conductor for electric cables.
2,254,057	8/26/41	H. Arni et al	Television receiving apparatus.
2,264,369	12/2/41	R. Golicke	Oscillation generator.
2,272,836	2/10/42	H. Gerdien	Hemadynamometer.

[F. R. Doc. 42-10221; Filed, October 12, 1942; 10:50 a. m.]

[Vesting Order 153]

PATENTS OF ENEMY NATIONALS

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the patents, the numbers of which are listed in Exhibits A, B, C and D attached hereto and made a part hereof, and the titles to which stand of record in the United States Patent Office in the names of the persons appearing (a) in the cases of the aforesaid Exhibits A, B and C at the respective tops thereof, and (b) in the case of said Exhibit D opposite the respective numbers listed therein,

is property in which nationals of a foreign country or countries have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of said Executive Order.

Executed at Washington, D. C., on September 17, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patents the titles to which stand of record in the United States Patent Office in the name of The Firm of Carl Zeiss, and which are identified as follows:

Patent No.	Patent date	Inventor	Title
1,519,105	12/16/24	W. Bauersfeld	Device for making cinematographic exposures.
1,553,786	9/15/25	F. Lowe	Prism for dipping refractometers.
1,559,801	11/3/25	A. Steinle	Cylindrical end-gauge.
1,564,418	12/8/25	A. Konig	Double-image microscope.
1,578,251	3/30/26	H. Arruga	Illuminating device.
1,578,259	3/30/26	H. Boegehold	Group of lenses.
1,579,532	4/6/26	O. Henker	Refractometer.
1,580,751	4/13/26	W. Merte	Lens system.
1,581,883	4/20/26	A. Steinle	Machine for cutting noncircular glasses.
1,584,271	5/11/26	L. Bertele	Photographic lens.
1,584,272	5/11/26	L. Bertele	Photographic lens.
1,588,221	6/8/26	W. Bauersfeld	Method of making mark plates for micrometer oculars and mounting of the same.
1,612,071	12/28/26	A. Steinle	Thread-testing device.
1,613,658	1/11/27	O. Henker	Apparatus for the objective measurement of the refractive value of the principal point of the eye.
1,616,736	2/8/27	W. Bauersfeld	Device for projecting stars.
1,616,751	2/8/27	A. Konig	Telescope objective.
1,616,754	2/8/27	R. Mechau	Galvanometer.
1,616,765	2/8/27	A. Sonnefeld	Photographic objective.
1,618,291	2/22/27	L. Maggiere	Device for determining the field of vision.
1,632,930	6/21/27	H. Siedentopf	Additional device for binocular microscopes with one objective.
1,642,219	9/13/27	A. Steinle et al	Apparatus for testing toothed wheels.
1,649,064	11/15/27	O. Henker	Refractometers.
1,649,068	11/15/27	A. Kohler	Microscope.
1,649,106	11/15/27	O. Eppenstein	Device for testing bolt threads.
1,649,114	11/15/27	O. Henker	Refractometer.
1,651,648	12/6/27	O. Von Gruber	Device for process work and the like.
1,653,426	12/20/27	W. Bauersfeld	Machine for making circle divisions.
1,657,326	1/24/28	A. Steinle	Measuring apparatus.
1,661,279	3/6/28	E. Wandersleb	Mount for photographic objectives.
1,662,836	3/20/28	A. Steinle	Method of and device for testing the position of two axial directions.
1,665,002	4/3/28	O. Von Gruber	Device for tracing cross sections.
1,667,995	5/1/28	A. Steinle	Device for testing the position of driving shafts in piston machines and the like.
1,668,030	5/ 1/28	L. Van Albada	Optical systems of magnifying glasses.
1,671,152	5/29/28	B. Graves	Holding device for an eye-testing apparatus.
1,671,168	5/29/28	A. Steinle	Caliper gauge.
1,671,558	5/29/28	E. Wandersleb	Finder for photographic cameras.
1,673,269	6/12/28	J. Scheid et al	Method of making finely-perforated ceramic plates.
1,674,041	6/19/28	O. Henker	Objective-revolving nose piece for microscopes.
1,678,493	7/24/28	L. Van Albada	Finder for photographic cameras.
1,679,473	8/ 7/28	W. Kabisius	Depth gauge.
1,693,969	12/ 4/28	W. Williger et al	Device for projecting stars.
1,696,777	12/25/28	F. Meyer	Holder for arc-lamp carbons.
1,697,670	1/ 1/29	E. Wandersleb et al	Photographic lens.
1,699,667	1/22/29	A. Kohler	Illuminating device for microscopes.
1,702,258	2/19/29	O. Henker	Device for determining the squint deflection.
1,703,120	2/26/29	A. Steinle	Measuring device.
1,708,863	4/ 9/29	L. Bertele	Photographic objective.
1,715,845	6/ 4/29	A. Konig	Tacheometric telescope.
1,716,512	6/11/29	W. Bauersfeld et al	Photographic shutter.
1,719,443	7/2/29	P. Nichterlein	Reversing prism affording parallel vision.
1,721,081	7/16/29	F. Meyer	Regulating device for arc lamps.
1,723,627	8/6/29	F. Meyer	Regulating device for arc lamps.
1,726,129	8/27/29	A. Steinle	Feeler gauge with handle.
1,740,529	12/24/29	E. Wandersleb et al	Sunshade for photographic objectives.
1,741,526	12/31/29	T. Kuhl	Appliance for photographing the interior of the eye.
1,741,947	12/31/29	W. Merte	Photographic lens, corrected spherically, chromatically, astigmatically and for coma.
1,755,551	4/22/30	F. Meyer	Holder with feeding arrangement for the positive electrode of a searchlight.
1,758,049	5/13/30	A. Kohler	Illuminating device.
1,760,208	5/27/30	F. Pfeiffer et al	Camera for photographing the eyeball.
1,760,209	5/27/30	F. Pfeiffer	Refractometer for liquids.
1,764,870	6/17/30	H. Hartinger	Appliance for examination of the eyes.
1,775,916	9/16/30	R. Richter	Optical system for polaristrobometers.
1,784,675	12/9/30	F. Meyer	Governor switch for electric motors.
1,786,916	12/30/30	W. Merte	Objective corrected spherically, chromatically, astigmatically, and for coma.
1,787,269	12/30/30	G. Hansen	Device for partial deflection of a conical pencil of imaging rays.
1,788,830	1/13/31	J. Grone	Tacheometric telescope.
1,790,926	2/ 3/31	A. Konig	Microscope objective.
1,791,276	2/ 3/31	A. Konig	Microscope objective.
1,792,917	2/17/31	W. Merte	Photographic objective.
1,793,428	2/17/31	A. Konig	Telescope with porro prism system.
1,794,419	3/ 3/31	R. Richter	Magnifier.
1,795,092	3/ 3/31	O. Moller	System of reversing prisms.
1,795,752	3/10/31	W. Bauersfeld et al	Apparatus for testing light sense.
1,795,782	3/10/31	A. Konig	Direct vision, image-reversing prism system.
1,798,396	3/31/31	W. Bauersfeld et al	Stereophotogrammetric measuring appliance.
1,807,613	6/ 2/31	W. Bauersfeld et al	Microscope tube.
1,807,614	6/ 2/31	W. Bauersfeld et al	Apparatus for episcopic projection.
1,821,391	9/ 1/31	R. Mechau	Device for ascertaining the opacity of blackened portions of photographic plates.
1,822,076	9/ 8/31	W. Bauersfeld et al	Illuminating arrangement.
1,825,828	10/ 6/31	A. Sonnefeld	Photographic lens.
1,826,362	10/ 6/31	W. Merte	Photographic lens.
1,836,167	12/15/31	D. Helfer	Line mark for optical measuring instruments.

EXHIBIT A—Continued

Patent No.	Patent date	Inventor	Title
1,843,439	2/2/32	W. Bauersfeld et al	Instrument for observing stereoscopical images.
1,849,681	3/15/32	W. Merte et al	Photographic three-lens objective.
1,861,192	5/31/32	W. Sander	Coordinate transformer.
1,864,576	6/28/32	W. Bauersfeld	Coordinate transformer.
1,865,977	7/5/32	A. Sonnefeld	Optical system.
1,869,366	8/2/32	J. Dallos	Contact glass.
1,877,238	9/13/32	H. Hartinger	Ophthalmic instrument.
1,887,095	11/8/32	H. Hemscheidt	Device for fine focusing of microscope tubes.
1,887,099	11/8/32	P. Kraft	Device providing differently colored illumination for microscopic objects.
1,887,115	11/8/32	G. Braun	Instrument for the examination of the reaction of the eye pupils when different parts of the retina are illuminated.
1,887,121	11/8/32	P. Dietzel	Slide guide for the fine adjustment of microscopes.
1,891,348	12/20/32	P. Ellinger et al	Method and device for microscopically viewing living objects.
1,892,131	12/27/32	M. Berger	Microscope stand.
1,892,162	12/27/32	R. Richter	Photographic three-lens objective.
1,896,828	2/7/33	P. Nichterlein	Device for gauging bolt threads.
1,896,830	2/7/33	F. Scharff	Device for influencing by means of a ray projector a cell sensitive to light.
1,900,241	3/7/33	A. Konig	Reversing prism system affording parallel vision.
1,904,139	4/18/33	W. Henkel et al	Methods of making selenium cells.
1,905,070	4/25/33	A. Steinle	Telescope sight.
1,908,572	5/9/33	H. Straubel	Disk-shaped piezo-electric oscillator.
1,911,986	5/30/33	W. Bischoff	Receiving device for light signals.
1,918,540	7/18/33	H. Hartinger	Instrument for measuring the curvature of the cornea.
1,918,548	7/18/33	A. Konig	Tacheometric telescope.
1,918,556	7/18/33	F. Pfau	Indicating device for measuring instruments.
1,921,647	8/8/33	W. Bauersfeld et al	Image plate holding chamber for apparatus for measuring photograms.
1,921,971	8/8/33	F. Fertsch et al	Contact glass.
1,921,972	8/8/33	F. Fertsch et al	Contact glass.
1,922,434	8/15/33	K. Gundlach	Method of indexing glass photomechanically.
1,927,854	9/26/33	R. Straubel	Device for illuminating microscopic objects.
1,936,923	11/28/33	K. Traenkle	Roll-film case.
1,936,953	11/28/33	R. Richter	Half shade polarizer.
1,943,508	1/16/34	W. Bauersfeld, et al	Instrument for rapid examination of transparent microscopic preparations.
1,943,509	1/16/34	W. Bauersfeld et al	Apparatus for illuminating microscopic objects.
1,943,510	1/16/34	W. Bauersfeld et al	Device for light-field and dark-field illumination of mocroscopic objects.
1,943,511	1/16/34	W. Bauersfeld	Apparatus for projecting luminous dashes and dots on a dark ground.
1,943,533	1/16/34	M. Hubschmann	Object stage for projection apparatus.
1,943,554	1/16/34	R. Richter	Quartz plate for half-shade polarimeters.
1,951,635	3/20/34	R. Straubel	Dark-field condenser for microscopes.
1,951,636	3/20/34	R. Straubel	Illuminating device for microscopes.
1,951,666	3/20/34	H. Martin	Device maintaining automatically the frequency of an oscillator
1,952,759	3/27/34	A. Konig	Telescope.
1,957,299	5/ 1/34	H. Straubel	Piezo-electric oscillator.
1,959,537	5/22/34	K. Kuhne	Instrument for determining the diameter of bodies with curved surfaces.
1,959,538	5/22/34	E. Langenhagen et al	Prismatic telescope with right-angled isosceles reflecting prisms.
1,959,549	5/22/34	H. Sauer	Polarization photometer.
1,959,551	5/22/34	W. Schubert	Device for testing the positions of the driving shafts of locomotives.
1,960,554	5/29/34	H. Siedentopf	Illumination device for microscopes.
1,961,601	6/5/34	A. Sonnefeld	Biprism for spectroscopes.
1,964,188	6/26/34	H. Von Karabetz	Device for controlling a movable machine part.
1,964,239	6/26/34	W. Bauersfeld	Microscope.
1,964,712	7/3/34	W. Bauersfeld	Instrument for rapid examination of transparent microscopic preparations.
1,964,967	7/3/34	L. Van Albada	Range finders for photographic purposes.
1,965,506	7/3/34	F. Montauti	Optical instrument for determining the gun firing and torpedo launching data.
1,966,784	7/17/34	W. Bauersfeld	Ocular tube attachment for monocular microscopes.
1,967,541	7/24/34	C. Schoute	Balloon theodolite.
1,967,836	7/24/34	W. Merte	Photographic lens.
1,968,011	7/31/34	H. Beck	Ignition device for high-power arc lamps.
1,968,202	7/31/34	G. Hansen	Refractometer.
1,968,232	7/31/34	R. Richter	Converging achromatic eyepiece.
1,968,263	7/31/34	H. Sonnberger	Control device for following mechanisms.
1,969,206	8/ 7/34	R. Castendijk	Device for giving luminous signals, particularly adapted for aviation purposes.
1,970,728	8/21/34	W. Bauersfeld	Microscope having an inclined ocular tube and a revolving nose piece.
1,973,066	9/11/34	F. Hauser et al	Microscope for examining the profiles of surfaces.
1,975,302	10/ 2/34	L. Van Albada	Finder for photographic cameras.

EXHIBIT A—Continued

Patent No.	Patent date	Inventor	Title
1,975,629	10/ 2/34	W. Bauersfeld	Adjusting device for a pair of objectives of binocular microscopes.
1,980,492	11/13/34	F. Meyer	Diaphragm restricting the image field in apparatus for projection with transmitted light.
1,980,657	11/13/34	W. Bauersfeld	Apparatus for plotting maps from photographs.
1,983,328	12/ 4/34	O. Von Gruber et al	Image-plate holding chamber for image-measuring devices.
1,983,356	12/ 4/34	H. Eisenhut	Device for signal purposes.
1,985,061	12/18/34	E. Scheller	Measuring drum for screw micrometers.
1,985,066	12/18/34	O. Von Gruber	Projection screen.
1,985,067	12/18/34	A. Wandersleb	Stereoscopic rangefinder for photographic purposes.
1,985,072	12/18/34	W. Bauersfeld	Device for illuminating microscopic objects with incident light.
1,985,073	12/18/34	W. Bauersfeld	Nose-piece for microscope objectives.
1,985,074	12/18/34	W. Bauersfeld	Illumination system.
1,986,004	1/ 1/35	O. Mackensen	Engraving machine.
1,987,765	1/15/35	E. Wandersleb	Range finder for photographic purposes.
1,987,773	1/15/35	O. Eppenstein	Instrument for measuring parallel coordinates.
1,987,776	1/15/35	F. Hauser	Microscope having a deviated path of imaging rays.
1,987,786	1/15/35	O. Meisser	Pendulum for gravity determination.
1,988,946	1/22/35	F. Hauser et al	Diaphragm system for microscope condensers.
1,988,952	1/22/35	F. Meyer	Mirror for astronomical purposes.
1,991,997	2/19/35	W. Bauersfeld et al	Device for connecting an illumination apparatus to a microscope.
1,991,998	2/19/35	H. Beck	Negative electrode for high current arc lamps.
1,995,599	3/26/35	W. Bauersfeld	Illuminating device for microscopes.
1,996,920	4/ 9/35	F. Hauser	Revolving nose-piece for microscopes.
1,998,216	4/16/35	W. Bauersfeld	Microscope stage.
1,999,236	4/30/35	G. Hess	Instrument for plotting maps from photographs.
1,999,240	4/30/35	P. Kraft et al	Dark-field condenser for microscopes.
2,000,737	5/ 7/35	W. Bauersfeld	Microscope stand.
2,000,768	5/ 7/35	R. Lincke	Method of making contact glasses for eyes.
2,004,225	6/11/35	A. Steinle	Instrument for testing the pitch of threads.
2,005,240	6/18/35	R. Richter	Optical system for instruments reproducing sounds with the aid of light.
2,010,301	8/ 6/35	D. Helfer	Device for examining the diameter of bores.
2,013,165	9/ 3/35	F. Meyer	Measuring device.
2,014,161	9/10/35	W. Bauersfeld	Substage for microscopic condensers and the like.
2,014,188	9/10/35	F. Pfeiffer et al	Apparatus for taking series of photographs.
2,014,538	9/17/35	G. Reinert	Photographic camera.
2,014,874	9/17/35	W. Bauersfeld	Pillar bracket for monobjective microscopes.
2,015,491	9/24/35	W. Merte	Photographic objective having an iris diaphragm.
2,016,780	10/ 8/35	H. Hartinger	Instrument for examining convexly curved surfaces.
2,026,374	12/31/35	K. Buttner	Supporting gage-plate for the measurement of dimensions of bodies bounded by parallel surfaces.
2,029,806	2/4/36	L. Bertele	Objective.
2,031,792	2/25/36	R. Richter	Anastigmatic objective for photography and projection.
2,034,096	3/17/36	F. Hauser	Microscope for the examination of surfaces.
2,034,110	3/17/36	R. Mechau	Linear guide.
2,036,457	4/7/36	G. Calsow	Photoelectric cell.
2,039,355	5/5/36	A. Tschermak-Seysenegg	Spectroscopic monochromator.
2,050,024	8/4/36	A. Sonnefeld	Microscope objective.
2,055,680	9/29/36	C. Buchele et al	Tiltable searchlight having a high power arc lamp.
2,055,684	9/29/36	O. Eppenstein	Optical device for the examination of axial directions and the like.
2,055,705	9/29/36	C. Prinz	Thermostat device controlling the correct position of a source of radiation, especially of the arc of an arc lamp.
2,063,178	12/6/36	W. Merte	Photographic objective.
2,068,829	1/26/37	L. Van Albada	Reducing telescopic view finder for photographic cameras.
2,070,037	2/9/37	W. Bauersfeld	Micro-manipulator.
2,078,586	4/27/37	R. Richter	Device for illuminating microscopic objects.
2,079,090	5/ 4/37	O. Von Gruber	Camera bearing in apparatus for photogrammetrically plotting oblique photographs taken from aircraft.
2,082,232	6/1/37	C. Traenkle	Roll-film magazine.
2,100,442	11/30/37	C. Herrmann	Reflecting system for objectives of reproduction cameras.
2,114,793	4/19/38	W. Bauersfeld	Curved tooth for bevel gear wheels.
2,116,323	5/3/38	K. Papello	Camoid gearing.
2,121,081	6/21/38	O. Von Gruber	Stereophotogrammetric plotting apparatus.
2,124,286	7/19/38	M. Burckhardt	Polarization device for cameras having a linearly polarizing foil.
2,124,297	7/19/38	C. Herrmann	Polarization device for cameras.
2,124,301	7/19/38	S. Huber	Photographic objective.
2,126,126	8/9/38	W. Merte	Photographic objective.
2,135,835	11/8/38	K. Papello	Device for transmitting electric currents.
2,136,081	11/8/38	W. Kern	Stereophotogrammetric plotting apparatus.
2,136,082	11/8/38	W. Krieg et al	Electrode feeding mechanism for arc lamps.
2,137,081	11/15/38	E. Franke	Cam follower mechanism.
2,137,615	11/22/38	S. Huber	Photographic objective.
2,140,024	12/13/38	W. Merte	Photographic objective.

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EXHIBIT A—Continued

Patent No.	Patent date	Inventor	Title
2, 141, 884	12/27/38	A. Sonnefeld	Photographic objective.
2, 149, 601	3/ 7/39	H. Guldbrandsen	Binocular viewing device for stereophotogrammetric instruments.
2, 152, 309	3/28/39	O. Von Gruber	Apparatus for plotting the site plan for a landscape.
2, 155, 171	4/18/39	H. Ronne	Instruments for the examination of eyes.
2, 158, 507	5/16/39	A. Konig	Telescope objective.
2, 170, 428	8/22/39	R. Richter	Four-lens photo-objective.
2, 170, 967	8/29/39	O. Eppenstein et al	Projecting apparatus.
2, 171, 274	8/29/39	W. Merte	Telephotographic objective.
2, 171, 627	9/ 5/39	H. Hartinger	Ophthalmometer.
2, 172, 098	9/ 5/39	O. Eppenstein	Single station range finder with variable base.
2, 174, 308	9/26/39	H. Hartinger	Ophthalmometer.
2, 177, 259	10/24/39	P. Keck	Emission type phototube.
2, 199, 843	5/ 7/40	U. Schmidt	Reflecting system having two plane reflecting surfaces.
2, 206, 155	7/ 2/40	H. Boegehold	Microscope objective.
2, 206, 169	7/ 2/40	H. Eisenhut et al	Light modulating system.
2, 206, 180	7/ 2/40	B. Gerstenberger et al	Device for illuminating microscopic objects.
2, 206, 195	7/ 2/40	A. Konig	Telescope eyepiece.
2, 209, 523	7/30/40	H. Kaiser	Apparatus for producing electric sparks for use in spectrum analysis.
2, 209, 532	7/30/40	K. Michel	Microscope.
2, 209, 543	7/30/40	L. Schalm et al	Apparatus for subjective examination of blood.
2, 216, 943	10/8/40	H. Hanemann	Hardness testing instrument.
2, 217, 281	10/8/40	A. Konig	Telescope eyepiece.
2, 219, 275	10/22/40	O. Von Gruber et al	Telescope.
2, 221, 055	11/12/40	H. Lundegardh	Apparatus for preparing a film strip for the inspection of a series of consecutive impressions of light on the sensitive layer of same.
2, 234, 274	3/11/41	K. Prinz	Electrode feeding mechanism for arc lamps.
2, 234, 278	3/11/41	M. Richter	Trichromatic colorimeter.
2, 236, 403	3/25/41	N. Gunther	Reflecting system for deviating a convergent pencil of imaging rays.
2, 239, 538	4/22/41	R. Richter	Photographic teleobjective.
2, 239, 539	4/22/41	O. Schmidt et al	Sextant.
2, 247, 068	6/24/41	R. Richter	Anastigmatic photographic objective.
2, 268, 139	12/30/41	G. Hansen	Refractometer for liquids.
2, 270, 163	1/13/42	M. Drodofsky et al	Illumination device for spherical levels.

EXHIBIT B

Patents the titles to which stand of record in the United States Patent Office in the name of Zeiss Ikon, A. G., and which are identified as follows:

Patent No.	Patent date	Inventor	Title
1, 573, 314	2/16/26	E. Goldberg et al	Enlarging camera.
1, 667, 110	4/24/28	E. Goldberg et al	Film box.
1, 704, 189	3/5/29	E. Goldberg	Motion-picture camera driven by a spring mechanism.
1, 747, 705	2/18/30	E. Goldberg	Film-feeding device.
1, 750, 401	3/11/30	E. Goldberg et al	Cinematograph camera with clockwork driving mechanism.
1, 759, 307	5/20/30	H. Hartinger	Bell-shaped reflector for illuminating show windows.
1, 789, 679	1/20/31	E. Goldberg	Cinematographic cameras.
1, 802, 598	4/28/31	E. Goldberg	Film magazine.
1, 804, 500	5/12/31	E. Goldberg et al	Film box.
1, 830, 602	11/3/31	E. Goldberg	Distance releasing device for moving picture cameras driven by a spring mechanism.
1, 939, 434	12/12/33	E. Busse	Oscillograph.
1, 964, 883	7/3/34	H. Kuppenbender et al	Distance meter and finder for photographic cameras.
1, 968, 002	7/24/34	M. Nowicki et al	Distance meter, especially for photographic cameras.
1, 973, 213	9/11/34	H. Kuppenbender et al	Photographic camera with finder.
2, 014, 137	9/10/35	R. Klar	Photographic camera.
2, 026, 232	12/31/35	H. Joachim	Sound-on film recording or reproducing apparatus.
2, 031, 321	2/18/36	H. Kuppenbender	Photographic camera.
2, 032, 060	2/25/36	H Kuppenbender	Photographic camera.
2, 032, 061	2/25/36	H. Kuppenbender	Photographic camera.
2, 058, 086	10/20/36	H. Kuppenbender	Photographic camera.
2, 070, 664	2/16/37	H. Kuppenbender	Photoelectric exposure meter.
2, 084, 309	6/22/37	L. Bertele	Photographic lens system.
2, 084, 618	6/22/37	H. Kuppenbender	Photoelectric exposure meter.
2, 084, 769	6/22/37	H. Kuppenbender	Photoelectric exposure meter.
2, 090, 387	8/17/37	P. Gorlich	Photoelectric tube.
2, 090, 390	8/17/37	H. Kuppenbender	Photographic camera.
2, 091, 762	8/31/37	H. Kuppenbender	Exposure meter.
2, 094, 072	9/28/37	H. Kuppenbender	Roll film camera.
2, 098, 873	11/9/37	H. Kuppenbender et al	Target practicing device.
2, 101, 543	12/7/37	G. Henkel	Photographic camera.
2, 104, 094	1/4/38	H. Nerwin	Photographic camera.
2, 106, 894	2/1/38	H. Kuppenbender	Photographic camera.
2, 108, 751	2/15/38	H. Kuppenbender	Photographic device.
2, 111, 066	3/15/38	P. Gorlich et al	Photoelectric tube.
2, 114, 488	4/19/38	P. Gorlich	Photoelectric tube.
2, 117, 004	5/10/38	H. Joachim	Exposure meter.
2, 117, 428	5/17/38	H. Kuppenbender	Photographic camera.
2, 117, 429	5/17/38	H. Kuppenbender	Camera.
2, 119, 235	5/31/38	H. Kuppenbender	Photographic camera.
2, 120, 100	6/7/38	H. Illgen	Indicator device.
2, 122, 860	7/5/38	P. Gorlich	Light sensitive tube.
2, 122, 865	7/5/38	H. Kuppenbender	Photographic camera.
2, 125, 908	8/9/38	H. Frotschner	Analyzer.
2, 134, 766	11/1/38	F. Schieber et al	Photographic shutter.
2, 137, 502	11/22/38	H. Nerwin	Film spool for photographic cameras.
2, 138, 445	11/29/38	P. Dautzenberg	Photographic printing apparatus.
2, 140, 979	12/20/38	L. Bertele	Condenser lens system.
2, 140, 994	12/20/38	P. Gorlich	Photoelectrically responsive layer.
2, 141, 733	12/27/38	L. Bertele	Lens system.
2, 142, 657	1/3/39	H. Sauer et al	Exposure meter.
2, 145, 914	2/7/39	H. Bartels	Polarizing filter structures.
2, 147, 259	2/14/39	H. Kuppenbender	Roll film camera.
2, 149, 101	2/28/39	M. Ploke	Cathode ray tube.
2, 150, 626	3/14/39	H. Kuppenbender	Filter attaching means for photographic cameras.
2, 150, 632	3/14/39	M. Ploke et al	Secondary electron multiplier.
2, 150, 642	3/14/39	C. Wachtler	Photographic camera.
2, 153, 328	4/4/39	K. Hoffmann	Motion picture projector.
2, 157, 660	5/9/39	O. Fischer	Photoelectric exposure meter.
2, 159, 568	5/23/39	M. Ploke	Picture-translating tube.
2, 160, 672	5/30/39	M. Ploke	Image dissector tube.
2, 168, 273	8/1/39	H. Sauer et al	Stereo-optic instrument.
2, 169, 688	8/15/39	H. Frotschner	Photographic camera.
2, 170, 959	8/29/39	H. Bartels et al	Photographic camera.
2, 170, 962	8/29/39	G. Clamann	Means for photoelectrically scanning balanced sound records.
2, 172, 164	9/5/39	P. Gorlich	Photoelectric cathode.
2, 172, 618	9/12/39	H. Kuppenbender et al	Weighing mechanism.
2, 172, 843	9/12/39	P. Gorlich	Photoelectric tube.
2, 176, 679	10/17/39	H. Nerwin	Photographic camera.
2, 182, 451	12/5/39	M. Ploke	Cathode ray tube screen.
2, 183, 256	12/12/39	K. Gabler	Photoelectric cell.
2, 186, 123	1/9/40	K. Rantsch et al	Illuminating system.
2, 186, 545	1/9/40	H. Kuppenbender	Schooling device for airplane pilots.
2, 186, 621	1/9/40	L. Bertele	Lens system.
2, 186, 636	1/9/40	P. Gorlich	Cathode ray tube.
2, 186, 942	1/16/40	O. Vierling	Process of making photographs.
2, 187, 057	1/16/40	H. Sauer	Finder device.
2, 187, 234	1/16/40	P. Gorlich	Process of producing a photoelectric tube.
2, 190, 713	2/20/40	H. Hintze et al	Piezoelectric pressure indicator.
2, 190, 718	2/20/40	H. Kuppenbender	Polarizer.
2, 190, 729	2/20/40	H. Nerwin	Photographic camera.
2, 191, 414	2/20/40	H. auer et al	Exposure meter.
2, 194, 523	3/26/40	H. Sauer et al	Polarizing filter attachments.
2, 197, 194	4/16/40	H. Sauer et al	Photographic camera.
2, 199, 715	5/ 7/40	H. Sauer	Filter for the photography and projection of colored pictures.
2, 208, 027	7/16/40	P. Gorlich	Photoelectric exposure meter.
2, 209, 159	7/23/40	P. Gorlich et al	Cathode ray tube.
2, 216, 942	10/ 8/40	P. Gorlich et al	Glow cathode for cathode ray tubes.
2, 216, 960	10/ 8/40	W. Pistor et al	System for making and projecting stereo films.
2, 219, 113	10/22/40	N. Ploke	Method of electron-microscopically investigating subjects.
2, 222, 292	11/19/40	P. Gorlich	Photoelectric exposure meter.
2, 223, 965	12/ 3/40	H. Nerwin	Shutter for photographic cameras.
2, 234, 806	3/11/41	M. Ploke	Method of electronoptically enlarging images.

EXHIBIT C

Patents the titles to which stand of record in the United States Patent Office in the name of Zeiss Ikon A. G. Dresden, and which are identified as follows:

Patent No.	Patent date	Inventor	Title
1, 713, 277	5/14/29	E. Goldberg et al	Film-spool construction.
1, 779, 468	10/28/30	E. Goldberg et al	Cinematographic camera.
1, 821, 515	9/ 1/31	K. Hoffmann et al	Device for protecting films against ignition.
1, 879, 864	9/27/32	W. Winzenburg	Portable sound film box.
1, 973, 203	9/11/34	E. Goldberg	Nipkow disk for television.
1, 975, 677	10/ 2/34	L. Bertele	Objective.
1, 975, 678	10/ 2/34	L. Bertele	Objective.
1, 998, 704	4/23/35	L. Bertele	Photographic objective.
2, 010, 268	8/ 6/35	H. Kuppenbender	Combined photographic camera and distance meter.
2, 015, 314	9/24/35	H. Kuppenbender et al	Mirror basis distance meter with view finder.
2, 023, 838	12/10/35	H. Kuppenbender et al	Combined distance meter and view finder.
2, 036, 584	4/ 7/36	H. Kuppenbender	Driving mechanism for talking film apparatus.
2, 037, 513	4/14/36	H. Kuppenbender	Photographic camera.
2, 040, 050	5/ 5/36	H. Kuppenbender	Combined photographic camera and distance meter.
2, 065, 335	12/22/36	H. Kuppenbender	Combined photographic camera and distance meter.
2, 107, 829	2/ 8/38	H. Kuppenbender	Photographic camera.

EXHIBIT D

Patents which are identified as follows and the titles to which stand of record in the United States Patent Office in the names of the persons indicated, respectively:

Patent No.	Date	Record owner	Inventor	Title
1, 556, 994	10/13/25	Optische Anstalt C. P. Goerz A. G.	H. Jacob	Aiming device with optical reflecting system for moving stations.
1, 561, 858	11/17/25	Optische Anstalt C. P. Goerz A. G.	H. Jacob	Binocular.
1, 573, 999	2/23/26	Optische Anstalt C. P. Goerz A. G.	R. Richter	Teleobjective.
1, 684, 394	9/18/28	Werberlicht A. G	M. Haase	Sign controller.
1, 705, 972	3/19/29	H. Hanemann	H. Hanemann	Production of gray cast iron.
1, 707, 038	3/26/29	Zeiss Ikon, A. G. Goerzwerk	W. Bauersfeld	Street-illuminating apparatus.
1, 726, 348	8/27/29	Werbelicht A. G	M. Haase	Switch device for the production of luminous signs.
1, 770, 726	7/15/30	Zeiss Ikon A. G. Goerzwerk	W. Bauersfeld	Bell-shaped illuminating device.
1, 772, 745	8/12/30	Zeiss Ikon A. G. Goerzwerk	W. Bauersfeld	Reflector for illuminating streets and the like.
1, 772, 774	8/12/30	I C A, Aktiengesellschaft	E. Goldberg	Cinema camera.
1, 898, 070	2/21/33	M. Ulrich	M. Ulrich	Apparatus for making water drums of water-tube boilers.
1, 913, 417	6/13/33	M. Ulrich	M. Ulrich	Undulated tube and method of making the same.
1, 931, 242	10/17/33	M. Ulrich	M. Ulrich	Apparatus for making headers for water tube boilers.
1, 966, 981	7/17/34	Zeiss Ikon A. G. Goerz-Werk	H. Jacob	Meter.
2, 060, 613	11/10/36	Ehrhard Henke	P. Dautzenberg	Focusing adjustment for cameras by means of the finder.
2, 100, 740	11/30/37	Klangfilm, G. m. b. H	R. Gorisch	Method of making variable area sound film with low background noise.
2, 222, 373	11/19/40	Wanderer-Werke vorm. Winklhofer & Jaenicke Akt.-Ges.	H. Rauh	Calculating machine.
2, 226, 777	12/31/40	O. Buromaschinenfabrik A. G	H. Martin	Means for fastening machine elements on a shaft.
Des. 88, 298	11/15/32	Zeiss Ikon A. G. Goerz-Werk	H. Jacob	Table barometer.

[F. R .Doc. 42-10222; Filed, October 12, 1942; 10:50 a. m.]

[Vesting Order 197]

3,211 SHARES OF THE CAPITAL STOCK OF CENTRAL AMERICAN PLANTATIONS CORPORATION

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

(a) 1,222 shares (which, together with the 1,989 shares referred to in subparagraph (b) and the 12,152 shares vested by the undersigned pursuant to Vesting Order Number 104 issued under date of August 17, 1942, constitute a substantial part of the outstanding capital stock) of $100 par value common capital stock of Central American Plantations Corporation, a Delaware corporation, which is a business enterprise within the United States, registered in the name of Atlantic Assets Corporation, New York, New York, and held by the latter as nominee under a trust agreement dated October 1, 1933, with Hugo Stinnes, a national of Germany; and

(b) 1,989 additional shares of similar stock of the aforesaid Central American Plantations Corporation, which shares are registered in the name of said Atlantic Assets Corporation and held for the benefit of Heinrich A. Schlubach Gesamtgut of Germany,

is property of nationals and represents an interest in said business enterprise which is a national, of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of said designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in Section 10 of said Executive Order.

Executed at Washington, D. C. on September 29, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10223; Filed, October 12, 1942; 10:50 a. m.]

[Vesting Order 211]

0.057% OF CAPITAL STOCK OF GOSHO CONCENTRATION & COMPRESS COMPANY

Under the authoriy of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

2 shares (which, together with the 3,398 shares vested by the undersigned pursuant to Vesting Order Number 57 of July 23, 1942, and the 100 shares vested by the undersigned pursuant to Vesting Order Number 188 of September 28, 1942, constitute all of the outstanding shares) of the capital stock of Gosho Concentration & Compress Company, a Texas Corporation, Galveston, Texas, which is a business enterprise within the United States, the names of the registered owners of which, and the number of shares owned by them respectively, are as follows:

Names	*Number of shares*
Sherwood Brown holding for the benefit of Gosho Concentration & Compress Company	1
N. L. Edmonson holding for the benefit of Gosho Concentration & Compress Company	1
Total	2

is property of said business enterprise which was found in the aforesaid vesting orders to be a national of a designated enemy country (Japan), and determining that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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[1] 7 F.R. 1971.

[1] 7 F.R. 1971.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission to the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on October 3, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10224; Filed, October 12, 1942; 10:51 a. m.]

[Vesting Order 212]

1.27% OF CAPITAL STOCK OF GOSHO COMPANY, INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

95 shares of $100 par value common capital stock of Gosho Company, Inc., a Texas Corporation, Galveston, Texas, which is a business enterprise within the United States, which 95 shares represent 1.27% of the outstanding capital stock of said company, of which 7,405 shares, or 93.73%, were vested by the undersigned pursuant to Vesting Order Number 87 issued by him under date of July 31, 1942, the names and last known addresses of the registered owners of which 95 shares, and the number of shares owned by them respectively, are as follows:

Names and last known address	*Number of shares*
K. Sugimoto, Japan	43
S. Bando, Japan	50
Sherwood Brown, holding for the benefit of Gosho Company, Inc., Galveston, Tex	1
G. W. Talley, holding for the benefit of Gosho Company, Inc., Galveston, Tex	1
Total	95

is property of nationals, and represents an interest in said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country such persons are controlled by or acting for or on behalf of or as cloaks for a designated enemy country (Japan) or a person within such country, and the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 3, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10225; Filed, October 12, 1942; 10:51 a. m.]

[Vesting Order 174]

THREE NAVY DEPARTMENT AWARDS

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Those certain awards of the United States Navy Department for the value of the items of property hereinafter listed which under the authority of the Act of October 10, 1940 (54 Stat. 1090) were requisitioned by the Navy Department from the locations listed, and pursuant to the Naval Requisition Orders numbered, respectively, as follows:

Items of property	Locations	Naval requisition order numbers
(*a*) 205 pigs of tin consigned for export to Intercontinentale A. G., Nador Ucca 30, Budapest, Hungary.	Storage at Charles & Greenwich Stores, Inc., 480 Montgomery Street, Jersey City, N. J.	25
(*b*) 8 cases of pumps and parts consigned for export to Cantieri Riuniti dell' Adriatico, Trieste, Italy.	SS AUSSA, Hoboken, N. J	50
(*c*) 3,536 cobalt steel drills	Possession of Gizo Uyeno, a Japanese national, while he was illegally transporting them out of the United States	40

is property which is in "condemnation or other similar proceedings" within the meaning of section 2 (f) of Executive Order No. 9095, as amended, and which is payable or deliverable to, or claimed by, nationals of designated enemy countries (Hungary, Italy and Japan, in the cases of that hereinbefore described in subparagraphs (a), (b) and (c), respectively, and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the respective designated enemy countries hereinbefore specified, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10290; Filed, October 13, 1942; 11:31 a. m.]

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[1] 7 F.R. 1971.

OFFICE OF PRICE ADMINISTRATION.

[Order 5 Under Revised Price Schedule 20, as Amended—Copper Scrap and Copper Alloy Scrap—Docket 3020-8]

ALLOYS AND PRODUCTS, INC.

ORDER GRANTING EXCEPTION

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1309.71 (i) (4) of Revised Price Schedule No. 20, as amended—Copper Scrap and Copper Alloy Scrap, *It is hereby ordered:*

(a) Alloys and Products, Incorporated of New York, New York, may pay and any person may charge Alloys and Products, Incorporated of New York, New York, the premiums for No. 1 copper wire, No. 1 tinned copper wire, No. 1 heavy copper or No. 2 copper wire or mixed heavy copper in briquettes provided for in § 1309.71 (f) (1) (i) of Revised Price Schedule No. 20, as amended.

(b) The terms used in this order No. 5 shall have the meaning given to them by Revised Price Schedule No. 20, as amended.

(c) This Order No. 5 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 5 shall become effective October 13, 1942.

Issued this 12th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10228; Filed, October 12, 1942; 11:54 a. m.]

[Order 1 Under Maximum Price Regulation 228—Flue Cured Tobacco—Docket 3228-1]

BROWN & WILLIAMSON TOBACCO CORP.

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) During the period from August 31, 1942 to February 28, 1943, inclusive, the weighted average price per pound paid by Brown & Williamson Tobacco Corporation for flue-cured tobacco shall not exceed 40.36 cents per pound.

(b) The adjustment granted to Brown & Williamson Tobacco Corporation in paragraph (a) is subject to the condition that it shall comply in all respects with the provisions of Maximum Price Regulation No. 228—Flue-cured Tobacco, other than the provisions contained in § 1358.52 thereof.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 1 shall become effective October 12, 1942.

Issued this 12th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10262; Filed, October 12, 1942; 4:27 p. m.]

[Order 22 Under Maximum Price Regulation 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers—Docket 3122-16]

CONSUMERS COAL COMPANY

ORDER GRANTING ADJUSTMENT

Correction

In paragraph (b) (i) of the order appearing on page 7820 of the issue for October 2, 1942, the reference to "§ 1340.361" should read "§ 1340.261."

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-611]

ASSOCIATED ELECTRIC COMPANY AND LOUISIANA PUBLIC UTILITIES CO., INC.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 10th day of October, 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Associated Electric Company, a registered holding company, and Louisiana Public Utilities Co., Inc., a wholly owned subsidiary thereof. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Associated Electric Company, a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, proposes to divest itself of its entire interest in Louisiana Public Utilities Co., Inc., to D. Gordon Rupe, Jr., G. C. Hyde, and R. A. Ritchie, all of Dallas, Texas, for a cash consideration of $3,000,000.

The securities and other indebtedness proposed to be sold consisted, as of September 22, 1942, of the following:

11,000 shares of Common Stock, no par value;

$2,892,000.00 principal amount First Mortgage Gold Bonds, Series B, 6% due December 1, 1945;

$1,431,884.49 principal amount 6% Open Account Indebtedness (interest payable when, as and if earned).

Associated Electric Company also proposes, as a necessary step in effecting the sale of its interests in Louisiana, to acquire from Louisiana 1,010 shares of capital stock of Atlantic Utility Service Corporation for a cash consideration of $1.00.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted, except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters, under the applicable provisions of said Act and rules of the Commission thereunder, be held on October 27, 1942, at 10 a. m. in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room in which such hearing will be held. At such hearing cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Charles S. Lobingier, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commisison's Rules of Practice.

It is further ordered, That, without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the consideration to be received from the sale of the securities of

Louisiana Public Utilities Co., Inc., is fair and reasonable, and how such consideration was determined;

2. Whether the sale of the securities of Louisiana Public Utilities Co., Inc., by Associated Electric Company meets the requirements of section 12 (d) of the Act and Rule U-44 of the General Rules and Regulations;

3. Whether the proposed sale of securities of Louisiana Public Utilities Co., Inc., should be exempt from the competitive bidding requirement of Rule U-50;

4. Whether terms and conditions are necessary to be imposed to insure compliance with the requirements of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders promulgated thereunder;

5. Specifically, whether the public interest or the interest of investors, or other applicable standards of the Act requires that prior to, or in connection with, any such disposition of the Securities of Louisiana Public Utilities Co., Inc., steps should be taken toward the simplification of the corporate structure of Louisiana Public Utilities Co., Inc.;

6. Specifically, whether the public interest or the interest of investors, or other applicable standards of the Act, requires that prior to, or in connection with, any such disposition of the securities of Louisiana Public Utilities Co., Inc., steps should be taken to restate the plant and property accounts, depreciation or retirement reserve, or other accounts of Louisiana Public Utilities Co., Inc.;

7. Generally, whether all actions proposed to be taken comply with the requirements of such Act or rules, regulations or orders promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10206; Filed, October 12, 1942; 9:52 a. m.]

WM. FILENE'S SONS CO.

[File No. 1-165]

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of October, A. D., 1942.

In the matter of Wm. Filene's Sons Company, common stock, no par value.

The New York Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, No Par Value, of Wm. Filene's Sons Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on October 19, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10208; Filed, October 12, 1942; 9:55 a. m.]

[File No. 70-608]

INTERNATIONAL UTILITIES CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of October, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than October 23, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

International Utilities Corporation, a registered holding company, proposes to pay out of capital or unearned surplus a regular quarterly dividend on its $3.50 Prior Preferred Stock at the rate of 87½¢ per share on the 98,966 shares of such stock presently outstanding. The aggregate amount of this dividend will be $86,595.25.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10210; Filed, October 12, 1942; 9:55 a. m.]

SAM B. RAITMAN

FINDINGS AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of October, A. D. 1942.

In the Matter of Sam B. Raitman, Olney Trust & Bank Building, Olney, Illinois.

Sam B. Raitman, hereinafter called the registrant, being registered with the Commission as an over-the-counter broker-dealer pursuant to Section 15 of the Securities Exchange Act of 1934;

The commission having issued an order stating that information had been reported to it tending to show that the registrant was convicted on or about March 9, 1942, of a felony involving the purchase and sale of securities, and setting a hearing on the question whether his registration as an over-the-counter broker-dealer should be suspended or revoked;

A hearing having been held after due notice; and the commission having duly considered the matter and being fully advised in the premises, and having found that the said Sam B. Raitman was convicted on March 9, 1942, by the United States District Court for the Southern District of New York of a felony involving fraud in the purchase and sale of securities, and that revocation of his registration is in the public interest;

It is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of the said Sam B. Raitman as an over-the-counter broker-dealer be, and the same hereby is, revoked.

By the Commission (Chairman Purcell, and Commissioners Healy, Pike, and O'Brien), Commissioner Burke being absent and not participating.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10209; Filed, October 12, 1942 9:55 a. m.]

[File No. 31-485]

ROCHESTER TRANSIT CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 10th day of October, 1942.

Rochester Transit Corporation, a corporation organized and existing under the laws of the State of New York, having filed an application pursuant to section 2 (a) (8) of the Public Utility Holding Company Act of 1935, for an order declaring itself and all of its subsidiaries not to be subsidiary companies of Associated Gas and Electric Company and Associated Gas and Electric Corporation, registered holding companies, and of Shinn & Company, a subsidiary of the latter two companies; and

It appearing to the Commission that it is appropriate and in the public interest, and interest of investors and consumers, that a hearing be held with respect to said matter;

It is ordered, That a hearing on such application be held on November 16, 1942, at 10:00 o'clock in the forenoon of that day, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such application should be granted.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at any such hearing and is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of the Act and to to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard in this proceeding shall file a request to that effect with the Secretary of the Commission on or before November 9, 1942, as provided by Rule XVII of the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said application, particular attention will be directed at such hearing to the following matters and questions:

1. Whether Rochester Transit Corporation is controlled directly or indirectly by Associated Gas and Electric Company, Associated Gas and Electric Corporation or Shinn & Company (either alone or pursuant to an arrangement or understanding with one or more other persons) either through one or more intermediary persons or by any means or device whatscever.

2. Whether Rochester Transit Corporation is an intermediary company through which such control of another company is exercised.

3. Whether the management or policies of Rochester Transit Corporation are subject to a controlling influence, directly or indirectly, by Associated Gas and Electric Company, Associated Gas and Electric Corporation, or Shinn & Company (either alone or pursuant to an arrangement or understanding with one or more other persons) so as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that Rochester Transit Corporation be subject to the obligations, duties and liabilities imposed by the Act upon subsidiary companies of holding companies.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10205; Filed, October 12, 1942; 9:52 a. m.]

[File No. 70-540]

TRI-CITY UTILITIES CO.

ORDER MODIFYING CONDITIONS AND GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of October, 1942.

In the matter of Tri-City Utilities Company, successor in interest herein to Kentucky-Tennessee Light and Power Company, and Kentucky Utilities Company.

Applications and declarations, and amendments thereto, having been filed with this Commission by Tri-City Utilities Company, a subsidiary of Associated Electric Company, a registered holding company, and Kentucky Utilities Company, a registered holding company and a subsidiary of The Middle West Corporation, a registered holding company, pursuant to sections 10 and 12 (d), and Rule U-44 thereunder, of the Public Utility Holding Company Act of 1935, regarding the sale and exchange of certain electric public utility properties; and

The Commission having by order dated August 17, 1942, granted the applications and permitted the declarations to become effective, subject to the terms and conditions prescribed in Rule U-24; and

Tri-City Utilities Company and Kentucky Utilities Company having requested that the said conditions be modified to the extent necessary to extend the time within which the transactions as set forth in the applications and declarations may be made to December 17, 1942;

It is ordered, That the conditions contained in the order of August 17, 1942, be and hereby are modified to the extent necessary to extend the time within which such transactions may be made to December 17, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10207; Filed, October 12, 1942; 9:53 a. m.]

[File No. 70-607]

VIRGINIA ELECTRIC AND POWER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of October 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Virginia Electric and Power Company; and

Notice is further given that any interested person may, not later than October 23, 1942 at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of transactions therein proposed which are summarized as follows:

Virginia Electric and Power Company, a subsidiary company of Engineers Public Service Company, a registered holding company, proposes to issue $4,000,000 aggregate principal amount of notes to be dated November 2, 1942 to mature $500,000 principal amount on November 1, 1944 and a like principal amount on each May 1 and November 1 thereafter up to and including May 1, 1948 and are to bear interest at the rate of two and one-quarter percentum (2¼%) per annum payable semi-annually. Said notes will evidence borrowings from the following banking institutions in the following amounts:

The First National Bank of Boston, Boston, Mass	$2,872,550
First and Merchants National Bank of Richmond, Richmond, Virginia	263,750
State-Planters Bank and Trust Company, Richmond, Va	281,400
The Central National Bank of Richmond, Richmond, Va	82,300
National Bank of Commerce of Norfolk, Norfolk, Virginia	300,000
The Seaboard Citizens National Bank of Norfolk, Norfolk, Virginia	200,000
	4,000,000

The proceeds of said notes will be used to aid in financing the cost of constructing a new power station to be located on the James River in Chesterfield County, about five miles from Chester, Virginia, and transmission lines connecting said station with the company's interconnected power system, which plant will cost approximately $6,800,000, construction of which is already in progress.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10264; Filed, October 13, 1942; 9:24 a. m.]

[File No. 70-455]

NORTHEASTERN WATER AND ELECTRIC CORP., ET AL.

NOTICE REGARDING AMENDED FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 10th day of October 1942.

In the matter of Northeastern Water and Electric Corporation and Denis J. Driscoll and Willard L. Thorp as Trustees of Associated Gas and Electric Corporation.

Notice is hereby given that an amended declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation; and

Notice is further given that any interested person may, not later than October 23, 1942, at 5:30 P. M., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa.

All interested persons are referred to said amended declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

On March 3, 1942, the Commission permitted the declaration to become effective with respect to, among other things, the sale by the Trustees of Associated Gas and Electric Corporation of 155,747 shares of the common stock of Northeastern Water and Electric Corporation, to John H. Ware, Jr. and Penn-Jersey Water Company, for a cash consideration of $3,805,197.14. (Holding Company Act Release No. 3353.) Subsequent orders have been issued extending the time of the consummation of such transaction to December 15, 1942. The Trustees of Associated Gas and Electric Corporation have filed an amended application and declaration whereby the common stock of Northeastern Water and Electric Corporation will be sold to John H. Ware, Jr. and Penn-Jersey Water Company for a total consideration of $3,224,665.77. The purchase price is to be paid as follows:

A minimum of $1,224,665.77 in cash will be paid on the closing date, the balance by a collateral promissory note delivered to the Trustees at the closing date secured by 155,747 shares of common stock of Northeastern Water and Electric Corporation. The note will bear interest at 3% per annum and will mature November 15, 1943. The purchasers will have the right to anticipate payments of principal in whole or in part at any time without premium, and at maturity to apply for a renewal of not more than $1,000,000 of the note for a further period of one year.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10265; Filed, October 13, 1942; 9:24 a. m.]

[File No. 70-610]

COLUMBIA OIL & GASOLINE CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of October 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than October 23, 1942 at 5:30 p. m. request the Commission in writing that a hearing be held on such matters, stating the reason for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulation promulgated pursuant to said Act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application which is on file in the office of said Commission for a statement of the transactions therein proposed, which are summarized below:

Columbia Oil & Gasoline Corporation, a subsidiary of Columbia Gas & Electric Corporation, a registered holding company and a subsidiary of The United Corporation, also a registered holding company, proposed to purchase from Columbia Gas & Electric Corporation $300,000 face amount of the corporation's Twenty-year debentures for $312,000 plus accrued interest, such amount being the redemption price specified in the indenture securing such debenture; the debentures so acquired to be tendered to City Bank Farmers Trust Company, Trustee, under the indenture, for cancellation and retirement in lieu of the semi-annual cash sinking fund payment required under the provisions of said indenture.

Sections 9, 10 and 12 (c) of the Act and Rule U-42 of the Rules and Regulations of the Commission issued thereunder have been designated as applicable to the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10266; Filed, October 13, 1942; 9:24 a. m.]

Reference

OCT 17 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 203

Washington, Thursday, October 15, 1942

The President

EXECUTIVE ORDER 9254

[POSSESSION AND OPERATION OF PLANTS OF TRIUMPH EXPLOSIVES, INC., AND AFFILIATES]

WHEREAS, Triumph Explosives, Inc. has entered into contracts with the United States War Department and the United States Navy Department for the construction and manufacture of essential war materials and such war materials have been in the course of manufacture at the plants of said corporation; and

WHEREAS, it is deemed essential that the plants of the Triumph Explosives, Inc. be taken over for use and operation by the United States of America and that authority exist similarly to take over and operate plants of its subsidiaries, in order that they may be effectively and safely operated in the manufacture of the kind, quantity, and quality of war materials called for by the contracts of Triumph Explosives, Inc. with the United States:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, pursuant to the powers vested in me by the Constitution and the laws of the United States, as President of the United States and Commander-in-Chief of the Army and Navy of the United States, (1) hereby authorize and direct the Secretary of the Navy immediately to take possession of and operate the plants of Triumph Explosives, Inc. located at Elkton, Maryland, and (2) hereby further authorize the Secretary of the Navy, if and when he may deem it necessary and desirable for the effectuation of the purposes of this Order, to take possession of and operate any or all of the plants of the firms and corporations affiliated with Triumph Explosives, Inc., namely, the plants of Elk Loading Mills Corporation located at Elkton, Maryland; of Kent Defense Company located at Chestertown, Maryland; of Milford Ordnance Company, Inc. located at Milford, Delaware; of Sussex Ordnance Company located at Milford, Delaware; and of Maryland Display and Fireworks Company located at Elkton, Maryland—in so far as may be necessary or desirable to produce safely and effectively the kind, quality, and quantity of war materials called for by the company's contracts with the United States, its departments and agencies, or as may be otherwise required for the war effort, and do all things necessary or incidental to that end.

The Secretary of the Navy may exercise the authority herein conferred through and with the aid of such person or persons or instrumentalities as he may designate and may select and hire such employees, including a competent civilian adviser on industrial relations, as are necessary to carry out the provisions of this Order, and in furtherance of the purposes of this Order the Secretary of the Navy may exercise any existing contractual or other rights of said company or of the said firms and corporations affiliated with it or take such steps as may be necessary or desirable.

Possession and operation of any plant under this Order will be terminated by the President as soon as he determines that such plant will be operated privately in a manner consistent with the war effort.

THE WHITE HOUSE,
October 12, 1942.

FRANKLIN D ROOSEVELT

[F. R. Doc. 42-10300; Filed, October 13, 1942; 2:29 p. m.]

EXECUTIVE ORDER 9255

PRESCRIBING REGULATIONS GOVERNING THE PAYMENT OF RENTAL ALLOWANCES TO OFFICERS

By virtue of and pursuant to the authority vested in me by section 6 of the Pay Readjustment Act of 1942, approved June 16, 1942 (Public Law 607—77th Cong.), I hereby prescribe the following regulations governing the payment of rental allowances to officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, including adjunct forces thereof.

I. *Definitions.* As used in these regulations or in regulations prescribed pursuant hereto:

(a) The terms "on active duty" and "entitled to active-duty pay", shall apply

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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to an officer while on the active list or while required to perform duty in accordance with law for which he is entitled to active-duty pay: *Provided*, that such terms shall not apply to any officer while absent from duty under conditions which, under the laws governing the particular service concerned, would prevent him from receiving full pay.

(b) The term "field duty" shall mean service, under orders, with troops operating against an enemy, actual or potential.

(c) The term "sea duty" shall mean service at sea by an officer on a vessel under orders (1) requiring the officer to report for duty on board a designated vessel or (2) assigning him to duty in command of vessels or as a member of the staff of an officer in command of vessels: *Provided*, that the officer concerned is not during the same period required to render service on shore of a character determined by the department concerned to be paramount to the duty which he is required to render at sea.

(d) The term "permanent station" shall mean the place on shore where an officer is assigned to duty, or the home yard or the home port of a vessel on board which an officer is required to perform duty, under orders in each case which do not in terms provide for the termination thereof; and any station on shore or any receiving ship where an officer in fact occupies with dependents public quarters assigned to him without charge shall also be deemed during such occupancy to be his permanent station.

(e) The terms "competent superior authority" and "competent authority" shall mean the officer required by regulations of the department concerned to assign public quarters.

(f) The term "dependent" shall include at all times and in all places a lawful wife and unmarried children under twenty-one years of age. It shall also include the father or mother of the person concerned provided he or she is in fact dependent upon such person for his or her chief support: *Provided*, that the term "children" shall be held to include stepchildren and adopted children when such stepchildren or adopted children are in fact dependent upon the person claiming dependency allowance.

II. *Assignment of quarters.*—(a) The assignment of quarters to an officer shall consist of the designation in accordance with regulations of the department concerned of quarters controlled by the Government for occupancy without charge by the officer and his dependents, if any.

(b) No officer who, when adequate quarters are not available for assignment to him at his permanent station, is permitted or required personally to occupy inadequate quarters at such station shall so occupy more than one room and a bath.

(c) Any unassigned quarters at a post, yard, or station may, with the permission of competent superior authority and so long as not needed for assignment to officers on permanent duty thereat, be occupied by officers not permanently stationed thereat, but no officer unaccompanied by dependents shall be permitted to occupy as quarters at a post, yard, or station other than his permanent station more than one room and a bath.

III. *Payments.*—(a) Payment of the money allowance for rental of quarters to the officers entitled thereto shall be made periodically by appropriate disbursing officers upon submission of the evidence necessary to substantiate the payee's right to such allowance.

(b) No officer shall be paid a rental allowance for any period during which he is assigned quarters at his permanent station which have been determined to be adequate in accordance with regulations prescribed by the head of the department concerned.

IV. The head of any department concerned is authorized to prescribe such supplementary regulations not inconsistent herewith as he may deem necessary or desirable for carrying out these regulations.

This order shall supersede Executive Order No. 4063 of August 13, 1924, and shall be effective as of June 1, 1942.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 13, 1942.

[F. R. Doc. 42-10316; Filed, October 14, 1942; 11:11 a. m.]

EXECUTIVE ORDER 9256

TERMINATION AND LIQUIDATION OF THE ELECTRIC HOME AND FARM AUTHORITY

By virtue of the authority vested in me by section 1 of the act of Congress approved March 31, 1936, 49 Stat. 1186, as amended, and as President of the United States, it is ordered as follows:

1. The Electric Home and Farm Authority shall cease to be an agency of the United States on the effective date of this order; and proceedings for the dissolution of the Authority shall be instituted in accordance with the laws of the District of Columbia, and the capital stock of the Authority shall be cancelled.

2. For purposes of liquidation and payment of its liabilities, all assets, funds, records, contracts, and property of the Electric Home and Farm Authority and the further administration thereof are hereby transferred to the Reconstruction Finance Corporation. All funds remaining upon completion of the liquidation of the Authority shall be paid by the Reconstruction Finance Corporation into the general fund of the Treasury.

3. All personnel of the Electric Home and Farm Authority are hereby transferred, without change in civil service status, to the Reconstruction Finance Corporation.

4. This order shall become effective as of the close of business October 31, 1942.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 13, 1942.

[F. R. Doc. 42-10315; Filed, October 14, 1942; 11:11 a. m.]

Regulations

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

[General License HSD-1]

PART 136—GENERAL LICENSES UNDER REGULATIONS OF THE GOVERNOR OF HAWAII RELATING TO SAFE DEPOSIT BOXES

OPENING OF SAFE DEPOSIT BOXES

OCTOBER 2, 1942.

A general license is hereby granted authorizing the lessor of any safe deposit box in the Territory of Hawaii which was not opened on or before October 1, 1942, pursuant to § 133.3 (a) (1)[1] of the Regulations Relating to Safe Deposit Boxes, to permit the lessee of such box (or such other person as may have access thereto) to open such box after October 1, 1942, for the purpose set forth in said § 133.3 (a) (1).

Every lessor of safe deposit boxes within the Territory of Hawaii shall file a report in triplicate with the Office of the Governor of Hawaii at the beginning of each week, setting forth the names and addresses of the lessees of all safe deposit boxes which were opened during the preceding week pursuant to this general license, if any such boxes were opened. Such reports shall include a description of any securities found to be held in violation of § 133.2 of the Regulations Relating to Securities,[1] as amended, and any United States currency found to be held in violation of the Regulations Relating to Currency, as amended, and a statement as to the disposition made of such securities and currency.

[SEAL] INGRAM M. STAINBACK,
Governor.

[F. R. Doc. 42-10317; Filed, October 14, 1942; 11:50 a. m.]

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[1] 7 F.R. 6721.

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment LII]

PART 804—INDIVIDUAL LICENSES

GENERAL PROVISIONS, AMENDMENT

Paragraph (f) of § 804.1 *General Provisions*[2] is hereby amended to read as follows:

(f) An individual license is valid for six months unless:

(1) It is otherwise stated on the license, or (2) A stamp has been placed on a copy of the shipping space application, filed in accordance with the provisions of Part 808 of this subchapter, extending the expiration date of the license, or (3) The license is sooner revoked.

(Sec. 6, 54 Stat. 714, Pub. Law 75, 77th Cong., Pub. Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951.)

A. N. ZIEGLER,
Acting Chief,
Export Control Branch,
Office of Exports.

OCTOBER 10, 1942.

[F. R. Doc. 42-10308; Filed, October 14, 1942; 9:44 a. m.]

[Amendment L]

PART 809—SHIPPING PRIORITY RATINGS

SHIPPING RATINGS ASSIGNED VARIOUS ARTICLES AND MATERIALS

Paragraph (a) of § 809.6 *Ratings assigned articles and materials under general license*[3] is hereby amended by the assignment of the following new shipping ratings to the following listed commodities:

Schedule B No. and Commodity		*Shipping rating*
1716	Whiskey	D
1719	Other distilled liquors & compounds containing spirits	D
3857.7	Sleeping and lounging garments knit or woven (include pajamas, gowns, robes and kimonos)	D
9301	Mechanical pencils of plastic materials	C
9302	Mechanical pencils of materials other than plastics	C
9321	Writing ink	B

Paragraph (d) of § 809.6 *Ratings assigned articles and materials under general license* is hereby amended to read as follows:

(d) When articles and materials under general license are moving in transit through the United States in shipments originating outside of Canada, the merchandise included therein shall have the ratings assigned by § 809.6 (a) of this part, provided such merchandise is listed therein. If such merchandise is not listed in said § 809.6 (a), a rating of "D" is hereby assigned thereto.

(Sec. 6, 54 Stat. 714, Pub. Law 75, 77th Cong., Pub. Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951.)

A. N. ZIEGLER,
Acting Chief,
Export Control Branch,
Office of Exports.

OCTOBER 9, 1942.

[F. R. Doc. 42-10309; Filed, October 14, 1942; 9:44 a. m.]

[Amendment LI]

PART 809—SHIPPING PRIORITY RATINGS

APPEALS FOR HIGHER RATINGS

Section 809.8 *Appeals for higher ratings*[1] is hereby amended in the following particulars:

1. Paragraph (a) is amended to read as follows:

(a) Exporters may appeal for a higher rating than that assigned under an individual license, or for a higher rating than those prescribed under § 809.6 (a) for articles and materials under general license, by submitting in triplicate an "Appeal for Higher Shipping Priority Rating". Such appeal shall state, in addition to the name and address of the applicant, the following information relative to the articles or materials to be exported:

Individual or general license number.

Portion of the shipment which is at point of exit from the United States ready to be exported.

Location of goods at point of exit: in railroad cars, in railroad storage, etc.

Portion of the shipment which remains to be forwarded to point of exit.

Where information is available, the stage of manufacture of such portions: completed, in process, not started.

Whether the material or article is manufactured to specifications not normally used in the United States.

Rating originally assigned to the commodity to be exported.

Description of the commodity as it appears on the export license. (If under general license, give brief description and the Department of Commerce Schedule B number).

Specific reasons why the applicant believes that a higher rating is justified.

If an application for freight space has previously been filed, the serial number and the status thereof shall be set forth in the letter of appeal. If an application for freight space has not previously been filed and the shipment weighs over 2240 pounds, the applicant shall submit such application with his appeal, with an acknowledgment card.

2. Paragraph (b) is hereby rescinded.

(Sec. 6, 54 Stat. 714, Pub. Law 75, 77th Cong., Pub. Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951.)

A. N. ZIEGLER,
Acting Chief,
Export Control Branch,
Office of Exports.

OCTOBER 10, 1942.

[F. R. Doc. 42-10310; Filed, October 14, 1942; 9:44 a. m.]

Chapter XI—Office of Price Administration

PART 1394—FUEL AND FUEL RATIONING

[Amendment 7 to Ration Order 5B[1]]

GASOLINE RATIONING REGULATIONS FOR PUERTO RICO

A rationale involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (e) to § 1394.2306 is amended to read as set forth below:

§ 1394.2306 *Preferred mileage.* * * *

(e) By a licensed physician, surgeon, dentist, osteopath, chiropractor, midwife, or veterinarian, or by a public health nurse, for making necessary professional calls or rendering necessary professional services; or by a licensed funeral director or embalmer, for rendering services necessary in connection with the preparation for interment and the interment of deceased persons.

* * * * *

§ 1394.3052 *Effective dates of amendments.* * * *

(g) The effective date of Amendment No. 7 (§ 1394.2306 (e)) to Ration Order No. 5B shall become effective October 13, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

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[1] 7 F.R. 5808, 6463.
[2] 7 F.R. 5010, 7991.
[3] 7 F.R. 5268, 5660, 8178.

[1] 7 F.R. 5268, 5344.

* Copies may be obtained from the Office of Price Administration.
[1] 7 F.R. 5607, 6389, 6390, 6871, 7400, 7908.

Issued this 13th day of October 1942.

William Mead,
Acting Director for the Territory of Puerto Rico.

[F. R. Doc. 42-10306; Filed, October 13, 1942; 4:45 p. m.]

Part 1499—Commodities and Services

[Amendment 32 to Supplementary Regulation 1[1] of General Maximum Price Regulation[2]]

WOOL SKINS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Subdivision (ix) of § 1499.26 (d) (1) is amended to read as set forth below:

§ 1499.26 *Exceptions for certain commodities, certain sales and deliveries.*

* * *

(d) *Definitions:* (1) When used in this Supplementary Regulation No. 1., the term: * * *

(ix) "Wool skins" means the untanned skins of sheep or lambs with the wool still on, but shall not include such skins which are sold for use as furs.

* * * * *

(e) *Effective dates.* * * *

(33) Amendment No. 32 (§ 1499.26 (d) (1) (ix)) to Supplementary Regulation No. 1 shall become effective October 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 13th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10305; Filed, October 13, 1942; 4:45 p. m.]

Part 1499—Commodities and Services

[Order 58 Under § 1499.18 (b) of the General Maximum Price Regulation—Docket GF3-602]

International Badger Corporation

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.858 *Adjustment of maximum prices for sales of dressed badger hair by International Badger Corporation, 208 West 29th Street, New York City.* (a) International Badger Corporation, 208 West 29th Street, New York City, is hereby authorized to sell and deliver the following grades of dressed badger hair at prices not in excess of the following:

	Price per pound
60 m/m and/or up Solid Badger Casings	$54
60 m/m and/or up Solid Badger Middles	45
55 m/m Taper Badger Middles	20

(b) The maximum prices authorized by this order are subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) This order may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 58 (§ 1499.858) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by section 1499.2.

(e) This Order No. 58 (§ 1499.858) shall become effective this 13th day of October 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10304; Filed, October 13, 1942; 4:44 p. m.]

Chapter XV—Board of War Communications

[Order 20]

Part 1717—Priority for Urgent Telephone Toll Calls Essential to the War Effort or Public Safety

Whereas, the Board of War Communications has determined that the national defense and security and the successful conduct of the war demand that certain telephone toll calls relating to the war effort or public safety be given preferred handling;

Now, therefore, by virtue of the authority vested in the Board by Executive Order No. 8964[1] of December 10, 1941, prescribing regulations governing the preference and priority of communications, and by virtue of the authority vested in the Board by Executive Order No. 9089[2] of March 6, 1942, prescribing regulations governing the use, control, supervision and closing of stations and facilities for wire communications;

It is hereby ordered as follows:

Sec.
1717.1 Priorities.
1717.2 Preferred callers.
1717.3 Records.
1717.4 Reports.
1717.5 Violations.

Authority: §§ 1717.1 to 1717.5 inclusive, issued under E.O. 8964 and 9089; 6 F.R. 6367, 7 F.R. 1777.

§ 1717.1 *Priorities.* On and after November 1, 1942, urgent toll calls placed with commercial telephone systems by the authorized persons or agencies designated in § 1717.2 shall upon request be given priority over all other toll calls in accordance with the provisions of, and in the order set forth in paragraphs (a), (b), and (c) of this section:

(a) Priority 1 shall be given to calls which require immediate completion for war purposes or to safeguard life or property and which relate to one or more of the following matters:

(1) Arrangements for moving armed forces during combat operations.

(2) Extremely urgent orders to armed forces.

(3) Immediate dangers due to the presence of the enemy.

(4) Hurricane, flood, earthquake or other disaster materially affecting the war effort or public security.

Where necessary for the immediate completion of a call having Priority 1, any conversation in process (other than one having Priority 1) may be interrupted.

(b) Priority 2 shall be given to calls which require immediate completion for the national defense and security, the successful conduct of the war, or to safeguard life or property other than those specifically described in § 1717.1 (a).

(c) Priority 3 shall be given to calls which require prompt completion for the national defense and security, the successful conduct of the war, or to safeguard life or property and which involve matters of the following type:

(1) Important governmental functions.

(2) Machinery, tools or raw materials for war plants.

(3) Production of essential supplies.

(4) Maintenance of essential public services.

(5) Supply or movement of food.

(6) Civilian defense or public health and safety.

§ 1717.2 *Preferred callers.* The following persons and agencies are designated as authorized persons or agencies entitled to use telephone toll priorities where such call is required in the manner and for a purpose specified above:

(a) The President of the United States, the Vice President, Cabinet officers, Members of Congress, Army, Navy, Aircraft Warning Service, Federal, State and Municipal Government Departments and Agencies, Embassies, Legations, and Commissions of the United Nations, Civilian Defense Organizations, Red Cross, State and Home Guards, essential war industries, essential services such as communications, transportation, power, water, fuel, press associations, newspapers, and health and sanitation services.

§ 1717.3 *Records.* A record shall be kept by all telephone carriers of all priority calls, which record shall include the priority given and whether a conversation in process was interrupted. Such record shall be kept by the telephone carrier for two years after the date of the call.

§ 1717.4 *Reports.* Within thirty days after the end of each calendar month, the American Telephone and Telegraph Company shall file with the Board a report for the Bell System Companies showing:

(a) The number of calls during the preceding calendar month given Priority 1, 2, and 3, and the number of calls given Priority 1 for which other calls were interrupted;

(b) Periods of time required for completion of each class of priority calls.

§ 1717.5 *Violations.* The telephone facilities of any subscriber who wilfully obtains or attempts to obtain priority for a toll call by fraudulently designating such call as a priority call or by furnishing false information to any telephone carriers for the purpose of obtaining a priority, shall be subject to closure, removal or other appropriate governmental action.

Subject to such further order as the Board may deem appropriate.

By the Board of War Communications.

James Lawrence Fly,
Chairman.

Attest: October 8, 1942.

Herbert E. Gaston,
Secretary.

[F. R. Doc. 42-10311; Filed, October 14, 1942; 9:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Order ODT 18, Revised]

Part 500—Conservation of Rail Equipment

SUBPART C—CARLOAD FREIGHT TRAFFIC

By virtue of the authority vested in me by Executive Order No. 8989 issued December 18, 1941, and in order to make available railway cars and other transportation facilities and equipment for the preferential transportation of material of war, as contemplated by section 6 (8) of the Interstate Commerce Act, as amended; to prevent shortages of equipment necessary for such transportation; to conserve and providently utilize motive power and other transportation facilities and service; and to expedite the movement of freight traffic, the attainment of which purposes is essential to the successful prosecution of the war, Subpart C (General Order ODT 18, as amended),[1] Part 500, Chapter II, Title 49 of the Code of Federal Regulations, is hereby revised and amended to read as follows:

It is hereby ordered, That:

Sec.
500.20 Definitions.
500.21 Loading of carload freight.
500.22 Special and general directions and permits.
500.23 Exemptions.
500.24 Consignor's certificate.
500.25 Stop-offs to complete loading or for partial unloading.
500.26 Consolidation of shipments in a single car.
500.27 Filing rate publications; rates not to be increased.
500.28 Communications.
500.29 Revocation.
500.30 Effective date.

Authority: §§ 500.20 to 500.30, inclusive, issued under E.O. 8989, 6 F.R. 6725.

§ 500.20 *Definitions.* As used in this subpart or in special directions issued hereunder:

(a) The term "person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, and includes any agency of the United States or of a State or political subdivision thereof, or any trustee, receiver, assignee, or personal representative.

(b) The term "rail carrier" means any person engaged in the transportation of property as a common carrier by railroad, in or between any of the several States of the United States or the District of Columbia;

(c) The term "open freight car" means any railway car not roofed or permanently covered, other than a flat car, used by a rail carrier for the transportation of freight by rail;

(d) The term "closed freight car" means any roofed or permanently covered railway freight car, other than a tank car, used by a rail carrier for the transportation of freight by rail;

(e) The terms "freight car" and "car" mean any open freight car or closed freight car as defined in paragraphs (c) and (d) of this § 500.20;

(f) The terms "carload freight" and "freight" mean property transported by a rail carrier in an open freight car or a closed freight car at other than less-than-carload or any-quantity rates;

(g) The term "bulk freight" means any carload freight consisting of any non-liquid, non-gaseous commodity shipped loose or in mass and which in the loading or unloading thereof is ordinarily shoveled, scooped, forked, or mechanically conveyed or which is not in containers or in units of such size to permit piece by piece loading or unloading;

(h) The term "non-bulk freight" means any carload freight consisting of any commodity which is not included within the term "bulk freight";

(i) The term "point of origin" means a point in the United States at which a rail carrier furnishes an empty car to be loaded with carload freight.

§ 500.21 *Loading of carload freight.* No rail carrier shall accept for transportation at point of origin, or forward therefrom, any carload freight in any freight car unless such freight is loaded in accordance with one of the following requirements:

(a) With a quantity of freight which equals or exceeds in weight the marked capacity (not "Load Limit") in pounds, which is stenciled on such car or is shown under the heading "Capacity" in the Official Railway Equipment Register, Alternate Agent M. A. Zenobia's I.C.C.R.E.R. No. 264, or supplements thereto and reissues thereof; or

(b) With a quantity of bulk freight in a closed freight car, loaded to an elevation not lower than eighteen (18) inches from the roof of the car measured at its side walls, or, if the interior walls of such car are partially sheathed or lined, to the utmost elevation practicable without overrunning the sheathing or lining; or

(c) With a quantity of non-bulk freight in a closed freight car or with a quantity of bulk freight or non-bulk freight in an open freight car loaded so as to occupy and utilize all of the practicable stowage space of such freight car.

(d) Nothing in this § 500.21 shall be construed as requiring (1) that cars shall be loaded to such an extent or in such a manner as to create a transportation hazard, or to cause damage to the lading, or to cause injury to persons engaged in loading or unloading such cars, or (2) that cars containing freight requiring refrigeration, heat, or ventilation in transit be loaded beyond the refrigerating, heating, or ventilating capacity of such cars, or (3) the loading of any freight car in a manner inconsistent with efficient stowage practices.

§ 500.22 *Special and general directions and permits.* The provisions of this subpart shall be subject to any special direction with respect to maximum loading of carload freight consisting of commodities designated in such special direction issued by the Director, Division of Railway Transport, Office of Defense Transportation, and to any special or general permit issued by the Office of Defense Transportation, to meet specific needs or exceptional circumstances, to avoid controversies with respect to when loading will create a transportation hazard, cause damage to lading, cause injury to persons, or is beyond the refrigerating, heating, or ventilating capacity of a car or cars, or to prevent undue hardships.

§ 500.23 *Exemptions.* The provisions of § 500.21 of this subpart shall not apply to:

(a) Freight shipped by or consigned to any establishment of the United States Army, Navy, Coast Guard, or Marine Corps; freight consisting principally of airplanes, armaments, munitions, military vehicles including tanks, and processed parts thereof; and freight consisting of marine equipment consigned to the Maritime Commission or the War Shipping Administration;

(b) A tariff minimum carload shipment of any commodity or commodities which have been allocated or limited by a regulation of an agency of the United States Government in such quantity as to preclude shipment of an amount sufficient to meet the loading requirements of this subpart, or to a tariff minimum carload shipment of any commodity or commodities not so allocated or limited when loaded in the same car with such allocated or limited commodity or commodities: *Provided, however,* That the consignor has first attempted in good faith to avail himself of the provisions of §§ 500.25 and 500.26 of this subpart;

(c) A tariff minimum carload shipment of explosives or other dangerous articles as defined and listed in and transported under "Regulations for Transportation of Explosives and Other Dangerous Articles" adopted by the Interstate Commerce Commission by order of August 16, 1940, effective January 7, 1941, in Docket No. 3666, as amended, pursuant to the provisions of Title 18, sec. 383, U. S. Code, as published in Agent W. S. Topping's Freight Tariff No. 4, I.C.C. No. 4, and supplements

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* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3158, 3488, 3892, 4183, 4410, 4428, 4487, 4488, 4493, 4669, 5066, 5192, 5276, 5366, 5484, 5607, 5717, 5942, 6082, 6473, 6685, 7011, 7250, 7317, 7598, 7604, 7739.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 7093, 7322, 7454, 7758, 7913, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939.

[1] 6 F.R. 6367.

[2] 7 F.R. 1777.

[1] 7 F.R. 6496, 7039.

thereto and reissues thereof, or to a tariff minimum carload shipment of other freight loaded in the same car with a carload shipment of explosives or other dangerous articles as defined above;

(d) Freight moving under and in accordance with "cleanout" or "remnant rules" or "gathering rates and rules" established in applicable freight tariffs;

(e) Carload freight which is transported over a route of movement authorized in a rail carrier's tariff to a point or points intermediate between origin and destination for consolidation of shipments, or for stopping in transit to complete loading, or for partial unloading, when the car containing such freight is loaded in accordance with the requirements specified in § 500.21 of this subpart during a part of the movement;

(f) Freight loaded in a car, which car, because of construction or design, cannot be interchanged with other carriers under MCB rules;

(g) Freight to be unloaded at points located on railroads in the Republic of Cuba;

(h) Freight consisting of livestock or other live animals or live poultry;

(i) Freight consisting of cotton or cotton linters, in bales;

(j) Freight loaded by a rail carrier when such freight consists of such rail carrier's own material or equipment and is to be moved over its own lines;

(k) Carload shipments of freight when authorized by and made in accordance with any special permit issued by the chief operating officer or division superintendent of the initial line-haul rail carrier, or by the chief operating officer or division superintendent of the initial switching carrier where no line-haul service is to be performed, in a specific case where, in his judgment, because of the unusual character of the lading, or unusual circumstances, or undue car detention, he believes compliance with the loading requirements of this subpart would result in the inefficient use, or unduly retard the efficient use, of cars or locomotives, or, in a specific case, where in his judgment, such permit is required for reasons of military necessity. Weekly reports of all special permits issued by the chief operating officer or division superintendent of each rail carrier shall be made to the Director, Division of Railway Transport, Office of Defense Transportation, Washington, D. C., by the chief operating officer of each such rail carrier upon forms prescribed by the Office of Defense Transportation.

§ 500.24 *Consignor's certificate.* There shall be endorsed on the shipping instructions issued with respect to any carload freight that is loaded other than in compliance with the provisions of paragraph (a), (b), or (c) of § 500.21 of this subpart or any special direction issued by the Director, Division of Railway Transport, Office of Defense Transportation, under the provisions of § 500.22 of this subpart, a certificate specifying the exemption applicable to the shipment or shipments or the number of any special or general permit issued by the Office of Defense Transportation, authorizing the transportation of such freight in a manner other than that required hereunder. Such certificate shall be in such form as shall be prescribed by the Director, Division of Railway Transport, Office of Defense Transportation, and shall be executed by the consignor. Where shipments of more than one consignor are loaded in one freight car at point of origin, the consignor who completes the loading of the car shall execute the certificate. Any agent other than a rail carrier may execute the certificate for the consignor. The failure of a consignor or his agent to endorse or the shipping instructions a certificate specifying the exemption, general permit, or special permit applicable to the shipment covered by such shipping instructions shall constitute a representation by the consignor to the rail carrier that the car containing such shipment has been loaded in compliance with the provisions of paragraph (a), (b), or (c) of § 500.21 of this subpart.

§ 500.25 *Stop-offs to complete loading or for partial unloading.* (a) Each rail carrier, in connection with freight subject to this subpart, shall permit a single stop of any freight car in transit to complete loading or shall permit a stop for partial unloading (but not both) when the stop-off point is intermediate between point of origin and destination over the route of movement: *Provided*, That the provisions of this § 500.25 shall not be construed to require a rail carrier to permit such stops in connection with shipments of:

(1) Bulk freight,

(2) Freight consigned to order, or to order notify, or otherwise so consigned as to require surrender of a bill of lading, written order, or any other document in advance of delivery,

(3) Freight moving without recourse on the consignor or under instructions against its delivery without collection of freight and other lawful charges as provided in the uniform bill of lading,

(4) Freight loaded or unloaded at an intermediate prepay or non-agency station;

(b) Nothing in this § 500.25 shall be construed as limiting or restricting the number of stop-off privileges presently authorized and provided for in rail carrier tariffs, or as affecting the charges to be assessed for stop-off privileges, or as requiring that more than one stop-off privilege be accorded any freight car in transit between point of origin and ultimate destination.

§ 500.26 *Consolidation of shipments in a single car.* (a) Any rail carrier or consignor, or any combination of either or both, but not in excess of three in the aggregate, may consolidate and ship in a single car from one or more points of origin in the United States, but not exceeding three such points, two or more consignments of freight, each of which equals or exceeds the tariff carload minimum weight, to one or more, but not exceeding three consignees, at one or more, but not exceeding three destination points; such consolidation services shall be afforded by each rail carrier and except as to the provisions of § 500.25 of this subpart, each such consignment shall be considered and treated for the purposes of applying rates and charges and rendering transportation services as if it were shipped in a separate car: *Provided*, That nothing in this § 500.26 shall be construed to require the extension or rendering of the consolidation services above provided for in connection with shipments of:

(1) Freight of such a nature as to contaminate or damage other freight in the car,

(2) Freight loaded or unloaded at an intermediate prepay or non-agency station,

(3) Bulk freight,

(4) Freight consigned to order, or to order notify, or otherwise so consigned as to require surrender of a bill of lading, written order, or any other document in advance of delivery,

(5) Freight moving without recourse on the consignor or under instructions against its delivery without collection of freight and other lawful charges as provided in the uniform bill of lading;

(b) No diversion or change of destination or reconsigning in transit shall be allowed with respect to consolidation services provided for herein, except where, under published rules, it may be in the same direction and over the same route as the initial shipment after previous shipments have been unloaded. Movement to final destination will not be considered a reconsignment;

(c) Nothing in this § 500.26, except paragraph (b), shall be construed as limiting or restricting the consolidation services presently afforded by a rail carrier or presently authorized and provided for in rail carrier tariffs, or as affecting the charges to be assessed for such consolidation services.

§ 500.27 *Filing rate publications; rates not to be increased.* Each rail carrier required by law to file tariffs of rates, charges, rules or regulations shall file with the Interstate Commerce Commission in respect of transportation in interstate or foreign commerce and with each appropriate State regulatory body in respect of transportation in intrastate commerce, and publish in accordance with law, and continue in effect only for the duration of the present emergency unless otherwise ordered, tariffs or appropriate supplements to filed tariffs setting forth any changes in the rates and charges, rules, regulations, or practices of such rail carrier which may be necessary to accord with the provisions of this subpart; and shall apply to said Commission and each such regulatory body for special permission for such tariffs or supplements to become effective on the prescribed minimum period of notice. A copy of this subpart shall be filed with said Commission and each such regulatory body. Nothing in this subpart shall be construed as requiring or sanctioning the revision, amendment, or change, or alteration of established carload minima, or as requiring or approving increases in transportation rates or charges.

§ 500.28 *Communications.* Communications concerning this subpart shall be addressed to the Division of Railway Transport, Office of Defense Transportation, Washington, D. C. Such communications shall refer to General Order O.D.T. 18, Revised.

§ 500.29 *Revocation.* Subpart C (General Order O.D.T. No. 18, as amended), Part 500 of Chapter II, of Title 49 of the Code of Federal Regulations, and Subpart C (Suspension Order O.D.T. 18–1),[1] § 500.20 of Chapter II of Title 49 of the Code of Federal Regulations, be and the same are hereby revoked effective as of the date of issuance of this subpart.

§ 500.30 *Effective date.* §§ 500.22, 500.27, 500.29, and 500.30 of this subpart shall become effective upon the date of issuance of this subpart. All other sections and provisions hereof shall become effective November 1, 1942.

Issued at Washington, D. C., this 13th day of October 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42–10302; Filed, October 13, 1942; 3:12 p. m.]

[Special Direction O.D.T. 18, Revised–1]

PART 520—CONSERVATION OF RAIL EQUIPMENT—EXCEPTIONS, PERMITS, SPECIAL DIRECTIONS

SUBPART C—CARLOAD FREIGHT TRAFFIC

TRANSPORTATION OF CERTAIN COMMODITIES

Pursuant to the provisions of General Order O.D.T. 18, Revised,[2] Title 49, Chapter II, § 500.22,

It is hereby ordered, That:

§ 520.477 *Transportation of certain commodities.* Notwithstanding the provisions of § 500.21 of General Order O.D.T. 18, Revised, any rail carrier may accept for transportation at point of origin, or forward therefrom, carload freight consisting of any of the following commodities loaded in a closed freight car when such car is loaded to the extent hereinafter shown:

(a) A straight or mixed carload shipment of:

(1) Seed, grain products, grain byproducts, packaged rice, cereal food preparations, vegetable oil meal, animal and poultry feed, all in containers, and vegetable oil cake, shall be loaded to a minimum weight of 60,000 pounds;

(2) Corn or maize (not popcorn) in the ear (shucked or not shucked), oats, unground screenings, sorghum grains in the heads and unthreshed, shall be loaded to 80 percent of the weight required by § 500.21 (a) of General Order O.D.T. 18, Revised, or to an elevation not lower than 24 inches from the roof of the car measured at its side walls;

(3) Shelled corn or maize, threshed sorghum grains, soy beans, flaxseed, or grains other than those mentioned in the next preceding paragraph shall be loaded to an elevation not lower than 24 inches from the roof of the car measured at its side walls, or up to the lawfully marked grain line of a car so marked;

(4) Coal shall be loaded to 80 percent of the weight required by § 500.21 of General Order ODT 18, Revised, or if the interior walls of the car are partially sheathed or lined to an elevation insufficient to permit such loading without overrunning the sheathing or lining, then to the upmost elevation practicable without causing such overrunning.

(b) A straight carload shipment of:

(1) Liquids in metal drums of not less than 40 gallon capacity each shall be loaded, each drum placed on end, in one tier covering the entire floor space of the car;

(2) Cement in cloth or paper bags, when loaded in a car of 100,000 lbs. capacity or greater, shall be loaded to a minimum weight of 95,000 lbs.;

(3) Dried beans and peas in burlap, cotton, or paper bags shall be loaded to a minimum weight of 80,000 lbs.;

(4) Peanuts (unshelled) in bags shall be loaded to a minimum weight of 40,000 lbs;

(5) Peanuts (shelled) in bags shall be loaded to a minimum weight of 50,000 lbs;

(6) Sewer pipe 4″ to 24″ in diameter shall be loaded to a minimum weight of 35,000 lbs;

(7) Glass (flat, plate, window and laminated) shall be loaded to a minimum weight of 70,000 lbs;

(8) Tobacco in hogsheads, when origin or destination station is not provided with mechanical equipment for double decking, shall be loaded, each hogshead placed upright, in a single tier covering the floor space of the car;

(9) Evaporated milk in cans shall be loaded to a minimum weight of 72,000 lbs;

(10) Lime in containers shall be loaded to a minimum weight of 70,000 lbs;

(11) Lime in bulk shall be loaded to 80 percent of the weight required by § 500.21 (a) of General Order ODT 18, Revised, or to a minimum weight of 80,000 pounds whichever is greater, or if the interior walls of the car are partially sheathed or lined to an elevation insufficient to permit such loading without overrunning the sheathing or lining, then to the upmost elevation practicable without causing such overrunning;

(12) Limestone, ground, in containers shall be loaded to a minimum of 80,000 lbs;

(13) Rosin in drums or barrels shall be loaded, each drum or barrel placed on end, in a tier covering the floor space of the car;

(14) Rosin in bags shall be loaded 8 tiers high, each tier to be the same length and width as the floor space of the car;

(15) Turpentine and pine oil in drums shall be loaded, each drum placed on end, in a single tier covering the floor space of the car;

(16) Turpentine and pine oil in cans or bottles, packed in cardboard containers, shall be loaded to a minimum weight of 40,000 pounds;

(17) Citrus fruit, pre-cooled, in standard boxes, when loaded in cars equipped with circulating fans, shall be loaded, each box placed on end, 3 layers high, each layer to be the same length and width as the floor space of the car;

(18) Citrus fruit pre-cooled, in container No. 5004 described in A.A.R., Perishable Division, Freight Container Bureau tariffs Nos. 2–B, Central West Territory, I.C.C. No. 14, J. J. Quinn, Agent, or F.C.B.–3–a, South East Territory, J. J. Quinn, Agent, or supplements thereto and reissues thereof, when loaded in cars equipped with circulating fans, shall be loaded, each container placed bottom down, 5 layers high, each layer to be the same length and width as the floor space of the car;

(19) Salt in containers shall be loaded to a minimum weight of 60,000 lbs.;

(20) Potash in paper containers shall be loaded to a minimum weight of 80,000 lbs.;

(21) Dry ice (solidified carbon dioxide), when loaded in a car specially prepared for the shipment of such commodity.

§ 520.478 *Effective date.* This special direction shall become effective November 1, 1942.

Issued at Washington, D. C., this 13th day of October 1942.

V. V. BOATNER,
Director,
Division of Railway Transport.

[F. R. Doc. 42–10303; Filed, October 13, 1942; 3:12 p. m.]

[Special Direction ODT 18, Revised–2]

PART 520—CONSERVATION OF RAIL EQUIPMENT—EXCEPTIONS, PERMITS, SPECIAL DIRECTIONS

SUBPART C—CARLOAD FREIGHT TRAFFIC

TRANSPORTATION OF WATER-RAIL, RAIL-WATER-RAIL SHIPMENTS

Pursuant to the provisions of General Order ODT 18, Revised,[1] Title 49, Chapter II, § 500.22,

It is hereby ordered, That:

§ 520.479 *Transportation of water-rail, rail-water-rail shipments.* Notwithstanding the provisions of § 500.21 of General Order ODT 18, Revised, a rail carrier may accept for transportation and forward from a point where it receives carload freight from a water carrier, for a continuous movement beyond, carload freight moving by rail, thence by water, and thence by rail, or carload freight moving by water and thence by rail, when such freight is loaded to the extent hereinafter shown:

(a) When carload freight moving by rail, thence by water, and thence by rail has been loaded at initial shipping point in accordance with the requirements specified in § 500.21 of General Order ODT 18, Revised, or in accordance with the requirements of a special direction issued pursuant to the provisions of § 500.22 of that order, or when the initial rail movement has been authorized by a general or special permit, such freight may be transported in a car of larger capacity from the point where transfer is made by such water carrier to a rail carrier, when such car is loaded as heavily as the car from which the freight was transferred to a water carrier. When a car of smaller capacity is furnished by a rail carrier for the movement of the freight from the point where transfer is made by a water carrier to such rail carrier, and the car of smaller capacity is not of sufficient size to accommodate the freight which was loaded in a single car at the initial shipping point, the loading requirements of General Order ODT 18, Revised, or of any special direction issued pursuant to the provisions of § 500.22 of that order, will not apply in connection with the loading of such freight from the point where transfer is made by a water carrier to such rail carrier, provided the water carrier has ordered a car of sufficient size to accommodate such freight. When two or more cars have been used in transporting one consignment of freight to the point where transfer has been made by a rail carrier to a water carrier, the same number of cars may be used in transporting such consignment of freight from the point where transfer is made by such water carrier to a rail carrier.

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[1] 7 F.R. 6905.

[2] *Supra.*

[1] *Supra.*

(b) When carload freight moving by water and thence by rail is transferred by a water carrier to a rail carrier for movement beyond in a closed car, such closed car shall be loaded in accordance with one of the following requirements; (1) to a net weight of 80,000 pounds, or (2) to the marked capacity of the car, whichever is the lesser, or (3) a minimum of 2,500 cubic feet of loading space in such car shall be utilized.

(c) When carload freight moving by water and thence by rail is transferred by a water carrier to a rail carrier for movement beyond in an open car, such open car shall be loaded in accordance with one of the following requirements; (1) to a net weight of 100,000 pounds, or (2) to the marked capacity of the car, whichever is the lesser, or (3) a minimum of 1,500 cubic feet of loading space in such car shall be utilized.

(d) When a single consignment of carload freight moving by water and thence by rail is tendered by a water carrier to a rail carrier in a quantity which can be loaded in the size of car ordered by the water carrier, but cannot be loaded in a car of the size furnished by such rail carrier, the following will apply; (1) When not more than two cars are used to transport such freight, the loading requirements of General Order ODT 18, Revised, or of any special direction issued pursuant to the provisions of § 500.22 of that order, will not apply to such freight. (2) When more than two cars are used to transport a single consignment of carload freight moving by water and thence by rail, the loading requirements of General Order ODT 18, Revised, or of any special direction issued pursuant to the provisions of § 500.22 of that order, will not apply to the freight loaded in one of such cars: *Provided, however,* That the provisions of this special direction shall not apply to carload freight moving first by water on the high seas and thence by rail.

§ 520.480 *Effective date.* This special direction shall become effective on November 1, 1942.

Issued at Washington, D. C., this 13th day of October 1942.

V. V. BOATNER,
Director,
Division of Railway Transport.

[F. R. Doc. 42-10301; Filed, October 13, 1942; 3:12 p. m.]

[Suspension Order ODT 25-2]

PART 522—DIRECTION OF TRAFFIC MOVEMENT—EXCEPTIONS, SUSPENSIONS, AND PERMITS

SUBPART H—OPERATION OF VESSELS ON THE GREAT LAKES

Pursuant to the authority conferred by General Order ODT 25, Title 49, Chapter II, § 502.81.[1]

It is hereby ordered, That:

§ 522.777 *Certain provisions of General Order ODT 25 suspended.* The provisions of § 502.76 of General Order ODT 25 shall be and are hereby suspended until further order with respect to the operation of:

(a) Vessels having a gross register tonnage of less than one thousand tons;

(b) Vessels in connection with the transportation of iron ore;

(c) Vessels in connection with the transportation of coal which is now subject to the provisions of §§ 502.5 to 502.8, inclusive, Part 502, this Title and Chapter of the Code of Federal Regulations (General Order O. D. T. No. 9)[2];

(d) Vessels in connection with the transportation of coke;

(e) Vessels, other than ore type vessels, in connection with the transportation of iron and steel scrap loaded in any such vessel at Duluth, Minnesota;

(f) Vessels of the self-unloader belt type in connection with the transportation of blast furnace fluxstone or open hearth stone, intended for use in the manufacture of iron or steel;

(g) Vessels of the self-unloader belt type in connection with the transportation of limestone intended for use in the manufacture of chemicals;

(h) Vessels, other than ore type vessels or vessels of the self-unloader belt type, in connection with the transportation of property in packages or containers.

§ 522.778 *Revocation.* Suspension Order ODT 25-1,[3] this Title and Chapter, Part 522, Subpart H, is hereby revoked effective upon the date this suspension becomes effective.

§ 522.779 *Effective date.* This suspension order shall become effective on the 19th day of October, 1942, and shall remain in full force and effect until further notice.

Issued at Washington, D. C., this 13th day of October 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-10307; Filed, October 13, 1942; 5:00 p. m.]

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[1] 7 F.R. 7981.

[2] 7 F.R. 3905.

[3] 7 F.R. 7982.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-299]

A. B. EWEN, CODE MEMBER

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of October 28, 1942, at a hearing room of the Bituminous Coal Division at the County Court House, Huntington, West Virginia; and

The Director deeming it advisable that said hearing should be postponed.

Now, therefore, it is ordered, That the said hearing in the above-entitled matter be and the same hereby is postponed from 10 o'clock in the forenoon of October 28, 1942, to 10 o'clock in the forenoon of October 29, 1942, at the same place and before the same officer or officers as previously designated.

Dated: October 13, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10313; Filed, October 14, 1942; 11:03 a. m.]

[Dockets Nos. A-185, A-265, A-857]

ALBUQUERQUE AND CERRILLOS COAL CO., ET AL.

MEMORANDUM OPINION AND ORDER CONCERNING MOTION FOR REHEARING

In the matter of the petition of the Albuquerque and Cerrillos Coal Company, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, applying for relief in making certain prices applicable only to shipments of coal for use by the Federal Government and agencies thereof when shipped from subdistrict 2 of District No. 18 into Market Areas 228 (in New Mexico), 229, 232, and 236.

In the matter of the petition of Bituminous Coal Producers Board for District No. 18 for changes in the classifications and minimum prices for coals produced and sold in District No. 18, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

In the matter of the petition of District Board No. 17 for revision of the effective minimum prices for certain coals produced at the mines in Subdistricts 7, 8, and 9 in District No. 17, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

These proceedings arose upon petitions filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

In Docket No. A-185, Albuquerque and Cerrillos Coal Company ("Albuquerque and Cerrillos"), a code member and operator of the Jones Mine (Mine Index No. 11) in Subdistrict 2 of District 18, requested a revision of the effective minimum prices for its coals for shipment by rail into Market Areas 228, 229, 232, and 236, upon sales to agencies of the United States Government. The petition of Albuquerque and Cerrillos alleged that the effective minimum prices did not properly take into account freight rate differences created by the land grant and land grant equalization rates for shipments to agencies of the United States Government in Market Areas 228, 229, 232, and 236 and prayed, therefore, that the effective minimum prices for the coals produced at its Jones Mine should be reduced to the extent necessary to enable them to deliver at 5 cents less than the coals of Subdistrict 9 of District 17 at destinations in Market Areas 228, 229 and 232 on shipments made pursuant to government contracts, rather than at higher prices as required by the currently effective minimum prices; and that the effective minimum prices for shipments on government contracts to points in Market Area 236 should be reduced by amounts ranging from 50 cents on Size Group 9 to $1.15 on Size Group 2. Albuquerque and Cerrillos further sought a modification of the District 18 price schedule to provide that Size Group 3 coals should include 6″ x 3″ and 1½″ lump in order to make it identical with Size Group 5 of District 17's schedule.

In Docket No. A-265 District Board 18 sought a revision of the effective minimum prices of coals in Size Groups 1 to 9, inclusive, produced in Subdistrict 1 of District 18 for shipment by rail to certain destinations in Market Area 232 upon sales to agencies of the United States Government and a revision in the effective minimum prices of coals in Size Groups 1 to 9, inclusive, produced in Subdistrict 2 of District 18 for shipment by rail into Market Areas 227 and 229, and to certain destinations in Market Area 232 upon sales to agencies of the United States Government.

In Docket No. A-857 District Board 17 sought a revision of the effective minimum prices of the coals in Size Groups 1 to 11, inclusive, produced at the mines in Subdistricts 7, 8 and 9 of District 17 for shipment by rail into Market Area 228 and to certain destinations in Market Area 232 upon sales to agencies of the United States Government.

District Board 17 filed a petition of intervention in Dockets Nos. A-185 and A-265; District Board 18 filed a petition of intervention in Docket No. A-185. Pursuant to an appropriate order, a consolidated hearing in the matters originally involved in Dockets Nos. A-185 and A-265 was held and thereafter temporary relief was granted in part.

Albuquerque and Cerrillos Coal Company filed a statement protesting the temporary relief. District Board 18 filed an amended petition and an amended supplemental petition, averring that conditions had so changed since the original hearing that further evidence should be received. District Board 17 by letter concurred in the request for the reopening of the hearing. In accordance with such request, an order for rehearing and consolidating Docket No. A-857 with the hearing for the consolidated matters in Dockets Nos. A-185 and A-265 was issued. Pursuant to said order, a hearing in these consolidated matters was held before Charles S. Mitchell, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered on behalf of the Albuquerque and Cerrillos Coal Company, District Boards 17 and 18, and the Consumers' Counsel Division (now the Office of Bituminous Coal Consumers' Counsel). A brief was filed by the Bituminous Coal Consumers' Counsel. Thereafter on May 20, 1942, Examiner Mitchell submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation. On June 6, 1942, exceptions to the Examiner's Report were filed by the Bituminous Coal Consumers' Counsel.

On July 17, 1942, I issued a Memorandum Opinion and Order Modifying, and Approving and Adopting as Modified, the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation of the Examiner. My order provided that the proposed findings of fact and proposed conclusions of law of the Examiner should, with some modification, be approved and adopted as my findings of fact and conclusions of law. The order further provided that effective fifteen (15) days from the date of said order the Schedule of Effective Minimum Prices for District No. 18 For All Shipments was to be amended by adding thereto the following Price Instructions and Exceptions:

1. "When coals within Size Groups 1 through 9 from Subdistrict 2 are offered for sale or sold to the United States of America or agencies thereof, for rail shipment to destinations in Market Areas Nos. 227, 228, in New Mexico, 229 and 232, the prices listed herein for such coals may be reduced by an amount necessary to permit such sizes to be delivered in said market areas at prices equal to the delivered price for coals of the comparable sizes of Subdistrict 9 of District 17", and

2. "When coals within Size Groups 1 through 9 from Subdistrict 1 are offered for sale or sold to the United States of America or agencies thereof, for rail shipment to destinations on the Atchison, Topeka and Santa Fe Railway Company in Market Area 232, south of Belen, New Mexico, and to and including Rincon, New Mexico, and all destinations on the Silver City Branch of said railroad west of Rincon, New Mexico, the effective minimum prices listed herein for such coals may be reduced by an amount necessary to permit such sizes to be delivered to these destinations at prices equal to the delivered prices for coals of comparable sizes from Subdistrict 2 of District 18 and Subdistrict 9 of District 17, but in no event shall the reduction be more than 75 cents per ton."

The order further provided that effective fifteen (15) days from the date thereof the Schedule of Effective Minimum Prices for District No. 18 For All Shipments was to be amended by changing the definition of Size Group 3 to read: "Lump and grate 1½″ and 6″ x 3″." The order further provided that effective fifteen (15) days from the date thereof the schedule of effective minimum prices for District No. 17 was to be amended by adding thereto the following Price Instruction and Exception:

"When coals within Size Groups 1 through 11 from Subdistrict 9 are offered for sale or sold to the United States of America or agencies thereof for rail shipment to destinations in New Mexico in Market Area 228 on the Atchison, Topeka and Santa Fe Railway Company and on the Southern Pacific Company, and to destinations in Market Area 232, including points on the Southern Pacific Company in New Mexico except Deming and in Arizona on the line from Mora via Fairbank to and including Nogales, the prices listed herein for such coals may be reduced by an amount necessary to permit such sizes to be delivered in said market areas at prices equal to the delivered price for coals of comparable sizes from Subdistrict 2 of District 18."

The order further provided that the prayers for relief contained in the several petitions filed herein, except as granted above, should in all other respects be denied.

On July 28, 1942, District Board 17 filed exceptions to the Report of Examiner Charles S. Mitchell. Under § 301.110 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 entitled "Exceptions to examiner's report," exceptions to the report, findings and recommendations of the Examiner may be filed not later than fifteen (15) days after such findings and such recommendations are filed, or such other period as is prescribed. The exceptions filed by District Board 17 were therefore tardily filed. Upon being advised to this effect, District Board 17 filed on August 19, 1942, a petition for rehearing and to vacate orders in which it requested that these matters be set for further hearing and that pending decision as a result of the said hearing, the relief granted by me in my order of July 17, 1942, be terminated and that any and all temporary or permanent relief heretofore granted in these matters be terminated.

District Board 17 excepts to the finding[1] that the land grant equalization rates have been discontinued by the Southern Pacific Company and the Atchison, Topeka and Santa Fe except when shipments are made for military or naval use. The District Board states that these land grant equalization rates were discontinued entirely as of December 31, 1941.

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[1] Exception was taken by the District Board to the "Examiner's Findings." As pointed out above, District Board 17 could no longer file such exceptions. Inasmuch as I approved the Examiner's findings, with some modifications, the exceptions have been considered as directed to my findings.

My findings took notice of section 321 (a) of the Transportation Act of 1940 (54 Stat. 899, 954), which requires the United States to pay the full applicable commercial rates, fares, or charges for transportation of mail, persons, or property, and of action taken by the Southern Pacific on December 28, 1940, and the Atchison, Topeka and Santa Fe on January 17, 1941, pursuant to section 321 (b) of the Transportation Act of 1940, which resulted in a discontinuance of the land grant rates by these two railroads, except when shipments are made for military or naval use. The finding that "the land grant equalization rates have been discontinued by these two railroads except when shipments are made for military or naval use" is, however, incorrect according to information now available to the Division. This information indicates that these land grant equalization rates were discontinued on June 30, 1941, except for shipments consigned to the military or naval branches of the United States Government at Fort Huachuca, Arizona, and Fort Bliss, Marfa and Spofford, Texas. The land grant equalization rates to these four destinations on shipments for military or naval use were discontinued as of December 31, 1941. My findings of fact, in so far as they approve the finding of the Examiner that land grant equalization rates had been discontinued by these two railroads, except when shipments are made for military or naval use, should be modified in conformance with this information. Petitioner fails to show, however, that the modification of the statement excepted to should make a difference in the relief granted, and if so, to what extent.

The District Board excepts also to my finding that "evidence indicates that the Albuquerque and Cerrillos coals and those of District 17 are analytically similar and are generally regarded as qualitatively equivalent for the government business in Market Areas 227, 228, 229, and 232." The District Board claims that this statement was "undoubtedly" based on a comparison of two mines only, the Sugarite Mine in Subdistrict 9 of District 17 and the Albuquerque and Cerrillos Jones Mine in Subdistrict 2 of District 18. The District Board contends that the Sugarite Mine is no longer in operation and that the record shows that the analytical qualities of the Albuquerque and Cerrillos coals are superior to those of the Brilliant, Van Houten and Dawson Mines in Subdistrict 9 of District 17, which results in a competitive disadvantage for the District 17 coals inasmuch as the Government purchases coals on a basis of cost per million B. t. u.'s delivered. The District Board did not support its contention concerning allegedly superior qualities of the Albuquerque and Cerrillos coals by specific reference to the record. The record indicates rather that the analytical qualities of these competing coals in Districts 17 and 18 vary, but generally are similar to each other. In any event, I pointed out in my memorandum opinion and order of July 17 that the parties had not proven their contention that relief should be granted where coordination is sought to be established on a B. t. u. basis.

The District Board excepts to the amendment of the Schedule of Effective Minimum Prices for District No. 18 For All Shipments by changing the definition of Size Group 3 to read: "Lump and grate 1½'' and 6'' x 3''". It states that Subdistrict 9 of District 17 cannot be said to have an advantage over Subdistrict 2 of District 18 in disposing of 1½'' lump coal for government business merely because District 17 1½'' lump is included in the same size group and is priced at a parity with 6'' x 3'' egg, inasmuch as Subdistricts 7, 8, and 9 of District 17 have not shipped any 1½'' lump coal to the Government in the territory involved; and that the size group designations and the minimum price schedules for District 17 and 18 are not the same in all cases.

The amendment of the District 18 Size Group 3 designation to include 1½'' lump with 6'' x 3'' lump was first effected in the order granting temporary relief. No objection to this temporary relief was made by District Board 17 at the rehearing. In any event, at the original hearing the witness McKnight, for the Albuquerque and Cerrillos Coal Company, testified that the Government buys substantial quantities of 1'' lump coal which takes the same minimum price as 1½'' lump coal. In view of the competitive relationship in the market areas involved between Subdistrict 2 of District 18 and Subdistrict 9 of District 17, the amendment of Size Group 3 in the District No. 18 minimum price schedule appears justified.

The District Board contends that an advantage has been given Albuquerque and Cerrillos in permitting it to equalize its delivered prices for its coals within Size Groups 1 through 9 with the delivered prices for coals of comparable sizes from Subdistrict 9 of District 17 for rail shipment to the United States Government to destinations in Market Areas Nos. 227, 228, in New Mexico, 229 and 232, whereas the prices of Subdistrict 9 of District 17 coals in Size Groups 1 through 11 can be equalized with the delivered prices for coals of comparable sizes from Subdistrict 2 of District 18 for rail shipment to the United States Government only to destinations in New Mexico in Market Area 228 on the Atchison, Topeka and Santa Fe Railway Company and on the Southern Pacific Company and to destinations in Market Area 232, including points on the Southern Pacific Company in New Mexico, except Deming, and in Arizona on the line from Mora via Fairbank to and including Nogales. The District Board asks that Subdistrict 2 of District 18 and Subdistrict 9 of District 17 be allowed to equalize delivered prices to all these market areas on government business, if it be assumed that their coals are comparable.

The petitions upon which relief was finally granted, and which at the rehearing were testified to be the joint decision of both District Board 17 and District Board 18, restricted the request for relief for Size Groups 1 through 9 coals of Subdistrict 2 of District 18 when sold to the United States Government to destinations in Market Areas 227 and 229 and part of 232 and for coals of Subdistrict 7, 8 and 9 of District 17 for such shipment to Market Areas 228 in New Mexico and part of 232. The petition of Albuquerque and Cerrillos asked for relief also to Market Areas 228 in New Mexico and 236. Relief was granted to those market areas requested in the several petitions where the record was in support thereof. District Board 17 has not shown that the findings upon which this relief was granted failed to consider all applicable factors.

The District Board contends that the privilege granted to mines in Subdistrict 9 of District 17 to equalize the prices for their coals at prices equal to the delivered prices for coals of comparable sizes from Subdistrict 2 of District 18 on certain shipments should be extended to the Trinidad producers in Subdistricts 7 and 8 of District 17. The record includes a letter of July 2, 1941, from District Board 17 to Director Gray, advising that upon investigation the District Board had found that only mines in Subdistrict 9 of that district had shipped any coal on government contracts to Market Areas 227 to 232, inclusive, during the period June 1, 1939, to June 1, 1941. Although the Bituminous Coal Act of 1937 does not preclude competitive opportunities for mines wishing to ship into market areas where in recent years they have not shipped, the evidence in this record does not appear to warrant relief to Subdistricts 7 and 8.

The District Board requests that judicial notice be taken of the fact that subsequent to the filing of the petitions in these matters and the hearings thereon, there has been a marked change in the whole situation in connection with government business in the market areas involved due to cancellation of land grant rates, closing of the Sugarite Mine, and the extraordinary demands by the Government for fuel requirements due to the tremendous expansion of army camps, etc., and states that at the present time approximately 80 percent of the commercial business other than railroads in New Mexico is for the government. The District Board asks that my Order of July 17, 1942, be terminated and that the minimum prices which became effective on October 1, 1940, be restored. However, that the land grant rates have been discontinued and that the Sugarite Mine had been abandoned was apparent in the record before the Examiner and before me. It may be that since the original hearing in these matters conditions surrounding the shipments of the coals involved have changed markedly. A further rehearing on the petitions in these matters would only prolong an already long and complicated matter. If District Board 17 seeks a revision of the minimum prices now effective for shipments of the coals produced by mines in its district for governmental use, it can file a new 4 II (d) petition. In such manner, interested persons will have an opportunity to present the facts now existent and not be compelled to face issues which are a matter of the past. The request, therefore, for the reopening of these proceedings should be denied.

Now, therefore, it is ordered, That my Memorandum Opinion and Order Modifying, and Approving and Adopting as Modified, the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner, dated July 17, 1942, be, and it hereby is modified to the extent set out above.

It is further ordered, That the motion of District Board 17 for rehearing herein and to vacate orders be, and it hereby is, denied in all other respects.

Dated: October 13, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10314; Filed, October 14, 1942; 11:03 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of Special Certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 15, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

Picariello & Singer, Inc., 16 New St., East Boston, Massachusetts; Boys' clothing and military overcoats; 5 percent (T); October 15, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Barson & Bishop, Franklin St., Weissport, Pennsylvania; Sportswear, blouses, W. A. A. C. shirts; 10 percent (T); October 15, 1943.

C. P. Brown Mfg. Co., 223 W. Third St., Des Moines, Iowa; Men's and boys' work clothing and trousers; 10 percent (T); October 15, 1943.

Gross Galesburg Co., 152-162 E. Ferris St., Galesburg, Illinois; Single pants, fabric overalls, coveralls and work shirts; 10 percent (T); October 15, 1943.

Jeanette Frocks Mfg. Co., 400 First Ave., N., Minneapolis, Minnesota; Dresses; 8 learners (T); October 15, 1943.

Kay Andrews Co., Inc., 1125 Dickenson St., Elizabeth, New Jersey; Ladies cotton dresses and house coats; 6 learners (T); October 15, 1943.

Martin-Jay Dress Corp., 143 W. Main St., Amsterdam, New York; Ladies' dresses; 10 learners (T); October 15, 1943.

Mason & Hughes, Inc., Erin, Tennessee; Herringbone twill jackets; 10 learners (T); October 15, 1943.

Mason & Hughes, Inc., 103 Legion St., Clarksville, Tennessee; Herringbone twill jackets; 10 percent (T); October 15, 1943.

Middendorf Brothers, 925 Filbert St., Philadelphia, Pennsylvania; Ladies' silk underwear; 5 learners (T); October 15, 1943.

Quality Mfg. Co., Point Pleasant, West Virginia; Wash dresses; 10 learners (T); October 15, 1943.

Reliance Mfg. Co., Ferguson St., Hattiesburg, Mississippi; U. S. Army mechanic suits, U. S. Army Herringbone twill jackets, U. S. Navy Wash shirts; 10 percent (T); October 15, 1943.

A. Rosenblatt & Sons, Inc., 50 Marble St., West Rutland, Vermont; Cotton dresses and housecoats; 10 percent (T); October 15, 1943.

Rob Roy Co., Race St., Cambridge, Maryland; Dress shirts; 10 learners (T); October 15 1943.

Edward Shuwall & Co., Inc., Elizabethtown, Pennsylvania; Children's dresses; 10 percent (T); October 15, 1943.

Yolanda Dress Co., 229 French St., New Brunswick, New Jersey; Children's dresses; 2 learners (T); October 15, 1943.

Glove Industry

Johanson Glove Co., Inc., 70 Washington St., Brooklyn, New York; Knit fabric and work gloves; 5 learners (T); October 15, 1943.

Hosiery Industry

Clayson Knitting Co., Star, North Carolina; Seamless hosiery; 5 learners (T); October 15, 1943.

G. & H. Hosiery Co., Inc., 801 Eighth Ave. & 23rd St., Hickory, North Carolina; Seamless hosiery; 5 percent (T); October 15, 1943.

Interwoven Stocking Co., Third & King St., Chambersburg, Pennsylvania; Seamless hosiery; 5 percent (T); October 15, 1943.

Ridgeview Hosiery Mill Co., Main Ave., Newton, North Carolina; Seamless hosiery; 5 percent (T); October 15, 1943.

Schuylkill Valley Mills, Inc., South Main St., Spring City, Pennsylvania; Full-fashioned hosiery; 5 percent (T); October 15, 1943.

Viewmont Hosiery Mills, 2nd St., Hickory, North Carolina; Seamless hosiery; 5 learners (T); October 15, 1943.

Walton Knitting Mills, Church Ave. & N. Mills St., Hickory, North Carolina; Seamless hosiery; 5 learners (T); October 15, 1943.

The Winsted Hosiery Co., 196 Holabird Ave., Winsted, Connecticut; Seamless hosiery; 5 percent (T); October 15, 1943.

Signed at New York, N. Y., this 13th day of October 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-10312; Filed, October 14, 1942; 10:13 a. m.]

OCT 19 1942

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

VOLUME 7 NUMBER 204

Washington, Friday, October 16, 1942

Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 12—PRISONERS

CLEMENCY FOR PRISONERS CONFINED AT POSTS

Section 12.1 (c) is hereby amended to read as follows:

§ 12.1 *Clemency.* * * *

(c) *Prisoners confined at posts.* The case of each general prisoner serving sentence of confinement of 6 months or more at a military post will be considered for clemency, by the commanding officer holding general courtmartial jurisdiction over the prisoner, at some time within the first 6 months of the period of confinement and annually thereafter. Report will be made to The Adjutant General after each such consideration in which clemency has been extended. Negative reports are not required. In cases where no report is required, the date 6 months from the date the sentence was adjudged will establish the date for the annual consideration of the case.

(38 Stat. 1074; 10 U.S.C. 1457a) [Par. 16c, AR 600-375, February 8, 1930, as amended by C 3 August 28, 1942]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-10340; Filed, October 14, 1942; 2:12 p. m.]

Chapter VI—Organized Reserves

PART 61—OFFICERS RESERVE CORPS

AIR CORPS RESERVE; APPOINTMENT AND PROMOTION

Section 61.23 is hereby changed to read as follows:

§ 61.23 *Air Corps Reserve; special limitations relative to appointment and promotion.* (a) Except for aviation cadets enlisted or appointed under section 3 of the Army Aviation Cadet Act of June 3, 1941, appointments to the Officers' Reserve Corps, Air Corps, for the duration of the war and 6 months thereafter, may be made only from persons who have completed the prescribed course of training and instruction as aviation cadets or aviation students and have served in time of war as commissioned officers or flight officers in the Army of the United States, and from current Reserve Officers' Training Corps graduates who, upon graduation, are recommended for appointment as Reserve officers. Selection for appointment will be made by the Commanding General, Army Air Forces, or by such officer or officers as he may designate. Transfers from other sections of the Officers' Reserve Corps to the Officers' Reserve Corps, Air Corps, will be made pursuant to AR 605-145.[1] All other appointments of officers assigned to duty with the Army Air Forces during the present war and for 6 months thereafter are made in the Army of the United States. (See act September 22, 1941 (55 Stat. 728) and act July 8, 1942 (Bull. No. 34, W.D., 1942))

(b) *Length of appointment.* Appointments in the Officers' Reserve Corps, Air Corps, in every case are for a period of 5 years, or until 6 months after the termination of the war, whichever is longer. Appointees must agree to serve at least 3 years on active duty, if the war ends prior to the expiration of such period, unless sooner relieved by competent authority. Time served during the emergency as an officer of the Army of the United States will be credited in figuring this 3-year period of active duty.

(c) Promotions of Air Corps Reserve officers will be made for the period of the war in accordance with War Department and Army Air Forces policies and the laws governing these policies.

(41 Stat. 778; 55 Stat. 728; 10 U.S.C. 354, 10 U.S.C. Sup. 484)

[Par. 2, AR 140-23, July 30, 1942]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-10341; Filed October 14, 1942; 2:12 p. m.]

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[1] Administrative regulations of the War Department relative to transfers, details, and assignments of commissioned officers.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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[Public Proclamation No. 8]

Chapter X—Areas Restricted for National Defense Purposes

PART 103—WAR RELOCATION PROJECTS

Headquarters Western Defense Command and Fourth Army, Presidio of San Francisco, California.

JUNE 27, 1942.

To: The people within the States of Washington, Oregon, California, Montana, Idaho, Nevada, Utah and Arizona, and the Public Generally:

Whereas by Public Proclamation No. 1,[1] dated March 2, 1942, this headquarters, there were designated and established Military Areas Nos. 1 and 2, and by Public Proclamation No. 2,[2] dated March 16, 1942, this headquarters, there were designated and established Military Areas Nos. 3, 4, 5 and 6, and

Whereas the present situation within these military areas requires as a matter of military necessity that persons of Japanese ancestry who have been evacuated from certain regions within Military Areas Nos. 1 and 2 shall be removed to Relocation Centers for their relocation, maintenance and supervision and that such Relocation Centers be designated as War Relocation Project Areas and that appropriate restrictions with respect to the rights of all such persons of Japanese ancestry, both alien and non-alien, so evacuated to such Relocation Centers and of all other persons to enter, remain in, or leave such areas be promulgated;

Now, Therefore, I, J. L. DeWitt, Lieutenant General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General of the Western Defense Command, do hereby declare that:

§ 103.2 *War Relocation Project Areas: Washington, Oregon, California, Montana, Idaho, Nevada, Utah, and Arizona.* (a) Pursuant to the determination of military necessity hereinbefore set out, all the territory included within the exterior boundaries of each Relocation Center now or hereafter established within the Western Defense Command, as such boundaries are designated and defined by orders subsequently issued by this headquarters, are hereby designated and established as War Relocation Project Areas.

(b) All persons of Japanese ancestry, both alien and nonalien, who now or shall hereafter be or reside, pursuant to exclusion orders and instructions from this headquarters, or otherwise, within the bounds of any established War Relocation Project Area are required to remain within the bounds of such War Relocation Project Area at all times unless specifically authorized to leave as set forth in paragraph (c) hereof.

(c) Any person of Japanese ancestry, both alien and nonalien, who shall now or hereafter so be or reside within any such War Relocation Project Area shall, before leaving said Area, obtain a written authorization executed by or pursuant to the express authority of this headquarters setting forth the effective period of said authorization and the terms and conditions upon and purposes for which it has been granted.

(d) No persons other than the persons of Japanese ancestry described in paragraph (b) hereof, and other than persons employed by the War Relocation Authority established by Executive Order No. 9102,[3] dated March 18, 1942, shall enter any such War Relocation Project Area except upon written authorization executed by or pursuant to the express authority of this headquarters first obtained, which said authorization shall set forth the effective period thereof and the terms and conditions upon and purposes for which it has been granted.

(e) Failure of persons subject to the provisions of this Public Proclamation No. 8 to conform to the terms and provisions thereof shall subject such persons to the penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing any Act in Military Areas or Zones."

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:
J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-10375; Filed, October 15, 1942; 11:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4174]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ZENITH RADIO CORPORATION

§ 3.6 (m 10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., in commerce, of respondent's radio receiving sets, (1) representing that any of respondent's sets will bring in broadcasts from any foreign radio station "every day", or otherwise representing, directly or by implication, that such receiving sets are capable of providing reasonably audible and distinct reception of foreign broadcasts at all times or under all conditions; and (2) representing, directly or by implication, that any radio receiving set contains a designated number of tubes or is of a designated tube capacity, when one or more of the tubes referred to are tubes or other devices which do not perform the recognized and customary functions of radio receiving set tubes in the detection, amplification, and reception of radio signals; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Zenith Radio Corporation, Docket 4174, October 12, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of October, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, and testimony and other evidence in support of and in opposition to the allegations of the complaint taken before trial examiners of the Commission theretofore duly designated by it (the report of the trial examiners and briefs and oral argument having been waived), and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Zenith Radio Corporation, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of respondent's radio receiving sets in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that any of respondent's radio receiving sets will bring in broadcasts from any foreign radio station "every day," or otherwise representing, directly or by implication, that such receiving sets are capable of providing reasonably audible and distinct reception of foreign broadcasts at all times or under all conditions.

2. Representing, directly or by implication, that any radio receiving set contains a designated number of tubes or is of a designated tube capacity, when one or more of the tubes referred to are tubes or other devices which do not perform the recognized and customary functions of radio receiving set tubes in the detection, amplification, and reception of radio signals.

It is further ordered, That the respondent shall, within sixty (60 days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-10374; Filed, October 15, 1942; 11:18 a. m.]

TITLE 29—LABOR

Chapter II—National Labor Relations Board

[Amendment to Rules and Regulations, Series 2, as Amended]

PART 203—PROCEDURE UNDER SECTION 9 (c) OF THE ACT FOR THE INVESTIGATION AND CERTIFICATION OF REPRESENTATIVES

PETITION FOR INVESTIGATION AND CERTIFICATION

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935, the National Labor Relations Board hereby issues the following amendments to its Rules and Regulations, Series 2, as amended (General Rules and Regulations) which it finds necessary to carry out the provisions of said Act. Said amendments to the Rules and Regulations, Series 2, as amended, shall become effective upon the signature of the original amendments by the members of the Board, and upon the publication thereof in the FEDERAL REGISTER.

Section 203.1, National Labor Relations Board Rules and Regulations, Series 2, as amended, is hereby amended to read as follows:

§ 203.1 *Who may file; where to file; withdrawal of petition; form; jurat; blank forms provided.* A petition to investigate and certify under section 9 (c) of the Act the name or names of representatives designated or selected for the purpose of collective bargaining may be filed by an employee or any person or labor organization acting on behalf of employees, or by an employer. Prior to the issuance of a notice of hearing pursuant to § 303.3 a petition may be withdrawn only with the consent of the Board or of the Regional Director with whom such petition was filed. Thereafter a petition may be withdrawn only with the consent of the Board. Whenever the Board or the Regional Director approves the withdrawal of any petition the case shall be closed. Except as provided in § 303.11, such petition shall be filed with the Regional Director for the region wherein the contemplated bargaining unit exists, or, if the contemplated bargaining unit exists in two or more regions, with the Regional Director for any of such regions. Such petition shall be in writing, the original being signed and sworn to before any notary public or other person duly authorized by law to administer oaths and take acknowledgments or any agent of the Board authorized to administer oaths or acknowledgments. Three additional copies of the petition shall be filed.[2]

(Sec. 6 (a), 49 Stat. 452; 29 U.S.C., 156).

Section 203.3, National Labor Relations Board Rules and Regulation, Series 2, as amended, is hereby amended to read as follows:

§ 203.3 *Same; investigation by Regional Director; definition of parties; notice of hearing; service of notice.* After a petition has been filed, if it appears to the Regional Director that an investigation should be instituted he shall institute such investigation by issuing a notice of hearing, provided that the Regional Director shall not institute an investigation on a petition filed by an employer unless it appears to the Regional Director that two or more labor organizations have presented to the employer conflicting claims that each represents a majority of the employees in the bargaining unit or units claimed to be appropriate. The Regional Director shall prepare and cause to be served upon the petitioners and upon the employer or employers involved (all of whom are hereinafter referred to as "the parties"), and upon any known individuals or labor organizations purporting to act as representatives of any employees directly affected by such investigation, a notice of hearing upon the question of representation before a trial examiner at a time and place fixed therein, provided that when the petition is filed by an employer the Regional Director shall serve the notice of hearing on the employer petitioner and on the labor organizations named in the petition all of whom are hereinafter referred to as "the parties"), and upon any known individuals or labor organizations purporting to act as representatives of any employees directly affected by such investigation. A copy of the petition shall be served with such notice of hearing.

(Sec. 6 (a), 49 Stat., 452; 29 U.S.C. 156)

Sections 203.4 to 203.10, National Labor Relations Board Rules and Regula-

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[1] 7 F.R. 2320.

[2] 7 F.R. 2405.

[3] 7 F.R. 2165.

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[2] Blank forms for filing such petitions will be supplied by the Regional Director upon request.

tions, Series 2, as amended, are hereby amended in the following manner:

1. By the insertion of a new section to be known hereafter as § 203.4 to read as follows:

§ 203.4 *Appeals to Board by petitioner from action of Regional Director.* If, after a petition has been filed, the Regional Director declines to institute an investigation, the employee, person, labor organization or employer filing the petition may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., and filing a copy of such request with the Regional Director. This request shall contain a complete statement setting forth the facts and reasons upon which the request is based.

(Sec. 6 (a), 49 Stat., 452; 29 U.S.C. 156)

2. By changing the number of the present § 203.4 to § 203.5; by deleting the words "and request for the withdrawal of petitions" in the second sentence thereof; and by inserting the words "and references to the complaint shall for the purposes of §§ 203.1 to 203.11, inclusive, mean the petition" at the end of the first sentence thereof. As amended, the newly numbered § 203.5 shall read as follows:

§ 203.5 *Same; motions; interventions; witnesses; subpenas.* All matters relating to motions, intervention, witnesses and subpenas shall be governed by the provisions of §§ 202.14 to 202.22, inclusive, of these rules and regulations insofar as applicable, except that the references to "the Regional Director issuing the complaint" shall for the purposes of §§ 203.1 to 203.11, inclusive, mean the Regional Director issuing the notice of hearing, and references to the "complaint" shall for the purposes of §§ 203.1 to 203.11, inclusive, mean the petition. Motions to dismiss petitions if made prior to the hearing, shall be filed with the Regional Director, and if made during the hearing, with the Trial Examiner, and shall be referred to the Board for appropriate action.

(Sec. 6 (a), 49 Stat. 452; 29 U.S.C., 156).

3. By changing the number of the present § 203.5 to § 203.6.

4. By changing the number of the present § 203.6 to § 203.7.

5. By changing the number of the present § 203.7 to § 203.8.

6. By changing the number of the present § 203.8 to § 203.9.

7. By changing the number of the present § 203.9 to § 203.10, and by changing therein all references to section numbers in order to correspond and be consistent with the above amendments. As amended, § 203.10 shall read as follows:

§ 203.10 *Election procedure; election report; objections; Report on objections; hearing on objections; contents of record; action of Board on objections and hearing.* Where the Board determines that a secret ballot should be taken, it shall direct such ballot to be conducted by a designated agent upon such terms as it may specify. Upon the conclusion of such ballot the agent conducting the ballot shall prepare an Election Report containing a tally of the ballots, his rulings, if any, upon challenged ballots, and his findings and recommendations, which he shall cause to be served upon the parties. Within five days thereafter the parties may file with the agent conducting the ballot an original and three copies of Objections to the conduct of the ballot or the Election Report. Copies thereof shall be served upon each of the other parties.

If no objections are filed, the agent conducting the ballot shall forward to the Board in Washington, D. C., his Election Report, which, together with the record previously made, shall constitute the record in the case.

If Objections are duly filed, the agent conducting the ballot shall investigate the matters contained in the Objections and shall prepare and serve upon the parties his Report on Objections based upon such investigation which, together with the Election Report and Objections, he shall forward to the Board in Washington, D. C.

If it appears to the Board that any such Objections raise substantial and material issues with respect to the conduct of the ballot, the Board shall direct the agent conducting the ballot to issue and cause to be served upon the parties a notice of hearing on said Objections before a Trial Examiner designated by the Board or the Chief Trial Examiner. The hearing shall be conducted in accordance with the provisions of §§ 203.5, 203.6, and 203.7, insofar as applicable. Upon the close of the hearing, the agent conducting the ballot shall forward to the Board in Washington, D. C., the notice of hearing, motions, rulings, orders, stenographic report of the hearing, stipulations, exceptions, documentary evidence, all of which, together with the Election Report, the Objections, the Report on Objections, and the record previously made, shall constitute the record in the case. The Board shall thereupon proceed pursuant to § 203.9.

(Sec. 6 (a), 49 Stat. 452; 29 U.S.C., 156).

8. By changing the number of the present § 203.10 to § 203.11, a new number, and by deleting, in the last sentence of the present § 203.10 the following words "the Board had originally directed that the investigation be conducted in the region to which the transfer was made", and substituting therefor the words "the petition had originally been filed in the region to which the transfer is made." As amended, § 203.11 shall read as follows:

§ 203.11 *Proceedings before Board; filing petition with Board; investigation upon motion of Board; transfer of petition and proceeding from Region to Board or to another Region; consolidation of proceedings in same region; severance; procedure before Board in cases over which it has assumed jurisdiction.* Whenever the Board deems it necessary in order to effectuate the purposes of the Act, it may:

(a) Permit a petition requesting an investigation and certification to be filed with it, and may upon the filing of such petition proceed to conduct an investigation under section 9 (c) of the Act, or direct a Regional Director, or other agent or agency to conduct such an investigation; or

(b) Upon its own motion conduct, or direct any member, Regional Director, or other agent or agency to conduct an investigation under section 9 (c) of the Act; or

(c) At any time after a petition has been filed with a Regional Director pursuant to § 203.1, order that such petition and any proceeding which may have been instituted in respect thereto:

(1) Be transferred to and continued before it, for the purpose of consolidation with any proceeding which may have been instituted by the Board, or for any other purpose; or

(2) Be consolidated, for the purpose of hearing, or for any other purpose, with any other proceeding which may have been instituted in the same Region; or

(3) Be transferred to and continued in any other Region, for the purpose of consolidation with any proceeding which may have been instituted in such other Region, or for any other purpose,

(4) Be severed from any other proceeding with which it may have been consolidated.

The provisions of §§ 203.1 to 203.11, inclusive, shall insofar as applicable, apply to proceedings conducted pursuant to paragraphs (a), (b), and (c) (1) of this section, and the powers granted to the Regional Director in such provisions shall for the purpose of this section be reserved to and exercised by the Board, or by the Regional Director, or other agent or agency, directed to conduct the investigation. After the transfer of any petition and any proceeding which may have been instituted in respect thereto from one region to another pursuant to paragraph (c) (3) of this section, the provisions of §§ 203.1 to 203.11, inclusive, shall apply to such proceedings as if the petition had originally been filed in the region to which the transfer is made.

(Sec. 6 (a), 49 Stat. 452; 29 U.S.C., 156).

Signed at Washington, D. C., this 14th day of October 1942.

H. A. MILLIS,
Chairman.
WM. M. LEISERSON,
Member.
GERARD D. REILLY,
Member.

[F. R. Doc. 42-10345; Filed, October 14, 1942; 3:12 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-97]

Interstate Electric Company, New Orleans, Louisiana, is a wholesale distributor of automotive parts and electrical supplies. During the period from June 5, 1942 to July 10, 1942, the company made deliveries of 3,805 feet of copper wire and tubing in filling an unrated order and rated orders which did not carry a preference rating of A-1-k or higher. Further, subsequent to May 7, 1942, the company made deliveries of large quantities of copper tubing to fill orders which did not bear any preference rating.

These deliveries constituted violations of General Preference Order M-9-a[1] and have impeded and hampered the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing facts: *It is hereby ordered,* That:

§ 1010.97 *Suspension Order S-97.* (a) Deliveries of material to Interstate Electric Company, its successors and assigns shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned or applied to such deliveries to Interstate Electric Company by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocations shall be made to Interstate Electric Company, its successors and assigns of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or of the Director General for Operations except as specifically authorized by the Director General for Operations.

(c) Interstate Electric Company, its successors and assigns, shall not accept deliveries of, receive, process or fabricate any copper, copper base alloy, and copper products except as specifically authorized by the Director General for Operations.

(d) Nothing contained in this order shall be deemed to relieve Interstate Electric Company, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or of the Director General for Operations except insofar as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on October 17, 1942, and shall expire on January 17, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10359; Filed, October 14, 1942; 4:38 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-110]

CONNECTICUT REFINING CO.

The Connecticut Refining Company, West Haven, Connecticut, is a corporation engaged in the distribution of gasoline and oil to service stations and bulk consumers. During the month of June 1942, the Company made deliveries of motor fuel to 38 service stations in excess of the amounts permitted to be so delivered in accordance with Limitation Order L-70.[1] Of the 38 service stations to whom overdeliveries of motor fuel were made, 27 service stations received overdeliveries in excess of 1,000 gallons.

At all times while deliveries of motor fuel were being made, the company was fully aware of the provisions contained in Limitation Order L-70 governing the amounts of motor fuel which may be delivered to each service station, and, therefore, the deliveries of motor fuel in excess of the amounts permitted under the provisions of Limitation Order L-70 constituted a wilful violation of that order.

These violations of Limitation Order L-70 have impeded and hampered the war effort of the United States by diverting motor fuel to uses unauthorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered* That:

§ 1010.110 *Suspension Order S-110.* (a) The Connecticut Refining Company, its successors and assigns, shall not deliver or cause to be delivered, directly or indirectly, in any calendar month, to any of the 27 service stations listed below, any motor fuel as the same is defined in Limitation Order L-70, in excess of 25 per cent of the normal gallonage of such service station for such month, computed in accordance with the provisions of Limitation Order L-70, without the benefit of any adjustments under paragraph (e) of that order:

Joseph Aleria, doing business as Joe's Service Station, 189 Morgan Street, Hartford, Connecticut; Irving Berkowitz, 119 Hartford Avenue, New Britain, Connecticut; Benovenuto Bighinatti, doing business as Venice Filling Station, Newfield Street, Middletown, Connecticut; Frank J. D'Amico, 211 Boston Post Road, Milford, Connecticut; Connecticut Refining Co., Edward Shiner, Treasurer (DeMute station), 299 Franklin Street, Norwich, Connecticut; Joseph Cantor, 351 Connecticut Avenue, Bridgeport, Connecticut; Herman Zamost, doing business as Economy Service Station, Park Road and Fairlawn Street, West Hartford, Connecticut; George French and Harry French, doing business as French Bros., 626 East Main Street, Meriden, Connecticut; Joseph Hirsch, 1147 Campbell Avenue, West Haven, Connecticut; Metro Kociaba, doing business as K & M Service Station, 360 Seymour Avenue, Derby, Connecticut; N. J. Larrivee, doing business as Nap Larrivee, 234 Forbes Avenue, New Haven, Connecticut; Sidney Levinson, doing business as Viaduct Super Service, 74 State Street, New Haven, Connecticut; Conney Pileski, doing business as Maple End Garage, 180 North Street, Bristol, Connecticut; Jack Marsell, College St. & Crown Street, New Haven Connecticut; Ralph C. Miller, doing business as Manor Garage, 356 Savin Avenue, West Haven, Connecticut; Constantino Racine, doing business as Universal Gas Station, 922 Bank Street, New London, Connecticut; William A. Richards, doing business as the R & W Tire Company, 215-217 North Main Street, Bristol, Connecticut; William A. Richards, doing business as Richards Service Station, 22 Main Street, Terryville, Connecticut; Harold Ritchie, 50 Goffe Street, New Haven, Connecticut; Henry L. Spieler, doing business. as Spieler's Filling Station, Queen Street, Southington, Connecticut; Robert A. Lalane, doing business as Shady Grove Service Station, Bristol Road, Farmington, Connecticut; John Simpson, Main Street and Gerrish Avenue, East Haven, Connecticut; Louis Present et al., doing business as State Street Auto Supply, 1519 State Street, Bridgeport, Connecticut; Salvatore Bendott, doing business as Sully's Service Station, 428 New Britain Street, Kinsington, Connecticut; Theodore Tessman, doing business as Tessman Service Station, 335 East Main Street, New Britain, Connecticut; R. E. and Thomas Tomlinson, doing business as Tomlinson Bros., 801 Whalley Avenue, New Haven, Connecticut; Bessie A. Weinstein, doing business as Part Battery Service, 421 Part Street, Hartford, Connecticut.

(b) Nothing contained in this order shall be deemed to relieve The Connecticut Refining Company from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall remain in effect during the calendar months of October, November and December, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10360; Filed, October 14, 1942; 4:38 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 16]

APPEALS

§ 944.37 *Priorities Regulation 16*—(a) *Certain appeals to be filed with field offices.* Every appeal from any order listed in Appendix A to this regulation shall be filed with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates, notwithstanding any existing provision of any regulation, order or form.

(b) *Appeals forms.* Every appeal from any order listed in Appendix A to this regulation shall be filed on Form PD-500 or such other form as may be specifically designated in Appendix A, notwithstanding any existing provision of any regulation, order or form.

(c) *Other appeals.* An appeal from any rule, regulation or order not listed in Appendix A to this regulation shall be filed with the Washington Office of the War Production Board unless the rule, regulation or order appealed from provides otherwise.

(d) *Appeal by letter.* An appeal for which no specific form is prescribed by any rule, regulation or order shall be made by filing with the appropriate office of the War Production Board a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

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[1] 7 F.R. 5980.

[1] 7 F.R. 5552, 6419.

This regulation shall take effect October 22, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

APPENDIX A

Orders

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[F. R. Doc. 42-10381; Filed, October 15, 1942; 11:21 a. m.]

PART 1222—EXPORTS UNDER LICENSES ISSUED BY THE BOARD OF ECONOMIC WARFARE

[Supplement 2 to Order M-148]

General Exports Order M-148, as amended July 29, 1942,[1] required the completion of certain purchase orders for critical material in preference to all other purchase orders. Said Order M-148, as amended September 28, 1942,[2] provides instead that such purchase orders shall bear preference ratings to be assigned by the Board of Economic Warfare on export licenses issued after September 30, 1942. In order to provide for the completion of deliveries on purchase orders covered by export licenses issued prior to October 1, 1942, the following action is taken:

§ 1222.3 *Supplement 2 to M-148.* (a) A preference rating of AA-2X is hereby assigned to every purchase order heretofore or hereafter placed which both:

(1) Relates to any "critical material" as listed in Exhibit A to General Exports Order M-148, as amended July 29, 1942, and

(2) Calls for delivery to the holder of an expert license covering such material issued prior to October 1, 1942, on which license a delivery date is specified.

Any producer or distributor, as defined in said order, with whom any such purchase order is placed shall make delivery thereon in accordance with such rating pursuant to the provisions of all applicable priorities regulations, unless such order would be in excess of any export quota relating to such material previously established for such producer or distributor by the Director General for Operations. The sequence of deliveries shall be determined as if such rating of AA-2X had been applied or extended to such order on the date when such purchase order was originally placed with such producer or distributor. The effect of any orders of the Director General for Operations restricting transactions in or use of any such material shall be determined by Priorities Regulation No. 15. Such preference rating shall be extendable pursuant to the provisions of Priorities Regulation No. 3, as amended.

(b) Any producer scheduling for production, and any distributor proposing to make delivery on, a purchase order to which a rating is assigned by this supplement shall, promptly after the effective date of this supplement, send to the War Production Board, Washington, D. C., Ref.: M-148, a copy of the purchase order bearing thereon a statement of the expected delivery date and the United States Department of Commerce Export Classification Code Schedule B and F number.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10382; Filed, October 15, 1942; 11:21 a. m.]

Chapter XI—Office of Price Administration

PART 1382—HARDWOOD LUMBER

[Amendment 9 to Maximum Price Regulation 146[1]]

APPALACHIAN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1382.12 (d), items 13 and 14 are added to subparagraph (2), item 6 is added to subparagraph (6), item 7 is added to subparagraph (8), item 89 is added to subparagraph (10), items 16 through 19 are added to subparagraph (16) and items 29 through 31 are added to subparagraph (27) as set forth below:

§ 1382.12 *Appendix B: Maximum prices for Appalachian hardwood lumber in "recurring special" grades or items.*

* * *

(d) * * *

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[1] 7 F.R. 5864.

[2] 7 F.R. 7730.

* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3776, 4179, 4852, 5520, 6053, 6998, 7600, 7747, 8198.

(2) CHERRY RIVER BOOM & LUMBER COMPANY

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
*	*	*	*	*	*	*
13	FAS—Comb Grain	Red Oak	1			$90.00
14	No. 1—Common and Selects—Comb Grain.	Red Oak	1			55.00

(6) MORRISON, GROSS & COMPANY

*	*	*	*	*	*	*
6	Sound Blocking	Mixed Hardwoods.	2	6 and 8		$26.00

(8) PARDEE & CURTIN LUMBER COMPANY

*	*	*	*	*	*	*
7	No. 1 Common and Better Sound Wormy.	Beech	1¼			$37.00
7	No. 1 Common and Better Sound Wormy.	Beech	1½			37.00

(10) THE MEADOW RIVER LUMBER COMPANY

*	*		*	*	*	*
89	FAS	Red Oak	1¼	10 and wider		$105.00

(16) BRINGARDNER LUMBER COMPANY

*	*		*	*	*	*
16	FAS Comb Grain	White Oak	1			$125.00
16	FAS Comb Grain	White Oak	1¼			135.00
16	FAS Comb Grain	White Oak	1½			145.00
16	FAS Comb Grain	White Oak	2			160.00
17	No. 1 Common and Selects Comb Grain.	White Oak	1			75.00
17	No. 1 Common and Selects Comb Grain.	White Oak	1¼			82.00
17	No. 1 Common and Selects Comb Grain.	White Oak	1½			90.00
17	No. 1 Common and Selects Comb Grain.	White Oak	2			100.00
18	FAS Comb Grain	Red Oak	1½			105.00
18	FAS Comb Grain	Red Oak	2			115.00
19	No. 1 Common and Selects Comb Grain.	Red Oak	1			55.00
19	No. 1 Common and Selects Comb Grain.	Red Oak	1¼			60.00
19	No. 1 Common and Selects Comb Grain.	Red Oak	1½			65.00
19	No. 1 Common and Selects Comb Grain.	Red Oak	2			70.00

(27) VESTAL LUMBER & MANUFACTURING COMPANY

*	*	*	*	*	*	*
29	No. 1 Common—Bung	Poplar	1			$59.00
30	No. 2A Common—Bung	Poplar	1			49.00
31	No. 2B Common—Bung	Poplar	1			38.00

§ 1382.10a *Effective dates of amendments.* * * *

(i) Amendment No. 9 (§ 1382.12 (d) (2), (6), (8), (10), (16), (27)) to Maximum Price Regulation No. 146 shall become effective October 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10337; Filed, October 14, 1942; 12:34 p. m.]

PART 1389—APPAREL

[Amendment 2 to Maximum Price Regulation 172[1]]

CHARGES OF CONTRACTORS IN APPAREL INDUSTRY

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1389.59 in paragraph (a), subparagraph (2) is amended and in § 1389.61 a new paragraph (b) is added, as set forth below:

§ 1389.59 *Definitions.* (a) * * *.

(2) "Same percentage margin over direct labor cost" is determined by subtracting the actual cost of direct labor in March from the highest price charged in March for a purchaser of the same class by the contractor for his services, and then dividing the resultant figure by the cost of direct labor in March. If the seller made no charge in March to a purchaser of the same class, then the same percentage margin over direct labor costs obtained from a purchaser of a different class shall be adjusted to reflect the seller's customary differential between the two classes of purchasers.

* * * * *

§1389.61 *Effective dates of amendments.* * * *.

((b) Amendment No. 2 (§§ 1389.59 (a) (2), 1389.61 (b)) shall become effective October 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10338; Filed, October 14, 1942; 12:35 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 41 to Supplementary Regulation 14[1] to General Maximum Price Regulation[2]]

FIREWOOD

Subparagraph (8) of § 1499.73 (a) is amended to read as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided:

* * * * *

(8) *Firewood.* The maximum prices for the sale or delivery of firewood (e. g. cordwood, sawdust, mill ends and shavings and slabwood) may be modified as indicated below:

(i) Wherever any State office of the Office of Price Administration determines, either upon application or its own motion, that the maximum prices established in § 1499.2 of the General Maximum Price Regulation for the sale or delivery of firewood are inadequate to insure a sufficient supply of firewood to meet heating requirements in any locality or localities within its jurisdiction, it may by order adjust such maximum prices to the minimum extent necessary to insure a sufficient supply of firewood therein. Such adjustments shall be made in relation (*a*) to the increased production costs which sellers of firewood in the locality or localities affected must incur in order to produce such firewood, compared with the costs of production in March 1942 (or the nearest earlier month in which firewood was generally produced in such locality or localities), and/or (*b*) the extent of increased transportation costs which must be incurred by sellers of firewood in order to move sufficient supplies thereof to meet the requirements of the locality or localities affected and

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[1] 7 F.R. 4882, 6684.

*Copies may be obtained from the Office of Price Administation.

[1] 7 F.R. 5486, 5709, 5911, 6008, 6271, 6369, 6473, 6477, 6774, 6775, 6776, 6793, 6887, 6892, 6939, 6965, 7011, 7012, 7203, 7250, 7289, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8024, 8199, 8237.

[2] 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913.

(c) such other circumstances as may be pertinent to the procurement of sufficient supplies of firewood to meet the requirements of the locality or localities affected.

(ii) (*a*) Every order issued pursuant to the provisions of subdivision (i) above shall be accompanied by a statement of the reasons for the action taken therein.

(*b*) Whenever a State office issues such an order, it shall promptly take steps to insure that the order is duly publicized in the locality or localities affected, and shall transmit a copy thereof, together with the accompanying statement, to the appropriate Regional Office of the Office of Price Administration and to the National Office of the Office of Price Administration in Washington, D. C.

(b) *Effective dates of amendments.*

* * *

(42) Amendment No. 41 (§ 1499.73 (a) (8)) to Supplementary Regulation No. 14 to General Maximum Price Regulation shall become effective October 20, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10336; Filed, October 14, 1942; 12:35 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 74 Under § 1499.18 (c) of General Maximum Price Regulation]

THE PAPYRUS CO.

For the reasons set forth in an opinion* issued simultaneously herewith, *It is ordered:*

§ 1499.924 *Denial of application for adjustment of maximum price of crepe paper manufactured by The Papyrus Company, of Kenilworth, New Jersey.* (a) The application of The Papyrus Company of Kenilworth, New Jersey, filed August 8, 1942, and assigned Docket No. N-18 (c)-13, requesting permission to increase the maximum price at the retail level of crepe paper manufactured by the applicant is denied.

(b) This Order No. 74 (§ 1499.924) shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10332; Filed, October 14, 1942; 12:25 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 75 Under § 1499.18 (c) of the General Maximum Price Regulation]

ERVING PAPER MILLS

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.925 *Denial of application for adjustment of maximum price of paper napkins manufactured by Erving Paper Mills of Erving, Massachusetts.* (a) The application of Erving Paper Mills of Erving, Massachusetts, filed August 10, 1942, and assigned Docket No. N-18 (c)-16, requesting permission to increase the maximum price at the retail level of paper napkins manufactured by the applicant is denied.

(b) This Order No. 75 (§ 1499.925) shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10333; Filed, October 14, 1942; 12:26 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 76 Under § 1499.18 (c) of General Maximum Price Regulation]

WESTERN TIMBER COMPANY

For the reasons set forth in an opinion issued simultaneously herewith,* *It is ordered:*

§ 1499.926 *Adjustment of maximum prices for sales of mine materials by the Western Timber Company.* (a) The Western Timber Company, 2229 15th Street, Denver, Colorado, may sell and deliver, and any person may buy and receive from the Western Timber Company, mine materials at prices not higher than its prices established by the General Maximum Price Regulation plus the additions set forth below:

	Per linear foot
Round timbers 6" and 7" in diameter, any length	$0. 01
Round timbers 8" and 9" in diameter, any length	.015
	Each
Mining ties	.05
Cull ties, all sizes	.10

This order does not apply to ties sold to railroads.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 76 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 76 (§ 1499.926) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modification of maximum prices established by § 1499.2.

(e) This Order No. 76 (§ 1499.926) shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10334; Filed, October 14, 1942; 12:29 p. m.]

PART 1499—COMMODITIES & SERVICES

[Order 77 Under § 1499.18 (c) of General Maximum Price Regulation]

CALIFORNIA PACKING CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith,* *It is ordered:*

§ 1499.927 *Denial of application for adjustment of maximum prices for charcoal sold by the California Packing Corporation.* (a) The application of the California Packing Corporation of San Francisco, California dated June 2, 1942, requesting permission to increase its maximum prices for sales of charcoal, is denied.

(b) This order No. 77 (§ 1499.927) shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10335; Filed, October 14, 1942; 12:34 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 93 Under § 1499.3 (b) of General Maximum Price Regulation]

AMERICAN FINISH AND CHEMICAL CO.

For the reasons set forth in an opinion issued simultaneously herewith,* *It is ordered:*

§ 1499.957 *Approval of maximum price for sale of Adhesive No. 101 E, a butyl methacrylate polymer cement, manufactured by American Finish and Chemical Company.* (a) The maximum price at which American Finish and Chemical Company, Chelsea, Massachusetts, may sell its product Adhesive No. 101 E, described in the application for approval of maximum price under § 1499.3 (b) of the General Maximum Price Regulation heretofore filed by that company with the Office of Price Administration, and at which any person may buy such product from that company, is as follows:

38¢ per pound, f. o. b. producing plant, container included.

(b) On or before July 1, 1943, the American Finish and Chemical Company shall submit to the Office of Price Administration in Washington, D. C. a report containing complete cost data with respect to the production and sale of the above product during the six month period from October 27, 1942, to April 26, 1943, such data to include the following:

(1) Cost of raw materials, with breakdown of materials used.

(2) Direct labor costs, based on March 1942 rates.

(3) Factory overhead.

(4) Container costs.

(5) Sales costs.

(6) Administrative expense.

(7) Research and development.

(8) Other (itemize).

(c) All discounts, trade practices, and practices relating to the payment of shipping charges in effect in March 1942 on the sale by this company of its Latex cement product No. 730, shall apply to the maximum price set forth in paragraph (a).

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*Copies may be obtained from the Office of Price Administration.

(d) This Order No. 93 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 93 (§ 1499.957) shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10339; Filed, October 14, 1942; 12:33 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 94 Under § 1499.3 (b) of General Maximum Price Regulation]

MAXIMUM PRICES FOR SPECIAL ASBESTOS TEXTILES

For the reasons set forth in an opinion* issued simultaneously herewith *It is ordered:*

§ 1499.958 *Authorization of maximum prices for special asbestos textiles.* (a) On and after May 11, 1942, regardless of any contract, agreement, lease, or other obligation, no manufacturer of asbestos textiles shall sell and deliver special asbestos textiles, and no person shall buy or receive special asbestos textiles in the course of trade or business, at prices higher than will be determined by the use of the pricing formula or formulas used by said manufacturer in March, 1942, to determine the prices at that time of such items. The values given to the factors used in said formulas shall be no higher than the highest values given to the same factors in the determination of March, 1942, prices under said formulas, and the method used in computing said factors shall be the method used in March, 1942.

(b) On or before October 31, 1942, every manufacturer of asbestos textiles shall file with the Office of Price Administration, Washington, D. C.:

(1) A detailed explanation of the formula or formulas by which it priced its special asbestos textile products during March, 1942;

(2) Calculations setting forth in detail the use of such formulas in determining prices charged for different types of special asbestos textile products actually delivered by it during March, 1942, or, if no such deliveries were made during that month, the application of such formulas to the prices that would have been charged had the first deliveries of such products made subsequently to March, 1942, actually been delivered during March, 1942, as the result of sales made during that month; and

(3) The gross sales value realized from, and the percentage of total sales of asbestos textile products represented by, sales of special asbestos textile products during the second calendar quarter of 1942.

(c) For the purposes of this order asbestos textiles may be classified as special asbestos textiles whenever:

(1) They are made to the specifications of each individual order,

(2) Said specifications differ materially with each order, and

(3) For the reasons set forth in (1) and (2) said "specials" are unable to be included in the manufacturer's price lists.

(d) This Order No. 94 may be revoked or amended at any time by the Price Administrator.

(e) This Order No. 94 (§ 1499.958) shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10329; Filed, October 14, 1942; 12:33 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 95 Under § 1499.3 (b) of General Maximum Price Regulation]

BEMIS BROS. BAG CO.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* *It is hereby ordered:*

§ 1499.959 *Maximum prices for the sale of cotton smelter tubes by Bemis Bros. Bag. Co.* (a) Bemis Bros Bag Co., Kansas City, Mo., may sell and deliver smelter tubes of the following description at a price no higher than that set forth below:

Length	Material	Maximum price per M
10 yards	36" 3.00 yard sheeting	$3, 010

(b) The price set forth in paragraph (a) of this section shall apply f. o. b. seller's point of shipment and shall be subject to the seller's customary terms of sale.

(c) This Order No. 95 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 95 (§ 1499.959) shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10330; Filed, October 14, 1942; 12:29 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 96 Under § 1499.3 (b) of General Maximum Price Regulation]

MAXIMUM PRICES FOR SPECIAL BONDED ABRASIVES

For the reasons set forth in an opinion* issued simultaneously herewith it is ordered:

§ 1499.960 *Authorization of maximum prices for special bonded abrasives.* (a) On and after May 11, 1942, regardless of any contract, agreement, lease, or other obligation, no manufacturer of bonded abrasives shall sell and deliver special bonded abrasives, and no person shall buy or receive special bonded abrasives in the course of trade or business, at prices higher than will be determined by the use of the pricing formula or formulas used by said manufacturer in March, 1942, to determine the prices at that time of such items. The values given to the factors used in said formulas shall be no higher than the highest values given to the same factors in the determination of March, 1942, prices under said formulas, and the method used in computing said factors shall be the method used in March 1942.

(b) On or before October 31, 1942, every manufacturer of bonded abrasives shall file with the Office of Price Administration, Washington, D. C.:

(1) A detailed explanation of the formula or formulas by which it priced its special bonded abrasive products during March, 1942;

(2) Calculations setting forth in detail the use of such formulas in determining prices charged for different types of special bonded abrasive products actually delivered by it during March, 1942, or, if no such deliveries were made during that month, the application of such formulas to the prices that would have been charged had the first deliveries of such products made subsequently to March, 1942, actually been delivered during March, 1942, as the result of sales made during that month; and

(3) The gross sales value realized from, and the percentage of total sales of bonded abrasive products represented by, sales of special bonded abrasive products during the second calendar quarter of 1942.

(c) For the purposes of this order bonded abrasives may be classified as special bonded abrasives whenever:

(1) They are made to the specifications of each individual order,

(2) Said specifications differ materially with each order, and

(3) For the reasons set forth in (1) and (2) said "specials" are unable to be included in the manufacturer's price lists.

(d) This Order No. 96 may be revoked or amended at any time by the Price Administrator.

(e) This Order No. 96 (§ 1499.960) shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10331; Filed, October 14, 1942; 12:25 p. m.]

PART 1340—FUEL

[Correction of Amendment 10 to Maximum Price Regulation 137[1]]

PETROLEUM PRODUCTS SOLD AT RETAIL

For the reasons set forth in a statement of considerations issued simultaneously herewith and filed with the Division of the Federal Register,* paragraph (e) of § 1340.91 of Amendment No. 10 to Revised Price Schedule No. 88 is corrected to read as set forth below:

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3165, 3749, 4273, 4780, 4853, 5363.

(e) When the maximum price for any grade of motor fuel at a retail establishment as determined by paragraphs (a), (b), (c) and (d) permits the seller a margin for a particular grade of motor fuel below that enjoyed by the seller at that particular retail establishment during the major portion of the period October 1–15, 1941, such seller's maximum price shall be increased to a level which will permit him a margin equal to that enjoyed during the major portion of the above period. In no event, however, shall the seller exceed the price received by him for such grade of motor fuel during the major portion of the period October 1–15, 1941, plus the total of any increases authorized or permitted by the Price Administrator and currently in effect. The maximum price of a seller for a particular grade of motor fuel at the particular retail establishment shall be automatically adjustable as the seller's margin changes. For the purposes of this provision, the margin is deemed to change not at the time the delivered cost changes, but only after the seller has sold an amount equal to that volume on hand at the time the change in the delivered cost occurs.

* * * * *

§ 1340.93a *Effective dates of amendments.* * * *

(k) This correction shall be effective as of October 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E. O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10361; Filed, October 14, 1942; 4:26 p. m.]

PART 1340—FUEL

[Amendment 24 to Maximum Price Regulation 120[1]]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

MAXIMUM PRICES FOR BITUMINOUS COAL—DISTRICT 8

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the division of the Federal Register.*

Section 1340.219 (b) (2) is hereby amended, as set forth below:

§ 1340.219 *Appendix H: Maximum prices for bituminous coal produced in District No. 8.* * * *

(b) * * *

(2) *Maximum prices in cents per net ton for shipment via Great Lakes to all destinations for all uses (exclusive of railroad fuel, vessel and bunker fuel and byproduct).* * * *

Price classifications	Prices and size group numbers	
	1	*
* * *	*	*
K	275	*
* * *	*	*
M	265	*
* * *	*	*

§ 1340.211a *Effective dates of amendments.* * * *

(y) Amendment No. 24 (§ 1340.219 (b) (2)) to Maximum Price Regulation No. 120 shall become effective October 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10354; Filed, October 14, 1942; 4:23 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[Maximum Price Regulation 242]

DRIED PRUNES AND RAISINS

In the judgment of the Price Administrator, the maximum prices established for the producers, dehydrators or dry-yard operators for dried prunes and raisins by this regulation are, and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, the Act of October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation and for other purposes", and the Executive Order No. 9250, dated October 3, 1942. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The maximum prices established herein are not below prices wihch will reflect to the producers of dried prunes and raisins prices for their products equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended by the Act of October 2, 1942, and Executive Order No. 9250, dated October 3, 1942.

Therefore, with the concurrence of the Secretary of Agriculture, and under the authority vested in the Price Administrator by the aforesaid Acts and Executive Order and in accordance with Procedural Regulation No. 1,[1] Maximum Price Regulation No. 242 is hereby issued.

AUTHORITY: §§ 1341.501 to 1341.512, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1341.501 *Prohibition against dealing in natural condition unpacked dried prunes and raisins above maximum prices.* (a) On and after October 14, 1942, regardless of any contract or other obligation, no producer, dehydrator or dry-yard operator shall sell or deliver any natural condition unpacked dried prunes or raisins at a price higher than the maximum price established by this Maximum Price Regulation No. 242.

(b) No person in the course of trade or business shall buy or receive any natural condition unpacked dried prunes or raisins from a producer, dehydrator or dry-yard operator at a price higher than the maximum price established by this Maximum Price Regulation No. 242; and

(c) No producer, dehydrator, dry-yard operator or other person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1341.502 *Maximum prices for dried prunes and raisins sold by producers, dehydrators or dry-yard operators.* (a) The maximum price per ton for producers, dehydrators or dry-yard operators for natural condition unpacked dried prunes shall be as set forth in § 1341.512, Appendix A, of this Maximum Price Regulation No. 242.

(b) The maximum price per ton for producers, dehydrators, or dry-yard operators for natural condition unpacked raisins shall be as follows:

Item	*Maximum price per ton*
Natural Thompson seedless raisins	$110.00
Natural Sultana raisins	105.00
Natural Muscat raisins	110.00
Golden bleached Thompson seedless raisins	132.00

(c) To determine his maximum price each producer, dehydrator or dry-yard operator shall first ascertain the rail shipping point nearest to his ranch or place of business, the delivery point named in this section which is nearest to his ranch or place of business and the location of the purchaser's plant. The maximum price of the producer, dehydrator or dry-yard operator shall include delivery to the purchaser at whichever one of those three points is nearest to the ranch or place of business of the producer, dehydrator or dry-yard operator. No higher price may be charged or received and no additional charge or allowance may be made by the producer, dehydrator or dry-yard operator if he delivers to the purchaser at any other point. No purchaser or packer shall furnish transportation from any other point.

(d) The delivery points shall be as follows:

(1) For prunes:

California: Healdsburg, Calistoga, Suisun, Los Molinos, Marysville, Gilroy, Visalia, Ukiah, Santa Rosa, Vacaville, Chico, Winters, San Jose, Morgan Hill, Benning, Cloverdale, Sacramento, Napa, Colusa, Yuba City, Santa Clara, Hollister, Oakland;

Oregon: Riddle, Creswell, Dallas, McMinnville, Springbrook, Dundee, Roseburg, Eugene, Salem, Portland, Forest Grove, Umpqua, Albany, Amity, Lebanon, Yam Hill;

Washington: Vancouver.

(2) For raisins:

California: Biola, Parlier, Hanford, Livingston, Del Rey, Selma, Fresno, Kingsburg, Dinuba, Reediy, Modesto.

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* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6896.

[1] 7 F.R. 971, 3663, 6967.

§ 1341.503 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 242 may be charged, demanded, paid or offered.

§ 1341.504 *Evasion.* The maximum prices set forth in this Maximum Price Regulation No. 242 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to natural condition unpacked dried prunes or raisins, alone or in conjunction with any other commodity or by way of any commission, or other charge or discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise.

§ 1341.505 *Records.* Every producer, dehydrator, or dry-yard operator shall preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 shall remain in effect, all records of the same kind as he has customarily kept, relating to the prices which he charged for natural condition unpacked dried prunes or raisins sold on and after October 14, 1942.

§ 1341.506 *Enforcement.* Persons violating any provisions of this Maximum Price Regulation No. 242 are subject to the criminal penalties, civil enforcement actions and suits for treble damages, provided for by the Emergency Price Control Act of 1942.

§ 1341.507 *Applicability.* The provisions of this Maximum Price Regulation No. 242 shall be applicable only in the United States and the District of Columbia.

§ 1341.508 *Sales for export.* The maximum price at which a person may export natural condition unpacked dried prunes or raisins shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation,[2] issued by the Office of Price Administration.

§ 1341.509 *Applicability of the General Maximum Price Regulation.* This Maximum Price Regulation No. 242 supersedes the provisions of the General Maximum Price Regulation with respect to sales or deliveries of natural condition unpacked dried prunes and raisins for which maximum prices are established by this regulation.

§ 1341.510 *Definitions.* (a) When used in this Maximum Price Regulation No. 242, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, legal successors or representatives of any of the foregoing and includes the United States, any agency thereof, any other Government, or any of its political subdivisions and any agency of any of the foregoing.

(2) "Producer" means one who grows prunes or raisin grapes and dries or dehydrates them or has them dried or dehydrated by another person.

(3) "Dehydrator" or "dry-yard operator" means a person who dries or dehydrates prunes or raisin grapes for other persons or who purchases prunes or raisin grapes and dries or dehydrates them.

(4) "Natural condition unpacked", as applied to dried prunes, means dried prunes in sacks or lug boxes or in bulk as usually delivered by producers to packers for packing; and as applied to raisins, means raisins unstemmed in sweat boxes or picking boxes as usually delivered by producers to packers for packing.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1341.511 *Effective date.* This Maximum Price Regulation No. 242 (§§ 1341.501 to 1341.512, inclusive) shall become effective October 14, 1942.

§ 1341.512 *Appendix A: Maximum prices for dried prunes sold by producers, dehydrators or dry-yard operators.*

Number of dried prunes per pound	California		Northwest, dollars per ton
	3 District, dollars per ton	Outside, dollars per ton	
15	190	185	180
16	189	184	179
17	188	183	178
18	187	182	177
19	186	181	176
20	185	180	175
21	184	179	174
22	183	178	173
23	182	177	172
24	181	176	171
25	180	175	170
26	179	174	169
27	178	173	168
28	177	172	167
29	176	171	166
30	175	170	165
31	174	169	164
32	173	168	163
33	172	167	162
34	171	166	161
35	170	165	160
36	169	164	159
37	168	163	158
38	167	162	157
39	166	161	156
40	165	160	155
41	164	159	154
42	163	158	153
43	162	157	152
44	161	156	151
45	160	155	150
46	159	154	149
47	158	153	148
48	157	152	147
49	156	151	146
50	155	150	145
51	154	149	144
52	153	148	143
53	152	147	142
54	151	146	141
55	150	145	140
56	149	144	139
57	148	143	138
58	147	142	137
59	146	141	136
60	145	140	135
61	144	139	134
62	143	138	133
63	142	137	132
64	141	136	131
65	140	135	130
66	139	134	129
67	138	133	128
68	137	132	127
69	136	131	126
70	135	130	125
71	134	129	124
72	133	128	123
73	132	127	122
74	131	126	121
75	130	125	120
76	129	124	119
77	128	123	118
78	127	122	117
79	126	121	116
80	125	120	115
81	124	119	114
82	123	118	113
83	122	117	112
84	121	116	111
85	120	115	110
86	119	114	109
87	118	113	108
88	117	112	107
89	116	111	106
90	115	110	105
91	114	109	104
92	113	108	103
93	112	107	102
94	111	106	101
95	110	105	100
96	109	104	99
97	108	103	98
98	107	102	97
99	106	101	96
100	105	100	95
101	104	99	94
102	103	98	93
103	102	97	92
104	101	96	91
105	100	95	90
106	99	94	89
107	98	93	88
108	97	92	87
109	96	91	86
110	95	90	85
111	94	89	84
112	93	88	83
113	92	87	82
114	91	86	81
115	90	85	80
116	89	84	79
117	88	83	78
118	87	82	77
119	86	81	76
120	85	80	75
121	84	79	74
122	83	78	73
123	82	77	72
124	81	76	71
125	80	75	70
126	79	74	69
127	78	73	68
128	77	72	67
129	76	71	66
130	75	70	65
131	74	69	64
132	73	68	63
133	72	67	62
134	71	66	61

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10355; Filed, October 14, 1942; 4:26 p. m.]

PART 1347—PAPER AND PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[Correction to Amendment 3 to Revised Price Schedule 47]

OLD RAGS[1]

The second sentence of Amendment No. 3 to Revised Price Schedule No. 47—Old Rags is corrected to read as follows:

Section 1347.104 (a) is hereby revoked.

(Pub. Laws 421 and 729, 77th Cong., and E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10356; Filed, October 14, 1942; 4:25 p. m.]

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[2] 7 F.R. 5059, 7242.

[1] 7 F.R. 1297, 1836, 2000, 2132, 2475, 3775, 7248.

Part 1388—Defense-Rental Areas

[Amendment 6 to Designation and Rent Declaration 25]

DESIGNATION OF 260 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

The title and items (189) and (212) listed in the table in § 1388.1201 of Designation and Rent Declaration No. 25 are amended and item (261) is added to the table in the said section to read as follows:

§ 1388.1201 *Designation.* * * *

Name of defense-rental area [1]	In State or States of	Defense-rental area consists of
*	*	*
(189) Washington County	Rhode Island	County of Washington.
*	*	*
(212) Fort Worth	Texas	County of Tarrant.
*	*	*
(261) Dallas	Texas	County of Dallas.

[1] The words "Defense-Rental Area" shall follow the name listed in the table in each case to constitute the full name of a defense-rental area, e. g., "Dothan-Ozark Defense-Rental Area," "Gadsden Defense-Rental Area."

This Amendment No. 6 (§ 1388.1201) shall become effective October 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10357; Filed, October 14, 1942; 4:22 p. m.]

Part 1394—Rationing of Fuel and Fuel Products

[Amendment 1 to Ration Order 8 [1]]

GASOLINE RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

Rationale accompanying the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1394.4201 (d) is amended and a new § 1394.4402 is added to read as set forth below:

§ 1394.4201 *Restriction on transfer to consumers.* * * *

(d) Nothwithstanding any other provision of Ration Order No. 8, the Director may, whenever, in his opinion, the supply of gasoline on the Virgin Islands becomes or threatens to become so limited that essential functions such as, but not limited to, protection of health, property, and maintenance of other necessary services for the well-being of population may be impaired, take the following emergency action:

(1) *Emergency order.* He may issue an emergency order limiting or prohibiting all transfers of gasoline to consumers in the Virgin Islands. Such order may provide that gasoline may be transferred only to persons presenting an Emergency Gasoline Authorization to be signed by the Director. Such order shall require all dealers and distributors to file with the Director a sworn statement of a quantity of gasoline on hand at the effective time of the order.

(2) Such emergency gasoline authorization shall specify the date on which it is issued, the name of the person to whom issued, and the quantity of gasoline for which it shall be valid. It shall also state the purpose for which it is issued and that the gasoline to be obtained thereby shall be used for no other purpose.

(3) All emergency gasoline authorizations shall be numbered serially, copies thereof shall be maintained at all times in the Office of the Director and shall be used in lieu of the coupons provided for in Ration Order No. 8.

(4) During the period in which such emergency order shall be in effect, such emergency gasoline authorizations shall be issued only for the exclusive use of such essential services and for such quantities as shall, in the exercise of good judgment, maintain such services, giving due consideration to the relative importance of each of such services, the available quantity of gasoline and the anticipated period of the emergency.

(5) As soon as shall be practicable after the termination of the emergency, the Director shall issue an appropriate order which shall contain provisions with respect to the resumption with the use of coupons.

§ 1394.4402 *Effective date of amendments.* (a) Amendment No. 1 to Ration Order No. 8 (§§ 1394.4201 (d) and 1394.4402) shall become effective as of September 11, 1942.

Issued this 14th day of October 1942.

(Pub. Laws 671, 76th Cong., 89, 421, 507, 729, 77th Cong.; WPB Dir. 1, Supp. Dir. 1J; 7 F.R. 562, 5043.)

Jacob Robles,
Director for the Territory of the Virgin Islands.

[F. R. Doc. 42-10350; Filed, October 14, 1942; 4:25 p. m.]

Part 1394—Rationing of Fuel and Fuel Products

[Gasoline Rationing Emergency Order 1]

VIRGIN ISLANDS

It is hereby declared that in the judgment of the Director the supply of gasoline on the Virgin Islands threatens to become so limited that essential functions such as, but not limited to the protection of health, property and the maintenance of other necessary services for the wellbeing of the population may be impaired.

Pursuant to the authority vested in me by Ration Order No. 8: *It is ordered:*

§ 1394.6501 *Gasoline rationing during the emergency.* (a) All transfers of gasoline to consumers are hereby prohibited.

(b) During the period of the emergency, gasoline may be transferred only to persons presenting an emergency gasoline authorization.

(c) Emergency gasoline authorizations will be issued only for the purpose of maintaining essential functions and may be obtained upon application to the Director of the Office of Price Administration.

(d) All dealers and distributors of gasoline shall file before October 8, 1942, with the Director, a sworn statement of the quantity of gasoline on hand at the effective time of this order.

(e) All dealers and distributors are hereby authorized to accept emergency gasoline authorizations in lieu of coupons for the amounts delivered thereunder.

(f) This gasoline rationing emergency Order No. 1 (§ 1394.6501) shall become effective September 11, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Laws 421 and 507, 77th Cong., W.P.B. Dir. 1, Supp. Dir. 1-J; 7 F.R. 562, 5043)

Issued this 14th day of October 1942.

Jacob Robles,
Director for the Territory of the Virgin Islands.

[F.R. Doc. 42-10358; Filed, October 14, 1942; 4:25 p. m.]

Part 1398—Office and Store Machines

[Amendment 1 to Maximum Price Regulation 162 [1]]

SALE AND RENTAL OF USED TYPEWRITERS

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and filed with the Division of the Federal Register.*

Sections 1398.75, 1398.80, 1398.81, 1398.82, paragraph (a) of § 1398.83 and the items appearing under the heading, "electromatics" of paragraph (b) of § 1398.83 and sub-paragraph (1) of § 1398.83 (b) are hereby amended and § 1398.85 is added to read as set forth below:

§ 1398.75 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 162 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, rental, delivery, purchase or receipt of or relating to used typewriters, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement, or other trade understanding, or otherwise.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6871, 7100.

[1] 7 F.R. 4484.

(b) Specifically, but not exclusively, the following practices are prohibited, in connection with the sale or rental of a typewriter:

(1) Decreasing cash or quantity discounts or trade-in or exchange allowances below those available during the period October 1 to 15, 1941.

(2) Increasing charges, in effect during the period October 1 to 15, 1941, for deferred payment, or for any other form of instalment, time payment or credit account.

(3) Diminishing the effective period of guarantee or warranty, or the quantity or quality of maintenance or other service, customarily rendered during the period October 1 to 15, 1941, without corresponding reduction in price.

(4) Misrepresenting the state of repair of a used typewriter.

(5) Requiring purchasers to pay a larger proportion of transportation costs incurred in the delivery of used typewriters than the seller required purchasers of the same class to pay during the period October 1 to 15, 1941.

(6) Refusing to permit persons renting typewriters to arrange for delivery from and to the supplier's place of business.

* * * * *

§ 1398.80 *Licensing.* (a) *License required.* A license is hereby required of every person subject to this Maximum Price Regulation No. 162 now or hereafter selling or renting any used typewriters for which maximum prices are established by this Maximum Price Regulation No. 162.

(b) *License granted.* Every person subject to this Maximum Price Regulation No. 162 now or hereafter selling or renting any used typewriters for which maximum prices are established by Maximum Price Regulation No. 162, as now or hereafter amended or supplemented, is hereby granted a license as a condition of selling or renting such used typewriters. The provisions of Maximum Price Regulation No. 162, as now or hereafter amended or supplemented, shall be deemed to be incorporated in the license hereby granted and any violation of any provision so incorporated shall be a violation of the provisions of said license. The license granted by this Amendment No. 1 to Maximum Price Regulation No. 162 shall be effective on October 19, 1942, or when any person becomes subject to the provisions of this Amendment No. 1 and, unless suspended as provided in the Emergency Price Control Act of 1942 shall continue in force so long as and to the extent that such regulation or any applicable part, amendment or supplement remains in effect.

(c) *Registration of licensees.* Every person hereby licensed may be required to register with the Office of Price Administration at such time and in such manner as the Administrator may hereafter by regulation prescribe.

§ 1398.81 *Applicability of the General Maximum Price Regulation.*[2] The provisions of this Maximum Price Regulation No. 162 supersede the provisions of the General Maximum Price Regulation with respect to the sale or rental of used typewriters for which maximum prices are established by this regulation.

§ 1398.82 *Definitions.* (a) When used in this Maximum Price Regulation No. 162, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing;

(2) "Typewriter" means any portable, office, commercial, noiseless or standard type of manually or electrically operated writing machine designed to be used for writing or copying letters or other documents, and does not include Braille typewriters, Linotype machines, Monotype machines, shorthand writing machines, telegraphically controlled typewriters, toy typewriters, or typewriters with inbuilt continuous forms handling features, or with inbuilt front feed, forms collating or automatic duplicating features;

(3) "Used typewriter" means any typewriter which has been in the physical possession of a user and which has been subjected to use, or any typewriter which has been consistently used for purposes of demonstration; the term includes shopworn, reconditioned and rebuilt typewriters;

(4) "Shopworn typewriter" means a typewriter which has been in the physical possession of a user for a period less than six months, and which has been subjected to use, or any typewriter which has been consistently used for purposes of demonstration for a period less than six months;

(5) "Rebuilt typewriter" means a used typewriter which has been dismantled and inspected since its last use and which meets the following specifications: all internal and external parts clean and free from rust, corrosion and flaws; main and carriage frame never bent nor broken; finish of main frame or mask approximately equivalent to new finish; working mechanism lubricated and adjusted to new-machine specifications; type whole, clear, accurately aligned; ribbon, typebar rest, platen surface, feed rolls, paper-finger or bail rolls new, and adjusted to give maximum performance;

(6) "Reconditioned typewriter" means a used typewriter which has been inspected since its last use and which meets the following specifications: all parts clean; internal parts free from rust, corrosion, flaws; working mechanism lubricated and accurately adjusted; type whole, clear, accurately aligned; ribbon new; platen, feed rolls and paper-finger or bail rolls of size, shaped and adjustment to give positive feed, registration, and manifolding performance;

(7) "Rough typewriter" or "as is typewriter" means a used typewriter which is not a shopworn, rebuilt or reconditioned typewriter;

(8) "Sale at retail" means a sale to an ultimate user or his agent;

(9) "Sale at wholesale" means a sale to any person other than an ultimate user or his agent.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1398.83 *Appendix A: Maximum prices for the rental and sale of typewriters.* (a) The maximum price for the rental of typewriters shall be:

(1) *Typewriters manufactured since January 1, 1935.*

	3 days or less (whether or not a stand is supplied)	One-half month	1 month	3 months
Electromatic typewriters	$2.00	$5.50	$10.00	$25.00
Other office-size typewriters:				
14" carriage and under	2.00	2.25	3.50	8.75
16" to 20" carriage inclusive	2.00	3.25	5.50	13.75
Over 20" carriage	2.00	5.25	9.50	23.75
Portable typewriters	2.00	2.00	3.00	7.50

(2) *Typewriters manufactured prior to January 1, 1935.*

	3 days or less (whether or not a stand is supplied)	One-half month	1 month	3 months
Electromatic typewriters	$2.00	$4.75	$8.50	$21.25
Other office-size typewriters:				
14" carriage and under	2.00	2.00	3.00	7.50
16" to 20" carriage inclusive	2.00	3.00	5.00	12.50
Over 20" carriage	2.00	5.00	9.00	22.50
Portable typewriters	2.00	2.00	3.00	7.50

(3) If the rental is for a period of more than three months, the rental rate for each additional month shall not exceed one third of the three-month rental rate set forth in subparagraphs (1) and (2) of this paragraph.

(4) If the supplier of the rented typewriter is obliged to render delivery and pick-up services in connection with the rental of the typewriter, he may add to the maximum price, as set forth in paragraph (a), a reasonable charge for such service and may demand and receive the amount of such charge simultaneously with the charge for the initial rental period.

(5) The age of the typewriter shall be determined by its serial and model number.

(i) Office-size Remington, Royal, L. C. Smith, Underwood, Woodstock, Burroughs and Electromatic typewriters manufactured prior to January 1, 1935 have serial numbers lower than the following; machines manufactured since January 1, 1935 have serial numbers higher than the following:

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[2] 7 F.R. 3153, 3330, 3666, 3990, 3991.

Make	Model	Highest serial No. of a machine manufactured prior to Jan. 1, 1935
1. Remington Standard	11	Not manufactured prior to Jan. 1, 1935.
Remington Standard	12, 20, 30	Z-333,500.
Remington Standard	16	Z-479,000.
Remington Standard	17	Not manufactured prior to Jan. 1, 1935.
Remington (or Monarch or Smith Premier) Standard.	50, 60	W-134,500.
Remington (or Monarch) Noiseless	6	X-240,500.
Remington (or Monarch) Noiseless	10	X-332,500.
2. Royal	All models	1,715,000.
3. L. C. Smith	Standard and silent	1,135,000.
4. Underwood	Standard	4,300,000.
Underwood	Noiseless	3,924,000.
5. Woodstock	5	400,000.
6. Burroughs	A	A-65,500.
7. Electromatic		11,850.

(ii) All other makes and models not set forth above are to be classified as manufactured prior to January 1, 1935 except that typewriters which have been rebuilt and renumbered shall be classified as manufactured since January 1, 1935 if the key-set tabulator mechanism is inbuilt. Those having other types of tabulator mechanism shall be classified as manufactured prior to January 1, 1935.

(b) The maximum price for the sale at retail of a used office-size typewriter with a 10 or 11 inch carriage shall be:

	"Rough" or "As is"	Reconditioned	Rebuilt
* *	*	*	*
ELECTROMATICS			
(Base price—add wide-carriage allowance)			
To 11,850	15.75	60.75	90.75
11,850 to 21,800	41.25	86.25	116.25
21,800 to 26,300	48.75	93.75	123.75
26,300 to 31,500	56.25	101.25	131.25
31,500 to 34,700	63.75	108.75	138.75
34,700 to 39,000	71.25	116.25	146.25
39,000 to 47,700	78.75	123.75	153.75
47,700 up	101.25	146.25	176.25
* *	*	*	*

(1) If the typewriter has a carriage wider than 10 or 11 inches there may be added to the maximum price the following amounts:

	"Rough" or "As is"	Reconditioned	Rebuilt
12" carriage	3.75	3.75	3.75
14" carriage	7.50	8.75	8.75
16" to 20" carriage inclusive	15.00	17.50	17.50
Over 20" carriage	22.50	27.50	27.50

§ 1398.85 *Effective date of amendments.* (a) Amendment No. 1 (§§ 1398.75, 1398.80, 1398.81, 1398.82, 1398.83 (a), (b) and (b) (1), 1398.85) of Maximum Price Regulation No. 162 shall become effective October 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10351; Filed, October 14, 1942; 4:22 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[Amendment 4 to Maximum Price Regulation 194 [1]]

ALASKA

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (c) (2) of § 1418.56 is amended to read as set forth below:

§ 1418.56 *Records and reports.* * * *

(c) *Lists to be filed.* * * *

(2) Every person offering to sell or deliver to a buyer in the Territory of Alaska commodities, not included among the cost-of-living items set forth in § 1499.25, Appendix B, of the General Maximum Price Regulation, and which are not actually produced or manufactured in the Territory of Alaska, shall prepare, not later than November 15, 1942, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, the following information:

(i) A list of all such commodities offered for sale by such person and the selling price thereof.

(ii) The direct cost, as defined herein, of every such commodity listed.

(iii) The amount of mark-up of every such commodity listed.

Any person who claims that substantial injury would result to him from making such statement available to any other person may file on or before November 15, 1942 this information, if such information has not heretofore been filed with the Office of Price Administration, Juneau, Alaska.

* * * * *

§ 1418.66 *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§ 1418.56 (c) (2)) to Maximum Price Regulation No. 194 shall become effective October 14. 1942.

(Pub. Laws, 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10352; Filed, October 14, 1942; 4:22 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 42 to Supplementary Regulation 14 to General Maximum Price Regulation]

SILVER SALT

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (25) (iv) (*a*) of paragraph (a) of § 1499.73 is amended as set forth below:

(*a*) "Silver salt" means any chemical compound which consists of silver and anions of acids, such as silver nitrate, silver ferricyanide, and silver nucleinate. For the purposes of this section, "silver salt" shall also include silver azide, silver oxide and silver sulphide.

(b) *Effective dates.* * * *

(43) Amendment No. 42 to Supplementary Regulation No. 14 (§ 1499.73 (a) (25) (iv) (*a*)) shall become effective October 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10353; Filed, October 14, 1942; 4:23 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Amendment 3 to Temporary Maximum Price Regulation 22 [1]]

CERTAIN ESSENTIAL FOOD PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new paragraph (b) is added to § 1351.803 as set forth below:

§ 1351.803 *Exempt sales.* * * *

(b) Sales and deliveries of dried eggs may be made on an offer and acceptance basis between October 12, 1942, and December 3, 1942, inclusive, to the United States or any agency thereof, at prices not in excess of the following schedule:

Contracts to deliver between October 12, 1942, and October 15, 1942, inclusive, at $1.085 per pound.

Contracts to deliver between October 16, 1942, and October 31, 1942, inclusive, at $1.10 per pound.

Contracts to deliver between November 1, 1942, and November 15, 1942, inclusive, at $1.115 per pound.

Contracts to deliver between November 16, 1942, and December 3, 1942, inclusive, at $1.13 per pound.

The above prices are delivered New York City prices. The customary cost for additional packaging, when specified by the United States or any agency thereof, may be added to the above prices.

§ 1351.814 *Effective dates of amendments.* * * *

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5909, 6268, 6744, 8023.

[1] 7 F.R. 7914, 8023, 8197.

(c) Amendment No. 3 (§ 1351.803 (b)) to Temporary Maximum Price Regulation 22 shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10377; Filed, October 15, 1942; 11:44 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 51]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES IN THE FORT WORTH DEFENSE-RENTAL AREA

In the judgment of the Administrator, rents for housing accommodations within the Fort Worth Defense-Rental Area set out in § 1388.231 (a) of this Maximum Rent Regulation, as designated in the designation and rent declaration issued by the Administrator on April 28, 1942, as amended, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designation and rent declaration.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within said Fort Worth Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within said Fort Worth Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator the maximum rents established by this Maximum Rent Regulation for housing accommodations within said Fort Worth Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 51 is hereby issued.

AUTHORITY: §§ 1388.231 to 1388.244, inclusive, issued under Pub. Law 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

Sec.
1388.231 Scope of regulation.
1388.232 Prohibition against higher than maximum rents.
1388.233 Minimum services.
1388.234 Maximum rents.
1388.235 Adjustments and other determinations.
1388.236 Restrictions on removal of tenant.
1388.237 Registration.
1388.238 Inspection.
1388.239 Evasion.
1388.240 Enforcement.
1388.241 Procedure.
1388.242 Petitions for amendment.
1388.243 Definitions.
1388.244 Effective date of the regulation.

§ 1388.231 *Scope of regulation.* (a) This Maximum Rent Regulation No. 51 applies to all housing accommodations within the Fort Worth Defense-Rental Area, consisting of the County of Tarrant in the State of Texas, (referred to hereinafter in this Maximum Rent Regulation as the "Defense-Rental Area"), as designated in the designation and rent declaration (§§ 1388.1201 to 1388.1205, inclusive) issued by the Administrator on April 28, 1942, as amended, except as provided in paragraph (b) of this section.

(b) This Maximum Rent Regulation does not apply to the following:

(1) Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part;

(3) Rooms or other housing accommodations within hotels or rooming houses, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the Maximum Rent Regulation for Hotels and Rooming Houses pursuant to the provisions of that regulation: *Provided*, That this Maximum Rent Regulation No. 51 does apply to entire structures or premises though used as hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to November 1, 1942 (the effective date of this Maximum Rent Regulation).

§ 1388.232 *Prohibition against higher than maximum rents.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on or after November 1, 1942 (the effective date of this Maximum Rent Regulation No. 51) of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

(b) Notwithstanding any other provision of this Maximum Rent Regulation, where housing accommodations are heated with fuel oil the landlord of such accommodations may as hereinafter provided enter into an agreement with the tenant providing for payment by the tenant of part or all of the cost of changing the heating unit to use some fuel other than oil or of installing a new heating unit using some fuel other than oil. Prior to making such agreement the landlord shall in writing report the terms of the proposed agreement to the Area Rent Office. The landlord may enter into the agreement either upon its approval by the Administrator or, unless the Administrator has disapproved the proposed agreement within 5 days after the filing of such report, upon the expiration of such 5-day period.

§ 1388.233 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation No. 51 are for housing accommodations including, as a minimum, services of the same type, quantity and quality as those provided on the date determining the maximum rent. If, on the effective date of this section, the services provided for housing accommodations are less than such minimum services the landlord shall either restore and maintain the minimum services or, within 30 days after such effective date, file a petition pursuant to § 1388.235 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.235 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

§ 1388.234 *Maximum rents.* Maximum rents (unless and until changed by the Administrator as provided in § 1388.235) shall be:

(a) For housing accommodations rented on March 1, 1942, the rent for such accommodations on that date.

(b) For housing accommodations not rented on March 1, 1942, but rented at any time during the two months ending on that date, the last rent for such accommodations during that two-month period.

(c) For housing accommodations not rented on March 1, 1942 nor during the two months ending on that date, but rented prior to the effective date of this section, the first rent for such accommodations after March 1, 1942. The Administrator may order a decrease in the maximum rent as provided in § 1388.235 (c).

(d) For (1) newly constructed housing accommodations without priority rating first rented after March 1, 1942 and before the effective date of this Maximum Rent Regulation No. 51, or (2) housing accommodations changed between those dates so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations changed between those dates from unfurnished to fully furnished, or from fully furnished to unfurnished, or (4) housing accommodations substantially changed between those dates by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, the first rent for such accommodations after such construction or change: *Provided, however*, That, where such first rent was fixed by a lease which was in force at the time of a major capital improvement, the maximum rent shall be the first rent after termination of such lease. The Administrator may order a decrease in the maximum rent as provided in § 1388.235 (c).

(e) For (1) newly constructed housing accommodations without priority rating first rented on or after the effective date of this section, or (2) housing accommodations changed on or after such effective date so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations not rented at any time between January 1, 1942 and such effective date, the first rent for such accommodations after the change or the effective date, as the case may be. Within 30 days after so renting the landlord shall register the accommodations as provided in § 1388.237. The Administrator may order a decrease in the maximum rent as provided in § 1388.235 (c).

(f) For housing accommodations constructed with priority rating from the United States or any agency thereof for which the rent has been heretofore or is hereafter approved by the United States or any agency thereof, the rent so approved, but in no event more than the rent on March 1, 1942, or, if the accommodations were not rented on that date, more than the first rent after that date.

(g) For housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942, as determined by the owner of such accommodations: *Provided, however*, That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.235 (c).

(h) For housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Departments, the rents established on the effective date of this Maximum Rent Regulation by such rent schedule. The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this Maximum Rent Regulation.

§ 1388.235 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services, or a deterioration, the adjustment in the maximum rent shall be the amount the Administrator finds would have been on March 1, 1942 the difference in the rental value of the housing accommodations by reason of such change. In all other cases, except those under paragraphs (a) (7) and (c) (6) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1942. In cases under paragraphs (a) (7) and (c) (6) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on March 1, 1942.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been on or after the effective date of this Maximum Rent Regulation No. 51 a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, prior to March 1, 1942 and within the six months ending on that date, a substantial change in the housing accommodations by a major capitial improvement as distinguished from ordinary repair, replacement and maintenance, and the rent on March 1, 1942 was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(5) There was in force on March 1, 1942, a written lease, which had been in force for more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942; or the housing accommodations were not rented on March 1, 1942, but were rented during the two months ending on that date and the last rent for such accommodations during that two-month period was fixed by a written lease, which was in force more than one year prior to March 1, 1942, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(6) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent on the date determining the maximum rent was substantially lower than at other times of the year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) If, on the effective date of this section the services provided for housing accommodations are less than those provided on the date determining the maximum rent, the landlord shall either restore the services to those provided on the date determining the maximum rent and maintain such services or, within 30 days after such effective date file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or an application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for housing accommodations under paragraphs (c), (d), (e), or (g) of § 1388.234 is higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(2) There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(5) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially lower rent at other periods during the term of such lease or agreement.

(6) The rent on the date determining the maximum rent was substantially higher than at other times of the year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this section, or at any time on his own initiative, may enter an order fixing the maximum

rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(e) Where, at the expiration or other termination of an underlying lease or other rental agreement, housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the landlord may rent the entire premises for use by similar occupancy for a rent not in excess of the aggregate maximum rents of the separate dwelling units, or may rent the separate dwelling units for rents not in excess of the maximum rents applicable to such units.

Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Administrator for leave to exercise any right he would have except for this Maximum Rent Regulation to sell his underlying lease or other rental agreement. The Administrator may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result, in the circumvention or evasion of the Act or this Maximum Rent Regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section, the Administrator may enter an interim order increasing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order upon such petition. The receipt by the landlord of any increased rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

§ 1388.236 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, and regardless of any contract, lease, agreement or obligation heretofore or hereafter entered into which provides for entry of judgment upon the tenant's confession for breach of the covenants thereof or which otherwise provides contrary hereto, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation; or

(2) The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons who occupied under a rental agreement with the tenant; or

(5) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) The landlord seeks in good faith to recover possession of the housing accommodations for immediate use and occupancy as a dwelling by himself, his family or dependents; or he has in good faith contracted in writing to sell the accommodations for immediate use and occupancy by a purchaser, who in good faith has represented in writing that he will use the accommodations as a dwelling for himself, his family or dependents; or the landlord seeks in good faith not to offer the housing accommodations for rent. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, such accommodations shall not be rented for a period of six months after such removal or eviction without permission of the Administrator. The landlord may petition the Administrator for permission to rent the accommodations during such six-month period, and the Administrator shall grant such permission if he finds that the action was in good faith and not for the purpose of evading any provision of the Act or this Maximum Rent Regulation.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(c) The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(d) (1) Every notice to a tenant to vacate or surrender possession of housing accommodations shall state the ground under this section upon which the landlord relies for removal or eviction of the tenant. A written copy of such notice shall be given to the Area Rent Office within 24 hours after the notice is given to the tenant.

No tenant shall be removed or evicted from housing accommodations, by court process or otherwise, unless, at least ten days prior to the time specified for surrender of possession and to the commencement of any section for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the Area Rent Office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession.

Where the ground for removal or eviction of a tenant is non-payment of rent, every notice under this paragraph (d) (1) shall state the rent for the housing accommodations, the amount of rent due and the rental period or periods for which such rent is due. The provisions of this paragraph (d) (1) shall not apply where a certificate has been issued by the Administrator pursuant to the provisions of paragraph (b) of this section.

(2) At the time of commencing any action to remove or evict a tenant, including an action based upon non-payment of rent, the landlord shall give written notice thereof to the Area Rent Office stating the title of the case, the number of the case where that is possible, the court in which it is filed, the name and address of the tenant, and the ground under this section on which removal or eviction is sought.

(e) No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.237 *Registration.* Within 45 days after the effective date of this section, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement. The statement shall identify each dwelling unit and specify the maximum rent provided by this Maximum Rent Regulation No. 51 for such dwelling unit and shall contain such other information as the Administrator shall require. The original shall remain on file with the Administrator and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement, and shall obtain the tenant's signature and the date thereof on the back of such statement. Within five days after renting to a new tenant, the landlord shall file a notice on the form provided therefor, on which he shall obtain the tenant's signature, stating that there has been a change in tenancy, that the stamped copy of the registration statement has been exhibited to the new tenant and that the rent for such accommodations is in conformity therewith.

No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

When the maximum rent is changed by order of the Administrator the landlord shall deliver his stamped copy of the registration statement to the Area Rent Office for appropriate action reflecting such change.

The foregoing provisions of this section shall not apply to housing accommodations under § 1388.234 (g). The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the Defense-Rental Area and containing such other information as the Administrator shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

§ 1388.238 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

§ 1388.239 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 51 shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with housing accommodations, or otherwise.

§ 1388.240 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 51 are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.241 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation No. 51 shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.242 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 51 may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.243 *Definitions.* (a) When used in this Maximum Rent Regulation No. 51:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The term "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) The term "rent" means the consideration, including any bonus, benefit or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Rent Regulation.

§ 1388.244 *Effective date of the regulation.* (a) All the provisions of this Maximum Rent Regulation No. 51 except §§ 1388.231, 1388.236 and 1388.243 shall become effective on November 1, 1942.

(b) The provisions of §§ 1388.231, 1388.236 and 1388.243 shall become effective on October 15, 1942.

Issued this 15th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10378; Filed, October 15, 1942; 11:45 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Amendment 31 to Maximum Price Regulation 136,[1] as Amended]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

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[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6682, 6682, 6899, 6964, 6964, 6965, 7944, 6937, 6973, 6937, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 8198.

New subparagraph (21) is added to § 1390.25 (c) and new paragraph (ee) is added to § 1390.31a as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(21) *Automotive replacement storage batteries.* Notwithstanding the provisions of §§ 1390.5, 1390.6 and 1390.10, the maximum price applicable to the sale by the manufacturer, or a seller other than the manufacturer, of any automotive replacement storage battery, for which there was a published or confidential list price in effect on October 1, 1941, shall be the net price determined in accordance with the applicable provisions of §§ 1390.5, 1390.6 or 1390.10, plus an amount not exceeding one cent for each pound, or major fraction of a pound, of lead contained in such battery: *Provided,* That the price so determined shall in no event exceed the highest price charged by the manufacturer, or seller other than the manufacturer, for such battery during the month of March 1942.

§ 1390.31a *Effective dates of amendments.* * * *

(ee) Amendment No. 31 (§ 1390.25 (c) (21)) to Maximum Price Regulation No. 136, as amended, shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10379; Filed, October 15, 1942; 11:44 a. m.]

PART 1404—RATIONING OF RUBBER FOOTWEAR

[Amendment 2 to Ration Order 6[1]]

MEN'S RUBBER BOOTS AND RUBBER WORK SHOES RATIONING REGULATIONS

Paragraph (d) to § 1404.43 is hereby revoked and a new paragraph (b) to § 1404.71 is added.

§ 1404.71 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1404.43 (d)) shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; WPB Directive No. 1, 7 F.R. 562, and Supplementary Directive No. 1-N, 7 F.R. 7730, E.O. 9250, 7 F.R. 7871)

Issued this 15th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10380; Filed, October 15, 1942; 11:44 a. m.]

PART 1499—COMMODITIES AND SERVICE

[Amendment 1 to Order 12 Under § 1499.3 (b) of General Maximum Price Regulation—Docket 5089-3-A]

DEFENDER MANUFACTURING COMPANY

Correction

That portion of § 1499.49 (e) which precedes the table (7 F.R. 8022) should read as follows:

(e) In addition to the maximum prices set forth in paragraph (d) of this section, Defender Manufacturing Company may charge the following premiums for pieces which are hemstitched or scalloped. For any piece which is both hemstitched and scalloped, both premiums may be charged:

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 10—INSURANCE

PREMIUM WAIVERS AND TOTAL DISABILITY

Revision of §§ 10.3440, 10.3441, 10.3442, 10.3446, 10.3447 and 10.3448.

AUTHORITY: §§ 10.3440 to 10.3442, inclusive, and §§ 10.3446 to 10.3448, inclusive, issued under sec. 608, 54 Stat. 1012; 38 U.S.C. 808.

§ 10.3440 *Requirements for waiver of premiums.* Upon written application by the insured payment of premiums may be waived during the continuous total disability of the insured which continues or has continued for six or more consecutive months, provided such disability commenced (1) subsequent to date of application for insurance, (2) while the insurance was in force under premium-paying conditions, and (3) prior to the insured's sixtieth birthday: *Provided,* This paragraph shall not apply to any premium waiver authorized under subsection 602 (D) (3) of the Act, as amended. The insured shall be required to furnish proof satisfactory to the Administrator showing continuous total disability for at least six consecutive months, and may be denied benefits for failure to cooperate. (October 16, 1942)

§ 10.3441 *Effective date of premium waiver.* The waiver of premiums may be made effective as of the date such six months continuous total disability commenced, but, except as hereafter provided the waiver shall not be effective as to any premium which became due more than one year prior to receipt in the Veterans' Administration of application for waiver of premiums: *Provided,* That the Administrator may grant waiver of premiums more than one year prior to date of application therefor in any case in which the Administrator finds that failure to submit timely application or satisfactory evidence to show the existence or continuance of total disability was due to circumstances beyond the control of the insured. Premiums tendered to cover a period during which the waiver is effective shall be refunded without interest. (October 16, 1942)

§ 10.3442 *Discontinuance of premium waiver.* The Administrator may require proof of continuance of total disability at any time when he may deem same necessary. In the event it is found that an insured is no longer totally disabled the waiver of premiums shall cease as of the date of such finding; (or in the event a finding that the insured is no longer totally disabled is made at the same time a finding is made of total disability entitling the insured to a waiver of premium while so disabled, the waiver of premiums shall cease as of the date on which total disability ceased.) After a waiver of premiums has ceased the insurance may be continued by payment of premiums, the due date of the first premium payable being the next regular monthly due date of the premium under the policy; however, the insurance shall not lapse prior to date of expiration of the grace period allowed for the payment of such premium, or prior to the expiration of thirty-one days after date of notice to the insured of the termination of the premium waiver, whichever is the later date. Such notice shall be sent by registered mail, return receipt requested, advising of the due date of the first premium payable after termination of the waiver and of the amount of premiums payable. Sufficient notice within the provisions of this regulation will be deemed to have been given when such letter reaches the insured's last address of record, and the failure of the insured to furnish a correct current address at which mail will reach him promptly shall not be grounds for a further extension of time for payment of premiums under this paragraph: *Provided,* That in cases wherein delivery of notice at the last address of record is impossible because of suspension of mail service and other usual means of communication, a grace period of not more than one year may be granted, computed from the due date of the first premium payable after termination of the waiver, and if premiums be not paid within such period the insurance shall lapse effective as of the due date of such first premium.

If the insured shall fail to cooperate with the Administrator in securing any evidence he may require to determine whether total disability has continued, the premium waiver shall cease effective as of the date finding is made of such failure to cooperate, and the insurance may be continued by the payment of premiums within the thirty-one day period provided above. (October 16, 1942)

BENEFICIARIES

§ 10.3446 *Beneficiary designations.* The insured shall have the right to designate a benefiiciary or beneficiaries, but only within the following classes to be known as the permitted class of designated beneficiaries:

Wife (husband), child (including an adopted child, stepchild, illegitimate child), parent (including parent through adoption, and persons who stood in loco parentis to the insured for a period of not less than one year prior to entry into active service), brother or sister (including those of the half blood) of the insured.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7748, 7967.

A beneficiary designation shall be made by notice in writing to the Veterans Administration signed by the insured. An original beneficiary designation may be made by last will and testament duly probated, but no change of beneficiary may be made by last will and testament. A stepchild or illegitimate child cannot be paid under the act unless specifically designated as a beneficiary by the insured. A designation of beneficiary need not be made in the application for insurance, but may be made at a later date. (October 16, 1942)

§ 10.3447 *Beneficiary changes.* The insured shall have the right at any time, and from time to time, and without the knowledge or consent of the beneficiary to cancel the beneficiary designation, or to change the beneficiary within the class of beneficiaries set forth in § 10.3446. A change of beneficiary to be effective must be made by notice in writing signed by the insured and forwarded to the Veterans Administration by the insured or his agent, and must contain sufficient information to identify the insured. Whenever practicable such notices shall be given on blanks prescribed by the Veterans Administration. Upon receipt by the Veterans Administration, a valid designation or change of beneficiary shall be deemed to be effective as of the date of execution: *Provided,* That any payment made before proper notice of designation or change of beneficiary has been received in the Veterans Administration shall be deemed to have been properly made and to satisfy fully the obligations of the United States under such insurance policy to the extent of such payments. (October 16, 1942)

§ 10.3448 *Class and order of payment to other than designated beneficiary.* If no beneficiary is designated by the insured, or if the designated beneficiary or beneficiaries should not survive the insured, or should die prior to completion of payment of the instalments certain payable under the provisions of the Act and the terms of the policy, the instalments of insurance remaining unpaid shall be paid to persons in the permitted class of beneficiaries and in the order named:

(a) Widow (widower) of the insured,

(b) Child or children of the insured (including adopted children), in equal shares,

(c) Parent or parents who last bore such relationship to the insured (including parent through adoption and persons who stood in loco parentis to the insured for a period of not less than one year prior to entry into active service) in equal shares,

(d) Brothers and sisters of the insured (including those of the half blood), in equal shares. (October 16, 1942)

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 42-10373; Filed, October 15, 1942; 11:38 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 89]

PART 95—CAR SERVICE

USE OF REFRIGERATOR CARS FOR CAR PEDDLING

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of October, A. D. 1942.

It appearing, that due to the present state of war an emergency exists which in the opinion of the Commission requires immediate action to prevent delay in the movement of refrigerator cars and congestion of traffic; and

It further appearing, that the prompt release of refrigerator cars used in the transportation of wine grapes and juice grapes is retarded by the practice commonly known as "car peddling;" *It is ordered:*

§ 95.300 *Prompt release of cars; car peddling prohibited (wine and juice grapes).* (a) The operation of the practice of common carriers by railroad subject to the Interstate Commerce Act of allowing or permitting the use of refrigerator cars for car peddling (which for the purpose of this order is defined as the vending of freight directly from the car to consumer by retail sale) of wine grapes and juice grapes, is hereby suspended and prohibited.

(b) This order shall become effective October 19, 1942, and continue in effect until the further order of the Commission.

(40 Stat. 101, 41 Stat. 476, 49 Stat. 543, 54 Stat. 901; 49 U.S.C. 1 (10-17))

And it is further ordered, That a copy of this order be served upon the Car Service Division, Association of American Railroads, as Agent of the railroad carriers subscribing to the Car Service and Per Diem Agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register, the National Archives.

By the Commission, division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-10370; Filed, October 15, 1942; 11:24 a. m.]

Chapter II—Office of Defense Transportation

[Suspension Order ODT 1-1]

PART 520—CONSERVATION OF RAIL EQUIPMENT—EXCEPTIONS, SUSPENSIONS AND PERMITS

SUBPART A—MERCHANDISE TRAFFIC IN THE TERRITORY OF HAWAII, ALASKA, AND THE PANAMA CANAL ZONE

By virtue of the authority vested in me by Executive Order No. 8989, issued December 18, 1941, *It is hereby ordered,* That:

AUTHORITY: §§ 520.3 to 520.4, inclusive, issued under E.O. 8989, 6 F.R. 6725.

§ 520.3 *Provisions of General Order ODT 1 suspended with respect to operations of certain carriers.* The provisions of §§ 500.1 to 500.7, inclusive, of Subpart A, Part 500, Chapter II, Title 49, of the Code of Federal Regulations (General Order O.D.T. No. 1, as amended)[1] are hereby suspended with respect to the operations of any carrier in the Territory of Hawaii, Alaska, and the Panama Canal Zone.

§ 520.4 *Effective date.* This suspension order shall become effective on the 15th day of October 1942.

Issued at Washington, D. C., this 15th day of October 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-10376; Filed, October 15, 1942; 11:45 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1572]

ONTARIO GAS COAL CORP. OF VIRGINIA

MEMORANDUM OPINION CONCERNING, AND ORDER GRANTING, TEMPORARY RELIEF

In the matter of the petition of Ontario Gas Coal Corporation of Virginia for the establishment of price classifications and minimum prices for the coals of its Tidewater No. 2 Mine, Mine Index No. 316 in District No. 7.

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division (the "Division") on August 1, 1942, by the Ontario Gas Coal Corporation of Virginia, a code member in District No. 7, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Act").

Petitioner requested the establishment of price classifications and minimum prices for the coals of its Tidewater No. 1 Mine, Mine Index No. 289, in District No. 7. It appears from the records of the Division that Mine Index No. 289 is a deep mine. The mine for which petitioner proposed price classifications and minimum prices, however, is a strip operation. It is therefore identified as a separate operation, designated Tidewater No. 2 Mine, Mine Index No. 316.

As amended on August 20 and September 17, 1942, the petition requests the establishment of classifications and minimum prices for the coals in Size Groups 1-6 for shipment by truck, and in Size Groups 1-3 and 5-8 for shipment by rail into Market Area 100.

On August 29, 1942, petitioner was granted temporary relief under an Order of the Acting Director establishing minimum prices in Size Groups 1 to 6 inclusive, for truck shipment, and in Size

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[1] 7 F.R. 3046, 3213, 3753.

Group 8 for rail shipments to the switching limits of Richmond, Virginia.

Pursuant to appropriate orders and after due notice to interested persons, a hearing in this matter was held on September 18, 19 and 21, 1942, before Charles S. Mitchell, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Appearances were filed by petitioner, intervenor District Board 7 and Bituminous Coal Consumers' Counsel.

On September 24, 1942, shortly after the hearing and prior to the filing of the report of the Examiner, petitioner filed a motion for the establishment of immediate temporary prices for all shipments except truck and for truck shipments as prayed for in the amended petition. In support of its motion for further temporary relief petitioner alleged, *inter alia,* that the temporary prices established under the Order of August 29, 1942, are wholly inadequate to meet the requirements of section 4 II (a) and (b) of the Act. The question of immediate temporary relief is now before the Director on the basis of the record made before Examiner Mitchell.

It appears to the Director that a reasonable showing of necessity has been made for the immediate temporary relief pending final disposition of this proceeding.

The record shows that at the time of the hearing, petitioner had stored a considerable amount of coal at its mine pending the final disposition of this proceeding. Petitioner alleges that although there is a probable market for its coal, the amount so stored, which is steadily increasing to the disadvantage of petitioner, cannot be marketed for the reason that temporary minimum prices have not been established as requested in petitioner's amended petition. The record discloses no opposition by interested persons to petitioner's request for the establishment of temporary prices.

Petitioner requested temporary prices of $4.50 per net ton for its coals in Size Group 1 and $3.00 per net ton for those in Size Group 8, for rail shipments. These prices, as requested, should be increased in accordance with the Order of the Acting Director in General Docket No. 21, dated August 28, 1942, and as so increased, established. It would appear from the record that in so far as petitioner's coals are analogous to coals already classified in District 7, they may be related to Classification "A" coals. Accordingly, the price differentials among size groups which apply to the Low Volatile Classification "A" coals of that district should be maintained in establishing prices for petitioner's coals. This principle is not followed in connection with the temporary pricing of Size Group 8 coals, however, since to do so would be to price such coals higher than petitioner itself requests.

Though petitioner made no request for a price for its Size Group 4 coals, a temporary minimum price for that size group has been established, in the event coals in that group are shipped in the future.

Temporary minimum prices for truck shipment have been established at the same levels as for rail shipment.

All prices established should be made applicable, however, only for shipments into Market Area 100, in light of petitioner's request in that respect.

Now, therefore, it is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 7 for All Shipments except Truck and for Truck Shipments is supplemented to include the price classifications and minimum prices set forth in the schedules marked "Supplement R" and "Supplement T" annexed hereto and hereby made a part hereof.[1]

It is further ordered, That nothing herein contained shall be construed as a ruling or expression of the Director's views concerning the final disposition of this proceeding.

It is further ordered, That the temporary minimum prices established by the Order of the Acting Director of August 29, 1942, establishing minimum prices for the coals of the Tidewater No. 2 Mine, Mine Index No. 316 be, and they are hereby, cancelled.

It is further ordered, That the temporary prices established herein are applicable only for shipments into Market Area 100.

Notice is hereby given that applications to stay, terminate, or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: October 8, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10367; Filed, October 15, 1942; 10:56 a. m.]

[Docket No. A-1495]

DISTRICT BOARD 14

ORDER CANCELLING HEARING AND DISMISSING PETITION

In the matter of the petition of District Board No. 14 for revision of price classifications and minimum prices for certain mines in District No. 14.

The original petitioner having moved that its petition in the above-entitled matter be dismissed without prejudice, and it appearing that there is no objection thereto;

Now, therefore, it is ordered, That the hearing scheduled to be held in the above-entitled matter on October 21, 1942, at a hearing room of the Bituminous Coal Division at Fort Smith, Arkansas, be, and it hereby is, cancelled.

It is further ordered, That the original petition in the above-entitled matter be, and it hereby is, dismissed.

Dated: October 14, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10368; Filed, October 15, 1942; 10:54 a. m.]

Bureau of Mines.

SANDY MARKET, INC.

PROCEEDING FOR REVOCATION OF LICENSE

To: Sandy Market, Inc., Sandy, Oregon; specification of charges and notice of hearing.

You are hereby charged with violations of the Federal Explosives Act in:

(1) That on May 5, 1942, and at other times thereafter until and including September 15, 1942, you stored explosives of a quantity greater than 25 pounds, not in the process of manufacture, otherwise than in a magazine which was properly constructed, safely located and securely locked or otherwise protected against theft;

(2) That you have not kept a complete, itemized, and accurate record showing the persons to whom, the dates on which, the amounts in which, and the purposes for which you sold, issued, or otherwise disposed of explosives.

Each of the two items set out above constitutes, if true, a violation of the Federal Explosives Act (55 Stat. 863), or the regulations pursuant thereto. Item (1) constitutes a violation of section 17 (a) of the regulations, item (2) a violation of section 5 of the Act and section 14 (d) of the regulations.

Unless by letter postmarked not more than 15 days from the date of this notice (1) you deny each and every one of the charges specified above or set out a legal excuse for those that are admitted or deny that the acts charged constitute violations of the Federal Explosives Act or of the regulations issued pursuant thereto and (2) demand that you be heard on your answer to those charges, I shall forthwith revoke the vendor's license heretofore issued to you under the Federal Explosives Act.

If, after denying each and every one of the charges specified above or after setting up a legal excuse for those charges that are admitted or after denying that the acts charged constitute violations of the Federal Explosives Act or of the regulations issued pursuant thereto, you demand that you be heard on your answer to those charges, you will be heard on November 16, 1942, at 10 o'clock in the morning before J. Howard Bird, Mining Engineer, United States Bureau of Mines, Seattle, Washington, or by such other representative of the Director of the Bureau of Mines as he shall designate, at the office of the Bureau of Mines in the Federal Building, Seattle, Washington, or on the same date and at the same time before me or my representative at the office of the Bureau of Mines in the Interior Building, Washington, D. C. Your choice between Seattle, Washington and Washington, D. C. as a hearing place must be clearly indicated in the letter in which you demand a hearing. The hearing will be informal but you may appear with counsel if you so choose.

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[1] Filed as part of the original document.

A copy of the Federal Explosives Act and a copy of the regulations issued under its authority are enclosed.

Dated at Washington, D. C., this 9th day of October 1942.

R. R. SAYERS,
Director.

[F. R. Doc. 42-10366; Filed, October 15, 1942; 9:26 a. m.]

LABOR DEPARTMENT.

Children's Bureau.

OPERATION OF POWER-DRIVEN WOODWORKING MACHINES

PROPOSED AMENDMENT OF HAZARDOUS OCCUPATIONS ORDER

OCTOBER 14, 1942.

Whereas the Chief of the Children's Bureau, United States Department of Labor, issued Hazardous-Occupations Order No. 5 (6 F.R. 3149, June 28, 1941), effective August 1, 1941, declaring that certain occupations involved in the operation of power-driven woodworking machines are particularly hazardous for the employment of minors between 16 and 18 years of age, and

Whereas a supplementary investigation has been made which reveals that the employment in such occupations of apprentices in certain apprenticeable trades that are nonhazardous as a whole for such apprentices, is incidental to their apprentice training, is intermittent and for short periods of time, and is under the direction and supervision of an instructor, and

Whereas experience under the order mentioned above has revealed the need of clarifying certain language used in said order, and

Whereas the Chief of the Children's Bureau proposes to issue an order amending Hazardous-Occupations Order No. 5,

Now, therefore, notice is hereby given that any interested person may, within twenty days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Chief of the Children's Bureau, United States Department of Labor, Washington, D. C., written objections thereto, together with a memorandum or brief in support of such objections. Any interested person may secure a copy of the report of the Children's Bureau entitled "Occupational Hazards to Young Workers: The Use of Power-Driven Woodworking Machines in Apprentice Training" upon request made to the Chief of the Children's Bureau, United States Department of Labor, Washington, D. C.

Proposed Order

It is ordered, That § 422.5 of Part 422 of Chapter IV, Title 29, Code of Federal Regulations, is hereby amended so as to read as follows:

§ 422.5 *Occupations involved in the operation of power-driven woodworking machines*—(a) *Finding and declaration of fact.* The following occupations involved in the operation of power-driven woodworking machines are particularly hazardous for minors between 16 and 18 years of age:

(1) The occupation of operating power-driven woodworking machines, including supervising or controlling the operation of such machines, feeding material into such machines, and helping the operator to feed material into such machines but not including the placing of material on a moving chain or in a hopper or slide for automatic feeding.

(2) The occupations of setting up, adjusting, repairing, oiling, or cleaning power-driven woodworking machines.

(3) The occupations of off-bearing from circular saws and from guillotine-action veneer clippers.

(b) *Definitions.* As used in this order:

(1) The term "power-driven woodworking machines" shall mean all fixed or portable machines or tools driven by power and intended for cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening, or otherwise assembling, pressing, or printing wood or veneer.

(2) The term "off-bearing" shall mean the removal of material or refuse directly from a saw table or from the point of operation. Operations not considered as off bearing within the intent of this order include (a) the removal of material or refuse from a circular saw or guillotine-action veneer clipper where the material or refuse has been conveyed away from the saw table or point of operation by a gravity chute or by some mechanical means such as a moving belt or expulsion roller, and (b) the following operations when they do not involve the removal of material or refuse directly from a saw table or from the point of operation: the carrying, moving, or transporting of materials from one machine to another or from one part of a plant to another; the piling, stacking, or arranging of materials for feeding into a machine by another person; and the sorting, tying, bundling, or loading of materials.

(c) This order shall not apply to the employment of apprentice pattern makers, cabinet makers, airplane-model makers, ship joiners, and moldloftsmen in the occupations declared particularly hazardous in § 422.5 (a) hereof, if such employment is incidental to their apprentice training, is intermittent and for short periods of time and under the direction and supervision of an instructor as a necessary part of such apprentice training, and is carried on in accordance with a written apprenticeship agreement that has been approved by the Federal Committee on Apprenticeship of the Apprentice-Training Service, War Man Power Commission, or by a State apprenticeship council or other authority recognized by the Federal Committee on Apprenticeship.

(d) This order shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established herein.

(c) This amendment shall become effective upon publication in the Federal Register.

[SEAL] KATHARINE F. LENROOT,
Chief of the Children's Bureau.

[F. R. Doc. 42-10372; Filed, October 15, 1942; 11:36 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-141]

CITIES SERVICE GAS COMPANY

ORDER FIXING DATE OF HEARING

OCTOBER 13, 1942.

Commissioners: Leland Olds, Chairman, Claude L. Draper, Basil Manly, John W. Scott and Clyde L. Seavey.

It appearing to the Commission that:

(a) On October 20, 1939, the Commission entered an order instituting an investigation to determine whether, with respect to any transportation or sale of natural gas by Cities Service Gas Company subject to the jurisdiction of the Commission, any rates, charges or classifications demanded, observed, charged or collected, or any rules, regulations, practices or contracts affecting such rates, charges or classifications are unjust, unreasonable, unduly discriminatory or preferential;

(b) The said order of October 20, 1939, provided, further, that if the Commission, after hearing has been had, shall find that any such rates, charges, classifications, rules, regulations, practices, or contracts are unjust, unreasonable, unduly discriminatory, or preferential, to determine and fix by appropriate order or orders, just and reasonable rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force;

(c) The investigation conducted by the Commission's staff pursuant to such order of investigation, now substantially completed, discloses conditions, facts and circumstances which warrant a public hearing with respect to the matters set forth in paragraphs (a) and (b) hereof;

The Commission orders that:

(A) A public hearing be held with respect to the matters under investigation, commencing on November 30, 1942, at 10 a. m., in the Federal Building, Kansas City, Missouri, and continuing thereafter at such other times and places as the presiding Trial Examiner may designate;

(B) Interested State commissions may paritcipate in said hearing as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 42-10371; Filed, October 15, 1942; 11:26 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 226]

ESTATE OF WILLIAM GASPAR, DECEASED

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All right, title and interest and claim of any name or nature whatsoever in and to the Estate of William Gaspar, deceased, of John Gaspar and Mrs. Elena Gaspar Cornea, and each of them, the last known address of both of whom was represented to the undersigned as being in Chisindia, Rumania, and both of whom are nationals of a designated enemy country (Rumania),

is property which is in the process of administration by a person (namely, the Special Administrator of the aforesaid Estate) acting under judicial supervision (namely, that of the District Court of the Fourteenth Judicial District of the State of Montana, in and for the County of Meagher) and which is payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Rumania), and determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Rumania), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on October 10, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10344; Filed, Octoer 14, 1942; 2:32 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 4 Under Revised Price Schedule 12—Brass Mill Scrap—Docket 3012-3]

GATKE CORPORATION

ORDER GRANTING EXCEPTION

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250[1] and § 1309.19 (e) (2) of Revised Price Schedule No. 12—Brass Mill Scrap, *It is ordered:*

(a) Gatke Corporation of Chicago, Illinois may buy and receive from the American Brass Company of Waterbury, Connecticut, and the American Brass Company of Waterbury, Connecticut, may sell and deliver to the Gatke Corporation of Chicago, Illinois, at a price not higher than 12.5¢ per pound f. o. b. point of shipment specially prepared brass mill scrap: *Provided,* That the Gatke Corporation of Chicago, Illinois, has been authorized by the War Production Board to make each such purchase.

(b) As used in this Order No. 4 "specially prepared brass mill scrap" shall mean screened brass chips of uniform size anaylzing 58 to 63% copper, 34 to 39% zinc and 2 to 3% lead.

(c) Unless the context otherwise requires, the terms used in this Order No. 4 shall have the same meaning given to them by Revised Price Schedule No. 12.

(d) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 4 shall become effective October 15, 1942.

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10322; Filed, October 14, 1942; 12:28 p. m.]

[Order 1 Under Maximum Price Regulation 37—Butyl Alcohol and Esters Thereof—Docket 3037-1]

PUBLICKER COMMERCIAL ALCOHOL COMPANY

ORDER DENYING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, *It is ordered:*

(a) The petition of Publicker Commercial Alcohol Company, of Philadelphia, Pennsylvania, Docket No. 3037-1, for an exception from the maximum prices established by Maximum Price Regulation No. 37 for sales of normal fermentation butyl alcohol and normal fermentation butyl acetate, is denied.

(b) This Order No. 1 under Maximum Price Regulation No. 37 shall become effective October 15, 1942.

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10323; Filed, October 14, 1942; 12:29 p. m.]

[Order 5 Under § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs]

OVERTIME ADDITIONS

Pursuant to the provisions of § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs, the following persons have filed with the Office of Price Administration, Washington, D. C., a certified statement that said persons regularly maintain the following hours per week in all of their logging operations. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, and in accordance with § 1381.160 (e) of Maximum Price Regulation 161, *It is hereby ordered:*

(a) The following persons being on a 48-hour week may add to the maximum prices of all logs produced by them $1.00 per 1,000 ft., log scale:

Buckley Logging Co., Buckley, Washington.
Usitalo Bros. Logging Co., Darrington, Washington.
Mullenix Bros., Inc., Pe Ell, Washington.
Mullenix Bros., Co., Montesano, Washington.
Crown Zellerbach Corporation, San Francisco, California. (Neah Bay Division).
Crown Zellerbach Corporation, San Francisco, California. (Cathlamet Division).
Crown Zellerbach Corporation, San Francisco, California. (Clatsop County Division).
Baldridge Logging Company, Inc., Sedro Woolley, Washington.
Grand Rapids Oregon Timber Co., Seaside, Oregon.
Belding Logging Company, Portland, Oregon.
Jones & Anderson Logging Company, Darrington, Washington.
Alex Cugini, Renton, Washington.
Mallory Logging Company, Raymond, Washington.
West End Logging Company, Beaver, Washington.
Weyerhaeuser Timber Company, Vail-McDonald Operations, Vail, Washington.
The Lindberg & Hobi Company, Tacoma, Washington.

(b) The following persons being on a 54-hour week may add to the maximum prices of all logs produced by them $1.50 per 1,000 ft., log scale:

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[1] 7 F.R. 1971.

[1] 7 F.R. 7871.

Ostrander Railway & Timber Company, Molalla, Oregon.

Sharp Logging Company, Molalla, Oregon.

Cascade Timber Company, Tacoma, Washington.

(c) The additions to maximum prices specified in paragraphs (a) and (b) hereof may be made subject to the condition that the persons named comply with all provisions of § 1381.160 (e) (2) of Maximum Price Regulation 161.

(d) This Order No. 5 may be revoked or amended by the Price Administrator at any time by similar publication in the FEDERAL REGISTER for change of status of any of the persons named herein as an overtime company.

(e) This Order No. 5 to Maximum Price Regulation 161 shall become effective this 15th day of October 1942.

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10320; Filed, October 14, 1942; 12:33 p. m.]

[Order 6 Under § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs]

OVERTIME ADDITIONS

Pursuant to the provisions of § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs, the following persons have filed with the Office of Price Administration, Washington, D. C., a certified statement that said persons regularly maintain the following hours per week in all of their logging operations. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1381.160 (e) of Maximum Price Regulation 161, *It is hereby ordered:*

(a) The following persons being on a 48-hour week may add to the maximum prices of all logs produced by them $1.00 per 1,000 ft., log scale:

Franks & Sherin, Sedro Woolley, Washington.

Frank Pearce, Potlatch, Washington.

L. E. Jensen Logger, Raymond, Washington.

Ritner Logging Company, Gates, Oregon.

Gehrke Logging Company, Port Angeles, Washington.

Wm. S. Robison Logging Co., Bellingham, Washington.

Kemp Davis & Kemp, Bellingham, Washington.

Potter-Maginnis Piling Co., Ridgefield, Washington.

H. R. Stafford and Sons, Springfield, Oregon.

Mayr Bros., Aberdeen, Washington.

Lyle McNeill Logging Co., Bellingham, Washington.

Robison Logging Company, Seattle, Washington.

Harry Aubol Logging Co., Cosmopolis, Washington.

Winona Investment Company, Deming, Washington.

Walton Brothers Timber Company, Everett, Washington.

D. I. Waterhouse Logging, Gearhart, Oregon.

Scott Logging Co., Shelton, Washington.

Gray Logging Company, Seaside, Oregon.

Quinault Logging Company, Aberdeen, Washington.

(b) The following person being on a 54-hour week may add to the maximum prices of all logs produced by him $1.50 per 1,000 ft., log scale:

Henry Kling, Tolovana Park, Oregon.

(c) The additions to maximum prices specified in paragraphs (a) and (b) hereof may be subject to the condition that the persons named comply with all provisions of § 1381.160 (e) (2) of Maximum Price Regulation 161.

(d) This Order No. 6 may be revoked or amended by the Price Administrator at any time by similar publication in the FEDERAL REGISTER for change of status of any of the persons named herein as an overtime company.

(e) This Order No. 6 to Maximum Price Regulation 161 shall become effective this 15th day of October 1942.

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10318; Filed, October 14, 1942; 12:25 p. m.]

[Order 7 Under § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs]

OVERTIME ADDITIONS

Pursuant to the provisions of § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs, the following persons have filed with the Office of Price Administration, Washington, D. C., a certified statement that said persons regularly maintain the following hours per week in all of their logging operations. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1381.160 (e) of Maximum Price Regulation 161, *It is hereby ordered:*

(a) The following persons being on a 48-hour week may add to the maximum prices of all logs produced by them $1.00 per 1,000 ft., log scale:

Cub Creek Timber Co., Lake Stevens, Washington.

Charman Logging Co., Hoquiam, Washington.

Carl Helberg Company, Raymond, Washington.

Hollenbeck Logging Company, Seaside, Oregon.

Northern Timber Company, Inc., Olympia, Washington.

(b) The following persons being on a 54-hour week may add to the maximum prices of all logs produced by them $1.50 per 1,000 ft., log scale:

C. E. Harris, Shelton, Washington.

Carl Campen, Seabeck, Washington.

Kay Logging Company, Kent, Washington.

Lane-Linn Logging Co., Eugene, Oregon.

(c) The following person being on a 60-hour week may add to the maximum prices of all logs produced by it $2.00 per 1,000 ft., log scale:

James Johnston and Charles Johnston Logging Company, Hoodsport, Washington.

(d) The additions to maximum prices specified in paragraphs (a), (b) and (c) hereof may be made subject to the condition that the persons named comply with all provisions of § 1381.160 (e) (2) of Maximum Price Regulation 161.

(e) This Order No. 7 may be revoked or amended by the Price Administrator at any time by similar publication in the FEDERAL REGISTER for change of status of any of the persons named herein as an overtime company.

(f) This Order No. 7 to Maximum Price Regulation 161 shall become effective this 15th day of October 1942.

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10319; Filed, October 14, 1942; 12:25 p. m.]

[Order 9 Under § 1499.161 (a) (2) of Maximum Price Regulation 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket GF3-115]

DISPLAY STAGE LIGHTING COMPANY

ORDER GRANTING ADJUSTMENT

Granting adjustment of maximum prices for sale of a spotlight manufactured by Display Stage Lighting Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is hereby ordered:*

(a) Any person may sell, offer to sell, or deliver a "Fresnel Photospot" manufactured by Alice A. Price, doing business as Display Stage Lighting Company, at prices no higher than those set forth below, subject to discounts, allowances, and terms no less favorable than those customarily granted by the seller:

(1) For sales to retailers, $9.97.

(2) For sales to ultimate consumers, $14.95.

The seller shall bear the transportation charges to the extent that he has customarily done so.

(b) As to the sales of the "Fresnel Photospot" to retailers, the adjustment granted in paragraph (a) is subject to the condition that the seller shall advise each retailer of the adjustment of maximum prices permitted by this Order No. 9. Such notification shall be made at or before the first delivery of a "Fresnel Photospot" to such retailer after the effective date of this Order No. 9 and shall contain the following statement:

> By an adjustment granted by the Office of Price Administration, my maximum price for sales to you of the Fresnel Photospot is $9.97 and your maximum price for sales at retail is $14.95. This adjustment was granted to enable us to pass on the part of the increased costs which we were unable to absorb.

(c) This Order No. 9 shall become effective on the 15th day of October 1942.

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10321; Filed, October 14, 1942; 12:28 p. m.]

[Order 62 Under Maximum Price Regulation 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket 3120-46]

BOGUS-WHITE COAL COMPANY

ORDER GRANTING ADJUSTMENT

For the reasons set forth in the opinion issued simultaneously herewith and pursuant to authority vested in the Administrator by the Emergency Price Control Act of 1942 as amended and Executive Order No. 9250 and § 1340.207 (a) of Maximum Price Regulation No. 120, *It is hereby ordered,* That:

(a) The Bogus-White Coal Company, Alpha, Illinois, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not to exceed the respective prices stated therein.

(b) Coals in Size Groups 1, 2, 4, 10, 11, and 12 produced at the Alpha No. 2 Mine (Mine Index No. 1), District No. 10, of the Bogus-White Coal Company, may be sold for shipment by truck or wagon at prices, per net ton, f. o. b. the mine, not to exceed $4.00 for Size Groups 1 and 2, $3.50 for Size Group 4, and $2.75 for Size Groups 10, 11 and 12.

(c) This Order No. 62 may be revoked or amended by the Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(f) This Order No. 62 shall become effective October 15, 1942.

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10324; Filed, October 14, 1942; 12:27 p. m.]

[Order 63 Under Maximum Price Regulation 120—Bituminous Coal Delivered From Mine or Preparation Plant—Dockets 1120-65-P, 1120-67-P, 1120-69-P, 1120-77-P and 1120-153-P]

OGDEN SUPERIOR COAL CO., ET AL.

ORDER GRANTING ADJUSTMENTS

Order granting adjustments to Ogden Superior Coal Company, The Grove Company, The Miners Coal Company, The Wilson Bridge Coal Company and The Scandia Coal Company.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) The Ogden Superior Coal Company, Ogden, Iowa, may sell and deliver, and any person may buy and receive, for shipment by truck or wagon, the bituminous coal in Size Groups 1, 6 and 7 produced at the Ogden Mine, of the Ogden Superior Coal Company, Mine Index No. 42, District No. 12, at prices per net ton not to exceed $4.75, $3.90 and $3.95, respectively, f. o. b. the mine.

(b) The Grove Coal Company, Boone, Iowa, may sell and deliver, and any person may buy and receive, for shipment by truck or wagon, the bituminous coal in size Groups 1, 3 and 8 produced at the Grove Mine, of the Grove Coal Company, Mine Index No. 324, District No. 12, at prices per net ton not to exceed $5.00, $4.75 and $2.75, respectively, f. o. b. the mine.

(c) The Miners Coal Company, Boone, Iowa, may sell and deliver, and any person may buy and receive, for shipment by truck or wagon, the bituminous coal in Size Groups 1, 4 and 8 produced at the No. 4 Mine, of the Miners Coal Company, Mine Index No. 7, District No. 12, at prices per net ton not to exceed $5.00, $4.50 and $2.75, respectively, f. o. b. the mine.

(d) The Wilson Bridge Coal Company, Pilot Mount, Iowa, may sell and deliver, and any person may buy and receive, for shipment by truck or wagon, the bituminous coals in Size Groups 1 and 5 produced at the mine of the Wilson Bridge Coal Company, Mine Index No. 519, District No. 12, at prices per net ton not to exceed $4.75 and $3.75, respectively, f. o. b. the mine.

(e) The Scandia Coal Company, Des Moines, Iowa, may sell and deliver, and any person may buy and receive, for shipment by truck or wagon, the bituminous coal in Size Groups 1, 3, 6, 7, and 8 produced at the No. 4 Mine, of the Scandia Coal Company, Mine Index No. 54, District No. 12, at prices per net ton not to exceed $5.35, $5.10, $4.60, $5.10, and $3.50, respectively, f. o. b. the mine.

(f) This Order No. 63 may be revoked or amended by the Price Administrator at any time.

(g) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(h) This Order No. 63 shall become effective this 15th day of October 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10325; Filed, October 14, 1942; 12:33 p. m.]

[Order 25 Under Maximum Price Regulation 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers—Dockets 3122-127, 3122-128, and 3122-251]

BURDICK COAL CO.—CITY OF WATERTOWN, ET AL.

ORDER GRANTING ADJUSTMENT

Granting adjustment to City of Watertown, Burdick Coal Company, Incorporated, and R. J. Buck Coal Company.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250 and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Dockets numbered 3122-127, 3122-128, and 3122-251 are herewith consolidated and disposed of pursuant to this order;

(b) Burdick Coal Company, Incorporated, and R. J. Buck Coal Company, each of Watertown, New York, may sell and deliver, and the City of Watertown, New York, may buy and receive the coal indicated in paragraph (c) below at prices no higher than those set forth in said paragraph (c);

(c)

Kind of coal:	*Maximum prices*
Egg-stove-nut (anthracite)	$11.48
Pea (anthracite)	9.53
Rice (anthracite)	6.72
Buck (anthracite)	7.57
2″ Red Top to siding (not bins) (bituminous)	6.35
1¼ lump in bins Sonman slope (bituminous)	7.09
¾ x 2 stoker Yatesboro No. 2 (bituminous)	6.79
⅝ x 1⅛ Morgan stoker (bituminous)	6.61
Morris run (¾″ Morris) (bituminous)	6.72

(d) All prayers of the petitions not herein granted are denied;

(e) This Order No. 25 may be revoked or amended by the Price Administrator at any time;

(f) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to the terms used herein;

(g) This Order No. 5 shall become effective October 15, 1942.

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10326; Filed, October 14, 1942; 12:27 p. m.]

[Order 26 Under Maximum Price Regulation 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers—Docket 3122-23]

UNIVERSAL COAL COMPANY

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250 and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Universal Service Company of Philadelphia, Pennsylvania, owned and operated by Ernest Veill, may sell and deliver, and the Board of Directors of City Trusts, City of Philadelphia, may buy and receive the coal and the quantities thereof stated in paragraph (b) below at prices no higher than those set forth in said paragraph (b);

(b)

Nature of coal	Quantities	Per ton price
	Tons	
Chestnut size anthracite	2,000	$10.38
Chestnut size anthracite	250	9.94
Chestnut size anthracite	700	9.94

(c) This Order No. 26 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 26 shall become effective October 15, 1942.

Issued this 14th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10327; Filed, October 14, 1942; 12:29 a. m.]

[Order 27 Under Maximum Price Regulation 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers—Docket 3122-39]

C. K. Smith & Co., Inc.

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with § 1340.257a of Maximum Price Regulation No. 122, *It is hereby ordered:*

(a) C. K. Smith & Co., Inc. of Worcester, Massachusetts, may sell and deliver, and the City of Worcester, Massachusetts, may buy and receive egg, stove, and nut sizes of anthracite coal from C. K. Smith & Co., Inc., at prices not in excess of $13.10 per ton;

(b) This Order No. 27 may be revoked or amended at any time;

(c) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to the terms used herein;

(d) This Order No. 27 shall become effective October 15, 1942.

Issued this 14th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10328; Filed, October 14, 1942; 12:27 p. m.]

[Order 5 Under Maximum Price Regulation 163—Woolen and Worsted Civilian Apparel Fabrics—Docket 3168-8]

Holyoke Worsted Company

ORDER GRANTING ADJUSTMENT OF PRICES

For the reasons set forth in the opinion, which has been issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250 and, in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) (1) The maximum price for sales and deliveries by the Holyoke Worsted Company of its 800 range fabric, described in its Petition for Adjustment and accompanying affidavits as a clear finish, 14–14½ ounce fancy worsted used by the men's wear trade, containing stock-dyed yarn 2/32s–64's quality wool, both warp and filling, and having approximately 68 x 60 ends and picks, shall be $3.35 per yard.

(2) For the purposes of the provisions of Maximum Price Regulation No. 163, the maximum price for the 800 range fabric of the Holyoke Worsted Company permitted by this Order No. 5 shall be deemed to have been determined in accordance with paragraph (a) of § 1410.102 of such regulation.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 5 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 5 shall become effective October 15, 1942: *Provided,* That the selling prices for the 800 range fabric of the Holyoke Worsted Company agreed upon in adjustable pricing contracts entered into by the Holyoke Worsted Company on or after September 21, 1942, in accordance with the provisions of Order No. 2 under Maximum Price Regulation No. 163, shall be adjusted in accordance with the terms of such contracts, except that such selling prices may not exceed $3.35 per yard.

Issued this 14th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10348; Filed, October 14, 1942; 4:24 p. m.]

[Order 4 Under Revised Price Schedule 28—Ethyl Alcohol—Docket 3028-9]

Chartres Alcohol Company, Inc.

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Notwithstanding anything to the contrary contained in Revised Price Schedule No. 28 or in the General Maximum Price Regulation, Chartres Alcohol Company, Inc., New Orleans, Louisiana, may sell and deliver ethyl alcohol of 188 proof or higher, of any formulae thereof, including pure ethyl alcohol, produced from molasses, to the Defense Supplies Corporation, Washington, D. C., a corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended, and the Defense Supplies Corporation may buy such ethyl alcohol, at prices not in excess of those set forth below:

$.53 per wine gallon, f. o. b. plant.

(b) All prayers of the applicant not granted herein are denied.

(c) This Order No. 4 under Revised Price Schedule No. 28 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 4 under Revised Price Schedule No. 28 shall become effective October 15, 1942, and shall operate retroactively from October 1, 1942.

Issued this 14th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10346; Filed, October 14, 1942; 4:23 p. m.]

[Order 4 Under Maximum Price Regulation 163—Woolen and Worsted Civilian Apparel Fabrics—Docket 3163-7]

William Whitman Company, Incorporated

ORDER GRANTING ADJUSTMENT OF PRICES

For the reasons set forth in the opinion, which has been issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, and, in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) (1) The maximum price for sales and deliveries by the William Whitman Company, Incorporated of its Quality 3226 fabric, a 9½–10 ounce Tropical Worsted, shall be $2.075 per yard.

(2) For the purposes of the provisions of Maximum Price Regulation No. 163, the maximum price for the Quality 3226 fabric, of the William Whitman Company, Incorporated permitted by this Order No. 4 shall be deemed to have been determined in accordance with paragraph (a) of § 1410.102 of such regulation.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 4 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 4 shall become effective October 15, 1942.

Issued this 14th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10347; Filed, October 14, 1942; 4:23 p. m.]

[Order 4 Under Maximum Price Regulation 204—Idle or Frozen Materials Sold Under Priorities Regulation 13]

Metals Reserve Company

MAXIMUM PRICES FOR TIN OXIDE AND TIN ANODES

An opinion setting forth the grounds upon which this order is based has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended and Executive Order No. 9250 and § 1499.506 of Maximum Price Regulation No. 204 and in accordance with Procedural Regulation No. 1, *It is hereby ordered,* That:

(a) *Maximum prices for tin oxide and tin anodes sold or delivered to the Metals Reserve Company or any agent thereof.* (1) The maximum prices for tin oxide and tin anodes sold or delivered to the Metals Reserve Company or any agent thereof pursuant to programs for the acquisition thereof announced by the War Production Board on September 29, 1942, shall be the following:

Form of material and type of seller	*Price in cents per pound dry weight of tin content, properly packed in wood containers f. o. b. cars or trucks or, if by water, f. a. s. barge or vessel at the shipping point (cents)*
Virgin tin oxide sold by consumers thereof	66.00
Reclaimed tin oxide sold by consumers thereof	63.00
Virgin or reclaimed tin oxide sold by producers thereof	55.75
Unused tin anodes sold by a consumer thereof	60.00
Partially used tin anodes sold by a consumer thereof	56.00
Unused or partially used tin anodes sold by a consumer who has cast the anodes	54.00

(b) As used in this Order No. 4:

(1) "Tin oxide" means tin which has been oxidized into a dry powder containing not less than 99% tin oxide and not less than 77% tin.

(2) "Virgin tin oxide" means tin oxide manufactured exclusively from virgin tin and sold, packed and shipped as virgin tin oxide.

(3) "Reclaimed tin oxide" means tin oxide manufactured wholly or in part from reclaimed tin and sold, packed and shipped as reclaimed tin oxide.

(4) "Tin anodes" means anodes which contain not less than 99.5% tin.

(5) "Unused tin anodes" means tin anodes which have not been placed in use.

(c) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 4 shall become effective October 15, 1942.

Issued this 14th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10349; Filed, October 14, 1942; 4:22 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-288]

Cliffs Corporation

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa. on the 13th day of October, A. D., 1942.

An application having been filed by Cliffs Corporation, a registered investment company, under and pursuant to the provisions of section 6 (c) for a temporary exemption until the next annual meeting of stockholders in April 1943 from the provisions of section 32 (a) of the Investment Company Act of 1940 with respect to the employment of independent public accountants.

It is ordered, That a hearing on the aforesaid application be held on October 26, 1942, at 10 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Stations, Philadelphia, Pa. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held;

It is further ordered, That Robert P. Reeder, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant, and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 42-10342; Filed, October 14, 1942; 2:12 p. m.]

[File No. 812-291]

Trust Endowment Shares Series "A"

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of October, A. D., 1942.

Corporate Equities, Inc. having filed an application pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order exempting Trust Endowment Shares, Series "A", a registered unit investment company, from the provisions of section 26 (a) (3) of said Act relating to a resigning trustee or custodian and section 26 (a) (4) (B) of said Act relating to notice to security holders of a substitution of securities, until December 21, 1942;

It is ordered, That a hearing upon such application under and pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 be held on October 20, 1942, at ten o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania;

It is further ordered, That Robert P. Reeder, Esquire or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on said application. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above-named applicant and to any person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 42-10343; Filed, October 14, 1942; 2:12 p. m.]

[File No. 70-612]

Southern Natural Gas Company

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of October, 1942.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Southern Natural Gas Company; and

Notice is further given that any interested person may, not later than October 27, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Southern Natural Gas Company, a registered holding company and a subsidiary of Federal Water and Gas Corporation which is also a registered holding company, proposes to acquire from H. L. Hunt of Dallas, Texas, gas and oil leases covering approximately 10,000 acres of land located in Bienville Parish, Louisiana, and certain wells, gathering lines, distillate tanks, and other facilities appurtenant thereto. The leases will be acquired subject to (a) an overriding royalty in favor of Hunt Oil Company of one-eighth of all oil and of certain hydrocarbons which may be produced therefrom, and (b) a gas sales contract expiring June 2, 1944, providing for the sale of gas produced from such leases to Arkansas Louisiana Gas Company. For all the assets to be acquired, Southern Natural Gas Company will pay Hunt, in cash, $1,700,000 plus certain contingent and assumed payments, the aggregate amount of which is estimated at $98,800.

The application recites that sections 9 and 10 of the Act are applicable to the proposed transaction.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 42-10362; Filed, October 15, 1942; 9:26 a. m.]

[File No. 70-337]

National Power & Light Company

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of October, A. D. 1942.

Appearances: Jesse J. Holland, for the Public Utilities Division of the Commission; Simpson, Thacher & Bartlett by Ira A. Hawkins, Jr., for National Power & Light Company.

National Power & Light Company[1] has made application for permission to extend the time within which shares of its preferred stock may be exchanged for shares of common stock of Houston Lighting & Power Company under the terms of an exchange offer approved by us on December 24, 1941.[2] The present terminal date is October 13, 1942, and authority is requested to extend the date to and including December 15, 1942.

The exchange offer has now been operative approximately 8½ months. During this period a total of 105,578 shares of National preferred have been tendered for exchange, or 37.7% of the original amount thereof outstanding. National has divested itself of 189,672 shares of Houston's common stock, so that it now holds 310,328 shares thereof as compared with 500,000 shares owned by it on January 30, 1942.

The application for the extension alleges, and P. B. Sawyer, President of National, has testified, that although National was authorized to proceed with the "Dealer-Manager" program on June 15, 1942, a week elapsed before the registration of Houston's common stock under the Securities Act of 1933, as amended, could be completed; in consequence, the program did not actually become operative until June 22, 1942. Furthermore, it is asserted that the Dealer Managers required considerable time thereafter to complete their organization of a group of registered security dealers throughout the country to participate in the program as members of the dealer group. National also stresses the fact that at least two months of the period which was available to the Dealer Managers were summer months, a time when "it is difficult to consummate security transactions due to the absence of many people on vacation." Finally, it is urged that the uncertainty regarding pending Federal Tax legislation has had a tendency to delay numerous holders of National's preferred stock in making the exchange, and that if the offer is extended until a reasonable time after the enactment of definitive tax legislation, there is reason to believe that substantial amounts of National's preferred stock may be tendered for exchange.

Conclusions: As we have indicated previously, approximately 8½ months have elapsed since the exchange offer became effective. We think that sufficient time has passed to permit of a thorough canvass of National's preferred stockholders, and that no useful purpose can be served by prolonging the period indefinitely. However, in light of the testimony as to special retarding factors which existed during the past two months, we think that the requested extension to December 15 may be granted.

In reaching this conclusion we have also considered the possible effect of an extension upon the carrying forward of a dissolution program for National Power & Light Company pursuant to our order of August 23, 1941.[3] On this point it was testified that the Houston exchange program will not occupy any substantial portion of the time of National's officers, and there appears to be no other reason why the dissolution program should be retarded by reason of the exchange offer.

As indicated, there is substantial doubt as to the necessity or desirability of any extension of the exchange offer beyond the date of December 15 now proposed. However, if National should determine in the future to apply for further extension beyond such date, we think that the interest of investors requires that such application be filed not later than November 23, 1942. On the other hand, if no extension is to be applied for, notice of the termination of the offer shall be mailed to all preferred stockholders of National not later than November 23, 1942.

It is so ordered.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10363; Filed, October 15, 1942; 9:26 a. m.]

---

[1] A registered holding company under the Public Utility Holding Company Act of 1935 and a subsidiary of Electric Bond and Share Company, also a registered holding company under the Act.

[2] Holding Company Act Release No. 3211. In brief, under the terms of the exchange offer each holder of National's preferred stock may exchange all or any part thereof, in full share amounts to the extent of 90% of the portion of such stock presented for exchange, for common stock of Houston on the basis of two shares of Houston's common stock for each share of National's preferred stock. The remaining 10% of National's preferred stock tendered for exchange will be stamped as ineligible for participation in the exchange offer and returned to the holder thereof. The exchange offer became effective on January 30, 1942, for the 60 day period ending March 31, 1942, which date was subsequently extended by National for an additional period of 60 days ending on June 1, 1942. During the 120 day period mentioned, authority to solicit exchanges was limited by the terms of our order to regular officers and employees of National.

Early in May 1942, National filed an amendment to its declaration in this proceeding setting forth a program designed to facilitate exchanges under the offer. The program contemplated that National would retain Smith, Barney & Co., Lazard Freres & Co., and Blyth & Co., Inc., ("Dealer Managers") to develop and handle the details of a plan to facilitate exchanges. On June 15, 1942, we permitted said amendment to become effective, and also granted National authority to extend the period of the exchange offer for not more than 60 days from June 15, 1942. (Holding Company Act Release No. 3612.) Subsequently, on August 13, 1942, upon application by National, we permitted a further extension for an additional period of 60 days ending on October 13, 1942. (Holding Company Act Release No. 3734.)

[3] Holding Company Act Release No. 2962.

[File No. 1-2888]

JOSLYN MFG. AND SUPPLY CO.

ORDER SETTING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of October, A. D. 1942

The Joslyn Mfg. and Supply Co., pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, $5 Par Value, from listing and registration on the Chicago Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Wednesday, November 18, 1942, at the office of the Securities and Exchange Commission, 105 West Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10365; Filed, October 15, 1942; 9:27 a. m.]

[File No. 70-615]

KENTUCKY UTILITIES COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 14th day of October, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party or parties; and

Notice is further given that any interested person may, not later than October 30, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated

pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Kentucky Utilities Company proposes to reduce the interest rate on $3,437,500 principal amount of unsecured serial notes due May 1, 1943, to May 1, 1946 from 3⅝% per annum to 3¼% per annum. Such serial notes are held by The Chase National Bank of the City of New York, Harris Trust and Savings Bank, American National Bank and Trust Company, The Citizens Union National Bank, Fidelity & Columbia Trust Company, Liberty National Bank & Trust Company, Lincoln Bank & Trust Company, First National Bank of Louisville, The Louisville Trust Company, First National Bank & Trust Co. and Fifth Third Union Trust Co.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10364; Filed, October 15, 1942; 9:27 a. m.]

OCT 19 1942

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

LITTERA SCRIPTA MANET

VOLUME 7 NUMBER 205

Washington, Saturday, October 17, 1942

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Commodity Credit Corporation

Part 250—Control of Vegetable Oil Seeds and Products Therefrom

[Oilseed Order 3]

ALLOCATION OF AREAS FOR SOYBEAN PURCHASES

Pursuant to the authority vested in Commodity Credit Corporation by War Production Board Directive No. 7, August 15, 1942, *It is hereby ordered,* That:

Sec.
250.11 Confinement of purchases to, and distribution of purchases within, assigned areas.
250.12 Areas.
250.13 Allocations.

Authority: §§ 250.11 to 250.13, inclusive, issued under WPB Directive No. 7, 7 F.R. 6518, 7522.

§ 250.11 *Confinement of purchases to, and distribution of purchases within, assigned areas.* Each processor listed in § 250.13 hereof shall confine his purchases of soybeans to those harvested and shipped from the area allocated to him in this order according to the percentages assigned herein. If, within the areas assigned herein, such processor is offered soybeans from the same territories and the same railroad lines from which he purchased soybeans from the 1941 crop, he shall not refuse to buy such soybeans on the grounds that the billing from such territories and lines is less favorable than billing on soybeans available for purchase in other territories and other lines: *Provided,* That no processor shall be required thereby to make purchases of 1942 crop soybeans with unfavorable billing to the extent that the average nonrecoverable inbound freight on all soybeans purchased by him from the 1942 crop exceeds the average nonrecoverable inbound freight on soybeans purchased by him from the 1941 crop. Commodity Credit Corporation reserves the power to change the individual allocations, revise the areas, or otherwise amend this order as the need may arise.

§ 250.12 *Areas.*

Area No. 1: The States of Wisconsin and Illinois and the city of St. Louis, Missouri.

Area No. 2: The States of Michigan and Indiana.

Area No. 3: The States of Pennsylvania, New York, New Jersey, and Ohio.

Area No. 4: The States of Iowa, Minnesota, North and South Dakota, Nebraska, Kansas and Missouri north of the Missouri River, and the city of Kansas City, Missouri.

Area No. 5: The States of Arkansas, Kentucky, Tennessee, Louisiana, Mississippi, Alabama, Missouri south of the Missouri River but excluding the cities of St. Louis and Kansas City, Missouri.

Area No. 6: The States of Oklahoma, Texas, and New Mexico.

Area No. 7: The States of Colorado, Wyoming, Utah, and Montana.

Area No. 8: The States of Virginia, West Virginia, North and South Carolina, Georgia, Florida, Delaware, and Maryland.

Area No. 9: The New England States.

Area No. 10: The Pacific Coast States, also Idaho, Nevada, and Arizona.

§ 250.13 *Allocations.*

Processor	Plant location	Areas				
		1	2	3	4	5
		Percent	*Percent*	*Percent*	*Percent*	*Percent*
Allied Mills, Inc	Peoria, Ill	90			10	
Allied Mills, Inc	Taylorville, Ill	100				
Allied Mills, Inc	Omaha, Nebr				100	
Archer-Daniels-Midland Co	Milwaukee, Wis	100				
Archer-Daniels-Midland Co	Chicago, Ill	95	5			
Archer-Daniels-Midland Co	Decatur, Ill	95	5			
Archer-Daniels-Midland Co	Toledo, Ohio		15	85		
Archer-Daniels-Midland Co	Minneapolis, Minn	5			95	
The Berea Milling Co	Berea, Ohio			100		
Buckeye Cotton Oil Co	Louisville, Ky	80	20			

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FEDERAL REGISTER

1934

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Telephone information: DIstrict 0525.

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Processor	Plant location	Areas				
		1	2	3	4	5
		Percent	Percent	Percent	Percent	Percent
Central Iowa Bean Mill	Gladbrook, Iowa				100	
Central Soya Co	Gibson City, Ill	90	10			
Central Soya Co	Decatur, Ind	15	75	10		
The Clinton Co	Clinton, Iowa	50			50	
Dannen Milling Co	St. Joseph, Mo				85	15
Decatur Soy Products Co	Decatur, Ill	100				
The Drackett Co	Sharonville, Ohio		30	70		
Elevators and Mills, Inc	Windfall, Ind		100			
Evans Milling Co	Indianapolis, Ind		100			
John W. Eshelman & Sons	Circleville, Ohio			100		
The Ford Motor Co	Dearborn, Mich		100			
Funk Bros. Seed Co	Bloomington, Ill	100				
Galesburg Soy Products Co	Galesburg, Ill	70			30	
The Glidden Co	Chicago, Ill	90	10			
Honeymead Products Co., Inc	Cedar Rapids, Iowa				100	
Hoosier Soybean Mills, Inc	Marion, Ind		100			
Illinois Soy Products Co	Springfield, Ill	100				
Iowa Milling Co	Cedar Rapids, Iowa				100	
The Kansas Soybean Mills, Inc	Emporia, Kansas				100	
Mankato Soybean Products, Inc	Mankato, Minn				100	
Norris Grain Co	Chicago, Ill	80	10		10	
Ohio Soya Co	New Washington, Ohio			100		
Ohio Valley Soybean Co-op	Henderson, Ky		40			60
Owensboro Grain Co	Owensboro, Ky		30			70
Old Fort Mills, Inc	Marion, Ohio			100		
Oswego Soy Products Corp	Oswego, N. Y	10	30	60		
Pa. Soybean Coop. Assn	Jersey Shore, Pa			100		
Pete Marr Soy Bean Mill	Fremont, Nebr				100	
Procter & Gamble Co	Ivorydale, Ohio		45	55		
Plymouth Processing Mills	Fort Dodge, Iowa				100	
Quincy Soybean Products Co	Quincy, Ill	60			40	
Ralston Purina Co	St. Louis, Mo	85			12	3
Ralston PurinaCo	La Fayette, Ind	20	80			
Ralston Purina Co	Circleville, Ohio			100		
Ralston Purina Co	Iowa Falls, Iowa				100	
Simonsen Mill	Quimby, Iowa				100	
Soya Processing Co	Wooster, Ohio			100		
Soy Bean Processing Co	Waterloo, Iowa				100	
Spencer Kellogg & Sons, Inc	Buffalo, N. Y			100		
Spencer Kellogg & Sons, Inc	Chicago, Ill	90	10			
Spencer Kellogg & Sons, Inc	Decatur, Ill	100				
Spencer Kellogg & Sons, Inc	Des Moines, Iowa				100	
A. E. Staley Mfg. Co	Decatur, Ill	95	5			
A. E. Staley Mfg. Co	Painesville, Ohio			100		
Standard Soy Bean Mills	Centerville, Iowa				100	
Swift & Co	Des Moines, Iowa				100	
Swift & Co	Fostoria, Ohio		10	90		
Swift & Co	Champaign, Ill	95	5			
Toledo Soybean Products Co	Toledo, Ohio		15	85		
Ralph Wells	Monmouth, Ill	85			15	
Wilbur Bell	Fayette, Iowa				100	

Issued this 14th day of October 1942.

[SEAL]

J. B. HUTSON,
President.

[F. R. Doc. 42-10369; Filed, October 15, 1942; 11:17 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property Custodian

[General Order No. 7]

PART 503—GENERAL ORDERS

DELEGATION OF AUTHORITY TO SECRETARY OF THE OFFICE OF ALIEN PROPERTY CUSTODIAN

Under the authority of the Trading with the enemy Act, October 6, 1917, as amended, and pursuant to Executive Order No. 9095 of March 11, 1942, as amended:

§ 503.7 *General Order No. 7.* I do hereby delegate to and confer upon the Secretary of the Office of Alien Property Custodian, the power vested in the Alien Property Custodian to authenticate, certify and attest copies of any books, records, papers or other documents in the official custody of the Alien Property Custodian, and to subscribe my name to such certificates in my behalf.

(E.O. 9095, 9193; 7 F.R. 1971, 5205)

In testimony whereof, I have hereunto set my hand this 15th day of September, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10420; Filed, October 16, 1942; 10:43 a. m.]

[General Order No. 8]

PART 503—GENERAL ORDERS

TRANSACTIONS BY PERSONNEL OF THE OFFICE OF ALIEN PROPERTY CUSTODIAN

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned hereby issues the following regulation:

§ 503.8 *General Order No. 8.* (a) No person connected directly or indirectly with the Office of Alien Property Custodian shall effect or cause to be effected for personal profit or benefit any sale or purchase of, or other transaction in, or otherwise deal or participate in any property or interest therein concerning which the Alien Property Custodian has acted, or may hereafter act under the provisions of the Trading with the enemy Act of October 6, 1917, as amended, or pursuant to the powers delegated to the Alien Property Custodian by the President under Executive Order No. 9095, as amended.

(b) This order shall apply to all transactions of the kind above described whether made directly by, for or on account or behalf of any person connected directly or indirectly with the Office of Alien Property Custodian, or in which such person has any beneficial interest. Employees are considered to have a beneficial interest in transactions of their husbands or wives, and therefore such transactions shall be deemed to come within the provisions of this Order.

(c) Any person connected directly or indirectly with the Office of Alien Property Custodian who owns or has any interest in any property or interest therein concerning which the Alien Property Custodian has acted or may hereafter act shall notify the Alien Property Custodian of such ownership or interest immediately upon the execution of this order or the taking of such action by the Alien Property Custodian, as the case may be. (E.O. 9095, 9193; 7 F.R. 1971, 5205)

In testimony whereof, I have hereunto set my hand and seal this 17th day of September, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10421; Filed, October 16, 1942; 10:43 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter X—Areas Restricted for National Defense Purposes

[Public Proclamation No. 12]

PART 102—CONTROL OF LIGHTING WITHIN RESTRICTED ZONES

WASHINGTON, OREGON AND CALIFORNIA; ZONE OF RESTRICTED LIGHTING

Headquarters Western Defense Command and Fourth Army, Presidio of San Francisco, California.

October 10, 1942.

To: The people within the States of Washington, Oregon and California, and to the Public Generally:

Whereas, current developments and further investigations indicate the military necessity for certain changes in and additions to the provisions of Public Proclamation No. 10, dated August 5, 1942,[1] this Headquarters:

Now, Therefore, I, J. L. DeWitt, Lieutenant General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General of the Western Defense Command, do hereby declare that:

1. The present situation requires as a matter of military necessity that sections 2, 3, and 5 (paragraphs (b), (c) and (e) of § 102.1) of said Public Proclamation No. 10 be, and they are hereby amended, as of the effective dates hereinafter provided, so that said Public Proclamation No. 10, from section 1 to 5, (paragraph (a) to (e) of § 102.1) inclusive, will read as follows:

§ 102.1 *Zone of restricted lighting; Washington, Oregon and California.* (a) The present situation requires as a matter of military necessity that a zone of restricted lighting be established within Military Areas Nos. 1 and 2, and that illumination within said zone of restricted lighting be extinguished or controlled in such manner and to such extent as may be necessary to prevent such illumination from aiding the operations of the enemy.

(b) Pursuant to the determination and statement of military necessity in paragraph (a) of this section, a Zone of Restricted Lighting, as particularly described in Exhibit A hereof,[2] and as generally shown on the map made a part hereof and marked Exhibit B,[2] is hereby designated and established. Illumination within the entire area of said zone of restricted lighting shall be extinguished or controlled at all times at night from sunset to sunrise, as follows:

(1) *Signs, floodlighting, display and interior lighting.* Illuminated signs and ornamental lighting of every description which are located out-of-doors, and floodlighting which illuminates buildings or signs (including but not limited to all exterior advertising signs, billboards, display lighting, theatre marquee signs, illuminated poster panels, and building outline lighting), and all interior light sources (as hereinafter defined) which emit direct rays above the horizontal out-of-doors, shall be extinguished. The words, "light sources," as used herein are intended and shall be construed to mean and include any light generating elements and the bright portion of any reflector, lens, luminaire, transparency, or other equipment associated herewith for the control or diffusion of light. This paragraph (b) (1) shall not apply to illumination for industrial or protective purposes except to the extent provided for in paragraph (b) (2) of this section.

(2) *Illumination of outdoor areas; street and highway lights.* Illumination of outdoor areas and industrial and protective illumination, shall be controlled as follows:

(i) Except as provided in paragraph (b) (2) (ii) of this section, illumination on all outdoor areas (including but not limited to automobile service station yards, outdoor parking areas, recreation areas and outdoor structures and roofs) shall not exceed one foot candle at any point when measured on a horizontal plane at any level of such outdoor areas, and all outdoor light sources shall be shielded so that no direct rays from the light source are emitted above the horizontal. All interior lighting of every description shall be reduced or controlled so that it does not contribute more than one foot candle of illumination upon any outdoor area. All street and highway lights shall also be shielded so that each light source emits no more than ten per cent of its total lamp lumens at angles above the horizontal. Provided the foregoing requirements are met, any further reduction or extinguishment of street or highway illumination which would unnecessarily aggravate traffic hazards is not required.

(ii) Variation from the foregoing requirements shall be permitted in the case of illumination for industrial and protective purposes, and from industrial processes, whether interior or exterior, but not including street or highway lights, only when and to the extent that it is necessary to vary from such requirements in order to achieve and maintain maximum efficiency; but only with the written approval of the Ninth Regional Civilian Defense Board, obtained in advance.

(3) *Traffic signs and signals.* Illuminated signs and signals which are authorized or maintained by governmental authority for the purpose of controlling or directing street or highway traffic shall be shielded so that no direct rays from the light source are emitted above the

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[1] 7 F.R. 6631.

[2] Filed as part of the original document.

horizontal in respect to lights mounted ten feet or more above the ground, or above an angle of more than six degrees above the horizontal in respect to lights mounted less than ten but more than three feet above the ground, or above an angle of more than twelve degrees above the horizontal in respect to lights mounted less than three feet above the ground. Relative variations in the upward limit of light are permissible to compensate for grades.

(4) *Navigation and railroad lights.* Authorized lights necessary to facilitate air or water navigation, authorized railroad signal lights, and headlights of railroad locomotives when in motion, are hereby excepted from all the provisions of this proclamation.

(c) In addition to the restrictions hereinbefore imposed, illumination within that part of the zone of restricted lighting which is visible from the sea, as hereinafter defined, shall be further diminished or obscured at all times at night from sunset to sunrise, as follows:

(1) *Street, highway and traffic lights.* Street and highway lights, and illuminated signs (but not signals) which are authorized or maintained by governmental authority for the purpose of controlling or directing street or highway traffic and which are visible from the sea, shall be so shielded that they are not visible from the sea at night and so that no direct rays from the light source are emitted above the horizontal.

(2) *Residential, commercial and industrial windows.* No lighting shall be permitted behind windows or glazed doors visible from the sea unless they are covered by drapes or shades.

(3) *Street and highway traffic.* Within areas visible from the sea, but subject to the exceptions hereinafter stated, vehicles shall operate at night with no more than two lighted driving lamps, regardless of the direction of travel, and each such lamp shall provide a maximum of not more than 250 beam candlepower. Normal rear lights, license plate lights and clearance lights (where required by law) are permitted. Vehicles which are classified as authorized emergency vehicles under the applicable Federal, State or local law, when operated by authorized personnel, and when displaying an illuminated red spotlight, and when responding to a fire alarm, or when in the immediate pursuit of an actual or suspected violator of the law, or when going to or transporting a person who is in apparent need of immediate emergency medical or surgical care, or when responding to some other emergency involving the protection of life or property, shall be excepted from the foregoing provision.

(4) *Industrial and protective illumination.* Light sources for industrial purposes and light from industrial processes within areas visible from the sea, shall comply with the requirements of paragraph (b) (2) of this section, and shall also be shielded so that they are not visible from the sea at night: *Provided,* That variations from these requirements may be permitted in the case of illumination for industrial and protective purposes, and from industrial processes, whether interior or exterior (but not including street or highway lights), only when and to the extent that it is necessary to vary from such requirements in order to achieve and maintain maximum efficiency; but only with the written approval of the Ninth Regional Civilian Defense Board, obtained in advance.

(5) *Other illumination.* Except as hereinabove provided in paragraph (c), all other lights visible from the sea are prohibited at night, including but not limited to light from fires, bonfires, parked cars, flashlights and lanterns.

(6) *Definition of "visible from the sea."* The phrase "visible from the sea," as used herein, is intended and shall be construed to mean and include the following:

Visible at any time from the waters of the Pacific Ocean, or from the waters of the Straits of Juan de Fuca lying south of a line extending due east from the most southerly point of Vancouver Island and west of a line running due north and south through the easternmost point of the easterly boundary line of the City of Port Townsend, Washington, or visible from any of those bodies of water located on the shoreline of the State of California generally known and described as follows:

Santa Monica Bay;
Santa Barbara Channel;
San Luis Obispo Bay;
Estero Bay; and
Monterey Bay;

Provided, however, That the waters of San Francisco Bay, lying easterly of a line extending from Point Bonita through Mile Rock, is not intended and shall not be construed to be a part of the sea; and solely for the purposes of paragraph (c) (3) of this section, concerning street and highway traffic, the phrase, "areas visible from the sea," is also intended and shall be construed to mean and include that portion of streets or highways which may not in fact be visible from the sea but which is within areas generally visible from the sea.

(d) Any person violating any of the provisions of this proclamation, or orders issued pursuant thereto, is subject to immediate exclusion from the territory of the Western Defense Command, and to the criminal penalties provided in Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to provide a penalty for the violation of restrictions or orders with respect to persons entering, remaining in, leaving, or committing any act in military areas or zones."

(e) The Ninth Regional Civilian Defense Board is hereby designated as the primary agency to aid in the enforcement of the foregoing provisions. It is requested that the civil law enforcement agencies and State and local governmental bodies within the areas affected by this Proclamation assist the Ninth Regional Civilian Defense Board in the enforcement hereof.

2. This proclamation shall become effective October 25, 1942, except those provisions of paragraph (b) (2) (i) hereof, concerning street and highway lights, which shall become effective November 12, 1942.

3. The recitals set forth in the first three paragraphs of said Public Proclamation No. 10 are hereby reaffirmed. Except as hereinbefore expressly amended, all the provisions, and determinations expressed in said Public Proclamation No. 10 shall remain in full force and effect.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army, Commanding.

Confirmed:
J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-10400; Filed, October 15, 1942; 3:18 p. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amendment 11]

PART 600—DESIGNATION OF CIVIL AIRWAYS

REDESIGNATION OF RED CIVIL AIRWAY NO. 20

October 13, 1942.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

By amending § 600.10219,[1] *Red civil airway No. 20 (Sault Ste. Marie, Mich., to Wash., D. C.)* to read as follows:

§ 600.10219 *Red civil airway No. 20 (Sault Ste. Marie, Mich., to Washington, D. C.)* From the Sault Ste. Marie, Mich., radio range station via the intersection of the center lines of the on course signals of the southwest leg of the Sault Ste. Marie, Mich., radio range and the northeast leg of the Traverse City, Mich., radio range; and the Traverse City, Mich., radio range station; to the Saginaw, Mich., radio range station. From the intersection of the center line of the on course signal of the northwest leg of the Cleveland, Ohio, radio range and the U. S.-Canadian Border, via the Cleveland, Ohio, radio range station; and the Akron, Ohio, radio range station, to the intersection of the center lines of the on course signals of the southeast leg of the Cleveland, Ohio, radio range and the west leg of the Pittsburgh, Pa., radio range. From the Pittsburgh, Pa., radio range station, via the Martinsburg, W. Va., radio range station; to the Washington, D. C., radio range station.

(Sec. 302, 52 Stat. 985; 49 U.S.C. 452).

This amendment will become effective 00:01 E.S.T., October 15, 1942.

C. I. STANTON,
Administrator.

[F. R. Doc. 42-10408; Filed, October 16, 1942; 9:45 a. m.]

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[1] 7 F.R. 1421.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4797]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

L. L. EDWARDS

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of respondent's nuts or nut products, or any other products, (1) selling, etc., nuts or nut products, or any other merchandise, so packed and assembled that sales of said merchandise to the public are to be made or, due to the manner in which such merchandise is packed and assembled at the time it is sold by respondent, may be made by means of a game of chance, gift enterprise or lottery scheme; (2) supplying, etc., dealers, or others, with assortments of packages of nuts or nut products which are to be used or, due to the manner in which such merchandise is packed and assembled at the time it is sold by respondent may be used to conduct a lottery, gaming device or gift enterprise in the sale or distribution of such nuts or nut products to the public; (3) packing, etc., in the same assortment packages of nuts or nut products for ultimate sale to the public which individual packages of nuts or nut products are of uniform appearance but some of which contain coins or other United States money; and (4) selling, etc., any merchandise by means of a lottery, game of chance or gift enterprise; prohibited. (Sec. 5, 38 Sat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45(b) [Cease and desist order, L. L. Edwards Docket 4797, October 12, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of October, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent L. L. Edwards, an individual, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of his nuts or nut products, or any other products, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing nuts or nut products, or any other merchandise, so packed and assembled that sales of said merchandise to the public are to be made or, due to the manner in which such merchandise is packed and assembled at the time it is sold by respondent, may be made by means of a game of chance, gift enterprise or lottery scheme;

(2) Supplying to or placing in the hands of dealers, or others, assortments of packages of nuts or nut products which are to be used or, due to the manner in which such merchandise is packed and assembled at the time it is sold by respondent may be used to conduct a lottery, gaming device or gift enterprise in the sale or distribution of such nuts or nut products to the public;

(3) Packing or assembling in the same assortment packages of nuts or nut products for ultimate sale to the public which individual packages of nuts or nut products are of uniform appearance but some of which contain coins or other United States money;

(4) Selling or otherwise disposing of any merchandise by means of a lottery, game of chance or gift enterprise.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-10422; Filed, October 16, 1942; 11:34 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

INCREASES IN WAGE RATES

By virtue of the authority vested in the National War Labor Board by Executive Order 9250 dated October 3, 1942, *It is hereby ordered:*

§ 803.1 *General Order No. 1.* All increases in wage rates which have been directed by the War Labor Board prior to October 3, 1942, shall be put into effect in accordance with the terms of the Directive Order in each particular case.

(E. O. 9250, 7 F.R. 7871)

[SEAL] GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-10439; Filed, October 16, 1942; 11:49 a. m.]

PART 803—GENERAL ORDERS

ADJUSTMENT OF LABOR DISPUTES

By virtue of the authority vested in the National War Labor Board by Executive Order 9250 dated October 3, 1942, *It is hereby ordered:*

§ 803.2 *General Order No. 2.* The procedures in the National War Labor Board for the adjustment of labor disputes affecting wages established under Executive Order 9017[1] shall remain in full force and operation, and in all present or future cases in which the jurisdiction of the Board has attached or shall attach by certification or otherwise, the parties shall be deemed to have given notice within the terms of Title II, section 1, of Executive Order 9250.

(E.O. 9250, 7 F.R. 7871)

[SEAL] GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-10440; Filed, October 16, 1942; 11:50 a. m.]

PART 803—GENERAL ORDERS

INCREASES IN WAGE RATES

By virtue of the authority vested in the National War Labor Board by Executive Order 9250 dated October 3, 1942, *It is hereby ordered:*

§ 803.3 *General Order No. 3.* The National War Labor Board hereby approves all increases in wage rates which were put into effect on or before October 3, 1942: *Provided, however,* That the Board reserves the power under the provisions of Title III, section 3, of the Executive Order to disapprove any such wage rate which it may find to be inconsistent with the policy enunciated in the said Executive Order or hereafter formulated by the Economic Stabilization Director and in case of such disapproval to order the discontinuance of further payment of such wages.

(E.O. 9250, 7 F.R. 7871)

[SEAL] GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-10441; Filed, October 16, 1942; 11:50 a. m.]

PART 803—GENERAL ORDERS

WAGE ADJUSTMENTS FOR SMALL BUSINESSES

By virtue of the authority vested in the National War Labor Board under Title II of Executive Order 9250, to make "such exemptions from the provisions of this title in the case of small total wage increases or decreases as it deems necessary for the effective administration of this Order," *It is hereby ordered* That:

§ 803.4 *General Order No. 4.* Wage adjustments made by employers who employ not more than eight (8) individuals are exempted from the provisions of the Executive Order 9250 of October 3, 1942.

(E.O. 9250, 7 F.R. 7871)

[SEAL] GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-10442; Filed, October 16, 1942; 11:50 a. m.]

PART 803—GENERAL ORDERS

WAGE ADJUSTMENTS IN CASES OF ESTABLISHED WAGE AGREEMENTS

By virtue of the authority vested in the National War Labor Board by Executive Order 9250, and finding that the following regulations are necessary for the speedy determination of the propriety of any wage increases or decreases, the Board hereby orders that:

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[1] 7 F.R. 237.

§ 803.5 *General Order No. 5.* Wage adjustments may be made in the rates of individual employees, without approval of the National War Labor Board, if they are incident to the application of the terms of an established wage agreement or to established wage rate schedules covering the work assignments of employees and are made as a result of:

(a) Individual promotions or reclassifications.

(b) Individual merit increases within established rate ranges.

(c) Operation of an established plan of wage increases based upon length of service.

(d) Increased productivity under piece-work or incentive plans.

(e) Operation of an apprentice or trainee system.

The Board further finds that adjustments of wages made under this order should not result in any substantial increase of the level of costs and shall not furnish a basis either to increase price ceilings of the commodity or service involved or to resist otherwise justifiable reductions in such price ceilings.

(E.O. 9250, 7 F.R. 7871)

[SEAL] GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-10443; Filed, October 16, 1942; 11:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Amendment 1 to Suspension Order S-107]

H. T. RYALS

Section 1010.107 *Suspension Order S-107*[1] is hereby amended by changing the name H. G. Ryals to H. T. Ryals, wherever the said name appears in this order.

This amendment shall take effect immediately.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10403; Filed, October 15, 1942; 4:40 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-112]

CITY OF PAWTUCKET, RHODE ISLAND

The City of Pawtucket, Rhode Island, has for some time been engaged in the construction at Hammond Pond Park of a park, playground, and recreational project and the erection of a municipal stadium and other buildings. The project is incomplete but during the period immediately prior to June 1, 1942, the principal baseball field and a large grandstand and bleachers overlooking it were completed. On June 8, 1942, the City gave an order to certain contractors to construct a chain link fence costing $8400 and do certain other work. Shortly thereafter the chain link fence was placed in position around the field and the other work done.

Supplementary Conservation Order No. L-41-a[1] provided that any construction primarily for the amusement of the public, with the exception of strictly temporary construction and playgrounds for children, should be terminated on June 6, 1942. An athletic field of this type, equipped with a large grandstand is not strictly temporary construction nor is it a playground for children. Therefore, the construction of the chain link fence and the other work constituted a violation of Supplementary Conservation Order No. L-41-a. At the time the City ordered this construction, it was fully aware of the restrictions contained in Supplementary Conservation Order No. L-41-a[1] provided that any construction unreasonable and unjustified construction of the provisions of said order.

This violation of Supplementary Conservation Order No. L-41-a has hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered:*

§ 1010.112 *Suspension Order S-112.* (a) The City of Pawtucket, Rhode Island, is hereby directed to take down and remove the chain link fence partially surrounding the athletic field at Hammond Pond Park which fence was installed in violation of Supplementary Conservation Order No. L-41-a and is further directed thereafter not to dispose of the said fence except to the Army or Navy of the United States or as specifically directed by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10402; Filed, October 15, 1942; 4:40 p. m.]

PART 971—ETHYL ALCOHOL AND RELATED COMPOUNDS

[Amendment 1 to General Preference Order M-30, as Amended August 8, 1942[2]]

Paragraph (c) (7) of § 971.1 *General Preference Order M-30* is hereby amended by striking subdivision (v).

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10434; Filed, October 16, 1942; 11:54 a. m.]

PART 1293—HAND TOOLS SIMPLIFICATION

[Amendment 2 to Appendix A to Schedule I to Limitation Order L-157]

Appendix A to § 1293.2 *Schedule I*[1] *to Limitation Order L-157* is hereby amended in the following respects:

1. Paragraph (3) *Blade finishes,* is hereby amended by striking out said paragraph (3) and substituting the following:

(3) *Blade finishes.* Black or natural finish is obtained by dipping the blade in its natural state, except that it may be wire brushed to remove scale or rust, in lacquer, or lacquer with an asphaltum base, or other suitable protective coating; the blade shall not be pickled before being wire brushed. Full polished finish is obtained by pickling the blade, finishing on roughing and finishing polishing wheels, and dipping it in lacquer, lacquer with an asphaltum base, or other suitable protective coating. No hand shovels, spades, scoops, or telegraph spoons shall be finished in other than black or natural finish, except moulders' shovels and grain scoops, which may be full polished on the face only, and except shovels delivered to the Army or Navy of the United States, which shovels shall be finished in accordance with the procurement specifications of the War Department or Navy Department as the case may be.

2. Paragraph (5) *Handle finish,* is hereby amended by striking out said paragraph (5) and substituting the following:

(5) *Handle finish.* Neither long handles, nor the stems of D handles, shall be painted or otherwise finished than by sanding and waxing, except all shovels delivered to the Army or Navy of the United States, which shovels shall be painted in accordance with specifications of the War Department or the Navy Department as the case may be. Any metal used in the construction of D handles may be given a protective coating, or the entire D may be so coated, but only so far along the stem as is necessary to cover any metal used in the construction of the D.

3. TABLE 3—*Scoops and Telegraph Spoons* is hereby amended by striking out said Table 3 and substituting the following:

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[1] 7 F.R. 8179.

[1] 7 F.R. 3878.

[2] 7 F.R. 6204.

[1] 7 F.R. 5558.

TABLE 3.—SCOOPS AND TELEGRAPH SPOONS

Kind	Grades	Gage	No.	Blade		
				Multiple size [1]		
				Hollow back	Plain back and solid shank [2]	Steps
				Inches	*Inches*	
17. Ash pit (low lift)	C	16	4	13 x 24½		
18. Break-down, diamond point	A, B	15	5	14 x 24½		Turned.
19. Coal yard (western pattern, flat point)	A, B	16	8	14¾ x 26		
20. Eastern pattern or locomotive [3]	A, B, C	16	2	12½ x 23½		
			4	13 x 24½		
			6	13½ x 25½		
21. Grain corrugated (western pattern)	C	17	8	14¾ x 26		
			10	15¼ x 27		
			12	15¾ x 28		
			14	16¼ x 29		
22. Gravel, round point	A, B, C	16	2	12½ x 23½		Turned.
TELEGRAPH SPOONS						
23. Eastern pattern	A	13			10 x 12¼ [4]	
24. Western pattern	A	13			10 x 12¼ [4]	

[1] Multiple size is the size of the flat sheet of steel required to make one blade. The same multiple size is to be used for both D and long handle scoops of a given size number.

[2] The trimmed blank for a solid shank spoon is to be the same size as the blank for a similar type and size of plain back spoon.

[3] To be furnished in lifts of 21 and 13 inches.

[4] May be made from smaller multiples, if desired.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of October 1942.

ERNEST C. KANZLER,
Director General for Operations.

[F. R. Doc. 42-10435; Filed, October 16, 1942; 11:54 a. m.]

PART 3065—SILICA GEL

[Amendment 1 to General Preference Order M-219]

Section 3065.1 *General Preference Order M-219*[1] is hereby amended in the following respects:

1. By striking from paragaph (b) (1) of said § 3065.1 the words and letter "paragraph (c) hereof" and inserting in lieu thereof the words and letter "paragraph (e) hereof".

2. By changing the designation of paragraphs (c) (d) and (e) of said § 3065.1 to "(e)", "(f)" and "(g)".

3. By adding two new paragraphs to said § 3065.1, designated paragraphs (c) and (d) respectively as follows:

(c) *Small order exemption.* The specific authorization provided for in paragraph (b) (1) hereof, shall not be required with respect to the delivery by any person of one hundred and twenty-five (125) pounds or less of silica gel to any one person in any one month, or to the acceptance of delivery by any one person in any one month, from all sources, of one hundred and twenty-five (125) pounds or less of silica gel. Each person desiring to make small order deliveries of silica gel pursuant to this paragraph (c) shall apply for authorization to make small order deliveries pursuant to paragraph (e) (2) (ii) hereof, and the aggregate amount of small order deliveries made by any such person during any one month shall not exceed the amount of such deliveries which he is specifically authorized to make, *Provided, however,* That authorization to make small order deliveries pursuant to this paragraph (c) shall not be required with respect to small order deliveries by any one person where the aggregate amount of such deliveries during any one month does not exceed one hundred and twenty-five (125) pounds of silica gel.

(d) *Special exemption.* The specific authorization provided for in paragraph (b) (1) hereof, shall not be required with respect to the delivery or acceptance of delivery of any silica gel incorporated in, or forming a part of, any finished product or subassembly.

4. By changing the designation of paragraph (e) (2) (ii) of said § 3065.1 (which paragraph was designated paragraph (c) (2) (ii) prior to this amendment) to "(e) (2) (iii)".

5. By adding a new subdivision to paragraph (e) (2) of said § 3065.1 (which paragraph was designated paragraph (c) (2) prior to this amendment) designated paragraph (e) (2) (ii) as follows:

(ii) *Column 1.* If authorization to make small order deliveries under paragraph (c) hereof is requested, insert "Aggregate Small Order Deliveries" in column 1 after completing the list of customers requiring in excess of one hundred and twenty-five (125) pounds of silica gel and specify in column 4 the aggregate amount of small order deliveries requested to be authorized.

(P.D. Reg. 1, as amended, 6 F. R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10437; Filed, October 16, 1942; 11:54 a. m.]

PART 3100—FURNACE TYPE CARBON BLACK

[General Preference Order M-244]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of furnace type carbon black for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3100.1 *General Preference Order M-244*—(a) *Definitions.* (1) "Producer" means any person producing furnace type carbon black.

(2) "Distributor" means any person who purchases furnace type carbon black for resale without further processing.

(3) "Furnace type carbon black" means a black produced by thermal decomposition and includes the soft and semi-reinforcing blacks but excludes the channel carbon black and lamp blacks.

(b) *Restrictions on delivery and use.* (1) Subject to paragraph (c) hereof, on and after November 1, 1942 no producer or distributor shall use or deliver furnace type carbon black, and no person shall accept delivery of furnace type carbon black from a producer or distributor, except as specifically authorized or directed by the Director General for Operations.

(2) Authorizations or directions with respect to deliveries to be made or accepted in each month, beginning with November, 1942, will so far as practicable be issued by the Director General for Operations prior to the commencement of such month, but the Director General for Operations may at any time (including the period prior to November 1, 1942), in his discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted or with respect to the use or uses which may be made or may not be made of material to be delivered or then on hand.

(3) Each person specifically authorized to accept delivery of furnace type carbon black shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed.

(c) *Small order exemption.* No specific authorization shall be required for:

(1) Acceptance of delivery by any person in any one calendar month of 100 lbs. or less of furnace type carbon black in the aggregate: *Provided,* That such person has not been specifically authorized to accept delivery of any quantity of such material during such month;

(2) The delivery by any producer or distributor to any person who shall certify to him in writing that he is entitled pursuant to paragraph (c) (1) hereof to accept delivery; and

(3) The use by any producer in any calendar month of 100 lbs. or less of furnace type carbon black in the aggregate.

(d) *Applications and reports.* (1) Each person seeking authorization to accept delivery of furnace type carbon black, during any calendar month, beginning with December, 1942 (except as provided in paragraph (c) hereof), whether for his own consumption or resale, shall file application therefor on or before the 15th day of the month preceding the month for which authorization for delivery is requested. For deliveries in November, 1942, application may be filed at any time. Applications by producers for authorization to use furnace type carbon black shall be filed in the same manner. In each case, the application shall be made on Form PD-600, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

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[1] 7 F.R. 6997.

(i) Copies of Form PD-600 may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which one shall be forwarded to supplier and three forwarded to the War Production Board, Chemicals Branch, Washington, D. C., Ref: M-244.

(iii) In the heading, under the name of chemical, specify furnace type carbon black; under WPB Order No., specify M-244; under unit of measure, specify pounds; under name of your company, specify name and mailing address; and specify the month and year for which authorization for acceptance of delivery is sought.

(iv) In Columns 1, 11 and 19, specify producer's trade name for product.

(v) In Columns 3, 20 and 22, specify primary product in terms of the following:

Passenger inner tubes.
Truck inner tubes.
Carcass stocks.
Manufacture of synthetic rubber (Specify type: "butyl", etc.).
Footwear (upper stocks).
Mechanical goods.
Insulated wire or cable covers.
Others (specify).

(vi) In Column 4, specify ultimate use of product (as for example, "army trucks", as opposed to "truck inner tubes" which may be the primary product in Columns 3, 20 and 22). Also specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease or commercial customer. Also list specification numbers that may apply.

(2) Each person seeking authorization to make delivery of furnace type carbon black during any calendar month, beginning with December, 1942, shall file application on or before the 20th day of the month preceding the month for which authorization is requested. Applications for authorizations for November deliveries shall be filed as soon as possible after the issuance hereof. In either case, the application shall be made on Form PD-601, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

(i) Copies of Form PD-601 may be obtained at local field offices of the War Production Board.

(ii) Prepare four copies and forward three certified copies to the War Production Board, Chemicals Branch, Washington, D. C., Ref: M-244.

(iii) Producers or distributors who have filed application on Form PD-600, specifying themselves as their suppliers, shall list their own names as customers on Form PD-601, and shall list their requests for allocation in the manner prescribed for other customers.

(iv) In the heading, under name of chemical, specify furnace type carbon black; under WPB Order No., specify M-244; under name of company, state your name and mailing address; under unit of measure, specify pounds; and state the month and year during which deliveries covered by the application are to be made.

(v) In Columns 3 and 8, specify producer's trade name for product.

(vi) Column 5 may, at your discretion, be left blank.

(vii) Names of customers to whom small order deliveries are to be made during the next month pursuant to paragraph (c) of this order need not be given, but insert in Column 1 "Total small order deliveries (estimated)," and in Column 4, the estimated quantity.

(viii) If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

(3) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any such person with respect to preparing and filing Forms PD-600 and PD-601.

(e) *Notification of customers.* Each supplier shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of priorities regulations of the War Production Board, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C., Ref: M-244.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10438; Filed, October 16, 1942; 11:54 a. m.]

PART 3053—CONVEYING MACHINERY AND MECHANICAL POWER TRANSMISSION EQUIPMENT

[Amendment 1 to General Limitation Order L-193]

Section 3053.1 *General Limitation Order L-193*[1] is hereby amended in the following respects:

1. Paragraph (b) is amended to read as follows:

(b) *Restrictions on acceptance and placing of orders.* (1) On and after the date of this order, no person shall place or tender, and no person shall accept, any restricted order, unless the order has been authorized by the Director General for Operations as provided in paragraph (d) below.

(2) On and after the date of this order, no person shall render engineering services, or make any bid or estimate, for any restricted order, and no person shall order or request any such engineering services or invite any such bid or estimate; except with respect to an order theretofore authorized by the Director General for Operations, in accordance with the provisions of paragraph (d) below.

(3) The provisions of paragraph (b) shall not apply to any order by and for the direct use of the Army, Navy, Maritime Commission or War Shipping Administration (as defined in paragraph (c) (3)) or to any engineering services or bid or estimate in connection therewith.

The provisions of paragraph (b) (2) above shall not apply to any engineering services in connection with any restricted order accepted by the manufacturer prior to October 7, 1942, or to any engineering services in connection with any bid or estimate which was in the process of formulation on that date.

2. Paragraph (d) is amended by adding at the end thereof the following subparagraph (3):

(3) The authorization of the Director General for Operations shall apply not only to the order by the original purchaser for the machinery or equipment covered by the above mentioned Form PD-681 or the application under subparagraph (2) above, but also to any orders for conveying machinery or mechanical power transmission equipment placed by such purchaser's suppliers in fulfillment of the authorized order. The original purchaser shall either (i) transmit a reproduction of the authorization of the Director General for Operations to his supplier of the authorized order or (ii) furnish him with the following certification (on the order or in an attached document):

> I hereby certify that the within (or attached) order has been authorized by the Director General for Operations under the provisions of paragraph (d) of General Limitation Order L-193, by authorization No. , dated , , covering the within described machinery or equipment.
>
> ---------------------- Company
>
> By ----------------------
> (authorized official)

The purchaser's supplier shall furnish a similar certification on or in connection with any restricted order which he places in fulfillment of the purchaser's authorized order.

Any such certification shall be signed by a duly authorized official of the purchaser or supplier making the certification and shall constitute a representation to the War Production Board, as well as to the person to whom addressed, of the facts certified therein.

3. Paragraph (e) is amended by striking the word "October" where it appears in the first line of the paragraph, and substituting in lieu thereof the word "November".

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10436; Filed, October 16, 1942; 11:54 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Revised General Order 5]

DELEGATION TO CLERICAL EMPLOYEES OF WAR PRICE AND RATIONING BOARDS AND TO DISTRIBUTION OFFICERS OF THE OFFICE OF PRICE ADMINISTRATION AUTHORITY TO ADMINISTER OATHS

Pursuant to the authority conferred upon the Administrator by the Emergency Price Control Act of 1942, as amended, by paragraph 3 of Executive Order No. 9125, by Executive Order 9250, and by WPB Directive 1, § 1305.102 of General Order No. 5, heretofore issued July 31, 1942, is amended to read as follows:

§ 1305.102 *Order delegating to clerical employees of War Price and Rationing Boards and to Distribution Officers of the Office of Price Administration authority to administer oaths and affirmations.* (a) In the administration of the price control or rationing authority of the Office of Price Administration, or of any regulation or order issued pursuant to such authority, any clerical employee employed by a War Price and Rationing Board, who is designated by the chairman of such board as an officer to administer oaths and affirmations, or any person employed as Distribution Officer by the Office of Price Administration is authorized to administer oaths and affirmations in connection with any application, petition, statement, report, or other document, required to be sworn to by the provisions of any regulation or order pertaining to price control or rationing and required or authorized to be filed at a War Price and Rationing Board or at any office of the Office of Price Administration.

(b) This Revised General Order No. 5 shall become effective October 15, 1942.

Issued this 15th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10392; Filed, October 15, 1942; 2:22 p. m.]

PART 1306—IRON AND STEEL

[Amendment 1 to Revised Price Schedule 100,[1] as Amended]

CAST IRON SOIL PIPE AND FITTINGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1306.305 is amended and new §§ 1306.305a and 1306.308a are added, to read as set forth below:

§ 1306.305 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 100 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1306.305a *Licensing.* The provisions of Supplementary Order No. 18 (§ 1305.22) licensing persons, except mills, manufacturers or producers, selling lumber, lumber products or building materials, are applicable to every person selling cast iron soil pipe or fittings for which maximum prices are established by this Revised Price Schedule No. 100.

§ 1306.308a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1306.305, 1306.305a and 1306.308a) to Revised Price Schedule No. 100 shall become effective October 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10387; Filed, October 15, 1942; 2:24 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[Amendment 2 to Revised Price Schedule 94[2]]

WESTERN PINE LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1312.255 is amended and a new § 1312.255a is added, to read as set forth below:

§ 1312.255 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 94 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1312.255a *Licensing.* The provisions of Supplementary Order No. 18 (§ 1305.22) licensing all persons, except mills, manufacturers or producers, selling lumber, lumber products or building materials, are applicable to every person selling Western pine lumber for which maximum prices are established by this Revised Price Schedule No. 94.

§ 1312.259a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1312.255 and 1312.255a) to Revised Price Schedule No. 94 shall become effective October 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10397; Filed, October 15, 1942; 2:23 p. m.]

PART 1330—CONTAINERS

[Amendment 2 to Revised Price Schedule 96[1]]

DOMESTIC FUEL OIL STORAGE TANKS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1330.106 is amended and a new § 1330.106a is added, to read as set forth below:

§ 1330.106 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 96 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1330.106a *Licensing.* The provisions of Supplementary Order No. 18 (§ 1305.22) licensing all persons, except mills, manufacturers or producers, selling lumber, lumber products or building materials, are applicable to every person selling domestic fuel oil storage tanks for which maximum prices are established by this Revised Price Schedule No. 96.

§ 1330.109a *Effective dates of amendments.* * * *

(c) Amendment No. 2 (§§ 1330.106 and 1330.106a) to Revised Price Schedule No. 96 shall become effective October 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10398; Filed, October 15, 1942; 2:24 p. m.]

PART 1346—BUILDING MATERIALS

[Amendment 1 to Revised Price Schedule 40[2]]

BUILDERS' HARDWARE AND INSECT SCREEN CLOTH

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

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[1] 7 F.R. 7961.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5132, 5276.

[2] 7 F.R. 1381, 1796, 1836, 2132.

[1] 7 F.R. 1387, 1836, 2132, 3774, 5360.

[2] 7 F.R. 1280, 1836, 2132.

Paragraph (a) of § 1346.5 is amended and new §§ 1346.5a and 1346.8a are added, to read as set forth below:

§ 1346.5 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 40 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1346.5a *Licensing.* The provisions of Supplementary Order No. 18 (§ 1305.22) licensing all persons, except mills, manufacturers or producers, selling lumber, lumber products or building materials, are applicable to every person selling builders' hardware or screen cloth products for which maximum prices are established by this Revised Price Schedule No. 40.

§ 1346.8a *Effective dates of amendments.* (a) Amendment No. 1 (§§1346.5, 1346.5a and 1346.8a) to Revised Price Schedule No. 40 shall become effective October 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10396; Filed, October 15, 1942; 2:23 p. m.]

PART 1381—SOFTWOOD LUMBER

[Amendment 1 to Maximum Price Regulation 164[1]]

RED CEDAR SHINGLES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1381.6 is amended and new §§ 1381.6a and 1381.10a are added, to read as set forth below:

§ 1381.6 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 164 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1381.6a *Licensing.* The provisions of Supplementary Order No. 18 (§1305.22) licensing all persons, except mills, manufacturers or producers, selling lumber, lumber products or building materials, are applicable to every person selling red cedar shingles for which maximum prices are established by this Maximum Price Regulation No. 164.

§ 1381.10a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1381.6, 1381.6a and 1381.10a) to Maximum Price Regulation No. 164 shall become effective October 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10385; Filed, October 15, 1942; 2:25 p. m.]

PART 1381—SOFTWOOD LUMBER

[Amendment 8 to Maximum Price Regulation 26[1]]

DOUGLAS FIR AND OTHER WEST COAST LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1381.56 is amended and a new § 1381.56a is added, to read as set forth below:

§ 1381.56 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 26 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1381.56a *Licensing.* The provisions of Supplementary Order No. 18 (§ 1305.22) licensing all persons, except mills, manufacturers or producers, selling lumber, lumber products or building materials, are applicable to every person selling Douglas fir and other West Coast lumber for which maximum prices are established by this Maximum Price Regulation No. 26.

§ 1381.61a *Effective dates of amendments.* * * *

(h) Amendment No. 8 (§§ 1381.56 and 1381.56a) to Maximum Price Regulation No. 26 shall become effective October 21, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 15th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10395; Filed, October 15, 1942; 2:23 p. m.]

PART 1381—SOFTWOOD LUMBER

[Amendment 8 to Maximum Price Regulation 19[2]]

SOUTHERN PINE LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1381.206 is amended and a new § 1381.206a is added, to read as set forth below:

§ 1381.206 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 19 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1381.206a *Licensing.* The provisions of Supplementary Order No. 18 (§ 1305.22) licensing all persons, except mills, manufacturers or producers, selling lumber, lumber products or building materials, are applicable to every person selling Southern pine lumber for which maximum prices are established by this Maximum Price Regulation No. 19.

§ 1381.211a *Effective dates of amendments.* * * *

(d) Amendment No. 3 (§§ 1381.206 and 1381.206a) to Maximum Price Regulation No. 19 shall become effective October 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10394; Filed, October 15, 1942; 2:22 p. m.]

PART 1382—HARDWOOD LUMBER

[Amendment 10 to Maximum Price Regulation 146[1]]

APPALACHIAN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1382.6 is amended and a new § 1382.6a is added, to read as set forth below:

§ 1382.6 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 146 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1382.6a *Licensing.* The provisions of Supplementary Order No. 18 (§ 1305.22) licensing all persons, except mills, manufacturers or producers, selling lumber, lumber products or building materials, are applicable to every person selling Appalachian hardwood lumber for which maximum prices are established by this Maximum Price Regulation No. 146.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 4541.

[1] 7 F.R. 4573, 4701, 5180, 5360, 6168, 6388, 6424, 7285.

[2] 7 F.R. 5427, 5869, 7094.

[1] 7 F.R. 3776, 4179, 4852, 5520, 6058, 6998, 7600, 7747.

§ 1382.10a *Effective dates of amendments.* * * *

(j) Amendment No. 10 (§§ 1382.6 and 1382.6a) to Maximum Price Regulation No. 146 shall become effective October 21, 1942.

(Pub. Laws. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10388; Filed, October 15, 1942; 2:25 p. m.]

PART 1382—HARDWOOD LUMBER

[Amendment 3 to Maximum Price Regulation 155[1]]

CENTRAL HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1382.56 is amended and a new § 1382.56a is added, to read as set forth below:

§ 1382.56 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 155 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1382.56a. *Licensing.* The provisions of Supplementary Order No. 18 (§ 1305.22) licensing all persons, except mills, manufacturers or producers, selling lumber, lumber products or building materials, are applicable to every person selling Central hardwood lumber for which maximum prices are established by this Maximum Price Regulation No. 155.

§ 1382.60a *Effective dates of amendments.* * * *

(d) Amendment No. 3 (§§ 1382.56 and 1382.56a) to Maximum Price Regulation No. 155 shall become effective October 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10386; Filed, October 15, 1942; 2:25 p. m.]

PART 1382—HARDWOOD LUMBER

[Amendment 3 to Maximum Price Regulation 97[1]]

SOUTHERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1382.106 is amended and a new § 1382.106a is added, to read as set forth below:

§ 1382.106 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 97 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1382.106a *Licensing.* The provisions of Supplementary Order No. 18 (§ 1305.22) licensing all persons, except mills, manufacturers or producers, selling lumber, lumber products or building materials, are applicable to every person selling Southern hardwood lumber for which maximum prices are established by this Maximum Price Regulation No. 97.

§ 1382.111a *Effective dates of amendments.* * * *

(d) Amendment No. 3 (§§ 1382.106 and 1382.106a) to Maximum Price Regulation No. 97 shall become effective October 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10389; Filed, October 15, 1942; 2:44 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Amendment 6 to Ration Order 5B[2]]

GASOLINE RATIONING REGULATIONS FOR PUERTO RICO

A rationale involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

New paragraphs (g) and (h) are added to § 1394.2851; a new paragraph (b) is added to § 1394.2907; and a new paragraph (f) is added to § 1394.3052.

Restrictions on Transfers

* * * * *

§ 1394.2851 *Restrictions on transfers to consumers.* * * *

(g) No person shall transfer gasoline to a consumer on September 23, 1942.

(h) No person shall transfer gasoline to a consumer between 8:00 a. m. on September 24, 1942 and 6:00 p. m. on October 10, 1942, except when the consumer presents appropriate coupons accompanied by a written order of the chairman of any Local War Price and Rationing Board or the Territorial Rationing Administrator who may issue such written orders authorizing the purchase of gasoline for use in vehicles and equipment engaged in activities essential to the public health, safety and welfare, including vehicles and equipment necessary for carrying out one or more of the following purposes:

(i) Distribution of mail, milk, bread, meat or newspapers;

(ii) Transportation of physicians, firefighters, police or draftees;

(iii) Operation of ambulances, hearses, hospital transportation facilities, ice and icecream manufacturing plants, equipment for loading and unloading ships, railroads, farms (limited transportation of products to market), public sanitation units, electric and water companies, transportation companies except those with special permits, and public cars (limited to 5 gallons a day).

Replenishment and Audit

* * * * *

§ 1394.2907 *Restriction of transfers.* * * *

(b) No dealer or intermediate distributor shall transfer or offer to transfer to, or shall receive a transfer of gasoline from any other dealer or intermediate distributor between 8:00 a. m. on September 24, 1942, and 6:00 p. m. on October 10, 1942, except in exchange for a quantity of coupons and written orders provided for by this amendment, at or before the time of the actual delivery of the gasoline, equal in gallonage value to the amount of the gasoline so transferred.

Effective Date

* * * * *

§ 1394.3052 *Effective date of amendments.* * * *

(f) Amendment No. 6 to Ration Order No. 5B (§§ 1394.2851 (g), (h) and 1394.2907 (b)) shall become effective at 8:00 a. m. September 23, 1942.

(Pub. Law 617, 76th Cong., as amended by Pub. Law 59, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Laws 421 and 729, 77th Cong., W.P.B. Directive No. 1, Supp. Dir. No. 1 J, 7 F.R. 562, 5043.)

Issued this 15th day of October 1942.

JAMES P. DAVIS,
Acting Director, Office of Price Administration for Puerto Rico.

[F. R. Doc. 42–10401; Filed, October 15, 1942; 4:27 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 4108, 4231, 7202, 7780.

[1] 7 F.R. 5667, 6681, 7149, 7966.

[2] 7 F.R. 5607, 6389, 6390, 7400, 6871, 7908.

Part 1399—Construction, Oil Field, Mining, and Related Machinery

[Amendment 3 to Maximum Price Regulation 134]

CONSTRUCTION AND ROAD MAINTENANCE EQUIPMENT RENTAL PRICES AND OPERATING OR MAINTENANCE SERVICE CHARGES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.[*]

The title is amended as set forth above. The headnote and text of § 1399.1 is amended; § 1399.2 is amended and redesignated § 1399.8; § 1399.3 is revoked; § 1399.4 is amended and redesignated § 1399.9; § 1399.5 is amended and redesignated § 1399.10; § 1399.6 is amended and redesignated § 1399.12; § 1399.7 is amended and redesignated § 1399.11; § 1399.8 is amended and redesignated § 1399.13; § 1399.9 is redesignated § 1399.14; § 1399.9a is amended and redesignated § 1399.14a; in § 1399.10 paragraphs (a), (b) and (c) are amended and redesignated § 1399.2, paragraph (d) is amended and redesignated § 1399.3, paragraph (e) is amended and redesignated § 1399.4, paragraph (f) is amended and redesignated § 1399.15; and new §§ 1399.5, 1399.6 and 1399.7 are added, as set forth below:

§ 1399.1 *Prohibition against renting or supplying services at higher than maximum prices.* (a) On and after May 11, 1942, regardless of any contract, agreement, lease or other obligation:

(1) No person shall lease or deliver any construction or road maintenance equipment at a rental price, or accept a rental price for such equipment, in excess of the maximum rental price established by this Maximum Price Regulation No. 134;

(2) No person in the course of trade or business shall rent or receive for rental any construction or road maintenance equipment at a rental price in excess of such maximum rental price, and no person in the course of trade or business shall pay a rental price for such equipment in excess of such maximum rental price;

(b) On and after October 22, 1942, regardless of any contract agreement, lease or other obligation:

(1) No person shall perform any operating or maintenance service at a charge in excess of the maximum charge established by this Maximum Price Regulation No. 134;

(2) No person in the course of trade or business shall receive or pay for any operating or maintenance service at a charge in excess of such maximum charge;

(c) No person shall agree, offer, solicit, or attempt to do any of the acts prohibited in paragraphs (a) and (b) of this section;

(d) The provisions of paragraphs (a) (2) and (b) (2) of this section shall not be construed to apply to (1) any war procurement agency of the United States or any contracting or paying officer thereof, or (2) the government of any country the defense of which the President of the United States deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States" or to any agency of any such government. Any such war procurement agency or any contracting or paying finance officer thereof and any such government or any agency thereof shall be relieved of any and every liability, civil or criminal, imposed by this Maximum Price Regulation No. 134, or by the Emergency Price Control Act of 1942, as amended.

§ 1399.2 *Maximum rental prices*—(a) *Daily basis.* For any construction or road maintenance equipment leased by the day and:

(1) Which is not in actual use for more than 8 hours during one daily period, the maximum rental price shall be the rental price calculated upon the basis of the applicable rate "per day" in the Table of Rates set forth in Appendix A, incorporated herein as § 1399.15;

(2) Which is in actual use for more than 8 but not more than 16 hours during one daily period, the maximum additional rental price for such additional use shall be the rental price calculated upon the basis of 50% of such applicable rate "per day";

(3) Which is in actual use for more than 16 hours during one daily period, the maximum additional rental price for the total additional use over 8 hours shall be the rental price calculated upon the basis of 100% of such applicable rate "per day".

(b) *Weekly basis.* For any construction or road maintenance equipment leased by the week and:

(1) Which is not in actual use for more than 48 hours during one weekly period, the maximum rental price shall be the rental price calculated upon the basis of the applicable rate "per week" in the Table of Rates set forth in Appendix A, incorporated herein as § 1399.15;

(2) Which is in actual use for more than 48 but not more than 96 hours during one weekly period, the maximum additional rental price for such additional use shall be the rental price calculated upon the basis of 50% of such applicable rate "per week";

(3) Which is in actual use for more than 96 hours during one weekly period, the maximum additional rental price for the total additional use over 48 hours shall be the rental price calculated upon the basis of 100% of such applicable rate "per week";

(4) Which remains in the possession of the lessee for a part of a weekly period beyond one or more full weekly periods, the maximum rental price for such part of the weekly period shall be the higher of the following: (i) 1/7th of the applicable rate "per week" for each daily period, or part thereof, of possession or (ii) 1/48th of the applicable rate "per week" for each hour, or part thereof, of actual use: *Provided,* That if such equipment is in actual use during such part of a weekly period for more than 48 hours, the maximum rental price for such part of a weekly period shall be the rental price determined in accordance with subparagraph (1) of this paragraph, together with subparagraphs (2) or (3), whichever may be applicable.

(c) *Monthly basis.* For any construction or road maintenance equipment leased by the month and:

(1) Which is not in actual use for more than 240 hours during one monthly period, the maximum rental price shall be the rental price calculated upon the basis of the applicable rate "per month" in the Table of Rates set forth in Appendix A, incorporated herein as § 1399.15;

(2) Which is in actual use for more than 240 hours during one monthly period, the maximum rental price for each additional hour, or part thereof, of actual use shall be the rental price calculated upon the basis of 1/480th of such applicable rate "per month";

(3) Which remains in the possession of the lessee for a part of a monthly period beyond one or more full monthly periods, the maximum rental price for such equipment for such part of the monthly period shall be the higher of the following: (i) 1/30th of the applicable rate "per month" for each daily period, or part thereof, of possession or (ii) 1/240th of the applicable rate "per month" for each hour, or part thereof, of actual use: *Provided,* That if such equipment is in actual use during such part of a monthly period for more than 240 hours, the maximum rental shall be the rental price determined in accordance with subparagraphs (1) and (2) of this paragraph.

§ 1399.3 *Rates most favorable to lessee.* Notwithstanding the provisions of § 1399.2, if any construction or road maintenance equipment is leased by the day and the rental price thereof calculated upon a daily basis exceeds the rental price calculated upon a weekly basis or upon a monthly basis, or if such equipment is leased by the week and the rental price thereof calculated upon a weekly basis exceeds the rental price calculated upon a monthly basis, the maximum price shall be the rental price calculated upon the basis most favorable to the lessee. This section shall apply even where the periods of rental are not consecutive, if the lessee in such case is willing to rent such equipment continuously and the interval between the termination of the initial period of rental and the commencement of the subsequent period of rental to the same lessee does not exceed thirty days. In such case, the maximum rental price shall be calculated as if the rental periods were consecutive.

§ 1399.4 *Minimum rental period.* (a) Notwithstanding the provisions of §§ 1399.1 and 1399.2, a lessor who, on April 15, 1942, observed an established practice of requiring a minimum period of rental for any construction or road maintenance equipment may continue the same practice for such equipment: *Provided,* That such lessor shall, on or before November 2, 1942, unless he has already done so, file a report with the Office of Price Administration, Washington, D. C., explicitly setting forth the nature of such practice, the construction or road maintenance equipment to which such practice applies, and copies of leases, invoices, or published rental lists and other relevant proof showing that such practice was in effect on April 15, 1942.

§ 1399.5 *Maximum rental prices on other bases.* (a) Except as otherwise provided in § 1399.15, Appendix A, for any construction or road maintenance equipment leased on a "per hour" or other basis not provided for in § 1399.2, the maximum rental price shall be:

(1) Determined in accordance with the provisions of paragraph (a) of § 1399.2, if such equipment is in the lessee's possession for not more than 4 consecutive daily periods;

(2) Determined in accordance with the provisions of paragraph (b) of § 1399.2, if such equipment is in the lessee's possession for more than 4 consecutive daily periods but not more than 3 consecutive weekly periods;

(3) Determined in accordance with the provisions of paragraph (c) of § 1399.2, if such equipment is in the lessee's possession for more than 3 consecutive weekly periods.

(b) The provisions of § 1399.3 shall apply to the determination of a maximum rental price pursuant to this section.

§ 1399.6 *Maximum charges for operating or maintenance services*—(a) *Maximum prices for services with established charges.* (1) If for any operating or maintenance service a supplier had an established charge in effect on March 31, 1942, the maximum charge to any purchaser or lessee for such service shall be the net charge which the supplier would have received on that date from a purchaser or lessee of the same class. "Established charge in effect" means the charge provided in published service charge sheets or the charge regularly quoted, whether such charge was included within the "rental" under a contract on a "fully operated" or similar basis, or was a separate charge for such service. If on March 31, 1942, however, a lessor leased construction or road maintenance equipment on a "fully operated" or similar basis and also on a "bare" basis, the established charge in effect on March 31, 1942, for the operating or maintenance services provided in the contract for such equipment on the "fully operated" or similar basis, when supplied in connection with the rental of such equipment, shall be the difference between the "rental" price in effect on March 31, 1942 of such equipment on the "fully operated" or similar basis and on the "bare" basis. "Net charge" means the amount charged to the purchaser after adjustment for all applicable extra charges, discounts and other allowances in effect on March 31, 1942.

(2) On or before November 2, 1942, every supplier of operating or maintenance services shall file with the Office of Price Administration, Washington, D. C., if he has not already done so, all his established charges in effect on March 31, 1942, for operating or maintenance services, a list of all services for which charges were regularly quoted on March 31, 1942, together with such charges, and a list of all discounts, allowances or extra charges in effect on that date.

(b) *Maximum prices for services without established charges.* (1) If for any operating or maintenance service a supplier had no established charge in effect on March 31, 1942, the maximum charge for such service shall be a charge which has been (i) determined on the basis of the following: Labor rates in effect on March 31, 1942, material prices in effect on that date, not to exceed the applicable maximum prices therefor, and the method of computing service charges, if any, in use by such supplier on that date, or if there was no such method, by a method appropriate to the service to be rendered and resulting in a price bearing a normal relation to the maximum price of a competitive supplier of the same or similar service, (ii) reported pursuant to subparagraph (2) of this paragraph and (iii) either approved or not disapproved by the Office of Price Administration within 30 days after receipt of such report. The Office of Price Administration may disapprove such charge in writing within such 30-day period and upon such disapproval the supplier shall recompute his proposed charge in accordance with the requirements of this paragraph and the suggestions contained in such disapproval and report the same pursuant to subparagraph (2) of this paragraph. Within five days prior to first filing such report and during such 30-day period, but not after such proposed charge shall have been disapproved by the Office of Price Administration, the supplier may quote, contract, or perform such operating or maintenance service at the proposed charge, but final settlement shall be made in accordance with the action of the Office of Price Administration on such report and, if required by the Office of Price Administration, refunds shall be made. If the first proposed charge is disapproved by the Office of Price Administration, the supplier shall not quote, contract, or supply any such service at a charge in excess of the charge suggested by the Office of Price Administration in its disapproval unless and until a proposed charge therefor has been recomputed, reported as herein provided and approved or not disapproved by the Office of Price Administration within 30 days after receipt of such report.

(2) The report required by subparagraph (1) of this paragraph shall be filed with the Office of Price Administration, Washington, D. C., and shall contain a description of the service, the proposed charge, and all relevant data relating to the determination of such charge, including evidence that the proposed charge was determined, so far as possible, on the basis of labor rates, material prices and the method of computing charges prescribed in subparagraph (1).

(c) *Flat rate for operating or maintenance services.* (1) If any supplier is required by an agency of the United States or desires to establish a flat hourly rate for any group of operating or maintenance services, the maximum charge for each service in such group shall be a charge which has been (i) calculated in such a way as to accomplish no increase in the weighted average of maximum charges for all services in such group, (ii) reported pursuant to subparagraph (2) of this paragraph, and (iii) either approved in writing or not disapproved by the Office of Price Administration within 30 days after receipt of such report. The Office of Price Administration may disapprove such charge in writing within such 30-day period and upon such disapproval the supplier shall recompute his proposed charge in accordance with the requirements of this paragraph and the suggestions contained in such disapproval and report the same pursuant to subparagraph (2) of this paragraph. Within five days prior to first filing such report and during such 30-day period, but not after such proposed charge shall have been disapproved by the Office of Price Administration, the supplier may quote, contract or perform such operating or maintenance services at the proposed charge, but final settlement shall be made in accordance with the action of the Office of Price Administration on such report and, if required, by the Office of Price Administration, refunds shall be made. If the first proposed charge is disapproved by the Office of Price Administration, the supplier shall not quote, contract, or supply any such services at a charge in excess of the charge suggested by the Office of Price Administration in its disapproval unless and until a proposed charge therefor has been recomputed, reported as herein provided and approved or not disapproved by the Office of Price Administration within 30 days after receipt of such report. If at any time the supplier shall, relative to the entire amount of services then being rendered at a particular flat rate, increase the services which had a low maximum charge hereunder or decrease the services which had a high maximum charge hereunder so that the weighted average of charges for all services then being rendered in such group has been increased over the weighted average of maximum charges for all services in such group, the Office of Price Administration may disapprove such maximum charge, but such disapproval shall not be retroactive.

(2) The report required by subparagraph (1) of this paragraph shall be filed with the Office of Price Administration, Washington, D. C., and shall contain a description of the services to which such flat rate is to be applied, the proposed flat rate, the rates or charges for such services in effect on March 31, 1942, or determined in accordance with paragraph (b) of this section, and an indication of the propor-

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[*] Copies may be obtained from the Office of Price Administration.

tion of the supplier's total business accounted for by each such service.

§ 1399.7 *"Fully operated" and similar contracts.* If any construction or road maintenance equipment is leased on a "fully operated" basis or on any other basis whereby the consideration represents payment both for the rental of such equipment and for the performance of any operating or maintenance service, such consideration shall not exceed the aggregate of the maximum rental price herein provided for such equipment and the maximum charge herein provided for such service, and the lessor shall separately itemize on the invoice the rental price and the service charge. This section shall apply whether or not equipment was leased on a "fully operated" or other lump sum basis in March 1942.

§ 1399.8 *Less than maximum prices.* Lower rental prices and lower charges for operating or maintenance services than those set forth in this Maximum Price Regulation No. 134, may be charged, demanded, paid, or offered.

§ 1399.9 *Evasion.* It shall be a violation of this Maximum Price Regulation No. 134, to effect a price increase above the applicable maximum rental price or maximum service charge by making a charge for transportation of construction or road maintenance equipment to or from the job on a basis not heretofore customarily used, by hereafter establishing or extending a minimum rental period for any construction or road maintenance equipment, by changing an adjunct or an accessory tool of any construction or road maintenance equipment to obtain a capacity higher than the manufacturer's rated capacity for such equipment, or by way of commission, service, or other charge or requirement, or by way of premium or other privilege, or in any other manner.

§ 1399.10 *Records and reports*—(a) *Records.* Persons subject to this Maximum Price Regulation No. 134, shall keep available for inspection by representative of the Office of Price Administration for a period of two years records of the following:

(1) *By the lessor of construction or road maintenance equipment.* Records of each lease or rental agreement subject hereto showing the name and address of the lessee, the items of equipment leased, the date of the lease, the actual period of lease, the total rental price paid, the method by which it was calculated, the construction project or locality for which the equipment was leased, and any payments to the lessor, in connection with such equipment, in addition to the rental price.

(2) *By the supplier of operating or maintenance services.* Records of all such services performed after the effective date of this Maximum Price Regulation No. 134, showing the name of the person for whom such services were performed, the date of the transaction, identification of the services providing a reference to a price list or to production records, and the net charge therefor, and, in addition, records showing as precisely as possible the basis upon which maximum charges for operating or maintenance services are determined.

(b) *Additional or substituted records and reports.* Every person subject to this Maximum Price Regulation No. 134, shall keep such other records and submit such other reports, including periodic financial statements, as the Office of Price Administration may from time to time require in writing, either in addition to or in substitution for records and reports herein required.

§ 1399.11 *Petitions for amendment*—(a) *Amendments.* Persons seeking modification of this Maximum Price Regulation No. 134, or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

(b) *Special amendments*—(1) *Counties of the State of Michigan.* Notwithstanding the provisions of § 1399.2, the maximum rental price for any construction or road maintenance equipment leased or furnished to the State of Michigan by the Board of County Road Commissioners of any County of the State of Michigan shall be the rental price agreed upon between the State of Michigan and its Counties on July 21, 1942, as set forth in the rate sheets filed with the Office of Price Administration on August 17, 1942.

§ 1399.12 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 134, are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 134, or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest District, State, or Regional Office of the Office of Price Administration or its principal Office in Washington, D. C.

§ 1399.13 *Definitions.* (a) When used in this Maximum Price Regulation No. 134, the term

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successors or representatives of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Construction or road maintenance equipment" means any machinery or equipment specifically set forth in the Table of Rates in Appendix A, incorporated herein as § 1399.15.

(3) "Rental price" means the amount charged for the use or possession of any construction or road maintenance equipment.

(4) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department and the following subsidiaries of the Reconstruction Finance Corporation: Rubber Reserve Company, Metals Reserve Company, Defense Plant Corporation, and Defense Supplies Corporation, or any agency of any of the foregoing.

(5) "Operating or maintenance service" means furnishing an operator, supervisor, mechanic or oiler for the operation of construction or road maintenance equipment and also means any operation in the repair and maintenance of construction or road maintenance equipment, including the supplying of fuel, oil, lubricants and repair parts in connection therewith, whether or not any of the foregoing is rendered under a contract on a "fully operated" or similar basis.

(6) "Daily period" means a period of 24 consecutive hours.

(7) "Weekly period" means a period of 7 consecutive daily periods.

(8) "Monthly period" means the period from any day in one month to the corresponding day in the succeeding month, if any, or if none, to the end of such succeeding month; except that for the purposes of § 1399.3 the term "monthly period" means a period of 30 daily periods.

(9) "Fully operated basis" refers to a contract in which the lessor, for the consideration paid by the lessee, rents construction or road maintenance equipment, furnishes the operator, supervisor, mechanic and/or oiler, supplies the necessary fuel, oil, grease and other lubricants and performs all the repairs and maintenance operations necessary to keep the equipment in working order.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 as amended shall apply to other terms used herein.

§ 1399.14 *Effective date.* This Maximum Price Regulation No. 134, (§§ 1399.1 to 1399.10 inclusive) shall become effective May 11, 1942.

§ 1399.14a *Effective dates of amendments.* (a) Amendment No. 1 (§ 1399.15) shall become effective May 11, 1942.

(b) Amendment No. 2 (§ 1399.11 (a)) shall become effective September 8, 1942.

(c) Amendment No. 3 (§§ 1399.1 to 1399.15) shall become effective October 22, 1942.

§ 1399.15 *Appendix A—Table of Rates.* Rental rates in this Table of Rates, unless otherwise provided therein, do not include charges for operator, supervisor, mechanic or oiler, or for fuel, oil or other lubricants, or for repairs or maintenance: *Provided,* That the lessor may not make any charge in addition to the maximum

rental price herein provided because of usual and ordinary wear and tear.

AIR COMPRESSORS—PORTABLE

[Two Stage and New Design Single Stage—Water Cooled or Air Cooled]

HIGH PRESSURE—GASOLINE

Free Air Delivered at 100 lbs.		Per Month	Per Week	Per Day
From and not including—(cubic feet)	To and including—(cubic feet)			
	65	$65.00	$22.00	$5.50
65	95	95.00	32.00	8.00
95	130	130.00	43.00	11.00
130	180	180.00	60.00	15.00
180	260	260.00	87.00	22.00
260	360	360.00	120.00	30.00

HIGH PRESSURE—DIESEL

Free Air Delivered at 100 lbs.		Per Month	Per Week	Per Day
From and not including—(cubic feet)	To and including—(cubic feet)			
	130	$162.00	$54.00	$13.50
130	180	224.00	75.00	19.00
180	260	298.00	99.00	25.00
260	340	414.00	138.00	34.50
340	390	450.00	150.00	37.50
390	460	495.00	165.00	41.00
460	560	608.00	203.00	51.00
560	800	878.00	293.00	73.00
800	999	1,080.00	360.00	90.00

SINGLE STAGE (OVER 5 YEARS)

Maximum rental per month $1.00 per cu. ft. of free air delivered at 100 lbs. pressure. Maximum rate per week ⅓ of maximum rate per month. Maximum rate per day 1⁄12 of maximum rate per month.

AIR COMPRESSORS—STATIONARY

HIGH PRESSURE WITH ELECTRIC MOTOR AND BELT OR COUPLING

Piston displacement		Per month	Per week	Per day
From and not including—(cubic feet)	To and including—(cubic feet)			
	13	$20.00	$6.75	$1.75
13	30	30.00	10.00	2.50
30	46	46.00	15.00	3.50
46	55	50.00	17.00	4.50
55	72	60.00	20.00	5.00
72	95	80.00	27.00	7.00
95	125	92.00	31.00	7.75
125	160	125.00	42.00	10.50
160	215	155.00	52.00	13.00
215	270	188.00	63.00	15.75
270	370	220.00	70.00	19.25
370	470	250.00	83.00	21.00
470	570	280.00	93.00	23.00

LOW PRESSURE WITH ELECTRIC MOTOR AND BELT OR COUPLING

40 LBS. AND UNDER

Piston displacement		Per month	Per week	Per day
From and not including—(cubic feet)	To and including—(cubic feet)			
	900	$250.00	$83.00	$21.00
900	1200	365.00	121.00	30.00

AIR COMPRESSORS—Continued

HIGH PRESSURE WITH GASOLINE-ENGINE AND BELT OR COUPLING

Piston displacement		Per month	Per week	Per day
From and not including—(cubic feet)	To and including—(cubic feet)			
	13	$26.00	$8.50	$2.25
13	30	40.00	13.00	3.50
30	46	60.00	20.00	5.00
46	55	75.00	25.00	6.50
55	72	85.00	28.00	7.00
72	95	100.00	33.00	8.50
95	125	130.00	43.00	10.75
125	160	163.00	54.00	13.50
160	215	220.00	73.00	18.25
215	270	267.00	89.00	22.00
270	370	350.00	117.00	29.00
370	470	450.00	150.00	37.00
470	570	550.00	183.00	46.00

Maximum rental prices calculated upon the basis of the above rates shall apply to the above equipment with or without any one or more of the following: idler, unloader, automatic oiler, starter.

AIR RECEIVERS

From and not including (cubic feet)	To and including (cubic feet)	Per month	Per week	Per day
	3½	$3.15	$1.05	$0.25
3½	8	3.85	1.25	0.30
8	15	6.30	2.10	0.50
15	25	9.10	3.00	0.75
25	40	11.90	4.00	1.00
40	75	15.40	4.75	1.25
75	125	23.00	7.75	2.00
125	185	31.00	10.25	2.50
185	245	42.00	14.00	3.50
245	350	49.00	16.25	4.00
350	500	66.00	22.00	5.50
500	625	86.00	29.00	7.25

AIR TOOLS

	Per month	Per week	Per day
Chippers	$20.00	$6.00	$2.50
Clay spades (one scoop) small	20.00	10.00	2.50
Clay spades (one scoop) large	25.00	12.00	3.00
Drifters	65.00	22.00	6.00
Grinders	30.00	12.00	3.00
Hoists—air 1 to 1500 lbs. inclusive, single stage	50.00	18.00	4.50
Hoists—air 1501 to 2500 lbs. inclusive, single stage	65.00	22.00	5.50
Hoists-air 1500 to 2500 lbs. inclusive, double drum	80.00	27.00	6.50
Hose-air up to and including ⅝ in., per 50′ length	5.00	2.50	1.00
Hose-air over ⅝ in.-1 in., per 50′ length	6.00	3.00	1.50
Hose whip	3.00	1.00	.50
Jack hammer 1 to 50 lbs. inclusive	30.00	10.00	2.50
Jack hammer 51 to 68 lbs. inclusive	35.00	12.00	3.00
Jack hammer 69 to 80 lbs. inclusive	40.00	13.00	4.25
Mounted jack hammer	60.00	20.00	5.00
Paving breakers 1 to 69 lbs. inclusive	30.00	14.00	3.50
Paving breakers 70 to 90 lbs. inclusive	35.00	15.00	3.50
Rivet buckerup	14.00	5.00	1.50
Rivet hammers	25.00	10.00	3.50
Saws—air	50.00	20.00	5.00
Sheeting drivers—air	54.00	18.00	4.50
Stopers	60.00	20.00	5.00
Tampers	25.00	12.50	3.50
Vibrators, concrete (small)	30.00	12.00	3.00
Vibrators, concrete (medium)	45.00	18.00	4.50
Vibrators, concrete (large)	65.00	22.00	5.50
Wagon drills (with air hoist)	165.00	50.00	10.00

All above air hose includes couplings, on both ends. Tools do not include air hose which is separate item.

AIR TOOLS—Continued

DRILL STEELS

From and not including		To and including		Per month	Per week	Per day
Feet	Inches	Feet	Inches			
		3	⅞	$1.00	$0.50	$0.25
3	⅞	5	⅞	1.25	.60	.30
5	⅞	7	⅞	2.00	.80	.40
7	⅞	9	⅞	2.25	1.00	.60
9	⅞	11	⅞	2.50	1.25	.80

Drill steels have rose point bits or are threaded for jackbits. Rates include threads on steel.

MOIL POINTS

	Per month	Per week	Per day
Moil points	$1.75	$1.25	$0.75

SHARPENING EQUIPMENT—FORGE

From and not including inches diameter	To and including inches diameter	Per month	Per week	Per day
	18	$30.00	$10.00	$2.50
18	28	40.00	13.00	3.50

SHARPENING EQUIPMENT—FORGING MACHINE

Maximum diameter of steel (inch)	Per month	Per week	Per day
1⅛	$75.00	$25.00	$6.50
1¼	125.00	42.00	10.50
1½	175.00	58.00	15.00

Dies included.

ANGLEDOZERS

For tractor of		Per month	Per week	Per day
From and not including—(Drawbar H. P.)	To and including—(Drawbar H. P.)			
	42	$105.00	$35.00	$8.50
42	66	135.00	45.00	11.00
66	89	148.00	49.00	12.00
89	135	175.00	55.00	14.00

When angledozer is rented with tractor, tractor and power unit rental may be added.

BACKFILLERS

CRAWLER TRACTION—GASOLINE OR DIESEL MOTORED

From and not including—(Belt H. P.)	To and including (Belt H. P.)	Per month	Per week	Per day
24	38	$325.00	$108.00	$27.00
38	46	385.00	128.00	32.00
46	56	555.00	185.00	46.00

Maximum rental prices calculated upon the basis of the above rates shall apply to the above equipment with or without any one or more of the following: scraper, tamper and necessary accessories.

BATCHERS-WEIGHING

WITH OR WITHOUT BIN GATES

	Per month	Per week	Per day
For weighing one material	$60.00	$20.00	$5.00
For weighing two materials	80.00	27.00	7.00
For weighing three materials	100.00	33.00	8.50
For weighing four materials	120.00	40.00	10.00

BINS

Maximum monthly rates on bins and supports shall not exceed 7½ percent of the maximum price established by any regulation issued by the Office of Price Administration for the sale of bins and supports to a purchaser of the same class as the lessor. The maximum weekly rate shall not exceed ⅓ of the maximum monthly rate; the maximum daily rate shall not exceed 1/12 of the maximum monthly rate.

BOILERS

VERTICAL

From and not including (boiler H. P.)—	To and including (boiler H. P.)—	Per month	Per week	Per day
	18	$30.00	$10.00	$5.00
18	32	75.00	25.00	6.50
32	55	100.00	33.00	8.50
55	90	125.00	42.00	10.50

HORIZONTAL—LOCOMOTIVE TYPE

From and not including—(boiler H. P.)	To and including—(boiler H. P.)	Per month	Per week	Per day
	55	$100.00	$33.00	$8.50
55	70	110.00	37.00	9.00
70	90	125.00	42.00	10.50
90	125	175.00	58.00	15.00
125	175	200.00	67.00	17.00

BUCKETS

CLAMSHELL

Cubic yards	Per month	Per week	Per day
¼	$62.00	$20.00	$5.00
⅜	67.00	22.00	5.50
½	75.00	25.00	6.25
⅝	80.00	26.00	6.50
¾	90.00	30.00	7.50
1	105.00	35.00	8.75
1¼	125.00	42.00	10.50
1½	140.00	46.00	11.50
1¾	148.00	47.00	11.75
2	155.00	52.00	13.00
2¼	210.00	70.00	17.50
2½	225.00	75.00	18.75
3	275.00	92.00	23.00
4	350.00	117.00	29.25

CONCRETE—BOTTOM DUMP

*Cubic yards	Per month	Per week	Per day
Under ½	$10.00	$3.50	$1.00
½	20.00	6.75	1.75
¾	23.00	7.75	2.00
1	30.00	10.00	2.50
1½	35.00	11.75	3.00
2	50.00	16.75	4.25
3	71.00	24.00	6.00
4	105.00	35.00	8.75

TIP OVER

From and not including—(cubic feet)	To and including—(cubic feet)	Per month	Per week	Per day
	16	$15.00	$5.00	$1.25
16	26	18.00	6.00	1.50
26	38	20.00	6.75	1.75
38	53	23.00	7.75	2.00
53	70	30.00	10.00	2.50

BUCKETS—Continued

DRAGLINE

Cubic yards	Per month	Per week	Per day
⅜	$50.00	$17.00	$4.25
½	55.00	18.25	4.50
⅝	66.00	22.00	5.50
¾	75.00	25.00	6.25
1	85.00	28.00	7.00
1¼	95.00	32.00	8.00
1½	105.00	35.00	8.75
1¾	116.00	37.00	9.00
2	125.00	42.00	10.50
2¼	133.00	44.00	11.00
2½	140.00	47.00	11.75
3	150.00	50.00	12.50
3½	158.00	53.00	13.25
4	165.00	55.00	13.75

ORANGE PEELS

From and not including—(cubic feet)	To and including—(cubic feet)	Per month	Per week	Per day
	6	$75.00	$25.00	$6.25
6	16	100.00	33.00	8.25
16	22	125.00	42.00	10.50
22	33	150.00	50.00	12.50
Cubic yards				
1¼		175.00	58.00	14.50
1½		200.00	67.00	16.50
2		225.00	75.00	18.75
2½		250.00	83.00	21.00
3		275.00	92.00	23.00

TOWER

From and not including—(cubic feet)	To and including—(cubic feet)	Per month	Per week	Per day
	11	$15.00	$5.00	$1.50
11	19	25.00	8.50	2.00
19	36	30.00	10.00	2.50

Maximum rental prices calculated upon the basis of the above rates shall apply to the above equipment with or without top and bottom switches.

BULLDOZERS

For tractor of:		Per month	Per week	Per day
From and not including—(drawbar H. P.)	To and including—(drawbar H. P.)			
	42	$88.00	$29.00	$7.25
42	66	110.00	37.00	9.25
66	89	120.00	40.00	10.00
89	135	145.00	48.00	12.00

When bulldozer is rented with tractor, tractor and power unit rental may be added.

CAGES—MATERIAL

WITH SHEAVES

	Per month	Per week	Per day
All sizes—single	$20.00	$7.00	$2.00
All sizes—double	30.00	10.00	2.50

CARTS

CONCRETE

	Per month	Per week	Per day
6 cu. ft. with legs steel wheels	$6.00	$2.00	$0.50
6 cu. ft. with rubber-tired wheels	12.00	4.00	1.00
9–11 cu. ft. inclusive with rubber-tired wheels	15.00	5.00	1.50

CHUTES

CONCRETE—SWIVEL HEAD

From and not including—(feet)	To and including—(feet)	Per month	Per week	Per day
	15	$5.00	$2.00	$0.50
15	25	10.00	3.00	0.75
25	35	15.00	5.00	1.25

COLUMN CLAMPS

Size of column		Per month	Per week	Per day
From and not including—(inches)	To and including—(inches)			
	40	$0.25	$0.10	$0.05
40	60	.30	.10	.05

CONVERTERS

ROTARY

	Per month	Per week	Per day
1,000 watt, 110 DC to 110 AC	$15.00	$5.00	$1.50

CRANES

(1) All crane rates are for cranes complete with factory length boom and do not include buckets.

(2) If the lessee requires and the lessor furnishes a boom longer than factory standard or other special accessories, the maximum additional rental rate with respect to all types of cranes listed in this Appendix A, shall be (a) on a monthly basis, 5½% per month of the maximum price established by any regulation issued by the Office of Price Administration for the sale of such additional length boom or special accessories to a purchaser of the same class as the lessor, (b) on a weekly basis, ⅓ of the foregoing maximum monthly rate, (c) on a daily basis, 1/12 of the foregoing maximum monthly rate.

(3) Crane capacities are based upon 75% of tipping load, without outriggers, except for truck cranes.

CRAWLER—GASOLINE ENGINE POWERED

From and not including—(tons)	To and including—(tons)	Radius (feet)	Per month	Per week	Per day
	5	10	$350.00	$117.00	$29.00
5	6⅛	10	400.00	133.00	33.00
4¾	7⅜	12	450.00	150.00	38.00
7⅜	8¾	12	500.00	167.00	42.00
8¾	14½	12	600.00	200.00	50.00
14½	19½	12	675.00	225.00	56.00
19½	24½	12	750.00	250.00	62.00
24½	33½	12	975.00	325.00	81.00
15	18½	20	1,200.00	400.00	100.00
18½	26	20	1,400.00	467.00	117.00
8	9½	45	1,700.00	567.00	142.00
9½	14½	45	2,000.00	667.00	167.00

CRAWLER—DIESEL ENGINE POWERED

From and not including—(tons)	To and including—(tons)	Radius (feet)	Per month	Per week	Per day
	5	10	$350.00	$117.00	$29.00
5	6⅛	10	450.00	150.00	38.00
4¾	7⅜	12	500.00	167.00	42.00
7⅜	8¾	12	600.00	200.00	50.00
8¾	14½	12	700.00	233.00	59.00
14½	19½	12	800.00	267.00	62.00
19½	24½	12	900.00	300.00	75.00
24½	33½	12	1,050.00	350.00	88.00
15	18½	20	1,500.00	500.00	125.00
18½	26	20	1,700.00	567.00	142.00
8	9½	45	2,000.00	667.00	167.00
9½	14½	45	2,220.00	747.00	186.00
14½	20	45	2,725.00	908.00	227.00

CRAWLER—STEAM ENGINE POWERED

From and not including—(tons)	To and including—(tons)	Radius (feet)	Per month	Per week	Per day
	9	10	$400.00	$133.00	$33.00
9	13½	10	475.00	158.00	40.00
13½	18½	12	600.00	200.00	50.00
18½	24½	12	725.00	242.00	60.00
24½	30½	12	950.00	317.00	79.00
30½	40½	12	1,400.00	467.00	117.00

LOCOMOTIVE—GASOLINE ENGINE POWERED

From and not including—(tons)	To and including—(tons)	Radius (feet)	Per month	Per week	Per day
	17	10	$900.00	$300.00	$75.00
17	22	10	1,050.00	350.00	88.00
22	27	12	1,100.00	367.00	92.00
27	32	12	1,300.00	430.00	108.00
32	37	12	1,500.00	500.00	125.00
37	42	12	1,700.00	567.00	142.00

LOCOMOTIVE—DIESEL ENGINE POWERED

From and not including—(tons)	To and including—(tons)	Radius (feet)	Per month	Per week	Per day
	17	10	$980.00	$327.00	$82.00
17	22	10	1,100.00	367.00	92.00
22	27	12	1,200.00	400.00	100.00
27	32	12	1,400.00	467.00	116.00
32	37	12	1,600.00	530.00	133.00
37	42	12	1,725.00	575.00	144.00

LOCOMOTIVE—STEAM ENGINE POWERED

From and not including—(tons)	To and including—(tons)	Radius (feet)	Per month	Per week	Per day
	17	12	$850.00	$283.00	$71.00
17	22	12	975.00	325.00	81.00
22	27	12	1,020.00	340.00	85.00
27	32	12	1,180.00	393.00	98.00
32	37	12	1,315.00	438.00	109.00
37	42	12	1,500.00	500.00	125.00

TRUCK—GASOLINE ENGINE POWERED

[Complete with boom and mounted on truck]

Manufacturers' rating		Radius (feet)	Per Month	Per Week	Per Day	Per Hour
From and not including—(tons)	To and including—(tons)					
	7	10	$555.00	$185.00	$46.00	$8.00
7	9	10	700.00	230.00	58.00	10.00
9	12	10	780.00	260.00	65.00	12.50
12	20	10	925.00	300.00	77.00	17.50

Monthly, weekly and daily truck crane rates do not include bucket or any operating or maintenance service.

Hourly truck crane rates do not include bucket, but include fuel, lubricants, operator, repair and maintenance and other items customarily included in hourly truck crane rates on October 1, 1941.

Maximum hourly rentals may begin when truck crane leaves for job and cease when truck crane returns to warehouse. Hourly rates apply only if truck crane is in lessee's possession for one weekly period or less.

CRUSHERS-JAW

[No accessories—without power]

	Per month	Per week	Per day
Opening 6 x 12	$55.00	$18.00	$4.50
Opening 8 x 15	66.00	22.00	5.50
Opening 9 x 16	85.00	28.00	7.00
Opening 8 x 24	110.00	37.00	9.50
Opening 9 x 24	165.00	55.00	14.00
Opening 9 x 36	195.00	65.00	16.50
Opening 10 x 16	135.00	45.00	11.00
Opening 10 x 20	155.00	52.00	13.00
Opening 10 x 30	190.00	63.00	16.00
Opening 10 x 36	210.00	70.00	17.50
Opening 10 x 40	225.00	75.00	19.00
Opening 12 x 24	220.00	73.00	18.00
Opening 12 x 36	265.00	88.00	22.00
Opening 12 x 38	360.00	120.00	30.00
Opening 18 x 36	440.00	147.00	37.00

The above rates include crusher being furnished with good, serviceable manganese jaws and equipment must be returned with jaws in the same condition.

If jaws are worn out or broken during job, replacement must be made by lessee.

These crusher rates do not include such equipment as elevators, screens or motive power. Elevators and screens are not generally rented and in no case are they rented except with a crusher. When they are rented the maximum monthly rate shall not exceed 10% of the maximum price established by any regulation issued by the Office of Price Administration for the sale of elevators and screens to a purchaser of the same class as the lessor. The maximum weekly rate may not exceed ⅓ of the maximum monthly rate, the maximum daily rate shall not exceed 1/12 of the maximum monthly rate.

DERRICKS

STIFF LEG—WITH SILLS

From and not including—(tons)	To and including—(tons)	Boom length (feet)	Mast height (feet)	Per month	Per week	Per day
	4	30–60	38 and under	$100.00	$33.00	$8.25
4	6	50–80	38 and under	215.00	72.00	18.00
		70–100	Over 38	285.00	95.00	24.00
6	9	50–80	38 and under	225.00	75.00	18.75
		70–100	Over 38	300.00	100.00	25.00
9	11	50–80	38 and under	255.00	85.00	21.00
		70–100	Over 38	335.00	112.00	28.00
11	13	50–80	38 and under	295.00	98.00	25.00
		70–100	Over 38	315.00	105.00	26.00
13	17	50–80	38 and under	305.00	102.00	25.00
		70–100	Over 38	390.00	130.00	33.00
17	22	50– 80	38 and under	355.00	118.00	29.00
		70–100	Over 38	415.00	138.00	35.00
22	27	50– 80	38 and under	405.00	135.00	34.00
		70–100	Over 38	450.00	150.00	37.00
27	32	50– 80	38 and under	455.00	152.00	38.00
		70–100	Over 38	490.00	163.00	41.00
32	42	50– 80	38 and under	530.00	177.00	44.00
		70–100	Over 38	555.00	185.00	46.00
42	52	50– 80	38 and under	590.00	197.00	49.00
		70–100	Over 38	625.00	208.00	52.00

DERRICKS—Continued

STIFF LEG—WITHOUT SILLS

From and not including—(tons)	To and including—(tons)	Boom length (feet)	Mast height (feet)	Per month	Per Week	Per day
	4	30- 60	38 and under	$90.00	$30.00	$7.50
		50- 80	38 and under	180.00	60.00	15.00
4	6	70-100	Over 38	230.00	77.00	19.25
		50- 80	38 and under	185.00	62.00	15.50
6	9	70-100	Over 38	240.00	80.00	20.00
		50- 80	38 and under	215.00	72.00	18.00
9	11	70-100	Over 38	270.00	90.00	22.00
		50- 80	38 and under	240.00	80.00	20.00
11	13	70-100	Over 38	300.00	100.00	25.00
		50- 80	38 and under	260.00	87.00	22.00
13	17	70-100	Over 38	325.00	108.00	28.00
		50- 80	38 and under	300.00	100.00	25.00
17	22	70-100	Over 38	365.00	122.00	30.00
		50- 80	38 and under	365.00	122.00	30.00
22	27	70-100	Over 38	405.00	135.00	34.00
		50-80	38 and under	410.00	137.00	35.00
27	32	70-100	Over 38	440.00	147.00	36.00
		50-80	38 and under	475.00	158.00	39.00
32	42	70-100	Over 38	500.00	167.00	42.00
		50-80	38 and under	530.00	177.00	44.00
42	52	70-100	Over 38	560.00	187.00	47.00

CIRCLE SWING

From and not including—(lbs.)	To and including—(lbs.)	Per month	Per week	Per day
	1,400	$15.00	$5.00	$1.50
1,400	2,200	17.00	6.00	1.50
2,200	3,000	20.00	7.00	2.00

Maximum rental prices calculated upon the basis of the above rates shall apply to equipment with the following items: winch, cable and load block.

POLE

	Per month	Per week	Per day
4 x 6—22 foot	$10.00	$4.00	$2.00
6 x 6—22 foot	12.50	4.00	4.00
6 x 8—22 foot	15.00	4.50	4.50
8 x 8—22 foot	17.50	5.00	5.00

Maximum rental prices calculated upon the basis of the above rates shall apply to the above equipment with the following items: winch, cable and load block.

GUY

From and not including—(tons)	To and including—(tons)	Boom length (feet)	Mast height (feet)	Per month	Per week	Per day
	5½	50-80	Under 90	$115.00	$38.00	$9.50
		70-100	90 and over	170.00	57.00	14.25
5½	8½	50-80	Under 90	135.00	45.00	11.25
		70-100	90 and over	185.00	62.00	15.50
8½	10½	50-80	Under 90	155.00	52.00	13.00
		70-100	90 and over	195.00	65.00	16.25
10½	13	50-80	Under 90	175.00	58.00	14.50
		70-100	90 and over	215.00	72.00	18.00
13	17	50-80	Under 90	195.00	65.00	16.25
		70-110	90 and over	245.00	82.00	20.00
17	22	50-80	Under 90	230.00	77.00	19.25
		70-110	90 and over	275.00	92.00	23.00
22	27	50-80	Under 95	290.00	97.00	24.00
		70-110	95 and over	340.00	113.00	28.00
27	35	50-90	Under 105	340.00	113.00	28.00
		80-110	105 and over	380.00	127.00	32.00
35	45	50-90	Under 105	400.00	133.00	33.00
		100-120	105 and over	450.00	150.00	37.00
45	55	50-90	Under 105	475.00	158.00	40.00
		90-120	105 and over	520.00	173.00	43.00

SETTER

	Per month	Per week	Per day
22-foot top point	$15.00	$5.00	$3.00
22-foot regular	15.00	5.00	3.00

Maximum rental prices calculated upon the basis of the above rates shall include winch, cable, and load block.

STIFF LEG—WOOD

From and not including—(tons)	To and including—(tons)	Per month	Per weeek	Per day
	1½	$35.00	$12.00	$3.00
1½	2½	50.00	17.00	4.50
2½	3½	75.00	25.00	6.50
3½	4½	100.00	33.00	8.50
4½	5½	125.00	42.00	10.50
5½	12½	150.00	50.00	12.50
12½	30	200.00	67.00	17.00

TOWER

	Per month	Per week	Per day
Any size	$25.00	$8.50	$2.00

Cable not included.

TRIPOD

Width (feet)	Capacity	Per month	Per week	Per day
12	2—4,000 lbs.	$20.00	$7.00	$2.00
14	2—4,000 lbs.	25.00	8.50	2.00

Maximum rental prices calculated upon the basis of the above rates shall apply to equipment with the following items included: cable, load block, and hand winch.

DRAGLINE EXCAVATORS

GASOLINE ENGINE DRIVEN—BUCKET INCLUDED

Capacity of machine when used as power shovel (cubic yards)	Per month	Per week	Per day
⅜	$400.00	$133.00	$33.00
½	450.00	150.00	38.00
⅝	475.00	158.00	40.00
¾	550.00	183.00	46.00
1	650.00	217.00	54.00
1¼	800.00	267.00	67.00
1½	1,000.00	333.00	83.00
1¾	1,250.00	417.00	104.00
2	1,500.00	500.00	125.00
2½	2,100.00	700.00	175.00

DIESEL ENGINE DRIVEN—BUCKET INCLUDED

Capacity of machine when used as a power shovel (cubic yards)	Per month	Per week	Per day
⅜	$500.00	$167.00	$42.00
½	525.00	175.00	44.00
⅝	550.00	183.00	46.00
¾	650.00	217.00	54.00
1	800.00	267.00	67.00
1¼	950.00	317.00	79.00
1½	1,100.00	367.00	92.00
1¾	1,600.00	533.00	133.00
2	1,800.00	600.00	150.00
2½	2,350.00	783.00	196.00
3	2,850.00	950.00	238.00
3½	3,150.00	1,050.00	262.00

STEAM—BUCKET INCLUDED

Capacity of machine when used as a power shovel (cubic yards)	Per month	Per week	Per day
½	$485.00	$162.00	$40.00
¾	545.00	182.00	46.00
1	600.00	200.00	50.00
1¼	860.00	287.00	72.00
1½	1,000.00	333.00	83.00
2	1,400.00	467.00	116.00

Where the dragline is not convertible into a shovel, the maximum rental rate may not exceed the corresponding crane rate (based upon 75% of tipping load) plus the applicable bucket rate, as established in this regulation.

DRILLS—ROTATING

AIR—WOOD

From and not including—(inches)	To and including—(inches)	Per month	Per week	Per day
	1½	$10.00	$3.50	$1.00
1½	3	20.00	7.00	2.00
3	5	30.00	10.00	2.50

AIR—METAL

Inches	Per month	Per week	Per day
½	$12.00	$4.00	$1.00
⅞	15.00	5.00	1.50
1¼	25.00	8.50	2.00
2	35.00	12.00	3.00
3	40.00	13.00	3.50

AIR—CLOSE QUARTER

Inches	Per month	Per week	Per day
⅞	$15.00	$5.00	$1.50
1¼	25.00	8.50	2.00
2	35.00	12.00	3.00

Maximum rental prices calculated upon the basis of the above rates shall apply to equipment with boring chuck mandrel or plate for attaching or holding these items included. However, drill bits, augers, or grinding wheels are not included.

ELECTRIC

Inches	Per month	Per week	Per day
¼	$15.00	$5.00	$1.50
½	20.00	7.00	2.00
⅝	25.00	8.50	2.00

Maximum rental prices calculated upon the basis of the above rates shall apply to equipment with standard length electric cable included.

DUMP CARS

24″ TO 36″ GAUGE

From and not including—(cubic yard)	To and including—(cubic yard)	Per month	Per week	Per day
	⅞	$20.00	$7.00	$2.00
⅞	1¼	25.00	8.50	2.00
1¼	1¾	35.00	12.00	3.00
1¾	2¼	45.00	15.00	4.00

ELEVATING GRADERS

POWER

	Per month	Per week	Per day
45 in. and under, with 35 or more H. P	$350.00	$117.00	$29.00
Over 45 in. to 52 in. inclusive, with 40 or more H. P	400.00	133.00	33.00

ELEVATING GRADERS—Continued

GEAR-DRIVEN

	Per month	Per week	Per day
40 in. to 44 in. inclusive, hand control	$100.00	$33.00	$8.50

TAKE-OFF

	Per month	Per week	Per day
45 in. and under, power control	$275.00	$92.00	$23.00
Over 45 in. to 52 in. inclusive, power control	300.00	100.00	25.00
32 in. to 40 in. inclusive, hand control	225.00	75.00	19.00

ENGINES

SINGLE CYLINDER—GASOLINE

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
	1½	$10.00	$3.50	$1.00
1½	2½	12.00	4.00	1.00
2½	3½	14.00	4.50	1.25
3½	4½	16.00	5.50	1.50
4½	5½	18.00	6.00	1.50
5½	6½	20.00	7.00	2.00

2,4 OR 6 CYLINDER WITH CLUTCH—GASOLINE

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
	13	$25.00	$8.00	$2.00
13	22	40.00	13.00	3.50
22	30	50.00	17.00	4.50
30	40	60.00	20.00	5.00
40	55	70.00	23.00	6.00
55	70	90.00	30.00	7.50
70	90	127.00	42.00	10.50
90	115	180.00	60.00	15.00
115	140	245.00	82.00	20.00
140	165	320.00	107.00	27.00

DIESEL—WITH CLUTCH

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
	13	$37.00	$12.50	$3.25
13	22	60.00	20.00	5.00
22	30	75.00	25.00	6.50
30	40	90.00	30.00	7.50
40	55	105.00	35.00	9.00
55	70	135.00	45.00	11.00
70	90	210.00	70.00	17.50
90	115	245.00	82.00	20.00
115	140	295.00	98.00	24.00
140	165	445.00	148.00	37.00
165	185	515.00	172.00	43.00
185	210	635.00	212.00	53.00
210	235	785.00	262.00	65.00

STEAM-VERTICLE

	Per month	Per week	Per day
5 to 20 H. P., inclusive	$20.00	$7.00	$2.00

STEAM-SWING

	Per month	Per week	Per day
5 inch bore by 6 inch stroke	$35.00	$12.00	$3.00
6½ inch bore by 8 inch stroke	50.00	16.50	4.50

FINEGRADERS

Self-Powered

Maximum cutting width		Per month	Per week	Per day
From and not including—(feet)	To and including—(feet)			
	11	$415.00	$138.00	$35.00
11	16	510.00	170.00	42.00
16	26	750.00	250.00	62.00

FINISHING MACHINES

Concrete Floor-Trowel Gasoline or Electric

	Per month	Per week	Per day
All sizes	$60.00	$20.00	$5.00

Concrete Road Machine

(Engines-tamping attachment)

From and not including—(feet)	To and including—(feet)	Per month	Per week	Per day
	12	$376.00	$125.00	$31.00
12	18	394.00	131.00	33.00
18	24	412.00	137.00	34.00
24	30	495.00	165.00	41.00
30	35	515.00	172.00	43.00

Vibrators for Finishing Machine

Double pan		Per month	Per week	Per day
From and not including—(feet)	To and including—(feet)			
	12	$165.00	$55.00	$14.00
12	18	190.00	63.00	16.00
18	24	215.00	72.00	18.00
24	30	275.00	92.00	23.00
30	35	312.00	104.00	26.00
Single pan all sizes		132.00	44.00	11.00

Bituminous Machine—Gasoline Engine Driven

	Per month	Per week	Per day
All sizes	$750.00	$250.00	$63.00

FLOATS

Concrete Floor

Compactor size		Per month	Per week	Per day
From and not including—(inches)	To and including—(inches)			
	18	$40.00	$13.00	$3.50
18	22	65.00	22.00	5.50
22	36	75.00	25.00	6.50

FORMS

Sidewalk and Road

Depth (inch)	Base	Length (feet)	Price per ft. per month
4	6 inches or less	10	$0.07
5	6 inches or less	10	.09
6	6 inches or less	10	.10
7	6 inches or less	10	.10
8	6 inches or less	10	.11
9	6 inches or less	10	.12
10	6 inches or less	10	.13
12	6 inches or less	10	.16
6	6 inches	10	.13
7	8 inches	10	.13
8	8 inches	10	.14
9	8 inches	10	.15
9	9 inches	10	.16
10	8 inches	10	.16
10	10 inches	10	.17
4 inch cross plates for sidewalk divisions			.04

GENERATORS

Electric—No Power or Switchboard

From and not including—(kilowatt)	To and including—(kilowatt)	Per month	Per week	Per day
	1½	$15.00	$5.00	$1.50
1½	3½	18.00	6.00	1.50
3½	6	25.00	8.00	2.00
6	8	32.00	11.00	3.00
8	12½	40.00	13.00	3.50
12½	17½	48.00	16.00	4.00
17½	22½	55.00	18.00	4.50
22½	32½	60.00	20.00	5.00
32½	42½	70.00	23.00	6.00
42½	62½	85.00	28.00	7.00

When generators are rented with gasoline, Diesel or electric power units, the maximum rental price of the complete unit will be the sum of the rentals of the separate units plus any assembly cost involved.

GRADERS

Self-Propelled, Gasoline, Pneumatic Tired

	Per month	Per week	Per day
Single drive, light (8,600 to 14,000 lbs. inclusive)	$275.00	$92.00	$23.00
Tandem drive, medium weight (1 to 18,999 lbs. inclusive)	400.00	133.00	33.00
Tandem drive, heavy duty (19,000 to 21,000 lbs. inclusive)	470.00	156.00	39.00
All wheel drive and steer	527.00	175.00	43.00

Self-Propelled, Diesel, Pneumatic Tired

	Per month	Per week	Per day
Lightweight (1 to 16,500 lbs. inclusive)	$342.00	$113.00	$28.00
Medium weight (16,501 to 18,500 lbs. inclusive)	460.00	153.00	38.00
Extra heavy duty (18,501 to 21,000 lbs. inclusive)	525.00	173.00	42.00
All wheel drive and steer	580.00	193.00	48.00

GRADERS—Continued

Towed—Manually Operated

From and not including—(feet)	To and including—(feet)	Per month	Per week	Per day
	7	$50.00	$17.00	$4.50
7	9	100.00	33.00	8.50
9	11	150.00	50.00	12.50
11	13	175.00	58.00	15.00

Towed—Power Operated

From and not including—(feet)	To and including—(feet)	Per month	Per week	Per day
	9	$125.00	$42.00	$10.50
9	11	190.00	63.00	15.75
11	13	225.00	75.00	18.75

HAMMERS

Electric

From and not including—(inches)	To and including—(inches)	Per month	Per week	Per day
	¾	$42.00	$14.00	$3.50
¾	1¼	60.00	20.00	5.00
1¼	1¾	72.00	24.00	6.00
1¾	2½	84.00	25.00	7.00

Gasoline

	Per month	Per week	Per day
All sizes	$75.00	$25.00	$6.50

Pile—Drop

From and not including—(pounds)	To and including—(pounds)	Per month	Per week	Per day
	1,500	$15.00	$5.00	$1.50
1,500	2,250	20.00	7.00	2.00
2,250	3,000	25.00	8.00	2.00
Cap for above		7.00	2.00	1.00

Pile—Steam

	Per month	Per week	Per day
No. 1—McKiernan-Terry	$60.00	$20.00	$5.00
No. 2—McKiernan-Terry	70.00	20.00	5.00
No. 3—McKiernan-Terry	75.00	25.00	6.00
No. 5—McKiernan-Terry	95.00	30.00	7.00
No. 6—McKiernan-Terry	115.00	40.00	10.00
No. 7—McKiernan-Terry	135.00	45.00	11.00
No. 9B2—McKiernan-Terry	204.00	68.00	17.00
No. 9B3—McKiernan-Terry	204.00	68.00	17.00
No. 10B2—McKiernan-Terry	270.00	90.00	22.50
No. 10B3—McKiernan-Terry	270.00	90.00	22.50
No. 11B2—McKiernan-Terry	320.00	107.00	27.00
No. 2—Vulcan	150.00	50.00	12.50
No. 1—Vulcan	204.00	68.00	17.00
No. 0—Vulcan	280.00	95.00	25.00
No. 00—Vulcan	350.00	115.00	30.00
No. 200—Vulcan Pile Extractor	85.00	28.00	7.00
No. 400—Vulcan Pile Extractor	140.00	47.00	12.00
No. 800—Vulcan Pile Extractor	240.00	80.00	20.00

Trade names are mentioned to indicate size. Hammers or extractors of manufacturers not mentioned shall be subject to the same rates as similar sizes and types of trade names mentioned.

HEATERS

Concrete

For mixer		Per month	Per week	Per day
From and not including	To and including			
	7 S	$25.00	$8.00	$2.50
7 S	21 S	35.00	10.00	3.50

TANK CAR

Portable—On Two to Four Wheels

	Per month	Per week	Per day
2-car or 3-car capacity	$210.00	$75.00	$20.00

HOISTS

Gasoline—Single Drum

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
	8	$35.00	$12.00	$3.00
8	14	55.00	18.00	4.50
14	22	60.00	20.00	5.00
22	29	75.00	25.00	6.50
29	42	95.00	32.00	8.00
42	55	130.00	43.00	11.00
55	65	140.00	47.00	12.00
67	78	160.00	53.00	13.00
78	92	190.00	63.00	16.00
92	112	250.00	83.00	21.00

Gasoline—Double Drum

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
	22	$80.00	$27.00	$7.00
22	28	100.00	33.00	8.50
28	45	125.00	42.00	10.50
45	55	160.00	53.00	13.00
55	65	175.00	58.00	15.00
65	75	185.00	62.00	16.00
75	90	220.00	73.00	18.00
90	110	270.00	90.00	22.00

Gasoline—Three Drum

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
	42	$130.00	$43.00	$10.75
42	57	190.00	63.00	15.75
57	72	230.00	77.00	19.25
72	87	295.00	98.00	25.00
87	112	340.00	113.00	28.00
112	127	400.00	133.00	33.00

Electric—Single Drum

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
	12	$48.00	$16.00	$4.00
12	17	60.00	20.00	5.00
17	27	75.00	25.00	6.50
27	37	100.00	33.00	8.50
37	47	115.00	38.00	9.50
47	57	130.00	43.00	11.00
57	67	150.00	50.00	12.50
67	92	160.00	53.00	13.00
92	112	200.00	67.00	17.00
112	137	300.00	100.00	25.00
137	177	380.00	127.00	32.00
177	222	440.00	137.00	37.00

HOISTS—Continued

Electric—Double Drum

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
	12	$58.00	$19.00	$5.00
12	17	72.00	24.00	6.00
17	27	90.00	30.00	7.50
27	37	120.00	40.00	10.00
37	47	138.00	46.00	11.50
47	57	156.00	52.00	13.00
57	67	171.00	57.00	14.00
67	92	192.00	64.00	16.00
92	112	240.00	80.00	20.00
112	137	350.00	117.00	29.00
137	177	450.00	150.00	37.00
177	222	525.00	175.00	44.00

Electric—Three Drum

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
	37	$123.00	$41.00	$10.25
37	47	165.00	55.00	13.75
47	57	185.00	62.00	15.50
57	67	235.00	78.00	20.00
67	82	295.00	98.00	25.00
82	112	360.00	120.00	30.00
112	137	485.00	162.00	40.00
137	177	545.00	182.00	45.00
177	222	620.00	207.00	52.00

The above electric hoist rates include grid resistor and drum type controller and are based on normal range of line speeds.

Steam—No Boilers—Single Drum

	Per month	Per week	Per day
4¾ x 6	$35.00	$12.00	$3.00
7 x 10	45.00	15.00	4.00
3¼ x 10	65.00	22.00	5.50
9 x 12	75.00	25.00	6.50

Steam—No Boilers—Double Drum

	Per month	Per week	Per day
7 x 10	$55.00	$18.00	$4.50
6½ x 10	80.00	27.00	6.75
9 x 12	100.00	33.00	8.50

Steam—No Boilers—Three Drum

	Per month	Per week	Per day
7 x 10	$75.00	$25.00	$6.50
8¼ x 10	95.00	32.00	8.00
9 x 12	125.00	42.00	10.50

Steam—With Boilers—Single Drum

	Per month	Per week	Per day
4¾ x 6	$60.00	$20.00	$5.00
7 x 10	100.00	33.00	8.50
8¼ x 10	125.00	42.00	10.50
9 x 12	150.00	50.00	12.50

Steam—With Boilers—Double Drum

	Per month	Per week	Per day
7 x 10	$125.00	$42.00	$10.50
8¼ x 10	150.00	50.00	12.50
9 x 12	175.00	58.00	15.00

HOISTS—Continued

Steam—With Boilers—Three Drum

	Per month	Per week	Per day
7 x 10	$150.00	$50.00	$12.50
8¼ x 10	175.00	58.00	15.00
9 x 12	200.00	67.00	17.00

Air

	Per month	Per week	Per day
1-1,500 lbs. inclusive, single drum	$55.00	$18.00	$4.50
1,501 lbs. to 2,500 lbs. inclusive, single drum	65.00	22.00	5.50
1,500 lbs. to 2,500 lbs. inclusive, double drum	90.00	30.00	7.50

Air hoist rates do not include hose.

Chain

From and not including—(tons)	To and including—(tons)	Per month	Per week	Per day
	1½	$15.00	$5.00	$1.50
1½	2½	20.00	7.00	2.00
2½	4	25.00	8.50	2.00
4	6½	30.00	10.00	2.50
6½	9	50.00	17.00	4.50
9	12	60.00	20.00	5.00

HOPPERS

Floor—Single Gate—Without Legs

	Per month	Per week	Per day
30 cu. ft. and under	$15.00	$5.00	$1.50
Over 30 cu. ft. to 60 cu. ft., inclusive	20.00	7.00	2.00

Floor-Single Gate—With Legs

	Per month	Per week	Per day
30 cu. ft. and under	$18.00	$6.00	$1.50
Over 30 cu. ft. to 60 cu. ft., inclusive	24.00	8.00	2.00

Floor—Double Gate—Without Legs

	Per month	Per week	Per day
30 cu. ft. and under	$18.00	$6.00	$1.50
Over 30 cu. ft. to 60 cu. ft., inclusive	24.00	8.00	2.00

Floor—Double Gate—With Legs

	Per month	Per week	Per day
30 cu. ft. and under	$22.00	$7.50	$2.00
Over 30 cu. ft. to 60 cu. ft., inclusive	30.00	10.00	2.50

Tower

	Per month	Per week	Per day
30 cu. ft. and under	$15.00	$5.00	$1.50
Over 30 cu. ft. to 60 cu. ft., inclusive	20.00	7.00	2.00

Truck Mixer—With Legs

	Per month	Per week	Per day
Special, double gate, 2- to 4-yard	$60.00	$20.00	$5.00

HOSE-SUCTION

Couplings Attached

Diameter (inch)	Length (feet)	Per month	Per week	Per day
1½	10	$3.40	$1.10	$0.30
1½	12	4.00	1.30	0.35
1½	15	4.80	1.60	0.40
1½	20	6.25	2.10	0.50
2	10	4.20	1.40	0.35
2	12	4.90	1.60	0.40
2	15	6.00	2.00	0.50
2	20	7.75	2.60	0.65
2½	10	5.25	1.75	0.45
2½	12	6.10	2.00	0.50
2½	15	7.40	2.50	0.60
2½	20	9.60	3.20	0.80
3	10	6.00	2.00	0.50
3	12	7.00	2.30	0.60
3	15	8.50	2.80	0.70
3	20	11.00	3.75	0.90
4	10	8.00	2.75	0.65
4	12	9.40	3.10	0.80
4	15	11.25	3.75	0.95
4	20	14.50	4.80	1.20
6	10	16.50	5.50	1.40
6	12	22.00	7.20	1.80
6	15	23.00	7.75	1.95
6	20	30.00	10.00	2.50

JACKS

Bridge

(Geared Screw or Heavy Hydraulic)

From and not including—(tons)	To and including—(tons)	Per month	Per week	Per day
	20	$25.00	$10.00	$2.50
20	30	35.00	13.00	3.50
30	42	45.00	15.00	4.00
42	62	60.00	20.00	5.00
62	87	80.00	27.00	7.00
87	115	100.00	33.00	8.50

Hydraulic

From and not including—(tons)	To and including—(tons)	Per month	Per week	Per day
	6½	$4.00	$1.25	$0.50
6½	10	6.00	2.00	0.50
10	16	10.00	3.50	1.00
16	35	15.00	5.00	1.50
35	60	20.00	7.00	2.00

Journal

From and not including—(tons)	To and including—(tons)	Per month	Per week	Per day
	12	$10.00	$3.50	$1.00
12	20	15.00	5.00	1.50
20	30	20.00	7.00	2.00
30	42	25.00	8.00	2.00
42	60	30.00	10.00	2.50

Ratchet

From and not including—(tons)	To and including—(tons)	Per month	Per week	Per day
	12	$8.00	$2.50	$0.50
12	17	10.00	3.00	1.00
17	22	15.00	5.00	1.50

Screw

From and not including—(tons)	To and including—(tons)	Per month	Per week	Per day
	7	$1.25	$0.50	$0.15
7	11	1.75	0.50	0.15
11	13½	3.00	1.00	0.25
13½	17½	3.75	1.25	0.35
17½	25	4.00	1.50	0.40

JACKS—Continued

Track

(Single Acting)

	Per month	Per week	Per day
12 to 17 tons, inclusive	$15.00	$5.00	$1.50

Trench

(Without Filler)

	Per month	Per week	Per day
1½ x 12, per dozen	$5.00	$2.00	$0.50
1½ x 18, per dozen	7.00	2.50	0.65
2 x 18, per dozen	10.00	3.50	1.00

KETTLES—TAR AND ASPHALT HEATING

Oil Burning—Stationary

From and not including—(gals.)	To and including—(gallons)	Per month	Per week	Per day
	45	$19.00	$6.00	$1.50
45	85	22.00	7.50	1.75
85	135	23.00	8.00	2.00
135	185	26.00	8.50	2.25
185	255	30.00	10.00	2.50
255	355	42.00	14.00	3.50

Oil Burning—Portable

From and not including—(gals.)	To and including—(gallons)	Per month	Per week	Per day
	45	$20.00	$6.75	$1.75
45	85	28.00	9.25	2.25
85	135	31.00	10.25	2.50
135	185	33.00	11.00	2.75
185	255	40.00	13.25	3.25
255	355	52.00	17.25	4.25

Wood Burning—Portable or Stationary

From and not including—(gals.)	To and including—(gallons)	Per month	Per week	Per day
	45	$15.00	$5.00	$1.25
45	85	20.00	6.50	1.50
85	135	22.00	7.50	1.75
135	185	24.00	8.00	2.00

LIGHTING PLANTS

Gasoline Engine Driven—AC or DC

From and not including—(watts)	To and including—(watts)	Per month	Per week	Per day
	1,100	$40.00	$13.00	$3.50
1,100	1,750	50.00	17.00	4.50
1,750	2,900	60.00	20.00	5.00
2,900	4,500	75.00	25.00	6.25
4,500	6,000	90.00	30.00	7.50
6,000	9,000	110.00	37.00	9.00
9,000	12,000	150.00	50.00	12.00
12,000	17,000	175.00	58.00	14.50
17,000	22,000	200.00	67.00	16.25

LIGHTS

Carbic

	Per month	Per week	Per day
No. 2 Carbic or equivalent	$10.00	$3.50	$1.00

LOADERS—BUCKET

From and not including—(cu. yds. per minute)	To and including—(cu. yds. per minute)	Per month	Per week	Per day
	1¾	$245.00	$82.00	$20.00
1¾	2¼	335.00	112.00	28.00
2¼	3¼	485.00	162.00	40.00
3¼	4	560.00	187.00	47.00
4	6	745.00	238.00	62.00
6	8	810.00	270.00	68.00

LOADERS—FRONT END

Wheel Type Tractor Complete With Attachments

From and not including—(drawbar H. P.)	To and including—(drawbar H. P.)	Per month	Per week	Per day
45	55	$240.00	$80.00	$20.00
55	65	345.00	115.00	29.00
Attachments, all sizes.		70.00	23.00	5.75

LOADER ATTACHMENTS—FRONT END

For Crawler Tractors

For tractor of—		Per month	Per week	Per day
From and not including—(drawbar H. P.)	To and including—(drawbar H. P.)			
20	30	$90.00	$30.00	$7.50
30	40	115.00	38.00	9.50
40	65	210.00	70.00	17.50
65	85	340.00	113.00	28.00
85	135	470.00	157.00	39.00

LOADERS—PORTABLE BELT

Gas or Electric Powered—Length of Belt 16–62 Feet

Width of Belt		Per month	Per week	Per day
From and not including—(inches)	To and including—(inches)			
15	19	$160.00	$53.00	$13.25
19	23	165.00	54.00	13.75
23	27	170.00	55.00	14.25
27	32	180.00	56.00	15.00

MIXERS OR AGITATORS—TRUCK

Separate Gasoline Engine Drive No Trucks Included

Lessee Does Own Mounting

Capacity (cubic yards)	Per month	Per week	Per day
1	$175.00	$58.00	$14.50
1½	200.00	67.00	16.25
2	255.00	85.00	21.00
2½	280.00	93.00	23.00
3	320.00	107.00	27.00
3½	335.00	112.00	28.00
4	380.00	127.00	32.00
4½	400.00	133.00	33.00
5	426.00	142.00	36.00
5½	455.00	152.00	38.00
6	475.00	158.00	40.00

MIXERS—BITUMINOUS

Central Bituminous Plant—Gasoline or Diesel Engine

(With Gradation Control Unit)

Minimum factory rating		Per month	Per week	Per day
From and not including—(tons per hour)	To and including—(tons per hour)			
	30	$1,127.00	$376.00	$94.00
30	50	1,573.00	524.00	131.00
50	70	2,018.00	672.00	168.00
70	90	2,217.00	739.00	185.00
90	110	3,500.00	1,166.00	292.00

Central Bituminous Plant—Gasoline or Diesel Engine

(Without Gradation Control Unit)

Minimum factory rating		Per month	Per week	Per day
From and not including—(tons per hour)	To and including—(tons per hour)			
	30	$580.00	$193.00	$48.00
30	50	900.00	300.00	75.00
50	70	1,410.00	470.00	117.00

Traveling Bituminous Plant—Self Propelling—Gasoline or Diesel Engine—Without Dryer and Gradation Control Unit

Maximum factory rating		Per month	Per week	Per day
From and not including—(cu. yds. per minute)	To and including—(cu. yds. per minute)			
	1¼	$765.00	$255.00	$64.00
1¼	1¾	1085.00	362.00	90.00
1¾	4	1200.00	400.00	100.00

Traveling Bituminous Plant—Non-self Propelling—Gasoline or Diesel Without Dryer and Gradation Control Units

Maximum factory rating		Per month	Per week	Per day
From and not including—(cu. yds. per minute)	To and including—(cu. yds. per minute)			
	1¼	$470.00	$157.00	$39.00
1¼	1¾	670.00	223.00	56.00
1¾	2½	875.00	292.00	73.00

The capacities of the plants are figured for Hot Mix Asphaltic Concrete using aggregate weighing 90 lbs. per cubic foot, the aggregate being mixed 1½ minutes.

Hot Asphaltic Mix

Maximum rental $0.25 per ton produced.

Bituminous Mixers may be leased on either a tonnage or time basis.

Cold Asphaltic Mix

Maximum rental $0.13 per ton produced.

Bituminous Mixers may be leased on either a tonnage or time basis.

MIXERS—CONCRETE

Portable

	Per month	Per week	Per day
4½ S and under Low Charger	$35.00	$12.00	$3.00
4½ S and under Power Charger	47.00	15.00	4.00
Over 4½ S to 6 S inclusive, Low Charger	52.00	17.50	4.50
Over 4½ S to 6 S inclusive, Power Charger	65.00	21.00	5.00
Over 6 S to 8½ S inclusive, Low Charger	71.00	24.00	6.00
Over 6 S to 8½ S inclusive, Power Charger	85.00	28.00	7.00
Over 8½ S to 12 S inclusive, Low Charger	90.00	30.00	7.50
Over 8½ S to 12 S inclusive, Power Charger	120.00	40.00	10.00
Over 12 S to 16 S inclusive, Power Charger	155.00	52.00	13.00
Over 25 S to 30 S inclusive, Batch Hopper	210.00	70.00	17.50

Rates include measuring tank but do not include batchmeter or pump.

Add for Batchmeter	$5.00	$3.00	$0.50
Add for Pump	4.00	1.50	0.50

Paving

From and not including—(cubic feet)	To and including—(cubic feet)	Per month	Per week	Per day
	24	$300.00	$100.00	$25.00
24	30	785.00	295.00	74.00
30	37	1,335.00	444.00	111.00
24	30 (old style)	525.00	175.00	44.00

MIXERS—MORTAR OR PLASTER

	Per month	Per week	Per day
One bag	$60.00	$20.00	$5.00
Two bags	80.00	27.00	6.50

MOTORS—ELECTRIC

Squirrel Cage—3 Phase with Starter

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
	6	$10.00	$3.50	$1.00
6	9	15.00	5.00	1.50
9	17½	20.00	7.00	2.00
17½	27½	40.00	13.50	3.50
27½	45	50.00	17.00	4.50
45	55	60.00	20.00	5.00
55	75	75.00	25.00	6.50
For motors over 75 H. P., rate per H. P		1.00	.35	.10

A maximum of 10 percent of the maximum price established by any regulation issued by the Office of Price Administration for the sale of panels to a purchaser of the same class as the lessor may be added to each month's rental rate when panels are included with the motor. The maximum weekly rate shall not exceed ⅓ of the maximum monthly rate; the maximum daily rate shall not exceed 1/12 of the maximum monthly rate.

MOTORS—ELECTRIC—Continued

Variable Speed (Slip Ring)—3 Phase With Grids and Controller

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
	17½	$25.00	$8.00	$2.00
17½	27½	50.00	16.50	4.00
27½	45	65.00	22.00	5.50
45	55	75.00	25.00	6.50
55	75	95.00	32.00	8.00
For motors over 75 H. P., rate per H. P		1.25	.40	.10

A maximum of 10 percent of the maximum price established by any regulation issued by the Office of Price Administration for the sale of motor starting equipment to a purchaser of the same class as the lessor may be added to each month's rental rate when motor starting equipment is included with the motor. The maximum weekly rate shall not exceed ⅓ of the maximum monthly rate; the maximum daily rate shall not exceed 1/12 of the maximum monthly rate.

PIPELAYER ATTACHMENTS

For Tractor of—		Per month	Per week	Per day
From and not including—(drawbar H. P.)	To and including—(drawbar H. P.)			
20	40	$165.00	$55.00	$14.00
40	60	200.00	67.00	16.75
60	85	235.00	78.00	19.50
85	135	310.00	103.00	26.00

Where pipelayer attachment is rented with tractor, tractor rates may be added.

PUMP FOR HYDRAULIC TRACTOR ACCESSORIES

	Per month	Per week	Per day
1 or 2 valve	$55.00	$18.25	$4.50
3 valve	70.00	23.00	5.75

PUMPCRETE

	Per month	Per week	Per day
Model 160, single cylinder	$465.00	$155.00	$39.00
Model 160, double cylinder	880.00	293.00	72.00
Model 200, single cylinder	620.00	207.00	52.00
Model 200, double cylinder	1,065.00	355.00	90.00
(Including up to a maximum of 400 ft. of 6″ pipe.)			
Additional pipe per ft	2.00	1.00	0.50

PUMPS

Maximum monthly rates on pumps shall not exceed 7½ per cent of the maximum price established by any regulation issued by the Office of Price Administration for the sale of pumps to a purchaser of the same class as the lessor. The maximum weekly rate shall not exceed ⅓ of the maximum monthly rate; the maximum daily rate shall not exceed 1/12 of the maximum monthly rate.

Maximum rental rates on power units rented with pumps are governed by the maximum power unit rental rates set up elsewhere in this regulation.

WELLPOINT SYSTEM

	MONTH								
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
6″ Wellpoint pump	$160.00	$145.00	$130.00	$110.00	$80.00	$75.00	$75.00	$70.00	$70.00
8″ Wellpoint pump	220.00	200.00	180.00	150.00	110.00	100.00	100.00	100.00	100.00
10″ Wellpoint pump	280.00	255.00	230.00	190.00	135.00	130.00	130.00	130.00	120.00
Jet Pump	160.00 per month or $50.00 per week								
Jet Hose per foot	.20 per month								
Suction Hose per foot	.60	.40	.30	.30	.30	.30	.30	.30	.30
Wellpoint with riser and swing joint connection, each	4.00	3.00	1.40	1.20	1.20	.80	.80	.80	.80
6″ Discharge pipe per ft. with couplings	.20	.10	.05	.05	.05	.05	.05	.05	.05
6″ Header pipe per ft. with couplings	.37	.13	.07	.05	.05	.05	.05	.05	.05
8″ Discharge pipe with couplings, per ft	.30	.15	.07	.07	.07	.07	.07	.07	.07
8″ Header pipe with couplings, per ft	.56	.17	.11	.07	.07	.07	.07	.07	.07
10″ Discharge pipe with couplings, per ft	.40	.20	.10	.10	.10	.10	.10	.10	.10
10″ Header pipe with couplings, per ft	.74	.26	.13	.10	.10	.10	.10	.10	.10
6″ Gate Valves	6.20	3.80	3.00	2.50	2.50	2.50	2.50	2.50	2.50
8″ Gate Valves	9.80	6.20	4.25	4.25	4.25	4.25	4.25	4.25	4.25
10″ Gate Valves	15.50	9.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75
6″ and under Jet Dry Pump (combination)	160.00	145.00	130.00	110.00	80.00	75.00	75.00	70.00	70.00
8″ Jet Dry Pump (comb.)	220.00	200.00	180.00	150.00	110.00	100.00	100.00	100.00	100.00
Wellpoint mop with 20′ of 2″ suction hose and swing joint	10.00	10.00	10.00	5.00	5.00	5.00	5.00	5.00	5.00
Sanding Casing	25.00	25.00	25.00	25.00	15.00	15.00	15.00	15.00	15.00
Hole Puncher	125.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00

With the exception of gate valves, such fittings as elbows, tees, caps, and reducers necessary to fill out a complete system, will be supplied with header and discharge pipe without additional charge.

PUSHDOZERS

MOVABLE-CABLE

For tractor of—		Per month	Per week	Per day
From and not including—(drawbar H. P.)	To and including—(drawbar H. P.)			
45	65	$55.00	$18.00	$4.50
65	90	65.00	22.00	5.50
90	135	75.00	25.00	6.25

MOVABLE-HYDRAULIC

For tractor of—		Per month	Per week	Per day
From and not including—(drawbar H. P.)	To and including—(drawbar H. P.)			
65	90	$115.00	$38.00	$9.50
90	135	140.00	47.00	11.75

RIGID

	Per month	Per week	Per day
All types	$25.00	$8.25	$2.00

The maximum rental rate for pusher blocks for mounting on bulldozers or angledozers, blade or frame, may not exceed eight and one-half per cent per month of the maximum price as established by any regulation issued by the Office of Price Administration for the sale of pusher blocks to a purchaser of the same class as the lessor. The maximum rate per week may not exceed ⅓ of the maximum rate per month, the maximum rate per day shall not exceed 1/12 of the maximum rate per month.

QUARRY SKIP BUCKET CARRIER

Cubic yards	Per month	Per week	Per day
1½	$94.00	$31.00	$7.75
2	124.00	41.00	10.25
2½	136.00	44.00	11.00
3	147.00	46.00	11.50
4	188.00	47.00	11.75

BUCKETS (EACH)

Cubic yards	Per month	Per week	Per day
1½	$12.00	$4.00	$1.00
2	16.00	5.25	1.25
2½	18.50	6.00	1.50
3	22.00	7.25	1.75
4	33.00	11.00	2.75

ROLLERS—ROAD

PORTABLE—GASOLINE ENGINE DRIVEN—2 PNEUMATIC TIRES

	Per month	Per week	Per day
4 tons and under	$150.00	$50.00	$12.50

2 WHEEL TANDEM—GASOLINE ENGINE—MULTIPLE CYLINDER

From and not including—(tons)	To and including—(tons)	Per month	Per week	Per day
	3½	$125.00	$42.00	$10.50
3½	5	200.00	67.00	17.00
5	9½	250.00	83.00	21.00
9½	12½	300.00	100.00	25.00
12½	17½	325.00	108.00	27.00
17½	22½	525.00	175.00	44.00

ROLLERS—ROAD—Continued

3 WHEEL TANDEM—GASOLINE ENGINE—MULTIPLE CYLINDER

From and not including—(tons)	To and including—(tons)	Per month	Per week	Per day
6½	9½	$260.00	$87.00	$22.00
9½	14½	335.00	112.00	28.00
14½	19½	385.00	128.00	32.00

3 WHEEL—GASOLINE ENGINE—MULTIPLE CYLINDER

From and not including—(tons)	To and including—(tons)	Per month	Per week	Per day
	5½	$170.00	$57.00	$14.00
5½	6½	200.00	67.00	16.00
6½	7½	245.00	82.00	20.00
7½	9	270.00	90.00	22.00
9	11	385.00	128.00	32.00
11	13	425.00	142.00	35.00
13	17	550.00	183.00	46.00

ROLLERS—TAMPING

SHEEPSFOOT—ANY NUMBER OF FEET

	Per month	Per week	Per day
Single drum	$65.00	$22.00	$5.50
Double drum	90.00	30.00	7.50
Triple drum	175.00	58.00	15.00

RUBBER TIRED

	Per month	Per week	Per day
All sizes	$100.00	$33.00	$8.25

ROOTERS

	Per month	Per week	Per day
Light, 3,500 lbs. and under	$50.00	$17.00	$4.50
Medium, 3,501 lbs. to 7,000 lbs., inclusive	100.00	33.00	8.00
Heavy, 7,001 lbs. to 11,000 lbs., inclusive	150.00	50.00	12.50
Extra heavy, 11,001 to 15,000 lbs., inclusive	175.00	57.00	14.00

SAND BLAST OUTFITS

	Per month	Per week	Per day
Tank and 50 feet of hose, nipples and one hood without air or sand supply	$50.00	$17.00	$4.50

SAWS

ELECTRIC-HAND

Blade		Per month	Per week	Per day
From and not including—(inches)	To and including—(inches)			
	7	$25.00	$8.00	$2.00
7	9	30.00	10.00	2.50
9	11	40.00	13.00	3.50
11	13	50.00	17.00	4.50

SAWS—Continued

ELECTRIC—TILTING TABLE

Blade		Per month	Per week	Per day
From and not including—(inches)	To and including—(inches)			
	13	$45.00	$15.00	$3.50
13	19	65.00	22.00	5.50

GASOLINE—TILTING TABLE

Blade		Per month	Per week	Per day
From and not including—(inches)	To and including—(inches)			
	13	$45.00	$15.00	$3.50
13	19	65.00	22.00	5.50

SAWS—Continued

ELECTRIC—SWING

From and not including—(H. P.)	To and including—(H. P.)	Saw diameter	Per month	Per week	Per day
	¾	12 in.	$30.00	$10.00	$2.50
¾	1¼	14 in.	35.00	12.00	3.00
1¼	1¾	14 in.	40.00	13.00	3.50
1¾	2½	16 in.	45.00	15.00	4.00
2½	4	16 in.	50.00	17.00	4.50
4	6	16 in.	60.00	20.00	5.00
6	9	16 in.	75.00	25.00	6.50

SCALES—WHEELBARROW

Number of beams	Number of aggregates	Per month	Per week	Per day
3	2	$25.00	$8.00	$2.00
4	3	35.00	12.00	3.00
5	4	50.00	17.00	4.50

SCARIFIERS

	Per month	Per week	Per day
Medium	$30.00	$10.00	$2.50
Heavy	35.00	12.00	3.00

SCRAPERS

[Without power units]

Struck		Heaped		Per month	Per week	Per day
From and not including—(cu. yds.)	To and including—(cu. yds.)	From and not including—(cu. yds.)	To and including—(cu. yds.)			
	3¾		5	$145.00	$48.00	$12.00
3¾	5	5	7	175.00	58.00	14.50
5	7½	7	10	250.00	85.00	21.00
7½	10	10	13½	350.00	115.00	29.00
10	13½	13½	17	450.00	150.00	38.00
13½	16	17	22	575.00	190.00	48.00
16	20½	22	29	790.00	260.00	66.00
20½	27	29	37	1,025.00	340.00	85.00
27	36	37	50	1,575.00	525.00	131.00
36	50	50	70	1,725.00	575.00	144.00

SHEARS

BAR CUTTING

	Per month	Per week	Per day
⅞ in. round and under	$5.00	$2.00	$0.50
Over ⅞ in.-1¼ in. round, inclusive	10.00	3.50	1.00

SHEAVES

	Per month	Per week	Per day
Bottom swivel	$10.00	$3.50	$1.00
Top tower sets	10.00	3.50	1.00

SHORES

	Per month	Per week	Per day
Adjustable	$0.35	$0.10	$0.05

SHOVELS AND BACK HOES

GASOLINE ENGINE DRIVEN—DIPPER INCLUDED

Shovel capacity (cubic yards)	Per month	Per week	Per day
⅜	$440.00	$147.00	$37.00
½	495.00	165.00	41.00
⅝	523.00	174.00	44.00
¾	605.00	201.00	50.00
1	715.00	238.00	60.00
1¼	880.00	293.00	73.00
1½	1,100.00	367.00	92.00
1¾	1,375.00	458.00	115.00
2	1,650.00	550.00	138.00
2½	2,100.00	700.00	175.00

DIESEL ENGINE DRIVEN—DIPPER INCLUDED

Shovel capacity (cubic yards)	Per month	Per week	Per day
⅜	$550.00	$183.00	$46.00
½	578.00	193.00	48.00
⅝	605.00	202.00	50.00
¾	715.00	238.00	60.00
1	880.00	293.00	73.00
1¼	1,045.00	348.00	87.00
1½	1,210.00	403.00	101.00
1¾	1,760.00	587.00	147.00
2	1,980.00	660.00	165.00
2½	2,350.00	780.00	195.00
3	2,850.00	950.00	238.00
3½	3,150.00	1,050.00	262.00

SHOVELS AND BACK HOES—Continued

STEAM—DIPPER INCLUDED

Shovel capacity (cubic yards)	Per month	Per week	Per day
½	$475.00	$158.00	$40.00
¾	570.00	190.00	48.00
1	630.00	210.00	52.00
1¼	850.00	283.00	71.00
1½	1,050.00	350.00	88.00
2	1,470.00	490.00	122.00

ATTACHMENTS AND COMBINATIONS

When a lessee requires the use of a combination (shovel and backhoe, shovel and dragline, backhoe and dragline, or shovel, backhoe and dragline, etc.) the maximum monthly rate shall not exceed the maximum monthly rate for one complete machine plus 5½ per cent of the maximum price established by any regulation issued by the Office of Price Administration for the sale of the additional attachments to a purchaser of the same class as the lessor. For machines furnished with booms longer than factory standards or with other special accessories such as adjustable gantries, etc., an additional maximum charge of not more than 5½ per cent per month of the maximum price established by any regulation issued by the Office of Price Administration for the sale of such additional accessories to a purchaser of the same class as the lessor. The maximum weekly rate shall not exceed ⅓ of the maximum monthly rate; the maximum daily rate shall not exceed 1/12 of the maximum monthly rate.

HAND

	Per month	Per week	Per day
All hand shovels, long or short handle, round or square points, up to and including No. 5 scoops (per ½ dozen)	$7.50	$2.50	$0.65

SPREADERS

ASPHALT, STONE OR CHIP

From and not including—(feet)	To and including—(feet)	Per month	Per week	Per day
	9	$40.00	$13.50	$3.50
9	11	60.00	20.00	5.00
11	13	70.00	23.00	6.00

BITUMINOUS

From and not including—(gallons)	To and including—(gallons)	Per month	Per week	Per day
	800	$246.00	$82.00	$20.00
800	1,400	273.00	91.00	23.00
1,400	2,100	300.00	100.00	25.00

CONCRETE

From and not including—(feet)	To and including—(feet)	Per month	Per week	Per day
10	12	$310.00	$103.00	$26.00
12	15	340.00	113.00	28.00
15	22	580.00	193.00	43.00
22	26	600.00	200.00	50.00

Maximum rental prices calculated upon the basis of the above rates shall apply to the above equipment with or without vibrators to be used with these machines.

SURFACERS

WALL-ELECTRIC

	Per month	Per week	Per day
Model A Berg, or equal	$45.00	$15.00	$4.00

HIGHWAY

	Per month	Per week	Per day
With gasoline engine	$85.00	$28.00	$7.00

Carborundum and cutting stone not included with surfacer.

SURVEYING INSTRUMENTS

LEVELS

	Per month	Per week	Per day
All models	$15.00	$5.00	$1.25

TRANSITS

	Per month	Per week	Per day
All models	$20.00	$6.75	$1.75

TOWER EQUIPMENT—WOOD

HOPPERS—VERTICAL BACK

	Per month	Per week	Per day
28 cubic feet and under	$15.00	$5.00	$1.50
Over 28 cubic feet to 60 cubic feet, inclusive	20.00	7.00	2.00

Top and bottom switches, when necessary, are included in above hopper and bucket rental prices.

SHEAVES—TOP TOWER, SET OF TWO

	Per month	Per week	Per day
12 inch to 16 inch	$10.00	$3.50	$1.00

BOTTOM SWIVEL

	Per month	Per week	Per day
12 inch to 16 inch	$10.00	$3.50	$1.00

TOWERS—STEEL TUBULAR

LIGHT TYPE-MAXIMUM LIVE LOAD 3,000 LBS. OR 18 CU. FT. CONCRETE BUCKET—2 OR 3 WHEELBARROWS

(Single Towers)

From and not including—(feet)	To and including—(feet)	Per month	Per week	Per day
	40	$17.25	$5.75	$1.50
40	70	24.00	8.00	2.00
70	100	37.00	12.25	3.00
100	140	47.00	15.75	4.00

TOWERS—STEEL TUBULAR—Continued

(Double Towers)

From and not including—(feet)	To and including—(feet)	Per month	Per week	Per day
	40	$30.00	$10.00	$2.50
40	70	42.00	14.00	3.50
70	100	64.00	21.00	5.25
100	140	85.00	28.00	7.00

INTERMEDIATE TYPE-MAXIMUM LIVE LOAD 3,500 LBS. OR 28 CU. FT.

CONCRETE BUCKET—2 OR 3 WHEELBARROWS

(Single Tower)

From and not including—(feet)	To and including—(feet)	Per month	Per week	Per day
	40	$19.00	$6.25	$1.50
40	70	27.00	9.00	2.25
70	100	41.00	13.75	3.50
100	140	56.00	18.75	4.75
140	180	73.00	24.00	6.00
180	220	88.00	29.00	7.25

(Double Tower)

From and not including—(feet)	To and including—(feet)	Per month	Per week	Per day
	40	$33.00	$11.00	$2.75
40	70	46.00	15.25	3.75
70	100	70.00	23.00	5.75
100	140	94.00	31.00	7.75
140	180	121.00	40.00	10.00
180	220	171.00	57.00	14.25

TOWERS—STEEL TUBULAR—Continued

HEAVY TYPE—MAXIMUM LIVE LOAD 5,000 LBS. OF 35 CU. FT. CONCRETE BUCKET—2 OR 3 WHEELBARROWS

(Single Tower)

From and not including—(feet)	To and including—(feet)	Per month	Per week	Per day
	40	$21.00	$7.00	$1.75
40	70	30.00	10.00	2.50
70	100	46.00	15.25	3.75
100	140	63.00	21.00	5.25
140	180	81.00	27.00	6.75
180	220	100.00	33.00	8.25
220	265	122.00	41.00	10.25
265	310	145.00	48.00	12.00
310	355	168.00	56.00	14.00

(Double Tower)

From and not including—(feet)	To and including—(feet)	Per month	Per week	Per day
	40	$35.00	$11.75	$3.00
40	70	50.00	16.75	4.25
70	100	76.00	25.00	6.25
100	140	102.00	34.00	8.50
140	180	134.00	44.00	11.00
180	220	167.00	56.00	14.00
220	265	203.00	68.00	17.00
265	310	241.00	80.00	20.00
310	355	280.00	93.00	24.00

TRACTOR TRAILER UNITS

2 WHEELED TRACTOR WITH 2 WHEELED CABLE SCRAPER

Tractor		Scraper				Per month	Per week	Per day
		Struck		Heaped				
From and not including—(engine H. P.)	To and including—(engine H. P.)	From and not including—(cu. yds.)	To and including—(cubic yards)	From and not including—(cu. yds.)	To and including—(cubic yards)			
85	105	6	10	9	13	$1,100.00	$367.00	$92.00
145	155	10	14	13	17	1,270.00	423.00	106.00
135	145	13	17	17	21	2,000.00	667.00	166.00
195	205	13	17	17	21	2,150.00	717.00	179.00
195	205	16	20	21	25	2,370.00	790.00	197.00
185	195	21	25	28	32	2,580.00	860.00	215.00

4 WHEELED TRACTOR WITH CABLE SCRAPER

Tractor (Engine H. P.)	Scraper				Per month	Per week	Per day
	Struck		Heaped				
	From and not including—(cu. yds.)	To and including—(cu. yds.)	From and not including—(cu. yds.)	To and including—(cu. yds.)			
103 to 111—Gas, inclusive	5.0	8.75	7.5	11.0	$1,000.00	$330.00	$80.00
103 to 111—Diesel, inclusive	5.0	8.75	7.5	11.0	1,160.00	390.00	91.00
94 to 102—Diesel, inclusive	6.0	10.5	9.0	13.0	930.00	310.00	71.00
103 to 111—Gas, inclusive	8.75	11.0	11.0	14.0	1,130.00	377.00	94.00
103 to 111—Diesel, inclusive	8.75	11.0	11.0	14.0	1,275.00	425.00	106.00
70 to 95—Gas, inclusive	5.5	8.5	6.5	9.5	830.00	277.00	69.00
70 to 95—Diesel, inclusive	5.5	8.5	6.5	9.5	975.00	325.00	80.00

TRACTOR TRAILER UNITS—Continued

4 WHEELED TRACTOR WITH HYDRAULIC SCRAPER

Tractor (engine H. P.)	Scraper		Per month	Per week	Per day
	Struck—(cu. yds.)	Heaped—(cu. yds.)			
88 to 108, Diesel, inclusive	6 to 11, inclusive	9 to 13, inclusive	$850.00	$280.00	$70.00

2 WHEELED TRACTOR—DUMP TRAILER

Tractor (engine H. P.)	Wagon				Per month	Per week	Per day
	Struck		Heaped				
	From and not including—(cu. yds.)	To and including—(cu. yds.)	From and not including—(cu. yds.)	To and including—(cu. yds.)			
80 to 100, inclusive	7.5	11.5	10	14	$1,210.00	$403.00	$101.00
130 to 150, inclusive	19	23	28	32	2,350.00	783.00	196.00
180 to 200, inclusive	24	28	33	37	2,910.00	970.00	242.00

4 WHEELED TRACTOR—DUMP TRAILER—GASOLINE POWERED

Wagon-Struck		Per month	Per week	Per day
From and not including—(cu. yds.)	To and including—(cu. yds.)			
	11	$900.00	$300.00	$75.00
11	16	1,150.00	380.00	95.00
16	20	1,750.00	580.00	145.00
20	24	1,850.00	650.00	162.00

4 WHEELED TRACTOR—DUMP TRAILER—DIESEL POWERED

Wagon-Struck		Per month	Per week	Per day
From and not including—(cu. yds.)	To and including—(cu. yds.)			
	8½	$775.00	$258.00	$63.00
8½	11	1,020.00	340.00	85.00
11	16	1,220.00	410.00	102.00
16	20	1,950.00	650.00	162.00
20	24	2,060.00	687.00	172.00

TRACTOR WINCH

	Per month	Per week	Per day
For any size tractor, single drum	$50.00	$17.00	$4.50
For any size tractor, double drum	75.00	25.00	6.50
For any size tractor, four drum	160.00	53.00	13.00

TRACTORS

CRAWLER—GASOLINE ENGINE

From and not including—(drawbar H. P.)	To and including—(drawbar H. P.)	Per month	Per week	Per day
20	33	$200.00	$67.00	$16.50
33	41	265.00	88.00	22.00
41	52	315.00	105.00	26.00
52	66	390.00	130.00	32.00
66	85	425.00	142.00	35.00
85	105	500.00	167.00	42.00

TRACTORS—Continued

CRAWLER—DIESEL ENGINE

From and not including—(drawbar H. P.)	To and including—(drawbar H. P.)	Per month	Per week	Per day
20	33	$268.00	$90.00	$22.00
33	41	325.00	108.00	27.00
41	46	360.00	120.00	30.00
46	52	410.00	137.00	34.00
52	62	475.00	158.00	40.00
62	72	550.00	183.00	46.00
72	89	645.00	215.00	54.00
89	135	775.00	258.00	65.00

4 WHEELED RUBBER TIRED—DIESEL

From and not including—(belt H. P.)	To and including—(belt H. P.)	Per month	Per week	Per day
93	103	$530.00	$175.00	$45.00
103	115	735.00	245.00	60.00
140	160	855.00	285.00	70.00
190	210	1,200.00	400.00	100.00

2 WHEELED RUBBER TIRED—DIESEL POWERED

From and not including—(brake H. P.)	To and including—(brake H. P.)	Per month	Per week	Per day
80	100	$710.00	$236.00	$59.00
145	160	780.00	260.00	65.00
130	145	1,290.00	430.00	107.00
195	210	1,385.00	461.00	115.00
180	195	1,675.00	558.00	139.00

TRENCHING MACHINES

LADDER TYPE

Max. Mfrs. Ratings-Depth		Max. Mfrs. Ratings-Width		Per month	Per week	Per day
From and not including—(feet)	To and including—(feet)	From and not including—(feet)	To and including—(feet)			
5	14	10	24	$675.00	$225.00	$56.00
6	12	24	32	850.00	283.00	71.00
12	15½	32	54	1,000.00	333.00	83.00
15½	19	24	51	1,600.00	533.00	133.00
19	26	32	52	2,600.00	867.00	217.00

TRENCHING MACHINES—Continued

WHEEL TYPE

Max. Mfrs. Ratings-Depth		Per month	Per week	Per day
From and not including—(feet)	To and including—(feet)			
3½	5	$375.00	$125.00	$31.00
5	5½	600.00	200.00	50.00
5½	6½	1,000.00	333.00	83.00
6½	8½	1,450.00	483.00	121.00

VIBRATORS

GASOLINE ENGINE DRIVEN—FLEXIBLE SHAFT DRIVE

	Per month	Per week	Per day
1½ H. P. and under, 23 ft. shafting and under	$40.00	$13.00	$3.50
Over 1½ H. P.—2½ H. P., up to 30 ft. shafting	50.00	17.00	4.50
Over 2½ H. P.—4 H. P., up to 30 ft. shafting	60.00	20.00	5.00
Over 4 H. P.—6 H. P., up to 30 ft. shafting	80.00	27.00	7.00

All above gasoline driven units include vibrator heads. Equivalent size electric vibrators subject to the same maximum rental rate as the above gasoline vibrator.

WAGONS—CRAWLER

DIRECT HITCH—BOTTOM DUMP

Heaped capacity		Per month	Per week	Per day
From and not including—(cu. yds.)	To and including—(cu. yds.)			
	6½	$165.00	$55.00	$13.75
6½	9½	200.00	67.00	16.75
9½	12½	240.00	80.00	20.00
12½	14½	260.00	87.00	22.00
14½	20½	370.00	123.00	31.00

DIRECT HITCH—HYDRAULIC SIDE DUMP

Heaped capacity		Per month	Per week	Per day
From and not including—(cu. yds.)	To and including—(cu. yds.)			
	12	$310.00	$103.00	$26.00
12	15	400.00	133.00	33.00
15	18	475.00	158.00	40.00

DIRECT HITCH—MANUAL SIDE DUMP

Heaped capacity		Per month	Per week	Per day
From and not including—(cu. yds.)	To and including—(cu. yds.)			
	12	$235.00	$78.00	$19.50
12	15	300.00	100.00	25.00
15	18	355.00	118.00	30.00

WELDING MACHINES

GASOLINE ENGINE DRIVEN—WHEELS OR SKIDS

From and not including—(Amperes)	To and including—(Amperes)	Per month	Per week	Per day
	250	$74.00	$25.00	$6.00
250	350	104.00	35.00	8.50
350	500	114.00	38.00	9.50
500	700	174.00	58.00	14.50

WELDING MACHINES—Continued

60 CYCLE ELECTRIC MOTOR DRIVEN—WHEELS OR SKIDS

From and not including—(Amperes)	To and including—(Amperes)	Per month	Per week	Per day
	250	$35.00	$12.00	$3.00
250	350	47.00	16.00	4.00
350	500	56.00	19.00	4.50
500	700	74.00	25.00	6.00

25 CYCLE ELECTRIC MOTOR DRIVEN—WHEELS OR SKIDS

From and not including—(Amperes)	To and including—(Amperes)	Per month	Per week	Per day
	250	$41.00	$14.00	$3.50
250	350	56.00	19.00	4.50
350	500	65.00	22.00	5.50
500	700	86.00	29.00	7.00

D. C. ELECTRIC MOTOR DRIVEN—WHEELS OR SKIDS

From and not including—(Amperes)	To and including—(Amperes)	Per month	Per week	Per day
	250	$47.00	$16.00	$4.00
250	350	65.00	22.00	5.50
350	500	76.00	25.00	6.50
500	700	101.00	34.00	8.50

DIESEL ENGINE DRIVEN—WHEELS OR SKIDS

	Per month	Per week	Per day
350 Amperes and under	$163.00	$54.00	$13.50
Over 350 Amperes to 500 Amperes, inclusive	194.00	65.00	16.00

The above rates shall apply to the above equipment with the following items included: helmets, cables, and holders.

WHEELBARROWS—ALL SIZE TRAYS

	Per month	Per week	Per day
Steel Wheel	$3.00	$1.00	$0.25
Rubber Tired	5.00	2.00	.50

WINCHES—TOWING

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
20	33	$70.00	$23.00	$6.00
33	41	80.00	27.00	7.00
41	52	85.00	28.00	7.00
52	66	90.00	30.00	7.50
66	89	170.00	57.00	14.00
89	145	190.00	63.00	16.00

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 15th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10399; Filed, October 15, 1942; 2:21 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Amendment 15 to Rationing Order 3[1]]

SUGAR RATIONING REGULATIONS

Paragraph (a) of § 1407.86 is amended and a new item is added to § 1407.243 as set forth below:

Institutional and Industrial Users

* * * * *

§ 1407.86 *Allotments.* (a) A registering unit which uses sugar for any of the purposes not enumerated in § 1407.-241, Schedule A, and which has established a sugar base by registration on OPA Form No. R-310 is eligible for an amount of sugar for each of such purposes which is known as an allotment. The amount of an allotment for each period for which application is made shall be the applicable percentage, specified in § 1407.242, Schedule B, of the sugar base, except that, the amount of the allotment for meals or food services shall be; (1) in the case of an establishment principally engaged in the care of persons who are acutely ill and temporarily living and receiving medical or surgical care therein, for the period commencing September 1, 1942, 65 per cent of the sugar base for such purpose and for each period commencing on or after November 1, 1942, 85 per cent of such sugar base; and (2) in the case of other establishments for each period commencing on or after November 1, 1942, 60 per cent of the sugar base for such purpose.

Schedule

* * * * *

§ 1407.243 *Schedule C: Designation of ration periods and weight value of stamps valid therein.*

Ration period	Stamp valid during ration period	Weight value of stamp
* *	* *	* *
No. 9 (Nov. 1 to Dec. 15, 1942).	Stamp No. 9.	3 pounds.

Effective Date

§ 1407.222 *Effective dates of amendments.* * * *

(p) Amendment No. 15 (§ 1407.86 (a), and § 1407.243) shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; W.P.B. Dir. No. 1, 7 F.R. 562, and Supp. Dir. IE, 7 F.R. 2965, E.O. 9250, 7 F.R. 7871)

Issued this 15th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10390; Filed, October 15, 1942; 2:21 p. m.]

PART 1413—SOFTWOOD LUMBER PRODUCTS

[Amendment 2 to Maximum Price Regulation 13[1]]

DOUGLAS FIR PLYWOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1413.6 is amended and a new § 1413.6a is added, to read as set forth below:

§ 1413.6 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 13 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1413.6a *Licensing.* The provisions of Supplementary Order No. 18 (§ 1305.22) licensing all persons, except mills, manufacturers or producers, making sales of lumber, lumber products or building materials, are applicable to every person selling Douglas fir plywood for which maximum prices are established by this Maximum Price Regulation No. 13.

§ 1413.11a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1413.6 and 1413.6a) to Maximum Price Regulation No. 13 shall become effective October 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10393; Filed, October 15, 1942; 2:22 p. m.]

PART 1425—LUMBER DISTRIBUTION

[Amendment 1 to Maximum Price Regulation 215[2]]

DISTRIBUTION YARD SALES OF SOFTWOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New § 1425.9a is added, to read as set forth below:

§ 1425.9a *Licensing.* The provisions of Supplementary Order No. 18 (§ 1305.22) licensing all persons, except mills, manufacturers or producers, selling lumber, lumber products or building materials, are applicable to every person selling softwood lumber for which maximum prices are established by this Maximum Price Regulation No. 215.

§ 1425.13a *Effective dates of amendments.* * * *

(b) Amendment No. 1 (§ 1425.9a) to Maximum Price Regulation No. 215 shall become effective October 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10384; Filed, October 15, 1942; 2:26 p. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[Amendment 2 to Maximum Price Regulation 216[1]]

RAILROAD TIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1426.7 is amended and new §§ 1426.7a and 1426.13a are added, to read as set forth below:

§ 1426.7 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 216 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1426.7a *Licensing.* The provisions of Supplementary Order No. 18 (§ 1305.22) licensing all persons, except mills, manufacturers or producers, selling lumber, lumber products or building materials, are applicable to every person selling railroad ties for which maximum prices are established by this Maximum Price Regulation No. 216.

§ 1426.13a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1426.7, 1426.7a and 1426.13a) to Maximum Price Regulation No. 216 shall become effective October 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10383; Filed, October 15, 1942; 2:26 p. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

Subchapter F—Marine Engineering

PART 50—GENERAL PROVISIONS

PART 55—PIPING SYSTEMS

AMENDMENTS TO REGULATIONS AND APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4418, 4429, 4430, 4433, 4488, 4491, as amended, 49 Stat. 1544 (46 U.S.C. 375, 392, 407, 408, 411, 481, 489, 567), and Executive Order No. 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the Inspection and Navigation Regulations and approval of miscellaneous items of equipment for the better security of life at sea are prescribed:

The first undesignated paragraph of § 50.1 is amended to read as follows:

§ 50.1 *Basis and application of rules.* This subchapter contains specifications and requirements for materials, design, construction, installation, and inspection of boilers, unfired pressure vessels and appurtenances thereof, also piping, valves, fittings, flanges, safety valves, etc., upon the strength and efficiency of which safety of life is dependent, and which are intended for maximum temperatures of 1000° F. Parts 50 to 57, inclusive, apply to installations contracted for or built on or after 1 July 1935. Part 58 applies only to installations contracted for or built prior to 1 July 1935.

Section 55.19-3(s) is deleted and the following new paragraphs (s)(1) and (s)(2) are substituted therefor:

§ 55.19-3 *Detail requirements.* * * *

(s) (1) All valves, flanges and fittings shall be legibly marked with the manufacturer's name or registered trademark and the primary service pressure rating for which he guarantees them in service: *Provided,* That small "finished" or polished non-ferrous products such as trycocks or petcocks need not be marked.

(2) Steel valves, flanges and fittings shall be tested by their manufacturer to a hydrostatic pressure in accordance with the requirements of tables P-10 and P-11. Bronze, cast iron or malleable iron valves, flanges and fittings for steam service or other services at temperatures exceeding 150° F. shall be tested by their manufacturer to a hydrostatic pressure of not less than 2½ times their steam working pressure. Bronze valves and fittings for high pressure hydraulic or air services at temperatures not exceeding 150° F. shall be tested by their manufacturer to a hydrostatic pressure of not less than 1½ times their hydraulic or air working pressure.

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following items of equipment for the better security of life at sea are approved:

Life Raft

18-person catamaran type life raft (Dwg. No. 7, dated 13 September 1942), submitted by Dougherty's Body Works, Lancaster, Pa.

Life Floats

40-person rectangular hollow balsa wood life float (Dwg. dated 11 July 1942), manufactured by General Store Equipment Corporation, New York, N. Y.

Life Preserver

No. SAKJ-17 adult kapok life preserver (Revised) (Dwg. No. SAKJ-17, dated 13 August 1942, Rev. 22 September 1942), Approval No. B-170, manufactured by Seaway Manufacturing Co., Inc., New Orleans, La. (Approved for general use and for use with lifesaving suits)

Life Preserver Light

Dutch Admiral life preserver light (Dwg. dated 22 June 1942, Rev. 25 September 1942), submitted by Henry A. S. Van Daalen, 17 East 42nd St., New York, N. Y.

Emergency Light

Type E-N-42 Hulst emergency light unit (Drawing dated 31 July 1942, Rev. 15 September 1942), manufactured by Emergency Light Corporation, 140 Liberty St., New York, N. Y.

R. R. WAESCHE,
Commandant.

OCTOBER 15, 1942.

[F. R. Doc. 42-10405; Filed, October 16, 1942; 9:13 a. m.]

Subchapter K—Seamen

PART 138—RULES AND REGULATIONS FOR ISSUANCE OF CERTIFICATES AND CONTINUOUS DISCHARGE BOOKS

ABLE SEAMEN CERTIFICATES

By virtue of the authority vested in me by sec. 13 of 38 Stat. 1169, as amended, sec. 1 of 52 Stat. 753, 55 Stat. 579, 55 Stat. 732 (46 U.S.C. 672, 672b, 672-2, 672b-1), Executive Order No. 8976 (6 F.R. 6441), Executive Order No. 9083 (7 F.R. 1609), and order of the Acting Secretary of the Navy (F.R. Doc. 42-9999) dated October 1, 1942, published in the FEDERAL REGISTER October 8, 1942 (7 F.R. 7979), I find that the following amendment to the wartime regulations for able seamen is necessary in the conduct of the war:

Section 1383 (e) (2) is amended to read as follows:

§ 138.3 *Able seamen.* * * *

(e) *Wartime regulations; able seamen.* * * *

(2) *Able Seamen certificates, unlimited (green).* A seaman holding this certificate is eligible to serve thereunder as Able Seaman in any vessel on any waters. A candidate who passes the prescribed professional and physical examination may be certificated as Able Seaman, Un-

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[1] 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 6057.

* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5567, 7321.

[2] 7 F.R. 7094, 7452.

* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7097, 7368.

limited, after nine month's service on deck, at sea, or on the Great Lakes, in vessels (including yachts and whaling vessels) of 100 gross tons or over, or in decked fishing vessels or United States Government vessels of any tonnage. A candidate who has completed 6 months' service on deck in any such vessel may submit evidence of additional service or training, which if considered as a fair and reasonable equivalent by the examining officer, and approved by Coast Guard Headquarters, may be accepted in lieu of the service specified in this section. Any seaman lawfully in possession of the One Year (blue) Able Seaman Certificate, or the Eighteen Month Great Lakes Able Seaman Certificate, shall be eligible under the authority of such certificate for the same unlimited employment to which he would be eligible under the Able Seaman, Unlimited (green) certificate.

R. R. WAESCHE,
Commandant.

OCTOBER 15, 1942.

[F. R. Doc. 42-10406; Filed, October 16, 1942; 9:13 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Permit ODT 24-2]

PART 520—CONSERVATION OF RAIL EQUIPMENT—EXCEPTIONS AND PERMITS

SUBPART D—PASSENGER TRAIN OPERATIONS

CERTAIN EXTRA OR SPECIAL PASSENGER TRAINS AUTHORIZED

In accordance with the provisions of General Order ODT 24,[1] Title 49, Chapter II, Part 500, Subpart D, § 500.42, *It is hereby authorized,* That:

§ 520.601 *Certain extra or special passenger trains authorized.* Notwithstanding the provisions of paragraph (d) of § 500.41 of General Order ODT 24, any rail carrier may operate an extra or special passenger train or a passenger train which is not scheduled for the purpose of transporting property and employees of circuses, carnivals, and shows, when the railway cars in which such property and persons are transported are, and continuously since October 5, 1942, have been owned or leased by any such circus, carnival, or show, and when the only equipment furnished by any such rail carrier is equipment necessary to propel the train and furnish accommodations for its train crew.

(E.O. 8989, Dec. 18, 1941, 6 F.R. 6725)

This general permit shall become effective on October 5, 1942, and shall expire on December 1, 1942.

Issued at Washington, D. C., this 5th day of October 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

OCTOBER 5, 1942.

[F. R. Doc. 42-10411; Filed, October 16, 1942; 10:21 a. m.]

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[1] 7 F.R. 7814.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-1]

HARMAN COAL CO.

ORDER OF DISMISSAL WITH RESERVATIONS

This proceeding was instituted by the Bituminous Coal Division (the "Division"), pursuant to section 4 II (h) of the Bituminous Coal Act of 1937 (the "Act"), and § 304.14 of the Rules and Regulations for the Registration of Distributors ("Distributors' Rules"), by a Notice of and Order for Hearing dated October 9, 1941, said Order having been subsequently amended and supplemented by Order dated November 12, 1941, both of which orders were duly served upon the Respondent, in order to investigate and determine whether Harman Coal Company, a registered distributor, Registration No. 4002, of 50 Broad Street, Columbus, Ohio, and violated certain provisions of the Act and the Distributors' Rules promulgated pursuant to section 4 II (h) of the Act.

A hearing having been held before W. A. Cuff, a duly designated Examiner of the Division at a hearing room thereof in Columbus, Ohio, on December 8, 1941; the Examiner having made and entered his report, proposed findings of fact, proposed conclusions of law and recommendation of the Examiner in the matter dated August 10, 1942, in which it was found that Harman Coal Company, registered distributor, Registration No. 4002, violated section 4 II (h) of the Act, paragraphs (a), (e) and (f) of the agreement by registered distributor signed by William S. Harman, President, Harman Coal Company, on July 29, 1939, Order No. 295 of the Division dated June 14, 1940, and Order No. 301 of the Division, dated August 8, 1940 by:

(a) Accepting a discount of 70 cents per net ton from the effective minimum price of $1.65 per net ton f. o. b. the mine on 254.80 net tons of 2 inch slack coal shipped in four carload lots and purchased from C. E. Haymaker, a code member in District No. 4, doing business as Paramount Coal Company at its Paramount Mine, in Hocking County, Ohio, Mine Index No. 170, during October 1940 for resale and resold to Longview State Hospital, Carthage, Ohio, in its own name, the maximum allowable discount being 12 cents per net ton;

(b) Failing to furnish, or cause to be furnished to the Division currently as issued true copies of all resale copies or orders entered into by respondent with its customers and all invoices to its vendees as required by Division Order 295, dated June 14, 1940, and Division Order 301, dated August 8, 1940;

The Examiner having recommended therein that an order be entered providing that the registration of Harman Coal Company as a Registered Distributor, Registration No. 4002, be suspended for a period of sixty (60) days from the date thereof;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no exceptions and supporting briefs having been filed;

The undersigned having determined after consideration of the record that the proposed findings of fact and the proposed conclusions of law of the Examiner should be approved and adopted as the findings of fact and the conclusions of law of the undersigned;

It appearing, however, that the Director has heretofore, on April 15, 1942, in a proceeding known as Docket No. 1695-FD, ordered that the registration of Harman Coal Company, a registered distributor, Registration No. 4002, be revoked, effective fifteen (15) days thereafter; and

It appearing, therefore, unnecessary, at this time, to take further action in this matter, but that, nevertheless, jurisdiction should be reserved for the purpose of taking appropriate action should Respondent at any time make application for reregistration as a distributor or for any other purpose;

Now, therefore, it is ordered, That the proposed findings of fact and the proposed conclusions of law of the Examiner be, and the same are hereby approved and adopted as the findings of fact and the conclusions of law of the undersigned;

It is further ordered, That in the event Respondent at any time hereafter makes application for registration as a distributor, the Division may require as a condition precedent to the granting of such application, the repayment by Respondent of all distributor's discounts from the effective minimum prices, unlawfully accepted and retained by Respondent prior to April 28, 1942, the effective date of said revocation, and that jurisdiction be and it is hereby reserved for such purpose and for the purpose of taking such other action in this proceeding as may be appropriate.

Dated: October 14, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10412; Filed, October 16, 1942; 10:25 a. m.]

Bureau of Mines.

LUND BROTHERS

PROCEEDING FOR REVOCATION OF LICENSE

To: Lund Brothers, Warren, Oregon; specification of charges and notice of hearing.

You are hereby charged with violation of the Federal Explosives Act in:

(1) That on or about August 29, 1942, you stored explosives of a quantity greater than 25 pounds, not in the process of manufacture, otherwise than in a magazine which was properly constructed, safely located and securely locked or otherwise protected against theft;

(2) That on or about August 29, 1942, you stored explosives on premises without conspicuously displaying thereon a sign containing the words "Explosives—Keep Off".

Each of the two items set out above constitutes, if true, a violation of the Federal Explosives Act (55 Stat. 863), or the regulations pursuant thereto. Item (1) constitutes a violation of section 17 (a) of the regulations, item (2) a violation of section 12 of the Act and sections 17 (b) and 20 (c) of the regulations.

Unless by letter postmarked not more than 15 days from the date of this notice (1) you deny each and every one of the charges specified above or set out a legal excuse for those that are admitted or deny that the act charged constitute violations of the Federal Explosives Act or of the regulations issued pursuant thereto and (2) demand that you be heard on your answer to those charges, I shall forthwith revoke the vendor's license heretofore issued to you under the Federal Explosives Act.

If, after denying each and every one of the charges specified above or after setting up a legal excuse for those charges that are admitted or after denying that the acts charged constitute violations of the Federal Explosives Act or of the regulations issued pursuant thereto, you demand that you be heard on your answer to those charges, you will be heard on November 16, 1942, at 10 o'clock in the morning before J. Howard Bird, Mining Engineer, United States Bureau of Mines, Seattle, Washington, or by such other representative of the Director of the Bureau of Mines as he shall designate, at the office of the Bureau of Mines in the Federal Building, Seattle, Washington, or on the same date and at the same time before me or my representative at the office of the Bureau of Mines in the Interior Building, Washington, D. C. Your choice between Seattle, Washington, and Washington, D. C., as a hearing place must be clearly indicated in the letter in which you demand a hearing. The hearing will be informal but you may appear with counsel if you so choose.

A copy of the Federal Explosives Act and a copy of the regulations issued under its authority are enclosed.

Dated at Washington, D. C. this 9th day of October 1942.

R. R. SAYERS,
Director.

[F. R. Doc. 42-10407; Filed, October 16, 1942; 9:46 a. m.]

FEDERAL TRADE COMMISSION.

[Docket 4726]

AMERICAN BUTTON MOULD MANUFACTURERS ASSOCIATION, INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of October, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Webster Ballinger, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, October 26, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-10423; Filed, October 16, 1942; 11:34 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 154]

REAL PROPERTY IN NEW YORK CITY OWNED BY MRS. JOSEPHINE M. LORSCH

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All right, title, interest and estate, both legal and equitable, of Mrs. Josephine M. Lorsch, the last known address for whom was represented to the undersigned as being in Dure-et-Loire, France, in and to certain real property, together with all fixtures, improvements and appurtenances thereto, situated at 112 East 78th Street, New York, New York, and more particularly described as set forth in Exhibit A attached hereto and made a part hereof,

is property within the United States owned by a national of a designated enemy country (Germany), and determining that to the extent that such national is a person not within a designated enemy country, such person is controlled by a designated enemy country (Germany), or a person within such country, and the national interest of the United States requires that such person be treated as a national of a designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 17, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, City and State of New York, bounded and described as follows:

Beginning at a point on the southerly side of 78th Street, distant 153 feet 4 inches easterly from the southeasterly corner of 78th Street and Park (formerly 4th) Avenue; thence southerly parallel with Park Avenue, 102 feet 2 inches to the center line of the block between 77th and 78th Streets; thence westerly along said center line of the block, 16 feet 8 inches; thence northerly parallel with Park Avenue, 102 feet 2 inches to the southerly side of 78th Street, at the point or place of beginning.

The westerly wall of the building on the above described premises being a party wall.

Said premises being known as and by the Street Number 112 East 78th Street.

[F. R. Doc. 42-10414; Filed, October 16, 1942; 10:44 a. m.]

[Vesting Order 159]

ALL OF THE CAPITAL STOCK OF FRATELLI-BRANCA & COMPANY, INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All of the capital stock of Fratelli-Branca & Company, Inc., a New York corporation, consisting of 1,000 shares of $1.00 par value common stock, the names and last known addresses of the owners of which, and the number of shares owned by them, respectively are as follows:

Names and last known addresses	*Number of shares*
Adolfo Borgarelli, Milano, Italy	334
Antonio Broda, Milano, Italy	333
Romolo Ranza, Milano, Italy	333
Total	1,000

is property of nationals, and represents ownership of a business enterprise within the United States which is a national, of a designated enemy country (Italy), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country such persons are controlled by or acting for or on behalf of or as cloaks for a designated enemy country (Italy) or a person within such country, and the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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[1] F. R. 5205.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 21, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–10415; Filed, October 16, 1942; 10:44 a. m.]

[Vesting Order 163]

150 SHARES OF STOCK OF REIS & COMPANY, INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> 150 shares of $100 par value common capital stock of Reis & Company, Inc., a Georgia corporation, which is a business enterprise within the United States, which shares are registered in the name of Reis & Company, A. G., whose last known address was represented to the undersigned as being Mannheim-Friedrichsfeld, Germany, and represent 30% of the outstanding capital stock of said business enterprise.

is property of a national, and represents an interest in said business enterprise which is a national, of a designated enemy country (Germany), and determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 24, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–10416; Filed, October 16, 1942; 10:44 a. m.]

[Vesting Order 165]

ASSETS OF GRAFF BUILDING

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All right, title, interest and estate of Hildegarde Mueller Melsheimer and Carmelita Mueller Meyerhoff, and each of them, whose last known addresses were represented to the undersigned as being, respectively, Traben Trarbach ad Mosel, Germany, and Goettingen, Germany, in and to Graff Building, the name under which they maintain offices and do business in San Francisco, California, which is a business enterprise within the United States, and all property of any nature whatsoever owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to said business enterprise, including particularly, but not limited to
>
> (a) Two parcels of real property and improvements thereon known as Graff Building, San Francisco, California, and a parcel of unimproved real property on Howard Street, San Francisco, California, which parcels are more particularly described and set forth in Exhibit A attached hereto and made a part hereof, and
>
> (b) A bank balance belonging to said business enterprise on deposit with Wells Fargo Bank and Union Trust Company, San Francisco, California,

is property of nationals, and represents ownership of said business enterprise which is a national, of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country such persons are controlled by or acting for or on behalf of or as cloaks for a designated enemy country (Germany) or a person within such country, and the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 24, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

That portion of 50 Vara Block No. 120 beginning at a point on the southerly line of Post Street, distant thereon 107 feet and 6 inches westerly from the westerly line of Grant Avenue; running thence westerly along said line of Post Street 34 feet and 4½ inches; thence at a right angle southerly 60 feet; thence at a right angle easterly 34 feet and 4½ inches; thence at a right angle northerly 60 feet to the point of beginning; and

That portion of 50 Vara Block No. 120 beginning at a point on the northerly line of Maiden Lane, distant thereon 252 feet 1 inch easterly from the easterly line of Stockton Street; running thence easterly along said line of Maiden Lane 22 feet and 11 inches; thence at a right angle northerly 60 feet; thence at a right angle westerly 22 feet and 11 inches; thence at a right angle southerly 60 feet to the point of beginning; and

That portion of 100 Vara Block 407 beginning at a point on the northwesterly line of Howard Street, distant thereon 375 feet northeasterly from the northeasterly line of Eighth Street; running thence northeasterly along said line of Howard Street 25 feet; thence at a right angle northwesterly 90 feet; thence at a right angle southwesterly 25 feet; thence at a right angle southeasterly 90 feet to the point of beginning.

[F. R. Doc. 42–10417; Filed, October 16, 1942; 10:44 a. m.]

[Vesting Order 168]

35.975% OF THE COMMON AND 23.25% OF THE PREFERRED CAPITAL STOCK OF ARABOL MANUFACTURING COMPANY

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> 2,369 shares (which constitute a substantial part, namely, 35.975% of all outstanding common shares and 23.25% of all outstanding 6% cumulative preferred shares) of $100 par value capital stock of Arabol Manufacturing Company, a New York corporation, New York, New York, which is a business enterprise within the United States, the names and last known addresses of the registered owners of which and the numbers and types of shares owned by them respectively, are as follows:

Names and addresses	Number of shares	
	Common	6 percent cumulative preferred
Hilde Spangenberg, Nurnberg, Germany	100	------
Henry Kohler and Louis Beeh, New York, New York, as trustees under the last will and testament of Luise M. Weingartner, deceased, holding for the benefit of Luise Weingartner, Nurnberg, Germany, a one-third interest in the trust created under said will, and holding for the benefit of Paula Deinhardt Kohler, Nurnberg, Germany, a one-sixth interest in such trust	1,039	------
Susi Weingartner, Nurnberg, Germany	300	------
Josefine Weingartner, Nurnberg, Germany	------	135
Luise Weingartner, Nurnberg, Germany	------	720
Paula Deinhardt Kohler, Nurnberg, Germany	------	75
Total	1,439	930

is property of nationals, and represents an interest in said business enterprise which is a national, of a designated enemy conutry (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of such designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 24, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–10418; Filed, October 16, 1942; 10:43 a. m.]

[Vesting Order 184]

BANKRUPTCY CLAIMS OF FRITZ VON OPEL

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All right, title, interest and claim of any name or nature whatsoever of Fritz von Opel, a German national who is in the custody of United States immigration authorities, in and to all indebtedness, contingent or otherwise, and whether or not matured, owing to him by Hurricane Petroleum Corporation and Rodessa Oil & Refining Corporation, and each of them, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness, and including particularly but not limited to his:
>
> (a) Prior claims numbered 84 and 85, each dated November 5, 1940, in the amounts of $15,712.27 and $25,000 respectively, against the Estate of Hurricane Petroleum Corporation, a bankrupt being Case #6284 in the bankruptcy files of the Clerk of the United States District Court for the Western District of Louisiana, and
>
> (b) Prior claims numbered 75, 76 and 77, each dated November 5, 1940, and in the amounts of $23,602.76, $2,500 and $16,038.67 respectively, against the Estate of Rodessa Oil & Refining Corporation, a bankrupt, being Case #6295 in the bankruptcy files of the Clerk of the United States District Court for the Western District of Louisiana,

is property which is in the process of administration by persons (namely, trustees in bankruptcy) acting under judicial supervision (namely, that of the United States District Court for the Western District of Louisiana) and which is payable or deliverable to, or claimed by, a national of a designated enemy country (Germany), and determining that to any extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of such designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custo- liquidated, sold or otherwise dealt with dian, to be held, used, administered, in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on September 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–10419; Filed, October 16, 1942; 10:43 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Administrative Order 27]

HAROLD B. ROWE

AUTHORIZATION TO ISSUE ORDERS ESTABLISHING ZONES

Authorization of Harold B. Rowe to act pursuant to § 1407.168 of Rationing Order 3, Sugar Rationing Regulations.

Pursuant to the authority conferred upon the Administrator by Executive Order No. 9125[1] and by War Production Board Directive No. 1-E, the following order is prescribed:

(a) Harold B. Rowe, as Director of the Food Rationing Division of the Office of Price Administration is, pursuant to § 1407.168 of Rationing Order No. 3, Sugar Rationing Regulations,[2] authorized and directed to make, from time to time, orders establishing zones for the purposes of that section.

(b) Any order issued by said Harold B. Rowe as Director of the Food Rationing Division of the Office of Price Administration pursuant to that section shall have the same force and effect as if issued by the Administrator.

(c) This Administrative Order 27 shall become effective September 16, 1942.

Issued this 15th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10391; Filed, October 15, 1942; 2:21 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 54-52]

PUGET SOUND POWER AND LIGHT CO., ET AL.

NOTICE OF FILING OF AMENDED PLAN AND ORDER FOR HEARING

In the matter of Puget Sound Power and Light Company and Engineers Public Service Company.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of October, 1942.

Engineers Public Service Company, a registered holding company, having on the 14th day of May, 1942, filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan for the recapitalization of Puget Sound Power and Light Company, a subsidiary company of said Engineers Public Service Company, which plan provided in substance that: (1) Puget should reclassify its existing prior preference stock so that holders thereof would receive 2½ shares of new preferred for each share of existing prior preference; (2) that Puget should reclassify its existing preferred stock so that holders thereof would receive 1⅗ shares of new common stock for each share of existing preferred; and (3) that Puget should reclassify its existing common stock so that holders thereof would receive 1/22 of a share of new common stock for each share of existing common, as a result of which the present common stock would have received 12.4% of the new common stock proposed to be issued; and

The Commission by its notice of and order for hearing dated the 29th day of May, 1942, having given notice of the filing of such plan and having ordered a hearing thereon; and hearings on said plan pursuant to said notice of and order for hearing having been held; and Engineers Public Service Company having on the 14th day of October, 1942, filed an amended plan for the recapitalization of said Puget Sound Power and Light Company, which plan in substance provides as follows:

The percentage of the new common stock to be received by the present common stock of Puget is reduced from 12.4% to 3.03% reducing the number of shares to be issued from 59,926 shares to 13,183 shares. The arrears on the prior preference stock will be reduced by the amount of $275,000, namely, from $3,025,000 to $2,750,000 by the payment of an additional dividend of $2.50 per share before the consummation of the plan.

The authorized capital of the company now consisting of 110,000 shares of prior preference stock without par value, 500,000 shares of preferred stock without par value and 2,000,000 shares of common stock without par value will be changed into an authorized capital stock of $35,528,750 consisting of $13,750,000 of preferred stock dividend into 275,000 shares of preferred stock of the par value of $50 each (hereinafter called "Preferred Stock") and $21,778,750 of common stock divided into 435,575 shares of common stock of the par value of $50 each (hereinafter called "Common Stock").

110,000 shares of the existing prior preference stock without par value of the company heretofore authorized and now outstanding will be changed into and reclassified as 275,000 shares of preferred stock of the par value of $50 per share; 18,005 shares of the existing preferred stock without par value of the company heretofore issued and reacquired and held in the Treasury of the Company will be cancelled and the remaining 263,995 shares of the existing preferred stock without par value of the company now outstanding will be changed into and reclassified as 422,392 shares of common stock of the par value of $50 each, and 1,318,388 shares of the existing common stock without par value of the company now outstanding will be changed into and reclassified as 13,183 shares of common stock of the par value of $50 each. All rights of the holders of existing prior preference stock and preferred stock to accumulate and unpaid dividends will be cancelled.

The amended plan is made conditional upon the issue and sale of $52,000,000 principal amount of First Mortgage Bonds, Series A, 3½% due 1972 and $8,000,000 principal amount of Debentures, 3% due 1951, said amounts being subject to reduction (as specified in the plan) upon the receipt of the proceeds of certain condemnation awards.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be reconvened for the purpose of taking testimony with respect to said amended plan:

It is ordered, That a hearing be reconvened on October 26, 1942, at 10:00 o'clock, A. M., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, before William W. Swift, the trial examiner heretofore designated to preside at the hearings herein.

It is further ordered, That without limiting the scope of the issues presented by said amended plan otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the plan as amended is feasible.

(2) Whether the plan as amended is necessary to effectuate the purposes of section 11 (b) of the Act and is fair and equitable to the persons affected thereby.

(3) What provisions, if any, should be included in the plan to ensure that effective voting control and management are vested in the persons entitled to vote as a result of the consummation of the plan.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to Puget and Engineers not less than seven days prior to the date hereinbefore fixed as the date of the hearing; and that notice of said hearing is hereby given to subsidiaries of Puget and Engineers, the security holders of Puget, Engineers and subsidiaries thereof, consumers of said companies, all States, municipalities and political subdivisions of States within which are located any of the utility assets of Puget or under the laws of which any of such companies are incorporated, all State commissions, State securities commissions and all agencies, authorities or instrumentalities of one or more States, municipalities or other political subdivisions having jurisdiction over Puget or Engineers or any subsidiaries thereof or over any of the businesses, affairs, or operations of any of them; that such notice shall be given further by a general release of the Commission, distributed to the press and mailed to the mailing list for releases isued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER not later than seven days prior to the date hereinbefore fixed as the date of hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10409; Filed, October 16, 1942; 9:45 a. m.]

[File No. 52-19]

PORTLAND ELECTRIC POWER COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 15th day of October, A. D. 1942.

Notice is hereby given that an application for approval of a plan of reorganization has been filed with this Commission pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935 by Thos. W. Delzell and R. L. Clark, Independent Trustees of Portland Electric Power Company, a registered holding company, now in reorganization under

Chapter X of the Federal Bankruptcy Act in the District Court of the United States for the District of Oregon. All interested persons are referred to said document which is on file in the office of this Commission, for a statement of the transactions therein proposed which is summarized as follows:

1. It is proposed that upon the consummation of the transactions hereinafter set forth, Portland Electric Power Company ("PEPCO") will be dissolved.

2. PEPCO's holdings of 236,819 shares, representing all the common stock of its subsidiary, Portland General Electric Company ("PGE"), a registered holding company, will be distributed in the following manner:

(a) The holders (hereinafter termed Group "A") of $15,900,000 principal amount of PEPCO'S 6% Collateral Trust Income Bonds due March 1, 1950, upon which interest is unpaid and accumulated since March 1, 1934, in the amount of $7,910,250 as at June 15, 1942, will receive approximately 167,007 shares of the common stock of PGE or approximately 10.57 shares for each $1,000 bond.

(b) The holders (hereinafter termed Group "B") of $350,600 of PEPCO'S 6% Collateral Trust Income Bonds due March 1, 1950, upon which interest is unpaid and accumulated since September 20, 1937, in the amount of $99,629 as at June 15, 1942, will receive approximately 3,176.5 shares of the common stock of PGE or approximately 9.06 shares for each $1,000 bond.

(c) The holders of 56,819 shares of 7% Cumulative Prior Preference stock, $100 par value, upon which dividends have not been paid since January 1, 1933, and are accrued in the amount of $3,762,222.33 as at June 15, 1942, will receive approximately 66,635 shares or 28% of the common stock of PGE or approximately 1.17 shares for each share of said Prior Preference stock.

3. PEPCO'S holdings of 154,705 shares representing all the common stock of its subsidiary, Portland Traction Company. ("Traction"), will be distributed in the following manner:

(a) The aforementioned Group "A" holders of PEPCO bonds will receive approximately 109,099 shares of common stock of Traction or approximately 6.9 shares for each $1,000 bond.

(b) The aforementioned Group "B" holders of PEPCO bonds will receive approximately 2,075 shares of common stock of Traction or approximately 5.91 shares for each $1,000 bond.

(c) The aforementioned holders of 7% Cumulative Prior Preference Stock of PEPCO will receive approximately 43,530 shares or 28% of the common stock of Traction or approximately .77 share for each share of said Prior Preference Stock.

4. There will be organized under the laws of the State of Oregon, a corporation bearing the name "Portland Electric Power Realization Corporation" ("Realization") with an authorized capital stock consisting of 5,681,900 shares of preferred stock, $1 par value, and 124,812,350 shares of common stock, with a stated value of $1 per share. The preferred stock shall not be entitled to receive dividends save and except in liquidation. The assets of Realization which it will receive from PEPCO are as follows:

(a) 23,180 shares of $6 cumulative preferred stock of Consolidated Electric and Gas Company or any stock which shall have been received by PEPCO upon any recapitalization of said Consolidated Electric and Gas Company.

(b) $16,000 principal amount of Collateral Trust Bonds, Series A, and $9,000 principal amount of Collateral Trust Bonds, 6% Series of Consolidated Electric and Gas Company.

(c) A cause of action of PEPCO's against Central Public Utility Corporation to recover 21,000 shares of $6 preferred stock of Consolidated Electric and Gas Company.

(d) A cause of action of PEPCO's against The Chase National Bank of the City of New York arising out of the issue of $40,000,000 first and refunding 4½% bonds of PGE and the transfer of the electrical generation and distribution properties of PEPCO to PGE, which cause of action bears suit No. 962, now pending in the District Court of the United States for the District of Oregon.

(e) The right to receive new $2 preferred stock of PGE (described below in detail) in an amount which will represent the difference between the amount of any reduction of PGE's indebtedness to The Chase National Bank (which is now being litigated in the District Court of the United States for the District of Oregon and bears suit No. 427) and the cost of such litigation which the court shall find to be properly chargeable to PGE.

(f) Miscellaneous causes of action, assets and cash.

5. The articles of incorporation of PGE will be amended so as to provide for the authorization of 100,000 shares of $2 preferred stock, which shall be entitled to receive dividends at the rate of $2 a year prior to any declaration of dividends on the common stock of PGE and to participate ratably with said common stock in any earnings in excess of $2 a year dividends upon said common stock. The said new $2 preferred stock shall have no voting rights except that after a default in the payment of dividends for a period of 24 months, it shall have sole voting rights. Upon liquidation, the holders of such stock shall be entitled to $40 a share plus all accumulated and unpaid dividends prior to any distribution of the common stock.

6. The aforementioned holders of the 7% Cumulative Prior Preferred Stock of PEPCO will receive in the aggregate such amount of the preferred stock, $1 par value, of Realization as will equal the difference between their claim of $9,443,791.29 as at June 15, 1942 and the value of the securities of PGE and Traction which they are to receive as outlined above, in the event that the value of such securities is determined not to be equal to the amount of such claim.

7. The holders of 61,943 shares of 6% Cumulative First Preferred Stock, $100 par value, of PEPCO upon which there are accumulated dividends since November 1, 1932 in the amount of $3,577,208.25 as at June 15, 1942, will receive common stock of Realization on a share for share basis.

8. The holders of 30,357.35 shares of 7.2% Cumulative First Preferred Stock, $100 par value, of PEPCO upon which there are accumulated dividends since November 1, 1932 in the amount of $2,103,764.35 as at June 15, 1942, will receive common stock of Realization on a share for share basis.

9. The holders of 32,512 shares of $6 First Preferred Stock, no par value, of PEPCO upon which there are accumulated dividends since November 1, 1932 in the amount of $1,877,568 as at June 15, 1942, will receive common stock of Realization on a share for share basis.

10. The plan gives no recognition to the $6 Second Preferred Non-Cumulative Stock of PEPCO of which there are outstanding 3,586 shares, $1 par value, nor to the common stock of PEPCO of which there are outstanding 988 shares, $1 par value.

11. Incidental to the aforementioned distributions, the plan provides for the following transactions:

(a) PGE will assume $9,729 of net current liabilities and a $145,000 mortgage and will pay PEPCO $316,661 for certain properties now owned by Cazadero Real Estate Company and Little White Salmon Land Company, both of which are presently wholly-owned subsidiaries of PEPCO. Thereafter, Cazadero Real Estate Company and Little White Salmon Land Company will be dissolved.

(b) Traction will assume $8,426 of net current liabilities and will issue and deliver to PEPCO 23,574 shares of common stock, with a stated value of $1,626,992 in return for

1. PEPCO's interurban railway properties,

2. PEPCO's car shops and car houses which are now leased to Traction for an annual rental of $29,872, and

3. Certain real estate in Oregon City, Oregon, now owned by Cazadero Real Estate Company and used as a freight terminal.

12. Traction will assume or pay all creditors and claims arising against the interurban operation, and Realization will assume or pay all other current accounts of PEPCO including all taxes.

13. As soon as practicable PGE will proceed to sell the stock which it owns in Seattle Gas Company and will sell or distribute in kind to its stockholders the shares of $6 Preferred Stock of Consolidated Electric and Gas Company which it owns, or the stock of said company which it may receive upon any recapitalization thereof.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and the consumers for a hearing to be held with respect to such plan, either as filed or as modified, or any other plans which may be proposed by any person having a bona fide interest in the reorganization, in accordance with the provisions of section 11 (f) of the Act:

It is ordered, That hearing on such plan under the applicable provisions of said Act and rules of the Commission will be held on November 9, 1942 at 10:00 A. M., E. W. T. in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa.,.on such day the Hearing Room Clerk in Room 318 will advise as to the room where such hearing will be held.

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[1] 7 F.R. 2719.

[2] 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 6064.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the issues to be considered in this proceeding, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed plan is fair and equitable to the persons affected.

(2) Whether the proposed plan is feasible.

(3) To what extent, if at all, the proposed plan should be modified or amended to render it feasible and fair and equitable to the persons affected.

(4) Whether the various transactions set forth in connection with the proposed plan meet the requirements of applicable sections of the Public Utility Holding Company Act of 1935, particularly sections 7, 10, 11 and 12 thereof, and the Rules and Regulations promulgated thereunder, including (but without limitation) the following:

(a) The acquisition by PGE of certain properties now owned by Cazadero Real Estate Company and Little White Salmon Land Company in consideration of the assumption of $9,729 of net current liabilities and a $145,000 mortgage and the payment of $316,661.

(b) The acquisition by Traction of PEPCO's interurban railway properties, PEPCO's car shops and car houses and certain real estate in Oregon City, Oregon, now owned by Cazadero Real Estate Company and used as a freight terminal in consideration of the assumption by Traction of $8,426 of net current liabilities and the issuance to PEPCO of 23,574 shares of Traction's common stock.

(c) The issuance by Realization of preferred and common stock.

(d) The issuance by Portland General Electric Company of preferred stock.

(e) The sale or disposition by PEPCO of the stock of Seattle Gas Company and Consolidated Electric and Gas Company.

(5) Whether the plan should be approved.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing copy of this order by registered mail to Thos. W. Delzell and R. L. Clark, Independent Trustees of Portland Electric Power Company not less than twenty-five days prior to the date hereinbefore fixed as the date of the hearing; and that notice of said hearing is hereby given to subsidiaries of said Portland Electric Power Company, the bondholders and stockholders of said Portland Electric Power Company and subsidiaries thereof, consumers of said companies of States, municipalities and political subdivisions of States within which are located any of the utility assets of Portland Electric Power Company and subsidiaries thereof or under the laws of which any of such companies are incorporated, all state Commissions, state securities commissions, and all agencies, authorities or instrumentalities of one or more States, municipalities or other political subdivision having jurisdiction over Portland Electric Power Company or any subsidiaries thereof or over any of the businesses, affairs, or operations of any of them; that such notice shall be given further by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER not later than fifteen days prior to the date hereinbefore fixed as the date of hearing.

It is further ordered, That Thos. W. Delzell and R. L. Clark, Independent Trustees, on or before October 24, 1942, mail to all known bondholders at their last known addresses and to all stockholders of record of said Portland Electric Power Company copies of this Notice of and Order for Hearing.

It is further ordered, That any persons desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of this Commission on or before November 7, 1942 his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10410; Filed, October 16, 1942; 9:45 a. m.]

UNITED STATES COAST GUARD.

GRAND HAVEN, MICH., AND LUDINGTON, MICH.

ORDER REGARDING MERCHANT MARINE INSPECTION OFFICES

October 13, 1942.

Order abolishing Merchant Marine Inspection Office at Grand Haven, Mich., and establishing a Merchant Marine Inspection Office at Ludington, Mich.

By virtue of the authority vested in me by Executive Order No. 9083, dated 28 February 1942 (7 F.R. 1609), and pursuant to the authorization contained in the Act of 30 April 1940, 46 U. S. Code 382c, it is ordered that the following changes be, and they are hereby made, in the field organization of the United States Coast Guard:

1. The Merchant Marine Inspection Office at Grand Haven, Mich., is abolished;

2. Merchant Marine Inspection Office consisting of a Merchant Marine Inspector in Charge and two Merchant Marine Inspectors, is established at Ludington, Mich.

3. This order shall become effective at the close of business on 1 November 1942, with respect to the closure of the office at Grand Haven, Mich., and at the commencement of business on 2 November 1942, with respect to the establishment of the office at Ludington, Mich.

R. R. WAESCHE,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 42-10404; Filed, October 16, 1942; 9:13 a. m.]

OCT 21 1942

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 7 NUMBER 206

Washington, Tuesday, October 20, 1942

The President

EXECUTIVE ORDER 9257

ENLARGING NAVAL PETROLEUM RESERVE No. 1

CALIFORNIA

By virtue of the authority vested in me as President of the United States, and in effectuation of the purposes of the act of June 30, 1938, entitled "An Act to amend the part of the Act entitled 'An Act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes', approved June 4, 1920, relating to the conservation, care, custody, protection, and operation of the naval petroleum and oil-shale reserve" (52 Stat. 1252), it is ordered as follows:

1. The exterior boundaries of Naval Petroleum Reserve No. 1 are hereby extended to include all lands within the areas hereinafter described, in Kern County, California.

2. Subject to valid existing rights, all public lands within such areas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved as part of the said Naval Petroleum Reserve No. 1.

3. All lands within such areas hereafter acquired by the United States shall, immediately upon the acquisition of title thereto, become and be reserved as part of the said Naval Petroleum Reserve No. 1.

MOUNT DIABLO BASE AND MERIDIAN

T. 30 S., R. 24 E.,
  Secs. 21 and 22, all;
  Sec. 23, S½NW¼NW¼, S½NW¼, and SW¼NE¼;
  Sec. 24, S½SW¼ and SW¼SE¼;
  Secs. 25, 26, 27, 35 and 36, all.
T. 30 S., R. 25 E.,
  Sec. 31, W½.
T. 31 S., R. 25 E.,
  Sec. 6, W½.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 15, 1942.

[F. R. Doc. 42-10444; Filed, October 16, 1942; 2:49 p. m.]

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 18—WAR SERVICE REGULATIONS

REAPPOINTMENT AND REINSTATEMENT, AMENDMENT

Section 18.8 *Reappointment and reinstatement* issued, as amended, on September 26, 1942 (7 F.R. 7723) is amended to read as follows:

§ 18.8 *Reappointment and reinstatement.* Subject to the prior approval of the Commission, a former civilian employee of the executive branch of the Federal government may be reinstated (or reappointed) by war service appointment to any position which is covered by these regulations and for which he establishes the requisite qualifications. Such reinstatement must be for actual service and not primarily for the purpose of bringing the person within the provisions of the Civil Service Retirement Act, as amended.

Persons reinstated under this section will be required to serve a trial period of one year in accordance with § 18.5 (c) of this chapter. (E.O. 9063, 7 F.R. 1075)

NOTE: This section supersedes Civil Service Rule IX, 5 CFR, Part 9, with respect to positions covered by these regulations.

By the United States Civil Service Commission.

H. B. MITCHELL,
President.

OCTOBER 13, 1942.

[F. R. Doc. 42-10520; Filed, October 19, 1942; 11:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

COOPERATIVE BANK COMMISSIONERS

Section 3.50 of Title 6, Code of Federal Regulations, as amended (6 F.R. 2213), is hereby further amended to read as follows

§ 3.50 *Functions, powers, authority and duties of the Cooperative Bank*

(Continued on next page)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Telephone information: DIstrict 0525.

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Commissioner, Deputy Cooperative Bank Commissioners, and Assistant Deputy Cooperative Bank Commissioners. The Cooperative Bank Commissioner shall, subject to the jurisdiction and control of the Governor of the Farm Credit Administration, execute and perform all functions, powers, authority, and duties pertaining to the administration of the provisions of law relative to the Central Bank for Cooperatives and the district banks for cooperatives.

J. D. Lawrence, Deputy Cooperative Bank Commissioner, is hereby authorized to execute and perform the functions, powers, authority, and duties pertaining to the office of Cooperative Bank Commissioner with respect to the district banks for cooperatives in the event that the Cooperative Bank Commissioner is unavailable to act, by reason of absence from the office of the Farm Credit Administration at Kansas City, or for any other cause, and with respect to the Central Bank for Cooperatives in the event that the Cooperative Bank Commissioner, J. P. Strong, Deputy Cooperative Bank Commissioner, and W. C. Frazee, Assistant Deputy Cooperative Bank Commissioner, are unavailable to act, by reason of absence from the office of the Farm Credit Administration at Kansas City, or for any other cause.

J. P. Strong, Deputy Cooperative Bank Commissioner, is hereby authorized to execute and perform the functions, powers, authority, and duties pertaining to the office of Cooperative Bank Commissioner with respect to the Central Bank for Cooperatives in the event that the Cooperative Bank Commissioner is unavailable to act, by reason of absence from the office of the Farm Credit Administration at Kansas City, or for any other cause, and with respect to the district banks for cooperatives in the event that the Cooperative Bank Commissioner, J. D. Lawrence, Deputy Cooperative Bank Commissioner, and S. Y. McConnell, Assistant Deputy Cooperative Bank Commissioner, are unavailable to act, by reason of absence from the office of the Farm Credit Administration at Kansas City, or for any other cause.

S. Y. McConnell, Assistant Deputy Cooperative Bank Commissioner, is hereby authorized to execute and perform the functions, powers, authority, and duties pertaining to the office of Cooperative Bank Commissioner with respect to the district banks for cooperatives in the event that the Cooperative Bank Commissioner, and J. D. Lawrence, Deputy Cooperative Bank Commissioner, are unavailable to act, by reason of absence from the office of the Farm Credit Administration at Kansas City, or for any other cause, and with respect to the Central Bank for Cooperatives in the event that the Cooperative Bank Commissioner, J. P. Strong, Deputy Cooperative Bank Commissioner, W. C. Frazee, Assistant Deputy Cooperative Bank Commissioner, and J. D. Lawrence, Deputy Cooperative Bank Commissioner, are unavailable to act, by reason of absence from the office of the Farm Credit Administration at Kansas City, or for any other cause.

W. C. Frazee, Assistant Deputy Cooperative Bank Commissioner, is hereby authorized to execute and perform the functions, powers, authority, and duties pertaining to the office of Cooperative Bank Commissioner with respect to the Central Bank for Cooperatives in the event that the Cooperative Bank Commissioner and J. P. Strong, Deputy Cooperative Bank Commissioner, are unavailable to act, by reason of absence from the office of the Farm Credit Administration at Kansas City, or for any other cause, and with respect to the district banks for cooperatives in the event that the Cooperative Bank Commissioner, J. D. Lawrence, Deputy Cooperative Bank Commissioner, S. Y. McConnell, Assistant Deputy Cooperative Bank Commissioner, and J. P. Strong, Deputy Cooperative Bank Commissioner, are unavailable to act, by reason of absence from the office of the Farm Credit Administration at Kansas City, or for any other cause. (E.O. 6084, Mar. 27, 1933; 6 CFR 1.1 (m), Sec. Memo. 846, Jan. 6, 1940, and Sec. 80 (b), 48 Stat. 273; 12 U.S.C. 638 (b).)

Section 3.51 of Title 6, Code of Federal Regulations, as amended (6 F.R. 2213), is hereby revoked.

[SEAL] A. G. BLACK,
Governor.

[F. R. Doc. 42-10502; Filed, October 19, 1942; 10:05 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 7—MANUFACTURE OF DECORATIONS

GOOD CONDUCT MEDALS, ETC.

Sections 7.1, 7.3 (a) and 7.4 are hereby amended to read as follows:

The regulations in §§ 7.1, 7.3 (a) and 7.4 are also contained in AR 600-90, Dec. 31, 1940, as amended by C 1 Sept. 19, 1942, the particular paragraphs being shown in brackets at the end of sections.

§ 7.1 *General.* Under the authority contained in the act of February 24, 1923 (42 Stat. 1286) as amended by act of April 21, 1928 (45 Stat. 437); 10 U.S.C. 1425; M.L. 1939, Sec. 925, and the act of June 29, 1932 (47 Stat. 342); as amended by the act of May 22, 1939 (53 Stat. 752) 18 U.S.C. 76a, 76b; M.L. 1939, sec. 925, The Adjutant General, under regulations herein prescribed, upon recommendation by the Chief of Army Exchange Service, may grant certificates of authority for the sale or the manufacture and sale of the articles enumerated in § 7.3. Existing certificates of authority for the sale or the manufacture and sale of the articles enumerated in § 7.3 will remain in effect until their respective expiration dates (42 Stat. 1286 as amended by 45 Stat. 437, 47 Stat. 342 as amended by 53 Stat. 752; 10 U.S.C. 1425; 18 U.S.C. 76a, 76b) [Par. 2]

§ 7.3 *Medals, etc.* (a) Authority may be granted to sell or to manufacture:

(1) Good conduct and service medals.

(2) Good conduct and service ribbons or extra ribbons pertaining to the good conduct and service medals and to the several War Department decorations.

(3) Authorized miniature replicas of the War Department decorations, miniature oak-leaf clusters, service medals, and suspension ribbons of decorations and good conduct and service medals.

(4) Lapel buttons pertaining to Good Conduct Medal and lapel buttons and lapel ribbons pertaining to the several decorations and service medals.

(5) Lapel buttons to be worn as evidence of military service.

(6) Clasps pertinent to Good Conduct Medal and clasps and bronze stars pertinent to the Victory Medal.

(7) Badges and bars awarded by the War Department for marksmanship, gunnery, bombing, etc.

(8) Aviation badges.

(9) War Department General Staff identification.

(10) Identification badge, Organized Reserves.

(11) Fourragere.

(12) Rosette for Medal of Honor.

(13) Heroic size decorations or service medals for grave markers only, no smaller than twice the size of the full-size devices.

(14) All insignia prescribed or authorized by the War Department. [Par. 4*a*]

* * * * *

§ 7.4 *Application required.* Each applicant for a certificate of authority of the renewal of certificate of authority to sell or manufacture and sell the articles or any of the articles enumerated in § 7.3 will address the Chief of Army Exchange Service, Washington, D. C., and state whether authority for sale only or for manufacture and sale thereof is desired. (42 Stat. 1286 as amended by 45 Stat. 437, 47 Stat. 342 as amended by 53 Stat. 752; 10 U.S.C. 1425; 18 U.S.C., 76a, 76b) [Par. 5]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-10476; Filed, October 17, 1942; 11:38 a. m.]

Chapter II—Aircraft

PART 21—USE OF ARMY AIRCRAFT

AUTHORIZATION TO CARRY PASSENGERS, ETC.

Section 21.3 (a) (1) (iii) and (b) and 21.4 (a) are hereby amended and § 21.3 (a) (1) (iv) is rescinded, as follows:

§ 21.3 *Passengers in aircraft: Authorization.* (a) Commanding officers of Army Air Forces stations or higher authority in the chain of command are authorized to permit personnel of the following categories to ride as passengers in Army aircraft under their control in the following circumstances:

(1) On flights which may extend beyond the local flying area:

* * * * *

(iii) Civilian employees of the War Department, of other Government agencies, of Government contractors, and technical advisers to military authorities engaged in activities for the Army which require such flight.

(iv) [Rescinded]

* * * * *

(b) The commanding general of any theater, or any department, defense command, task force, or base command, outside the continental limits of the United States may authorize any person to ride as a passenger in Army aircraft under his control when, in the opinion of such commanding general, this action is necessary or desirable in the Government interest. This authority may be delegated by commanders mentioned above to subordinate commanders. (R.S. 161; 5 U.S.C. 22) [Par. 5*a*, AR 95-90, July 24, 1942, as amended by C 2, October 6, 1942]

* * * * *

§ 21.4 *Release from claim for injury or death.* (a) Civilians specified in § 21.3 (a) (1) (ii), (2), (3) (iii), (b), and (c) (3) will be required to sign the release form specified in (b) below, unless under the provisions of these regulations they are exempted from signing the form. Persons specified in § 21.3 (a) (1) (vii) will, when practicable, be required to sign the release form specified in paragraph (b) of this section, unless under the provisions of these regulations they are exempted from signing the form. (R.S. 161; 5 U.S.C. 22) [Par. 5*a*, AR 95-90, July 24, 1942, as amended by C 2, October 6, 1942]

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-10475; Filed, October 17, 1942; 11:38 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Board of Governors of the Federal Reserve System

PART 222—CONSUMER CREDIT

INSTALMENT SALES; CHARGE ACCOUNTS

On October 14, 1942, the Board of Governors of the Federal Reserve System amended Part 222 in the following respects to become effective October 26, 1942:

1. Section 222.4 entitled *Installment sales*[1] is amended by adding the following new paragraph:

§ 222.4 *Instalment sales.* * * *

(e) *"Approvals", "demonstrators", etc.* In case a listed article is delivered in anticipation of an instalment sale of that article or a similar article (such as a delivery "on approval", "on trial", or as a "demonstrator"), the registrant shall require, at or before the time of such delivery, a deposit equal to the down payment that would be required on such an instalment sale.

2. Section 222.5 entitled *Charge accounts*[2] is amended by adding the following two new paragraphs (g) and (h), and by changing paragraph (f) to read as follows:

§ 222.5 *Charge accounts.* * * *

(f) *"Authorization" of small items.* In case a registrant makes a charge sale of a listed article the cash price of which is $5.00 or less, he shall not be deemed to have violated § 222.5 (b) if the person authorizing such sale on behalf of the Registrant acts in good faith without knowledge that the customer's charge account is in default, provided the registrant, promptly upon discovery that such charge account is in default and in any event within 15 days from the date of sale, makes a request of the customer that he either return the article or else pay for it in full immediately.

(g) *Small defaults.* A charge account shall not be deemed to be "in default" within the meaning of §§ 222.5 (c) or 222.12 (m) if the amount in default is less than $2.00.

(h) *"Approvals", "demonstrators", etc.* When a charge account is in default, the registrant shall not deliver any listed article to the obligor in anticipation of a sale of that article or a similar article (such as a delivery "on approval", "on trial", or as a "demonstrator"). When a charge account is not in default and the registrant makes such a delivery of any article, the delivery (unless it is in anticipation of an instalment sale) shall be treated for the purposes of this regulation as a charge sale made on the date of the delivery.

(Sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966, sec. 2, 48 Stat. 1, sec. 1, 54 Stat. 179; sec. 301, Pub. Law 354, 77th Congress; 12 U.S.C. 95 (a) and Sup., and E.O. No. 8843, dated August 9, 1941)

Board of Governors of the Federal Reserve System.

[SEAL] S. R. CARPENTER,
Assistant Secretary.

[F. R. Doc. 42-10465; Filed, October 17, 1942; 10:50 a. m.]

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[1] 7 F.R. 3352.

[2] 7 F.R. 3352.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Orders, Serial No. 1982]

ORDER PERMITTING THE ADMINISTRATOR TO DESIGNATE IDENTIFICATION MARKS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 14th day of October 1942.

It appearing to the Board:

1. That in the coastal areas of and in other places in the continental United States, flight of aircraft other than military aircraft and aircraft used in scheduled air transportation has been restricted by the creation of vital defense areas; and

2. That certain public aircraft registered pursuant to the provisions of section 501 of the Civil Aeronautics Act of 1938, as amended, owned or operated by agencies of the Federal Government of the United States, are subject to these restrictions; and

3. That pilots of such aircraft encounter difficulties in obtaining clearance to fly into or through such vital defense areas, which difficulties arise largely from the fact that the said aircraft bear civil identification marks; and

4. That the Administrator is not permitted to assign to such aircraft other or different identification marks than those set forth in § 60.32 of the Civil Air Regulations; and

5. That the difficulty in obtaining clearance for such aircraft into or through vital defense areas impedes the war effort;

The Board finds that its action is necessary to the war effort;

Now therefore, pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended: *It is ordered:*

Notwithstanding the limitations contained in § 60.32 of the Civil Air Regulations, the Administrator may assign, upon application by the registered owner, or by the operator with the consent of the registered owner, to any public aircraft owned or operated by the Federal Government of the United States or any agency thereof, an identification mark consisting of any number, letter, symbol, or combination thereof as he in his discretion may see fit, *Provided:*

1. That the Administrator find in each case that the assignment of such an identification mark will promote the war effort;

2. That any authorization granted hereunder shall expire not later than midnight of the last day of the sixth full calendar month after the expiration of the war;

3. That prior to assigning any such identification mark the Administrator shall ascertain that the consent of the armed forces of the United States has been obtained for the display on the particular aircraft of the identification proposed to be assigned; and

4. That any authorization given hereunder shall be limited to the display of such identification mark within the continental limits of the United States only, unless such number, letter, or symbol be preceded by the roman capital letter N; and

5. That any aircraft bearing identification marks pursuant to an authorization granted hereunder shall be subject to the provisions of the Civil Air Regulations to the same extent as though it were identified as an "NC" aircraft.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-10524; Filed, October 19, 1942; 11:53 a. m.]

[Amendment 21-10 Civil Air Regulations]

PART 21—AIRLINE TRANSPORT PILOT RATING

REEXAMINATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 14th day of October 1942.

Acting pursuant to sections 205 (a), 601 and 602 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective October 14, 1942, Part 21 of the Civil Air Regulations is amended as follows:

1. By striking § 21.29 and inserting in lieu thereof the following:

§ 21.29 *Reexamination.* (a) An applicant who has failed any prescribed theoretical examination may apply for reexamination at any time after the expiration of 30 days from the date of such failure or after he has received not less than 5 hours instruction in each subject failed from a person employed by an airline to instruct in such subject or from whichever one of the following persons is appropriate:

(1) A certificated airline transport pilot;

(2) A certificated ground instructor rated for the subject;

(3) A person qualified to instruct in the theory of instrument flight.

(b) An applicant who has failed to pass any prescribed practical examination or test may apply for reexamination only after (1) he has logged at least 5 additional hours of flying solely by instruments and at least 5 additional hours of dual flight instruction with a certificated flight instructor or a certificated airline transport pilot, or (2) he has acquired such part of the above practice or instruction as may, in the opinion of the Administrator, warrant reexamination. Upon meeting the requirements of this paragraph (b) an applicant for reexamination shall be deemed to meet the 5 hours solo flight time requirements set forth in § 21.161 (b).

(c) Applicant shall present a statement from the instructor indicating that he has given the required instruction and that he deems the applicant qualified to pass the flight test or that part of the theoretical examination in which such instruction was given, whichever is appropriate.

2. By amending the table of contents to conform to this amendment.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-10522; Filed, October 19, 1942; 11:53 a. m.]

[Amendment 61-41, Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES

WEATHER REPORTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 14th day of October 1942.

Acting pursuant to sections 205 (a), 601, and 604 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective October 14, 1942, Part 61 of the Civil Air Regulations is amended as follows:

By striking the phrase "15 minutes" as it appears in § 61.602 (c) and inserting in lieu thereof the phrase "30 minutes."

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-10523; Filed, October 19, 1942; 11:53 a. m.]

[Amendment 61-40, Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES

INSTRUMENT FLIGHT; TRIAL APPROACHES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 12th day of October 1942.

Acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective December 1, 1942, Part 61 of the Civil Air Regulations is amended as follows:

By adding a new § 61.7302 to read as follows:

§ 61.7302 No pilot shall, at any airport, let-down below his last approved cruising altitude when he has received United States Weather Bureau information indicating that either the ceiling or visibility is below the authorized minimum for landing at that airport.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-10521; Filed, October 19, 1942; 11:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4626]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GRAND RAPIDS FACTORY SHOW ROOMS, INC., ET AL.

§ 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Source or origin—Place:* § 3.96 (b) *Using misleading name—Vendor—Products.* In connection with offer, etc., in commerce, of furniture, and among other things, as in order set forth, (1) using the words "Grand Rapids", or any simulation thereof, as a part of respondents' corporate or trade name, or otherwise representing, directly or by implication, that the furniture sold by respondents is obtained principally from Grand Rapids, Michigan; (2) using the words "Grand Rapids", or any simulation thereof, to designate, describe, or refer to furniture which is not in fact manufactured in Grand Rapids, Michigan; and (3) misrepresenting in any manner the place of origin or manufacture of respondents' furniture; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Grand Rapids Factory Show Rooms, Inc., et al., Docket 4626, October 12, 1942]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Business connections or arrangements with others:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Direct dealing advantages:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Direct dealing advantages:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Producer status of dealer:* § 3.69 (c) *Misrepresenting oneself and goods—Prices—Retail as dealer's or wholesale:* § 3.96 (b) *Using misleading name—Vendor—Connections and arrangements with others.* In connection with offer, etc., in commerce, of furniture, and among other things, as in order set forth, (1) using the term "Factory Show Rooms", or any other term of similar import, as a part of respondents' corporate or trade name, or otherwise representing that respondents' place of business is a factory show room; and (2) using the phrase "Direct from factory to you", or any other phrase of similar import, to designate, describe or refer to the character of respondents' business, or otherwise representing that respondents own or operate a factory or that respondents' furniture is sold direct from the factory to the consumer, or that the prices at which respondents sell their furniture are wholesale prices; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Grand Rapids Factory Show Rooms, Inc., et al., Docket 4626, October 12, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of October, A. D. 1942.

In the Matter of Grand Rapids Factory Show Rooms, Inc., and Morris Zisblatt, Meyer Zisblatt, Sam Zisblatt, and Lillian Zisblatt.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents Grand Rapids Factory Show Rooms, Inc., Meyer Zisblatt and Sam Zisblatt (service of the complaint not having been obtained upon the other respondents), in which answer said respondents admit all the material allegations of fact set forth in said complaint, except as to the continuation in business after June, 1940, of the respondent Grand Rapids Factory Show Rooms, Inc., and state that they waive all intervening procedure and further hearing on said facts, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That said respondents, Grand Rapids Factory Show Rooms, Inc., a corporation, and its officers, and Meyer Zisblatt and Sam Zisblatt, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of furniture in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Grand Rapids," or any simulation thereof, as a part of respondents' corporate or trade name, or otherwise representing, directly or by implication, that the furniture sold by respondents is obtained principally from Grand Rapids, Michigan.

2. Using the words "Grand Rapids," or any simulation thereof, to designate, describe, or refer to furniture which is not in fact manufactured in Grand Rapids, Michigan.

3. Misrepresenting in any manner the place of origin or manufacture of respondents' furniture.

4. Using the term "Factory Show Rooms," or any other term of similar import, as a part of respondents' corporate or trade name, or otherwise representing that respondents' place of business is a factory show room.

5. Using the phrase "Direct from factory to you," or any other phrase of similar import, to designate, describe or refer to the character of respondents' business, or otherwise representing that respondents own or operate a factory or that respondents' furniture is sold direct from the factory to the consumer, or that the prices at which respondents sell their furniture are wholesale prices.

It is further ordered, That said respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That this proceeding be, and it hereby is, closed as to respondents Morris Zisblatt and Lillian Zisblatt without prejudice to the right of the Commission, should the facts so warrant, to reopen the proceeding and resume trial thereof in accordance with its regular procedure.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-10466; Filed, October 17, 1942; 11:06 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

[Docket No. FDC-27]

PART 27—CANNED FRUIT: DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY AND FILL OF CONTAINERS

CANNED FRUIT COCKTAIL

ORDER POSTPONING EFFECTIVE DATE OF REGULATION

A regulation fixing and establishing a definition and standard of identity for canned fruit cocktail having been promulgated by order dated July 17, 1942,[1] and

A public hearing having been held on an application in behalf of a substantial portion of the canned fruit cocktail industry requesting that said regulation be amended, and the evidence of record at that hearing being now under consideration,

It is ordered, That the effective date of said regulation promulgated by said order dated July 17, 1942, be and it hereby is postponed until such time as the Administrator, by order, takes action with respect to said application for an amendment to said regulation, and said regulation shall become effective as provided in said order.

[SEAL] WATSON B. MILLER,
Acting Administrator.

OCTOBER 16, 1942.

[F. R. Doc. 42-10471; Filed, October 17, 1942; 11:27 a. m.]

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[1] 7 F.R. 5542.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1619]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 328.21 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-II, and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; Commencing forthwith, the Shipping Point, Railroad and Freight Origin Group appearing in the aforesaid Supplement R-I for the coals of Mine Index No. 5497 shall be as therein shown instead of the Shipping Point, Railroad and Freight Origin Group heretofore applicable to this mine; Commencing forthwith, the Shipping Point appearing in Supplement R-II for the coals of Mine Index No. 3261 shall be as therein shown instead of the Shipping Point heretofore applicable for this mine; Commencing forthwith, the Seam Designation appearing in Supplement T for the coals of Mine Index No. 5609 shall be as therein shown instead of the Seam Designation heretofore applicable to this Mine.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: September 29, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R-I

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Sub-district No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group numbers																													
								For destinations other than Great Lakes																For Great Lakes cargo only													
								1 2	3 4	5 6	7	8	9	10	11 12 13 14	15 16 17	18 19 20 21	22	23	24	25	26	27	1 2	3 4	5 6	7	8	9	10	16 17	18 19 20 21	22	24	25	26	27
5497	Birchfield, W. M	Birchfield No. 2	Elkhorn No. 2	1	Hellier, Ky.#	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(*)
5474	Burning Springs Collieries Co.	Burning Creek	Warfield	8	Kermit, W. Va	N&W	130	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	L	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	L	(†)	(†)	(†)	(†)
1340	Cook, Archie	Archie Cook	Hazard No. 4	3	Whitesburg, Ky	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	C	C	C	C
5468	Cook, Archie	Archie Cook No. 3	Whitesburg	3	Whitesburg, Ky	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	C	C	C	C
5707	Crawford Mining Co., c/o L. L. Shivers.	Crawford No. 2	Bon Air No. 2	6	Crawford, Tenn	T.C	210	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
3647	Cutshin Coal Co	Cutshin No. 1	Hazard No. 4	6	Combs, Ky	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	C	C	C	C
3120	Cutshin Coal Co	Hi-Light No. 2	Hazard No. 4	6	Combs, Ky	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	C	C	C	C
1756	Cutshin Coal Co	Hiram Prater No. 3	Hazard No. 4	6	Combs, Ky	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	C	C	C	C
3849	Cutshin Coal Co	Dalton No. 4	Hazard No. 4	6	Combs, Ky	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	C	C	C	C
5197	Cutshin Coal Co	Chrisley Baker No. 5	Hazard No. 4	6	Combs, Ky	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	C	C	C	C
3876	Cutshin Coal Co	H. Y. Baker No. 6	Hazard No. 4	6	Combs, Ky	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	C	C	C	C
5150	Cutshin Coal Co	Chris Day No. 8	Hazard No. 4	6	Combs, Ky	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	C	C	C	C
3789	Cutshin Coal Co	Old Daley No. 9	Hazard No. 4	6	Combs, Ky	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	C	C	C	C
2608	Cutshin Coal Co	Felix Day No. 10	Hazard No. 4	6	Combs, Ky	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	C	C	C	C
1367	Cutshin Coal Co	Ritchie No. 11	Hazard No. 4	3	Combs, Ky	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	C	C	C	C
5507	Cutshin Coal Co	Cutshin No. 12	Hazard No. 4	6	Combs, Ky	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	C	C	C	C
5599	Cutshin Coal Co	Cutshin No. 14	Hazard No. 4	6	Combs, Ky	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	C	C	C	C
3766	Cutshin Coal Co	Cutshin No. 15	Hazard No. 4	6	Combs, Ky	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	C	C	C	C
5655	Cutshin Coal Co	Cutshin No. 16	Hazard No. 4	6	Combs, Ky	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	C	C	C	C
5698	Cutshin Coal Co	Cutshin No. 17	Hazard No. 4	3	Combs, Ky	L&N	100	K	K	J	H	G	E	G	D	D	K	(†)	(†)	C	C	C	C	K	K	J	F	D	D	G	L	K	(†)	C	C	C	C
5699	Cutshin Coal Co	Cutshin No. 18	Hazard No. 4	6	Combs, Ky	L&N	100	K	K	J	H	G	E	G	D	D	K	(†)	(†)	C	C	C	C	K	K	J	F	D	D	G	L	K	(†)	C	C	C	C
5609	Donelson, Ben	Clifty No. 4	Sewanee	6	Crossville, Tenn	T.C	72	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
5645	Goodloe, H. A	East End Coal Co. #2	Pond Creek	8	Williamson, W. Va	N&W	130	Q	Q	M	L	H	F	H	C	C	J	(†)	(†)	(†)	(†)	(†)	D	O	N	L	G	D	D	H	O	J	(†)	(†)	(†)	(†)	D
5680	H. & H. Coal Co. (George L. Hillman).	H & H. Coal Co. No. 2	Norton	7	Tacoma, Va	N&W	30	O	O	K	J	F	C	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C	O	M	K	F	D	D	E	M	G	†)	(†)	(†)	(†)	C
2102	Laxton, Sherman	Sherman Laxton	No. 3	6	Oneida, Tenn	Tenn	71	O	O	M	L	H	F	H	F	E	K	(†)	(†)	(†)	(†)	(†)	(†)	O	O	M	H	F	F	H	N	K	(†)	(†)	(†)	(†)	(†)
2242	Miller, Carl	Carl Miller No. 1	Upper Banner	7	Swords Creek, Va	N&W	20	M	M	K	J	F	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	F	D	D	E	L	K	(†)	(†)	(†)	(†)	(†)
908	Miller, Carl	Carl Miller No. 2	Widow Kennedy	7	Swords Creek, Va	N&W	20	K	K	E	E	E	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	K	K	E	C	B	B	E	M	K	(†)	(†)	(†)	(†)	(†)
5659	Swallows & Eldridge Coal Co. (J. W. Swallows).	Swallows & Eldridge	Bon Air No. 2	6	Crawford, Tenn	T.C	210	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
5693	Tway Coal Co., R. C	Bland	Harlan	2	Bland, Ky	L&N	80	J	J	H	G	F	D	D	B	C	F	K	(†)	A	B	B	C	J	J	H	E	C	C	D	K	F	K	A	B	B	C
3865	Wells, Riley	Wells No. 7	Hazard No. 4	6	Combs, Ky	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	C	C	C	C
5691	Wilson, Tom	Wilson No. 1	Sewanee	6	Crossville, Tenn	T.C	72	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
5692	Wilson, Tom	Wilson No. 2	Sewanee	6	Crossville, Tenn	T.C	72	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
5604	Wyatt, H. L. & Oril Copeland (H. L. Wyatt).	Wyatt & Copeland	Isoline	6	Campbell Jct., Tenn.	T.C	72	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)

#Denotes new shipping point, railroad and Freight Origin group. Shipping point at Elkhorn City, Ky. on C&O and CC&O in Freight Origin group No. 63 shall no longer be applicable.

*Indicates previously classified these size groups.
†Indicates no classification effective for these size groups.

§ 328.21 *Alphabetical list of code members*—Supplement R–II

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group number									
								1	2	3	4	5	6	7	8	9	10
3261	Cub Creek Red Ash Coal Co. (Alvis Roberts)	Cub Creek	9	Red Ash	Panther, W. Va.#	N&W	131	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(†)	(†)	(†)

#Denotes new Shipping Point. Shipping Point at Alnwick, W. Va. shall no longer be applicable.
*Indicates previously classified for these size groups.
†Indicates no classification effective for these size groups.

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

FOR TRUCK SHIPMENTS

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2" Egg 4" x 6"	Lump 2" & under Egg 3" x 6"	Lump ¾" & under	Egg 2" x 4" Egg 2" x 5"	Stove 3" & under Nut 2" & under	Straight mine run	2" & under Slack	¾" & under Slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 1—BIG SANDY-ELKHORN											
FLOYD COUNTY, KY.											
Gunnell, James	Gunnell	5663	Elkhorn No. 1	285	265	225	230	215	215	165	160
SUBDISTRICT NO. 2—HARLAN											
HARLAN COUNTY, KY.											
Tway Coal Company, R. C	Bland	5693	Harlan	280	260	225	230	210	215	175	170
SUBDISTRICT NO. 3—HAZARD											
LEE COUNTY, KY.											
Couch, Stanley	Couch	5671	No. 3	275	255	220	225	205	210	155	150
PERRY COUNTY, KY.											
Cutshin Coal Co	Cutshin No. 17	5698	Hazard No. 4	275	255	220	225	205	210	155	150
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN											
LESLIE COUNTY, KY.											
Cutshin Coal Co	Cutshin No. 18	5699	Hazard No. 4	275	255	220	225	205	210	155	150
CUMBERLAND COUNTY, TENN.											
Derrick, F. A	Haley Mt. No. 3	5702	Nelson	250	230	205	210	185	195	135	130
Donelson, Ben	Clifty No. 4	5609	Sewanee%	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
Wilson, Tom	Wilson No. 1	5691	Sewanee	250	230	205	210	185	195	135	130
Wilson, Tom	Wilson No. 2	5692	Sewanee	250	230	205	210	185	195	135	130
Wyatt, H. L. & Oril Copeland (H. L. Wyatt)	Wyatt & Copeland	5604	Isoline	250	230	205	210	185	195	135	130

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2" Egg 4" x 6"	Lump 2" & under Egg 3" x 6"	Lump ¾" & under	Egg 2" x 4" Egg 2" x 5"	Stove 3" & under Nut 2" & under	Straight mine run	2" & under Slack	¾" & under Slack
				1	2	3	4	5	6	7	8
OVERTON COUNTY, TENN.											
Crawford Mining Co. c/o L. L. Shivers.	Crawford No. 2	5707	Bon Air No. 2	250	230	205	210	185	195	135	130
Swallows & Eldridge Coal Co. (J. W. Swallows).	Swallows & Eldridge	5659	Bon Air No. 2	250	230	205	210	185	195	135	130
SUBDISTRICT NO. 7—VIRGINIA											
SCOTT COUNTY, VA.											
Begley & Summy (R. O. Begley).	Begley & Summy	5665	Upper Banner	265	245	220	220	215	210	155	150
WISE COUNTY, VA.											
H. & H. Coal Co. (George L. Hillman).	H & H. Coal Co. No. 2	5680	Norton	265	245	220	220	215	210	155	150
Wright, J. M	J. M. Wright	5700	Lower Banner	265	245	220	220	215	210	155	150
SUBDISTRICT NO. 8—WILLIAMSON											
MINGO COUNTY, W. VA.											
Goodloe, H. A	East End Coal Co. No. 2.	5645	Pond Creek	245	225	225	210	200	215	160	155

%Indicates change in seam designation.
*Indicates previously classified these size groups.

[F. R. Doc. 42-10413; Filed, October 16, 1942; 10:26 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Supplementary Directive 1O]

§ 903.18 *Further delegation of authority to the Office of Price Administration with reference to rationing of fuel oil.* (a) In order to permit the efficient rationing of fuel oil, the authority delegated to the Office of Price Administration in § 903.1 Directive No. 1, is hereby extended to include the following:

(1) The exercise of rationing control over the sale, transfer, delivery or other disposition of fuel oil by any person to any consumer, in cases in which either such person or such consumer is within the limitation area, and over the use of fuel oil by any person: *Provided*, That such authority shall not include the power;

(i) To limit or restrict the quantity of fuel oil obtainable by the Army, Navy, Marine Corps, or Coast Guard of the United States or by government agencies or other persons to the extent to which they acquire fuel oil for export to and consumption or use in any foreign country; and

(ii) To deny fuel oil to any person for the operation of oil burning equipment (other than equipment furnishing heat or hot water to any building or structure) for the reason that such equipment can be converted to the use of a fuel other than fuel oil, except where the denial of fuel oil is recommended by the Office of Petroleum Coordinator for War and approved by the Director General for Operations.

(2) The requiring of the delivery of such coupons, certificates or other evidences as the Office of Price Administration may prescribe, as a condition to the sale, transfer, delivery or other disposition of fuel oil by any person to any other person in cases in which either person is within the limitation area.

(b) The authority of the Office of Price Administration under this supplementary directive shall include the power to regulate or prohibit the sale, transfer, delivery or other disposition of fuel oil to, or the acquisition or use of fuel oil by, any person who has acted in violation of any rationing regulation or order prescribed by the Office of Price Administration.

(c) The Office of Price Administration is authorized, in accordance with the provisions of Executive Order No. 9125, and to the extent that it may deem necessary to the enforcement of the authority delegated in paragraphs (a) and (b) of this supplementary directive:

(1) To require records and reports and to make audits of the accounts and inspections of the facilities of any person wherever located, involved directly or indirectly in the sale, transfer, delivery, or other disposition of fuel oil to or from any point in the limitation area; and

(2) To require any person wherever located, who is involved, directly or indirectly, at any stage in the distribution of fuel oil which is ultimately sold, transferred, delivered or otherwise disposed of in the limitation area (whether by such person or by other persons), or which is ultimately used in the limitation area, to comply with any rule, regulation or procedure promulgated or established pursuant to the authority delegated in paragraph (a) of this supplementary directive.

(d) As used in this supplementary directive, the term "fuel oil" means any liquid petroleum product commonly known as fuel oil, including grades No. 1, 2, 3, 4, 5 and 6, whether or not blended or rebranded, such as Bunker C, Diesel oil, kerosene, range oil, and gas oil. The term also includes any other liquid petroleum product having the same specifications as the above designated grades and used for the same purposes as such grades.

The term "person" means any individual, partnership, corporation, association, government or governmental agency, and any other organized group or enterprise; the term "consumer" means any person who uses fuel oil for any purpose, including use as a component part of any manufactured article, material or compound; the term "limitation area" means the States of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

(e) This supplementary directive shall become effective October 16, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of October, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10458; Filed, October 16, 1942; 10:38 a. m.]

Subchapter B—Director General for Operations

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

[Revocation of Limited Preference Rating Order P-107, as Amended]

§ 976.12 *Limited Preference Rating Order P-107.* Limited Preference Rating Order P-107, issued January 22, 1942, as amended March 5, 1942[1] is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10459; Filed, October 17, 1942; 10:38 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-113]

IDEAL SEATING CO.—IDEAL CAST PRODUCTS CO.

Ideal Seating Company, Grand Rapids, Michigan, is a corporation engaged in the manufacture of public seating. Ideal Cast Products Company, Grand Rapids, Michigan, is a foundry which is operated as a division of Ideal Seating Company. During the months of March, April and June, 1942, the company filed with the War Production Board PD-69 forms requesting allocations of pig iron, which applications contained misrepresentations in that they indicated that non-defense orders bore an A-1-a preference rating. Such misrepresentations constituted violations of General Preference Order M-17[2] and Priorities Regulation No. 1.

During the period from May 5, 1942, to June 19, 1942, the company put into process in the manufacture of theater chairs, quantities of iron in excess of the quantities it was permitted to use for that purpose during that period under the provisions of General Conservation Order M-126.

These violations of General Preference Order M-17, General Conservation Order M-126 and Priorities Regulation No. 1 have impeded and hampered the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered* That:

§ 1010.113 *Suspension Order S-113.* (a) Deliveries of material to Ideal Seating Company, its successors and assigns, or to Ideal Cast Products Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating orders, general preference orders, or any other order or regulation of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to Ideal Seating Company, its successors and assigns, or to Ideal Cast Products Company, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve Ideal Seating Company or Ideal Cast Products Company, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on October 20, 1942, and shall expire on January 20, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F R. Doc. 42-10460; Filed, October 17, 1942; 10:39 a. m.]

PART 1032—DIRECT CONSUMPTION SUGAR

[Revocation of General Preference Order M-55 and Amendments, Interpretations and Supplementary Orders Thereto]

Sec.	
1032.1	General Preference Order M-55.
1032.1	Amendment 1.
1032.1	Amendment 2.
1032.1	Interpretation 1.
1032.1	Interpretation 2.
1032.2	Supplementary Order M-55-a.
1032.3	Supplementary Order M-55-b.
1032.4	Supplementary Order M-55-c.
1032.5	Supplementary Order M-55-d.
1032.5	Amendment 1.
1032.6	Supplementary Order M-55-e.
1032.7	Supplementary Order M-55-f.
1032.8	Supplementary Order M-55-g.
1032.9	Supplementary Order M-55-h.

The above order, amendments, interpretations, and supplementary orders are hereby revoked.

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[1] 7 F.R. 471, 1733.
[2] 6 F.R. 3920, 5254, 5994.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10461; Filed, October 17, 1942; 10:38 a. m.]

PART 1095—COMMUNICATIONS

[Interpretation 1 to Preference Rating Order P-130 as Amended September 8, 1942]

MAINTENANCE, REPAIR, OPERATING SUPPLIES AND OPERATING CONSTRUCTION

The following interpretation is hereby issued by the Director General for Operations with respect to § 1095.3 Preference Rating Order P-130, as amended September 8, 1942.[1]

Question has been asked as to the meaning of the phrase "equipment of a superseded type" as employed in paragraph (a) (7) (i) of Order P-130, as amended September 8, 1942.

Telephone and telegraph equipment is of a "superseded" type, within the meaning of this subparagraph, if it is usable, in its present state of repair, by the operator in a practical manner in his existing plant and is not currently being put into service, and in addition is either:

(a) No longer manufactured or carried by the manufacturer as a regular item for sale to operators; or

(b) Of such character that, were it not for the present and reasonably anticipated service requirements of the war program, the operator would not place it back into service or would dispose of it by sale as usable equipment or as junk.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F.R. Doc. 42-10463; Filed, October 17, 1942; 10:38 a. m.]

PART 1095—COMMUNICATIONS

[Preference Rating Order P-132]

§ 1095.15 *Preference Rating Order P-132*—(a) *Definitions.* For the purposes of this order:

(1) "Operator" means any individual, partnership, association, business trust, corporation, receiver, or any form of enterprise whatsoever, whether incorporated or not, the United States, the District of Columbia, any state or territory of the United States and any political, corporate, administrative or other division or agency thereof, to the extent engaged in rendering wire telegraph, cable or related communication services (exclusive of such services rendered by operators of telephone communication systems) within, to, or from the United States, its territories or possessions.

(2) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(3) Without regard to whether or not the expenditures therefor are for any reason required to be recorded in the operator's accounting records in accounts other than maintenance and repair:

(i) "Maintenance" means the upkeep of an operator's property and equipment in sound working condition.

(ii) "Repair" means the restoration, without thereby increasing existing facilities, of an operator's property and equipment which has been rendered unsafe or unfit for service by wear and tear, damage, destruction of parts, or similar cause.

(4) "Operating supplies" means any material which is essential to and consumed in the operation of wire telegraph, cable, or related communication services by an operator but does not include any material which is physically incorporated in whole or in part in the property or equipment of the operator.

(5) Material for maintenance, repair or operating supplies for the purpose of this order shall not include material used for:

(i) The improvement of an operator's property or equipment through the replacement of material which is still usable in the existing property or equipment with material of a better kind, quality, or design;

(ii) Additions to or expansion of the operator's existing property or equipment.

(6) "Operating construction" means:

(i) The use of materials by an operator for construction (other than buildings) occasioned by the connection, disconnection, changes in, or relocation of, wire telegraph or cable apparatus or related equipment to provide service;

(ii) The relocation or installation of central office equipment as a part of the common switching and/or trunking facilities to meet traffic requirements and provide the necessary channels through which the existing traffic load may be trunked and connection established to enable full use to be made of the existing line terminals but not including the addition of line terminals;

(iii) Rearrangements or changes in existing line plant in order to obtain a more effective or fuller use of such plant: *Provided, however,* That no line capacity shall be added thereto.

(7) "Operator's inventory of material" means all items of new and/or salvaged material and supplies on hand whether held for current use or for sale as junk, until physically incorporated into plant by way of maintenance, repair, operating construction or otherwise, and without regard to whether or not such items of material are carried in the operator's accounting records under "Material and Supplies Account," exclusive nevertheless of:

(i) Any equipment of a presently inactive or superseded type, reserved by an operator for re-use as a practical measure of conservation to meet probable future operating contingencies;

(ii) Any material identified for use in projects which have been specifically authorized by the War Production Board upon application of an operator;

(iii) Any operating supplies which are in the process of being consumed by an operator.

(b) *Assignment of preference rating.* (1) Subject to the terms of this order, the following preference ratings are hereby assigned to operators:

(i) A-1-a for deliveries to an operator of material required by him for maintenance, repair, operating supplies, or operating construction;

(ii) For deliveries to an operator of material required by him for the construction of facilities necessary to serve defense projects bearing a rating of A-1-c or better, the same rating as is assigned to such defense project; except that where such project is assigned two or more ratings and both or all of these are A-1-c or better, such deliveries to an operator are assigned the lowest of the ratings assigned to such defense project.

(2) *Application and extensions of ratings.* The ratings assigned by subparagraph (b) (1) above shall be applied and extended in accordance with Priorities Regulations Numbers 1 and 3, as amended from time to time.

(3) In addition to the requirements of paragraph (b) (2) above, an operator:

(i) In order to apply the preference rating assigned by paragraph (b) (1) (ii), shall first file Form PD-683 with the Communications Branch, War Production Board, Washington, D. C., Ref: P-132, setting forth in detail the appropriate information requested on such form, and in addition thereto, such other information as may be from time to time required.

The Director General for Operations will then notify the operator whether and to what extent the application is approved. A copy of such notification shall be furnished by the operator to any supplier to evidence the proper rating granted pursuant to the provisions of this order.

(c) *Restrictions on use of rating.* (1) The preference ratings hereby assigned shall not be applied by an operator:

(i) To obtain deliveries of material containing copper, iron, steel, or nickel where such metals could be eliminated from said material by the substitution of less scarce metals without serious loss of efficiency in the use of said material;

(ii) To obtain material for replacement of equipment and/or facilities except for essential requirements of maintenance, repair or protection of existing service;

(iii) To obtain material for the installation of additional telegraph, cable and related equipment and/or facilities unless the same are reasonably required to meet the known or fairly anticipated demands for telegraph and related service required by persons engaged in direct defense or charged with responsibility for public health, welfare or security including, but not limited to, those in the service categories shown in Schedule A attached, where their employment in direct defense or their responsibilities for public health, welfare or security require such service for the proper discharge of such duties; or unless required to provide for the installation of, or additions to, public telegraph facilities to meet essential public requirements;

(iv) To obtain material for operating construction as defined in paragraph (a) (6) where the cost of material in any single case exceeds $500; or, at the option of the operator and with the approval of the Director General for Operations to obtain material for operating construction as defined in paragraph (a) (6) in excess of a total amount for each calendar quarter as determined by the Director General for Operations upon the application of the operator. In the event an operator elects to comply herewith by the use of this option, and a specific amount of material for operating construction has been approved by the Director General for Operations, then such operator shall be exempt from the provisions as to the use of material for operating construction set forth in paragraph (e) (2) below.

(d) *Reports.* (1) Each operator affected by this order shall execute and file such reports and questionnaires with the War Production Board as may from time to time be requested by the Director General for Operations.

(e) *Restrictions on deliveries, inventory and use.* (1) On and after October 15, 1942, except as provided in paragraph (e) (3) below, no operator who has applied the rating assigned hereby shall at any time accept deliveries of material (whether or not rated pursuant to the provisions of this order) to be used for any purpose:

(i) Until the dollar value of the operator's inventory of material shall have been reduced to a practical working minimum. Such practical working minimum shall in no event exceed 27½% of the dollar value of material used for all purposes during the calendar year 1940.

(ii) Where the receipt thereof shall increase the dollar value of the operator's inventory of material to an amount in excess of normal requirements which in no event shall exceed 27½% of the dollar value of material used for all purposes during the calendar year 1940.

(2) Except as provided in paragraph (e) (3) below, no operator who has applied the rating assigned hereby shall, during any calendar quarterly period, use material for maintenance, repair, operating supplies and operating construction the aggregate dollar value of which shall exceed 110% of the aggregate dollar value of such material used during the corresponding quarter of 1940, or, at the operator's option, 27½% of the aggregate dollar value of such material used during the calendar year 1940.

(3) (i) Any operator whose average value of inventory of material for the five calendar years prior to January 1, 1942, did not exceed $10,000, shall be exempt from the provisions of paragraph (e) (1) above.

(ii) Any operator whose use of material for the year 1942 does not exceed $10,000, shall be exempt from the provisions of paragraph (e) (2) above.

(iii) Material delivered pursuant to paragraph (b) (1) (ii) shall be exempt from the provisions of paragraphs (e) (1) and (e) (2).

(iv) From time to time, the Director General for Operations may determine that certain operators are exempt in whole or in part from the restrictions contained in paragraphs (e) (1) and (e) (2) above.

(f) *Sales of material from excess stock.* Any operator may sell to any other operator material from the seller's excess stocks or inventories: *Provided,* That a preference rating of A-1-c or higher assigned by this order, or any preference rating certificate, order, or other direction issued by the Director General for Operations is applied or extended to the operator selling such material; and any such sale shall be expressly permitted within the terms of paragraph (c) (2) (iii) of Priorities Regulation No. 13.

(g) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(h) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to: War Production Board, Communications Branch, Washington, D. C. Ref., P-132.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F. R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

GENERAL CATEGORIES OF WIRE TELEGRAPH AND CABLE SERVICE RELATED TO DIRECT DEFENSE, PUBLIC HEALTH, WELFARE OR SECURITY

1. Official Army, Navy, Marine Corps, Coast Guard, civilian defense services.

2. Official Federal, state, county and municipal government services.

3. Official agencies of foreign governments.

4. (a) Public or private organizations directly serving the public health, welfare or security, such as; hospitals, clinics, sanitoria, air raid warning systems, etc.

(b) Common carriers, pipeline companies, all types of public utilities.

(c) Press associations, newspapers, radio broadcasting stations.

5. Business concerns furnishing material, equipment or facilities under prime or subcontracts to the armed services of the United States, and their suppliers.

[F. R. Doc. 42-10464; Filed, October 17, 1942; 10:39 a. m.]

PART 1095—COMMUNICATIONS

[General Conservation Order L-204]

The fulfillment of requirements for the defense of the United States has created a shortage of materials for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1095.20 *General Conservation Order L-204*—(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, receiver or any form of enterprise whatsoever, whether incorporated or not.

(2) "Telephone set" means an assemblage of apparatus including a telephone transmitter, a telephone receiver, and their immediately associated devices and wiring for use in telephone communication. It shall not include any telephone set the design and construction of which is substantially different from the telephone sets which have been heretofore manufactured and sold as standard telephone sets, and which has been so designed and constructed as to meet unusual and special requirements for use in combat or for combat equipment, and which is manufactured for delivery to and for the account of:

(i) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast Guard, the Civil Aeronautics Administration; or

(ii) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its dominions, Crown Colonies and Protectorates, and Yugoslavia; or

(iii) Any other country, including those of the Western Hemisphere, now or hereafter designated, pursuant to the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(3) "Manufacturer" means any person who manufactures or assembles telephone sets. It shall not include any person to the extent that he is engaged in the repair or reconditioning of used telephone sets.

(4) "Factory sales value" means the aggregate net value of all sales of telephone sets including both domestic sales and sales for export, produced by a manufacturer at his regular selling price.

(b) *General restrictions.* (1) Each manufacturer shall limit his production of telephone sets:

(i) During the fifteen-day period beginning on the 17th day of October, 1942, and ending on the 31st day of October, 1942, to 4% of the total factory sales value of telephone sets produced by him in the calendar year 1941.

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[1] 7 F.R. 7090.

(ii) During the second fifteen-day period beginning on the 1st day of November, 1942, and ending on the 15th day of November, 1942, to 2% of the total factory sales value of telephone sets produced by him in the calendar year 1941.

(2) No manufacturer shall produce telephone sets on or after the 16th day of November, 1942.

(c) *Records.* All manufacturers affected by this order shall keep and preserve for not less than two years accurate and complete records concerning production and sales of telephone sets.

(d) *Reports.* Each manufacturer affected by this order shall file such reports and questionnaires with the War Production Board as may from time to time be required by the Director General for Operations.

(e) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from process or use of, material under priority control, and may be deprived of priorities assistance.

(g) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(h) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to: War Production Board, Communications Branch, Washington, D. C. Ref: L-204.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10462; Filed, October 17, 1942; 10:38 a. m.]

PART 1191—COFFEE

[Amendment 5 to Conservation Order M-135]

Paragraph (f) of § 1191.1 *Conservation Order M-135*[1] is amended to read as follows:

(f) *Advance deliveries.* Within 10 days before the beginning of any quota period, any roaster may make advance delivery of not more than one-fifth of his quota for that period and any wholesale receiver may accept advance delivery of not more than one-fifth of his quota for that period.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10494; Filed, October 17, 1942; 12:37 p. m.]

PART 1001—TIN

[Amendment 1 to General Preference Order M-43, as Amended June 17, 1942]

Paragraph (f) of § 1001.1 *General Preference Order M-43, as amended June 17, 1942*[2] is hereby amended to read as follows:

(f) *Restrictions on sales and deliveries of certain tin products.* Hereafter, except as provided by Priorities Regulation 13, with respect to "special sales", no person shall sell or deliver, and no person shall purchase or accept delivery of any solder having a tin content of more than 16% by weight, any tin-bearing babbitt, tin-bearing foil, or tin oxide, except where such delivery is:

(1) By a seller in the usual course of a retail business in which the seller is regularly engaged; or

(2) In fulfillment of a purchase order to which a preference rating of A-9 or higher shall have been assigned; or

(3) In fulfillment of a purchase order specifying that such material is to be used for maintenance or repair of existing equipment, and carrying a preference rating of A-10; or

(4) Of solder to be used in the manufacture or sealing of cans, as defined in Conservation Order M-81, and subject to all the provisions, limitations and restrictions of Conservation Orders M-81 and M-86, as either may be from time to time amended; or

(5) Of foil having a tin content of not more than 30% by weight, for dental use pursuant to a purchase order to which a preference rating of A-10 shall have been assigned; or

(6) Of foil having a tin content of not more than 16% by weight, for use in electrotyping, pursuant to a purchase order to which a preference rating of A-10 shall have been assigned.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10516; Filed, October 19, 1942; 11:37 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[Amendment 7 of General Imports Order M-63, as Amended June 2, 1942]

1. Section 1042.1 *General Imports Order M-63, as amended June 2, 1942* is hereby amended by making the following changes in List I, List II, and List III:

Change	Material	Commerce import class No.
Add to List I	Red squill	221.65
	Pyrethrum or insect flowers	2202.0
	Pyrethrum or insect flowers, advanced in value or condition.	222.31
Move from List I to List II.	Wool, apparel, finer than 44s (except on the skin).	3520.0 3521.1 3521.2 3521.3 3522.0 3523.1 3523.2 3523.3 3526.0 3527.1 3527.2 3527.3 3528.0 3529.1 3529.2 3529.3
Add to List II	Silk:	
	Partially manufactured silk, and silk noils exceeding 2 inches in length, not twisted or spun.	3799.0
	Raw silk in skeins, reeled from the cocoon, or re-reeled, not wound, doubled, twisted, or advanced.	3702.0
	Silk waste	3704.0
	Cocoons	3703.0
	Wild silk or tussah	3702.1
Add to List III	Meats canned, n. e. s., and prepared or preserved meats, n. s. p. f. (include liver paste; also include mutton).	0032.9
	Gum arabic or senegal (Acacia gum).	2161.0
	Gum tragacanth	2162.0
	Gum kadaya (karaya) and talka.	2163.0
	Gum ghatti	*N. S. C.
	Coconuts, in the shell	1351.0
	Coconut meat, shredded and desiccated, or similarly prepared.	1379.0
	Carpets and carpeting, mats, rugs, art squares, etc., of wool, n. s. p. f.	3660.0-367.57 inclusive
	Pile mats and floor coverings of cocoa fiber.	3960.1
	Pile mats and floor coverings of rattan.	3960.3
	Matting and articles of cocoa fiber or rattan.	3963.0
	Floor coverings of grass or rice straw, not in chief value of cotton.	3963.2
	Textile floor coverings, other than wool, cotton, silk, rayon, etc., n. e. s.	3968.6

*N. S. C.=No Separate Class. Commodity number has not yet been assigned by the Department of Commerce, Statistical Classification of Imports.

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[1] 7 F.R. 3114, 3445, 4451, 4841, 7313.

[2] 7 F.R. 4536.

2. This amendment shall take effect on October 21, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O.9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10517; Filed, October 19, 1942; 11:37 a. m.]

PART 1153—FLUORESCENT LIGHTING FIXTURES

[Limitation Order L-78, as Amended]

Section 1153.1 *General Limitation Order L-78*[1] is hereby amended to read as follows:

§ 1153.1 *General Limitation Order L-78*—(a) *Definitions.* For the purpose of this order:

(1) "Fluorescent lighting fixture" means any equipment employing, or used in connection with an electric light source (but excluding an incandescent light source) in which (i) visible light for illuminating purposes is produced by the passage of electric current through vaporized mercury, or (ii) visible light for illuminating purposes is produced due to the effects of ultra-violet radiation on substances exposed to such radiation, including, but not limited to the following; (*a*) a hot cathode fluorescent lighting fixture, (*b*) a cold cathode fluorescent lighting fixture, (*c*) a rectified fluorescent lighting fixture, (*d*) a Cooper-Hewitt type fixture, (*e*) a Mercury type fixture, and (*f*) a portable fluorescent lighting fixture known as a mechanic's lamp, and any other portable fluorescent lighting fixture designed for use in conjunction with any industrial machine, tool, assembly bench or other similar factory equipment.

"Fluorescent lighting fixture" does not include any tube, bulb, or replaceable fluorescent starter, or portable lamp, commonly known as bed lamps, floor lamps, wall lamps, table lamps and desk lamps.

(2) "Industrial fluorescent lighting fixture" means a fluorescent lighting fixture which fixture is designed and constructed to illuminate an area of a factory, workshop or similar plant in which area manufacturing, assembling, or other industrial functions are performed.

(3) "Non-industrial fluorescent lighting fixture" means any fluorescent lighting fixture other than an industrial fluorescent lighting fixture.

(4) "Maintenance" means the minimum upkeep necessary to the continued and safe operation of any fluorescent lighting fixture.

(5) "Repair" means the restoration of any fluorescent lighting fixture to a sound working condition after wear and tear, damage, destruction or failure of any part has made it unfit or unsafe for service.

(6) "Blocked inventory" means component parts of fluorescent lighting fixtures or material which has been put in process to manufacture fluorescent lighting fixtures or component parts thereof, which component parts or material was in the possession of any person on April 20, 1942, having been acquired by such person or a predecessor in title of such person, pursuant to orders placed by him or such predecessor in title on or before April 2, 1942.

(7) "Reflector" means that part of a fluorescent lighting fixture which redirects the light emitted from the tube, bulb, tubes or bulbs in such fixture in a desired direction. Reflector does not include a wiring channel, wireway, raceway, or any locknuts, screws, bolts, washers or other devices for the purpose of connecting a reflector to such channel, wireway or raceway.

(b) *Restrictions*—(1) *Manufacture.* Notwithstanding any contract or agreement to the contrary, no person shall manufacture or assemble any fluorescent lighting fixture or any component part of any fluorescent lighting fixture, except:

(i) A fluorescent lighting fixture, other than a rectified fluorescent lighting fixture, or any component part of any fluorescent lighting fixture manufactured or assembled from:

(*a*) Materials which were acquired by him subsequent to February 28, 1942, pursuant to orders or contracts bearing a preference rating of A-1-j or better, or bearing any preference rating assigned under the Production Requirements Plan; provided, however, a non-industrial fluorescent lighting fixture may only be manufactured or assembled from such materials upon written authorization from the Director General for Operations.

(*b*) Materials which were acquired by him subsequent to February 28, 1942, and were in his possession on April 20, 1942, pursuant to orders placed by him on or before April 2, 1942, or

(*c*) Component parts of a fluorescent lighting fixture acquired by him from a person having possession of such component parts on April 20, 1942, pursuant to an order placed by such person having such physical possession on or before April 2, 1942.

(ii) Any component part of a rectified fluorescent lighting fixture, provided that such part is used for purposes of maintenance and repair and is manufactured or assembled from materials acquired by him subsequent to February 28, 1942.

(2) *Manufacture of reflectors for fluorescent lighting fixtures.* On and after October 31, 1942, no person shall manufacture or assemble a reflector containing any metal for a fluorescent lighting fixture, except:

(i) To fill a contract or order for the manufacture, assembly, sale or delivery of a fluorescent lighting fixture entered into by such person prior to October 17, 1942: *Provided,* That notwithstanding any such contract or order, no delivery of any such metal reflector shall be made subsequent to November 16, 1942, but nothing in this paragraph shall prevent the sale and delivery of such metal reflector if completely manufactured or assembled on the date of issuance of this amendment, or if manufactured or assembled for use with a fluorescent lighting fixture of the type set forth in paragraph (a) (1) (ii) (*f*), or

(ii) To manufacture or assemble such reflector for a fluorescent lighting fixture designed and constructed for the operation of a 400 watt or a 3,000 watt mercury vapor tube, bulb, tubes or bulbs, or

(iii) To manufacture or assemble such reflector for a fluorescent lighting fixture employing a hot or cold cathode tube, bulb, tubes or bulbs, and which fixture is specifically designed and constructed to prevent combustible dust from collecting upon such tube, bulb, tubes or bulbs, or other electrical devices of such fixture, in accordance with the specifications established by Article 32 of the National Electrical Code, 1940 Edition, for Class II hazardous locations, or

(iv) To fill a specific purchase order or contract of the Navy of the United States for such reflector to be used on board a ship.

(3) *Sale and delivery.* Notwithstanding any contract or agreement to the contrary, no person shall sell or deliver any new fluorescent lighting fixture (that is any fluorescent lighting fixture which has never been used by an ultimate consumer) or any new component part of any fluorescent lighting fixture, except that:

(i) A person who regularly in the course of his business sells fluorescent lighting fixtures or component parts of fluorescent lighting fixtures, may sell and deliver:

(*a*) Any such fixture or component part to a manufacturer or assembler of fluorescent lighting fixtures, or to any other person who regularly in the course of his business sells fluorescent lighting fixtures or component parts thereof, but only for resale of such fixture, component part or component parts assembled by such other person into a fluorescent lighting fixture; or

(*b*) Any such fixture to any of the following governmental departments or agencies or to any person buying for the account of such departments or agencies: Maritime Commission, Navy Department, War Department, Metals Reserve Company, War Shipping Administration or any corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended;

(ii) And any person may:

(*a*) Sell and deliver, pursuant to an order or contract bearing a preference rating of B-2 or better, a fluorescent lighting fixture which such fluorescent lighting fixture was manufactured or assembled on or before June 1, 1942, or which was manufactured or assembled from blocked inventory;

(*b*) Sell and deliver a fluorescent lighting fixture manufactured or assembled subsequent to June 1, 1942, pursuant to an order or contract bearing a preference rating of A-1-j or better;

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[1] 7 F.R. 2579, 3033, 4474, 6984, 7804.

(*c*) Sell and deliver any component part of any fluorescent lighting fixture, pursuant to an order or contract bearing a preference rating of A–1–j or better, or bearing any preference rating assigned under the Production Requirements Plan;

(*d*) Sell and deliver a cold cathode fluorescent lighting fixture or a hot cathode fluorescent lighting fixture designed and constructed for the operation of a tube, bulb, tubes or bulbs, no individual tube or bulb to have a rated wattage in excess of 30 watts, which fixture is manufactured or assembled from blocked inventory;

(*e*) Sell and deliver any component part of any fluorescent lighting fixture: *Provided*, That such person is engaged in the business of the manufacture and assembly of fluorescent lighting fixtures, and that the person purchasing or receiving such fixture is also engaged in the same business, and any such sale and delivery shall be deemed to be permitted under the provisions of Priorities Regulation No. 13;

(*f*) Sell and deliver any component part of any fluorescent lighting fixture which is sold or delivered for the purposes of maintenance or repair;

(*g*) Deliver a fluorescent lighting fixture or any component part of any fluorescent lighting fixture to be used solely for purposes of demonstration, test or storage of such fluorescent lighting fixture or component part thereof; and a person having title to a fluorescent lighting fixture or component part thereof may deliver such fluorescent lighting fixture or component part thereof from one branch, division or section of a single enterprise to another branch, division, or section of such enterprise;

(*h*) Sell and deliver upon authorization of the Director General for Operations, fluorescent lighting fixtures reported by such person on Form PD–499 to be in his inventory as of June 2, 1942 (said form having been received by the War Production Board on or before August 1, 1942): *Provided*, That on such form the type of operation of such person was declared to be that of retailer: *And provided further*, That he shall make application to the War Production Board on Form PD–556 for permission to make such sale and delivery.

(c) *Avoidance of excessive inventories.* No person shall accumulate an inventory of any material (whether raw, semi-processed or processed) for manufacture into any fluorescent lighting fixture in excess of the minimum amount of such material necessary to maintain production of fluorescent lighting fixtures to the extent permitted by this order.

(d) *Records.* All persons affected by this order shall keep and preserve for not less than two (2) years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* Each person to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may apply for relief by addressing a letter to the War Production Board.

(i) *Applicability of priorities regulations.* This order as amended and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time.

(j) *Applicability of other orders.* Insofar as any other order issued by the Director General for Operations, or to be issued by him hereafter, limits the use of any material to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern, unless otherwise specified therein.

(k) *Routing of correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Building Materials Branch, Washington, D. C., Ref: L–78.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10515; Filed, October 19, 1942; 11:37 a. m.]

PART 3049—SOFTWOOD LUMBER

[Amendment 3 to Conservation Order M–208]

Section 3049.1 *Conservation Order M–208* is hereby amended by striking out "A–1–a" in subparagraphs (3) and (4) of paragraph (a), subparagraph (1) (ii) of paragraph (b), and in the first paragraph of List B, and inserting in lieu thereof "AA–5".

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10518; Filed, October 19, 1942; 11:37 a. m.]

PART 3113—PULPWOOD

[General Preference Order M–251]

The fulfillment of requirements for the defense of the United States has created in certain areas and is expected to create in other areas a shortage in the supply for defense, for export and for private account, of wood for pulp and lumber, and has created a shortage in the supply for defense, for export and for private account of various materials and facilities required for the production of pulpwood; and the following order is deemed necessary and appropriate in the public interest and to promote national defense:

§ 3113.1 *General Preference Order M–251*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Pulpwood" includes wood of any species and in any form commonly delivered to a manufacturer of woodpulp for the manufacture of woodpulp, except those species and forms defined in and subject to the following orders of the War Production Board: M–186, M–228, M–229 and M–234.

(3) A "holder of pulpwood" is any person who holds or accumulates pulpwood for manufacture by himself into woodpulp.

(4) To "hold" or "accumulate" pulpwood means to have or obtain control of a supply of pulpwood whether by production or purchase directly by the holder, by production or purchase by an affiliate or subsidiary or by one branch, division or section of a single enterprise or by production or purchase by any other person for delivery to or for the account of the holder.

(c) *Reports of receipts, consumption and inventory of pulpwood.* Each producer of woodpulp shall on or before the 5th day of each month (beginning with the 5th day of November, 1942) file with the Pulp and Paper Branch of the War Production Board, Reference M–251, for each mill operated by him located elsewhere in the United States than in the states of Washington and Oregon, Form PD–656, and for each mill operated by him located in the state of Washington or the state of Oregon, Form PD–661, showing the monthly receipts, consumption and inventory of pulpwood at and for such mill, according to the instructions accompanying such form.

(d) *Control of pulpwood in areas of shortage.* Whenever the Director General for Operations determines that there prevails in any area a shortage in the supply of any type or types of pulpwood required for the production of materials needed in the public interest and for national defense, he may issue a schedule defining such area and such type or types

of pulpwood, and may thereupon, according to the degree of the shortage and the immediacy of the need, and as specified in such schedule,

(1) Allocate specific quantities of pulpwood of the type or types defined held or accumulated in such area from and to specific persons;

(2) Direct holders of pulpwood in such area to maintain in their holdings or accumulations of pulpwood of the type or types defined a stated quantity or percentage, either uniform for all such holders or particular for any, to be known as a "Reserve Supply", available for disposition by the Director General for Operations, from which the Director General for Operations may from time to time authorize or direct the delivery of specific quantities to specific persons and/or the manufacture of specific quantities into the specific products, and the Director General for Operations may in addition from time to time allocate specific quantities of any pulpwood of the type or types defined held or accumulated in such area, although not a part of such "Reserve Supply", from and to specific persons; and provide procedures for applying for and granting such authorizations, directions and allocations;

(3) Direct that no person, or no person of a specified class, may consume, process, deliver or accept delivery of any pulpwood of the type or types defined held or accumulated in such area except upon specific authorization or direction by the Director General for Operations, and provide procedures for applying for and granting such authorization or direction; and/or

(4) Limit or prohibit particular uses of pulpwood of the type or types defined held or accumulated in such area. In any allocation, authorization or direction issued by the Director General for Operations pursuant to clause (1), (2) or (3) of the foregoing paragraph, the Director General for Operations may require the person to whom such allocation, authorization or direction is issued to manufacture, from the pulpwood which is the subject thereof, particular types and quantities of woodpulp or other wood product or impose upon the use of such pulpwood by such person any other conditions necessary and appropriate in the public interest and for national defense. Such allocations, authorizations and directions and any conditions attached thereto, and any limitations or prohibitions issued pursuant to clause (4) of the foregoing paragraph, shall be made to insure the satisfaction of requirements, direct and indirect, for the defense of the United States and for essential civilian supply, may be made in consideration of the possible dislocation of labor, the effect of the local shortage on the national supply of products manufactured from pulpwood and woodpulp, the problems of transporting such products into and out of the area defined, and the necessity of keeping a plant in operation so that it may be able to fulfill war orders and essential requirements, and may be made in the discretion of the Director General for Operations, without regard to preference ratings.

(e) *Miscellaneous provisions* — (1) *Records.* All persons affected by this order shall keep and preserve, for not less than 2 years, complete records concerning their receipts, inventories, and consumption or other disposition of pulpwood.

(2) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(3) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(5) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Pulp and Paper Branch, War Production Board, Washington, D. C., Ref.: M–251.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10519; Filed, October 19, 1942; 11:37 a. m.]

Chapter XI—Office of Price Administration

PART 1499—COMMODITIES AND SERVICES

[Order 16 Under § 1499.18 (b) of GMPR, Amendment 1]

ARIZONA BREWING COMPANY

Amendment No. 1 to Order No. 16 under § 1499.18 (b) of the General Maximum Price Regulation, Docket Nos. GF1–228–P, GF1–880–P.

For the reasons set forth in an opinion issued simultaneously herewith it is ordered that in paragraph (a) of § 1499.-316, the name "Elder Brau Beer" is amended to read "Arizona Apache Beer."

(e) (1) Amendment No. 1 (§ 1499.316 (a)) to Order No. 16 under § 1499.18 (b) of the General Maximum Price Regulation shall become effective October 17, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10432; Filed, October 16, 1942; 12:00 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 57 Under § 1499.18 (b) of GMPR]

CASUALS, INC.

Order No. 57 under § 1499.18 (b) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.857 *Denial of application for adjustment of maximum price of certain slippers sold by Casuals, Inc., 224 E. Eleventh Street, Los Angeles, California.* (a) The application of Casuals, Inc., 224 E. Eleventh Street, Los Angeles, California, filed June 29, 1942, and assigned Docket No. GF3–481, requesting permission to increase its maximum prices of certain slippers is denied.

(b) This Order No. 57 (§ 1499.857) shall become effective October 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10431; Filed, October 16, 1942; 11:59 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 78 Under § 1499.18 (c) of GMPR]

BLUE BONNET BAKERY

Order No. 78 under § 1499.18 (c) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.928 *Adjustment of maximum prices for one pound loaves of bread manufactured by Blue Bonnet Bakery.* (a) Blue Bonnet Bakery of 101 East Broadway, Brownwood, Texas, may sell and deliver and any person may buy and receive from Blue Bonnet Bakery one pound loaves of bread at a price not exceeding 5½ cents per loaf for sales at wholesale or 6 cents per loaf for sales at retail.

(b) Retailers who purchase one pound loaves of bread at wholesale from Blue Bonnet Bakery may increase their maximum prices for sales at retail of such bread as established under § 1499.2 of the General Maximum Price Regulation by one cent.

(c) The adjustment granted to Blue Bonnet Bakery in paragraph (a) is subject to the following conditions:

(1) Blue Bonnet Bakery shall forthwith by circular or other appropriate means, notify all retailers to whom it sells one pound loaves at wholesale of the adjustment to their maximum prices permitted by paragraph (b) of this Order No. 78.

(2) The maximum prices authorized by this order shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 78 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 78 (§ 1499.928) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 78 (§ 1499.928) shall become effective October 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10433; Filed, October 16, 1942; 12:01 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 79 Under § 1499.18 (c) of GMPR]

AMERICAN PAPER COMPANY

Order No. 79 under § 1499.18 (c) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.929 *Adjustment of maximum prices for sales of twine by the American Paper Company, Richmond, Virginia.* (a) American Paper Company of Richmond, Virginia, is hereby authorized to sell and deliver istle and jute twine, 600 feet to the pound, to coal dealers at a price not exceeding 20⅝ cents per pound.

(b) The maximum price authorized by this order is subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) This order may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 79 (§ 1499.929) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 79 (§ 1499.929) shall become effective this 17th day of October 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10426; Filed, October 16, 1942; 12:01 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 97 Under § 1499.3 (b) of GMPR]

EASTHAMPTON RUBBER THREAD COMPANY

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation, Order No. 97.

For reasons set forth in the opinion issued simultaneously herewith, *It is hereby ordered:*

§ 1499.961 *Approval of maximum prices for sales of plastic thread and tape by the Easthampton Rubber Thread Company.* (a) On and after October 17, 1942, the Easthampton Rubber Thread Company of Easthampton, Massachusetts, may sell and deliver, and any purchaser may buy and receive from the Easthampton Rubber Thread Company, the plastic thread and tape manufactured by the Easthampton Rubber Thread Company, at prices no higher than those hereinafter set forth, f. o. b. factory, with freight allowed to all points east of the Mississippi.

Size:	*Price*	Size:	*Price*
8	$1.633	46	$1.863
10	1.643	48	1.872
12	1.652	50	1.881
14	1.66	52	1.90
16	1.67	54	1.946
18	1.679	56	1.991
20–24	1.707	58	2.045
26	1.716	60	2.10
28	1.732	65	2.12
30	1.753	75	2.29
32	1.771	85	2.38
34	1.78	94	2.42
36	1.789	100	2.56
38	1.798	106	2.56
40	1.808	112	2.56
42	1.817	120	2.74
44	1.845		

(b) All discounts, allowances and other trade and freight practices in effect with respect to sales and deliveries of rubber thread and tape during March 1942, by the seller shall remain in effect with respect to the maximum prices authorized by this Order.

(c) Maximum prices herein authorized are applicable only so long as the Easthampton Rubber Thread Company sells, delivers, or transfers no more than a total of 500 pounds a month of the plastic thread and tape referred to in paragraph (a).

(d) On the 15th day of February 1943, and on the 15th day of every third month thereafter, the Easthampton Rubber Thread Company shall submit to the Office of Price Administration in Washington, D. C. a report showing the number of pounds of plastic thread and tape produced and sold during each of the three preceding months included in the report.

(e) This Order No. 97 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 97 (§ 1499.961) shall become effective October 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10427; Filed, October 16, 1942; 11:58 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 98 Under § 1499.3 (b) of GMPR]

THE RESINOUS PRODUCTS AND CHEMICAL CO.

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation, Order 98.

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.962 *Maximum prices for sales of Resin Product No. HB-100 by The Resinous Products and Chemical Company.* (a) On and after October 17, 1942, the Resinous Products and Chemical Company of Philadelphia, Pennsylvania, may sell and deliver, and any person may buy and receive from the Resinous Products and Chemical Company, the coating resin referred to in the application heretofore filed by that company with the Office of Price Administration for establishment of a maximum price under section 3 (b) of the General Maximum Price Regulation and sold by it under the name of Resin Product No. HB-100, at prices no higher than the following:

(1) *Maximum prices.*

Quantity shipped in single shipments:	*Price per pound f.o.b. Bridesburg, Philadelphia, Pa.*
Carloads (30,000 pounds minimum)	$0.42
10 drum lots	.425
1–9 drums	.43
Less than drum lots	.46

(2) *Deliveries from warehouse stocks.* Where delivery in 50 gallon drums is made from emergency stocks in Chicago, Cleveland, Boston, Los Angeles and San Francisco to points outside these cities, there may be added ¼¢ per pound to the above listed prices.

(3) *Containers.* No additional charge may be made for containers but a reasonable container deposit may be required, providing such deposit is refunded upon the return of container in good condition within a reasonable time. Transportation charges with respect to the return of empty containers from buyer's plant to the plant of the Resinous Products and Chemical Company, Bridesburg, Philadelphia, Pennsylvania, shall be borne by the Resinous Products and Chemical Company to the extent of minimum freight; transportation charges in excess of minimum freight for the return of empty drums shall be borne by buyer.

(4) All discounts, trade practices, and practices relating to the payment of shipping charges in effect in March, 1942 on the sale by this company of comparable products shall apply to the maximum prices set forth in this paragraph.

(b) On or before February 16, 1943, the Resinous Products and Chemical Company shall submit to the Office of Price Administration in Washington, D. C., a report containing complete cost data with respect to the production and sale of the above product during the ninety-day period from November 2, 1942 to January 31, 1943, such data to include the following:

(1) Cost of raw materials, with breakdown of materials used;

(2) Direct labor costs, based on March 1942 rates;

(3) Factory overhead;

(4) Container costs;

(5) Sales costs;

(6) Administrative expense;

(7) Research and development;

(8) Other (itemize).

(c) This Order No. 98 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 98 (§ 1499.962) shall become effective October 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10428; Filed, October 16, 1942; 11:58 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 99 Under § 1499.3 (b) of GMPR]

MASON CAN CO.

Maximum prices authorized under § 1499.3 (b) of General Maximum Price Regulation, Order No. 99, Docket No. GF 3-398.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.963 *Approval of maximum price for sales of bodies and covers of PB-½ filters by the Mason Can Company.* (a) Mason Can Company of East Providence, Rhode Island, may sell and deliver and the Fram Corporation may buy and receive from the Mason Can Company bodies and covers of PB-½ filters at a maximum price of $93.08 per thousand.

(b) This Order No. 99 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 99 (§ 1499.963) shall become effective October 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10429; Filed, October 16, 1942; 11:59 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 100 Under § 1499.3 (b) of GMPR]

COLLINS AND AIKMAN CORPORATION

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation, Order No. 100.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

§ 1499.964 *Maximum prices for the sale of a cotton buckram type cloth by Collins & Aikman Corporation.* (a) Subject to the restrictions set forth in paragraph (b) of this section, Collins & Aikman Corporation, 200 Madison Avenue, New York, N. Y., may sell, deliver and accept payment for a buckram type cotton cloth of the construction set forth below at a price no higher than that set forth below:

Width (inches)	Cloth count	Weight (ounces)	Price (cents per yard)
50	20 x 16	10	57.68

(b) (1) The maximum price set forth in paragraph (a) of this section shall be applicable only to deliveries made pursuant to a contract of sale entered into on or about March 31, 1942, between the said Collins & Aikman Corporation and A. D. Cohen Co., Inc., 48 West 37th Street, New York, N. Y.

(2) The price set forth in paragraph (a) of this section shall be subject to all the terms and conditions of sale set forth in the contract of sale referred to in subparagraph (1) of this paragraph (b).

(c) This Order No. 100 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 100 shall become effective October 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10430; Filed, October 16, 1942; 11:59 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 237, Amendment 1]

CERTAIN FOOD PRODUCTS AT WHOLESALE

Amendment No. 1 to Maximum Price Regulation No. 237. Adjusted and fixed markup regulation for sales of certain food products at wholesale.

A statement of the considerations involved in the issuance of Amendment No. 1 to Maximum Price Regulation No. 237 has been issued and filed with the Division of the Federal Register.*

Section 1351.501 (b) (2) and (b) (3) and § 1351.515 are amended, and § 1351.517a is added; all to read as set forth below:

§ 1351.501 *Applicability of this Maximum Price Regulation No. 237.* (a) * * *

(b) * * *

(2) *Class 2: Cash-and-carry wholesaler.* A cash-and-carry wholesaler is a wholesaler not in Class 1 who customarily distributes food products for resale by independent retail outlets or to commercial, industrial or institutional users without materially changing their form and who does not customarily deliver or extend credit.

(3) *Class 3: Service wholesaler.* A service wholesaler is a wholesaler not in Class 1 who customarily distributes food products for resale by independent retail outlets or to commercial, industrial or institutional users without materially changing their form and who customarily delivers, or delivers and extends credit.

§ 1351.515 *Definitions.* (a) Unless the context or definitions hereinafter set forth otherwise require, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, and in §§ 1499.2 and 1499.20 of the General Maximum Price Regulation shall apply to terms used herein.

(b) An independent retail outlet shall mean one that is not a unit of four or more retail outlets under one ownership.

§ 1351.517a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1351.501 (b) (2) and (b) (3), 1351.515 and 1351.517a) to Maximum Price Regulation No. 237 shall become effective on October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10451; Filed, October 16, 1942; 3:43 p. m.]

PART 1421—IRON AND STEEL FOUNDRY PRODUCTS

[MPR 241]

MALLEABLE IRON CASTINGS

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 241 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. So far as practical, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 241 is hereby issued.

Sec.
1421.101 Maximum prices for malleable iron castings.
1421.102 Applicability of the General Maximum Price Regulation.
1421.103 Less than maximum prices.
1421.104 Export sales.
1421.105 Federal and state taxes.
1421.106 Adjustable pricing.
1421.107 Petitions and applications for amendment, adjustment or exception.
1421.108 Evasion.
1421.109 Enforcement.
1421.110 Records and reports.
1421.111 Filing of prices and pricing methods.
1421.112 Transfers of business or stock in trade.
1421.113 Maximum prices for new sellers other than transferees.
1421.114 Definitions.
1421.115 Effective date.
1421.116 Appendix A: Maximum prices for malleable iron castings.
1421.117 Appendix B: Procedure for adjustment of maximum prices.
1421.118 Appendix C: Form for request for review of order denying application for adjustment.
1421.119 Appendix D: Regional Offices and states and territories covered.

AUTHORITY: §§ 1421.101 to 1421.119, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250; 7 F.R. 7871.

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of malleable iron castings by a specific maximum price regulation.

§ 1421.101 *Maximum prices for malleable iron castings.* (a) On and after October 21, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver malleable iron castings, and no person shall buy or receive malleable iron castings in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1421.116; and no person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided*, That (1) if the purchaser shall receive from the seller a written affirmation that to the best of his knowledge, information, and belief the price charged does not exceed the maximum price established by this Maximum Price Regulation No. 241, and if in such case the purchaser shall have no knowledge of the maximum price and no cause to doubt the accuracy of the affirmation, the purchaser shall be deemed to have complied with this section and (2) where the contract of sale has been entered into on or before October 20, 1942, the parties thereto may make and accept deliveries of the castings required or specified in such contract and the seller may render bills or invoices for such castings to the purchaser at the contract price, subject to adjustment of said price in accordance with the maximum prices established by this Maximum Price Regulation No. 241 within a period not to exceed 30 days after the billing or invoicing.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 971, 3663, 6967.

(b) The provisions of paragraph (a) of this section prohibiting purchasers from paying in excess of the maximum prices shall not be applicable to any war procurement agency or any contracting officer thereof, and any such contracting officer or any paying finance officer shall be relieved of any or every liability, civil or criminal, imposed by this Maximum Price Regulation No. 241 or by the Emergency Price Control Act of 1942, as amended.

(c) The provisions of this section shall not be applicable to sales or deliveries of malleable iron castings to a purchaser if prior to October 21, 1942 such castings have been received by a carrier other than a carrier owned or controlled by the seller for shipment to such purchaser.

§ 1421.102 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 241 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

§1421.103 *Less than maximum prices.* Lower prices than those set forth in this Maximum Price Regulation No. 241 may be charged, demanded, paid or offered.

§1421.104 *Export sales.* The maximum price at which a person may export any malleable iron castings shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[2] issued by the Office of Price Administration.

§1421.105 *Federal and state taxes.* Any tax upon, or incident to, the sale, delivery, processing, or use of a malleable iron casting, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such castings:

(a) *As to a tax in effect between October 1 to October 15, 1941.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during the period from October 1 to October 15, 1941, inclusive, the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 241.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 241.

(b) *As to a tax or increase in a tax which becomes effective after October 15, 1941.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1421.106 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. Where a petition or application for amendment or for adjustment or for exception under § 1421.107 has been duly filed, a seller may make sales, deliveries or offers of sale at prices adjustable in accordance with the disposition of such petition or application and shall refund to the purchaser any moneys or other consideration paid which are in excess of the maximum price.

§ 1421.107 *Petitions and applications for amendment, adjustment or exception.* (a) Any person seeking relief from a maximum price or prices established under this Maximum Price Regulation No. 241 for a particular malleable iron casting or particular group of malleable iron castings, may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed in accordance with Appendix B, incorporated herein as § 1421.117, and shall set forth the facts relating to the hardship to which such maximum price subjects the applicant.

(b) Any person seeking general relief from the maximum prices or from the formula or method of determining maximum prices established under this Maximum Price Regulation No. 241 may present the special circumstances of his case in a petition for an order of adjustment or exception. Such petition shall be filed with the Office of Price Administration, Washington, D. C., in accordance with Procedural Regulation No. 1,[3] and shall set forth the facts relating to the hardship to which such maximum prices or formula or method subjects the applicant together with a statement of the reasons why he believes that the granting of relief in his case and in all like cases will not defeat or impair the policy of the Emergency Price Control Act of 1942, as amended and of this Maximum Price Regulation No. 241 to eliminate the danger of inflation.

(c) Persons seeking any modification of this Maximum Price Regulation No. 241 or an adjustment or exception not provided for therein, may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1,[3] issued by the Office of Price Administration.

(d) Supplementary Order No. 9,[4] issued by the Office of Price Administration dealing with applications for adjustment of maximum prices of commodities sold pursuant to Government contracts or subcontracts shall not be applicable with respect to malleable iron castings.

§ 1421.108 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 241 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to malleable iron castings, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement, or other trade understanding or otherwise; without limiting the generality of the foregoing, the price limitations set forth in Maximum Price Regulation No. 241 shall not be evaded by improper classification of any malleable iron castings, improper application of extras, splitting of orders into small quantities or exchange of patterns in order to increase prices, or by decreasing or discontinuance of cash discounts.

§ 1421.109 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 241 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 241 or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, field or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1421.110 *Records and reports.* (a) Each person selling malleable iron castings shall preserve and keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942 as amended remains in effect, all available records of prices, costs, pricing methods, delivery charges, allowances and discounts on all sales of malleable iron castings made by such seller during the period from October 1, 1941 to October 20, 1942, inclusive.

(b) Each person making a sale of malleable iron castings on or after October 21, 1942 shall keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale, showing (1) the date thereof, (2) the name and address of the buyer and seller, (3) the list price, if any, on the date of sale, (4) net price after adjustment for discounts or other allowances, and (5) where the sale is made pursuant to a contract or agreement entered into on or after October 21, 1942, and the total selling price exceeds fifty dollars, summary of the calculations made in computing the maximum price. The data specified in (1), (2), (3) and (4) of this paragraph (b) shall be kept for inspection by the Office of Price Administration for the same period by each person making a purchase of malleable iron castings in the course of trade or business.

(c) Each person making a purchase or sale of malleable iron castings in the course of trade or business shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraphs (a) and (b) of this section as the Office of Price Administration may from time to time require.

§ 1421.111 *Filing of prices and pricing methods.* (a) Each person selling malleable iron castings shall file with the appropriate Regional Office of the Office of Price Administration within thirty days after the effective date of this Maximum Price Regulation No. 241, three copies, duly certified as being true and correct copies, of his published price lists in effect between October 1 and October 15, 1941, inclusive, and a statement, duly signed and sworn to, submitted in triplicate, of his customary extras, discounts, and allowances in effect during such period; if such person had no such published price lists or no such customary extras, discounts and allowances, he shall file a sworn statement to that effect with the appropriate Regional Office. A list of the Regional Offices of the Office of Price Administration and the states and territories covered is set forth in Appendix D, incorporated herein as § 1421.119.

(b) Each person selling malleable iron castings shall file with the appropriate Regional Office of the Office of Price Administration within sixty days after the effective date of this Maximum Price Regulation No. 241, information, on and in the detail required by forms which will be made available to him, as to wage rates, overhead rates, cost of materials, profit margins and pricing methods in effect for such seller at each of his foundries between October 1 and October 15, 1941, inclusive, and for such other periods specified in such forms.

§ 1421.112 *Transfers of business or stock in trade.* If the business, assets or stock in trade of any person producing malleable iron castings are or have been sold or otherwise transferred after October 15, 1941, and the transferee carries on the business or continues to produce the same type of malleable iron castings in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligations to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record and filing of price provisions, of this regulation.

§ 1421.113 *Maximum price for new sellers other than transferees.* Every person engaged in, or who proposes to engage in, the business of selling malleable iron castings who was not in such business at his present foundry at any time between October 1 to October 15, 1941, inclusive, and who is not a transferee as described in § 1421.112 shall apply to the Office of Price Administration, Washington, D. C., for a method, and shall adhere to the method so given, of determining maximum prices for malleable iron castings sold by him.

§ 1421.114 *Definitions.* (a) When used in this Maximum Price Regulation No. 241 the term:

(1) "Administrator" means the Price Administrator of the Office of Price Administration, Washington, D. C., or such person as he may appoint or designate to carry out any of his duties.

(2) "Appropriate Regional Office" means the Regional Office of the Office of Price Administration for the region in which is located the foundry of the seller.

(3) "Export" or "export sale" means any sale of a malleable iron casting located within the continental United States by a seller in the continental United States to a purchaser outside thereof in which the casting sold is transported from the continental United States to a point outside thereof and includes any sale of the exported casting by an agent of the exporter or by a corporation owned or controlled by the exporter within a period of two years after the date of shipment of the casting from the continental United States: *Provided*, That it shall not include such a sale if the agent or subsidiary has processed, fabricated or otherwise substantially changed the form of the casting exported, or if the sale by the agent or subsidiary is through a regularly established retail outlet owned or operated by the agent or subsidiary.

(4) "Machinery service" means any operation in the processing, machining, welding, treating, finishing, testing, inspecting, adjusting, maintaining, repairing or rebuilding of a malleable iron casting owned by another or of a product owned by another, which, as a result of such operation, becomes a malleable iron casting.

(5) "Malleable iron castings" means all ferrous castings sold to railroads and other classes of purchasers having a definite ductility resulting from an annealing process and known as malleable iron, pearlitic malleable iron or by a trade name. The term includes such ferrous castings sold either with or without subsequent processing thereon, such as (without limitation), machining, galvanizing, plating and japanning, but does not include malleable iron castings sold by the manufacturer of another commodity as component parts of such other commodity or as repair parts for such other commodity when such repair parts are covered by a maximum price regulation or price schedule other than the General Maximum Price Regulation.

(6) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(7) "Pricing method" means the formula by which the seller computes a price for malleable iron castings, whether such formula is described to the purchaser or is merely the seller's device for computing costs of labor and materials, other costs, and margin, mark-up or profit.

(8) "Published price list" means a list or schedule of prices for a number of malleable iron castings in which such castings are designated either by weight or quantity or both, or by name or pattern number, submitted by the seller to more than one purchaser or prospective purchaser of the types of castings represented in the list or schedule.

(9) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for malleable iron castings during the period from October 1 to October 15, 1941, inclusive, for sales to different purchasers or kinds of purchasers (for example, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(10) "Substantially the same" when used with reference to two or more malleable iron castings, means that they are substantially the same in design, specifications and weight, and that they are produced by the same type of pattern equipment.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1421.115 *Effective date.* This Maximum Price Regulation No. 241

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[2] 7 F.R. 5059, 7242.

[3] 7 F.R. 971, 3663, 6967.

[4] 7 F.R. 5444.

(§§ 1421.101 to 1421.119, inclusive) shall become effective October 21, 1942.

§ 1421.116 *Appendix A: Maximum prices for malleable iron castings*—(a) *Castings substantially the same as those which the seller contracted or agreed to sell between October 1 and October 15, 1941, inclusive, or for which prices were quoted in the seller's published price list during such period.* The maximum price for each such casting shall be the highest net price at which the seller contracted or agreed to sell such casting to a purchaser of the same class between October 1 and October 15, 1941, inclusive, or, if there were no such contract or agreement of sale, the highest net price quoted for such casting to a purchaser of the same class between October 1 and October 15, 1941, inclusive, is the seller's published price list: *Provided,* That if the seller has contracted or agreed to sell or has quoted in his published price list such casting at a particular price to a specified purchaser between October 1 and October 15, 1941, inclusive, he may not exceed such price on sales or deliveries of such casting to the same purchaser. "Net price" means the contract or agreed or quoted price, as the case may be, adjusted for all applicable customary charges, discounts, quantity differentials or other allowances in effect for the seller between October 1 and October 15, 1941, inclusive.

(b) *Castings which are not substantially the same as those which the seller contracted or agreed to sell between October 1 and October 15, 1941, inclusive, or those for which prices were quoted in the seller's published price lists during such period.* The maximum price for each such casting shall be computed by the seller on the following basis:

(1) *Pricing method.* (i) The seller shall employ the applicable pricing method which was in use at the foundry on October 15, 1941, and which has been or will be filed with the Office of Price Administration in accordance with § 1421.111 herein, employing each of the pricing factors reflected in such method at the levels prevailing at such time, except as specified in subparagraphs (3), (4) and (5) hereinbelow, including: labor rates (applied in accordance with subparagraph (2) below); material costs (applied in accordance with subparagraph (3) below); overhead (burden) rates (applied in accordance with subparagraph (4) below); subcontracted machinery service costs (applied in accordance with subparagraph (5) below); mark-up, margin or profit (applied in accordance with subparagraph (6) below).

(ii) The price arrived at by use of the pricing method shall be adjusted for all applicable customary charges, discounts, quantity differentials or other allowances in use at the particular foundry on October 15, 1941, inclusive, in sales to a purchaser of the same class.

(2) *Labor rates.* (i) Labor costs shall be based upon the labor rates prevailing in the foundry on October 15, 1941, for each classification of labor. If at such time average or piece rates were used, such average or piece rates must be applied, and, in computing such piece rates, the seller shall use the base hourly rates and method in effect for him on October 15, 1941.

(ii) The amount of overtime labor required may be taken into account in computing the cost of labor: *Provided,* That overtime labor costs shall be computed on the basis of the labor rates specified in the preceding subparagraph (2) (i) and that no mark-up, margin, overhead or profit factors shall be based upon that part of the labor cost which is in excess of the straight-time cost.

(3) *Direct material costs.* The seller shall compute direct material costs on a basis no higher than the actual costs to him of such materials, not to exceed the applicable maximum prices thereof established by the Office of Price Administration, and, in determining whether items of material costs are direct or indirect, the seller shall employ the same classifications and criteria which he used on October 15, 1941.

(4) *Overhead (burden) rates.* The seller shall determine overhead or burden rates on the basis of labor, material and other costs, for the period from January 1 to June 30, 1942, adjusting, however, labor costs (both direct and indirect) actually incurred during such period according to the allowable labor rates as specified in subparagraph (2) of this paragraph (b). In computing and applying such overhead rates, and in determining whether items of costs are direct or indirect, the seller shall employ the identical method used on October 15, 1941, and, in particular, (i) if his method of computing overhead rates on October 15, 1941 was based in whole or in part on a normal rate of production expressed in terms of tonnage or other measure of production, he shall continue to use such method, and (ii), if his method of computing overhead rates on October 15, 1941, was based in whole or in part on actual production expressed in terms of tonnage or other measure of production, he shall continue to use actual production factors determined by the amount of such production for the period from January 1 to June 30, 1942, inclusive.

(5) *Subcontracted machinery service costs.* To the extent that the pricing method includes or is based on prices paid for subcontracted machinery services, the seller shall use the actual prices paid or to be paid for such services, not in excess of the maximum prices established for such services by the Office of Price Administration, together with such additional charge, if any, as was in effect for such seller on October 15, 1941 for such subcontracted machinery services: *Provided,* That no overhead, mark-up margin or profit may be figured on such additional charge.

(6) *Mark-up, margin or profit.* The seller shall use the mark-up, margin or profit which he used at the foundry on October 15, 1941, for the same type or classification of castings and customers, and which has been or will be filed with the Office of Price Administration in accordance with § 1421.111.

(c) *Reports and recomputation of maximum prices of malleable iron castings priced in accordance with paragraph (b) of this section.* (1) When a seller first computes a maximum price for any such casting for which he has no previous production experience, he shall compute such maximum price in accordance with the provisions of paragraph (b) of this section and he shall employ in his pricing method his best estimates of the number of man-hours of labor, amount of defectives, kinds and quantities of materials and other costs which will be required or incurred in the production of such casting. The seller shall, however, on subsequent contracts of sale for the same casting made after actual production thereof, recompute the maximum price of such casting in accordance with the provisions of paragraph (b) of this section, employing in his pricing method the number of man-hours of labor, amount of defectives, kinds and quantities of materials and other costs actually required or incurred in the production of such casting: *Provided,* That the seller shall not be required to recompute such maximum price as hereinbefore specified after he has gained sufficient production experience with such casting to enable him to calculate his costs thereof with reasonable accuracy.

(2) In any case in which a seller, in accordance with the preceding subparagraph (1) of this paragraph (c), recomputes a maximum price which is higher than the maximum price earlier estimated, he shall file a report with the appropriate Regional Office of the Office of Price Administration containing:

(i) Description of the malleable iron casting;

(ii) The maximum price prior to the price increase;

(iii) The new maximum price;

(iv) An explanation of the higher price (in terms of the pricing method and of the appropriate cost factors reflected in such pricing method): *Provided,* That if the price of the malleable iron casting previously has been reported pursuant to this subparagraph (2) without objection from the Office of Price Administration, the seller shall not be required to report subsequent sales or deliveries at the same or a lower price.

§ 1421.117 *Appendix B: Procedure for adjustment of maximum prices under § 1421.107* (a). (a) An application for adjustment shall be made on, and in the detail required by, forms to be obtained from the Office of Price Administration, Washington, D. C., or from any of its Regional Offices.

(b) *Application must be verified.* An application for adjustment shall be signed by the applicant and shall contain a statement, signed and sworn to by the applicant, that the statements made in the application are known by him to be true and correct.

(c) *Place for filing application and number of copies.* An original and two copies of an application for adjustment may be filed either with the appropriate Regional Office of the Office of Price Administration or with the Office of Price Administration, Washington, D. C. Any application filed in Washington, D. C., may be transmitted by the Office of Price

Administration to the appropriate Regional Office for action by that Office.

(d) *Action by Regional Offices.* After due consideration, the Regional Office may, by order, grant, in whole or in part, or deny any application for adjustment which is properly pending before it. The decision of the Regional Office shall be accompanied by a statement of the reasons for its action. In cases of unusual difficulty or importance, the Regional Office shall refer the application for decision to the Administrator in Washington, D. C.

(e) *Review by Administrator.* Any applicant whose application for adjustment has been denied in whole or in part by the Regional Office may, within fifteen days after the date on which such order of denial was mailed to him, file with the Regional Office a request for review by the Administrator of the order of denial. Requests for review shall be filed on OPA Form 341:1 set out in Appendix C, incorporated herein as § 1421.118. Such form may be obtained from any field office of the Office of Price Administration or may be copied by the applicant from Appendix C.

(f) *Action by Administrator.* After due consideration, the Administrator may, by order, grant in whole or in part, or deny any application for adjustment which:

(1) Is properly before the Administrator on request for review of action by a Regional Office;

(2) Is filed with the Office of Price Administration, Washington, D. C., and not transmitted to a Regional Office for action; or

(3) Is filed with the appropriate Regional Office but is referred for decision to the Administrator by that Office. The decision of the Administrator shall be accompanied by a statement of the reasons for his action.

(g) *Protest of denial of application.* Any applicant whose application for adjustment is denied in whole or in part by the Administrator may, within sixty days after the issuance of the Administrator's order finally denying such application, file a protest against such order in accordance with the provisions of Procedural Regulation No. 1.[1]

§ 1421.118 *Appendix C.*

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

OPA Form 341:1

(To be filed with the appropriate Regional Office)

Request for Review of the Order Denying Application for Adjustment________________, an applicant for adjustment of a maximum price pursuant to § 1421.107 (a) of Maximum Price Regulation No. 241 of the Office of Price Administration, hereby requests the Price Administrator, Washington, D. C., to review an order of denial of such application for adjustment entered by the ________________ Regional Office and mailed to the applicant on ____________, 194__.

The applicant's objections to such order of denial are as follows:

____

____

(Applicant should state briefly and concisely, and separately number his objections.)

____
(Applicant)
By ________________________
____
(Title)

§ 1421.119 *Appendix D.*

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

Regional Offices and States and Territories Covered

Region I. Boston Regional Office, 17 Court Street, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut.

Region II. New York Regional Office, 350 Fifth Avenue, New York, New Jersey, Pennsylvania, Delaware, Maryland, and District of Columbia.

Region III. Cleveland Regional Office, 363 Union Commerce Building, Ohio, Michigan, Indiana, Kentucky and West Virginia.

Region IV. Atlanta Regional Office, Candler Building, Peachtree Street, Georgia, Alabama, Mississippi, Florida, Tennessee, North Carolina, South Carolina and Virginia.

Region V. Dallas Regional Office, Fidelity Union Building, Texas, Oklahoma, Louisiana, Missouri, Arkansas, and Kansas.

Region VI. Chicago Regional Office, 2301 Civic Opera Building, 20 North Wacker Drive, Illinois, Wisconsin, Iowa, Minnesota, North Dakota, South Dakota, and Nebraska.

Region VII. Denver Regional Office, 334 U. S. National Bank Building, Colorado, New Mexico, Utah, Idaho, Montana and Wyoming.

Region VIII. San Francisco Regional Office, 1355 Market Street, California, Nevada, Arizona, Oregon, and Washington.

Region IX. Territorial Office, Office of Price Administration, Washington, D. C., Alaska, Puerto Rico, Virgin Islands, Canal Zone, and Hawaii.

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10447; Filed, October 16, 1942; 3:43 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 30 to GMPR[1]]

SAME OR SIMILAR COMMODITIES OR SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1499.18 (a) the words "same or similar commodities" are amended to read "same or similar commodities or services."

§ 1499.23a *Effective dates of amendments.* * * *

(ee) Amendment No. 30 (§ 1499.18 (a)) to the General Maximum Price Regulation shall become effective October 22, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, F.R. 7871)

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10450; Filed, October 16, 1942; 3.42 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Revised Supp. Reg. 11[1] to GMPR,[2] Amendment 6]

EXCEPTIONS FOR CERTAIN SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In § 1499.46, paragraph (b), a new subparagraph (105) is added as set forth below:

(105) Services supplied by the United States Post Office Department—fees and charges for.

(d) *Effective date.* * * *

(7) Amendment No. 6 (§ 1499.46 (b)) to Revised Supplementary Regulation No. 11 shall become effective this 22d day of October, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued and effective this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10448; Filed, October 16, 1942; 3:42 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165, as Amended,[3] Amendment 3]

SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.* In § 1499.101 (c), subparagraphs (27) and (46) are amended to read as set forth below:

§ 1499.101 *Prohibition against dealing in services above maximum prices.*
* * *

(c) *Services covered.* * * *

(27) Furs—alteration, cleaning, dressing, dyeing, mending, moth-proofing, remodeling, rental, repair, storage, or other processing of, but not including services performed by the seller of such commodities in connection with the sale thereof.

* * * * *

(46) Rice—bagging, drying, elevating, grading, granulating, inspecting, milling,

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[1] 7 F.R. 971, 3663, 6967.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5275, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913.

[1] 7 F.R. 6426, 6965.

[2] 7 F.R. 3153, 3330, 3660, 3990, 3991, 4339, 4467, 4659, 4738, 5027, 4276, 5192, 5365, 5445, 5565, 5484, 5775, 5783, 5734, 6058, 6081, 6007, 6216, 6615, 6794, 6959, 7093, 7322, 7454, 7758, 7913.

[3] 7 F.R. 6428, 6966, 7249, 7539.

parboiling, polishing, sampling, screening, testing, weighing, or other processing of, when done on a toll or a custom basis.

§1499.121a *Effective dates of amendments.* * * *

(c) This amendment No. 3 (§ 1499.101 (c) (27) and (46)) to Maximum Price Regulation No. 165 as amended shall become effective October 22, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 16th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10449; Filed, October 16, 1942; 3:42 p. m.]

Part 1315—Rubber and Products and Material of Which Rubber Is a Component

[Revised Tire Rationing Regulations,[1] Amendment 38]

TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

Sections 1315.501 (a) (1), 1315.503 (b), 1315.602, 1315.603 (a), 1315.609, 1315.610 (a) and 1315.803 (c) (2) are amended; a new subparagraph (5) is added to § 1315.501 (d), a new subdivision (i) is added to § 1315.503a (a) (1); a new subparagraph (12) is added to § 1315.504 (a) and a new subdivision (iv) is added to § 1315.802 (c) (2), as follows:

Tires and Tubes for Vehicles Eligible Under List B

§ 1315.501 *Eligibility of List B passenger automobiles for retreaded or recapped tires or for new Grade II tires.* (a) (1) The Board may issue a certificate authorizing the holder to accept delivery of retreaded or recapped tires for a passenger automobile or to obtain retreading or recapping services for a tire for a passenger automobile to an applicant who meets the requirements of paragraph (b), (c), and (d) of this section: *Provided, however,* A certificate issued to equip an automobile eligible under subparagraph (12) of § 1315.504 (a) shall authorize the holder to obtain only recapping services and Parts A and B of such certificate shall be marked by the Board "valid only for recapping services."

* * * * *

(d) * * *

(5) That, if he is applying under subparagraph (12) of § 1315.504 (a), he possesses a tire carcass capable of being recapped.

* * * * *

§ 1315.503 *Eligibility of List A and List B passenger automobiles for new passenger tires of an obsolete type.* * * *

(b) The applicant must establish that the vehicle to be equipped is a passenger automobile included in paragraphs (a) to (d) of § 1315.405 or in subparagraphs (1) to (11) inclusive of § 1315.504 (a).

* * * * *

§ 1315.503a *Eligibility of List B Vehicles for Tubes.*

(a) * * *

(1) * * *

(i) A person applying under subparagraph (12) of § 1315.504 (a) shall be granted a certificate for a new tube only if he establishes that the tube will be used in a tire which has been recapped pursuant to a certificate issued under that subparagraph.

* * * * *

§ 1315.504 *Eligibility classifications; List B.* * * *

(a) * * *

(12) Regular transportation of workers to and from their places of employment, provided that at least four passengers including the driver are carried. If the capacity of the automobile is less than four, it must be regularly utilized to its full capacity. Applicants under this subparagraph must possess a recappable tire carcass and shall be issued a certificate for recapping services only.

* * * * *

§ 1315.602 *Application for authority to purchase new passenger tires of an obsolete type.* Any person who operates a passenger automobile using passenger tires of an obsolete type as defined in paragraph (d) of § 1315.503, and who believes that his passenger automobile comes within one of the classifications set forth in paragraphs (a) to (d) of List A or in subparagraphs (1) to (11) inclusive of § 1315.504 (a) may file with the Board an application for authority to purchase new passenger tires of an obsolete type. Separate application for each vehicle requiring new passenger tires of an obsolete type must be made on OPA Form No. R-1 and OPA Form No. R-1A.

§ 1315.603 *List B applications for authority to purchase retreaded or recapped tires or retreading or recapping services or new Grade II Tires.* (a) Any person who believes that his passenger automobile comes within § 1315.504 (a) may file with the Board an application for authority to purchase retreaded or recapped tires, or retreading or recapping services: *Provided, however,* A person applying under subparagraph (12) of § 1315.504 may file an application only for recapping services. Such application shall be filed on OPA Form No. R-1 and OPA Form No. R-1A. A separate application for each passenger automobile for which tires are sought must be filed. Before the Board acts favorably upon any application under this paragraph, the applicant must make a full and complete showing of necessity.

* * * * *

§ 1315.609 *Allotment by the Board upon applications for new passenger tires of an obsolete type.* The Board shall grant a certificate for permission to purchase new passenger tires of an obsolete type to an applicant applying for such tires for a vehicle eligible under paragraphs (a) to (d) inclusive of List A or subparagraphs (1) to (11) inclusive of § 1315.504 (a) and who satisfies the requirements of § 1315.503. The allotment of new passenger tires of an obsolete type is not limited by quota and the Board may allot such tires to all applicants who otherwise satisfy the requirements of these regulations.

§1315.610 *Allotment by the Board upon applications for List B vehicles.* (a) The Board shall grant certificates, not in excess of its applicable quota for the entire month, authorizing the purchase of retreaded or recapped tires or retreading or recapping services for tires to be mounted on passenger automobiles eligible under § 1315.504 (a) when the applicant has satisfied the requirements of § 1315.501: *Provided,* That:

(1) No such certificate shall be issued if there is pending any application for a passenger automobile eligible under § 1315.405 (List A) which has not been satisfied.

(2) No certificate shall be issued to a person applying under subparagraph (12) of § 1315.504 (a) if there is pending any unsatisfied application for a passenger automobile eligible under either § 1315.405 (a) (List A) or subparagraphs (1) to (11) inclusive of § 1315.504 (a) (List B).

(i) The Board shall consider applications and issue certificates under subparagraph (12) of § 1315.504 (a) only between the twentieth and last day of each month.

* * * * *

§ 1315.802 *Permitted and prohibited deliveries of retreaded or recapped tires.* * * *

(c) * * *

(2) * * *

(iv) No person shall deliver recapped tires in exchange for Part B of a certificate marked "valid only for recapping services," unless such Part B is accompanied by a recappable carcass.

* * * * *

§ 1315.803 *Permitted and prohibited deliveries of camelback.* * * *

(c) * * *

(2) No delivery provided in subparagraph (1) may be made except in exchange for the replenishment portion of a certificate (Part B of OPA Form No. R-2 (Revised)), or the replenishment portion of a receipt (Part B of OPA Form No. R-12) for either retreaded or recapped tires, recapping services or camelback issued pursuant to § 1315.804, or the replenishment portion (Part B) of the certificate authorizing the purchase of an initial allotment of camelback issued pursuant to § 1315.805. No person shall transfer Part B of OPA Form R-2 (Revised), and no person shall accept such transfer, unless the transferor first endorses his name and address thereon.

(i) Upon presenting the appropriate part of a certificate or receipt, any person may purchase only the type of camelback specified thereon from a person dealing in or making camelback. The purchaser may present the replenishment portion (Part B) of a retreaded or recapped tire certificate, or of a certificate for recapping services, the replenishment portion (Part B) of an allotment of camelback certificate, or the replenishment portion (Part B) of a receipt for either retreaded or recapped tires, recapping services or camelback. When using the replenishment portion of a receipt for camelback or the replenishment portion of an allotment of camelback certificate, he may purchase the number of pounds of camelback specified thereon. If he uses the replenishment portion of a retreaded or recapped tire certificate or of a certificate for recapping services or the replenishment portion of a receipt for retreaded or recapped tires or recapping services, he may purchase the number of pounds of camelback specified in the table appearing below in this subdivision.

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[1] 7 F.R. 1027, 1039, 2106, 2167, 2541, 2633, 2945, 2948, 3235, 3237, 3551, 3830, 4176, 4336, 4493, 4553, 4541, 4617, 4856, 5023, 5274, 5276, 5566, 5605, 5867, 6423, 6775, 7034, 7241, 7669, 7670, 7743, 7777, 7902, 7834, 7941, 7963, 7973.

Table for Camelback Replenishment

Type or size of tires specified on certificate or receipt:	*Number of pounds of camelback which may be purchased for each such tire*
Passenger-car-type tire	8½
30 x 5 to and including 7.00 x 20/32 x 6	12
7.50-18 to and including 8.25-24	16
9.00-20 to and including 11.00-24	22
12.00-20 and up (regular truck tires)	32
Truck tires 12.00-20 and up, (but not including tires 12.00-24 and larger) used on farm tractors (rear tires only), road graders, earth movers and other similar equipment used primarily on off-the-road work	55
Tires 12.00-24 and larger to be used on above types of equipment	(1)

[1] Amount necessary.

When the amount of camelback to be replenished cannot be calculated from the above table, the person purchasing the camelback shall attach to the replenishment portion (Part B) of the Certificate Form R-2 (Revised), or the Receipt Form R-12 (Revised), certified statement showing the amount of camelback necessary to retread or recap the number of tires specified on the certificate or receipt, and he shall be entitled to purchase the amount of camelback appearing on such statement.

§ 1315.1199a *Effective dates of amendments.* * * *

(ee) Amendment No. 38 shall become effective October 20, 1942.

(Pub. Laws 421 and 729, 77th Cong., Jan. 30, 1942, O.P.M. Supp. Order No. M-15c, W.P.B. Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792; 7 F.R. 121, 350, 434, 473, 562, 925, 1009, 1026, E.O. 9250, 7 F.R. 7871)

Issued this 17th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10488; Filed, October 17, 1942; 12:14 p. m.]

Part 1340—Fuel

[RPS 88,[1] Amendment 33]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Added: Subdivision (ix) to § 1340.159 (c) (1).

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(c) *Specific prices.* * * *

(1) *Crude petroleum.* * * *

(ix) *California.* Effective February 2, 1942, the maximum prices at the receiving tank for royalty crude petroleum produced in the Ventura Avenue Oil Field on all sales made to Shell Oil Company, Inc., lessee, and its successors and assigns by the persons entitled from time to time to share in the royalty interests reserved under oil leases known as the Taylor, Edison and Gosnell leases, shall be as follows:

A. P. I. gravity:	*Prices per barrel*
26°-26.9°	$1.075
27°-27.9°	1.11
28°-28.9°	1.14
29°-29.9°	1.1675
30°-30.9°	1.195

Maximum prices for crude petroleum of gravities higher or lower than those set forth above shall be the prices for such gravities established as of October 1, 1941 by the contract dated August 29, 1941 between Tidewater Associated Oil Company and certain of its lessors in the Ventura Avenue Oil Field.

§ 1340.158a *Effective dates of amendments.* * * *

(gg) Amendment No. 33 to Revised Price Schedule No. 88 (§ 1340.159 (c) (1) (ix)), shall become effective October 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10487; Filed, October 17, 1942; 12:14 p. m.]

Part 1390—Machinery and Transportation Equipment

[Correction to Amendment 31 to MPR 136[1] as Amended]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this correction has been issued simultaneously herewith and filed with the Division of the Federal Register.

In §§ 1390.31 and 1390.31a (ee) the words "October 15, 1942" are amended to read, "November 7, 1942".

§ 1390.31a *Effective dates of amendments.* * * *

(hh) This correction to Amendment No. 31 to Maximum Price Regulation No. 136, as amended, shall be effective as of October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10495; Filed, October 17, 1942; 12:47 p. m.]

Part 1499—Commodities and Services

[Order 80 Under § 1499.18 (c) of GMPR]

COTTO-WAXO CO., ET AL.

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.930 Adjustment of maximum prices for Cotto-Waxo Company, of St. Louis, Missouri, No-Dust-O Company of Kansas City, Missouri; the Sweep-O Company of St. Louis, Missouri; and Cotto-Waxo Company of Wichita, Kansas. (a) The companies listed above may sell and deliver, and any purchaser may buy and receive sweeping compounds packed in plywood drums at prices no higher than those set forth below:

MAXIMUM PRICES FOR THE SWEEP-O CO.

#50	50 lb.	7½	gal. drum	$1.01
# 1	100 lb.	15	gal. drum	1.42
# 2	100 lb.	12	gal. drum	1.29
# 3	100 lb.	10	gal. drum	1.18
#11	200 lb.	30	gal. drum	2.52

MAXIMUM PRICES FOR COTTO-WAXO CO., ST. LOUIS, MO.

#50	50 lb.	7½	gal. drum	$0.93
# 1	100 lb.	15	gal. drum	1.41
# 2	100 lb.	12	gal. drum	1.29
# 3	100 lb.	10	gal. drum	1.20
#11	200 lb.	30	gal. drum	2.41
#30	200 lb.	20	gal. drum	1.97

MAXIMUM PRICES FOR NO-DUST-O CO.

# 1	100 lb.	15	gal. drum	$1.34
# 2	100 lb.	12	gal. drum	1.21
# 3	100 lb.	10	gal. drum	1.12

MAXIMUM PRICES FOR COTTO-WAXO CO., WICHITA, KANS.

#50	50 lb.	7½	gal. drum	$0.96
# 1	100 lb.	15	gal. drum	1.47
# 2	100 lb.	12	gal. drum	1.37
# 3	100 lb.	10	gal. drum	1.20

(b) All discounts, allowances, practices with regard to charges for transportation and other trade practices in effect with respect to the above listed commodity during March 1942, by the sellers, shall remain in effect under this order.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 80 may be amended by the Price Administrator at any time.

(e) This Order No. 80 shall terminate on January 3, 1943 unless previously revoked by the Price Administrator.

(f) This Order No. 80 (§ 1499.930) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 80 (§ 1499.930) shall become effective October 19, 1942.

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[1] 7 F.R. 1107, 1371, 1798, 1799, 1836, 2132, 2304, 2352, 2634, 2945, 3116, 3482, 3524, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 6057, 6167, 6471, 6680, 7242, 3166, 3524, 3552, 7838, 5988.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6682, 6682, 6899, 6964, 6964, 6965, 6937, 6973, 6937, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7944, 7945, 7912, 8198.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10489; Filed, October 17, 1942; 12:15 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 81 Under § 1499.18 (e) of GMPR]

CONTINENTAL MANUFACTURING COMPANY

For reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.931 *Adjustment of maximum prices for Continental Manufacturing Company.* (a) Continental Manufacturing Company of Indianapolis, Indiana, may sell and deliver Dustoline Sweeping Compound, and any purchaser may buy and receive from Continental Manufacturing Company, Dustoline Sweeping Compound when packed in wooden barrels or kegs, at a price not higher than $1.87 per one hundred pounds.

(b) All discounts, allowances, practices with regard to charges for transportation and other trade practices in effect with respect to the above listed commodity during March 1942, by the seller, shall remain in effect under this order.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 81 may be amended by the Price Administrator at any time.

(e) This Order No. 81 shall terminate on January 1, 1943 unless previously revoked by the Price Administrator.

(f) This Order No. 81 (§ 1499.931) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 81 (§ 1499.931) shall become effective October 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10490; Filed October 17, 1942; 12:15 p. m.]

Chapter XVII—Office of Civilian Defense

[Regulations 3—Amendment 4]

PART 1903—UNITED STATES CITIZENS DEFENSE CORPS

ELIGIBILITY FOR MEMBERSHIP IN DEFENSE CORPS, ETC.

By virtue of the authority vested in me by Executive Order No. 8757 dated May 20, 1941, as amended by Executive Order No. 9134 dated April 15, 1942, and Executive Order No. 9088 dated March 6, 1942, and pursuant to the Act approved January 27, 1942, *It is hereby ordered,* That §§ 1903.1 to 1903.17 of this chapter (Regulations No. 3 of the Office of Civilian Defense), as heretofore issued and amended,[1] be further amended, effective October 19, 1942, as follows:

AUTHORITY: Pub. Law 415, 77th Cong.; E.O. 8757, 6 F.R. 2517; E.O. 9088, 7 F.R. 1775; and EO. 9134, 7 F.R. 2887.

1. By striking out the last sentence of § 1903.5 (b) thereof and substituting therefor the following:

The term "alien of enemy nationality", as used in this paragraph (b), means a citizen of Germany or Japan, or such other country as shall be designated by order of the Director.

2. By amending § 1903.7 (b) thereof so as to reduce the minimum number of hours of First Aid training or instruction required for members of the Staff Unit from 10 to 0.

[SEAL] JAMES M. LANDIS,
Director.

OCTOBER 16, 1942.

[F. R. Doc. 42-10445; Filed, October 16, 1942; 2:48 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

[Circular No. 1517]

Subchapter H—Grazing

PART 160—GRAZING LEASES

AMENDMENT OF GRAZING LEASE REGULATIONS

Sections 160.10, 160.15, 160.17, 160.18 and 160.19 of Title 43 of the Code of Federal Regulations are hereby amended to read as follows:

AUTHORITY: §§ 160.10, 160.15 and 160.17 to 160.19, inclusive, issued under sec. 15, 48 Stat. 1275, sec. 5, 49 Stat. 1978; 43 U.S.C. 315m.

§ 160.10 *No right conferred by application, prior to lease.* As the issuance of a lease is discretionary, the filing of an application for a lease will not in any way create any right in the applicant to a lease, or to the use of the lands applied for, pending the execution of a lease.

§ 160.15 *Action on applications.* Upon receipt of an application, the register of the district land office will assign the current serial number thereto, note the same on his records, and if all is found to be regular, forward the original to the General Land Office, and the duplicate to the regional field examiner for the region in which the lands are situated. The original and duplicate application should be accompanied with a status report by the register of all the lands applied for.

§ 160.17 *Action by register receiving the quadruplicate copy of application.* The register of the land office receiving the quadruplicate copy will furnish a report to the General Land Office and the proper regional field examiner as to the status of the land in his district embraced in the application for lease. The remaining administrative work up to the point of issuing the lease will be handled through the office in which the complete application was filed.

§ 160.18 *Information to be reported by Branch of Field Examination.* Upon receipt of the duplicate copy of an application or petition for renewal, the proper regional field examiner will have an investigation made and submit a report to the General Land Office as to the applicant's qualifications, and also as to the pertinent facts relating to any and all conflicting applications, especially those where the questions of preference rights and the extent thereof are involved.

§ 160.19 *Additional information to be included in report.* The report of the regional field examiner should also include a statement as to the carrying capacity of the lands applied for and the value of the lands for grazing purposes, due regard being given to the number and kind of livestock to be grazed. It should also recommend the rental value to be charged, the term of the lease to be granted, and any other recommendations which may be helpful in the adjudication of the application.

FRED W. JOHNSON,
Commissioner.

Approved: October 1, 1942.
OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-10474; Filed, October 17, 1942; 11:39 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Amendment 1 to Service Order 87[1]]

PART 95—CAR SERVICE

DEMURRAGE

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of October, A. D. 1942.

Good cause appearing therefor; *It is ordered:*

That paragraph (a) of § 95.500 of Chapter I, Title 49, Code of Federal Regulations (Service Order No. 87), suspending demurrage rules in Trunk Line Tariff Bureau Tariff No. 139-C-I. C. C. No. A-751 and reducing free time be, and it is hereby amended by the addition of the following subparagraphs:

§ 95.500 *Suspension of demurrage rules; Trunk Line Tariff Bureau Tariff No. 139-C-I. C. C. No. A-751 (Coal).*
(a) * * *

(1) *Free time on cars of coke.* This suspension and reduction of free time shall not apply to cars of coke delivered to vessels at Newport News, Lambert Point or Sewalls Point, Va., having destination outside the Capes of Virginia, and to points on the Albemarle, Pamlico, and Currituck Sounds, and tributaries thereto; and shall not apply on cars of coke delivered to vessels at Canton, Curtis Bay, Locust Point or Port Covington (Baltimore), Md., for movement to points beyond the Capes of Chesapeake Bay, or delivered to vessels at Port Richmond or Greenwich Piers (Philadelphia), Pa., for movement to points beyond the Capes of Delaware Bay, the average free time on such cars being ten (10) days as provided in Rule 2 of said tariff.

(40 Stat. 101, 41 Stat. 476, 49 Stat. 543; 54 Stat. 901; 49 U.S.C. 1 (10-17).)

And it is further ordered, That copies of this amendment be served upon the carriers parties to the above-named tariff and the Association of American Railroads, Car Service Division, and that notice of this amendment be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register, The National Archives.

By the Commission, division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-10514; Filed, October 19, 1942; 11:31 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-190]

COVE HILL COAL COMPANY, CODE MEMBER

ORDER CONDITIONALLY RESTORING CODE MEMBERSHIP

A complaint dated January 16, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed in the above-entitled matter on January 16, 1942, by the Bituminous Coal Producers Board for District No. 6, complainant, with the Bituminous Coal Division (the "Division"); and

A joint application of Cove Hill Coal Company and the Wheeling Valley Coal Corporation, dated July 2, 1942, for disposition of this proceeding and of the matter of Wheeling Valley Coal Corporation, Docket No. B-189, without formal hearing pursuant to § 301.132 of the Rules of Practice and Procedure before the Division, having been duly filed with the Division on July 3, 1942, and an amendment thereto having been duly filed with the Division on August 3, 1942, and an agreement between Cove Hill Coal Company and the Collector of Internal-Revenue for the District of West Virginia (the "Agreement"), being attached to and made part of said joint application, as amended; and

It appearing from said joint application, as amended, that Cove Hill Coal Company consented to revocation of its code membership and to the imposition of a tax in the amount of $5,759.05, payment of which is a condition precedent to its unconditional restoration of membership in the Code pursuant to section 5 (c) of the Act, with the understanding that upon payment of 50% of said tax its code membership shall be conditionally restored subject to the further conditions that the remainder thereof shall be paid in eight equal monthly installments beginning August 1, 1942, and that, upon failure to pay any installment payment as provided in said Agreement, any order of conditional restoration of Cove Hill Coal Company to membership in the Code shall thereupon become void and of no further force nor effect; and

An Order having been issued herein on September 22, 1942, granting the said application, as amended, revoking and cancelling the membership of the Cove Hill Coal Company in the Bituminous Coal Code (the "Code") as of ten days from the date of said Order, and providing, pursuant to section 5 (c) of the Act, for the payment to the United States of a tax in the amount of $5,759.05 as a condition precedent to the restoration of Cove Hill Coal Company to membership in the Code, directing conditional restoration of Cove Hill Coal Company to membership in the Code upon payment of 50% of said tax as agreed in said joint application, as amended, and permanently enjoining and restraining Cove Hill Coal Company from violating the Act, the Code, and rules and regulations thereunder; and

An application for conditional restoration of code membership having been duly filed with the Division on October 1, 1942, by Cove Hill Coal Company from which it appears that Cove Hill Coal Company has paid to said Collector of Internal Revenue the sum of $3,593.70, which payment represents 50% of the said tax plus the amount of installment payments due on August 1 and September 1, 1942, respectively, and has mailed to the Collector of Internal Revenue the amount of the installment payment due on October 1, 1942, pursuant to said Agreement and said Order;

Now, therefore, it is ordered, That the membership of the Cove Hill Coal Company in the Code be, and the same hereby is, conditionally restored effective simultaneously with the effective date of revocation and cancellation, provided in said Order, dated September 22, 1942, upon the following terms and conditions:

In the event of default by Cove Hill Coal Company in making any installment payment as agreed in said joint application, as amended, such conditional restoration of code membership shall become wholly ineffective as of October 2, 1942, the entire balance of said tax then owing shall become due and payable and all coal sold or otherwise disposed of by said Cove Hill Coal Company on and after October 2, 1942, shall be subject to the 19½ percent tax provided by section 3520 (b) (1) of the Internal Revenue Code.

It is further ordered, That upon payment of said tax in full in accordance with the terms of said joint application, as amended, said Cove Hill Coal Company shall submit to the Division the receipt therefor issued by said Collector of Internal Revenue or a statement by said Collector that said tax has been paid in full and thereupon an order shall be issued restoring said Cove Hill Coal Company to full and unconditional membership in the Code as of the effective date of revocation and cancellation of its code membership provided by said Order, dated September 22, 1942.

Dated: October 16, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10507; Filed, October 19, 1942; 10:44 a. m.]

[Docket No. B-315, B-319]

TONY SANTARELLI, ET AL.

ORDER POSTPONING HEARINGS, ETC.

In the matter of Tony Santarelli and Tony Vento, Code Members.

Order postponing hearings and granting extension of time for filing answers and applications for disposition without formal hearing, pursuant to § 301.132 of the Rules of Practice and Procedure.

The above-entitled matter of Tony Santarelli, Docket No. B-315, having been heretofore scheduled for hearing on November 3, 1942, at 10 a. m. at the Post Office Building, Pueblo, Colorado, by Notice of and Order for Hearing dated September 23, 1942; and

The above-entitled matter of Tony Vento, Docket No. B-319, having been heretofore scheduled for hearing on November 5, 1942, at 10 a. m. at the same place, by Notice of and Order for Hearing dated September 23, 1942; and

The said Code Members by their attorney having made application on October 8, 1942, for postponement of said hearings and extensions of time within which to file their respective pleadings or applications for disposition without formal hearing, pursuant to § 301.132 of the Rules of Practice and Procedure Before the Division; and

It appearing to the Director that said application for postponements and extensions of time for filing answers and applications for disposition without formal hearing should be granted to the extent and in the manner hereinafter stated;

Now, therefore, it is ordered, That the hearing in the matter of Tony Santarelli, Docket No. B-315, be and it hereby is postponed from November 3, 1942, at 10 a. m. to November 27, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division (the "Division") at the Post Office Building, Pueblo, Colorado, before the officer or officers heretofore designated to preside at said hearing

It is further ordered, That the hearing in the matter of Tony Vento, Docket No. B-319, be and it hereby is postponed from November 5, 1942, at 10 a. m. to November 30, 1942, at 10 a. m. at a hearing room of the Division at the Post Office Building, Pueblo, Colorado, before the officer or officers heretofore designated to preside at said hearing.

It is further ordered, That the time within which the above-named Code Members may file their respective applications for disposition without formal hearing, in the above-entitled matters, pursuant to said § 301.132 of the Rules of Practice and Procedure Before the Division be, and the same hereby is extended to and including October 20, 1942.

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[1] 7 F.R. 3244, 4276, 4669, 6900.

[1] 7 F.R. 8066.

It is further ordered, That the time within which the above-named Code Members may file their respective answers in the above-entitled matters be and the same hereby is extended to October 20, 1942; *Provided, however,* That if either of the above-named Code Members file an application pursuant to said § 301.132 of the Rules of Practice and Procedure Before the Division on or before October 20, 1942, the time within which such Code Member must file his answer shall be and it hereby is extended to ten (10) days from the date of the final disposition of such application by the Division, pursuant to said § 301.132 (f) of the Rules of Practice and Procedure Before the Division.

It is further ordered, That the Notice of and Order for Hearing issued on September 23, 1942, in each of the above-entitled matters shall in all other respects remain in full force and effect.

Dated: October 16, 1942.

[SEAL] Dan H. Wheeler,
Director.

[F. R. Doc. 42-10503; Filed, October 19, 1942; 10:43 a. m.]

[Dockets Nos. B-305, B-330, B-329]

Flash Coal Company, et al.

ORDER POSTPONING HEARINGS

In the matter of Julius Kauzlarich and Tony Kauzlarich, individually and as co-partners, doing business under the name and style of Flash Coal Company; Willis E. Davis; Arthur L. Petty and Lemar Denison, individually and as co-partners, Code Members.

The above-entitled matter of Julius Kauzlarich and Tony Kauzlarich, individually and as co-partners, doing business under the name and style of Flash Coal Company, Docket No. B-305, having been heretofore scheduled for hearing on October 22, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division (the "Division") at the District Court Room, Centerville, Iowa, and a subpoena duces tecum having been issued on October 5, 1942, requiring Julius Kauzlarich, Mystic, Iowa, to appear to testify and give evidence at the aforesaid time and place or at any other time or place to which the aforesaid hearing may be postponed or continued, and to bring with him and produce at said hearing certain books and records described in said subpoena duces tecum; and

The above-entitled matter of Willis E. Davis, Docket No. B-330, having been heretofore scheduled for hearing on October 29, 1942, at a hearing room of the Division at the Federal Court Room, Grand Junction, Colorado; and

The above-entitled matter of Arthur L. Petty and Lemar Denison, individually and as co-partners, Docket No. B-329, having been heretofore scheduled for hearing on October 31, 1942, at a hearing room of the Division at the Court House, Price, Utah, and a subpoena having been issued on October 5, 1942, requiring Arthur L. Petty, Emery, Utah, to appear to testify and give evidence at the aforesaid time and place or at any other time or place to which the aforesaid hearing may be postponed or continued; and

The Director deeming it advisable that said hearings should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter of Julius Kauzlarich and Tony Kauzlarich, individually and as co-partners, doing business under the name and style of Flash Coal Company, Docket No. B-305, be postponed from October 22, 1942, at 10 a. m. to October 30, 1942, at 2 p. m. at a hearing room of the Division at the District Court Room, Centerville, Iowa, before the officer or officers previously designated to preside at said hearing.

It is further ordered, That said Julius Kauzlarich be required to appear to testify and give evidence in the matter of Julius Kauzlarich and Tony Kauzlarich, individually and as co-partners, doing business under the name and style of Flash Coal Company at 2 p. m. on October 30, 1942, at the place hereinabove designated instead of at the time mentioned in said subpoena duces tecum and bring with him the books and records described in said subpoena duces tecum.

It is further ordered, That the hearing in the above-entitled matter of Willis E. Davis, Docket No. B-330, be postponed from October 29, 1942, at 10 a. m. to November 4, 1942, at 10 a. m. at a hearing room of the Division at the Federal Court Room, Grand Junction, Colorado, before the officer or officers previously designated to preside at said hearing.

It is further ordered, That the hearing in the above-entitled matter of Arthur L. Petty and Lemar Denison, individually and as co-partners, Docket No. B-329, be postponed from October 31, 1942, at 10 a. m. to November 6, 1942, at 10 a. m. at a hearing room of the Division at the Court House, Price, Utah, before the officer or officers previously designated to preside at said hearing.

It is further ordered, That said Arthur L. Petty be required to appear to testify and give evidence in the matter of Arthur L. Petty and Lemar Denison, individually and as co-partners, at 10 a. m. on November 6, 1942, at the place hereinabove designated instead of at the time mentioned in said subpoena.

Dated: October 16, 1942.

[SEAL] Dan H. Wheeler,
Director.

[F. R. Doc. 42-10504; Filed, October 19, 1942; 10:43 a. m.]

[Docket No. A-1686]

District Board 1

ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 1 for the establishment of temporary price classifications and minimum prices for the coals of the Black Prince #2 Mine (Mine Index No. 3607) of Lee B. Humphrey (The Humphrey Brick & Tile Company).

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with this Division by the above-named party, requesting the temporary establishment of an "H" classification for lake cargo shipment during the present lake season for 18,000 to 20,000 tons of coal in Size Groups 3 and 4 of the Black Prince #2 Mine (Mine Index No. 3607) of Lee B. Humphrey (The Humphrey Brick & Tile Company) located in the D Seam of Subdistrict 5 of District 1; and

Petitioner having represented that the coals of Black Prince #2 Mine (Mine Index No. 3607) have been classified "E" in Size Groups 3 and 4 for all shipments except truck, that Lee B. Humphrey (The Humphrey Brick & Tile Company) has uncovered 18,000 to 20,000 tons of coal of poorer quality than normally mined from the D Seam of Subdistrict 5, and that the producer has been unable to sell this coal at a price classification of "E" but could dispose of it for shipment via the Great Lakes at a lower classification; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter, although a copy of the petition has been served upon the Secretaries of District Boards 2 to 8, inclusive, and the Bituminous Coal Consumers' Counsel; and

District Boards 2, 3, 4, 6, 7 and 8 and the Bituminous Coal Consumers' Counsel having indicated to the Division that they have no objection to the granting of the relief as requested; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That commencing forthwith, the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck is supplemented to include the price classification of "H" for approximately 20,000 tons of coal of the Black Prince #2 Mine (Mine Index No. 3607) which is of poorer quality than coal normally mined from the D Seam in Subdistrict 5 of District 1 when sold for lake cargo shipment during the remainder of the present lake season.

It is further ordered, That concurrently with such shipments and prior to the close of the present lake season Lee B. Humphrey (The Humphrey Brick & Tile Company) shall file, by appropriate affidavits, statements to the effect that such coal shipped by this producer for lake cargo during the present lake season is of poorer quality than coal normally mined from the D Seam in Subdistrict 5 of District 1, and shall state the tonnage shipped pursuant to the temporary relief given in this order.

It is further ordered, That the order granting temporary relief herein shall be subject to further order of the Division.

Dated: October 16, 1942.

[SEAL] Dan H. Wheeler,
Director.

[F. R. Doc. 42-10505; Filed, October 19, 1942; 10:43 a. m.]

[Docket No. B-227]

Market Street Coal Co.

ORDER POSTPONING HEARING

In the matter of J. H. Cox and R. L. Stulce, individually and as partners doing business under the name and style of Market Street Coal Company, Code Member.

The above-entitled matter having been heretofore scheduled for hearing on October 26, 1942, at a hearing room of the Bituminous Coal Division at the Court House, Chattanooga, Tennessee; and

The Code Member having filed on October 12, 1942, a motion to postpone said hearing, and good cause having been shown therefor;

It is ordered, That the hearing in the above-entitled matter be postponed from 10 a. m., on October 26, 1942, to a place and date to be hereafter designated by appropriate order.

Dated: October 15, 1942.

[SEAL] Dan H. Wheeler,
Director.

[F. R. Doc. 42-10506; Filed, October 19, 1942; 10:43 a. m.]

[Docket No. B-189]

Wheeling Valley Coal Corporation, West Virginia, Code Member

ORDER CONDITIONALLY RESTORING CODE MEMBERSHIP

A complaint dated January 16, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed in the above entitled matter on January 16, 1942, by the Bituminous Coal Producers Board for District No. 6, complainant, with the Bituminous Coal Division (the "Division"); and

A joint application of Wheeling Valley Coal Corporation and Cove Hill Coal Company dated July 2, 1942, for disposition of this proceeding and of the Matter of Cove Hill Coal Company, Docket No. B-190, without formal hearing, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division, having been duly filed with the Division on July 3, 1942, and an amendment thereto having been duly filed with the Division on August 3, 1942, and an agreement between Wheeling Valley Coal Corporation and the Collector of Internal Revenue for the District of West Virginia (the "Agreement") being attached to and made part of said joint application, as amended; and

It appearing from said joint application, as amended, that Wheeling Valley Coal Corporation consented to revocation of its code membership and to the imposition of a tax in the amount of $5,750.14, payment of which is a condition precedent to its unconditional restoration of membership in the Code pursuant to section 5 (c) of the Act, with the understanding that upon payment of 50% of said tax its code membership shall be conditionally restored subject to the further conditions that the remainder thereof shall be paid in eight equal monthly instalments beginning August 1, 1942, and that, upon failure to pay any instalment payment as provided in said Agreement, any order of conditional restoration of Wheeling Valley Coal Corporation to membership in the Code shall thereupon become void and of no further force nor effect; and

An Order having been issued herein on September 22, 1942, granting the said application as amended, revoking and cancelling the membership of Wheeling Valley Coal Corporation in the Bituminous Coal Code (the "Code") as of ten days from the date of said Order, and providing, pursuant to section 5 (c) of the Act for the payment to the United States of a tax in the amount of $5,750.14 as a condition precedent to the restoration of Wheeling Valley Coal Corporation to membership in the Code, directing conditional restoration of Wheeling Valley Coal Corporation to membership in the Code upon payment of 50% of said tax as agreed in said joint application, as amended, and permanently enjoining and restraining Wheeling Valley Coal Corporation from violating the Act, the Code, and rules and regulations thereunder; and

An application for conditional restoration of code membership having been duly filed with the Division on October 1, 1942, by Wheeling Valley Coal Corporation from which it appears that Wheeling Valley Coal Corporation has paid to said Collector of Internal Revenue the sum of $3,593.70, which payment represents 50% of the said tax plus the amount of instalment payments due on August 1, and September 1, 1942, respectively, and has mailed to said Collector of Internal Revenue the amount of the instalment payment due on October 1, 1942, pursuant to said Agreement and said Order;

Now, therefore, it is ordered, That membership of the Wheeling Valley Coal Corporation in the Code be, and the same hereby is, conditionally restored effective simultaneously with the effective date of revocation and cancellation, provided in said Order dated September 22, 1942, upon the following terms and conditions:

In the event of default by Wheeling Valley Coal Corporation in making any instalment payment as agreed in said joint application, as amended, such conditional restoration of code membership shall become wholly ineffective as of October 2, 1942, the entire balance of said tax then owing shall become due and payable and all coal sold or otherwise disposed of by said Wheeling Valley Coal Corporation on and after October 2, 1942, shall be subject to the 19½ percent tax provided by section 3520 (b) (1) of the Internal Revenue Code.

It is further ordered, That upon payment of said tax in full in accordance with the terms of said joint application, as amended, said Wheeling Valley Coal Corporation shall submit to the Division the receipt therefor issued by said Collector of Internal Revenue or a statement by said Collector that said tax has been paid in full and thereupon an order shall be issued restoring said Wheeling Valley Coal Corporation to full and unconditional membership in the Code as of the effective date of revocation and cancellation of its code membership provided by said Order dated September 22, 1942.

Dated: October 16, 1942.

[SEAL] Dan H. Wheeler,
Director.

[F. R. Doc. 42-10508; Filed, October 19, 1942; 10:44 a. m.]

[Docket No. A-1611]

The Bennett and Brassart Coal Co.

ORDER POSTPONING HEARING

In the matter of the petition of The Bennett and Brassart Coal Co., code member in district No. 15 for a reduction in the effective minimum price for ½'' x 0 slack coals produced from the B & B Mine, mine index No. 1387, in District No. 15.

A hearing in the above-entitled matter having been scheduled to be held on October 19, 1942, at a hearing room of the Bituminous Coal Division, at 536 Dwight Building, 1004 Baltimore Avenue, Kansas City, Missouri; and

It appearing advisable to postpone said hearing from October 19, 1942 to November 10, 1942;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed from October 19, 1942 to November 10, 1942.

It is further ordered, That the time within which petitions of intervention may be filed in such matter be, and it hereby is, extended from October 14, 1942 to November 4, 1942.

In all other respects the Notice of and Order for Hearing entered in this matter on September 16, 1942, as amended by the Order of September 19, 1942, shall remain in full force and effect.

Dated: October 15, 1942.

[SEAL] Dan H. Wheeler,
Director.

[F. R. Doc. 42-10510; Filed, October 19, 1942; 10:44 a. m.]

[Docket No. A-1597]

District Board No. 8

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 8 for the establishment of temporary and permanent price classifications for all coals otherwise unclassified in District No. 8 in size groups 24 to 27, inclusive.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on October 30, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 24, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 8 for the establishment of temporary and permanent price classifications and minimum prices for all coals otherwise unclassified in District No. 8 in Size Groups 24 to 27, inclusive.

Dated: October 16, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10509; Filed, October 19, 1942; 10:44 a. m.]

General Land Office.

[Public Land Order 45]

OREGON AND WASHINGTON

WITHDRAWING PUBLIC LANDS FOR THE BONNEVILLE PROJECT

OCTOBER 7, 1942.

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942,[1] the following-described public lands are hereby withdrawn, subject to valid existing rights, including those under Article III of the treaty of June 9, 1855 (12 Stat. 951), between the United States and the Yakima Nation of Indians, from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the Bonneville Project on the Columbia River in Oregon and Washington, under the supervision of the War Department, as authorized by the act of August 30, 1935, c. 831, 49 Stat. 1028, 1038, and the act of August 20, 1937, c. 720, 50 Stat. 731:

WILLAMETTE MERIDIAN, OREGON

T. 2 N., R. 14 E.,
  Sec 29, lots 3, 4, 5.
T. 2 N., R. 15 E.,
  Sec. 17, lot 2;
  Sec. 20, lots 5, 6, 7, 8, 9, 10.

WILLAMETTE MERIDIAN, WASHINGTON

T. 2 N., R. 15 E.,
  Sec. 18, lot 5;
  Sec. 19, lots 1, 2, 3, 4, 5, 6, 7.

The areas described aggregate 47.66 acres.

This order supersedes as to any of the above-described lands affected thereby the withdrawals made by Executive Orders Nos. 6910 and 6964 of November 26, 1934, and February 5, 1935, respectively, and amendments thereto.

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-10501; Filed, October 19, 1942; 10:04 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 732]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 28, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Iowa 3-1038D3 Pocahontas	$15,000
Michigan 3-1005C2 Lenawee	30,000
Minnesota 3-1025C2 McLeod	20,000
Ohio 3-1093A3 Washington	15,000
Tennessee 3-1046A2 Warren*	40,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-10513; Filed, October 19, 1942; 11:20 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

SUGAR AND RELATED PRODUCTS INDUSTRY

HEARING ON MINIMUM WAGE RATES

Notice of public hearing before Industry Committee No. 50 for the purpose of receiving evidence to be considered in recommending minimum wage rates for the Sugar and Related Products Industry.

In conformity with the Fair Labor Standards Act of 1938, 52 Stat. 1060, and § 511.11 of Part 511 of the Rules and Regulations issued pursuant thereto, notice is hereby given to all interested persons that a public hearing will be held beginning at 11:00 a. m. January 5, 1943, in the College Room of the Hotel Astor, New York City, for the purpose of receiving evidence to be considered by Industry Committee No. 50 in determining the highest minimum wage rates for the Sugar and Related Products Industry, which, having due regard to economic and competitive conditions, will not substantially curtail employment.

The term "Sugar and Related Products Industry" is defined in Administrative Order No. 162, issued October 8, 1942, as follows:

> The production of sugar, molasses, and syrups, of all types, made wholly or in part from maple sap, sugar beets, sugarcane, sorgo, or any derivative therefrom, and the production of beet pulp, bagasse, lime cake and related byproducts: *Provided, however,* That fountain syrups commonly and commercially so known shall not be included in this definition.
>
> The production of any products covered under this definition shall be deemed to begin with the loading of the raw materials at the farm.

The definition of the sugar and related products industry covers all occupations in the industry which are necessary to the production of the products covered by this definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That in a wholesaling or selling department of a manufacturing establishment clerical, maintenance, shipping and selling employees, the greater part of whose work relates to the sale of articles which have been purchased for resale or of articles not covered by this definition, shall not be deemed to be covered by this definition: *And provided, further,* That where an employee covered by this definition is employed during the same work week at two or more different minimum rates of pay, he shall be paid the highest of such rates for such work week unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

Industry Committee No. 50 was created by Administrative Order No. 162, referred to above. It is charged, in accordance with the provisions of the Fair Labor Standards Act of 1936 and Rules and Regulations promulgated thereunder, with the duty of investigating conditions in the Sugar and Related Products Industry and recommending to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by the provisions of section 13 (a) and employees coming under the provisions of section 14.

Any person who, in the opinion of the Committee, has a substantial interest in the proceeding and is prepared to present material pertinent to the question under consideration, may appear on his own behalf or on behalf of any other person. Persons desiring to appear are requested to file with E. L. Warren, Director of the Wage Determination Branch, Wage and Hour Division, U. S. Department of Labor, 165 West 46th Street, New York City, prior to December 15, 1942; a Notice of Intention to Appear containing the following information:

> (1) The name and address of the person appearing.
>
> (2) If he is appearing in a representative capacity, the name and address of the person or persons whom, or organization which, he is representing.
>
> (3) A brief summary of the material intended to be presented.
>
> (4) The approximate length of time which his presentation will consume.

All testimony will be taken under oath and subjected to reasonable cross examination by any interested person present. Testimony so received may be offered as evidence at the public hearing to be held by the Administrator on such minimum wage recommendations as Industry Committee No. 50 may make. At least 30 copies of all exhibits or other written material to be presented by persons appearing before the Committee should be provided. Such materials to be accepted as exhibits for the record must be presented at least in quintuplicate.

Written briefs of persons who can not appear personally will be considered by the Committee provided that at least thirty copies thereof are received at the address last given not later than December 15, 1942.

Signed at Washington, D. C., this 14th day of October, 1942.

THEODORE J. KREPS,
Chairman, Industry Committee
No. 50 for the Sugar and
Related Products Industry.

[F. R. Doc. 42-10467; Filed, October 17, 1942; 11:08 a. m.]

[Administrative Order No. 166]

INDUSTRY COMMITTEE NO. 50

POSTPONEMENT OF MEETING

Notice of postponement of meeting of Industry Committee No. 50 for the Sugar and Related Products Industry.

Pursuant to § 511.4 of Regulations Applicable to Industry Committees the date and place for the meeting of Industry Committee No. 50 for the Sugar and Related Products Industry are hereby set for 10 a. m., January 5, 1943, in the College Room of the Hotel Astor, New York City, in lieu of the date and place fixed in Administrative Order No. 162 issued October 5, 1942.

Signed at Washington, D. C., this 14th day of October 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-10468; Filed, October 17, 1942; 11:08 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

> Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).
>
> Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).
>
> Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).
>
> Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).
>
> Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).
>
> Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).
>
> Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).
>
> Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).
>
> Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).
>
> Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).
>
> Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective October 19, 1942. The certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Allen Underwear Mfg. Co., Inc., White Mills, Pennsylvania; Ladies' underwear; 10 percent (T); October 19, 1943.

Adam H. Bartel Co., 200 S. 8th St., Richmond, Indiana; Overalls and jackets; 10 percent (T); October 19, 1943.

"Bundle O'Joy" Baby Wear Co., 49 S. Pennsylvania Ave., Wilkes-Barre, Pennsylvania; Infants' cotton flannel gowns & crinkle crepe kimonas; 10 percent (T); October 19, 1943.

Cherryland Mfg. Co., Woodmere Ave., Traverse City, Michigan; Trousers; 10 percent (T); October 19, 1943.

Di-Anne Underwear Co., 308 S. First St., Lebanon, Pennsylvania; Women's slips; 10 percent (T); October 19, 1943.

Louis Edelstein, 831 Cherry St., Philadelphia, Pennsylvania; Ladies' underwear; 2 learners (T); October 19, 1943.

Elk Brand Shirt & Overall Co., Hopkinsville, Kentucky; Work pants, overalls, work shirts; 10 learners (T); October 19, 1943.

Eureka Pants Mfg. Co., Depot St., Shelbyville, Tennessee; Cotton work pants; 10 percent (T); October 19, 1943.

Herman Flax, 37 Terry St., Patchogue, Long Island, New York; Boys' suits & children's dresses; 3 learners (T); October 19, 1943.

General Sportwear Co., Inc., 23 Market St., Ellenville, New York; Children's sunsuits, playsuits, rompovers and gymsuits; 6 learners (T); October 19, 1943.

Joseph Greenberg, 37 Bainbridge St., Elizabethtown, Pennsylvania; Children's dresses; 10 learners (T); October 19, 1943.

Hyman Brothers, 33rd & Arch Sts., Philadelphia, Pennsylvania; Misses' dresses; 10 percent (T); October 19, 1943.

K. & G. Mfg. Co., Inc., Pleasant St., Fall River, Massachusetts; Dresses; 10 percent (T); October 19, 1943.

Lexington Shirt Corp., East 2nd Ave., Lexington, North Carolina; Men's & boys' dress shirts; 10 percent (T); October 19, 1943.

Martin Shirt Co., 207 So. Main St., Shenandoah, Pennsylvania; Boys' shirts, ladies' blouses; 10 percent (T); October 19, 1943.

Model Blouse Co., R. R. Boulevard, Landisville, New Jersey; Boys' shirts; 8 learners (T); October 19, 1943.

North Shore Mfg. Co., 326 W. Michigan St., Duluth, Minnesota; O. D. Field jackets, snow suits, slack suits; 10 learners (T); October 19, 1943.

Olga Frocks, 1100 Richmond Ave., Point Pleasant Beach, New Jersey; One & two piece dresses; 3 learners (T); October 19, 1943.

Picayune Shirt Factory, Inc., Goodyear Boulevard, Picayune, Mississippi; Work shirts and pants; 100 learners (E); April 19, 1943. (This certificate replaces the one bearing the expiration date of June 4, 1942 for 200 learners which was not used).

Picayune Shirt Factory, Inc., Goodyear Boulevard, Picayune, Mississippi; Work shirts and pants; 10 percent (T); October 19, 1943.

Pleasant Novelty Co., 273 Pleasant St., Fall River, Massachusetts; Boys' washable suits; 10 percent (T); October 19, 1943.

Prevue Sportswear, Inc., 31 N. Spruce St., Mt. Carmel, Pennsylvania; Dresses and sportswear; 60 learners (E); April 19, 1943.

H. H. Rosinsky & Co., 123 N. 5th St., Philadelphia, Pennsylvania; Dresses; 5 learners (T); October 19, 1943.

The Roswell Co., Roswell, Georgia; Single pants; 50 learners (E); April 19, 1943.

Rotary Shirt Co., Inc., 9 Broad St., Glens Falls, New York; Men's shirts, officers' shirts and army shirts; 10 percent (T); October 19, 1943.

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[1] 7 F.R. 3067.

Morris Schwartz Dress Co., Clinton St., Montgomery, New York; Ladies' cotton and rayon dresses and housecoats; 10 learners (T); October 19, 1943.

Seibel & Stern, Walnut & Orchard Sts., Bridgeton, New Jersey; Children's dresses; 10 percent (T); October 19, 1943.

M. & D. Simon Co.—Shirt Dept., 700 W. St. Clair Ave., Cleveland, Ohio; Men's shirts and sportswear; 8 learners (T); October 19, 1943.

J. H. Stern Garment Co., East Hummelstown St., Elizabethtown, Pennsylvania; Children's dresses, ladies' & children's aprons; 10 percent (T); October 19, 1943.

Supak & Sons Garment Mfg. Co., 430 First Ave., Minneapolis, Minnesota; Snowsuits, poplin jackets and slack suits; 8 learners (T); October 19, 1943.

Tex-Son, Inc., 3021 West Martin St., San Antonio, Texas; Boys' sport and play clothing; 10 learners (T); October 19, 1943.

Traficante & Botto, 1226 S. 8th St., Philadelphia, Pennsylvania; Women's dresses and blouses; 5 learners (T); October 19, 1943.

Wyoming Dress Co., 133 East 8th St., Wyoming, Pennsylvania; Ladies' dresses; 32 learners (E); April 5, 1943.

Cigar Industry

The Deisel-Wemmer-Gilbert Corp., Cor. Franklin & First Sts., Delphos, Ohio; Cigars; 10 percent (T); Cigar machine operators and cigar packers to have learning period of 320 hours and tobacco stripping machine operators to have learning period of 160 hours at 75 percent of the applcable minimum wage; October 18, 1943.

The Deisel-Wemmer-Gilbert Corp., 313–15–17 E. Main St., Van Wert, Ohio; Cigars; 10 percent (T); Tobacco stripping machine operators to have learning period of 160 hours at 75 percent of the applicable minimum wage; October 18, 1943.

The Deisel-Wemmer-Gilbert Corp., South Spruce St., St. Marys, Ohio; Cigars; 10 percent (T); Cigar machine operators and cigar packers to have learning period of 320 hours and tobacco stripping machine operators to have learning period of 160 hours at 75 percent of the applicable minimum wage; October 18, 1943.

The Deisel-Wemmer-Gilbert Corp., 435 N. Main St., Lima, Ohio; Cigars; 10 percent (T); Cigar machine operators and cigar packers to have learning period of 320 hours and tobacco stripping machine operators to have learning period of 160 hours at 75 percent of the applicable minimum wage; October 18, 1943.

The Deisel-Wemmer-Gilbert Corp., 214–16 Broadway, Findlay, Ohio; Cigars; 10 percent (T); Cigar machine operators and cigar packers to have learning period of 320 hours and tobacco stripping machine operators to have learning period of 160 hours at 75 percent of the applicable minimum wage; October 18, 1943.

The Deisel-Wemmer-Gilbert Corp., Corner Main & Elm Sts., Lima, Ohio; Cigars; 10 percent (T); Cigar machine operators and cigar packers to have learning period of 320 hours and tobacco stripping machine operators to have learning period of 160 hours at 75 percent of the applicable minimum wage; October 18, 1943.

The Deisel-Wemmer-Gilbert Corp., 2180 E. Milwaukee Ave., Detroit, Michigan; Cigars; 10 percent (T); Cigar machine operators and cigar packers to have learning period of 320 hours at 75 percent of the applicable minimum wage; October 18, 1943.

Schwartz Brothers Cigar Co., 233–35 S. 3rd St., Philadelphia, Pennsylvania; Cigars; 10 percent; Cigar machine operators to have learning period of 320 hours at 75 percent of the applicable minimum wage; October 18, 1943. (T).

Glove Industry

General Glove Co., Inc., 237 Jefferson St., Martins Ferry, Ohio; Work gloves; 5 learners (T); October 19, 1943.

Hosiery Industry

Espy Hosiery Mills, Inc., Espy, Pennsylvania; Seamless hosiery; 5 learners (T); October 19, 1943.

Interwoven Stocking Co., Berkeley Springs, West Virginia; Seamless hosiery; 5 percent (T); October 19, 1943.

Interwoven Stocking Co., 200 North Prospect St., Hagerstown, Maryland; Seamless hosiery; 5 percent (T); October 15, 1943. (This certificate became effective October 15, 1942).

Marshall Field & Co., Manufacturing Division, Fieldale, Virginia; Full-fashioned hosiery; 5 percent (T); October 19, 1943.

Miller-Smith Hosiery Mills, Delano, Tennessee; Full-fashioned hosiery; 18 learners (E); June 19, 1943.

Pocono Hosiery Mills, 49 Prospect St., E. Stroudsburg, Pennsylvania; Seamless hosiery; 5 learners (T); October 19, 1943. (This certificate replaces the one bearing the expiration date of August 3, 1943).

Spalding Knitting Mills, East Broad St., Griffin, Georgia; Seamless hosiery; 20 learners (E); June 19, 1943.

Wyatt Knitting Co., Goldsboro Ave. Ext., Sanford, North Carolina; Full-Fashioned hosiery; 5 learners (T); October 19, 1943.

Knitted Wear Industry

Van Raalte Co., Inc., High Rock Ave., Saratoga Springs, New York; Knitted underwear; 14 learners (T); October 19, 1943.

Telephone Industry

Central Iowa Telephone Co., Toledo, Iowa; To employ learners as commercial switchboard operators at its Williamsburg, Iowa Exchange, located at Williamsburg, Iowa; October 19, 1943.

Textile Industry

Edinburgh Cotton Mills, Raeford, North Carolina; Cotton yarns; 3 percent (T); October 19, 1943.

Nashawena Mills, Belleville Ave., New Bedford, Massachusetts; Cotton and spun rayon; 10 learners (T); October 19, 1943.

Signed at New York, N. Y., this 17th day of October 1942.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 42–10496; Filed, October 19, 1942; 9:30 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F. R. 2862) to the employers listed below effective October 15, 1942.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employer's representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

The Churchill Weavers, Berea, Kentucky; Handwoven novelties; 15 learners; 320 hours for any one learner; 30 cents per hour; To be employed in the occupation of hand weaving (fly-shuttle); October 15, 1943.

Signed at New York, N. Y., this 17th day of October, 1942.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 42–10497; Filed, October 19, 1942; 9:30 a. m.]

FEDERAL POWER COMMISSION

[Project No. 1887]

COOPERATIVE SERVICE ASSOCIATION

ORDER CONTINUING DATE OF HEARING

OCTOBER 16, 1942.

A public hearing having been set for October 26, 1942, on the application of Cooperative Service Association of Meredith, New Hampshire, for preliminary permit for a proposed hydroelectric development to be installed at the Franklin Falls flood control dam on the Pemigewasset River in Merrimack County, New Hampshire, and it appearing desirable to postpone said hearing;

Upon the Commission's own motion: *It is ordered*, That said hearing be postponed to Monday, November 30, 1942, beginning at 9:45 a. m. (EWT) in Room 305, Federal Building, Concord, New Hampshire.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 42–10498; Filed, October 19, 1942; 10:04 a. m.]

[Docket No. G–423]

ALLEGANY GAS COMPANY

ORDER FIXING DATE FOR HEARING AND SUSPENDING SUPPLEMENTAL RATE SCHEDULE

OCTOBER 13, 1942.

It appearing to the Commission that:

(a) Allegany Gas Company has on file a rate schedule and supplements thereto designated in the files of the Commission as Allegany Gas Company Rate Schedule FPC No. 3 and Supplements Nos. 1 and 2, thereto, providing for the sale of natural gas to Crystal City Gas Company for resale for ultimate public consumption for domestic, commercial, industrial or other use;

(b) On August 28, 1942, Allegany Gas Company submitted to the Commission for filing a supplemental rate schedule dated July 27, 1942, designated Supplement No. 3 to Allegany Gas Company Rate Schedule FPC No. 3, providing for increased rates or charges for said sale of natural gas to Crystal City Gas Company and requested that the increased rates or charges be allowed to take effect as of July 1, 1942;

(c) By letter of September 5, 1942, and in accordance with the Provisional Rules of Practice and Regulations under the Natural Gas Act, Allegany was requested to submit additional information with respect to Supplement No. 3 to Allegany Gas Company Rate Schedule FPC No. 3, which information was submitted on September 14, 1942; without waiving full compliance with the Provisional Rules of Practice and Regulations, September 14, 1942, was considered to be the filing date of Supplement No. 3;

(d) Unless suspended by order of the Commission, Supplement No. 3 to Allegany Gas Company Rate Schedule FPC No. 3 will become effective as of October 14, 1942, pursuant to the provisions of the Natural Gas Act and the Provisional Rules of Practice and Regulations thereunder;

(e) The schedule of increased rates or charges contained in Supplement No. 3 to Allegany Gas Company Rate Schedule FPC No. 3 may result in excessive rates or charges to Crystal City Gas Company or place an undue burden upon ultimate consumers of natural gas; moreover, the proposed increased rates or charges have not been shown to be justified;

The Commission finds that:

It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon;

The Commission, upon its own motion, *Orders*, That:

(A) A public hearing be held on November 25, 1942, at 9:45 a. m. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates or charges, subject to the jurisdiction of the Commission, contained in Supplement No. 3 to Allegany Gas Company Rate Schedule FPC No. 3 for the sale of natural gas to Crystal City Gas Company for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

(B) Pending such hearing and decision thereon, the schedule of increased rates or charges contained in Supplement No. 3 to Allegany Gas Company Rate Schedule FPC No. 3, except insofar as it may provide for the sale of natural gas for resale for industrial use only, be and it hereby is suspended until February 14, 1943, or until such time thereafter as said supplemental rate schedule shall be made effective in the manner prescribed by the Natural Gas Act;

(C) During the period of suspension, the rates or charges collected and received by Allegany Gas Company from Crystal City Gas Company, as provided in Allegany Gas Company Rate Schedule FPC No. 3 and Supplements Nos. 1 and 2 thereto, except insofar as they may be for the sale of natural gas for resale for industrial use only, shall remain and continue in full force and effect;

(D) At the hearing, the burden of proof to show that the proposed increased rates or charges are just and reasonable shall be upon the Allegany Gas Company;

(E) Interested State Commissions may participate in said hearing as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 42–10525; Filed, October 19, 1942; 12:04 p. m.]

[Docket No. G–424]

ALLEGANY GAS COMPANY

ORDER FIXING DATE FOR HEARING AND SUSPENDING RATE SCHEDULE

OCTOBER 13, 1942.

It appearing to the Commission that:

(a) Allegany Gas Company has on file a rate schedule and supplement thereto designated in the files of the Commission as Allegany Gas Company Rate Schedule FPC No. 5 and Supplement No. 1 thereto, providing for the sale of natural gas to North Penn Gas Company for resale for ultimate public consumption for domestic, commercial, industrial or other use;

(b) On August 28, 1942, Allegany Gas Company submitted to the Commission for filing a rate schedule dated July 27, 1942, designated Allegany Gas Company Rate Schedule FPC No. 10, providing for increased rates or charges for certain sales of natural gas to North Penn Gas Company;

(c) The natural gas proposed to be sold to North Penn Gas Company at the increased rates or charges constitutes a portion of certain purchases of natural gas by Allegany from New York State Natural Gas Corporation to meet Allegany's increased requirements;

(d) By letter of September 5, 1942, and in accordance with the Provisional Rules of Practice and Regulations under the Natural Gas Act, Allegany was requested to submit additional information with respect to Allegany Gas Company Rate Schedule FPC No. 10, which information was submitted on September 14, 1942; without waiving full compliance with the Provisional Rules of Practice and Regulations, September 14, 1942, was considered to be the filing date of said Rate Schedule FPC No. 10;

(e) Unless suspended by order of the Commission, Allegany Gas Company Rate Schedule FPC No. 10 will become effective as of October 14, 1942, pursuant to the provisions of the Natural Gas Act and the Provisional Rules of Practice and Regulations thereunder;

(f) The schedule of increased rates or charges contained in Allegany Gas Company Rate Schedule FPC No. 10 may result in excessive charges to North Penn Gas Company or place an undue burden upon ultimate consumers of natural gas; moreover, the proposed increased rates or charges have not been shown to be justified;

The Commission finds that:

It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon;

The Commission, upon its own motion, *Orders*, That:

(A) A public hearing be held on November 25, 1942, at 9:45 a. m. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the lawfulness of the rates and charges, subject to the jurisdiction of the Commission, contained in Allegany Gas Company Rate Schedule FPC No. 10 for the sale of natural gas to North Penn Gas Company for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

(B) Pending such hearing and decision thereon, the schedule of increased rates or charges contained in Allegany Gas Company Rate Schedule FPC No. 10, except insofar as it may provide for the sale of natural gas for resale for industrial use only, be and it hereby is suspended until February 14, 1943, or until such time thereafter as said rate schedule shall be made effective in the manner prescribed by the Natural Gas Act;

(C) During the period of suspension, the rates or charges collected and received by Allegany Gas Company from North Penn Gas Company, as provided in Allegany Gas Company Rate Schedule FPC No. 5 and Supplement No. 1 thereto, except insofar as they may be for the sale of natural gas for resale for industrial use only, shall remain and continue in full force and effect;

(D) At the hearing, the burden of proof to show that the proposed increased rates or charges are just and reasonable shall be upon the Allegany Gas Company; (E) Interested States commissions may participate in said hearing as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 42–10526; Filed, Octobe[illegible], 1942; 12:04 p. m.]

[Docket No. G-425]

ALLEGANY GAS COMPANY

ORDER FIXING DATE FOR HEARING AND SUSPENDING SUPPLEMENTAL RATE SCHEDULE

OCTOBER 13, 1942.

It appearing to the Commission that:

(a) Allegany Gas Company has on file a rate schedule with exhibits thereto designated in the files of the Commission as Allegany Gas Company Rate Schedule FPC No. 9 with Exhibits A, B, C and D thereto, providing for the sale of natural gas to New York State Electric & Gas Corporation for resale for ultimate public consumption for domestic, commercial, industrial or other use;

(b) On August 28, 1942, Allegany Gas Company submitted to the Commission for filing a supplemental rate schedule dated July 27, 1942, designated Supplement No. 1 to Allegany Gas Company Rate Schedule FPC No. 9, providing for increased rates or charges for said sale of natural gas to New York State Electric & Gas Corporation and requested that the increased rates or charges be allowed to take effect as of July 1, 1942;

(c) By letter of September 5, 1942, and in accordance with the Provisional Rules of Practice and Regulations under the Natural Gas Act, Allegany was requested to submit additional information with respect to Supplement No. 1 to Allegany Gas Company Rate Schedule F.P.C. No. 9, which information was submitted on September 14, 1942; without waiving full compliance with the Provisional Rules of Practice and Regulations, September 14, 1942, was considered to be the filing date of Supplement No. 1;

(d) Unless suspended by order of the Commission, Supplement No. 1 to Allegany Gas Company Rate Schedule F.P.C. No. 9 will become effective as of October 14, 1942, pursuant to the provisions of the Natural Gas Act and the Provisional Rules of Practice and Regulations thereunder;

(2) The schedule of increased rates or charges contained in Supplement No. 1 to Allegany Gas Company Rate Schedule F.P.C. No. 9 may result in excessive rates or charges to New York State Electric & Gas Corporation or place an undue burden upon ultimate consumers of natural gas; moreover, the proposed increased rates or charges have not been shown to be justified;

The Commission finds that:

It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon;

The Commission, upon its own motion, *Orders*, That:

(A) A public hearing be held on November 25, 1942, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the lawfulness of the rates or charges, subject to the jurisdiction of the Commission contained in Supplement No. 1 to Allegany Gas Company Rate Schedule F.P.C. No. 9 for the sale of natural gas to New York State Electric & Gas Corporation for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

(B) Pending such hearing and decision thereon, the schedule of increased rates or charges contained in Supplement No. 1 to Allegany Gas Company Rate Schedule F.P.C. No. 9, except insofar as it may provide for the sale of natural gas for resale for industrial use only, be and it hereby is suspended until February 14, 1943, or until such time thereafter as said schedule shall be made effective in the manner prescribed by the Natural Gas Act;

(C) During the period of suspension, the rates or charges collected and received by the Allegany Gas Company from New York State Electric & Gas Corporation, as provided in Allegany Gas Company Rate Schedule FPC No. 9 and Exhibits A, B, C and D thereto, except insofar as they may be for the sale of nautral gas for resale for industrial use only, shall remain and continue in full force and effect;

(D) At the hearing, the burden of proof to show that the proposed increased rates or charges are just and reasonable shall be upon the Allegany Gas Company;

(E) Interested State commissions may participate in said hearing as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 42-10527; Filed, October 19, 1942; 12:04 p. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-36]

CANNED PEAS

PROPOSED ORDER AMENDING DEFINITION AND STANDARD OF IDENTITY

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, 21 U.S.C. 1940 ed. 341 and sec. 701, 52 Stat. 1055, 21 U.S.C. 1940 ed. 371) and on the basis of the evidence received at the above-entitled hearing duly held pursuant to notice thereof issued by the Federal Security Administrator on April 23, 1942 (7 F.R. 3066), the following order be promulgated:

Findings of Fact

1. The green color of peas is due primarily to their content of chlorophyll (R., pp. 53-5, 58, 650, 760-1).[1]

2. One of the constituents of the chlorophyll molecule is magnesium (R., pp. 55-9, 717).

3. When peas are picked from the vine the intensity of their green color begins to decrease. This decrease continues as peas are shelled and held, is accelerated when they are canned, and continues while they are in storage (R. pp. 28-9, 156-63, 166, 719-20, 743-4, 739-40, 748-56, 974-8).

4. This decrease in intensity of color is due to the conversion of the chlorophyll into pheophytin through loss of the magnesium from the chlorophyll molecule. Pheophytin is not green but is olive drab in color. There is no known method applicable to peas whereby the pheophytin can be converted back into chlorophyll (R., pp. 29, 59-60, 65-6, 67, 83).

5. Under the process by which peas are ordinarily canned, they are shelled, washed, blanched in hot water, sealed in cans in a water solution of salt and sugar, and heated in a retort for 35 minutes at 240° F., when in cans of the size most frequently sold or for a time and temperature equivalent in their destructive effect on microorganisms when in cans of other sizes.

6. When peas are so canned, the process of conversion of chlorophyll into pheophytin is sufficiently near completion within a short time after canning that the peas are no longer green but are olive drab or straw-colored (R. pp. 59, 102, 67).

7. Peas in their natural state are slightly on the acid side of the neutral point (pH 7) between acidity and alkalinity. A well-recognized but little understood phenomenon is that their acidity slowly but continuously increases during the canning process and subseqent storage. This is expressed chemically as a decrease of pH and the decrease continues until an equilibrium, sometimes as low as pH 5, is reached (R., pp. 67-8, 105, 708, 102).

8. The rate of conversion of chlorophyll to pheophytin proceeds rapidly in an acid medium. In an alkaline medium the rate of conversion is greatly retarded. The time and temperature to which the peas are subjected before canning and the time and temperature during heat processing and in storage after canning also affect the rate of conversion (R., pp. 58, 60, 67-8, 102, 751-5).

9. It has recently been found that by converting the naturally acid medium surrounding the chlorophyll in peas to a state of mild alkalinity, and by regulating the times and temperatures of holding, processing, and storing, the rate of conversion of chlorophyll to pheophytin can be substantially retarded (R., pp. 68, 105, 136, 153, 156-7, 334, 340-1, 363, 534, 751-5).

10. Such regulation of times and temperatures within the limits found desirable for this purpose has no material effect upon the identity of canned peas and does not conflict with the definition and standard of identity for canned peas now in effect (R., pp. 48, 942, 944, 956).

11. For the conversion of the naturally acid state of the peas to one of alkalinity, certain alkalizing chemicals not permitted by the definition and standard of identity for canned peas have been found to be suitable. These chemicals are sodium carbonate, calcium hydroxide, and magnesium hydroxide (R., pp. 35-37, 69, 76, 78, 80, 88, 107, 60-9, 618-9, 620-22, 680, 688-90).

12. Sodium carbonate must be used as such, but calcium hydroxide and magnesium hydroxide may be used as such or obtained by the use of calcium oxide and magnesium oxide which, when they come into contact with water, are promptly converted into the respective hydroxides (R., pp. 35, 75, 76, 78-80, 90-1).

13. Sodium carbonate is useful in an aqueous solution of approximately 2 percent concentration for a pre-blanch soak of about 30 minutes at room temperature for the reason that it retards the destruction of chlorophyll at the beginning of the blanch. An alkali in the blanch water does not suffice for this purpose since it does not penetrate the peas rapidly enough to raise their pH to an alkaline level before extensive destruction of chlorophyll occurs from the heat of blanching. (R., pp. 34, 76, 90, 91, 631).

14. The sodium of the sodium carbonate replaces unidentified elements in the peas, according to a principle known as "the base exchange theory" whereby different basic elements in combination with other substances in solution are held to exchange positions continuously. It is a reasonable conclusion from this principle that some of the sodium carbonate enters into the composition of the finished canned peas, and there is no authoritative evidence to the contrary even though the peas are thoroughly washed after the treatment with sodium carbonate solution (R., pp. 71-2, 74-77, 495-6, 1159-60, 1168).

15. The proponents of the alkalizing process could have shown positively that sodium carbonate does not enter into the composition of the peas, if such were the case, by comparative quantitative analyses for sodium of the pre-blanch and blanch solutions before and after soaking and blanching, but no such analysis was reported among the voluminous analytical data entered of record (R., pp. 71, 77, 1159-60, 1169).

16. Alkaline substances other than sodium carbonate would be equally effective in controlling the pH of the peas during the holding period, but such other substances, in quantities sufficient to control the pH, make the peas tough or impair their taste or are otherwise unsuitable or impracticable (R. pp. 76, 631, 633-5).

17. Sodium carbonate has a softening effect upon the texture of peas during the pre-blanch treatment (R., pp. 74-5, 496, 702).

18. In order to restore to the peas a texture comparable to their natural texture and at the same time to maintain the pH of the peas throughout the blanching process at an alkaline level, the blanch water must be made alkaline by a substance having a hardening effect (R., pp. 74-6, 78-9, 669).

19. The only blanch solution which has been found suitable for this purpose, and which is employed for about the same time and at the same temperature used for blanching peas canned by the ordinary method, is an aqueous solution of approximately 0.04 percent of calcium hydroxide or approximately 0.03 percent of calcium oxide. When blanched in this solution the calcium actually enters into the composition of the peas, as shown by chemical analyses. The reaction presumably follows the principle of base exchange (R., pp. 35, 79, 669, 1041).

20. From their observation of such phenomena experienced chemists do not believe that there is a complete exchange of calcium for the sodium added in the pre-blanch solution (R., pp. 1169).

21. When the alkalizing process is used, the blanched peas are washed to remove free calcium hydroxide and are then sealed in the container with an aqueous packing medium (R., pp. 36, 696).

22. To offset the drift toward acidity referred to in finding 7, and thus to retard the conversion of chlorophyll to pheophytin, it is necessary to incorporate a reserve of alkali in the canned peas, since the quantity of alkalis remaining in the peas from the pre-blanch and blanching is not enough to provide such a reserve in the finished product (R., pp. 106-7, 112).

23. The only substance found suitable for this purpose, by reason of the fact that it provides such a reserve without impairing the natural characteristics of peas, is magnesium hydroxide. This is added to the packing medium in a quantity of about 0.1 percent of the weight of the medium (R., pp. 80, 88, 92, 621-2).

24. The quantity of magnesium hydroxide added, together with the effect of the constituents of peas and other ingredients of the finished product, determines the ultimate pH of the peas and liquid within the can (R., pp. 106-107, 200-1, 631-5, 649).

25. If the canned peas are too alkaline, undesirable flavors and odors foreign to canned peas are developed (R., pp. 635, 690, 701).

26. It is therefore necessary to limit the alkalinity of the finished product, and the most feasible, objectively determinable method of so doing is to prescribe a limit on the pH of the contents of the can (R., p. 702).

27. It has been determined that the maximum pH that can be reached without danger of undesirable effects on canned peas is 8.0 (R., p. 702).

28. A method regarded by experienced chemists as accurate and desirable for determining pH, from the standpoint of both the pea canning industry and enforcement officials, is the method known as the glass electrode method (R., pp. 19, 458).

29. To avoid undue loss of chlorophyll through long heating, the heat process for alkalized peas, after they are sealed in the can, is only 7 minutes, but the temperature of processing is 260° F., when in the size of can most frequently sold. This is the equivalent, in its destructive effect on microorganisms causing spoilage, to the process of 35 minutes at 240° F. used for ordinary canned peas in cans of the same size (R., pp. 38, 52, 818, 823).

30. As a final precaution against undue loss of chlorophyll before purchase by the ultimate consumer, proponents of the alkalizing process recommend that peas canned by that process be stored at a temperature not over 55° F. (R., pp. 340, 755).

31. Under the definition and standard of identity now in effect, canned peas are prepared from one of four pea ingredients, two of which are succulent and two of which are dried. The proponents of the alkalizing process advocate its use for succulent peas only, and regard it as unsuitable for use in canning dried peas since such peas, in the process of maturing, lose widely varying proportions of their chlorophyll and are of nonuniform color, and when canned by such process their already undesirable lack of uniformity in color is emphasized (R., pp. 697, 698, 713, 804, 972).

32. Extensive investigations of the effects of sodium carbonate, calcium hydroxide, and magnesium hydroxide as used in the alkalizing process have failed to show any harmful effects upon the nutritive value of canned peas (R., pp. 639, 987-8, 1009).

33. Sodium carbonate, calcium hydroxide, and magnesium hydroxide, used as described in the preceding findings, are suitable optional ingredients of canned peas prepared from succulent peas (R., pp. 75, 698).

34. Consumers are concerned to know when chemicals are added to canned peas (R., pp. 321-2, 325-6).

35. The use of the alkalizing chemicals sodium carbonate, calcium hydroxide, and magnesium hydroxide in canned peas without informing the purchasers thereof would not promote honesty and fair dealing in the interest of consumers (R., pp. 1182-3).

36. Sodium carbonate, calcium hydroxide, and magnesium hydroxide are the common names of the chemicals used in the alkalizing process for canned peas; such chemicals belong to a group commonly known as "alkalis" (R., pp. 1162-4, 1181).

Upon the basis of the foregoing detailed findings of fact, it is found and concluded that it will promote honesty and fair dealing in the interest of consumers to amend the regulation fixing and establishing a definition and standard of identity for canned peas so as to permit the use as optional ingredients in succulent canned peas of sodium carbonate, calcium hydroxide, and magnesium hydroxide in the quantities specified in the following amendments to the regulation and to require that such substances be named on the label of canned peas in which they are used.

Wherefore the regulation fixing and establishing a definition and standard of identity for canned peas is amended as follows:

Regulation

1. Section 51.000 (c) is amended to read:

(c) The following optional ingredients may be used:

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[1] The page references to certain relevant portions of the record are for the convenience of the reader. However, the findings are based upon a consideration of all the evidence of record at the hearing and not solely on that portion of the record to which reference is made.

(1) Salt;
(2) Sugar;
(3) Dextrose;
(4) Spice;
(5) Flavoring;
(6) Artificial coloring;

and in case optional pea ingredient (1) or (2) is used,

(7) Sodium carbonate, calcium hydroxide, and magnesium hydroxide in such quantity that the hydrogen ion concentration of the finished canned peas, as determined by the glass electrode method, is not more than pH 8.

2. Section 51.000 (f) is amended by renumbering subparagraph (6) as subparagraph (7) and inserting immediately before such subparagraph a new subparagraph reading:

(6) If optional ingredient (c) (7) is used, the label shall bear the statement "Traces of sodium carbonate, calcium hydroxide, and magnesium hydroxide added"; but in lieu of such statement the label may bear the statement "Traces of alkalis added."

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the Assistant General Counsel, Room 2242, South Building, 14th Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof.

[SEAL] WATSON B. MILLER,
Acting Administrator.

OCTOBER 16, 1942.

[F. R. Doc. 42-10472; Filed, October 17, 1942; 11:27 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT B-27]

SALISBURY, MD.—CAPE CHARLES, VA.

MOTOR VEHICLE PASSENGER SERVICE COORDINATION

Order directing Coordinated Operation of Passenger Carriers by Motor Vehicle Between Salisbury, Maryland, and Cape Charles, Virginia.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers, filed with this Office by Pennsylvania Greyhound Lines, Inc., Cleveland, Ohio, and Eastern Shore Transit Co., Inc., Cape Charles, Virginia, and in order to assure maximum utilization of the facilities, services, and equipment of common carriers of passengers by motor vehicle, and to conserve and providently utilize vital equipment, material, and supplies, including rubber, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Pennsylvania Greyhound Lines, Inc. and Eastern Shore Transit Co., Inc. (hereinafter called "carriers"), respectively, in the transportation of passengers on the routes served by them between Salisbury, Maryland, and Cape Charles, Virginia, as common carriers by motor vehicle, shall:

(a) Honor each other's tickets between all points common to their lines where equal fares apply and divert to each other traffic routed between such points for the purpose of relieving overloads and reducing the operation of additional equipment and extra sections;

(b) Adjust and establish schedules to eliminate duplication of times of departure of the respective carriers and provide reasonable frequency of service throughout the day;

(c) Wherever practicable eliminate duplicate depot facilities and commission ticket agencies, and, in lieu thereof, utilize joint depot facilities and joint commission ticket agencies. Contracts, agreements, and arrangements for any such joint facilities and agencies shall not extend beyond the effective period of this order. At such depot facilities and commission ticket agencies used jointly by the carriers, service, travel information, and ticket sales shall be impartial, without preference or discrimination for or against either of such carriers;

(d) Each operate a through service of not to exceed three round trips daily.

2. The carriers forthwith shall file with the Interstate Commerce Commission in respect of transportation in interstate or foreign commerce, and with each appropriate State regulatory body in respect of transportation in intrastate commerce, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the fares, charges, operations, rules, regulations, and practices of each carrier which may be necessary to accord with the provisions of this order, together with a copy of this order; and forthwith shall apply to said Commission and each such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

This order shall become effective October 24, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 17th day of October 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-10469; Filed, October 17, 1942; 11:01 a. m.]

[Supplementary Order O. D. T. 3 Revised-2]

R-B FREIGHT LINES, INC.—G & P TRANSPORTATION CO.

MOTOR VEHICLE TRANSPORTATION SERVICE COORDINATION

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of commodities, generally, filed with this Office by R-B Freight Lines, Inc., Aberdeen, South Dakota, and G & P Transportation Company, St. Paul, Minnesota, as governed by § 501.9 of General Order O. D. T. No. 3, Revised, as amended,[1] and good cause appearing therefor, *It is hereby ordered*, That:

1. R-B Freight Lines, Inc. shall:

(a) Discontinue the transportation of all less-than-truckload shipments originating at or moving through its terminals at either Minneapolis or St. Paul, Minnesota, or Aberdeen, South Dakota, destined to all intermediate points on U. S. Highway No. 12 between Minneapolis or St. Paul, Minnesota, on the one hand, and Aberdeen, South Dakota, on the other, and shall divert such shipments to the G & P Transportation Company.

(b) Accept from the G & P Transportation Company all less-than-truckload shipments originating at or moving through its terminals at either Minneapolis or St. Paul, Minnesota, or Aberdeen, South Dakota, destined to Redfield, Clark, and Watertown, South Dakota, on U. S. Highways Nos. 212 and 281, and transport such shipments on its own vehicles to destination.

2. G & P Transportation Company shall:

(a) Discontinue the transportation of all less-than-truckload shipments originating at or moving through its terminals at either Minneapolis or St. Paul, Minnesota, or Aberdeen, South Dakota, destined to all intermediate points on U. S. Highways Nos. 212 and 281, and divert such shipments as are destined to Redfield, Clark, and Watertown, South Dakota, to the R-B Freight Lines, Inc.; and divert to the Western Transportation Company all such shipments destined to points intermediate on U. S. Highways Nos. 212 and 281, between Minneapolis or St. Paul, Minnesota, on the one hand, and Aberdeen, South Dakota, on the other, except Redfield, Clark, and Watertown, South Dakota.

(b) Accept from the R-B Freight Lines, Inc. all less-than-truckload shipments originating at or moving through its terminals at Minneapolis or St. Paul, Minnesota, or Aberdeen, South Dakota, destined to all intermediate points on U. S. Highway No. 12 between Minneapolis or St. Paul, Minnesota, on the one hand, and Aberdeen, South Dakota, on the other, and transport such shipments on its own vehicles to destination.

3. The carrier to whom any such shipment shall have been diverted shall forward such shipment on the billing and pursuant to the tariff rate and the rules and regulations of the carrier issuing the bill of lading.

4. The carriers forthwith shall file with the Interstate Commerce Commission, in respect of transportation in interstate or foreign commerce, and with each appropriate State regulatory body, in respect of transportation in intrastate commerce, and publish, in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the fares, charges, operations, rules, regulations, and practices of each carrier which may be necessary to accord with the provisions of this Order; and forthwith shall apply to said Commission and to each such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

5. A copy of this Order shall be filed forthwith with the Interstate Commerce Commission and with the appropriate State regulatory authorities.

6. Nothing contained herein shall be so construed as to permit or require the motor carriers herein named to perform any transportation service which is not authorized or sanctioned by law.

This Order shall become effective on the 17th day of October, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 17th day of October 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-10470; Filed, October 17, 1942; 11:01 a. m.]

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[1] 7 F.R. 5445, 5448, 6689, 7694.

OFFICE OF PRICE ADMINISTRATION

[Order 26 Under RPS 64]

ORIGINAL ENAMEL RANGE COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 26 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On August 7, 1942, the Original Enamel Range Company, Belleville, Illinois, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of the maximum price for a new model coal and gas range, designated in the application as Model No. 442.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Original Enamel Range Company may sell, offer to sell, deliver or transfer Model No. 442 at a maximum price of $66.98 f. o. b. factory to dealers, subject to discounts, allowances and terms no less favorable than those in effect as to Model No. 400, under § 1356.1 (a) (1) of Revised Price Schedule No. 64.

(b) This Order No. 26 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to the terms used herein.

(d) This Order No. 26 shall become effective on the 17th day of October 1942.

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10424; Filed, October 16, 1942; 12:02 p. m.]

[Suspension Order 142]

RANDALL M. WALKER

ORDER RESTRICTING TRANSACTIONS

Randall M. Walker, doing business as Walker Oil Company, Walker Chevrolet Company and Tank Car Station No. 5, in Jesup, Georgia, hereinafter called respondent, was duly served with a notice of specific charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations,[1] issued by the Office of Price Administration. Pursuant to said notice and stipulations made by respondent with respect thereto, a hearing upon such charges was held September 17, 1942, in Atlanta, Georgia. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator.

It is hereby determined that:

(1) On July 22, 1942, respondent was both a dealer in and an intermediate distributor of gasoline having a place of business at Jesup, Georgia.

(2) Respondent has violated § 1394.1601 of the Gasoline Rationing Regulations in that on July 22 and July 24, 1942, in his registrations with Wayne County, Georgia, War Price and Rationing Board, he represented that the total inventory of gasoline that he had on hand as a dealer and intermediate distributor as of 12:01 A. M. July 22, 1942, was 2699 gallons, whereas the total inventory of said gasoline was in fact 6888 gallons and respondent thereby obtained inventory coupons in an amount 4189 gallons in excess of that to which he was then entitled.

The violations of the Gasoline Rationing Regulations by respondent have interferred with the effective administration and enforcement of the Gasoline Rationing Regulations which have been prescribed in the public interest to promote the national defense. It appears to the Deputy Administrator from the evidence before him that further violations of the Gasoline Rationing Regulations by respondent are likely unless appropriate administrative action is taken,

It is therefore ordered, That: (a) Within three (3) days after the effective date of this order respondent shall surrender to the War Price and Rationing Board, Wayne County, Georgia, bulk, inventory or other gasoline rationing coupons for a total amount of 4189 gallons of gasoline and upon such surrender said Board shall cancel the same.

(b) During the period in which this Suspension Order shall be in effect, respondent shall not sell, transfer or deliver any gasoline to any consumer.

(c) Any terms used in this order that are defined in the Gasoline Rationing Regulations shall have the meaning therein given them.

(d) This Suspension Order No. 142 shall become effective 12:01 A. M. October 22, 1942, and unless sooner terminated, shall expire 12:01 A. M. November 21, 1942.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; W.P.B. Dir. 1 and Supp. Dir. 1H; 7 F.R. 562, 3478, 3877)

Issued this 16th day of October 1942.

PAUL M. O'LEARY,
Deputy Administrator,
In charge of Rationing.

[F. R. Doc. 42-10425; Filed, October 16, 1942; 12:02 p. m.]

[Order 1 Under MPR 127]

R. GOPERSTEIN COMPANY

ORDER DENYING EXCEPTION

Order 1 under Maximum Price Regulation 127—Finished Piece Goods—Docket 3127-541.

On July 16, 1942, Irwin Levine, Esq., 261 Broadway, New York, New York, filed a petition on behalf of R. Goperstein Company, 152 Madison Avenue, New York, New York, for an exception pursuant to § 1400.82 (i) (3) of Maximum Price Regulation No. 127. Due consideration has been given to the petition, and an opinion in support of this Order No. 1 has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered*, That said petition be, and it hereby is, denied.

(a) This order shall become effective October 17, 1942.

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10452; Filed, October 16, 1942; 3:44 p. m.]

[Order 2 Under MPR 127]

MILTON C. BLUM, INC.

ORDER GRANTING EXCEPTION

Order 2 under Maximum Price Regulation 127—Finished Piece Goods—Docket 3127-479.

On June 24, 1942, Milton C. Blum, Inc., 357 Fourth Avenue, New York, New York, filed a petition for exception pursuant to § 1400.82 (i) (3) of Maximum Price Regulation No. 127. Consideration has been given to the petition and an opinion in support of this Order No. 2 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Milton C. Blum, Inc., is granted an exception from the provisions of § 1400.82 (i) (2) (v) of Maximum Price Regulation No. 127 and may sell and deliver the 600 pieces of finished piece goods purchased by the said Milton C. Blum,

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[1] 7 F.R. 5225.

Inc., on February 10, 1942 in a finished state, at a price not in excess of that provided for wholesalers and jobbers in § 1400.82 (i) (1) of said Maximum Price Regulation No. 127.

(b) All prayers of the petition not granted herein are denied.

(c) Unless the context otherwise requires, the definitions set forth in § 1400.81 of Maximum Price Regulation No. 127 shall apply to the terms used herein.

(d) This Order No. 2 shall become effective October 17, 1942.

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10453; Filed, October 16, 1942; 3:44 p. m.]

[Order 3 Under MPR 127]

MOUAKAD BROS., INC.

ORDER GRANTING EXCEPTION

Order 3 under Maximum Price Regulation 127—Finished Piece Goods—Docket 3127-61.

On May 8, 1942, Mouakad Bros., Inc., 512 Seventh Avenue, New York, New York, filed a petition for exception pursuant to § 1400.82 (i) (3) of Maximum Price Regulation No. 127. Consideration has been given to the petition and an opinion in support of this Order No. 3 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Mouakad Bros., Inc., is granted an exception from the provisions of § 1400.82 (i) (2) (v) of Maximum Price Regulation No. 127 and may sell and deliver the 70,991 yards of finished piece goods purchased by the said Mouakad Bros., Inc., on April 10, 1942, from Theo. H. Davies & Company, Ltd. of 165 Broadway, New York, New York.

(b) The sale and delivery of the 70,991 yards of finished piece goods shall be subject to the following conditions:

(1) The price of the goods sold shall not exceed the price provided for wholesalers and jobbers in § 1400.82 (i) (1) of Maximum Price Regulation No. 127.

(2) The restrictions set forth in §§ 1400.82 (i) (2) (ii) and 1400.82 (i) (2) (iv) are specifically made applicable to any sales made pursuant to the permission herein granted.

(c) All prayers of the petition not granted herein are denied.

(d) Unless the context otherwise requires, the definitions set forth in § 1400.81 of Maximum Price Regulation No. 127 shall apply to the terms used herein.

(e) This Order No. 3 shall become effective October 17, 1942.

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10454; Filed, October 16, 1942; 3:45 p. m.]

[Order 4 Under MPR 127]

EDWARD P. STAHEL AND COMPANY

ORDER GRANTING EXCEPTION

Order 4 under Maximum Price Regulation 127—Finished Piece Goods—Docket 3127-517.

On July 1, 1942, Edward P. Stahel and Company, Inc., 354 Fourth Avenue, New York, New York, filed a petition for exception pursuant to § 1400.82 (i) (3) of Maximum Price Regulation No. 127. Consideration has been given to the petition and an opinion in support of this Order No. 4 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration: *It is hereby ordered:*

(a) Edward P. Stahel and Company Inc., is granted an exception from the provisions of § 1400.82 (i) (2) (v) of Maximum Price Regulation No. 127 and may sell and deliver the 5,611.5 yards of all-Bemberg rayon yarn-dyed fabric, which the said Edward P. Stahel had on hand July 1, 1942.

(b) The exception granted herein shall be subject to the following provisions:

(1) The sale and delivery of the yarn-dyed fabrics shall be at a price not to exceed that provided for wholesalers and jobbers in § 1400.82 (i) (1) of said Regulation No. 127.

(2) The restrictions set forth in §§ 1400.82 (i) (2) (ii) and 1400.82 (i) (2) (iv) are specifically made applicable to any sales of jobbed goods made pursuant to the permission herein granted.

(c) All prayers of the petition not granted herein are denied.

(d) Unless the context otherwise requires, the definitions set forth in § 1400.81 of Maximum Price Regulation No. 127, shall apply to the terms used herein.

(e) This Order No. 4 shall become effective October 17, 1942.

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10455; Filed, October 16, 1942; 3:45 p. m.]

[Order 5 Under MPR 127]

HOFMANN-STONE, INC.

ORDER GRANTING EXCEPTION

Order 5 under Maximum Price Regulation 127—Finished Piece Goods—Docket 3127-361.

On June 5, 1942, Hofmann-Stone, Inc., 230 Fifth Avenue, New York, New York, herein called petitioner, filed a petition for exception pursuant to § 1400.82 (i) (3) of Maximum Price Regulation No. 127. Consideration has been given the petition and an opinion in support of this Order No. 4 has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Hofmann-Stone, Inc., is granted an exception from the provisions of § 1400.82 (i) (2) (v) of Maximum Price Regulation No. 127 and may insofar as it purchases finished piece goods and acts as a jobber thereof, charge a markup on such jobbing sales not in excess of that provided for wholesalers and jobbers under § 1400.82 (i) (1) of said regulation.

(b) The permission granted to the above named company is subject to the following conditions:

(1) That the percentage of goods sold by said company as a jobber shall not be greater than 16% of its annual total sales of finished piece goods.

(2) The restrictions imposed by § 1400.82 (i) (2) (ii) and (i) (2) (iv) are specifically made applicable to the jobbing sales made by petitioner under the permission granted by this order.

(3) Said company may not charge such jobber's markup with respect to finished piece goods purchased from a person controlling, controlled by or under common control with such company.

(4) Said company shall file with the Office of Price Administration, Washington, D. C., on or before the 10th day of November 1942, a report showing the total dollar volume of sales of finished piece goods (whether for immediate or future delivery) which such company made during the preceding month and showing that portion thereof (in dollar volume) constituted sales of converted goods and jobbed goods respectively. Said company shall file a similar report each month up to and including a report on or before January 10, 1943. Thereafter said company shall file a similar report quarterly giving the information called for above. Said company shall keep for inspection by the Office of Price Administration for a period of not less than two years complete and accurate records necessary to verify such reports.

(c) All prayers of the petition not granted herein are denied.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective October 17, 1942.

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10456; Filed, October 16, 1942; 3:45 p. m.]

[Order 6 Under MPR 127]

ALRO CONVERTING CORP.

ORDER GRANTING EXCEPTION

Order 6 under Maximum Price Regulation 127—Finished Piece Goods—Dockets 3127-192 and 3127-482.

On May 18, 1942 and June 23, 1942, Alro Converting Corp. of 1410 Broadway, New York, New York, filed the above petitions for exception pursuant to § 1400.82 (i) (3) of Maximum Price Regulation No. 127. Consideration has been given to the petitions and an opinion in support of this order No. 6 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the price administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration: *It is hereby ordered:*

(a) Alro Converting Corp. is granted an exception from the provisions of § 1400.82 (i) (2) (v) of Maximum Price Regulation No. 127 to the extent and only to the extent provided in paragraphs (b) and (c) below.

(b) Said Company may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the specific goods described in subparagraphs (1) and (2), at prices set forth in paragraph (c):

(1) That portion of 76,000 yards of printed piece goods purchased from Tabin-Picker and Company, Chicago, Illinois, which were not sold and delivered at the time of the issuance of Maximum Price Regulation No. 127;

(2) The 969 yards of black Luana, construction of which is 108 48-150 denier acetate warp, 42½″ Read 15's Spun Rayon Filler; and 6304⅞ yards of black 2-way Flake Spun Rayon construction of which is 44x42—all Spun Rayon, purchased on April 10, 1942 from the Sterling Company, Chicago, Illinois;

(c) The above goods shall be sold at a price not in excess of that price provided for wholesalers and jobbers in § 1400.82 (i) (1) of said Maximum Price Regulation No. 127.

(d) All prayers of the petitions not granted herein are denied.

(e) Unless the context otherwise requires definitions set forth in § 1400.81 of Maximum Price Regulation No. 127 shall apply to the terms used herein.

(f) This order No. 6 shall become effective October 17, 1942.

Issued this 16th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10457; Filed, October 16, 1942; 3:46 p. m.]

[Suspension Order 143]

H. J. HICKEY AND M. H. HICKEY

ORDER RESTRICTING TRANSACTIONS

H. J. Hickey and M. H. Hickey, copartners doing business as Young Ice Cream Company, Montgomery, Alabama, hereinafter called respondents, were duly served with a notice of specific charges of violation of Rationing Order No. 3, The Sugar Rationing Regulations, issued by the Office of Price Administration. Pursuant to said notice, a hearing upon said charges was held in Montgomery, Alabama, on September 11, 1942. There appeared a representative of the Office of Price Administration and respondents. The evidence pertaining to the charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator, *It is hereby determined,* That:

(1) On April 28, 1942, respondents registered for the Young Ice Cream Company, an industrial user of sugar located at 121 Bell Street, Montgomery, Alabama, and filed OPA Form R-310 with local rationing board No. 51-1, Montgomery, Alabama.

(2) Respondents have violated § 1407.83 of the Sugar Rationing Regulations in that on said OPA Form R-310 respondents declared that the inventory of sugar owned by them on April 28, 1942, was 5100 pounds, whereas the inventory of sugar owned by respondents on that date was, in fact, 9554 pounds, as respondents then knew or should have known. Respondents thereby obtained a Sugar Purchase Certificate authorizing them to accept delivery of sugar in an amount 4454 pounds in excess of that to which they were then entitled.

(3) On June 1, 1942, respondents learned that officials of the Office of Price Administration had discovered the violation of the Sugar Rationing Regulations above set forth. Thereafter, respondents did not take delivery of 4,500 pounds of the sugar allotted to them for July and August 1942.

Because of the scarcity of sugar in the United States, the violation of the Sugar Rationing Regulations by respondents resulted in the diversion of sugar from military and essential civilian uses into nonessential uses in a manner contrary to public interest and detrimental to national defense. And it appearing to the Deputy Administrator from the evidence before him that further violations of the Sugar Rationing Regulations by respondents are likely unless appropriate administrative action is taken. *It is therefore ordered:*

(a) That the allotment of sugar for which respondents would otherwise be eligible under the Sugar Rationing Regulations for the months of November and December 1942, shall be reduced by 5,000 pounds.

(b) Any terms used in this suspension order that are defined in the Sugar Rationing Regulations shall have the meaning therein given them.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong, as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); W.P.B. Dir. No. 1 and Supp. Dir. No. 1E (7 F.R. 2965))

Issued and effective this 16th day of October 1942.

PAUL M. O'LEARY,
Deputy Administrator
In Charge of Rationing.

[F. R. Doc. 42-10446; Filed, October 16, 1942; 3:42 p. m.]

[Order 27 Under RPS 64]

OSCAR G. THOMAS CO.

APPROVAL OF MAXIMUM PRICES

Order 27 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On September 24, 1942, Oscar G. Thomas Co., Taunton, Mass., filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64, for approval of maximum prices for one combination (dual oven) gas and coal range and one coal and wood range, designated in said application as Models Nos. 50 and 70.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Oscar G. Thomas Co. may sell, offer to sell, deliver, or transfer the following models at prices no higher than those specified:

	F. o. b. factory to dealers
Model No. 50	$101.74
Model No. 70	83.40

subject to discounts, allowances, and terms no less favorable than those in effect with respect to the comparable Model No. 49, under § 1356.1 of Revised Price Schedule No. 64.

(b) This Order No. 27 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 27 shall become effective on the 19th day of October 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

]F. R. Doc. 42-10477; Filed, October 17, 1942; 12:16 p. m.[

[Order 28 Under RPS 64]

KARR RANGE CO.

APPROVAL OF MAXIMUM PRICES

Order No. 28 to Revised Price Schedule 64—Domestic Cooking and Heating Stoves.

On August 17, 1942, Karr Range Company, Belleville, Illinois, filed an application, pursuant to § 1356.1 (d) of Revised Price Schedule No. 64, for approval of maximum prices for a new model coal and wood range and a new model coal and wood heating stove, designated in said application as Model 22-22 and Model No. 80, respectively.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Karr Range Company may sell, offer to sell, or deliver the following models at prices no higher than those specified:

	F.o.b. factory to dealers
Model 22–22	$53.42
Model 80	53.12

subject to discounts, allowances, and terms no less favorable than those in effect with respect to the comparable Models Nos. 20–20 and 622, respectively, as established under Revised Price Schedule No. 64.

(b) This Order No. 28 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 28 shall become effective on the 19th day of October, 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10478; Filed, October 17, 1942; 12:16 p. m.]

[Order 29 Under RPS 64]

COMSTOCK-CASTLE STOVE CO.

APPROVAL OF MAXIMUM PRICES

Order No. 29 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On August 6, 1942, Comstock-Castle Stove Company, Quincy, Ill., filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for a new model wood and coal range, a new model bungalow type combination range and a new model coal heating stove designated in the application as Model Nos. H62RZ, H971RZ and 192OZ respectively.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Comstock-Castle Stove Co. of Quincy, Illinois, may sell, offer to sell, deliver or transfer the following models at prices no higher than those specified:

		f. o. b. factory to dealers
Model No. H62RZ	@	$61.04
Model No. H971RZ	@	66.50
Model No. 192OZ	@	31.12

subject to discounts, allowances and terms no less favorable than those in effect with respect to the maximum prices of Model Nos. 62R, 1G971R and 1920, respectively, under § 1356.1 (d) of Revised Price Schedule No. 64.

(b) This Order No. 29 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to the terms used herein.

(d) This Order No. 29 shall become effective on the 19th day of October 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10479; Filed, October 17, 1942; 12:16 p. m.]

[Order 30 Under RPS 64]

BOSTON STOVE FOUNDRY CO.

APPROVAL OF MAXIMUM PRICES

Order 30 under Revised Price Schedule 64[1]—Domestic Cooking and Heating Stoves.

On July 28, 1942, Boston Stove Foundry Company, Reading, Massachusetts, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for six new models of coal and wood ranges designated in the application as models V19 Black, V29 Black, V32 Black, V19 Enameled, V29 Enameled, and V32 Enameled, respectively.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Boston Stove Foundry Company may sell, offer to sell, or deliver the following new models of coal and wood ranges at prices no higher than those specified:

	To Dealers
Model No. V19 Black	$31.76
Model No. V29 Black	40.26
Model No. V32 Black	50.64
Model No. V19 Enameled	52.23
Model No. V29 Enameled	58.63
Model No. V32 Enameled	67.26

subject to discounts, allowances, and terms no less favorable than those in effect with respect to the respective comparable models, F19 Black, F29 Black, F32 Black, F19 Enameled, F29 Enameled and F32 Enameled, as established under Revised Price Schedule No. 64: *Provided,* That on the models set forth above freight on all shipments is prepaid to all points within New England and that on all shipments outside New England a 30¢ per cwt. freight allowance is made.

(b) This Order No. 30 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 30 shall become effective on the 19th day of October 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10480; Filed, October 17, 1942; 12:17 p. m.]

[Order 31 to RPS 64]

EAGLE FOUNDRY CO.

APPROVAL OF MAXIMUM PRICES

Order No. 31 to Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On August 24, 1942, the Eagle Foundry Company, Belleville, Illinois, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of a maximum price on one new model gas range, designated in the application as Model No. V–4216.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Eagle Foundry Company may sell, offer to sell, deliver, or transfer the following model at a price no higher than that specified:

	Factory to Dealers
Model No. V–4216	$39.76 F. O. B.

subject to discounts, allowances, and terms no less favorable than those in effect with respect to the comparable Model No. 1641–B–3 under § 1356.1 of Revised Price Schedule No. 64.

(b) This Order No. 31 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 31 shall become effective on the 19th day of October 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10481; Filed, October 17, 1942; 12:17 p. m.]

[Order 32 Under RPS 64]

AB STOVES, INC.

APPROVAL OF MAXIMUM PRICES

Order No. 32 to Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On August 20, 1942, AB Stoves, Inc., Battle Creek, Mich., filed an application

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[1] 7 F.R. 1329, 1836, 2000, 2132, 4404, 5872, 6221.

pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices on one new model gas range, designated in the application as Model No. 42–156.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) AB Stoves, Inc., may sell, offer to sell, deliver, or transfer the following model at a price no higher than that specified:

	F. o. b. Factory to Dealers
Model No. 42–156	$33.10

subject to discounts, allowances and terms no less favorable than those in effect with respect to the comparable Model No. 37–156, as established under Revised Price Schedule No. 64.

(b) This Order No. 32 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 32 shall become effective on the 19th day of October 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10482; Filed, October 17, 1942; 12:17 p. m.]

[Order 33 Under RPS 64]

ADVANCE STOVE WORKS

APPROVAL OF MAXIMUM PRICES

Order No. 33 under Revised Price Schedule No. 64[1]—Domestic Cooking and Heating Stoves.

On August 14, 1942, Advance Stove Works, Evansville, Indiana, filed an application, pursuant to § 1356.1 (d) of Revised Price Schedule No. 64, for approval of maximum prices for two coal and wood ranges, designated in said application as Models Nos. 4100PL and 4100SP.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Advance Stove Works may sell, offer to sell, deliver, or transfer the following models at prices no higher than those specified:

	F. o. b. factory to dealers
Model No. 4100PL	$29.21
Model No. 4100SP	30.66

subject to discounts, allowances, and terms no less favorable than those in effect with respect to the comparable Model No. 100G, under § 1356.1 of Revised Price Schedule No. 64.

(b) This Order No. 33 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 33 shall become effective on the 19th day of October 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10483; Filed, October 17, 1942; 12:18 p. m.]

[Order 34 Under RPS 64]

MAJESTIC MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

Order No. 34 to Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On July 31, 1942, Majestic Manufacturing Company, St. Louis, Missouri, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for four new models of coal and wood ranges designated in the application as Model Nos. PFS–030, PFS–020, PFB–032 and PFB–022.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Majestic Manufacturing Company may sell, offer to sell or deliver the following models at prices no higher than those specified:

	F. o. b. factory to dealers
Model No. PFS–030	$77.71
Model No. PFS–020	77.41
Model No. PFB–032	85.91
Model No. PFB–022	85.72

subject to discounts, allowances and terms no less favorable than those in effect with respect to the respective comparable models Nos. FS–030, FS–020, FB–032 and FB–022, as established under Revised Price Schedule No. 64.

(b) This Order No. 34 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 34 shall become effective on the 19th day of October 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10484; Filed, October 17, 1942; 12:18 p. m.]

[Order 35 Under RPS 64]

DIXIE FOUNDRY CO., INC.

APPROVAL OF MAXIMUM PRICES

Order No. 35 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On September 15, 1942, the Dixie Foundry Company, Inc., Cleveland, Tenn., filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices of five new models of coal and wood ranges, designated in said application as Models Nos. V4A–PA9, V4A–SA9, V8250–W9, V10B–SA9, and V10B–FA9.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Dixie Foundry Company, Inc., may sell, offer to sell, transfer or deliver the following Models at prices no higher than those specified:

	F. o. b. factory to dealers
Model No. V4A–PA9	$17.66
Model No. V4A–SA9	19.89
Model No. V8250–W9	30.62
Model No. V10B–SA9	32.55
Model No. V10B–FA9	35.88

subject to discounts, allowances and terms no less favorable than those in effect with respect to comparable Models Nos. 4A–PA2, 4A–SA2, 2A–FA2, 10B–SA4, and 10B–FA4, respectively, under § 1356.1 of Revised Price Schedule No. 64.

(b) This Order No. 35 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to the terms used herein.

(d) This Order No. 35 shall become effective on the 19th day of October 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10485; Filed, October 17, 1942; 12:18 p. m.]

[Order 36 Under RPS 64]

DIXIE FOUNDRY CO., INC.

APPROVAL OF MAXIMUM PRICES

Order No. 36 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

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[1] 7 F.R. 1329, 1836, 2000, 2132, 4404, 5872, 6221.

On September 26, 1942, Dixie Foundry Co., Inc., Cleveland, Tenn., filed an application pursuant to § 1356.1 (d) for approval of the maximum price for a new model of Bungalow type combination coal and gas range, designated in said application as Model No. 85F–A2. Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Dixie Foundry Co., Inc., may sell, offer to sell, deliver or transfer Model No. 85F–A2, Bungalow type combination coal and gas range at a maximum price of $42.56 F.O.B. factory to dealers, subject to discounts, terms and allowances no less favorable than those in effect as to Model No. CB72F–A2, under § 1356.1 (a) (1) of Revised Price Schedule No. 64.

(b) This Order No. 36 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to the terms used herein.

This Order No. 36 shall become effective on the 19th day of October, 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10486; Filed, October 17, 1942; 12:18 p. m.]

[Order 6 Under RPS 88]

G. L. F. FARM SUPPLIES, INC.

APPROVAL OF MAXIMUM PRICES

Order No. 6 under § 1340.156 (b) of Revised Price Schedule No. 88—Petroleum and Petroleum Products—Docket No. 3088–72.

On May 27, 1942 Cooperative G. L. F. Farm Supplies Inc., Ithaca, New York, filed a Petition for Exception pursuant to § 1340.156 (b) of Revised Price Schedule No. 88. Due consideration has been given to the Petition and an Opinion in support of this Order No. 6 has been issued simultaneously herewith, and has been filed with the Division of the Federal Register. For the reasons set forth in the Opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Procedural Regulation No. 1 issued by the Office of Price Administration, it is hereby ordered that:

(a) Said petition be and it is hereby denied in whole; and

(b) This Order No. 6 shall become effective October 19, 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10492; Filed, October 17, 1942; 12:19 p. m.]

[Order 3 Under MPR 152]

VINCENNES PACKING CORPORATION. VINCENNES, IND.

APPROVAL OF MAXIMUM PRICES

Order No. 3 under Maximum Price Regulation No. 152—Canned Vegetables.

On September 15, 1942, the Vincennes Packing Corporation, filed an application for specific authorization to charge a particular maximum price pursuant to § 1341.22 (d) of Maximum Price Regulation No. 152. It has been sufficiently demonstrated to the Price Administrator that this applicant is unable to establish a maximum price for No. 10 tomato puree pursuant to the pricing provisions of § 1341.22.

Due consideration has been given to the information submitted by the applicant with respect to 1942 pack No. 10 containers of tomato puree, of 1.050 plus, specific gravity. The No. 10 container size of this product was not sold by the applicant heretofore.

For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, 7 F.R. 7871, *It is hereby ordered*, That:

(a) The Vincennes Packing Corporation may sell, offer to sell or deliver and any person may buy, offer to buy or receive No. 10 containers of tomato puree, 1942 pack, 1.050 plus, specific gravity at a price no higher than $5.50 per dozen, f. o. b. factory.

(b) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1341.30 of Maximum Price Regulation No. 152 shall apply to terms used herein.

(d) This Order No. 3 shall become effective on October 19, 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10491; Filed, October 17, 1942; 12:15 p. m.]

[Order 1 Under MPR 198]

AMERICAN SMELTING AND REFINING CO.

IMPORTS OF DORE

Order 1 under § 1387.1 (b) of Maximum Price Regulation 198—Imports of Silver Bullion.

An opinion setting forth the grounds upon which this order is based is issued simultaneously herewith and has been filed with the Division of the Federal Register.

Pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, and § 1387.1 (b) of Maximum Price Regulation No. 198, *It is hereby ordered*, That:

(a) American Smelting and Refining Company, 120 Broadway, New York, New York, may import dore from the Honduras properties of the New York and Honduras-Rosario Mining Company at a price not in excess of that established by Maximum Price Regulation No. 198 for silver bullion in standard commercial bars, calculated on the basis of silver content, less 1½ cents per ounce of gross weight of such dore: *Provided, however*, That, there may be added to such price the value of the gold content of the dore calculated at a price not in excess of $34.9125 per ounce.

(b) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 1 shall become effective October 19, 1942.

Issued this 17th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10493; Filed, October 17, 1942; 12:14 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59–58]

INDIANA SERVICE CORPORATION, ET AL.

NOTICE OF AND ORDER INSTITUTING PROCEEDINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 16th day of October, 1942.

In the matter of Indiana Service Corporation, Clarence A. Southerland and Jay Samuel Hartt, trustees of the estate of Midland Utilities Company, respondents.

The Commission having examined the corporate structure of Indiana Service Corporation, a subsidiary of Clarence A. Southerland and Jay Samuel Hartt, trustees of the estate of Midland Utilities Company, a registered holding company, which in turn is a subsidiary of Hugh M. Morris, trustee of the estate of Midland United Company, also a registered holding company, and the files and records of the Commission with respect thereto, and said examination having disclosed data establishing or tending to establish that:

1. Midland Utilities Company, a public utility holding company, is a Delaware corporation, which is and has been since June 9, 1934, in reorganization under section 77B of the Bankruptcy Act, as amended, under the jurisdiction of the United States District Court for the District of Delaware. Clarence A. Southerland and Jay Samuel Hartt were appointed Trustees of the Estate of Midland Utilities Company on October 24, 1938. Clarence A. Southerland and Jay Samuel Hartt, as trustees of the estate of Midland Utilities Company, are a registered holding company under the Public Utility Holding Company Act of 1935.

2. Indiana Service Corporation is a corporation organized under the laws of the State of Indiana and maintains a principal office in the city of Fort Wayne, State of Indiana. Indiana Service Corporation is engaged in the generation, purchase, transmission, and distribution of electrical energy in the north-central and northeastern parts of Indiana, including the city of Fort Wayne. Gas service is furnished in the city of Delphi and water service in the town of Churubusco in the State of Indiana. Indiana Service Corporation operates the transportation system in Fort Wayne by means of street cars, trolley coaches, and motor coach feeder lines. The company also operates an electric interurban railway line between Fort Wayne and Garrett, Indiana, for the transportation of freight, the largest portion of which is coal for use in the company's generating plant in Fort Wayne.

A condensed balance sheet, per books, of the company, as of December 31, 1941, is as follows:

Assets and other debits		
Plant and property		$16,951,337.18
Current assets		2,245,259.46
Other physical assets		970,931.75
Other assets		16,450.59
Deferred debits:		
Preferred stock discount and expense	$306,991.45	
Unamortized debt discount and expense	335,484.39	
Prepayments and deferred charges	40,487.80	
		682,963.64
Total assets and other debits		20,866,942.62
Liabilities and other credits		
Current liabilities		$812,514.76
Contributions in aid of construction		228,338.11
Reserves:		
Depreciation:		
Utility plant	$837,974.75	
Street railway property	74,923.35	
Trolley coach and bus	105,037.36	
Miscellaneous reserves	67,048.88	
		1,084,984.34
Deferred liabilities		76,521.19
Long term debt (owned by public)		12,115,683.20
Debt to parent, including interest		3,868,927.40
Preferred stock (owned by public)		3,032,800.00
Common stock (1% owned by public)		7,380,000.00
Surplus (deficit)		*7,732,826.38
Total liabilities and other credits		20,866,942.62

*Denotes a red figure.

3. As of December 31, 1941, utility plant and railway property per books of Indiana Service Corporation amounted to $16,951,337. As of the same date of retirement reserve amounted to $1,017,935 or 6.01% of utility plant and railway property.

4. Included in the plant and property account of the company are certain items which have been classified by the company as Proposed Plant Adjustments (F.P.C. Account #107). These total $221,992. Of this amount the company proposes to charge $187,421.00 against Earned Surplus, $37,002.00 against Depreciation Reserve, and $2,431.00 against Contributions in Aid of Construction.

5. A segregation of the gross plant account, the depreciation reserve by classes of utilities, the resultant net plant account by classes of utilities, and the percent of reserve to gross plant account, per books, as at December 31, 1941, were as follows:

Type of property	Gross plant account	Depreciation reserve	Net plant account	Percent of depreciation reserve to gross plant account
Electric, gas, water and common	$12,234,500	837,975	$11,396,525	6.85
Street railway	3,523,500	74,923	3,448,577	2.13
Trolley coach and motor bus	738,000	105,037	632,963	14.23
Interurban railway	455,000	None	455,000	
Total plant account	16,951,000	1,017,935	15,933,065	6.01

6. Indiana Service Corporation proposes to convert the city railway in Fort Wayne to a trackless electric trolley system. When the present investment in the street railway system is written off, earned surplus will be charged in the approximate amount of $2,678,600.

7. There is recorded on the balance sheet of Indiana Service Corporation, as of December 31, 1941, an item in the amount of $970,932 representing land and buildings not used in rendering utility service. The principal portion of such property was formerly used in railway operations, and it is anticipated that its disposition will result in a substantial loss thereby further increasing the existing earned surplus deficit.

8. Dividends have not been paid on the 7% cumulative preferred stock of Indiana Service Corporation since 1932. As of December 31, 1941, the accumulated unpaid dividends on this class of stock amounted to $69.13 per share or a total of $947,495.

9. Dividends have not been paid on the 6% cumulative preferred stock of Indiana Service Corporation since 1932. As of December 31, 1941, the accumulated unpaid dividends on this class of stock amounted to $59.25 per share or a total of $984,786.

10. Dividends have not been paid on the common stock since 1930.

11. The setting up of adequate reserves to absorb the loss expected to result from the abandonment of the street railway property ($2,678,600) for preferred stock dividends in arrears ($1,932,281) and the write-off of plant adjustments ($187,421) would increase the earned surplus deficit as at December 31, 1941, to approximately $12,531,128.

12. It is probable that the finally adjusted deficit in surplus will exceed this figure since the depreciation reserve appears to be inadequate.

13. The capital structure, including surplus, of Indiana Service Corporation, per books, as of December 31, 1941, and adjusted to give effect to (a) cumulative preferred stock dividends in arrears, (b) a full reserve for the eventual write-off of the street railway property (except that property which is useful in other operations), and (c) the write-off of Plant Adjustments Account 107 is shown below:

	Amt. outstanding per books as at Dec. 31, 1941	Percent of total capitalization	Amounts as adjusted	Percent of total capitalization
LONG TERM DEBT				
1st 5's of 50 (held by public)	6,976,500.00	37.4	6,976,500	44.2
1st 5's of 63 (held by public)	5,000,000.00	26.8	5,000,000	31.6
Equipment obligations (public)	139,183.20	.7	139,183	.9
Debt to parent	3,868,927.40	20.7	3,868,927	24.4
Total long term debt	15,984,610.60	85.6	15,984,610	101.1
PREFERRED STOCK				
7% cum. 13,706 shs. (held by public)	1,370,600.00	7.3	1,370,600	8.7
6% cum. 16,622 shs. (held by public)	1,662,200.00	8.9	1,662,200	10.5
Total preferred stock	3,032,800.00	16.2	3,032,800	19.2
DIVIDENDS IN ARREARS				
7%—$69.13 per share			947,495	6.0
6%—$59.25 per share			984,786	6.2
Total arrears			1,932,281	12.2
Total preferred stock and arrears	3,032,800.00	16.2	4,965,081	31.4
COMMON STOCK AND SURPLUS				
738,000 shs. (1% owned by public)	7,380,000.00	39.6	7,380,000	46.7
Surplus (deficit)	*7,732,826.38	*41.4	*12,531,128	*79.2
Total common and surplus	*352,826.38	*1.8	*5,151,128	*32.5
Total capital structure	18,664,584.22	100.0	15,798,563	100.0

*Indicates a red figure.

14. As of December 31, 1941, per books, the ratio of total debt, excluding alleged debt to Clarence A. Southerland and Jay Samuel Hartt, trustees of Midland Utilities Company, to net fixed property, adjusted to reflect the write-off of the street railway property (except that property which is useful in other operations), and Plant Adjustments (F.P.C. Account No. 107) amounted to 93 per cent. As of the same date, per books, the ratio of total debt, including the alleged debt to parent company, to net fixed property, as adjusted (plus other net assets) amounted to 104 per cent.

As of the same date, total debt and preferred stock (including cumulative dividend arrears) amounted to 136 per cent. of total net fixed property as adjusted, plus other net assets.

15. The following tabulation sets forth Gross Income and Deductions therefrom, per books, of Indiana Service Corporation, for the last six calendar years together with the resulting dividend coverages:

	1936	1937	1938	1939	1940	1941
Gross income	$908, 617	$1, 025, 088	$698, 629	$920, 162	$1, 033, 081	$1, 206, 332
Income deductions:						
Interest on long-term debt	626, 511	620, 905	613, 687	606, 184	611, 587	609, 007
Interest on Midland Utilities notes	140, 387	139, 450	139, 450	137, 783	136, 950	136, 950
Other general interest	5, 512	46	595	185	448	668
Amortization of debt discount and expense	28, 225	27, 904	27, 507	27, 095	28, 605	26, 677
Miscellaneous deductions		7, 849	8, 054	8, 113	8, 128	8, 585
Total income deductions	800, 635	796, 154	789, 293	779, 360	785, 718	781, 887
Net income	107, 982	228, 934	*90, 664	140, 802	247, 363	424, 445
Preferred dividend requirements	195, 674	195, 674	195, 674	195, 674	195, 674	195, 674
Balance for dividends on common stock	None	33, 260	None	None	51, 689	228, 771
Times earned ratios:						
Interest on long-term debt	1. 45	1. 65	1. 14	1. 52	1. 69	1. 97
Total income deductions	1. 13	1. 29	. 89	1. 18	1. 31	1. 54
Debt and preferred dividend requirements	. 91	1. 03	. 71	. 94	1. 05	1. 23
Earnings per share of common stock	None	$0. 045	None	None	$0. 070	$0. 309

* Indicates red figure.

16. The following tabulation shows deductions for depreciation in the Federal Income Tax return for the years 1935 to 1941, together with the provisions for depreciation per books for those years:

Year	Depreciation		Difference
	Charged to income per books	Deductions for Federal income tax	
1935	$236, 690	$860, 943	$624, 253
1936	345, 021	592, 110	247, 089
1937	345, 040	581, 714	236, 674
1938	345, 040	532, 243	187, 203
1939	345, 040	492, 544	147, 504
1940	387, 630	387, 630	----------
1941	450, 546	462, 009	11, 463

17. By reason of the failure to pay preferred stock dividends, as described in paragraphs 8 and 9 above, all of the preferred stock of Indiana Service Corporation has acquired certain voting rights, to the extent of one vote per share.

18. As of December 31, 1941, the distribution of voting power among the various classes of stockholders of Indiana Service Corporation was as follows:

	Votes	*Percent*
7% Cumulative preferred	13, 706	1. 7
6% Cumulative preferred	16, 622	2. 2
Common	738, 000	96. 1
Total	768, 328	100. 0

19. As of December 31, 1941, Clarence A. Southerland and Jay Samuel Hartt, trustees of the estate of Midland Utilities Company, owned 728,840.73 shares, or approximately 98.7 per cent. of the outstanding common stock of Indiana Service Corporation.

20. As of December 31, 1941, Indiana Service Corporation was indebted to Clarence A. Southerland and Jay Samuel Hartt, trustees of the estate of Midland Utilities Company, in the amount of $2,739,000, evidenced by 5% demand notes, plus accrued interest thereon in the amount of $1,129,927.40. These advances were made over a period of approximately four years, beginning on May 1, 1929 and ending on June 29, 1933.

It therefore appearing to the Commission, in the light of the foregoing, that it is appropriate and in the public interest, and in the interest of investors and consumers, to institute proceedings against Indiana Service Corporation, and Clarence A. Southerland and Jay Samuel Hartt, trustees of the estate of Midland Utilities Company, under sections 11 (b) (2), 15 (f), and 20 (a) of the Public Utility Holding Company Act of 1935, to determine whether certain orders should be entered pursuant to the provisions of said sections:

Wherefore, *It is ordered,* That proceedings be instituted pursuant to sections 11 (b) (2), 15 (f) and 20 (a) of the Act and that Indiana Service Corporation and Clarence A. Southerland and Jay Samuel Hartt, trustees of the estate of Midland Utilities Company, are hereby made respondents in these proceedings, and said respondents shall file with the Secretary of the Commission on or before the 24th day of November 1942, their answers admitting, denying or otherwise explaining their positions with respect to the allegations heretofore made in paragraphs 1 to 20 of this order. Such answers may also include a statement by respondents of their views as to what action, if any, should be taken to bring about a fair and equitable distribution of voting power among the security holders of Indiana Service Corporation; to restate the plant account, depreciation reserve, capital accounts, surplus and other accounts, so as to segregate, dispose of, and eliminate write-ups and intangibles in the plant, investment and other accounts, set up adequate reserves for retirements and depreciation of plant and property, and make other adjustments in conformity with the standards of the Public Utility Holding Company Act of 1935, with respect to Indiana Service Corporation; and to take such other action as may be necessary or appropriate under the provisions of sections 11 (b) (2), 15 (f), and 20 (a) of said Act with respect to said respondents.

It is further ordered, That a hearing be held on the 14th day of December, 1942, at 10 o'clock a. m., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the hearing room clerk in room 318, for the purpose of determining the following matters and questions:

1. Whether voting power is unfairly or inequitably distributed among security holders of Indiana Service Corporation;
2. What action, if any, is necessary and should be required to be taken by Indiana Service Corporation, for the purpose of effecting an equitable distribution of voting power among its security holders;
3. Whether the debt owed by Indiana Service Corporation to its parent, the estate of Midland Utilities Company, is an unnecessary corporate complexity in the holding company system of the estate of Midland Utilities Company;
4. What action, if any, is necessary and should be required to be taken by respondents to ensure that the corporate structure of the holding company system, insofar as the relationship of the estate of Midland Utilities Company and Indiana Service Corporation is concerned, is not unduly complicated;
5. Under what circumstances the debt of Indiana Service Corporation owing to Clarence A. Southerland and Jay Samuel Hartt, trustees of the estate of Midland Utilities Company arose, and whether it is permissible, necessary, or appropriate that said debt should be subordinated, in whole or in part, to the publicly held securities of Indiana Service Corporation, in the process of redistributing voting rights, if such redistribution is finally ordered;
6. What action, if any, is necessary and should be required to be taken by Indiana Service Corporation to restate its plant account, depreciation reserve, capital accounts, surplus and other accounts, so as to segregate, dispose of, and eliminate write-ups, intangibles or other inflationary items in the plant, investment or other accounts, set up adequate reserves for depreciation of plant and property, and make other adjustments in conformity with the standards of the Public Utility Holding Company Act of 1935; and
7. What other or further action, if any, should be required to be taken by the respondents to meet the requirements of sections 11 (b) (2), 15 (f), and 20 (a) of the Public Utility Holding Company Act of 1935.

At the outset of said hearing, consideration will be given to such issues, if any, as may arise from the allegations in paragraphs 1 to 20 hereof, in respondents' answers hereinbefore provided for, and in any other papers filed herein by interested persons. To the extent that any allegations set forth above are not controverted in the respondents' answers and are not controverted by any other interested person, such facts shall be deemed to be admitted for the purposes of this proceeding.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to Indiana Service Corporation, and to Clarance A. Southerland and Jay Samuel Hartt, trustees of the estate of Midland Utilities Company, respondents, not less than 30 days prior to the date hereinbefore fixed within which respondents may file their answers; and that notice of the entry of this order and of said hearing is hereby given to all security holders of Indiana Service Corporation and of the Estate of Midland Utilities Company, to all consumers of said Indiana Service Corporation, to all states, municipalities and political subdivisions of states within which are located any of the utility assets of Indiana Service Corporation, to all state commissions, state securities commissions and all agencies, authorities or instrumentalities of one or more states, municipalities or other political subdivisions having jurisdiction over Indiana Service Corporation, or over any of the businesses, affairs or operations of said respondents, and to all other persons, such notice to be given by a general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this order in the FEDERAL REGISTER not later than 30 days prior to the date hereinbefore fixed within which respondents may file their answers.

It is further ordered, That jurisdiction be and is hereby reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues or questions which may arise in these proceedings, and to take such other action as may appear necessary to the orderly and economical disposition of the issues involved.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10473; Filed, October 17, 1942; 11:38 a. m.]

[File No. 70-613]

ASSOCIATED ELECTRIC COMPANY ET AL.

NOTICE REGARDING FILING

In the matter of Associated Electric Company, Metropolitan Edison Company, Staten Island Edison Corporation, File No. 70-613.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 16th day of October 1942.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission by Associated Electric Company, a registered holding company; by Staten Island Edison Corporation, a subsidiary of New York State Electric & Gas Corporation and an indirect subsidiary of NY PA NJ Utilities Company, a registered holding company; and by Metropolitan Edison Company, a subsidiary of NY PA NJ Utilities Company, a registered holding company; and

Notice is further given that any interested person may, not later than November 5, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pa. At any time thereafter such declarations or applications, as filed or as amended, may become effective or may be granted as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. All interested persons are referred to said declarations or applications which are on file in the office of said Commission for a statement of the transactions therein proposed, which are summarized as follows:

Associated Electric Company proposes to acquire $3,602,000 principal amount of it own 4½% bonds, refunding series, due April 1, 1956, from Metropolitan Edison Company, for a cash consideration of $1,548,860, plus accrued interest, the consideration being determined upon the basis of 43% of principal amount. It is further proposed that Associated Electric Company acquire $2,222,000 principal amount of its own 4½% bonds, due January 1, 1953, from Staten Island Edison Corporation, for a cash consideration of $955,460, plus accrued interest, the consideration also being determined upon the basis of 43% of principal amount. Application-declarants state that the consideration was determined on the basis of the estimated fair market value of the bonds to be acquired as of September 17, 1942 (the date of the offer of purchase). Among the factors stated to be considered in determining the consideration were the past and present market prices of the Associated Electric Company 4½% bonds, due January 1, 1953, and the size of the blocks involved. It is further stated that, as there are no publicly held bonds of the 1956 maturity, it was necessary to be guided by the market action with respect to the 1953 maturity.

Associated Electric Company states that it desires to consummate the transactions in order to reduce its outstanding funded debt with consequent saving in annual interest requirements. Metropolitan Edison Company and Staten Island Edison Corporation state that they desire to consummate the transactions in order to dispose of their cross-holdings of securities in the same holding company system, and that the cash proceeds will be used partially to retire their own presently outstanding indebtedness.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10499; Filed, October 19, 1942; 10:04 a. m.]

[File No. 1-2582]

GOLD SHARES, INC.

ORDER SETTING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of October, A. D., 1942.

The Gold Shares, Inc. pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1(b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, 10¢ Par Value, from listing and registration on the San Francisco Mining Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Monday, November 23, 1942; at the office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That John G. Clarkson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10500; Filed October 19, 1942; 10:04 a. m.]

OCT 22 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 207

Washington, Wednesday, October 21, 1942

Regulations

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

[Amendment 17 of Part 601]

DESIGNATION AND CANCELLATION OF CONTROL AIRPORTS

OCTOBER 16, 1942.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation of the Civil Aeronautics Board, Serial No. 197, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics, which became effective January 15, 1942, to read as follows:

By amending § 601.3 so as to include in the proper alphabetical order the designation of the following airport as a control airport:

City:	*Name of airport*
San Antonio, Tex	New Municipal Airport

and to cancel the designation of the following airport as a control airport:

City:	*Name of airport*
San Antonio, Tex	Stinson Field

This amendment will become effective 00:01 E. W. T., November 1, 1942.

C. I. STANTON,
Administrator.

[F. R. Doc. 42-10566; Filed, October 20, 1942; 9:28 a. m.]

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

PART 30—TRAVEL AND OTHER CONDUCT OF ALIENS OF ENEMY NATIONALITIES

APPLICATION FOR CERTIFICATES OF IDENTIFICATION

Section 30.51[1] is amended to read as follows:

§ 30.51 *Persons required to apply.* Except as hereinafter expressly excluded by § 30.52, persons in the United States (including Puerto Rico and the Virgin Islands) required to apply for certificates of identification, and otherwise to comply with these regulations, are as follows:

(a) All aliens who are of the age of 14 years or upward and who are German or Japanese citizens or subjects.

(b) All aliens of the age of 14 years or upward and who at present are stateless but who, at the time at which they became stateless, were German or Japanese citizens or subjects.

(c) All aliens, of the classes described in paragraphs (a) and (b) of this section, who have not reached the age of 14 years at the time that applications for certificates of identification are required, shall from that time forward and so long as the said Presidential Proclamation dated January 14, 1942, shall remain in effect, immediately upon reaching the age of 14 years, present themselves at the nearest appropriate post office or such other place as may be hereafter designated, and make application for such certificate of identification.

Section 30.52 is amended by revising paragraphs (a), (b) and (c) by redesignating paragraph (d) as paragraph (e) and by adding thereto a new paragraph marked (d).

Section 30.52 will now read as follows:

§ 30.52 *Persons not required to apply.* Classes of aliens not required to apply for certificates of identification, or otherwise to comply with these regulations, include the following:

(a) German or Japanese citizens, or subjects who, before December 7, 1941, in the case of former Japanese subjects and before December 8, 1941, in the case of former German citizens, became citizens of any nation other than Germany or Japan: *Provided,* That such persons have not, by special license or otherwise, retained their status as German or Japanese citizens or subjects.

(b) Austrians or Austrian-Hungarians (Austro-Hungarians), who registered as such under the Alien Registration Act of 1940, provided that such persons have not at any time voluntarily become German or Japanese citizens or subjects.

(c) Koreans who, under the Alien Registration Act of 1940, registered as

(Continued on next page)

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[1] 7 F.R. 1477.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Koreans: *Provided*, That such persons have not at any time voluntarily become German or Japanese citizens or subjects.

(d) All citizens or subjects of Italy, and all aliens who at present are stateless but who, at the time they became stateless, were citizens or subjects of Italy.

(e) These regulations shall not be construed as defining or limiting the classes of "alien enemies" who are subject to apprehension, detention or internment, or to any of the other provisions of the Presidential Proclamations of December 7 and 8, 1941, and regulations heretofore or hereafter issued pursuant thereto.

(Proc. 2525, Dec. 7, 1941, Procs. 2526 and 2527, Dec. 8, 1941, Proc. 2537, Jan. 14, 1942, 6 F.R. 6321, 6323, 6324, 7 F.R. 329, and R.S. 4067; 50 U.S.C. 21)

Effective date of these amendments is October 19, 1942.

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 42-10558; Filed, October 19, 1942; 4:24 p. m.]

TITLE 29—LABOR

Chapter II—National Labor Relations Board

PREVENTION OF UNFAIR LABOR PRACTICES; INVESTIGATION AND CERTIFICATION OF REPRESENTATIVES

EXCEPTIONS, ETC.

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935, the National Labor Relations Board hereby issues the following amendments to its Rules and Regulations — Series 2 — as amended (General Rules and Regulations) which it finds necessary to carry out the provisions of said Act. Said amendments to the Rules and Regulations—Series 2—as amended, shall become effective upon the signature of the original amendments by the members of the Board, and upon the publication thereof in the FEDERAL REGISTER.

Sections 202.33[1] and 203.9,[2] National Labor Relations Board Rules and Regulations—Series 2—as amended, are hereby amended in the following manner: § 202.33 is amended by inserting the words "and brief" immediately following the word "exceptions" in the second sentence of the first paragraph thereof. Section 203.9 is amended by substituting for the last sentence thereof the following new sentences, "Should any party desire to file a brief with the Board, the original and three copies thereof shall be filed with the Board at Washington, D. C., within seven days after the close of the hearing. Immediately upon such filing, the party filing the same shall serve a copy thereof upon each of the other parties." As amended, §§ 202.33 and 203.9, Rules and Regulations—Series 2—as amended, shall read as follows:

PART 202—PROCEDURE UNDER SECTION 10 OF THE ACT FOR THE PREVENTION OF UNFAIR LABOR PRACTICES

§ 202.33 *Exceptions; time for filing; where to file; service on parties; extension of time; effect of failure to include matter in exception.* Within fifteen days from the date of the entry of the order transferring the case to the Board, pursuant to § 202.32, any party may file with the Board at Washington, D. C., an original and four copies of a statement in writing setting forth such exceptions to the Intermediate Report or to any other part of the record or proceeding (including rulings upon all motions or objections) as he relies upon, together with the original and four copies of a brief in support thereof. Immediately upon the filing of the statement of exceptions and brief, the party filing the same shall serve a copy thereof upon each of the other parties and shall file a copy with the Regional Director. Upon proper cause shown, the Board may extend the period within which to file a statement of exceptions or brief.

No matter not included in a statement of exceptions may thereafter be objected to before the Board, and failure to file a statement of exceptions shall operate as a submission of the case to the Board on the record.

Should any party desire permission to argue orally before the Board, request therefor must be made in writing to the Board within ten days after the date of the entry of the order transferring the case to the Board (or in Board cases the date of filing the Intermediate Report), pursuant to § 202.32. The Board shall notify the parties of the time and place for oral argument, if such permission is

granted. (Sec. 6 (a), 49 Stat. 452; 29 U.S.C.).

PART 203—PROCEDURE UNDER SECTION 9 (c) OF THE ACT FOR THE INVESTIGATION AND CERTIFICATION OF REPRESENTATIVES

§ 203.9 *Proceedings before Board; briefs; further hearing; direction of election; certification of representatives.* The Board shall thereupon proceed, either forthwith upon the record, or after oral argument or the submission of briefs, or after further hearing, as it may determine, to direct a secret ballot of the employees in order to complete the investigation, or to certify to the parties the name or names of the representatives that have been designated or selected, or to make other disposition of the matter. Should any party desire to file a brief with the Board, the original and three copies thereof shall be filed with the Board at Washington, D. C. within seven days after the close of the hearing. Immediately upon such filing, the party filing the same shall serve a copy thereof upon each of the other parties. (Sec. 6 (a), 49 Stat., 452; 29 U.S.C.).

Signed at Washington, D. C., this 19th day of October 1942.

H. A. MILLIS,
Chairman.

WM. M. LEISERSON,
Member.

GERARD D. REILLY,
Member.

[F. R. Doc. 42-10586; Filed, October 20, 1942; 11:33 a. m.]

Chapter VII—War Manpower Commission

[General Order 1]

PART 901—TRANSPORTATION OF WORKERS

TRANSPORTATION OF WORKERS TO NON-FERROUS METAL PRODUCING AREAS

By virtue of and pursuant to the authority vested in me by Executive Orders 9139 and 9247, and by the letter of the President dated October 8, 1942, allocating certain sums from the Emergency Fund for the President, National Defense, 1942 and 1943, to the War Manpower Commission, I hereby prescribe the following regulations:

Sec.
901.1 Administration of transportation program.
901.2 Prerequisites to transportation.
901.3 Persons for whom transportation provided.
901.4 Transportation of persons.
901.5 Transportation of household effects.
901.6 Payment of or reimbursement for transportation.
901.7 Conformity with standardized Government transportation regulations.
901.8 Determination of liability for reimbursement in the event of breach of contract.

AUTHORITY: §§ 901.1 to 901.8, inclusive, issued under E.O. 9139, 9247; 7 F.R. 2919, 7379.

§ 901.1 *Administration of transportation program.* The United States Employment Service in the War Manpower Commission, through such of its officers or employees as may be designated by operations bulletins or otherwise for that purpose, shall enter into necessary transportation agreements with workers and employers on behalf of the United States, and administer the disbursement of funds and all other operational aspects of the transportation program, including the issuance of detailed operations instructions consistent with these regulations.

§ 901.2 *Prerequisites to transportation.* (a) No transportation shall be provided for any worker, his dependents, and household effects and no reimbursement shall be made to any worker for transportation, or to any employer for advances made by him to any worker for transportation unless (1) reasonably adequate use is being made of the local labor supply at the proposed place of employment, and (2) the employer and the worker have entered into a contract of employment which includes the provisions contained in forms provided by the United States Employment Service for such purpose. Such contract shall provide for a ninety-day period of employment beginning on the day the worker begins travel to the place of employment, and shall include provisions for reimbursement to the United States by the worker or the employer as the case may be, of the costs of transportation furnished pursuant to these regulations in the event that the employment is terminated without good cause prior to the expiration of such ninety-day period.

§ 901.3 *Persons for whom transportation provided.* Transportation may be provided for a worker qualified for mining employment and not to exceed three dependents of any such worker, from points in the continental United States to places of employment in the non-ferrous metal industry in States west of the Mississippi River. For the purposes of these regulations, "dependent" means a wife or minor child of the worker or a person whose support the worker has assumed in good faith, provided that the worker maintains a bona fide family relationship in his home with such wife, child or other person.

§ 901.4 *Transportation of persons.* (a) Travel shall be by (1) railroad or licensed bus line; (2) privately-owned automobile.

(b) Travel by railroad or bus shall be by the most economical usually traveled route from the point of departure to the place of employment. Coach tickets shall be used when the travel is for a short distance, and tourist tickets, including tourist berth, shall be used when travel is for longer distances that require night travel.

(c) Reimbursement for travel by privately-owned automobile shall be computed as follows:

(1) To a worker or dependent traveling alone, the cost of transportation between the point of departure and the place of employment by railroad, or if no available direct railroad facilities, then by bus, or if no direct railroad or bus facilities, then five cents per mile, but in no event to exceed five cents per mile from the point of departure to the place of employment by the shortest usually traveled route;

(2) To a worker traveling with one or more other workers or with one or more of his dependents, or to a dependent traveling with one or more other dependents, five cents per mile from the point of departure to the place of employment by the shortest usually traveled route. Where a group of workers, a worker and his dependents, or a group of dependents travel together in the same automobile, allowance for such automobile transportation shall be made on the basis of travel by one person only.

(d) As used in this section, the "point of departure" may be either the place where the contract required under § 901.2 is entered into by the worker, or the worker's home, whichever is authorized in the particular case.

§ 901.5 *Transportation of household effects.* Transportation of household effects shall be by freight or motor van line, whichever is the more economical as determined by published tariffs for shipments by freight and by competitive bids for shipments by motor van lines. Household effects transported pursuant to these regulations shall not be in excess of 2,500 pounds gross for a worker without dependents and 5,000 pounds gross for a worker with dependents, these maximum weights to include crates, boxes, and other containers. Packing, crating, drayage, unpacking, and uncrating shall be included in the cost of transportation. The evaluation of property as declared for shipping purposes shall not exceed that at which the lowest freight rate would apply. Any charges in excess of those herein provided for shall be paid by the worker in advance.

§ 901.6 *Payment of or reimbursement for transportation.* (a) Travel by railroad or bus line shall be upon standard Government transportation requests and shipment of household effects shall be on standard Government bills of lading. Charges for drayage, packing, crating, unpacking, or uncrating shall be paid only upon prior authorization, upon presentation of standard voucher, and after certification by the officer or employee of the United States Employment Service by whom such services were authorized that the services were performed and that payment should be made.

(b) Reimbursement for travel by privately-owned automobile will be allowed only if authorization therefor has been granted prior to the commencement of such travel. When travel by privately-owned automobile has been so authorized, the worker shall be entitled to reimbursement upon presentation of standard voucher and statement of travel by motor vehicle and shall be paid only after certification by an officer or employee of the United States Employment Service at an appropriate local United

---

[1] 6 F.R. 4604; 7 F.R. 8247.
[2] 7 F.R. 8347.

States Employment Service office that the travel was performed and that payment should be made.

(c) Reimbursement to an employer for funds advanced to a worker in order to enable him to proceed to his new place of employment by privately-owned automobile will be allowed only if authorization for such travel and advance has been made prior to the commencement of such travel. When such travel and advance have been so authorized, the employer shall be entitled to reimbursement in accordance with such prior authorization on the same basis and to the same extent and subject to the same conditions upon which reimbursement would be made to the worker as aforesaid, upon presentation by the employer of a voucher together with evidence that the worker reported to the place of employment. Such reimbursement will be paid only after certification by an officer or employee of the United States Employment Service at an appropriate local United States Employment Service office that the travel was performed and that payment should be made.

§ 901.7 *Conformity with standardized Government transportation regulations.* Whenever practicable and to the extent pertinent to and not inconsistent with the foregoing sections of these regulations, standardized Government regulations applicable to the travel of civilian officials and employees of the several departments and independent establishments of the Federal Government and to the transportation of their household effects shall govern the transportation of workers, their dependents and household effects pursuant to these regulations.

§ 901.8 *Determination of liability for reimbursement in the event of breach of contract.* In the event that an employer fails to afford opportunity for employment for the period of employment, or a worker fails to commence and complete travel to the place of employment and thereafter to perform services for the period of employment, as provided in the contract required under § 901.2 of these regulations, the regional director of the War Manpower Commission for the region in which the place of employment is located is authorized and directed to determine whether or not a claim for reimbursement to the United States for transportation costs shall be made. If a claim so made is not paid within a reasonable time, the regional director of the War Manpower Commission for such region is authorized and directed to make a final determination, on behalf of the Chairman of the War Manpower Commission, as to all matters involved in such claim, except that if disagreement exists with respect to whether or not a termination of employment prior to the expiration of the period of employment was for good cause, the regional director shall refer that question to an appropriate local area War Manpower Committee. Such committee shall promptly afford the worker and the employer affected a fair opportunity to present evidence on such question and on the basis of such evidence and such other evidence as it may adduce shall submit its recommendations with respect thereto to the regional director. If the regional director does not concur in such recommendations, the matter shall be referred to the regional War Manpower Committee whose decision in the matter shall be final.

PAUL V. MCNUTT,
Chairman.

OCTOBER 17, 1942.

[F. R. Doc. 42-10555; Filed, October 19, 1942; 12:01 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1632]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 3 for the establishment of additional price classifications and minimum prices for the coals of certain mines in District No. 3.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of additional price classifications and minimum prices for the coals of certain mines in District No. 3; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.8 (*Special prices*—(d) *By-product, horizontal and vertical retort, or water gas use*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: September 29, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

§ 323.8 *Special prices*—(d) *By-product, horizontal and vertical retort, or water gas use*—Supplement R

[Prices in cents per net ton. River coal—For byproduct, horizontal and vertical retort, or water gas use]

Based on river transportation charge	For deliveries free along side as shown below	Freight origin group Nos.	Price classifications	Size group Nos.					
				11	12	13	14	15	16
Actual cost	To all destinations on the Monongahela River from Morgantown, W. Va., upstream to headwaters of the river, both inclusive.	----------	A	------	------	------	------	------	------
		All	B	240	225	215	215	215	215

The above prices apply for the following mines:

Mine index No.	Code member	Mine name	Seam	Shipping point	River
243	Glenn, H. S.	Franklin	Pittsburgh	Kingmont, W. Va.	Monongahela.
941	Hebb, H. R.	Kingmont, Jr.	Pittsburgh	Kingmont, W. Va.	Monongahela.
287	Henderson, Rex	Henderson	Pittsburgh	Kingmont, W. Va.	Monongahela.
776	Jackson, J. A.	Sunset	Pittsburgh	Kingmont, W. Va.	Monongahela.
677	McDonald, Ray	McDonald #1	Pittsburgh	Kingmont, W. Va.	Monongahela.
1236	Morgan, Donald	Morgan Bros.	Pittsburgh	Kingmont, W. Va.	Monongahela.
687	Morgan, Donald	Morgan Bros. #2	Pittsburgh	Kingmont, W. Va.	Monongahela.
946	Morgan, Joe	Joe Morgan	Pittsburgh	Kingmont, W. Va.	Monongahela.
413	Virginia & Pittsburgh Coal & Coke Co.	Kingmont, Jr. #2	Pittsburgh		

For River and Ex-River Shipments the above mines will take the same prices as mines with Index Numbers 42-54-100-106-113-119-121-127-130-132-1226-1233 and 1219 shown in §323.8 (e) and §323.8 (f) in Minimum Price Schedule for District No. 3, Docket No. A-1059, and adjustments thereto, with the following exceptions:

(1) When shipments of classification "D" coals are made from the above mines the prices in §323.8 (e) and §323.8 (f) in Minimum Price Schedule for District No. 3 must be increased ten cents (10¢) per net ton.

(2) When shipments of classification "E" coals are made from the above mines the prices in §323.8 (e) and §323.8 (f) in Minimum Price Schedule for District No. 3 must be increased five cents (5¢) per net ton.

[F. R. Doc. 42-10512; Filed, October 19, 1942; 10:45 a. m.]

[Docket No. A-1650]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 10 for the establishment of price classifications and minimum prices for coals produced in District No. 10 for which price classifications and minimum prices have not heretofore been established.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced by the truck mine of William Blender, known as Blender Mine No. 2, Mine Index No. 1603.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: September 30, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.														
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
SECTION NO. 4—PEORIA COUNTY																		
Blender, William (Blender Mining Co.).	1603	Blender Mine #2	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60

[F. R. Doc. 42-10511; Filed, October 19, 1942; 10:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

MASSACHUSETTS

WAIVER OF LOCAL BOARD PHYSICAL EXAMINATION

Waiving Local Board physical examination in the State of Massachusetts in certain cases.

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885), as amended, and the authority vested in me by the rules and regulations prescribed thereunder, and more particularly the provisions of § 623.35 of the Selective Service Regulations, I hereby waive the requirement that registrants be physically examined by an examining physician in the manner provided in Part 623, Selective Service Regulations, when the cases of such registrants have been appealed to the board of appeal under the provisions of Part 627, Selective Service Regulations, without the registrant having been first physically examined before the classification by the local board and I hereby direct that the classification of such registrants by the board of appeal be completed in the manner provided in § 623.51 (f), Selective Service Regulations, without such physical examination by local board examining physicians.

LEWIS B. HERSHEY,
Director.

OCTOBER 15, 1942.

[F. R. Doc. 42-10554; Filed, October 19, 1942; 3:05 p. m.]

MEXICAN AGRICULTURAL WORKERS

REGISTRATION REQUIREMENT

Order describing a group of individuals not required to present themselves for and submit to registration under the provisions of § 611.13 (a).

By virtue of the authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition; and more particularly §§ 611.13 and 611.36, Selective Service Regulations, Second Edition, I hereby prescribe that:

Each citizen of Mexico who has not declared his intention to become a citizen of the United States and who has entered or hereafter enters the United States for the sole purpose of engaging in agricultural pursuits under conditions prescribed by the Attorney General pursuant to the arrangement of August 4, 1942, between the Governments of the Republic of Mexico and the United States of America, and who has in his personal possession a valid Alien Agricultural Laborer's Identification Card issued by the Immigration and Naturalization Service of the United States Department of Justice, a copy of which is filed herewith,[1] shall not be required to present himself for and submit to registration under the Selective Training and Service Act of 1940, as amended, during the "period of admission" specified on such Alien Agricultural Laborer's Identification Card: *Provided,* That during such "period of admission" he continues in such agricultural pursuits.

LEWIS B. HERSHEY,
Director.

OCTOBER 15, 1942.

[F. R. Doc. 42-10553; Filed, October 19, 1942; 3:05 p. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-99]

SUN OIL CO.

Sun Oil Company, a Delaware Corporation, is engaged in the marketing of fuel oil. During the months of April, May and June, the Washington District office of the Sun Oil Company made deliveries of motor fuel to fourteen service stations in excess of the amounts permitted to be so delivered in accordance with the provisions of Limitation Order L-70.[2] The total excess of deliveries of motor fuel thus made was 142,730 gallons.

At all times while deliveries of motor fuel were being made, the Sun Oil Company through its Washington District Office was fully aware of the provisions contained in Limitation Order L-70 governing the amount of motor fuel which may be delivered to each service station and, therefore, deliveries of motor fuel in excess of the amounts permitted under the provisions of Limitation Order L-70 constituted a wilful violation of that order. However, during the months of July and August, the company decreased deliveries to the aforementioned service stations in an effort to correct the previous excess of deliveries of motor fuel.

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[1] Filed as part of the original document.

[2] 7 F.R. 5552, 6419.

These violations of Limitation Order L–70 have impeded and hampered the war effort of the United States by diverting motor fuel to uses unauthorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered*, That:

§ 1010.99 *Suspension Order S–99.* (a) Sun Oil Company shall not deliver or cause to be delivered, directly or indirectly, in any calendar month, to any of the fourteen service stations listed below, any motor fuel, as the same is defined in Limitation Order L–70, in excess of 25 per cent of the Normal Gallonage of such service stations for such month, computed in accordance with the provisions of Limitation Order L–70 without the benefit of any adjustments under paragraph (e) of that order:

Price & Cargill, 3732 Georgia Avenue, NW., Washington, D. C.
R. J. Vore, 4331 14 Street, NW., Washington, D. C.
J. L. Moyer, 1700 Bennings Road, NE., Washington, D. C.
R. D. Miller, 1803 Rhode Island Avenue, NE., Washington, D. C.
W. L. Clark, 4901 Wisconsin Avenue, NW., Washington, D. C.
E. K. Walters, 232 Massachusetts Avenue, NW., Washington, D. C.
S. S. No. 63, 4940 Connecticut Avenue, NW., Washington, D. C.
W. M. Flinchum, 2643 Virginia Avenue, NW., Washington, D. C.
J. D. Glick, 3335 Georgia Avenue, NW., Washington, D. C.
W. W. Barron, 4530 Wisconsin Avenue, NW., Washington, D. C.
W. M. Flinchum, 424 Rhode Island Avenue, NE., Washington, D. C.
R. A. Blackburn, 2000 Bladensburg Road, NE., Washington, D. C.
L. R. Saylor, 140 Florida Avenue, NE., Washington, D. C.
S. S. No. 78, 3111 Rhode Island Avenue, NE., Washington, D. C.

(b) Nothing contained in this order shall be deemed to relieve Sun Oil Company from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall remain in effect during the calendar months of November 1942, December 1942, and January 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10550; Filed, October 19, 1942; 2:27 p. m.]

PART 1010—SUSPENSION ORDERS

[Amendment 1 to Suspension Order S–109]

LAUREL OIL CO.

Paragraph (c) of § 1010.109 *Suspension Order S–109*, issued October 9, 1942 [1] is hereby amended to read as follows;

(c) This order shall remain in effect during the calendar months of November, 1942, December, 1942 and January, 1943.

This amendment shall take effect immediately.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10551; Filed, October 19, 1942; 2:27 p. m.]

PART 1010—SUSPENSION ORDERS

[Amendment 1 to Suspension Order S–110]

CONNECTICUT REFINING CO.

Paragraph (c) of § 1010.110 *Suspension Order S–110*, issued October 14, 1942 [1] is hereby amended to read as follows:

(c) This order shall remain in effect during the calendar months of November, 1942, December, 1942 and January, 1943.

This amendment shall take effect immediately.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10552; Filed, October 19, 1942; 2:27 p. m.]

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Revocation on Limitation Order L–26 [2]]

Section 1029.1 *Limitation Order L–26 as amended* is hereby revoked as of November 1, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F.R. Doc. 42–10537; Filed, October 19, 1942; 12:51 p. m.]

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Revocation of Supplementary Limitation Order L–26–a [1]]

Section 1029.2 *Supplementary Limitation Order L–26–a as amended* is hereby revoked as of November 1, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10538; Filed, October 19, 1942; 12:51 p. m.]

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Revocation of Supplementary Limitation Order L–26–d [2]]

Section 1029.5 *Supplementary Limitation Order L–26–d* is hereby revoked as of November 1, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10539; Filed, October 19, 1942; 12:51 p. m.]

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Limitation Order L–170]

The fulfillment of requirements for the defense of the United States has created a shortage of critical materials entering into the manufacture of farm machinery and equipment and attachments and repair parts therefor, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1029.10 *Limitation Order L–170—* (a) *Applicability of priorities regulations.* (1) This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Protection of production schedules.* Producers of any items of farm machinery and equipment and repair parts under the terms of this order may, notwithstanding the provisions of Priorities Regulation No. 1, as amended, schedule

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[1] 7 F.R. 8180.

[1] 7 F.R. 8349.

[2] 7 F.R. 5396, 6148.

[1] 7 F.R. 1795, 2940.

[2] 7 F.R. 4331.

their production of such items as if the orders therefor bore a rating of AA–3.

(b) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Producer" means any person, other than a supplier, engaged in the manufacture of farm machinery and equipment or of repair parts for farm machinery and equipment, whose aggregate quota therefor, as determined by paragraphs (c) and (d) hereof, will exceed $10,000 in terms of anticipated net sales for the period November 1, 1942, to October 31, 1943, inclusive: *Provided*, That,

(i) No person who did not manufacture any farm machinery and equipment or repair parts in 1940 or 1941, shall manufacture any such products of an aggregate value exceeding $2,500, and

(ii) No state prison institution shall engage in the manufacture of any such products until such time as it has received a specific quota from the Director General for Operations.

(3) "Class A producer" means any producer whose total net sales (including sales of all affiliates of such producer) of all products during the calendar year 1941 exceeded $10,000,000 in value (including domestic sales and exports).

(4) "Class B producer" means any producer whose total net sales (including sales of all affiliates of such producer) of all products during the calendar year 1941 exceeded $750,000 but did not exceed $10,000,000 in value (including domestic sales and exports).

(5) "Class C producer" means any producer whose total net sales (including sales of all affiliates of such producer) of all products during the calendar year 1941 did not exceed $750,000 in value (including domestic sales and exports).

(6) "Affiliate" of a producer means any subsidiary thereof, any subsidiary of such a subsidiary, any parent company, and any subsidiary of such a parent company.

(7) "Supplier" means any person engaged in the manufacture (for sale to a producer) of materials, parts, assemblies or sub-assemblies to be physically incorporated into farm machinery and equipment or repair parts manufactured by such producer, or to be resold by such producer as repair parts.

(8) "Distributor" means any person not a producer whose business consists, in whole or in part, of the sale of farm machinery and equipment or attachments and repair parts from inventory, and includes wholesalers, jobbers, retailers and other persons performing similar functions.

(9) "Farm machinery and equipment" means agricultural machinery, mechanical equipment and implements (including all attachments used in conjunction therewith) used for the production or care of crops, livestock, livestock products, or other produce on a farm (or elsewhere in the case of poultry), including irrigation and drainage equipment (excluding tile), horseshoes (including muleshoes), horseshoe nails, harness hardware and water well casing; but excluding repair parts, and also excluding all of the following: tracklaying type tractors, equipment ordered by the United States Department of Agriculture or other United States Government agencies, buildings and repairs thereto, fencing, poultry nettings and wire, wire fencing, bale ties or straps, oil well casing and water pipe, nails (other than horseshoe nails) and sundry hardware.

(10) "Attachment" for farm machinery and equipment means a supplementary appliance which may be added to an otherwise complete machine to extend the utility of such machine.

(11) "Repair parts" means all types of replacement parts considered separately or as assemblies which are manufactured for use and used in the repair and maintenance of farm machinery and equipment, and shall include plow shares and shapes.

(12) "Base production" means the weight of a producer's total production of any item of farm machinery and equipment during either the calendar year 1940 or 1941, in whichever year such weight was the greater; except that, as to items which are bracketed together in Schedule A, the base production shall be the weight of the total production of each group of items so bracketed.

(13) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind, which will be physically incorporated into any item of farm machinery and equipment or repair parts.

(14) "Weight" means the net shipping weight of any item of farm machinery and equipment which is completely manufactured, or completely fabricated and ready for shipment in knock-down form.

(15) "Schedule A" means the schedule of quota percentages attached hereto and made a part hereof, as amended from time to time. If any item of farm machinery and equipment or repair parts is not specifically listed or otherwise provided for in such schedule, the quota percentage therefor shall be deemed to be 0%.

(16) "Lend-lease order" means any order for farm machinery and equipment or repair parts placed by any agency of the United States Government in response to a requisition filed pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(c) *General restrictions on production for domestic use (including "concentration of production").* (1) Except as provided in paragraph (g) hereof, and subject to the provisions of paragraphs (c) (2), (c) (3) and (e) hereof, during the period November 1, 1942, to October 31, 1943, inclusive, no producer shall:

(i) Manufacture, for sale in the continental United States, a total quantity by weight of any item of farm machinery and equipment listed in Schedule A in excess of that quantity obtained by multiplying the applicable quota percentage (designated in the appropriate column of said Schedule A for Class A producers, Class B producers and Class C producers respectively) for such item by his base production of such item for such sale; except that wherever, in said Schedule A, two or more items are bracketed together and only one quota percentage assigned thereto, such percentage shall be applied to such producer's total base production of all such bracketed items, and the total permissible weight thus determined may be distributed among all or any one or more of such bracketed items at his election;

(ii) Manufacture, for sale in the continental United States, a total quantity of repair parts of a value (manufacturer's current selling price at the factory) in excess of an aggregate of 130% of one-half the total value (manufacturer's selling price at the factory during 1940 and 1941) of his entire net sales of repair parts during the calendar years 1940 and 1941 combined;

(iii) Manufacture, for sale in the continental United States, any farm machinery and equipment requiring rubber tires;

(iv) Sell in the continental United States any quantity of farm machinery and equipment or repair parts which is in excess of the quantity thereof authorized to be manufactured for such sale by the provisions of this order.

(2) The Director General for Operations may, by specific directions issued to any one or more producers, increase or decrease any such producer's quotas as to all or any one or more items authorized to be produced by him by this paragraph (c), and may transfer any portion of such quotas between any such producers (including the transfer thereof from producers located in critical areas as the same may be designated from time to time by the War Manpower Commission).

(3) As to any portion of any such producer's quota as so established which he may decide not to produce at any time after November 1, 1942, he shall immediately notify the War Production Board, so that appropriate action can be taken to transfer such portion of his quota.

(d) *General restrictions on production for export.* (1) Except as provided in paragraph (g) hereof, and subject to the provisions of paragraphs (d) (2), (d) (3) and (e) hereof, during the period November 1, 1942, to October 31, 1943, inclusive, no producer shall manufacture for shipment, or ship:

(i) To all foreign countries within any group of countries listed respectively on Schedules B–1, B–2, B–3, B–4, B–5, and B–6, attached hereto and made a part hereof, as amended from time to time, a quantity of farm machinery and equipment and repair parts in the aggregate in excess of a designated percentage (listed respectively on each such schedule) of one-half the net shipping weight of the total quantity thereof exported by said producer during the calendar years 1940 and 1941 in the aggregate to all such countries within the particular group;

(ii) To Canada a quantity of any item of farm machinery and equipment or attachments and repair parts (as listed in Schedule B–7, attached hereto and made a part hereof, as amended from time to time) in excess of that quantity obtained by multiplying the quota percentage designated in said Schedule B–7 for such item by the quantity thereof shipped by said producer to Canada during the calendar year 1940;

(iii) To any foreign country (including Canada and territories and possessions of the United States) any farm machinery and equipment requiring rubber tires.

(2) Except as to items destined for Canada (Schedule B–7) and for territories and possessions of the United States (Schedule B–6), no producer shall fabricate or process any material to be physically incorporated into any item of farm machinery and equipment which may be authorized to be manufactured for export by paragraph (d) (1) above, unless and until he has received a direct purchase order:

(i) Covered by an export license issued by the Board of Economic Warfare, or

(ii) Covered by a lend-lease order, or

(iii) Approved by the Office of Lend-Lease Administration.

To the extent that any such producer decides not to accept any such order for items within his authorized export quota, or intends not to produce any such items, he shall immediately notify the War Production Board, so that appropriate action can be taken to transfer the quota for such items.

(3) The Director General for Operations may, by specific directions issued to any one or more producers, increase or decrease any such producer's quotas as established by paragraph (d) (1) above, and may transfer any portion of such quotas between any such producers (including the transfer thereof from producers located in critical areas as the same may be designated from time to time by the War Manpower Commission).

(e) *Further restrictions on production*—(1) *Restrictions on production for specific periods.* The Director General for Operations may from time to time issue supplementary orders (or specific directions to any one or more producers) governing the production of all or any one or more items of farm machinery and equipment or repair parts for specified monthly, bi-monthly or quarterly periods. On and after the effective date of any such supplementary order or specific direction, no producer affected thereby shall, notwithstanding the provisions of this Order L–170, manufacture any such item during the period specified except in accordance with the terms of such supplementary order or specific direction.

(2) *Items containing iron and steel.* On and after November 1, 1942, no producer shall put into process any iron or steel (excluding screws, nails, rivets, bolts, or wire, strapping or small hardware for joining or other similar essential purpose) to make any of the following items of farm machinery and equipment:

Barnyard stock tanks.
Bee hives.
Butter churns.
Butter molds.
Canopies for electric brooders.
Cattle stalls.
Corn cribs.
Doubletrees.
Farm gates.
Grain bins.
Grit boxes.
Guide handles.
Hobbles (all types).
Hog troughs.
Laying nests.
Livestock feeders.
Marking poles.
Milk stools.
Nick yokes.
Poultry feeders.
Singletrees.
Stanchions.
Stock pens.
Thills.
Tongues.
Weaners.

(f) *Overproduction under Order L–26.*[1] Any items of farm machinery and equipment or attachments and repair parts which have been manufactured and/or sold by any producer prior to November 1, 1942, and which are in excess of such producer's authorized quota under Limitation Order L–26 (including all amendments thereto and appeals granted thereunder), shall be deducted from such quotas as may be authorized for such producer by the provisions of this order or subsequent orders: *Provided,* That no such deduction shall constitute a condonation of any violation of any order or regulation of the War Production Board.

(g) *Exceptions.* (1) To the extent that the weight of any item or items of a producer's quota as established by paragraph (c) (1) hereof has been or will be increased by his substituting for more critical materials entering into such item or items any one or more of the following materials: glass or other ceramic products, plain concrete, fibre board, wood fibre products, plywood (unrestricted binder), gum and other hardwood lumber, softwood lumber (subject to the restrictions of order M–208 and all other M and L orders),

such increased weight shall not operate to reduce the number of units which he could have otherwise manufactured pursuant to paragraph (c) (1) above. In addition, if any such producer has made, or shows that he can make, in any item or items of his quota as established by paragraphs (c) and (d) hereof, a substitution of any of the materials listed above for more critical materials entering into such item or items, he may apply by letter to the Director General for Operations for reconsideration of his quota, based on such substitution.

(2) Any item of farm machinery and equipment or attachments and repair parts which was manufactured for sale within the continental United States by a producer within his authorized quota under Limitation Order L–26 (including all amendments thereto and appeals granted thereunder), and which is, prior to November 1, 1942, completely manufactured, or completely fabricated and ready for shipment in knock-down form, may be sold on and after such date without reference to the provisions of this order.

(3) Nothing in paragraph (d) of this order shall be deemed to prohibit or control the shipment of any item of farm machinery and equipment or attachments and repair parts which:

(i) Was manufactured for export by a producer within his authorized quota under paragraph (c) (1) (iii) of Limitation Order L–26 (including all amendments thereto and appeals granted thereunder), and

(ii) Is covered by either an export license issued by the Board of Economic Warfare or by a lend-lease order, dated prior to November 1, 1942, (except as to items destined for Canada and territories and possessions of the United States), and

(iii) Is, prior to such date, completely manufactured or completely fabricated and ready for shipment in knock-down form.

Any such items for export which, prior to November 1, 1942, are in production or on order but not completely manufactured or ready for shipment in knock-down form, shall be deducted from such export quotas as may be authorized for such producer by the provisions of this order or subsequent orders, and shall not be manufactured on and after such date except in accordance with the provisions of paragraph (d) above.

(h) *Restrictions on sales for domestic use.* Subject to such directions as may be issued from time to time as to rationing control, by, or pursuant to delegations from, the Director General for Operations,

(1) On and after November 1, 1942, no person shall sell any item of new farm machinery and equipment (except horseshoes, muleshoes and horseshoe nails) which he knows or has reason to know will not be used in the hands of the ultimate consumer for the production or care of crops, livestock, livestock products, or other produce on a farm (or elsewhere in the case of poultry), except to fill a contract or purchase order bearing a preference rating of A–9 or higher;

(2) On and after November 1, 1942, no distributor shall sell or deliver to a consumer any new repair part which he knows or has reason to know will not be incorporated reasonably promptly into farm machinery and equipment in the possession of such consumer.

(i) *Inventory provisions.* (1) On and after November 1, 1942, no distributor shall:

(i) Keep in his inventory, in his possession or under his control, for a period of more than thirty days, any used, traded-in, imperfect or non-usable item of farm machinery and equipment or repair parts which cannot be reconditioned, but must dispose of the same through the customary disposal or scrap channels; or

(ii) During any consecutive three months period (or four months period as to distributors not located in either the Eastern or Central War Time Zones), place regular stock orders for a quantity of any item of repair parts in excess of his estimated requirements of such item for that period, taking into consideration inventory of like parts on hand. The restrictions of this paragraph (i) (1) (ii) shall not apply to emergency orders for any item of repair parts to be used in the current three (or four) months period: *Provided,* That the distributor shall file with his order to the producer for any such emergency item a certificate in substantially the following form:

CERTIFICATE FOR EMERGENCY ORDER

I hereby certify that the repair part(s) specified in the attached order is(are) essential for the emergency repair of farm machinery and equipment.

(Signed) ______________________
Firm, partnership, or corporation
By: ______________________
Title of individual
____
Address of firm, partnership, or corporation

A copy of each such certificate shall be retained by the distributor as a part of his records.

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[1] 7 F.R. 5396, 6148.

(2) On and after November 1, 1942, any producer may sell to any other producer any material in his inventory which is in excess of his requirements for the items of farm machinery and equipment and repair parts permitted to be manufactured by the provisions of this order. Such sales shall be expressly permitted within the terms of paragraph (c) (3) of Priorities Regulation No. 13 as amended.

(j) *Standardization, simplification, substitution, and conservation of critical materials.* (1) In the manufacture of any item of farm machinery and equipment or repair parts, no producer shall use any alloy steel, stainless steel, aluminum, magnesium, copper, brass, bronze, zinc, nickel, tin, cadmium or fabricated rubber products for any purpose where the use of other less critical materials will not impair the efficiency of operation of such item.

(2) The Director General for Operations may from time to time issue supplementary orders or schedules establishing required specifications with respect to the production of any item or items of farm machinery and equipment and repair parts. "Required specifications" may include requirements to standardize or simplify the types, sizes or models of, or the specifications for, any such item or items; to eliminate, reduce or conserve the use of critical materials in the production thereof; and to substitute less critical for more critical materials in the production thereof. On and after the effective date of any such supplementary order or schedule, no farm machinery and equipment and repair parts affected thereby shall be produced, fabricated, assembled, or delivered, if such production, fabrication, assembly, or delivery is prohibited by the terms thereof.

(k) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(l) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(m) *Reports.* (1) All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(2) Each producer shall file not later than thirty days after the issuance date of this order a report of his production quotas on Form PD–629.

(3) Each producer shall file by the 10th day of each month a report on Form PD–630 of his production during the preceding month, the first report to be made on or before December 10, 1942.

(4) Each producer affected by paragraph (d) hereof shall file by the 10th day of each month a report on Form PD–387 (revised) of his shipments during the preceding month (starting with November, 1942) to all foreign countries (including all countries listed on Schedules B–1, B–2, B–3, B–4, B–5, B–6, and B–7).

(n) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(o) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him in comparison with others similarly situated, may appeal to the War Production Board, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(p) *Communications.* All communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Farm Machinery and Equipment Branch, Washington, D. C. Ref.: L–170.

(q) *Inconsistent orders.* This order supersedes as of November 1, 1942, Limitation Order L–26, and Supplementary Limitation Orders L–26–a[2] and L–26–d,[3] and all amendments thereto and appeals granted thereunder.

Issued this 19th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

SCHEDULE OF QUOTAS COVERING THE DOMESTIC PRODUCTION OF FARM MACHINERY AND EQUIPMENT AND REPAIR PARTS THEREFOR FOR THE PERIOD NOVEMBER 1, 1942, TO OCTOBER 31, 1943

Quotas for repair parts are expressed as a percentage of the average dollar value of all repair parts sold during the years 1940 and 1941. Quotas for new machinery and equipment including attachments are expressed as a percentage of the weight of each item produced during 1940 or 1941, whichever was higher. Producers of these items must use the percentages set forth in the respective columns, depending upon whether they are Class A, Class B, or Class C producers. Production of "bracketed items" may be distributed among all or any one or more items included in the particular bracket so long as the total weight of material used does not exceed that determined by the quota percentage assigned to the particular bracket.

Any item of farm machinery and equipment not provided for in this Schedule A shall not be manufactured, unless specifically exempted by Order L–170.

GROUP 1: PLANTING, SEEDING AND FERTILIZING MACHINERY

Item		Class of producer		
		"A"	"B"	"C"
	DIVISION 1: PLANTERS (HORSE AND TRACTOR DRAWN)	*Percent*	*Percent*	*Percent*
1	One row, one horse corn planters	0	0	44
2	One row, one horse corn and cotton planters	0	0	25
3	One row, two horse corn and cotton planters	0	0	0
4	Two row, corn planters	3	75	75
5	Two row, corn and cotton planters	0	19	75
6	Three row and over, corn planters	11	75	75
7	Three row and over, corn and cotton planters	0	0	0
	DIVISION 2: PLANTERS (TRACTOR MOUNTED)			
8	One row, corn planters	11	11	11
9	One row, corn and cotton planters			
10	Two row, corn planters			
11	Two row, corn and cotton planters			
12	Three row and over, corn planters			
13	Three row and over, corn and cotton planters			
	DIVISION 3: POTATO PLANTERS			
14	Horse or tractor drawn	0	16	75
	DIVISION 4: TRANSPLANTERS			
15	Horse or tractor drawn	0	0	34
16	Hand			
	DIVISION 5: LISTERS WITH PLANTING ATTACHMENTS (HORSE OR TRACTOR DRAWN)			
17	One row	8	75	75
18	Two row			
19	Three row and over			
	DIVISION 6: LISTERS WITH PLANTING ATTACHMENTS (TRACTOR MOUNTED)			
20	One row	9	9	9
21	Two row			
22	Three row and over			
	DIVISION 7: BEET DRILLS			
23	Horse or tractor drawn	13	75	75
	DIVISION 8: GRAIN DRILLS			
24	One horse, 3 or 5 disc drills	0	0	22
25	Fertilizer drills, horse or tractor drawn	3	75	75
26	Plain drills, horse or tractor drawn			

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[2] 7 F.R. 1795, 2940.
[3] 7 F.R. 4331.

GROUP 1: PLANTING, SEEDING AND FERTILIZING MACHINERY—Continued

Item		Class of producer		
		"A"	"B"	"C"
	DIVISION 9: BROADCAST SEEDERS	Percent	Percent	Percent
27	Wheeled, horse or tractor	0	0	0
28	Endgate	0	32	75
29	Hand, wheelbarrow and other	0	0	8
	DIVISION 10: GARDEN PLANTERS			
30	Hand	0	0	14
31	Horse or tractor drawn	0	0	15
	DIVISION 11: FERTILIZER DISTRIBUTORS			
32	Horse or tractor drawn	0	0	15
	DIVISION 12: LIME SPREADERS (SOWERS)			
33	Wheeled type horse or tractor drawn	0	0	17
34	Endgate type	0	0	8
35	Truck body type	0	0	8
	DIVISION 13: MANURE SPREADERS			
36	Four wheeled, horse or tractor drawn	0	19	75
37	Two wheeled, tractor drawn			
	DIVISION 14: OTHER PLANTING, SEEDING AND FERTILIZING MACHINERY			
	Other planting, seeding and fertilizing machinery including, but not limited to, potato seed cutters, farm limestone pulverizers, manure loaders, vegetable planters. (List each item separately.)			
38		0	0	9
39		0	0	9
40		0	0	9
	DIVISION 15: ATTACHMENTS			
41	Attachments for all items in Group 1 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

GROUP 2: PLOW AND LISTERS

Item		"A"	"B"	"C"
	DIVISION 1: MOLDBOARD PLOWS (HORSE DRAWN)			
42	Walking, one horse, steel bottom	0	0	11
43	Walking, one horse, chilled bottom	0	0	12
44	Walking, two horse and larger	0	0	28
45	Sulky	0	0	0
46	Gang, two bottom and larger	0	0	0
	DIVISION 2: MOLDBOARD PLOWS (TRACTOR DRAWN OR MOUNTED)			
47	One bottom, tractor drawn	9	75	75
48	Two bottom, tractor drawn			
49	Three bottom, tractor drawn			
50	Four bottom, tractor drawn	0	0	0
51	Five bottom, and larger, tractor drawn	10	10	10
52	One bottom, tractor mounted			
53	Two bottom, tractor mounted			
	DIVISION 3: DISC PLOWS (HORSE DRAWN)			
54	Single disc and larger	0	0	0
	DIVISION 4: DISC PLOWS (TRACTOR DRAWN OR MOUNTED)			
55	One disc, tractor drawn	0	0	17
56	Two disc, tractor drawn			
57	Three disc, tractor drawn			
58	One disc, tractor mounted	6	6	6
59	Two disc, tractor mounted			
60	Four disc, tractor drawn	0	0	0
61	Five disc, tractor drawn			
62	Six disc and larger, tractor drawn			

GROUP 2: PLOW AND LISTERS—Continued

Item		Class of producer		
		"A"	"B"	"C"
	DIVISION 5: ONE WAY DISC PLOWS OR TILLERS	Percent	Percent	Percent
63	One way plows	0	5	75
	DIVISION 6: LISTERS (HORSE OR TRACTOR DRAWN) (Middlebusters without planting attach.)			
64	One row, horse or tractor drawn	0	0	19
65	Two row, horse or tractor drawn			
66	Three row and larger horse or tractor drawn			
	DIVISION 7: LISTERS (TRACTOR MOUNTED) (Middlebusters without planting attach.)			
67	One row, tractor mounted	14	14	14
68	Two row, tractor mounted			
69	Three row and larger, tractor mounted			
	DIVISION 8: SUBSOIL PLOWS			
70	Horse drawn	0	0	0
71	Tractor drawn	0	0	0
72	Tractor mounted	0	0	0
	DIVISION 9: PLOW STOCKS			
73	Single or double stocks	0	0	12
	DIVISION 10: OTHER PLOWS AND LISTERS (List each item separately)			
74		0	0	34
75		0	0	34
76		0	0	34
	DIVISION 11: ATTACHMENTS			
77	Attachments for all items in Group 2 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

GROUP 3: HARROWS, ROLLERS, PULVERIZERS AND STALK CUTTERS

Item		"A"	"B"	"C"
	DIVISION 1: HARROWS			
78	Spike tooth harrow sections, horse or tractor drawn	0	0	24
79	Spring tooth harrow sections, horse or tractor drawn	0	34	75
80	Disc harrows, horse or tractor drawn	2	75	75
81	Disc harrows, tractor mounted	17	17	17
	DIVISION 2: SMOOTH LAND ROLLERS			
82	Smooth land rollers, not including lawn rollers	0	0	0
	DIVISION 3: SOIL PULVERIZERS AND PACKERS			
83	Soil pulverizers and packers	0	0	19
	DIVISION 4: STALK CUTTERS			
84	Stalk cutters	0	0	35
	DIVISION 5: RIDGE BUSTERS			
85	Ridge busters, horse or tractor drawn	0	0	14
86	Ridge busters, tractor mounted			

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[1] Percentage quota is the same as that listed in the proper column for the machine with which the attachment is used.

GROUP 3: HARROWS, ROLLERS, PULVERIZERS AND STALK CUTTERS—Continued

Item		Class of producer		
		"A"	"B"	"C"
	DIVISION 6: OTHER HARROW AND ROLLERS (List each item separately)	Percent	Percent	Percent
87		0	0	14
88		0	0	14
89		0	0	14
	DIVISION 7: ATTACHMENTS			
90	Attachments for all items in Group 3 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

GROUP 4: CULTIVATORS AND WEEDERS

Item		"A"	"B"	"C"
	DIVISION 1: CULTIVATORS (HORSE AND TRACTOR DRAWN)			
91	One horse, all types	0	0	15
92	One row, walking, two horse	0	0	65
93	One row, riding, two horse	2	75	75
94	Two row and over, riding	0	0	0
95	Beet cultivator	12	75	75
96	Field cultivator	0	0	62
97	Hand cultivator, not including blade and tined hoes, rakes and similar equipment	0	0	15
	DIVISION 2: CULTIVATORS (TRACTOR MOUNTED)			
98	One row	15	15	15
99	Two row			
100	Three and four row			
101	Five row and over			
	DIVISION 3: ROTARY HOES			
102	Rotary hoes, horse or tractor drawn	0	0	32
	DIVISION 4: WEEDERS			
103	Rod weeders, horse or tractor drawn	0	0	30
104	Tooth weeders, horse or tractor drawn	0	0	32
	DIVISION 5: OTHER CULTIVATORS AND WEEDERS (List each item separately)			
105		0	0	34
106		0	0	34
	DIVISION 6: ATTACHMENTS			
107	Attachments for all items in Group 4 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

GROUP 5: SPRAYERS, DUSTERS AND ORCHARD HEATERS

Item		"A"	"B"	"C"
	DIVISION 1: POWER SPRAYERS (NOT INCLUDING ENGINES)			
108	Power sprayers (not including engines)	0	0	43
109	Traction sprayers	0	0	21
	DIVISION 2: HAND SPRAYERS WITH TANK, BARREL, KNAPSACK, ETC., WITH COMPLETE EQUIPMENT (CAP. 1 QT. OR OVER BUT LESS THAN 6 GALS)			
110	Compressed air	0	0	9
111	Knapsack, self contained			
112	Trombone, pump type			
113	Bucket pump type, single cylinder			
114	Bucket pump type, double cylinder			
115	Atomizing, single action (1 qt. and larger cap.)			
116	Atomizing, continuous (1 qt. and larger cap.)			

GROUP 5: SPRAYERS, DUSTERS AND ORCHARD HEATERS—Continued

Item		Class of producer		
		"A"	"B"	"C"
	DIVISION 3: SPRAYERS, WITH TANK, BARREL, KNAPSACK, ETC., WITH COMPLETE EQUIPMENT (CAP. 6 GALS. OR MORE)	Percent	Percent	Percent
117	Barrel pump type with complete equipment	0	0	36
118	Wheelbarrow type with complete equipment			
	DIVISION 4: SPRAY PUMPS (POWER)			
119	Spray pumps, power	0	0	23
	DIVISION 5: WEED AND PEAR BURNERS			
120	Weed and pear burners	0	0	23
	DIVISION 6: DUSTERS			
121	Power dusters with tractor mounted dusters	0	0	19
122	Traction dusters	0	0	23
123	Hand dusters (agricultural only)	0	0	66
	DIVISION 7: ORCHARD HEATERS			
124	Orchard heaters	0	0	14
	DIVISION 8: ATTACHMENTS			
125	Attachments for all items in Group 5 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

GROUP 6: HARVESTING MACHINERY

Item		"A"	"B"	"C"
	DIVISION 1: COMBINES (HARVESTER-THRESHERS)			
126	Width of cut, 6 feet and under	18	18	18
127	Width of cut, over 6 feet including 10 feet			
128	Width of cut, over 10 feet			
	NOTE. Out of his total quota for combines, no Class "A" producer may manufacture Items 127 and 128 in excess of 10% of his 1940–1941 average production of these items.			
	DIVISION 2: GRAIN AND RICE BINDERS			
129	Grain binders (ground drive)	9	75	75
130	Grain binders (power take-off drive)			
131	Rice binders	43	75	75
	DIVISION 3: CORN BINDERS			
132	Corn binders (row binder) horse or tractor drawn	13	75	75
	DIVISION 4: CORN PICKERS			
133	One row, mounted type	25	25	25
134	Two row, mounted type			
135	One row, pull type	0	71	75
136	Two row, pull type			
	DIVISION 5: FIELD ENSILAGE HARVESTERS (ROW TYPE)			
137	Field ensilage harvesters, row type	14	75	75
	DIVISION 6: POTATO DIGGERS			
138	Walking plow type	0	0	28
139	Horse or tractor	0	0	42
	DIVISION 7: PEA AND BEAN HARVESTERS (ROW TYPE)			
140	Horse or tractor, row type	0	0	32
	DIVISION 8: BEET LIFTERS			
141	Horse or tractor	16	75	75

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[1] Percentage quota is the same as that listed in the proper column for the machine with which the attachment is used.

GROUP 6: HARVESTING MACHINERY—Continued

Item		Class of producer "A"	Class of producer "B"	Class of producer "C"
	DIVISION 9: OTHER HARVESTING MACHINERY			
	Other harvesting machinery including, but not limited to, windrowers grain type, seed harvesters and strippers, potato pickers, cane harvesters, hop pickers, beet loaders, peanut diggers, cotton harvesters. (List each item separately.)	Percent	Percent	Percent
142		0	0	51
143		0	0	51
144		0	0	51
	DIVISION 10: ATTACHMENTS			
145	Attachments for all items in Group 6 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

GROUP 7: HAYING MACHINERY

Item		"A"	"B"	"C"
	DIVISION 1: MOWERS (GROUND-DRIVE)			
146	Horse or tractor drawn (ground drive)	8	75	75
	DIVISION 2: MOWERS (POWER TAKE-OFF DRIVE)			
147	Tractor mtd. or semi-mtd. (power take-off drive)	21	21	21
	DIVISION 3: RAKES			
148	Sulky, dump	9	75	75
149	Side delivery, incl. comb. side rakes and tedders	17	75	75
150	Sweep	0	0	47
	DIVISION 4: HAY LOADERS			
151	Hay loaders	9	75	75
	DIVISION 5: STACKERS			
152	Stackers (incl. comb. sweep stackers)	0	0	19
	DIVISION 6: PICK-UP BALERS			
153	Pick-up hay balers	0	45	75
	DIVISION 7: OTHER HAYING MACHINERY			
	Other haying machinery, including, but not limited to, field bale loaders, field hay choppers. (List each item separately):			
154		0	0	41
155		0	0	41
156		0	0	41
	DIVISION 8: ATTACHMENTS			
157	Attachments for all items in Group 7 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

GROUP 8: MACHINES FOR PREPARING CROPS FOR MARKET OR USE

Item		"A"	"B"	"C"
	DIVISION 1: STATIONARY THRESHERS (GRAIN, RICE AND ALFALFA)			
158	Threshers, width of cylinder under 28 inches	0	0	48
159	Threshers, width of cylinder 28 inches and over			
	DIVISION 2: STATIONARY PEA AND BEAN THRESHERS			
160	Stationary pea and bean threshers	0	0	25
	DIVISION 3: PEANUT PICKERS			
161	Peanut pickers	0	0	75

GROUP 8: MACHINES FOR PREPARING CROPS FOR MARKET OR USE—Continued

Item		Class of producer "A"	Class of producer "B"	Class of producer "C"
	DIVISION 4: ENSILAGE CUTTERS (SILO FILLERS)	Percent	Percent	Percent
162	Ensilage cutters (silo fillers)	0	0	65
	DIVISION 5: FEED CUTTERS (HAND AND POWER)			
163	Feed cutters, hand and power	0	0	30
	DIVISION 6: CORN SHELLERS			
164	Corn shellers, hand	0	0	19
165	Power corn shellers, spring (2, 4, 6 and 8 hole)	0	0	0
166	Power corn shellers, cylinder (150 bu. & under)	0	0	22
167	Power corn shellers, cylinder (over 150 bu.)	0	75	75
	DIVISION 7: CORN HUSKERS AND SHREDDERS			
168	Combination corn husker-shredders	0	0	23
169	Corn huskers	0	0	23
170	Corn shredders	0	0	23
	DIVISION 8: STATIONARY HAY BALERS			
171	Horse	0	0	0
172	Engine or belt power	0	0	75
	DIVISION 9: FEED GRINDERS AND CRUSHERS			
173	Hand	0	0	13
174	Power, burr type	0	0	51
175	Hammer and roughage mills	0	8	75
	DIVISION 10: CLEANERS AND GRADERS (CORN AND GRAIN)			
176	Cleaners and graders (corn and grain)	0	0	12
	DIVISION 11: POTATO SORTERS AND GRADERS			
177	Potato sorters and graders	0	0	23
	DIVISION 12: MAPLE SIRUP EVAPORATORS			
178	Complete sets of pans, not including furnace	0	0	53
179	Furnaces	0	0	20
	DIVISION 13: CANE SIRUP EVAPORATORS			
180	Complete sets of pans, not including furnaces	0	0	53
181	Furnaces	0	0	20
	DIVISION 14: CANE MILLS (FARM SIZE)			
182	Cane Mills (farm size)	0	0	32
	DIVISION 15: CIDER MILLS AND FRUIT PRESSES			
183	Cider mills and fruit presses	0	0	12
	DIVISION 16: OTHER MACHINES FOR PREPARING CROPS FOR MARKET OR USE			
	Other machines for preparing crops for market or use, including but not limited to, broom corn shredders, feed mixers, fruit, nut and vegetable graders, sorters, washers and sackers. (List each item separately.)			
184		0	0	13
185		0	0	13
186		0	0	13
	DIVISION 17: ATTACHMENTS			
187	Attachments for all items in Group 8 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

GROUP 9: FARM ELEVATORS AND BLOWERS

Item		"A"	"B"	"C"
	DIVISION 1: ELEVATORS (PORTABLE)			
188	Elevators, portable	0	0	35

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[1] Percentage quota is the same as that listed in the proper column for the machine with which the attachment is used.

GROUP 9: FARM ELEVATORS AND BLOWERS—Continued

Item		Class of producer "A"	Class of producer "B"	Class of producer "C"
	DIVISION 2: ELEVATORS (STATIONARY)	Percent	Percent	Percent
189	Elevators, stationary	0	0	21
	DIVISION 3: BLOWERS (GRAIN AND FORAGE)			
190	Blowers (grain and forage)	0	0	35
	DIVISION 4: ATTACHMENTS			
191	Attachments for all items in Group 9 expressed in terms of net shipping weight in pounds.	(1)	(1)	(1)

GROUP 10: TRACTORS

Item		"A"	"B"	"C"
	DIVISION 1: TRACTORS, WHEEL TYPE			
192	Tractors, wheel, special purpose, under 30 h. p	11	11	11
193	Tractors, wheel, special purpose, 30 & over h. p			
194	Tractors, wheel, all purpose, under 30 h. p			
195	Tractors, wheel, all purpose, 30 & over h. p			
	DIVISION 2: GARDEN TRACTORS (INCLUDING MOTOR TILLERS)			
196	Garden tractors (including motor tillers)	0	0	27
	DIVISION 3: ATTACHMENTS			
197	Attachments for all items in Group 10 expressed in terms of net shipping weight in pounds.	(1)	(1)	(1)

GROUP 11: ENGINES

Item		"A"	"B"	"C"
	DIVISION 1: ENGINES (UNDER 1 H. P.)			
198	Air cooled	0	0	0
	DIVISION 2: ENGINES (ONE OR MORE BUT UNDER 5 H. P.)			
199	Air cooled	0	2	75
200	Water cooled	4	75	75
	DIVISION 3: ENGINES (FIVE OR MORE BUT UNDER 10 H. P.)			
201	Air cooled	0	24	75
202	Water cooled	0	24	75
	DIVISION 4: ENGINES (TEN OR MORE BUT UNDER 20 H. P.			
203	Water cooled	0	0	0
	DIVISION 5: ATTACHMENTS			
204	Attachments for all items in Group 11 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

GROUP 12: FARM WAGONS AND TRUCKS

Item		"A"	"B"	"C"
	DIVISION 1: WAGONS			
205	Wagons, farm without boxes	0	0	32
	DIVISION 2: TRUCKS			
206	Trucks, farm (not motortrucks)	0	30	75
	DIVISION 3: WAGON BODIES			
207	Wagon and truck boxes, farm	0	0	29

GROUP 12: FARM WAGONS AND TRUCKS—Continued

Item		Class of producer "A"	Class of producer "B"	Class of producer "C"
	DIVISION 4: FARM SLEIGHS	Percent	Percent	Percent
208	Sleighs and bob-sleds	0	0	25
	DIVISION 5: TRAILERS (FARM)			
209	Trailers, farm	0	0	0
	DIVISION 6: OTHER TRANSPORTING EQUIPMENT			
	(Not motortrucks—list each item separately)			
210		0	0	25
211		0	0	25
	DIVISION 7: ATTACHMENTS			
212	Attachments for all items in Group 12 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

GROUP 13: DOMESTIC WATER SYSTEMS

Item		"A"	"B"	"C"
	DIVISION 1: DEEP WELL			
213	Deep well, reciprocal	0	0	48
214	Deep well, jet pumps	0	0	36
	DIVISION 2: SHALLOW WELL			
215	250–499 gals. per hour	0	0	53
216	500 gals. per hour and over	0	0	35
	DIVISION 3: POWER PUMPS			
217	Horizontal type, up to and including 75 gals. per minute, 100 lb. pressure	0	6	75
	DIVISION 4: WATER STORAGE TANKS			
218	Storage tanks, other than stock tanks, farm			
	DIVISION 5: ATTACHMENTS			
219	Attachments for all items in Group 13, expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

GROUP 14: FARM PUMPS AND WINDMILLS

Item		"A"	"B"	"C"
	DIVISION 1: PUMPS, WATER			
220	Pitcher pumps	0	18	75
221	Hand and windmill pumps	0	16	75
	DIVISION 2: WINDMILLS			
222	Windmill heads	0	0	56
223	Windmill towers	0	0	59
	DIVISION 3: PUMP JACKS			
224	Pump jacks	0	0	30
	DIVISION 4: CYLINDERS			
225	Cylinders for sale separately	0	37	75
	DIVISION 5: ATTACHMENTS			
226	Attachments for all items in Group 14 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

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[1] Percentage quota is the same as that listed in the proper column for the machine with which the attachment is used.

GROUP 15: IRRIGATION EQUIPMENT

Item		Class of producer "A"	Class of producer "B"	Class of producer "C"
	DIVISION 1: IRRIGATION PUMPS	*Percent*	*Percent*	*Percent*
227	Turbine pumps, 0 to 1,200 GPM	0	0	31
228	Turbine pumps 1,200 GPM and up, belt driven	0	0	13
229	Centrifugal pumps	0	0	26
230	Hydraulic rams	0	0	0
	DIVISION 2: DISTRIBUTION EQUIPMENT			
231	Land leveling equipment, ditchers, corrugators and scrapers (excluding power ditchers, draglines and other self-powered machines)	0	0	18
232	Portable pipe and extensions, sprinklers, valves and gates, expressed in terms of net shipping weight in pounds	0	0	18
	DIVISION 3: OTHER FARM IRRIGATION EQUIPMENT (List each item separately)			
233		0	0	18
234		0	0	18
235		0	0	18
	DIVISION 4: ATTACHMENTS			
236	Attachments for all items in Group 15, expressed in terms o. net shipping weight in pounds	(1)	(1)	(1)

GROUP 16: DAIRY FARM MACHINES AND EQUIPMENT

Item		"A"	"B"	"C"
	DIVISION 1: MILKING MACHINES			
237	Milking machines	0	32	75
	DIVISION 2: FARM CREAM SEPARATORS			
238	Farm cream separators, capacity 250 lbs. per hr. or less	0	7	75
	DIVISION 3: FARM CREAM SEPARATORS			
239	Farm cream separators, capacity 251 lbs. to 800 lbs. per hour	7	75	75
	DIVISION 4: FARM CREAM SEPARATORS			
240	Farm cream separators. capacity 801 lbs. to 1500 lbs. per hour	0	0	0
	DIVISION 5: FARM MILK COOLERS			
241	Immersion type	0	0	48
242	Surface or tubular type			
	DIVISION 6: FARM BUTTER MAKING EQUIPMENT			
243	Butter churns (See Paragraph (e) (2) of L–170)	0	0	23
244	Butter molds (See Paragraph (e) (2) of L–170)			
	DIVISION 7: OTHER DAIRY FARM MACHINES AND EQUIPMENT Other dairy farm machines and equipment including but not limited to milk pails, milk strainers, sterilizing tanks, washing tanks and water heaters. (List each item separately.)			
245		0	0	36
246				
247				
248				
	DIVISION 8: ATTACHMENTS			
249	Attachments for all items in Group 16 expressed in terms of net shipping weight in pounds.	(1)	(1)	(1)

GROUP 17: BARN AND BARNYARD EQUIPMENT

Item		Class of producer "A"	Class of producer "B"	Class of producer "C"
	DIVISION 1: FEED CARRIERS, LITTER CARRIERS, AND FEED TRUCKS	*Percent*	*Percent*	*Percent*
250	Feed carriers	0	0	25
251	Litter carriers	0	0	25
252	Track for feed and litter carriers	0	0	71
253	Feed trucks	0	0	33
	DIVISION 2: HAY UNLOADING EQUIPMENT			
254	Hay carriers	0	0	72
255	Track for hay carriers	0	0	71
256	Hay forks, harpoon and grapple	0	0	35
257	Pulleys and fittings	0	0	71
	DIVISION 3: CATTLE STALLS AND PEN EQUIPMENT			
258	Cattle stalls and fittings (See Paragraph (e) (2) of L–170)	0	8	75
259	Livestock pens (See Paragraph (e) (2) of L–170)	0	27	75
	DIVISION 4: CATTLE STANCHIONS			
260	Cattle stanchions and fittings (See Paragraph (e) (2) of L–170)	0	0	50
	DIVISION 5: LIVESTOCK DRINKING CUPS AND WATERING BOWLS			
261	Livestock drinking cups	0	0	49
262	Outside livestock watering bowls	0	0	16
	DIVISION 6: BARNYARD STOCK TANKS AND HOG TROUGHS			
263	Barnyard stock tanks (See Paragraph (e) (2) of L–170)	0	0	49
264	Hog troughs (See Paragraph (e) (2) of L–170)	0	0	58
	DIVISION 7 FEEDERS FEED COOKERS, AND TANK HEATERS			
265	Livestock feeders (See Paragraph (e) (2) of L–170)	0	0	45
266	Feed cookers	0	0	15
267	Tank heaters	0	0	37
	DIVISION 8: BARN DOOR TRACK AND HANGERS			
268	Barn door track	0	9	75
269	Barn door hangers			
	DIVISION 9: OTHER BARN AND BARNYARD EQUIPMENT Including but not limited to ventilating equipment, livestock dipping tanks, hog waterers, dairy scales, cattle and horse clippers, and bull staffs. (List each item separately.)			
270		0	0	22
271				
272				
	DIVISION 10: ATTACHMENTS			
273	Attachments for all items in group 17 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

GROUP 18: FARM POULTRY EQUIPMENT

Item		"A"	"B"	"C"
	DIVISION 1: INCUBATORS			
274	Incubators, 1,000-egg capacity and smaller	0	0	31
275	Incubators, over1,000-egg capacity	0	0	36
	DIVISION 2: FLOOR BROODERS			
276	Oil	0	8	75
277	Coal	0	21	75
278	Gas	0	0	40
279	Wood	0	21	75
280	Electric	0	0	72

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[1] Percentage quota is the same as that listed in the proper column for the machine with which the attachment is used.

GROUP 18: FARM POULTRY EQUIPMENT—Continued

Item		Class of producer "A"	Class of producer "B"	Class of producer "C"
	DIVISION 3: BATTERY BROODERS (HEATED)	*Percent*	*Percent*	*Percent*
281	Three deck and smaller (heated)	0	0	26
282	Four deck (heated)			
283	Five deck (heated)			
	DIVISION 4: GROWING AND LAYING BATTERIES			
284	Growing	0	0	21
285	Laying	0	0	0
	DIVISION 5: POULTRY FEEDERS			
286	Poultry feeders (see par. (e) (2) of L–170)	0	0	36
	DIVISION 6: POULTRY WATERERS			
287	Poultry waterers	0	0	53
	DIVISION 7: LAYING NESTS AND GRIT BOXES			
288	Laying nests (see par. (e) (2) of L–170)	0	0	38
289	Grit boxes (see par. (e) (2) of L–170)			
	DIVISION 8: OTHER FARM POULTRY EQUIPMENT Including but not limited to, egg scales, egg baskets, egg graders, and leg bands. (List each item separately).			
290		0	0	18
291				
292				
	DIVISION 9: ATTACHMENTS			
293	Attachments for all items in Group 18 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

GROUP 19: MISCELLANEOUS FARM EQUIPMENT

Item		"A"	"B"	"C"
	DIVISION 1: BEEKEEPERS' SUPPLIES			
294	Beekeepers' supplies (except bee hives)	0	0	38
295	Bee hives. (See paragraph (e) (2) of L–170)	0	0	57
	DIVISION 2: SILOS			
296	Silos	0	0	12
	DIVISION 3: HORSE SHOES (INCLUDING MULE SHOES)			
297	Horse shoes (including mule shoes) (NOTE.—Calks and nails are considered as repairs.)	0	45	75
	DIVISION 4: HARNESS HARDWARE			
298	Harness hardware	23	23	23
	DIVISION 5: POWER SHEEP SHEARING MACHINES			
299	Power sheep shearing machines	75	75	75
	DIVISION 6: ELECTRIC FENCE CONTROLLERS			
300	Electric fence controllers	0	0	46
301	Electric fence accessories			
	DIVISION 7: FARM HAND TOOLS, INCLUDING BUT NOT LIMITED TO HOES, RAKES, FORKS, SCYTHES, SHOVELS			
302		32	32	32
303				
304				
305				
306				
307				
308				
	DIVISION 8: FARM WOOD-SAWING MACHINES			
309	Farm wood-sawing machines	0	0	16
	DIVISION 9: FARM GATES			
310	Farm gates (See paragraph (e) (2) of L–170)	0	0	40
	DIVISION 10: FARM LIGHTING PLANTS			
311	Farm lighting plants	0	0	0
	DIVISION 11: ATTACHMENTS			
312	Attachments for all items in group 19 expressed in terms of net shipping weight in pounds.[1]	(1)	(1)	(1)

[1] Percentage quota is the same as that listed in the proper column for the machine with which the attachment is used.

EXPORT SCHEDULES

SCHEDULE OF EXPORT QUOTAS BY GROUPS OF COUNTRIES AND QUOTA PERCENTAGES COVERING THE SHIPMENT OF FARM MACHINERY AND EQUIPMENT AND REPAIR PARTS FOR THE PERIOD OF NOVEMBER 1, 1942, TO OCTOBER 31, 1943

(Quotas shown are expressed as a percentage of one half the total weight of shipments made to all the countries in the particular group during the calendar years 1940 and 1941.)

Schedule B–1

Quota Percentage=111%

United Kingdom:

Great Britain
Northern Ireland
Scotland
Wales

Schedule B–2

Quota Percentage=118%

Australia
Union of South Africa
Egypt
British India
Palestine
Liberia
Iran
Turkey
French Oceania
Free French Areas Thereof
British East Africa
Other British West Africa
New Zealand
No. & So. Rhodesia
Gold Coast
Arabia
Russia
Belgian Congo
Madagascar
French Cameroun
Ethiopia
Syria
Gozo
Ceylon
Other British So. Africa
Nigeria
Iraq
China
Iceland
British Oceania
Other French Africa
Cyprus
Malta
Falkland Islands

Schedule B–3

Quota Percentage=39%

Argentine
Chile
Dominican Republic
Guatemala
Mexico
Paraguay
Uruguay
Bolivia
Colombia
Cuba
Haiti
Nicaragua
Peru
Venezuela
Brazil
Costa Rica
Ecuador
Honduras
Panama Republic
Salvador

Schedule B–4

Quota Percentage=61%

Mozambique
Portugal
Switzerland
Newfoundland
Eire
Spain
Angola
Labrador
French West Indies
Sweden
Greenland

Schedule B–5

Quota Percentage=34%

British Guiana
Bermuda
Barbados
Trinidad
Surinam
Jamaica
Curacao
British Honduras
Bahamas
Other British W. Indies

Schedule B–6

Quota Percentage=37%

Alaska	Hawaii
Virgin Islands	Puerto Rico

Schedule B–7

SCHEDULE OF QUOTAS BY ITEMS COVERING THE SHIPMENT TO CANADA OF FARM MACHINERY AND EQUIPMENT AND REPAIR PARTS THEREFOR AND THE PERIOD NOVEMBER 1, 1942, TO OCTOBER 31, 1943

(Quotas shown are expressed as a percentage of the number of units of each item shipped to Canada during the calendar year 1940. Items not listed are not to be manufactured for shipment to Canada.)

	Quota percentage
Group I—Seeding and Fertilizing Machinery:	
Grain Drill (Plain)	2
Grain Drill (Press)	0
Corn Planter and Drill	25
Potato Planter	20
Manure Spreader	30
Other Planting and Seeding (including Beet Drills and Transplanter)	20
Group II—Plows:	
Walking Plow—1 furrow	33
Tractor Plow	22
Disc Plow	0
Harrow Plow—One Way Disc—Tiller	32
All other Plows (including Integral)	31
Group III—Tillage and Cultivating Machinery:	
Scufflers and Horse Hoes	25
Corn Cultivators	25
Field Cultivators	30
All other Cultivators (including Beet, Tobacco, and Integral)	20
Drag Harrow Sections	7
Spring Tooth Harrows	23
Disc Harrows	25
Group IV—Haying Machinery:	
Mower	30
Hayloader	35
Side Rake and Tedder	25
Dump Rake	25
Pick-up Baler and Hay	100
All other Haying Machines (including Hay forks, knives, etc.)	25
Group V—Harvesting Machinery:	
Horse Drawn Grain Binder	0
Tractor Grain Binder	0
Corn Binder	25
Combine—Reaper, Thresher	33
Swather	20
Stationary Thresher	0
Potato Digger	25
Corn Sheller	25
Corn Picker (150 units Mfgr. designated later)	
Other Harvesting Equipment, including Beet Lifters)	25
Group VI—Sundry Machines for Preparing Crops for Market or Use:	
Grinder, Feed Cutter, Roller, Pulper	50
Ensilage Cutter	35
Hammer Mill	7
Grain Loader or Elevator	25
Group VII—Farm Power:	
Wheel Tractor	24
Stationary Engine	50
Group VIII—Wagons, Trucks, Sleighs:	
Wagon Gears	60
Farm Truck	60
Group IX—Dairy Equipment:	
Milking Machine Complete	100
Cream Separator	84
Churn	100
Group X—Sprayers and Dusters:	
Potato and Orchard Sprayer and Duster	50
Sprayer Pump	54
Group XI—Domestic Water System:	
Well or Cistern Pump	50
Pump Jack	50
Windmill Head	50
Domestic Water Pressure System	25
Group XII—Barn and Barnyard Equipment	0
Group XIII—Miscellaneous Equipment:	
Incubator	40
Brooder (Floor Type)	40
Wheel Barrow (Wood Only)	53
Sheep Shearers and Animal Clippers	239
Attachments and Repair Parts	150

[F. R. Doc. 42–10540; Filed, October 19, 1942; 12:51 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 1, § 944.18, Interpretation 1]

The following official interpretation is hereby issued with respect to § 944.18 of Priorities Regulation No. 1, as amended:

The impression has arisen that orders and regulations of the War Production Board which restrict the sale, transfer or delivery of materials, products or equipment, need not be observed in the case of sales made by auctioneers, receivers, trustees in bankruptcy, and other cases where the assets of a business are being liquidated. This impression is erroneous.

All orders and regulations of the War Production Board which control the sale, transfer or delivery of any material, product or equipment, apply to sales made by any person, whether for his own account or for the account of others, and all restrictions upon accepting delivery apply to acceptance of delivery at any type of sale, except as otherwise provided in Priorities Regulation No. 13 with respect to "special sales" or as otherwise provided in any other applicable regulation or order. Any sale made in violation of any order or regulation or any delivery accepted in violation of any order or regulation, subjects parties to all penalties provided by law, including liability for prosecution under Title III of the Second War Powers Act, which specifies penalties up to $10,000 or imprisonment for one year or both.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10578; Filed, October 20, 1942; 11:11 a. m.]

PART 1054—LEAD AND TIN SCRAP

[Supplementary Order M–72–a, as Amended October 20, 1942]

TINNED AND DETINNED SCRAP

Section 1054.2 *Supplementary Order M–72–a* is hereby amended to read as follows:

(a) *Additional definitions.* For the purposes of this order:

(1) "Tinned scrap" means scrap consisting of tin plate, whether clippings, used tin cans, or in any other form.

(2) "Detinned scrap" means tinned scrap which has been treated by a chemical or electro-chemical detinning process so that it contains not more than $\frac{3}{10}$ of one percent of tin by weight.

(3) "Tin plate clippings" means tinned scrap consisting of new or reclaimed tin plate, generated in the manufacture of cans, closures, or other articles.

(b) *Restrictions on tinned scrap and terne plate scrap.* Except with specific permission of the Director General for Operations:

(1) *Iron and steel producers.* No person shall deliver tinned scrap or used cans made of terne plate (as terne plate is defined in Supplementary Order M–21–e, as amended) to a producer of steel or iron products (as defined in Order M–21, as amended), and no such producer shall accept delivery of tinned scrap or used cans made of terne plate.

(2) *Tin plate clippings.* No person shall deliver or accept delivery of tin plate clippings except where delivery is made to a broker or dealer or a detinning plant. Subject to the restrictions of Order M–21–e, and other applicable orders, the provisions of this paragraph (b) (2) do not prohibit a manufacturer from using himself, in further manufacturing operations, tin plate clippings generated in the course of his operations.

(3) *Tinned scrap.* No person shall deliver or accept delivery of tinned scrap except where delivery is made to or for the account of a broker or dealer for sale or resale by him in the form received, a municipal department or agency, a shredding or detinning plant, a plant engaged in the precipitation of copper, or if the scrap is in the form of used tin cans, a person regularly engaged in the collection of rubbish or trash.

The restrictions of this paragraph (b) (3) shall not apply to deliveries of used tin cans to or for the account of any person for reuse by him in packing any product which is permitted to be packed in tin cans by existing or future orders of the War Production Board; nor shall any of the provisions of this paragraph (b) (3) apply to tinned scrap in the form of crown or screw caps or similar closures for tin cans or other containers.

(4) *General permission to acquire used tin cans.* In appropriate cases general permission to acquire used tin cans will be granted, upon such terms and conditions as the Director General for Operations may impose, to persons other than those permitted to accept delivery under paragraphs (b) (3), (b) (5) or (b) (6) of this order, who should make application for such permission by letter addressed to the War Production Board, Washington, D. C., Reference: M–72–a. If the applicant for such permission is a manufacturer of crown caps or is engaged in the business of bottling or distributing beverages, he shall execute and file with his letter of application a certificate substantially in the form of Exhibit 1 annexed to this order, and when authorized shall be held responsible for using his best efforts, in cooperation with official local collecting agencies to collect for such agencies all cans smaller than size No. 10.

(5) *Collection, segregation and disposal of used tin cans in counties on Schedule A.* On and after November 4, 1942, no person (including a municipal department or agency) in any of the counties listed in Schedule A, who is regularly engaged in collecting rubbish or trash shall:

(i) Reject any used tin cans offered him in the usual course of his collection of rubbish or trash;

(ii) Mingle any used tin cans, collected by him, with any other refuse, rubbish, or trash;

(iii) Dispose of any used tin cans, collected by him in any manner other than by delivering such cans;

(*a*) Directly to a shredding or detinning plant or a plant engaged in the precipitation of copper, or to a duly authorized agent of any such plant; or

(*b*) To a municipal department or agency for delivery by such department or agency to a shredding or detinning plant or a plant engaged in the precipitation of copper, or a duly authorized agent of any such plant.

(6) *Collection, segregation and disposal of prepared used tin cans in areas on Schedule B.* On and after November 17, 1942, no person (including a municipal department or agency) who is regularly engaged in collecting rubbish or trash, within any municipality having a population of 25,000 or more located in any of the areas listed on Schedule B, shall:

(i) Reject any prepared used tin cans offered him in the usual course of his collection of rubbish or trash;

(ii) Mingle any prepared used tin cans which were segregated at the time of their collection, with any other refuse, rubbish or trash;

(iii) Dispose of any such segregated and prepared used tin cans in any manner other than by delivering such cans:

(*a*) Directly to a shredding or detinning plant or a plant engaged in the precipitation of copper, or to a duly authorized agent of any such plant; or

(*b*) To a municipal department or agency for delivery by such department or agency to a shredding or detinning plant or a plant engaged in the precipitation of copper, or a duly authorized agent of any such plant.

For the purpose of this paragraph (b) (6), the term "prepared used tin cans" means tin cans from which the contents have been emptied and the labels and ends removed; which have been thoroughly cleaned so as to remove all organic matter, and have had their sides flattened.

(c) *Restrictions on sales of detinned scrap.* Except with specific permission of the Director General for Operations, no person producing detinned scrap at a detinning plant located in any of the counties listed in Schedule A hereto shall deliver detinned scrap produced at such plant except to a plant engaged in the precipitation of copper.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125; 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT 1

CERTIFICATE OF MANUFACTURER OF CROWN CAPS, BOTTLER OR DISTRIBUTOR UNDER PARAGRAPH (b) (4) OF SUPPLEMENTARY ORDER M–72–a

NOTE.—This form may be reproduced for use by an applicant for permission to acquire used tin cans under the provisions of paragraph (b) (4) of the foregoing Supplementary Order M–72–a.

The undersigned hereby certifies to the War Production Board that in the event that the undersigned is granted permission to acquire used tin cans pursuant to the accompanying letter of application therefor, the following terms and conditions with respect to the handling and disposition of such cans by the undersigned, and all other terms and conditions which may be imposed by the War Production Board will be strictly complied with:

1. *No. 10 and larger cans.* The bodies of such cans may be used for the manufacture of crown caps: *Provided,* That in the preparation of the cans before use for the manufacture of crown caps the cans shall be cleaned; both ends shall be removed and delivered to shredding or detinning plants; the side seams and end rings shall also be removed and may be delivered to shredding plants, but must not be delivered to detinning plants; all residual scrap remaining after the manufacture of crown caps from the bodies of the cans shall be delivered to shredding or detinning plants; with the result that at least 50% by weight of the detinnable scrap represented by all such used cans when acquired will be finally received by shredding or detinning plants.

2. *All other cans.* All cans other than those of the size of No. 10 or larger are to be delivered to shredding or detinning plants. Such cans as are to be delivered to detinning plants are to be cleaned, both ends are to be removed and the bodies flattened.

------------------ (Name of company)
------------------ (Name of authorized official)

------------------ (Date)
------------------ (Title of authorized official)

SCHEDULE A

California: Alameda, Contra Costa, Fresno, Imperial, Kern, Los Angeles, Marin, Merced, Monterey, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Ventura, Yolo, Yuba.

Kansas: Atchison, Brown, Doniphan, Douglas, Franklin, Jefferson, Johnson, Leavenworth, Miami, Osage, Shawnee, Wyandotte.

Missouri: Buchanan, Caldwell, Carroll, Cass, Clay, Clinton, Henry, Jackson, Johnson, Lafayette, Livingston, Pettis, Platte, Ray, Saline.

Texas: Anderson, Austin, Basque, Brazoria, Brazos, Burleson, Chambers, Cherokee, Collin, Colorado, Cooke, Dallas, Delta, Denton, Ellis, Erath, Falls, Fannin, Fayette, Fort Bend, Freestone, Galveston, Grayson, Grimes, Hardin, Harris, Henderson, Hill, Hood, Hopkins, Hunt, Jack, Jasper, Jefferson, Johnson, Kaufman, Lamar, Liberty, Limestone, Madison, McLennan, Matagorda, Montague, Montgomery, Navarro, Orange, Palopinto, Parker, Polk, Rains, San Jacinto, Smith, Somervell, Tarrant, Trinity, Tyler, Van Zandt, Walker, Waller, Washington, Wharton, Wise, Wood.

SCHEDULE B

Minnesota (only the cities of Minneapolis, St. Paul and Duluth); Missouri, (only the city of St. Louis); Illinois, Indiana, Michigan, Ohio, Kentucky, West Virginia, Pennsylvania, Virginia, New York, Massachusetts, Rhode Island, Maryland, Connecticut, New Jersey, Delaware, District of Columbia.

[F. R. Doc. 42–10579; Filed, October 20, 1942; 11:11 a. m.]

PART 1068—CANS MADE OF TINPLATE OR TERNEPLATE

[Amendment 4 to Conservation Order M–81, as Amended June 27, 1942]

Section 1068.1 *Conservation Order M–81, as amended June 27, 1942* is hereby amended as follows:

1. The following sentences are hereby deleted from paragraph (c) (3):

If cans are opened for repacking the contents thereof, every can larger than No. 12 (603 x 812) shall be thoroughly cleaned and reused as long as the tin coating permits, and then sent to a detinning plant for salvage of the tin and scrap steel; and every can sized No. 12 (603 x 812) or smaller shall be reused or sent to a detinning plant for salvage of the tin and scrap steel. Such cans shall be sent to a detinning plant in carload lots, or in less than carload lots whenever shipping costs render shipment practical.

2. Item No. 1 of Exhibit B, entitled "Apples, including Crabapples and Applesauce," is hereby deleted.

3. Item No. 7 of Meats in Table II is hereby amended to read as follows:

Bulk sausage meat, containing, by weight, not to exceed 3½ percent cereal and not to exceed 3 percent added water; and only when packed without casings and cooked entirely in the can. 125 percent of 1940 Pack.

4. Item No. 7 of Table III, entitled "Insecticides," is hereby deleted.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10580; Filed, October 20, 1942; 11:12 a. m.]

PART 1117—GAS MASKS AND ANTI-GAS DEVICES

[General Limitation Order L–57, Amendment 1]

Part 1117—Gas Masks, is amended to read:

Part 1117—Gas Masks and Anti-Gas Devices

Paragraphs (a) (3), (b) (2), and (b) (3) respectively, of § 1117.1 *General Limitation Order L–57*[1] hereby are amended to read as follows:

(a) * * *

(3) "Anti-gas device" means any device, equipment, ointment, preparation, instrument, clothing or other material, except a gas mask, claimed or purported to be adapted for use by civilians for protection against, or warning or detection of, enemy gas attack or held or advertised for sale for any such use.

(b) * * *

(2) No person shall accept delivery of any material to be physically incorporated in any unapproved gas mask or unapproved anti-gas device.

(3) No person shall sell or deliver any material which he knows or has reason to believe will be used in the manufacture of any unapproved gas mask or unapproved anti-gas device.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10581; Filed, October 20, 1942; 11:13 a. m.]

PART 1160—COAL STOKERS

[General Limitation Order L–75, as Amended October 20, 1942]

Section 1160.1 *General Limitation Order L–75* is hereby amended to read as follows:

§ 1160.1 *General Limitation Order L–75*—(a) *Definitions.* For the purposes of this order,

(1) "Coal stoker" means any device designed and produced for the purpose of feeding coal as a fuel to a combustion chamber; including, but not limited to, any feed screw, ram, spreader, or moving grate. Coal stokers shall not include any device designed and produced for the purpose of feeding coal as a fuel to a locomotive.

(2) "Class A coal stoker" means any coal stoker which has a grate area of 36 square feet or less, and a coal feeding capacity in excess of 60 pounds per hour.

(3) "Class B coal stoker" means any coal stoker which has a maximum coal feeding capacity not in excess of 60 pounds per hour.

(b) *General restrictions*—(1) *Restrictions on orders for Class A coal stokers.* No person shall place an order for the manufacture of a Class A coal stoker unless such order is accompanied by the authorization of the Director General for Operations on PD 668. Any order so authorized by the Director General for Operations shall be deemed a "rated order" for the purposes of § 944.2 of Priorities Regulation No. 1.

(2) *Restrictions on delivery.* On and after the 4th day of November, 1942, notwithstanding any contract or preference rating, no manufacturer of a Class A coal stoker shall deliver or transfer any such stoker except:

(i) In accordance with specific authorization given by the Director General for Operations.

(ii) Such Class A stokers as are listed as unfilled orders in the schedule required to be filed with the War Production Board by paragraph (b) (3) of this order.

The Director General for Operations may, in his discretion, at any time before delivery of a Class A stoker by a manufacturer, revoke or modify any authorization for the delivery of a Class A stoker granted under the provisions of this paragraph (b).

(3) *Filing of schedule of production and delivery by manufacturers of Class A coal stokers.* On the 4th day of November, 1942, each manufacturer of Class A coal stokers shall file, by registered mail, a schedule of production and delivery with the War Production Board, Plumbing and Heating Branch, Washington, D. C., setting forth the following information:

All unfilled orders for Class A coal stokers received on or before the 4th day of November, 1942; a brief description of each stoker (including feeding capacity in pounds per hour and extent of completion); the schedule date of each delivery and the name and address of the person ordering each stoker, together with any preference rating applied or extended to such delivery.

No manufacturer shall change the date of any delivery as so scheduled to a later date without specific authorization from the Director General for Operations.

(4) *Specific exemptions.* Until the 23rd day of November, 1942, the provisions of this paragraph (b) shall not apply to any order for Class A coal stoker to be used by the Army, Navy, Maritime Commission or War Shipping Administration of the United States.

(5) *Restriction on manufacture of Class B stokers.* No person shall manufacture a Class B stoker.

(c) *Manufacture of replacement parts.* Nothing in this order shall be construed to prohibit or restrict the manufacture of replacement parts for any type of coal stoker.

(d) *Avoidance of excessive inventories.* No person shall accumulate inventories of any materials (whether raw, semi-processed or processed) for manufacture into coal stokers in excess of the minimum amount necessary to maintain production of coal stokers to the extent permitted by this order.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(f) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Reports.* Each manufacturer to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(j) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(k) *Applicability of other orders.* Insofar as any other order issued by the Director General for Operations, or to be issued by him hereafter, limits the use of any material to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern, unless otherwise specified therein.

(l) *Routing of correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Plumbing and Heating Branch, Washington, D. C., Ref: L–75.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10582; Filed, October 20, 1942; 11:11 a. m.]

PART 1246—CHEMICAL COTTON PULP

[Conservation Order M–157, as Amended October 20, 1942]

Section 1246.1 is hereby amended to read as follows:

§ 1246.1 *Conservation Order No. M–157*—(a) *Definitions.* For the purpose of this order:

(1) "Chemical cotton pulp" means pulp manufactured by chemically purifying raw cotton fibres, sometimes described as "cotton linter pulp" or "cottonseed hull shavings pulp."

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[1] 7 F.R. 1674.

(2) "Producer" means any person producing chemical cotton pulp.

(3) "Consumer" means any person who purchases or accepts delivery of chemical cotton pulp for use or resale.

(b) *Restrictions on deliveries of chemical cotton pulp.* (1) No producer shall deliver chemical cotton pulp, and no person shall accept delivery of chemical cotton pulp from a producer, except as specifically authorized by the Director General for Operations upon application pursuant to paragraph (d), or as provided in paragraph (c).

(2) Each person specifically authorized to accept delivery of chemical cotton pulp shall use such chemical cotton pulp for the purpose authorized, except as otherwise specifically directed by the Director General for Operations.

(3) The Director General for Operations in his discretion may at any time issue special directions to any person with respect to the use or delivery of chemical cotton pulp by such person, notwithstanding the provisions of paragraph (c) hereof, or special directions to any producer with respect to the kinds of chemical cotton pulp which he may or must manufacture, the amount of his monthly production which he shall withhold as a reserve, and the disposition of such production reserve.

(c) *Exemptions.* Specific authorization of the Director General for Operations shall not be required with respect to deliveries by a producer (which may be made without regard to preference ratings) of two thousand (2,000) pounds or less of chemical cotton pulp in any one month (in lots of not more than five hundred (500) pounds to any one consumer in any one month), and the acceptance by a consumer of delivery of five hundred (500) pounds or less of chemical cotton pulp in any one month.

(d) *Applications and reports.* (1) Each consumer seeking authorization to accept delivery of chemical cotton pulp during any calendar month shall file application on or before the 5th day of the month preceding the month for which authorization for use or delivery is requested. Such application shall be made on Form PD–600 in the manner prescribed therein, subject to the following instructions for the purpose of this order:

(i) Copies of Form PD–600 may be obtained at local offices of the War Production Board.

(ii) Five copies shall be prepared, of which three certified copies shall be sent to the War Production Board, Chemicals Branch, Washington, D. C., Ref: M–157, and one (with Tables II, III and IV blank) shall be forwarded to the supplier. A separate set of forms shall be prepared for each plant location of the applicants, and for each supplier from whom pulp is requested.

(iii) In the heading, under name of chemical, specify chemical cotton pulp; under War Production Board order number, specify M–157; under unit of measure, specify short tons (2,000 lbs.); under name of company, specify name and mailing address; under delivery destination, show plant location; fill in supplier's name and his shipping point; and specify the month and year for which authorization for acceptance of delivery is sought.

(iv) In Columns 1, 11 and 19, specify "loose" or "sheeted".

(v) In Column 2, specify quantity of chemical cotton pulp requested for each use listed in Column 4.

(vi) In Column 3, specify primary product in terms of the following:

Viscose products.
Cellulose acetate products.
Cellulose nitrate products.
Cupra-ammonium products.
Acetate propionate.
Acetate butyrate.
Ethyl cellulose.
Methyl cellulose.
Other (specify).

(vii) In Column 4, specify product use in terms of the following:

Rayon filament yarn (other than high-tenacity).
Rayon staple fibre.
Rayon high-tenacity yarn.
Plastics (molding compounds).
Plastics (sheets, rods and tubes).
Film (photographic).
Film (other than photographic).
Surface coatings (lacquers, paints, etc.).
Explosives (military propellants).
Explosives (other than military propellants).
Meat casings.
Other (specify).

(viii) In columns 12 and 15 show separately, amounts on hand and amounts in transit directed to the applicant and subject to a bill of lading.

(ix) Leave Table IV blank on all copies, and Tables II and III blank on supplier's copy.

(2) Each consumer who has not filed an application on Form PD–600 pursuant to paragraph (d) (1) above during any month and who on the first of such month had on hand one ton (2,000 lbs.) or more of chemical cotton pulp, shall file a report on or before the 5th day of such month. Such report shall be made on Form PD–600, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

(i) Copies of Form PD–600 may be obtained at local offices of the War Production Board.

(ii) Two copies shall be prepared, of which one certified copy shall be sent to the War Production Board, Chemicals Branch, Washington, D. C., Ref: M–157. A separate set of forms shall be prepared for each plant location.

(iii) In the heading, under name of chemical, specify chemical cotton pulp; under War Production Board order number, specify M–157; under unit of measure, specify short tons (2,000 lbs.); under name of company, specify name and mailing address; and leave delivery destination, supplier and his shipping point blank.

(iv) Leave Tables I, III and IV blank, filling in only Table II.

(v) State "last month" in heading of table II (the month preceding the month in which report is filed).

(vi) In column 11, specify "loose" or "sheeted".

(vii) In columns 12 and 15 show separately amounts on hand and amounts in transit directed to the reporting consumer and subject to a bill of lading.

(3) Each producer shall, on or before the 15th day of each month, file a report and apply for authorization to make deliveries during the next month. Such application and report shall be made on Form PD–601, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

(i) Copies of Form PD–601 may be obtained at local offices of the War Production Board.

(ii) Prepare five copies, of which four certified copies shall be forwarded to the War Production Board, Chemicals Branch, Washington, D. C., Ref: M–157. A separate set of forms shall be prepared for each plant location.

(iii) Suppliers who have filed application on Form PD–600, specifying themselves as their suppliers, shall list their own names as customers on Form PD–601, and shall list their request for allocation in the manner prescribed for other customers.

(iv) In the heading, under name of chemical, specify chemical cotton pulp; under War Production Board order Number, specify M–157; under name of company, state name and mailing address; state plant location and check producer box; state the month and year during which deliveries covered by the application are to be made; and under unit of measure, specify short tons (2,000 lbs.).

(v) Fill in Tables I and II, leaving only Columns 6 and 7 blank.

(vi) In Column 1 group customers by grade ("loose" first, and "sheeted" second), and list customers alphabetically in each group.

(vii) In Column 3, specify "loose" or "sheeted" grades as stated in customer's Form PD–600.

(viii) The supplier may, if he wishes, leave Column 5 blank.

(ix) In Column 8, specify "loose" or "sheeted".

(x) Stocks shown in Columns 10 and 13 should be the actual stock on hand at the time stated, excluding chemical cotton pulp in process or subject to a bill of lading, directed to a consumer.

(xi) If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

(e) *Special provisions governing applications and reports.* (1) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any such person with respect to preparing and filing Forms PD–600 and PD–601.

(2) Each producer who consumes all or part of his production of chemical cotton pulp shall treat the production and consumption parts of his operations as separate divisions within the meaning of paragraph (f) (3) hereof, and in his separate capacity as a consumer and as a producer shall file all the applications and reports required by paragraph (d).

(3) Each producer shall notify the War Production Board of the cancellation of any authorized delivery or of inability to make any authorized delivery

as soon as possible after he has notice of such fact.

(f) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Records.* In addition to the records required to be kept by Priorities Regulation No. 1, as amended, each producer and each consumer shall retain for a period of not less than two years copies of all purchase orders for chemical cotton pulp, whether accepted or rejected, segregated from all other purchase orders or filed in such manner that they can readily be produced for inspection by representatives of the War Production Board.

(3) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of chemical cotton pulp shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(4) *Violations.* Any person who wilfully violates any provision of this order or who in connection with this order wilfully conceals a material fact or wilfully furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(5) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C. Ref: M–157.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10583; Filed, October 20, 1942; 11:13 a. m.]

PART 1284—BALSA

[Amendment 1 to General Conservation Order M–177]

Section 1284.1 *General Conservation Order M–177*[1] is hereby amended in the following respects:

1. By amending paragraph (a) to read as follows:

(a) *Definitions.* For the purposes of this order:

(1) "Balsa" means the wood of the several species of the genus *Ochroma* in the form of logs, hewn timbers, blocks or lumber, including boards, planks, dimension, squares, cants, flitches, timbers and other sawed forms, whether rough or dressed, but does not include scrap balsa.

(2) "Scrap balsa" means balsa waste unavoidably accumulated as the result of breakage of balsa while in transit or in the process of handling; or as the result of trimming defective portions from defective boards; or in processing boards in the course of manufacturing any of the products specified in paragraph (c) of this order.

2. By adding to paragraph (d) a new subparagraph (3) as follows:

(3) The restrictions of this order shall not apply to the sale, delivery or use of any balsa which on August 3, 1942 had been manufactured into any length and width but not exceeding ⅜ inch in thickness, or into any length and thickness but not exceeding 2½ inches in width, or into any width and thickness but not exceeding 10 inches in length.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10573; Filed, October 20, 1942; 11:12 a. m.]

PART 1293—HAND TOOLS SIMPLIFICATION

[Limitation Order L–157, Schedule I, Amendment 3]

Section 1293.2 *Schedule I to Limitation Order L–157* is hereby amended in the following respects:

Paragraph (c) *Effective date of simplified practices* is hereby amended by striking out said paragraph (c) and substituting the following:

(c) *Effective date of simplified practices.* (1) On and after September 1, 1942, no hand shovels, spades, scoops or telegraph spoons which do not conform to the sizes and standards established by paragraph (b) hereof (and set forth in the Appendix hereto) shall be produced or delivered by any producer or accepted by any person from any such producer except:

(i) Hand shovels, spades, scoops and telegraph spoons, not so conforming may be produced by a producer from any material in the hands of such producer on August 10, 1942, and delivery of any such shovels, spades, scoops and telegraph spoons may be accepted; or

(ii) With the express permission of the Director General for Operations.

(2) On and after August 10, 1942, no material for the manufacturing of hand shovels, spades, scoops or telegraph spoons shall be accepted by any producer which does not conform to the sizes and standards set forth in Appendix A attached hereto.

Amendment No. 1 to Appendix A to Schedule I issued August 4, 1942, is hereby amended by striking out the first three lines thereof reading as follows:

Appendix A to § 1293.1 (Schedule I to Limitation Order L–157) is hereby amended in the following respects:

and substituting therefor the following:

Appendix A to § 1293.2 (Schedule I to Limitation Order L–157) is hereby amended in the following respects:

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10574; Filed, October 20, 1942; 11:13 a. m.]

PART 3049—SOFTWOOD LUMBER

[Conservation Order M–208, Amendment 4]

Subparagraph (a) (6) of § 3049.1 *Conservation Order M–208* is hereby amended to read as follows:

(6) "Producer" means any plant which processes, by sawing, edging, planing or other comparable method, 25% or more of the total volume of logs and lumber purchased or received by it, and which sells as lumber the product of such processing.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10575; Filed, October 20, 1942; 11:13 a. m.]

PART 3088—MOBILE HOUSING

[Limitation Order L–205]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metal and other materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the war effort:

§ 3088.1 *Limitation Order L–205*—(a) *Definitions.* For the purposes of this order:

(1) "Mobile housing unit" means a mobile house or an expansible mobile house.

(2) "Mobile house" means a portable shelter designed and constructed to be used as a human habitation and to be towed or transported without being dismantled or substantially changed in form.

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[1] 7 F.R. 5985.

(3) "Expansible mobile house" means a mobile house so constructed that an overall dimension thereof may be enlarged by mechanical operation to increase the cubic content, or such dimension may be reduced by the same operation in reverse.

(4) "Running gear" means any undercarriage used for the transportation of a mobile housing unit, including wheels, axle and springs or any part thereof.

(5) "Copper" means unalloyed copper metal including unalloyed copper metal produced from scrap.

(6) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy including alloy metal produced from scrap.

(b) *Restrictions on manufacture of mobile housing units.* (1) On and after the 27th day of October 1942, notwithstanding any agreement, contract or preference rating to the contrary, no person shall manufacture any mobile housing unit except to fill a specific order which:

(i) Has been placed with him prior to the 27th day of October 1942, by the National Housing Agency or a person authorized by the National Housing Agency; or

(ii) Is placed with him on or subsequent to the 27th day of October 1942, by the National Housing Agency or by a person authorized in writing by the National Housing Agency to order a mobile housing unit, such order bearing a rating of AA–5 or better.

(2) On and after the 27th day of October 1942, notwithstanding any contract, agreement or preference rating to the contrary, no person shall manufacture a mobile house except a mobile house:

(i) Containing, exclusive of any running gear, heater, stove, icebox, water bucket and unattached or movable furniture, iron and steel not to exceed two hundred and seventy-five (275) pounds; and

(ii) Containing, inclusive of the drop cord, copper or copper base alloy as permitted by the limitations established under General Conservation Order M–9–c, but in no case to exceed more than three (3) pounds; and

(iii) Having a maximum interior body length of twenty-two (22) feet and six (6) inches; and

(iv) Constructed and built in accordance with specifications approved by the National Housing Agency or a person authorized in writing by the National Housing Agency to purchase or receive delivery of such a mobile housing unit.

(3) On and after the 27th day of October 1942, notwithstanding any agreement, contract or preference rating to the contrary, no person shall manufacture an expansible mobile house except an expansible mobile house:

(i) Containing, exclusive of any running gear, plumbing equipment, heater, stove, icebox, water bucket and unattached or movable furniture, iron and steel not to exceed three hundred and ten (310) pounds; and

(ii) Containing inclusive of the drop cord, copper or copper base alloy as permitted by the limitations established under General Conservation Order M–9–c, but in no case to exceed more than five (5) pounds; and

(iii) Constructed and built in accordance with specifications approved by the National Housing Agency or a person authorized in writing by the National Housing Agency to purchase or receive delivery of such a mobile housing unit.

(4) Notwithstanding any contract, agreement or preference rating to the contrary, no person shall construct more than one hundred and fifty (150) mobile housing units during the period from the 20th day of October 1942, to the 1st day of November 1942, and any calendar month thereafter.

(c) *Restrictions on sale of mobile housing unit.* No manufacturer of a mobile housing unit shall sell or deliver any such unit manufactured or assembled subsequent to the 27th day of October 1942, except to the National Housing Agency or a person authorized by the National Housing Agency to purchase or receive such mobile housing unit, provided any such order received by him subsequent to the 27th day of October 1942, shall bear a preference rating of AA–5 or better.

(d) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales (including sale or delivery of scrap).

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports and communications.* (1) Each person affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be requested by the Board from time to time.

(2) All reports required hereunder, and all communications concerning the order shall be addressed to: War Production Board, Lumber and Lumber Products Branch, Washington, D. C., Reference: L–205.

(g) *Violations and false statements.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Appeals.* Any person affected by this order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may apply for relief by addressing a letter in triplicate to the War Production Board, Lumber and Lumber Products Branch, Washington, D. C., Ref.: L–205, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10576; Filed, October 20, 1942; 11:13 a. m.]

PART 3090—X-RAY EQUIPMENT

[General Limitation Order L–206]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export of the materials entering into the manufacture of x-ray equipment; and the following order is deemed necessary and appropriate in the public interest and to promote the war effort:

§ 3090.1 *General Limitation Order L–206*—(a) *Definitions.* For the purposes of this order:

(1) "X-ray equipment" means the following radiographic equipment (including non-medical industrial radiographic equipment), fluoroscopic equipment and therapy equipment: power units; radiographic, fluoroscopic, and therapy tables; photo-fluorographic units; cassette changers; tube stands; stationary grids; and bucky diaphragms. The term shall not include used or rebuilt equipment, nor any parts, accessories or appliances used in connection with radiography, fluoroscopy or therapy, other than the items specifically named above.

(2) "Power unit" means a high-voltage transformer (with or without rectifying tubes) and control for x-ray use.

(3) "Radiographic, fluoroscopic or therapy table" means a table adapted for placing a patient in a position for radiography, fluoroscopy or therapy, and may be either stationary or tilting.

(4) "Photo-fluorographic unit" means an instrument for photographing the image cast by x-rays through a patient on a fluoroscopic screen. It includes a camera, supporting stand, and fluoroscopic screen. It is also known as a "photo-roentgen unit" or a "photo-fluorograph."

(5) "Cassette changer" means equipment designed to hold two cassettes (one protected from x-rays by a lead shield, and one in the radiographic field) which is constructed to interchange the position of the cassettes.

(6) "Tube stand" means a tubular or frame support (mounted on a base which is either mobile or stationary) which is designed to hold the carriage of an x-ray tube head and allow its vertical movement.

(7) "Stationary grid" means a flat plate made of strips of material which offer little resistance to x-rays and which serve as spacers for strips of lead foil.

It is used in radiography and fluoroscopy to reduce secondary radiation. It is also known as a "wafer grid".

(8) "Bucky diaphragm" means a mechanism incorporating a stationary grid in a movable carriage which is designed to eliminate secondary radiation and grid shadows from the x-ray film.

(9) "Manufacturer" means any person engaged in the manufacturing, fabricating or assembling of x-ray equipment.

(b) *Restrictions on the manufacture of x-ray equipment.* No manufacturer shall manufacture, continue the manufacture of, or assemble any models or types of x-ray equipment other than the permitted number of models of the types set forth and described in Schedule A, attached hereto.

(c) *Restrictions on the sale and delivery of x-ray equipment.*

(1) No person shall sell, transfer, or deliver any x-ray equipment except:

(i) To the Army or Navy of the United States, the United States Maritime Commission and the War Shipping Administration, or

(ii) To persons (such as hospitals, medical departments of industrial concerns, and other persons desiring to receive x-ray equipment) who have filed Form PD–556 pursuant to paragraph (d) of this order, and have been specifically authorized on such form by the Director General for Operations to receive x-ray equipment.

(2) No person shall receive or accept transfer or delivery of any x-ray equipment if he knows or has reason to believe that the transfer or delivery of such x-ray equipment is prohibited by the terms of paragraph (c) (1) of this order.

(d) *Applications on Form PD–556.* Each person seeking authorization, as permitted by paragraph (c) (1) (ii) of this order, to receive x-ray equipment shall prepare Form PD–556 (copies of which form may be obtained at the local offices of the War Production Board) in the manner prescribed therein, subject to the following instructions:

(1) The form should be filed only by the person (transferee) desiring to receive x-ray equipment and not by the person (transferor) desiring to make delivery of such equipment.

(2) Applicants are not required to fill in section (6).

(3) Under section (5) give the following information:

(i) State whether or not you have in use any X-ray equipment, as defined in paragraph (a) (1) of this order. If so, (1) describe such equipment, (2) state the average number of patients per week on which such equipment is now used, and (3) state whether the equipment applied for would be used to replace existing equipment or is needed for expansion of existing facilities.

(ii) State how you now accomplish the work for which the equipment applied for would be used.

(iii) State what attempts you have made to obtain used or rebuilt equipment.

(iv) Give any other pertinent information which bears on the question of your need for the equipment for which application is made.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, sales, and deliveries.

(f) *Reports.* All persons affected by this order shall file such reports as may be required from time to time by the War Production Board.

(g) *Appeals.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board (Ref: L–206) setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(h) *Applicability of Priorities Regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board as amended from time to time.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Communications to War Production Board.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Health, Safety and Technical Supplies Branch, Washington, D. C., Ref.: L–206.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

Permitted number of models	Permitted types	Description of permitted types
1	Power unit	Not to exceed 100 milliamperes at 90 KVP. Self-rectifying, with mobile control.
1	Power unit	Not to exceed 200 milliamperes at 100 KVP. Full wave rectification, of a 2-tube design; either mobile or stationary control, or both.
1	Power unit	½ Microfarad condenser discharge.
1	Power unit	Therapy unit, not to exceed 160 KVP.
1	Power unit	Therapy unit, not to exceed 250 KVP.
1	Dental x-ray unit.	Wall model, not to exceed 15 milliamperes at 80 KVP.
1	Dental x-ray unit.	Floor model, not to exceed 15 milliamperes at 80 KVP.
1	Vertical fluoroscope.	Power unit not to exceed 15 milliamperes at 90 KVP.
1	Portable unit	Power unit not to exceed 15 milliamperes at 85 KVP. A portable unit is one that is easily disassembled and transported. It may be equipped with or without casters, and with either a collapsible or non-collapsible stand.
1	Mobile or bedside unit.	Power unit not to exceed 30 milliamperes at 90 KVP. It is specially designed for moving on its own casters.
1	Army field unit	Light duty, with a power unit not to exceed 15 milliamperes, manufactured in accordance with the specifications of the Army of the United States.
1	Army field unit	Power unit not to exceed 30 milliamperes, manufactured in accordance with the specifications of the Army of the United States.
1	Army tilting fluoroscopic unit.	Light weight table, containing power unit not to exceed 15 milliamperes at 90 KVP, manufactured in accordance with the specifications of the Army of the United States.
1	Army field table	Manufactured in accordance with the specifications of the Army of the United States.
1	Tilting table	Radiographic and fluoroscopic table, with or without mounting for fluoroscopic tube. The model may be hand-operated (hand crank or rocker) or motor driven, or both.
1	Stationary table	Horizontal bucky table.
1	Tube stand	Radiographic, with single column.
1	Tube stand	Superficial therapy, with single column.
1	Tube stand, or other support.	Deep therapy. (The manufacturer may choose either a tube stand or any other type of support, but not both.)
2	Cassette changer	Vertical or horizontal, with or without bucky diaphragm.
1	Stationary grid	Size 14″ x 17″; either flat or curved, with focal film distance of 36″ if flat, or 43″ (plus or minus 1 inch) if curved; grid ratio 5 to 1; 50 lead strips per inch.
1	Stationary grid	Size 17″ x 17″; with focal film distance of 36″; grid ratio 5 to 1; 50 lead strips per inch.
1	Stationary grid	Size 12″ x 16″; with focal film distance of 30″; grid ratio 5 to 1; 50 lead strips per inch.
1	Bucky diaphragm.	Size 17″ x 17″; with focal film distance of 36″; grid ratio 5 to 1; 50 lead strips per inch. May be constructed for either portable or table mounting.
2	Photo-fluorographic unit.	

[F. R. Doc. 42–10572; Filed, October 20, 1942; 11:11 a. m.]

PART 3099—ACETIC ANHYDRIDE

[General Preference Order M–243]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of acetic anhydride, as hereinafter defined, for defense, for private account and for export; and

the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3099.1 *General Preference Order M–243*—(a) *Definitions.* (1) "Acetic anhydride" means acetic anhydride, ethanoic anhydride, acetyl oxide or acetic oxide of any grade and from whatever source derived.

(2) "Producer" means any person engaged in the production of acetic anhydride and includes any person who has such acetic anhydride produced for him pursuant to toll agreement.

(3) "Distributor" means any person who has purchased or purchases acetic anhydride for purposes of resale.

(b) *Restrictions on delivery and use.* (1) Subject to paragraph (c) hereof, on and after November 1, 1942, no producer or distributor shall deliver or use acetic anhydride, and no person shall accept delivery of acetic anhydride from a producer or distributor, except as specifically authorized or directed by the Director General for Operations.

(2) Authorizations or directions with respect to deliveries to be made or accepted in each month, beginning with November, 1942, will so far as practicable be issued by the Director General for Operations prior to the commencement of such month, but the Director General for Operations may at any time (including the period prior to November 1, 1942), at his discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted or with respect to the use or uses which shall or shall not be made of the material to be delivered or then on hand.

(3) Each person specifically authorized to accept delivery of acetic anhydride shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed.

(c) *Small order exemption.* (1) Any person may accept delivery of, and any producer may use, 54 gallons or less of acetic anhydride in the aggregate during any one calendar month without specific authorization provided that such person has not been specifically authorized to use or accept delivery of any quantity of acetic anhydride during such month; and

(2) Any producer or distributor may deliver acetic anhydride without specific authorization to any person who shall certify to him in writing that he is entitled pursuant to paragraph (c) (1) hereof to accept delivery, provided that:

(i) No producer shall deliver in the aggregate in any month pursuant to this paragraph (c) an amount in excess of one per cent (1%) of his estimated production of acetic anhydride for such month; and

(ii) No producer or distributor shall make deliveries during any month pursuant to this paragraph (c) if such deliveries will prevent completion of any deliveries which have been specifically authorized for such month.

(d) *Applications and reports.* (1) Each person seeking authorization to accept delivery of acetic anhydride during any calendar month, beginning with December, 1942 (except as provided in paragraph (c) hereof), whether for his own consumption or resale, shall file application therefor on or before the 15th day of the month preceding the month for which authorization for delivery is requested. Where delivery or use is to be in November, 1942, such application may be filed at any time. In either case, such application shall be made on Form PD–600, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

(i) Copies of Form PD–600 may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which one shall be forwarded to supplier and three forwarded to the War Production Board, Chemicals Branch, Washington, D. C., Ref.: M–243.

(iii) In the heading, under name of chemical, specify acetic anhydride; under WPB Order No., specify M–243; under unit of measure, specify pounds; under name of your company, specify name and mailing address; and specify the month and year for which authorization for acceptance of delivery is sought.

(iv) Leave blank Columns 1, 11 and 19.

(v) In Columns 3, 20 and 22, specify primary product in terms of the following:

Aspirin.
Synthetic vitamins.
Other pharmaceuticals.
Explosives.
Cellulose acetate.
Cellulose acetate butyrate.
Cellulose acetate propionate.
Synthetic fibers.

and in the event that your purchases are for resale, specify "resale".

(vi) In Column 4, specify ultimate use of product (as, for example, "rayon yarn", as opposed to "cellulose acetate" which would be the primary product called for in Columns 3, 20 and 22), and also specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease, or commercial customer.

(2) Each producer or distributor seeking authorization to make delivery of acetic anhydride during any calendar month, beginning with December, 1942, shall file application on or before the 20th day of the month preceding the month for which authorization is requested. For deliveries in November, 1942, application shall be made as soon as practicable after the issuance hereof. In either case, such application shall be made on Form PD–601, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

(i) Copies of Form PD–601 may be obtained at local field offices of the War Production Board.

(ii) Prepare four copies and forward three certified copies to the War Production Board, Chemicals Branch, Washington, D. C., Ref.: M–243.

(iii) Producers and distributors who have filed application on Form PD–600, specifying themselves as their suppliers, shall list their own names as customers on Form PD–601, and shall list their requests for allocation in the manner prescribed for other customers.

(iv) In the heading, under name of chemical, specify acetic anhydride; under name of company, state your name and mailing address; under unit of measure, specify pounds; and state the month and year during which deliveries covered by the application are to be made.

(v) In listing customers in Column 1, group customers according to the preference ratings applicable to the material they are ordering, thus:

Group I—Orders with AAA to A–1–k ratings.

Group II—Orders with A–2 to A–10 ratings.

Group III—Orders with B–1 to B–8 ratings.

Group IV—Orders without preference ratings.

and list all customers in each group alphabetically. The names of customers to whom small order deliveries are to be made during the next month pursuant to paragraph (c) of this order need not be given, but insert in Column 1 "Total small order deliveries (estimated)", and in Column 4 specify the estimated quantity. If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

(vi) Leave blank Columns 3, 6 and 8.

(vii) Column 5 may, at your discretion, be left blank.

(3) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue other and further directions to any such person with respect to preparing and filing Forms PD–600 and PD–601.

(e) *Notification of customers.* Each supplier shall notify his regular customers, as soon as possible, of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Miscellaneous provisions.* (1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of priorities regulations of the War Production Board, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C. Ref: M–243.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R.

329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of October 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-10577; Filed, October 20, 1942; 11:12 a. m.]

Chapter XI—Office of Price Administration

Part 1305—Administration

[Supplementary Order 23]

REMOVAL OF REQUIREMENT OF NOTARIZATION OF REPORTS

A statement of the considerations involved in the issuance of this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1305.27 *Removal of requirement of notarization of reports.* (a) On and after the effective date hereof no report filed pursuant to any price regulation heretofore issued by the Office of Price Administration need be sworn to or affirmed.

(b) "Price regulation," as in this supplementary order, means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any amendment or supplement thereto or order issued thereunder.

(c) This Supplementary Order No. 23 (§ 1305.27) shall become effective October 24, 1942.

(Pub. Laws 421 and 729; E.O. 9250, 7 F.R. 7871.)

Issued this 19th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10547; Filed, October 19, 1942; 2:18 p. m.]

Part 1340—Fuel

[RPS 88,[1] Amendment 34]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new subparagraph (8) is added to § 1340.159 (b) as set forth below:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(b) *Petroleum products.* * * *

(8) Notwithstanding the provisions of other subparagraphs of this paragraph and § 1340.159 (c), where a seller of fuel oil of Grade No. 5 or lighter, was giving free oil burner service to purchasers located in the corporate limits of Baltimore City and the counties immediately bordering on Baltimore City, including Baltimore County, Anne Arundel County, Howard County, Harford County, and Carroll County, such seller may make additional charges for servicing such purchaser's oil burner on the following basis:

(i) Each call one dollar and fifty cents ($1.50).

(ii) In addition to the basic charge for a call authorized under subdivision (i) a charge of one dollar and fifty cents ($1.50) may be made for performance of a vacuum cleaning job once in any single twelve-month period, and a charge of one dollar ($1.00) may be made for performance of an Orsat or other instrument analysis of flue gases or products of combustion once in a single twelve-month period.

§ 1340.158a *Effective dates of amendments.* * * *

(hh) Amendment No. 34 (§ 1340.159 (b) (8) to Revised Price Schedule No. 88 shall become effective October 24, 1942: *Provided, however,* That buyers who have already made contracts with sellers to pay for service rendered at a certain rate in the event that such a charge would be authorized by the Office of Price Administration may be charged therefore in accordance with the terms of such contract if such charges do not exceed what could be charged under the terms of subparagraph (8).

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10535; Filed, October 19, 1942; 12:16 p. m.]

Part 1351—Food and Food Products

[MPR 243]

PITTED AND MACERATED DOMESTIC DATES AND DOMESTIC DATE PRODUCTS

In the judgment of the Price Administrator, the maximum prices established by this regulation for pitted and macerated domestic dates and domestic date products are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, the Act of Congress approved October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation and for other purposes" and the Executive Order No. 9250, dated October 3, 1942.

A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The maximum prices established herein are not below prices which will reflect to the producers of domestic dates prices for their products equal to the higher of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended and the said Executive Order No. 9250.

Therefore, under the authority vested in the Price Administrator by the aforesaid Acts and Executive Order, and in accordance with the provisions of Procedural Regulation No. 1,[1] Maximum Price Regulation No. 243 is hereby issued.

Authority: §§ 1351.901 to 1351.913, inclusive, issued under Pub. Law 421, and 729, 77th Cong.; E.O. 9250.

§ 1351.901 *Prohibition against dealing in pitted domestic dates, macerated domestic dates and domestic date products above maximum prices.* (a) On and after October 24, 1942, regardless of any contract or other obligation, no processor or primary distributor shall sell or deliver any pitted domestic dates, macerated domestic dates or domestic date products at a price higher than the maximum price established pursuant to this Maximum Price Regulation No. 243.

(b) No person in the course of trade or business shall buy or receive any pitted domestic dates, macerated domestic dates or domestic date products from a processor or primary distributor at a price higher than the maximum price established by this Maximum Price Regulation No. 243; and

(c) No processor, primary distributor or other person shall agree, offer, solicit, or attempt to do any of the foregoing.

§ 1351.902 *Maximum prices of processors for packaged pitted domestic dates, macerated domestic dates and domestic date products.* (a) The maximum price, f. o. b. plant, for sales of packaged pitted domestic dates by a processor shall be three cents per ounce.

(b) The maximum price, f. o. b. plant, for sales of macerated domestic dates by a processor shall be fifteen cents per pound.

(c) The maximum price, f. o. b. plant, for sales of domestic date products by a processor shall be twenty-eight and one-half cents per pound when sold in bulk or in packages containing more than one pound, and thirty-one cents per pound when sold in packages containing one pound or less.

(d) The maximum prices established herein include brokerage. The seller shall maintain his customary cash discounts and his quantity discounts to different classes of purchasers.

§ 1351.903 *Maximum prices of primary distributors for pitted domestic dates, macerated domestic dates and domestic date products.* (a) The maximum price, f. o. b. primary distributor's warehouse, for sales of packaged pitted domestic dates, macerated domestic dates or domestic date products by a primary distributor shall be the actual cost to the primary distributor plus seven per cent of such cost.

(b) The actual cost to the primary distributor shall be the cost of the item plus freight less any discount or allowance to the primary distributor.

(c) For the purposes of this Maximum Price Regulation No. 243 a primary distributor means a person who refrigerates and warehouses pitted domestic dates,

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1107, 1371, 1798, 1799, 1836, 2132, 2304, 2352, 2634, 3116, 3482, 3524, 3576, 3895, 3963, 4484, 4653, 4854, 4857, 5481, 5867, 5868.

[1] 7 F.R. 971, 3663, 6967.

macerated domestic dates or domestic date products and makes sales thereof to wholesalers, institutional or commercial users.

(d) In the event that any other maximum price regulation heretofore or hereafter issued by the Office of Price Administration establishing maximum prices for sales of packaged pitted domestic dates, macerated domestic dates or domestic date products at wholesale, shall define a wholesaler in such manner as to include a primary distributor as defined in this section, such primary distributor, when making sales of such items to wholesalers, institutional or commercial users, shall compute his maximum price solely pursuant to the provisions of this section and not pursuant to the provisions of such other maximum price regulation.

(e) The primary distributor shall maintain his customary cash discounts and his quantity discounts to different classes of purchasers.

§ 1351.904 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 243 may be charged, demanded, paid or offered.

§ 1351.905 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 243 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to pitted domestic dates, macerated domestic dates and domestic date products, alone or in conjunction with any other commodity or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1351.906 *Records.* (a) Every processor who makes sales of packaged pitted domestic dates, macerated domestic dates or domestic date products after the effective date of this Maximum Price Regulation No. 243 shall make and preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, all records of the same kind as he has customarily kept, relating to the prices which he charged for any of such items sold after the effective date of this regulation.

(b) Every primary distributor who makes sales of packaged pitted domestic dates, macerated domestic dates or domestic date products after the effective date of this Maximum Price Regulation No. 243 shall make and preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 as amended, remains in effect, all his records, bills, invoices or other documents which are used as the basis of computing his maximum prices hereunder and all records of the same kind as he has customarily kept, relating to the prices which he charged for any of such items sold after the effective date of this regulation.

§ 1351.907 *Enforcement.* Persons violating any provisions of this Maximum Price Regulation No. 243, are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942.

§ 1351.908 *Petitions for amendment.* Persons seeking a modification of this Maximum Price Regulation No. 243, may file a petition therefor in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1351.909 *Applicability.* The provisions of this Maximum Price Regulation No. 243 shall be applicable only in the United States and the District of Columbia.

§ 1351.910 *Export sales.* The maximum price at which a person may export pitted domestic dates, macerated domestic dates and domestic date products shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[2] issued by the Office of Price Administration.

§ 1351.911 *Applicability of the General Maximum Price Regulation.* This Maximum Price Regulation No. 243 supersedes the provisions of the General Maximum Price Regulation with respect to sales or deliveries of packaged pitted domestic dates, macerated domestic dates and domestic date products by processors or primary distributors, for which maximum prices are established by this regulation.

§ 1351.912 *Definitions.* (a) When used in this Maximum Price Regulation No. 243 the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successors or representatives of any of the foregoing and includes the United States, or any agency thereof, any other government, or any of its political subdivisions and any agency of any of the foregoing.

(2) "Processor" means a person who pits, macerates or grinds domestic dates.

(3) "Pitted domestic dates" means domestic dates from which the pits have been removed, but which otherwise remain whole.

(4) "Macerated domestic dates" means domestic dates from which the pits have been removed and which have been cut into two or more pieces or have been chopped, sliced or ground.

(5) "Domestic date products" means any product containing ninety per cent or more by weight of macerated domestic dates combined with other ingredients.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1351.913 *Effective date.* This Maximum Price Regulation No. 243 (§§ 1351.901 to 1351.913, inclusive) shall become effective October 24, 1942.

Issued this 19th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10548; Filed, October 19, 1942; 2:18 p. m.]

Part 1388—Defense-Rental Areas

[Supplementary Amendment 4A to Maximum Rent Regulations]

HOTELS AND ROOMING HOUSES

Sections 1388.1507, 1388.1557, 1388.1607, 1388.1857, 1388.1907, 1388.1957, 1388.2007, 1388.3007, 1388.4007, 1388.5007, 1388.6007, 1388.7007, 1388.8007, 1388.9007, 1388.87, and 1388.187 of Maximum Rent Regulations No. 21A, 22A, 23A, 29A, 30A, 31A, 32A, 34A, 36A, 38A, 40A, 42A, 44A, 46A, 48A, and 50A, respectively, are amended by changing the titles and by adding paragraph (e) to such sections, as follows:

Registration and records. * * *

(e) Every landlord of a room rented or offered for rent shall preserve, and make available for examination by the Administrator, all his existing records showing or relating to (1) the rent for each term and number of occupants for which such room was rented or regularly offered for rent during the thirty-day period determining the maximum rent for such room and (2) the rent on any date determining a maximum rent for such room for a particular term and number of occupants under section 4 (c).

On and after October 19th, 1942, every landlord of an establishment containing more than 200 rooms rented or offered for rent shall keep, preserve, and make available for examination by the Administrator, records showing the rents received for each room, the particular term and number of occupants for which such rents were charged, and the name and permanent address of each occupant; every other landlord shall keep, preserve, and make available for examination by the Administrator, records of the same kind as he has customarily kept relating to the rents received for rooms.

This Supplementary Amendment No. 4A to Maximum Rent Regulations for Hotels and Rooming Houses shall become effective October 19th, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10549; Filed, October 19, 1942; 2:18 p. m.]

Part 1390—Machinery and Transportation Equipment

[MPR 136, as Amended, Amendment 32]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1390.2 new paragraph (k) is added, as set forth below:

§ 1390.2 *Exclusions.* * * *

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[2] 7 F.R. 5059.

*Copies may be obtained from the Office of Price Administration.

(k) Any sale or delivery of second-hand snowplows to the United States Army.

§ 1390.31a *Effective dates of amendments.* * * *

(ff) This Amendment No. 32 (§ 1390.2 (k)) shall become effective October 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10534; Filed, October 19, 1942; 12:15 p. m.]

PART 1394—FUEL OIL

[Ration Order 11]

FUEL OIL RATIONING REGULATIONS

Preamble. The shortage of fuel oil and other petroleum products in the eastern states has become one of the most critical problems confronting the nation. Prior to 1941, approximately 95% of the fuel oil used in the East was shipped by oil tanker from other areas. The diversion of tankers to other routes, since the outbreak of the war, has caused a sharp reduction in shipments and a consequent supply shortage of serious proportions.

It is essential to guarantee the continued availability of adequate supplies of fuel oil for military and naval use and for industrial and agricultural operations. At the same time, provision must be made for the scarcely less critical domestic uses upon which civilian life has become dependent. Intensive efforts have therefore been made to increase shipments by railroad tank car and other transportation facilities. Tank cars have been withdrawn from other routes, to serve the Eastern states. Oil stocks in adjacent mid-western areas have been and are being drawn upon, in order to reduce the shortage and alleviate the hardships in the East. As a result of these efforts, tank car shipments to the East coast have been increased to an extent not previously thought possible. However, the shortage remains acute. Furthermore, the withdrawal of stocks and of transportation facilities from adjacent areas has already produced a shortage in other localities. The area of shortage is thus moving westward, and an acceleration of that movement is an almost inevitable consequence of the measures taken to avoid a shortage of disastrous proportions in the East.

In order to provide for equitable distribution of fuel oil in the areas of shortage, a system of rationing control must be adopted. Accordingly, the War Production Board has directed the Office of Price Administration to ration fuel oil in thirty eastern and midwestern states, and in the District of Columbia.

Ration Order No. 11 is issued pursuant to that directive. It makes provision for an unrestricted supply of fuel oil for military and naval uses and for existing industrial, commercial and agricultural operations which, in a war economy, cannot generally be curtailed. The reduction of demand to the available supply is sought to be achieved largely by a curtailment of the use of fuel oil for heating premises and for hot water, virtually the only classes of uses which can be uniformly reduced without directly impeding the war effort. In order to avoid the unnecessary use of fuel oil, rations are denied altogether where equipment using non-scarce fuels is available, or where oil burning equipment furnishing heat or hot water to premises other than private dwellings can be converted to the use of a non-scarce fuel. To that end, Ration Order No. 11 is integrated with the conversion program of the Office of the Petroleum Coordinator.

For the purpose of determining heat and hot water rations, private dwellings and premises other than private dwellings receive significantly different treatment.

In the case of private dwellings, the heat ration is limited by a range reflected in tables computed on the basis of a heat loss formula. The formula was devised to determine normal fuel oil requirements of a private dwelling in a given area. By appropriate adjustments, it can be used to determine the requirements of an average house or of a well insulated house with high oil burner efficiency. Such adjustments, reflected in the tables, are used to fix the maximum and minimum of the range within which the heat ration is determined. The maximum of the range represents, roughly, the requirements of a home of slightly less than average efficiency. The minimum represents the requirements of a well-insulated home, with an efficient burner. The heat ration is then determined on the basis of 66⅔% of past consumption, within the limits of the range described above. The ration may not, in any event, exceed the maximum of the range, nor may it be less than either the minimum of the range or 85% of past consumption (whichever is less).

The domestic hot water ration for private dwellings is determined on the basis of occupancy.

In the case of premises other than private dwellings, both heat and hot water rations are determined on the basis of 66⅔% of past consumption, with no limiting range.

Since heating requirements vary according to weather conditions, the rationed area is divided into thermal zones and subzones. The figures used for computing heat rations differ in each subzone, in order to reflect varying weather conditions. Moreover, the coupons issued for heat rations are of an indefinite gallonage value, thus permitting adjustments to weather conditions during the coming winter. Additional flexibility is provided by using differently colored coupons in each thermal zone, so that different values can be assigned to correspond to temperature variations in the different zones.

Auxiliary heat and hot water rations are made available in special cases, where an additional supply of oil is required for reasons of health or for the performance of certain commercial or industrial operations.

In order to control distribution, transfers of fuel oil may be made only in exchange for coupons or other tokens authorized by Ration Order No. 11. All members of the trade are required to register with their Local Board, to state their initial inventory, and to keep records of their transactions. Primary suppliers, to whom coupons and other evidences ultimately flow, are required to make periodic reports to the Office of Price Administration.

Accordingly, pursuant to the authority vested in the Administrator by Executive Order No. 9125, issued by the President on April 7, 1942, and Directive No. 1 and Supplementary Directive No. 1–O of the War Production Board, issued on January 24 and October 16, 1942, respectively. *It is hereby ordered*, That:

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AUTHORITY: §§ 1394.5001 to 1394.5901, inclusive, issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421 and 729. 77th Cong., WPB Dir. No. 1, 7 F. R. 562; Supp. Div. 1–O, *supra*.

DEFINITIONS

§ 1394.5001 *Definitions.* (a) When used in this Ration Order No. 11:

(1) "Additional facilities" means any equipment designed to use fuel oil, other than internal combustion engines or equipment used for domestic cooking or lighting purposes, which was installed subsequent to July 31, 1942.

(2) "Allowable ration" means the number of gallons of fuel oil used as a base for determining the number and value of fuel oil coupons to be issued to an applicant.

(3) "Alternate fuel" means any fuel other than a petroleum product, electricity, natural gas, manufactured gas, or mixed natural and manufactured gas.

(4) "Base period" means the period from June 1, 1941 to May 31, 1942, inclusive.

(5) "Board" means a War Price and Rationing Board established by the Office of Price Administration.

(6) "Coal spraying equipment" means any equipment designed to use or using fuel oil or any other petroleum product for the purpose of applying such fuel oil or other petroleum product to coal.

(7) "Consumer" means any person acquiring fuel oil for use, including use as a component part of any manufactured article, material, or compound other than fuel oil. The term includes dealers and suppliers to the extent that they use fuel oil, or acquire fuel oil for use rather than for transfer.

(8) "Converted facilities" means any fuel oil burning equipment which was designed to use an alternate fuel and which has been converted to the use of fuel oil.

(9) "Convertible facilities" means any fuel oil burning equipment which can be converted to the use of an alternate fuel: *Provided*, That such equipment shall be deemed convertible only if the materials necessary for such conversion are on hand and the required labor is available or if such materials and labor can be obtained without unreasonable difficulty or expense, and only if an alternate fuel is available.

(10) "Dealer" means any person, including a supplier, who operates a regular place of business at or from which fuel oil is regularly transferred to consumers. The term also includes any person who operates a tank truck or tank wagon for the transfer of fuel oil directly to consumers and who does not maintain stationary fuel oil storage tanks.

(11) "Domestic," as applied to cooking or lighting, means cooking or lighting in a household for the benefit of the family occupying such household, and not for profit.

(12) "Domestic hot water" means hot water used in a private dwelling for household and lavatory purposes and for cleaning premises; it does not include hot water used as an integral part of any commercial, industrial, agricultural, or extractive process.

(13) "Evidence" means a token designed by the Office of Price Administration to represent a right to receive a transfer of fuel oil, and exchangeable for such fuel oil. The term includes coupons, acknowledgments of delivery, inventory coupons, exchange certificates and export certificates. The term does not include Delivery Receipts on Form OPA R–1125.

(14) "Family" means either one person maintaining a household or two or more persons maintaining a common household.

(15) "Fuel oil" means any liquid petroleum product commonly known as fuel oil, including grades Nos. 1, 2, 3, 4, 5, and 6, whether or not blended or rebranded, such as Bunker C, Diesel oil, kerosene, range oil and gas oil. The term also includes any other liquid petroleum product having the same specifications as the above designated grades used for the same purposes as such grades.

(16) "Heating year" means the period from October 1, 1942, to September 30, 1943, inclusive.

(17) "Inventory coupon" means a one-gallon or one hundred-gallon coupon so designated by the Office of Price Administration representing unfilled storage capacity of a dealer or secondary supplier, or used for such other purpose as may be provided in Ration Order No. 11.

(18) "Issuing Board" means the War Price and Rationing Board which issued a specified ration.

(19) "Limitation area" means the states of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia.

(20) "Non-occupational use" means use for a purpose other than carrying on a business, gainful work, or work which contributes to the war effort or to the public welfare.

(21) "Person" means any individual, partnership, corporation, association, government or government agency, or any other organized group or enterprise.

(22) "Primary supplier" means:

(i) Any person who refines fuel oil within the limitation area; or

(ii) Any person who makes a first transfer of fuel oil within the limitation area from stationary storage facilities within the limitation area; or

(iii) Any consumer who maintains an establishment within the limitation area at which delivery of fuel oil for his own use is taken by pipeline, barge, tank ship, or railroad tank car, on direct shipment from without the limitation area; or

(iv) Any person, whether within or without the limitation area, who does not maintain stationary storage facilities within the limitation area, and who sends or brings fuel oil into the limitation area and transfers it to a person other than a primary supplier as defined in subdivisions (i), (ii) or (iii) of this subparagraph.

A person shall be deemed to be a primary supplier only with respect to the establishments or facilities maintained by him at or from which operations described in subdivisions (i), (ii), (iii) or (iv) of this subparagraph are carried on, and with respect to establishments which are replenished solely on a stock transfer basis, rather than on a sales basis, from establishments at or from which operations described in subdivision (i), (ii), (iii) or (iv) of this subparagraph are carried on: *Provided*, That if such person does not maintain stationary storage facilities, he shall be deemed to be a primary supplier with respect to all the mobile facilities operated by him within the limitation area.

(23) "Private dwelling" means a building or structure designed for the occupancy of fewer than four (4) families, but does not include a rooming house, boarding house, dormitory, lodging house or hotel in which four (4) or more rooms are regularly rented or available for rental, nor does it include a building in which less than seventy percent (70%) of the total floor space is used for residential purposes.

(24) "Ration," as the context requires, means either a right to acquire and use fuel oil, evidenced by coupons or Delivery Receipts issued by a Board, or the amount of fuel oil acquired in exchange for such coupons or Delivery Receipts.

(25) "Residual oil" means fuel oil commonly known as residual oil (as opposed to distillate oil), including grades No. 5 and 6, and all blended or rebranded fuel oils having the same specifications as commercial standard grades No. 5 and 6. The term also includes all fuel oils having a viscosity of more than 85 seconds (Saybolt Universal at 100 degrees F.).

(26) "Secondary supplier" means any person, other than a primary supplier, who is engaged in the business of transferring fuel oil for resale: *Provided*, That any person who receives fuel oil on consignment from a primary supplier, title to the fuel oil remaining in the primary supplier until the time of transfer by the consignee, shall not with respect to such fuel oil be deemed to be a secondary supplier, but shall, for all the purposes of this Ration Order No. 11, be deemed to be an agent of such primary supplier with respect thereto.

(27) "Space heater" means any oil burning equipment (including portable heaters) designed to heat the space adjacent to such equipment, without the use of pipes or ducts for conveying heat to such space.

(28) "Standby facilities" means equipment (other than fireplaces) in serviceable operating condition designed to use an alternate fuel, for the operation of which a supply of such fuel is available.

(29) "State" includes the District of Columbia.

(30) "Supplier" means a primary supplier, a secondary supplier, or both.

(31) "Thermal Zone A" means the states of Maine, New Hampshire, Vermont, Michigan, Wisconsin, Minnesota, North Dakota and South Dakota; that part of the State of New York north of, and including, the counties of Washington, Saratoga, Montgomery, Otsego, Herkimer, Oneida, Lewis and Jefferson; and that part of the State of Iowa north of, and including, the counties of Allamakee, Winneshiek, Chickasaw, Floyd, Cerro Gordo, Hancock, Kossuth, Palo Alto, Clay, O'Brien and Sioux.

(32) "Thermal Zone B" means the states of Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania and Nebraska; that part of the State of New York south of, and including, the counties of Rensselaer, Albany, Schenectady, Schoharie, Delaware, Chenango, Madison, Onondaga, Oswego, Cayuga, Wayne, Monroe, Orleans and Niagara; that part of the State of Ohio north of, and including, the counties of Columbiana, Jefferson, Belmont, Noble, Morgan, Perry, Hocking, Pickaway, Fayette, Clinton, Greene, Montgomery and Preble; that part of the State of Indiana north of, and including, the counties of Union, Fayette, Rush, Hancock, Marion, Hendricks, Putnam, Parke and Vermilion; that part of the State of Illinois north of, and including, the counties of Edgar, Coles, Shelby, Christian, Sangamon, Morgan, Scott and Pike; that part of the State of Missouri north of, and including, the counties of Pike, Ralls, Monroe, Randolph, Chariton, Livingston, Caldwell, Clinton and Buchanan; that part of the State of Iowa south of, and including, the counties of Clayton, Fayette, Bremer, Butler, Franklin, Wright, Humboldt, Pocahontas, Buena Vista, Cherokee and Plymouth; and that part of the State of Kansas north of, and including, the counties of Atchison, Jackson, Shawnee, Pottawatomie, Riley, Clay, Cloud, Mitchell, Osborne, Rooks, Ellis, Trego, Gove, Lane, Scott, Wichita and Greeley.

(33) "Thermal Zone C" means the states of Delaware, Maryland, District of Columbia, Virginia, West Virginia and Kentucky; that part of the State of Ohio south of, and including, the counties of Monroe, Washington, Athens, Vinton, Ross, Highland, Brown, Clermont, Warren and Butler; that part of the State of Indiana south of, and including, the counties of Franklin, Decatur, Shelby, Johnson, Morgan, Owen, Clay and Vigo; that part of the State of Illinois south of, and including, the counties of Clark, Cumberland, Effingham, Fayette, Montgomery, Macoupin, Greene and Calhoun; that part of the State of Missouri south of, and including, the counties of Lincoln, Montgomery, Audrain, Boone, Howard, Saline, Carroll, Ray, Clay and Platte; and that part of the State of Kansas south of, and including, the counties of Wyandotte, Leavenworth, Jefferson, Douglas, Osage, Wabaunsee, Geary, Dickinson, Ottawa, Lincoln, Barton, Russell,

Hodgeman, Rush, Ness, Finney, Kearny and Hamilton.

(34) "Thermal Zone D" means the states of North Carolina, South Carolina, Georgia and that part of the State of Florida lying east of the Apalachicola River.

(35) "Transfer" means to sell, give, exchange, lease, lend, deliver, receive, supply or furnish, and includes the acquisition of title by legal process or operation of law, such as, but not limited to, the acquisition of title by will, inheritance or foreclosure; it also includes the use by any dealer or supplier of fuel oil held by him; but does not include the creation of a security interest or security title involving no change of possession. Delivery to a carrier for shipment, or by a carrier in the course of or in completion of shipment, shall not be deemed a transfer to or by such carrier.

(36) "Unit," as applied to a coupon, means the amount of fuel oil, as fixed from time to time, by order or direction of the Office of Price Administration, for which a coupon bearing the imprint "one unit" may be exchanged.

(37) "Washington Office" means the Office of Price Administration in Washington, D. C.

(b) Where the context so requires, words in the singular shall include the plural, words in the plural shall include the singular, and the masculine gender shall include the feminine and neuter.

SCOPE OF RATION ORDER NO. 11

§ 1394.5051 *Territorial limitations.* Except as otherwise expressly provided, Ration Order No. 11 shall apply only within the limitation area as defined in subparagraph (19) of paragraph (a) of § 1394.5001.

§ 1394.5052 *Scope of restrictions.* Nothing in Ration Order No. 11 shall be construed to limit the quantity of fuel oil which may be acquired:

(a) By or for the account of the Army, Navy, Marine Corps, Coast Guard, War Shipping Administration, or Maritime Commission, of the United States; or

(b) By any person, for export to and consumption or use in any foreign country.

JURISDICTION OF BOARDS

§ 1394.5101 *Jurisdiction of Boards over issuance of rations.* For the purposes of Ration Order No. 11, a Board shall have jurisdiction over:

(a) Persons who have applied to such Board for a ration, or who have registered with it; and

(b) The issuance of rations:

(1) For the operation of any stationary oil burning machinery or equipment in the area assigned to such Board;

(2) For the operation of any mobile oil burning equipment, including vehicles and watercraft, customarily garaged, stationed or kept in the area assigned to such Board;

(3) For any use, not specified in subparagraphs (1) and (2) of this paragraph, in the area assigned to such Board;

(4) For the operation of any stationary or mobile oil burning machinery or equipment, customarily used outside the limitation area; or for any other use outside the limitation area;

(5) To any person who shows good cause for failure to make application to the Board having jurisdiction pursuant to the provisions of subparagraphs (1), (2) or (3) of this paragraph; any person applying for a ration pursuant to this subparagraph shall furnish to the Board with which he files his application the address of the Board having jurisdiction pursuant to the provisions of such subparagraphs (1), (2), or (3); and

(c) Other matters specifically provided for in Ration Order No. 11.

RESTRICTIONS ON ISSUANCE OF RATIONS

§ 1394.5151 *Restrictions on issuance of rations.* (a) No ration shall be issued or used:

(1) For the operation of additional facilities or converted facilities unless:

(i) In the case of new construction, the additional facilities were specified in the construction contract and the foundation under the main part of the structure in which the additional facilities were to be installed was completed prior to July 31, 1942; or

(ii) In the case of converted facilities, the conversion was completed prior to July 31, 1942; or

(iii) In the case of either additional or converted facilities, the person using them cannot use and alternate fuel either because it is unavailable or because technical utilization factors prevent its use;

(2) For the operation of fuel oil burning equipment if standby facilities are available and can be used as a substitute for such equipment, unless such standby facilities are operated in such manner as to take the place of such equipment to the maximum extent and to effect the maximum reduction in fuel oil requirements; the allowable ration for the operation of such equipment shall be reduced by the amount of fuel oil which can be saved by maximum utilization of such standby facilities;

(3) For the operation of convertible facilities for furnishing heat or hot water, or both, to premises other than private dwellings, except to the extent necessary to operate such facilities until the earliest date when conversion can be completed;

(4) For the operation of oil burning equipment for the purpose of cooling space (other than hospital space) for human occupancy;

(5) For furnishing heat or hot water to premises to the extent that such premises are supplied with heat or hot water as a by-product of an industrial process or of the production of power;

(6) For the operation of any space heater in premises adequately served by central heating facilities, except as otherwise provided in Ration Order No. 11;

(7) For the operation of a passenger automobile, as defined in Ration Order No. 5A or 5C of the Office of Price Administration;

(8) For the operation of coal spraying equipment.

(b) The provisions of this section shall not apply to equipment with respect to which an exception has been granted by the War Production Board pursuant to Limitation Order L–56, as amended.

(c) Any dealer or supplier who has made a transfer of fuel oil to a consumer in exchange for a coupon note in accordance with Limitation Order L–56, as amended, of the War Production Board, for the operation of convertible facilities for which a ration may not be obtained pursuant to subparagraph (3) of paragraph (a) of this section, may obtain inventory coupons representing the amount so transferred, by applying to the Board which denied such ration. The Board shall issue to such dealer or supplier, in exchange for such note, inventory coupons equal in gallonage value to the amount so transferred, less any amount which may have been returned to such dealer or supplier by such consumer. Upon issuance of such coupons, the Board shall require the cancellation and surrender of such coupon note.

COUPON SHEETS

§ 1394.5201 *Class 1 and Class 2 coupon sheets.* (a) Class 1 and Class 2 coupon sheets (Form OPA R–1105 and Form OPA R–1106, respectively) shall contain coupons with a value of one (1) and ten (10) units, respectively. Such coupon sheets shall also contain coupons of a definite gallonage value.

(b) Unit value coupons on Class 1 and Class 2 coupon sheets shall be valid, for the transfer of fuel oil to a consumer, only in the thermal zone designated thereon and only during the valid periods indicated below:

(1) In Thermal Zone A:

Coupons Numbered	*Valid Period*
1	Up to and including December 13, 1942.
2	From November 30, 1942, to January 20, 1943, inclusive.
3	From January 7, 1943, to February 22, 1943, inclusive.
4	From February 9, 1943, to March 31, 1943, inclusive.
5	From March 18, 1943, to September 30, 1943, inclusive.

(2) In Thermal Zone B:

Coupons Numbered	*Valid Period*
1	Up to and including December 16, 1942.
2	From December 3, 1942, to January 19, 1943, inclusive.
3	From January 6, 1943, to February 20, 1943, inclusive.
4	From February 7, 1943, to March 26, 1943, inclusive.
5	From March 13, 1943, to September 30, 1943, inclusive.

(3) In Thermal Zone C:

Coupons Numbered	*Valid Period*
1	Up to and including December 17, 1942.
2	From December 4, 1942, to January 18, 1943, inclusive.
3	From January 5, 1943, to February 16, 1943, inclusive.
4	From February 3, 1943, to March 20, 1943, inclusive.
5	From March 7, 1943, to September 30, 1943, inclusive.

(4) In Thermal Zone D:

Coupons Numbered	*Valid Period*
1	Up to and including December 19, 1942.
2	From December 6, 1942, to January 16, 1943, inclusive.
3	From January 3, 1943, to February 19, 1943, inclusive.
4	From February 6, 1943, to March 20, 1943, inclusive.
5	From March 7, 1943, to September 30, 1943, inclusive.

(c) Definite value coupons on Class 1 and Class 2 coupon sheets shall be valid for the transfer of fuel oil to a consumer only during the period of validity of the coupon sheet, as noted thereon by the issuing Board.

(d) Class 1 and Class 2 coupon sheets shall be issued as rations for heat or both heat and hot water in any premises.

§ 1394.5202 *Class 3, 4, 5 and 6 coupon sheets.* (a) Class 3, 4, 5 and 6 coupon sheets (Forms OPA R–1107, 1108, 1109, and 1110, respectively) shall contain coupons of a definite gallonage value of one (1), five (5), twenty-five (25) and one hundred (100) gallons, respectively. Coupons on such coupon sheets shall be valid for the transfer of fuel oil to a consumer only during the period of validity of the coupon sheets, as noted thereon by the issuing Board.

(b) Class 3, 4, 5 and 6 coupon sheets shall be issued as rations for any purposes authorized by Ration Order No. 11 other than those specified in paragraph (d) of § 1394.5201.

HEAT AND HOT WATER RATIONS

§ 1394.5251 *Persons entitled to rations for heat and hot water.* The owner of the premises served by, or the person controlling the use of, oil burning equipment designed for, and furnishing, heat or hot water, or both, to all or part of any premises, may obtain a ration for the operation of such equipment for such purpose during the heating year.

§ 1394.5252 *Applications for rations for heat and hot water; general provision.* (a) Application for a ration for heat or hot water, or both, may be made to a Board, on or after October 22, 1942. Application may be made either by the owner of the premises served by the equipment, or by the person controlling the use of the equipment, or by the agent of either of them.

(b) A separate application shall be made for each unit of oil burning equipment serving the premises and such application shall cover only the part of the premises served by such unit, except that if two or more units of oil burning equipment serving a single building are under common ownership or control, a single application may be made for all such units.

(c) If two or more persons are entitled to apply for a ration for the same unit of oil burning equipment, application may be made by either of such persons, or by all jointly.

§ 1394.5253 *Same; establishment of fuel oil consumption during base period; certifications as to purchases.* An applicant for a ration for heat or for heat and hot water in any premises or for hot water in premises other than a private dwelling, shall establish fuel oil consumption in the premises for such purpose during the base period. He shall, except for good cause shown, obtain from each dealer or supplier from whom fuel oil was purchased for such use during the base period, a certification showing the total amount of fuel oil purchased from such dealer or supplier during the base period for the equipment for which the application is made. A certification from each such dealer or supplier shall be annexed to and submitted with the application.

§ 1394.5254 *Same; determination of fuel oil consumption for heat and hot water during base period.* (a) The amount of fuel oil (if any) actually consumed during the base period in furnishing heat or hot water, or both, to the premises for which the application is made, shall be determined by the Board. Such determination shall be made subject to the following requirements:

(1) The amount claimed by the applicant to have been consumed must be supported by or reconciled with the total purchases shown in the certifications furnished pursuant to § 1394.5253.

(2) If the certifications so furnished cannot be reconciled with the amount claimed to have been consumed, consumption during the base period shall be deemed not to have exceeded (and may in any event be found to have been less than) the amount evidenced by such certifications plus the capacity of any storage tank or other container maintained for supplying the equipment for which the application is made.

(3) The applicant may establish that the amount stated in any such certification is incorrect. If the Board finds that the amount stated in any certification is incorrect, it shall, in determining consumption, take into account the amount actually purchased.

(b) If the applicant fails to obtain or to furnish the required certification from any dealer or supplier, but shows good cause for such failure, fuel oil consumption during the base period shall be deemed not to have been established. In such case the allowable ration shall be determined in accordance with the provisions of paragraph (a) (3) of § 1394.5256, or paragraph (c) of § 1394.5261, whichever is applicable. If no good cause is shown for such failure, no ration may be issued.

§ 1394.5255 *Application for ration for heat or domestic hot water in private dwellings.* (a) Application for a ration for the operation of oil burning equipment furnishing heat or domestic hot water, or both, to all or part of a private dwelling shall be made on Form OPA R–1100. The applicant shall supply the information required by that form.

(b) If application is made by a person other than the owner of the premises, a certification by the owner or his agent as to the accuracy of the statements made with respect to the premises and the oil burning equipment used therein, shall be annexed to the application: *Provided, however,* That such certification shall not be required if the applicant shows good cause for his failure to obtain it.

§ 1394.5256 *Determination of allowable ration for heating private dwelling.* (a) The allowable ration for heating private dwelling premises during the heating year shall be 66⅔% of the amount of fuel oil consumed (as adjusted for temperature variations from the norm, pursuant to § 1394.5257) in heating such premises during the base period, except that:

(1) If 66⅔% of such adjusted consumption exceeds the maximum of the range established pursuant to § 1394.5258, the allowable ration shall be such maximum;

(2) If 66⅔% of such adjusted consumption is less than the minimum of such range, the allowable ration shall be either such minimum or 85% of such adjusted consumption, whichever is less;

(3) If consumption during the base period cannot be determined or is deemed not to have been established (as provided in paragraph (b) of § 1394.5254), or if such consumption is, for any reason (other than weather conditions), not representative of normal fuel oil requirements for heating the premises during the heating year, the allowable ration shall be the midpoint of such range.

(b) If one or more children less than four (4) years of age regularly occupy the premises, the allowable ration for the operation of the oil burning equipment heating such premises shall be increased by:

(1) 125 gallons, in Thermal Zone A.
(2) 100 gallons, in Thermal Zone B.
(3) 75 gallons, in Thermal Zone C.
(4) 50 gallons, in Thermal Zone D.

§1394.5257 *Same; determination of adjusted fuel oil consumption during base period.* Fuel oil consumption in heating private dwelling premises during the base period shall be determined and adjusted, for the purposes of § 1394.5256, in the following manner:

(a) The total amount of fuel oil used in the premises during the base period for heat or for both heat and hot water shall be determined pursuant to § 1394.5254;

(b) The amount of fuel oil (if any) used for hot water shall be deducted from such total. If fuel oil was used, during all or part of the base period, for supplying domestic hot water, the amount so used shall, in the absence of proof to the contrary, be deemed to have been twenty (20) gallons per month for the first person, plus five (5) gallons per month for each additional person, regularly occupying the premises while fuel oil was used for such purpose;

(c) The amount of fuel oil used during the base period for heating the premises shall be multiplied by the percentage specified in Column 1 of Table I for the thermal sub-zone in which the premises are located. The product shall, for the purposes of paragraph (a) of § 1394.5256, be deemed to be the amount of fuel oil consumed during the base period as adjusted for temperature variations from the norm.

§ 1394.5258 *Same; determination of range.* (a) The maximum and minimum of the range within which the allowable ration for heating private dwelling premises shall be determined, for the purposes of paragraph (a) of § 1394.5256, shall be obtained by multiplying the floor area of the premises, computed pursuant to paragraph (b) of this section by:

(1) The maximum and minimum number of gallons per square foot of floor area, as shown in subcolumn (a) of Column 2 of Table I for the thermal subzone in which the premises are located, if the application is made for a ration for the operation of central heating equipment; or

(2) The maximum and minimum number of gallons per square foot of floor area, as shown in subcolumn (b) of Column 2 of Table I for the thermal subzone in which the premises are located, if the application is made for a ration for the operation of space heaters, except that if application is made both for space and central heating equipment used for heating the same premises at different times, the maximum and minimum for both types of equipment shall be determined pursuant to subcolumn (a).

(b) In computing the floor area of the premises for the purposes of paragraph (a) of this section, only necessary living and sleeping quarters and space used for occupational purposes shall be included: *Provided,* That in no event shall a total area in excess of 2,000 square feet for the first person, plus 600 square feet for the second person and 300 square feet for each additional person, regularly occupying the premises covered by the application, be included in determining the range.

§ 1394.5259 *Determination of ration for domestic hot water in private dwelling.* The allowable ration for supplying domestic hot water to private dwelling premises shall be 66⅔% of the figure obtained by adding twenty (20) gallons for the first person plus five (5) gallons for each additional person, regularly occupying such premises, and multiplying the sum by the number of months during the heating year in which a ration for hot water is required.

§ 1394.5260 *Application for ration for heat or hot water in premises other than private dwellings.* (a) Application for a ration for the operation of oil burning equipment designed for, and furnishing, heat or hot water, or both, to all or part of any premises other than a private dwelling shall, except as provided in paragraph (a) of § 1394.5268 be made on Form OPA R–1101. The applicant shall supply the information required by that form.

(b) In the cases specified in paragraph (c) of this section, the applicant shall annex to his application a certification by a qualified plumber, architect or heating engineer showing the amount of fuel oil needed during the heating year to meet the normal heating requirements or the normal hot water requirement (or both, as the case may be) of the premises for which the application is made. Such certification shall be based on an examination of the application and an inspection of the premises; the engineer, architect or plumber furnishing such certification shall take into consideration the construction of the premises, the purposes for which the premises are used and the weather conditions in the locality in which the premises are situated, and shall base his estimate on the standards established in and recommended by the Manual of the American Society of Heating and Ventilating Engineers (1942 ed.).

(c) The certification described in paragraph (b) of this section shall be required in the following cases:

(1) If fuel oil was not used during the base period for the purpose for which the application is made, or if consumption during the base period was, for any reason (other than weather conditions), not representative of normal fuel oil requirements during the heating year; or

(2) If the certifications required by § 1394.5253 cannot be obtained, or if such certifications cannot be reconciled with the amount of fuel oil claimed by the applicant to have been used during the base period for heat, or hot water, or both (as the case may be).

§ 1394.5261 *Determination of allowable ration for heat or hot water in premise other than private dwellings.* (a) The allowable ration for heating premises other than private dwellings during the heating year shall be 66⅔% of the amount of fuel oil consumed (as adjusted for temperature variations from the norm, pursuant to § 1394.5262) in heating such premises during the base period.

(b) The allowable ration for supplying hot water to premises other than private dwellings during the heating year shall be 66⅔% of the amount of fuel oil consumed in supplying hot water to the premises during the base period, subject to such adjustment as may result from the operation of paragraph (c) of § 1394.5262.

(c) If consumption during the base period cannot be determined or is deemed not to have been established (as provided in paragraph (b) of § 1394.5254), or if such consumption is, for any reason (other than weather conditions), not representative of normal fuel oil requirements during the heating year, the allowable ration for heat, or hot water, or both, shall be 66⅔% of the normal fuel oil requirements of the premises for such purpose or purposes, as determined by the Board.

(d) If application is made for a ration for the operation of space heaters in premises other than private dwellings and if the premises heated thereby are regularly occupied by one or more children under four (4) years of age, the allowable ration for the operation of such space heaters for heating such premises shall be increased by the amount specified in paragraph (b) of § 1394.5256, for the thermal zone in which the premises are located.

§ 1394.5262 *Same; determination of adjusted fuel oil consumption during the base period.* Fuel oil consumption during the base period in heating premises other than private dwellings (and, to the extent provided in paragraph (b) of this section, in supplying hot water to such premises) shall be determined and adjusted for the purposes of § 1394.5261, in the following manner:

(a) The total amount of fuel oil used for heating the premises during the base period shall be determined pursuant to § 1394.5254; or

(b) If fuel oil was consumed and a ration is required, both for heat and for hot water, the total amount used for both purposes shall be determined pursuant to § 1394.5254. If fuel oil was consumed both for heat and for hot water, and a ration is required for heat only, the amount used for hot water during the base period shall be deducted from the total consumed.

(c) The amount of fuel oil used during the base period for heat, or for both heat and hot water (as determined in accordance with paragraph (a) or (b) of this section) shall be multiplied by the percentage specified in Column 1 of Table I for the thermal sub-zone in which the premises are located. The product shall, for the purposes of paragraphs (a) and (b) of § 1394.5261, be deemed to be the amount of fuel oil consumed during the base period, adjusted for temperature variations from the norm.

§ 1394.5263 *Issuance of rations for heat or hot water for entire heating year.* (a) After determining the allowable ration for heat or hot water, or both, the Board shall issue Class 1 or Class 2 Coupon Sheets containing coupons representing the allowable ration less the amount of fuel oil on hand for the operation of the equipment for which the application is made. Such amount on hand shall be determined in accordance with the provisions of § 1394.5451, except as provided in paragraph (b) of this section.

(b) Where application is made prior to November 1, 1942:

(i) If the capacity of the fuel tank or tanks maintained for supplying the equipment is two hundred and fifty (250) gallons or more, the Board may assume, in the absence of satisfactory proof of actual inventory, that the amount of fuel oil on hand as of October 1, 1942, was not less than two hundred and fifty (250) gallons; or

(ii) If the capacity of such tank or tanks is less than two hundred and fifty (250) gallons, the Board may assume, in the absence of satisfactory proof of actual inventory, that the amount of fuel oil on hand as of October 1, 1942 was not less than the capacity of such tank or tanks.

§ 1394.5264 *Same; heat or both heat and hot water.* Where a ration is allowed for heat or both heat and hot water, the Board shall issue Class 1 or Class 2 coupon sheets containing coupons in the amount provided in § 1394.5263, in accordance with following provisions:

(a) All unit value coupons shall be issued on the basis of ten (10) gallons per unit;

(b) The coupons shall be divided equally, insofar as possible, among all the valid periods described in paragraph (b) of § 1394.5201;

(c) If the gallonage for which coupons are to be issued is not a multiple of ten (10), the coupons shall be issued to the next higher multiple of ten (10).

§ 1394.5265 *Same; hot water only.* Where a ration is allowed for hot water (but not for heat) the Board shall issue Class 3, 4, 5 or 6 coupon sheets containing coupons in the amount provided in § 1394.5263. Such coupons shall be issued for use until the end of the heating year, except as provided in § 1394.5268.

§ 1394.5266 *Same; applications made on or after November 1, 1942; heat or both heat and hot water.* (a) If application is made on or after November 1, 1942, for a ration for heat or both heat and hot water, the allowable ration shall be determined in accordance with § 1394.5256 or § 1394.5261, whichever is applicable. One-fifth of the allowable ration shall be deemed allocable to each thermal period specified in paragraph (c) of this section. The Board shall deduct from the allowable ration:

(1) The amount allocable to any expired thermal period; and

(2) The percentage of the amount allocable to the current thermal period shown by Table II for the number of days elapsed between the beginning of such period and the date of application.

(b) The Board shall issue Class 1 or Class 2 coupon sheets containing coupons equal in gallonage value to the allowable ration (after all deductions pursuant to paragraph (a) of this section) less the amount of fuel oil on hand on the date of the application for the operation of such equipment, in accordance with the following provisions:

(1) All currently valid unit value coupons shall be issued on the basis of their current unit value and all subsequent coupons on the basis of ten (10) gallons per unit;

(2) The coupons to be issued shall be divided proportionately, insofar as possible, among all unexpired thermal periods.

(c) The thermal periods referred to in paragraphs (a) and (b) of this section shall be:

(1) In Thermal Zone A:

Thermal Period No. 1. Up to and including November 29, 1942.

Thermal Period No. 2. From November 30, 1942, to January 6, 1943, inclusive.

Thermal Period No. 3. From January 7, 1943, to February 8, 1943, inclusive.

Thermal Period No. 4. From February 9, 1943, to March 17, 1943, inclusive.

Thermal Period No. 5 From March 18, 1943, to September 30, 1943, inclusive.

(2) In Thermal Zone B:

Thermal Period No. 1 Up to and including December 2, 1942.

Thermal Period No. 2. From December 3, 1942, to January 5, 1943, inclusive.

Thermal Period No. 3. From January 6, 1943, to February 6, 1943 inclusive.

Thermal Period No. 4. From February 7, 1943, to March 12 ,1943, inclusive.

Thermal Period No. 5. From March 13, 1943, to September 30, 1943, inclusive.

(3) In Thermal Zone C:

Thermal Period No. 1. Up to and including December 3, 1942.

Thermal Period No. 2. From December 4, 1942, to January 4, 1943, inclusive.

Thermal Period No. 3. From January 5, 1943, to February 2, 1943, inclusive.

Thermal Period No. 4. From February 3, 1943, to March 6, 1943, inclusive.

Thermal Period No. 5. From March 7, 1943, to September 30, 1943, inclusive.

(4) In Thermal Zone D:

Thermal Period No. 1. Up to and including December 5, 1942.

Thermal Period No. 2. From December 6, 1942, to January 2, 1943, inclusive.

Thermal Period No. 3. From January 3, 1943, to February 5, 1943, inclusive.

Thermal Period No. 4. From February 6, 1943, to March 6, 1943, inclusive.

Thermal Period No. 5. From March 7, 1943, to September 30, 1943, inclusive.

(d) Where application is made for a ration for equipment furnishing both heat and domestic hot water to a private dwelling, the apportionment and deduction required by paragraph (a) of this section shall not be applicable to the allowable ration for domestic hot water, which shall be determined solely in accordance with § 1394.5259, regardless of the date of application.

§ 1394.5267 *Same; applications made on or after November 1, 1942, for hot water only.* If application is made on or after November 1, 1942, for a ration for hot water (but not for heat) in premises other than private dwellings, the allowable ration shall be determined in the manner provided in paragraph (b) of § 1394.5261. The Board shall deduct from the allowable ration, the part thereof corresponding to the part of the heating year which has elapsed between October 1, 1942, and the date of application. The Board shall issue Class 3, 4, 5 or 6 coupon sheets containing coupons equal in gallonage value to the allowable ration (after the deduction hereinabove required) less the amount of fuel oil on hand for the operation of such equipment on the date of application.

§ 1394.5268 *Hot water rations: special cases.* (a) The owner, or the person controlling the use of, oil burning equipment designed for, and furnishing, hot water for a purpose directly related to the public health or safety, or as an integral part of a commercial, industrial, agricultural or extractive process (if such equipment is not used for furnishing heat or for furnishing hot water for any other purpose), may obtain a ration for such purpose by applying on form OPA R-1102. No such ration may be obtained for use during the period of validity of any ration issued for the operation of such equipment pursuant to an application made on Form OPA R-1100 or Form OPA R-1101. Such ration may be obtained for three (3) month periods.

(b) The allowable ration for the operation of such equipment shall, in such case, be the amount of fuel oil needed for such purpose for the three (3) month period beginning with the date on which the ration is required, or, in the case of an application made prior to November 1, 1942, for the three (3) month period beginning October 1, 1942.

(c) After determining the allowable ration, the Board shall issue Class 3, 4, 5 or 6 coupon sheets containing coupons equal in gallonage value to the allowable ration less the amount of fuel oil on hand for the operation of such equipment. Such amount shall be determined in accordance with the provisions of § 1394.5451.

§ 1394.5269 *Rations for vendors of heat and hot water.* (a) The owner, or the person controlling the use of, oil burning equipment designed for, and furnishing, heat or hot water, or both (by means of live steam, or otherwise) to a building or structure (other than the one in which such equipment is located) which is not owned or controlled by him, may obtain a ration for the operation of such equipment for such purpose during the heating year.

(b) Application for a ration for such purpose shall be made to a Board, on or after October 22, 1942, on Form OPA R-1102, by the owner or by the person controlling the use of the equipment, or by the agent of either of them. The applicant shall supply the information required by the form.

(c) The allowable ration for the heating year for such purpose shall be $66\frac{2}{3}\%$ of the amount of fuel oil consumed (as adjusted in the manner provided in paragraph (c) of § 1394.5262) for that purpose during the base period.

(d) After determining the allowable ration, the Board shall issue coupons in accordance with the provisions of § 1394.5264, or § 1394.5265, whichever is applicable.

(e) If application is made on or after November 1, 1942, for a ration for heat or both heat and hot water, the Board shall make the deductions from the allowable ration required by paragraph (a) of § 1394.5266 and shall issue coupons in accordance with the provisions of paragraph (b) of that section.

(f) If application is made on or after November 1, 1942, for a ration for hot water only, the Board shall make the deductions from the allowable ration required by, and shall issue coupons in accordance with, the provisions of § 1394.5267.

AUXILIARY RATIONS

§ 1394.5301 *Persons entitled to auxiliary rations.* (a) The owner, or the person controlling the use of, oil burning equipment designed and used for furnishing heat or hot water, or both, to all or part of any premises, who during the period of validity of a heat or hot water ration for such equipment, requires, or who has used, fuel oil for the operation thereof for one or more of the purposes specified in § 1394.5303 or §1394.5306, and who finds that due to such requirements or use, the ration issued for furnishing heat or hot water to such premises is insufficient, may obtain an auxiliary ration: *Provided,* That no auxiliary ration may be obtained for the operation of convertible facilities.

(b) Such ration may be allowed only if the applicant has taken all possible

steps (within the limits of his financial ability) to secure maximum heating efficiency of the equipment and to eliminate loss of heat due to the condition of the premises.

§ 1394.5302 *Applications for auxiliary rations.* (a) Application for an auxiliary ration may be made to a Board, on or after November 2, 1942, on Form OPA R-1104. The applicant shall supply the information required by that form and such other information as the Board may require. He shall specify the period (not to exceed the balance of the heating year) during which such auxiliary ration is required.

(b) The applicant shall annex to his application a certification by a qualified plumber, architect or heating engineer, showing the minimum number of gallons of fuel oil (over and above the ration previously issued) needed for the purpose for which the application is made, during the period for which the auxiliary ration is required and the improvements and adjustments (if any) which have been made or which are required to secure maximum heating efficiency and minimum loss of heat.

§ 1394.5303 *Auxiliary rations for heating premises.* Auxiliary rations for heating premises may be allowed for any of the following purposes, under the conditions specified, if a higher temperature is required for such purposes than that which can be maintained in the premises by use of the heat ration previously issued:

(a) For conducting an industrial, agricultural or extractive process, or a research or experimental operation, depending upon temperature control: *Provided,* That the applicant must submit with his application a certification by a qualified expert, who is familiar with such process or operation, as to the temperature required therefor;

(b) For the performance of work essential to the war effort, if the work is of such a nature that the worker performing it can operate efficiently only at a higher temperature: *Provided,* That the applicant must submit with his application a certification by a qualified expert, who is familiar with such work, as to the minimum temperature required for the efficient performance thereof;

(c) For the care and treatment of patients in a hospital or sanatorium: *Provided,* That the applicant must submit with his application a certification by the medical director of such establishment as to the minimum temperature required for such purpose;

(d) For the care and maintenance of exhibits in an aquarium, zoological or botanical garden, art gallery, museum or similar establishment, to which the public is admitted, and which is maintained by an educational or eleemosynary institution, or by a government agency: *Provided,* That the applicant must submit with his application a certification by a qualified expert as to the temperature required for the care and maintenance of such exhibits;

(e) For the care, in premises other than those specified in paragraph (c) of this section, of a person who is ill or infirm: *Provided,* That the applicant must submit with his application a certification by a duly licensed physician or surgeon, or by a public health nurse, as to the temperature required for the care and treatment of such person and as to the period during which such temperature is required: *Provided further,* That in the case of premises other than a private dwelling, an auxiliary ration for the purpose specified in this paragraph may be obtained only for use in a space heater;

(f) For the examination or treatment of the sick in premises (other than those specified in paragraph (c) of this section) regularly used by a duly licensed physician or surgeon: *Provided,* That the applicant must submit with his application a certification by such physician or surgeon as to the temperature required for such purpose: *Provided further,* That, in the case of a building other than a private dwelling, an auxiliary ration for the purpose specified in this subparagraph may be obtained only for use in a space heater, unless such building is used primarily for such purpose;

(g) For the care of children under 4 years of age, or of aged persons, in a building used primarily as an orphanage, school, or home for the aged: *Provided,* That the applicant must submit with his application a certification by a duly licensed physician or surgeon as to the temperature required for such establishment.

§ 1394.5304 *Same; determination of allowable auxiliary ration.* The allowable auxiliary ration for heating premises shall be the amount of additional fuel oil required for the purpose, and during the period, for which the auxiliary ration is needed. Such allowable ration shall not exceed the amount required for obtaining the necessary additional heat in the portion of the premises in which such additional heat is needed.

§ 1394.5305 *Same; issuance of auxiliary heat ration.* After determining the allowable auxiliary ration for heating premises, the Board shall issue Class 1 or Class 2 coupon sheets containing coupons equal in gallonage value to the allowable ration, subject to the following provisions:

(a) All currently valid coupons shall be issued on the basis of their current unit value and all subsequent coupons on the basis of ten (10) gallons per unit;

(b) If the period for which an auxiliary ration is allowed covers more than one of the thermal periods specified in paragraph (c) of § 1394.5266, the coupons to be issued shall be divided proportionately, insofar as possible, among all thermal periods in which the ration is to be used;

(c) If the auxiliary ration is allowed for replacing fuel oil previously used by the applicant, currently valid coupons only shall be issued.

§ 1394.5306 *Auxiliary rations for hot water.* Auxiliary rations for hot water may be allowed for any of the following purposes, under the conditions specified, if more hot water is required for such purpose than can be obtained by use of the hot water ration previously issued:

(a) For a purpose directly related to the public health or safety, or for use as an integral part of a commercial, industrial, agricultural or extractive process: *Provided,* That the applicant must submit with his application a certification by a qualified expert, who is familiar with the hot water requirement for such purpose, showing the additional amount of hot water required therefor: *Provided, further,* That no such auxiliary ration may be obtained during the period of validity of a hot water ration issued pursuant to § 1394.5268;

(b) For the care and maintenance of exhibits in an aquarium, zoological garden or similar establishment, to which the public is admitted, and which is maintained by an educational or eleemosynary institution, or by a government agency: *Provided,* That the applicant must submit with his application a certification by a qualified expert as to the additional amount of hot water required for the care and maintenance of such exhibits.

(c) For the care and treatment of a sick person in a private dwelling: *Provided,* That the applicant must submit with his application a certification by a duly licensed physician or surgeon, or by a public health nurse, as to the amount of hot water required for the care and treatment of such person and as to the period during which such hot water is required.

§ 1394.5307 *Same; determination of allowable ration.* The allowable auxiliary ration for hot water shall be the amount of additional fuel oil required for the purpose and during the period for which the auxiliary ration is allowed.

§ 1394.5308 *Same; issuance of auxiliary hot water ration.* After determining the allowable auxiliary ration for hot water, the Board shall issue Class 3, 4, 5 or 6 coupon sheets containing coupons equal in gallonage value to the allowable ration.

§ 1394.5309 *Unavoidable loss of fuel oil.* (a) A consumer who sustains an unavoidable loss, by theft, fire, or accident, of fuel oil acquired in accordance with the provisions of Ration Order No. 11, may apply immediately after the loss occurs, in writing, to the Board which issued a ration to such consumer pursuant to which such fuel oil was acquired, for coupons equal in gallonage value to amount of the fuel oil so lost. The applicant shall state:

(1) The time, manner and circumstances of such loss;

(2) The steps taken to prevent further loss;

(3) The number of gallons of fuel oil so lost.

(b) If the Board is satisfied that the applicant has sustained an unavoidable loss of fuel oil, by theft, fire or accident, and that the applicant has taken all possible steps (within the limits of his financial ability) to prevent such further loss, it may, in its discretion, issue Class 3, 4, 5 or 6 coupon sheets containing coupons equal in gallonage value to the amount of fuel oil so lost. The Board shall make the entries required by § 1394.5452 on the coupon sheet issued and shall affix a validating stamp thereto. A coupon sheet issued pursuant to this section shall be valid for a three (3) month period.

DOMESTIC COOKING AND LIGHTING RATIONS

§ 1394.5351 *Persons entitled to rations for domestic cooking and lighting.* The owner, or the person controlling the use of, oil burning equipment designed and used for domestic cooking or lighting may obtain a ration for such purpose. Such rations may be obtained for three (3) month periods, except as provided in § 1394.5355.

§ 1394.5352 *Application for ration for domestic cooking and lighting.* (a) Application for a ration for the operation of equipment used for domestic cooking or lighting may be made to a Board, on or after October 22, 1942, on Form OPA R–1103. The applicant shall supply the information required by that form.

(b) A separate application shall be made for each unit of oil burning equipment, except that if two or more units of oil burning equipment serve a single family, a single application shall be made for all such units.

(c) Application may be made by the owner of the equipment, by the person controlling the use of such equipment, or by the agent of either of them. If two or more persons are entitled to apply for a ration for the same unit of oil burning equipment, application may be made by either of such persons or by all jointly.

§ 1394.5353 *Determination of allowable ration for domestic cooking.* (a) Subject to the provisions of paragraph (b) of this section, the allowable ration for all units of cooking equipment used for domestic cooking for a single family shall be the amount of fuel oil needed for such purpose during the three (3) month period beginning with the date on which the ration is required, or, in the case of an application made prior to November 1, 1942, during the three (3) month period beginning October 1, 1942.

(b) The maximum allowable ration for domestic cooking shall be twenty (20) gallons per month, if fewer than six (6) persons are regularly served by the equipment; or twenty-four (24) gallons per month, if six (6) or seven (7) persons are regularly served. If more than seven (7) persons are regularly served, the maximum shall be increased by one (1) gallon per month for each additional person.

§ 1394.5354 *Determination of allowable ration for domestic lighting.* (a) Subject to the provisions of paragraph (b) of this section, the allowable ration for all units of lighting equipment providing domestic lighting for a single family, shall be the amount of fuel oil needed for such purpose during the three (3) month period beginning with the date on which the ration is required, or in case of an application made prior to November 1, 1942, during the three (3) month period beginning October 1, 1942.

(b) The maximum allowable ration for domestic lighting shall be:

(1) For the months of October to March, inclusive: Four (4) gallons per month per person for the first three (3) persons regularly using the equipment, and two (2) gallons per month for each additional person up to seven (7); if more than seven (7) persons regularly use the equipment the maximum shall be increased by one (1) gallon per month for each additional person over seven (7);

(2) For the months of April to September, inclusive: Three (3) gallons per month per person for the first three (3) persons regularly using the equipment, and one (1) gallon per month for each additional person up to seven (7); if more than seven (7) persons regularly use the equipment, the maximum shall be increased by one-half (½) gallon per month for each additional person over seven (7).

§ 1394.5355 *Issuance of rations for domestic cooking or lighting.* After determining the allowable ration for domestic cooking or lighting, the Board shall issue Class 3, 4, 5 or 6 coupon sheets containing coupons equal in gallonage value to the allowable ration less the amount of fuel oil on hand for the operation of such equipment, determined in accordance with the provisions of § 1394.5451: *Provided,* That if the allowable ration less the amount of fuel oil on hand is less than fifty (50) gallons, the Board shall determine the allowable ration for the remainder of the heating year and shall issue coupons for that entire period.

COMMERCIAL MOTOR VEHICLES

§ 1394.5401 *Rations for commercial motor vehicles.* (a) The owner or the person controlling the use of a commercial motor vehicle (as defined in General Order No. 21 of the Office of Defense Transportation) may obtain a ration for the operation of such vehicle. Such rations may be obtained for three (3) month periods, except as provided in paragraphs (f) and (h) of this section.

(b) Application for a ration for the operation of a commercial motor vehicle shall be made to a Board, on or after October 22, 1942, on Form OPA R–1102 (or, in the case of a farm vehicle, on Form OPA R–1103) by the owner, or by the person controlling the use, of the vehicle, or by the agent of either of them. The applicant shall supply the information required by the form. A single application may be made for all commercial motor vehicles for which the applicant requires a ration.

(c) Application for a ration for the operation of a commercial motor vehicle which is subject to the jurisdiction of the Interstate Commerce Commission and which is operated both within and without the limitation area may, at the option of the applicant, be made by completing Form OPA R–1102, in the manner prescribed by paragraph (b) of this section, and by forwarding such application to the Washington Office which will issue a ration in accordance with the provisions of this section. The Washington Office will, in its discretion, designate a special board to pass upon such applications.

(d) No ration may be obtained or used for the operation of a commercial motor vehicle after the date when the operation of such vehicle without a Certificate of War Necessity is prohibited by General Order No. 21 of the Office of Defense Transportation, unless such certificate has been issued and is outstanding for such vehicle.

(e) Except as provided in paragraph (f) of this section, the allowable ration for the operation of such vehicle shall be the number of gallons approved in the Certificate of War Necessity issued for such vehicle for the quarterly period during which the ration is to be used.

(f) In the case of an application for a ration for use prior to December 31, 1942, the allowable ration shall be the amount of fuel oil needed for the operation of such vehicle:

(1) From October 1, 1942, to December 31, 1942, inclusive, if the application is made prior to November 1, 1942; or

(2) From the date the ration is required through December 31, 1942, if the application is made on or after November 1, 1942:

Provided, That the allowable ration shall not exceed the amount used for the operation of such vehicle during the corresponding period of the preceding year, unless the applicant shows good cause for the increased requirements.

(g) After determining the allowable ration, the Board shall issue Class 3, 4, 5 or 6 coupon sheets containing coupons equal in gallonage value to the allowable ration less the amount of fuel oil on hand for the operation of such vehicle. Such amount shall be determined in accordance with the provisions of § 1394.5451.

(h) If application is made before December 31, 1942, but after a Certificate of War Necessity has been issued for the vehicle, the applicant may obtain, on one application, both the ration for the balance of 1942 and the ration for the first quarter of 1943.

MISCELLANEOUS USES

§ 1394.5402 *Rations for miscellaneous uses.* (a) The owner, or the person controlling the use, of any oil-burning equipment used for a necessary purpose not otherwise specified in this Ration Order No. 11 (or any person requiring fuel oil for any necessary purpose other than the operation of oil-burning equipment) may obtain a ration for such purpose. Such rations may be obtained for three (3) month periods.

(b) Application for a ration for a necessary purpose not otherwise specified in this Ration Order No. 11, shall be made to a Board on or after October 22, 1942. Application shall be made:

(1) On Form OPA R–1102, if the ration is required for any commercial, industrial or governmental purpose; or

(2) On Form OPA R–1103, if the ration is required for any domestic, institutional or agricultural purpose. The applicant shall supply the information required by the form.

(c) The allowable ration shall, except as provided in pargaraph (d) of this section, be the amount of fuel oil needed for such purpose during the three (3) month period beginning with the date on which the ration is required, or, in the case of an application made prior to November 1, 1942, during the three (3) month period beginning October 1, 1942: *Provided,* That the allowable ration shall not exceed the amount used for such purpose during the corresponding period of the preceding year, unless the applicant shows good cause for the increased requirements.

(d) The allowable ration for non-occupational use of a boat, for the three (3) month period referred to in paragraph (c) of this section, shall not exceed the number of gallons equal to four (4) times the manufacturer's rated horsepower of the motor or motors propelling such boat, or one hundred and twenty-five (125) gallons, whichever is less.

(e) After determining the allowable ration, the Board shall issue Class 3, 4, 5 or 6 coupon sheets containing coupons equal in gallonage value to the allowable ration less the amount of fuel oil on hand for the purpose for which the ration is required. Such amount shall be determined in accordance with the provisions of § 1394.5451.

GENERAL PROVISIONS WITH RESPECT TO ISSUANCE OR RATIONS

§ 1394.5451 *Determination of fuel oil inventory.* Before issuing a ration, the Board shall determine the amount of fuel oil on hand for the use for which the ration is required. The date as of which such amount is to be determined shall be:

(a) October 1, 1942, in the case of an application made prior to November 1, 1942; or

(b) The date of application, in the case of an application made on or after November 1, 1942.

§ 1394.5452 *Notations on coupon sheets; validating stamp.* (a) At the time of issuing a coupon sheet, the Board shall enter thereon the name and address of the person to whom it is issued and the number and kind of coupons issued therewith. The Board shall also enter on such coupon sheet the date on which it becomes valid (or October 1, 1942, in the case of an application made prior to November 1, 1942) and the date on which it expires. Such dates shall be, respectively, the first and last day of the period for which the ration is issued.

(b) The Board shall affix a validating stamp to each coupon sheet issued and shall inscribe on such stamp the serial number of such coupon sheet. No coupon sheet and no coupons thereon shall be valid for any purpose unless it bears a validating stamp, so affixed.

§ 1394.5453 *Issuance of delivery receipts.* (a) Where an applicant requires residual oil for purposes other than the operation of equipment furnishing heat or hot water, he may request the Board to issue to him Delivery Receipts, on Form OPA R–1125, instead of coupons. The Board may, in such case, issue Delivery Receipts in lieu of coupons.

(b) At the time of issuing a Delivery Receipt, the Board shall enter on the stub attached thereto, the number and address of the issuing Board, the name and address of the person to whom the Delivery Receipt is issued and the amount of residual oil which may be transferred in exchange therefor (which shall be equal to the value of the coupons in lieu of which such Delivery Receipt is issued). The Board shall affix a validating stamp to the Delivery Receipt stub, in the manner required by paragraph (b) of § 1394.5452, and shall enter on such stub the period of validity of the Delivery Receipt, in accordance with the provisions of paragraph (a) of § 1394.5452.

(c) The Board may issue as many Delivery Receipts as the applicant requires. When more than one Delivery Receipt is required, the Board shall fasten together and issue Delivery Receipts bearing consecutive serial numbers, placing the one bearing the lowest serial number on top. It shall make the entries required by paragraph (b) of this section on the stub of the Delivery Receipt bearing the lowest serial number and shall affix the validating stamp thereto. It shall also enter thereon the serial numbers of all Delivery Receipts so issued.

§ 1394.5454 *Acknowledgments of delivery.* (a) Acknowledgments of delivery, on Form OPA R–544 (Revised), to be used for the acquisition of fuel oil by or for the account of the Army, Navy, Marine Corps, War Shipping Administration, Coast Guard and Maritime Commission, of the United States, will be issued by the Washington office to the Washintgon headquarters of such agencies. Any such form bearing the signature of an authorized officer, agent or employee of any of such agencies shall be valid as an authorization of transfer of fuel oil to or for the account of such agency by any person to whom it is presented, to the extent of the gallonage thereon stated. In the event that an acknowledgment form is not available, a receipt on an official letterhead of such agency, bearing such authorized signature, and supplying the information required by Form OPA R–544 (Revised), may be used in lieu of such acknowledgment form. Such form or receipt may be used as an evidence for purposes of replenishment.

(b) If any of the information required by Form OPA R–544 (Revised) is military or naval information of a secret character, such information may be omitted.

(c) A Board to which an Acknowledgment of Delivery, or a receipt on an official letterhead, executed in accordance with paragraph (a) of this section, is delivered pursuant to § 1394.5723, shall cancel such acknowledgment or receipt and forward it to the agency, or in the case of the Army or Navy, to the activity, if any, named thereon.

§ 1394.5455 *Insertion of serial numbers on coupons; signature on coupon sheet.* An applicant shall sign each coupon sheet issued to him, and shall insert on each coupon the serial number of the coupon sheet to which such coupon is attached. No coupon shall be valid until the coupon sheet to which it is attached has been signed as required, and the serial number of such coupon sheet has been inserted on the coupon.

§ 1394.5456 *Lost or destroyed coupon sheets or delivery receipts.* (a) In the event of the loss, destruction or mutilation of any coupon sheet or delivery receipt, the person to whom such coupon sheet or delivery receipt was issued may apply to the issuing Board for replacement thereof.

(b) Such application shall be made in writing, under oath or affirmation, and shall set forth:

(1) The name and address of the applicant;

(2) The date and place of issuance, and, if possible, the expiration date and the serial number of such coupon sheet or receipt;

(3) A description of the premises, vehicle, boat, equipment or process for which the coupon sheet or receipt was issued;

(4) A statement of the number and value of unused and unexpired coupons attached to the coupon sheet, or of the amount of residual oil acquired in exchange for receipts (if any) which were issued together with the receipts so lost, destroyed or mutilated;

(5) A description of the manner and circumstances of the loss, destruction or mutilation.

(c) If the Board is satisfied that such coupon sheet or delivery receipt has been lost or destroyed, or so damaged or mutilated as to be rendered unfit for use, it may, in its discretion, issue a coupon sheet of the same gallonage value (or a delivery receipt limited to the same gallonage value) as that sought to be replaced; it shall enter on any coupon sheet (or delivery receipt) issued, the expiration date that appeared on the coupon sheet (or delivery receipt) replaced.

(d) No person receiving a coupon sheet or delivery receipt under paragraph (c) of this section shall use, attempt to use, or permit the use of the original coupon sheet or receipt. A damaged or mutilated coupon sheet or receipt shall be surrendered to the Board.

§ 1394.5457 *Disposition of found coupon sheet or delivery receipts.* (a) Any person who finds a coupon sheet, coupon or other evidence, or a Delivery Receipt, shall within five (5) days surrender it to any Board.

(b) The Board to which a coupon sheet, coupon or other evidence, or delivery receipt is surrendered pursuant to paragraph (a) of this section shall forward it through the State Director to the issuing Board.

§ 1394.5458 *Exchange for currently valid coupons.* (a) A person to whom a Class 1 or Class 2 coupon sheet has been issued, who, because of transportation difficulties, must acquire fuel oil in excess of the amount obtainable by the use of his currently valid coupons, may apply, in writing, to the issuing Board for currently valid coupons in exchange for coupons of the series which will next become valid.

(b) If the Board finds that, due to transportation difficulties, it is necessary for the applicant to take delivery of fuel oil in excess of the amount obtainable by the use of his currently valid coupons, it may, in its discretion, issue a coupon sheet containing currently valid coupons to the extent required. It shall detach from the applicant's coupon sheet, coupons not yet valid, equal in number and unit value, to the currently valid coupons issued.

(c) The Board shall make the entries required by § 1394.5452 on the new coupon sheet and shall affix a validating stamp thereto.

§ 1394.5459 *Same; where ration insufficient for current period.* (a) A person to whom a Class 1 or Class 2 coupon sheet has been issued, who finds that his fuel oil on hand and his currently valid coupons are insufficient to meet his minimum heating requirements, may apply to the issuing Board for currently valid coupons in exchange for coupons of the series which will next become valid.

(b) Such application may be granted only if the applicant:

(1) Has maintained a temperature not in excess of sixty-five (65) degrees Fahrenheit) in the premises for which the ration was issued (except for a purpose specified in § 1394.5303); and

(2) Has taken all possible steps (within the limits of his financial ability) to secure maximum heating efficiency of the oil burning equipment and to eliminate loss of heat due to the condition of the premises.

(c) Such application may be made to a Board, on or after November 16, 1942, on Form OPA R–1104. The applicant shall supply the information required by that form and such other information as the Board may require.

(d) The applicant shall submit with his application a certification by a qualified plumber, architect or heating engineer showing the improvements and adjustments (if any) which have been made, or which are required, to secure maximum heating efficiency and minimum loss of heat.

(e) If the Board finds that the applicant has satisfied the requirements of paragraph (b) of this section, it shall determine the number of gallons of additional fuel oil required for use in heating the premises until the valid date of the next series of coupons. It shall then issue a coupon sheet containing currently valid coupons, to the extent required, in accordance with the procedure set forth in paragraphs (b) and (c) of § 1394.5458.

§ 1394.5460 *Exchange of indefinite value for definite value coupons.* (a) Any consumer may exchange, at the issuing Board, currently valid unit value coupons for definite value coupons, on the basis of the current value of the unit value coupons exchanged.

(b) The Board shall issue a Class 3, 4, 5, or 6 coupon sheet containing coupons to the extent required.

(c) The Board shall make the entries required by § 1394.5452 on the new coupon sheet and shall affix a validating stamp thereto. The Board shall enter, as the expiration date of such coupon sheet, the last date, specified in § 1394.5201, on which the unit value coupons exchanged would be valid for the transfer of fuel oil to a consumer.

EXPIRATION AND REVOCATION OF RATIONS

§ 1394.5501 *Expiration of rations.* All rations shall expire at midnight on the date entered by the issuing Board on the coupon sheets (or on the stub of the Delivery Receipt) issued therefor.

§ 1394.5502 *Same: Cessation of use or change in ownership, control or use.* A ration shall expire:

(a) Upon cessation of use for the purpose for which it was issued; or

(b) Upon cessation of use of the oil burning equipment for which it was issued, by the person to whom it was issued; or

(c) Upon change in ownership of, or control over, such equipment: *Provided*, That a ration issued to any person for the operation of oil burning equipment furnishing heat, or hot water, or both, to any premises, shall not expire upon a change in ownership of such premises, if there is no change in the occupancy thereof and if such person retains control over such equipment.

§ 1394.5503 *Surrender of expired coupon sheets and delivery receipts.* (a) No ration may be used and no coupon sheet or delivery receipt shall be valid, after the expiration thereof, for the transfer of fuel oil to a consumer.

(b) Within five (5) days after the expiration of any ration, the person to whom it was issued shall, except as provided in paragraph (e) of this section, surrender to the issuing Board all coupon sheets (and all delivery receipts and stubs) representing such ration.

(c) Within five (5) days after all coupons on a coupon sheet have been detached, the person to whom such coupon sheet was issued shall surrender it to the issuing Board.

(d) Within five (5) days after all delivery receipts issued to any person have been used, such person shall surrender to the issuing Board the stubs from which they were detached.

(e) In the following cases, a coupon sheet issued as a ration for heat, or hot water, or both, in private dwellings shall, upon expiration of the ration, be surrendered in the manner provided:

(1) Where a ration issued to a person other than the owner of the premises has expired by reason of the cessation of use of such equipment by such person or by reason of a change in control over such equipment, such person shall, immediately after such cessation of use or change in control, surrender the coupon sheet to the owner of the premises; the owner shall demand the coupon sheet from such person.

(2) Where a ration issued to the owner of the premises has expired by reason of a change in ownership, he shall, at the time of such change in ownership, surrender the coupon sheet to the new owner; the new owner shall demand such coupon sheet from such former owner.

(f) Both the person who surrenders a coupon sheet pursuant to paragraph (e) of this section and the person to whom it is surrendered, shall execute the certificate of surrender appearing on the coupon sheet. Upon the request of the person surrendering such coupon sheet, a duplicate of the certificate of surrender shall be prepared and furnished to him. Within five (5) days after such surrender of a coupon sheet, the person to whom it was surrendered shall forward it, together with the certificate of surrender, to the issuing Board.

(g) If a person is unable to surrender a coupon sheet as required in paragraph (e) of this section, he shall surrender it to the issuing Board within five (5) days after such expiration. If the person required by paragraph (e) of this section to demand a coupon sheet is unable to obtain it from the person required to surrender it, he shall immediately notify the issuing Board.

§ 1394.5504 *Application for reissuance of expired rations.* (a) If a ration has expired by reason of a change in ownership of, or control over, oil burning equipment furnishing heat, or hot water, or both, to any premises, but such change in ownership or control involves no change in the occupancy of such premises, the person acquiring ownership or control (or his agent) may apply to the issuing Board for reissuance of such ration. Such person may not obtain a ration (other than an auxiliary ration) for the operation of such equipment during the balance of the period of which such expired ration was issued, except in the manner provided in this section.

(b) An application pursuant to paragraph (a) of this section shall be made in writing and shall set forth:

(1) The name and address of the applicant;

(2) The address of the premises served by such equipment;

(3) The date on which the applicant acquired ownership of, or control over, such equipment;

(4) The name of the person from whom he acquired such ownership or control;

(5) A certification that such change of ownership or control did not involve a change in the occupancy of the premises; and

(6) A request for reissuance of the expired ration to him.

§ 1394.5505 *Reissuance of expired rations.* (a) Upon application for reissuance of a ration pursuant to § 1394.5504, the Board shall issue to the applicant coupon sheets containing the same number and kind of coupons as were contained on the expired coupon sheets.

(b) After such reissuance, the applicant may use any fuel oil in the fuel supply tank of such equipment, or in a storage tank or other container maintained for supplying such equipment, without any further surrender of coupons.

§ 1394.5506 *Issuance of new rations.* Except as otherwise provided in this Ration Order No. 11, a transferee of any oil burning equipment shall be required to make a new application for a ration therefor, on his own behalf, in accordance with the provisions of § 1394.5551: *Provided*, That such transferee may not obtain a ration unless a *bona fide* transfer is involved.

§ 1394.5507 *Suspension and revocation of rations.* (a) All coupon sheets, coupons, acknowledgments of delivery, inventory coupons, exchange certificates, export certificates, and delivery receipts shall be and remain when issued the property of the Office of Price Administration. Such Office may refuse to issue, and may suspend, cancel, revoke, or recall any ration and may require the surrender and return of any coupon sheet, coupon, acknowledgment of delivery, inventory coupons, exchange certificate, export certificate, or delivery receipt during suspension or pursuant to cancellation, whenever it deems it to be in the public interest to do so.

(b) Upon certification by the Office of Defense Transportation that any person to whom a ration has been issued has been found by it to have violated an order of such Office, and upon recommendation by such Office that a ration or any part thereof, issued to such person, be revoked, the Office of Price Administration will revoke such ration, or such part thereof.

(c) Upon recommendation of the Office of Petroleum Coordinator of War, approved by the Director General for Operations, that fuel oil be denied to a person who owns, or controls the use of, convertible facilities used for purposes other than furnishing heat or hot water to any building or structure, the Office of Price Administration will revoke any ration issued to such person for such use.

(d) Any ration issued to a person not entitled thereto on the basis of the facts stated in the application, may be revoked by the issuing Board, and the Board may order that any coupon sheets or delivery receipts issued therefor be surrendered. The Board may, in its discretion, issue such ration as it find him entitled to receive, pursuant to the provisions of Ration Order No. 11, in place of the ration revoked.

§ 1394.5508 *Authority of regional administrators, state directors and district managers to suspend and revoke rations and require the surrender of coupon sheets and coupons.* (a) The several Regional Administrators of the Office of Price Administration within their respective Regions, and such State Directors or District Managers as may be designated by the Regional Administrators for such purpose, are authorized to determine whether any ration, coupon sheet, Delivery Receipt, inventory coupon, or other coupon (whether or not issued) should be suspended, cancelled, revoked, recalled, or surrendered, and may, after a hearing held in accordance with the provisions of this section, suspend, cancel, revoke, recall, or require the surrender of any such ration, coupon sheet, delivery receipt, or coupon in any case in which the Regional Administrator, State Director or District Manager, as the case may be, finds either:

(1) That a ration holder was not entitled to receive the ration issued; or

(2) That a person has transferred, assigned, received or accepted, or has in his possession any coupon sheet, coupon or delivery receipt (whether or not such coupon sheet or Delivery Receipt was issued as a ration and whether or not such coupon was issued as a ration or as part of a coupon sheet) otherwise than in accordance with the provisions of Ration Order No. 11.

(b) The hearing shall be conducted by a presiding officer who shall be appointed or designated by the Regional Administrator or such person as he may authorize to make such an appointment or designation. The presiding officer shall preside at the hearing, administer oaths and affirmations, and rule on the admission and exclusion of evidence.

(1) Notice of any hearing to be held pursuant to this section shall be served on the respondent not less than five (5) days prior to such hearing. The notice shall state the time and place of the hearing, the charges against the respondent, and the purpose for which the hearing is to be held.

(2) The hearing shall be conducted by the presiding officer in such manner as will permit the respondent to present evidence and argument to the fullest extent compatible with fair and expeditious determination of the issues raised in the hearing. To this end:

(i) The respondent shall have the right to be represented by counsel of his choosing;

(ii) The rules of evidence prevailing in courts of law or equity shall not be controlling;

(iii) The presiding officer, having due regard to the need for expeditious decision, shall afford reasonable opportunity for cross-examination of witnesses.

(3) A stenographic transcript of the hearing shall be made, a copy of which shall be made available to the respondent at his request upon the payment of a reasonable fee.

(4) A copy of any order issued pursuant to this section shall promptly be served on the respondent.

(c) Any person against whom an order is issued pursuant to the provisions of this section on the ground that the ration holder to whom a ration was issued was not entitled to such ration on the basis of the facts appearing in his application may appeal to the Regional Administrator from an order of a District Manager or from an order of a State Director, and to the Deputy Administrator in Charge of Rationing from an order or decision on appeal of the Regional Administrator. In making any such appeal, the appealing party shall file with the official who issued the order appealed from a statement in writing setting forth his objections to the decision and the grounds for the appeal. The statement must be filed not later than thirty (30) days after receipt of notice of the decision. Within five (5) days after receipt of the statement, such official shall send it to the official appealed to together with the entire record. The official appealed to may request the appealing party to appear before him or to furnish such additional information as he may deem pertinent and shall render his decision on the appeal within five (5) days after receipt of the statement and record, and, in cases of apparent emergency, within twenty-four (24) hours, if possible. He shall promptly notify the appealing party, in writing, of his decision.

(d) Any person against whom an order is issued pursuant to the provisions of this section on any ground other than that set forth in paragraph (c) of this section may file in the Office of the Secretary, Office of Price Administration, Washington, D. C., a petition for reconsideration of such order. Such petition may be accompanied by any affidavits or briefs which the person filing such petition desires to submit. Within a reasonable time after the filing of a petition for reconsideration, the Administrator, or such person as he may designate for such purpose, shall affirm, modify, rescind, or stay such order, or direct that a further hearing be held thereon.

RENEWAL OF RATIONS AND ISSUANCE OF FURTHER RATIONS

§ 1394.5551 *Renewal of rations.* (a) At any time within thirty (30) days prior to the expiration of any ration, or at any time thereafter, application for a further ration may be made.

(b) An application for a further ration, for use upon or after expiration of the current ration, shall be made and passed upon in the same manner as an original application.

(c) Except as provided in §1394.5552, no further ration may be issued for use, or used, prior to the expiration of the current ration.

§1394.5552 *Further rations for use prior to expiration date of current rations.* (a) A further ration may be obtained for use prior to the original expiration date of the current ration:

(1) Where the current ration has expired pursuant to § 1394.5502; or

(2) Where a current ration for domestic cooking or lighting issued pursuant to § 1394.5355 is insufficient due to an increase in the number of persons served by or using the equipment for which such ration was issued; or

(3) Where, due to a change in circumstances or miscalculation of needs, a current ration issued pursuant to §§ 1394.5268, 1394.5401 or 1394.5402, fails to meet the applicant's requirements.

(b) Application for such further ration shall be made in the same manner as an application for an original ration. The applicant shall annex to the application a statement showing:

(1) That the current ration is insufficient to meet his needs for more than thirty (30) days from the date of the application; and

(2) The reason or reasons why a further ration will be needed for use prior to the expiration date of the current ration.

(c) If the Board finds that, for one of the reasons specified in paragraph (a) of this section, the current ration is insufficient to meet the applicant's requirements, it may grant a further ration for use prior to the expiration date of the current ration.

(d) All of the provisions of Ration Order No. 11 applicable to the determination and issuance of an original ration shall apply to the determination and issuance of a further ration pursuant to this section, except as provided in paragraph (e) of this section.

(e) No further ration shall be granted under this section which would permit the applicant to obtain fuel oil in excess of the maximum gallonage to which he would be entitled for any three (3) month period under §§ 1394.5353, 1394.5354 or paragraph (d) of § 1394.5402.

(f) When granting a further ration for use prior to the original expiration date of an unexpired current ration, the Board shall redetermine the expiration date of such current ration. Such redetermination shall be based on the Board's estimate of the date on which such current ration will be exhausted. The Board shall thereupon note such redetermined expiration date on the application for such current ration and on the coupon sheet (or on the stub of the delivery receipt) issued therefor. The redetermined date shall be deemed to be the expiration date of such current ration for all the purposes of Ration Order No. 11. The further ration shall then become valid on the day following such redetermined expiration date.

RESTRICTIONS ON USE OF RATIONS AND FUEL OIL

§ 1394.5601 *Restrictions as to purpose.* No person shall use a ration, or permit the use of a ration issued to him, for any purpose other than that for which it was issued.

§ 1394.5602 *Rations not transferable.* No ration shall be transferred or assigned and no person shall accept such transfer or assignment. A ration may, however, be used by any person entitled to the use of the equipment for which it was issued, if such use is for the purpose for which the ration was issued and if there has been no change in the ownership of or control over such equipment.

§ 1394.5603 *Restrictions on consumption of fuel oil.* On or after November 1, 1942, except as provided in §§ 1394.5602, 1394.5658, and paragraph (b) of § 1394.5505, no person shall consume fuel oil unless such fuel oil was acquired by him or on his behalf in exchange for valid coupons or other evidences, or delivery receipts: *Provided,* That fuel oil included in a consumer's inventory pursuant to § 1394.5451, with respect to which a deduction has been made, or with respect to which coupons or other evidences, or delivery receipts, have been surrendered to a Board pursuant to paragraph (b) (2) of § 1394.5659, shall be deemed to have been acquired in exchange therefor.

§ 1394.5604 *Redemption of coupon notes.* (a) Any person may transfer coupons or other evidences, or delivery receipts, acquired by him in accordance with the provisions of Ration Order No. 11:

(1) To the lawful holder of a coupon note issued by him pursuant to Limitation Order L–56, as amended, for the purposes of redeeming such note; or

(2) To a person to whom he was required to issue such a note.

(b) Within fifteen (15) days after the effective date of this Ration Order No. 11, every person who executed a coupon note pursuant to Limitation Order L–56, as amended (or who was required to execute such a note by the provisions of that Order), shall surrender to the person to whom the note was given (or was required to be given) coupons or other evidences, or delivery receipts, acquired by such person in accordance with the provisions of Ration Order No. 11, equal in gallonage value to the number of gallons for which such notes were executed (or required).

RESTRICTIONS ON TRANSFERS TO AND BY CONSUMERS

§ 1394.5651 *Restrictions on transfers to consumers.* Except as provided in § 1394.5664, on and after November 1, 1942, notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person other than a dealer or supplier shall transfer or offer to transfer fuel oil to a consumer and no consumer shall accept a transfer of fuel oil from any person other than a dealer or supplier.

§ 1394.5652 *Transfers to consumers.* (a) On and after November 1, 1942, notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no dealer or supplier shall transfer fuel oil from within or without the limitation area to a consumer within the limitation area, or from within the limitation area to a consumer without the limitation area, and no consumer shall accept such transfer except in exchange for valid coupons or other evidences, or delivery receipts, authorized by this Ration Order No. 11.

(b) No consumer who is a primary supplier shall accept a transfer of fuel oil for his own use in excess of the amount for which a ration has been issued to him.

§ 1394.5653 *Transfers to consumers in exchange for coupons.* Fuel oil may be transferred to consumers (and consumers may accept such transfers) in exchange for coupons attached to Class 1, 2, 3, 4, 5 and 6 coupon sheets under the following conditions:

(a) Transfer may be made only to the person named on the coupon sheet, or to his agent.

(b) The transferor must require presentation of the coupon sheet at the time of the transfer and must, at such time, detach therefrom coupons equal in gallonage value to the amount of fuel oil transferred, except that if the transfer is made in the absence of the transferee or his agent, the transferee shall, within twenty-four (24) hours after such transfer, forward the coupon sheet to the transferor and the transferor shall detach therefrom coupons equal in gallonage value to the amount of fuel oil transferred. After detaching such coupons, the transferor shall return the coupon sheet to the transferee.

(c) Transfer may be made only during the period of validity noted on the coupon sheet (or in the case of Class 1 and Class 2 coupon sheets, only during the valid period of the coupon in exchange for which the transfer is to be made) and only in exchange for coupons valid in the thermal zone in which the transfer is made.

(d) At the time of detaching coupons from a coupon sheet, the transferor (or his agent) shall sign a certification on such coupon sheet, showing the name and address of the transferor, the date of the transfer, the amount of fuel oil transferred and the number and kind of coupons detached by the transferor.

(e) No transfer of fuel oil may be made in exchange for a coupon if:

(1) Such coupon was detached from the coupon sheet prior to the transfer; or

(2) Such coupon does not bear a serial number (inscribed pursuant to § 1394.5455) corresponding to the serial number of the coupon sheet to which it is attached; or

(3) The coupon sheet to which such coupon is attached does not bear a validating stamp affixed by a Board pursuant to paragraph (b) of § 1394.5452.

§ 1394.5654 *Deposit of coupon sheets.* (a) A consumer may, at his option, deposit his coupon sheet with the dealer or supplier from whom he intends to acquire fuel oil. Transfer against a coupon sheet so deposited may be made only in accordance with the provisions of § 1394.5653.

(b) Within forty-eight (48) hours after the expiration of a coupon sheet so deposited (or within forty-eight (48) hours after all coupons on such sheet have been detached in accordance with the provisions of § 1394.5653), the dealer or supplier with whom it was deposited shall return such coupon sheet to the consumer who deposited it with him. Within forty-eight (48) hours after the return of such coupon sheet, such consumer shall inspect the record of deliveries appearing thereon and shall certify that he has made such an inspection by writing across the face of such coupon sheet the date of inspection and his name. He shall thereupon surrender the coupon sheet to the issuing Board. If the record of deliveries contains any inaccurate statement with respect to the date or amount of any delivery, or if the gallonage value of the coupons detached from such coupon sheet does not correspond to the total amount of fuel oil transferred to him in exchange for such coupons, the consumer shall, when surrendering such coupon sheet, report such fact in writing to the issuing Board.

(c) A dealer or supplier shall return a coupon sheet deposited with him, within forty-eight (48) hours after a request for such return made by the consumer who deposited it.

§ 1394.5655 *Transfers to consumers in exchange for acknowledgments of delivery and delivery receipts.* (a) Transfer may be made to or for the account of any agency specified in paragraph (a) of § 1394.5454, in exchange for an acknowledgment of delivery, on Form OPA R–544 (Revised), bearing the signature of an authorized officer, agent, or employee of such agency, or in exchange for a receipt issued in lieu of such acknowledgment in accordance with the

provisions of paragraph (a) of § 1394.5454.

(b) Transfer (of residual oil only) may be made to a consumer (and a consumer may accept such transfer) in exchange for a delivery receipt (Form OPA R–1125) under the following conditions:

(1) Transfer may be made only if the stub to which such delivery receipt is attached (or a stub with a lower serial number attached thereto) bears a validating stamp affixed by a Board pursuant to § 1394.5453.

(2) Transfer may be made only to the person (or the agent of the person) named on, and only during the period of validity entered by the Board on, the delivery receipt stub bearing the validating stamp.

(3) Transfer may be made only if the serial number of the delivery receipt corresponds to the serial number of the stub to which it is attached.

(4) Transfer may be made of an amount of fuel oil not in excess of the balance authorized to be delivered, as shown on the delivery receipt stub attached to the receipt against which transfer is being made.

(5) At the time of transfer, both the transferee and the transferor shall sign the delivery receipt, after entering thereon the date of the transfer and the amount of residual oil transferred. The transferor shall then enter such date and amount on the delivery receipt stub; he shall thereupon deduct the amount of the transfer from the balance shown on such stub and shall enter the new balance both on that stub and on the stub attached to the delivery receipt (if any) bearing the next higher serial number. Both the transferor and the transferee shall then certify as to the accuracy of the entries made by signing the stub. The receipt shall then be detached by the transferor and the stub retained by the transferee. Where delivery of residual oil is made in the absence of the transferee or his agent, the transferee shall, within twenty-four (24) hours after such transfer, execute a delivery receipt in the manner required above and forward it to the transferor with its stub and all prior stubs (if any) attached, for the certification and entries hereinabove required; the transferor shall make such entries, detach the receipt and return the stub to the transferee.

§ 1394.5656 *Records to be kept by dealers and suppliers.* Every dealer and supplier shall keep a record of each transfer to a consumer of a quantity of fuel oil in excess of ten (10) gallons. Such record shall show the name and address of the transferee, the date of the transfer, the amount (and, in the case of residual oil, the grade) of fuel oil transferred and the number and serial numbers of coupons (or delivery receipts) detached. Such records shall be preserved for at least one year. No such record need be kept of a *bona fide* separate transfer of ten (10) gallons or less in exchange for coupons on a Class 3 or 4 coupon sheet.

§ 1394.5657 *Transfers for export.* (a) Any person (other than a primary supplier) who desires to obtain fuel oil for export to any insular or territorial possession of the United States, or to any foreign country, may execute and submit Part A of an export certificate on Form OPA R–560 (Revised), in duplicate, to any Board. Such certificate shall state the amount of fuel oil required for export, the proposed date and port of exportation and the name and address of the person desiring to export the fuel oil. The Board shall retain the duplicate copy of the certificate and shall endorse and return the original copy to such person. The original copy, bearing the endorsement of the Board, shall constitute an evidence to authorize the transfer of the amount of fuel oil stated thereon: *Provided,* That such certificate bearing the endorsement of an authorized official of the Federal government or any agency thereof shall be valid without endorsement by a Board, as an evidence to authorize the transfer of fuel oil to such government or agency, for the purpose of export or for the purpose of retransfer by such government or agency for export. If any of the information required by Form OPA R–560 (Revised) is military or naval information of a secret character, it may be omitted.

(b) Within thirty (30) days after submission to, and endorsement of, an export certificate by a Board, the person who procured such endorsement and acquired fuel oil pursuant to such certificate shall submit to the Board which endorsed the certificate, a copy of a shipper's export declaration (Commerce Form 7525) bearing a notation of an authorized customs official to the effect that to the best of his knowledge and belief the amount of fuel oil therein stated has been exported by such person. The Board shall attach the copy of the declaration submitted to the copy of the certificate on file. If the Board is not satisfied with the authenticity of the copy of the declaration or in the event that none has been presented to the Board within thirty (30) days after endorsement of the certificate, the Board shall send the file of the case to the Washington Office for investigation.

(c) Any dealer or secondary supplier who has, after September 30, 1942, exported fuel oil to an insular or territorial possession of the United States or to a foreign country, and who has not acquired such fuel oil pursuant to the provisions of paragraph (a) of this section, may obtain replenishment for the amount of fuel oil so exported by executing and presenting to a Board Part B of an export certificate on Form OPA R–560 (Revised) and submitting therewith a copy of a shipper's export declaration (Commerce Form 7525) bearing the notation of an authorized customs official to the effect that to the best of his knowledge and belief the amount of fuel oil thereon stated was so exported by such dealer or secondary supplier. The Board, if it is satisfied that fuel oil in the amount stated in such certificate was exported by such dealer or supplier, shall endorse such certificate and return it to him and shall retain a copy of the declaration for its files. Such certificate, bearing the endorsement of a Board, shall constitute an evidence to authorize a transfer of the amount of fuel oil stated thereon.

(d) No person acquiring fuel oil pursuant to the provisions of paragraph (a) of this section may use such fuel oil for any purpose other than for export to an insular or territorial possession of the United States or to a foreign country.

(e) Nothing in this section shall be construed to authorize the export of fuel oil other than in accordance with the laws of the United States and the rules and regulations of the Board of Economic Warfare or of any other department or agency of the United States.

(f) Any person who has exported fuel oil which he acquired in exchange for a coupon note pursuant to Limitation Order L–56, as amended, of the War Production Board, may obtain coupons for redemption of such note by applying to a Board in accordance with the procedure set forth in paragraph (c) of this section and stating the purpose of his application.

§ 1394.5658 *Transfer of vehicle, boat or equipment.* Nothing in Ration Order No. 11 shall be deemed to forbid the transfer of fuel oil actually in the fuel supply tank of a vehicle or boat, or of equipment used for purposes other than furnishing heat or hot water to buildings or structures, in conjunction with a lawful and bona fide transfer of such vehicle, boat or equipment itself; or the consumption by the transferee, in such vehicle, boat or equipment, of fuel oil actually in the fuel supply tank thereof at the time of transfer.

§ 1394.5659 *Transfers without exchange of coupons.* (a) Subject to the provisions of paragraph (b) of this section, nothing in Ration Order No. 11 shall be deemed to forbid:

(1) Transfers of fuel oil by legal process or by operation of law; or

(2) Transfers of fuel oil in a storage tank or other container maintained by a consumer as part of an enterprise or establishment, or in the fuel supply tank of equipment furnishing heat or hot water to buildings or structures, in conjunction with a lawful and *bona fide* transfer of such enterprise, establishment or equipment.

(b) Any person to whom a transfer of the character described in paragraph (a) of this section is made, shall forthwith report such transfer and the amount of fuel oil transferred in connection therewith, to the Board having jurisdiction over the area in which such fuel oil is located. Such person, if a dealer or supplier, shall surrender to the Board, together with such report, coupons or other evidences, or delivery receipts, equal in gallonage value to the amount of fuel oil transferred. Such person, if not a dealer or supplier, may either:

(1) Transfer all or any part of such fuel oil in exchange for coupons or other evidences, or delivery receipts, equal in gallonage value to the amount of fuel oil so transferred, and shall immediately surrender such coupons or other evidences, or delivery receipts, to the Board for cancellation; or

(2) Consume such fuel oil to the extent of any ration issued to him, for the purpose for which such ration was is-

sued: *Provided,* That he shall, in such case, surrender to the Board for cancellation, coupons or other evidences, or delivery receipts, equal in gallonage value to the amount of fuel oil consumed or to be consumed: *And provided further,* That if, at the time of transfer, no ration had been issued to such transferee, he need not surrender such coupons, evidences, or receipts to the Board but shall, before consuming such fuel oil, apply for a ration and, in such application, report to the Board as fuel oil on hand, the fuel oil so acquired.

§ 1394.5660 *Upstream transfers by consumers.* (a) Subject to the provisions of paragraph (b) of this section, nothing in Ration Order No. 11 shall be deemed to forbid transfers of fuel oil by consumers to dealers or suppliers. Any consumer who makes such a transfer shall forthwith report to the Board having jurisdiction over the area in which such fuel oil is located, the date of such transfer, the name and address of the transferor and transferee, and the amount of fuel oil so transferred.

(b) A dealer or supplier to whom a transfer of the character described in paragraph (a) of this section is made, shall forthwith report to such Board the date of such transfer, the name and address of the transferor and transferee, and the amount of fuel oil so transferred. He shall surrender to such Board, together with such report, coupons or other evidences, or Delivery Receipts, equal in gallonage value to the amount of fuel oil transferred.

§ 1394.5661 *Discrimination in transfers to consumers.* On and after November 1, 1942, no dealer or supplier shall discriminate, in the transfer of fuel oil, among consumers entitled to acquire fuel oil under this Ration Order No. 11.

§ 1394.5662 *Rights of parties to contracts for transfer of fuel oil.* If the performance of any contract or agreement for the transfer of fuel oil is prevented by Ration Order No. 11, no party thereto shall be liable for failure to perform such contract or agreement, except that any person who has received or has had the benefit of any deposit or other consideration on account of such contract shall be liable upon demand to return such deposit or other consideration, or to pay the fair value thereof, in the event that the consideration has been materially altered in condition or cannot be returned.

§ 1394.5663 *Transfers of fuel oil from the limitation area to persons outside the limitation area.* (a) Except as provided in paragraphs (b) and (c) of this section, on and after November 1, 1942, notwithstanding the terms of any contract, agreement or commitment, regardless of when made, no person shall transfer or offer to transfer fuel oil from within the limitation area to any point in the continental United States without the limitation area, and no person shall accept such transfer.

(b) A dealer or supplier may transfer fuel oil from within the limitation area to a consumer without the limitation area, in exchange for coupons or other evidences, or Delivery Receipts.

(c) A primary supplier who has obtained written authorization from the Washington Office may transfer fuel oil from within the limitation area to a person other than a consumer without the limitation area. Application for such authorization shall be made in writing to the Washington Office. Such application shall set forth:

(1) Type and amount of fuel oil to be transferred;

(2) Name and address of the transferor and of the transferee;

(3) Tank car mileage of shipment to be made;

(4) Tank car mileage between point to which fuel oil is to be shipped and the source of fuel oil supply, outside the limitation area, nearest to that point.

The Washington Office may, in its discretion, issue the authorization requested.

§ 1394.5664 *Transfers by Army or Navy.* (a) The Army or Navy of the United States may transfer fuel oil acquired pursuant to § 1394.5655, in exchange for coupons or delivery receipts equal in gallonage value to the amount of fuel oil transferred: *Provided,* That such transfers may not be made to consumers who can obtain fuel oil from dealers or suppliers without unreasonable difficulty. The Army and Navy shall forward to the Control and Audit Unit, Fuel Oil Rationing Branch, Office of Price Administration, Washington, D. C., on or before the 25th day of each month, a statement showing the amount of fuel oil so transferred during the preceding calendar month, and shall submit coupons or delivery receipts, or an exchange certificate representing such coupons or delivery receipts, equal in gallonage value to the amount of fuel oil so transferred.

(b) A transfer of fuel oil made pursuant to paragraph (a) of this section shall not constitute the Army or Navy a dealer or supplier with respect to the establishment from which the transfer is made.

REPLENISHMENT AND AUDIT REGISTRATION

§ 1394.5701 *Registration of suppliers and dealers.* (a) Every primary supplier shall, on October 27 or 28, 1942, register with a Board (on Form OPA R–1116, in duplicate) during the hours provided by the Board, the following matters, together with such other information as may be required by such form:

(1) His name, firm name and business address.

(2) His total fuel oil storage capacity and his total inventory of fuel oil on hand as of 12:01 a. m. on October 1, 1942.

(3) The location of, and the storage capacity and inventory on hand at, each establishment included in the registration, or, if he does not maintain stationary storage facilities, the number of mobile and portable units included in the registration, the capacity of each unit and the vehicle license number of each mobile delivery unit. If more than one establishment or mobile unit is included in the registration, the registrant shall attach a schedule or schedules to Form OPA R–1116, supplying the information required with respect to each such establishment or mobile unit.

(4) A statement as to whether he:

(i) Refines fuel oil within the limitation area; or

(ii) Makes a first transfer of fuel oil within the limitation area from stationary storage facilities within the limitation area; or

(iii) Maintains a consumer establishment within the limitation area at which delivery of fuel oil is taken for his own use by pipe-line, barge, tank ship, or railroad tank car, directly from without the limitation area; or

(iv) Sends or brings fuel oil into the limitation area (although he does not operate stationary storage facilities within the limitation area) and transfers it to anyone other than a primary supplier as defined in subdivisions (i), (ii), and (iii) of paragraph (a) (22) of § 1394.5001.

A single registration may be made by such primary supplier for all the establishments and mobile facilities with respect to which he is a primary supplier, and may be made at any Board within the limitation area. A primary supplier who maintains more than one accounting and financial office may, at his option, make a separate registration with respect to each such office, and shall include in such registration all establishments which report to such office.

(b) Every dealer and secondary supplier transacting business within the limitation area shall, on October 27 or 28, 1942, register with a Board (on Form OPA R–1116, in duplicate) during the hours provided by the Board, the following matters, together with such other information as may be required:

(1) His name, firm name, business address and type of business.

(2) His total fuel oil storage capacity.

(3) His total inventory of fuel oil on hand as of 12:01 a. m. on October 1, 1942.

Separate registration shall be made by each such dealer and secondary supplier for each place of business within the limitation area where fuel oil is transferred by him, and shall be made at each respective Board having jurisdiction over the area in which such place of business is located: *Provided,* That if such dealer or secondary supplier has no stationary storage facilities, he shall register for all his mobile delivery facilities, with the Board having jurisdiction over the area in which he has his main office: *Provided, further,* That any person, any part of whose operations with respect to a given establishment falls within the definition of a primary supplier, shall register as a primary supplier with respect to such establishment, pursuant to paragraph (a) of this section.

§ 1394.5702 *What constitutes fuel oil on hand.* The registrant shall register all fuel oil on hand, whether in storage tanks, tank trucks, tank cars delivered to railroad sidings, drums, mobile containers, or other containers (but not fuel oil in the fuel supply tank of oil burning equipment). The registrant shall not

register fuel oil in transit which did not arrive at his place of business prior to 12:01 a. m. on October 1, 1942. Fuel oil shipped prior to 12:01 a. m. on October 1, 1942, but received by the transferee after 12:01 a. m. on such day, shall be included in the inventory of the transferor and shall be deemed to have been transferred after 12:01 a. m. on October 1, 1942.

§ 1394.5703 *What constitutes storage capacity.* The registrant shall register the total capacity of all stationary fuel oil storage facilities in use as of 12:01 a. m. on October 1, 1942, but not the capacity of tank trucks, tank wagons, drums, or other mobile containers, except that a dealer or supplier who maintains no stationary fuel oil storage facilities shall register the total capacity of all his mobile or portable facilities.

§ 1394.5704 *Issuance of registration certificates.* Upon determining that the information submitted by the registrant on Form OPA R–1116 is accurate, the Board shall by authorized signature grant application for registration. In the case of a dealer or secondary supplier, the Board shall file the duplicate and return the original to the registrant. In the case of a primary supplier, the Board shall at once mail the original and duplicate to the Control and Audit Unit, Fuel Oil Rationing Branch, Office of Price Administration, Washington, D. C. The Control and Audit Unit shall assign a registration number to the registrant and return the original to him and the duplicate to the issuing Board. Every registrant shall retain the original as a certificate of registration at the establishment or office with respect to which registration was made, and shall present it at any time that it is requested by a Board or by any authorized representative of the Office of Price Administration.

§ 1394.5705 *Issuance of inventory coupons.* (a) The Board shall, at the time of granting the application for registration of a dealer or secondary supplier, issue to the registrant inventory coupons in the amount of the difference between the total registered fuel oil storage capacity and the total amount of fuel oil on hand at the establishment or in the facilities registered.

(b) A one-hundred-gallon inventory coupon, or a Class 1 or Class 2 coupon, may, at any time subsequent to registration, be exchanged by a dealer or secondary supplier, at any Board within the limitation area, for an equivalent amount of one-gallon inventory coupons.

§ 1394.5706 *Restriction on use of inventory coupons.* Every dealer and secondary supplier shall retain all inventory coupons issued to him at the place of business with respect to which they were issued, and shall not exchange his inventory coupons except to the extent that any delivery exceeds the value of consumer coupons or other evidence, available for exchange: *Provided, however,* That one-gallon inventory coupons may be used to make up the difference between the number of gallons in any delivery and the nearest composable sum of the values of consumer coupons or other evidences.

RESTRICTIONS ON TRANSFERS TO DEALERS AND SUPPLIERS

§ 1394.5707 *Restriction on transfers.* Except as provided in § 1394.5708, on and after November 1, 1942, no primary supplier within or without the limitation area, and no dealer or supplier within the limitation area, shall transfer or offer to transfer fuel oil to any dealer or supplier within the limitation area, and no dealer or supplier within the limitation area shall accept such transfer, except in exchange (made at the time of the actual transfer of fuel oil or in advance thereof) for valid coupons bearing an inscribed serial number, or for other evidences, equal in gallonage value to the amount of the fuel oil transferred, or (where transfer is regularly made on a temperature adjustment basis) equal in gallonage value to the adjusted amount of fuel oil transferred. No exchange of coupons or other evidences shall accompany a transfer of fuel oil directly from without the limitation area to a primary supplier within the limitation area, or a transfer from one primary supplier to another primary supplier.

§ 1394.5708 *Absentee deliveries.* Where a dealer or supplier elects to transfer fuel oil to another dealer or supplier in the absence of the transferee or his agent, or where delivery is made by common or contract carrier or by pipe line, the transferee shall, where the exact amount to be transferred is known, mail or deliver to his transferor, in advance of the transfer, coupons or other evidences of an equal gallonage value, or he may, at the option of the transferor, forward to such transferor, within five (5) days after the transfer, coupons or other evidences equal in gallonage value to the number of gallons transferred.

§ 1394.5709 *Upstream transfers.* Any primary supplier who receives a transfer or return of fuel oil from a dealer or secondary supplier who is within the limitation area, or any secondary supplier who receives a transfer or return of fuel oil from a dealer who is within the limitation area, when the transfer or return is other than in connection with a transfer of the place of business or mobile facilities of such dealer or supplier, shall deliver to the dealer or supplier making the transfer or return, coupons or other evidences equal in gallonage value to the amount of fuel oil so transferred or returned.

§ 1394.5710 *Regulation of other agencies.* Nothing in Ration Order No. 11 shall be construed to authorize any transfer of fuel oil which would be in contravention of any regulation or order of any department or agency of the United States.

USE OF COUPONS AND OTHER EVIDENCES

§ 1394.5721 *Preservation of coupons; coupon sheets.* Each dealer and supplier shall affix the coupons received by him directly from consumers to a coupon sheet (Form OPA R–120), in the manner directed thereon. Separate coupon sheets shall be maintained for coupons of each type, and only coupons of the same class, gallonage value, and from the same thermal zone, may be attached to any one such sheet.

§ 1394.5722 *Summary of coupons, other evidences, and delivery receipts.* Each dealer and supplier shall, prior to every delivery by him, to his transferor or to a Board, of coupons or other evidences, prepare, in duplicate, on Form OPA R–1117, a summary of coupons, other evidences, and delivery receipts in the manner directed thereon, certifying the number of each type of coupon and other evidence and the number of delivery receipts to be delivered. A separate summary shall be prepared for coupons and other evidences, and delivery receipts, from each thermal zone. No delivery receipt shall be delivered by a dealer or supplier to any person, except to a Board pursuant to paragraph (b) of § 1394.5723. The original of the summary shall be delivered by the dealer or supplier attached to his coupons, or other evidences, and delivery receipts. The copy shall be retained by him at his place of business for a period of not less than one year. All such summaries received by a transferor in connection with a transfer of fuel oil shall be recapitulated in his own summary; such summaries need not be included with coupons and other evidences forwarded by him, but his own summary shall equal the total gallonage represented by all coupons and other evidences forwarded by him.

§ 1394.5723 *Exchange of coupons or acknowledgments.* (a) A supplier may at any time deliver to any Board in the limitation area coupons or other evidences, including exchange certificates, and obtain in return an exchange certificate or certificates (on Form OPA R–1118) equal to the gallonage value of the coupons or other evidences delivered. Such supplier shall attach to such coupons or other evidences the summary required by § 1394.5722. The Board shall furnish him in return an exchange certificate equal in gallonage value to the value of the coupons or other evidences delivered. Exchange certificates shall be prepared in duplicate by the Board and shall be signed both by the supplier and by an authorized agent or member of the Board. The duplicate of such certificate shall be retained for the files of the Board.

(b) A dealer or supplier who has transferred fuel oil to consumers in exchange for delivery receipts (Form OPA R–1125) shall submit such receipts to any Board within the limitation area, attached to a summary as required by § 1394.5722. The Board shall issue to him, in exchange for such receipt, an exchange certificate equal in gallonage value to the amount shown on the receipt. No delivery receipt may be used as an evidence for purposes of replenishment.

§ 1394.5724 *Certification of shortage.* Dealers and secondary suppliers may apply by certification (Form OPA R–549, Revised) for compensation for unavoidable losses or destruction of fuel oil or coupons, other evidences, or delivery receipts. Application for compensation for losses occurring as the result of normal operations, such as, but not limited to, evaporation and storage tank seam-sweat, may be made only once every three months. Application for compensation for extraordinary losses, such as, but not limited to, any unavoidable loss or destruction of coupons, other evidences, or delivery receipts, or unavoidable losses of fuel oil by theft, fire, or accident, may be made immediately after the loss occurs. The certification of shortage shall be submitted to the Board having jurisdiction over the area in which such dealer or secondary supplier has the place of business to which the shortage is to be attributed, and shall show the nature and quantity of such shortage with a full explanation of the reasons therefor. If, on consideration of the certification presented and of such other information as it may require, the Board finds that the applicant has incurred the shortages claimed, that such shortages were not incurred as a result of acts performed in violation of Ration Order No. 11, and that the claimed shortage of fuel oil is reasonable, the Board shall file the certification and issue to the applicant inventory coupons equal to the amount of the established shortage.

RECORDS, AUDITS AND INSPECTIONS

§ 1394.5731 *Reports by primary suppliers.* (a) On or before the twenty-fifth day of each month, commencing with the twenty-fifth day of November 1942, every primary supplier shall forward to the Control and Audit Unit, Fuel Oil Rationing Branch, Office of Price Administration, Washington, D. C., a report, on Form OPA R–1119, showing, in addition to all other information required by the form, the matters set forth below, and every primary supplier shall forward, together with such statement, exchange certificates as required below:

(1) If the primary supplier is in the category described in subdivision (i) or (ii) of paragraph (a) (22) of § 1394.5001, he shall show the total amount of fuel oil transferred by him within (and to consumers without) the limitation area, during the preceding calendar month and shall submit coupons or evidences equal in gallonage value to the amount of such transfers less the amount transferred to primary suppliers.

(2) If the primary supplier is in the category described in subdivision (iii) of paragraph (a) (22) of § 1394.5001, he shall show (and shall submit exchange certificates equal in value to) the total amount of fuel oil transferred to him during the preceding calendar month; and he shall show also the total amount of fuel oil consumed by him during the preceding calendar month.

(3) If the primary supplier is in the category described in subdivision (iv) of paragraph (a) (22) of § 1394.5001, he shall show and shall submit exchange certificates equal in gallonage value to the amount of fuel oil brought or sent into the limitation area and transferred to persons other than primary suppliers during the preceding calendar month.

(b) A separate report shall be made with respect to each registration certificate issued to such primary supplier, and such report shall cover all places of business included in the registration certificate.

§ 1394.5732 *Records to be kept by certain dealers and suppliers.* Every person, whether within or without the limitation area, who makes a transfer of fuel oil to any dealer or supplier within the limitation area shall furnish to such dealer or supplier an invoice, delivery ticket, or other customary document of transfer, showing the name and address of the transferee and the date and amount of the transfer. Every such transferee shall retain the delivery ticket, or other document so furnished him, at his place of business for a period of at least one year from the date of the transfer.

§ 1394.5733 *Inspection of records and facilities.* All records, reports, forms, accounts, or other documents required by Ration Order No. 11 to be prepared and kept by any person, and the fuel oil facilities of any person, shall be subject to the inspection of the Office of Price Administration and its employees, and by such other personnel as the Office of Price Administration may designate. Such inspection may be made at the establishment or office of any such person during regular business hours, or, in the case of matters prepared on forms of the Office of Price Administration, at any time and place designated by the Office of Price Administration.

NEW REGISTRATIONS

§ 1394.5741 *Registration of new or reopened business.* Any person who opens or reopens, as a dealer or supplier, a place of business which is required to be registered under the provisions of § 1394.5701, but which has not been so registered, shall, prior to making or receiving a transfer of fuel oil within the limitation area (or from within to a consumer without the limitation area) register, in the manner provided in §§ 1394.5701 to 1394.5703, inclusive, and shall, if such person is a dealer or secondary supplier, receive inventory coupons in the manner provided in § 1394.5705.

§ 1394.5742 *Dealer or secondary supplier who becomes primary supplier.* Any dealer or secondary supplier within the limitation area who becomes a primary supplier as to any place of business shall forthwith deliver to the Board having jurisdiction over the area in which such place of business is located, his certificate of registration, and coupons and other evidences (and delivery receipts), equal in gallonage value to the total unfilled capacity of his fuel oil storage facilities, and shall thereupon register as a primary supplier in the manner provided by paragraph (a) of § 1394.5701.

§ 1394.5743 *Transfer of entire business.* (a) If the entire place of business of any primary supplier is transferred, the transferee may acquire the fuel oil inventory of the transferor without the surrender of coupons or other evidences. The transferee shall obtain, and the transferor shall furnish, the certificate of registration in which such place of business is included, and the transferee shall then endorse such certificate at the office of the Board which issued it, specifying in such endorsement the place of business or facilities transferred and the fuel oil on hand at the time of such transfer. The endorsement shall constitute a certification by the endorser that he has acquired from the transferor the place of business and the amount of fuel oil specified in such endorsement. The Board shall forward such endorsed certificate to the Control and Audit Unit, Fuel Oil Rationing Branch, Office of Price Administration, Washington, D. C. The transferor shall submit to the Control and Audit Unit, together with his monthly report to such Unit for the period during which the transfer of the place of business was made, exchange certificates representing all coupons and other evidences which he is required to submit with respect to such place of business, but has not yet submitted, pursuant to the provisions of § 1394.5731. The transferor shall, if he continues as a primary supplier with respect to any place of business included in the endorsed certificate of registration, re-register such place of business, with any Board, in the manner provided in §§ 1394.5701 to 1394.5703, inclusive.

(b) If the entire place of business of any dealer or secondary supplier is transferred, the transferee of the business may acquire the fuel oil inventory of the transferor without the surrender of coupons or other evidences. The transferee of such place of business shall obtain, and the transferor shall furnish, the certificate of registration of such place of business, and valid coupons or other evidences in an amount equal to the fuel oil storage capacity unfilled at the time of the transfer of such place of business. The transferee shall then endorse, at the office of the Board having jurisdiction over the area in which such place of business is located, the original certificate of registration and the duplicate on file at the Board, and the Board shall retain the original and the duplicate on file. Such endorsement shall constitute a certification by the endorser that he has acquired from the transferor the place of business registered in the certificate and fuel oil stocks, plus coupons or other evidences, together equal in gallonage value to the total fuel oil storage capacity of the place of business transferred. If the transferee registers as a primary supplier with respect to such place of business, he shall surrender to the Board all the coupons and other evidences received from the transferor.

(c) The transferee of a place of business shall, after complying with the requirements of paragraphs (a) and (b) of this section, register, on Form OPA R–1116, in the manner required by § 1394.5701, except that no inventory coupons shall be issued to such transferee: *Provided, however,* That inventory coupons shall be issued, in the manner provided in § 1394.5705, to a transferee who registers as a dealer or secondary supplier with respect to a place of business transferred to him from a primary supplier.

§ 1394.5744 *Cessation of business as a dealer or secondary supplier.* Any dealer or secondary supplier who disposes of his stocks of fuel oil and terminates his operations as to any place of business without transferring such business to another person for continued operation, shall, at the time of final closing, surrender the original certificate of registration, together with coupons or other evidences equal in gallonage value to the total capacity of the fuel oil storage facilities registered for such place of business, to the Board having jurisdiction over the area where it is located.

§ 1394.5745 *Cessation of business as a primary supplier.* (a) Any primary supplier who ceases to be a primary supplier as to any place of business registered by him shall, immediately after such cessation, advise the Control and Audit Unit, Fuel Oil Rationing Branch, Office of Price Administration, Washington, D. C., and shall surrender, to any Board, the registration certificate in which such place of business was included. He shall, if he continues in business as a primary supplier with respect to any other place of business included in such certificate, execute a new certificate of registration for such other place of business in the manner required by §§ 1394.5701 to 1394.5703, inclusive. If the primary supplier terminates operation as a primary supplier at all places of business included in such certificate, he shall submit to the Control and Audit Unit, together with his monthly report to such Unit for the period in which he terminated operations, exchange certificates representing all coupons and other evidences which he is required to submit with respect to such place of business, but has not yet submitted, pursuant to the provisions of § 1394.5731.

(b) Any primary supplier who ceases to be a primary supplier as to any place of business registered by him, but who continues in the business of transferring fuel oil at such place of business, shall, in addition to complying with the requirements of paragraph (a) of this section, register as a dealer or secondary supplier with respect to such place of business, pursuant to paragraph (b) of § 1394.5701, and shall receive inventory coupons therefor pursuant to § 1394.5705.

(c) The Board shall forward the surrendered registration certificate and the original and duplicate of the new registration certificate (if any), as a primary supplier, to the Control and Audit Unit. The Control and Audit Unit shall cancel the surrendered certificate, and shall return the original of the new certificate, if any, to the registrant, in the manner provided by § 1394.5704.

§ 1394.5746 *Change of storage capacity.* Any dealer or secondary supplier in any manner altering the total capacity of his stationary fuel oil storage facilities, or, if he has no stationary storage facilities, of his mobile facilities, or converting such facilities to the storage of a product other than fuel oil, shall surrender his original certificate of registration, for cancellation, to the Board by which it was issued, and shall obtain a new certificate of registration in the manner provided by §§ 1394.5701 to 1394.5705 inclusive. The Board shall attach to its duplicate copy of the new certificate the original and the copy of the cancelled certificate. Where the capacity of fuel oil storage facilities is decreased, the dealer or secondary supplier shall surrender to the Board coupons or other evidences equal in gallonage value to the amount of the decrease. Where the capacity of fuel oil storage facilities is increased, the Board shall issue to the dealer or secondary supplier, in the manner described in § 1394.5705, inventory coupons equal in gallonage value to the amount of the increase.

APPEALS

§ 1394.5751 *Who may appeal.* Any person directly affected by the action of a Board, State Director, or Regional Administrator taken with reference to any application, petition, or other matter before such Board, State Director, or Regional Administrator under Ration Order No. 11 may appeal from such action pursuant to the provisions of §§ 1394.5752 to 1394 5757, inclusive.

§ 1394.5752 *Time within which appeal must be brought.* Notice of a Board's action shall be given, either at the Board's office or by mail, to an applicant or petitioner, or to the agent of either. The appeal must be brought within thirty (30) days after such mailing or the giving of such other notice.

§ 1394.5753 *Appeals to state director; how brought.* Appeals from the action of a Board shall be to the State Director and shall be brought by a person entitled to bring such appeal under § 1394.5751, in the following manner:

(a) A statement of appeal shall be filed in duplicate with the Board. The statement of appeal shall state the basis for the appeal, setting forth the specific section or sections of Ration Order No. 11 claimed to be inconsistent with the action appealed from, and any other facts deemed by the applicant to be pertinent. The statement of appeal may be accompanied by documentary evidence supporting the appeal.

(b) Within five (5) days of such filing, the Board shall forward one (1) copy of the statement and an explanation of its reasons for taking the action appealed from, together with all pertinent records of papers, to the State Director, unless the Board shall, within such five (5) day period, upon reconsideration, reverse the action appealed from. If the Board disagrees with the version of the facts contained in the appellant's statement of appeal or in other papers in the record, the Board shall note the respects in which its version of the facts differs.

(c) The Board shall retain the other copy of the statement of appeal and shall keep a record thereon showing the date on which the Board notified the appellant of the action appealed from, the date on which the statement of appeal was filed, and the date the statement of appeal and other papers were sent to the Director.

§ 1394.5754 *Action by state director.* (a) The State Director shall maintain an appeals docket. He shall assign a number to each appeal when it reaches him, and shall enter such number, together with the name of the appellant and the name and number of the Board from whose action the appeal is taken, the action taken on appeal, and the date on which a copy of his decision was mailed to the appellant.

(b) The State Director may require the appellant to present additional pertinent information.

(c) Appeals shall be decided by the State Director, who may affirm, modify, or reverse the action of the Board. The decision shall be in writing and one (1) copy shall be mailed to the appellant and one to the Board. The decision shall direct the Board to take such action as may be necessary to give effect thereto.

(d) If no statement of appeal to the Regional Administrator is filed with the State Director within thirty (30) days after the appellant has been notified of the State Director's decision, the record shall be closed and thereafter there shall be no further right of appeal. The record shall remain on file in the State Director's office, except that documents which are necessary to present or future action of the Board shall be returned to the Board.

§ 1394.5755 *Appeals to regional administrator; how brought.* Except as provided in § 1394.5508 an appeal to the Regional Administrator may be made in the following manner from an adverse decision of the State Director, whether such decision is in a matter which came before the State Director on appeal or in a matter which came before him for original decision:

(a) A statement of appeal shall be filed in duplicate with the State Director, who shall retain one copy for his files. The statement of appeal shall state the basis for the appeal, setting forth the specific section or sections of Ration Order No. 11 claimed to be inconsistent with the action appealed from, and any other facts deemed by the appellant to be pertinent. The statement of appeal may be accompanied by documentary evidence supporting the appeal.

(b) Within five (5) days of such filing, the State Director shall forward the other copy, together with his decision and all other pertinent records or papers, to the Regional Administrator, unless the State Director shall, within such five (5) day period, upon reconsideration, reverse his decision.

§ 1394.5756 *Action by regional administrator.* (a) The Regional Administrator shall maintain an appeals docket and shall assign a number to each appeal when it reaches him, and shall enter such number, together with the name of the appellant, the name of the State Director, the name and number of the Board, the action taken by the Regional Administrator, and the date on which a copy of the Regional Administrator's decision was mailed to the appellant.

(b) The Regional Administrator may require the appellant to present additional pertinent information.

(c) Appeals to the Regional Administrator shall be decided by the Regional Administrator who may affirm, modify, or reverse the decision of the State Director. The decision shall be in writing and copies shall be mailed to the appellant, the Board, if an action of the Board is involved, and to the State Director. The decision shall direct the Board or the State Director to take such action as may be necessary to give effect thereto.

(d) If no statement of appeal to the Washington Office is filed with the Regional Administrator within thirty (30) days after the appellant has been notified of the Regional Administrator's decision, the record shall be closed and shall be returned to the State Director's office, where it shall remain on file, except that documents which are necessary to present or future action of the Board shall be returned to the Board. Thereafter there shall be no further right of appeal.

§ 1394.5757 *Appeal to Washington Office; how brought.* Except as provided in § 1394.5508, an appeal to the Washington Office may be made in the following manner from an adverse decision of the Regional Administrator, whether such decision is in a matter which came before the Regional Administrator on appeal or in a matter which came before him for original decision:

(a) A statement of appeal shall be filed in duplicate with the Regional Administrator, who shall retain one (1) copy for his files. The statement of appeal shall state the basis for the appeal, setting forth the specific section or sections of Ration Order No. 11 claimed to be inconsistent with the action appealed from, and any other facts deemed by the appellant to be pertinent. The statement of appeal may be accompanied by documentary evidence supporting the appeal.

(b) Within five (5) days of such filing, the Regional Administrator shall forward the other copy, together with his decision and all other pertinent records or papers, to the Washington Office, unless the Regional Administrator shall, within such five (5) day period, upon reconsideration, reverse his decision.

(c) It shall be within the discretion of the Washington Office to pass upon or to refuse to pass upon an appeal. The Washington Office may require any appellant to furnish additional pertinent information.

(d) The Washington Office shall notify the appellant, the Regional Administrator, the State Director, and the Board, in writing, either:

(1) Of its refusal to pass upon the appeal; or

(2) Of its decision affirming, modifying, or reversing the decision of the Regional Administrator. The Washington Office shall direct the Board to take such action as may be necessary to give effect thereto.

(e) When the Washington Office has acted upon the appeal or has refused to act upon it, the record of the case shall be returned to the office of the State Director where it is to be filed, except that documents which are necessary to present or future action of the Board shall be returned to the Board. Thereafter there shall be no further right of appeal.

PERSONNEL AND ADMINISTRATION

§ 1394.5771 *Personnel.* (a) Ration Order No. 11 shall be administered by the Office of Price Administration, its Regional Administrators, State Directors, War Price and Rationing Boards, and such other administrative personnel as it may designate.

(b) No person participating in the administration of Ration Order No. 11 shall act officially in connection with any matter arising thereunder as to which he has any interest, by reason of business connection or relationship by blood, marriage, or adoption.

§ 1394.5772 *Powers and duties.* The persons appointed to administer or to assist in the administration of Ration Order No. 11 shall have such powers and duties as are herein described and as the Office of Price Administration has assigned or may from time to time assign to them.

§ 1394.5773 *Records of applications.* (a) Except as provided in paragraph (b) of this section, each Board shall maintain a file of all applications for rations passed upon by it or received by it from any other Board.

(b) A Board, after passing upon an application for a ration pursuant to subparagraph (5) of paragraph (b) of § 1394.5101 shall forward such application through the State Director to the Board having jurisdiction pursuant to subparagraphs (1), (2) or (3) (as the case may be) of that paragraph.

§ 1394.5774 *Appearances before boards.* The Board may require any applicant for a ration to appear before it for examination and to produce such witnesses or evidence as it may deem material.

§ 1394.5775 *Inspections.* The Office of Price Administration or any duly authorized employee, representative or agent thereof may at any reasonable time inspect or require the inspection of any premises or oil burning equipment for which an application for a ration has been made, or of any fuel oil storage facilities.

VALUE OF UNIT; VALID PERIOD OF COUPONS

§ 1394.5781 *Value of unit.* The Washington Office will from time to time, by order, fix the value of a unit. Such order may vary the value of a unit with respect to the area in which or time when a coupon is used.

§ 1394.5782 *Valid period of coupons.* The Washington Office may from time to time, by order, change the valid period of coupons on Class 1 and 2 coupon sheets.

PROHIBITIONS

§ 1394.5801 *Prohibitions.* (a) No person shall transfer, receive a transfer of, or possess or use, fuel oil except in accordance with the provisions of Ration Order No. 11.

(b) No person shall transfer or assign, and no person shall receive a transfer or assignment of any coupon sheet, coupon, acknowledgment of delivery, inventory coupon, exchange certificate, export certificate or Delivery Receipt (whether or not such coupon sheet or Delivery Receipt was issued as a ration and whether or not such coupon was issued as a ration or as part of a coupon sheet) except in accordance with the provisions of Ration Order No. 11.

(c) No person shall have in his possession any coupon sheet, coupon, acknowledgment of delivery, inventory coupon, exchange certificate, export certificate or delivery receipt (whether or not such coupon sheet or delivery receipt was issued as a ration and whether or not such coupon was issued as a ration or as part of a coupon sheet) except the person, or the agent of the person, to whom such coupon, coupon sheet, acknowledgment of delivery, inventory coupon, exchange certificate, export certificate or delivery receipt was issued, or by whom it was acquired, in accordance with the provisions of Ration Order No. 11.

(d) No person shall deface, mutilate, alter or destroy any coupon, coupon sheet, other evidence, or delivery receipt.

(e) No person shall counterfeit or forge a coupon, coupon sheet, other evidence, or delivery receipt.

(f) No person shall transfer, receive a transfer of, possess, or use any forged, altered, or counterfeited coupon, coupon sheet, other evidence, or delivery receipt.

(g) The provisions of paragraphs (a), (b), (c), (d), and (f) of this section shall not be applicable to public officials acting in the performance of their official duties.

(h) No person shall wilfully spoil or destroy fuel oil.

(i) No person shall offer, solicit, attempt, or agree to do any act in violation of Ration Order No. 11.

ENFORCEMENT

§ 1394.5802 *Criminal prosecutions.* (a) Any person who knowingly falsifies an application, or any other record, report, or certificate made pursuant to or required by the terms of Ration Order No. 11 or who otherwise knowingly furnishes false information to any Board or any other agent, employee, or officer of the Office of Price Administration, or falsifies, or who conceals or covers up a material fact, by any trick, scheme, or device, or who makes or causes to be made any false or fraudulent statements, or representations, in any matter within the jurisdiction of the Office of Price Administration, may upon conviction be fined not more than $10,000, or imprisoned for not more than ten years, or both, and shall be subject to such other penalties or action as may be prescribed by law. Any person who conspires with another person to perform any of the foregoing acts or to violate any provision of Ration Order No. 11 may upon conviction be fined not more than $10,000, or imprisoned for not more than two years, or both, and shall be subject to such other penalties or action as may be prescribed by law.

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required, by any provision of Ration Order No. 11 may upon conviction be fined not more than $10,000, or imprisoned for not more than one year, or both, and shall be subject to such other penalties or action as may be prescribed by law.

§ 1394.5803 *Suspension orders.* Any person who violates Ration Order No. 11 may, by administrative suspension order, be prohibited from receiving any transfers or deliveries of, or selling or using or otherwise disposing of, any fuel oil or other rationed product or facility. Such suspension order shall be issued for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest and to promote the national security.

§ 1394.585 *Tables*—(a) *Table I: Percentage adjustment to obtain normal consumption and maximum and minimum rations per square foot of heated floor area by thermal sub-zones.*

Thermal subzone (by states and counties)	(1) Percentage of 1941–42 consumption to obtain normal consumption	(2) Maximum and minimum ration per square foot of heated floor area			
		(a) Central heating equipment		(b) Space heaters	
		Maximum	Minimum	Maximum	Minimum
1 *North Dakota:* Bottineau, Cavalier, Renville, Rolette, and Towner.	111	1.875	1.438	2.250	1.726
2 *Minnesota:* Beltrami, Clearwater, Cook, Itasca, Kittson, Koochiching, Lake, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, and St. Louis. *North Dakota:* Benson, Burke, Divide, Eddy, Grand Forks, McHenry, Mountrail, Nelson, Pembina, Pierce, Ramsey, Walsh, Ward, and Wells.	111	1.786	1.370	2.143	1.644
3 *Maine:* Aroostook. *Minnesota:* Aitkin, Becker, Carlton, Cass, Clay, Crew Wing, Hubbard, Otter Tail, Wadena, and Wilkin. *North Dakota:* Barnes, Cass, Foster, Griggs, Steele, Stutsman, and Traill. *Wisconsin:* Bayfield and Douglas.	111	1.696	1.301	2.035	1.561
4 *Maine:* Piscataquis and Somerset. *Michigan:* Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft. *Minnesota:* Benton, Douglas, Grant, Kanabec, Mille Lacs, Morrison, Pine, Todd, and Traverse. *New Hampshire:* Coos. *North Dakota:* Billings, Burleigh, Dickey, Dunn, Emmons, Golden Valley, Grant, Hettinger, Kidder, La Moure, Logan, McIntosh, McKenzie, McLean, Mercer, Morton, Oliver, Ransom, Richland, Sargent, Sheridan, Slope, Stark, and Williams. *South Dakota:* Brown, Campbell, McPherson, Marshall, and Roberts. *Vermont:* Essex and Orleans. *Wisconsin:* Ashland, Burnett, Florence, Forest, Iron, Marinette, Oneida, Price, Sawyer, Vilas, and Washburn.	111	1.607	1.233	1.928	1.480
5 *Maine:* Franklin, Oxford, Penobscot, and Washington. *Minnesota:* Big Stone, Chisago, Isanti, Pope, Sherburne, Stearns, and Stevens. *New Hampshire:* Carroll and Grafton. *New York:* Franklin and Hamilton. *North Dakota:* Adams, Bowman, and Sioux. *South Dakota:* Corson, Day, Edmunds, Faulk, Grant, Harding, Perkins, Spink, and Walworth. *Vermont:* Caledonia, Lamoille, Orange, and Washington. *Wisconsin:* Barron, Langlade, Oconto, Polk, Rusk, Taylor, and Lincoln.	111	1.518	1.164	1.822	1.397
6 *Michigan:* Alcona, Alpena, Antrim, Arenac, Charlevoix, Cheboygan, Clare, Crawford, Emmet, Gladwin, Iosco, Kalkaska, Lake, Missaukee, Montmorency, Ogemaw, Osceola, Oscoda, Ossego, Presque Isle, Roscommon, and Wexford. *Minnesota:* Anoka, Blue Earth, Brown, Carver, Chippewa, Cottonwood, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Jackson, Kandiyohi, Lac Qui Parle, La Sueur, Lincoln, Lyon, McLeod, Martin, Meeker, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Ramsey, Redwood, Renville, Rice, Rock, Scott, Sibley, Steele, Swift, Wabasha, Waseca, Washington, Watonwan, Winona, Wright, and Yellow Medicine. *New York:* Clinton, Essex, Herkimer, Lewis, and St. Lawrence. *South Dakota:* Beadle, Brookings, Clark, Codington, Deuel, Dewey, Hamlin, Hand, Hyde, Kingsbury, Lake, Miner, Moody, Potter, and Sanborn. *Wisconsin:* Brown, Buffalo, Chippewa, Clarke, Door, Dunn, Eau Claire, Jackson, Kewaunee, Marathon, Outagamie, Pepin, Pierce, Portage, St. Croix, Shawano, Trempealeau, Waupaca, and Wood.	110	1.429	1.096	1.715	1.315
6A *Maine:* Androscoggin, Hancock, Kennebec, and Waldo. *Vermont:* Chittenden, Franklin, and Grand Isle.	108	1.429	1.096	1.715	1315
7 *Iowa:* Allamakee, Cerro Gordo, Chickasaw, Clay, Dickinson, Emmet, Floyd, Hancock, Howard, Kossuth, Lyon, Mitchell, O'Brien, Osceola, Palo Alto, Sioux, Winnebago, Winneschiek, and Worth. *Michigan:* Bay, Benzie, Grand Traverse, Huron, Isabella, Leelanau, Manistee, Mason, Mecosta, Midland, Newaygo, and Tuscola. *Minnesota:* Houston. *New York:* Chenanga, Delaware, Fulton, Jefferson, Madison, Montgomery, Oneida, Otsego, Saratoga, Schenectady, Schoharie, Sullivan, and Warren. *South Dakota:* Armstrong, Aurora, Brule, Buffalo, Butte, Clay, Davison, Douglas, Haakon, Hanson, Hughes, Hutchinson, Jerauld, Lincoln, Lyman, McCook, Meade, Minnehaha, Stanley, Sully, Turner, Union, and Ziebach. *Wisconsin:* Adams, Calumet, Columbia, Crawford, Dane, Dodge, Fond Du Lac, Green Lake, Juneau, La Crosse, Manitowoc, Marquette, Monroe, Richland, Sauk, Sheboygan, Vernon, Waushara, and Winnebago.	111	1.339	1.027	1.607	1.232
7A *Maine:* Cumberland, Knox, Lincoln, Sagadahoc, and York. *New Hampshire:* Belknap, Merrimack, and Sullivan. *Vermont:* Addison, Rutland, and Windsor.	106	1.339	1.027	1.607	1.232

Thermal subzone (by states and counties)	(1) Percentage of 1941–42 consumption to obtain normal consumption	(2) Maximum and minimum ration per square foot of heated floor area			
		(a) Central heating equipment		(b) Space heaters	
		Maximum	Minimum	Maximum	Minimum
8	107	1.250	.959	1.500	1.151
Illinois: Boone, Carroll, De Kalb, Jo Daviess, Kane, Lake, McHenry, Ogle, Stephenson, and Winnebago. *Massachusetts:* Berkshire, Franklin, and Hampshire. *Nebraska:* Antelope, Banner, Blaine, Box Butte, Boyd, Brown, Burt, Cedar, Cherry, Cheyenne, Cuming, Dakota, Dawes, Deul, Dixon, Garden, Garfield, Grant, Holt, Hooker, Keyapaha, Kimball, Knox, Loup, Madison, Morrill, Pierce, Rock, Scotts Bluff, Sheridan, Sioux, Stanton, Thomas, Thurston, Wayne, and Wheeler. *New Hampshire:* Cheshire, Hillsborough, Rockingham, and Strafford. *New York:* Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Columbia, Cortland, Erie, Genesee, Greene, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Rensselaer, Schuyler, Seneca, Steuben, Tiogo, Tompkins, Ulster, Washington, Wayne, Wyoming, and Yates. *Pennsylvania:* Erie, McKean, Potter, Tiogo, and Warren. *South Dakota:* Bennett, Bon Homme, Charles Mix, Custer, Fall River, Gregory, Jackson, Jones, Lawrence, Mellette, Pennington, Shannon, Todd, Tripp, Washabaugh, Washington, and Yankton. *Vermont:* Bennington and Windham.					
8A	112	1.250	.959	1.500	1.151
Iowa: Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cherokee, Clayton, Crawford, Delaware, Dubuque, Fayette, Franklin, Greene, Grundy, Hamilton, Hardin, Humboldt, Ida, Jackson, Jones, Linn, Marshall, Monona, Plymouth, Pocahontas, Sac, Story, Tama, Webster, Woodbury, and Wright. *Michigan:* Allegan, Barry, Clinton, Eaton, Genesee, Gratiot, Ingham, Ionia, Kent, Lapeer, Livingston, Macomb, Montcalm, Muskegon, Oakland, Oceana, Ottawa, Saginaw, St. Clair, Sanilac, and Shiawassee. *Wisconsin:* Grant, Green, Iowa, Jefferson, Kenosha, Lafayette, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington, and Waukesha.					
9	110	1.161	.890	1.393	1.06
Illinois: Bureau, Cook, Du Page, Grundy, Henry, Kendall, Lasalle, Lee, Mercer, Putnam, Rock Island, Whiteside, and Will. *Indiana:* De Kalb, Elkhart, Lagrange, Lake, La Porte, Noble, Porter, St. Joseph, and Steuben. *Iowa:* Adair, Adams, Audubon, Cass, Cedar, Clarke, Clinton, Dallas, Guthrie, Harrison, Iowa, Jasper, Jefferson, Johnson, Keokuk, Louisa, Lucas, Madison, Mahaska, Marion, Mills, Monroe, Montgomery, Muscatine, Polk, Poweshiek, Pottawattamie, Scott, Shelby, Union, Wapello, Warren, and Washington. *Michigan:* Berrien, Branch, Calhoun, Cass, Hillsdale, Jackson, Kalamazoo, Lenawee, Monroe, St. Joseph, Van Buren, Washtenaw, and Wayne. *New York:* Dutchess and Orange. *Ohio:* Ashtabula, Cuyahoga, Defiance, Erie, Fulton, Geauga, Henry, Lake, Lorain, Lucas, Ottawa, Portage, Sandusky, Seneca, Trumbull, Williams, and Wood. *Pennsylvania:* Bradford, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Forest, Jefferson, Pike, Susquehanna, Venango, and Wayne.					
9A	107	1.161	.890	1.393	1.068
Connecticut: Litchfield. *Massachusetts:* Essex, Hampden, Middlesex, and Worcester. *Nebraska:* Arthur, Boone, Butler, Cass, Colfax, Custer, Dawson, Dodge, Douglas, Greely, Howard, Keith, Lincoln, Logan, McPherson, Merrick, Nanco, Perkins, Platte, Polk, Sarpy, Saunders, Sherman, Valley, and Washington.					
10	110	1.071	.822	1.285	.986
Illinois: Champaign, De Witt, Ford, Fulton, Hancock, Henderson, Iroquois, Kankakee, Knox, Livingston, Logan, McDonough, McLean, Marshall, Mason, Peoria, Piatt, Schuyler, Stark, Tazewell, Warren, and Woodford. *Indiana:* Adams, Allen, Benton, Blackford, Carroll, Cass, Fulton, Grant, Howard, Huntington, Jasper, Jay, Kosciusko, Marshall, Miami, Newton, Pulaski, Starke, Tippecanoe, Wabash, Wells, White, and Whitley. *Iowa:* Appanoose, Davis, Decatur, Des Moines, Fremont, Henry, Lee, Page, Ringgold, Taylor, Van Buren, and Wayne. *Maryland:* Garrett. *Massachusetts:* Barnstable, Bristol, Dukes, Nantucket. Norfolk, Plymouth, and Suffolk. *Missouri:* Adair, Atchison, Clark, Gentry, Grundy, Harrison, Knox, Mercer, Nodaway, Putnam, Schuyler, Scotland, Sullivan, and Worth. *New Jersey:* Bergen, Essex, Morris, Passaic, Sussex, and Warren. *New York:* Putnam, Rockland, and Westchester. *Ohio:* Allen, Ashland, Auglaize, Carroll, Champaign, Columbiana, Coshocton, Crawford, Darke, Delaware, Hancock, Hardin, Harrison, Holmes, Huron, Jefferson, Knox, Logan, Mahoning, Marion, Medina, Mercer, Morrow, Paulding, Putnam, Richland, Shelby, Stark, Summit, Tuscarawas, Union, Van Wert, Wayne, and Wyandot. *Pennsylvania:* Adams, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Carbon, Columbia, Cumberland, Franklin, Fulton, Huntingdon, Indiana, Juniata, Lackawanna, Lawrence, Luzerne, Lycoming, Mercer, Mifflin, Monroe, Montour, Northampton, Northumberland, Perry, Schuylkill, Snyder, Somerset, Sullivan, Union, Westmoreland, and Wyoming. *West Virginia:* Grant and Mineral.					
10A	107	1.071	.822	1.285	.986
Connecticut: Fairfield, Hartford, Middlesex, New Haven, New London, Tolland, and Windham. *Nebraska:* Adams, Buffalo, Chase, Clay, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Hayes, Hitchcock, Jefferson, Johnson, Kearney, Lancaster, Nemaha, Nuckolls, Otoe, Pawnee, Phelps, Redwillow, Richardson, Saline, Seward, Thayer, Webster, and York. *Rhode Island:* Bristol, Kent, Newport, Providence, and Washington.					

Thermal subzone (by states and counties)	(1) Percentage of 1941–42 consumption to obtain normal consumption	(2) Maximum and minimum ration per square foot of heated floor area			
		(a) Central heating equipment		(b) Space heaters	
		Maximum	Minimum	Maximum	Minimum
11	111	.982	.753	1.178	.904
Illinois: Adams, Brown, Cass, Christian, Coles, Douglas, Edgar, Macon, Menard Morgan, Moultrie, Pike, Sangamon, Scott, Shelby, and Vermilion. *Indiana:* Boone, Clinton, Delaware, Fayette, Fountain, Hamilton, Hancock, Hendricks, Henry, Madison, Marion, Montgomery, Parke, Putnam, Randolph, Rush, Tipton, Union, Vermillion, Warren, and Wayne. *Maryland:* Allegany and Washington. *Missouri:* Andrew, Buchanan, Caldwell, Chariton, Clinton, Daviess, De Kalb, Holt, Lewis, Linn, Livingston, Macon, Marion, Monroe, Pike, Ralls, Randolph, and Shelby. *New Jersey:* Hudson, Hunterdon, Mercer, Middlesex, Somerset, and Union. *New York:* Bronx, Kings, Manhattan, Nassau, Queens, Richmond, and Suffolk. *Ohio:* Belmont, Clark, Clinton, Fairfield, Fayette, Franklin, Greene, Guernsey, Hocking, Licking, Madison, Miami, Montgomery, Morgan, Muskingum, Noble, Perry, Pickaway, and Preble. *Pennsylvania:* Allegheny, Berks, Bucks, Chester, Dauphin, Fayette, Greene, Lancaster, Lebanon, Lehigh, Washington, and York. *West Virginia:* Barbour, Berkeley, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Monongalia, Morgan, Pocahontas, Preston, Randolph, Taylor, Tucker, Upshur, and Webster.					
11A	108	.982	.753	1.178	.904
Kansas: Atchison, Brown, Cheyenne, Clay, Cloud, Decatur, Doniphan, Ellis, Gove, Graham, Greeley, Jackson, Jewell, Lane, Logan, Marshall, Mitchell, Nemaha, Norton, Osborne, Phillips, Pottawatomie, Rawlins, Republic, Riley, Rooks, Scott, Shawnee, Sheridan, Sherman, Smith, Thomas, Trego, Wallace, Washington, and Wichita.					
12	110	.893	.685	1.072	.822
Illinois: Bond, Calhoun, Clark, Clay, Clinton, Crawford, Cumberland, Edwards, Effingham, Fayette, Greene, Jasper, Jefferson, Jersey, Lawrence, Macoupin, Madison, Marion, Montgomery, Richland, St. Clair, Wabash, Washington, and Wayne. *Indiana:* Bartholomew, Brown, Clay, Daviess, Dearborn, Decatur, Franklin, Gibson, Greene, Jackson, Jennings, Johnson, Knox, Lawrence, Martin, Monroe, Morgan, Owen, Pike, Ripley, Shelby, Sullivan, and Vigo. *Kansas:* Allen, Anderson, Barton, Butler, Chase, Coffey, Dickinson, Douglas, Edwards, Ellsworth, Finney, Ford, Franklin, Geary, Grant, Gray, Greenwood, Hamilton, Harvey, Haskell, Hodgeman, Jefferson, Johnson, Kearny, Kingman, Kiowa, Leavenworth, Lincoln, Lyon, McPherson, Marion, Miami, Morris, Ness, Osage, Ottawa, Pawnee, Pratt, Reno, Rice, Rush, Russell, Saline, Sedgwick, Stafford, Stanton, Wabaunsee, Woodson, and Wyandotte. *Missouri:* Audrain, Boone, Callaway, Carroll, Cass, Clay, Cole, Cooper, Franklin, Gasconade, Howard, Jackson, Johnson, Lafayette, Lincoln, Moniteau, Montgomery, Osage, Pettis, Platte, Ray, St. Charles, St. Louis, St. Louis City, Saline, and Warren. *New Jersey:* Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Monmouth, Ocean, and Salem. *Ohio:* Adams, Athens, Brown, Butler, Clermont, Hamilton, Highland, Jackson, Meigs, Monroe, Pike, Ross, Vinton, Warren, and Washington. *Virginia:* Allegheny, Bath, Bland, Craig, Frederick, Giles, Highland, Montgomery, Prince William, Pulaski, Shenandoah, and Wythe. *West Virginia:* Braxton, Brooke, Calhoun, Clay, Doddridge, Fayette, Gilmer, Greenbrier, Hancock, Marshall, Mercer, Monroe, Nicholas, Ohio, Pendleton, Pleasants, Raleigh, Ritchie, Roane, Summers, Tyler, Wetzel, Wirt, and Wood.					
12A	114	.893	.685	1.072	.822
Delaware: New Castle. *Maryland:* Carroll, Frederick, Howard, Montgomery, and Prince Georges. *Pennsylvania:* Delaware, Montgomery, and Philadelphia.					
13	116	.804	.616	.965	.739
District of Columbia: (No counties.) *Maryland:* Anne Arundel, Baltimore, Baltimore City, Calvert, Caroline, Cecil, Charles, Dorchester, Harford, Kent, Queen Annes, St. Marys, Somerset, Talbot, Wicomico, and Worcester. *Virginia:* Accomac, Arlington, Augusta, Botetourt, Buchanan, Carroll, Clarke, Culpeper, Dickenson, Fairfax, Fauquier, Floyd, Grayson, Greene, Lee, Loudon, Madison, Northumberland, Orange, Page, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Smyth, Spotsylvania, Stafford, Tazewell, Warren, Washington, and Wise.					
13A	112	.804	.616	.965	.739
Delaware: Kent and Sussex. *Illinois:* Franklin, Hamilton, Jackson, Monroe, Perry, Randolph, White, and Williamson. *Indiana:* Clark, Crawford, Dubois, Floyd, Harrison, Jefferson, Ohio, Orange, Perry, Posey, Scott, Spencer, Switzerland, Vanderburg, Warrick, and Washington. *Missouri:* Barton, Bates, Benton, Bollinger, Camden, Cape Girardeau, Carter, Cedar, Christian, Crawford, Dade, Dallas, Dent, Douglas, Greene, Henry, Hickory, Howell, Iron, Jefferson, Laclede, Madison, Maries, Miller, Morgan, Oregon, Perry, Phelps, Polk, Pulaski, Reynolds, St. Clair, St. Francois, Ste. Genevieve, Shannon, Texas, Vernon, Washington, Wayne, Webster, and Wright. *North Carolina:* Alleghany, Ashe, Avery, and Watauga.					
13B	107	.804	.616	.965	.739
Kansas: Barber, Bourbon, Chautauqua, Cherokee, Clark, Comanche, Cowley, Crawford, Elk, Harper, Labette, Linn, Meade, Montgomery, Norton, Neosho, Seward, Stevens, Sumner, and Wilson. *Kentucky:* Anderson, Bath, Boone, Bourbon, Boyd, Bracken, Bullitt, Campbell, Carroll, Carter, Clark, Elliott, Fayette, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Henry, Jefferson, Jessamine, Kenton, Lawrence, Lewis, Mason, Menifee, Mercer, Montgomery, Nicholas, Oldham, Owen, Pendleton, Robertson, Rowan, Scott, Shelby, Spencer, Trimble, and Woodford.					

Thermal subzone (by states and counties)	(1) Percentage of 1941–42 consumption to obtain normal consumption	(2) Maximum and minimum ration per square foot of heated floor area			
		(a) Central heating equipment		(b) Space heaters	
		Maximum	Minimum	Maximum	Minimum
Ohio: Gallia, Lawrence, and Scioto. *West Virginia:* Boone, Cabell, Jackson, Kanawha, Lincoln, Logan, McDowell, Mason, Mingo, Putnam, Wayne, and Wyoming.					
14	112	.714	.548	.857	.658
Virginia: Albemarle, Amherst, Appomattox, Bedford, Buckingham, Campbell, Caroline, Cumberland, Essex, Fluvanna, Franklin, Goochland, Hanover, Henrico, Henry, King and Queen, King George, King William, Lancaster, Louisa, Middlesex, Nelson, Northampton, Patrick, Powhatan, Richmond, and Westmoreland.					
14A	110	.714	.548	.857	.658
North Carolina: Buncombe, Caswell, Haywood, Henderson, Madison, Mitchell, Person, Rockingham, Stokes, Surry, Transylvania, and Yancey.					
14B	106	.714	.548	.857	.658
Illinois: Alexander, Gallatin, Hardin, Johnson, Massac, Pope, Pulaski, Saline, and Union. *Kentucky:* Adair, Barren, Bell, Boyle, Breathitt, Breckingridge, Butler, Caldwell, Casey, Clay, Crittenden, Daviess, Edmonson, Estill, Floyd, Garrard, Grayson, Green, Hancock, Hardin, Harlan, Hart, Henderson, Hopkins, Jackson, Johnson, Knott, Knox, Larue, Laurel, Lee, Leslie, Letcher, Lincoln, Livingston, Lyon, McLean, Madison, Magoffin, Marion, Martin, Meade, Metcalfe, Morgan, Muhlenberg, Nelson, Ohio, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Russell, Taylor, Union, Warren, Washington, Webster, Whitley, and Wolfe. *Missouri:* Barry, Butler, Jasper, Lawrence, McDonald, Newton, Ozark, Ripley, Scott, Stoddard, Stone, and Taney.					
15	110	.625	.479	.750	.575
North Carolina: Alamance, Alexander, Burke, Cabarrus, Caldwell, Camden, Catawba, Chatham, Cherokee, Chowan, Clay, Cleveland, Currituck, Davidson, Davie, Durham, Forsyth, Franklin, Gaston, Gates, Graham, Granville, Guilford, Halifax, Hertford, Iredell, Jackson, Lincoln, McDowell, Macon, Mecklenburg, Montgomery, Northampton, Orange, Pasquotank, Perquimans, Polk, Randolph, Rowan, Rutherford, Stanley, Swain, Vance, Wake, Warren, Wilkes, and Yadkin. *South Carolina:* Cherokee, Greenville, Oconee, Pickens, and Spartanburg.					
15A	106	.625	.479	.750	.575
Georgia: Fannin, Gilmer, Habersham, Hall, Lumpkin, Murray, Rabun, Stephens, Towns, Union, and White. *Kentucky:* Allen, Ballard, Calloway, Carlisle, Christian, Clinton, Cumberland, Fulton, Graves, Hickman, Logan, McCracken, McCreary, Marshall, Monroe, Simpson, Todd, Trigg, and Wayne. *Missouri:* Dunklin, Mississippi, New Madrid, and Pemiscot. *Virginia:* Amelia, Brunswick, Charles City, Charlotte, Chesterfield, Dinwiddie, Elizabeth City, Gloucester, Greensville, Halifax, Isle of Wight, James City, Lunenburg, Mathews, Mecklenburg, Nansemond, New Kent, Norfolk, Nottoway, Pittsylvania, Prince Edward, Prince George, Princess Anne, Southampton, Surry, Sussex, Warwick, and York.					
16	107	.536	.411	.643	.493
Georgia: Banks, Barrow, Bartow, Catoosa, Chattooga, Cherokee, Clayton, Clarke, Cobb, Dade, Dawson, DeKalb, Douglas, Floyd, Forsyth, Franklin, Fulton, Gordon, Gwinnett, Hart, Jackson, Madison, Newton, Oconee, Paulding, Pickens, Polk, Rockdale, Walker, Walton, and Whitfield. *North Carolina:*—Anson, Bertie, Bladen, Craven, Cumberland, Dare, Duplin, Edgecombe, Greene, Harnett, Hoke, Johnston, Jones, Lee, Lenoir, Martin, Moore, Nash, Pitt, Richmond, Robeson, Sampson, Scotland, Tyrrell, Union, Washington, Wilson and Wayne. *South Carolina:*—Abbeville, Anderson, Chester, Chesterfield, Greenwood, Kershaw, Lancaster, Laurens, Union, and York.					
17	107	.446	.342	.535	.410
Georgia: Baldwin, Butts, Carroll, Columbia, Coweta, Elbert, Fayette, Glascock, Greene, Hancock, Haralson, Heard, Henry, Jasper, Jones, Lamar, Lincoln, McDuffie, Meriwether, Monroe, Morgan, Oglethorpe, Pike, Putnam, Richmond, Spaulding, Taliaferro, Troup, Upson, Warren, and Wilkes. *North Carolina:* Beaufort, Brunswick, Carteret, Columbus, Hyde, New Hanover, Onslow, Pamlico, and Pender. *South Carolina:* Aiken, Calhoun, Darlington, Dillon, Edgefield, Fairfield, Lee, Lexington, McCormick, Marlboro, Newberry, Richland, Saluda, and Sumter.					
18	100	.357	.274	.428	.329
Georgia: Bibb, Bleckley, Burke, Chattahoochee, Crawford, Crisp, Dodge, Dooly, Emmanuel, Harris, Houston, Jefferson, Jenkins, Johnson, Laurens, Macon, Marion, Muscogee, Peach, Pulaski, Quitman, Schley, Screven, Stewart, Sumter, Talbot, Taylor, Treutlen, Twiggs, Washington, Webster, Wilcox, and Wilkinson. *South Carolina:* Allendale, Bamberg, Barnwell, Berkeley, Charleston, Clarendon, Colleton, Dorchester, Florence, Georgetown, Hampton, Horry, Marion, Orangeburg, and Williamsburg.					
19	100	.268	.205	.322	.246
Georgia: Appling, Atkinson, Bacon, Baker, Ben Hill, Berrien, Brantley, Bryan, Bulloch, Calhoun, Candler Chatham, Clay, Coffee, Colquitt, Cook, Decatur, Dougherty, Early, Effingham, Evans, Grady, Irwin, Jeff Davis, Lee, Liberty, Long, Miller, Mitchell, Montgomery, Pierce, Randolph, Seminole, Tattnall, Telfair, Terrell, Thomas, Tift, Toombs, Turner, Ware, Wayne, Wheeler, and Worth. *South Carolina:* Beaufort and Jasper.					
20	100	.179	.137	215.	.164
Florida: Alachua, Baker, Bradford, Citrus, Clay, Columbia, Dixie, Duval, Flagler, Franklin, Gadsden, Gilchrist, Hamilton, Hernando, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Marion, Nassau, Putnam, St. Johns, Sumter, Suwannee, Taylor, Union, Volusia, and Wakulla. *Georgia:* Brooks, Camden, Charlton, Clinch, Echols, Glynn, Lanier, Lowndes, and McIntosh.					
21	100	.089	.068	.107	.082
Florida: Brevard, Broward, Charlotte, Collier, De Soto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, St. Lucie, Sarasota, and Seminole.					
22	100	.036	.027	.043	.032
Florida: Dade and Monroe.					

(b) ***Table II:** percentage of fuel oil allocable to thermal periods by thermal zones; to be deducted for late applicants.*

Thermal zone A	Dates of application (inclusive)			Percentage of fuel oil
	Thermal zone B	Thermal zone C	Thermal zone D	
				Period 1
			Nov. 1-Nov. 4	30%
Nov. 1-Nov. 3	Nov. 1-Nov. 6	Nov. 1-Nov. 5	Nov. 5-Nov. 9	40%
Nov. 4-Nov. 8	Nov. 7-Nov. 11	Nov. 6-Nov. 9	Nov. 10-Nov. 14	50%
Nov. 9-Nov. 13	Nov. 12-Nov. 16	Nov. 10-Nov. 14	Nov. 15-Nov. 19	60%
Nov. 14-Nov. 19	Nov 17-Nov. 21	Nov. 15-Nov. 19	Nov. 20-Nov. 23	70%
Nov. 20-Nov. 24	Nov. 22-Nov. 26	Nov. 20-Nov. 24	Nov. 24-Nov. 28	80%
Nov. 25-Nov. 29	Nov. 27-Dec. 2	Nov. 25-Nov. 29	Nov. 29-Dec. 1	90%
		Nov. 30-Dec. 3	Dec. 2-Dec. 5	95%
				Period 2
Nov. 30-Dec. 3	Dec. 3-Dec. 4	Dec. 4-Dec. 6	Dec. 6-Dec. 7	10%
Dec. 4-Dec. 7	Dec. 5-Dec. 8	Dec. 7-Dec. 9	Dec. 8-Dec. 10	20%
Dec. 8-Dec. 11	Dec. 9-Dec. 11	Dec. 10-Dec. 12	Dec. 11-Dec. 13	30%
Dec. 12-Dec. 15	Dec. 12-Dec. 15	Dec. 13-Dec. 15	Dec. 14-Dec. 16	40%
Dec. 16-Dec. 18	Dec. 16-Dec. 18	Dec. 16-Dec. 18	Dec. 17-Dec. 19	50%
Dec. 19-Dec. 22	Dec. 19-Dec. 22	Dec. 19-Dec. 22	Dec. 20-Dec. 21	60%
Dec. 23-Dec. 26	Dec. 23-Dec. 25	Dec. 23-Dec. 25	Dec. 22-Dec. 24	70%
Dec. 27-Dec. 30	Dec. 26-Dec. 29	Dec. 26-Dec. 28	Dec. 25-Dec. 27	80%
Dec. 31-Jan. 2	Dec. 30-Jan. 1	Dec. 29-Dec. 31	Dec. 28-Dec. 30	90%
Jan. 3-Jan. 6	Jan. 2-Jan. 5	Jan. 1-Jan. 4	Dec. 31-Jan. 2	95%
				Period 3
Jan. 7-Jan. 10	Jan. 6-Jan. 7	Jan. 5-Jan. 6	Jan. 3-Jan. 5	10%
Jan. 11-Jan. 13	Jan. 8-Jan. 11	Jan. 7-Jan. 9	Jan. 6-Jan. 8	20%
Jan. 14-Jan. 16	Jan. 12-Jan. 14	Jan. 10-Jan. 12	Jan. 9-Jan. 11	30%
Jan. 17-Jan. 20	Jan. 15-Jan. 17	Jan. 13-Jan. 15	Jan. 12-Jan. 15	40%
Jan. 21-Jan. 23	Jan. 18-Jan. 20	Jan. 16-Jan. 17	Jan. 16-Jan. 18	50%
Jan. 24-Jan. 26	Jan. 21-Jan. 23	Jan. 18-Jan. 20	Jan. 19-Jan. 22	60%
Jan. 27-Jan. 29	Jan. 24-Jan. 26	Jan. 21-Jan. 23	Jan. 23-Jan. 26	70%
Jan. 30-Feb. 1	Jan. 27-Jan. 30	Jan. 24-Jan. 26	Jan. 27-Jan. 29	80%
Feb. 2-Feb. 5	Jan. 31-Feb. 2	Jan. 27-Jan. 29	Jan. 30-Feb. 2	90%
Feb. 6-Feb. 8	Feb. 3-Feb. 6	Jan. 30-Feb. 2	Feb. 3-Feb. 5	95%
				Period 4
Feb. 9-Feb. 11	Feb. 7-Feb. 8	Feb. 3-Feb. 4	Feb. 6-Feb. 8	10%
Feb. 12-Feb. 15	Feb. 9-Feb. 11	Feb. 5-Feb. 7	Feb. 9-Feb. 11	20%
Feb. 16-Feb. 18	Feb. 12-Feb. 14	Feb. 8-Feb. 11	Feb. 12-Feb. 14	30%
Feb. 19-Feb. 22	Feb. 15-Feb. 17	Feb. 12-Feb. 14	Feb. 15-Feb. 17	40%
Feb. 23-Feb. 25	Feb. 18-Feb. 20	Feb. 15-Feb. 17	Feb. 18-Feb. 20	50%
Feb. 26-Mar. 1	Feb. 21-Feb. 24	Feb. 18-Feb. 20	Feb. 21-Feb. 23	60%
Mar. 2-Mar. 5	Feb. 25-Feb. 27	Feb. 21-Feb. 23	Feb. 24-Feb. 26	70%
Mar. 6-Mar. 9	Feb. 28-Mar. 3	Feb. 24-Feb. 27	Feb. 27-Feb. 28	80%
Mar. 10-Mar. 14	Mar. 4-Mar. 7	Feb. 28-Mar. 2	Mar. 1-Mar. 3	90%
Mar. 15-Mar. 17	Mar. 8-Mar. 12	Mar. 3-Mar. 6	Mar. 4-Mar. 6	95%
				Period 5
Mar. 18-Mar. 23	Mar. 13-Mar. 17	Mar. 7-Mar. 11	Mar. 7-Mar. 10	10%
Mar. 24-Mar. 27	Mar. 18-Mar. 22	Mar. 12-Mar. 15	Mar. 11-Mar. 14	20%
Mar. 28-Apr. 1	Mar. 23-Mar. 26	Mar. 16-Mar. 19	Mar. 15-Mar. 19	30%
Apr. 2-Apr. 7	Mar. 27-Mar. 31	Mar. 20-Mar. 24	Mar. 20-Mar. 25	40%
Apr. 8-Apr. 13	Apr. 1-Apr. 7	Mar. 25-Mar. 29	Mar. 26-Mar. 29	50%
Apr. 14-Apr. 18	Apr. 8-Apr. 15	Mar. 30-Apr. 4	Mar. 30-Apr. 3	60%
Apr. 19-Apr. 25	Apr. 16-Apr. 22	Apr. 5-Apr. 12	Apr. 4-Apr. 8	70%
Apr. 26-Apr. 30	Apr. 23-Apr. 29	Apr. 13-Apr. 20	Apr. 9-Apr. 16	80%
May 1-Sept. 30	Apr. 30-Sept. 30	Apr. 21-Sept. 30	Apr. 17-Sept. 30	90%

EFFECTIVE DATE

§ 1394.5901 *Effective date.* Ration Order No. 11 (§§ 1394.5001 to 1394.5901, inclusive) shall become effective October 22, 1942.

Issued this 19th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10536; Filed, October 19, 1942; 12:16 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 3 Under § 1499.29 of GMPR]

AMERICAN RAW HIDES PRODUCTS COMPANY

Order No. 3 under § 1499.29 of the General Maximum Price Regulation—Docket No. GF3-2359:

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered* Pursuant to Procedural Regulation No. 6:

§ 1499.403 *Adjustment of maximum prices for raw hide hammer heads manufactured by American Raw Hides Products Company.* (a) American Raw Hides Products Company, Providence, Rhode Island may sell and deliver to the United States Navy the commodities contracted to be sold by it under Bid-Schedule-900-8178-Ships, Bureau of Supplies and Accounts, Navy Department, Washington, D. C. at prices not higher than those set forth below:

Raw hide, hammer heads, Style No.:	*Maximum prices (cents each)*
1	23.34
3	33.76
4	40.26

(b) This order is limited to fulfillment of the contract above designated according to the terms thereof.

(c) All prayers of the application not herein granted are denied.

(d) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 3 (§ 1499.403) is hereby incorporated as a section of Supplementary Regulation No. 4, which contains modifications of the maximum prices established by § 1499.2.

(f) This Order No. 3 (§ 1499.403) shall become effective October 19, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 19th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10532; Filed, October 19, 1942; 12:14 p. m.]

PART 1499.—COMMODITIES AND SERVICES

[Order 60 Under § 1499.18 (b) of GMPR]

JANNEY-SEMPLE-HILL & CO.

Order No. 60 under § 1499.18 (b) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.860 *Denial of application for adjustment of maximum price of harness sold by Janney-Semple-Hill & Company of Minneapolis, Minnesota.* (a) The application of Janney-Semple-Hill & Company of Minneapolis, Minnesota, filed July 15, 1942, and assigned Docket No. GF3–705, requesting permission to increase the maximum price of harness sold by it, is denied.

(b) This Order No. 60 (§ 1499.860) shall become effective October 20, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10533; Filed, October 19, 1942; 12:15 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 84 Under § 1499.18 (c) of GMPR]

BEVERAGE TRANSPORT CORP.

Order No. 84 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3–1079.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.934 *Adjustment of maximum prices for transportation services sold by the Beverage Transport Corporation of Albany, New York.* (a) The Beverage Transport Corporation of Albany, New York, is hereby authorized to charge as maximum rates the minimum rates on beer, ale, and advertising material from Albany, New York, to Fair Haven, Garfield, Hackensack, Jersey City, and Paterson, New Jersey, and of empty containers from the respective New Jersey points to Albany, New York as published in its schedule of minimum charges, NF–I.C.C. No. 8 filed with the Interstate Commerce Commission May 8, 1942, effective May 26, 1942, for its services as a contract carrier by motor vehicle as described in said schedule.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 84 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 84 (§ 1499.934) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 84 (§ 1499.934) shall become effective October 20, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10531; Filed, October 19, 1942; 12:14 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 101 Under § 1499.3 (b) of GMPR]

AMERICAN METAL COMPANY, LIMITED

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, and § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.965 *Maximum prices at which The American Metal Company, Limited, may sell and deliver gilding metal to brass mills.* (a) The maximum prices at which The American Metal Company, Limited, may sell and deliver gilding metal to any brass mill shall be:

Shapes	*Maximum Price f. o. b. Carteret, N. J.*
Cakes and billets	Cost of metals plus $22 per net ton.
Gates and ends	Cost of metals.

(b) When used in this Order No. 101, the term:

(1) "Gilding metal" shall mean material of the following analysis:

Copper	89 to 91%
Iron	0.05% maximum.
Lead	0.05% maximum.
Zinc	Balance.

(2) (i) "Cost of metals" shall mean the purchase price including all delivery charges paid by The American Metal Company, Limited, for the electrolytic copper and special high grade zinc used in manufacturing the gilding metal: *Provided,* That the purchase price paid is not in excess of the maximum price established by the Price Administrator for such metals:

Except that whenever The American Metal Company, Limited, in manufacturing gilding metal, uses metals refined by it, the purchase price of such metals shall be deemed to be the maximum price established by the Price Administrator for such metals.

(ii) The metal cost, as defined above in paragraph (b) (2) (i) of this Order No. 101, shall be apportioned among cakes, billets, gates and ends in direct proportion to the respective weights of such products whenever any two or more of them result from one melting operation.

(3) "Cake" shall mean a casting 4 inches by 13 inches by a length not exceeding 50 inches.

(4) "Billet" shall mean a casting between 4 and 5 inches in diameter and not exceeding 50 inches in length.

(5) "Gates and ends" shall mean the by-products resulting from casting gilding metal into cakes and billets.

(c) This Order No. 101 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 101 (§ 1499.965) shall become effective October 20, 1942.

Issued this 19th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10545; Filed, October 19, 1942; 2:17 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 61 Under § 1499.18 (b) of GMPR]

THE GOSMAN COMPANY

Order No. 61 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3–86.

For the reasons set forth in an opinion issued simultaneously herewith, *it is ordered:*

§ 1499.861 *Adjustment of maximum prices for cases of 24 bottles, 16 ounce soft drinks, sold by The Gosman Company.* (a) The Gosman Company of Baltimore, Maryland, may sell and deliver, and any person may buy and receive from The Gosman Company cases of 24 bottles 16 ounces soft drinks, at a price not higher than 90 cents per case.

(b) The adjustment granted in paragraph (a) is subject to the condition that The Gosman Company shall not change its customary allowances, discounts or other price differentials unless such change results in a lower price.

(c) All persons who purchased soft drinks in 16 ounce bottles from the Gosman Company shall be notified in writing by the Applicant herein on or before the first delivery after the effective date of this order, as follows:

"The Office of Price Administration has permitted us to raise our maximum price for sales to you of case of 24 bottles of soft drinks, 16 ounce size, from 80 cents to 90 cents per case. This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of our soft drinks, 16 ounce size. In order that we may continue to provide you with this size, it will be necessary for you to accept this reduction in your margin."

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 61 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 61 (§ 1499.861) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 61 (§ 1499.861) shall become effective October 20, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 19th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10546; Filed, October 19, 1942; 2:17 p. m.]

PART 1499—COMMODTIES AND SERVICES

[Order 82 Under § 1499.18 (c) of GMPR]

GEORGE H. SHOOK

Order No. 82 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3–1633.

For the reasons set forth in an opinion issued simultaneously herewith *It is ordered:*

§ 1499.932 *Adjustment of Maximum Prices for contract carrier services sold by George H. Shook.* (a) George H. Shook of 7868 Cameron Avenue, Detroit, Michigan, may sell and deliver, and the Frankenmuth Brewing Company, Frankenmuth, Michigan, may buy and receive from George H. Shook, contract carrier services at prices not higher than those set forth below:

(1)

MAXIMUM PRICES FROM BREWERY AT FRANKENMUTH, MICHIGAN, TO THE FOLLOWING POINTS OF DELIVERY IN MICHIGAN

	Per case	*Per ½ bbl.*
Detroit	6¢	25¢
Grand Rapids	6¢	30¢
Mount Clemens	6¢	25¢
Benton Harbor	8¢	30¢
Muskegon	6¢	30¢
Ann Arbor	6¢	30¢

(b) George H. Shook shall submit to the Transportation Branch, Office of Price Administration, detailed monthly Profit and Loss statements in duplicate in connection with the transportation of beer for the Frankenmuth Brewing Company.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 82 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 82 (§ 1499.932) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 82 (§ 1499.932) shall become effective October 20, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 19th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10544; Filed, October 19, 1942; 2:12 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 83 Under § 1499.18 (c) of GMPR]

CLOVER FARM STORES CORPORATION

Order No. 83 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3–218.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.933 *Denial of application for adjustment of maximum price of Clover Farm Rice Cartons sold by Clover Farm Stores Corporation, of 4300 Euclid Avenue, Cleveland, Ohio.* (a) The application of Clover Farm Stores, of 4300 Euclid Avenue, Cleveland, Ohio, filed June 10, 1942, and assigned Docket No. GF3–218, requesting permission to increase the maximum price of Clover Farm Rice Cartons is denied.

(b) This Order No. 83 (§ 1499.933) shall become effective October 20, 1942.

(Pub. Laws 421 and 729 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 19th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10543; Filed, October 19, 1942; 2:12 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Supplementary Amendment 6 to Maximum Rent Regulations]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

The first sentence of paragraph (a) and paragraph (d) of §§ 1388.16, 1388.66, 1388.116, 1388.166, 1388.216, 1388.266, 1388.316, 1388.366, 1388.416, 1388.466, 1388.516, 1388.566, 1388.616, 1388.666, 1388.716, 1388.766, 1388.816, 1388.866, 1388.916, 1388.966, 1388.1016, 1388.1656, 1388.1706, 1388.1756, 1388.1806, 1388.2056, 1388.3056, 1388.4056, 1388.5056, 1388.6056, 1388.7056, 1388.8056, 1388.36 and 1388.136 of Maximum Rent Regulations Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27, 28, 33, 35, 37, 39, 41, 43, 45, 47, and 49, respectively, are amended to read as follows:

(a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, and regardless of any contract, lease, agreement or obligation heretofore or hereafter entered into which provides for entry of judgment upon the tenant's confession for breach of the covenants thereof or which otherwise provides contrary hereto, unless:

* * * * *

(d) (1) Every notice to a tenant to vacate or surrender possession of housing accommodations shall state the ground under this section upon which the landlord relies for removal or eviction of the tenant. A written copy of such notice shall be given to the Area Rent Office within 24 hours after the notice is given to the tenant.

No tenant shall be removed or evicted from housing accommodations, by court process or otherwise, unless, at least ten days prior to the time specified for surrender of possession and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the Area Rent Office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession.

Where the ground for removal or eviction of a tenant is non-payment of rent, every notice under this paragraph (d) (1) shall state the rent for the housing accommodations, the amount of rent due and the rental period or periods for which such rent is due. The provisions of this paragraph (d) (1) shall not apply where a certificate has been issued by the Administrator pursuant to the provisions of paragraph (b) of this section.

(2) At the time of commencing any action to remove or evict a tenant, including an action based upon non-payment of rent, the landlord shall give written notice thereof to the Area Rent Office stating the title of the case, the number of the case where that is possible, the court in which it is filed, the name and address of the tenant, and the ground under this section on which removal or eviction is sought.

* * * * *

This Supplementary Amendment No. 6 to Maximum Rent Regulations for Housing Accommodations other than Hotels and Rooming Houses shall become effective October 20th, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10561; Filed, October 19, 1942; 4:38 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Supplementary Amendment 7 to Maximum Rent Regulations]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

Paragraph (a) (6) of §§ 1388.16, 1388.66, 1388.116, 1388.166, 1388.216, 1388.266, 1388.316, 1388.366, 1388.416, 1388.466, 1388.516, 1388.566, 1388.616, 1388.666, 1388.716, 1388.766, 1388.816, 1388.866, 1388.916, 1388.966, 1388.1016, 1388.1656, 1388.1706, 1388.1756, 1388.1806, 1388.2056, 1388.3056, 1388.4056, 1388.5056, 1388.6056, 1388.7056, 1388.8056, 1388.36, and 1388.136, of Maximum Rent Regulations Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27, 28, 33, 35, 37, 39, 41, 43, 45, 47, and 49 respectively, is amended to read as follows:

(6) The landlord owned, or acquired an enforceable right to buy or the right to possession of, the housing accommodations prior to October 20, 1942, and seeks in good faith to recover possession of such accommodations for immediate use and occupancy as a dwelling for himself. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, the landlord shall file a written report on a form provided therefor before renting the accommodations or any part thereof during a period of six months after such removal or eviction.

* * * * *

The text of paragraph (b) of §§ 1388.16, 1388.66, 1388.116, 1388.166, 1388.216, 1388.266, 1388.316, 1388.366, 1388.416, 1388.466, 1388.516, 1388.566, 1388.616, 1388.666, 1388.716, 1388.766, 1388.816, 1388.866, 1388.916, 1388.966, 1388.1016, 1388.1656, 1388.1706, 1388.1756, 1388.1806, 1388.2056, 1388.3056, 1388.4056, 1388.5056, 1388.6056, 1388.7056, 1388.8056, 1388.36, and 1388.136 of Maximum Rent Regulations Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27, 28, 33, 35, 37, 39, 41, 43, 45, 47, and 49, respectively, is designated as subparagraph (1) of said paragraph (b) and a new subparagraph (2) is added to said paragraph (b) as set forth below:

(2) Removal or eviction of a tenant for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after October 20, 1942 is inconsistent with the purposes of the Act and this Maximum Rent Regulation and would be likely to result in the circumvention or evasion thereof, unless (i) the payment or payments of principal made by the purchaser, excluding any payments made from funds borrowed for the purpose of making such principal payments, aggregate 33⅓% or more of the purchase price, and (ii) a period of three months has elapsed after the issuance of a certificate by the Administrator as hereinafter provided. For the purposes of this paragraph (b) (2), the payments of principal may be made by the purchaser conditionally or in escrow to the end that they shall be returned to the purchaser in the event the Administrator denies a petition for a certificate. If the Administrator finds that the required payments of principal have been made, he shall, on petition of either the vendor or purchaser, issue a certificate authorizing the purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law at the expiration of three months after the date of issuance of such certificate. In no other case shall the Administrator issue a certificate for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after October 20, 1942, unless he finds that the vendor has or had a substantial necessity requiring the sale and that a reasonable sale or disposition of the accommodations could not be made without removal or eviction of the tenant, or unless he finds that other special hardship would result; under such circumstances the payment by the purchaser of 33⅓% of the purchase price shall not be a condition to the issuance of a certificate, and the certificate shall authorize the vendor or purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law.

* * * * *

This Supplementary Amendment No. 7 to Maximum Rent Regulations for Housing Accommodations other than Hotels and Rooming Houses shall become effective October 20, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–10560; Filed, October 19, 1942; 4:37 p. m.]

Part 1388—Defense-Rental Areas

[Supplementary Amendment 8 to Maximum Rent Regulations]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

Sections 1388.12, 1388.62, 1388.112, 1388.162, 1388.212, 1388.262, 1388.312, 1388.362, 1388.412, 1388.462, 1388.512, 1388.562, 1388.612, 1388.662, 1388.712, 1388.762, 1388.812, 1388.862, 1388.912, 1388.962, 1388.1012, 1388.1652, 1388.1702, 1388.1752, 1388.1802, 1388.2052, 1388.3052, 1388.4052, 1388.5052, 1388.6052, 1388.7052, 1388.8052, 1388.32 and 1388.132 of Maximum Rent Regulations Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 16, 17, 18, 19, 20, 24, 25, 26, 27, 28, 33, 35, 37, 39, 41, 43, 45, 47, and 49, respectively are amended by adding the following paragraph (c) to such sections:

(c) Where a lease of housing accommodations was entered into prior to October 20, 1942, and the tenant as a part of such lease or in connection therewith was granted an option to buy the housing accommodations which were the subject of the lease, with the further provision that some or all of the payments made under the lease should be credited toward the purchase price in the event such option is exercised, the landlord, notwithstanding any other provision of this Maximum Rent Regulation, may be authorized to receive payments made by the tenant in accordance with the provisions of such lease and in excess of the maximum rent for such housing accommodations. Such authority may be secured only by a written request of the tenant to the Area Rent Office and shall be granted by order of the Administrator if he finds that such payments in excess of the maximum rent will not be inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof. After entry of such order the landlord shall be authorized to demand, receive and retain payments provided by the lease in excess of the maximum rent for periods commencing on or after the effective date of this Maximum Rent Regulation. After entry of such order, the provisions of the lease may be enforced in accordance with law, notwithstanding any other provision of this Maximum Rent Regulation: *Provided, however,* That if at the termination of the lease the tenant shall not exercise the option to buy, the landlord may thereafter remove or evict the tenant only in accordance with the provisions of section 6 of this Maximum Rent Regulation. Nothing in this paragraph shall be construed to authorize the landlord to demand or receive payments in excess of the maximum rent in the absence of an order of the Administrator as herein provided. Where a lease of housing accommodations has been entered into on or after October 20, 1942, and the tenant as a part of such lease or in connection therewith has been granted an option to buy the housing accommodations which are the subject of the lease, the landlord, prior to the exercise by the tenant of the option to buy, shall not demand or receive payments in excess of the maximum rent, whether or not such lease allocates some portion or portions of the periodic payments therein provided as payments on or for the option to buy.

* * * * *

Sections 1388.15, 1388.65, 1388.115, 1388.165, 1388.215, 1388.265, 1388.315, 1388.365, 1388.415, 1388.465, 1388.515, 1388.565, 1388.615, 1388.665, 1388.715, 1388.765, 1388.815, 1388.865, 1388.915, 1388.965, 1388.1015, 1388.1655, 1388.1705, 1388.1755, 1388.1805, 1388.2055, 1388.3055, 1388.4055, 1388.5055, 1388.6055, 1388.7055, 1388.8055, 1388.35 and 1388.135 of Maximum Rent Regulations Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27, 28, 33, 35, 37, 39, 41, 43, 45, 47, and 49, respectively, are amended by adding the following paragraph (g) to such sections:

(g) No adjustment in the maximum rent shall be ordered on the ground that the landlord, since the date or order determining the maximum rent, has, as a part of or in connection with a lease of housing accommodations, granted the tenant an option to buy the accommodations which are the subject of the lease. Where a lease of housing accommodations was in force on the date determining the maximum rent, and the landlord had on that date, as a part of or in connection with such lease, granted the tenant an option to buy the accommodations which are the subject of the lease, the Administrator may, on or after the termination of such lease, on his own initiative or on application of the tenant, enter an order fixing the maximum rent on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations not subject to an option to buy on ———[1]

* * * * *

This Supplementary Amendment No. 8 to Maximum Rent Regulations for Housing Accommodations other than Hotels and Rooming Houses shall become effective October 20th, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–10559; Filed, October 19, 1942; 4:37 p. m.]

Part 1388—Defense-Rental Areas

[Designation and Rent Declaration 25, Amendment 7]

DESIGNATION OF 261 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

The title and item (96) listed in the table in § 1388.1201 of Designation and Rent Declaration No. 25 are amended and item (262) is added to the table in the said section to read as follows:

Designation and Rent Declaration No. 25—Designation of 262 Defense-Rental Areas and Rent Declaration Relating to Such Areas.

* * * * *

§ 1388.1201 *Designation.* * * *

Name of defense-rental area [1]	In State or States of	Defense-rental area consists of:
* *	* *	* *
(96) Eastern Massachusetts	Massachusetts	Counties of Barnstable, Bristol, Middlesex, Norfolk, Plymouth and Suffolk.
* *	* *	* *
(262) Essex County, Massachusetts	Massachusetts	County of Essex.

[1] The words "Defense-Rental Area" shall follow the name listed in the table in each case to constitute the full name of a defense-rental area, e. g., "Dothan-Ozark Defense-Rental Area," "Gadsden Defense-Rental Area."

This Amendment No. 7 (§ 1388.1201) shall become effective October 20, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–10565; Filed, October 19, 1942, 4:38 p. m.]

Part 1388—Defense-Rental Areas

[Maximum Rent Regulations, Supplementary Amendment 3A]

HOTELS AND ROOMING HOUSES

Paragraph (a) (5) of § 1388.1506, 1388.1556, 1388.1606, 1388.1856, 1388.1906, 1388.1956, 1388.2006, 1388.3006, 1388.4006, 1388.5006, 1388.6006, 1388.7006, 1388.8006, 1388.9006, 1388.86, and 1388.186 of Maximum Rent Regulations Nos. 21A, 22A, 23A, 29A, 30A, 31A, 32A, 34A, 36A, 38A, 40A, 42A, 44A, 46A, 48A, and 50A, respectively, is amended to read as follows:

(5) The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), the landlord shall file a written report on a form provided therefor before renting the room during a period of six months after such removal or eviction.

This Supplementary Amendment No. 3A to Maximum Rent Regulations for Hotels and Rooming Houses shall become effective October 20, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E. O. 9250, 7 F.R. 7871)

Issued this 19th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–10562; Filed, October 19, 1942; 4:37 p. m.]

Part 1388—Defense-Rental Areas

[MRR 45, Amendment 2]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

The preamble and the first sentence and subparagraph (19) of paragraph (a) of § 1388.8051 of Maximum Rent Regulation No. 45 are hereby amended to read as follows:

In the judgment of the Administrator, rents for housing accommodations within each of the Defense-Rental Areas set out in § 1388.8051 (a) of this Maximum Rent Regulation No. 45, as designated in the designations and rent declarations issued by the Administrator on April 28, 1942, as amended, and on May 26, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said Designations and Rent Declarations.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within each such Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within each such Defense Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this maximum rent regulation for housing accommodation within each such Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 45 is hereby issued.

§ 1388.8051 *Scope of regulation.* (a) This Maximum Rent Regulation No. 45 applies to all housing accommodations within each of the following Defense-Rental Areas (each of which is referred to hereinafter in this Maximum Rent Regulation No. 45 as the "Defense-Rental Area"), as designated in the Designations and Rent Declarations (§§ 1388.1201 to 1388.1205 and 1388.1251 to 1388.1255, inclusive) issued by the Administrator on April 28, 1942, as amended, and on May 26, 1942, except as provided in paragraph (b) of this section.

* * * * *

(19) The Essex County, Massachusetts Defense-Rental Area, consisting of the County of Essex, in the State of Massachusetts.

* * * * *

§ 1388.8064a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1388.8051 (a)) to Maximum Rent Regulation No. 45 shall become effective October 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–10564; Filed, October 19, 1942; 4:38 p. m.]

Part 1388—Defense-Rental Areas

[MRR 46A, Amendment 2]

HOTELS AND ROOMING HOUSES

The preamble and the first sentence and subparagraph (19) of paragraph (a) of § 1388.9001 of Maximum Rent Regulation No. 46A are hereby amended to read as follows:

In the judgment of the Administrator, rents for housing accommodations within each of the Defense-Rental Areas set out in § 1388.9001 (a) of this Maximum Rent Regulation No. 46A, as designated in the designations and rent declarations issued by the Administrator on April 28, 1942, as amended, and on May 26, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designations and rent declarations.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within each such Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within each such Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

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[1] The applicable date is to be inserted for each Maximum Rent Regulation. The respective date to be inserted for each Maximum Rent Regulation is as follows:

Nos. 1, 7, 9, 25, 39, 41, January 1, 1941; Nos. 2, 3, 4, 5, 6, 8, 11, 12, 13, 14, 15, 17, 18, 19, 20, 24, 26, 33, April 1, 1941; Nos. 10, 16, 27, 37. July 1, 1941; No. 47, October 1, 1941; Nos. 28, 35, 43, 45, 49, March 1, 1942.

In the judgment of the Administrator, the maximum rents established by this maximum rent regulation for rooms in hotels and rooming-houses within each such Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 46A is hereby issued.

§ 1388.9001 *Scope of regulation.* (a) This Maximum Rent Regulation No. 46A applies to all rooms in hotels and rooming houses within each of the following Defense-Rental Areas (each of which is referred to hereinafter in this maximum rent regulation as the "Defense-Rental Area"), as designated in the designations and rent declarations (§§ 1388.1201 to 1388.1205 and 1388.1251 to 1388.1255, inclusive) issued by the Administrator on April 28, 1942, as amended, and on May 26, 1942, except as provided in paragraph (b) of this section:

* * * * *

(19) The Essex County, Massachusetts Defense-Rental Area, consisting of the County of Essex, in the State of Massachusetts.

* * * * *

§ 1388.9014a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1388.9001 (a)) to Maximum Rent Regulation No. 46A shall become effective October 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10563; Filed, October 19, 1942; 4:37 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 81 Under § 1499.18 (c) of GMPR]

CONTINENTAL MANUFACTURING COMPANY

Correction

The order appearing on page 8434 of the issue for Tuesday, October 20, 1942, was incorrectly headed "Order 81 Under § 1499.18 (e) of GMPR."

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

Subchapter N—Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

TRANSPORTATION OF MILITARY EXPLOSIVES ON BOARD VESSELS DURING THE PRESENT EMERGENCY

Corrections

In § 146.29-15 (c) appearing on page 7848 of the issue for Saturday, October 3, 1942, the reference in the last line should read "(See § 146.29-29 (f))".

In the twenty-sixth line of § 146.29-18 (b), "ray" should be "tray".

In the fourth line of § 146.29-29 (c) appearing on page 7849 of the same issue, the word "except" should be inserted between "times" and "during".

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1634]

DISTRICT BOARD NO. 8

ORDER POSTPONING HEARING AND REDESIGNATING EXAMINER

In the matter of the petition of District Board No. 8 for a change in the price classifications and minimum prices for rail and truck shipments for the coals produced by High Point No. 1 Mine (Mine Index No. 241) of High Point Coal Company, a Code Member in District No. 8.

Petitioner, District Board No. 8, having moved that the hearing in the above-entitled matter, scheduled for October 20, 1942, at 10 o'clock in the forenoon of that day, be postponed to October 29, 1942, because counsel for petitioner will be engaged at other hearings before the Division and

It appearing that good cause for the postponement has been shown;

Now, therefore, It is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from October 20, 1942, until 10 o'clock in the forenoon of October 29, 1942, at the place heretofore designated and before Examiner D. C. McCurtain vice Examiner Edward J. Hayes, heretofore designated.

Dated: October 19, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10584; Filed October 20, 1942; 11:25 a. m.]

[Docket Nos. A-1645, A-1645 Part II]

DISTRICT BOARD NO. 3

MEMORANDUM OPINION AND ORDER, ETC.

Memorandum opinion and order severing Docket No. A-1645 Part II from Docket No. A-1645 and granting temporary relief in Docket No. A-1645 Part II.

In the matter of the petition of District Board No. 3 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3.

In the matter of the petition of District Board No. 3 for the establishment of price classifications and minimum prices for the coals of the Richard No. 21, Barrackville No. 41 and Dakota No. 42 mines of Bethlehem Steel Company.

The original petition in the above-entitled matter filed with the Division on September 21, 1942, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 prays for the establishment of temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 3.

As indicated in a separate order entered in Docket No. A-1645, a reasonable showing of necessity has been made for the granting of relief prayed for by the petitioner. However, in connection with the prayer contained in the original petition, it appears that no final determination should be made at this time with respect to the establishment of permanent price classifications and minimum prices for the coals of the Richard No. 21, Barrackville No. 41 and Dakota No. 42 Mines of Bethlehem Steel Company.

It appears that either, or both, Bethlehem Steel Company (F. A. Shick) or Industrial Collieries Corporation (M. L. Jacobs) are producers within the meaning of the Bituminous Coal Act of 1937 and, therefore, entitled to membership in the Bituminous Coal Code with respect to the coals produced at the aforesaid mines.

In view of the foregoing, it is deemed advisable at this time to establish only temporarily the proposed price classifications and minimum prices for the coals of the Richard No. 21, Barrackville No. 41 and Dakota No. 42 Mines of Bethlehem Steel Company.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, It is ordered, That the portion of Docket No. A-1645 relating to the coals of the Richard No. 21, Barrackville No. 41 and Dakota No. 42 Mines of Bethlehem Steel Company be, and it hereby is, severed from the remainder of that docket and designated as Docket No. A-1645 Part II.

It is further ordered, That pending final disposition of the proceedings in Docket No. C-19, which will, among other things, determine whether either, or both, Bethlehem Steel Company (F. A. Shick) or Industrial Collieries Corporation (M. L. Jacobs) are producers within the meaning of the Bituminous Coal Act of 1937 and, therefore, entitled to membership in the Bituminous Coal Code with respect to the coals produced at the aforesaid mines, temporary relief is granted as follows: Commencing forthwith, the Schedules of Effective Minimum Prices for District No. 3 for All Shipments Except Truck and for Truck Shipments are supplemented to include the price classifications and minimum prices set forth in the Schedules marked Supplement "R" and Supplement "T" annexed hereto and made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, or within ten (10) days from the date of the final Order in Docket No. C-19, whichever is sooner, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

The price classifications and minimum prices set forth in the Schedules attached are based upon price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and already reflect the charges made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. The minimum prices in the attached Schedules do not differ, except in this regard, from the minimum prices proposed by the petitioner.

Dated October 14, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10585; Filed, October 20, 1942; 11:25 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket 6441]

PENSACOLA BROADCASTING COMPANY

NOTICE DENYING PETITION, ETC.

In re application of Pensacola Broadcasting Company (WCOA), dated October 2, 1941, for Construction permit; class of service, broadcast; class of station, broadcast; location, Pensacola, Fla.; operating assignment specified: Frequency, 1,030 kc.; power, 10 kw. (DA night); hours of operation unlimited.

You are hereby notified that the Commission on September 29, 1942, denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of the application would be consistent with the policy announced by the Commission in its Memorandum Opinion of April 27, 1942.
2. To determine whether in view of the foregoing the granting of this application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Pensacola Broadcasting Company, Radio Station WCOA, San Carlos Hotel, Pensacola, Florida.

Dated at Washington, D. C., October 15, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-10568; Filed, October 20, 1942; 9:28 a. m.]

[Docket 6440]

LOS ANGELES BROADCASTING COMPANY, INC.

NOTICE OF HEARING

In re application of Los Angeles Broadcasting Company, Inc. (KFAC), dated May 27, 1942, for construction permit; class of service, broadcast; class of station, broadcast; location, Los Angeles, California; operating assignment specified: Frequency, 1,330 kc.; power, 5 kw (DA-night); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of the application would be consistent with the policy announced by the Commission in its Memorandum Opinion of April 27, 1942.
2. To determine whether in view of the foregoing the granting of this application would service public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Los Angeles Broadcasting Co., Inc., Radio Station KFAC, Penthouse, 645 South Mariposa Avenue, Los Angeles, California.

Dated at Washington, D. C., October 15, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-10567; Filed, October 20, 1942; 9:28 a. m.]

[Dockets 6191 and 6193]

NASHVILLE BROADCASTING COMPANY AND TENNESSEE RADIO CORPORATION

ORDER DENYING PETITIONS, ETC.

In re applications of R. O. Hardin and J. C. Buchanan, d/b as Nashville Broadcasting Company, Nashville, Tennessee, for construction permit; and Tennessee Radio Corporation, Nashville, Tennessee, for construction permit.

At a session of the Federal Communications Commission held at its office in Washington, D. C., on the 13th day of October, 1942;

The Commission having under consideration the petitions of R. O. Hardin and J. C. Buchanan, d/b as Nashville Broadcasting Company, and Tennessee Radio Corporation, filed respectively on May 29, 1942 and June 1, 1942, requesting that their above-entitled applications be granted;

It is ordered, That said petitions be, and they are hereby, denied; and

It is further ordered, That the above-entitled applications be, and they are hereby, designated for further hearing upon the following issues:

1. To determine whether the granting of either of the above-entitled applications would be in conformity with the Commission's policy announced by its Memorandum Opinion of April 27, 1942.
2. To determine whether, in view of the foregoing, the granting of either of said applications would serve public interest, convenience, or necessity.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-10569; Filed, October 20, 1942; 9:28 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4809]

MICHEL LIPMAN, ET AL.

ORDER APPOINTING TRIAL EXAMINER, ETC.

In the matter of Michel Lipman and Jack Silverman, individually and as copartners trading as Chief Statistician, and J. Silverman & Associates, and William Edgar Spicer, individually.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of October, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat.; 15 U.S.C.A., section 41).

It is ordered, That Andrew B. Duvall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, October 26, 1942, at ten o'clock in the forenoon of that day (Eastern Standard Time) in Room 532, Federal Trade Commission Building, 6th and Constitution Avenue, Washington, D. C.

Upon the completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-10571; Filed, October 20, 1942; 11:16 a. m.]

[Docket No. 4829]

ANDREW J. LYTLE, ET AL.

ORDER APPOINTING TRIAL EXAMINER, ETC.

In the matter of Andrew J. Lytle and Richard Carl Lytle, individually and trading as Vocational Placement Bureau, Debtors Finance Bureau, and Bureau of Records of Employment; and William Edgar Spicer, individually.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of October, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Andrew B. Duvall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, October 28, 1942, at ten o'clock in the forenoon of that day (Eastern Standard Time) in Room 532, Federal Trade Commission Building, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-10570; Filed, October 20, 1942; 11:16 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 146]

FIVE PATENTS OF FOREIGN NATIONALS, AND INTERESTS OF VIKTOR KAPLAN AND J. M. VOITH IN CERTAIN CONTRACTS

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to those certain United States patents described as follows:

Patent Nos.	Names	Last known address	Dates	Inventors
1, 822, 778	Viktor Kaplan	Unterach, Austria	9- 8-31	V. Kaplan.
1, 884, 881	Carlos Schmitthenner	Heidenheim, Germany	10-25-32	C. Schmitthenner.
1, 939, 229	Carlos Schmitthenner	Heidenheim, Germany	12-12-33	C. Schmitthenner.
1, 957, 183	J. M. Voith, a copartnership	Heidenheim, Germany	5- 1-34	C. Schmitthenner.
2, 055, 196	J. M. Voith, a copartnership	Heidenheim, Germany	9-22-36	C. Fuchs.

is property in which nationals of foreign countries (Germany in regard to the four last named patents, Czechoslovakia in regard to the first named patent) have interests;

(b) That the property described as follows:

All right, title and interest of Viktor Kaplan, who is a citizen of Czechoslovakia, and whose last known address was represented to the undersigned as being Unterach, Austria, and of his assigns, next of kin, heirs and estate, in and to that certain contract dated February 1, 1932, by and between said Viktor Kaplan, as licensor, and S. Morgan Smith Company, as licensee, granting to the latter a license under United States Patent No. 1,822,778, and all income, profits, royalties and other property heretofore accrued or which may hereafter accrue to or in favor of the aforesaid Viktor Kaplan by virtue of such contract,

is property payable or held with respect to patents, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, a national of a foreign country (Czechoslovakia); and

(c) That the property described as follows:

All right, title and interest of J. N. Voith, Maschinenfabrik, whose last known address was represented to the undersigned as being Heidenheim, Germany, in and to that certain contract executed under date of September 12, 1927 and amended under dates of October 1, 1930, and February 18, 1936, by and between said J. M. Voith, Maschinenfabrik, and S. Morgan Smith Company, and all income, profits, royalties and other property heretofore accrued or which may hereafter accrue to or in favor of the aforesaid J. M. Voith, Maschinenfabrik, by virtue of such contract.

is property payable or held with respect to patents, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of a foreign country (Germany);

and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on September 15, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10557; Filed, October 19, 1942; 3:51 p. m.]

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[1] 7 F.R. 5205.

[Vesting Order 171]

PATENTS OF ENEMY NATIONALS

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095,[1] as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in the patents the numbers of which are listed in Exhibit A attached hereto and made a part hereof, and the titles to which stand of record in the United States Patent Office in the names of the persons appearing therein,

is property in which nationals of a foreign country or countries have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 24, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patents the titles to which stand of record in the United States Patent Office in the name of Fernseh A. G., and which are identified respectively as follows:

Patent No.	Patent Date	Inventor	Title
1, 930, 071	10/10/33	F. Banneitz et al	Television apparatus.
1, 973, 385	9/11/34	R. Moller et al	Television apparatus.
1, 993, 564	3/5/35	H. Moller et al	Television apparatus.
1, 993, 565	3/5/35	H. Moller et al	Braun tube.
1, 993, 569	3/5/35	G. Schubert	Discharge tube.
2, 026, 915	1/7/36	G. Schubert	Television system.
2, 049, 629	8/4/36	G. Schubert	Television receiving apparatus.
2, 063, 694	12/8/36	R. Moller et al	Automatic regulation of the amplification in tele-cine transmitting amplifiers.
2, 075, 360	3/30/37	G. Schubert et al	Television apparatus.
2, 079, 880	5/11/37	G. Schubert	Television transmission method.
2, 093, 729	9/21/37	G. Krawinkel	Modulator.
2, 093, 817	9/21/37	R. Moller	Method of scanning films.
2, 119, 795	6/ 7/38	E. Ruska et al	Combined electric and magnetic deflecting system for cathode ray tubes.
2, 123, 636	7/12/38	E. Schwartz	High-vacuum cathode ray tube.
2, 124, 085	7/19/38	G. Schubert	Continuous film treating device.
2, 128, 597	8/30/38	E. Ruska	Braun tube.
2, 134, 267	10/25/38	E. Schwartz	Braun tube.
2, 137, 545	11/22/38	J. Schunack	Detector output circuit.
2, 139, 018	12/6/38	W. Heimann	Television scanner cathode.
2, 139, 854	12/13/38	E. Ruska	Deflection system for Braun tubes.
2, 143, 580	1/10/39	E. Ruska	Cathode ray deflection apparatus.
2, 143, 581	1/10/39	E. Ruska	Cathode ray tube.
2, 143, 582	1/10/39	G. Schubert et al	Electron discharge tube.
2, 147, 756	2/21/39	E. Ruska	Secondary electron tube.
2, 151, 530	3/21/39	E. Ruska	Braun tube.
2, 151, 992	3/28/39	E. Schwartz	Wall coating for Braun tubes.
2, 152, 362	3/28/39	E. Ruska	Deflecting coil for cathode ray tubes.
2, 152, 363	3/28/39	E. Ruska	Deflecting device for Braun tubes.
2, 155, 465	4/25/39	R. Behne et al	Fluorescent screen for cathode ray tubes.
2, 155, 486	4/25/39	J. Gunther	Starting circuit for cathode ray tubes.
2, 159, 519	5/23/39	G. Brauer et al	Secondary emitter tube.

EXHIBIT A—Continued

Patent No.	Patent Date	Inventor	Title
2, 159, 529	5/23/39	H. Langenwalter et al	Electron multiplier.
2, 159, 534	5/23/39	E. Ruska	Cathode ray focusing coil.
2, 159, 712	5/23/39	L. Schiff	Electron ray tube.
2, 160, 510	5/30/39	R. Moller et al	Cathode ray tube with photo cell mosaic.
2, 160, 522	5/30/39	J. Schunack	Method for producing rectangular shaped synchronizing impulses.
2, 160, 888	6/6/39	R. Moller	Method of recording television images.
2, 161, 643	6/6/39	H. Strubig	Television picture analyzer.
2, 162, 391	6/13/39	E. Schwartz et al	Electron tube with high ohmic wall coatings.
2, 163, 918	6/27/39	E. Schwartz	Image screen for Braun tubes.
2, 163, 939	6/27/39	W. Dillenburger	Method of modulation.
2, 164, 951	7/4/39	E. Schwartz	Electrode holding device.
2, 164, 961	7/4/39	H. Strubig	Mosaic plate.
2, 171, 766	7/5/39	E. Ruska	Means for fastening electrode systems in Braun tubes.
2, 171, 918	9/5/39	W. Dillenburger	Amplitude filter.
2, 172, 150	9/5/39	H. Bahring	Coupling circuit independent of frequency.
2, 172, 324	9/5/39	G. Schubert	Modulation circuit using a multigrid photo-electric cell.
2, 174, 759	10/3/39	E. Ruska	Base structure for electron ray tubes.
2, 178, 458	10/31/39	E. Ruska	Braun tube.
2, 178, 772	11/7/39	H. Bahring	Two-tube deflecting circuit.
2, 178, 775	11/7/39	W. Bunger et al	Means of eliminating interference caused by induction in electron tubes.
2, 180, 659	11/21/39	H. Bahring	Multiplier voltage divider.
2, 183, 302	12/12/39	G. Brauer	Method for producing coatings of high ohmic resistance in the interior of vacuum tubes.
2, 183, 309	12/12/39	W. Flechsig et al	Electron multiplier.
2, 184, 922	12/26/39	E. Gunzel et al	Method of producing sectional coatings in vacuum vessels.
2, 185, 439	1/2/40	H. Hinderer	Method for optionally altering the after-glow period of phosphorescent screens.
2, 186, 595	1/9/40	E. Ruska	Deflecting coil.
2, 191, 590	2/27/40	E. Schwartz et al	Television apparatus.
2, 192, 770	3/5/40	W. Flechsig	Multistage electron multiplier.
2, 195, 863	4/2/40	U. Knick	Scannihg device.
2, 197, 751	4/16/40	H. Bahring	Push-pull amplifier for relaxation oscillations.
2, 201, 245	5/21/40	E. Ruska et al	Cathode ray projection tube.
2, 203, 085	6/4/40	W. Flechsig	Electrical oscillator for generation of high frequencies.
2, 204, 427	6/11/40	R. Moller	Synchronizing method.
2, 204, 428	6/11/40	R. Moller et al	Electron multiplier.
2, 204, 503	6/11/40	H. Langenwalter	Electron multiplier.
2, 206, 125	7/2/50	E. Ruska	Magnetic deflecting system for Braun tubes.
2, 206, 130	7/2/40	J. Schunack	Means for intermediate modulation in television transmission.
2, 208, 939	7/23/40	E. Ruska	Magnetic deflecting system for Braun tubes.
2, 213, 076	8/27/40	J. Schunack et al	Electron multiplier.
2, 213, 077	8/27/40	E. Schwartz	Transparent projection screen.
2, 213, 761	9/3/40	W. Flechsig	Device for reproduction of instantaneous occurrences.
2, 213, 762	9/3/40	W. Flechsig	Electron discharge tube.
2, 213, 769	9/3/40	E. Ruska	Electron multiplier.
2, 216, 267	10/1/40	W. Flechsig	Electron multiplier.
2, 216, 282	10/1/40	E. Schwartz et al	Secondary electron amplifier.
2, 218, 498	10/15/40	W. Bunger et al	Telecine system.
2, 218, 744	10/22/40	R. Colberg	Electron multiplier.
2, 218, 750	10/22/40	H. Hinderer	Process for making fluorescent screen material for cathode ray tubes.
2, 221, 447	11/12/40	W. Flechsig	Electron multiplier.
2, 224. 587	12/10/40	H. Bahring	Method of operating cathode ray tubes.
2, 225, 786	12/24/40	H. Langenwalter et al	Secondary emitting tube.
2, 227, 711	1/ 7/41	J. Gunther	Deflecting device for cathode ray tubes.
2, 228, 402	1/14/41	W. Reichel et al	Picture transmitter.
2, 230, 111	1/28/41	J. Gunther	Deflecting device for cathode ray tubes.
2, 230, 124	1/28/41	H. Strubig	Multistage amplifier for utilizing secondary emission.
2, 230, 134	1/28/41	R. Colberg et al	Image analyzing tube.
2, 231, 146	2/11/41	K. Wellmann et al	Electrode support for cathode ray tubes.
2, 233, 881	3/4/41	F. Below	Synchronizing impulse generator for interlaced scanning.
2, 234, 227	3/11/41	F. Below et al	Projection receiver.
2, 238, 137	4/15/41	H. Strubig et al	Method of projecting electrical recordings.
2, 238, 634	4/15/41	W. Flechsig	Electron multiplier.
2, 239, 022	4/22/41	H. Strubig	Electron discharge tube.
2, 240, 289	4/29/41	W. Dillenburger et al	Control voltage limiter for cathode ray tube receivers.
2, 242, 034	5/13/41	U. Knick	Scanning method for storage tubes.
2, 246, 631	6/24/41	U. Knick	Scanning method for television image analyzers.
2, 260, 228	10/21/41	R. Moller et al	Means for projecting images.
2, 260, 911	10/28/41	U. Knick et al	Television device.
2, 265, 264	12/9/41	W. Bunger et al	Prism arrangement for producing double images, particularly for television purposes.
2, 265, 979	12/16/41	F. Below et al	Television synchronization.

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[1] 7 F.R. 5205.

Patents the titles to which stand of record in the United States Patent Office in the name of Fernseh G. m. b. H., and which are identified respectively as follows:

Patent No.	Patent Date	Inventor	Title
2,284,227	5/26/42	H. Paehr	Magnetic electron lens.
2,284,337	5/26/42	T. Mulert et al	Saw-tooth current generator.

[F. R. Doc. 42–10556; Filed, October 19, 1942; 3:51 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 1 Under MPR 111]

C. L. Morron

ORDER GRANTING ADJUSTMENT

Order No. 1 under § 1370.9 (b) of Maximum Price Regulation No. 111—New Household Vacuum Cleaners and Attachments.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in me as Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, it is hereby ordered:

(a) C. L. Morron, doing business as Good Housekeeping Store is hereby authorized to sell and deliver, and any person may buy and receive from C. L. Morron, doing business as Good Housekeeping Store, those machines which he had on hand March 30, 1942 at prices no higher than those set forth below:

#200 "Magic Aire", cylinder type, 12-piece attachment set $66.49 net cash, exclusive of excise tax.

#201 "Magic Aire", cylinder type, 8-piece attachment set $51.23 net cash, exclusive of excise tax.

#153 Royal, Floor type, motor-driven brush $41.36 net cash, exclusive of excise tax.

subject to terms no less favorable than those which he had in effect during the period October 1 to 15, 1941.

(b) This order may be revoked or amended by the Administrator at any time.

(c) This Order No. 1 shall become effective October 20, 1942.

Issued this 19th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–10529; Filed, October 19, 1942; 12:14 p. m.]

[Order 28 Under MPR 122]

Calumet & Hecla Consolidated Copper Co.

ORDER GRANTING ADJUSTMENT

Order No. 28 under Maximum Price Regulation No. 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers—Docket No. 3122–20.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator and in accordance with § 1340.257a (c) of Maximum Price Regulation No. 122, *It is hereby ordered:*

(a) Calumet & Hecla Consolidated Copper Company of Calumet, Michigan, may sell and deliver, and any person employed by said company in the counties of Houghton and Keweenaw, Michigan, may buy and receive coal from said company at prices not in excess of $6.18 per ton;

(b) This Order No. 28 may be revoked or amended at any time;

(c) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to the terms used herein;

(d) This Order No. 28 shall become effective October 20, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 19th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–10528; Filed, October 19, 1942; 12:14 p. m.]

[Order 8 Under MPR 161]

Canyon Creek Logging Co., et al.

OVERTIME ADDITIONS

Order 8 under § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs.

Pursuant to the provisions of § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs, the following persons have filed with the Office of Price Administration, Washington, D. C., a certified statement that said persons regularly maintain the following hours per week in all of their logging operations. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1381.160 (e) of Maximum Price Regulation 161, *It is hereby ordered:*

(a) The following persons being on a 48-hour week may add to the maximum prices of all logs produced by them $1.00 per 1,000 ft., log scale:

Canyon Creek Logging Company, Everett, Washington.
Davis & White, Inc., Marysville, Washington.
South Fork Logging Company, Aberdeen, Washington.
Picco Logging Co., Inc., Montesano, Washington.
Yunker & Wiecks, Elsie, Oregon.
Beaver Logging Co., Portland, Oregon.
Don H. McKay, Shelton, Washington.
Whited Lumber Company, Yelm, Washington.
Drake Logging Company, Bellingham, Washington.
McMillen Logging Co., Rose Lodge, Oregon.
Reed Holding Logging Company, Clatskanie, Oregon.
Timber Logging Company, Aberdeen, Washington.

(b) The following person being on a 54-hour week may add to the maximum prices of all logs produced by him $1.50 per 1,000 ft., log scale:

Henry A. Larson, Bellingham, Washington.

(c) The following person being on a 60-hour week may add to the maximum prices of all logs produced by it $2.00 per 1,000 ft., log scale:

Murphy-Nelson Logging Co., Portland, Oregon.

(d) The additions to maximum prices specified in paragraphs (a), (b) and (c) hereof may be made subject to the condition that the persons named comply with all provisions of § 1381.160 (e) of Maximum Price Regulation 161.

(e) This Order No. 8 may be revoked or amended by the Price Administrator at any time by similar publication in the Federal Register for change of status of any of the persons named herein as an overtime company.

(f) This Order No. 8 to Maximum Price Regulation 161 shall become effective this 20th day of October 1942.

Issued this 19th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–10530; Filed, October 19, 1942; 12:15 p. m.]

[Order 4 Under MPR 169]

Alpert Packing Company

ORDER GRANTING PETITION FOR ADJUSTMENT

Order No. 4 under Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts—Docket No. 3169–153.

On September 28, 1942 Alpert Packing Company, 1490 Fairfax Avenue, San Francisco, California, filed a petition for adjustment or exception pursuant to § 1364.60 of Maximum Price Regulation No. 169 as amended. Due consideration has been given to the petition and an Opinion in support of this Order No. 4 has been issued simultaneously herewith.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250 and in accordance with Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

(a) Alpert Packing Company may sell and deliver and agree, offer, solicit, and attempt to sell and deliver cow carcasses of the grades hereinafter set forth and any person may buy and receive from the Alpert Packing Company such cow carcasses at prices not in excess of those established as follows:

	Per pound
Cow carcasses—commercial grade	18¢
Cow carcasses—utility grade	17½¢
Cow carcasses—cutter and canner grade	16½¢

(b) Alpert Packing Company shall mail or cause to be mailed to all persons who purchase cow carcasses from it for sale at wholesale or retail a notice reading as follows:

> The Office of Price Administration, by Order No. 4, effective October 20, 1942, pursuant to § 1364.60 of Maximum Price Regulation No. 169, has permitted us to raise our maximum price for sales to you of cow carcasses, commercial grade, from 17½¢ per pound to 18¢ per pound; cow carcasses, utility grade, from 17¢ per pound to 17½¢ per pound, and cow carcasses, cutter and canner grades, from 14¢ per pound to 16½¢ per pound.
>
> This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of cow carcasses In order that we may continue to provide you with cow carcasses it will be necessary for you to accept reduction in your margin.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 4 may be revoked or amended by the Price Administrator at any time. Unless the context otherwise requires, the definitions set forth in § 1364.62 of Maximum Price Regulation No. 169 shall apply to the terms used herein.

(e) This Order No. 4 shall become effective October 20, 1942.

Issued this 19th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–10541; Filed, October 19, 1942; 2:13 p. m.]

[Order 5 Under MPR 169]

Heinz Riverside Abbatoir

ORDER GRANTING PETITION FOR ADJUSTMENT

Order No. 5 under Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts—Docket No. 3169–84.

On August 26, 1942, Heinz Riverside Abbatoir, 1900 Light Street, Baltimore, Maryland, filed a petition for adjustment pursuant to § 1364.60 of Maximum Price Regulation No. 169, as amended, requesting specific adjustment of its maximum prices established for the sale of certain beef and veal carcasses and wholesale cuts on the ground that such maximum prices caused substantial hardship and were abnormal in relation to the maximum prices established for competitors of similar products. Due consideration has been given to the petition and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the Opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended and Executive Order 9250 and in accordance with Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

(a) Heinz Riverside Abbatoir may sell and deliver and agree, offer, solicit and attempt to sell and deliver beef and veal carcasses and wholesale cuts of the grades hereinafter set forth and any person may buy and receive from the Heinz Riverside Abbatoir such beef and veal carcasses and wholesale cuts at prices not in excess of those established as follows:

	Cents
Beef carcasses and sides, choice grade, steer	23
Beef loins, choice grade, steer	32
Beef briskets, choice grade, steer	17
Beef hind quarters, choice grade, steer	27
Beef rounds, choice grade, steer	26
Beef trimmed short loins, choice grade steer	42
Veal carcasses and sides—choice grade	25
Veal hind saddles—choice grade	30

(b) Heinz Riverside Abbatoir shall mail or cause to be mailed to all persons who purchase beef and veal carcasses and wholesale cuts from it for resale a notice reading as follows:

> The Office of Price Administration by Order No. 5 effective October 20, 1942, pursuant to § 1364.60 of Maximum Price Regulation No. 169 has permitted us to raise our maximum prices for sales to you as follows:

Beef carcasses and sides—choice grade	From 22¢ to 23¢ per pound.
Beef loins—chioce grade	From 28¢ to 32¢ per pound.
Beef briskets—choice grade	From 14¢ to 17¢ per pound.
Beef hind quarters—choice grade	From 26¢ to 27¢ per pound.
Beef rounds—choice grade	From 25¢ to 26¢ per pound.
Beef trimmed short loins—choice grade	From 38¢ to 42¢ per pound.
Veal carcasses and sides—choice grade	From 23¢ to 25¢ per pound.
Veal hind saddles—choice grade	From 28¢ to 30¢ per pound.

> This amount represents only that part of cost increase which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices of beef and veal carcasses. In order that we may continue to provide you with those products it will be necessary for you to accept this reduction in your margin.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 5 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1364.62 of Maximum Price Regulation 169 shall apply in terms used herein.

(f) This Order No. 5 shall become effective October 20, 1942.

Issued this 19th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–10542; Filed, October 19, 1942; 2:12 p. m.]

OCT 23 1942

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

VOLUME 7 NUMBER 208

Washington, Thursday, October 22, 1942

Regulations

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 50747]

PART 4—APPLICATION OF CUSTOMS LAWS TO AIR COMMERCE

BUFFALO LAUNCH CLUB SEAPLANE BASE

OCTOBER 19, 1942.

Buffalo Launch Club Seaplane Base, Buffalo, New York, redesignated as an airport of entry for a period of one year.[1]

The Buffalo Launch Club Seaplane Base, Buffalo, New York, is hereby redesignated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), for a period of one year from October 16, 1942.

(Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b)).

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-10593; Filed, October 20, 1942; 3:22 p. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs

Subchapter Q—Leases and Permits on Restricted Indian Lands

PART 177—AGRICULTURAL AND GRAZING LEASES, OSAGE INDIANS, OKLAHOMA

LEASING FEES

Section 177.15 is hereby added:

§ 177.15 *Fees.* When Indian land is leased (either by formal lease or revocable permit), subleased, or assigned (including renewals or extensions), for farming, grazing, farm-pasture, or business purposes, fees shall be fixed as follows:

Total Rental (To be paid by lessee, permittee, sublessee, or assignee):	*Fee*
Not to exceed $100.00	$1.00
$100.01-$250.00	2.50
$250.01-$500.00	5.00
For each additional $500 or fraction thereof	1.00

When, under the terms of the instrument, the occupant is to pay taxes accruing during the period, an amount equal to the estimated total amount of the taxes shall be included in the amount to be used in determining the fee to be charged. In the case of a sublease, subpermit, or assignment, the fee shall be based on the total amount yet to accrue under the instrument from the effective date of the transaction. When the lease or permit period is extended with the mutual consent of the parties concerned or the instrument provides for the extension of the lease period at the option of the occupant, and such an extension is made, then the fee shall be computed from the effective date on the same basis as the original instrument. The fee to be collected in case of crop-share or other non-cash rental leases or permits shall be based on (a) an estimate of the cash rental value of the acreage or (b) the estimated value of the lessors' share of the crops. (Sec. 1, 41 Stat. 415, 47 Stat. 1417; 25 U.S.C. 413)

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

OCTOBER, 5, 1942.

[F. R. Doc. 42-10609; Filed, October 21, 1942; 11:06 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess-Profits Taxes

[T. D. 5172]

PART 3—INCOME TAX UNDER THE REVENUE ACT OF 1936

INCOME TAX; AMENDMENTS

PARAGRAPH 1. Article 27 (f)-1 of Regulations 94 (§ 3.27 (f)-1, Title 26, Code of Federal Regulations) is amended as follows:

(Continued on next page)

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[1] This document affects the tabulation in 19 CFR 4.13.

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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(A) By changing the second sentence of the first paragraph of paragraph (a) to read as follows:

§ 3.27 (f)-1 *Dividends paid credit for distributions in liquidation*—(a) *Distributions which diminish earnings or profits.* * * * Thus, a distribution either in complete or partial liquidation of a corporation is treated by the Act as one constituting in part a distribution of, and being properly chargeable to, earnings or profits if:

(1) Under the provisions of section 115 (c), the amounts distributed in liquidation are treated as received in payment in exchange for the stock; and either

(2) The gain or loss, if any, from such exchange is recognized under the provisions of section 112; or

(3) The distribution within the provisions of section 112 (b) (6) is made in money or property other than stock or securities of such corporation or of another corporation, within the meaning of section 115 (h).

(B) By changing the last sentence of the last paragraph of paragraph (a) to read as follows:

* * * Except as otherwise provided in this subsection, no dividends paid credit is allowable with respect to such transactions.

(C) By changing the first sentence of paragraph (c) to read as follows:

(c) *Credit in respect of earnings or profits transferred under certain tax-free transactions.* If, as a result of one or more transactions described in section 112 for which no dividends paid credit is allowed, a corporation's earnings or profits accumulated after February 28, 1913, and its undistributed earnings or profits of the taxable year, shall have become the earnings or profits of another corporation subject to distribution as dividends by such other corporation, any dividend paid by the transferee corporation during that portion of the transferor's taxable year subsequent to the consummation of such tax-free transaction may, subject to the provisions of section 115, be apportioned and allocated to the transferor as a distribution out of such earnings or profits of the transferor.

(D) By changing the second sentence of the example in paragraph (c) to read as follows:

Example. * * * On December 1, 1936 the S Corporation, which keeps its books and makes its returns on the calendar year basis, had assets consisting solely of stock and securities in another corporation and on that date was completely liquidated in accordance with the provisions of section 112 (b) (6).

PAR. 2. Article 27 (h)-1 of Regulations 94 (§ 3.27 (h)-1, Title 26, Code of Federal Regulations) is amended by changing the second paragraph to read as follows:

§ 3.27 (h)-1 *Non-taxable distributions.* * * *

The effect of paragraphs (g) and (h) of section 27 is that no dividends paid credit is allowed with respect to any distribution (not including a distribution within the provisions of section 112 (b) (6) of money or property other than stock or securities as used in section 115 (h)) unless each of the shareholders of that class, who are subject to taxation under Title I for the period in which the distribution is made, receives a taxable dividend as a result of the distribution.

(This Treasury decision is issued under the authority contained in section 62 of the Revenue Act of 1936 (49 Stat. 1673, 26 U.S.C., Sup., 62), and interprets section 27 (f), and (h) of the Revenue Act of 1936 (49 Stat. 1667, 26 U.S.C., Sup., 27 (f) and (h)).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: October 20, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-10596; Filed, October 20, 1942; 4:22 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

PART 326—MINIMUM PRICE SCHEDULE, DISTRICT NO. 6

[Docket No. A-1667]

ORDER GRANTING TEMPORARY RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 6 for a change in the price classifications and minimum prices for the coals of Mine Index Numbers 208 and 194 in District No. 6.

A motion, considered herein as a petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting that the price classification C in Size Group 10 for the coals of Mine Index Nos. 208 and 194 in District No. 6 be deleted from the Schedules of Effective Minimum Prices for District No. 6 for All Shipments Except Truck; and

The motion stating that said price classification was recommended in error by District Board No. 6 in its original petition filed in Docket No. A-1378, since said Mine Index Nos. 208 and 194 produce coal by the deep mining method and since Size Group 10 classifications and prices are for substandard quality coal produced at mines by the stripping method; and

Price Classification C for Mine Index Nos. 208 and 194 in District No. 6 for All Shipments Except Truck, River, and Ex-River having been established by an order issued April 20, 1942, 7 F.R. 3511, in Docket No. A-1378, granting temporary relief and conditionally providing that such relief become final in sixty (60) days; and

It further appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition in the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 326.5 *Alphabetical list of code members* in the Schedules of Effective Minimum Prices for District No. 6 for All Shipments Except Truck and Supplement R-I attached to the order of April 20, 1942, 7 F.R. 6943, in Docket No. A-1378 are amended by deleting the Price Classification C in Size Group 10 for Mine Index Nos. 208 and 194 for All Shipments Except Truck, River, and Ex-River.

It is further ordered, That pleadings in opposition to the motion in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: October 19, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10618; Filed, October 21, 1942; 11:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 131]

NOTICE OF DELINQUENCY

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 281, entitled "Notice of Delinquency," effective immediately upon the filing hereof with the Division of the Federal Register.[1] The supply of forms on hand will be used until exhausted.

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 1, 1942.

[F. R. Doc. 42-10590; Filed, October 20, 1942; 2:16 p. m.]

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[1] Filed as part of the original document.

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment LIII]

PART 804—INDIVIDUAL LICENSES

APPLICATIONS FOR LICENSES

Paragraph (c) of § 804.2 *Applications for licenses*[1] is hereby amended to read as follows:

(c) A separate and complete application must be submitted for each commodity to each consignee in each country of destination, except that a single application may be filed covering any number of commodities classifiable under the Department of Commerce Schedule B numbers listed in one of the following numbered groups where all such commodities included in a single application are destined for a single consignee in a single country of destination:

Group:	*Department of Commerce schedule B nos.*
1	0010, 0012, 0013, 0016, 0019
2	0020 thru 0035 and 0040 thru 0045
3	0036.15 thru 0039
4	0046, 0047, 0049
5	0050 thru 0059
6	C060 thru 0069
7	0070 thru 0079 and 0090
8	0084 thru 0088
9	0092 thru 0099
10	0201 thru 0250.98
11	0300 thru 0359
12	0645.1 thru 0659
13	0600 and 0672 thru 0699
14	0711 thru 0759
15	0809.01 thru 0858.98
16	0900 thru 0909
17	0923 thru 0999.98
18	1011 thru 1099
19	1101 thru 1199
20	1201.1 thru 1224
21	1241 thru 1249
22	1250 thru 1259
23	1302 thru 1319.9
24	1321 thru 1330
25	1332 thru 1350
26	1374 thru 1379
27	1420 thru 1449.98
28	1502 thru 1521
29	1629, 1642, 1643, 1644, 1647
30	1634, 1635, 1637
31	1701 thru 1750
32	1761, 1766, 1780
33	1772 thru 1779
34	2016, 2017, 2038, 2094
35	2043, 2031, 2032, 2034, 2036, 2037, 2039, 2045, 2046, 2047, 2048, 2049
36	2040, 2042
37	2053 thru 2059
38	2110 thru 2118
39	2210 thru 2220.98 except 2220.20
40	2230 thru 2249.98
41	2268 thru 2280
42	2311 thru 2339
43	2401 thru 2468.9
44	2535 thru 2599
45	2601 thru 2618
46	2620 thru 2629
47	2811, 2813
48	3008 thru 3010.6
49	3011.1 thru 3013.2
50	3015 thru 3018
51	3020, 3021
52	3023, 3025, 3026, 3034, 3062
53	3191.1 thru 3196
54	3090 thru 3129
55	All numbers between 3015 and 3199 except those listed under groups 50 to 54
56	3622, 3626, 3628
57	3675 thru 3681
58	3642 thru 3666 & 3689
59	3690.5 thru 3699
60	3741 thru 3759
61	3720.01 thru 3729.98
62	3845 thru 3849.9
63	3852 thru 3857.7
64	3858.1 thru 3858.58
65	3911 thru 3917
66	3942 thru 3958
67	3988 thru 3990
68	4001 thru 4009
69	4012 thru 4019.98
70	4026 thru 4029
71	4060 thru 4069.98 and 4100 thru 4116
72	4080, 4085, 4156, 4159
73	4117 thru 4139
74	4140 thru 4149
75	4201.1 thru 4209.5
76	4215, 4216
77	4222 thru 4239
78	4242 thru 4248
79	4260 thru 4288
80	4291, 4292
81	4302 thru 4309.98
82	4690, 4691
83	4699.01 thru 4699.58
84	4711, 4714
85	4722.03, 4722.05, 4722.98
86	4723, 4724
87	4725.01 thru 4725.98
88	4726, 4728, 4729
89	4731 thru 4738
90	4760, 4761 and 4793
91	4777 thru 4781
92	5001 thru 5004
93	5033 thru 5039 and 5040.98
94	5045, 5046
95	5101 thru 5171
96	5212 thru 5299 except 5217.5 and 5230.09
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111	6167.43, 6167.98, 6168.43, 6169.43
112	6179 thru 6188
113	6195.1 thru 6198
114	6458 thru 6479.98 except 6479.01 and 6479.05
115	7000.05 thru 7009.98
116	7010.1, 7010.2
117	7013 thru 7018
118	7040 thru 7043

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[1] 7 F.R. 5010.

Group:	Department of Commerce schedule B nos.
119	7068.1 thru 7073.98
120	7077.05, 7077.98, 7079.01 thru 7081.98
121	7094.15 thru 7098
122	7913 thru 7927
123	7948.01 thru 7948.98
124	8005 thru 8069.98
125	8111 thru 8180.98
126	8200 thru 8299.9
127	8300 thru 8398.98
128	8401 thru 8442
129	8505 thru 8551.98
130	8710 thru 8770
131	9000 thru 9006, except 9002.31, 9002.33
132	9007 thru 9008.5
133	9117.1 thru 9117.6
134	9121.2 thru 9124
135	9235 thru 9242
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137	9301 thru 9399, except 9322
138	9400 thru 9418
139	9420 thru 9449
140	9510, 9512, 9514, 9516, 9522, 9523, 9553, 9555, 9560, 9563, 9565, 9569.98
141	9571 thru 9579
142	9621 thru 9626
143	9627 thru 9629
144	9711 thru 9713
145	9791 thru 9794
146	9822, 9824, 9826.1
147	9828, 9829
148	9871, 9872

When an application is filed covering a number of commodities included within one of the above numbered groups, a license may be issued for only some of such commodities and the application rejected as to the others. In such case, the disapproved items will be blocked out before the license is issued.

§ 804.9 *Appeals from rejections of applications*[2] is hereby amended by adding the following new paragraph:

(c) If an application has been filed covering a number of commodities included within one of the groups set forth in paragraph (c) of § 804.2 and a license has been issued for only some of such commodities and the application rejected as to the others, the applicant may appeal as to the rejected items. The procedure for appeal shall be the same as that set forth in paragraph (b) of this section with the following exceptions:

(1) A certified copy of the original application may be submitted instead of a photostat.

(2) The new application shall include only the rejected items.

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951.)

Dated: October 17, 1942.

A. N. ZIEGLER,
Acting Chief,
Export Control Branch,
Office of Exports.

[F. R. Doc. 42-10616; Filed, October 21, 1942; 11:35 a. m.]

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[2] 7 F.R. 5013.

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Directive 11]

DISPOSITION OF LIVESTOCK

§ 903.19 *Delegation of authority to the Secretary of Agriculture with respect to the disposition of livestock.* Pursuant to the authority vested in me by Executive Order No. 9024 of January 16, 1942, Executive Order No. 9040 of January 24, 1942, and Executive Order No. 9125 of April 7, 1942, and for the purpose of conserving supplies of livestock and securing the efficient distribution and slaughtering thereof in order to effectuate the war effort, *It is hereby ordered,* That:

(a) The Secretary of Agriculture is authorized and directed to perform the functions and exercise the power, authority and discretion conferred upon the President by section 2 (a) of the Act of June 28, 1940, (Pub. Law 671, 76th Cong.; 54 Stat. 676), as amended by the Act of May 31, 1941 (Pub. Law 89, 77th Cong.; 55 Stat. 236), and as further amended by the Act of March 27, 1942 (Pub. Law 507, 77th Cong.; 56 Stat. 176), with respect to the exercise of control over the disposition of livestock.

(b) The Secretary of Agriculture, under the authority of this directive, shall establish such controls respecting the sales, movement and disposition of livestock, including and class or grade thereof, as he may deem to be to the best interest of the war effort.

(c) As used in this directive, the term "livestock" means cattle, calves, sheep, and swine.

(d) The Secretary of Agriculture is authorized to require such reports and the keeping of such records, and to make such investigations, as he may deem necessary or appropriate for the administration of the powers conferred herein; and he may issue such regulations, orders, and directives, direct such inspection, and take such measures as he may deem necessary or appropriate for the effectuation of the powers conferred upon him by this directive.

(e) The Secretary of Agriculture may exercise the power, authority and discretion conferred upon him by this directive through such agencies and through such officials of the Government of the United States and in such manner as he may determine; and his decisions shall be final, subject to appeal to the Chairman of the War Production Board.

(E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of October 1942.

DONALD M. NELSON,
Chairman, War Production Board.

[F. R. Doc. 42-10594; Filed, October 20, 1942; 4:01 p. m.]

Subchapter B—Director General for Operations

PART 1229—ARSENIC

[General Preference Order M-152, as Amended October 21, 1942]

Section 1229.1 *General Preference Order M-152, as amended,* is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of arsenic for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1229.1 *General Preference Order M-152*—(a) *Definitions.* For the purposes of this order:

(1) "Arsenic" means arsenious acid, also known as white arsenic and arsenic trioxide, whether in crude (black or gray) or refined form. The term includes any chemical derivative, or chemical compound, of arsenious acid.

(2) "Producer" means any person engaged in the production of arsenic and includes any person who has arsenic produced for him pursuant to toll agreement.

(3) "Distributor" means any person who has purchased, or purchases, arsenic for resale as such.

(b) *Restrictions on delivery and use.* (1) On and after November 1, 1942, no person shall, subject to the provisions of paragraphs (c) and (d) hereof, use any arsenic, regardless of when acquired, except as heretofore specifically authorized by the Director General for Operations pursuant to application under General Preference Order No. M-152 as in effect prior to this amendment, or as hereafter specifically authorized by the Director General for Operations upon application pursuant to paragraph (f) hereof.

(2) On and after January 1, 1943, no person shall, subject to the provisions of paragraphs (c) and (d) hereof, deliver, or accept delivery of, any arsenic except as specifically authorized by the Director General for Operations upon application pursuant to paragraph (f) hereof.

(3) During the period commencing October 21, 1942, the effective date of this amendment, and ending December 31, 1942, no person shall, subject to the provisions of paragraphs (c) and (d) hereof, deliver, or accept delivery of, arsenic except in accordance with the provisions of General Preference Order No. M-152 as in effect prior to this amendment.

(4) Each person affected by this order shall comply with such directions as may be given from time to time by the Director General for Operations, with respect to the delivery or use of arsenic by any such person.

(c) *Small order exemptions.* The specific authorization provided for in paragraphs (b) (1) and (b) (2) hereof shall not be required with respect to, and the restrictions provided for in paragraph (b) (3) hereof shall not apply to:

(1) Use by any person of 650 pounds or less of arsenic during any calendar quarter in the manufacture or compounding of any medicinal chemical or medicinal preparation, or in research, testing, analytical or educational laboratories.

(2) Use by any person, for medicinal purposes, of any medicinal preparation containing arsenic.

(3) Delivery, or acceptance of delivery, by any person of arsenic for use for one or more of the purposes specified in paragraphs (c) (1) and (c) (2) hereof subject to the following conditions:

(i) Each supplier desiring to make small order deliveries of arsenic pursuant to this paragraph (c) aggregating in excess of 650 pounds of arsenic during any calendar quarter shall apply for authorization to make small order deliveries in accordance with the provisions of paragraph (f) (2) (ii) hereof, and the aggregate amount of small order deliveries made by any such supplier during any calendar quarter shall not exceed the amount of such deliveries which he is specifically authorized to make during such quarter.

(ii) Each person seeking delivery of arsenic for use for one or more of the purposes specified in paragraphs (c) (1) and (c) (2) hereof shall file with his supplier at the time of placing his order therefor, if the amount of arsenic covered by such order exceeds 25 pounds, a certificate to the effect that if the delivery covered by such order is made, the deliveree will not have received in excess of 650 pounds of arsenic during the current quarter and that the arsenic delivered will be used for one or more of the purposes specified in said paragraphs (c) (1) and (c) (2).

(d) *General exemption.* (1) The specific authorization provided for in paragraphs (b) (1) and (b) (2) hereof shall not be required with respect to, and the restriction provided for in paragraph (b) (3) hereof shall not apply to, delivery, acceptance of delivery, or use, of any chemical derivative, or chemical compound, of arsenious acid produced from arsenic delivered or used pursuant to specific authorization of the Director General for Operations or pursuant to paragraph (c) hereof. Any person delivering, accepting delivery of, or using, any chemical derivative, or chemical compound, of arsenious acid shall have the right to assume, unless he knows or has reason to believe the contrary to be true, that the arsenious acid used in the manufacture or compounding of such chemical derivative, or chemical compound, of arsenious acid, was delivered and used pursuant to specific authorization of the Director General for Operations or pursuant to paragraph (c) hereof.

(2) The specific authorization provided for in paragraph (b) (1) hereof shall not be required with respect to the use by the United States Army, Navy, Maritime Commission or War Shipping Administration of arsenic in their possession on October 21, 1942, the effective date of this amendment.

(e) *Inventory reports.* Each person, excepting the United States Army, Navy, Maritime Commission and War Shipping Administration, having an inventory of arsenic in excess of 650 pounds on the effective date of this amendment shall, unless such inventory was, in its entirety, acquired pursuant to specific authorization of the Director General for Operations issued under General Preference Order No. M-152 as in effect prior to this amendment, report to the War Production Board his inventory of arsenic as of November 1, 1942, which report shall be filed with the War Production Board (attention Chemicals Branch, Ref.: M-152) on or before November 10, 1942. The portion of any inventory acquired pursuant to specific authorization shall not be included in such report.

(f) *Applications and reports.* In addition to such other reports as may from time to time be required by the Director General for Operations:

(1) Each person seeking authorization to use or accept delivery of arsenic pursuant to paragraphs (b) (1) and (b) (2) hereof, shall apply for such authorization on Form PD-600. Such applicant shall file with the War Production Board the original and two copies of such form on or before the 10th day of the month preceding the calendar quarter for which such authorization is requested and shall file with his supplier one copy of such form on or before the 10th day of such month if the supplier is a producer, or on or before the 5th day of such month if the supplier is a distributor, which form shall be prepared in the manner prescribed therein, subject to the following specific instructions:

(i) *Heading.* Specify "Arsenic" and order number "M-152, as amended October 21, 1942," and specify pounds as the unit of measure, and in addition to specifying the delivery destination, indicate the address to which communications should be directed.

(ii) *Columns 1, 11 and 19.* Specify "99+% As_2O_3", "95-99% As_2O_3", "90-95% As_2O_3", or "Less than 90% As_2O_3".

(iii) *Columns 3, 20 and 22.* In the case of a distributor seeking authorization to accept delivery of arsenic, specify "Resale pursuant to further authorization." In the case of a person seeking authorization to use arsenic, specify:

Calcium arsenate
Lead arsenate
Paris green
London purple
Zinc arsenate
Cattle dip
Sodium arsenite
Antimonial lead
Metallic arsenic.
Wood preservative
Arsenic trichloride
Arsenic acid
Glass
Other

If "Other" is specified, describe briefly.

(iv) *Column 4.* In the case of a distributor seeking authorization to accept delivery of arsenic, disregard. In the case of a person seeking authorization to use arsenic, specify:

Insecticides
Poison bait
Weed killer
Metallurgical
Structural lumber
Structural timber
Wood piling
Railroad ties
Wallboard
Optical and ophthalmic glass
Flat and structural glass
Ornamental glass
Glass tableware
Glass containers
Glass bulbs and tubing
Heat resisting glass
Fibre glass
Gas purification
Other

If "Other" is specified, describe briefly.

(2) Each person seeking authorization to deliver arsenic pursuant to paragraph (b) (2) hereof, shall apply therefor on Form PD-601. Such applicant shall file with the War Production Board the original and two copies of such form on or before the 15th day of the month preceding the commencement of the calendar quarter for which such authorization is requested, which form shall be prepared in the manner prescribed therein, subject to the following specific instructions:

(i) *Heading.* Specify "Arsenic" and order number "M-152, as amended October 21, 1942," and specify pounds as the unit of measure, and in addition to specifying the plant or warehouse address, indicate the address to which communications should be directed.

(ii) *Column 1.* If authorization to make small order deliveries under paragraph (c) (3) (i) hereof is requested, insert "Aggregate Small Order Deliveries" in Column 1 after completing the list of customers requesting deliveries of in excess of six hundred and fifty (650) pounds of arsenic and specify in Column 4 the aggregate amount of each grade shown in Column 3 requested to be authorized.

(iii) *Columns 3 and 8.* Specify "99+% As_2O_3", "95-99% As_2O_3", "90-95% As_2O_3", or "Less than 90% As_2O_3".

(iv) *Table II.* In addition to showing production, indicate, in Columns 9, 11 and 14, imports with respect to each grade.

(3) Interim applications for authorization to deliver, accept delivery of, or use, arsenic will be considered only in exceptional cases.

(g) *Notification of customers.* Producers and distributors shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any such person from complying with the terms hereof.

(h) *Miscellaneous provisions.*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C., Ref.: M-152.

(P. D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law

671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10615; Filed, October 21, 1942; 11:32 a. m.]

Chapter XI—Office of Price Administration

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136, as Amended,[1] Amendment 33]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph (22) is added to § 1390.25 (c) as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(22) *Elmira Lubricator Company, Inc.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale by Elmira Lubricator Company, Inc., Elmira, New York, of any lubricating device manufactured by it shall be determined pursuant to the provisions of § 1390.5, except that the date January 1, 1942 shall be substituted for the date October 1, 1941 wherever that date appears in § 1390.5.

§ 1390.31a *Effective dates of amendments.* * * *

(gg) Amendment No. 33 (§ 1390.25 (c) (22)) to Maximum Price Regulation No. 136, as amended, shall become effective October 26, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10589; Filed, October 20, 1942; 12:13 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 4 Under § 1499.29 of GMPR]

LAKEY FOUNDRY AND MACHINE CO.

Adjustment of maximum prices under § 1499.29 of the General Maximum Price Regulation—Order No. 4—Docket No. GF3-1983.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Procedural Regulation No. 6 issued by the Office of Price Administration, *It is hereby ordered:*

§ 1499.404 *Adjustment of maximum prices of Lakey Foundry and Machine Company on sales of gray iron castings under Government contracts or subcontracts.* (a) Lakey Foundry and Machine Company is hereby authorized to enter into, offer to enter into and to make deliveries, on and after August 20, 1942, on contracts for sale of gray iron castings with the United States or any agency thereof or with the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" or any agency of any such Government, or subcontracts under any such contract, at prices not in excess of its applicable maximum prices under the General Maximum Price Regulation, plus 6% of said maximum prices before the addition of charges, if any, for transportation: *Provided,* That Lakey Foundry and Machine Company shall file with the Iron and Steel Branch of the Office of Price Administration, Washington, D. C., on or before the last day of each month during which this order is effective: (1) a sworn statement of its net operating profits and losses before provision for income and excess profits taxes for the preceding month on sales of gray iron castings; (2) a sworn statement of its overall net operating profits and losses before provision for income and excess profits taxes for the preceding month on all sales and services; (3) a breakdown of profit and loss statements filed pursuant to (1) and (2) of this paragraph showing (i) net sales (ii) cost of commodities on services sold, stating separately total direct material costs, total direct labor costs and total other manufacturing costs and (iii) general and administrative expenses, segregating compensation to officers and directors; and (4) a sworn statement of its average per pound price for gray iron castings sold during the preceding month and its average per pound cost for the gray iron castings sold: *Provided further,* That Lakey Foundry and Machine Company shall also file with said Iron and Steel Branch on or before the last day of each month following each quarter year beginning with the last quarter of the calendar year 1942 a certified balance sheet for the preceding quarter.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 4 (§ 1499.404) may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 4 (§ 1499.404) is hereby incorporated as a section of Supplementary Regulation No. 4, which contains modifications of the maximum prices established by § 1499.2.

(e) This Order No. 4 (§ 1499.404) shall become effective October 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10587; Filed, October 20, 1942; 12:13 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 62 Under § 1499.18 (b) of GMPR]

M'FADDEN-LAMBERT CO.—CITY OF ST. PAUL

Order No. 62 Under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-1691.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.862 *Adjustment of maximum prices for bar candy sold by McFadden-Lambert Company to City of St. Paul.* (a) The McFadden-Lambert Company of St. Paul, Minnesota, is hereby authorized to sell and deliver to the City of St. Paul, and the City of St. Paul is hereby authorized to buy and receive the following commodities at prices not higher than those set forth below:

(1) Boxes of bar candy, containing 24 bars to the box, at 72¢ per box.

(b) The adjustment granted to McFadden-Lambert Company is subject to the condition that the City of St. Paul shall not charge a higher price for candy bars at retail than its highest price during March 1942.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 62 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 62 (§ 1499.862) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 62 (§ 1499.862) shall become effective October 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10588; Filed, October 20, 1942; 12:13 p. m.]

PART 1300—PROCEDURE

[Amendment 3 to Procedural Reg. 1[1]]

ISSUANCE, PROTEST, AND AMENDMENT OF MAXIMUM PRICE REGULATIONS

New § 1300.60 is added to read as set forth below:

§ 1300.60 *Right of governmental agency to file petition for amendment.* Any governmental agency exercising regulatory authority over prices which are subject to a maximum price regulation may file a petition for amendment of either general or specific applicability based upon findings made by such agency after public hearing.

§ 1300.58 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1300.60) to Procedural Regulation No. 1 shall become effective this 20th day of October, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

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* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 7912, 8198.

[1] 7 F. R. 971, 3663, 6967.

Issued this 20th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10597; Filed, October 20, 1942; 5:02 p. m.]

PART 1340—FUEL

[MPR 121,[1] Amendment 7]

MISCELLANEOUS SOLID FUELS DELIVERED FROM PRODUCING FACILITIES

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new paragraph (c) is added to § 1340.247a as set forth below:

§ 1340.247a *Petitions for adjustment.* * * *

(c) The Office of Price Administration or any regional office thereof may, either on application or on its own motion, adjust by order the maximum price of lignite established under this Maximum Price Regulation No. 121 whenever it appears in the case of any seller:

(1) That a shortage in the supply of lignite available to any locality which customarily relied thereon for its fuel supply exists or threatens to occur;

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices established for lignite for such seller and for like sellers; and

(3) That action by adjustment of maximum prices will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

§ 1340.250a *Effective dates of amendments.* * * *

(g) Amendment No. 7 (§ 1340.247a (c)) to Maximum Price Regulation No. 121 shall become effective October 20, 1942.

(Pub. Laws 421, and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10598; Filed, October 20, 1942; 5:02 p. m.]

PART 1401—SYNTHETIC TEXTILE PRODUCTS

[MPR 95]

WOMEN'S NYLON HOSIERY

The title, preamble, and §§ 1401.1 to 1401.10, inclusive, of Revised Price Schedule No. 95[2]—Nylon Hose, are amended, renumbered, and reissued as Maximum Price Regulation No. 95, Women's Nylon Hosiery.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 95 has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended and Executive Order No. 9250, Maximum Price Regulation No. 95 is hereby issued.

Sec.
1401.1 Transactions in nylon hosiery which are prohibited by this regulation.
1401.2 Maximum prices for nylon hosiery.
1401.3 Maximum prices for nylon hosiery not specifically priced in § 1401.2.
1401.4 Less than maximum prices may be charged.
1401.5 Information which must be furnished to ultimate consumers.
1401.6 Information which must be furnished to purchasers other than ultimate consumers.
1401.7 Relation between Maximum Price Regulation No. 95 and the General Maximum Price Regulation.
1401.8 Relation of this regulation to other Maximum Price Regulations.
1401.9 Evasion.
1401.10 Enforcement.
1401.11 Definitions.
1401.12 How this regulation may be amended.
1401.13 Geographical applicability of this regulation.
1401.14 Effective date.

AUTHORITY: §§ 1401.1 to 1401.14, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1401.1 *Transactions in nylon hosiery which are prohibited by this regulation.* On and after October 22, 1942, regardless of any contract or other obligation, no person shall:

(a) Sell or deliver any nylon hosiery at a price higher than the maximum price established by this regulation; or

(b) Sell or deliver any nylon hosiery for which a maximum price is not provided in § 1401.2 unless he receives from the Office of Price Administration, Washington, D. C., a specific maximum price therefor, as provided by § 1401.3; or

(c) Require a purchaser to buy or agree to buy any other hosiery or other article, service, package or wrapper in connection with a sale or delivery of nylon hosiery; or

(d) Buy or receive nylon hosiery in the course of trade or business at a price higher than the maximum price established by this regulation; or

(e) Do any other act which directly or indirectly increases above the maximum price the consideration paid by the purchaser for the nylon hosiery; or

(f) Offer, attempt or agree to do any of the acts prohibited by this regulation.

§ 1401.2 *Maximum prices for nylon hosiery*—(a) *Sales at retail.* The maximum prices for which nylon hosiery may be sold, delivered, or offered for sale at retail are the prices per pair set forth below in Table No. 1:

TABLE NO. 1

Construction	First quality	Irregulars	Second quality
A. Circular knit hosiery. All types	$1.55	$1.40	$1.15
B. Full fashioned hosiery:			
1. 48 gauge and lower. All deniers:			
(a) Nylon leg	1.65	1.50	1.25
(b) All nylon	1.85	1.65	1.40
2. 51 gauge and 54 gauge:			
(a) 30 denier and coarser:			
(1) Nylon leg	1.85	1.65	1.40
(2) All nylon	1.95	1.75	1.45
(b) Finer than 30 denier:			
(1) Nylon leg	2.15	1.95	1.60
(2) All nylon	2.25	2.00	1.70
3. 57 gauge and higher. All deniers:			
(a) Nylon leg	2.50	2.25	1.90
(b) All nylon	2.50	2.25	1.90

(b) *Sales at wholesale.* The maximum prices for which nylon hosiery may be sold, delivered, or offered for sale at wholesale are the prices per dozen, f. o. b. point of shipment, set forth below in Table No. 2:

TABLE NO. 2

Construction	First quality	Irregulars	Second quality
A. Circular knit hosiery. All types	$11.55	$10.40	$8.65
B. Full fashioned hosiery:			
1. 48 gauge and lower. All deniers:			
(a) Nylon leg	13.20	11.90	9.90
(b) All nylon	14.30	12.85	10.75
2. 51 gauge and 54 gauge:			
(a) 30 denier and coarser:			
(1) Nylon leg	14.30	12.85	10.75
(2) All nylon	15.40	13.85	11.55
(b) Finer than 30 denier:			
(1) Nylon leg	17.05	15.35	12.80
(2) All nylon	18.15	16.35	13.65
3. 57 gauge and higher. All deniers:			
(a) Nylon leg	19.80	17.80	14.85
(b) All nylon	19.80	17.80	14.85

(c) *Sales by manufacturers.* The maximum prices for which nylon hosiery may be sold, delivered, or offered for sale by manufacturers thereof, other than at retail, are the prices per dozen, f. o. b. point of shipment, set forth below in Table No. 3:

TABLE NO. 3

Construction	First quality	Irregulars	Second quality
A. Circular knit hosiery. All types	$10.50	$9.45	$7.85
B. Full fashioned hosiery:			
1. 48 gauge and lower. All deniers:			
(a) Nylon leg	12.00	10.80	9.00
(b) All nylon	13.00	11.70	9.75
2. 51 gauge and 54 gauge:			
(a) 30 denier and coarser:			
(1) Nylon leg	13.00	11.70	9.75
(2) All nylon	14.00	12.60	10.50
(b) Finer than 30 denier:			
(1) Nylon leg	15.50	13.95	11.65
(2) All nylon	16.50	14.85	12.40
3. 57 gauge and higher. All deniers:			
(a) Nylon leg	18.00	16.20	13.50
(b) All nylon	18.00	16.20	13.50

(d) *Explanation of above tables*—(1) *Gauges.* (i) "Gauges" are based upon use of the full needle bar within a tolerance of four needles, in accordance with accepted trade practice.

(ii) "48 gauge or lower" includes all gauges which are lower than 51 gauge.

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* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3237, 3898, 4483, 5941, 6002, 6386.

[2] 7 F.R. 1386, 1842, 1836, 2132, 5783.

(iii) "51 and 54 gauge" include 51 gauge and gauges which are higher than 51 gauge but lower than 57 gauge.

(2) *Yarn composition.* These tables of prices apply only to nylon hosiery made of continuous filament nylon yarn.

(3) *"All nylon" and "nylon leg".* (i) "All nylon" means hosiery knitted entirely of nylon yarn.

(ii) "Nylon leg" means hosiery in which the leg is knitted entirely of nylon whereas some other portion of the stocking is made of other material.

(4) *Sizes, lengths and dimensions.* Maximum prices for all lengths and dimensions including "out-sizes" and "proportioned" hosiery of each classification are the same.

(5) *"Lace", "non-run", "mesh" and other special constructions,* are included in these tables, and the maximum prices are the same for these constructions, as for other constructions in each classification.

(6) *"Cut and sewn" lace hosiery.* In cut and sewn lace nylon hosiery the gauge of the welt determines the gauge of the hosiery.

§ 1401.3 *Maximum prices for nylon hosiery not specifically priced in § 1401.2.* A seller who seeks a specific maximum price for any type of nylon hosiery for which a maximum price is not provided in § 1401.2 shall file with the Office of Price Administration in Washington, D. C., an application setting forth (a) a description in detail of the nylon hosiery for which a maximum price is sought; (b) a statement of the facts which differentiate such nylon hosiery from the nylon hosiery for which maximum prices are established under § 1401.2 of this regulation; and (c) such other information as may be required by the Office of Price Administration. No person shall sell, deliver, or offer to sell, such hosiery unless he receives specific authorization from the Office of Price Administration.

§ 1401.4 *Less than maximum prices may be charged.* Lower prices than the maximum prices established by this Maximum Price Regulation No. 95 may be charged, demanded, paid or offered.

§ 1401.5 *Information which must be furnished to ultimate consumers*—(a) *By posting.* On and after October 22, 1942, every person who sells or offers for sale nylon hosiery at retail shall post in a conspicuous place and in a manner plainly visible to the purchasing public in each department or portion of the premises where nylon hosiery is sold or offered for sale, the seller's maximum prices for nylon hosiery as established in this Regulation, and each type of hosiery shall be clearly identified therein with the same degree of detail as is required for marking such hosiery by § 1401.4 (b).

(b) *By marking.* On and after October 22, 1942, no person shall sell, deliver, or offer for sale nylon hosiery at retail unless there is firmly attached to each pair of such hosiery a stamp, tag, or other marking, which truthfully and clearly states in writing, identifying information as to the construction and price of the hosiery:

(1) *In the case of full fashioned hosiery.* (i) The words "full fashioned"; (ii) The gauge; (iii) The denier size of the leg yarn; (iv) The words "Ceiling Price" or "Our Ceiling" accompanied by the seller's maximum price under this regulation, (for example, "Ceiling Price $1.95"); (v) The word "irregulars" on all irregular hosiery, and the word "seconds" or "thirds" on all second quality hosiery.

(2) *In the case of circular knit hosiery.* (i) The words "circular knit"; (ii) The denier size of the leg yarn; (iii) The words "Ceiling Price" or "Our Ceiling" accompanied by the seller's maximum price under this regulation, (for example, "Ceiling Price $1.55"); and (iv) The word "irregulars" on all irregular hosiery and the word "seconds" or "thirds" on all second quality hosiery.

(3) *Abbreviations permitted.* In marking hosiery pursuant to this paragraph, sellers are permitted to abbreviate the following words in the forms set forth opposite each respectively:

Full fashioned	f.f.
Gauge	gg. (for example, "45 gg.").
Denier	den. (for example, "30 den.").
Circular knit	cir. knit
Irregulars	ir.
Seconds	2nd.
Thirds	3rd.

Abbreviation of required information is not permitted in posting.

§ 1401.6 *Information which must be furnished to purchasers other than ultimate consumers.* Every person who sells nylon hosiery to a purchaser other than an ultimate consumer shall, at the time of the delivery thereof, furnish to the purchaser thereof, the following:

(a) Written notification using the following words: "The specific maximum prices at which you may sell nylon hosiery have been fixed by Maximum Price Regulation No. 95 issued by the Office of Price Administration on October 20, 1942. No person may sell, deliver, or offer for sale nylon hosiery and no person may buy or receive nylon hosiery in the course of trade or business at prices higher than the maximum prices established by this regulation", and

(b) The text of § 1401.2 of this regulation unless they shall have been previously furnished by the seller or his representative.

§ 1401.7 *Relation between Maximum Price Regulation No. 95 and the General Maximum Price Regulation.*[2] The General Maximum Price Regulation shall not apply and this Maximum Price Regulation No. 95 shall apply to sales, deliveries and offers to sell or to deliver nylon hosiery. However, the following sections of the General Maximum Price Regulation are made a part of this regulation and each seller must comply with them:

(a) Federal and state taxes, (§ 1499.7).

(b) Current records, (§ 1499.12).

(c) Sales slips and receipts, (§ 1499.14).

(d) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation shall apply to every person selling nylon hosiery at wholesale or retail.

§ 1401.8 *Relation of this regulation to other maximum price regulations*—(a) *Maximum Price Regulation No. 172.*[3] Maximum Price Regulation No. 172—Charges of Contractors in Apparel Industry—shall apply, and this Maximum Price Regulation No. 95 shall not apply to transactions for which maximum prices are established by Maximum Price Regulation No. 172.

(b) *Revised Maximum Export Price Regulation.*[4] Revised Maximum Export Price Regulation shall apply and this Maximum Price Regulation No. 95 shall not apply to sales and deliveries for which maximum prices are established by Revised Maximum Export Price Regulation issued by the Office of Price Administration.

§ 1401.9 *Evasion.* The provisions of this regulation shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any nylon hosiery, alone or in conjunction with any other commodity or by way of commission, service, transportation, or any other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1401.10 *Enforcement.* Persons violating any provisions of this Maximum Price Regulation No. 95 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

§ 1401.11 *Definitions*—(a) *Definitions incorporated by reference.* Unless the context otherwise requires or unless otherwise specifically provided herein, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(b) *Other definitions.* When used in this Maximum Price Regulation No. 95 the following terms shall have the meanings set forth below:

(1) "Manufacturer" means a person who sells, delivers or offers for sale nylon hosiery in a form substantially changed from the form in which he bought that nylon hosiery or the materials from which it was made:

(2) "Sale at wholesale" means a sale by a person who buys nylon hosiery and resells it, in any quantity, in a form substantially unchanged from the form in which he bought that nylon hosiery, to any person other than the ultimate consumer;

(3) "Sale at retail" means a sale, in any quantity, to an ultimate consumer;

(4) "Ultimate consumer" means a person (i) who buys nylon hosiery for a purpose other than that of reselling it and (ii) who did not sell or offer for sale nylon hosiery in any quantity on or before February 5, 1942; and

(5) "Nylon hosiery" means any women's full length hosiery in which (i) the leg or (ii) the leg and some portion of the stocking in addition to the leg, is made in whole or in part of nylon yarn.

(6) "Irregular hosiery" means nylon hosiery not of first quality which contains one or more imperfections which are limited to irregularities in dimensions, size, color, knit, or weave, without the presence in the hosiery of any obvious mends, runs, tears, or breaks in the fabric, or any substantial damage to the yarn or fabric itself;

(7) "Second quality hosiery" means nylon hosiery not of first quality containing runs, mends, irregularities, imperfections, or defects in material, construction or finish which are not so limited as to constitute the hosiery irregular.

§ 1401.12 *How this regulation may be amended.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1[5] issued by the Office of Price Administration.

§ 1401.13 *Geographical applicability of this regulation.* This regulation shall be applicable to the continental United States and to the District of Columbia, but not to the territories and possessions of the United States.

§ 1401.14 *Effective date.* This Maximum Price Regulation No. 95 (§§ 1401.1 to 1401.14, inclusive) shall become effective on October 22, 1942.

Issued this 20th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10599; Filed, October 20, 1942; 5:04 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[2d Rev. Zoning Order 1]

ORDER ESTABLISHING ZONES FOR SUGAR RATIONING

Second Revised Zoning Order 1 under Rationing Order 3[1]—Sugar Rationing Regulations.

Pursuant to § 1407.168, the following order is hereby issued: § 1407.281 (Revised Zoning Order 1) is amended as set forth below:

§ 1407.281 *Establishment of zones; authorization of certain deliveries, shipments and transfers.* (a) The following zones are hereby established:

Zone 1 shall include the State of Rhode Island; and Worcester, Middlesex, Essex, Norfolk, Bristol, Plymouth, Barnstable, Suffolk, Nantucket and Dukes Counties in the State of Massachusetts.

Zone 2 shall include the State of Connecticut; all points in the State of New York where the base rate is 14 cents or less; and all points in the State of New Jersey where the New York City base rate is 12 cents or less.

Zone 3 shall include the State of Delaware; that part of the State of New Jersey not included in Zone 2; and all points in the State of Pennsylvania where the base rate is 14 cents or less.

Zone 4 shall include the State of Maryland, except for Garrett and Allegany Counties; the District of Columbia; Berkeley and Jefferson Counties in the State of West Virginia; and all points in the State of Virginia where the base rate is 19 cents or less, and West Point, Virginia.

Zone 5 shall include all points in the State of North Carolina where the base rate is based on shipments from Baltimore, Maryland.

Zone 6 shall include the States of South Carolina, Georgia, and North Carolina except all points in the State of North Carolina included in Zone 5.

Zone 7 shall include that part of the State of Florida which lies east of the Apalachicola River.

Zone 8 shall include the States of Arkansas, Alabama, Kentucky, Louisiana, Mississippi and Tennessee; that part of the State of Florida which lies west of the Apalachicola River; Scott, Mississippi, New Madrid, Pemiscot and Dunklin Counties in the State of Missouri; White, Gallatin, Hardin, Pope, Massac, Pulaski, and Alexander Counties in the State of Illinois; Posey, Vanderburgh, Warrick, Spencer, Perry, Crawford, Harrison, Floyd, Clark, Jefferson, Switzerland, Ohio and Dearborn Counties in the State of Indiana; and Hamilton, Clermont, Brown, Adams and Scioto Counties in the State of Ohio.

Zone 9 shall include all points in the State of Texas where the base rate is 35 cents or less.

Zone 10 shall include the lower peninsula of the State of Michigan.

Zone 11 shall include the States of Maine, New Hampshire and Vermont; that part of the State of Massachusetts not included in Zone 1; that part of the State of New York not included in Zone 2; that part of the State of Pennsylvania not included in Zone 3; those parts of the States of Maryland, West Virginia and Virginia not included in Zone 4; that part of the State of Ohio not included in Zone 8; and all points in the State of Indiana not included in Zone 8 where the base rate is based on shipments from Baltimore, Maryland.

Zone 12 shall include all of the continental United States not included in Zones 1 to 11 inclusive.

(b) "Base rate" as used herein, refers to the lowest published refiner's base rate in effect on the date of issuance of this Second Revised Zoning Order 1.

(c) Sugar may be delivered, shipped or transferred from Zone 12 to any point in Zones 1, 9 or 11.

(d) Confectioner's sugar in bulk may be delivered, shipped or transferred:

(1) From Zone 4 to any point in Zone 5 and from Zone 6 to any point in Zone 7; and

(2) Until November 1, 1942: (i) from Zone 1 to any point in the States of Maine, New Hampshire, Vermont and Massachusetts; (ii) from Zone 2 to any point in the State of New York; (iii) from Zone 3 to any point in the State of Pennsylvania; and (iv) from Zone 4 to any point in the States of Maryland, West Virginia, and Virginia.

(e) Any carrier who has, prior to the effective date of this Second Revised Zoning Order 1 accepted sugar for a delivery, shipment or transfer not at that time prohibited by §§ 1407.168 and 1407.281 as amended (Revised Zoning Order 1) may complete such delivery, shipment or transfer after the effective date of this Second Revised Zoning Order 1.

(f) This Second Revised Zoning Order 1 shall become effective October 20, 1942.

(Pub. Laws 421 and 729, 77th Cong., W.P.B. Dir. 1, and Supp. Dir. 1E, Section 1407.168 of Rationing Order 3; 7 F.R. 562, 2965)

Issued this 20th day of October 1942.

HAROLD B. ROWE,
Director, Food Rationing Division.

[F. R. Doc. 42-10600; Filed, October 20, 1942; 5:04 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Amendment 1 to Ration Order 10[1]]

FOOD RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

A rationale for this amendment has been issued simultaneously herewith and has been filed in the Division of the Federal Register.*

Section 1407.662 is hereby suspended with respect to wheat flour, and a new § 1407.842 is added as set forth below:

§ 1407.842 *Effective dates of amendments.* (a) Amendment No. 1 shall become effective September 14, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. 1, Supp. Dir. 1 J, O.P.A. Administrative Order 19; 7 F.R. 562)

Issued this 20th day of October 1942.

JACOB ROBLES,
Director for the Virgin Islands.

[F. R. Doc. 42-10601; Filed, October 20, 1942; 5:03 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Amendment 2 to Ration Order 10[1]]

FOOD RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (2) is added to paragraph (a) of § 1407.623; paragraph (c) is added to § 1407.662; items 9 and 10 are added to the table in § 1407.687; paragraph (a) of § 1407.704 is amended and a new item is added to the list therein; and paragraph (b) is added to § 1407.842.

§ 1407.623 *Commodities subject to Ration Order No. 10.* (a) The following commodities are subject to Ration Order No. 10: * * *

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[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5665, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913.

[3] 7 F.R. 4882, 6684.

[4] 7 F.R. 5059, 7242.

[5] 7 F.R. 971, 3663, 6967.

[1] 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 6057.

* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6887.

(2) Corn meal.

§ 1407.662 *Transfers to consumers.* * * *

(c) The suspension of § 1407.662 with respect to wheat flour, as provided for in Amendment No. 1 to this Ration Order, is hereby revoked.

§ 1407.687 *Designation of ration periods for stamps and weight value of stamps valid therein.* * * *

Ration period	Stamps valid during ration period	Weight value of stamps
No. 9—Sept. 28 to Oct. 4, 1942.	Book 1, stamp 9	3 pounds of wheat flour or of corn meal.
No. 10—Oct. 5 to Oct. 11, 1942.	Book 1, stamp 10	3 pounds of wheat flour or of corn meal.

§ 1407.704 *Designation of amount of rationed commodities allowed per person served by institutional users.* (a) The amount of the ration of an institutional user per person served shall be as follows:

* * * * *

Rationed commodity, wheat flour or corn meal: Allowance per person, 8 pounds of wheat flour and 8 pounds of corn meal, or 16 pounds of corn meal only, per month.

§ 1407.842 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1407.623 (a), 1407.662 (c), 1407.687, 1407.704, and 1407.842) to Ration Order No. 10 shall become effective September 28, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, and 507, 77th Cong.; W.P.B. Dir. 1, Supp. Dir. 1 J, O.P.A. Administrative Order 19; 7 F.R. 562, 7 F.R. 5043)

Issued this 20th day of October 1942.

JACOB ROBLES,
Director for the Virgin Islands.

[F. R. Doc. 42-10602; Filed, October 20, 1942; 5:02 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Amendment 2 to Restriction Order 1[1]]

MEAT RESTRICTION

A new paragraph (c) of § 1407.910, a new § 1407.914a, and a new paragraph (b) of § 1407.925, are added to read as set forth below:

§ 1407.910 *When delivery takes place: transfers of possession for carriage or storage.* * * *

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, controlled meat shall be deemed to be delivered, for the purposes of § 1407.906 (a) (3) and (5), on the date of the invoice covering such controlled meat.

§ 1407.914a *Statements of deliveries from other slaughterers or non-quota slaughterers required.* (a) Every slaughterer shall prepare for each other slaughterer or non-quota slaughterer a statement of all controlled meat delivered to him by such other slaughterer or non-quota slaughterer during 1941 in deliveries of more than 5,000 pounds each or pursuant to any contract calling for delivery of more than 5,000 pounds. Such statement shall list the deliveries to each location of the slaughterer chronologically according to invoice date and shall show with respect to each delivery the following:

(1) The date and number of the invoice accompanying such delivery;

(2) Descriptions of the controlled meat of each type included in such delivery permitting conversion in accordance with the provisions of § 1407.913, the weight and conversion weight of controlled meat of each description contained therein, and the total conversion weight of controlled meat of each type in such delivery.

(3) The location of the plant or branch house from which such meat was delivered; and

(4) The location of the plant or branch house to which such meat was delivered.

(b) On or before November 2, 1942, every slaughterer required to prepare a statement pursuant to paragraph (a) of this section shall send by registered mail, return receipt requested, the original of each statement to the slaughterer or non-quota slaughterer who made the deliveries described therein.

(c) Every slaughterer shall attach to a duplicate of each statement sent by him the return receipt for the original of such statement, and shall file all such duplicate statements with the Office of Price Administration together with the registration statement filed pursuant to § 1407.914.

(d) No slaughterer, in computing his quota bases, shall include the conversion weight of any controlled meat delivered to him by another slaughterer or non-quota slaughterer unless he shall have complied with the provisions of this section with respect to such delivery.

(e) Every slaughterer, in computing his quota bases, shall use as the conversion weight of controlled meat delivered by him to other slaughterers during any base period as required in § 1407.906 (a) (5), the total conversion weight of controlled meat of each type delivered by him to other slaughterers as set forth in all statements sent to him pursuant to the provisions of this section.

(f) Within 14 days after receipt of any statement from a slaughterer pursuant to this section, a slaughterer or non-quota slaughterer may send to such slaughterer by registered mail, return receipt requested, a demand for a written statement correcting any inaccuracy claimed to exist therein. Unless such demand is sent within such period, the slaughterer receiving such statement shall be deemed to have delivered controlled meat as stated therein. If the slaughterer to whom a demand is sent complies with such demand, the slaughterer or non-quota slaughterer claiming such inaccuracy shall forward the written statement correcting it to the Office of Price Administration, and shall adjust his quotas accordingly. If a slaughterer fails to comply with such demand for correction within 10 days after his receipt thereof, the slaughterer or non-quota slaughterer who sent the demand may apply in writing to the Office of Price Administration for a determination of the facts concerning the contested delivery. Upon receipt of such application, the Office of Price Administration will notify all parties to such dispute of the manner in which evidence shall be submitted and the time allowed therefor. The Office of Price Administration will determine such dispute, and will notify the parties thereto of such determination and of any quota adjustments resulting therefrom.

§ 1407.925 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1407.910 (c) and 1407.914a) to Restriction Order No. 1 shall be effective as of October 20, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., W.P.B. Dir. 1, Supp. Dir. 1-M; 7 F.R. 562, 7234)

Issued this 20th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10603; Filed, October 20, 1942; 5:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14[1] of GMPR[2] Amendment 43]

FLUID MILK AND CREAM

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Inferior subdivision (*e*) of subdivision (i) of § 1499.73 (a) (1) is amended; a new inferior subdivision (*h*) is added to subdivision (i) of § 1499.73 (a) (1); a new inferior subdivision (*f*) is added to subdivision (ii) of § 1499.73 (a) (1); and a new inferior subdivision (*i*) is added to subdivision (v) of § 1499.73 (a) (1) as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

(1) *Fluid milk and cream*—(i) *Maximum prices for fluid milk sold at retail in specified localities.* * * *

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[1] 7 F.R. 7839, 8217.

[1] 7 F.R. 5486.

[2] 7 F.R. 3153.

Locality	Grade	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)
*	*	*	*	*	*
(*e*) Ogden, Utah	Raw and Guernsey	To the home	Quart	Glass or Paper	.13
*	*	*	*	*	*
(*h*) Salt Lake City—Ogden, Utah area.	A	Out of store	Pint	Glass or paper	.07
	A	To the home	Pint	Glass or paper	.08
	A	Out of store	Quart	Glass or paper	.12
	A	To the home	Quart	Glass or paper	.13
	A	Out of store	½ gallon	Glass	.23
	A	To the home	½ gallon	Glass	.25
	C	Out of store	Pint	Glass or paper	.07
	C	To the home	Pint	Glass or paper	.07
	C	Out of store	Quart	Glass or paper	.11
	C	To the home	Quart	Glass or paper	.12
	C	Out of store	Gallon	Glass	.36

(ii) *Maximum prices for fluid milk sold at wholesale in specified localities.* * * *

Locality	Grade	Container size	Type of container	Adjusted maximum price (cents)
(*f*) Salt Lake City-Ogden, Utah, area	A	½ pint	Glass or paper	.03½
	A	Pint	Glass or paper	.06
	A	Quart	Glass or paper	.10
	A	½ gallon	Glass	.20
	C	½ pint	Glass or paper	.03½
	C	Pint	Glass or paper	.05½
	C	Quart	Glass or paper	.09

* * * * *

(v) *Definitions.* For purposes of this subparagraph (1): * * *

(i) "Salt Lake City—Ogden, Utah, area" means the counties of Salt Lake, Utah, Davis, and Weber; the municipalities of Grantsville, Tooele, and Stockton in Tooele County; the municipality of Park City in Summit County; and all that part of Box Elder County lying south of a line projected east and west along the most northerly limits of Garland and within a distance of 10 miles west of the eastern boundary of said County, including the municipalities of Garland, Tremonton, and Brigham.

(b) *Effective dates.* * * *

(44) Amendment No. 43 (§ 1499.73 (a) (1)) to Supplementary Regulation No. 14 shall become effective October 20, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10604; Filed, October 20, 1942; 5:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 103 Under § 1499.3 (b) of GMPR]

HALLIBURTON OIL WELL CEMENTING CO.

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.967 *Authorization for Halliburton Oil Well Cementing Company to determine a maximum price for Constable Complex Coordination Test Apparatus.* (a) On and after October 20, 1942, the maximum price at which Halliburton Oil Well Cementing Company, a corporation having its principal place of business in Duncan, Oklahoma, (hereinafter referred to as "the manufacturer") may sell and deliver Constable Complex Coordination Test Apparatus, and at which any person may buy Constable Complex Coordination Test Apparatus from the manufacturer shall be determined in accordance with the following formula:

(1) Determine the unit direct cost for each Constable Complex Coordination Test Apparatus. The unit direct cost of each test apparatus shall be the sum of the cost per unit of direct labor and materials, computed on the basis of the following wage rates, material prices, and operating conditions:

(i) *Wage rates.* The wage rates applicable to the test apparatus being priced shall be the highest wage rates, in effect in the manufacturer's plant for any substantial portion of March, 1942, for each class of labor involved in the production of the product. If the manufacturer did not employ a given class of labor in March, 1942, he shall use the highest wage rate paid for any substantial portion of March, 1942, by the nearest employer operating under comparable conditions who employed that class of labor during that month.

(ii) *Material prices.* The price of any material used in the test apparatus shall be taken to be the highest price charged during March, 1942, (as defined below) by the manufacturer's March, 1942, supplier to the manufacturer or to a person of the same class as the manufacturer; or, lacking a March, 1942, supplier of the material, by the manufacturer's most recent supplier of the material; or, lacking both of these, by the manufacturer's potential supplier: *Provided,* That if the Office of Price Administration has established a lower maximum price for the sale of the material to the manufacturer by his supplier, such lower price shall govern. "Highest price charged during March, 1942" means:

(*a*) The highest price which the manufacturer's supplier charged to a person of the same class for delivery of the product or material during March, 1942; or,

(*b*) If the manufacturer's supplier made no such delivery during March, 1942, such supplier's highest offering price to a purchaser of the same class for delivery of the product or material during that month.

(iii) *Operating conditions.* Using the wage rates and material prices determined under (i) and (ii) the manufacturer shall compute the cost per unit of direct labor and materials for the test apparatus according to the methods customarily employed by him in computing his cost. He shall compute on the basis of productive techniques employed in his plant at the time of mailing the report required under paragraph (d) and on the basis of the volume of production he reasonably expects.

(2) Add to the unit direct cost as determined above an amount not exceeding $138.13.

(b) All discounts, trade practices, practices relating to charges and deposits for containers, and practices relating to the payment of shipping charges in effect in March, 1942, on the sale by this company of comparable apparatus shall apply to the maximum price as determined by the formula set forth in paragraph (a).

(c) When used in this Order No. 103 the term "Constable Complex Coordination Test Apparatus" means an apparatus manufactured under patent number 1,953,954 by the Halliburton Oil Well Cementing Company for use as a device for testing the potential flying ability of a person.

(d) Within ten days after a maximum price has been determined in accordance with this order, the manufacturer shall report that price to the Office of Price Administration in Washington, D. C., stating that the price was determined in accordance with the formula set forth in paragraph (a) and setting forth in detail the calculations made in determining that price. This report shall be filed under oath or affirmation and shall be filed in triplicate.

(e) On or before January 1, 1943, the manufacturer shall furnish the Office of Price Administration with a sworn statement of its sales of Constable Complex Coordination Test Apparatus during the period of September 15, 1942, to January 1, 1943, showing the date of each sale, the name and address of the buyer, the price received, and the quantity sold. Thereafter the above-mentioned seller shall submit such reports of its sales of Constable Complex Coordination Test Apparatus as the Office of Price Administration may, from time to time, require.

(f) Any selling price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(g) This Order No. 103 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 103 (§ 1499.967) shall become effective October 20, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10605; Filed, October 20, 1942; 5:03 p. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service

PART 261—TRESPASS

REMOVAL OF TRESPASSING HOGS FROM FENCED AREAS IN CERTAIN NATIONAL FORESTS

Whereas a number of hogs are trespassing and grazing on lands fenced for reforestation purposes on the Conecuh National Forest in Alabama, the DeSoto and Bienville National Forests in Mississippi, the Kisatchie National Forest in Louisiana, and the Angelina and Sabine National Forests in Texas; and

Whereas these hogs are injuring and causing mortality to pine trees on these fenced national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 35; 16 U.S.C. 551), and the Act of February 1, 1905 (33 Stat. 628; 16 U.S.C. 472) the following order for the occupancy, use, protection, and administration of the Conecuh National Forest in Alabama, the DeSoto and Bienville National Forests in Mississippi, the Kisatchie National Forest in Louisiana, and the Angelina and Sabine National Forests in Texas, is issued:

§ 261.50 *Temporary closure from livestock grazing.* (a) The fenced areas on the Conecuh, DeSoto, Bienville, Kisatchie, Angelina, and Sabine National Forests are hereby closed to the grazing of hogs for the period beginning January 1, 1943, and ending December 31, 1947.

(b) Officers of the United States Forest Service are hereby authorized to dispose of all hogs found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such hogs shall be given by posting notices in public places or advertising in a newspaper of general circulation in the localities in which the above-named National Forests are located.

Done at Washington, D. C., this 19th day of October, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-10617; Filed, October 21, 1942; 11:41 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order 8 (Revised), Supp. 5, Amended]

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

CHARTER RATES ON VESSELS TRANSPORTING COAL

Amending § 302.64 of General Order No. 8 (Revised), Supplement No. 5[1] by striking out all of the table in § 302.64 and inserting in lieu thereof the following:

§ 302.64 *Basic rates.* Effective as of the date of delivery of the vessel to the War Shipping Administration under requisition, the charter rates on all vessels engaged in the coastwise transportation of coal, except excluded vessels referred to in § 302.66 hereof, shall be as follows:

	Per DWT per month
8,000 DWT and up	$3.85
7,000 to 7,999	4.10
6,000 to 6,999	4.40
5,000 to 5,999	4.75
4,000 to 4,999	5.15
3,500 to 3,999	5.35
3,000 to 3,499	5.60
2,500 to 2,999	5.90
2,000 to 2,499	6.25
1,500 to 1,999	6.65
1,000 to 1,499	7.10

Provided, That no vessel shall receive more aggregate charter hire (including adjustments) than a vessel of the same kind of the lowest tonnage in the next higher class can received at the rate (with corresponding adjustments) shown for its class. (E.O. 9054, 7 F.R. 837.)

[SEAL] E. S. LAND,
Administrator.

OCTOBER 19, 1942.

[F. R. Doc. 42-10614; Filed, October 21, 1942; 11:20 a. m.]

[General Order 16, Supp. 5]

PART 303—CONTRACTS FOR CARRIAGE ON VESSELS OWNED OR CHARTERED BY THE WAR SHIPPING ADMINISTRATION

BILL OF LADING CLAUSE

§ 303.23 *Bill of lading clause for cargo carried on public vessels of the United States.* The following clause will be conspicuously printed or stamped on all Bills of Lading issued by War Shipping Administration agents pursuant to General Order No. 16:[2]

If the goods herein covered are carried on a vessel which is a Public Vessel of the United States, War Shipping Administration, on behalf of the United States, hereby assumes all liabilities it would have with respect to the carriage of such goods if the vessel were a merchant vessel except with respect to cargo owned by the United States or any Agency or Department thereof and lend-lease cargo. This clause is to be construed only as an agreement that such cargo carried on a Public Vessel shall be treated as though the carrying vessel were a merchant vessel with respect to liabilities for loss or damage to such cargo.

(E.O. 9054; 7 F.R. 837)

[SEAL] E. S. LAND,
Administrator.

OCTOBER 20, 1942.

[F. R. Doc. 42-10595; Filed, October 20, 1942; 3:54 p. m.]

PART 305—INSURANCE

[General Order 6, Supp. 4]

WAR RISK INSURANCE; AUTOMATIC COVERAGE ON IMPORT CARGOES AND ON CARGOES SHIPPED TO TERRITORIES AND POSSESSIONS OF UNITED STATES

Pursuant to the authority contained in the Merchant Marine Act of 1936, as amended, the following additional rules and regulations for the underwriting of Cargo War Risk insurance under Warshipopencargo Policy Form are hereby promulgated:

Supplementing § 305.60. The following clause is deemed to be incorporated in Part II of Warshipopencargo Policy Form as Clause No. 16. (Exclusion of specified goods from coverage under Warshipopencargo Policy Form.)

16. This policy does not cover shipments of: (1) Dressed and Undressed Furs, (2) Soap and Toilet Preparations, (3) Metal Articles, (4) Art Works and Antiques, all as defined in the United States Department of Commerce "Statistical Classification of Imports" in sections of Code Classification numbered respectively, (1) 0700.0–0738.8, (2) 8711.0–8731.2, (3) 6835.0–6905.0, and (4) 9610.0–9670.3.

With respect to Warshipopencargo Policies which have heretofore been issued, Clause 16 is effective as to shipments:

(a) Under Ocean Bills of Lading dated on and after 15 days from the date of the publication of this supplement in the FEDERAL REGISTER, or

(b) If Ocean Bills of Lading not issued, under equivalent shipping documents dated on or after said date, or

(c) If no Ocean Bills of Lading or equivalent shipping documents are issued or the same are undated, laden on overseas vessel on and after said date, and

With respect to new applications for new Warshipopencargo Policies, Clause 16 becomes effective forty-eight hours after the date of the publication of this supplement in the FEDERAL REGISTER.

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[1] 7 F.R. 7014, 7180.

[2] 7 F.R. 5246, 6566.

Amending § 305.60 of Warshipopencargo Policy Part II by deleting Clause 12 and substituting the following therefor:

§ 305.60 *Standard form of Warshipopencargo policy.* * * *

12. It is warranted that not later than the 25th day of each calendar month, the Assured will file with the Underwriting Agent closing reports in the manner and form required by such regulations as may be promulgated by the War Shipping Administration from time to time of all shipments coming within the scope of this policy.

(1) As to inward shipments as defined in Supplement No. 4 to General Order No. 6, which inward shipments have arrived at port of destination during the preceding calendar month, and with respect to which inward shipments inability to so arrive by reason of loss, frustration or other similar cause has come to the knowledge of the assured during the preceding calendar month, and

(2) As to outward shipments as defined in Supplement No. 4 to General Order No. 6, which attached under the policy during the preceding calendar month.

And will pay premium thereon at the rate prescribed by the War Shipping Administration and in effect:

(a) On date of Ocean Bill of Lading, or

(b) If Ocean Bill of Lading not issued, on date of equivalent shipping document, or

(c) If no Ocean Bill of Lading or equivalent shipping document issued, or if same are undated, on date goods are laden on overseas vessel.

Clause 12 of said Part II as herein amended shall become effective forty-eight hours after the date of the publication of this supplement in the FEDERAL REGISTER.

Amending § 305.60 of Warshipopencargo Policy Part II by deleting Clause 13 and substituting the following therefor:

13. It is warranted that the Assured will at all times maintain with the War Shipping Administration a Collateral Deposit Fund, or that in lieu of such Collateral Deposit Fund a Surety Bond in form prescribed by the War Shipping Administration will be filed with the Underwriting Agent and maintained in full force and effect, for the purpose of securing the payment of premium hereunder. The Policy shall be automatically voided (except as to shipments which have heretofore attached) in the event the Assured fails to maintain such a Collateral Deposit Fund or such a Surety Bond in an amount sufficient so that at all times such amount is in excess of the unpaid premium due with respect to any and all risks which have attached under the terms of the policy. Such Collateral Deposit Fund or Surety Bond must be maintained in accordance with all rules and regulations of the War Shipping Administration.

With respect to Warshipopencargo Policies which have heretofore been issued, Clause 13 of Part II as herein amended is effective as to shipments:

(a) Under Ocean Bills of Lading dated on or after 15 days from the date of the publication of this supplement in the FEDERAL REGISTER, or

(b) If Ocean Bills of Lading not issued, under equivalent shipping documents dated on or after said date, or

(c) If no Ocean Bills of Lading or equivalent shipping documents are issued or the same are undated, laden on overseas vessel on or after said date,

With respect to new applications for new Warshipopencargo Policies, Clause 13 of Part II as herein amended becomes effective forty-eight hours after the date of the publication of this supplement in the FEDERAL REGISTER.

Supplementing § 305.60 Amendment to Part II of Warshipopencargo Policy Form. Effective with the date of the publication of this Supplement in the FEDERAL REGISTER, the following clause is hereby added to Warshipopencargo Policy Form, Part II (§ 305.60) as Clause 17:

17. No shipment of cargo coming within the scope of this policy shall attach hereunder subsequent to the sailing of the carrying vessel from the original port of loading with respect to such cargo. Notwithstanding the foregoing provision, an Assured may specially declare to his Underwriting Agent any shipment excluded from coverage by the preceding sentence, in which event insurance shall attach hereunder, if vessel and interest insured is safe in port on date of such declaration, or shall attach upon the safe arrival of vessel and interest insured at first port thereafter, warranted no known or reported loss of or damage to said vessel and interest insured at time of attachment.

Amending § 305.82 Further Amendment to Standard Form of Part I of Warshipopencargo Policy (§ 305.59). Effective forty-eight hours from the date of the publication of this supplement in the FEDERAL REGISTER, the second paragraph of Part I of Warshipopencargo Policy Form as set forth in §§ 305.82 and 305.59 is deleted and the following is substituted at § 305.82 therefor:

§ 305.82 *Amendment to Standard Form Part I of Warshipopencargo Policy.* * * *

In consideration of a Collateral Deposit Fund or Surety Bond to be established in accordance with Clause 13 of Part II of this policy, and of premiums computed and paid as provided in Clause 12, Part II of this policy, WAR SHIPPING ADMINISTRATION by this policy of insurance hereby insures ---------------- -- against War Risks as specified in Part II with respect to all imports to the Continental United States, excluding Alaska (except as to such imports as may be specifically excluded from this policy by special agreement noted hereon by endorsement and except as to such goods which the Assured may purchase under terms requiring the seller to place War Risk Insurance thereon) shipped or consigned to or by the Assured and for his account and risk or shipped or consigned to or by other parties for the account and at the risk of the Assured:

a. Under Ocean Bills of Lading dated on and after --------------------, or

b. If Ocean Bills of Lading not issued, under equivalent shipping documents dated on or after said date, or

c. If no Ocean Bills of Lading or equivalent shipping documents are issued or the same are undated, laden on over-seas vessel on and after said date.

For the purpose of this insurance, goods insured hereunder shall be valued at ------- -- --

Amending § 305.50 by deleting paragraph (b) (1) Regulations prescribed by War Shipping Administration for maintenance of either a Collateral Deposit Fund or Surety Bond and substituting the regulations hereinafter set forth effective forty-eight hours after the date of the publication of this supplement in the FEDERAL REGISTER:

§ 305.50 *Rules of procedure on open cargo war risk insurance on import cargoes.* * * *

(b) (1) It is necessary for an Assured to comply with the requirements of Clause 13 of Part II (§ 305.60) of Warshipopencargo Policy at all times.

An applicant desiring to establish a Collateral Deposit Fund in compliance with the requirement of Clause 13 of Part II (§ 305.60) of Warshipopencargo Policy must deposit with an Underwriting Agent of the War Shipping Administration, by whom the policy is to be issued, a certified check or cashier's check payable to the order of the Treasurer of the United States in an amount not less than $1,000, together with a letter of transmittal in quadruplicate in accordance with the form set forth in General Order No. 6, Supplement No. 1 and designated therein i–(4), (§ 305.54). Such a deposit when received will be held by War Shipping Administration under a serial number assigned thereto.

In the event any Assured fails to pay any premium due under any Warshipopencargo Policy issued by or on behalf of the War Shipping Administration as the same becomes due and payable, such default will give the War Shipping Administration the right to cancel the policy in accordance with its terms and to deduct such due amounts from such Assured's Collateral Deposit Fund.

Changes for amounts not less than $500 and by multiples of $500, in the amount of the Assured's Collateral Deposit Fund may be effected by the Assured at any time. The effect of any action taken by an Assured shall be the sole responsibility of the Assured, and shall in no manner relieve the Assured of the responsibility imposed by Clause 13 of Part II (§ 305.60) of the Warshipopencargo Policy.

Increase in the amount of the Collateral Deposit Fund will become effective upon the date of the receipt by the Underwriting Agent (meaning thereby, the particular Underwriting Agent of the War Shipping Administration by whom the policy was issued to the Assured) of a valid certified check or cashier's check payable to the order of the Treasurer of the United States accompanied by the transmittal form executed in quadruplicate by the Assured.

Decrease in the amount of the Collateral Deposit Fund will become effective, except as to shipments which at the time of the application for decrease have then attached under the Warshipopencargo Policy and on which premium has not been paid in full, upon the date of the receipt (as acknowledged) by the specified Underwriting Agent of Form No. (1) (§ 305.88) executed by the Assured in quadruplicate. Where Form No. (1) (§ 305.88) properly filled out is receipted for by an Underwriting Agent, the effect is such that with respect to all shipments which have not then attached, the Assured admits for all purposes except the actual repayment of that part of the Collateral Deposit Fund that actual repayment has been made.

Upon receipt by the Underwriting Agent of Form No. (1) (§ 305.88) requesting a decrease in the amount of the Collateral Deposit, it shall be the duty of the Underwriting Agent to immediately transmit the same to the Clearing Organization.

Unless an Assured has substituted a Surety Bond in an amount at least equal to the Collateral Deposit Fund before receipt by the specified Underwriting Agent of Form No. (1) (§ 305.88), (or unless the War Shipping Administration has waived in writing the requirement for the maintenance of a Collateral Deposit Fund for a Warshipopencargo Policy issued to an Assured which is a department or agency of the United States or acting on behalf of such a department or agency), an Assured will not become entitled to reimbursement by the War Shipping Administration of the Collateral Deposit Fund until a closing report is filed and premium has been paid in full with respect to all shipments which had attached at the time of the receipt by the Underwriting Agent of the application for decrease and an affidavit executed in quadruplicate as prescribed on Form No. 2 (§ 305.89) has been filed with the Underwriting Agent.

No decrease, other than for complete withdrawal of the Collateral Deposit, will be accepted which would bring the amount of deposit lower than the required minimum deposit of $1,000.

Whenever an Assured becomes entitled to a refund of the Collateral Deposit in whole or in part, by reason of the cancellation of the Warshipopencargo Policy, (or, by reason of the waiver by War Shipping Administration of the requirement of maintaining the Collateral Deposit Fund on a Warshipopencargo Policy issued to an Assured which is a department or agency of the United States or acting on behalf of such a department or agency) or, by reason of the substitution of a Surety Bond in place and stead of the Collateral Deposit Fund, as hereinbefore provided, War Shipping Administration, will, upon completion of the foregoing requirements, cause payment to be made by the Treasury of the United States to the party in whose name the Collateral Deposit was established.

The foregoing language shall not be construed as a requirement that an Assured who hereafter originally makes a collateral deposit must begin the deposit with a sum of money in an equal multiple of $500, or who has already established a deposit, must change the sum of money on deposit to an equal multiple of $500.

Amending § 305.50 (b) (2). The regulations appearing in paragraph (b) (2) of General Order No. 6, Supplement No. 1 are hereby supplemented by additional regulations as follows:

Changes in amount not less than $500 and by multiples of $500 of an Assured's Surety Bond may be effected by the Assured at any time. The effect of any action taken by an Assured shall be the sole responsibility of the Assured and shall in no manner relieve the Assured of the responsibility imposed by Clause 13 of Part II (§ 305.60) of the Warshipopencargo Policy. Increases in the amount of a Surety Bond will become effective upon the date of the receipt by the specified Underwriting Agent of a valid endorsement to the Surety Bond, countersigned by the Surety Company, accompanied by transmittal Form No. 3 (§305.90) executed by the Assured in quadruplicate.

Decrease in the amount of the Surety Bond will become effective, except as to shipments which at the time of the receipt by the Underwriting Agent of the application for decrease have then attached under the Warshipopencargo Policy and on which premium has not been paid in full, upon the date of the receipt by the specified Underwriting Agent of a valid endorsement to the Surety Bond countersigned by the Surety Company accompanied by transmittal Form No. 3 (§ 305.90) executed by the Assured in quadruplicate.

No decrease, except for cancellation, will be accepted which would bring the amount of the Surety Bond lower than the required minimum amount of $1,000.

Whenever an Assured becomes entitled to cancellation of a Surety Bond by reason of the cancellation of the Warshipopencargo Policy, (or, by reason of the waiver by War Shipping Administration of the requirement of maintaining a Surety Bond for a Warshipopencargo Policy issued to an Assured which is a department or agency of the United States or acting on behalf of such a department or agency) or, by reason of the substitution of a Collateral Deposit Fund of at least equal amount in place and stead of the Surety Bond, War Shipping Administration will cause a release to be executed; and hereby authorizes its Underwriting Agents to execute the release as set forth in Form No. 6 (§ 305.93) which must be forwarded to the Clearing Organization. Such releases must not be effective sooner than, and shall be of even date with, (i) the effective date of the cancellation of the policy when the cancellation of the Surety Bond is for that reason, or, (ii) the date of a written directive of War Shipping Administration waiving the requirement of the Surety Bond where the cancellation if for that reason, or (iii) the time when the Collateral Deposit Fund has been established when the concellation of the Surety Bond is for that reason.

The foregoing language shall not be construed as a requirement that an Assured who hereafter originally files a surety bond must procure a surety bond in an amount which is an equal multiple of $500, or who has already filed a surety bond, must change the amount of the surety bond to an equal multiple of $500.

§ 305.84 *Regulations for cancellation of a Warshipopencargo policy.* Effective with the date of the publication of this Supplement in the FEDERAL REGISTER, the following regulations are prescribed for cancellation of Warshipopencargo Policy:

Upon the filing with the specified Underwriting Agent of an application for cancellation of a Warshipopencargo Policy on Form No. 5, (§ 305.92) executed in quadruplicate by the Assured, together with the original Warshipopencargo Policy, cancellation of the Assured's Warshipopencargo Policy wil be effected with respect to all risks which have not attached prior to the effective date of cancellation (which must be a date not sooner than fifteen days following receipt by the specified Underwriting Agent of the application for cancellation.)

Such cancellation shall not effect the obligation of the Assured to file closing reports with respect to all risks which attached prior to the effective date of cancellation and to pay all unpaid premium.

Within four months of the effective date of cancellation, unless otherwise agreed by War Shipping Administration in writing, the Assured must file a closing report of all shipments covered by the Warshipopencargo Policy for which closing reports have not been previously filed. The Assured shall be required to mark this closing report "Final Closing Report on Cancellation of Policy", and file an affidavit on Form No. 9 (§ 305.96) executed by the Assured in quadruplicate. Thereafter when all unpaid premium has been paid, the Assured becomes entitled to a refund of the Collateral Deposit, or cancellation of the Surety Bond in accordance with the foregoing provisions of this Supplement No. 4 to General Order No. 6. (§§ 305.84 to 305.97 inclusive.)

§ 305.85 *Regulations governing declarations of shipments of cargo under Warshipopencargo policy.* Effective with the date of the publication of this Supplement in the FEDERAL REGISTER, the following regulations governing declarations of shipments of cargo under Warshipopencargo Policy Form are prescribed:

For the purpose of declaring shipments of cargo insured by a Warshipopencargo Policy, each such shipment must be classified as either an inward or an outward shipment.

Classification shall be determined by reference to the geographical location of the Assured under a Warshipopencargo Policy with respect to the movement of the shipment. For the purpose of determining the geographical location of the Assured the address stated in the application for the Warshipopencargo Policy shall be deemed the Assured's geographical location.

Thus, if an Assured has stated in his application that his address is in Hawaii, and the Assured's Warshipopencargo Policy covers shipments (a) of manufactured goods from the United States to Hawaii and (b) of pineapple from Hawaii to the United States, the geographical situation of the Assured in relation to the movement of said shipments would be such that (1) would be classified inward and (2) would be classified outward.

Each provisional and closing report of shipments must keep distinct the classification of outward or inward by reporting all outward shipments on one report and all inward shipments on one report, and in an instance where a single insured voyage presents a combination of an inward and outward shipment, the Assured must declare the entire voyage on the inward shipment form, as the same will be deemed an inward shipment for the purposes of reporting.

Shipments classed as outward are not required to be reported provisionally.

Whenever a sea passage is made with respect to cargo covered under a Warshipopencargo Policy by a barge or sailing vessel the Assured shall be required to note that fact upon the closing report.

An Assured reporting for one calendar month must not include therein a report of a shipment due to be reported in the report for the next succeeding calendar month. Thus, the report of January closing shipments filed in February should not include February closings.

Amending § 305.50 (3)-(d) Effective with the date of the publication of this Supplement in the FEDERAL REGISTER, the second paragraph of section "(d) Closing Reports" of General Order No. 6, Supplement No. 1 (§ 305.50 (d) (3)) is hereby deleted and the following regulations are substituted:

In the event that the Assured has no shipments for any preceding calendar month to report during any given month, the standard form of closing report must nonetheless be filed as prescribed herein and either or both of the following statements depending upon their applicability to the Assured must be noted thereon:

(i) It is certified that no inward shipment coming within the scope of this policy arrived at destination during the preceding calendar month, and that during the preceding calendar month no knowledge has come to the Assured of an inward shipment covered under the terms of the policy which will not arrive by reason of loss, frustration or other similar cause.

(ii) It is certified that no outward shipment coming within the scope of this policy was made.

One certified or cashier's check in payment of the premiums due under sets of inward and outward reports for the same period will be acceptable.

Amending § 305.59 *Standard form of Warshipopencargo Policy Form Part 1.* Effective forty-eight (48) hours after the date of the publication of this Supplement in the FEDERAL REGISTER the Cancellation Clause appearing in Part 1 of Warshipopencargo Policy Form is deleted and the following Cancellation Clause is substituted therefor:

This policy may be cancelled at any time upon 15 days written or telegraphic notice to or by the Assured or 15 days subsequent to the publication of a notice of cancellation in the FEDERAL REGISTER: *Provided, however,* That no such cancellation shall terminate this policy with respect to any shipments which have become at risk under the terms hereof prior to the effective date of such notice.

§ 305.86 *Additional regulations.* The following additional regulations are hereby promulgated to become effective with the date of the publication of this Supplement in the FEDERAL REGISTER.

In support of a claim for loss, an Assured shall be required to file as part of his proofs of loss, a certificate on Form No. 7 (§ 305.94) properly executed.

For an application for revision in the terms of coverage in a Warshipopencargo Policy an Assured must use Standard Form No. 8 (§ 305.95).

Amending § 305.51 *Application for open policy.* Effective with the publication of this Supplement in the FEDERAL REGISTER, the Standard Form of Application for an Open Policy set forth in paragraph (i-11) of General Order No. 6, Supplement No. 1 (§ 305.51) is deleted and Standard Form of Application Form No. 10 (§ 305.97) is hereby substituted therefor.

Amending § 305.61 *Standard form of surety bond.* Effective 48 hours after the date of the publication of this Supplement in the FEDERAL REGISTER the Standard Form of Surety Bond (i-11) (§ 305.61) set forth in General Order No. 6, Supplement No. 1 is amended by deleting the words "Resident Vice President" and "Resident Assistant Secretary" appearing at the end thereof, and by adding the following language:

NOTE. War Shipping Administration requires the signature by or on behalf of the Assured to appear on this bond.

§ 305.61 *Standard form of surety bond.* (a) Effective 48 hours after the publication of this Supplement in the FEDERAL REGISTER approval is hereby given for the accomplishment of a surety bond by the surety company through one of the following methods:

(1) Accomplished by an officer with an attest.

(2) Accomplished by an Attorney-in-fact with the attest by another Attorney-in-fact.

(3) Accomplished by signature by a single Attorney-in-fact with no attest, but the surety company's seal affixed to the document.

(b) Effective forty eight (48) hours after the date of the publication of this Supplement in the FEDERAL REGISTER whenever a bond is used in procuring the issuance of a Warshipopencargo Policy, the Standard Form of Surety Bond as set forth in Paragraph (i-11) of General Order No. 6, Supplement No. 1 (§ 305.61) with respect to paragraphs 2 and 3 of said form must contain the following language at paragraphs 2 and 3:

The condition of this obligation is such that whereas ------------------------------ Principal, under application dated the ------ ------------ day of ---------------, 19--, has applied for the issuance of a Warshipopencargo Policy by War Shipping Administration, and

Whereas, War Shipping Administration has agreed to accept this bond as a guarantee of the payment of all premiums due and payable under the terms and conditions of such Warshipopencargo Policy when issued, or endorsements thereto or modifications thereof, whether or not consented to by the surety.

Amending § 305.53 *Affidavit to be attached to closing report.* Effective with the date of publication of this Supplement in the FEDERAL REGISTER, the Standard Form of Affidavit to be attached to a closing report set forth in General Order No. 6, Supplement No. 1, as paragraph (i) (3) (§ 305.53) is deleted and form No. 11 substituted therefor.

The following forms Nos. 1 to 11 inclusive are hereby prescribed as the respective Standard Forms for use in carrying out the provisions of the foregoing sections:

§ 305.88 *Form No. 1: Standard form to be used where decreasing the amount of a cash collateral deposit.*

The Assured ------------------------------ hereby applies to decrease the amount of the Collateral Deposit maintained to secure the payment of premiums under Warshipopencargo Policy No. ------. The Assured agrees that for all purposes except for the actual repayment of the sum of ------------, ($----) Dollars, hereby demanded, that payment shall be considered as made at the date that the Underwriting Agent acknowledges receipt of this request.

(Assured)
By: ------------------------------

(Title)

Receipt is hereby acknowledged of the application for reduction in amount of Collateral Deposit by the sum of ---------, ($----) Dollars, this ------ day of ----------, 19---.

(Underwriting Agent)
By: ------------------------------

Actual Repayment of money will be made according to the terms and conditions of the Warshipopencargo Policy and regulations thereto.

§ 305.89 *Form No. 2: Affidavit to be used in effecting the repayment of the decrease of the collateral deposit fund.*

STATE OF ------------------
County of ------------------ *ss:*

----------------------, being first duly
(Name of Affiant)
sworn, deposes and says *(either (1) (he), (she) is an officer, to wit: --------------
(Title)
of the ---------------------- insured un-
(Name of Corporation or Company)
der Warshipopencargo Policy No. --------, or (2) (he) (she) is the Assured named in Warshipopencargo Policy No. -------- and is familiar with all matters pertaining thereto).

That the refund of -------------------- ($--------) Dollars was effected on the ------ day of --------------, 194----, but has not yet been repaid; that all premiums accrued by reason of the attachment of all risks covered under Warshipopencargo Policy No.----- up to the time of the receipt of Form No. (1) on the ------ day of -------------, 19----, by ----------------------, the Underwriting Agent, have been paid in full and the unpaid premium accrued by reason of the attachment of any and all risks since said date and at the date of the verification of this affidavit is not greater than ---------------- ($--------) Dollars, the amount remaining on deposit if payment is made as herein requested.

Wherefore, deponent requests that ------ ------------------ ($--------) Dollars be repaid.

(Assured)
By: ------------------------------

(Title)

Subscribed to and sworn before me this ------ day of ----------------, 194----.

Notary Public

Attention is directed to section 35 (A) of the Criminal Code of the United States which provides for punishments ranging as high as ten years imprisonment or $10,000 fine, or both, for filing false, fictitious, or fraudulent documents with a department or agency of the United States.

* Strike out inapplicable part in bracket.

§ 305.90 *Form No. 3: Transmittal form for endorsement of increase or decrease to surety bond.*

{Increase / Decrease}* is desired in amount of Surety Bond of ---------------------- Company dated the ------ day of ---------------, 19----, in accordance with the terms of the endorsement submitted herewith.

(Assured)

By: ----------------------

(Title)

* Strike out inapplicable word.

§ 305.91 *Form No. 4: Standard form of increase-decrease rider for bond guaranteeing payment of insurance premiums on Warshipopencargo policy.*

RIDER

To be attached to and form a part of Bond Guaranteeing Payment of Insurance Premiums, No. --------, issued by -------------------------- as principal, dated the ------ day of ---------------, 19---- in the amount of ------------------ ($------) Dollars.

In consideration of {increased / decreased}* premium charged for the attached bond, it is understood and agreed as follows:

1. The amount of the attached bond is hereby {increased / decreased}* from ------------------ ($------) Dollars to ------------------ ($------) Dollars as to such and so many of the premiums required to be paid under the Warshipopencargo Policy No. --------, referred to in the attached bond, as accrue after the day, month, year of the receipt of this endorsement as acknowledged below by an Underwriting Agent for the War Shipping Administration: *Provided*, That, regardless of the number of changes made in the amount of the attached bond, no amount carried under the attached bond during any period, whether the original amount or any subsequent amount, shall be cumulative with any amount or amounts carried under the attached bond during any other period or periods.

2. The attached bond shall be subject to all its terms, conditions and limitations except as herein expressly modified.

Signed, sealed and dated the ------ day of -----------, 19----.

By ----------------------

Principal

By ----------------------

Surety

Attest: ----------------------

Attest: ----------------------

Receipt of this endorsement is hereby acknowledged subject to the rules and regulations of War Shipping Administration this ------ day of -----------, 19----, and shall become effective according to its terms as of this date.

By ----------------------

Underwriting Agent

By ----------------------

* Strike out inapplicable word.

§ 305.92 *Form No. 5: Form of application for cancellation of Warshipopencargo policy.*

UNITED STATES OF AMERICA—WAR SHIPPING ADMINISTRATION

---------------------- hereby applies for cancellation of WARSHIPOPENCARGO Policy No. -------- to be effective the ------ day of -----------, 19----.

(Assured)

By ----------------------

(Title)

War Shipping Administration by ---------- ---------- acknowledges receipt of the original policy No. -------- on ------ day of -----------, 19----.

Underwriting Agent

By ----------------------

§ 305.93 *Form No. 6: Form of release on cancellation of surety bond.*

Whereas ---------------------- has made application to War Shipping Administration for the cancellation of Bond No. -------- of the ------------------ (Surety Company) effective the -------- day of ---------------, 19----, in accordance with Paragraph 2 of the conditions of said bond, guaranteeing the payment of all premiums due and payable under the terms and conditions of Warshipopencargo Policy No. --------.

It is hereby understood and agreed that ---------------------- (Surety Company) is relieved of any and all liability under Bond No. -------- for premiums on risks attaching after the ------ day of ---------------, 19----.

Dated at --------------- this ------ day of ---------------, 19----.

WAR SHIPPING ADMINISTRATION,

By: ----------------------

(Underwriting Agent)

§ 305.94 *Form No. 7: Form of certificate required as part of proof of loss.*

CERTIFICATE OF PREMIUMS DUE AND PAYABLE UNDER WARSHIPOPENCARGO POLICY NO. ------

I, ----------------------, the Assured, or the (*) ------------------ of the Assured, under Warshipopencargo Policy No. --------, do hereby certify that to the best of my knowledge and belief the total amount of unpaid premiums under said policy on the date on which the risk attached on the shipment referred to below for which claim is made herewith amounted to ---------- ---------- Dollars ($--------) and that on said date the Assured had:

(a) a collateral deposit fund in the sum of ------------------ Dollars ($--------) on deposit with the United States of America; or

(b) a surety bond in the sum of ---------- ---------- Dollars ($--------) on file with ----------------------, the Underwriting Agent of the War Shipping Administration.

Dated, this ------ day of ---------------.

Shipment: ----------------------

Attention is directed to Section 35 (a) of the Criminal Code of the United States which provides for imprisonment ranging as high as 10 years or ten thousand dollars fine, or both, for filing false, fictitious or fraudulent claims with a department or agency of the United States.

(*) If Assured is a corporation or partnership insert on this line title of person executing Certificate.

TO BE FILED WITH PROOF OF LOSS

§ 305.95 *Form No. 8: Form application for revision of warshipopencargo policy.*

UNITED STATES OF AMERICA—WAR SHIPPING ADMINISTRATION

Application for revision in Warshipopencargo Policy No. ------
Issued and countersigned by

(Name of Underwriting Agent)

Effective on and after the date upon which this application is received by the above-mentioned Underwriting Agent, as to shipments

(a) under Ocean Bills of Lading, so dated, or

(b) if Ocean Bills of Lading are not issued, under equivalent shipping documents, so dated, or

(c) if no Ocean Bills of Lading or equivalent shipping documents are issued or the same are undated, laden on overseas vessel as of such date.

The Assured hereby requests the following change be endorsed upon the above mentioned policy ----------------------

If this form does not contain sufficient space to set forth the desired changes, attach another sheet of paper hereto, and incorporate the same by reference.

This form must be filed in quadruplicate with the aforementioned Underwriting Agent.

(Type or print Assured's name)

(Type or print Assured's Address)

(Signature of authorized representative of Assured)

Do not use this section

§ 305.96 *Form No. 9: Affidavit to be submitted with a "final closing report on cancellation of policy".*

STATE of ------------------ } *ss:*
County of ------------ }

----------------------, being first duly
(Deponent's Name)
sworn, deposes and says that *(either (1) (he), (she) is an officer, to wit: ---------------
(Title)
of ----------------------, the Assured
(Name of Corporation or Company)
named in Warshipopencargo Policy No. ------, or (2) ------------------ is the Assured named in Warshipopencargo Policy No. ------, issued by War Shipping Administration), and does hereby certify, warrant, represent and affirm on his own behalf *(if (1) is used, include the following: "and on behalf of said Assured") that the information in the "Final Closing Report on Cancellation of the Policy" contains in all respects a true, accurate and complete list of all shipments of goods covered by Warshipopencargo Policy No. -------- made at any time which have not previously been reported; that the certified check or cashier's check tendered in payment of premium with the "Final Closing Report on Cancellation of Policy" pays in full any and all unpaid premium which at any time became due and payable under Warshipopencargo Policy No. --------.

This affidavit is made by the Assured pursuant to the terms and conditions of Warshipopencargo Policy No. -------- with the intent and the full knowledge of the deponent *(if (1) is used, add the words "and the Assured") that War Shipping Administration will rely thereon in authorizing the refund of the collateral deposit maintained by the Assured for securing to War Shipping Administration the payment of premium under Warshipopencargo Policy No. --------.

Subscribed and sworn to before me this ------ day of ---------------, 19--.

Notary Public

Attention is directed to section 35 (A) of the criminal code of the United States which provides for punishments ranging as high as ten years imprisonment or $10,000 fine, or both, for filing false, fictitious, or fraudulent documents with a department or agency of the United States.

*Strike out inapplicable part in bracket.

§ 305.97 *Form No. 10: Amended application form for open policy.*

UNITED STATES OF AMERICA—WAR SHIPPING ADMINISTRATION—WARSHIPOPENCARGO POLICY APPLICATION

Effective with respect to shipments (a) under Ocean Bills of Lading dated on and after ------------------ (which shall be not earlier than the date of issuance of the policy, except as specified in memoranda of instructions No. 6 dated September 9, 1942) or (b) if Ocean Bills of Lading not issued under equivalent shipping documents dated on and after said date, or (c) if no Ocean Bills of Lading or equivalent shipping documents are issued or the same are undated, laden on overseas vessels on and after said date, a Warshipopencargo Policy containing the warranties and conditions promulgated in Supplement 1 of General Order No. 6 of the War Shipping Administration and any amendments in effect at the date of this application is requested by:

Name of Assured ----------------------

Address ----------------------
No. Street City County State

Specify by insertion of the word "Yes" in the blank provided therefor which class of shipments the Assured desires to cover:

1. Imports to the Continental United States excluding Alaska.
2. Exports from the Continental United States excluding Alaska to the territories and possessions of the United States including the Canal Zone and Alaska.
3. Shipments between ports in the Continental United States excluding Alaska.
4. Shipments between ports in any one territory or possession of the United States, including the Canal Zone and Alaska.
5. Shipments to the territories and possessions of the United States including the Canal Zone and Alaska (excepting shipments from the Continental United States excluding Alaska).

Merchandise not to be covered, if any -------

Specify the basis of valuation ------------

(If sufficient space is not available, fill out the requirements on a supplemental sheet of paper and annex the same with appropriate reference to this application.)

Specify by number which of the Standard Optional Endorsements are required:

If Standard Optional Endorsements Nos. X or XI are applied for, a supplemental statement must be attached hereto, designating the goods and setting forth the reasons why such endorsements should be granted. Neither of such endorsements will be issued except upon instructions of the War Shipping Administration, to whom such supplemental statement will be submitted for appropriate action.

If Standard Optional Endorsement No. IV (revised) has been designated, list the names of the principals and their respective addresses ----------------------

If Standard Optional Endorsement No. 1 (amended) has been designated attention is directed to the requirement of additional premium.

Assured

By ----------------------

Title

This application must be accompanied by either (a) Standard Form of Transmittal of Collateral Deposit Fund with accompanying Cashier's or certified check, or (b) Standard Form of Surety Bond executed by the Assured as Principal and by the Surety, complying in either case with all applicable provisions of General Order No. 6, and Supplements thereto. No insurance will attach whenever the unpaid premium exceeds the amount of such collateral fund or Surety bond.

§ 305.53 *As Amended Form No. 11: Affidavit to be attached to closing report.*

State of --------------------
County of ------------------ *ss:*

----------------------, being first duly
(Name of Affiant)
sworn, deposes and says that *((1) (he), (she) is an officer, to wit: ---------------
(Title)
of the ----------------------
(Name of Corporation or Company)
insured under Warshipopencargo Policy No. --------, or that (2) (he), (she), is the Assured named in Warshipopencargo Policy No. --------) and does hereby certify, warrant, represent and affirm on (his), (her) own behalf and on behalf of said Assured that *(the closing report) *(or set of closing reports), to which this affidavit pertains, contains in all respects a true, accurate and complete list of all goods covered under said Warshipopencargo Policy required to be reported on a closing form by the terms and conditions of said Warshipopencargo Policy for the calendar month ending ------------, 194---.

The *(closing report) *(or set of closing reports) is furnished by the Assured and this affidavit is made by the affiant pursuant to the terms and conditions of said Warshipopencargo Policy and is furnished by the Assured and by the affiant with full knowledge that War Shipping Administration will rely thereon, and with the intent and purpose of inducing the War Shipping Administration to rely thereon.

Subscribed to and sworn before me this ------day of ---------------, 19----.

Notary Public

Attention is directed to Section 35 (A) of the Criminal Code of the United States which provides for punishments ranging as high as ten years imprisonment or $10,000 fine, or both, for filing false, fictitious, or fraudulent documents with a department or agency of the United States.

*Strike out inapplicable words in brackets.

§ 305.98 *Standard optional endorsement No. XII.* Notwithstanding the provisions of General Order No. 6, Supplement No. 3 (§ 305.73) with respect to the limitation of the amount collectible in the event of loss under a Warshipopencargo Policy, an Assured may hereafter endorse such a policy to cover all shipments of goods coming within the scope of the Assured's Warshipopencargo Policy according to the provisions of the following Standard Optional Endorsement No. XII.

Standard optional endorsement No. XII. It is understood and agreed that with respect to all shipments coming within the scope of this policy, the provisions of Part I hereof set forth in Paragraphs (a) (b) (c) (d) (Sec. 305.73 Part I of the Warshipopencargo Policy) limiting the amount collectible in the event of loss are hereby deleted and the following substituted therefor: "In the event of loss the Assured shall be required to file an affidavit to the effect that the amount claimed does not exceed the actual bona fide pecuniary loss to the Assured, exclusive of any allowance for anticipated or accrued profit arising out of the insured venture. Such affidavit shall be subject to the provisions of section 35 (a) of the Criminal Code."

All other terms and conditions remain unchanged.

An Assured who had a Warshipopencargo Policy in effect on September 15, 1942, which has been continuously maintained in effect with respect to all its provisions to the date of the publication of this Supplement in the FEDERAL REGISTER, may request his Underwriting Agent to endorse the Assured's Warshipopencargo Policy with the above endorsement retroactively to September 15, 1942, provided request for retroactive application of the endorsement is made within seven days from the date of the publication of this Supplement in the FEDERAL REGISTER. Except as aforesaid the Underwriting Agent must not endorse a Warshipopencargo Policy with Standard Optional Endorsement No. XII retroactively.

[SEAL] E. S. LAND,
Administrator.

OCTOBER 20, 1942.

[F. R. Doc. 42-10606; Filed, October 20, 1942; 3:54 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1562]

DISTRICT BOARD 17

ORDER REDESIGNATING TRIAL EXAMINER AND CHANGING PLACE OF HEARING

In the matter of the petition of District Board No. 17 for revision of the effective minimum prices for coals produced and shipped by rail from mines in Subdistricts Nos. 11, 12, 15 and 16 in District No. 17 to destinations in Market Area 203.

A hearing upon the original petition in the above-entitled matter convened at Washington, D. C., on October 5, 1942, pursuant to a Notice of and Order for Hearing entered therein on September 2, 1942.

District Board No. 17, the original petitioner, was not represented at the above-mentioned hearing nor was any evidence introduced in support of the relief requested in the original petition.

Accordingly, the hearing was continued pending further order of the Director.

Petitioner has requested that the place of hearing in this matter be changed to Denver, Colorado, and it appears that the granting of such request will not result in inconvenience to either the Division or interested persons.

Now, therefore, it is ordered, That the place of hearing in the above-entitled matter be, and it hereby is, changed from Washington, D. C., to a hearing room of the Division at the Circuit Court Room, Post Office Building, Denver, Colo.

It is further ordered, That the hearing in the above-entitled matter be resumed on November 20, 1942, at 10 o'clock in the forenoon of that day at the place above designated.

It is further ordered, That D. C. McCurtain shall preside at such hearing vice Edward J. Hayes.

Dated: October 20, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10622; Filed, October 21, 1942; 11:53 a. m.]

[Docket No. C-13]

COLORADO FUEL & IRON CORP.

ORDER POSTPONING HEARING

In the matter of the application of Colorado Fuel & Iron Corporation for exemption pursuant to section 4-A of the Bituminous Coal Act of 1937.

A hearing in the above-entitled matter having heretofore been scheduled for 10 o'clock in the forenoon of October 26, 1942, at Circuit Court Room, Post Office Building, Denver, Colorado, and it appearing appropriate that the said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed from 10 o'clock in the forenoon of October 26, 1942, to 10 o'clock in the forenoon of November 19, 1942 at the Circuit Court Room, Post Office Building, Denver, Colorado.

Dated: October 20, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10623; Filed, October 21, 1942; 11:53 a. m.]

[Docket No. B-142]

SAHARA COAL COMPANY, CODE MEMBER

ORDER GRANTING APPLICATION

Order granting application filed pursuant to § 301.132 of the Rules of Practice and Procedure for disposition hereof without formal hearing and cancelling hearing, and cease and desist order.

A complaint dated November 10, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") having been duly filed on November 12, 1941 by the Bituminous Coal Producers Board for District No. 10, a District Board ("Complainant"), with the Bituminous Coal Division (the "Division") alleging that the Sahara Coal Company, a code member (the "Code Member") which operates the Sahara No. 5 Mine, Mine Index No. 156, located in Saline County, Illinois, in District No. 10, wilfully violated the provisions of the Act, the Bituminous Coal Code (the "Code") the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck as amended (the "Schedule") and rules, regulations and orders promulgated by the Division pursuant to the Act as more fully set forth in the complaint; and

The complaint and Notice of and Order for Hearing herein dated January 14, 1942 having been duly served on the Code Member on January 23, 1942; and

An application dated February 16, 1942 of the Code Member, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division, having been duly filed with the Division on February 16, 1942, and a supplemental application dated February 19, 1942, pursuant to said § 301.132 having been duly filed on February 21, 1942; and

The hearing herein having been postponed by order dated February 23, 1942, to a date and place to be thereafter designated by appropriate order; and

Notice of the filing of said application and supplemental application having been published in the Federal Register on March 9, 1942, pursuant to said § 301.132 and a conformed copy thereof having been duly mailed to the Complainant herein; and

Said notice of filing having provided that interested parties desiring to do so might within fifteen (15) days from the date of said notice file recommendations or requests for informal conferences with respect to said application and supplemental application; and

The Code Member having admitted in said application and supplemental application that it wilfully violated the Act, the Code, and rules and regulations thereunder as alleged in the complaint herein and having consented among other things to the disposition hereof by the entry herein of a cease and desist order; and

Complainant herein having on February 19, 1942 filed with the Division its written consent to the disposition of this matter by the issuance of a cease and desist order herein; and

An informal conference with respect to said application and supplemental application thereto having been held at a hearing room of the Division on July 8, 1942, at Washington, D. C.;

Now, therefore, pursuant to the authority vested in the Division by section 4 II (j) of the Act authorizing it to adjust complaints of violations and to compose differences of the parties thereto, upon the said application and supplemental application filed pursuant to said § 301.132 of the Rules of Practice and Procedure for disposition without formal hearing of the charges contained in the aforesaid complaint filed herein, upon said consent of the Complainant herein, and upon evidence in the possession of the Division:

It is hereby found that:

(A) Sahara Coal Company is a corporation organized and existing under and by virtue of the laws of the State of Delaware, is authorized to do business in the State of Illinois, and is engaged primarily in the production and distribution of bituminous coal.

(B) Sahara Coal Company filed with the Division its code acceptance dated June 18, 1937 which became effective as of June 20, 1937, since which time Sahara Coal Company has been and now is a code member in District No. 10. During the period when the violations hereinafter found occurred, Sahara Coal Company was engaged in mining coal produced at the Sahara No. 4 Mine, Mine Index No. 1571, the Sahara No. 5 Mine, Mine Index No. 156, the Sahara No. 10 Mine, Mine Index No. 157, and the Sahara No. 16 Mine, Mine Index No. 1518, all located in District No. 10. The entire production of the said Sahara Nos. 4 and 5 Mines and a portion of the coal produced at the said Sahara Nos. 10 and 16 Mines was transported as run of mine coal to the Central Preparation Plant of the Code Member at Harrisburg, Illinois, where the run of mine coal produced at the aforesaid mines was washed and then screened or crushed into various sizes. After the coal was prepared and processed at the said Central Preparation Plant it was sold to various purchasers.

(C) The Central Preparation Plant of the Sahara Coal Company is equipped with modern machinery consisting of washing equipment, crushers, and classifying screens for the production of washed prepared coal. The run of mine coal produced at the mines of Code Member enters the plant and is washed and prepared by passing in a continuous flow through a series of washers, crushers, and classifying screens. At certain points in the preparation process, certain sizes are prepared which may be segregated from the continuous flow of coal in the plant and loaded separately for shipment or which may be reassembled with other component sizes to form a single size of coal.

Among the various sizes of coal prepared at the said plant, Sahara Coal Company prepared 1″ x ⅜″ washed screened coal (Size Group No. 19), 1½″ x 1″ washed screened coal (Size Group No. 18) and ⅜″ x ½ m.m. washed carbon (Size Group No. 25). Each of these three sizes, by virtue of the construction of said Central Preparation Plant, could be loaded directly from the plant into rail cars for shipment to purchasers or could be reassembled to form screened 1½″ x ½ m.m. washed screened coal (Size Group No. 24).

Sahara Coal Company also prepared 1″ x 0 coal (Size Group No. 24) by crushing in said plant the 1½″ x 1″ washed screenings (Size Group No. 18), which could likewise be mixed with the various sizes of washed screenings or loaded directly from the plant into rail cars for shipment.

Sahara Coal Company prepared at this plant a special coal for small stoker use having outside dimensions of 1½″ x 1 m.m., which it sold as "washed stoker screenings." When preparing such "washed stoker screenings," Sahara Coal Company mixed with the entire production of the washed screened 1″ x ⅜″ coal (Size Group No. 19) the entire production of the 1″ x 0 coal (Size Group No. 24) crushed from the 1½″ x 1″ washed screenings (Size Group No. 18), and a small proportion (less than 5%) of ⅜″ x 0 coal (Size Group No. 25). Such "washed stoker screenings," which were considered by Sahara Coal Company as a manufactured product, were a mixture which, in comparison to 1″ x 1 m.m. washed screenings (Size Group No. 24) had a very substantially smaller proportion of fines which were qualitatively more satisfactory for small stoker use.

The Sahara Coal Company engaged in the practice of mixing coal in this manner and selling such "washed stoker screenings," as Size Group No. 24 coals, both before and after, as well as during the period of the violations alleged in the complaint herein.

(D) By virtue of the provisions of Price Instruction No. (A) 4 and No. (A) 5 in the Schedule, which are applicable in the absence of a specific price instruction to the contrary, when two or more sizes of coal are mixed the minimum price for such mixture is the minimum price for the size contained in such mixture having the highest minimum f. o. b. mine price, with the exception that the term "mixture" does not include the reassembling of component size groups into one size group having the normal top and bottom dimensions, the normal qualitative characteristics and the normal size consist for such size group. Since the facts found in paragraph (C) hereof show that the said "washed stoker screenings" were a "mixture" and not "reassembled screenings," Sahara Coal Company therefore wilfully violated section 4 II (e) and section 4 II (i) (8) of the Act, Part II (e) and Part II (i) (8) of the Code and Rule 8 of section XIII of the Marketing Rules and Regulations by selling as Size Group No. 24 during the period October 1, 1940 to February 18, 1942, both dates inclusive, "washed stoker screenings" prepared in the aforesaid manner, including the coal sold as alleged in the complaint herein, whereas the effective minimum f. o. b. mine price for such "washed stoker screenings" a manufactured mixture of Size Group No. 19, Size Group No. 24, and Size Group No. 25 coals, was the applicable effective minimum price for Size Group No. 19 coals for rail shipment.

(E) On the basis of violations described in paragraphs (C) and (D) hereof, Sahara Coal Company should be directed to cease and desist from all violations of the Act, the Code and rules and regulations thereunder.

Now, therefore, on the basis of the above findings, said admissions and consent filed by Sahara Coal Company pursuant to § 301.132 of the Rules of Practice and Procedure and said consent filed by the Complainant herein;

It is ordered, That the said application and supplemental application be and the same hereby are granted; and

It is further ordered, That the hearing herein heretofore postponed by order dated February 23, 1942, to a date and place to be thereafter designated by appropriate order be and the same hereby is cancelled; and

It is further ordered, That Sahara Coal Company, its representatives, servants, agents, officers, employees, attorneys, receivers, and successors or assigns and all persons acting or claiming to act on its behalf or in its interest cease and desist and they hereby are permanently enjoined and restrained from violating the Bituminous Coal Act, the Bituminous Coal Code and rules and regulations issued thereunder; and

It is further ordered, That upon any failure to comply with the restraining provisions of this Order, the Division may apply to any Circuit Court of Appeals of the United States having jurisdiction for the enforcement hereof, or take other appropriate action.

Dated: October 19, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10620; Filed, October 21, 1942; 11:52 a. m.]

[Docket No. 601-FD]

AMERICAN ROLLING MILL CO.

NOTICE OF AND ORDER FOR HEARING

In the matter of the application of the American Rolling Mill Company for exemption pursuant to section 4-A of the Bituminous Coal Act of 1937.

An application for a determination of the status of the coal produced at the Nellis Mine, Mine Index No. 346, and at the Marting Mine, Mine Index No. 320, of the American Rolling Mill Company in District No. 8, having been filed by the above-named applicant pursuant to the second paragraph of Section 4-A of the Bituminous Coal Act of 1937;

It is ordered, That a hearing in the above-entitled matter, under the applicable provisions of said Act and the rules of the Division, be held on November 16, 1942, at 10 o'clock in the forenoon of that date at a hearing room of the Bituminous Coal Division in Washington, D. C. On such day the Chief of the Records Section in the offices of the Division, Washington, D. C., will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said applicant and to all other parties herein and to all persons and entities having an interest in these proceedings and eligible to become a party herein. Any person or entity eligible under section VII (i) of the Rules of Practice and Procedure before the Bituminous Coal Division may file a petition for intervention not later than fifteen (15) days after the date of the issuance of this Notice of and Order for Hearing.

Notice is hereby given that:

(1) Within fifteen (15) days from the date of the issuance of this Notice of and Order for Hearing, the applicant and each interested party shall file with the Division a concise statement in writing of the facts expected to be proved by such person at the hearing. Interested parties shall also file a written intervention in compliance with Rule VIII of the aforesaid Rules of Practice and Procedure. The statements of facts shall be considered as pleadings and not as evidence of the facts therein stated. The affirmative evidence offered by a party at the hearing shall be limited to the said statements of facts filed by such party.

(2) If no written statement of the facts expected to be proved at the hearing is filed by the applicant within the 15-day period, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn on the expiration of said period in accordance with the provisions of Rule VII (g) of the aforesaid Rules of Practice and Procedure.

(3) If the applicant does not appear and offer evidence in support of its statements of facts, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure.

(4) The burden of proof in this proceeding shall be on the applicant.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the application, other matters necessarily incidental and related thereto, which may be raised by amendment to the application, petitions of intervenors or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this application.

The matter concerned herewith is in regard to the application of The American Rolling Mill Company for a determination of the status of coal produced at its Nellie Mine, Mine Index No. 346, and at its Marting Mine, Mine Index No. 320, in District No. 8. The said application alleges that such coal is exempt from Section 4 of the Act because it is coal produced, transported and consumed by the applicant within the meaning of section 4 II (1) of the Bituminous Coal Act of 1937.

Dated: October 20, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10626; Filed, October 21, 1942; 11:54 a. m.]

[Docket No. A–1660]

DISTRICT BOARD NO. 2

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 2 for the revision of Rule 1 (I) of section VII of the marketing rules and regulations established by the Division.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 17, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 12, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition filed by District Board No. 2 requesting a revision of Rule 1 (I) of section VII of the Marketing Rules and Regulations established by the Division, which provides, among other things, that the seller shall charge interest after the due date of the account, by adding thereto the following:

> This rule shall not be applicable in the case of sales of bituminous coal made to domestic consumers for private residence heating.

Dated: October 20, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42–10625; Filed, October 21, 1942; 11:54 a. m.]

[Docket No. B–245]

DOWLING COAL COMPANY

ORDER GRANTING APPLICATION, ETC.

In the matter of Lawrence H. Dowling, doing business as Dowling Coal Company, registered distributor, registration No. 2472.

Order granting application filed pursuant to § 301.132 of the rules of practice and procedure before the division, suspending registration as a distributor, directing distributor to cease and desist from further violations, and cancelling hearing.

The above-entitled matter having been instituted by the Bituminous Coal Division (the "Division") pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors (the "Distributor's Rules") by a Notice of and Order for Hearing, dated May 29, 1942, and served on the said Lawrence H. Dowling, doing business as Dowling Coal Company (the "Distributor") on June 5, 1942, to determine whether the said distributor had violated the Bituminous Coal Act of 1937 (the "Act"), the Bituminous Coal Code (the "Code"), and orders, rules and regulations thereunder, and his Distributor's Agreement, dated April 23, 1940, as more fully set out in said Notice of and Order for Hearing; and

This matter having been scheduled for hearing on June 30, 1942, at a hearing room of the Division in Washington, D. C., pursuant to said Notice of and Order for Hearing, and having been postponed by an order of the Acting Director issued on June 25, 1942, to a time and place to be thereafter designated; and

An application based upon admissions for the disposition of the above-entitled matter without formal hearing, (the "Application"), pursuant to § 301.132 of the Rules of Practice and Procedure Before the Division (the "Admission Rules"), dated June 22, 1942, having been filed by said distributor with the Division on said date; and

A notice that said application had been filed by said distributor with the Division, and providing that interested parties desiring to do so may file recommendations or request for informal conference in respect to said application within fifteen (15) days from July 4, 1942, the date of said notice, having been published in the FEDERAL REGISTER, pursuant to said Admission Rules, on July 7, 1942, and it appearing that no such recommendations or requests have been filed; and

It appearing from said application as amended by said distributor's affidavit dated July 6, 1942, and filed with the Division on July 7, 1942, that said distributor (1) admits having committed the acts and having failed to take action resulting in the violations of the Act, the Code and orders and regulations thereunder, and his Distributor's Agreement, which are alleged in paragraphs 1 to 5, inclusive, of the Notice of and Order for Hearing issued herein on May 29, 1942, and in addition thereto that he made deliveries after thirty (30) days after the effective dates of spot orders for coal purchased from C. A. Hughes & Company, Cresson, Pennsylvania, a code member, and New England Coal & Coke Company, a subsales agent for Koppers Coal Company, a code member, and consents to the entry of an order herein (a) directing said distributor to return to code members the discounts or commission which were unlawfully accepted and retained by him as set forth in the violations alleged in paragraphs 1 to 4, inclusive, of said Notice of and Order for Hearing, (b) suspending his registration as a distributor for a period of sixty (60) days from the date of the service of such order and (c) directing said distributor to cease and desist from further violations of the Act, the Code and orders and regulations thereunder, and his Distributor's Agreement; and

It further appearing from said application that the distributor represents that he has not, to the best of his knowledge and belief, committed any violations of the Act, the Code, or regulations thereunder other than those described in said application; and

It further appearing from said affidavit by said distributor dated July 6, 1942, and his supplemental affidavit dated August 6, 1942, and filed with the Division on August 24, 1942, that said distributor has repaid to the code members, referred to in paragraphs 1 to 4, inclusive, of the said Notice of and Order for Hearing, the discounts totalling $154.73 which said distributor had accepted and retained on the coal purchased for resale from said code members;

Now, therefore, pursuant to the authority vested in the Division by section 4 II (h) of the Act and § 304.14 of the Rules and Regulations for the Registration of Distributors, and upon the basis of the admissions contained in said application, as supplemented by the aforesaid affidavits which were heretofore filed with the Division, and upon other evidence in the possession of the Division:

I. It is hereby found that:

1. A verified Application for Registration as a Registered Distributor and Agreement by Registered Distributor, dated April 23, 1940, was filed with the Division on April 25, 1940, by Lawrence H. Dowling, an individual, trading and doing business under the name and style of Dowling Coal Company, 424 Bell Building, Manchester, New Hampshire; and

2. Pursuant to section IV of the Rules and Regulations for Registration of Distributors, which appear as Appendix A to the Order of the National Bituminous Coal Commission (the "Commission") issued in General Docket No. 12 on March

24, 1939, as amended by an order of said Commission issued in said General Docket on June 20, 1939, which orders were adopted and ratified by an order of the Division issued on July 1, 1939, said Application and Agreement were approved, the said Lawrence H. Dowling, doing business as aforesaid, was registered as a distributor, effective as of April 27, 1940, and Certificate of Registration No. 2472 was issued to the said Lawrence H. Dowling, trading and doing business as Dowling Coal Company; and that said distributor has been since the last mentioned date and is now acting as a registered distributor.

II. It is hereby further found that said distributor:

1. During the period January 20, 1941, to March 28, 1941, both dates inclusive, purchased for resale and resold to the Emerson Manufacturing Company, approximately 274 net tons of run of mine coal produced by Forks Coal Mining Company, a code member in District No. 1, at its Hughes No. 11 Mine, Mine Index No. 219, at $2.20 per net ton, the applicable minimum f.o.b. mine price for said coal; and in said transaction accepted and retained a discount of 25 cents per net ton from said mine price, which discount was in excess of the maximum allowable discount of 12 cents per net ton prescribed by the Division in the Order of the Director issued in General Docket No. 12, on June 19, 1940, resulting in a violation by said distributor of paragraph (a) of his Agreement;

2. On or about January 9, 1941, purchased for resale and resold to Tilton Worsted Mills, Tilton, New Hampshire, approximately 54.15 net tons of run of mine coal produced by J. Bruce Anderson, an individual doing business as Helen Jennings Coal Company, a code member producer at his Helen Jennings Mine, Mine Index No. 660, located in District No. 1, whereas minimum prices, temporary or final, had not been established by the Division for said coal, thereby participating in a violation by said code member of the order issued in General Docket No. 19, on October 9, 1940, resulting in a violation by the said distributor of paragraph (e) of his Agreement;

3. During the period January 20, 1944, to February 25, 1941, both dates inclusive, purchased for resale and resold to said Tilton Worsted Mills, Tilton, New Hampshire, approximately 110 net tons of run of mine coal produced by said J. Bruce Anderson, at his aforesaid mine, at $2.45 per net ton, the applicable minimum f. o. b. mine price for said coal, and in said transaction accepted and retained a discount of 17 cents per net ton from said minimum price, which discount was in excess of the maximum allowable discount of 12 cents per net ton prescribed by the Division in the Order of the Director issued in General Docket No. 12, on June 19, 1940, resulting in a violation of paragraph (a) of his Agreement;

4. On or about September 23, 1941, granted settlements or allowances of twenty-five (25) cents per net ton to Manchester Gas Company, Manchester, New Hampshire, and to Public Service Company, Manchester, New Hampshire, on claims for alleged substandard preparation on the resale to said purchasers of approximately 486 net tons of 1¼" nut and slack coal produced by said J. Bruce Anderson, an individual doing business as Helen Jennings Coal Company, at his aforesaid mine, and purchased for resale by said Distributor from said code member, the granting of which settlements or allowances by said Distributor resulted in the resale of said coal to said purchasers at prices below the minimum therefor established by the Division in the Schedule of Effective Minimum Prices for District No. 1. For All Shipments Except Truck, as amended and supplemented by Order of the Director entered in Docket No. A–663, dated April 18, 1941, without complying with the provisions of section X of the Marketing Rules and Regulations, resulting in violations by said distributor of Rule 1, subparagraphs (a), (b), (c), and (d) of said section X, Section 4 Part II (e) of the Act, Part II (e) of the Code, and paragraphs (b), (e) and (f) of his Agreement;

5. In granting the settlements or allowances described in paragraph 4 hereof, (1) adjusted claims with said purchasers in said manner as to grant secret allowances, secret rebates or secret concessions, or other price discriminations; (2) granted adjustments, allowances, discounts, credits or refunds to said purchasers for the purposes or with the effect of altering retroactively prices agreed upon, in such manner as to create price discriminations, and (3) paid or allowed rebates, refunds, credits or unearned discounts, resulting in violations by said Distributor of Rules 2, 4, and 6, respectively, of section XIII of the Marketing Rules and Regulations, section 4 Part II (i) paragraphs 2, 4, and 6, respectively, of the Act, Part II (i) paragraphs 2, 4, and 6, respectively, of the Code, and paragraphs (c) and (e) of his Agreement;

6. Said distributor made deliveries after thirty (30) days after the effective dates of spot orders for coal purchased from C. A. Hughes & Company, Cresson, Pennsylvania, a code member, and New England Coal & Coke Company, a subsales agent for Koppers Coal Company, a code member;

7. That the discounts which said distributor unlawfully accepted and retained in the transaction set forth in paragraphs 1 to 4, inclusive, of the said Notice of and Order for Hearing issued in the above-entitled matter have been repaid to the code members from whom said Distributor purchased said coal for resale, as follows:

Code member	Net tonnage	Discount per ton	Discount repaid	Paragraph No. in notice
Forks Coal Mining Co.	274	$0.25	$68.50	1
Helen Jennings Coal Co.	54.15	.17	9.21	2
Helen Jennings Coal Co.	110.00	.17	18.70	3
Helen Jennings Coal Co.	486	.12	58.32	4
Total	924.15	------	154.73	------

Now, therefore, upon the basis of the foregoing findings, and the said distributor's admissions, consents, and agreements contained in the said application as amended and supplemented and filed herein by said distributor, pursuant to said § 301.132;

It is ordered, That the said application, as amended, of the said distributor for the disposition of this compliance proceeding without formal hearing, be and the same hereby is, granted; and

It is further ordered, That the registration as a distributor of the said Lawrence H. Dowling, doing business as Dowling Coal Company, be, and the same hereby is, suspended for a period of sixty (60) days from the date of the service of this order upon said distributor; and

It is further ordered, That said distributor, his representatives, agents, servants, employees, and attorneys and all affiliates of the distributor and all representatives and agents or any thereof shall be and they are hereby prohibited from accepting from code members or their agents or representatives or retaining any discounts from the effective minimum prices either directly or indirectly on coal purchased or disposed of by him, them, or any of them during said period of suspension: *Provided, however,* That if the distributor shall not have complied with the provisions of § 304.15 of the Rules and Regulations for the Registration of Distributors at least five (5) days before the expiration of said period of suspension, said suspension shall continue in full force and effect until five (5) days after the affidavit required by § 304.15 shall have been filed with the Division; and

It is further ordered, That the effect of such suspension shall not be evaded directly or indirectly by the use of any device such as a sales agency agreement or any other devices, and such suspension shall not excuse the distributor from all duties and functions imposed upon him by the Act, the Code, and rules and regulations and orders thereunder; and

It is further ordered, That Lawrence H. Dowling, operating under his own name or under the name and style of Dowling Coal Company, his representatives, servants, agents, employees, attorneys, receivers, and successors, or assignees, and all persons acting or claiming to act on his behalf or in his interest, cease and desist, and they are permanently enjoined and restrained from violating the Bituminous Coal Act, the Bituminous Coal Code, and the rules and regulations thereunder and his said Agreement and that the provisions hereof shall continue in full force and effect with respect to Lawrence H. Dowling, operating under his own name or under the name and style of Dowling Coal Company, his representatives, servants, agents and employees, attorneys, receivers, successors or assigns and all persons acting or claiming to act on his behalf or in his interest upon any reinstatement of Lawrence H. Dowling as a registered distributor; and

It is further ordered, That the hearing in the above-entitled matter which has been heretofore postponed by an order issued herein on June 25, 1942, to a time and place to be thereafter designated, be and the same hereby is, cancelled; and

It is further ordered, That the Division, upon any failure to comply with the restraining provision of this order, may apply to any Circuit Court of Appeals of the United States having jurisdiction for the enforcement hereof, or take other appropriate action.

Dated: October 19, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10624; Filed, October 21, 1942; 11:54 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective October 22, 1942. The certificates may be cancelled in the manner provided in the Regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Aurora Corset Co., 603 South LaSalle St., Aurora, Illinois; Corsets; 10 learners (T); October 22, 1943.

Blauer Mfg. Co., Inc., 169 Bridge St., Cambridge, Massachusetts; Gabardine sportswear and rainwear; 5 learners (T); October 22, 1943.

Borman Sportswear, Inc., 21 East Main St., Johnstown, New York; Field jackets O. D., 5 percent (T); October 22, 1943.

A & L Brand, Inc., 55 Minor St., New Haven, Connecticut; Children's dresses; 10 percent (T); October 22, 1943.

Brand Bros., Inc., 55 Minor St., New Haven, Connecticut; Children's dresses; 5 learners (T); October 22, 1943.

Chic Mfg. Co., 1001 S. Adams St., Peoria, Illinois; Cotton wash dresses; 10 percent (T); October 22, 1943.

The Clifton Shirt Co., 129 W. 4th St., Cincinnati, Ohio; Uniform shirts; 4 learners (T); October 19, 1943. (This certificate effective October 19, 1942.)

Danville Sportswear Co., Inc., 328 Ferry St., Danville, Pennsylvania; Children's sportswear and beachwear; 10 percent (T); October 22, 1943.

Dunhill Shirt Co., 9th & Franklin Sts., Lexington, Missouri; Dress shirts, sport shirts and government shirts; 10 learners (E); April 22, 1943.

Dunn Mfg. Co., 211 N. 13th St., Philadelphia, Pennsylvania; Ladies' dresses and blouses; 10 learners (T); October 22, 1943.

Empress Frocks, Inc., 406 W. Market St., San Antonio, Texas; Ladies' sportswear and nurses' uniforms; 10 percent (T); October 22, 1943.

Flossie Dress Co., 795 Atlantic St., Stamford, Connecticut; Dresses; 10 percent (T); October 22, 1943.

Globe Pants Mfg. Co., 300 Plymouth Ave., Fall River, Massachusetts; Single pants; 6 learners; October 19, 1943. (This certificate effective October 19, 1942). (T).

Harles & Co., 552 East Market St., Alliance, Ohio; Ladies' sport dresses and skirts; 10 percent (T); October 22, 1943.

The Hercules Trouser Co., Hillsboro, Ohio; Single pants of 100 percent cotton and other than 100 percent cotton; 10 percent (T); October 22, 1943.

Kaylon, Inc., 5 North Haven St., Baltimore, Maryland; Men's and ladies' pajamas; 10 percent (T); October 22, 1943.

S. Liebovitz & Sons, Inc., East Seminary St., Mercersburg, Pennsylvania; Men's army shirts; 10 percent (T); October 22, 1943.

R. Lowenbaum Mfg. Co., East Broadway, Sparta, Illinois; Dresses and mattress covers; 10 percent (T); October 22, 1943.

MacSmith Garment Co., Inc., 28th St., Gulfport, Mississippi; Men's cotton dress shirts; O. D. Flannel army shirts; 10 percent (T); October 22, 1943.

Milberg & Milberg, Inc., Diller Ave., New Holland, Pennsylvania; Ladies' slips and gowns; 10 percent (T); October 22, 1943.

M. Nirenberg Sons, Inc., 750 Second Ave., Troy, New York; Men's shirts; 10 percent (T); October 22, 1943.

Oshkosh B'Gosh, Inc., 33 Otter St., Oshkosh, Wisconsin; Overalls, overall jackets, work pants and cotton jeans; 5 percent (T); October 22, 1943.

Penn Sportswear Corp., 1010 Chestnut St., Allentown, Pennsylvania; Dresses; 10 learners (T); October 22, 1943.

Perfect Brassiere Co., Inc., 521 E. 4th St., Bethlehem, Pennsylvania; Brassieres; 10 learners (T); October 22, 1943.

Perfection Garment Co., Inc., Charlestown, West Virginia; Ladies' & junior miss cotton wash dresses; 10 percent (T); October 22, 1943.

Perfection Garment Co., Inc., West John St., Martinsburg, West Virginia; Ladies' & junior miss cotton wash dresses; 10 percent (T); October 22, 1943.

The Red Lion Mfg. Co., 224–236 First Ave., Red Lion, Pennsylvania; Ladies' sportswear, ladies' and men's pajamas, children's dresses; 10 percent (T); October 22, 1943.

Rice-Stix Factory #25, First & South A Sts., Farmington, Missouri; Men's shirts; 10 percent (T); October 22, 1943.

Rice-Stix Factory #5, St. James, Missouri; Ladies' cotton dresses and slacks; 10 percent (T); October 22, 1943.

Rice-Stix Factory #15, Lebanon, Missouri; Overalls and jumpers, single pants and play suits; 10 percent (T); October 22, 1943.

Rice-Stix Factory #10, 10 N. Division St., Bonne Terre, Missouri; Men's and boys' shirts; 10 percent (T); October 22, 1943.

Rock Run Mills, Goshen, Indiana; Infants' wear and rainwear; 10 learners (T); October 22, 1943.

Sackman Bros. Co., 3rd St., Telford, Pennsylvania; Children's playsuits; 10 percent (T); October 22, 1943.

Shippensburg Pants Co., Inc., 24 E. Burd St., Shippensburg, Pennsylvania; Single pants; 10 percent (T); October 22, 1943.

J. H. Stern Garment Co., Seven Valleys, Pennsylvania; Children's dresses; 5 learners (T); October 22, 1943.

Stoughton Garment Mfg. Co., 20 Perry St., Stoughton, Massachusetts; Men's gabardine coats; 3 learners (T); October 22, 1943.

United Shirt & Blouse Co., Inc., 84 Center St., Shelton, Connecticut; Men's and ladies' shirts; 10 learners (T); October 22, 1943.

Glove Industry

Amsterdam Glove Corp., 96 Guy Park Ave., Amsterdam, New York; Leather dress and work gloves; 10 learners (T); October 22, 1943.

The Boss Mfg. Co., Bluffton, Ohio; Work gloves; 5 percent (T); October 22, 1943.

The Boss Mfg. Co., 1512 Fairfield Ave., Fort Wayne, Indiana; Work gloves; 5 percent (T); October 22, 1943.

The Boss Mfg. Co., 3012 S. Adams St., Peoria, Illinois; Work gloves; 5 percent (T); October 22, 1943.

The Boss Mfg. Co., 701-3-5 Broadway, Kansas City, Missouri; Work gloves; 5 percent (T); October 22, 1943.

The Boss Mfg. Co., 70 Washington St., Brooklyn, New York; Work gloves; 5 percent (T); October 22, 1943.

The Boss Mfg. Co., 901 Hawley St., Toledo, Ohio; Work gloves; 5 percent (T); October 22, 1943.

The Boss Mfg. Co., 100–116 Walnut St., Peoria, Illinois; Work gloves; 5 percent (T); October 22, 1943.

The Boss Mfg. Co., 320 Ballard St., Lebanon, Indiana; Work gloves; 5 percent (T); October 22, 1943.

The Boss Mfg. Co., 107 N. Boss St., Kewanee, Illinois; Work gloves; 5 percent (T); October 22, 1943.

The Boss Mfg. Co., 319 West Main Cross, Findlay, Ohio; Work gloves; 5 percent (T); October 22, 1943.

Leon F. Swears, 111–113 N. Perry St., Johnstown, New York; Knit wool gloves; 10 percent (T); October 22, 1943.

Hosiery Industry

Chalfont Hosiery Mills, Chalfont, Pennsylvania; Full-fashioned hosiery; 5 percent (T); October 22, 1943.

Dover Hosiery Mills, Inc., Wyoming, Delaware; Full-fashioned hosiery; 5 learners (T); October 22, 1943.

Infants Socks, Inc., 235 Superior St., Fond du Lac, Wisconsin; Seamless hosiery; 5 percent (T); October 22, 1943.

Morristown Knitting Mills, Inc., White Pine, Tennessee; Seamless hosiery; 5 percent (T); October 22, 1943.

Morristown Knitting Mills, Inc., Morristown, Tennessee; Seamless hosiery; 5 percent (T); October 22, 1943.

Peerless Mills, Inc., Anthony St., Burlington, North Carolina; Seamless hosiery; 5 learners (T); October 22, 1943.

Staley Hosiery Mill Co., Staley, North Carolina; Seamless hosiery; 4 learners (T); October 22, 1943.

Waldensian Hosiery Mills, Inc., Valdese, North Carolina; Full-fashioned and seamless hosiery; 5 percent (T); October 22, 1943.

Signed at New York, N. Y., this 20th day of October 1942.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-10608; Filed, October 21, 1942; 11:03 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5972]

JOE L. SMITH, JR.

ORDER GRANTING PETITION, ETC.

In re Application of Joe L. Smith, Jr. (WJLS); Beckley, West Virginia; for construction permit.

The Commission having under consideration the petition of WFIL Broadcasting Company for leave to intervene and to enlarge the issues in the hearing on the above-entitled application;

It is ordered, This 14th day of October, 1942, that the petition be, and the same is hereby, granted; and

It is further ordered, That hearing issues numbers two and three on the above-entitled application be, and the same are hereby, amended to read as follows:

2. To determine the extent of any interference which would result from the simultaneous operation of Station WJLS as proposed herein and Stations WCHS and WFIL.

3. To determine the areas and populations which may be expected to lose primary service particularly from Stations WCHS and WFIL, should Station WJLS operate as proposed herein and what other broadcast service is available to these areas and populations.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-10607; Filed, October 21, 1942; 10:29 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-579]

TRI-CITY UTILITIES CO. AND ASSOCIATED ELECTRIC CO.

ORDER POSTPONING HEARING AND DESIGNATING NEW TRIAL EXAMINER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 17th day of October 1942.

Associated Electric Company, a registered holding company, and Tri-City Utilities Company, a wholly-owned subsidiary thereof, having filed a declaration and application pursuant to the Public Utility Holding Company Act of 1935 with respect to the reduction by Tri-City Utilities Company of its capital stock from time to time through the purchase and retirement of its common stock at its par value, to the extent of funds which become available to Tri-City Utilities Company from the sale of properties or other assets; and

The Commission having ordered that a hearing on such matter be held on September 1, 1942, at 10 a. m., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania; and the Commission having postponed said hearing various times at the request of the Tennessee Railroad and Public Utilities Commission and certain other interested parties, the last of said postponements having been to October 20, 1942; and

The Tennessee Railroad and Public Utilities Commission having requested that the hearing in this matter be further postponed until after December 2, 1942; and applicants-declarants having objected to any further postponement, and the Commission having considered the matter, and it appearing appropriate that a postponement of the hearing should be made to November 9, 1942;

The trial examiner heretofore designated to preside at such hearing not being able to preside at the postponed hearing;

It is ordered, That the hearing in this matter, previously scheduled for October 20, 1942, be and hereby is postponed to November 9, 1942, at the same time and place as heretofore designated.

It is further ordered, That Willis E. Monty, an officer of the Commission, be, and hereby is, designated to preside at such hearing in the place and stead of, and with the same powers and duties, as the trial examiner heretofore designated to preside at such hearing.

It is further ordered, That at the outset of said hearing there be considered the question of whether any further postponements or continuances of the hearing will be appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10591; Filed, October 20, 1942; 2:57 p. m.]

[File No. 1-2285]

REORGANIZED WILSON MINING CO.

FINDINGS AND ORDER OF THE COMMISSION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of October, A. D. 1942.

In the matter of proceedings under section 19 (a) (2) of the Securities Exchange Act of 1934 to determine whether the registration of Reorganized Wilson Mining Company, Assessable Common Stock, 10¢ par value should be suspended or withdrawn.

Appearances: Arthur J. Berggren, of the San Francisco Regional Office, for the Corporation Finance Division of the Commission.

Reorganized Wilson Mining Company, a corporation organized under the laws of the State of Nevada, is the issuer of 10¢ par value, assessable common stock, which is listed and registered on the San Francisco Mining Exchange, a national securities exchange.

By order dated August 12, 1942, the Commission instituted this proceeding pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934 to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding 12 months, or to withdraw, the registration and listing of this assessable common stock. The order set forth as the issues to be determined at the hearing:

(1) Whether the registrant has failed to comply with section 13 (a) of the Act and the Commission's rules thereunder in failing to file its annual report for the fiscal year ended December 31, 1941; and

(2) If so, whether it is necessary or appropriate for the protection of investors to suspend, or to withdraw, the registration of its assessable common stock.

After appropriate notice to the registrant, the San Francisco Mining Exchange, and the public, a hearing was held before a trial examiner in San Francisco, California. The trial examiner filed an advisory report in which he found that, in contravention of section 13 (a) of the

Act and the Commission's rules thereunder, the registrant failed to file its annual report for the fiscal year ended December 31, 1941.[1] No exceptions to the trial examiner's report have been filed, and no objection to the withdrawal of listing and registration has been made either by the registrant or the San Francisco Mining Exchange. Upon an independent review of the record, we adopt the aforementioned report of the trial examiner as being in accord with the record.

We find that the registrant has failed to comply with the statute and the rules thereunder in the respects noted above and that it is necessary and appropriate for the protection of investors that the listing be withdrawn. Cf. *North European Oil Corporation*, 9 S. E. C. — (1941), Securities Exchange Act Release No. 2987.

Accordingly, it is ordered, That the listing and registration of the assessable common stock, 10¢ par value, of Reorganized Wilson Mining Company on the San Francisco Mining Exchange, a national securities exchange, be, and it hereby is, withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10592; Filed, October 20, 1942; 2:57 p. m.]

[File No. 70-613]

ASSOCIATED ELECTRIC CO., ET AL.

AMENDED NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of October 1942.

In the matter of Associated Electric Company, Metropolitan Edison Company, and Staten Island Edison Corporation.

Associated Electric Company, a registered holding company; Staten Island Edison Corporation, a subsidiary of New York State Electric & Gas Corporation and an indirect subsidiary of NY PA NJ Utilities Company, a registered holding company; and Metropolitan Edison Company, a subsidiary of NY PA NJ Utilities Company, a registered holding company, having filed declarations or applications (or both) wherein it was proposed that Associated Electric Company acquire $2,222,000 principal amount of its own 4½% bonds, due January 1, 1953, from Staten Island Edison Corporation for a cash consideration of $955,460, plus accrued interest, the consideration being determined upon the basis of 43% of principal amount; and that Associated Electric Company acquire $3,602,000 principal amount of its own 4½% bonds, refunding series, due April 1, 1956, from Metropolitan Edison Company, for a cash consideration of $1,548,860, plus accrued interest, the consideration also being determined upon the basis of 43% of principal amount; and

The Commission having on October 16, 1942, issued its Notice Regarding Filing Subject to Rule U-23, wherein notice was given that any interested person might, not later than November 5, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matters stating the reasons for such request and the nature of his interest, or might request that he be notified if the Commission should order a hearing thereon; and

Applicants-declarants having requested that the time in which interested persons might ask that a hearing be held be advanced to not later than October 30, 1942; and

The Commission, deeming it advisable that said date be advanced to October 30, 1942;

It is hereby ordered, That the Notice Regarding Filing Subject to Rule U-23, issued October 16, 1942, be and is hereby amended, so that any person interested in the applications-declarations may, not later than October 30, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At such time, or thereafter, such declarations or applications, as filed or as amended, may become effective or may be granted.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10610; Filed, October 21, 1942; 11:06 a. m.]

[File No. 70-616]

COLUMBIA GAS & ELECTRIC CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 20th day of October, 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than October 29, 1942 at 5:30 p. m. E. W. T., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application which is on file in the office of said Commission for a statement of the transactions therein proposed, which are summarized below:

Columbia Gas & Electric Corporation, a registered holding company and a subsidiary of The United Corporation, also a registered holding company, proposes to sell to Columbia Oil & Gasoline Corporation, a subsidiary of Columbia Gas & Electric Corporation, $300,000 face amount of Columbia Oil & Gasoline Corporation's Twenty-year Debentures for $312,000 plus accrued interest, such amount being the redemption price specified in the indenture securing such debentures; the debentures so acquired by Columbia Oil & Gasoline Corporation are to be tendered to City Bank Farmers Trust Company, Trustee, under the indenture, for cancellation and retirement in lieu of the semi-annual cash sinking fund payment required under the provisions of said indenture.

Section 12 (d) of the Act, and Rule U-43 of the Rules and Regulations of the Commission issued thereunder have been designated as applicable to the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10611; Filed, October 21, 1942; 11:06 a. m.]

[File No. 1-3054]

DURHAM MANUFACTURING CO.

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of October, A. D. 1942.

In the matter of Durham Manufacturing Company Common Stock, $1 Par Value.

The Durham Manufacturing Company pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated therunder, having made application to withdraw its Common Stock, $1 Par Value, from listing and registration on the Detroit Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on October 29, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10613; Filed, October 21, 1942; 11:06 a. m.]

---

[1] Under Rule X-13A-1, the registrant is required to file its annual reports not more than 120 days after the close of its fiscal year, which in this case was December 31, 1941. The Commission granted an extension of time to June 30, 1942, but no report has yet been filed. It appears that the company is in a dormant state and that there is no intention to file the report. The record also indicates that there was no trading in the stock on the San Francisco Mining Exchange in 1941, or in 1942 up to the date of the hearing.

[File Nos. 70-549, 70-551, 70-563, 70-602, 70-604]

ASSOCIATED ELECTRIC CO., ET AL.

ORDER POSTPONING DATE OF HEARING AND DESIGNATING NEW TRIAL EXAMINER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 19th day of October 1942.

In the matter of Associated Electric Company, File No. 70-549; NY PA NJ Utilities Company, File No. 70-551; Pennsylvania Electric Company, Keystone Public Service Company, Penelec Water Company, Associated Electric Company, File No. 70-563; Pennsylvania Electric Company, Bradford Electric Company, Associated Electric Company, File No. 70-602; and NY PA NJ Utilities Company, File No. 70-604.

Associated Electric Company, a registered holding company, NY PA NJ Utilities Company, a registered holding company, Pennsylvania Electric Company, Penelec Water Company, Keystone Public Service Company, and Bradford Electric Company, subsidiaries of registered holding companies, having filed declarations and applications in connection with various transactions, more fully set out in the Commission's order, dated October 1, 1942, and including the acquisition of the securities and assets of Keystone Public Service Company and of Bradford Electric Company by Associated Electric Company and Pennsylvania Electric Company from NY PA NJ Utilities Company and the acquisition of a portion of the facilities of Penelec Water Company by Pennsylvania Electric Company, and with respect to other related transactions; and

The Commission, on October 1, 1942, having ordered that a hearing on such matters be held on October 21, 1942, at 10 a. m. E. W. T., at the offices of the Securities and Exchange Commission, Philadelphia, Pennsylvania; and

The applicants-declarants having requested that such hearing be postponed; and it appearing appropriate to the Commission that said request be granted; and

The trial examiner heretofore designated to preside at such hearing not being able to preside at the postponed date;

It is ordered, That the date of the hearing in these matters be, and hereby is, postponed to October 29, 1942, at 10 a. m. E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in the room to be designated on said day by the hearing room clerk in room 318.

It is further ordered, That William W. Swift, an officer of the Commission, be, and hereby is, designated to preside at such hearing in the place and stead of, and with the same powers and duties, as the trial examiner heretofore designated to preside at such hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10612; Filed, October 21, 1942; 11:07 a. m.]

OCT 26 1942

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

LITTERA SCRIPTA MANET

FEDERAL REGISTER

VOLUME 7 NUMBER 209

Washington, Friday, October 23, 1942

Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VI—Organized Reserves

PART 64—ENLISTED RESERVE CORPS

ENLISTMENTS

Suspension of enlistments and reenlistments in the Enlisted Reserve Corps with certain exceptions.

§ 64.5 *Enlistments.* Enlistments and reenlistments in the Enlisted Reserve Corps are suspended with the following exceptions.

* * * * *

(j) (1) The enlistment in the grade of private in the Air Corps Enlisted Reserve is authorized, of students who enroll in Engineering, Science, Management, and Defense Training courses conducted in various colleges and universities in cooperation with the U. S. Office of Education. To be eligible for such enlistment the applicant must be a high school graduate with at least two years of high school mathematics. Applicants qualified for limited service are eligible.

(2) Personnel so enlisted will be deferred from active duty until the scheduled date of completion of this course; however, the time spent on an inactive status will not exceed six months except in case of a reservist whose progress and ability indicates the desirability of additional advanced training, in which case an additional period of deferment of not to exceed three months may be authorized. Upon recommendation of the Commanding General, Army Air Forces, these reservists will be ordered to active duty and sent to an Army Air Forces Replacement Training Center or Army Air Forces unit. In the event that a student leaves the school or fails to make reasonable progress, he may be ordered to active duty without delay. (39 Stat. 195; 41 Stat. 780; 44 Stat. 705; 10 U.S.C. 421, 423–427) [Memorandum No. W–150–4–42, A.G.O., October 8, 1942]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General,

[F. R. Doc. 42–10639; Filed, October 22, 1942; 9:40 a. m.]

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS

APPOINTMENT OF WARRANT OFFICERS

Section 73.301 (a) (7) is hereby amended and § 73.319 (i) is added, as follows:

§ 73.301 *Classifications.* (a) Warrant officers will be examined and appointed to classifications within the arms and service as follows:

* * * * *

(7) *Coast Artillery Corps.*

(i) *Administrative.* Clerical and supply.

(ii) *Technician specialists.* Munitions, signal communication, motor transport, and reconnaissance. (55 Stat. 651; 10 U.S.C. Sup. 593a) [Par. 4, AR 610–10, September 13, 1941, as amended by C2, September 1, 1942]

* * * * *

§ 73.319 *General scope of final examination (technical); technician specialists.* * * *

(i) *Reconnaissance. (Coast Artillery Corps).* Practical knowledge of surveying, drafting, design, and construction of simple engineering, aerial photograph interpretation, and seacoast and antiaircraft gunnery. (55 Stat. 651, 10 U.S.C. Sup. 593a) [Par. 38½, AR 610–10, September 13, 1941, as amended by C2, September 1, 1942]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–10640; Filed, October 22, 1942; 9:40 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4728]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MONTGOMERY WARD & CO.

§ 3.6 (a 10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of*

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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product or service: § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of cosmetic preparations, and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce; etc., of respondent's said cosmetic preparations, which advertisements represent, directly or through inference, (1) that any of respondent's said preparations containing vitamins A and D have any therapeutic value when applied to the skin or have any effect upon the appearance of the skin beyond the emollient, soothing, and cleansing action of ordinary cosmetic cream preparations; and (2) that the presence of vitamins A and D in respondent's cosmetic preparations gives such preparations special properties over and above those of ordinary cosmetic creams, or that the use of such creams, because of such vitamin content, will have any beneficial effect in keeping the facial skin firm and smooth or the hands soft, smooth, and white, or have any effect in relieving dryness of the skin, promoting glowing skin, or retarding the appearance of age; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Montgomery Ward & Company, Inc., Docket 4728, October 12, 1942]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.96 (a) *Using misleading name—Goods—Qualities or properties.* In connection with offer, etc., of cosmetic preparation, and among other things, as in order set forth, using the words "Tissue Cream" or any other words of similar import or meaning to designate or describe any cosmetic preparation, or representing through any other means or device, that respondent's cosmetic preparations have therapeutic value in treating or nourishing the tissues of the skin; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Montgomery Ward & Company, Inc., Docket 4728, October 12, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of October, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between counsel for the respondent herein and Richard P. Whiteley, Assistant Chief Counsel, for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondent herein, findings as to the facts and conclusions based thereon, and an order disposing of the proceedings; and the Commission having made its findings as to the facts and its conclusion that respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Montgomery Ward & Company, Inc., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of cosmetic preparations, do forthwith cease and desist from:

(1) Disseminating, or causing to be disseminated, any advertisement by means of United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference,

(a) That any of respondent's cosmetic preparations containing vitamins A and D have any therapeutic value when applied to the skin or have any effect upon the appearance of the skin beyond the emollient, soothing, and cleansing action of ordinary cosmetic cream preparations,

(b) That the presence of vitamins A and D in respondent's cosmetic preparations gives such preparations special properties over and above those of ordinary cosmetic creams, or that the use of such creams, because of such vitamin content, will have any beneficial effect in keeping the facial skin firm and smooth or the hands soft, smooth, and white, or have any effect in relieving dryness of the skin, promoting glowing skin, or retarding the appearance of age;

(2) Disseminating, or causing to be disseminated, any advertisement by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of respondent's cosmetic preparations in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph (1) hereof and the respective subdivisions thereof;

(3) The use of the words "Tissue Cream" or any other words of similar import or meaning to designate or describe any cosmetic preparation, or representing through any other means or device, that respondent's cosmetic preparations have therapeutic value in treating or nourishing the tissues of the skin.

It is further ordered, That the respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-10660; Filed, October 22, 1942; 11:10 a. m.]

[Docket No. 4089]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CHICAGO TECHNICAL COLLEGE

§ 3.6 (i) *Advertising falsely or misleadingly—Free goods or service:* § 3.6 (dd) *Advertising falsely or misleadingly—Special or limited offers:* § 3.72 (e) *Offering deceptive inducements to purchase—Free goods:* § 3.72 (g 10) *Offering deceptive inducements to purchase—Limited offers or supply.* In connection with offer, etc., in commerce, of correspondence courses of study and instruction, and among other things, as in order set forth, representing directly or by inference, (1) that any service or commodity, the cost of which is included in the purchase price of any other service or commodity, is "free", either by the use of the term stated or any other term or terms of similar import or meaning; and (2) that respondent's correspondence courses are offered to only a limited number of persons, or that the number of persons who will be enrolled for such courses is limited; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Chicago Technical College, Docket 4089, October 12, 1942]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Connections or arrangements with others:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Reputation, success or standing.* In connection with offer, etc., in commerce, of correspondence courses of study and instruction, and among other things, as in order set forth, representing directly or by inference, that respondent is a recognized or accredited school, without disclosing in immediate connection therewith, in a clear and conspicuous manner, the nature and extent of such recognition or accreditation and the application thereof to its correspondence courses; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Chicago Technical College, Docket 4089, October 12, 1942]

§ 3.6 (f) *Advertising falsely or misleadingly—Demand or business opportunities:* § 3.6 (m) *Advertising falsely or misleadingly—Jobs and employment service:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.72 (g) *Offering deceptive inducements to purchase—Job guarantee:* § 3.72 (i 5) *Offering deceptive inducements to purchase—Opportunities in product or service.* In connection with offer, etc., in commerce, of correspondence courses of study and instruction, and among other things, as in order set forth, representing directly or by inference, (1) that upon completion of respondent's correspondence courses individuals are insured or otherwise made certain of employment, promotion, or success; (2) that upon completion of its correspondence course in drafting individuals will be qualified thereby as experienced or expert draftsmen, or qualified for top-ranking drafting positions handling the more intricate or difficult drafting work; and (3) that upon completion of its correspondence course in air-conditioning and refrigeration individuals will be qualified thereby for top-ranking positions in air-conditioning and refrigeration handling the more intricate and difficult air-conditioning or refrigeration work; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Chicago Technical College, Docket 4089, October 12, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of October, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before an examiner of the Commission theretofore duly designated by it, and briefs filed herein, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Chicago Technical College, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of correspondence courses of study and instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by inference:

1. That any service or commodity, the cost of which is included in the purchase price of any other service or commodity, is "free," either by the use of the term stated or any other term or terms of similar import or meaning;
2. That respondent's correspondence courses are offered to only a limited number of persons, or that the number of persons who will be enrolled for such courses is limited;
3. That respondent is a recognized or accredited school, without disclosing in immediate connection therewith, in a clear and conspicuous manner, the nature and extent of such recognition or accreditation and the application thereof to its correspondence courses;
4. That upon completion of its correspondence courses individuals are insured or otherwise made certain of employment, promotion, or success;
5. That upon completion of respondent's correspondence course in drafting individuals will be qualified thereby as experienced or expert draftsmen, or qualified for top-ranking drafting positions handling the more intricate or difficult drafting work;
6. That upon completion of respondent's correspondence course in air-conditioning and refrigeration individuals will be qualified thereby for top-ranking positions in air-conditioning and refrigeration handling the more intricate and difficult air-conditioning or refrigeration work.

It is further ordered, That respondent shall, within sixty (60) days after the service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 10661; Filed, October 22, 1942; 11:10 a. m.]

[Docket No. 4557]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MALONE & MOLES

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., in commerce, of respondent's mechanical "Gas-Miser", or other similar device, representing that such device (1) will supercharge an automobile engine, or increase the power, speed, or pep of an automobile; (2) increases mileage, saves upkeep, or saves gasoline or oil; (3) provides easier starting or quicker pickup; (4) reduces the thinning-out process in the cylinder oil, or eliminates cylinder wash; (5) lengthens the life of an automobile engine or provides a smoother running car; (6) eliminates carbon or waste; (7) distributes gas vapors evenly to all cylinders of an automobile engine; and (8) solves motoring problems; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Malone & Moles, Docket 4557, October 12, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of October, A. D. 1942.

In the Matter of E. B. Moles, Individually and Trading Under the Name of Malone & Moles.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondent and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, E. B. Moles, individually and trading under the name Malone & Moles, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's mechanical device designated "Gas-Miser," or any other device of substantially similar construction, whether sold under the same name or under any other name, do forthwith cease and desist from representing:

1. That said device will supercharge an automobile engine, or increase the power, speed, or pep of an automobile.
2. That said device increases mileage, saves upkeep, or saves gasoline or oil.
3. That said device provides easier starting or quicker pickup.

4. That said device reduces the thinning-out process in the cylinder oil, or eliminates cylinder wash.

5. That said device lengthens the life of an automobile engine or provides a smoother running car.

6. That said device eliminates carbon or waste.

7. That said device distributes gas vapors evenly to all cylinders of an automobile engine.

8. That said device solves motoring problems.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-10662; Filed, October 22, 1942; 11:10 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Dockets Nos. A-1630 and A-1624]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING RELIEF, ETC.

Order of consolidation and order granting temporary relief and conditionally providing for final relief in the matter of the petitions of Thomas, Mullins, Steortz Coal Co. and District Board No. 3 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3.

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named parties, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters are herein consolidated.

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I and R-IV, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R-II and R-V, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto Supplement R-III and R-VI, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: September 30, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
435	Alpena Coal Company c/o A. R. Steele	Alpena #1 (S)	Sewell	Bowden, W. Va.	WM	33	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
433	Factor Coals, Inc	Factory Mine #1 (S)	Pittsburgh	Everson, W. Va.	B&O	61	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B
434	Factory Coals, Inc	Factory Mine #2 (S)	Pittsburgh	Everson, W. Va.	B&O	61	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B
1387	Home Construction Company, The	Vulcan #2 (S)	Pittsburgh	Raybert Siding, W. Va.	B&O	62	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
1382	Katherine Coal Mining Company	Katherine #31 (S)	Pittsburgh	Lumberport, W. Va.	B&O	62	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
1383	Katherine Coal Mining Company	Katherine #32 (S)	Pittsburgh	Lumberport, W. Va.	B&O	62	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
1384	Katherine Coal Mining Company	Katherine #33 (S)	Pittsburgh	Lumberport, W. Va.	B&O	62	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
1385	Katherine Coal Mining Company	Katherine #34 (S)	Pittsburgh	Lumberport, W. Va.	B&O	62	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
1386	Provins, A. A	Provins #2	Pittsburgh	Morgantown, W. Va.	Mongh	52	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
1388	Queen, Carl L	Queen #1	Redstone	Buckhannon, W. Va.	B&O	31	F	F	F	F	F	H	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
430	Thomas, Mullins, Steortz Coal Company (P. W. Thomas).	Quinn #2	Pittsburgh	Byron, W. Va.	B&O	60	G	G	G	G	G	G	G	G	G	G	(†)	(†)	(†)	(†)	(†)	(†)

(†) Indicates no classifications effective for these size groups.

§ 323.8 *Special prices* (b) *railroad fuel prices for all movements except via lakes*—Supplement R-II.

For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule. Group No. 1: 430, 433, 434, 1382, 1383, 1384, 1385, 1386 (1), 1387; Group No. 2: 1388; Group No. 5: 435.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*—Supplement R-III.

For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 430, 433, 434, 1382, 1383, 1384, 1385, 1386, 1387; Group No. 2, 1388; Group No. 5: 435.

§ 323.6 *Alphabetical list of code members*—Supplement R-IV

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
181	Frances Fuel Company	Crane	Pittsburgh	Frances Mine, W. Va.	B&O	61	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
999	Frances Fuel Company	Davis	Pittsburgh	Frances Mine, W. Va.	B&O	61	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
57	Frances Fuel Company	Frances	Pittsburgh	Frances Mine, W. Va.	B&O	61	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
185	Frances Fuel Company	Saltwell	Pittsburgh	Frances Mine, W. Va.	B&O	61	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
910	Frances Fuel Company	Shaffer	Pittsburgh	Frances Mine, W. Va.	B&O	61	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
954	Frances Fuel Company	Vincent	Pittsburgh	Frances Mine, W. Va.	B&O	61	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
639	Rosedale Coal Co	Rosedale #1-C	Pittsburgh	West Van Voorhis, W. Va.	Mongh	52	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
*639	Rosedale Coal Co	Rosedale #1-C	Pittsburgh	Maidsville, W. Va.	Mongh	River	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
1352	Rosedale Coal Co	Rosedale #1-D (S)	Pittsburgh	West Van Voorhis, W. Va.	Mongh	52	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
*1352	Rosedale Coal Co	Rosedale #1-D (S)	Pittsburgh	Maidsville, W. Va.	Mongh	River	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
166	Yoland Coal Company, c/o Yoland, R.A.	Yoland (S)	Pittsburgh	Frances Mine, W. Va.	B&O	61	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
1318	Yoland Coal Company	Yoland #2 (S)	Pittsburgh	Frances Mine, W. Va.	B&O	61	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
1361	Yoland Coal Company	Yoland #3	Pittsburgh	Frances Mine, W. Va.	B&O	61	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
1366	Yoland Coal Company	Yoland #4 (S)	Pittsburgh	Frances Mine, W. Va.	B&O	61	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)

(†) Indicates no classifications effective for these size groups.

*For River Shipments, mines with Index Nos. 639 and 1352 will take the same prices as mines with index numbers 54-100-106-113-119-121-127-130-132 shown in § 323.8(e) in Minimum Price Schedule for District No. 3.

For Ex-River Shipments, mines with Index Nos. 639 and 1352 will take the same prices as mines with index numbers 54-100-106-113-119-121-127-130-132 shown in § 323.8(f) in Minimum Price Schedule for District No. 3.

NOTE: The above prices are applicable only via the respective Freight Origin Groups, shipping points, Railroads or River Points shown for the respective mines. Freight Origin Groups, Shipping Points, Railroads or River Points previously assigned to these mines are no longer applicable.

§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements except via lakes*—Supplement R-V.

For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule. Group No. 1: 57, 166, 181, 185, 639 (1), 910, 954, 999, 1318, 1352 (1), 1361, 1366.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*—Supplement R-VI.

For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 57, 166, 181, 185, 639, 910, 954, 999, 1318, 1352, 1361, 1366.

FOR TRUCK SHIPMENTS

§ 323.33 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups: Lump over 2", egg over 2", bottom size	Lump 2", egg 2", bottom size but over 1¼"	Lump 1¼" and under, egg 1¼" and under bottom size	All nut and pea, 2" and under	Run of mine, resultant over 2"	1¼" and 2" slack ¾" slack
					1	2	3	4	5	7
Alpena Coal Company c/o A. R. Steele.	435	Alpena #1 (S)	Sewell	Randolph	253	248	248	223	223	213193
Baker, David H., Jr	1376	Baker Coal Co	Pittsburgh	Braxton	223	218	218	193	193	178168
Factory Coals, Inc	433	Factory Mine #1 (S)	Pittsburgh	Harrison	223	218	218	193	193	178168
Factory Coals, Inc	434	Factory Mine #2 (S)	Pittsburgh	Harrison	223	218	218	193	193	178168
Home Construction Company, The.	1387	Vulcan #2 (S)	Pittsburgh	Harrison	223	218	218	193	193	178168
Katherine Coal Mining Company.	1382	Katherine #31 (S)	Pittsburgh	Harrison	223	218	218	193	193	178168
Katherine Coal Mining Company.	1383	Katherine #32 (S)	Pittsburgh	Harrison	223	218	218	193	193	178168
Katherine Coal Mining Company.	1384	Katherine #33 (S)	Pittsburgh	Harrison	223	218	218	193	193	178168
Katherine Coal Mining Company.	1385	Katherine #34 (S)	Pittsburgh	Harrison	223	218	218	193	193	178168
Murray, James	1379	Murray	M. V. Freeport.	Monongalia.	225	225	225	200	200	190180
Provins, A. A	1386	Provins #2	Pittsburgh	Monongalia.	223	218	218	193	193	178168
Queen, Carl L	1388	Queen #1	Redstone	Upshur	223	218	218	193	183	178168
Riley, Roscoe	1372	Riley #4	M. V. Freeport.	Preston	225	225	25	200	200	190180
Thomas, Mullins, Steortz Coal Company (P. W. Mullins).	430	Quinn #2	Pittsburgh	Harrison	223	218	218	193	193	178168

[F. R. Doc. 42-10619; Filed, October 21, 1942; 11:52 a. m.]

[Docket Nos. A-1494 and A-1500]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING RELIEF, ETC.

Order severing Docket No. A-1500 from Docket No. A-1494 and order granting temporary relief and conditionally providing for final relief in the matter of the petitions of District Board No. 7 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 7.

On June 26, 1942, 7 F.R. 5154, an order was issued consolidating the above-entitled matters and granting temporary relief and conditionally providing that such temporary relief should become final sixty (60) days from the date thereof, unless it should be otherwise ordered. This order, *inter alia*, established temporary and conditionally final price classifications and minimum prices for the coals of the Alaska Mine (Mine Index No. 300), of the Alaska Coal Company, c/o Owen W. Cox, as requested in the petition assigned Docket No. A-1500.

On July 24, 1942, District Board No. 7 filed with the Division a motion for modification of the order granting temporary relief, alleging that at the time the price classifications and minimum prices set forth in the original petition were proposed by petitioner for coals produced at the Alaska Mine (Mine Index No. 300), no analyses of said coals were available to petitioner and it was not in possession of complete information with reference to said mine; that subsequent to June 26, 1942, the date of the Acting Director's Order granting temporary relief in this proceeding, the petitioner was informed that its original petition erroneously indicated that the Alaska Mine (Mine Index No. 300) was located in Subdistrict No. 2 (New River) of District No. 7 rather than in Subdistrict No. 1 (Greenbrier); and petitioner alleges that the coal to be produced at the Alaska Mine (Mine Index No. 300) will be similar to that produced at the Beelick Knob Mine (Mine Index No. 217), of the Standard Fire Creek Coal Company. The motion requests that the Order of the Acting Director dated June 26, 1942, be modified so as to correspond with the minimum prices and price classifications for Mine Index No. 217.

Upon the basis of the allegations of the motion, it appears that the prayer of said motion of petitioner should be granted. As the relief granted by Order of the Acting Director dated June 26, 1942, has become final, it is necessary, in order to grant said motion, that this order granting temporary relief and conditionally providing for final relief be issued.

It further appears that the above-entitled matters should be severed, that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth, that no petitions of intervention have been filed with this Division in the above-entitled matter, and that the following action is deemed necessary in order to effectuate the purposes of the Act:

Now, therefore, it is ordered, That Docket No. A-1500 be, and it hereby is, severed from Docket No. A-1494 and reopened.

It is further ordered, That pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) and § 327.34 (*General prices in cents per net ton for shipment into any market area*) are amended by deleting therefrom Subdistrict No. 2 and the minimum prices and price classifications established for the Alaska Mine (Mine Index No. 300) by Order dated June 26, 1942, and by substituting therefor Subdistrict No. 1 and the price classifications and minimum prices set forth in the schedules marked Supplement R and Supplement T annexed hereto and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the motion in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless otherwise ordered.

Dated: September 28, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin Group No.	Price classification by size group number: 1	2	3	4	5	6	7	8	9	10
300	Alaska Coal Company c/o Owen W. Cox.	Alaska	1	Fire Creek	Hawley, W. Va.	C&O-NYC	17	D	D	C	A	A	B	B	B	B	(1)

(1) When shown under a Size Group Number, this symbol indicates no classification effective for this Size Group.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*

Code member index	Mine	Mine index No.	Subdistrict No.	County	Seam	All lump ¾" or larger, all egg and stove	All nut or pea, 1¼" top size or smaller	Screened M/R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
Alaska Coal Company, c/o Owen W. Cox.	Alaska	300	1	Fayette	Fire Creek	290	250	280	215	195	190

[F. R. Doc. 42-10621; Filed, October 21, 1942; 11:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-116]

GUTHRIE'S MATTRESS CO.

Pat Guthrie and Bernard Guthrie, copartners doing business as Guthrie's Mattress Company, of Phoenix, Arizona, are engaged in the business of manufacturing mattresses.

During the months of April, May and June, 1942, Guthrie's Mattress Company used approximately 7,592 pounds of steel in the production of mattresses in excess of what it was entitled to use for that purpose under paragraph (b) (3) (ii) of General Limitation Order L-49.[1] The company contended that it did not understand Order L-49, but it knew of such order and did not take any action to inform itself concerning the meaning of the order.

After March 20, 1942, Guthrie's Mattress Company accumulated an inventory of approximately 14,620 pounds of iron and steel for use in the manufacture of mattresses, although it was permitted under Order L-49 to use only an average of approximately 2,049 pounds of steel per month in the manufacture of mattresses. This constituted an accumulation of inventories in excess of the minimum amount necessary to maintain production of mattresses at the rates permitted by Order L-49. After March 20, 1942, Guthrie's Mattress Company failed to keep and preserve accurate and complete records concerning its inventories and production.

These acts and omissions constituted willful violations of General Limitation Order L-49 which have hampered and impeded the war effort of the United States by diverting scarce material to uses not authorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered* That:

§ 1010.116 *Suspension Order S-116.* (a) Deliveries of material to Pat Guthrie and Bernard Guthrie, individually or doing business as Guthrie's Mattress Company, of Phoenix, Arizona, their successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to Pat Guthrie and Bernard Guthrie, individually or doing business as Guthrie's Mattress Company, their successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve Pat Guthrie and Bernard Guthrie, doing business as Guthrie's Mattress Company, from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or of the Director General for Operations except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on October 26, 1942, and shall expire on January 26, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10632; Filed, October 21, 1942; 2:28 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-117]

RUTKIN ELECTRICAL SALES CO.

John Rutkin, an individual doing business as the Rutkin Electrical Sales Company, in Los Angeles, California, is engaged in the business of distributing electrical supplies as a manufacturers' agent and as a wholesaler. He operates a warehouse, as defined in General Preference Order M-9-a.[1]

From February 7, 1942, to May 17, 1942, John Rutkin, doing business as Rutkin Electrical Sales Company, accepted and filled unrated wholesale orders for 52,278 feet of metal-covered copper wire or cable, having a value of $1,333.74. These acts constituted wilful violations of General Preference Order M-9-a, as amended on February 6, 1942 and May 7, 1942.

These violations of General Preference Order M-9-a have hampered and impeded the war effort of the United States by diverting scarce material to uses not authorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered,* That:

§ 1010.117 *Suspension Order S-117.* (a) Deliveries of material to John Rutkin, doing business as Rutkin Electrical Sales Company or otherwise, either as an agent or for his own account, or to his successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to John Rutkin, doing business as Rutkin Electrical Sales Company or otherwise, either as an agent or for his own account, or to his successors or assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve John Rutkin, doing business as Rutkin Electrical Sales Company or otherwise, either as an agent or for his own account, or his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or of the Director General for Operations except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on October 26, 1942, and shall expire on January 26, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended; 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E. O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10633; Filed, October 21, 1942; 2:28 p. m.]

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[1] 7 F.R. 6044, 7431, 7831, 7995.

[1] 7 F.R. 5980.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-118]

PATRICK AND MOISE-KLINKNER CO.

Patrick and Moise-Klinkner Company is a corporation located in San Francisco, California, and is engaged in the manufacture of brass marking devices and name and identification plates. Between May 7, and August 1, 1942, the company filled orders for such brass devices and plates involving the use of approximately 3,515 pounds of brass where the use of copper products or copper base alloy products was not required by any specifications of the Army or Navy of the United States, the United States Maritime Commission or the Coast Guard, applicable to any contract, sub-contract or purchase order. Some 3,000 pounds of this brass were applied to orders from shipyard companies where its use was due to a justifiable misunderstanding on the part of Patrick and Moise-Klinkner Company. The remaining 515 pounds were applied to orders from three other customers where the use of brass was not justified or excused by the circumstances and the use of brass in these orders constituted wilful violations of Conservation Order M–9–c, as amended on May 7, 1942.[1]

These violations of Conservation Order M–9–c, as amended May 7, 1942, have impeded and hampered the war effort of the United States by diverting copper and copper base alloys to uses unauthorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered*, That:

§ 1010.118 *Suspension Order S–118.* (a) Patrick and Moise-Klinkner Company, its successors and assigns, are prohibited from processing, fabricating or assembling copper, copper base alloys, copper products or copper base alloy products as defined in Conservation Order M–9–c in the manufacture of any item or article, except as specifically authorized by the Regional Compliance Chief of the San Francisco Regional Office of the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Patrick and Moise-Klinkner Company from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on October 26, 1942, and shall expire on December 26, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10634; Filed, October 21, 1942; 2:28 p. m.]

PART 3106—RATTAN

[General Conservation Order M-248]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of rattan for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3106.1 *General Conservation Order M-248*—(a) *Definitions.* For the purpose of this order:

(1) "Rattan" means the stripped stem of climbing palms, including, but not limited to, the genera Calamus, Desmoncus, Korthalsia and Daemonorops.

(2) "Weaving rattan" means the soft rattans, including, but not limited to, those known in the trade as Kubu, Sega, Loonties, and Koties, which are customarily used for splitting into cane or slab rattan but which can be used for weaving baskets and boat fenders.

(3) "Hard or semi-hard rattan" means the rattans, including, but not limited to, those known in the trade as Tohiti, Oemoloe, Padang, and Sarawak, which because of their hardness are customarily not used for weaving.

(4) "Cane" means the peel cut from the stem of rattan, processed to uniform gauge by removing the pith, and finished to uniform width.

(5) "Slab rattan" means the peel cut from the stem of rattan not processed to a uniform width and gauge.

(6) "Reed" means the core or pith of the rattan left after splitting off the cane or slab rattan.

(b) *Restrictions on sales and deliveries.* No person shall sell or deliver and no person other than an importer acting as such, shall buy or accept delivery of any weaving rattan 6 millimeters and over in diameter, or hard and semi-hard rattan 9 millimeters and over in diameter (all diameters measured at the small end), or any slab rattan 6 millimeters and over in width, except upon the following categories of orders:

(1) Orders placed by the Army, Navy or Maritime Commission of the United States, or the War Shipping Administration for use in the construction of boat fenders.

(2) Orders placed by the Defense Supplies Corporation.

(3) Orders placed by any person for use in the construction of boat fenders for the Army, Navy or Maritime Commission of the United States or the War Shipping Administration.

(4) Orders placed by any person for processing into cane for consumption for the uses specified in paragraph (c) (1) (ii) of this order.

(5) Orders specifically authorized by the Director General for Operations.

(c) *Restrictions on processing and consumption.* (1) Unless specifically authorized by the Director General for Operations, no person shall weave or incorporate as a whole into any article, or shall split or otherwise process into cane or slab rattan or otherwise, any weaving rattan 6 millimeters to 11½ millimeters in diameter, inclusive, measured at the small end, except for:

(i) Boat fenders for the Army, Navy, or Maritime Commission of the United States, or the War Shipping Administration;

(ii) Cane for welfare institutions for the physically handicapped, when specifically authorized by the Director General for Operations.

(2) Unless specifically authorized by the Director General for Operations, no person shall process or consume, in any way, any weaving rattan over 11½ millimeters in diameter, measured at the small end, except in weaving boat fenders for the Army, Navy or Maritime Commission of the United States, or in producing slab rattan for use in the construction of boat fenders for the Army, Navy or Maritime Commission of the United States or the War Shipping Administration.

(3) Unless specifically authorized by the Director General for Operations, no person shall process or consume, in any way, any hard or semi-hard rattan 9 millimeters and over in diameter, measured at the small end, except in the production of slab rattan for use in the construction of boat fenders for the Army, Navy or Maritime Commission of the United States, or the War Shipping Administration.

(4) Unless specifically authorized by the Director General for Operations, no person shall weave or incorporate into any article, in any way, any slab rattan 6 millimeters and over in width, measured at the small end, except in the construction of boat fenders for the Army, Navy or Maritime Commission of the United States, or the War Shipping Administration.

(d) *Exceptions.* The provisions of this order shall not apply to the following:

(1) Cane already produced;

(2) Rattan shorter than 9 feet in length, if cut into such length prior to the date of issuance of this order; or

(3) Reed either already produced or produced after the issuance of this order incident to the production of cane and slab rattan.

(e) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(f) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(g) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Reports.* All persons who on the date of issuance of this order, have in their possession or under their control any rattan 6 millimeters and over in diameter (measured at the small end) or any slab rattan, shall, within fifteen days after such date, file with the War Production Board a report on Form PD–692.

(i) *Appeals.* Any manufacturer affected by this order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may apply for relief by addressing a letter in triplicate to the War Production Board, Washington, D. C., Ref: M–248, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(j) *Violations and false statements.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Communications.* Reports to be filed and all other communications concerning this order shall be addressed to the War Production Board, Lumber and Lumber Products Branch, Washington, D. C., Ref: M–248.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F.R. Doc. 42-10636; Filed, October 21, 1942; 4:30 p. m.]

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[1] 7 F.R. 3424, 3660, 3745, 4205, 4480, 4535, 5344, 5902, 6162, 6866.

PART 1147—COLLAPSIBLE TUBES

[Amendment 1 to Conservation Order M–115, as Amended October 5, 1942[1]]

Subparagraph (6) of paragraph (d) of Conservation Order M–115 (§ 1147.1) is hereby amended to read as follows:

(6) Notwithstanding any other provisions of this order, gift kits or combination set boxes holding multiple units, including filled Class III or Class IV tubes, the value of which comprises not over 25 percent of the total value of the package, may be disposed of without complying with the used tube exchange provision set forth in paragraph (d) (3) hereof; provided that any such boxes are delivered or sent direct by the seller to a member of the Army or Navy of the United States or of the United States Coast Guard.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22nd day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10665; Filed, October 22, 1942; 11:41 a. m.]

PART 3116—DOUGLAS FIR LUMBER

[Limitation Order L–218]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Douglas fir lumber for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3116.1 *Limitation Order L–218*—(a) *Definitions.* For the purposes of this order:

(1) "Douglas fir lumber" means any sawed lumber (except shingles or lath) of any size or grade, whether rough, dressed on one or more sides or edges, dressed and matched, shiplapped, worked to pattern, or grooved for splines, of the species of *Pseudotsuga taxifolia,* produced from timber located west of the crest of the Cascade Mountain Range, but not including No. 3 boards, No. 3 dimension or No. 3 timbers, or any grade of factory or shop lumber, and not including plywood, veneer or used lumber.

(2) "Producer" means any plant which processes, by sawing, edging, planing or other comparable method, 25% or more of the total volume of logs and lumber purchased or received by it, and which sells as lumber the product of such processing. "Volume" means the board foot volume of lumber processed from logs, processed from other lumber or sold, as the case may be, within six months immediately prior to the transaction affected by this order.

(3) "Procuring Agency" means the Procuring Agency of the Construction Division of the Corps of Engineers of the United States Army.

(b) *General limitations.* No producer shall sell, ship or deliver (including delivery by a producer to any distribution yard of such producer) any Douglas fir lumber except that:

(1) Any producer may sell, ship or deliver (either directly or through one or more intervening persons) any Douglas fir lumber to or for the account of the Procuring Agency or to or for the account of any contractor or other person designated by such agency; but only if there is endorsed on the purchase order or contract for such lumber a statement in substantially the following form, signed by the purchaser or by a responsible official duly designated for such purpose by the purchaser:

> All Douglas fir lumber covered by this purchase order (or contract) is to be sold, shipped or delivered to, or received by, the Procuring Agency or a contractor or other person designated by such agency, as required by Limitation Order L–218, with the terms of which I am familiar.

------------------------------ Purchaser

By------------------------------ Title or rank

Date----------------

Each endorsement made under the provisions of this order shall constitute a representation to the producer and to the War Production Board that the Douglas fir lumber referred to therein will be used in accordance with such endorsement.

(2) Any Douglas fir lumber which was actually in transit on October 29, 1942, may be delivered to its ultimate destination.

(3) Any producer may sell, ship or deliver any Douglas fir lumber to any other producer.

(4) Any producer may sell, ship or deliver any Douglas fir lumber upon the specific authorization of the Director General for Operations on Form PD–423, or upon the direction of the Director General for Operations pursuant to paragraph (c) of this order.

(c) *Allocations.* The Director General for Operations may allocate specific quantities of Douglas fir lumber to specific persons. He may also direct the specific manner and quantities in which delivery shall be made to particular persons, and direct or prohibit particular uses of Douglas fir lumber, or the production by any person of particular items of Douglas fir lumber. Such allocations and directions will be made to insure the satisfaction of war requirements of the United States, both direct and indirect, and they may be made, in the discretion of the Director General for Operations, without regard to any preference ratings assigned to particular purchase orders or contracts. The Director General for Operations may also take into consideration the possible dislocation of labor and the necessity of keeping a plant in operation so that it may be able to fulfill war and essential civilian requirements.

(d) *Effect of preference ratings.* No preference rating shall have any force or effect with respect to deliveries of Douglas fir logs, or deliveries, by producers, of Douglas fir lumber.

(e) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal by addressing a letter to the Chief of the Lumber and Lumber Products Branch, War Production Board, Washington, D. C.

(f) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment, or both. In addition, the Director General for Operations may prohibit such person from making or obtaining further deliveries of, or from processing or using, material under priority control, may withhold from such person priorities assistance, and may take such other action as he deems appropriate.

(g) *Communications.* All communications concerning this order shall be addressed as follows: Lumber and Lumber Products Branch, War Production Board, Washington, D. C., Ref.: L–218.

(h) *Application of Order M–208.* After the effective date of this order, the provisions of Conservation Order M–208 shall not apply to Douglas fir lumber sold, shipped or delivered by producers in accordance with the provisions of this order.

(i) *Effective date.* This order shall take effect October 29, 1942.

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[1] 7 F.R. 7898.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22nd day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10664; Filed, October 22, 1942; 11:41 a. m.]

Chapter XI—Office of Price Administration

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5D]

GASOLINE RATIONING REGULATIONS FOR THE PANAMA CANAL ZONE

Pursuant to the authority vested in the Price Administrator by Directive No. 1 of the War Production Board, issued January 24, 1942, and by Supplementary Directive No. 1-L, issued September 10, 1942, *It is hereby ordered,* That:

Sec.
1394.9001 Definitions.
1394.9002 Scope of restrictions.
1394.9003 Personnel.
1394.9004 Authority of Chief, License Bureau, for issuance of rations.
1394.9005 Records of applications.
1394.9006 Persons entitled to basic rations.
1394.9007 Basic ration books.
1394.9008 Application for and issuance of basic rations.
1394.9009 Supplemental rations.
1394.9010 Application for supplemental ration.
1394.9011 Allowance of mileage.
1394.9012 Issuance of supplemental rations.
1394.9013 Rations for commercial motor vehicles.
1394.9014 Persons entitled to non-highway rations.
1394.9015 Non-highway ration books.
1394.9016 Application for non-highway ration.
1394.9017 Issuance of non-highway rations.
1394.9018 Issuance of rations to contractors.
1394.9019 Acknowledgments of delivery.
1394.9020 Restrictions as to issuance and use.
1394.9021 Rations not transferable.
1394.9022 Change of occupation of holder of Class B ration.
1394.9023 Restrictions on consumption of gasoline.
1394.9024 Renewal of rations.
1394.9025 Issuance of further ration for use prior to expiration date of current ration.
1394.9026 Special cases.
1394.9027 General provisions.
1394.9028 Appearances before Chief, License Bureau.
1394.9029 Presentation of registration card.
1394.9030 Notation on registration cards.
1394.9031 Presentation of new motor vehicle registration receipts.
1394.9032 Notation on ration books and application.
1394.9033 Change in motor vehicle registration number.
1394.9034 Lost or destroyed coupon books.
1394.9035 Signature on coupon books.
1394.9036 Surrender of expired coupons.
1394.9037 Expiration of rations.
1394.9038 Expiration of rations upon cessation of use or change in ownership.
Sec.
1394.9039 Expiration of ration upon termination of employment.
1394.9040 Denial of gasoline rations.
1394.9041 Suspension and revocation of rations.
1394.9042 Review by Chief, License Bureau, of applications for gasoline ration.
1394.9043 Restriction on transfer to consumers.
1394.9044 Transfers to consumers.
1394.9045 Transfers to consumers in exchange for coupons.
1394.9046 Transfers in exchange for acknowledgment of delivery.
1394.9047 Transfers from fuel tank to fuel tank of vehicles and boats forbidden.
1394.9048 Preservation of coupons and certificates; reports.
1394.9049 Invalidity of Class A coupons after expiration of validity.
1394.9050 Adjustments and appeals.
1394.9051 Criminal prosecutions.
1394.9052 Suspension orders.
1394.9053 Denial of materials.
1394.9054 Effective date.

AUTHORITY: §§ 1394.9001 to 1394.9054, inclusive, issued under Pub. Law 671, 76th Cong.; Pub. Laws 69, 421, 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1-L; 7 F.R. 562, 7200, 7281.

§ 1394.9001 *Definitions.* (a) When used in these regulations:

(1) "Board" means the Canal Zone Gasoline Rationing Board;

(2) "Bulk transfer" means any transfer of gasoline other than into the fuel tank of a registered motor vehicle;

(3) "Chief, License Bureau" means the Chief, License Bureau, The Panama Canal.

(4) "Consumer" means any person acquiring gasoline for use, including use as a component part of any manufactured article, material, or compound other than gasoline; the term includes dealers and distributors to the extent that they use gasoline, or acquire gasoline for use rather than for transfer;

(5) "Dealer" means any person, firm, or agency, including distributor and Government agencies, operating a service station, filling station, garage, store, or other place of business at which gasoline is regularly transferred directly to consumers;

(6) "Evidence" means a token authorized by these regulations to represent a right to receive a transfer of gasoline; the term shall include coupons, certificates of authority to acquire gasoline, and acknowledgments of delivery;

(7) "Gasoline" means any liquid fuel used for the propulsion of motor vehicles, aircraft, or motor boats by means of internal combustion engines, except liquid fuel with an octane rating of 86 or more, and except Diesel fuel, kerosene, benzene, benzol and naphtha;

(8) "Inboard motorboat" means any self-propelled water craft the motive power for which is furnished by a gasoline-operated internal combustion engine other than an outboard motor;

(9) "Motorcycle" means any motor vehicle designed for operation on three wheels or less, but does not include tractors;

(10) "Motor vehicle" means any rubber-borne, self-propelled conveyance the motive power for which is furnished by a gasoline-operated internal combustion engine;

(11) "Non-highway use" means any use of gasoline other than for the propulsion of a registered motor vehicle;

(12) "Occupation" means business; gainful work; or any work regularly performed by a person which contributes to the war effort or to the public welfare; and includes the pursuit of a regular and recognized course of study;

(13) "Occupational mileage" means mileage driven by a person in carrying on his occupation or to and from a place where such occupation is carried on by him;

(14) "Passenger automobile" means any motor vehicle other than a motorcycle, built primarily for the purpose of transporting passengers and having a rated seating capacity of seven or less; and also includes station wagons and suburban carryalls, irrespective of seating capacity;

(15) "Person" means any individual, partnership, corporation, association, government or government agency, or any other organized group or enterprise;

(16) "Ration," as the context requires, means either a right to acquire and use gasoline, evidenced by coupons or certificates of authority issued by the Chief, License Bureau, on the basis of an application, or the amount of gasoline acquired in exchange for such evidences;

(17) "Ration book" means any gasoline coupon book issued pursuant to these regulations;

(18) "Registered," as applied to a motor vehicle, means that such motor vehicle is duly licensed for general operation on public roads or highways;

(19) "Transfer" means to sell, give, exchange, lease, lend, deliver, supply or furnish, and includes the acquisition of title by will, inheritance, foreclosure or legal process; it also includes the use by any dealer or distributor of any gasoline held by him; but does not include the creation of a security interest or security title, involving no change of possession; delivery to a carrier for shipment, or by a carrier in completion of shipment, shall not be deemed to be a transfer to or by such carrier;

(20) "Unit" means the value, in gallons of gasoline, assigned to a coupon contained in a ration book, by these regulations. The value of a unit with respect to the class of the coupon, with respect to the type of motor vehicle or type of gasoline use for which such coupon is issued, or with respect to the area in which or time when the transfer of gasoline is made, may be changed from time to time by amending these regulations. Until changed by amendment of these regulations the value of the coupons in the ration books of the respective classes shall be as follows:

Class A books—4 gallons
Class B books—4 gallons
Class E books—2 gallons

(b) Where the context so requires, words in the singular shall include the plural, words in the plural shall include the singular, and the masculine gender shall include the feminine and neuter.

§ 1394.9002 *Scope of restrictions.* Nothing in these regulations shall be construed to limit the quantity of gasoline which may be acquired by any agency of the United States Government for official use or for use and consumption by vessels authorized to acquire gasoline at Canal Zone ports.

§ 1394.9003 *Personnel.* (a) These regulations shall be administered by the Governor of the Panama Canal through the Canal Zone Gasoline Rationing Board, the Chief, License Bureau, and such other administrative personnel as the Governor may select.

(b) The Canal Zone Gasoline Rationing Board shall consist of one representative each of the Army, Navy, and The Panama Canal, to be appointed by the Governor of The Panama Canal, and shall act in an advisory capacity in such matters pertaining to the gasoline rationing program as may be referred to it by the Governor or other rationing authority, and shall decide upon any appeals from decisions of the Chief, License Bureau.

§ 1394.9004 *Authority of Chief, License Bureau, for issuance of rations.* The Chief, License Bureau, under such instructions as may be issued by the Governor of The Panama Canal, shall have general authority for administering the regulations governing the issuance of rations in the Canal Zone.

§ 1394.9005 *Records of applications.* The Chief, License Bureau, shall maintain a file of all applications for gasoline rations received by him.

§ 1394.9006 *Persons entitled to basic rations.* The owner or the person who is entitled to the use of a registered passenger automobile or a registered motorcycle and who is otherwise authorized to purchase gasoline in the Canal Zone under Article III of the 1936 Treaty between the United States and the Republic of Panama, may obtain a basic ration, for use with such automobile or motorcycle during the period from October 1, 1942, to September 30, 1943, inclusive.

§ 1394.9007 *Basic ration books.* (a) Class A coupon books and Class E coupon books marked "Basic" shall be issued as basic rations.

Class A books shall be issued for passenger automobiles and Class E books for motorcycles. Class A Basic ration books shall contain forty-eight (48) coupons, and Class E Basic ration books thirty-six (36) coupons, each having a value of one unit. Coupons contained in Class A books shall be valid for the transfer of gasoline to a consumer only during the two month's period indicated on the coupons.

(b) Coupons in Basic Class E books shall be valid for transfer of gasoline to a consumer at any time during October 1, 1942, to September 30, 1943, inclusive.

§ 1394.9008 *Application for and issuance of basic rations.* (a) Application for a basic ration book shall be made on the prescribed form to the Chief, License Bureau, by the owner or the person entitled to the use of the vehicle or by the authorized agent of either. A separate application shall be made for each passenger automobile or motorcycle for which a basic ration is sought.

(b) Pursuant to such application, a basic ration shall be issued immediately by the Chief, License Bureau, who shall remove from any Class A book issued subsequent to October 1, 1942, all expired coupons and one currently valid coupon for each full eight days which have elapsed in the valid period during which such book is issued.

(c) No more than one basic ration may be issued for a vehicle except as provided in § 1394.9038 and no person may obtain more than one basic ration for the same vehicle, during the period from October 1, 1942, to September 30, 1943.

§ 1394.9009 *Supplemental rations.* (a) Class B coupon books and Class E coupon books marked "Supplemental" shall be issued by the Chief, License Bureau, as supplemental rations to an owner or person entitled to the use of a registered passenger automobile or registered motorcycle, respectively, to provide for occupational mileage driven in such vehicle by anyone, to the extent that such mileage is allowable pursuant to § 1394.9011.

(b) When issued as a supplemental ration, Class B and E books shall contain the number of coupons necessary to provide the mileage allowed by the Chief, License Bureau. Each coupon shall have a value of one unit. Coupons contained in such books shall authorize the transfer of gasoline to consumers only during the valid period of such books noted thereon by the Chief, License Bureau. Supplemental rations and books shall be valid for a period of one year commencing on the date of issuance.

(c) Applicants for supplemental rations are deemed to have available 150 miles per month of occupational driving by using the basic ration to which they are entitled; and supplemental rations may be issued to provide only occupational mileage allowed by Chief, License Bureau, in excess of 150 miles per month. However, no deduction for such 150 miles shall be made by the applicant in stating his required occupational mileage.

§ 1394.9010 *Application for supplemental ration.* (a) Application for a supplemental ration may be made to Chief, License Bureau, by the owner of or a person entitled to the use of a registered passenger automobile or registered motorcycle. A separate application shall be made for each vehicle. Application on behalf of an individual may not be made by an agent. In the event that two or more passenger automobiles for which supplemental rations are desired are owned by persons living in the same household and related to each other by blood, marriage, or adoption, all applications for supplemental rations for such vehicles shall, except for good cause shown, be submitted at the same time.

(b) An applicant shall establish the average monthly occupational mileage required for each of the following purposes:

(1) Driving between home and a fixed place of work in connection with the principal occupation of the applicant or principal user of the vehicle;

(2) Driving in the course of such principal occupation;

(3) Driving to and from or in the course of any other occupation or occupations for which the vehicle is used.

(c) Where two or more vehicles are used in a ride-sharing arrangement of the type described in paragraph (a) of § 1394.9011, a separate application for a supplemental ration shall be made for each such vehicle, but all such applications must, except for good cause shown, be submitted at the same time. Each such application shall include only the mileage driven in the vehicle for which it is made.

§ 1394.9011 *Allowance of mileage.* (a) No occupational mileage shall be allowed for any purpose specified in paragraph (b) of § 1394.9010 unless the applicant establishes, in connection with the use of the vehicle for that purpose, either:

(1) That a bona fide ride-sharing arrangement has been made pursuant to which at least four persons (including the operator) will regularly be carried in the vehicle for the purpose of going to and from or carrying on their occupations: *Provided,* That each person must certify to his participation in the ride-sharing arrangement by signing the application; or

(2) That no such ride-sharing arrangement could reasonably be made but that the vehicle carries as many persons as could reasonably be expected in the light of the circumstances in which and the purpose for which it is used; that transportation is needed for such purpose; and that no alternative means of transportation are available which would be reasonably adequate for such purpose.

(i) An applicant may establish that four or more persons cannot regularly be carried in the vehicle for which application is made by showing: the limited capacity of the vehicle; the absence of a fixed place of work; the necessity of traveling at unusual or irregular hours; the necessity of traveling over routes not feasible for other persons who might be carried; or such other reasons as the Chief, License Bureau, may find sufficient.

(ii) An applicant may establish the lack of reasonably adequate alternative means of transportation by showing the unavailability of other public or private means of transportation; or by showing that such alternative means, if available, are inadequate by reason of location, schedules, or overcrowded condition, by reason of physical disability of the person needing transportation, by reason of the nature of the work for which transportation is needed, or for such other reasons as the Chief, License Bureau, may find sufficient.

(b) Upon the basis of the application and such other facts as the Chief, License Bureau, may require, mileage shall be allowed for any of the purposes listed in paragraph (b) of § 1394.9010 for which applicant has applied, with respect to which the applicant has established the facts required by paragraph (a) hereof.

The Chief, License Bureau, shall allow only that portion of the claimed mileage (in the absence of a ride-sharing arrangement) with respect to which the applicant has established the inadequacy of alternative means of transportation (in accordance with paragraph (a) (2) (ii) of this section). The Chief, License Bureau, shall then determine the total average occupational mileage per month required by the applicant and allowed by him for the period of one year specified in paragraph (b) of § 1394.9010 and shall issue a supplemental ration, in accordance with the provisions of § 1394.9012, to provide such mileage.

(c) The Chief, License Bureau, shall deduct from the mileage he allows for a passenger automobile in accordance with paragraph (b), above, 150 miles per month for each additional passenger automobile owned by the applicant or by any person living in his household and related to him by blood, marriage or adoption, if the Chief, License Bureau, finds that such automobile is available to and adequate for the use of the applicant for the purpose for which the supplemental ration is sought. No such automobile shall be deemed available to the applicant if it is used, to a substantial extent, for an occupational purpose of another person; nor shall such automobile be deemed available to the applicant during the effective period of a supplemental ration issued to another person whose mileage allowance was reduced on account of such automobile.

§ 1394.9012 *Issuance of supplemental rations.* (a) Supplemental rations shall be issued by the Chief, License Bureau, to provide the total mileage allowed in accordance with § 1394.9011.

(1) In the case of a passenger automobile the Chief, License Bureau, shall issue one or more Class B books, or E books in the case of a motorcycle, bearing expiration dates one year from the date of issuance, and containing the number of coupons allowable.

(b) The Chief, License Bureau, shall remove and destroy all coupons in Class B books in excess of the number to be issued hereunder.

(c) For the purpose of paragraph (a) of this section, a passenger automobile is conclusively presumed to operate fifteen (15) miles, and a motorcycle forty (40) miles, per gallon of gasoline.

§ 1394.9013 *Rations for commercial motor vehicles.* (a) The Chief, License Bureau, shall issue Class B coupons, or a certificate of authority to acquire gasoline which shall authorize the acquisition of gasoline upon the signing of an acknowledgment of delivery, to the owner or the person who is entitled to the use of a registered motor vehicle which is licensed or used for commercial purposes, provided such person is authorized to purchase gasoline in the Canal Zone under Article III of the 1936 Treaty between the United States and the Republic of Panama.

(b) Application for commercial ration shall be made to the Chief, License Bureau, on the prescribed form and shall establish the average monthly mileage required, and the purpose for which the vehicle is used.

(c) An application for rations for a commercial motor vehicle operated under contract or agreement with The Panama Canal shall be referred to the Chief Quartermaster of The Panama Canal who shall determine the quantity of gasoline to be authorized for such motor vehicle.

§ 1394.9014 *Persons entitled to non-highway rations.* Any person who requires gasoline for a non-highway purpose may obtain a non-highway ration authorizing the acquisition of the quantity of gasoline required for such purpose, except as provided in paragraph (b) of § 1394.9017. Non-highway rations shall be issued for one year periods.

§ 1394.9015 *Non-highway ration books.* (a) Class E coupon books shall be issued as non-highway rations. Coupons in Class E books shall each have a value of one unit, and shall be valid for the transfer of gasoline to a non-highway consumer during the one-year period noted on such books by the Chief, License Bureau.

(b) The Chief, License Bureau, shall issue a certificate of authority to acquire gasoline in lieu of Class E coupon books to owners of non-highway equipment who require gasoline in excess of twenty-four (24) gallons a month, which authority shall authorize the acquisition of gasoline upon the signing of an acknowledgment of delivery.

(c) An application for a ration for non-highway equipment used in connection with carrying out a contract or agreement with The Panama Canal shall be referred to the Chief Quartermaster of The Panama Canal who shall determine the quantity of gasoline to be authorized for such non-highway equipment.

§ 1394.9016 *Application for non-highway ration.* (a) Applications for non-highway rations may be made on the prescribed form. Application may be made by an agent.

(b) The applicant shall state the quantity of gasoline needed for the year following the date on which such ration is required, and the non-highway purpose or purposes for which such gasoline is needed.

§ 1394.9017 *Issuance of non-highway rations.* (a) The Chief, License Bureau, shall determine the quantity of gasoline required for one year referred to in paragraph (b) of § 1394.9016, and, subject to the provisions of paragraph (b) of this section, shall issue to the applicant one or more Class E books containing a sufficient number of coupons to enable the applicant to acquire the quantity of gasoline so determined to be necessary for such period. The Chief, License Bureau, shall remove from the book and destroy any coupons in excess of the number allotted.

(b) If application is made for a non-highway ration for use with a motorboat or outboard motor operated wholly or in part for a non-occupational purpose, the Chief, License Bureau, shall not allow for the non-occupational purpose a quantity of gasoline in excess of the number of gallons determined by the following formulae:

(1) In the case of an inboard motorboat, the number of gallons equal to eight times the manufacturer's rated horsepower of the motor or motors but in any event not more than five hundred (500) gallons in a period of one year;

(2) In the case of an outboard motor, the number of gallons equal to 10 times the manufacturer's rated horsepower of such motor, but not in excess of eighty (80) gallons in a period of one year.

(c) Except as provided in paragraph (a) of § 1394.9038, no more than one non-occupational ration may be issued for an inboard motorboat or an outboard motor during any year.

§ 1394.9018 *Issuance of rations to contractors.* (a) A contractor under contract with the United States Government or its agencies shall be authorized to acquire gasoline in bulk solely for use on the contract work. No gasoline issued to a contractor under this section shall be consumed in a motor vehicle licensed for personal use.

(b) Application for a bulk ration shall be made by a contractor to the Chief, License Bureau, on the prescribed form and shall indicate the minimum quantity of gasoline in gallons required on the contract operations each month, and shall be referred to the contracting agency which will determine the quantity of gasoline allowed. The Chief, License Bureau, shall issue a certificate of authority for the purchase of the quantity of gasoline allowed.

(c) The contractor shall submit a report to the Chief, License Bureau, within 10 days after the close of each month showing the quantity of gasoline on hand at the beginning of the month, the quantity purchased during the month, the source of gasoline purchased, a list of vehicles in which the gasoline was consumed, and the quantity on hand at the close of the month.

(d) The Chief, License Bureau, may at any time change the quantity of gasoline authorized to be acquired by a contractor when in his opinion such change is necessary.

§ 1394.9019 *Acknowledgments of delivery.* The Chief, License Bureau, shall provide an Acknowledgment of Delivery form to be used for the acquisition of gasoline by or on behalf of any agencies of the United States Government which distribute gasoline for other than official use and to be signed by contractors or other persons authorized to acquire gasoline pursuant to a certificate of authority. Any such acknowledgment form bearing the signature of an authorized officer, agent, or employee of any of such agencies, contractors or other persons, shall be valid as an authorization of transfer of gasoline by any person to whom it is presented, to the extent of the gallonage thereon stated. In the event that an acknowledgment form should not be available, gasoline may be acquired by or on behalf of any such agencies or contractor in exchange for a temporary receipt, in any form, if such temporary receipt supplies the information required by the acknowledgment form and is signed by an authorized officer, agent or employee of such agencies or contractor; such temporary receipt shall show the address of the agency on behalf of which such receipt was issued.

§ 1394.9020 *Restrictions as to issuance and use.* (a) Rations shall be issued only to persons authorized to purchase gasoline in the Canal Zone.

(b) No person to whom a ration has been issued may use or permit the use of such ration for any purpose other than the one for which it was issued.

§ 1394.9021 *Rations not transferable.* No ration may be transferred or assigned; such ration, may, however, subject to the provisions of § 1394.9023, be used by anyone entitled to use the vehicle, boat or equipment for which it was issued, if such use is for a purpose for which such ration may be obtained and so long as there is no change in ownership of such vehicle, boat or equipment.

§ 1394.9022 *Change of occupation of holder of Class B ration.* The holder of a Class B ration shall report to the Chief, License Bureau, any change in his residence or principal occupation on the basis of which such ration was issued. If such change of residence or principal occupation appears to affect the quantity of gasoline required for the purpose for which the Class B ration was issued, the Chief, License Bureau, shall notify the holder, in writing, that his right to such ration is to be reexamined. Such notice shall be mailed to the holder of the Class B ration at the address shown on his application or report and shall require him to file a new application for a ration within five days after the mailing date of the notice. If no new application is filed within such time, the Chief, License Bureau, shall revoke such ration and recall all Class B books or coupons issued in connection therewith. If a new application is filed and if the Chief, License Bureau, determines that the change in occupation or residence will not work a substantial change in the amount of the supplemental ration to which the holder will be entitled, he shall take no further action. If the Chief, License Bureau, finds that the change in residence or occupation will result in a substantial change in the amount of the supplemental ration to which the holder is entitled he shall revoke the ration and recall the coupon books originally issued and shall issue in lieu thereof, such ration (if any) as he shall determine that the holder is entitled to receive on the basis of his new application in accordance with the provisions of § 1394.9012.

§ 1394.9023 *Restrictions on consumption of gasoline.* (a) Except as provided in § 1394.9021, no person shall consume gasoline unless such gasoline was acquired by him or on his behalf in exchange for valid coupons or other evidence; *Provided,* That:

(1) Any consumer may use for non-highway purposes (other than non-occupational boat operations) gasoline owned by him and in his possession prior to the effective date of these regulations;

(2) Any consumer may use gasoline owned by him and in his possession prior to the effective date of these regulations, for the operation of a registered motor vehicle, or for non-occupational boat operation if, at the time of transfer of such gasoline into the fuel tank of such vehicle or boat, he destroys currently valid coupons issued therefor equal in value to the number of gallons of gasoline so transferred: *Provided,* That gasoline placed in the fuel supply tank of such vehicle or boat prior to the effective date of these regulations, may be used therein without restriction.

(b) The provisions of this section shall not be applicable to the consumption of gasoline by any agency of the United States Government, or to the consumption by any one of gasoline brought into the Canal Zone in the fuel supply tank of a vehicle, boat or equipment.

§ 1394.9024 *Renewal of rations.* (a) Rations shall expire as provided in §§ 1394.9027 (b), 1394.9037, 1394.9038, and 1394.9039. At any time within thirty (30) days prior to the expiration of any ration, or at any time thereafter, application for a further ration may be made. Such application shall be made in the same manner as the original application, except as provided in paragraph (b) of this section.

(b) If there have been no substantial changes since the date of the original application, in the applicant's gasoline needs, or in the nature, quantity and conditions of use of the motor vehicle for which the original ration was issued, and if such original application accurately calculated the applicant's requirements, application for a further ration may be made by executing a renewal application form. The applicant shall in such case, note on such renewal application any changes in the nature or quantity of his use since the date of the original application.

(c) When issuing a further ration prior to the expiration date of a current ration of the same class, the Chief, License Bureau, shall note on the application and on the front cover of the coupon book (if any) representing such further ration the date on which such further ration shall become valid. Such date shall be the day following the expiration date of the current ration.

(d) Except as provided in §§ 1394.9025 and 1394.9026, no further ration of any class may be issued for use prior to (or may be used prior to) the expiration of the current ration of such class.

§ 1394.9025 *Issuance of further ration for use prior to expiration date of current ration.* (a) Any person who finds that, due to a change in occupation or in the location of place of business or residence, or other change in circumstances, or due to variation in the amount of occupational mileage needed, or miscalculation of needs, a ration of any class (other than a basic ration) issued to him fails to meet his requirements, may apply for a further ration of such class for use prior to the expiration date of his current ration. Such application shall be made in the same manner as the application for the current ration.

(b) The applicant shall append to the application a statement showing:

(1) That the current ration is insufficient to meet his needs for more than thirty (30) days from the date of the application;

(2) The reason or reasons why a further ration will be needed for use prior to the expiration date of the current ration.

(c). If the Chief, License Bureau, determines that, for one or more of the reasons specified in paragraph (a) of this section, more mileage is needed or, in the case of a non-highway ration, more gasoline is required, than that stated in the application on the basis of which the current ration was issued, he may grant a further ration in accordance with the provisions of paragraph (b) of § 1394.9027.

§ 1394.9026 *Special cases.* (a) Any person to whom a supplemental ration has been issued, who finds that the vehicle or vehicles for which such ration was granted cannot be operated for fifteen (15) miles (or, in the case of a motorcycle, for forty (40) miles) or more on a gallon of gasoline, may apply for a further ration for use prior to the expiration of such current ration.

(b) Such application shall be made in the same manner as the application for the current ration.

(c) The applicant shall append to the application a statement showing:

(1) That the current ration is insufficient to meet his needs for more than thirty (30) days from the date of the application;

(2) The nature of the use of the vehicle or vehicles for which the further ration is sought and the driving conditions under which such vehicle or vehicles are operated;

(3) The reason or reasons why a further ration is sought for use prior to the expiration of the current ration;

(4) That the vehicle or vehicles for which the application is made are in sound mechanical condition and are being operated in such a maner as to secure maximum economy of gasoline.

(d) If the Chief, License Bureau, determines that the vehicle or vehicles for which application is made are being operated in such fashion as to obtain the maximum mileage per gallon of gasoline reasonably possible, he may grant a further ration in accordance with the provisions of paragraph (b) of § 1394.9027.

§ 1394.9027 *General provisions.* (a) All of the provisions of these regulations applicable to the issuance of an original ration shall apply to the issuance of a further ration pursuant to §§ 1394.9024, 1394.9025, and 1394.9026, except as otherwise expressly provided in these sections.

(b) When granting a further ration for use prior to the original expiration date of a current ration, pursuant to the provisions of § 1394.9025 or § 1394.9026, the Chief, License Bureau, shall redetermine the expiration date of such current ration. Such redetermination shall be based on his estimate of the date on which such current ration will be exhausted. The Chief, License Bureau, shall thereupon note such redetermined expiration date on the application for such current ration and on the coupon books issued therefor. The redetermined date shall be deemed the expiration date of such current ration for all purposes of these regulations. The further ration shall then be issued in accordance with the provisions of paragraph (c) of § 1394.9024.

§ 1394.9028 *Appearances before Chief, License Bureau.* The Chief, License Bureau, may require any applicant for a ration to appear before him for examination and to produce such witnesses or evidence as he may deem material.

§ 1394.9029 *Presentation of registration card.* No gasoline ration shall be issued to a person who resides in the Republic of Panama for any motor vehicle unless the Republic of Panama registration receipt authorizing the operation of such vehicle during all or part of the period for which such ration is to be issued is presented to the Chief, License Bureau.

§ 1394.9030 *Notation on registration cards.* (a) At the time of issuing a gasoline ration for a motor vehicle registered in the name of a person who resides in the Republic of Panama, the person issuing such ration shall make a clear notation in ink, indelible pencil or by typewriter, on the back of the motor vehicle registration receipt issued in the Republic of Panama presented by the applicant, showing the date of issuance, the class of ration and the serial number of the ration book issued.

(b) The Chief, License Bureau, shall make a record on the file copy of the license registration of all ration books issued for motor vehicles.

§ 1394.9031 *Presentation of new motor vehicle registration receipts.* Persons who reside in the Republic of Panama who have been issued ration books under these regulations, upon being issued a new motor vehicle registration receipt, shall within ten (10) days from the date of issuance thereof, present the new receipt to the Chief, License Bureau. The Chief, License Bureau, shall record thereon the record of the issuance of the ration book issued in the manner prescribed in § 1394.9030.

§ 1394.9032 *Notation on ration books and application.* (a) At the time of issuance of any ration book for a registered motor vehicle, the Chief, License Bureau, shall make a clear notation on the cover thereof, in ink, indelible pencil, or by typewriter, of the registration number of the vehicle for which it is issued and of the name and address of the registered owner of such vehicle. The Chief, License Bureau, shall also make a notation on the cover of such book and on the application therefor, of the date on which it becomes valid and of its expiration date.

(b) At the time of issuance of a nonhighway ration book, the Chief, License Bureau, shall make a clear notation on such book in ink, indelible pencil, or by typewriter, of the name and address of the applicant and of the period during which such book shall be valid. Such period shall also be noted on the application.

§ 1394.9033 *Change in motor vehicle registration number.* (a) The holder of a ration book issued for a registered motor vehicle shall, upon any change in the registration number of such vehicle, submit such ration book to the Chief, License Bureau, at the time of issuance of the new registration number for the purpose of having the notation thereon changed to correspond to the new registration number. The Chief, License Bureau, upon presentation of such book shall obliterate the registration number appearing thereon and note thereon, in ink, indelible pencil, or by typewriter, the new registration number issued for such vehicle. Such notation shall be countersigned or initialed by the Chief, License Bureau.

(b) Nothing in this section shall be construed to authorize the continued use of a ration book after a change in ownership of the vehicle for which it was issued.

(c) Any alteration on the face or cover of any ration book, unless made and countersigned by a person authorized to do so under these regulations, shall render such book, and the coupons therein, invalid.

§ 1394.9034 *Lost or destroyed coupon books.* (a) In the event of the accidental loss, destruction, or mutilation of any coupon book, the holder thereof may apply to the Chief, License Bureau, for replacement thereof.

(b) Such application shall be made on the prescribed form, under oath or affirmation, and shall set forth:

(1) The name and address of the applicant;

(2) The class, date and place of issuance and expiration date of such book;

(3) A description of the motor vehicle, boat, equipment, or process for which the book was issued;

(4) A statement of the number and type of unused coupons so lost, destroyed, or mutilated;

(5) A description of the manner and circumstances of the loss, destruction or mutilation.

(c) If the Chief, License Bureau, is satisfied that such book has been lost or destroyed, or so damaged or mutilated as to be rendered unfit for use, the Chief, License Bureau, shall issue a duplicate book of the same class containing the same quantity of coupons as those sought to be replaced, and shall clearly note on the cover of any duplicate book issued the same expiration date, if any, that appeared on the original book.

(d) No person receiving a duplicate book under paragraph (c) hereof shall use, attempt to use, or permit the use of the original book or coupons, but shall surrender such original book or coupons, if damaged or mutilated, to the Chief, License Bureau, at the time of issuance of the duplicate book; in the event that a lost book or lost coupons are found after duplicates have been issued, such original book or coupons shall be surrendered to the Chief, License Bureau, forthwith.

§ 1394.9035 *Signature on coupon book.* No coupon book shall be valid until the person to whom such book is issued has signed the certification provided for therein.

§ 1394.9036 *Surrender of expired coupons.* (a) No ration may be used and no coupon book shall be valid for the transfer of gasoline to a consumer after the expiration thereof.

(b) The person to whom a ration has been issued shall, within five (5) days after the expiration thereof, surrender to the Chief, License Bureau, all expired coupon books and all unused coupons representing such ration.

§ 1394.9037 *Expiration of rations.* All basic rations shall expire at midnight, September 30, 1943. All other rations shall expire at midnight of the date noted on the application therefor or on the coupon books issued therefor.

§ 1394.9038 *Expiration of rations upon cessation of use or change in ownership.* (a) Upon cessation of use or change of ownership of any vehicle, boat or equipment, any ration issued for such vehicle, boat or equipment shall expire and all unused coupons and books issued therefor shall, within five (5) days after such cessation or change, be surrendered to the Chief, License Bureau, by the person to whom such ration was issued. The transferee of such vehicle, boat or equipment shall be required to apply for a gasoline ration therefor on his own behalf, in accordance with the applicable provisions of these regulations: *Provided,* That such transferee may not obtain a ration unless a bona fide transfer is involved.

(b) In the case of the transfer of ownership of a registered motor vehicle for which a ration book has been issued, the Chief, License Bureau, shall refuse to transfer the vehicle license until the ration book has been surrendered.

(c) Upon cessation of use of a ration (other than a basic ration) for a purpose for which such ration may be obtained, such ration shall expire and all unused coupons and books issued therefor shall, within five (5) days after such cessation, be surrendered to the Chief, License Bureau, by the person to whom such ration was issued.

§ 1394.9039 *Expiration of ration upon termination of employment.* Rations shall expire upon termination of the employment and/or termination of the authority to purchase gasoline in the Canal Zone, of a person to whom a ration has been issued, and such person shall surrender the ration to the head of the department or organization in which he is employed, or to his employer. The person receiving the ration so surrendered shall transmit it without delay to the Chief, License Bureau, with a report of the termination of employment.

§ 1394.9040 *Denial of gasoline rations.* (a) No person whose name has been recorded by the Chief, License Bureau, in accordance with the provisions of § 1394.9042 of these regulations for refusal to surrender a gasoline ration book, or for failure or refusal, without good cause shown, to appear before such Chief, License Bureau, for examination, shall be entitled to obtain a ration of any type under these regulations, while his name remains thus recorded.

(b) No person who has been issued and has in his possession a ration book issued in the Republic of Panama shall be entitled to obtain a ration book in the Canal Zone.

§ 1394.9041 *Suspension and revocation of rations.* All coupon books issued shall remain the property of the United States. The Chief, License Bureau, may refuse to issue, and may suspend, cancel, revoke, or recall any ration and may require the surrender and return of any coupon book during suspension or pursuant to cancelation, whenever he deems it to be in the public interest to do so.

§ 1394.9042 *Review by Chief, License Bureau, of applications for gasoline ration.* (a) The Chief, License Bureau, may review an application for a gasoline ration of any class and may, in his discretion, require a holder of a gasoline ration to appear before him for examination in order to determine whether such holder was entitled to receive such ration. The Chief, License Bureau, may also require the holder of a ration to appear before him for examination in order to determine whether such ration is being used in accordance with the provisions of § 1394.9020. The Chief, License Bureau, shall give written notice to the holder of the time and place fixed for such appearance. The notice shall be deemed sufficient if mailed to the address shown on the application at least five (5) days prior to such time.

(b) If the Chief, License Bureau, finds that the ration holder was not entitled to receive the ration issued, or, if he finds that a ration issued is being used for a purpose other than one for which such ration may be obtained, he shall revoke such ration and shall direct that any coupons or coupon books issued therefor be surrendered to him. If he finds that the holder is entitled to a ration of a different class or quantity than that issued, he may issue such ration as he finds the holder entitled to receive pursuant to the provisions of these regulations in place of the ration revoked.

(c) The Chief, License Bureau, shall record the name of any ration holder who refuses to comply with his direction pursuant to paragraph (b) of this section or who fails or refuses to appear for examination in accordance with a notice sent pursuant to paragraph (a) of this section: *Provided,* That if a person whose name has been recorded for failure or refusal to appear for examination shows good cause for such failure or refusal his name shall be stricken from such record, upon compliance with the Chief's direction with respect to the disposition of his ration. Any person whose name remains recorded shall be prohibited from securing any ration under the provisions of these regulations or of any gasoline ration regulations hereafter promulgated.

§ 1394.9043 *Restriction on transfer to consumers.* On and after October 1, 1942, and notwithstanding the terms of any contract, agreement or commitment, regardless of when made, no person other than a dealer or distributor shall transfer or offer to transfer gasoline to a consumer.

§ 1394.9044 *Transfers to consumers.* On and after the effective date of these regulations, and notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, a dealer or distributor may transfer gasoline to a consumer and such consumer may accept such transfer of gasoline, only in exchange for valid coupons, except as provided in § 1394.9046.

§ 1394.9045 *Transfers to consumers in exchange for coupons*—(a) *Coupons in books issued for registered motor vehicles.* Transfer may be made in exchange for coupons contained in ration books except nonhighway books, under the following conditions:

(1) At the time of transfer, the transferor must require presentation of the coupon book and must detach therefrom coupons having an aggregate unit value equal to the amount of gasoline transferred: *Provided,* That if the transferee is able to accept only a portion of the amount of gasoline represented by the unit value of a coupon, the transferor shall nevertheless detach an entire coupon. No transfer may be made pursuant to this paragraph in exchange for a coupon detached prior to the presentation of the coupon book to the transferor.

(2) Transfer may be made only into the fuel tank of a motor vehicle identified on the coupon book presented: *Provided,* That bulk transfer may be made, of an amount of gasoline not in excess of one unit, to enable a vehicle stranded for lack of fuel to reach a source of supply; in such case the transferor shall retain the ration book presented until the vehicle is brought to the place of transfer, for identification.

(3) Transfer may be made only during the valid period noted on the cover of the book presented or, in the case of a Class A book, only during the period of validity of the coupon in exchange for which the transfer is to be made.

(b) *Coupons in non-highway books.* Bulk transfer may be made in exchange for coupons contained in Class E books, under the following conditions:

(1) At the time of transfer, the transferor must require presentation of the coupon book and must detach therefrom coupons having an aggregate unit value equal to the number of gallons of gasoline transferred. No transfer may be made pursuant to this paragraph in exchange for a coupon detached prior to the presentation of the coupon book to the transferor.

(2) No transfer in exchange for coupons in a Class E book may be made into the fuel tank of, or knowingly made for use in, a registered motor vehicle, except a registered motorcycle, when a Class E coupon book is issued as a basic or supplemental ration.

§ 1394.9046 *Transfers in exchange for acknowledgment of delivery.* Transfers may be made in exchange for an acknowledgment of delivery form, or in exchange for a temporary receipt issued in lieu thereof, in accordance with the provisions of § 1394.9019.

§ 1394.9047 *Transfers from fuel tank to fuel tank of vehicles and boats forbidden.* No gasoline contained in the fuel tank of any registered motor vehicle, inboard motorboat, outboard motor or nonhighway equipment shall be transferred therefrom to the fuel tank of any registered motor vehicle, or any inboard motorboat or outboard motor operated in the Canal Zone.

§ 1394.9048 *Preservation of coupons and certificates; reports.* Each dealer and distributor, including Government agencies which distribute gasoline for other than official use, shall preserve all coupons, acknowledgments of delivery of gasoline, received in exchange for gasoline, which evidences shall be forwarded to the Chief, License Bureau, within ten (10) days after the close of each month with a report showing the quantity of gasoline on hand at the beginning of the month, the quantity accounted for by coupons and acknowledgments of delivery, the quantity issued for official use, and the quantity on hand at the close of the month. Wholesale distributors of gasoline shall include in reports submitted to the Chief, License Bureau, the quantity of gasoline transferred to each retail Government agency or contractor during the month.

§ 1394.9049 *Invalidity of Class A coupons after expiration of validity.* No dealer shall accept any coupon the period of validity of which, as shown on the face thereof, has expired.

§ 1394.9050 *Adjustments and appeals.* An applicant may appeal to the Canal Zone Gasoline Rationing Board from an adverse decision of the Chief, License Bureau, by filing with the Board a sworn statement in writing stating fully his objections to the decision and the grounds for the appeal. The statement must be filed not later than ten (10) days after notice of the decision.

The Board may request the applicant to appear before it or to furnish such additional information as may be deemed pertinent. The Board shall render its decision on the appeal within five (5) days after receipt of the statement and record, and, in case of apparent emergency, within twenty-four (24) hours, if possible. The Board shall promptly notify the applicant and the Chief, License Bureau, in writing, of its decision. In the event that a decision of the Chief, License Bureau, is reversed or modified by the Board, the record shall be sent to the Chief, License Bureau, for action consistent with its decision.

§ 1394.9051 *Criminal prosecutions.* (a) Any person who knowingly falsifies an application or any other record or certificate made pursuant to or required by the terms of these regulations, or who otherwise knowingly furnishes false information to the Chief, License Bureau, or other rationing authority, or who conspires with another person to perform any of the foregoing acts, may upon conviction be fined not more than $10,000, or imprisoned for not more than ten years, or both, and shall be subject to such other penalties as may be prescribed by law.

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required, by any provision of these regulations, may upon conviction be fined not more than $10,000 and imprisoned for not more than one year, or both, and shall be subject to such other penalties as may be prescribed by all applicable statutes.

§ 1394.9052 *Suspension orders.* Any person who violates these regulations may by administrative suspension order be prohibited from receiving any deliveries of, or selling or otherwise disposing of, any gasoline.

§ 1394.9053 *Denial of materials.* The Chief, License Bureau, will recommend to the Canal Zone Rationing Board that any person who violates these regulations be denied the right to receive any new tires or tubes, retreaded or recapped tires and any other materials or commodities which are now or in the future may be rationed by the Canal Zone Rationing Board.

§ 1394.9054 *Effective date.* These regulations (§§ 1394.9001 to 1394.9054 inclusive) shall become effective October 1, 1942.

Issued this 21st day of October 1942.

Glen E. Edgerton,
Governor.

Approved:

Paul M. O'Leary,
Deputy Administrator in Charge of Rationing.

[F. R. Doc. 42-10631; Filed, October 21, 1942; 12:09 p. m.]

Part 1415—Protective Coatings

[MPR 245]

SHELLAC

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of shellac by a maximum price regulation establishing dollars and cents maximum prices.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 245 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, and in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 245 is hereby issued.

Sec.
1415.101 Prohibition against sales of shellac above maximum prices.
1415.102 Applicability of the General Maximum Price Regulation.
1415.103 Less than maximum prices.
1415.104 Export sales.
1415.105 Import sales.
1415.106 Federal and state taxes.
1415.107 Adjustable pricing.
1415.108 Petitions for amendment.
1415.109 Licensing.
1415.110 Evasion.
1415.111 Enforcement.
1415.112 Records and reports.
1415.113 Definitions.
1415.114 Effective date.
1415.115 Maximum prices for sales of shellac.

AUTHORITY: §§ 1415.101 to 1415.115, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1415.101 *Prohibition against sales of shellac above maximum prices.* On and after October 26, 1942, regardless of any contract, agreement, lease or other obligation:

(a) No person shall sell, deliver, or transfer any shellac at higher prices than the maximum prices set forth in Appendix A (§ 1415.115) of this Maximum Price Regulation No. 245.

(b) No person shall buy or receive any such shellac in the course of trade or business at higher prices than the maximum prices set forth in Appendix A (§ 1415.115) of this Maximum Price Regulation No. 245.

(c) No person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided,* That the provisions of this Maximum Price Regulation No. 245 shall not apply to sales or deliveries of shellac to a purchaser if prior to October 26, 1942 such shellac had been received by a carrier other than a carrier owned or controlled by the seller for shipment to such purchaser.

§ 1415.102 *Applicability of the General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 245 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of shellac for which maximum prices are established by this regulation.

§ 1415.103 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 245 may be charged, demanded, paid or offered.

§ 1415.104 *Export sales.* The maximum price at which a person may export shellac shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation,[2] issued by the Office of Price Administration.

§ 1415.105 *Import sales.* The provisions of this Maximum Price Regulation No. 245 supersede the provisions of Supplementary Regulation No. 12 to the General Maximum Price Regulation with respect to sales, transfers and deliveries of shellac for which maximum prices are established by this regulation.

§ 1415.106 *Federal and State taxes.* Any tax upon, or incident to, the sale or delivery of shellac, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect during the year 1941.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during the year 1941 the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 245.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount or tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 245.

§ 1415.107 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to and at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations where a petition for amendment requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1415.108 *Petitions for amendment.* Persons seeking any modifications of this Maximum Price Regulation No. 245 or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1415.109 *Licensing.* The provisions of Supplementary Order No. 11 (§ 1305.15) licensing distributors of chemicals and drugs, shall be applicable to every distributor of shellac for which maximum prices are established by this Maximum Price Regulation No. 245. The term "distributor" shall have the meaning given it by such Supplementary Order No. 11.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 971, 3663, 6967.

[2] 7 F.R. 5059, 7242.

§ 1415.110 *Evasion.* Price limitations set forth in this Maximum Price Regulation No. 245 shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to shellac, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege or other trade understanding or otherwise.

§ 1415.111 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 245 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have any evidence of any violation of this Maximum Price Regulation No. 245 or any Price Schedule, Regulation or Order, issued by the Office of Price Administration, or any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, field or regional offices of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1415.112 *Records and reports.* (a) Every person making sales of shellac after October 25, 1942, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price contracted for or received and the quantity of each type and grade of such shellac purchased or sold.

(b) Such persons shall submit such reports to the Office of Price Administration and shall keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

§ 1415.113 *Definitions.* (a) When used in this Maximum Price Regulation No. 245, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions or any agency of any of the foregoing.

(2) "Shellac" shall mean any of the various forms of processed lac including orange shellac, seedlac, button lac, machine-made shellac, and bleached shellac.

(3) "Lac" shall mean the resinous material produced by the insect "Laccifer Lacca."

(4) "Orange shellac" shall include both seedlac and the purified form of lac usually marketed in flakes or leaves in which the crimson dye has been partly or completely removed by washing, and the resultant lac melted and stretched.

(5) "Bleached shellac" shall mean any form of processed shellac from which the cochineal dye and any other coloring matter has been completely removed by bleaching.

(6) "Grade" shall mean any one of the various named grades as established and specified by the United States Shellac Importers' Association as of the effective date of this Maximum Price Regulation No. 245.

(7) "Bag" shall mean a gunny bag containing approximately 164 pounds of shellac.

(8) "Case" shall mean a wooden box containing approximately 164 pounds of shellac.

(9) "Barrel" shall mean a wooden container holding a net weight of from 200 to 300 pounds of shellac.

(10) "Keg" shall mean a wooden container holding a net weight of approximately 100 pounds of shellac.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1415.114 *Effective date of Maximum Price Regulation No. 245.* (a) This Maximum Price Regulation No. 245 (§§ 1415.101 to 1415.115 inclusive) shall become effective October 26, 1942.

§ 1415.115 *Appendix A: Maximum prices for shellac.* Maximum prices for shellac are established as follows:

(a) Sales of orange shellac f. o. b. New York in lots of 100 or more bags in cents per pound.

Grade:	*Cents per pound*
London TN	35.5
Heart or F. O. Heart	35.5
Superfine	36.6
#1 Light Orange	40.0
Lemon	41.1
Rhino	41.1
ASO	42.2
A. C. Garnet	38.9
Button Lac	41.1
D. C.	46.6
VSO	46.6
Diamond I	46.6
Genuine Bysacki 11500, N. Y. Test	33.0
Fine Bysacki 95 CC, N. Y. Test	34.1
Agmark #2	33.0
Kusmi 75 CC, N. Y. Test	37.5
Fine Kusmi, 60 CC, N. Y. Test	38.9
Genuine Bysacki 115 CC Briggs Calcutta Test	32.7
Genuine Bysacki 125 CC N. Y. Test	32.7
Bysacki Seedlac 150 CC N. Y. Test	30.75
Kusmi 75 CC Briggs Calcutta Test	37.2
Kusmi 85 CC New York Test	37.2
Kusmi 85 CC Briggs Calcutta Test	36.9
F. O. Delta	42.2
Favar	42.2
F. O. Delta Special	42.7
BL	42.7
Zinfo	42.2
MM Special	42.2
FO Beta	43.8
XL	45.0
Stiff	46.6
Vat	43.8
CVTN	43.8
EW Lac	46.6
CT	38.9
C Pure Garnet Lac	38.9
Grade—Continued.	
Quickover	44.4
Dewaxed Blonde	57.2
Dewaxed Super Blonde	62.2
Dewaxed Platinum	67.7
Dewaxed Lemon	55.5
Dewaxed Orange	53.3
Dewaxed Garnet Lac	46.6
#1 TN	43.8
AC Garnet Lac	40.0
AB-TN	46.6

(b) The maximum price of any grade of shellac not listed in paragraph (a) hereof shall be:

(1) 111% of the following: 32¢ per pound f. o. b. New York plus or minus the difference between the last price charged by the seller in 1941 for a sale of such grade of shellac and the price charged by the seller for the first sale prior thereto of T. N. London Shellac.

(2) If the seller made no sale of such grade in 1941, the maximum price shall be a price specifically approved by the Office of Price Administration upon application by the seller.

(c) For sales of shellac packed in cases there may be added two cents per pound to the maximum prices established in paragraph (a) and (b) hereof.

(d) For single sales of shellac in quantities of less than 100 bag or 100 case lots additions to the maximum prices established in paragraphs (a), (b), and (c) hereof may be made as follows:

(1) Sale of any quantity up to one bag or case—5 cents per pound.

(2) Sale of 1 to 9 bags or cases—2 cents per pound.

(3) Sale of 10 to 99 bags or cases—1 cent per pound.

(e) For sales of powdered orange shellac there may be added to the maximum prices established in paragraphs (a), (b), (c), and (d) hereof 9 cents per pound. This charge may be deemed to cover all costs incident to the powdering process including loss of weight and the cost of container for the powdered shellac.

(f) Sales of bleached shellac f. o. b. New York in lots of 1500 pounds or more packed in barrels in cents per pound.

Grade:	*Cents per pound*
Regular or bone dry bleached	42.5
Refined or Dewaxed Bleached	48.5
Hatters or Plastic Bleached	43.5
Arsenic and Rosin Free Bleached	45.5
Regular Hanks or Regular Fresh Ground Bleached	33.6
Refined Hanks or Refined Fresh Ground Bleached	39.0

(g) For sales of bleached shellac packed in bags the maximum prices established in paragraph (f) hereof shall be reduced by ¼ cent per pound.

(h) For sales of bleached shellac packed in kegs the maximum prices established in paragraph (f) hereof may be increased by 2 cents per pound.

(i) For single sales of bleached shellac in quantities of less than 1500 pounds additions to the maximum prices hereinabove established may be made as follows:

(1) Packed in bags—¾ cent per pound.

(2) Packed in barrels—1 cent per pound.

(3) Packed in kegs—3 cents per pound.

(4) Less than 100 pounds, however packed—5 cents per pound.

(j) The maximum prices established in this Appendix A may not be increased by reason of any charge for containers except that where sales of shellac are made to the United States or any agency thereof if the contract of sale requires special packaging a charge may be made for the actual cost of such packaging provided that it is separately stated on the invoice.

(k) The maximum prices for shellac where delivery is made at a point other than New York City shall be the f. o. b. New York price for such shellac as hereinabove established in this Appendix A plus an amount equal to the lowest available common carrier transportation charge on a like shipment of like grade and quantity similarly packaged from New York City to such point.

(l) The maximum prices established by this Appendix A may not be increased by reason of any extension of credit to the buyer by the seller.

Issued this 21st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10629; Filed, October 21, 1942; 12:07 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 183,[1] Amendment 6]

MILK IN PUERTO RICO

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (5) is added to paragraph (a) of § 1418.1; subparagraphs (9), (10), (11), (12), (13), (14), (15), and (16) are added to paragraph (a) of § 1418.11; paragraph (e) is added to § 1418.14; paragraph (f) is added to § 1418.13a.

§ 1418.1 *Maximum prices.* (a) Maximum prices are established as follows:

* * * * *

(5) On and after October 21, 1942, regardless of any contract, agreement, lease, or other obligation, or of any price regulation heretofore issued by the Office of Price Administration, no person shall sell or deliver bulk or bottled milk, whether raw or pasteurized, or require a deposit on any glass bottle container used in connection therewith, in the Territory of Puerto Rico, and no person shall buy or receive such fluid milk or leave a deposit on any glass bottle container used in connection therewith, in the Territory of Puerto Rico, at prices or in amounts higher than the maximum prices set forth in § 1418.14 (e); and no person shall agree, offer, solicit, or attempt to do any of the foregoing.

§ 1418.11 *Definitions.* (a) When used in this Maximum Price Regulation No. 183, the term * * *

(9) "Milk" means cow's milk produced, processed, distributed, and sold for consumption in fluid form as whole milk.

(10) "Pasteurized milk" means milk that has been pasteurized by submitting it to a temperature between 142° F. and 145° F. for thirty minutes, and that has been immediately cooled and thereafter maintained at a maximum temperature of 53.6° F. or of 12° C., and has not been repasteurized.

(11) "Raw milk" means milk that has not been pasteurized.

(12) "Bulk milk" means milk sold from containers having a liquid measure of more than one (1) quart.

(13) "Bottled milk" means milk specially bottled for sale and delivery to consumers in glass bottle or paper containers of quart, pint, or half-pint size.

(14) "Producer of milk" means any person who is in the business of selling milk to distributors.

(15) "Distributor of milk" means any person, not excluding a producer of milk, who sells at wholesale, or who sells and delivers directly to ultimate consumers, not through a store.

(16) "Store" means any retail establishment, including a puesto, booth, stall, stand, or any retail outlet of any distributor of milk, selling milk at retail to ultimate consumers.

§ 1418.14 *Tables of maximum prices.*

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(e) *Table V: Maximum prices for milk:*

	Quart	Pint	Half-pint
	Cents	*Cents*	*Cents*
Raw bulk milk:			
Sale by producer	12	------	------
Sale by store	15	8	4
Raw bottled milk:			
Sale by distributor to store	14	7	3½
Sale and delivery by distributor to consumer	17	9	5
Sale by store to consumer	16	8	4
Pasteurized bottled milk.			
Sale by distributor to store	15	8	4
Sale and delivery by distributor to consumer	18	10	5
Sale by store to consumer	17	9	5

(1) *Deposits on glass bottle containers.* No deposit in excess of 5 cents on any glass bottle container delivered in connection with the sale of bottled milk shall be required, and no person shall deposit more than 5 cents for any such glass bottle container. The deposit shall be refunded by the seller upon the return of such glass bottle container.

(2) *Charges for long distance deliveries.* No increase in the prices set forth in paragraph (e) of § 1418.14 of this Maximum Price Regulation No. 183 shall be made, nor shall any charges for deliveries be collected, regardless of the distance required to be traveled in the delivery of milk to any purchaser: *Provided, however,* That, in connection with the sale and delivery of milk to the armed forces of the United States and to municipal and Insular institutions, the following charges may be added:

Less than 20 kilometers	No charge.
20 kilometers and less than 60 kilometers	1¢ per quart.
60 kilometers and less than 100 kilometers	2¢ per quart.
100 kilometers or more	3¢ per quart.

The above distance shall be computed, not from the place of business of the seller, but from the nearest business establishment of any distributor of similar milk via the shortest route to the point of delivery.

(3) The prices set forth in paragraph (e) of § 1418.14 of this Maximum Price Regulation No. 183 are gross prices, before discounts of any nature, and include all commissions and other charges.

§ 1418.13a *Effective dates of amendments.* * * *

(f) Amendment No. 6 (§§ 1418.1 (a) (5); 1418.11 (a) (9), (10), (11), (12), (13), (14), (15), and (16); and 1418.14 (e)) shall become effective October 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10627; Filed, October 21, 1942; 12:07 p. m.]

PART 1421—IRON AND STEEL FOUNDRY PRODUCTS

[MPR 244]

GRAY IRON CASTINGS

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of gray iron castings by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator the maximum prices established by this Maximum Price Regulation No. 244 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. So far as practical, the Price Administrator has advised and consulted with members of the industry which will be affected by this Regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 244 is hereby issued.

Sec.
1421.151 Maximum prices for gray iron castings.
1421.152 Applicability of the General Maximum Price Regulation.
1421.153 Less than maximum prices.
1421.154 Export sales.
1421.155 Federal and state taxes.
1421.156 Adjustable pricing.
1421.157 Petitions and applications for amendment, adjustment or exception.
1421.158 Evasion.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5620, 6744, 6659, 7454, 7843, 7945

[1] 7 F.R. 971, 3663, 6967.

Sec.
1421.159 Enforcement.
1421.160 Records and reports.
1421.161 Filing of prices and pricing methods.
1421.162 Transfers of business or stock in trade.
1421.163 Maximum prices for new sellers other than transferees.
1421.164 Definitions.
1421.165 Effective date.
1421.166 Appendix A: Maximum prices for gray iron castings.
1421.167 Appendix B: Procedure for adjustment of maximum prices under § 1421.157 (a).
1421.168 Appendix C.: Form for request for review of order denying application for adjustment.
1421.169 Appendix D: Regional Offices and States and Territories covered.

AUTHORITY: §§ 1421.151 to 1421.169, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1421.151 *Maximum prices for gray iron castings.* (a) On and after October 26, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver gray iron castings, and no person shall buy or receive gray iron castings in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1421.166; and no person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided,* That (1) if the purchaser shall receive from the seller a written affirmation that to the best of his knowledge, information and belief the price charged does not exceed the maximum price established by this Maximum Price Regulation No. 244 and that the seller has complied with all other provisions (including the filing requirements of § 1421.161) of this regulation, and if in such case the purchaser shall have no knowledge of the maximum price and no cause to doubt the accuracy of the affirmation, the purchaser shall have complied with this section; and (2) where the contract of sale has been entered into on or before October 25, 1942, the parties thereto may make and accept deliveries of the castings required or specified in such contract and the seller may render bills or invoices for such castings to the purchaser at the contract price, subject to adjustment of said price in accordance with the maximum prices established by this Maximum Price Regulation No. 244 within a period not to exceed 30 days after the billing or invoicing.

(b) The provisions of paragraph (a) of this section prohibiting purchasers from paying in excess of the maximum prices shall not be applicable to any war procurement agency or any contracting officer thereof, and any such contracting officer or any paying finance officer shall be relieved of any or every liability, civil or criminal, imposed by this Maximum Price Regulation No. 244 or by the Emergency Price Control Act of 1942, as amended.

(c) The provisions of this section shall not be applicable to sales or deliveries of gray iron castings to a purchaser if prior to October 26, 1942, such castings have been received by a carrier other than a carrier owned or controlled by the seller for shipment to such purchaser.

§ 1421.152 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 244 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1421.153 *Less than maximum prices.* Lower prices than those set forth in this Maximum Price Regulation No. 244 may be charged, demanded, paid or offered.

§ 1421.154 *Export sales.* The maximum price at which a person may export any gray iron castings shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration.[2]

§ 1421.155 *Federal and State taxes.* Any tax upon, or incident to, the sale, delivery, processing, or use of a gray iron casting, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such casting:

(a) *As to a tax in effect between August 1, 1941 and February 1, 1942, inclusive.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during the period from August 1, 1941 to February 1, 1942, inclusive, the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 244.

(2) In all other cases if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 244.

(b) *As to a tax or increase in a tax which becomes effective after February 1, 1942.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1421.156 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. Where a petition or application for amendment or for adjustment or for exception under § 1421.157 has been duly filed, a seller may make sales, deliveries or offers of sale at prices adjustable in accordance with the disposition of such petition or application and shall refund to the purchaser any moneys or other consideration paid which are in excess of the maximum price.

§ 1421.157 *Petitions and applications for amendment, adjustment or exception.* (a) Any person seeking relief from a maximum price or prices established under this Maximum Price Regulation No. 244 for a particular gray iron casting or particular group of gray iron castings, may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed in accordance with Appendix B, incorporated herein as § 1421.167, and shall set forth the facts relating to the hardship to which such maximum price subjects the applicant.

(b) Any person seeking general relief from the maximum prices or from the formula or method of determining maximum prices established under this Maximum Price Regulation No. 244 may present the special circumstances of his case in a petition for an order of adjustment or exception. Such petition shall be filed with the Office of Price Administration, Washington, D. C., in accordance with Procedural Regulation No. 1,[3] and shall set forth the facts relating to the hardship to which such maximum prices or formula or method subjects the applicant together with a statement of the reasons why he believes that the granting of relief in his case and in all like cases will not defeat or impair the policy of the Emergency Price Control Act of 1942 as amended and of this Maximum Price Regulation No. 244 to eliminate the danger of inflation.

(c) Persons seeking any modification of this Maximum Price Regulation No. 244 or an adjustment or exception not provided for therein, may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1[3] issued by the Office of Price Administration.

(d) Supplementary Order No. 9[4] issued by the Office of Price Administration dealing with applications for adjustment of maximum prices of commodities sold pursuant to Government contracts or subcontracts shall not be applicable with respect to gray iron castings.

§ 1421.158 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 244 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to gray iron castings, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement, or other trade understanding or otherwise; without limiting the generality of the foregoing, the price limitations set forth in Maximum Price Regulation No. 244 shall not be evaded by improper classification of any gray iron casting, improper application of extras, splitting of orders into small quantities or exchange of patterns in order to increase prices, or by decreasing or discontinuance of cash discounts.

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[2] 7 F.R. 5059, 7242.

[3] 7 F.R. 971, 3663, 6967.

[4] 7 F.R. 5444.

§ 1421.159 *Enforcement* (a) Persons violating any provisions of this Maximum Price Regulation No. 244 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 244 or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, field, or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1421.160 *Records and reports.* (a) Each person selling gray iron castings shall preserve and keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942 as amended remains in effect, all available records of prices, costs, pricing methods, delivery charges, allowances and discounts, on all sales of gray iron castings made by such seller during the period from August 1, 1941 to February 1, 1942, inclusive.

(b) Each person making a sale of gray iron castings on or after October 26, 1942, shall keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942 as amended remains in effect, complete and accurate records of each such sale, showing (1) the date thereof, (2) the name and address of the buyer and seller, (3) the list price or prices, if any, on the date of sale, (4) net price or prices after adjustment for discounts or other allowances, and (5) where the sale is made pursuant to a contract or agreement entered into on or after October 26, 1942, and the total selling price exceeds fifty dollars, records substantiating the maximum prices if the castings are priced under paragraph (a) of Appendix A (§ 1421.166) or summary of the calculations made in computing the maximum prices if the castings are priced under paragraph (b) of Appendix A. The data specified in (1), (2), (3) and (4) of this paragraph (b) shall be kept for inspection by the Office of Price Administration for the same period by each person making a purchase of gray iron castings in the course of trade or business.

(c) Each person making a purchase or sale of gray iron castings in the course of trade or business shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraphs (a) and (b) of this section as the Office of Price Administration may from time to time require.

§ 1421.161 *Filing of prices and pricing methods.* (a) Each person selling gray iron castings shall file with the appropriate Regional Office of the Office of Price Administration within thirty days after the effective date of this Maximum Price Regulation No. 244, three copies, duly certified as being true and correct, of his published price lists in effect between August 1, 1941 and February 1, 1942, inclusive, and a statement, duly signed and sworn to, submitted in triplicate, of his customary extras, discounts and allowances in effect during such period; if such person had no such published price lists or no such customary extras, discounts and allowances, he shall file a sworn statement to that effect with the appropriate Regional Office. A list of the Regional Offices of the Office of Price Administration and the states and territories covered is set forth in Appendix D, incorporated herein as § 1421.169.

(b) Each person selling gray iron castings shall file with the appropriate Regional Office of the Office of Price Administration within sixty days after the effective date of this Maximum Price Regulation No. 244, three copies of a form to be supplied by or obtained at any Regional Office of the OPA, showing in the detail required by such form information as to wage rates, overhead rates, cost of materials, profit margins and pricing methods in effect for such seller at each of his foundries on February 1, 1942.

§ 1421.162 *Transfers of business or stock in trade.* If the business, assets, or stock in trade of any person producing gray iron castings are or have been sold or otherwise transferred after February 1, 1942, and the transferee carries on the business or continues to produce the same type of gray iron castings in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligations to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the tansfer which are necessary to enable the transferee to comply with the record and filing of price provisions of this regulation.

§ 1421.163 *Maximum price for new sellers other than transferees.* Every person engaged in, or who proposes to engage in, the business of selling gray iron castings who was not in such business at his present foundry on February 1, 1942, and who is not a transferee as described in § 1421.162, shall apply to the Office of Price Administration, Washington, D. C., for a method, and shall adhere to the method so given, of determining maximum prices for gray iron castings sold by him.

§ 1421.164 *Definitions.* (a) When used in this Maximum Price Regulation No. 244 the term:

(1) "Administrator" means the Price Administrator of the Office of Price Administration, Washington, D. C., or such person as he may appoint or designate to carry out any of his duties.

(2) "Appropriate Regional Office" means the Regional Office of the Office of Price Administration for the region in which is located the foundry of the seller.

(3) "Gray iron castings" means all ferrous or ferrous base castings other than steel, malleable or high alloy castings,[5] sold either with or without subsequent processing thereon, such as (without limitation), machining, galvanizing, plating, japanning and treating, but does not include gray iron castings sold by the manufacturer of another commodity as component parts of such other commodity or as repair parts for such other commodity when such repair parts are covered by a maximum price regulation or price schedule other than the General Maximum Price Regulation.

(4) "Export" or "export sale" means any sale of a gray iron casting located within the Continental United States by a seller in the Continental United States to a purchaser outside thereof in which the casting sold is transported from the Continental United States to a point outside thereof and includes any sale of the exported casting by an agent of the exporter or by a corporation owned or controlled by the exporter within a period of two years after the date of shipment of the casting from the Continental United States: *Provided,* That it shall not include such a sale if the agent or subsidiary has processed, fabricated or otherwise substantially changed the form of the casting exported, or if the sale by the agent or subsidiary is through a regularly established retail outlet owned or operated by the agent or subsidiary.

(5) "Machinery service" means any operation in the processing, machining, welding, treating, finishing, testing, inspecting, adjusting, maintaining, repairing or rebuilding of a gray iron casting owned by another or of a product owned by another, which, as a result of such operation, becomes a gray iron casting.

(6) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions, or any agency of any of the foregoing.

(7) "Pricing method" means the formula by which the seller computes a price for gray iron castings, whether such formula is described to the purchaser or is merely the seller's device for computing costs of labor and materials, other costs, and margin, mark-up or profit.

(8) "Published price list" means a list or schedule of prices for a number of gray iron castings, whether or not the prices contained therein are tentative or subject to change without notice, in which such castings are designated either by weight or quantity or both, or by name or pattern number, submitted by the seller to more than one purchaser or prospective purchaser of the types of castings represented in the schedule.

(9) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for gray iron castings during the period from August 1, 1941 to February 1, 1942, for sales to different purchasers or kinds of purchasers (for example, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(10) "Sold or offered for sale" means (i) entering into a contract of sale, or (ii), if no contract of sale is entered into, an offer of sale made in writing, or (iii), if neither a contract of sale is entered into or an offer of sale made, included in a published list price.

(11) "Substantially the same" when used with reference to two or more gray iron castings, means that they are substantially the same in design, specifications and weight, and that they are produced by the same type of pattern equipment.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 as amended shall apply to other terms used herein.

§ 1421.165 *Effective date.* This Maximum Price Regulation No. 244 (§§ 1421.151 to 1421.169, inclusive) shall become effective October 26, 1942.

§ 1421.166 *Appendix A: Maximum prices for gray iron castings*—(a) *Castings substantially the same as those which the seller sold or offered for sale at any time during the period from August 1, 1941 to February 1, 1942, inclusive.* The maximum price for each such casting shall be the highest net price (after adjustment for all applicable customary charges, discounts, quantity differentials and other allowances in effect for the seller between August 1, 1941 and February 1, 1942, inclusive) at which the seller sold or offered for sale[6] such casting to a purchaser of the same class during the period from August 1, 1941 to February 1, 1942, inclusive: *Provided,* That if the seller sold or offered for sale such casting during such period to a specified purchaser, he may not exceed the highest selling or offering price to such purchaser on sales or deliveries to such purchaser.

(b) *Castings which are not substantially the same as those which the seller sold or offered for sale at any time during the period from August 1, 1941 to February 1, 1942, inclusive.* The maximum price for each such casting shall be computed by the seller on the following basis:

(1) *Pricing method.* (i) The seller shall employ the applicable pricing method which was in use at the foundry on February 1, 1942, and which has been or will be filed with the Office of Price Administration in accordance with § 1421.161 herein, employing each of the pricing factors reflected in such method at the levels prevailing at such time, except as specified in subparagraph (5) hereinbelow, including: direct labor rates (applied in accordance with subparagraph (2) below); direct material costs (applied in accordance with subparagraph (3) below); overhead (burden) rates (applied in accordance with subparagraph (4) below); subcontracted machinery service costs (applied in accordance with subparagraph (5) below); and mark-up, margin or profit (applied in accordance with subparagraph (6) below).

(ii) The price arrived at by use of the pricing method shall be adjusted for all applicable charges, discounts, quantity differentials or other allowances in use at the foundry on February 1, 1942 in sales to a purchaser of the same class.

(2) *Direct labor rates.* (i) Direct labor costs shall be based upon the labor rates prevailing in the foundry on February 1, 1942, for each classification of direct labor. If on February 1, 1942 average or piece rates were used, such average or piece rates must be applied, and, in computing such piece rates, the seller shall use the base hourly rates and method in effect for him on February 1, 1942. In determining whether items of labor cost are direct or indirect, the seller shall employ the same classification and criteria which he used on February 1, 1942.

(ii) The amount of overtime labor required may be taken into account in computing the cost of labor: *Provided,* That (1) overtime labor costs shall be computed on the basis of the labor rates prevailing in the foundry on February 1, 1942 for the applicable classifications of labor, and (2) no mark-up, margin, overhead or profit factors shall be based upon that part of the labor cost which is in excess of the straight-time cost.

(3) *Direct material costs.* The seller shall compute direct material costs on a basis no higher than the costs to him of such materials on February 1, 1942, not to exceed the applicable maximum prices thereof established by the Office of Price Administration, and, in determining whether items of material costs are direct or indirect, the seller shall employ the same classifications and criteria which he used on February 1, 1942.

(4) *Overhead (burden) rates.* The seller shall employ overhead or burden rates not in excess of the overhead or burden rates used in his pricing method on February 1, 1942, and he shall compute and apply such rates by the identical method which he used on that date.

(5) *Subcontracted machinery service costs.* To the extent that the pricing method includes or is based on prices paid for subcontracted machinery services, the seller shall use the actual prices paid or to be paid for such services, not in excess of the maximum prices established for such services by the Office of Price Administration, together with such additional charge, if any, as was in effect for such seller on February 1, 1942 for such subcontracted machinery services: *Provided,* That no overhead, markup, margin or profit may be figured on such additional charge.

(6) *Mark-up, margin or profit.* The seller shall use the mark-up, margin or profit which he used at the foundry on February 1, 1942, for the same type or classification of castings and customers, and which has been or will be filed with the Office of Price Administration in accordance with § 1421.161 herein.

(c) *Reports and recomputation of maximum prices of gray iron castings priced in accordance with paragraph* (b) *of this section.* (1) When a seller first computes a maximum price for any such casting for which he has no previous production experience, he shall compute such maximum price in accordance with the provisions of paragraph (b) of this section and he shall employ in his pricing method his best estimates of the number of man-hours of labor, amount of defectives, and quantities of materials and other costs which will be required or incurred in the production of such casting. The seller shall, however, on subsequent contracts of sale for the same casting made after actual production thereof, recompute the maximum price of such casting in accordance with the provisions of paragraph (b) of this section, employing in his pricing method the number of man-hours of labor, amount of defectives, and kinds and quantities of materials and other costs actually required or incurred in the production of such casting: *Provided,* That the seller shall not be required to recompute such maximum price as hereinbefore specified after he has gained sufficient production experience with such casting to enable him to calculate his costs thereof with reasonable accuracy.

(2) In any case in which a seller, in accordance with the preceding subparagraph (1) of this paragraph (c), recomputes a maximum price which is higher than the maximum price earlier estimated, he shall file a report with the appropriate Regional Office of the Office of Price Administration containing:

(i) Description of the gray iron casting;

(ii) The maximum price prior to the price increase;

(iii) The new maximum price.

(iv) An explanation of the higher price (in terms of the pricing method and of the appropriate cost factors reflected in such pricing method): *Provided,* That if the price of the gray iron casting previously has been reported pursuant to this subparagraph (2) without objection from the Office of Price Administration, the seller shall not be required to report subsequent sales or deliveries at the same or a lower price.

(d) *Exceptions.* Any person who, by order of the office of Price Administration, Washington, D. C., or any of its Re-

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[5] The terms "steel castings" (including manganese steel castings), "malleable iron castings" and "high alloy castings" are defined in maximum price regulations issued by the Office of Price Administration, and reference should be made to such definitions.

[6] The term "sold or offered for sale" is defined in § 1421.164 (a) (10) and wherever this term is used reference should be made to this definition.

gional Offices, has been granted an adjustment of, or exception from, the maximum prices established by the General Maximum Price Regulation on sales of gray iron castings (this does not include orders granting a method of pricing under § 1499.3 (b) of the General Maximum Price Regulation), may continue to sell and deliver gray iron castings at prices not to exceed the maximum prices specified in such order and in accordance with the terms of such order.

§ 1421.167 *Appendix B: Procedure for adjustment of maximum prices under § 1421.157.* (a) An application for adjustment pursuant to § 1421.157 (a) herein, shall be made on, and in the detail required by, forms to be obtained from the Office of Price Administration, Washington, D. C., or from any of its Regional Offices.

(b) *Application must be verified.* An application for adjustment shall be signed by the applicant and shall contain a statement, signed and sworn to by the applicant, that the statements made in the application are known by him to be true and correct.

(c) *Place for filing application and number of copies.* An original and two copies of an application for adjustment may be filed either with the appropriate Regional Office of the Office of Price Administration or with the Office of Price Administration, Washington, D. C. Any application filed in Washington, D. C., may be transmitted by the Office of Price Administration to the appropriate Regional Office for action by that Office.

(d) *Action by Regional Offices.* After due consideration, the Regional Office may, by order, grant, in whole or in part, or deny any application for adjustment which is properly pending before it. The decision of the Regional Office shall be accompanied by a statement of the reasons for its action. In cases of unusual difficulty or importance, the Regional Office shall refer the application for decision to the Administrator in Washington, D. C.

(e) *Review by Administrator.* Any applicant whose application for adjustment has been denied in whole or in part by the Regional Office may, within fifteen days after the date on which such order of denial was mailed to him, file with the Regional Office a request for review by the Administrator of the order of denial. Requests for review shall be filed on O. P. A. Form 344:1 set out in Appendix C, incorporated herein as § 1421.168. Such form may be obtained from any field office of the Office of Price Administration or may be copied by the applicant from Appendix C.

(f) *Action by Administrator.* After due consideration, the Administrator may, by order, grant in whole or in part, or deny any application for adjustment which:

(1) Is properly before the Administrator on request for review of action by a Regional Office;

(2) Is filed with the Office of Price Administration, Washington, D. C., and not transmitted to a Regional Office for action; or

(3) Is filed with the appropriate Regional Office but is referred for decision to the Administrator by that Office. The decision of the Administrator shall be accompanied by a statement of the reasons for his action.

(g) *Protest of denial of application.* Any applicant whose application for adjustment is denied in whole or in part by the Administrator may, within sixty days after the issuance of the Administrator's order finally denying such application, file a protest against such order in accordance with the provisions of Procedural Regulation No. 1 (7 F.R. 971).

§ 1421.168 *Appendix C.*

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

O. P. A. Form 344:1

(To be filed with the appropriate Regional Office)

Request for Review of the Order Denying Application for Adjustment ------------------, an applicant for adjustment of a maximum price pursuant to section 1421.157 (a) of Maximum Price Regulation No. 244 of the Office of Price Administration, hereby requests the Price Administrator, Washington, D. C., to review an order of denial of such application for adjustment entered by the ------------ Regional Office and mailed to the applicant on ------------, 194 .

The applicant's objections to such order of denial are as follows: ------------------
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(Applicant should state briefly and concisely, and separately number his objections.)

(Applicant)

By ------------------------------

(Title)

§ 1421.169 *Appendix D.*

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

Regional Offices and States and Territories Covered

Region I. Boston Regional Office, 17 Court Street, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut.

Region II. New York Regional Office, 350 Fifth Avenue, New York, New Jersey, Pennsylvania, Delaware, Maryland, and District of Columbia.

Region III. Cleveland Regional Office, 363 Union Commerce Building, Ohio, Michigan, Indiana, Kentucky and West Virginia.

Region IV. Atlanta Regional Office, Candler Building, Peachtree Street, Georgia, Alabama, Mississippi, Florida, Tennessee, North Carolina, South Carolina and Virginia.

Region V. Dallas Regional Office, Fidelity Union Building, Texas, Oklahoma, Louisiana, Missouri, Arkansas, and Kansas.

Region VI. Chicago Regional Office, 2301 Civic Opera Building, 20 North Wacker Drive, Illinois, Wisconsin, Iowa, Minnesota, North Dakota, South Dakota, and Nebraska.

Region VII. Denver Regional Office, 334 U. S. National Bank Building, Colorado, New Mexico, Utah, Idaho, Montana, and Wyoming.

Region VIII. San Francisco Regional Office, 1355 Market Street, California, Nevada, Arizona, Oregon, and Washington.

Region IX. Territorial Office, Office of Price Administration, Washington, D. C., Alaska, Puerto Rico, Virgin Islands, Canal Zone and Hawaii.

Issued this 21st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10630; Filed, October 21, 1942; 12:08 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 89 Under GMPR]

ALPINE DAIRY—SEATTLE SCHOOL DISTRICT NO. 1

Order No. 89 Under § 1499.18 (c) of the General Maximum Price Regulation—[Docket No. GF3-1969].

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.939 *Adjustment of maximum prices for fluid milk, buttermilk, commercial cream, and whipping cream sold to the Seattle School District No. 1 of Seattle, Washington, by Hans Forster, d. b. a. the Alpine Dairy, of Seattle, Washington.* (a) Hans Forster, d. b. a. Alpine Dairy, Seattle, Washington, may sell and deliver to the Seattle School District No. 1, Seattle, Washington, and School District No. 1, Seattle, Washington, may buy and receive from Hans Forster, d. b. a. Alpine Dairy, Seattle, Washington, fluid milk, buttermilk, commercial cream, and whipping cream at prices not to exceed those set forth below:

	Milk	Commercial cream	Whipping cream	Buttermilk
Half pints	.032	0.12	0.18	--------
Pints	.065	.21	.31	--------
Quarts	.1075	.39	.58	.07

(b) Hans Forster, trading as Alpine Dairy, Seattle, Washington, shall mail or cause to be mailed to School District No. 1 of Seattle, Washington a notice reading as follows:

> The Office of Price Administration has permitted the undersigned to raise his maximum price for sales to you of fluid milk, whipping cream, commercial cream, and buttermilk from the respective amounts set forth in Table A to the amounts set forth in Table B below:
>
> TABLE A
>
> | | Milk | Commercial cream | Whipping cream | Buttermilk |
> |---|---|---|---|---|
> | Half pints | .0245 | .10 | .16 | -------- |
> | Pints | .05 | .18 | .28 | -------- |
> | Quarts | .0875 | .35 | .53 | .05 |
>
> TABLE B
>
> | | Milk | Commercial cream | Whipping cream | Buttermilk |
> |---|---|---|---|---|
> | Half pints | .032 | .12 | .18 | -------- |
> | Pints | .065 | .21 | .31 | -------- |
> | Quarts | .1075 | .39 | .58 | .07 |
>
> These amounts represent only that part of cost increases which the undersigned was unable to absorb, and it was granted with the understanding that retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum retail prices for sales of fluid milk, whipping cream, commercial cream, or buttermilk. In order that the undersigned may continue to provide you with said commodities, it will be necessary for you to accept this reduction in your margin.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 89 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 89 (§ 1499.939) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 89 (§ 1499.939) shall be effective as of September 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10628; Filed, October 21, 1942; 12:07 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165, Supp. Service Reg. 3]

SALT LAKE CITY, UTAH; ASH, DEBRIS, GARBAGE AND TRASH REMOVAL

Supplementary Service Regulation No. 3 to Maximum Price Regulation No. 165 as amended—Services.

A statement of the considerations involved in the issuance of Supplementary Service Regulation No. 3 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Supplementary Service Regulation No. 3 is hereby issued.

§ 1499.653 *Modification of maximum prices established by Maximum Price Regulation No. 165 as amended, for ash, debris, garbage, and trash removal.* (a) The maximum prices established by Maximum Price Regulation No. 165 as amended—Services, for ash, debris, garbage or trash removal are modified as hereinafter provided:

(1) *Salt Lake City, Utah*—(i) *maximum prices.* Pending final determination by the Office of Price Administration of requests made by numerous persons for adjustment of maximum prices for ash, debris, garbage and trash removal in Salt Lake City, Utah, the maximum prices for such services during the period from October 12 to November 20, 1942, both dates inclusive, shall be either (*a*) the maximum price established for such service under § 1499.102 of Maximum Price Regulation No. 165 as amended—Services, or (*b*) a price reported to the State Office of the Office of Price Administration for the State of Utah within five (5) days of the date of the issuance of this Supplementary Service Regulation No. 3 or the establishment of such price by the seller of such service, whichever is later: *Provided, however,* That, if disapproved by the Regional Administrator pursuant to subdivision (ii) hereof, a price reported under this inferior subdivision (i) (*b*) shall not thereafter be a maximum price.

(ii) *Review by Regional Administrator.* A maximum price established pursuant to inferior subdivision (i) (*b*) hereof shall be subject to review by the Regional Administrator of the Seventh Regional Office of the Office of Price Administration, and said Regional Administrator may disapprove such price by written notice mailed to the person reporting such price within five (5) days after such price is reported to the State Office of the Office of Price Administration for the State of Utah.

(iii) *Form of report.* The report required in inferior subdivision (i) (*b*) hereof shall be filed in duplicate with the State Office of the Office of Price Administration for the State of Utah, Atlas Building, Salt Lake City, Utah; shall show the name of each purchaser of the service, the class of service rendered, the frequency of collection, the highest prices in effect to a purchaser of the same class during March, 1942, and the reported price; and shall be made on a form substantially as follows:

FORM FOR FILING TEMPORARY MAXIMUM PRICES FOR SCAVENGER SERVICE—SALT LAKE CITY, UTAH

Name of customer	Class of service	Frequency of collection	March 1942 price	Requested temporary price

(b) This Supplementary Service Regulation No. 3 (§ 1499.653) shall become effective on October 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10635; Filed, October 21, 1942; 3:45 p. m.]

Chapter XV—Board of War Communications

[Order No. 21]

PART 1715—EXEMPTION FROM ORDER NO. 11

FEDERAL-STATE MARKET NEWS SERVICE

Whereas, by Order No. 11[1] the Board of War Communications ordered the closure, effective midnight July 30, 1942, of all point-to-point radiotelegraph circuits within the continental United States in the Agriculture Service as defined by the Rules and Regulations of the Federal Communications Commission; and

Whereas, it is also provided by said order that upon recommendation by the Federal Communications Commission the Board may exempt a particular circuit or circuits from the closure provision of the order; and

Whereas, by Order No. 16[2] the Board exempted, until midnight October 30, 1942, the circuits operated by the Federal-State Market News Service from the closure provision of Order No. 11, pending further investigation and recommendation by the Federal Communications Commission; and

Whereas, The Federal Communications Commission has, upon investigation, recommended the exemption of the circuits of the Federal-State Market News Service from the closure provision of Order No. 11, upon the condition that the traffic over such circuits shall be transmitted in plain language and shall consist only of statistical reports and other material furnished by the Department of Agriculture or its agents;

It is hereby ordered, That:

§ 1715.1 *Exemption of point-to-point radiotelegraph in the Agriculture Service.* The point-to-point radiotelegraph circuits in the Agriculture Service operated by the Federal-State Market News Service be, and they are hereby, exempted from the closure provision of Order No. 11.

Provided, however, That the aforesaid circuits shall be operated only for the transmission in plain language of statistical reports and other material furnished by the Department of Agriculture or its agents.

Subject to such further order as the Board may deem appropriate. (E.O. 9183; 7 F.R. 4509)

Board of War Communications.

JAMES LAWRENCE FLY,
Chairman.

Attest: October 15, 1942.

HERBERT E. GASTON,
Secretary.

[F. R. Doc. 42-10658; Filed, October 22, 1942; 11:15 a. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 4929.

[2] 7 F.R. 6009.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, The Department of the Navy

PART 6—REGULATIONS FOR SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

SUBPART C—ANCHORAGE AREAS

Pursuant to the authority contained in section 1, Title II of the Espionage Act approved June 15, 1917, 40 Stat. 220 (U.S.C. title 50, sec. 191), as amended by the Act of November 15, 1941 (55 Stat. 763), and by virtue of the Proclamation and Executive Order issued June 27, 1940 (5 F.R. 2419), and November 1, 1941 (6 F.R. 5581), respectively, the Regulations relating to the control of vessels in the navigable waters of the United States, approved September 29, 1942 (7 F.R. 8026) are hereby amended as follows:

By adding the following sections to Subpart C of Part 6:

§ 6.5–13 *United States Naval Proving Ground, Dahlgren, Virginia.*—(a) *The danger zones.* The firing range of the United States Naval Proving Ground at Dahlgren, Virginia, involves that portion of the Potomac River below the Maryland-Virginia bridge on U. S. Highway 301 as described herein. This range constitutes a danger area composed of two zones to be known as the Upper and Lower Danger Zones.

(1) The Upper Danger Zone in which firing is normally conducted daily except Sunday, is defined as follows, beginning at the intersection of the new Potomac River bridge with the Virginia shore; thence to Lower Cedar Point Light House; thence to white spar Buoy 1-A about 2,300 yards east southeast of lower Cedar Point beacon; thence to a line of white spar buoys known as line of fire buoys, No. 1 Buoy 1,500 yards southwest by west of Swan Point, No. 2 Buoy, 1,700 yards south of Potomac View, No. 3 Buoy, about 1,300 yards south by west of lower end of Cobb Island; thence on a line to nun Buoy No. 4–A abreast of Blakiston Island abandoned light house; thence southwesterly to Hollis Marsh along a line of white spar buoys off the Virginia shore as follows: White spar Buoy D, about 3,000 yards off Popes Creek; thence to white spar Buoy C, 3,500 yards off Church Point; thence to white spar Buoy B, 800 yards off Colonial Beach; thence to white spar Buoy A, 1,000 yards off Bluff Point; thence on a line to the seaplane hangar at the Proving Ground.

(2) The Lower Danger Zone in which long range firing is normally conducted at infrequent intervals embraces the Naval Torpedo Range at Piney Point, Maryland, and subject to special additional restrictions in the vicinity of that activity, is defined as the entire portion of the lower Potomac River between a line from nun Buoy 4–A off Blakiston Island on a line to Hollis Marsh and a line from Point Lookout, Maryland, to Smith Point, Virginia.

(b) *The regulations.* (1) Firing normally takes place between the hours of 9:00 a. m. and 4:00 p. m. on all days except Saturday and Sunday. During the national emergency, firing will take place between the hours of 7:30 a. m. and 5:00 p. m. daily except Sunday with frequent night firing.

(2) When firing is in progress, no fishing or oystering vessels will be permitted to operate within the Danger Zone affected, unless so authorized by the Naval Proving Ground's patrol boats. Oystering and fishing boats or other craft may cross the river in the danger zone only after they have reported to the patrol boats and received instructions as to when and where to cross. Deep draft vessels using dredged channels and propelled by mechanical power at a speed greater than five miles per hour, may proceed directly through the danger zones without restriction except when especially notified to the contrary.

(3) These regulations shall be enforced by the Captain of the Port and the Inspector of Ordnance in Charge at the United States Naval Proving Ground through such officers, enlisted men and employees of that Station as may be designated, including always the Commanding Officer of the range patrol, using all such Government vessels, planes, and other suitable equipment as may be necessary. These agencies shall fly or expose a square red flag in clearing a danger zone.

§ 6.5–5 *Naval firing range southwest of Tangier Island, Virginia*—(a) *The danger zone.* The firing range, which constitutes a danger zone, is located east and north of the mouth of the Rappahannock River, Virginia, and southwest of Tangier Island, Virginia. It covers a water area of approximately 218 square miles; has a maximum length of 33,600 yards (20 nautical miles) and maximum width of 23,500 yards (11.6 nautical miles); and is defined by six (6) points with geographic positions as follows:

Point	Latitude	Longitude	Reference location
A	37°47′	75°58′	7,100 yards 271°30′ true from Watts Island Light.
B	37°43.7′	75°55.5′	1,150 yards 272°30′ true from Bell Buoy "2A".
C	37°27′	76°02.8′	15,650 yards 62°30 true from Wolf Trap Light.
D	37°27′	76°10′	7,600 yards 17°30′ true from Wolf Trap Light.
E	37°47′	76°10′	1,100 yards 0° true from Bell Buoy 12 TL.
F	37°44.5′	76°00.5′	Nun Buoy N2.

(b) *The regulations.* (1) Any vessel propelled by mechanical or sail power at a speed greater than 5 miles per hour may proceed through the area defined to and from points beyond, but not from one point to another point within, the area without restriction except when especially notified to the contrary.

(2) All vessels, other than Naval craft, are forbidden to anchor within the area defined except in cases of great emergency. All vessels anchoring under circumstances of great emergency within the area shall leave the area immediately after the emergency ceases, or upon notification by the officials and personnel charged with enforcement of these regulations.

(3) Fishing, oystering, clamming, crabbing and other aquatic activities are forbidden within the limits of the defined area, except that existing fishing structures licensed by the State of Virginia may be maintained and operated provided the owners thereof obtain written permits from the Commandant, Fifth Naval District, Naval Operating Base, Norfolk, Virginia.

(4) Day and night firing over the range will be conducted intermittently by one or more vessels, depending on weather and operating schedules.

(5) When firing is in progress, adequate patrol by Naval and Coast Guard craft will be exercised to prevent vessels from entering and crossing the area defined until such times as the firing schedule permits.

(6) These rules and regulations shall be enforced by the Captain of the Port and the Commandant, Fifth Naval District, Norfolk, Virginia, through such officers and personnel as may be assigned thereto.

§ 6.3–3 *Waters of Lake Ontario; Aerial Ground Firing Range.*—(a) *The danger zone.* The aerial ground firing range is 3,000 feet square, described as follows: Commencing at a point 3,400 feet easterly of the mouth of the Niagara River (considered as the intersection of a line joining the shoreline on either side of river with the International Boundary line) and extending 3,000 feet along the shore to the easterly limit of the Fort Niagara Military Reservation; thence northerly (lakeward) 3,000 feet, azimuth 340°, at right angles to the shore; thence westerly 3,000 feet, azimuth 250°, thence southerly (shoreward) 3,000 feet, azimuth 160°, to the point of beginning. All azimuths given being true azimuths.

(b) *The regulations.* (1) Vessels and small craft are prohibited from entering the restricted area at all times; and no pound net, staked gill net or fyke net or any other type of net fastened by means of poles, stakes, weights or anchors shall be set therein.

(2) These regulations shall be enforced by the Captain of the Port, United States Coast Guard, through such officers and enlisted men as may be designated, including the officer in charge of the range patrol, using all such agencies as Government vessels, airplanes, seaplanes and other suitable equipment as may be necessary.

§ 6.13–10 *Vicinity of Annette Island, Alaska; restricted area*—(a) *Restricted area.* Starting at Village Point on the south side of Port Chester, Annette Island, Alaska, thence westerly to Warburton Island, thence south 15° west for 6.4 nautical miles, thence south 20° east for 7.4 nautical miles to a point about 1.2 miles southwesterly from the southern point of Percy Islands, thence north 50° east to the southeastern end of Werlick Island, thence to Snipe Island, thence to Annette Point, Annette Island.

(b) *The regulations.* No vessel shall enter these waters except upon the express and prior approval of the District Coast Guard Officer, Alaskan Sector, 13th Naval District, Ketchikan, or the Commanding Officer, Annette Island Landing Field. Vessels granted such authority for movement to Tamgas Harbor or any other part of the restricted area will clear through the Coast Guard upon departing from Ketchikan.

FRANK KNOX,
Secretary of the Navy.

Approved:

FRANKLIN D ROOSEVELT,
The White House,
October 19, 1942.

[F. R. Doc. 42-10659; Filed, October 22, 1942; 11:17 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

PART 306—GENERAL AGENTS & AGENTS

COMPENSATION OF AGENTS; AMENDMENTS

Amending and supplementing §§ 306.7 and 306.8 and amending § 306.9 of General Order No. 12, Part I—Dry Cargo Vessels, as follows:

Strike out paragraphs (a) and (d) of § 306.7 *Compensation of agents in continental United States ports*[1] and insert in lieu thereof the following:

§ 306.7 *Compensation of agents in continental United States ports.* (a) 2½¢ per handled ton for all Army and Navy cargo outward or homeward where the cargo is handled by the Army or Navy and the agent is not required to check the details of the cargo handled: *Provided further,* Where the vessel handles a full cargo and the detail of the tonnage handled is not made available by the Army or Navy to the agent, the agent shall receive a fee of $250.00. 15¢ per handled ton outward and 12½¢ per handled ton homeward and way for Army and Navy cargo shipped under standard form of Government bill of lading as required under Traffic Regulation No. 3, issued September 9, 1942, and when not coming within the preceding provisions hereof.

* * * * *

(d) 25¢ per handled ton for all other cargoes outward and 20¢ per handled ton for all other homeward or way cargoes, not falling within paragraphs (a), (b) and (c). (The Administrator reserves the right to determine the reasonableness of commercial rates on bulk and other cargoes, from the effective date of this order.)

and add the following paragraph (e):

(e) 2½% of the vessel's revenue on outward ad valorem cargo and mail, and 1½% of the vessel's revenue on homeward and way ad valorem cargo and mail.

Strike out paragraphs (a) and (c) of § 306.8 *Compension of agents at ports outside of continental United States*[1] of General Order No. 12 and insert in lieu thereof the following:

§ 306.8 *Compensation of agents at ports outside of continental United States.* (a) 2½¢ per handled ton for all Army and Navy cargo outward or homeward where the cargo is handled by the Army or Navy and the agent is not required to check the details of the cargo handled: *Provided further,* Where the vessel handled a full cargo and the detail of the tonnage handled is not made available by the Army or Navy to the agent, the agent shall receive a fee of $250.00. 15¢ per handled ton outward and 12½¢ per handled ton homeward and way for Army and Navy cargo shipped under standard form of Government bill of lading as required under Traffic Regulation No. 3, issued September 9, 1942, and when not coming within the preceding provisions hereof.

(b) * * *

(c) 10¢ per handled ton for outward or homeward cargo shipped for Lend-Lease account.

(d) * * *

and add the following paragraph (e):

(e) 2½% of the vessel's revenue on outward ad valorem cargo and mail, and 1½% of the vessel's revenue on homeward and way ad valorem cargo and mail.

Amending § 306.9 *Compensation of general agents*[1] by striking out the first part of paragraph (a) *Basic scale* and substituting in lieu thereof the following:

§ 306.9 *Compensation of general agents*—(a) *Basic scale.* For each calendar month or prorata thereof beginning with the month in which the first vessel subject hereto is delivered to the general agent and ending with the calendar month or prorata thereof (part days shall count as whole days) in which the last vessel subject hereto is redelivered by the General Agent, the basic compensation, computed on the basis of payable tons of the vessels handled during each such month, shall be calculated in accordance with the following scale:

[SEAL] E. S. LAND,
Administrator.

OCTOBER 21, 1942.

[F. R. Doc. 42-10637; Filed, October 22, 1942; 9:34 a. m.]

Notices

WAR DEPARTMENT.

PRIORITIES FOR AIR TRANSPORTATION

UTILIZATION OF CIVIL AIR CARRIER SERVICE

Paragraph 6 of notice published in the FEDERAL REGISTER July 24, 1942 (7 F.R. 5682), relating to priorities for air transportation is hereby amended to read as follows:

* * * * *

6. In order to provide for the most effective utilization of such civil air-carrier services, facilities, and personnel, all agencies of the War Department desiring to utilize such air carrier services, facilities, or personnel, other than the utilization of scheduled air services, will coordinate requests therefor with the Commanding General, Army Air Forces, and such requests will be subject to his approval as to the availability of such services, facilities, or personnel.

(Sec. 1, 39 Stat. 645; 10 U.S.C. 1361) [Cir. 211, W.D., July 1, 1942, as amended by Cir. 343, W.D., October 13, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-10638; Filed, October 22, 1942; 9:40 a. m.]

[Public Proclamation No. 13]

ENEMY ALIENS SUBJECT TO TRAVEL REGULATIONS

OCTOBER 19, 1942.

Headquarters Western Defense Command and Fourth Army, Presidio of San Francisco, California.

To: The people within the States of Washington, Oregon, California, Montana, Idaho, Nevada, Utah, and Arizona, and the Public Generally:

I, J. L. DeWitt, Lieutenant General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General, Western Defense Command, in view of the revision in Presidential regulations governing certain alien enemies, in order to establish uniformity as to those classes of persons now generally subject to travel regulations, do hereby declare that:

1. On and after October 19, 1942, the following persons are exempt from the provisions of paragraph 5 of Public Proclamations Numbers 1[1] and 2,[2] this headquarters, dated March 2 and March 16, 1942, respectively, and from the provisions of Public Proclamation No. 3 this headquarters, dated March 24, 1942:

a. All citizens or subjects of Italy and all aliens who at present are stateless but who at the time at which they became stateless were citizens or subjects of Italy.

b. Aliens of enemy nationalities during their term of military service in the armed forces of the United States.

2. No such persons are required to comply with the provisions of Proclamation No. 5, this headquarters, dated March 30, 1942, relating to the submission of applications for exemptions from curfew and travel regulations.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-10642; Filed, October 22, 1942; 9:44 a. m.]

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[1] 7 F.R. 6584.

[1] 7 F.R. 2320.
[2] 7 F.R. 2405.

CIVIL AERONAUTICS BOARD.

[Docket No. SA–73]

INVESTIGATION OF ACCIDENT NEAR JOLIET, ILL.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 37910 which occurred near Joliet, Illinois on October 18, 1942.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on Saturday, October 24, 1942, at 9:30 A. M. (CWT) in the Morrison Hotel, Chicago, Illinois.

Dated at Washington, D. C., Wednesday, October 21, 1942.

[SEAL] W. K. ANDREWS, Jr.,
Presiding Officer.

[F. R. Doc. 42–10641; Filed, October 22, 1942; 9:44 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6443]

CONGRESS SQUARE HOTEL CO.

NOTICE OF HEARING, ETC.

In re application of Congress Square Hotel Company (WCSH), dated April 24, 1942, for construction permit; class of service, broadcast; class of station, broadcast; location, Portland, Maine; operating assignment specified: Frequency, 970 kc.; power, 5 kw. (DA—night and day); hours of operation, unlimited.

You are hereby notified that the Commission on October 6, 1942, denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion of April 27, 1942.
2. To determine whether in view of the foregoing the granting of this application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Congress Square Hotel Company, Radio Station WCSH, 157 High Street, Portland, Maine.

Dated at Washington, D. C., October 20, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42–10644; Filed, October 22, 1942; 10:11 a. m.]

[Docket No. 6431]

THE TRIBUNE COMPANY

NOTICE OF HEARING, ETC.

In re application of the Tribune Company (WFLA) dated April 24, 1942, for, construction permit; class of service, broadcast; class of station, broadcast; location, Tampa, Florida; operating assignment specified: frequency, 970 kc.; power, 5 kw. (DA—night); hours of operation unlimited.

You are hereby notified that the Commission on September 15, 1942,. denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion of April 27, 1942.
2. To determine the extent of any interference which would result from a simultaneous operation of Station WFLA as proposed and Station XEO, Matamoros, Mexico (Appendix II, Table I of the North American Regional Broadcasting Agreement).
3. To determine the areas and population which would gain primary service from operation of Station WFLA as proposed, and what other broadcast services are available to these areas and populations.
4. To determine whether the proposed radiating system complies with the Standards of Good Engineering Practice, particularly with reference to the minimum height requirements.
5. To determine whether in view of the foregoing the granting of the application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: The Tribune Company, Radio Station WFLA, Lafayette and Morgan Streets, Tampa, Florida.

Dated at Washington, D. C., October 20, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42–10643; Filed, October 22, 1942; 10:11 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT–5802]

ARKANSAS POWER & LIGHT COMPANY, ET AL.

ORDER FIXING DATE OF HEARING

OCTOBER 20, 1942.

In the matter of Arkansas Power & Light Company, Kansas Gas and Electric Company, Louisiana Power & Light Company, Mississippi Power & Light Company, Nebraska Power Company, Oklahoma Gas and Electric Company, Public Service Company of Oklahoma, Southwestern Gas & Electric Company, Southwestern Light and Power Company, and Texas Power & Light Company.

It appearing to the Commission that:

(a) On September 1, 1942, the Commission entered an order instituting an investigation to determine whether any rate, charge or classification, demanded, observed, charged or collected by Arkansas Power & Light Company, Kansas Gas and Electric Company, Louisiana Power & Light Company, Mississippi Power & Light Company, Nebraska Power Company, Oklahoma Gas and Electric Company, Public Service Company of Oklahoma, Southwestern Gas & Electric Company, Southwestern Light & Power Company, and Texas Power & Light Company for the transmission or sale of electric energy under Arkansas Power & Light Company Rate Schedule FPC No. 12 and Supplement No. 1 thereto, subject to the jurisdiction of the Commission, or whether any rule, regulation, practice, or contract affecting such rate, charge or classification, is unjust, unreasonable, unduly discriminatory, or preferential;

(b) The said order of September 1, 1942, provided further, that if the Commission, after hearing has been had, shall find that any such rates, charges, classifications, rules, regulations, practices, or contracts are unjust, unreasonable, unduly discriminatory, or preferential, to determine and fix by appropriate order or orders, just and reasonable rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force;

(c) The investigation conducted by the Commission's staff, pursuant to such order of investigation, discloses conditions, facts and circumstances which warrant a public hearing with respect to the matters set forth in paragraphs (a) and (b) hereof;

The Commission *orders*, That:

A public hearing be held with respect to the matters under investigation, commencing on November 2, 1942, at 10 a. m., in Room 521, the Federal Building, Little Rock, Arkansas, and continuing thereafter at such times and places as the presiding Trial Examiner may designate.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42–10663; Filed, October 22, 1942; 11:29 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 117]

128,164 POUNDS OF STEEL OWNED BY CANTIERI RIUNITI DELL'ADRIATICO

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095 as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

128,164 pounds of steel owned by Cantieri Riuniti dell'Adriatico, an Italian corporation, Trieste, Italy, which is stored in freight cars in the New Jersey Freight Yards, as follows:

(a) Car No. CNJ–85197 containing 4 pieces or 17 bundles of steel bars weighing 37,764 pounds, and

(b) Car No. B&O 253659 containing 393 pieces or 12 bundles of steel bars weighing 90,400 pounds,

is property within the United States owned by a national of a designated enemy country (Italy), and determining that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of a designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on August 25, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

[F.R. Doc. 42–10647; Filed, October 22, 1942; 11:04 a. m.]

[Vesting Order 147]

18.113% OF THE CAPITAL STOCK OF TAIYO TRADING COMPANY, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

217 shares of $50 par value capital stock of Taiyo Trading Company, Inc., a New York corporation, which is a business enterprise within the United States, the names and last known addresses of the owners of which, and the number of shares owned by them respectively, are as follows:

Name and last known address	*Number of shares*
Mitsujiro Ito, Japan	113
Eikichi Umemura, Nagoya, Japan	53
Nobuo Masuda, Nagoya, Japan	40
Konji Nunome, Japan (by repatriation)	11
Total	217

is property of nationals, and represents an interest in said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on September 17, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

[F.R. Doc. 42–10648; Filed, October 22, 1942; 11:04 a. m.]

[Vesting Order 156]

ALL THE CAPITAL STOCK OF GUNZE SILK CORPORATION

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All of the capital stock of Gunze Silk Corporation, a New York oorporation, which is a business enterprise within the United States, consisting of 40,000 shares of $12.50 par value common capital stock, the names and last known addresses of the registered owners of which, and the number and classes of shares owned by them, respectively, are as follows:

Names and last known addresses	Class A stock	Class B stock
Gunze Silk Corporation, Ltd., Kobe, Japan	5,800	5,800
Gunze Seishi Kabushiki Kaisha (Gunze Raw Silk Mfg. Co., Ltd.) Ayabe, Kyoto-Fu, Kobe, Japan and Yokohama, Japan	14,126	10,830
Rinichi Hatano, Ayabe, Kyoto, Japan	--------	3,074
Daisaku Hayoshi, Ayabe, Kyoto, Japan	74	--------
Ichiro Haratani, Ayabe, Kyoto, Japan	--------	74
Ono Kurazo, Ayabe, Kyoto, Japan	--------	74
Shikataro Okumura, Ayabe, Kyoto, Japan	--------	74
Shinicki Shirahasa, Ayabe, Kyoto, Japan	--------	74
Total shares outstanding	20,000	20,000

is property of nationals, and represents ownership of said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country such persons are controlled by or acting for or on behalf of or as cloaks for a designated enemy country (Japan) or a person within such country, and the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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[1] 7 F.R. 5205.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on September 21, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–10649; Filed, October 22, 1942; 11:04 a. m.]

[Vesting Order 160]

ALL OF THE CAPITAL STOCK OF SCHENKER & COMPANY, INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All of the capital stock of Schenker & Company, Inc., a New York corporation, New York, New York, which is a business enterprise within the United States, consisting of 250 shares of capital stock, which shares are registered in the name of Johann P. Van Dijk, a Netherlands national residing in Holland, and which shares are held by William F. Topken, attorney, New York, New York, as custodian for the benefit of Schenker & Company, Berlin, Germany.

is property of, and represents ownership of said business enterprise which is, a national of a designated enemy country (Germany), and determining that to the extent that either or both of such nationals are persons not within a designated enemy country such persons are controlled by or acting for or on behalf of or as cloaks for a designated enemy country (Germany) or a person within such country, and the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 22, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–10650; Filed, October 22, 1942; 11:04 a. m.]

[Vesting Order 161]

CAPITAL STOCK OF DRAEGER SHIPPING COMPANY, INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All of the capital stock of Draeger Shipping Company, Inc., a New York corporation, which is a business enterprise within the United States, consisting of 1,000 shares of $100 par value common capital stock which shares are registered in the name of Frederick Draeger, New York, New York, who holds them for the benefit of Schenker & Company, Berlin, Germany.

is property of, and represents ownership of said business enterprise which is, a national of a designated enemy country (Germany), and determining that to the extent that either or both of such nationals are persons not within a designated enemy country such persons are controlled by or acting for or on behalf of or as cloaks for a designated enemy country (Germany) or a person within such country, and the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 22, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–10651; Filed, October 22, 1942; 11:05 a. m.]

[Vesting Order 166]

80% OF OUTSTANDING CAPITAL STOCK OF JUNGMANN & COMPANY, INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> 240 shares of common capital stock of Jungmann & Company, Inc., a Delaware corporation, which is a business enterprise within the United States, which shares are registered in the name of Paul Gutschow, New York, New York, and held for the benefit of Helmuth Voss, whose last known address is Hamburg, Germany,

is property of, and represents control of a business enterprise which is, a national of a designated enemy country (Germany), and determining that to the extent that either or both of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 24, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–10652; Filed, October 22, 1942; 11:05 a. m.]

[Vesting Order 177]

ALL OF THE CAPITAL STOCK OF EMPIRE IMPORT AND EXPORT CORPORATION

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned after investigation, finding that the property described as follows:

> All of the capital stock of Empire Import and Export Corporation, a New York corporation, New York, New York, which is a business enterprise within the United States, consisting of 100 shares of no par value common capital stock, the names and last known addresses of the registered owners of which, and the number of shares owned by them respectively, are as follows:

Name and last known address	*Number of shares*
Katsuji Onishi (alien detention camp)	50
Charles Cornelius Drew, New York, New York, holding for the benefit of Katsuji Onishi (alien detention camp)	50
Total	100

is property of, and represents ownership of said business enterprise which is, a national of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–10653; Filed, October 22, 1942; 11:05 a. m.]

[Vesting Order 182]

ASSETS OF "ITALIA" SOCIETA ANONIMA DI NAVIGAZIONE

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All property of any nature whotsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, "Italia" Societa Anonima di Navigazione (Italian Line), an Italian corporation, Genoa, Italy, which corporation is a business enterprise within the United States, including but not limited to all property of any or all of its six American branches located at New York, New York; Boston, Massachusetts; Chicago, Illinois; Philadelphia, Pennsylvania; Los Angeles, California; and San Francisco, California;

is property of nationals, and that said business enterprise is a national, of a designated enemy country (Italy), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country such persons are controlled by or acting for or on behalf of or as cloaks for a designated enemy country (Italy) or a person within such country, and the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–10654; Filed, October 22, 1942; 11:05 a. m.]

[Vesting Order 190]

ALL OF THE CAPITAL STOCK OF JAPAN COTTON & SILK TRADING CO., INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All of the capital stock of Japan Cotton & Silk Trading Co., Inc., a New York corporation, which is a business enterprise within

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[1] 7 F.R. 5205.

[1] 7 F.R. 5205.

the United States, consisting of 5,000 shares of $100 par value common capital stock, the names and last known addresses of the registered owners of which, and the number of shares owned by them respectively, are as follows:

Name and last known address	*Number of shares*
Kunitaro Taketomi, Osaka, Japan	700
Seiichi Segawa, Osaka, Japan	650
Shigemitsu Tanaka, Yokohama, Japan	600
Tokuzo Tanaka, Osaka, Japan	500
Masami Toyobe, Yokohama, Japan	500
Iwao Yamanaka, Osaka, Japan	450
Tomokichi Onoda, Shanghai, Japan	450
Sachio Nakao, Osaka, Japan	350
Wasaburo Uenmra, Osaka, Japan	300
Usaburo Miyagi, Osaka, Japan	500
Total	5,000

is property of nationals, and represents ownership of said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 28, 1942.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 42-10655; Filed, October 22, 1942; 11:06 a. m.]

[Vesting Order 223]

36.3% of Capital Stock of American Magnesium Metals Corporation

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

5,386 shares (which constitute a substantial part, namely 36.3%, of all outstanding shares) of the capital stock of American Magnesium Metals Corporation, a Delaware corporation, Pittsburgh, Pennsylvania, which is a business enterprise within the United States, the names and last known addresses of the registered owners of which, and the number and class of shares owned by them respectively, are as follows:

Names and last known addresses	Number of shares	
	Common stock	7 percent cumulative preferred stock
Estate of Dr. Konrad Erdmann, Munich, Germany, the only known heir of said estate being Mrs. Konrad Erdmann, a German national	2,000	
Dr. Fritz Hansgirg (alien detention camp)	1,500	
Austrian Magnesite Company, Ltd., Munich, Germany		1,886
Total	3,500	1,886

is property of nationals, and represents an interest in said business enterprise which is a national, of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 9, 1942.

[SEAL] L. T. Crowley,
Alien Property Custodian.

[F. R. Doc. 42-10656; Filed, October 22, 1942; 11:06 a. m.]

[Vesting Order 247]

Certain Indebtedness Owing by Buffalo Electro-Chemical Company, Inc.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of Elektrochemische Werke Muenchen, Hoellriegelskreuth, Germany, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to it by Buffalo Electro-Chemical Company, Inc., a New York Corporation, Buffalo, New York, which is a business enterprise within the United States, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness,

is an interest in said Buffalo Electro-Chemical Company, Inc. [which was found in Vesting Order Number 191 issued under date of September 28, 1942, to be a national of a designated enemy country (Germany)] held by, and is property within the United States owned by, a national of a designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that

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[1] 7 F.R. 5205.

such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 19, 1942.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 42-10657; Filed, October 22, 1942; 11:06 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-614]

Electric Bond and Share Company, et al.

NOTICE OF FILING AND ORDER FOR HEARING

In the matter of Electric Bond and Share Company, American & Foreign Power Company, Inc.. Ebasco Services Incorporated.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 20th day of October, A. D. 1942.

Notice is hereby given that a joint declaration or application (or both) has been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 by Electric Bond and Share Company (hereinafter referred to as "Bond and Share"), a registered holding company, and its subsidiaries, American & Foreign Power Company, Inc., (hereinafter referred to as "Foreign Power"), a registered holding company, and Ebasco Services Incorporated (hereinafter referred to as "Ebasco").

Ebasco is a wholly-owned subsidiary service corporation of Bond and Share, rendering services to associate companies, both domestic and foreign, through the media of its separate corporate divisions, the United States division and the international division, respectively. The foreign companies for which services are rendered by the international division are subsidiaries of Foreign Power.

All interested persons are referred to the application or declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

(1) The transfer by Ebasco to Ebasco International Corporation (an inactive subsidiary of Foreign Power, the capital stock of which was acquired from Ebasco on September 16, 1942; hereinafter referred to as International) of all the properties and assets, including cash, employed by the international division of Ebasco in rendering services to client companies operating outside the United States, in consideration of the payment to Ebasco of $400,000 and the assumption by International of all the liabilities whether contractual or otherwise, including reserves, arising out of or in connection with the operations of said international division of Ebasco subsequent to November 30, 1939. The assets to be acquired include all existing service contracts with foreign operating companies, office furniture and miscellaneous equipment, and all the capital stock of Companhia Auxiliar de Empresas Electricas Brasileiras (an Ebasco subsidiary rendering services in Brazil), accounts receivable and certain prepayments.

(2) Foreign Power is to purchase from International an additional 1,990 shares of its capital stock of $199,000 and to advance to it on open account the sum of $199,576.49 in order to provide International with the cash required by it for its purchases from Ebasco.

(3) Ebasco is to reacquire 4,000 shares of its capital stock from Bond and Share for a total consideration of $400,000 in cash which said shares will be cancelled and the capital stock of Ebasco reduced to that extent.

The applicants and declarants state that the proposed transactions are exempt from the provisions and standards of the Act by virtue of the provisions of the Order of this Commission, dated December 20, 1939, In the Matter of American & Foreign Power Company, Inc. (File No. 31-360), except that section 12 (f) is designated as applicable to the transfer by Ebasco to International of the property and assets now employed by the international division of Ebasco; and that section 12 (c) and 12 (f) are designated as applicable to the acquisition by Ebasco from Bond and Share and the sale by Bond and Share of 4,000 shares of the outstanding capital stock of Ebasco.

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on November 9, 1942 at 10:00 A. M., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the Hearing Room Clerk. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to Ebasco International Corporation, and to all interested persons, said notice to be given to said declarants and applicants and Ebasco International Corporation by registered mail and to all other persons by publication in the Federal Register.

It is further ordered, That any person desiring to be heard in connection with the proceeding or proposing to intervene herein shall file with the Secretary of the Commission on or before November 2, 1942, his request or application therefor as provided by Rule XVII of the Rules of Practice of this Commission.

It is ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above mentioned. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration or application (or both), particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the consideration for the transfer of the international division from Ebasco to International is fair and equitable to the parties affected thereby, and consonant with the provisions of the Act.

(2) Whether it is necessary or appropriate in the public interest or for the protection of investors and consumers that International be exempt from the standards of section 13 (b) of the Act.

(3) Whether the consideration for the transfer of the 4,000 shares of capital stock of Ebasco from Bond and Share to Ebasco is fair and equitable to the parties affected thereby, and is consonant with the provisions of the Act.

(4) Whether the impact upon Ebasco of the proposed transfer of the international division from Ebasco to International will be such as to impair its ability to continue its domestic servicing activities, or will be detrimental to the public interest or the interest of investors or consumers.

(5) Whether the investment to be made by Foreign Power in International is in conformity with the standards and provisions of the Act.

(6) Whether in any other respect the proposed transactions are detrimental to the public interest or the interest of investors or consumers, or will tend to circumvent the provisions of the Act, or the rules, regulations, or orders thereunder.

(7) Whether terms and conditions are necessary or appropriate in the public interest or for the protection of investors and consumers, or are necessary to insure compliance with the Act and the rules, regulations or orders promulgated thereunder.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 42-10645; Filed, October 22, 1942; 11:12 a. m.]

[File No. 70-600]

CENTRAL OHIO LIGHT & POWER COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 20th day of October, A. D. 1942.

Central Ohio Light & Power Company, a subsidiary of Crescent Public Service Company, a registered holding company, having filed a declaration pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and the Order of the Commission dated February 19, 1941, File No. 70-228, with respect to the declaration and payment of dividends in the aggregate amount of $20,000 to the holders of its common stock in October, 1942; and

Said declaration having been filed on September 14, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission having considered the declaration and it appearing that the payment of dividends as proposed will not be detrimental to the public interest or the interests of investors or consumers;

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 and to the additional terms and conditions set forth in the Order aforesaid dated February 19, 1941, that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10646; Filed, October 22, 1942; 11:12 a. m.]

WAR MANPOWER COMMISSION.

[Interpretation No. I]

EMPLOYMENT STABILIZATION PLAN

NON-FERROUS METALS AND LUMBERING ACTIVITIES

As used in the Employment Stabilization Plan for Non-Ferrous Metal and Lumbering activities,[1] approved by the Chairman of the War Manpower Commission on September 7, 1942, pursuant to the War Manpower Commission Policy to Prevent Pirating of War Workers:

I. The term "non-ferrous metal, mining, milling, smelting and refining" in-includes:

(a) All mining, dressing and beneficiating (milling of): Aluminum (including alunite and bauxite ores), antimony, arsenic, beryllium, chrome, cobalt, columbium, copper, lead, magnesium, manganese, mercury, molybdenum, tantalum, tin, titanium, tungsten, uranium, vanadium, zinc, zirconium, and all other non-ferrous metals exclusive of the precious metals;

(b) All removal of overburden, sinking of shafts, and similar services performed preparatory to the mining of the non-ferrous metals specified in paragraph (a) hereof;

(c) All prospecting and exploration activities carried on in accordance with an authorization of or with the aid of a governmental agency, or as a substantial organized and responsible pursuit under a bona fide contract or authorization;

(d) All primary smelting and refining of the non-ferrous metals specified in paragraph (a) hereof.

II. The term "logging and lumbering" includes:

(a) All logging operations carried on in logging camps, irrespective of whether such operations are conducted by logging contractors or whether such logging camps are carried on in combination with the operation of sawmills, pulp mills, or planing mills;

(b) All sawmill operations;

(c) All veneer mill operations, including all activities incident to the production of veneers;

(d) All plywood mill operations, including all activities incident to the production of plywood.

III. The term "production and maintenance occupations" includes all engineering and supervisory occupations required in connection with the production and maintenance occupations in the non-ferrous metal and lumbering activities hereinabove defined.

FRANK J. MCSHERRY,
Director of Operations.

OCTOBER 21, 1942.

[F. R. Doc. 42-10666; Filed, October 22, 1942; 11:38 a. m.]

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[1] 7 F.R. 7131.

OCT 26 1942

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934
LITTERA SCRIPTA MANET

FEDERAL REGISTER

VOLUME 7 NUMBER 210

Washington, Saturday, October 24, 1942

The President

PROCLAMATION 2569

ESTABLISHING THE CASCO BAY, PORTSMOUTH, NEW HAMPSHIRE, CAPE HATTERAS, KEY WEST AND LOS ANGELES MARITIME CONTROL AREAS AND PRESCRIBING REGULATIONS FOR THE CONTROL THEREOF

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the United States is now at war, and the establishment of the maritime control areas hereinafter described is necessary in the interests of national defense:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, by virtue of the authority vested in me as President of the United States, and as Commander-in-Chief of the Army and Navy of the United States, and in accordance with the principle of self-defense of the Law of Nations, do hereby establish and proclaim the following-described areas as Maritime Control Areas, and prescribe the following regulations for the control thereof:

CASCO BAY MARITIME CONTROL AREA

All waters within the area enclosed by lines running as follows:

Beginning at a point on Small Point, Cape Small in approximate position Latitude 43°42'06" North, Longitude 69°50'03" West;
thence due south through Fuller Rock Light to an approximate position Latitude 43°32'19" North, Longitude 69°50'03" West; and
thence due west to a point on Adam Head, Richmond Island, in approximate position Latitude 43°32'19" North, Longitude 70°13' 48" West.

PORTSMOUTH, NEW HAMPSHIRE, MARITIME CONTROL AREA

All waters within the area enclosed by lines running as follows:

Beginning at Cape Neddick Light in approximate position Latitude 43°09'54" North, Longitude 70°35'30" West;
thence southeasterly to Boon Island Light in approximate position Latitude 43°07'16" North, Longitude 70°28'36" West;
thence due south to approximate position Latitude 42°55'05" North, Longitude 70°28'36" West; and
thence due west to a point on Great Boars Head in approximate position Latitude 42°55'05" North, Longitude 70°47'42" West.

CAPE HATTERAS MARITIME CONTROL AREA

All waters within the area enclosed by lines running as follows:

Beginning at a point on the beach near Swash Inlet in approximate position Latitude 34°58'02" North, Longitude 76°10' West;
thence southeasterly to position Latitude 34°53' North, Longitude 75°58' West;
thence due east to position Latitude 34°53' North, Longitude 75°31' West;
thence northeasterly to position Latitude 35°05' North, Longitude 75°22' West;
thence due north to position Latitude 35°08' North, Longitude 75°22' West;
thence northwesterly to position Latitude 35°17' North, Longitude 75°28' West; and
thence due west to the beach in approximate position Latitude 35°17' North, Longitude 75°30'43" West.

KEY WEST MARITIME CONTROL AREA

All waters within the area enclosed by the following parallels of latitude and meridians of longitude:

Between the parallels of Latitude 24°36' North and Latitude 25°10' North; and
between the meridians of Longitude 81°23' West and Longitude 82°10' West.

LOS ANGELES MARITIME CONTROL AREA

That sea area lying within the following boundaries:

From Point Dume, California, to the Northwesterly point of Santa Catalina Island;
thence along the Northern shore of Santa Catalina Island to the Southeasterly point of that island;
from the Southeasterly point of Santa Catalina Island to Dana Point, California.

REGULATIONS FOR THE CONTROL OF THE ABOVE DESCRIBED MARITIME CONTROL AREAS

1. No vessel not proceeding under United States naval or other United

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THE PRESIDENT

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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States authorized supervision shall enter or navigate the waters of the said Maritime Control Areas except during daylight, when good visibility conditions prevail, and then only after specific permission has been obtained. Advance arrangements for entry into or navigation through or within the said Areas must be made, preferably by application at a United States Naval District Headquarters in advance of sailing, or by radio or visual communication on approaching the seaward limits of the area. If radio telegraphy is used, the call "NQO" shall be made on a frequency of 500 kcs, and permission to enter the port requested. The name of the vessel, purpose of entry, and name of master must be given in the request. If visual communications are used, the procedure shall be essentially the same.

2. Even though permission has been obtained it is incumbent upon a vessel entering the said Areas to obey any further instructions received from the United States Navy, or other United States authority.

3. A vessel may expect supervision of its movements within the said Areas, either through surface craft or aircraft. Such controlling surface craft and aircraft shall be identified by a prominent display of the Union Jack.

4. These regulations may be supplemented by regulations of the local United States naval authority as necessary to meet local circumstances and conditions.

5. Should any vessel or person within the said Areas disregard these regulations, or regulations issued pursuant hereto, or fail to obey an order of the United States naval authority, or perform any act threatening the efficiency of mine or other defenses, or take any action therein inimical to the defense of the United States, such vessel or person may be subjected to the force necessary to require compliance, and may be liable to detention or arrest, or penalties or forfeiture, in accordance with law.

The Secretary of the Navy is charged with the enforcement of these regulations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of October in the year of our Lord nineteen hundred and forty-two, and of the Independence of the United States of America the one hundred and sixty-seventh.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[F. R. Doc. 42-10716; Filed, October 23, 1942; 11:01 a. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter A—Administrative Provisions

[Farm Credit Administration Order 363]

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

FUNCTIONS AND DUTIES OF DEPUTY GOVERNORS

Part 3 of Title 6, Code of Federal Regulations, is amended by adding a new § 3.3, as follows:

§ 3.3 *Functions and duties of Deputy Governors.* Deputy Governor C. W. Warburton is hereby placed in charge of the Washington Office of the Farm Credit Administration and will have general supervision of the Cooperative Research and Service Division. He will represent the Farm Credit Administration in its relationships with other agencies of the Department of Agriculture in Washington and will represent the Governor at meetings of the Department of Agriculture War Board.

Deputy Governor W. H. Droste will coordinate the activities of the Land Bank Division and the Mortgage Corporation Service Section, and will exercise general supervision over the Administrative Division, the Examination Division, and the Division of Finance and Accounts. In addition he will handle the coordination of the activities of the general agents' offices and assume general responsibility with regard to the elections of directors to the farm credit boards and to the board for the Central Bank for Cooperatives.

Deputy Governor J. E. Wells, Jr., will coordinate the activities of the Cooperative, Intermediate Credit, Production Credit, and Regional Agricultural Credit Divisions, and will exercise general supervision over the Economic and Credit Research Division, Information and Extension Division, Emergency Crop and Feed Loan Section, and Revolving Fund Section. (E.O. 6048, Mar. 27, 1933, 6 CFR 1.1 (m), Memorandum No. 846 Sec. of Agric., Jan. 6, 1940, sec. 40, 48 Stat. 51; 12 U.S.C. 636)

[SEAL]

A. G. BLACK,
Governor.

[F. R. Doc. 42-10711; Filed, October 23, 1942; 9:52 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary

[Amendment 2 to Temporary Rationing Order A [1]]

PART 2—RATIONING OF FARM MACHINERY AND EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT

A new Schedule IV is added, a new paragraph (q) is added to § 2.1, paragraph (1) of § 2.1 is amended and § 2.29 (a) is amended, all as set forth below:

§ 2.1 *Definitions.* When used in Temporary Rationing Order A:

* * * * *

(1) "Person" means any individual, partnership, corporation, association, or other organized group of "persons" and shall include any agent, agency, or any "person" acting for or on behalf of any of the foregoing. The term "person" shall also include the United States or any agency thereof, and a State or any political subdivision or any agency thereof.

* * * * *

(q) "Manufacturer" means any person engaged to whatever extent in the making or assembling of new farm machinery and equipment.

§ 2.29 *Records to be kept by dealers.* (a) Each dealer, distributor and manufacturer shall file on or before November 10, 1942, an inventory of all new farm machinery and equipment listed in Schedule IV hereof which he had in his possession at the close of business on October 31, 1942. Such inventory shall disclose the county and State in which the items listed were physically located at the close of business on October 31, 1942. In the case of a manufacturer such inventory shall further disclose whether the items listed were manufactured within the quota set for such manufacturer by War Production Board Order L-26 or whether such items were manufactured in excess of such quota. Such inventory shall be filed with the county rationing committee (which is the committee established pursuant to § 2.4 of Temporary Rationing Order A for the purpose of rationing farm machinery and equipment) for the county in which the dealer, distributor or manufacturer has his principal place of business or, if there is no county rationing committee in such county, then only with the State U.S.D.A. War Board of the State in which such dealer, distributor or manufacturer has his principal place of business. If a dealer, distributor or manufacturer does business in six or more counties in one State, such dealer, distributor or manufacturer shall file such inventory only with the State U.S.D.A. War Board for the State in which he has his principal place of business. If a dealer, distributor or manufacturer does business in more than one State, he shall file such inventory only with the Special War Board Assistant, at Room 3095, South Building, Department of Agriculture, Washington, D. C.

§ 2.38 *Effective dates of amendments to farm machinery and equipment rationing regulations.* * * *

(b) Amendment No. 2 (§§ 2.1(1) (q), 2.29 (a) and Schedule IV) to Temporary Rationing Order A shall become effective October 22, 1942.

Done at Washington, D. C., this 22nd day of October, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

PAUL H. APPLEBY,
Acting Secretary of Agriculture.

SCHEDULE IV

Planting, Seeding & Fertilizing Machinery

- Corn planters
  - Two row, horse drawn
  - Two row, tractor drawn or mounted
  - Three and four row, tractor drawn
- Combination corn and cotton planters
  - Two row, horse drawn
  - Two row, tractor drawn or mounted
  - Three and four row, horse or tractor drawn
- Potato planters
  - Horse or tractor drawn
- Transplanters
  - One and two row, horse or tractor drawn
- Listers with planting attachments
  - One row, horse or tractor drawn or mounted
  - Two row, horse or tractor drawn or mounted
- Beet drills
  - Horse or tractor drawn
- Grain drills
  - Horse or tractor drawn
- Fertilizing distributors
  - Horse or tractor drawn
- Lime spreaders (sowers)
  - Wheel type, horse or tractor drawn
  - Endgate type
- Manure spreaders
  - Four wheel, horse or tractor drawn

Plows and Listers

- Moldboard plows
  - Tractor drawn or mounted
    - One bottom
    - Two bottom
    - Three bottom
- Disc plows, tractor drawn
  - Two disc
  - Three disc
- One way disc plows or tillers
  - Listers (middle busters without planting attachment)
  - One row, horse or tractor drawn or mounted
  - Two row, horse or tractor drawn or mounted

Harrows and Pulverizers

- Harrows
  - Spike tooth sections, horse or tractor drawn
  - Spring tooth sections, horse or tractor drawn
  - Disc harrows
- Soil pulverizers and packers

Cultivators and Weeders

- Cultivators
  - Tractor drawn or mounted
    - One row
    - Two row
    - Three row
  - Beet cultivators, horse or tractor drawn or mounted
  - Field cultivators, horse or tractor drawn
- Rotary hoes, horse or tractor drawn
- Rod weeders, horse or tractor drawn

Harvesting Machinery

- Grain binders
- Rice binders
- Combine (harvester-thresher)
  - Width of cut, 6 feet and under
  - Width of cut, over 6 feet
- Corn binders
- Corn pickers (pull and mounted type)
- Ensilage harvesters (corn, hay)
- Potato diggers
  - Walking plow type
  - Other, horse or tractor drawn
- Pea and bean harvesters
- Beet lifters, horse or tractor drawn

Haying Machinery

- Mowers
  - Horse drawn
  - Tractor drawn or mounted
- Rakes
  - Sulky (dump)
  - Side del. including combination side rakes and tedders
  - Sweep
- Hay loaders
- Stackers

Machines for Preparing Crops for Market or Use

- Grain threshers, including rice and alfalfa threshers
- Pea and bean threshers
- Peanut pickers
- Ensilage cutters (silo fillers)
- Feed cutters (power)
- Corn shellers (power)
  - Cylinder (150 bu. and under)
  - Cylinder (over 150 bu.)
- Corn huskers and shredders
- Hay presses or balers
  - Engine or belt power
  - Hay press combines (windrow pick-up)
- Feed grinders and crushers
  - Power, burr type
  - Hammer, and roughage mills
- Grain cleaners and graders
- Potato sorters and graders

Tractors

- Wheel type, special purpose
- Wheel type, all purpose
- Garden tractors

Engines

- One or more but under 5 H. P.
  - Air cooled
  - Water cooled
- Five or more but under 10 H. P.
  - Water cooled

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[1] 7 F.R. 7301, 7768.

Farm Wagons and Trucks

- Wagons, farm, not including boxes
- Trucks (not motor trucks), farm, not including boxes

Dairy Machinery and Equipment

- Milking machines (complete units)
- Cream separators (centrifugal)
  - Capacity, 250 lb. per hr. or less
  - Capacity, 251–800 lb. per hr.
- Metal milk cans and covers
- Milk coolers
  - Immersion type
  - Tubular type

Spraying Outfits (Complete)

- Power sprayers (not including engine)
- Traction sprayers
- Spray pumps, power
- Dusters
  - Power
  - Traction

Domestic Water Systems

- Deep well, all sizes
  - Reciprocal
  - Jet pumps
- Shallow well, all sizes
  - Under 250 gal. per hr.
  - 250 to 499 gal. per hr.
  - 500 gal. per hr. and over
- Power pumps, horizontal type
- Windmill pumps
- Windmill heads
- Windmill towers
- Pump jacks

Elevators, Farm, Including Grain and Forage Blowers

- Portable
- Stationary

Silos

Irrigation Equipment

- Turbine pumps
  - 0 to 1200 GPM
  - 1200 GPM and up
- Centrifugal pumps
- Hydraulic rams
- Distribution equipment
  - Land leveling equipment (excluding power ditchers, draglines, and other self-powered machines)
    - Ditchers
    - Corrugators
    - Scrapers
  - Portable pipe and extensions
  - Sprinklers

Fencing materials

- Barbed wire
- Poultry netting
- Square mesh wire fence
  - Light poultry fence
  - Standard poultry and rabbit fence
  - Close mesh poultry fence
  - Wolf-proof fence
  - Standard field fence
  - Hog and cattle fence, close mesh
  - Standard field and dairy fence
- Metal gates
- Metal fence posts

[F. R. Doc. 42-10717; Filed, October 23, 1942; 11:12 a. m.]

Chapter IX—Agricultural Marketing Administration

[O-66]

PART 966—ORANGES GROWN IN THE STATE OF CALIFORNIA OR IN THE STATE OF ARIZONA

HANDLING OF ORANGES GROWN IN CALIFORNIA OR ARIZONA

It is provided in Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities (including oranges) as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities.

Sec.
966.1 Findings.
966.2 Order relative to handling.
966.3 Definitions.
966.4 Orange Administrative Committee.
966.5 Expenses and assessments.
966.6 Regulation.
966.7 Prorate districts.
966.8 Oranges not subject to regulation.
966.9 Reports.
966.10 Compliance.
966.11 Right of the Secretary.
966.12 Effective time and termination.
966.13 Effect of termination or amendment.
966.14 Duration of immunities.
966.15 Agents.
966.16 Derogation.
966.17 Personal liability.
966.18 Separability.

AUTHORITY: §§ 966.1 to 966.18, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U.S.C. 1940 ed. 601 et seq.

§ 966.1 *Findings and determinations.*—(a) *Findings upon the basis of hearing record.* Pursuant to the act and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR 900.1–900.17; 6 F.R. 6571, 7 F.R. 3350), a public hearing was held upon a proposed marketing agreement and order regulating the handling of oranges grown in the State of California or in the State of Arizona. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The issuance of this order and all of the terms and conditions hereof will tend to effectuate the declared policy of the act;

(2) The terms and provisions of this order prescribe, so far as practicable, such different terms, applicable to different production areas, as are necessary to give due recognition to the difference in production and marketing of oranges grown in the State of California or in the State of Arizona;

(3) This order is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of such regional production area would not effectively carry out the declared policy of the act; and

(4) This order regulates the handling of oranges grown in the State of California or in the State of Arizona in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and proclaimed that, in connection with the execution of a marketing agreement and the issuance of an order regulating the handling of oranges grown in the State of California or in the State of Arizona, the purchasing power of such oranges during the pre-war period August 1909–July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such oranges can be satisfactorily determined from available statistics of the Department of Agriculture for the post-war period August 1919–July 1929; and the post-war period August 1919–July 1929 is the base period to be used in connection with such marketing agreement and this order in determining the purchasing power of such oranges.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the oranges covered by this order) of at least 80 percent of the volume of oranges covered by this order refused or failed to sign the tentatively approved marketing agreement regulating the handling of oranges grown in the State of California or in the State of Arizona; and it is further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of such oranges; and

(3) The issuance of this order is approved or favored by the producers who participated in a referendum on the question of the approval of the order and who, during the determined representative period, produced for market at least two-thirds of the volume of oranges produced for market within the States of California and Arizona.

§ 966.2 *Order relative to handling.* From and after the effective date hereof, such handling of oranges grown in the State of California or in the State of Arizona as is in the current of commerce between the State of California and any point outside thereof in the continental United States, Alaska, or Canada, or between the State of Arizona and any point outside thereof in the continental United States, Alaska, or Canada, or so as directly to burden, obstruct, or affect such commerce, shall be in conformity to and in compliance with the terms and conditions of this order.

§ 966.3 *Definitions.* As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture of the United States.

(b) "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937), 7 U. S. C. 1940 ed. 601 *et seq.*), as amended.

(c) "Person" means an individual, partnership, corporation, association, or any business unit.

(d) "Oranges" means all varieties of oranges grown in the State of California or in the State of Arizona, which are included in the botanical classification of Citrus Sinensis.

(e) "Variety of oranges" means (1) Valencia oranges or (2) all oranges other than Valencia oranges.

(f) "Fiscal year" means the twelve-month period ending October 31 of each year.

(g) "Committee" means the Orange Administrative Committee established pursuant to § 966.4.

(h) "Grower" and "producer" are synonymous and mean any person who produces oranges for market.

(i) "Handler" means any person who handles oranges.

(j) "Handle" means to buy, sell, consign, transport, ship (except as a common carrier of oranges owned by another person), or in any other way to place oranges in fresh form in the current of commerce between the State of California and any point outside thereof in the continental United States, Alaska, or Canada, or between the State of Arizona and any point outside thereof in the continental United States, Alaska, or Canada, or so as directly to burden, obstruct, or affect such commerce.

(k) "Oranges available for current shipment" means all oranges as measured by the total tree crop. If regulations pursuant to § 966.6 become effective after the beginning of a marketing season for any variety of oranges, the term shall include all oranges which are within the area of production.

(l) "Box", means a standard orange box as defined by the Agricultural Code of California.

(m) "Central marketing organization" means any organization which markets oranges for more than one handler pursuant to a written contract between such organization and each such handler.

(n) "Carload" means a quantity of oranges equivalent to 462 packed boxes of oranges.

§ 966.4 *Orange Administrative Committee*—(a) *Establishment and membership.* There is hereby established an Orange Administrative Committee consisting of seven members, for each of whom there shall be an alternate member who shall be nominated and selected in the same manner and who shall have the same qualifications as the member for whom each is an alternate member. All of the members and alternate members of the committee, except the member and alternate member nominated pursuant to paragraph (c) (6) of this section, shall be growers who shall not be handlers or employees of handlers.

(b) *Term of office.* The initial members and alternate members of the committee shall hold office for a term beginning on the date designated by the Secretary and ending October 31, 1944, or until their successors are selected and have qualified. The term of office of succeeding members and alternate members of the committee shall begin on the first day of November and shall continue for two years thereafter, or until their successors are selected and have qualified.

(c) *Nominations.* (1) The time and manner of nominating members and alternate members of the committee shall be prescribed by the Secretary.

(2) Any cooperative marketing organization, or the growers affiliated therewith, which marketed more than 50 percent of the total volume of oranges marketed in fresh form during the fiscal year preceding the date on which nominations for members and alternate members of the committee are to be submitted, shall nominate not less than six growers for three members and six growers for three alternate members of the committee.

(3) All cooperative marketing organizations which market oranges and which are not qualified under paragraph (c) (2) of this section, or the growers affiliated therewith, shall nominate not less than two growers for a member and two growers for an alternate member of the committee.

(4) All growers who are not affiliated with cooperative marketing organizations which market oranges shall nominate not less than four growers for two members and four growers for two alternate members of the committee

(5) When voting for nominees, each grower shall be entitled to cast one vote which shall be cast on behalf of himself, his agents, subsidiaries, affiliates, and representatives. The votes of cooperative marketing organizations voting pursuant to paragraph (c) (3) of this section shall be weighted in accordance with the volume of oranges handled during the fiscal year preceding the date upon which such nominations are made.

(6) The first six members of the committee selected by the Secretary pursuant to paragraph (d) of this section shall meet on a date designated by the Secretary and, by a concurring vote of at least four members, shall nominate two persons for a member and two persons for an alternate member of the committee, which persons shall not be growers or handlers, or employees, agents, or representatives of a grower or a handler (other than a charitable or educational institution which is a grower or a handler), or in any other way directly associated with the production or marketing of oranges.

(d) *Selection.* From the nominations made pursuant to paragraph (c) (2) of this section, the Secretary shall select three members and three alternate members of the committee. From the nominations made pursuant to paragraph (c) (3) of this section the Secretary shall select one member and one alternate member of the committee. From the nominations made pursuant to paragraph (c) (4) of this section the Secretary shall select two members and two alternate members of the committee. From the nominations made pursuant to paragraph (c) (6) of this section the Secretary shall select one member and one alternate member of the committee.

(e) *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (c) (1) of this section, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for herein.

(f) *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

(g) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor to the unexpired term of such member or alternate member of the committee shall be selected by the Secretary from nominations made in the manner specified in this section. If the names of nominees to fill any such vacancy are not made available to the Secretary within fifteen days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for herein.

(h) *Alternate members.* An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member: *Provided,* That a member may designate an alternate member other than his own alternate member to serve in the place and stead of such member, if the alternate member so designated was selected from the same group which was authorized to nominate the member. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

(i) *Powers.* The committee shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms;

(2) To make and adopt rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violations of the provisions hereof; and

(4) To recommend to the Secretary amendments hereto.

(j) *Duties.* The committee shall have the following duties:

(1) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(2) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(3) To submit to the Secretary at the beginning of each fiscal year a budget for such fiscal year, including a report in explanation of the items appearing

therein and a recommendation as to the rate of assessment for such fiscal year;

(4) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(5) To prepare a monthly statement of the financial operations of the committee and to make copies of each such statement available for examination at the office of the committee;

(6) To prepare an annual report of its operations and to mail or otherwise make available to all known growers and handlers a copy thereof;

(7) To cause its books to be audited by a certified public accountant at least once each fiscal year, and at such other times as the Secretary may request;

(8) To act as intermediary between the Secretary and any grower or handler;

(9) To provide an adequate system for determining the total quantity of each variety of oranges available for current shipment, and to make such determinations as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration hereof;

(10) To investigate the growing, handling, and marketing conditions with respect to oranges, and to assemble data in connection therewith;

(11) To submit to the Secretary such available information, including verified reports, as he may request;

(12) To consult with such representatives of growers or groups of growers as may be deemed necessary and to pay the travel expenses incurred by such representatives in attending committee meetings at the request of the committee: *Provided*, That the committee shall not pay the travel expenses of more than three such representatives in connection with any one meeting of the committee;

(13) To perform such duties as may be assigned to it by the Secretary in connection with the administration of Section 32 of the Act to amend the Agricultural Adjustment Act, and for other purposes, Public Act No. 320, 74th Congress (August 24, 1935), as amended.

(k) *Procedure*. (1) A majority of the committee shall constitute a quorum and any action of the committee shall require four concurring votes.

(2) The committee may provide for voting by telegraph, telephone, or other means of communication; and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

(l) *Expenses and compensation*. The members of the committee, and their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties hereunder and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $5.00 for each day or portion thereof spent in attending such meetings.

§ 966.5 *Expenses and assessments*—(a) *Expenses*. The committee is authorized to incur such expenses as the Secretary finds may be necessary to enable the committee to exercise its powers and perform its duties in accordance with the provisions hereof during each fiscal year.

(b) *Assessments*. (1) Each person who first handles oranges shall, with respect to the oranges so handled by him, pay to the committee, upon demand, such person's pro rata share of the expenses which the Secretary finds are necessary during each fiscal year. Each such person's share of such expenses shall be equal to the ratio between the total quantity of such oranges handled by him as the first handler thereof during the applicable fiscal year, and the total quantity of such oranges so handled by all persons during the same fiscal year.

(2) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all oranges handled during the applicable fiscal year. In order to provide funds for the administration of the provisions hereof, the committee may accept the payment of assessments in advance, and may borrow money in an amount not to exceed ten percent of the estimated expenses set forth in its budget for the then current fiscal year.

(3) The committee may, with the approval of the Secretary, maintain a suit in its own name, or in the names of its members, to enforce the payment of assessments levied under paragraph (b) of this section.

(c) *Accounting*. (1) If, at the end of a fiscal year, the assessments collected are in excess of the expenses incurred by the committee, each person entitled to a proportionate refund of the excess assessments shall be credited with such a refund against the cost of administration hereof for the following fiscal year. If any person ceases to handle oranges, he may demand payment of such a refund, and the refund shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(2) All funds received by the committee pursuant to the provisions hereof shall be used solely for the purposes herein specified, and shall be accounted for in the manner herein provided. The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

§ 966.6 *Regulation* — (a) *Marketing policy*. (1) At the beginning of the marketing season for each variety of oranges the committee shall prepare a report setting forth its proposed policy for the marketing of such variety of oranges. In the event it becomes advisable to modify such marketing policy, because of changed demand and supply conditions, the committee shall submit a report showing such modifications and the reasons therefor.

(2) All meetings of the committee held for the purpose of formulating such marketing policies shall be open to growers and handlers. The committee shall give growers and handlers reasonable notice of such meetings.

(3) The committee shall transmit a copy of each marketing policy report or revision thereof to the Secretary and shall give reasonable notice to growers and handlers of the contents thereof. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

(b) *Recommendations for regulation*. (1) Each week during the marketing season for each variety of oranges the committee shall recommend to the Secretary the total quantity of each such variety of oranges which it deems advisable to be handled during the next succeeding week. If prorate districts are established pursuant to § 966.7, the committee shall recommend to the Secretary the total quantity of each such variety of oranges grown in each such prorate district which it deems advisable to be handled during each such week. If, for any reason, the committee fails to recommend to the Secretary the total quantity of each variety of oranges which it deems advisable to be handled during each week, as required hereby, reports representing the respective views of the committee members with respect to its failure to act shall be submitted promptly to the Secretary.

(2) In making its recommendations, the committee shall give due consideration to the following factors: (i) market prices for oranges, including market prices by grades and sizes; (ii) supply of oranges on track at, and en route to, the principal markets; (iii) supply, maturity, and condition of oranges in the area of production, including the grade and size composition thereof; (iv) market prices and supplies of citrus fruits from competitive producing areas, and supplies of other competitive fruits; (v) trend and level in consumer income; and (vi) other relevant factors.

(3) At any time during a week for which the Secretary, pursuant to paragraph (c) of this section, has fixed the quantity of any variety of oranges which may be handled, the committee may, if such action is deemed advisable because of unusual or unforeseen changes in the demand for oranges, recommend to the Secretary that such quantity be increased for such week. Any such recommendation, together with supporting information, shall be submitted promptly to the Secretary.

(c) *Issuance of regulation*. Whenever the Secretary shall find, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of any variety of oranges which may be handled during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity. In the event prorate districts are established pursuant to § 966.7, the Secretary, upon the basis of the recommendations and information submitted by the committee, or from other available information, shall

fix the quantity of each variety of oranges grown in each such prorate district which may be handled during such week. The quantity so fixed may be increased by the Secretary at any time during such week.

(d) *Prorate bases*. (1) Each person who has oranges available for current shipment shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided herein.

(2) Such application shall be substantiated in such manner and shall be supported by such evidence as the committee may require, and shall include (i) the name and address of the producer or duly authorized agent, if any, for each grove or portion thereof, the fruit of which is included in the quantity of oranges available for current shipment by the applicant; (ii) an accurate description of the location of each such grove or portion thereof, including the number of acres contained therein; and (iii) an estimate of the total quantity of each variety of oranges available for current shipment by the applicant in terms of a unit of measure designated by the committee.

(3) Such application shall include only such oranges available for current shipment which the applicant controls (i) by a bona fide written contract giving the applicant authority to handle such oranges, or (ii) by having legal title or possession thereof, or (iii) by having executed an enforceable written agreement to purchase such oranges. If an applicant controls oranges pursuant to subdivision (i) or (iii) hereof, he shall submit a copy of each type of such contract to the committee, together with a statement that no other types of contracts are used, and shall maintain a file of all original contracts evidencing such control which shall be subject to examination by the committee.

(4) If the quantity of oranges available for current shipment by any person is increased or decreased by the acquisition or loss of the control required by paragraph (d) (3) of this section, such person shall submit promptly a report thereon to the committee upon forms made available by it, which report shall be verified in such manner as the committee may require.

(5) If any person gains or loses control of oranges as required by paragraph (d) (3) of this section, there shall be a corresponding increase or decrease in the quantity of oranges available for current shipment by such person. If it is determined by the committee that any person who has lost control of oranges as required by paragraph (d) (3) of this section has handled a quantity of such oranges less than the quantity that could have been handled under the allotments issued thereon, the quantity of oranges available for current shipment by such person shall be adjusted by deducting therefrom, over such period as may be determined by the committee, a quantity of oranges equivalent to the quantity upon which allotments were issued, but which were not utilized thereon.

(6) The committee shall determine the accuracy of the reports submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such report, it shall correct the same and shall give the person who submitted such report a reasonable opportunity to discuss with the committee the factors considered in making the correction. If it is determined that an error, omission, or inaccuracy has resulted in the establishment of a smaller or a larger quantity of oranges available for current shipment than that to which a person was entitled hereunder, such quantity shall be increased or decreased, over such period as may be determined by the committee, by an amount necessary to correct the error, omission, or inaccuracy.

(7) Each week during the marketing season for any variety of oranges the committee shall compute the total quantity of such oranges available for current shipment by each person who has applied for a prorate base and for allotments, and shall transmit a report thereon to the Secretary. Such report shall constitute the recommendation of the committee for a prorate base for each such person. If prorate districts are established pursuant to § 966.7, the said computations and reports shall be made on the basis of the total quantity of the applicable variety of oranges available for current shipment by each such person in each such prorate district. Such computations and reports shall be prepared and submitted during the week prior to the week when the recommended prorate bases are to become applicable.

(8) Upon the basis of the recommendations and reports of the committee, or from other available information, the Secretary shall fix a prorate base for each person who is entitled thereto. Such prorate base shall represent the ratio between the total quantity of the applicable variety of oranges available for current shipment by each such person and the total quantity of such oranges available for current shipment by all such persons. If prorate districts are established pursuant to § 966.7, a prorate base shall be fixed by the Secretary for each person entitled thereto in each such prorate district. Such prorate base shall represent the ratio between the total quantity of the applicable variety of oranges available for current shipment in each such district by each such person and the total quantity of oranges available for current shipment in each such district by all such persons. The Secretary shall notify the committee of the prorate base fixed for each person and the committee shall notify each such person of the prorate base fixed for him.

(e) *Allotments*. Whenever the Secretary has fixed the quantity of any variety of oranges which may be handled during any week, and has fixed prorate bases for persons entitled thereto, the committee shall calculate the quantity of each such variety of oranges which may be handled by each such person during such week. The said quantity shall be the allotment of each such person and shall be in an amount equal to the product of the prorate base for each such person for each variety and the total quantity of such variety of oranges fixed by the Secretary as the quantity which may be handled during such week. If prorate districts are established pursuant to § 966.7, the allotments shall be in amounts equivalent to the product of the prorate base for each such person for each variety in each such prorate district and the total quantity of such variety of oranges grown in each such prorate district and fixed by the Secretary as the total quantity of such variety of oranges which may be handled during such week. The committee shall give reasonable notice to each person of the allotment computed for him pursuant hereto.

(f) *Overshipments*. During any week for which the Secretary has fixed the total quantity of any variety of oranges which may be handled, any person (when not required to reduce the quantity of oranges which he may handle during such week, as provided herein) may handle, in addition to his allotment for such variety of oranges, an amount of such oranges equivalent to 10 percent of his allotment of such oranges, or 462 boxes thereof, or an equivalent quantity. The quantity of any variety of oranges so handled in excess of each such person's allotment for such variety of oranges (but not exceeding an amount equivalent to the excess shipments permitted hereunder) shall be deducted from each such person's allotment of such oranges for the next week. If such person's allotment for such week is in an amount less than the excess shipments permitted hereunder, the remaining quantity shall be deducted from succeeding weekly allotments of such oranges issued to each such person until such excess has been entirely offset. The provisions hereof shall not apply to any person who, during any week, has not received an allotment hereunder for such week.

(g) *Undershipments*. If any person handles during any week a quantity of any variety of oranges, covered by a regulation issued pursuant to paragraph (c) of this section, in an amount less than his allotment for such variety of oranges for such week, he may handle, in addition to his allotment for such variety of oranges for the next week only, a quantity of such oranges equivalent to such undershipment.

(h) *Allotment loans*. (1) A person to whom allotments have been issued may lend such allotments to other persons to whom allotments have been issued: *Provided*, That such allotment loan transactions are confined to the same variety of oranges and, if prorate districts are established pursuant to § 966.7, to the same prorate district. Such loans shall be evidenced by bona fide written agreements filed with the committee within forty-eight hours after any such agreement has been entered into, and such agreements shall include a provision for the repayment of such allotments during the then current marketing season.

(2) An allotment shall be loaned pursuant to paragraph (h) (1) of this section for use only during the week for which such allotment was issued. Per-

sons securing repayment of an allotment loan may use such allotment only during the week in which the repayment is made.

(3) No allotment which has been loaned may again be loaned by the borrower, or by the lender after the repayment thereof. No person shall loan an allotment when the repayment thereof is not required to complete the marketing of the variety of oranges to which such allotment is applicable. No person shall borrow an allotment which he is unable to repay during the then current marketing season.

(4) The committee may act on behalf of persons desiring to arrange allotment loans. In each such case, the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (h) (1) of this section.

(i) *Assignment of allotments.* Any person who acquires oranges and who does not have a prorate base for such oranges may handle such oranges pursuant to an assignment of an allotment from the person from whom such oranges are acquired. Such assignments of allotments shall be only in amounts equal to the quantity of oranges, and shall cover the same variety of oranges, so acquired. Any such assignments of allotments shall be evidenced by a certificate which shall be in such form and issued in such manner as may be required by the committee. The committee shall provide for an equitable system by means of which persons to whom allotments have been assigned may handle the oranges covered by such assignments in amounts less than the quantity included in the certificates of assignment. The handling of oranges covered by an assignment issued pursuant hereto shall be such as to qualify for undershipments pursuant to paragraph (g) of this section. No allotment may be assigned, transferred, or otherwise disposed of except in accordance with the provisions hereof.

(j) *Priority of allotments.* During any week in which a person receives an allotment, and has the right to handle a quantity of oranges in addition to the quantity represented by his allotment, by reason of (1) an undershipment of an allotment, pursuant to paragraph (g) of this section; or (2) an assigned allotment, pursuant to paragraph (i) of this section; or (3) the repayment of a loaned allotment, pursuant to paragraph (h) of this section; or (4) a borrowed allotment, pursuant to paragraph (h) of this section, and such person handles a quantity of any variety of oranges which is less than the total quantity of such variety of oranges which such person may handle during such week, the amount of such variety of oranges handled shall first apply to such person's current weekly allotment (or to that portion which is not used pursuant to paragraphs (f), (h), or (i) of this section) and the remainder, if any, shall be applied in the following order: first, to any undershipment of allotments, pursuant to paragraph (g) of this section; second, to any allotment repaid to him, pursuant to paragraph (h) of this section; third, to any allotment assigned to him, pursuant to paragraph (i) of this section; fourth, to any allotment borrowed, pursuant to paragraph (h) of this section.

(k) *Allotment pool.* The committee may withhold from the allotment of each person an amount not to exceed five percent of such allotment and shall allocate the allotments so withheld among handlers who have made application therefor. Such allocations shall be made in accordance with the need therefor as evidence by the advanced maturity or short life of oranges available for current shipment. All such deductions, allocations, and repayments of allotments shall be made pursuant to a uniform rule adopted by the committee and approved by the Secretary. If prorate districts are established pursuant to § 966.7, separate deductions, allocations, and repayments of allotments hereunder shall be made for each prorate district.

(l) *Central marketing organizations.* The committee shall give any central marketing organization, upon its request, the same notice, with respect to prorate bases and allotments applicable to each handler for whom it markets oranges, as is given to such handler.

(m) *Exchange for State allotments.* Persons to whom allotments have been issued pursuant to paragraph (e) of this section may exchange such allotments for allotments issued pursuant to an order, license, or regulation made effective under laws of the State of California or the State of Arizona. All such exchanged allotments shall be limited to the same variety of oranges and shall be exchanged only between persons to whom allotments have been issued in the same prorate district, if such districts are established hereunder. Such exchanges of allotments shall be limited to allotments covering a corresponding weekly period and persons entering into agreements for the exchange of such allotments shall report each such transaction to the committee in such manner as the committee may prescribe.

§ 966.7 *Prorate districts.* The committee may, from time to time, recommend to the Secretary that the States of California and Arizona be divided into geographic districts. Such recommendations shall be accompanied by information in support thereof. If the Secretary finds, upon the basis of the recommendation and information submitted by the committee, or from other available information, that the establishment of such districts will effectuate the purposes of the act, he shall establish such districts which shall be known as prorate districts.

§ 966.8 *Oranges not subject to regulation.* Nothing contained herein shall be construed to authorize any limitation of the right of any person to handle oranges (a) for consumption by charitable institutions or for distribution by relief agencies; (b) for conversion into by-products; (c) for export to foreign countries other than Canada; (d) for shipment by parcel post or by railway express in less than carload lots; or (e) for distribution as a gratuity in units of five boxes or less. No assessments shall be levied pursuant to § 966.5 on oranges handled for the purposes specified in this section. The committee may prescribe adequate safeguards to prevent oranges, handled for the purposes designated in this section, from entering commercial fresh fruit channels of trade contrary to the provisions hereof.

§ 966.9 *Reports*—(a) *Weekly report.* On or before such day of each week as may be designated by the committee, each handler shall report to the committee, in such manner as may be designated and on forms made available by it, the following information with respect to each variety of oranges disposed of by each such handler during the immediately preceding week: (1) Quantity handled; (2) quantity sold or transported for consumption in fresh form in the state of production; (3) quantity sold or disposed of for manufacture into by-products; (4) quantity exported to countries other than Canada; (5) quantity shipped for distribution to persons on relief, including quantity donated for charitable purposes; and (6) quantity disposed of otherwise.

(b) *Other reports.* Upon request of the committee, made with the approval of the Secretary, every person subject to regulation hereunder shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as will enable the committee to perform its duties hereunder.

§ 966.10 *Compliance.* Except as provided herein, no person shall handle oranges during any week in which a regulation issued by the Secretary pursuant to § 966.6 is in effect, unless such person has an allotment, or unless such person is otherwise permitted to handle such oranges under the provisions hereof; and no person shall handle oranges except in conformity with the provisions hereof and the regulations issued hereunder.

§ 966.11 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary. If the committee, for any reason, fails to perform its duties or exercise its powers hereunder, the Secretary may designate another agency to perform such duties and exercise such powers.

§ 966.12 *Effective time and termination*—(a) *Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may at any time terminate the provisions hereof by giving at least one day's notice by means of a press release or in other manner which he may determine.

(2) The Secretary shall terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of oranges: *Provided,* That such majority has, during such period, produced for market more than fifty percent of the volume of such oranges produced for market; but such termination shall be effective only if announced on or before October 15 of the then current fiscal year.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(2) The said trustees shall (i) continue in such capacity until discharged by the Secretary; (ii) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and (iii), upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligations imposed upon the committee and upon the trustees.

§ 966.13 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 966.14 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon its termination, except with respect to acts done under and during the existence hereof.

§ 966.15 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 966.16 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 966.17 *Personal liability.* No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, wilful misconduct, or gross negligence.

§ 966.18 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the invalidity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Issued at Washington, D. C., on this 3d day of October 1942, to be effective on and after 12:01 a. m., P. W. T., October 26, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

Approved: October 21, 1942.

FRANKLIN D ROOSEVELT,
The President of the United States.

[F. R. Doc. 42-10697; Filed, October 22, 1942; 3:48 p. m.]

PART 1141—GRADING HEMP LINE AND HEMP TOW

GRADING OF HEMP LINE AND HEMP TOW

Pursuant to authority vested in the Secretary of Agriculture by the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1943, and for other purposes," approved July 22, 1942 (Public Law 674, 77th Congress), the following regulations governing the grading of hemp line and hemp tow are prescribed and promulgated, the same to be in force and effect on and after November 1, 1942, and thereafter, so long as Congress shall provide the necessary authority therefor, unless amended or superseded by regulations thereafter promulgated under such authority:

DEFINITIONS

Sec.
1141.1 Meaning of words.
1141.2 Terms defined.

ADMINISTRATION

1141.3 Authority.

GRADING SERVICE

1141.4 Official standard to be used.
1141.5 Purpose of inspection and grading.

STANDARDS

1141.6 Practical forms furnished.
1141.7 Conditions incorporated in application for practical forms.

FEES AND COSTS

1141.8 Fees and costs, how paid.
1141.9 Costs.

MISCELLANEOUS

1141.10 Publication.
1141.11 Misrepresentation, deceptive or fraudulent practice.

AUTHORITY: §§ 1141.1 to 1141.11, inclusive, issued under Pub. Law 674, 77th Congress.

DEFINITIONS

§ 1141.1 *Meaning of words.* Words in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 1141.2 *Terms defined.* For the purpose of these regulations, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *The Act.* The Act of July 22, 1942 (Public Law 674, 77th Congress), entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1943, and for other purposes," which makes provision for enabling the Secretary of Agriculture to investigate and certify to shippers and other interested parties the classification, quality and condition of farm products "under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: * * * *Provided,* * * * That certificates issued by the authorized agents of the Department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained, * * *" and "for acquiring and diffusing among the people of the United States useful information relative to the standardization, classification, grading, preparation for market, handling, and marketing of farm and food products * * * *Provided,* That samples, illustrations, practical forms, or sets of the grades recommended or promulgated by the Secretary of Agriculture for farm or food products may be sold under such rules and regulations as he may prescribe * * *", and future legislation containing similar provisions.

(b) *Person.* Individual, association, partnership or corporation.

(c) *Secretary.* The Secretary of Agriculture or any person or employee of the Department to whom the Secretary has heretofore lawfully delegated or to whom the Secretary may hereafter lawfully delegate the authority to act in his stead.

(d) *Department.* United States Department of Agriculture.

(e) *Administration.* The Agricultural Marketing Administration.

(f) *Hemp and tow.* The fiber from the plant "Cannabis Sativa" grown in the continental United States.

(g) *Official standards.* The Official Standards of the United States for Grades of Hemp Line and Hemp Tow.

ADMINISTRATION

§ 1141.3 *Authority.* The Administrator of the Agricultural Marketing Administration is charged with the supervision on behalf of the United States Department of Agriculture of the performance of all duties arising in the administration of the Act and these regulations.

GRADING SERVICE

§ 1141.4 *Official standard to be used.* In the grading of hemp and tow under these regulations the official standards shall be used.

§ 1141.5 *Purpose of inspection and grading.* The Administration may provide a public hemp and tow inspection and grading service, and for the issuance of appropriate certificates, under procedures prescribed by it. Any such inspection service shall be designed to facilitate the application of the official standards and to minimize disputes and arbitrations arising from their use.

STANDARDS

§ 1141.6 *Practical forms furnished.* Practical forms of the official standards may be furnished to any person requesting them, upon payment of the costs prescribed in regulation 5, and such practical forms may also be loaned for demonstrational purposes.

§ 1141.7 *Conditions incorporated in application for practical forms.* Each application for practical forms of the official standards shall be upon a blank furnished or approved by the Administration, shall be signed by the applicant, and shall incorporate the following conditions: (a) that no practical form of any official standard shall be considered as representing such standard after the date of its cancellation in accordance with this section, or in any event after the expiration of 12 months following the date of issuance; (b) that each such practical form shall be subject to inspection on any business day between the hours of 9:00 A. M. and 4:00 P. M. by any authorized officer or agent of the Department; (c) that any such practical form may be cancelled if it be found, upon inspection, that it does not accurately represent the official standard.

FEES AND COSTS

§ 1141.8 *Fees and costs, how paid.* Grading fees and the costs of practical forms of the official standards shall be paid in accordance with bills rendered, or in advance if required by the Administration. Each remittance shall be in the form of a certified check, post office money order, or express money order, payable to "Treasurer of the United States."

§ 1141.9 *Costs.* For practical forms of the official standards, the costs shall be as follows:

(a) For one complete set of practical forms of the official standards for Type W dewretted hemp line and hemp tow, $10.00, f. o. b. Washington, D. C., for shipment within the continental United States; and $12.00, delivered to destination, for shipment outside the continental United States.

(b) For one complete set of practical forms of the official standards for Type K dewretted hemp line and hemp tow, $6.50, f. o. b. Washington, D. C., for shipment within the continental United States; and $8.50, delivered to destination, for shipment outside the continental United States: *Provided,* That on and after the approval of physical representations for "Type K Milled D. R. Hemp Line No. 1" and for "Type K D. R. Hemp Tow No. 1," for a complete set of practical forms of the official standards for Type K D. R. Hemp Line and Hemp Tow, the costs shall be $10.00, f. o. b. Washington, D. C., for shipment within the continental United States; and $12.00, delivered to destination, for shipment outside the continental United States.

(c) For one practical form of an individual grade of hemp line, $2.50 f. o. b. Washington, D. C., for shipment within the continental United States; and $3.00, delivered to destination, for shipment outside the continental United States.

(d) For one practical form of an individual grade of hemp tow, $1.50 f. o. b. Washington, D. C., for shipment within the continental United States; and $2.00, delivered to destination, for shipment outside the continental United States.

MISCELLANEOUS

§ 1141.10 *Publication.* Publications under the Act and these regulations may be made in Service and Regulatory Announcements of the Administration and by such other media as may be designated for the purpose.

§ 1141.11 *Misrepresentation, deceptive or fraudulent practice.* Any misrepresentation or any deceptive or fraudulent practice made or committed by any applicant for inspection or grading service or any user of practical forms of the official standards, may be deemed sufficient cause for debarring the person guilty thereof from any further benefits of the Act and these regulations, and the facts with respect to any such deceptive or fraudulent practice may be published.

Done at Washington, D. C., this 22d day of October 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 42-10718; Filed, October 23, 1942; 11:12 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

[General Order C-2; 14th Supp.]

PART 110—PRIMARY INSPECTION AND DETENTION

CALEXICO MUNICIPAL AIRPORT

OCTOBER 19, 1942.

Discontinuance of Calexico Muncipal Airport as a designated port of entry for aliens arriving by aircraft.

Pursuant to the authority contained in section 7 (d) of the Air Commerce Act of 1926 (44 Stat. 572; 49 U.S.C. 177 (d)) and section 1 of Reorganization Plan No. V (5 F.R. 2223), the designation of Calexico Municipal Airport, Calexico, California, as a temporary port of entry for aliens arriving in the United States by aircraft is hereby rescinded.

Section 110.3 (b), Title 8, Chapter I, Code of Federal Regulations is amended by striking Calexico, California, Calexico Municipal Airport, from the list of temporary ports of entry for aliens arriving by aircraft.

FRANCIS BIDDLE,
Attorney General.

Approval recommended:

EARL G. HARRISON,
Commissioner.

[F. R. Doc. 42-10714; Filed, October 23, 1942; 10:53 a. m.]

[General Order C-26; 4th Supp.]

PART 150—ARREST AND DEPORTATION

ARREST AND DEPORTATION OF ALIENS; AMENDMENT

OCTOBER 21, 1942.

Pursuant to the authority contained in section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); section 24 of the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U. S. C. 458), § 90.1, Title 8, Chapter I, Code of Federal Regulations (7 F.R. 6753), and all other authority conferred by law, the following changes in Part 150 of the said regulations are hereby promulgated.

Section 150.8 is amended to read as follows:

§ 150.8 (a) *Reopening the hearing.* At any time prior to the forwarding of the record of hearing to the Central Office, the officer in charge of the district may direct that a case be reopened for proper cause; and at any time prior to submission of the record to the Board of Immigration Appeals, the Central Office may direct a reopening thereof for proper cause. After the record has been submitted to the Board of Immigration Appeals, the case may only be reopened upon direction of the Board of Immigration Appeals. Requests by aliens, or their representatives, for a reopening of a hearing must be in writing and set forth the grounds for the application. If a request for a reopening made prior to the submission of the record to the Board of Immigration Appeals is denied by the Central Office or the officer in charge of the district of origin, a report setting forth the reasons for the denial shall be furnished the Board of Immigration Appeals with the record.

(b) *Reopening the hearing; applications for departure in lieu of deportation or for suspension of deportation.* After the close of a hearing and prior to the submission of the record to the Board of Immigration Appeals, an application by the alien for the privilege of departure in lieu of deportation or for suspension of deportation under the provisions of section 19 (c) of the Immigration Act of 1917, as amended, may only be made in conjunction with a request, pursuant to paragraph (a) of this section, that the hearing be reopened. After the submission of the record to the Board of Immigration Appeals, such an application may only be made in conjunction with a motion to reopen the hearing, made pursuant to § 90.9 of this title. (Sec. 19, 39 Stat. 889, 54 Stat. 671; 8 U.S.C. 155)

(Sec. 23, 39 Stat. 892, 8 U.S.C. 102; sec. 24, 43 Stat. 166, 8 U.S.C. 222; sec. 1, Reorg. Plan No. V, 5 F.R. 2223; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1)

EARL G. HARRISON,
Commissioner.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 42-10715; Filed, October 23, 1942; 10:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4748]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MASTER HERB CO.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondent's medicinal herbs, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's said herbs, which advertisements represent, directly or by implication, (1) that respondent's herbs constitute a cure or remedy for or possess any therapeutic value in the treatment of stomach ulcers; (2) that they constitute a cure or remedy for rheumatism, arthritis, or asthma, or possess any therapeutic value in the treatment of such conditions in excess of affording temporary relief from the symptoms of pain associated with rheumatism and arthritis, and temporary relief from the paroxysms of asthma; (3) that they possess any therapeutic value in the treatment of any other diseases or ailments of the human body in excess of affording temporary palliative relief from some of the pains or other symptoms which may accompany such disorders; or (4) that the use thereof will renew the glands of the body or enable the user to regain strength or vigor; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Master Herb Company, Docket 4748, October 19, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of October, A. D. 1942.

In the Matter of Edwin Tom, an Individual Trading as Master Herb Company.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between the respondent and Richard P. Whiteley, Assistant Chief Counsel for the Commission, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Edwin Tom, individually and trading as Master Herb Company, or trading under any other name, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of respondent's medicinal herbs, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, (a) that respondent's herbs constitute a cure or remedy for or possess any therapeutic value in the treatment of stomach ulcers;

(b) That respondent's herbs constitute a cure or remedy for rheumatism, arthritis, or asthma, or possess any therapeutic value in the treatment of such conditions in excess of affording temporary relief from the symptoms of pain associated with rheumatism and arthritis, and temporary relief from the paroxysms of asthma;

(c) That respondent's herbs possess any therapeutic value in the treatment of any other diseases or ailments of the human body in excess of affording temporary palliative relief from some of the pains or other symptoms which may accompany such disorders; or

(d) That the use of respondent's herbs will renew the glands of the body or enable the user to regain strength or vigor.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's herbs, which advertisement contains any representation prohibited in paragraph 1 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-10724; Filed, October 23, 1942; 11:21 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket A-1671]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 11 for modification of note included in Size Group No. 11 in § 331.2 in the schedule of effective minimum prices for District No. 11, for all shipments except truck.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting modification of the note included in Size Group No. 11 for All Shipments Except Truck; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck is hereby modified to include in the note in Size Group 11 in § 331.2 (*Description of size groups*) thereof, the following sizes of air-cleaned breaker nut: 1½″ x 1″, 1¼″ x 1″, 1½″ x ¾″, 1¼″ x ¾″, 1″ x ⅜″ and ¾″ x ⅜″.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty

(60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: October 21, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10732; Filed, October 23, 1942; 11:35 a. m.]

[Docket No. A-1639]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER CONTINUING TEMPORARY RELIEF, ETC.

Order continuing temporary relief, terminating conditionally final relief and notice of and order for hearing in the matter of the petition of the Arkansas Coal Company for the establishment of additional price classifications and minimum prices for the coals of its Arkansas Coal Company Mine (Mine Index No. 593) and for a change in the subdistrict number for this mine.

An original petition was filed with this Division on September 14, 1942, by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that certain additional price classifications and minimum prices be established for the coals of the Arkansas Coal Company Mine, Mine Index No. 593, in District No. 14, and requesting that the subdistrict designation for that mine be changed from Subdistrict 1 to Subdistrict 2

On September 26, 1942, 7 F.R. 8173, an Order Granting Temporary Relief and Conditionally Providing for Final Relief was issued in this matter temporarily establishing the price classifications and minimum prices requested by petitioner for the coals of the Arkansas Coal Company Mine, and temporarily changing the subdistrict designation for that mine from Subdistrict 1 to Subdistrict 2. This Order further provided that the relief granted therein would become final sixty (60) days from the date thereof unless it should otherwise be ordered.

District Board No. 14 on October 5, 1942, filed with the Division an Intervention and Response denying, among other things alleged in the original petition, that the Arkansas Coal Company Mine, Mine Index No. 593, is located in the Philpott Seam; that the coals produced by petitioner are comparable to coals produced from said Philpott Seam; that the coals produced from petitioner's mine are soft and friable; that the minimum prices requested by petitioner correctly reflect the fair and reasonable value of said coals; and that the subdistrict designation of petitioner's mine should be changed from Subdistrict 1 to Subdistrict 2.

In view of the issues raised by the Intervention and Response of District Board No. 14, with respect to the location of the Arkansas Coal Company Mine, the qualities of the coals produced therefrom, and the price classifications and minimum prices which should properly be made applicable thereto, it appears that no permanent price classifications or minimum prices should be established for the coals of that mine without a hearing. However, no sufficient reason having been advanced by District Board No. 14 to warrant termination of the temporary relief heretofore granted by the Order entered in this matter on September 26, 1942, it appears that such temporary relief should be continued in effect pending final disposition of this proceeding.

Now, therefore, *It is ordered*, That the price classifications and minimum prices temporarily established for the coals of the Arkansas Coal Company Mine, Mine Index No. 593, and the temporary change in subdistrict designation effected for that mine by the Order entered in this matter on September 26, 1942, 7 F.R. 8173, be, and they hereby are, continued in effect pending further order herein.

It is further ordered, That the permanent relief conditionally provided for by the Order entered in this matter on September 26, 1942, 7 F.R. 8173, be, and it hereby is, terminated.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of the Bituminous Coal Act of 1937 and the rules of the Division be held on November 16, 1942, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, at the Circuit Court Room, Fort Smith, Arkansas.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 11, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the original petition.

The matter concerned herewith is in regard to the petition of Arkansas Coal Company for (1) the establishment of the following additional price classifications and minimum prices in cents per net ton for the coals of the Arkansas Coal Company Mine, Mine Index No. 593, for all shipments except truck and for truck shipments: and (2) a change in the subdistrict designation for the Arkansas Coal Company Mine (Mine Index No. 593) from Subdistrict 1 to Subdistrict 2 in District No. 14.

FOR ALL SHIPMENTS EXCEPT TRUCK[1]

Size groups	3 B	4 K	6 L	7 L	8 L	9 L	10 H	11 G	18 N
In cents per ton	400	400	400	400	400	380	360	335	325

FOR TRUCK SHIPMENTS[1]

Size groups	3	4	6	7	8	9	10	11	12
In cents per ton	400	400	400	400	400	380	360	335	325

[1] Petitioner requests that the above prices be made subject to any increase in minimum prices determined by the Bituminous Coal Division subsequent to April 1, 1941.

Dated: October 22, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10731; Filed, October 23, 1942; 11:35 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-121]

COFFEE CORPORATION OF AMERICA

Coffee Corporation of America, Chicago, Illinois, is a roaster and wholesale distributor of coffee. During the month of May, 1942, the Company sold and delivered approximately 116,000 pounds of coffee in excess of its allowable quota under Conservation Order M-135. 30,000 pounds of this amount were deducted from the Company's quotas in subsequent months. The other deliveries which caused the Company to exceed its quota were made to various state institutions of the State of Illinois, but during the month of May, 1942, the Company was aware that such deliveries had to be included in computing the quota which it was permitted to deliver.

On or about May 10, 1942, when the Company's inventory of green coffee was in excess of a two months' supply, the Company accepted delivery of 44,727 pounds of green coffee. This constituted an additional violation of Conservation Order M-135.

These violations of Conservation Order M-135 have hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.121 *Suspension Order S-121.* (a) During each of the calendar months this order shall be in effect, the quota of coffee which Coffee Corporation of America would otherwise be entitled to deliver under the provisions of Conservation Order M-135 shall be reduced by 20,000 pounds.

(b) Nothing contained in this order shall be deemed to relieve Coffee Corporation of America from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as same may be inconsistent with the provisions hereof.

(c) This order shall remain in effect during the months of November, 1942, December, 1942, January, 1943, and February, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22d day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10692; Filed, October 22, 1942; 2:41 p. m.]

Chapter XI—Office of Price Administration

PART 1302—ALUMINUM

[RPS 2[1] as Amended, Amendment 3]

ALUMINUM SCRAP AND SECONDARY ALUMINUM INGOT

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new § 1302.1a is added as set forth below:

§ 1302.1a. *Toll or conversion agreements.* (a) The maximum prices herein established shall have no application to the sale, delivery or transfer of aluminum scrap by the maker of such scrap to any person pursuant to a written agreement whereby such person agrees to smelt, remelt, fabricate or otherwise process such scrap and to return to the maker thereof processed material containing an amount of metal approximately equivalent to that contained in the scrap sold, delivered or transferred: *Provided*, That such agreement is specifically authorized by the War Production Board: *And provided further*, That the conversion or processing of aluminum scrap pursuant to such an agreement, so authorized, shall be deemed to be a service, and the price charged therefor shall not exceed the difference between the maximum price for such scrap established by this Revised Price Schedule No. 2, as amended, and the maximum price for such processed material established by this Revised Price Schedule No. 2, as amended, or by any other price schedule, regulation or order issued by the Office of Price Administration.

(b) Every person who is or who hereafter may become a party to any agreement whereby aluminum scrap is delivered or is to be delivered by him for smelting, remelting, fabricating or other processing on any toll, conversion, repurchase, exchange, or other similar basis, or whereby any delivery of aluminum scrap by him is credited or is to be credited against the purchase price of any processed aluminum material, shall report every such agreement to the Office of Price Administration, Washington, D. C., within 10 days from the date thereof: *Provided*, That every such agreement in force on October 28, 1942 shall be so reported on or before November 20, 1942. Every such report shall contain:

(1) The names and addresses of the parties to the agreement;

(2) A full description of the aluminum scrap delivered or to be delivered;

(3) A full description of the type or types of processed material into which such scrap is to be converted, or which is to be repurchased or exchanged, or against the purchase price of which the delivery of such scrap is to be credited;

(4) A statement of the quantities of scrap and processed material involved, estimated if necessary;

(5) A full statement of the price or prices to be charged, clearly indicating the basis upon which the unit charge is to be computed, and specifying the disposition of delivery charges; and

(6) A statement as to whether or not such agreement has been authorized by the War Production Board.

(c) On or before the 15th day of each month, beginning November 15, 1942, every person receiving aluminum scrap for processing pursuant to any toll, conversion, repurchase, exchange or other similar agreement, or any agreement whereby such scrap is to be credited against the selling price of any processed aluminum material, shall file a report with the Office of Price Administration, Washington, D. C. Such report shall cover the preceding calendar month and shall contain:

(1) The names and addresses of all persons from whom such scrap was received;

(2) A statement of the quantity of scrap so received, by grades:

(3) A full description of the scrap so received;

(4) A statement of the quantity of processed material returned to the supplier of the scrap; and

(5) A full statement of the price or prices charged, clearly indicating the basis upon which the unit charge is computed, and specifying the disposition of delivery charges.

* * * * *

§ 1302.13a. *Effective dates of amendments.* * * *

(d) Amendment No. 3 (§ 1302.1a) to Revised Price Schedule No. 2, as amended, shall become effective October 28, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871).

Issued this 22nd day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10686; Filed, October 22, 1942; 12:35 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 109[1], Amendment 2]

AIRCRAFT SPRUCE

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.*

Appendix C, § 1312.362, is amended to read as set forth below:

§ 1312.362 *Appendix C: Maximum prices for Aero Recovery Grades and special grades of Sitka spruce, Noble fir, and West Coast hemlock.* (a) The maximum prices, f. o. b. the mill, per 1,000 feet board measure for Aero Recovery Grades (as defined later in this paragraph) in rough, green condition, shall be as follows:

Aero Recovery Grade:	*Maximum price*
No. 1	$190.00
No. 2	130.00
No. 3	90.00
No. 4	50.00

(1) Aero Recovery Grades are grades of Sitka spruce, Noble fir, and West Coast hemlock lumber from which certain fixed percentages of A Cuttings and B Cuttings (as defined later in this paragraph) can be recovered by remanufacturing. Set forth below are the minimum percentages of A Cuttings and B Cuttings which each piece of each grade shall contain, as determined by visual inspection:

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1203, 1600, 1836, 2132, 3746, 4584, 6468, 5513, 7973, 8200.

[1] 7 F.R. 2238, 2543, 5667.

Aero Recovery Grade:	Minimum percentages of A cuttings and B cuttings
No. 1	40% A, *and* the total of A and B shall not be less than 70%.
No. 2	25% A, *and* the total of A and B shall not be less than 50%.
No. 3	25% A, *or* 33⅓% A and B, *or* 50% B.
No. 4	20% B.

(2) "A Cutting" is defined as a piece of lumber which meets "American Specifications" for aircraft quality lumber and which is not less than 1'' thick, not less than 3'' wide, at least ¾ as long as the piece from which it is to be recovered by remanufacture, and shall not be less than 6' long.

(3) "B Cutting" is defined as a piece of lumber which meets the "American Specifications" for Aircraft quality lumber and which is not less than 1'' thick, not less than 3' long, and which has a surface area of not less than one square foot.

(b) The maximum prices for special grades of Sitka spruce, Noble fir, and West Coast hemlock aircraft lumber for which dollars and cents maximum prices are not established by this regulation shall be the prices authorized by the Office of Price Administration. Authorization shall be by an order published in the FEDERAL REGISTER.

No such special grades may be sold or delivered until the prospective seller has applied to the Office of Price Administration for authorization of a price. After such application has been made the seller may sell and deliver at the requested price, and may receive payment therefor, but should the Office of Price Administration authorize a price lower than the requested price, the seller must refund the amount, if any, by which the amount paid exceeds the maximum price which is authorized.

In his application the seller shall certify the following facts to the Lumber Branch of the Office of Price Administration in Washington, D. C.:

(1) The complete specifications in detail of the special grade.

(2) The comparison of the special grade with the grade priced in the regulation which is most nearly comparable.

(3) The requested price.

(4) The price received for such special grade on sales, if any, made prior to the effective date of this amendment.

(5) Any other facts which the seller wishes to give which will enable the Lumber Branch of the Office of Price Administration to determine a price on the special grade which is in proper relation to the general level of prices established by the regulation.

§ 1312.359a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1312.362) shall become effective October 28, 1942.

(Pub. Laws 421 and 729, 77th Cong. E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10687; Filed, October 22, 1942; 12:34 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 107,[1] Amendment 5]

USED TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1315.1351 is amended by adding a new sentence at the end thereof, as set forth below:

§ 1315.1351 *Maximum prices for used tires and tubes.* * * *

This regulation shall not apply to sales or deliveries of unrepaired used tires or tubes by any person to Defense Supplies Corporation pursuant to the idle tire purchase plan.

§ 1315.1359a *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§ 1315.1351) to Maximum Price Regulation No. 107 shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10688; Filed, October 22, 1942; 12:34 p. m.]

PART 1316—COTTON TEXTILES

[RPS 35,[2] Amendment 9]

CARDED GREY AND COLORED COTTON GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new paragraph (d) is added to § 1316.59; in paragraph (c) of § 1316.61 the last item in subparagraph (5) is amended and a new subparagraph (8) is added, as set forth below:

§ 1316.59 *Definitions.* When used in Price Schedule No. 35, the term:

* * * * *

(d) "War procurement agency" includes the War Department, the Department of the Navy, Reconstruction Finance Corporation, the United States Maritime Commission, War Shipping Administration, and the Lend-Lease Section in the Procurement Division of the Treasury Department of the United States, or any agency of any of the foregoing, and shall be deemed to include stores operated as army canteens, post exchanges or ships' service activities.

* * * * *

§ 1316.61 *Appendix A: Maximum prices for cotton goods.* * * *

(c) * * *

(5) * * *

	Premium allowable (Cents per yd.)
* * *	* *
United States Army Specifications where such products require synthetic resin coated sheetings or print cloths. (This premium may be charged and paid for all deliveries made on and after September 15, 1942.)	½
* * *	* *

(8) *War procurement.* (i) A war procurement agency purchasing cotton goods located at a shipping point other than the mill where such cotton goods are produced, may, in addition to the otherwise applicable maximum price, pay the seller an amount equal to the transportation costs which the seller incurred in bringing the cotton goods to such shipping point.

* * * * *

§ 1316.60a *Effective dates of amendments.* * * *

(i) Amendment No. 9 (§ 1316.59 (d) and § 1316.61 (c) (5) and (c) (8)) to Revised Price Schedule No. 35 shall become effective October 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10689; Filed, October 22, 1942; 12:35 p. m.]

PART 1340—FUEL

[RPS 88[1], Amendment 35]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Two new subdivisions (v) and (vi) are added to § 1340.159 (c) (3) as set forth below:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(c) *Specific prices.* * * *

(3) *Distillate fuel oils.* * * *

(v) *State of Michigan.* Notwithstanding the provisions of § 1340.159 (b) above, maximum prices f. o. b. refineries and terminals in the areas specified below for the grades of fuel oil described in this subdivision shall be as follows:

TABLE I.—*Location*

Refineries and terminals in State of Michigan.

Destination

City where the refinery or terminal is located and within a radius of 35 miles of that city.

Product:	*Price in cents per gallon*
47-49 gravity w.w	6.00
P. W. Distillate	5.50
No. 3 gas oil, Straw	5.00
U. G. I. gas oil	4.50

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* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1838, 1981, 2394, 3891, 5177, 7365.

[2] 7 F.R. 1270, 1836, 2132, 2738, 2795, 3060, 3164, 3447, 3900, 6640, 7248, 7318.

[1] 7 F.R. 1107, 1371, 1798, 1799, 1836, 2132, 2304, 2352, 2634, 2945, 3116, 3482, 3524, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 6057, 6167, 6471, 6680, 7242, 7838.

TABLE II.—*Location*

Refineries and terminals in State of Michigan.

Destination

Points more than 35 miles from the city where the refinery or terminal is located.

Product:	*Price in cents per gallon*
47-49 gravity w.w	5.50
P. W. Distillate	5.00
No. 3 gas oil, Straw	4.50
U. G. I. gas oil	4.50

(vi) *Shipments into Michigan.* Notwithstanding the provisions of § 1340.159 (b) above, where the petroleum products listed in the preceding subdivision are shipped from a refinery or terminal located outside the State of Michigan to a destination within that state, the maximum price of such refiner or terminal operator at a given destination point shall be the maximum f. o. b. price of the Michigan refinery or terminal nearest the destination, plus rail freight from such Michigan refinery or terminal to such destination point. Where the sale is made f. o. b. a refinery or terminal outside the State of Michigan, the f. o. b. price shall be such that the laid-down cost to the buyer at a given destination point in the State of Michigan shall not exceed the delivered price as computed under the preceding sentence.

§ 1340.158a *Effective dates of amendments.* * * *

(ii) Amendment No. 35 (§ 1340.159 (c) (3) (v), (vi) to Revised Price Schedule No. 88) shall become effective October 28, 1942, and shall unless earlier revoked or replaced, expire on January 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10691; Filed, October 22, 1942; 12:36 p. m.]

PART 1340—FUEL

[MPR 121,[1] Amendment 6]

MISCELLANEOUS SOLID FUEL DELIVERED FROM PRODUCING FACILITIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1340.249 (e), a new subparagraph (3) is added to read as set forth below:

§ 1340.249 *Appendix A: Maximum prices for miscellaneous solid fuels delivered from producing facilities.* * * *

(e) *Cash discounts, credit terms and special services.* * * *

(3) The charge made for any special service (including, specifically but not exclusively, bags and bagging, specially prepared sizes, split cars containing more than one size, box car loading and truck loading from any producing facility) shall not exceed:

(i) The charge made by the same person for the same special service supplied during the period December 15-31, 1941; or

(ii) In the case of a special service which was not supplied during the period December 15-31, 1941, the offering price which the same person then had in effect for the supply of the same special service; or

(iii) If, during the period December 15-31, 1941, the same person neither supplied nor had in effect an offering price for the same special service, then the charge made by such person during the period December 15-31, 1941, for the similar service most nearly like it.

§ 1340.250a *Effective dates of amendments.* * * *

(f) Amendment No. 6 (§ 1340.249 (e) (3)) to Maximum Price Regulation No. 121 shall become effective October 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10690; Filed, October 22, 1942; 12:35 p. m.]

PART 1361—FARM EQUIPMENT

[MPR 246]

MANUFACTURERS' AND WHOLESALE PRICES FOR FARM EQUIPMENT

In the judgment of the Price Administrator, it is necessary and proper to establish manufacturers' and wholesale prices for farm equipment which differ in some respects from the maximum prices established by the General Maximum Price Regulation.[1]

The Price Administrator has ascertained and given due consideration to manufacturers' and wholesale prices of farm equipment prevailing between October 1 and 15, 1941, and has made adjustments for such relevant factors as he has determined to be of general applicability. In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Act.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 246 has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Procedural Regulation No. 1[2] issued by the Office of Price Administration, Maximum Price Regulation No. 246 is hereby issued.

AUTHORITY: §§ 1361.51 to 1361.68, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1361.51 *Prohibition against sales at higher than maximum prices.* On and after November 15, 1942, no manufacturer or wholesale distributor of farm equipment shall sell or deliver any item of farm equipment or supply any manufacturing service in the production of any item of farm equipment at a price higher than the maximum price established by this Maximum Price Regulation No. 246, and no person in the course of trade or business shall buy or receive from a manufacturer or wholesale distributor any item of farm equipment or manufacturing service at a price higher than such maximum price, and no person shall agree, offer, solicit, or attempt to do any of the foregoing, except that this Maximum Price Regulation No. 246 does not apply to sales of farm equipment at retail, for which maximum prices are established by Maximum Price Regulation No. 133—Retail Prices for Farm Equipment.[3]

§ 1361.52 *Maximum prices; general provisions.* (a) If for any item of farm equipment the manufacturer or wholesale distributor had a price in effect on March 31, 1942, the maximum price to any purchaser shall be the highest net price such seller would have received on that date from a purchaser of the same class, after adjustment for all applicable extra charges, discounts or other allowances in effect on that date: *Provided,* That for any item for which a manufacturer's suggested retail price is in effect, the maximum price applicable to the sale of the item by a wholesale distributor, including all transfer and handling charges, shall in no event exceed the actual cost of freight to the dealer plus eighty-two percent of the manufacturer's suggested retail price.

(b) If for any item of farm equipment the manufacturer had no price in effect on March 31, 1942, but did have a price in effect on March 31, 1941, the maximum price to any purchaser shall be the highest net price such manufacturer would have received from a purchaser of the same class on the last date prior to March 31, 1942 when a price for the item was in effect, after adjustment for all applicable extra charges, discounts or other allowances in effect on that date.

§ 1361.53 *Maximum prices; items modified since March 31, 1942, sold by the manufacturer*—(a) *Pricing formula.* For any item of farm equipment in which a substantial change in design, specifications, or equipment has been made since March 31, 1942, or is made at any subsequent time, the manufacturer's maximum price for the item as modified shall be calculated as follows:

(1) The net increase or decrease in factory cost attributable to the change

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3237, 3989, 4483, 5941, 6002, 6386.

[1] 7 F.R. 3153, 3330, 3665, 3651, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913.

[2] 7 F.R. 971, 3663, 6967.

[3] 7 F.R. 3185, 6936, 7599.

in design, specifications, or equipment shall first be computed using: material cost based on prices actually paid or to be paid, not to exceed maximum prices established by the Office of Price Administration for such materials; direct labor cost based on labor rates in effect on March 31, 1942; and factory overhead allocable to such material cost and/or direct labor cost, in accordance with the manufacturer's method of accounting, charged at the lowest actual rate or rates in effect during January, February, or March, 1942, or at the standard rate or rates, if any, consistently used by the manufacturer for price-determining purposes in March, 1942, whichever is lower. No charge for profit, for administrative or selling expenses, or for overhead, other than such factory overhead, shall be included in the net increase or decrease in factory cost attributable to the change.

(2) The net increase or decrease in factory cost so calculated shall then be added to or subtracted from the maximum price to the class of purchasers commanding the lowest net price for the item before modification. This computation provides the new maximum price for the item as modified when sold to the class of purchasers commanding the lowest net price.

(3) The maximum price to every other class of purchasers shall then be calculated by applying to the new lowest net price the same percentage price differential as was in effect between the former lowest net maximum price and the former net maximum price to such other class of purchasers.

(4) The new suggested list price, if any, shall be calculated by applying to the new lowest net price the same percentage price differential as was in effect between the former lowest net maximum price and the former suggested list price.

(b) *Reports.* Prior to or within ten days after first quoting a price for any such modified item, the manufacturer shall file a report with the Office of Price Administration, Washington, D. C., containing the following:

(1) The maximum price for the item prior to modification;

(2) The proposed maximum prices as computed in accordance with paragraph (a);

(3) The new suggested list price, f. o. b. factory, and the resulting net prices to the manufacturer, if lower than the maximum prices;

(4) A detailed statement describing the changes in design, specifications, or in equipment and explaining the calculation of the proposed maximum prices. For any modified item which has been sold or offered for sale in modified form prior to the effective date of this Maximum Price Regulation No. 246, the foregoing report shall be filed within ten days after such effective date, unless a report has already been filed pursuant to Order No. 51 issued under § 1499.3 (b) of the General Maximum Price Regulation.

(c) *Approval of prices.* If the Office of Price Administration approves the proposed maximum prices or fails to disapprove them within thirty days after receiving such report, the proposed maximum prices shall become the maximum prices applicable to all subsequent sales and deliveries: *Provided*, That if the Office of Price Administration later determines that such prices were not calculated in accordance with this Section such prices may at that time be disapproved, but such disapproval shall not be retroactive as to any deliveries made before the date of such disapproval. If the proposed maximum prices are at any time disapproved by the Office of Price Administration, the manufacturer shall file revised prices properly computed in accordance with the appropriate pricing formula provided in paragraph (a), and the provisions of this section shall apply in all respects to such revised prices. Any disapproval of prices will be embodied in an order upon request made within thirty days of such disapproval.

(d) *Interim pricing.* Prior to receipt of approval by the Office of Price Administration of any proposed price or prior to the expiration of the thirty-day period after filing the report required in paragraph (b) of this section, the proposed price may be tentatively quoted and/or charged, but no more than 75% of the proposed price may be paid or received until a maximum price has been established, and final settlement shall be made in accordance with such maximum price.

§ 1361.54 *Maximum prices; new or "seasonal" items sold by manufacturers.* For any item of farm equipment which is an entirely new item and was not manufactured or sold by the manufacturer prior to March 31, 1942, or which has been completely redesigned since that date, or for which the manufacturer had no price in effect on March 31, 1942 for the "1942" season because it was his custom not to issue the season's price for such item until after March 31 in any year, the maximum price applicable to the sale by such manufacturer to any purchaser shall be computed on the basis of the following:

(a) *Pricing formula.* (1) The price-determining method which was in use on October 1, 1941, or during the selling season last prior to that date, applying the overhead rate or rates, machine hour rate or rates, if any, or other bases of computation which were in use on October 1, 1941, or during the selling season last prior to that date;

(2) To the extent that the price-determining method includes or is based on direct labor costs, the manufacturer shall use labor rates in effect on October 1, 1941;

(3) To the extent that the price-determining method includes or is based on prices for materials or manufacturing services, the manufacturer shall use material prices or prices for manufacturing services in effect on October 1, 1941;

(4) To the extent that the price-determining method includes freight rates paid, the manufacturer shall use freight rates in effect on March 31, 1942;

(5) All applicable extra charges, discounts or other allowances in use on October 1, 1941, or during the selling season last prior to that date, to a purchaser of the same class.

(b) *Reports.* Prior to or within ten days after first quoting a price determined in accordance with the provisions of the foregoing pricing formula, the manufacturer shall file a report with the Office of Price Administration, Washington, D. C., containing a description of the item of farm equipment, the proposed maximum prices, the proposed suggested list price and applicable discounts, if any, a description of the nearest equivalent item of farm equipment sold on or before March 31, 1942, with the March 31, 1942, price and applicable discounts for such item, and an explanation of the determination of the proposed maximum price in accordance with the foregoing pricing formula. If the item being priced under this section has been sold or offered for sale prior to the effective date of this Maximum Price Regulation No. 246, the foregoing report shall be filed within ten days after such effective date.

(c) *Approval of prices.* If the Office of Price Administration approves the proposed maximum price or fails to disapprove it within thirty days after receiving such report, the proposed maximum price becomes the maximum price applicable to all subsequent sales and deliveries: *Provided*, That if the Office of Price Administration later determines that such price was not calculated in accordance with this section such price may at that time be disapproved, but such disapproval shall not be retroactive as to any deliveries made prior to the date of such disapproval. If the proposed maximum price is at any time disapproved by the Office of Price Administration, the manufacturer shall file a revised price properly computed in accordance with the pricing formula provided in paragraph (a) of this section, and the provisions of this section shall apply in all respects to such revised price. In the event that the Office of Price Administration finds that the manufacturer's production experience does not yet warrant the establishment of a permanent maximum price, the Office of Price Administration may give temporary approval to a proposed maximum price and require a further filing under this section at a later date. Any disapproval of prices will be embodied in an order upon request made within thirty days of such disapproval.

(d) *Interim pricing.* Prior to receipt of approval by the Office of Price Administration of any proposed price or prior to the expiration of the thirty-day period after filing the report required in paragraph (b) of this section, the proposed price may be tentatively quoted and/or charged, but no more than 75% of the proposed price may be paid or received until a maximum price has been established, and final settlement shall be made in accordance with such maximum price.

§ 1361.55 *Maximum prices; contracts with other manufacturers, mail-order companies, or government agencies.* For any item of farm equipment for the supply of which a contract has been or is entered into subsequent to March 31, 1942, with a government agency, or with a person doing a mail-order or manufacturing business who has filed with the Office of Price Administration a statement that he will not in turn request a price adjustment on the item because of a change in the price to him made in accordance with this section:

(a) The maximum price shall be the last contract price for the item to the same customer agreed upon prior to March 31, 1942, plus a percentage increase equal to the percentage increase, if any, in the manufacturer's price to distributors for the same item made since such last contract was entered into but before March 31, 1942, or, in the case of a modified item, made pursuant to § 1361.53; or

(b) If the maximum price cannot be calculated under paragraph (a) of this section, the maximum price shall be a price calculated pursuant to the formula set forth in paragraph (a) of § 1361.54 and reported pursuant to paragraph (b) thereof.

§ 1361.56 *Maximum prices; manufacturing services.* For any manufacturing service in the production of an item of farm equipment the maximum price to any purchaser shall be the price for such service in effect on March 31, 1942 to a purchaser of the same class, or, if there was no price in effect on that date, a price computed on the basis of labor rates and/or machine hour rates in effect on March 31, 1942, by the price-determining method in use on that date. "Manufacturing service" means any operation in the production of an item of farm equipment performed on materials owned by another, including machining, forming, welding, treating, finishing, assembling, and inspecting.

§ 1361.57 *Maximum prices; items sold by wholesale distributors; special cases.* Notwithstanding any contrary provisions of § 1361.52 (a), in the circumstances specified in the following paragraphs (a), (b), and (c), maximum prices applicable to sales of farm equipment by wholesale distributors shall be determined in accordance with the applicable provisions of the following paragraphs, except that the maximum price applicable to the sale of any item of farm equipment by a wholesale distributor, including all transfer and handling charges, shall in no event exceed the actual cost of freight to the dealer plus eighty-two percent of the manufacturer's suggested retail price:

(a) For any item of farm equipment for which a wholesale distributor had no price in effect on March 31, 1942, the maximum price to any purchaser shall be determined by applying to the net invoiced cost of the item the percentage markup realized upon the last sale of the item to a purchaser of the same class prior to March 31, 1942, or, if no such sale was made during the year ending on that date, the weighted average percentage markup realized during the month of March 1942, for items of farm equipment of the same general class sold to purchasers of the same class.

(b) For any item of farm equipment for which the manufacturer's price to the distributor has been determined pursuant to § 1361.53, the maximum price applicable to the sale of the item by such distributor to any purchaser shall be determined by dividing the manufacturer's new price to the distributor (determined pursuant to § 1361.53) by the manufacturer's former price to the distributor (for the item before modification) and multiplying the result by the distributor's price to purchasers of the same class for the item before modification.

(c) (1) If for any item of farm equipment a wholesale distributor had a price in effect on March 31, 1942, which was based on a manufacturer's price lower than the manufacturer's price in effect on March 31, 1942, the maximum price applicable to the sale of the item by such distributor shall be the distributor's price to purchasers of the same class in effect on March 31, 1942, plus a percentage increase equal to the percentage increase in the manufacturer's price made prior to March 31, 1942.

(2) On or before December 31, 1942, every wholesale distributor shall file a report with the Office of Price Administration, Washington, D. C., for each item of farm equipment for which his maximum price or prices have been determined in accordance with subparagraph (1) of this paragraph (c), containing the following information: (i) a description of the item; (ii) the maximum price (or prices) determined in accordance with subparagraph (1); (iii) the distributor's price (or prices) in effect on March 31, 1942, and the date such price (or prices) became effective; (iv) the price to the distributor in effect on March 31, 1942, and the date such price became effective; (v) the price to the distributor upon which his March 31, 1942, price was based, and the period during which such price was effective.

§ 1361.58 *Export sales.* The maximum price at which a person may export any item of farm equipment shall be determined in accordance with the method provided in the Revised Maximum Export Price Regulation[4] issued by the Office of Price Administration.

§ 1361.59 *Less than maximum prices.* Lower prices than those set forth in this Maximum Price Regulation No. 246 may be charged, demanded, paid or offered.

§ 1361.60 *Reports and records*—(a) *Reports.* Every manufacturer or wholesale distributor of farm equipment shall on or before November 25, 1942, file with the Office of Price Administration, Washington, D. C., all his price lists and discount sheets in effect on March 31, 1942, for items of farm equipment, together with an affirmation that such price lists and discount sheets were actually issued on or prior to and were in effect on March 31, 1942. Any manufacturer or wholesale distributor who on that date based his prices upon price sheets published by any other person subject hereto need not file such other person's published price sheets but shall file instead a statement identifying the particular price sheets he used on that date, together with his own discount sheets, if any, and a statement of any exceptions to such practice.

(b) *Records.* Persons subject to this Maximum Price Regulation No. 246 shall keep available for inspection by representatives of the Office of Price Administration, for so long as the Emergency Price Control Act of 1942 remains in effect, the following records:

(1) *The manufacturer.* Records of each sale and delivery of any item of farm equipment after the effective date of this Maximum Price Regulation No. 246 and of each manufacturing service performed for another manufacturer; of labor rates, material prices, and overhead rates in effect on October 1, 1941, and on March 31, 1942; of all data showing the calculation of maximum prices in accordance with the provisions of this Maximum Price Regulation No. 246.

(2) *The wholesale distributor.* Records of the kind such seller has customarily kept, relating to the prices of items of farm equipment sold after the effective date of this Maximum Price Regulation No. 246 and in addition all data showing the calculation of maximum prices in accordance with the provisions of this Maximum Price Regulation No. 246.

(c) *Other records and reports.* Every person subject to this Maximum Price Regulation No. 246 shall keep such other records and submit such other reports, including periodic financial statements as the Office of Price Administration may from time to time require in writing, either in addition to or in substitution for records and reports herein required.

§ 1361.61 *Transfer of business or stock in trade.* If the business assets or stock in trade of any business are sold or otherwise transferred after March 31, 1942, and the transferee carries on the business, or continues to deal in the same type of farm equipment or parts, or to perform the same type of manufacturing services, in the same competitive area and in an establishment separate from any establishment which he may previously have owned or operated, the transferee shall be subject to the same maximum prices as those to which his transferor would have been subject under this Maximum Price Regulation No. 246 if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor in such cases shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this Maximum Price Regulation No. 246.

§ 1361.62 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 246 are subject to the criminal penalties, civil enforcement actions, proceedings for suspension of licenses, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

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[4] 7 F.R. 5059, 7242.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 246 or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest state, district or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1361.63 *Evasion.* (a) It shall be a violation of this Maximum Price Regulation No. 246 to effect a price increase above the applicable maximum price in connection with any sale or delivery of any item of farm equipment, or with the supplying of any manufacturing service, by changing discounts or customary price differentials among classes of purchasers; by making minor changes in items of farm equipment having published or confidential list prices; by requiring a customer to furnish material for processing not in accordance with previous practice; by entering into a joint venture with any other person subject hereto for cross-selling, cross-purchasing, or cross-servicing; by reducing the period of any guaranty or warranty of performance; by eliminating or reducing any maintenance, repair, or installation service; by undervaluing commodities received in trade; or by any other change in terms or conditions of sale or contract.

(b) The Office of Price Administration may, upon request, grant written permission to any person subject to this Maximum Price Regulation No. 246 to change credit terms or guaranties in effect on March 31, 1942, where such change is necessitated by orders issued by the War Production Board, the Board of Governors of the Federal Reserve System or any other agency of the United States, or becomes desirable as a matter of public policy.

§ 1361.64 *Petitions for amendment*—(a) *Amendments.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 246 may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1361.65 *Licensing; applicability of the registration and licensing provisions of the General Maximum Price Regulation.* (a) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Maximum Price Regulation No. 246 selling at wholesale any item of farm equipment covered by this Maximum Price Regulation No. 246. When used in this section the term "selling at wholesale" shall have the meaning given it by § 1499.20 (p) of the General Maximum Price Regulation.

(b) Except as provided in paragraph (a) hereof, the provisions of this Maximum Price Regulation No. 246 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this Maximum Price Regulation No. 246.

§ 1361.66 *Definitions.* (a) When used in this Maximum Price Regulation No. 246, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" means any person engaged in one or more operations in the fabrication, processing or assembling of any item of farm equipment, and includes subcontractors as well as prime contractors.

(3) "Wholesale distributor" means any "jobber" or other person engaged in the purchase and sale of farm equipment to other wholesale distributors or to retail dealers. If any person is engaged in selling farm equipment at retail as well as at wholesale, the term "wholesale distributor" applies to such person only to the extent that he is a wholesale distributor.

(4) "Farm equipment" means any mechanical equipment, attachment or part used primarily in connection with the production and farm processing for market and farm use of agricultural products, but does not include automobiles, trucks, general purpose tools, hand tools, building materials, electrical equipment (except fence controllers), sprays or other chemicals, commercial processing machinery, livestock, seeds, feeds or any other agricultural product. A partial list of "farm equipment" follows: farm and garden tractors (except crawler tractors); planting, seeding and fertilizing machinery; plows and listers; harrows, rollers, pulverizers, and stalk cutters; cultivators and weeders; harvesting machinery (combines, binders, pickers, potato diggers, pea and bean harvesters, beet lifters, etc.); haying machinery (mowers, rakes, hayloaders, stackers, balers, etc.); dairy farm equipment (milking machines, farm milk coolers, farm cream separators, etc.); poultry farm equipment (incubators, brooders, feeders, waterers, etc.); beekeepers' supplies; agricultural spraying equipment; barn and barnyard equipment; electric fence controllers; farm pumps and water systems; windmills; windmill generating sets; farm grain elevators, grain bins, corn cribs and silos; circular wood-sawing machines intended for farm use; machines for farm processing for market or farm use (farm size cane mills, cider mills, corn shellers, corn huskers and shredders, ensilage cutters, feed cutters, feed grinders and crushers, fruit presses, grain cleaners and graders, grain threshers, hammer mills, hay presses, peanut pickers, potato sorters and graders, syrup evaporators, etc.); buggies and farm wagons; and attachments and parts for all the foregoing.

(5) "Item of farm equipment" includes any item of complete farm equipment, any attachment for use therewith and any part thereof, whether in a finished or unfinished state, which is covered by this Maximum Price Regulation No. 246. The coverage of this Maximum Price Regulation No. 246 is set forth in § 1361.67.

(6) "Price in effect" for any item of farm equipment on March 31, 1942, for any class of purchasers means (i) the price published in the manufacturer's or wholesale distributor's last price list actually issued to the trade and made effective on or before March 31, 1942, less all discounts and allowances, if any, applicable to that class of purchasers on that date, or (ii) where the manufacturer or wholesale distributor has issued no such published price, the price at which an order for such item was last accepted from a purchaser of the same class on or before that date.

(7) "Material prices" means prices for parts and subassemblies, as well as for raw and semi-finished materials.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Price Regulation No. 246.

§ 1361.67 *Coverage of Maximum Price Regulation No. 246.* (a) Except as set forth in paragraph (b) of this section, this Maximum Price Regulation No. 246 applies to any item of complete farm equipment, any attachment for use therewith and any part thereof whether in a finished or unfinished state, and any manufacturing service in the production of any of the foregoing, as defined in § 1361.56. In any case of conflict, it supersedes the following maximum price regulations: Maximum Price Regulation No. 136—Machines and Parts and Machinery Services,[5] Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods other than Apparel,[6] and Maximum Price Regulation No. 210—Retail and Wholesale Prices for Fall and Winter Seasonal Commodities[7]; it also supersedes the General Maximum Price Regulation, except as provided in § 1361.65 (a).

(b) This Maximum Price Regulation No. 246 does not apply to:

(1) Any unfinished product in such form as to be used for other purposes as well as for farm equipment;

(2) Any product for which a maximum price is established by Revised Price Schedule No. 82—Wire, Cable, and Cable Accessories,[8] Maximum Price Regulation No. 147—Bolts, Nuts, Screws, and Rivets,[9] or Maximum Price Regulation No. 149—Mechanical Rubber Goods,[10] except when such product is sold as a finished attachment or replacement part for farm equipment by a person engaged in the business of selling complete farm equipment and/or a complete line of replacement parts for at least one item of complete farm equipment;

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[5] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945.

[6] 7 F.R. 5872, 7967.

[7] 7 F.R. 7318, 7173, 6789, 7912.

[8] 7 F.R. 1358, 1836, 2133, 7034.

[9] 7 F.R. 3905, 3808.

[10] 7 F.R. 7173, 3889.

(3) Any product or any service for which a maximum price is established by any price schedule or maximum price regulation issued by the Office of Price Administration other than those specifically mentioned in paragraphs (a) or (b) of this section.

§ 1361.68 *Effective date.* This Maximum Price Regulation No. 246 (§§ 1361.51 to 1361.68, inclusive) shall become effective November 15, 1942.

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10684; Filed, October 22, 1942; 12:36 p. m.]

PART 1363—FEEDINGSTUFFS

[RPS 73, as Amended,[1] Amendment 1]

FISH MEAL AND FISH SCRAP

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Subparagraphs (4) and (7) of paragraph (a) of § 1363.9, subparagraph (1) of paragraph (a) and paragraphs (g) and (h) of § 1363.12 are amended; subparagraph (5) of paragraph (a) of § 1363.12, §§ 1363.13, 1363.14, 1363.15, 1363.16 and paragraph (b) of § 1363.11 are added as set forth below.

§ 1363.9 *Definitions.* (a) When used in this Revised Price Schedule No. 73, as amended, the term: * * *

(4) "Grade" means in the case of fish meal, the guaranteed minimum percentage of protein. It means in the case of fish scrap either the actual analysis of protein or the guaranteed minimum percentage of protein.

* * * * *

(7) "Commercial distributor" is a person who buys fish meal or fish scrap for resale (except at retail): *Provided,* That no manufacturer or processor shall be deemed to be a commercial distributor of fish meal or fish scrap manufactured or processed by him.

* * * * *

§ 1363.12 *Maximum prices for sales of fish meal and fish scrap*—(a) *Maximum prices for sales of fish meal f. o. b. conveyance at fish reduction plant*—(1) *Maximum prices for sales of fish meal in new burlap bags.*

Guaranteed minimum percentage of protein (percent)	Pacific coast	Atlantic and Gulf coasts
	Dollars per ton	*Dollars per ton*
55	64.00	66.50
58	67.50	70.00
60	69.50	72.50
62	72.00	75.00
65	75.50	78.50
67	77.50	81.00
70	81.00	84.50
75	87.00	91.00

* * * * *

(5) *Grades.* (i) Standard guaranteed minimum percentages of protein. Except as permitted under subdivision (ii), no person shall sell or offer to sell and no person in the course of trade or business shall buy or offer to buy fish meal except on the basis of one of the following standard guaranteed minimum percentages of protein: 55%, 58%, 60%, 62%, 65%, 67%, 70% and 75%. If however, the actual analysis differs from the guaranteed minimum percentage of protein, then:

(*a*) If above the guaranteed minimum percentage of protein, no increase in maximum prices is permitted.

(*b*) If one per cent or less below the guaranteed minimum percentage of protein, deduct $1.50 per ton from the selling price.

(*c*) If more than one per cent below the guaranteed minimum percentage of protein, deduct $3.00 per ton from the selling price for every per cent or fraction thereof.

(ii) Any person desiring to sell fish meal of a different grade from those of the standard guaranteed minimum percentages of protein listed in subdivision (i) may file with the Feed and Grain Section, Food and Food Products Branch, Office of Price Administration, Washington, D. C., an application verified by his oath or affirmation setting forth what grade he desires to sell and the reasons therefor, including all circumstances of hardship which he will suffer if required to sell on a standard guaranteed minimum percentage of protein. No fish meal of a different grade from the standard guaranteed minimum grades listed in subdivision (i) shall be sold or purchased unless the maximum price for such sale or purchase has been established by the Office of Price Administration by order in writing after an application has been filed hereunder.

* * * * *

(g) *Maximum prices for imported fish meal and fish scrap.* The maximum delivered price per ton for fish meal and fish scrap imported into the continental United States (excluding Alaska) shall be computed as follows:

(1) *The Pacific Coast fish meal and fish scrap.* (i) For deliveries at points within the states of Washington and Oregon. The maximum f. o. b. price for sales of the same grade of fish meal or fish scrap by Pacific Coast fish reduction plants as determined under paragraphs (a) and (c) of this section, plus either $5.10 per ton or customary costs for delivery from the fish reduction plant to f. o. b. inland conveyance Seattle, Washington less $2.10 per ton, whichever is lower, plus the transportation charges from Seattle, Washington to the point of delivery. Transportation charges shall be computed at the lowest established rate for the mode of transportation employed for an identical shipment.

(ii) *For deliveries at other points.* The maximum f. o. b. price for sales of the same grade of fish meal or fish scrap by Pacific Coast fish reduction plants as determined under paragraphs (a) and (c) of this section, plus the freight charges to the point of delivery at the lowest established rate for the mode of transportation employed for an identical shipment from either Seattle, Washington or San Francisco, California, whichever establishes the lower delivered price.

(2) *Atlantic and Gulf Coast fish meal and fish scrap.* For deliveries at any point. The maximum f. o. b. price for sales of the same grade of fish meal or fish scrap for Atlantic and Gulf Coast reduction plants as determined under paragraphs (a) and (c) of this section, plus the transportation charges to the point of delivery at the lowest established rate for the mode of transportation employed for an identical shipment from either Boston, Massachusetts or Baltimore, Maryland, whichever established the lower delivered price.

(h) *Maximum prices for sales by commercial distributors.* (1) Maximum prices for sales by persons functioning as commercial distributors during January 1942. The maximum prices for sales of fish meal and fish scrap by a person functioning as commercial distributor during January 1942 shall be the maximum price established under paragraphs (a) tc (g) of this section, whichever are applicable, plus the mark-up in terms of dollars and cents per ton charged or that would have been charged by the commercial distributor for sales by him on January 17, 1942 in the same locality of fish meal or fish scrap of the same grade in a similar amount to a similar purchaser: *Provided,* That a commercial distributor determining his maximum price pursuant to this subparagraph (1) shall file with the Office of Price Administration in Washington, D. C. on or before November 15, 1942, his mark-up stating in detail all the cost items entering into his mark-up and all his discounts and allowances, in accordance with the form set forth in § 1363.16 Appendix A.

(2) *Maximum prices for sales by commercial distributors not functioning as such during January 1942.* The maximum price for sales of fish meal or fish scrap by a commercial distributor not functioning as such during January 1942 shall be the maximum price established under paragraphs (a) to (g) of this section, plus the mark-up of the commercial distributor located nearest to him as determined in subparagraph (1): *Provided,* That a commercial distributor determining his maximum price pursuant to this subparagraph (2) shall file with the Office of Price Administration in Washington, D. C. on or before November 15, 1942 the name, address and mark-up of the commercial distributor located nearest him.

(3) *Adjustment of mark-up of commercial distributors.* Any mark-up of a commercial distributor shall be subject to adjustment by the Price Administrator at any time.

§ 1363.13 *Licensing; applicability of the registration and licensing provisions of the General Maximum Price Regulation.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 2475, 2637.

Revised Price Schedule No. 73 as amended, selling at wholesale any animal product feedingstuffs covered by this Revised Price Schedule No. 73 as amended. When used in this section the term "selling at wholesale" has the definition given to it by § 1499.20 (p) of the General Maximum Price Regulation. Said registration and licensing provisions become effective as to persons selling at wholesale on May 11, 1942.

§ 1363.14 *Duty to describe classification and grade.* No person shall sell or offer to sell and no person in the course of trade or business shall buy or receive any fish meal or fish scrap which have not been described according to classification and grade. The description of fish meal and fish scrap sold in bags or other containers shall be by means of a label or tag printed on or attached to the bags or other containers. Descriptions in the case of sales in bulk shall be by means of tag or certificate accompanying the shipment. A duplicate thereof shall be attached to the invoice, bill of lading, or other document accompanying the shipment.

§ 1363.15 *Applicability.* The provisions of this Revised Price Schedule No. 73 as amended, shall be applicable to the several states of the United States and the District of Columbia.

§ 1363.16 *Appendix A: Filing of mark-up and discounts by commercial distributors.* Each commercial distributor of fish meal or fish scrap shall submit to the Office of Price Administration in Washington, D. C. not later than November 15, 1942, a sworn statement showing in dollars and cents, the mark-up per ton of fish meal or fish scrap which was, or would have been, charged on January 17, 1942. For the purpose of this report, "mark-up" is defined as the difference between the price paid by the distributor for the product and the price at which the material was sold; both prices to be calculated on the same shipping basis.

For sales of fish meal or fish scrap shipped directly from the reduction plant to the purchaser, where no warehousing or handling charges need be considered, the mark-up shall be shown as a single figure in line (1) below.

The mark-up for sales of fish meal or fish scrap from the commercial distributor's warehouse which have been subject to the services coincident with warehousing, shall be broken down into the separate charges that compose the mark-up This mark-up shall be the maximum amount added on January 17, 1942, to the cost of the fish meal or scrap without allowance for cash or quantity discounts.

The form of the report shall be:

1. Mark-up on direct shipments of fish meal or fish scrap, $------ per ton.

2. Mark-up on warehoused fish meal or fish scrap (Total a to f), $------ per ton.

a. Unloading and loading charges, $------ per ton.

b Storage charge, $------ per ton.

(Number of months) ----------------

c. Insurance, $------ per ton.

d. Interest, $------ per ton.

e. Taxes, $------ per ton.

(Personal property tax or other tax included in the mark-up)

f. All other charges including profit not set forth in items (a) thru (f) $------ per ton.

(Explain in detail).

3. Any quantity or cash discounts or allowances which would lower the mark-up shown in item 1 or 2.

* * * * *

§ 1363.11 *Effective dates of amendments.* * * *

(b) Amendment No. 1 (§§ 1363.9 (a) (4) and (a) (7), 1363.12 (a) (1) and (a) (5) (g) and (h), 1363.13, 1363.14, 1363.15, 1363.16 and 1363.11 (b)) to Revised Price Schedule No. 73, as amended, shall become effective October 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10685; Filed, October 22, 1942; 12:36 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 63 Under § 1499.18 (b) of GMPR]

WILLAPOINT OYSTER COMPANY, INC.

Order No. 63 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-2116.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.863 *Adjustment of maximum prices for sales of canned oysters by Willapoint Oyster Company, Inc.* (a) Willapoint Oyster Company, Inc. of Seattle, Washington, may sell canned oysters at prices not higher than those set forth below:

(1) 10 oz. whole oysters @ $1.75 per dozen f. o. b. Seattle, Washington;

(2) 10 oz. "cuts" oysters @ $1.45 per dozen f. o. b. Seattle, Washington;

(3) 16 oz. "cuts" oysters @ $2.00 per dozen f. o. b. Seattle, Washington.

(b) Willapoint Oyster Company, Inc. shall mail or cause to be mailed to all persons who purchase oysters from it for sale at retail a notice reading as follows:

> The Office of Price Administration, by Order No. 63 effective October 23, 1942, pursuant to § 1499.18 of General Maximum Price Regulation, has permitted us to raise our maximum price for sales to you on the following:
>
> (1) 10 oz. whole oysters from $1.65 per dozen to $1.75 per dozen f. o. b. Seattle, Washington;
>
> (2) 10 oz. "cuts" oysters from $1.40 per dozen to $1.45 per dozen f. o. b. Seattle, Washington;
>
> (3) 16 oz. "cuts" oysters from $1.43½ per dozen to $2.00 per dozen f. o. b. Seattle, Washington.
>
> subject to all discounts, allowances and trade practices which we had in effect during March, 1942 with respect to sales of Willapoint Oysters.
>
> The order does not permit you or any other retailer to raise maximum prices, as established under the General Maximum Price Regulation, for sales of Willapoint Oysters at retail.
>
> The permission to increase our price was granted by the Office of Price Administration upon the basis of a showing that the maximum retail prices for sales of Willapoint Oysters established by the General Maximum Price Regulation are such that no hardship would be imposed upon retailers generally if they were required to pay the increased price. However, if your maximum price is abnormally low in relation to the maximum prices established for sales of Willapoint Oysters by other competitive sellers at retail and if the price charged to you by us pursuant to the Order should impose a substantial hardship upon you, you may communicate with the nearest district, state, or regional office of the Office of Price Administration setting forth the facts of your situation.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 63 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 63 (§ 1499.863) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 63 (§ 1499.863) shall become effective October 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10678; Filed, October 22, 1942; 12:34 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 64 Under § 1499.18 (b) of GMPR]

M & M LIMITED

Order No. 64 under § 1499.18 (b) of the General Maximum Price Regulation—Docket GF3-1408.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.864 *Adjustment of maximum prices for candy coated chocolates sold by M. & M. Limited of Newark, New Jersey.* (a) M. & M. Limited of 285 Badger Avenue, Newark, New Jersey, is hereby authorized to sell and deliver, and any person may buy and receive from the M. & M. Limited the following commodities at prices not higher than those set forth below:

(i) 11 ounce cellophane bags of candy coated chocolates at $2.25 per dozen;

(ii) 25 pound cartons of candy coated chocolates in bulk at 24¢ per pound.

(b) The adjustment granted to the M. & M. Limited is subject to the condition that purchasers from M. & M. Limited shall in no event charge more for candy coated chocolates at retail than their maximum prices as determined under paragraph (a) of § 1499.2 of the General Maximum Price Regulation or as adjusted under paragraph (a) of § 1499.18 of said regulation.

(c) M. & M. Limited shall mail or cause to be mailed to all persons who purchase candy coated chocolates from it for sale at retail a notice reading as follows:

> The Office of Price Administration, by Order No. 64, effective October 23, 1942, pursuant to section 18 (b) of the General Maximum Price Regulation, has permitted us to raise our maximum price for sales to you of candy coated chocolates from $2.06 to $2.25 per dozen of 11 ounce bags, and from 21¢ to 24¢ per pound for 25 pound bulk cartons, subject to all discounts, allowances and trade practices which we had in effect during March 1942 with respect to sales of candy coated chocolates.
>
> The Order does not permit you or any other retailer to raise maximum prices, as established under the General Maximum Price Regulation, for sales of candy coated chocolates at retail.
>
> The permission to increase our price was granted by the Office of Price Administration upon the basis of a showing that the maximum retail prices for sales of candy coated chocolates established by the General Maximum Price Regulation are such that no hardship would be imposed upon retailers generally if they were required to pay the increased price. However, if your maximum price is abnormally low in relation to the maximum prices established for sales of candy coated chocolates by other competitive sellers at retail and if the price charged to you by us pursuant to the Order should impose a substantial hardship upon you, you may communicate with the nearest district, state, or regional office of the Office of Price Administration setting forth the facts of your situation.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 64 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 64 (§ 1499.864) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 64 (§ 1499.864) shall become effective October 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10682; Filed, October 22, 1942; 12:29 p. m.]

PART 1499—COMMODTIES AND SERVICES

[Order 85 Under § 1499.18 (c) of GMPR]

REMPIS & DUUS FOUNDRY CO.

Order No. 85 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-1658.

§ 1499.935 *Order denying application for adjustment of Rempis & Duus Foundry Co.* On August 28, 1942, Rempis & Duus Foundry Co., 524 Front Avenue, N. W., Grand Rapids, Michigan, filed an application for adjustment, pursuant to Procedural Regulation No. 6, of the maximum price established for certain gray iron castings used in band sawing machines. Thereupon, pursuant to the request of the Office of Price Administration, said Company on September 24, 1942 filed further data with the Office of Price Administration in support of its application. Since it does not appear that the gray iron castings involved are sold pursuant to a Government contract or a subcontract under any such contract as required under Procedural Regulation No. 6, the application has been treated as an application for adjustment under § 1499.18 (c) of the General Maximum Price Regulation. Due consideration has been given to the application, and an opinion in support of this Order No. 85 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulations No. 1 and No. 6 issued by the Office of Price Administration, it is hereby ordered that said application be, and it hereby is, denied.

(a) This Order No. 85 (§ 1499.935) shall become effective October 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10681; Filed, October 22, 1942; 12:30 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 86 Under § 1499.18 (c) of GMPR]

A. E. STALEY MANUFACTURING CO.

Order No. 86 under § 1499.18 (c) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.936 *Adjustment of maximum prices for sales of monosodium glutamate by A. E. Staley Manufacturing Company.* (a) The maximum prices for the sale of monosodium glutamate by the A. E. Staley Manufacturing Company of Decatur, Illinois, shall be the prices set forth below:

	Per lb.
Less than 100 pounds	$1.05 (f. o. b. Decatur, Ill.)
100-499 pounds	1.04 delivered
500-999 pounds	1.03 delivered
1,000 or more pounds	1.02 delivered

(b) All prayers of the applicant not granted herein are denied.

(c) This Order No. 86 may be revoked or amended by the Administrator at any time.

(d) This Order No. 86 (§ 1499.936) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 86 (§1499.936) shall become effective this 23d day of October 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10683; Filed, October 22, 1942; 12:29 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 87 Under § 1499.18 (c) of GMPR]

COLUMBIA TERMINALS COMPANY, INC.

Order No. 87 under § 1499.18 (c) of the General Maximum Price Regulation—Dockets Nos. GF3-794 and 1114.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.937 *Adjustment of maximum prices for contract carrier services sold by Columbia Terminals Company, Inc.* (a) Columbia Terminals Company, Inc., 214 East St. Clair Street, Indianapolis, Indiana, may sell and deliver, and Sears, Roebuck and Company, Indianapolis, Indiana, and Cincinnati, Ohio, may buy and receive from the Columbia Terminals Company, Inc., contract carrier services at prices not higher than those set forth below:

For delivery services performed in and around Indianapolis, Indiana:	*Per hour*
Per vehicle, including driver and helper	$2.5199
Per vehicle, including driver	1.70
For delivery services performed in and around Cincinnati, Ohio:	*Per hour*
Per vehicle, including driver and helper	$2.32
Per vehicle, including driver	1.70

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 87 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 87 (§ 1499.937) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 87 (§ 1499.937) shall become effective October 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10679; Filed, October 22, 1942; 12:33 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 88 Under § 1499.18 (c) of GMPR]

ELK TRANSPORTATION COMPANY, INC.

Order No. 88 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-1841.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.938 *Adjustment of maximum prices for contract carrier services sold by Elk Transportation Company, Inc.* (a) Elk Transportation Company, Inc., of 916 Grand Street, Brooklyn, New York, may sell and deliver, and the R. J. Reynolds Tobacco Company and the Philip Morris & Company, Ltd., Inc., may buy and receive from Elk Transportation Company, contract carrier services at prices not higher than those set forth below:

MAXIMUM PRICES, CENTS PER 100 POUNDS, FOR DELIVERY FROM HARBORSIDE WAREHOUSE, 26 EXCHANGE PLACE, OR 629 GROVE STREET, JERSEY CITY, NEW JERSEY

To—	Truck load minima		Less than truck loads	Minimum charge per stop
	8,500 lbs.	10,000 lbs.		
Manhattan 86th St. and South	-----	.17½	.25	.85
Manhattan & Bronx North of 86th Street	-----	.25	.30	.85
Brooklyn, New York	-----	.18½	.26	.85
Jersey City, N. J. & Hoboken, N. J	.15	-----	.19	.85
Newark, N. J	.17	-----	.21½	.85
North Bergen, Irvington, Harrison, Kearney, N. J	.17	-----	.21½	1.25
East & West Oranges, N. J	.19	-----	.33½	1.25
Elizabeth, N. J	.19	-----	.33½	1.25
Bayonne, N. J	.19	-----	.33½	1.25
Lakeview, N. J	.19	-----	.33½	1.25
West New York, N. J	.19	-----	.33½	1.25
Paterson, N. J	.19	-----	.33	1.25
Passaic, N. J	.19	-----	.33	1.25
Bloomfield, N. J	.19	-----	.33½	1.25
Hackensack, N. J	.19	-----	.33½	1.25
Hillside, N. J	.19	-----	.33½	1.25
Montclair, N. J	.19	-----	.33½	1.25
Teaneck, N. J	.19	-----	.33½	1.25
Union City, N. J	.19	-----	.33½	1.25
Carlstadt, N. J	.19	-----	.33½	1.25
Nutley, N. J	.19	-----	.33½	1.25
Rutherford, N. J	.19	-----	.33½	1.25
Jamaica, L. I	.22	-----	.28	1.75
Queens, L. I	.22	-----	.28	1.75
Glendale, L. I	.22	-----	.28	1.75
Queens Village	.22	-----	.28	1.75
Long Island City, L. I	-----	-----	.26	1.25
Huntington, L. I	.40	-----	.55	1.75
Corona, L. I	-----	-----	.42	1.75
Far Rockaway, L. I	-----	-----	.46	1.75
Patchogue, L. I	.52	-----	.69	1.75
Flushing, L. I	-----	-----	.42	1.75
Central Islip and Kings Park	-----	-----	.69	1.75
Freeport, L. I	-----	-----	.53	1.75
Garden City, L. I	-----	-----	.39	1.75
Mineola, L. I	-----	-----	.39	1.75
Mitchell Field, L. I	-----	-----	.39	1.75
Hampstead, L. I	-----	-----	.39	1.75
St. Albans, L. I	-----	-----	.34	1.75
Woodside, L. I	-----	-----	.47	1.75
Welfare Island	-----	-----	.25	1.75
Staten Island	-----	-----	.43	3.25
Governors Island, N. Y	-----	-----	-----	3.25
Fort Totten, N. Y	-----	-----	-----	3.25
Northport	-----	-----	-----	3.25
Yonkers, N. Y	-----	.25	.47	4.50
Dover, N. J	-----	-----	.47	1.25
Metuchen, N. J	-----	-----	.47	1.25
New Brunswick, N. J	-----	-----	.47	1.25
Perth Amboy, N. J	-----	-----	.47	1.25
Wards Island	-----	-----	.31	1.75
Brentwood, L. I	-----	-----	.65	1.75

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 88 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 88 (§ 1499.938) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 88 (§ 1499.938) shall become effective October 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10680; Filed, October 22, 1942; 12:33 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Revised Tire Rationing Regulations,[1] Amendment 40]

TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

Section 1315.803 (c) (2) is amended; new paragraphs (ll) and (mm) are added to § 1315.151; new §§ 1315.603b, 1315.708, 1315.709, and 1315.808 are added; and new subparagraphs (8) and (9) are added to § 1315.802 (d) as set forth below:

DEFINITIONS

§ 1315.151 *Definitions.* * * *

(ll) "Grade III" as applied to tires, means a used or recapped tire, or a tire manufactured principally from reclaimed rubber as specified by the War Production Board.

(mm) "Dealer" means any person, other than a manufacturer, engaged in the business of recapping tires, or selling tires, tubes, or camelback.

* * * * *

APPLICATION FOR CERTIFICATES

§ 1315.603b *Filing of application for allotment of Grade III tires.* Application by a dealer for certificates authorizing the acquisition of an allotment of Grade III tires shall be filed on OPA Form R-45 with the Board for the area in which the establishment for which the allotment is sought is located.

* * * * *

TIRE AND TUBE CERTIFICATE

§ 1315.708 *Certificates for allotment of Grade III tires*—(a) *Eligibility for allotment.* The Board may issue a certificate on OPA Form R-46 authorizing an applicant who is a dealer or manufacturer to acquire an allotment of Grade III tires for each establishment operated by him for which OPA Form R-17 has been filed for the quarter ending September 30, 1942, or for each establishment operated by him for which he was not required to file OPA Form R-17 under § 1315.1003 (d), or which has been established pursuant to an authorization of the Office of Price Administration since October 1, 1942.

(b) *Amount of allotment.* Each applicant may be allotted one Grade III tire for each $1000 of his 1941 retail and wholesale net dollar sales of passenger-type tires and tubes from the establishment for which allotment is sought, but no allotment shall be in excess of two hundred (200) and any applicant shall be entitled to at least twelve (12) Grade III tires: *Provided,* That a certificate shall be granted to authorize the acquisition of no more than the difference between such allotment and his inventory of Grade III tires, as of September 30, 1942: *Provided further,* That permitted transfers between September 30, 1942, and the date of the filing of the application shall be taken into account in determining his actual inventory.

(c) *One allotment only.* The Board shall grant only one allotment to an applicant for each establishment for which an allotment is sought.

§ 1315.709 *Disposition of OPA Form R-46.* A transferor of Grade III passenger-type tires to whom a certificate on OPA Form R-46 is surrendered shall fill

in those parts thereof which he is required to complete by the instructions on such Form, and dispose of them as follows:

(a) Part A shall be retained by the transferor as his record.

(b) Part B, when transferred to a manufacturer for purposes of replenishment, shall be cancelled and retained by the manufacturer as his record and shall be marked "void except for replenishment by ______ ". The name of the first manufacturer to whom Part B is surrendered shall be inserted in the blank and Part B shall be used only for replenishment by such manufacturer.

(c) The transferor shall within three days of the date of transfer of the Grade III passenger-type tires send Part C to the issuing Board which shall retain it as its record.

(d) Part D shall be retained by the transferee as his record.

* * * * *

TRANSFERS AND DELIVERIES OF NEW TIRES AND TUBES, RETREADED OR RECAPPED TIRES, GRADE III TIRES, AND CAMELBACK

§ 1315.802 *Permitted and prohibited deliveries of retreaded or recapped tires, or Grade III tires.* * * *

(d) * * *

(8) Any manufacturer who has acquired from Defense Supplies Corporation a Grade III tire that requires recapping or any dealer who has acquired such tire in exchange for OPA Form R-46 may transfer such tire to a recapper accompanied by Part A of OPA Form R-48. The recapper may transfer a recapped tire to such manufacturer or dealer in exchange for Part B of OPA Form R-48. Part A of Form R-48 shall be retained by the recapper, and Part B may be used for securing replenishment of eight and one-half (8½) pounds of passenger-type camelback.

(9) No person shall transfer Part B of OPA Form R-46 and no person shall accept such transfer unless the transferor first endorses his name and address thereon.

§ 1315.803 *Permitted and prohibited deliveries of camelback.* * * *

(c) * * *

(2) No delivery provided in subparagraph (1) may be made except in exchange for the replenishment portion of a certificate (Part B of OPA Form R-2 (Revised)), or the replenishment portion of a receipt (Part B of OPA Form R-12) for either retreaded or recapped tires or camelback issued pursuant to § 1315.804, or the replenishment portion (Part B) of the certificate authorizing the purchase of an initial allotment of camelback issued pursuant to § 1315.805, or the replenishment portion of a certificate (Part B of OPA Form R-48) authorizing the recapping of a Grade III passenger-type tire. No person shall transfer Part B of OPA Form R-2 (revised) or Part B of OPA Form R-48 and no person shall accept such transfer, unless the transferor first endorses his name and address thereon.

* * * * *

§ 1315.808 *Transfer by manufacturer or dealer of Grade III tires.* (a) Any manufacturer or dealer may, in exchange for a certificate on OPA Form R-46, transfer the number of Grade III tires authorized thereon to a dealer. No manufacturer who has a supply of Grade III tires of the size ordered may refuse to transfer them to a dealer who presents a certificate (OPA Form R-46) for an allotment of Grade III tires if the dealer's order is accompanied with the proper amount of cash or its equivalent. A manufacturer shall fill all accepted orders for Grade III tires received on one day before filling any orders received on any subsequent day.

(b) A manufacturer who obtains from Defense Supplies Corporation a Grade III tire that requires recapping and transfers such tire to a dealer shall at the same time transmit OPA Form R-48 to the dealer.

(c) Defense Supplies Corporation shall transmit one copy of OPA Form R-48 with each tire that requires recapping which it transfers to a manufacturer.

* * * * *

§ 1315.1199a *Effective dates of amendments.* * * *

(nn) Amendment No. 40 (§§ 1315.151, 1315.603, 1315.708, 1315.709, 1315.802, 1315.803, 1315.808) to Revised Tire Rationing Regulations shall become effective October 22, 1942.

(Pub. Laws 421 and 729, 77th Cong., O.P.M. Supp. Order M-15-c, W.P.B. Dir. 1, Supp. Dir. 1B, 6 F.R. 6792, 7 F.R. 121, 350, 434, 473, 562, 925, 1009, 1026)

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10699; Filed, October 22, 1942; 5:13 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Revised Tire Rationing Regulations, Amendment 39]

Amendment No. 39 to Revised Tire Rationing Regulations[1]—Tires and Tubes, Retreading and Recapping of Tires, and Camelback.

Section 1315.801 (f) (6) (i) is amended to read as follows

TRANSFERS AND DELIVERIES OF NEW TIRES AND TUBES, RETREADED OR RECAPPED TIRES, AND CAMELBACK

§ 1315.801 *Permitted and prohibited transfers of new tires and tubes.* * * *

(f) * * *

(6) * * *

(i) Any person may transfer any tires or tubes to Defense Supplies Corporation, Rubber Reserve Company, or Reconstruction Finance Corporation or any representative designated to receive tires or tubes on its behalf.

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§ 1315.1199a *Effective dates of amendments.* * * *

(mm) Amendment No. 39 (§ 1315.801 (f)) to Revised Tire Rationing Regulations shall become effective October 22, 1942.

(Pub. Laws 421 and 729, 77th Cong., O.P.M. Supp. Order M-15c, W.P.B. Dir. 1, Supp. Dir. 1B, 6 F.R. 6792; 7 F.R. 562, 925, 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10698; Filed, October 22, 1942; 5:12 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS

[Temporary MPR 22,[1] Amendment 4]

CERTAIN ESSENTIAL FOOD PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

New paragraphs (b) and (c) are added to § 1351.802 as set forth below:

§ 1351.802 *Maximum prices* * * *

(b) If the seller cannot determine his maximum price for a listed food product under the foregoing, because neither he nor his most closely competitive seller of the same class delivered or offered for delivery such listed food product to a purchaser of the same class during the base period of September 28, 1942, to October 2, 1942, inclusive, he may determine his maximum price by the following procedure applied in the following order:

(1) By taking the maximum price of the same or similar listed food product most nearly like it which he charged a different class of purchaser during such base period, and adjusting the price to reflect the customary differential between the two classes of purchasers.

(2) By taking the maximum price of the same or similar listed food product most nearly like it charged by his most closely competitive seller of the same class to a different class of purchaser during such base period, and adjusting that maximum price to reflect the customary differential between the price charged that different class of purchaser by such competitor, and the price for that class of purchaser for whom a maximum price is sought by the seller.

(c) If the seller cannot determine his maximum price for a listed food product under the foregoing, because neither he nor his most closely competitive seller of the same class delivered or offered for delivery the same or a similar listed food product during such base period, he may determine his maximum price by the following procedure applied in the following order:

(1) By taking the maximum price for the most nearly similar listed food product that he has delivered or offered for delivery during such base period, and adjusting the price to reflect the customary differential between the two commodities.

(2) By taking the maximum price for the most nearly similar listed food product delivered or offered for delivery by his most closely competitive seller of the the

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[1] 7 F.R. 1027, 1089, 2107, 2541, 2633, 2945, 2948, 3235, 3237, 3551, 3830, 4176, 4336, 4493, 4543, 4544, 4617, 4856, 5023, 5274, 5276, 5566, 5605, 5867, 6423, 6775, 7034, 7241, 7669, 7670, 7743, 7777, 7902, 7834, 7941, 7963, 7973.

[1] See Amendment 39, *supra.*

[1] 7 F.R. 7914, 8023, 8197, 8358.

same class during such base period, and adjusting that maximum price to reflect the customary differential between the price charged by such competitive seller for such nearly similar listed food product, and the price for that listed food product for which a maximum price is sought by the seller.

§ 1351.814 *Effective dates of amendment.*

(d) Amendment No. 4 (§ 1351.802 (b) and (c)) to Temporary Maximum Price Regulation 22 shall become effective October 22, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10694; Filed, October 22, 1942; 3:26 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 53]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

In the judgment of the Administrator, rents for housing accommodations within each of the Defense-Rental Areas set out in § 1388.281 (a) of this Maximum Rent Regulation, as designated in the designations and rent declarations issued by the Administrator on April 28, 1942, as amended, on May 26, 1942, on June 3, 1942, on June 26, 1942, on July 29, 1942, and on August 13, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designations and rent declarations.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within each such Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within each such Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for housing accommodations within each such Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 53 is hereby issued.

AUTHORITY: §§ 1388.281 to 1388.294, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1388.281 *Scope of regulation.* (a) This Maximum Rent Regulation No. 53 applies to all housing accommodations within each of the following Defense-Rental Areas (each of which is referred to hereinafter in this Maximum Rent Regulation as the "Defense-Rental Area"), as designated in the designations and rent declarations (§§ 1388.1201 to 1388.1205, 1388.1251 to 1388.1255, 1388.1301 to 1388.1305, 1388.1311 to 1388.1215, 1388.1321 to 1388.1325, and 1388.1331 to 1388.1335, inclusive) issued by the Administrator on April 28, 1942, as amended, on May 26, 1942, on June 3, 1942, on June 26, 1942, on July 29, 1942, and on August 13, 1942, except as provided in paragraph (b) of this section.

(1) The Gadsden Defense Rental Area, consisting of the County of Etowah, in the State of Alabama.

(2) The Montgomery Defense-Rental Area, consisting of the Counties of Elmore and Montgomery, in the State of Alabama.

(3) The Newport-Walnut Ridge Defense-Rental Area, consisting of the Counties of Craighead, Independence, Jackson, and Lawrence, in the State of Arkansas.

(4) The Lassen County Defense-Rental Area, consisting of the County of Lassen, in the State of California.

(5) The Los Angeles Defense-Rental Area, consisting of the Counties of Los Angeles and Orange, in the State of California.

(6) The Riverside Defense-Rental Area, consisting of the County of Riverside, in the State of California.

(7) The La Junta Defense-Rental Area, consisting of the County of Otero, in the State of Colorado.

(8) The Pueblo Defense-Rental Area, consisting of the County of Pueblo, in the State of Colorado.

(9) The Wilmington, Delaware Defense-Rental Area, consisting of the County of New Castle, in the State of Delaware; and the County of Salem, in the State of New Jersey.

(10) The Sebring Defense-Rental Area, consisting of the County of Highlands, in the State of Florida.

(11) The Tallahassee Defense-Rental Area, consisting of the County of Leon, in the State of Florida.

(12) The Albany, Georgia Defense-Rental Area, consisting of the County of Dougherty, in the State of Georgia.

(13) The Hinesville Defense-Rental Area, consisting of the County of Liberty, in the State of Georgia.

(14) The Moultrie Defense-Rental Area, consisting of the County of Colquitt, in the State of Georgia.

(15) The Valdosta Defense-Rental Area, consisting of the County of Lowndes, in the State of Georgia.

(16) The Quincy Defense-Rental Area, consisting of the County of Adams, in the State of Illinois; and the Counties of Lewis and Marion, in the State of Missouri.

(17) The Bedford Defense-Rental Area, consisting of the Counties of Lawrence and Martin, in the State of Indiana.

(18) The Connersville Defense-Rental Area, consisting of the County of Fayette, in the State of Indiana.

(19) The La Fayette Defense-Rental Area, consisting of the Counties of Fountain, Tippecanoe, and Warren, in the State of Indiana.

(20) The Terre Haute Defense-Rental Area, consisting of the County of Vigo, in the State of Indiana.

(21) The Topeka-Lawrence Defense-Rental Area, consisting of the Counties of Douglas, Franklin, and Shawnee, in the State of Kansas.

(22) The Fort Knox Defense-Rental Area, consisting of the Counties of Bullitt, Hardin, and Meade, in the State of Kentucky.

(23) The Morganfield Defense-Rental Area, consisting of the County of Union, in the State of Kentucky.

(24) The Paducah Defense-Rental Area, consisting of the County of McCracken, in the State of Kentucky.

(25) The Richmond, Kentucky Defense-Rental Area, consisting of the County of Madison, in the State of Kentucky.

(26) The Baton Rouge Defense-Rental Area, consisting of the Parishes of East Baton Rouge and West Baton Rouge, in the State of Louisiana.

(27) The Monroe-Bastrop, Louisiana Defense-Rental Area, consisting of the Parishes of Morehouse, Ouachita, and Union, in the State of Louisiana.

(28) The Indian Head Defense-Rental Area, consisting of the County of Charles, in the State of Maryland.

(29) The Eastern Massachusetts Defense-Rental Area, consisting of the Counties of Barnstable, Bristol, Middlesex, Norfolk, Plymouth, and Suffolk, in the State of Massachusetts.

(30) The Pittsfield Defense-Rental Area, consisting of the County of Berkshire, in the State of Massachusetts.

(31) The Adrian Defense-Rental Area, consisting of the County of Lenawee, in the State of Michigan.

(32) The Duluth-Superior Defense-Rental area, consisting of the Counties of Carlton and St. Louis, in the State of Minnesota; and the County of Douglas, in the State of Wisconsin.

(33) The Minneapolis-St. Paul Defense-Rental Area, consisting of the Counties of Anoka, Dakota, Hennepin, Ramsey, and Washington, in the State of Minnesota.

(34) The Columbus, Mississippi Defense-Rental Area, consisting of the County of Lowndes, in the State of Mississippi.

(35) The Great Falls Defense-Rental Area, consisting of the County of Cascade, in the State of Montana.

(36) The Alliance Defense-Rental Area, consisting of the County of Box Butte, in the State of Nebraska.

(37) The Manchester Defense-Rental Area, consisting of the County of Hillsborough, in the State of New Hampshire.

(38) The Trenton Defense-Rental Area, consisting of the Counties of Hunterdon and Mercer, in the State of New Jersey.

(39) The Deming Defense-Rental Area, consisting of the County of Luna, in the State of New Mexico.

(40) The Hobbs Defense-Rental Area, consisting of the County of Lea, in the State of New Mexico.

(41) The Albany-Troy (New York) Defense-Rental Area, consisting of the Counties of Albany and Rensselaer, in the State of New York.

(42) The Binghamton Defense-Rental Area, consisting of the Counties of Broome and Tioga, in the State of New York.

(43) The Seneca Defense-Rental Area, consisting of the Counties of Ontario, Seneca, and Yates, in the State of New York.

(44) The Syracuse Defense-Rental Area, consisting of the Counties of Cayuga, Onondaga, and Oswego, in the State of New York.

(45) The Jacksonville (North Carolina) Defense-Rental Area, consisting of the County of Onslow, in the State of North Carolina.

(46) The Ashtabula Defense-Rental Area, consisting of the County of Ashtabula, in the State of Ohio.

(47) The Cincinnati Defense-Rental Area, consisting of the Counties of Butler, Clermont, Hamilton, and Warren, in the State of Ohio; and the Counties of Boone, Campbell, and Kenton, in the State of Kentucky.

(48) The Columbus, Ohio Defense-Rental Area, consisting of the County of Franklin, in the State of Ohio.

(49) The Lima Defense-Rental Area, consisting of the County of Allen, in the State of Ohio.

(50) The Mansfield Defense-Rental Area, consisting of the Counties of Ashland, Crawford, and Richland, in the State of Ohio.

(51) The Sidney, Ohio Defense-Rental Area, consisting of the County of Shelby, in the State of Ohio.

(52) The Toledo Defense-Rental Area, consisting of the Counties of Lucas and Wood, in the State of Ohio; and the County of Monroe, in the State of Michigan.

(53) The McAlester Defense-Rental Area, consisting of the Counties of Atoka, Haskell, Hughes, Latimer, McIntosh, and Pittsburg, in the State of Oklahoma.

(54) The Muskogee Defense-Rental Area, consisting of the County of Muskogee, in the State of Oklahoma.

(55) The Norman Defense-Rental Area, consisting of the Counties of Cleveland and McClain, in the State of Oklahoma.

(56) The Oklahoma City Defense-Rental Area, consisting of the County of Oklahoma, in the State of Oklahoma.

(57) The Astoria Defense-Rental Area, consisting of the County of Clatsop, in the State of Oregon.

(58) The Corvallis Defense-Rental Area, consisting of the Counties of Benton and Linn, in the State of Oregon.

(59) The Altoona-Johnstown Defense-Rental Area, consisting of the Counties of Blair, Cambria, and Somerset, in the State of Pennsylvania.

(60) The Harrisburg Defense-Rental Area, consisting of the Counties of Cumberland, Dauphin, Lebanon, and Perry, in the State of Pennsylvania.

(61) The Lancaster-York Defense-Rental Area, consisting of the Counties of Lancaster and York, in the State of Pennsylvania.

(62) The Reading Defense-Rental Area, consisting of the County of Berks, in the State of Pennsylvania.

(63) The Williamsport Defense-Rental Area, consisting of the County of Lycoming, in the State of Pennsylvania.

(64) The Providence Defense-Rental Area, consisting of the Counties of Bristol, Kent, and Providence, in the State of Rhode Island.

(65) The Washington County Defense-Rental Area, consisting of the County of Washington, in the State of Rhode Island.

(66) The Columbia, South Carolina Defense-Rental Area, consisting of the Counties of Calhoun, Lexington, and Richland, in the State of South Carolina.

(67) The Greenville, South Carolina Defense-Rental Area, consisting of the County of Greenville, in the State of South Carolina.

(68) The Spartanburg Defense-Rental Area, consisting of the Counties of Cherokee, Spartanburg, and Union, in the State of South Carolina.

(69) The Provo-Hot Springs, South Dakota Defense-Rental Area, consisting of the County of Fall River, in the State of South Dakota.

(70) The Sioux Falls Defense-Rental Area, consisting of the Counties of Lincoln, Minnehaha, and Turner, in the State of South Dakota; the County of Lyon, in the State of Iowa; and the County of Rock, in the State of Minnesota.

(71) The Bristol-Kingsport Defense-Rental Area, consisting of the Counties of Greene, Hawkins, Sullivan, Unicoi, and Washington, in the State of Tennessee; and the Independent City of Bristol and the Counties of Scott and Washington, in the State of Virginia.

(72) The Knoxville Defense-Rental Area, consisting of the Counties of Blount and Knox, in the State of Tennessee.

(73) The Bastrop, Texas Defense-Rental Area, consisting of the County of Bastrop, in the State of Texas.

(74) The Dallas Defense-Rental Area, consisting of the County of Dallas, in the State of Texas.

(75) The Houston-Galveston Defense-Rental Area, consisting of the Counties of Brazoria, Chambers, Galveston, Harris, and Liberty, in the State of Texas.

(76) The Killeen-Temple Defense-Rental Area, consisting of the Counties of Bell and Coryell, in the State of Texas.

(77) The Lower Rio Grande Valley Defense-Rental Area, consisting of the Counties of Cameron, Hidalgo, and Willacy, in the State of Texas.

(78) The Marfa Defense-Rental Area, consisting of the County of Presidio, in the State of Texas.

(79) The Paris, Texas Defense-Rental Area, consisting of the County of Lamar, in the State of Texas; and the County of Choctaw, in the State of Oklahoma.

(80) The Pecos Defense-Rental Area, consisting of the Counties of Reeves and Ward, in the State of Texas.

(81) The San Angelo Defense-Rental Area, consisting of the County of Tom Green, in the State of Texas.

(82) The Sherman-Denison Defense-Rental Area, consisting of the County of Grayson, in the State of Texas.

(83) The Wichita Falls Defense-Rental Area, consisting of the County of Wichita, in the State of Texas.

(84) The Tooele-Wendover Defense-Rental Area, consisting of the County of Tooele, in the State of Utah.

(85) The Blackstone Defense-Rental Area, consisting of the County of Nottoway, in the State of Virginia.

(86) The Yorktown Defense-Rental Area, consisting of the Independent City of Williamsburg; the Counties of James City and York; and in the County of Warwick the Magisterial Districts of Denbigh and Stanley, in the State of Virginia.

(87) The Bellingham Defense-Rental Area, consisting of the County of Whatcom, in the State of Washington.

(88) The Pasco Defense-Rental Area, consisting of the County of Franklin, in the State of Washington.

(89) The Port Angeles-Port Townsend Defense-Rental Area, consisting of the Counties of Clallam and Jefferson, in the State of Washington.

(90) The Huntington Defense-Rental Area, consisting of the Counties of Cabell and Wayne, in the State of West Virginia; the County of Lawrence, in the State of Ohio; and the Counties of Boyd and Greenup, in the State of Kentucky.

(91) The Wheeling-Steubenville Defense-Rental Area, consisting of the Counties of Brooke, Hancock, Marshall, Ohio, and Wetzel, in the State of West Virginia; and the Counties of Belmont, Columbiana, and Jefferson, in the State of Ohio.

(92) The Beloit-Janesville Defense-Rental Area, consisting of the County of Rock, in the State of Wisconsin.

(93) The Eau Claire Defense-Rental Area, consisting of the Counties of Chippewa, Dunn, and Eau Claire, in the State of Wisconsin.

(94) The Sparta Defense-Rental Area, consisting of the County of Monroe, in the State of Wisconsin.

(95) The Alaska Defense-Rental Area, consisting of the Territory of Alaska.

(b) This Maximum Rent Regulation does not apply to the following:

(1) Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part;

(3) Rooms or other housing accommodations within hotels or rooming houses, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the Maximum Rent Regulation for Hotels and Rooming Houses pursuant to the provisions of that regulation: *Provided*, That this Maximum Rent Regulation does apply to entire structures or premises though used as hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

§ 1388.282 *Prohibition against higher than maximum rents.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 53 of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

(b) Notwithstanding any other provision of this Maximum Rent Regulation, where housing accommodations are heated with fuel oil the landlord of such accommodations may as hereinafter provided enter into an agreement with the tenant providing for payment by the tenant of part or all of the cost of changing the heating unit to use some fuel other than oil or of installing a new heating unit using some fuel other than oil. Prior to making such agreement the landlord shall in writing report the terms of the proposed agreement to the Area Rent Office. The landlord may enter into the agreement either upon its approval by the Administrator or, unless the Administrator has disapproved the proposed agreement within 5 days after the filing of such report, upon the expiration of such 5-day period.

(c) Where a lease of housing accommodations was entered into prior to the effective date of this Maximum Rent Regulation and the tenant as a part of such lease or in connection therewith was granted an option to buy the housing accommodations which were the subject of the lease, with the further provision that some or all of the payments made under the lease should be credited toward the purchase price in the event such option is exercised, the landlord, notwithstanding any other provision of this Maximum Rent Regulation, may be authorized to receive payments made by the tenant in accordance with the provisions of such lease and in excess of the maximum rent for such housing accommodations. Such authority may be secured only by a written request of the tenant to the Area Rent Office and shall be granted by order of the Administrator if he finds that such payments in excess of the maximum rent will not be inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof. After entry of such order the landlord shall be authorized to demand, receive and retain payments provided by the lease in excess of the maximum rent for periods commencing on or after the effective date of this Maximum Rent Regulation. After entry of such order, the provisions of the lease may be enforced in accordance with law, notwithstanding any other provision of this Maximum Rent Regulation: *Provided, however*, That if at the termination of the lease the tenant shall not exercise the option to buy, the landlord may thereafter remove or evict the tenant only in accordance with the provisions of § 1388.286 of this Maximum Rent Regulation. Nothing in this paragraph shall be construed to authorize the landlord to demand or receive payments in excess of the maximum rent in the absence of an order of the Administrator as herein provided. Where a lease of housing accommodations has been entered into on or after the effective date of this Maximum Rent Regulation, and the tenant as a part of such lease or in connection therewith has been granted an option to buy the housing accommodations which are the subject of the lease, the landlord, prior to the exercise by the tenant of the option to buy, shall not demand or receive payments in excess of the maximum rent, whether or not such lease allocates some portion or portions of the periodic payments therein provided as payments on or for the option to buy.

§ 1388.283 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation No. 53 are for housing accommodations including, as a minimum, services of the same type, quantity and quality as those provided on the date determining the maximum rent. If, on the effective date of this Maximum Rent Regulation, the services provided for housing accommodations are less than such minimum services the landlord shall either restore and maintain the minimum services or, within 30 days after such effective date, file a petition pursuant to § 1388.285 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.285 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

§ 1388.284 *Maximum rents.* Maximum rents (unless and until changed by the Administrator as provided in § 1388.285) shall be:

(a) For housing accommodations rented on March 1, 1942, the rent for such accommodations on that date.

(b) For housing accommodations not rented on March 1, 1942, but rented at any time during the two months ending on that date, the last rent for such accommodations during that two-month period.

(c) For housing accommodations not rented on March 1, 1942 nor during the two months ending on that date, but rented prior to the effective date of this Maximum Rent Regulation No. 53, the first rent for such accommodations after March 1, 1942. The Administrator may order a decrease in the maximum rent as provided in § 1388.285 (c).

(d) For (1) newly constructed housing accommodations without priority rating first rented after March 1, 1942 and before the effective date of this Maximum Rent Regulation, or (2) housing accommodations changed between those dates so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations changed between those dates from unfurnished to fully furnished, or from fully furnished to unfurnished, or (4) housing accommodations substantially changed between those dates by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, the first rent for such accommodations after such construction or change: *Provided, however*, That, where such first rent was fixed by a lease which was in force at the time of a major capital improvement, the maximum rent shall be the first rent after termination of such lease. The Administrator may order a decrease in the maximum rent as provided in § 1388.285 (c).

(e) For (1) newly constructed housing accommodations without priority rating first rented on or after the effective date of this Maximum Rent Regulation, or (2) housing accommodations changed on or after such effective date so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations not rented at any time between January 1, 1942 and such effective date, the first rent for such accommodations after the change or the effective date, as the case may be. Within 30 days after so renting the landlord shall register the accommodations as provided in § 1388.287. The Administrator may order a decrease in the maximum rent as provided in § 1388.285 (c).

(f) For housing accommodations constructed with priority rating from the United States or any agency thereof for which the rent has been heretofore or is hereafter approved by the United States or any agency thereof, the rent so approved, but in no event more than the rent on March 1, 1942, or, if the accommodations were not rented on that date, more than the first rent after that date.

(g) For housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942, as determined by the owner of such accommodations: *Provided, however*, That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.285 (c).

(h) For housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this Maximum Rent Regulation by such rent schedule. The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this Maximum Rent Regulation.

§ 1388.285 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services or a deterioration, the adjustment in the maximum rent shall be the amount the Administrator finds would have been on March 1, 1942 the difference in the rental value of the housing accommodations by reason of such change. In all other cases, except those under paragraphs (a) (7) and (c) (6) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1942. In cases under paragraphs (a) (7) and (c) (6) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on March 1, 1942.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been on or after the effective date of this Maximum Rent Regulation No. 53 a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, prior to March 1, 1942 and within the six months ending on that date, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent on March 1, 1942 was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(5) There was in force on March 1, 1942, a written lease, which had been in force for more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942; or the housing accommodations were not rented on March 1, 1942, but were rented during the two months ending on that date and the last rent for such accommodations during that two-month period was fixed by a written lease, which was in force more than one year prior to March 1, 1942, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(6) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent on the date determining the maximum rent was substantially lower than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) If, on the effective date of this Maximum Rent Regulation the services provided for housing accommodations are less than those provided on the date determining the maximum rent, the landlord shall either restore the services to those provided on the date determining the maximum rent and maintain such services or, within 30 days after such effective date file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for housing accommodations under paragraphs (c), (d), (e), or (g) of § 1388.284 is higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(2) There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(5) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially lower rent at other periods during the term of such lease or agreement.

(6) The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(e) Where, at the expiration or other termination of an underlying lease or other rental agreement, housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the landlord may rent the entire premises for use by similar occupancy for a rent not in excess of the aggregate maximum rents of the separate dwelling units, or may rent the separate dwelling units for rents not in excess of the maximum rents applicable to such units.

Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Administrator for leave to exercise any right he would have except for this Maximum Rent Regulation to sell his underlying lease or other rental agreement. The Administrator may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result, in the circumvention or evasion of the Act or this Maximum Rent Regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section, the Administrator may enter an interim order increasing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order upon such petition. The receipt by the landlord of any increased rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

(g) No adjustment in the maximum rent shall be ordered on the ground that the landlord, since the date or order determining the maximum rent, has, as a part of or in connection with a lease of housing accommodations, granted the tenant an option to buy the accommodations which are the subject of the lease. Where a lease of housing accommodations was in force on the date determining the maximum rent, and the landlord had on that date, as a part of or in connection with such lease, granted the tenant an option to buy the accommodations which are the subject of the lease, the Administrator may, on or after the termination of such lease, on his own initiative or on application of the tenant, enter an order fixing the maximum rent on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations not subject to an option to buy on March 1, 1942.

§ 1388.286 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, and regardless of any contract, lease, agreement or obligation heretofore or hereafter entered into which provides for entry of judgment upon the tenant's confession for breach of the covenants thereof or which otherwise provides contrary hereto, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation No. 53; or

(2) The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however*, That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) The tenants' lease or other rental agreement has expired or otherwise terminated, and at the time of termination the housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons who occupied under a rental agreement with the tenant; or

(5) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) The landlord owned, or acquired an enforceable right to buy or the right to possession of, the housing accommodations prior to the effective date of this Maximum Rent Regulation, and seeks in good faith to recover possession of such accommodations for immediate use and occupancy as a dwelling for himself. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, the landlord shall file a written report on a form provided therefor before renting the accommodations or any part thereof during a period of six months after such removal or eviction.

(b) (1) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(2) Removal or eviction of a tenant for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after the effective date of this Maximum Rent Regulation, is inconsistent with the purposes of the Act and this Maximum Rent Regulation and would be likely to result in the circumvention or evasion thereof, unless (i) the payment or payments of principal made by the purchaser, excluding any payments made from funds borrowed for the purpose of making such principal payments, aggregate 33⅓% or more of the purchase price, and (ii) a period of three months has elapsed after the issuance of a certificate by the Administrator as hereinafter provided. For the purposes of this paragraph (b) (2), the payments of principal may be made by the purchaser conditionally or in escrow to the end that they shall be returned to the purchaser in the event the Administrator denies a petition for a certificate. If the Administrator finds that the required payments of principal have been made, he shall, on petition of either the vendor or purchaser, issue a certificate authorizing the purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law at the expiration of three months after the date of issuance of such certificate. In no other case shall the Administrator issue a certificate for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after the effective date of this Maximum Rent Regulation, unless he finds that the vendor has or had a substantial necessity requiring the sale and that a reasonable sale or disposition of the accommodations could not be made without removal or eviction of the tenant, or unless he finds that other special hardship would result; under such circumstances the payment by the purchaser of 33⅓% of the purchase price shall not be a condition to the issuance of a certificate, and the certificate shall authorize the vendor or purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law.

(c) The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(d) (1) Every notice to a tenant to vacate or surrender possession of housing accommodations shall state the ground under this section upon which the landlord relies for removal or eviction of the tenant. A written copy of such notice shall be given to the Area Rent Office within 24 hours after the notice is given to the tenant.

No tenant shall be removed or evicted from housing accommodations, by court process or otherwise, unless, at least ten days prior to the time specified for surrender of possession and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the Area Rent Office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession.

Where the ground for removal or eviction of a tenant is non-payment of rent, every notice under this paragraph (d) (1) shall state the rent for the housing accommodations, the amount of rent due and the rental period or periods for which such rent is due. The provisions of this paragraph (d) (1) shall not apply where a certificate has been issued by the Administrator pursuant to the provisions of paragraph (b) of this section.

(2) At the time of commencing any action to remove or evict a tenant, including an action based upon non-payment of rent, the landlord shall give written notice thereof to the Area Rent Office stating the title of the case, the number of the case where that is possible, the court in which it is filed, the name and address of the tenant, and the ground under this section on which removal or eviction is sought.

(e) No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.287 *Registration.* Within 45 days after the effective date of this Maximum Rent Regulation No. 53, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement. The statement shall identify each dwelling unit and specify the maximum rent provided by this Maximum Rent Regulation for such dwelling unit and shall contain such other information as the Administrator shall require. The original shall remain on file with the Administrator and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement, and shall obtain the tenant's signature and the date thereof on the back of such statement. Within five days after renting to a new tenant, the landlord shall file a notice on the form provided therefor, on which he shall obtain the tenant's signature, stating that there has been a change in tenancy, that the stamped copy of the registration statement has been exhibited to the new tenant and that the rent for such accommodations is in conformity therewith.

No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

When the maximum rent is changed by order of the Administrator, the landlord shall deliver his stamped copy of the registration statement to the Area Rent Office for appropriate action reflecting such change.

The foregoing provisions of this section shall not apply to housing accommodations under § 1388.284 (g). The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the Defense-Rental Area and containing such other information as the Administrator shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

The provisions of this section shall not apply to housing accommodations in the Cincinnati Defense-Rental Area.

§ 1388.288. *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

§ 1388.289 *Evasion.* The Maximum rents and other requirements provided in this Maximum Rent Regulation No. 53 shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges or by modification of the services furnished with housing accommodations, or otherwise.

§ 1388.290 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 53 are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.291 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation No. 53 shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.292 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 53 may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.293 *Definitions.* (a) When used in this Maximum Rent Regulation No. 53:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The term "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Rent Regulation.

§ 1388.294 *Effective date of the regulation.* This Maximum Rent Regulation No. 53 (§§ 1388.281 to 1388.294, inclusive) shall become effective November 1, 1942.

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10701; Filed, October 22, 1942; 5:11 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 54A]

HOTELS AND ROOMING HOUSES

In the judgment of the Administrator, rents for housing accommodations within each of the Defense-Rental Areas set out in § 1388.331 (a) of this Maximum Rent Regulation, as designated in the designations and rent declarations issued by the Administrator on April 28, 1942, as amended, on May 26, 1942, on June 3, 1942, on June 26, 1942, on July 29, 1942, and on August 13, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designations and rent declarations.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within each such Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within each such Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for rooms in hotels and rooming houses within each such Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 54A is hereby issued.

AUTHORITY: §§ 1388.331 to 1388.344, inclusive, issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1388.331 *Scope of regulation.* (a) This Maximum Rent Regulation No. 54A applies to all rooms in hotels and rooming houses within each of the following Defense-Rental Areas (each of which is referred to hereinafter in this Maximum Rent Regulation as the "Defense-Rental Area"), as designated in the Designations and Rent Declarations (§§ 1388.1201 to 1388.1205, 1388.1251 to 1388.1255, 1388.1301 to 1388.1305, 1388.1311 to 1388.1315, 1388.1321 to 1388.1325, and 1388.1331 to 1388.1335, inclusive) issued by the Administrator on April 28, 1942, as amended, on May 26, 1942, on June 3, 1942, on June 26, 1942, on July 29, 1942, and on August 13, 1942, except as provided in paragraph (b) of this section:

(1) The Gadsden Defense-Rental Area, consisting of the County of Etowah, in the State of Alabama.

(2) The Montgomery Defense-Rental Area, consisting of the Counties of Elmore and Montgomery, in the State of Alabama.

(3) The Newport-Walnut Ridge Defense-Rental Area, consisting of the Counties of Craighead, Independence, Jackson, and Lawrence, in the State of Arkansas.

(4) The Lassen County Defense-Rental Area, consisting of the County of Lassen, in the State of California.

(5) The Los Angeles Defense-Rental Area, consisting of the Counties of Los Angeles, and Orange, in the State of California.

(6) The Riverside Defense-Rental Area, consisting of the County of Riverside, in the State of California.

(7) The La Junta Defense-Rental Area, consisting of the County of Otero, in the State of Colorado.

(8) The Pueblo Defense-Rental Area, consisting of the County of Pueblo, in the State of Colorado.

(9) The Wilmington, Delaware Defense-Rental Area, consisting of the County of New Castle, in the State of Delaware; and the County of Salem, in the State of New Jersey.

(10) The Sebring Defense-Rental Area, consisting of the County of Highlands, in the State of Florida.

(11) The Tallahassee Defense-Rental Area, consisting of the County of Leon, in the State of Florida.

(12) The Albany, Georgia Defense-Rental Area, consisting of the County of Dougherty, in the State of Georgia.

(13) The Hinesville Defense-Rental Area, consisting of the County of Liberty, in the State of Georgia.

(14) The Moultrie Defense-Rental Area, consisting of the County of Colquitt, in the State of Georgia.

(15) The Valdosta Defense-Rental Area, consisting of the County of Lowndes, in the State of Georgia.

(16) The Quincy Defense-Rental Area, consisting of the County of Adams, in the State of Illinois; and the Counties of Lewis and Marion, in the State of Missouri.

(17) The Bedford Defense-Rental Area, consisting of the Counties of Lawrence and Martin, in the State of Indiana.

(18) The Connersville Defense-Rental Area, consisting of the County of Fayette, in the State of Indiana.

(19) The La Fayette Defense-Rental Area, consisting of the Counties of Fountain, Tippecanoe, and Warren, in the State of Indiana.

(20) The Terre Haute Defense-Rental Area, consisting of the County of Vigo, in the State of Indiana.

(21) The Topeka-Lawrence Defense-Rental Area, consisting of the Counties of Douglas, Franklin, and Shawnee, in the State of Kansas.

(22) The Fort Knox Defense-Rental Area, consisting of the Counties of Bullitt, Hardin, and Meade, in the State of Kentucky.

(23) The Morganfield Defense-Rental Area, consisting of the County of Union, in the State of Kentucky.

(24) The Paducah Defense-Rental Area, consisting of the County of McCracken, in the State of Kentucky.

(25) The Richmond, Kentucky Defense-Rental Area, consisting of the County of Madison, in the State of Kentucky.

(26) The Baton Rouge Defense-Rental Area, consisting of the Parishes of East Baton Rouge and West Baton Rouge, in the State of Louisiana.

(27) The Monroe-Bastrop, Louisiana Defense-Rental Area, consisting of the Parishes of Morehouse, Ouachita, and Union, in the State of Louisiana.

(28) The Indian Head Defense-Rental Area, consisting of the County of Charles, in the State of Maryland.

(29) The Eastern Massachusetts Defense-Rental Area, consisting of the Counties of Barnstable, Bristol, Middlesex, Norfolk, Plymouth, and Suffolk, in the State of Massachusetts.

(30) The Pittsfield Defense-Rental Area, consisting of the County of Berkshire, in the State of Massachusetts.

(31) The Adrian Defense-Rental Area, consisting of the County of Lenawee, in the State of Michigan.

(32) The Duluth-Superior Defense-Rental Area, consisting of the Counties of Carlton and St. Louis, in the State of Minnesota; and the County of Douglas, in the State of Wisconsin.

(33) The Minneapolis-St. Paul Defense-Rental Area, consisting of the Counties of Anoka, Dakota, Hennepin, Ramsey, and Washington, in the State of Minnesota.

(34) The Columbus, Mississippi Defense-Rental Area, consisting of the County of Lowndes, in the State of Mississippi.

(35) The Great Falls Defense-Rental Area, consisting of the County of Cascade, in the State of Montana.

(36) The Alliance Defense-Rental Area, consisting of the County of Box Butte, in the State of Nebraska.

(37) The Manchester Defense-Rental Area, consisting of the County of Hillsborough, in the State of New Hampshire.

(38) The Trenton Defense-Rental Area, consisting of the Counties of Hunterdon and Mercer, in the State of New Jersey.

(39) The Deming Defense-Rental Area, consisting of the County of Luna, in the State of New Mexico.

(40) The Hobbs Defense-Rental Area, consisting of the County of Lea, in the State of New Mexico.

(41) The Albany-Troy, New York Defense-Rental Area, consisting of the Counties of Albany and Rensselaer, in the State of New York.

(42) The Binghamton Defense-Rental Area, consisting of the Counties of Broome and Tioga, in the State of New York.

(43) The Seneca Defense-Rental Area, consisting of the Counties of Ontario, Seneca, and Yates, in the State of New York.

(44) The Syracuse Defense-Rental Area, consisting of the Counties of Cayuga, Onondaga, and Oswego, in the State of New York.

(45) The Jacksonville, North Carolina Defense-Rental Area, consisting of the County of Onslow, in the State of North Carolina.

(46) The Ashtabula Defense-Rental Area, consisting of the County of Ashtabula, in the State of Ohio.

(47) The Cincinnati Defense-Rental Area, consisting of the Counties of Butler, Clermont, Hamilton, and Warren, in the State of Ohio; and the Counties of Boone, Campbell, and Kenton in the State of Kentucky.

(48) The Columbus, Ohio Defense-Rental Area, consisting of the County of Franklin, in the State of Ohio.

(49) The Lima Defense-Rental Area, consisting of the County of Allen, in the State of Ohio.

(50) The Mansfield Defense-Rental Area, consisting of the Counties of Ashland, Crawford, and Richland, in the State of Ohio.

(51) The Sidney, Ohio Defense-Rental Area, consisting of the County of Shelby, in the State of Ohio.

(52) The Toledo Defense-Rental Area, consisting of the Counties of Lucas and Wood, in the State of Ohio; and the County of Monroe, in the State of Michigan.

(53) The McAlester Defense-Rental Area, consisting of the Counties of Atoka, Haskell, Hughes, Latimer, McIntosh, and Pittsburg, in the State of Oklahoma.

(54) The Muskogee Defense-Rental Area, consisting of the County of Muskogee, in the State of Oklahoma.

(55) The Norman Defense-Rental Area, consisting of the Counties of Cleveland and McClain, in the State of Oklahoma.

(56) The Oklahoma City Defense-Rental Area, consisting of the County of Oklahoma, in the State of Oklahoma.

(57) The Astoria Defense-Rental Area, consisting of the County of Clatsop, in the State of Oregon.

(58) The Corvallis Defense-Rental Area, consisting of the Counties of Benton and Linn, in the State of Oregon.

(59) The Altoona-Johnstown Defense-Rental Area, consisting of the Counties of Blair, Cambria, and Somerset, in the State of Pennsylvania.

(60) The Harrisburg Defense-Rental Area, consisting of the Counties of Cumberland, Dauphin, Lebanon, and Perry, in the State of Pennsylvania.

(61) The Lancaster-York Defense-Rental Area, consisting of the Counties of Lancaster and York, in the State of Pennsylvania.

(62) The Reading Defense-Rental Area, consisting of the County of Berks, in the State of Pennsylvania.

(63) The Williamsport Defense-Rental Area, consisting of the County of Lycoming, in the State of Pennsylvania.

(64) The Providence Defense-Rental Area, consisting of the Counties of Bristol, Kent, and Providence, in the State of Rhode Island.

(65) The Washington County Defense-Rental Area, consisting of the County of Washington, in the State of Rhode Island.

(66) The Columbia, South Carolina Defense-Rental Area, consisting of the Counties of Calhoun, Lexington, and Richland, in the State of South Carolina.

(67) The Greenville, South Carolina Defense-Rental Area, consisting of the County of Greenville, in the State of South Carolina.

(68) The Spartanburg Defense-Rental Area, consisting of the Counties of Cherokee, Spartanburg, and Union, in the State of South Carolina.

(69) The Provo-Hot Springs, South Dakota Defense-Rental Area, consisting of the County of Fall River, in the State of South Dakota.

(70) The Sioux Falls Defense-Rental Area, consisting of the Counties of Lincoln, Minnehaha, and Turner, in the State of South Dakota; the County of Lyon, in the State of Iowa; and the County of Rock, in the State of Minnesota.

(71) The Bristol-Kingsport Defense-Rental Area, consisting of the Counties of Greene, Hawkins, Sullivan, Unicoi, and Washington, in the State of Tennessee; and the Independent City of Bristol and the Counties of Scott and Washington, in the State of Virginia.

(72) The Knoxville Defense-Rental Area, consisting of the Counties of Blount and Knox, in the State of Tennessee.

(73) The Bastrop, Texas Defense-Rental Area, consisting of the County of Bastrop, in the State of Texas.

(74) The Dallas Defense-Rental Area, consisting of the County of Dallas, in the State of Texas.

(75) The Fort Worth Defense-Rental Area, consisting of the County of Tarrant, in the State of Texas.

(76) The Houston-Galveston Defense-Rental Area, consisting of the Counties of Brazoria, Chambers, Galveston, Harris and Liberty, in the State of Texas.

(77) The Killeen-Temple Defense-Rental Area, consisting of the Counties of Bell and Coryell, in the State of Texas.

(78) The Lower Rio Grande Valley Defense-Rental Area, consisting of the Counties of Cameron, Hidalgo, and Willacy, in the State of Texas.

(79) The Marfa Defense-Rental Area, consisting of the County of Presidio, in the State of Texas.

(80) The Paris, Texas Defense-Rental Area, consisting of the County of Lamar, in the State of Texas; and the County of Choctaw, in the State of Oklahoma.

(81) The Pecos Defense-Rental Area, consisting of the Counties of Reeves and Ward, in the State of Texas.

(82) The San Angelo Defense-Rental Area, consisting of the County of Tom Green, in the State of Texas.

(83) The Sherman-Denison Defense-Rental Area, consisting of the County of Grayson, in the State of Texas.

(84) The Wichita Falls Defense-Rental Area, consisting of the County of Wichita, in the State of Texas.

(85) The Tooele-Wendover Defense-Rental Area, consisting of the County of Tooele, in the State of Utah.

(86) The Blackstone Defense-Rental Area, consisting of the County of Nottoway, in the State of Virginia.

(87) The Yorktown Defense-Rental Area, consisting of the Independent City of Williamsburg; the Counties of James City and York; and in the County of Warwick the Magisterial Districts of Denbigh and Stanley, in the State of Virginia.

(88) The Bellingham Defense-Rental Area, consisting of the County of Whatcom, in the State of Washington.

(89) The Pasco Defense-Rental Area, consisting of the County of Franklin, in the State of Washington.

(90) The Port Angeles-Port Townsend Defense-Rental Area, consisting of the Counties of Clallam and Jefferson, in the State of Washington.

(91) The Huntington Defense-Rental Area, consisting of the Counties of Cabell and Wayne, in the State of West Virginia; the County of Lawrence, in the State of Ohio; and the Counties of Boyd and Greenup, in the State of Kentucky.

(92) The Wheeling-Steubenville Defense-Rental Area, consisting of the Counties of Brooke, Hancock, Marshall, Ohio, and Wetzel, in the State of West Virginia; and the Counties of Belmont, Columbiana, and Jefferson, in the State of Ohio.

(93) The Beloit-Janesville Defense-Rental Area, consisting of the County of Rock, in the State of Wisconsin.

(94) The Eau Claire Defense-Rental Area, consisting of the Counties of Chippewa, Dunn, and Eau Claire, in the State of Wisconsin.

(95) The Sparta Defense-Rental Area, consisting of the County of Monroe, in the State of Wisconsin.

(96) The Alaska Defense-Rental Area, consisting of the Territory of Alaska.

(b) This Maximum Rent Regulation does not apply to the following:

(1) Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Rooms occupied by domestic servants, caretakers, managers, or other employees to whom the rooms are provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the rooms are a part;

(3) Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes;

(4) Entire structures or premises used as hotels or rooming houses, as distinguished from the rooms within such hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

(e) Where a building or establishment which does not come within the definitions of a hotel or rooming house contains one or more furnished rooms or other furnished housing accommodations rented on a daily, weekly or monthly basis, the landlord may, with the consent of the Administrator, elect to bring all housing accommodations within such building or establishment under the control of this Maximum Rent Regulation. A landlord who so elects shall file a registration statement under this Maximum Rent Regulation for all such housing accommodations, accompanied by a written request to the Administrator to consent to such election.

If the Administrator finds that the provisions of this Maximum Rent Regulation establishing maximum rents are better adapted to the rental practices for such building or establishment than the provisions of this Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses, he shall consent to the landlord's election. Upon such consent, all housing accommodations within such building or establishment which are or hereafter may be rented or offered for rent shall become subject to the provisions of this Maximum Rent Regulation, and shall be considered rooms within a rooming house for the purposes of the provisions relating to eviction.

The landlord may at any time, with the consent of the Administrator, revoke his election, and thereby bring under the control of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses all housing accommodations previously brought under the Maximum Rent Regulation by such election. He shall make such revocation by filing a registration statement or statements under the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses, including in such registration statement or statements all housing accommodations brought under this Maximum Rent Regulation by such election. Such registration statement or statements shall be accompanied by a written request to the Administrator to consent to such revocation. The Administrator may defer action on such request if he has taken or is about to take action to decrease the maximum rents of any housing accommodations within such building or establishment. If the Administrator finds that the revocation so requested will not result in substantial increases in the maximum rents of housing accommodations affected by such revocation, he shall give such consent. Upon such consent, all housing accommodations affected by such revocation shall become subject to the provisions of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses.

§ 1388.332 *Prohibition.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 54A of any room in a hotel or rooming house within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

(b) No tenant shall be required to change his term of occupancy if that will result in the payment of a higher amount per day than the maximum rent established for his present term of occupancy. Where, on June 15, 1942, or between that date and the effective date of this Maximum Rent Regulation, a room was regularly rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy, unless he offers another term of occupancy for a rent which results in the payment of an amount no higher per day.

§ 1388.333 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation No. 54A are for rooms including, as a minimum, services of the same type, quantity, and quality as those provided on the date or during the thirty-day period determining the maximum rent. If, on the effective date of this Maximum Rent Regulation, the services provided for rooms are less than such minimum services, the landlord shall either restore and maintain the minimum services, or within 30 days after such effective date, file a petition pursuant to § 1388.335 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.335 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

§ 1388.334 *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a hotel or rooming house (unless and until changed by the Administrator as provided in § 1388.335) shall be:

(a) For a room rented or regularly offered for rent during the thirty days ending on March 1, 1942, the highest rent for each term or number of occupants for which the room was rented during that thirty-day period, or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(b) For a room neither rented nor regularly offered for rent during the thirty days ending on March 1, 1942, the highest rent for each term or number of occupants for which the room was rented during the thirty days commencing when it was first offered for rent after March 1, 1942; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(c) For a room rented for a particular term or number of occupants for which no maximum rent is established under paragraphs (a) or (b) of this section the first rent for the room after March 1, 1942, for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same hotel or rooming house.

(d) For a room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942, as determined by the owner of such rooms: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.335 (c) (1).

(e) For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and meals. The landlord's apportionment shall be fair and reasonable and shall be reported in

the registration statement for such room. The Administrator at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on June 15, 1942.

(f) For a room rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this Maximum Rent Regulation by such rent schedule. The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this Maximum Rent Regulation No. 54A.

§ 1388.335 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942: *Provided, however,* That no maximum rent shall be increased because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on March 1, 1942, the difference in the rental value of the accommodations by reason of such improvement or increase. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1942. In cases under paragraphs (a) (7) and (c), (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable rooms during the year ending on March 1, 1942.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been, since the thirty-day period or the order determining the maximum rent for the room, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to March 1, 1942, and within the six months ending on that date, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent during the thirty-day period ending on March 1, 1942, was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the thirty-day period or the order determining its maximum rent.

(4) The rent during the thirty-day period determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942.

(5) There was in force on March 1, 1942 a written lease, which had been in force more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942.

(6) The rent during the thirty-day period determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent during the thirty-day period determining the maximum rent for the room was substantially lower than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) If on the effective date of this Maximum Rent Regulation No. 54A, the services provided for a room are less than those provided on the date or during the thirty-day period determining the maximum rent, the landlord shall either restore the services to those provided on the date or during the thirty-day period determining the maximum rent and maintain such services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for the room is higher than the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942.

(2) There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the room since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent for the room was substantially higher than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942.

§ 1388.336 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant of a room within a hotel or rooming house shall be removed from such room, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation No. 54A; or

(2) The tenant has unreasonably refused the landlord access to the room for the purpose of inspection or of showing the room to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the room for an immoral or illegal purpose; or

(4) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(5) The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), the landlord shall file a written report on a form provided therefor before renting the room during a period of six months after such removal or eviction.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(c) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) The provisions of this section do not apply to:

(1) A subtenant or other person who occupied under a rental agreement with the tenant where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant; or

(2) A tenant occupying a room within a hotel on a daily or weekly basis; or a tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on a daily basis.

(3) Rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments for which the rent is fixed by the national rent schedule of the war or Navy Department.

mum rent established after the effective date of this Maximum Rent Regulation under paragraphs (b) or (c) of § 1388.334 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) Every landlord shall conspicuously display in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Administrator the landlord shall alter the card or sign so that it states the changed rent or rents.

The foregoing provisions of this paragraph shall not apply to rooms under § 1388.334 (d). The owner of such rooms shall post a copy of the registration statement in a place where it will be available for inspection by the tenants of such rooms.

(c) No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(d) The provisions of this section shall not apply to rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(e) Every landlord of a room rented or offered for rent shall preserve, and make available for examination by the Administrator, all his existing records showing or relating to (1) the rent for each term and number of occupants for which such room was rented or regularly offered for rent during the thirty-day period determining the maximum rent for such room and (2) the rent on any date determining a maximum rent for such room for a particular term and number of occupants under section 4 (c).

Every landlord of an establishment containing more than 20 rooms rented or offered for rent shall keep, preserve, and make available for examination by the Administrator, records showing the rents received for each room, the particular term and number of occupants for which such rents were charged, and the name and permanent address of each occupant; every other landlord shall keep, preserve, and make available for examination by the Administrator, records of the same kind as he has custo-

§ 1388.339 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 54A shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or otherwise.

§ 1388.340 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 54A are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.341 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation No. 54A shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.342 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 54A may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.343 *Definitions.* (a) When used in this Maximum Rent Regulation No. 54A:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of

equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "room" means a room or group of rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

(11) The term "rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) The term "term of occupancy" means occupancy on a daily, weekly, or monthly basis.

(13) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Rent Regulation.

§ 1388.344 *Effective date of the regulation.* This Maximum Rent Regulation No. 54A (§§ 1388.331 to 1388.344, inclusive) shall become effective November 1, 1942.

Issued this 22d day of October 1942.

Leon Henderson,

Part 1407—Rationing of Food and Food Products

[Ration Order 10, Amendment 3]

VIRGIN ISLANDS

Amendment No. 3 to Ration Order No. 10[1]—Food Rationing Regulations for the Virgin Islands.

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

A new § 1407.670 is added and paragraph (b) of § 1407.821 is amended as set forth below:

§ 1407.670 *Restrictions on transfers and use of rationed commodities*—(a) *Discrimination by dealers and distributors.* On and after October 13, 1942, no dealer or distributor shall discriminate in the transfer of any commodity subject to Ration Order No. 10 among any consumers lawfully entitled to acquire such commodity under the provisions of the Order, either by selling only to favored consumers or classes of consumers, or by selling only to regular customers, and refusing to sell to others who are entitled to acquire a commodity under the provisions of a Ration Order No. 10, or by any other means of discrimination. Nothing in this Section, however, shall be construed to prohibit a dealer or distributor from adopting restrictions which apply to all consumers alike or from holding reserve stocks for delivery to persons presenting Acknowledgment of Delivery or Allotment Authorization duly executed by an authorized officer of the armed forces of the United States.

Enforcement

§ 1407.821 *Penalties.* * * *

(b) In addition to the foregoing penalties, the Office of Price Administration may prohibit the sale, transfer, exchange, or other disposition of products, directly or indirectly to any retailer, wholesaler or other supplier of any retailer, or to consumers by any retailer, who acts in violation of Ration Order No. 10.

§ 1407.842 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1407.670 and 1407.821 (b)) to Ration Order No. 10 shall be effective as of October 13, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, and 421, 77th Cong., W.P.B. Dir. No. 1, Supp. Dir. No. 1-J, O.P.A. Administrative Order No. 19; 7 F.R. 562, 5043, 5148.)

Issued this 22d day of October 1942.

Jacob A. Robles,
Director for the Virgin Islands.

Part 1499—Commodities and Services

[Order 65 Under § 1499.18 (b) of GMPR]

MICHIGAN PICKLE CO.

Order No. 65 under § 1499.18 (b) of the General Maximum Price Regulation—Docket Number GF3-2109.

For the reasons set forth in the opinion issued simultaneously herewith, *It is ordered:*

§ 1499.865 *Adjustment of maximum prices for salted and fermented cucumbers sold by Michigan Pickle Company, Lakeview, Michigan.* (a) Michigan Pickle Company of Lakeview, Michigan, fermenters and salters of cucumbers, may sell and deliver and any person may buy and receive from Michigan Pickle Company salted and fermented cucumbers at prices no higher than $2.25 per bushel for large and nubbin pickles and $3 25 per bushel for vat-run small pickles.

(b) Michigan Pickle Company either before or at the time of its first sale to each purchaser of salted and fermented cucumbers, after the effective date of this order, shall mail or cause to be mailed to such purchaser written notice of the maximum selling prices established in paragraph (a) above of this order.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 65 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 65 (§ 1499.865) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 65 (§ 1499.865) shall become effective October 23, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10695; Filed, October 22, 1942; 3:26 p. m.]

Part 1499—Commodities and Services

[Order 69 Under § 1499.18 (b) of GMPR]

DIAMOND MATCH CO.

Order No. 69 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF1-301-P.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

(4) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(5) The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), the landlord shall file a written report on a form provided therefor before renting the room during a period of six months after such removal or eviction.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(c) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) The provisions of this section do not apply to:

(1) A subtenant or other person who occupied under a rental agreement with the tenant where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant; or

(2) A tenant occupying a room within a hotel on a daily or weekly basis; or a tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on a daily basis.

(3) Rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.337 *Registration and records.* (a) Within 45 days after the effective date of this Maximum Rent Regulation No. 54A every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. Any maximum rent established after the effective date of this Maximum Rent Regulation under paragraphs (b) or (c) of § 1388.334 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) Every landlord shall conspicuously display in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Administrator the landlord shall alter the card or sign so that it states the changed rent or rents.

The foregoing provisions of this paragraph shall not apply to rooms under § 1388.334 (d). The owner of such rooms shall post a copy of the registration statement in a place where it will be available for inspection by the tenants of such rooms.

(c) No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(d) The provisions of this section shall not apply to rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(e) Every landlord of a room rented or offered for rent shall preserve, and make available for examination by the Administrator, all his existing records showing or relating to (1) the rent for each term and number of occupants for which such room was rented or regularly offered for rent during the thirty-day period determining the maximum rent for such room and (2) the rent on any date determining a maximum rent for such room for a particular term and number of occupants under section 4 (c).

Every landlord of an establishment containing more than 20 rooms rented or offered for rent shall keep, preserve, and make available for examination by the Administrator, records showing the rents received for each room, the particular term and number of occupants for which such rents were charged, and the name and permanent address of each occupant; every other landlord shall keep, preserve, and make available for examination by the Administrator, records of the same kind as he has customarily kept relating to the rents received for rooms.

(f) The provisions of this section shall not apply to the housing accommodations in the Cincinnati Defense-Rental Area.

§ 1388.338 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Administrator as he may from time to time require.

§ 1388.339 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 54A shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or otherwise.

§ 1388.340 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 54A are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.341 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation No. 54A shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.342 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 54A may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.343 *Definitions.* (a) When used in this Maximum Rent Regulation No. 54A:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes), together with all privileges, services, furnishings, furniture,

equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "room" means a room or group of rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

(11) The term "rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) The term "term of occupancy" means occupancy on a daily, weekly, or monthly basis.

(13) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Rent Regulation.

§ 1388.344 *Effective date of the regulation.* This Maximum Rent Regulation No. 54A (§§ 1388.331 to 1388.344, inclusive) shall become effective November 1, 1942.

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10704; Filed, October 22, 1942; 5:12 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Ration Order 10, Amendment 3]

VIRGIN ISLANDS

Amendment No. 3 to Ration Order No. 10[1]—Food Rationing Regulations for the Virgin Islands.

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

A new § 1407.670 is added and paragraph (b) of § 1407.821 is amended as set forth below:

§ 1407.670 *Restrictions on transfers and use of rationed commodities*—(a) *Discrimination by dealers and distributors.* On and after October 13, 1942, no dealer or distributor shall discriminate in the transfer of any commodity subject to Ration Order No. 10 among any consumers lawfully entitled to acquire such commodity under the provisions of the Order, either by selling only to favored consumers or classes of consumers, or by selling only to regular customers, and refusing to sell to others who are entitled to acquire a commodity under the provisions of a Ration Order No. 10, or by any other means of discrimination. Nothing in this Section, however, shall be construed to prohibit a dealer or distributor from adopting restrictions which apply to all consumers alike or from holding reserve stocks for delivery to persons presenting Acknowledgment of Delivery or Allotment Authorization duly executed by an authorized officer of the armed forces of the United States.

Enforcement

§ 1407.821 *Penalties.* * * *

(b) In addition to the foregoing penalties, the Office of Price Administration may prohibit the sale, transfer, exchange, or other disposition of products, directly or indirectly to any retailer, wholesaler or other supplier of any retailer, or to consumers by any retailer, who acts in violation of Ration Order No. 10.

§ 1407.842 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1407.670 and 1407.821 (b)) to Ration Order No. 10 shall be effective as of October 13, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, and 421, 77th Cong., W.P.B. Dir. No. 1, Supp. Dir. No. 1-J, O.P.A. Administrative Order No. 19; 7 F.R. 562, 5043, 5148.)

Issued this 22d day of October 1942.

JACOB A. ROBLES,
Director for the Virgin Islands.

[F. R. Doc. 42-10703; Filed, October 22, 1942; 5:11 p. m.]

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[1] 7 F.R. 6887.

PART 1499—COMMODITIES AND SERVICES

[Order 65 Under § 1499.18 (b) of GMPR]

MICHIGAN PICKLE CO.

Order No. 65 under § 1499.18 (b) of the General Maximum Price Regulation—Docket Number GF3-2109.

For the reasons set forth in the opinion issued simultaneously herewith, *It is ordered:*

§ 1499.865 *Adjustment of maximum prices for salted and fermented cucumbers sold by Michigan Pickle Company, Lakeview, Michigan.* (a) Michigan Pickle Company of Lakeview, Michigan, fermenters and salters of cucumbers, may sell and deliver and any person may buy and receive from Michigan Pickle Company salted and fermented cucumbers at prices no higher than $2.25 per bushel for large and nubbin pickles and $3 25 per bushel for vat-run small pickles.

(b) Michigan Pickle Company either before or at the time of its first sale to each purchaser of salted and fermented cucumbers, after the effective date of this order, shall mail or cause to be mailed to such purchaser written notice of the maximum selling prices established in paragraph (a) above of this order.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 65 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 65 (§ 1499.865) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 65 (§ 1499.865) shall become effective October 23, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10695; Filed, October 22, 1942; 3:26 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 69 Under § 1499.18 (b) of GMPR]

DIAMOND MATCH CO.

Order No. 69 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF1-301-P.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.869 *Adjustment of maximum prices for honey processed by the Diamond Match Company.* (a) The Diamond Match Company of 30 Church Street, New York, N. Y. may sell and deliver, and any person may buy and receive from the Diamond Match Company honey at prices not higher than those set forth below:

	Price per case delivered in California and Reno, Nev.	Price per case delivered in Oregon	Price per case delivered in eastern Washington	Price per case delivered in western Washington
Diamond Brand, lb. jars (net) (24 to the case)	$4.58	$4.63	$4.88	$4.63
Diamond Brand, 5 lb. cans (net) (12 to the case)	9.075	9.075	9.575	9.325
Mellow Gold, 5 lb. cans (net), (12 to the case)	8.075	8.075	8.575	8.325

(b) The Diamond Match Company shall not change its customary allowances, discounts or other price differentials unless such change shall result in a lower price.

(c) The Diamond Match Company, before or while making each initial sale at these new maximum prices, shall notify its purchasers in writing of its new maximum prices as follows:

> The Office of Price Administration has permitted us to raise our maximum price for sales to you of (insert name of brand, size of container and number of containers to the case) from (insert March ceiling price for such brand, size of container and number of containers to the case delivered to the particular area) to (insert applicable price specified in paragraph (a) for such brand, size of container and number of containers to the case delivered to such area). This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of (insert name of brand, size of container and number of containers to the case).

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 69 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 69 (§ 1499.869) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 69 (§ 1499.869) shall become effective October 22, 1942.

(Pub. Laws 421, and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10702; Filed, October 22, 1942; 5:13 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 99 Under § 1499.18 (c) of GMPR]

LAWRENCE MOTOR LINES, INC.

Order No. 99 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF 3-773.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.949 *Adjustment of maximum prices for contract carrier services sold by Lawrence Motor Lines, Inc.* (a) Lawrence Motor Lines, Inc., Haverhill, Massachusetts, may sell and deliver and the Robert Gair Company, Inc., 155 East Forty-fourth Street, New York, New York, may buy and receive from Lawrence Motor Lines, Inc. contract carrier services at prices not more than 10 per cent higher than the prices which prevailed for similar services received from said Lawrence Motor Lines, Inc. during the month of March, 1942.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 99 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 99 (§ 1499.949) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 99 (§ 1499.949) shall become effective October 22, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10705; Filed, October 22, 1942; 5:14 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 108 Under § 1499.3 (b) of GMPR]

SELLERS OF HIGH WINES

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation—Order No. 108.

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.972 *Authorization to sellers of high wines.* (a) Specific authorization is hereby given to any producer of spirits distilled from grain at less than 188 proof ("high wines") to determine by the following formula a maximum price for such high wines sold by him to the United States Government or any agency thereof:

Maximum price per proof gallon f. o. b. works shall be the sum of the following cost items per proof gallon, less the recovered values of dried feed, fusel oil or the like, plus two cents per proof gallon:

(1) Raw materials.
(2) Direct labor.
(3) Conversion costs.
(4) Plant overhead.
(5) General and administrative expense, not in excess of 1.5 cents per proof gallon.

(b) Maximum prices computed pursuant to the formula contained in paragraph (a) shall be determined for each calendar quarterly three month period. For the period after seller has started production of high wines, and until the end of the first full calendar quarterly three month period thereafter, such maximum prices may be computed on the basis of estimated cost items. The prices for each succeeding calendar quarterly three month period, however, shall be computed on the basis of the actual cost items for the preceding period.

(c) Reports of all prices computed pursuant to the formula contained in paragraph (a) shall be submitted to the Office of Price Administration, Washington, D. C., on the form contained in Appendix A (paragraph (d)). The report for the first period after seller has started production of high wines for which maximum prices are computed pursuant to such formula shall be submitted within twenty days after the first sale of such high wines by such producer, and shall show the prices he proposes to charge and the estimated cost items upon which such prices are based. In the event that such producer has started production of high wines prior to October 1, 1942, such first report shall be submitted on or before November 15, 1942, and shall be based so far as possible upon actual cost items. Within twenty days after the end of the first period for which a report has been submitted, and within twenty days after the end of each succeeding period, there shall be submitted a report on the form contained in Appendix A (paragraph (d)).

(d) *Form GMPR: 7; Appendix A: Form of Report:*

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

Report of maximum prices for sales of high wines in accordance with Order No. 108 (§ 1499.972, paragraph (a)) under § 1499.3 (b) of the General Maximum Price Regulation.

1. Name of producer ----------------------
2. Address ----------------------
3. Location of plant ----------------------
   Distillery No ----------------------
4. Destination of the high wines ----------
   Name of buyer ----------------------
5. Figures submitted for ---------------- (period)

Use proof gallon basis (four decimals)

6. Raw materials—(Schedule I) --- $------
7. Direct labor—(Schedule II) ----- $------
8. Other conversion costs—(Schedule III) ---------- $------
9. Plant overhead—(Schedule IV) - $------
10. General and administrative expense (not in excess of 1.5 cents per proof gallon)—(Schedule V) ---------- $------
11. Total (lines 6, 7, 8, 9 and 10) ---- $------
12. Recovered values—(Schedule VI) ---------- $------
13. Net cost per proof gallon (line 11 less line 12) ---------- $------
14. Profit (not in excess of 2 cents per proof gallon)—(Schedule VI) ---------- $------
15. Maximum price (line 13 plus line 14) for next quarterly three month period ---------- $------
16. Yield per 56 lb. bushel of mixed grain in proof gallons ----------
17. Total production per period in wine gallons ----------
18. Total production per period in proof gallons ----------
19. Production capacity based on 24 hour day, and 7 day week for same period, in wine gallons ----------
20. Percentage of capacity operated (17 divided by 19) ----------

SCHEDULE I—RAW MATERIAL USED

(Use 56 lb. Bushel Basis)

	Cost per 56 lb. bushel	56 lb. bushels used	% of grain used	Pounds used	Total cost	Cost per proof gallon (four decimals)
Rye	$------	------	------%	------	$------	$------
Wheat	------	------	------%	------	------	------
Corn	------	------	------%	------	------	------
Malt	------	------	------%	------	------	------
Others (detail)	------	------	------%	------	------	------
			100%			
Total (enter on line 6)	------	------	------	------	------	$------

SCHEDULE II—DIRECT LABOR COSTS

	Total	*Per proof gallon*
Operating labor	$-------	$-------
Repair and maintenance	-------	-------
Overtime repair and maintenance labor	-------	-------
Payroll taxes (Social Security)	-------	-------
Total (enter on line 7)	-------	-------

SCHEDULE III—CONVERSION COSTS

Fuel (specify type)	$-------	$-------
Electric power	-------	-------
Water	-------	-------
Supervision (plant manager or superintendent)	-------	-------
Others (specify and itemize)	-------	-------
Total (enter on line 8)	-------	-------

SCHEDULE IV—PLANT OVERHEAD

Depreciation on buildings (specify annual rate)	$-------	$-------
Depreciation on machinery and equipment (specify annual rate)	-------	-------
Taxes (itemize—do not include income tax)	-------	-------
Licenses (itemize)	-------	-------
Fire insurance	-------	-------
Employer's liability insurance	-------	-------
Other insurance (specify)	-------	-------
Other plant overhead (itemize)	-------	-------
Total (enter on line 9)	-------	-------

NOTE 1: Indicate the basis of allocation of the above to high wines.

NOTE 2: Briefly describe any special services rendered the plant, the cost of which is included in Schedule IV.

SCHEDULE V—GENERAL AND ADMINISTRATIVE EXPENSE OTHER THAN THE PLANT

Executive salaries	$-------	$-------
Office salaries	-------	-------
Interest paid	-------	-------
Other (itemize)	-------	-------
Total (enter on line 10)	-------	-------

NOTE 1: Indicate the basis of allocation of the above to high wines.

NOTE 2: Briefly describe any special services rendered the plant, the cost of which is included in Schedule V.

SCHEDULE VI—RECOVERED VALUES

Fusel Oil	$-------	$-------
Value of dried grains sold	-------	-------
Less cost of recovery, etc	-------	-------
Net value of dried grain recovery	-------	-------
Other (specify)	-------	-------
Total (enter on line 12)	-------	-------

SCHEDULE VII—PROFITS

Profits shall be entered at 2¢ per proof gallon.

SCHEDULE VIII—SALARIES

A. List ten highest salaries above $3,600 per annum for the company as a whole for each calendar year, commencing with 1941.

B. List the same information for the plant.

SCHEDULE IX—PRICES

Per proof gallon

Indicate price charged during preceding period ---------------------- $---

Section 35 (A) of the United States Criminal Code 18 U.S.C.A. 80, makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

The undersigned certifies that the information contained in this report is complete and correct to the best of his knowledge and belief.

Name of company

By ----------------------------
Signature of authorized official

Title

Date ----------

(e) This Order No. 108 may be revoked or amended by the Office of Price Administration at any time and the Office of Price Administration may at any time adjust any price established hereunder.

(f) This Order No. 108 (§ 1499.972) shall become effective October 22, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10706; Filed, October 22, 1942; 5:13 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[MPR 148]

DRESSED HOGS AND WHOLESALE PORK CUTS

The title and preamble are amended, and §§ 1364.21 to 1364.35, inclusive, are amended to read as set forth below: Revised Maximum Price Regulation No. 148—Dressed Hogs and Wholesale Pork Cuts.

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250 issued by the President on October 3, 1942, to maintain as the maximum prices for dressed hogs and wholesale pork cuts the prices prevailing with respect thereto during the period March 3, 1942 to March 7, 1942, inclusive. Prices determined as provided in § 1364.22 reflect the prices prevailing during such period. The Price Administrator has ascertained and given due consideration to the prices of dressed hogs and wholesale pork cuts prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act and Executive Order. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The maximum prices established herein are not below prices which will reflect to producers of the agricultural commodities from which dressed hogs and wholesale pork cuts are produced a price for their products equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and by the Executive Order of October 3, 1942.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Procedural Regulation No. 1[1], issued by the Office of Price Administration, Revised Maximum Price Regulation No. 148 is hereby issued.

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*Copies may be obtained from the Office of Price Administration.

AUTHORITY: §§ 1364.21 to 1364.35, inclusive, issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1364.21 *Prohibition against selling dressed hogs and wholesale pork cuts at prices above the maximum.* On and after November 2, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver dressed hogs or any wholesale pork cut, and no person in the course of trade or business shall buy or receive dressed hogs or any wholesale pork cut at a price higher than the maximum price permitted by § 1364.22; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of dressed hogs or wholesale pork cuts to a purchaser, if, prior to November 2, 1942, such dressed hogs or wholesale pork cuts have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1364.22 *Maximum prices for dressed hogs and wholesale pork cuts.* Maximum prices for dressed hogs and wholesale pork cuts shall be computed as provided in this section.

(a) *Base price.* The base price for each wholesale pork cut shall be the price specified in Schedule I of Appendix A (incorporated herein as § 1364.35), minus the required deductions, if any, specified in Schedule II of Appendix A (§ 1364.35), plus the permitted additions, if any, specified in Schedule III of Appendix A (§ 1364.35).

(b) *Maximum prices in central price zone.* Except as provided in paragraph (h) of this section, the maximum price for each wholesale pork cut delivered to the buyer within the Central Price Zone, or delivered outside the Central Price Zone by a local delivery beginning in the Central Price Zone, shall be the base price.

(c) *Maximum prices in Chicago price zone.* Except as provided in paragraphs (b) and (h) of this section, the maximum price for each wholesale pork cut delivered to the buyer in the Chicago Price Zone, or delivered to the buyer outside the Chicago Price Zone and the Central Price Zone by a local delivery beginning in the Chicago Price Zone, shall be the base price plus $0.25 per cwt.

(d) *Maximum prices outside central price zone and Chicago price zone.* Except as provided in paragraphs (b), (c) and (h) of this section, the maximum price for each wholesale pork cut delivered to the buyer outside the Central Price Zone and the Chicago Price Zone shall be the base price plus a transportation differential determined as follows:

(1) The seller shall ascertain the point at which local delivery begins, if local delivery is made, or the point of delivery if no local delivery is made. If no carload meat freight rates are established to such point, he shall ascertain the nearest point at which such freight rates are established.

(2) If the point ascertained under paragraph (d) (1) of this section is east of the Mississippi River or in New Orleans, Louisiana, but is not in Minnesota, Wisconsin, or in that part of Michigan lying between Lake Superior and Lake Michigan or Lake Huron, the transportation differential for any fresh wholesale pork cut shall be 115 percent of the lowest frest meat carload freight rate from Chicago, Illinois, to such point adjusted to the nearest $0.25 per cwt. and plus $0.25 per cwt., and the transportation differential for any cured or processed wholesale pork cut shall be 115 percent of the lowest packing house product carload freight rate (applicable to cooked, cured or preserved meats and sausage) from Chicago, Illinois, to such point, adjusted to the nearest $0.25 per cwt. and plus $0.25 per cwt. (Caution: This transportation differential is to be added to the base price, not to the maximum price in the Chicago price zone.)

(3) If the point ascertained under paragraph (d) (1) of this section is in Missouri, Arkansas, Louisiana or in those portions of Texas, Oklahoma, or Kansas which lie east of the 99th meridian, but not in New Orleans, Louisiana, the transportation differential for any fresh wholesale pork cut shall be 115 percent of the lowest fresh meat carload freight rate from Kansas City, Missouri, to such point, adjusted to the nearest $0.25 per cwt., and the transportation differential for any cured or processed wholesale pork cut shall be 115 percent of the lowest packing house product carload freight rate (applicable to cooked, cured or preserved meats and sausage) from Kansas City, Missouri, to such point, adjusted to the nearest $0.25 per cwt.

(4) If the point ascertained under paragraph (d) (1) of this section lies in any other part of the United States than those areas referred to in paragraphs (d) (2) and (d) (3) of this section, the seller shall ascertain the lowest of the packing house product carload freight rates (applicable to cooked, cured or preserved meats and sausage) to such point from Kansas City, Missouri, and South St. Paul, Minnesota. The transportation differential for fresh, cured or processed wholesale pork cuts shall be 115 percent of such lowest rate, adjusted to the nearest $0.25 per cwt.

(e) *When products are delivered to the buyer.* Dressed hogs and wholesale pork cuts shall be deemed to be delivered to the buyer at the point where physical possession is taken by the buyer or his agent or where the dressed hogs or wholesale pork cuts, consigned to the buyer, are received by a common carrier whose charges are paid by the buyer.

(f) *Maximum prices of wholesale pork cuts not listed in Appendix A.* Except as provided in paragraph (h) of this section, if the maximum price for any wholesale pork cut delivered to the buyer cannot be determined under the provisions of the foregoing paragraphs of this section, such maximum price shall be that of the nearest similar wholesale pork cut derived from the same primal cut or combination of primal cuts, making adjustment for the differences in the cost of producing such cuts. Each seller shall file with the Office of Price Administration, within 10 days of computation, each maximum price computed under the provisions of this paragraph (f) together with a sworn statement of the method of such computation and the comparative costs included therein, including costs of labor, materials and overhead, and shrinkage or gain in weight. Any maximum price so computed shall be subject to revision by the Price Administrator.

(g) *Maximum prices of dressed hogs.* The maximum price for each dressed hog shall be determined as follows:

(1) Where the seller sold dressed hogs, during the 30 day period prior to March 9, 1942, upon the basis of a percentage of the live hog price (hereinafter called a "denominator"), the maximum price shall be the current live hog price multiplied by the average denominator used by the seller in sales during such period of dressed hogs of the same class upon the same specifications to a similar purchaser.

(2) Where the seller sold dressed hogs, during the 30 day period prior to March 9, 1942, but did not sell upon the denominator basis, the maximum price shall be the current live hog price multiplied by the average denominator (determined as hereinafter provided) in such seller's sales during such period of dressed hogs of the same class upon the same specifications to a similar purchaser. Such average denominator shall be determined by dividing the average price of all dressed hogs of the same class sold by the seller during such period upon the same specifications to a similar purchaser by the average price of the live hogs purchased for such dressing.

(3) Where the seller did not sell dressed hogs during the 30 day period prior to March 9, 1942, the maximum price shall be the current live hog price multiplied by the average denominator (for dressed hogs of the same class sold during such period upon the same specifications to a similar purchaser) of the most closely competitive seller.

(4) Where all dressed hogs which the seller sold during the 30 day period prior to March 9, 1942 were derived from hogs fed by the seller after purchase and before slaughter to such an extent as to increase their live weight by 4% or more, the maximum price shall be determined as provided in paragraph (g) (3) of this section. As to all dressed hogs derived from hogs so fed by the seller, the term "current live hog price" shall mean the top price quoted, on the day before the day of shipment of such dressed hogs, at the public market nearest to the place of slaughter for hogs of the same grade and weight, minus $0.10 per cwt.

(h) *Maximum prices of products sold for export and canned products.* (1) The maximum price at which a person may export any dressed hog or wholesale pork cut shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[2] issued by the Office of Price Administration.

(2) The maximum price for each brand and type of canned meat made entirely from pork shall be the highest price at which such brand or type of canned meat was listed in the price list or lists upon the basis of which the seller made sales and deliveries at the delivery point during the period February 16, 1942 to February 20, 1942, inclusive, plus 1½¢ per pound: *Provided,* (i) That the seller must continue to allow all the deductions or discounts from his price list or lists which were customary during the ninety day period prior to March 9, 1942 and which were based on cost differentials arising from low transportation or packaging costs or any other saving in the cost of handling; and (ii) That the provisions of this paragraph (h) (2) shall not apply to any sales of canned meats to the Federal Surplus Commodities Corporation or to any purchasing agency of the armed forces of the United States.

§ 1364.23 *Conditional agreements.* No seller of dressed hogs or wholesale pork cuts shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1364.22, in the event that this Revised Maximum Price Regulation No. 148 is amended or is determined by a court to be invalid or upon any other contingency: *Provided,* That if a petition for amendment has been duly filed, and such petition requires extensive consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1364.24 *Exempt sales and deliveries.* The provisions of this Revised Maximum Price Regulation No. 148 shall not apply

(a) To sales at retail;

(b) To deliveries made to any political subdivision or agency of any state or of the United States, other than the Federal Surplus Commodities Corporation, under contracts entered into prior to November 2, 1942: *Provided,* That this exemption shall not be construed to permit the upward revision of any prices fixed in such contracts;

(c) To deliveries to the Federal Surplus Commodities Corporation under contracts entered into prior to October 17, 1942; or

(d) To sales outside of the forty-eight states of the United States and the District of Columbia.

§ 1364.25 *Less than maximum prices.* Lower prices than those provided for in § 1364.22 may be charged, demanded, paid or offered.

§ 1364.26 *Evasion.* The price limitations set forth in this Revised Maximum Price Regulation No. 148 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to, dressed hogs or wholesale pork cuts, alone or in conjunction with any other commodity, or by way of any commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding or by so curing wholesale pork cuts as to increase their cured weight beyond 110% of green weight, or by the sale of wholesale pork cuts not referred to in Appendix A (§ 1364.35) and not customarily sold by the same seller prior to March 23, 1942: *Provided,* That a payment by a buyer to a broker of not to exceed $0.125 per cwt. in excess of the maximum prices fixed by this regulation for services rendered by the broker to the buyer in connection with a sale of wholesale pork cuts shall not be construed as an evasion of such price limitations if the broker has no business affiliation with the seller and if the total compensation received by the broker from both buyer and seller in connection with the sale does not exceed $0.125 per cwt.

§ 1364.27 *Records and reports.* (a) Every person making a sale of any dressed hogs or wholesale pork cuts on and after November 2, 1942, in the course of trade or business or otherwise dealing therein, shall make, and preserve for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer and seller, the description, quantity and weight of all wholesale pork cuts sold, and the price charged or received therefor.

(b) Persons subject to or affected by this Revised Maximum Price Regulation No. 148 shall submit to the Office of Price Administration at Washington, D. C.:

(1) The reports of maximum prices required by § 1364.22 (f), together with a sworn statement that the facts recited therein are true and correct;

(2) On or before November 15, 1942, sworn statements of the denominators in sales by them of dressed hogs, determined in accordance with the provisions of § 1364.22 (g), including a statement of the specifications for dressing to which each denominator applies and a statement of the classes of purchasers to which each denominator applies; and

(3) Such other reports as the Office of Price Administration may from time to time require.

§ 1364.28 *Enforcement.* (a) Persons violating any provision of this Revised Maximum Price Regulation No. 148 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Maximum Price Regulation No. 148 or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1364.29 *Petitions for amendment.* Any person seeking an amendment of any provision of this Revised Maximum Price Regulation No. 148 may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1364.30 *Licensing: Applicability of Supplementary Order No. 14.* The provisions of Supplementary Order No. 14 (§ 1305.18), Licensing Sellers of Meat and Meat Products, are applicable to every seller subject to this Revised Maximum Price Regulation No. 148 now or hereafter selling any dressed hog or wholesale pork cuts for which maximum prices are established by said regulation. The term "seller" shall have the meaning given it by Supplementary Order No. 14.

§ 1364.31 *Applicability of General Maximum Price Regulation.* The provisions of this Revised Maximum Price Regulation No. 148 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1364.32 *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 148, the term:

(1) "Person" means any individual, corporation, partnership, association or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing: *Provided,* That no punishment provided by this regulation shall apply to the United States or to any such government, political subdivision, or agency.

(2) "Dressed hogs" includes dressed pigs.

(3) "Wholesale pork cuts" means all cuts derived from the carcass of the hog or pig, dressed with head off and kidney and leaf fat out, including but not limited to the following:

(i) All cuts referred to in Appendix A (§ 1364.35);

(ii) Cuts rough or trimmed, bone in or boneless, whole or sliced;

(iii) Cuts fresh or frozen, cured, smoked, cooked, baked, barbecued, dried, canned, or ready-to-eat;

(iv) Cuts loose, wrapped or packed.

Fresh and frozen cuts shall not be considered separate wholesale pork cuts. Each brand and type of canned meat made entirely from pork shall be considered a separate wholesale pork cut. Sausage made entirely from pork but not canned shall not be considered a wholesale pork cut.

(4) "Central Price Zone" means the area described as follows: the entire state of Iowa and those parts of Wiscon-

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[1] 7 F.R. 971, 3663, 6967.

[2] 7 F.R. 5059, 7242.

sin, Minnesota, South Dakota, Nebraska, Kansas, Missouri and Illinois which lie south of the 45th parallel, north of the 39th parallel, west of the 91st meridian and east of the 99th meridian, and including Minneapolis, Minnesota, and St. Paul, Minnesota.

(5) "Chicago Price Zone" means the area described as follows: those parts of Wisconsin and Illinois which lie south of the 45th parallel and east of the 91st meridian and including St. Louis, Missouri and St. Louis County, Missouri.

(6) "Sales at retail" means sales to the ultimate consumer: *Provided,* That no wholesaler, processor, packer, slaughterer, purchaser for resale, commercial user, or government agency, shall be deemed to be an ultimate consumer, except that a sale to a purveyor of meals, by a person regularly and generally engaged in selling at retail, made on usual retail terms, shall be regarded as a sale at retail.

(7) "Local delivery" means delivery otherwise than by rail, commencing at the seller's place of business, or, in the case of car routes, at the car route unloading point, and continuing to the buyer's store door, or other point of delivery, without interchange of vehicles.

(8) "Similar", when used in the phrase "similar purchaser", refers to the type of purchaser to whom the same price customarily applied during the ninety day period prior to March 9, 1942.

(9) "Carload" means:

(i) A shipment by rail of fresh, frozen or cured meat cuts or carcasses to a single delivery point, of at least the minimum weight upon which the railroad carload rate from the point of shipment to the delivery point, as evidenced by the tariffs of railroad carriers, is based: *Provided,* That where the transportation charge for shipment of the lesser weight at the railroad carload rate would be lower than the transportation charge for such a shipment at the railroad less-than-carload rate, such lesser weight shall be considered a carload;

(ii) A shipment by motor truck or trucks to a single delivery point of 15,000 pounds or more of fresh, frozen and/or cured meat cuts and/or carcasses as a single bulk sale transaction; and

(iii) Any single bulk sale transaction wherein the buyer takes delivery at the sellers' place of business of 15,000 pounds or more of fresh, frozen and/or cured meat cuts and/or carcasses.

(10) "Peddler truck sale" means a sale from a truck operated by a driver-salesman, where the first record of the transaction is made by the salesman concurrently with the delivery of the products sold. The term does not include deliveries made pursuant to prior orders.

(b) When used in this Revised Maximum Price Regulation No. 148 the term:

(1) "Ready to serve without further heating" refers to pork products which have been heated so that all parts of the pork muscle contained therein have reached a temperature of at least 140° F. by a method of heating and under conditions known to insure such result.

(2) "Baked" refers to a pork product which (i) has been heated in an oven for sufficient time to cause the formation of a brown crust on the surface, the rendering out of the surface fat, the carmelization of sugar, if applied, and the formation of all other characteristics of a baked product; (ii) is ready to serve without further heating; and (iii) the lean meat of which weighs not in excess of 80% of its weight in the green state, or the moisture content of which is not in excess of 3 times the weight of protein minus the weight of sodium chloride as chemically tested.

(3) "Barbecued" refers to a product which (i) has been covered with a spiced sauce and cooked, either in a smokehouse or oven, sufficiently to assume the characteristics of cooked meat; (ii) is ready to serve without further heating; and (iii) the lean meat of which weighs not in excess of 80% of its weight in the green state or the moisture content of which is not in excess of 3 times the weight of protein minus the weight of sodium chloride as chemically tested.

(4) "Cooked" refers to a pork product which (i) has been heated, otherwise than in the smokehouse or by barbecuing or baking, for sufficient time to assume the characteristics of a cooked product; (ii) is ready to serve without further heating; and (iii) the lean meat of which weighs not in excess of 85% of its weight in the green state, or the moisture content of which is not in excess of 3.2 times the weight of protein minus the weight of sodium chloride as chemically tested.

(5) "Ready-to-eat" refers to a pork product which (i) has been heated in the smokehouse for sufficient time to assume the characteristics of a cooked product; (ii) is ready to serve without further heating, and (iii) the lean meat of which weighs not in excess of 90% of its weight in the green state, or the moisture content of which is not in excess of 3.4 times the weight of protein minus the weight of sodium chloride as chemically tested.

(6) "Chemically tested" means tested by the methods described in Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists, 5th Edition, 1940:

Salt (sodium chloride)	Ch. XXVIII, para. 2.
Moisture	Ch. XXVIII, para. 5.
Protein	6.25 x wt. of total nitrogen, Ch. XXVIII, para. 8.

(7) "Dried" refers to a product from which moisture has been evaporated by an artificial drying process: The lean meat of Virginia Hams, Proscuitto Hams, Virginia Shoulders and Capicolli Butts shall have a total moisture content not in excess of 65 percent of such moisture in the green state or not in excess of 2.5 times the weight of protein minus the weight of sodium chloride as chemically tested. The lean meat of Virginia Sides, Virginia Bacon and Virginia Jowls shall weigh not in excess of 90 percent of its weight in the green state, or its moisture content shall not be in excess of 3.4 times the weight of protein minus the weight of sodium chloride as chemically tested.

(8) "Smoked" refers to a product which has been smoked by the actual burning of hardwood or hardwood sawdust in such manner as (i) to impart a smoked flavor to the meat, and (ii) to cause the finished weight to be no more than the green weight and to cause the following smoking and hanging shrinks from the weights at the beginning of the smoking process:

Wholesale pork cut	*Minimum smoking and hanging shrink (Percent)*
Regular and skinned ham	10
Picnic and shoulder	10
Boston butt	8
Boneless butt (cottage butt)	12
Belly (dry cured, semi-dry cured or sweet-pickle cured)	10
Brisket	12
Pork loin	10
Dry salt belly	7
Dry salt fat back	7
Jowl and plate	8
Spareribs	15
Hock, knuckle, and tail	7
Other smoked cuts	7

(9) "Boneless" refers to a product from which all of the bone has been removed.

(10) "Fatted" refers to a product from which the fat has been removed to within ½ inch of the lean.

(c) When used in this Revised Maximum Price Regulation No. 148 the following names of wholesale pork cuts refer to cuts meeting the following minimum specifications:

(1) "Grade A sliced bacon" includes bacon sliced from dry sugar-cured or semi-dry sugar-cured fancy-trimmed square-cut seedless whole bellies, from which the rind has been removed, in whole slices not over 9½ inches in length and not over 2¼ inches or less than ¾ of an inch in width, containing no more than two part slices to the package.

(2) "Grade B sliced bacon" includes bacon sliced from dry sugar-cured, semi-dry sugar-cured or sweet pickle sugar-cured whole bellies, from which the rind has been removed, in whole slices not over 11 inches in length and not over 3 inches or less than ¾ of an inch in width, containing no more than two part slices to the package.

(3) "Grade C sliced bacon" includes all bacon sliced from oily bacon bellies, and all other bacon sliced from bellies which will not qualify as Grade A or Grade B sliced bacon, exclusive of ends and broken pieces.

(4) "Regular ham" includes hams cut off from the hog carcass not less than 2½ inches from the exposed end of the aitch bone, properly faced, with the shank cut off at or above the hock joint, with loose and gut fat removed from the face and pelvic cavity, with the cushion side well rounded and no excessive flank.

(5) "Skinned ham" includes hams cut as regular hams but with the skin removed to leave a collar covering not more than 40% of the length of the ham, with the fat beveled back at least 3 inches from the lean meat at the butt, neatly rounded and beveled on flank and cushion, with not over 1¼ inches of fat left on any portion of the ham from which the skin has been removed.

(6) "Regular or skinned ham, short shank" includes regular or skinned hams from which the shank has been cut off 2½ inches shorter than in the regular or skinned ham.

(7) "Regular or skinned ham, shankless" includes regular or skinned hams from which the shank has been cut off at least 3 inches above the stifle joint to remove the entire shank.

(8) "Regular picnic" includes picnics cut from shoulders not less than one rib wide in such manner as to leave not less than 1 inch or more than 2½ inches of blade bone in the picnic, closely trimmed, properly faced, with the rib and breast flap removed, well rounded and with the fat properly beveled on the butt end.

(9) "Regular picnic, short shank" includes regular picnics from which the shank has been cut off 2 inches from the arm pit and parallel to the knee joint.

(10) "Regular picnic, shankless" includes regular picnics from which the shank has been cut off close to the breast and parallel to the knee joint.

(11) "Regular picnic, half skinned" includes regular picnics from which the skin has been removed to leave a collar covering not more than 50% of the length of the picnic.

(12) "Rough shoulder" means an untrimmed shoulder with foot and jowl cut off and neck bone left in.

(13) "Regular shoulder" includes shoulders cut not less than one rib wide, with the breast flap taken off and the neck removed close to the body of the shoulder, and with the foot cut off at the knee joint.

(14) "Skinned shoulders" includes shoulders cut as regular shoulders, but with skin taken off within 4 inches of the base of the shank, neatly beveled on the edges, and with not over ¾ inch of fat left on any portion of the shoulder from which the skin has been removed.

(15) "Regular or skinned shoulder, short shank" includes regular or skinned shoulders from which the shank has been cut off 2 inches from the arm pit and parallel to the knee joint.

(16) "Regular or skinned shoulder, shankless" includes regular or skinned shoulders from which the shank has been cut off close to the breast and parallel to the knee joint.

(17) "Blade butt or blade bone" includes blade bones and lean meat taken from a regular plate in converting it to a clear plate.

(18) "Boston butt" includes butts the surplus fat of which has been removed to within ½ inch of the lean meat on all portions of the butt and which are neatly beveled on the edges.

(19) "Boneless butt, cellar trim," includes boneless butts from which the lip has been removed and which are trimmed smooth on all edges.

(20) "Regular pork loins" includes loins from which all excess fat over the tenderloin has been removed and the fat on the back of which does not exceed approximately ½ inch in thickness.

(21) "Regular pork loins, bladeless" includes regular pork loins from which the whole shoulder blade bone has been removed.

(22) "Regular pork loins, short cut" includes regular pork loins from which the shoulder end has been removed behind the blade bone and from which the loin end has been removed at the beginning of the cartilage.

(23) "Boneless pork loins or Canadian backs" includes pork loins from which all bones and surplus fat have been removed.

(24) "Fat back pork" includes pork derived from the fat back of well finished hogs and cut into pieces about 6 inches square.

(25) "Bean pork" includes jowl butts, neatly trimmed on the face and squared on the edges.

(26) "Clear plate pork" includes clear plates, free of bone, reasonably free of lean, and squared on the neck side.

(27) "Regular pork trimmings" includes trimmings having not in excess of 50% trimmable fat.

(28) "Special lean pork trimmings" includes pork trimmings having not in excess of 15 percent trimmable fat.

(29) "Extra lean pork trimmings" includes trimmings having not in excess of 5 percent trimmable fat.

(30) "Blade meat" includes meat removed from blade bones and having not in excess of 5 percent trimmable fat.

(31) "Virginia cured" includes products dry salt cured, washed, peppered and hung from 10 to 30 days before smoking, smoked and hung until product is at least 5 months old.

(32) "Bellies, square cut and seedless" includes boneless bellies made from smooth barrows, gilts, or sows and trimmed square on all edges except that the flank may be cut on a bias of not to exceed 1 inch, and if derived from gilts or sows, cut down until seed is removed, except for slight traces of firm white or pink seed. This term does not include bellies of 12 lbs. and under which are less than ⅝ of an inch in thickness, bellies of 12 lbs. and up which are less than ¾ of an inch in thickness, nor bellies damaged by scribing or cut extremely long and narrow, or extremely wide and short, or 1¼ inches beyond the scribe mark, which bellies shall be deemed substandard.

(33) "Bellies, fancy trimmed" includes boneless bellies of high quality free from skin cuts, hair roots, rough skin and bruises, which meet all requirements for square-cut and seedless bellies except that all traces of seed must be removed, and the cartilage must be removed from the brisket end and they must be practically free of buttons.

(34) "Bellies, fancy trimmed with brisket off" includes all fancy trimmed bellies from which the brisket has been cut off behind the shoulder crease.

(35) "Clear bellies, dry salt trim", includes bellies reasonably square-cut without excessive boot-jack and boneless.

(36) "Rib bellies, dry salt trim" includes bellies cut like clear bellies, dry salt trim, but with the spareribs left in.

(37) "Clear bellies, dry salt square cut trim" includes boneless bellies with the bootjack removed and squarely trimmed on all sides.

§ 1364.33 *Revocation of orders issued under Maximum Price Regulation No. 148.* Orders numbered 1 and 3 to 28, both inclusive, under Maximum Price Regulation No. 148 are hereby revoked.

§ 1364.34 *Effective date.* Revised Maximum Price Regulation No. 148 (§§ 1364.21 to 1364.35, inclusive) shall become effective November 2, 1942.

§ 1364.35 *Appendix A: Schedules I, II, and III.*

SCHEDULE I—BASE PRICES OF WHOLESALE PORK CUTS

[All prices are per hundred weight loose basis except where indicated otherwise, and do not include boxing, transportation, delivery, etc.]

(a) PORK CUTS: GREEN OR FROZEN, CURED, SMOKED AND READY-TO-EAT

Item	Green or frozen		Cured		Smoked (wrapped)		Ready-to-eat (wrapped)	
	Weight (pounds)	Price (dollars)	Weight (pounds)	Price (dollars)	Weight (pounds)	Price (dollars)	Weight (pounds)	Price (dollars)
1. Hams—regular: Bone in	Under 14	25.50	Under 14	25.50	Under 14	29.75	Under 12	32.75
	14–18	24.75	14–18	24.75	14–18	29.00	12–16	32.00
	Over 18	23.75	Over 18	23.75	Over 18	28.00	Over 16	31.00
2. Hams—skinned: Bone in	Under 14	27.50	Under 14	27.50	Under 14	32.00	Under 12	35.25
	14–18	26.75	14–18	26.75	14–18	31.25	12–16	34.50
	Over 18	25.75	Over 18	25.75	Over 18	30.25	Over 16	33.50
3. Hams—regular: Boneless	Under 14	28.75	Under 14	28.75	Under 12	33.50	Under 12	36.75
	14–18	28.00	14–18	28.00	12–16	32.75	12–14	36.00
	Over 18	27.00	Over 18	27.00	Over 16	31.75	Over 14	35.00
4. Hams—skinned: Boneless	Under 14	31.25	Under 14	31.25	Under 12	36.25	Under 12	39.75
	14–18	30.50	14–18	30.50	12–16	35.50	12–14	39.00
	Over 18	29.50	Over 18	29.50	Over 16	34.50	Over 14	38.00
5. Hams—regular: Boneless and fatted.	Under 10	34.00	Under 10	34.00	Under 10	40.00	Under 8	43.50
	10–14	33.00	10–14	33.00	10–12	39.00	8–12	42.50
	Over 14	31.50	Over 14	31.50	Over 12	37.50	Over 12	41.00
6. Hams—skinless: Boneless and fatted.	Under 10	36.75	Under 10	36.75	Under 10	43.00	Under 8	47.00
	10–14	35.75	10–14	35.75	10–12	42.00	8–12	46.00
	Over 14	34.25	Over 14	34.25	Over 12	40.50	Over 12	44.50
7. Boston butts	4–8	28.25	4–8	28.75	4.8	33.75	4.7	37.00
	Over 8	27.25	Over 8	27.75	Over 8	32.75	Over 7	36.00
8. Bellies: Square cut and seedless.	Under 8	20.00	Under 8	21.00	Under 8	25.50		
	8–12	19.50	8–12	20.50	8–12	25.00		
	12–16	18.00	12–16	19.00	12–14	23.50		
	16–20	17.50	16–20	18.50	14–18	23.00		
9. Bellies: Square cut and seedless, derined.	Under 8	22.50	Under 8	23.50	Under 8	28.50		
	8–12	22.00	8–18	23.00	8–10	28.00		
	12–16	20.25	12–16	21.25	10–14	25.25		
	16–20	19.75	16–20	20.75	14–16	24.50		
10. Loins—regular	Under 12	26.25	Under 12	26.75	Under 10	31.50		
	12–16	24.75	12–16	25.25	10–14	30.00		
	Over 16	23.75	Over 16	24.50	Over 14	29.00		
11. Picnics:								
Bone in		23.25		23.25		27.50		30.50
Boneless		27.00		27.00		31.75		35.00
Boneless and fatted		32.00		32.00		38.25		41.75

Item	Green or frozen: Weight (pounds)	Green or frozen: Price (dollars)	Cured: Weight (pounds)	Cured: Price (dollars)	Smoked (wrapped): Weight (pounds)	Smoked (wrapped): Price (dollars)	Ready-to-eat (wrapped): Weight (pounds)	Ready-to-eat (wrapped): Price (dollars)
12. Shoulders—skinned:								
Bone in		25.25		25.25		29.50		
Boneless		29.00		29.00		33.75		
Boneless and fatted		32.25		32.25		38.50		
13. Shoulders—regular		23.25		23.25		27.50		
14. Shoulders—rough: Neck bone in		22.50		22.50		26.75		
15. Shoulders—rough: Neck bone out		23.00		23.00		27.25		
16. Butts—boneless C. T		33.25		33.75		42.50		46.50
17. Loins—boneless or Canadian bacon		37.25		37.75		45.50		49.75
18. Briskets		14.00		15.00		19.50		
19. Sliced bacon—derined:								
Standard Grade A						33.50		
Standard Grade B						29.75		
Standard Grade C						28.25		
Sliced jowl butts						20.75		
Sliced regular plates						20.25		
Bacon end slices						18.00		
Sliced Canadian bacon						61.00		

(b) PORK CUTS: GREEN OR FROZEN, CURED, SMOKED AND BARBECUED

		Green or frozen (dollars)	Cured (dollars)	Smoked (dollars)	Barbecued (dollars)
1. Fat backs	Under 12 lbs	11.75	11.75	14.50	
	12–16	12.25	12.25	15.00	
	Over 16	12.75	12.75	15.50	
2. Fat back ends or squares		10.75	10.75	13.50	
3. Bellies—dry salt		16.00	16.00	18.75	
4. Plates and jowls:					
Clear plates		10.25	10.25	13.25	
Regular plates		12.25	12.25	15.25	
Jowl butts		11.00	11.00	14.00	
Square jowl butts		12.75	13.75	16.75	
5. Spare ribs (packed in tierces):					
Light	Under 3 lbs	18.25	19.25	24.75	
Medium	3–5 lbs	15.75	16.75	22.25	
Heavy	Over 5 lbs	14.25	15.25	20.75	
Barbecue, brisket bone off		20.75	21.75	27.25	32.25
Loin ribs		19.00	20.00	25.50	

(c) PORK CUTS: COOKED, BAKED, SMOKED, BARBECUED AND DRIED (WRAPPED)

Item	Cooked: Weight	Cooked: Price	Cooked and smoked: Weight	Cooked and smoked: Price	Baked and barbecued: Weight	Baked and barbecued: Price
	Pounds	*Dollars*	*Pounds*	*Dollars*	*Pounds*	*Dollars*
1. Hams—regular—boneless and fatted.	Under 8	46.25	Under 8	47.75	Under 8	51.25
	8–10	44.50	8–10	46.00	8–10	49.25
	Over 10	42.25	Over 10	43.75	Over 10	46.75
2. Hams—skinless—boneless and fatted.	Under 8	49.75	Under 8	51.50	Under 8	55.00
	8–10	48.00	8–10	49.75	8–10	53.00
	Over 10	45.50	Over 10	46.75	Over 10	50.25
3. Picnics	All weights	42.00	All weights	43.25	All weights	47.25
4. Shoulders—skinned	All weights	42.75	All weights		All weights	46.75

Item	Cooked—bone in: Weight	Cooked—bone in: Price	Cooked—boneless: Weight	Cooked—boneless: Price
	Pounds	*Dollars*	*Pounds*	*Dollars*
5. Hams—regular	Under 12	32.75	Under 12	36.75
	12–16	32.00	12–14	36.00
	Over 16	31.00	Over 14	35.00
6. Hams—skinned	Under 12	35.25	Under 12	39.75
	12–16	34.50	12–14	39.00
	Over 16	33.50	Over 14	38.00
7. Picnics	All weights	30.50	All weights	35.00
8. Shoulders—skinned	All weights	33.00	All weights	37.00
9. Dried products:				
Virginia hams		43.00		
Prosciutto hams		41.00		
Virginia sides		28.75		
Virginia bacon		32.00		
Virginia jowls		21.50		
Virginia shoulders		35.50		
Capicolli butts		50.00		

(d) PORK SAUSAGE MATERIAL AND MISCELLANEOUS PORK CUTS

	Fresh or frozen	Cured	Smoked
	Dollars	*Dollars*	*Dollars*
SAUSAGE MATERIAL			
1. Regular trimmings	21.25		
2. Neck bone trimmings	32.25		
3. Special lean trimmings	32.25		
4. Extra lean trimmings	34.25		
5. Blade meat	36.25		
6. Skinned neck fat	13.25		
7. Skin-on neck fat	12.50		
8. Skinned back fat	13.25		
9. Skinned ham fat	13.25		
10. Skinned shoulder fat	13.25		
11. S. P. ham fat		12.75	
MISCELLANEOUS			
12. Hocks	15.75	[1]16.75	19.75
13. Knuckles	12.25	[1]13.25	16.25
14. Feet	5.25		
15. Tails	11.25	[1]12.25	15.25
16. Neck bones	5.25		
17. No. 1 skins—strips	10.50	10.50	
18. Bacon skins	4.50	4.50	
19. Gelatin skins	7.50	7.50	
20. Blade butts (blade bones)	21.00		
21. Back bones	4.25		
22. Semi-boneless loins, under 8 pounds	36.00		
23. Semi-boneless loins, 8–10 pounds	33.50		
24. Semi-boneless loins, 10–12 pounds	32.00		
25. Pork tenderloins, 10-pound pails	36.50		
26. Pork tenderloins—tips	33.50		
27. Loin ends	23.00		

[1] Packed in tierces.

(e) PORK CUTS PACKED IN WOOD CONTAINERS

Net weights	Kit 13 pounds	⅛ barrel 25 pounds	¼ barrel 50 pounds	½ barrel 100 pounds	Barrel 200 pounds
FAT BACK PORK					
1. 30–40 pieces per barrel	$2.45	$3.95	$7.60	$14.75	$27.50
2. 40–50 pieces per barrel	2.40	3.80	7.35	14.25	26.50
3. 50–60 pieces per barrel	2.30	3.70	7.10	13.75	25.50
4. 60–70 pieces per barrel	2.25	3.60	7.00	13.35	24.75
5. 70–80 pieces per barrel	2.20	3.55	6.80	13.10	24.25
6. 80–100 pieces per barrel	2.20	3.50	6.75	13.00	24.00
7. 100–125 pieces per barrel	2.15	5.45	6.70	12.85	23.75
PLATE PORK					
8. 25–35 pieces per barrel	2.25	3.55	6.85	13.25	24.50
9. 35–44 pieces per barrel	2.25	3.55	6.85	13.25	24.50
10. Brisket pork	3.15	4.95	9.85	19.25	36.50

11. Vinegar pickled pork feet, cooked bone in:

Tierces (300 pounds)	each	$29.50
Barrels (200 pounds)	do	24.50
½ Barrels (75 pounds)	do	8.25
¼ Barrels (35 pounds)	do	4.00
⅛ Barrels (17 pounds)	do	2,25
Kits (13 pounds)	do	1.75

(f) CANNED PORK ITEMS.

1. Spiced luncheon meat:	
12 oz. cans per cwt	$39.00
2½ lb. cans per cwt	36.25
6 lb cans per cwt	35.00
2 Spiced ham:	
12 oz. cans per cwt	41.50
2½ lb. cans per cwt	38.75
6 lb. cans per cwt	37.50
3. Pork sausage:	
1½ lb. cans per cwt	29.50
4. Pork sausage links:	
2 lb. cans per cwt S. C	40.00
2 lb. cans per cwt H. C	38.00
5. Pork sausage soyalinks:	
1½ lb. cans per cwt	27.50
6. Corned pork:	
12 oz. cans per cwt	60.00
6 lb cans per cwt	56.00
7. Sliced bacon:	
1½ lb. cans per cwt	34.75
7 lb. cans per cwt	34.50
8. Dry salt bacon (slab):	
12 lb. cans per cwt	29.25
14 lb. cans per cwt	29.00
9. Pork tongues:	
12 oz. cans per cwt	40.50
2½ lb. cans per cwt	37.75
6 lb. cans per cwt	36.50
10. Pork soya segments:	
1½ lb. cans per cwt	26.00

* * * * *

(g) PRODUCTS FOR WAR PROCUREMENT AGENCIES

(Prepared according to United States Government Specifications)

1. Wiltshires—cured	$21.50
2. Overseas hams—regular:	
Shankless:	
Under 10 lbs	34.25
10–14 lbs	33.50
Over 14 lbs	32.50
3. Overseas hams—skinned:	
Shankless:	
Under 10 lbs	36.50
10–14 lbs	35.75
Over 14 lbs	34.75
4. Overseas hams—regular:	
Shank on:	
Under 12 lbs	32.75
12–16 lbs	32.00
Over 16 lbs	31.00
5. Overseas hams—skinned:	
Shank on:	
Under 12 lbs	35.00
12–16 lbs	34.25
Over 16 lbs	33.25
6. War hams:	
Smoked up to 72 hours:	
Regular:	
Under 12 lbs	30.75
12–16 lbs	30.00
Over 16 lbs	29.00
Skinned:	
Under 12 lbs	33.00
12–16 lbs	32.25
Over 16 lbs	31.25
7. War hams:	
Smoked 96 hours:	
Regular:	
Under 12 lbs	31.25
12–16 lbs	30.50
Over 16 lbs	29.50
Skinned:	
Under 12 lbs	33.50
12–16 lbs	32.75
Over 16 lbs	31.75
8. War hams:	
Smoked 7 days:	
Regular:	
Under 12 lbs	31.75
12–16 lbs	31.00
Over 16 lbs	30.00
Skinned:	
Under 12 lbs	34.00
12–16 lbs	33.25
Over 16 lbs	32.25
9. Overseas bacon:	
Smoked 96 hours:	
Under 8 lbs	27.50
8–10 lbs	27.00
10–14 lbs	25.00
14–18 lbs	25.00
10. War bacon:	
Smoked 72 hours:	
Under 8 lbs	27.00
8–10 lbs	26.50
10–14 lbs	25.00
14–18 lbs	24.50
11. Domestic bacon:	
Smoked 24 hours:	
Under 8 lbs	26.00
8–10 lbs	25.50
10–14 lbs	24.00
14–18 lbs	23.50
12. Issue dry salt bacon:	
Under 8 lbs	24.50
8–12 lbs	24.00
12–16 lbs	22.50
16–20 lbs	22.00
13. Export hams—regular:	
Smoked 96 hours:	
Under 12 lbs	30.75
12–16 lbs	30.00
16 lbs	29.00
14. Export hams—skinned:	
Smoked 96 hours:	
Under 12 lbs	33.00
12–16 lbs	32.25
16 lbs	31.25
15. Rib-backs, D. S	19.00
16. Rib-backs—smoked	23.50

SCHEDULE II—REQUIRED DEDUCTIONS FROM BASE PRICES LISTED IN SCHEDULE I

(a) (1) For all slightly miscut or skin cut fresh or frozen wholesale pork cuts otherwise up to standard, $0.50 per cwt.

(2) For all fresh or frozen wholesale pork cuts otherwise substandard because of trim, thick or wrinkled skin, bruises, abscesses, blood clots, accidental damage, or abnormal color, texture, odor, or consistency or character of the lean flesh and of the fat included therein, $1.00 per cwt.

(3) For all cured or processed wholesale pork cuts substandard because not in compliance with processing requirements contained in this regulation, $2.00 per cwt.

(b) For the following wholesale pork cuts derived from oily hog carcasses:

Description of cut:	*Required deduction Per cwt.*
Ham	$1.00
Shoulders and shoulder cuts	3.00
Pork loins	3.00
Bellies	3.00
Slab bacon	3.00
Fat backs	1.00

(c) For all wholesale pork cuts delivered in a straight or mixed carload shipment, $1.00 per cwt.

(d) For all wholesale pork cuts delivered to a processor, wholesaler or jobber in a straight or mixed shipment of 5,000 lbs. or more, but less than a carload, $0.50 per cwt.

(e) For all dried, smoked, ready-to-eat, cooked, baked or barbecued wholesale pork cuts except sliced bacon not individually packed in parchment paper, cellophane, or artificial casings or similar packages, $0.50 per cwt.

(f) For sliced bacon not packed in (1) ½ lb. or 1 lb. packages of cellophane or similar ½ or 1 lb. packages, $0.75 per cwt. (2) 12 lb. cartons, $0.25 per cwt.

(g) For semi-dry cured Grade A sliced bacon $1.00 per cwt.

SCHEDULE III—PERMITTED ADDITIONS TO BASE PRICES LISTED IN SCHEDULE I

(a) For special cutting and trimming:

(1) *Hams:*	*Per cwt. over standard*
Short shank	$0.50
Shankless	.75
(2) *Shoulders:*	
Short shank	.50
Shankless	.75
(3) *Picnics:*	
Short shank	.50
Shankless	.75
Half skinned	.25
(4) *Loins:*	
Bladeless	.50
Short-cut	3.00
(5) *Bellies:*	*Dry salt trim*
Square-cut, dry salt	1.00
(6) *Bacon bellies:*	*Square-cut seedless trim*
Fancy	1.00
Brisket off	2.00

(b) For fresh loins, shoulders, picnics, Boston butts, boneless butts, spareribs, feet, tails and neck bones derived from hogs killed in each of the following regions and delivered by local delivery within such region on the same day as or on the day after the initial cutting of the carcass from which such cuts are derived:

Regions and Permitted Additions

(1) New England, New Jersey, Delaware, Maryland, the District of Columbia, and those portions of New York and Pennsylvania lying east of the 77th meridian; $1.50 per cwt.

(2) Those portions of Pennsylvania and New York lying west of the 77th meridian; $1.00 per cwt.

(3) Virginia, West Virginia, Kentucky, Ohio, Indiana, Chicago, Illinois, and the lower peninsula of Michigan (that part of Michigan lying between Lake Michigan and Lake Huron); $0.50 per cwt.

(c) For packing in shipping containers:

(1) For domestic shipment (maximum addition permitted; $0.50 per cwt. No addition permitted where price in Schedule I includes shipping container):

(i) Packing in wood, fiber, corrugated or metal boxes or barrels; $0.50 per cwt.

(ii) Packing in other boxes, or sacks, or burlap wrappings; $0.25 per cwt.

(2) For export shipment, U. S. Government specifications:

(i) Canned products in nailed wooden boxes, specifications FSC 1539-C; $0.75 per cwt.

(ii) Canned products in wirebound boxes, FSCC or other U. S. Government specifications; $0.40 per cwt.

(iii) Canned products in weatherproof solid fiber boxes overcased in wirebound wooden boxes, U. S. Government specifications; $0.75 per cwt.

(iv) Other products for export shipment, U. S. government specifications; $0.75 per cwt.

(d) For local delivery:

(1) Where the seller makes local delivery to the buyer's store-door, otherwise than by peddler delivery as stated in paragraph (d) (2) of this schedule, he may add to the base prices specified in Schedule I, the sum of $0.25 per cwt., if such delivery is completed within 25 miles of the point from which such local delivery begins, or the sum of $0.50 per cwt., if such delivery is completed over 25 miles from such point of beginning.

(2) Where the seller makes a peddler-truck sale, involving delivery of not more than 50 pounds of meats and other foodstuffs in any one day from such truck to any buyer's store-door, he may add to the prices specified in Schedule I, the sum of $1.50 per cwt.

(e) For all wholesale pork cuts sold to persons engaged in and for use in the hotel and restaurant trade: $0.50 per cwt.

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10700; Filed, October 22, 1942; 5:15 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 6—SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

Corrections

F.R. Doc. 42-9946, filed October 5, 1942, at 4:01 p. m. and appearing in the issue for Saturday, October 10, 1942, should be corrected as follows:

Page 8032, paragraph (d), line 13, "hous" should read "house".

Page 8033, third column, § 6.1-20, sixth line, "150°" should read "154°".

Page 8034, column two, paragraph (j), line 8, "Halm" should read "Half".

Page 8035, column one, subparagraph 4, line 8, "short" should read "shore".

Page 8043, § 6.5-10, line 12, "aline" should read "a line".

In § 6.5-25 on page 8044, the paragraphs designated with arabic numerals in parentheses should run consecutively from "1" through "28".

Page 8046, column three, subparagraph (2), line 9, "6.5-20" should read "6.5-25". In the paragraph for Anchorage R, twelfth line, "Steamboak" should read "Steamboat".

Page 8049, column one, the paragraph designated "(e)" should be designated "(v)".

Page 8050, second column, subparagraph (22) "Homer" should be "Home".

Page 8062, column one, paragraph (g), line 15, "216" should read "216°".

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

[Circular No. 1518]

PART 292—PUBLIC WATER RESERVES

REPORTS AS TO SPRINGS OR WATER HOLES

Reports as to springs or water holes to be accepted in place of affidavits in cases of State selections for lands in grazing districts.

Sections 292.3 and 292.8 of Title 43 of the Code of Federal Regulations, based upon Circulars 1066 and 1231, approved May 25, 1926 and January 27, 1932, respectively, are hereby amended by adding to each a paragraph reading as follows:

The affidavits mentioned will not be required in connection with proposed State Exchanges or indemnity school and other State selections, involving public lands in grazing districts, where agreements as to the exchanges or selections have been reached by representatives of the State, the Grazing Service and the General Land Office and the Grazing Service has reported that the lands do not contain springs or water holes of the type mentioned above. (R.S. 2478; 43 U.S.C. 2, 1201.)

FRED W. JOHNSON,
Commissioner.

Approved: October 9, 1942.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-10712; Filed, October 22, 1942; 9:53 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Ex Parte No. MC-30]

Subchapter B—Carriers by Motor Vehicle

PART 170—COMMERCIAL ZONES

CINCINNATI, OHIO

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 29th day of September, A. D. 1942.

Investigation of the matters and things involved in this proceeding having been made, and the said division, on the date hereof, having made and filed a report herein containing its findings of fact and conclusions thereon,[1] which report is hereby made a part hereof:

It is ordered, That the delimitation of the Cincinnati, Ohio, commercial zone in the Commission's order of September 10, 1940 (5 F.R. 3814), be and it is hereby amended to include the additional points of Fairfax and Mariemont, Ohio, and to read as follows:

§ 170.7 *Cincinnati, Ohio.* For the purpose of administration and enforcement of the Interstate Commerce Act, the zone adjacent to and commercially a part of Cincinnati, Ohio, and contiguous municipalities in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially exempt under section 203 (b) (8) of the act from regulation, shall be, and it is hereby, defined to include the following:

Addyston, Ohio.
Cheviot, Ohio.
Cincinnati, Ohio.
Cleves, Ohio.
Elmwood Place, Ohio.
Fairfax, Ohio.
Mariemont, Ohio.
North Bend, Ohio.
Norwood, Ohio.
St. Bernard, Ohio.
Springfield Township, Ohio.
Sycamore Township, Ohio.
Covington, Ky.
Newport, Ky.

That portion of Kenton County, Ky., lying on and north of a line commencing at the intersection of the Boone-Kenton County line and the Dixie Highway, and thence over the latter to Covington, including communities on the described lines.

That portion of Campbell County, Ky., lying on and north of a line commencing at the south corporate limit of Newport, thence over Licking Pike to junction with Johns Hill Road, thence over the latter to junction with Alexandria Pike, thence over the latter to junction with a county road, thence over the latter to the Ohio River including communities on the described lines.

(Sec. 203 (b) (8), 29 Stat. 546, 54 Stat. 919; 49 U.S.C. Sup. 303 (b) (8))

It is further ordered, That this order shall become effective November 16, 1942, and shall continue in effect until the further order of the Commission.

By the Commission, Division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-10693; Filed, October 22, 1942; 3:18 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1692]

DISTRICT BOARD 14

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 14 for the establishment of certain price classifications and minimum prices for coals produced in District No. 14 and sold for use as steamship bunker fuel.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 13, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, at the Circuit Court Room, Fort Smith, Arkansas.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 7, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 14 for the establishment of the following price classifications and minimum prices in cents per net ton for coals produced in District No. 14 and sold for use as steamship bunker fuel:

Size	*Price*
Any size prepared coal, single or double screened, straight mine run, and all resultants larger than 6" x 0	290
All resultants larger than 2½" x 0 but not larger than 6" x 0	265
All resultants 2½" x 0 and smaller	175

Dated: October 22, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10730; Filed, October 23, 1942; 11:36 a. m.]

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[1] Filed as part of the original document.

[Docket No. A-1672]

DISTRICT BOARD 14

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 14 requesting that Mine Index No. 170 of the J. M. Bates Coal Company and Mine Index No. 485 of the A. M. Hobbs Coal Company be permitted to absorb certain freight charges on sales of railroad locomotive fuel to the Kansas City Southern Railway Company.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 12, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, at the Circuit Court Room, Fort Smith, Arkansas.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths, and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 7, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 14 requesting that Mine Index No. 170 of the J. M. Bates Coal Company and Mine Index No. 485 of the A. M. Hobbs Coal Company be permitted to absorb the following freight charges on sales of railroad locomotive fuel to the Kansas City Southern Railway Company:

Mine index No.	Midland Valley and Rock Island freight rate to be absorbed in cents per net ton	
	R/M or mod.	Slack
170	39.4	38.6
485	60.7	53.9

Dated: October 22, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10725; Filed, October 23, 1942; 11:37 a. m.]

[Docket Nos. A-1621 and A-1621, Part II]

DISTRICT BOARD NO. 15

PETITION FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS, ETC.

In the matter of the petition of District Board No. 15 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 15 and for a change in the railroad upon which the coals of the Midway Mine (Mine Index No. 1433) originate for rail shipment.

In the matter of the petition of District Board No. 15 for the establishment of price classifications and minimum prices for the coals of the Sizemore Mine.

Memorandum opinion and order severing Docket No. A-1621 Part II from Docket No. A-1621 and granting temporary relief in Docket No. A-1621 Part II.

The original petition in the above-entitled matter filed with the Division on September 24, 1942, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, prays for the establishment of temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 15.

As indicated in a separate order entered in Docket No. A-1621, a reasonable showing of necessity has been made for the granting of the relief prayed for by the petitioner. However, in accordance with the prayer contained in the original petition, it appears that no final determination should be made at this time with respect to the establishment of permanent price classifications and minimum prices, for truck shipment, for the coals of the Sizemore Mine, Mine Index No. 1629 of the Sizemore Coal Company (Roy Sizemore) located in Production Group No. 3, Adair County, Missouri.

It appears that the coals of the Sizemore Mine, located in Adair County, Missouri, possess marketing factors and qualities similar to those of other coals heretofore classified and priced and presently being produced in that county and that the minimum prices for the coals of the Sizemore Mine, in the respective size groups, should correspond with those in effect for other coals produced in the same county for shipment by truck into all market areas. The coals produced in Adair County, Missouri, and previously priced for shipment by truck, are presently subject to the temporary minimum prices set forth in the order entered October 29, 1940, granting temporary relief in Docket No. A–58.

Pending final determination of the issues in Docket Nos. A–58 and A–179, a petition was filed in Docket No. A–492, wherein it was requested that the minimum prices made effective temporarily in Docket No. A–179 for the coals of Putnam County, Missouri, be made permanent. Docket Nos. A–58, A–179, and A–492 were thereafter consolidated, but, in accordance with a request and stipulation filed therein by all the parties thereto, there has been no change in the above-mentioned orders granting temporary relief and no permanent order has been entered in any of the above-numbered dockets.

In view of the foregoing, it is deemed advisable at this time to establish only temporarily the proposed price classifications and minimum prices for the coals of the Sizemore Mine and that permanent classifications and prices should await final determination of the related issued under consideration in the consolidated Docket Nos. A–58, A–179 and A–492.

Now, therefore, *It is ordered,* That the portion of Docket No. A–1621 relating to the coals of the Sizemore Mine of the Sizemore Coal Company (Roy Sizemore) be, and it hereby is, severed from the remainder of that docket and designated as Docket No. A–1621, Part II.

It is further ordered, That pending final disposition of Docket No. A–1621, Part II, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 15 For Truck Shipments is supplemented to include the price classifications and minimum prices set forth below for the coals of the Sizemore Mine (Mine Index No. 1629) of the Sizemore Coal Company (Roy Sizemore) for shipment by truck to all market areas.

DISTRICT NO. 15 (TRUCK SHIPMENTS)

[Prices in cents per net ton for shipment into all market areas]

Mine index No.	Code member	Mine name	Production group No.	County
1629	Sizemore Coal Co. (Roy Sizemore)	Sizemore	3	Adair, Missouri.

Size group	Prices and size group Nos.													
	1	2	3	4	5	6	7	8	9	10	11	12	14	15
Mine Index No. 1629	240 [1]260	240 260	240 260	240 260	225 235	215 220	205 205	195 195	220 240	190 190	195 215	180 200	120 140	45 45

[1] Prices applicable on coal moving into the State of Iowa.

The price classifications and minimum prices set forth above for the coals of the Sizemore Mine (Mine Index No. 1629) are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, in General Docket No. 21. Except in this regard, the minimum prices set forth above do not differ from the minimum prices proposed by petitioner.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: October 22, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42–10728; Filed, October 23, 1942; 11:35 a. m.]

[Docket No. A–1683]

DISTRICT BOARD NO. 19

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 19 for the establishment of certain minimum prices for the coals in size group 3 produced and shipped by rail from mines in Subdistrict 7 in District No. 19 and for revision of the description of size group 3 to include double-screened coals with a top size over 8″ and a bottom size 3″ and smaller.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 23, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, at the Plains Hotel, Cheyenne, Wyoming.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 18, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the original petition.

The matter concerned herewith is in regard to the petition of District Board No. 19 for (1) the establishment of the following minimum f. o. b. mine prices in cents per net ton for coals in Size Group 3 produced in Subdistrict 7 in District No. 19 for shipment by rail:

Sub-District No. 7—Sheridan (market areas)	*Size group No. 3, 5″ lump, 8″ & over x 3″*
45 and 46	165
47–50, 52–69 71, 73, 75–78	155
70, 72 and 74	160
200–202	205
203 and 214	195
204, 205, 207, 208 and 210	150
206, 215 and 216	175
209 and 211	155
212	160
213	225
217–219, 244–246	190
234, 237 (Idaho) 240 and 241	185
237 (Wash) 238, 239, 247–254	205
242 and 243	195

and (2) revision of the description of Size Group 3 as contained on page 3 of the Schedule of Effective Minimum Prices for District No. 19 for All Shipments to read as follows:

Size group No.	Single screen sizes	Double screen sizes	
	Maximum screen opening	Maximum top screen opening	Maximum bottom screen opening
3 Lump	5″	8″ and over	x 3″

Dated: October 22, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42–10729; Filed, October 23, 1942; 11:36 a. m.]

FARMERS UNION STATE EXCHANGE

ORDER SUPPLEMENTING ORDER

In the matter of the application of the Farmers Union State Exchange, Omaha, Nebraska, for registration as a bona fide and legitimate farmers' cooperative organization.

The above-named registered farmers' cooperative organization, registration No. 2879, having submitted a certified list of bona fide and legitimate farmers' cooperative organizations which have become members of registrant since the issuance of previous orders herein;

It is ordered, That Exhibit "A" of the order in the above-entitled matter dated November 15, 1940, as amended July 15, 1941, March 14, 1942, July 15, 1942 and September 30, 1942, be and the same is hereby amended by adding thereto the following:

ADDITIONS

Name	*Address*
Farmers Union Co-operative Association.	Ohiowa, Nebr.
Axtel Grain and Elevetor Co.	Axtell, Nebr.
Bingham Co-operative Association.	Bingham, Nebr.
Farmers Elevator Co	Clatonia, Nebr.
Maywood Equity Exchange	Maywood, Nebr.

Dated: October 22, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42–10726; Filed, October 23, 1942; 11:36 a. m.]

CENTRAL ILLINOIS COAL MINING COMPANY, ET AL.

ORDER REVOKING CERTAIN REGISTRATIONS

In the matter of the revocation of registrations as distributors of Central Illinois Coal Mining Company, L. F. Kaine & Company (a partnership), Wade Coal Company.

The registered distributors, whose names are set forth in Exhibit A, attached hereto and made a part hereof, having requested revocation of registration, having discontinued or disposed of their distribution business, having been reorganized under a new name, having been otherwise succeeded in their business or for other reasons being no longer engaged in business, the registrations previously granted to them should be revoked and their names withdrawn from the List of Registered Distributors.

Accordingly, *It is so ordered.*

Dated: October 21, 1942.

[SEAL] DAN H. WHEELER,
Director.

EXHIBIT A

Registration No.:	*Name and address*
1505	Central Illinois Coal Mining Co., P. O. Box 396, Springfield, Ill.
4912	L. F. Kaine & Co., (a partnership), No. 1 Broadway, New York, N. Y.
9332	Wade Coal Co., 32 W. Randolph St., Chicago, Ill.

[F. R. Doc. 42–10727; Filed, October 23, 1942; 11:35 a. m.]

Bureau of Mines.

MICHAEL MUSKEY

ORDER REVOKING LICENSE

In the matter of Michael Muskey, licensee; proceeding for revocation of license.

To: Michael Muskey, licensee above-named, R. F. D. No. 2, Box 788, Shamokin, Pennsylvania.

Based upon the records in this matter, I, R. R. Sayers, Director of the Bureau of Mines, make the following Findings of Fact.

1. On September 26, 1942, a Specification of Charges against you, setting forth violations of the Federal Explosives Act (55 Stat. 863) and regulations thereunder of which you were accused was mailed to you at the above-named, your last known address, giving you notice to mail an answer within 15 days demanding a hearing if you wished to be heard on the charges against you.

2. More than 20 days have elapsed since the giving of said notice. The length of time for mail to be delivered to the office of the Bureau of Mines, Washington, D. C., from Shamokin, Pennsylvania, does not exceed three days. You have returned to me the original Vendor's License No. 60540 issued to you on March 9, 1942, and have not demanded a hearing.

3. The charges against you are true.

Now, therefore, by virtue of the authority vested in me by sections 8 and 18 of the Federal Explosives Act (55 Stat. 863) and § 301.22 of the regulations thereunder (7 F.R. 5901);

It is hereby ordered, That Vendor's License No. 60540, heretofore issued to you under the Federal Explosives Act (55 Stat. 863), be and it is hereby revoked.

Dated: October 19, 1942.

R. R. SAYERS,
Director.

[F. R. Doc. 42–10710; Filed, October 23, 1942· 9:55 a. m.]

General Land Office.

[Public Land Order 46]

ALASKA

WITHDRAWING PUBLIC LANDS FOR CLASSIFICATION AND IN AID OF LEGISLATION

By virtue of the authority contained in the act of June 25, 1910, C. 421, 36 Stat. 847, as amended by the act of August 24, 1912, C. 369, 37 Stat. 497 (U.S.C. title 43, secs. 141–143), and pursuant to Executive Order No. 9146 of April 24, 1942, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby temporarily withdrawn from settlement, location, sale, or entry, for classification and in aid of legislation:

COPPER RIVER MERIDIAN

T. 4 N., R. 1 W.,
  Secs. 7, 18 and 19, W½ sec. 29, E½ sec. 30, and N½ sec. 32.
T. 4 N., R. 2 W.,
  Secs. 19 to 24, inclusive, unsurveyed.

The areas described aggregate 6720 acres.

So far as any of the above described lands are affected, this order shall be subject to (1) the withdrawal for a supply and repair shop for the Alaska Road Commission by Executive Order No. 9035 of January 21, 1942, (2) the withdrawal for a patrol station for the Alaska Fire Control Service by Executive Order No. 9085 of March 4, 1942, (3) the withdrawal for the Alaska Road Commission of a 200 foot right of way by Executive Order No. 9145 of April 23, 1942, and (4) the withdrawal for the location and construction of the Canadian-Alaska Military Highway by Public Land Order No. 12 of July 20, 1942.

HAROLD L. ICKES,
Secretary of the Interior.

OCTOBER 8, 1942.

[F. R. Doc. 42–10713; Filed, October 23, 1942; 9:52 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

CANDY AND RELATED PRODUCTS MANUFACTURING INDUSTRY

NOTICE OF FINAL DATE FOR SUBMISSION OF BRIEFS

Notice of final date for submission of written briefs in the matter of the minimum wage recommendation of Industry Committee No. 47 for the Candy and Related Products Manufacturing Industry.

Notice is hereby given that the Administrator of the Wage and Hour Division will receive at his office, 165 West 46th Street, New York, New York, from persons who entered an appearance at the hearing held on October 14, 1942 on the minimum wage recommendation of Industry Committee No. 47 for the Candy and Related Products Manufacturing Industry, written briefs bearing on the issues which are before him in this matter: *Provided,* That at least twelve copies of each such brief shall be submitted to him before 4:30 p. m., Thursday, November 12, 1942.

Signed at New York, New York, this 21st day of October 1942.

WILLIAM B. GROGAN,
Acting Administrator.

[F. R. Doc. 42–10708; Filed, October 23, 1942; 9:31 a. m.]

CONVERTED PAPER PRODUCTS INDUSTRY

NOTICE OF FINAL DATE FOR SUBMISSION OF BRIEFS

Notice of final date for submission of written briefs in the matter of the minimum wage recommendation of Industry Committee No. 48 for the Converted Paper Products Industry.

Notice is hereby given that the Administrator of the Wage and Hour Division will receive at his office, 165 West 46th Street, New York, New York, from persons who entered an appearance at the hearing held on October 21, 1942 on the minimum wage recommendation of Industry Committee No. 48 for the Converted Paper Products Industry, written briefs bearing on the issues which are before him in this matter: *Provided*, That at least twelve copies of each such brief shall be submitted to him before 4:30 p. m., Thursday, November 12, 1942.

Signed at New York, New York, this 21st day of October, 1942.

WILLIAM B. GROGAN,
Acting Administrator.

[F. R. Doc. 42-10707; Filed, October 23, 1942; 9:31 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-262]

DEPARTMENT OF PUBLIC UTILITIES OF THE STATE OF ARKANSAS, ET AL

ORDER POSTPONING HEARING

OCTOBER 22, 1942.

The Department of Public Utilities of the State of Arkansas, Complainant, *v.* Memphis Natural Gas Company, Defendant.

It appearing to the Commission that:

(a) On October 20, 1942, complainant, The Department of Public Utilities of the State of Arkansas, requested that the hearing heretofore ordered to be held in this matter in Room 521, Federal Building, at Little Rock, Arkansas, commencing at 10 a. m., on October 26, 1942, be postponed to a later date;

(b) Good cause has been shown for he postponement of such hearing;

The Commission orders, That:

The hearing in this proceeding, heretofore set to commence on October 26, 1942, be and the same is hereby postponed to such date as shall hereafter be designated by the Commission.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-10709; Filed, October 23, 1942; 9:52 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4754]

NEW YORK MERCHANDISE COMPANY, INC.

ORDER APPOINTING TRIAL EXAMINER, ETC.

Order appointing trial examiner and fixing time and place for taking testimony.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of October, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 USCA, section 41),

It is ordered, That Clyde M. Hadley, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, November 19, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-10719; Filed, October 23, 1942; 11:19 a. m.]

[Docket No. 4765]

NEW YORK MERCHANDISE COMPANY, INC.

ORDER APPOINTING TRIAL EXAMINER, ETC.

Order appointing trial examiner and fixing time and place for taking testimony.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of October, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Clyde M. Hadley, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, November 17, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-10720; Filed, October 23, 1942; 11:19 a. m.]

[Docket No. 4785]

CASTLE COMPANY, INC.

ORDER APPOINTING TRIAL EXAMINER, ETC.

Order appointing trial examiner and fixing time and place for taking testimony.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of October, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Clyde M. Hadley, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, October 28, 1942, at eleven o'clock in the forenoon of that day (eastern standard time) in the Hearing Room, Federal Trade Commission Building, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-10721; Filed, October 23, 1942; 11:19 a. m.]

[Docket No. 4820]

CLUB RAZOR AND BLADE MANUFACTURING CORP.

ORDER APPOINTING TRIAL EXAMINER, ETC.

Order appointing trial examiner and fixing time and place for taking testimony.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of October, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Clyde M. Hadley, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, November 16, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-10722; Filed, October 23, 1942; 11:20 a. m.]

[Docket No. 4843]

PAUL J. SIMMONS, HARLEM COMPANY

ORDER APPOINTING TRIAL EXAMINER, ETC.

Order appointing trial examiner and fixing time and place for taking testimony.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of October, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Clyde M. Hadley, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, October 28, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in the Hearing Room, Federal Trade Commission Building, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-10723; Filed, October 23, 1942; 11:20 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 3 Under RPS 10]

CUMBERLAND IRON COMPANY

ORDER DENYING PETITION FOR EXCEPTION

Order No. 3 under Revised Price Schedule No. 10—Pig Iron—Docket No. 3010-3.

On July 30, 1942, Cumberland Iron Company, Cumberland Furnace, Tennessee, filed a petition for an exception pursuant to § 1306.55 (b) of Revised Price Schedule No. 10. Due consideration has been given to the petition and an Opinion in support of this Order No. 3 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration: *It is hereby ordered:* That said petition be and it hereby is denied.

Issued and effective this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10668; Filed, October 22, 1942; 12:31 p. m.]

[Order 19 Under RPS 57]

FIRTH CARPET COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 19 under Revised Price Schedule No. 57—Wool Floor Coverings.

On September 8, 1942, the Firth Carpet Company of 295 Fifth Avenue, New York, N. Y., filed an application pursuant to § 1352.4 of Revised Price Schedule No. 57 for permission to manufacture a new fabric and for approval of a maximum price thereof. The new fabric was designated in the application as "Ranger".

Due consideration has been given to the application and an opinion issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250: *It is hereby ordered:*

(a) The Firth Carpet Company may sell, offer to sell or deliver the following new fabric at prices no higher than those specified below:

"Ranger" $1.96 per square yard f. o. b. mill,
"Ranger" $23.35 per 9 x 12 size f. o. b. mill,

subject to discounts, allowances, rebates, and terms no less favorable than those in effect with respect to the maximum price for "Grantley" as established by Revised Price Schedule No. 57. Other sizes and zone maximum prices of "Ranger" shall be determined on the basis of the same differentials as established by Revised Price Schedule No. 57 between the square yard f. o. b. mill and the other sizes and zone maximum prices of "Grantley".

(b) This Order No. 19 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1352.11 of Revised Price Schedule No. 57 shall apply to terms used herein.

(d) This Order No. 19 shall become effective on the 23d day of October 1942.

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10669; Filed, October 22, 1942; 12:34 p. m.]

[Order 17 Under MPR 120, Amendment 1]

BELLINGHAM COAL MINES, INC.

ORDER CHANGING EFFECTIVE DATE

Amendment No. 1 to Order No. 17 under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 1120-50-P.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250: *It is ordered:*

Paragraph (e) of Order No. 17 under Maximum Price Regulation No. 120 is amended by redesignating that paragraph as paragraph (e) (1) and adding a new paragraph as paragraph (e) (2), all as set forth below:

* * * * *

(e) (1) Order No. 17 shall be effective as of May 18, 1942

(e) (2) Amendment No. 1 to Order No. 17 shall become effective October 22, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10670; Filed, October 22, 1942; 12:33 p. m.]

[Order 64 Under MPR 120]

ATLANTIC SMOKELESS COAL CO., ET AL.

ORDER GRANTING ADJUSTMENTS

Order No. 64 under maximum price regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket Nos. 3120-69, 3120-71 and 3120-91—Granting adjustments to Atlantic Smokeless Coal Company, Atlantic Coal Sales Company, and Darr Smokeless Coal Company.

For the reasons set forth in the opinion issued simultaneously herewith and pursuant to authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250: *It is hereby ordered*, That:

(a) The Atlantic Smokeless Coal Company, the Atlantic Coal Sales Company and the Darr Smokeless Coal Company, all of Asco, West Virginia, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) (1) at prices not to exceed the price stated therein, and the said Atlantic Smokeless Coal Company may further sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) (2) at prices not to exceed the respective prices stated therein;

(b) (1) Coals in Size Groups 8, 9, and 10 produced in District No. 7, at the Asco No. 1 Mine (Mine Index No. 8) of the Atlantic Smokeless Coal Company, at the Asco No. 2 Mine (Mine Index No. 220) of the Atlantic Coal Sales Company, and at the Asco No. 3 Mine (Mine Index No. 237) of the Darr Smokeless Coal Company may be sold for shipment by rail at prices not to exceed $2.60 per net ton, f. o. b. the mine;

(2) Coals in Size Groups 1 and 2 produced in District No. 7 at the Asco No. 1 Mine (Mine Index No. 8) of the Atlantic Coal Sales Company may be sold for shipment by rail at prices per net ton, f. o. b. the mine, not to exceed $3.25 and $3.50, respectively;

(c) This Order No. 64 may be revoked or amended by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in

§ 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein;

(e) This Order No. 64 shall become effective October 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10667; Filed, October 22, 1942; 12:30 p. m.]

[Order 29 Under MPR 122]

W. P. JOHNSON AND SON, INC.

ORDER GRANTING ADJUSTMENT

Order No. 29 under Maximum Price Regulation No. 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities — Dealers — Docket No. 3122-202.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator and in accordance with § 1340.257a (c) of Maximum Price Regulation No. 122: *It is hereby ordered;*

(a) W. P. Johnson and Son, Inc., of Verona, New Jersey, may sell and deliver, and the County of Essex, New Jersey, may buy and receive rice and barley sizes of anthracite coal in the quantities, at the maximum prices, and for the institutions stated in paragraph (b) below;

(b)

Institution	Quantities	Maximum prices per net ton
Essex County Penitentiary.	1,750 net tons of rice.	$5.98
Essex County Penitentiary.	1,750 net tons of barley.	5.23
Essex County Sanitorium.	3,500 net tons of rice.	6.08

(c) This Order No. 29 may be revoked or amended at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to the terms used herein;

(e) This Order No. 29 shall become effective October 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10671; Filed, October 22, 1942; 12:29 p. m.]

[Order 30 Under MPR 122]

FUELS, INCORPORATED

ORDER GRANTING ADJUSTMENT

Order No. 30 under Maximum Price Regulation No. 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers—Docket No. 3122-189.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.257a (c) of Maximum Price Regulation No. 122, *It is hereby ordered:*

(a) Fuels, Incorporated of Kearny, New Jersey, may sell and deliver to the Board of Education of East Orange, New Jersey, and that purchaser may buy and receive rice size anthracite coal at prices not in excess of $5.21 per ton;

(b) This Order No. 30 may be revoked or amended at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to the terms used herein;

(d) This Order No. 30 shall become effective October 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10672; Filed, October 22, 1942; 12:32 p. m.]

[Order 31 Under MPR 122]

DEBARDELEBEN COAL CORPORATION

ORDER DENYING ADJUSTMENT OR EXCEPTION

Order No. 31 Under Maximum Price Regulation No. 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers—Docket No. 3122-101.

On July 7, 1942, Debardeleben Coal Corporation, Birmingham, Alabama, filed a petition for amendment of Maximum Price Regulation No. 122. This petition is being treated as an application for adjustment, filed pursuant to the provisions of § 1499.18 of the General Maximum Price Regulation, which section is incorporated into Maximum Price Regulation No. 122 by Amendment No. 6 thereto. For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator and in accordance with § 1340.257a of Maximum Price Regulation No. 122, *It is ordered:* That said application be, and it hereby is, denied.

(a) This Order No. 31 shall become effective October 22, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10673; Filed, October 22, 1942; 12:32 p. m.]

[Order 28 Under MPR 148]

FARRIS AND COMPANY

ORDER GRANTING PETITION FOR ADJUSTMENT

Order No. 28 under Maximum Price Regulation No. 148—Dressed Hogs and Wholesale Pork Cuts—Docket No. 3148-60.

On August 11, 1942, Farris and Company, Jacksonville, Florida, filed a petition docketed as a petition for an adjustment pursuant to § 1364.29 (a) of Maximum Price Regulation No. 148. Due consideration has been given to the petition, and an opinion in support of this Order No. 28 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended and Executive Order No. 9250, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Farris and Company may sell and deliver, and agree, offer, solicit and attempt to sell and deliver the kinds of wholesale pork cuts referred to in paragraph (b), at prices not in excess of those stated in such paragraph. Any person may buy and receive such kinds of wholesale pork cuts at such prices from Farris and Company:

(b)

	Cents per pound
Sliced bacon, 1st grd. ½ # pkg	34½
Sliced bacon, 1st grd. 1 # pkg	33½
Smoked bacon, 1st grd. rind on	27½
Smoked bacon, 1st grd. derinded	28½
Smoked bacon, reg. 8/12 # avg	26
Smoked bacon, clear	20½
Canadian bacon	47
Smoked skinned hams, 1st grd	32
Boiled hams	47½
Smoked shoulders	23½
Smoked picnic ham, regular	25½
Smoked picnic ham, shankless	27
Pork loins, fresh or frozen 8/12	29
Pork loins, fresh or frozen 12/18	27½
Skinned hams, fresh or frozen 10/20	29½
Skinned hams, fresh or frozen 20/25	29

(c) The permission granted to Farris and Company in this Order No. 28 is subject to the following conditions: that the several prices specified in paragraph (b) shall apply only during the period April 1 to November 30, inclusive, of any year during which Maximum Price Regulation No. 148 is in effect and that during the period December 1 to March 31, inclusive, the maximum prices at which Farris and Company may sell or deliver or agree, offer, solicit or attempt to sell or deliver and at which any person may buy or receive or agree, offer, solicit or attempt to buy or receive from Farris and Company each pork cut specified shall be the seller's maximum price for such cut as determined under the provisions of § 1364.22 of Maximum Price Regulation No. 148.

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 28 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1364.32 of Maximum Price Regulation No. 148 shall apply to terms used herein.

(g) This Order No. 28 shall become effective October 23, 1942.

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10674; Filed, October 22, 1942; 12:30 p. m.]

[Order 11 Under § 1499.161 (a) of MPR 188]

WEST VIRGINIA BRICK CO.

AUTHORIZATION OF MAXIMUM PRICE

Order No. 11 under § 1499.161 (a) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and E.O. 9250 and § 1499.161 (a) of Maximum Price Regulation No. 188, *It is hereby ordered that:*

(a) The West Virginia Brick Company, of Charleston, West Virginia, may sell and deliver, and any person may buy and receive from the West Virginia Brick Company the following commodity at a price not higher than that set forth below.

The maximum price for West Virginia pavers (a paving brick) shall not exceed $21.23 per thousand f. o. b. plant, Charleston, West Virginia.

(b) This Order No. 11 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 11 shall become effective October 23, 1942.

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10675; Filed, October 22, 1942; 12:30 p. m.]

[Order 12 Under § 1499.158 of MPR 188]

COLUMBIA VARNISH COMPANY

AUTHORIZATION OF MAXIMUM PRICES

Order No. 12 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, and § 1499.158 of Maximum Price Regulation No. 188, *It is hereby ordered:*

(a) *Maximum prices for sales of Fiesta Cold Coat and Columbite Cold Coat by the Columbia Varnish Company of Los Angeles, California.* The Columbia Varnish Company, of 2460 East 24th Street, Los Angeles, California, is hereby authorized to sell, offer to sell and deliver, and any person is hereby authorized to purchase from said Company, Fiesta Cold Coat and Columbite Cold Coat, ready-mixed interior water paints of the resin-oil emulsion type, at prices not in excess of those set forth below:

FIESTA COLD COAT

		Wholesale	Painter	Retail
White	5 gallon cans	1.80 gal	2.15 gal	2.75 gal.
	1 gallon cans	1.90 gal	2.25 gal	2.85 gal
	1 quart cans	.55 ea	.64 ea	.79 ea.
Regular pastel tints	5 gallon cans	1.90 gal	2.25 gal	2.85 gal.
	1 gallon cans	2.00 gal	2.35 gal	2.95 gal.
	1 quart cans	.58 ea	.66 ea	.81 ea.
FIESTA COLD COAT—DEEP COLORS				
Raw sienna, burnt sienna, raw umber, burnt umber and black	1 gallon cans	2.75 gal	3.30 gal	4.12 gal.
	1 quart cans	.76 ea	.91 ea	1.14 ea.
Bright red and deep blue	1 gallon cans	3.95 gal	4.74 gal	5.95 gal.
	1 quart cans	1.06 ea	1.27 ea	1.65 ea.
Light and medium yellow, red orange, deep green, turquoise and magenta.	1 gallon cans	5.77 gal	6.92 gal	8.65 gal.
	1 quart cans	1.52 ea	1.88 ea	2.35 ea
COLUMBITE COLD COAT				
White	5 gallon cans	1.55 gal	1.86 gal	2.05 gal.
	1 gallon cans	1.65 gal	1.96 gal	2.15 gal.
	1 quart cans	.49 ea	.57 ea	.61 ea.
COLUMBITE COLD COAT—DEEP COLORS				
Raw sienna, burnt sienna, raw umber, burnt umber, red oxide, yellow ochre, and black.	1 gallon cans	1.85 gal	2.22 gal	2.45 gal.
	1 quart cans	.54 ea	.63 ea	.69 ea.
Cobalt blue, chrome green, and ultramarine blue	1 gallon cans	3.00 gal	3.60 gal	3.96 gal.
	1 quart cans	.83 ea	.98 ea	1.07 ea.
Italian blue, turquoise blue, toluidine red, chrome yellow and magenta.	1 gallon cans	4.00 gal	4.80 gal	5.28 gal.
	1 quart cans	1.08 ea	1.28 ea	1.40 ea.
Madder lake	1 gallon cans	4.25 gal	5.20 gal	5.72 gal.
	1 quart cans	1.14 ea	1.38 ea	1.51 ea.

Special Tints or Deep Colors according to purchaser's requirements shall have a maximum price of not more than $1.00 per gallon above the maximum prices as set forth above.

(b) All applicable discounts, terms and conditions of sale, differentials for different sizes and other trade practices in force for Columbia Varnish Company in March 1942 shall be maintained, unless the discontinuance or the modification thereof results in a lower price.

(c) This Order No. 12 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 12 shall become effective on October 23, 1942.

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10676; Filed, October 22, 1942; 12:32 p. m.]

[Order 13 Under § 1499.158 of MPR 188]

APEX PRODUCTS CORP.

APPROVAL OF MAXIMUM PRICE

Order No. 13 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

On August 28, 1942, Apex Products Corporation, 142-146 West 24th Street, New York, New York, filed a request for approval of a maximum price for a new toy designated in the application as "Jocko, the monkey acrobat", pursuant to § 1499.158 of Maximum Price Regulation No. 188.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Apex Products Corporation is authorized to sell or deliver a new toy designated as "Jocko, the monkey acrobat", to chain stores at a price no higher than $.05 per unit, delivered.

(b) This Order No. 13 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 13 shall become effective on the 23d day of October 1942.

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10677; Filed, October 22, 1942; 12:33 p. m.]

[Order 18 Under RPS 57]

ALEXANDER SMITH & SONS CARPET COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 18 Under Revised Price Schedule No. 57—Wool Floor Coverings.

On September 22, 1942, the Alexander Smith & Sons Carpet Company, Yonkers, New York, filed an application pursuant to § 1352.4 of Revised Price Schedule No. 57 for permission to manufacture a new fabric and for approval of a maximum price thereof. The new fabric was designated in the application as both "Alderlee" and "Millwood".

Due consideration has been given to the application and an opinion issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) The Alexander Smith & Sons Carpet Company may sell, offer to sell, or deliver the following new fabric at prices no higher than those specified below:

Millwood—$2.00 per square yard f. o. b. mill.
Millwood—23.95 for the 9 x 12 size, f. o. b. mill,

subject to discounts, allowances, rebates, and terms no less favorable than those in effect with respect to the maximum prices for "Hartsdale" as established by Revised Price Schedule No. 57. Other sizes and zone maximum prices of "Millwood" shall be determined on the basis of the same differentials as established by Revised Price Schedule No. 57 between the square yard f. o. b. mill and other sizes and zone maximum prices of "Hartsdale".

(b) The Alexander Smith & Sons Carpet Company may sell, offer to sell, or deliver the following new fabric at prices no higher than those specified below:

Alderlee—$23.95 for the 9 x 12 size f. o. b. mill

subject to discounts, allowances, rebates, and terms no less favorable than those in effect with respect to the maximum prices for "Special Axminster" as established by Revised Price Schedule No. 57. Other sizes and zone maximum prices of "Alderlee" shall be determined on the basis of the same differentials as established by Revised Price Schedule No. 57 between the 9 x 12 and other size and zone maximum prices of "Special Axminster."

(c) This Order No. 18 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1352.11 of Revised Price Schedule No. 57 shall apply to terms used herein.

(e) This Order No. 18 shall become effective on the 23d day of October, 1942.

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10696; Filed, October 22, 1942; 3:26 p. m.]

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FEDERAL REGISTER

VOLUME 7 NUMBER 211

Washington, Tuesday, October 27, 1942

Regulations

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Administration

PART 901—CALIFORNIA, OREGON, AND WASHINGTON WALNUTS

ORDER RELATIVE TO HANDLING

Order amending the order, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington.

It is provided in Public Act. No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities (including walnuts) as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities.

§ 901.1 *Findings and determinations*—(a) *Finding upon the basis of hearing record.* Pursuant to the act and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR 900.1–900.17; 6 F.R. 6570, 7 F.R. 3350), a public hearing was held upon certain proposed amendments to the marketing agreement, as amended, and the order, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that this order, amending the aforesaid order, as amended, and all of the terms and provisions hereof will tend to effectuate the declared policy of the act with respect to walnuts grown in California, Oregon, and Washington.

The foregoing finding is supplementary and in addition to (1) the findings that were made in connection with the issuance of the aforesaid order and (2) the findings made in connection with the issuance of the previously issued amendment to said order and (3) the findings made in connection with the issuance of each of the previously issued amendments to said order, as amended; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the finding herein set forth.

(b) *Determinations.* It is hereby determined that:

(1) The amendment to the marketing agreement, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington, upon which the aforesaid hearing was held, was executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the commodity covered by the said order, as heretofore and hereby amended) who handled not less than 50 percent of the volume of said commodity, covered by this order, produced within the States of California, Oregon, and Washington;

(2) The aforesaid agreement, amending the aforesaid marketing agreement, as amended, has been executed by more than three packers, signatory to said marketing agreement, who, during the preceding crop year, handled not less than 67 percent of the merchantable walnuts packed during such crop year;

(3) The issuance of this order, amending the aforesaid order as amended, is favored and approved by producers of walnuts who, during the 1941–42 crop year (which is hereby determined to be a representative period), produced for market, within the production area specified in said order, as amended and as hereby further amended, at least two-thirds of the volume of such commodity produced for market within such area; and

(4) The order, as heretofore and as hereby amended, regulates the handling of such walnuts in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the aforesaid marketing agreement, as amended.

Order relative to handling. It is, therefore, ordered that, from and after the effective date hereof, the handling of walnuts grown in California, Oregon, and Washington shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as

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[Order 18 Under RPS 57]

ALEXANDER SMITH & SONS CARPET COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 18 Under Revised Price Schedule No. 57—Wool Floor Coverings. On September 22, 1942, the Alexander Smith & Sons Carpet Company, Yonkers, New York, filed an application pursuant to § 1352.4 of Revised Price Schedule No. 57 for permission to manufacture a new fabric and for approval of a maximum price thereof. The new fabric was designated in the application as both "Alderlee" and "Millwood".

Due consideration has been given to the application and an opinion issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) The Alexander Smith & Sons Carpet Company may sell, offer to sell, or deliver the following new fabric at prices no higher than those specified below:

Millwood—$2.00 per square yard f. o. b. mill.
Millwood—23.95 for the 9 x 12 size, f. o. b. mill,

subject to discounts, allowances, rebates, and terms no less favorable than those in effect with respect to the maximum prices for "Hartsdale" as established by Revised Price Schedule No. 57. Other sizes and zone maximum prices of "Millwood" shall be determined on the basis of the same differentials as established by Revised Price Schedule No. 57 between the square yard f. o. b. mill and other sizes and zone maximum prices of "Hartsdale".

(b) The Alexander Smith & Sons Carpet Company may sell, offer to sell, or deliver the following new fabric at prices no higher than those specified below:

Alderlee—$23.95 for the 9 x 12 size f. o. b. mill

subject to discounts, allowances, rebates, and terms no less favorable than those in effect with respect to the maximum prices for "Special Axminster" as established by Revised Price Schedule No. 57. Other sizes and zone maximum prices of "Alderlee" shall be determined on the basis of the same differentials as established by Revised Price Schedule No. 57 between the 9 x 12 and other sizes and zone maximum prices of "Special Axminster."

(c) This Order No. 18 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1352.11 of Revised Price Schedule No. 57 shall apply to terms used herein.

(e) This Order No. 18 shall become effective on the 23d day of October, 1942.

Issued this 22d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10696; Filed, October 22, 1942; 3:26 p. m.]

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 7 NUMBER 211

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§ 901.1 *Findings and determinations*—(a) *Finding upon the basis of hearing record.* Pursuant to the act and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR 900.1–900.17; 6 F.R. 6570, 7 F.R. 3350), a public hearing was held upon certain proposed amendments to the marketing agreement, as amended, and the order, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that this order, amending the aforesaid order, as amended, and all of the terms and provisions hereof will tend to effectuate the declared policy of the act with respect to walnuts grown in California, Oregon, and Washington.

The foregoing finding is supplementary and in addition to (1) the findings that were made in connection with the issuance of the aforesaid order and (2) the findings made in connection with the issuance of the previously issued amendment to said order and (3) the findings made in connection with the issuance of each of the previously issued amendments to said order, as amended; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the finding herein set forth.

(b) *Determinations.* It is hereby determined that:

(1) The amendment to the marketing agreement, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington, upon which the aforesaid hearing was held, was executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the commodity covered by the said order, as heretofore and hereby amended) who handled not less than 50 percent of the volume of said commodity, covered by this order, produced within the States of California, Oregon, and Washington;

(2) The aforesaid agreement, amending the aforesaid marketing agreement, as amended, has been executed by more than three packers, signatory to said marketing agreement, who, during the preceding crop year, handled not less than 67 percent of the merchantable walnuts packed during such crop year;

(3) The issuance of this order, amending the aforesaid order as amended, is favored and approved by producers of walnuts who, during the 1941–42 crop year (which is hereby determined to be a representative period), produced for market, within the production area specified in said order, as amended and as hereby further amended, at least two-thirds of the volume of such commodity produced for market within such area; and

(4) The order, as heretofore and as hereby amended, regulates the handling of such walnuts in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the aforesaid marketing agreement, as amended.

Order relative to handling. It is, therefore, ordered that, from and after the effective date hereof, the handling of walnuts grown in California, Oregon, and Washington shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as

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1934

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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heretofore amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended in the following respects:

1. Delete the period at the end of the first sentence in section 2, article III (§ 901.4 (b)) of the aforesaid order, as amended, and insert in lieu thereof a semicolon and the following:

§ 901.4 *Control of distribution.* * * *; and the salable percentage for the crop year September 1, 1942, to August 31, 1943, shall be 65 percent.

2. Delete the period at the end of the next to the last sentence in section 2, article III (§ 901.4 (b)) of the aforesaid order, as amended, and insert in lieu thereof a semicolon and the following:

* * * and 35 percent, being the difference between the salable percentage for the crop year ending August 31, 1943, and 100 percent, shall be the "surplus percentage" for said crop year.

3. Insert in the aforesaid order, as amended, the following to be designated as paragraph numbered 5 in section 2, article XVI (§ 901.17):

§ 901.17 *Effective time and termination.* * * *

Unless otherwise expressly provided by the Secretary, the termination or suspension hereof or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen prior thereto, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any right or remedy of the United States, or of the Secretary, or

of any other person with respect to any such violation.

4. Delete all of the provisions contained in "Exhibit A" (§ 901.19) of the aforesaid order, as amended, and insert in lieu thereof the following as "Exhibit A" to said order, as amended:

§ 901.19 *Pack specifications for merchantable walnuts.*

EXHIBIT A—PACK SPECIFICATIONS FOR MERCHANTABLE WALNUTS

CALIFORNIA PACKS

No. 1 Grade or No. 1 Soft Shell. Walnuts produced from seedling trees or walnuts not properly classified in any of the following varietal packs, and in which not over 12 percent by count pass through a round opening 74/64 inches in diameter.

Large Budded. Walnuts produced from trees of the Placentia Perfection or closely similar varieties, and in which not over 12 percent by count pass through a round opening 79/64 inches in diameter.

Medium Budded. Walnuts produced from trees of the Placentia Perfection or closely similar varieties, and all of which pass through a round opening 79/64 inches in diameter and in which not over 12 percent by count can pass through a round opening 74/64 inches in diameter.

Large Concords. Walnuts of the Concord variety and of the same size specifications as given for Large Budded.

Medium Concords. Walnuts of the Concord variety and of the same size specifications as given for Medium Budded.

Large Eurekas. Walnuts of the Eureka variety and of the same size specifications as given for Large Budded.

Medium Eurekas. Walnuts of the Eureka variety and of the same size specifications as given for Medium Budded.

Large Franquettes. Walnuts of the Franquette variety and of the same size specifications as given for Large Budded.

Medium Franquettes. Walnuts of the Franquette variety and of the same size specifications as given for Medium Budded.

Large Mayettes. Walnuts of the Mayette variety and of the same size specifications as given for Large Budded.

Medium Mayettes. Walnuts of the Mayette variety and of the same size specifications as given for Medium Budded.

Large Paynes. Walnuts of the Payne variety and of the same size specifications as given for Large Budded.

Medium Paynes. Walnuts of the Payne variety and of the same size specifications as given for Medium Budded.

Baby Grade. Walnuts of any of the abovementioned varieties may be packed under the deignation of Baby Grade of that variety provided all such walnuts pass through a round opening 75/64 inches in diameter and not over 12 percent by count pass through a round opening 60/64 inch in diameter. Baby size walnuts of the Eureka, Franquette, or Payne varieties when packed as such shall be designated as "Long Type Baby Walnuts": *Provided, however,* That it shall not be obligatory on any packer to pack separately the Baby size of the different varieties.

No pack of any of the above-mentioned varieties, except the No. 1 Grade and Baby Grades, shall contain in excess of 10 percent by count of walnuts of a dissimilar variety.

All of the walnuts contained in the foregoing packs shall be graded for size and culled for removal of external defects.

OREGON AND WASHINGTON PACKS

Oregon and Washington walnuts may be packed in any of the pack specifications above described for California walnuts, and in addition thereto, the following pack specifications which apply only to walnuts grown in Oregon or Washington.

Large Soft Shells. Walnuts produced from seedling trees or walnuts not properly classified in any of the varietal packs, and in which not over 12 percent by count pass through a round opening 79/64 inches in diameter.

Medium Soft Shells. The same as Large Soft Shells except that all pass through a round opening 79/64 inches in diameter and not over 12 percent by count pass through a round opening 74/64 inches in diameter.

Baby Soft Shells. The same as Large and Medium Soft Shells except that all pass through a round opening 74/64 inches in diameter and not over 12 percent by count pass through a round opening 60/64 inch in diameter.

Baby Franquettes. Walnuts of the Franquette variety (subject to 10 percent tolerance for dissimilar varieties) and of the same size specifications as Baby Soft Shells.

Baby Mayettes. Walnuts of the Mayette variety (subject to 10 percent tolerance for dissimilar varieties) and of the same size specifications as Baby Soft Shells and Baby Franquettes.

All of the walnuts contained in the foregoing packs shall be graded for size and culled for removal of external defects.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U.S.C. 1940 ed. 601 *et seq.*)

Issued at Washington, D. C., this 23rd day of October 1942, to be effective on and after 12:01 a. m., P. w. t., the 27th day of October 1942. Witness my hand and the official seal of the United States Department of Agriculture.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary of Agriculture.[1]

[F. R. Doc. 42-10776; Filed, October 24, 1942; 11:16 a. m.]

Chapter VII—Agricultural Adjustment Administration

PART 721—CORN

PROCLAMATION OF COMMERCIAL CORN-PRODUCING AREA FOR THE YEAR 1943

Whereas sec. 327 of the Agricultural Adjustment Act of 1938, as amended, provides in part as follows:

> Not later than February 1, the Secretary shall ascertain and proclaim the commercial corn-producing area.

and

Whereas subsection (b) of sec. 301 of said Act provides in part as follows:

> (4) (A) "Commercial corn-producing area" shall include all counties in which the average production of corn (excluding corn used as silage) during the ten calendar years immediately preceding the calendar year for which such area is determined, after adjustments for abnormal weather conditions, is four hundred and fifty bushels or more per farm and four bushels or more for each acre of farm land in the county.
>
> (B) Whenever prior to February 1 of any calendar year the Secretary has reason to believe that any county which is not included in the commercial corn-producing area determined pursuant to the provisions of subparagraph (A), but which borders upon one of the counties in such area, or that any minor civil division in a county bordering on such area, is producing (excluding corn used for silage) an average of at least four hundred and fifty bushels of corn per farm and an average of at least four bushels for each acre of farm land in the county or in the minor civil division, as the case may be, he shall cause immediate investigation to be made to determine such fact. If, upon the basis of such investigation, the Secretary finds that such county or minor civil division is likely to produce corn in such average amounts during such calendar year, he shall proclaim such determination, and, commencing with such calendar year, such county shall be included in the commercial corn-producing area,

And whereas subsection (c) of sec. 301 of said Act provides:

> The latest available statistics of the Federal Government shall be used by the Secretary in making the determinations required to be made by the Secretary under this Act.

And whereas the Secretary of Agriculture, having had reason to believe that certain counties bordering on the commercial corn-producing area as determined under subparagraph (A) of sec. 301 (b) (4) of said Act, and that certain minor civil divisions in certain counties bordering on such area are producing (excluding corn used for silage) an average of at least 450 bushels of corn per farm and an average of at least 4 bushels for each acre of farm land in the county or in the minor civil division, as the case may be, has caused reasonable investigation to be made to determine such facts with respect to such counties and minor civil divisions and to determine which, if any, of such counties or minor civil divisions are likely to produce corn in such average amounts during the calendar year 1943:

Now, therefore, be it known that I, Claude R. Wickard, Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in me by the Act of Congress known as the Agricultural Adjustment Act of 1938, as amended, upon the basis of such investigation and the latest available statistics of the Federal Government, do hereby ascertain, determine, and proclaim that:

§ 721.401 *Commercial corn-producing area for the year 1943.* The commercial corn-producing area for the year 1943 embraces the following counties of the States specified.

Counties Included in 1943 Commercial Corn-Producing Area

Illinois: Adams, Alexander, Bond, Boone, Brown, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Fulton, Gallatin, Greene, Grundy, Hamilton, Hancock, Hardin, Henderson, Henry, Iroquois, Jackson, Jasper, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Macoupin, Madison, Marion, Marshall, Mason, Massac, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Piatt, Pike, Pope, Pulaski, Putnam, Randolph, Richland, Rock Island, Saint

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[1] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81: 7 F.R. 2656).

Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washington, Wayne, Whiteside, Will, Winnebago, White, Woodford.

Indiana: Adams, Allen, Bartholomew, Benton, Blackford, Boone, Carroll, Cass, Clay, Clinton, Daviess, Dearborn, Decatur, De Kalb, Delaware, Dubois, Elkhart, Fayette, Fountain, Franklin, Fulton, Gibson, Grant, Greene, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jackson, Jasper, Jay, Jennings, Johnson, Knox, Kosciusko, Lagrange, Lake, La Porte, Lawrence, Madison, Marshall, Marion, Martin, Miami, Monroe, Montgomery, Morgan, Newton, Noble, Orange, Owen, Parke, Pike, Porter, Posey, Pulaski, Putnam, Randolph, Ripley, Rush, Saint Joseph, Scott, Shelby, Spencer, Starke, Steuben, Sullivan, Tippecanoe, Tipton, Union, Vanderburgh, Vermillion, Vigo, Wabash, Warren, Warrick, Washington, Wayne, Wells, White, Whitley.

Iowa: Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Cass, Carroll, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clarke, Clay, Clayton, Clinton, Crawford, Dallas, Davis, Decatur, Delaware, Dickinson, Des Moines, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Howard, Henry, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Pottawattamie, Poweshiek, Ringgold, Sac, Scott, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, Winnebago, Woodbury, Worth, Winneshiek, Wright.

Michigan: Berrien, Branch, Calhoun, Cass, Hillsdale, Jackson, Kalamazoo, Lenawee, Monroe, Saint Joseph, Washtenaw, Wayne.

Minnesota: Big Stone, Blue Earth, Brown, Carver, Chippewa, Cottonwood, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Grant, Hennepin, Houston, Jackson, Kandiyohi, Lac Qui Parle, Le Sueur, Lincoln, Lyon, McLeod, Martin, Meeker, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Pope, Redwood, Renville, Rice, Rock, Scott, Sibley, Stearns, Steele, Stevens, Swift, Traverse, Wabasha, Waseca, Washington, Watonwan, Winona, Wright, Yellow Medicine.

Missouri: Adair, Andrew, Atchison, Audrain, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Cape Girardeau, Carroll, Cass, Chariton, Clark, Clay, Clinton, Cooper, Daviess, De Kalb, Dunklin, Gentry, Grundy, Harrison, Henry, Holt, Howard, Jackson, Johnson, Knox, Lafayette, Lewis, Lincoln, Linn, Livingston, Macon, Marion, Mercer, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Nodaway, Pemiscot, Perry, Pettis, Pike, Platte, Putnam, Ralls, Randolph, Ray, St. Charles, St. Clair, Saline, Schuyler, Scotland, Scott, Shelby, Stoddard, Vernon, Worth.

Nebraska: Adams, Antelope, Boone, Buffalo, Burt, Butler, Cass, Cedar, Chase, Clay, Colfax, Cuming, Custer, Dakota, Dawson, Dixon, Dodge, Douglas, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Knox, Lancaster, Lincoln, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Redwillow, Richardson,, Saline, Sarpy, Saunders, Seward, Sherman, Stanton, Thayer, Thurston, Valley, Washington, Wayne, Webster, York.

Ohio: Adams, Allen, Ashland, Auglaize, Brown, Butler, Champaign, Clark, Clermont, Clinton, Coshocton, Crawford, Darke, Defiance, Delaware, Erie, Fairfield, Fayette, Franklin, Fulton, Greene, Hamilton, Hancock, Hardin, Henry, Highland, Holmes, Huron, Jackson, Knox, Licking, Logan, Lorain, Lucas, Madison, Marion, Medina, Mercer, Miami, Montgomery, Morrow, Muskingum, Ottawa, Paulding, Perry, Pickaway, Pike, Preble, Putnam, Richland, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Union, Van Wert, Warren, Wayne, Williams, Wood, Wyandot.

South Dakota: Bon Homme, Brookings, Clay, Deuel, Grant, Hamlin, Hanson, Hutchison, Kingsbury, Lake, Lincoln, McCook, Minnehaha, Moody, Roberts, Turner, Union, Yankton.

Wisconsin: Columbia, Crawford, Dane, Grant, Green, Iowa, Jefferson, Lafayette, Richland, Rock, Sauk, Walworth.

Delaware: Kent, New Castle.

Kansas: Anderson, Atchison, Brown, Coffey, Doniphan, Douglas, Franklin, Jackson, Jefferson, Jewell, Johnson, Leavenworth, Linn, Marshall, Miami, Nemaha, Norton, Osage, Phillips, Pottawatomie, Republic, Riley, Shawnee, Smith, Washington.

Kentucky: Ballard, Carlisle, Crittendon, Daviess, Fulton, Hancock, Henderson, Hickman, Livingston, McLean, Union, Webster.

Maryland: Baltimore, Caroline, Carroll, Cecil, Frederick, Harford, Howard, Kent, Montgomery, Queen Annes, Washington.

Pennsylvania: Adams, Berks, Chester, Cumberland, Dauphin, Franklin, Fulton, Lancaster, Lebanon, Perry, York.

(52 Stat. 31, 38, 43, 51; 7 U.S.C. 1301 (b) 4, 1301 (c), 1327)

Done at Washington, D. C., this 23rd day of October 1942. Witness my hand and seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-10777; Filed, October 24, 1942; 11:16 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 7—MANUFACTURE OF DECORATIONS

GOOD CONDUCT MEDALS, ETC.

Correction

Section 7.4 appearing on page 8413 of the issue for Tuesday, October 20, 1942, should read as follows:

§ 7.4 *Application required.* Each applicant for a certificate of authority or the renewal of certificate of authority to sell or manufacture and sell the articles or any of the articles enumerated in § 7.3 will address the Chief of Army Exchange Service, Washington, D. C., and state whether authority for sale only or for manufacture and sale thereof is desired. (42 Stat. 1286 as amended by 45 Stat. 437, 47 Stat. 342 as amended by 53 Stat. 752; 10 U.S.C. 1425; 18 U.S.C. 76a, 76b) [Par. 5]

Chapter V—Military Reservations and National Cemeteries

PART 57—SERVICE CLUBS, HOSTESSES AND LIBRARIANS

Sections 57.1 to 57.14, as published in the FEDERAL REGISTER July 29, 1942 (7 F.R. 5805) are hereby rescinded and the following regulations are substituted therefor:

Sec.
57.1 Definitions.
57.2 Recreational facilities.
57.3 Gambling.
57.4 Automatic or mechanical vending machines.
57.5 Service clubs; purpose and supervision.
57.6 Cafeteria service and operation.
57.7 Library service.
57.8 Guest house service and operation.
57.9 Appointment of hostesses and librarians.
57.10 Service command headquarters.
57.11 Service club.
57.12 Selection and assignment.
57.13 Qualifications.
57.14 Quarters.

AUTHORITY: §§ 57.1 to 57.14, inclusive, issued under R.S. 161; 5 U.S.C. 22.

SOURCE: The regulations in §§ 57.1 to 57.14 are also contained in Army Regulations No. 850-80, August 26, 1942, as amended by C 1, October 7, 1942, the particular paragraphs being shown in brackets at end of sections.

§ 57.1 *Definitions.* (a) The term "service club facilities," as used in these regulations, will refer to the service club, library, cafeteria, and if there is one, the guest house in connection therewith.

(b) Where installed in a service club, the soda fountain will be considered as part of the cafeteria.

(c) "Technical cafeteria service" will include the supervision and operation of the service club cafeteria, including the purchase and procurement of supplies, the preparation and inspection of foods, the employment, supervision, and discharge of kitchen and cafeteria personnel, the arrangement of the dining room, and the collection of and accounting for funds from the operation of said cafeteria.

(d) "Technical library service" will include the selection, classification, cataloging, charging out, and repair of library books and reading material. [Par. 1]

§ 57.2 *Recreational facilities.* (a) Service club facilities will be under the control of the post commander who may prescribe such rules not in conflict with these regulations as are necessary to insure the efficient operation of these activities and all installations therein, and for the protection of the property thereof.

(b) Military personnel will be employed in connection with the operation of the service club facilities only in an emergency and with the approval of the post commander. [Par. 2]

§ 57.3 *Gambling.* No gambling or the use of any device which savors of gambling, such as punchboards, slot machines, etc., will be permitted within or about the service club or any of its facilities. [Par. 4]

§ 57.4 *Automatic or mechanical vending machines.* (a) Automatic or mechanical merchandise vending or amusement machines which dispense merchandise or entertainment at prices which parallel the price of such merchandise or entertainment elsewhere on the post, camp, or station may be installed in any service club facility when and as approved by the post commander. He may authorize the purchase of such machines, the rental thereof, on a rental purchase plan. Where the company owning or controlling such vending machine is willing to install same without cost to the service club facility and without increasing the usual wholesale cost or the selling price of the product vended, the post commander may permit the installation and operation of such vending machines, provided that the post commander retains sole control of their operation, retains the privilege to remove them at will, and pays and accounts to the company owning or controlling the machines only for the quantity of the product purchased from said machines. All earnings from the operation of such machines will go to the funds of the service club facility and will be accounted for by the director of the service club on the consolidated daily report. When installed, post commanders will be responsible for the protection of such machines against pilferage and destruction in the same manner as though they were Government property of like class or nature.

(b) Sanitary provision incident to the operation of such machines will be anticipated and solved prior to the installation thereof. [Par. 5]

§ 57.5 *Service clubs; purpose and supervision.* (a) Service clubs are intended to provide recreational and social activities and the best features of club life for enlisted personnel and members of their families, and will provide a cafeteria where military personnel, their families, friends, visitors, and civilians permanently employed within a command may obtain meals at reasonable cost. All persons using such cafeteria will comply with the rules applicable to enlisted personnel. No person other than the hostess and librarian will maintain an office in any of the service club facilities.

(b) Service clubs will in no way supersede company day rooms or Army exchanges.

(c) Each service club facility except the cafeteria and library will be under the supervision of a hostess, who will be known as director of service club, and will be operated by her and her assistants under the control of the post commander. [Par. 6]

§ 57.6 *Cafeteria service and operation.* (a) A complete cafeteria will be operated in the service club either by purchase and hire, by the Army exchange, or by a concessionaire. The operation of a cafeteria by the Army exchange service or a concessionaire is not looked upon with favor, and will be initiated by commanding generals of service commands, only when the nature of extreme circumstances precludes operation by a cafeteria hostess under purchase and hire. Where authority is granted for a cafeteria to be operated by the Army exchange, the cafeteria hostess will be retained as branch manager; where authority is granted for the cafeteria to be operated by a concessionaire, the services of a cafeteria hostess will not be provided or authorized, and any cafeteria hostess on duty at such a cafeteria will be reported to commanding generals of service commands, for reassignment or disposition.

(b) Unless operated by a concessionaire, other than the Army exchange, the cafeteria will be under the immediate direction of a cafeteria hostess who will be responsible for its efficiency, personnel, equipment, supplies, and collections, and who will account direct therefor to, and will deposit all collections therefrom, with the custodian of the post service club fund.

(c) Schedules of charges for meals and soda fountain service, and hours of operation will be determined and published by the post commander.

(d) Under the provisions of AR 30-2290, service club facilities are authorized to purchase on a cash sale or a charge sale basis subsistence stores, other than exceptional articles.

(e) The cafeteria will be operated on a cash basis and no credit will be extended to anyone. Army exchange coupons will be accepted from enlisted men in lieu of cash. [Par. 9]

§ 57.7 *Library service.* The service club library will be maintained in connection with the service club for the benefit of the camp personnel. The service club librarian will be in charge of the library and its technical activities. [Par. 10]

§ 57.8 *Guest house service and operation.* (a) The guest house is designed to furnish overnight transient accommodations for immediate families, relatives, and friends of enlisted men. First priority to such accommodations will be allowed to the above categories of personnel visiting hospitalized members of the post, camp, or station.

(b) Except in emergencies determined to exist by the post commander relative to the first priority above, no guest may remain at the guest house for more than three consecutive nights.

(c) A charge of not less than 50 cents and not more than 75 cents per night will be made for the use of a bed in the guest house.

(d) An identification register will be maintained in the guest house. [Par. 11]

§ 57.9 *Appointment of hostesses and librarians.* (a) Hostesses and librarians are appointed by the commanding generals of service commands under paragraph 13, section IV, Schedule A of the Civil Service Rules and Regulations. Under the provisions of Schedule A, such employees acquire no civil service status; are not selected from civil service registers and may be separated from the service because of reductions in personnel or because of insufficient qualifications. The rules and regulations pertaining to leave of absence, sickness, hospitalization, allowances, travel, and methods of payment which apply to civilians in the classified civil service will apply to hostesses and librarians.

(b) Commanding generals of service commands will take final action on all personnel transactions. Separations with prejudice will be in accordance with Civil Service Regulations. Upon assignment to duty, all pertinent personnel papers will be processed in accordance with existing War Department policy. [Par. 13]

§ 57.10 *Service command headquarters.* Service command librarians will be appointed by commanding generals of service commands, and assigned to duty for the purpose of supervising library personnel and the technical operation of libraries within the service command. [Par. 14]

§ 57.11 *Service club.* Service clubs will be implemented by the following personnel:

(a) *Type SC-3.* One director of service club, one recreational and social hostess, one cafeteria hostess, and a librarian.

(b) *Type SC-4.* One director of service club capable of handling recreation, one cafeteria hostess, and a librarian.

(c) *Type OM-1 service club.* Two recreational and social hostesses.

(d) *Other type service clubs.* Personnel will be allocated to such service club by commanding generals of service commands, not to exceed one hostess (recreational and social) and one librarian. [Par. 15]

§ 57.12 *Selection and assignment.* (a) Hostesses and librarians will be selected by commanding generals of service commands, who may delegate such authority to the post commander, initially for a 4-month period which will be in the nature of a training period, the extension of which will depend upon the proficiency of the employee.

(b) At a time not more than 30 days nor less than 15 days prior to the termination of such 4-month period, commanding generals of service commands will determine whether or not such employee has rendered satisfactory service and should be continued on duty as a hostess or librarian.

(c) During the first month of such 4-month period each hostess and librarian, except service command librarian, will pursue such course of instruction and training within a service command as will be prescribed by the commanding general, and upon satisfactory completion thereof will be assigned to duty at a service club or library for the remainder of such 4-month period.

(d) Prior to selecting a hostess or librarian, the commanding general making the selection will cause an investigation to be made as to the loyalty, integrity, and discretion of such hostess or librarian and a physical examination to be conducted by an officer of the Medical Department or the Public Health Service to insure fitness for such appointment.

(e) Relatives, blood, marital, or by adoption, of military personnel, both commissioned and enlisted, will not be assigned to duty at posts, camps, or stations where such military personnel are stationed. [Par. 16]

§ 57.13 *Qualifications*—(a) *Service command librarian.* (1) United States citizenship.

(2) Graduate of a college or university of recognized standing and from an accredited library school.

(3) Five years' professional experience, including 1 year thereof in an administrative capacity.

(4) Professional knowledge of reference and bibliographical sources and professional ability in library science and organization.

(5) *Age at selection*—(i) *Minimum.* Must have reached 30th birthday.

(ii) *Maximum.* Must not have passed 50th birthday.

(6) *Sex.* Male or female.

(b) *Camp librarian.* (1) United States citizenship.

(2) Graduate of a college or university of recognized standing, and from an accredited library school.

(3) One year's experience, other than clerical, in library work.

(4) Capacity for development in professional library work in libraries where reading for educational and recreational purposes in stressed.

(5) A good knowledge of a wide range of literature, and the ability to fit book to reader is desired, but not required as a minimum requirement.

(6) *Age at selection*—(i) *Minimum.* Must have reached 25th birthday.

(ii) *Maximum.* Must not have reached 40th birthday.

(7) *Sex.* Female.

(c) *Director of service club.* (1) United States citizenship.

(2) Graduate of a college or a university of recognized standing.

(3) At least 5 years' experience in adult group and mass recreational activities, 2 years of which in an executive or managerial capacity.

(4) Experience in nursing, business administration, dramatics, music, social and welfare work will be considered an asset but are not required as a minimum requirement.

(5) *Age at selection*—(i) *Minimum.* Must have reached 30th birthday.

(ii) *Maximum.* Must not have passed 45th birthday.

(6) *Sex.* Female.

(d) *Recreational and social hostess.* (1) United States citizenship.

(2) Graduate of a college or university of recognized standing.

(3) At least 3 years' experience in planning and directing social and recreational activities in or with educational, recreational, or similar organizations.

(4) Preference will be given to those with training in recreation, either as an undergraduate or in a recognized graduate school.

(5) Skill in handling group and mass recreational activities.

(6) Experience in business administration and in a wide variety of recreational activities is desirable but not required as a minimum requirement.

(7) *Age at selection*—(i) *Minimum.* Must have reached 25th birthday.

(ii) *Maximum.* Must not have passed 40th birthday.

(8) *Sex.* Female.

(e) *Cafeteria hostess.* (1) United States citizenship.

(2) Graduate of a recognized college of home economics or from a recognized college with further home economics training.

(3) Three years' experience in the management and operation of a cafeteria, or analogous work in an institution, camp, or hotel.

(4) Professional background of general information and specific knowledge and ability in the food field.

(5) *Age at selection*—(i) *Minimum.* Must have reached 25th birthday.

(ii) *Maximum.* Must not have passed 40th birthday.

(6) *Sex.* Female.

(f) No service command librarian will remain on duty after having reached the 55th birthday; and no director of service clubs or cafeteria hostess will remain on duty as such director of service clubs or cafeteria hostess after having reached the 50th birthday; and no recreational and social hostess or camp librarian will remain on duty as such recreational and social hostess or camp librarian after having reached the 45th birthday. All personnel now on duty who, at the effective date of these regulations, have passed the foregoing prescribed age of severance will be separated from the service. Personnel now on duty whose qualifications are less than the minimum qualifications required by these regulations may be separated from the service at the discretion of the commanding general of the service command. [Par. 18]

§ 57.14 *Quarters.* (a) Where guest houses exist, quarters for the hostesses and librarians other than service command librarians will, where practicable, be provided therein.

(b) Quarters for hostesses and librarians will conform to War Department regulations.

(c) No quarters or accommodations will be available for dependents of hostesses and librarians. [Par. 19]

[SEAL] J. A. ULIO,
The Adjutant General.

[F. R. Doc. 42-10787; Filed, October 24, 1942; 11:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4683]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MAY DEPARTMENT STORES CO., ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of "Pescor Shortwavatherm" short-wave diathermic, or other similar device or apparatus, on the part of respondent Physicians Electric Service Corporation and respondent Soloman E. Mendelsohn, makers and sellers thereof, and on the part of respondent The May Department Stores Company, and on the part of their respective officers, representatives, etc., disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said device or apparatus, which advertisements represent, directly or through inference, (1) that such device or apparatus is safe or harmless; (2) that said device is a scientific, safe and harmless means and method to be used by the unskilled lay public for the treatment, relief or cure of self-diagnosed diseases and ailments of the human body or for the alleviation of pain resulting therefrom; and (3) that said device constitutes a competent or effective treatment for rheumatism, arthritis, lumbago, sinus trouble or infection, head colds, etc., as set out in respective paragraphs of order, or for the alleviation of pain resulting therefrom, or for any other ailment or condition, unless such advertisement is specifically limited to those cases which do not involve acute inflammatory processes; and which advertisements (4) fail to reveal clearly, conspicuously and unequivocally that said device or apparatus is not safe to use unless and until a competent medical authority has determined as a result of diagnosis that the use of diathermy is indicated and has prescribed the frequency and rate of application of such diathermy treatments, and the user has been thoroughly and adequately instructed by a trained technician in the use of such diathermy device or apparatus; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, The May Department Stores Company, et al., Docket 4683, October 20, 1942]

In the Matter of the May Department Stores Company, a Corporation, Physicians Electric Service Corporation, a Corporation, and Soloman E. Mendelsohn, Individually and as an Officer of Physicians Electric Service Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of October, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents Physicians Electric Service Corporation, a corporation, and Soloman E. Mendelsohn, individually, and as an officer of Physicians Electric Service Corporation, in which answer these respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to the facts; and a stipulation as to the facts entered into upon the record between counsel for the Commission and counsel for respondent The May Department Stores Company, a corporation, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon said respondent findings as to the facts and conclusion based thereon and an order disposing of the proceeding; and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents Physicians Electric Service Corporation,

a corporation, its officers, and Soloman E. Mendelsohn, individually and as an officer of said corporation, and said respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their short-wave diathermic device known as Pescor Shortwavatherm, or any other device or apparatus of substantially similar character, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly disseminating of causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, concerning the device or apparatus designated Pescor Shortwavatherm; and from disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of the device or apparatus designated Pescor Shortwavatherm, which advertisement:

1. Represents, directly or through inference, that said device or apparatus is safe or harmless.

2. Represents, directly or through inference, that said device is a scientific, safe and harmless means and method to be used by the unskilled lay public for the treatment, relief or cure of self-diagnosed diseases and ailments of the human body or for the alleviation of pain resulting therefrom.

3. Represents, directly or through inference, that said device constitutes a competent or effective treatment for rheumatism, arthritis, neuritis, bursitis, lumbago, sciatica, neuralgia, sinus trouble, head colds, painful menstruation or female troubles, or for the alleviation of pain resulting therefrom, or for any other ailment or condition of the human body, unless such advertisement is specifically limited to those cases which do not involve acute inflammatory processes.

4. Fails to revail clearly, conspicuously and unequivocally that said device or apparatus is not safe to use unless and until a competent medical authority has determined as a result of diagnosis that the use of diathermy is indicated and has prescribed the frequency and rate of application of such diathermy treatments, and the user has been thoroughly and adequately instructed by a trained technician in the use of such diathermy device or apparatus.

It is further ordered, That respondent The May Department Stores Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of said device or apparatus designated as Pescor Shortwavatherm, or any other device, or apparatus of substantially similar character, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement concerning the device or apparatus designated Pescor Shortwavatherm; and from disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of the device or apparatus designated Pescor Shortwavatherm, which advertisement:

1. Represents, directly or through inference, that such device or apparatus is safe or harmless.

2. Represents, directly or through inference, that said device is a scientific, safe and harmless means and method to be used by the unskilled lay public for the treatment, relief or cure of self-diagnosed diseases and ailments of the human body or for the alleviation of pain resulting therefrom.

3. Represents, directly or through inference, that said device constitutes a competent or effective treatment for arthritis, sinus infection, lumbago, bronchitis, laryngitis, head colds, or rheumatism, or for the alleviation of pain resulting therefrom, or for any other ailment or condition of the human body, unless such advertisement is specifically limited to those cases which do not involve acute inflammatory processes.

4. Fails to reveal clearly, conspicuously and unequivocally that said device or apparatus is not safe to use unless and until a competent medical authority has determined as a result of diagnosis that the use of diathermy is indicated and has prescribed the frequency and rate of application of such diathermy treatments, and the user has been thoroughly and adequately instructed by a trained technician in the use of such diathermy device or apparatus.

It is further ordered, That the respondents shall, within ten (10) days after service upon them of this order, file with the Commission an interim report in writing stating whether they intend to comply with this order, and, if so, the manner and form in which they intend to comply; and that within sixty (60) days after service upon them of this order said respondents shall file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

F[. R. Doc. 42-10831; Filed, October 26, 1942; 11:22 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1636]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I and R-II, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith, the Shipping Points appearing in the aforesaid Supplement R-II for the coals of Mine Index Nos. 229, 630, 765, 809, 919 and 951, shall be as therein shown instead of the Shipping Points heretofore applicable for these mines.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: September 30, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3762	Brookwood Shaft, Inc., c/o William O. Gulbranson.	Brookwood Shaft #2	21	C	Osceola Mills, Pa.	PRR	45	F	F	F	F	F
3763	Brookwood Shaft, Inc., c/o William O. Gulbranson.	Brookwood Shaft #3	21	A	Osceola Mills, Pa.	PRR	45	H	H	H	H	H
1169	Butlin Coal Co. (Thomas Butlin).	Teaberry	8	D	Philipsburg, Pa.	PRR	45	(†)	(†)	E	(†)	(†)
2623	Chest Creek Coal Company (Elizabeth Y. Radomsky).	Miller Run #8	17	B	Hastings, Pa	PRR	50	(†)	(†)	C	(†)	(†)
3759	Connolly, John	Connolly #2	6	D	Anita, Pa	B&O	112	(†)	(†)	E	(†)	(†)
3756	Copenhaver, S. A. & W. R. Cowan (S. A. Copenhaver).	Copenhaver #3	5	E	McGareys, Pa	P&S	119	(†)	(†)	G	(†)	(†)
3757	Mulson, Joseph E	Bertha #1	8	C	Philipsburg, Pa.	PRR	45	(†)	(†)	F	(†)	(†)
3758	Mulson, Joseph E	Bertha #2	8	C	Philipsburg, Pa.	PRR	45	(†)	(†)	E	(†)	(†)
3760	Ringler, Harry H	Ringler #2	36	D	Friedens, Pa	B&O	100	(†)	(†)	E	(†)	(†)
3761	Stineman Coal Mining Co	Stineman #3	30	D	South Fork, Pa.	PRR	49	(†)	(†)	H	(†)	(†)
2722	Summit Coal Mining Company (Roy H. Friel).	Summit #6	12	E	Juneau, Pa	B&O	112	(†)	(†)	G	(†)	(†)
3210	Summit Coal Mining Company (Roy H. Friel).	Summit #7	12	E	Juneau, Pa	B&O	112	(†)	(†)	G	(†)	(†)

†Indicates no classification effective for this size group.

§321.7 *Alphabetical list of code members*—Supplement R–II

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
809	Heeter, Jesse W., Jr	Richland Coal Company.	33	C′	Windber, Pa	PRR	49	(†)	(†)	E	(†)	(†)
765	Pile, R. M	Pile	37	D	Coleman, Pa	B & O	100	(†)	(†)	B	(†)	(†)
951	Pile, R. M	Pile #2	37	D	Coleman, Pa	B & O	100	(†)	(†)	B	(†)	(†)
919	Radomsky, Peter	Bailey #4	8	D & E	Munson, Pa	NYC	44	D	D	D	D	D
229	Stineman Coal & Coke Company, c/o Thomas E. Wynne.	Ingleside #5	32	B	Riverside, Pa	J & SC	48	E	(†)	E	E	E
630	Stineman Coal & Coke Company, c/o Thomas E. Wynne.	Stineman #10	32	C′	Riverside, Pa	J & SC	48	(†)	(†)	D	(†)	(†)

(†) Indicates no classification effective for this size group.

NOTE.—The above prices are applicable only via the respective Freight Origin Groups, Shipping points, and Railroads shown for the respective mines. Freight Origin Groups, Shipping points, and Railroads previously assigned to these mines are no longer applicable.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal, double screened top size 2″ and over	Double screened, top size 2″, and under	Run of mine modified R/M	2″ and under, slack	¾″ and under, slack
						1	2	3	4	5
Brookwood Shaft, Inc., c/o William O. Gulbranson.	3762	Brookwood Shaft #2.	21	Clearfield	C	245	220	220	210	200
Brookwood Shaft, Inc., c/o William O. Gulbranson.	3763	Brookwood Shaft #3.	21	Clearfield	A	235	210	210	200	190
Connolly, John	3759	Connolly #2	6	Jefferson	D	(†)	(†)	225	(†)	(†)
Copenhaver, S. A. & W. R. Cowan (S. A. Copenhaver).	3756	Copenhaver #3	5	Jefferson	E	(†)	(†)	215	(†)	(†)
Mulson, Joseph E	3757	Bertha #1	8	Clearfield	C	(†)	(†)	220	(†)	(†)
Mulson, Joseph E	3758	Bertha #2	8	Clearfield	C	(†)	(†)	225	(†)	(†)
Ringler, Harry H	3760	Ringler #2	36	Somerset	D	(†)	(†)	225	(†)	(†)
Stineman Coal Mining Co	3761	Stineman #3	30	Cambria	D	(†)	(†)	210	(†)	(†)
White, Paul S	3771	White	22	Armstrong	Pgh	(†)	(†)	220	(†)	(†)

†Indicates no classification effective for this size group.

[F. R. Doc. 42–10759; Filed, October 23, 1942; 2:47 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[Pub. Circ. 20]

PARTS 130 AND 131—APPENDIX

ADMINISTRATION OF BLOCKED ESTATES

OCTOBER 23, 1942.

Under Executive Order 8389, as amended, Executive Order 9193, sections 3 (a) and 5 (b) of the Trading with the enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.[1]

(1) Reference is made to General License No. 30A relative to the administration of estates of decedents.

(2) All transactions incident to the administration of a blocked estate, including the appointment and qualification of a personal representative, the collection and liquidation of assets, the payment of claims, and the distribution to the beneficiaries, may be effected only pursuant to license. As used herein, the term "blocked estate" shall have the meaning prescribed in General License No. 30A.

(3) Attention is directed to the fact that in instances where the decedent was not a national of a blocked country, or was a United States citizen and a national of a blocked country solely by reason of his presence in a blocked country as a result of his employment by or service with the United States Government, or whenever the gross value of the assets within the United States does not exceed $5,000, such general license authorizes the complete administration of a blocked estate. This includes the appointment and qualification of a personal representative, the collection and liquidation of assets, the payment of debts and claims, and the distribution of the remaining assets to the persons entitled thereto. Property distributable to nationals of blocked countries must be distributed in accordance with the provisions of such general license.

(4) In instances where the decedent was a national of a blocked country (other than a United States citizen who was a national of a blocked country solely by reason of his presence in a blocked country as a result of his employment by or service with the United States Government) and the gross value of the assets situated within the United States of the estate of such decedent exceeds $5,000, such general license permits certain limited acts of administration. These acts are confined to transactions incident to the appointment and qualification of a personal representative, the collection and preservation of the assets and the payment of all costs, fees and charges incident thereto, and the payment of funeral expenses and expenses of last illness. All other transactions incident to the administration of such estates, including the liquidation of assets, the payment of claims and the distribution of any of the assets, may be effected only pursuant to special license.

(5) Attention is directed to the fact that no national of a blocked country may, except pursuant to special license, act as personal representative of any estate, nor may he act as attorney or attorney in fact for or represent, directly or indirectly, any personal representative, creditor, heir, next of kin, legatee, devisee, distributee, or beneficiary therein.

(6) In any estate in which distribution is authorized under this general license, property may be transferred to the trustee of any testamentary trust or to the guardian of the estate of a minor or of an incompetent, provided such trustee or guardian is not a national of a blocked country. The administration of such testamentary trust or such estate of a minor or of an incompetent shall conform to all applicable provisions of the order.

(7) General Licenses Nos. 30, 49, 50, 52, and 70 (§§ 131.30, 131.49, 131.50, 131.52, and 131.70) are amended so as to be inapplicable to the administration of decedents' estates.

(8) Application for special license authorizing any transaction, or series of transactions, in connection with any blocked estate not authorized by General License No. 30A may be made to the appropriate Federal Reserve Bank on license application Form TFE–1. Such application should contain a complete statement of all relevant facts, including, as accurately as possible, an inventory of the assets, the names and nationality of all persons who have an interest in, or have made any claim against, the estate, and the probable method of distribution.

(9) General License No. 30A authorizes all transactions incident to the collection, conservation, administration, liquidation, and distribution of any blocked estate engaged in since the effective date of the order, provided such transactions comply with the terms and conditions of such general license.

(10) Attention is directed to the fact that General License No. 30A does not affect any orders, rules or regulations of the Alien Property Custodian relating to estates. In this connection, see General Orders 5 and 6 issued by the Alien Property Custodian.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. Law 354, 77th Cong., 55 Stat. 838; E.O. 8389, as amended by E.O. 8785; E.O. 8832, 8963, 8998, 9193; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 42–10818; Filed, October 24, 1942; 12:42 p. m.]

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[1] This public circular affects Parts 130 and 131 and will be included in the appendices to those parts.

[General License 30A]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AND REGULATIONS ISSUED PURSUANT THERETO

ADMINISTRATION OF BLOCKED ESTATES

Under Executive Order 8389, as amended, Executive Order 9193, Sections 3 (a) and 5 (b) of the Trading with the enemy Act, as amended by the First War powers Act, 1941, relating to foreign funds control.

§ 131.30a *General License 30A.* (a) A general license is hereby granted authorizing all transactions incident to the administration of the assets situated within the United States of any blocked estate in which any one of the following conditions is present:

(1) The decedent was not a national of a blocked country at the time of his death;

(2) The decedent was a citizen of the United States and a national of a blocked country at the time of his death solely by reason of his presence in a blocked country as a result of his employment by or service with the United States Government; or

(3) The gross value of the assets within the United States does not exceed $5,000;

Provided, however, That any property paid or distributed to a national of a blocked country pursuant to this general license shall be subject to all the provisions of the order: *And provided further,* That any payment or distribution of any funds, securities or other choses in action to a national of a blocked country shall be made by deposit in a blocked account in a domestic bank or with a public officer, agency, or instrumentality designated by a court having jurisdiction of the estate (i) in the name of the national who is the ultimate beneficiary thereof; (ii) in the name of a person who is not a national of a blocked country in trust for the national who is the ultimate beneficiary; or (iii) under any other designation which clearly shows the interest therein of such national.

(b) This general license also authorizes all transactions incident to the following limited acts of administration of the assets situated within the United States of any other blocked estate:

(1) The appointment and qualification of a personal representative;

(2) The collection and preservation of such assets by such personal representative and the payment of all costs, fees and charges in connection therewith; and

(3) The payment by such personal representative of funeral expenses and expenses of the last illness.

(c) This general license shall not be deemed to authorize:

(1) Any national of a blocked country to act as personal representative or co-representative of any estate;

(2) Any national of a blocked country to represent, directly or indirectly, any person who has an interest in an estate;

(3) Any transaction directly or indirectly at the request or upon the instructions of any national of a blocked country; or

(4) Any transaction which could not be effected if no national of a blocked country had any interest in such estate.

(d) As used in this general license, the term "blocked estate" shall mean any decedent's estate in which a national of a blocked country has an interest. A person shall be deemed to have an interest in a decedent's estate if he (1) was the decedent; (2) is a personal representative; or (3) is a creditor, heir, legatee, devisee, distributee, or beneficiary.

(e) This general license authorizes all transactions incident to the collection, conservation, administration, liquidation, and distribution of any blocked estate engaged in since the effective date of the order, provided such transactions comply with the terms and conditions of this general license.

(f) Any transfer or other dealing in any property authorized under this general license shall not be deemed to limit or restrict the exercise of any power or authority under section 5 (b) of the Trading with the enemy Act, as amended.

(g) Attention is directed to the provisions of Public Circular No. 20.

(Section 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. Law 354, 77th Cong., 55 Stat. 838; E.O. 8389, as amended by E.O. 8785, 8832, 8963, 8998, and 9193; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 42–10817; Filed, October 24, 1942; 12:42 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment No. LIV]

PART 804—INDIVIDUAL LICENSES

LISTINGS CHANGED

Paragraph (c) of § 804.2 *Applications for licenses* is hereby amended by changing the listings for Groups 107 and 108 to read as follows:

Group:	*Dept. of Commerce Schedule B numbers*
107	6153, 6156.98, 6157.1, 6159, 6160, 6161, 6162
108	Reserved

(Sec. 6, 54 Stat. 714, Public Law 75, 77th Cong., Public Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951.)

A. N. ZIEGLER,
Acting Chief, Export Control Branch, Office of Exports.

OCTOBER 22, 1942.

[F. R. Doc. 42-10786; Filed, October 24, 1942; 11:41 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 977—MANILA FIBER AND MANILA CORDAGE

[General Preference Order M-36, as Amended October 23, 1942]

Section 977.1 *General Preference Order M-36* is hereby amended to read as follows:

§ 977.1 *General Preference Order M-36*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to the provisions of priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Manila fiber" means fiber which is commonly known in the trade by this term and also known as abaca or Manila hemp (either stripped or decorticated), Sumatra abaca and Panama abaca. Except as provided in paragraph (d) (1), Manila fiber does not mean the fiber grades of T, O, W, or Y, as established by the Insular Government of the Philippine Islands.

(2) "Manila cordage" means cables and ropes $\frac{3}{16}$ inch in diameter and larger, and twines used for fishing nets, in which Manila fiber either alone or in combination with other materials is used, but does not include Manila cordage sold or delivered for its scrap value.

(3) "Class A cordage" means Manila cordage which contains such a combination of grades of Manila fiber as will at least equal the fiber quality requirements of Federal Specification T-R-601a.

(4) "Class B cordage" means Manila cordage which contains such a combination of grades of Manila fiber as will give a Becker value not in excess of thirty-nine, such Becker value to be determined according to the methods set forth in said Federal Specification T-R-601a.

(5) "Cordage processor" means any person other than the Navy of the United States who spins, twists, weaves or otherwise uses Manila fiber in the production of Manila cordage.

(6) "Processing" means any use of Manila fiber for the manufacture of any other article or commodity into which the Manila fiber goes or of which it becomes a part.

(7) "Dealer" means any person who procures Manila cordage for storage or for sale, and includes selling agents, and other commerciallly recognized agents acting for their own account or for others, whether or not acquiring title to such Manila cordage, but shall not include an importer.

(8) "Basic monthly poundage" with respect to any cordage processor shall be the average number of pounds per month of Manila cordage sold by such processor during the period January 1, 1939, to December 31, 1939.

(9) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States, including the Philippine Islands. It includes shipments into a free port, free zone or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States, and shipments in bond into the continental United States for transshipment to Canada, Mexico or any foreign country.

(c) *Restrictions on deliveries of Manila fiber.* No person shall hereafter make or accept delivery of any Manila fiber unless specifically authorized by the Director General for Operations: *Provided, however,* That deliveries of Manila fiber may be made:

(1) By and to the Navy of the United States.

(2) By and to the Defense Supplies Corporation.

(3) By and to persons importing or otherwise handling Manila fiber in accordance with written instructions from the Navy of the United States or from Defense Supplies Corporation, provided that such Manila fiber is to be delivered, either processed or unprocessed, directly, or through one or more other persons, to the Navy of the United States or to Defense Supplies Corporation.

(4) By importers to cordage processors of Manila fiber rejected by the Navy of the United States or Defense Supplies Corporation as unfit for their use.

(5) By cordage processors to cordage processors of Manila fiber which at the time of any such delivery had been previously imported into the United States.

(d) *Restrictions on processing of Manila fiber.* (1) No person shall begin the processing of any Manila fiber, including the fiber of grades T, O, W, or Y, as established by the Insular Government of the Philippine Islands, except for the purpose of manufacturing Class A or Class B cordage for sale or delivery to fulfill the orders hereafter specified in paragraph (e) (2), or such cordage as may be required to meet the specifications of orders of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration or its operating or general agents.

(2) No cordage processor shall put into process more Manila fiber during the period from March 2, 1942, to January 1, 1943, than an amount thereof equal to 4.7 times his basic monthly poundage, and, in each month thereafter, no cordage processor shall put into process more Manila fiber than 37 percent of his basic monthly poundage: *Provided, however,* That any cordage processor keeping his books on a weekly basis shall apply the said percentage to the weekly period of processing most nearly approximating the respective calendar periods mentioned in this paragraph.

(3) Any cordage processor shall, notwithstanding the limitations of paragraphs (d) (2) and (e) (1), and in addition to any action permitted thereunder:

(i) Process into Manila cordage any Manila fiber furnished to the said cordage processor by the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration or its operating or general agents, and sell and deliver such cordage to, or for the account of, the agencies furnishing the fiber.

(ii) Process into Manila cordage such additional amounts of Manila fiber and sell and deliver such additional amounts of Manila cordage as may from time to time be determined by the Director General for Operations to be necessary in the public interest and to promote the national defense.

(e) *Restrictions on sales and deliveries of Manila cordage.* (1) (i) No cordage processor shall sell or deliver more Manila cordage during the period from March 2, 1942, to January 1, 1943, than an amount thereof equal to five times his basic monthly poundage, and, in each month thereafter, no cordage processor shall sell or deliver more Manila cordage than 41½ percent of his basic monthly poundage: *Provided, however,* That any cordage processor keeping his books on a weekly basis shall apply the said percentage to the weekly periods of processing most nearly approximating the respective calendar periods mentioned in this paragraph.

(ii) There is excepted from the provisions of paragraph (e) (1) (i) any Manila cordage manufactured on defense order pursuant to paragraph (e) (3) (i) of Amendments No. 3, issued February 20, 1942, and in the possession of a cordage processor and ready for delivery on March 2, 1942, provided failure to make such delivery prior to March 2, 1942, did not result from circumstances under the control of such cordage processor.

(2) In addition to the limitations in paragraphs (e) (1) and (e) (3) no cordage processor or dealer shall sell or deliver any Manila cordage and no person shall purchase or accept delivery of any Manila cordage except to fill the following:

(i) Orders for Manila cordage for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration or its operating or general agents, or for physical incorporation in other products to be delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration or its general or operating agents. Every such purchase order for physical incorporation into products to be delivered to or for the account of the foregoing named agencies shall be accompanied by a certificate in substantially the following form:

> The undersigned hereby represents to his vendor and to the War Production Board that the Manila cordage covered by the annexed purchase order is for physical incorporation into the products to be delivered to --------------------------------------
>
> (Here insert name of one of the foregoing named agencies)
>
> pursuant to contract No. --------.
>
> --------------------------------- Name of purchaser
>
> Date --------------------
>
> By ------------------------------ Authorized person

(ii) Purchase orders for the following categories and uses:

(*a*) Purse lines for use in commercial fishing;

(*b*) Lines not less than 4½ inches in circumference used exclusively in towage or by ocean-going vessels engaged in the carriage of cargo and passengers as common carriers;

(*c*) Manila drilling cables for use in drilling oil wells, gas wells, and mines;

(*d*) Manila torpedo lines for use in handling explosives;

(*e*) Manila shot lines;

(*f*) Life boat falls for use on ocean, coastal or Great Lakes vessels of one thousand tons or over.

(iii) Purchase orders for Manila cordage:

(*a*) Carrying a preference rating of A-1-j or higher, evidenced by a preference rating certificate, or

(*b*) For use on vessels engaged in the carriage of cargo, as common carriers of passengers, in towage, in lighterage or in fishing for commercial fish markets or canneries, for use in hoisting for the loading or discharge of cargo of such vessels, and for uses of shipbuilding: *Provided, however,* That the Manila fiber for the manufacture of cordage covered by the purchase order of the type specified in this paragraph (e) (2) (iii) (*a*) shall have been put into process by a cordage processor on or before September 14, 1942: *And provided further,* That Manila fiber for the manufacture of cordage covered by purchase orders of the categories specified in paragraph (e) (2) (iii) (*b*) shall have been put into process by a cordage processor on or before July 4, 1942.

(iv) Orders placed by Defense Supplies Corporation or Metals Reserve Company: *Provided, however,* That no cordage processor or dealer shall deliver any Manila cordage upon any order placed with him pursuant to paragraph (e) (2) (ii) or (e) (2) (iii) (*b*), unless and until such processor or dealer shall have first received from the person placing such order a certificate signed on behalf of such person by a duly authorized individual in substantially the following form:

> The undersigned hereby represents that the Manila cordage covered by this order will be used by the undersigned only for the uses specified in paragraph (e) (2) of General Preference Order M-36, as amended, with the terms of which the undersigned is familiar.

(3) No person, other than the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration or its operating or general agents, the Defense Supplies Corporation, the Metals Reserve Company or an importer, shall hereafter order or accept delivery of any Manila cordage if the amount of the Manila cordage held or under control of such person exceeds one and one half months' supply for such person; and no person, other than those hereinabove excepted, shall have outstanding at any one time orders for future deliveries of Manila cordage in an amount greater than one month's supply for such person. "Supply" as used in this paragraph means the average monthly amount of Manila cordage withdrawn from the inventory of such person, which has been resold or put into actual use by such person, in the three calendar months immediately preceding the calendar month in which said order is placed or delivery is accepted, or in the three calendar months of the previous year which immediately follow the calendar month of that year corresponding with the month in which said order is placed or delivery is accepted, whichever shall be the higher: *Provided, however,* No person shall be entitled to count as withdrawn from inventory and resold or put into actual use, for the purpose of calculating his permitted supply, any lots of Manila cordage purchased expressly for and resold or delivered to the Army or Navy of the United States, the United States Maritime Commission, the Defense Supplies Corporation, or the Metals Reserve Company, but every such person shall be entitled to include in the said calculation as withdrawn from inventory and resold or put into actual use any lots of Manila cordage sold to any of the foregoing from his general supply of Manila cordage where such lots, or their equivalent, were not purchased by him expressly for such resale: *And provided further,* That nothing herein contained shall prohibit the importation of, or restrict the inventory of, imported Manila cordage which may be held by any dealer for whose account such Manila cordage was imported.

(f) *Control of stocks of Manila fiber.* Control is hereby taken of the distribution and use of Manila fiber. Any Manila fiber at any time hereafter in the inventory of any person shall be sold and delivered by such person if and as specifically directed in any order of the Director General for Operations which may be issued whenever the Director General for Operations shall determine that a shortage of any particular grade of Manila fiber for defense, or for private account and for export, renders it necessary or appropriate so to allocate such Manila fiber in the public interest or to promote the national defense by so directing its sale and delivery by such person. Any such sale shall be made at the established prices and terms of sale and payment therefor. No person shall dispose of or use Manila fiber in any manner inconsistent with any such order.

(g) *Exclusions from this order.* The terms and provisions of this order shall not apply to:

(1) Sales and/or deliveries by any cordage processor or dealer of Manila cordage of any class from stocks on hand or in process as of February 20, 1942, of the following types:

(i) Manila lariat rope,

(ii) Manila yacht lariat rope,

(iii) Manila transmission rope,

(iv) Manila left laid spinning lines, not including cordage of cable construction suitable for use as drilling cables even though such products may have been purchased or sold for spinning lines.

(2) Any sales and/or deliveries by any cordage processor or dealer of Manila cordage which on December 19, 1941, was in the form of cut lengths of less than 200 feet.

(3) Any stock of Manila cordage which contains no Manila fiber of the following grades—AB Davao or non-Davao, 1 Davao, JI Davao, G. Davao,—S2 Davao, and which is so processed that the Manila fiber therein contained is combined or mixed with at least an equal amount of fiber other than Manila fiber, in the hands of a dealer or cordage processor, or in transit on February 20, 1942, or made from Manila fiber actually placed on machines by a cordage processor on or prior to December 19, 1941.

(4) Any Manila cordage imported into the United States on or after July 4, 1942, and which has been offered for sale to, and rejected in writing by, any two of the following:

(i) The Army of the United States,

(ii) The Navy of the United States,

(iii) The United States Maritime Commission, or

(iv) The War Shipping Administration or its operating or general agents.

(5) Delivery by or to any person having temporary custody of Manila cordage or Manila fiber solely for the purposes of transportation or the public warehousing thereof.

(h) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Manila fiber conserved, or that compliance with this order would disrupt or impair a program of conversion for nondefense work to defense work, may appeal to the Director General for Operations by letter or telegram Ref: M-36, setting forth the pertinent facts and the reason he considers he is entitled to relief, or upon such form or forms as may hereafter be prescribed. The Director General for Operations may thereupon take such action as he deems appropriate. Applications for specific exceptions from the limitations of paragraph (e) (3) should be made in writing by the person desiring to use the cordage.

(i) *Reports.* Every importer of Manila fiber or Manila cordage and every processor of Manila fiber shall file with the U. S. Tariff Commission, acting for the War Production Board, not later than the tenth day of the following month, a report on form PD-128 and/or PD-129, and all persons affected by this order shall file with the War Production Board such reports as may from time to time be required by said Board.

(j) *Records.* All persons affected by this order shall keep and preserve for not less than two (2) years accurate and complete records concerning inventories, production, sales and other transactions pursuant to this order, and shall from time to time, upon request, submit all records required to be kept by this order to audit and inspection by duly authorized representatives of the War Production Board.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(l) *Communications to the War Production Board.* All reports to be filed, appeals and other communications concerning this order, unless otherwise stated, shall be addressed to the War Production Board, Textile, Clothing and Leather Branch, Washington, D. C., Reference M-36.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of October 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-10745; Filed, October 23, 1942; 12:28 p. m.]

Part 1047—Petroleum Material Conservation

[Supplementary Order M-68-5, as Amended October 23, 1942]

General exception authorized by paragraph (c) (10) of Conservation Order M-68, as amended.

Section 1047.10 *Supplementary Order M-68-5* is hereby amended to read as follows:

§ 1047.10 *Supplementary Order M-68-5*—(a) *Definitions.* The definitions of Conservation Order M-68, as amended from time to time, shall apply in this order. (1) "Quarter of a quarter-quarter section" means the northeast, northwest, southeast, or southwest one-quarter of a quarter-quarter section: *Provided,* That such quarter of a quarter-quarter section is approximately square.

(b) *Oil wells drilled in the State of Illinois and a portion of the State of Indiana.* The provisions of paragraph (b) of Conservation Order M-68, as amended, shall not apply where material is to be used to drill or complete (or provide additions to) any oil well which is drilled to any sand formation in the State of Illinois, or in the Counties of Clay, Daviess, Dubois, Gibson, Greene, Knox, Martin, Perry, Pike, Posey, Spencer, Sullivan, Vanderburgh, Vigo, or Warrick in the State of Indiana: *Provided,* That:

(1) As to any such oil well which is drilled or completed at a depth of not more than 2,500 feet:

(i) Such well is drilled within 30 feet of the center of a drilling unit consisting of a quarter of a quarter-quarter section upon which quarter no drilling or producible well other than such well is or is to be located: *Provided,* That, where any other well has been located either approximately in the center of a quarter-quarter section (attributable solely to such well) or in the center of half of a quarter-quarter section (attributable solely to such well), such other well shall be deemed to have been drilled on an adjacent quarter of a quarter-quarter section; and

(ii) The proposed drilling unit upon which such well is or is to be located consists entirely of acreage which is not attributable to any drilling or producible well (located within the same lease or property) other than such well; (The acreage attributable to any well "spudded" subsequent to December 23, 1941, which offsets such well and is drilled to a depth of not more than 2,500 feet, shall be the quarter of a quarter-quarter section upon which such offset well is located. The acreage attributable to any well "spudded" subsequent to December 23, 1941, which offsets such well and is drilled to a depth of more than 2,500 feet, shall be the one-half of a quarter-quarter section (north, south, east, or west halves) upon which such offset well is located. The acreage attributable to any well "spudded" on or before December 23, 1941, which offsets such well, shall be determined by assigning to such offset well an acreage equivalent to that in the existing well density or drilling pattern contiguous to such offset well.)

(iii) All separate property interests in the proposed drilling unit shall have been consolidated prior to the actual commencement of operations at the designated drilling location of such well;

(iv) Such well is drilled at least 330 feet from any lease line, property line, or subdivision line which separates unconsolidated property interests; and

(v) The tubing and casing (other than the "surface pipe") required to drill, complete, or provide additions to such well is on hand or is obtained without the use of priorities assistance.

(2) As to any such oil well which is drilled or completed at a depth of more than 2,500 feet:

(i) Such well is drilled on a drilling unit of not less than one-half of a quarter-quarter section (north, south, east, or west halves) upon which no drilling or producible well other than such well is or is to be located;

(ii) The proposed drilling unit upon which such well is or is to be located consists entirely of acreage which is not attributable to any drilling or producible well (located within the same lease or property) other than such well; (The acreage attributable to any drilling or producible well which offsets such well shall be determined in accordance with the applicable provisions of paragraph (b) (1) (ii).)

(iii) All separate property interests in the proposed drilling unit shall have been consolidated prior to the actual commencement of operations at the designated drilling location of such well;

(iv) Such well is drilled within 30 feet of the center of a quarter of a quarter-quarter section;

(v) Where other wells "spudded" in the field subsequent to December 23, 1941, and in conformity with the provisions of Conservation Order M-68 (as amended from time to time) have been located approximately in the centers of corresponding quarters of quarter-quarter sections, such well is drilled with respect to the quarter-quarter section upon which it is located either at a location which conforms to the location of such other wells or within 30 feet of the center of the quarter of a quarter-quarter section which is diagonally opposite such corresponding quarter of a quarter-quarter section;

(vi) Where other wells "spudded" in the field subsequent to December 23, 1941, and in conformity with the provisions of Conservation Order M-68 (as amended from time to time) have been located approximately in the centers of corresponding halves (north, south, east, or west halves) of quarter-quarter sections, any such well, other than the first well spudded in such field subsequent to the issuance of this supplementary order, is drilled at least 725 feet from any drilling or producible well which is or is to be drilled to a depth of more than 2,500 feet; and

(*a*) Such well shall bear the same geographic relationship to the quarter-quarter section upon which it is located as such first well bears to the quarter-quarter section upon which such first well is located, or

(*b*) Such well shall be drilled on the quarter of a quarter-quarter section diagonally opposite the quarter of a quarter-quarter section on which such geographic relationship can be attained.

(vii) Where paragraphs (b) (2) (v) and (b) (2) (vi) are not applicable, any such well, other than the first well "spudded" in such field subsequent to the issuance of this supplementary order, shall bear either the same geographic relationship to the quarter-quarter section upon which it is located as such first well bears to the quarter-quarter section upon which such first well is located, or such well shall be drilled on the quarter of a quarter-quarter section diagonally opposite the quarter of a quarter-quarter section on which such geographic relationship can be attained.

(viii) Such well is drilled at least 330 feet from any lease line, property line or subdivision line which separates unconsolidated property interests; and

(ix) The tubing and casing (other than the "surface pipe") required to drill, complete, or provide additions to such well is on hand or is obtained without the use of priorities assistance.

(c) *Oil wells drilled in a portion of the State of Kentucky.* The provisions of paragraph (b) of Conservation Order M-68, as amended, shall not apply where material is to be used to drill or complete (or provide additions to) any oil well which is drilled to any sand formation in the Counties of Breckinridge, Butler, Christian, Daviess, Grayson, Hancock, Henderson, Hopkins, Ohio, Logan, McLean, Muhlenberg, Todd, Union, or Webster in the State of Kentucky: *Provided,* That:

(1) As to any such oil well which is drilled or completed at a depth of not more than 2,500 feet:

(i) Such well is drilled on a drilling unit of not less than 10 surface acres;

(ii) The proposed drilling unit upon which such well is or is to be located consists entirely of acreage which is not attributable to any drilling or producible well (located within the same lease or property) other than such well; (The acreage attributable to any well "spudded" subsequent to December 23, 1941, which offsets such well and is drilled to a depth of not more than 2,500 feet, shall be 10 surface acres. The acreage attributable to any well "spudded" subsequent to December 23, 1941, which offsets such well and is drilled to a depth of more than 2,500 feet, shall be 20 surface acres. The acreage attributable to any well "spudded" on or before December 23, 1941, which offsets such well, shall be determined by assigning to such offset well an acreage equivalent to that in the existing well density or drilling pattern contiguous to such offset well.)

(iii) All separate property interests in the proposed drilling unit shall have been consolidated prior to the actual commencement of operations at the designated drilling location of such well;

(iv) Such well is drilled at least 600 feet from any drilling or producible well;

(v) Such well is drilled at least 330 feet from any lease line, property line, or subdivision line which separates unconsolidated property interests; and

(vi) The tubing and casing (other than the "surface pipe") required to drill, complete or provide additions to such well is on hand or is obtained without the use of priorities assistance.

(2) As to any such oil well which is drilled or completed at a depth of more than 2,500 feet:

(i) Such well is drilled on a drilling unit of not less than 20 surface acres;

(ii) The proposed drilling unit upon which such well is or is to be located consists entirely of acreage which is not attributable to any drilling or producible well (located within the same lease or property) other than such well; (The acreage attributable to any drilling or producible well which offsets such well shall be determined in accordance with the applicable provisions of paragraph (c) (1) (ii).)

(iii) All separate property interests in the proposed drilling unit shall have been consolidated prior to the actual commencement of operations at the designated drilling location of such well;

(iv) Such well is drilled at least 900 feet from any drilling or producible well which is or is to be drilled to a depth of more than 2,500 feet;

(v) Such well is drilled at least 330 feet from any lease line, property line or subdivision line which separates unconsolidated property interests; and

(vi) The tubing and casing (other than the "surface pipe") required to drill, complete or provide additions to such well is on hand or is obtained without the use of priorities assistance.

(d) *Information statement.* Upon the completion of any well pursuant to this supplementary order, the operator shall file with the District Director, Office of Petroleum Coordinator, Suite 1336, 120 South La Salle Street, Chicago, Illinois, a statement containing the following information: the field in which such well is located, a plat showing the specific location of such well, the depth of such well, the sand to which such well is drilled, the initial production of such well, and the date of the completion of such well.

(e) *Effective date.* This order shall take effect on the date of issuance and shall continue in effect until January 1, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of October 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-10746; Filed, October 23, 1942; 12:28 p. m.]

Part 1052—Kitchen, Household and Other Miscellaneous Articles

[Supplementary Limitation Order L-30-c]

CAST IRON WARE

§ 1052.4 *Supplementary Limitation Order L-30-c*—(a) *Definitions.* For the purposes of this order;

(1) "Cast iron ware" means any of the following articles when made of cast iron:

(i) Kitchen utensils used primarily in the preparation, cooking, serving or storage of food or beverages, whether for household, institutional, commercial, governmental or any other use, and racks for holding such utensils;

(ii) Sugar, wash and butchering kettles and English pots;

(iii) Sad irons, flat irons and Mrs. Potts' irons; and

(iv) Hot plates and flame tamers;

"Cast iron ware" does not include scouse kettles when produced under a specific purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, or electrical or gas appliances or power-driven equipment.

(2) "Manufacturer' means any person who produces or assembles any cast iron ware.

(3) "Pig and scrap iron used" means the aggregate weight of pig and scrap iron when first put into production by a manufacturer.

(4) "Base period" means the twelve months ending June 30, 1941.

(b) *General Restrictions.* (1) Except as provided in subparagraph (2) of this paragraph (b), on and after October 28, 1942, no manufacturer shall cast, process, fabricate, work on or assemble any cast iron ware except the articles listed in the following table, and then only within the permissible sizes and other limitations set forth in the table.

Articles	Number of sizes permitted each Manufacturer	Sizes
Skillets	3	6½″, 9″, and 10½″ in top diameter.[1]
Griddles	[2] 2	Manufacturer's choice, round or rectangular, provided outside diameter or outside width is 12½″ or over.[2]
Household kettle	1	7 quart capacity.
Sugar or wash kettle	1	16 gallon capacity.[1]
Butchering kettle	1	30 gallon capacity.[1]
Dutch oven	1	Manufacturer's choice.
Either muffin pan	1	11- or 12-cup size.
or corn or bread stick pan	1	7-stick size.
Sad irons or flat irons	Unlimited	Unlimited.

[1] The capacity or dimensions of these sizes may vary 10% from the figures stated.

[2] Griddles of smaller size may also be produced pursuant to an order placed by or for the account of the Army or Navy of the United States.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph (b), a manufacturer may produce any article of cast iron ware from iron which, on October 23, 1942, had been cast for such article of cast iron ware by him or by any

other person: *Provided*, That such article is completed on or before November 30, 1942, except for the attaching of handles and bails, which may be done thereafter.

(3) During the period from November 1, 1942, to December 31, 1942, inclusive, no manufacturer shall use more pig and scrap iron in the production of:

(i) Skillets, griddles, Dutch ovens, or sad irons and flat irons than two times 50% of the average monthly amount of pig and scrap iron used by him during the base period in the production of skillets, griddles, Dutch ovens and sad or flat irons, respectively;

(ii) Household kettles than two times 50% of the average monthly amount of pig and scrap iron used by him during the base period in the production of such kettles having a capacity of twelve quarts or less;

(iii) Sugar or wash kettles than two times 25% of the average monthly amount of pig and scrap iron used by him during the base period in the production of sugar and wash kettles having a capacity of 20 gallons or less;

(iv) Butchering kettles than two times 25% of the average monthly amount of pig and scrap iron used by him during the base period in the production of butchering kettles having a capacity of over 20 gallons; or

(v) Muffin pans *or* corn or bread stick pans than two times 50% of the average monthly amount of pig and scrap iron used by him during the base period in the production of muffin pans and corn and bread stick pans.

(4) During the period of three months beginning January 1, 1943 and during each succeeding period of three months until otherwise ordered by the Director General for Operations, no manufacturer shall use more pig and scrap iron in the production of

(i) Skillets, griddles, Dutch ovens or sad irons and flat irons than three times 50% of the average monthly amount of pig and scrap iron used by him during the base period in the production of skillets, griddles, Dutch ovens and sad irons and flat irons, respectively;

(ii) Household kettles than three times 50% of the average monthly amount of pig and scrap iron used by him during the base period in the production of such kettles having a capacity of twelve quarts or less;

(iii) Sugar or wash kettles than three times 25% of the average monthly amount of pig and scrap iron used by him during the base period in the production of sugar and wash kettles having a capacity of 20 gallons or less;

(iv Butchering kettles than three times 25% of the average monthly amount of pig and scrap iron used by him during the base period in the production of butchering kettles having a capacity of over 20 gallons; or

(v) Muffin pans *or* corn or bread stick pans than two times 50% of the average monthly amount of pig and scrap iron used by him during the base period in the production of muffin pans and corn and bread stick pans.

(c) *Applicability of other orders.* On and after November 1, 1942, the provisions of this order shall supersede the provisions of Limitation Order L–30 in respect to cast iron ware, but nothing in this order shall be deemed in any way to affect the provisions of said Order L–30 in respect to any other product. In so far as any other order restricts the use of any material in the production of any cast iron ware to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern unless otherwise specified therein.

(d) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(e) *Appeal.* Any appeal from the provisions of this order should be made on Form PD–500, directed to the War Production Board, Consumers' Durable Goods Branch, Washington, D. C. Ref: L–30–c.

(f) *Avoidance of execessive inventories.* No manufacturer shall accumulate for use in the manufacture of cast iron ware inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of cast iron ware at the rates permitted by this order.

(g) *Records.* All persons affected by this order shall keep and preserve, for not less than two years, accurate and complete records concerning inventories, production and sale.

(h) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(k) *Communications.* All reports required to be filed hereunder, and all other communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers' Durable Goods Branch, Washington, D. C., Ref: L–30–c.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10747; Filed, October 23, 1942; 12:27 p. m.]

PART 1194—CANS MADE OF BLACKPLATE

[Amendment 1 to Conservation Order M–136]

Section 1194.1 *Conservation Order M–136* [1] is hereby amended as follows:

1. The following sentence is hereby deleted from paragraph (c) (2):

> Cans made in whole or in part of chemically treated blackplate shall be used only for packing products listed in Table B.

2. Item No. 7 of Table A is hereby amended to read as follows:

> 7. *Dry solvents*, excepting lye, and including but not limited to toilet bowl and drain cleaners. 10-oz. cans.

3. Item No. 17 of Table A is hereby amended to read as follows:

> 17. *Printing, duplicating, and lithographing inks*, slip-cover style cans only, of sizes based upon cans which hold the following weights of water: 12-oz., 14-oz., 15-oz., 3½-lb., 4-lb., 5-lb., 8-lb., 10-lb., and 25-lb. 85 percent of 1940 pack.

4. Table A is hereby amended by the addition of the following items;

> 22. *Lye.* 13-oz. cans. 100 percent of 1941 pack.
>
> 23. *Hardened edible oils, unhardened or hardened lard, rendered pork fat, and edible tallow, including animal, vegetable, and marine blends thereof.* 45-lb. cans. From November 1, 1942, until December 31, 1942. 10 percent of 1940 pack of sizes 45-lb. and larger.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719: sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23rd day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10748; Filed, October 23, 1942; 12:29 p. m.]

PART 3061—STEEL SHIPPING DRUMS

[Amendment 2 of Limitation Order L–197]

Section 3061.1 *Limitation Order L–197*,[2] is hereby amended in the following particulars:

1. Paragraph (a) is amended by adding the following subparagraphs:

> (5) "Used drum" means a drum which has been partially or wholly filled with any product or commodity, for storage or shipping purposes, in the course of business.
>
> (6) "New drum" means any drum which is not a used drum.

2. Paragraph (c) (2) is amended to read as follows:

> (2) On and after September 14, 1942, no person shall sell any new drum or deliver such drum pursuant to a sale thereof, and on and after November 7, 1942, no person shall sell any drum, new or used, or deliver same pursuant to a sale thereof (regardless of when the manufacture of any such drum was completed), unless such drum shall be plainly and legibly marked on the bottom plate with the letter X.

3. The first sentence of paragraph (c) (4) is amended to read as follows:

> No person shall pack any of the following products:
>
> (i) In a drum or drums, new or used, which was manufactured on or after September 14, 1942.
>
> (ii) In a drum or drums, new or used, which was purchased by or delivered to any person on or after September 14, 1942, and at the time of such purchase or delivery was a new drum.
>
> (iii) In a drum or drums which was purchased by or delivered to any person on or after the 7th day of November, 1942, and at the time of such purchase or delivery was a used drum.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23rd day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10749; Filed, October 23, 1942; 12:27 p. m.]

PART 3102—NATIONAL EMERGENCY SPECIFICATIONS FOR STEEL PRODUCTS

[Limitation Order L–211]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of steel for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3102.1 *Limitation Order L–211*—(a) *Issuance of schedules.* The Director General for Operations may, from time to time, issue schedules to this order establishing standards of sizes, shapes, specifications or other qualifications of steel products. From and after the effective date of any such schedule, no such material shall be produced, fabricated, delivered, accepted, or used except in accordance with such schedule.

(b) *Appeals.* Any person affected by this order, or any schedule hereto, and who considers that compliance therewith would disrupt or impair a program of war work may apply for relief by addressing a letter to the War Production Board, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(c) *Communications to the War Production Board.* All communications concerning any schedule to this order shall, unless otherwise directed, be addressed to: War Production Board, Iron and Steel Branch, Washington, D. C., Reference: L–211, Schedule.

(d) *Violations.* Any person who wilfully violates any provision of this order or of any schedule hereto, or who in connection with this order or any such schedule, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining any further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23rd day of October, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10751; Filed, October 23, 1942; 12:27 p. m.]

PART 3102—NATIONAL EMERGENCY SPECIFICATIONS FOR STEEL PRODUCTS

[Schedule 1 to Limitation Order L–211]

CONCRETE REINFORCEMENT STEEL

§ 3102.2 *Schedule 1 to Limitation Order L–211*—(a) *Definition.* For the purpose of this schedule, "Concrete reinforcement steel" means steel bars, wire, wire fabric, bar and rod mats, and steel spiral, used as reinforcement for concrete.

(b) *Retrictions in sizes and shapes.* No person shall produce, fabricate, or deliver concrete reinforcement bars and spirals except in the sizes and shapes set forth in Simplified Practice Recommendations R26–42 and R53–32 respectively of the National Bureau of Standards.

(c) *Restrictions on specifications*—(1) *Government orders.* No person shall produce or fabricate for, or deliver to, the Government of the United States or any department or agency thereof, concrete reinforcement steel except as covered by any specification set forth in List 1 or 2 attached hereto.

(2) *Other orders.* No person shall produce or fabricate for, or deliver to, any person other than the Government of the United States or any department or agency thereof, concrete reinforcement steel except as covered by any specification set forth in List 1.

(d) *Acceptance of delivery.* No person shall accept delivery of concrete reinforcement steel produced, fabricated or delivered in violation of the provisions of paragraphs (b) or (c).

(e) *Exceptions.* The provisions of paragraphs (b), (c), and (d) shall not apply to concrete reinforcement steel:

(1) The production, fabrication, delivery, or acceptance of which is specifically permitted by the Director General for Operations, or

(2) Which has been produced or fabricated before the issuance date of this schedule, or which before such date has been processed in such manner and to such extent that processing to conform to such provisions would be impracticable, or

(3) Which, because of errors in production or fabrication, does not conform to the inspection or test requirements of the specifications prescribed in paragraph (c); provided such requirements are waived by the procuring agency or purchaser.

(f) *Records.* Each person owning or possessing concrete reinforcement steel excepted by the provisions of paragraph (e) shall retain records of such material available for inspection by duly authorized representatives of the War Production Board.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of October 1942.

ERNEST KANZLER,
Director General for Operations.

LIST 1—SPECIFICATIONS GENERALLY PERMISSIBLE

Billet steel bars Structural grade. Intermediate grade. Hard grade.	ASTM–A15–39 Structural grade. Intermediate grade. Hard grade.	Billet steel bars for concrete reinforcement.
Rail steel bars	ASTM–A16–35	Rail steel bars for concrete reinforcement.
Axle steel bars Structural grade. Intermediate grade. Hard grade.	ASTM–A160–39 Structural grade. Intermediate grade. Hard grade.	Axle-steel bars for concrete reinforcement, as amended by Emergency Alternate Provisions EA–A160 adopted April 6, 1942.
Cold-drawn wire reinforcement	ASTM–A82–34	Cold-drawn steel wire for concrete reinforcement.
Bar and rod mats	ASTM–A184–37	Fabricated steel bar or rod mats for concrete reinforcement.
Welded wire fabrics	ASTM–A185–37	Welded steel wire fabric for concrete reinforcement.

NOTE: ASTM=American Society for Testing Materials.

LIST 2—SPECIFICATIONS PERMISSIBLE FOR GOVERNMENT ORDERS ONLY

Billet steel bars Structural grade. Intermediate grade. Hard grade.	Federal—QQ–B–71 Grade 1. Grade 2. Grade 4.	Bars; reinforcement, (for) concrete.
Rail steel bars Hard grade.	Federal—QQ–B–71 Grade 5.	Bars; reinforcement, (for) concrete.
Axle steel bars Intermediate car-axle steel.	Federal—QQ–B–71 Grade 3.	Bars; reinforcement, (for) concrete as amended by Emergency Alternate Specification E–QQ–B–71a adopted June 2, 1942.

NOTE.—The applicable issue of the Specification in List 2 shall be the issue in effect on the date of the invitation to bid, or on the date of the purchase order or contract or such subsequent issue as the procuring agency may substitute in the contract.

[F. R. Doc. 42–10752; Filed, October 23, 1942; 12:27 p. m.]

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[1] 7 F.R. 5642

[2] 7 F.R. 7237, 7342.

PART 3102—NATIONAL EMERGENCY SPECIFICATIONS FOR STEEL PRODUCTS

[Schedule 2 to Limitation Order L–211]

STEEL WHEELS AND TIRES

§ 3102.3 *Schedule 2 to Limitation Order L–211*—(a) *Definitions.* For the purposes of this schedule:

(1) "Steel wheels" means rolled, forged and spun steel wheels for railroad and transit service.

(2) "Steel tires" means wrought steel tires for railroad and transit service.

(b) *Restrictions on sizes and shapes.* On and after the 60th day after the date of issuance of this schedule, no person shall produce, fabricate, or deliver steel wheels except in the sizes and shapes set forth in the Association of American Railroads, Tables 1 and 2 adopted April 29, 1942, and Table 3 adopted April 29, 1942, and revised September 1, 1942, which form a part of Specification E–M–107–42, adopted April 16, 1942, and in American Society for Testing Materials Specification A25–41, as amended by emergency alternate provisions EA–A25a adopted August 24, 1942.

(c) *Restrictions on specifications*—(1) *Steel wheels.* On and after the date of issuance of this schedule, no person shall produce, fabricate, or deliver steel wheels except to the specifications set forth in List 1 attached hereto.

(2) *Steel tires.* On and after the date of issuance of this schedule, no person shall produce, fabricate, or deliver steel tires except to the specifications set forth in List 2 attached hereto.

(d) *Acceptance of delivery.* No person shall accept delivery of steel wheels or steel tires produced, fabricated, or delivered in violation of the provisions of paragraph (b) or (c).

(e) *Exceptions.* The provisions of paragraphs (b), (c), and (d) shall not apply to steel wheels or steel tires:

(1) The production, fabrication, delivery, or acceptance of which is specifically permitted by the Director General for Operations, or

(2) Which have been produced or fabricated before the effective date of the applicable provision, or which before such date have been processed in such manner and to such extent that processing to conform to such provision would be impracticable, or

(3) Which, because of errors in production or fabrication, do not conform to the requirements of paragraph (b) or to the inspection or test requirements of the specifications prescribed in paragraph (c), provided such requirements are waived by the procuring agency or purchaser.

(f) *Records.* Each person owning or possessing steel wheels or steel tires excepted by the provisions of paragraph (e) shall retain records of such material available for inspection by duly authorized representatives of the War Production Board.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23rd day of October 1942.

ERNEST KANZLER,
Director General for Operations.

LIST 1—RAILROAD WHEELS

Transit service:		
Wrought steel wheels	ASTM–A25–41	Wrought steel wheels for electric railway service, as amended by Emergency Alternate Provision EA–A25a adopted August 24, 1942.
Spun steel wheels	ASTM–A25–41	Wrought steel wheels for electric railway service, as amended by emergency alternate provision EA–25a adopted August 24, 1942.
Railroad service:		
Multiple wear type	AAR–E–M–107–42	Wheels, multiple wear wrought steel.
One wear type	AAR–E–M–103–42	One-wear wrought steel wheels.
Heat treated multiple wear type	AAR–E–M–123–42	Heat treated multiple wear wrought carbon steel wheels.
Export, industrial, and miscellaneous service:		
Multiple wear type	ASTM–A57–39	Multiple-wear wrought steel wheels, as amended by Emergency Alternate Provision EA–A57 adopted June 22, 1942.

LIST 2—STEEL TIRES FOR LOCOMOTIVES AND CARS

Domestic service	AAR–E–M–106–42	Tires, steel, locomotives and car.
Carbon 0.50–0.65%	Class A.	
Carbon 0.60–0.75%	Class B.	
Carbon 0.70–0.85%	Class C.	
Export service	ASTM–A26–39	Steel tires, as amended by Emergency Alternate Provision EA–A26, adopted Apr. 28, 1942.
Carbon 0.50–0.65%	Class A.	
Carbon 0.60–0.75%	Class B.	
Carbon 0.70–0.85%	Class C.	
Heat treated tires	AAR–E–M–124–42	Tires, heat treated steel.
Carbon 0.52–0.62%	Class A.	
Carbon 0.62–0.72%	Class B.	
Carbon 0.72–0.82%	Class C.	
Carbon 0.72–0.82%	Class D.	

NOTE.—AAR = Association of American Railroads. ASTM = American Society for Testing Materials.

[F. R. Doc. 42–10753; Filed, October 23, 1942; 12:28 p. m.]

PART 3101—CANNED SAUERKRAUT

[Conservation Order M–245]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of canned foods for defense, for private account, and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3101.1 *Conservation Order M–245*—(a) *Definition.* For the purposes of this order, "canned sauerkraut" means any sauerkraut packed in hermetically sealed metal or glass containers sterilized by the use of heat.

(b) *Limitation.* Without regard to previously existing contracts and any payments made or any other action taken thereunder, all persons listed in paragraph (c) below shall set aside all canned sauerkraut in their possession, under their control, or in transit to them on October 23, 1942 and any canned sauerkraut acquired by them between October 23, 1942 and March 31, 1943. Such persons may sell or deliver such canned sauerkraut only to or for persons specified in paragraph (d) below. No person shall purchase or accept delivery of any canned sauerkraut with knowledge or reason to believe that it is being or has been sold or delivered in violation of the provisions of this order.

(c) *Persons subject to limitation.* Persons subject to the requirements of paragraph (b) are:

(1) Any canner of sauerkraut

(2) Any wholesaler, jobber, or broker; for purposes of this classification, the operator of a centrally-owned or voluntary chainstore warehouse shall be considered a wholesaler, except as to stocks actually in his retail stores on October 23, 1942

(3) Any other person who, on October 23, 1942, had in his possession, under his control, or in transit to him, 50 cases or more of canned sauerkraut, or any person who hereafter acquired 50 cases or more of canned sauerkraut; excluding, *however*, any federal government agency, any transportation or commercial warehouse concern, and, any retailer, except as provided in paragraph (c) (2).

(d) *Exempt deliveries.* Canned sauerkraut set aside pursuant to paragraph (b) may be sold or delivered to or for the following persons:

(1) The Army, Navy, Marine Corps, Coast Guard, War Shipping Administration, or any Agency of the United States Government for supplies to be delivered to, or for the account of, the Government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(2) Any person operating an oceangoing vessel engaged in the transportation of cargo or passengers in the foreign, coastwise, or intercoastal trade, for necessary supplies for such vessel.

(e) *Release date.* Unless purchased or contracted for by an agency specified in paragraph (d) on or before April 1, 1943, any canned sauerkraut set aside pursuant to this order shall be deemed released on that date, and may be sold and delivered thereafter without restriction.

(f) *Inspection and grading.* Any canned sauerkraut required to be set aside under this order shall be subject to inspection and grading at any time by the Director General for Operations or by any person or government agency thereto authorized by him.

(g) *Appeals.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship upon him, may appeal to the Director General for Operations by letter, setting forth the pertinent facts and reasons such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(h) *Records, audit and inspection.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, purchases, production and sales. Upon request, all such records shall be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Food Branch, Washington, D. C. Ref.: M–245.

(j) *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the Director General for Operations in connection with this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance, by the Director General for Operations.

(k) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23rd day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10750; Filed, October 23, 1942; 12:29 p. m.]

PART 1012—DOMESTIC VACUUM CLEANERS

[Supplementary Limitation Order L–18–c]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of domestic vacuum cleaners for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1012.4 *Supplementary Limitation Order L–18–c*—(a) *Definitions.* For the purposes of this order:

(1) "Domestic vacuum cleaner" means any vacuum cleaner designed primarily for household use.

(2) "New domestic vacuum cleaner" means any domestic vacuum cleaner which has never been used by an ultimate consumer, including but not limited to, any domestic vacuum cleaner which has been used merely for demonstration purposes.

(3) "Manufacturer" means any person who has produced any domestic vacuum cleaner since October 1, 1941. "Manufacturer" shall include all subsidiaries, affiliates or other companies or enterprises under common ownership or control.

(4) "Wholesaler" means any person (other than a manufacturer) engaged in the business of selling domestic vacuum cleaners to one or more dealers for resale, whether or not he also sells domestic vacuum cleaners to the public.

(5) "Dealer" means any person (other than a manufacturer or wholesaler) engaged in the business of selling domestic vacuum cleaners to the public.

(6) "Transfer" means to sell, lease, lend, ship, trade, deliver or otherwise transfer a new domestic vacuum cleaner. "Transfer" does not include any delivery to or by a carrier, or the delivery to its immediate destination of any new domestic vacuum cleaner which was in transit on the effective date of this order.

(b) *Restrictions on transfer of new domestic vacuum cleaners.* During the period from October 24, 1942, to December 31, 1942, inclusive, no manufacturer, wholesaler or dealer shall transfer any new domestic vacuum cleaner, except:

(1) To the Army or Navy of the United States (excluding transfers to Post Exchanges, Ships' Stores, Ships' Service Stores or Commissaries for resale by them),

(2) To the government of any country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act),

(3) To any person outside the United States pursuant to an export license issued by the Board of Economic Warfare for the new domestic vacuum cleaners being transferred,

(4) With specific authorization of the Director General for Operations granted on Form PD–556, pursuant to an application filed on Form PD–556.

(c) *Reports.* (1) On or before November 9, 1942, each manufacturer shall file with the War Production Board, a report on Form PD–655 of all new domestic vacuum cleaners which were in his stock on October 24, 1942.

(2) Each manufacturer shall file with the War Production Board on or before the tenth day of each calendar month, beginning with November 10, 1942, a report on Form PD–655, of all the new domestic vacuum cleaners which he shipped or delivered pursuant to this order during the preceding calendar month.

(3) Each wholesaler and dealer shall file with the War Production Board on or before the tenth day of each calendar month, beginning November 10, 1942, copies of all purchase orders against which he shipped or delivered any new domestic vacuum cleaners pursuant to this order during the preceding calendar month, showing thereon the number of domestic vacuum cleaners which he shipped or delivered against such purchase orders during such month.

(4) Each person affected by this order shall file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(d) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(e) *Records.* Each manufacturer, wholesaler, or dealer who has new domestic vacuum cleaners in his stock on the date of issuance of this order shall keep and preserve, for not less than two years, accurate and complete records of all such vacuum cleaners and of all sales and shipments thereof made on and after such date. Such records shall be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(g) *Communications.* All reports required to be filed hereunder, and all other communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers' Durable Goods Branch, Washington, D. C., Ref: L–18–c.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10781; Filed, October 24, 1942; 11:25 a. m.]

PART 1049—INCANDESCENT, FLUORESCENT AND OTHER ELECTRIC DISCHARGE LAMPS

[General Limitation Order L–28, as Amended October 24, 1942]

Section 1049.1 *General Limitation Order L–28* [1] is hereby amended to read as follows:

§ 1049.1 *General Limitation Order L–28*—(a) *Definitions.* For the purposes of this order:

(1) "Incandescent lamp" means any hermetically-sealed lamp or bulb, designed primarily to produce light, which makes use of a metal or carbon filament

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[1] 7 F.R. 583, 4331, 5297.

or metal wire strip, foil, or compound as the source of light.

(2) "Fluorescent lamp" means any hermetically-sealed electric discharge lamp or tube (other than a cold-cathode tube) in which the radiant energy from the electric discharge is converted by suitable phosphor coatings into visible wave lengths.

(3) "Glow discharge lamp" means any hermetically-sealed electric discharge lamp or tube (other than a fluorescent lamp) containing gases or vapors and designed to operate at impressed voltages of less than one thousand volts to produce visible light.

(4) "Blackout lamp" means any incandescent lamp having a lumen output of less than 1 lumen per watt, with an opaque coating on more than 50% of the external or internal glass surface.

(5) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(6) "Manufacturer" means any person who produces or assembles any incandescent, fluorescent or glow discharge lamp or part therefor, or who coats, etches or otherwise marks any such lamps for use by any other person.

(7) "Wholesaler" means any person (other than a manufacturer) engaged in the business of selling incandescent, fluorescent or glow discharge lamps to dealers for resale, whether or not he also sells such lamps to the public.

(8) "Dealer" means any person (other than a manufacturer or wholesaler) engaged in the business of selling incandescent, fluorescent or glow discharge lamps to the public.

(9) "Military exemption order" means a purchase order, contract or subcontract for incandescent, fluorescent or glow discharge lamps, or parts for such lamps, to be purchased (or physically incorporated into lamps to be purchased) by or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or the Panama Canal, or the armed forces of any country eligible for Lend-Lease assistance pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), when accompanied by a certification in the following form, signed by the appropriate procuring officer or the person placing such order:

> This is to certify that all lamps (or lamp parts) specified in this order are to be used by the United States Army (or Navy, Maritime Commission, War Shipping Administration or Panama Canal, or armed services of a Lend-Lease country) on ships, aircraft, vehicles or weapons, or outside the continental limits of the United States.
>
> ------------------------------------
> Name
>
> By ------------------------------------

Any provision of this order which expressly permits the fulfillment of a military exemption order shall be deemed to permit a manufacturer to produce lamps or lamp parts to replace in his inventory lamps or lamp parts which, though not produced pursuant to military exemption orders, have been delivered by him pursuant to military exemption orders.

(b) *General restrictions.* (1) During the period of three months beginning October 1, 1942, and during each succeeding period of three months until otherwise ordered by the Director General for Operations, no manufacturer shall produce bases for incandescent, fluorescent and glow discharge lamps having a total weight greater than 31¼% of the total weight of such bases produced by him during 1940, except that any such manufacturer may, in addition to the foregoing quota, produce additional bases:

(i) Having a total weight equal to any part of his quota for the next succeeding period of three months: *Provided*, That he reduces his quota for such succeeding period of three months by an equivalent amount; and

(ii) Having a total weight equal to any unused part of his quota for the preceding period of three months.

(2) No manufacturer shall produce any incandescent lamps designed primarily for use on Christmas trees, or for advertising, decorative or display purposes.

(3) During the period from October 24, 1942 to December 31, 1942, inclusive, and during the period of three months beginning January 1, 1943, and each succeeding period of three months, no manufacturer shall produce more photoflash incandescent lamps than three times 35% of the average monthly number of photoflash lamps produced by him during the year 1941.

(4) No manufacturer or wholesaler shall sell, lease, trade, lend, deliver, ship or transfer any photoflash or photoflood incandescent lamps, except:

(i) To a manufacturer or wholesaler;

(ii) In fulfillment of purchase orders or contracts bearing preference ratings of AA-5 or higher;

(iii) To publishers of newspapers or periodicals, or to news or newsphoto syndicates, in fulfillment of purchase orders or contracts bearing the following certification:

> We publish a newspaper or periodical (or we are a news or news-photo syndicate) and will use the lamps covered by this order in the operation of such business.

(iv) To dealers in fulfillment of orders bearing a certification signed by such dealers in the following form:

> "The lamps covered by this order, together with all photoflash and photoflood lamps now in my inventory, will be sold only in fulfillment of orders which a manufacturer or wholesaler is permitted to fill under Limitation Order L-28, with the terms of which I am familiar.
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> ------------------------------------
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> By------------------------------------

(5) No manufacturer or reclaimer of bases for incandescent, fluorescent or glow discharge lamps shall sell, transfer or deliver any bases for such lamps, except with the specific authorization of the Director General for Operations. On or before the 20th day of each calendar month, each manufacturer or reclaimer of bases for incandescent, fluorescent or glow discharge lamps shall file with the War Production Board a statement on Form PD-532 of the total metal weight of bases for incandescent and glow discharge lamps and the total number of bases for fluorescent lamps which he expects to be able to transfer or deliver during the next succeeding calendar month. The Director General for Operations shall thereupon authorize on Form PD-532 each manufacturer or reclaimer of bases for incandescent, fluorescent or glow discharge lamps to deliver a maximum metal weight of bases for incandescent and glow discharge lamps and a maximum number of bases for fluorescent lamps during the succeeding calendar month to such manufacturers and other persons as said Director General for Operations may deem appropriate.

(6) No manufacturer shall produce any blackout lamp or convert any incandescent lamp into a blackout lamp by etching, painting or otherwise coating it, except:

(i) In fulfillment of a specific order, contract or subcontract for blackout lamps produced according to specifications approved by the Army or Navy of the United States for delivery of such lamps to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or the Panama Canal, or

(ii) Pursuant to specific authorization granted by the Director General for Operations.

(7) No manufacturer shall produce or accept delivery of any lamp leads, filament supports, terminals or lamp bases containing nickel, copper, brass or chromium, except:

(i) In electroplated coatings (except that no nickel may be used for plating lamp bases);

(ii) In alloys of controlled thermal expansion properties, provided that such alloys may be used only for sealing in glass in the minimum size and length required for such practical sealing;

(iii) Copper or nickel in sheathing on ferrous wire or strip, commonly called "copperweld" or "nickel-clad" or "copper-clad";

(iv) Brass in base eyelets, or pins;

(v) Brass bases for incandescent or glow discharge lamps in fulfillment of military exemption orders; or

(vi) Pursuant to specific authorization of the Director General for Operations granted on Form PD-556 pursuant to an application filed on Form PD-556.

(8) No manufacturer shall produce any incandescent, fluorescent or glow discharge lamps containing brass bases, except:

(i) Incandescent or glow discharge lamps in fulfillment of military exemption orders; or

(ii) Pursuant to specific authorization of the Director General for Operations.

(c) *Intra-company deliveries.* The restrictions of this order with respect to deliveries prohibit or restrict deliveries not only to other persons, including affiliates or subsidiaries, but also from one branch, division or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(d) *Avoidance of excessive inventories.* Manufacturers shall not accumulate for use in the manufacture of incandescent, fluorescent or glow discharge lamps, or parts therefor, inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amounts necessary to maintain production of such lamps or parts as permitted by this order.

(e) *Records.* All persons affected by this order shall keep and preserve, for not less than two years, accurate and complete records concerning inventories, production and sales.

(f) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Reports.* Each person to whom this order applies shall file with the War Production Board such reports and questionnaires as said Board shall from time to time prescribe.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(i) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by forwarding a letter addressed to the War Production Board, Consumers' Durable Goods Branch, Washington, D. C., Ref.: L-28, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(j) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the Director of Priorities, the Director of Industry Operations, or the Director General for Operations, limits the use of any material in the production of incandescent, fluorescent or glow discharge lamps, or parts therefor, to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(k) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(l) *Routing of Correspondence.* All reports to be filed and other communications concerning this order should be addressed to the War Production Board, Consumers' Durable Goods Branch, Washington, D. C., Ref.: L-28.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10780; Filed, October 24, 1942; 11:25 a. m.]

PART 1052—KITCHEN, HOUSEHOLD AND OTHER MISCELLANEOUS ARTICLES

[Supplementary General Limitation Order L-30-b]

ENAMELED WARE

§ 1052.3 *Supplementary limitation order L-30-b*—(a) *Definitions.* For the purposes of this order:

(1) "Enameled ware" means any of the following articles when made of vitreous-enameled iron or steel:

(i) Utensils used primarily in the preparation, cooking, serving, or storage of foods or beverages, whether for household, institutional, commercial, governmental or any other use;

(ii) Pails, buckets and tubs (including infants' bath tubs);

(iii) Commodes, chambers, chamber covers, combinets and inserts for step-on cans;

(iv) Dish pans and sink strainers;

(v) Canteens for storing or carrying water or other liquids, except when produced pursuant to a specific purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States; and

(vi) Baby bottle sterilizers.

(2) "Hospital ware" means any wash basin made of vitreous-enameled iron or steel, and any article made of vitreous-enameled iron or steel designed primarily for hospital or sick room use, including but not limited to, sponge basins, pus basins, solution basins, bed pans, irrigators, dressing jars, instrument trays, instrument sterilizers (without heating elements or stands), urinals, catheter trays, feeding cups and douche pans, but excluding any article included in subparagraph (1) of this paragraph (a).

(3) The terms "Enameled ware" and "Hospital ware" do not include furniture, electrical or gas appliances or power-driven equipment.

(4) "Manufacturer" means any person who produces or assembles any enameled ware or hospital ware.

(5) "Iron and steel used" means the aggregate weight of iron and steel when first put into production by a manufacturer, whether in the form of raw materials or as purchased parts.

(6) "Base period" means the twelve months ending June 30, 1941.

(b) *General restrictions.* (1) Except as provided in subparagraphs (2) and (3) of paragraph (b), on and after October 29, 1942, no manufacturer shall process, fabricate, work on or assemble any enameled ware except the articles listed in the following table, and then only within the permissible sizes and other limitations set forth in the table. When a manufacturer is permitted by this table to make more than one size of any article, each size he manufactures shall fall within a different one of the size ranges specified, except that if only one size range is specified he may manufacture the permitted number of sizes anywhere within the single range specified.

Articles	Number of sizes permitted each manufacturer	Sizes
Coffee boilers*	1	9½ to 12 quart capacity.
Double boilers*	2	1½ to 2½ quart and 6½ to 8 quart capacity.
Dish pans	1	9 to 15 quart capacity.
Steamtable insets*	3	To fit openings of 6½", 8½" and 10½" in diameter.
Preserving kettles*	1	14 to 20 quart capacity.
Ladles	1	Manufacturer's choice.
Water pails*	1	10 to 12½ quart capacity.
Steamtable pans	2	Manufacturer's choice, to fit rectangular openings only.
Percolators (with or without baskets)*	1	6 to 9 cup capacity.
Baine Marie pots	2	2 to 2½ quart and 4 to 4½ quart capacity.
Sauce pots*	2	3½ to 8½ quart capacity.
Stock pots*	3	15 to 36 quart capacity.
Sauce pans	1	1¾ to 2½ quart capacity.
Roasters (single wall)*	1	15" to 19" in length.

*Metal covers may be made for these articles but no for any others in this table.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph (b), a manufacturer may produce any article of enameled ware from iron or steel which, on October 24, 1942, had been blanked to size and shape for an article of enameled ware by him or by any other person: *Provided*, That such article is completed on or before December 31, 1942, except for the production and attaching of handles, bails, spouts and ears, the welding together of fabricated parts and the application of a vitreous-enameled or other coating which may be done thereafter.

(3) The restrictions contained in subparagraph (1) of this paragraph (b) shall not apply to any article of enameled ware produced pursuant to a specific purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration for use in the field or on shipboard: *Provided*, That the specifications for such purchase order, contract or subcontract specifically provide for an article which may not be produced within the limitations of subparagraph (1) of this paragraph (b).

(4) On and after October 24, 1942, no manufacturer shall sell, lease, trade, deliver, ship or transfer any wash basin or any article named in subdivisions (i), (iii), (iv), (v) or (vi) of paragraph (a) (1) when made of iron or steel, unless it is made of cast iron or finished with a

vitreous-enameled or metal coating, except:

(i) In fulfillment of a purchase order, contract or subcontract for delivery of such articles to or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration, or

(ii) To another manufacturer, or

(iii) Pursuant to specific authorization of the Director General for Operations on Form PD–556.

(5) During the period from November 1, 1942 to December 31, 1942, inclusive, no manufacturer shall (i) use more iron and steel:

(*a*) In his aggregate production of enameled ware (other than water pails and roasters) than two times 75% of his average monthly use of iron and steel in his aggregate production of enameled ware (other than pails, buckets and tubs and roasters) during the base period;

(*b*) In his production of enameled ware water pails than two times 125% of his average monthly use of iron and steel in the production of enameled ware pails, buckets and tubs during the base period, or

(*c*) In his aggregate production of hospital ware than two times 200% of his average monthly use of iron and steel in the production of hospital ware during the base period, or

(ii) Produce more enameled ware roasters than two times 15% of the average monthly number of enameled ware roasters produced by him during the base period.

(6) During the period of three months beginning January 1, 1943, and during each succeeding period of three months until otherwise ordered by the Director General for Operations, no manufacturer shall (i) use more iron and steel:

(*a*) In his aggregate production of enameled ware (other than water pails and roasters) than three times 75% of his average monthly use of iron and steel in his aggregate production of enameled ware (other than pails, buckets, and tubs and roasters) during the base period,

(*b*) In his production of enameled ware water pails than three times 125% of his average monthly use of iron and steel in the production of enameled ware pails, buckets and tubs during the base period, or

(*c*) In his aggregate production of hospital ware than three times 200% of his average monthly use of iron and steel in the production of hospital ware during the base period, or

(ii) Produce more enameled ware roasters than three times 15% of the average monthly number of enameled ware roasters produced by him during the base period.

(c) *Applicability of other orders.* On and after November 1, 1942, the provisions of this order shall supersede the provisions of Limitation Order L–30 in respect to enameled ware, and hospital ware, but nothing in this order shall be deemed in any way to affect the provisions of the said Order L–30 in respect to any other products. In so far as any other order restricts the use of materials in the production of enameled ware or hospital ware to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern unless otherwise specified therein.

(d) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(e) *Appeal.* Any appeal from the provisions of this order should be made on Form PD–500, directed to the War Production Board, Consumers' Durable Goods Branch, Washington, D. C., Ref.: L–30–b.

(f) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the manufacture of enameled ware or hospital ware inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of enameled ware and hospital ware at the rates permitted by this order.

(g) *Records.* All persons affected by this order shall keep and preserve, for not less than two years, accurate and complete records concerning inventories, production and sales.

(h) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(k) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers' Durable Goods Branch, Washington, D. C., Ref: L–30–b.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10779; Filed, October 24, 1942; 11:25 a. m.]

Part 1054—Lead and Tin Scrap

[Amendment 1 to Supplementary Order M–72–a, as Amended October 20, 1942]

TINNED AND DETINNED SCRAP

Section 1054.2 *Supplementary Order M–72–a, as amended October 20, 1942,*[1] is hereby further amended by adding "Wisconsin" to the areas listed on Schedule B thereof.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10782; Filed, October 24, 1942; 11:26 a. m.]

Part 3078—Material Entering Into the Production of Automotive Tire Chains and Chain Parts

[Limitation Order L–201]

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of steel, copper, molybdenum and other materials required in the production of tire chains, chain parts, and emergency unit chains for use on passenger automobiles and commercial vehicles for defense, for private account and export, the following order is deemed necessary and appropriate in the public interest:

§ 3078.1 *Limitation Order L–201*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Protection of production schedules.* Producers under the terms of this order may, notwithstanding the provisions of Priorities Regulation No. 1 (Part 944), schedule the production of tire chains, chain parts and emergency unit chains when produced under this order, as if the orders therefor bore a rating of AA–2X.

(c) *Definitions.* For the purposes of this order:

(1) "Tire chain" means a complete metal chain assembly produced for use on a tire of a passenger automobile or a commercial vehicle for the purpose of increasing the traction of the tire.

(2) "Chain parts" means cross chains, locks, hooks, straps, plates, repair links, and side chains produced for use in repairing tire chains.

(3) "Emergency unit chain" means a chain assembly of the strap-on or single-chain type containing not more than two cross chains per unit.

(4) "Passenger automobile" means any passenger vehicle propelled by an internal combustion engine and having a seating capacity of less than eleven (11) persons.

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[1] 7 F.R. 8470.

(5) "Light truck" means a complete motor truck or truck-tractor with a gross vehicle weight rating of less than 9,000 pounds, as authorized by the manufacturer thereof, or the chassis therefor.

(6) "Medium and/or heavy motor truck" means a complete motor truck or truck-tractor with a gross vehicle weight rating of 9,000 pounds or more, as authorized by the manufacturer thereof, or the chassis therefor.

(7) "Truck trailer" means a complete semi-trailer or full trailer having a load-carrying capacity of 10,000 pounds or more, as authorized by the manufacturer thereof, and designed exclusively for the transportation of property or persons, or the chassis therefor.

(8) "Passenger carrier" means a complete motor coach for passenger transportation, having a seating capacity of not less than eleven (11) persons.

(9) "Off-the-highway motor vehicle" means a motor truck, truck-tractor and/or trailer, operating off the public highway normally on rubber tires and specially designed to transport materials, property or equipment on mining, construction, logging or petroleum development projects.

(10) "Commercial vehicle" means any light, medium or heavy motor truck, truck-tractor, truck trailer, off-the-highway motor vehicle or passenger carrier.

(11) "Consumer" means the owner or operator of the vehicle for which tire chains, chain parts, or emergency unit chains are required, or the user of such tire chains, chain parts or emergency unit chains, for any other purpose.

(d) *Limitations on types and sizes of tire chains, chain parts and emergency unit chains.* (1) On and after October 31, 1942, no producer shall manufacture any tire chains, chain parts or emergency unit chains containing any metal other than low carbon steel, or any tire chains, chain parts or emergency unit chains which are metallically plated.

(2) On and after October 31, 1942, no producer shall manufacture any tire chains or chain parts except for the tire sizes specified in subparagraph (5) below, and of the types designated A, C and M in Tire Chain Specifications No. 7140, copyrighted by The Chain Institute, Inc., Chicago, Illinois, and published July 1, 1940.

(3) On and after October 31, 1942, no producer shall manufacture any reinforced tire chains or reinforced chain parts except for the tire sizes specified in subparagraph (5) below and of the said types A, C and M.

(4) On and after October 31, 1942, no producer shall manufacture emergency unit chains, either of standard weight or reinforced, except for the tire sizes specified in subparagraph (5) below.

(5) Tire sizes for which production is authorized shall be limited to the following:

(i) For passenger automobile tires:
6.00–16; 6.50–16; 7.00–15; 7.50–16.

(ii) For commercial vehicle tires:
6.50–20/32 x 6; 7.00–20; 7.50–16; 7.50–17; 7.50–20/34 x 7; 8.25–20; 9.00–20; 9.75–20.

(e) *Production of specially sized equipment.* Notwithstanding the provisions of paragraphs (d) (2) (3) (4) and (5) above, on and after October 31, 1942, tire chains, chain parts and emergency unit chains, in types and sizes other than those enumerated respectively in paragraphs (d) (2) and (5), may be produced when specially ordered for delivery by the producer direct to the consumer.

(f) *Limitations on production*—(1) *For passenger automobiles.* Between October 31, 1942 and November 1, 1943, no producer shall use in the production of tire chains, chain parts or emergency unit chains for passenger automobiles more than sixteen per cent (16%) of the total quantity of metals, in pounds, used by him in his total production of all tire chains, all chain parts and all emergency unit chains in the period beginning April 1, 1941 and ending March 31, 1942; provided, that not more than twenty-five per cent (25%) of the material so authorized may be used in the production of tire chains.

(2) *For commercial vehicles:*

(i) On and after October 31, 1942, no producer shall manufacture any tire chains for commercial vehicles.

(ii) Between October 31, 1942 and November 1, 1943 no producer shall use in the production of chain parts or emergency unit chains for commercial vehicles, more than twenty-four per cent (24%) of the total quantity of metals, in pounds, used by him in his total production of all tire chains, all chain parts and all emergency unit chains in the period beginning April 1, 1941 and ending March 31, 1942.

(3) In fixing production quotas as provided for in paragraphs (f) (1) and (2) (ii) above, production during the base period on orders for delivery to or for the account of the Army, Navy and other persons enumerated in paragraph (g) below shall not be included.

(g) *Exceptions to applicability of this order.* The terms and restrictions of this order shall not apply to tire chains, chain parts or emergency unit chains sold to or produced under contracts or orders for delivery to or for the account of:

(1) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(2) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies and Protectorates, and Yugoslavia;

(3) Any agency of the United States Government for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(h) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning production and sales.

(i) *Reports.* All persons affected by this order, shall execute and file with the War Production Board such reports and questionnaires as the Board shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the War Production Board.

(j) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(l) *Appeals.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal to the War Production Board, setting forth pertinent facts and the reasons such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(m) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Automotive Branch, Washington, D. C., Ref: Order L–201.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10778; Filed, October 25, 1942; 11:26 a. m.]

Part 3109—Medical Equipment and Supplies Simplification

[General Limitation Order L–214]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export of the materials entering into the production of medical equipment and supplies and in the facilities available for the production of medical equipment and supplies; and the following order and the schedules issued pursuant hereto are deemed necessary and appropriate in the public interest and to promote the war effort:

§ 3109.1 *General Limitation Order L–214*—(a) *Issuance of schedules simplifying lines of medical equipment and supplies.* The Director General for Operations may from time to time issue schedules establishing simplified practices with respect to the types, sizes, forms, specifications or other qualifications for medical equipment, supplies, instruments and materials, and other similar products. After the issuance of any such schedule no such materials or products shall be produced, fabricated, processed or assembled except such as conform to the issued schedule and except as specifically permitted by such schedule. Any schedule issued pursuant hereto may also contain any other restrictions concerning such materials and products that may be deemed necessary and appropriate, such as restrictions on the sale, purchase, transfer, delivery and/or uses thereof.

(b) *Appeals.* Any person affected by this order or any schedule issued pursuant hereto who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order or such schedule would disrupt or impair a program of conversion from nondefense to defense work, may apply for relief by addressing a letter to the War Production Board (Reference: L–214) setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(c) *Applicability of priorities regulations.* This order (and any schedule issued pursuant hereto) and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(d) *Records.* All persons affected by this order, or any schedule issued pursuant hereto, shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, sales, and deliveries.

(e) *Reports.* All persons affected by this order, or any schedule issued pursuant hereto, shall file such reports as may be required from time to time by the War Production Board.

(f) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, or any schedule issued pursuant hereto, shall, unless otherwise directed, be addressed to: War Production Board, Health, Safety and Technical Supplies Branch, Washington, D. C., Ref: L–214.

(g) *Violations.* Any person who wilfully violates any provisions of this order, or any schedule issued pursuant hereto, or who, in connection with this order, or any such schedule, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10785; Filed, October 24, 1942; 11:26 a. m.]

PART 3109—MEDICAL EQUIPMENT AND SUPPLIES SIMPLIFICATION

[Schedule 1 to General Limitation Order L–214]

HOSPITAL ENAMELED WARE

§ 3109.2 *Schedule 1 to General Limitation Order L–214*—(a) *Definitions.* For the purposes of this schedule:

(1) "Hospital enameled ware" means any wash basin made of vitreous-enameled iron or steel, and any article made of vitreous-enameled iron or steel designed primarily for hospital or sick room use, including, but not limited to, sponge basins, pus basins, solution basins, bedpans, irrigators, dressing jars, instrument trays, instrument sterilizers (without heating elements or stands), urinals, catheter trays, feeding cups and douche pans. The term does not include furniture, electrical or gas appliances, power-driven equipment, nor any article coming within the definition of "Enameled ware", as defined in Supplementary General Limitation Order L–30–b.

(2) "Manufacturer" means any person who produces or assembles any hospital enameled ware.

(b) *General restrictions.* Pursuant to General Limitation Order L–214:

(1) Except as provided in subparagraph (2) and (3) of this paragraph (b), on and after October 29, 1942, no manufacturer shall process, fabricate, work on or assemble any hospital enameled ware except the articles listed in the following table, and then only within the permissible sizes and other limitations set forth in the table. When a manufacturer is permitted by this table to make more than one size of any article, each size he manufactures shall fall within a different one of the size ranges specified.

Article	Number of sizes permitted each manufacturer	Sizes
Basin, pus	1	9½ to 10½ inches in length.
Basin, sponge	1	6 to 7 inches in diameter.
Basin, wash	1	12 to 12⅝ inches in diameter.
Basin, solution	1	13 to 13½ inches in diameter.
Bedpan	1	Size and style to be determined by the manufacturer.
Irrigator	1	2 to 2½ quart capacity.
Jar, Dressing*	2	2 to 2½ quart and 4 to 4½ quart capacity.
Sterilizer, Instrument (without heating element or stand).*	1	18 to 19 inches in length; 4 to 5 inches in depth; 8 to 9 inches in width.
Tray, Instrument*	2	Sizes and styles to be determined by the manufacturer.

*Metal covers or lids may be made for these articles but not for any other articles in this table.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph (b), a manufacturer may produce any article of hospital enameled ware from iron or steel which, on October 29, 1942, had been blanked to size and shape for an article of hospital enameled ware by him or by any other person, provided that such article is completed on or before December 31, 1942, except for the production and attaching of handles, bails and spouts, the welding together of fabricated parts and the application of a vitreous-enameled coating, which may be done thereafter.

(3) The restrictions contained in subparagraph (1) of this paragraph (b) shall not apply to the following articles of hospital enameled ware when produced pursuant to a specific purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration:

(i) Urinals, one size;

(ii) Pitchers, one size of one quart capacity and one size of 3 quart capacity;

(iii) Any article for use in the field or on shipboard, provided that the specifications of such purchase order, contract or subcontract specify an article which may not be produced within the limitations of subparagraph (1) of this paragraph (b).

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10783; Filed, October 24, 1942; 11:26 a. m.]

PART 3085—IMPORTED LONG STAPLE RAW COTTON

[Amendment 1 to General Conservation Order M–236]

Section 3085.1 *General Conservation Order M–236*[1] is hereby amended in the following respects:

Paragraph (b) is amended to read as follows:

Definition. For the purposes of this order "imported long staple raw cotton" means any imported raw cotton with staple length of from $1\frac{1}{8}''$ to $1\frac{21}{32}''$, inclusive, whether imported before or after the effective date of this order, but the term shall not include representative samples taken under a sampling permit issued by the U. S. Bureau of Customs from bales prior to entry for classification or other purposes for which such samples are customarily used.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10784; Filed, October 24, 1942; 11:26 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension order S–115]

CAR-MOR METAL CO., INC.

Car-Mor Metal Company, Inc., Philadelphia, Pennsylvania, is a corporation engaged in business as a scrap dealer, ingot maker and babbitt maker, and melts approximately fifteen (15) tons of copper and copper base alloy scrap per month. During the month of April, 1942, the company melted approximately 24,000 pounds of copper and copper base alloy scrap without having first obtained specific authorization from the Director of Industry Operations. This constituted a violation of Supplementary Order No. M–9–b.[2]

During the period June 15, 1942 to August 1, 1942, the company made numerous deliveries of brass ingot to various purchasers without having first received evidence from said purchasers of their specific authority from the Director of Industry Operations to receive said material. These deliveries were made subsequent to a time when the company had knowledge that said deliveries could not be made without its first having received a Form PD–518–a certificate granting the necessary authority to the purchaser to receive said materials. These deliveries constituted violations of Supplementary Order No. M–9–b.

These violations of Supplementary Order M–9–b have impeded and hampered the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing facts: *It is hereby ordered*, That:

§ 1010.115 *Suspension Order S–115.* (a) Car-Mor Metal Company, Inc., Philadelphia, Pennsylvania, its successors and assigns, are hereby prohibited from melting or processing any copper, copper base alloy and copper scrap in excess of seven (7) tons in any calendar month. Nothing contained in this paragraph shall be deemed as authority to melt copper, copper base alloy and copper scrap, but Car-Mor Metal Company, Inc., its successors and assigns, shall make application for authority to melt copper, copper base alloy and copper scrap, in accordance with the applicable orders and regulations of the Director General for Operations.

(b) Nothing contained in this order shall be deemed to relieve Car-Mor Metal Company, Inc., its successors and assigns, from any restriction, prohibition, or provision, contained in any order or regulation of the Director of Industry Operations, or the Director General for Operations, whether now in force or hereafter issued, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on November 1, 1942, and shall expire on January 31, 1943, at which time the restriction contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10816; Filed, October 24, 1942; 12:33 a. m.]

PART 1011—IRIDIUM

[Amendment 1 of Conservation Order M–49]

Section 1011.1 *Conservation Order M–49*[1] is hereby amended by changing paragraph (b) (8) to read as follows:

(8) *Effective date.* This order shall take effect upon the 12th day of December 1941, and shall continue in effect until revoked by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

Issued this 26th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10821; Filed, October 26, 1942; 11:08 a. m.]

PART 1028—DOMESTIC COOKING APPLIANCES

[Amendment 3 to Supplementary General Limitation Order L–23–c]

Paragraph (a) (8) of § 1028.4 *Supplementary General Limitation Order L–23–c*[1] is hereby amended to read as follows:

(8) Accessories for domestic cooking appliances means thermostats, closets, shelves, aprons, clocks, cast broiler pans, thermometers or any other instruments, attachments, or appurtenances (except reservoirs, water backs and portable ovens) not essential to any of the following three major cooking operations: top-burner cooking, oven baking and oven broiling.

This amendment shall take effect the 26th day of December, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of October, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10819; Filed, October 26, 1942; 11:08 a. m.]

PART 1055—WOOL CLOTHING FOR MEN AND BOYS

[Revocation of General Conservation Order M–73–a]

General Conservation Order M–73–a as amended April 27, 1942 and revised May 8, 1942 and July 10, 1942 (§ 1055.2)[2] is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10826; Filed, October 26, 1942; 11:08 a. m.]

PART 1084—CANNED FOODS

[Supplementary Order M–86–b, as Amended October 26, 1942]

Section 1084.3 *Supplementary Order M–86–b*[3] is amended to read as follows:

§ 1084.3 *Supplementary Order M–86–b.* (a) Notwithstanding any previous notice of release by any government agency, or notice given by any canner pursuant to paragraph (c) (3) of Order M–86,[4] no canner after October 26, 1942, may sell or deliver any part of his pack of the following fish packed by him at

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[1] 7 F.R. 7172.

[2] 7 F.R. 5983, 6161.

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[1] 6 F.R. 6407.

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[1] 7 F.R. 3570, 5119, 5556.

[2] 7 F.R. 3081, 3443, 5297.

[3] 7 F.R. 3928.

[4] 7 F.R. 1998.

any time from March 1, 1942 to February 28, 1943, except as permitted by this order:

Group 1 Salmon:
Red, sockeye, or blueback (*Oncorhynchus nerka*);
Pink (*Oncorhynchus gorbuscha*);
Silver, silverside, medium red, or coho (*Oncorhynchus kisutch*);
Chum or keta (*Oncorhynchus keta*);
King, chinook or spring (*Oncorhynchus tschawytacha*)
Steelhead, or steelhead trout (*Salmo irideus* and *S. Clarki*, sometimes called *S. Gairdneri*).
Group 2 Pilchard (*Sardinia caerulea*), by whatever name known, including sardines.
Group 3 Sea Herring:
Atlantic (*Clupea herengus*), by whatever name known, including sardines.
Group 4 Mackerel:
Atlantic (*Scomber scombrus*)
Pacific (*Pneumatophorus japonicus diego*)

(b) Each canner may deliver, to any agency or agencies of the United States Government specifically designated by the Director General for Operations, any part or all of the canned fish listed in paragraph (a) packed by him at any time.

(c) 60% by net weight is hereby established as each canner's quota percentage for such sale to government agencies of his pack of each species of each group of canned fish listed in paragraph (a), packed during each quota period. The following quota periods are hereby established:

Period 1—March 1, 1942–October 31, 1942.
Period 2—November 1942.
Period 3—December 1942.
Period 4—January 1943.
Period 5—February 1943.

(d) Any canner who has delivered to government agencies his quota of his pack of any species of any group of canned fish listed in paragraph (a), packed during any quota period, may deliver to persons other than government agencies 20% of his pack of such species, packed during such quota period. Such 20% of his pack may be delivered by a canner in advance of delivery of his quota to Government agencies if so authorized by the government agency to which such canner's pack is allocated, provided such agency finds that the canner is unable to deliver his quota for reasons beyond his control and provided, further, that he has obligated himself by contract to make delivery of his quota when able.

(e) Directions as to styles, types of pack, can sizes, labeling, boxes, and strapping may be given to any canner packing any canned fish listed in paragraph (a), by the Director General for Operations, or the agency to which a canner's pack is allocated.

(f) The report prescribed by paragraph (c) (2) of Order M–86 shall be filed weekly within three days after the close of each calendar week on Form PD–495, "Canned Fish; Weekly Pack Report." A report on such form, shall be filed within fifteen days after the completion of each canner's seasonal pack, covering the entire amount of such pack.

(g) Until further notice, the Agricultural Marketing Administration within the Department of Agriculture is hereby allocated the quotas prescribed by this order, and authorized to purchase, for governmental requirements, those quantities and such other and further quantities as may be allocated to it from time to time. Said Agricultural Marketing Administration is also authorized to inspect and grade such canned fish pursuant to paragraph (e) of Order M–86.

(h) Paragraph (c) (3) of Order M–86 shall not apply with respect to canned fish set aside pursuant to this supplementary order.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10825; Filed, October 26, 1942; 11:09 a. m.]

PART 1084—CANNED FOODS

[Supplementary Order M–86–c, Revocation]

Section 1084.4 *Supplementary Order M–86–c*[1] is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10822; Filed, October 26, 1942; 11:09 a. m.]

PART 1084—CANNED FOODS

[Supplementary Order M–86–d, Revocation]

Section 1084.5 *Supplementary Order M–86–d*[2] is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10823; Filed, October 26, 1942; 11:09 a. m.]

PART 1098—RHODIUM

[Amendment 2 of Conservation Order M–95]

Section 1098.1 *Conservation Order M–95*[3] is hereby amended by changing paragraph (c) to read as follows:

(c) *Effective date.* This order shall take effect on the 11th day of March 1942, and shall continue in effect until revoked by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10824; Filed, October 26, 1942; 11:09 a. m.]

PART 3126—CLOTHING FOR MEN AND BOYS

[General Limitation Order L–224]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of wool, silk, rayon, cotton, linen and other materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3126.1 *General Limitation Order L–224*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Wool cloth" means any cloth containing any percentage of wool, reprocessed wool or reused wool as those terms are defined in the Wool Products Labeling Act of 1939, 54 Stat. 1128, October 14, 1940, but shall not include cloth in which the only wool content is grown or adult mohair.

(2) "Put into process" means the first cutting operation of the cloth in the manufacture of men's or boys' clothing by any person, including tailors-to-the-trade and merchant tailors.

(3) "Men's" means clothing graded as men's, young men's, students', or all that does not normally grade from size 14.

(4) "Boys'" means all clothing normally graded up and down from size 14, but shall not include sizes smaller than 7.

(5) "Children's (male)" means boys' clothing falling between sizes 7 to 12 inclusive.

(6) "Patch pocket" means a pocket made by superimposing a patch of cloth upon the body cloth of the garment.

(7) "High-rise trousers" means trousers with the difference between the inseam measurement and the outseam measurement (measured from the top of the waistband) exceeding 11½ inches for a 32 inch waist regular, with other sizes and variations in normal proportion.

(8) "Unlined" means without linings other than a shallow yoke lining and sleeve lining.

(9) *Measurements.* Whenever particular measurements are set forth in this order, such shall refer to finished measurements after all manufacturing operations have been completed and the garment is ready for shipment.

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[1] 7 F.R. 7142.

[2] 7 F.R. 7774.

[3] 7 F.R. 1979, 2895, 3807.

(10) Unless otherwise expressly defined, all terms shall have their usual and customary trade meaning.

(c) *Restrictions on use of cloth in the manufacture and finishing of men's and boys' clothing*—(1) *Curtailments on use of cloth in the manufacture of coats, trousers, vests, or suits, including lumber jackets, leisure, or loafer coats, semi-dress pants, slack-suit trousers and similar types of garments.* No person shall put into process, or cause to be put into process by others for his account, any cloth for manufacture of a:

(i) Second pair of trousers for any suit, whether two or three pieces, of the same or matching material;

(ii) Vest for a double-breasted suit of the same or matching material;

(iii) Sack coat, jacket, or lumber jacket with:

(*a*) Length exceeding for:

(*1*) Men's—29¾ inches for a size 37 regular, with other sizes and variations in normal proportion, except that on cloths other than wool cloth, ½ inch additional shall be permitted;

(*2*) Boys'—24¾ inches for a size 14, with other sizes in normal proportion, except that on cloths other than wool cloth, ½ inch additional shall be permitted;

(*b*) Outside patch pockets or inside patch pockets of wool cloth, except that unlined utility jackets or lumber jackets may have two lower inside patch pockets of wool cloth and that unlined sack coats or jackets may have outside patch pockets of cloth other than wool cloth;

(*c*) Vent or belted back, or any other type of fancy back with pleats, tucks, bellows, gussets, or yokes, except a two-piece back with a belt stitched on in such a way that there is no overlay of cloth on cloth greater than one-half inch on the upper and the lower side of the belt.

(iv) Pair of trousers with:

(*a*) Maximum width exceeding 22 inches at the knee and 18½ inches at the bottom for a pair of trousers size 32 inch waist regular, with other sizes and variations in normal proportion;

(*b*) Inseam measurement exceeding, except cloth other than wool cloth, for:

(*1*) Men's—35 inches (including the turn-up) for a pair of trousers size 32 inch waist regular with other sizes and variations in normal proportion;

(*2*) Boys'—30½ inches (including the turn-up) for a size 14 with other sizes in normal proportion;

(*c*) Real or simulated pleat or tuck, except cloth other than wool cloth;

(*d*) Continuous waistband, extension waistband or any type of high-rise, except a continuous waistband for children (male);

(*e*) Side or back buckle strap;

(*f*) Belt-loops exceeding ¾ inch in width;

(*g*) Belt or half-belt, except for trousers without suspenders or bib for children (male);

(*h*) Patch pockets;

(v) Vest with patch pockets, collar, lapels, or of a double-breasted style.

(2) *Curtailments on finishing wool cloth trousers.* (i) No person shall finish a pair of wool cloth trousers with cuffs, including any type of simulated cuffs, or with a permanent turn-up of over three inches or cause this to be done by others for his account. This restriction shall not apply to the alteration, repair or cleaning of trousers already finished with cuffs.

(ii) No person consummating at retail the sale of wool cloth trousers, whether separate or in a suit, who does not finish the trousers, shall deliver the trousers in an unfinished state unless he has first cut off the wool cloth in excess of that needed for a permanent turn-up of three inches.

(3) *Curtailments on the use of wool cloth in the manufacture of topcoats and overcoats (including work overcoats and fingertip coats), mackinaws, and similar types of garments.* No person shall put into process, or cause to be put into process by others for his account, any wool cloth for the manufacture of:

(i) *Single-breasted topcoats, overcoats or mackinaws.* (*a*) Men's single-breasted topcoat or overcoat exceeding 43¼ inches in length and 56 inches in sweep for a size 37 regular with other sizes and variations in normal proportion, and that in the case of men's single-breasted mackinaw, the length shall in no case exceed 32 inches;

(*b*) Boys' single-breasted topcoat or overcoat exceeding 37¼ inches in length and 48 inches in sweep for a size 14, with other sizes in normal proportion, and that in the case of boys' single-breasted mackinaw, the length shall not exceed 30 inches for a size 18, with other sizes graded up and down in normal proportion;

(ii) *Double-breasted topcoats, overcoats or mackinaws.* (*a*) Men's double-breasted topcoat or overcoat exceeding 44¼ inches in length and 62 inches in sweep for a size 37 regular, with other sizes and variations in normal proportion, and that in the case of men's double-breasted mackinaw, the length shall in no case exceed 32 inches;

(*b*) Boys' double-breasted topcoat or overcoat exceeding 37¼ inches in length and 53 inches in sweep for a size 14, with other sizes in normal proportion, and that in the case of boys' double-breasted mackinaw, the length shall not exceed 30 inches for a size 18, with other sizes graded up and down in normal proportion;

(iii) A topcoat, overcoat or mackinaw with inside or outside patch pockets of wool cloth, any type of cuffs on the sleeves, a belt, pleats, or any type of fancy back, except that men's or boys' unlined utility mackinaw may have two lower inside patch pockets of wool cloth and/or a two-piece back with a belt stitched on in such a way that there is no overlay of wool cloth on wool cloth greater than ½ inch on the upper and the lower side of the belt;

(iv) A topcoat, overcoat or mackinaw with a lining cloth containing new wool;

(v) A reversible topcoat, overcoat or mackinaw made of wool cloth on more than one side.

(4) *Curtailments on selling samples and reference swatches.* No person shall cut, or cause to be cut by others for his account, a selling sample containing over 54 square inches of cloth or a reference swatch containing over 6 square inches of cloth. This restriction shall not apply to display or selling ends used by tailors-to-the-trade or merchant tailors containing yardage, alone or in combination with an end of approximately the same length and width, sufficient to be put into process for the manufacture of trousers, coat, suit, topcoat or overcoat.

(5) *Curtailments on the manufacture of full-dress coats, cutaway coats, or double-breasted tuxedo coats.* No person shall hereafter put into process, or cause to be put into process by others for his account, any wool cloth in the manufacture of a full-dress coat, a cutaway coat, or a double-breasted tuxedo coat.

(6) *Additional curtailments on the use of cloth in the manufacture of that portion of boys' clothing known as "children's (male) clothing."* No person shall put into process, or cause to be put into process by others for his account, any cloth for the manufacture of a:

(i) Suit, jacket, mackinaw, topcoat, or overcoat with separate or attached hood, scarf, hat, helmet, cap, mittens, gloves, or purse of the same or matching material, except a mackinaw or jacket with an attached hood, if made without a collar;

(ii) Snow or ski suit with:

(*a*) Wool cloth lining, if snow or ski suit is of wool cloth;

(*b*) Separate or attached cape, muff, scarf, bag, hat, coat or mittens of the same or matching material;

(*c*) Self or contrasting cloth belt exceeding 2 inches in width;

(*d*) Collar, if an attached hood is used;

(*e*) Attached hood of wool cloth lined with wool cloth;

(*f*) More than one pair of pants or leggings.

(d) *Prohibition against sales and deliveries.* No person shall sell or deliver any men's or boys' clothing except:

(1) Clothing manufactured in accordance with the restrictions of paragraph (c) hereof;

(2) Clothing manufactured from wool cloth, including cloth containing mohair, put into process prior to May 30, 1942;

(3) Clothing manufactured from cloth other than wool cloth, excluding cloth containing mohair, put into process prior to October 26, 1942.

(4) Secondhand clothing.

(e) *Exclusions from this order.* The provisions and terms of this order shall not apply to the cutting or manufacturing of (1) Uniforms for any of the following:

(i) U. S. Army officers (commissioned, warrant and specialist corps);

(ii) U. S. Navy officers (commissioned and warrant) and chief petty officers;

(iii) U. S. Marine Corps officers (commissioned and warrant);

(iv) U. S. Coast Guard officers (commissioned and warrant) and chief petty officers;

(v) U. S. Government military and naval academy training school students;

(vi) U. S. Maritime Commission officers;

(vii) U. S. War Shipping Administration officers;

(viii) U. S. Coast and Geodetic Survey officers;

(ix) U. S. Public Health Service officers.

(2) Clothing, robes and vestments as required by the rules of religious orders and sects.

(3) Historical costumes for theatrical productions.

(4) Clothing for persons who, because of unusual height or abnormal size or physical deformities, require additional cloth for proportionate length of coat, jacket, topcoat or overcoat, or the inseam or outseam of trousers or width of trouser knee and bottom, or otherwise, but only insofar as necessary because of such unusual height or abnormal size or physical deformities.

(5) Clothing manufactured specifically in accordance with the provisions of any other applicable conservation, limitation or general preference order.

(f) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of cloth conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or telegram, Reference L-224, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(g) *Reports.* Each person affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be required by said Board from time to time.

(h) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Branch, Washington, D. C. Ref: L-224.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10820; Filed, October 26, 1942; 11:08 a. m.]

Chapter XI—Office of Price Administration

PART 1309—COPPER

[Amendment 3 to RPS 12[1]]

BRASS MILL SCRAP

A statement of the considerations involved in the issuance of this Amendment No. 3 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1309.18, paragraph (b) and in section 1309.19, subparagraph (2) of paragraph (b) are amended to read as set forth below:

§ 1309.18 *Definitions.* * * *

(b) "Brass mill scrap" includes all kinds and grades of non-ferrous scrap materials which are a waste or by-product of any kind of fabrication of new sheet, tube, rod or other brass mill products. It also includes any unused sheet, tube, rod or other brass mill products sold to a brass mill for remelting whether such brass mill products are in the form originally sold by the brass mill or have been further fabricated, processed, altered or assembled.

* * * * *

§ 1309.19 *Appendix A: Maximum prices.* * * *

(b) * * *

(2) The following are the specific maximum prices established by this Revised Price Schedule No. 12:

Grade	Maximum prices per pound of material (cents)		
	Heavy scrap (including sheet and tube)	Rod ends (including rod)	Turnings
Copper	10¼	10¼	9½
Tinned copper	9⅝	9⅝	9⅜
Commercial bronze:			
Containing 95% or more copper	9½	9¼	8¾
Containing minimum of 90% up to 95% copper	9⅜	9⅛	8⅝
Red Brass: Containing minimum of 80% copper	9⅛	8⅞	8⅜
Best quality brass: Containing minimum of 71% up to 80% copper	8¾	8½	8
Yellow brass	8⅝	8⅜	7⅞
Muntz metal	8	7¾	7¼
Nickel silver:			
Containing minimum 5% nickel	9¼	9	4⅝
Containing minimum 10% nickel	10⅛	9⅞	5 1/16
Containing minimum 15% nickel	10⅞	10⅝	5 7/16

* * * * *

§ 1309.18a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1309.18 (b), 1309.19 (b) (2) and 1309.18a (c)) to Revised Price Schedule No. 12 shall become effective October 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10739; Filed, October 23, 1942; 12:08 p. m.]

PART 1340—FUEL

[Amendment 25 to MPR 120[1]]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1340.208, paragraph (b) is redesignated (c), and a new paragraph (b) is added as set forth below:

§ 1340.208 *Definitions.* * * *

(b) Where reference is made to maximum prices for shipment by a particular method of transportation (e. g., "shipment by rail," "truck or wagon shipments") this does not include such shipments made for special uses to which special maximum prices are applicable (e. g., railroad fuel shipments) unless the reference so specifies.

* * * * *

§ 1340.211a *Effective dates of amendments.* * * *

(z) Amendment No. 25 (§ 1340.208 (b), (c)) to Maximum Price Regulation No. 120 shall be effective as of May 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10740; Filed, October 23, 1942; 12:09 p. m.]

PART 1346—BUILDING MATERIALS

[Amendment 1 to MPR 224[2]]

CEMENT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (b) of § 1346.104, paragraph (a) of § 1346.105, § 1346.111, and paragraph (a) (5) of § 1346.114 are hereby amended to read as set forth below; a new paragraph (a) (7) is added to § 1346.114; and a new § 1346.117 is added.

§ 1346.104 *Maximum prices for sales and deliveries of cement by manufacturers.* * * *

(b) *Maximum prices for cement sold by a manufacturer and shipped outside its normal market area.* (1) The maximum prices for American Society for Testing Materials Types 1 and 2 Portland cement sold by a manufacturer and shipped outside its normal market area shall be, except as provided below, the highest of the following three prices:

(i) A price at the destination not in excess of the maximum price established under paragraph (a) of this section for a sale at such destination by a mill whose normal market area includes such destination;

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1234, 1836, 2132, 3520, 5515.

[1] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6325, 6524, 6744, 6896, 7670, 7777, 7914, 7942, 8354.

[2] 7 F.R. 7396.

(ii) A price f. o. b. mill in bulk not in excess of the price listed below in the Bureau of Mines District in which the mill is located.

District No.:	*Price per barrel*
1 (Eastern Pa., N. J., Md., D. of C., Dela.)	$1.33
2 (N. Y., Conn., R. I., Mass., N. H., Vt., Maine)	1.36
3 (Western Pa., Ohio, West Va.)	1.27
4 (Michigan)	1.28
5 (Ind., Ill., Wis., Ky.)	1.42
6 (Ga., Ala., Tenn., La., Miss., N. C., S. C., Va., Fla.)	1.44
7 (Eastern Mo., Iowa, Minn., N. D., S. D.)	1.54
8 (Neb., Kans., Okla., West Mo., Ark.)	1.43
9 (Texas)	1.58
10 (Colo., Utah, Mont., Idaho, Wyoming, N. M.)	1.73
11 (California, Arizona, Nevada)	1.43
12 (Oregon, Washington)	1.81

(*a*) The manufacturer may use the alternative pricing method set forth in subdivision (ii) only if he indicates on the billing that the price has been determined in accordance with § 1346.104 (b) (1) (ii) of this Maximum Price Regulation No. 224; and the cement is to be sold to a person who will not resell it in the course of trade to a person other than a war procurement agency or a contractor or subcontractor with any war procurement agency for use on a project controlled by any such agency: *Provided,* That the obligations of a manufacturer under this provision will be met if he secures an affidavit from the purchaser that the cement to be purchased will not be resold in the normal course of trade to a person other than a war procurement agency or a contractor or subcontractor with any war procurement agency for use on a project controlled by any such agency, and the manufacturer retains such affidavit in his possession for a period of two years and makes it available for inspection by the Office of Price Administration.

(iii) Up to and including June 30, 1943, a price f. o. b. mill not in excess of the highest price realized by the manufacturer at the mill on a comparable sale to a similar purchaser during the period March 1 to 15, 1942, whether made to a point inside or outside of the manufacturer's normal market area.

(*a*) A manufacturer may use the alternative pricing method set forth in subdivision (iii) only if the War Production Board certifies to the manufacturer and to the Office of Price Administration that the quantity of cement named in such certification for the war-essential project likewise designated should not be shipped from a Bureau of Mines District having surplus cement and that both the point of shipment and the point of destination are located in a Bureau of Mines District or Districts in which a deficiency of cement exists or is imminent at the time of the certification; and the manufacturer indicates on the billing that the price has been determined in accordance with § 1346.104 (b) (1) (iii) of this Maximum Price Regulation No. 224; and the cement is to be sold to a person who will not resell it in the course of trade to a person other than a war procurement agency or a contractor or subcontractor with any war procurement agency for use on a project controlled by any such agency: *Provided,* That the obligations of a manufacturer under this provision will be met if he secures an affidavit from the purchaser that the cement to be purchased will not be resold in the normal course of trade to a person other than a war procurement agency or a contractor or subcontractor with any war procurement agency for use on a project controlled by any such agency, and the manufaturer retains such affidavit in his possession for a period of two years and makes it available for inspection by the Office of Price Administration.

(2) A delivered price may be charged under (ii) or (iii) of paragraph (b) (1) of this section equal to the f. o. b. mill price plus the freight charges incurred by the manufacturer in making delivery to the point of destination: *Provided,* That if the seller makes delivery with his own facilities, he may add to the f. o. b. mill price the charges which he customarily made for such transportation services during the period March 1 to 15, 1942, but in no event to exceed the lowest common carrier charge for such shipment by the mode of transportation employed.

(3) The maximum prices established under this paragraph (b) are subject to trade discounts, quantity differentials, charges (including package charges), allowances, and deposits (other than deposits on cloth bags which may be required in a reasonable amount so long as the refund equals the deposit) most favorable to purchasers which the manufacturer had in effect, published, listed, or quoted, during the period March 1 to 15, 1942.

(4) The maximum prices under this paragraph (b) may be increased to the extent that a cash discount is offered to purchasers under conditions as favorable as were offered by the seller during the period March 1 to 15, 1942: *Provided,* That during the period of the war emergency a reasonable period of grace sufficient to permit routine handling shall be allowed to any war procurement agency within which to avail itself of the cash discount.

(5) The differentials from the price of American Society for Testing Materials Types 1 and 2 Portland cement which prevailed on March 15, 1942, with respect to American Society for Testing Materials Type 3 Portland cement (high early strength cement), white cement, oil-well cements, masonry cement, and other cement, shall be added to or subtracted from, as the case may be, the maximum selling prices established under this paragraph for American Society for Testing Materials Types 1 and 2 Portland cement, to determined the maximum prices for such other cements.

§ 1346.105 *Maximum prices for sales and deliveries of cement by dealers.* * * *

(a) The maximum price for the sale by a dealer of cement purchased from a manufacturer who established maximum prices in accordance with the provisions of § 1346.104 (b) (1) (ii) or (iii) of this regulation for the cement which the dealer is reselling shall be a price not in excess of the cost of such cement to the dealer plus a dollar margin not higher than the dollar margin which the dealer customarily received in a similar transaction involving like quantities and types of cement between October 1, 1941, and March 31, 1942.

* * * * *

§ 1346.111 *Licensing.* The provisions of Supplementary Order No. 18 (§ 1305.22) Licensing Persons Selling Lumber, Lumber Products or Building Materials, are applicable to every person (except mills, manufacturers, or producers) making sales of cement for which maximum prices are established by this regulation. The term "producers" when used in this section shall have the meaning given to such term by Supplementary Order No. 18.

* * * * *

§ 1346.114 *Definitions.* (a) When used in this Maximum Price Regulation No. 224, the term: * * *

(5) "Normal market area" for any mill means that area in which cement was regularly offered for sale at delivered prices for shipment from that mill during the period January 1, 1940, to January 1, 1942. For the purposes of this definition, cement will be deemed to have been "regularly offered for sale" only in the area in which the mill regularly had traveling salesmen and/or made quotations for shipment at delivered prices during such period.

* * * * *

(7) "Base period", as used in § 1346.107, means the period March 1 to March 15, 1942, inclusive.

§ 1346.117 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1346.104 (b), 1346.105 (a), 1346.111, 1346.114 (a) (5), 1346.114 (a) (7), and 1346.117) to Maximum Price Regulation No. 224 shall become effective September 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10741; Filed, October 23, 1942; 12:08 p. m.]

PART 1372—SEASONAL COMMODITIES

[Amendment 4 to MPR 210[1]]

RETAIL AND WHOLESALE PRICES FOR FALL AND WINTER SEASONAL COMMODITIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (g) of § 1372.112 is amended by the addition of subparagraph (9), set forth as follows:

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*Copies may be obtained from Office of Price Administration.

[1] 7 F.R. 6789, 7318, 7173, 7912.

§ 1372.112 *Appendix A: List of fall and winter seasonal commodities.* * * *

(9) Show fencing, roll corn cribbing, slat corn cribbing, combination wood and wire corn cribbing and portable corn cribs.

* * * * *

§ 1372.111a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§§ 1372.112 (g) (9)) shall become effective October 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10742; Filed, October 23, 1942; 12:07 p. m.]

Part 1390—Machinery and Transportation Equipment

[Amendment 34 to MPR 136,[1] as Amended]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph (23) is added to § 1390.25 (c) as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(23) *Hunter Tractor and Machinery Company.* Notwithstanding the provisions of § 1390.9, the maximum charge applicable to any machinery service supplied by Hunter Tractor and Machinery Company, Milwaukee, Wisconsin, in connection with the repair, rebuilding and maintenance of machines and parts shall be at the rate of $2.05 per hour.

§ 1390.31a *Effective dates of amendments.* * * *

(ii) Amendment No. 34 (§ 1390.25 (c) (23)) to Maximum Price Regulation No. 136, as amended, shall become effective October 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10743; Filed, October 23, 1942; 12:08 p. m.]

Part 1499—Commodities and Services

[Amendment 33 to Supp. Reg. 1 to GMPR]

NATURAL FOREST PRODUCTS USED BY FLORISTS

Amendment No. 33 to Supplementary Regulation 1 to General Maximum Price Regulation—Exception for Certain Commodities, Certain Sales and Deliveries, and Certain Services.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (36) of § 1499.26 (a) is added, and reads as set forth below:

§ 1499.26 *Exceptions for certain commodities and certain sales and deliveries.* (a) General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

* * * * *

(36) The following natural forest products used by florists: ferns, leaves, foliage and boughs.

* * * * *

(e) *Effective dates.* * * *

(34) Amendment No. 33 (§ 1499.26 (a) (36)) to Supplementary Regulation No. 1 shall become effective October 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10734; Filed, October 23, 1942; 12:10 p. m.]

Part 1499—Commodities and Services

[Amendment 44 to Supp. Reg. 14[1] to GMPR[2]]

SITKA SPRUCE LUMBER, EXCEPT AIRCRAFT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.*

A new subparagraph (33) is added to § 1499.73 (a) as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

* * * * *

(33) *Sitka spruce lumber, except aircraft—*(i) *Adjustable pricing for Sitka spruce lumber, except aircraft.* On and after October 29, 1942, any Sitka spruce lumber, except aircraft lumber, may be sold and delivered for direct-mill shipment at a price which is not higher than that fixed by the General Maximum Price Regulation, but which is agreed by the parties to be adjustable to the maximum price later to be set in a specific maximum price regulation covering this kind of lumber. The parties may also, if they prefer, agree that the adjustment shall apply only when the maximum price later set is higher than the contract price, and not when it is lower.

(ii) The term "aircraft lumber" means any Sitka spruce lumber the price of which is established by Maximum Price Regulation No. 109, Aircraft Spruce.

(b) *Effective dates of amendments.* * * *

(45) Amendment No. 44 (§ 1499.73 (a) (33)) to Supplementary Regulation No. 14 to General Maximum Price Regulation shall become effective October 29, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.)

Issued this 23d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10744; Filed, October 23, 1942; 12:09 p. m.]

Part 1499—Commodities and Services

[Order 102 Under § 1499.3 (b) of GMPR]

BENLY PRODUCTS CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.966 *Approval of maximum price for sales of a certain toilet water preparation by Monroe Coblens, doing business as the Benly Products Company.* (a) Monroe Coblens, doing business as the Benly Products Company, Philadelphia, Pennsylvania, may sell and deliver to Helena Rubinstein, Incorporated, a corporation, of New York City, and Helena Rubinstein, Incorporated, may buy and receive from Monroe Coblens, doing business as Benly Products Company, that toilet water preparation which is the subject of the contract entered into between such seller and such purchaser on September 14, 1942, at a price no higher than $5.315 per gallon, f. o. b. Philadelphia, Pennsylvania. No additional charge may be made for containers, but where seller furnishes containers, a reasonable container deposit may be required providing it is refunded upon the return of the containers in good condition within a reasonable time.

(b) The maximum price set forth in paragraph (a) shall be subject to adjustment at any time by the Office of Price Administration.

(c) Monroe Coblens, doing business as Benly Products Company, shall submit such reports to the Office of Price Administration as it may, from time to time, require.

(d) This Order No. 102 may be revoked or amended by the Office of Price Administration at any time.

(e) This Order No. 102 (§ 1499.966) shall become effective October 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10733; Filed, October 23, 1942; 12:10 p. m.]

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*Copies may be obtained from Office of Price Administration.

[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362.

[1] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487 4659, 4736, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5784, 5783, 6058, 6081, 6087, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913.

Part 1305—Administration

[General Ration Order 1]

ADMINISTRATIVE EXCEPTIONS

Pursuant to the authority vested in the Price Administrator by Executive Order No. 9125 and by War Production Board Directive No. 1: *It is hereby ordered:*

§ 1305.28 (a) Any person seeking relief from a ration order for which no provision is made in the order, shall present in writing to the Deputy Administrator in charge of rationing, Office of Price Administration, Washington, D. C., a statement of the circumstances thought to warrant such relief, and the reasons why he believes that the granting of relief in his case and in all like cases would not defeat or impair the effectiveness or policy of the ration order involved. The Deputy Administrator may grant such relief only if he finds that the granting thereof would not defeat or impair the effectiveness or policy of the ration order involved: *Provided,* That nothing herein contained shall permit an exception to or waiver or variance of any provision setting forth standards of eligibility or need for a rationed commodity.

(b) This General Ration Order No. 1 shall become effective this 30th day of October 1942.

(E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., W.P.B. Directive No. 1, 7 F.R. 562)

Issued this 24th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10798; Filed, October 24, 1942; 12:21 p. m.]

Part 1388—Defense-Rental Areas

[Correction of Supplementary Amendment 8 to Maximum Rent Regulations]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

Under the authority vested in the Administrator by the Emergency Price Control Act of 1942, the following correction of Supplementary Amendment No. 8 is hereby issued.

The reference in paragraph (c) of said amendment to section 6 is deleted and replaced by a reference to section ________________.[2]

Issued and effective this 24th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10799; Filed, October 24, 1942; 12:22 p. m.]

Part 1388—Defense-Rental Areas

[Correction of MRR 53]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

Under the authority vested in the Administrator by the Emergency Price Control Act of 1942, the following correction of Maximum Rent Regulation No. 53 is hereby issued:

In § 1388.282 of said regulation the reference to section 6 is deleted and replaced by a reference to § 1388.286.

This correction of Maximum Rent Regulation No. 53 shall be effective November 1, 1942.

Issued this 24th day of October, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10800; Filed, October 24, 1942; 12:22 p. m.]

Part 1364—Fresh, Cured, and Canned Meat and Fish

[MPR 247]

DOMESTIC CANNED CRABMEAT

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for the sale of domestic canned crabmeat. The Price Administrator has ascertained and given due consideration to the prices of domestic canned crabmeat prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The maximum prices established herein are not below the average price of such commodities in the year 1941.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1[1], issued by the Office of Price Administration, Maximum Price Regulation No. 247 is hereby issued.

AUTHORITY: §§ 1364.251 to 1364.267, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1364.251 *Prohibition against dealing in domestic canned crabmeat at prices above the maximum.* On and after October 30, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any domestic canned crabmeat, and no person in the course of trade or business shall buy or receive any domestic canned crabmeat at prices higher than the maximum prices established by this Maximum Price Regulation No. 247; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of domestic canned crabmeat to a purchaser if, prior to October 30, 1942, such canned crabmeat has been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1364.252 *Canner's maximum prices for domestic canned crabmeat.* (a) The canner's maximum prices per dozen f. o. b. factory for each kind, grade, and container size of domestic crabmeat of the 1942 pack and subsequent packs shall be those set forth below:

(1) Blue crabmeat and sand crabmeat, fancy or white fancy, No. ½ flats, $3.50.

(2) Blue crabmeat and sand crabmeat, brown claw fancy, No. ½ flats, $3.00.

(3) Dungeness crabmeat, fancy, No. ½ flats, $4.00.

(b) For container sizes or styles of pack or types of domestic canned crabmeat not listed in § 1364.252 (a), the canner's maximum price shall be a price determined by the Office of Price Administration to be in line with the prices listed in § 1364.252 (a). Such determination shall be made upon written request, addressed to the Office of Price Administration, Washington, D. C., and accompanied by a sworn statement showing costs and usual differentials.

(c) Every canner shall maintain his customary allowances, discounts, or other price differentials.

§ 1364.253 *Wholesalers' and retailers' maximum prices for standard domestic canned crabmeat.* (a) The maximum prices applicable to sales and deliveries of domestic canned crabmeat by any person other than the canner thereof or the agent, or other person acting on behalf, or under the control, of such canner shall be (1) in the case of persons selling at wholesale the sum obtained by adding to the seller's maximum prices per dozen in effect prior to the issue of this regulation the amount of twenty-four cents per dozen as to any sale or delivery of dungeness crabmeat and the amount of eighty-four cents per dozen as to any sale or delivery of blue crabmeat and sand crabmeat, and (2) in the case of persons selling at retail the sum obtained by adding to the seller's maximum prices per can in effect prior to the issue of this regulation the amount of two cents per can as to any sale or delivery of dungeness crabmeat and the amount of seven cents per can as to any sale or delivery of blue crabmeat or sand crabmeat.

(b) Every wholesaler and retailer shall maintain his customary allowances, discounts, or other price differentials.

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[2] The applicable section number is to be inserted for each Maximum Rent Regulation. The respective section number to be inserted for each Maximum Rent Regulation is as follows:

§ 1388.16, No. 1; § 1388.66, No. 2; § 1388.116, No. 3; § 1388.166, No. 4; § 1388.216, No. 5; § 1388.266, No. 6; § 1188.316, No. 7; § 1388.366, No. 8; § 1388.416, No. 9; § 1388.466, No. 10; § 1388.516, No. 11; § 1388.566, No. 12; § 1388.616, No. 13; § 1388.666, No. 14; § 1388.716, No. 15; § 1388.766, No. 16; § 1388.816, No. 17; § 1388.866, No. 18; § 1388.916, No. 19; § 1388.966, No. 20; § 1388.1016, No. 24; § 1388.1656, No. 25; § 1388.1706, No. 26; § 1388.1756, No. 27; § 1388.1806, No. 28; § 1388.2056, No. 33; § 1388.3506, No. 35; § 1388.4056, No. 37; § 1388.5056, No. 39; § 1388.6056, No. 41; § 1388.7056, No. 43; § 1388.8056, No. 45; § 1388.36, No. 47; and § 1388.136, No. 49.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 971, 3663, 6967.

§ 1364.254 *Information to purchasers from canners.* Every canner of domestic canned crabmeat, or agent or other person acting on behalf, or under the control of such canner shall advise in writing each person to whom he sells domestic canned crabmeat of the amount of the increase per dozen under § 1364.253 of this regulation and of the duty of persons selling at wholesale to furnish purchasers with the information required by § 1364.255 of this regulation. Such notification shall accompany or precede the first delivery of domestic canned crabmeat to each purchaser after the effective date of this regulation.

§ 1364.255 *Information to purchasers from wholesalers.* Every wholesaler, before or at the time of his first delivery to any purchaser for resale of domestic canned crabmeat covered by this Maximum Price Regulation No. 247 after the effective date of this regulation, shall supply to such purchaser a written statement identifying each such item included in the sale, and shall clearly indicate for each such item the increase per can which the purchaser is entitled to add to his legal maximum price under the General Maximum Price Regulation [2] in computing the purchaser's maximum price under § 1364.253 of this regulation. In every such statement the information prescribed by this § 1364.255 shall be preceded by an announcement, as follows:

> Your new OPA ceiling price for each item noted is your March ceiling price *plus* the permitted increase shown per retail container. OPA requires you to keep this information for examination.

The statement may also include similar information for any other items covered by this or other regulations even though they are not included in the sale.

Although this regulation requires no special form for listing items and permitted increases, an example of an approved form which may be helpful to many wholesalers is set forth below:

NOTICE OF RETAILER'S PERMITTED INCREASE

To: --

Address: --

[Your new OPA ceiling price for each item noted is your March ceiling price *plus* the permitted increase shown per retail container. OPA requires you to keep this information for examination]

Item—Domestic canned crab meat			Permitted increase per can
Kind	Brand	Container size	
			Cents
White Fancy	Atlantic	No ½ flat	7
Fancy	Pacific	No ½ flat	2

Wholesaler: ----------------------------------

Address: ------------------------------------

By: ---

Date: ---

§ 1364.256 *Conditional agreements.* No person dealing in domestic canned crabmeat shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1364.252, in the event that this Maximum Price Regulation No. 247 is amended or is determined by a court to be invalid or upon any other contingency: *Provided,* That if a petition for amendment or adjustment has been duly filed, and such petition requires extensive consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment.

§ 1364.257 *Export sales.* The maximum price at which a person may export canned crabmeat shall be determined in accordance with the Revised Maximum Export Price Regulation [3] issued by the Office of Price Administration.

§ 1364.258 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 247 may be charged, demanded, paid or offered.

§ 1364.259 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 247 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to domestic canned crabmeat, alone or in conjunction with any other commodity or by way of any commission, service, transportation, or other charges, or discount, premium, or other privilege, or by tying agreement or other trade understanding, or by changing the selection or style of processing or the canning, wrapping, or packaging of domestic canned crabmeat.

§ 1364.260 *Records and reports.* (a) Every seller subject to this Maximum Price Regulation No. 247 shall preserve for examination by the Office of Price Administration all his existing records relating to the prices which he charged for domestic canned crabmeat delivered during March 1942, and his offering prices for delivery of domestic canned crabmeat during such month: *Provided,* That no canner of domestic canned crabmeat need preserve the records relating to his March prices.

(b) Every person selling domestic canned crabmeat, or otherwise dealing therein, after August 1942, shall keep and make available for examination by the Office of Price Administration, for a period of not less than two years, complete and accurate records of the same kind as he has customarily kept, relating to the prices which were charged him and the prices which he charged for domestic canned crabmeat.

(c) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraphs (a) and (b) of this section as the Office of Price Administration may from time to time require.

§ 1364.261 *Licensing; applicability of the registration and licensing provisions of the General Maximum Price Regulation.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at wholesale or retail any domestic canned crabmeat covered by this Maximum Price Regulation No. 247. When used in this section the terms "selling at wholesale" and "selling at retail" have the definitions given to them by §§ 1499.20 (p) and 1499.20 (o), respectively, of the General Maximum Price Regulation.

§ 1364.262 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 247 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 247 or any price schedule, regulation, or order issued by the Office of Price Administration or of any act or practices which constitute such a violation are urged to communicate with the nearest district, state, field, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1364.263 *Applications for adjustment.* The provisions of § 1499.18 of the General Maximum Price Regulation as to applications for adjustment are applicable to every person selling at wholesale or retail any domestic canned crabmeat covered by this Maximum Price Regulation No. 247. When used in this section the terms "selling at wholesale" and "selling at retail" have the definitions given them by §§ 1499.20 (p) and 1499.20 (o) respectively of the General Maximum Price Regulation.

§ 1364.264 *Petitions for amendment.* Persons seeking modification of any provision of this Maximum Price Regulation No. 247 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1364.265 *Applicability of the General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 247 supersede the provisions of the General Maximum Price Regulation, except as provided in § 1364.261 and § 1364.263 hereof, with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1364.266 *Definitions.* (a) When used in this Maximum Price Regulation No. 247 the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successors or representatives of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Domestic canned crabmeat" means the fresh-cooked meat of the hard-shell crab (including blue crabs, dungeness crabs, king crabs, sand crabs and rock crabs) packed in vacuum sealed containers and further cooked under pressure, the canning of which takes place in the United States or any of its territories or possessions.

(3) "Blue crabmeat" means the meat of the blue crab (*callinectes sapidus*).

(4) "Sand crabmeat" means the meat of the sand crab (*ovalipes ocellatus*).

(5) "Dungeness crabmeat" means the meat of the dungeness crab (*cancer magister*).

(6) "Canner" means a person who preserves domestic canned crabmeat by processing and hermetically sealing it in containers of metal, glass or any other material.

(7) "No. ½ flats" means ½ flat cans (307 x 201.25) or their permitted equivalent (300 x 210).

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1364.267 *Effective date.* This Maximum Price Regulation No. 247 (§§ 1364.251 to 1364.267, inclusive) shall become effective October 30, 1942.

Issued this 24th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10813; Filed, October 24, 1942; 12:27 p. m.]

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[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783 6058 6081 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913.

[3] 7 F.R. 5059, 7242.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Amendment 16 to Rationing Order 3 [1]]

SUGAR RATIONING REGULATIONS

A new § 1407.187 is added as set forth below:

Armed Forces of the United States; Certain Other Persons and Agencies

* * * * *

§ 1407.187 *Adjustment of inventory instead of issuance of certificate.* (a) If the present inventory, as adjusted, of a registering unit otherwise entitled to a certificate pursuant to §§ 1407.184 or 1407.186, exceeds the total of all its prior allotments and provisional allowances, the Board shall, instead of issuing such certificate, adjust such inventory by an amount equal to the weight value of such certificate: *Provided,* That if the excess is less than the weight value of such certificate, the Board shall issue a certificate in weight value equal to the difference and cancel such inventory.

(b) If the present inventory, as adjusted, of a registering unit obtaining a certificate pursuant to § 1407.185 exceeds the total of all its prior allotments and provisional allowances, the registering unit shall surrender the certificate to the Board for cancellation and the Board shall adjust such inventory by an amount equal to the weight value of such certificate: *Provided,* That if the excess is less than the weight value of such certificate, the Board shall issue a certificate in weight value equal to the difference and cancel such inventory.

Effective Date

§ 1407.222 *Effective dates of amendments.* * * *

(q) Amendment No. 16 (§ 1407.187) shall become effective October 30, 1942.

(Pub. Laws 421 and 729, 77th Cong., W.P.B. Dir. No. 1 and Supp. Dir. No. 1E; 7 F.R. 562, 2965)

Issued this 24th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10814; Filed, October 24, 1942; 12:25 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Amendment 17 to Rationing Order 3 [1]]

SUGAR RATIONING REGULATIONS

A new § 1407.169 is added as set forth below:

Petitions for Adjustment; Appeals; New Business; Miscellaneous

* * * * *

§ 1407.169 *Deliveries of sugar by consumers and institutional and industrial users.* (a) A registered consumer may, with the prior approval of the Board, deliver, in original unopened packages of a primary distributor, sugar which has been in his possession without interruption since May 4, 1942.

(b) A registering unit which has received a provisional allowance may, with the prior approval of the Board, deliver sugar in original unopened packages of a primary distributor; provided, that the registering unit does not, at the time it makes application for such approval, expect to use any sugar in the next four months and the amount to be delivered does not exceed the unused part of its provisional allowance for the preceding period.

(c) Application for the Board's approval shall be made by the registered consumer or registering unit on OPA Form No. R-315 or such other form of application as shall be approved by the Board. It shall establish compliance with the requirements of paragraph (a) or paragraph (b) and include such other information as the Board may require. If the requirements of paragraph (a) or paragraph (b) are met, the Board shall grant its approval; provided, that the Board shall approve not more than one such application of a consumer, if not a member of a family unit, and not more than one such application for all the members of a family unit.

(d) Such sugar may be delivered upon receipt of stamps or certificates as prescribed by Rationing Order No. 3 and the stamps or certificates thus received shall be surrendered to the Board for cancellation. Upon surrender of stamps or certificates by a consumer, the Board shall reduce the excess sugar supply owned on May 4, 1942, by the consumer, if not a member of a family unit, or by all the members of the family unit if the consumer was a member of the family unit on such date, by an amount equal to the weight value of such stamps and certificates. Following surrender of stamps or certificates by a registering unit, the Board, when it next issues a certificate to the registering unit pursuant to § 1407.90 of Rationing Order No. 3, shall reduce the deductions required by that section by the weight value of the stamps and certificates thus surrendered.

(e) Notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, and except as otherwise authorized by the Office of Price Administration or provided in Rationing Order No. 3, no consumer, institutional user or industrial user shall deliver sugar.

Effective Date

§ 1407.222 *Effective dates of amendments.* * * *

(r) Amendment No. 17 (§ 1407.169) shall become effective October 30, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1, and Supp. Dir. No. 1E, 7 F.R. 562, 2965)

Issued this 24th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10815; Filed, October 24, 1942; 12:25 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 3 Under § 1499.114 (c) of MPR 165 as Amended]

EASTMAN KODAK COMPANY

Order No. 3 under § 1499.114 (c) of Maximum Price Regulation No. 165 as amended—Services.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.703 *Adjustment of maximum prices for camera repairs made by Eastman Kodak Company.* (a) Eastman Kodak Company, 343 State Street, Rochester, New York, may discontinue the special discount of 25% allowed by it for camera repairs from January 2, 1942, to May 1, 1942.

(b) Any person who sells at retail camera repairs made by Eastman Kodak Company after the effective date of this Order No. 3, may discontinue any discount allowed by the seller during March, 1942, which was based upon the special discount of 25% allowed by Eastman Kodak Company from January 2, 1942, to May 1, 1942.

(c) The adjustment granted to Eastman Kodak Company in paragraph (a) is subject to the condition that Eastman Kodak Company shall advise in writing all persons who sell at retail camera repairs made by Eastman Kodak Company, of the adjustment of maximum prices permitted by this Order No. 3. Such notification shall be made at or before the first supply of camera repairs after the effective date of this Order No. 3, and shall contain the complete text of this Order No. 3.

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[1] 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6823, 6937, 7289, 7321, 7406, 7510, 7557, 8402.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 3 (§ 1449.703) shall become effective October 26, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 24th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10801; Filed, October 24, 1942; 12:22 p. m.]

Part 1499—Commodities and Services

[Order 66 Under § 1499.18 (b) of GMPR]

CREED & STEWART, LTD.

Order No. 66 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-1418.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register:* *It is ordered:*

§ 1499.866 *Adjustment of maximum prices for lawn and percale bias tape produced by Creed & Stewart, Ltd.* (a) Creed & Stewart, Ltd., 210 Fox Street, Aurora, Illinois, may sell and deliver, and any person may buy and receive from Creed & Stewart, Ltd., lawn or percale bias tape at prices no higher than those set forth below:

	Price per dozen (4¼ yard packages)
Lawn bias tape	38¢
Percale bias tape	38¢

(b) The prices set forth in paragraph (a) of this section shall be subject to the same terms and conditions of sale as were granted to purchasers during March, 1942.

(c) *Retail prices.* Retailers may charge the same price for the 4¼-yard package as the maximum price which they have established for the 5-yard pieces produced by Creed & Stewart, Ltd., during and prior to March, 1942.

(d) Creed & Stewart, Ltd., shall cause the following notice to be sent, in writing, to all retailers who sell the lawn bias tape or the percale bias tape produced by it:

> The content of our packages of lawn bias tape and percale bias tape has been reduced from 5 yards to 4¼ yards. The Office of Price Administration has established a maximum price for us of 38¢ per dozen packages (subject to the same terms of sale as we had in effect during March, 1942) and has authorized our retailers to charge the same price for the new 4¼-yard packages as for our 5-yard packages.

(e) All prayers of the petition not granted herein are denied.

(f) This Order No. 66 may be revoked or amended by the Price Administrator at anytime.

(g) This Order No. 66 (§ 1499.866) shall become effective October 26, 1942.

(Pub. Laws 421, and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10802; Filed, October 24, 1942; 12:25 p. m.]

Part 1499—Commodities and Services

[Order 90 Under § 1499.18 (c) of GMPR]

DOUGLAS BUILDING—THIRD AND BROADWAY BUILDING COMPANY

Order No. 90 under § 1499.18 (c) of the General Maximum Price Regulation—Docket GF3-919.

For the reasons set forth in the opinion issued simultaneously herewith: *It is ordered:*

§ 1499.940 *Adjustment of maximum prices for live steam manufactured by the Douglas Building and sold to the Third and Broadway Building Company for use in the Metropolitan Water District Building.* (a) The Douglas Building, 257 Spring Street, Los Angeles, California, may sell and deliver, and the Third and Broadway Building Company may buy and receive from the Douglas Building the following commodities at prices not higher than those set forth below:

Live steam for use in the Metropolitan Water District Building at the following prices, when metered:

First	20,000 pounds	$1.50 per 1,000 pounds.
Next	25,000 pounds	1.25 per 1,000 pounds.
Next	35,000 pounds	1.10 per 1,000 pounds.
Next	150,000 pounds	1.00 per 1,000 pounds.
Next	170,000 pounds	.90 per 1,000 pounds.
All over above	—	.75 per 1,000 pounds.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 90 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 90 (§ 1499.940) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 90 (§ 1499.940) shall become effective October 26, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of October, 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10805; Filed, October 24, 1942; 12:24 p. m.]

Part 1499—Commodities and Services

[Order 91 Under § 1499.18 (c) of GMPR]

THE TUTTLE PRESS

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.941 *Denial of application for adjustment of maximum price of crepe paper manufactured by The Tuttle Press of Appleton, Wisconsin.* (a) The application of The Tuttle Press of Appleton, Wisconsin, filed August 10, 1942, and assigned Docket No. N-18 (c)-14, requesting permission to increase the maximum price at the retail level of crepe paper manufactured by the applicant is denied.

(b) This Order No. 91 (§ 1499.941) shall become effective October 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of October, 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10806; Filed, October 24, 1942; 12:20 p. m.]

Part 1499—Commodities and Services

[Order 92 Under § 1499.18 (c) of GMPR]

THE SITROUX COMPANY

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.942 *Denial of application for adjustment of maximum price of paper napkins manufactured by The Sitroux Co., Inc. of New York, New York.* (a) The application of The Sitroux Co., Inc. of New York, New York, filed September 2, 1942, and assigned Docket No. N-18 (c)-23, requesting permission to increase the maximum price at the retail level of paper napkins manufactured by the applicant is denied.

(b) This Order No. 92 (§ 1499.942) shall become effective October 24, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 24th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10807; Filed, October 24, 1942; 12:25 p. m.]

Part 1499—Commodities and Services

[Order 93 Under § 1499.18 (c) of GMPR]

AMERICAN TISSUE MILLS

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.943 *Denial of application for adjustment of maximum price of paper napkins manufactured by American Tissue Mills of Holyoke, Massachusetts.* (a) The application of American Tissue Mills of Holyoke, Massachusetts, filed August 11, 1942, and assigned Docket No. N-18 (c)-15.1, requesting permission to increase the maximum price at the retail level of paper napkins manufactured by the applicant is denied.

(b) This Order No. 93 (§ 1499.943) shall become effective October 24, 1942.

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*Copies may be obtained from the Office of Price Administration.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 24th day of October, 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10808; Filed, October 24, 1942; 12:23 p. m.]

Part 1499—Commodities and Services

[Order 94 Under § 1499.18 (c) of GMPR]

BEACH PRODUCTS, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.944 *Denial of application for adjustment of maximum price of paper napkins manufactured by Beach Products, Inc., of Kalamazoo, Michigan.* (a) The application of Beach Products, Inc., of Kalamazoo, Michigan, filed August 13, 1942, and assigned Docket No. N-18 (c)-17, requesting permission to increase the maximum price at the retail level of paper napkins manufactured by the applicant is denied.

(b) This Order No. 94 (§ 1499.944) shall become effective October 24, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 24th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10809; Filed, October 24, 1942; 12:23 p. m.]

Part 1499—Commodities and Services

[Order 95 Under § 1499.18 (c) of GMPR]

DENNISON MANUFACTURING CO.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.945 *Denial of application for adjustment of maximum price of crepe paper manufactured by Dennison Manufacturing Company of Framingham, Massachusetts.* (a) The application of Dennison Manufacturing Company of Framingham, Massachusetts, filed August 10, 1942, and assigned Docket No. N-18 (c)-11, requesting permission to increase the maximum price at the retail level of crepe paper manufactured by the applicant is denied.

(b) This Order No. 95 (§ 1499.945) shall become effective October 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10810; Filed, October 24, 1942; 12:24 p. m.]

Part 1499—Commodities and Services

[Order 96 Under § 1499.18 (c) of GMPR]

C. A. REED COMPANY

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.946 *Denial of application for adjustment of maximum price of crepe paper manufactured by C. A. Reed Company of Williamsport, Pennsylvania.* (a) The application of C. A. Reed Company of Williamsport, Pennsylvania, filed August 5, 1942, and assigned Docket No. N-18(c)-12, requesting permission to increase the maximum price at the retail level of crepe paper manufactured by the applicant is denied.

(b) This Order No. 96 (§ 1499.946) shall become effective October 24, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 24th day of October, 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10811; Filed, October 24, 1942; 12:24 p. m.]

Part 1499—Commodities and Services

[Order 97 Under § 1499.18 (c) of GMPR]

C. A. REED COMPANY

For the reasons set forth in an opinion issued simultaneously herewith; *It is ordered:*

§ 1499.947 *Denial of application for adjustment of maximum price of paper napkins manufactured by C. A. Reed Company of Williamsport, Pennsylvania.* (a) The application of C. A. Reed Company of Williamsport, Pennsylvania, filed August 5, 1942, and assigned Docket No. N-18(c)-2, requesting permission to increase the maximum price at the retail level of paper napkins manufactured by the applicant is denied.

(b) This Order No. 97 (§ 1499.947) shall become effective October 24, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 24th day of October, 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10812; Filed, October 24, 1942; 12:23 p. m.]

Part 1499—Commodities and Services

[Order 104 Under § 1499.3 (b) of GMPR]

PINE FOREST COMPANY

Maximum price authorized under § 1499.3 (b) of the General Maximum Price Regulation—Order No. 104.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.968 *Authorization of maximum prices for sales of 8 ounce bottles lemon flavoring-nonalcoholic by the Pine Forest Company, 3900 South Michigan Avenue, Chicago, Illinois.* (a) On and after October 26, 1942, the maximum delivered prices of 8 ounce bottles of lemon flavoring-nonalcoholic conforming to specifications of the Quartermaster Corps, C. Q. D. No. 71, for sale by the Pine Forest Company, 3900 South Michigan Avenue, Chicago, Illinois shall be:

$.1393 per bottle of 8 (fluid) ounces, net weight for domestic packing and shipment.

$.1568 per bottle of 8 (fluid) ounces net weight, for export or overseas packing and shipment.

(b) This Order No. 104 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 104 (§ 1499.968) shall become effective October 26, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 24th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10803; Filed, October 24, 1942; 12:26 p. m.]

Chapter XVII—Office of Civilian Defense

Part 1902—Insignia

[Regulations No. 2—Supp. Order 2, Revised]

SPECIFICATIONS FOR OFFICIAL ARTICLES

By virtue of the authority vested in me as Director of Civilian Defense by Executive Order No. 8757, dated May 20, 1941, as amended by Executive Order No. 9134, dated April 15, 1942, and pursuant to § 1902.2 of this chapter (section 2 of Office of Civilian Defense Regulations No. 2), *It is hereby ordered,* That §§ 1902.51 to 1902.58, inclusive, of this chapter (Supplementary Order No. 2, dated May 28, 1942, as amended by Amendments Nos. 1, 2, 3 and 4 thereto, to Office of Civilian Defense Regulations No. 2) are hereby cancelled and rescinded, and the following substituted therefor:

Authority: § 1902.2 of Chapter XVII under E.O. 8757, 6 F.R. 2517; E.O. 9134, 7 F.R. 2887.

§ 1902.51 The following are prescribed as articles of identification for official use, called "Official Articles", which may embody the appropriate prescribed Civilian Defense insignia, together with the specifications for and prescribed manner of use of such articles:

(a) *Arm bands.* (Administrative Staff, U. S. Citizens Defense Corps [except instructors] Civil Air Patrol, Forest Fire Fighters Service, Civilian Defense Auxiliary Group) (1) May be manufactured of suitable material approved by the Office of Civilian Defense and shall be from 10 inches to 18 inches in length and 4 inches in width. The width may be up to 4½ inches when necessary to accommodate permitted lettering. The prescribed insignia must be 3½ inches in diameter.

(2) May be manufactured in accordance with specifications issued at any time by the United States Army Quartermaster Corps. Such Army specifications for Civilian Defense arm bands are to be considered a part of this chapter.

(b) *Lapel emblems.* (1) (Administrative Staff, U. S. Citizens Defense Corps, U. S. Citizens Service Corps, Civil Air Patrol, Forest Fire Fighters Service, Civilian Evacuation Service) The prescribed insignia, ½ to 1 inch in diameter, may be used on pins, buttons or other emblems for wear on lapel or dress, made of metal or acceptable substitute therefor. (Metal emblems shall be finished in hard-fired enamel.) Such emblems may embody a border with appropriate permissible lettering.

(2) (Civil Air Patrol) The basic Civil Air Patrol insigne may be used on lapel emblems, with spread eagle wings on each side of, and the letters "CAP" above, the insigne. Such emblems shall be 1¼ inches in length.

(c) *Sleeve emblems for uniforms.* (Administrative Staff, U. S. Citizens Defense Corps, U. S. Citizens Service Corps, Civil Air Patrol, Forest Fire Fighters Service, Civilian Evacuation Service) The prescribed insignia may be used on suitable materials as sleeve emblems, 2¼ inches in diameter (except Civil Air Patrol must be 3 inches in diameter). Sleeve emblems may embody a tab or border with appropriate permissible lettering. Such emblems should be worn on the left sleeve, ½ inch below the shoulder seam.

(d) *Collar and cap emblems for uniforms.* (Administrative Staff, U. S. Citizens Defense Corps, U. S. Citizens Service Corps, Civil Air Patrol, Forest Fire Fighters Service, Civilian Evacuation Service) The prescribed insignia may be used on suitable material as collar and cap emblems, 1¼ inches in diameter.

(e) *Helmet emblems.* (U. S. Citizens Defense Corps) The prescribed insignia may be used as helmet emblems from 1¾ inches to 2¼ inches in diameter.

(f) *Automobile emblems.* (Administrative Staff, U. S. Citizens Defense Corps, U. S. Citizens Service Corps, Civil Air Patrol, Forest Fire Fighters Service, Civilian Evacuation Service, Civilian Defense Auxiliary Group) The prescribed insignia may be included, with or without appropriate lettering, on automobile emblems. Such emblems may be in a circular shape from 4 inches to 12 inches in diameter, or in a rectangular shape with a maximum size of 6 inches by 12 inches. (Such emblems may be used only subject to compliance with applicable laws, ordinances and regulations.)

(g) *Emergency vehicle pennants.* (Administrative Staff, U. S. Citizens Defense Corps, Civil Air Patrol, Forest Fire Fighters Service, Civilian Defense Auxiliary Group) The basic insigne only, entirely in red, 6 inches in diameter, may be embodied in a pennant in the shape of an equilateral triangle with sides 18 inches in length. Such pennants may be used only pursuant to applicable orders of the Director of Civilian Defense.

(h) *Certificates of membership.* (U. S. Citizens Defense Corps, OCD Form 103; U. S. Citizens Service Corps, OCD Form 703; Forest Fire Fighters Service, OCD Form 704)

(i) *Identification cards.* (U. S. Citizens Defense Corps, OCD Form 702; U. S. Citizens Service Corps, OCD Form 706; Forest Fire Fighters Service, OCD Form 705; Civilian Evacuation Service, OCD Form 707; Civilian Defense Auxiliary Group, OCD Form 701; Civil Air Patrol, OCD Form 642)

(j) *Identification signs.* (U. S. Citizens Defense Corps, U. S. Citizens Service Corps, Forest Fire Fighters Service) The prescribed insignia may be used on signs to indicate the station, location or post of enrolled members. Such signs may embody, in addition to the prescribed insignia, material relative to the unit of which the person is a member and any other matter considered to be appropriate by the defense council. (Such signs may be used only subject to compliance with applicable laws, ordinances and regulations.)

(k) *Flags and banners.* (Administrative Staff, U. S. Citizens Defense Corps, U. S. Citizens Service Corps, Civil Air Patrol, Forest Fire Fighters Service) The prescribed insignia may be embodied, together with appropriate permissible lettering, on flags and banners.

(l) *Buttons for uniforms.* (Civil Air Patrol) The basic Civil Air Patrol insigne only may be used; sizes 24 ligne and 36 ligne.

(m) *Pilot and observer wings.* (Civil Air Patrol) May be metal or embroidered, 2¼ inches and 1¼ inches respectively in length. They are to be worn above the upper blouse pocket of the uniform.

(n) *Aircraft emblems.* (Civil Air Patrol) The basic Civil Air Patrol insigne may be used, by painting or decalcomania, on the fuselage and wings of aircraft engaged in official Civil Air Patrol missions. The basic insigne shall be centered on the top side of the left wing and on the bottom side of the right wing at a point ⅓ of the distance from the wing tip to the fuselage, and the diameter of the insigne shall not exceed ⅔ of the wing chord at the point of application. The insigne on the fuselage shall be centered on both sides of the fuselage at a point ⅓ of the distance from the leading edge of the horizontal stabilizer to the trailing edge of the wing, and the diameter of the insigne shall not exceed ⅔ of the depth of the fuselage at the point of application.

(o) *Badges.* (Civilian Evacuation Service) May embody the prescribed insigne, 3 inches in diameter. They are to be worn on the upper left side of the garment.

§ 1902.52 The following summary chart sets forth the Official Articles that may be worn and used subject to the provisions set forth in §§ 1902.1 to 1902.9, inclusive, of this chapter (Office of Civilian Defense Regulations No. 2):

	Administrative Staff	U. S. Citizens Defense Corps	U. S. Citizens Service Corps	Civil Air Patrol	Forest Fire Fighters Service	Civilian Evacuation Service	C. D. Auxiliary Group
Arm bands	X	[a]X	----	X	X	----	X
Lapel emblems	X	X	X	X	X	X	----
Sleeve emblems for uniforms	X	X	X	X	X	X	----
Collar and cap emblems for uniforms	X	X	X	X	X	X	----
Helmet emblems	----	X	----	----	----	----	----
Automobile emblems	X	X	X	X	X	X	X
Emergency vehicle pennants	X	X	----	X	X	----	X
Certificates of membership	----	X	X	----	X	----	----
Identification cards	----	X	X	X	X	X	X
Identification signs	----	X	X	----	X	----	----
Flags and banners	X	X	X	X	X	----	----
Buttons for uniforms	----	----	----	X	----	----	----
Pilot and observer wings	----	----	----	X	----	----	----
Aircraft emblems	----	----	----	X	----	----	----
Badges	----	----	----	----	----	X	----

[a] Except instructors.

[SEAL] JAMES M. LANDIS,
Director of Civilian Defense.

[F. R. Doc. 42-10761; Filed, October 23, 1942; 4:05 p. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service

PART 20—SPECIAL REGULATIONS

SPEED REGULATIONS IN CERTAIN PARKS

Pursuant to the authority contained in the act of August 25, 1916 (39 Stat. 535, 16 U.S.C., sec. 31), §§ 20.1 (c), 20.4 (f), and 20.13 (f) of Part 20, Title 36, Code of Federal Regulations, as amended April 2, 1942 (7 F.R. 2740), as further amended to read as follows:

§ 20.1 *Colonial National Historical Park.* * * *

(c) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 35 miles per hour on the Colonial Parkway.

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§ 20.4 *Grand Canyon National Park.* * * *

(f) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 35 miles per hour.

* * * * *

§ 20.13 *Yellowstone National Park.* * * *

(f) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed the following prescribed limits:

In all areas which are so posted, 25 miles per hour.

On the Norris Junction-Canyon Junction road, 30 miles per hour.

All trucks of 1½ tons capacity or over, 30 miles per hour.

Cars towing trailers or other cars or vehicles of any kind, 30 miles per hour.

Passenger cars and trucks of less than 1½ tons capacity, 35 miles per hour on straight and open stretches.

Issued this 28th day of September 1942.

[SEAL] ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 42-10835; Filed, October 26, 1942; 11:54 a. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Services: Bureau of the Public Debt.

[1942 Dept. Circ. 700]

⅞ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES D–1943

OCTOBER 26, 1942.

I. OFFERING OF CERTIFICATES

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for certificates of indebtedness of the United States, designated ⅞ percent Treasury Certificates of Indebtedness of Series D–1943. The amount of the offering is $2,000,000,000, or thereabouts.

II. DESCRIPTION OF CERTIFICATES

1. The certificates will be dated November 2, 1942, and will bear interest from that date at the rate of ⅞ percent per annum, payable on a semiannual basis on May 1 and November 1, 1943. They will mature November 1, 1943, and will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all Federal taxes, now or hereafter imposed. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes and will not bear the circulation privilege.

4. Bearer certificates with two interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000 and $100,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Subscribers must agree not to sell or otherwise dispose of their subscriptions, or of the securities which may be allotted thereon, prior to the closing of the subscription books. Banking institutions and securities dealers generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions and securities dealers will not be permitted to enter subscriptions except for their own account. Subscriptions from banks and trust companies for their own account will be received without deposit. Subscriptions from all others must be accompanied by payment of 2 percent of the amount of certificates applied for.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, and within the amount of the offering, subscriptions for amounts up to and including $25,000 from banks which accept demand deposits, and subscriptions in any amount from all other subscribers, will be allotted in full; subscriptions for amounts over $25,000 from banks which accept demand deposits will be allotted on an equal percentage basis, to be publicly announced. Allotment notices will be sent out promptly upon allotment.

IV. PAYMENT

1. Payment at par and accrued interest, if any, for certificates allotted hereunder must be made or completed on or before November 2, 1942, or on later allotment. In every case where payment is not so completed, the payment with application up to 2 percent of the amount of certificates applied for shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Treasury Certificates of Indebtedness of Series A–1942, maturing November 1, 1942, will be accepted at par in payment for any certificates of the series now offered which shall be allotted.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 42-10837; Filed, October 26, 1942; 11:46 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-125]

J. T. DANIELS, CODE MEMBER

ORDER GRANTING LEAVE TO FILE, ETC.

Order granting leave to file further amended complaint and further amending notice of and order for hearing.

A complaint dated September 17, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed with the Bituminous Coal Division (the "Division"), on September 24, 1941, by the Bituminous Coal Producers Board for District No. 8, (the "complainant"), alleging wilful violation by the Code Member of the Bituminous Coal Code (the "Code"), and the minimum prices effective thereunder; and

The complaint in the above-entitled matter having been scheduled for hearing on January 19, 1942, at 10 a. m., at a hearing room of the Division at the Federal Building, Catlettsburg, Kentucky, by Order of the Director, dated November 22, 1941, and subsequently having been postponed by order of the Acting Director, dated January 10, 1942, to a date and hearing room to be thereafter designated by an appropriate order; and

An amended complaint dated July 1, 1942, having been duly filed with the Division by the Complainant in the above-entitled matter, pursuant to an order issued by the Acting Director on July 11, 1942, and said complaint and amended complaint having by order of the Acting Director dated July 28, 1942, been scheduled for hearing on September 19, 1942, at 10 a. m. at a hearing room of the Division at the Court House, Middlesboro, Kentucky, and subsequently having been postponed by order of the Acting Director dated August 10, 1942, to a date and hearing room to be thereafter designated by an appropriate order; and

The Complainant in the above-entitled matter having on October 5, 1942, filed with the Division a motion for leave to amend said complaint and amended complaint and having submitted with aid motion its proposed further amended complaint dated October 5, 1942, sought to be filed; and

The Director deeming it advisable that said motion for leave to file said further amended complaint be granted; and

The Director deeming it advisable that the place and date of hearing on said complaint, amended complaint and further amended complaint (hereinafter referred to as the "complaint") should now be designated.

Now, therefore, it is ordered, That said motion for leave to file said further amended complaint dated October 5, 1942 in the above-entitled matter be and the same hereby is granted.

It is further ordered, That a hearing in respect to the subject matter of such complaint be held on December 3, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Cabell County Court House, Huntington, West Virginia.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings instituted Pursuant to section 4 II (j) and 5 (b) of the Act may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint alleging that J. T. Daniels, Route No. 2, Pikeville, Kentucky, a Code Member, whose code membership became effective as of May 17, 1941, operating the Daniels Mine, Mine Index No. 646, located in Pike County, Kentucky, District No. 8, has wilfully violated the Act, the Code, and Rules and Regulations thereunder:

(1) By selling and delivering to the Shelby Steam Coal Company, Shelbiana, Kentucky, during the period July 17, 1941 to September 30, 1941, both dates inclusive, approximately 210.45 net tons of straight run of mine coal, Size Group No. 6, produced at the above-named mine, at prices of $2.00 and $2.10 per net ton f. o. b. railroad cars, Shelbiana, Kentucky, a distance of approximately three miles from the mine, whereas the effective minimum price for such coal was $2.10 per net ton f. o. b. the mine as set forth in the Schedule of Effective Minimum Prices for District No. 8 For Truck Shipment and the cost of transporting said coal from the mine to the point of delivery was approximately 15¢ per net ton, resulting in violations of section 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code.

(2) By selling to the Shelby Steam Coal Company, Shelbiana, Kentucky, during the period July 17, 1941 to September 30, 1941, both dates inclusive, approximately 210.45 net tons of straight run of mine coal, produced at the above-named mine, for shipment by rail, whereas prices, temporary or final, had not been established by the Division for sales of said coal for rail shipment, resulting in violations of the order in General Docket No. 19, dated October 9, 1940.

Dated: October 23, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10827; Filed, October 26, 1942; 11:19 a. m.]

[Docket No. B-299]

A. B. EWEN, CODE MEMBER

ORDER EXTENDING TIME TO FILE, ETC.

Order extending time to file application pursuant to § 301.132 of the Rules of Practice and Procedure and postponing hearing.

The above-entitled matter having been heretofore scheduled for hearing at 10 a. m. on October 29, 1942, at a hearing room of the Bituminous Coal Division (the "Division") at the Cabell County Court House, Huntington, West Virginia; and

The above named Code Member having filed with the Division on October 17, 1942, a motion to extend the time for filing the application for disposition of this matter without formal hearing submitted therewith, to and including October 21, 1942; and

The Director deeming it advisable to grant said motion and to postpone said hearing;

Now, therefore, it is ordered, That the said motion be, and it hereby is, granted and that the said application submitted with said motion be, and the same hereby is, deemed filed with the Division as of the date of this order; and

It is further ordered, That the said hearing in the above-entitled matter be, and it hereby is, postponed from October 29, 1942, at Huntington, West Virginia, to a place and date to be hereafter designated by appropriate order.

Dated: October 23, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10828; Filed, October 26, 1942; 11:20 a. m.]

[Dockets Nos. B-328, 1717-FD]

SHELBY COAL COMPANY, INC., ET AL.

ORDER POSTPONING HEARINGS

In the matter of Shelby Coal Company, Inc., Registered Distributor, Registration No. 8320, and W. K. Jenne, an individual doing business under the name and style of Shelby Coal Co., registered distributor, Registration No. 4797, and in the matter of Shelby Coal Company, (W. K. Jenne), Registered Distributor, Registration No. 4797.

The above-entitled matters having been heretofore scheduled for hearing at 10 a. m. on October 29, 1942, at a hearing room of the Bituminous Coal Division, at the Cabell County Court House, Huntington, West Virginia; and

The Director deeming it advisable that said hearings should be postponed;

Now, therefore, it is ordered, That the said hearings in the above-entitled matters be, and the same hereby are, postponed from 10 a. m. on October 29, 1942, at the Cabell County Court House, Huntington, West Virginia, to 10 a. m. on November 30, 1942 at the Cabell County Court House, Huntington, West Virginia, before the officer or officers previously designated to preside at said hearings.

Dated: October 23, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10829; Filed, October 26, 1942; 11:20 a. m.]

[General Docket No. 26]

REVISION OF MARKETING RULES AND REGULATIONS

NOTICE OF AND ORDER FOR HEARING

In the matter of marketing rules and regulations incidental to the sale and distribution of coal by code members, established by the Division for Districts 1-20, inclusive, 22 and 23; in re a proposal to review and revise the marketing rules and regulations as established by the Division.

The Director of the Bituminous Coal Division having, on the 8th day of August 1940 in General Docket No. 15, established Marketing Rules and Regulations for the sale and distribution of coal by code members in all districts, pursuant to the Bituminous Coal Act of 1937; and

The Bituminous Coal Division having received inquiries regarding the reasonableness of requiring distributors to specify in their contracts, spot orders or written confirmation of spot orders, the name of the code member and the name of the originating mine or mines as provided in Rule 3 of section V and Rule 1 of section VI of the Marketing Rules and Regulations; and

It appearing desirable that evidence be received relating to the reasonableness of and the necessity for revising Rule 3 of section V and Rule 1 of section VI so as to permit registered distributors to comply with these rules without specifying the name of the code member and the name of the originating mine or mines in contracts, spot orders or written confirmation of spot orders;

It is therefore ordered, That on November 17, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C., a hearing will be held at which time evidence will be received relating to the reasonableness and the necessity for the revision and amendment of Rule 3 of section V and Rule 1 of section VI of the Marketing Rules and Regulations as hereinbefore provided. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at a hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all persons who may have an interest in the subject matter thereof. Any person desiring to be heard at such hearing shall file a notice to that effect on or before November 12, 1942, setting forth therein the nature of his interest and a concise statement of the matter he intends to present.

All persons are further notified that the hearing in the above-entitled matter and any orders therein, may concern, in addition to the matters specifically stated herein, other matters necessarily incidental and related thereto which may be raised by petitions of interested parties, or otherwise, or which may be necessary corollaries to the proposed amendment and revision of Rule 3 of section V and Rule 1 of section VI of the Marketing Rules and Regulations.

Dated: October 23, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10830; Filed, October 26, 1942; 11:20 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of Special Certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective October 26, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Allen, Doane & Co., 15 Wharf St., Boston, Massachusetts; Hand cut steel letters and figures, stamps and dies; 2 learners; 4 weeks for any one learner; 25 cents per hour; To be employed in the occupation of letter cutter; January 4, 1943.

The New England Guild, 252 Spring St., Portland, Maine; Rugs; 1 learner; 6 weeks for any one learner; 30 cents per hour; To be employed in the occupation of rug hooking machine operator; February 1, 1943.

World Wide Rugs, Inc., 34 E. 29th St., New York, New York; Hooked rugs; 6 learners; 6 weeks for any one learner; 30 cents per hour; to be employed in the occupation of rug hooker; March 15, 1943.

Signed at New York, N. Y., this 24th day of October, 1942.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-10844; Filed, October 26, 1942; 11:58 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of Special Certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Fowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 26, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

Wessner Co., 608 1st Ave. No., Minneapolis, Minnesota; Army & navy uniforms, civilian suits; 5 learners (T); October 26, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-lined Garments Divisions of the Apparel Industry

Blue Jean Mfg. Co., 315 Cherry St., Scranton, Pennsylvania; Trousers for army; 10 percent (T); October 26, 1943.

The Brunner Co., 3911 Cleveland Ave., Ashtabula, Ohio; Dresses and housecoats; 10 percent (T); October 26, 1943.

Boulevard Frocks, Inc., 510—1st Ave. N., Minneapolis, Minnesota; Cotton and rayon dresses; 10 percent (T); October 26, 1943.

Chardon Mfg. Corp., 8 West Union St., Kingston, New York; Children's & ladies' blouses; 10 learners (T); October 26, 1943.

The Cleveland Overall Co., 1768 East 25th St., Cleveland, Ohio; Work suits, shirts and pants; 10 percent (T); October 26, 1943.

Congress Shirt Co., 831 Middle St., Bath, Maine; Men's and boys' sport & U. S. Officers' shirts, jackets and pants; 10 percent (T); October 26, 1943.

Fayette Sportswear Co., 122 Pleasant St., Fall River, Massachusetts; Dresses; 10 percent (T); October 26, 1943.

M. Fine & Sons Mfg. Co., Inc., 835 Spring St., Jeffersonville, Indiana; Service trousers; 10 percent (T); October 26, 1943.

M Fine & Sons Mfg. Co., 15th & Main Sts., New Albany, Indiana; Army & navy shirts and jackets and civilian shirts and jackets; 10 percent (T); October 26, 1943.

M. Fine & Sons Mfg. Co., Inc., 1117 No. 8th St., Paducah, Kentucky; Cotton work shirts (civilian), cotton work shirts (U. S. Navy); 10 percent (T); October 26, 1943.

M. Fine & Sons Mfg. Co., Inc., Washington St., Vicksburg, Mississippi; Cotton work shirts and pants; 10 percent (T); October 26, 1943.

Blue Bell-Globe Mfg. Co., Commerce, Georgia; Lined denim coats and H. B. T. jackets; 100 learners (E); April 26, 1943.

Fox Knapp Mfg. Co., Maple Ave., Milton, Pennsylvania; Shirts; 10 percent (T); October 26, 1943.

Fretz Brothers, 710 Central St., Kansas City, Missouri; White duck coats, pants, aprons, cafeteria smocks, operating gowns, duck vests, office coats; 1 learner (T); October 26, 1943.

Gopher Sportswear Co., 22 North Third St., Minneapolis, Minnesota; Dresses; 10 learners (T); October 26, 1943.

Greenberg Clothing Co., Inc., 1010 Georgia Ave., Chattanooga, Tennessee; Men's and boys' woolen pants, boys' jackets and mackinaws; 10 percent (T); October 26, 1943.

Hartwell Mfg. Co., Inc., W. Howell St., Hartwell, Georgia; Pants and shorts; 10 percent (T); October 26, 1943.

The Hercules Trouser Co., Manchester, Ohio; Men's and boys' single pants and wool army pants; 10 percent (T); October 26, 1943.

The Hercules Trouser Co., Wellston, Ohio; Single pants; 10 percent (T); October 26, 1943.

Island Dress Co., 148 Doughty Boulevard, Inwood, Long Island; Children's dresses; 5 learners (T); October 26, 1943.

Johnnye Sportswear Co., 310 West Jackson Boulevard, Chicago, Illinois; Sew dresses; 10 learners (T); October 26, 1943.

W. H. Johnson Co., 120 N. Washington Ave., Dallas, Texas; Children's wear; 3 learners (T); October 26, 1943.

Karmel Mfg. Co., Mount Carmel, Pennsylvania; Children's dresses, ladies' blouses and ladies' pajamas; 10 percent (T); October 26, 1943.

Katz Underwear Co., Sixth St., Honesdale, Pennsylvania; Gowns, pajamas, slips, drawers; 10 percent (T); October 26, 1943.

H. W. Kemp, Beech & Evans St., Pottstown, Pennsylvania; Men's sport shirts (sewing only); 5 learners (T); October 26, 1943.

S. H. Knopf Mfg. Co., 470 Atlantic Ave., Boston, Massachusetts; Leather jackets and cloth sport jackets; 5 percent (T); October 26, 1943.

Korach Brothers; 913 W. Van Buren St., Chicago, Illinois; Wash Dresses; 10 percent (T); October 26, 1943.

S. Liebovitz & Sons, Inc., East Main St., Salisbury, Maryland; Shirts; 10 percent (T); October 26, 1943.

H. Linsk & Co., Inc., Clayton, New Jersey; Children's cotton dresses and misses' cotton dresses; 6 learners (T); October 26, 1943.

H. Linsk & Co., Inc., Westville, New Jersey; Children's cotton dresses; 4 learners (T); October 26, 1943.

H. Linsk & Co., Inc., Mantua Ave., Woodbury, New Jersey; Children's and junior miss cotton dresses; 9 learners (T); October 26, 1943.

McAdoo Sportswear Co., Inc., 125 South Tamaqua St., McAdoo, Pennsylvania; Ladies' work clothing, sportswear and other odd outerwear; 10 percent (T); October 26, 1943.

Mr. Benjamin Noble, 919 Walnut St., Philadelphia, Pennsylvania; Ladies' dresses; 5 learners (T); October 26, 1943.

The Patricia Undergarment Co., Inc., 125–143 Main St., Springfield, Massachusetts; 10 percent (T); October 26, 1943. Ladies' silk & rayon undergarments.

Penn Children's Dress Co., 831 Lackawanna Ave., Mayfield, Pennsylvania; Children's dresses; 10 percent (T); October 26, 1943.

Quality House; 1412 N. Western St., Oklahoma City, Oklahoma; Nurses' uniforms; 3 learners (T); October 26, 1943.

Regal Paper Co., Inc., S. Jefferson St., Pulaski, New York; Women's cotton aprons; 10 learners (T); October 26, 1943.

Rice Stix Factory No. 3, Blytheville, Arkansas; Shirts and pajamas; 10 percent (T); October 26, 1943.

Richfield Shirt Factory, Richfield, Pennsylvania; Shirts; 10 percent (T); October 26, 1943.

Rosenstein & Thaler, Inc., Globe Mills Ave., Fall River, Massachusetts; Ladies and children's dresses and sportswear; 26 learners (E); April 26, 1943.

Royal Mfg. Co., Water St., Washington, Georgia; Cotton pants, cotton shorts, woven sport shirts and boys' shirts; 10 percent (T); October 26, 1943.

Salant & Salant, Inc., Lindell St., Martin, Tennessee; Cotton work shirts; 10 percent (T); October 26, 1943.

Salem Shirt Factory, R. D. #2, Mifflintown, Pennsylvania; Shirts; 5 learners (T); October 26, 1943.

I. Schneierson & Sons, Inc., 460 Globe St., Fall River, Massachusetts; Ladies' & children's undergarments; 10 percent (T); October 26, 1943.

L. Shellenberger & Sons, McAlisterville, Pennsylvania; Shirts; 10 percent (T); October 26, 1943.

The Shirtcraft Co., Inc., Lurgan Ave., Shippensburg, Pennsylvania; Army and civilian shirts; 10 percent (T); October 26, 1943.

Slipco, 5 Bridge St., Shelton, Connecticut; Ladies' undergarments; 10 percent (T); October 26, 1943.

Smartly Klad Frocks, Inc., 35 Lander St. & 58 Chambers St., Newburgh, New York; Cotton wash frocks; 10 percent (T); October 26, 1943.

Smith Brothers Mfg. Co., 4th & Francis Sts., St. Joseph, Missouri; Overalls, work pants and wool army pants, work coats; 10 percent (T); October 26, 1943.

Society Silk Lingerie Corp., 115 York St., Michigan City, Indiana; Princess slips, pajamas, night gowns, petticoats and panties; 8 learners (T); October 26, 1943.

Southern Silk Mills, Spring City, Tennessee; Mosquito bars; 15 learners (E); April 26, 1943.

Style Accessories, Inc., 105 Chauncy St., Boston, Massachusetts; Dickeys; 10 learners (T); October 26, 1943.

Sunnyvale, Inc., Scranton, Pennsylvania; Dresses; 50 learners (E); April 26, 1943.

United Pants Mfg. Co., 26th & Reed Sts., Philadelphia, Pennsylvania; Mattress covers, jackets, trousers; 10 percent (T); October 26, 1943.

The Utilitog Co., North Holden St., Warrensburg, Missouri; Women's utility uniforms; 6 learners (T); October 26, 1943.

The Warner Brothers Co., 325 Lafayette St., Bridgeport, Connecticut; Corsets, corselettes, brassieres; 10 percent (T); October 26, 1943.

Western Dress Co., 332 Central St., Gilman, Illinois; Ladies' dresses; 8 learners (T); October 26, 1943.

Wilson Brothers, 1000 Layne Ave., Crawfordsville, Indiana; Men's shirts; 5 learners (T); October 26, 1943.

Wirk Garments Corp., Ligonier, Indiana; Pants, shirts; 10 percent (T); October 26, 1943.

Cigar Industry

Consolidated Cigar Corp., Railroad & Furnace Sts., Allentown, Pennsylvania; Cigars; 15 learners (E); Tobacco stripping machine operators to have learning period of 160 hours at 75 percent of the applicable hourly minimum; January 25, 1943.

Glove Industry

Clark Brothers, 17 Maple Ave., Saratoga Springs, New York; Knit fabric gloves; 5 learners (T); October 26, 1943.

Fairfield Glove & Mitten Co., 603 W. Stone St., Fairfield, Iowa; Leather dress and knit fabric gloves; 5 learners (T); October 26, 1943. (This certificate replaces the one bearing the expiration date of October 5, 1943).

Hosiery Industry

Auburn Hosiery Mills, Inc., Auburn, Kentucky; Full-fashioned hosiery; 5 learners (T); October 26, 1943.

Charles H. Bacon Co., Loudon, Tennessee; Seamless hosiery; 5 percent (T); October 26, 1943.

Fay Hosiery Mills, Inc., East Ave., Elyria, Ohio; Seamless hosiery; 5 learners (T); October 26, 1943.

Fayetteville Knitting Mills, Inc., North St., Fayetteville, North Carolina; Full-fashioned hosiery; 5 learners (T); October 26, 1943.

Imperial Hosiery Mills, Mocksville, North Carolina; Seamless hosiery; 5 learners (T); October 26, 1943.

Interwoven Stocking Co., Martinsburg, West Virginia; Seamless hosiery; 5 percent (T); October 26, 1943.

Norris Hosiery Mill, 2806 Dooley St., Cleveland, Tennessee; Seamless hosiery; 5 learners (T); October 26, 1943.

Portage Hosiery Co., 107 E. Mullett St., Portage, Wisconsin; Seamless hosiery; 5 percent (T); October 26, 1943.

Rutledge Hosiery Mills Co., Inc., Rutledge, Tennessee; Seamless hosiery; 5 learners (T); October 26, 1943.

Van Raalte Co., Inc., Myrtle Ave., Boonton, New Jersey; Full-fashioned hosiery; 5 percent (T); October 26, 1943.

Knitted Wear Industry

Cinderella Underwear Co., Reamstown, Pennsylvania; Knitted underwear; 5 learners (T); October 26, 1943.

The Rayotex Knitting Mills, Inc., Tempest St., Perry, New York; Knitted rayon underwear and cotton knitted sportswear; 5 learners (T); October 26, 1943.

Trojan Athletic Wear Co., 1115 Washington Ave., Bay City, Michigan; Knitted outerwear; 3 learners (T); October 26, 1943. (This certificate replaces the one bearing the expiration date of April 2, 1943.)

Textile Industry

Pisgah Mills, Inc., Whitmire St., Brevard, North Carolina; Cotton sewing thread; 3 percent (T); October 26, 1943.

Signed at New York, N. Y., this 24th day of October 1942.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 42–10845; Filed, October 26, 1942; 11:59 a. m.]

CLOVER SPINNING MILLS, INC.

ORDER AFFIRMING SPECIAL CERTIFICATE

Notice of determination affirming the Special Certificate issued to Clover Spinning Mills, Inc., of Clover, South Carolina, for the employment of learners in the textile industry.

Notice is hereby given that the Special Learner Certificate issued to Clover Spinning Mills, Inc., Clover, South Carolina, for the effective period from February 16, 1942 to June 16, 1942 is hereby ordered affirmed.

Any person aggrieved by this action may within fifteen days after publication thereof, make application for reconsideration or file petition for review pursuant to § 522.151 of the Regulations, Part 522 under which the said certificate was issued.

Signed at New York, New York, this 23d day of October 1942.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 42–10842; Filed, October 26, 1942; 11:58 a. m.]

CARROLL DORN GARMENT CO.

NOTICE OF CANCELLATION OF SPECIAL CERTIFICATE

Notice of cancellation of Special Certificates for the employment of learners in the Single Pants, Shirts and Allied Garments and Women's Apparel Industries.

Notice is hereby given that the special certificates for the employment of learners, namely (1) certificate dated March 17, 1941, authorizing the employment of no more than 5 learners at any one time between March 10, 1941 and March 10, 1942, and (2) certificate dated March 27, 1942, authorizing the employment of no more than 10 learners at any one time between March 30, 1942 and March 30, 1943, issued to the Carroll Dorn Garment Company and to Carroll Dorn, Lessee, doing business as the Carroll Dorn Manufacturing Company, of Kansas City, Missouri, have been ordered cancelled as of the first date of violation because of violation of their terms.

The order of cancellation shall not become effective and enforceable until after the expiration of a 15 day period following the date on which this notice appears in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any directly interested and aggrieved party pursuant to § 522.13 of the regulations. If a petition is properly filed, the effective date of the order of cancellation shall be postponed until final action is taken on the petition.

Signed at New York, New York, this 8th day of October 1942.

ISABEL FERGUSON,
Duly Authorized Representative of the Administrator.

[F. R. Doc. 42–10843; Filed, October 26, 1942; 11:58 a. m.]

CIVIL AERONAUTICS BOARD.

[Dockets Nos. 771 and 193]

BRANIFF AIRWAYS, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the temporary amendment of the certificates of public convenience and necessity of American Airlines, Inc., and Braniff Airways, Inc., so as to authorize air transportation with respect to persons, property and mail between or to and from San Antonio, Texas, and Laredo, Texas, under section 401 (h) of the Civil Aeronautics Act of 1938, as amended.

In the matter of the application of Braniff Airways, Inc., for a certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, that oral argument is assigned to be held in the above-entitled proceeding on October 29, 1942, 10 a. m. (eastern war time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D. C., before the Board.

Dated Washington, D. C., October 22, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42–10836; Filed, October 26, 1942; 11:54 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4565]

NATIONAL ASSOCIATION OF SANITARY MILK BOTTLE CLOSURE MANUFACTURERS, ET AL.

ORDER APPOINTING TRIAL EXAMINER, ETC.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23d day of October, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 15 U.S.C.A., section 41),

It is ordered, That John W. Norwood, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, November 4, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Court Room No. 6, United States Post Office, William Penn Annex, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42–10775; Filed, October 24, 1942; 10:54 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. MC–20]

TRUNK LINE TERRITORY MOTOR CARRIER RATES

ORDER SUSPENDING DATE OF EFFECTIVENESS, ETC.

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 20th day of October, A. D. 1942.

It appearing, That by order of June 5, 1942, the effectiveness of the orders theretofore entered in the above-entitled proceeding was suspended, effective July 1, 1942, until November 2, 1942, to the extent minimum class and commodity rates, charges, classifications, rules, and regulations are prescribed therein; and good cause therefor appearing:

It is ordered, That the effectiveness of the said orders be, and it is hereby, further suspended to November 1, 1943, unless otherwise ordered hereafter.

It is further ordered, That this order shall not be construed as setting aside the findings previously made in the proceeding respecting the minimum class and commodity rates, charges, classifications, rules, and regulations which should be maintained by respondents and such findings shall be given consideration in the disposition of protests to new schedules filed by motor carriers during the period the effectiveness of the minimum rate orders is suspended.

And it is further ordered, That a copy of this order be sent to all counsel in the proceeding and that notice of this order be given to all other interested parties and to the general public by filing it with the Director of the Division of the Federal Register, The National Archives, and by depositing copies thereof in the office of the Secretary of the Commission in Washington, D. C.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-10838; Filed, October 26, 1942; 11:51 a. m.]

[Ex Parte No. MC-21]

CENTRAL TERRITORY MOTOR CARRIER RATES

ORDER SUSPENDING DATE OF EFFECTIVENESS, ETC.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of October, A. D. 1942.

It appearing, That by order of June 5, 1942, the effectiveness of the orders theretofore entered in the above-entitled proceeding was suspended, effective July 1, 1942, until November 2, 1942, to the extent minimum class and commodity rates, charges, classifications, rules, and regulations are prescribed therein; and good cause therefor appearing:

It is ordered, That the effectiveness of the said orders be, and it is hereby, further suspended to November 1, 1943, unless otherwise ordered hereafter.

It is further ordered, That this order shall not be construed as setting aside the findings previously made in the proceeding respecting the minimum class and commodity rates, charges, classifications, rules, and regulations which should be maintained by respondents and such findings shall be given consideration in the disposition of protests to new schedules filed by motor carriers during the period the effectiveness of the minimum rate orders is suspended.

And it is further ordered, That a copy of this order be sent to all counsel in the proceeding and that notice of this order be given to all other interested parties and to the general public by filing it with the Director of the Division of the Federal Register, The National Archives, and by depositing copies thereof in the office of the Secretary of the Commission in Washington, D. C.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-10839; Filed, October 26, 1942; 11:52 a. m.]

[Ex Parte No. MC-22]

NEW ENGLAND MOTOR CARRIER RATES

ORDER SUSPENDING DATE OF EFFECTIVENESS, ETC.

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 20th day of October, A. D. 1942.

It appearing, That by order of June 5, 1942, the effectiveness of the orders theretofore entered in the above-entitled proceeding was suspended, effective July 1, 1942, until November 2, 1942, to the extent minimum class and commodity rates, charges, classifications, rules, and regulations are prescribed therein; and good cause therefor appearing:

It is ordered, That the effectiveness of the said orders be, and it is hereby, further suspended to November 1, 1943, unless otherwise ordered hereafter.

It is further ordered, That this order shall not be construed as setting aside the findings previously made in the proceeding respecting the minimum class and commodity rates, charges, classifications, rules, and regulations which should be maintained by respondents and such findings shall be given consideration in the disposition of protests to new schedules filed by motor carriers during the period the effectiveness of the minimum rate orders is suspended.

And it is further ordered, That a copy of this order be sent to all counsel in the proceeding and that notice of this order be given to all other interested parties and to the general public by filing it with the Director of the Division of the Federal Register, The National Archives, and by depositing copies thereof in the office of the Secretary of the Commission in Washington, D. C.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-10840; Filed, October 26, 1942; 11:52 a. m.]

[Ex Parte No. MC-23]

MIDWESTERN MOTOR CARRIER RATES

ORDER SUSPENDING DATE OF EFFECTIVENESS, ETC.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of October, A. D. 1942.

It appearing, that by order of June 5, 1942, the effectiveness of the orders theretofore entered in the above-entitled proceeding was suspended, effective July 1, 1942, until November 2, 1942, to the extent minimum class and commodity rates, charges, classifications, rules, and regulations are prescribed therein; and good cause therefor appearing:

It is ordered, That the effectiveness of the said orders be, and it is hereby, further suspended to November 1, 1943, unless otherwise ordered hereafter.

It is further ordered, That this order shall not be construed as setting aside the findings previously made in the proceeding respecting the minimum class and commodity rates, charges, classifications, rules, and regulations which should be maintained by respondents and such findings shall be given consideration in the disposition of protests to new schedules filed by motor carriers during the period the effectiveness of the minimum rate orders is suspended.

And it is further ordered, That a copy of this order be sent to all counsel in the proceeding and that notice of this order be given to all other interested parties and to the general public by filing it with the Director of the Division of the Federal Register, The National Archives, and by depositing copies thereof in the office of the Secretary of the Commission in Washington, D. C.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-10841; Filed, October 26, 1942; 11:52 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 132]

ALL THE CAPITAL STOCK OF KAGEYAMA & CO., INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

All of the capital stock of Kageyama & Company, Inc., a California corporation, which is a business enterprise within the United States, consisting of 100 shares of no par value common stock, the names and last known addresses of the owners of which and the number of shares owned by them respectively, are as follows:

Names and last known addresses:	*Number of shares*
M. Kageyama, Shizuoka, Japan	98
Shun Kawasaki, Los Angeles, California	1
Edward Yoshimoto, Los Angeles, California	1
Total	100

is property of nationals, and represents ownership of said business enterprise which is a national, of a designated enemy country (Japan); and

(b) That the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of Seishin Boeki Shokai, Limited, Shizuoka, Japan, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to it by said Kageyama & Company, Inc., including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness,

is an interest in the aforesaid business enterprise held by, and is property within the United States owned or controlled by, a national of a designated enemy country (Japan);

and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on August 28, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10762; Filed, October 23, 1942; 4:23 p. m.]

[Vesting Order 157]

ASSETS OF M. NISHIMOTO AND CO.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title and interest of M. Nishimoto, whose last known address was represented to the undersigned as being Kobe, Japan, in and to M. Nishimoto and Company, the name under which he maintains offices and does business in Seattle, Washington, which is a business enterprise within the United States, and all property of any nature whatsoever owned or controlled by, payable or deliverable to, or held (by J. S. Ikeda and T. Hamanaka, or either of them, and/or any or all others) on behalf of or on account of or owing to, said M. Nishimoto or M. Nishimoto and Company.

is property of nationals, and represents ownership of said business enterprise within the United States which is a national, of a designated enemy country (Japan), and determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on September 21, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10763; Filed, October 23, 1942; 4:23 p. m.]

[Vesting Order 162]

97.75% OF THE CAPITAL STOCK OF SUMITOMO BANK OF SEATTLE

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

1,955 shares (which constitute a substantial part, namely, 97.75% of all outstanding shares) of the capital stock of Sumitomo Bank of Seattle, a Washington corporation, Seattle, Washington, which is a business enterprise within the United States the names and last known addresses of the owners of which, and the number of shares owned by them respectively, are as follows:

Names and last known addresses:	*Number of shares*
Sumitomo Bank, Ltd., a Japanese corporation, Osaka, Japan	1,810
H. Okahashi, Tokyo, Japan	100
G. Watenabe, Japan (by repatriation)	25
T. Satake, Japan (by repatriation)	20
Total	1,955,

is property of nationals, and represents control of said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on September 24, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10764; Filed, October 23, 1942; 4:23 p. m.]

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[1] 7 F.R. 5205.

[1] 7 F.R. 5205.

[Vesting Order 164]

Interests of Partners in Rikimaru Bros. & Company

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned after investigation, finding that the property described as follows:

All right, title and interest of Mataji Rikimaru and Isamu Rikimaru, and each of them, both of whom are interned in an alien detention camp, as copartners in and to the partnership known as Rikimaru Bros. & Company, under which name such copartners are doing business and maintaining an office at Los Angeles, California, which is a business enterprise within the United States and made, on or about February 27, 1942, an assignment of its assets to the Los Angeles Produce Dealers Credit Bureau, Los Angeles, California, for the benefit of its creditors,

is property of nationals, and represents ownership of said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country such persons are controlled by or acting for or on behalf of or as cloaks for a designated enemy country (Japan) or a person within such country, and the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian (subject to the right, title and interest therein of the assignee under the aforesaid assignment), to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the Powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on September 24, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–10765; Filed, October 23, 1942; 4:23 p. m.]

[Vesting Order 167]

95.238% of the Capital Stock of Saint-Denis, Kuhlmann, Saint-Clair Dyestuff Corp.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

20 shares (which constitute a substantial part, namely, 95.238%, of all outstanding shares) of $500 par value common capital stock, of Saint-Denis, Kuhlmann, Saint-Clair Dyestuff Corporation, a New York corporation, New York, New York, which is a business enterprise within the United States, the names and last known addresses of the registered owners of which, and the number of shares owned by them respectively, are as follows:

Names and last known addresses:	*Number of shares*
Compagnie Nationale des Matieres Colorantes et Manufactures de Produits Chimiques du Nord Reunies Etablissements Kuhlmann, Paris, France	10
Societe Anonyme des Matieres Colorantes et Produits Chimiques de Saint-Denis, Paris, France	6
Compagnie Francaise de Produits Chimiques et Matieres Colorantes de Saint-Clair-Du-Rhone, Paris, France	3
Societe des Produits Chimiques et Matieres Colorantes de Mulhouse, Paris, France	1
Total	20

is property of nationals, and represents control of said business enterprise which is a national, of a designated enemy country (Germany), and of a foreign country(France); and

(b) That the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of the aforesaid registered owners of said stock, and each of them, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to the aforesaid registered owners, or any of them, by said Saint-Denis, Kuhlmann, Saint-Clair Dyestuff Corporation, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany), and is an interest in the aforesaid business enterprise held by nationals of a designated enemy country (Germany) and of a foreign country (France),

and determining that to the extent that any or all such nationals are persons not within a designated enemy country such persons are controlled by or acting for or on behalf of or as cloaks for a designated enemy country (Germany) or a person within such country, and the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having determined, and certified to the Secretary of the Treasury, that it is necessary in the national interest to vest the property hereinbefore described, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on September 24, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–10766; Filed, October 23, 1942; 4:24 p. m.]

[Vesting Order 173]

All the Capital Stock of Haruta and Company, Inc.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

All of the capital stock of Haruta and Company, Inc., a New York corporation, New York, New York, which is a business enterprise within the United States, consisting of 100 shares of no par value common stock, the names of the registered owners of which,

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[1] 7 F.R. 5205.

and the number of shares owned by them respectively, are as follows:

Names:	*Number of shares*
Franklin Chino	40
Marie Chino	30
Marcelia Chino	30
Total	100

is property of nationals, and represents ownership of said business enterprise which is a national, of a designated enemy country (Japan); and

(b) That the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of J. Yoshikawa, J. Miyakawa and Taiyo Shoko Kaisha, Ltd., and any of them, the last known addresses of each of whom were represented to the undersigned as being in Japan, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to them, or any of them, by said Haruta and Company, Inc., including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness,

is an interest in the aforesaid business enterprise held by nationals of an enemy country, and also is property within the United States owned or controlled by nationals of a designated enemy country (Japan);

and determining that to the extent that any or all of such nationals are persons not within a designated enemy country such persons are controlled by or acting for or on behalf of or as cloaks for a designated enemy country (Japan) or a person within such country, and the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on September 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–10767; Filed, October 23, 1942; 4:24 p. m.]

[Vesting Order 175]

Certain Capital Stock of North American Mercantile Co.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

(a) 1,385 shares (which constitute a substantial part, namely 53.41%, of all outstanding shares) of $100 par value common capital stock of North American Mercantile Company, a California corporation, San Francisco, California, which is a business enterprise within the United States, the names and last known addresses of the registered owners of which, and the number of shares owned by them respectively, are as follows:

Names and last known addresses:	*Number of shares*
Takaji Domoto, Japan	443
Takazo Domoto, Japan	313
(Henry) S. Nozaka (alien detention camp)	10
T. Komada (deceased), Japan	200
Mrs. T. Komada (deceased), Japan	40
K. Kokubu (deceased), Japan	20
Jiroemon Kano (deceased), Japan	100
Mrs. T. Miwa (deceased), Japan	15
T. Sakai (deceased), Japan	13
S. Kano (deceased), Japan	2
George T. Komada, Japan	110
Y. Domoto, Japan	78
Ryozo Nawri, Japan	10
K. Kawashima, Japan	10
Kyozo Domoto, Japan	8
Tetsuichi Domoto, Japan	8
T. Shirai, Japan	5
Total	1,385

(b) All right, title and interest of the aforesaid Takaji Domoto and Takazo Domoto, and each of them, in and to 560 shares, or any part thereof, of similar stock bequeathed to them under the will (not yet probated) of Takanoshin Domoto, Sr., Japan,

is property of nationals, and represents control of said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country", and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on September 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–10768; Filed, October 23, 1942; 4:24 p. m.]

[Vesting Order 179]

Assets of The United Ocean Transport Company, Ltd. (Daido Kaiun Kabushiki Kaisha)

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, The United Ocean Transport Company, Ltd. (Daido Kaiun Kabushiki Kaisha), a Japanese corporation, Kobe, Japan, or its United States branch located at Seattle, Washington, including but not limited to all right, title and interest of said corporation in and to the property presently held by Kenji Iki for the failure to report which as property of said corporation, criminal proceedings have been brought against him by the United States Government, which corporation is a business enterprise within the United States,

is property of nationals, and said business enterprise is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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[1] 7 F.R. 5205.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country , asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on September 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–10769; Filed, October 23, 1942; 4:24 p. m.]

[Vesting Order 192]

INTEREST OF PARTNER IN FUJITA & CO.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title and interest of Ukichi Fujita, who left the United States in August 1941 on a trip en route to Peking, China, and has not returned, as a copartner, in and to Jujita & Co., a California partnership, San Francisco, California, which is a business enterprise within the United States, which right, title and interest constitute two-thirds of such partnership,

is property of, and represents control of said business enterprise which is, a national of a designated enemy country (Japan), and determining that to the extent that either or both of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of such designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Propert Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on September 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–10770; Filed, October 23, 1942; 4:25 p. m.]

[Vesting Order 198]

ALL OF THE CAPITAL STOCK OF Z. HORIKOSHI AND CO., INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All of the capital stock of Z. Horikoshi and Company, Inc., a New York corporation, which is a business enterprise within the United States, consisting of 2,000 shares of $100 par value stock, the names and last known addresses of the registered owners of which, the number of shares owned by them, and the numbers of the certificates representing which shares, are, respectively, as follows:

Names and last known addresses:	*Number of Shares*	*Certificate No.*
Anealia T. Uyeno, Portchester, New York, holding for the benefit of Hajimu Horikoshi, who resides in Japan.	500	1
	200	3
	100	5
	200	7
Yuri Yajima, Port Washington, New York, holding for the benefit of Hajimu Horikoshi, who resides in Japan.	500	2
	200	4
	100	6
	200	8
Total	2,000	

is property of nationals, and represents ownership of said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of such designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on September 30, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–10771; Filed, October 23, 1942; 4:25 p. m.]

[Vesting Order 202]

ALL OF THE CAPITAL STOCK OF STEEL UNION-SHEET PILING, INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All of the capital stock of Steel Union-Sheet Piling, Inc., a New York corporation, New York, New York, which is a business enterprise within the United States, consisting of 250 shares of $100 par value common capital stock, which shares are registered in the name of Aktiebolaget Pars whose last known address was represented to the undersigned as being Stockholm, Sweden, and are held by said registered owner for the benefit of Vereinigte Stahlwerke, Duesseldorf, Germany, or its subsidiary Stahlunion-Export, Duesseldorf, Germany,

is property of, and represents ownership of said business enterprise which is, a national of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country such persons are controlled by or acting for or on behalf of or as cloaks for a designated enemy country (Germany) or a person within such country, and the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–10772; Filed, October 23, 1942; 4:25 p. m.]

[Vesting Order 205]

PATENT APPLICATIONS OF ENEMY NATIONALS

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent applications listed and described in Exhibit A attached hereto and made a part hereof,

is property in which nationals of a foreign country or countries have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patent applications in the United States Patent Office which are identified as follows:

Serial No.	Filing date	Inventor	Title
219, 926	7/18/38	G. Von Manteuffel	Jet-pipe relay.
246, 177	12/16/38	A. Wolff	Helmet.
250, 746	1/13/39	S. Klinghoffer	Method for retaining the radio-activity of all liquids intended for injections.
264, 052	3/25/39	R. Poracchia	Purification devices for a liquid.
266, 680	4/7/39	R. Waldmann	Process for producing enzymes by the cultivation of micro-organisms on nitrogen and carbohydrate-containing mashes.
268, 117	4/15/39	W. Engel	Articles molded from synthetic resin.
278, 677	6/12/39	G. Bakos	Film cameras.
279, 181	6/14/39	P. Martinotti	Rotating assemblies.
287, 593	7/31/39	H. Davidsohn	Gloves.
289, 057	8/8/39	K. Maier	Nonravelling knitted fabrics.
290, 908	8/18/39	E. Bugatti	Construction of hollow bodies such as aircraft elements.
299, 879	10/17/39	P. Martinotti	Aircraft propellers.
301, 295	10/25/39	M. Rendelstein	Processes for increasing the effective output of propellers, of aeromotors, etc.
307, 324	12/2/39	A. Polgar, et al	Manufacture of photographic bleaching layers.
310, 629	12/22/39	A. Salomon	Amino aryl sulfonamides.
318, 328	2/10/40	E. Eichwald	Process for manufacturing viscous products suitable for lubrication.
323, 450	3/11/40	L. DeKramolin	Radio apparatus.
324, 711	3/18/40	P. Giavotto	Drop-counting bottle.
326, 780	3/28/40	W. Oelsner	Reinforced-concrete structures serving to limit vibratory oscillations or to prevent the same.
327, 736	4/3/40	E. Waldschmidt, et al	Process for improving the baking, etc.
336, 290	5/20/40	E. Zipper	Brakes.
339, 371	6/7/40	O. Manfred	Method for the manufacture of pencil-leads.
340, 226	6/12/40	G. Natta	Process for the manufacture of styrene.
343, 758	7/3/40	H. Von Baeyer	Transmission line circuit.
352, 155	8/10/40	H. Bergmann	Electromagnetic rotating field systems.
364, 400	11/5/40	P. Ricchiardi, et al	Long-fiber light-weight timber.
366, 549	11/22/40	G. Schorsch	Process for obtaining transparent molded bodies.
368, 856	12/6/40	J. Bruck, et al	Method of producing acrylic nitrile.
373, 270	1/6/41	H. Hesse	Methods and apparatus for keeping a constant temperature.
375, 896	1/25/41	J. Aron, et al	Power wrench.
381, 240	3/1/41	H. Appel	Low-pressure steam heating plant particularly adapted for railway vehicles.
384, 215	3/19/41	A. De Hertelendy	Aerial mine.
388, 188	4/11/41	W. Hecht	Device for injectively treating plants.
401, 371	1/7/41	V. Bubenik	Hot electrodes for electric discharge tubes.
403, 392	7/21/41	A. Rott	Photo-mechanical printing process and printing material for carrying out the same.
407, 663	8/20/41	P. Chelazzi	Buildings.
416, 911	10/28/41	E. Jacobi	Apparatus for recording of rapidly varying processes.
417, 671	11/31/41	H. Wolff	Sound absorbing structure.
421, 287	12/2/41	H. Cohn	Electron discharge devices.
436, 532	3/27/42	F. Ottenstein	Bottle closure of the crown-cork type and sealing disc for the same.
453, 491	7/30/42	H. Stegelitz, et al	Circuit breaker fluid pressure. Operated system.

[F. R. Doc. 42–10773; Filed. October 23, 1942; 4:25 p. m.]

[Vesting Order 233]

PATENTS OF ENEMY NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the patents, the numbers of which are listed in Exhibit A, attached hereto and made a part hereof, and the titles to which stand of record in the United States Patent Office in the names of the persons appearing opposite the respective numbers listed therein,

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[1] 7 F.R. 5205.

[1] 7 F.R. 5205.

is property in which nationals of a foreign country or countries have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designed enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on October 14, 1942.

[SEAL] **LEO T. CROWLEY,**
Alien Property Custodian.

EXHIBIT A

Patents which are identified as follows and the titles to which stand of record in the United States Patent Office in the names of the persons indicated, respectively:

Patent No.	Date	Record owner	Inventor	Title
1,581,754	4/20/26	Carl Zeiss	R. Mechau	Electric current interrupter.
1,610,593	12/14/26	Deutsche Rohrenwerke A. G.	M. Roeckner	Manufacture of seamless pipes.
1,649,907	11/22/27	W. C. Heraus G. m. b. H.	R. Mayer	Combination of glass and metal bodies.
1,683,709	9/11/28	Vereinigte Eisenbahn Signalwerke G. m. b. H.	K. Wenzel	Safety contrivance on permanent railway tracks.
1,690,935	11/7/28	Metallgesellschaft A. G.	O. Hubmann	Process and apparatus for distillation of combustible materials.
1,707,450	4/2/29	Degea Aktiengesellschaft-Auergesellschaft.	F. Sommer	Process of separating cerium.
1,717,752	6/18/29	Deutsche Reichbahn Gesellschaft and Carl Zeiss.	W. Baseler	Train controlling means by light rays.
1,773,793	8/26/30	Deutsche Edelstahlwerke A. G.	C. Sattler	Permanent magnet.
1,782,358	11/18/30	Anton Lang	A. Lang	Winch drums.
1,786,623	12/30/30	Deutsche Gesellschaft fur Schadlings Bekompfung m. b. H.	H. Lehrecke	Warning means for poison gases.
1,786,930	12/30/30	Robert Bosch G. m. b. H.	G. Zeininger	Acoustic signaling apparatus.
1,794,287	2/24/31	Gesellschaft fur Oberbauforschung.	W. Germann	Double-slip point for rails.
1,799,978	4/7/31	Maschinenfabrik Augsburg-Nurnberg A. G.	H. Fischer	Multicolor printing machines.
1,812,190	6/30/31	Siemens Schuckertwerke A. G.	W. Baseler	Railway track brake.
1,846,830	2/23/32	Siemens Schuckertwerke A. G.	W. Baseler	Car retarding apparatus.
1,846,831	2/23/32	Siemens Schuckertwerke A. G.	W. Baseler et al.	Car retarding apparatus.
1,865,928	6/24/30	C. Mayer	C. Mayer	Process and apparatus for producing paper sleeves and coils with reinforcements wound around.
1,903,598	4/11/33	Walter Dux	J. Scheiber	Shellac substitutes.
1,903,676	4/11/33	Demay A. G.	H. Heetkamp	Rolling mills for widening out tubes.
1,931,249	10/17/33	Emil Burkhardt	E. Burkhardt	Pile.
1,939,161	12/12/33	Hartmann & Braun A. G.	A. Bestelmeyer	Apparatus for optical transfer of measurements.
2,002,521	5/28/35	Dortmund-Hoerder, Huettenverein A. G.	A. Borberg	Box piling.
2,023,727	12/10/35	Deutsche Rohrenwerke A. G.	H. Esser	Manufacture of seamless tubes.
2,023,827	12/10/35	Vereinigte Stahlwerke A. G.	C. Wallmann et al.	Process for the production of iron sleepers.
2,036,281	4/7/36	Deutsche Edelstahlwerke A. G.	W. Koster	Process for the treatment of ferromagnetic alloys.
2,047,849	7/14/36	Deutsche Rohrenwerke A. G.	W. Beikmann	Method of flaring tubes.
2,048,222	7/21/36	Deutsche Edelstahlwerke A. G.	A. Rehmann	Articles for magnetical purposes and process of producing the same.
2,056,588	10/6/36	Vereinigte Stahlwerke A. G.	H. Schulz et al.	Process for reducing the corrodibility of steel or cast iron.
2,056,589	10/6/36	Vereinigte Stahlwerke A. G.	H. Schulz et al.	Process for reducing the corrodibility of steel or cast iron.
2,056,590	10/6/36	Vereinigte Stahlwerke A. G.	H. Schulz et al.	Process for reducing the corrodibility of steel or cast iron.
2,114,924	4/19/38	Maschinenfabrik Augsburg-Nurnberg A. G.	W. Kahllenberger	Combustion power machine with stream atomization.
2,115,200	4/26/38	Arnold Tross and Vereinigte Deutsche Metallwerke A. G.	H. Von Forster	Stay bolts of clad metal and method of manufacturing same.
2,144,781	1/24/39	G. Seitz	G. Seitz	Filter pad and purifying liquids.
2,215,442	9/17/40	Vereinigte Deutsche Metallwerke A. G.	E. Vaders	Aluminum alloys as bearing metals.
2,215,443	9/17/40	Vereinigte Deutsche Metallwerke A. G.	E. Vaders	Aluminum alloys.
2,215,444	9/17/40	Vereinigte Deutsche Metallwerke A. G.	E. Vaders	Aluminum alloys.
2,249,083	7/15/41	R. Kern	R. Kern	Process for stapling continuous artificial fiber.

[F. R. Doc. 42-10774; Filed, October 23, 1942; 4:26 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 1 Under MPR 136, as Amended]

CHAMPION RIVET CO.

Adjustment of maximum prices under § 1390.25 (b) of Maximum Price Regulation No. 136, as amended—Machines and Parts and Machinery Services—Order No. 1.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and § 1390.25 (b) of Maximum Price Regulation No. 136, as amended, *It is hereby ordered*, That:

(a) *Adjustment of maximum prices on sales of welding electrodes by the Champion Rivet Co., Cleveland, Ohio under § 1390.25* (b). (1) Champion Rivet Co., Cleveland, Ohio is hereby authorized to sell and offer, agree, solicit and attempt to sell, any of the welding electrodes manufactured by it, for which it had published or confidential list prices in effect on October 1, 1941, at the maximum prices provided by §§ 1390.5 and 1390.6, except that, in the sale and shipment of such electrodes to purchasers in the states of California, Washington and Oregon, the Company may add to such maximum prices the amount by which the actual cost of freight for each 100 lbs. of electrodes in each such sale and shipment exceeds $1.00: *Provided*, That such additional amount for the cost of freight may be collected by the Company only if such amount is stated and invoiced separately from the purchase price of the electrodes manufactured and sold by it.

(2) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(3) This Order No. 1 under § 1390.25 (b) of Maximum Price Regulation No. 136 shall become effective October 24, 1942.

Issued this 23d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10738; Filed, October 23, 1942; 12:10 p. m.]

[Order 9 Under MPR 161]

SUN TIMBER CO., ET AL.

OVERTIME ADDITIONS

Order 9 under § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs.

Pursuant to the provisions of § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs, the following persons have filed with the Office of Price Administration, Washington, D. C., a certified statement that said persons regularly maintain the following hours per week in all of their logging operations. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in

accordance with § 1381.160 (e) of Maximum Price Regulation 161, *It is hereby ordered:*

(a) The following persons being on a 48-hour week may add to the maximum prices of all logs produced by them $1.00 per 1,000 ft., log scale:

Sun Timber Co., Portland, Oregon.
J. L. McCulley, Portland, Oregon.
Caffall Brothers, Portland, Oregon.
Colton Log & Lumber Company, Portland, Oregon.
Sauk River Lumber Company, Everett, Washington.
Archibald Bros. Logging Company, Marblemount, Washington.
C. E. Powell, Milwaukie, Oregon.
Canyon Logging Company, Everett, Washington.
Wirkkala Bros. Logging Co., Naselle, Washington.
Oscarson & Wickstrom, Taft, Oregon.
Gerber-Bunker Timber Co., Grand Ronde, Oregon.
Gerber-Bunker Timber Co., Raymond, Washington.
Roy J. Kimbel, Shelton, Washington.
G. R. Van Vleet, Cannon Beach, Oregon.
F. E. Foss & Sons, Concrete, Washington.
M. V. Hissong, Concrete, Washington.
Jack Rannila, Sedro Woolley, Washington.
Nelson-Deierlein, Sedro Woolley, Washington.
Robertson Bros. Logging Co., Concrete, Washington.
Lake Shannon Shingle Company, Concrete, Washington.

(b) The status of the following persons as overtime companies having been changed, the additions to maximum prices of all logs produced by them shall be as follows:

(1) C. & H. Logging Company, Elsie, Oregon, having changed from a 54-hour week to a 48-hour week, may add to the maximum price of all logs produced by it $1.00 per $1,000 ft., log scale.

(2) C. & H. Logging Company, Mehama, Oregon, having changed from a 54-hour week to a 48-hour week, may add to the maximum price of all logs produced by it $1.00 per 1,000 ft., log scale.

(3) North Bend Timber Company, North Bend, Washington, having changed from a 48-hour week to a 54-hour week, may add to the maximum price of all logs produced by it $1.50 per 1,000 ft., log scale.

(c) The additions to maximum prices specified in paragraphs (a) and (b) hereof may be made subject to the condition that the persons named comply with all provisions of § 1381.160 (e) of Maximum Price Regulation 161.

(d) This Order No. 9 may be revoked or amended by the Price Administrator at any time by similar publication in the FEDERAL REGISTER for change of status of any of the persons named herein as an overtime company.

(e) This Order No. 9 shall become effective October 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10737; Filed, October 23, 1942; 12:09 p. m.]

[Order 10 Under MPR 161]

BLUE MOUNTAIN LOGGING CO., INC., ET AL.

OVERTIME ADDITIONS

Order 10 under § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs.

Pursuant to the provisions of § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs, the following persons have filed with the Office of Price Administration, Washington, D. C., a certified statement that said persons regularly maintain the following hours per week in all of their logging operations. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with § 1381.160 (e) of Maximum Price Regulation 161, *It is hereby ordered:*

(a) The following persons being on a 48-hour week may add to the maximum prices of all logs produced by them $1.00 per 1,000 ft., log scale:

Blue Mountain Logging Company, Inc., Acme, Washington.
Clipper Loggers, Clipper, Washington.
Pope & Talbot, Inc., Portland, Oregon.
Willapa Harbor Lumber Mills, Raymond, Washington.
A. F. Coats Lumber Company, Tillamook, Oregon.
Emmert Bros. Logging Company, Sweet Home, Oregon.
Johnson Bros. Logging Co., Naselle, Washington.
Elmer Watters Logging Co., Lebanon, Oregon.
Eastern and Western Lumber Company, Grays River, Washington.
Eastern and Western Lumber Company, Alsea, Oregon.
Carson Lumber Company, Carson, Washington.
Lloyd Logging Co., Longview, Washington.
O. P. Lewellen, Woodland, Washington.
Weyerhaeuser Timber Company, Longview, Branch, Longview, Wash.
White River Lumber Company, Enumclaw, Washington.
C. D. Johnson Lumber Corporation, Toledo, Oregon.
Mt. Jefferson Lumber Co., Lyons, Oregon.
M & G Logging Co., Springfield, Oregon.

(b) The following persons, having changed their status as overtime companies from 54-hour per week operations to 48-hour per week operations, may add to the maximum price of all logs produced by them $1.00 per 1,000 ft. log scale instead of $1.50 per 1,000 ft. log scale as heretofore authorized by prior order of the Office of Price Administration:

Lane-Linn Logging Co., Inc., Eugene, Oregon.
Carl Campen, Seabeck, Washington.
C. E. Harris, Shelton, Washington.
Kay Logging Company, Seattle, Washington.

(c) The following person being on a 54-hour week may add to the maximum prices of all logs produced by it $1.50 per 1,000 ft., log scale:

E. T. Cone Logging Co., McMinnville, Oregon.

(d) The following person being on a 60-hour week may add to the maximum prices of all logs produced by it $2.00 per 1,000 ft., log scale:

Petty Bros. & Blunk Company, Concrete, Washington.

(e) The additions to maximum prices specified in paragraphs (a), (b), (c) and (d) hereof may be made subject to the condition that the persons named comply with all provisions of § 1381.160 (e) of Maximum Price Regulation 161.

(f) This Order No. 10 may be revoked or amended by the Price Administrator at any time by similar publication in the FEDERAL REGISTER for change of status of any of the persons named herein as an overtime company.

(g) This Order No. 10 shall become effective October 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10736; Filed, October 23, 1942; 12:07 p. m.]

[Order 6 Under MPR 169]

THE MEYER KORNBLUM PACKING COMPANY

ORDER DISMISSING PETITION FOR ADJUSTMENT

Order No. 6 under Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts—Docket No. 3169-2.

On July 6, 1942, Meyer Kornblum Packing Company, 300 Central Avenue, Kansas City, Kansas, filed a petition for adjustment of maximum prices pursuant to § 1364.60 established under Maximum Price Regulation No. 169, Beef and Veal Carcasses and Wholesale Cuts. Due consideration has been given to the petition for adjustment and an opinion in support of this Order No. 6 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

For the reasons set forth in the Opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is ordered*, That this petition for adjustment be, and it hereby is, denied in whole.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued and effective this 23d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10735; Filed, October 23, 1942; 12:07 p. m.]

[Order 7 Under MPR 169]

BOGART PACKING COMPANY—ARMOUR AND COMPANY OF DELAWARE

ORDER DENYING APPLICATIONS FOR ADJUSTMENT

Order No. 7 under Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts—Dockets Nos. 3169–138, and 3169–139.

On or before September 21, 1942, Armour and Company of Delaware, Union Stock Yards, Chicago, Illinois and Bogart Packing Company, 810–816 First Avenue, New York City, New York filed separate applications for adjustment of maximum prices established under Maximum Price Regulation No. 169, Beef and Veal Carcasses and Wholesale Cuts, in accordance with the provisions therefor contained in Procedural Regulation No. 6. The Price Administrator deems it appropriate that these applications for adjustment be disposed of together.

Due consideration has been given to each of the applications for adjustment and an opinion in support of this Order No. 7 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 6, issued by the Office of Price Administration: *It is ordered*, That:

(a) The foregoing applications for adjustment and each of them be, and they hereby are, denied in whole.

(b) Each applicant who has received payment for any beef and veal carcasses or wholesale cuts at the price requested in its application shall refund to the purchaser the difference between such requested price and the maximum price established for the sale of such beef and veal carcasses and wholesale cuts by Maximum Price Regulation No. 169.

(c) This Order No. 7 shall become effective October 24, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 23d day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10760; Filed, October 23, 1942; 3:19 p. m.]

[Order 14 Under MPR 188]

APPALACHIAN MARBLE COMPANY, PROTESTANT

ORDER GRANTING PROTEST IN PART AND DENYING PROTEST IN PART

Order No. 14 Under § 1499.161 (a) of Maximum Price Regulation No. 188—Manufacturers' Maximum Price for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. GF1–227–P.

On June 22, 1942, the Appalachian Marble Company, Middlebrook Pike, Knoxille, Tennessee, filed a Protest against the provisions of the General Maximum Price Regulation. For the reasons set forth in an Opinion issued simultaneously herewith, *It is ordered:*

(a) *Adjustment of maximum prices for marble spalls sold by Appalachian Marble Company under § 1499.161* (a).

(1) Appalachian Marble Company, of Knoxville, Tennessee, may sell and deliver, and any person may buy and receive from Appalachian Marble Company the following commodities at prices not higher than those set forth below:

The maximum price for marble spalls shall not exceed $2.36 per ton of lime produced therefrom.

(2) The adjustment granted to Appalachian Marble Company in paragraph (a) is subject to the following conditions:

(i) The Appalachian Marble Company shall make a report to the Office of Price Administration, Washington, D. C., at least ten days prior to resuming substantial production of dimension marble stone.

(ii) Paragraph (a) of this Order No. 14 may be revoked or amended by the Price Administrator at any time.

(b) *Denial of protest except insofar as relief is granted by this Order No. 14.*

(1) The Protest filed by the Appalachian Marble Company against the provisions of the General Maximum Price Regulation and assigned Docket No. GF1–227–P is hereby denied except insofar as relief is granted in paragraph (a) of this Order No. 14.

(c) This Order No. 14 under § 1499.161 (a) of Maximum Price Regulation No. 188 shall become effective October 26, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 24th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10788; Filed, October 24, 1942; 12:23 p. m.]

[Amendment 1 to Administrative Order 18, as Amended[1]]

DIRECTOR FOR PUERTO RICO

DELEGATION OF AUTHORITY TO ACT FOR THE ADMINISTRATOR

Administrative Order No. 18 is hereby amended so as to add thereto paragraph (c) as follows:

(c) The authority delegated hereby shall not include the power or authority to ration farm machinery and equipment. As used herein the term farm machinery and equipment shall have the same meaning as is given it in paragraph (b) of War Production Board Supplementary Directive No. 1–K.[2]

Issued and effective this 24th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10804; Filed, October 24, 1942; 12:28 p. m.]

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[1] 7 F.R. 6911.

[2] 7 F.R. 7280.

[Amendment 1 to Administrative Order 28[1]]

RATIONING OF FARM MACHINERY AND EQUIPMENT

AUTHORIZATION OF SECRETARY OF AGRICULTURE

Paragraph (a) of Administrative Order No. 28 is hereby amended to read as follows:

(a) The Secretary of Agriculture is hereby authorized and directed to exercise the functions, duties, powers, authority and discretion, including but not limited to the power of subpoena, and the power to issue suspension orders, conferred upon the Office of Price Administration and the Administrator for the purpose of securing the efficient rationing of farm machinery and equipment within the limits of the continental United States and of Puerto Rico.

Amendment No. 1 to Administrative Order No. 28 shall be effective as of September 15, 1942.

Issued this 24th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10794; Filed, October 24, 1942; 12:27 p. m.]

[Order 65 Under MPR 120]

MASTELLER COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 65 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120–58.

For the reasons set forth in the Opinion issued simultaneously herewith and pursuant to authority vested in the Administrator by the Emergency Price Control Act of 1942 and § 1340.207 (c) of Maximum Price Regulation No. 120: *It is hereby ordered:*

(a) The Masteller Coal Company, Keyser, West Virginia, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not to exceed the price stated therein;

(b) Coal in Size Group 3 produced at the New Creek Mine, Mine Index No. 343, District No. 1, of the Masteller Coal Company, may be sold for shipment by rail at prices not to exceed $2.85 per net ton, f. o. b. the mine;

(c) This Order No. 65 may be revoked or amended by the Administrator at any time;

(d) All prayers of the petition not granted herein or in Order No. 7[2] under Maximum Price Regulation No. 120 are denied;

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

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[1] 7 F.R. 7326.

[2] Issued May 29, 1942, 7 F.R. 4125.

(f) This Order No. 65 shall become effective October 26, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10791; Filed, October 24, 1942; 12:20 p. m.]

[Order 32 Under MPR 122]

AUGUSTA ICE AND COAL COMPANY, ET AL.

ORDER GRANTING ADJUSTMENTS

Order No. 32 Under Maximum Price Regulation No. 122—Solid Fuels Delivered from Facilities Other Than Producing Facilities—Dealers.

The following persons, all of Augusta, Georgia, filed protests or petitions on the following dates: Augusta Ice and Coal Company, 639 Thirteenth Street, filed on June 26, 1942 a protest assigned Docket No. 1122–24–P; John W. Burke Coal Company, 1423 Reynolds, filed on July 20, 1942 a protest assigned Docket No. 1122–123–P; Barnes Coal Company, 210 Georgia Avenue, filed on June 20, 1942 a protest assigned Docket No. 1122–125–P; W. C. Ivey Coal Company, 1009 Roberts Street, filed on June 29, 1942 a protest assigned Docket No. 1122–127–P; Mills Coal and Transfer, 520 Fenwick Street, filed on June 20, 1942 a protest assigned Docket No. 1122–128–P; Sikes Coal and Wood Company, 1498 Wrightsboro Road, filed on June 29, 1942 a protest assigned Docket No. 1122–129–P; Dykes Coal and Wood Company, 515 Fenwick Street, filed on June 29, 1942 one copy of a document styled a protest which was assigned Docket No. 1122–126–P, and on July 14, additional copies were filed and assigned additional Docket No. 1122–141–P; Forward Coal Company, 1461 Reynolds Street, filed on July 21, 1942 a protest assigned Docket No. 1122–136–P, which was dismissed and redocketed on July 27 as a petition, Docket No. 3122–150; Augusta Branch of Atlantic Company, 927 Fenwick Street, filed on July 2, 1942 a protest assigned Docket No. 1122–120–P, which was dismissed and redocketed on July 27 as a petition, Docket No. 3122–153; Dennis Coal and Wood Company, 610 Gwinnett Street, filed on July 9, 1942 a petition assigned Docket No. 3122–163; Augusta Coal and Wood, 1245 D'Antignac Street, filed on July 3, 1942 a protest assigned Docket No. 1122–130–P, which was dismissed and redocketed on July 27 as a petition, Docket No. 3122–173; City Coal and Wood Company, 1481 Greene Street, filed on July 2, 1942 a protest docketed as Docket No. 1122–125–P, which was dismissed and redocketed as Docket No. 3122–175 on July 27 as a petition, and on July 22, 1942 filed a protest docketed as Docket No. 1122–161–P, which was dismissed and redocketed on July 27 as a petition, Docket No. 3122–175, consolidated; Community Coal Company, 1454 Augusta Avenue, filed on July 3, 1942 a protest assigned Docket No. 1122–131–P, which was dismissed on July 27 and redocketed as a petition, Docket No. 3122–177; E. R. Davis Company, 1533 Broad Street, filed on August 12, 1942 a protest assigned Docket No. 1122–133–P, which was dismissed and redocketed on August 16 as a petition, Docket No. 3122–181; Dixie Coal and Wood Company, Inc., 1370 Greene Street, filed on August 25, 1942 a protest assigned Docket No. 1122–174–P, which was dismissed and redocketed on September 14 as a petition, Docket No. 3122–237; and Tanenbaum Coal and Wood Company, 626 Twelfth Street, filed on September 10, 1942 a protest assigned Docket No. 1122–177–P, which was dismissed and redocketed on September 22, as a petition, Docket No. 3122–252.

After due consideration of all of these protests and petitions, which are being treated as applications filed pursuant to § 1340.257a of Maximum Price Regulation No. 122, and for the reasons set forth in an Opinion issued simultaneously herewith and under the authority vested in the Price Administrator, *It is ordered:*

(a) Augusta Ice and Coal Company, 639 Thirteenth Street; John W. Burke Coal Company, 1423 Reynolds; Barnes Coal Company, 210 Georgia Avenue; W. C. Ivey Coal Company, 1009 Roberts Street; Mills Coal and Transfer, 520 Fenwick Street; Sikes Coal and Wood Company, 1498 Wrightsboro Road; Dykes Coal and Wood Company, 515 Fenwick Street; Forward Coal Company, 1461 Reynolds Street; Augusta Branch of Atlantic Company, 927 Fenwick Street; Dennis Coal and Wood Company, 610 Gwinnett Street; Augusta Coal and Wood, 1245 D'Antignac Street; City Coal and Wood Company, 1481 Greene Street; Community Coal Company, 1454 Augusta Avenue; E. R. Davis Company, 1533 Broad Street; Dixie Coal and Wood Company, Inc., 1370 Greene Street; and Tanenbaum Coal and Wood Company, 626 Twelfth Street—all of Augusta, Georgia—may sell and deliver, and any person may buy and receive, the kinds and sizes of solid fuel set forth in paragraph (b) below at prices not in excess of those set forth therein.

(b) The maximum prices for sales of block and egg sizes of bituminous coal shall be the maximum price determined as of May 18, 1942 in accordance with § 1340.261 of Maximum Price Regulation No. 122, plus a sum not in excess of $1.00 per net ton.

(c) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation 122 shall apply to terms used herein.

(d) This Order No. 32 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 32 shall become effective October 24, 1942.

(Pub. Law 421, 77th Cong., Pub. Law 729, 77th Cong., Executive Order No. 9250, 7 F.R. 7871)

Issued this 24th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10792; Filed, October 24, 1942; 12:21 p. m.]

[Order 2 Under MPR 216]

ATLANTIC COAST LINE RAILROAD COMPANY

ORDER GRANTING ADJUSTMENT

Order 2 Under Maximum Price Regulation 216—Railroad Ties.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and section 1426.8 (c) of Maximum Price Regulation 216, *It is hereby ordered:*

(a) The Atlantic Coast Line Railroad Company may buy and receive and any person may sell and deliver to the Atlantic Coast Line Railroad Company the species and sizes of railroad cross ties set forth below at prices not in excess of the following:

Species	Length	Maximum prices		
		Size[1]		
		5	4	3
Heart pine	9′	$1.08	$0.98	$0.88
Heart pine	8′ 6″	1.03	.93	.83
Sap boxed heart pine	9′	1.03	.93	.83
Sap boxed heart pine	8′ 6″	.98	.88	.78
Sap pine	9′	.98	.88	.78
Sap pine	8′ 6″	.93	.83	.73

[1] Manufactured in accordance with the specifications for cross ties of the American Railway Engineering Association.

The above maximum prices include loading on cars at any delivery point on the Atlantic Coast Line Railroad Company's right of way;

(b) All prayers of the application not granted herein are denied;

(c) This Order No. 2 may be revoked or amended by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1426.10 of Maximum Price Regulation 216 shall apply to the terms used herein;

(e) This Order No. 2 shall become effective October 26, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10797; Filed, October 24, 1942; 12:26 p. m.]

[Order 8 Under MPR 169]

SUPREME PACKING CO., ET AL.

ORDER DENYING APPLICATIONS FOR ADJUSTMENT

Order No. 8 Under Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts.

In the matter of Supreme Packing Company, 3169–85;[1] The George Kaiser Packing Company, 3169–86; Houston Packing Company, 3169–90; Houston Packing Company, 3169–91; Houston Packing Company, 3169–92;

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[1] Docket number.

Houston Packing Company, 3169-93; Houston Packing Company, 3169-94; Houston Packing Company, 3169-95; Houston Packing Company, 3169-96; Houston Packing Company, 3169-101; Walla Walla Meat and Cold Storage Co., 3169-103; Dugdale Packing Company, 3169-105; Pfaelzer Brothers, 3169-111; Armour and Company of Delaware, 3169-112; Nebraska Beef Company, 3169-113; The Meyer Kornblum Packing Company, 3169-115; Armour and Company of Delaware, 3169-116; Armour and Company of Delaware, 3169-117; Armour and Company of Delaware, 3169-118; The E. Kahn's Sons Company, 3169-119; The E. Kahn's Sons Company, 3169-120; Armour and Company of Delaware, 3169-121; Armour and Company of Delaware, 3169-122; Hunter Packing Company, 3169-123; Hunter Packing Company, 3169-124; Hunter Packing Company, 3169-125; Hunter Packing Company, 3169-126; The Mission Provision Co., Inc., 3169-127; South Omaha Packing Company, 3169-128; Weiland Packing Company, Inc., 3169-129; Hunter Packing Company, 3169-130; Armour and Company of Delaware, 3169-131; Armour and Company of Delaware, 3169-132; Kingan and Company, 3169-133; Kingan and Company, 3169-134; Kingan and Company, 3169-135; Kingan and Company, 3169-136; applicants.

On or before September 9, 1942, Supreme Packing Company, 309 West Nebraska Street, Elburn, Illinois; The George Kaiser Packing Company, 81 North First Street, Kansas City, Kansas; Houston Packing Company, P. O. Box 1737, Houston, Texas; Walla Walla Meat and Cold Storage Co., North Fourth Street, Walla Walla, Washington; Dugdale Packing Company, 11th and Bell Streets, St. Joseph, Missouri; Pfaelzer Brothers, 911 West 37th Place, Chicago, Illinois; Armour and Company of Delaware, Chicago, Illinois; Nebraska Beef Company, 36th and I Streets, Omaha, Nebraska; The Meyer Kornblum Packing Company, 300 Central Avenue, Kansas City, Kansas; The E. Kahn's Sons Company, 3241 Spring Road Avenue, Cincinnati, Ohio; Hunter Packing Company, 1214 North Second Street, East St. Louis, Illinois; The Mission Provision Co., Inc., 1545 South San Marcos, San Antonio, Texas; South Omaha Packing Company, 1374 South 27th Street, Omaha, Nebraska; Weiland Packing Company, Inc., Phoenixville, Pennsylvania, and Kingan and Company, Indianapolis, Indiana filed separate applications for adjustment of maximum prices established under Maximum Price Regulation No. 169, Beef and Veal Carcasses and Wholesale Cuts, in accordance with the provisions therefor contained in Procedural Regulation No. 6. The Price Administrator deems it appropriate that the several applications for adjustment be disposed of together.

Due consideration has been given to each of the applications for adjustment and an opinion in support of this Order No. 8 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

For the reasons set forth in the Opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended and Executive Order No. 9250 and in accordance with Procedural Regulation No. 6, issued by the Office of Price Administration, *It is ordered*, That:

(a) The foregoing applications for adjustment and each of them be, and they hereby are, denied in whole.

(b) Each Applicant who has received payment for any beef and veal carcass or wholesale cut at the price requested in its application shall refund to the purchaser the difference between such requested price and the maximum price established for the sale of such beef and veal carcass and wholesale cut by Maximum Price Regulation No. 169.

(c) This Order No. 8 shall become effective October 24, 1942.

Issued this 24th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10793; Filed, October 24, 1942; 12:20 p. m.]

[Suspension Order 144]

CROWN GAS AND OIL COMPANY

ORDER RESTRICTING TRANSACTIONS

Crown Gas and Oil Company, Dealer operating Dealer Outlet in Somerville, Massachusetts, herein called respondent, is a Massachusetts Corporation, is regularly engaged in the business of transferring gasoline directly to consumers and is subject to the gasoline rationing regulations issued by the Office of Price Administration. There was duly served on respondent a notice of specific charges of violations of the Emergency Gasoline Rationing Regulations, and a notice of hearing thereon. Pursuant to said notice a hearing on said charges was held on August 31, 1942, in Boston, Massachusetts. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to said charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator, it is determined that:

(1) Respondent has violated the Emergency Gasoline Rationing Regulations in that on July 2, on July 3, 1942, and on numerous other occasions between May 15 and July 21, 1942, it transferred to consumers at Somerville, Massachusetts, various quantities of gasoline without the exhibition of any gasoline rationing card Class X or without the cancellation of any unit of any gasoline rationing card Class A or B, the gasoline so transferred being delivered into the fuel tanks of motor vehicles clearly identifiable as private passenger vehicles.

Because of the great scarcity and critical importance of gasoline in the Massachusetts area, violations of the Emergency Gasoline Rationing Regulations necessarily resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to national defense. It further appears to the Deputy Administrator from the evidence before him that further violations of the Gasoline Rationing Regulations by respondent are likely unless appropriate administrative action is taken, *It is therefore ordered:*

(a) During the period in which this suspension order shall be in effect, respondent, its successors and assigns, shall not sell, transfer, or deliver any gasoline to any consumer.

(b) Any terms used in this order that are defined in the Emergency Gasoline Rationing Regulations shall have the meaning therein given them.

(c) This suspension order shall become effective 12:01 A. M. October 26, 1942, and unless sooner terminated, shall expire 12:01 A. M. December 25, 1942.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 and Supplementary Directive No. 1H (7 F.R. 562, 3478, 3477))

Issued this 24th day of October 1942.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 42-10796; Filed, October 24, 1942; 12:26 p. m.]

[Suspension Order 145]

JAMES FREEMAN

ORDER RESTRICTING TRANSACTIONS

James Freeman, hereinafter called respondent, was duly served with a notice of specific charges of violations by him of the Emergency Gasoline Rationing Regulations and a notice of hearing thereon. Pursuant to said notice a hearing on said charges was held on August 31, 1942 in Boston, Massachusetts. There appeared a representative of the Office of Price Administration; respondent did not appear in person but appeared by counsel. The evidence pertaining to said charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator, it is determined that:

(a) Respondent has violated the Emergency Gasoline Rationing Regulations in that on numerous occasions between May 15, and July 21, 1942, respondent as an employee of Crown Gas and Oil Company in Somerville, Massachusetts, transferred gasoline to divers consumers, said transfers being made into the fuel tanks of motor vehicles clearly identifiable as private passenger vehicles and said transfers being made without the exhibition of any gasoline rationing card Class X or without the cancellation of any unit of any gasoline rationing card Class A or B.

Because of the great scarcity and critical importance of gasoline in the Massachusetts area respondent's violations of the Emergency Gasoline Rationing Regulations necessarily resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to national defense. It further appears to the Deputy Administrator from the evidence before him that violations of the Gasoline Rationing Regulations by respondent are likely unless appropriate administrative action is taken: *It is therefore ordered:*

During the period in which this suspension order shall be in effect, respondent shall not, either as principal or as agent, sell, transfer, or deliver any gasoline to any consumer.

(b) Any terms used in this order that are defined in the Emergency Gasoline Rationing Regulations shall have the meaning therein given them.

(c) This suspension order shall become effective 12:01 A. M. October 26, 1942, and unless sooner terminated shall expire 12:01 A. M. October 26, 1943.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 and Supplementary Directive No. 1H (7 F.R. 562, 3478, 3477))

Issued this 24th day of October 1942.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 42-10789; Filed, October 24, 1942; 12:27 p. m.]

[Correction to Suspension Order 145]

CHARLES W. FREEMAN

ORDER RESTRICTING TRANSACTIONS

The references to James Freeman contained in Suspension Order No. 145 are corrected to read Charles W. Freeman.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 and Supplementary Directive No. 1H (7 F.R. 562, 3478, 3477))

Issued this 24th day of October 1942.

PAUL M. O'LEARY,
Deputy Administrator,
in Charge of Rationing.

[F. R. Doc. 42-10790; Filed, October 24, 1942; 12:23 a. m.]

[Suspension Order 147]

SPEED OIL COMPANY OF ATLANTA, INC.

ORDER RESTRICTING TRANSACTIONS

Speed Oil Company of Atlanta, Incorporated, a corporation, hereinafter called respondent, was served with a notice of charges of violations of the Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to said notice, a hearing on said charges was held on September 15, 1942, in Atlanta, Georgia. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator, it is hereby determined that:

Respondent has violated the Gasoline Rationing Regulations in that on the 22nd day of August, 1942, at a filling station operated by it at 210 Peters Street, S.W., Atlanta, Georgia, respondent transferred gasoline to a consumer and into the fuel tank of a motor vehicle without requiring the presentation of a gasoline coupon book and without detaching therefrom any coupons.

Because of the great scarcity and critical importance of gasoline in the United States, violations of the Gasoline Rationing Regulations necessarily result in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to national defense. It appears to the Deputy Administrator on the evidence before him that further violations of the Gasoline Rationing Regulations by respondent are likely unless appropriate administrative action be taken: *It is hereby ordered:*

(a) That during the period in which this suspension order shall be in effect, respondent shall not sell, transfer, or deliver any gasoline at its filling station at 210 Peters Street, S. W., Atlanta, Georgia.

(b) Any terms used in this suspension order that are defined in the Gasoline Rationing Regulations shall have the meaning therein given them.

(c) This suspension order shall become effective October 30, 1942, and unless sooner terminated, shall expire November 14, 1942.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 and Supplementary Directive No. 1 H (7 F.R. 3378, 3877, 5216))

Issued this 24th day of October 1942.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 42-10795; Filed, October 24, 1942; 12:27 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-609]

EASTERN SHORE PUBLIC SERVICE CO., ET AL.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

In the matter of Eastern Shore Public Service Company (Delaware) the Eastern Shore Public Service Company of Maryland.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of October 1942.

Eastern Shore Public Service Company (Delaware), a registered holding company (hereinafter called Delaware), and The Eastern Shore Public Service Company of Maryland, a subsidiary thereof (hereinafter called Maryland), having filed declarations, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 thereof, and Rules U-42 and U-43 thereunder, with respect to the following transactions:

Maryland has outstanding, as of August 31, 1942, $3,892,500 principal amount of its First Mortgage 4% Bonds, due September 1, 1969, all of which bonds are owned by Delaware and pledged by Delaware to secure its First Mortgage and First Lien Bonds. Maryland proposes to redeem $200,000 principal amount of its outstanding bonds, at par and accrued interest thereon, in accordance with the terms of the Indenture securing them.

The funds to be received by Delaware from Maryland will be deposited with the Trustee under the Indenture securing Delaware's First Mortgage and First Lien Bonds. In order to obtain the release of funds so deposited, Delaware then proposes to deliver to the Trustee for cancellation $200,000 principal amount of its First Mortgage and First Lien Bonds, Series C, 5%, due September 1, 1946, now pledged as collateral to its 3% Note Payable to The Chase National Bank of the City of New York upon which note there is an unpaid balance of $800,000. Delaware will apply the $200,000 it will receive from the Trustee to reduce the amount now owing on the bank loan.

Said declarations having been filed on October 3, 1942, and certain amendments having been filed thereto, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to the declarations within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the declarations, as amended, pursuant to Rule U-42 and Rule U-43, to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declarations, as amended, be, and hereby are, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10756; Filed, October 23, 1942; 12:38 p. m.]

[File No. 812-251]

J. D. GILLESPIE, TRUSTEE FOR CLEO GEORGE

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of October, A. D. 1942.

J. D. Gillespie, Trustee for Cleo George, a registered investment company, having filed an application pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order exempting it from all of the provisions of the Act;

It is ordered, That a hearing on the aforesaid application be held on the 3d day of November, 1942, at 10:00 o'clock in the forenoon of that day in the hearing room of the Securities and Exchange Commission Building at 18th and Locusts Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held;

It is further ordered, That Willis E. Monty, Esquire, or any other officer of the Commission designated by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10754; Filed, October 23, 1942; 12:38 p. m.]

[File No. 54-46]

LONE STAR GAS CORPORATION, ET AL.

ORDER APPROVING PLAN, ETC.

In the matter of Lone Star Gas Corporation, Lone Star Gas Company, Community Natural Gas Company, Texas Cities Gas Company, The Dallas Gas Company, Council Bluffs Gas Company and Lone Star Gasoline Company.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 22nd day of October, A. D. 1942.

Lone Star Gas Corporation, a registered holding company, and certain of its subsidiary companies, namely, Lone Star Gas Company, Community Natural Gas Company, Texas Cities Gas Company, The Dallas Gas Company, Council Bluffs Gas Company and Lone Star Gasoline Company, having filed applications and declarations, and amendments thereto, pursuant to section 11 (e) and other sections of the Public Utility Holding Company Act of 1935 and the Rules and Regulations of this Commission promulgated thereunder, for the purpose of enabling the applicants to meet the requirements of section 11 (b) of the Act; and

The Commission having on March 4, 1942 by notice and order for hearing issued in combination with its notice and order for hearing on the plan filed pursuant to section 11 (e) of the Act instituted proceedings under section 11 (b) (1) of the Act involving the applicant companies to determine what action shall be required to be taken under said section; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion herein.

It is hereby ordered, That Lone Star Gas Corporation shall take such action as may be necessary to divest itself of all interest in, and all ownership and control of, Council Bluffs Gas Company, Northern Natural Gas Company and the properties and businesses of Texas Cities Gas Company located in and around the cities of El Paso and Galveston, Texas.

It is further ordered, That said plan, as amended, be and the same hereby is approved: *Provided,* That it be further amended, within fifteen days from the date hereof, or such later date as the Commission may by order determine, to provide for the disposal of the properties and businesses of Texas Cities Gas Company in and around the cities of El Paso and Galveston, Texas, and that said applications, as amended, be and the same hereby are granted and that said declarations, as amended, be and the same hereby are permitted to become effective forthwith, subject, however, to the condition in this paragraph hereinbefore expressed and to the following conditions and reservations:

(1) That the several transactions, approval or authorization of which is granted by this order, shall be carried out in accordance with the terms and conditions of, and for the purposes stated in, the declarations and applications, as amended, filed in this proceeding;

(2) That jurisdiction be, and hereby is, reserved to entertain such further proceedings, to make such further and supplemental findings, to approve the terms and conditions, and to take such additional and further action as may be found to be appropriate in the premises in connection with the dispositions of assets which are proposed in the plan or required by this order; and

(3) That jurisdiction be, and hereby is, reserved under section 11 (g) of the Act to pass upon the solicitation material to be used by the applicant companies in soliciting consents of stockholders to the plan.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10758; Filed, October 23, 1942; 12:39 p. m.]

[File No. 70-455]

NORTHEASTERN WATER AND ELECTRIC CORP., ET AL.

NOTICE OF AND ORDER FOR HEARING AND REOPENING RECORD

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 21st day of October, 1942.

In the matter of Northeastern Water and Electric Corporation, Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation.

Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, having filed with this Commission an amended declaration and application pursuant to the Public Utility Holding Company Act of 1935, with respect to the following matters:

On March 3, 1942, the Commission permitted a declaration to become effective with respect to, among other things, the sale, by the Trustees of Associated Gas and Electric Corporation of 155,747 shares of the common stock of Northeastern Water and Electric Corporation, to John H. Ware, Jr., and Penn-Jersey Water Company, for a cash consideration of $3,805,197.14 (Holding Company Act Release No. 3353). Subsequent orders have been issued extending the time of the consummation of such transaction to December 15, 1942. The Trustees of Associated Gas and Electric Corporation have filed the aforesaid amended declaration and application, setting forth certain changes in the contract of sale, whereby the common stock of Northeastern Water and Electric Corporation will be sold to John H. Ware, Jr., and Penn-Jersey Water Company for a total consideration of $3,224,665.77 (this being a reduction in purchase price of $580,531.37). The purchase price is to be paid as follows:

A minimum of $1,224,665.77 will be paid in cash on the closing date, and the balance by a collateral promissory note delivered to the Trustees at the closing date, secured by 155,747 shares of common stock of Northeastern Water and Electric Corporation. The note will bear interest at 3% per annum and will mature November 15, 1943. The purchasers will have the right to anticipate payments of principal, in whole or in part, at any time without premium, and at maturity to apply for a renewal of not more than $1,000,000 of the note for a further period of one year.

Other changes in the proposed sale, as set forth in the amended declaration and application, include a provision in the contract that the purchasers "shall be under no obligation to make any offers to other common stock-holders of Northeastern".

Notice having been given of the filing of the amended declaration and application by publication in the FEDERAL REGISTER and otherwise, as provided by Rule U-23 under said Act; and

A request for a public hearing on these matters having been received by the Commission; and

It appearing that it is appropriate and in the public interest and in the interests of investors and consumers that a hearing be held with respect to said amended declaration and application, and that said amended declaration shall not become effective, or said application be granted, except pursuant to further order of the Commission;

It further appearing that the record in File No. 70-455 having been closed, and that, as a result of the filing of the amendment in File No. 70-455, the record in that proceeding should be reopened; and that at said hearing there be considered, among other things, the various matters hereinafter set forth;

It is ordered, That the record in File No. 70-455 be, and hereby is, reopened;

It is further ordered, That a hearing on such matter under the applicable provisions of the Act, and the Rules of the Commission promulgated thereunder, be held on October 30, 1942, at 10:00 a. m. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa. On such day the hearing room clerk in room 318 will advise as to the room where such hearing will be held;

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act, and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That, without limiting the scope of the issues presented by said amended declaration and application, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the consideration to be received by the Trustees of Associated Gas and Electric Corporation for the common stock of Northeastern Water and Electric Corporation is fair and reasonable.

(2) Whether the terms and conditions of the proposed transaction, including the changes in the contract of sale, are detrimental to the public interest or the interest of investors or consumers.

(3) Whether the proposed manner of divestment of their holdings in Northeastern Water and Electric Corporation by the Trustees of Associated Gas and Electric Corporation is in the public interest and in the interest of investors and consumers.

(4) Whether the acquisition by the Trustees of Associated Gas and Electric Corporation of a 3% collateral note in the amount of $2,000,000 satisfies the standards of section 10 of the Act.

(5) Whether any terms and conditions are necessary to be imposed to insure compliance with the requirements of the Public Utility Holding Company Act of 1935, or any Rules, Regulations or Orders promulgated thereunder.

(6) Generally, whether all actions proposed to be taken comply with the requirements of such Act and Rules, Regulations or Orders promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10755; Filed, October 23, 1942; 12:38 p. m.]

[File Nos. 54-44, 59-44]

UTILITIES STOCK AND BOND CORP., ET AL.

ORDER APPROVING PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 20th day of October, A. D., 1942.

In the matter of Utilities Stock & Bond Corporation, Empire Southern Gas Company, Robert W. Rea, Floyd W. Woodcock, applicants, File No. 54-44; Utilities Stock & Bond Corporation, Empire Southern Gas Company, Empire Southern Production Company, Louisiana Ice & Electric Company, Inc., Three Counties Ice Company, and Ice Service Company respondents, File No. 59-44.

A joint application and amendments thereto having been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Utilities Stock & Bond Corporation, a registered holding company, its subsidiary company, Empire Southern Gas Company, and Robert W. Rea and Floyd W. Woodcock, affiliates, wherein Utilities Stock & Bond Corporation applied pursuant to section 11 (e) of the Act for approval of a plan for and for an order directing the divestment of securities held by it, and pursuant to section 11 (g) of the Act for approval of a report to accompany the solicitation of proxies, and pursuant to the applicable provisions of the Act for authorization of related transactions; wherein Empire Southern Gas Company applied pursuant to sections 6, 7, 9, 10, and 12 for authorization for the acquisition of its own 4% unsecured promissory note, presently outstanding in the principal amount of $1,500,000, and for the issuance and sale by delivery of 69,780 shares of $1 par value common stock to its common stockholder in the place and stead of its presently outstanding 1,000 shares of no par common stock; wherein Robert W. Rea and Floyd W. Woodcock applied pursuant to sections 9 and 10 for approval of the acquisition by them of the securities to which they will be entitled upon the consummation of the plan;

Public hearings having been held in respect of said joint application, as amended, and the Commission having considered the record and having made and filed its findings and opinion herein, and having found that said plan of Utilities Stock & Bond Corporation, as submitted, is necessary to effectuate the provisions of section 11 (b) of the Act, and is fair and equitable to the persons affected thereby, that the requirements of other applicable sections of said Act have been met, and that no adverse findings are required in respect of the several transactions hereinafter authorized by this order; and Utilities Stock & Bond Corporation having requested that the order of the Commission conform to the formal requirements specified in Section 371 (f) of the Internal Revenue Code:

It is hereby ordered: (1) That said plan of Utilities Stock & Bond Corporation, as submitted be, and the same is hereby approved;

(2) That all the transactions contemplated by said plan of Utilities Stock & Bond Corporation, including the sale, transfer, or distribution of securities pursuant to said plan of Utilities Stock & Bond Corporation, are all necessary or appropriate to the integration or simplification of the holding company system of which Utilities Stock & Bond Corporation is a part and to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and the following securities be and the same hereby are ordered to be distributed pro rata among the stockholders of Utilities Stock & Bond Corporation; (a) 69,780 shares of $1.00 par value common stock of Empire Southern Gas Company and (b) 9,304 of $1.00 par value common stock of Louisiana Ice & Electric Company, Inc.;

(3) That the declaration, as amended, of Utilities Stock & Bond Corporation regarding the solicitation of proxies be, and the same hereby is, permitted to become effective;

(4) That the declaration, as amended, of Empire Southern Gas Company regarding the acquisition by that company of its own 4% note outstanding in the principal amount of $1,500,000 be, and the same hereby is, permitted to become effective;

(5) That the declaration, as amended, of Empire Southern Gas Company regarding the issuance of 69,780 shares of $1 par value common stock and the acquisition of its presently outstanding 1,000 shares of no par value common stock be, and the same hereby is, permitted to become effective; and

(6) That the application of Robert W. Rea and Floyd W. Woodcock regarding the acquisition by them of the shares of stock to which they will be entitled under said plan of Utilities Stock & Bond Corporation be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10757; Filed, October 23, 1942; 12:39 p. m.]

[File No. 1-2603]

TEXAS CONSOLIDATED OIL COMPANY

ORDER SETTING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in Philadelphia, Pa., on the 23rd day of October, A. D. 1942.

The San Francisco Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, $1 Par Value, of Texas Consolidated Oil Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Tuesday, November 24, 1942, at the office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That John G. Clarkson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10834; Filed, October 26, 1942; 11:54 p. m.]

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FEDERAL REGISTER

VOLUME 7 NUMBER 212

Washington, Wednesday, October 28, 1942

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 18—WAR SERVICE REGULATIONS

EXTENT OF REGULATIONS, AMENDMENT

Section 18.11 *Extent of regulations* issued, as amended, on September 26, 1942 (7 F.R. 7723) and on September 28, 1942 (7 F.R. 8007) is amended by the addition of a sentence which reads as follows:

§ 18.11 *Extent of regulations.* (a) * * * All actions taken under or pursuant to these regulations shall be subject to the directives and orders of the War Manpower Commission.

By the United States Civil Service Commission.

H. B. MITCHELL,
President.

OCTOBER 24, 1942.

[F. R. Doc. 42-10910; Filed, October 27, 1942; 11:49 a. m.]

TITLE 29—LABOR

Chapter II—National Labor Relations Board

[Amendment to Rules and Regulations—Series 2—as Amended]

PART 202—PROCEDURE UNDER SECTION 10 OF THE ACT FOR THE PREVENTION OF UNFAIR LABOR PRACTICES

WITNESSES, DEPOSITIONS AND SUBPENAS

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935, the National Labor Relations Board hereby issues the following amendments to its Rules and Regulations—Series 2—as amended (General Rules and Regulations) which it finds necessary to carry out the provisions of said Act. Said amendments to the Rules and Regulations—Series 2—as amended, shall become effective upon the signature of the original amendments by the members of the Board, and upon the publication thereof in the FEDERAL REGISER.

Section 202.20—National Labor Relations Board Rules and Regulation—Series 2—as amended, is hereby amended to read as follows:

§ 202.20 *Examination of witnesses; depositions.* Witnesses shall be examined orally under oath, except that for good cause shown, after the issuance of a complaint, testimony may be taken by deposition.

(a) Applications to take depositions shall be in writing setting forth the reasons why such depositions should be taken, the name and post office address of the witness, the matters concerning which it is expected the witness will testify, and the time and place proposed for the taking of the deposition, together with the name and address of the person before whom it is desired that the deposition be taken (for the purposes of this section hereinafter referred to as the "officer"). Such application shall be made to the Regional Director prior to the hearing and to the Trial Examiner during and subsequent to the hearing but before transfer of the case to the Board pursuant to §§ 202.32 or 202.36. Such application shall be served upon the Regional Director or the Trial Examiner, as the case may be, and upon the other parties, not less than seven days (when the deposition is taken within the continental U. S.) and fifteen days (if the deposition is to be taken elsewhere) prior to the time when it is desired that the deposition be taken. The Regional Director or Trial Examiner, as the case may be, shall, upon receipt of the application, if in his discretion good cause has been shown, make and serve upon the parties an order which will specify the name of the witness whose deposition is to be taken, the time when, the place where, and shall contain a designation of the officer before whom the witness is to testify, who may or may not be the same officer as that specified in the application. Such order shall be served upon all parties by the Regional Director or the Trial Examiner.

(b) Such deposition may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the examination is

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Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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- Canning or processing fruits, vegetables, etc.; maintenance and operation of plants (P–115) 8692
- Copper (M–9–c–4) 8691
- Electric equipment (L–183–a) 8689
- Fats and oils (M–71, Am. 1) 8692
- Lumber:
  - Pulpwood:
    - Columbia-Willamette area (M–251, Schedule 2) 8687
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- Preference rating revocation:
  - Consolidated Builders, Inc 8718
  - U. S. Bureau of Reclamation (6 documents) 8719–8721
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  - Crescent Electric Co 8688
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  - Stiegler, Richard 8688

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held, including any agent of the Board authorized to administer oaths. If the examination is held in a foreign country, it may be taken before any Secretary of Embassy or Legation, Consul General, Consul, Vice Consul, or Consular Agent of the United States.

(c) At the time and place specified in said order the officer designated to take such deposition shall permit the witness to be examined and cross-examined under oath by all of the parties appearing, and his testimony shall be reduced to typewriting by the officer or under his direction. All objections to questions or evidence shall be deemed waived unless made at the examination. The officer shall not have power to rule upon any objections but he shall note them upon the deposition. The testimony shall be subscribed by the witness in the presence of the officer who shall attach his certificate stating that the witness was duly sworn by him, that the deposition is a true record of the testimony and exhibits given by the witness and that said officer is not of counsel or attorney to any of the parties nor interested in the event of the proceeding or investigation. If the deposition is not signed by the witness because he is ill, dead, cannot be found or refuses to sign it, such fact shall be included in the certificate of the officer and the deposition may then be used as fully as though signed. The officer shall immediately deliver an original and two copies of said transcript, together with his certificate, in person or by registered mail to the Regional Director or the Trial Examiner, care of the Chief Trail Examiner, Washington, D. C., as the case may be.

(d) The Trial Examiner shall rule upon the admissibility of the deposition or any part thereof.

(e) All errors or irregularities in compliance with the provisions of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is or, with due diligence, might have been ascertained.

(f) If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used like other depositions. (Sec. 6 (2), 49 Stat. 452; 29 U.S.C., Sup. IV, 156).

Signed at Washington, D. C., this 26th day of October 1942.

[SEAL]

H. A. MILLIS,
Chairman.
WM. M. LEISERSON,
Member.
GERARD D. REILLY,
Member.

[F. R. Doc. 42–10833; Filed, October 27, 1942; 9:49 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A–1675]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 4, for the establishment of price classifications and minimum prices for the coals of the Jefferson Coal Company, Piney Fork No. 5 Mine, in District No. 4.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Jefferson Coal Company's Piney Fork No. 5 Mine, in District No. 4; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 324.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 324.2 (*Seasonal discounts*) is amended by adding thereto Supplement R–II, § 324.9 (*Recapitulation of price classifications*) is amended by adding thereto Supplement R–III, § 324.11 (*Special prices—*(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) is amended by adding thereto Supplement R–IV, and § 324.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and made a part hereof.

It is further ordered, That, pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the schedules attached are based upon the price classifications and minimum prices in effect on October 1, 1942 for comparable and analogous coals and already reflect the changes, if any, in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21.

Dated: October 10, 1942.

[SEAL]

DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Type	Shipping points in Ohio	Railroad	Freight origin group Nos.	Price classifications by size group Nos.											
									1	2	3	4	5	6	7	8	9	10	11	12
3059	Jefferson Coal Company, The.	Piney Fork #5.	1.	8	Strip	Adena, Ohio	W&LE	18	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	--	Q

§ 324.2 *Seasonal discounts*—Supplement R–II

[On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all Market Areas except Market Areas 1 to 13, inclusive, 98 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipments during the month of—				
					Apr.	May	June	July	Aug.
Ohio No. 8	12, 14, 17, 18	----------	12, 16, 37, 45, 68, 92, 119, 161.	Add mine index No. 3057.	30	20	10	-----	----

Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.9 *Recapitulation of price classifications*—Supplement R–III

[Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas, see Schedule of Effective Minimum Prices, § 324.9 and § 324.10. Also applies to Market Areas 98 and 99 (Great Lakes), § 324.11 (b) and § 324.11 (c), and Vessel Fuel, § 324.11 (d)]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index numbers	Additional mine index Nos.
Ohio No. 8	12, 14, 17, 18	----------	12, 16, 37, 45, 68, 92, 119, 161	Add mine index No. 3057.

Prices as shown in § 324.9, § 324.10, § 324.11 (b), § 324.11 (c) and § 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.11 *Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*—Supplement R–IV. Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below.

[For shipment to railroads as shown, see Schedule of Effective Minimum Prices, § 324.11 (a)]

Name of railroad	Mine index Nos.	Additional mine index No.
Wheeling & Lake Erie Railway Co	5, 12, 37, 48, 110, 119	Add mine index No. 3057.
Akron, Canton & Youngstown Railway Co Ann Arbor Railroad Co Canadian National Railways and Grand Trunk Railway System Canadian Pacific Railway Co Detroit and Mackinac Railway Co Detroit & Toledo Shore Line Railroad Co Erie Railroad Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.) Pere Marquette Railway Co	From mine index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add mine index No. 3057.
For all Railroads not shown above	From mine index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add mine index No. 3057.

Prices as shown, § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

FOR TRUCK SHIPMENTS

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member	Mine	Mine index No.	Type	Seam	Base sizes							
					6" lump	3"-4"-5" lump	2" lump	2" x 4" egg, 2" x 5" egg	1¼" lump 1¼" x 4" egg	Mine run, nut and pea	2" x 0 slack	¾" x 0 slack
					1	2	3	4	5	6	7	8
SUBDISTRICT NO. 1, EASTERN OHIO												
HARRISON COUNTY												
Jefferson Coal Company, The	Piney Fork #5.	3,057	Strip	8	295	285	270	245	240	230	210	200

[F. R. Doc. 42-10832; Filed, October 26, 1942; 11:19 a. m.]

[Docket No. A-1655]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 10, for the establishment of price classifications and minimum prices for coals produced by W. K. Clauson (Clauson Coal Co.), a code member, in District No. 10, for which price classifications and minimum prices have not heretofore been established.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced by the truck mine of W. K. Clauson (Clauson Coal Co.) known as Clauson #3, Mine Index No. 1604, and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the Schedule attached hereto are based upon the price classifications and minimum prices in effect on October 1, 1942 for comparable and analogous coals and already reflect the changes made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. The minimum prices in the attached Schedule do not differ, except in this regard, from the minimum prices proposed by petitioner.

Dated: October 16, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.														
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
SECTION NO. 4, FULTON COUNTY																		
Clauson, W. K. (Clauson Coal Co.).	1604	Clauson #3.	5	260	255	250	240	235	230	190	170	165	160	160	160	130	120	65

[F. R. Doc. 42-10833; Filed, October 26, 1942; 11:19 a. m.]

[Docket No. A-1537]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

FINDINGS OF FACT, ETC.

Findings of fact, conclusions of law, memorandum opinion and order in the matter of the petition of District Board No. 3 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3.

This is a proceeding instituted upon a petition filed with the Bituminous Coal Division (the "Division") on July 10, 1942, by District Board No. 3, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act (the "Act") of 1937, requesting revisions in and additions to the price classifications and minimum prices presently effective for shipment by rail of the coals of certain mines in District No. 3.

An Order of the Acting Director was entered August 5, 1942, granting temporary relief.

After due notice to interested persons, a hearing was held in this matter on August 19 and 20, 1942, before W. A. Cuff, a duly designated Examiner of the Bituminous Coal Division, at a hearing room thereof in Washington, D. C., at which interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Appearances were entered by the petitioner and by the Consumer's Counsel of the Bituminous Coal Division. The preparation and filing of a report by the Examiner were waived, and the matter thereupon submitted to the Director.

The petition requests relief for two groups of mines, all of which had been previously classified. In the first group it was requested that:

(1) The classification of the coals of the Moore No. 1 and Moore No. 2 Mines (Mine Index Nos. 1102 and 337) of C. L. Moore and Son Coal Company be changed from "F" [1] to "D" in Size Groups

1 to 10, inclusive, and an additional classification of "B" be established for coals in Size Groups 11 to 16, inclusive; (2) the classification of the coals of Foster No. 31 Mine (Mine Index No. 590) of T. E. Foster be changed from "J" to Size Groups 1 to 6, inclusive, and "H" in Size Groups 7 to 10, inclusive, to "D" in Size Groups 1 to 10, inclusive, and an additional classification of "B" be established for coals in Size Groups 11 to 13, inclusive, and of "A" in Size Groups 14 to 16, inclusive; and that (3) the classification of the coals of Bolair Mine (Mine Index No. 762) of Russell Talbert [2] be changed from "J" to "D" in Size Groups 1 to 10, inclusive, and an additional classification of "B" be established for coals in Size Groups 11 to 16, inclusive.

In support of these requests, the uncontroverted testimony of Daniel T. Buckley, Chairman of District Board No. 3, was to the following effect. An analysis of the coals in these four mines shows them to be in practically every respect like the No. 5 Block Seam coals. These coals compete with the mid-volatile high fusion coals of District No. 1 and also with the high grade, high fusion, high volatile coals of District No. 2. The coals of these mines would seek their markets in the East because the older types of burning equipment there require a coal of extremely high fusion to operate many of the plants. The low fusion Pittsburgh Seam coal would not perform satisfactorily in plants which could successfully burn this coal. No Pittsburgh Seam operator has objected to the classifications in question because they would have no effect on his business. While the coals of the Tioga Coal Company Mine, the only mine in the No. 5 block coal in Northern West Virginia that produces a substantial amount of tonnage, have an "A" classification for Sizes 14 to 16, inclusive, and while that classification has been given in those sizes to the coals of Foster No. 31 Mine, "B" in those sizes is more nearly correct and will allow freer and more equal competition. Sizes 14 to 16 in Foster No. 31 Mine should be classified "A" for by-product use.

In the second group of mines, District Board 3 requested that:

(1) The classification of the coals of Morgan Brothers No. 1 and No. 2 Mines (Mine Index Nos. 1236 and 687) of Donald Morgan be changed from "F" in Size Groups 1 to 10, inclusive, to "DE" in Size Groups 1 to 6, inclusive, and to "DF" in Size Groups 7 to 10, inclusive, and an additional classification of "B" be established for coals in Size Groups 11 to 16, inclusive; and (2) the classification of the coals of Joe Morgan Mine (Mine Index No. 946) of Joe Morgan be changed from "F" in Size Groups 1 to 10, inclusive, to "DE" in Size Groups 1 to 6, inclusive, and "DF" in Size Groups 7 to 10, inclusive, and an additional classification of "B" be established for coals in Size Groups 11 to 16,[3] inclusive.

The coals of the Morgan Brothers No. 1 and No. 2 Mines and of the Joe Morgan Mine are about the same in all factors of analysis as the low sulphur Pittsburgh Seam coals. The analyses show the coals of these three mines not to be the high sulphur coals of the "F" grade now given them. The classifications requested in the petition are similar to the classifications of other low volatile District No. 3 "D" coals, i. e., coals of under 1.35 sulphur.[4] Witness Buckley stated it to be his opinion that in view of the analyses made by the District 3 laboratory, and the market history of coals in District No. 3, the requested changes should be made in the classifications of the coals in both groups of mines.

Interested parties, including the mine owners, have been notified, and no objections have been presented.

Upon the basis of the uncontroverted evidence, I find and conclude: (1) that the relief sought herein is reasonable and necessary to enable the coals of the Moore No. 1 and Moore No. 2 Mines (Mine Index Nos. 1102 and 337), the Foster No. 31 Mine (Mine Index No. 590), the Bolair Mine (Mine Index No. 762), Morgan Bros. No. 1 and No. 2 Mines (Mine Index Nos. 1236 and 687), and the Joe Morgan Mine (Mine Index No. 946) to compete upon a fair and competitive basis with coals of other producers in District No. 3; (2) that the relief prayed for by the petitioner is necessary to effectuate the purposes of section 4 II (a) and 4 II (b) of the Act and to comply with the standards thereof; and (3) that, therefore, the temporary relief granted by the Order of the Acting Director dated August 5, 1942, should be made permanent.

It is therefore ordered That, effective fifteen (15) days from the date of this Order, § 323.6 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 3 for All Shipments Except Truck be, and it hereby is, amended in accordance with the classifications and minimum prices set forth in Supplement R which is annexed hereto and made a part hereof.

Dated October 13, 1942.

[SEAL] DAN H. WHEELER,
Director.

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[1] The "F" classification was given to the coals of Moore No. 1 and Moore No. 2 Mines in Docket No. A-1083 on October 20, 1941, 6 F.R. 5665, pending an investigation of the quality of the coals; they were given the "F" classification because they were above 30 volatile. No analysis has been made of the coals in Moore Mine No. 1 because the laboratory of District Board 3 was unable to get samples of the coals. Since it is the same seam and contiguous to the Moore Mine No. 2, Witness Buckley is of the opinion that it should be given a like classification.

[2] Mine 762 was erroneously named in Supplement R of the Acting Director's Order of August 5, 1942, as the Talbert Mine with W. A. Talbert given as the code member. The record shows that it is in fact the Bolair Mine, and that the code member is Russell Talbert.

[3] It appeared at the hearing that the Size "17" on page 4 of the petition and on page 2 of the Notice of and Order for Hearing and Order of August 5, 1942, 7 F.R. 6152, Granting Temporary Relief was an error, and in the petition it was intended to request that the mine be given a "B" classification in Sizes 11 to 16, inclusive.

[4] A considerable amount of time has been spent trying to find new sources of coal for the Dupont plant at Morgantown, West Virginia, now making materials essential to the war effort. The plant, which is owned by the United States Army and run by the Ordnance Department, is trying to raise its stock pile of coal in accordance with a directive order of the War Department. It can use anything up to $1.50 sulphur in its by-product ovens, but the coal must have a classification permitting the producer to ship by-product coal.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group No. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
590	Foster, T. E.	Foster #31	H. V. Kitt	Erbacon, W. Va	B&O	10	D	D	D	D	D	D	D	D	D	D	B	B	B	A	A	A
1102	Moore & Son Coal Co., C. L. (C. L. Moore)	Moore #1	Clarion	Sutton, W. Va	B&O	35	D	D	D	D	D	D	D	D	D	D	B	B	B	B	B	B
337	Moore & Son Coal Co., C. L. (C. L. Moore)	Moore #2	Clarion	Sutton, W. Va	B&O	35	D	D	D	D	D	D	D	D	D	D	B	B	B	B	B	B
1236	Morgan, Donald	Morgan Bros	Pittsburgh	Kingmont, W. Va	B&O	50	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B
687	Morgan, Donald	Morgan Bros. #2	Pittsburgh	Kingmont, W. Va	B&O	50	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B
946	Morgan, Joe	Joe Morgan	Pittsburgh	Kingmont, W. Va	B&O	50	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B
762	Talbert, Russell	Bolair	H. V. Kitt	Bolair, W. Va Webster Springs, W. Va.	B&O WMd	26	D	D	D	D	D	D	D	D	D	D	B	B	B	B	B	B

[F. R. Doc. 42-10853; Filed, October 26, 1942; 1:52 p. m.]

[Docket No. A-1654]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 10 for the establishment of price classifications and minimum prices for coals produced by certain mines in District No. 10 for which price classifications and minimum prices have not heretofore been established.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 10 for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the Schedule attached hereto are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and already reflect the changes made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. The minimum prices in the attached Schedule do not differ, except in this regard, from the minimum prices proposed by petitioner.

Dated: October 16, 1942.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
SECTION NO. 5																		
SCHUYLER COUNTY																		
Ellis, Troy	1600	Troy Ellis	2	260	255	250	240	235	230	175	170	165	160	160	160	130	120	65
SECTION NO. 7																		
VERMILION COUNTY																		
Deep Valley Coal Co	1601	Champion	7	245	240	235	225	220	215	175	170	165	160	160	160	130	120	65
Middle Fork Coal Co. #2 (Homer Fletcher).	1598	Middle Fork Coal Co. #2.		245	240	235	225	220	215	175	170	165	160	160	160	130	120	65

[F. R. Doc. 42-10854; Filed, October 26, 1942; 1:52 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service

Subchapter B—Bureau of the Public Debt

[1942, 1st Amendment to Dept. Circ. 418, as Amended]

PART 309—ISSUE AND SALE OF TREASURY BILLS

TENDERS

OCTOBER 24, 1942.

Paragraph 8 of Department Circular No. 418, as amended,[1] dated February 28, 1941, is hereby amended to read as follows: (31 CFR 309)

§ 309.8 *Tenders; when cash deposit required.* Tenders should be submitted on the printed forms and forwarded in the special envelopes which will be supplied on application to any Federal Reserve Bank, or Branch. If a special envelope is not available, the inscription "*Tender for Treasury Bills*" should be placed on the envelope used. The instructions of the Federal Reserve Banks with respect to the submission of tenders should be observed. Tenders from incorporated banks and trust companies, and from responsible and recognized dealers in investment securities will be received without deposit. Tenders from all others must be accompanied by a payment of such percent of the face amount of the Treasury bills applied for as the Secretary of the Treasury may from time to time prescribe: *Provided, however,* That such deposit will not be required if the tender is accompanied by an express guaranty of payment in full by an incorporated bank or trust company. Forfeiture of the prescribed payment may be declared by the Secretary of the Treasury, if payment is not completed, in the case of accepted tenders, on the prescribed date.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 42-10869; Filed, October 26, 1942; 3:45 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

LOCAL BOARD NO. 505, CHEMUNG COUNTY, NEW YORK

ORDER WAIVING PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885), as amended, and the authority vested in me by the rules and regulations prescribed thereunder, and more particularly the provisions of § 623.35 of the Selective Service Regulations,[2] I hereby waive the requirement that registrants be physically examined by an examining physician in the manner provided in Part 623, Selective Service Regulations, when such registrants are being classified by Local Board No. 505, Chemung County, New York, and I hereby direct that the classification of such registrants be completed in the manner provided in § 623.51 (f), Selective Service Regulations,[2] without such physical examination by a local board examining physician.

LEWIS B. HERSHEY,
Director.

OCTOBER 24, 1942.

[F. R. Doc. 42-10852; Filed, October 26, 1942; 1:53 p. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 3125—PARA-PHENYL-PHENOL RESINS

[General Preference Order M-254]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of para-phenyl-phenol resins for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3125.1 *General Preference Order M-254*—(a) *Definitions.* For the purpose of this order:

(1) "Para-phenyl-phenol resins" means resins manufactured from para-phenyl-phenol, whether or not modified with other materials, including but not limited to those resins designated by the trade names and sales numbers BR-254, BK-3962X, BR-17,000, (manufactured by Bakelite Corporation) and Super-Beckacite 3000 (manufactured by Reichold Chemical Company). The term para-phenyl-phenol resins shall not include such resins incorporated into protective or technical coatings.

(2) "Producer" means any person who produces para-phenyl-phenol resins.

(b) *Restrictions on use and delivery of para-phenyl-phenol resins.* (1) On and after October 26, 1942, no producer shall deliver and no person shall accept from a producer para-phenyl-phenol resins except as specifically authorized by the Director General for Operations upon application pursuant to paragraph (d) or as provided in paragraph (b) (3).

(2) On and after October 26, 1942, no person shall use, consume, deliver or accept delivery of stocks of para-phenyl-phenol resins designated by the trade symbols BR-254, BK-3962X, BR-17,000, or Super-Beckacite 3000, except as specifically authorized by the Director General for Operations upon application pursuant to paragraph (d), or except as provided in paragraph (b) (3): *Provided, however,* That nothing contained in this order shall prevent use and consumption by the United States Army, Navy, Coast Guard, Maritime Commission or War Shipping Administration of stocks of para-phenyl-phenol resins held by such departments or agencies on the date of issuance of this order.

(3) Specific authorization of the Director General for Operations shall not be required with respect to use, consumption or acceptance of delivery from a producer by any person in any calendar month of five pounds or less of para-phenyl-phenol resins; and the delivery of para-phenyl-phenol resins by the producer thereof in lots of five pounds, provided that in the aggregate no such producer shall deliver more than one-tenth of one percent of his monthly production of para-phenyl-phenol resins to fill such small orders.

(4) Each person specifically authorized to accept delivery of para-phenyl-phenol resins shall use such para-phenyl-phenol resins for the purpose authorized, except as otherwise specifically directed by the Director General for Operations.

(c) *Special directions with respect to para-phenyl-phenol resins.* The Director General for Operations in his discretion may at any time issue special directions to any person with respect to the production, use or delivery of para-phenyl-phenol resins by such persons.

(d) *Applications and reports.* (1) Each person seeking authorization to use or accept delivery of para-phenyl-phenol resins shall file application on Form PD-600 in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD-600. Copies of Form PD-600 may be obtained at local field offices of the War Production Board.

Time. With respect to use or delivery during October and November, 1942, applications may be made at any time prior to the use or acceptance of delivery for which authorization is sought. With respect to use and delivery thereafter, application shall be made on or before the 15th day of the month preceding the month for which authorization for use or delivery is sought. In emergency, application may be made by wire and special authorization may be granted by return wire. Such emergency applications and temporary authorizations must be confirmed by application as soon as possible thereafter on Form PD-600, which will be returned with final authorization signed by the Director General for Operations.

Number of copies. A set of five copies should be prepared; three copies filled out completely and the fourth copy with tables II and III blank (omit where supplier is "own stocks") shall be certified and sent to the War Production Board, Chemicals Branch, Washington, D. C., Ref: M-254; and the fifth complete copy shall be retained by the applicant. After having been signed by the Director General for Operations, one copy will be returned to the applicant and another (with tables II and III blank) to the supplier, unless supplier is "own stocks."

Number of sets. A separate set of PD-600 application forms shall be submitted for each preferred supplier and for each different delivery destination or plant of the applicant. The preferred supplier is the supplier from whom the applicant has regularly procured, or prefers to procure para-phenyl-phenol resins.

Heading. Under name of chemical, specify para-phenyl-phenol resins; under War Production Board order number, specify M-254; under unit of measure specify pounds, including solvent (as supplied by producer); under name of company, specify name and mailing address of applicant; specify delivery destination, supplier, and his shipping point (where application is being made for authorization to use exclusively from own stock write in under supplier "own stock"); and specify the month and year for which use or acceptance of delivery is sought, whether the month is the next month or is the current month.

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[1] 6 F.R. 1213.

[2] 6 F.R. 6643.

[1] 6 F.R. 6643; 7 F.R. 6517.

Columns 1, 11 and 19. Specify grade according to trade name and sales number.

Column 2. Specify separately quantities from own stocks for which authorization is sought, and quantities sought from producer, as follows: Opposite amounts requested in column 2 for use from inventory write in "inventory" in column 10, and opposite amounts requested in column 2 from a producer write in "above producer" in column 10. Also, specify separately quantities requested for each grade and for each primary product and product use.

Column 3. Specify primary product as follows:

Protective coating.

Other (specify).

Leave column 3 blank opposite "inventory" in column 4.

Column 4. Specify product use as follows:

Primer for aircraft.

Primer for merchant and naval ships.

Other (specify).

Inventory.

In addition, specify governing contract number and specification number. Para-phenyl-phenol resins allocated for inventory shall not be used except as specially directed by the Director General for Operations, or to fill orders authorized by the Director General for Operations pending the arrival of the para-phenyl-phenol resins allocated to fill such orders, provided that the allocated inventory is restored upon the arrival of such allocated resins.

Columns 5, 6, 7, 8 and 9. Leave blank.

Tables II, III and IV. Fill in as indicated.

Additional space. Where additional space is needed, continue on reverse side of sheet, identifying subject matter by column number.

(2) Receipt by a supplier from the War Production Board of a copy of Form PD-600 signed by the Director General for Operations, shall constitute authorization to such supplier to make the deliveries called for by the form.

(3) Each person shall file an inventory report on or before November 10, 1942, covering those para-phenyl-phenol resins designated by the trade names and sales numbers BR-254, BK-3962X, BR-17,000 and Super-Beckacite 3000. Those persons, including producers, distributors and consumers, who have not reported inventory prior to November 10, 1942, in the course of filing application for authorization pursuant to paragraph (d) (1) above, and who, on October 31, 1942, had 100 lbs. or more in the aggregate of the aforesaid types of para-phenyl-phenol resins, shall file a special inventory report on Form PD-600 in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD-600. Copies of Form PD-600 may be obtained at local field offices of the War Production Board.

Time. File report on or before November 10, 1942.

Number of copies. A set of two copies shall be prepared; one copy shall be certified and sent to the War Production Board, Chemicals Branch, Washington, D. C., Ref: M-254, and the other copy shall be retained by the person reporting.

Heading. Under name of chemical, specify para-phenyl-phenol resins; under War Production Board Order number, specify M-254; under unit of measure, specify pounds, including solvent (as supplied by producer); under name of company, specify name and mailing address of the person reporting; and leave delivery destination, supplier and his shipping point blank.

Table I. Leave blank.

Table II. State in heading "Report for month of October, 1942".

Column 11 (eleven). Specify grade in terms of the following trade names: BR-254, BK-3962X, BR-17,000, and Super-Beckacite 3000.

Columns 12, 13, 14 and 16. Leave blank.

Column 15. Specify amount of para-phenyl-phenol resins in inventory on October 31, 1942, corresponding to each grade listed in Column 11. Para-phenyl-phenol resins in transit on October 31, 1942 to the person reporting, shall be included in reported stocks, and all other amounts in transit on October 31, 1942 shall be excluded from stock reported.

Tables III and IV. Leave blank.

(4) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any such person with respect to preparing and filing Form PD-600.

(e) *Notification of customers.* Each producer shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of the War Production Board priorities regulations, as amended from time to time, except Priorities Regulation No. 13, which shall be subject to this order where inconsistent herewith.

(2) *Applicability of other orders.* This order shall control use and delivery of resins as such manufactured from or combined with para-phenyl-phenol, whether or not manufactured from or combined with other materials, to the exclusion of any other War Production Board order, now or hereafter issued, governing the use or delivery of resins as such, but not to the exclusion of any other such order governing use or delivery of materials (including para-phenyl-phenol) entering into the production of resins (including para-phenyl-phenol resins) or governing the use or delivery of protective or technical coatings containing resins (including para-phenyl-phenol resins). Nothing contained in General Exports Order M-148 shall be construed to permit use or delivery of para-phenyl-phenol resins in violation of this order.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C. Ref: M-254.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O 9125, 7 FR. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10872; Filed, October 26, 1942; 4:45 p. m.]

PART 3113—PULPWOOD

[Schedule 1 to Paragraph (d) of M-251]

PUGET SOUND AREA

§ 3113.2 *Schedule 1 to paragraph (d) of General Preference Order M-251.* Pursuant to paragraph (d) of General Preference Order M-251, the Director General for Operations hereby determines that there prevails in the following area a shortage in the supply of the following type(s) of pulpwood required for the production of materials needed in the public interest and for national defense:

Area. That portion of the State of Washington, known as the Puget Sound area, which is described as follows: bounded on the West by the Pacific Ocean, bounded on the north by the Canadian Border, bounded on the east by the crest of the Cascade Mountain Range and bounded on the south by a line having the following course: east from the Pacific Ocean along north boundary of township 11 to range line between Townships 7 and 6 East; then south 3 miles; then east through Range 6 to Pacific County line; then south along Pacific County line to southern boundary of Lewis County line; then east along southern boundary of Lewis County line through Ranges 5 West and 4 West, and east 3 miles to center of Range 3 West; then north 3 miles through Range 3 West; then east through remainder of Range 3 West and through Range 2 West; then north on the range line between Range 2 West and Range 1 West to northern boundary of Township 11; then east along northern boundary of Township 11 through Range 1 West, Range 1 East, and Range 2 East; then south 3 miles on range line between Range 2 East and Range 3 East; then east through the center of townships in Ranges 3, 4 and 5 East; then south 3 miles to southern boundary of Lewis County line; then east on Lewis County line to the crest of the Cascade Mountain Range.

Type(s) of pulpwood. All grades and sizes of pulpwood logs of the following species (excepting cants, slabs or other sawmill waste):

(1) True firs of the botanical species: *Abies grandis* (white fir), *Abies Lasiocarpa* (balsam fir), *Abies amabilis* (silver fir) and *Abies concolor* (white fir).

(2) Sitka spruce of the botanical species: *Picea sitchensis,* except those grades of logs specified by the War Production Board under General Preference Order M-186 as "Sitka spruce logs, Grades No. 1 and 2 and cants and flitches of such logs". General Preference Order M-186 defines "Grades No. 1 and No. 2, Sitka spruce logs" as such grades as understood in the particular district[1] on August 1, 1941.

(3) Engelmann spruce of the botanical species: *Picea Engelmannii.*

(4) Western Hemlock of the botanical species, *Tsuga heterophylla* and *Tsuga mertensiana, except* the log grade specified by the War Production Board under General Preference Order M-229 as "Western Hemlock aircraft logs". General Preference Order M-229 defines "Western Hemlock aircraft logs" as "Logs of the botanical species of *Tsuga mertensiana* or *Tsuga heterophylla* (including cants and flitches of such logs), which are produced in those parts of Oregon and Washington lying west of the crest of the Cascade Mountain Range, or in Alaska, and which meet the following specifications:

(i) Are from stands of timber of approximately 1,200 feet or higher elevation and are medium to light in weight;

(ii) Are not less than 26 inches top diameter and not less than 12 feet long;

(iii) Are of straight grain so that the majority of the clear lumber can be produced with a slope of grain not greater than 1 in 15;

(iv) Are free of deep bark seams or other defects with the clear portion of the log;

(v) Have reasonably uniform annual rings, not fewer than eight to the inch within the clear portion of the log; and

(vi) Are of a character which will produce at least 50% No. 2 Clear and Better, or B and Better Clear lumber".

Pursuant to subparagraph (3) of paragraph (d) of said order, the Director General for Operations hereby directs that on and after the day upon which this schedule is issued, and until this schedule is revoked, no holder of pulpwood, as defined in subparagraph (3) of paragraph (b) of M-251, shall consume, process, or deliver any such pulpwood except upon specific authorization or direction by the Director General for Operations.

Application for authorization or direction to consume, process or transfer such pulpwood may be submitted on Form PD-556.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10870; Filed, October 26, 1942; 4:45 p. m.]

PART 3113—PULPWOOD

[Schedule 2 to Paragraph (d) of M-251]

COLUMBIA—WILLAMETTE AREA

§ 3113.3 *Schedule No. 2 to Section (d) of General Preference Order No. M-251.* Pursuant to paragraph (d) of General Preference Order M-251, the Director General for Operations hereby determines that there prevails in the following area a shortage in the supply of the following type(s) of pulpwood required for the production of materials needed in the public interest and for national defense:

Area. That portion of the states of Washington and Oregon, known as the Columbia-Willamette area, which is described as follows: bounded on the east by the crest of the Cascade Mountain Range, bounded on the south by the California-Oregon state line, bounded on the west by the Pacific Ocean, and bounded on the north by a line having the following course: starting in the state of Washington, east from the Pacific Ocean along north boundary of Township 11 to range line between Townships 7 and 6 East; then south 3 miles; then east through Range 6 to Pacific County line; then south along Pacific County line to southern boundary of Lewis County line; then east along southern boundary of Lewis County line through Ranges 5 West and 4 West, and east 3 miles to center of Range 3 West; then north 3 miles through Range 3 West; then east through remainder of Range 3 West and through Range 2 West; then north on the range line between Range 2 West and Range 1 West to northern boundary of Township 11; then east along northern boundary of Township 11 through Range 1 West, Range 1 East, and Range 2 East; then south 3 miles on range line between Range 2 East and Range 3 East; then east through the center of townships in Ranges 3, 4 and 5 East; then south 3 miles to southern boundary of Lewis County line; then east on Lewis County line to the crest of the Cascade Mountain Range.

Types of pulpwood. All grades and sizes of pulpwood logs of the following species (excepting cants, slabs or other sawmill waste):

(1) True firs of the botanical species: *Abies grandis* (white fir), *Abies lasiocarpa* (balsam fir), *Abies amabilis* (silver fir), *Abies concolor* (white fir) and *Abies magnifica* (red fir).

(2) Sitka spruce of the botanical species: *Picea sitchensis, except* those grades of logs specified by the War Production Board under General Preference Order M-186 as "Sitka spruce logs, Grades No. 1 and 2 and cants and flitches of such logs". General Preference Order M-186 defines "Grades No. 1 and No. 2, Sitka spruce logs" as such grades as understood in the particular district[1] on August 1, 1941.

(3) Engelmann spruce of the botanical species: *Picea Engelmannii.*

(4) Western Hemlock of the botanical species, *Tsuga heterophylla* and *Tsuga mertensiana, except* the log grade specified by the War Production Board under General Preference Order M-229 as "Western Hemlock aircraft logs". General Preference Order M-229 defines "Western Hemlock aircraft logs" as "logs of the botanical species of the *Tsuga mertensiana* or *Tsuga heterophylla* (including cants and flitches of such logs), which are produced in those parts of Oregon and Washington lying west of the crest of the Cascade Mountain Range, or in Alaska, and which meet the following specifications:

(i) Are from stands of timber of approximately 1200 feet or higher elevation and are medium to light in weight;

(ii) Are not less than 26 inches top diameter and not less than 12 feet long;

(iii) Are of straight grain so that the majority of the clear lumber can be produced with a slope of grain not greater than 1 in 15;

(iv) Are free of deep bark seams or other defects with the clear portion of the log;

(v) Have reasonably uniform annual rings, not fewer than eight to the inch within the clear portion of the log; and

(vi) Are of a character which will produce at least 60% No. 2 Clear and Better, or B and Better Clear lumber".

The Director General for Operations may, pursuant to subparagraph (1) of paragraph (d) of said order, by further and individual directions, allocate specific quantities of such pulpwood from and to specific persons. Meanwhile, unless and until he receives such further directions, any person may consume or dispose of such pulpwood as if this Schedule had not been issued.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10871; Filed, October 26, 1942; 4:45 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-103]

FIRESTONE TIRE AND RUBBER CO.

Firestone Tire and Rubber Company, whose principal place of business is at Akron, Ohio, is engaged in the operation of service stations for the sale of motor fuel in and about Boston, Massachusetts. It owns and operates several service stations in the Boston District which are supplied with gasoline from bulk plants owned by the Company. Its supplier of motor fuel established a quota under Limitation Order L-70 for each of its bulk plants, but the company, although it was a supplier, did not establish any quotas for its service stations. The company distributed the motor fuel delivered by its supplier among its service stations without regard to their proper quotas. This resulted in substantial over-deliveries of motor fuel to the company's service station located in Brockton, Massachusetts, during the months of April and May, 1942. The company also made over-deliveries to other service stations during these months because of its failure to compute quotas for such stations, but in subsequent months attempted to compensate for this by under-deliveries to these stations.

The over-deliveries of motor fuel to these service stations constituted a wilful violation of Limitation Order L-70, which has hampered and impeded the war effort of the United States. In view of the foregoing; *It is hereby ordered:*

§ 1010.103 *Suspension Order S-103.* (a) Firestone Tire and Rubber Company, its successors and assigns, shall not sell or deliver to any person any motor fuel, as defined in Limitation Order L-70, at the service station owned and operated by it, located in Brockton, Massachusetts, except as specifically authorized by the Director General for Operations.

(b) Nothing contained in this order shall be deemed to relieve Firestone Tire and Rubber Company, its successors and assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent herewith.

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[1] General Preference Order M-186 also defines "district".

(c) This order shall take effect on October 28th, 1942, and shall expire on December 28, 1942, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10873; Filed, October 26, 1942; 4:45 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-123]

CRESCENT ELECTRIC CO.

J. B. Roxburgh, an individual doing business as Crescent Electric Company, of San Francisco, California, is engaged in the business of distributing electrical supplies as a wholesaler. It is a warehouse, as defined in General Preference Order M-9-a.

From April 30, 1942, to May 6, 1942, J. B. Roxburgh, doing business as Crescent Electric Company, accepted and filled wholesale orders for 72,279 feet of copper wire, having a value of $558.70, which did not bear a preference rating of A-10 or higher, notwithstanding the fact that he had knowledge of said Order. These acts constituted wilful violations of General Preference Order M-9-a, as amended on February 6, 1942.

From May 7, 1942, to June 1, 1942, J. B. Roxburgh, doing business as Crescent Electric Company, accepted and filled wholesale orders for 88,204 feet of copper wire, having a value of $1,331.00, which did not bear a preference rating of A-1-k or higher, notwithstanding the fact that he had knowledge of said order. These acts constituted wilful violations of General Preference Order M-9-a, as amended on May 7, 1942.

On February 27, 1942, and May 28, 1942, J. B. Roxburgh, doing business as Crescent Electric Company, applied preference ratings of A-10 under Preference Rating Order P-100 to certain purchase orders for copper wire, certifying that such material was for maintenance, repair, or operating supplies. 342,105 feet of copper wire, included in the purchase order of February 27, 1942, and 15,750 feet of copper wire included in the purchase order of May 28, 1942, were not for maintenance, repair, or operating supplies, as defined in Preference Rating Order P-100, and the applications of the rating to these purchase orders constituted violations of Preference Rating Order P-100 and misrepresentations to the War Production Board.

These violations of General Preference Order M-9-a and Preference Rating Order P-100 have impeded and hampered the war effort of the United States by diverting scarce material to uses not authorized by the War Production Board. In view of the foregoing facts; *It is hereby ordered:*

§ 1010.123 *Suspension Order S-123.* (a) Deliveries of material to J. B. Roxburgh, doing business as Crescent Electric Company or otherwise, or his successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries by means of Preference Rating Certificates, Preference Rating Orders, General Preference Orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to J. B. Roxburgh, doing business as Crescent Electric Company or otherwise, his successors or assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) This order shall take effect on October 31, 1942, and shall expire on January 31, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10874; Filed, October 26, 1942; 4:46 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-125]

RICHARD STIEGLER

Richard Stiegler, 230 Fifth Avenue, New York, New York, bought certain property on Liberty Street in Springfield, Massachusetts in December, 1941, on which he planned to erect a super market which was to be rented to the Great Atlantic and Pacific Tea Company (hereinafter referred to as "A & P"). Construction of this store had not been commenced on April 9, 1942, and due to Conservation Order L-41 it became necessary for Mr. Stiegler to obtain authorization from the War Production Board for such construction. On April 17, 1942, Mr. Stiegler signed an application on Form PD-200 for authorization to build this store which application was granted May 9, 1942. Question 15 of Form PD-200 requests the applicant to explain in detail what consideration has been given either to temporarily using other available facilities or to reconditioning existing facilities. In answer to this question Mr. Stiegler stated "none available". In signing the application he also certified that there was no omission of any material fact.

At the time this application was filed, A & P was operating another super market within a half mile of the proposed new store. The company on completion of the new building planned to cancel its lease on the existing store which it considered inadequate and unsatisfactory. Despite the fact that Mr. Stiegler knew that other facilities were in fact available and presently occupied by A & P, he made no qualification or explanation of his answer to Question 15 in the PD-200 form. Prior to the filing of this application he had been informed by a representative of the War Production Board that such application would probably not be granted if other facilities were available so he knew that his answer to this question was inadequate and misleading.

Construction on the store commenced in July, 1942, pursuant to the authorization which had been given and had reached an advanced stage when halted by an order from the Director General for Operations. Joseph Chiarelli of Springfield, Massachusetts, is the general contractor.

The inadequate and misleading statement made by Mr. Stiegler on the application form prevented full consideration of the application, which might not have been approved if the facts had been fully disclosed; and has made it appropriate to suspend the effectiveness of the authorization for a period of time. In view of the foregoing; *It is hereby ordered,* That:

§ 1010.125 *Suspension Order S-125.* (a) Neither Richard Stiegler nor Joseph Chiarelli nor any other person shall order, purchase, accept delivery of, withdraw from inventory, or in any other manner secure or use material or construction plant in order to continue construction on the property located at 761 Liberty Street, Springfield, Massachusetts, except as specifically authorized in writing by the Regional Compliance Chief of the Boston Regional Office of the War Production Board for the purpose of protecting the said premises from the elements.

(b) Nothing contained in this order shall be deemed to relieve Richard Stiegler or Joseph Chiarelli or any other person from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on October 28, 1942, and shall expire January 28, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10875; Filed, October 26, 1942; 4:46 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-126]

PHILADELPHIA BREWING COMPANY

Philadelphia Brewing Company, Philadelphia, Pennsylvania, is engaged in the production and selling of malt beverages. It uses closures made of tinplate, terneplate, or blackplate (hereinafter simply referred to as "closures") in the bottling of such beverages. The use of closures for this purpose is restricted by Conservation Order M-104.

Shortly after the issuance of Conservation Order M-104, the Company filed an appeal from the restrictions of the order and was specifically authorized on June 12, 1942, by a telegram signed by the Director of Industry Operations to use, during June and July, 1942, not more than 100% of its corresponding consumption of closures in June and July, 1941, for the bottling of malt beverages. In June, 1941, the Company had used 4,803 gross of closures and in July, 1941, 5,190 gross. In June, 1942, it used 9,582 gross of closures in the bottling of malt beverages and in July, 1942, 11,755 gross in violation of Conservation Order M-104 as modified by the telegram of June 12, 1942, despite the fact that its appeal for relief had been granted. During August, 1942, the Company was permitted to use only 3,240 gross of closures in the bottling of malt beverages but despite this restriction used 11,281 gross of closures in that month for such purpose. At all times during June, July, and August, 1942, the Company was fully aware of the restrictions contained in Conservation Order M-104 and its excessive use of closures constituted a wilful violation of that order.

These violations of Conservation Order M-104 have hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing; *It is hereby ordered,* That:

§ 1010.126 *Suspension Order S-126.* (a) Philadelphia Brewing Company, its successors and assigns, shall not use any closures made of tinplate, terneplate, or blackplate (as said terms are defined in Conservation Order M-104, as amended September 26, 1942) in the bottling of malt beverages, except as specifically authorized by the Director General for Operations.

(b) Nothing contained in this order shall be deemed to relieve Philadelphia Brewing Company, its successors and assigns, from any restriction, prohibition, or provision of any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on October 28, 1942, and shall expire on February 28, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10876; Filed, October 26, 1942; 4:46 p. m.]

PART 3037—ELECTRONIC EQUIPMENT

[General Limitation Order L-183-a]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of electronic equipment for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3037.2 *General Limitation Order L-183-a*—(a) *Definitions.* For the purpose of this order:

(1) "Electronic equipment" means any electrical apparatus or device involving the use of vacuum or gaseous tubes and electrical equipment used for communications, detection and signaling.

(2) "Producer" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not, to the extent engaged in the production or assembly of electronic equipment which is manufactured for delivery to or for the account of:

(i) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast Guard, and the Civil Aeronautics Administration; or

(ii) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its dominions, Crown Colonies and Protectorates, and Yugoslavia; or

(iii) Any other country, including those of the Western Hemisphere, now or hereafter designated, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(3) "Precedence list" is the schedule issued, and as amended from time to time by the Joint Communications Board of the Army and Navy, which sets forth by numerical designation the relative urgency of deliveries of certain types and quantities of electronic equipment. The order of urgency established by this list is:

PLA1.
PLA1a, etc.
PLA2, etc.
PLB1, etc.; PLA1 being the highest urgency presently assigned.

(b) *Operation of the precedence list.* (1) The numerical designations of the precedence list shall establish the relative urgency of certain deliveries of types and quantities of electronic equipment and of those components and parts referred to in subparagraphs (3) and (4) of this paragraph, within any single category of preference rating. Any delivery bearing a lower numerical designation in any category of preference rating shall be deferred to the extent necessary to assure, within the time specified, those deliveries bearing higher designations within the same category of preference rating, even though such deferment may cause default in deliveries bearing lower designations.

(2) The assignment of a precedence list designation shall not affect production or delivery under any order (including an order for electronic equipment or components or parts thereof) which does not bear a precedence list designation. The sequence of deliveries among such orders bearing no precedence list designation and as between any order bearing no precedence list designation and any order bearing a precedence list designation shall be determined pursuant to Priorities Regulation No. 1 in accordance with the preference ratings which such orders respectively bear.

(3) Each producer shall review his production and delivery schedules for electronic equipment to which numerical designations under the precedence list have been applied; and on January 1, 1943, and thereafter, notwithstanding the provisions of any other applicable priorities regulations or orders of the War Production Board, he shall schedule or reschedule within each category of preference rating his production schedules of deliveries of types and quantities of electronic equipment to which numerical designations of urgency have been applied, in relation to each other only, and in accordance with such designations, so that, as to deliveries of those bearing lower designations, production shall be deferred to the extent necessary to assure those deliveries bearing higher designations within the time specified.

(4) When numerical designations of urgency have been applied to deliveries by a producer, such producer shall immediately transmit such designations, in writing, to his suppliers and fabricators of components or parts to be incorporated into such deliveries of the producer. The numerical designations of urgency shall be applied only to deliveries of fabricated and semifabricated components and parts but not to deliveries of raw materials.

(5) Any such supplier or fabricator receiving such numerical designations of urgency, from one or more producers, shall thereupon schedule or reschedule, within each category of preference rating, his production schedules of deliveries of types and quantities of components or parts to which such designations apply, in relation to each other only, and in accordance with such designations, so that, as to deliveries of those bearing lower designations, production shall be deferred to the extent necessary to assure those deliveries bearing higher designations in accordance with the purchase orders therefor.

(6) The Director General for Operations may from time to time issue special orders or directions varying or changing dates of deliveries or production schedules of electronic equipment and parts

and components therefor, and such orders or directions when issued shall be complied with irrespective of preference ratings or Precedence List designations.

(c) *Records.* All producers and suppliers and fabricators affected by this order shall keep and preserve, for not less than two years, accurate and complete records concerning production deliveries and orders for electronic equipment and components and parts therefor, deliveries of which are governed by this order.

(d) *Reports.* All producers and suppliers and fabricators affected by this order shall execute and file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time prescribe.

(e) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time, except as specifically provided to the contrary in paragraph (b) hereof.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priorities control and may be deprived of priorities assistance.

(g) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment, in the community, may apply for relief by addressing a letter to the War Production Board, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(h) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to: War Production Board, Radio and Radar Branch, Washington, D. C., Ref: L-183-a.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of October 1942.

Ernest Kanzler,
Director General for Operations.

[F R. Doc. 42-10888; Filed, October 27, 1942; 10:50 a. m.]

Part 991—Sperm Oil

[General Preference Order M-40, as Amended October 27, 1942]

Section 991.1 is hereby amended in its entirety to read as follows:

§ 991.1 *General Preference Order M-40*—(a) *Definition.* For the purpose of this order "sperm oil" means that oil obtained from the head or body of the sperm whale, alone or combined, including sperm oil which has been winterized, pressed, distilled, deodorized, sulphonated, sulphurized, sulfo-chlorinated, sulphated, blown or otherwise physically or chemically treated, but excluding crude and refined spermaceti.

(b) *Restriction on use, processing and delivery of sperm oil.* No person shall use, process, deliver or accept delivery of sperm oil except as specifically authorized by the Director General for Operations upon application of the user, processor or deliveree on Form PD-481, or except as provided in paragraph (c).

(c) *Exemptions.* Specific authorization of the Director General for Operations shall not be required with respect to:

(1) The delivery by any one person of 2,000 pounds or less of sperm oil in any one calendar month (in lots of not more than 100 pounds to any one person in any one calendar month).

(2) The use, processing, and acceptance of delivery of 100 pounds or less of sperm oil by any one person in any one calendar month.

(3) The delivery of sperm oil by (but not to), and the use or processing of sperm oil by, the United States Army, Navy, Coast Guard, Maritime Commission or War Shipping Administration.

(d) *Restriction on use of sperm oil in lubricating oils and greases.* (1) No person shall, in the production of lubricating or cutting oils or compounds, use sulphurized sperm oil having a sulphur content of less than ten percent (10%) by weight (including in the weight of such sulphurized sperm oil, the weight of any unsulphurized sperm oil used in conjunction therewith); and

(2) No person shall, in the production of lubricating or cutting oils or compounds, use sperm oil to an extent which will increase the sulphur content of such oil or compound to an amount in excess of that of the same grade of such oil or compound as prepared by the producer thereof during the 30-day period immediately prior to May 16, 1942.

(e) *Reports.* (1) Each person who shall bring sperm oil into the United States or its possessions shall file a letter with the War Production Board, Chemicals Branch, Washington, D. C., Ref: M-40, within ten days after such importation, stating the port of entry, place of storage, ownership, grade and amount of such sperm oil.

(2) Each person affected by this order shall file such other reports as may from time to time be required by the Director General for Operations.

(f) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of sperm oil shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(3) *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the War Production Board in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(4) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of sperm oil conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Director General for Operations by addressing a letter in triplicate to the War Production Board, Chemicals Branch, Washington, D. C., Ref: M-40, setting forth the pertinent facts and the reasons he considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(5) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C., Ref: M-40.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of October 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-10890; Filed, October 27, 1942; 10:53 a. m.]

Part 933—Copper

[Supplementary Conservation Order M-9-c-4 as Amended October 27, 1942]

Section 933.15 *Supplementary Conservation Order M-9-c-4* is hereby amended so as to read as follows:

§ 933.15 *Supplementary Conservation Order M-9-c-4*—(a) *Definitions.* For the purposes of this order:

(1) "Copper" means unalloyed copper metal. It shall include unalloyed copper metal produced from scrap.

(2) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy metal. It shall include alloy metal produced from scrap.

(3) "Copper or copper base alloy pipe or tubing" means any pipe, tube or tubing into which there has been incorporated any copper or copper base alloy (except as plating or where the item contains less than 5% of copper or copper base alloy by weight).

(4) "Copper or copper base alloy fittings" means any fittings (other than a valve) for plumbing or heating use or for a cooling tower or water tower into which there has been incorporated any copper or copper base alloy (except as plating or where the item contains less than 5% of copper or copper base alloy by weight).

(5) "Copper water tubing" means copper tubing type "K" and any other type of copper tubing lighter in gauge for the same outside diameter than type "K," if such tubing has been put to any plumbing or heating use.

(6) "Copper or copper base alloy building material" means any of the following items, whether fabricated or unfabricated, into which there has been incorporated any copper or copper base alloy (except as plating or where the item contains less than 5% of copper or copper base alloy by weight):

Grilles.
Gutters, leaders, downspouts, expansion joints and accessories thereto.
Mouldings.
Nails, screws, nuts, bolts and rivets.
Ornamental metal work.
Railings.
Reglets.
Roof, roofing, flashing valleys and other roofing items.
Shear rings.
Sheet, roll, and strip for building construction.
Stair and threshold treads.
Strip for laying linoleum.
Terrazzo strips.
Termite shields.
Tie rods.
Washers.
Weatherstripping and insulation.

Note: For copper and copper base alloy screening, see Conservation Order M-9-c (§ 933.4) as amended April 9, 1942 and thereafter.

(7) "Scrap dealer" means any person regularly engaged in the business of buying and selling scrap.

(8) "Scrap" means all copper or copper base alloy materials or objects which are the waste or by-product of industrial fabrication or which have been discarded on account of obsolescence, failure or other reason.

(9) "To install in or connect to a structure or system" means to attach or build material to or into a building or other structure for plumbing or heating use, or to or into a water tower, water supply or water distribution system or installation; but does not mean to attach or build material to or into a machine such as a heater, refrigerator or other device (except a cooling tower or water tower) which itself has been or may be attached to or built into the structure or to or into an industrial processing system.

(b) *Restrictions on installation.* Notwithstanding any contract or agreement to the contrary or the receipt of any preference rating other than one described in paragraph (b) (4) hereof, on and after October 27, 1942, no person shall install in or connect to a structure or system (as such operations are defined in paragraph (a) (9) of this order) any copper or copper base alloy pipe, tubing, fittings or building material, except that:

(1) Any person may install in or connect to a structure or system any copper or copper base alloy pipe, tubing or building material in an aggregate amount not in excess of 25 pounds for each necessary repair of a structure or system, provided that such pipe, tubing or building material is used to repair or replace copper or copper base alloy pipe, tubing or building material and provided that such pipe, tubing or building material was, on or before October 26, 1942, in the possession of the person owning the structure or system; and

(2) Any person may connect for purposes of repair and maintenance copper or copper base alloy fittings to copper water tubing (as such tubing is defined in paragraph (a) (5) of this order) already installed; and any person may connect for any purpose copper or copper base alloy fittings to a water supply or distribution system outside of a building; and

(3) Any person may install in or connect to a structure or system any copper or copper base alloy pipe, tubing, fittings or building material purchased by or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Coast Guard or the Panama Canal: *Provided, however,* That nothing in this order shall supersede any applicable instructions to any officers of the foregoing, including without limitation the directive for War Time Construction dated May 20, 1942, issued by the Chairman of the War Production Board, the Secretary of War and the Secretary of the Navy or of the List of Prohibited Items for Construction Work dated April 1, 1942, issued by the Army and Navy Munitions Board, as amended from time to time; and

(4) Any person may install in or connect to a structure or system any copper or copper base alloy pipe, tubing, fittings or building material (i) upon the written authorization of the Director General for Operations given under this order authorizing the specific installation, or (ii) pursuant to a specific authorization, or preference rating certificate or order constituting authorization, to begin construction pursuant to the provisions of Conservation Order L-41, as amended from time to time. Applications for authorization under this order may be made by letter setting forth the reasons why the person believes such material should be installed in or connected to a building.

(c) *Restrictions on delivery.* Notwithstanding any contract or agreement to the contrary or the receipt of any preference rating other than one described in paragraph (c) (3) hereof, on and after October 27, 1942, no person shall deliver, sell or otherwise dispose of any copper or copper base alloy pipe, tubing, fittings or building material for the purpose of installing them in or connecting them to a structure or system (as such operations are defined in paragraph (a) (9) of this order) otherwise than as permitted by subparagraphs (b) (2), (3) and (4) of this order; and no person shall accept delivery or a transfer of such pipe, tubing, fittings or building material or purchase such pipe, tubing, fittings or building material unless the person making the delivery, sale or other disposition was permitted to do so. The foregoing shall not prevent:

(1) Delivery, sale or disposal to, or acceptance of delivery or transfer by or purchase by, a scrap dealer or a brass mill; or

(2) Delivery, sale or disposal to, or acceptance of delivery or transfer by or purchase by, Defense Supplies Corporation, Metals Reserve Company or any other corporation organized under section 5 (d) of the Reconstruction Finance Act as amended (except Defense Plant Corporation) or any person acting as agent for any such corporation (except Defense Plant Corporation); or

(3) Delivery, sale or disposal to, or acceptance of delivery or transfer by or purchase by, any person of any copper or copper base alloy pipe, tubing, fittings or building material (i) upon the written authorization of the Director General for Operations given under this order authorizing the specific delivery, sale or disposal, or (ii) pursuant to a specific authorization, or preference rating certificate or order constituting authorization, to the person accepting delivery or transfer or making the purchase, to begin construction pursuant to the provisions of Conservation Order L-41 as amended from time to time. Applications for authorization under this order may be made by the person seeking to make delivery, sale or disposal, by letter setting forth the reasons why the person believes such material should be delivered, sold or otherwise disposed of.

(d) *Communications to the War Production Board.* All requests for authorizations and communications referring to this order, shall, unless otherwise directed, be addressed to: War Production Board, Copper Branch, Washington, D. C., Ref: M-9-c-4.

(e) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10889; Filed, October 27, 1942; 10:53 a. m.]

PART 1053—FATS AND OILS

[General Preference Order M-71, as Amended September 22, 1942, Amendment 1]

Section 1053.1 *General Preference Order M 71, as amended September 22, 1942*,[1] is hereby amended in the following respects:

1. By adding a new paragraph (a) (6) reading as follows:

(6) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armaments, weapons, merchant and naval ships, tanks and vehicles) and any parts, assemblies, and material to be incorporated in any of the foregoing items. This term does not include facilities or equipment used to manufacture the foregoing items.

2. By amending subdivision (ii) of paragraph (b) (6) to read:

(ii) The use of fats and oils in the manufacture of any edible product delivered or to be delivered to the Army or Navy of the United States, or delivered or to be delivered pursuant to the Act of March 11, 1941, entitled "An act to promote the defense of the United States" (Lend-Lease Act), or the processing of fats and oils for delivery to another manufacturer for use in the manufacture of any such edible product: *Provided, however*, That this paragraph shall not exempt the use of fats and oils by any person other than the person having the prime contract with the Army or Navy or with the administrator of such Lend-Lease Act, unless the Quartermaster General of the Army or the Chief of the Bureau of Supplies and Accounts of the Navy, or the administrator of the Agricultural Marketing Administration (as the procurement agency for the administrator of such Lend-Lease Act), or the duly authorized representative of any of them, shall have issued to the manufacturer (whether prime contractor or subcontractor) who uses the fat or oil in the manufacture of the edible product contracted for, a certificate setting forth that such product is for direct Army or Navy issue or for delivery pursuant to such Lend-Lease Act and that the manufacture of such product will require a stated quantity of fats or oils, and designating the supplier or suppliers of such fats or oils to be exempted under the terms of this paragraph of this order.

3. By amending subdivision (iii) of paragraph (b) (6) to read:

(iii) The use of fats and oils in the manufacture of soap, including soap made from foots derived from domestic vegetable oils or their fatty acids, where such soap is delivered to the Army or Navy of the United States by the manufacturer or is delivered by such manufacturer, as a prime contractor, pursuant to such Lend-Lease Act.

4. By adding a new subdivision (iv) to paragraph (b) (6) reading:

(iv) The use of fats and oils in the manufacture, preparation or finishing of implements of war.

5. By amending paragraph (b) (7) to read:

(7) For the purposes of determining a manufacturer's permissible use or consumption under paragraphs (b) (1) and (b) (2) hereof, there shall be excluded from the period or quarter during which use or consumption is hereby limited, any fat or oil used in the manufacture of the products referred to in subdivisions (ii), (iii) and (iv) of paragraph (b) (6) hereof, and there shall be excluded from the base period any fat or oil used by such manufacturer in such base period in the manufacture of any edible product or soap delivered by him to the Army or Navy of the United States or delivered by him, as a prime contractor, pursuant to such Lend-Lease Act, and there also shall be excluded from such base period any fat or oil used in the manufacture, preparation or finishing of implements of war.

6. By amending subdivisions (i) and (ii) of paragraph (c) (1) by striking out the figure "80%" which appears in each of said subparagraphs and substituting therefor "70%".

7. By adding a new paragraph (c) (3) reading:

(3) This order shall not restrict the delivery by any person of linseed oil to the Army or Navy of the United States or pursuant to such Lend-Lease Act, and any amount so delivered by him shall be excluded both from the base period on which his quota is based and from the period or quarter during which future deliveries are hereby limited.

8. Schedule A annexed to said order is amended to read:

Class of use	*Permitted Percentage*
Manufacture of margarine	110
Manufacture of other edible finished products, including shortening, mayonnaise and salad dressing	88
Manufacture of soap, exclusive of soap made from domestic vegetable oil foots or their fatty acids	88
Manufacture of soap from foots made from domestic vegetable oils or their fatty acids	150
Manufacture of paints, varnishes, lacquers and all other protective coatings	70
Manufacture of linoleum, oilcloth, and oil or oleo-resinous coated fabrics and pyroxylin coated fabrics	70
Manufacture of printing inks, including lithographing, offset, silk screen and other processing inks	90

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10891; Filed, October 27, 1942; 10:53 a. m.]

PART 1085—MAINTENANCE AND OPERATION OF PLANTS CANNING OR PROCESSING FRUITS, VEGETABLES, OR FISH

[Preference Rating Order P-115, as Amended October 27, 1942]

Part 1085 (formerly entitled "Maintenance and Expansion of Plants Canning Fruits and Vegetables") is hereby amended to read "Part 1085, Maintenance and Operation of Plants Canning or Processing Fruits, Vegetables or Fish," and Preference Rating Order P-115 (§ 1085.1) is hereby amended to read as follows:

§ 1085.1 *Preference Rating Order P-115*—(a) *Definitions.* For the purposes of this order:

(1) "Producer" means any person located in the United States, its territories and possessions, engaged in the business of canning or otherwise processing fruits, vegetables, or fish, or any person, located in the Dominion of Canada, to whom and in whose name a copy of this order is specifically issued.

(2) "Canning" means the preparation of fruits, vegetables, or fish for market by packing such fruits, vegetables, or fish (either alone or in combination with other commodities) in hermetically sealed containers and sterilizing by the use of heat and includes all operations required for or usually incidental to such preparation.

(3) "Processing" means the primary preparation of fruits, vegetables, or fish for market by freezing, dehydration, and fresh packing in a processing plant.

(4) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind, used in the canning or processing of fruits, vegetables or fish, but does not include any planting or harvesting equipment, fishing vessels, or fishing equipment, or equipment used in the transportation of food products from the producer's plant.

(5) "Maintenance" means minimum upkeep necessary to enable the producer's existing plant and equipment to be used at its maximum rate of operation permissible under Conservation Order M-81 (To Conserve the Supply and Direct the Distribution of Tin Plate and Terne Plate) and other like orders.

(6) "Repair" means restoration of a producer's machinery, plant or equipment to sound working condition after physical depreciation, wear and tear, damage, destruction of parts or the like have impaired its fitness for service but not to an extent involving major reconstruction.

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[1] 7 F.R. 7485.

(7) "Material required for operation" means operating supplies including strapping and stitching wire but not including metal containers and closures, fuel, and office supplies.

(8) "Replacement" means substitution of new machinery or equipment for existing machinery or equipment, when not constituting repair.

(9) "Material required for more efficient operation" means material necessary for the most effective use of machinery in existing production lines, and material required to adapt such lines to the requirements of Order M-81, as amended from time to time, and other orders restricting permitted uses of containers and closures.

(10) "Supplier" means any person with whom a contract or purchase order has been placed for delivery of material to a producer or to another supplier.

(11) "Fish" includes shellfish.

(b) *Assignment of preference ratings.* Preference ratings are hereby assigned, subject to the restrictions and conditions of paragraphs (c) and (d) hereof:

(1) AA-2X to deliveries, to a producer, of material directly required for emergency maintenance or repair, to avert spoilage of fruit, vegetables or fish because of an actual breakdown or suspension of a producer's operations.

(2) AA-5 to deliveries, to a producer, of material required for repair, maintenance or operation.

(3) AA-3 to deliveries, to a producer, of material required for replacement, or for more efficient operation, excluding, however, any deliveries:

(i) For the construction of new buildings, or the establishment of new plants.

(ii) For the establishment of new production lines.

(iii) For any other purpose that, in the opinion of the Director General for Operations at the time application is made, as provided in paragraph (d) (3) below, is not in the public interest, does not promote the national defense, or is in conflict with the policy of Conservation Order M-81 (To Conserve the Supply and Direct the Distribution of Tin Plate and Terne Plate) or other like orders.

(c) *Restrictions on application of ratings by producer.* (1) The producer shall not apply any preference rating assigned by (b) (1) above to deliveries of material to replace other material withdrawn from his inventory of stores for maintenance, repair or operation.

(2) The producer shall not apply any preference rating assigned by (b) (2) above, if, in view of the current rate of consumption of his inventory of stores for repair and maintenance or operation, the delivery of the material to be rated would increase his inventory or stores above the minimum permitted or provided in paragraph (e) below.

(3) The producer shall not apply any preference rating hereunder unless the material to be delivered cannot be secured when required without such rating.

(4) The producer may apply the rating only to those quantities and kinds of materials necessary to enable him to maintain his canning or processing schedules up to the end of the calendar year 1943.

(d) *Application of preference rating.* (1) A producer or any supplier, in order to apply or extend the preference ratings assigned hereunder shall comply with Priorities Regulation No. 3, as it may be amended from time to time.

(2) If preference rating AA-2X is applied, for emergency maintenance or repair, the producer must, immediately upon placing his order for such material, telegraph to the War Production Board the following with respect to such order:

(i) The name and address of the supplier;

(ii) Brief statement of what necessitated application of rating for emergency maintenance and repair;

(iii) A specific description of the material included in the order, and

(iv) The invoice cost of each item of such material.

(3) If the material is required for replacement or more efficient operation, the producer shall not apply preference rating AA-3, unless he shall have communicated with the War Production Board, describing the material needed and the nature of the proposed replacement or addition, and shall have received from the Director General for Operations a specific authorization to apply such rating, notwithstanding the fact that he may have previously been authorized to apply a rating of A-3, or A-1-c. Such application for authorization may be made by a written statement on Form PD-285 or, in any emergency, by telegram giving substantially the information called for by said Form PD-285.

(e) *Inventory provisions.* A producer shall not accept deliveries (whether rated hereunder or not) of material for repair and maintenance or operation which will increase the inventory or stores available to the producer for such purposes to an amount greater than the minimum necessary for repair and maintenance and to sustain the current level of operations of the producer, and the ratio of such inventory and stores to current operations shall in no event exceed the ratio of average inventory to average operation for the years 1938, 1939, and 1940.

(f) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, a producer, and each supplier placing or receiving any purchase order or contract rated hereunder, shall each retain, for a period of two years, for inspection by representatives of the War Production Board, endorsed copies of all such purchase orders or contracts, whether accepted or rejected segregated from all other purchase orders or contracts or filed in such a manner that they can be readily segregated for such inspection.

(g) *Reports.* Each producer who applies a preference rating hereunder shall file such reports as may be required from time to time by the War Production Board; and until further notice any producer who applies a preference rating hereunder for "emergency maintenance or repair", or for "repair, maintenance or operation" shall file with the War Production Board on or before the 10th day of each month copies of all purchase orders on which such ratings have been applied during the previous month.

(h) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Food Branch, Washington, D. C. Ref.: P-115.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Revocation or amendment.* This order may be revoked or amended at any time as to any producer or any supplier. In the event of revocation, deliveries already rated pursuant to this order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the producer or supplier affected by such revocation.

(k) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of October 1942.

ERNEST KANZLER,
Director General For Operations.

[F. R. Doc. 42-10892; Filed, October 27, 1942; 10:53 a. m.]

PART 3049—SOFTWOOD LUMBER

[Conservation Order M-208, Amendment 5]

Section 3049.1 *Conservation Order M-208*[1] is amended in the following respects:

1. Paragraph (a) (1) is amended to read as follows:

(1) "Softwood lumber" means any sawed lumber (except shingles or lath) of any size or grade, whether rough, dressed on one or more sides or edges, dressed and matched, shiplapped, worked to pattern, or grooved for splines, of any

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[1] 7 F.R. 6637, 7202, 7901, 8424, 8474.

species of softwood, but not including plywood, veneer or used lumber; provided, that "softwood lumber" shall not include Douglas fir lumber sold, shipped or delivered by producers in accordance with the provisions of Limitation Order L–218.

2. Subdivisions (i), (ii), and (iii) of paragraph (f) (1) are amended to read as follows:

(i) Southern pine or western larch sold as meeting specifications of 1800 or 2000 lbs. fiber stress per square inch, or 1300 or 1450 lbs. compression stress, except on Class 1 orders;

(ii) Southern pine, cypress or western larch sold as meeting specifications of 1400 or 1600 lbs. fiber stress per square inch, or 1100 or 1200 lbs. compression stress, except on Class 1 or Class 2 orders;

(iii) West Coast hemlock, noble fir or Sitka spruce, of grades No. 1, No. 2, or any higher common grade, except on Class 1, Class 2 or Class 3 orders.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–10893; Filed, October 27, 1942; 10:53 a. m.]

Chapter XI—Office of Price Administration

PART 1405—FERRO-ALLOYS

[MPR 248]

MANGANESE ORES

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for sales of manganese ores by a specific maximum price regulation. The Price Administrator has ascertained and given due consideration to the prices of manganese ores prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industries which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been prepared, issued simultaneously herewith, and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, Maximum Price Regulation No. 248 is hereby issued.

Sec.
1405.51 Prohibition against dealing in manganese ores at prices above the maximum.
1405.52 Less than maximum prices.
1405.53 Export sales.
1405.54 Sales or deliveries of manganese ores to the United States or any agency thereof.
1405.55 Sales of manganese ores located without the continental United States.
1405.56 Sales or deliveries of domestic battery or chemical manganese ores.
1405.57 Adjustable pricing.
1405.58 Evasion.
1405.59 Records and reports.
1405.60 Enforcement.
1405.61 Petitions for amendment.
1405.62 Applicability of General Maximum Price Regulation.
1405.63 Definitions.
1405.64 Effective date.
1405.65 Appendix A: Maximum prices for metallurgical manganese ores.
1405.66 Appendix B: Maximum prices for battery and chemical manganese ores.

AUTHORITY: §§ 1405.51 to 1405.66, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1405.51 *Prohibition against dealing in manganese ores at prices above the maximum.* On and after November 9, 1942, regardless of any contract, agreement, lease, or other obligation, no person, except as provided in §§ 1405.54, 1405.55, and 1405.56, shall sell, offer to sell, deliver or transfer manganese ores, and no person in the course of trade or business shall buy or receive manganese ores, at prices higher than the maximum prices set forth in Appendices A and B, hereof, incorporated herein as §§ 1405.65 and 1405.66; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Maximum Price Regulation No. 248 shall not apply to the sale or delivery of manganese ores if prior to November 9, 1942, such ores had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1405.52 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B (§§ 1405.65 and 1405.66) may be charged, demanded, paid or offered.

§ 1405.53 *Export sales.* The maximum price at which any person may export manganese ores shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation,[1] issued by the Office of Price Administration.

§ 1405.54 *Sales or deliveries of manganese ores to the United States or any agency thereof.* Neither the provisions of this Maximum Price Regulation No. 248, other than § 1405.59, nor the provisions of the General Maximum Price Regulation [2] shall apply to the sale or delivery of manganese ores to the United States or any agency thereof.

§ 1405.55 *Sales of manganese ores located without the continental United States.* (a) Neither the provisions of this Maximum Price Regulation No. 248, other than § 1405.59, nor the provisions of the General Maximum Price Regulation shall apply to the sale or delivery of manganese ores which are located at a point without the continental United States both at the time of the contract of sale and the vesting of title to the ores in the buyer.

(b) The Administrator will entertain no petition or application for amendment, adjustment, exception or other relief from the maximum prices established for standard ferromanganese by Maximum Price Regulation No. 138,[3] or for any other product of manganese ores, to the extent that such petition or application is based directly or indirectly, on delivered costs of manganese ores, purchased by the petitioner or applicant pursuant to paragraph (a) of this § 1405.55, which are in excess of what the delivered costs would have been if the petitioner or applicant had purchased ores of equivalent grade for which maximum prices are established by this Maximum Price Regulation No. 248.

§ 1405.56 *Sales or deliveries of domestic battery or chemical manganese ores.* Neither the provisions of this Maximum Price Regulation No. 248, other than § 1405.59, nor the provisions of the General Maximum Price Regulation shall apply to the sale or delivery of domestic battery or chemical manganese ores.

§ 1405.57 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In any appropriate situation where a petition for an adjustment or exception requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1405.58 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 248 shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt, of or relating to manganese ores, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5059, 7242.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 6007, 7322, 7454, 7758, 7913, 8431.

[3] 7 F.R. 3212, 5646, 3448.

§ 1405.59 *Records and reports.* (a) On and after November 9, 1942, every person making a purchase or sale of manganese ore shall keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each such purchase or sale showing (1) the date thereof, (2) the names and addresses of the buyer and the seller, (3) the quantity, source and analysis of each kind or grade of ore purchased or sold, (4) the purpose for which such ore was purchased, (5) the date of delivery of each shipment, (6) the price paid or received, and (7) in case of a purchase of ore pursuant to § 1405.55 the delivered cost of such ore.

(b) Persons affected by this Maximum Price Regulation No. 248 shall submit such reports to the Office of Price Administration as it may from time to time require.

§ 1405.60 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 248 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 248 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1405.61 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 248 or any adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1405.62 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 248 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this Maximum Price Regulation No. 248. Neither shall the General Maximum Price Regulation apply to those sales or deliveries expressly excluded therefrom by the provisions of this Maximum Price Regulation No. 248.

§ 1405.63 *Definitions.* (a) When used in this Maximum Price Regulation No. 248, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of the political subdivisions, or any agency of any of the foregoing.

(2) "Manganese ore" means any metallurgical, battery or chemical manganese ore as defined below.

(3) "Metallurgical manganese ore" means any mineral substance in a crude state used chiefly as a source of manganese in the production of ferro-alloys or manganese metal. It includes such ore even though it has been concentrated or beneficiated. It shall not include any ore which contains less than 35% metallic manganese by weight, nor shall it include any ore which is sold for use in the dry battery or chemical industries or for resale for such use.

(4) "Battery manganese ore" means any mineral substance in a crude state which is sold for use or for resale for use in the dry battery industry as a source of manganese dioxide. It includes such ore even though it has been concentrated, beneficiated, or sized.

(5) "Chemical manganese ore" means any mineral substance in a crude state which is sold for use or for resale for use in the chemical industry as a source of manganese or any compound of manganese. It includes such ore even though it has been concentrated, beneficiated, or sized.

(6) "Long ton unit" means one one-hundredth part of a long or gross ton of 2240 pounds.

(7) "Continental United States" means the 48 states of the United States and the District of Columbia.

(8) "Domestic battery or chemical manganese ore" means any battery or chemical manganese ore mined within the continental United States.

(9) "Import" means to bring into the continental United States from any place outside the continental United States.

(10) "Buyer's receiving point" means the place at which the buyer will convert or process a particular lot of ore, or at which he will stockpile it for conversion, processing or resale at some future time.

(11) "Buyer's most favorable basing point" means that one of the basing points listed from which a delivery of the particular lot of manganese ore to the buyer's receiving point would yield the buyer the lowest delivered cost. The delivered costs shall be computed by adding to the base price applicable to the particular basing point the rail freight for delivering the particular lot of ore from such basing point to the buyer's receiving point.

(12) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for sales to different purchasers or kinds of purchasers or for purchasers located in different areas or for different quantities or under different conditions of sale.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Price Regulation No. 248.

§ 1405.64 *Effective date.* This Maximum Price Regulation No. 248 (§§ 1405.51 to 1405.66, inclusive) shall become effective November 9, 1942.

§ 1405.65 *Appendix A: Maximum prices for metallurgical manganese ores.* (a) The maximum prices for metallurgical manganese ores shall be determined by using the following base prices and base analysis with the premiums and penalties herein prescribed:

Base Analysis on Dry Basis

Manganese—48%;
Iron—6%;
Silica plus alumina—11%;
Phosphorus—.18%.

Maximum Base Price Per Long Ton Unit of Contained Manganese, Duty, if any, Paid

85¢ f. o. b. railroad cars Mobile or New Orleans; or

90¢ f. o. b. railroad cars Norfolk, Baltimore, Philadelphia, or New York; or

96¢ f. o. b. railroad cars Fontana, California, Pueblo, Colorado, or Provo, Utah.

Premiums

Manganese content above 48%: ½¢ for each 1%.

Iron content below 6%: ½¢ for each 1%.

Silica plus alumina content below 11%: nothing.

Phosphorus below .18%: nothing.

Penalties

Manganese Content

Below 48%: 1¢ for each 1% down to and including 44%.

Below 44%: 4¢, plus 1½¢ for each 1% down to and including 40%.

Below 40%: 10¢, plus 2¢ for each 1% down to and including 35%.

Iron Content

Above 6%: 1¢ for each 1% up to and including 8%.

Above 8%: 2¢, plus ¾¢ for each 1%.

Silica plus alumina content

Above 11%: 1¢ for each 1% up to and including 15%.

Above 15%: 4¢, plus ¾¢ for each 1%.

Phosphorus Content

Above .18%: ⅓¢ for each .01%.

The above premiums and penalties shall be applied pro rata to variations of a fraction of 1%.

The basing point to be used in the determination of the maximum price for particular lots of metallurgical manganese ore shall be the buyer's most favorable basing point. If metallurgical ore is sold on a delivered price basis and the buyer's receiving point is located at a place elsewhere than the buyer's most favorable basing point, the maximum delivered price shall be the applicable base price, plus rail freight from such basing point to the buyer's receiving point. If, however, ore is sold f. o. b. a point other than the buyer's most favorable basing point or the buyer's receiving point, the maximum price shall be the applicable base price, plus rail freight from the buyer's most favorable basing point to the buyer's receiving point, minus rail freight from the f. o. b. point to the buyer's receiving point.

(b) *Quantity differential.* The maximum prices set forth in paragraph (a), above, may be increased by 10¢ per long ton unit of contained manganese if the seller, at the request of and for the convenience of the buyer, sells and delivers metallurgical manganese ore in lots of one carload or less.

(c) *Analysis.* In any case where the buyer contracts for or requests settlement for a particular lot of metallurgical manganese ore on the basis of an independent analysis, the buyer may pay, in addition to the maximum price as determined under paragraphs (a) and (b), above, an amount equal to but not exceeding one-half the actual expenses of such analysis incurred pursuant to such contract or request: *Provided,* That, if the buyer pays more than one-half the cost of such independent analysis, the maximum price shall be adjusted downward by an amount equal to the amount by which such payment exceeds one-half the actual expenses of such analysis.

(d) *Credit.* The maximum prices set forth above shall not be increased by any charges for the extension of credit.

§ 1405.66 *Appendix B: Maximum prices for battery and chemical manganese ores.* (a) The maximum prices for battery and chemical manganese ores, other than domestic battery and chemical ores, shall be:

(1) The highest price which the seller charged for such kind and grade of ore delivered by him to a purchaser of the same class during March 1942; or

(2) If the seller did not deliver such kind and grade of ore to a purchaser of the same class during March 1942, the highest price quoted in the seller's price list, or, if he had no price list, the highest price which the seller regularly quoted in any other manner, for delivery of such kind and grade of ore to a purchaser of the same class during March 1942; or

(3) If the maximum price for such kind and grade of ore cannot be determined under the foregoing provisions of this paragraph (a), a price approved by the Administrator, which shall be in line with the level of maximum prices established by subparagraphs (1) and (2) of this paragraph (a). Pending such approval by the Administrator, any person may sell or deliver, and any person may buy or receive, such ore at the price submitted for approval. If, however, the Administrator disapproves the price submitted, the contract price shall be revised downward to the maximum price which the Administrator shall approve, and, if any payment has been made at a price higher than that so approved, the seller shall refund the excess: *Provided,* That the price submitted by the seller for approval shall be deemed to be approved unless the Administrator specifically disapproves such price and establishes an approved maximum price within 20 days from the date on which the report required herein is received by the Office of Price Administration, or, if further information is requested from the seller within such 20-day period, then within 20 days from the date on which all such information is received by the Office of Price Administration.

(4) On and after November 9, 1942, every person selling ores pursuant to the provisions of subparagraph (3) of this paragraph (a) shall report every such sale to the Office of Price Administration, Washington, D. C. within five days from the date thereof, stating:

(i) The name and address of the buyer;

(ii) The source and analysis of the ore;

(iii) The quantity sold;

(iv) The date of purchase and the cost of the ore to the seller;

(v) The use for which the buyer is purchasing; and

(vi) The price submitted for approval.

(5) The provisions of subparagraphs (3) and (4) of this paragraph (a) shall not apply to sales of any kind and grade of ore at a price previously reported to and approved by the Administrator, for a sale of such kind and grade of ore to a purchaser of the same class, in accordance with the provisions of subparagraphs (3) and (4), above. Whenever the price proposed for a particular kind and grade of ore has been so approved, the price so approved shall be the maximum price at which such person may thereafter sell such ore to a purchaser of the same class. Nothing contained herein, however, shall be construed to prevent the Administrator from adjusting any price so approved when in his judgment such adjustment is warranted.

(b) *Sales of imported battery or chemical manganese ores.* (1) Any person may sell battery or chemical manganese ores, imported after March 31, 1942, at prices higher than the maximum prices for such ores which are established by subparagraphs (1) and (2) of paragraph (a) of this § 1405.66 or which would have been approved by the Administrator pursuant to subparagraph (3) thereof: *Provided,* That (i) the seller, at the time when he offers to sell such ores, shall advise the buyer that such higher prices are being charged pursuant to this paragraph (b) and shall inform him of the provisions of this paragraph (b); and (ii) if the seller delivered or offered such ores for delivery, during March 1942, the increase in price shall not exceed the amount by which his delivered costs for such ores exceed his delivered costs for the same kind and grade of ores which he delivered, or offered for delivery, during March 1942; or (iii) if the seller did not deliver such ores, or offer them for delivery, during March 1942, the prices charged by him shall be subject to revision or adjustment by the Administrator if, in the opinion of the Administrator, such prices exceed the maximum prices which, in the absence of this paragraph (b), would have been approved by the Administrator pursuant to the provisions of subparagraph (3) of paragraph (a) of this § 1405.66, plus a fair allowance for increases in the costs of importation over the importation costs which prevailed during March 1942.

(2) Within 10 days after the first delivery made pursuant to the first sale at a higher price permitted by this paragraph (b), the seller shall report such sale to the Office of Price Administration, Washington, D. C., stating:

(i) The name and address of the buyer;

(ii) The source and analysis of such ore and the uses for which the buyer purchased it;

(iii) The price and terms of sale;

(iv) The dates at which such ore was bought by the seller and at which it was imported into the continental United States;

(v) The price at which the person who imported such ore purchased it, the terms of his purchase, and the charges for freight, insurance and duties incurred by him in connection with such purchase;

(vi) The delivered cost to him of ore of the same kind and grade if he delivered, or offered such ore for delivery during March 1942; and

(vii) The maximum price to which the seller would have been limited under paragraph (a) of this § 1405.66, except for the provisions of this paragraph (b). If it would have been necessary for him to submit a price for approval pursuant to subparagraph (3) of paragraph (a), he shall so state.

(3) The Administrator will entertain no petition or application for amendment, adjustment, exception or other relief from the maximum prices established for any commodity made from or with imported battery or chemical manganese ores to the extent that such petition or application is based, directly or indirectly, on delivered costs of imported battery or chemical manganese ores, purchased by the petitioner or applicant pursuant to paragraph (b) of this § 1405.66, which are in excess of what the delivered costs would have been if the petitioner or applicant had purchased ores of equivalent grade at the maximum prices for such ores which are established by subparagraphs (1) and (2) of paragraph (a) of this § 1405.66, or which would have been approved by the Administrator pursuant to subparagraph (3) thereof.

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10847; Filed, October 26, 1942; 12:22 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 105 Under § 1499.3 (b) of GMPR]

STEGNER FOOD DISTRIBUTING CO.

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation—Order No. 105.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.969 *Authorization of a maximum price for sales of "Stegner's" Chili Con Carne with beans, packed 25 ounces in a glass jar, by Stegner Food Distributing Company, Cincinnati, Ohio by wholesalers and by retailers.* (a) On and after October 27, 1942, the maximum price for sale by Stegner Food Company of Cincinnati, Ohio, of "Stegner's" Chili Con Carne with beans shall be $2.65 per dozen of 25 ounce glass jars, delivered to buyer's stations.

(b) Sellers at wholesale shall determine their maximum delivered prices for "Stegner's" Chili Con Carne with beans in 25 ounce glass jars, by adding to their net cost a maximum profit margin of 20 percent of their net cost. The maximum prices so determined shall not exceed $3.18 per dozen of 25 ounce jars. Where a maximum price per dozen determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per dozen shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the wholesaler is permitted to increase his maximum price per dozen to the next higher cent.

Net cost for a wholesaler as mentioned in this paragraph shall be his invoice price for "Stegner's" Chili Con Carne with beans in 25 ounce glass jars delivered at the customary receiving point less all discounts allowed him, except discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

(c) Sellers at retail shall determine their maximum selling prices of "Stegner's" Chili Con Carne with beans in 25 ounce glass jars by adding to their net cost a maximum profit margin of 33⅓ percent of this net cost. The maximum prices so determined shall not exceed 35 cents for each 25 ounce jar. Where a maximum price per jar determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per jar shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the retailer is permitted to increase his maximum price per jar to the next higher cent.

Net cost for a retailer shall be his invoice price paid for "Stegner's" Chili Con Carne with beans delivered to his customary receiving point less all discounts allowed him except the discount for prompt payment. No charge or cost for unloading or local trucking shall be included. Net cost for a retailer shall be based on a purchase of a customary quantity of this type of item from his customary supplier and on the customary mode of transportation.

(d) All sellers shall apply to their maximum selling prices for "Stegner's" Chili Con Carne with beans in 25 ounce jars the same discounts, allowances and price differentials which they customarily apply to "Stegner's" Chili Con Carne with beans in 10½ ounce tins or (if "Stegner's" Chili Con Carne with beans was not sold) to comparable items.

(e) The Stegner Food Distributing Company shall distribute or cause to be distributed at the time of or before each initial sale to all purchasers from this Company of "Stegner's" Chili Con Carne with beans written notice as follows:

> The Office of Price Administration has authorized us by order to sell "Stegner's" Chili Con Carne with beans in 25 ounce glass jars at a maximum selling price of $2.65 per dozen, delivered at purchasers' station.
>
> The same Office of Price Administration order authorized wholesalers to determine their maximum delivered price of "Stegner's" Chili Con Carne with beans by adding to their net cost of this product a margin of profit of 20% of this net cost. Where a maximum price per dozen so determined is a fractional cent price and the fraction of a cent is less than one-half cent, the price per dozen shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the wholesaler is permitted to increase his maximum price per dozen to the next higher cent. Maximum prices determined by this procedure shall not exceed $3.18 per dozen of 25 ounce glass jars.
>
> Wholesaler's net cost shall be his invoice price for "Stegner's" Chili Con Carne with beans delivered at his customary receiving point less all discounts allowed, except discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.
>
> This order also requires us to print on, include in or securely attach to each shipping case of "Stegner's" Chili Con Carne with beans for a period of three months after the original offering, written notification to sellers at retail notifying them of the method for their determining their maximum selling prices of "Stegner's" Chili Con Carne with beans. You, as a wholesaler, are not required to give notification to retailers on full shipping case sales. However, you are required on any broken case sale, to provide the retailer with a copy of this retailer notification, if such broken case sale is an initial sale.
>
> You are required to keep this notice for examination.

(f) The Stegner Food Distributing Company shall print on, include in, or securely attach to each shipping case of "Stegner's" Chili Con Carne with beans for a period of three months after the initial offering of this product, written notice as follows:

> The Office of Price Administration has authorized for us a maximum selling price of "Stegner's" Chili Con Carne with beans.
>
> As a retailer, you are to determine your maximum selling price of "Stegner's" Chili Con Carne with beans by adding to your net cost of each size a margin of profit of 33⅓% of this net cost. Where a maximum price per jar so determined is a fractional cent price and the fraction of a cent is less than one-half cent, the price per jar shall be lowered to the next lower cent. If the fraction is one-half cent or larger, you are permitted to increase your price per jar to the next higher cent.
>
> Your maximum price so determined shall not exceed 35 cents per 25 ounce glass jar.
>
> Your net cost shall be your invoice price paid for "Stegner's" Chili Con Carne with beans delivered to your customary receiving point less all discounts allowed, except the discount for prompt payment. No charge or cost for unloading or local trucking shall be included. Your net cost shall be based on a purchase of a customary quantity of this type of item from your customary supplier and on the customary mode of transportation.
>
> You are required to keep this notice for examination.

(g) This Order No. 105 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 105 (§ 1499.969) shall become effective October 27, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10849; Filed, October 26, 1942; 12:22 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 106 Under § 1499.3 (b) of GMPR]

GASTRO FOOD COMPANY

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation—Order No. 106.

For the reasons set forth in an opinion issued simultaneously herewith,
It is ordered:

§ 1499.970 *Authorization of maximum prices for sales of "V–BO" Bouillon Paste by Gastro Food Company, by wholesalers and by retailers.* (a) On and after October 27, 1942, the maximum prices for sale by Gastro Food Company, 647 Hudson Street, New York City, New York, of "V–BO" Bouillon Paste shall be:

$8.60 per dozen of 16 ounce jars
$3.45 per dozen of 6 ounce jars
$1.90 per dozen of 2 ounce jars

delivered at purchaser's station.

(b) Sellers at wholesale shall determine their maximum delivered selling prices of "V–BO" Bouillon Paste by adding to their net cost of each size a maximum profit margin of 25 percent of this net cost. The maximum delivered prices so determined shall not exceed $10.75 per dozen of 16 ounce jars, $4.30 per dozen of 6 ounce jars and $2.35 per dozen of 2 ounce jars. Where a maximum price per dozen determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per dozen shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the wholesaler is permitted to increase his maximum price per dozen to the next higher cent.

Net cost for a wholesaler as mentioned in this paragraph shall be his invoice price for "V–BO" Bouillon Paste delivered at the customary receiving point less all discounts allowed him, except discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

(c) Sellers at retail shall determine their maximum selling prices of "V–BO" Bouillon Paste by adding to their net cost of each size a maximum profit margin of 40% of this net cost. The maximum prices so determined shall not exceed $1.25 for each 16 ounce jar, 50¢ for each 6 ounce jar, and 27¢ for each 2 ounce jar. Where a maximum price per jar determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per jar shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the retailer is permitted to increase his maximum price per jar to the next higher cent.

Net cost for a retailer shall be his invoice price paid for "V-BO" Bouillon Paste delivered to his customary receiving point less all discounts allowed him except the discount for prompt payment. No charge or cost for unloading or local trucking shall ever be included. Net cost for a retailer shall be based on a purchase of a customary quantity of this type of item from his customary supplier and on the customary mode of transportation.

(d) Wholesalers and retailers shall apply to their maximum selling prices for "V-BO" Bouillon Paste the same discounts, allowances and price differentials which they customarily apply to comparable items, unless a change in these customary discounts, allowances and price differentials results in lower selling prices.

(e) The Gastro Food Company shall distribute or cause to be distributed at the time of or before each initial sale to all purchasers from this Company of "V-BO" Bouillon Paste written notice as follows:

The Office of Price Administration has authorized us by order to sell "V-BO" Bouillon Paste in the following sizes at the following maximum price:

16 ounce jars at $8.20 per dozen
6 ounce jars at $3.45 per dozen
2 ounce jars at $1.90 per dozen

delivered at purchaser's station.

This same order authorizes wholesalers to determine their maximum delivered prices of "V-BO" Bouillon Paste by adding to their net cost of each size of this product a margin of profit of 25% of this net cost. Where a maximum price per dozen so determined is a fractional cent price and the fraction of a cent is less than one-half cent, the price per dozen shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the wholesaler is permitted to increase his maximum price per dozen to the next higher cent. Maximum prices determined by this procedure shall not exceed:

$10.75 per dozen of 16 ounce jars.
$4.30 per dozen of 6 ounce jars.
$2.35 per dozen of 2 ounce jars.

Wholesaler's net cost shall be his invoice price for "V-BO" Bouillon Paste delivered at his customary receiving point less all discounts allowed except discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

This order also requires us to print on, include in or securely attach to each shipping case of "V-BO" Bouillon Paste for a period of three months after the original offering written notification to sellers at retail notifying them of the method for their determining their maximum selling prices of "V-BO" Bouillon Paste. You, as a wholesaler, are not required to give similar notification to retailers on full shipping case sales. However, you are required on a broken case sale to provide the retailer with a copy of this retailer notification, if such broken case sale is an initial sale.

You are required to keep this notice for examination.

(f) The Gastro Food Company shall print on, include in or securely attach to each shipping case of "V-BO" Bouillon Paste for a period of three months after the initial offering of this product, written notice as follows:

The Office of Price Administration has authorized for us and for wholesalers maximum selling prices of "V-BO" Bouillon Paste.

As a retailer, you are to determine your maximum selling prices of "V-BO" Bouillon Paste by adding to your net cost of each size a margin of profit of 40% of this net cost. Where a maximum price per jar so determined is a fractional cent price and the fraction of a cent is less than one-half cent, the price per jar shall be lowered to the next lower cent. If the fraction is one-half cent or larger, you are permitted to increase your price per jar to the next higher cent.

Your maximum prices so determined shall not exceed:

$1.25 per 16 ounce jar.
50¢ per 6 ounce jar.
27¢ per 2 ounce jar.

Your net cost shall be your invoice price paid for "V-BO" Bouillon Paste delivered to your customary receiving point less all discounts allowed, except the discount for prompt payment. No charge or cost for unloading or local trucking shall be included. Your net cost shall be based on a purchase of a customary quantity of this type of item from your customary supplier and on the usual mode of transportation.

You are required to keep this notice for examination.

(g) This Order No. 106 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 106 (§ 1499.970) shall become effective October 27, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10850; Filed, October 26, 1942; 12:23 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 7 Under § 1499.3 (b) of GMPR]

DRY-PACK CORPORATION

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation—Order No. 107.

For the reasons set forth in an opinion issued simultaneously herewith,

It is ordered:

§ 1499.971 *Authorization of maximum prices for sales of "Dry-Pack" dehydrated soup mixes by Dry-Pack Corporation, by wholesalers and by retailers.* (a) On and after October 27, 1942, the maximum prices for sales by Dry-Pack Corporation, having its principal place of business at 420 Madison Avenue, New York City, New York, of "Dry-Pack" Dehydrated Soup Mixes shall be $1.10 per dozen packages of an item in Price Line (A) as described below and $.77½ per dozen packages of an item in Price Line (B) as described below. These prices shall include delivery to purchaser's station.

Price Line A consists of the following items:

"Dry-Pack" Cream of Potato Soup Mix in 2¼ ounce packages,
"Dry-Pack" Cream of Spinach Soup Mix in 2¼ ounce packages,
"Dry-Pack" French Onion Soup Mix in 1 ounce packages,
"Dry-Pack" Fresh Pea Soup Mix in 3 ounce packages.

Price Line B consists of the following items:

"Dry-Pack" Pepper-Corn Soup Mix in 2¼ ounce packages,
"Dry-Pack" Yellow Pea Soup Mix in 3 ounce packages,
"Dry-Pack" Vegetable Soup Mix in 1⅛ ounce packages,
"Dry-Pack" Russian Soup Mix (Bortsch) in 2⅛ ounce packages.

(b) Sellers at wholesale shall determine their maximum delivered selling prices of "Dry-Pack" Dehydrated Soup Mixes by adding to their net cost of each item a maximum profit margin of 20 percent of this net cost. The maximum delivered prices so determined shall not exceed $1.32 per dozen for any item in Price Line (A) described in paragraph (a) above and shall not exceed $.93 per dozen for any item in Price Line (B) described in paragraph (a) above. Where a maximum price per dozen determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per dozen shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the wholesaler is permitted to increase his maximum price per dozen to the next higher cent.

Net cost for a wholesaler as mentioned in this paragraph shall be his invoice price for an item of "Dry-Pack" Dehydrated Soup Mix delivered at his customary receiving point, less all discounts allowed him except discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

(c) Sellers at retail shall determine their maximum selling prices of "Dry-Pack" Dehydrated Soup Mix by adding to their net cost of each item a maximum profit margin of 33⅓ percent of this net cost. The maximum prices so determined shall not exceed 15 cents per package for any item in Price Line (A) described in paragraph (a) above and shall not exceed 10 cents per package for any item in Price Line (B) described in paragraph (a) above. Where a maximum price per package determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per package shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the retailer is permitted to increase his maximum price per package to the next higher cent.

Net cost for a retailer as mentioned in this paragraph shall be his invoice price for an item of "Dry-Pack" Dehydrated Soup Mix delivered to his customary receiving point less all discounts allowed him except the discount for prompt payment. No charge or cost for unloading or local trucking shall ever be included. Net cost for a retailer shall be based on a purchase of a customary quantity of this type of item from his customary supplier and on the customary mode of transportation.

(d) Wholesalers and retailers shall apply to their maximum selling prices for "Dry-Pack" Dehydrated Soup Mixes the same discounts, allowance and price differentials which they customarily apply to comparable items of dehydrated soup mixes, unless a change in these customary discounts, allowances and price differentials results in lower selling prices.

(e) Dry-Pack Corporation shall distribute or cause to be distributed at the time of or before each initial sale to all purchasers from this company of "Dry-Pack" Dehydrated Soup Mixes written notice as follows:

The Office of Price Administration has authorized us by order to sell "Dry-Pack" Dehydrated Soup Mixes for the following maximum prices delivered at purchaser's station:

PRICE LINE (A)

	Per dozen
"Dry-Pack" Cream of Potato Soup Mix	$1.10
"Dry-Pack" Cream of Spinach Soup Mix	1.10
"Dry-Pack" French Onion Soup Mix	1.10
"Dry-Pack" Fresh Pea Soup Mix	1.10

PRICE LINE (B)

"Dry-Pack" Pepper-Corn Soup Mix	.77½
"Dry-Pack" Yellow Pea Soup Mix	.77½
"Dry-Pack" Vegetable Soup Mix	.77½
"Dry-Pack" Russian Soup Mix (Bortsch)	.77½

The same order authorizes wholesalers to determine their maximum delivered prices of "Dry-Pack" Dehydrated Soup Mixes by adding to their net cost of each item a margin of profit of 20% of this net cost. Where a maximum price per dozen so determined is a fractional cent price and the fraction of a cent is less than one-half cent, the price per dozen shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the wholesaler is permitted to increase his maximum selling price per dozen to the next higher cent. Maximum prices determined by this procedure shall not exceed $1.32 per dozen for the items in Price Line (A) and shall not exceed $.93 per dozen for the items in Price Line (B).

Wholesalers' net cost shall be his invoice price paid for "Dry-Pack" Dehydrated Soup Mixes delivered at his customary receiving point less all discounts allowed except discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

This order also requires us to print on, include in or securely attach to each shipping case of "Dry-Pack" Dehydrated Soup Mix for a period of three months after the original offering written notification to sellers at retail notifying them of the method for their determining their maximum selling prices of "Dry-Pack" Dehydrated Soup Mixes. You, as a wholesaler, are not required to give similar notification to retailers with full shipping case sales. However, you are required on any broken case sale to provide the retailer with a copy of this retailer notification, if such broken case sale is an initial sale.

You are required to keep this notice for examination.

(f) The Dry-Pack Corporation shall print on, include in or securely attach to each shiping case of "Dry-Pack" Dehydrated Soup Mix for a period of three months after the initial offering of this product written notice as follows:

The Office of Price Administration has authorized for us and for wholesalers maximum selling prices of the following "Dry-Pack" Dehydrated Soup Mixes.

PRICE LINE (A)

"Dry-Pack" Cream of Potato Soup Mix
"Dry-Pack" Cream of Spinach Soup Mix
"Dry-Pack" French Onion Soup Mix
"Dry-Pack" Fresh Pea Soup Mix

PRICE LINE (B)

"Dry-Pack" Pepper-Corn Soup Mix
"Dry-Pack" Yellow Pea Soup Mix
"Dry-Pack" Vegetable Soup Mix
"Dry-Pack" Russian Soup Mix (Bortsch)

As a retailer, you are to determine your maximum selling prices of "Dry-Pack" Dehydrated Soup Mixes by adding to your net cost of each item a margin of profit of 33⅓% of this net cost. Where a maximum price per package so determined is a fractional cent price and the fraction of a cent is less than one-half cent, the price per package shall be lowered to the next lower cent. If the fraction is one-half cent or larger, you are permitted to increase your price per package to the next higher cent.

Your maximum prices so determined shall not exceed 15 cents per package for the items in Price Line (A) and shall not exceed 10 cents per package for the items in Price Line (B).

Your net cost shall be your invoice price paid for "Dry-Pack" Dehydrated Soup Mixes delivered to your customary receiving point less all discounts allowed except the discount for prompt payment. No charge or cost for unloading or local trucking shall be included. Your net cost shall be based on a purchase of a customary quantity of this type of item from your customary supplier and on the usual mode of transportation.

You are required to keep this notice for examination.

(g) This Order No. 107 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 107 (§ 1499.971) shall become effective as of October 27, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10851; Filed, October 26, 1942; 12:24 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 1 Under § 1499.18 (e) of GMPR]

ARTHUR A. FOGARTY—GREAT ATLANTIC & PACIFIC TEA CO.

Order No. 1 under § 1499.78 (e) of the General Maximum Price Regulation—Docket No. GF3-630.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1001 *Adjustment of maximum prices for contract carrier services sold by Arthur A. Fogarty.* (a) Arthur A. Fogarty, 8 West Street, Springfield, Massachusetts, may sell and deliver and the Great Atlantic and Pacific Tea Company, 130 Auckland Street, Dorchester, Massachusetts may buy and receive from said Arthur A. Fogarty contract carrier services at prices not more than 12½ per cent higher than the prices which prevailed for similar services received from said Arthur A. Fogarty during the month of March, 1942.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 1 (§ 1499.1001) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 1 (§ 1499.1001) shall become effective October 27, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10848; Filed, October 26, 1942; 12:22 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 149,[1] Amendment 2]

MECHANICAL RUBBER GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new § 1315.21a is added, as set forth below:

§ 1315.21a *Maximum prices for rubber horseshoe pads manufactured by the Dryden Rubber Company.* Notwithstanding any other provision of this Maximum Price Regulation No. 149, the maximum price of rubber horseshoe pads manufactured by the Dryden Rubber Company shall be determined as follows:

(a) Dryden Rubber Company of Chicago, Illinois, may sell and deliver and offer, agree, solicit, and attempt to sell and deliver the following sizes of rubber horseshoe pads, and any person may buy from the Dryden Rubber Company the following sizes of rubber horseshoe pads at prices no higher than those hereinafter set forth:

TABLE OF MAXIMUM PRICES

Size:	*Price per pair*
0	.28
1	.315
2	.34
2½	.355
3	.38
3½	.415
4	.435
4½	.45
5	.475
5½	.505
6	.525
7	.555
8	.58
9	.615
10	.65

(b) (1) Any wholesaler or retailer may sell and deliver and any purchaser from a wholesaler or retailer may buy and receive rubber horseshoe pads, manufactured by the Dryden Rubber Company, at the maximum price for the corresponding size of the Elk or Harlem brands of rubber horseshoe pads, manufactured by the Phoenix Manufacturing Company, or the Tobin, Junior or Vacuum Mule brands, manufactured by the Fruin Drop Forge Company, whichever is lower, (i) established for such seller or (ii), established for the most closely competitive seller of the same class, if, during March

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3889, 7173.

1942, the seller did not deliver or offer to deliver any of these brands.

(2) If the seller had no competitive seller of the same class who, during March 1942, delivered or offered to deliver any of the brands of rubber horseshoe pads, manufactured by companies other than Dryden Rubber Company, set forth in paragraph (b) (1), the maximum prices for sales and deliveries of rubber horseshoe pads, manufactured by the Dryden Rubber Company, by such seller shall be determined by adding to the maximum price for the particular size of such rubber horseshoe pads, as established by the General Maximum Price Regulation, the amount indicated in the following table:

Size:	*Amount to be added*
0	$0.00
1	.015
2	.04
2½	.045
3	.045
3½	.065
4	.065
4½	.07
5	.035
5½	.05
6	.055
7	.08
8	.07
9	.075
10	.09

(c) No seller shall change his customary allowances, discounts or other price differentials, unless such change shall result in a lower price.

(d) (1) Dryden Rubber Company shall notify each person to whom it sells rubber horseshoe pads of the modification of their maximum prices made by this section by sending him a copy of paragraphs (b), (c) and (d) (2) of this section;

(2) Every person who buys rubber horseshoe pads from the Dryden Rubber Company for resale shall advise in writing all persons (other than ultimate consumers) to whom they sell rubber horseshoe pads, manufactured by the Dryden Rubber Company, of the modification of the maximum prices for such resale permitted by this section. Such notification shall be made prior to the first delivery after October 26, 1942.

§ 1315.33a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1315.21a) to Maximum Price Regulation No. 149 shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–10855; Filed, October 26, 1942; 3:41 p. m.]

Part 1315—Rubber and Products and Materials of Which Rubber Is a Component

[RPS 87, as Amended,[1] Amendment 3]

SCRAP RUBBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1315.1263, Tables I, II and III in paragraph (a) and subdivisions (i) and (ii) of paragraph (e) (1) are amended, as follows:

§ 1315.1263 *Appendix A: Maximum prices for scrap rubber*—(a) *Chief consuming centers.* * * *

TABLE I

[Dollars per short ton]

Kind of scrap rubber	Maximum prices at consuming centers						
	Akron, Ohio	Buffalo, N. Y.	Naugatuck, Conn.	East St. Louis, Ill.	Memphis, Tenn.	Gadsden, Ala.	Los Angeles, Calif.
Pneumatic tire casings: [1]							
Mixed tires [2]	30.00	29.20	27.50	27.35	25.85	23.35	20.00
S. A. G. [3]	27.50	26.80	25.10	24.95	23.45	20.95	17.60
Beadless tires [4]	38.00	37.00	34.75	34.75	32.75	29.75	25.50
Tire dykes [5]	36.00	35.00	33.00	33.00	31.50	28.50	24.75
Solid tires [6]	34.00	33.50	31.50	31.00	29.50	27.00	23.50

[1] Pneumatic Tire Casings.—Shall consist of whole pneumatic tire casings and shall be free from bicycle tires, hard, oxidized, and non-pneumatic tires, and from leather and metal.

[2] Mixed Tires.—This kind shall consist of miscellaneous Pneumatic Tire Casings.

[3] S. A. G.—This kind shall consist of pieces of Mixed Tires from which the treads and beads have been removed but may contain sidewall rubber or beads from which the wire has been removed.

[4] Beadless Tires.—This kind shall consist of Mixed Tires from which the beads have been removed but which conform otherwise to the specifications for Mixed Tires.

[5] Tire Dykes.—This kind shall consist of Beadless Tires from which two or more layers of fabric have been removed.

[6] Solid Tires.—This kind shall consist of solid motor truck tires and shall be free from oxidized tires, metal, hard bases fibre bases and cloth bases.

TABLE II

Kind of scrap rubber	Maximum prices at consuming centers	
	Akron, Ohio; Buffalo, N. Y.; East St. Louis, Ill.; Gadsden, Ala.; Memphis, Tenn.; Naugatuck, Conn.	Los Angeles, Calif.
	Dollars per short ton	*Dollars per short ton*
No. 1 Peelings [1]	75.00	63.00
No. 2 Peelings [2]	47.50	35.50
No. 3 Peelings—(Bald Head Peelings) [3]	42.50	31.00
No. 1 Light colored carcass [4]	82.50	62.75
No. 2 Light colored carcass [5]	80.00	62.00
Gray carcass [6]	75.00	59.50
	Cents per pound	*Cents per pound*
Passenger tubes:		
No. 2 passenger tubes [8]	7¾	7¼
Light colored No. 2 passenger tubes [9]	8¼	7¾
Red passenger tubes [10]	7½	7
Black passenger tubes [11]	6¾	6¼
Mixed passenger tubes [12]	6½	6
Truck tubes: [13]		
No. 2 truck tubes [14]	7½	7
Red truck tubes [15]	7¼	6¾
Black truck tubes [16]	6½	6
Mixed truck tubes [17]	6¼	5¾
Two-toned black-gold tubes [18]	6¾	6¼
Two-toned red-black tubes [19]	6½	6
Miscellaneous inner tubes [20]	6	5½

[1] No. 1 Peelings.—This kind shall consist of treads stripped from Pneumatic Tire Casings. The material shall be free from fabric, metal, leather, and from hard, burnt or oxidized treads.

[2] No. 2 Peelings.—This kind shall consists of treads stripped from Pneumatic Tire Casings. The material may contain cushion rubber, breaker fabric and sidewalls, plus not more than one full ply of carcass fabric.

[3] No. 3 Peelings—(Bald Head Peelings).—This kind shall consist of No. 2 Peelings from which a part of the tread has been removed.

[4] No. 1 Light Colored Carcass.—This kind shall consist of all white zinc carcass fabric and shall be free from black edges and from any other colored rubber.

[5] No. 2 Light Colored Carcass.—This kind shall consist of light colored carcass fabric such as white, pink, light gray, pure gum and light brown carcass fabric, and shall be free from all dark colored rubber, from black edges and from black rubber.

[6] Gray Carcass.—This kind shall consist of colored carcass fabric too dark for delivery under No. 2 Light Colored Carcass, and shall be free from all black edges and from black rubber.

[7] Passenger Tubes.—Shall consist of inner tubes for pneumatic tire casings having six plies or less, and shall be free from puncture-proof tubes, from crusty and oxidized tubes, and from metal and punchings. All Passenger Tubes, except Mixed Passenger Tubes, shall be free from metal valves. All Passenger Tubes, except Mixed Passenger Tubes and Black Passenger Tubes, shall be free from black rubber valve cots and from the bases of such valves.

[8] No. 2 Passenger Tubes.—This kind shall consist of all Passenger Tubes except Black and Red Passenger Tubes.

[9] Light Colored No. 2 Passenger Tubes.—This kind shall consist of No. 2 Passenger Tubes specially selected as to color by agreement between the buyer and seller.

[10] Red Passenger Tubes.—This kind shall consist of strictly red Passenger Tubes.

[11] Black Passenger Tubes.—This kind shall consist of strictly black Passenger Tubes.

[12] Mixed Passenger Tubes.—This kind shall consist of Passenger Tubes of various colors and qualities.

[13] Truck Tubes.—Shall consist of inner tubes for pneumatic tire casings having seven plies or more, and shall be free from puncture proof tubes, from crusty and oxidized tubes, and from metal and punchings. All Truck Tubes, except Mixed Truck Tubes. shall be free from metal valves. All Truck Tubes, except Mixed Truck Tubes and Black Truck Tubes, shall be free from black rubber valve cots and from the bases of such valves.

[14] No. 2 Truck Tubes.—This kind shall consist of all Truck Tubes except Black and Red Truck Tubes.

[15] Red Truck Tubes.—This kind shall consist of strictly red Truck Tubes.

[16] Black Truck Tubes.—This kind shall consist of strictly black Truck Tubes.

[17] Mixed Truck Tubes.—This kind shall consist of Truck Tubes of various colors and qualities.

[18] Two-Toned Black-Gold Tubes.—This kind shall consist of two-toned black and gold Passenger or Truck Tubes.

[19] Two-Toned Red-Black Tubes.—This kind shall consist of two-toned red and black Passenger or Truck Tubes.

[20] Miscellaneous Inner Tubes.—This kind shall consist of all kinds of inner tubes for pneumatic tires, not elsewhere listed in Table II, and miscellaneous lots of any kinds of unsorted inner tubes for pneumatic tires.

TABLE III

Kind of scrap rubber	Maximum prices at all consuming centers
	Cents per pound
Black Mechanical Scrap, 1.15 or below [1]	5
Colored Mechanical Scrap, 1.10 or below [2]	10
Colored Mechanical Scrap, 1.30 or below [3]	5
Colored Mechanical Scrap, 1.50 or below [4]	4½
Colored Mechanical Scrap above 1.50 [5]	4
White or Colored Friction Scrap, Unprocessed [6]	10
Black or Mixed Friction Scrap, Unprocessed [7]	6
White or Colored Friction Scrap, Processed [8]	12½
Black or Mixed Friction Scrap, Processed [9]	8½
Other Unvulcanized Scrap Rubber, White or Colored [10]	18
Other Unvulcanized Scrap Rubber, Black or Mixed [11]	9
	Dollars per short ton
Black Mechanical Scrap, above 1.15 [12]	20.00
Buffings [13]	35.00
Bicycle Tires [14]	15.00
Passenger Tire Beads [15]	5.00
Truck Tire Beads [16]	7.00
Air Bags & Water Bags [17]	15.00
Air Brake Hose [18]	25.00
Miscellaneous Hose [19]	17.00
Mats & Matting [20]	15.00
Rubber Boots & Shoes [21]	33.00
No-mark Soles & Trimmings [22]	35.00
Black Soles & Trimmings [23]	32.00
Rubber Heels [24]	16.00
Miscellaneous Scrap Rubber [25]	15.00

[1] Black Mechanical Scrap, 1.15 or below.—This kind shall consist of all forms of black rubber articles, shall be free from fabric, metal, wood, and other extraneous materials, and shall have a specific gravity of 1.15 or below.

[2] Colored Mechanical Scrap, 1.10 or below.—This kind shall consist of all forms of white or colored rubber articles, shall be free from fabric, metal, wood, and other extraneous materials, and shall have a specific gravity of 1.10 or below.

[3] Colored Mechanical Scrap, 1.30 or below.—This kind shall consist of all forms of white or colored rubber articles, shall be free from fabric, metal, wood, and other extraneous materials, and shall have a specific gravity above 1.10 and not exceeding 1.30.

[4] Colored Mechanical Scrap, 1.50 or below.—This kind shall consist of all forms of white or colored rubber articles, shall be free from fabric, metal, wood, and other extraneous materials, and shall have a specific gravity above 1.30 and not exceeding 1.50.

[5] Colored Mechanical Scrap above 1.50.—This kind shall consist of all forms of white or colored rubber articles, shall be free from fabric, metal, wood, and other extraneous materials, and shall have a specific gravity of more than 1.50.

[6] White or Colored Friction Scrap, Unprocessed.—This kind shall consist of white or colored unvulcanized factory scrap containing fabric.

[7] Black or Mixed Friction Scrap, Unprocessed.—This kind shall consist of black unvulcanized factory scrap containing fabric, but may include white or colored unvulcanized factory scrap.

[8] White or Colored Friction Scrap, Processed.—This kind shall be the same as No. 6 except that it must be processed in accordance with standard trade practice.

[9] Black or Mixed Friction Scrap, Processed.—This kind shall be the same as No. 7, except that it must be processed in accordance with standard trade practice.

[10] Other Unvulcanized Scrap Rubber, White or Colored.—This kind shall consist of white or colored unvulcanized scrap rubber, and shall be free from fabric and from all extraneous materials.

[11] Other Unvulcanized Scrap Rubber, Black or Mixed.—This kind shall consist of black unvulcanized scrap rubber, and shall be free from fabric and from all extraneous materials, but may include white or colored unvulcanized scrap rubber.

[12] Black Mechanical Scrap, above 1.15.—This kind shall consist of all forms of black rubber articles, shall be free from fabric, metal, wood, and other extraneous materials, and shall have a specific gravity above 1.15.

[13] Buffings.—This kind shall consist of buffings from tires or rubber stocks comparable in quality to tires, and shall be commercially clean.

[14] Bicycle Tires.—This kind shall consist of bicycle tires, with or without beads, and shall be free from oxidized tires and metal valves.

[15] Passenger Tire Beads.—This kind shall consist of the beads of all motor car tires having six plies or less.

[16] Truck Tire Beads.—This kind shall consist of the beads of all motor car tires having seven or more plies.

[17] Air Bags and Water Bags.—This kind shall consist of air bags or water bags and shall be free from metal and from burnt, cracked rubber.

[18] Air Brake Hose.—This kind shall consist of railroad air brake hose and shall be free from steam hose or any other kind of hose.

[19] Miscellaneous Hose.—This kind shall consist of all types of rubber hose except Air Brake Hose and shall be free from metal, rags, and rope.

[20] Mats and Matting.—This kind shall consist of all types of rubber mats and matting, and shall be free from metal, rags, and rope.

[21] Rubber Boots and Shoes.—This kind shall consist of rubber boots and shoes, untrimmed arctics, and tennis shoes, including black, white or colored boots and shoes, both top shoes and gaiters, and light all-rubber gaiters. It shall be free from leather.

[22] No-Mark Soles and Trimmings.—This kind shall consist of rubber soles, and the trimmings from rubber soles, made from white or light colored stock but shall be free from black rubber stock, metal, leather, wood, and other extraneous materials.

[23] Black Soles and Trimmings.—This kind shall consist of rubber soles, and the trimmings from rubber soles, made from black rubber stock and shall be free from metal, leather, wood, and other extraneous materials.

[24] Rubber Heels.—This kind shall consist of rubber heels with or without nails and shall be free from leather.

[25] Miscellaneous Scrap Rubber.—This kind shall consist of miscellaneous unsorted rubber articles and articles not elsewhere classified in Tables I, II or III.

(e) *Packing.* (1) * * *

(i) Mixed and beadless tires, solid tires and bicycle tires may be shipped bundled or loose in cars.

(ii) All other kinds of scrap rubber shall be packed in bags, bales or bundles, with each kind packed separately. Each bale or bundle shall weigh not less than 500 pounds nor more than 1500 pounds and shall be well and securely bound.

* * * * *

§ 1315.1262 *Effective dates of amendments.* * * *

(d) Amendment No. 3 (§ 1315.1263 (a) and (e) (1)) to Revised Price Schedule No. 87, as amended, shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–10857; Filed, October 26, 1942; 3:38 p. m.]

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[1] 7 F.R. 4781, 5177, 6002.

*Copies may be obtained from the Office of Price Administration.

Part 1315—Rubber and Products and Materials of Which Rubber Is a Component

[MPR 229,[1] Amendment 2]

RETAIL AND WHOLESALE PRICES FOR VICTORY LINE WATERPROOF RUBBER FOOTWEAR

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new sentence is added to § 1315.1702, as set forth below:

§ 1315.1702 *Maximum retail and wholesale prices for Victory line footwear.* * * *

A seller to whom unserviceable footwear is surrendered by a buyer in accordance with Ration Order No. 6, issued by the Office of Price Administration, is not required to make any deduction from the maximum price determined in accordance with § 1315.1703 or § 1315.1704 of this regulation for the footwear sold to such buyer.

§ 1315.1712a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1315.1702) to Maximum Price Regulation No. 229 shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–10856; Filed, October 26, 1942; 3:43 p. m.]

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[1] 7 F.R. 7740.

Part 1340—Fuel

[RPS 88,[1] Amendment 36]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subdivision (viii) set forth in § 1340.159 (c) (1) as amended by Amendment No. 24 is hereby made effective as of February 2, 1942. A new subdivision (x) is added to § 1340.159 (c) (1) as follows:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(c) *Specific prices.* * * *

(1) *Crude petroleum.* * * *

(x) *Texas.* Effective February 2, 1942 the maximum price at the receiving tank for crude distillate of 50° gravity and above produced from the Partlow lease, Hardin field, Liberty County, Texas, shall be $1.53 per barrel.

§ 1340.158a *Effective dates of amendments.* * * *

(jj) (1) The provisions of § 1340.159 (c) (1) (viii) added by Amendment No. 24 shall become effective as of February 2, 1942. (2) Amendment No. 36 (§§ 1340.159 (c) (1) (viii) and 1340.159 (c) (1) (x) to Revised Price Schedule No.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1107, 1371, 1798, 1799, 1886, 2132, 2304, 2452, 2634, 2945, 3116, 3482, 3524, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 5988, 6957, 6167, 6471, 6680, 7242, 7838, 8433, 8478.

88) shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871).

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10858; Filed, October 26, 1942; 3:41 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS

[RPS 53[1] Amendment 13]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new paragraph (f) is added to § 1351.151 as set forth below:

§ 1351.151 *Maximum prices for fats and oils.* * * *

(f) The purchase of oil-bearing materials from a processor who is to process the oil-bearing materials for the purchaser is forbidden, if the combined cost of (1) the oil-bearing materials and (2) the processing toll exceeds the maximum price established by Revised Price Schedule No. 53 for the type and quantity of oil produced from the oil-bearing materials. If the meal or other by-products produced from the oil-bearing materials are to be retained by the processor, the value of the meal or other by-product retained must be considered in determining the cost of the processing toll.

* * * * *

§ 1351.159 *Effective dates of amendments.* * * *

(m) Amendment No. 13 (§ 1351.151 (f)) to Revised Price Schedule No. 53 shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10859; Filed, October 26, 1942; 3:41 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RPS 53,[1] Amendment 14]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subdivisions (i), (iii), (ix), (x) and (xi) of § 1351.151 (b) (8) are amended, and inferior subdivisions (*m*), (*n*), (*o*) and (*p*) are added to § 1351.151 (b) (8) to read as set forth below:

§ 1351.151 *Maximum prices for fats and oils.* * * *

(b) * * *

(8) * * *

(i) *Chicago and East St. Louis basing points area.* This area shall include that part of the continental United States east of the Mississippi River and north of the northern boundaries of Tennessee and North Carolina, except Minnesota. Chicago and East St. Louis basing points maximum prices: * * *

(iii) *Multiple basing point area.* This area shall include that part of the continental United States west of the Mississippi River and all of the State of Minnesota. Basing points shall be as follows: * * *

(ix) The maximum prices for processors, established by § 1351.151 (b) (8), (i), (ii) and (iii) of this schedule, are maximum prices for carload sales of a lard commodity or combination of lard commodities where such carload is sold to one buyer and shipped in one shipment whether a through car shipment, single destination, or a stop-over joint car shipment, more than one destination.

(x) The processor's maximum price for less than carload sales shall be the processor's maximum delivered price at the community of sale, as established by § 1351.151 (b) (8) (i), (ii) and (iii) of this schedule, plus ¾ cent per pound.

(xi) Section 1351.151 (b) (8) (ix) and (x) shall apply whether the sale is made direct or through branch house or car-route activity or similar form of selling, so long as such selling unit is processor-owned or operated.

(xii) * * *

(*m*) "Tare" means 15% of the packing house product freight rate, whether carload sale or less than carload sale and regardless of package or type of lard.

(*n*) "Packing house product freight rate" means the packing house product freight rate, published in public tariffs for minimum 30,000 pound weight packing house products (except canned meats) or if no rate for 30,000 pound minimum weight same class is available the nearest minimum weight carload established for same class shall apply in computing maximum prices under § 1351.151 (b) (8) of this schedule.

(*o*) "Community of sale" means that point at which the purchaser from the processor resells the lard so purchased, regardless of the point at which actual delivery of the lard from the processor to the purchaser takes place.

(*p*) "The maximum price delivered" means the maximum price delivered at the community of sale, as established by § 1351.151 (b) (8) (i), (ii) and (iii), regardless of the method of shipment and regardless of the point at which actual delivery of the lard from the processor to the purchaser takes place. It also means the actual dollars and cents figure, as computed decimally under § 1351.151 (b) (8), and no higher price may be charged, although the processor may adjust this maximum price downward to the next nearest eighth of a cent or lower figure, if he so desires.

* * * * *

§ 1351.159 *Effective date of amendments.* * * *

(n) Amendment No. 14 (§ 1351.151 (b) (8) (i), (iii), (ix), (x), (xi) and (xii) to Revised Price Schedule No. 53 shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10860; Filed, October 26, 1942; 3:39 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 249]

SALES OF CERTAIN SEASONAL FOOD PRODUCTS AT WHOLESALE

Mincemeat
Plum pudding
Fig pudding
Date pudding
Christmas cookies
Fruit cake
Holiday candy
Chocolate covered cherries
Sweet apple cider
Glaced or candied fruits and peels
Stuffed dried fruits
Dried figs
Pure sorghum syrup
Pitted and macerated dates and date products

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for the sale at wholesale of certain seasonal food products which were not generally sold at wholesale during March 1942.

The maximum prices established by this Maximum Price Regulation No. 249 are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 249 has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 249 is hereby issued.

Sec.
1351.751 Applicability of this Maximum Price Regulation No. 249.
1351.752 Prohibition against selling or buying at prices higher than those established.
1351.753 How a wholesaler calculates his maximum prices for seasonal food products listed in Appendix A.
1351.754 Maximum prices cannot be changed.
1351.755 Maximum prices must be listed.
1351.756 Maximum prices where rules of § 1351.753 cannot be applied.
1351.757 Fractions of cents.
1351.758 Applicability of the General Maximum Price Regulation and other Maximum Price Regulations.
1351.759 Evasion.
1351.760 Enforcement.
1351.761 Export sales.
1351.762 Definitions.
1351.763 Effective date.
1351.764 Appendix A: List of seasonal food products.

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*Copies may be obtained from Office of Price Administration.

[1] 7 F.R. 1309, 1836, 2132, 3430, 3821, 4229, 4294, 4484, 5605, 7665, 7666, 7977, 8204.

Sec.
1351.765 Appendix B: Form for listing maximum prices computed under this Maximum Price Regulation No. 249.

AUTHORITY: §§ 1351.751 to 1351.765, inclusive, issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1351.751 *Applicability of this Maximum Price Regulation No. 249*—(a) *What commodities may be priced under this Maximum Price Regulation No. 249.* This Maximum Price Regulation No. 249 applies only to the particular seasonal food products listed in Appendix A (§ 1351.764) of this Maximum Price Regulation No. 249.

(b) *To what types of sellers this Maximum Price Regulation No. 249 applies.* This Maximum Price Regulation No. 249 applies only to sellers at wholesale of seasonal food products (hereinafter referred to as wholesalers).

(c) *Geographical applicability of this Maximum Price Regulation No. 249.* This Maximum Price Regulation No. 249 applies to the continental United States and the District of Columbia, but not to the territories and possessions of the United States.

§ 1351.752 *Prohibition against selling and buying at higher than maximum prices.* On and after October 26, 1942, the date this Maximum Price Regulation No. 249 takes effect, regardless of any contract or obligation, no person is permitted to sell or deliver at wholesale any item of the seasonal food products listed in § 1351.754, Appendix A, at a price which is higher than the maximum price established by this Maximum Price Regulation No. 249, and no person is permitted to buy or receive any item of these seasonal food products from a wholesaler in the course of trade or business at a price which is higher than that maximum price. Lower prices than the maximum prices may be charged and paid.

§ 1351.753 *How a wholesaler calculates his maximum price for seasonal food products listed in Appendix A.* The wholesaler shall calculate his maximum price for each item of a seasonal food product (that is, for each kind, style or type, grade, brand, container type and size) listed in Appendix A as follows:

(a) *The maximum price rule.* The wholesaler shall first find his "net cost" of the item of the seasonal food product he is pricing. He must then multiply that "net cost" by his "1941 percentage markup". The meanings of "net cost" and "1941 percentage markup" are explained in paragraphs (b) and (c) which follow.

(b) *The meaning of "net cost".* "Net cost" as used in the maximum price rule above means the amount the wholesaler paid for the item delivered at his customary receiving point less all discounts and all allowances allowed him, except the discount for prompt payment. No charge or cost for local unloading or local trucking shall be included in "net cost". "Net cost" shall be based on the first lot delivered to the wholesaler after August 1, 1942 of a customary quantity from a customary supplier and by the customary mode of transportation: *Provided,* that if the cost to the wholesaler of a seasonal food product is adjusted by any regulation issued after August 1, 1942, by the Office of Price Administration, then "net cost" shall be based on the first lot delivered to the wholesaler at prices subject to the new regulation.

(c) *The meaning of "1941 percentage markup".* The percentage which the wholesaler shall use as his "1941 percentage markup" depends upon whether or not in 1941 he sold the same item of the seasonal food product being priced:

(1) *If the wholesaler did sell the item being priced during 1941,* he shall:

(i) Select the class of purchasers to whom he made the largest proportion of total sales of all merchandise during 1941, then

(ii) Take the price at which he made the first sale of the item being priced to a customer in this class out of stocks received after January 1, 1941, and

(iii) Divide this price by his net cost[1] of the item in the first shipment received in 1941.

The resulting figure is the wholesaler's "1941 percentage markup" for that class of purchasers.

(2) *If the wholesaler did not sell the item being priced during 1941, but did sell another item of the same seasonal food product,* he shall use his "1941 percentage markup" calculated as in (c) (1) above, on the largest volume item of that seasonal food product which he did sell during 1941.

(d) *Prices for other classes of purchasers.* If a wholesaler had a practice during March, 1942 of giving to different classes of purchasers, allowances, discounts or other price differentials, he shall add to or subtract from the maximum price he has set for the particular class of purchasers under paragraph (c) as follows: (1) For each class to whom the wholesaler customarily sells at higher prices, he adds to the maximum price first calculated the amount of his customary percentage increase and thus obtains the maximum price for that class. (2) For each class to whom the wholesaler customarily sells at a lower price, he subtracts from the maximum price first calculated the amount of his customary percentage discount and thus obtains the maximum price for that class.

(e) *If the wholesaler did not sell any item of that seasonal food product during 1941,* his maximum price for any item of a seasonal food product listed in Appendix A shall be the same as the maximum price determined under this Maximum Price Regulation No. 249 for that item by his most closely competitive seller of the same class to the same class of purchasers, or if this competitor has not established a maximum price for the same item, his maximum price determined for a similar item. A similar item is one which is of the same kind, quality and quantity and would ordinarily sell in the same price line as the item being priced.

§ 1351.754 *Maximum prices cannot be changed.* Once established, a maximum price determined under this Maximum Price Regulation No. 249 may not be changed except with the written permission of a district, state or regional office of the Office of Price Administration, in cases of clerical error or other formal mistakes. A wholesaler's maximum price is "established" as soon as he has listed a price for an item in accordance with § 1351.755, or has disclosed it by offer of sale or notice of any kind.

§ 1351.755 *Maximum prices must be listed.* Before making any sales of any seasonal food product covered by this Maximum Price Regulation No. 249, every wholesaler shall list in writing his maximum prices for that seasonal food product on a form similar to the form set out in Appendix B (§ 1351.765), and shall preserve this form for examination by the Office of Price Administration. In addition to the records required by § 1499.11 of the General Maximum Price Regulation, every wholesaler shall keep all records and invoices from which he calculated his maximum prices under this Maximum Price Regulation No. 249 for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

§ 1351.756 *Maximum prices where rules of § 1351.753 cannot be applied.* If a wholesaler cannot determine his maximum price for any item of a seasonal food product under the provisions of § 1351.753 he shall file an application with the appropriate Regional Office of the Office of Price Administration setting forth (a) a description in detail of the item of a seasonal food product for which a maximum price is sought; (b) a statement of the reasons why the maximum price cannot be determined under the provisions of § 1351.753; (c) a statement of the nature of applicant's business, pricing methods and customary markups on comparable items; and (d) a request that a maximum price be established for that item of that seasonal food product for applicant.

§ 1351.757 *Fractions of cents.* If the calculation of a maximum price for a customary unit of sale, i. e., case, carton, dozen, etc., under this regulation results in a fraction of less than one-half cent, the maximum price shall be reduced to the nearest lower cent; if the calculation results in a fraction of one-half cent or more, it shall be increased to the nearest higher cent.

§ 1351.758 *Applicability of the General Maximum Price Regulation and other Maximum Price Regulations.* The provisions of this Maximum Price Regulation No. 249 supersede the provisions of the General Maximum Price Regulation or any other applicable price regulation, order or supplementary regulation issued by the Office of Price Administration with respect to sales and deliveries of the seasonal food products listed in Appendix A (§ 1351.764). However, the following sections of the General Maximum Price Regulation, as well as the amendments to them, shall continue to be applicable to every wholesaler selling such seasonal food product:

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[1] Net cost in 1941 shall be defined as in paragraph (b) of § 1351.753, except that it shall be based on the first shipment received during 1941.

(a) *Transfers of business or stock in trade* (§ 1499.5).
(b) *Federal and state taxes* (§ 1499.7).
(c) *Base-period records* (§ 1499.11).
(d) *Current records* (§ 1499.12).
(e) *Sales slips and receipts* (§ 1499.14).
(f) *Registration* (§ 1499.15).
(g) *Licensing* (§ 1499.16).
(h) *Definitions* (§ 1499.20).

§ 1351.759 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 249 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any of the commodities covered by this Maximum Price Regulation No. 249, alone or in conjunction with any other commodity or by way of any commission, service, transportation or other trade understanding, or by calculating "net cost" on purchases from non-customary suppliers, purchases by non-customary modes of transportation, or otherwise.

§ 1351.760 *Enforcement.* Any person violating a provision of this Maximum Price Regulation No. 249, is subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

§ 1351.761 *Export sales.* The maximum prices at which a person may export any commodity covered by this Maximum Price Regulation No. 249 shall be determined in accordance with the provisions of the Revised Maximum Export Regulations[2] issued by the Office of Price Administration.

§ 1351.762 *Definitions.* (a) When used in this Maximum Price Regulation No. 249 the terms:

(1) "Wholesaler" means any purchaser of a seasonal food product for resale who, without substantially changing its form, resells the seasonal food product other than as a retailer.

(2) "Retailer" means any purchaser for resale of a seasonal food product who, without substantially changing its form, resells the seasonal food product to an ultimate consumer other than an industrial, institutional or commercial user.

(3) "Item" means any kind, style or type, grade, brand, container type and size.

(4) "Christmas cookies" means novelty cookies baked from special formulae or baked in special shapes, exclusively for the Holiday Season which begins with Thanksgiving and ends with New Year's Day.

(5) "Fruit cake" means cake baked for sale primarily during the Holiday Season which begins with Thanksgiving Day and ends New Year's Day, the ingredients of which cake include a large portion of dried fruits, glaced fruits, nuts, and spices.

(6) "Holiday candy" means any candy which is manufactured and marketed specifically for such holidays or festivals as the following: St. Valentine's Day, Washington's Birthday, St. Patrick's Day, Easter, Mother's Day, Fourth of July, Halloween, Thanksgiving, and Christmas, and the form, color, or style of which definitely identifies it with the particular holiday or festival to the extent that such candies cannot readily be sold after the special occasion for which they were made.

(7) "Pure sorghum syrup" means the juice from sorghum cane evaporated to a syrup consistency.

(8) "Pitted dates" means domestic or imported dates, from which the pits have been removed, but which otherwise remain whole.

(9) "Macerated dates" means domestic or imported dates from which the pits have been removed and which have been cut into two or more pieces or have been chopped, sliced or ground.

(10) "Date products" means any product containing ninety per cent or more by weight of macerated domestic or imported dates combined with other ingredients.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

§ 1351.763 *Effective date.* This Maximum Price Regulation No. 249 (§§ 1351.751 to 1351.765, inclusive) shall become effective October 26, 1942.

§ 1351.764 *Appendix A: List of seasonal food products.* Any food commodity that falls within any of the following classifications is designated as a seasonal food product:

(a) Mincemeat.
(b) Plum pudding.
(c) Fig pudding.
(d) Date pudding.
(e) Christmas cookies.
(f) Fruit cake.
(g) Holiday candy.
(h) Chocolate covered cherries.
(i) Sweet apple cider.
(j) Glaced or candied fruits and peels.
(k) Stuffed dried fruits.
(l) Dried figs.
(m) Pure sorghum syrup.
(n) Pitted and macerated dates and date products.

§ 1351.765 *Appendix B: Form for listing maximum prices computed under this Maximum Price Regulation No. 249.* The wholesaler is required to keep a list of his maximum prices for seasonal food products, together with the information which he used in calculating his maximum prices. The following form is suggested for such listing:

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

Recommended Wholesaler's Form For Recording Maximum Prices Computed on Certain Seasonal Food Products Authorized in MPR 249

Do not file this form with OPA.
Keep in your place of business for inspection at any time.

Name of wholesaler .... Street address .... City .... State ....

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Date of calculating new ceiling price	Commodity, description (name, brand, weight, or container size)	Name of supplier	Net cost first lot	1941 opening sale price	Percentage mark-up used	1942 maximum price
10/25/42	A. Star Apple Cider ½-gal. jug	Star Apple Co., Inc.	$2.10		1.10	$2.31
	B. Star Apple Cider ½-gal. jug	Star Apple Co., Inc.	$1.80	$1.98	1.10	
	A.					
	B.					
	A.					
	B.					

INSTRUCTIONS TO WHOLESALERS IN PREPARING RECOMMENDED FORM FOR RECORDING MAXIMUM PRICES COMPUTED ON SEASONAL FOOD PRODUCTS

Prices shown on this form should apply to the wholesaler's largest class of customers.

Attach a statement to the form showing customary allowances, discounts or price differentials in effect during March, 1942.

Two horizontal lines, A and B, should be used on the form for each item. *Line A* should show the information regarding the new item offered in the 1942 holiday season. *Line B* should show the corresponding information for the corresponding item offered in the 1941 season.

Column 1. Date of Calculating New Ceiling Price. Write the date you calculate your ceiling price for this item. *You can make no sales until you have calculated your new price and made this entry.*

Column 2. Commodity Description. Write the name of the item and weight or container size. Also show any other information affecting price, such as brand, package, type, etc.

Column 3. Name of Supplier. Write the name of the processor or distributor from whom you first received this item each season.

Column 4. Net Cost of First Lot. Write the net cost for the first shipment you received at the beginning of the 1941 and 1942 seasons. "Net cost" means the price you paid delivered at your customary receiving point, less all discounts, except discount for prompt payment. See § 1351.753.

Column 5. Opening Sale Price. Write the price at which you made your first sale of

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[2] 7 F.R. 5059, 7242.

this item in the 1941 holiday season to the customer shown in column 6, line B. (Leave line A, 1942, blank.)

> *Important.*—For column 5. The 1941 sale to which you refer must be *the first sale to a customer in your largest class of customers.* For example, if you do a cash and carry business, but you have a few customers to whom you offer delivery service, you must refer to your first cash and carry sale in the 1941 season, even though you sold to some of your "delivery" customers before making a sale to a "cash and carry" customer.

Column 6. Percentage Mark-Up Used. Divide your 1941 selling price for this item (col. 5) by your 1941 net cost (col. 4, line B) and show this mark-up in col. 6, line B. Show this same figure in col. 6, line A.

Column 7. 1942 Maximum Price. Multiply the percentage mark-up shown in col. 6, line A by the 1942 net cost shown in col. 4, line A. The figure so obtained will be your 1942 maximum price. (Leave line B, 1941, blank.)

If the maximum price is determined by using a competitor's 1942 ceiling price, show the following information:

Line A. Fill out as explained above.

Line B. Show the date of calculating the price in column 1; write a description of the commodity your competitor stocks in column 2; write your competitor's name and address in column 3 and his maximum price in column 7.

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10861; Filed, October 26, 1942; 3:39 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 250]

SALES OF CERTAIN SEASONAL FOOD PRODUCTS AT RETAIL

Mincemeat
Plum pudding
Fig pudding
Date pudding
Christmas cookies
Fruit cake
Holiday candy
Chocolate covered cherries
Sweet apple cider
Glaced or candied fruits and peels
Stuffed dried fruits
Dried figs
Pure sorghum syrup
Pitted and macerated dates and date products

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for the sale at retail of certain seasonal food products which were not generally sold at retail during March 1942.

The maximum prices established by this Maximum Price Regulation No. 250 are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 250 has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 250 is hereby issued.

Sec.

1351.851 Applicability of this Maximum Price Regulation No. 250.
1351.852 Purpose.
1351.853 Prohibition against selling or buying at prices higher than those established.
1351.854 How a retailer calculates his maximum prices for seasonal food products listed in Appendix A.
1351.855 Maximum prices cannot be changed.
1351.856 Records required; maximum prices must be added to base-period records.
1351.857 Maximum prices where rules of § 1351.854 cannot be applied.
1351.858 Fractions of cents.
1351.859 Applicability of the General Maximum Price Regulation and other Maximum Price Regulations.
1351.860 Evasion.
1351.861 Enforcement.
1351.862 Export sales.
1351.863 Definitions.
1351.864 Effective date.
1351.865 Appendix A: List of seasonal food products.

AUTHORITY: §§ 1351.851 to 1351.865, inclusive, issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1351.851 *Applicability of this Maximum Price Regulation No. 250*—(a) *What commodities may be priced under this Maximum Price Regulation No. 250.* This Maximum Price Regulation No. 250 applies only to the particular seasonal food products listed in Appendix A (§ 1351.865) of this Maximum Price Regulation No. 250.

(b) *To what types of sellers this Maximum Price Regulation No. 250 applies.* This Maximum Price Regulation No. 250 applies only to sellers at retail of seasonal food products (hereinafter referred to as retailer).

(c) *Geographical applicability of this Maximum Price Regulation No. 250.* This Maximum Price Regulation No. 250 applies to the continental United States and the District of Columbia, but not to the territories and possessions of the United States.

§ 1351.852 *Purpose.* The purpose of this Maximum Price Regulation No. 250 is to permit a retailer to take the same percentage markup on certain seasonal food products sold after the effective date of this regulation as he obtained on the same items in 1941.

§ 1351.853 *Prohibition against selling and buying at higher than maximum prices.* On and after October 26, 1942, the date this Maximum Price Regulation No. 250 takes effect, regardless of any contract or obligation, no person is permitted to sell or deliver at retail any item of the seasonal food products listed in § 1351.865, Appendix A, at a price which is higher than the maximum price established by this Maximum Price Regulation No. 250, and no person is permitted to buy or receive any item of these seasonal food products from a retailer in the course of trade or business at a price which is higher than that maximum price. Lower prices than the maximum prices may be charged and paid.

§ 1351.854 *How a retailer calculates his maximum price for seasonal food products listed in Appendix A.* The retailer shall calculate his maximum price for each item of a seasonal food product (that is, for each kind, style or type, grade, brand, container type and size) listed in Appendix A as follows:

(a) *The maximum price rule.* The retailer shall first find his "net cost" of the item of the seasonal food product he is pricing. He must then multiply that "net cost" by his "1941 percentage markup." The meanings of "net cost" and "1941 percentage markup" are explained in paragraphs (b) and (c) which follow.

(b) *The meaning of "net cost".* "Net cost" as used in the maximum price rule above means the amount the retailer paid for the item delivered at his customary receiving point less all discounts and all allowances allowed him, except the discount for prompt payment. No charge or cost for local unloading or local trucking shall be included in "net cost." "Net cost" shall be based on the first lot delivered to the retailer after August 1, 1942 of a customary quantity from a customary supplier and by the customary mode of transportation: *Provided*, That if the cost to the retailer of a seasonal food product is adjusted by any regulation issued after August 1, 1942, by the Office of Price Administration, then "net cost" shall be based on the first lot delivered to the retailer at prices subject to the new regulation.

(c) *The meaning of "1941 percentage markup".* The percentage which the retailer shall use as his "1941 percentage markup" depends upon whether or not in 1941 he sold the same item of the seasonal food product being priced:

(1) *If the retailer did sell the item being priced during 1941*, he shall:

(i) Take the price at which he made the first sale of the item being priced, out of stocks received after January 1, 1941 and

(ii) Divide this price by his net cost[1] of the item in the first shipment received in 1941.

The resulting figure is the retailer's "1941 percentage markup." This is the figure by which the retailer should multiply his 1942 "net cost" to arrive at his ceiling price.

Example: A retailer purchases from his supplier a shipment of Blank brand of plum pudding at a net cost of 24 cents per package in November 1942. Last year he made his first purchase of Blank plum pudding at a net cost of 20 cents per package and his first sales were made at a retail price of 25 cents.

He shall find his 1942 ceiling price for Blank plum pudding as follows:

(*a*) He divided 25 cents (his 1941 opening retail price) by 20 cents (his net cost on the first shipment received in 1941).

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*Copies may be obtained from the Office of Price Administration.

[1] Net cost in 1941 shall be defined as in paragraph (b) of § 1351.854, except that it shall be based on the first shipment received during 1941.

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         1.25
    20) 25.00
        20
        --
         50
         40
         --
         100
         100
         ---
```

The resulting figure of 1.25 is his "1941 percentage markup" over net cost.

(*b*) He multiplies 24 cents (his 1942 net cost) by 1.25 (his "1941 percentage markup")

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         $.24
         1.25
         ----
          120
          48
         24
        -----
        .3000
```

(*c*) 30 cents is his 1942 ceiling price.

(2) *If the retailer did not sell the item being price during 1941, but did sell another item of the same seasonal food product,* he shall use his "1941 percentage markup" calculated as in (c) (1) above, on the largest volume item of that seasonal food product which he did sell during 1941.

(d) *Adjustment of maximum prices for different classes of purchasers.* If a retailer had a practice during March 1942 of giving to different classes of purchasers allowances, discounts or other price differentials, he is required to reduce his maximum price calculated for any food product by the amount of such allowances, discounts or price differentials. No retailer shall change his customary allowances, discounts and price differentials if the change results in a higher net price.

(e) *If the retailer did not sell any item of that seasonal food product during 1941,* his maximum price for any item of a seasonal food product listed in Appendix A shall be the same as the maximum price determined under this Maximum Price Regulation No. 250 for that item by his most closely competitive seller of the same class, or if this competitor has not established a maximum price for the same item, his maximum price determined for a similar item. A similar item is one which is of the same kind, quality and quantity and would ordinarily sell in the same price line as the item being priced.

§ 1351.855 *Maximum prices cannot be changed.* Once established, a maximum price determined under this Maximum Price Regulation No. 250 may not be changed except with the written permission of a district, state or regional office of the Office of Price Administration, in cases of clerical error or other formal mistake. A retailer's maximum price is "established" for an item as soon as he has recorded it in accordance with § 1351.856, or has disclosed it by offer of sale or notice of any kind.

§ 1351.856 *Records required; maximum prices must be added to base-period records.* (a) On the same day that a retailer calculates his maximum price under this regulation, he shall record this price on his base-period record, required in § 1499.11 of the General Maximum Price Regulation. If he had an old maximum price, the record of this old price shall not be destroyed.

(b) The retailer shall preserve the records of how he arrived at his "1941 percentage markup" and his 1942 ceiling price, including all appropriate invoices, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect. It is recommended that he write directly on his 1942 invoice—that is, the invoice from which he has taken his 1942 net cost for any seasonal food product—the "percentage markup" he has calculated and used.

§ 1351.857 *Maximum prices where rules of § 1351.853 cannot be applied.* If a retailer cannot determine his maximum price for any item of a seasonal food product under the provisions of § 1351.853 he shall file an application with the appropriate Regional Office of the Office of Price Administration setting forth (a) a description in detail of the item of a seasonal food product for which a maximum price is sought; (b) a statement of the reasons why the maximum price cannot be determined under the provisions of § 1351.854; (c) a statement of the nature of applicant's business, pricing methods and customary markups on comparable items; and (d) a request that a maximum price be established for that item of that seasonal food product for applicant.

§ 1351.858 *Fractions of cents.* If the calculation of a maximum price for a customary unit of sale, i. e., can, package, bottle, jar, pounds, etc., under this regulation results in a fraction of less than one-half cent, the maximum price shall be reduced to the nearest lower cent; if the calculation results in a fraction of one-half cent or more, it shall be increased to the nearest higher cent.

§ 1351.859 *Applicability of the General Maximum Price Regulation and other Maximum Price Regulations.* The provisions of this Maximum Price Regulation No. 250 supersede the provisions of the General Maximum Price Regulation or any other applicable price regulation, order or supplementary regulation issued by the Office of Price Administration with respect to sales and deliveries of the seasonal food products listed in Appendix A (§ 1351.865). However, the following sections of the General Maximum Price Regulation, as well as the amendments to them, shall continue to be applicable to every retailer selling such seasonal food product:

(a) *Determination of maximum prices by sellers at retail operating more than one retail establishment* (§ 1499.4 a).

(b) *Transfers of business or stock in trade* (§ 1499.5).

(c) *Federal and state taxes* (§ 1499.7).

(d) *Base-period records* (§ 1499.11).

(e) *Current records* (§ 1499.12).

(f) *Sales slips and receipts* (§ 1499.14).

(g) *Registration* (§ 1499.15).

(h) *Licensing* (§ 1499.16).

(i) *Definitions* (§ 1499.20).

§ 1351.860 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 250 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any of the commodities covered by this Maximum Price Regulation No. 250, alone or in conjunction with any other commodity or by way of any commission, service, transportation or other trade understanding, or by calculating "net cost" on purchases from non-customary suppliers, purchases by non-customary modes of transportation, or otherwise.

§ 1351.861 *Enforcement.* Any person violating a provision of this Maximum Price Regulation No. 250, is subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

§ 1351.862 *Export sales.* The maximum prices at which a person may export any commodity covered by this Maximum Price Regulation No. 250 shall be determined in accordance with the provisions of the Revised Maximum Export Regulation[2] issued by the Office of Price Administration.

§ 1351.863 *Definitions.* (a) When used in this Maximum Price Regulation No. 250 the term:

(1) "Retailer" means any purchaser for resale of a seasonal food product who, without substantially changing its form, resells the seasonal food product to an ultimate consumer other than an industrial, institutional, or commercial user.

(2) "Item" means any kind, style or type, grade, brand, container type and size.

(3) "Christmas cookies" means novelty cookies baked from special formulæ or baked in special shapes, exclusively for the Holiday Season which begins with Thanksgiving Day and ends New Year's Day.

(4) "Fruit cake" means cake baked for sale primarily during the Holiday Season which begins with Thanksgiving Day and ends New Year's Day, the ingredients of which cake include a large portion of dried fruits, glaced fruits, nuts, and spices.

(5) "Holiday candy" means any candy which is manufactured and marketed specifically for such holidays or festivals as the following: St. Valentine's Day, Washington's Birthday, St. Patrick's Day, Easter, Mother's Day, Fourth of July, Halloween, Thanksgiving, and Christmas, and the form, color, or style of which definitely identifies it with the particular holiday or festival to the extent that such candies cannot readily be sold after the special occasion for which they were made.

(6) "Pure sorghum syrup" means the juice from sorghum cane evaporated to a syrup consistency.

(7) "Pitted dates" means domestic or imported dates, from which the pits have been removed, but which otherwise remain whole.

(8) "Macerated dates" means domestic or imported dates from which the pits have been removed and which have been

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[2] 7 F.R. 5059, 7242.

cut into two or more pieces or have been chopped, sliced or ground.

(9) "Date products" means any product containing ninety percent or more by weight of macerated domestic or imported dates combined with other ingredients.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in § 1499.20 of the General Maximum Price Regulation shall apply to terms used herein.

§ 1351.864 *Effective date.* This Maximum Price Regulation No. 250 (§§ 1351.851 to 1351.865, inclusive) shall become effective October 26, 1942.

§ 1351.865 *Appendix A: List of seasonal food products.* Any food commodity that falls within any of the following classifications is designated as a seasonal food product:

(a) Mincemeat.
(b) Plum pudding.
(c) Fig pudding.
(d) Date pudding.
(e) Christmas cookies.
(f) Fruit cake.
(g) Holiday candy.
(h) Chocolate covered cherries.
(i) Sweet apple cider.
(j) Glaced or candied fruits and peels.
(k) Stuffed dried fruits.
(l) Dried figs.
(m) Pure sorghum syrup.
(n) Pitted and macerated dates and date products.

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10862; Filed, October 26, 1942; 3:38 p. m.]

PART 1377—WOODEN CONTAINERS

[MPR 117,[1] Amendment 2]

USED EGG CASES

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.*

The following provisos are added to paragraph (e) of Appendix A, § 1377.21, and § 1377.21, *Effective dates of amendments,* added by Amendment No. 1, is amended to read § 1377.20a:

§ 1377.21 *Appendix A.* * * *

(e) * * *

* * * *Provided,* That where the retail establishment is located more than 150 miles from the establishment of any bulk emptier or breaker (as defined in § 1377.18 (a) (4)) or used egg case broker or dealer (as defined in § 1377.18 (a) (6)), the maximum prices established in this paragraph (e) may be increased 5 cents per case on all cases sold by the retailer if (and only if) the retailer does not purchase any used egg cases from sellers located in an area other than that in which the retailer is located. (Note: The used egg case areas are the "Eastern Area", "Central Area", and "Western Area".) *Provided further,* That where the retail establishment is located within 150 miles of the establishment of a bulk emptier or breaker or used egg-case broker or dealer, the retail establishment can charge this extra 5 cents per case if: (1) the retailer writes a letter to the Lumber Branch of the Office of Price Administration, Washington, D. C., certifying that his establishment cannot obtain cases from any bulk emptier or breaker or used egg-case broker or dealer located within 150 miles of the retailer's establishment, and that the retailer does not purchase used egg cases from sellers located in an area other than that in which the retailer is located; and (2) the Office of Price Administration by letter authorizes the retailer to charge the extra 5 cents per case.

* * * * *

§ 1377.20a *Effective dates of amendments.* * * *

(b) This Amendment No. 2 (§ 1377.21 (e)) to Maximum Price Regulation 117 shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10863; Filed, October 26, 1942; 3:38 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136, as Amended,[1] Amendment 35]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph (24) is added to § 1390.25 (c) and new paragraph (jj) is added to § 1390.31a as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(24) *The Tabor Manufacturing Company.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale by The Tabor Manufacturing Company, Philadelphia, Pennsylvania of a Jar-Ram, Power Squeeze, Trunnion type, Rollover Machine with 15'' diameter squeeze cylinder, electrically operated, shall be $2750 f. o. b. Philadelphia.

§ 1390.31a *Effective dates of amendments.* * * *

(jj) Amendment No. 35 (§ 1390.25 (c) (24)) to Maximum Price Regulation No. 136, as amended, shall become effective October 30, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10864; Filed, October 26, 1942; 3:42 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14 to GMPR, Amendment 45]

HALVAH

Subparagraph 34 of § 1499.73 (a) is added to read as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of the General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided:

* * * * *

(34) *Halvah.* (i) Maximum price for halvah, sold and delivered by any seller, whether producer, wholesaler or retailer, shall be determined by adding $2\frac{1}{2}$ cents per pound to the maximum price as heretofore determined under § 1499.2 of the General Maximum Price Regulation by any such seller, and the sum resulting shall be the adjusted maximum price for such seller.

(ii) *Definition of halvah.* "Halvah" means all kinds of halvah including plain, nut and chocolate halvah made by the processing of approximately 50% ground hulled sesame seed with sugar, flavoring, and other ingredients resulting in a hardened paste-like confection.

(b) *Effective dates of amendments.* * * *

(46) Amendment No. 45 (§ 1499.73 (a) (34)) to Supplementary Regulation No. 14 to General Maximum Price Regulation shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10866; Filed, October 26, 1942; 3:43 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 98 Under § 1499.18 (c) of GMPR]

DURR DRUG COMPANY

Order No. 98 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-763.

For the reasons set forth in an opinion issued simultaneously herewith *It is ordered:*

§ 1499.948 *Denial of petition for adjustment of maximum price of Salters Dental Floss in $\frac{1}{4}$ ounce and $\frac{1}{12}$ ounce sizes sold by the Durr Drug Company, of Montgomery, Alabama.* (a) The petition of the Durr Drug Company of Montgomery, Alabama, filed July 16, 1942, and assigned Docket No. GF3-763 requesting permission to increase the maximum price to retailers of Salters Dental Floss in $\frac{1}{4}$ ounce and $\frac{1}{12}$ ounce sizes is denied.

(b) This Order No. 98 (§ 1499.948) shall become effective October 27, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10865; Filed, October 26, 1942; 3:42 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 2998, 4586.

[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362, 8433, 8479.

PART 1357—CADMIUM

[RPS 71[1], Amendment 2]

PRIMARY AND SECONDARY CADMIUM

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new § 1357.2a is added as set forth below:

§ 1357.2a *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1357.8a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1357.2a) to Revised Price Schedule No. 71 shall become effective October 26, 1942.

(Pub. Laws 421 and 729, 77th Cong.: E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10879; Filed, October 26, 1942; 5:02 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Supplement 1 to Ration Order 11[2]]

FUEL OIL RATIONING REGULATIONS

§ 1394.9101 *Designation of unit value in gallons of fuel oil.*

(a) The value of one unit represented by coupons on Class 1 coupon sheets is hereby fixed as ten (10) gallons of fuel oil, in all thermal zones.

(b) The value of ten units represented by coupons on Class 2 coupon sheets is hereby fixed as one hundred (100) gallons of fuel oil, in all thermal zones.

(c) This Supplement No. 1 (§ 1394.9101) shall become effective October 29, 1942, and shall continue in force and effect until amended by further order or direction of the Office of Price Administration.

(Pub. Law 421, 77th Cong., W.P.B. Dir. 1, Supp. Dir. 1-0, 7 F.R. 562, 8418.)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10878; Filed, October 26, 1942; 5:02 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Amendment 14 to Ration Order 5A[1]]

GASOLINE RATIONING REGULATIONS

TEMPORARY LIMITED BANKING AMENDMENT

A rationale involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Sixteen new sections, §§ 1394.1915 through 1394.1930, are added as set forth below:

Gasoline Ration Bank Accounts

§ 1394.1915 *Meaning of terms used in §§ 1394.1915 through 1394.1930.* When used in §§ 1394.1915 through 1394.1930:

(a) "Accounts" means gasoline ration bank account.

(b) "Albany Ration Banking Office" means the Ration Banking Office of the Office of Price Administration, 76 State Street, Albany, New York.

(c) "Area" means introductory area.

(d) "Depositor" means a person required by § 1394.1919 to open a gasoline ration bank account.

(e) "Introductory area" means the following area of New York State: the cities of Albany, Schenectady, Troy, Cohoes, Rensselaer, Mechanicville, and Watervliet; and the towns of Glenville, Rotterdam, Niskayuna, Guilderland, Colonie, Waterford, Schaghticoke, Brunswick, North Greenbush, East Greenbush, and Bethlehem.

(f) "Issue" when used with respect to a voucher, means the delivery of a completed voucher.

(g) "Listed bank" means one of the following banks or bank branches:

First Trust Company, Main Office, 31-37 State Street, Albany, New York.

First Trust Company, Branch, 135 South Pearl Street, Albany, New York.

First Trust Company, Branch, 252 Washington Avenue, Albany, New York.

Mechanics and Farmers Bank, 63 State Street, Albany, New York.

National Commercial Bank and Trust Company, Main Office, 60 State Street, Albany, New York.

National Commercial Bank and Trust Company, Branch, 200 Washington Avenue, Albany, New York.

National Commercial Bank and Trust Company, Branch, Broadway, Corner of Pleasant, Albany, New York.

National Commercial Bank and Trust Company, Altamont Branch, Altamont, New York.

National Commercial Bank and Trust Company, Delmar Branch, Delmar, New York.

State Bank of Albany, Main Office, 63 State Street, Albany, New York.

State Bank of Albany, Branch, 339 Central Avenue, Albany, New York.

State Bank of Albany, Mechanicville Branch, Mechanicville, New York.

Manufacturers Bank of Cohoes, Cohoes, New York.

National Bank of Cohoes, Cohoes, New York.

Rensselaer County Bank and Trust Company, Main Office, 810 Broadway, Rensselaer, New York.

Rensselaer County Bank and Trust Company, Branch Office, 156 Broadway, Rensselaer, New York.

Citizens Trust Company, Main Office, 436 State Street, Schenectady, New York.

Citizens Trust Company, Branch Office, Broadway, corner Westinghouse Place, Schenectady, New York.

Mohawk National Bank, Main Office, 216 State Street, Schenectady, New York.

Mohawk National Bank, Branch, Albany Street, Corner Hulett, Schenectady, New York.

Morris Plan Industrial Bank, 244 State Street, Schenectady, New York.

Schenectady Trust Company, Main Office, 320 State Street, Schenectady, New York.

Schenectady Trust Company, Branch, 959 Crane Street, Schenectady, New York.

Schenectady Trust Company, Branch, 1050 State Street, Schenectady, New York.

Union National Bank, 334 State Street, Schenectady, New York.

Glenville Bank, Scotia, New York.

National Bank of Watervliet, Watervliet, New York.

Bank of Waterford, Waterford, New York.

Manufacturers National Bank, Main Office, 4th and Grand Streets, Troy, New York.

Manufacturers National Bank, Branch, 604 2nd Street, Troy, New York.

Manufacturers National Bank, Branch, 31 3rd Street, Troy, New York.

National City Bank of Troy, 89 Third Street, Corner State Street, Troy, New York.

Union National Bank (of Troy), 50 Fourth Street, Troy, New York.

(h) "Listed board" means any one of the following Boards:

Local board name:	*Local Board No.*
Albany City and County Board	1-4-1
Cohoes City Board	1-1-2
Watervliet City Board	1-1-3
Rensselaer City Board	38-1-1
Rensselaer County Board	38-0-1
Troy City Board	38-1-2
Saratoga County Board	41-0-1
Mechanicville City Board	41-1-1
Schenectady City and County Board	42-4-1

(i) "Named transferee" means the depositor, listed board or Office of Price Administration named in a voucher as the person to whom or to whose account the amount specified thereon is to be transferred.

(j) "Person" shall have the meaning designated in § 1394.151 (a) (25) and shall also include Board.

(k) "Voucher" means a gasoline transfer voucher on Form OPA RB-30.

§ 1394.1916 *Scope of §§ 1394.1915 through 1394.1930.* The provisions of §§ 1394.1915 through 1394.1930 shall apply only in the introductory area.

§ 1394.1917 *Administration of §§ 1394.1915 through 1394.1930.* In addition to the administrative personnel provided for in § 1394.301, §§ 1394.1915 through 1394.1930 shall be administered by the listed banks acting in the performance of such duties as agents for, and under the direction of, the Office of Price Administration, and responsible only to the Office of Price Administration.

§ 1394.1918 *Prohibition.* Notwithstanding anything to the contrary contained in Ration Order No. 5A, on and after October 28, 1942, except as otherwise provided in paragraph (a) of § 1394.1921 and § 1394.1928, no evidences shall be surrendered by or accepted from a depositor, but vouchers shall be issued or accepted in place thereof.

§ 1394.1919 *Persons required to open gasoline ration bank accounts.* Every intermediate distributor registered with a listed board, and every licensed distributor having a place of business within the introductory area shall open a gasoline ration bank account.

§ 1394.1920 *Application for an account.* (a) Application for an account shall be made by the intermediate or licensed distributor on or after October 26, 1942, at a listed bank at which the intermediate or licensed distributor carries a checking account. If the intermediate or licensed distributor does not carry a checking account at a listed bank application shall be made to any listed bank.

(b) Application shall be made in duplicate on Form OPA RB-10, and shall contain specimen signatures of all persons authorized to sign and issue vouchers for the depositor against such account, and shall be accompanied by proof satisfactory to the bank that the execution of the application and the designation thereon of persons authorized to sign vouchers was duly authorized. The depositor shall also submit to the bank such references and other proofs of identity or of authority to engage in business as the bank may require.

(c) The application shall be signed in the presence of an officer of the bank, who shall witness the signature and certify to the compliance by the applicant with all the requirements of paragraphs (a) and (b) of this section. The bank shall thereupon open a gasoline ration bank account in the name of the applicant, assign a number to the account and issue to the applicant a set of gasoline credit slips (Form OPA RB-31) and serially numbered vouchers. It shall retain the original of the application and forward the duplicate to the Albany Ration Banking Office. The bank shall prepare for each account a depositor's ledger card on which debits and credits shall be stated in gallons and posted in accordance with the bank's general posting practice.

§ 1394.1921 *Deposits.* (a) On opening the account each depositor shall deposit all evidences on hand. Thereafter he shall deposit all evidences received within fifteen (15) days after their receipt and all vouchers issued to him within fifteen (15) days after the date appearing on the face thereof.

(b) On and after October 28, 1942, vouchers not deposited as required in paragraph (a) hereof shall be invalid.

(c) Each deposit shall be accompanied by a two-part credit slip (Form OPA RB-31) bearing the depositor's name and address and the number assigned to the account in which the deposit is made, and listing the items deposited. Coupons deposited shall be properly affixed to a coupon sheet (Form OPA R-542) as provided in § 1394.1611. Evidences and vouchers shall be endorsed by the depositor before deposit.

(d) The bank shall acknowledge receipt of the deposit on the stub and return it to the depositor. It may, however, accept a deposit subject to verification by the end of the following business day, in which case it shall immediately notify the depositor of any errors discovered. Upon receipt of such notification, the depositor shall return his stub for correction.

(e) The account shall be credited with the gallonage value of evidences and vouchers deposited therein.

§ 1394.1922 *Issuance of vouchers; effect.* (a) A voucher shall be issued by or accepted from a depositor only for the purposes for which the surrender of evidences of equal gallonage value by, or the acceptance thereof from, a person other than a depositor is permitted. The issuance of a voucher by a depositor shall have the same effect as the surrender of evidences of equal gallonage value under like circumstances by a person other than a depositor. However, a voucher may be issued to the Office of Price Administration pursuant to § 1394.1926, to a listed board pursuant to paragraph (a) of § 1394.1923, or to a listed board to obtain an exchange certificate or inventory coupons of gallonage value equal to the voucher, for surrender pursuant to § 1394.1928. A listed board, upon issuance to it of a voucher for such purpose, shall issue an exchange certificate or inventory coupons in gallonage value equal thereto.

(b) No voucher shall be issued by or accepted from a person other than a depositor, or issued to or accepted by a person other than a depositor, a listed board, or the Office of Price Administration named thereon as transferee. Vouchers shall not be negotiable. No bank shall accept for deposit to the account of any depositor a voucher of which a person other than such depositor is the named transferee.

(c) Upon the deposit of a voucher pursuant to parargaph (a) of § 1394.1921, the bank of deposit shall return the voucher to the drawee bank, which shall debit it to the account on which it is drawn.

§ 1394.1923 *Vouchers issued to listed boards.* (a) Whenever a depositor is required to surrender evidences to a listed board, he shall issue to such board a voucher in the same gallonage value as such evidences.

(b) A voucher issued to a listed board, pursuant to paragraph (a) of this section or to paragraph (a) of § 1394.1922 shall be returned by such board to the drawee bank, which shall debit it to the account on which it is drawn.

§ 1394.1924 *Overdrafts; post-dated vouchers.* (a) No voucher shall be drawn on any account in an amount in excess of the balance on deposit therein, less the amount of outstanding vouchers drawn thereon. A drawee bank receiving for debit a voucher which is drawn in an amount in excess of the balance on deposit in the account, or which is drawn on a non-existent account, shall immediately transmit the voucher, together with a statement of the circumstances, to the Albany Ration Banking Office.

(b) No voucher shall bear a date later than the date on which it is issued.

§ 1394.1925 *Invalid and lost vouchers.* (a) Vouchers which are torn, mutilated, or incorrectly made out or on which an erasure or other alteration appears (whether initialled or not) shall be invalid.

(b) A named transferee having an invalid voucher shall return it to the depositor from whom it was received, retaining a record of the amount and the account and serial numbers of the voucher. No bank shall accept for deposit an invalid voucher. A named transferee who has lost a voucher shall immediately notify the depositor from whom it was received in writing of the loss.

(c) A depositor receiving a returned invalid voucher or advised pursuant to paragraph (b) of this section of the loss of a voucher shall replace such voucher within five (5) days if the named transferee is a listed board or a depositor who has already delivered gasoline against such voucher. If he fails to do so, the named transferee shall immediately notify the Albany Ration Banking Office.

(d) A depositor who is notified of the loss of a voucher shall immediately file with the bank from which he obtained the voucher form a Missing Voucher Statement (Form OPA RB-12). A drawee bank which receives for debit a voucher as to which it has on file a missing voucher statement shall immediately notify the Albany Ration Banking Office.

(e) A depositor shall insert the account number, mark "cancelled", and return all invalid vouchers and all vouchers made out but not issued to the bank carrying the account with respect to which the voucher forms were obtained.

(f) If a drawee bank receives for debit to the account of a depositor a voucher bearing a serial number not immediately succeeding the highest serial number of any voucher drawn on such account and theretofore received by the bank, and if the voucher or vouchers bearing the intervening serial numbers, or missing voucher statements for each intervening voucher, are not received by the drawee bank within fifteen (15) days thereafter, the drawee bank shall notify the depositor of such fact. If the depositor fails properly to account for such vouchers within five (5) days after such notification, the bank shall notify the Albany Ration Banking Office.

(g) A drawee bank receiving for debit a voucher which appears to be invalid for any reason other than that it is an overdraft or is drawn on a non-existent account shall immediately notify the depositor on whose account the voucher is drawn. The depositor shall notify the bank in writing within two (2) days whether or not the voucher is valid. If he verifies the voucher, it shall be debited to his account. If he fails to verify it, the bank shall immediately send the voucher and a report of the circumstances to the Albany Ration Banking Office.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1346, 1836, 2132, 4586.

[2] 7 F.R. 8480.

[1] 7 F.R. 5225, 5362, 5426, 5566, 5606, 5666, 5674, 5942, 6267, 6684, 6776, 7510, 7399, 7748, 7811, 7907.

§ 1394.1926 *Vouchers issued by licensed distributors to the Office of Price Administration.* Each licensed distributor who is a depositor shall attach to his monthly State motor fuel tax report a voucher drawn on his account, payable to the Office of Price Administration, and confirmed by his bank, in an amount equal to the gallonage value of evidences he would otherwise be required by § 1394.1620 to attach to such report with respect to transfers from a place of business within the introductory area. Such confirmation by the bank shall constitute a certification that the balance in depositor's account is sufficient to meet the voucher. The bank shall debit the depositor's account in the amount of the voucher immediately upon making the confirmation.

§ 1394.1927 *Reversal of credits; stop orders.* (a) No bank which has accepted for deposit a voucher valid on its face shall cancel the credit resulting from such deposit except upon order of the Office of Price Administration.

(b) No depositor shall issue a stop order and no stop order shall be honored as to any voucher.

(c) Upon receipt of instructions from the Office of Price Administration to debit or credit an account of a depositor, the bank shall debit or credit such account in the amount instructed and notify the depositor thereof.

§ 1394.1928 *Permitted surrender by depositors of exchange certificates or inventory coupons.* A depositor may surrender to a person other than a depositor, a listed board, or the Office of Price Administration, exchange certificates or inventory coupons received from a listed board pursuant to § 1394.1922 (a).

§ 1394.1929 *Records and duties of depositors.* (a) Each depositor shall retain, for a period of one (1) year, all depositor's stubs, voucher stubs, and statements obtained pursuant to paragraph (b) of this section.

(b) Each depositor shall obtain from his bank monthly a statement of his account. He shall check this statement against his records, and any errors or other discrepancies shall be reported to the bank within twenty (20) days after the date of issuance of the statement. Otherwise any errors shall be deemed to have been waived by the depositor. Each depositor shall be entitled to examine his cancelled vouchers at his bank on one day each month designated by the bank for that purpose.

(c) Any dispute between a depositor and his bank with respect to the amount of the balance in an account shall be referred to the Albany Ration Banking Office for decision by the Office of Price Administration.

§ 1394.1930 *Bank records and accounts confidential.* All records kept by any bank with respect to an account shall be confidential and shall be subject to inspection, removal or other disposition only as the Office of Price Administration may from time to time order.

Effective Date

§ 1394.1902 *Effective dates of amendments.* * * *

(o) Amendment No. 14 (§§ 1394.1915 through 1394.1930) to Ration Order No. 5A shall become effective October 26, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507 and 421, 77th Cong.; W.P.B. Dir. 1, Amendment 2 to Supp. Dir. 1 (H); 7 F.R. 562, 3478, 3877, 5216).

Issued this 26th day of October, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10877; Filed, October 26, 1942; 5:03 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Amendment 20 to Rationing Order 3 [1]]

SUGAR RATIONING REGULATIONS

TEMPORARY LIMITED BANKING AMENDMENT

A rationale involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Fifteen new sections, §§ 1407.261 through 1407.275, are added as set forth below:

Sugar Ration Bank Accounts

§ 1407.261 *Meaning of terms used in §§ 1407.261 through 1407.275.* When used in §§ 1407.261 through 1407.275:

(a) "Account" means sugar ration bank account.

(b) "Albany Ration Banking Office" means the Ration Banking Office of the Office of Price Administration, 76 State Street, Albany, New York.

(c) "Area" means introductory area.

(d) "Depositor" means a registering unit which is required by § 1407.265 to open a sugar ration bank account, or which is authorized by said section to open, and does open, a sugar ration bank account.

(e) "Introductory area" means the following area of New York State: the cities of Albany, Schenectady, Troy, Cohoes, Rensselaer, Mechanicville, and Watervliet; and the towns of Glenville, Rotterdam, Niskayuna, Guilderland, Colonie, Waterford, Schaghticoke, Brunswick, North Greenbush, East Greenbush, and Bethlehem.

(f) "Issue" when used with respect to a voucher, means the delivery of a completed voucher.

(g) "Listed bank" means one of the following banks or bank branches:

First Trust Company, Main Office, 31-37 State Street, Albany, New York.

First Trust Company, Branch, 135 South Pearl Street, Albany, New York.

First Trust Company, Branch, 252 Washington Avenue, Albany, New York.

Mechanics and Farmers Bank, 63 State Street, Albany, New York.

National Commercial Bank and Trust Company, Main Office, 60 State Street, Albany, New York.

National Commercial Bank and Trust Company, Branch, 200 Washington Avenue, Albany, New York.

National Commercial Bank and Trust Company Branch, Broadway, Corner of Pleasant, Albany, New York.

National Commercial Bank and Trust Company, Altamont Branch, Altamont, New York.

National Commercial Bank and Trust Company, Delmar Branch, Delmar, New York.

State Bank of Albany, Main Office, 63 State Street, Albany, New York.

State Bank of Albany, Branch, 339 Central Avenue, Albany, New York.

State Bank of Albany, Mechanicville Branch, Mechanicville, New York.

Manufacturers Bank of Cohoes, Cohoes, New York.

National Bank of Cohoes, Cohoes, New York.

Rensselaer County Bank and Trust Company, Main Office, 810 Broadway, Rensselaer, New York.

Rensselaer County Bank and Trust Company, Branch Office, 156 Broadway, Rensselaer, New York.

Citizens Trust Company, Main Office, 436 State Street, Schenectady, New York.

Citizens Trust Company, Branch Office, Broadway, corner Westinghouse Place, Schenectady, New York.

Mohawk National Bank, Main Office, 216 State Street, Schenectady, New York.

Mohawk National Bank, Branch, Albany Street, Corner Hulett, Schenectady, New York.

Morris Plan Industrial Bank, 244 State Street, Schenectady, New York.

Schenectady Trust Company, Main Office, 320 State Street, Schenectady, New York.

Schenectady Trust Company, Branch, 959 Crane Street, Schenectady, New York.

Schenectady Trust Company, Branch, 1050 State Street, Schenectady, New York.

Union National Bank, 334 State Street, Schenectady, New York.

Glenville Bank, Scotia, New York.

National Bank of Watervliet, Watervliet, New York.

Bank of Waterford, Waterford, New York.

Manufacturers National Bank, Main Office, 4th and Grand Streets, Troy, New York.

Manufacturers National Bank, Branch, 604 2nd Street, Troy, New York.

Manufacturers National Bank, Branch, 31 3rd Street, Troy, New York.

National City Bank of Troy, 89 Third Street, Corner State Street, Troy, New York.

Union National Bank (of Troy), 50 Fourth Street, Troy, New York.

(h) "Listed board" means any one of the following boards:

Local board name:	*Local Board No.*
Albany City and County Board	1-4-1
Cohoes City Board	1-1-2
Watervliet City Board	1-1-3
Rensselaer City Board	38-1-1
Rensselaer County Board	38-0-1
Troy City Board	38-1-2
Saratoga County Board	41-0-1
Mechanicville City Board	41-4-1
Schenectady City and County Board	42-4-1

(i) "Named transferee" means the depositor or listed board named in a voucher as the person to whom or to whose account the weight value specified thereon is to be transferred.

(j) "Person" shall have the meaning designated in § 1407.21 (c) (11) and shall also include board.

(k) "Voucher" means a sugar transfer voucher on OPA Form No. RB-20.

§ 1407.262 *Scope of §§ 1407.261 through 1407.275.* The provisions of §§ 1407.261 through 1407.275 shall apply only in the introductory area.

§ 1407.263 *Administration of §§ 1407.262 through 1407.275.* In addition to the administrative personnel provided for in § 1407.41, §§ 1407.261 through 1407.275 shall be administered by the listed banks acting in the performance of such duties as agents for, and under the direction of, the Office of Price Administration, and responsible only to the Office of Price Administration.

§ 1407.264 *Prohibition.* Notwithstanding anything to the contrary contained in Rationing Order No. 3, on and after October 28, 1942, except as otherwise provided in paragraph (a) of § 1407.267 and § 1407.273, no stamps or certificates shall be surrendered by or accepted from a depositor, but vouchers shall be issued or accepted in place thereof.

§ 1407.265 *Persons required or authorized to open sugar ration bank accounts.* (a) Every registering unit registered with a listed board and having a component establishment or establishments within the introductory area shall, unless all such establishments take delivery of sugar exclusively from retailers, open one or more sugar ration bank accounts to serve all such establishments. A registering unit may open one or more sugar ration bank accounts to serve such of its component establishments within the introductory area as it selects if (1) it is registered with a listed board and all its component establishments within the introductory area take delivery of sugar exclusively from retailers, or (2) it is not registered with a listed board.

(b) One account may be opened to serve all the component establishments of a registering unit within the introductory area, or separate accounts may be opened to serve any such establishment or group of such establishments: *Provided,* That no establishment may be served by more than one account. All accounts shall be opened in the name of the owner of the registering unit.

§ 1407.266 *Application for an account.* (a) Application for an account shall be made by the owner of a registering unit on or after October 26, 1942, at a listed bank at which the owner carries a checking account serving one or more of the establishments to be served by the sugar ration bank account. If the owner does not carry such a checking account application shall be made to any listed bank.

(b) Application shall be made in duplicate on OPA Form No. RB-10, an shall contain specimen signatures of all persons authorized to sign vouchers for the depositor against such account and shall be accompanied by proof satisfactory to the bank that the execution of the application and the designation thereon of persons authorized to sign vouchers was duly authorized. The depositor shall also submit to the bank such references and other proofs of identity or of authority to engage in business as the bank may require. If the account is to serve more than one establishment, a list of all such establishments with the address of each shall be attached to the application.

(c) The application shall be signed in the presence of an officer of the bank, who shall witness the signature and certify to the compliance by the applicant with all the requirements of paragraphs (a) and (b) of this section. The bank shall thereupon open a sugar ration bank account in the name of the applicant, assign a number to the account and issue to the applicant a set of sugar credit slips (OPA Form No. RB-21) and serially numbered vouchers. It shall retain the original of the application and forward the duplicate to the Albany Ration Banking Office. The bank shall prepare for each account a depositor's ledger card on which debits and credits shall be stated in pounds and posted in accordance with the bank's general posting practice.

§ 1407.267 *Deposits.* (a) Stamps surrendered to a depositor and received by a component establishment served or required to be served by an account shall be deposited in such account within twelve (12) days after the expiration of the ration period assigned to such stamps by Schedule C of § 1407.243. A certificate issued to a depositor by a listed board shall be deposited in an account of such depositor within sixty (60) days of the valid date of the certificate. A certificate issued in the name of a depositor by a person other than a listed board, and received by a component establishment served or required to be served by an account, shall be deposited in such account within sixty (60) days after the valid date of the certificate. A certificate surrendered to a depositor and received by a component establishment served or required to be served by an account shall be deposited in such account within sixty (60) days after the valid date of the certificate or thirty (30) days after the date of the last endorsement on the certificate, whichever is later. Vouchers issued to a depositor shall be deposited in an account of such depositor within fifteen (15) days after the date appearing on the face thereof.

(b) On and after October 28, 1942, stamps, certificates, and vouchers not deposited as required in paragraph (a) hereof shall be invalid.

(c) Each deposit shall be accompanied by a two-part credit slip (OPA Form No. RB-21) bearing the depositor's name and address and the number assigned to the Account in which the deposit is made, and listing the items deposited. Stamps deposited shall be properly affixed to a war ration stamp card (OPA Form No. R-304) or a facsimile thereof, as provided in paragraph (b) of § 1407.142. Stamp cards, certificates and vouchers shall be endorsed by the depositor before deposit.

(d) The bank shall acknowledge receipt of the deposit on the stub and return it to the depositor. It may, however, accept a deposit subject to verification by the end of the following business day, in which case it shall immediately notify the depositor of any errors discovered. Upon receipt of such notification, the depositor shall return his stub for correction.

(e) The account shall be credited with the weight value of stamps, certificates, and vouchers deposited therein.

§ 1407.268 *Issuance of vouchers; effect.* (a) A voucher shall be issued by or accepted from a depositor only for the purposes for which the surrender of stamps or certificates of equal weight value by, or the acceptance thereof from, a person other than a depositor is permitted. The issuance of a voucher by a depositor shall have the same effect as the surrender of stamps or certificates of equal weight value under like circumstances by a person other than a depositor. However, a voucher may be issued to transfer credits between accounts of the same depositor, or may be issued to a listed board pursuant to paragraph (a) of § 1407.269 or to a listed board to obtain a certificate of weight value equal to the voucher for surrender pursuant to paragraph (b) of § 1407.273. A listed board, upon issuance to it of a voucher for such purpose, shall issue a certificate in weight value equal thereto.

(b) No voucher shall be issued by or accepted from a person other than a depositor, or issued to or accepted by a person other than a depositor or a listed board named thereon as transferee. Vouchers shall not be negotiable. No bank shall accept for deposit to the account of any depositor a voucher of which a person other than such depositor is the named transferee.

(c) Upon the deposit of a voucher pursuant to paragraph (a) of § 1407.267, the bank of deposit shall return the voucher to the drawee bank, which shall debit it to the account on which it is drawn.

§ 1407.269 *Vouchers issued to listed boards.* (a) Whenever a depositor is required to surrender stamps or certificates to a listed board, he shall issue to such board a voucher in the same weight value as such stamps or certificates.

(b) A voucher issued to a listed board pursuant to paragraph (a) of this section or to paragraph (a) of § 1407.268, shall be returned by such board to the drawee bank, which shall debit it to the account on which it is drawn.

§ 1407.270 *Overdrafts; post-dated vouchers.* (a) No voucher shall be drawn on any account in an amount in excess of the balance on deposit therein, less the amount of outstanding vouchers drawn thereon. A drawee bank receiving for debit a voucher which is drawn in an amount in excess of the balance on deposit in the account, or which is drawn on a non-existent account, shall immediately transmit the voucher, together with a statement of the circumstances, to the Albany Ration Banking Office.

(b) No voucher shall bear a date later than the date on which it is issued.

§ 1407.271 *Invalid and lost vouchers.* (a) Vouchers that are torn, mutilated, or incorrectly made out or on which an erasure or other alteration appears (whether initialled or not) shall be invalid.

(b) A named transferee having an invalid voucher shall return it to the depositor from whom it was received, retaining a record of the amount and the account and serial numbers of the voucher. No bank shall accept for deposit an invalid voucher. A named transferee who has lost a voucher shall immediately notify the depositor from whom it was received in writing of the loss.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 8402.

(c) A depositor receiving a returned invalid voucher, or properly advised pursuant to paragraph (b) of this section of the loss of a voucher, shall replace such voucher within five (5) days if the named transferee is a listed board or a depositor who has already shipped sugar against such voucher. If he fails to do so, the named transferee shall immediately notify the Albany Ration Banking Office.

(d) A depositor who is notified of the loss of a voucher shall immediately file with the bank from which he obtained the voucher form a missing voucher statement (OPA Form No. RB–12). A drawee bank which receives for debit a voucher as to which it has on file a missing voucher statement shall immediately notify the Albany Ration Banking Office.

(e) A depositor shall insert the account number, mark "cancelled", and return all invalid vouchers and all vouchers made out but not issued, to the bank carrying the account with respect to which the voucher forms were obtained.

(f) If a drawee bank receives for debit to the account of a depositor a voucher bearing a serial number not immediately succeeding the highest serial number of any voucher drawn on such account and theretofore received by the bank, and if the voucher or vouchers bearing the intervening serial numbers, or missing voucher statements for each intervening voucher, are not received by the drawee bank within fifteen (15) days thereafter, the drawee bank shall notify the depositor of such fact. If the depositor fails properly to account for such vouchers within five (5) days after such notification, the bank shall notify the Albany Ration Banking Office.

(g) A drawee bank receiving for debit a voucher which appears to be invalid for any reason other than that it is an overdraft or is drawn on a non-existent account shall immediately notify the depositor on whose account the voucher is drawn. The depositor shall notify the bank in writing within two (2) days whether or not the voucher is valid. If he verifies the voucher, it shall be debited to his account. If he fails to verify it, the bank shall immediately send the voucher and report of the circumstances to the Albany Ration Banking Office.

§ 1407.272 *Reversal of credits; stop orders.* (a) No bank which has accepted for deposit a voucher valid on its face shall cancel the credit resulting from such deposit except upon order of the Office of Price Administration.

(b) No depositor shall issue a stop order and no stop order shall be honored as to any voucher.

(c) Upon receipt of instructions from the Office of Price Administration to debit or credit an account of a depositor, the bank shall debit or credit such account in the amount instructed and notify the depositor thereof.

§ 1407.273 *Permitted surrender by depositors of stamps or certificates.* (a) A depositor may surrender (1) stamps or certificates surrendered to such depositor and not received by a component establishment served or required to be served by an account; and (2) certificates issued in the name of such depositor by a person other than a listed board and not received by a component establishment served or required to be served by an account.

(b) A depositor may also surrender to an establishment not served or required to be served by an account, or to a person other than a depositor or a listed board, certificates received from a listed board pursuant to paragraph (a) of § 1407.268.

§ 1407.274 *Records and duties of depositors.* (a) Each depositor shall retain, for a period of two years, all depositor's stubs, voucher stubs, and statements obtained pursuant to paragraph (b) of this section, all of which shall be made available for inspection by the Office of Price Administration or by a listed board.

(b) Each depositor shall obtain from his bank monthly a statement of his account. He shall check this statement against his records, and any errors or other discrepancies shall be reported to the bank within twenty (20) days after the date of issuance of the statement. Otherwise any errors shall be deemed to have been waived by the depositor. Each depositor shall be entitled to examine his cancelled vouchers at his bank on one day each month designated by the bank for that purpose.

(c) Any dispute between a depositor and his bank with respect to the amount of the balance in an account shall be referred to the Albany Ration Banking Office for decision by the Office of Price Administration.

§ 1407.275 *Bank records and accounts confidential.* All records kept by any bank with respect to an account shall be subject to the provisions of § 1407.44.

Effective Date

§ 1407.222 *Effective dates of amendments.* * * *

(u) Amendment No. 20 (§§ 1407.261 through 1407.275) to Rationing Order No. 3 shall become effective October 26, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10881; Filed, October 26, 1942; 5:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 111 Under § 1499.3 (b) of GMPR]

ALASKA FURS

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation—Order No. 111—Department of the Interior of the United States Government.

The Department of the Interior of the United States Government has made application under § 1499.3 (b) of the General Maximum Price Regulation for approval of maximum prices for its sales of dyed and dressed Alaska fur seal skins and dressed blue and white Alaska fox pelts. Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration: *It is ordered:*

§ 1499.975 *Approval of maximum prices for sales by the Department of the Interior of the United States Government of dyed and dressed Alaska fur seal skins and dressed blue and white Alaska fox pelts.* (a) On and after October 24, 1942, the maximum prices at which the Department of the Interior of the United States Government, or the Fouke Fur Company of St. Louis, Missouri, acting as its agent, may sell, deliver and offer for sale dyed and dressed Alaska fur seal skins and dressed blue and white Alaska fox pelts shall be the highest price received by the Department of the Interior of the United States Government for the same or similar skins or pelts sold by it at the auction sale conducted for its accounts by Fouke Fur Company of St. Louis, Missouri, on September 8, 1941.

(b) Within ten days after a maximum price for any such skin or pelt has been determined in accordance with subparagraph (a) of this order, the Department of the Interior of the United States Government shall report such price to the Office of Price Administration, Washington, D. C.

(c) The maximum prices authorized by paragraph (a) of this Order No. 111 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 111 may be amended or revoked by the Office of Price Administration at any time.

(e) This Order No. 111 (§ 1499.975) shall become effective October 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10880; Filed, October 26, 1942; 5:02 p. m.]

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*Copies may be obtained from the Office of Price Administration.

Chapter XIII—Office of Petroleum Coordinator for War

[Recommendation 38, Amendment]

PART 1500—ADMINISTRATIVE; GENERAL

FOREIGN OPERATIONS

To the Foreign Operations Committee, The Anglo American Purchasing Company, Asiatic Petroleum Corporation, The Atlantic Refining Company, California-Texas Oil Company, Ltd., Consolidated Oil Corporation, Gulf Oil Corporation, Socony-Vacuum Oil Company, Inc., Standard Oil Company (New Jersey), Standard Oil Company of California, Standard Vacuum Oil Company, Superior Oil Company of California, The Texas Company, Tidewater Associated Oil Company, Union Oil Company of California, and their respective subsidiary and affiliated companies, and any other American companies and American citizens, engaged in producing, refining, transporting, or marketing petroleum or petroleum products outside, or for consumption outside, the continental United States:

In order further to aid in the accomplishment of the purposes and objectives of the petroleum war policy defined by the President of the United States in his letter of May 28, 1941, establishing the Office of Petroleum Coordinator for War, and particularly in view of the existence of a state of war between the Government and the people of the United States and the Imperial Japanese Government, the Government of Germany, and the Government of Italy, the Petroleum Coordinator for War has heretofore provided for the establishment of the Foreign Operations Committee of the Office of Petroleum Coordinator for War. The purpose of the Committee is to provide an adequate and responsible body equipped and authorized to advise and make recommendations to the Petroleum Coordinator on any subject relating to or affecting petroleum matters outside the continental United States, and to provide for the effectuation of measures recommended or approved by the Petroleum Coordinator or the Deputy Petroleum Coordinator to serve the interests of the United States, and its allies and other friendly nations in the availability, supply, and utilization of petroleum outside the continental United States. It is essential that the Foreign Operations Committee be enabled to accomplish the purposes indicated above adequately and expeditiously. It is imperative that all persons, natural or artificial, employ every possible means to supply for the United States and its allies and other friendly nations, outside the continental United States, the petroleum needs of the military forces, the war industries, and essential civilian requirements.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for War, §§ 1500.15 to 1500.21, inclusive, of this Chapter (Recommendation No. 38, dated March 24, 1942, 7 F.R. 2638, 2950) are hereby amended to read as follows:

AUTHORITY: §§ 1500.15 to 1500.21, inclusive, issued under the President's letter of May 28, 1941, to the Secretary of the Interior; 6 F.R. 2760.

§ 1500.15 *Duties and functions.* The Foreign Operations Committee shall: (a) advise and make recommendations to the Petroleum Coordinator for War on any subject relating to or affecting any petroleum matters outside the continental United States, submitted to it by the Petroleum Coordinator for advice or recommendation; (b) whenever deemed necessary or advisable, consider and propose on its own motion to the Petroleum Coordinator any action which is designed to serve the needs or interests of the United States and its allies and friendly nations and which shall relate to or affect the production, refining, transportation, or distribution of petroleum or petroleum products outside the continental United States, or the availability supply or utilization thereof, including, but without limitation, the joint use of facilities, the fixing of allocations and the taking of other cooperative action in the production, refining, transportation, and distribution of petroleum and petroleum products outside the continental United States, and (c) take all such action and perform all such functions and duties as shall be required of it in any written request or direction of the Petroleum Coordinator or Deputy Petroleum Coordinator or Director of the Foreign Division pursuant to this or any other Recommendation or Directive of the Office of Petroleum Coordinator for War, or to any Plan approved thereunder.

§ 1500.16 *Surveys and investigations.* In accomplishing the purposes and objectives of the Foreign Operations Committee as defined in § 1500.15 of this Chapter, the Foreign Operations Committee shall obtain, compile, and analyze all pertinent and available facts, figures, and other data with respect to any matter which may properly be before it. In this connection the Committee is authorized:

(a) To direct such inquiries and questionnaires to such companies, organizations, or persons, foreign or domestic, as may be necessary or appropriate;

(b) To ask and receive expert assistance from any company, organization, or person, foreign or domestic;

(c) To afford any interested or affected persons opportunity to present their views;

(d) To consult with any of the committees or subcommittees established by or under the authority of the Petroleum Coordinator, and with any appropriate representative of the Office of Petroleum Coordinator for War.

§ 1500.17 *Organization of the Committee.* The Foreign Operations Committee shall select from its membership an Executive Committee which, when the Foreign Operations Committee is not in session, shall have all the duties, functions, and authority of the Foreign Operations Committee except as may be otherwise directed from time to time by the Petroleum Coordinator

The Foreign Operations Committee may appoint such subcommittees, and maintain such staff and employ such persons, as its finds necessary for carrying out its duties, functions, and responsibilities under §§ 1500.15 to 1500.21, inclusive, of this Chapter. The expenses of the Committee shall be met as provided in § 1500.21 of this Chapter.

Minutes shall be kept of all meetings of the Foreign Operations Committee and of the Executive Committee, and two copies thereof shall be filed in the Office of Petroleum Coordinator for War.

§ 1500.18 *Formulation of plans.* (a) The Foreign Operations Committee shall, at the request of the Petroleum Coordinator, or on its own motion, if it shall deem such action necessary or advisable, formulate and submit to the Chief Counsel of the Office of Petroleum Coordinator for War plans concerning any matter which may properly be before it.

Effectuation of plans. (b) The Foreign Operations Committee and all persons affected by any plan formulated in accordance with this § 1500.18 shall, upon approval of any such plan by the Chief Counsel of the Office of Petroleum Coordinator for War and pursuant to the direction of the Petroleum Coordinator for War or the Deputy Petroleum Coordinator carry into effect such plan according to its terms, conditions, and intent.

§ 1500.19 *Cooperation with industry.* Without limiting the duties and authority elsewhere provided in this Recommendation, the Foreign Operations Committee, The Anglo American Purchasing Company, Asiatic Petroleum Corporation, The Atlantic Refining Company, California-Texas Oil Company, Ltd., Consolidated Oil Corporation, Gulf Oil Corporation, Socony-Vacuum Oil Company, Inc., Standard Oil Company (New Jersey), Standard Oil Company of California, Standard Vacuum Oil Company, Superior Oil Company of California, The Texas Company, Tidewater Associated Oil Company, Union Oil Company of California, and their respective subsidiary and affiliated companies, and any other American companies and American citizens, engaged in producing, refining, transporting, or marketing petroleum or petroleum products outside or for consumption outside the continental United States, shall cooperate with each other and with other persons, natural or artificial, and with the appropriate agencies of the governments of the United States and its allies and other friendly nations for the purpose of meeting adequately and expeditiously, in the manner provided in § 1500.20 of this Chapter, the petroleum needs of the military forces, the war industries, and essential civilian requirements of the United States and its allies and such other friendly nations outside the continental United States.

§ 1500.20 *Use of facilities and products.* Without limitation upon the authority elsewhere conferred by this or any other recommendation, directive, or by any plan approved thereunder, the Foreign Operations Committee, or any subcommittee thereof, or the companies or persons designated in § 1500.19 of this Chapter, or any of them, in order to effectuate the purposes set forth in said section, shall:

(a) Arrange so to utilize available tanker and cargo vessel capacity, without regard to individual ownership or control thereof, as to transport petroleum and petroleum products from the points of supply nearest the areas outside of the continental United States to be supplied, and in such manner as to avoid multiple port loading and discharging, cross hauling, and unnecessary ballast voyages;

(b) Arrange so to utilize barge, terminal, and storage facilities, without regard to individual ownership or control thereof, as to reduce to a minimum idle time in port and the splitting of cargoes between two or more ports of discharge;

(c) Arrange for the exchange, loan, or sale of petroleum and petroleum products among themselves, or any of them whenever and to whatever extent may be necessary to effect a maximum reduction of the tanker and cargo vessel tonnage required to supply to areas outside the continental United States the petroleum and petroleum products required to accomplish the purposes set forth in § 1500.19 of this Chapter: *Provided*, That any proposals for action to be taken within the territorial limits of continental United States pursuant to this section shall require the prior approval of the Director of the Foreign Division and the Chief Counsel of the Office of Petroleum Coordinator for War.

§ 1500.21 *Meetings; coordination; expenses and contributions.* (a) Meetings of the Foreign Operations Committee, any subcommittee thereof, and representatives of the companies, and persons, designated herein and other persons who may be affected, or any of them, may be held from time to time for the purpose of formulating plans and working out the physical and contractual details and arrangements necessary to carry into effect the provisions and purposes of §§ 1500.15 to 1500.20, inclusive, of this Chapter. The companies and persons affected, after receipt of approval of any of the aforesaid plans, may, from time to time, hold meetings for the purpose of doing all things necessary to carry into effect any such plan.

(b) The Foreign Operations Committee, the subcommittees thereof, and the companies and persons designated herein shall coordinate their activities pursuant to §§ 1500.15 to 1500.20, inclusive, of this Chapter, with the Petroleum Supply Committees for Latin America, the British Petroleum Committee, the British Tankers Committee, and the Petroleum Supply and Distribution Board, and with such other appropriate agencies as may be established or approved by the Government of the United States or of any of its allies or friendly nations.

(c) Operating expenses heretofore or hereafter incurred or paid for by the Foreign Operations Committee or any subcommittees thereof shall be met from a fund to which contributions may be made by companies or individuals engaged in the petroleum industry upon solicitation by the Committee.

RALPH K. DAVIES,
Deputy Petroleum Coordinator for War.

OCTOBER 20, 1942.

[F. R. Doc. 42-10884; Filed, October 27, 1942; 9:41 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[G. O 12, Supp. 8]

PART 306—GENERAL AGENTS AND AGENTS

COMPENSATION OF AGENTS

The amendments to General Order No. 12, Part I, Dry Cargo Vessels, published in the FEDERAL REGISTER on October 23, 1942, Page 8565, are hereby cancelled and the following amendments, which shall be effective from the dates applicable as provided in General Order No. 12, Part I, substituted in lieu thereof:

Strike out paragraphs (a) and (d) of § 306.7 and insert in lieu thereof the following:

§ 306.7 *Compensation of agents in continental United States ports.* (a) 2½¢ per handled ton for all Army and Navy cargo outward or homeward where the cargo is handled by the Army or Navy and the agent is not required to check the details of the cargo handled: *Provided further*, Where the vessel handles a full cargo and the detail of the tonnage handled is not made available by the Army or Navy to the agent, the agent shall receive a fee of $250.00. 15¢ per handled ton outward and 12½¢ per handled ton homeward and way for Army and Navy cargo shipped under standard form of Government bill of lading as required under Traffic Regulation No. 3, issued September 9, 1942, and when not coming within the preceding provisions hereof.

* * * * *

(d) 25¢ per handled ton for all other cargoes outward and 20¢ per handled ton for all other homeward or way cargoes, not falling within paragraphs (a), (b) and (c). (The Administrator reserves the right to determine the reasonableness of commercial rates on bulk and other cargoes, from the effective date of this order.)

and add the following paragraph (e):

(e) 2½% of the vessel's revenue on outward ad valorem cargo and mail, and 1½% of the vessel's revenue on homeward and way ad valorem cargo and mail.

Strike out paragraphs (a) and (c) of § 306.8 and insert in lieu thereof the following:

§ 306.8 *Compensation of agents at ports outside of continental United States.* (a) 2½¢ per handled ton for all Army and Navy cargo outward or homeward where the cargo is handled by the Army or Navy and the agent is not required to check the details of the cargo handled: *Provided further*, Where the vessel handled a full cargo and the detail of the tonnage handled is not made available by the Army or Navy to the agent, the agent shall receive a fee of $250.00. 15¢ per handled ton outward and 12½¢ per handled ton homeward and way for Army and Navy cargo shipped under standard form of Government bill of lading as required under Traffic Regulation No. 3, issued September 9, 1942, and when not coming within the preceding provisions hereof.

* * * * *

(c) 10¢ per handled ton for outward or homeward cargo shipped for Lend-Lease account.

and add the following paragraph (e):

(e) 2½% of the vessel's revenue on outward ad valorem cargo and mail, and 1½% of the vessel's revenue on homeward and way ad valorem cargo and mail.

Strike out the first part of paragraph (a) Basic Scale (§ 306.9) and substitute in lieu thereof the following:

§ 306.9 *Compensation of general agents*—(a) *Basic scale.* For each calendar month or prorata thereof beginning with the month in which the first vessel subject hereto is delivered to the general agent and ending with the calendar month or prorata thereof (part days shall count as whole days) in which the last vessel subject hereto is redelivered by the general agent, the basic compensation, computed on the basis of payable tons of the vessels handled during each such month, shall be calculated in accordance with the following scale:

* * * * *

[SEAL] E. S. LAND,
Administrator.

OCTOBER 21, 1942.

[F. R. Doc. 42-10895; Filed, October 27, 1942; 11:19 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Exemption Order ODT 21-1]

PART 521—CONSERVATION OF MOTOR EQUIPMENT; EXCEPTIONS, PERMITS, AND EXEMPTIONS

SUBPART M—CERTIFICATES OF WAR NECESSITY

SPECIAL INDUSTRIAL, CONSTRUCTION, AND MAINTENANCE VEHICLES, ETC.

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, and by Executive Order No. 9156, dated May 2, 1942:

It is hereby ordered, That:

§ 521.3500 *Partial exemption of special industrial, construction, and maintenance vehicles, farm machines, certain trailers, and motorcycles and motor scooters available for public rental.* Industrial motor vehicles equipped with solid rubber tires or pneumatic tires, not designed for use on the highways, and used within industrial plants, warehouses, docks and terminals for intraplant movement of property; motor graders, scrapers, scoops, bulldozers, and other similar vehicles equipped with solid rubber tires or pneumatic tires and used in construction or maintenance work; planters, broadcast seeders, fertilizer distributors, sprayers, and other similar machines equipped with solid rubber tires or pneumatic tires and used in farming operations; farm trailers and semitrailers, and other trailers and semitrailers equipped with solid rubber tires or pneumatic tires, regularly drawn or powered by private passenger automobiles; and motorcycles and motor scooters available for public rental, are hereby exempted from the provisions of Subpart M, (General Order ODT 21 [1]) Part 501, this chapter and title of the Code of Federal Regulations, except § 501.101.

This Exemption Order (§ 521.3500) shall become effective on November 15, 1942, and shall remain in full force and effect until further ordered.

(E.O. 8989 and E.O. 9156; 6 F.R. 6725, 7 F.R. 3349)

Issued at Washington, D. C., this 22d day of October 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-10902; Filed, October 27, 1942; 11:36 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

[Memorandum 748,[2] Supp. 1]

LAND FOR RESETTLEMENT PURPOSES

AUTHORIZATION OF USE

OCTOBER 26, 1942.

Authorizing the use of land acquired for resettlement purposes in accordance with the provisions of Title I of the Bankhead-Jones Farm Tenant Act.

Pursuant to the powers vested in me by the Bankhead-Jones Farm Tenant Act, and as Secretary of Agriculture, paragraph 1 of Memorandum No. 748 of the Secretary of Agriculture, dated February 14, 1938, is hereby amended to read as follows:

1. Upon determination by the Administrator of the Farm Security Administration that any land acquired by the United States for resettlement purposes, including lands transferred by a rural rehabilitation corporation under a trust agreement or purchased out of a fund established pursuant to such an agreement, is suitable for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, said Administrator is authorized to utilize said land for the purposes of said title and to authorize the making of loans for the necessary improvements thereon to such individuals and upon such terms as shall be in accordance with the provisions of said title.

[SEAL] PAUL H. APPLEBY,
Acting Secretary.

[F. R. Doc. 42-10901; Filed, October 27, 1942; 11:28 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

HANDKERCHIEF MANUFACTURING INDUSTRY

NOTICE OF ORAL ARGUMENT

Notice of oral argument in the matter of the minimum wage recommendation of Industry Committee No. 46 for the handkerchief manufacturing industry and the prohibition, restriction or regulation of home work in the industry.

Notice is hereby given that the Administrator of the Wage and Hour Division will hear on Thursday, November 12, 1942 at 10:00 a. m. at his office, 165 West 46th Street, New York, New York, from persons who entered an appearance at the hearing held on October 7, 1942 on the minimum wage recommendation of Industry Committee No. 46 for the Handkerchief Manufacturing Industry and the prohibition, restriction or regulation of home work in the industry, oral argument bearing on the issues which are before him in this matter, provided that on or before November 9, 1942 such persons notify the Wage and Hour Division of their intention to offer oral argument and of the amount of time they will require to make their presentation.

Dated: October 26, 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-10897; Filed, October 27, 1942; 11:21 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6223]

WICHITA BROADCASTING COMPANY

NOTICE OF HEARING

In re application of Wichita Broadcasting Company (KWFT), dated March 2, 1941, for modification of license; class of service, broadcast; class of station, broadcast; location, Wichita Falls, Texas; operating assignment specified: frequency, 620 kc.; power, 5 kw. (DA—night); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion of April 27, 1942.

2. To determine whether in view of the foregoing the granting of this application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Wichita Broadcasting Company, Radio Station KWFT, 800 Eighth Street, Wichita Falls, Texas.

Dated at Washington, D. C., October 22, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-10885; Filed, October 27, 1942; 10:26 a. m.]

[Docket No. 6432]

LEE BROS. BROADCASTING SYSTEM

NOTICE DENYING PETITION, ETC.

In re application of J. C. and E. W. Lee (Lee Bros. Broadcasting Company) (KFXM), dated January 20, 1942, for construction permit; class of service, broadcast; class of station, broadcast; location, San Bernardino, California; operating assignment specified: Frequency, 1300 kc.; power, 1 kw. (DA—night and day); hours of operation, unlimited.

You are hereby notified that the Commission on September 15, 1942, denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of the application would be consistent with the Commission's Memorandum Opinion of April 27, 1942.

2. To determine whether in view of the foregoing, the granting of this application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: J. C. and E. W. Lee (Lee Brothers Broadcasting Company), Radio Station KFXM, California Hotel, 512 Fifth Street, San Bernardino, California.

Dated at Washington, D. C., October 22, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-10886; Filed, October 27, 1942; 10:26 a. m.]

[Docket No. 6445]

OLYMPIC BROADCASTING CORPORATION

NOTICE DENYING PETITION, ETC.

In re application of Olympic Broadcasting Corporation (New), dated October 15, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Bremerton, Washington; operating assignment specified: Frequency, 1540 kc.; power, 500 w.; hours of operation, unlimited.

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[1] 7 F.R. 7100.

[2] 3 F.R. 451.

You are hereby notified that the Commission on October 6, 1942, denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942 and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion of April 27, 1942.

2. To determine whether in view of the foregoing the granting of this application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Olympic Broadcasting Corporation, 30 Harrison Building, Fourth and Pacific, Bremerton, Washington.

Dated at Washington, D. C., October 22, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-10887; Filed, October 27, 1942; 10:26 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-305]

W. S. FEES

ORDER FIXING DATE OF HEARING

OCTOBER 24, 1942.

It appearing to the Commission that:

(a) On May 7, 1942, W. S. Fees of Iola, Kansas, filed an application for a certificate of public convenience and necessity for continued operation as a natural gas company based on alleged bona fide operation on February 7, 1942, and since that date, as specified in section 7 (c) of the Natural Gas Act as amended;

(b) The application does not set forth sufficient facts to justify a finding by the Commission that W. S. Fees was a natural gas company bona fide engaged in the transportation or sale of natural gas on February 7, 1942, and since that date, within the meaning of section 7 (c) of the Natural Gas Act as amended;

The Commission *orders*, That:

A public hearing be held in Room 664, U. S. Court House, Kansas City, Missouri, beginning at 10:00 a. m. on November 2, 1942, to determine (1) whether W. S. Fees was on February 7, 1942, and has been since that date, a natural gas company bona fide engaged in the transportation or sale of natural gas within the meaning of section 7 (c) of the Natural Gas Act, as amended; and (2) all relevant facts and circumstances relating to the purchase and sale of natural gas by W. S. Fees, as set forth in his application for a certificate, or otherwise.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-10896; Filed, October 27, 1942; 11:13 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4821]

SOUTHGATE BROKERAGE COMPANY, INC.

ORDER APPOINTING TRIAL EXAMINER, ETC.

Order appointing trial examiner and fixing time and place for taking testimony.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of October, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., section 41), and (49 Stat. 1526, U.S.C.A., section 13, as amended),

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, November 4, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 409, Post Office Building, Norfolk, Virginia.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-10898; Filed, October 27, 1942; 11:24 a. m.]

[Docket No. 4823]

FRAERING BROKERAGE COMPANY, INC.

ORDER APPOINTING TRIAL EXAMINER, ETC.

Order appointing trial examiner and fixing time and place for taking testimony.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of October, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., section 41), and (49 Stat. 1526, U.S.C.A., section 13, as amended),

It is ordered, That William W. Sheppard, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, November 12, 1942, at ten o'clock in the forenoon of that day (central standard time), Room 713, Pere Marquette Building, New Orleans, Louisiana.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-10900; Filed, October 27, 1942; 11: 24 a. m.]

[Docket No. 4822]

ATLANTIC PACKING CO., ET AL.

ORDER APPOINTING TRIAL EXAMINER, ETC.

In the matter of Atlantic Packing Company and Atlantic Packing Company, Distributors, et al.

Order appointing trial examiner and fixing time and place for taking testimony.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of October, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Clyde M. Hadley, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, November 9, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Court Room No. 6, United States Post Office, William Penn Annex, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-10899; Filed, October 27, 1942; 11:24 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Amenament 2 to Administrative Order 25]

REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY TO ACT FOR THE PRICE ADMINISTRATOR

Subparagraphs (2) and (3) of paragraph (a) and subparagraphs (2) and (3) of paragraph (b) of Administrative Order No. 25 are hereby amended to read as set forth below:

(a) * * *

(2) Orders of adjustment of the maximum prices reported by sellers pursuant to § 1499.3 (a) of the General Maximum Price Regulation, or any identical provision of any maximum price regulation, or § 1499.4b of the General Maximum Price Regulation, or §§ 1499.102 (c) or 1499.102 (d) or 1499.103 (d) of Maximum Price Regulation No. 165, as amended, (Services) or §§ 1389.154 (b) or 1389.154 (c) of Maximum Price Regulation No. 178, as amended (Women's Fur Garments).

(3) Determinations of maximum prices pursuant to § 1499.3 (c) of the General Maximum Price Regulation, or § 1499.4a of the General Maximum Price Regulation and § 1305.17 of Supplementary Order No. 13, or § 1389.154 (a) of Maximum Price Regulation No. 178, as amended (Women's Fur Garments).

(b) * * *

(2) Orders of adjustment of the maximum prices reported by sellers pursuant to § 1499.3 (a) of the General Maximum Price Regulation, or any identical provision of any maximum price regulation, or § 1499.4b of the General Maximum Price Regulation, or §§ 1499.102 (c) or 1499.102 (d) or 1499.103 (d) of Maximum Price Regulation No. 165, as amended (Services) or §§ 1389.154 (b) or 1389.154 (c) of Maximum Price Regulation No. 178, as amended (Women's Fur Garments).

(3) Determinations of maximum prices pursuant to § 1499.3 (c) of the General Maximum Price Regulation, or § 1499.4a of the General Maximum Price Regulation and § 1305.17 of Supplementary Order No. 13, or § 1389.154 (a) of Maximum Price Regulation No. 178, as amended, (Women's Fur Garments).

* * * * *

This Amendment No. 2 to Administrative Order No. 25 shall be effective October 30, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10846; Filed, October 26, 1942; 12:24 p. m.]

[Order 15 Under § 1499.158 of MPR 188]

KEASBEY & MATTISON CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 15 under § 1499.158 of Maximum price Regulation No. 188—Manufacturers' Maximum Price for Specified Building Materials and Consumers' Goods Other Than Apparel.

On August 8, 1942, Keasbey & Mattison Company of Ambler, Pennsylvania filed an application with the Office of Price Administration seeking a specific authorization pursuant to § 1499.158 of Maximum Price Regulation No. 188 to determine maximum prices for certain "custom-made" products (as defined in paragraph (b) below) and for instructions as to the method to be used in determining maximum prices for such products to be manufactured by them.

Authorization for Keasbey & Mattison Company to determine maximum prices for certain custom-made products. (a) The maximum price which may be charged by Keasbey & Mattison Company for custom-made products shall be determined in accordance with the following formula:

(1) Determine the unit cost of the direct labor involved in the production of the custom-made product based upon the highest wage rates in effect in the company's plant for any substantial portion of March 1942, for each class of labor involved in the production of the article.

(2) Add to this sum the unit cost of the direct materials used in manufacturing the custom-made product based upon the highest price charged during March 1942, by the manufacturer's supplier to the Keasbey & Mattison Company or, failing a sale to Keasbey & Mattison Company, to a purchaser of the same class as the Keasbey & Mattison Company; except that if the Office of Price Administration has established a lower maximum price for the sale of the material to the manufacturer by his supplier, such lower price shall govern.

(3) Add to the amounts determined under (1) and (2) above the sum arrived at by applying to the cost of the direct labor and material for the particular custom-made product being priced, as determined under (1) and (2) above, the percentage mark-up in effect during March 1942, as filed in the Office of Price Administration, for each of the following types of products:

Asbestos paper and millboard.
High and low pressure insulations.
Cements, insulating and adhesive.
Sprayed "Limpet" fibre.
Asbestos-cement wallboards.
Corrugated asbestos and asbestos lumber.
Impregnated and plain asbestos-cement sheets used for electrical purposes.
Asbestos-cement shingles and siding.
Asbestos-cement "Century" pipe and accessories.

(4) The price so determined shall be the maximum price for the custom-made product being priced. All freight equalization practices and allowances, all trade or cash discounts applicable to the sale of any type of custom-made product, whether based on quantity, class of purchaser, or any other cause, shall be applicable to the sale of any custom-made products whose maximum prices are determined under this order.

(b) The term "custom-made product" as used in this order No. 15 shall include all items manufactured by Keasbey & Mattison Company of the types designated in paragraph (a) (3) above, which are subject to Maximum Price Regulation No. 188; and

(1) Which are not part of, and will not become a part of, Keasbey & Mattison Company's standard line of products; or

(2) Which were not delivered or offered for delivery during March 1942, by Keasbey & Mattison Company; or

(3) Whose prices cannot be determined upon the basis of prices which Keasbey & Mattison Company had in effect for standard items and for special processing during March 1942; or

(4) Which may not be priced under § 1499.155 of Maximum Price Regulation No. 188.

(c) Within ten days after a maximum price has been determined in accordance with this order, the Keasbey & Mattison Company shall report that price to the Office of Price Administration, stating that the price was determined in accordance with the formula set forth in paragraph (a) hereof and setting forth in detail the calculations made in determining that price, including a description of the product and the labor and materials used. This report shall be filed under oath or affirmation and shall be filed in triplicate.

(d) Any selling price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(e) This Order No. 15 may be revoked or amended by the Office of Price Administration at any time.

(f) This Order No. 15 shall become effective October 27, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10868; Filed, October 26, 1942; 3:41 p. m.]

[Order 16 Under § 1499.158 of MPR 188]

BARNHARDT MANUFACTURING CO.

AUTHORIZATION OF MAXIMUM PRICE

Order No. 16 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices For Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and under § 1499.158 of Maximum Price Regulation No. 188, *It is hereby ordered* That:

(a) The maximum prices at which the Barnhardt Manufacturing Company is authorized to sell, deliver and offer for sale, and all other persons are authorized to receive or buy from it in the course of trade "Natur-Temp" flameproof cotton insulation, f. o. b. Charlotte, North Carolina, full freight allowed to destination, are as follows:

Thickness of insulation	Jobbers[1]		Dealers[2]	
	Without paper backing	Encased in Kraft paper	Without paper backing	Encased in backing
1"	$18.00	$20.00	$20.00	$22.22
1½"	22.50	25.00	25.00	27.78
2"	27.50	30.00	30.00	33.33
3"	37.00	40.00	41.11	44.44
3⅝"	40.00	44.00	44.00	48.89

Discount on all above prices 2%, 10 days, net 30 days.

[1] Includes insulation contractors, distributors and builders of large defense housing projects.

[2] Includes building supply dealers, lumber dealers and all sellers at retail.

(b) The authorization granted to the Barnhardt Manufacturing Company, in paragraph (a) is subject to the condition that it shall forthwith notify the dealers purchasing "Natur-Temp" flameproof cotton insulation from it that the Office of Price Administration has by this order authorized its maximum prices as provided in paragraph (a).

(c) This Order No. 16 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 16 shall become effective October 27, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10867; Filed, October 26, 1942; 3:43 p. m.]

[Order 25 Under Maximum Price Regulation 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers—Dockets 3122-127, 3122-128, and 3122-251]

BURDICK COAL CO.—CITY OF WATERTOWN, ET AL.

ORDER GRANTING ADJUSTMENT

Correction

Paragraph (g) of the order appearing on page 8369 of the issue for Friday, October 16, 1942, should read as follows:

(g) This Order No. 25 shall become effective October 15, 1942.

[Order 29 Under RPS 64]

COMSTOCK-CASTLE STOVE CO.

APPROVAL OF MAXIMUM PRICES

Correction

In the eleventh line of paragraph (a) of the order appearing on page 8448 of the issue for Tuesday, October 20, 1942, "1G971R" should be "1C971R".

SECURITIES AND EXCHANGE COMMISSION.

[File No. 31-522]

KENTUCKY NATURAL GAS CORPORATION

ORDER GRANTING EXEMPTION, ETC.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of October 1942.

Kentucky Natural Gas Corporation, a Delaware corporation and a holding company within the meaning of the Public Utility Holding Company Act of 1935, having filed an application and amendments thereto, pursuant to section 3 (a) (3) of said Act, for exemption from the provisions of section 4 (a) (4) thereof, relating to a proposed acquisition of certain utility assets; and

A public hearing on said application having been duly held; the record having been considered; and the Commission having issued and filed its Findings and Opinion therein;

It is ordered, That Kentucky Natural Gas Corporation, and every subsidiary company thereof as such, be and they hereby are granted an exemption from section 4 (a) (4) of the Act with respect to the proposed acquistion of all of the utility assets of Kentucky Public Service Company, Inc., a non-affiliated company.

It is further ordered, That any future exemption will be governed by, and subject to, the limitations contained in Rule U-9 of the Rules and Regulations promulgated by the Commission under the Public Utility Holding Company Act of 1935, without prejudice, however, to the right of Kentucky Natural Gas Corporation to obtain such further exemption by order as may be found appropriate upon application therefor.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10882; Filed, October 27, 1942; 9:38 a. m.]

WAR PRODUCTION BOARD.

[P-19-a, Serial No. 1775-A]

CONSOLIDATED BUILDERS, INC., MASON CITY, WASHINGTON

REVOCATION OF PREFERENCE RATING

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals, lumber and other materials used in construction, for defense, for private account and for export, and of construction machinery and other facilities used in construction; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense: *It is therefore ordered:*

1. *Revocation of project ratings.* Preference Rating Order P-19-a, Serial No. 1775-A, heretofore issued and assigned under date of October 18, 1941, to deliveries to the above-named Builder, and to deliveries to his Suppliers, is hereby revoked, insofar as it applies to the following described part of the Defense Project described and defined in said serially numbered order (which part is hereinafter referred to as "the project"):

All of that part of the project related to the Right (East) Power House. Completion of that portion of the Grand Coulee Dam and the Left (West) Power House necessary to place the hydro-generators authorized for installation in the left power house in effective operation is not included in this revocation.

2. *Revocation of other ratings.* All preference rating certificates of any character heretofore issued to the Builder or to any of his Suppliers are hereby revoked, insofar as they apply to purchase orders or contracts for materials to be incorporated in or used upon the project.

3. *Effect of revocation.* This revocation shall apply to ratings heretofore applied and extended as well as to ratings which have not yet been applied or extended, except with respect to rated orders and contracts which have been filled completely. For the purpose of extension by Suppliers, as well as for the purpose of original application by the Builder of any such rating, all purchase orders and contracts so rated, except orders or contracts which have been completely filled, shall have the status of unrated orders or contracts.

4. *Prohibition of construction.* The Builder shall neither perform nor permit the performance of any further construction or installation on the project, except that until November 15, 1942, and thereafter if expressly permitted by the Director General for Operations, construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials.

5. *Prohibition of deliveries of material.* Effective immediately the Builder, and effective October 28, 1942, all Suppliers, shall cease delivering or accepting delivery of any materials to be used in connection with the construction of or any installation on the project. This paragraph shall not, however, prohibit the delivery to their immediate destination of any materials which are now in transit, or the acceptance of any such delivery.

6. *Notice to suppliers.* The Builder shall promptly advise its Suppliers of the terms of this order, and each Supplier shall in turn notify his Suppliers.

7. *Application for exception.* The Builder or any Supplier who considers that compliance with this order would work an exceptional and unreasonable hardship upon him may apply to the Director General for Operations for an exception, setting forth the pertinent facts and the reasons why he considers he is entitled to the relief requested. The Director General for Operations may thereupon take such action as he deems appropriate, including the restoration or temporary restoration of any rating herein revoked.

8. *Effect on prior orders.* This order supersedes all previous orders and directives of the War Production Board relative to the project.

9. *Communications.* All communications concerning this revocation, including applications for exception under paragraph 7, shall be addressed to the War Production Board, Facility Review Committee, Washington, D. C.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671,

76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10903; Filed, October 27, 1942; 11:51 a. m.]

[P-19-a, Serial No. 984-A]

U. S. BUREAU OF RECLAMATION, DENVER, COLORADO

REVOCATION OF PREFERENCE RATING

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals, lumber and other materials used in construction, for defense, for private account and for export, and of construction machinery and other facilities used in construction; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense: *It is therefore ordered:*

1. *Revocation of ratings.* Preference Rating Order P-19-a, Serial No. 984-A, heretofore issued and assigned under date of September 23, 1941, to deliveries to the above-named builder and to deliveries to his suppliers, is hereby revoked. All preference rating certificates of any character heretofore issued to the builder or to any of his suppliers are hereby revoked, insofar as they apply to purchase orders or contracts for materials to be incorporated in or used upon the defense project described and defined in Preference Rating Order P-19-a, Serial No. 984-A, (hereinafter referred to as "the project").

2. *Effect of revocation.* This revocation shall apply to ratings heretofore applied and extended as well as to ratings which have not yet been applied or extended, except with respect to rated orders and contracts which have been filled completely. For the purpose of extension by suppliers, as well as for the purpose of original application by the builder of any such rating, all purchase orders and contracts so rated, except orders of contracts which have been completely filled, shall have the status of unrated orders or contracts.

3. *Prohibition of construction.* The builder shall neither perform nor permit the performance of any further construction or installation on the project, except that until November 15, 1942, and thereafter if expressly permitted by the Director General for Operations, construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of maetrials.

4. *Prohibition of deliveries of material.* Effective immediately the builder, and effective October 28, 1942 all suppliers, shall cease delivering or accepting delivery of any materials to be used in connection with the construction of or any installation on the project. This paragraph shall not, however, prohibit the delivery to their immediate destination of any materials which are now in transit, or the acceptance of any such delivery.

5. *Notice to suppliers.* The builder shall promptly advise its suppliers of the terms of this order, and each supplier shall in turn notify his suppliers.

6. *Application for exception.* The Builder or any Supplier who considers that compliance with this order would work an exceptional and unreasonable hardship upon him may apply to the Director General for Operations for an exception, setting forth the pertinent facts and the reasons why he considers he is entitled to the relief requested. The Director General for Opertions may thereupon take such action as he deems appropriate, including the restoration or temporary restoration of any rating herein revoked.

7. *Effect on prior orders.* This order supersedes all previous orders and directives of the War Production Board relative to the project.

8. *Communications.* All communications concerning this revocation, including applications for exception under paragraph 6, shall be addressed to the War Production Board, Facility Review Committee, Washington, D. C.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10904; Filed, October 27, 1942; 11:51 a. m.]

[P-19-a, Serial No. 983-A]

U. S. BUREAU OF RECLAMATION, DENVER, COLORADO

REVOCATION OF PREFERENCE RATING

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals, lumber and other materials used in construction, for defense, for private account and for export, and of construction machinery and other facilities used in construction; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense. *It is therefore ordered:*

1. *Revocation of ratings.* Preference Rating Order P-19-a, Serial No. 983-A, heretofore issued and assigned under date of September 24, 1941 to deliveries to the above-named Builder and to deliveries to his Suppliers, is hereby revoked. All Preference Rating Certificates of any character heretofore issued to the Builder or to any of his Suppliers are hereby revoked, insofar as they apply to purchase orders or contracts for materials to be incorporated in or used upon the Defense Project described and defined in Preference Rating Order P-19-a, Serial No. 983-A (hereinafter referred to as "the project").

2. *Effect of revocation.* This revocation shall apply to ratings heretofore applied and extended as well as to ratings which have not yet been applied or extended, except with respect to rated orders and contracts which have been filled completely. For the purpose of extention by Suppliers, as well as for the purpose of original application by the Builder of any such rating, all purchase orders and contracts so rated, except orders or contracts which have been completely filled, shall have the status of unrated orders or contracts.

3. *Prohibition of construction.* The Builder shall neither perform nor permit the performance of any further construction or installation on the project, except that until November 15, 1942, and thereafter if expressly permitted by the Director General for Operations, construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials.

4. *Prohibition of deliveries of material.* Effective immediately the Builder, and effective October 28, 1942, all Suppliers, shall cease delivering or accepting delivery of any materials to be used in connection with the construction of or any installation on the project. This paragraph shall not, however, prohibit the delivery to their immediate destination of any materials which are now in transit, or the acceptance of any such delivery.

5. *Notice to suppliers.* The Builder shall promptly advise its Suppliers of the terms of this order, and each Supplier shall in turn notify his Suppliers.

6. *Application for exception.* The Builder or any Supplier who considers that compliance with this order would work an exceptional and unreasonable hardship upon him may apply to the Director General for Operations for an exception, setting forth the pertinent facts and the reasons why he considers he is entitled to the relief requested. The Director General for Operations may thereupon take such action as he deems appropriate, including the restoration or temporary restoration of any rating herein revoked.

7. *Effect on prior orders.* This order supersedes all previous orders and directives of the War Production Board relative to the project.

8. *Communications.* All communications concerning this revocation, including applications for exception under paragraph 6, shall be addressed to the War Production Board, Facility Review Committee, Washington, D. C.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10907; Filed, October 27, 1942; 11:52 a. m.]

[P–19–a, Serial No. 981–A]

U. S. Bureau of Reclamation, Denver, Colorado

REVOCATION OF PREFERENCE RATING

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals, lumber and other materials used in construction, for defense, for private account and for export, and of construction machinery and other facilities used in construction; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense; *It is therefore ordered:*

1. *Revocation of Ratings.* Preference Rating Order P–19–a, Serial No. 981–A, heretofore issued and assigned under date of September 24, 1941 to deliveries to the above-named Builder and to deliveries to his Suppliers, is hereby revoked. All Preference Rating Certificates of any character heretofore issued to the Builder or to any of his Suppliers are hereby revoked, insofar as they apply to purchase orders or contracts for materials to be incorporated in or used upon the Defense Project described and defined in Preference Rating Order P–19–a, Serial No. 981–A (hereinafter referred to as "the project").

2. *Effect of revocation.* This revocation shall apply to ratings heretofore applied and extended as well as to ratings which have not yet been applied or extended, except with respect to rated orders and contracts which have been filled completely. For the purpose of extension by suppliers, as well as for the purpose of original application by the Builder of any such rating, all purchase orders and contracts so rated, except orders or contracts which have been completely filled, shall have the status of unrated orders or contracts.

3. *Prohibition of construction.* The Builder shall neither perform nor permit the performance of any further construction or installation on the project, except that until November 15, 1942, and thereafter if expressly permitted by the Director General for Operations, construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials.

4. *Prohibition of deliveries of material.* Effective immediately the Builder, and effective October 28, 1942 all suppliers, shall cease delivering or accepting delivery of any materials to be used in connection with the construction of or any installation on the project. This paragraph shall not, however, prohibit the delivery to their immediate destination of any materials which are now in transit, or the acceptance of any such delivery.

5. *Notice to suppliers.* The Builder shall promptly advise its suppliers of the terms of this order, and each supplier shall in turn notify his Suppliers.

6. *Application for exception.* The Builder or any Supplier who considers that compliance with this order would work an exceptional and unreasonable hardship upon him may apply to the Director General for Operations for an exception, setting forth the pertinent facts and the reasons why he considers he is entitled to the relief requested. The Director General for Operations may thereupon take such action as he deems appropriate, including the restoration or temporary restoration of any rating herein revoked.

7. *Effect on prior orders.* This order supersedes all previous orders and directives of the War Production Board relative to the project.

8. *Communications.* All communications concerning this revocation, including applications for exception under paragraph 6, shall be addressed to the War Production Board, Facility Review Committee, Washington, D. C.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of October 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42–10905; Filed, October 27, 1942; 11:51 a. m.]

[P–19–a, Serial No. 982–A]

U. S. Bureau of Reclamation, Denver, Colorado

REVOCATION OF PREFERENCE RATING

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals, lumber and other materials used in construction, for defense, for private account and for export, and of construction machinery and other facilities used in construction; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense. *It is therefore ordered:*

1. *Revocation of ratings.* Preference Rating Order P–19–a, Serial No. 982–A, heretofore issued and assigned under date of September 24, 1941 to deliveries to the above-named Builder and to deliveries to his Suppliers, is hereby revoked. All Preference Rating Certificates of any character heretofore issued to the Builder or to any of his Suppliers are hereby revoked, insofar as they apply to purchase orders or contracts for materials to be incorporated in or used upon the Defense Project described and defined in Preference Rating Order P–19–a, Serial No. 982–A (hereinafter referred to as "the project").

2. *Effect of revocation.* This revocation shall apply to ratings heretofore applied and extended as well as to ratings which have not yet been applied or extended, except with respect to rated orders and contracts which have been filled completely. For the purpose of extension by Suppliers, as well as for the purpose of original application by the Builder of any such rating, all purchase orders and contracts so rated, except orders or contracts which have been filled completely, shall have the status of unrated orders or contracts.

3. *Prohibition of construction.* The Builder shall neither perform nor permit the performance of any further construction or installation on the project, except that until November 15, 1942, and thereafter if expressly permitted by the Director General for Operations, construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials.

4. *Prohibition of deliveries of material.* Effective immediately the Builder, and effective October 28, 1942 all Suppliers, shall cease delivering or accepting delivery of any materials to be used in connection with the construction of or any installation on the project. This paragraph shall not, however, prohibit the delivery to their immediate destination of any materials which are now in transit, or the acceptance of any such delivery.

5. *Notice to suppliers.* The Builder shall promptly advise its Suppliers of the terms of this order, and each Supplier shall in turn notify his Suppliers.

6. *Application for exception.* The Builder or any Supplier who considers that compliance with this order would work an exceptional and unreasonable hardship upon him may apply to the Director General for Operations for an exception, setting forth the pertinent facts and the reasons why he considers he is entitled to the relief requested. The Director General for Operations may thereupon take such action as he deems appropriate, including the restoration or temporary restoration of any rating herein revoked.

7. *Effect on prior orders.* This order supersedes all previous orders and directives of the War Production Board relative to the project.

8. *Communications.* All communications concerning this revocation, including applications for exception under paragraph 6, shall be addressed to the War Production Board, Facility Review Committee, Washington, D. C.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of October 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42–10906; Filed, October 27, 1942; 11:51 a. m.]

[Preference Rating Order P–19–a, Serial No. 3748–A]

U. S. Bureau of Reclamation, Denver, Colorado

REVOCATION OF PREFERENCE RATING

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals, lumber and other materials used in construction, for defense, for private account and for export, and of construction machinery and other facilities used in construction; and the following order is deemed necessary and appropriate in

the public interest and to promote the national defense.

It is therefore ordered:

1. *Revocation of ratings.* Preference Rating Order P–19–a, Serial No. 3748–a, heretofore issued and assigned under date of January 10, 1942 to deliveries to the above-named Builder and to deliveries to his Suppliers, is hereby revoked. All Preference Rating Certificates of any character heretofore issued to the Builder or to any of his Suppliers are hereby revoked, insofar as they apply to purchase orders or contracts for materials to be incorporated in or used upon the Defense Project described and defined in Preference Rating Order P–19–a, Serial No. 3748–A (hereinafter referred to as "the project").

2. *Effect of revocation.* This revocation shall apply to ratings heretofore applied and extended as well as to ratings which have not yet been applied or extended, except with respect to rated orders and contracts which have been filled completely. For the purpose of extension by Suppliers, as well as for the purpose of original application by the Builder of any such rating, all purchase orders and contracts so rated, except orders or contracts which have been completely filled, shall have the status of unrated orders or contracts.

3. *Prohibition of construction.* The Builder shall neither perform nor permit the performance of any further construction or installation on the project, except that until November 15, 1942, and thereafter if expressly permitted by the Director General for Operations, construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials.

4. *Prohibition of deliveries of material.* Effective immediately the Builder, and effective October 28, 1942 all Suppliers, shall cease delivering or accepting delivery of any materials to be used in connection with the construction of or any installation on the project. This paragraph shall not, however, prohibit the delivery to their immediate destination of any materials which are now in transit, or the acceptance of any such delivery.

5. *Notice to suppliers.* The Builder shall promptly advise its Suppliers of the terms of this order, and each Supplier shall in turn notify his Suppliers.

6. *Application for exception.* The Builder or any Supplier who considers that compliance with this order would work an exceptional and unreasonable hardship upon him may apply to the Director General for Operations for an exception, setting forth the pertinent facts and the reasons why he considers he is entitled to the relief requested. The Director General for Operations may thereupon take such action as he deems appropriate, including the restoration or temporary restoration of any rating herein revoked.

7. *Effect on prior orders.* This order supersedes all previous orders and directives of the War Production Board relative to the project.

8. *Communications.* All communications concerning this revocation, including applications for exception under paragraph 6, shall be addressed to the War Production Board, Facility Review Committee, Washington, D. C.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E. O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671. 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of October 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42–10909; Filed, October 27, 1942; 11:52 a. m.]

[P–19–a, Serial No. 36–A]

U. S Bureau of Reclamation, Denver, Colorado

REVOCATION OF PREFERENCE RATING

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals, lumber and other materials used in construction, for defense, for private account and for export, and of construction machinery and other facilities used in construction; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense. *It is therefore ordered:*

1. *Revocation of project ratings.* Preference Rating Order P–19–a, Serial No. 36–A, heretofore issued and assigned under date of July 25, 1941, to deliveries to the above-named Builder and to the following described part of the defense project described and defined in said serially numbered order (which part is hereinafter referred to as "the project"), is hereby revoked:

(1) Hydro generating unit #5 including accessory equipment and transmission line capacity necessary to place this unit in operation.

2. *Revocation of other ratings.* All Preference Rating Certificates of any character heretofore issued to the Builder or to any of his Suppliers are hereby revoked, insofar as they apply to purchase orders or contracts for materials to be incorporated in or used upon the project.

3. *Effect of revocation.* This revocation shall apply to ratings heretofore applied and extended as well as to ratings which have not yet been applied or extended, except with respect to rated orders and contracts which have been filled completely. For the purpose of extension by Suppliers, as well as for the purpose of original application by the Builder of any such rating, all purchase orders and contracts so rated, except orders or contracts which have been completely filled, shall have the status of unrated orders or contracts.

4. *Prohibition of construction.* The Builder shall neither perform nor permit the performance of any further construction or installation on the project, except that until November 15, 1942, and thereafter if expressly permitted by the Director General for Operations, construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials.

5. *Prohibition of deliveries of material.* Effective immediately the Builder, and effective October 28, 1942 all Suppliers, shall cease delivering or accepting delivery of any materials to be used in connection with the construction of or any installation on the project. This paragraph shall not, however, prohibit the delivery to their immediate destination of any materials which are now in transit, or the acceptance of any such delivery.

6. *Notice to suppliers.* The Builder shall promptly advise its Suppliers of the terms of this order, and each Supplier shall in turn notify his Suppliers.

7. *Application for exception.* The Builder or any Supplier who considers that compliance with this order would work an exceptional and unreasonable hardship upon him may apply to the Director General for Operations for an exception, setting forth the pertinent facts and the reasons why he considers he is entitled to the relief requested. The Director General for Operations may thereupon take such action as he deems appropriate, including the restoration or temporary restoration of any rating herein revoked.

8. *Effect on prior orders.* This order supersedes all previous orders and directives of the War Production Board relative to the project.

9. *Communications.* All communications concerning this revocation, including applications for exception under paragraph 7, shall be addressed to the War Production Board, Facility Review Committee, Washington, D. C.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of October 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42–10908; Filed, October 27, 1942; 11:52 a. m.]

OCT 30 1942

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

LITTERA SCRIPTA MANET

VOLUME 7 NUMBER 213

Washington, Thursday, October 29, 1942

The President

EXECUTIVE ORDER 9258

INSPECTION BY THE OFFICE OF PRICE ADMINISTRATION OF CORPORATION STATISTICAL TRANSCRIPT CARDS PREPARED FROM INCOME AND DECLARED VALUE EXCESS-PROFITS TAX RETURNS

By virtue of the authority vested in me by sections 55 (a) and 604 of the Internal Revenue Code (53 Stat. 29, 111), it is hereby ordered that corporation statistical transcript cards prepared by the Bureau of Internal Revenue from corporation income and declared value excess-profits tax returns made under the Internal Revenue Code, as amended, for any taxable year ending after June 30, 1941 and before July 1, 1942, shall be open to inspection by the Office of Price Administration; such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in the Treasury Decision relating to the inspection of such cards by the Office of Price Administration, approved by me this date.

This order shall be published in the FEDERAL REGISTER.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 26, 1942.

[F. R. Doc. 42-10928; Filed, October 27, 1942; 2:52 p. m.]

EXECUTIVE ORDER 9259

AUTHORIZING THE CIVIL SERVICE COMMISSION TO CONFER A CLASSIFIED CIVIL-SERVICE STATUS ON CERTAIN GOVERNMENT EMPLOYEES

By virtue of the authority vested in me by section 1753 of the Revised Statutes of the United States (U.S.C., title 5, sec. 631) and by the Civil Service Act (22 Stat. 403), it is hereby ordered as follows:

In any case in which, on or after July 1, 1941, and prior to March 16, 1942, under the Civil Service Act and Rules, a permanent employee serving under a duly authorized appointment in the executive branch of the Government without a classified (competitive) civil-service status, became eligible through appropriate open competitive civil-service examination for probational appointment to a position subject to the salary-advancement provisions of the act of August 1, 1941, c. 346, 55 Stat. 613, or Executive Order No. 8842 of August 1, 1941, at a salary lower than that which he was then receiving, but approval of such probational appointment by the Civil Service Commission was not obtained because reduction to such lower salary was not made, the Civil Service Commission is authorized, upon recommendation of the employing agency, (a) to approve such probational appointment (if made by the employing agency prior to March 16, 1942), or (b) to confer a classified (competitive) civil-service status on such excepted employee, retroactively, notwithstanding, in either case, that his salary was not reduced, except to the extent necessary to comply with the established maximum pay rate for the position in which such status is to be acquired.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 26, 1942.

[F. R. Doc. 42-10929; Filed, October 27, 1942; 2:54 p. m.]

Regulations

TITLE 7—AGRICULTURE

[Temporary Rationing Order B]

PART 2—RATIONING OF FARM MACHINERY AND EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT

Pursuant to the authority vested in the Secretary of Agriculture by Administrative Order 28,[1] of the Office of Price Administration, issued September 15, 1942, *it is hereby ordered,* That:

(Continued on next page)

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[1] 7 F.R. 7326, 8672.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Telephone information: DIstrict 0525.

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TEMPORARY RATIONING ORDER A[3]

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2.111 Effective date of Temporary Rationing Order B.

AUTHORITY: §§ 2.101 to 2.111, inclusive, issued under Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and Pub. Law 507, 77th Cong., Pub. Law 421, 77th Cong., War Production Board Directive 1, Supplemental Directive 1–K, 7 F.R. 562, 7280, Office of Price Administration Order 28, 7 F.R. 7326, 8672.

Definitions

§ 2.101 *Definitions.* When used in Temporary Rationing Order B:

(a) "Secretary" means the Secretary of Agriculture.

(b) "Special War Board Assistant" means the Special War Board Assistant to the Secretary of Agriculture.

(c) "State board" means the State U. S. D. A. War Board.

(d) "Manufacturer" means any person engaged, to whatever extent, in the business of making or assembling new farm machinery and equipment.

(e) "Distributor" means any person who accepts transfers of new farm machinery and equipment to the extent that such transfers are accepted for the purpose of resale other than for use.

(f) "Person" means any individual, partnership, corporation, association, or other organized group of "persons" and shall include any agent, agency, or any "person" acting for or on behalf of any of the foregoing. The term "person" shall also include the United States or any agency thereof, and a State or any political subdivision or agency thereof.

(g) "Transfer" means any actual or purported act or transaction, whether or not evidenced by writing, the purpose, intent, or effect of which is to create, surrender, release, change, or alter, directly or indirectly, any right, title, possession, or interest with respect to any new farm machinery and equipment and, without limitation upon the foregoing, shall include the making, execution, or delivery of any bill of sale, chattel mortgage, receipt, agreement, contract, certificate, gift, loan, lease, sale, barter, or exchange, the creation or transfer of any lien, the issuance, docketing, filing, or the levy of or under any judgment, decree, attachment, execution, or other judicial process or order. The use by a dealer or manufacturer of new farm machinery and equipment in farming operations shall be deemed a transfer. "Transfer" shall also include delivery of any new farm machinery and equipment from any person to an agent or agency of such person or the delivery thereof to any person acting on behalf of such person.

(h) "Farm machinery and equipment" means agricultural machinery, mechanical equipment and implements (including all attachments used in conjunction therewith) used for the production or care of crops, livestock, livestock products, or other produce on a farm (or elsewhere in the case of poultry), including irrigation and drainage equipment (excluding tile), horseshoes (including mule-shoes), horseshoe nails, harness hardware and water well casing; but excluding repair parts, and also excluding all of the following: Track-laying type tractors, equipment ordered by the United States Department of Agriculture or other United States Government agencies, buildings and repairs thereto, fencing, poultry nettings and wire, wire fencing, bale ties or straps, oil well casing and water pipe, nails (other than horseshoe nails) and sundry hardware.

(i) "New farm machinery and equipment" means all farm machinery and equipment, except farm machinery and equipment transferred for use prior to the effective date of this order.

Administration and Personnel

§ 2.102 *Administration and personnel.* The farm machinery and equipment rationing program established in this order shall be administered by the Special War Board Assistant and other officers and employees of the Department of Agriculture, subject to the supervision of the Secretary.

Restrictions

§ 2.103 *Restrictions on transfer of new farm machinery and equipment in Schedule I.* Regardless of the terms of any contract of sale or purchase or other commitment, whenever made, no person shall, after November 1, 1942, make a transfer or accept a transfer of any new farm machinery and equipment listed in Schedule I hereof. Physical movements of new farm machinery and equipment listed in Schedule I hereof by any person are prohibited, except as follows:

(a) Any person may physically move, without an accompanying transfer (or with an accompanying transfer for storage only), within a county new farm machinery and equipment listed in Schedule I hereof; new farm machinery and equipment listed in Schedule I hereof shall not be moved from one county into another county unless prior consent of the Special War Board Assistant is obtained.

(b) A carrier to which new farm machinery and equipment listed in Schedule I hereof has, prior to November 1, 1942, been delivered for shipment may deliver such new farm machinery and equipment to the consignee and such consignee may accept delivery.

§ 2.104 *Restrictions on transfer of new farm machinery and equipment in Schedule II.* Regardless of the terms of any contract of sale or purchase or other commitment, whenever made, no manufacturer or distributor shall make a transfer or accept a transfer, and no person shall accept a transfer from a manufacturer or distributor, of any new farm machinery and equipment listed in Schedule II hereof. Physical movements of new farm machinery and equipment listed in Schedule II hereof by manufacturers or distributors are prohibited except as follows:

(a) Any manufacturer or distributor may physically move, without an accompanying transfer (or with an accompanying transfer for storage only), within a county new farm machinery and equipment listed in Schedule II hereof; new farm machinery and equipment listed in Schedule II hereof shall not be moved by a manufacturer or distributor from one county into another county unless prior consent of the Special War Board Assistant is obtained.

(b) A carrier to which new farm machinery and equipment listed in Schedule II hereof consigned to or by a manufacturer or distributor has, prior to November 1, 1942, been delivered for shipment may deliver such new farm machinery and equipment to the consignee and such consignee may accept delivery.

Persons Authorized by the War Production Board to Acquire New Farm Machinery and Equipment

§ 2.105 *Government agencies; exports; non-farm use.* Any provision of this order to the contrary notwithstanding, any Federal agency desiring any new farm machinery and equipment, any person desiring to acquire any new farm machinery and equipment for export to and consumption or use in any foreign country, and any person desiring to acquire for non-farm use any new farm machinery and equipment may acquire such new farm machinery and equipment provided there is compliance with any and all applicable regulations of the War Production Board.

Appeals

§ 2.106 *Consideration by the Special War Board Assistant.* Any person who has good reason to believe that the operation of this order will result in exceptional hardship to him or will result in a material reduction in the production of crops or commodities essential to the war effort, may submit a statement of his case in writing to the county rationing committee (which is the committee established by § 2.4 of Temporary Rationing Order A) for the county in which he has his principal place of business or his residence. If there is no county rationing committee for such county, he may submit a statement of his case in writing to the State board for the State in which he has his principal place of business or his residence. The county rationing committee shall promptly forward the statement of the case with its recommendation and any additional information at its disposal concerning the case to the State board. The State board shall promptly forward the statement of the case with its recommendation and any additional information at its disposal concerning the case to the Special War Board Assistant. The Special War Board Assistant may thereupon take such action as he deems appropriate, including the authorization of transfers.

Records

§ 2.107 *Records to be kept by manufacturers, distributors, and others.* Each manufacturer, distributor, or other person shall make such reports, including inventories, and furnish such information relative to farm machinery and equipment as may be required from time to time by the Secretary or the Special War Board Assistant.

Enforcement

§ 2.108 *Violations.* (a) Any person who violates any provision of this order or who falsifies records to be kept or information to be furnished pursuant to this order may be prohibited by administrative suspension order from receiving any delivery of, or selling, or otherwise disposing of, or using any materials now or hereafter authorized to be rationed or allocated by the Secretary. Such further action shall be taken as is appropriate, including recommendations for prosecution under section 35 (a) of the Criminal Code, under par. 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(b) The Special War Board Assistant may recommend to the Office of Price Administration or to the War Production Board that any person who violates any provision of this order or amendment theref be denied the right to receive, use, sell, or otherwise dispose of any other materials now or hereafter under allocation.

Temporary Rationing Order A

§ 2.109 *Effect on Temporary Rationing Order A.* Temporary Rationing Order A, as amended, is modified and superseded by this order to the extent that any provision of Temporary Rationing Order A, as amended, is inconsistent with any provision of this order.

Application

§ 2.110 *Scope of order.* This Temporary Rationing Order B shall apply only within the limits of continental United States.

Effective Dates

§ 2.111 *Effective date of Temporary Rationing Order B.* This Temporary Rationing Order B (§§ 2.101 to 2.111, inclusive) shall become effective November 1, 1942.

Done at Washington, D. C., this 28th day of October 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

SCHEDULE I

PLANTING, SEEDING AND FERTILIZING MACHINERY

Planters, horse and tractor drawn
  Two row, corn planters
  Two row, corn and cotton planters
  Three row and over, corn planters
Planters, tractor mounted
  One row, corn planters
  One row, corn and cotton planters
  Two row, corn planters
  Two row, corn and cotton planters
  Three row and over, corn planters
  Three row and over, corn and cotton planters

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[3] 7 F.R. 7301, 7768, 8575.

- Potato planters, horse or tractor drawn
- Transplanters, horse or tractor drawn
- Listers with planting attachments, horse or tractor drawn
  - One row
  - Two row
  - Three row and over
- Listers with planting attachments, tractor mounted
  - One row
  - Two row
  - Three row and over
- Beet drills, horse or tractor drawn
- Grain drills
  - One horse, 3 or 5 disc drills
  - Fertilizer drills, horse or tractor drawn
  - Plain drills, horse or tractor drawn
- Fertilizer distributors, horse or tractor drawn
- Lime spreaders (sowers)
  - Wheeled type horse or tractor drawn
  - Endgate type
  - Truck body type
- Manure spreaders
  - Four wheeled, horse or tractor drawn
  - Two wheeled, tractor drawn

PLOW AND LISTERS

- Moldboard plows, tractor drawn or mounted
  - One bottom, tractor drawn
  - Two bottom, tractor drawn
  - Three bottom, tractor drawn
  - Four bottom, tractor drawn
  - One bottom, tractor mounted
  - Two bottom, tractor mounted
- Disc plows, tractor drawn or mounted
  - One disc, tractor drawn
  - Two disc, tractor drawn
  - Three disc, tractor drawn
  - One disc, tractor mounted
  - Two disc, tractor mounted
- One way disc plows or tillers
- Listers, horse or tractor drawn
  - (Middlebusters without planting attach.)
  - One row, horse or tractor drawn
  - Two row, horse or tractor drawn
  - Three row and larger, horse or tractor drawn
- Listers, tractor mounted
  - (Middlebusters without planting attach.)
  - One row, tractor mounted
  - Two row, tractor mounted
  - Three row and larger, tractor mounted

HARROWS, ROLLERS, PULVERIZERS

- Harrows
  - Spike tooth harrow sections, horse or tractor drawn
  - Spring tooth harrow sections, horse or tractor drawn
  - Disc harrows, horse or tractor drawn
  - Disc harrows, tractor mounted
- Soil pulverizers and packers
- Ridge busters
  - Ridge busters, horse or tractor drawn
  - Ridge busters, tractor mounted

CULTIVATORS AND WEEDERS

- Cultivators, horse and tractor drawn
  - Beet cultivator
  - Field cultivator
- Cultivators, tractor mounted
  - One row
  - Two row
  - Three and four row
  - Five row and over
- Rotary hoes, horse or tractor drawn
- Weeders
  - Rod weeders, horse or tractor drawn
  - Tooth weeders, horse or tractor drawn

SPRAYERS, DUSTERS AND ORCHARD HEATERS

- Power sprayers, not including engines
  - Traction sprayers
- Spray pumps, power
- Dusters
  - Power dusters with tractor mounted dusters
  - Traction dusters

HARVESTING MACHINERY

- Combines, harvester-threshers
  - Width of cut, 6 feet and under
  - Width of cut, over 6 feet, including 10 feet
  - Width of cut, over 10 feet
- Grain and rice binders
  - Grain binders, ground drive
  - Grain binders, power take-off drive
  - Rice binders
- Corn binders (row binder), horse or tractor drawn
- Corn Pickers
  - One row, mounted type
  - Two row, mounted type
  - One row, pull type
  - Two row, pull type
- Field ensilage harvesters, row type
- Potato diggers
  - Walking plow type
  - Horse or tractor
- Pea and bean harvesters, row type, horse or tractor
- Beet lifters, horse or tractor

HAYING MACHINERY

- Mowers, ground drive, horse or tractor drawn
- Mowers, power take-off drive
  - Tractor mtd. or semi-mtd.
- Rakes
  - Sulky, dump
  - Side delivery, incl. comb. side rakes and tedders
- Hay loaders
- Stackers (incl. comb. sweep stackers)
- Pick-up hay balers

MACHINES FOR PREPARING CROPS FOR MARKET OR USE

- Stationary threshers (grain, rice and alfalfa)
  - Threshers, width of cylinder under 28 inches
  - Threshers, width of cylinder 28 inches and over
- Stationary pea and bean threshers
- Ensilage Cutters (silo fillers)
- Feed cutters, power
- Corn Shellers
  - Power corn shellers, cylinder (150 bu. & under)
  - Power corn shellers, cylinder (over 150 bu.)
- Corn huskers and shredders
  - Combination corn husker-shredders
  - Corn huskers
  - Corn shredders
- Stationary hay balers
  - Horse
  - Engine or belt power
- Feed grinders nad crushers
  - Power, burr type
  - Hammer and roughage mills
- Cleaners and graders, corn and grain
- Potato sorters and graders

FARM ELEVATORS AND BLOWERS

- Elevators (portable)
- Elevators (stationary)
- Blowers (grain and forage)

TRACTORS

- Tractors, wheel type
  - Tractors, wheel, special purpose, under 30 h. p.
  - Tractors, wheel, special purpose 30 & over h. p.
  - Tractors, wheel, all purpose, under 30 h. p.
  - Tractors, wheel, all purpose, 30 & over h. p.
- Garden tractors (including motor tillers)

ENGINES

- Engines, one or more but under 5 h. p.
  - Air cooled
  - Water cooled
- Engines (five or more but under 10 h. p.)
  - Air cooled
  - Water cooled

FARM WAGONS AND TRUCKS

- Wagons, farm without boxes
- Trucks, farm (not motortrucks)

DOMESTIC WATER SYSTEMS

- Deep well
  - Deep well, reciprocal
  - Deep well, jet pumps
- Shallow well
  - 250–499 gals. per hour
  - 500 gals. per hour and over
- Power pumps
  - Horizontal type, up to and including 75 gals. per minute, 100 lb. pressure

FARM PUMPS AND WINDMILLS

- Windmill pumps
- Windmill heads
- Windmill towers
- Pump jacks

IRRIGATION EQUIPMENT

- Irrigation pumps
  - Turbine pumps, 0 to 1,200 GPM
  - Turbine pumps, 1,200 GPM and up, belt driven
  - Centrifugal pumps
  - Hydraulic rams
- Distribution equipment
  - Land leveling equipment, ditchers, corrugators and scrapers (excluding power ditchers, draglines and other self-powered machines)
  - Portable pipe, extensions, and sprinklers

DAIRY FARM MACHINES AND EQUIPMENT

- Milking machines
- Farm cream separators, capacity 250 lbs. per hr. or less
- Farm cream separators, capacity 251 lbs. to 800 lbs. per hour
- Farm milk coolers
  - Immersion type
  - Surface or tubular type

SCHEDULE II

PLANTING, SEEDING AND FERTILIZING MACHINERY

- Planters, horse and tractor drawn
  - One row, one horse corn planters
  - One row, one horse corn and cotton planters
  - One row, two horse corn and cotton planters
- Transplanters
  - Hand
- Broadcast Seeders
  - Wheeled, horse or tractor
  - Endgate
  - Hand, wheelbarrow and other
- Garden Planters
  - Hand
  - Horse or tractor drawn
- Other planting, seeding and fertilizing machinery except items listed in Schedule I and Schedule II

PLOW AND LISTERS

- Moldboard Plows, horse drawn
  - Walking, one horse, steel bottom
  - Walking, one horse, chilled bottom
  - Walking, two horse and larger
  - Sulky
  - Gang, two bottom and larger
- Disc Plows, horse drawn
  - Single disc and larger
- Plow Stocks
  - Single or double stocks
- Other plows and listers, except items listed in Schedule I and Schedule II

ROLLERS AND STALK CUTTERS

- Smooth Land Rollers, not including lawn rollers
- Stalk Cutters
- Other rollers, except items listed in Schedule I and Schedule II

CULTIVATORS AND WEEDERS

- Cultivators, horse drawn
  - One horse, all types
  - One row, walking, two horse
  - One row, riding, two horse
  - Two row and over, riding
  - Hand cultivator, not including blade and tined hoes, rakes and similar equipment
- Other cultivators and weeders, except items listed in Schedule I and Schedule II

SPRAYERS, DUSTERS AND ORCHARD HEATERS

- Hand Sprayers with tank, barrel, knapsack, etc., with complete equipment (Cap. 1 qt. or over but less than 6 gals.)
  - Compressed air
  - Knapsack, self contained
  - Trombone, pump type
  - Bucket pump type, single cylinder
  - Bucket pump type, double cylinder
  - Atomizing, single action (1 qt. and larger cap.)
  - Atomizing, continuous (1 qt. and larger cap.)
- Sprayers, with tank, barrel, knapsack, etc., with complete equipment (Cap. 6 gals. or more)
  - Barrel pump type with complete equipment
  - Wheelbarrow type with complete equipment
- Weed and Pear Burners
- Dusters
  - Hand dusters (agricultural only)
- Orchard Heaters

HARVESTING MACHINERY, EXCEPT ITEMS LISTED IN SCHEDULE I HAYING MACHINERY, EXCEPT ITEMS LISTED IN SCHEDULE I MACHINES FOR PREPARING CROPS FOR MARKET USE

- Corn Shellers, hand
- Feed Grinders and Crushers, hand
- Maple Sirup Evaporators
  - Complete sets of pans, not including furnace
  - Furnaces
- Cane Sirup Evaporators
  - Complete sets of pans, not including furnaces
  - Furnaces
- Cane Mills, farm size
- Cider Mills and Fruit Presses
- Other machines for preparing crops for market or use, except items listed in Schedule I and Schedule II

FARM WAGONS AND TRUCKS

- Wagon Bodies
  - Wagon and truck boxes, farm
- Farm Sleighs
  - Sleighs and bob-sleds
- Trailers, farm
- Other farm transporting equipment (Not motortrucks), except items listed in Schedule I and Schedule II

FARM PUMPS

- Pumps, water
  - Pitcher pumps
  - Hand pumps
- Cylinders, for sale separately

DAIRY FARM MACHINES AND EQUIPMENT

- Farm Butter Making Equipment
  - Butter churns
  - Butter molds
- Other dairy farm machines and equipment, except items listed in Schedule I and Schedule II

BARN AND BARNYARD EQUIPMENT

- Feed Carriers, Litter Carriers, and Feed Trucks
  - Feed carriers
  - Litter carriers
  - Track for feed and litter carriers
  - Feed trucks
- Hay Unloading Equipment
  - Hay carriers
  - Track for hay carriers
  - Hay forks, harpoon and grapple
  - Pulleys and fittings
- Cattle Stalls and Pen Equipment
  - Cattle Stalls and fittings
  - Livestock pens
- Cattle Stanchions and fittings
- Livestock Drinking Cups and Watering Bowls
  - Outside livestock watering bowls
- Barnyard Stock Tanks and Hog Troughs
- Feeders, Feed Cookers, and Tank Heaters
  - Livestock feeders
  - Feed Cookers
  - Tank heaters
- Barn Door Track and Hangers
- Other barn and barnyard equipment, except items listed in Schedule I and Schedule II

FARM POULTRY EQUIPMENT

- Incubators
  - Incubators, 1,000-egg capacity and smaller
  - Incubators, over 1,000-egg capacity
- Floor Brooders
  - Oil
  - Coal
  - Gas
  - Wood
  - Electric
- Battery Brooders, heated
  - Three deck and smaller, heated
  - Four deck, heated
  - Five deck, heated
- Growing and Laying Batteries
  - Growing
  - Laying
- Poultry Feeders
- Poultry Waterers
- Laying Nests and Grit Boxes
- Other farm poultry equipment, except items listed in Schedule I and Schedule II

MISCELLANEOUS FARM EQUIPMENT

- Beekeepers' Supplies
  - Beekeepers' supplies (except bee hives)
  - Bee hives
- Silos
- Horse Shoes, including mule shoes

(NOTE.—Calks and nails are considered as repairs.)

- Harness Hardware
- Power Sheep Shearing Machines
- Electric Fence Controllers
  - Electric fence accessories
- Farm Hand-Tools, including but not limited to Hoes, Rakes, Forks, Scythes, Shovels
- Farm Wood-Sawing Machines
- Farm Gates
- Farm Lighting Plants

IRRIGATION EQUIPMENT

- Valves
- Gates

ATTACHMENTS FOR ALL ITEMS IN SCHEDULE I AND SCHEDULE II.

[F. R. Doc. 42-10954; Filed, October 28, 1942; 11:42 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VI—Organized Reserves

PART 61—OFFICERS' RESERVE CORPS

APPOINTMENT AND PROMOTION

Regulations pertaining to the Air Corps Reserve, published in the FEDERAL REGISTER on October 16, 1942, under § 61.23[1] are amended to show section number § 61.39 as follows:

§ 61.39 *Air Corps Reserve; special limitations relative to appointment and promotion.*

* * * * *

(41 Stat. 778; 55 Stat 728; 10 U.S.C. 354; 10 U.S.C. Sup. 484) [Par. 2, AR 140-23, July 30, 1942]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-10932; Filed, October 27, 1942; 3:15 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 242]

PART 20—PILOT CERTIFICATES

COMMERCIAL PILOT CERTIFICATES FOR GRADUATES OF AIRLINE TRANSITION COURSES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 23d day of October 1942.

It appearing that:

Certain of the procedures required by Part 20 of the Civil Air Regulations for the original issuance of commercial pilot certificates are impracticable and unnecessary in the case of students completing certain combinations of courses given under the Civilian Pilot Training Program and by scheduled air carriers;

The Board finds that:

Its action is necessary to the successful prosecution of the war effort;

Now, therefore, the Civil Aeronautics Board, acting pursuant to sections 205 (a) and 602 of the Civil Aeronautics Act of 1938, as amended, makes and promulgates the following special regulation:

Notwithstanding the provisions of Part 20 of the Civil Air Regulations to the contrary for the duration of the present war and not to exceed six months thereafter, a commercial pilot certificate with proper ratings may be issued to pilots who submit evidence of having satisfactorily complied with the provisions of §§ 20.140 through 20.145, 20.147, 20.440, 20.442, and 20.443, and have not less than 150 hours of flight time, including an instrument flight course, accumulated in courses under either the Civilian Pilot Training Program or scheduled air carrier operator, and in addition shall successfully have accomplished a transition flight training course on multi-engine equipment of not less than 10 hours as follows:

A minimum of ten take-offs and landings, of which at least three shall be at night;

Take-offs and landings with various loads and various positions of center of gravity;

Landings with various flap settings;

Cross-wind landings;

Simulated power failure, including single-engine approaches;

Single-engine climbing and circling;

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[1] 7 F.R. 8345.

Simulated instrument flight, including maneuvers on instruments, radio range flying, orientation;

Power on, power off stalls;

Demonstration of competence in cockpit procedure and ability to relieve the first pilot of routine responsibilities in connection with the handling of communications.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-10963; Filed October 28, 1942; 11:16 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter E—Administrative Provisions Common to Various Taxes

[T. D. 5173]

PART 458—INSPECTION OF RETURNS

Regulations governing the inspection of corporation statistical transcript cards by the Office of Price Administration.

Pursuant to the provisions of sections 55 (a) and 603 of the Internal Revenue Code, corporation statistical transcript cards prepared by the Bureau of Internal Revenue from corporation income and declared value excess-profits tax returns made under the Internal Revenue Code, as amended, for any taxable year ending after June 30, 1941, and before July 1, 1942, may be open to inspection by the Office of Price Administration. The inspection of such transcript cards herein authorized may be made by any officer or employee of the Office of Price Administration duly authorized by the Administrator to make such inspection. Upon written notice by such Administrator to the Secretary of the Treasury giving the classes of corporations whose transcript cards it is desired to inspect, the Secretary and any officer or employee of the Treasury Department, with the approval of the Secretary, may furnish such Office of Price Administration with any data on such cards or may make the cards, or any of them, available in the office of the Commissioner of Internal Revenue for inspection and copying by the Office of Price Administration or by such examiners or agents as the Administrator thereof may designate. The information so obtained may be published or disclosed in statistical form providing such publication does not disclose, directly or indirectly, the name or address of any corporate taxpayer. (E.O. 9258, Oct. 26, 1942, and secs. 55 (a) and 603, 53 Stat. 29, 111; 26 U.S.C. 1940 ed., 55 (a), 603.)

[SEAL] H. MORGENTHAU, Jr.,
Secretary of the Treasury.

Approved: October 26, 1942.

FRANKLIN D ROOSEVELT
The White House.

[F. R. Doc. 42-10930; Filed, October 27, 1942; 2:52 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket Nos. A-1637 and A-1645]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING RELIEF, ETC.

Order of consolidation and order granting temporary relief and conditionally providing for final relief in the matter of the petitions of Bruce Gabbert and District Board No. 3 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3.

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters are herein consolidated.

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I and R–IV, § 323.8 (*Special prices—*(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R–II and R–V, § 323.8 (*Special prices—*(c) *Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto Supplement R–III and R–VI, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith, the shipping point appearing in the aforesaid Supplement R–IV for Mine Index Nos. 136 and 1315 shall be effective in place of the shipping points heretofore established for those mines.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No relief is granted to Bethlehem Steel Company (Mine Index Nos. 1367, 1368 and 1369) as requested by petitioner for the reasons set forth in an order severing that portion of Docket No. A–1645 which relates to them and designating such portion as Docket No. A–1645 Part II.

No relief is granted for the Quinn #2 Mine, Mine Index No. 430, of Thomas, Mullins, Steortz Coal Company as price classifications and minimum prices have previously been established for this mine in Docket No. A–1630.

No relief is granted for the Cleavenger Mine of Junior Mayle, as no code acceptance has been filed by this operator for this mine.

The price classifications and minimum prices set forth in the Schedules attached are based upon the price classifications and minimum prices in effect on October 1, 1942 for comparable and analogous coals and already reflect the changes made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. The minimum prices in the attached Schedules do not differ, except in this regard, from the minimum prices proposed by petitioner.

Dated October 14, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
983	Gabbert Coal Co., (Bruce Gabbert)	Lemley	Pittsburgh	Morgantown, W. Va.	Mongh	52	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
436	Gabbert Coal Co., (Bruce Gabbert)	Lemley #1 (S)	Pittsburgh	Tice, W. Va.	Mongh	52	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
431	Gabbert Coal Co., (Bruce Gabbert)	Ruth #4	Pittsburgh	Morgantown, W. Va.	Mongh	52	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
*440	Spiker, Albert	Spiker	Pittsburgh	Kingmont, W. Va.	B&O	50	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B
*440	Spiker, Albert	Spiker	Pittsburgh	Kingmont, W. Va.	Monon	River	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B

†Indicates no classification effective for this size group.

*For River Shipments, mine with index No. 440 will take the same prices as mines with index numbers 42-54-100-106-113-119-121-127-130-132-1219-1226-1233 shown in § 323.8 (e) in Minimum Price Schedule for District No. 3.

For Ex-River Shipments, mine with index No. 440 will take the same prices as mines with index numbers 42-54-100-106-113-119-121-127-130-132-1219-1226-1233 shown in § 323.8 (f) in Minimum Price Schedule for District No. 3.

§ 323.8 *Special prices* (b) *Railroad fuel prices for all movements except via lakes*—Supplement R–II.

For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule. Group No. 1: 431 (1), 436 (1), 440, 983 (1).

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*—Supplement R–III.

For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 431, 436, 440, 983.

§ 323.6 *Alphabetical list of code members*—Supplement R–IV

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
136	Bethlehem Fairmount Coal Company	Scott #2	Pittsburgh	Scott #2 Mine, W. Va.	B&O	61	E	E	E	E	E	E	F	F	F	F	B	B	B	B	B	B
1315	Blackburn Coal Company c/o Guy A. Hardesty.	Blackburn #3	Pittsburgh	Blackburn Mine, W. Va.	B&O	61	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B

NOTE.—The above prices are applicable only via the respective Freight Origin Groups, shipping points, and Railroads shown for the respective mines. Freight Origin groups, Shipping Points, and Railroads previously assigned to these mines are no longer applicable.

§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements except via lakes*—Supplement R–V.

For railroad fuel prices add these mine index numbers to the group set forth in § 323.8 (b) in Minimum Price Schedule. Group No. 1: 136, 1315.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*—Supplement R–VI.

For railroad fuel prices add these mine index numbers to the group set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 136, 1315.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups						
					Lump over 2", egg over 2", bottom size 1	Lump 2", egg 2", bottom size but over 1¼" 2	Lump 1¼" and under, egg 1¼" and under, bottom size 3	All nut and pea 2" and under 4	Run of mine resultant over 2" 5	1¼" and 2" slack 6	¾" slack 7
Gabbert Coal Co. (Bruce Gabbert).	436	Lemley #1 (S)	Pittsburgh	Monon	243	238	238	213	213	198	188
Moore, C. F	432	Moore's	Pittsburgh	Taylor	243	238	238	213	213	198	188
Spiker, Albert	440	Spiker	Pittsburgh	Harrison	243	238	238	213	213	198	188

[F. R. Doc. 42-10894; Filed, October 27, 1942; 10:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 132]

DSS Form 15

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885), and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51[1] of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Discontinuance of DSS Form 15, effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing discontinuance shall become a part of the Selective Service Regulations, effective immediately upon the filing hereof with the Division of the Federal Register.

Lewis B. Hershey,
Director.

October 24, 1942.

[F. R. Doc. 42-10931; Filed, October 27, 1942; 2:58 p. m.]

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment LV]

Part 802—General Licenses

SHIPMENTS FROM CERTAIN EUROPEAN COUNTRIES

Section 802.9 *General intransit licenses*[2] is hereby amended by adding the following new paragraph:

§ 802.9 *General intransit licenses.* * * *

(e) In the case of a shipment originating in Portugal, Spain, Switzerland or Sweden, the use of the applicable General Intransit License is subject to the following regulations:

(1) A certificate of origin and interest covering the shipment, issued in Europe pursuant to directions of the Joint Anglo-American Blockade Committee, or a document covering the shipment, issued by a British Consular officer in the United States in replacement of the original certificate, must be presented to the Collector of Customs at the last port of exit from the United States.

(2) The name and address of the ultimate consignee, as shown by the shipping documents, must coincide with the name and address of the ultimate consignee as stated on the certificate of origin and interest, or as stated on the document issued by a British Consular officer in the United States amending or replacing the original certificate.

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

A. N. Ziegler,
Acting Chief,
Export Control Branch,
Office of Exports.

October 13, 1942.

[F. R. Doc. 42-10940; Filed, October 28, 1942; 9:46 a. m.]

[Amendment LVIII]

Part 804—Individual Licenses

VALIDITY OF LICENSES

Paragraph (f) of § 804.1 *General provisions*[1] is hereby amended to read as follows:

§ 804.1 *General provisions.* * * *

(f) An individual license is valid for six months unless:

(1) It is otherwise stated on the license, or (2) The license is sooner revoked, or (3) The license is extended by the Export Control Branch.

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

A. N. Ziegler,
Acting Chief,
Export Control Branch,
Office of Exports.

October 17, 1942.

[F. R. Doc. 42-10938; Filed, October 28, 1942; 9:45 a. m.]

[Amendment LVII]

Part 804—Individual Licenses

DIAMONDS AND DIAMOND TOOLS

Part 804—*Individual Licenses* is hereby amended by adding the following new section:

§ 804.13 *Diamonds and tools incorporating industrial diamonds.* When an individual license has been issued authorizing the exportation of any of the commodities listed hereafter in this section, the license and the package containing the licensed commodities must be presented to a Collector of Customs for examination prior to exportation even when exportation is to be made by mail. If the contents of the package agree as to weight and description with the data set forth on the license, the Collector will attach an appropriate Customs seal, indicating that the package has been inspected. If exportation is to be made by mail, the package shall then be placed in the mail under Customs supervision. If the contents of the package do not agree with the weight or description as set forth on the license, the Collector will return the package to the licensee, and the contents of the package shall not be exported from the United States unless a license authorizing exportation thereof is subsequently issued by the Export Control Branch. The list of commodities covered by the provisions of this section are as follows:

Commodity	*Dept. of Comm. No.*
Diamonds, industrial:	
Diamond dust, industrial	5409.10
Diamonds, industrial metal alloy, slugs containing	7485.12
Diamonds, rough, including crushing bort	5991F
Diamonds, suitable for industrial use	5990.05
Tools (incorporating) industrial diamonds:	
Dies, diamond	7455.03
Drilling bits, diamond	6178.91
Glass cutters and similar articles, diamond	6178.91
Grinding wheels, diamond	5409.05
Saws, diamond	6155.15, 6156.05
Wheel dressers, diamond	6178.91
Non-metallic minerals:	
Precious stones, n. e. s., diamonds only	5990.98
Jewels and jewel bearings, industrial diamonds only	5990.98
Jewelry:	
Jewelry of all metals when containing diamonds	9620, 9621, 9623, 9626

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[1] 6 F.R. 6834.

[2] 7 F.R. 5004, 5509, 5745, 7167, 7429.

[1] 7 F.R. 5010, 7991, 8335.

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

A. N. Ziegler,
Acting Chief,
Export Control Branch,
Office of Exports.

October 14, 1942.

[F. R. Doc. 42-10939; Filed, October 28, 1942; 9:45 a. m.]

[Amendment LVI]

Part 805—Selected Destination Clearance Procedure

BLOCKADE CONTROL PERMIT

Section 805 5 *Blockade control permit*[1] is hereby amended in the following particulars:

1. Paragraph (a) is amended by adding to the list of destinations set forth therein the following:

Portuguese Atlantic Islands.
Portuguese Guinea.
Spanish Morocco and Tangier.

2. Paragraph (b) is amended by adding the requirement that blockade control permits be obtained covering exportations of all petroleum products to the following destinations:

Portuguese Atlantic Islands (all).
Portuguese Guinea.
Spanish Atlantic Islands.
Spanish Morocco and Tangier.

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

A. N. Ziegler,
Acting Chief,
Export Control Branch,
Office of Exports.

October 14, 1942.

[F. R. Doc. 42-10941; Filed, October 28, 1942; 9:46 a. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

Part 903—Delegations of Authority

[Supp. Dir. 1-J,[2] Amended]

Section 903.11 *Supplementary Directive No. 1-J,* issued the 1st day of July 1942, is hereby amended to read as follows:

§ 903.11 *Supplementary Directive 1-J—Further delegation of authority with respect to rationing in Puerto Rico and the Virgin Islands.* (a) In order to permit the efficient rationing of all material in Puerto Rico and the Virgin Islands, the authority delegated to the Office of Price Administration by Directive No. 1 (§ 903.1)[3] is hereby extended to include the exercise of control over the sale, distribution and use of all materials in Puerto Rico and the Virgin Islands, except the acquisition or use thereof by or for the account of any of the persons or agencies designated in subparagraph (1) of paragraph (a) of said Directive No. 1. The authority delegated hereby shall include the power to impose restrictions on the use by, or delivery, transfer, sale, or other disposition by or to persons other than ultimate consumers, whether or not such restrictions are also made applicable to ultimate consumers. The exercise of such authority shall be subject to the terms and conditions specified in said Directive No. 1 and to the conditions hereinafter specified in this Supplementary Directive No. 1-J, and, in the case of exports, shall also be subject to the provisions of section 6 of the Act of July 2, 1940 (54 Stat. 714) and pertinent regulations issued thereunder.

(b) The authority of the Office of Price Administration under this Supplementary Directive No. 1-J shall include the power to regulate or prohibit the sale, transfer, delivery, distribution, or other disposition of any material to, or acquisition or use of all material by any person who has acted in violation of any rationing regulation or order prescribed by the Office of Price Administration.

(c) As used in this Supplementary Directive No. 1-J, the term "materials" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(d) Neither this Supplementary Directive No. 1-J, nor any action taken hereunder by the Office of Price Administration, shall relieve any person from complying with the provisions of any order or regulation of the Director General for Operations applicable to Puerto Rico or the Virgin Islands.

(E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 537, E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 77th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of October 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-10933; Filed, October 27, 1942; 3:17 p. m.]

Chapter XI—Office of Price Administration

Part 1388—Defense-Rental Areas

[Maximum Rent Regulation 55]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

ORLANDO DEFENSE-RENTAL AREA

In the judgment of the Administrator, rents for housing accommodations within the Orlando Defense-Rental Area set out in § 1388.381 (a) of this Maximum Rent Regulation No. 55, as designated in the designation and rent declaration issued by the Administrator on April 28, 1942, as amended, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designation and rent declaration.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the Orlando Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within the Orlando Defense-Rental Area on or about October 1, 1941; and it is his judgment that the most recent date which does not reflect increases in rents for such housing accommodations inconsistent with the purposes of the Act is on or about that date. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for housing accommodations within the Orlando Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 55 is hereby issued.

Authority: §§ 1388.381 to 1388.394, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1388.381 *Scope of regulation.* (a) This Maximum Rent Regulation No. 55 applies to all housing accommodations within the Orlando Defense-Rental Area, consisting of the County of Orange in the State of Florida (referred to hereinafter in this Maximum Rent Regulation as the "Defense-Rental Area"), as designated in the Designation and Rent Declaration (§§ 1388.1201 to 1388.1205, inclusive) issued by the Administrator on April 28, 1942, as amended, except as provided in paragraph (b) of this section.

(b) This Maximum Rent Regulation does not apply to the following:

(1) Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part;

(3) Rooms or other housing accommodations within hotels or rooming houses, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the Maximum Rent Regulation for Hotels and Rooming Houses pursuant to the provisions of that regulation: *Provided,* That this Maximum Rent Regulation does apply to entire structures or premises though used as hotels or rooming houses.

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[1] 7 F.R. 5013.

[2] 7 F.R. 5043.

[3] 7 F.R. 562.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

§ 1388.382 *Prohibition against higher than maximum rents.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 55 of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

(b) Notwithstanding any other provision of this Maximum Rent Regulation, where housing accommodations are heated with fuel oil the landlord of such accommodations may as hereinafter provided enter into an agreement with the tenant providing for payment by the tenant of part or all of the cost of changing the heating unit to use some fuel other than oil or of installing a new heating unit using some fuel other than oil. Prior to making such agreement, the landlord shall in writing report the terms of the proposed agreement to the Area Rent Office. The landlord may enter into the agreement either upon its approval by the Administrator or, unless the Administrator has disapproved the proposed agreement within 5 days after the filing of such report, upon the expiration of such 5-day period.

(c) Where a lease of housing accommodations was entered into prior to the effective date of this Maximum Rent Regulation and the tenant as a part of such lease or in connection therewith was granted an option to buy the housing accommodations which were the subject of the lease, with the further provision that some or all of the payments made under the lease should be credited toward the purchase price in the event such option is exercised, the landlord, notwithstanding any other provision of this Maximum Rent Regulation, may be authorized to receive payments made by the tenant in accordance with the provisions of such lease and in excess of the maximum rent for such housing accommodations. Such authority may be secured only by a written request of the tenant to the Area Rent Office and shall be granted by order of the Administrator if he finds that such payments in excess of the maximum rent will not be inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof. After entry of such order the landlord shall be authorized to demand, receive and retain payments provided by the lease in excess of the maximum rent for periods commencing on or after the effective date of this Maximum Rent Regulation. After entry of such order, the provisions of the lease may be enforced in accordance with law, notwithstanding any other provision of this Maximum Rent Regulation: *Provided, however,* That if at the termination of the lease the tenant shall not exercise the option to buy, the landlord may thereafter remove or evict the tenant only in accordance with the provisions of § 1388.386 of this Maximum Rent Regulation. Nothing in this paragraph shall be construed to authorize the landlord to demand or receive payments in excess of the maximum rent in the absence of an order of the Administrator as herein provided. Where a lease of housing accommodations has been entered into on or after the effective date of this Maximum Rent Regulation, and the tenant as a part of such lease or in connection therewith has been granted an option to buy the housing accommodations which are the subject of the lease, the landlord, prior to the exercise by the tenant of the option to buy, shall not demand or receive payments in excess of the maximum rent, whether or not such lease allocates some portion or portions of the periodic payments therein provided as payments on or for the option to buy.

§ 1388.383 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation No. 55 are for housing accommodations including, as a minimum, services of the same type, quantity, and quality as those provided on the date determining the maximum rent. If, on the effective date of this Maximum Rent Regulation, the services provided for housing accommodations are less than such minimum services the landlord shall either restore and maintain the minimum services or, within 30 days after such effective date, file a petition pursuant to § 1388.385 (b) for approval of the decreased services. In all other cases except as provided in § 1388.385 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

§ 1388.384 *Maximum rents.* Maximum rents (unless and until changed by the Administrator as provided in § 1388.385) shall be: (a) For housing accommodations rented on October 1, 1941, the rent for such accommodations on that date.

(b) For housing accommodations not rented on October 1, 1941, but rented at any time during the two months ending on that date, the last rent for such accommodations during that two-month period.

(c) For housing accommodations not rented on October 1, 1941 nor during the two months ending on that date, but rented prior to the effective date of this Maximum Rent Regulation No. 55, the first rent for such accommodations after October 1, 1941. The Administrator may order a decrease in the maximum rent as provided in §1388.385 (c).

(d) For (1) newly constructed housing accommodations without priority rating first rented after October 1, 1941 and before the effective date of this Maximum Rent Regulation, or (2) housing accommodations changed between those dates so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations changed between those dates from unfurnished to fully furnished, or from fully furnished to unfurnished, or (4) housing accommodations substantially changed between those dates by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, the first rent for such accommodations after such construction or change: *Provided, however,* That where such first rent was fixed by a lease which was in force at the time of a major capital improvement, the maximum rent shall be the first rent after termination of such lease. The Administrator may order a decrease in the maximum rent as provided in § 1388.385 (c).

(e) For (1) newly constructed housing accommodations without priority rating first rented on or after the effective date of this Maximum Rent Regulation, or (2) housing accommodations changed on or after such effective date so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations not rented at any time between August 1, 1941 and such effective date, the first rent for such accommodations after the change or the effective date, as the case may be. Within 30 days after so renting the landlord shall register the accommodations as provided in § 1388.387. The Administrator may order a decrease in the maximum rent as provided in § 1388.385 (c).

(f) For housing accommodations constructed with priority rating from the United States or any agency thereof for which the rent has been heretofore or is hereafter approved by the United States or any agency thereof, the rent so approved, but in no event more than the first rent for such accommodations.

(g) For housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on October 1, 1941, as determined by the owner of such accommodations: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.385 (c).

(h) For housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this Maximum Rent Regulation by such rent schedule. The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this Maximum Rent Regulation.

§ 1388.385 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services, or a deterioration, the adjustment in the maximum rent shall be the amount the Administrator finds would have been on October 1, 1941 the difference in the rental value of the housing accommodations by reason of such change. In all other cases, except those under paragraphs (a) (7) and (c) (6) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on October 1, 1941. In cases involving construction due consideration shall be given to increased costs of construction, if any, since October 1, 1941. In cases under paragraphs (a) (7) and (c) (6) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on October 1, 1941.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been on or after the effective date of this Maximum Rent Regulation No. 55 a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, prior to October 1, 1941 and within the six months ending on that date, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent on October 1, 1941 was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, funiture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on October 1, 1941.

(5) There was in force on October 1, 1941 a written lease, which had been in force for more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on October 1, 1941; or the housing accommodations were not rented on October 1, 1941, but were rented during the two months ending on that date, and the last rent for such accommodations during that two-month period was fixed by a written lease, which was in force more than one year prior to October 1, 1941, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on October 1, 1941.

(6) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent on the date determining the maximum rent was substantially lower than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) If, on the effective date of this Maximum Rent Regulation the services provided for housing accommodations are less than those provided on the date determining the maximum rent, the landlord shall either restore the services to those provided on the date determining the maximum rent and maintain such services or, within 30 days after such effective date file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for housing accommodations under paragraphs (c), (d), (e), or (g) of § 1388.384 is higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on October 1, 1941.

(2) There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on October 1, 1941.

(5) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially lower rent at other periods during the term of such lease or agreement.

(6) The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on October 1, 1941.

(e) Where, at the expiration or other termination of an underlying lease or other rental agreement, housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the landlord may rent the entire premises for use by similar occupancy for a rent not in excess of the aggregate maximum rents of the separate dwelling units, or may rent the separate dwelling units for rents not in excess of the maximum rents applicable to such units.

Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Administrator for leave to exercise any right he would have except for this Maximum Rent Regulation to sell his underlying lease or other rental agreement. The Administrator may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result, in the circumvention or evasion of the Act or this Maximum Rent Regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section, the Administrator may enter an interim order increasing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order upon such petition. The receipt by the landlord of any increased rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

(g) No adjustment in the maximum rent shall be ordered on the ground that the landlord, since the date or order determining the maximum rent, has, as a part of or in connection with a lease of housing accommodations, granted the tenant an option to buy the accommodations which are the subject of the lease. Where a lease of housing accommodations was in force on the date determining the maximum rent, and the landlord had on that date, as a part of or in connection with such lease, granted the tenant an option to buy the accommodations which are the subject of the lease, the Administrator may, on or after the termination of such lease, on his own initiative or on application of the tenant, enter an order fixing the maximum rent on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations not subject to an option to buy on October 1, 1941.

§ 1388.386 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, and regardless of any contract, lease, agreement or obligation heretofore or hereafter entered into which provides for entry of judgment upon the tenant's confession for breach of the covenants thereof or which otherwise provides contrary hereto, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation No. 56; or

(2) The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons who occupied under a rental agreement with the tenant; or

(5) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) The landlord owned, or acquired an enforceable right to buy or the right to possession of, the housing accommodations prior to the effective date of this Maximum Rent Regulation, and seeks in good faith to recover possession of such accommodations for immediate use and occupancy as a dwelling for himself. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, the landlord shall file a written report on a form provided therefore before renting the accommodations or any part thereof during a period of six months after such removal or eviction.

(b) (1) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(2) Removal or eviction of a tenant for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after the effective date of this Maximum Rent Regulation, is inconsistent with the purposes of the Act and this Maximum Rent Regulation and would be likely to result in the circumvention or evasion thereof, unless (i) the payment or payments of principal made by the purchaser, excluding any payments made from funds borrowed for the purpose of making such principal payments, aggregate 33⅓% or more of the purchase price, and (ii) a period of three months has elapsed after the issuance of a certificate by the Administrator as hereinafter provided. For the purposes of this paragraph (b) (2), the payments of principal may be made by the purchaser conditionally or in escrow to the end that they shall be returned to the purchaser in the event the Administrator denies a petition for a certificate. If the Administrator finds that the required payments of principal have been made, he shall, on petition of either the vendor or purchaser, issue a certificate authorizing the purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law at the expiration of three months after the date of issuance of such certificate. In no other case shall the Administrator issue a certificate for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after the effective date of this Maximum Rent Regulation, unless he finds that the vendor has or had a substantial necessity requiring the sale and that a reasonable sale or disposition of the accommodations could not be made without removal or eviction of the tenant, or unless he finds that other special hardship would result; under such circumstances the payment by the purchaser of 33⅓% of the purchase price shall not be a condition to the issuance of a certificate, and the certificate shall authorize the vendor or purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law.

(c) The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(d) (1) Every notice to a tenant to vacate or surrender possession of housing accommodations shall state the ground under this section upon which the landlord relies for removal or eviction of the tenant. A written copy of such notice shall be given to the Area Rent Office within 24 hours after the notice is given to the tenant.

No tenant shall be removed or evicted from housing accommodations, by court process or otherwise, unless, at least ten days prior to the time specified for surrender of possession and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the Area Rent Office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession.

Where the ground for removal or eviction of a tenant is non-payment of rent, every notice under this paragraph (d) (1) shall state the rent for the housing accommodations, the amount of rent due and the rental period or periods for which such rent is due. The provisions of this paragraph (d) (1) shall not apply where a certificate has been issued by the Administrator pursuant to the provisions of paragraph (b) of this section.

(2) At the time of commencing any action to remove or evict a tenant, including an action based upon non-payment of rent, the landlord shall give written notice thereof to the Area Rent Office stating the title of the case, the number of the case where that is possible, the court in which it is filled, the name and address of the tenant, and the ground under this section on which removal or eviction is sought.

§ 1388.387 *Registration.* Within 45 days after the effective date of this Maximum Rent Regulation No. 55, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement. The statement shall identify each dwelling unit and specify the maximum rent provided by this Maximum Rent Regulation for such dwelling unit and shall contain such other information as the Administrator shall require. The original shall remain on file with the Administrator and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement, and shall obtain the tenant's signature and the date thereof on the back of such statement. Within five days after renting to a new tenant, the landlord shall file a notice on the form provided therefor, on which he shall obtain the tenant's signature, stating that there has been a change in tenancy, that the stamped copy of the registration statement has been exhibited to the new tenant and that the rent for such accommodations is in conformity therewith.

No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

When the maximum rent is changed by order of the Administrator the landlord shall deliver his stamped copy of the registration statement to the Area Rent Office for appropriate action reflecting such change.

The foregoing provisions of this section shall not apply to housing accommodations under § 1388.384 (g). The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the Defense-Rental Area and containing such other information as the Administrator shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

§ 1388.388 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accomodations and any tenant shall permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

§ 1388.389 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 55 shall not be evaded, either directly or indirectly in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with housing accommodations, or otherwise.

§ 1388.390 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 55 are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.391 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation No. 55 shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.392 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 55 may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.393 *Definitions.* (a) When used in this Maximum Rent Regulation No. 55:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The term "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) .The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Rent Regulation.

§ 1388.394 *Effective date of the regulation.* This Maximum Rent Regulation

No. 55 (§§ 1388.381 to 1388.394, inclusive) shall become effective November 1, 1942.

Issued this 27th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10913; Filed, October 27, 1942; 12:15 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 56A]

HOTELS AND ROOMING HOUSES

ORLANDO DEFENSE-RENTAL AREA

In the judgment of the Administrator, rents for housing accommodations within the Orlando Defense-Rental Area set out in § 1388.431 (a) of this Maximum Rent Regulation No. 56A, as designated in the designation and rent declaration issued by the Administrator on April 28, 1942, as amended, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designation and rent declaration.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the Orlando Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within the Orlando Defense-Rental Area on or about October 1, 1941; and it is his judgment that the most recent date which does not reflect increases in rents for such housing accommodations inconsistent with the purposes of the Act is on or about that date. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation No. 56A for rooms in hotels and rooming houses within the Orlando Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 56A is hereby issued.

AUTHORITY: §§ 1388.431 to 1388.444, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1388.431 *Scope of regulation.* (a) This Maximum Rent Regulation No. 56A applies to all rooms in hotels and rooming houses within the Orlando Defense-Rental Area consisting of the County of Orange in the State of Florida (referred to hereinafter in this Maximum Rent Regulation as the "Defense-Rental Area"), as designated in the Designation and Rent Declaration (§§ 1388.1201 to 1388.1205, inclusive) issued by the Administrator on April 28, 1942, as amended, except as provided in paragraph (b) of this section.

(b) This Maximum Rent Regulation does not apply to the following:

(1) Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Rooms occupied by domestic servants, caretakers, managers, or other employees to whom the rooms are provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the rooms are a part;

(3) Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes;

(4) Entire structures or premises used as hotels or rooming houses, as distinguished from the rooms within such hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

(e) Where a building or establishment which does not come within the definitions of a hotel or rooming house contains one or more furnished rooms or other furnished housing accommodations rented on a daily, weekly or monthly basis, the landlord may, with the consent of the Administrator, elect to bring all housing accommodations within such building or establishment under the control of this Maximum Rent Regulation. A landlord who so elects shall file a registration statement under this Maximum Rent Regulation for all such housing accommodations, accompanied by a written request to the Administrator to consent to such election.

If the Administrator finds that the provisions of this Maximum Rent Regulation establishing maximum rents are better adapted to the rental practices for such building or establishment than the provisions of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses, he shall consent to the landlord's election. Upon such consent, all housing accommodations within such building or establishment which are or hereafter may be rented or offered for rent shall become subject to the provisions of this Maximum Rent Regulation, and shall be considered rooms within a rooming house for the purposes of the provisions relating to eviction.

The landlord may at any time, with the consent of the Administrator, revoke his election, and thereby bring under the control of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses all housing accommodations previously brought under this Maximum Rent Regulation by such election. He shall make such revocation by filing a registration statement or statements under the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses, including in such registration statement or statements all housing accommodations brought under this Maximum Rent Regulation by such election. Such registration statement or statements shall be accompanied by a written request to the Administrator to consent to such revocation. The Administrator may defer action on such request if he has taken or is about to take action to decrease the maximum rents of any housing accommodations within such building or establishment. If the Administrator finds that the revocation so requested will not result in substantial increases in the maximum rents of housing accommodations affected by such revocation, he shall give such consent. Upon such consent, all housing accommodations affected by such revocation shall become subject to the provisions of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses.

§ 1388.432 *Prohibitions.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 56A of any room in a hotel or rooming house within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

(b) No tenant shall be required to change his term of occupancy if that will result in the payment of a higher amount per day than the maximum rent established for his present term of occupancy. Where, on June 15, 1942, or between that date and the effective date of this Maximum Rent Regulation, a room was regularly rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy, unless he offers another term of occupancy for a rent which results in the payment of an amount no higher per day.

§ 1388.433 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation No. 56A are for rooms including, as a minimum, services of the same type, quantity, and quality as those provided on the date or during the thirty-day period determining the maximum rent. If, on the effective date of this Maximum Rent Regulation, the services provided for rooms are less than such minimum services, the landlord shall either restore and maintain the

minimum services, or within 30 days after such effective date, file a petition pursuant to § 1388.435 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.435 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

§ 1388.434 *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a hotel or rooming house (unless and until changed by the Administrator as provided in § 1388.435) shall be:

(a) For a room rented or regularly offered for rent during the thirty days ending on October 1, 1941, the highest rent for each term or number of occupants for which the room was rented during that thirty-day period, or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(b) For a room neither rented nor regularly offered for rent during the thirty days ending on October 1, 1941, the highest rent for each term or number of occupants for which the room was rented during the thirty days commencing when it was first offered for rent after October 1, 1941; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(c) For a room rented for a particular term or number of occupants for which no maximum rent is established under paragraphs (a) or (b) of this section the first rent for the room after October 1, 1941 for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same hotel or rooming house.

(d) For a room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable rooms on October 1, 1941, as determined by the owner of such rooms: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.435 (c) (1).

(e) For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Administrator at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on June 15, 1942.

(f) For a room rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this Maximum Rent Regulation No. 56A by such rent schedule. The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this Maximum Rent Regulation.

§ 1388.435 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable rooms on October 1, 1941: *Provided, however,* That no maximum rent shall be increased because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on October 1, 1941, the difference in the rental value of the accommodations by reason of such improvement or increase. In cases involving construction due consideration shall be given to increased costs of construction, if any, since October 1, 1941. In cases under paragraphs (a) (7) and (c) (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable rooms during the year ending on October 1, 1941.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been, since the thirty-day period or the order determining the maximum rent for the room, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to October 1, 1941 and within the six months ending on that date, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent during the thirty-day period ending on October 1, 1941 was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the thirty-day period or the order determining its maximum rent.

(4) The rent during the thirty-day period determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on October 1, 1941.

(5) There was in force on October 1, 1941 a written lease, which had been in force more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on October 1, 1941.

(6) The rent during the thirty-day period determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent during the thirty-day period determining the maximum rent for the room was substantially lower than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) If, on the effective date of this Maximum Rent Regulation No. 56A, the services provided for a room are less than those provided on the date or during the thiry-day period determining the maximum rent, the landlord shall either restore the services to those provided on the date or during the thirty-day period determining the maximum rent and maintain such services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for the room is higher than the rent generally prevailing in the Defense-Rental Area for comparable rooms on October 1, 1941.

(2) There has been a substantial deterioration of the room other than ordi-

nary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the room since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent for the room was substantially higher than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable rooms on October 1, 1941.

§ 1388.436 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant of a room within a hotel or rooming house shall be removed from such room, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and condition are inconsistent with this Maximum Rent Regulation No. 56A; or

(2) The tenant has unreasonably refused the landlord access to the room for the purpose of inspection or of showing the room to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the room for an immoral or illegal purpose; or

(4) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(5) The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), the landlord shall file a written report on a form provided therefor before renting the room during a period of six months after such removal or eviction.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(c) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) The provisions of this section do not apply to:

(1) A subtenant or other person who occupied under a rental agreement with the tenant where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant; or

(2) A tenant occupying a room within a hotel on a daily or weekly basis; or a tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on a daily basis.

(3) Rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Departments.

No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.437 *Registration and records.* (a) Within 45 days after the effective date of this Maximum Rent Regulation No. 56A every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. Any maximum rent established after the effective date of this Maximum Rent Regulation under paragraphs (b) or (c) of § 1388.434 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) Every landlord shall conspicuously display in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Administrator, the landlord shall alter the card or sign so that it states the changed rent or rents.

The foregoing provisions of this paragraph shall not apply to rooms under § 1388.434 (d). The owner of such rooms shall post a copy of the registration statement in a place where it will be available for inspection by the tenants of such rooms.

(c) No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(d) The provisions of this section shall not apply to rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(e) Every landlord of a room rented or offered for rent shall preserve, and make available for examination by the Administrator, all his existing records showing or relating to (1) the rent for each term and number of occupants for which such room was rented or regularly offered for rent during the thirty-day period determining the maximum rent for such room and (2) the rent on any date determining a maximum rent for such room for a particular term and number of occupants under § 1388.434 (c).

Every landlord of an establishment containing more than 20 rooms rented or offered for rent shall keep, preserve, and make available for examination by the Administrator, records showing the rents received for each room, the particular term and number of occupants for which such rents were charged, and the name and permanent address of each occupant; every other landlord shall keep, preserve, and make available for examination by the Administrator, records of the same kind as he has customarily kept relating to the rents received for rooms.

§ 1388.438 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Administrator as he may, from time to time require.

§ 1388.439 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 56A shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room or otherwise.

§ 1388.440 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 56A are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.441 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation No. 56A shall be filed with the Area Rent Office. All landlords' petitions and tenants' applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.442 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 56A may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.443 *Definitions.* (a) When used in this Maximum Rent Regulation No. 56A

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes), together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "room" means a room or group of rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the posesssion or to the use or occupancy of any room.

(11) The term "rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) The term "term of occupancy" means occupany on a daily, weekly or monthly basis.

(13) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Rent Regulation.

§ 1388.444 *Effective date of the regulation.* This Maximum Rent Regulation No. 56A (§§ 1388.431 to 1388.444, inclusive) shall become effective November 1, 1942.

Issued this 27th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10914; Filed, October 27, 1942; 12:15 p. m.]

Part 1390—Machinery and Transportation Equipment

[MPR 174,[1] Amendment 1]

FREIGHT CAR MATERIALS SOLD BY CAR BUILDERS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (2) of § 1390.57 (a) is amended and § 1390.59 is added as set forth below:

§ 1390.57 *Definitions.* (a) * * *

(2) "Freight car material" means any material which will ultimately be incorporated into the structure of a railroad freight car and which is sold by a car builder pursuant to Supplementary General Limitation Order No. L-97-a-1, as amended, issued by the War Production Board, but does not include sales by a car builder to a railroad of partially or wholly fabricated car parts, which are usually produced and sold in such form by a car builder, for the repair and maintenance of railroad freight and passenger cars.

§ 1390.59 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1390.57 (a) (2) and 1390.59) to Maximum Price Regulation No. 174 shall become effective November 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of October, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10915; Filed, October 27, 1942; 12:16 p. m.]

Part 1407—Rationing of Food and Food Products

[Rationing Order 3, Amendment 18[1]]

SUGAR RATIONING REGULATIONS

Paragraph (b) of § 1407.181 is amended as set forth below:

Armed Forces of the United States; Certain Other Persons and Agencies

§ 1407.181 *Army and Navy personnel.*

* * * * *

(b) A person in the Army or Navy of the United States, on furlough status for at least seven days, shall, upon presenting his leave papers to any Board, receive from it a certificate in weight value equal to one-half pound for each week of such status. For the purposes of this paragraph a fraction of a week shall be deemed a week. The Board shall enter on the leave papers its designation, a statement that it has issued a certificate, and the date of issuance.

Effective Date

§ 1407.222 *Effective dates of amendments.* * * *

(s) Amendment No. 18 (§ 1407.181 (b)) shall become effective November 2, 1942.

(Pub. Law 421, 77th Cong. W.P.B. Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965)

Issued this 27th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10916; Filed, October 27, 1942; 12:16 p. m.]

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* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5601.

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[1] 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7406, 7321, 7510, 7557, 8402.

Part 1499—Commodities and Services

[Order 67 Under § 1499.18 (b) of GMPR]

YOUNG'S MARKET CO.

Order No. 67 under § 1499.18 (b) of the General Maximum Price Regulation—Docket Number GF3–771.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.867 *Adjustment of maximum prices for processed and ground horse radish root manufactured by Young's Market Company.* (a) Young's Market Company of Los Angeles, California, and wholesalers may sell and deliver and any person may buy and receive from Young's Market Company and from wholesalers processed and ground horse radish root at prices not higher than those set forth below:

(1) *Young's Market Company.* The maximum prices established under § 1499.2 of the General Maximum Price Regulation plus 10¢ per gallon. This constitutes for Young's Market Company a new price of $1.40 per gallon to wholesalers and a new price of $1.60 per gallon to Applicant's other classes of purchasers.

(2) *Wholesalers.* The maximum prices established for the particular wholesaler under § 1499.2 of the General Maximum Price Regulation plus 10¢ per gallon: *Provided,* That, the new price so derived does not exceed a maximum of $1.60 per gallon.

(b) No seller shall change his customary allowances, discounts or other price differentials, unless such change shall result in a lower price.

(c) Young's Market Company, before or while making each initial sale at these new maximum prices, shall notify its purchasers in writing of its new maximum prices and shall, in the case of sales to wholesalers, provide such wholesalers with printed or written notice to accompany each one gallon container sold to read as follows:

> The sale at wholesale of this one gallon container of processed and ground horse radish root at a maximum price of $1.60 is authorized by the Office of Price Administration by Order No. 67 issued October 27, 1942 under § 1499.18 (b) of the General Maximum Price Regulation

and shall inform such wholesalers of the provision in paragraph (d) below.

(d) Wholesalers, with each gallon of processed and ground horse radish root supplied by Young's Market Company at the new maximum prices, shall present to its purchasers along with an initial resale at new maximum prices the written notice provided by Young's Market Company in accordance with the provisions in paragraph (c) above.

(e) All prayers of the application not granted herein are denied.

(f) This Order No. 67 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 67 (§ 1499.867) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(h) This Order No. 67 (§ 1499.867) shall become effective October 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F. R. 7871)

Issued this 27th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–10917; Filed, October 27, 1942; 12:17 p. m.]

Part 1499—Commodities and Services

[Order 100 Under § 1499.18 (c) of GMPR]

CRIMSON COACH, INC.

Order No. 100 under § 1499.18 (c) of the General Maximum Price Regulation—Docket Number GF1–300–P.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.950 *Adjustment of maximum prices for "Double Check" chewing tobacco sold by Crimson Coach Incorporated.* (a) Crimson Coach Incorporated of 2224 Albion Street, Toledo, Ohio, may sell and deliver and any person may buy and receive from Crimson Coach Incorporated 3¼ ounce packages of "Double Check" chewing tobacco at prices not higher than those charged during March 1942, for 4 ounce packages of "Double Check" chewing tobacco, namely, $17.28 per gross less discounts of 10% and 2%, f. o. b. destination.

(b) Wholesalers and retailers may sell and deliver and any person may buy and receive from wholesalers and retailers 3¼ ounce packages of "Double Check" chewing tobacco at prices not higher than those set forth below:

(1) The maximum prices established for the particular seller for 4 ounce packages of "Double Check" chewing tobacco, or

(2) If no maximum prices have been established for the particular seller for 4 ounce packages of "Double Check" chewing tobacco, such maximum prices as may be established for such seller under § 1499.2 of the General Maximum Price Regulation for 3¼ ounce packages of "Double Check" chewing tobacco.

(c) The adjustments granted to Crimson Coach Incorporated, wholesalers and retailers in paragraphs (a) and (b) are subject to the condition that for a period of three months after Crimson Coach Incorporated commences to sell 3¼ ounce packages of "Double Check" chewing tobacco, it shall mark each package with a notice or shall enclose in each package a notice as follows:

> Sale of 3¼ ounce packages of this product at maximum prices established for any seller for 4 ounce packages is authorized by the Office of Price Administration by Order No. 100 under § 1499.18 (c) of the General Maximum Price Regulation issued October 27, 1942.

(d) This Order No. 100 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 100 (§ 1499.950) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 100 (§ 1499.950) shall become effective October 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–10918; Filed, October 27, 1942; 12:16 p. m.]

Part 1499—Commodities and Services

[Order 109 Under § 1499.3 (b) of GMPR]

TYER RUBBER CO.

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation—Order No. 109.

On September 21, 1942, Tyer Rubber Company of Andover, Massachusetts, filed application with the Office of Price Administration seeking specific authorization pursuant to § 1499.3 (b) of the General Maximum Price Regulation to determine a maximum price for a ¼-ounce neoprene prophylaxis bulb and for instructions as to the method to be used in determining such price. Due consideration has been given to the application, and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with § 1499.3 (b) of the General Maximum Price Regulation issued by the Office of Price Administration, *It is hereby ordered:*

§ 1499.973 *Authorization for Tyer Rubber Company to determine maximum price for a ¼-ounce neoprene prophylaxis bulb.* (a) The maximum price which may be charged for a ¼-ounce neoprene prophylaxis bulb by the Tyer Rubber Company, hereinafter called the "manufacturer", shall be the sum total of direct costs and gross margin determined in accordance with paragraphs (a), (b) and (c) of § 1315.1557 of Maximum Price Regulation No. 220—Certain Rubber Commodities.

(b) Tyer Rubber Company, in computing the maximum prices for sales to different classes of purchasers, shall adjust the amount established as the maximum price for one general class of purchasers to reflect all allowances, discounts, and other price differentials which it had in effect during March, 1942, for the commodity used as a basis for determining the maximum price of the ¼-ounce neoprene prophylaxis bulb.

(c) Within ten days after a maximum price has been determined in accordance with this order, Tyer Rubber Company shall report to the Office of Price Administration, Washington, D. C., the maximum price as computed by it. The report shall set forth a detailed explanation of the computation of direct costs and the maximum price. It shall also contain a description of the commodity which determines the bases and rates used in the

calculation of the gross margin of the ¼-ounce neoprene prophylaxis bulb and the maximum price, direct costs, and an explanation of the reasons for the selection of that commodity.

(d) Any selling price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(c) This Order No. 109 may be revoked or amended by the Office of Price Administration at any time.

(f) This Order No. 109 (§ 1499.973) shall become effective October 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–10919; Filed, October 27, 1942; 12:17 p. m.]

Part 1340—Fuel

[RPS 88,[1] Amendment 37]

PETROLEUM AND PETROLEUM PRODUCTS

A statement* of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Added: Subdivision (x) to § 1340.159 (c) (1).

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(c) *Specific prices*—(1) *Crude petroleum.* * * *

(x) *Northwestern Ohio and Northeastern Indiana; Lima Oil Field.* The maximum price for crude petroleum produced in the Lima Oil Field, located in Northwestern Ohio and Northeastern Indiana, shall be $1.50 a barrel at the receiving tank: *Provided,* That where the price paid for crude petroleum from a particular receiving tank in the Lima Oil Field as of October 1, 1941 exceeded $1.50 a barrel, the maximum price at the same receiving tank shall be the price so paid or $1.60 a barrel, whichever is the lower.

* * * * *

§ 1340.158a *Effective dates of amendments.* * * *

(kk) Amendment No. 37 (§§ 1340.159 (c) (1) (x) to Revised Price Schedule No. 88 shall become effective November 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–10920; Filed, October 27, 1942; 2:29 p. m.]

Part 1499—Commodities and Services

[Order 59 Under § 1499.18 (b) of GMPR]

W. P. FULLER AND CO.

Order 59 under § 1499.18 (b) of General Maximum Price Regulation — Docket GF3–110.

For the reasons set forth in an opinion* issued simultaneously herewith, *It is ordered:*

§ 1499.859 *Adjustment of maximum prices for retailers and dealers buying and selling certain paint and varnish products manufactured by W. P. Fuller and Company, a California corporation, of 301 Mission Street, San Francisco, California.* (a) On and after the effective date of this order, retailers and dealers may sell and deliver, and any person may buy and receive from such retailers and dealers, the products manufactured by W. P. Fuller and Company described in Appendix A, attached hereto and made a part hereof, at prices not in excess of those set forth as "R" (retail) prices in the said Appendix A: *Provided,* That nothing in this order shall be deemed to require the reduction of any prices.

(b) For maximum prices at which W. P. Fuller and Company may sell and deliver the products described in Appendix A hereof to retailers and dealers see Order No. 10 under Maximum Price Regulation No. 188.

(c) All applicable discounts, terms and conditions of sale and other trade and freight practices in force for each retailer and dealer in March 1942 shall be maintained, unless the discontinuance or modification thereof results in a lower price.

(d) Within twenty (20) days of the effective date of this order W. P. Fuller and Company shall advise all persons selling its products, described in Appendix A hereof, of the terms of this order, and shall inform them of the maximum prices fixed for each such commodity.

(e) All prayers of the application not granted herein are denied.

(f) This Order No. 59 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 59 (§ 1499.859) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(h) This Order No. 59 (§ 1499.859) shall become effective November 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. E.O. 9250, 7 F.R. 7871)

Issued this 27th day of October 1942.

Leon Henderson,
Administrator.

APPENDIX A

Material	Size	D	W	R	Cost to dlr. purchasing under $500 manufactured goods per yr. (W price less 15/5%)	Cost to dlr. purchasing $500 or more manufactured goods per yr. (W price less 15/10%)
Pioneer aluminum enamel	1s	$3.35	$3.94	$5.05	$3.182	$3.014
	4s	.96	1.13	1.43	.912	.864
	8s	.54	.64	.81	.517	.49
	16s	.33	.39	.50	.315	.298
	32s	.20	.24	.34	.194	.184
Fuller superior bresco	1s	1.50	1.76	2.50	1.421	1.346
	4s	.50	.59	.83	.476	.451
	8s	.31	.36	.50	.291	.275
	16s	.22	.26	.37	.21	.199
	2 oz. btls	1.20 dz.	1.41 dz.	.17 ea.	1.139	1.079
	1 oz. btls	.90 dz.	1.06 dz.	.13 ea.	.856	.811
Fuller canvas dressing	1s	1.35	1.59	2.25	1.284	1.216
	4s	.42	.49	.70	.396	.375
Fuller carbacide (wood preservative).	Bulk	.65 gl.	.76 gl.	.91 gl.	.614	.581
	5s	.75 gl.	.88 gl.	1.05 gl.	.711	.673
	1s	.85	1.00	1.19	.808	.765
Concreta	Drs	2.50 gl.	2.94 gl.		2.374	2.249
	5s	2.60 gl.	3.06 gl.	3.50 gl.	2.471	2.341
	1s	2.70	3.18	3.65	2.568	2.433
	4s	.76 ea.	.89 ea.	1.11 ea.	.719	.681
Superfine coach colors (ground in japan) chrome green, Lt., med., and dk.	In 1 lb. cans & 5 lb. press cans.	.71	.84	1.06	.678	.643
Fuller color I/O:						
Fluid consistency bulletin blue	4s	1.71	2.01	2.45	1.623	1.538
	16s	.44	.52	.63	.42	.398
Prussian blue	4s	1.55	1.82	2.22	1.47	1.392
	16s	.43	.51	.62	.412	.39
Ultramarine blue	4s	1.47	1.73	2.11	1.397	1.323
	16s	.42	.49	.60	.396	.375
Burnt umber	1s	2.92	3.44	4.24	2.778	2.632
	4s	.83	.98	1.20	.791	.75
	16s	.25	.29	.36	.234	.222
Raw umber	1s	2.92	3.44	4.24	2.778	2.632
	4s	.83	.98	1.20	.791	.75
	16s	.25	.29	.36	.234	.222
Chr. green, lt. med., dk	1s	5.16	6.07	7.38	4.902	4.644
	4s	1.39	1.64	1.99	1.324	1.255
	16s	.36	.42	.52	.339	.321
Stayfast green	16s	1.20	1.41	1.69	1.139	1.079
Bulletin stayred	4s	3.11	3.66	5.01	2.955	2.80
	16s	.79	.93	1.23	.751	.711
Madder lake	1s	12.78	15.04	18.25	12.145	11.506
	4s	3.31	3.89	4.73	3.141	2.976
	16s	.79	.93	1.13	.751	.711

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1107, 1371, 1798, 1799, 1836, 2132, 2304, 2352, 2634, 2945, 3116, 3482, 3524, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 6057, 6167, 6471, 6680, 7242, 7838, 8433, 8478.

APPENDIX A—Continued

Material	Size	D	W	R	Cost to dlr. purchasing under $500 manufactured goods per yr. (W price less 15/5%)	Cost to dlr. purchasing $500 or more manufactured goods per yr. (W price less 15/10%)
Fuller color I/O:						
Rose lake	4s	$2.19	$2.58	$3.17	$2.083	$1.974
	16s	.56	.66	.79	.533	.505
Turkey red	1s	11.56	13.60	16.52	10.982	10.404
	4s	2.99	3.52	4.27	2.842	2.693
	16s	.76	.89	1.09	.719	.681
Vermilion, American chr. yellow, lt., med., dk.	16s	.45	.53	.64	.428	.405
	4s	1.95	2.29	2.79	1.849	1.752
	16s	.54	.64	.77	.517	.49
Golden ochre	1s	3.56	4.19	5.09	3.383	3.205
	4s	.99	1.16	1.41	.937	.887
	16s	.27	.32	.39	.258	.245
Yellow ochre	1s	2.76	3.25	3.95	2.624	2.486
	4s	.79	.93	1.12	.751	.711
	16s	.23	.27	.33	.218	.207
Decorators' & ptrs' tbs.-40 oz.:						
Ivory drop black		.20	.24	.31	.194	.184
Lampblack		.20	.24	.31	.194	.184
Bulletin blue		.21	.25	.32	.202	.191
Cobalt blue		.21	.25	.32	.202	.191
Prussian blue		.21	.25	.32	.202	.191
Stayfast blue		.84	.99	1.26	.799	.757
Ultramarine blue		.21	.25	.32	.202	.191
Burnt sienna		.20	.24	.31	.194	.184
Raw sienna		.20	.24	.31	.194	.184
Vandyke brown		.20	.24	.31	.194	.184
Chr. green, lt., med., dk		.22	.26	.34	.210	.199
Bulletin stayred		.26	.31	.40	.250	.237
Madder lake		.34	.40	.51	.323	.306
Venetian red		.18	.21	.28	.170	.161
Vermilion, American		.22	.26	.32	.210	.199
Green seal zinc		.21	.25	.32	.202	.191
Flake white		.21	.25	.32	.202	.191
Chr. yellow, lt., med., dk		.22	.26	.34	.21	.199
Stayfast yellow		.47	.55	.71	.444	.421
Yellow ochre		.18	.21	.28	.17	.161
No. 2770 decoret	8s	.34	.40	.57	.323	.306
Graining compound	1s	2.65	3.12	4.40	2.519	2.387
No. 2882 Q. D. flat white	4s	.75	.88	1.27	.711	.673
	8s	.44	.52	.75	.42	.398
	16s	.26	.31	.47	.25	.237
	32s	.16	.19	.25	.153	.145
Decoret screen, enamel No. 4363, brt. green.	4s	.75	.88	1.10	.711	.673
	8s	.44	.52	.66	.42	.398
	16s	.26	.31	.38	.25	.237
No. 4362 black	4s	.55	.65	.86	.525	.497
	8s	.34	.40	.51	.323	.306
	16s	.21	.25	.33	.202	.191
No. 3610 decoret white refrigerator enamel.	1s	4.00	4.71	6.00	3.803	3.603
	4s	1.08	1.27	1.76	1.026	.972
	8s	.60	.71	.96	.573	.543
	16s	.34	.40	.59	.323	.306
	32s	.20	.24	.36	.194	.184
Decoret varnish stain	1s	3.15	3.71	4.95	2.996	2.838
	4s	.91	1.07	1.42	.864	.819
	8s	.52	.61	.85	.493	.467
	16s	.32	.38	.52	.307	.291
	32s	.19	.22	.32	.178	.168
Brown japan	5s	1.05	1.24	1.60	1.001	.949
	1s	1.15	1.35	1.75	1.09	1.033
	4s	.41	.48	.62	.388	.367
	8s	.27	.32	.41	.258	.245
	16s	.20	.24	.31	.194	.184
House painters' pale japan	5s	1.75	2.06	2.65	1.663	1.576
	1s	1.85	2.18	2.80	1.76	1.668
	4s	.59	.69	.89	.557	.528
	8s	.36	.42	.54	.339	.321
	16s	.24	.28	.37	.226	.214
"B" engine en., aluminum	4s	.94	1.11	1.55	.896	.849
	8s	.53	.62	.88	.501	.474
	16s	.31	.36	.52	.291	.275
Premier implement & truck en.:						
4690 black	1s	2.70	3.18	4.15	2.568	2.433
	4s	.76	.89	1.24	.719	.681
	8s	.44	.52	.72	.42	.398
4654 lt. lead primer 4657 medium blue 4681 lt. green 4684 blue gray 4691 light yellow 4699 white	1s	3.00	3.53	4.65	2.85	2.70
	4s	.83	.98	1.37	.791	.75
	8s	.48	.56	.78	.452	.428
4660 orange 4682 vermilion	1s	3.25	3.82	4.95	3.085	2.922
	4s	.90	1.06	1.45	.856	.811
	8s	.51	.60	.85	.485	.459
No. 2330 flat white undercoat (semi-paste).	5s	2.10	2.47	3.15	1.995	1.89
	1s	2.20	2.59	3.30	2.091	1.981
No. 4360 flat white undercoat	5s	1.70	2.00	2.60	1.615	1.53
	1s	1.80	2.12	2.75	1.712	1.622
	4s	.53	.62	.89	.501	.474
	8s	.33	.39	.56	.315	.298
	16s	.21	.25	.36	.202	.191
No. 3339 flat white undercoat	5s	2.20	2.59	3.30	2.091	1.981
	1s	2.30	2.71	3.45	2.188	2.073

APPENDIX A—Continued

Material	Size	D	W	R	Cost to dlr. purchasing under $500 manufactured goods per yr. (W price less 15/5%)	Cost to dlr. purchasing $500 or more manufactured goods per yr. (W price less 15/10%)
No. 8209 flat white undercoat No. 3692 flat ivory undercoat	5s	$2.05	$2.41	$3.10	$1.946	$1.844
	1s	2.15	2.53	3.25	2.043	1.935
	4s	.62	.73	1.04	.589	.558
	8s	.37	.44	.62	.355	.337
	16s	.23	.27	.39	.218	.207
No. 4410 crestoseal	5s	2.50	2.94	3.75	2.374	2.249
Enamel undercoat	1s	2.60	3.06	3.90	2.471	2.341
Fullerwear quick drying floor en.:						
3426 cruise blue 3427 court green 3428 valencia tile 3429 dover gray 3431 patio gray 3432 sand dune 3433 linoleum brown 3435 fawn 3446 dark oak 3447 indian red 3454 white	1s	2.70	3.18	3.85	2.568	2.433
	2s					
	4s	.76	.89	1.25	.719	.681
	8s	.44	.52	.73	.42	.398
Fuller glazing and blending liquid	5s	2.65	3.12	4.00	2.519	2.387
	1s	2.75	3.24	4.15	2.616	2.479
	4s	.81	.95	1.22	.767	.727
	8s	.47	.55	.71	.444	.421
Pure prepared paint outside gloss white regular colors.	5s	2.60	3.06		2.471	2.341
	1s	2.70	3.18	3.45	2.568	2.433
	4s	.76	.89	1.10	.719	.681
	8s	.44	.52	.65	.42	.398
130 brilliant green	1s	2.95	3.47	4.05	2.802	2.655
	4s	.82	.96	1.20	.775	.734
	8s	.47	.55	.71	.444	.421
178 white primer 180 buff primer 179 gray primer 180 buff primer	5s	2.60	3.06		2.471	2.341
	1s	2.70	3.18	3.45	2.568	2.433
	4s	.76	.89	1.10	.719	.681
Medal mixed paint outside white, regular colors.	5s	1.85	2.18	2.75	1.76	1.668
	1s	1.95	2.29	2.85	1.849	1.752
	4s	.57	.67	.87	.541	.513
	8s	.35	.41	.53	.331	.314
	16s	.22	.26	.34	.21	.199
2930 brilliant green	5s	2.00	2.35	2.90	1.898	1.798
	1s	2.10	2.47	3.00	1.995	1.89
	4s	.61	.72	.92	.581	.551
	8s	.37	.44	.56	.355	.337
	16s	.23	.27	.35	.218	.207
Comet cottage & bungalow pt.:						
C-IW inside white C-OW outside white C-06 french gray C-30 brilliant green C-52 french yellow C-56 black C-89 brown C-77 colonial ivory C-90 nile green C-93 light pearl	5s	1.50	1.76	2.00	1.421	1.346
	1s	1.60	1.88	2.10	1.518	1.438
	4s	.48	.56	.70	.452	.428
Rustic & shingle finish:						
541 white 542 rustic gray	5s	2.40	2.82	3.65	2.277	2.157
	1s	2.50	2.94	3.75	2.374	2.249
	4s	.71	.84	1.18	.678	.643
543 rustic brown 544 tile red	5s	1.85	2.18	2.90	1.76	1.668
	1s	1.95	2.29	3.00	1.849	1.752
	4s	.57	.67	.94	.541	.513
545 brilliant red 546 permanent green	5s	2.60	3.06	4.05	2.471	2.341
	1s	2.70	3.18	4.15	2.568	2.433
	4s	.76	.89	1.25	.719	.681
Porch and deck paint	1s	2.75	3.24	3.80	2.616	2.479
	2s					
	4s	.77	.91	1.25	.735	.696
Conqueror paint and varnish remover.	5s	1.30	1.53	1.95	1.235	1.17
	1s	1.40	1.65	2.10	1.332	1.262
	2s					
	4s	.47	.55	.68	.444	.421
	8s	.30	.35	.43	.283	.268
	16s	.21	.25	.32	.202	.191
	32s	.14	.16	.22	.129	.122
7257 paste remover	5s	1.30	1.53	1.95	1.235	1.17
	1s	1.40	1.65	2.10	1.332	1.262
Barn and roof paint:						
2252 moss green 2253 light green	drs	1.65	1.94		1.567	1.484
	5s	1.75	2.06	2.60	1.663	1.576
	1s	1.85	2.18	2.70	1.76	1.668
2256 brick red 2257 metallic	Drs	1.40	1.65		1.332	1.262
	5s	1.50	1.76	2.25	1.421	1.346
	1s	1.60	1.88	2.35	1.518	1.438
Penetrating stains:						
4358 walnut 5357 mahogany	1s	2.35	2.76	3.70	2.229	2.111
	4s	.67	.79	1.10	.638	.604
	8s	.40	.47	.65	.38	.36
Pioneer shingle stain:						
15 pearl gray 8 silver gray	Bbls	1.35	1.59		1.284	1.216
	5s	1.45	1.71	2.15	1.381	1.308
	1s	1.55	1.82	2.25	1.47	1.392
0 moss green 6 light green 2 dark green 1 med. green	Bbls	1.15	1.35		1.09	1.033
	5s	1.25	1.47	1.85	1.187	1.125
	1s	1.35	1.59	1.95	1.284	1.216

APPENDIX A—Continued

Material	Size	D	W	R	Cost to dlr. purchasing under $500 manufactured goods per yr. (W price less 15/5%)	Cost to dlr. purchasing $500 or more manufactured goods per yr. (W price less 15/10%)
Pioneer shingle stain—Continued.						
4 red 5 dark brown	Bbls	$1.05	$1.24		$1.001	$0.949
	5s	1.15	1.35	$1.70	1.09	1.033
	1s	1.25	1.47	1.80	1.187	1.125
Black	5s	1.15	1.35	1.60	1.09	1.033
S-524 traffic line lacquer thinner	1s	1.25	1.47	1.75	1.187	1.125
Traffic line paint	5s	2.30	2.71	3.30	2.188	2.073
	1s	2.40	2.82	3.40	2.277	2.157
	4s	.68	.80	.95	.646	.612
Fullerspar	5s	3.90	4.59	6.50	3.706	3.511
	1s	4.00	4.71	6.65	3.803	3.603
	2s					
	4s	1.12	1.32	1.87	1.066	1.01
	8s	.62	.73	1.04	.589	.558
	16s	.37	.44	.62	.355	.337
Flexor rubbing & polishing varnish	5s	3.00	3.53	5.00	2.85	2.70
	1s	3.10	3.65	5.15	2.947	2.792
	4s	.90	1.06	1.50	.856	.811
	8s	.51	.60	.86	.485	.459
	16s	.32	.38	.54	.307	.291
	5s	2.75	3.24	4.25	2.616	2.479
Lin-Bar	1s	2.85	3.35	4.40	2.705	2.563
	2s					
	4s	.84	.99	1.30	.799	.757
	8s	.48	.56	.75	.452	.428
	16s	.30	.35	.46	.283	.268
Satinflat	5s	3.00	3.53	5.00	2.85	2.70
	1s	3.10	3.65	5.15	2.947	2.792
	4s	.90	1.06	1.50	.856	.811
	8s	.51	.60	.86	.485	.459
	16s	.32	.38	.54	.307	.291
Speedflat varnish	5s	3.00	3.53	5.00	2.85	2.70
	1s	3.10	3.65	5.15	2.947	2.792
	4s	.90	1.06	1.50	.856	.811
	8s	.51	.60	.86	.485	.459
	16s	.32	.38	.54	.307	.291
Speedite varnish	5s	3.00	3.53	5.00	2.85	2.70
	1s	3.10	3.65	5.15	2.947	2.792
	2s					
	4s	.90	1.06	1.50	.856	.811
	8s	.51	.60	.86	.485	.459
	16s	.32	.38	.54	.307	.291
Utility finish	5s	2.05	2.41	3.45	1.946	1.844
	1s	2.15	2.53	3.60	2.043	1.935
	4s	.66	.78	1.12	.63	.597
	8s	.39	.46	.65	.371	.352
	16s	.26	.31	.44	.25	.237
Mixokay varnish	5s	2.15	2.53	3.25	2.043	1.935
	1s	2.25	2.65	3.40	2.14	2.027
	4s	.69	.81	1.04	.654	.620
	8s	.41	.48	.62	.388	.367
Namelmix	5s	1.85	2.18	2.60	1.760	1.668
	1s	1.95	2.29	2.75	1.849	1.752
No. 700 mixing size	5s	1.75	2.06	2.65	1.663	1.576
	1s	1.85	2.18	2.80	1.760	1.668
	4s	.59	.69	.90	.557	.528
	8s	.36	.42	.53	.339	.321
Fullerglo semigloss finish	Drs	2.40	2.82		2.277	2.157
	5s	2.50	2.94	3.80	2.374	2.249
	1s	2.60	3.06	3.90	2.471	2.341
	2s					
	4s	.73	.86	1.19	.694	.658
	8s	.43	.51	.72	.412	.390
	16s	.26	.31	.46	.250	.237
2859 White stippling paste, semi-gloss	Drs	2.40	2.82		2.277	2.157
	5s	2.50	2.94	3.80	2.374	2.249
	1s	2.60	3.06	3.90	2.471	2.341
	4s	.73	.86	1.19	.694	.658
Ful-gloss finish	Drs	2.45	2.88		2.326	2.203
	5s	2.55	3.00	3.85	2.423	2.295
	1s	2.65	3.12	4.00	2.519	2.387
	4s	.75	.88	1.24	.711	.673
	8s	.44	.52	.73	.420	.398
No. 4255 pigment wallseal	Drs	1.75	2.06		1.663	1.576
	5s	1.85	2.18	2.60	1.760	1.668
	1s	1.95	2.29	2.75	1.849	1.752
	4s	.57	.67	.81	.541	.513
Stippling paste—White:						
3391 flat 4107 semigloss	5s	1.75	2.06	2.60	1.663	1.57
	1s	1.85	2.18	2.75	1.760	1.668
Soft Lite	Drs	1.75	2.06		1.663	1.576
	5s	1.85	2.18	2.85	1.76	1.668
	1s	1.95	2.29	2.95	1.849	1.752
	4s	.57	.67	.86	.541	.513
Hi-Heat Ful-lumina	5s	3.10	3.65	4.45	2.947	2.792
	1s	3.20	3.76	4.60	3.036	2.876
	4s	1.14	1.34	1.63	1.082	1.025
	8s	.67	.79	.96	.638	.604
Ful-lumina	5s	3.10	3.65	4.45	2.947	2.792
	1s	3.20	3.76	4.60	3.036	2.876
	4s	1.14	1.34	1.63	1.082	1.025
	8s	.67	.79	.96	.638	.604
Ful-lumina paint liquid	Bulk	1.80	2.12		1.712	1.622
	5s	1.90	2.24	2.50	1.809	1.714
	1s	2.00	2.35	2.65	1.898	1.798
Asphalt base ful-lumina	5s	3.10	3.65	4.45	2.947	2.792
	1s	3.20	3.76	4.60	3.036	2.876
	4s	1.14	1.34	1.63	1.082	1.025
	8s	.67	.79	.96	.638	.604

APPENDIX A—Continued

Material	Size	D	W	R	Cost to dlr. purchasing under $500 manufactured goods per yr. (W price less 15/5%)	Cost to dlr. purchasing $500 or more manufactured goods per yr. (W price less 15/10%)
Asphalt base fullumina liquid	Bulk	$1.80	$2.12		$1.712	$1.622
	5s	1.90	2.24	$2.50	1.809	1.714
	1s	2.00	2.35	2.65	1.898	1.798
No. 5889 Fullerlite Enamel	Drs	2.60	3.06		2.471	2.341
	5s	2.70	3.18	4.10	2.568	2.433
	1s	2.80	3.29	4.25	2.657	2.517
	4s	.78	.92	1.20	.743	.704
	8s	.45	.53	.67	.428	.405
No. 5900 Eggshell Fullerlite	Drs	2.30	2.71		2.188	2.073
	5s	2.40	2.82	3.65	2.277	2.157
	1s	2.50	2.94	3.80	2.374	2.249
No. 5901 Fullerlite Enamel	Drs	3.55	4.18		3.375	3.198
	5s	3.65	4.29	5.50	3.464	3.282
	1s	3.75	4.41	5.65	3.561	3.374
No. 5888 Fullerlite Primer	Drs	2.50	2.94		2.374	2.249
	5s	2.60	3.06	3.95	2.471	2.341
	1s	2.70	3.18	4.10	2.568	2.433
No. 7211 carbonox gray	1s	3.15	3.71		2.996	2.838
No. 7212 carbonox brown	1s	3.00	3.53		2.85	2.70
No. 7208 carbonox battleship gray	1s	2.40	2.82		2.277	2.157
No. 7209 carbonox carbon—green	1s	2.10	2.47		1.995	1.89
No. 7214 carbonox black	1s	2.10	2.47		1.995	1.89
No. 7215 carbonox iron brown	1s	2.40	2.82		2.277	2.157
No. 7216 carbonox white	1s	2.70	3.18		2.568	2.433
No. 4081 red oxide zinc chromate metal primer.	Drs	2.90	3.41		2.754	2.609
	5s	3.00	3.53	4.45	2.85	2.70
	1s	3.10	3.65	4.60	2.947	2.792
No. 7747 zinc dust—zinc oxide primer	5s	4.70	5.53	7.10	4.465	4.23
	1s	4.80	5.65	7.20	4.562	4.322
No. 4200 white tank paint	Bbls	2.55	3.00		2.423	2.295
	5s	2.65	3.12		2.519	2.387
	1s	2.75	3.24		2.616	2.479
Fultec industrial finishes, air drying:						
4526 alba gray 4551 mariposa blue 4552 cordova brown 4562 niagara green 4563 locker green 4564 dark green 4565 natural ivory 4568 light blue 4587 clear 4590 black 4599 white	1s	3.60	4.24	5.05	3.424	3.244
	4s	.98	1.15	1.50	.929	.88
Fultec industrial finishes—air drying type:						
4582 vermilion 4555 regal red	1s	4.70	5.53	6.55	4.465	4.23
	4s	1.26	1.48	1.75	1.195	1.132
4553 chrome yellow, med 4554 raw sienna 4560 orange 4571 venetian red 4573 burnt umber 4574 chrome green, lt 4575 prussian blue 4591 chrome yellow, lt	1s	3.75	4.41	5.30	3.561	3.374
	4s	1.02	1.20	1.60	.969	.918
	8s	.57	.67	.85	.541	.513
	16s	.33	.39	.50	.315	.298
Fultec industrial finishes—Baking:						
7158 natural ivory 7160 orange 7166 chrome yellow, lt 7177 chrome yellow, med 7179 white	1s	3.90	4.59	5.45	3.706	3.511
	4s	1.06	1.25	1.49	1.009	.956
7163 vermilion 7180 regal red	1s	4.95	5.82	6.95	4.70	4.452
	4s	1.32	1.55	1.85	1.252	1.186
7154 niagara green 7155 locker green 7156 dark green 7157 clear 7162 light blue 7168 venetian red 7170 burnt umber 7171 chrome green, lt 7172 prussian blue 7173 black 7174 alba gray 7175 mariposa blue 7176 cordova brown 7173 raw sienna	1s	3.75	4.41	5.20	3.561	3.374
	4s	1.02	1.20	1.44	.969	.918
7183 fultec white baking primer	1s	3.10	3.65	4.35	2.947	2.792
	4s	.86	1.01	1.21	.816	.773
Durable boat paint:						
1 azure blue 3 mast color 5 lead blue 7 white 15 marine gray	1s	2.50	2.94	3.75	2.374	2.249
	4s	.71	.84	1.10	.678	.643
14 black	1s	2.30	2.71	3.45	2.188	2.073
	4s	.66	.78	1.00	.63	.597
6 brilliant green 9 light yellow 10 medium blue	1s	2.70	3.18	4.05	2.568	2.433
	4s	.76	.89	1.15	.719	.681
11 peerless red	1s	3.00	3.53	4.50	2.85	2.70
	4s	.83	.98	1.25	.791	.75
Marine fullerspar	1s	4.15	4.88	7.25	3.941	3.733
	4s	1.16	1.36	2.03	1.098	1.04
	8s	.64	.75	1.13	.606	.574
	16s	.38	.45	.67	.363	.344

APPENDIX A—Continued

Material	Size	D	W	R	Cost to dlr. purchasing under $500 manufactured goods per yr. (W price less 15/5%)	Cost to dlr. purchasing $500 or more manufactured goods per yr. (W price less 15/10%)
Fuller boottopping:						
4158 red	5s	$1.75	$2.06	$2.95	$1.663	$1.576
	1s	1.85	2.18	3.10	1.76	1.668
	4s	.55	.65	.95	.525	.497
4500 Green	5s	2.40	2.82	4.00	2.277	2.157
	1s	2.50	2.94	4.15	2.374	2.249
	4s	.71	.84	1.20	.678	.643
No. 1901 anticorrosive paint	10 gl. drs.	1.65	1.94	2.75	1.567	1.484
	5s	1.65	1.94	2.75	1.567	1.484
	1s	1.75	2.06	2.90	1.663	1.576
No. 1902 antifouling paint	10 gl. drs.	3.00	3.53	5.00	2.85	2.70
	5s	3.00	3.53	5.00	2.85	2.70
	1s	3.10	3.65	5.15	2.947	2.792
No. 5002 supertox	10 gl. drs.	3.40	4.00	5.65	3.23	3.06
	5s	3.40	4.00	5.65	3.23	3.06
	1s	3.50	4.12	5.80	3.327	3.152
Deck paint, 9119 battleship gray	1s	2.75	3.24	3.80	2.616	2.479

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Material	Size	D	W	R	Cost to dlr. (W price less 15%)
No. 1540, myratec red lead	5s	$2.75 gl.	$3.24 gl.	$4.25 gl.	$2.754
	1s	2.85	3.35	4.40	2.848
	4s	.80	.94	1.33	.799
No. 4224 red lead paint	Drs	1.80 gl.	2.12 gl.	2.70 gl.	1.802
	5s	1.90 gl.	2.24 gl.	2.85 gl.	1.904
	1s	2.00	2.35	3.00	1.998
No. 6563 premier red lead paint	5s	3.35 gl.	3.94 gl.	4.70 gl.	3.349
	1s	3.45	4.06	4.85	3.451
Snow white zinc	1s	.20	.24	.28	.204
No. 299 green seal zinc	25s	.23	.27	.33	.23
Pure American zinc	25s	.19	.22	.28	.187
Economy paint oil	Bulk	.75 gl.	.88 gl.	1.15 gl.	.748
	5s	.85 gl.	1.00 gl.	1.30 gl.	.85
	1s	.95	1.12	1.45	.952
Logwood oil	5s	1.85 gl.	2.18 gl.	2.60 gl.	1.853
	1s	1.95	2.29	2.75	1.947
Pioneer reinforcing oil	Bulk	1.60 gl.	1.88 gl.	-------	1.598
	5s	1.70 gl.	2.00 gl.	2.20 gl.	1.70
	1s	1.80	2.12	2.35	1.802
	4s	-------	-------	-------	-------
	8s	-------	-------	-------	-------
No. 1118 marine white paste	100s	.1225#	.144#	.175#	.122
	25s	.1275#	.15#	.182#	.128
	12½s	.13#	.153#	.185#	.13
Urban paste	100s	.1025#	.121#	.146#	.103
	25s	.1075#	.126#	.153#	.107
No. 3366 white paste	100s	.11#	.129#	.157#	.11
	50s	.1125#	.132#	.16#	.112
	25s	.115#	.135#	.164#	.115
No. 4550 fultec red lead	5s	3.65 gl.	4.29 gl.	5.10 gl.	3.647
	1s	3.75 gl.	4.41 gl.	5.25 gl.	3.749
	4s	1.02	1.20	1.44	1.02
	8s	.57	.67	.80	.57
	16s	.33	.39	.48	.332
Weathertite asbestos roof coat	Drs	.65 gl.	.76 gl.	.91 gl.	.646
	5s	.75 gl.	.88 gl.	1.05 gl.	.748
	1s	.85	1.00	1.20	.85
	4s	.30	.35	.43	.298
Sheep marking mixture	1s	1.35	1.59	1.95	1.352
Fullerseal	5s	1.50 gl.	1.76 gl.	2.30 gl.	1.496
	1s	1.60	1.88	2.45	1.598
Gloss oil	5s	.90 gl.	1.06 gl.	1.35 gl.	.901
	1s	1.00	1.18	1.50	1.003
	4s	.37	.44	.58	.374
Eureka industrial paint:					
2651 light green 2653 dark red 2657 dark green 2660 B 2661 L 2663 L 2652 light red	Drs 5s 1s 1s	1.25 gl. 1.35 gl. 1.45 1.85	1.47 gl. 1.59 gl. 1.71 2.18	1.70 gl. 1.80 gl. 1.95 2.55	1.25 1.352 1.454 1.853

Material	Size	D	Painter
2914 artisan lead, titanox and zinc paste	4s	$2.66	$3.70
	1s	2.75	3.82

APPENDIX A—Continued

Material	Size	D	W	R
No. 8008 plywood sealer	1s	$1.85	$2.18	
	4s	.59	.69	
	8s	.36	.42	
Black finishing insulating varnish	5s	1.85 gl.	2.18 gl.	
	1s	1.95	2.29	
Clear elastic insulating varnish	5s	1.80 gl.	2.12 gl.	
	1s	1.90	2.24	
Light finishing insulating varnish	5s	1.60 gl.	1.88 gl.	
	1s	1.70	2.00	
Fuller cement paint:				
6301 white 6309 cement color 6313 buff 6314 light cream	Drs 5s 1s	2.35 gl. 2.45 gl. 2.55	2.76 gl. 2.88 gl. 3.00	 $3.40 gl. 3.55
Medal shingle stain:				
MSS-15 Red MSS-16 Brown MSS-30 Green	5s 1s	.95 gl. 1.05	1.12 gl. 1.24	1.30 gl. 1.40

[F. R. Doc. 42-10921; Filed, October 27, 1942; 2:27 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 70 Under § 1499.18 (b) of GMPR]

M. R. BLACKMAN AND COMPANY, INC.

Order No. 70 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-116.

For the reasons set forth in an opinion issued simultaneously herewith *It is ordered:*

§ 1499.870 *Adjustment of the maximum prices of M. R. Blackman and Company, Inc. for fountain syrups, flavors, fruits and toppings.* (a) M. R. Blackman and Company, Inc., a Pennsylvania corporation of Philadelphia, Pennsylvania may sell and deliver and any purchaser may buy and receive from such concern the following products at prices not higher than those set forth below:

(1) *Maximum prices to sellers at wholesale.* The maximum price established under § 1499.2 of the General Maximum Price Regulation plus the following amounts:

	Per gallon
Blackman crushed strawberries	$.80
Blackman crushed pineapple	.30

For fractional and multiple parts of a gallon of either of the above products M. R. Blackman and Company, Inc. may add to the maximum price for such amounts established under § 1499.2 of the General Maximum Price Regulation the proportionate part of the increase herein granted on gallon prices.

(2) *Maximum prices of M. R. Blackman and Company, Inc. to sellers at retail.* The maximum prices established under § 1499.2 of the General Maximum Price Regulation plus the following amounts:

	Per gallon
Blackman ready to use syrups:	
Chocolate syrup	$.05
Almond cherry syrup	.05
Lime syrup	.05
Orange syrup	.05
Lemon syrup	.05
Pineapple syrup	.05
Root beer syrup	.05
Raspberry syrup	.05
Vanilla syrup	.05
Blackman special syrups:	*Per gallon*
Pale dry ginger ale	$.05
Lemon and lime	.05
Coffee	.05
Blackman crushed fruits:	
Walnut sundaes	.20
Pineapple	.30
Salad fruit	.30
Strawberry	.70
Blackman marshmallow	.05

For fractional and multiple parts of a gallon of any of the above products M. R. Blackman and Company, Inc. may add to the maximum price for such amount established under § 1499.2 of the General Maximum Price Regulation the proportionate part of the increase herein granted on gallon prices.

(b) *Maximum prices of wholesalers or jobbers to sell M. R. Blackman and Company, Inc. products to sellers at retail.* The maximum price established under § 1499.2 of the General Maximum Price Regulation plus the following amounts:

	Per gallon
Blackman crushed strawberries	$0.80
Blackman crushed pineapple	$0.30

For fractional and multiple parts of a gallon of any of the above products M. R. Blackman and Company, Inc. may add to the maximum price for such amount established under § 1499.2 of the General Maximum Price Regulation the proportionate part of the increase herein granted on gallon prices.

(c) The adjustment granted in paragraphs (a) and (b) are subject to the following conditions:

(1) All wholesalers and jobbers who purchase any of the products mentioned herein from M. R. Blackman and Company, Inc., shall be notified in writing, by such company on or before the first delivery after the effective date of this order as follows:

> The Office of Price Administration has permitted us to raise our maximum prices for sales to you of our fountain syrups $.80 per gallon on Blackman crushed strawberries and $.30 per gallon on Blackman crushed pineapple over our March ceiling prices. This amount represents that amount of cost increase which we were unable to absorb and it was granted with the understanding that retail prices would not be raised. You may add these amounts to your maximum prices of these products: *Provided,* That you retain your schedule of customary price differentials and discounts.

(2) All sellers at wholesale who sell syrups and crushed fruits manufactured by M. R. Blackman and Company, Inc., to retailers shall notify in writing such retailers on or before the first delivery after the effective date of this Order as follows:

> The Office of Price Administration has permitted M. R. Blackman and Company, Inc. to add to its maximum price $.80 per gallon on Blackman crushed strawberries and $.30 per gallon on Blackman crushed pineapple. We are permitted to add this increase to our March ceiling prices with the understanding that it shall not be reflected in the retail prices on those items in which these products are used. In order that M. R. Blackman and Company and ourselves may continue to provide you with these syrups and crushed fruits it will be necessary for you to accept this reduction in your margin.

(3) All sellers at retail who purchase syrups and crushed fruits from M. R. Blackman and Company, Inc. shall be notified in writing by the applicant herein on or before the first delivery after the effective date of this order as follows:

> The Office of Price Administration has permitted us to raise our maximum prices of syrups and crushed fruits as follows:

	Per gallon
Blackman ready to use syrups:	
Chocolate syrup	$.05
Almond cherry syrup	.05
Lime syrup	.05
Lemon syrup	.05
Orange syrup	.05
Pineapple syrup	.05
Root beer syrup	.05
Raspberry syrup	.05
Vanilla syrup	.05
Blackman special syrups:	
Pale dry ginger ale	.05
Lemon and lime	.05
Coffee	.05
Blackman crushed fruits:	
Walnut sundae	.20
Pineapple	.30
Salad fruits	.30
Strawberry	.70
Blackman marshmallow	.05

> These amounts represent only that part of cost increase which we were unable to absorb and they are granted with the understanding that retail prices on those items in which these products are used would not be raised. In order that we may continue to provide you with these products it will be necessary for you to accept this reduction in your margin.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 70 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 70 (§ 1499.870) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 70 (§ 1499.870) shall become effective October 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10922; Filed, October 27, 1942; 2:29 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 71 Under § 1499.18 (b) of GMPR]

BROOKLYN COOPERAGE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.871 *Adjustment of maximum prices for sales of 50/52 gallon white oak tight sap, eight hoop, double glued and branded barrels, for alcohol, manufactured at the Chamalette, Louisiana plant of the Brooklyn Cooperage Company.* (a) The Brooklyn Cooperage Company, 120 Wall Street, New York City, may sell and deliver from its Chamalette, Louisiana plant, and any person may buy and receive from said plant, 50/52 gallon white oak tight sap, eight hoop, double glued and branded barrels, for alcohol, produced at the Chamalette, Louisiana plant, at a price not in excess of $4.65 per barrel, delivered to New Orleans, Louisiana.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 71 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 71 (§ 1499.871) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 71 (§ 1499.871) shall become effective October 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10934; Filed, October 27, 1942; 4:11 p. m.]

Chapter XV—Board of War Communications

[Order No. 22]

PART 1718—PROHIBITING THE LEASING OF COMMUNICATIONS CIRCUITS IN SUBMARINE CABLES WITHOUT PRIOR APPROVAL OF THE BOARD

APPROVAL OF BOARD; FILING OF COPIES, ETC.

Whereas, The Board of War Communications has determined that the national defense and security and the successful conduct of the war require that the leasing of communications circuits in submarine cables extending from any point in the United States to any point outside the United States be supervised by the Board;

Now, therefore, By virtue of the authority vested in the Board by Executive Order No. 8546 of September 24, 1940, and by Executive Order No. 9089 of March 6, 1942; *It is hereby ordered:*

§ 1718.1 *Approval of Board required before leasing.* After the date hereof no communications circuit in any submarine cable extending from any point in the United States to any point outside the United States shall be leased or by any other arrangement made available by any cable licensee for the private and exclusive use of any person, Government department or agency, or other organization, unless such licensee has received written approval of such lease or other arrangement from the Board.

§ 1718.2 *Filing of copies of leases or arrangements.* Within 20 days from the date of this order every cable licensee shall file with the Board two copies of every lease or other document evidencing any arrangement of the type described in § 1718.1 and in effect on the date hereof.

Subject to such further order as the Board may deem appropriate. (E.O. 8546 and E.O. 9089; 5 F.R. 3817, 7 F.R. 1777)

BOARD OF WAR COMMUNICATIONS.
JAMES LAWRENCE FLY, *Chairman.*

Attest: October 22, 1942.

HERBERT E. GASTON,
Secretary.

[F. R. Doc. 42-10964; Filed, October 28, 1942; 11:54 a. m.]

[Order No. 23]

PART 1719—AUTHORIZATION OF DEPARTMENT OF WAR TO USE, CONTROL, SUPERVISE, INSPECT OR CLOSE STATIONS AND FACILITIES FOR WIRE OR RADIO COMMUNICATION IN PUERTO RICO

PUERTO RICAN STATIONS

Whereas, The Board of War Communications has determined that the national security and defense and the successful conduct of the war demand that all non-military stations and facilities for radio or wire communication in Puerto Rico shall be subject to use, control, supervision, inspection or closure by the Department of War;

Now, therefore, by virtue of the authority vested in the Board of War Communications by Executive Orders Nos. 8546, 8964, and 9089 of September 24, 1940, December 10, 1941, and March 6, 1942, respectively; *It is hereby ordered:*

§ 1719.1 *Puerto Rican stations and facilities subject to use, control, supervision, inspection or closure.* All nonmilitary stations and facilities for radio or wire communication in Puerto Rico shall be subject to such use, control, supervision, inspection or closure by the Department of War in accordance with the terms of the said Executive Orders as the Secretary of War may deem necessary for the national security and defense and the successful conduct of the war;

Provided, however, That nothing herein shall apply to facilities controlled by the Department of Navy under Order No. 2 of the Board.

Subject to such further order as the Board may deem appropriate. (E.O. 8546, E.O. 8964 and E.O. 9089; 5 F.R. 3817, 6 F.R. 6367, 7 F.R. 1777).

BOARD OF WAR COMMUNICATIONS.
JAMES LAWRENCE FLY, *Chairman.*

Attest: October 22, 1942.

HERBERT E. GASTON,
Secretary.

[F. R. Doc. 42-10964; Filed, October 28, 1942; 11:54 a. m.]

Chapter XVIII—Office of Economic Stabilization

Subchapter A—Office of the Director of Economic Stabilization

PART 4001—WAGES AND SALARIES

By virtue of the authority vested in the President by the Constitution and the laws of the United States, and particularly by the Act of October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (Pub. Law 729, 77th Cong.), the following regulations are hereby promulgated.

Sec.

4001.1 Definitions.
4001.2 Authority of National War Labor Board.
4001.3 Rules, orders and regulations of Board.
4001.4 Authority of the Commissioner of Internal Revenue.
4001.5 Rules and regulations of Commissioner.
4001.6 Salary increases.
4001.7 Decreases in salaries of less than $5,000.
4001.8 Decreases in salaries of over $5,000.
4001.9 Limitation on certain salaries.
4001.10 Effect of unlawful payments.
4001.11 Exempt employers.
4001.12 Salary allowances under Internal Revenue Code.
4001.13 Statutory salaries and wages.
4001.14 Territories and possessions.
4001.15 Regulations of Economic Stabilization Director.
4001.16 Effect of Executive Order No. 9250.

AUTHORITY: §§ 4001.1 to 4001.16, inclusive, issued under Pub. Law 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 4001.1 *Definitions.* When used in the regulations in this part, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(a) The term "Act" means the Act of October 2, 1942, (Pub. Law 729) entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes".

(b) The term "Board" means the National War Labor Board created by Executive Order No. 9017, dated January 12, 1942 (7 F.R. 237).

(c) The term "Commissioner" means the Commissioner of Internal Revenue.

(d) The term "Code" means the Internal Revenue Code, as amended and supplemented.

(e) The term "salary" or "salary payments" means all forms of direct or indirect compensation which is computed on a weekly, monthly, annual or other comparable basis, except a wage basis, for personal services of an employee irrespective of when rendered, including bonuses, additional compensation, gifts, loans, commissions, fees, and any other remuneration in any form or medium whatsoever (excluding insurance and pension benefits in a reasonable amount).

(f) The term "salary rate" means the rate or other basis at which the salary for any particular work or service is computed either under the terms of a contract or agreement or in conformity with an established custom or usage.

(g) The term "wages" or "wage payments" means all forms of direct or indirect compensation which is computed on an hourly or daily basis, a piece-work basis, or other comparable basis, for personal services of an employee irrespective of when rendered, including bonuses, additional compensation, gifts, commissions, loans, fees, and any other remuneration in any form or medium whatsoever (but excluding insurance and pension benefits in a reasonable amount).

(h) The term "insurance and pension benefits in a reasonable amount" means:

(1) Contributions by an employer to an employees' trust or under an annuity plan which meets the requirements of section 165 (a) of the Code, and

(2) Amounts paid by an employer on account of premiums on insurance on the life of the employee which amounts are deductible by the employer under section 23 (a) of the Code, except that if such amounts are includible in the gross income of the employee under the Code, the amount in respect of each employee may not exceed five per cent of the employee's annual salary or wages determined without the inclusion of insurance and pension benefits.

(i) The terms "approval by the Board" and "determination by the Board" shall, except as may be otherwise provided in the regulations or orders of the Board, include an approval or determination by an agent of the Board duly authorized to perform such act; and such approval or determination, if subsequently modified or reversed by the Board, shall nevertheless for the purpose of the regulations in this part, be deemed to have been continuously in effect from its original date until the first day of the payroll period immediately following the reversal or modification or until such later date as the Board may direct.

(j) The terms "approval by the Commissioner" and "determination by the Commissioner" shall, except as may be otherwise provided in regulations prescribed by the Commissioner, include an approval or determination by an agent of the Commissioner duly authorized to perform such act; and such approval or determination, if subsequently modified or reversed by the Commissioner, shall nevertheless for the purpose of the regulations in this part, be deemed to have been continuously in effect from its original date until the first day of the payroll period immediately following reversal or modification or until such later date as the Commissioner may direct.

§ 4001.2 *Authority of National War Labor Board.* The Board shall, subject to the provisions of sections 1, 2, 3, 4, 8, and 9 of Title II of Executive Order No. 9250, of October 3, 1942, have authority to determine whether any

(a) Wage payments, or

(b) Salary payments to an employee totaling in amount not in excess of $5,000 per annum where such employee

(1) In his relations with his employer is represented by a duly recognized or certified labor organization, or

(2) Is not employed in a bona fide executive, administrative or professional capacity

are made in contravention of the Act, or any rulings, orders or regulations promulgated thereunder. Any such determination by the Board, made under rulings and orders issued by it, that a payment is in contravention of the Act, or any rulings, orders, or regulations promulgated thereunder, shall be conclusive upon all Executive Departments and agencies of the Government in determining the costs or expenses of any employer for the purpose of any law or regulation, either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942 or any maximum price regulation thereof, or for the purpose of calculating deductions under the revenue laws of the United States, or for the purpose of determining costs or expenses under any contract made by or on behalf of the United States. Any determination of the Board made pursuant to the authority conferred on it shall be final and shall not be subject to review by The Tax Court of the United States or by any court in any civil proceedings.

§ 4001.3 *Rules, orders and regulations of Board.* The Board may make such rulings and issue such orders or regulations as it deems necessary to enforce and otherwise carry out the provisions of the regulations in this part.

§ 4001.4 *Authority of the Commissioner of Internal Revenue.* The Commissioner shall have authority to determine, under regulations to be prescribed by him with the approval of the Secretary of the Treasury, whether any salary payments other than those specified in § 4001.2 (b) are made in contravention of the Act, or any regulations or rulings promulgated thereunder. Any such determination by the Commissioner, made under such regulations, that a payment is in contravention of the Act, or any rulings or regulations promulgated thereunder, shall be conclusive upon all Executive Departments and agencies of the Government in determining the costs or expenses of any employer for the purpose of any law or regulations, either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942 or any maximum price regulation thereof, or for the purpose of calculating deductions under the revenue laws of the United States, or for the purpose of determining costs or expenses under any contract made by or on behalf of the United States. Any determination of the Commissioner made pursuant to the authority conferred on him shall be final and shall not be subject to review by The Tax Court of the United States or by any court in any civil proceedings. No increase in a salary rate approved by the Commissioner shall result in any substantial increase of the level of costs or shall furnish the basis either to increase price ceilings of the commodity or service involved or to resist otherwise justifiable reductions in such price ceilings.

§ 4001.5 *Rules and regulations of Commissioner.* The Commissioner may prescribe such regulations with the approval of the Secretary of the Treasury, and make such rulings as he deems necessary, to enforce and otherwise carry out the provisions of these regulations.

§ 4001.6 *Salary increases.* In the case of a salary rate of $5,000 or less per annum existing on the date of the approval of these regulations by the President and in the case of a salary rate of more than $5,000 per annum existing on October 3, 1942, no increase shall be made by the employer except as provided in regulations, rulings, or orders promulgated under the authority of the regulations in this part. Except as herein provided, any increase made after such respective dates shall be considered in contravention of the Act and the regulations, rulings, or orders promulgated thereunder from the date of the payment if such increase is made prior to the approval of the Board or the Commissioner, as the case may be.

In the case, however, of an increase made in accordance with the terms of a salary agreement or salary rate schedule and as a result of:

(a) Individual promotions or reclassifications,

(b) Individual merit increases within established salary rate ranges,

(c) Operation of an established plan of salary increases based on length of service,

(d) Increased productivity under incentive plans,

(e) Operation of a trainee system, or

(f) Such other reasons or circumstances as may be prescribed in orders, rulings, or regulations, promulgated under the authority of the regulations in this part,

no prior approval of the Board or the Commissioner is required. No such increase shall result in any substantial increase of the level of costs or shall furnish the basis either to increase price ceilings of the commodity or service involved or to resist otherwise justifiable reductions in such price ceilings.

§ 4001.7 *Decreases in salaries of less than $5,000.* In the case of a salary rate existing as of the close of October 3, 1942, under which an employee is paid a salary of less than $5,000 per annum for any particular work, no decrease shall be made by the employer below the highest salary rate paid for such work between January 1, 1942, and September 15, 1942, unless to correct gross inequities or to aid in the effective prosecution of the war. Any decrease in such salary rate after October 3, 1942, shall be considered in contravention of the Act and the regulations, rulings, or orders promulgated thereunder if such decrease is made prior to the approval of the Board or the Commissioner, as the case may be.

§ 4001.8 *Decreases in salaries of over $5,000.* In the case of a salary rate existing as of the close of October 3, 1942, under which an employee is paid a salary of $5,000 or more per annum, no decrease in such rate made by the employer shall be considered in contravention of the Act and the regulations promulgated thereunder (see section 5 (b) of the Act): *Provided, however*, That if by virtue of such decrease the new salary paid to the employee is less than $5,000 per annum, then the validity of such decrease below $5,000 shall be determined under the provisions of § 4001.7.

§ 4001.9 *Limitation on certain salaries.* (a) No amount of salary (exclusive of any amounts allowable under paragraphs (b) and (c) of this section) shall be paid or authorized to be paid to or accrued to the account of any employee or received by him during the taxable year which, after reduction by the Federal income taxes on the amount of such salary, would exceed $25,000. The amount of such Federal income taxes shall be determined (1) by applying to the total amount of salary (exclusive of any amounts allowable under paragraphs (b) and (c) of this section) paid or accrued during the taxable year, undiminished by any deductions, the rates of taxes imposed by Chapter 1 of the Code (not including section 466) as if such amount of salary were the net income (after the allowance of credits applicable thereto), the surtax net income, and the Victory tax net income, respectively, and (2) without allowance of any credits against any of such taxes.

(b) In any case in which an employee establishes that his income from all sources is insufficient to meet payments customarily made to charitable, educational or other organizations described in section 23 (o) of the Code, without resulting in undue hardship, then an additional amount sufficient to meet such payments may be paid or authorized to be paid to or accrued to the account of any employee or received by him during the taxable year even though it exceeds the amount otherwise computed under paragraph (a) of this section.

(c) In any case in which an employee establishes that, after resorting to his income from all sources, he is unable, without disposing of assets at a substantial financial loss resulting in undue hardship, to meet payments for the following:

(1) Required payments (excluding accelerated payments) by the employee during the taxable year on any life insurance policies on his life which were in force on October 3, 1942,

(2) Required payments (excluding accelerated payments) made by the employee during the taxable year on any fixed obligations for which he was obligated on October 3, 1942,

(3) Federal income taxes of the employee for prior taxable years which are paid during the taxable year, not including Federal income taxes on the allowance under paragraph (a) of this section for any prior year, an additional amount sufficient to meet such payments may be paid or authorized to be paid to or accrued to the account of any employee or received by him during the taxable year, even though it exceeds the amount otherwise computed under paragraph (a) of this section.

(d) In the case of an individual who is an employee of more than one person, the aggregate of the salaries received by such individual shall, under such circumstances as may be set forth in regulations promulgated under the authority of these regulations, be treated as if paid by a single employer.

(e) No amount of salary shall be paid or authorized to be paid to or accrued to the account of any employee or received by him after the date of approval of these regulations by the President and before January 1, 1943, if the total salary paid, authorized, accrued or received for the calendar year 1942 exceeds the amount of salary which would otherwise be allowable under paragraph (a) of this section and also exceeds the total salary paid, authorized, accrued or received for the calendar year 1941.

(f) Except as provided in paragraph (e) of this section, the provisions of this section shall be applicable to salary paid or accrued after December 31, 1942, regardless of when authorized and regardless of any contract or agreement made before or after such date.

§ 4001.10 *Effect of unlawful payments.* (a) If any wage or salary payment is made in contravention of the Act or the regulations, rulings or orders promulgated thereunder, as determined by the Board or the Commissioner, as the case may be, the entire amount of such payment shall be disregarded by the Executive Departments and all other agencies of the Government in determining the costs or expenses of any employer for the purpose of any law or regulation, including the Emergency Price Control Act of 1942, or any maximum price regulation thereof, or for the purpose of calculating deductions under the revenue laws of the United States, or for the purpose of determining costs or expenses of any contract made by or on behalf of the United States. The term "law or regulations" as used herein includes any law or regulation hereafter enacted or promulgated. In the case of wages or salaries decreased in contravention of the Act or regulations, rulings or orders promulgated thereunder, the amount to be disregarded is the amount of the wage or salary paid or accrued. In the case of wages or salaries increased in contravention of the Act or regulations, rulings or orders promulgated thereunder, the amount to be disregarded is the amount of the wage or salary paid or accrued and not merely an amount representing an increase in such wage or salary. In the case of a salary in excess of the amount allowable under § 4001.9 which is paid or accrued to an employee during his taxable year in contravention of the Act or regulations, rulings or orders promulgated thereunder, the amount to be disregarded is the full amount of such salary and not merely the amount representing the excess over the amount allowable under such § 4001.9.

(b) Payments made or received in violation of any regulations, rulings or orders promulgated under the authority of the Act are subject to the penal provisions of the Act.

§ 4001.11 *Exempt employers.* The provisions of §§ 4001.6, 4001.7 and 4001.8 shall apply only in the case of an employer who employs more than eight individuals.

§ 4001.12 *Salary allowances under Internal Revenue Code.* No provision of the regulations in this part shall preclude the Commissioner from disallowing as a deduction in computing Federal income tax any compensation paid by an employer (regardless of the number of employees and of the amount paid to any employee) in excess of a "reasonable allowance" in accordance with the provisions of section 23 (a) of the Code.

§ 4001.13 *Statutory salaries and wages.* The regulations in this part shall be applicable to any salary or wages paid by the United States, any State, Territory or possession, or political subdivision thereof, the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, except where the amount of such salary or wages is fixed by statute.

§ 4001.14 *Territories and possessions.* The Board and the Commissioner shall have the authority to exempt from the operation of the regulations in this part any wages or salaries paid in any Territory or possession of the United States where deemed necessary for the effective administration of the Act and the regulations in this part.

§ 4001.15 *Regulations of Economic Stabilization Director.* The Director shall have authority to issue such regulations as he deems necessary to amend or modify the regulations in this part.

§ 4001.16 *Effect of Executive Order No. 9250.* To the extent that the provisions of Executive Order No. 9250, dated October 3, 1942 (7 F.R. 7871) are inconsistent with the regulations in this part, such provisions are hereby superseded.

JAMES F. BYRNES,
Economic Stabilization Director.

Approved: October 27, 1942,

FRANKLIN D ROOSEVELT
The White House.

[F. R. Doc. 42-10936; Filed, October 27, 1942; 5:13 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Service Order No. 92]

PART 95—CAR SERVICE

COAL SHIPMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of October, A. D. 1942.

It appearing, That, due to the existing state of war, an emergency exists, which in the opinion of the Commission requires immediate action to prevent delay to railroad equipment and to expedite the movement and prompt handling of cars used in the transportation of coal consigned to various ports on Lake Michigan, Lake Ontario, and Lake Erie, and to the ports of New York, N. Y., Philadelphia, Pa., Baltimore, Md., and Hampton Roads, Va., for transshipment by vessels:

It is ordered, That:

§ 95.3 *Coal shipments consigned to lake ports for transshipment*—(a) *Restriction on movement of cars.* No common carrier by railroad shall move a car loaded with coal consigned to Lake Erie, Lake Ontario, or Lake Michigan ports for transshipment by vessels, except that such carriers may move the cars loaded with coal to said ports upon permit issued by a person to be designated by this Commission as its Agent to exercise its directions as to car service.

(b) *Designation of agent at lake ports; outline of duties.* W. J. McGarry, Manager of the Ore & Coal Exchange at Cleveland, Ohio, is hereby designated and appointed as Agent of the Commission and vested with authority to control the movement of railroad cars used in the transportation of coal for transshipment by vessels at Lake Erie, Lake Ontario, and Lake Michigan ports. As Agent, he is hereby authorized to issue permits for the movement of coal to the Lake Erie, Lake Ontario, and Lake Michigan ports for transshipment by vessels in such manner as to prevent the accumulation of cars of coal at the lake ports by any transshipper in excess of the ability of such transshipper to provide vessel capacity for the prompt dumping of the coal. In issuing such permits the Commission's Agent shall also give consideration to promotion of the prompt dumping of coal from cars to vessels and reduction in the detention of railroad cars held under load at the lake ports. As Agent, he is also authorized and directed to promote the voluntary consolidation, for transshipment, of various grades and consignment designations of coal. As Agent, he is not authorized to issue any permit which would conflict with the terms of General Order O. D. T. No. 9 (§§ 502.5 to 502.8 of this title) or any permit issued under the terms of that order. Permits may be in blanket form or otherwise, authorizing the shipment of a number of cars or tons of coal. Permits may be revoked by said Agent to carry out the purposes as set forth in this order.

§ 95.31 *Designation of agent at New York, New Jersey, Delaware, Pennsylvania, and Maryland ports; outline of duties.* W. R. Godber, Joint Manager of the Anthracite Tidewater Emergency Bureau and Northern Tidewater Bituminous Emergency Committee, 143 Liberty Street, New York, N. Y., is hereby designated and appointed as Agent of the Commission and vested with authority to control the movement of railroad cars used in the transportation of coal for transshipment by vessels at New York, New Jersey, Delaware, Pennsylvania, and Maryland ports and storage yards named in Trunk Line Tariff Bureau Tariff 139–C I. C. C. No. A–751, or in Trunk Line Tariff Bureau Tariff No. 138–B I. C. C. No. A–750, or supplements thereto. As Agent, he is hereby authorized to represent the Commission in the regulation of the shipment of coal to piers in such manner as to prevent the accumulation of cars of coal at such piers and storage yards by any transshipper in excess of the ability of such transshipper to provide vessel capacity for the prompt dumping of the coal. As Agent, he is authorized and directed to determine and advise the Commission in the establishment of the maximum number of cars which any transshipper may have on hand at any pier or storage yard or in transit from point of origin to said piers and storage yards. In arriving at said maximum number of cars said Agent shall give consideration to past performance in dumping, as well as any other circumstances which will affect the ability of the transshipper to unload from cars to vessels. As Agent, he is also authorized and directed to promote voluntary consolidation, for transshipment, or various grades and consignment designations of coal and to promote the reduction of the number of grades and consignment designations of coal to a minimum. As Agent, he is also authorized and directed to take the necessary action to bring about embargoes of transshippers, piers, or ports, to properly control the movement of cars used in the transportation of coal.

§ 95.32 *Designation of agent at Hampton Roads, Va., ports; outline of duties.* E. D. Enney, Bureau Manager Hampton Roads Coal Emergency Committee, 616 Royster Bldg., Norfolk, Va., is hereby designated and appointed as Agent of the Commission and vested with authority to control the movement of railroad cars used in the transportation of coal for transshipment by vessels at Hampton Roads, Va., ports and storage yards named in Trunk Line Tariff Bureau Tariff 139–C I. C. C. A–751, or supplements thereto, and cars used in the transportation of coal from mines on the Virginian Railway to Little Creek, Va., for further movement by car floats to Cape Charles, Va. As Agent, he is hereby authorized to represent the Commission in the regulation of the shipment of coal to piers in such manner as to prevent the accumulation of cars of coal at such piers and storage yards by any transshipper in excess of the ability of such transshipper to provide vessel capacity for the prompt dumping of the coal. As Agent, he is directed to determine and advise the Commission in the establishment of the maximum number of cars which any transshipper may have on hand at any pier or storage yard or in transit from point of origin to said piers and storage yards. In arriving at said maximum number of cars said agent shall give consideration to past performance in dumping, as well as any other circumstances which will affect the ability of the transshipment to unload from cars to vessels. As Agent, he is also authorized and directed to promote voluntary consolidation, for transshipment, of various grades and consignment designations of coal, and to promote the reduction of the number of grades and consignment designations of coal to a minimum. As Agent, he is also authorized and directed to take the necessary action to bring about embargoes of transshippers, piers, or ports, to properly control the movement of cars used in the transportation of coal.

And it is further ordered, That this order shall become effective November 1, 1942, and shall remain in force until further order of the Commission; and that copies of this order and direction be served upon all railroads, transporting coal to the above-mentioned ports, for transshipment by vessels and car floats, and upon the Association of American Railroads, Car Service Division, as agent of the carriers subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy of it in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register, the National Archives.

(40 Stat. 101, 41 Stat. 476, 49 Stat. 543, 54 Stat. 901; 49 U.S.C. 1 (10)-(17)).

By the Commission, division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-10966; Filed, October 28, 1942; 11:23 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1697]

DISTRICT BOARD NO. 2

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 2 for a change in minimum prices established for truck shipments for the coals of certain mines in District No. 2.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 25, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 20, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition filed with this Division by District Board No. 2 requesting changes in the minimum prices established for truck shipments for the Binkerd Mine (Mine Index No. 709) of David D. Frazer, the Evans Mine (Mine Index No. 707) of David L. Corbett and the Walker Mine (Mine Index 1709) of James E. Walker as follows:

For the Binkerd Mine and the Evans Mine

Size groups	1	2	3	4	5	6	7	8	9	10	11
From	280	270	260	240	235	225	205	215	195	185	175
To	300	280	270	260	255	250	250	250	210	200	190

For the Walker Mine

Size groups	1	2	3	4	5	6	7	8	9	10	11
From	270	260	250	230	235	215	200	205	185	175	165
To	300	280	270	260	255	250	250	250	210	200	190

Dated: October 26, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10960; Filed, October 28, 1942;
11:25 a. m.]

[Docket No. B-311]

WERNER BROTHERS

ORDER POSTPONING HEARING

In the matter of Fred J. Werner, also known as Fred Werner, Jr., and William J. Werner, individually, and as partners doing business under the name and style of Werner Brothers, Code Member.

The above-entitled matter having been scheduled for hearing on November 5, 1942, at a hearing room of the Bituminous Coal Division at the Post Office Building, Owensboro, Kentucky; and

The Director deeming it advisable that said hearing be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from November 5, 1942, at 10 a. m., to December 7, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Owensboro, Kentucky, before the officer or officers heretofore designated to preside at said hearing.

Dated: October 26, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10961; Filed, October 28, 1942;
11:25 a. m.]

[Docket No. B-282]

WEST VIRGINIA-PITTSBURGH COAL COMPANY

NOTICE OF FILING OF APPLICATION, ETC.

Notice of filing of application for disposition of compliance proceeding without formal hearing pursuant to § 301.132 of the rules of practice and procedure before the Division.

Notice is hereby given that an application dated July 30, 1942, for disposition of this proceeding without formal hearing was filed with the Bituminous Coal Division (the "Division") on July 30, 1942, pursuant to § 301.132 of the Rules of Practice and Procedure before the Bituminous Coal Division (the "Admission Rules") by the West Virginia-Pittsburgh Coal Company, the above-named Code member (the "Code Member").

The application was filed in respect to the written complaint dated June 6, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") filed with the Division on June 6, 1942, by Bituminous Coal Producers Board for District No. 6, a district board, complainant, alleging that the Code member which operates the Gilchrist and Locust Grove Mines, Mine Index Nos. 12 and 15 respectively, located in Brooke County, West Virginia, District No. 6, wilfully violated section 4 II (e) of the Act, and Part II (e) of the Bituminous Coal Code (the "Code") by selling subsequent to September 30, 1940, coal produced at the aforesaid mines to the Weirton Steel Company, Weirton, West Virginia, at prices below the effective minimum prices as set forth in the Schedule of Effective Minimum Prices for District No. 6 For All Shipments Except Truck (the "Schedule"), as follows:

1. The sale and delivery during the month of January 1941 of approximately

(a) 3,336.55 tons of ¾″ lump coal at $1.90 per ton f. o. b. said mines, whereas the effective minimum f. o. b. mine price for said coal was $2.05 per net ton f. o. b. said mines, as established and set forth in the Schedule;

(b) 3,612.35 tons of ¾″ slack coal at 90 cents per ton f. o. b. said mines, whereas the effective minimum f. o. b. mine price for said coal was $1.65 per net ton f. o. b. said mines, as established and set forth in the Schedule;

2. The sale and delivery during the period from October 1, 1940, to January 1, 1941, both dates inclusive, of approximately

(a) 3,413 tons of ¾″ lump coal at $1.90 per ton f. o. b. said mines, whereas the effective minimum f. o. b. mine price for said coal was $2.05 per net ton f. o. b. said mines, as established and set forth in the Schedule;

(b) 6,007 tons of ¾″ slack coal at 90 cents per ton f. o. b. said mines, whereas the effective minimum f. o. b. mine price for said coal was $1.65 per net ton f. o. b. said mines, as established and set forth in the Schedule;

3. The sale and delivery during the month of February 1941 of approximately

(a) 872.55 tons of ¾″ lump coal at $1.90 per ton f. o. b. said mines, whereas the effective minimum f. o. b. mine price for said coal was $2.05 per net ton f. o. b. said mines, as established and set forth in the Schedule;

(b) 356.80 tons of ¾″ slack coal at 90 cents per ton f. o. b. said mines, whereas the effective minimum f. o. b. mine price for said coal was $1.65 per net ton f. o. b. said mines, as established and set forth in the Schedule;

(c) 3,304 tons of 1¼″ lump coal at $1.90 per ton f. o. b. said mines, whereas the effective minimum f. o. b. mine price for said coal was $2.05 per net ton f. o. b. said mines, as established and set forth in the Schedule; and

4. The sale and delivery during the month of March 1941 of approximately 4,935 tons of 1¼″ lump coal at $1.90 per ton f. o. b. said mines, whereas the effective minimum price for said coal was $2.05 per net ton f. o. b. said mines, as established and set forth in the Schedule.

In said application the Code member admits all of the violations alleged in the complaint herein as set forth in paragraphs 1, 2, 3 and 4 hereof and consents to the entry of an order revoking its Code membership, imposing a penalty tax in the amount of $4,000 which it agrees to pay immediately upon being served with said order, and enjoining and restraining it from violations of the Code and regulations thereunder upon any restoration of its Code membership, said tax being computed upon the basis of the tonnage referred to in paragraph 4 hereof and 68.12 tons of the ¾″ lump coal referred to in paragraph 2 (a) hereof.

In the application, the Code member states that to the best of its knowledge and belief "it has not committed any violations of the Act, the Code, or the regulations thereunder in its sale of coal to any person, persons, firm or corporation except those involved in shipments to the Weirton Steel Company, which shipments ceased on and after April 1, 1941."

All interested parties may if they desire to do so, file with the Division recommendations or requests for informal conferences in respect to such application within fifteen (15) days from the date of this notice.

Dated: October 27, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10962; Filed, October 28, 1942;
11:25 a. m.]

DEPARTMENT OF COMMERCE.

[Order No. 250]

CLOTHING, UNIFORMS, GARMENTS, ETC.

SPECIAL INVESTIGATIONS

Special investigations of men's, youths', and boys' clothing and uniforms; cotton, leather and allied garments and uniforms; and underwear, knit cloth, and knit fabric gloves.

Pursuant to the provisions of section 1401 of the Second War Powers Act, 1942, approved March 27, 1942, (Public 507—77th Congress; 56 Stat. 186, 50 U.S.C. Appendix 644) and the directions and regulations of the President contained in Executive Order 9152, dated April 29, 1942, (7 F.R. 3257), it is hereby ordered that the following special investigations be made of:

1. Men's, Youths', and Boys' Clothing and uniforms, as set forth in the Bureau of Census Schedule Form 125-31.[1]

2. Cotton, Leather and Allied Garments and Uniforms, as set forth in the Bureau of Census Schedule Form 125-33.[1]

3. Underwear, Knit Cloth, and Knit Fabric Gloves, as set forth in the Bureau of Census Schedule Form 125-37.[1]

These investigations, which are deemed by me to be needed in connection with the conduct of the War, shall be conducted by the Director of the Census, and he is directed to secure the information provided for in said schedule forms in the form and manner and within the time as set forth therein or any extension thereof.

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

OCTOBER 27, 1942.

[F. R. Doc. 42-10935; Filed, October 27, 1942;
4:48 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO A. MILDER'S SONS

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective October 29, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

A. Milder's Sons, 116 W. 10th St., Anniston, Alabama; Repair used clothing and repair salvaged shoes; 5 learners; 240 hours for any one learner; Machine operator; October 29, 1943, 30 cents for any one learner.

Signed at New York, N. Y., this 27th day of October, 1942.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-10942; Filed, October 28, 1942;
10:07 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4206).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, Auugst 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 29, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

Royal Garment Co., North Main St., Ansonia, Ohio; Ladies' burial dresses and men's burial suits; 5 learners (T); October 29, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Beautee-Fit Co., Inc., 860 South Los Angeles St., Los Angeles, California; Brassieres; 10 learners (T); October 29, 1943.

Biberman Bros., Inc., 15th & Mt. Vernon Sts., Philadelphia, Pennsylvania; Ladies' dresses; 10 percent (T); October 29, 1943.

Cal-Made Mfg. Co., 308 East 9th St., Los Angeles, California; Men's sport shirts; 3 learners (T); October 29, 1943.

Delaware Garment Co., 400 French St., Wilmington, Delaware; Ladies' blouses and dresses; 10 learners (T); October 29, 1943.

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[1] Filed as part of the original document.

Duke of Hollywood, 212 East 8th St., Los Angeles, California; Men's sport shirts; 10 learners (T); October 29, 1943.

Duquesne Mfg. Co., 852 Stanton Ave., New Kensington, Pennsylvania; Hooverettes, zipper dresses, canteen cases, uniforms; 10 learners (T); October 29, 1943. (This certificate replaces the one bearing the expiration date of March 30, 1943).

Freedman Roedelheim Co., Apple St., Quakertown, Pennsylvania; Shirts; 10 percent (T); October 29, 1943.

Grant Apparel Mfg. Co., 1240 South Main St., Los Angeles, California; Ladies' blouses, shirts, slack suits, sport shirts, jackets, playsuits; 10 percent (T); October 29, 1943.

Jacobs, Grossman & Rosenberg, Inc., Erie Ave. & E St., Philadelphia, Pennsylvania; Infants' & children's cotton dresses and blouses; 10 percent (T); October 29, 1943.

Kops Brothers, Inc., 101 St. & Rockaway Blvd., Ozone Park, Long Island, New York; Corsets, combinations, brassieres; 10 percent (T); October 29, 1943.

L. A. Neckwear Mfg. Co. & Cameraland Sportswear, 719 South Los Angeles St., Los Angeles, California; Men's & boys' sport shirts & men's neckwear; 5 learners (T); October 29, 1943.

S. Liebovitz & Sons, Inc., 1001 Donoughe St., Gallitzin, Pennsylvania; Shirt makers; 10 percent (T); October 29, 1943.

N. & B. Mfg. Co., Inc., 15 Taylor Ave., Bethel, Connecticut; Men's uniforms for army dresses; 10 percent (T); October 29, 1943.

The O. C. Mfg. Co., 5 Center Ave., Little Falls, New Jersey; Elastic web athletic supporters; 2 learners (T); October 29, 1943.

Salant & Salant, Inc., Pine St., Lexington, Tennessee; Cotton work shirts; 10 percent (T); October 29, 1943.

Salant & Salant, Inc., Washington St., Paris, Tennessee; Cotton work shirts; 10 percent (T); October 29, 1943.

Salant & Salant, Inc., First St., Lawrenceburg, Tennessee; Cotton work shirts; 10 percent (T); October 29, 1943.

Tailor Maid Blouses; 127 East 9th St., Los Angeles, California; Ladies' blouses; 10 percent (T); October 29, 1943.

Teitz Brothers, 7 First Ave., Raritan, New Jersey; Trousers; 8 learners (T); October 29, 1943.

Weiss Shirt Co., 520 Lehman St., Lebanon, Pennsylvania; Men's shirts; 10 percent (T); October 29, 1943.

Glove Industry

Clark Brothers, 20 Elm St., Glens Falls, New York; Knit fabric gloves; 5 percent (T); October 29, 1943.

Keller Glove Mfg. Co., Plumsteadville, Pennsylvania; Work gloves; 5 learners (T); October 29, 1943.

Hosiery Industry

Blackstone Hosiery Mills, Inc., Valdese, North Carolina; Seamless hosiery; 5 percent (T); October 29, 1943.

Cleveland Hosiery Mills, Inc., 208 Central Ave., Cleveland, Tennessee; Seamless hosiery; 5 learners (T); October 29, 1943.

Mrs. C. H. Cowan, 35 Branford Place, Newark, New Jersey; Repairing seamless and full-fashioned hosiery; 2 learners (T); October 29, 1943.

McAllester Hosiery Mills, Inc., 45th St., Chattanooga, Tennessee; Seamless hosiery; 5 percent (T); October 29, 1943.

Tennessee Kitting Mills, Inc., Columbia, Tennessee; Full-fashioned hosiery; 5 percent (T); October 29, 1943.

Terry Hosiery Mills, Inc., 600 S. Hamilton St., High Point, North Carolina; Seamless hosiery; 5 learners (T); October 29, 1943.

Textile Industry

Gates Paper Twine Co., Inc., Hunt's Lane, Chappaqua, New York; Mfg. paper twines, tapes, printed rope markers, paper cable filling; 3 learners (T); October 29, 1943.

J. & C. Bedspread Co., Ellijay, Georgia; Chenille punchwork bedspreads; 5 percent (T); October 29, 1943.

Signed at New York, N. Y., this 27th day of October 1942.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-10943; Filed, October 28, 1942; 10:07 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 801]

BRITISH OVERSEAS AIRWAYS CORPORATION

NOTICE OF HEARING

In the matter of the application of British Overseas Airways Corporation for amendment of foreign air carrier permit so as to authorize air transportation between Trinidad and Baltimore, Md.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said Act, in the above-entitled proceeding, that hearing is assigned to be held on November 2, 1942, 2 p. m. (eastern war time) in Room 1851 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated: Washington, D. C., October 27, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-10956; Filed, October 28, 1942; 11:16 a. m.]

[Docket No. 778]

TEMPORARY AIR TRANSPORTATION IN CARIBBEAN AREA

NOTICE OF HEARING

In the matter of an investigation to determine the need for temporary air transportation in the Caribbean Area.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding, that hearing is assigned to be held on November 2, 1942, 10 a. m. (eastern war time) in Conference Room 1, Department of Commerce Auditorium, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiners William J. Madden and Ralph L. Wiser.

Dated: Washington, D. C., October 27, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-10957; Filed, October 28, 1942; 11:16 a. m.]

[Docket No. SA-74]

ACCIDENT NEAR PALM SPRINGS, CALIFORNIA

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States registry NC 16017 which occurred near Palm Springs, California, on October 23, 1942.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on Wednesday, October 28, 1942, at 2:00 P. M. (PWT) in the Town House Los Angeles, California.

Dated: Washington, D. C., October 27, 1942.

[SEAL] ALLEN P. BOURDON,
Presiding Officer.

[F. R. Doc. 42-10955; Filed, October 28, 1942; 11:16 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5802]

ARKANSAS POWER & LIGHT COMPANY, ET AL.

ORDER POSTPONING HEARING

OCTOBER 24, 1942.

In the Matter of Arkansas Power & Light Company, Kansas Gas and Electric Company, Louisiana Power & Light Company, Mississippi Power & Light Company, Nebraska Power Company, Oklahoma Gas and Electric Company, Public Service Company of Oklahoma, Southwestern Gas & Electric Company, Southwestern Light & Power Company, Texas Power & Light Company.

Upon application filed October 23, 1942, on behalf of Arkansas Power & Light Company, Kansas Gas and Electric Company, Louisiana Power & Light Company, Mississippi Power & Light Company, Oklahoma Gas and Electric Company, Public Service Company of Oklahoma, Southwestern Gas & Electric Company and Texas Power & Light Company, requesting that the hearing in this proceeding heretofore ordered to be held on November 2, 1942, at 10 a. m., in Room 521, the Federal Building, Little Rock, Arkansas, be postponed; and

It appearing that: Good cause has been shown for postponement of such hearing as hereinafter provided;

It is ordered, That: The hearing in this proceeding be and the same is hereby

postponed to November 17, 1942, at the same hour and place as heretofore fixed.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-10952; Filed, October 28, 1942; 11:19 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 208]

INTERESTS OF I. G. FARBENINDUSTRIE, A. G. IN CERTAIN CONTRACTS

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> Interests in contracts relating to patents, which contracts are described in Exhibit A attached hereto and made a part hereof;

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property constitutes interests held therein by, a national of a foreign country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Exccutive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 3, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

1. All right, title and interest of I. G. Farbenindustrie, A. G., whose last known address was Frankfurt, Germany, in a contract dated March 27, 1931, between I. G. Farbenindustrie, A. G. and Pennsylvania Salt Manufacturing Company, together with all income, profits, royalties and other property heretofore accrued or which may hereafter accrue to or in favor of said I. G. Farbenindustrie, A. G. by virtue of the aforesaid contract, which contract relates to certain United States patents, including those described as follows:

Patent No.	Date	Inventor	Title
1, 572, 952	2-16-26	Pistor	Drying calcium hypochlorite compounds.
1, 583, 421	5- 4-26	Pistor	Producing calcium hypochlorite compounds.
1, 743, 242	1-14-30	Schultz	Preserving dibasic calcium hypochlorite.
1, 916, 770	7- 4-33	Reitz	Improvement in storing qualities of calcium hypochlorite.
1, 919, 304	7-25-33	Reitz	Recovery of calcium hypochlorite.
1, 931, 622	10-24-33	Reitz	Recovery of calcium hypochlorite.
1, 969, 236	8- 7-34	Reitz	Manufacture of bleaching powder.
2, 244, 477	6- 3-41	Reitz	Recovery of basic calcium hypochlorite compounds.

2. All right, title and interest of said I. G. Farbenindustrie, A. G. in a contract dated November 1, 1933, between I. G. Farbenindustrie, A. G. and Pen-Chlor, Inc., together with all income, profits, royalties and other property heretofore accrued or which may hereafter accrue to or in favor of said I. G. Farbenindustrie, A. G. by virtue of the aforesaid contract, which contract relates to certain United States patents, including those described as follows:

Patent No.	Date	Inventor	Title
1, 805, 908	5-19-31	Fendt	Electrical inductive and resistance heating device.
1, 818, 888	8-11-31	Frank	Process for preparing acid-proof cementing or lining compositions.
1, 837, 614	12-22-31	Gramburg	Acid-proof cementing compositions and preparing same.
1, 867, 444	7-12-32	Dietz	Acid-proof cementing composition.
1, 881, 180	10- 4-32	Frank	Acid-proof material and process of preparing it.
1, 883, 675	10-18-32	Frank	Cement powder and mortar powder.
1, 996, 859	4- 9-35	Dietz	Acid-proof mortar for digestors.
2, 034, 802	3-24-36	Frank	Acid-proof self-hardening compositions.
2, 077, 512	4-20-37	Buchloh	Porous bodies.
2, 103, 768	12-28-37	Dietz	Acid-proof self-hardening compositions.
2, 208, 571	7-23-40	Dietz	Acid-proof cement mortars.
2, 240, 393	4-29-41	Dietz	Water-glass cement powder and cement mortars produced therefrom.
2, 258, 546	10- 7-41	Dietz	Resinous cement rapidly hardening in the cold and making same.
2, 269, 096	1- 6-42	Dietz	Cement powders and method of producing acid-proof mortars therefrom.
2, 281, 834	5- 5-42	Dietz	Self-hardening cement for spark plugs.

[F. R. Doc. 42-10944; Filed, October 28, 1942; 10:40 a. m.]

[Vesting Order 225]

INTEREST OF FRIED. KRUPP, A. G., IN CERTAIN CONTRACTS

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation, finding that the property described as follows:

> Interests in contracts relating to patents, which contracts are described in Exhibit A attached hereto and made a part hereof.

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property constitutes interests held therein by, a national of a foreign country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 9, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

1. All right, title and interest, including accumulated royalties, of Fried. Krupp, A. G., of Essen, Germany, in a contract dated March 21st, 1931, between United States Steel Corporation, licensee, and Fried. Krupp, A. G., licensor, granting United States Steel Corporation a license under certain United States patents, including the following:

Patent No.	Date	Inventor	Title
1,557,614	6/8/26	B. Strauss	Steel alloy.
1,617,334	2/15/27	C. Johnson	Alloy steel.
1,735,744	11/12/29	A. Fry	Steel alloy.

2. All right, title and interest, including accumulated royalties, of Fried. Krupp, A. G., of Essen, Germany, in a contract dated June 10, 1933, between Krupp Nirosta Company, Inc., and Fried. Krupp, A. G., relating to certain United States patents, including the following:

Patent No.	Date	Inventor	Title
2,200,229	5/7/40	B. Strauss	Welded construction.
2,186,710	1/9/40	P. Schafmeister et al	Steel alloy.
2,187,525	1/16/40	P. Schafmeister et al	Article of welded construction.

3. All right, title and interest, including accumulated royalties, of Fried. Krupp, A. G., of Essen, Germany, in a contract dated September 11th, 1934, between Krupp Nirosta Company, Inc., and Fried. Krupp, A. G., relating to certain United States patents, including the following:

Patent No.	Date	Inventor	Title
2,157,060	5/2/39	P. Schafmeister	Austenitic chromium nickel steel alloys.
2,190,486	2/13/40	P. Schafmeister	Austenitic chromium nickel steel alloy.

All the patents listed under "1", "2" and "3" stand in the name of Krupp Nirosta Campany, Inc.

[F. R. Doc. 42-10945; Filed, October 28, 1942; 10:40 a. m.]

[Vesting Order 227]

INTERESTS OF RICHARD GRUNER AND GRUNER AND SOHN IN A CERTAIN CONTRACT

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title and interest of Richard Gruner and Gruner and Sohn, and each of them, the last known address of both of whom was represented to the undersigned as being Itzehoe, Germany, in and to that certain contract dated September 16, 1935, between Eugene Dietzgen Company, a Delaware corporation doing business in Illinois, on the one hand, and Richard Gruner and Gruner and Sohn on the other hand, including all sums due to said Richard Gruner and Gruner and Sohn, and each of them, under said contract,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on October 12, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10946; Filed, October 28, 1942; 10:40 a. m.]

[Vesting Order 228]

INTEREST OF ROBERT BOSCH AKTIENGESELLSCHAFT IN CERTAIN CONTRACTS

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title and interest of Robert Bosch Aktiengesellschaft, Stuttgart, Germany, in and to the following contracts:

(a) A contract between Robert Bosch Aktiengesellschaft and American Bosch Magneto Corporation, dated November 3, 1930, and described as "Trade Agreement",

(b) A contract between Robert Bosch Aktiengesellschaft and American Bosch Magneto Corporation, dated November 3, 1930, and described as "Sales Agreement",

(c) A contract between Robert Bosch Aktiengesellschaft and United American Bosch Corporation, dated as of January 1, 1934, and described as "Manufacturing Agreement No. 1",

(d) A contract between Robert Bosch Aktiengesellschaft and United American Bosch Corporation, dated May 22, 1931, and described as "Patent Agreement", and

(e) An informal agreement, entered into on or about November 1939 between Robert Bosch Aktiengesellschaft and American Bosch, relating, among other things, to electric windshield wipers, generators and regulators, and described as "Manufacturing Agreement No. 2",

is property within the United States owned or controlled by a national of a designated enemy country (Germany), and determining that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on October 12, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10947; Filed, October 28, 1942; 10:40 a. m.]

[Vesting Order 236]

LEGACIES PAYABLE TO GERMAN NATIONALS UNDER THE WILL OF MARIE VON ERLENBELL, DECEASED

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, interest and claim of the persons listed in Exhibit "A" hereunto attached, as their interests appear in said Exhibit, in and to certain legacies payable to them under the will of Marie von Erlenbell, deceased, who at the time of her death resided at 23-19 Crescent Street, Astoria, in the County of Queens, State of New York.

is property which is in process of administration by a person (namely, Karl Kappler, Executor), acting under judicial supervision (namely), that of the Surrogate's Court of the County of Queens, State of New York), and which is payable or deliverable to, or claimed by nationals of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or othewise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on October 15, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Name and residence	*Interest*
Karl Thuerer, Altensteig o/a Nagold, Wurttemberg, Germany	3/10th
Karl Bross, Edelweiler o/a Preutenstadt, Wurttemberg, Germany	2/35th
Gottlieb Bross, Pfalzgrefenweiler o/a Freutenstadt, Wurttemberg, Germany	2/35th
Karoline Ziefle, Wornersberg o/a Freutenstadt, Wurttemberg, Germany	2/35th
Wilhelm Finkberner, 3 Henstrasse, Stuttgart, Wurttemberg, Germany	2/35th
Hans Willi Bross, Ihringen bei Breisach am Rhein, Baden Europ, Germany	2/105th
Friedrich Bross, Ihringen bei Breisach am Rhein, Baden Europ, Germany	2/105th
Marie Bross, Ihringen bei Breisach am Rhein, Baden Europ, Germany	2/105th

[F. R. Doc. 42-10948; Filed, October 28, 1942; 10:41 a. m.]

[Vesting Order 249]

90.79% OF THE CAPITAL STOCK OF AMERICAN POTASH & CHEMICAL CORPORATION, AND AN OPTION FOR THE REPURCHASE OF 5,000 SHARES THEREOF

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation, finding:

(a) That the property described as follows:

474,726 shares (which constitute a substantial part, namely 89.84%, of all outstanding shares) of no par value capital stock of American Potash & Chemical Corporation, a Delaware corporation, New York, New York, which is a business enterprise within the United States, the names of the registered owners of which, and the number of shares owned by them respectively, are as follows:

Name	*Number of shares*
Consolidated Gold Fields of South Africa, Ltd	127,723
Gold Fields American Development Co., Ltd	201,531
New Consolidated Gold Fields, Ltd	69,712
Administratickantoor Diligentia	75,760
Total	474,726

all of which shares are held for the benefit of Wintershall, A. G., Germany, and Salzdetfurth, A. G., Germany, and each of them,

is property of nationals, and represents control of said business enterprise which is a national, of a designated enemy country (Germany); and

(b) That the property described as follows:

5,000 shares (constituting 0.95% of the outstanding shares) of similar stock held in the name of MacNaughten & Co. for the benefit of the Estate of August Diehn, a national of Germany,

is property of, and represents an interest in said business enterprise which is, a national of a designated enemy country (Germany), and also is property which is in the process of administration by a person (namely, the Public Administrator of New York County, New York) acting under judicial supervision (namely, that of New York County Surrogate's Court, New York) and which is payable or deliverable to, or claimed by, a national of a designated enemy country (Germany); and

(c) That the property described as follows:

That certain option held by Hope Syndicate, Amsterdam, Holland, entitling it to repurchase 5,000 shares of stock held by Gold Fields American Development Co., Ltd., which option is held for the benefit of Wintershall, A. G., Germany, and Salzdetfurth, A. G., Germany, and each of them,

is property of nationals, and represents an interest in said business enterprise which is a national, of a designated enemy country (Germany);

and determining that to the extent that any or all of such nationals are persons not within a designated enemy country such persons are controlled by or acting for or on behalf of or as cloaks for a designated enemy country (Germany) or a person within such country, and the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property

Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 20, 1942.

[SEAL] **Leo T. Crowley,**
Alien Property Custodian.

[F. R. Doc. 42-10949; Filed, October 28, 1942; 10:41 a. m.]

[Vesting Order 251]

Interests of Nippon Magnesium Metals Company, Ltd. and Nippon Chisso Hiryo Kabushiki Kaisha in a Certain Contract

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All right, title and interest of Nippon Magnesium Metals Company, Ltd. and Nippon Chisso Hiryo Kabushiki Kaisha (both of which were organized under the laws of and have their principal place of business in Japan), and of each of them, in and to that certain contract, executed under date of July 23, 1934, by and between said Nippon Magnesium Metals Company, Ltd., Nippon Chisso Hiryo Kabushiki Kaisha and American Magnesium Metals Corporation, a Delaware corporation, and all income, profits, royalties and other property heretofore accrued or which may hereafter accrue to or in favor of said Nippon Magnesium Metals Company, Ltd. and Nippon Chisso Hiryo Kabushiki Kaisha, and each of them, by virtue of the aforesaid contract,

is property payable or held with respect to a patent or right related thereto in which an interest is held by, and such property is itself an interest held therein by, nationals of a foreign country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 22, 1942.

[SEAL] **Leo T. Crowley,**
Alien Property Custodian.

[F. R. Doc. 42-10950; Filed, October 28, 1942; 10:41 a. m.]

[Vesting Order 252]

25 Shares of the Capital Stock of Central American Plantations Corporation

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> 25 shares of $100 par value common capital stock of Central American Plantations Corporation, a Delaware corporation, New York, New York, which shares are held by Guaranty Trust Company of New York for the account of Banque Federale, Zurich, Switzerland, but are beneficially owned by Schlubach Thiemer and Company, whose last known address was represented to the undersigned as being Hamburg, Germany,

is property of, and represents an interest in said business enterprise which was found in Vesting Order Number 104 of August 17, 1942, to be, a national of a designated enemy country (Germany), and determining that to the extent that either or both of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on October 22, 1942.

[SEAL] **Leo T. Crowley,**
Alien Property Custodian.

[F. R. Doc. 42-10951; Filed, October 28, 1942; 10:41 a. m.]

OFFICE OF ECONOMIC STABILIZATION.

[Directive No. 1]

Designation of Price Administrator of Office of Price Administration as Representative of Director of Economic Stabilization to Receive Notices of Increases in Common Carrier or Other Public Utility Rates and Charges

By virtue of the authority vested in me by Executive Order No. 9250, of October 3, 1942, and in order to effectuate the provisions of Paragraph 4 of Title VI of that Executive Order and of section 1 of the Act of October 2, 1942 (Pub. Law 729, 77th Cong.), entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes", I hereby designate the Price Administrator of the Office of Price Administration as the representative of the Director of Economic Stabilization to receive notices of increases in common carrier or other public utility rates and charges, with authority to issue appropriate regulations for the receipt of such notices and to intervene and participate in proceedings before Federal, State, and municipal authorities in connection with proposed increases in such rates and charges, subject to such directives on policy as may be issued by the Director. Nothing in this order shall be construed to limit the right of the Office of Price Administration, on its own behalf, to intervene or participate in any common carrier or other public utility proceeding or to take such other steps as it may deem appropriate with respect to common carrier or other public utility rates or charges for the purpose of effectuating the policies of the Emergency Price Control Act of 1942 (Pub. Law 421, 77th Cong.) as amended by the Act of

October 2, 1942 (Pub. Law 729, 77th Cong.).

This order shall become effective upon issuance.

Issued at Washington, D. C., this 14th day of October 1942.

James F. Byrnes,
Director of Economic Stabilization.

[F. R. Doc. 42-10937; Filed, October 27, 1942; 5:13 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 15 Under MPR 147]

Scovill Manufacturing Co.

ORDER DENYING PETITION FOR EXCEPTION

Order No. 15 under Maximum Price Regulation No. 147—Ferrous and Non-Ferrous Bolts, Nuts, Screws and Rivets—Docket No. 3147-16.

On September 12, 1942, Scovill Manufacturing Company, Waterbury, Connecticut, filed a petition for an adjustment pursuant to § 1368.7 of Maximum Price Regulation No. 147. Due consideration has been given to the petition and an opinion in support of this Order No. 15 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) The petition for adjustment of Scovill Manufacturing Company be and it hereby is denied.

(b) This Order No. 15 shall become effective October 27, 1942.

Issued this 27th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10912; Filed, October 27, 1942; 12:15 p. m.]

[Order 26 Under RPS 6]

New England Drawn Steel Company

ORDER GRANTING EXCEPTION

Order No. 26 under Revised Price Schedule No. 6—Iron and Steel Products—Docket No. 3006-27.

On September 30, 1942, New England Drawn Steel Company, Mansfield, Massachusetts, filed a petition for an exception to Revised Price Schedule No. 6, as amended, pursuant to § 1306.7 (c) thereof. Due consideration has been given to the petition and an opinion in support of this Order No. 26 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) New England Drawn Steel Company may sell and deliver, and agree, solicit and attempt to sell and deliver, cold finished steel bars at prices not in excess of those stated in paragraph (b), when such bars are shipped to points outside of the New England States under contracts entered into by it under allocations or directives of the War Production Board.

(b) The maximum price which may be charged by New England Drawn Steel Company on sales of cold finished bars covered by paragraph (a) above shall be the Buffalo base price on cold finished bars plus the carload freight rate on hot rolled bars from Buffalo to Mansfield, Massachusetts, f. o. b. Mansfield, Massachusetts.

(c) All prayers of the petition not herein granted are denied.

(d) This Order No. 26 may be revoked or amended by the Price Administrator at any time.

(e) The definitions set forth in § 1306.8 of Revised Price Schedule No. 6 shall apply to terms used herein.

(f) This Order No. 26 shall become effective October 28, 1942.

Issued this 27th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10911; Filed, October 27, 1942; 12:16 p. m.]

[Order 66 Under MPR 120]

Ruthbell Coal Company

ORDER GRANTING ADJUSTMENT

Order No. 66 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-117.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Ruthbell Coal Company, Kingwood, West Virginia, may sell and deliver, and any person may buy and receive the bituminous coal described in paragraph (b) (1) below at prices not in excess of the price stated therein;

(b) (1) Coals in Size Group 6 produced by Ruthbell Coal Company at its Deep Hollow Mine (Mine Index No. 47) in District No. 3, may be sold for shipment by rail at a price not to exceed $2.60 per net ton f. o. b. the mine;

(2) With respect to deliveries of such Size Group 6 coals on and after June 24, 1942, petitioner may carry out agreements providing for the delivery of such coals at a price not exceeding the applicable maximum price and also providing for a price adjustment in accordance with the disposition of this petition;

(c) This Order No. 66 may be revoked or amended by the Price Administrator at any time;

(d) All prayers of the petition not granted herein are denied;

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(f) This Order No. 66 shall become effective October 28, 1942.

Issued this 27th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10924; Filed, October 27, 1942; 2:28 p. m.]

[Order 67 Under MPR 120]

Roslyn-Cascade Coal Company

ORDER GRANTING ADJUSTMENT

Order No. 67, Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-180.

For the reasons set forth in an Opinion issued simultaneously herewith, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Roslyn-Cascade Coal Company, Eellingham, Washington, may sell and deliver, and any person may buy and receive the bituminous coal described in paragraph (b) at prices not in excess of the respective prices stated therein, for shipment by rail and for shipment by truck.

(b) Coals produced by Roslyn-Cascade Coal Company at its Roslyn Mine (Mine Index No. 29) in District 23, may be sold for shipment by rail and for shipment by truck at prices per net ton f. o. b. the mine not to exceed the following:

Size Group:	*Rail*	*Truck*
2	555	630
3	545	620
4	515	590
8	535	620
10	530	590
12	500	555
13	470	520
16	420	480
19	460	530
20	460	505
21	400	445
23	375	425
24	355	405
26	340	

(c) This Order No. 67 may be revoked or amended by the Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms herein.

(e) This Order No. 67 shall become effective the 28th day of October 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871).

Issued this 27th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10925; Filed, October 27, 1942; 2:28 p. m.]

[Order 6 Under MPR 163]

UXBRIDGE WORSTED COMPANY, INC.

ORDER GRANTING ADJUSTMENT OF PRICES

Order No. 6 Under § 1410.109 of Maximum Price Regulation No. 163—Woolen and Worsted Civilian Apparel Fabrics—Docket No. 3163-4.

For the reasons set forth in the Opinion, which has been issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

(a) That the Uxbridge Worsted Company, Inc. of Uxbridge, Massachusetts, may sell or deliver in the course of trade or business and any person may buy or receive from it in the course of trade or business that certain fabric manufactured by it known as 0160 range, (a 14-ounce weight, 60-inch wide cotton warp, reused wool filled cassimere, having fibre content of 50 percent cotton, 40 percent reused wool, 10 percent rayon) at a price of $0.85 per yard.

(b) For the purposes of the provisions of Maximum Price Regulation No. 163, the maximum price for the aforesaid fabric known as 0160 range permitted by this Order No. 6 shall be deemed to have been determined in accordance with paragraph (a) of § 1410.102 of such regulation.

(c) This Order may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 6 shall become effective October 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10926; Filed, October 27, 1942; 2:29 p. m.]

[Order 10 Under MPR 188]

W. P. FULLER AND COMPANY

ORDER GRANTING ADJUSTMENT

Order 10 under § 1499.161 of Maximum Price Regulation 188 — Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket GF3-110.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, *It is ordered:*

(a) W. P. Fuller and Company, a California corporation, of 301 Mission Street, San Francisco, California, is hereby authorized to sell to retailers and dealers and to its own stores and such persons are authorized to buy, the products manufactured by it and more specifically described in Appendix A, attached hereto and made a part hereof, at prices not in excess of those set forth for such sales in Appendix A.

All applicable discounts, terms and conditions of sale, and other trade and freight practices, in force for W. P. Fuller and Company in March 1942, shall be maintained, unless the discontinuance or modification thereof results in a lower price.

(b) For maximum prices at which retailers and dealers may sell and deliver the products described in Appendix A hereof see Order No. 59 under the General Maximum Price Regulation.

(c) Within twenty (20) days from the effective date of this order W. P. Fuller and Company shall advise all persons purchasing its products, described in Appendix A hereof, of the terms of this order, and shall inform them of the maximum prices fixed for each such commodity.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 10 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 10 shall become effective November 2, 1942.

Issued this 27th day of October 1942.

LEON HENDERSON,
Administrator.

APPENDIX A

Material	Size	D	W	R	Cost to dlr. purchasing under $500 manufactured goods per yr. (W price less 15/5%)	Cost to dlr. purchasing $500 or more manufactured goods per yr. (W price less 15/10%)
Pioneer aluminum enamel	1s	$3.35	$3.94	$5.05	$3.182	$3.014
	4s	.96	1.13	1.43	.912	.864
	8s	.54	.64	.81	.517	.49
	16s	.33	.39	.50	.315	.298
	32s	.20	.24	.34	.194	.184
Fuller superior fresco	1s	1.50	1.76	2.50	1.421	1.346
	4s	.50	.59	.83	.476	.451
	8s	.31	.36	.50	.291	.275
	16s	.22	.26	.37	.21	.199
	2-oz. btle	1.20 dz.	1.41 dz.	.17 ea.	1.139	1.079
	1-oz. btle	.90 dz.	1.06 dz.	.13 ea.	.856	.811
Fuller canvas dressing	1s	1.35	1.59	2.25	1.284	1.216
	4s	.42	.49	.70	.396	.375
Fuller carl acide (wood preservative)	Bulk	.65 gl.	.76 gl.	.91 gl.	.614	.581
	5s	.75 gl.	.88 gl.	1.05 gl.	.711	.673
	1s	.85	1.00	1.19	.808	.765
Concreta	Drs	2.50 gl.	2.94 gl.		2.374	2.249
	5s	2.60	3.06 gl.	3.50 gl.	2.471	2.341
	1s	2.70	3.18	3.65	2.568	2.433
	4s	.76 ea.	.89 ea.	1.11 ea.	.719	.681
Superfine coach colors (ground in Japan) chrome green, lt., med., and dk.	In 1 lb. cans & 5 lb. press cans.	.71	.84	1.06	.678	.643
Fuller color I/O:						
Fluid consistency						
Bulletin blue	4s	1.71	2.01	2.45	1.623	1.538
	16s	.44	.52	.63	.42	.398
Prussian blue	4s	1.55	1.82	2.22	1.47	1.392
	16s	.43	.51	.62	.412	.39
Ultramarine blue	4s	1.47	1.73	2.11	1.397	1.323
	16s	.42	.49	.60	.396	.375
Burnt umber	1s	2.92	3.44	4.24	2.778	2.632
	4s	.83	.98	1.20	.791	.75
	16s	.25	.29	.36	.234	.222
Raw umber	1s	2.92	3.44	4.24	2.778	2.632
	4s	.83	.98	1.20	.791	.75
	16s	.25	.29	.36	.234	.222
Chr. green, lt. med., dk	1s	5.16	6.07	7.38	4.902	4.644
	4s	1.39	1.64	1.99	1.324	1.255
	16s	.36	.42	.52	.339	.321
Stayfast green	16s	1.20	1.41	1.69	1.139	1.079
Bulletin stayred	4s	3.11	3.66	5.01	2.955	2.80
	16s	.79	.93	1.23	.751	.711
Madder lake	1s	12.78	15.04	18.25	12.145	11.506
	4s	3.31	3.89	4.73	3.141	2.976
	16s	.79	.93	1.13	.751	.711
Rose Lake	4s	2.19	2.58	3.17	2.083	1.974
	16s	.56	.66	.79	.533	.505
Turkey red	1s	11.56	13.60	16.52	10.982	10.404
	4s	2.99	3.52	4.27	2.842	2.693
	16s	.76	.89	1.09	.719	.681

APPENDIX A—Continued

Material	Size	D	W	R	Cost to dlr. purchasing under $500 manufactured goods per yr. (W price less 15/5%)	Cost to dlr. purchasing $500 or more manufactured goods per yr. (W price less 15/10%)
Fuller color I/O—Continued.						
Vermilion, American chr. yellow, lt., med., dk.	16s	$0.45	$0.53	$0.64	$0.428	$0.405
	4s	1.95	2.29	2.79	1.849	1.752
	16s	.54	.64	.77	.517	.49
Golden ochre	1s	3.56	4.19	5.09	3.383	3.205
	4s	.99	1.16	1.41	.937	.887
	16s	.27	.32	.39	.258	.245
Yellow ochre	1s	2.76	3.25	3.95	2.624	2.486
	4s	.79	.93	1.12	.751	.711
	16s	.23	.27	.33	.218	.207
Decorators' and ptrs' tbs.—40 z.:						
Ivory drop black		.20	.24	.31	.194	.184
Lampblack		.20	.24	.31	.194	.184
Bulletin blue		.21	.25	.32	.202	.191
Cobalt blue		.21	.25	.32	.202	.191
Prussian blue		.21	.25	.32	.202	.191
Stayfast blue		.84	.99	1.26	.799	.757
Ultramarine blue		.21	.25	.32	.202	.191
Burnt sienna		.20	.24	.31	.194	.184
Raw sienna		.20	.24	.31	.194	.184
Vandyke brown		.20	.24	.31	.194	.184
Chr. green, lt., med., dk		.22	.26	.34	.210	.199
Bulletin stayred		.26	.31	.40	.250	.237
Madder lake		.34	.40	.51	.323	.306
Venetian red		.18	.21	.28	.170	.161
Vermilion, American		.22	.26	.32	.210	.199
Green seal zinc		.21	.25	.32	.202	.191
Flake white		.21	.25	.32	.202	.191
Chr. yellow, lt., med., dk		.22	.26	.34	.21	.199
Stayfast yellow		.47	.55	.71	.444	.421
Yellow ochre		.18	.21	.28	.17	.161
No. 2770 decoret graining compound	8s	.34	.40	.57	.323	.306
No. 2882 Q.D. flat white	1s	2.65	3.12	4.40	2.519	2.387
	4s	.75	.88	1.27	.711	.673
	8s	.44	.52	.75	.42	.398
	16s	.26	.31	.47	.25	.237
	32s	.16	.19	.25	.153	.145
Decoret screen enamel No. 4363 brt. green.	4s	.75	.88	1.10	.711	.673
	8s	.44	.52	.66	.42	.398
	16s	.26	.31	.38	.25	.237
No. 4362 black	4s	.55	.65	.86	.525	.497
	8s	.34	.40	.51	.323	.306
	16s	.21	.25	.33	.202	.191
No. 3610 decoret white refrigerator enamel.	1s	4.00	4.71	6.00	3.803	3.603
	4s	1.08	1.27	1.76	1.026	.972
	8s	.60	.71	.96	.573	.543
	16s	.34	.40	.59	.323	.306
	32s	.20	.24	.36	.194	.184
Decoret varnish stain	1s	3.15	3.71	4.95	2.996	2.838
	4s	.91	1.07	1.42	.864	.819
	8s	.52	.61	.85	.493	.467
	16s	.32	.38	.52	.307	.291
	32s	.19	.22	.32	.178	.168
Brown japan	5s	1.05	1.24	1.60	1.001	.949
	1s	1.15	1.35	1.75	1.09	1.033
	4s	.41	.48	.62	.388	.367
	8s	.27	.32	.41	.258	.245
	16s	.20	.24	.31	.194	.184
House painters' pale japan	5s	1.75	2.06	2.65	1.663	1.576
	1s	1.85	2.18	2.80	1.76	1.668
	4s	.59	.69	.89	.557	.528
	8s	.36	.42	.54	.339	.321
	16s	.24	.28	.37	.226	.214
"B" engine en. aluminum	4s	.94	1.11	1.55	.896	.849
	8s	.53	.62	.88	.501	.474
	16s	.31	.36	.52	.291	.275
Premier implement and truck en.:						
4690 Black	1s	2.70	3.18	4.15	2.568	2.433
	4s	.76	.89	1.24	.719	.681
	8s	.44	.52	.72	.42	.398
4654 Lt. Lead Primer 4657 Medium Blue 4681 Lt. Green 4684 Blue Gray 4691 Light Yellow 4699 White	1s	3.00	3.53	4.65	2.85	2.70
	4s	.83	.98	1.37	.791	.75
	8s	.48	.56	.78	.452	.428
4660 Orange 4682 Vermilion	1s	3.25	3.82	4.95	3.085	2.922
	4s	.90	1.06	1.45	.856	.811
	8s	.51	.60	.85	.485	.459
No. 2330 flat white undercoat (semi-paste).	5s	2.10	2.47	3.15	1.995	1.89
	1s	2.20	2.59	3.30	2.091	1.981
No. 4360 flat white undercoat	5s	1.70	2.00	2.60	1.615	1.53
	1s	1.80	2.12	2.75	1.712	1.622
	4s	.53	.62	.89	.501	.474
	8s	.33	.39	.56	.315	.298
	16s	.21	.25	.36	.202	.191
No. 3339 flat white undercoat	5s	2.20	2.59	3.30	2.091	1.981
	1s	2.30	2.71	3.45	2.188	2.073
No. 8209 flat white undercoat	5s	2.05	2.41	3.10	1.946	1.844
No. 3692 flat ivory undercoat	1s	2.15	2.53	3.25	2.043	1.935
	4s	.62	.73	1.04	.589	.558
	8s	.37	.44	.62	.355	.337
	16s	.23	.27	.39	.218	.207
No. 4410 crestoseal enamel undercoat	5s	2.50	2.94	3.75	2.374	2.249
	1s	2.60	3.06	3.90	2.471	2.341

APPENDIX A—Continued

Material	Size	D	W	R	Cost to dlr. purchasing under $500 manufactured goods per yr. (W price less 15/5%)	Cost to dlr. purchasing $500 or more manufactured goods per yr. (W price less 15/10%)
Fullerwear Quick Drying Floor En.: 3426 cruise blue 3427 court green 3428 valencia tile 3429 dover gray 3431 patio gray 3432 sand dune 3433 linoleum brown 3435 fawn 3446 dark oak 3447 indian red 3454 white	1s	$2.70	$3.18	$3.85	$2.568	$2.433
	2s					
	4s	.76	.89	1.25	.719	.681
	8s	.44	.52	.73	.42	.398
Fuller glazing and blending liquid	5s	2.65	3.12	4.00	2.519	2.387
	1s	2.75	3.24	4.15	2.616	2.479
	4s	.81	.95	1.22	.767	.727
	8s	.47	.55	.71	.444	.421
Pure prepared paint, outside gloss white, regular colors.	5s	2.60	3.06		2.471	2.341
	1s	2.70	3.18	3.45	2.568	2.433
	4s	.76	.89	1.10	.719	.681
	8s	.44	.52	.65	.42	.398
130 brilliant green	1s	2.95	3.47	4.05	2.802	2.655
	4s	.82	.96	1.20	.775	.734
	8s	.47	.55	.71	.444	.421
178 white primer 180 buff primer 179 gray primer 180 buff primer	5s	2.60	3.06		2.471	2.341
	1s	2.70	3.18	3.45	2.568	2.433
	4s	.76	.89	1.10	.719	.681
Medal mixed paint outside white regular colors.	5s	1.85	2.18	2.75	1.76	1.668
	1s	1.95	2.29	2.85	1.849	1.752
	4s	.57	.67	.87	.541	.513
	8s	.35	.41	.53	.331	.314
	16s	.22	.26	.34	.21	.199
2930 brilliant green	5s	2.00	2.35	2.90	1.898	1.798
	1s	2.10	2.47	3.00	1.995	1.89
	4s	.61	.72	.92	.581	.551
	8s	.37	.44	.56	.355	.337
	16s	.23	.27	.35	.218	.207
Comet cottage & bungalow pt.: C-IW inside white C-OW outside white C-06 french gray C-30 brilliant green C-52 french yellow C-56 black C-89 brown C-77 colonial ivory C-90 nile green C-93 light pearl	5s	1.50	1.76	2.00	1.421	1.346
	1s	1.60	1.88	2.10	1.518	1.438
	4s	.48	.56	.70	.452	.428
Rustic & shingle finish: 541 white 542 rustic gray	5s	2.40	2.82	3.65	2.277	2.157
	1s	2.50	2.94	3.75	2.374	2.249
	4s	.71	.84	1.18	.678	.643
543 rustic brown. 544 tile red	5s	1.85	2.18	2.90	1.76	1.668
	1s	1.95	2.29	3.00	1.849	1.752
	4s	.57	.67	.94	.541	.513
545 brilliant red, 546 permanent green.	5s	2.60	3.06	4.05	2.471	2.341
	1s	2.70	3.18	4.15	2.568	2.433
	4s	.76	.89	1.25	.719	.681
Porch and deck paint	1s	2.75	3.24	3.80	2.616	2.479
	2s					
	4s	.77	.91	1.25	.735	.696
Conqueror paint and varnish remover	5s	1.30	1.53	1.95	1.235	1.17
	1s	1.40	1.65	2.10	1.332	1.262
	2s					
	4s	.47	.55	.68	.444	.421
	8s	.30	.35	.43	.283	.268
	16s	.21	.25	.32	.202	.191
	32s	.14	.16	.22	.129	.122
7257 paste remover	5s	1.30	1.53	1.95	1.235	1.17
	1s	1.40	1.65	2.10	1.332	1.262
Barn and roof paint: 2252 moss green, 2253 light green	drs	1.65	1.94		1.567	1.484
	5s	1.75	2.06	2.60	1.663	1.576
	1s	1.85	2.18	2.70	1.76	1.668
2256 brick red, 2257 metallic	drs	1.40	1.65		1.332	1.262
	5s	1.50	1.76	2.25	1.421	1.346
	1s	1.60	1.88	2.35	1.518	1.438
Penetrating stains: 4358 walnut, 5357 mahogany	1s	2.35	2.76	3.70	2.229	2.111
	4s	.67	.79	1.10	.638	.604
	8s	.40	.47	.65	.38	.36
Pioneer shingle stain: 15 pearl gray, 8 silver gray	bbls	1.35	1.59		1.284	1.216
	5s	1.45	1.71	2.15	1.381	1.308
	1s	1.55	1.82	2.25	1.47	1.392
0 moss green 6 light green 2 dark green	bbls	1.15	1.35		1.09	1.033
	5s	1.25	1.47	1.85	1.187	1.125
	1s	1.35	1.59	1.95	1.284	1.216
1 med. green 4 red 5 dk brown Black	bbls	1.05	1.24		1.001	.949
	5s	1.15	1.35	1.70	1.09	1.033
	1s	1.25	1.47	1.80	1.187	1.125
S-524 traffic line lacquer thinner	5s	1.15	1.35	1.60	1.09	1.033
	1s	1.25	1.47	1.75	1.187	1.125

APPENDIX A—Continued

Material	Size	D	W	R	Cost to dlr. purchasing under $500 manufactured goods per yr. (W price less 15/5%)	Cost to dlr. purchasing $500 or more manufactured goods per yr. (W price less 15/10%)
Traffic line paint	5s	$2.30	$2.71	$3.30	$2.188	$2.073
	1s	2.40	2.82	3.40	2.277	2.157
	4s	.68	.80	.95	.646	.612
Fullerspar	5s	3.90	4.59	6.50	3.706	3.511
	1s	4.00	4.71	6.65	3.803	3.603
	2s					
	4s	1.12	1.32	1.87	1.066	1.01
	8s	.62	.73	1.04	.589	.558
	16s	.37	.44	.62	.355	.337
Flexor rubbing & polishing varnish	5s	3.00	3.53	5.00	2.85	2.70
	1s	3.10	3.65	5.15	2.947	2.792
	4s	.90	1.06	1.50	.856	.811
	8s	.51	.60	.86	.485	.459
	16s	.32	.38	.54	.307	.291
Lin-Bar	5s	2.75	3.24	4.25	2.616	2.479
	1s	2.85	3.35	4.40	2.705	2.563
	2s					
	4s	.84	.99	1.30	.799	.757
	8s	.48	.56	.75	.452	.428
	16s	.30	.35	.46	.283	.268
Satinflat	5s	3.00	3.53	5.00	2.85	2.70
	1s	3.10	3.65	5.15	2.947	2.792
	4s	.90	1.06	1.50	.856	.811
	8s	.51	.60	.86	.485	.459
	16s	.32	.38	.54	.307	.291
Speedflat varnish	5s	3.00	3.53	5.00	2.85	2.70
	1s	3.10	3.65	5.15	2.947	2.792
	4s	.90	1.06	1.50	.856	.811
	8s	.51	.60	.86	.485	.459
	16s	.32	.38	.54	.307	.291
Speedite varnish	5s	3.00	3.53	5.00	2.85	2.70
	1s	3.10	3.65	5.15	2.947	2.792
	2s					
	4s	.90	1.06	1.50	.856	.811
	8s	.51	.60	.86	.485	.459
	16s	.32	.38	.54	.307	.291
Utility finish	5s	2.05	2.41	3.45	1.946	1.844
	1s	2.15	2.53	3.60	2.043	1.935
	4s	.66	.78	1.12	.63	.597
	8s	.39	.46	.65	.371	.352
	16s	.26	.31	.44	.25	.237
Mixokay varnish	5s	2.15	2.53	3.25	2.043	1.935
	1s	2.25	2.65	3.40	2.14	2.027
	4s	.69	.81	1.04	.654	.620
	8s	.41	.48	.62	.388	.367
Namelmix	5s	1.85	2.18	2.60	1.760	1.668
	1s	1.95	2.29	2.75	1.849	1.752
No. 700 mixing size	5s	1.75	2.06	2.65	1.663	1.576
	1s	1.85	2.18	2.80	1.760	1.668
	4s	.59	.69	.90	.557	.528
	8s	.36	.42	.53	.339	.321
Fullerglo semigloss finish	Drs	2.40	2.82		2.277	2.157
	5s	2.50	2.94	3.80	2.374	2.249
	1s	2.60	3.06	3.90	2.471	2.341
	2s					
	4s	.73	.86	1.19	.694	.658
	8s	.43	.51	.72	.412	.390
	16s	.26	.31	.46	.250	.237
2856 white stippling paste, semigloss	Drs	2.40	2.82		2.277	2.157
	5s	2.50	2.94	3.80	2.374	2.249
	1s	2.60	3.06	3.90	2.471	2.341
	4s	.73	.86	1.19	.694	.658
Ful-Gloss finish	Drs	2.45	2.88		2.326	2.203
	5s	2.55	3.00	3.85	2.423	2.295
	1s	2.65	3.12	4.00	2.519	2.387
	4s	.75	.88	1.24	.711	.673
	8s	.44	.52	.73	.420	.398
No. 4255 pigment wall seal	Drs	1.75	2.06		1.663	1.576
	5s	1.85	2.18	2.60	1.760	1.668
	1s	1.95	2.29	2.75	1.849	1.752
	4s	.57	.67	.81	.541	.513
Stippling paste, White: 3391 flat 4107 semigloss	5s	1.75	2.06	2.60	1.663	1.576
	1s	1.85	2.18	2.75	1.760	1.668
Soft-Lite	Drs	1.75	2.06		1.663	1.576
	5s	1.85	2.18	2.85	1.76	1.668
	1s	1.95	2.29	2.95	1.849	1.752
	4s	.57	.67	.86	.541	.513
Hi-Heat Ful-lumina	5s	3.10	3.65	4.45	2.947	2.792
	1s	3.20	3.76	4.60	3.036	2.876
	4s	1.14	1.34	1.63	1.082	1.025
	8s	.67	.79	.96	.638	.604
Ful-lumina	5s	3.10	3.65	4.45	2.947	2.792
	1s	3.20	3.76	4.60	3.036	2.876
	4s	1.14	1.34	1.63	1.082	1.025
	8s	.67	.79	.96	.638	.604
Ful-lumina paint liquid	Bulk	1.80	2.12		1.712	1.622
	5s	1.90	2.24	2.50	1.809	1.714
	1s	2.00	2.35	2.65	1.898	1.798
Asphalt base Ful-lumina	5s	3.10	3.65	4.45	2.947	2.792
	1s	3.20	3.76	4.60	3.036	2.876
	4s	1.14	1.34	1.63	1.082	1.025
	8s	.67	.79	.96	.638	.604
Asphalt base fullumina liquid	Bulk	1.80	2.12		1.712	1.622
	5s	1.90	2.24	2.50	1.809	1.714
	1s	2.00	2.35	2.65	1.898	1.798

APPENDIX A—Continued

Material	Size	D	W	R	Cost to dlr. purchasing under $500 manufactured goods per yr. (W price less 15/5%)	Cost to dlr. purchasing $500 or more manufactured goods per yr. (W price less 15/10%)
No. 5889 fullerlite enamel	Drs	$2.60	$3.06	----	$2.471	$2.341
	5s	2.70	3.18	$4.10	2.568	2.433
	1s	2.80	3.29	4.25	2.657	2.517
	4s	.78	.92	1.20	.743	.704
	8s	.45	.53	.67	.428	.405
No. 5900 eggshell fullerlite	Drs	2.30	2.71	----	2.188	2.073
	5s	2.40	2.82	3.65	2.277	2.157
	1s	2.50	2.94	3.80	2.374	2.249
No. 5901 Fullerite enamel	Drs	3.55	4.18	----	3.375	3.198
	5s	3.65	4.29	5.50	3.464	3.282
	1s	3.75	4.41	5.65	3.561	3.374
No. 5888 Fullerlite primer	Drs	2.50	2.94	----	2.374	2.249
	5s	2.60	3.06	3.95	2.471	2.341
	1s	2.70	3.18	4.10	2.568	2.433
No. 7211 carbonox gray	1s	3.15	3.71	----	2.996	2.838
No. 7212 carbonox brown	1s	3.00	3.53	----	2.85	2.70
No. 7208 carbonox battleship gray	1s	2.40	2.82	----	2.277	2.157
No. 7209 carbonox carbon, green	1s	2.10	2.47	----	1.995	1.89
No. 7214 carbonox black	1s	2.10	2.47	----	1.995	1.89
No. 7215 carbonox iron brown	1s	2.40	2.82	----	2.277	2.157
No. 7216 carbonox white	1s	2.70	3.18	----	2.568	2.433
No. 4081 red oxide zinc chromate metal primer.	Drs	2.90	3.41	----	2.754	2.609
	5s	3.00	3.53	4.45	2.85	2.70
	1s	3.10	3.65	4.60	2.947	2.792
No. 7747 zinc dust, zinc oxide primer	5s	4.70	5.53	7.10	4.465	4.23
	1s	4.80	5.65	7.20	4.562	4.322
No. 4200 white tank paint	Bbls	2.55	3.00	----	2.423	2.295
	5s	2.65	3.12	----	2.519	2.387
	1s	2.75	3.24	----	2.616	2.479
Fultec industrial finishes, air drying:						
4526 Alba Gray						
4551 Mariposa blue						
4552 Cordova brown						
4562 Niagara green						
4563 Locker green	1s	3.60	4.24	5.05	3.424	3.244
4564 Dark green	4s	.98	1.15	1.50	.929	.88
4565 Natural ivory						
4568 Light blue						
4587 Clear						
4590 Black						
4599 White						
Fultec industrial finishes, air drying type:						
4582 Vermilion	1s	4.70	5.53	6.55	4.465	4.23
4555 Regal red	4s	1.26	1.48	1.75	1.195	1.132
4553 Chrome yellow, med						
4554 Raw sienna						
4560 Orange	1s	3.75	4.41	5.30	3.561	3.374
4571 Venetian red	4s	1.02	1.20	1.60	.969	.918
4573 Burnt umber	8s	.57	.67	.85	.541	.513
4574 Chrome green, lt	16s	.33	.39	.50	.315	.298
4575 Prussian blue					—	
4591 Chrome yellow, lt						
Fultec industrial finishes, baking:						
7158 Natural ivory						
7160 Orange	1s	3.90	4.59	5.45	3.706	3.511
7166 Chrome yellow, lt	4s	1.06	1.25	1.49	1.009	.956
7177 Chrome yellow, med						
7179 White						
7163 Vermilion	1s	4.95	5.82	6.95	4.70	4.452
7180 Regal Red	4s	1.32	1.55	1.85	1.252	1.186
7154 Niagara green						
7155 Locker green						
7156 Dark green						
7157 Clear						
7162 Light blue						
7168 Venetian red						
7170 Burnt umber	1s	3.75	4.41	5.20	3.561	3.374
7171 Chrome green, lt	4s	1.02	1.20	1.44	.969	.918
7172 Prussian blue						
7173 Black						
7174 Alba gray						
7175 Mariposa blue						
7176 Cordova brown						
7178 Raw sienna						
7183 Fultec white baking primer	1s	3.10	3.65	4.35	2.947	2.792
	4s	.86	1.01	1.21	.816	.773
Durable boat paint:						
1 Azure blue						
3 Mast color	1s	2.50	2.94	3.75	2.374	2.249
5 Lead blue	4s	.71	.84	1.10	.678	.643
7 White						
15 Marine gray						
14 Black	1s	2.30	2.71	3.45	2.188	2.073
	4s	.66	.78	1.00	.63	.597
Durable boat paint:						
6 Brilliant green	1s	2.70	3.18	4.05	2.568	2.433
9 Light yellow	4	.76	.89	1.15	.719	.681
10 Medium blue	1s	3.00	3.53	4.50	2.85	2.70
11 Peerless red	4s	.83	.98	1.25	.791	.75
	1s	4.15	4.88	7.25	3.941	3.733
Marine Fullerspar	4s	1.16	1.36	2.03	1.098	1.04
	8s	.64	.75	1.13	.606	.574
	16s	.38	.45	.67	.363	.344

APPENDIX A—Continued

Material	Size	D	W	R	Cost to dlr. purchasing under $500 manufactured goods per yr. (W price less 15/5%)	Cost to dlr. purchasing $500 or more manufactured goods per yr. (W price less 15/10%)
Fuller Bottopping, 4158 red	5s	$1.75	$2.06	$2.95	$1.663	$1.576
	1s	1.85	2.18	3.10	1.76	1.668
	4s	.55	.65	.95	.525	.497
4500 Green	5s	2.40	2.82	4.00	2.277	2.157
	1s	2.50	2.94	4.15	2.374	2.249
	4s	.71	.84	1.20	.678	.643
No. 1901 Anti-corrosive paint	10 gl. drs	1.65	1.94	2.75	1.567	1.484
	5s	1.65	1.94	2.75	1.567	1.484
	1s	1.75	2.06	2.90	1.663	1.576
No. 1902 anti-fouling paint	10 gl. drs	3.00	3.53	5.00	2.85	2.70
	5s	3.00	3.53	5.00	2.85	2.70
	1s	3.10	3.65	5.15	2.947	2.792
No. 5002 Supertex	10 gl. drs	3.40	4.00	5.65	3.23	3.06
	5s	3.40	4.00	5.65	3.23	3.06
	1s	3.50	4.12	5.80	3.327	3.152
Deck paint 9119 battleship gray	1s	2.75	3.24	3.80	2.616	2.479

* * * * * * *

Material	Size	D	W	R	Cost to Dlr. (W Price less 15%)
No. 1540—Myratec red lead	5s	$2.75 gl.	$3.24 gl.	$4.25 gl.	$2.754
	1s	2.85	3.35	4.40	2.848
	4s	.80	.94	1.33	.799
No. 4224 red lead paint	Drs	1.80 gl.	2.12 gl.	2.70 gl.	1.802
	5s	1.90 gl.	2.24 gl.	2.85 gl.	1.904
	1s	2.00	2.35	3.00	1.998
No. 6563 Premier red lead paint	5s	3.35 gl.	3.94 gl.	4.70 gl.	3.349
	1s	3.45	4.06	4.85	3.451
Snow White Zinc	1s	.20	.24	.28	.204
No. 299 Green Seal Zinc	25s	.23	.27	.33	.23
Pure American Zinc	25s	.19	.22	.28	.187
Economy Paint Oil	Bulk	.75 gl.	.88 gl.	1.15 gl.	.748
	5s	.85 gl.	1.00 gl.	1.30 gl.	.85
	1s	.95	1.12	1.45	.952
Logwood Oil	5s	1.85 gl.	2.18 gl.	2.60 gl.	1.853
	1s	1.95	2.29	2.75	1.947
Pioneer Reinforcing Oil	Bulk	1.60 gl.	1.88 gl.	----	1.598
	5s	1.70 gl.	2.00 gl.	2.20 gl.	1.70
	1s	1.80	2.12	2.35	1.802
	4s	----	----	----	----
	8s	----	----	----	----
No. 1118 Marine white paste	100s	.1225#	.144#	.175#	.122
	25s	.1275#	.15#	.182#	.128
	12½s	.13#	.153#	.185#	.13
Urban paste	100s	.1025#	.121#	.146#	.103
	25s	.1075#	.126#	.153#	.107
No. 3366 White paste	100s	.11#	.129#	.157#	.11
	50s	.1125#	.132#	.16#	.112
	25s	.115#	.135#	.164#	.115
No. 4550 Fultec red lead	5s	3.65 gl.	4.29 gl.	5.10 gl.	3.647
	1s	3.75 gl.	4.41 gl.	5.25 gl.	3.749
	4s	1.02	1.20 gl.	1.44	1.02
	8s	.57	.67 gl.	.80	.57
	16s	.33	.39 gl.	.48	.332
Weathertite asbestos roof coat	Drs	.65 gl.	.76 gl.	.91 gl.	.646
	5s	.75 gl.	.88 gl.	1.05 gl.	.748
	1s	.85	1.00 gl.	1.20	.85
	4s	.30	.35 gl.	.43	.298
Sheep marking mixture	1s	1.35	1.59 gl.	1.95	1.352
Fullerseal	5s	1.50 gl.	1.76 gl.	2.30 gl.	1.496
	1s	1.60	1.88 gl.	2.45 gl.	1.598
Gloss oil	5s	.90 gl.	1.06 gl.	1.35 gl.	.901
	1s	1.00	1.18	1.50	1.003
	4s	.37	.44	.58	.374
Eureka Industrial Paint					
2651 Light Green					
2653 Dark Red					
2657 Dark Green	drs	1.25 gl.	1.47 gl.	1.70 gl.	1.25
2660 B	5s	1.35 gl.	1.59 gl.	1.80 gl.	1.352
2661 L	1s	1.45	1.71	1.95	1.454
2663 L					
2652 Light Red	1s	1.85	2.18	2.55	1.853

Material	Size	D	Painter
2914 Artisan lead, titanox and zinc paste	4s	$2.66	$3.70
	1s	2.75	3.82

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APPENDIX A—Continued

Material	Size	D	W	R
No. 8008 plywood sealer	1s	$1.85	$2.18	
	4s	.59	.69	
	8s	.36	.42	
Black finishing insulating varnish	5s	1.85 gl.	2.18 gl.	
	1s	1.95	2.29	
Clear elastic insulating varnish	5s	1.80 gl.	2.12 gl.	
	1s	1.90	2.24	
Light finishing insulating varnish	5s	1.60 gl.	1.88 gl.	
	1s	1.70	2.00	
Fuller cement paint:				
6301 White	Drs	2.35 gl.	2.76 gl.	
6309 Cement Color	5s	2.45 gl.	2.88 gl.	$3.40 gl.
6313 Buff	1s	2.55	3.00	3.55
6314 Light Cream				
Medal shingle stain:				
MSS–15 red	5s	.95 gl.	1.12 gl.	1.30 gl.
MSS–16 brown	1s	1.05	1.24	1.40
MSS–30 green				

[F. R. Doc. 42–10923; Filed, October 27, 1942; 2:27 p. m.]

[Order 1 Under MPR 225]

PORTLAND PRINTING HOUSE, INC.

ORDER GRANTING PERMISSION FOR ADJUSTABLE PRICING

Order No. 1 under Maximum Price Regulation No. 225—Printing and Printed Paper Products—Docket No. GF3–2094.

On September 21, 1942, the Portland Printing House, Inc., 235 N. W. Park Avenue, Portland, Oregon, filed a petition for adjustment pursuant to § 1347.469 of Maximum Price Regulation No. 225. For the reasons which are set forth in an Opinion which has been issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and § 1347.461 of Maximum Price Regulation No. 225, *It is ordered:*

(a) On and after October 28, 1942, sales of single and double merchandise and customer monthly statements may be made at the applicable maximum price by petitioner to the Portland Gas and Coke Company, and the Northwestern Electric Company, subject to an agreement with the Portland Gas and Coke Company and the Northwestern Electric Company respectively to adjust prices upon deliveries made during the pendency of the petition, in accordance with the disposition thereof, and Portland Gas and Coke Company and the Northwestern Electric Company and each of them may buy upon the same terms.

(b) This Order No. 1 may be revoked or amended by the Administrator at any time, and, in any event, is to be effective only to the date upon which said petition is finally determined by the Administrator.

(c) This Order No. 1 shall become effective October 28, 1942.

Issued this 27th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10927; Filed, October 27, 1942; 2:29 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–606]

KANSAS CITY GAS COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 26th day of October, A. D., 1942.

Kansas City Gas Company, a direct subsidiary of Cities Service Company, a registered holding company, having filed an application under the Public Utility Holding Company Act of 1935, regarding the issuance to Commerce Trust Company, Kansas City, Missouri, of a promissory note in the principal amount of $800,000, bearing interest at the rate of 2% per annum, to be dated October 28, 1942 and to mature nine months from its date;

Said application having been filed on September 28, 1942, and notice of said filing having been given in the form and manner prescribed by Rule U-23, promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon, and the applicant having requested that the Commission advance the effective date of said application; and

The Commission deeming it appropriate that said application be considered as a declaration pursuant to section 7 of said Act and finding with respect thereto that the requirements of section 7 (c) are satisfied and that no adverse findings are necessary under section 7 (d) and the Commission further deeming it appropriate in the public interest and in the interest of investors and consumers both to permit said declaration to become effective and to advance the effective date thereof:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–10958; Filed, October 28, 1942; 11:19 a. m.]

[File No. 70–592]

NATIONAL GAS & ELECTRIC CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 26th day of October, A. D. 1942.

National Gas & Electric Corporation, a registered holding company, having filed a declaration, and amendments thereto, pursuant to sections 7 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-62 promulgated thereunder regarding the issue and sale of 448,352.545 shares of $5 par value common stock having an aggregate par value of $2,241,753.73 in the place of the presently outstanding 448,352.545 shares of no par common stock having an aggregate stated value of $3,705,904.08 and the acquisition and retirement of said no par stock, thereby establishing a capital surplus for the purpose of absorbing an earned surplus deficit created by certain accounting adjustments, and regarding the solicitation of proxies in connection with the proposed recapitalization of common capital; and

Public hearings having been held on said declaration, as amended, after appropriate notice, and the Commission having examined the record and made and filed its findings and opinion based thereon;

It is ordered, That, the declaration, as amended, of National Gas & Electric Corportation, be, and the same hereby is, permitted to become effective, subject, however, to the terms and conditions prescribed in Rule U-24 promulgated under said Act, and, provided further, that this Commission reserves complete freedom of action under section 11, or any other section of said Act which may be applicable, to make its own determination, or findings, in respect of the value of National Gas & Electric Corporation's investments, in any case in which definitive findings of that character may be necessary or appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–10959; Filed, October 28, 1942; 11:19 a. m.]

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FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934
LITTERA SCRIPTA MANET
VOLUME 7 NUMBER 214
Washington, Friday, October 30, 1942

Regulations

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[ACP–1941–19]

PART 701—AGRICULTURAL CONSERVATION PROGRAM

SUBPART C—1941

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1941 Agricultural Conservation Program, as amended,[1] is further amended as follows:

1. Section 701.201 (c) (8) is amended to read as follows:

§ 701.201 *Allotments, yields, productivity, indexes, payments, and deductions.* * * *

(c) *Peanuts.* * * *

(8) *Deduction.* $30.00 per ton of the normal yield for the farm for each acre of peanuts for market in excess of its peanut acreage allotment less the acreage, if any, by which the farm cotton acreage allotment (or an erroneously issued cotton allotment when such allotment is used for determining performance in accordance with § 701.210, paragraph (g)) exceeds the acreage planted to cotton on the farm, but not to exceed the maximum peanut payment computed for the farm unless the county committee determines that the producer failed to show the disposition of any peanuts grown on the farm, or failed to pay the penalty due upon any excess peanuts under the marketing quota program: *Provided,* That nothing in this subparagraph shall be construed as reducing the acreage of excess peanuts upon which deduction is computed even though the amount of the deduction is reduced to the maximum computed peanut payment: *Provided further,* That no deduction will be made if the acreage of peanuts for market on the farm is one acre or less.

2. Section 701.201 (g) (6) (ii) is amended to read as follows:

(g) *Commercial vegetables.* * * *

(6) *Deduction.* * * * (ii) (Farms in the commercial vegetable counties in non-vegetable allotment areas having a special crop acreage allotment other than a wheat allotment on a non-wheat allotment farm) $20.00 per acre of land devoted to commercial vegetables in excess of the larger of the usual acreage of commercial vegetables determined for the farm or three acres.

3. Section 701.201 (k) (6) is amended to read as follows:

(k) *Miscellaneous.* * * *

(6) *Minimum acreage of erosion-resisting crops.* In New Jersey, New York, and Pennsylvania, except counties in the commercial corn area, and in other counties, groups of counties, or States, upon recommendation of the State committee and approval of the Agricultural Adjustment Agency, a deduction of $5.00 shall be made for each acre by which the acreage of erosion-resisting crops and land uses on the farm is less than the required acreage of such crops and land uses. Such deduction shall be made in the case of farms for which a special soil-depleting acreage allotment (other than a commercial vegetable allotment or a wheat allotment on a non-wheat allotment farm) is determined. The required acreage of erosion-resisting crops and land uses shall be a percentage of the cropland on the farm equal to the percentage obtained by dividing the acreage of cropland in the county, group of counties, or State which is in excess of the total soil-depleting allotment under the 1940 program for such area by the total acreage of cropland on all farms in the area or, where such percentage is not available, a comparable percentage determined by the Agricultural Adjustment Agency, but in no case will the required acreage of erosion-resisting crops and land uses be less than 15 percent nor more than 30 percent of the cropland on the farm: *Provided,* That the provisions

(Continued on next page)

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[1] 5 F.R. 2915, 4796, 4888; 6 F.R. 33, 37, 849, 2049, 2883, 3791, 4289, 4486, 4881, 5713; 7 F.R. 2415, 5071, 6158.

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FEDERAL REGISTER

1934

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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contained in this subparagraph are not applicable in counties designated by the regional director on recommendation of the State committee as counties in which the production of feed for livestock has been seriously reduced by drought. Erosion-resisting crops and land uses for any county or State shall be determined by the State committee, with the approval of the Agricultural Adjustment Agency, and may include only cropland which is devoted in the program year to one or more of the following crops or uses:

Biennial or perennial legumes.
Perennial grasses.
Lespedeza.
Crotalaria.
Ryegrass.
Green manure crops.
Cowpeas.
Natal grass.
Winter legumes.
Soybeans.
Peanuts hogged off.
Sweet clover.
Fall seeded small grains not classified as soil-depleting.
Velvet beans.
Forest trees.
Fallow rice land.
Land on which approved terraces are constructed and no soil-depleting crop is grown.

Such acreages may be planted on land from which a soil-depleting crop is harvested under the 1941 program, but acreages of these crops interplanted with soil-depleting row crops shall not be counted.

Where all or a part of the cropland on a farm has been acquired for the purposes of the national war effort, the county committee, in accordance with instructions issued by the Agricultural Adjustment Agency, may waive all or any part of the requirements of this subparagraph.

4. Section 701.201 (k) (7), and (8) are amended by adding at the end thereof the following:

(7) *Minimum soil-building performance.* * * *

Where all or a part of the cropland on a farm has been acquired for the purposes of the national war effort, the county committee, in accordance with instructions issued by the Agricultural Adjustment Agency, may waive all or any part of the requirements of this subparagraph.

(8) *Minimum acreage of non-depleting land uses.* * * *

Where all or a part of the cropland on a farm has been acquired for the purposes of the national war effort, the county committee, in accordance with instructions issued by the Agricultural Adjustment Agency, may waive all or any part of the requirements of this subparagraph.

Done at Washington, D. C., this 28th day of October 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-11023; Filed, October 29, 1942; 11:00 a. m.]

[ACP-1942-15]

PART 701—AGRICULTURAL CONSERVATION PROGRAM

SUBPART D—1942

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1942 Agricultural Conservation Program, as amended,[1] is further amended as follows:

1. Section 701.301 (c) is amended by deleting item (6) thereof.

2. Sec. 701.301 (g) (5), (6) and (8) are amended to read as follows:

§ 701.301 *Allotments, yields, grazing capacities, payments and deductions.* * * *

(g) *Wheat.* * * *

(5) "Non-wheat-allotment farm" means any farm (i) for which no wheat allotment is determined; (ii) for which a wheat allotment of 15 acres or less is determined and the acreage planted to wheat exceeds the allotment by 10 percent or more; (iii) in the East Central Region and in the Southern Region except Texas and Oklahoma, from which no wheat is sold from the farm and the acreage of wheat normally harvested for grain or for any other purpose after reaching maturity is not in excess of 3 acres per family living on the farm and having an interest in the wheat crop grown thereon and the county committee approves, in accordance with instructions issued by the Agricultural Adjustment Agency, the classification of the farm for the purposes of the 1942 program as a non-wheat-allotment farm; or (iv) any farm for which a wheat allotment of more than 15 acres is determined and on which wheat is normally planted for green manure, hay, or pasture, or will be planted for such use in 1942, and the county committee approves, in accordance with instructions issued by the Agricultural Adjustment Agency, the classification of such farm for the purposes of the 1942 program as a non-wheat-allotment farm.

(6) "Acreage planted to wheat" means (i) any acreage of land devoted to seeded wheat (except when such crop is seeded in a mixture designated by the Agricultural Adjustment Agency upon recommendation of the State Committee as a mixture which may reasonably be expected to produce a crop containing such proportions of plants other than wheat that the crop cannot be harvested as wheat for grain or seed); (ii) any acreage of volunteer wheat which reaches maturity provided that, on any farm on which the acreage seeded to wheat does not exceed the farm wheat acreage allotment, the acreage of volunteer wheat will not be regarded as acreage planted to wheat for any producer if (*a*) he places in farm storage and agrees to hold in storage until it may be marketed free of marketing quota penalty an amount of wheat equal to the smaller of his share of the wheat produced on the farm in excess of his share of the normal production of the acreage allotment, or his share of the normal production of the number of acres by which the sum of the acreage of seeded wheat and the acreage of volunteer wheat which reaches maturity exceeds the wheat acreage allotment; (*b*) he does not seed in excess of the 1943 wheat acreage allotment on the farm; and (*c*) his aggregate share of the wheat seeded for 1943 on all farms in the county in which he has an interest in the wheat crop does not exceed his aggregate share of the farm wheat acreage allotments or permitted acreages; provided that for any person who does not comply with the above provisions, the acreage of volunteer wheat which reaches maturity shall be regarded as acreage planted to wheat only for the purpose of determining the acreage on which a deduction should be computed; (iii) any acreage which is seeded to a mixture containing wheat designated under subdivision (i) of this subparagraph on which the crops other than wheat fail to reach maturity and the wheat reaches maturity: *Provided*, That all or any part of any acreage determined by the county committee to have been totally destroyed by any cause beyond the control of the operator may be considered as not having been planted to wheat if it cannot be reseeded and, with prior approval of the county committee, is later replaced by other acreage of seeded or volunteer wheat.

* * * * *

(8) *Deduction*—(i) *Wheat-allotment farms.* Ten times the payment rate for each acre planted to wheat in excess of the wheat allotment except that for any person who does not comply with the volunteer wheat provisions of § 701.301 (d) (6) (ii) above, the deduction shall be (*a*) ten times the payment rate for each acre by which the sum of the acreage seeded to wheat and the acreage of volunteer wheat which reaches maturity is in excess of the allotment times his percentage share (applicable if the wheat allotment exceeds 15 acres or if the sum of the acreage seeded to wheat and the acreage of volunteer wheat which reaches maturity is less than 110% of the wheat allotment) or (*b*) the sum of the wheat payment for the farm and 10 times the payment rate for each acre of wheat harvested in excess of 15 acres times his percentage share (applicable if wheat allotment is 15 acres or less and sum of acreage seeded to wheat and acreage of volunteer wheat which reaches maturity equals or exceeds 110% of wheat allotment): *Provided, however*, That on any farm in the Southern region except Oklahoma and Texas, which comprised more than one farm under the 1941 Agricultural Conservation Program, but which was determined by the county committee after the wheat was seeded for harvest in 1942 to comprise only one farm, the deduction for excess wheat acreage for the combined farm shall not exceed the larger of (*1*) the deduction which would have been computed had there been no combination for 1942 and (*2*) the wheat payment for the combined farm.

3. Section 701.302 (f) is amended by striking out the words "during a period of not more than 12 months" as they appear in first sentence thereof.

4. Section 701.303 (a) (4) is amended to read as follows:

§ 701.303 *Division of payments and deductions*—(a) *Payments and deductions in connection with crop acreage allotments and restoration land.* * * *

(4) Notwithstanding any other provisions herein, any deduction computed for failure to comply with the volunteer wheat provisions of § 701.301 (g) (6) shall be considered as a personal deduction for the person who failed to comply.

5. Section 701.309 (e), the last paragraph, is amended to read as follows:

§ 701.309 *General provisions relating to payments.* * * *

(e) *Excess cotton acreage.* * * *

Any person who knowingly plants cotton, or causes cotton to be planted, on his farm in 1942 on acreage in excess of the cotton allotment under section 344 of the Agricultural Adjustment Act of 1938 for the farm for 1942 shall not be eligible for any payment whatsoever, on that farm or any other farm, under the provisions of the 1942 program. No person shall be deemed to have knowingly overplanted cotton on his farm if the acreage planted to cotton on the farm in 1942 does not exceed such farm cotton allotment by more than the larger of three acres or three percent of such farm cotton allotment. Any person having an interest in the cotton crop on a farm on which the acreage planted to cotton in 1942 exceeds such farm cotton allotment by more than the amount specified in the last preceding sentence shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1942.

Done at Washington, D. C., this 28th day of October, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-11021; Filed, October 29, 1942; 11:01 a. m.]

[RCP-1941-4]

PART 705—RANGE CONSERVATION PROGRAM

SUBPART C—1941

OCTOBER 28, 1942.

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1941 Range Conservation Program, as amended,[1] is further amended as follows:

Section 705.205 (b) is amended to read as follows:

§ 705.205 *Eligibility for payment.* * * *

(b) *Time and manner of filing application and information required.* Payment will be made only upon application submitted through the county office on or before a date fixed by the regional director, but not later than April 30, 1942, except (1) the timely filing of an application by one person on a ranching unit shall constitute a timely filing on behalf of all persons on that ranching unit, and (2) an application for payment may be accepted if the State committee or its designated representative determines, in accordance with instructions issued by the regional director with the approval of the Administrator, that the failure to file the timely application was not due to the fault of the applicant. Applications filed under subparagraphs (1) and (2) above must be filed before expiration of the period for obligating the appropriation (June 30, 1943).

The Secretary reserves the right (i) to withhold payment from any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (ii) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the regional director.

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[1] 6 F.R. 4111, 5520, 5581, 6472; 7 F.R. 56, 57, 923, 1410, 1825, 2287, 2771, 3146, 4509, 5035, 7874.

[1] 5 F.R. 2934, 4892; 6 F.R. 850, 3794.

At least two weeks notice to the public shall be given of the expiration of a time limit for filing prescribed forms, and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form within the period prescribed. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

Done at Washington, D. C., this 28th day of October 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-11024; Filed, October 29, 1942; 11:00 a. m.]

[P-1942-2]

Part 741—Parity Payment Regulations

SUBPART D-1942

By virtue of the authority vested in the Secretary of Agriculture by the item entitled "Parity Payments" contained in the Department of Agriculture Appropriation Act, 1942 (Pub. Law 144, 77th Cong., approved July 1, 1942; 55 Stat. 446), and pursuant to the provisions of sections 301 and 303 of the Agricultural Adjustment Act of 1938, as amended (Pub. Law 430, 75th Cong.; 52 Stat. 38, 45, 7 U.S.C. 1940 ed. 1301, 1303), the 1942 Parity Payment Regulations, as amended,[1] are hereby amended as follows:

1. Section 741.301 is amended to read as follows:

§ 741.301 *Eligibility for payment.* An application for parity payment with respect to a commodity may be made by any person for whom under the provisions of § 741.303, a share of the payment with respect to a commodity may be computed. Applications for payment with respect to a farm may be made for one or more of the commodities listed in § 741.302 hereof prior to determination of performance of all such commodities, in which case the applicant shall agree that, after determination of performance of all such commodities, he will refund all or any part of the payment received by him in excess of that to which he is entitled.

2. Section 741.303 is amended by adding at the end thereof the following new paragraph:

§ 741.303 *Division of payments and deductions.* * * *

Notwithstanding any other provision herein, any deduction computed under these regulations for failure to comply with the volunteer wheat provisions of § 701.301 (g) (6) of the 1942 Agricultural Conservation Program Bulletin shall be considered as a personal deduction for the person who fails to comply.

3. Section 741.306 is amended by adding the following subparagraph (e) at the end thereof:

§ 741.306 *General provisions relating to payments.* * * *

(e) Payments will be made only with respect to farms which are being operated during the 1942 program year: *Provided, however,* That in areas designated by the Agricultural Adjustment Agency as areas in which substantial numbers of farms are determined to be farms on which the farming operations were so far short of full operation that, under such instructions as may have been issued prior to September 1, 1942, they would have been regarded as not operated and, that the shortage of operation was brought about by causes beyond the control of the operators of such farms, payments with respect to such farms may be computed and made for each crop for which parity payments are authorized for 1942 on the basis of the smaller of (1) the acreage allotment for the commodity and (2) 125 percent of the planted acreage of the commodity.

4. Section 741.308 (b) is amended to read as follows:

§ 741.308 *Application for payment.* * * *

(b) If a person makes application for payment with respect to a farm in a county and has the right to receive all or a portion of the crops or proceeds therefrom produced on any other farm in the county for which a deduction could be computed, such person must make application for payment with respect to all such farms. Upon request by the State committee, any person shall file with the State committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof or which he rents to another.

Done at Washington, D. C., this 28th day of October 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-11017; Filed, October 29, 1942; 11:00 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess-Profits Taxes

[T.D. 5174]

Part 19—Income Tax Under the Internal Revenue Code

WITHHOLDING UNDER SECTIONS 143 AND 144, AS AMENDED, REGULATIONS 103 AMENDED

In order to conform Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.], relating to the income tax under the Internal Revenue Code, to sections 101, 108, 109 and 160 (a) of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.), approved October 21, 1942, amending section 143 and section 144 of the Internal Revenue Code, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 19.143-1 the following:

SEC. 108. WITHHOLDING OF TAX AT SOURCE. (Revenue Act of 1942, Title I.)

(a) Sections 143 (a) and (b) * * * are amended by striking out "27½ per centum" wherever occurring therein and inserting in lieu thereof "30 per centum".

(b) *Limitation on rate of withholding in certain cases.* Section 143 (b) is amended by inserting before the period at the end of the first sentence the following: ": *Provided further,* That the deduction and withholding in the case of interest on bonds, mortgages, or deeds of trust or other similar obligations of a corporation, within the provisions of subsection (a) (1) of this section were it not for the fact that the maturity date of such obligations has been extended on or after January 1, 1934, and the liability assumed by the debtor exceeds 27½ per centum of the interest, shall not exceed the rate of 27½ per centum per annum."

(c) Subsection (a) shall apply only with respect to the period beginning with the tenth day after the date of the enactment of this Act.

SEC. 109. TREATY OBLIGATIONS. (Revenue Act of 1942, Title I.)

No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States.

* * * * *

SEC. 160. ALIENS AND FOREIGN CORPORATIONS TREATED AS NONRESIDENTS. (Revenue Act of 1942, Title I.)

(a) (1) Section 143 (a) (1) (relating to withholding of tax on interest from tax-free covenant bonds) is amended by striking out "and not having any office or place of business therein" wherever occurring therein.

(2) Section 143 (b) (relating to withholding of the tax at the source on nonresident aliens) is amended by striking out "and not having any office or place of business therein", by striking out "and not having an office or place of business therein", and by striking out "or has an office or place of business therein".

* * * * *

(4) The amendments made by this subsection shall apply only with respect to the period beginning with the tenth day after the date of the enactment of this Act.

* * * * *

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

PAR. 2. Section 19.143-1, as amended by Treasury Decision 5071, approved September 27, 1941, is further amended as follows:

(A) By striking out "27½ percent (16½" wherever appearing therein and inserting in lieu thereof the following: "30 percent (27½ percent on and after September 30, 1941, and prior to October 31, 1942, 16½".

(B) By striking from the first paragraph the following: "Under the regulations prescribed pursuant to the tax convention between the United States and Canada, the rate of tax to be withheld at the source has been reduced to 5 percent in the case of residents of Canada. (See paragraph 106 of the Appendix to these regulations.) Such reduced rate is, however, not applicable to income paid on or after April 30, 1941." and inserting in lieu thereof the following: "Under the regulations prescribed pursuant to the tax convention between the United States and Canada (ratifications exchanged June 15, 1942) the rate of tax to be withheld at the source has been reduced to 15 percent (except with respect to annuities and pensions which are exempt from tax under the convention) effective June 27, 1942, in the case of residents of Canada. Such tax convention, however, does not affect the rates of the tax prescribed under the prior tax convention with Canada, effective January 1, 1936, and terminated effective April 30, 1941. Under such prior convention, the reduced rate of tax with respect to such income, including annuities and pensions, in the case of residents of Canada, was 5 percent."

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[1] 7 F.R. 1013, 3146.

(C) By adding the following paragraph as the second paragraph thereof:

Under the provisions of section 143 (b) as amended by section 108 of the Revenue Act of 1942 the rate of tax withheld at the source shall not exceed 27½ percent in the case of interest on bonds, mortgages, or deeds of trust or other similar obligations of a corporation, within the provisions of section 143 (a) (1) were it not for the fact that the maturity date of such obligations has been extended on or after January 1, 1934.

PAR. 3. Section 19.143-3, as amended by Treasury Decision 5071, is further amended by inserting as the last paragraph thereof the following:

Under the provisions of the tax convention between the United States and Canada (ratifications exchanged June 15, 1942) annuities and pensions received on and after January 1, 1941 by individual residents of Canada are exempt from tax and are exempt from withholding with respect to payments of such items made on or after June 27, 1942.

PAR. 4. Section 19.143-7, as amended by Treasury Decision 5103, approved December 13, 1941, is further amended by adding as the fourth sentence of the second paragraph thereof the following:

Every United States withholding agent shall make and file with the collector, in duplicate, an information return on Form 1042B, for the calendar year 1942 and each subsequent calendar year, in addition to withholding return, Form 1042, with respect to the items of income from which a tax of 15 percent was withheld from persons whose addresses are in Canada (5 percent in the case of dividends falling within the scope of paragraph 2 of Article XI of the convention).

PAR. 5. There is inserted immediately preceding § 19.144-1 the following:

SEC. 108. WITHHOLDING OF TAX AT SOURCE. (Revenue Act of 1942, Title I.)

(a) Sections * * * and 144 are amended by striking out "27½ per centum" wherever occurring therein and inserting in lieu thereof "30 per centum".

(b) *Limitation on rate of withholding in certain cases.* Section 143 (b) is amended by inserting before the period at the end of the first sentence the following: ": *Provided further,* That the deduction and withholding in the case of interest on bonds, mortgages, or deeds of trust or other similar obligations of a corporation, within the provisions of subsection (a) (1) of this section were it not for the fact that the maturity date of such obligations has been extended on or after January 1, 1934, and the liability assumed by the debtor exceeds 27½ per centum of the interest, shall not exceed the rate of 27½ per centum per annum".

(c) Subsection (a) shall apply only with respect to the period beginning with the tenth day after the date of the enactment of this Act.

SEC. 109. TREATY OBLIGATIONS. (Revenue Act of 1942, Title I.)

No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States.

* * * * *

SEC. 160. ALIENS AND FOREIGN CORPORATIONS TREATED AS NONRESIDENTS. (Revenue Act of 1942, Title I.)

(a)

* * * * *

(3) Section 144 (relating to payment of corporation income tax at source) is amended by striking out "and not having any office or place of business therein".

(4) The amendments made by this subsection shall apply only with respect to the period beginning with the tenth day after the date of the enactment of this Act.

* * * * *

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

PAR. 6. Section 19.144-1, as amended by Treasury Decision 5071, is further amended as follows:

(A) By striking out "27½ percent (16½" wherever appearing therein and inserting in lieu thereof the following: "30 percent (27½ percent on and after September 30, 1941, and prior to October 31, 1942, 16½".

(B) By striking from the fourth paragraph "On or after April 30, 1941, no such treaty is in effect." and inserting in lieu thereof the following: "Under the regulations prescribed pursuant to the tax convention between the United States and Canada (ratifications exchanged June 15, 1942) the rate of tax to be withheld at the source has been reduced to 15 percent effective June 27, 1942 in the case of nonresident corporations organized under the laws of Canada. Dividends paid to such corporations and conforming to the provisions of paragraph 2 of Article XI of such convention are after such effective date subject to withholding at the reduced rate of 5 percent. See Treasury Decision 5157, approved June 27, 1942."

(C) By striking from the fourth paragraph "or has an office or place of business therein" and inserting in lieu thereof the following: "(or, in the case of dividends paid before October 31, 1942, if such corporation is engaged in trade or business within the United States or has an office or place of business therein)".

(D) By adding at the end thereof the following new paragraph:

Under the provisions of section 143 (b) as amended by section 108 of the Revenue Act of 1942 the rate of tax withheld at the source shall not exceed 27½ percent in the case of interest on bonds, mortgages, or deeds of trust or other similar obligations of a corporation, within the provisions of section 143 (a) (1) were it not for the fact that the maturity date of such obligations has been extended on or after January 1, 1934.

PAR. 7. Section 19.144-2, as amended by Treasury Decision 5071, is further amended as follows:

(A) By changing the heading of the third table from "For the period on or after September 30, 1941" to "For the period on and after September 30, 1941 and prior to October 31, 1942".

(B) By adding at the end thereof the following table:

[For the period on and after Oct. 31, 1942]

Classes of taxpayers	Corporate bond interest			Salary or other compensation for personal services	Other fixed or determinable annual or periodical income, including dividends, from sources within the United States
	With tax-free covenant and issued before Jan. 1, 1934		Without tax-free covenant or issued on or after Jan. 1, 1934, with tax-free covenant		
	If corporation assumes over 2 percent of the tax	If corporation assumes not over 2 percent of the tax			
	Percent	*Percent*	*Percent*	*Percent*	*Percent*
1. Citizen or resident individual, fiduciary, or partnership	2	2			
2. Nonresident individual, fiduciary, or partnership	2	30	30	[1] 30	[2] 30
3. Domestic corporation or resident foreign corporation					
4. Nonresident foreign corporation	2	30	30	30	[2] 30
5. Nonresident alien, fiduciary or partnership, resident of Canada, or nonresident corporation organized under laws of Canada	2	15	15	15	[4] 15
6. Unknown owner	2	30	30		(3)

[1] Salary or compensation for personal services rendered in the United States is not subject to withholding in the case of nonresident aliens, residents of Canada or Mexico, who enter and leave the United States at frequent intervals.

[2] In the case of a resident of Sweden or a corporation or other entity organized under the laws of Sweden the rate with respect to dividends is 10 percent for at least two years beginning Jan. 1, 1940.

[3] Interest on any noncorporate security the owner of which is unknown to the withholding agent is subject to withholding at the rate of 30 percent.

[4] Such rate was effective June 27, 1942. In the case of dividends within the provisions of Article XI-2 of the tax convention between the United States and Canada, the rate is 5 percent.

PAR. 8. Section 19.262–4 as amended by Treasury Decision 5071, is further amended by striking out "27½ percent (16½" wherever appearing therein and inserting in lieu thereof the following: "30 percent (27½ percent on and after September 30, 1941 and prior to October 31, 1942, (16½".

(Section 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., Sup. V, 62) and sections 101, 108, 109 and 160 (a) of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: October 28, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-11025; Filed, October 29, 1942; 11:51 a. m.]

Subchapter C—Miscellaneous Excise Taxes

[T.D. 5175]

PART 171—MISCELLANEOUS REGULATIONS RELATED TO LIQUOR

SUBPART J—FLOOR STOCKS TAXES ON DISTILLED SPIRITS, FERMENTED MALT LIQUORS, AND WINES

Sections 601, 602, 603, and 604 of the Revenue Act of 1942, approved October 21, 1942 (Pub. Law 753—77th Cong.), read as follows:

SEC. 601. EFFECTIVE DATE OF THIS TITLE.

This title shall take effect on the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

SEC. 602. DISTILLED SPIRITS.

* * * * *

(d) *Floor Stocks Tax.*—Section 2800 is amended by inserting at the end thereof the following new subsection:

(j) *1942 Floor Stocks Tax*—(1) *Tax.* Upon all distilled spirits upon which the internal-revenue tax imposed by law has been paid, and which on the effective date of Title VI of the Revenue Act of 1942, are held and intended for sale or for use in the manufacture or production of any article intended for sale, there shall be levied, assessed, collected, and paid a floor stocks tax of $2 on each proof-gallon, and a proportionate tax at a like rate on all fractional parts of such proof-gallon.

(2) *Returns.* Under such regulations as the Commissioner with the approval of the Secretary shall prescribe, every person required by paragraph (1) to pay any floor stocks tax shall, on or before the end of the thirtieth day following the effective date of Title VI of the Revenue Act of 1942 make a return and shall, on or before the first day of the third month following such effective date, pay such tax. Payment of the tax shown to be due may be extended to a date not later than the first day of the tenth month following the effective date of Title VI of the Revenue Act of 1942, upon the filing of a bond for payment thereof in such form and amount and with such surety or sureties as the Commissioner, with the approval of the Secretary, may prescribe.

(3) *Laws Applicable.* All provisions of law, including penalties, applicable in respect of internal-revenue taxes on distilled spirits shall, insofar as applicable and not inconsistent with this subsection, be applicable in respect of the floor stocks tax imposed hereunder. For the purposes of this subsection the term "distilled spirits" shall include products produced in such manner that the person producing them is a rectifier within the meaning of section 3254 (g).

SEC. 603. FERMENTED MALT LIQUORS.

* * * * *

(b) *Floor Stocks Tax.* Section 3150 is amended by inserting at the end thereof the following new subsection:

(e) *1942 Floor Stocks Tax.*

(1) *Tax.* Upon all fermented malt liquors upon which the internal-revenue tax imposed by law has been paid, and which on the effective date of Title VI of the Revenue Act of 1942 are held by any person and intended for sale there shall be levied, assessed, collected, and paid a floor stocks tax at a rate of $1 per barrel of 31 gallons.

(2) *Returns.* Under such regulations as the Commissioner with the approval of the Secretary shall prescribe, every person required by paragraph (1) to pay any floor stocks tax shall, on or before the end of the thirtieth day following the effective date of Title VI of the Revenue Act of 1942 make a return and shall, on or before the first day of the third month following such effective date, pay such tax. Payment of the tax shown to be due may be extended to a date not later than the first day of the tenth month following the effective date of Title VI of the Revenue Act of 1942, upon the filing of a bond for payment thereof in such form and amount and with such surety or sureties as the Commissioner, with the approval of the Secretary, may prescribe.

(3) *Laws applicable.* All provisions of law, including penalties, applicable in respect of the taxes imposed by subsection (a) shall, insofar as applicable and not inconsistent with this subsection, be applicable with respect to the floor stocks tax imposed by this subsection.

SEC. 604. WINES.

* * * * *

(c) *Floor stocks.* Subchapter F of Chapter 26 is amended by inserting at the end thereof the following new section:

SEC. 3193. 1942 FLOOR STOCKS TAX ON WINES.

(a) *Floor stocks tax.* Upon all wines upon which the internal-revenue tax imposed by law has been paid, and which on the effective date of Title VI of the Revenue Act of 1942 are held and intended for sale or for use in the manufacture or production of an article intended for sale, there shall be levied, assessed, collected, and paid a floor stocks tax at rates equal to the increases in rates of tax made applicable to such articles by section 604 of the Revenue Act of 1942.

(b) *Returns.* Under such regulations as the Commissioner with the approval of the Secretary shall prescribe, every person required by subsection (a) to pay any floor stocks tax shall, on or before the end of the thirtieth day following the effective date of Title VI of the Revenue Act of 1942 make a return and shall, on or before the first day of the third month following such effective date, pay such tax. Payment of the tax shown to be due may be extended to a date not later than the first day of the tenth month following the effective date of Title VI of the Revenue Act of 1942, upon the filing of a bond for payment thereof in such form and amount and with such surety or sureties as the Commissioner, with the approval of the Secretary, may prescribe.

(c) *Laws applicable.* All provisions of law, including penalties, applicable in respect of the taxes imposed by section 3030 (a) shall, insofar as applicable and not inconsistent with this subsection, be applicable with respect to the floor stocks tax imposed by subsection (a).

Pursuant to the above sections of law, the following regulations are prescribed:

AUTHORITY: §§ 171.90 to 171.101, inclusive, issued under secs. 601–604 of the Revenue Act of 1942 (Public Law 753, 77th Congress).

Distilled Spirits

§ 171.90 *Inventory of distilled spirits.* Each distiller, fruit distiller, proprietor of an industrial alcohol plant, internal revenue bonded warehouse, alcohol bonded warehouse, taxpaid bottling house, and each rectifier, wholesale dealer in liquors, retail dealer in liquors, manufacturer, or any other person, corporation, partnership, or association holding on November 1, 1942, taxpaid distilled spirits, including alcohol and brandy, intended for sale or for use in the manufacture or production of any article intended for sale shall before beginning business on that date prepare an inventory of such taxpaid distilled spirits.

§ 171.91 *Spirits subject to tax.* The following kinds of distilled spirits, among others, are subject to the floor stocks tax of $2 a proof gallon if taxpaid prior to November 1, 1942, and which on that date are held and intended for sale or for use in the manufacture or production of any article intended for sale:

(a) Ethyl alcohol.

(b) Spirits-Grain, Spirits-Cane, and Spirits-Fruit.

(c) Spirits-Grain Processed, Spirits-Cane Processed, and Spirits-Fruit Processed.

(d) Whiskey, gin, rum, and brandy.

(e) Vermouth containing distilled spirits.

(f) Cocktails containing distilled spirits.

(g) Liqueurs, cordials, and similar compounds containing distilled spirits.

(h) Tequila, okolehao, et cetera.

(i) Distilled spirits of any kind held by any person for use in the manufacture or production of any article intended for sale, regardless of whether the article to be produced is in itself unfit for beverage purposes.

§ 171.92 *Preparation of inventory of distilled spirits*—(a) *Division into three sections.* The inventory of distilled spirits will consist of three sections as follows:

Section 1. Distilled spirits on the premises of the taxpayer.

Section 2. Distilled spirits owned by the taxpayer and stored elsewhere.

Section 3. Distilled spirits owned by and in transit to or from the taxpayer.

Section 1 will be divided into nine vertical columns designated as follows:

(a) Kind of spirits.
(b) Number of cases.
(c) Number of bottles in each case.
(d) Size of bottles in case.
(e) Number of bottles not in cases.
(f) Size of bottles not in cases.
(g) Total wine gallons.
(h) Proof of spirits.
(i) Total proof gallons.

The distilled spirits shall be listed separately by kinds, that is, there will be a separate listing of alcohol, whiskey, brandy, gin, rum, cordials, liqueurs, cocktails, et cetera. Each kind of spirits will be further segregated according to proof.

(b) *Spirits stored elsewhere or in transit.* Section 2 covering spirits owned by the taxpayer and stored elsewhere on November 1, 1942, and section 3 covering spirits in transit to or from the taxpayer on November 1, 1942, will contain the same columns as section 1, except that columns (e) and (f), if not applicable, may be omitted. The address of each place of storage for spirits recorded in section 2 should be shown, as well as the serial numbers of all full cases. The means of transportation, name and address of the consignor or consignee, and serial numbers of all full cases should be shown in section 3.

(c) *Spirits in bulk.* Distillers, rectifiers, manufacturers, and other persons holding taxpaid distilled spirits in packages (barrels or drums), tank cars, or in tanks will list such spirits in a separate section, showing the kind of spirits, wine gallons, proof, and proof gallons, the serial number of, and kind of, each container, and the name of the distiller.

Rectifiers holding taxpaid spirits in process of rectification or in bottling or storage tanks will measure and proof the spirits, and show in a separate section of the inventory the number and kind of receptacles containing the spirits, the kind of spirits, wine gallons, proof, and proof gallons.

Fermented Malt Liquors

§ 171.93 *Inventory of fermented malt liquors.* Each brewer, wholesale dealer in liquors, wholesale dealer in wines and malt liquors, wholesale dealer in malt liquors, retail dealer in liquors, retail dealer in wines and malt liquors, retail dealer in malt liquors, and any other person, corporation, partnership or association holding on November 1, 1942, taxpaid fermented malt liquors intended for sale shall before beginning business on that date prepare an inventory of all such taxpaid fermented malt liquors.

§ 171.94 *Malt liquors subject to tax.* The term "fermented malt liquors" shall include, among others, the following, which are subject to the floor stocks tax of $1 a barrel (31 gallons) if taxpaid prior to November 1, 1942, and which on that date are held and intended for sale:

(a) Beer
(b) Ale
(c) Porter
(d) Stout
(e) Lager beer
(f) Sake

§ 171.95 *Preparation of inventory of malt liquors*—(a) *Division into three sections.* The inventory of fermented malt liquors will consist of three sections as follows:

Section 1. Malt liquors on the premises of the taxpayer.

Section 2. Malt liquors owned by the taxpayer and stored elsewhere.

Section 3. Malt liquors owned by and in transit to or from the taxpayer.

Section 1 will be divided into two subsections, one to cover packaged or barreled beer, and the other to cover malt liquors in cans or bottles. The first subsection will show separately the number of ⅛ barrels, ⅙ barrels, ¼ barrels, ⅓ barrels, ½ barrels, and barrels. The total number of such containers will be shown on the basis of barrels of 31 gallons each.

The second subsection will cover malt liquors in cans or bottles and will be divided into six vertical columns as follows:

(a) Size of bottles or cans
(b) Number of cases
(c) Number of bottles or cans in case
(d) All other bottles
(e) Total gallons
(f) Equivalent in barrels of 31 gallons

(b) *Malt liquors stored elsewhere or in transit.* Section 2 covering malt liquors owned by the taxpayer and stored elsewhere on November 1, 1942, and section 3 covering malt liquors in transit to or from the taxpayer on November 1, 1942, will contain the same columns as section 1. The address of each place of storage for malt liquors recorded in section 2 should be shown; and the means of transportation, name and address of the consignor or consignee of malt liquors in transit should be shown in section 3.

(c) *Malt liquors held by brewers.* Brewers holding taxpaid malt liquors in tanks in the bottling house will measure such liquors and show in a separate section the number and kind of receptacle containing the malt liquors, and report the contents in terms of barrels.

Wines

§ 171.96 *Inventory of wines.* Each proprietor of a bonded winery, bonded storeroom or taxpaid bottling house, and each rectifier, wholesale or retail dealer in liquors (including wholesale or retail dealer in wines and wholesale or retail dealer in wines and malt liquors), manufacturer, or any other person, corporation, partnership or association holding on November 1, 1942, taxpaid wines intended for sale or for use in the manufacture or production of any article intended for sale shall also before beginning business on that date prepare an inventory of all such taxpaid wines.

§ 171.97 *Wines subject to tax.* The term "wines" includes, among others, the following which are subject to the floor stock tax indicated if tax paid prior to November 1, 1942, and which on that date are held and intended for sale or for use in the manufacture or production of any article intended for sale:

Kind	*Floor Stocks Tax*
(a) Still wines, including vermouth, and all artificial or imitation wines, or compounds sold as still wine, containing:	
(1) Not more than 14% of alcohol by volume	2 cents a gallon.
(2) More than 14% and not exceeding 21% of alcohol by volume.	10 cents a gallon.
(3) More than 21% and not exceeding 24% of alcohol by volume.	35 cents a gallon.
(b) Champagne and sparkling wines, that is, effervescent wine charged with carbon dioxide resulting from fermentation of the wine in bulk or in the bottle.	3 cents per each one-half pint or fraction thereof.
(c) Artificially carbonated wine, that is, effervescent wine artificially charged with carbon dioxide.	1½ cents per each one-half pint or fraction thereof.

§ 171.98 *Preparation of inventory of wines*—(a) *Division into parts and sections.* The inventory of wines will be divided into five parts for the separate listing of the five different tax classes as follows:

Part 1. Wines containing not more than 14 per cent of alcohol.

Part 2. Wines containing more than 14 per cent but not exceeding 21 per cent of alcohol.

Part 3. Wines containing more than 21 per cent but not exceeding 24 per cent of alcohol.

Part 4. Champagne and other sparkling wines.

Part 5. Artificially carbonated wines.

Each part will consist of three sections as follows:

Section 1. Wines on the premises of the taxpayer.

Section 2. Wines owned by the taxpayer and stored elsewhere.

Section 3. Wines owned by and in transit to or from the taxpayer.

Section 1 will be divided into eight vertical columns which will be designated as follows:

(a) Kind of wine.
(b) Number of packages.
(c) Number of cases.
(d) Number of bottles in case.
(e) Size of bottles in case.
(f) Number of bottles not in cases.
(g) Size of bottles not in cases.
(h) Total gallons.

(b) *Wines stored elsewhere or in transit.* Section 2 covering wines owned by the taxpayer and stored elsewhere on November 1, 1942, and section 3 covering wines in transit to or from the taxpayer on November 1, 1942, will contain the same columns as section 1, except that columns (f) and (g), if not applicable, may be omitted. The address of each place of storage for wines recorded in section 2 should be shown. The means of transportation, name and address of the consignor or consignee should be shown in section 3.

(c) *Wines in bulk.* Rectifiers, wholesale dealers in liquors, manufacturers, and other persons holding taxpaid wines in packages (barrels or drums), tank cars, or in tanks will measure and proof the wines, and show in a separate section of the inventory the number and kind of receptacle containing the wine, the kind of wine, the wine gallons, and the per cent of alcohol by volume.

Inventories

§ 171.99 *Identification of inventory.* The inventories of distilled spirits, fermented malt liquors, and wines shall be prepared in duplicate on sheets of paper not larger than 10½ by 16 inches to be furnished by the taxpayer. Each page of the inventory will be consecutively numbered and identified by showing clearly at the head thereof the name of the individual, firm, or corporation holding the distilled spirits, fermented malt liquors, and wines, the address, the nature of the business, and the kind and serial number of the Federal special tax stamp (if any) held at such address.

Filing of Return and Inventory and Payment of Tax

§ 171.100 *Filing of inventory and return.* Each taxpayer designated in §§ 171.90, 171.93 and 171.96 shall make a return on Form 758 (Revised 1942), in triplicate, for each place where distilled spirits, fermented malt liquors, or wines are held. However, one return may be filed covering a number of separate places of business, provided such places are in the same collection district, and a separate inventory is prepared for each place. The original and duplicate copies of the return, together with the original of the inventory of distilled spirits, fermented malt liquors, and wines, must be filed not later than December 1, 1942, with the Collector of Internal Revenue of the district in which the distilled spirits, fermented malt liquors, or wines are held. The triplicate copy of the return and the duplicate copy of the inventory will be retained by the taxpayer at the location covered by the return. The filing of a blanket return with one Collector to cover a number of places in different collection districts will not be acceptable.

§ 171.101 *Payment of floor stocks tax.* The floor stocks tax shown by the return to be due may be paid to the Collector of Internal Revenue at the time the return is filed, but, if not paid at that time, such tax must be paid not later than February 1, 1943. However, the date of payment of the tax may be extended to a date not later than September 1, 1943, upon the filing of a bond on Form 723–A (Revised 1942), in duplicate, in accordance with the instructions thereon, in a penal sum in the amount of the tax (including the delinquency penalty, if any), plus an amount equivalent to and not more than 10 per cent of the tax (including the delinquency penalty, if any).

[SEAL] GUY T. HELVERING,
Commissioner.

Approved: October 28, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42–11026; Filed, October 29, 1942; 11:51 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Dockets Nos. A–1631 and A–1633]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING RELIEF, ETC.

Order of consolidation and order granting temporary relief and conditionally providing for final relief in the matter of the petitions of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 2.

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2; and

It appearing that the above-entitled matters raise similar and related issues; and

It further appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I and R–III, § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R–II and R–IV, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith the shipping points appearing in the aforesaid Supplement R–III for Mine Index Nos. 4, 70, 71, and 332 are effective in place of the shipping points heretofore assigned to these mines.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the Schedules attached are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached Schedules do not differ, except in this regard, from the minimum prices proposed by petitioner.

No relief is granted herein with respect to the request of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of R. H. Jamison, Jr. (Delmont Fuel Co.) produced at the Delmont No. 2 and Delmont No. 3 Mines. It appears that these coals are of comparable quality and analogous to the coals of the Delmont No. 1 Mine (Mine Index No. 2184) of this producer and loaded over the same tipple. Accordingly, it is unnecessary to classify or price them, and they may be regarded as part of, and sold at the same price classifications and minimum prices as the coals of the Delmont No. 1 Mine.

Dated: October 13, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these Supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Seam	Sub-district No.	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2542	Bell Coal Company (F. C. Gay)	Bell Deep (d)	Pittsburgh	9	Avonmore, Pa	PRR	90	G	G	F	F	E	E	E	E	E	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2541	Daugherty Coal Company (H. C. Daugherty).	Hazelkirk (d)	Pittsburgh	9	Hazelkirk, Pa	PRR	74	D	D	C	C	C	C	C	C	C	(†)	A	A	A	C	C	C
2448	Helen N. Mining Company (Max Nobel).	Helen N. (Strip)	U. Freeport	3	Point Marion, Pa	Mongh	River	E	E	C	C	C	C	D	D	D	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2538	MacFarlane, Robert (MacFarlane Coal Co.).	MacFarlane #4 (Strip)	Pittsburgh	7	Oakdale, Pa	PRR	74	G	G	F	F	H	H	H	H	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no classifications effective for these size groups.

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II.

In § 322.9 (c) of Minimum Price Schedule, add the mine index numbers in groups shown. Group No. 1: 2541; Group No. 2: 2538; Group No. 7: 2448; Group No. 20, 2542.

§ 322.7 *Alphabetical list of code members*—Supplement R–III

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group nos.]

Mine index No.	Code member	Mine name	Seam	Sub-district No.	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
332	Franks, C. H., Coal Co	Harah #2	Pittsburgh	3	Sackett, Pa	B&O	80	(†)	(†)	(†)	(†)	(†)	E	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
4	Leechburg Collieries Co	Armstrong	U. Freeport	2	Armstrong Colliery, Pa	PRR	79	F	F	E	E	E	E	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)
70	Leechburg Collieries Co	Foster #4	U. Freeport	2	Foster Collieries #4 and #5, Pa	PRR	90	F	F	E	E	E	E	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)
71	Leechburg Collieries Co	Foster #5	L. Kittanning	2	Foster Collieries #4 and #5, Pa	PRR	90	F	F	E	E	E	E	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no classifications effective for these size groups.

NOTE: The above prices are applicable only via the respective Freight Origin Groups, shipping points, and Railroads shown for the respective mines. Freight Origin Groups, Shipping Points, and Railroads previously assigned to these mines are no longer applicable.

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R-IV.

In § 322.9 (c) of Minimum Price Schedule, add the mine index numbers in groups shown. Group No. 1: 4; Group No. 7: 332; Group No. 20: 70, 71.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes										
				Lump over 4″	Lump 4″	Lump 3″	Lump 2″	Egg 2″ x 4″	Stove 1″ x 4″	Pea ¾″ x 1¼″	Run of mine	2″ N/S	1¼″ slack	¾″ slack
				1	2	3	4	5	6	7	8	9	10	11
ALLEGHENY COUNTY														
MacFarlane, Robert (MacFarlane Coal Co.).	2538	MacFarlane #4 (S).	Pittsburgh	295	285	275	260	235	230	230	240	210	200	190
Wood & Girdwood (A. H. Girdwood).	2537	Wood	U. Freeport	295	285	275	250	235	235	230	240	200	190	180
FAYETTE COUNTY														
Lazuka, John	2539	Luzaka	Sewickley	285	275	265	255	235	225	225	225	210	205	190
LAWRENCE COUNTY														
R. & O. Coal Co. (Edward Oglietti)	2540	Cover	Kittanning	345	320	310	305	295	280	260	260	205	195	185
WASHINGTON COUNTY														
Daugherty Coal Co. (H. C. Daugherty).	2541	Hazelkirk (D)	Pittsburgh	330	320	310	280	270	255	245	265	225	215	190
WESTMORELAND COUNTY														
Bell Coal Co. (F. C. Gay).	2542	Bell Deep (D)	Pittsburgh	295	285	275	255	245	240	235	235	215	205	195

[F. R. Doc. 42-10953; Filed, October 28, 1942; 11:25 a. m.]

[Docket No. A-1504 Part II]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING RELIEF, ETC.

Order of the Director granting relief in the matter of the petition of District Board No. 4 for the establishment of an additional price instruction to be added to the schedule of effective minimum prices for District No. 4 for all shipments except truck, which would permit coals passing through a preparation plant, not constituting a part of the facilities of the mine in which said coals were produced, to take the same prices for the various kinds, qualities and sizes of coal as if said preparation plant were located at the mine where said coal was actually produced.

This proceeding having been instituted upon a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board No. 4 requesting the establishment of a special price instruction in the Schedule of Effective Minimum Prices for District No. 4 For All Shipments Except Truck;

Pursuant to an appropriate order and after due notice, a hearing in this matter having been held October 5, 1942, before Floyd McGown, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

District Boards Nos. 2, 6, and 8 having filed petitions of intervention in this proceeding;

The preparation and filing of a report by Examiner having been waived by all parties hereto and the record thereupon having been submitted to the undersigned; and

The undersigned having made Findings of Fact and Conclusions of Law herein and having rendered an Opinion in this matter, all of which are filed herewith.

Now, therefore, it is ordered, That commencing forthwith, § 324.1 (*Price instructions and exceptions*—(a) *Price instructions*) in the Schedule of Effective Minimum Prices for District No. 4 For All Shipments Except Truck be and it hereby is amended by the addition of the following price instruction:

> The minimum prices f. o. b. the mine of origin for all coals produced at strip mines which are shipped by rail to and washed at a preparation plant not constituting a part of the facilities of the mine at which such coals are produced shall be the same as the minimum prices effective for the corresponding size groups produced at the mine where the preparation plant is located and washed. Nothing herein shall be deemed, however, to supersede the provisions of Price Exemption 3

It is further ordered, That the petitions of the various parties hereto be and they are hereby granted to the extent set forth above, and in all other respects are denied.

Dated: October 26, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11019; Filed, October 29, 1942; 11:15 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-122]

NEW WORLD LIFE INSURANCE CO.—HENRY BRODERICK, INC.

New World Life Insurance Company is a Washington corporation engaged in the life insurance business, with its principal office in Seattle, Washington. Henry Broderick, Inc. is a Washington corporation engaged in the business of real estate and property management in Seattle. New World Life Insurance Company is the owner of a 15-story office building located at Cherry Street and Second Avenue, Seattle, known as the Alaska Building, and Henry Broderick, Inc. acts as manager of such building.

Subsequent to April 9, 1942, New World Life Insurance Company and Henry Broderick, Inc. began construction (as defined in Conservation Order L-41) in said Alaska Building, in violation of Conservation Order L-41. Such construction consisted of remodeling and rehabilitating said building on an extensive scale and additions thereto and extensions and alterations thereof, the estimated cost of which substantially exceeded $5,000. Such construction was begun in wilful disregard of the prohibitions imposed by Conservation Order L-41.

This violation of Conservation Order L-41 has hampered and impeded the war effort of the United States by diverting scarce materials to uses prohibited by the War Production Board. In view of the foregoing: *It is hereby ordered,* That:

§ 1010.122 *Suspension Order S-122.* (a) Neither New World Life Insurance Company nor Henry Broderick, Inc., nor any other person shall order, purchase, accept delivery of, withdraw from inventory, or in any other manner secure or use material or construction plant in order to begin or continue "construction" (as said term is defined in Conservation Order L-41, as amended on September 2, 1942) whether heretofore commenced or not, on the building located at Cherry Street and Second Avenue, Seattle, Washington, known as the Alaska Building.

(b) No application for authorization to continue construction or to begin additional construction on said building, filed by New World Life Insurance Company, Henry Broderick, Inc., or any other person shall be granted by the Director General for Operations.

(c) Neither New World Life Insurance Company nor Henry Broderick, Inc., nor any other person shall order, purchase, accept delivery of, withdraw from inventory, or in any other manner secure or use material or construction plant in order to begin or continue any "maintenance" or "repair" work (as said terms are defined in Conservation Order L-41, as amended September 2, 1942) whether heretofore commenced or not, on the building located at Cherry Street and Second Avenue, Seattle, Washington, known as the Alaska Building, except as specifically authorized in writing by the Regional Compliance Chief of the San Francisco Office of the War Production Board.

(d) Nothing contained in this order shall be deemed to relieve New World Life Insurance Company or Henry Broderick, Inc. from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on November 1, 1942, and shall expire on November 1, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 28th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10975; Filed, October 28, 1942; 2:42 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-124]

J. LEVITT

J. Levitt, a partnership composed of J. Levitt, Samuel Gellar, and Anna Gellar, located at 6110 Osage Avenue, Philadelphia, Pennsylvania, is engaged in the business of selling plumbing and heating and roofing supplies. During the period from March 1, 1942, to March 19, 1942, the partnership accepted and filled orders for approximately 11,500 feet of copper tubing and two 60 foot copper tubing coils, which orders did not bear a preference rating of A-10 or better.

The foregoing violations of General Preference Order No. M-9-a have impeded and hampered the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing facts; *It is hereby ordered:*

§ 1010.124 *Suspension Order S-124.* (a) J. Levitt, Samuel Gellar, and Anna Geller, t/a J. Levitt, 6110 Osage Avenue, Philadelphia, Pennsylvania, their successors and assigns, are hereby prohibited from accepting deliveries of copper, copper base alloys, copper products and copper base alloy products for a period of ninety (90) days following the effective date of this order.

(b) J. Levitt, Samuel Gellar, and Anna Gellar, t/a J. Levitt, their successors and assigns, are hereby ordered and directed to repurchase from John A. Lynch, 924 Collenbrooke Avenue, Drexel Hill, Pennsylvania, the 10,000 feet of copper tubing sold to him by them on or about March 3, 1942, within 15 days following the effective date of this order, and they are further directed to file within five days after the date of said repurchase, an affidavit setting forth the fact of said repurchase.

(c) Nothing contained in this order shall be deemed to restrict deliveries by J. Levitt, Samuel Gellar, and Anna Gellar t/a J. Levitt, their successors and assigns, from their present inventory in accordance with all applicable orders and regulations of the War Production Board, and nothing contained in this order shall be deemed to relieve them, their successors and assigns, from any restriction, prohibition, or provision contained in any order or regulation of the Director of Industry Operations or the Director General for Operations, whether now in force or hereafter issued, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on October 30, 1942, and shall terminate on January 30, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 28th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10976; Filed, October 28, 1942; 2:42 p. m.]

PART 1223—STANDARDIZATION AND SIMPLIFICATION OF PAPER

[Schedule I to Limitation Order L-120, as Amended and Revised October 29, 1942]

BOOK PAPER FOR USE IN COMMERCIAL PRINTING

Section 1223.2 *Schedule I to Limitation Order L-120* is hereby amended and revised to read as follows:

§ 1223.2 *Schedule I to Limitation Order L-120*—(a) *Definitions.* For the purpose of this schedule, including the Appendix:

(1) The term "book paper" means and is limited to the kinds of paper commonly described and distributed in the paper trade by the names used as captions in the Appendix below.

(2) The term "book paper for use in commercial printing" means all "book papers" commonly manufactured and distributed for use in printing, including but not limited to the printing of music, labels and posters; and excluding only those manufactured and distributed for use in printing periodicals, pamphlets published for resale, and books, or for conversion into another paper product or products otherwise than by printing.

(3) A "grade" means one particular quality within a kind of book paper, such grade having the essential properties peculiar to such kind of paper and common to all grades within such kind, but distinguished from other such grades by a difference in the degree to which one or several of those common properties are emphasized. However, a difference in the degree to which any such property is emphasized, due only to a difference in ash content, in sizing, in the quantity of adhesive in the coating formula, or in the dyes used in the paper and/or coating shall not be considered as resulting in a different grade.

(4) "Color" means any hue of the spectrum, including but not limited to ivory, india and green-white tints, and black, but not including white.

(5) The term "basis weight" means the weight of a kind of "book paper" in pounds per 500 sheets in the size indicated under the appropriate caption.

(6) An "item" means a quantity of paper all of which is of the same size, grain, basis weight, finish, color and grade.

(7) The term "standard" as applied to grade, color, basis weight, and size means, with respect to each manufacturer, a grade and color selected and a basis weight and size specified under A of the appropriate caption in the Appendix below.

(8) The term "special" as applied to grade, color, basis weight, and size means, with respect to each manufacturer, any grade, color, basis weight or size that is not standard.

(9) The term "special making order" means a single order placed by a single buyer for manufacture at one time for use by one printer or consumer.

(10) The term "manufacture" includes all making and finishing operations prior to packaging or packing.

(11) "Person" means any individual, partnership, association, or other form of enterprise, including within one "person" all affiliates, subsidiaries, individuals, corporations, partnerships, or other forms of enterprise subject to a common executive or operating management or with a common sales organization.

(b) *Identification of the papers subject to this schedule.* It shall be the duty of each person who manufactures paper to determine in the first instance, but subject to review and official classification by the Director General for Operations at any time thereafter, under which caption, if any, of the Appendix belongs each of the "book papers for use in commercial printing" manufactured by him. There shall be taken into account in such determination, and in any review and reclassification by the Director General for Operations, the designation by which the manufacturer heretofore identified or distributed the paper in question, the common designation in the paper trade of similar papers selling within the same general price range as the paper in question, and the common designation in the paper trade of papers possessing the same general physical characteristics, manufactured by the same general processes, or commonly distributed and used for the same general uses as the paper in question. If a manufacturer is uncertain as to the proper caption under which to classify a particular kind of "book paper for use in commercial printing", or whether a particular kind of paper is such a paper at all or belongs under any caption of the Appendix to this schedule, he may apply to the Director General for Operations, in writing, for an official classification of such paper, submitting with his application representative samples of the grade or grades in which he manufactures such paper, a full explanation of the processes by which he manufactures the same, the designation by which he has heretofore identified or distributed the same, the general uses for which it is intended, the general price range within which it is sold, and the types of papers with which it chiefly competes, and a full explanation of the reasons for his uncertainty. The Director General for Operations may on his own motion review a manufacturer's classification and substitute therefor an official classification. In any event, an official classification by the Director General for Operations by telegram or notice in writing sent to the manufacturer, shall, unless and until the Director General for Operations shall amend or revise the same by telegram or notice in writing sent to the manufacturer, be conclusive.

(c) *Selection of grades for regular manufacture.* Each person who manufactures any kind of "book paper for use in commercial printing", shall, with respect to each such kind he manufactures, select such "grade" or "grades" thereof, not to exceed the number specified in A (1) of the appropriate caption of the Appendix below, as he may desire to adopt for regular manufacture, and shall forthwith notify the Director General for Operations of such selection, on Form PD–589. The manufacturer may thereafter apply to the Director General for Operations for leave to amend the original selection by dropping a "grade" or "grades" and substituting another or others, but unless and until such leave is granted by the Director General for Operations in writing the original selection shall be and remain binding.

(d) *Selection of colors for regular manufacture.* If by the terms of A (2) under the appropriate caption of the Appendix below a manufacturer is permitted, with respect to a particular grade of a kind of "book paper for use in commercial printing", to select a number of colors, each person who manufactures such grade, if he desires to manufacture such grade in colors, shall immediately select therefor such particular colors, not to exceed the number indicated in A (2) of the appropriate caption, as he may desire to adopt for regular manufacture, and shall forthwith notify the Director General for Operations of such selection on Form PD–589. The manufacturer may thereafter apply to the Director General for Operations for leave to amend the original selection by dropping a color or colors and substituting another or others, but unless and until such leave is granted by the Director General for Operations in writing the original selection shall be and remain binding.

(e) *General limitations.* Except to the extent and upon the conditions indicated in paragraphs (f), (g), (h) and (i) of this revised schedule, or under B of the appropriate caption in the Appendix below, no person shall manufacture any kind of "book paper for use in commercial printing" in any grade, color, basis weight or size other than those selected or specified as standard under A of the appropriate caption of the Appendix, or contrary to any other provision under A of the appropriate caption.

(f) *Tolerances and variations.* The prohibitions and restrictions of this revised schedule are subject to the normal tolerances customary in the manufacture of "book papers" and to the normal variations in quantity manufactured customarily acceptable in the paper trade. Nothing in this revised schedule shall restrict the remaking, because of faulty manufacture or excessive underrun, of all or any part of a "special making order" accepted in good faith for manufacture in accordance with the terms of this revised schedule.

(g) *Cutting and slitting.* Nothing in this revised schedule shall restrict the cutting of any sheet size to sizes of which the parent size is a multiple, provided the parent size is manufactured in accordance with the provisions of this revised schedule, nor restrict the slitting to fractional width rolls of any parent roll size manufactured in accordance with the provisions of this revised schedule on an order for roll paper; however, a special sheet size may not be cut from a standard or special roll size except in a quantity and under the conditions applying to a "special size" under B of the appropriate caption in the Appendix below.

(h) *Jobs and seconds.* Nothing in this revised schedule shall restrict the sale of "job lots" or "seconds", resulting from faulty manufacture or overruns customarily unacceptable to the buyer, which occur during a bona fide attempt to manufacture "book paper" according to the terms of this revised schedule, provided that the manufacturer clearly informs the purchaser that such paper is a "job lot" or "seconds" and so indicates on each package.

(i) *Exception for export.* Regardless of the foregoing provisions of this revised schedule and of the provisions of Limitation Order L–120, a person may manufacture for export (but may not without permission in writing by the Director General for Operations sell in the domestic market) any kind of "book paper for use in commercial printing" in any size or basis weight required, regardless of quantity, provided all other provisions of this schedule are complied with.

(j) *Records and reports*—(1) *Standard samples.* Each person who manufactures any kind of "book paper for use in commercial printing" shall keep, readily available for inspection by the War Production Board, representative samples of each standard grade and each standard color of such grade selected by him under A (1) and A (2) of the appropriate caption.

(2) *Special making orders.* On and after the effective date of this revised schedule, each person who manufactures any "special making order" permitted under B of the appropriate caption of the Appendix below shall require from the buyer a statement to the effect that such order is purchased for use by one printer or consumer, shall keep such statement, together with a complete record of such order, readily available for inspection by the War Production Board, and shall submit reports of such orders to the Director General for Operations as he may from time to time require.

(3) *Export orders.* On and after the effective date of this revised schedule, each person who manufactures "book papers for use in commercial printing" for export shall require from the buyer a statement to the effect that such paper is purchased for export, shall keep such statement, together with a complete record of the order against which such paper is manufactured, readily available for inspection by the War Production Board, and shall submit reports of such orders to the Director General for Operations as he may from time to time require.

This revised schedule shall take effect five days after the date of issuance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of October 1942.

Ernest Kanzler,
Director General for Operations.

Appendix to Revised Schedule I to Limitation Order L–120

Standardization and Simplification of Book Papers for Use in Commercial Printing

UNCOATED ENGLISH (MACHINE) FINISH BOOK PAPERS

(Excluding Those With 25 Percent or More Rag Content)

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than two, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: In one of the grades selected under A (1), White and India only. The other grade selected may be manufactured in White, and India and five other colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Basis Weights (per 500 sheets 25" x 38"): 30, 35, 40, 45, 50, 60.

(4) Standard Sizes (in inches):

Sheets: 25 x 38, 28 x 42, 28 x 44, 32 x 44, 35 x 45, 38 x 50.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either white or any one color, standard or special; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or white; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

(5) Basis Weights below 30 pound. No restriction on grade, basis weights or sizes in basis weights below 30 pound.

UNCOATED BOOK PAPERS, SUPERCALENDERED

(Except those with 25% or more Rag Content)

A. *Grades, Colors, Weights and Sizes for regular manufacture:*

(1) Standard Grades: Not more than two, selected according to paragraph (c) of the foregoing schedule, provided they correspond to the two selected for Uncoated English (Machine) Finish Book Papers.

(2) Standard Colors: In one of the grades selected under A (1), White and India only. The other grade selected may be manufactured in White, and India and five other colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Basis Weights (per 500 sheets 25" x 38"): 45, 50, 60.

(4) Standard Sizes (in inches):

Sheets: 25 x 38, 28 x 42, 28 x 44, 32 x 44, 35 x 45, 38 x 50.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under exception (1) above; and

(b) In a standard color or White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

ANTIQUE (EGGSHELL) BOOK PAPERS

(Except those with 25% or more rag content)

A. *Grades, Colors, Weights and Sizes for regular manufacture.*

(1) Standard grades: Not more than two, selected according to paragraph (c) of the foregoing schedule, but only one may carry a watermark and/or a laid mark.

(2) Standard colors: In one of the grades selected under A (1), White and India only. The other grade selected may be manufactured in White, and India and five other colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard basis weights (per 500 sheets 25" x 38"): 50, 60, 70.

(4) Standard sizes (in inches):

Sheets: 25 x 38, 28 x 42, 28 x 44, 32 x 44, 35 x 45, 38 x 50.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A special basis weight may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

UNCOATED OFFSET BOOK PAPERS

A. *Grades, colors, weights and sizes for regular manufacture.*

(1) Standard Grades: Not more than one, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: The grade selected under A (1) may be manufactured in White, and India and five other colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Basis Weights (per 500 sheets 25" x 38"): 50, 60, 70, 80, 100.

(4) Standard Sizes (in inches):

Sheets: 22½ x 35, 25 x 38, 28 x 42, 28 x 44, 32 x 44, 35 x 45, 38 x 50, 41 x 54, 44 x 64.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

(5) Any fancy finish may be applied to any item conforming to the other conditions of this caption.

(6) No laid mark or other watermarks permitted.

(7) No supercalendered Offset Paper permitted.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight, in the quantities provided for under exceptions (1), (2) and (3) above.

(5) Any fancy finish may be applied to any item conforming to the other conditions of this caption.

(6) A laid mark or other watermark may be incorporated in a special making order of 5,000 pounds or more of any item conforming to the other conditions of this caption.

(7) A Supercalender Finish may be applied to fill a special making order for 2,000 pounds or more of any item conforming to the other conditions of this caption.

PROCESS (MACHINE) COATED BOOK PAPERS

A. *Grades, Colors, Weights and Sizes for regular manufacture.*

(1) Standard Grades: Not more than two, selected according to paragraph (c) of the foregoing schedule.

Note: A person may, upon application to and approval by the Director General for Operations, select for regular manufacture not more than 2 additional grades of Process (Machine) Coated Book Papers, each in lieu of a grade of Glossy Coated Two Sides Book Papers and, if his application is granted, may not thereafter, unless and until permitted by the Director General for Operations, regularly manufacture the grade or grades of Glossy Coated Two Sides Book Papers thus replaced.

(2) Standard Colors: White only.

(3) Standard Basis Weights (per 500 sheets 25" x 38"): 45, 50, 60, 70, 80.

(4) Standard Sizes (in inches):

Sheets: 25 x 38, 28 x 42, 28 x 44, 32 x 44, 35 x 45, 38 x 50.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade, and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

COATED ONE SIDE BOOK PAPERS

A. *Grades, Colors, Weights and Sizes for regular manufacture.*

(1) Standard Grades: Not more than one grade of body stock to which may be applied two grades of coating, selected according to paragraph (c) of the foregoing schedule, one for general use and the other suitable for varnishing and gloss ink printing.

(2) Standard Colors: White only.

(3) Standard Basis Weights (per 500 sheets 25'' x 38''): 50, 60, 70.

(4) Standard Sizes (in inches):

Sheets: 25 x 38, 28 x 42, 28 x 44, 35 x 45, 38 x 50.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

(5) Special Coating Formulae: Any glossy coated one side coating formula may be applied to the one grade of body stock permitted under A (1) to fill a special making order:

(a) In 5,000 pounds or more of one item in White only, and in any basis weight permitted under A (3); or

(b) In 10,000 pounds in White or any one color, standard or special, and in any one basis weight, standard or special, with at least 5,000 pounds of each item.

GLOSSY COATED TWO SIDES BOOK PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than three, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: In each of two of the grades selected under A (1), White and either India or Ivory but not both. The other grade selected may be manufactured in White, and India and five other colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Basis Weights (per 500 sheets 25'' x 38''): 60, 70, 80, 100.

(4) Standard Sizes (in inches):

Sheets: 25 x 38, 28 x 42, 28 x 44, 32 x 44, 35 x 45, 38 x 50.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight, or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

(5) Special Coating Formulae: Any glossy coated two sides coating formula may be applied to a grade of body stock regularly manufactured under A (1) to fill a special making order:

(a) In 5,000 pounds or more of one item in White only, and in any basis weight permitted under A (3); or

(b) In 10,000 pounds in White or any one color, standard or special, and in any one basis weight, standard or special, and with at least 5,000 pounds of each item.

(6) Glossy Coated One Side: Any body stock and coating used for a standard grade of Glossy Coated Two Sides Book Papers may be used to manufacture a similar grade coated one side to fill a special making order, provided that:

(a) The quantity of each basis weight is at least 10,000 pounds; and

(b) The quantity of each item is at least 5,000 pounds.

COATED TWO SIDES OFFSET PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than one, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White only.

(3) Standard Basis Weights (per 500 sheets 25'' x 38''): 70, 80, and 100.

(4) Standard Sizes (in inches):

Sheets: 22½ x 35, 25 x 38, 28 x 42, 28 x 44, 32 x 44, 35 x 45, 38 x 50, 41 x 54.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

DULL COATED BOOK PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than one, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: The grade selected under A (1) may be manufactured in White, and India and five other colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Basis Weights (per 500 sheets 25'' x 38''): 70, 80 and 100.

(4) Standard Sizes (in inches):

Sheets: 25 x 38, 28 x 42, 28 x 44, 32 x 44, 35 x 45, 38 x 50.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

PLAIN COATED COVER PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than one, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: The grade selected under A (1) may be manufactured in White, and India and five other colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Basis Weights (per 500 sheets 20'' x 26''): 60 and 80.

(4) Standard Sizes (in inches):

Sheets: 20 x 26, 23 x 35, 26 x 40, 35 x 46.

Rolls: any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 2,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

[F. R. Doc. 42-11005; Filed, October 29, 1942; 10:44 a. m.]

PART 1223—STANDARDIZATION AND SIMPLIFICATION OF PAPER

[Schedule II to Limitation Order L-120, as Amended and Revised October 29, 1942]

BOOK PAPER FOR USE IN BOOK PUBLISHING

Section 1223.3 *Schedule II to Limitation Order L-120* is hereby amended and revised to read as follows:

§ 1223.3 *Schedule II to Limitation Order L-120*—(a) *Definitions.* For the purpose of this schedule, including the Appendix:

(1) The term "book paper" means and is limited to the kinds of paper commonly described and distributed in the paper trade by the names used as captions in the Appendix below.

(2) The term "book paper for use in book publishing" means all "book paper" commonly manufactured and distributed for use in books and in publishing pamphlets for resale.

(3) A "grade" means one particular quality within a kind of book paper, such grade having the essential properties peculiar to such kind of paper and common to all grades within such kind, but distinguished from other such grades by a difference in the degree to which one or several of those common properties are emphasized. However, a difference in the degree to which any such property is emphasized, due only to a difference in ash content, in sizing, in the quantity of adhesive in the coating formula, or in the dyes used in the paper and/or coating shall not be considered as resulting in a different grade.

(4) "Color" means any hue of the spectrum, including but not limited to ivory, india and green-white tints, and black, but not including white.

(5) The term "basic weight" means the weight of a kind of "book paper" in pounds per 500 sheets in the size indicated under the appropriate caption.

(6) An "item" means a quantity of paper all of which is of the same size, grain, basis weight, finish, color and grade.

(7) The term "standard" as applied to grade, color, basis weight, and size means, with respect to each manufacturer, a grade and color selected and a basis weight and size specified under A of the appropriate caption in the Appendix below.

(8) The term "special" as applied to grade, color, basis weight, and size means, with respect to each manufacturer, any grade, color, basis weight or size that is not standard.

(9) The term "special making order" means a single order placed by a single buyer for manufacture at one time for use by one printer or publisher.

(10) The term "manufacture" includes all making and finishing operations prior to packaging or packing.

(11) "Person" means any individual, partnership, association, or other form of enterprise, including within one "person" all affiliates, subsidiaries, individuals, corporations, partnerships, or other forms of enterprise subject to a common executive or operating management or with a common sales organization.

(b) *Identification of the papers subject to this schedule.* It shall be the duty of each person who manufactures paper to determine in the first instance, but subject to review and official classification by the Director General for Operations at any time thereafter, under which caption of the Appendix, if any, belongs each of the "book papers for use in book publishing" manufactured by him. There shall be taken into account in such determination, and in any review and reclassification by the Director General for Operations, the designation by which the manufacturer heretofore identified or distributed the paper in question, the common designation in the paper trade of similar papers selling within the same general price range as the paper in question, and the common designation in the paper trade of papers possessing the same general physical characteristics, manufactured by the same general processes, or commonly distributed and used for the same general uses as the paper in question. If a manufacturer is uncertain as to the proper caption under which to classify a particular kind of "book paper for use in book publishing", or whether a particular kind of paper is such a paper at all or belongs under any caption of the Appendix to this schedule, he may apply to the Director General for Operations, in writing, for an official classification of such paper, submitting with his application representative samples of the grade or grades in which he manufactures such paper, a full explanation of the processes by which he manufactures the same, the designation by which he has heretofore identified or distributed the same, the general uses for which it is intended, the general price range within which it is sold, and the types of papers with which it chiefly competes, and a full explanation of the reasons for his uncertainty. The Director General for Operations may on his own motion review a manufacturer's classification and substitute therefor an official classification. In any event, an official classification by the Director General for Operations by telegram or notice in writing sent to the manufacturer shall, unless and until the Director General for Operations shall amend or revise the same by telegram or notice in writing sent to the manufacturer, be conclusive.

(c) *Selection of grades for regular manufacture.* Each person who manufactures any kind of "book paper for use in book publishing" shall, with respect to each such kind he manufactures, select such "grade" or "grades" thereof, not to exceed the number specified in A (1) of the appropriate caption of the Appendix below, as he may desire to adopt for regular manufacture, and shall forthwith notify the Director General for Operations of such selection on Form PD–589. The manufacturer may thereafter apply to the Director General for Operations for leave to amend the original selection by dropping a "grade" or "grades" and substituting another or others, but unless and until such leave is granted by the Director General for Operations in writing the original selection shall be and remain binding.

(d) *Selection of colors for regular manufacture.* If by the terms of A (2) under the appropriate caption of the Appendix below a manufacturer is permitted, with respect to a particular grade of a kind of "book paper for use in book publishing," to select a number of colors, each person who manufactures such grade, if he desires to manufacture such grade in colors, shall immediately select therefor such particular colors, not to exceed the number indicated in A (2) of the appropriate caption, as he may desire to adopt for regular manufacture, and shall forthwith notify the Director General for Operations of such selection on Form PD–589. The manufacturer may thereafter apply to the Director General for Operations for leave to amend the original selection by dropping a color or colors and substituting another or others, but unless and until such leave is granted by the Director General for Operations in writing the original selection shall be and remain binding.

(e) *General limitations.* Except to the extent and upon the conditions indicated in paragraphs (f), (g), (h), and (i) of this revised schedule, or under B of the appropriate caption in the Appendix below, no person shall manufacture any kind of "book paper for use in book publishing" in any grade, color, basis weight or size other than those selected or specified as standard under A of the appropriate caption of the Appendix, or contrary to any other provision under A of the appropriate caption. However, any item the manufacture of which is permitted under Schedule I to Limitation Order L–120 may be manufactured for use in books and/or in publishing pamphlets for resale.

(f) *Tolerances and variations.* The prohibitions and restrictions of this revised schedule are subject to the normal tolerances customary in the manufacture of "book papers" and to the normal variations in quantity manufactured customarily acceptable in the paper trade. Nothing in this revised schedule shall restrict the remaking, because of faulty manufacture or excessive underrun, of all or any part of a "special making order" accepted in good faith for manufacture in accordance with the terms of this revised schedule.

(g) *Cutting and slitting.* Nothing in this revised schedule shall restrict the cutting of any sheet size to sizes of which the parent size is a multiple, provided the parent size is manufactured in accordance with the provisions of this revised schedule, nor restrict the slitting to fractional width rolls of any parent roll size manufactured in accordance with the provisions of this revised schedule on an order for roll paper; however, a special sheet size may not be cut from a standard or special roll size except in a quantity and under the conditions applying to a "special size" under B of the appropriate caption in the Appendix below.

(h) *Jobs and seconds.* Nothing in this revised schedule shall restrict the sale of "job lots" or "seconds," resulting from faulty manufacture or overruns customarily unacceptable to the buyer, which occur during a bona fide attempt to manufacture "book paper" according to the terms of this revised schedule, provided that the manufacturer clearly informs the purchaser that such paper is a "job lot" or "seconds" and so indicates on each package.

(i) *Exception for export.* Regardless of the foregoing provisions of this Revised Schedule and of the provisions of Limitation Order L–120, a person may manufacture for export (but may not without permission in writing by the Director General for Operations sell in the domestic market) any kind of "book paper for use in book publishing" in any size or basis weight required, regardless of quantity, provided all other provisions of this schedule are complied with.

(j) *Records and reports*—(1) *Standard samples.* Each person who manufactures any kind of "book paper for use, in book publishing" shall keep readily available for inspection by the War Production Board, representative samples of each standard grade and each standard color of such grade selected by him under A (1) and A (2) of the appropriate caption.

(2) *Special making orders.* On and after the effective date of this revised schedule, each person who manufactures any "special making order" permitted under B of the appropriate caption of the Appendix below shall require from the buyer a statement to the effect that such order is purchased for use by one printer or publisher, shall keep such statement, together with a complete record of such order, readily available for inspection by the War Production Board, and shall submit reports of such orders to the Director General for Operations as he may from time to time require.

(3) *Export orders.* On and after the effective date of this revised schedule, each person who manufactures "book paper for use in book publishing" for export shall require from the buyer a statement to the effect that such paper is purchased for export, shall keep such statement, together with a complete record of the order against which such paper is manufactured, readily available for inspection by the War Production Board, and shall submit reports of such orders to the Director General for Operations as he may from time to time require.

(4) *Buyer's statement of use.* On and after the effective date of this revised schedule, each manufacturer, before filling any order for "book paper for use in book publishing" manufactured after the effective date of this schedule, shall require from the buyer a statement that such order is for use in books or in publishing pamphlets for resale, and shall keep such statement, together with a complete record of such order, readily available for inspection by the War Production Board.

This revised schedule shall take effect five days after the date of issuance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 1 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of October 1942.

Ernest Kanzler,
Director General for Operations.

Appendix to Revised Schedule II to Limitation Order L–120

Standardization and Simplification of Book Paper for Use in Book Publishing

UNCOATED ENGLISH (MACHINE) FINISH BOOK PAPERS

(Excluding those with 25 percent or more Rag Content)

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than two, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: In the grades selected under A (1), White and India only.

(3) Standard Basis Weights (per 500 sheets 25'' x 38''): 30, 35, 40, 45, 50, 60.

(4) Standard Sizes (in inches):

Sheets: 38 x 50, 41 x 61, 44 x 66, 46 x 69.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either white or any one color, standard or special; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or white; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under Exceptions (1), (2) and (3) above.

(5) Basis Weights below 30 pound. No restriction on grade, basis weights or sizes in basis weights below 30 pound.

UNCOATED BOOK PAPERS, SUPERCALENDERED

(Excluding those with 25 per cent or more Rag Content)

A. *Grades, Colors, Weights and Sizes for regular manufacture:*

(1) Standard Grades: Not more than two, selected according to paragraph (c) of the foregoing schedule, provided they correspond to the two selected for Uncoated English (Machine) Finish Book Papers.

(2) Standard Colors: In the grades selected under A (1), White and India Only.

(3) Standard Basis Weights (per 500 sheets 25'' x 38''): 45, 50 and 60.

(4) Standard Sizes (in inches):

Sheets: 38 x 50, 41 x 61, 44 x 66, 46 x 69.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or white; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under Exceptions (1), (2) and (3) above.

ANTIQUE (EGGSHELL) BOOK PAPERS (INCLUDING HIGH BULK)

(Excluding those with 25 percent or more Rag Content)

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than two, selected according to paragraph (c) of the foregoing schedule, but only one may carry a watermark and/or a laid mark.

(A difference in bulk does not in itself constitute a difference in Grade.)

(2) Standard Colors: In the grades selected under A (1), White and India only.

(3) Standard Basis Weights (per 500 sheets 25'' x 38''): 40, 45, 50, 60 and 70.

(4) Standard Sizes (in inches):

Sheets: 38 x 50, 41 x 61, 44 x 66, 46 x 69.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "Special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either white or any one color, standard or special; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order provided that:

(a) The quantity of each special color is at least 20,000 pounds, in one grade; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or white; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under Exceptions (1), (2) and (3) above.

UNCOATED OFFSET BOOK PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than one, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: In the grade selected under A (1), White and India only.

(3) Standard Basis Weights (per 500 sheets 25'' x 38''): 50, 60, 70, 80 and 100.

(4) Standard Sizes (in inches):

Sheets: 38 x 50, 41 x 54, 44 x 64, 50 x 68¼.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

(5) Any fancy finish may be applied to any item conforming to the other conditions of this caption.

(6) No laid mark or other watermarks permitted.

(7) No supercalendered Offset Paper permitted.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or white; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under Exceptions (1), (2) and (3) above.

(5) Any fancy finish may be applied to any item conforming to the other conditions of this caption.

(6) A laid mark or other watermark may be incorporated in a special making order of 5,000 pounds or more of any item conforming to the other conditions of this caption.

(7) A Supercalendar Finish may be applied to fill a special making order for 2,000 pounds or more of any item conforming to the other conditions of this caption.

GLOSSY COATED TWO SIDES BOOK PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than one selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: In the grade selected under A (1), White, and Ivory and India only.

(3) Standard Basis Weights (per 500 sheets 25'' x 38''): 60, 70, 80 and 100.

(4) Standard Sizes (in inches):

Sheets:

38 x 50, 41 x 61, 44 x 66, 46 x 69.

Rolls:

Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under Exceptions (1), (2), and (3) above.

[F. R. Doc. 42–11006; Filed, October 29, 1942; 10:44 a. m.]

Part 1223—Standardization and Simplification of Paper

[Schedule III to Limitation Order L–120, as Amended and Revised October 29, 1942]

FINE WRITING PAPERS

Section 1223.4 *Schedule III to Limitation Order L–120* is hereby amended and revised to read as follows:

§ 1223.4 *Schedule III to Limitation Order L–120*—(a) *Definitions.* For the purpose of this schedule, including the Appendix:

(1) The term "fine writing papers" means and is limited to the kinds of paper commonly described and distributed in the paper trade by the names used as captions in the Appendix below.

(2) A "grade" means one particular quality within a kind of fine writing paper, such grade having the essential properties peculiar to such kind of paper and common to all grades within such kind, but distinguished from other such grades by a difference in the degree to which one or several of those common properties are emphasized. However, a difference in the degree to which any such property is emphasized, due only to a difference in ash content, in sizing, in the quantity of adhesive in the coating formula, or in the dyes used in the paper and/or coating shall not be considered as resulting in a different grade.

(3) "Color" means any hue of the spectrum, including but not limited to ivory, india and green-white tints, and black, but not including white.

(4) The term "substance weight" means the weight of a kind of "fine writing paper" in pounds per 500 sheets in the size indicated under the appropriate caption.

(5) An "item" means a quantity of paper all of which is of the same size, grain, substance weight, finish, color and grade.

(6) The term "standard" as applied to grade, color, substance weight, and size means, with respect to each manufacturer, a grade and color selected and a substance weight and size specified under A of the appropriate caption in the Appendix below.

(7) The term "special" as applied to grade, color, substance weight, and size means with respect to each manufacturer, any grade, color, substance weight or size that is not standard.

(8) The term "special making order" means a single order placed by a single buyer for manufacture at one time for use by one printer, converter or consumer.

(9) The term "manufacture" includes all making and finishing operations prior to packaging or packing.

(10) "Person" means any individual, partnership, association, or other form of enterprise, including within one "person" all affiliates, subsidiaries, individuals, corporations, partnerships, or other form of enterprise subject to a common executive or operating management or with a common sales organization.

(b) *Identification of the papers subject to this schedule.* It shall be the duty of each person who manufactures paper to determine in the first instance, but subject to review and official classification by the Director General for Operations at any time thereafter, under which caption of the Appendix, if any, belongs each of the "fine writing papers" manufactured by him. There shall be taken into account in such determination, and in any review and reclassification by the Director General for Operations, the designation by which the manufacturer heretofore identified or distributed the paper in question, the common designation in the paper trade of similar papers selling within the same general price range as the paper in question, and the common designation in the paper trade of papers possessing the same general physical characteristics, manufactured by the same general processes, or commonly distributed and used for the same general uses as the paper in question. If a manufacturer is uncertain as to the proper caption under which to classify a particular kind of "fine writing paper," or whether a particular kind of paper is such a paper at all or belongs under any caption of the Appendix to this schedule, he may apply to the Director General for Operations, in writing, for an official classification of such paper, submitting with his application representative samples of the grade or grades in which he manufactures such paper, a full explanation of the processes by which he manufactures the same, the designation by which he has heretofore identified or distributed the same, the general uses for which it is intended, the general price range within which it is sold, and the types of papers with which it chiefly competes, and a full explanation of the reasons for his uncertainty. The Director General for Operations may on his own motion review a manufacturer's classification and substitute therefor an official classification. In any event, an official classification by the Director General for Operations by telegram or notice in writing sent to the manufacturer shall, unless and until the Director General for Operations shall amend or revise the same by telegram or notice in writing sent to the manufacturer, be conclusive.

(c) *Selection of grades for regular manufacture.* Each person who manufactures any kind of "fine writing paper" shall with respect to each such kind he manufactures, select such "grade" or "grades" thereof, not to exceed the number specified in A (1) of the appropriate caption of the Appendix below, as he may desire to adopt for regular manufacture, and shall forthwith notify the Director General for Operations of such selection on Form PD–589. The manufacturer may thereafter apply to the Director General for Operations for leave to amend the original selection by dropping a "grade" or "grades" and substituting another or others, but unless and until such leave is granted by the Director General for Operations in writing the original selection shall be and remain binding. Each person who regularly manufactures any Extra 100 percent rag content grade of any kind of "fine writing paper" shall notify, as above, the Director General for Operations thereof on Form PD–589, stating in addition in what respect each such grade differs from his standard 100 percent rag grade, submitting with his statement representative samples of each such grade and a list of sizes, weights and colors regularly manufactured.

(d) *Selection of colors for regular manufacture.* If by the terms of A (2) under the appropriate caption of the Appendix below a manufacturer is permitted, with respect to a particular grade of a kind of "fine writing paper," to select a number of colors, each person who manufactures such grade, if he desires to manufacture such grade in colors, shall immediately select therefor such particular colors, not to exceed the number indicated in A (2) of the appropriate caption, as he may desire to adopt for regular manufacture, and shall forthwith notify the Director General for Operations of such selection, on Form PD–589. The manufacturer may thereafter apply to the Director General for Operations for leave to amend the original selection by dropping a color or colors and substituting another or others, but unless and until such leave is granted by the Director General for Operations in writing the original selection shall be and remain binding.

(e) *General limitations.* Except to the extent and upon the conditions indicated in paragraphs (f), (g), (h) and (i) of this revised schedule, or under B of the appropriate caption in the Appendix below, no person shall manufacture any kind of "fine writing paper" in any grade, color, substance weight or size other than those selected or specified as standard under A of the appropriate caption of the Appendix, or contrary to any other provision under A of the appropriate caption.

(f) *Tolerances and variations.* The prohibitions and restrictions of this revised schedule are subject to the normal tolerances customary in the manufacture of "fine writing papers" and to the normal variations in quantity manufactured customarily acceptable in the paper trade. Nothing in this revised schedule shall restrict the remaking, because of faulty manufacture or excessive underrun, of all or any part of a "special making order" accepted in good faith for manufacture in accordance with the terms of this revised schedule.

(g) *Cutting and slitting.* Nothing in this revised schedule shall restrict the cutting of any sheet size to sizes of which the parent size is a multiple, provided the parent size is manufactured in accordance with the provisions of this revised schedule, nor restrict the slitting to fractional width rolls of any parent roll size manufactured in accordance with the provisions of this revised schedule on an order for roll paper; however, a special sheet size may not be cut from a standard or special roll size except in a quantity and under the conditions applying to a "special size" under B of the appropriate caption in the Appendix below.

(h) *Jobs and seconds.* Nothing in this revised schedule shall restrict the sale of "job lots" or "seconds", resulting from faulty manufacture or overruns customarily unacceptable to the buyer, which occur during a bona-fide attempt to manufacture "fine writing paper" according to the terms of this revised schedule, provided that the manufacturer clearly informs the purchaser that such paper is a "job lot" or "seconds" and so indicates on each package.

(i) *Exception for export.* Regardless of the foregoing provisions of this revised schedule and of the provisions of Limitation Order L–120, a person may manufacture for export (but may not without permission in writing by the Director General for Operations sell in the domestic market) any kind of "fine writing paper" in any size or substance weight required, regardless of quantity, provided all other provisions of this schedule are complied with; and further, bonds, ledgers and writings may be manufactured with any percent of rag content specified by any foreign government to fill a special making order for such government.

(j) *Records and Reports*—(1) *Standard samples.* Each person who manufactures any kind of "fine writing paper" shall keep, readily available for inspection by the War Production Board, representative samples of each standard grade and each standard color of such grade selected by him under A (1) and A (2) of the appropriate caption.

(2) *Special making orders.* On and after the effective date of this revised schedule, each person who manufactures any "special making order" permitted under B of the appropriate caption of the Appendix below shall require from the buyer a statement to the effect that such order is purchased for use by one printer, converter or consumer, shall keep such statement, together with a complete record of such order, readily available for inspection by the War Production Board, and shall submit reports of such orders to the Director General for Operations as he may from time to time require.

(3) *Export orders.* On and after the effective date of this revised schedule, each person who manufactures "fine writing paper" for export shall require from the buyer a statement to the effect that such paper is purchased for export and, in the case of a foreign government that such paper is purchased for such government, shall keep such statement, together with a complete record of the order against which such paper is manufactured readily available for inspection by the War Production Board, and shall submit reports of such orders to the Director General for Operations as he may from time to time require.

This revised schedule shall take effect five days after the date of issuance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

APPENDIX TO REVISED SCHEDULE III TO LIMITATION ORDER L–120

FINE WRITING PAPERS

RAG CONTENT BOND PAPERS

A. *Grades, Colors, Weights and Sizes for regular manufacture:*

(1) Standard Grades: Any or all of the five following, selected in accordance with (c) of the foregoing Schedule:

25 percent rag content.
50 percent rag content.
75 percent rag content.
100 percent rag content.
Extra 100 percent rag content.

(2) Standard Colors: White, and Ivory and six other colors, selected according to paragraph (d) of the foregoing Schedule.

(3) Standard Weights (per 500 sheets 17″ x 22″); for 100% rag content: Substance weights 13, 16, 20 and 24; for all other grades: Substance weights 13, 16, 20; and, if for use as a protective paper or for checks, Substance weight 24, provided that, before the sale thereof, the manufacturer shall require from the buyer a statement that the order is for use as a protective paper or for checks. The manufacturer shall keep such statement, together with a complete record of the order, readily available for inspection by the War Production Board.

Substance weight 11 is a standard weight for all grades in the typewriter sizes indicated in A (4).

(4) Standard Sizes (in inches):

For White and Ivory

Sheets: 17 x 22, 17 x 28, 19 x 24, 22 x 34, 24 x 38, 28 x 34, 34 x 44.

Rolls: None permitted as standard.

For Other Colors

Sheets: 17 x 22, 17 x 28, 19 x 24, 22 x 34, 24 x 38, 28 x 34.

Rolls: None permitted as standard.

Typewriter sizes may be made, if no larger than 8½ x 14 and no smaller than 7¼ x 10½.

(5) Standard Watermarks: A laid mark, or any mill watermarks used to identify standard mill grades; none otherwise.

(6) No restriction as to finish.

(7) Extra 100 percent rag content: If selected, unrestricted in any respect, except for the report required by paragraph (c) of the foregoing schedule.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) Special Grades: A person may manufacture any grade listed in A (1) above, whether or not selected by him, in White or in any color and size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 5,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 5,000 pounds; and

(c) The quantity of each standard size is at least 1,000 pounds and the quantity of each special size is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 2,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any watermark or watermarks (name or design) is at least 2,000 pounds of a standard grade, standard color or White and standard weight, or in a special color in the quantity provided for under Exception (2) above; and

(b) The quantity of each standard sheet size is at least 1,000 pounds, and the quantity of each special sheet size is at least 2,000 pounds, or the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 2,000 pounds of continuous manufacture under one dandy roll without changing a mark.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a rag content bond paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or White, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

RAG CONTENT LEDGER PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than four of the following, selected according to Paragraph (c) of the foregoing Schedule:

25 percent rag content
50 percent rag content
75 percent rag content
85 percent rag content
100 percent rag content

and in addition to the four selected, Extra 100 percent rag content.

(2) Standard Colors: White and Blue, Buff and Green—White tint only.

(3) Standard Weights (per 500 sheets 17″ x 22″): for 100% rag content: Substance weights 24, 28, 32 and 36; for all other grades: Substance weights 24, 28 and 32.

(4) Standard Sizes (In inches):

White and Colors

Sheets: 17 x 22, 17 x 28, 19 x 24, 22½ x 22½, 22 x 34, 24 x 38, 28 x 34.

Rolls: None permitted as standard.

(5) Standard Watermarks: A laid mark, or any mill watermarks used to identify standard mill grades; none otherwise.

(6) No restriction as to finish.

(7) Extra 100 percent rag content: unrestricted in any respect, except for the report required by paragraph (c) of the foregoing schedule.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) Special Grades: A person may manufacture any grade listed in A (1) above, whether or not selected by him, in White or in any color and size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 5,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 5,000 pounds; and

(c) The quantity of each standard size is at least 1,000 pounds and the quantity of each special size is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 2,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any watermark or watermarks (name or design) is at least 2,000 pounds of a standard grade, standard color or White and standard weight, or in a special color in the quantity provided for under Exception (2) above; and

(b) The quantity of each standard sheet size is at least 1,000 pounds, and the quantity of each special sheet size is at least 2,000 pounds, or the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 2,000 pounds of continuous manufacture under one dandy roll without changing a mark.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Rag Content Ledger Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or White, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

RAG CONTENT LOOSE LEAF LEDGER PAPERS

(Including Machine Posting Ledger Papers)

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than four of the following, selected according to paragraph (c) of the foregoing schedule.

25 percent rag content
50 percent rag content
75 percent rag content
85 percent rag content
100 percent rag content

and in addition to the four selected, Extra 100 percent rag content.

(2) Standard Colors: White, and six colors, selected according to paragraph (d) of the foregoing Schedule.

(3) Standard Weights (per 500 sheets 17" x 22"): for 100% rag content: Substance weights 24, 28, 32 and 36; for all other grades: Substance weights 24, 28 and 32.

(4) Standard Sizes (in inches):

White and Colors

Sheets: 17½ x 22½, 19½ x 24½, 22½ x 22½, 22½ x 28½, 22½ x 35, 24½ x 24½, 24½ x 28½, 24½ x 39.

Rolls: None permitted as standard.

(5) Standard Watermarks: A laid mark, or any mill watermarks used to identify standard mill grades; none otherwise.

(6) No restriction as to finish.

(7) Extra 100 percent rag content: Unrestricted in any respect, except for the report required by paragraph (c) of the foregoing schedule.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) Special Grades: A person may manufacture any grade listed in A (1) above, whether or not selected by him, in White or in any color and size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that

(a) The quantity of each special color is at least 5,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 5,000 pounds; and

(c) The quantity of each standard size is at least 1,000 pounds and the quantity of each special size is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 2,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade standard color or White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that

(a) The quantity of paper made with any watermark or watermarks (name or design) is at least 2,000 pounds of a standard grade, standard color or White and standard weight, or in a special color in the quantity provided for under Exception (2) above; and

(b) The quantity of each standard sheet size is at least 1,000 pounds, and the quantity of each special sheet size is at least 2,000 pounds, or the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 2,000 pounds of continuous manufacture under one dandy roll without changing a mark.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Rag Content Loose Leaf Ledger Paper or Machine Posting Ledger Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or White, standard standard size, and in the quantities required ties required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

RAG CONTENT WRITING PAPERS

(Including Linens)

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than three, selected (by percentage of rag content) according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White, and ivory and three other colors selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 17" x 22"): Substance weights 20 and 24.

(4) Standard Sizes (in inches):

White and Colors

Sheets: 17 x 22, 17 x 28, 19 x 24, 22 x 34.

Rolls: None permitted as standard.

(5) Standard Watermarks: A laid mark, or any mill watermarks used to identify standard mill grades; none otherwise.

(6) No restriction as to finish.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 5,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 5,000 pounds; and

(c) The quantity of each standard size is at least 1,000 pounds and the quantity of each special size is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 2,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any watermark or watermarks (name or design) is at least 2,000 pounds of a standard grade, standard color or White and standard weight, or in a special color in the quantity provided for under Exception (2) above; and

(b) The quantity of each standard sheet size is at least 1,000 pounds, and the quantity of each special sheet size is at least 2,000 pounds, or the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 2,000 pounds of continuous manufacture under one dandy roll without changing a mark.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Rag Content Writing Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or White, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

RAG CONTENT ONION SKIN PAPERS

(Including Manifold Papers)

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Any or all of the three following, selected in accordance with (c) of the foregoing schedule.

25 percent rag content.
75 percent rag content (White only).
100 percent rag content.

(2) Standard Colors: White and six colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 17" x 22"): Substance Weights 7 to 9 inclusive.

(4) Standard Sizes (in inches):

For White

Sheets: 21 x 32, 22 x 34, 24 x 38, 26 x 34, 28 x 34.

Rolls: None permitted as standard.

For Colors

Sheets: 22 x 34, 24 x 38, 28 x 34.

Rolls: None permitted as standard.

Typewriter sizes may be made, if no larger than 8½ x 14 and no smaller than 7¼ x 10½.

5. Standard Watermarks: A laid mark, or any mill watermarks used to identify standard mill grades; none otherwise.

(6) No restriction as to finish.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) Special Grades: Any person may manufacture any grade listed in A (1) above, whether or not selected by him, and in addition 50 percent rag content, in White or in any color and size, to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 5,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 5,000 pounds; and

(c) The quantity of each item is at least 500 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 500 pounds of a sheet size or at least 500 pounds of a roll width:

(a) In a standard grade, standard color or White, standard weight and one finish; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any watermark or watermarks (name or design) is at least 1,000 pounds of a standard grade, standard color or White and standard weight, or in a special color in the quantity provided for under Exception (2) above; and

(b) The quantity of each item is at least 500 pounds; and

(c) There is at least 1,000 pounds of continuous manufacture under one dandy roll without changing a mark.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Rag Content Onion Skin Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or White, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

RAG CONTENT WEDDING PAPERS

(Including Wedding Bristols)

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than three, selected (by percentage of rag content) according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White, and Ivory only.

(3) Standard Weights (per 500 sheets): substance weights (17" x 22")—28, 32 and 36; substance weights (22½" x 28½")—120, 140 and 160.

Pasted weights may be supplied in multiples of standard weights.

(4) Standard Sizes (in inches):

For White

Sheets: 22 x 34, 22½ x 28½.

Rolls: None permitted as standard.

For Ivory

Sheets: 22 x 34.

Rolls: None permitted as standard.

(5) Standard Watermarks: A laid mark, or any mill watermarks used to identify standard mill grades; none otherwise.

(6) No restriction as to finish.

(7) Extra 100 percent rag content: If selected, unrestricted in any respect, except for the report required by paragraph (c) of the foregoing schedule.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 5,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 5,000 pounds; and

(c) The quantity of each standard size is at least 1,000 pounds and the quantity of each special size is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 2,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any watermark or watermarks (name or design) is at least 2,000 pounds of a standard grade, standard color or White and standard weight, or in a special color in the quantity provided for under Exception (2) above; and

(b) The quantity of each standard sheet size is at least 1,000 pounds, and the quantity of each special sheet size is at least 2,000 pounds, or the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 2,000 pounds of continuous manufacture under one dandy roll without changing a mark.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Rag Content Wedding Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or White, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

RAG CONTENT INDEX

A. *Grades, Colors, Weights and Sizes for regular manufacture:*

(1) Standard Grades: Not more than four of the following, selected according to paragraph (c) of the foregoing schedule.

25 percent rag content.
50 percent rag content.
75 percent rag content.
100 percent rag content.
Extra 100 percent rag content.

(2) Standard Colors: White, and six colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 25½" x 30½"): Substance weights 90, 110, 140 and 170.

(4) Standard Sizes (in inches):

White and Colors

Sheets: 20½ x 24¾, 25½ x 30½.

Rolls: None permitted as standard.

(5) No restrictions as to finish.

(6) Extra 100 percent rag content: If selected, unrestricted in any respect, except for the report required by paragraph (c) of the foregoing schedule.

B. *Exceptions for "Special Making Orders"* as defined in (a) (8) of the foregoing schedule:

(1) Special Grades: A person may manufacture any grade listed in A (1) above, whether or not selected by him, in White or in any color and size to fill a special making order for the United States Government, in a standard substance weight, or in substance weight 220 in a quantity of at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 5,000 pounds in one standard grade; and

(b) The quantity of each standard weight or substance weight 220 is at least 5,000 pounds; and

(c) The quantity of each standard size is at least 1,000 pounds in one standard grade; each special size is at least 2,000 pounds.

(3) Special Weights: Substance weight 220 may be manufactured to fill a special making order in a quantity of at least 5,000 pounds, in a standard grade, standard color or White or a special color, provided the quantity of each standard size is at least 1,000 pounds and the quantity of each special size is at least 2,000 pounds.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 2,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or white and standard weight; or

(b) In a special color, or in substance weight 220, in the quantities provided for under Exceptions (2) and (3) above.

BASE STOCK FOR BLUEPRINT AND DIRECT LINE PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Any or all of the four following, selected in accordance with (c) of the foregoing schedule.

100 percent rag content.,
50 percent rag content.
25 percent rag content.
No rag content.

(2) Standard Colors: No restrictions.

(3) Standard Weights (per 500 sheets 17" x 22"): 100 percent rag content: substance weights 17, 20½ and 24; for all other grades: substance weights 17 and 20½.

(4) Standard Sizes:

Rolls only: 24, 30, 36, 42, 48, and 54 inches wide.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) Special Grades: Variations only because of different treatment in the beater or on the paper machine, or the use of different non-fibrous materials shall not be considered as resulting in a different grade.

(2) No Special Weights permitted.

(3) Special Width Rolls may be manufactured to fill a special making order in a quantity of 10,000 pounds, in a standard grade, in one shade and standard weight.

BASE STOCK FOR NEGATIVE PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Only the one following, if selected in accordance with (c) of the foregoing schedule: 100 percent rag content.

(2) Standard Colors: No restrictions.

(3) Standard Weights (per 500 sheets 17" x 22"): Substance weight 14.

(4) Standard Sizes:

Rolls only: 24, 30, 36, 42, 48, and 54 inches wide.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) Special Grades: Variations only because of different treatment in the beater or on the paper machine, or the use of different non-fibrous materials shall not be considered as resulting in a different grade.

(2) No Special Weights permitted.

(3) Special Width Rolls may be manufactured to fill a special making order in a quantity of 10,000 pounds, in a standard grade, in one shade and standard weight.

RAG CONTENT ANTIQUE (MACHINE FINISH) COVER PAPERS

(Excluding Manuscript Covers)

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than two, selected (by percentage of rag content) acaccording to paragraph (d) of the foregoing schedule.

(2) Standard Colors: White, and six colors in addition to either Ivory or India; or five colors in addition to Ivory and India, selected according to paragraph (c) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 20" x 26"): Substance weights 50, 65, 80, and 130, and weights made by pasting any of these substances.

(4) *Standard Sizes* (in inches):

White and Colors

Sheets: 20 x 26, 23 x 35, 26 x 40.

Rolls: None permitted as standard.

(5) Any secondary finish may be applied to any item conforming to the other conditions of this caption.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 5,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 5,000 pounds; and

(c) The quantity of each standard size is at least 1,000 pounds and the quantity of each special size is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 2,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

CHEMICAL WOOD PULP ANTIQUE (MACHINE FINISH) COVER PAPERS

(Including Ground Wood Content Cover Papers but Excluding Manuscript Covers)

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades:

Chemical Wood Pulp: Not more than two;

Ground Wood Content: Not more than one;

selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White, and six colors in addition to either Ivory or India; or five colors in addition to Ivory and India; selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 20" x 26"):

Chemical Wood Pulp: Substance Weights 50, 65, 80 and 130, and weights made by pasting any of these substances.

Ground Wood Content: Substance Weights 40, 50, 65, 80 and 130, and weights made by pasting any of these substances.

(4) Standard Sizes (in inches):

White and Colors

Sheets: 20 x 26, 23 x 35, 26 x 40.

Rolls: None permitted as standard.

(5) Any secondary finish may be applied to any item conforming to the other conditions of this caption.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 5,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 5,000 pounds; and

(c) The quantity of each standard size is at least 1,000 pounds and the quantity of each special size is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 2,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

SPECIALTY COVER PAPERS

(Coated, Embossed or Decorative Specialty Covers, and including "S. and S. C. Cover")

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: With respect to each manufacturer, any grade or grades regularly stocked as an established cover line as of December 1, 1941, selected in accordance with paragraph (c) of the foregoing schedule.

(2) Standard Colors: White, and six colors in addition to Ivory or India or five colors in addition to Ivory and India, selected according to paragraph (c) of the foregoing schedule.

(3) Standard Weights: With respect to each manufacturer and each standard grade under A (1), any weight regularly stocked as of December 1, 1941, such weight or weights to be reported to the Director General for Operations, as standard for each such grade.

(4) Standard Sizes: With respect to each manufacturer and each standard grade under A (1), any size regularly stocked as of December 1, 1941, such size or sizes to be reported to the Director General for Operations, as standard for each such grade.

B. *Exceptions for "special making orders"* (as defined in (a) (viii) of the foregoing schedule):

(1) Any Grade of Specialty Cover Papers may be manufactured by any person to fill a special making order, provided that:

(a) The quantity of such grade is at least 5,000 pounds, all in either White or any one color and finish; and

(b) The quantity of each substance weight is at least 5,000 pounds; and

(c) The quantity of each item is at least 2,000 pounds; and

(d) Such person can show that such grade was manufactured by some person prior to December 1, 1941.

(2) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 2,000 pounds of an item in a standard grade, standard color or White and standard weight.

CHEMICAL WOOD PULP BOND PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture.*

(1) *Standard Grades:* Not more than three, selected according to paragraph (c) of the foregoing schedule.

(2) *Standard Colors:* White, and Ivory and six other colors, selected according to paragraph (d) of the foregoing schedule.

(3) *Standard Weights* (per 500 sheets 17"x 22"): Substance weights 13, 16 and 20; and, if for use as a protective paper or for checks, or for use on an addressing machine, substance weight 24, provided that before the sale thereof, the manufacturer shall require from the buyer a statement that the order is for use as a protective paper or for checks or for use on an addressing machine. The manufacturer shall keep such statement, together with a complete record of the order, readily available for inspection by the War Production Board.

(4) Standard Sizes (in inches):

For White and Ivory

Sheets: 17 x 22, 17 x 28, 19 x 24, 22 x 34, 24 x 38, 28 x 34, 34 x 44.

Rolls: None permitted as standard.

For Other Colors

Sheets: 17 x 22, 17 x 28, 19 x 24, 22 x 34, 24 x 38, 28 x 34.

Rolls: None permitted as standard.

Typewriter sizes may be made, if no larger than 8½ x 14 and no smaller than 7¼ x 10½.

(5) Standard Watermarks: A laid mark, or any mill watermarks used to identify standard mill grades; none otherwise.

(6) No restriction as to finish.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 10,000 pounds; and

(c) The quantity of each standard size is at least 2,000 pounds and the quantity of each special sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or white and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any one watermark (name or design) is at least 5,000 pounds of a standard grade, standard color or white and standard weight, or in a special color in the quantities provided for under Exception (2) above; and

(b) The quantity of each standard sheet size in white or a standard color is at least 1,000 pounds, and the quantity of each special sheet size is at least 5,000 pounds, and the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 5,000 pounds of continuous manufacture under one dandy roll.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Chemical Wood Pulp Bond Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or white, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

CHEMICAL WOOD PULP LEDGER PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than three, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White, and Buff and Green-White tint only.

(3) Standard Weights (per 500 sheets 17" x 22"): Substance Weights 24, 28 and 32.

(4) Standard Sizes (in inches):

White and Colors

Sheets: 17 x 22, 17 x 28, 19 x 24, 22 x 34, 24 x 38, 28 x 34, 22½ x 22½, 22½ x 34½, 24½ x 24½, 24½ x 39.

Rolls: None permitted as standard.

(5) Standard Watermarks: A laid mark, or any mill watermarks used to identify standard mill grades; none otherwise.

(6) No restriction as to finish.

B. *Exceptons for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) A Special Grade may be manufactured in white or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 10,000 pounds; and

(c) The quantity of each standard size is at least 2,000 pounds and the quantity of each special sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or at least 2,000 pounds of a roll width.

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any one watermark (name or design) is at least 5,000 pounds of a standard grade, standard color or White and standard weight, or in a special color in the quantities provided for under Exception (2) above; and

(b) The quantity of each standard sheet size in White or a standard color is at least 1,000 pounds, and the quantity of each special sheet size is at least 5,000 pounds, and the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 5,000 pounds of continuous manufacture under one dandy roll.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Chemical Wood Pulp Ledger Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or White, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

CHEMICAL WOOD PULP WRITING PAPERS
(Wove)

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than two, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White only.

(3) Standard Weights (per 500 sheets 17" x 22"): Substance weights 16 and 20; and, if for use as a protective paper or for checks, or for use on an addressing machine, substance weight 24, provided that, before the sale thereof, the manufacturer shall require from the buyer a statement that the order is for use as a protective paper or for checks or for use on an addressing machine. The manufacturer shall keep such statement, together with a complete record of the order, readily available for inspection by the War Production Board.

(4) Standard Sizes (in inches):

Sheets: 17 x 22, 17 x 28, 19 x 24, 22 x 34, 24 x 38, 28 x 34.

Rolls: None permitted as standard.

(5) Standard Watermarks: Any mill watermarks if used to identify standard mill grades; none otherwise.

(6) No restriction as to finish.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 10,000 pounds; and

(c) The quantity of each standard size is at least 2,000 pounds and the quantity of each special sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any one watermark (name or design) is at least 5,000 pounds of a standard grade, White and standard weight; or in a special color in the quantities provided for under Exception (2) above; and

(b) The quantity of each standard sheet size in White is at least 1,000 pounds, and the quantity of each special sheet size is at least 5,000 pounds, and the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 5,000 pounds of continuous manufacture under one dandy roll.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Chemical Wood Pulp Writing Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, White, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

REGISTER, CONTINUOUS FORM, AND SALES BOOK CHEMICAL WOOD PULP BOND PAPERS

A. *Grades, Colors, Weights and Sizes for regular manufacture and to be distributed only to fill a special making order or orders as defined in (a) (viii) in the foregoing schedule:*

(1) Standard Grades: Not more than one, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White and five colors selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 17" x 22"): Substance weights, 10, 12, 15 and 20.

(4) Standard Sizes: Any size, sheet or roll, if manufactured in a quantity of at least 5,000 pounds of a sheet item or 2,000 pounds of a roll item.

(5) Standard Watermarks: None permitted.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 10,000 pounds; and

(c) The quantity of each sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds

(3) No Special Weights permitted.

(4) Special Sizes: Only as permitted under A (4) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any one watermark (name or design) is at least 5,000 pounds of a standard grade, standard color or White and standard weight; or in a special color in the quantities provided for under Exception (2) above; and

(b) The quantity of each sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds.

CHEMICAL WOOD PULP MANIFOLD PAPERS

(Including Onion Skin Papers)

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than three, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White and six colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 17" x 22"): Substance weights 7 to 10 inclusive.

(4) Standard Sizes (in inches):

White

Sheets: 21 x 32, 22 x 34, 24 x 38, 26 x 34, 28 x 34.

Rolls: None permitted as standard.

Colors

Sheets: 22 x 34, 24 x 38, 28 x 34.

Rolls: None permitted at standard.

Typewriter sizes may be made, if no larger than 8½ x 14 and no smaller than 7¼ x 10½.

(5) Standard Watermarks: Any laid mark, or any mill watermarks used to identify standard mill grades; none otherwise.

(6) No restriction as to finish.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured. watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 5,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 5,000 pounds; and

(c) The quantity of each item is at least 1,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 1,000 pounds of a sheet size or at least 1,000 pounds of a roll width:

(a) In a standard grade, standard color or White, and standard weight and one finish; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any one watermark (name or design) is at least 2,000 pounds of a standard grade, standard color or White and standard weight; or in a special color in the quantities provided for under Exception (2) above; and

(b) The quantity of each item is at least 1,000 pounds; and

(c) There is at least 2,000 pounds of continuous manufacture under one dandy roll.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Chemical Wood Pulp Manifold Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or White, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

CHEMICAL WOOD PULP MIMEOGRAPH PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than two, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White, and six colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 17'' x 22''): Substance weights 16 and 20.

(4) Standard Sizes (in inches):

White and Colors

Sheets: 17 x 22, 17 x 28, 22 x 34, 28 x 34.

Rolls: None permitted as standard.

Typewriter sizes may be made, if no larger than 8½ x 14 and no smaller than 7¼ x 10½.

(5) Standard Watermarks: A laid mark, or any mill watermarks used to identify standard mill grades; none otherwise.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order for the United States Government in White or in any color or size, in any standard substance weight, or in substance weight 18 in a quantity of at least 10,000 pounds.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 10,000 pounds; and

(c) The quantity of each standard size is at least 2,000 pounds and the quantity of each special sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds in a standard weight; or, if in substance weight 18, the quantity of each item is at least 5,000 pounds.

(3) Special Weights: Substance weight 18 may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade and a standard color or White; or

(b) In a special color in the quantities provided for under Exception (2) above.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color or substance weight 18 in the quantities provided for under Exceptions (2) and (3) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any one watermark (name or design) is at least 5,000 pounds of a standard grade, standard color or White and standard weight, or in a special color in the quantities provided for under Exception (2) above; and

(b) The quantity of each standard sheet size in White or a standard color is at least 1,000 pounds, and the quantity of each special sheet size is at least 5,000 pounds, and the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 5,000 pounds of continuous manufacture under one dandy roll; or

(d) The quantity of paper made with any one watermark in substance weight 18 is at least 10,000 pounds, with at least 5,000 pounds of each item.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Chemical Wood Pulp Mimeograph Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or White, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

GELATIN AND SPIRIT PROCESSES

CHEMICAL AND WOOD PULP DUPLICATING PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Gelatin Process—Not more than two; Spirit Process—Not more than two; selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White, and six colors selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 17'' x 22''): For White: Substance weights 13, 16, and 20. For colors: Substance weights 16 and 20.

(4) Standard Sizes (in inches):

White and Colors

Sheets: 17 x 22, 17 x 28, 19 x 24, 22 x 34, 24 x 38, 28 x 34.

Rolls: None permitted as standard.

Typewriter sizes may be made, if no larger than 8½ x 14 and no smaller that 7¼ x 10½.

(5) Standard Watermarks: Any mill watermarks used to identify standard mill grades; none otherwise.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 10,000 pounds; and

(c) The quantity of each standard size is at least 2,000 pounds and the quantity of each special sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any one watermark (name or design) is at least 5,000 pounds of a standard grade, standard color or White and standard weight, or in a special color in the quantities provided for under Exception (2) above; and

(b) The quantity of each standard sheet size in White or a standard color is at least 1,000 pounds, and the quantity of each special sheet size is at least 5,000 pounds, and the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 5,000 pounds of continuous manufacture under one dandy roll.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of papers under this caption for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or White, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

CHEMICAL WOOD PULP OPAQUE CIRCULAR PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than one, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White only.

(3) Standard Weights (per 500 sheets 17'' x 22''): Substance weights 13, 16, 20 and 24.

(4) Standard Sizes (in inches):

Sheets: 17 x 22, 17 x 28, 22 x 34, 25 x 38, 28 x 34, 35 x 45, 38 x 50.

Rolls: None permitted as standard.

(5) Standard Watermarks: Any mill watermarks used to identify standard mill grades; none otherwise.

(6) No restriction as to finish.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 10,000 pounds; and

(c) The quantity of each standard size is at least 2,000 pounds and the quantity of each special sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any one watermark (name or design) is at least 5,000 pounds of a standard grade, White and a standard weight, or in a special color in the quantities provided for under Exception (2) above; and

(b) The quantity of each standard sheet size in White is at least 1,000 pounds, and the quantity of each special sheet size is at least 5,000 pounds, and the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 5,000 pounds of continuous manufacture under one dandy roll.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Chemical Wood Pulp Opaque Circular Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, White, standard weight and standard size, and in the quantities required above for a special watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

CHEMICAL WOOD PULP VELLUM AND WEDDING PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than two, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White, and Ivory, Granite and six other colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets in the size indicated): White, 22 x 34: 48, 56, 64 and 72; White, 35 x 45: 101 and 118; White, 22½ x 28½: 100, 120, 140, 160 and 180; Ivory and Granite, 22 x 34: 48, 56, 64 and 72; Ivory and Granite, 35 x 45: 118; Other colors, 22 x 34: 48 and 56; Other colors, 35 x 45: 118. Pasted weights may be supplied in multiples of standard weights.

(4) Standard Sizes (in inches):

White

Sheets: 22 x 34, 35 x 45, 22½ x 28½.

Rolls: None permitted as standard.

Colors

Sheets: 22 x 34, 35 x 45.

Rolls: None permitted as standard.

(5) Standard Watermarks: Any mill watermarks used to identify standard mill grades; none otherwise.

(6) Standard Finishes: Any vellum primary finish and any secondary finish; none otherwise.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 10,000 pounds; and

(c) The quantity of each standard size is at least 2,000 pounds and the quantity of each special sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any one watermark (name or design) is at least 5,000 pounds of a standard grade, standard color or White and standard weight; or in a special color in the quantities provided for under Exception (2) above; and

(b) The quantity of each standard sheet size in White or a standard color is at least 1,000 pounds, and the quantity of each special sheet size is at least 5,000 pounds, and the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 5,000 pounds of continuous manufacture under one dandy roll.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of Chemical Wood Pulp Vellum and Wedding Papers for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or White, standard weight and standard size, and in the quantities required above for a special watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

(6) Deckle Edges: Papers under this caption may be manufactured deckle edge to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or a roll width:

(a) In a standard grade, standard color or White, standard weight and a primary finish; or

(b) In a special color in a quantity of at least 20,000 pounds in one standard grade; provided that:

(i) the quantity of each standard weight is at least 10,000 pounds; and

(ii) the quantity of each item is at least 5,000 pounds.

CONVERTING GRADES OF CHEMICAL WOOD PULP PAPETERIE PAPERS

A. *Grades, Colors, Weights and Sizes for regular manufacture and to be distributed only to fill a special making order or orders as defined in (a) (8) of the foregoing schedule:*

(1) Standard Grades: Not more than three, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White, and Ivory and six other colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 17'' x 22''): White and Ivory: Substance weights: 16, 20, 24 and 28. Other Colors: Substance weights: 20, 24 and 28. Pasted weights may be supplied in multiples of standard weights.

(4) Standard Sizes: Any size, sheet or roll, if manufactured in a quantity of at least 5,000 pounds of a sheet item or 2,000 pounds of a roll item.

(5) Standard Watermarks: No laid or other watermark permitted.

(6) No restriction as to finish.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) A Special Grade may be manufactured in white or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 10,000 pounds; and

(c) The quantity of each sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) Special Sizes: Only as permitted under A (4) above.

(5) Any Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any one watermark (name or design) is at least 5,000 pounds of a standard grade, standard color or White and standard weight; or in a special color in the quantities provided for under Exception (2) above; and

(b) The quantity of each sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds.

(6) Deckle Edges: Papers under this caption may be manufactured deckle edge to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or a roll width:

(a) In a standard grade, standard color or white, standard weight and a primary finish; or

(b) In a special color in a quantity of at least 20,000 pounds in one standard grade; provided that

(i) The quantity of each standard weight is at least 10,000 pounds; and

(ii) The quantity of each item is at least 5,000 pounds.

CHEMICAL WOOD PULP INDEX BRISTOLS

A. *Grades, Colors, Weights and Sizes for regular manufacture:*

(1) Standard Grades: Not more than three, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White and six colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 25½'' x 30½''):

Substance weights 90, 110, 140 and 170.

(4) Standard Sizes (in inches):

White and Colors

Sheets: 20½ x 24¾, 22½ x 28½, 25½ x 30½.

Rolls: None permitted as standard.

(5) No restriction as to finish.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, in a standard substance weight, or in substance weight 220 in a quantity of at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight or substance weight 220 is at least 10,000 pounds; and

(c) The quantity of each standard size is at least 2,000 pounds and the quantity of each special sheet size is at least 5,000 pounds, and the quantity of each roll width is at least 2,000 pounds.

(3) Special Weights: Substance weight 220 may be manufactured to fill a special making order in a quantity of at least 5,000 pounds:

(a) In a standard grade and standard color or White and in at least 2,000 pounds of a standard sheet size, and in at least 5,000 pounds of a special sheet size or 2,000 pounds of a roll width; or

(b) In a quantity of at least 10,000 pounds in a special color in the quantities provided for under Exception (2) above.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color or in substance weight 220 in the quantities provided for under exceptions (2) and (3) above.

CHEMICAL WOOD PULP PRINTING BRISTOLS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than three, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White and six colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 22½'' x 28½''):

Substance weights 90, 100, 120, 140, and 160.

(4) Standard Sizes (in inches):

White and Colors

Sheets: 22½ x 28½.

Rolls: None permitted as standard.

(5) No restriction as to finish.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 10,000 pounds; and

(c) The quantity of each standard size is at least 2,000 pounds and the quantity of each special sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

GROUND WOOD CONTENT BOND PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than one, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White and six colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 17'' x 22''): Substance weights 16 and 20.

(4) Standard Sizes (in inches):

Sheets: 17 x 22, 17 x 28, 19 x 24, 22 x 34, 24 x 38, 28 x 34.

Rolls: None permitted as standard.

Typewriter sizes may be made, if no larger than 8½ x 14 and no smaller than 7¼ x 10½.

(5) Standard Watermarks: A laid mark, or any mill watermarks used to identify standard mill grades; none otherwise.

(6) No restrictions as to finish.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 10,000 pounds; and

(c) The quantity of each standard size is at least 2,000 pounds and the quantity of each special sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds.

(3) No Special Weights permitted.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color in the quantities provided for under Exception (2) above.

(5) A Special Watermark may be used in manufacturing a special making order provided that:

(a) The quantity of paper made with any one watermark (name or design) is at least 5,000 pounds of a standard grade, standard color or White and standard weight, or in a special color in the quantities provided for under Exception (2) above; and

(b) The quantity of each standard sheet size in White or a standard color is at least 1,000 pounds, and the quantity of each special sheet size is at least 5,000 pounds, and the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 5,000 pounds of continuous manufacture under one dandy roll.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Ground Wood Content Bond Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color, or White, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

GROUND WOOD CONTENT MIMEOGRAPH PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: No more than one, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White and six colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Weights (per 500 sheets 17'' x 22''): Substance weights 16 and 20.

(4) Standard Sizes (in inches):

Sheets: 17 x 22, 17 x 28, 22 x 34, 28 x 34.

Rolls: None permitted as standard.

Typewriter sizes may be made, if no larger than 8½ x 14 and no smaller than 7¼ x 10½.

(5) Standard Watermarks: A laid mark, or any mill watermarks used to identify standard mill grades; none otherwise.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order for the United States Government in White or in any color or size, in any standard substance weight, or in substance weight 18 in a quantity of at least 10,000 pounds.

(2) A Special Color may be manufactured, watermarked or unwatermarked, to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one standard grade; and

(b) The quantity of each standard weight is at least 10,000 pounds; and

(c) The quantity of each standard size is at least 2,000 pounds and the quantity of each special sheet size is at least 5,000 pounds and the quantity of each roll width is at least 2,000 pounds in a standard weight; or, if in substance weight 18, the quantity of each item is at least 5,000 pounds.

(3) Special Weights: Substance weight 18 may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade and a standard color or White; or

(b) In a special color in the quantities provided for under Exception (2) above.

(4) A Special Size, either sheet or roll, may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of a sheet size or at least 2,000 pounds of a roll width:

(a) In a standard grade, standard color or White and standard weight; or

(b) In a special color or substance weight 18 in the quantities provided for under Exceptions (2) and (3) above.

(5) A Special Watermark may be used in manufacturing a special making order, provided that:

(a) The quantity of paper made with any one watermark (name or design) is at least 5,000 pounds of a standard grade, standard color or White and standard weight, or in a special color in the quantities provided for under Exception (2) above; and

(b) The quantity of each standard sheet size in White or a standard color is at least 1,000 pounds, and the quantity of each special sheet size is at least 5,000 pounds, and the quantity of each roll width is at least 2,000 pounds; and

(c) There is at least 5,000 pounds of continuous manufacture under one dandy roll; or

(d) The quantity of paper made with any one watermark in substance weight 18 is at least 10,000 pounds, with at least 5,000 pounds of each item.

NOTE: The provisions applying to Special Watermarks shall not prevent the manufacture of a Ground Wood Content Mimeograph Paper for a merchant's stock with a mark used to identify a merchant's regular stock line, provided such paper is manufactured in a standard grade, standard color or White, standard weight and standard size, and in the quantities required above for a Special Watermark; otherwise such merchant watermarks are subject to the provisions applying to a Special Watermark.

[F. R. Doc. 42-11007; Filed, October 29, 1942; 10:46 a. m.]

PART 1223—STANDARDIZATION AND SIMPLIFICATION OF PAPER

[Schedule IV to Limitation Order L-120, as Amended and Revised October 29, 1942]

TABLET PAPER

Section 1223.5 *Schedule IV to Limitation Order L-120* is hereby amended and revised to read as follows:

§ 1223.5 *Schedule IV to Limitation Order L-120*—(a) *Definitions.* For the purposes of this schedule, including the Appendix:

(1) The term "tablet paper" means the kind of paper commonly described and distributed in the paper trade by the designation "tablet paper."

(2) A "grade" means one particular quality of "tablet paper", such grade having the essential properties peculiar to such kind of paper and common to all grades within such kind, but distinguished from other such grades by a difference in the degree to which one or several of those common properties are emphasized. However, a difference in the degree to which any such property is emphasized, due only to a difference in ash content, in sizing, or in the dyes used in the paper shall not be considered as resulting in a different grade.

(3) "Color" means any hue of the spectrum, including but not limited to ivory, india and green-white tints, and black, but not including white.

(4) The term "substance weight" means the weight in pounds per 500 sheets 17'' x 22''.

(5) An "item" means a quantity of paper all of which is of the same size, substance weight, grain, finish, color and grade.

(6) The term "standard" as applied to grade, color, substance weight, and size means, with respect to each manufacturer, a grade and color selected and a substance weight and size specified under A of the appropriate caption in the Appendix below.

(7) The term "special" as applied to grade, color, substance weight, and size means, with respect to each manufacturer, any grade, color, substance weight, or size that is not standard.

(8) The term "special making order" means a single order placed by a single buyer for manufacture at one time for use by one converter or consumer.

(9) The term "manufacture" includes all making and finishing operations prior to packaging or packing.

(10) "Person" means any individual, partnership, association, or other form of enterprise, including within one "person" all affiliates, subsidiaries, individuals, corporations, partnerships, or other forms of enterprise subject to a common executive or operating management, or with a common sales organization.

(b) *Identification of the papers subject to this schedule.* It shall be the duty of each person who manufactures paper to determine in the first instance, but subject to review and official classification by the Director General for Operations at any time thereafter, which papers manufactured by him belong under the caption "tablet paper" in the Appendix below. There shall be taken into account in such determination, and in any review and reclassification by the Director General for Operations, the designation by which the manufacturer heretofore identified or distributed the paper in question, the common designation in the paper trade of similar papers selling within the same general price range as the paper in question, and the common designation in the paper trade of papers possessing the same general physical characteristics, manufactured by the same general processes, or commonly distributed and used for the same general uses as the paper in question. If a manufacturer is uncertain as to whether or not a particular paper manufactured by him is such a paper, he may apply to the Director General for Operations, in writing, for an official classification of such paper, submitting with his application representative samples of the grade or grades in which he manufactures such paper, a full explanation of the processes by which he manufactures the same, the designation by which he has heretofore identified or distributed the same, the general uses for which it is intended, the general price range within which it is sold, and the types of papers with which it chiefly competes, and a full explanation of the reasons for his uncertainty. The Director General for Operations may on his own motion review a manufacturer's classification and substitute therefor an official classification. In any event, an official classification by the Director General for Operations, by telegram or notice in writing sent to the manufacturer shall, unless and until the Director General for Operations shall amend or revise the same by telegram or notice in writing sent to the manufacturer, be conclusive.

(c) *Selection of grades for regular manufacture.* Each person who manufactures "tablet paper" shall select such "grade" or "grades" thereof, not to exceed the number specified in A (1) of the Appendix below, as he may desire to adopt for regular manufacture, and shall forthwith notify the Director General for Operations of such selection on Form PD-589. The manufacturer may thereafter apply to the Director General for Operations for leave to amend the original selection by dropping a "grade" or "grades" and substituting another or others, but unless and until such leave is granted by the Director General for Operations in writing the original selection shall be and remain binding.

(d) *Selection of colors for regular manufacture.* If by the terms of A (2) of the Appendix below a manufacturer is permitted, with respect to a particular grade of "tablet paper", to select a number of colors, each person who manufactures such grade, if he desires to manufacture such grade in colors, shall immediately select therefor such particular colors, not to exceed the number indicated in A (2) of the Appendix, as he may desire to adopt for regular manufacture, and shall forthwith notify the Director General for Operations of such selection on Form PD-589. The manufacturer may thereafter apply to the Director General for Operations for leave to amend the original selection by dropping a color or colors and substituting another or others, but unless and until such leave is granted by the Director General for Operations in writing the original selection shall be and remain binding.

(e) *General limitations.* Except to the extent and upon the conditions indicated in paragraphs (f), (g), (h) and (i) of this revised schedule, or under B of the Appendix below, no person shall manufacture and no manufacturer shall sell "tablet paper" in any grade, color, substance weight or size other than those selected or specified as standard under A of the Appendix, or contrary to any other provision under A of the Appendix.

(f) *Tolerances and variations.* The prohibitions and restrictions of this revised schedule are subject to the normal tolerances customary in the manufacture of "tablet papers" and to the normal variations in quantity manufactured customarily acceptable in the paper trade. Nothing in this revised schedule shall restrict the remaking, because of faulty manufacture or excessive underrun, of all or any part of a "special making order" accepted in good faith for manufacture in accordance with the terms of this revised schedule.

(g) *Cutting and slitting.* Nothing in this revised schedule shall restrict the cutting of any sheet size to sizes of which the parent size is a multiple, provided the parent size is manufactured in accordance with the provisions of this revised schedule, nor restrict the slitting to fractional width rolls of any parent roll size manufactured in accordance with the provisions of this revised schedule on an order for roll paper; however, a special sheet size may not be cut from a standard or special roll size except in a quantity and under the conditions applying to a "special size" under B of the Appendix below.

(h) *Jobs and seconds.* Nothing in this revised schedule shall restrict the sale of "job lots" or "seconds", resulting from faulty manufacture of overruns customarily unacceptable to the buyer, which occur during a bona-fide attempt to manufacture "tablet paper" according to the terms of this revised schedule, provided that the manufacturer clearly informs the purchaser that such paper is a "job lot" or "seconds" and so indicates on each package.

(i) *Exception for export.* Regardless of the foregoing provisions of this revised schedule and of the provisions of Limitation Order L-120, a person may manufacture for export (but may not without permission in writing by the Director General for Operations sell in the domestic market) any grade of "tablet paper" in any size or substance weight required, regardless of quantity, provided all other provisions of this schedule are complied with.

(j) *Records and reports*—(1) *Standard samples.* Each person who manufactures any grade of "tablet paper" shall keep, readily available for inspection by the War Production Board, representative samples of each standard grade and each standard color of such grade selected by him under A (1) and A (2) of the Appendix below.

(2) *Special making orders.* On and after the effective date of this revised schedule, each person who manufactures any "special making order" permitted under B of the Appendix below shall require from the buyer a statement to the effect that such order is purchased for use by one converter or consumer, shall keep such statement, together with a complete record of such order, readily available for inspection by the War Production Board, and shall submit reports of such orders to the Director General for Operations as he may from time to time require.

(3) *Export orders.* On and after the effective date of this revised schedule, each person who manufactures "tablet paper" for export shall require from the buyer a statement to the effect that such paper is purchased for export, shall keep such statement, together with a complete record of the order against which such paper is manufactured, readily available for inspection by the War Production Board, and shall submit reports of such orders to the Director General for Operations as he may from time to time require.

This revised schedule shall take effect five days after the date of issuance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

APPENDIX TO REVISED SCHEDULE IV TO LIMITATION ORDER L–120

TABLET PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

NOTE: "Tablet Papers" may be sold by a manufacturer only to fill individual orders, each placed by a single buyer for use by one converter or consumer.

(1) Standard Grades: Not more than one, selected according to paragraph (c) of the foregoing schedule.

(2) Standard colors: White, and Canary and Green-White tint.

(3) Standard weights (per 500 sheets 17'' x 22''): Substances 16 and 20.

(4) Standard Sizes: Any sheet size or roll width, if manufactured at one time in a quantity of at least 5,000 pounds of a sheet item or at least 2,000 pounds of a roll item.

(5) Standard Watermarks: None permitted.

(6) No restrictions as to finish.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order provided that:

(a) The quantity of such special grade is at least 40,000 pounds all in either White or any one color, standard or special; and

(b) The quantity of each standard weight is at least 10,000 pounds and the quantity of each special weight is at least 40,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order provided that:

(a) The quantity of each such color is at least 20,000 pounds; and

(b) The quantity of each standard weight is at least 10,000 pounds and the quantity of each special weight is at least 40,000 pounds;

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Weight, if in Substance 14 or 18, may be manufactured to fill a special making order in a quantity of at least 40,000 pounds of each substance and at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or White; or in a special color in the quantities provided for under Exception (2) above.

(4) Special Size: Any size may be manufactured in the quantities provided for under A (4) above.

(5) Any watermark may be used in manufacturing a special making order in a quantity of at least 20,000 pounds of continuous manufacture with one mark, provided all the other provisions of this caption are complied with.

[F. R. Doc. 42–11008; Filed, October 29, 1942; 10:46 a. m.]

PART 1223—STANDARDIZATION AND SIMPLIFICATION OF PAPER

[Schedule V to Limitation Order L–120, as Amended and Revised October 29, 1942]

ENVELOPE PAPERS

Section 1223.6 (*Schedule V to Limitation Order L–120*) is hereby amended and revised to read as follows:

§ 1223.6 *Schedule V to Limitation Order L–120*—(a) *Definitions.* For the purpose of this schedule, including the Appendix:

(1) The term "envelope papers" means and is limited to the kinds of paper commonly described and distributed in the paper trade by the names used as captions in the Appendix below.

(2) A "grade" means one particular quality within a kind of envelope paper, such grade having the essential properties peculiar to such kind of paper and common to all grades within such kind, but distinguished from other such grades by a difference in the degree to which one or several of those common properties are emphasized. However, a difference in the degree to which any such property is emphasized, due only to a difference in ash content, in sizing, in the quantity of adhesive in the coating formula, or in the dyes used in the paper and/or coating shall not be considered as resulting in a different grade.

(3) "Color" means any hue of the spectrum, including but not limited to ivory, india and green-white tints, and black, but not including white.

(4) The term "substance weight" means the weight of a kind of "envelope paper" in pounds per 500 sheets in the size indicated under the appropriate caption.

(5) An "item" means a quantity of paper all of which is of the same size, grain, substance weight, finish, color and grade.

(6) The term "standard" as applied to grade, color, substance weight, and size means, with respect to each manufacturer, a grade and color selected and a substance weight and size specified under A of the appropriate caption in the Appendix below.

(7) The term "special" as applied to grade, color, substance weight, and size means, with respect to each manufacturer, any grade, color, substance weight or size that is not standard.

(8) The term "special making order" means a single order placed by a single buyer for manufacture at one time for use by one converter or consumer.

(9) The term "manufacture" includes all making and finishing operations prior to packaging or packing.

(10) "Person" means any individual, partnership, association, or other form of enterprise, including within one "person" all affiliates, subsidiaries, individuals, corporations, partnerships, or other forms of enterprise subject to a common executive or operating management or with a common sales organization.

(b) *Identification of the papers subject to this schedule.* It shall be the duty of each person who manufactures paper to determine in the first instance, but subject to review and official classification by the Director General for Operations at any time thereafter, under which caption, if any, of the Appendix, belongs each of the "envelope papers" manufactured by him. There shall be taken into account in such determination, and in any review and reclassification by the Director General for Operations, the designation by which the manufacturer heretofore identified or distributed the paper in question, the common designation in the paper trade of similar papers selling within the same general price range as the paper in question, and the common designation in the paper trade of papers possessing the same general physical characteristics, manufactured by the same general processes, or commonly distributed and used for the same general uses as the paper in question. If a manufacturer is uncertain as to the proper caption under which to classify a particular kind of "envelope paper," or whether a particular kind of paper is such a paper at all or belongs under any caption of the Appendix to this schedule, he may apply to the Director General for Operations, in writing, for an official classification of such paper, submitting with his application representative samples of the grade or grades in which he manufactures such paper, a full explanation of the processes by which he manufactures the same, the designation by which he has heretofore identified or distributed the same, the general uses for which it is intended, the general price range within which it is sold, and the types of papers with which it chiefly competes, and a full explanation of the reasons for his uncertainty. The Director General for Operations may on his own motion review a manufacturer's classification and substitute therefor an official classification. In any event, an official classification by the Director General for Operations, by telegram or notice in writing, sent to the manufacturer, shall, unless and until the Director General for Operations shall amend or revise the same by telegram or notice in writing sent to the manufacturer, be conclusive.

(c) *Selection of grades for regular manufacture.* Each person who manufactures any kind of "envelope paper" shall, with respect to each such kind he manufactures, select such "grade" or "grades" thereof, not to exceed the number specified in A (1) of the appropriate caption of the Appendix below, as he may desire to adopt for regular manufacture, and shall forthwith notify the Director General for Operations of such selection, on Form PD–589. The manufacturer may thereafter apply to the Director General for Operations for leave to amend the original selection by dropping a "grade" or "grades" and substituting another or others, but unless and until such leave is granted by the Director General for Operations in writing the original selection shall be and remain binding.

(d) *Selection of colors for regular manufacture.* If by the terms of A (2) under the appropriate caption of the Appendix below a manufacturer is permitted, with respect to a particular grade of a kind of "envelope paper," to select a number of colors, each person who manufactures such grade, if he desires to manufacture such grade in colors, shall immediately select therefor such particular colors, not to exceed the number indicated in A (2) of the appropriate caption, as he may desire to adopt for regular manufacture, and shall forthwith notify the Director General for Operations of such selection on Form PD–589. The manufacturer may thereafter apply to the Director General for Operations for leave to amend the original selection by dropping a color or colors and substituting another or others, but unless and until such leave is granted by the Director General for Operations in writing the original selection shall be and remain binding.

(e) *General limitations.* Except to the extent and upon the conditions indicated in paragraphs (f), (g), (h) and (i) of this revised schedule, or under B of the appropriate caption in the Appendix below, no person shall manufacture and no manufacturer shall sell any kind of "envelope paper" in any grade, color, substance weight or size other than those selected or specified as standard under A of the appropriate caption of the Appendix, or contrary to any other provision under A of the appropriate caption.

(f) *Tolerances and variations.* The prohibitions and restrictions of this revised schedule are subject to the normal tolerances customary in the manufacture of "envelope paper" and to the normal variations in quantity manufactured customarily acceptable in the paper trade. Nothing in this revised schedule shall restrict the remaking, because of faulty manufacture or excessive underrun, of all or any part of a "special making order" accepted in good faith for manufacture in accordance with the terms of this revised schedule.

(g) *Cutting and slitting.* Nothing in this revised schedule shall restrict the cutting of any sheet size to sizes of which the parent size is a multiple, provided the parent size is manufactured in accordance with the provisions of this revised schedule, nor restrict the slitting to fractional width rolls of any parent roll size manufactured in accordance with the provisions of this revised schedule on an order for roll paper; however, a special sheet size may not be cut from a standard or special roll size except in a quantity and under the conditions applying to a "special size" under B of the appropriate caption in the Appendix below.

(h) *Jobs and seconds.* Nothing in this revised schedule shall restrict the sale of "job lots" or "seconds," resulting from faulty manufacture or overruns customarily unacceptable to the buyer, which occur during a bona-fide attempt to manufacture "envelope paper" according to the terms of this revised schedule, provided that the manufacturer informs the purchaser that such paper is a "job lot" or "seconds," and so indicates on each package.

(i) *Exception for export.* Regardless of the foregoing provisions of this revised schedule and of the provisions of Limitation Order L–120, a person may manufacture for export (but may not without permission in writing by the Director General for Operations sell in the domestic market) any kind of "envelope paper" in any size or substance weight required, regardless of quantity, provided all other provisions of this schedule are complied with.

(j) *Records and reports*—(1) *Standard samples.* Each person who manufactures any kind of "envelope paper" shall keep, readily available for inspection by the War Production Board, representative samples of each standard grade and each standard color of such grade selected by him under A (1) and A (2) of the appropriate caption.

(2) *Special making orders.* On and after the effective date of this revised schedule, each person who manufactures any "special making order" permitted under B of the appropriate caption of the Appendix below, shall require from the buyer a statement to the effect that such order is purchased for use by one converter or consumer, shall keep such statement, together with a complete record of such order, readily available for inspection by the War Production Board, and shall submit reports of such orders to the Director General for Operations as he may from time to time require.

(3) *Export orders.* On and after the effective date of this revised schedule, each person who manufactures "envelope paper" for export shall require from the buyer a statement to the effect that such paper is purchased for export and shall keep such statement, together with a complete record of the order against which such paper is manufactured, readily available for inspection by the War Production Board, and shall submit reports of such orders to the Director General for Operations as he may from time to time require.

This revised schedule shall take effect five days after the date of issuance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

APPENDIX TO REVISED SCHEDULE V TO LIMITATION ORDER L–120

COMMERCIAL WOOD ENVELOPE PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

NOTE: "Commercial Wood Envelope Papers" may be sold by a manufacturer only to fill individual orders, each placed by a single buyer for use by one converter or consumer.

(1) Standard Grades: Not more than one, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White and 6 colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Substance Weights (per 500 sheets 17'' x 22''): 16, 20, 24, and 28.

(4) Standard Sizes: Any sheet size or roll width, if manufactured at one time in a quantity of

(a) at least 5,000 pounds of an item in White; or

(b) at least 2,000 pounds of an item in a color.

(5) Watermarks: A laid mark, or a name or design mark used to identify a standard mill grade, may be incorporated in a continuous run of at least 5,000 pounds of paper under one mark. None otherwise.

(6) No restriction as to finish.

B. *Exceptions for "special making orders"* as defined in (a) (8) of the foregoing schedule:

(1) A Special Grade may be manufactured in White or in any color or size to fill a special making order for the United States Government, provided the substance weight is standard.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each standard substance weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) Special Weight: None permitted.

(4) Special Size: Any size may be manufactured in the quantities provided for under A (4) above.

(5) Any Watermark may be used in manufacturing a special making order in a quantity of at least 10,000 pounds of continuous manufacture with one mark, provided all the other provisions of this caption are complied with.

[F. R. Doc. 42–11009; Filed, October 29, 1942; 10:47 a. m.]

PART 1262—HAND SERVICE TOOLS

[General Preference Order E–6, Amendment 3]

Section 1262.1 *General Preference Order E–6* [1] is hereby amended as follows:

1. Paragraph (b) is hereby amended to read as follows:

(b) *Restrictions on use of steel for the manufacture of hand service tools.* No producer shall manufacture any hand service tools out of any alloy steels except those which are in the series specified in Exhibit B to this order, or except pursuant to specific permission of the Director General for Operations: *Provided, however,* that any alloy steel in a series which is not listed in Exhibit B but which has been received by the producer for use in the manufacture of hand service tools before the first day of November 1942 may be so used by him.

2. Exhibit A is hereby amended to read as follows:

EXHIBIT A TO GENERAL PREFERENCE ORDER E–6

Metalworking chisels
Metal cutting files
Machinists' ball pein hammers
Metal cutting snips and shears
Pliers, all types
Metalworking punches
Screw drivers, all types
Wrenches, all types

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11012; Filed, October 29, 1942; 10:45 a. m.]

PART 3116—DOUGLAS FIR LUMBER

[Limitation Order L–218, Amendment 1]

Subparagraph (1) of paragraph (b) of § 3116.1 *Limitation Order L–218* [2] is hereby amended to read as follows:

(1) Any producer may sell, ship or deliver (either directly or through one or more intervening persons) any Douglas

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[1] 7 F.R. 4452, 4778, 8185.

[2] 7 F.R. 8549.

fir lumber to or for the account of the Procuring Agency or to or for the account of any contractor or other person designated by such agency; but only if there is endorsed on the purchase order or contract for such lumber a statement in substantially the following form, signed by the purchaser or by a responsible official duly designated for such purpose by the purchaser:

All Douglas fir lumber covered by this purchase order (or contract) is to be sold, shipped or delivered to, or received by, the Procuring Agency or a contractor or other person designated by such agency, as required by Limitation Order L-218, with the terms of which I am familiar.

------------------------------ Purchaser

By ------------------------------ Title or rank

Date ------------

Provided, however, That when a producer has received written directions from the Procuring Agency to sell, ship or deliver Douglas fir lumber to any contractor or other person designated by such Procuring Agency, such producer may comply with such directions and no such endorsed purchase order or contract shall be required from such contractor or other person.

Each endorsement made under the provisions of this order shall constitute a representation to the producer and to the War Production Board that the Douglas fir lumber referred to therein will be sold, shipped, delivered, or received in accordance with such endorsement.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11011; Filed, October 29, 1942; 10:47 a. m.]

Chapter XI—Office of Price Administration

PART 1300—PROCEDURE

[Procedural Reg. 9]

UNIFORM APPEAL PROCEDURE UNDER RATION ORDERS

Pursuant to the authority conferred upon the Administrator by Executive Order 9125 and by War Production Board Directive No. 1, the following rules are hereby prescribed for the institution and disposition of appeals and petitions for review under ration orders.

AUTHORITY: §§ 1300.601 to 1300.609, inclusive, issued under Pub. Law 507, 77th Cong., WPB Directive No. 1, 7 F.R. 562; E.O. 9125, 7 F.R. 2719.

§ 1300.601 *Scope of regulations.* The purpose of this Procedural Regulation is to establish a uniform appeals procedure for ration orders. It shall apply to all cases where there exists a right of appeal from action taken under a ration order, except to the extent that such ration order shall otherwise expressly provide.

§ 1300.602 *Definitions.* When used in this regulation:

(a) "Board" means a Local War Price and Rationing Board established by the Office of Price Administration.

(b) "Ration order" means a present or future order, regulation and any amendment thereto by which rationing control is exercised by the Office of Price Administration.

(c) "Regional Administrator" means the person who holds the office of regional administrator in the region.

(d) "State Director" means the person who holds the office of state director in the state. In those states where it is appropriate, the term shall mean the State Rationing Administrator.

(e) "Washington Office" means the Office of Price Administration in Washington, D. C.

§ 1300.603 *Time within which appeal must be brought.* Notice of a Board's action shall be given, either at the Board's office or by mailing, to the person who has the right of appeal or to his agent. The appeal must be brought within 30 days after such mailing or the giving of such other notice.

§ 1300.604 *Appeals to State Director; how brought.* Appeals from the action of a Board shall be to the State Director and shall be brought by the person entitled to bring such appeal, in the following manner:

(a) A statement of appeal shall be filed in duplicate with the Board. The statement of appeal shall be on OPA Form R-122, shall state the basis for the appeal, setting forth the specific section or sections of the ration order claimed to be inconsistent with the action appealed from, and any other facts called for by the form, or deemed by the appellant to be pertinent. The statement of appeal may be accompanied by documentary evidence supporting the appeal.

(b) Within five days of such filing, the Board shall forward one copy of the statement and an explanation of its reasons for taking the action appealed from, together with all pertinent records or papers, to the State Director, unless the Board shall, within such five-day period, upon reconsideration, reverse the action appealed from. If the Board disagrees with the version of the facts contained in the appellant's statement of appeal or in other papers in the record, the Board shall note the respects in which its version of the facts differs.

(c) The Board shall retain the other copy of the statement of appeal and shall keep a record thereon showing the date on which the Board notified the appellant of the action appealed from, the date on which the statement of appeal was filed, and the date the statement of appeal and other papers were sent to the State Director.

§ 1300.605 *Action by State Director.* (a) The State Director shall maintain an appeals docket. He shall assign a number to each appeal when it reaches him, and shall enter such number, together with the name of the appellant and the name and number of the Board from whose action the appeal is taken, the action taken on appeal, and the date on which a copy of his decision was mailed to the appellant.

(b) The State Director may require the appellant to present additional pertinent information.

(c) The State Director may, at the request of the appellant, order that a hearing be held on the appeal. Such hearing shall be held in accordance with §§ 1300.152 to 1300.155 inclusive, of Temporary Procedural Regulation No. 4.

(d) Appeals shall be decided by the State Director, who may affirm, modify or reverse the action of the Board. The decision shall be in writing and one copy shall be mailed to the appellant and one to the Board. The decision shall direct the Board to take such action as may be necessary to give effect thereto.

(e) If no statement of appeal to the Regional Administrator is filed with the State Director within 30 days after the appellant has been notified of the State Director's decision, the record shall be closed and thereafter there shall be no further right of appeal. The record shall remain on file in the State Director's office, except that documents which are necessary to present or future action of the Board shall be returned to the Board.

§ 1300.606 *Appeals to Regional Administrator; how brought.* An appeal to the Regional Administrator may be made in the following manner from an adverse decision of the State Director, whether such decision is in a matter which came before the State Director on appeal or in a matter which came before him for original decision:

(a) A statement of appeal shall be filed in duplicate with the State Director, who shall retain one copy for his files. The statement of appeal shall be on OPA Form R-122, shall state the basis for the appeal, setting forth the specific section or sections of the ration order claimed to be inconsistent with the decision appealed from, and any other facts called for by the form, or deemed by the appellant to be pertinent. The statement of appeal may be accompanied by documentary evidence supporting the appeal.

(b) Within five days of such filing, the State Director shall forward the other copy, together with his decision and all other pertinent records or papers, to the Regional Administrator, unless the State Director shall, within such five-day period, upon reconsideration, reverse his decision.

§ 1300.607 *Action by Regional Administrator.* (a) The Regional Administrator shall maintain an appeals docket and shall assign a number to each appeal when it reaches him, and shall enter such number, together with the name of the appellant, the name of the State Director, the name and number of the Board, the action taken by the Regional Administrator, and the date on which a copy of the Regional Administrator's decision was mailed to the appellant.

(b) The Regional Administrator may require the appellant to present additional pertinent information.

(c) Appeals to the Regional Admintrator shall be decided by the Regional Administrator who may affirm, modify or reverse the decision of the State Director. The decision shall be in writing and copies shall be mailed to the appellant, the Board, if an action of the Board is involved, and to the State Director, respectively. The decision shall direct the Board or the State Director to take such action as may be necessary to give effect thereto.

(d) If no statement of appeal to the Washington Office is filed with the Regional Administrator within 30 days after the appellant has been notified of the Regional Administrator's decision, the record shall be closed and shall be returned to the State Director's office, where it shall remain on file, except that documents which are necessary to present or future action of the Board shall be returned to the Board. Thereafter there shall be no further right of appeal.

§ 1300.608 *Appeal to Washington Office; how brought.* An appeal to the Washington Office may be made in the following manner from an adverse decision of the Regional Administrator, whether such decision is in a matter which came before the Regional Administrator, on appeal or in a matter which came before him for original decision:

(a) A statement of appeal shall be filed in duplicate with the Regional Administrator, who shall retain one copy for his files. The statement of appeal shall be on OPA Form R-122, shall state the basis for the appeal, setting forth the specific section or sections of the ration order claimed to be inconsistent with the decision appealed from, and any other facts called for by the form, or deemed by the appellant to be pertinent. The statement of appeal may be accompanied by documentary evidence supporting the appeal.

(b) Within five days of such filing, the Regional Administrator shall forward the other copy, together with his decision and all other pertinent records or papers, to the Washington Office, unless the Regional Administrator shall, within such five-day period, upon reconsideration, reverse his decision.

(c) It shall be within the discretion of the Washington Office to pass upon or to refuse to pass upon an appeal. In either event, the Washington Office may require the appellant to furnish additional pertinent information.

(d) The Washington Office shall notify the appellant, the Regional Administrator, the State Director, and the Board, in writing, either:

(1) Of its refusal to pass upon the appeal, or

(2) Of its decision affirming, modifying or reversing the decision of the Regional Administrator. It shall, in such event, direct the Board, State Director, or Regional Administrator to take such action as may be necessary to give effect thereto.

(e) When the Washington Office has acted upon the appeal or has refused to act upon it, the record of the case shall be returned to the office of the State Director where it is to be filed, except that documents which are necessary to present or future action of the Board shall be returned to the Board. Thereafter there shall be no further right of appeal.

§ 1300.609 *Effective date of Procedural Regulation No. 9.* Procedural Regulation No. 9 (§§ 1300.601 to 1300.609, inclusive) shall become effective November 9, 1942.

Issued this 28th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10983; Filed, October 28, 1942; 3:15 p. m.]

PART 1305—ADMINISTRATION

[General Order 3,[1] Amendment 1]

DELEGATION TO REGIONAL ADMINISTRATORS OF AUTHORITY TO SEND LICENSING WARNING NOTICES

Paragraph (a) of § 1305.13 is hereby amended to read as set forth below:

§ 1305.13 *Order delegating to Regional Administrators authority to send licensing warning notices.* (a) The functions, duties, powers, authority and discretion conferred upon the Price Administrator by section 205 (f) of the Emergency Price Control Act of 1942 shall be exercised by the Price Administrator through the several Regional Administrators of the Office of Price Administration, to the following extent:

(1) Each of the several Regional Administrators of the Office of Price Administration is authorized, within his region, to send a warning notice by registered mail to any person who, in the judgment of such Regional Administrator, has violated any of the provisions of a license issued under section 205 (f) of the Emergency Price Control Act of 1942, or has violated any of the provisions of any regulation, order, or requirement under section 2 or section 202 (b) of said Act, or any of the provisions of any price schedule effective in accordance with the provisions of section 206 of said Act, which is applicable to such person.

(2) The Regional Administrator of the Ninth Region may authorize the Director for Puerto Rico, the Director for the Virgin Islands, the Director for Alaska, and the Director for Hawaii, or any of them, to exercise, within Puerto Rico, the Virgin Islands, Alaska, and Hawaii, respectively, any of the authority conferred upon him by paragraph (a) (1) of this General Order No. 3.

(3) Any warning notice sent by any Regional Administrator pursuant to the authority conferred by this General Order No. 3, or sent by one of the several Directors for Puerto Rico, the Virgin Islands, Alaska, and Hawaii pursuant to authority conferred by the Regional Administrator of the Ninth Region under paragraph (a) (2) of this order, shall have the same force and effect as if sent by the Price Administrator.

(b) * * *

(1) This Amendment No. 1 (§ 1305.13 (a)) to General Order No. 3 shall become effective this 3d day of November 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10970; Filed, October 28, 1942; 12:22 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 131,[1] Amendment 1]

CAMELBACK

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) (2) in § 1315.1308 is amended; paragraph (a) (1) in § 1315.1310 is amended by adding at the end thereof, immediately following the table, a new sentence; and a new § 1315.1309a is added, as set forth below:

§ 1315.1308 *Definitions.* (a) * * *

(2) "Camelback" means any capping stock or retreading material, including base stock and lug stock, of a grade set forth in § 1315.1310, *Appendix A*, manufactured for use in the recapping or retreading of rubber tires.

* * * * *

§ 1315.1310 *Appendix A: Maximum prices for camelback.*

(a) (1) * * *

* * * *Provided,* That the maximum price for the Grade C camelback which is produced by the Denman Tire and Rubber Company of Warren, Ohio, for the Webster Rubber Company of Warren, Ohio, and which is predesigned for use with the open steam method of retreading or recapping by cutting a non-skid pattern therein, shall be 31¢ per pound.

§ 1315.1309a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1315.1308 (a) (2), 1315.1310 (a) (1), 1315.1309a) to Maximum Price Regulation No. 131 shall become effective November 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 28th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10971; Filed, October 28, 1942; 12:22 p. m.]

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[1] 7 F.R. 5480.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3160.

PART 1341—CANNED AND PRESERVED FOODS

[MPR 226,[1] Correction]

FRUIT PRESERVES, JAMS AND JELLIES

Section 1341.302 (b) (8) is corrected by deleting the words "the raw agricultural commodity" and substituting the word "fruit" and by deleting the words "raw materials" and substituting the word "fruit".

Section 1341.312 is corrected by deleting the figures "§ 1341.316 (b)" and substituting the figures "§ 1341.315 (b)".

Section 1341.314 (a) (3) is corrected by adding the word "Food" after the word "Federal" to make it read "Federal Food Drug and Cosmetic Act of 1938".

A new § 1341.317 is added as set forth below.

§ 1341.317 *Effective dates of amendments.* (a) Correction (§§ 1341.302 (b) (8), 1341.312, 1341.314 (a) (3) and 1341.317) to Maximum Price Regulation No. 226 shall become effective November 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 28th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10968; Filed, October 28, 1942; 12:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp Reg. 1, Amendment 34]

DRIED APPLE POMACE

General Maximum Price Regulation[2]—Amendment No. 34 to Supplementary Regulation No. 1.[3]

A statement of considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

In § 1499.26, subparagraph (37) is added to paragraph (a) and subdivision (xii) is added to paragraph (d), as set forth below:

§ 1499.26 *Exceptions for certain commodities, certain sales and deliveries.* (a) General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities: * * *

(37) Dried apple pomace.

* * * * *

(d) *Definitions.* (1) * * *

(xii) "Dried apple pomace" means the sound dried residue obtained by removing cider from applies.

* * * * *

(e) *Effective dates.* * * *

(35) Amendment No. 34 (§ 1499.26 (a) (37), (d)) to Supplementary Regulation No. 1 shall become effective November 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10969; Filed, October 28, 1942; 12:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165, as Amended,[1] Amendment 4]

SERVICES

AUTOMOTIVE VEHICLES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1499.101 (c) (4) is amended as set forth below:

§ 1499.101 *Prohibition against dealing in services above maximum prices.* * * *

(c) * * *

(4) Automotive vehicles (including but not limited to automobiles, busses, motorcycles, semi-trailers, tractors, trailers and trucks)—lubrication, maintenance, painting, rental, repair, storage (including but not limited to dead storage and parking), towing, washing or other servicing of (including but not limited to maintenance, rental or repair of accessories or parts such as batteries, radios, tires, or tubes, and including but not limited to pick-up and delivery and mounting and demounting of tires and use of loaned tires and tubes, but not including retreading or recapping of tires or any service rendered in connection with a sale of tires or tubes or with the retreading or recapping of tires).

* * * * *

§ 1499.121a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§ 1499.101 (c) (4)) to Maximum Price Regulation No. 165, as amended, shall become effective November 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10967; Filed, October 28, 1942; 12:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 110 Under § 1499.3 (b) of GMPR]

40-FATHOM FISH, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.974 *Approval of maximum prices for sales of Frozen Jack and Jill Cat Food by 40-Fathom Fish, Inc.* (a) 40-Fathom Fish, Inc., with offices at the Fish Pier, Boston, Massachusetts, may sell and deliver and any person may buy and receive from 40-Fathom Fish, Inc., Frozen Jack and Jill Cat Food packed twenty-four 1-pound cartons to a shipping case at prices not exceeding $1.59 per shipping case.

(b) The maximum price authorized by this order shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) This Order No. 110 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 110 (§ 1499.974) shall become effective October 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10972; Filed, October 28, 1942; 12:22 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7490.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

[3] 7 F.R. 3158, 3488, 3892, 4183, 4410, 4428, 4487, 4488, 4493, 4669, 5066, 5192, 5276, 5366, 5484, 5607, 5717, 5942, 6082, 6473, 6685, 7011, 7250, 7317, 7598, 7604, 7739, 8336.

[1] 7 F.R. 6428, 6966, 7249, 7539, 8239, 8431.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 107,[1] Amendment 6]

USED TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraphs (b) (2) and (b) (4) in § 1315.1353, §1315.1354, paragraphs (b) and (c) and Table I-A in § 1315.1360, paragraphs (a) and (c) and Table I-B in § 1315.1361 are amended; three new sections, §§ 1315.1353a, 1315.1355a, and 1315.1362, are added; four new subparagraphs are added to § 1315.1358 (a); a new paragraph (d) and a new Table II-A are added to § 1315.1360; and a new paragraph (d) and a new Table IV-B are added to § 1315.1361, as set forth below:

§ 1315.1353 *Evasion.* * * *

(b) * * *

(2) Making any charges for the extension of credit, or for the demounting or mounting of a tire or tube on a vehicle or rim, or for any other service, if the seller had no special and separate charges in effect for such service on March 7, 1942;

* * * * *

(4) Making any charges for repairs to used tires or tubes sold.

§ 1315.1353a *Minimum quality specifications for repaired tires and tubes.* (a) In order to be entitled to the maximum prices established by paragraphs (a), (b), and (d) (1) of Appendixes A and B (§§ 1315.1360 and 1315.1361), used tires or tubes must either be sound or be repaired if they are not sound. Such repaired tires or tubes must be repaired in compliance with all the minimum quality specifications set forth in Appendix C (§ 1315.1362).

(b) (1) Any used tire or tube on which repairs have been performed which do not comply with all the minimum quality specifications set forth in Appendix C (§ 1315.1362) shall be deemed to be an unrepaired used tire or tube for the purpose of determining the maximum price.

(2) The maximum price for any used tire which does not comply with all the minimum quality specifications set forth in Appendix C (§ 1315.1362) for a repairable tire shall be, when such tire is being sold for a purpose other than as scrap rubber, the scrap rubber value of such tire at prices prevailing in the locality of the seller at the time of the sale.

§ 1315.1354 *Posting of prices.* (a) Every person engaged in the business of selling used tires or tubes not mounted as part of the equipment of a vehicle, shall mark or post maximum prices for such tires or tubes in accordance with one of the following subparagraphs:

(1) Such seller shall keep posted in a conspicuous place in each establishment at which such tires or tubes are offered for sale, a statement setting forth the maximum prices which he is permitted to charge under Maximum Price Regulation No. 107 for such tires or tubes, and the conditions of sale prescribed by § 1315.1353. For this purpose it shall be permissible to use a copy of the lists of maximum prices printed in Appendixes A and B (§§ 1315.1360 and 1315.1361) and of § 1315.1353.

(2) Or such seller shall mark or post the maximum prices of such tires or tubes in accordance with the provisions of § 1499.13 (a) of the General Maximum Price Regulation.[2]

(b) If, on March 7, 1942, the seller had special and separate charges in effect for the extension of credit or for the demounting or mounting of a tire or tube on a vehicle or rim, or for any other service, except the making of repairs, in connection with the sale of a used tire or tube, and if he desires to continue such charges after March 16, 1942, such seller shall keep posted in a conspicuous place in each establishment at which such tires or tubes are offered for sale, a statement listing the prices in effect on March 7, 1942, for such extra service.

§ 1315.1355a *Filing statement of maximum prices.* The provisions of § 1499.13 (b) of the General Maximum Price Regulation requiring the filing of certain statements of maximum prices with the appropriate War Price and Rationing Board of the Office of Price Administration shall not apply to any sale or delivery of used tires or tubes for which a maximum price is established by this Maximum Price Regulation No. 107.

* * * * *

§ 1315.1358 *Definitions.* (a) * * *

(14) "Sound" as applied to tires and tubes means a tire or tube which has not been damaged to the extent that it is in need of repair in accordance with recognized commercial practice and which can reasonably be expected to render satisfactory service under limited operating conditions (speed not over 35 miles per hour and no overload);

(15) "Vulcanized spot repair" means a repair which in accordance with recognized commercial practice should be applied to such tire damage as: surface blisters, cuts, and other injuries which can be satisfactorily repaired without fabric reinforcement; small injuries to not more than one ply in a four ply tire; small injuries to not more than two plies in a six ply tire; small injuries to not more than one-fourth of the total plies in heavier tires;

(16) "Vulcanized reinforcement repair" means a repair requiring fabric reinforcement which in accordance with recognized commercial practice should be applied to such tire damage as worn tread spots or other injuries which involve ply damage exceeding that to which a vulcanized spot repair should be applied but where at least two of the plies are sound and uninjured;

(17) "Vulcanized sectional repair" means a repair requiring fabric reinforcement which in accordance with recognized commercial practice should be applied to such tire damage as breaks or cuts through the entire tire casing, nail holes enlarged by prolonged neglect, or other injuries which do not leave two of the plies sound and uninjured and thus involve ply damage exceeding that to which a vulcanized reinforcement repair sould be applied.

* * * * *

§ 1315.1360 *Appendix A: Maximum prices for used passenger-car tires and tubes.* * * *

(b) The maximum price for any used passenger-car tire, except basic tire carcasses, shall be the price listed in Table I-A.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1838, 1981, 2394, 3891, 5177, 7365, 8586.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5028, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

TABLE I-A—MAXIMUM PRICES FOR USED PASSENGER-CAR TIRES, EXCEPT BASIC TIRE CARCASSES

Tire size	Tires retaining 7/32 inch or more tread design depth, when measured at the shallowest point	Tires retaining more than 3/32 inch but less than 7/32 inch tread design depth, when measured at the shallowest point	Tires retaining 3/32 inch or less tread design depth but not having smooth treads, when measured at the shallowest point; regrooved tires; and remolded tires
3.75-18	$4.50	$3.65	$2.75
4.00-15	4.30	3.50	2.75
4.00-18	4.95	4.05	2.75
4.25-12	4.70	3.85	2.75
4.40-21	6.05	4.95	3.30
4.50-12	5.00	4.10	2.75
4.50-20	6.05	4.95	3.30
4.50-21	6.05	4.95	3.30
4.75-19	6.10	4.95	3.30
4.75-20	6.05	4.95	3.30
4.75-21	6.05	4.95	3.30
5.00-15	5.95	4.85	3.25
5.00-16	5.90	4.80	3.20
5.00-17	6.40	5.20	3.50
5.00-19	6.10	4.95	3.30
5.00-20	6.05	4.95	3.30
5.00-21	6.05	4.95	3.30
5.00-22	6.35	5.20	3.45
5.25-17	6.55	5.35	3.55
5.25-5.50-17	7.45	6.10	4.05
5.25-18	6.80	5.55	3.70
5.25-19	8.25	6.75	4.50
5.25-20	8.30	6.80	4.55
5.25-21	8.30	6.75	4.50
5.50-16	7.25	5.90	3.95
5.50-17	7.45	6.10	4.05
5.50-18	6.80	5.55	3.70
5.50-19	8.25	6.75	4.50
5.50-20	8.30	6.80	4.55
6.00-16	8.10	6.65	4.45
6.00-17	8.80	7.20	4.80
6.00-6.50-17	8.80	7.20	4.80
6.00-18	9.50	7.75	5.20
6.00-19	10.55	8.60	5.75
6.00-20	11.80	9.65	6.45
6.00-21	10.50	8.60	5.75
6.00-22	10.75	8.80	5.85
6.00-23	11.00	9.00	6.00
6.25-16	9.15	7.45	5.00
6.25-6.50-16	9.85	8.05	5.35
6.50-15	9.65	7.90	5.25
6.50-16	9.85	8.05	5.35
6.50-17	10.65	8.70	5.80
6.50-18	9.50	7.75	5.20
6.50-19	10.55	8.60	5.75
6.50-20	11.80	9.65	6.45
7.00-15	10.90	8.90	5.95
7.00-16	11.15	9.15	6.10
7.00-17	15.00	12.30	8.20
7.00-18	12.80	10.45	7.00
7.00-19	15.05	12.35	8.20
7.00-20	12.95	10.60	7.05
7.00-21	11.00	9.00	6.00
7.50-14	12.95	10.60	7.05
7.50-15	13.55	11.10	7.40
7.50-16	14.15	11.60	7.75
7.50-17	20.45	16.70	11.15
7.50-18	12.80	10.45	7.00
7.50-19	15.05	12.35	8.20
8.25-15	15.50	12.65	8.45
8.25-16	20.50	16.75	11.20
30 x 3	3.85	3.15	2.50
30 x 3½	5.10	4.15	2.80
31 x 4	5.25	4.30	2.85
32 x 4	5.35	4.40	2.95
32 x 4½	5.50	4.50	3.00
33 x 4	5.50	4.50	3.00
33 x 4½	5.65	4.60	3.10
33 x 5	7.70	6.30	4.20
34 x 4	5.65	4.60	3.10
34 x 4½	5.80	4.75	3.15
34 x 5	8.00	6.55	4.35
35 x 5	5.50	4.50	3.00
37 x 5	5.50	4.50	3.00

(c) The maximum price for any unrepaired used passenger-car tire or tube, except basic tire carcasses, shall be the price established by paragraph (a) or (b) of this section less an amount equal to the charges prevailing in the locality of the seller on March 7, 1942, for repairing such tire or tube in compliance with the minimum quality specifications set forth in Appendix C (§ 1315.1362). *Provided,* That in no case shall the maximum price for any unrepaired passenger-car tire or tube, when being sold for a purpose other than as scrap rubber, be less than the scrap rubber value of such tire or tube at prices prevailing in the locality of the seller at the time of the sale.

(d) (1) The maximum price for any passenger-car basic tire carcass, in a sound condition or repaired if not sound, shall be the price listed in the appropriate column of Table II-A.

(2) The maximum price for any unrepaired passenger-car basic tire carcass shall be the price established by Table II-A for such tire in a repaired condition, less the amount required to be deducted by the other columns in the table for such repairs as the tire needs. *Provided,* That in no case shall the maximum price for any unrepaired passenger-car basic tire carcass, when being sold for a purpose other than as scrap rubber, be less than the scrap rubber value of such tire at prices prevailing in the locality of the seller at the time of the sale.

TABLE II-A—MAXIMUM PRICES FOR PASSENGER-CAR BASIC TIRE CARCASSES

Tire size	Tires with smooth treads and other basic tire carcasses, in a sound condition or repaired if not sound	Deduct this amount for each vulcanized spot repair needed, if the tire is unrepaired	Deduct this amount for each vulcanized reinforcement or sectional repair needed, if the tire is unrepaired
3.75-18	$2.75	$0.90	$1.70
4.00-15	2.75	.90	1.70
4.00-18	2.75	.90	1.70
4.25-12	2.75	.90	1.70
4.40-21	2.75	.90	1.70
4.50-12	2.75	.90	1.70
4.50-20	2.75	.90	1.70
4.50-21	2.75	.90	1.70
4.75-19	3.20	.95	2.00
4.75-20	3.20	.95	2.00
4.75-21	3.20	.95	2.00
5.00-15	3.20	.95	2.00
5.00-16	3.20	.95	2.00
5.00-17	3.20	.95	2.00
5.00-19	3.20	.95	2.00
5.00-20	3.20	.95	2.00
5.00-21	3.20	.95	2.00
5.00-22	3.20	.95	2.00
5.25-17	3.20	.95	2.00
5.25-5.50-17	3.20	.95	2.00
5.25-18	3.20	.95	2.00
5.25-19	3.20	.95	2.00
5.25-20	3.20	.95	2.00
5.25-21	3.20	.95	2.00
5.50-16	3.20	.95	2.00
5.50-17	3.20	.95	2.00
5.50-18	3.20	.95	2.00
5.50-19	3.20	.95	2.00
5.50-20	3.20	.95	2.00
6.00-16	3.50	1.00	2.20
6.00-17	3.50	1.00	2.20
6.00-6.50-17	3.50	1.00	2.20
6.00-18	3.50	1.00	2.20
6.00-19	3.50	1.00	2.20
6.00-20	3.50	1.00	2.20
6.00-21	3.50	1.00	2.20
6.00-22	3.50	1.00	2.20
6.00-23	3.50	1.00	2.20
6.25-16	4.00	1.15	2.45
6.25-6.50-16	4.00	1.15	2.45
6.50-15	4.00	1.15	2.45
6.50-16	4.00	1.15	2.45
6.50-17	4.00	1.15	2.45
6.50-18	4.00	1.15	2.45
6.50-19	4.00	1.15	2.45
6.50-20	4.00	1.15	2.45
7.00-15	4.55	1.25	2.80
7.00-16	4.55	1.25	2.80
7.00-17	4.55	1.25	2.80
7.00-18	$4.55	$1.25	$2.80
7.00-19	4.55	1.25	2.80
7.00-20	4.55	1.25	2.80
7.00-21	4.55	1.25	2.80
7.50-14	5.25	1.40	3.25
7.50-15	5.25	1.40	3.25
7.50-16	5.25	1.40	3.25
7.50-17	5.25	1.40	3.25
7.50-18	5.25	1.40	3.25
7.50-19	5.25	1.40	3.25
8.25-15	6.55	1.60	4.25
8.25-16	6.55	1.60	4.25
30 x 3	2.50	.70	1.60
30 x 3½	2.50	.70	1.60
31 x 4	2.50	.70	1.60
32 x 4	2.50	.70	1.60
32 x 4½	2.50	.70	1.60
33 x 4	2.50	.70	1.60
33 x 4½	2.50	.70	1.60
33 x 5	2.50	.70	1.60
34 x 4	2.50	.70	1.60
34 x 4½	2.50	.70	1.60
34 x 5	2.50	.70	1.60
35 x 5	2.50	.70	1.60
37 x 5	2.50	.70	1.60

§ 1315.1361 *Appendix B: Maximum prices for used truck and bus tires and tubes.* (a) The maximum price for any used truck or bus tire, except basic tire carcasses, shall be the price listed in Table I-B.

TABLE I-B—MAXIMUM PRICES FOR USED TRUCK AND BUS TIRES, EXCEPT BASIC TIRE CARCASSES

Tire size	Plies	Tires retaining 9/32 inch or more tread design depth, when measured at the shallowest point	Tires retaining more than 4/32 inch but less than 9/32 inch tread design depth, when measured at the shallowest point	Tires retaining 4/32 inch or less tread design depth but not having smooth treads, when measured at the shallowest point; regrooved tires; and remolded tires
6.00-16	6	$11.50	$9.45	$6.30
6.00-17	6	12.80	10.45	7.00
6.00-20	6	13.20	10.80	7.20
6.00-20 (30 x 5)	8	15.25	12.45	8.30
6.50-16	6	13.30	10.90	7.25
6.50-17	6	14.50	11.90	7.90
6.50-20	6	15.40	12.60	8.40
6.50-20 (32 x 6)	8	19.40	15.90	10.60
7.00-15	6	15.60	12.80	8.50
7.00-16	6	15.95	13.05	8.70
7.00-17	6	18.10	14.85	9.90
7.00-17	8	19.55	16.00	10.65
7.00-18	8	19.70	16.10	10.75
7.00-20	8	20.00	16.40	10.90
7.00-20 (32 x 6)	10	26.15	21.40	14.25
7.00-24 (36 x 6)	10	30.30	24.80	16.55
7.50-15	10	30.45	24.90	16.60
7.50-16	6	19.95	16.30	10.90
7.50-16	8	21.95	17.95	11.95
7.50-17	8	23.80	19.50	13.00
7.50-18	8	25.45	20.80	13.90
7.50-18 (32 x 7)	10	34.15	27.95	18.65
7.50-20	8	26.20	21.40	14.30
7.50-20 (34 x 7)	10	34.90	28.55	19.00
7.50-20 (34 x 7)	12	40.10	32.80	21.85
7.50-24 (38 x 7)	10	39.10	32.00	21.35
8.25-15	10	37.70	30.85	20.55
8.25-18	10	36.15	29.60	19.75
8.25-20	10	$37.20	$30.45	$20.30
8.25-20	12	42.85	35.05	23.35
8.25-22	10	39.80	32.60	21.70
8.25-24	10	42.00	34.40	22.90
9.00-13	6	20.10	16.45	10.95
9.00-15	12	47.20	38.65	25.75
9.00-18	10	42.95	35.15	23.45
9.00-20	10	44.40	36.35	24.25
9.00-20 (36 x 8)	12	52.00	42.55	28.35
9.00-22	10	46.60	38.15	25.45
9.00-24	10	48.50	39.65	26.45
9.00-24 (40 x 8)	12	55.55	45.45	30.30
10.00-15 (9.75-15)	12	53.30	43.60	29.05
10.00-18 (9.75-18)	12	54.80	44.80	29.90
10.00-20 (9.75-20)	12	56.30	46.05	30.70
10.00-20 (38 x 9)	14	67.75	55.45	36.95
10.00-22 (9.75-22)	12	59.30	48.55	32.35
10.00-24 (9.75-24)	12	60.95	49.90	33.25
11.00-20 (10.50-20)	12	66.30	54.25	36.15
11.00-20	14	79.85	65.30	43.55
11.00-22 (10.50-22)	12	70.15	57.40	38.25
11.00-24 (10.50-24)	12	72.70	59.50	39.65
12.00-20 (11.25-20)	14	86.95	71.15	47.45
12.00-20 (40 x 10)	16	100.80	82.45	55.00
12.00-24 (11.25-24)	14	93.40	76.20	50.80
12.00-24 (44 x 10)	16	100.80	88.40	58.95
13.00-20 (12.75-20)	16	120.45	98.55	65.70
13.00-24 (12.75-24)	16	131.60	107.65	71.80
14.00-20 (13.50-20)	16	132.80	108.65	72.40
14.00-24 (13.50-24)	16	140.90	115.25	76.85

* * * * *

(c) The maximum price for any unrepaired used truck or bus tire or tube, except basic tire carcasses, shall be the price establishesd by paragraph (a) or (b) of this section less an amount equal to the charges prevailing in the locality of the seller on March 7, 1942 for repairing such tire or tube in compliance with the minimum quality specifications set forth in Appendix C (§ 1315.1362). *Provided,* That in no case shall the maximum price for any unrepaired truck or bus tire or tube, when being sold for a purpose other than as scrap rubber, be less than the scrap rubber value of such tire or tube at prices prevailing in the locality of the seller at the time of the sale.

(d) (1) The maximum price for any truck or bus basic tire carcass, in a sound condition or repaired if not sound, shall be the price listed in the appropriate column of Table IV-B.

(2) The maximum price for any unrepaired truck or bus basic tire carcass shall be the price established by Table IV-B for such tire in a repaired condition, less the amount required to be deducted by the other columns in the table for such repairs as the tire needs. *Provided,* That in no case shall the maximum price for any unrepaired truck or bus basic tire carcass, when being sold for a purpose other than as scrap rubber, be less than the scrap rubber value of such tire at prices prevailing in the locality of the seller at the time of the sale.

TABLE IV-B—MAXIMUM PRICES FOR TRUCK AND BUS BASIC TIRE CARCASSES

Tire size	Plies	Tires with smooth treads and other basic tire carcasses in a sound condition or repaired if not sound	Deduct this amount for each vulcanized spot repair needed, if the tire is unrepaired	Deduct this amount for each vulcanized sectional repair needed, if the tire is unrepaired	Deduct this amount for each vulcanized reinforcement repair needed, if the tire is unrepaired
6.00-16	6	$4.50	$1.20	$2.80	$1.85
6.00-17	6	4.50	1.20	2.80	1.85
6.00-20	6	4.50	1.20	2.80	1.85
6.00-20 (30 x 5)	8	6.00	1.20	3.50	2.35
6.50-16	6	4.75	1.30	2.90	1.95
6.50-17	6	4.75	1.30	2.90	1.95
6.50-20	6	4.75	1.30	2.90	1.95
6.50-20 (32 x 6)	8	6.00	1.30	3.85	2.55
7.00-15	6	5.00	1.50	3.10	2.05
7.00-16	6	5.00	1.50	3.10	2.05
7.00-17	6	5.00	1.50	3.10	2.05
7.00-17	8	6.00	1.50	4.10	2.75
7.00-18	8	6.00	1.50	4.10	2.75
7.00-20	8	6.00	1.50	4.10	2.75
7.00-20 (32 x 6)	10	8.40	1.50	5.15	3.45
7.00-24 (36 x 6)	10	7.75	1.50	5.15	3.45
7.50-15	10	7.75	1.70	5.45	3.65
7.50-16	6	5.50	1.70	3.25	2.15
7.50-16	8	6.50	1.70	4.25	2.85
7.50-17	8	6.50	1.70	4.25	2.85
7.50-18	8	6.50	1.70	4.25	2.85
7.50-18 (32 x 7)	10	8.00	1.70	5.45	3.65
7.50-20	8	7.20	1.70	4.25	2.85
7.50-20 (34 x 7)	10	9.60	1.70	5.45	3.65
7.50-20 (34 x 7)	12	10.20	1.70	6.45	4.30
7.50-24 (38 x 7)	10	8.00	1.70	5.45	3.65
8.25-15	10	9.00	2.00	6.40	4.25
8.25-18	10	10.80	2.00	6.40	4.25
8.25-20	10	10.80	2.00	6.40	4.25
8.25-20	12	10.80	2.00	6.85	4.55
8.25-22	10	10.80	2.00	6.40	4.25
8.25-24	10	10.80	2.00	6.40	4.25
9.00-13	6	6.50	2.30	3.75	2.50
9.00-15	12	12.00	2.30	7.20	4.80
9.00-18	10	12.00	2.30	6.85	4.55
9.00-20	10	12.00	2.30	6.85	4.55
9.00-20 (36 x 8)	12	12.00	2.30	7.20	4.80
9.00-22	10	12.00	2.30	6.85	4.55
9.00-24	10	12.00	2.30	6.85	4.55
9.00-24 (40 x 8)	12	12.00	2.30	7.20	4.80
10.00-15 (9.75-15)	12	13.20	2.90	7.70	5.15
10.00-18 (9.75-18)	12	13.20	2.90	7.70	5.15
10.00-20 (9.75-20)	12	13.20	2.90	7.70	5.15
10.00-20 (38 x 9)	14	13.20	2.90	8.95	5.95
10.00-22 (9.75-22)	12	13.20	2.90	7.70	5.15
10.00-24 (9.75-24)	12	13.20	2.90	7.70	5.15
11.00-20 (10.50-20)	12	14.40	3.10	8.40	5.60
11.00-20	14	14.40	3.10	9.25	6.15
11.00-22 (10.50-22)	12	14.40	3.10	8.40	5.60
11.00-24 (10.50-24)	12	14.40	3.10	8.40	5.60
12.00-20 (11.25-20)	14	16.80	3.50	11.20	7.45
12.00-20 (40 x 10)	16	16.80	3.50	11.85	7.90
12.00-24 (11.25-24)	14	16.80	3.50	11.20	7.45
12.00-24 (44 x 10)	16	18.00	3.50	11.85	7.90
13.00-20 (12.75-20)	16	18.00	3.80	12.50	8.35
13.00-24 (12.75-24)	16	18.00	3.80	12.50	8.35
14.00-20 (13.50-20)	16	19.20	4.25	13.00	8.65
14.00-24 (13.50-24)	16	19.20	4.25	13.00	8.65

§ 1315.1362 *Appendix C: Minimum quality specifications for repaired tires and tubes*—(a) *Requirement.* Repaired tires and tubes must be repaired in compliance with all the minimum quality specifications for repairs set forth in paragraphs (c) and (d), and any tire so repaired must have been a repairable tire as defined in paragraph (b) before such repairs were made.

(b) *Repairable tire.* "Repairable tire" means a used tire which has sufficient tread design or under tread to warrant repair for use for the purpose for which it was primarily designed. Specifically, such tire must meet at least the following conditions:

(1) The tread and sidewall must not be weather checked or cracked to the extent that the tire has more than two radial cracks which extend through the cord body.

(2) The cord body:

(i) Must not have separation between plies.

(ii) Must not have been damaged to the extent that cords are pulled loose beyond the first inside ply.

(iii) Must not have any fabric injuries that exceed one-half the cross-sectional diameter of the tire. Example—Injuries in 600/16 (6 inch) tires must not be more than three inches long: in 10.00/20 tires not more than five inches.

(iv) Must not have or show evidence of having had more than three injuries requiring sectional or reinforcement repairs.

(v) Must not have injuries below any point where the top of the rim flange makes contact with the tire.

(vi) Must not have or exhibit circumferential or flex breaks on the inside ply.

(vii) Bead area must be sound with no broken wires.

(c) *Repairs to tires.* A repair to a tire must be a vulcanized spot repair, or vulcanized reinforcement or vulcanized sectional repair which can be accomplished in accordance with recognized commercial practice and which can be reasonably expected to render satisfactory service under limited operating conditions (speed not over 35 miles per hour and no overload) so that the tire when repaired will be in a safe condition for service.

(1) A vulcanized spot repair must meet at least the following conditions:

(i) Loose portions of tread and sidewall rubber must be removed.

(ii) Surfaces must be skived, roughened, cemented.

(iii) Tire casing and repair materials must be moisture free.

(iv) Rubber must be applied after cement is dry.

(v) Curing must be in accordance with instructions of the manufacturer of the repair materials used.

(2) A vulcanized sectional repair or a vulcanized reinforcement repair must meet at least the following conditions:

(i) Injured rubber and fabric must be removed.

(ii) Area around injury must be skived at an angle to give maximum bonding surface and stress resistance (usually 45 degrees).

(iii) Tire casing and repair materials must be moisture free.

(iv) Surface must be buffed, cemented, and allowed to dry, then cemented again and allowed to dry again.

(v) Skived portion of the inner casing must be filled with cushion gum level with the inner band ply.

(vi) Ready-built patch or built-in cord fabric must be applied in accordance with the manufacturer's instructions regarding number of plies, size of patch, ply direction, and application.

(vii) Tread portion of skive must be lined with skim coating of cushion gum or tie gum and filled with tread gum slightly above level of the tread.

(viii) Curing must be in accordance with instructions of the manufacturer of the repair materials being used. Proper pressure must be maintained during cure.

(ix) Repaired portions must present smooth surfaces inside and out; tread, buttress, and sidewall designs must be restored to match those on the rest of the tire; and exterior contour must be maintained.

(x) Finished repair must be free of porosity and other imperfections.

(d) *Repairs to tubes.* A repair to a tube must be a repair which can be accomplished in accordance with recognized commercial practice and which can be reasonably expected to render satisfactory service under limited operating conditions (speed not over 35 miles per hour and no overload) so that the tube when repaired will be in a safe condition for service.

§ 1315.1359a *Effective dates of amendments.* * * *

(f) Amendment No. 6 (§§ 1315.1353 (b) (2), (4); 1315.1353a; 1315.1354; 1315.1355a; 1315.1358 (a) (14), (15), (16), (17); 1315.1360 (b), (c), (d); 1315.1361 (a), (c), (d); 1315.1362) to Maximum Price Regulation No. 107 shall become effective November 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 28th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10981; Filed, October 28, 1942; 3:15 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 107, Amendment 7]

USED TIRES AND TUBES

Amendment No. 7 to Maximum Price Regulation No. 107[1]—Used Tires and Tubes.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1315.1351 is amended by adding a new sentence at the end thereof, as set forth below:

§ 1315.1351 *Maximum prices for used tires and tubes.* * * * On sales or deliveries between October 15, 1942 and November 3, 1942, of sound or repaired used tires by any person to Defense Supplies Corporation pursuant to the Idle Tire Purchase Plan, Defense Supplies Corporation may pay and the seller may receive prices not in excess of the maximum prices set forth for such tires by Amendment No. 6 to Maximum Price Regulation No. 107.

* * * * *

§ 1315.1359a *Effective dates of amendments.* * * *

(g) Amendment No. 7 (§ 1315.1351) to Maximum Price Regulation No. 107 shall be effective as of October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 28th day of October, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10990; Filed, October 28, 1942; 4:20 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RPS–66, Amendment 3]

MAXIMUM PRICES FOR RETREADED AND RECAPPED RUBBER TIRES

Amendment No. 3 to Revised Price Schedule No. 66[1]—Retreaded and Recapped Rubber Tires, the Retreading and Recapping of Rubber Tires, and Basic Tire Carcasses.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1315.1201 is amended by adding a new sentence at the end thereof, as set forth below:

§ 1315.1201 *Maximum prices for retreaded and recapped rubber tires, the retreading and recapping of rubber tires, and basic tire carcasses.* * * * *Provided,* That on sales or deliveries between October 15, 1942 and November 3, 1942, of retreaded or recapped tires by any person to Defense Supplies Corporation pursuant to the Idle Tire Purchase Plan, Defense Supplies Corporation may pay and the seller may receive prices not in excess of the maximum prices set forth for such tires by Revised Price Schedule No. 66, as Amended.

* * * * *

§ 1315.1209a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1315.1201) to Revised Price Schedule No. 66 shall be effective as of October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 28th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10991; Filed, October 28, 1942; 4:20 p. m.]

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* Copies may be obtained from Office of Price Administration.

[1] 7 F.R. 1838, 1981, 2394, 3891, 5177, 7365, 8586.

[1] 7 F.R. 1333, 1836, 1837, 2132, 7364.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RPS 66[1]]

RETREADED AND RECAPPED RUBBER TIRES, THE RETREADING AND RECAPPING OF RUBBER TIRES, AND BASIC TIRE CARCASSES

The title and preamble are amended, and §§ 1315.1201 to 1315.1210, inclusive, are renumbered and amended to read as set forth below: Revised Price Schedule 66, as Amended—Retreaded and Recapped Rubber Tires and the Retreading and Recapping of Rubber Tires.

On January 10, 1942, Price Schedule No. 66[2] was issued establishing maximum prices for retreaded and recapped rubber tires, the retreading and recapping of rubber tires, and basic tire carcasses. Price Schedule No. 66, by order issued February 17, 1942,[3] was re-issued under Section 206 of the Emergency Price Control Act of 1942 as Revised Price Schedule No. 66.[4]

This Revised Price Schedule No. 66, as amended, establishes maximum prices for retreaded and recapped tires and for retreading and recapping of tires. In establishing these maximum prices the Price Administrator has ascertained and given due consideration to the prices prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this schedule.

In the judgment of the Price Administrator, the maximum prices established by this Revised Price Schedule No. 66, as amended, are and will be generally fair and equitable and will effectuate the purposes of the Act. A statement of the considerations involved in the issuance of this Revised Price Schedule No. 66, as amended, has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Sec.	
1315.1201	Maximum prices for retreaded and recapped rubber tires and the retreading and recapping of rubber tires.
1315.1202	Leasing or renting of retreaded and recapped rubber tires.
1315.1203	Less than maximum prices.
1315.1204	Evasion.
1315.1205	Minimum quality specifications.
1315.1206	Posting of prices.
1315.1207	Sales slips.
1315.1208	Records and reports.
1315.1208a	Filing statement of maximum prices.
1315.1209	Enforcement.
1315.1210	Licensing; applicability of the registration and licensing provisions of the General Maximum Price Regulation and Maximum Price Regulation No. 165, as amended.
1315.1211	Export sales.
1315.1212	Petitions for amendment.
1315.1213	Definitions.
1315.1214	Effective date of Revised Price Schedule No. 66, as amended.
1315.1215	Appendix A: Maximum prices for retreaded and recapped rubber tires and the retreading and recapping of rubber tires.
1315.1216	Appendix B: Minimum quality specifications.

AUTHORITY: § 1315.1201 to 1315.1216, inclusive, issued under Pub. Law 421, 77th Cong., Pub. Law 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1315.1201 *Maximum prices for retreaded and recapped rubber tires and the retreading and recapping of rubber tires.* On and after November 3, 1942, regardless of any contract, agreement, lease, or other obligation: (a) no person shall sell or deliver any retreaded or recapped tire, and no person shall buy or receive any such tire in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1315.1215; and (a) no person shall retread or recap any tire, and no person shall buy or receive the retreading or recapping of any tire in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof; and no person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided,* That nothing in this Revised Price Schedule No. 66, as amended, shall prevent the fulfillment of contracts entered into before November 3, 1942, for the sale of retreaded or recapped tires or for retreading or recapping tires at prices not exceeding the maximum prices established by Revised Price Schedule No. 66, prior to the effective date of this Revised Price Schedule No. 66, as amended, November 3, 1942.

§ 1315.1202 *Leasing or renting of retreaded and recapped rubber tires.* The maximum price for leasing or renting any retreaded or recapped tire shall be determined according to Maximum Price Regulation No. 165,[5] as amended—*Services,* as now or hereafter amended.

§ 1315.1203 *Less than maximum prices.* Lower prices than those set forth in § 1315.1215, Appendix A, may be charged, demanded, paid or offered.

§ 1315.1204 *Evasion.* (a) The price limitations set forth in this Revised Price Schedule No. 66, as amended, shall not be evaded whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any retreaded or recapped tire, alone or in conjunction with any other commodity, or in connection with the retreading or recapping of any tire, or by way of commission, service, transportation or other charge, or by tying agreement or other trade understanding or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Increasing the charges for the extension of credit or for the demounting or mounting of a tire on a vehicle or rim, or for any other service over those in effect on January 9, 1942;

(2) Making any charges for the extension of credit or for the demounting or mounting of a tire on a vehicle or rim, or for any other service, if the seller had no special and separate charges in effect for such service on January 9, 1942;

(3) Making the terms and conditions of sale more onerous to purchasers than those available or in effect on January 9, 1942;

(4) Making any charges for repairs to the tire carcass in connection with the sale of a retreaded or recapped tire where the purchaser has not furnished the tire carcass to be retreaded or recapped.

(c) The purchaser shall always have the option of paying at the time of the purchase the full cash price for any retreaded or recapped tire or for retreading or recapping any tire. When a purchaser has a tire retreaded or recapped he shall have the option of bringing it to the seller's place of business without having it demounted from a vehicle or rim by the seller or having any other service performed, and of receiving delivery of any retreaded or recapped tire at the seller's place of business without having it mounted on a vehicle or rim or having any other service performed.

(d) Notwithstanding any other provisions of this section, when the seller has made necessary repairs to a tire carcass furnished by the purchaser for retreading or recapping, the seller, providing he bills it separately, may add to the maximum retreading or recapping price established by this Revised Price Schedule No. 66, as Amended, an amount equal to the charges prevailing in the locality of the seller on January 9, 1942 for such repairs as were actually made to the tire carcass.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1333, 1836, 1837, 2132, 7364.

[2] 7 F.R. 252, 727.

[3] 7 F.R. 1201

[4] 7 F.R. 1333, 1837, 1836, 2132, 7864.

[5] 7 F.R. 6428, 6966, 7249, 8239, 8431.

§ 1315.1205 *Minimum quality specifications.* (a) In order to be entitled to the maximum prices set forth in Appendix A (§ 1315.1215), retreaded or recapped tires and the retreading or recapping of tires must comply with all the minimum quality specifications set forth in Appendix B (§ 1315.1216).

(b) Maximum prices for retreaded or recapped tires and for the retreading or recapping of tires, when the tires or the retreading or recapping do not comply with all the minimum quality specifications set forth in Appendix B (§ 1315.1216), shall be the scrap rubber value of the tire at prices prevailing in the locality of the seller at the time of the sale.

§ 1315.1206 *Posting of prices.* (a) Every person engaged in the business of retreading or recapping tires shall keep posted in a conspicuous place in each establishment at which such retreading or recapping is contracted for, a statement setting forth the maximum prices which he is permitted to charge under Revised Price Schedule No. 66, as amended, for retreading or recapping such tires. For this purpose it shall be permissible to use a copy of the lists of maximum prices printed in Appendix A (§ 1315.1215).

(b) Every person engaged in the business of selling retreaded or recapped tires shall mark or post maximum prices for such tires in accordance with one of the following subparagraphs:

(1) Such seller shall keep posted in a conspicuous place in each establishment at which such tires are offered for sale, a statement setting forth the maximum prices which he is permitted to charge under Revised Price Schedule No. 66, as amended, for such retreaded or recapped tires. For this purpose it shall be permissible to use a copy of the lists of maximum prices printed in Appendix A (§ 1315.1215).

(2) Or such seller shall mark or post the maximum prices of such retreaded or recapped tires in accordance with the provisions of § 1499.13 (a) of the General Maximum Price Regulation.[6]

(c) If, on January 9, 1942, the seller had special and separate charges in effect for the extension of credit or for the demounting or mounting of a tire on a vehicle or rim, or for any other service, in connection with the sale of retreaded or recapped tires or the retreading or recapping of tires, and if he desires to continue such charges after November 3, 1942, such seller shall keep posted in a conspicuous place in each establishment at which such tires are offered for sale, or at which such retreading or recapping is contracted for, a statement listing the prices in effect on January 9, 1942, for such extra service.

§ 1315.1207 *Sales slips.* Every person engaged in the business of retreading or recapping tires or of selling retreaded or recapped tires shall furnish the purchaser with a written statement reciting: (a) the size of each tire sold, retreaded or recapped; (b) the price per unit; (c) the type of tread applied, specifying whether it is passenger-car, conventional truck and bus, stop-start, ground-grip, road grader, earth mover, rock service, farm tractor, rice and cane special service, or motorcycle; (d) the grade of camelback used; (e) the amount of any charges made by the seller for repairs to the customer's tire carcass and the nature and extent of such repairs, in cases where the tire carcass was furnished by the purchaser and such a charge is permissible.

§ 1315.1208 *Records and reports.* (a) Every person engaged in the business of retreading or recapping tires or of selling retreaded or recapped tires shall keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of every sale of such tires or of every retreading or recapping operation performed, including: (1) the date thereof; (2) the name and address of the purchaser; (3) the quantity and size of tires sold, retreaded or recapped; (4) the price per unit; (5) the type of tread applied specifying whether it is passenger-car, conventional truck and bus, stop-start, ground-grip, road grader, earth mover, rock service, farm tractor, rice and cane-special service, or motorcycle; (6) the grade of camelback used; and (7) the amount of any charges made by the seller for repairs to the customer's tire carcass and the nature and extent of such repairs, in cases where the tire carcass was furnished by the purchaser and such a charge is permissible.

(b) Such persons shall submit such reports to the Office of Price Administration, and keep such other records in addition to or in place of the records required by this section, as the Office of Price Administration may from time to time require or permit.

§ 1315.1208a *Filing statement of maximum prices.* The provisions of § 1499.13 (b) of the General Maximum Price Regulation requiring the filing of certain statements of maximum prices with the appropriate War Price and Rationing Board of the Office of Price Administration shall not apply to any sale or delivery of retreaded or recapped tires for which a maximum price is established by this Revised Price Schedule No. 66, as amended.

§ 1315.1209 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 66, as amended, are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Price Schedule No. 66, as amended, or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1315.1210 *Licensing; applicability of the registration and licensing provisions of the General Maximum Price Regulation and Maximum Price Regulation No. 165, as amended.* (a) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at wholesale or retail any retreaded or recapped tire for which a maximum price is established by Revised Price Schedule No. 66, as amended. When used in this paragraph (a) the terms "selling at wholesale" and "selling at retail" have the definitions given to them by §§ 1499.20 (p) and 1499.20 (o), respectively, of the General Maximum Price Regulation.

(b) The registration and licensing provisions of §§ 1499.111 and 1499.112 of Maximum Price Regulation No. 165, as amended, are applicable to every person selling the service of retreading or recapping any tire for which service a maximum price is established by Revised Price Schedule No. 66, as amended.

§ 1315.1211 *Export sales.* The maximum prices at which a person may export retreaded or recapped tires shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[7] issued by the Office of Price Administration.

§ 1315.1212 *Petitions for amendment.* Persons seeking any modification of this Revised Price Schedule No. 66, as amended, or an adjustment or exception not provided for therein, may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1,[8] issued by the Office of Price Administration.

§ 1315.1213 *Definitions.* (a) When used in this Revised Price Schedule No. 66, as amended, the term:

(1) "Camelback" means the uncured rubber compound applied to the worn tire to make the new tread in the process of recapping or retreading;

(2) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing;

(3) "Purchaser" means a person who buys or offers to buy a retreaded or recapped tire, or who has any tire retreaded or recapped;

(4) "Recapping" means the process of tread renewal where the worn tread of the tire is buffed off the top surface of the tire and rubber is applied to the tread surface only, or the process of tread renewal where in addition to buffing off the worn tread the shoulders of the tire also are buffed below the shoulder design and rubber is applied to both the tread surface and tire shoulders;

(5) "Retreading" means the process of reconditioning a tire by removing all the original tread rubber from the worn tire down to the fabric and applying rubber to the tread surface and side walls;

(6) "Retreaded or recapped tire" means any rubber tire which has been retreaded or recapped and used less than 1,000 miles thereafter;

(7) "Rubber" means all forms and types of rubber, including synthetic and reclaimed rubber and any other rubber-like substance used as a rubber substitute;

(8) "Seller" means a person who sells or offers to sell a retreaded or recapped tire, or who retreads or recaps or offers to retread or recap any tire;

(9) "Service" does not include repairs to a tire carcass;

(10) "Tire carcass" means the rubber tire to which rubber is applied in a retreading or recapping operation, regardless of what thickness of tread such tire may have before such operation.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1315.1214 *Effective date of Revised Price Schedule No. 66, as amended.* This Revised Price Schedule No. 66, as Amended (§§ 1315.1201 to 1315.1216, inclusive) shall become effective November 3, 1942.

§ 1315.1215 *Appendix A: Maximum prices for retreaded and recapped rubber tires and the retreading and recapping of rubber tires*—(a) *Retreading and recapping (tire carcass furnished by purchaser).* The maximum price for retreading or recapping a tire is the price set forth for retreading or recapping such tire in the following tables.

(b) *Retreaded and recapped tires (tire carcass not furnished by purchaser).* The maximum price for a retreaded or recapped tire, when the tire carcass is not furnished by the purchaser, is the sum of the maximum price for retreading or recapping such tire plus the price set forth in the extreme right-hand column of the table as the amount to be added when the tire carcass is not furnished by the purchaser.

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[6] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5028, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

[7] 7 F.R. 5059, 7242.

[8] 7 F.R. 3663, 6967.

TABLE I—PASSENGER-CAR TYPE OF TREAD,[1] INCLUDING STUDDED GROUND-GRIP[2]

Tire size[3]	Maximum prices for retreading or recapping, when the tire carcass is furnished by the purchaser: When applying grade C[4] camelback	Maximum prices for retreading or recapping, when the tire carcass is furnished by the purchaser: When applying grade F[4] camelback or any rubber other than grade C[4] camelback	Add this price when the tire carcass is not furnished by the purchaser. The result is the maximum price for a retreaded or recapped tire
3.75-18	$4.35	$4.25	$2.75
4.25-12	4.30	4.20	2.75
4.40-21	4.55	4.45	2.75
4.50-20	4.60	4.50	2.75
4.50-21	5.00	4.85	2.75
4.75-19	5.10	4.95	3.20
4.75-20	5.25	5.10	3.20
5.00-16	5.20	5.00	3.20
5.00-17	5.40	5.20	3.20
5.00-19	5.80	5.60	3.20
5.00-20	6.00	5.80	3.20
5.00-21	6.20	6.00	3.20
5.25-17	5.75	5.60	3.20
5.25-18	6.10	5.90	3.20
5.25-19	6.15	5.95	3.20
5.25-20	6.45	6.25	3.20
5.25-21	6.60	6.40	3.20
5.50-16	6.20	6.00	3.20
5.50-17	6.30	6.10	3.20
5.50-18	6.85	6.65	3.20
5.50-19	7.05	6.85	3.20
5.50-20	7.15	6.95	3.20
6.00-16	6.70	6.50	3.50
6.00-17	7.60	7.35	3.50
6.00-18	8.15	7.90	3.50
6.00-19	8.45	8.30	3.50
6.00-20	8.55	8.45	3.50
6.00-21	9.05	8.75	3.50
6.25-16	7.40	7.15	4.00
6.50-15	7.70	7.45	4.00
6.50-16	7.80	7.55	4.00
6.50-17	9.05	8.75	4.00
6.50-18	9.20	8.90	4.00
6.50-19	9.30	9.00	4.00
6.50-20	$9.35	$9.10	$4.00
7.00-15	9.10	8.80	4.55
7.00-16	9.30	9.00	4.55
7.00-17	10.30	9.95	4.55
7.00-18	10.40	10.05	4.55
7.00-19	10.55	10.25	4.55
7.00-20	10.75	10.45	4.55
7.00-21	11.35	11.00	4.55
7.50-14	10.05	9.75	5.25
7.50-15	10.30	9.95	5.25
7.50-16	10.45	10.10	5.25
7.50-17	10.85	10.55	5.25
7.50-18	10.95	10.65	5.25
7.50-19	11.20	10.90	5.25
8.25-15	12.90	12.50	6.55
8.25-16	13.90	13.50	6.55

[1] Passenger-car type of tread includes any tread of a type generally recognized as designed primarily or use on passenger automobiles.

[2] Studded ground-grip type of tread is a passenger-car type of tread and includes any such tread designed for traction through mud, snow, sand, or soft ground.

[3] For combination size tires, the maximum prices are the prices shown in the table for the larger of the combined sizes.

[4] Grade C and F camelback mean camelback having the specifications established for Grade C and F capping stock compounds, respectively, by Supplementary Order No. M-15-b-1 (7 F.R. 967) issued by the War Production Board and adopted for Grade C and F camelback, respectively, by Maximum Price Regulation No. 131—Camelback (7 F.R. 3160).

TABLE II—TRUCK AND BUS TYPES OF TREAD

Tire size	Stop-start tire size[3] No.	Ply	Maximum prices for retreading or recapping, when the tire carcass is furnished by the purchaser: Conventional truck and bus	Stop-start[4]	Ground-grip[5]	Road grader[6]	Earth mover[7]	Rock service[8]	Add this price when the tire carcass is not furnished by the purchaser. The result is the maximum price for a retreaded or recapped tire
5.25-5.50-17	11	6	$5.90	$7.45	-------	-------	-------	-------	$4.50
6.00-16	10	6	6.80	7.60	$8.40	-------	-------	-------	4.50
6.00-17	-------	6	7.75	-------	-------	-------	-------	-------	4.50
6.00-20	-------	6	8.60	-------	10.85	$10.00	-------	-------	4.50
6.00-20 (30 x 5)	-------	8	8.60	-------	10.85	10.00	-------	-------	6.00
6.25-16	-------	6	7.50	-------	-------	-------	-------	-------	4.75
6.50-16	13	6	7.90	8.40	-------	-------	-------	-------	4.75
6.50-17	-------	6	9.15	-------	-------	-------	-------	-------	4.75
6.50-20	-------	6	10.15	-------	13.80	12.70	-------	-------	4.75
6.50-20 (32 x 6)	17	8	10.15	14.65	13.80	12.70	-------	-------	6.00
7.00-15	-------	6	9.20	-------	-------	-------	-------	-------	5.00
7.00-16	15	6	9.40	10.00	-------	-------	-------	-------	5.00
7.00-17	-------	6	10.35	-------	11.95	-------	-------	-------	5.00
7.00-17	-------	8	10.35	-------	11.95	-------	-------	-------	6.00
7.00-18	-------	8	10.55	-------	-------	-------	-------	-------	6.00
7.00-20	19	8	11.25	17.20	17.60	20.95	-------	$22.45	6.00
7.00-20 (32 x 6)	-------	10	11.25	-------	17.60	20.95	-------	22.45	8.40
7.00-24 (36 x 6)	-------	10	11.75	-------	-------	25.15	-------	-------	7.75
7.50-15	16	6	10.35	11.50	10.75	-------	-------	-------	6.00
7.50-15	-------	10	10.35	-------	10.75	-------	-------	-------	7.75
7.50-16	-------	6	10.60	-------	15.40	-------	-------	-------	5.50
7.50-16	18	8	10.60	13.30	15.40	-------	-------	-------	6.50
7.50-17	-------	8	10.90	-------	16.95	-------	-------	-------	6.50
7.50-17	20	10	10.90	16.95	16.95	-------	-------	-------	6.50
7.50-18	-------	8	11.80	-------	-------	-------	-------	-------	6.50
7.50-18	-------	10	11.80	-------	-------	-------	-------	-------	8.00
7.50-20	22	8	13.25	21.70	19.75	-------	$17.00	29.85	7.20

See footnotes at end of table.

TABLE II—TRUCK AND BUS TYPES OF TREAD—Continued

Tire size	Stop-start tire size[2] No.	Ply	Maximum prices for retreading or recapping, when the tire carcass is furnished by the purchaser						Add this price when the tire carcass is not furnished by the purchaser. The result is the maximum price for a retreaded or recapped tire
			Conventional truck and bus[3]	Stop-start[4]	Ground-grip[5]	Road grader[6]	Earth mover[7]	Rock service[8]	
7.50-20 (34 x 7)	-------	10	$13.25	-------	$19.75	-------	$17.00	$29.85	$9.60
7.50-20 (34 x 7)	-------	12	13.25	-------	19.75	-------	17.00	29.85	10.20
7.50-24 (38 x 7)	-------	10	14.00	-------	21.05	$27.55	-------	-------	8.00
8.25-15	-------	10	15.55	-------	-------	-------	-------	-------	9.00
8.25-18	26	10	17.20	$24.10	-------	-------	-------	-------	10.80
8.25-20	28	10	17.80	27.65	26.45	28.85	21.25	31.90	10.80
8.25-20	-------	12	17.80	-------	26.45	28.85	21.25	31.90	10.80
8.25-22	-------	10	18.70	-------	-------	-------	-------	-------	10.80
8.25-24	-------	10	19.70	-------	29.90	31.05	-------	-------	10.80
9.00-13	-------	6	13.55	-------	-------	-------	-------	-------	6.50
9.00-15	-------	12	19.45	-------	-------	-------	-------	-------	12.00
9.00-18	-------	10	20.95	-------	28.70	-------	-------	-------	12.00
9.00-20	34	10	21.45	33.75	31.55	-------	28.80	38.00	12.00
9.00-20 (36 x 8)	-------	12	21.45	-------	31.55	-------	28.80	38.00	12.00
9.00-22	-------	10	22.05	-------	-------	-------	-------	-------	12.00
9.00-24	-------	10	22.55	-------	34.50	32.90	-------	41.50	12.00
9.00-24 (40 x 8)	-------	12	22.55	-------	34.50	32.90	-------	41.50	12.00
10.00-15	-------	12	20.80	-------	-------	-------	-------	-------	13.20
10.00-18 (9.75 x 18)	-------	12	23.30	-------	-------	-------	-------	-------	13.20
10.00-20 (9.75 x 20)	40	12	23.75	41.70	40.00	-------	35.65	48.10	13.20
10.00-20 (38 x 9)	-------	14	23.75	-------	40.00	-------	35.65	48.10	13.20
10.00-22 (9.75 x 22)	42	12	24.20	43.90	-------	-------	-------	-------	13.20
10.00-24 (42 x 9)	45	14	24.85	44.25	43.35	34.75	-------	52.10	14.40
11.00-18	-------	12	-------	-------	44.25	-------	-------	-------	14.40
11.00-20 (10.50 x 20)	48	12	25.80	46.75	47.05	-------	40.65	56.45	14.40
11.00-20	-------	14	25.80	-------	47.05	-------	40.65	56.45	14.40
11.00-22 (10.50-22)	50	12	27.50	49.45	-------	-------	-------	-------	14.40
11.00-24 (10.50-24)	52	12	28.75	51.50	51.55	35.75	-------	62.05	14.40
12.00-20 (11.25-20)	-------	14	35.85	-------	61.55	-------	48.70	74.05	16.80
12.00-20 (44 x 10)	-------	16	35.85	-------	61.55	-------	48.70	-------	16.80
12.00-22 (11.25-22)	-------	14	37.30	-------	-------	-------	-------	-------	16.80
12.00-24 (11.25-24)	-------	14	38.70	-------	65.95	37.95	-------	79.30	16.80
12.00-24 (44 x 10)	-------	16	38.70	-------	65.95	37.95	-------	79.30	18.00
13.00-20 (12.75-20)	-------	16	48.60	-------	-------	39.55	56.10	-------	18.00
13.00-24 (12.75-24)	-------	16	53.30	-------	-------	42.85	-------	91.90	18.00
14.00-20 (13.50-20)	-------	16	57.00	-------	-------	59.75	63.60	-------	19.20
14.00-20	-------	18	57.00	-------	-------	59.75	63.60	-------	20.20
14.00-20	-------	20	57.00	-------	-------	59.75	63.60	-------	21.40
14.00-24 (13.50-24)	-------	16	62.55	-------	99.75	-------	-------	119.85	19.20
16.00-20	-------	16	-------	-------	-------	-------	132.90	-------	22.00
16.00-20	-------	18	-------	-------	-------	-------	132.90	-------	24.80
16.00-24	-------	16	-------	-------	-------	-------	145.20	245.15	30.00
16.00-24	-------	18	-------	-------	-------	-------	145.20	245.15	33.00
18.00-24	-------	12	-------	-------	205.25	-------	168.25	276.00	42.00
18.00-24	-------	16	-------	-------	205.25	-------	168.25	276.00	50.00
18.00-24	-------	20	-------	-------	205.25	-------	168.25	276.00	55.00
18.00-40	-------	20	-------	-------	454.00	-------	-------	-------	55.00
21.00-24	-------	16	-------	-------	319.80	-------	318.70	350.35	72.50
21.00-24	-------	20	-------	-------	352.15	-------	-------	-------	93.50
24.00-32	-------	24	-------	-------	809.25	-------	798.90	-------	137.50
24.00-32	-------	36	-------	-------	1,000.90	-------	-------	-------	192.50
30.00-40	-------	28	-------	-------	1,586.05	-------	-------	-------	220.00
30.00-40	-------	34	-------	-------	1,929.50	-------	-------	-------	330.00
36.00-40	-------	34	-------	-------	2,477.25	-------	-------	-------	440.00

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[1] For any tire size where no maximum price is listed in this table under the particular heading for Ground-Grip, Road Grader, Earth Mover or Rock Service types of tread, the maximum price is that set forth for such size under the heading for Conventional Truck and Bus type of tread.

[2] Maximum prices set forth for stop-start type of tread apply only when such treads are applied to tires of a stop-start size listed in this column or of a size generally recognized as equivalent to one of such stop-start sizes. When a stop-start type of tread is applied to such an equivalent size of tire, the maximum price shall be that set forth for the appropriate stop-start size.

[3] Conventional truck and bus type of tread include any tread of a type generally recognized as designed primarily for ordinary "on the road" use on trucks or busses.

[4] Stop-start type of tread must have at least 13/32 inches tread design depth at the center circumference of the tire and must contain at least as much rubber in the undertread and have a tread design depth at the center circumference of the tire which is at least 2/32 inches deeper than the conventional truck and bus type of tread of the same retreader or recapper for the same size of tire. Stop-start type of tread includes any such extra heavy tread of a type generally recognized as designed primarily for city commercial use on trucks or busses.

[5] Ground-grip type of tread must contain at least as much rubber in the undertread and have a tread design depth at the center circumference of the tire which is at least 4/32 inches deeper than the conventional truck and bus type of tread of the same retreader or recapper for the same size of tire. Ground-grip type of tread includes any such tread of a deep-cut, cleated type generally recognized as designed primarily for use on trucks for traction through mud, snow, sand, or soft ground.

[6] Road grader type of tread includes any tread of a type generally recognized as designed primarily for "off the pavement" use on the power driven wheels of highway maintenance and road construction machinery for traction through mud, snow, sand or soft earth.

[7] Earth mover type of tread includes any tread of a type generally recognized as designed primarily for providing flotation in soft earth for "off the road" use on earth moving vehicles.

[8] Rock service type of tread includes any extra heavy tread of a type generally recognized as designed primarily for heavy duty service on rocks or gravel in such work as earth hauling, quarrying, logging and road building.

TABLE III—FARM TRACTOR[1] AND RICE AND CANE SPECIAL SERVICE[2] TYPES OF TREAD

Tire size	Maximum prices for retreading or recapping, when the tire carcass is furnished by the purchaser	Add this price when the tire carcass is not furnished by the purchaser. The result is the maximum price for a retreaded or recapped tire
Fronts		
4.00-9	$4.25	$2.75
4.00-15	4.60	2.75
4.00-19	4.85	2.75
4.75-15	5.70	3.20
5.00-15	6.00	3.20
5.25-21	6.70	3.20
5.50-16	6.65	3.20
6.00-9	10.15	3.50
6.00-12	7.50	3.50
6.00-16	7.60	3.50
6.00-20	8.25	3.50
6.25-16	7.90	4.00
6.50-16	8.65	4.00
7.50-10	11.15	5.25
7.50-16	9.65	5.25
7.50 18	10.35	5.25
7.50-20	11.50	5.25
9.00-10	14.25	6.55
Backs		
6.00-22	8.20	4.00
7-32	15.20	4.00
6.50-32	16.65	4.50
6.50-40	20.85	4.50
7-36	18.35	4.50
7-40	19.20	4.50
7-44	20.80	4.50
7.00-22	12.05	5.00
7.00-24, 8-24	15.20	5.00
8-32	19.85	5.00
8-36	23.10	5.00
8-38	23.20	5.00
7.00-40, 8-40	24.55	5.00
7.50-22	12.55	6.50
7.50-24, 9-24	17.35	6.50
9-28	22.10	8.00
9-32	26.95	8.00
7.50-36, 9-36	29.75	8.00
9-38	31.90	8.00
7.50-40, 9-40	33.85	8.00
8.25-24, 10-24	23.95	9.45
10-26	24.85	9.45
10-28	25.85	9.45
8.25-36, 10-36	31.15	9.45
10-38	34.15	9.45
9.00-24, 11-24	28.75	10.00
11-26	28.95	10.00
9.00-28, 11-28	30.90	10.00
9.00-36, 11-36	32.00	10.00
11-38	32.55	10.00
9.00-40, 11-40	33.10	10.00
12-24	30.60	10.00
12-26	31.70	10.00
12-30	33.35	10.00
10.00-36, 12-36	40.25	11.00
12-38	41.95	11.00
10.00-40, 12-40	43.30	11.00
10.00-44	45.95	11.00
11.25-24, 13-24	35.70	12.20
11.25-28, 13-28	39.00	12.65
13-30	40.30	12.65
11.25-36, 13-36	44.10	13.20
11.25-40, 13-40	49.35	13.75
12.75-24, 14-24	43.25	14.30
12.75-28, 14-28	47.85	14.85
14-30	50.25	14.85
12.75-32, 14-32	52.65	15.40
13.50-24, 15-24	48.30	15.40
13.50-28, 15-28	53.65	15.95
13.50-32, 15-32	58.00	16.50

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[1] Farm tractor type of tread includes any tread of a type generally recognized as designed primarily for use on farm tractors.

[2] Rice and cane special service type of tread includes any deep-cut, high cleated tread of a type generally recognized as designed primarily for use in muck and water.

TABLE IV—MOTORCYCLE TYPE OF TREAD[1]

Tire size	Maximum prices for retreading or recapping, when the tire carcass is furnished by the purchaser	Add this price when the tire carcass is not furnished by the purchaser. The result is the maximum price for a retreaded or recapped tire
4.00-18	$4.70	$2.75
4.00-19	4.80	2.75
4.50-18	5.10	2.75
4.50-19	5.30	2.75
5.00-16	5.75	3.20

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[1] Motorcycle type of tread includes any tread of a type generally recognized as designed primarily for use on motorcycles.

§ 1315.1216 *Appendix B: Minimum quality specifications*—(a) *Retreading and recapping (tire carcass furnished by purchaser)*. In order to be entitled to the maximum prices set forth in Appendix A (§ 1315.1215), retreading or recapping must comply with all the following minimum quality specifications, when the tire carcass is furnished by the purchaser:

(1) Tire casing must be uniformly buffed.

(2) Tire casing and all materials must be moisture free and free of dirt.

(3) Camelback must be applied to completely cemented and dried surface.

(4) Camelback must be stitched down thoroughly.

(5) Curing must be in full circle molds or steam kettle in accordance with instructions of the manufacturer of the camelback used.

(6) Finished tire tread must adhere uniformly, must be a circle without bulges or sunken areas, and must be completely filled out and free of porosity and imperfections.

(b) *Retreaded and recapped tires (tire carcass not furnished by purchaser)*. In order to be entitled to the maximum prices set forth in Appendix A (§ 1315.1215), when the tire carcass is not furnished by the purchaser, retreaded or recapped tires must comply with all the minimum quality specifications set forth in paragraph (a) of this section for retreading or recapping, the tire carcass used must have been a treadable tire as defined in subparagraph (1), and if such tire carcass is not sound as defined in subparagraph (1), it must be repaired in compliance with the minimum quality specifications for repairs set forth in subparagraph (2).

(1) *Treadable tire*. "Treadable tire" means a rubber tire or tire casing which is sound or which, if not sound, warrants repair and retreading or recapping in accordance with recognized commercial practice, and which can reasonably be expected to render satisfactory service under limited operating conditions (speed not over 35 miles per hour and no overload). "Sound" as applied to a tire means a tire which has not been damaged to the extent that it is in need of repair in accordance with recognized commercial practice and which can reasonably be expected to render satisfactory service under limited operating conditions (speed not over 35 miles per hour and no overload). Specifically, a treadable tire must meet at least the following conditions.

(i) The cord body: (*a*) Must not be worn through more than one body ply for a total length of more than four inches on four-ply tires;

(*b*) Must not be worn through more than two plies for a total length of more than four inches on tires of six plies or more;

(*c*) Must not have or show evidence of having had more than two injuries requiring sectional or reinforcement repairs, each not exceeding one-third the cross-sectional diameter of the tire, except that, in the case of a truck tire, it may have an injury not exceeding one-half the cross-sectional diameter of the tire, if that is the only injury to the cord body. Example—Breaks in 600/16 (6 inch) tires must not be more than two inches long: 900/20 (9 inch) tires not more than three inches long, unless there is only one break, in which case it must not be more than four and one-half inches long;

(*d*) Must not have more than three radial cracks of more than one inch in length extending to the cord body;

(*e*) Must not have separation between plies;

(*f*) Must not have been damaged to the extent that cords are pulled loose beyond the first inside ply;

(*g*) Must not have injuries below any point where the top of the rim flange makes contact with the tire;

(*h*) Must not have or exhibit circumferential or flex breaks on the inside ply;

(*i*) Bead area must be sound with no broken wires.

(ii) The tread and sidewall must not be weather checked or cracked to the extent that the tire has more than two radial cracks which extend through the cord body.

(2) *Repairs*. A repair must be a vulcanized spot repair, or vulcanized reinforcement or vulcanized sectional repair which can be accomplished in accordance with recognized commercial practice and which can be reasonably expected to render satisfactory service under limited operating conditions (speed not over 35 miles per hour and no overload) so that the tire when repaired will be in a safe condition for service.

(i) "Vulcanized spot repair" means a repair which in accordance with recognized commercial practice should be applied to such tire damage as: surface blisters, cuts, and other injuries which can be satisfactorily repaired without fabric reinforcement; small injuries to not more than one ply in a four-ply tire; small injuries to not more than two plies in a six-ply tire; small injuries to not more than one-fourth of the total plies in heavier tires. Specifically, such repair must meet at least the following conditions:

(*a*) Loose portions of tread and sidewall rubber must be removed.

(*b*) Surfaces must be skived, roughened, cemented.

(*c*) Tire casing and repair materials must be moisture free.

(*d*) Rubber must be applied after cement is dry.

(*e*) Curing must be in accordance with instructions of the manufacturer of the repair materials used.

(ii) "Vulcanized reinforcement repair" means a repair requiring fabric reinforcement which in accordance with recognized commercial practice should be applied to such tire damage as worn tread spots or other injuries which involve ply damage exceeding that to which a vulcanized spot repair should be applied but where at least two of the plies are sound and uninjured. "Vulcanized sectional repair" means a repair requiring fabric reinforcement which in accordance with recognized commercial practice should be applied to such tire damage as breaks or cuts through the entire tire casing, nail holes enlarged by prolonged neglect, or other injuries which do not leave two of the plies sound and uninjured and thus involve ply damage exceeding that to which a vulcanized reinforcement repair should be applied. For a reinforcement repair, the patch may be lighter than for a sectional repair, but in no case may a patch lighter than two plies be used. Specifically, such repairs must meet at least the following conditions:

(*a*) Injured rubber and fabric must be removed.

(*b*) Area around injury must be skived at an angle to give maximum bonding surface and stress resistance (usually 45 degrees).

(*c*) Tire casing and repair materials must be moisture free.

(*d*) Surface must be buffed, cemented, and allowed to dry, then cemented again and allowed to dry again.

(*e*) Skived portion of the inner casing must be filled with cushion gum level with the inner band ply.

(*f*) Ready-built patch or built-in cord fabric must be applied in accordance with manufacturer's instructions regarding number of plies, size of patch, ply direction, and application.

(*g*) Tread portion of skive must be lined with skim coating of cushion gum or tie gum and filled with tread gum slightly above level of the tread.

(*h*) Curing must be in accordance with instructions of the manufacturer of the repair materials used. Proper pressure must be maintained during cure.

(*i*) Repaired portions must present smooth surfaces inside and out; tread, buttress, and sidewall designs must be restored to match those on the rest of the tire; and exterior contour must be maintained.

(*j*) Finished repair must be free of porosity and other imperfections.

Issued this 28th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10980; Filed, October 28, 1942;
3:14 p. m.]

Part 1351—Food and Food Products

[MPR 237, Amendment 2]

CALCULATION OF MAXIMUM PRICES BY WHOLESALER

Amendment No. 2 to Maximum Price Regulation No. 237.—Adjusted and Fixed Markup Regulation for Sales of Certain Food Products at Wholesale.

A statement of the considerations involved in the issuance of Amendment No. 2 to Maximum Price Regulation No. 237[1] has been issued and filed with the Division of the Federal Register.*

Section 1351.503 (1) is amended to read as set forth below:

§ 1351.503 *How a wholesaler calculates his maximum price for food products listed in Appendix B.* * * *

(1) The wholesaler shall multiply his "net cost" of the item he is pricing by the figure in Appendix B which applies to a wholesaler of his class for that item. He must find his "class of wholesaler" and "net cost" by following the rules of paragraphs 1 and 2 of the foregoing § 1351.502, except that the wholesaler's most recent purchase need not have been made since May 11, 1942.

* * * * *

§ 1351.517a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1351.503 (1)) to Maximum Price Regulation No. 237 shall be effective as of October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 28th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10986; Filed, October 28, 1942; 4:19 p. m.]

Part 1351—Food and Food Products

[MPR 238, Amendment 1]

ADJUSTED AND FIXED MARKUP FOR RETAIL SALES

A statement of the considerations involved in the issuance of Amendment No. 1 to Maximum Price Regulation No. 238[2] has been issued and filed with the Division of the Federal Register.*

Section 1351.603 (a) is amended and § 1351.617a is added; all to read as set forth below:

§ 1351.603 *How a retailer calculates his maximum price for food products listed in Appendix B.* (a) The retailer shall multiply his "net cost" of the item he is pricing by the figure in Appendix B which applies to a retailer of his class for that item. He must find his "class of retailer" and "net cost" by following the rules of paragraphs 1 and 2 of the foregoing § 1351.602, except that the retailer's most recent purchase need not have been made since May 11, 1942.

* * * * *

§ 1351.617a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1351.603 (a) and 1351.617a) to Maximum Price Regulation No. 238 shall be effective as of October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 28th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10987; Filed, October 28, 1942; 4:19 p. m.]

Part 1360—Motor Vehicles and Motor Vehicle Equipment

[Rationing Order 2A,[1] Amendment 17]

NEW PASSENGER AUTOMOBILE RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Sections 1360.411 and 1360.412 are amended to read as set forth below; §§ 1360.413 and 1360.414 are revoked and § 1360.442 (q) is added:

Appeals

§ 1360.411 *Who may appeal.* Any person whose application for a certificate, part of a certificate or authorization has been denied in whole or in part by the action of a Board, State Director or Regional Administrator, or whose certificate, part of a certificate or authorization has been revoked, cancelled, suspended or modified by action of a Board, State Director or Regional Administrator under Rationing Order No. 2A may appeal from such action, or from any other adverse decision of a Board.

§ 1360.412 *Procedure.* An appeal shall be taken only in accordance with the provisions of Procedural Regulation No. 9, issued by the Office of Price Administration.

* * * * *

Effective Dates

§ 1360.442 *Effective dates of amendments.* * * *

(q) Amendment No. 17 (§§ 1360.411, 1360.412, 1360.413 and 1360.414) to Rationing Order No. 2A shall become effective November 9, 1942.

(Pub. Law 421, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. 1-A, 7 F.R. 562, 698, 1493)

Issued this 28th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10984; Filed, October 28, 1942; 3:17 p. m.]

Part 1391—Bicycles and Bicycle Equipment

[Rev. Ration Order 7,[1] Amendment 3]

NEW ADULT BICYCLE RATION REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Sections 1391.20 and 1391.21 are amended to read as set forth below; §§ 1391.22 and 1391.23 are revoked and § 1391.37 (c) is added:

Appeals

§ 1391.20 *Who may appeal.* Any person whose application for a certificate, part of a certificate or authorization has been denied in whole or in part by the action of a Board, State Director or Regional Administrator, or whose certificate part of a certificate or authorization has been revoked, cancelled, suspended or modified by action of a Board, State Director or Regional Administrator, under Revised Ration Order No 7, may appeal from such action, or from any other adverse decision of a Board.

§ 1391.21 *Procedure.* An appeal shall be taken only in accordance with the provisions of Procedural Regulation No. 9 issued by the Office of Price Administration.

* * * * *

Effective Dates

§ 1391.37 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1391.20, 1391.21, 1391.22, 1391.23) to Revised Ration Order No. 7 shall become effective November 9, 1942.

(Pub. Law 421, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1-G, 7 F.R. 562, 3546)

Issued this 28th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10979; Filed, October 28, 1942; 3:16 p. m.]

Part 1394—Rationing of Fuel and Fuel Products

[Ration Order 5A,[2] Amendment 15]

GASOLINE RATIONING REGULATIONS

A rationale involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1394.1918 and paragraph (a) of § 1394.1921 are amended as set forth below:

Gasoline Ration Bank Accounts

* * * * *

§ 1394.1918 *Prohibition.* Notwithstanding anything to the contrary contained in Ration Order No. 5A, on and after October 28, 1942, except as otherwise provided in paragraph (a) of § 1394.1921 and § 1394.1928, no evidences required to be deposited by paragraph (a) of § 1394.1921 shall be surrendered by or accepted from a depositor, but vouchers shall be issued or accepted in place thereof.

* * * * *

§ 1394.1921 *Deposits.* (a) On opening the account each depositor shall deposit all evidences on hand which were received in exchange for deliveries of gasoline within New York State from a place of business inside the Introductory Area. Thereafter he shall deposit all evidences received in exchange for deliveries of gasoline within New York State from a place of business inside the Introductory Area within fifteen (15) days after their receipt and all vouchers issued to him within fifteen (15) days after the date appearing on the face thereof.

* * * * *

Effective date

§ 1394.1902 *Effective dates of amendments.* * * *

(p) Amendment No. 15 (§ 1394.1918 and paragraph (a) of § 1394.1921) to Ration Order No. 5A shall become effective October 28, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. 1, Amendment 2 to Supp. Dir. 1 (H); 7 F.R. 562, 3478, 3877, 5216).

Issued this 28th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10988; Filed, October 28, 1942; 4:19 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8205, 8427.

[2] 7 F.R. 8209.

[1] 7 F.R. 1542, 1647, 1756, 2108, 2242, 2305, 2903, 3097, 3482, 4343, 5484, 6049, 6082, 6424, 6601, 6775, 6964, 7149.

[1] 7 F.R. 5062, 5871, 6266.

[2] 7 F.R. 5225, 5362, 5426, 5566, 5606, 5666, 5674, 5942, 6267, 6684, 6776, 7510, 7399, 7748, 7811, 7907, 8708.

Part 1394—Rationing of Fuel and Fuel Products

[Ration Order 11[1], Amendment 1]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (a) of § 1394.5701 is amended by inserting at the beginning of the paragraph before the words "every primary supplier", the phrase "Except as provided in paragraph (c) of this section"; paragraph (b) of § 1394.5701 is amended by inserting at the beginning of the paragraph, before the words "every dealer", the phrase "Except as provided in paragraph (c) of this section"; a new paragraph (e) is added to § 1394.5701; and a new § 1394.5902 is added, as set forth below:

Replenishment and Audit Registration

§ 1394.5701 *Registration of suppliers and dealers.* * * *

(c) Dealers and suppliers may register on any date fixed for such purpose by the Regional Administrators or State Directors of the Office of Price Administration in all or part of their respective regions or states.

* * * * *

Effective Date

§ 1394.5902 *Effective date of corrections and amendments* (a) Amendment No. 1 (§ 1394.5701) to Ration Order No. 11 shall become effective on October 28, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-0; 7 F.R. 8418; Executive Order No. 9125, 7 F.R. 2719)

Issued this 28th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10992; Filed, October 28, 1942; 4:20 p. m.]

Part 1398—Office and Store Machines

[Rev. Rationing Order 4,[1] Amendment 6]

NEW AND USED TYPEWRITERS

Section 1398.106 is amended to read as set forth below and a new paragraph (f) is added to § 1398.112.

§ 1398.106 *Appeals.* Any person directly affected by an action of a Board, State Director, or Regional Administrator taken with reference to any application, petition, or other matter before such Board, State Director, or Regional Administrator under Revised Rationing Order No. 4 may appeal from such action pursuant to the provisions of Procedural Regulation No. 9.

* * * * *

§ 1398.112 *Effective dates of amendments.* * * *

(f) Amendment No. 6 (§ 1398.106) shall become effective November 9, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Dir. 1, Supp. Dir. 1D, and Conversion Order L-54-a, 7 F.R. 562, 7 F.R. 1792, 7 F.R. 2130.)

Issued this 28th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10977; Filed, October 28, 1942; 3:16 p. m.]

Part 1404—Rationing of Rubber Footwear

[Ration Order 6,[2] Amendment 3]

MEN'S RUBBER BOOTS AND RUBBER WORK SHOES RATIONING REGULATIONS

Sections 1404.52 to 1404.57, inclusive, are hereby revoked, a new paragraph (c) is added to § 1404.71, and § 1404.51 is amended to read as set forth below:

Appeals

§ 1404.51 *Who may appeal.* Any person directly affected by the action of a Board, State Director, or Regional Administrator taken with reference to any application, petition, or other matter before such Board, State Director, or Regional Administrator under Ration Order No. 6 may appeal from such action pursuant to the provisions of Procedural Regulation No. 9.

* * * * *

Effective Date

§ 1404.71 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1404.51 to 1404.57, inclusive) shall become effective November 9, 1942.

Issued this 28th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10978; Filed, October 28, 1942; 3:16 p. m.]

Part 1407—Rationing of Food and Food Products

[Rationing Order 3[1] Amendment 19]

SUGAR RATIONING REGULATIONS

Section 1407.162 is amended as set forth below:

Petitions for Adjustment; Appeals; New Business; Miscellaneous

* * * * *

§ 1407.162 *Appeals.* (a) A person may appeal from any action of the Board, State Director, or Regional Administrator adverse to such person. Such appeal shall be brought in accordance with the terms and provisions of Procedural Regulation No. 9.

(b) This section shall not apply to any action taken with respect to petitions made pursuant to §§ 1407.161 or 1407.163, except action taken with respect to such a petition by the Board, State Director, or Regional Administrator in cases where the Board or official taking the action has been authorized by the Office of Price Administration to grant or deny such petition.

* * * * *

Effective Date

§ 1407.222 *Effective dates of amendments.* * * *

(t) Amendment No. 19 (§ 1407.162) shall become effective November 9, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1, and Supp. Dir. No. 1E, 7 F.R. 562, 2965.)

Issued this 28th day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-10982; Filed, October 28, 1942; 3:15 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8480.

[1] 7 F.R. 2317, 2792, 4179, 4488, 5188, 6773, 7405.

[2] 7 F.R. 7749, 7967, 8363.

[1] 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 8402, 6057, 8655, 8710.

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 1[1] of GMPR, Amendment 35]

TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 1499.26 is amended by adding a new subparagraph (8) to paragraph (b), as set forth below:

§ 1499.26 *Exceptions for certain commodities and certain sales and deliveries.* * * *

(b) The General Maximum Price Regulation shall not apply to the following sales or deliveries: * * *

(8) Sales or deliveries of any tires or tubes by any person to Defense Supplies Corporation pursuant to the Idle Tire Purchase Plan.

* * * * *

(e) *Effective dates.* * * *

(36) Amendment No. 35 (§ 1499.26 (b) (8)) to Supplementary Regulation No. 1 shall be effective as of October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10989; Filed, October 28, 1942; 4:19 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. Supp. Reg. 11[2] to GMPR,[3] Amendment 7]

DRILLING OIL OR GAS WELLS; FIRE-FIGHTING SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Paragraph (b) of § 1499.46 is amended by adding subparagraphs (106) and (107) as set forth below:

§ 1499.46 *Exceptions for certain services.* * * *

(b) The provisions of the General Maximum Price Regulation shall not apply to the rates, fees, charges or compensation for the following services: * * *

(106) Drilling of oil or gas wells including necessary operations in connection therewith, such as preparation of location, fishing jobs, pulling, salvaging and plugging operations, fees and charges for.

(107) Fire fighting services in connection with oil and gas wells, fees and charges for. * * *

(d) *Effective dates.* * * *

(8) Amendment No. 7 to Revised Supplementary Regulation No. 11 (§ 1499.46 (b) (106) and (107)) shall become effective October 28, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 28th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10985; Filed, October 28, 1942; 3:17 p. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service

PART 261—TRESAPASS

CERTAIN NATIONAL FORESTS

ORDER FOR REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on land in the Tamarack-Monument and Hardman cattle and horse allotments, and the adjoining Sunflower and Three Trough sheep allotments on the Heppner Ranger District, Umatilla National Forest, in the State of Oregon; and

Whereas these horses are consuming forage needed for domestic livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897, (30 Stat. 35, 16 U. S. C. 551), and the Act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), the following order for the occupancy, use, protection, and administration of land in the Tamarack-Monument and Hardman cattle and horse allotments, and the adjoining Sunflower and Three Trough sheep allotments on the Heppner Ranger District, Umatilla National Forest, is issued:

§ 261.50 *Temporary closure from livestock grazing.* (a) The Tamarack-Monument and Hardman cattle and horse allotments, and the adjoining Sunflower and Three Trough sheep allotments on the Heppner Ranger District, Umatilla National Forest, are hereby closed for the period beginning December 5, 1942, and ending April 15, 1943, to the grazing of horses, except those horses that are lawfully grazing on or crossing land in such allotments pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Umatilla National Forest is located.

Done at Washington, D. C., this 29th day of October 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-11022; Filed, October 29, 1942; 11:32 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[General Docket No. 21]

PETITION OF DISTRICT BOARD NO. 7

MEMORANDUM OPINION AND ORDER

In the matter of determining the extent of change, if any, in excess of two cents per net ton in the weighted average of the total costs of any of the minimum price areas; and of revising the effective minimum prices as may be required by reason of any such change in costs.

Memorandum opinion and order of the Secretary of the Interior on the petition of District Board No. 7 for rehearing, reargument, reconsideration and modification of orders.

The Bituminous Coal Producers Board for District No. 7, a party in the above-entitled proceeding, filed with me on October 10, a petition alleging certain specific errors in the determinations made in General Docket No. 21, and requesting that I reconsider and modify my orders and opinion of April 13, 1942 and September 30, 1942; that I direct the Director of the Bituminous Coal Division to grant a rehearing and reargument on the points raised, and that I direct the Director to reconsider and modify his orders in this docket of January 27, 1942 and August 28, 1942. The petitioner relies on the briefs previously filed by it to state the grounds for the specification of errors.

The briefs of District Board No. 7 were fully considered by me in the course of my review of both phases of this docket, and the determinations of the points specified by the petitioner were scrutinized in the light of all arguments relating thereto by District Board 7 and other interested parties. It does not appear that the petition adds anything to the arguments previously advanced or offers to present any new material for the Director to consider or that any dissatisfaction with the minimum prices established in this docket cannot be satisfactorily considered in a petition under section 4 (II) (d) of the Bituminous Coal Act.

I therefore deny the petition and affirm the order of the Director of October 16 denying a similar petition filed with him on October 9 by District Board No. 7.

Dated: October 26, 1942.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-11013; Filed, October 29, 1942; 11:04 a. m.]

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[1] 7 F.R. 3158, 3488, 3892, 4183, 4410, 4428, 4487, 4488, 4493, 4669, 5066, 5192, 5276, 5366, 5484, 5607, 5717, 5942, 6082, 6473, 6685, 7011, 7250, 7317, 7598, 7604, 7739, 8336, 8652.

[2] 7 F.R. 6426, 6965, 7604, 7758, 8282, 8431.

[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

MICHIGAN; ISABELLA COUNTY

DESIGNATION FOR LOANS

Designation of localities in county in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by Supplement 2 of Secretary's Memorandum No. 867 issued as of July 1, 1942,[1] loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION II—MICHIGAN

COUNTY—ISABELLA

Locality I. Consisting of the townships of Gilmore, Coldwater, Sherman, and Broomfield, $3,185.

Locality II. Consisting of the townships of Rolland, Nottawa, Deerfield, Fremont, Vernon, Isabella, Union, Lincoln, Wise, Denver, Chippewa, and Coe, and the City of Mount Pleasant, $5,372.

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved: October 23, 1942.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 42-11016; Filed, October 29, 1942; 11:00 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 165]

COOKING AND HEATING APPLIANCES MANUFACTURING INDUSTRY

APPOINTMENT OF INDUSTRY COMMITTEE NO. 51

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the Cooking and Heating Appliances Manufacturing Industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the Public: William H. Stead, St. Louis, Missouri (Chairman); Harold M. Heckman, Athens, Georgia; Herman Michl, Philadelphia, Pennsylvania; Frank T. Carlton, Cleveland, Ohio; Jennings Perry, Nashville, Tennessee; Miss Alice Hunt, Providence, Rhode Island.

For the Employees: Charles W. Wilkerson, Cincinnati, Ohio; Boris Shishkin, Washington, D. C.; Edward W. Kaiser, St. Louis, Missouri; Joseph Besch, Washington, D. C.; Stephen Levitsky, Washington, D. C.; Noel Beddow, Birmingham, Alabama.

For the Employers: C. Ackerson, Gadsden, Alabama; W. E. Derwent, Rockford, Illinois; Robert T. Frazier, Chattanooga, Tennessee; Mullin Wayne, Garwood, New Jersey; E. W. Longacre, Johnstown, Pennsylvania; Irving L. Jones, Utica, New York.

Such representatives having been chosen with due regard to geographical regions in which such industry is carried on.

2. For the purpose of this order the term "Cooking and Heating Appliances Manufacturing Industry" includes:

(a) The manufacture of cooking and heating equipment and appliances, and parts and accessories thereof;

(b) The term "manufacture" as used herein covers all operations involved in the production of any article covered by this definition, including foundry operations required to produce iron castings, the fabrication and surface treatment (including enameling) of sheet metal and castings parts, and the mounting and assembling of the parts;

(c) *Provided, however,* That the manufacture of the following shall not be included: steam fittings and specialties such as thermostats and other temperature control devices, gauges, regulators, traps, and reducing valves; steam heating boilers using pressure in excess of 15 pounds per square inch; cooking utensils; electrical equipment and appliances; stove pipes; tanks for water heaters; or any product covered by a wage order for the Gray Iron Jobbing Foundry Industry or Enameled Utensil Industry.

3. The definition of the Cooking and Heating Appliances Manufacturing Industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping, and selling occupations: *Provided, however,* That such clerical, maintenance, shipping and selling occupations when carried on in a wholesaling or selling department physically segregated from other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale, shall not be deemed to be covered by this definition: *And provided, further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. The industry committee herein created shall meet at 10:00 A. M. on November 19, 1942 in the College Room of the Hotel Astor, New York City, and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at Washington, D. C., this 27th day of October 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-10994; Filed, October 29, 1942; 9:44 a. m.]

STEIN-WAY CLOTHING COMPANY

CANCELLATION OF LEARNER EMPLOYMENT CERTIFICATE

Notice of cancellation of Special Certificate for the employment of learners in the single pants, shirts and allied garments and women's apparel industries.

Notice is hereby given that a special learner certificate issued to Stein-Way Clothing Company, Erwin, Tennessee, for the effective period from February 9, 1942 to February 9, 1943, has been ordered cancelled as of the date of issue for violation of the terms of the regulations under which the said certificate was issued.

The order of cancellation shall not become effective and enforceable until after the expiration of a fifteen-day period following the date on which this Notice appears in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any directly interested and aggrieved party pursuant to § 522.176 of the Regulations. If a petition is properly filed, the effective date of the order of cancellation shall be postponed until final action is taken on the petition.

Signed at New York, New York, this 14th day of October 1942.

ISABEL FERGUSON,
Duly Authorized Representative of the Administrator.

[F. R. Doc. 42-10993; Filed, October 29, 1942; 9:44 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6450]

ILLINOIS BELL TELEPHONE CO.

NOTICE OF HEARING

In re application of Illinois Bell Telephone Company (WAY), dated, April 20, 1942; for, modification of license; class of service, public coastal; class of station, coastal harbor; location, Lake Bluff, Illinois; operating assignment specified: Frequency, add: 2782, 4162.5 kcs.; power, 1,000 w. day; 500 w. night; unlimited; frequency, add: 6455, 8840, 11090 kcs.; power, 500 w. daytime only; emission, A-3; A-2; pts. of comm., add: And with ships on Mississippi River and connecting inland waters.

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[1] 7 F.R. 5374.

You are hereby notified that the Commission has examined the above described application and has designated the matter for a consolidated hearing with the application of Lewis B. Gilmer, Docket No. 6451, for the following reasons:

1. To determine whether or not there is a need for a coastal-harbor radiotelephone station at Lake Bluff, Illinois, for communication with vessels equipped with radiotelephone on the Mississippi River and connecting inland waters.

2. To determine whether or not there is a need for more than one coastal-harbor radiotelephone station, such as is requested by the applicant, in the Chicago area.

3. To determine whether or not operation of a coastal-harbor radiotelephone station at Lake Bluff, Illinois, as proposed by the applicant would serve public interest, convenience or necessity.

4. To determine whether or not the facilities to be constructed or changed will serve either (1) an essential military need or (2) a vital public need, which cannot otherwise be met.

5. To determine whether or not the rate structure and charges thereunder for radiotelephone service through coastal-harbor station WAY would serve the public interest.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Illinois Bell Telephone Company, 212 W. Washington Street, Chicago, Illinois.

Dated at Washington, D. C., October 27, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-10995; Filed, October 29, 1942; 10:10 a. m.]

[Docket No. 6451]

LEWIS B. GILMER

NOTICE OF HEARING

In re application of Lewis B. Gilmer, dated, November 21, 1941; for construction permit; class of service, public coastal; class of station, coastal harbor; location, Joliet, Illinois; operating assignment specified: Frequency, 2782, 4162.5 kcs. unlimited; 6455, 8840, 11090 kcs. day only; power, 100 w.; emission, A-3; pts. of comm., ship telephone stations on Mississippi River and connecting inland waters.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for a consolidated hearing with the application of Illinois Bell Telephone Company (WAY), Docket No. 6450, for the following reasons:

1. To determine whether or not the applicant is legally, technically and financially qualified to operate a coastal-harbor radiotelephone station at Joliet, Illinois.

2. To determine whether or not there is a need for a coastal-harbor radiotelephone station at Joliet, Illinois, as proposed by the applicant.

3. To determine whether or not there is a need for more than one coastal-harbor radiotelephone station, such as is requested by the applicant in the Chicago area.

4. To determine whether or not operation of a coastal-harbor radiotelephone station at Joliet, Illinois, as proposed by the applicant, would serve public interest, convenience or necessity.

5. To determine whether or not the facilities to be constructed or changed will serve either (1) an essential military need or (2) a vital public need, which cannot otherwise be met.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Lewis B. Gilmer, P. O. Box 29, Libertyville, Illinois.

Dated at Washington, D. C., October 27, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-10996; Filed, October 29, 1942; 10:10 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 140]

Real Property in Bar Harbor, Maine, Owned by Yamanaka and Company, Ltd.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, interest and estate, both legal and equitable, of Yamanaka and Company, Ltd., a Japanese corporation, Osaka, Japan, which is a national of a designated enemy country (Japan), in and to that certain real property, together with all fixtures, improvements and appurtenances thereto, situated at Bar Harbor, Maine, and particularly described as follows:

Beginning at a drill hole in sidewalk in the Easterly side of Main Street marking the Southwest corner of land now or formerly of Bessie Pocker; thence South 78 degrees 30 minutes East but everywhere following the Southerly line of land now or formerly of said Pocker 70 feet more or less to a drill hole in boulder marking the Southeasterly corner of land now or formerly of said Pocker; thence South 8 degrees 56 minutes West 13 feet more or less to a point; thence South 8 degrees 36 minutes West 30 feet more or less to a stake in the North line of land formerly of Hasket Derby; thence North 83½ degrees West 70 feet more or less to the Easterly side line of Main Street; thence Northerly by said Main Street 43 feet more or less to the place of beginning,

is property within the United States owned by said national of the aforesaid designated enemy country (Japan), and determining that to the extent that such national is a person not within a designated enemy country such person is controlled by or acting for or on behalf of or as a cloak for a designated enemy country (Japan) or a person within such country, and the national interest of the United States requires that such person be treated as a national of such designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10997; Filed, October 29, 1942; 10:52 a. m.]

[Vesting Order 169]

Interest of Partner in O. Yoshizawa & Company

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title and interest of Otokichi Yoshizawa, whose last known address was represented to the undersigned as being in Tokyo, Japan, as a co-partner, in and to O. Yoshizawa & Company, a New York partnership, New York, New York, which is a business enterprise within the United States, which right, title and interest constitute approximately 90% of such partnership,

is property of, and represents control of said business enterprise which is, a national of a designated enemy country (Japan), and determining that to the extent that either or both of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of such designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 24, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10998; Filed, October 29, 1942; 10:52 a. m.]

[Vesting Order 170]

50% of the Capital Stock of Nippon Dry Goods Company, Inc., and Certain Indebtedness Owing By It

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

175 shares (constituting a substantial part, namely, 50%, of the capital stock outstanding) of $100 par value common capital stock of Nippon Dry Goods Company, Inc., a New York corporation, which is a business enterprise within the United States, which shares are owned by Kazo Takemura whose last known address was represented to the undersigned as being Yokohama, Japan,

is property of, and represents an interest in said business enterprise which is, a national of a designated enemy country (Japan); and

(b) That the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of Takemura Company, Ltd., Yokohama, Japan, Yokohama Specie Bank, Ltd., Yokohama, Japan, and J. Nakayama (alien detention camp), and any or all of them, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to them or any of them by said Nippon Dry Goods Company, Inc., including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness

is an interest in the aforesaid business enterprise held by nationals of an enemy country, and also is property within the United States owned or controlled by nationals of a designated enemy country (Japan);

and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington D. C. on September 24 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10999; Filed, October 29, 1942; 10:52 a. m.]

[Vesting Order 178]

Assets of Showa Tsusho Kaisha, Ltd.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All property of any nature whatsoever situated in the United States, and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, Showa Tsusho Kaisha, Ltd., a Japanese corporation, Tokyo, Japan, including, but not limited to, all the assets of its New York branch, which corporation is a business enterprise within the United States.

is property of nationals, and said business enterprise is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country", and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–11000; Filed, October 29, 1942; 10:53 a. m.]

[Vesting Order 180]

ASSETS OF FIAT SOCIETA ANONIMA

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, Fiat Societa Anonima, an Italian corporation, Turin, Italy, including, but not limited to, all of the assets of its Detroit, Michigan, branch, which corporation is a business enterprise within the United States.

is property of nationals, and said business enterprise is a national, of a designated enemy country (Italy), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Italy), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on September 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–11001; Filed, October 29, 1942; 10:54 a. m.]

[Vesting Order 187]

90% OF THE CAPITAL STOCK OF GODO MATCH COMPANY, INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law. the undersigned, after investigation, finding that the property described as follows:

270 shares of $100 par value preferred capital stock and 270 shares of no par value common capital stock (which constitute a substantial part, namely, 90%, of all outstanding shares) of Godo Match Company, Inc., a New York corporation, New York, New York, which is a business enterprise within the United States, the names and last known addresses of the registered owners of which, and the number of each class of shares owned by them respectively, are as follows:

Names	Last known addresses	Number of shares	
		Preferred stock	Common stock
Shinkichi Minami	Kobe, Japan	15	15
Mitsui Bussan	Kobe, Japan	15	15
Yasujiro Kozuki	Kobe, Japan	10	10
Jisaburo Takito	Kobe, Japan	10	10
Tokusaburo Ihata	Osaka, Japan	10	10
Sukesaburo Inoue	Kobe, Japan	7	7
Noritsune Kotake	Kobe, Japan	10	10
Tomamatsu Kitahama	Kobe, Japan	3	3
Tamejiro Sachi	Nagoya, Japan	3	3
Seiichi Osako	Kobe, Japan	3	3
Kyozo Domoto	Kobe, Japan	3	3
Mokichi Nishimoto	Kobe, Japan	1	1
Shozo Tsutakawa	Kobe, Japan	1	1
Jisaburo Takito	Kobe, Japan	4	4
Kamekichi Hori	Kobe, Japan	3	3
Suteichi Yamamoto	Kobe, Japan	15	15
Kojiro Suetaka	Kobe, Japan	3	3
Sanmi Matsushima	Osaka, Japan	4	4
Goro Takahashi	Japan (by repatriation)	50	50
Fumio Kinoshita	Japan (by repatriation)	15	15
Roku Kondo	Japan (by repatriation)	15	15
Shigehiko Magata	Japan (by repatriation)	10	10
Mitsui & Co., Ltd	Tokyo, Japan	40	40
Iwai & Co., Ltd	Osaka, Japan	20	20
Total		270	270

is property of nationals, and represents control of said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–11002; Filed, October 29, 1942; 10:53 a. m.]

[Vesting Order 189]

ALL OF THE CAPITAL STOCK OF KANEMATSU TRADING CORPORATION

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All of the capital stock (consisting of 175 shares of $100 par value common stock) of Kanematsu Trading Corporation, a New York corporation, New York, New York, which is a business enterprise within the United States, the names and last known addresses of the owners of which, and the number of shares owned by them respectively, are as follows:

Names and last known addresses	*Number of shares*
Kenjiro Masuda, Japan (by repatriation) holding for the benefit of F. Kanematsu & Company, Ltd., Kobe, Japan	173
Kaoru Uyeno, New York, New York, holding for the benefit of F. Kanematsu & Company, Ltd., Kobe, Japan	1
George A. Ferris, South Rye, New York, holding for the benefit of F. Kanematsu & Company, Ltd., Kobe, Japan	1
Total	175

is property of nationals, and represents ownership of said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–11003; Filed, October 29, 1942; 10:54 a. m.]

[Vesting Order 194]

50% OF CAPITAL STOCK OF TAKAMINE CORPORATION

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

800 shares (which constitute a substantial part, namely, 50%, of all outstanding shares) of no par value common capital stock of Takamine Corporation, a New York corporation, New York, New York, which is a business enterprise within the United States, which shares are owned by Sankyo Co., Ltd., Tokyo, Japan,

is property of, and represents an interest in said business enterprise which is, a national of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–11004; Filed, October 29, 1942; 10:54 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 21 Under Supp. Reg. 1 of GMPR]

SAM MOROWIT

APPROVAL OF REGISTRATION

Order No. 21 under Supplementary Regulation No. 1 of General Maximum Price Regulation—Exceptions for Certain Commodities, Certain Sales and Deliveries and Certain Services.

An opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

The following company has registered with and been approved by the Office of Price Administration as engaged principally and primarily in the business of reconditioning and selling damaged commodities received in direct connection with the adjustment of losses from insurance companies, transportation companies or agencies of the United States Government, and whose other activities do not include the selling of new or second-hand commodities for its own account:

Sam Morowit, 847 28th Avenue, San Francisco, California.

Pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and in accordance with § 1499.26 (b) (1) as amended, under Supplementary Regulation No. 1 under the General Maximum Price Regulation, *It is hereby ordered:*

(a) That sales or deliveries by Sam Morowit, San Francisco, California, be, and the same hereby is, excepted from the General Maximum Price Regulation in accordance with § 1499.26 (b) (1) of Supplementary Regulation No. 1.

(b) This Order No. 21 shall become effective October 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10973; Filed, October 28, 1942; 12:23 p. m.]

[Order 22 Under Supp. Reg. 1 of GMPR]

SAMUEL T. FREEMAN & CO.

DISAPPROVAL OF REGISTRATION

Order No. 22 under Supplementary Regulation No. 1 of the General Maximum Price Regulation—Exceptions for certain commodities, certain sales and deliveries and certain services.

An opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

The following company applied for registration and approval of the Office of Price Administration in order that its sales and deliveries might be excepted from the provisions of the General Maximum Price Regulation pursuant to § 1499.26 (b) (1) of Supplementary Regulation No. 1:

Samuel T. Freeman & Co., 1808–1810 Chestnut Street, Philadelphia, Pa.

Due consideration has been given to the application for registration and approval of Samuel T. Freeman & Co. and it has been found that said company does not meet the requirements of § 1499.26 (b) (1) of Supplementary Regulation No. 1. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is hereby ordered:*

(a) That the said application for registration and approval of Samuel T. Freeman & Co., 1808–1810 Chestnut Street, Philadelphia, Pa., be, and the same is, denied and disapproved.

(b) This Order No. 22 shall become effective October 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10974; Filed, October 28, 1942; 12:23 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–608]

INTERNATIONAL UTILITIES CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of October, A. D. 1942.

International Utilities Corporation, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-46 thereunder, regarding the declaration and payment by International Utilities Corporation out of capital or unearned surplus of a regular quarterly dividend on November 1, 1942, on its $3.50 Prior Preferred Stock, at the rate of 87½¢ per share on the 98,966 shares of such stock presently outstanding, the aggregate amount of such payment being $86,595.25;

Said declaration having been filed on October 3, 1942 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in the said notice, or otherwise, and not having ordered a hearing thereon; and

International Utilities Corporation having requested that said declaration become effective on or about October 23, 1942; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective, and being satisfied that the effective date of such declaration should be advanced;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–11014; Filed, October 29, 1942; 11:04 a. m.]

[File No. 70–613]

ASSOCIATED ELECTRIC COMPANY, ET AL.

AMENDED NOTICE REGARDING FILING

In the Matter of Associated Electric Company, Metropolitan Edison Company, Staten Island Edison Corporation.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 27th day of October 1942.

Associated Electric Company, a registered holding company; Staten Island Edison Corporation, a subsidiary of New York State Electric & Gas Corporation and an indirect subsidiary of NY PA NJ Utilities Company, a registered holding company; and Metropolitan Edison Company, a subsidiary of NY PA NJ Utilities Company, a registered holding company, having filed declarations or applications (or both) wherein it was proposed that Associated Electric Company acquire $2,222,000 principal amount of its own 4½% bonds, due January 1, 1953, from Staten Island Edison Corporation for a cash consideration of $955,460, plus accrued interest, the consideration being determined upon the basis of 43% of principal amount; and that Associated Electric Company acquire $3,602,000 principal amount of its own 4½% bonds, refunding series, due April 1, 1956, from Metropolitan Edison Company, for a cash consideration of $1,548,860, plus accrued interest, the consideration also being determined upon the basis of 43% of principal amount (Holding Company Act Release No. 3856); and

Staten Island Edison Corporation proposes that it advance the sum of $1,050,000 to Richmond Light and Railroad Company, a subsidiary of Staten Island Edison Corporation, to enable such company to have sufficient cash available to redeem the entire outstanding issue of $1,000,000 principal amount of its First and Collateral Trust 4% 50-year Gold Bonds, due July 1, 1952, which are now a lien on a substantial portion of the properties owned by Staten Island Edison Corporation. The redemption of the bonds is to be made at the call price of 105.

The Commission having on October 20, 1942, issued its Amended Notice Regarding Filing Subject to Rule U-23 (Holding Company Act Release No. 3861), in which the date upon which any person interested in the applications-declarations might request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the nature of his interest, or might request that he be notified if the Commission should order a hearing thereon, was accelerated to October 30, 1942; and

The Public Service Commission of the State of New York having requested that the time in which interested parties might ask that a hearing be held be postponed to November 9, 1942; and

The Commission, deeming it advisable that said date be postponed to November 9, 1942;

It is hereby ordered, That the Notice Regarding Filing Subject to Rule U-23, issued October 16, 1942 (Holding Company Act Release No. 3856), as amended by the Amended Notice Regarding Filing Subject to Rule U-23, issued October 20, 1942 (Holding Company Act Release No. 3861), be and is hereby amended so that any person interested in the applications-declarations may, not later than November 9, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At such time, or thereafter, such declarations or applications, as filed or as amended, may become effective or may be granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–11015; Filed, October 29, 1942; 11:04 a. m.]

WAR PRODUCTION BOARD.

[P–19–a, Serial No. 244–A]

NEW YORK CITY TUNNEL AUTHORITY, 200 MADISON AVE., NEW YORK, N. Y.

ORDER STOPPING CONSTRUCTION

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals, lumber and other materials used in construction, for defense, for private account and for export, and of construction machinery and other facilities used in construction; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense; *It is therefore ordered:*

1. *Revocation of rating confirmed.* Preference Rating Order P–19–a, Serial No. 244–A, issued and assigned under date of October 16, 1941 to deliveries to the above-named builder and to deliveries to his Suppliers of materials to

be used in the construction of the project described in said serially numbered order (hereinafter referred to as "the project"), was revoked by a telegram to the builder from Donald M. Nelson, Director of Priorities, dated December 10, 1941. Such revocation is hereby confirmed in all respects.

2. *Prohibition of construction.* The builder shall neither perform nor permit the performance of any further construction or installation on the project, nor use any materials whatsoever for that purpose, except that until November 15, 1942, and thereafter if expressly permitted by the Director General for Operations, construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials.

3. *Prohibition of deliveries of material.* Effective immediately the builder, and effective November 3, 1942 all suppliers, shall cease delivering or accepting delivery of any materials to be used in connection with the construction of or any installation on the project. This paragraph shall not, however, prohibit the delivery to their immediate destination of any materials which are now in transit, or the acceptance of any such delivery.

4. *Notice to suppliers.* The builder shall promptly advise its suppliers of the terms of this order, and each supplier shall in turn notify his suppliers.

5. *Application for exception.* The builder or any supplier who considers that compliance with this order would work an exceptional and unreasonable hardship upon him may apply to the Director General for Operations for an exception, setting forth the pertinent facts and the reasons why he considers he is entitled to the relief requested. The Director General for Operations may thereupon take such action as he deems appropriate.

6. *Communications.* All communications concerning this revocation, including applications for exception under paragraph 5, shall be addressed to the War Production Board, Facility Review Committee, Washington, D. C.

Issued this 29th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11010; Filed, October 29, 1942; 10:45 a. m.]

NOV 2 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 215

Washington, Saturday, October 31, 1942

The President

EXECUTIVE ORDER 9260

LEGION OF MERIT

By virtue of and pursuant to the authority vested in me by section 2 of the act of July 20, 1942 (Public Law 671—77th Congress), I hereby prescribe the following rules and regulations for the award of the decoration of the "Legion of Merit" created by said act:

1. The decoration of the Legion of Merit shall be awarded by the President of the United States or at his direction to members of the armed forces of the United States and of the Government of the Commonwealth of the Philippines, and members of the armed forces of friendly foreign nations, who, after the proclamation of an emergency by the President on September 8, 1939,[1] shall have distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services.

2. Awards of the decoration of the Legion of Merit may be proposed to the President by the Secretary of War and by the Secretary of the Navy, each acting upon the recommendation of an officer of the armed forces of the United States who has personal knowledge of the services of the person recommended.

3. Recommendations for awards to members of the armed forces of friendly foreign nations shall be submitted to the President of the United States for his approval.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 29, 1942.

[F. R. Doc. 42-11081; Filed, October 30, 1942; 12:01 p. m.]

Regulations

TITLE 7—AGRICULTURE

Subchapter A—Office of the Secretary

PART 2—RATIONING OF FARM MACHINERY AND EQUIPMENT

[Amendment 3 to Temporary Rationing Order A[2]]

NEW FARM MACHINERY AND EQUIPMENT

Sections 2.8, 2.11, 2.22, 2.29 (c) and 2.36 are amended to read as follows:

§ 2.8 *Persons who have ordered new farm machinery and equipment prior to the effective date of these regulations.* Any person who has ordered new farm machinery and equipment included in Group A, prior to the effective date of this Temporary Rationing Order No. A, shall be entitled to receive a purchase certificate covering such machinery and equipment (without complying with the requirements of §§ 2.12 and 2.13): *Provided,* That such person submits to the county rationing committee evidence sufficient to satisfy the committee that such person ordered such new farm machinery and equipment prior to the effective date of this Temporary Rationing Order No. A. Any person who has ordered new farm machinery and equipment included in Group B, prior to the effective date of this Temporary Rationing Order A, may receive such machinery and equipment upon making the certification required by § 2.11 hereof. No transfer of new farm machinery and equipment made pursuant to this § 2.8 shall be valid unless delivery thereof is made to the purchaser before November 1, 1942: *Provided,* That this sentence of this section shall not apply to Puerto Rico.

* * * * *

§ 2.11 *Acquisition of Group B new farm machinery and equipment.* Any farmer may acquire new farm machinery and equipment in Group B by certifying with the person from whom he purchases such new farm machinery and equipment that it is necessary to use such farm machinery and equipment during the remainder of the calendar year 1942. Such certification shall be in the form listed in Schedule III attached hereto, which form shall be filed with and retained by the dealer. No transfer on such a certification shall be valid if delivery is not made to the purchaser before November 1, 1942: *Provided,* That this sentence of this section shall not apply to Puerto Rico.

* * * * *

§ 2.22 *Expiration of certificates of purchase.* No purchase shall be made pursuant to such a purchase certificate after October 31, 1942, and such purchase certificate shall not be valid to the extent that the new farm machinery and equipment described therein is not delivered to the applicant before November 1, 1942. If delivery is not made before November 1, 1942, the dealer shall

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[1] 4 F.R. 3851.

[2] 7 F.R. 7301, 7768, 8575.

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D C The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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return to the purchaser any consideration already received by him for the machinery and equipment not delivered. The provisions of this section shall not apply to Puerto Rico.

* * * * *

§ 2.29 *Records to be kept by dealers.* * * *

(c) Each dealer shall maintain a file containing the originals of all purchase certificates which have been accepted by him from applicants. However, on or before November 10, 1942, each dealer shall transmit to the issuing county rationing committee the originals and copies of all purchase certificates accepted by him with respect to which delivery of the new farm machinery and equipment described thereon had not been completed before November 1, 1942: *Provided*, That this sentence of this subsection shall not apply to Puerto Rico.

* * * * *

§ 2.36 *Territorial limitation.* Temporary Rationing Order A shall apply only within the limits of continental United States and of Puerto Rico.

* * * * *

§ 2.38 *Effective dates of amendments.* * * *

(c) This Amendment 3 to Temporary Rationing Order A (§§ 2.8, 2.11, 2.22, 2.29 (c), and 2.36) shall be effective as of September 17, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. 1, Supp. Dir. 1–K, 7 F.R. 562, 7280; O.P.A. Order 28, 7 F.R. 7326, 8672)

Done at Washington, D. C., this 29th day of October 1942. Witness my hand and the seal of the Department of Agriculture.

GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42–11080; Filed, October 30, 1942; 11:29 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 243]

NORTHWEST AIRLINES

AUTHORIZATION TO OPERATE A CERTAIN AIRPLANE

Authorization to Northwest Airlines to operate a certain airplane without type certificated radio equipment.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 24th day of October, 1942.

It apearing that:

1. Northwest Airlines, Inc., is conducting an all cargo daylight contact operation between Minneapolis-St. Paul and Duluth, Minnesota;

2. The Stinson airplane regularly used in this operation is presently receiving a major overhaul;

3. The plane available to conduct the operation during the interim is not equipped with the required radio facilities and such equipment is unavailable at the present time;

The Board finds that:

Its action is desirable in the public interest;

Now, therefore, The Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601, and 604, makes and promulgates the following Special Regulation:

Notwithstanding the provisions of § 40.335 of the Civil Air Regulations requiring an airplane engaged in scheduled air carrier operations to be equipped with a type certificated two-way radio telephone system, Northwest Airlines may, for a period of not to exceed 4 months from and after October 19, 1942, operate Stinson Aircraft NC 17129 in daylight contact flight carrying mail and goods only in scheduled operations between the terminal points of Minneapolis-St. Paul and Duluth, Minnesota: *Provided*, That such aircraft is equipped with an RCA AVR–7C receiver, an RCA AVT–7B transmitter, and a crystal controlled communications receiver satisfactory to the Administrator.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42–11072; Filed, October 30, 1942; 10:48 a. m.]

TITLE 29—LABOR

Chapter VIII—Commissioner of Internal Revenue

[T.D. 5176]

PART 1001—SALARY STABILIZATION UNIT

On October 27, 1942, the President approved regulations relating to wages and salaries prescribed by the Economic Stabilization Director under the Act of October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (Pub. Law 729, 77th Cong.) and Executive Order No. 9250, dated October 3, 1942 (7 F.R. 7871). Those regulations conferred on the Commissioner of Internal Revenue authority to administer the provisions thereof relating to the stabilization and limitation of certain salaries. In the exercise of the authority so conferred on the Commissioner of Internal Revenue, the following regulations are hereby promulgated.

Sec.
1001.1 Salary Stabilization Unit.
1001.2 Authority of unit.
1001.3 Regional Offices.

AUTHORITY: §§ 1001.1 to 1001.3, inclusive, issued under Pub. Law 729, 77th. Cong.; E.O. 9250, 7 F.R. 7871; Regs. of Economic Stabilization Director, dated October 27, 1942, 7 F.R. 8748.

§ 1001.1 *Salary Stabilization Unit.* There is established a Salary Stabilization Unit, which shall be under the supervision of a deputy commissioner of internal revenue, appointed in accordance with law, and which shall be independent of all other units of the Bureau of Internal Revenue.

§ 1001.2 *Authority of unit.* The Commissioner of Internal Revenue may confer upon the deputy commissioner in charge of the Salary Stabilization Unit such powers and duties as he shall deem necessary for the effective administration of the provisions of this Treasury decision.

§ 1001.3 *Regional Offices.* The Commissioner of Internal Revenue may establish such regional offices as he shall deem necessary for the effective administration of the provisions of this Treasury decision.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: October 29, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42–11062; Filed, October 29, 1942; 4:40 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A–1668]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT No. 2

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board 2 for the establishment of price classifications and minimum prices for the coals of certain mines in District 2.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District 2; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R–II, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the Schedules attached are based upon the price classifications and minimum prices in effect on October 1, 1942 for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached Schedules do not differ, except in this regard, from the minimum prices proposed by petitioner.

Dated: October 21, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Size Group Nos.															
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2456	Calder Coal Sales Company, The.	Negley (S)	#6 & #7	1	Negley, Ohio	PL&W	120	(†)	(†)	C	C	B	B	B	B	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
127	Christopher Mining Company.	Lincoln #1 (D) (W)	Pittsburgh	7	Lincoln Mine, Pa	PRR-B&O	111	(†)	A	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(*)	(*)	(*)	(*)
2550	Fayette Fuel Company	Kelley Strip (S)	Pittsburgh	3	Reilly Siding, Uniontown, Pa.	PRR	31	(†)	(†)	(†)	(†)	(†)	D	E	E	E	(†)	(†)	(†)	(†)	E	E	E
854	Harmon, J. L	Harmon Coal (D)	U. Freeport	1	Fairmont, Pa	WA																	
					Kaylor, Pa	WA	21	F	F	E	E	E	E	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2506	Viletto & Sons, Domenico	Lucesco (D)	U. Freeport	1	Freeport, Pa	PRR	79	F	F	E	E	E	E	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2549	Warman, Fred C	Wagner #2 (S)	Pittsburgh	3	Reilly Siding, Uniontown, Pa.	PRR	31	(†)	(†)	(†)	(†)	(†)	D	E	E	E	(†)	(†)	(†)	(†)	E	E	E

*Indicates classifications previously established for this size group.
†Indicates no classifications effective for these size groups.

§ 322.9 *Special prices—*(c) *Railroad fuel*—Supplement R–II. In § 322.9 (c) of Minimum Price Schedule, add the mine index numbers in groups shown. Group No. 1: 127; Group No. 6: 2549, 2550; Group No. 9: 2506; Group No. 10: 2456; Group No. 12: 854.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes										
				Lump over 4″	Lump 4″	Lump 3″	Lump 2″	Egg 2″ x 4″	Stove 1″ x 4″	Pea ¾″ x 1¼″	Run of mine	2″ N/S	1¼″ slack	¾″ slack
				1	2	3	4	5	6	7	8	9	10	11
ALLEGHENY COUNTY														
Beighley, Raymond	2551	Beighley #2	Pittsburgh	295	285	275	250	235	235	230	240	200	190	180
Esposto, Orphia Peter	2547	Tommy's	Pittsburgh	295	285	275	250	235	235	230	240	200	190	180
Kallstein, J. J	2546	Leonard	Pittsburgh	290	280	270	250	235	235	230	240	200	190	180
BEAVER COUNTY														
Calder Coal Sales Company, The.	2456	Negley (S)	#6 & #7	320	310	300	295	270	265	245	245	205	195	185
FAYETTE COUNTY														
Fayette Fuel Company	2550	Kelly Strip (S)	Pittsburgh	295	285	275	260	240	230	230	230	215	210	195
Warman, Fred. C	2549	Wagner #2 (S)	Pittsburgh	310	300	290	270	250	240	235	240	225	220	195
WASHINGTON COUNTY														
DiPrampero, Silvio	2545	Hornerfield S. D	Pittsburgh	295	285	275	250	240	225	215	225	200	190	180
WESTMORELAND COUNTY														
Wilson, Wilmer	2519	Somers Slate Dump	Pittsburgh	330	320	310	290	270	260	255	265	230	220	195

[F. R. Doc. 42-11020; Filed, October 29, 1942; 11:15 a. m.]

[Docket No. A-1640]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 15 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 15.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 15; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 335.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 335.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the Schedules attached are based upon the price classifications and minimum prices in effect on October 1, 1942 for comparable and analogous coals and reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached Schedules do not differ, except in this regard, from the minimum prices proposed by petitioner.

Dated: October 15, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial, and industrial use]

Code member	Mine index No.	Mine name	Production group No.	Shipping point	Railroad	Freight origin group No.	Price classification by size group														
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Hume-Sinclair Coal Mining Co.	127	Tiger	2	Tiger, Mo., Tiger Mine, Mo.#	KCS, MP	(#) 153	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
McGrath, Ernest L., (McGrath Coal Co.)**	1135	McGrath	1	Pittsburg, Kans.	SL-SF	146	A	A	A	A	A	A	A	A	A	A	A	A	----	A	A
Racey, Clifford (Racey Coal Co.)**	1251	Racey #2	1	Pittsburg, Kans.	J & P	141	A	A	A	A	A	A	A	A	A	A	A	A	----	A	A

*Previously classified for these size groups. No changes requested.
**Previously classified as truck mine.
(#) Denotes additional shipping point and railroad and change in F. O. G. number. F. O. G. No. 150 shall no longer be applicable.
A is Market Area list price as listed in Price Schedule No. 1.

FOR TRUCK SHIPMENTS

§ 335.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Production group No.	County	3″ lump	½″ up	10″ x 1½″	10″ x 1¼″	3″ x 2″	3″ x 1¼″	2″ x 1¾″	1¼″ x 1″	Mine run	3″ x 0	1¼″ x ⅜″	1¼″ x ¼ (R)	1¼″ x 0 (W)	1¼″ x 0 (R)	¼″ x 0
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Reedy, Wanda Zwahlen.	1642	Reedy	2	Bates, Mo.	260	260	260	260	235	220	205	200	220	195	195	180	180	160	45
Waller, E. D.	1637	E. D. Waller	2	Vernon, Mo.	260	260	260	260	235	220	205	200	220	195	195	180	180	160	45

[F. R. Doc. 42-11018; Filed, October 29, 1942; 11:15 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 133]

PROPOSED TWO-YEAR WORK PROGRAM—C. P. S. CAMPS

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885), and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations,[1] I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 360, entitled "Proposed Two-Year Work Program—C. P. S. Camps," effective immediately upon the filing hereof with the Division of the Federal Register.[2]

The foregoing addition shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 12, 1942.

[F. R. Doc. 42-11057; Filed, October 29, 1942; 3:29 p. m.]

[Order No. 61]

DUKE UNIVERSITY HOSPITAL PROJECT

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941,[3] hereby designate the Duke University Hospital Project to be work of national importance, to be known as Civilian Public Service Camp No. 61. Said project, located at Durham, Durham County, North Carolina, will be the base of operations for work at the Duke University Hospital, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV–E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Duke University Hospital Project will be engaged in such work as assisting in charting, keeping records of patients, carrying out clinical laboratory work, etc., and shall be under the direction of the Department of Neuropsychiatry, School of Medicine, Duke University, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Department of Neuropsychiatry, School of Medicine, Duke University. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

OCTOBER 27, 1942.

[F. R. Doc. 42-11058; Filed, October 29, 1942; 3:29 p.m.]

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment LIX]

PART 802—GENERAL LICENSES
PART 804—INDIVIDUAL LICENSES

SHIP AND PLANE STORES, ETC., AMENDMENTS

Section 802.13 *Ship and plane stores, supplies and equipment*[1] is hereby amended to read as follows:

§ 802.13 *Ship and plane stores, supplies and equipment.* (a) General licenses are hereby issued permitting exportation on freight or passenger vessels;

(1) (i) Owned by or under charter to the United States Maritime Commission, the War Shipping Administration, the British Ministry of War Transport, or the Soviet Government Purchasing Commission, proceeding to any destination; or

(ii) Which have been approved to the Collector of Customs by Special Orders from the Export Control Branch; or

(iii) Which have secured an authentic and acceptable document from the War Shipping Administration, or the British Ministry of War Transport, or Soviet Government Purchasing Commission, certifying that the vessel is operating on the instant voyage in the interest of the respective agency issuing the certificate; or

(iv) Of registry of countries designated by numbers 1 to 3, 5 to 6, 8 to 67, 71 to 81, 88 to 91, 96, or 99 in § 802.2 (a),[2] or of the Netherlands, Norway, or Poland: *Provided,* That the destination of such vessels shall be one of the aforenumbered countries; of the following items:

(2) (i) Bunker fuel, ordinary ship stores, sea stores, and supplies, exclusive of zinc plates, for use or consumption on board such vessels during the outgoing voyage and any immediate return voyage scheduled, in such quantities as the Collector of Customs deems necessary and reasonable;

(ii) Equipment and spare parts intended for permanent use on such vessels when necessary for their proper operation and approved by the Collector of Customs.

(b) (1) General licenses are hereby issued permitting exportation on vessels, other than those included in paragraph (a), of food stores for use on board such vessels during the outgoing voyage and any immediate return voyage scheduled. Such food stores shall not be in excess of 6.85 lbs. per man per day, which amount shall be distributed among individual food items in accordance with the food list set forth in subparagraph (4) of this paragraph. An excess tolerance of .15 lbs. per man, per day, may be allowed by the Collector of Customs where, due to packaging, food stores cannot be split up. Additional food stores, not in excess of the amount allowable for 20 per cent of the number of days required for the outgoing and return voyage, may be authorized for exportation by the Collector of Customs when necessary for the ship's safety and "in port" operations. In no event may the food stores included within Groups B, C, F and I of said food list exceed the individual amounts specified for such groups. The food stores included within Groups A, D, E, G, and H of said food list may exceed the amounts specified for such groups: *Provided,* That the aggregate of food stores included in both Groups A and E does not exceed 4.00 lbs. per man, per day: *And provided further,* That the aggregate of all food stores included in all groups shall not exceed 7.00 lbs. per man, per day, plus the 20 per cent tolerance authorized for safe operation.

(2) The operators of vessels shall furnish to the Collector of Customs requisitions based upon the information set forth in said food list, and shall furnish the following additional information: name of vessel; nationality; name of agent; approximate number of days required for the outgoing and return voy-

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[1] 6 F.R. 6832.
[2] Filed as part of the original document.
[3] 6 F.R. 831.

[1] 7 F.R. 5007, 5745, 6256, 7167, 7384.

[2] 7 F.R. 5001, 7993.

age; the vessel's probable itinerary, and the number of crew and passengers.

(3) Foodstuffs to be used as lifeboat provisions are considered as "deck stores", and are not within the purview of this section.

(4) *Item and allowance authorized per man, per day.*

Group A

Meats:
  fresh
  dried
  canned (not to exceed .06 lbs.)
Poultry and game
Fish:
  fresh
  dried
  canned (not to exceed .06 lbs.)
Cheese
Butter
Eggs:
  (8 to a lb.)
  fresh
Milk: canned
Cream:
  fresh
  canned
    Total for Group A 3.00 lbs.

Group B

Sugar. Total for Group B .20 lbs.

Group C

Potatoes. Total for Group C 1.00 lbs.

Group D

Vegetables:
  fresh
  dried
  canned
Fruit:
  fresh
  dried
  canned
    Total for Group D .75 lbs.

Group E

Flour
Cereals
Bread
Biscuits
Crackers
    Total for Group E 1.00 lbs.

Group F

Cocoa
Coffee
Tea
    Total for Group F .25 lbs.

Group G

Beverages. Total for Group G .15 lbs.

Group H

Other Groceries. Total for Group H .50 lbs.

Group I

Tobacco*
Cigarettes*
    Total per man, per day 6.85 lbs.

(c) General licenses are hereby issued permitting the exportation in planes departing from the United States of fuel, ordinary plane stores and supplies for use or consumption during the outgoing trip of such planes and any immediate return trip scheduled, and of equipment and spare parts when necessary for the proper operation of such planes.

Section 804.7 *Special provisions concerning applications to export certain commodities*[3] is hereby amended in the following particulars:

1. Paragraph (j) *Bunker fuel* is amended to read as follows:

(j) *Bunker fuel.* All applications for licenses to export bunker fuel on vessels, other than those included in paragraph (a) of § 802.13, shall be submitted on Form BEW 151.

2. Paragraph (n) (1) *Engine room, deck and cabin stores* is amended to read as follows:

(n) *Engine room, deck and cabin stores.* (1) All applications for licenses to export engine room, deck and cabin stores on vessels, other than those included in paragraph (a) of § 802.13, shall be submitted on Form BEW 151. Lifeboat provisions shall be included as deck stores.

The foregoing amendments to Parts 802 and 804 shall become effective November 1, 1942.

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951.)

Dated: October 29, 1942.

A. N. ZIEGLER,
Acting Chief,
Export Control Branch,
Office of Exports.

[F. R. Doc. 42-11064; Filed, October 30, 1942; 10:20 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-119]

APRIL SHOWERS CO.

Leonard H. Holder, doing business as April Showers Company, Washington, D. C., is an individual engaged in the fabrication, assembly, and installation of copper tubing roof-cooling systems. Subsequent to July 23, 1942, namely, on or about August 3, 1942, Leonard H. Holder began the construction, fabrication, assembly, and installation of a copper tubing roof-cooling system at Dorchester House, 2480 Sixteenth Street, Northwest, Washington, D. C., a residential apartment house, the cost of said system being in excess of $500.

The beginning of construction of this system constituted a wilful violation of Conservation Order L-41, and the fabrication, assembly, and installation of the copper tubing used in this system constituted wilful violations of Supplementary Orders M-9-c and M-9-c-4.

The foregoing violations of War Production Board orders have impeded and hampered the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board; *It is hereby ordered:*

§ 1010.119 *Suspension Order S-119.* (a) Leonard H. Holder is hereby directed and required to remove any and all copper tubing and copper or copper base alloy products which he has installed subsequent to July 23, 1942, at Dorchester House, 2480 Sixteenth Street, Northwest, Washington, D. C., on or before the fifteenth day following the effective date of this order.

(b) Leonard H. Holder shall not, subsequent to the effective date of this order, sell, transfer, assign, use, process, fabricate, or in any wise change the form or dispose of the copper tubing and copper or copper base alloy products referred to in paragraph (a) hereof, except upon the specific direction and authority of the Director General for Operations. The provisions of this paragraph do not apply to the removal of said materials from Dorchester House, 2480 Sixteenth Street, Northwest, Washington, D. C., to a place of storage for the account of Leonard H. Holder.

(c) Deliveries of material to Leonard H. Holder, individually or doing business as April Showers Company, his successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the Director of Industry Operations or the Director General for Operations for a period of ninety (90) days after the date of the issuance of this order, except as specifically authorized by the Director General for Operations.

(d) Leonard H. Holder, individually or doing business as April Showers Company, his successors and assigns, are hereby prohibited from receiving, processing, using, delivering or dealing in copper or copper base alloys, and copper or copper base alloy products for a period of ninety (90) days following the effective date of this order, except as specifically authorized by the Director General for Operations.

(e) Nothing contained in this order shall be deemed to relieve Leonard H. Holder, his executor, administrator, successors and assigns, from any restriction, prohibition, or provision contained in any order or regulation of the Director of Industry Operations or the Director General for Operations, whether now in force or hereafter issued, except in so far as the same may be inconsistent with the provisions hereof.

(f) This order shall take effect on October 29, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F. R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11054; Filed, October 29, 1942; 12:32 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-120]

WOODMONT DEVELOPMENT CO., INC.

Woodmont Development Company, Inc., of Washington, D. C., a Delaware corporation, is the owner of an apartment house building known as "Dorchester House", situated at 2480 Sixteenth Street, Northwest, Washington, D. C. Subsequent to July 23, 1942, namely, on or about August 3, 1942, it accepted delivery of copper tubing and copper or copper base alloy products which were parts of a roof-cooling system to be installed in, or connected to the roof of the building by Mr. Leonard H. Holder, which system cost in excess of $500.

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*Two (2) packs of cigarettes per man, per day, or the equivalent of four ounces of tobacco per man, per day.

[3] 7 F.R. 5010, 5081, 6256, 6931, 7992.

The acceptance of delivery of said materials in order to begin construction on this roof-cooling system for a residential apartment building, constituted a violation of Conservation Order L-41 and Supplementary Order M-9-c-4.

The foregoing violations of War Production Board orders have impeded and hampered the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board.

In view of the foregoing facts, *It is hereby ordered:*

§ 1010.120 *Suspension Order S-120.* (a) Woodmont Development Company, Inc., its successors and assigns are hereby directed and required to permit the removal of all copper or copper base alloy tubing, and copper or copper base alloy products installed subsequent to July 23, 1942, by Mr. Leonard H. Holder or his agents and employees at Dorchester House, 2480 Sixteenth Street, Northwest, Washington, D. C., at any reasonable hour of any day or days subsequent to the effective date of this order.

(b) Nothing contained in this order shall be deemed to relieve Woodmont Development Company, Inc., its successors and assigns from any restriction, prohibition, or provision contained in any order or regulation of the Director of Industry Operations or the Director General for Operations, whether now in force or hereafter issued, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on October 29, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11055; Filed, October 29, 1942; 12:32 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-127]

EUREKA SILK CO., ET AL.

Eureka Silk Company of Paterson, New Jersey, is a partnership and was formerly a silk converter. The company owns all the stock of Lynn Textile Mills, West Warwick, Rhode Island, a former silk weaver, and of Apollo Fabrics, Inc., New York, New York, a former distributor of silk fabrics. After restrictions were placed upon the use of silk, Eureka Silk Company applied for and received allocations of reserved rayon yarn for weaving by Lynn Textile Mills, pursuant to the provisions of Supplementary Order M-37-a. This order prohibited the exchange of reserved rayon yarn unless specific authorization was obtained therefor. Eureka Silk Company was familiar with the restrictions contained in Supplementary Order M-37-a.[1] Nevertheless, in wilful disregard of this order, Eureka Silk Company exchanged 54 cases of reserved rayon yarn for yarn of a different denier. The rayon yarn received in exchange for approximately 46 cases of such reserved rayon yarn was not delivered to Lynn Textile Mills for weaving by it but was delivered to a knitting mill to be knitted and thereafter sold by Apollo Fabrics, Inc.

These violations of Supplementary Order M-37-a have impeded and hampered the war effort of the United States by diverting reserved rayon yarn to uses unauthorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered,* That:

§ 1010.127 *Suspension Order S-127.* (a) Neither Eureka Silk Company nor Lynn Textile Mills nor Apollo Fabrics, Inc. nor their respective successors and assigns shall order or accept the delivery of reserved rayon yarn, as the same is defined in Supplementary Order M-37-c,[2] except as specifically authorized by the Director General for Operations.

(b) Nothing contained in this order shall be deemed to relieve Eureka Silk Company, Lynn Textile Mills, or Apollo Fabrics, Inc. from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on October 31, 1942, and shall expire on April 30, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11056; Filed, October 29, 1942; 2:54 p. m.]

PART 922—MAGNESIUM

[Extension of General Preference Order M-2-b]

It is hereby ordered, That General Preference Order No. M-2-b (§ 922.3), expiring by its terms on October 31, 1942, shall continue in effect until December 31, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11069; Filed, October 30, 1942; 10:37 a. m.]

PART 933—COPPER

[General Preference Order M-9-a, as Amended August 1, 1942, Amendment 1]

Section 933.2 *General Preference Order M-9-a, as amended August 1, 1942*[1] is hereby amended by:

1. Changing paragraph (c) (1) to read as follows:

(1) No brass mill or wire mill shall fill any order which has not been approved on a Form PD-59D.

2. Changing the term "A-1-k" in paragraph (c) (2) to read, "AA-5".

3. Inserting after the phrase "wire mill product," in the first sentence of paragraph (e) (1), the phrase "acquired prior to July 1, 1942."

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11070; Filed, October 30, 1942; 10:37 a. m.]

PART 962—IRON AND STEEL

[Supplemenary Order M-21-b, Amendment 7]

WAREHOUSES AND DEALERS

Paragraph (d) of *Supplementary Order M-21-b* (§ 962.3)[2] is hereby amended to read as follows:

(d) *Limitations on deliveries by warehouses and dealers.* (1) Except as hereinafter provided, no warehouse or dealer shall deliver steel or iron products except on an order bearing a preference rating of AA-5 or higher: *Provided, however,* That:

(i) A warehouse or dealer may deliver steel or iron products on an order certified for essential repair or maintenance purposes and bearing in the case of alloy steel or alloy iron products a preference rating of A-1-k or higher, or in the case of other steel or iron products a preference rating of A-10 or higher; provided that deliveries of the following types of steel or iron products in this manner by any warehouse or dealer during any calendar quarter do not exceed the amounts indicated below:

Stainless steel products.	3% of quarterly quota for such products.
Tool steel products.	3% of quarterly quota for such products.

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[1] 6 F.R. 4945, 5730, 6358; 7 F.R. 1023.

[2] 7 F.R. 1719, 3660, 6933.

[1] 7 F.R. 5980.

[2] 6 F.R. 4587, 5255, 5995, 6736; 7 F.R. 1626, 3324, 3881, 5661.

Other alloy steel products.	3% of quarterly quota for such products.
All other steel or iron products.	Whichever is the greater of (A) 5% of the quarterly quota for all such products, or (B) an aggregate of 150 tons of all such products (but not more than the quarterly quota for all such products).

(ii) A warehouse or dealer may deliver flat rolled carbon steel or iron products which were received by him, or which have been accumulated from warehouse shearings, in sizes not greater than those specified below on an order bearing a preference rating of A-1-k or higher:

PLATES

Gauge	Width	Length
3/8″ and lighter	Under 72″	Under 120″.
Over 3/8″ but under 1″	Under 48″	Under 120″.

SHEETS

Gauge	Width	Length
3/16″ through 16 gauge	Under 60″	Under 90″.
Lighter than 16 gauge	Any	Under 72″.

(iii) A warehouse or dealer may deliver cast iron pipe, black or galvanized welded pipe up to and including 3½″ O.D. standard pipe size, wrought iron pipe, oil country tubular goods rated under Order P-98-b, pressure tubing, or wire rope and strand on an order bearing a preference rating of A-10 or higher.

(iv) A warehouse or dealer may deliver nails, staples, and bale ties on lower rated or unrated orders; and may deliver wire (except stainless or alloy wire), woven or welded wire fence, poultry netting, barbed wire, posts, gates, water well casing, or formed roofing and siding on lower rated or unrated orders for maintenance or repair purposes only, except as restricted by any order of the Director General for Operations.

(2) No warehouse or dealer shall make a delivery to any one customer to one destination at any one time from warehouse stock in quantities representing 40,000 lbs. or more except with the specific approval of the Director General for Operations, unless such delivery includes ten or more different items, each item to be of a specific quality, length, and cross-section, and no item of which shall weigh more than 8,000 lbs.: *Provided, however*, That the provisions of this paragraph (d) (2) do not apply to deliveries of oil country tubular goods rated under Order P-98-b.

(3) A warehouse or dealer called upon under the terms of Priorities Regulation No. 1, as amended, to deliver from stock at any one time one or more items weighing 8,000 lbs. each or more, which delivery would seriously deplete the warehouse inventory of such item or items, thereby impairing the service which the warehouse or dealer must render to all other buyers, may appeal to the Director General for Operations for relief from any part of such delivery.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11066; Filed, October 30, 1942; 10:37 a. m.]

PART 1055—WOOL

[General Conservation Order M-73 as Amended for the Period August 3, 1942, to January 31, 1943, Amendment 3]

Section 1055.1 *Conservation Order M-73, as amended for the period August 3, 1942 to January 31, 1943*[1] is hereby amended in the following respects:

1. The paragraph headings "(i)" and "(j)" are amended to read, respectively, "(j)" and "(k)".

2. There is inserted after paragraph (h) the following paragraph (i):

(i) *Additional allotment of wool for use in certain knitted wear.* (1) In addition to the amount of wool which any person may put into process, or cause to be put into process by others for his account, pursuant to paragraphs (a) and (b) hereof, such person may put wool into process, or cause wool to be put into process by others for his account, for the manufacture of machine knitting yarns suitable for making machine knitted sweaters, shawls, and underwear, *Provided*, That:

(i) All such additional wool shall not exceed 10% of such person's basic quarterly poundage,

(ii) Such person makes such yarns to fill orders placed with him after October 30, 1942 by manufacturers of machine knitted sweaters, shawls or underwear, or by jobbers who deal in machine knitting yarns, and

(iii) Each such order is acompanied by a certificate signed by the purchaser, or by a person duly authorized to sign in his behalf, in substantially the following form:

> The undersigned hereby certifies to his vendor and to the War Production Board that he is entitled under the provisions of paragraph (i) of M-73, as amended for the period August 3, 1942 to January 31, 1943 to purchase machine knitting yarns made from the special allotment of wool granted therein, and that the knitting yarns covered by the annexed purchase order will be put into process by him prior to January 15, 1943, and only in the manufacture of machine knitted sweaters, shawls or underwear, containing not more than 65% wool, or will be put into process by others for his account for such purposes before such date.

For the purpose of the above certificate "put into process" shall mean the first operation on knitting yarn performed by the knitter, such as dyeing, scouring, winding or knitting or otherwise, as the case may be.

(2) The bonus established by paragraph (b) for use of certain types of wool shall be operative with respect to amounts of wool put into process pursuant to subparagraph (1) of this paragraph (i).

(3) Persons putting wool into process for the manufacture of machine knitting yarns pursuant to the provisions of subparagraphs (1) and (2) of this paragraph (i) shall report the amount of wool so put into process in their monthly reports on Form PD-274 under the heading "Special Wool Grant, Series S".

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11071; Filed, October 30, 1942; 10:37 a. m.]

PART 1072—SOLE LEATHER

[Supplementary Order M-80-d]

§ 1072.5 *Supplementary Order M-80-d.* Pursuant to paragraph (b) (1) of Order M-80 as amended to August 5, 1942, which this order supplements, each person tanning sole leather for his own account or causing sole leather to be tanned for his account by others shall set aside during the period from November 1, 1942, to November 30, 1942, inclusive, at least 15% of the quantity of manufacturers bends produced by him for his own account, or produced for his account by others, during that period. The weight and quality of said portion set aside shall be proportionately equal, as nearly as can be, to those of the manufacturers bends not so set aside.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11067; Filed, October 30, 1942; 10:38 a. m.]

PART 1084—CANNED FOODS

[Conservation Order M-237, as Amended October 30, 1942]

Section 1084.15 *Conservation Order M-237* is amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the available supply of canned fruits and vegetables for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1084.15 *Conservation Order M-237*—(a) *Definitions.* For the purposes of this order:

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[1] 7 F.R. 5020, 6418, 7995.

(1) "Canner" shall mean any person engaged in the business of canning foods in hermetically sealed metal or glass containers and sterilizing the same by the use of heat.

(2) "Civilian pack" shall mean the total amount by weight of all grades of all restricted canned foods in any one of the three groups listed in Exhibit A canned by any canner during the season specified, excluding any food which the canner is required to set aside by Conservation Order M-86 and orders amendatory and supplementary thereto, and which is not released from the operation of such orders by the Director General for Operations, and also excluding any canned foods actually purchased by or contracted for, or packed pursuant to duly authorized letter of intent issued by, any non-quota purchaser. This definition shall not be deemed to affect or change the meaning of the term "pack" as used in Conservation Order M-81, wherein such term refers to area of tinplate or terneplate, nor to affect or change the meaning of the term in Conservation Order M-86.

(3) "Restricted canned foods" shall mean any of the fruits and vegetables listed in Exhibit A attached hereto, packed in hermetically sealed metal or glass containers and sterilized by the use of heat, during the packing seasons indicated in said exhibit, excluding, however, liquid, strained, mashed or chopped canned foods when packed as infant food or for invalid feeding, and excluding jams, jellies, preserves, marmalades, pickles, relishes, and soups.

(4) "Non-quota purchaser" shall mean:

(i) The Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Defense Supplies Corporation, War Shipping Administration or any agency of the United States Government for supplies to be delivered to, or for the account of the government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(ii) Any person operating an ocean-going vessel engaged in the transportation of cargo or passengers in the foreign, coastwise, or intercoastal trade, for necessary supplies for such vessels.

(iii) Any person who furnishes eating facilities for members of the armed forces pursuant to contract therefor with the United States, for necessary supplies for such purpose, if such person furnishes copies of his contract to the canner, or other adequate evidence that such restricted canned foods are required for such use.

(iv) Any person who purchases restricted canned foods for delivery in any territory or possession of the United States, if such person furnishes to the canner copies of purchase orders or other adequate proof that the restricted canned foods actually were purchased for delivery in any such territory or possession: *Provided*, That proof shall not be required of a government agency.

(v) Any person who purchases restricted canned foods for use in the commercial manufacture of food products, to the extent of his current requirements (grape juice, tomato pulp in 5 gallon cans, tomato paste in #10 cans, and peppers, only).

(vi) Any person who purchases restricted canned foods from a canner for resale to a non-quota purchaser, or to replace in his inventory material delivered to a non-quota purchaser, to the extent of his purchases for such purposes, if he furnishes to the canner copies of purchase orders or other adequate proof that such resales or deliveries were to non-quota purchasers.

(5) "Wholesale receiver" means any person other than a non-quota purchaser (regardless of whether or not he is also a canner) who since June 30, 1942, bought in excess of 4,000 cases of any group of restricted canned foods for any purpose.

(b) *Restrictions on delivery.* (1) Without regard to existing contracts, and except as authorized in this paragraph and in paragraphs (b) (2), (3), (4), and (5) below, no canner shall deliver more than 35% of his civilian pack of any group of canned foods listed in Exhibit A before December 1, 1942, nor more than 70% thereof before April 1, 1943. Deliveries already made on or before September 26, 1942 shall not be deemed in violation of this paragraph, but shall be charged first against the 35% permitted before December 1, 1942, and if in excess of 35%, against subsequent delivery quotas in their chronological order. No delivery to a non-quota purchaser shall be deemed in violation of this paragraph, notwithstanding that it may reduce a canner's permitted delivery quota for any period below his prior actual deliveries during that period, but any such excess shall be charged against the canner's quota for the ensuing period. For the purpose of calculating the delivery quotas permitted by this paragraph all canning plants owned directly or indirectly by a single person may be regarded at the canner's election either separately as single units or as a whole, but such election, once made, must be adhered to for all the purposes of this order.

(2) Notwithstanding paragraph (b) (1), but subject to paragraph (b) (3), any canner may deliver, and any person (except a wholesale receiver prohibited from accepting delivery by paragraph (b) (4)) may accept delivery from a canner, of any restricted canned foods, in advance of the permitted delivery date for such foods, if the canner notifies the purchaser in writing of the permitted delivery date of such restricted canned foods, and if such purchaser certifies in writing that he will not deliver, transport, or use such restricted canned foods in advance of the permitted delivery date. Such certificate shall be provided to the canner and a copy filed with the War Production Board, and it shall be in substantially the following form:

> Pursuant to paragraph (b) (1) of Order M-237, with the terms of which order the undersigned is familiar, we have this day accepted delivery of ____________, (describe merchandise) from ______________________
> (canner)
>
> We understand that we are not permitted to deliver, transport, or use such merchandise until ____________, 19__, as it is part of the pack which ______________________ (canner) was required to hold until that date.
>
> ____________________
> (Purchaser)
>
> By ____________________
> (Duly authorized official)

No person who accepts delivery of any restricted canned foods with knowledge or reason to believe that such foods are delivered in advance of their permitted delivery date may deliver, transport, or use such foods in advance of such date.

(3) The restrictions on delivery in paragraph (b) (1) do not prohibit shipment for storage at the point of destination or in transit in advance of the permitted delivery date, provided that possession and control do not pass to the purchaser. The 30% which may not be delivered before April 1, 1943 must be stored at or near the canner's plant until the time when such delivery is permitted. If any canner or person accepting delivery from a canner pursuant to paragraph (b) (2) is unable to store any part of the canner's pack in a heated warehouse at or near his plant, he may so notify the War Production Board in writing, and unless he receives instructions to the contrary within two weeks after the date of such notice, he shall not be required to hold such part of the pack at or near such plant.

(4) Any wholesale receiver who between August 1, 1942, and April 1, 1943, has accepted or shall have accepted delivery of restricted canned foods of any group equalling or exceeding the following percentage of his base figure

	Percent
for group I	70
for group II	80
for group III	80

shall not sell, deliver, or use such excess of such group, and shall not accept delivery of any further restricted canned foods of such group. The base figure for each wholesale receiver for each group shall be, at his option, either the total of his acceptances of delivery, or of his sales, between January 1, 1942, and August 31, 1942, of all canned foods listed in such group, whenever packed. Canned foods for resale to non-quota purchasers or to replace in the wholesale receiver's inventory material so sold are subject to the limitations of this subparagraph unless evidence is furnished to the canner as prescribed in paragraph (a) (4) (vi). Notwithstanding this subparagraph, a wholesale receiver may accept delivery from a canner in excess of his quota in advance of the canner's permitted delivery date, as permitted in paragraph (b) (2), whenever the canner's permitted delivery date is not earlier than April 1, 1943. The restrictions of this paragraph (b) (4) shall expire on April 1, 1943, unless extended by further order of the Director General for Operations.

(5) Any canner may deliver not to exceed 80% of his pack of apple juice, cranberries, pumpkin, and squash, at any time prior to April 1, 1943, notwithstanding the limitations of paragraph (b) (1), without charge against his quotas for other restricted canned foods.

(c) *Reports.* Canners to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board may from time to time request.

(d) *Records.* Every person to whom this order applies shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(g) *Appeals.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may appeal in writing to the Director General for Operations setting forth the pertinent facts and the reasons he considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(h) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall unless otherwise directed, be addressed to: War Production Board, Food Branch, Washington, D. C., Ref: M-237.

(i) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024; 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT A

Group I

Fruits	*Packing season*
Apples, including crabapples	1942–43
Applesauce, including sauce from crabapples	1942–43
Apricots	1942
Berries of all kinds	1942
Cherries, red sour pitted	1942
Cherries, sweet	1942
Combinations of oranges and grapefruit	1942–43
Cranberries, including sauce and jelly	1942–43
Figs	1942
Fruits for salads	1942–43
Fruit cocktail	1942–43
Grapefruit	1942–43
Oranges	1942–43
Peaches, including nectarines	1942
Pears	1942
Pineapples	1942–43
Plums	1942
Prunes	1942

Group II

Fruit and vegetable juices	*Packing season*
Apple	1942–43
Beet	1942–43
Carrot	1942–43
Celery	1942
Cherry	1942
Cranberry	1942–43
Berry, all	1942
Grape	1942
Grapefruit	1942–43
Grapefruit and orange combination	1942–43
Lemon	1942–43
Lime	1942–43
Orange	1942–43
Pineapple	1942–43
Prune	1942–43
Sauerkraut	1942–43
Spinach	1942
Tomato and tomato cocktail	1942
Mixed vegetables	1942
All fruit nectars	1942

Group III

Vegetables	*Packing season*
Artichokes	1942–43
Asparagus	1942
Green and wax beans	1942
Green soya beans	1942
Lima beans	1942
Shell beans	1942
Beets	1942–43
Broccoli	1942
Brussels sprouts	1942
Cabbage	1942
Carrots	1942–43
Carrots and peas	1942–43
Cauliflower	1942
Celery	1942
Corn, including corn-on-cob	1942
Spinach and other green leafy vegetables	1942
Mushrooms	1942–43
Okra	1942
Onions	1942–43
Peas	1942
Peppers and pimentos	1942
Potatoes, white	1942–43
Pumpkin and squash	1942
Succotash	1942
Sweetpotatoes and yams	1942–43
Sauerkraut	1942–43
Tomatoes, whole or parts	1942
Tomato puree and pulp	1942
Tomato paste	1942
Tomato sauce	1942
Mixed vegetables, including vegetables for salad	1942

[F. R. Doc. 42-11065; Filed, October 30, 1942; 10:38 a. m.]

PART 1105—SUGAR

[Conservation Order M-98, as Amended October 30, 1942]

Section 1105.1, *Conservation Order M-98,* is amended to read as follows:

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of raw sugar for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States to conserve the supply and direct the distribution of raw sugar.

§ 1105.1 *Conservation Order M-98*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Raw sugar" means any grade or type of saccharine product derived from sugarcane which is in crystalline form and which polarizes 98.50 or less, and any saccharine product of sugarcane in liquid form which is produced outside the continental United States and which contains non-sugar solids (excluding any foreign substance which may have been added) equal to 6 per centum or less of the total soluble solids.

(3) "Refiner" means any person in the continental United States who was engaged in the refining of raw sugar during the calendar year 1941.

(4) "Manufacturer" means any person in the continental United States who in 1941 bought or accepted delivery from any source of raw sugar to use it in the manufacture of any product for human consumption, other than direct-consumption sugar.

(5) "Delivery" means as follows:

(i) For raw sugar from foreign countries, arrival at a port of entry in the continental United States under customs' control.

(ii) For raw sugar from insular domestic areas, receipt at a port of entry in the continental United States.

(iii) For raw sugar produced in the continental United States delivery as defined in the administration of the Sugar Act of 1937.

(c) *Restrictions on refiners and manufacturers.* Unless specifically authorized by the Director General for Operations:

(1) No person other than a refiner or a manufacturer, or the agent of a refiner or a manufacturer, shall purchase, import, or accept delivery of raw sugar.

(2) No refiner shall purchase, import, or accept delivery of raw sugar in excess of any allotment which may be established from time to time for such refiner by the Director General for Operations nor in violation of any order or regulation which may from time to time be prescribed by the Director General for Operations.

(d) *Records.* Each person participating in any transaction to which this order applies shall keep and preserve for a period of not less than two years accurate and complete records of his inventories of the material or materials to which such order relates and of the details of all transactions in such materials. Such records shall include the dates of all contracts or purchase orders accepted, the delivery dates specified in such contracts or purchase orders, and in any preference rating certificates accompanying them, the dates of actual deliveries thereunder, description of the material covered by such contracts or purchase orders, description of deliveries by classes, types, quantities, weights

and values, the parties involved in each transaction, the preference ratings, if any, assigned to deliveries under such contracts or purchase orders, details of defense orders and all other rated orders either accepted or offered and rejected, and other pertinent information.

(e) *Reports.* (1) Each person participating in any transaction to which this order applies shall execute and file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time prescribe.

(2) Each refiner accepting delivery of raw sugar shall report to the War Production Board the information on the forms now required in the administration of the quota provisions of the Sugar Act of 1937 by filing such forms with the Sugar Division of the Department of Agriculture as agent of the War Production Board.

(f) *Appeal.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may apply for relief to the War Production Board by telegram or letter, setting forth the pertinent facts and the reason such person considers that he is entitled to relief.

(g) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Communications.* Appeals and other communications concerning this order, with the exception of the reports referred to in paragraph (e) (2) hereof, should be addressed to: War Production Board, Food Branch, Washington, D. C. Ref. M-98.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11066; Filed, October 30, 1942; 10:38 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[RPS 88,[1] Amendment 38]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In subdivision (viii) of § 1340.159 (c) (1) the present inferior subdivision is designated (*a*) and a new inferior subdivision (*b*) is added. Three new subdivisions (iii), (iv) and (v) are added to § 1340.159 (c) (6) as set forth below:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(c) *Specific prices.* * * *

(1) *Crude petroleum.* * * *

(viii) *Wyoming.* * * *

(*b*) Where crude petroleum is sold as No. 6 fuel oil or its equivalent, the maximum price f. o. b. a shipping point or refinery in the State of Wyoming shall be 65¢ per barrel in bulk lots for delivery by motor transport or tank car.

* * * * *

(6) *Residual fuel oils.* * * *

(iii) *Wyoming.* Notwithstanding the provisions of § 1340.159 (a) and (b) above, the maximum price for No. 6 fuel oil f. o. b. refinery or shipping point in the State of Wyoming shall be 65¢ per barrel in bulk lots for delivery by motor transport or tank car. Where the buyer and seller have agreed on a particular price subject to the approval of this Office, the effective date of this subdivision shall be February 2, 1942 for deliveries made under such agreement.

(iv) *Eldorado-Shreveport area.* The maximum price for No. 6 fuel oil f. o. b. refinery in the Eldorado-Shreveport area (State of Arkansas and northern half of Louisiana) shall be 80¢ per barrel in bulk lots for delivery by motor transport or tank car. Where the buyer and seller have agreed on a particular price subject to the approval of this Office, the effective date of this subdivision shall be April 1, 1942 for deliveries under such agreement.

(v) *Oklahoma.* The maximum price for No. 6 fuel oil f. o. b. refinery in the State of Oklahoma shall be 80¢ per barrel in bulk lots for delivery by motor transport or tank car.

* * * * *

§ 1340.158a *Effective dates of amendments.* * * *

(ll) Amendment No. 38 (§§ 1340.159 (c) (1) (viii) (*b*), 1340.159 (c) (6) (iii), (iv) and (v) to Revised Price Schedule No. 88) shall become effective November 4, 1942, except where otherwise provided for sales subject to the approval of the Office of Price Administration.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11048; Filed, October 29, 1942; 12:41 p. m.]

PART 1375—EXPORT PRICES

[Rev. Maximum Export Price Reg.[1], Amendment 2]

ENFORCEMENT

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (c) is added to § 1375.9, and paragraph (b) is added to § 1375.12, as set forth below:

§ 1375.9 *Enforcement.* * * *

(c) No exporter shall invoice goods, whether to his buyer or any other person, at a price in excess of the maximum export price which he may charge his foreign buyer under the terms of this regulation. Any exporter on whom this provision imposes excessive hardship may file a petition for exception in accordance with the provisions of Procedural Regulation No. 1.

§ 1375.12 *Effective date of amendments.* * * *

(b) Amendment No. 2 (§§ 1375.9 (c), 1375.12 (b)) shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11051; Filed, October 29, 1942; 12:45 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 51, Amendment 1]

FOR HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

FORT WORTH DEFENSE-RENTAL AREA

Paragraph (c) of § 1388.232, paragraph (g) of § 1388.235, and § 1388.244a are added; paragraph (a) (6) of § 1388.236 in amended; the text of paragraph (b) of § 1388.236 is designated as subparagraph (1) of said paragraph (b) and a new subparagraph (2) is added, all to read as set forth below:

§ 1388.232 *Prohibition against higher than maximum rents.* * * *

(c) Where a lease of housing accommodations was entered into prior to November 1, 1942, and the tenant as a part of such lease or in connection therewith was granted an option to buy the housing accommodations which were the subject of the lease, with the further provision that some or all of the payments made under the lease should be credited toward the purchase price in the event such option is exercised, the landlord, notwithstanding any other provision of this Maximum Rent Regulation No. 51, may be authorized to receive payments made by the tenant in accordance with the provisions of such lease and in excess of the maximum rent for such housing accommodations.

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[1] 7 F.R. 1107, 1371, 1798, 1799, 2132, 2304, 2352, 2634, 2945, 3116, 3166, 3482, 3524, 3552, 3576, 3895, 3963, 4483, 4653, 4854, 4856, 5481, 5867, 5868, 5988, 6057, 6167, 6471, 6680, 7242, 7838, 8433, 8478.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5059, 7242.

Such authority may be secured only by a written request of the tenant to the Area Rent Office and shall be granted by order of the Administrator if he finds that such payments in excess of the maximum rent will not be inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof. After entry of such order the landlord shall be authorized to demand, receive and retain payments provided by the lease in excess of the maximum rent for periods commencing on or after the effective date of this Maximum Rent Regulation. After entry of such order, the provisions of the lease may be enforced in accordance with law, notwithstanding any other provision of this Maximum Rent Regulations: *Provided, however,* That if at the termination of the lease the tenant shall not exercise the option to buy, the landlord may thereafter remove or evict the tenant only in accordance with the provisions of § 1388.236 of this Maximum Rent Regulation. Nothing in this paragraph shall be construed to authorize the landlord to demand or receive payments in excess of the maximum rent in the absence of an order of the Administrator as herein provided. Where a lease of housing accommodations has been entered into on or after November 1, 1942, and the tenant as a part of such lease or in connection therewith has been granted an option to buy the housing accommodations which are the subject of the lease, the landlord, prior to the exercise by the tenant of the option to buy, shall not demand or receive payments in excess of the maximum rent, whether or not such lease allocates some portion or portions of the periodic payments therein provided as payments on or for the option to buy.

* * * * *

§ 1388.235 *Adjustments and other determinations.* * * *

(g) No adjustment in the maximum rent shall be ordered on the ground that the landlord, since the date or order determining the maximum rent, has, as a part of or in connection with a lease of housing accommodations, granted the tenant an option to buy the accommodations which are the subject of the lease. Where a lease of housing accommodations was in force on the date determining the maximum rent, and the landlord had on that date, as a part of or in connection with such lease, granted the tenant an option to buy the accommodations which are the subject of the lease, the Administrator may, on or after the termination of such lease, on his own initiative or on application of the tenant, enter an order fixing the maximum rent on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations not subject to an option to buy on March 1, 1942.

§ 1388.236 *Restrictions on removal of tenant.* (a) * * *

(6) The landlord owned, or acquired an enforceable right to buy or the right to possession of, the housing accommodations prior to November 1, 1942, and seeks in good faith to recover possession of such accommodations for immediate use and occupancy as a dwelling for himself. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, the landlord shall file a written report on a form provided therefor before renting the accommodations or any part thereof during a perid of six months after such removal or eviction.

(b) (1) * * *

(2) Removal or eviction of a tenant for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after November 1, 1942, is inconsistent with the purposes of the Act and this Maximum Rent Regulation and would be likely to result in the circumvention or evasion thereof, unless (i) the payment or payments of principal made by the purchaser, excluding any payments made from funds borrowed for the purpose of making such principal payments, aggregate 33⅓% or more of the purchase price, and (ii) a period of three months has elapsed after the issuance of a certificate by the Administrator as hereinafter provided. For the purposes of this paragraph (b) (2), the payments of principal may be made by the purchaser conditionally or in escrow to the end that they shall be returned to the purchaser in the event the Administrator denies a petition for a certificate. If the Administrator finds that the required payments of principal have been made, he shall, on petition of either the vendor or purchaser, issue a certificate authorizing the purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law at the expiration of three months after the date of issuance of such certificate. In no other case shall the Administrator issue a certificate for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after November 1, 1942, unless he finds that the vendor has or had a substantial necessity requiring the sale and that a reasonable sale or disposition of the accommodations could not be made without removal or eviction of the tenant, or unless he finds that other special hardship would result; under such circumstances the payment by the purchaser of 33⅓% of the purchase price shall not be a condition to the issuance of a certificate, and the certificate shall authorize the vendor or purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law.

* * * * *

§ 1388.244a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1388.232 (c), 1388.235 (g), 1388.236 (a) (6), 1388.236 (b) and 1388.244a) to Maximum Rent Regulation No. 51 shall become effective November 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11052; Filed, October 29, 1942, 12:44 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 46A, Amendment 3]

HOTELS AND ROOMING HOUSES

The first sentence of § 1388.9007 (a) of Maximum Rent Regulation No. 46A is hereby amended to read as follows:

§ 1388.9007 *Registration.* (a) Within 45 days after the effective date of this Maximum Rent Regulation No. 46A (or, as to rooms within the San Bernardino Defense-Rental Area on or before November 15, 1942) every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement.

* * * * *

§ 1388.9014a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1388.9007 (a)) to Maximum Rent Regulation No. 46A shall be effective as of October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11053; Filed, October 29, 1942; 12:44 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rationing Order 3,[1] Amendment 21]

SUGAR RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new § 1407.111 is added as set forth below:

Retailers and Wholesalers

* * * * *

§ 1407.111 *Replacement of sugar lost in repackaging.* (a) A registering unit may obtain certificates in weight value equal to the amount of sugar lost by the retail and wholesale establishments included in the registering unit in packaging sugar: *Provided,* That the weight value of such certificates shall not exceed one per cent of the amount of sugar thus packaged.

(b) Application for such certificates shall be made by the registering unit for each six-month period ending October 31 or April 30. It shall be made to the Board on OPA Form No. R-315, in the month following the close of each such period, and shall establish compliance with the requirements of paragraph (a) of this section and include such other information as the Board may require.

* * * * *

Effective Date

§ 1407.222 *Effective dates of amendments.* * * *

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 8402.

(v) Amendment No. 21 (§ 1407.111) shall become effective November 4, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Dir. 1, and Supp. Dir. 1-E, 7 F.R. 562, 2965)

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11041; Filed, October 29, 1942; 12:43 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rationing Order 3,[1] Amendment 22]

SUGAR RATIONING REGULATIONS

A new paragraph (c) is added to § 1407.166 as set forth below:

Petitions for Adjustment; Appeals; New Business: Miscellaneous

* * * * *

§ 1407.166 *Exchange of sugar, tolling agreements, and borrowing of sugar by primary distributors.* * * *

(c) Upon authorization by the Office of Price Administration, a primary distributor may receive delivery of sugar from any person as a loan and thereafter deliver to such person an amount of sugar not exceeding the amount thus received. Such deliveries may be made without the receipt of stamps or certificates.

* * * * *

Effective Date

§ 1407.222 *Effective dates of amendments.* * * *

(w) Amendment No. 22 (§ 1407.166 (c)) shall become effective November 4, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Dir. 1, and Supp. Dir. 1-E, 7 F.R. 562, 2965.)

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11042; Filed, October 29, 1942; 12:43 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 2 Under § 1499.3 (c) of GMPR]

TREASURY DEPARTMENT

For the reasons set forth in an opinion issued simultaneously herewith; *It is ordered:*

§ 1499.802 *Maximum prices for sales of certain silver bullion other than newly-mined domestic silver, known as "silver ordinary", by the Treasury Department.* (a) On and after September 22, 1942, the maximum price for sales by the Treasury Department of certain silver bullion, known as "silver ordinary", shall be 45 cents per troy ounce .999 fine, ex vaults of any United States Mint or the West Point Bullion Depository.

(b) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 2 (§ 1499.802) shall become effective October 30, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11049; Filed, October 29, 1942; 12:40 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 72 Under § 1499.18 (b) of GMPR]

CONTINENTAL CAN CO., INC.

Denial of adjustment of maximum prices under § 1499.18 (b) of the General Maximum Price Regulation—Order No. 72—Docket No. GF3-1533.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration: *It is hereby ordered:*

§ 1499.872 (a) That the petition for adjustment of the Continental Can Company, Inc. be and it hereby is denied.

(b) This Order No. 72 (§ 1499.872) shall become effective October 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11043; Filed, October 29, 1942; 12:43 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 73 Under § 1499.18 (b) of GMPR]

GULF COAST WAREHOUSE CORP.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.873 *Adjustment of maximum prices for 200 pound slack fish barrels manufactured and sold by the Gulf Coast Warehouse Corporation, Biloxi, Mississippi.* (a) Gulf Coast Warehouse Corporation, Lameuse St. and Railroad, Biloxi, Mississippi, may sell, and any person may buy from that Company, 200 pound slack fish barrels produced by the Company in Biloxi at prices not in excess of $.85 per barrel, f. o. b. the Company's factory in Biloxi.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 73 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 73 (§ 1499.873) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 73 (§ 1499.873) shall become effective October 30, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11044; Filed, October 29, 1942; 12:44 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 112 Under § 1499.3 (b) of GMPR]

STEIN, HALL & COMPANY, INC.

Stein, Hall & Company, Inc., of 285 Madison Avenue, New York City, made application under § 1499.3 (b) of the General Maximum Price Regulation for approval of maximum prices for its Hallmark Paper Fabric Tubing. Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration: *It is ordered:*

§ 1499.976 *Approval of maximum prices for sales by Stein, Hall & Company, Inc. of Hallmark Paper Fabric Tubing.* (a) On and after October 30, 1942, the maximum prices at which Stein, Hall & Company, Inc., of 285 Madison Avenue, New York City, may sell, deliver and offer for sale its Hallmark Paper Fabric Tubing shall be:

(1) *Standard constructions:*

No.	*Construction*	*Price per 100 yards*
1	36''	$14.70
2	40''	16.17
3	45''	18.31

(2) The maximum price for any construction of Hallmark Paper Fabric Tubing other than the constructions enumerated above shall be the total of: (i) the actual delivered cost of the material therein, not to exceed the amount which applicant would be permitted to incur in purchasing the material from its customary supplier under the applicable revised price schedule or maximum price regulation issued by the Office of Price Administration; plus (ii) the cost of manufacture thereof, not to exceed the costs incurred in the manufacture of the same construction of burlap tubing during March 1942; plus (iii) a markup of 10 per cent of the total of (i) and (ii).

(b) The maximum prices authorized by this Order No. 112 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942 for sales by Stein, Hall & Company, Inc., of its Hallmark Burlap Tubing.

(c) Within ten days after a maximum price for any construction of Hallmark Paper Fabric Tubing has been determined in accordance with paragraph (a)

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[1] 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 8402.

(2) of this order, Stein, Hall & Company, Inc., shall report such price to the Office of Price Administration, Washington, D. C., stating that the price was determined in accordance with the formula set forth in paragraph (a) (2) and setting forth in detail the calculations made in determining such price. This report shall be filed under oath or affirmation and shall be filed in triplicate.

(d) The maximum prices authorized by paragraph (a) of this Order No. 112 shall be subject to adjustment at any time by the Office of Price Administration.

(e) This Order No. 112 may be amended or revoked by the Office of Price Administration at any time.

(f) This Order No. 112 (§ 1499.976) shall become effective October 30, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11050; Filed. October 29, 1942; 12:41 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 101 Under § 1499.18 (c) of GMPR]

PEYRONNIN COOPERAGE CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.1101 *Approval of maximum prices for certain cooperage products sold by the Biloxi, Mississippi operation of the Peyronnin Cooperage Company, Inc.* (a) The Biloxi Mississippi operation of the Peyronnin Cooperage Company, Inc., 907 South Peters Street, New Orleans, Louisiana, may sell, and any person may buy from said operation, certain cooperage products, designed for packing and shipping perishable sea foods, at prices f. o. b. the company's Biloxi warehouse, not higher than the following prices:

200 pound barrels	$0.85
150 pound barrels	.83
100 pound barrels	.82
75 pound barrels	.75
50 pound barrels	.65
Crab barrels	.85
Oyster tubs	.85
19⅛ inch barrel heads	.14
17⅛ inch barrel heads	.12
14⅛ inch barrel heads	.10
5 gallon oak kegs	2.25
10 gallon oak kegs	2.75

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 101 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 101 (§ 1499.1101) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 101 (§ 1499.1101) shall become effective October 30, 1942.

(Pub. Laws, 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F.R. Doc. 42–11045; Filed, October 29, 1942; 12:44 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 102 Under § 1499(18 (c) of GMPR]

BADGER FOUNDRY COMPANY

Order No. 102 under § 1499.18 (c) of the Maximum Price Regulation—Badger Foundry Company—Docket No. GF3–2237.

§ 1499.1102 *Order denying application for adjustment of maximum prices of Badger Foundry Company.* On September 29, 1942, Badger Foundry Company, Racine, Wisconsin, filed an application for adjustment, pursuant to Procedural Regulation No. 6, of the maximum price established by the General Maximum Price Regulation for certain gray iron castings used in milling machines. Since it appears that the gray iron castings involved are not sold pursuant to a Government contract or a subcontract under any such contract as required under Procedural Regulation No. 6, the application has been treated as an application for adjustment under § 1499.18 (c) of the General Maximum Price Regulation. Due consideration has been given to the application, and an opinion in support of this Order No. 102 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Procedural Regulations Nos. 1 and 6 issued by the Office of Price Administration: *It is hereby ordered,* That the said application be, and it hereby is denied.

(a) This Order No. 102 (§ 1499.1102) shall become effective October 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11046; Filed, October 29, 1942; 12:45 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 103 Under § 1499.18 (c) of GMPR]

DRAKE CORPORATION

Order No. 103 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3–953.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.1103 *Adjustment of maximum price for sales of pure beef tallow and gum combined manufactured by the Drake Corporation.* (a) The maximum price for the sale of pure beef tallow and gum combined by the Drake Corporation, Norfolk, Virginia, shall be $.08875 per pound.

(b) All discounts, trade practices, and practices relating to the payment of shipping charges in effect during March 1942 on the sale of pure beef tallow and gum combined by the Drake Corporation shall apply to the maximum price set forth in paragraph (a).

(c) The Drake Corporation may charge prices not exceeding the maximum price set forth in paragraph (a) with respect to deliveries made on and after May 11, 1942, but prior to the effective date of this order, where such deliveries were made under agreements providing for an adjustment of the price in accordance with the disposition of the petition filed by the Drake Corporation with the Office of Price Administration.

(d) All prayers of the applicant not granted herein are denied.

(e) This Order No. 103 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 103 (§ 1499.1103) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 103 (§ 1499.1103) shall become effective October 30, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11047; Filed, October 29, 1942; 12:46 p. m.]

PART 1363—FEEDINGSTUFFS

[MPR 74[1] as Amended, Amendment 3]

ANIMAL PRODUCT FEEDINGSTUFFS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1363.62 (b) (1) and (2) are hereby revoked and the text of § 1363.62 (a) is hereby amended as set forth below.

§ 1363.62 *Maximum prices for sales of animal product feedingstuffs.* (a) Maximum prices for sales of the following classifications of animal product feedingstuffs, bulk, f. o. b. conveyance at production plant located in the following zones:

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 4177, 4762, 4884, 8214.

§ 1363.61a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1363.62 (a) and (b)) to Maximum Price Regulation No. 74 as amended, shall become effective October 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871).

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11060; Filed, October 29, 1942; 4:01 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 183,[1] Amendment 7]

CODFISH IN PUERTO RICO

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (6) is added to paragraph (a) of § 1418.1, and paragraph (f) is added to § 1418.14.

§ 1418.1 *Maximum prices.* (a) Maximum prices are established as follows:

* * * * *

(6) On and after October 30, 1942, regardless of any contract, agreement, lease, or other obligation, or of any price regulation heretofore issued, no person shall sell or deliver, and no person shall buy, codfish in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14 (f), Table 6; and no person shall offer, solicit, or attempt to do any of the foregoing.

* * * * *

§ 1418.14 *Table of maximum prices.* * * *

(f) *Table 6: Maximum prices for codfish.* (1) The maximum prices for codfish sold and delivered to and including November 4, 1942 shall be:

(i) The direct cost of the codfish to the seller. For the purposes of this paragraph direct cost means the price which the seller actually paid for the codfish, exclusive of overhead, handling and storage, and less discounts allowed to the seller, plus such costs of shipment actually incurred by the seller as are not included in the price to the seller.

(ii) Plus the following markups:

	Sales at wholesale (markup per pound)	*Sales at retail (markup per pound)*
All grades of codfish	$0.01	$0.02

Not more than one such markup may be added to a sale and delivery of the same lot of codfish by the wholesalers thereof, and not more than one such markup may be added to the sale and delivery of the same lot of codfish by the retailers thereof.

(2) The maximum prices for codfish sold or delivered on and after November 5, 1942 shall be:

	Sales at wholesale (price per pound)	*Sales at retail (price per pound)*
Codfish, hard dried	$0.16	$0.18

The maxium prices for all other grades of codfish are to be computed by subtracting from the maximum price for codfish, hard dried, the customary trade price differentials.

(3) Every person selling to a retailer shall on and after November 5, 1942, before or at the time of his first delivery to each purchaser, supply the purchaser with the following statement:

OPA MAXIMUM RETAIL PRICES FOR CODFISH

In the Territory of Puerto Rico

	Sales at retail (price per pound)
Codfish, hard dried	$0.18

The maximum prices for all other grades of codfish are to be computed by subtracting from the maximum price for codfish, hard dried, the customary trade price differentials.

Your attention is called to that provision of Maximum Price Regulation No. 183, which requires that on and after November 5, 1942, every person offering to sell codfish at retail shall mark the maximum price of such commodity in a manner plainly visible to and understandable by the purchasing public.

* * * * *

§ 1418.13a *Effective dates of amendments.* * * *

(g) Amendment No. 7 (§§ 1418.1 (a) (6) and 1418.14 (f)) to Maximum Price Regulation No. 183 shall become effective October 30, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11059; Filed, October 29, 1942; 4:01 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 1[1] to GMPR,[2] Amendment 37]

FURFURAL

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1499.26 (a) (25), a new item, furfural, is added to subdivision (iv).

§ 1499.26 * * *

(e) *Effective dates.* * * *

(38) Amendment No. 37 (§ 1499.26 (a) (25) (iv)) to Supplementary Regulation No. 1 shall become effective October 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11061; Filed, October 29, 1942; 4:24 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Permit ODT 3, Revised–6]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS AND EXEMPTIONS

SUBPART B—COMMON CARRIERS OF PROPERTY

TRANSPORTATION OF FARM PRODUCTS AND SUPPLIES

In accordance with the provisions of Title 49, Chapter II, Part 501, Subpart B, (General Order ODT 3, Revised, as amended,[1]) § 501.8, of the Code of Federal Regulations, It is hereby authorized that:

§ 521.505 *Transportation of farm products and supplies.* Any common carrier when operating a motor truck engaged exclusively in the transportation of farm products from a farm or farms to a processing or packing plant, dehydrating, brining, freezing, or storage place, cannery, mill, warehouse, stockyard, wholesale or retail market, or to a rail or a water carrier, or when operating a motor truck engaged exclusively in the transportation of farm supplies to a farm or farms, is hereby relieved, in respect of any truck so engaged in such operations, from compliance with the provisions of subparagraph (2) of paragraph (a) of § 501.6, Subpart B (General Order ODT 3, Revised, as amended,) Part 501, this title and chapter of the Code of Federal Regulations, for a period of thirty (30) days commencing November 1, 1942, and ending November 30, 1942. (E.O. 8989, 6 F.R. 6725; E.O. 9156, 7 F.R. 3340; Gen. Order ODT 3, Revised, as amended, 7 F.R. 5445; 7 F.R. 6689; 7 F.R. 7694).

Issued at Washington, D. C., this 30th day of October, 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42–11084; Filed, October 30, 1942; 12:00 m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5620, 6744, 6659, 7454, 7843, 7945, 8558.

[1] 7 F.R. 3158, 3488, 3892, 4183, 4410, 4428, 4487, 4488, 4493, 4669, 5066, 5192, 5276, 5366, 5484, 5607, 5717, 5942, 6082, 6473, 6685, 7011, 7250, 7317, 7598, 7604, 7739, 8336, 8652.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

[1] 7 F.R. 5445, 6689, 7694.

[General Permit ODT 17-16]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS AND EXEMPTIONS

SUBPART K—MOTOR CARRIERS OF PROPERTY

TRANSPORTATION OF FARM PRODUCTS AND SUPPLIES

In accordance with the provisions of Title 49, Chapter II, Part 501, Subpart K, (General Order ODT 17, as amended,[1]) § 501.71, of the Code of Federal Regulations,

It is hereby authorized that:

§ 521.2891 *Transportation of farm products and supplies.* Motor carriers when operating a motor truck engaged exclusively in the transportation of farm products from a farm or farms to a concentration or storage point, processing or packing plant, dehydrating, brining, freezing, or grading place, cannery, mill, warehouse, stockyard, wholesale or retail market, or to a rail or a water carrier, or when operating a motor truck engaged exclusively in the transportation of farm supplies to a farm or farms, are hereby relieved, in respect of trucks so engaged, from compliance with the provisions of § 501.67, paragraph (c) of § 501.68, and subparagraph (2) of paragraph (a) of § 501.69 of Subpart K (General Order ODT 17, as amended), Part 501, this title and chapter of the Code of Federal Regulations, for a period of thirty (30) days commencing November 1, 1942, and ending November 30, 1942. (E.O. 8989, 6 F.R. 6725; E.O. 9156, 7 F.R. 3349; Gen. Order ODT 17, as amended, 7 F.R. 5678; 7 F.R. 7694).

Issued at Washington, D. C., this 30th day of October, 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-11085; Filed, October 30, 1942; 11:59 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1669]

CENTRALIA COAL CO.

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of Centralia Coal Company, a Code Member in District No. 10 for a reduction of the effective minimum price for shipments of railroad locomotive fuel from its Centralia No. 5 Mine.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 19, 1942, at 10:00 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 12, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Centralia Coal Company, a code member in District No. 10 for a reduction of the effective minimum price for shipments of railroad locomotive fuel from its Centralia No. 5 Mine (Mine Index No. 29) to the Wabash Railroad, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: October 29, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11074; Filed, October 30, 1942; 11:12 a. m.]

[Docket No. B-333]

IRA H. BISEL

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on November 2, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division, at Room 118, Colonial Hotel, Altoona, Pennsylvania, pursuant to an order issued in the above-entitled matter on September 29, 1942; and

The Director deeming it advisable that said hearing should be postponed;

Now, therefore, *It is ordered,* That the said hearing in the above-entitled matter be, and the same hereby is, postponed from November 2, 1942, at 10 a. m., to a time and place to be hereafter designated by an appropriate order.

Dated: October 29, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11073; Filed, October 30, 1942; 11:12 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

To all district boards, code members, distributors, the consumers' counsel and other interested persons:

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name and address	*Date application filed*
Bert R. Arbogast, (Numa Coal Co.), Numa, Iowa	Oct. 14, 1942
Greenville Coal & Ice Co., 19 N. Water Street, Greenville, Pa.	Oct. 13, 1942
Paul E. Horton, d/b Horton Coal Co., R. F. D. #1, Newburgh, Ind.	May 22, 1942
M. Nettleship—M. Nettleship & Co., Yakima, Wash.	Oct. 5, 1942
Peninsular Coal Co., Jacksonville, Fla.	Oct. 14, 1942

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before November 23, 1942. This information should be mailed or presented to the Bituminous Coal Division, Department of the Interior, Washington, D. C.

Dated: October 29, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11075; Filed, October 30, 1942; 11:12 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 733]

NORTH CAROLINA

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 23, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
North Carolina 3043G5 Jones	$735,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-11079; Filed, October 30, 1942; 11:29 a. m.]

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[1] 7 F.R. 5678, 7694.

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 176]

97.5% OF THE CAPITAL STOCK OF MEITO CHINA CORPORATION

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

390 shares (which constitute a substantial part, namely, 97.5%, of all outstanding shares) of $100 par value common capital stock of Meito China Corporation, a New York corporation, New York, New York, which is a business enterprise within the United States, the names and last known addresses of the registered owners of which, and the number of shares owned by them respectively, are as follows:

Names	Last known addresses	Number of shares
Viscount Masayuki Katano.	Tokyo, Japan	69
Toiichiro Terazawa	Nagoya, Japan	60
Matasaburo Suzuki	Nagoya, Japan	60
Yuichiro Kuroda	Nagoya, Japan	60
Kiyonori Nakayama	Nagoya, Japan	60
Masaichi Yoshida	Nagoya, Japan	60
Kohsi Kitch	Nagoya, Japan	10
Akio Matsumura	Nagoya, Japan	10
George Yamaoka	Long Island, N. Y.	1
Total		390

is property of nationals, and represents control of said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "National", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on September 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11083; Filed, October 30, 1942; 11:58 a. m.]

[Vesting Order 270]

MACHINERY AND STEEL TUBES OWNED BY TATSUMI ENGINEERING COMPANY, LTD., TOKYO, JAPAN

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Nineteen cases containing 264 pieces of machinery and 110 seamless steel tubes stored at Daker and Williams Company, 92-98 Morton Street, New York, New York,

is property within the United States owned or controlled by Tatsumi Engineering Company, Ltd., whose last known address was represented to the undersigned as being Tokyo, Japan, and determining that to the extent that such Japanese firm is a person not within a designated enemy country the national interest of the United States requires that it be treated as a national of the aforesaid designated enemy country (Japan), and therefore determining that it is a national of such designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11082; Filed, October 30, 1942; 11:57 a. m.]

[Vesting Order 192]

INTEREST OF PARTNER IN FUJITA & CO.

Correction

In the fifth line of the second paragraph of the order appearing on page 8668 of the issue for Tuesday, October 27, 1942, the words "Jujita & Co." should be "Fujita & Co."

OFFICE OF PRICE ADMINISTRATION.

[Order 5 Under RPS 28]

GREEN RIVER DISTILLING COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 5 Under Revised Price Schedule No. 28—Ethyl Alcohol—Docket Nos. 3028-7 and 3028-10.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is ordered:*

(a) Notwithstanding anything to the contrary contained in Revised Price Schedule No. 28 or in the General Maximum Price Regulation, Green River Distilling Company, a corporation organized and existing under the laws of the State of Maryland, may sell and deliver ethyl alcohol of 188 proof or higher, of any formulae thereof, including pure ethyl alcohol, and the Defense Supplies Corporation, Washington, D. C., a corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended, may buy such ethyl alcohol, under the contracts entered into by the Green River Distilling Company and the Defense Supplies Corporation on July 31, 1942 and September 2, 1942, at prices not in excess of those set forth below:

$.6324 per wine gallon, f. o. b. plant

(b) All prayers of the applicant not granted herein are denied.

(c) This Order No. 5 under Revised Price Schedule No. 28 shall become effective October 30, 1942 and shall operate retroactively from July 31, 1942.

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11037; Filed, October 29, 1942; 12:46 p. m.]

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[1] 7 F.R. 5205.

[Order 1 Under MPR 114]

MOUNT TOM SULPHITE PULP COMPANY

ORDER DENYING PETITION FOR ADJUSTMENT

Order No. 1 Under Maximum Price Regulation No. 114—Woodpulp—Docket No. 3114-2.

On July 22, 1942, Mount Tom Sulphite Pulp Company, Mount Tom, (Northampton) Massachusetts, filed a petition for an exception pursuant to § 1347.230 (a) of Maximum Price Regulation No. 114. Due consideration has been given to the petition, and an opinion in support of this Order No. 1 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered,* That said petition be, and it hereby is, denied.

(a) This Order No. 1 shall become effective October 29, 1942.

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11033; Filed, October 29, 1942; 12:42 p. m.]

[Order 68 Under MPR 120]

T. A. HOSKINS

ORDER GRANTING ADJUSTMENT

Order No. 68 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-98.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) T. A. Hoskins, Sheridan County, Wyoming, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not to exceed the respective prices stated therein;

(b) Coal in Size Groups 1, 4, 7 and 15 produced at the Black Diamond Mine (Mine Index No. 132), Subdistrict No. 7, District No. 19, of T. A. Hoskins, owner and operator, may be sold, for shipment by truck or wagon, at prices, per net ton, f. o. b. the mine, not to exceed $3.10, $2.90, $2.75 and $2.00, respectively.

(c) This Order No. 68 may be revoked or amended by the Price Administrator at any time;

(d) All prayers of the petition not granted herein are denied;

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of the Maximum Price Regulation No. 120 shall apply to terms used herein.

(f) This Order No. 68 shall become effective October 30, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11030; Filed, October 29, 1942; 12:41 p. m.]

[Order 69 Under MPR 120]

THE MARYLAND FUEL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 69 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 1120-82-P.

For the reasons set forth in the Opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) The Maryland Fuel Company, Frostburg, Maryland, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not to exceed the price stated therein:

(b) Coals in Size Group 3 produced at the Maryland No. 1 Mine (Mine Index No. 679), District No 1, of the Maryland Fuel Company, may be sold for shipment by all methods of transportation, except truck or wagon, at prices not to exceed $3.00 per net ton, f. o. b. the mine;

(c) This Order No. 69 may be revoked or amended by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein;

(e) This Order No. 69 shall become effective October 30, 1942.

(Pub. Law 421, 77th Cong.; Pub. Law 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11031; Filed, October 29, 1942; 12:42 p. m.]

[Order 70 Under MPR 120]

RURAL COAL MINE

ORDER GRANTING ADJUSTMENT

Order No. 70 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-245.

For the reasons set forth in an Opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Maverick W. Poston, doing business as Rural Coal Mine at Coal Valley, Illinois, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) below at prices not in excess of the respective prices stated therein;

(b) Truck or wagon shipments of coals produced at the Rural Coal Mine, Mine Index No. 641, District No. 10, may be sold at the following prices per net ton f. o. b. the mine for the sizes indicated:

Size groups:	*Maximum price*
6	$4.10
7	3.50
10	2.85

(c) This Order No. 70 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of the petition not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(f) This Order No. 70 shall become effective the 30th day of October, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11036; Filed, October 29, 1942; 12:41 p. m.]

[Order 71 Under MPR 120]

STAR COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 71, Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine Or Preparation Plant—Docket No. 3120-99.

For the reasons set forth in the Opinion issued simultaneously herewith and under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered,* That:

(a) Andrew E. Kuzara, Sheridan, Wyoming, doing business as the Star Coal Company, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not to exceed the respective prices stated therein.

(b) Coals in Size Groups 1, 4, 8, 10, 12 and 15 produced at the Star Mine (Mine Index No. 143), Subdistrict No. 7, District No. 19, of Andrew E. Kuzara, doing business as the Star Coal Company, may be sold for shipment by truck or wagon at prices, per net ton, f. o. b. the mine, not to exceed $3.10, $2.90, $2.75, $2.75, $2.50 and $2.00, respectively.

(c) This Order No. 71 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(e) This Order No. 71 shall become effective October 30, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11032; Filed, October 29, 1942; 12:42 p. m.]

[Order 33 Under MPR 122]

POCAHONTAS FUEL COMPANY, INC.

ORDER GRANTING ADJUSTMENT

Order No. 33 Under Maximum Price Regulation No. 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers—Docket No. 3122-229.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.257a (a) and (b) of Maximum Price Regulation No. 122, *It is hereby ordered:*

(a) Pocahontas Fuel Company Incorporated may sell and deliver from its coal docks at New Bedford, Boston and Salem, Massachusetts, and Portland, Maine, and any person may buy and receive the sizes of bituminous coal described in paragraph (b) below at prices not in excess of the respective prices stated therein.

(b) Subject to the terms and provisions of Maximum Price Regulation No. 122, including provisions with respect to deliveries (1) of the same size, kind and quality of fuel, (2) in quantities taking the same price per ton, (3) to purchasers of the same class, (4) by the same method of delivery, and (5) under the same terms of delivery, bituminous coal may be sold at the prices per net ton listed below for the sizes indicated over the respective docks of the Pocahontas Fuel Company Incorporated, as follows:

	Portland	Salem	Boston	New Bedford
Domestic run-of-mine	$7.50	$7.37	$7.15	$7.15
Straight run-of-mine	7.05	6.92	6.92	6.92
Nut and slack	6.83	6.70	6.70	6.70
Slack	6.74	6.61	6.61	6.61
Nut	7.19	7.05	7.05	7.05
Pea	7.10	6.96	6.96	6.96

(c) This Order No. 33 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of the petition not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to the terms used herein;

(f) This Order No. 33 shall become effective as of May 18, 1942.

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11035; Filed, October 29, 1942; 12:40 p. m.]

[Order 17 Under MPR 188]

THE TRANE COMPANY, INC.

ORDER ADJUSTING MAXIMUM PRICE

Order No. 17 Under § 1499.161 (a) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is ordered,* That:

(a) The Trane Company, Inc., La Crosse, Wisconsin, may sell, deliver and offer for sale, and all persons may buy and receive from it in the course of trade, heating, cooling and ventilating equipment, at the prices appearing in the price list of the Trane Company, Inc., which was issued under date of October 1, 1941, together with all discounts and allowances published therewith: *Provided,* That all published and unpublished discounts and allowances to individual customers which the Trane Company, Inc., has customarily given since October 1, 1941 continue to be so given.

(b) The adjustment granted to the Trane Company, Inc., in paragraph (a) is subject to the condition that it shall forthwith notify the dealers purchasing heating, cooling and ventilating equipment from it that the Office of Price Administration has by this Order authorized adjustment of its maximum prices as provided in paragraph (a).

(c) This Order No. 17 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 17 shall become effective October 30, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11029; Filed, October 29, 1942; 12:43 p. m.]

[Order 18 Under MPR 188]

DUNN BRICK WORKS

ORDER DENYING ADJUSTMENT

Order No. 18 Under § 1499.161 (a) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For reasons set forth in the opinion filed simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is ordered:*

(a) The petition for amendment of the Dunn Brick Works of Erie, Pennsylvania, filed on June 24, 1942, hereby is denied.

(b) This Order No. 18 under § 1499.161 (a) of Maximum Price Regulation No. 188 shall become effective October 30, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11028; Filed, October 29, 1942; 12:44 p. m.]

[Order 19 Under MPR 188]

FRAMER MATTRESS COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 19, Under § 1499.161 (a) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. GF3-70.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, *It is hereby ordered:*

(a) Framer Mattress Company of Galveston, Texas may sell and deliver the mattresses listed herein at prices no higher than those set forth below:

"Texas Special" mattress (100 percent fly)	$6.50
"Plated Felt" mattress (center fly or linter cotton picking on top and bottom)	7.50
"Felt Cotton" mattress (solid cotton)	8.50

subject to the Framer Mattress Company's allowances, discounts, or other price differentials from its regular quoted price list in effect during March, 1942.

(b) Before offering to sell or delivering mattresses at the prices set forth in pragraph (a) hereof, Framer Mattress Company must furnish the buyer the following notification:

> The Office of Price Administration has authorized an increase in the maximum price of this mattress from $________ to $________ (inserting correct figure). This represents only that part of our cost increases which we are unable to absorb and was granted with the provision that your maximum prices remain the same.

(c) This Order No. 19 shall become effective October 30, 1942.

Issued this 29th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11034; Filed, October 29, 1942; 12:40 p. m.]

[Suspension Order 142, Reconsideration]

Randall M. Walker

ORDER UPON RECONSIDERATION OF SUSPENSION ORDER

Order Upon Reconsideration of Suspension Order 142—Restricting Transactions by Randall M. Walker.

On October 20, 1942, Randall M. Walker, doing business as Walker Oil Company, Walker Chevrolet Company, Tank Car Station No. 5, Jesup, Georgia, filed a petition for reconsideration of Suspension Order No. 142 issued against the petitioner on October 16, 1942. This petition for reconsideration and the briefs and affidavits accompanying it, set forth certain facts which were not presented at the hearing on the charges against the petitioner held in Atlanta, Georgia, on September 17, 1942. The petition and the accompanying briefs and affidavits having been duly considered by the Deputy Administrator in Charge of Rationing, *It is hereby ordered:*

(a) That Suspension Order No. 142 is stayed until further order of the Deputy Administrator in Charge of Rationing.

(b) That a further hearing be held on the charges against petitioner at such time and place as may be specified and before such presiding officer as may be designated in accordance with Temporary Procedural Regulation No. 4.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; W.P.B Dir. 1 and Supp. Dir. 1H; 7 F.R. 3378, 3877, 5219)

Issued and effective this 29th day of October 1942.

Paul M. O'Leary,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 42–11027; Filed, October 29, 1942; 12:45 p. m.]

[Suspension Order 148]

Safe-T-Tread Tire Co.—Gidney Tire Co.

ORDER RESTRICTING TRANSACTIONS

Suspension Order No. 148—Restricting Transactions by Benjamin Gidney, Louis Gidney, Morris Gidney, Gidney Tire Company and Safe-T-Tread Tire Company.

Benjamin Gidney, Louis Gidney, and Morris Gidney, partners doing business as Safe-T-Tread Tire Company and as Gidney Tire Company at 501 West Second Street and at State and Harrison Avenues, in Cincinnati, Ohio, dealers in tires and recapped tires, and recappers of tires, hereinafter called respondents, were duly served with notice of specific charges of violations of the tire rationing regulations issued by the Office of Price Administration. Pursuant to said notice a hearing upon the charges was held on September 3, 1942, in Cincinnati, Ohio. There appeared a representative of the Office of Price Administration and respondents. The evidence pertaining to the charges was presented before an authorized presiding officer. Such evidence having been duly considered by the Deputy Administrator in Charge of Rationing, It is hereby determined that:

(a) Respondents have violated the tire rationing regulations issued by the Office of Price Administration in that,

(1) Between February 19 and August 24, 1942, respondents for their own use as recappers, purchased and accepted delivery of more than 12,000 pounds of camelback from a manufacturer of camelback without delivering in exchange therefor any part of any certificate or any part of any receipt required by Revised Tire Rationing Regulations.

(2) On January 31, 1942, respondents failed to take an inventory of tires and tubes in their possession or control, and keep a record thereof as required by Tire Rationing Regulations.

(3) Between February 28, and August 24, 1942, respondents failed to take any inventories of new tires and tubes, recapped tires, retreaded tires, or camelback in their possession or control and failed to keep a record of their production of retreaded and recapped tires as required by Revised Tire Rationing Regulations.

(4) On or about August 25, 1942, respondents sold and delivered to a private domestic consumer one new tire and three recapped tires without receiving in exchange therefor any certificate required by Revised Tire Rationing Regulations.

(5) On April 30, 1942, respondents received the Parts C of three tire rationing certificates for twelve tires and failed to complete and return them to the issuing Board within three days from the date of their delivery of the tires covered by said certificates as required by Revised Tire Rationing Regulations.

Because of the great scarcity and critical importance of rubber in the United States, respondents' violations of the tire rationing regulations issued by the Office of Price Administration have necessarily resulted in the diversion of rubber from military and essential civilian uses to non-essential uses in a manner contrary to the public interest and detrimental to national defense. It appears to the Deputy Administrator in Charge of Rationing on the evidence before him that further violations of the tire rationing regulations by respondents are likely unless appropriate administrative action is taken.

It is therefore ordered:

(b) During the period in which Suspension Order No. 148 shall be in effect,

(1) Respondents, their successors or assigns, shall not accept any transfers or deliveries of or in any manner directly or indirectly receive from any source any new tires, new tubes, recapped tires, retreaded tires, camelback or other recapping or retreading material.

(2) No person shall in any manner, directly or indirectly, sell, transfer or deliver any new tires new tubes, recapped tires, retreaded tires, camelback or other recapping or retreading material to respondents, their successors or assigns, regardless of whether such materials have been previously purchased and completely paid for.

(3) Respondents shall not sell, transfer, deliver, or otherwise deal or trade in any new tires, new tubes, recapped tires, retreaded tires, camelback or other retreading or recapping material: *Provided, however,* That respondents may make sales, transfers, or deliveries of their stocks thereof in their possession on the effective date of this order with the prior approval and under the supervision of the Regional Administrator of the Office of Price Administration for Region III.

(4) Respondents, their successors, or assigns, shall not enter into any contract or commitment for the recapping or retreading of tires or recap or retread any tires or in any way use or consume any camelback or other retreading or recapping material: *Provided, however,* That if any contracts for retreading or recapping of tires have been entered into by respondents and such tires have been prepared in any degree for retreading or recapping or have been retreaded or recapped prior to the effective date of this suspension order, such recapping or retreading may be completed and the retreaded or recapped tires delivered in accordance with the provisions of the tire rationing regulations issued by the Office of Price Administration.

(c) Any term used in this Suspension Order No. 148 that is defined in Revised Tire Rationing Regulations shall have the meaning therein given it.

(d) This Suspension Order No. 148 shall become effective October 30, 1942, and shall remain in effect until further order of the Deputy Administrator in Charge of Rationing, but in no event later than December 31, 1944.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; W.F.B. Dir. 1 and Supp. Dir. 1B, 7 F.R. 562, 925; W.P.B. Supp. Order No. M–15–c, 6 F.R. 6792)

Issued this 29th day of October 1942.

Paul M. O'Leary,
Deputy Administrator
In Charge of Rationing.

[F. R. Doc. 42–11039; Filed, October 29, 1942; 12:45 p. m.]

[Suspension Order 146]

Canton Tire Service

ORDER RESTRICTING TRANSACTIONS

Howard L. Foster, doing business as Canton Tire Service at 429 McKinley Avenue NW., Canton, Ohio, herein called respondent, is a recapper and a dealer in recapped tires. Respondent was duly served with notice of specific charges of violations of tire rationing regulations, issued by the Office of Price Administration. Pursuant to said notice a hearing upon said charges was held on September 2, 1942, at Canton, Ohio. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator in Charge of Rationing, It is hereby determined that:

Respondent has violated the Revised Tire Rationing Regulations in that between February 19 and August 6, 1942, respondent sold, transferred and delivered large numbers of recapped tires without receiving in exchange therefor any certificates or any parts of any certificates authorizing such deliveries. Said sales, transfers and deliveries were made to consumers and were not made to or for the account of any government or governmental agency, to any manufacturer of new vehicles, or for export.

Because of the great scarcity and critical importance of rubber in the United States, the violations of the tire rationing regulations by respondent have resulted in the diversion of rubber from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to national defense. It appears to the Deputy Administrator in Charge of Rationing, from the evidence before him, that further violations of the tire rationing regulations by respondent are likely unless appropriate administrative action is taken.

It is therefore ordered:

(a) During the period in which this suspension order shall be in effect,

(1) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source, any camelback or other recapping or retreading material.

(2) No person, firm or corporaton shall, directly or indirectly, sell, transfer or deliver any camelback or other retreading or recapping material to respondent.

(3) Respondent shall not, in any manner directly or indirectly, sell, transfer or deliver any recapped or retreaded tires, nor shall he recap or retread any tires or in any way use or consume any camelback or other retreading or recapping material; *Provided, however,* That if any contracts for the retreading or recapping of tires have been entered into by respondent and such tires have been prepared in any degree for retreading or recapping or have been retreaded or recapped prior to the date of service of this suspension order, upon respondent, such retreading and recapping may be completed and the retreaded or recapped tires delivered in accordance with the revised tire rationing regulations; *Provided, further,* That respondent may sell, transfer and deliver his stock of camelback on hand as of the effective date of this order with the prior approval of the Regional Administrator of Region III and under his supervision.

(b) Any terms used in this suspension order that are defined in the Revised Tire Rationing Regulations shall have the meaning therein given them.

(c) This suspension order shall become effective October 30, 1942, and shall remain in effect until further order by the Deputy Administrator in Charge of Rationing, but not later than December 31, 1944.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; W.P.B. Dir. 1 and Supp. Dir. 1B, 7 F.R. 562, 925; W.P.B. Supp. Order M–15–c, 6 F.R. 6792)

Issued this 29th day of October 1942.

Paul M. O'Leary,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 42–11040; Filed, October 29, 1942; 12:46 p. m.]

[Suspension Order 149]

Walter J. Mueller, Inc., et al.

ORDER RESTRICTING TRANSACTIONS

Walter J. Mueller, Inc., an Ohio corporation, and Walter J. Mueller, 1336 Superior Avenue, Cleveland, Ohio, distributors, hereinafter called respondents, were duly served with notice of specific charges of violations of the tire rationing regulations issued by the Office of Price Administration. Pursuant to said notice a hearing on the charges was held on September 16, 1942, at Cleveland, Ohio. There appeared a representative of the Office of Price Administration and respondents. The evidence pertaining to the charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator in Charge of Rationing, It is hereby determined That:

(a) Respondents have violated the tire rationing regulations issued by the Office of Price Administration in that:

(1) On February 28, 1942, and at the close of business on the last day of each month thereafter to and including July 31, 1942, respondents failed to take an inventory of new tires and tubes in their possession or under their control and failed to keep a record thereof as required by revised tire rationing regulations.

(2) Respondents filed with the Office of Price Administration an OPA Form R–17, wherein they failed to include and set forth more than 600 tires and 600 tubes that were in their possession and control on the last day of the quarter ending June 30, 1942.

(3) On May 8, 1942, respondents sold and delivered to a private domestic consumer, Norwalk Truck Lines, Norwalk, Ohio, 225 new truck tires without receiving in exchange therefor at the time of said delivery a sufficient number of certificates to authorize said sale and delivery of tires as required by revised tire rationing regulations. Respondents did not receive a sufficient number of such certificates until July 15, 1942.

Because of the great scarcity and critical importance of rubber in the United States, respondents' violations of the tire rationing regulations issued by the Office of Price Administration have necessarily resulted in the diversion of rubber from military and essential civilian uses to non-essential uses in a manner contrary to the public interest and detrimental to national defense. It appears to the Deputy Administrator in Charge of Rationing on the evidence before him that further violations of the tire rationing regulations by respondents are likely unless appropriate administrative action is taken.

It is therefore ordered:

(b) During the period in which Suspension Order No. 149 shall be in effect,

(1) Respondents shall not accept any transfers or deliveries of or in any manner directly or indirectly receive from any source any new tires, new tubes, recapped tires, or retreaded tires.

(2) No person shall in any manner directly or indirectly, sell, transfer or deliver any new tires, new tubes, recapped tires, or retreaded tires to respondents regardless of whether such tires or tubes have been previously purchased and completely paid for.

(3) Respondents shall not sell, transfer, or deliver any new tires, new tubes, recapped tires, or retreaded tires: *Provided, however,* That respondents may make sales, transfers, or deliveries of their stocks thereof in their possession on the effective date of this order with the prior approval and under the supervision of the Regional Administrator of the Office of Price Administration for Region III.

(c) Any term used in this Suspension Order No. 149 that is defined in Revised Tire Rationing Regulations shall have the meaning therein given it.

(d) This Suspension Order No. 149 shall become effective October 30, 1942, and shall remain in effect until January 30, 1943.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; W.P.B. Dir. 1 and Supp. Dir. 1B, 7 F.R. 562, 925; W.P.B. Supp. Order M–15–c, 6 F.R. 6792)

Issued this 29th day of October 1942.

Paul M. O'Leary,
Deputy Administrator
In Charge of Rationing.

[F. R. Doc. 42–11038; Filed, October 29, 1942; 12:45 p. m.]

UNITED STATES COAST GUARD.

Grand Haven, Mich., and Ludington, Mich.

CORRECTION TO ORDER REGARDING MERCHANT MARINE INSPECTION OFFICES

October 27, 1942.

Paragraph No. 2 of the "Order abolishing Merchant Marine Inspection Office at Grand Haven, Mich., and establishing a Merchant Marine Inspection Office at Ludington, Mich.," appearing on page 8410 of the Federal Register, Saturday, October 17, 1942, is amended to read as follows:

"2. A Merchant Marine Inspection Office is established at Ludington, Mich."

R. R. Waesche,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 42–11063; Filed, October 30, 1942; 9:09 a. m.]

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THE NATIONAL ARCHIVES OF THE UNITED STATES
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U. S. GOVERNMENT PRINTING OFFICE: 1942

NOV 4 194

FEDERAL REGISTER

VOLUME 7 NUMBER 216

Washington, Tuesday, November 3, 1942

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 18—WAR SERVICE REGULATIONS

RECRUITMENT AND PLACEMENT

Section 18.4 *Recruitment and placement* issued, as amended, on September 26, 1942 (7 F.R. 7723) is amended as follows:

§ 18.4 *Recruitment and placement.*

* * *

(e) *Minimum period of service required* is hereby revoked.

By the United States Civil Service Commission.

[SEAL] H. B. MITCHELL,
President.

OCTOBER 27, 1942.

[F. R. Doc. 42-11202; Filed, November 2, 1942; 11:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 19—FEES

NATIONAL FARM LOAN ASSOCIATION FEES

Sections 19.4006 and 19.4007 are hereby revoked and §§ 19.4003, 19.4005, 19.4008 and 19.4009 are hereby amended to read as follows:

§ 19.4003 *Appraisals to be made by associations.* An appraisal shall be made by the association's loan committee or its investigator in connection with all applications for loans made through national farm loan associations before they are forwarded to the Federal land bank. When the local appraisal report is favorable, and the loan committee is unanimous in its approval thereof, the application may be handled in either of two ways:

(a) It may be acted upon by the association's board of directors before it is forwarded to the Federal land bank. If this procedure is followed, the application shall be forwarded to the Federal land bank immediately following the board's action, even though rejected by the association for a land bank loan.

(b) It may be forwarded to the Federal land bank before it is acted upon by the association's board of directors. If this procedure is followed, the original copy of the application shall be promptly forwarded to the bank. A duplicate copy of the application, including the association appraisal report and the recommendations of the loan committee, shall be retained by the secretary-treasurer and presented to the association's board of directors at its next meeting. The secretary-treasurer shall certify to the bank, on a form to be prescribed by the bank, the board's action (i. e., whether the application is rejected or approved, and, if approved, the amount of the loan approved) immediately following the meeting of the board. (Sec. 10, 39 Stat. 369, as amended, secs. 33, 34, 48 Stat. 49, as amended; 12 U.S.C. 751, 752, 1017, 1018)

§ 19.4005 *Application fee where appraisal is to be made.* Associations may collect an association application fee of not more than $5.00 in connection with each application for $5,000.00 or less, and an association application fee of not more than $10.00 in connection with each application for over $5,000.00: *Provided, however,* That the amount of any such fee shall not exceed 1 percent of the amount of the loan applied for. This fee may be collected at the time the application is filed. It may be retained by the association regardless of whether the loan is rejected or closed as a land bank loan, a Commissioner loan, or a joint land bank and Commissioner loan. (Sec. 11 "Third", 39 Stat. 369, as amended, sec. 17 (d), 39 Stat. 375, secs. 33, 34, 48 Stat. 49, as amended; 12 U.S.C. 761 "Third", 831 (d), 1017, 1018)

§ 19.4008 *Closed loan fees.* When a land bank loan is closed, associations may collect a closed loan fee in an amount which, when added to the association application fees already collected, will equal but not exceed 1 percent of the amount of the land bank loan closed. The application fees provided in § 19.4005 may be retained by associations even though the loan is rejected or the amount of such fees is more than 1 percent of the land bank loan closed, but in such event no closed loan fee may be collected. (Sec. 11

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FEDERAL REGISTER

1934

Published daily, except Sundays, Mondays and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Telephone information: District 0525.

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"Third", 39 Stat. 369, as amended, sec. 17 (d), 39 Stat. 375; 12 U.S.C. 761 "Third", 831 (d))

§ 19.4009 *Additional-loan fees.* When an applicant for a loan offers as security therefor property which is mortgaged, in whole or in part, to a Federal land bank, the Federal Farm Mortgage Corporation, or both, the provisions of § 19.4005 and the last sentence of § 19.4008 shall apply in determining the amount of the application fee which may be collected and retained by the association through which such application is submitted, except that the maximum association application fee which may be collected in accordance with § 19.4005 shall be based upon the difference between the amount of the loan applied for and the total unmatured principal, as of the date of the application, of the outstanding loan held by the bank or the Corporation or both. Where, upon the basis of such application, a Federal land bank loan is closed through an association which endorsed the outstanding land bank loan, the association may, whether the transaction is completed by way of a supplemental loan or a rewriting of the outstanding loan, collect a closed loan fee which, when added to the association application fee already collected, will not exceed 1 percent of the amount of the new note or notes which represents other than principal of the outstanding bank loan unmatured as of the date of the application. Where, upon the basis of such application, a Federal land bank loan is closed through a different association than that which endorsed the outstanding land bank loan, or through any association if only a loan held by the Federal Farm Mortgage Corporation was outstanding, the association may collect a closed loan fee which, when added to the association application fee already collected, will not exceed 1 percent of the amount for which it endorses the land bank loan. (Sec. 11 "Third", 39 Stat. 369, as amended, sec. 17 (d), 39 Stat. 375; 12 U.S.C. 761 "Third", 831 (d))

[SEAL] W. E. RHEA,
Land Bank Commissioner.

[F. R. Doc. 42–11175; Filed, November 2, 1942; 9:58 a. m.]

General –
deposited by
U.S. Govt.

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 78—DECORATIONS, MEDALS, RIBBONS AND SIMILAR DEVICES

AUTHORIZED DECORATIONS

Sections 78.1 (a) (8), 78.2 (h) and 78.6 (d), are hereby redesignated 78.1 (a) (9), 78.2 (i) and 78.6 (e), respectively, and new §§ 78.1 (a) (8), 78.2 (h), 78.4 (d) and 78.6 (d) are added as follows:

§ 78.1 *Authorized decorations.*[1] (a) The authorized decorations of the United States awarded by the War Department are:

(1) Medal of Honor.
(2) Distinguished-Service Cross.
(3) Distinguished-Service Medal.
(4) Silver Star.
(5) Purple Heart.
(6) Soldier's Medal.
(7) Distinguished-Flying Cross.
(8) Air Medal.
(9) Oak-Leaf Cluster. (40 Stat. 870–872, 41 Stat. 398, 44 Stat. 789; 100 U.S.C. 1403–1409, 1411, 1429) [Par. 1, AR 600–45, Aug. 8, 1932, as amended by C5, Oct. 14, 1942]

* * * * *

§ 78.2 *To whom decorations awarded.* * * *

(h) *Air Medal.* (1) The Air Medal is awarded to any person who, while serving in any capacity in or with the Army of the United States subsequent to September 8, 1939, has distinguished or shall distinguish himself by meritorious achievement while participating in an aerial flight. This decoration will be awarded in those cases where the act of meritorious service does not warrant the award of a Distinguished-Flying Cross. See E.O. 9158, May 11, 1942 (sec. III, Bull. 25 W.D., 1942, and E.O. 9242–A, September 11, 1942 (sec. III, Bull. 49, W.D., 1942).

(2) The provisions of paragraph (g) (3) (i) of this section apply also to the Air Medal.

(3) Such civilians serving with the Army of the United States as may distinguish themselves by meritorious achievement while participating in an aerial flight are also eligible for the award of the Air Medal.

(i) *Oak-leaf Cluster.* * * *

(4) *Air Medal.* The provisions of subparagraph (1) of this paragraph apply also to the Air Medal. (40 Stat. 871; 10 U.S.C. 1411) [Pars. 13½ and 14, AR 600–45, Aug. 8, 1932, as amended by C5, Oct. 14, 1942]

§ 78.4 *Posthumous award.* * * *

(d) *Air Medal.* The provisions of paragraph (c) of this section apply also to the Air Medal. (40 Stat. 871; 10 U.S.C. 1409) [Par. 17*f*, AR 600–45, Aug. 8, 1932, as amended by C5, Oct. 14, 1942]

§ 78.6 *Replacement.* * * *

(d) *Air Medal.* The provisions of paragraph (c) of this section apply also to the Air Medal.

(e) *Engraving.* An authorized replacement will be engraved the same as the original. See also § 78.5 (40 Stat. 871; 10 U.S.C. 1416) [Par. 19, AR 600–45, Aug. 8, 1932, as amended by C5, Oct. 14, 1942]

[SEAL] H. B. LEWIS,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 42–11174; Filed, November 2, 1942; 9:54 a. m.]

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[1] 6 F.R. 2676, 2707, 4812; 7 F.R. 1413, 3219, 3351, 4602, 7477.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 244]

COMMERCIAL PILOT CERTIFICATES FOR FRIENDLY ALIENS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 28th day of October 1942.

It appearing that:

1. Citizens of friendly foreign governments have been assigned for training in the Civilian Pilot Training course; and

2. Many of these trainees have satisfactorily completed Civilian Pilot Training courses, including the elementary, secondary, cross-country and instructor training; and

3. It is in the interest of the war effort to employ many of these trainees as flight instructors and as pilots in commercial operations in the United States; and

4. In order for these trainees to be eligible to serve as flight instructors and pilots in commercial operations they must possess commercial certificates and appropriate ratings issued pursuant to the Civil Air Regulations; and

5. Such trainees cannot obtain commercial pilot certificates because their governments do not have agreements with the United States for the granting of reciprocal commercial pilot privileges to citizens of this country, as required in § 20.142 of the Civil Air Regulations; and

6. There may be other equally qualified friendly aliens who have not obtained their training in the Civilian Pilot Training Program but who might be equally valuable as commercial pilots or instructors.

The Board finds that:

Its action is desirable in the public interest and is necessary for the successful prosecution of the war.

Now, therefore, the Civil Aeronautics Board acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, makes and promulgates the following special regulation effective immediately:

Notwithstanding the provision of § 20.142 of the Civil Air Regulations relating to reciprocal agreements with foreign governments, but subject to the other provisions of said section and to all other sections of the Civil Air Regulations, citizens of friendly foreign governments may be issued commercial pilot certificates and appropriate ratings, valid "only for the duration of the war and not to exceed six months thereafter." This limitation may be removed upon the execution of a reciprocal agreement by these foreign governments with the United States.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42–11177; Filed, November 2, 1942; 10:39 a. m.]

[Order, Serial No. 2001]

PART 15—AIRCRAFT EQUIPMENT AIRWORTHINESS

REAR POSITION LIGHTS

Order postponing effective date of Amendment 15–1.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 28th day of October 1942.

Whereas, The Civil Aeronautics Board, at a regular session held at its office in Washington, D C., on February 21, 1942, adopted Amendments Nos. 04–9, 04–10, 15–1, 60–59, and 60–60, Civil Air Regulations; and

Whereas, The Board ordered such amendments to become effective July 1, 1942; and

Whereas, The Board, at a regular session held at its office in Washington, D. C., on June 26, 1942, ordered that the effective date of Amendments Nos. 04–9, 04–10, 15–1, 60–59, and 60–60 be postponed to November 1, 1942; and

It appearing that:

Certain material required in the manufacture of the lights and mechanisms described in Amendment No. 15–1[1] will not be available in time to permit scheduled air carriers to install such lights and mechanisms by November 1, 1942.

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[1] 7 F.R. 1710, 4938.

Now, therefore, The Civil Aeronautics Board, acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended:

Orders, That the effective date of Amendment No. 15-1 be, and hereby is, postponed to January 1, 1943.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-11178; Filed, November 2, 1942; 10:39 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3729]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

UNITED DRUG COMPANY

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Quantity.* In connection with offer, etc., in commerce, of respondent's face powders and other cosmetic products, selling said products in containers or packages of a size or capacity substantially larger than that required for packaging the quantity of product actually contained therein, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, United Drug Company, Docket 3729, October 26, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of October, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent (together with a motion to dismiss the complaint), testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and the exceptions to such report, briefs in support of and in opposition to the complaint, and oral argument; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, United Drug Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of respondent's face powders and other cosmetic products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Offering for sale or selling respondent's products in containers or packages of a size or capacity substantially larger than that required for packaging the quantity of product actually contained therein.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

It is further ordered, That the respondent's motion to dismiss the complaint herein be, and it hereby is denied.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-11143; Filed, October 31, 1942; 11:44 a. m.]

[Docket No. 4591]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

UTAH BEVERAGE AND DISTRIBUTING COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., of candies, gums, nuts, glassware, clocks, handkerchiefs, or any other merchandise, (1) supplying, etc., others with push or pull cards, punch boards, or other lottery devices, either with merchandise or separately, which are to be used, or may be used, in selling or distributing respondents' merchandise, or any merchandise, to the public; and (2) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Utah Beverage and Distributing Company, Docket 4591, October 27, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of October, A. D. 1942.

In the Matter of Ben Arnovitz and Wilford Arnovitz, Individuals, Trading and Doing Business as Utah Beverage and Distributing Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission (no answer having been filed by respondents), testimony and other evidence in support of the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondents and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Ben Arnovitz and Wilford Arnovitz, individually and trading as Utah Beverage and Distributing Company, or trading under any other name, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of candies, gums, nuts, glassware, clocks, handkerchiefs, or any other merchandise, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others push or pull cards, punch boards, or other lottery devices, either with merchandise or separately, which are to be used, or may be used, in selling or distributing respondents' merchandise, or any merchandise, to the public.
2. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-11179; Filed, November 2, 1942; 10:59 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

MAXIMUM RATIO OF AGGREGATE INDEBTEDNESS TO NET CAPITAL

Rule prescribing for brokers and dealers subject to its jurisdiction a maximum ratio of aggregate indebtedness to net capital of 2000 per cent.

The Securities and Exchange Commission, deeming it necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 15 (c) and 23 (a) thereof, hereby adopts the following § 240.15c3-1 [Rule X-15C3-1]:

§ 240.15c3-1 *Ratio of aggregate indebtedness to net capital.* (a) No broker or dealer shall permit his aggregate indebtedness to all other persons (exclusive of indebtedness secured by exempted securities) to exceed 2,000 per centum of his net capital (exclusive of fixed assets and value of exchange memberships).

(b) The provisions of this rule shall not apply to any broker or dealer who (1) does not extend credit to any person to whom he sells or for whom he purchases any securities, and (2) does not carry money or securities for the account of customers or owe money or securities to customers, except as an incident to transactions with or for customers which are promptly consummated by payment or delivery: *Provided,* That credit shall not be deemed to be extended by reason of a bona fide delayed delivery of any such security against full payment of the entire purchase price thereof upon such delivery within thirty-five (35) days after such purchase.

(c) This rule shall not become effective until further order of the Commission and, in any event, not earlier than January 1, 1943.

(Sec. 2, 52 Stat. 1075; 15 U.S.C. 78o; sec. 23, 48 Stat. 901; sec. 8, 49 Stat. 1379; 15 U.S.C. 78w.)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11114; Filed, October 30, 1942; 3:11 p. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Proclaimed List of Certain Blocked Nationals

SUPPLEMENT 4 TO REVISION III

ADMINISTRATIVE ORDER

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Board of Economic Warfare, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), the following Supplement 4 containing certain additions to, amendments to, and deletions from The Proclaimed List of Certain Blocked Nationals, Revision III of August 10, 1942 (7 F.R. 6282), is hereby promulgated.

By direction of the President:

CORDELL HULL,
Secretary of State.
D. W. BELL,
Acting Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
JESSE H. JONES,
Secretary of Commerce.
MILO PERKINS,
Executive Director,
Board of Economic Warfare.
NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

OCTOBER 30, 1942.

GENERAL NOTES: (1) The Proclaimed List is divided into two parts: part I relates to listings in the American republics; part II relates to listings outside the American republics.

(2) In part I titles are listed in their letter-address form, word for word as written in that form, with the following exceptions:

If the title includes a full personal name, that is, a given name or initial and the surname, the title is listed under the *surname.*

Personal-name prefixes such as *de, la, von,* etc., are considered as part of the surname and are the basis for listing.

The listing is made under the next word of the title when the initial word or phrase, or abbreviation thereof, is one of the following Spanish forms or similar equivalent forms in any other language:

Compañía; Cía.; Comp.
Compañía Anónima; C. A.; Comp. Anón.
Sociedad; Soc.
Sociedad Anónima; S. A.; Soc. Anón.

(3) The indication of an address for a name on the list is not intended to exclude other addresses of the same firm or individual. A listed name refers to all branches of the business in the country.

(4) For an explanation of the use of the symbol following each addition in this supplement see General Notes, Revision III.

PART I—LISTINGS IN AMERICAN REPUBLICS

ADDITIONS

Argentina

Argentina de Navegación de Ultramar, Cía.—Avenida Presidente Roque Sáenz Peña 616, Buenos Aires. III-4.

Barrionuevo, Carlos.—Santa Fe 5149, Lanús, F.C.S.; and Almafuerte 443, Avellaneda, F.C.S., B.A. III-4.

Blasco, Ramón.—Moreno 1353. Buenos Aires. III-4.

Camps, Nicolás.—Reconquista 46, Buenos Aires. III-4.

Caraffa, González Molina, Krommel y Cía.—San Juan 3344, Buenos Aires. III-4.

"Clarinada".—25 de Mayo 171, Buenos Aires. III-4.

Crivelli, Carlos D.—Vieytes 226, Buenos Aires. III-4.

Crocitto, Geremías.—Bahía Blanca. III-4.

Elkan, Americo Imre.—San Martin 235,, Buenos Aires. III-4.

Farmacia Sarmiento.—Sarmiento 799, Buenos Aires. III-4.

Gran Farmacia Constitución.—Garay 1100, Buenos Aires. III-4.

Heinrich, Hans Werner.—Humberto I 2031 y Malabia 2561, Buenos Aires. III-4.

Hilger, Herman.—Corrientes 378, Buenos Aires. III-4.

Imprenta "La Comercia".—Reconquista 1010, Buenos Aires. III-4.

Instituto Médico Veterinario Argentino.—San Juan 3344, Buenos Aires. III-4.

L. S. 2 Radio Prieto Broadcasting.—Bolívar 1356, Buenos Aires. III-4.

Laboratorios Apice.—Humberto I 1739, Buenos Aires. III-4.

Lemm Bustos, Jorge.—Buenos Aires. III-4.

Leonardini Hermanos. — Garay 1058, Buenos Aires. III-4.

Ludorf, Pablo.—Pasteur 1302, Vicente López, B. A. III-4.

Meyer, Raúl Federico Carlos.—Corrientes 330, Buenos Aires; Avenida San Martín 222, Bahía Blanca; Puerto Madryn and Trelew. III-4.

"Midos" Compañía Argentina Financiera y Fideicomisaria S. de R. L.—25 de Mayo 145, Buenos Aires. III-4.

Nambei, Yokobori.—Larrea 1287, Buenos Aires. III-4.

"Naumann".—Independencia 401, Buenos Aires. III-4.

Novaro, Francisco. — Corrientes 330, Buenos Aires; Avenida San Martín 222, Bahía Blanca; Puerto Madryn and Trelew. III-4.

Oficina Científica Knoll.—Alsina 2196, Buenos Aires. III-4.

Operaciones, Inmobiliarias y Mutuos "La Sureña", S. A. de.—Bahía Blanca. III-4.

Pérez Martín, Julián.—Chiclana 420, Bahía Blanca. III-4.

Polito, Rosario.—Cerrito 792, Buenos Aires. III-4.

Pucci, Lorenzo.—Bahía Blanca. III-4.

Radio Prieto Broadcasting L. S. 2.—Bolívar 1356, Buenos Aires. III-4.

Rahe, Guillermo.—Corrientes 330, Buenos Aires; Avenida San Martín 222, Bahía Blanca; Puerto Madryn and Trelew. III-4.

Rocamora, Guillermo Ricardo.—Santa Fe 3934, Buenos Aires. III-4.

Rosmino, Atilio.—Corrientes 424, Buenos Aires. III-4.

Roth, Juan Arnoldo.—San Martín 113, Buenos Aires. III-4.

Ruppert, Helmuth.—Bebedero 2712, Buenos Aires. III-4.

Rustom y Hnos., Rachid A.—Reconquista 1010, Buenos Aires. III-4.

Schriefer, Erwin.—Avenida Presidente Roque Sáenz Peña 760, Buenos Aires. III-4.

Silva, Alberto P.—Pedro Mendoza 1635, Buenos Aires. III-4.

Steiger y Cía.—Reconquista 491, Buenos Aires. III-4.

Territorial, Rural y Mercantil Sudamericana, S. A.—Corrientes 378, Buenos Aires. III-4.

Treuhand Sociedad de Administración y Mandatos.—Leandro N. Alem 150, Buenos Aires. III-4.

Unión Alemana de Gremios.—Buenos Aires. III-4.

Vlasov, Alexander.—Avenida Presidente Roque Sáenz Peña 616, Buenos Aires. III-4.

Bolivia

Vaca Guzmán, Roberto.—Santa Cruz. III-4.

Vargas Bozo, Jorge.—Avenida Ecuador 696, La Paz. III-4.

Brazil

Agencia "O. K."—Rua Torquato Bahia 3, Edificio Magalhães, São Salvador, Bahia. III-4.

Appel, Kurt.—Fortaleza, Ceará. III-4.

Appel e Cia., Ltda.—Fortaleza, Ceará. III-4.

Beneficiadora Paulista de Algodão.—Rua São Bento 405, São Paulo. III-4.

Bluhm, Henrique.—Fortaleza, Ceará, and all branches in Brazil. III-4.

Bluhm, Escritorios Guilherme.—Fortaleza, Ceará, and all branches in Brazil. III-4.

Borges, Hugo Macuco.—Rua do Commercio 98, Santos. III-4.

Buehler, Eugenio.—Rua Uruguayana 22, Rio de Janeiro. III-4.

Buttel, Walter.—Avenida Nílo Peçanha 155, Rio de Janeiro. III-4.

Casa Paulotto, Ltda.—Rua Senador Queiroz 513, São Paulo. III-4.

Casa Técnica Mineira.—Rua Tamoyos 487, Bello-Horizonte. III-4.

Colonizadora Hanseatica, Cia.—Hamônia, Santa Catharina. III-4.

Comercio e Industria Malburg, Cia.—Itajaí, Santa Catharina, and all branches in Brazil. III-4.

Cunto, Ernesto. — Fortaleza, Ceará. III-4.

Cunto, Vicente.—Fortaleza. Ceará. III-4.

Cunto e Cia.—Praça do Ferreira 635, Fortaleza, Ceará. III-4.

dos Reis, Arturo.—Rua São Bento 24, Rio de Janeiro. III-4.

Empresa Gráfica Catarinense, S. A.—Blumenau. III-4.

Empresa Transportadora Hollmann.—São Paulo, and all branches in Brazil. III-4.

Esperança, Francisco.—Rua Visconde Rio Branco 39, Teófilo Ottoni, Minas Geraes. III-4.

Espindola, Bruno.—Florianópolis, Santa Catharina. III-4.

Exportaçao Rubiac Ltda.—Rua São Bento 405, São Paulo. III-4.

Fábrica de Parafusos São Paulo, Ltdo.—Rua Dr. João Ribeiro 521, São Paulo. III-4.

Fábrica Metalúrgica Diana Ltda.—Rua Teófilo Ottoni 35, Rio de Janeiro, and Rua Lilazes 20, Jacárepaguá, D. F. III-4.

Fazenda Três Barras.—Municipio de Porto Murtinho, Matto Grosso. III-4.

Gomes de Oliveira e Silva, João.—Rua Paraízo 325, São Paulo. III-4.

Gomes e Cia, João.—Rua Paraízo 325, São Paulo. III-4.

Hanseatische Kolonisations Gesellschaft.—Hamônia, Santa Catharina. III-4.

Hollmann, Henrique.—São Paulo, and all branches in Brazil. III-4.

Industria Brasileira de Caseina.—Rua Newton Prado 46, Barra do Pirahy, Rio de Janeiro. III-4.

Industrias Brasileiras Textis-Químicas Ltda.—Rua Catharina Braida 71-79, São Paulo. III-4.

Inui, Shigeru.—Rua Dr. João Ribeiro 521, São Paulo. III-4.

Kaehler, Otto J.—Rua Torquato Bahia 3, Edificio Magalhães, São Salvador, Bahia. III-4.

Kremer, Kurt.—Manáos, Amazonas. III-4.

Lüdemann, Ernest Wilhelm.—Recife, Pernambuco. III-4.

Lüdemann e Cia., W.—Avenida Marques de Olinda 85, 2°, Recife, Pernambuco. III-4.

Machado, José.—Rua da Praia, Paranaguá, Paraná. III-4.

Martini, Aldo.—São Paulo. III-4.

Moraes, A. R.—Rua Cortume 196, São Paulo. III-4.

Moreira e Gomes.—Rua Visconde Vergueiro 22, Santos. III-4.

Muegge, Carlos.—Rua Barão de Jaguaribe 377, Rio de Janeiro. III-4.

Müller, Alfredo.—Florianópolis, Santa Catharina. III-4.

Palmeira & Meyer Ltda.—Rua Capitão Salomão 89, São Paulo. III-4.

Pinto da Luz e Silva, Heitor.—Rua São Bento 22, Rio de Janeiro. III-4.

Quebracho Brasil S. A.—Avenida Almirante Barroso 81, Rio de Janeiro, and all branches in Brazil. III-4.

Rehbock, Joachim Ferdinand.—Rio de Janeiro. III-4.

Reis, Arthur.—Rua São Bento 24, Rio de Janeiro. III-4.

Rossi, Humberto.—Campos, Rio de Janeiro. III-4.

Sá, Antonio.—Avenida Epitácio Pessôa 157, Santos. III-4.

Sampaio e Sad.—Rua Buenos Aires 140, Rio de Janeiro. III-4.

Tigges e Cia.—Rua 15 de Novembro 595, Curitiba. III-4.

Transportadora Hollmann.—São Paulo, and all branches in Brazil. III-4.

Uebele, Hans Ulrich.—Santos. III-4.

Uebele, Otto.—Santos. III-4.

Ulrichs, Friedrich Wilhelm Victor Albert.—Fortaleza, Ceará. III-4.

Ulrichs e Cia., Ltda., F.—Edificio Diogo, Sala 63, Fortaleza, Ceará. III-4.

von Wangenheim, Dietrich (Baron).—Florianópolis, Santa Catharina. III-4.

Voos, Leo.—Rua São Pedro 106, Rio de Janeiro. III-4.

Weishuhn, Rudolf.—Avenida Rio Branco 69-77, Rio de Janeiro. III-4.

Werner, Hilmar Bernhard.—Rio de Janeiro. III-4.

Winterstein, Herbert.—Rio de Janeiro. III-4.

Winterstein, Gertrude.—Rua Conselheiro Saraiva 14, Rio de Janeiro. III-4.

Wirtzbiki, Franz.—Porongaba, Fortaleza, Ceará. III-4.

Woebcken, Adolfo (Jr.).—Rua Teófilo Ottoni 83, Rio de Janeiro. III-4.

Chile

Asociación de Amigos de Alemania é Italia.—Santo Domingo 714, Santiago; and Prat 846, Valparaiso. III-4.

Bar Munich.—Plaza Anibal Pinto 1189, Valapariso. III-4.

Benites S., Armando H.—Echaurren 35, Santiago. III-4.

Bey Edwin.—Avenida Concepción 155, Santiago. III-4.

Bodelón Sanz, Amando.—Gran Bretaña 118, Valparaiso. III-4.

Bodelón Sanz y Cia.—Blanco 1466, Valparaiso. III-4.

Bonohr, Harry.—Anibal Pinto 270, Concepción. III-4.

Cañas Flores, Ramiro.—Dardignac 170, Santiago. III-4.

Casa Picasso.—Bulnes esquinas M. Montt, Temuco. III-4.

Chilena de Lubricantes S. A., Cía.—San Joaquín 3103, Santiago. III-4.

Coronata, Nino.—Matta esquina Maipú, Antofagasta. III-4.

Costa, Gustavo.—Prat 790, Valparaiso. III-4.

Costa y Cía., G.—Prat 790, Valparaiso. III-4.

Croxatto S., David.—Manuel Montt esquina Bulnes, Temuco. III-4.

Curti Ruggiani, Arnaldo.—Yungay 2730-2732, Valparaiso. III-4.

Curti Ruggiani, Tulio.—Yungay 2730-2732, Valparaiso. III-4.

Dorbach, Kruckel y Cía., Ltda.—San Joaquín 3103, Santiago. III-4.

Eberbach Vogel, Germán.—Vicuña Mackenna 788, Temuco. III-4.

"El Vaticano".—Matta esquina Maipú, Antofagasta. III-4.

Espinosa, Arsenio.—Claro Solar 965, Temuco. III-4.

Fábrica de Betún "Royal".—San Martín 36, Concepción. III-4.

Foto Ziegele.—Manuel Montt 791, Temuco. III-4.

Fratelli Curti y Cía., Ltda.—Yungay 2730-2732, Valparaiso. III-4.

Galli Curti, Mario Aimone.—Yungay 2730-2732, Valparaiso. III-4.

Garage Italia.—Chacabuco 2052, Valparaiso. III-4.

Gómez-Marañón, Nicolás.—Avenida Argentina 328, Valparaiso. III-4.

Greve, Carlos.—J. V. Lastarria 158, Santiago. III-4.

Hannig, Max.—A. Pinto (Casilla 54), Traiguen. III-4.

Hollstein, Arnaldo.—Osorno. III-4.

Holtz Lehnhoff, Carlos.—Tongoy 57, Casa 3, Viña del Mar. III-4.

Hoppe, Walterio.—Calle Riquelme, La Unión. III-4.

Hotel Herzog.—Blanco 395, Valparaiso. III-4.

Hühnemann, Hugo.—Blanco 395, Valparaiso. III-4.

Imprenta Atlantis.—Esperanza 1568, Santiago. III-4.

Imprenta Comercial.—Claro Solar 965, Temuco. III-4.

Italradio Ltda.—Chacabuco 2052, Valparaiso. III-4.

Kaiser Richter, Federico.—Esperanza 1568, Santiago. III-4.

Kido Kido, Masasi.—Portal Edwards 2732, Santiago. III-4.

Kowald y Meissner, Ltda.—Arturo Prat 441 (Casilla 117), Temuco. III-4.

Lemm Bustos, Jorge.—Matías Cousiño 150, Santiago. III-4.

Mahn, Otto N.—Sotomayor 347, Santiago. III-4.

Martín, Cristóbal (Dr.).—Caupolicán 307 y Pedro de Valdivia 787, Concepción. III-4.

Möller, Arturo.—Río Bueno. III-4.

Montalbetti Macchi, Ambrogio.—Chacabuco 2052, Valparaiso. III-4.

Montalbetti Tabaletti, Ricardo.—Chacabuco 2052, Valparaiso. III-4.

Montalbetti e Hijos, R.—Chacabuco 2052, Valparaiso. III-4.

Optica Tschumi.—Anibal Pinto 470, Concepción. III-4.

Ott, Francisco.—San Martín 36, Concepción. III-4.

Panadería Viale.—Valparaíso 498, Viña del Mar. III-4.

Pastelería Viale.—Valparaíso 613, Viña del Mar. III-4.

Picasso y Cía., C.—Bulnes esquina M. Montt, Temuco. III-4.

Redlich Repe, Enrique.—Cochrane 1064, Concepción. III-4.

Remmele, Guillermo.—Calle Manuel Montt (Casilla 283), Temuco. III-4.

Robinovitch, Gregorio.—Agustinas 972 (Casilla 2553), Santiago. III-4.

Roth, Carlos.—Freire. III-4.

Sanguinetti Cioino, Enrique.—Yungay 2730-2732, Valparaíso. III-4.

Sanguinetti Cioino, Victor.—Yungay 2730-2732, Valparaíso. III-4.

Schilling, Hermanos.—Carrera 783, Osorno. III-4.

Schmidt, Méndez, Max.—La Serena. III-4.

Schmöltzer, Gottfried.—Prat 790, Valparaíso. III-4.

Schulz, Max.—Prat 790, Valparaíso. III-4.

Sucesión Reichert.—Freire. III-4.

Sucesión Schleyer.—Freire. III-4.

Teatro Mundial.—Argentina 163, Valparaíso. III-4.

Tschumi, Berta Erikson viuda de.—Anibal Pinto 470, Concepción. III-4.

Viale, Agustín.—Viña del Mar. III-4.

Viale, Dante.—Casilla 369, Viña del Mar. III-4.

Viale y Cía.—Casilla 369, Viña del Mar. III-4.

Ziegele, Pablo.—Manuel Montt 791, Temuco. III-4.

Colombia

Agueta, Tokuso Aguena.—Cali. III-4.

Awakon, Masaharu.—Pradera. III-4.

Baedecker, T. R.—Bucaramanga. III-4.

Berlit, Helmut Clason.—Barranquilla. III-4.

Casa Alemana.—Florencia. III-4.

Colonia Agrícola Japonesa.—Calle 10 No. 11-47, Cali. III-4.

Emura, Kunie Kikutake.—Florida. III-4.

Emura, Masasuke.—Florida. III-4.

Emura, Norio.—Florida. III-4.

Emura, Tane.—Florida. III-4.

Emura, Tomeo.—Florida. III-4.

Ferretería Central[1].—Bucaramanga. III-4.

Fujino, Kaneko Konosuke.—Florida. III-4.

Hagino, Tsumeo.—Florida. III-4.

Harada, Chiyona.—Corinto. III-4.

Harada, Ichietezu.—Corinto. III-4.

Harada, Kimiko.—Corinto. III-4.

Hayashi, Fumiyo.—Corinto. III-4.

Hayashi, Katsumasa.—Corinto. III-4.

Hayashi, Morisuke.—Corinto. III-4.

Hayashi, Moritzuka.—Corinto. III-4.

Hayashi, Shikano Makayama.—Corinto. III-4.

Hayashi, Tumiyo.—Corinto. III-4.

Hohaly, Seykiche.—Corinto. III-4.

Horal, Susumu.—Corinto. III-4.

Horia, Susuma.—Corinto. III-4.

Ishibashi, Chiyomatsu.—Corinto. III-4.

Ishibashi, Momoyo Teshima.—Corinto. III-4.

Kagawa, Kisihei.—Miranda. III-4.

Karch, Rudolf.—Florencia. III-4.

Karch & Straub.—Florencia. III-4.

Kato, Ume.—Corinto. III-4.

Kato, Yosohiro.—Corinto. III-4.

Kikutaka, Kagao.—Florida. III-4.

Kikutake, Alkino.—Florida. III-4.

Kitamikado, Arata.—Corinto. III-4.

Kitamikado, Sakiyo.—Corinto. III-4.

Koga, Minobu.—Corinto. III-4.

Kubo-Kubo, Hiroshi.—Calif. III-4.

Kuboyama, Ake.—Florida. III-4.

Kuboyama, Tokuji.—Florida. III-4.

Kuratomi, Hatsuka.—Corinto. III-4.

Kuratomi, Hiyoshi.—Corinto. III-4.

Kuratomi, Isoji.—Corinto. III-4.

Kuratomi, Sadami.—Corinto. III-4.

Kuratomi, Tokio.—Corinto. III-4.

"La Niña María".—Territorio Nacional de Caquetá. III-4.

Mishi, Tamura.—Cali. III-4.

Miyoko, Sakamoto Miso.—Miranda. III-4.

Morimitsu, Isugui.—Pradera. III-4.

Morimitsu, Isukisuki.—Miranda. III-4.

Morimitsu, Kakodo.—Corinto. III-4.

Morimitsu, Kaname.—Corinto. III-4.

Morimitsu, Kikue.—Corinto. III-4.

Morimitsu, Kunaji.—Miranda. III-4.

Morimitsu, Nojoda.—Corinto. III-4.

Morimitsu, Shozo.—Corinto. III-4.

Morimitsu, Tumoe.—Miranda. III-4.

Morita, Marsumi.—Corinto. III-4.

Morita, Mumeno.—Corinto. III-4.

Morita, Sadakatsu.—Corinto. III-4.

Nakamura, Akira.—Miranda. III-4.

Nakamura, Nasumi.—Miranda. III-4.

Nakamura, Sadae.—Miranda. III-4.

Nakamura, Suejiro.—Miranda. III-4.

Nakamura, Takeo.—Miranda. III-4.

Nakata, Jitsuza.—Corinto. III-4.

Nakata, Kaneko.—Corinto. III-4.

Nakata, Osada.—Corinto. III-4.

Nakayama, Tadashi.—Corinto. III-4.

Nikaido, Jutaru.—Corinto. III-4.

Nikaido, Yai.—Corinto. III-4.

Nishi, Kenichi.—Corinto. III-4.

Nishi, Nui.—Corinto. III-4.

Nishikuni, Antonio.—Cali. III-4.

Noyore, Minoru.—Corinto. III-4.

Ogata, Soishiro.—Miranda. III-4.

Ohelert, Max.—Pasto. III-4.

Omuku, Masao.—Miranda. III-4.

Sakamoto, Ayako.—Florida. III-4.

Sakamoto, Isayo.—Florida. III-4.

Sakamoto, Iwao.—Florida. III-4.

Sakamoto, Niyoshi.—Pradera. III-4.

Sakamoto, Shigetoschi.—Florida. III-4.

Sakamoto, Tassu.—Pradera. III-4.

Sakamoto, Tokishige.—Pradera. III-4.

Shegematsu, Haruko.—Corinto. III-4.

Shegematsu, Isumi.—Corinto. III-4.

Shegematsu, Shime.—Corinto. III-4.

Shegematsu, Tunagoro.—Corinto. III-4.

Shima, Ameo.—Cerrito. III-4.

Shima, Miso Kime.—Cerrito. III-4.

Shire, Miso Kime.— III-4.

Shiwa, Toshiharu.—Corinto. III-4.

Straub, Hans.—Florencia. III-4.

Takaoki, Iwao.—Cerrito. III-4.

Takegami, Hideo.—Corinto. III-4.

Tamura, Koichi.—Cali. III-4.

Tamura, Miyono Tokinaga.—Cali. III-4.

Tamura, Momi.—Cali. III-4.

Tanaka, Charlotte F.—Cali. III-4.

Tanaka, Geshiro.—Cali. III-4.

Tanaka, Kurao.—Bogotá. III-4.

Tanaka, Masao.—Corinto. III-4.

Tanaka, Masue.—Corinto. III-4.

Tanaka, Masuru.—Miranda. III-4.

Tanaka, Shikakichi.—Corinto. III-4.

Tanaka, Takayoshi.—Corinto. III-4.

Tanaka Teshima, Masumi.—Corinto. III-4.

Tanaka, Tsuno.—Corinto. III-4.

Tanaka, Yukio.—Corinto. III-4.

Tanaka, Yutaka.—Corinto. III-4.

Tejiro, Kato.—Corinto. III-4.

Tekagami, Kiyoshige.—Miranda. III-4.

Tekagami, Masayoshi.—Corinto. III-4.

Tekagami, Michi.—Miranda. III-4.

Tekagami, Mitsuri.—Corinto. III-4.

Tekagami, Miyako.—Corinto. III-4.

Teshima, Daikichi.—Corinto. III-4.

Teshima, Kanama.—Corinto. III-4.

Teshima, Kennosuke.—Corinto. III-4.

Teshima, Kumiko.—Corinto. III-4.

Teshima, Tama.—Corinto. III-4.

Teshima, Tenuenmon.—Corinto. III-4.

Tokunaga, Tesuneyoshi.—Florida. III-4.

Tokunaga, Uhei.—Corinto. III-4.

Tokunaga, Yasayu.—Corinto. III-4.

Tokunaga, Yokino.—Corinto. III-4.

Uejara, Jutaro.—Cali. III-4.

Watanabe, Koichi.—El Bolo. III-4.

Watanabe, Rokuro.—El Bolo. III-4.

Yamanaka, Shosaku.—Corinto. III-4.

Yasuma, Seo Keizo.—Corinto. III-4.

Yoshioka, Hiyoto.—Corinto. III-4.

Yoshioka, Isuchizo.—Corinto. III-4.

Yoshioka, Kirie.—Corinto. III-4.

Yoshioka, Sadakuni.—Corinto. III-4.

Cuba

Halpern, David.—Calle 21 No. 609, Apartamento 3, Habana. III-4.

Ecuador

Guevara, Segundo.—Guayaquil. III-4.

Guzmán D., Bolívar A.—Casilla 426, Guayaquil. III-4.

Merino Leteche, Silvano.—Guayaquil. III-4.

Missale, Angelina Warnock de.—Casilla 1058, Guayaquil. III-4.

Núnez, Nicolás.—Esquina Calles Colón y Quito, y Pedro Carbo, Guayaquil. III-4.

Pernigotti, Blanca Avellán Ordónez de.—Casilla 1100, Guayaquil. III-4.

Schwartz, María Klaschen de.—Guayaquil. III-4.

Yannuzzelli, Leticia Ortiz de.—Guayaquil. III-4.

Yannuzzelli Ortiz, Donato.—Guayaquil. III-4.

Yannuzzelli Ortiz, Tonio.—Guayaquil. III-4.

Yannuzzelli Ortiz, Vidal.—Guayaquil. III-4.

Guatemala

Finca "El León".—Colomba, Quezaltenango. III-4.

Lange, Oscar.—Finca "El León", Colomba, Quezaltenango. III-4.

Moll, Rodolfo.—Apartado 336, Guatemala, Guatemala. III-4.

Haiti

Casale, Sylvio.—Avenue Président Trujillo, Port-au-Prince. III-4.

Casale & Fils, G.—Avenue Président Trujillo, Port-au-Prince. III-4.

Petoia, Hermano.—Avenue Président Trujillo, Port-au-Prince. III-4.

Nicaragua

Librería Rubén Darío.—Managua. III-4.

Pérez Valle, Francisco.—Managua. III-4.

Pérez Valle y Cía. Ltda., Francisco.—Managua. III-4.

Recalde, Víctor.—Managua. III-4.

Tintorería Mexicana.—Managua. III-4.

Panama

Dolphin & Co., Inc.—Panamá. III-4.

Paraguay

Salsa, Hijos de Bernardo.—Buenos Aires 425, General Artigas y General Santos, Asunción. III-4.

Peru

Brinckmann, Erich.—Pacasmayo. III-4.

de Lambarri, Isidoro.—Arequipa. III-4.

Ehler, Hans.—Arequipa. III-4.

Fábrica de Metal Desplegado S. A.—Avenida de los Incas 584, Lima. III-4.

Kcomt, Eduardo N.—Lima 153, Chepen. III-4.

Komiya, Gentaro.—Marañón 279, Lima. III-4.

Morante, Carlos A.—Judíos 254 y Callao 607-D, Lima. III-4.

Rasuri, Ramón.—Marañón 279, Lima. III-4.

Rohde, Walther.—Avenida de los Incas 584, Lima. III-4.

von Berswordt, Udo.—Lima. III-4.

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[1] Owned by T. R. Baedecker, Bucaramanga.

Uruguay

Hotel Neptuno.—Grito de Gloria 1380, Montevideo. III–4.

Lendle, Fritz.—Grito de Gloria 1380, Montevideo. III–4.

Richter, Ernesto G.—Lavalleja 1843 y Camino Cuchilla Grande 8118, Montevideo. III–4.

Turri, Lodovico.—Burgues 3217, Montevideo. III–4.

Turri, Zino.—Burgues 3217, Montevideo. III–4.

Venezuela

"El León," Comp. Anón.—Caracas. III–4.

Fábrica de Hielo.[1]—Nueva Caracas, Caracas. III–4.

Lehrmann, Antonio.—Caracas. III–4.

Lehrmann & Franceschi.—Caracas. III–4.

Werner, T.—Nueva Caracas, Caracas. III–4.

AMENDMENTS

Argentina

Relative to Fischer, Máximo.—Venezuela 2047, Buenos Aires, *see* footnote 2.

For López, J. Mario.—25 de Mayo 140, Buenos Aires, substitute López, I. Mario.—25 de Mayo 140, Buenos Aires.

For Vicum y Cía. S. de R. L., Carlos.—Malvinas 180, Buenos Aires; and General Martín Rodríguez 324–36, Adrogue, F. C. S., substitute Vicum y Cía. S. de R. L., Carlos.—Cangallo 362, Buenos Aires; and General Martín Rodríguez 324–36, Adrogué, F. C. S.

Bolivia

For Borda, José Vicenio.—España 501, Cochabamba, substitute Borda Vicenio, José.—España 501, Cochabamba.

For Hochstetter, Francisco.—Aniceto Arce 21–23, Sucre, substitute Hochstätter, Francisco.—Aniceto Arce 21–23, Sucre; and Potosí.

For Hochstetter, Juan.—Aniceto Arce 21–23, Sucre, substitute Hochstätter, Juan.—Aniceto Arce 21–23, Sucre; and Potosí.

For Hochstetter Hnos.—Aniceto Arce 21–23, Sucre, substitute Hochstätter Hnos.—Aniceto Arce 21–23, Sucre; and Potosí.

For Yutaka, Imon.—Sagárnaga 227, La Paz, substitute Imon, Yutaka.—Sagárnaga 227, La Paz.

Chile

For Bar Alemán.—La Serena, substitute Restaurant Bar y Hotel Berlín.—La Serena.

For Casa Sedylan.—Viel 1896, Santiago, substitute Sedylan, Fábrica de Tejidos Ltda.—Avenida Vicuña Mackenna 3150, Santiago.

Colombia

For Ruehle, Wilhelm.—Medellín, substitute Ruehle, Wilhelm.—Calle 50 No. 49–55, Medellín.

Nicaragua

For Brachtl, Karl.—Managua, substitute Brachtl, Karl (Carlos).—Managua.

Panama

For Bazaar "Tokyo".—Avenida Central 141, Panamá, substitute Bazaar "Tokyo".—Panamá.

For Lage-Schulte, H.—Avenida Balboa 10.087, Colón, substitute Lage-Schulte, H.—Colón.

For Shiraishi, Miyuki.—Avenida Central 141, Panamá, substitute Shiraishi, Miyuki.—Panamá.

For Wegener, Sigfrido.—4 de Julio 3 (Apartado 1225), Panamá, substitute Wegener, Sigfrido.—Panamá.

For Yoshida & Co., M. T.—Avenida Central 141, Panamá, substitute Yoshida & Co., M. T.—Panamá.

Peru

Relative to Hamann, A. C.—Abancay (Compás de la Concepción) 358 (Casilla 370), Lima, *see* footnote 3.

Venezuela

For Novarro, Luis.—Ciencias 7, Maracaibo, substitute Novaro, Luis.—Ciencias 7, Maracaibo.

DELETIONS

Argentina

Aurelio, Francisco.—Pavón 4068–70, Buenos Aires.

Capano, Julio.—Méjico 628, Buenos Aires.

Kalmar, Hugo.—Maipú 429, Buenos Aires.

Bolivia

Arce, Armando.—Colón 236, La Paz.

Barber & Co., Sucrs., Alfredo W.—Riberalta.

"La Calle".—Colón 236, La Paz.

Mertens, Carlos.—Riberalta.

Sonnenschein, Adela.—Riberalta.

Sonnenschein, Carl.—Riberalta.

Sonnenschein, Carlos.—Riberalta.

Sonnenschein, Hermanos.—Riberalta.

Brazil

Casa dos Presentes Ltda.—Largo São Francisco 66, São Paulo.

Chile

Braumuller S., Gerardo.—Santa Beatriz 273, Santiago.

Marín, Juan R.—Coquimbo.

Saelzer y Schwarzenberg, Ltda.—San Carlos 115 y Pérez Rosales 600, Valdivia; Ramírez esquina Bulnes y Ramírez 914, Osorno; and all branches in Chile.

Schwarzenberg Thater, Pablo.—Valdivia.

Costa Rica

Chacón, Alberto.—Puntarenas.

El Bolsín.—San José.

Pastelería del Correo.—San José.

Dominican Republic

Langa, Antonio.—Ciudad Trujillo.

Sotomayor, Emeterio.—Ciudad Trujillo.

El Salvador

Beneficio "San José".—Zacatecoluca, La Paz.

Seoane, José María.—Zacatecoluca, La Paz.

Peru

Fleischmann, Yoeno.—Callao 152, Lima.

Molino Oriental.—20 de Septiembre, Lima.

Uruguay

I.N.T.E.L.A.S., Industria Nacional Tejidos en Lana, Algodón, Seda.—Avenida General Flores 2965, Montevideo.

Industria Nacional Tejidos en Lana, Algodón, Seda.—Avenida General Flores 2965, Montevideo.

Slowak, Roberto.—Nelson 3209, Montevideo.

Zambra Hermanos.—Agraciada 3909, Montevideo.

PART II—LISTINGS OUTSIDE AMERICAN REPUBLICS

ADDITIONS

Iran

Akhavan, Jafa.—Tehran. III–4.

Akhavan, Sherkat Nesbi.—Khiabanc Boozarjomehri, Tehran. III–4.

Akhavan, Sherkat Tazamoni Mohammed Hussein Kashani & Sons (Kashani, Sherkat Tazamoni Mohammed Hussein Akhavan & Sons).—Serai, Hadji Hassan, Tehran. III–4.

Portugal and Possessions

Portugal

Almeida, Francisco Teixeira de.—Logar de Gervide (Quinta de S. Joao), Oliveira do Douro. III–4.

Almeida, Joaquim Ribeiro de.—Lisbon. III–4.

Avadic, Solly.—Hotel Victoria, Lisbon. III–4.

Borges, Joao Antunes Moura.—Rua da Prata 59, Lisbon. III–4.

Caldeira, Manuel Goncalves.—Rua da Prata 59, and Rua Tenente Ferreira Durao 2, Lisbon. III–4.

Castilho, Augusto Correia Pereira.—Rua Bernardim Ribeiro 57, Lisbon. III–4.

Chain (Sain), Aristide.—Rua Bernardim Ribeiro 57, Lisbon. III–4.

Dias, Jose Candido.—Rua das Flores 282, Oporto. III–4.

Dithmer, Kurt.—Rua Pinto Bessa 306, Oporto. III–4.

Fabrica do Casal-Artur Goncalves da Silva.—Rua 14 de Outubro 241–249, Vila Nova de Gaia. III–4.

Fonseca, Emidio Macedo da.—Rua Tomaz Ribeiro 83, Lisbon. III–4.

Fontes, M. Ltda.—Rua Elisio de Melo 28, Oporto. III–4.

Frederico, Firmino Goncalves.—Rua 31 de Janeiro 57, Oporto. III–4.

Frederico, Manuel (Manuel Goncalves Frederico Sequeira Cesar).—Rua 31 de Janeiro 57, Oporto. III–4.

Geral de Comercio Imperio, Soc.—Rua Bernardim Ribeiro 57, Lisbon. III–4.

Kirschen, Henry.—Rua Bernardim Ribeiro 57, Lisbon. III–4.

Lafoes Industrial Ltda.—S. Pedro do Sul. III–4.

Marimon, Henrique.—Rua do Cruzeiro a Ajuda 10, Lisbon. III–4.

Mineira do Norte de Portugal, Cia.—Rua 31 de Janeiro 109, Oporto. III–4.

Moniz, Mario de Sousa Botelho.—Rua de S. Francisco Sales 2, and Praca Luiz de Camoes 4, Lisbon. III–4.

Moraes, Francisco.—Rua Tomaz Ribeiro 83, Lisbon. III–4.

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[1] Owned by T. Werner.

[2] Not to be confused with Máximo Fischer, Cevallos 258 y Artayeta Castex 571, Olivos.

[3] Not to be confused with Carlos Hamann, Edificio Jesús Nazareno, Ayacucho 113, Oficina 101, Lima.

Peixoto, Joao.—Rua Elisio de Melo 28, Oporto. III–4.

Rebelo, Jose Carlos Amador.—Rua Lusiano Cordeiro 54, Lisbon. III–4.

Recolhas Ltda., Soc. de (Garagem Grandela).—Rua Tomaz Ribeiro 83, Lisbon. III–4.

S. E. T. E. L. I.—Soc. de Transportes e Empreendimentos Ltda.—Travessa do Abarracamento de Peniche 7, Lisbon. III–4.

Sain (Chain), Aristide.—Rua Bernardim Ribeiro 57, Lisbon. III–4.

Silva, Alexandre Marques da.—Bodiosa, Vizeu. III–4.

Silva, Artur Goncalves da (Fabrica do Casal).—Rua 14 de Outubro 241–249, Vila Nova de Caia. III–4.

Silva, Dr. Joao Andre Duarte.—Rua Teofilo Braga 1, Lisbon. III–4.

Silva, Virgilio Filipe Pereira da.—Rua Tomaz Ribeiro 83, Lisbon. III–4.

Transportes e Empreendimentos Ltda., Soc. de (S. E. T. E. L. I.).—Travessa do Abarracamento de Peniche 7, Lisbon. III–4.

Trevisani, Giovanni.—Rua Miguel Bombarda, Ermezinde. III–4.

Tungstenia Ltda.—Rua Elisio de Melo 28, Oporto. III–4.

Varela, Joaquim dos Santos.—Ave. de Berna, and Alameda das Linhas de Torres 261, Lisbon. III–4.

Angola

Ahlefeldt, Kai Von.—Dembos. III–4.

Dieken, Edmund.—Loanda. III–4.

Fazenda Moxixe.—Munenga, Libolo. III–4.

Krueck, Elsa.—Munenga, Libolo. III–4.

Krueck, Erwin.—Munenga, Libolo. III–4.

Roca Novo Minho.—Dembos. III–4.

Madeira

Pastelaria, Iris.—Funchal. III–4.

Sacco, Ferdinando.—Funchal. III–4.

Sacco, Pierino.—Funchal. III–4.

Spain and Possessions

Spain

Astigarraga, Hijos de.—Bertendona 4–1, Bilbao. III–4.

Avadic, Solly.—Hotel California, Jose Antonio 38, Madrid. III–4.

Bachia, Cia. Nav. (Owners of S.S. "Bachi", "Bartolo", "Juan de Astigarraga", "Kauldi", "Manuchu", and "Tom").—Bertendona 4–1, Bilbao. III–4.

Bachmann, Max.—Palamos, Palafrugell. III–4.

Canizal Alonso, Jesus.—San Pablo 68, Salamanca. III–4.

Dahlman, Erik.—Valparaiso 5, Seville. III–4.

Diego Pallido, Maximiliano.—San Pablo 68, Salamanca. III–4.

Diego S.A., Gregorio.—San Pablo 68, Salamanca. III–4.

Esteva Girbau, Francisco.—Jose Antonio 11, Palafrugell. III–4.

Esteva, Joaquin.—Sena y Avelli, Palafrugell. III–4.

Esteva & Cia., S.L.—Palamos, Palafrugell. III–4.

Fabregat Cabre, Antonio.—Barcelona. III–4.

Fabregat Cabre, Enrique.—Barcelona. III–4.

Gerzon S.A., Jules.—Bigay, 4, Barcelona, and Prado 29, Madrid. III–4.

Grosse, Joaquin A.—Bruch 148, Barcelona. III–4.

Hernandez, Juan Francisco.—San Pablo 68, Salamanca. III–4.

Kurztisch, Federico.—Paris 127, Barcelona. III–4.

Larrinaga, viuda de (Benito de Valle y Hnos.-Sucrs. de la viuda le Larrinaga).—Bailen 5 and 7, Bilbao. III–4.

Lenhardi Pastore, Domingo.—Genova 8, Madrid. III–4.

Madruga, Esteban.—San Pablo 68, Salamanca. III–4.

Niessen, Guillermo.—Renteria, Guipuzcoa. III–4.

Productos Carlen.—Genova 8, and Gil Baus, Prosperidad, Madrid. III–4.

Productos Ideal Patent Contact S.A.—Elisa 7, Torre, Barcelona. III–4.

Querchfeld, George.—Ciscar 28, Valencia. III–4.

Rischak, Luis.—Maria Molina 16, Madrid. III–4.

Schott, Carlos.—Via Layetana 47, Barcelona. III–4.

Semmler, Juan.—Mejico 11, Madrid. III–4.

Valle y Hnos., Benito de (Sucrs. de la viuda de Larrinaga).—Bailen 5 and 7, Bilbao. III–4.

Wagener, Walter.—Alcala 28, and Nunez de Balboa 72, Madrid. III–4.

Canary Islands

Doreste Morales, Manuel.—Triana 40, Las Palmas, Grand Canary. III–4.

Jaen Diaz, Domingo.—La Puntilla 21, San Cristobal, Las Palmas. III–4.

Kamphoff, Arthur.—Apartado 295, Las Palmas. III–4.

Sweden

Digestor A/B.—Birger Jarlsgatan 38, Stockholm. III–4.

Mattsson, Harriet.—Kungsgatan 30, Stockholm. III–4.

Philipsons Automobil A/B.—St. Eriksgatan 117, Stockholm. III–4.

Philipsons Forsaljnings A/B.—St. Eriksgatan 117, Stockholm. III–4.

Savabini, Anatolio.—Birger Jarlsgatan 38, Stockholm. III–4.

Switzerland

Ahag Handelsaktiengesellschaft.—Bahnhofstr. 80, Zürich. III–4.

Bolter-Fütter A.G.—Buchs, St. Gallen. III–4.

Bumann, Hans.—Freistr. 16, Basel. III–4.

Buser, E. & F.—Tiergartenstr. 5, Liestal, and Butzenweg 476, Sissach, Baselland. III–4.

Buser, Gebr.—Hemmiken, Baselland. III–4.

Eichenberger, S.A., Paul.—Reu de Geneve 7, Lausanne, and Liebefeld, Bern. III–4.

Fruchtzucker und Getranke A.G.—Hohlstr. 507, Zürich. III–4.

Handels und Industriewerte A.G. Für.—Glarus. III–4.

Handelsgesellschaft Intercambio G.m.b.H.—Unterstadt, Zofingen, and Marktgasse 24, Bern. III–4.

Hauser, Paul.—Rümelstr. 10, Neuallschwil. III–4.

Huber, August (Internationale Transporte und Inkasse).—Salmsasacherstr. 1–717, Romanshorn, Thurgau. III–4.

Hurzeler, Willy.—Freistr. 16, Basel. III–4.

Importations de Combustibles S. A., Soc. Generale de (Sogico).—Rue de Chantepoulet 4, Geneva. III–4.

Intercambio G. m. b. H., Handelsgesellschaft.—Unterstadt, Zofingen, and Marktgasse 24, Bern. III–4.

Muller, Friedrich Peter.—Zofingen. III–4.

Nord Transport A. G.—Elisabethenstr. 2, Basel. III–4.

Primeurs S. A.—Gare C. F. F., Neuchatel. III–4.

Privee de Gestion S. A. Soc.—Rue St. Pierre 12, Fribourg. III–4.

Sapal S. A., des Plieuses Automatiques.—Ave. Dapples 54, Lausanne. III–4.

Scheller, Henry.—Sihlstr. 34, Zürich. III–4.

Schmalfilm A. G.—Spiegelhofstr. 28, Zürich. III–4.

"SOGICO" Soc. Generale de Importations de Combustibles S. A.—Rue de Chantepoulet 4, Geneva. III–4.

South American Investment Co. Ltd.—Sudamerikanische Beteiligunggesellschaft A. G.—Stadthausquai 7, Zürich. III–4.

Stafl, Richard.—Hardstr. 162, and Hebelstr. 92, Basel. III–4.

Straehli, K. F., G. m. b. H.—Rebberg, Zofingen. III–4.

Sudamerikanische Beteiligungsgesellschaft A. G. (South American Investment Co. Ltd.).—Stadthausquai 7, Zürich. III–4.

Suter-Oes, Walter.—Thiersteineralle 13, Basel. III–4.

Weiss & Co., Walther.—Freistr. 16, P. O. Box 1817, Basel. III–4.

Weiss-Mullerleile, Karl.—Freistr. 16, Basel. III–4.

Widmer, Jakob.—Wohlen, Aargau. III–4.

Zingg, A. E.—Schaffhauserstr. 474, Glattbrugg, and Siewerdstr. 4, Zürich. III–4.

Turkey

Akhavan, Habib.—Instanbul. III–4.

Akhavan, Morteza Kashani (Kashani, Morteza Akhavan).—Istanbul. III–4.

Benardut (Benardouth) Misel.—Germanya Han 13, Istanbul. III–4.

Boriou, A. Servas.—Istanbul. III–4.

Dabkovich (Dabkovic), Christoph.—P. O. Box 1360, Istanbul. III–4.

Dabkovich, Mrs. Bekky.—P. O. Box 1360, Istanbul. III–4.

"Detert".—Kara Mustafa Cad 141, Istanbul. III–4.

Köves de Kövezhazs, Lothar.—Kara Mustafa Cad 141, Istanbul. III–4.

Macar Kirayi Duna Tengernayozasi Resveni Taraasag.—Kara Mustafa Cad 141, Istanbul. III–4.

Macar Kraliyeti Deniz ve Nehir Seyrisefain A. S.—Kara Mustafa Cad 141, Istanbul. III–4.

Menapir ve Seriki Komandit Sir Yusuf.—Kara Mustafa Cad, 141, Istanbul. III–4.

Turk Macar Nakliyat Sti. Yusuf Menapir ve Seriki Komandit Sirketi.—Kara Mustafa Cad 141, Istanbul. III–4.

Winterhalter, Alfred.—Kara Mustafa Cad 141, Istanbul. III–4.

AMENDMENTS

Morocco

Tangier International Zone

Relative to Botbol, A. J. *for* Tangier, substitute and Paseo Cenarro, Tangier.

Portugal

Relative to Agencia Comercial Portuguesa Ltda. *for* Rua dos Sapateiros 39, substitute Rua da Prata 59.

For Garagem Grandella, substitute Garagem Grandela Soc. de Recolhas, Ltda.

For Olst, Otto, substitute Holst, Otto.

Relative to Simoes, Virgilio Duque, delete (Owner of S. S. "Mareante").

Spain

For Barreras, Gaspar Masso, substitute Barreras Masso, Gaspar.

Relative to Benito, Tomas for Pintor Sorolla 23, substitute Plaza Alfonso el Magnanimo 1, and Pintor Sorolla 29.

Relative to Comercial Maritima de Transportes S. A. Cia., add M. V. "Maribel."

Relative to Construcciones Agricolas Soc. Anon. de (S. A. C. A.) for Gago 5, substitute Jovellanos 8.

Relative to Intercambio Comercial Espanol for Pintor Sorolla 23, substitute Pintor Sorolla 29.

For Mompo, Luis.—Pintor Sorolla 23, substitute Mompo Soriano, Luis.—Pintor Sorolla 29.

For Mompo, Hijo de J. Antonio.—Pintor Sorolla 23, Valencia, substitute Mompo S. A., Hijo de J. Antonio.—Pintor Sorolla 29, Valencia.

For Riveras de la Portilla, Senora Angel, substitute Riveras de la Portilla Erika Hegin.

Relative to S. A. C. A.—Soc. Anon. de Construcciones Agricolas for Gago 5, substitute Jovellanos 8.

Relative to Salvador, Juan, add and Apodaca 23, Tarragona.

Relative to Schering S. A., Productos Quimicos, add and Via Layetana 12, Barcelona.

Sweden

Relative to Nording A/B for Bibliotekgatan 3, substitute Birger Jarlsgatan 55.

Switzerland

For Akomfina A. G. für Kommerzielle und Finanzielle Angelegenheiten, substitute Akomfina A. G.

Relative to Iselin, Dr. Felix for Basel, substitute Aeschenvorstadt 38, and Rittergasse 17, Basel.

For Magerle Gebr, G.m.b.H., substitute Maegerle Gebr. G.m.b.H.

Relative to Moor, Dr. Hans for Basel, substitute and Im Sesselacker 15, Basel.

For Officine del Gottardo S. A. fur Elektro-Chemische Industrie, substitute Gotthardwerke A. G. fuer Elektrochemische Industrie, and Officine Del Gottardo S. A. per L'Industria Elletro-Chimica.

For Sachsische Metallwarenfabrik A. G.—Zürich, substitute Wellner Sohne, A. G., August.—Ave. Zweigniederlassung, Zürich.

DELETIONS

Morocco

Tangier International Zone

Abecassis, Nissim.—Bvd. Pasteur 36, Tangier.

Portugal

Carneiro & Filho (Fabrica de Curtumes de Ponte de Pedra).—Ponte de Pedra, Sao Mamede de Infesta, Oporto.

Empresa de Fiacao e Tecidos de Benfica.—Ave. Barjona de Freitas 7, Lisbon.

Garcia, Ilidio.—Rua dos Sapateiros 39, Lisbon.

Guimaraes & Neves.—Torres-Vedras, Lisbon.

Portuguesa Ltda. Soc., Comercial.—Rua dos Sapateiros 39, Lisbon.

Sweden

Kaffe & Kolonial A/B.—Norra Vallgatan 44, Malmo.

Switzerland

Fabrique de Machines a Tricoter de Schaffhouse-Schaffhauser Strickmaschinenfabrik.—Moserstrasse 23, Schaffhausen.

Haab, Otto Albert Anton.—Muttenz.

Mezritz, Denis.—Rue de la Navigation 11–13, Geneva.

Schaffhauser Strickmaschinenfabrik (Fabrique de Machines a Tricoter de Schaffhouse).—Moserstrasse 23, Schaffhausen.

Scheller, H. & L.—Bleicherweg 10, Zürich, and at Deitikon.

[F. R. Doc. 42–11149; Filed, October 31, 1942; 11:24 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess-Profits Taxes

[T.D. 5177]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

INCOME TAX; AMENDMENT OF REGULATIONS

Amending Regulations 103, 101, 94, 86, and 77, as amended by Treasury Decision 5125, approved March 5, 1942, relating to proof of exemption of organizations.

PARAGRAPH 1. Section 19.101–1 of Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] as amended by T.D. 5125, approved March 5, 1942,[1] is further amended as follows:

The last sentence in the first paragraph is amended to read:

An organization claiming exemption under section 101 (5), (6), except organizations organized and operated exclusively for religious purposes, (7), (8), (9), or (14) shall also file with the other information specified herein a return of information on Form 990 relative to the business of the organization for the last complete year of operation: *Provided, however,* That such return shall not be required of an organization which is organized and operated exclusively for educational purposes, or educational and religious purposes, if no part of its net earnings or assets are distributable to any private shareholder in liquidation or otherwise and if, in the case of an organization privately owned or operated, the Commissioner is advised of any increase in the compensation of its owners, managers, trustees, or directors over the amount of such compensation for the last year for which its exemption under section 101 (6) was approved by the Commissioner. Form 990 will not be required of charitable organizations operated or controlled by religious or educational organizations of the type exempt under the preceding sentence from the requirement of filing such returns, nor of separately conducted charitable organizations meeting the above conditions as to distributions and compensation, nor of charitable organizations operated under the control of a State or any political subdivision thereof.

The first sentence in the fifth paragraph is amended to read:

When an organization has established its right to exemption, it need not thereafter make a return of income or any further showing with respect to its status under the law, unless it changes the character of its organization or operations or the purpose for which it was originally created, except that every organization exempt or claiming exemption under section 101 (5), (6), except organizations organized and operated exclusively for religious purposes, (7), (8), (9), or (14), shall file annually returns of information on Form 990 with the collector for the district in which is located the principal place of business or principal office of the organization; *Provided, however,* That such return shall not be required of an organization which is organized and operated exclusively for educational purposes, or educational and religious purposes, if no part of its net earnings or assets are distributable to any private shareholder in liquidation or otherwise and if, in the case of an organization privately owned or operated, the Commissioner is advised of any increase in the compensation of its owners, managers, trustees, or directors over the amount of such compensation for the last year for which its exemption under section 101 (6) was approved by the Commissioner. Form 990 will not be required of charitable organizations operated or controlled by religious or educational organizations of the type exempt under the preceding sentence from the requirement of filing such returns, nor of separately conducted charitable organizations meeting the above conditions as to distributions and compensation, nor of charitable organizations operated under the control of a State or any political subdivision thereof.

The third sentence of the fifth paragraph which reads: "The returns for subsequent taxable years shall be filed on or before the first day of the third month following the close of the taxable year," is amended to read:

The returns for subsequent taxable years shall be filed on or before the fifteenth day of the fifth month following the close of the taxable year.

PAR. 2. The foregoing provisions relative to proof of exemption under section 101 of the Internal Revenue Code are hereby made applicable in the case of any organization which claims exemption under the Revenue Act of 1938, 1936, 1934 or 1932 and which has not proven exemption under the corresponding provisions of Regulations 101 [Part 9, Title 26, Code of Federal Regulations, 1939, Sup.], 94 [Part 3, Title 26, Code of Federal Regulations], 86, or 77. The foregoing provisions relative to the filing annually of returns of information on Form 990 are hereby made applicable to organizations held exempt under the sections of the Revenue Act of 1938, 1936, 1934, or 1932 which correspond to section 101 (5), (6), (7), (8), (9), or (14) of the Internal Revenue Code.

(Sections 62 and 101 of the Internal Revenue Code; (53 Stat. 32, 33 as amended by 53 Stat. 876 26 U.S.C., 1940 ed., 62, 101); sections 62 and 101 of the Revenue Acts of 1938, 1936, and 1934 (52 Stat. 480, 26 U.S.C. Sup. 62, 101; 49 Stat. 1673, 26 U.S.C. Sup. 62, 101; 48 Stat. 700, 26 U.S.C. 62, 101); and sections 62 and 103 of the Revenue Act of 1932 (47 Stat. 191, 193))

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: October 29, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42–11115; Filed, October 30, 1942; 3:26 p. m.]

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[1] 7 F.R. 1749.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A–1659]

PART 326—MINIMUM PRICE SCHEDULE, DISTRICT NO. 6

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 6 for the establishment of price classifications and minimum prices for the coals of the Arnold No. 8 Mine of the Penowa Coal Company in District No. 6.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Arnold No. 8 Mine of the Penowa Coal Company, Mine Index No. 209, in District No. 6; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 326.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 326.6 (*Numerical list of mines*) is amended by adding thereto Supplement R–II, and § 326.23 (*General prices; for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the Schedules attached are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached Schedules do not differ, except in this regard, from the minimum prices proposed by petitioner.

Dated: October 15, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 6

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 326, Minimum Price Schedule for District No. 6 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 326.5 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine name	Seam	Type	Shipping points in W. Va.	Railroad	Freight Origin group Nos.	Price classifications by size group Nos.											
								1	2	3	4	5	6	7	8	9	10	11	12
209	Penowa Coal Co	Arnold #8	Pgh. 8	Strip	Rail, Rockdale W. Va.; river, Follansbee and Wellsburg, W. Va.	P&WV	10	E	E	E	E	E	E	E	E	E	E	-------	E

§ 326.6 *Numerical list of mines*—Supplement R–II. Refer to § 326.6 in Minimum Price Schedule for District No. 6. Add the following:

Mine index No.	Mine name	Code member	Freight origin group No.	Railroad
209	Arnold #8	Penowa Coal Co	10	P&WV.

Prices for Mine Index Numbers 7, 20, 24 and 26 shown in § 326.7, § 326.8 (a), § 326.8 (b), § 326.8 (c), § 326.8 (d) and § 326.8 (e) in Minimum Price Schedule of the Schedule of Effective Minimum Prices apply to Mine Index Number 209.

FOR TRUCK SHIPMENTS

§ 326.23 *General prices; for shipment into all market areas*—Supplement T

Code member	Mine	Mine index No.	Type	Seam	Base sizes							
					6" lump	3"-4"-5" lump	2" lump	2" x 4" egg, 2" x 5" egg	1¼" lump, 1¼" x 4" egg	Mine run, nut and pea	2" x 0 slack	¾" x 0 slack
					1	2	3	4	5	6	7	8
Penowa Coal Co	Arnold #8	209	Strip	Pgh. 8	295	285	270	245	240	230	210	200

[F. R. Doc. 42–11077; Filed, October 30, 1942; 11:13 a. m.]

[Docket No. A-1666]

PART 326—MINIMUM PRICE SCHEDULE, DISTRICT No. 6

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 6 for the establishment of price classifications and minimum prices for the coals of Rivercoal, Inc. Mine (Mine Index No. 29) of Rivercoal, Inc., a code member in District 6.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Rivercoal, Inc. Mine (Mine Index No. 29) of Rivercoal, Inc., a code member in District 6; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 326.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the Schedule attached are based upon the price classifications and minimum prices in effect on October 1, 1942 for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21.

Dated: October 19, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 6

NOTE: The material in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 326, Minimum Price Schedule for District No. 6 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK, RAIL AND RIVER

§ 326.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Seam	Type	Shipping points in West Virginia	Railroad	Freight origin group No.	Price classifications by size group Nos.											
								1	2	3	4	5	6	7	8	9	10	11	12
29	Rivercoal, Inc.	Rivercoal, Inc.	Pgh. 8	Strip	Ohio River, Moundsville, W. Va.	Ex-river		C	C	C	C	C	C	C	C	C	......	......	C

Prices for all Mine Index Numbers Except 7, 20, 24 and 26 shown in § 326.8(f) in Minimum Price Schedule of the Schedule of Effective Minimum Prices apply to Mine Index Number 29.

[F. R. Doc. 42-11076; Filed, October 30, 1942; 11:12 a. m.]

[Docket No. A-1644]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT No. 8

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 328.21 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-II, § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T-I, and § 328.42 (*General prices for low volatile coals*) is amended by adding thereto Supplement T-II, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith the shipping points appearing in the aforesaid Supplement R-I and R-II for Mine Index Nos. 2729, 2599, 2122, and 2451 shall be effective in place of the shipping points heretofore established for these mines; and commencing forthwith the shipping points, railroads, and Freight Origin Groups appearing in the aforesaid Supplement R-I for Mine Index Nos. 3722 and 3246 shall be effective in place of the shipping points, railroads and freight origin groups heretofore established for these mines; and commencing forthwith Price Classification "A" in Size Groups 24, 25, 26 and 27 for Mine Index Nos. 48, 151, 1370 and 5562 temporarily assigned in Docket No. A-1597, 7 F.R. 6834, is herewith deleted and Classification "C" substituted for these size groups produced at these mines.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty

(60) days from the date of this Order, unless it shall otherwise be ordered.

Freight Origin Group No. 140 is the correct Freight Origin Group for Mine Index No. 5736 rather than Freight Origin Group No. 111 proposed by petitioner.

The price classifications and minimum prices set forth in the schedules attached hereto are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and already reflect the changes, if any, in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached Schedules do not differ except in this regard from the minimum prices proposed by petitioner.

Dated: October 17, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R-I

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.																													
								For destinations other than Great Lakes																For Great Lakes cargo only													
								1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
2729	B. & C. Coal Company (A. C. Cravens).	B. & C. Coal Co.	Bon Air No. 2.	6	Wilder, Tenn.[1]	TC	210	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
48	Black Gold Mining Company.[2]	Black Gold	Hazard No. 4.	3	Blue Grass No. 3, Ky.	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	C	C	C	C	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	C	C	C	C
4	Blue Bird Mining Company.	Blue Bird	Hazard No. 7.	3	Blue Grass No. 1, Ky.	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	C	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	C
58	Blue Grass Mining Company.	Blue Grass No. 2	Hazard No. 4 & 7.	3	Blue Grass No. 2, Ky.	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(†)	C	C	C	C
2599	Callihan, H. M.	H. M. Callihan No. 1.	Jellico	6	Barbourville, Ky.[3]	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)
[4]5660	Cline, Quintin & Sibert Cline.	Mounts	Big Eagle	8	West Gilbert, W. Va.	C&O	150	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
2122	Crabtree, K. W.	Clintwood C. Co.	Upper Banner.	7	Fremont, Va.[5]	CC&O	10	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(*)
5718	Cross, Henry	Henry Cross No. 2.	Glen Mary	6	Stanley Jct., Tenn.	Tenn.	71	O	O	M	L	H	F	H	F	E	K	(†)	(†)	(†)	(†)	(†)	(†)	O	O	M	H	F	F	H	N	K	(†)	(†)	(†)	(†)	(†)
151	Darb Fork Coal Company[2]	Blue Grass No. 5.	Hazard No. 4.	3	Blue Grass No. 5, Ky.	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	C	C	C	C	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	C	C	C	C
3722	Fleming & Stanley (Roy Stanley).	Fleming & Stanley.	Upper Banner.	7	Fremont, Va.[6]	CC&O	10	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(*)
5557	Jackson, W. O.	Jackson	Coal Creek	6	Oliver Springs, Tenn.	L&N and Sou.	[7]260	O	O	H	G	G	E	G	E	C	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	L	F	D	B	F	G	K	(†)	(†)	(†)	(†)	(†)
5728	Kline, C. L.	C. L. Kline No. 3.	Glen Mary	6	Slick Rock, Tenn.	B.R.R.	73	O	O	M	L	H	F	H	F	E	K	(†)	(†)	(†)	(†)	(†)	(†)	O	O	M	H	F	F	H	N	K	(†)	(†)	(†)	(†)	(†)
5729	Kline, C. L.	C. L. Kline No. 4.	Glen Mary	6	Slick Rock, Tenn.	B.R.R.	73	O	O	M	L	H	F	H	F	E	K	(†)	(†)	(†)	(†)	(†)	(†)	O	O	M	H	F	F	H	N	K	(†)	(†)	(†)	(†)	(†)
5730	Kline, C. L.	C. L. Kline No. 5.	Glen Mary	6	Slick Rock, Tenn.	B.R.R.	73	O	O	M	L	H	F	H	F	E	K	(†)	(†)	(†)	(†)	(†)	(†)	O	O	M	H	F	F	H	N	K	(†)	(†)	(†)	(†)	(†)
5736	Lay, Floyd	Floyd Lay	Rex	6	Roosevelt, Tenn.	L&N	140	F	F	E	D	E	C	E	C	F	M	(†)	(†)	(†)	(†)	(†)	(†)	F	F	E	B	B	C	E	K	M	(†)	(†)	(†)	(†)	(†)
5186	Mathus, Allen	Allen Mathus	Jawbone	7	Doran, Va.	N&W	20	M	M	K	J	F	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	F	D	D	E	L	K	(†)	(†)	(†)	(†)	(†)
3246	Pemberton & Phillips (Gib P. Pemberton).	Pemberton & Phillips.	Glen Mary	6	Slick Rock, Tenn.	B.R.R.	73	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
1370	Snyder, Fred[2]	Fred Snyder	Hazard No. 4.	3	Lothair, Ky.	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	C	C	C	C	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	C	C	C	C
5562	Snyder, Fred (Snyder Coal Co.).[2]	Snyder Coal Co.	Hazard No. 4.	3	Lothair, Ky.	L&N	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	C	C	C	C	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	C	C	C	C

[1] Indicates new shipping point. Shipping point at Crawford, Tennessee, shall no longer be applicable.

[2] Indicates that these mines were temporarily classified "A" in Size Groups 24, 25, 26 and 27 in Docket A-1597, which classifications are superseded and cancelled herein.

[3] Indicates new shipping point. Shipping point at Flat Lick, Ky., shall no longer be applicable.

[4] Cline, Quintin & Sibert Cline was erroneously listed in Docket A-1583 as Mine Index 5560.

[5] Indicates new shipping point. Shipping point at Allen, Va., shall no longer be applicable.

[6] Indicates new shipping point, railroad and Freight Origin Group. Shipping Point at Coeburn, Va., on the N&W Railroad in Freight Origin Group 30 shall no longer be applicable.

[7] Freight Origin Group No. 260 shall take the same price adjustments to all market areas when originating on the Southern Railway as Freight Origin Group 40, and the same as Freight Origin Group 220 when originating on the L & N Railroad.

Indicates new shipping point, railroad and Freight Origin Group. Shipping point at New River, Tennessee, on the Southern Railway in Freight Origin Group 70 shall no longer be applicable.

*Indicates previously classified for these size groups.

†Indicates no classification effective for these size groups.

§ 328.21 *Alphabetical list of code members*—Supplement R–II

[Alphabetical list of code members having railway loading facilitie, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group No.									
								1	2	3	4	5	6	7	8	9	10
5731	Consumers Mining Corporation.	Consumers	9	Red Ash	Red Ash, Va.	N&W.	21	C	C	D	D	A	A	A	H	H	H
2451	Franks, E. E.	Franks	9	Red Ash	Doran, Va.[1]	N&W.	21	*	*	*	*	*	*	*	*	*	*
5735	Russ & Stilwell (S. W. Stilwell).	Russ & Stilwell No. 2.	9	Red Ash	Red Ash, Va.	N&W.	21	C	C	D	D	A	A	A	H	H	H

[1] Denotes new shipping point. Shipping point at Richlands, Va., shall no longer be applicable.
*Indicates previously classified for these size groups.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I

Code member index	Mine	Mine index No.	Seam	Base size							
				Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 1—BIG SANDY-ELKHORN											
CARTER COUNTY, KY.											
Knipp, Amos	Jessee No. 2	5687	No. 7	285	265	230	240	225	220	170	165
Sexton & Blankenship (Chas. Sexton).	Deer Creek	5734	No. 4	285	265	230	240	225	220	170	165
SUBDISTRICT NO. 3—HAZARD											
LEE COUNTY, KY.											
Cooper & Dunaway (J. G. Cooper).	Cooper	5707	Ida May	295	275	240	245	225	230	175	170
White Ash Coal Company (David Toler).	White Ash No. 1	5724	Bottom	295	275	240	245	225	230	175	170
SUBDISTRICT NO. 4—KANAWHA											
NICHOLAS COUNTY, W. VA.											
Cavendish, Homer D.	Cavendish	5688	Eagle	285	265	250	250	225	240	185	180
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN											
ROCKCASTLE COUNTY, KY.											
Abney, Elijah, Jr.	Black Diamond	5733	Horse Creek	285	265	240	240	225	230	175	170
CAMPBELL COUNTY, TENN.											
Lay, Floyd	Floyd Lay	5736	Rex	315	295	230	265	235	220	165	160
SCOTT COUNTY, TENN.											
Cross, Henry	Henry Cross No. 2	5718	Glen Mary	275	255	235	230	220	225	175	170
Kline, C. L.	C. L. Kline No. 3	5728	Glen Mary	275	255	235	230	220	225	175	170
Kline, C. L.	C. L. Kline No. 4	5729	Glen Mary	275	255	235	230	220	225	175	170
Kline, C. L.	C. L. Kline No. 5	5730	Glen Mary	275	255	235	230	220	225	175	170

§ 328.42 *General prices for low volatile coals*—Supplement T–II

[Prices in cents per net ton for shipment into all market areas]

Code member index name	Mine	Mine index No.	Seam	All lump	Egg: Larger than 3" top	Stove: 3" top size	Nut or pea: 1¼" top or less	Screened M/R	Straight M/R	1¼" screenings	¾" screenings
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 9—BUCHANAN COUNTY LOW VOLATILE AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS—TAZEWELL COUNTY, VA.											
Consumers Mining Corporation	Consumers	5731	Red Ash	325	325	320	270	300	235	175	170
Russ & Stilwell (S. M. Stilwell)	Russ & Stilwell No. 2	5735	Red Ash	325	325	320	270	300	235	175	170

[F. R. Doc. 42-11078; Filed, October 30, 1942; 11:13 a. m.]

Chapter IV—Petroleum Conservation Division

PART 401—PETROLEUM CONSERVATION ORDERS

PART 402—CERTIFICATES OF CLEARANCE FOR MOVEMENTS OF PETROLEUM AND PETROLEUM PRODUCTS IN INTERSTATE COMMERCE

PART 403—REGULATIONS GOVERNING REPORTS AND INSPECTIONS OF FACILITIES AND AGENCIES FOR THE PRODUCTION, PROCESSING, STORAGE AND TRANSPORTATION OF PETROLEUM AND PETROLEUM PRODUCTS

AMENDMENT OF REGULATIONS

By virtue of the authority vested in me by the Executive Order No. 7756 of December 1, 1937 (30 CFR 401.1), the following regulations and amendments are hereby prescribed for the administration and enforcement of the act of February 22, 1935 (49 Stat. 30; 15 U.S.C. secs. 715–715 *l*), as amended by the act of June 14, 1937 (50 Stat. 257), by the act of June 29, 1939 (53 Stat. 927), and by the act of June 22, 1942 (Pub. Law 624, 77th Cong.).

Section 401.3 of this part (E.O. 7758 of December 1, 1937, 2 F.R. 2669, 2670), except in so far as it applies to or affects any violation thereof or any action which has been or may hereafter be taken because of such violation, is hereby revoked.

Section 401.4 of this part (Administrative Order 1263, April 1, 1938, 3 F.R. 689), is hereby revoked.

Sections 402.1 to 402.21, inclusive, of this part (E.O. 7757 of December 1, 1937, 2 F.R. 2664–2669), except in so far as they apply to or affect any violation thereof or any action which has been or may hereafter be taken because of such violation, are hereby revoked.

Section 403.1 of this part is hereby amended to read as follows:

§ 403.1 *Designated areas.* Until further order, the regulations in this part shall be applicable only to that part of the State of New Mexico included within the counties of Lea and Eddy, to that part of the State of Texas included within the counties of:

Anderson, Andrews, Angelina, Aransas, Austin, Bee, Borden, Bowie, Brazoria, Brazos, Brooks, Burleson, Calhoun, Cameron, Camp, Cass, Chambers, Cherokee, Cochran, Colorado, Crane, Crockett, Dawson, DeWitt, Duval, Ector, Fayette, Fisher, Fort Bend, Franklin, Gaines, Galveston, Garza, Glascock, Goliad, Gonzales, Gregg, Grimes, Hardin, Harris, Harrison, Hidalgo, Hockley, Houston, Howard, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kleberg, Lavaca, Lee, Liberty, Live Oak, Loving, Lynn, Madison, Marion, Martin, Matagorda, Midland, Mitchell, Montgomery, Morris, Nacogdoches, Newton, Nueces, Orange, Panola, Pecos, Polk, Reagan, Red River, Reeves, Refugio, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Scurry, Shelby, Smith, Starr, Terry, Titus, Trinity, Tyler, Upshur, Upton, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Willacy, Wilson, Winkler, Wood, Yoakum, and Zapata, and to the entire State

of Louisiana, which area is hereinafter referred to as the designated area.

Section 403.2 of this part is hereby amended to read as follows:

§ 403.2 *Federal Petroleum Board designated to administer these regulations.* The Federal Petroleum Board, hereinafter referred to as the board, is hereby designated to administer the regulations prescribed in this part, under the supervision of the Secretary of the Interior.

Section 403.5 of this part is hereby amended to read as follows:

§ 403.5 *Measurements; records.* Every producer, transporter, storer and refiner in the designated area shall accurately gauge and measure all petroleum and petroleum products before any part thereof leaves his possession or control. No means or device which prevents or hinders such accurate measurement shall be used. Complete and accurate records of all such measurements shall be kept up to date and retained as provided in § 403.6 hereof, and shall be open to the inspection of any person authorized by the Secretary of the Interior or by the board.

Section 403.6 of this part is hereby amended to read as follows:

§ 403.6 *Records.* From the effective date of this order the following records shall be made and retained accurately and completely showing the following facts with respect to production, refining, processing, manufacturing, transporting, withdrawing or otherwise handling petroleum or petroleum products in the designated area: *Provided,* That when such records have been retained for a period of not less than three (3) years the board may, upon written request of the operator, grant permission to destroy or dispose of such records:

(a) By producers:

(1) *Location, wells, allowable production.* The location of the producing properties, the number and location of wells thereon, and the allowable production for each property and well as prescribed by the proper State agency.

(2) *Inventories.* An opening and closing inventory of the crude petroleum on hand each 24-hour day.

(3) *Production.* The daily production in barrels of petroleum produced from each lease and well (ascertained by the application of acceptable operating practice as to wells which are produced into common tankage and of which no separate daily gauge is made), with a notation of the allowance made for basic sediment and water, and the tanks, identified by number and location into which the petroleum is run.

(4) *Consumption.* The amount of petroleum consumed upon each property daily.

(5) *Deliveries.* A daily record of all deliveries of petroleum or petroleum products, showing the names and places of business of all persons to whom such petroleum or petroleum products are delivered, whether purchasers, consignees or transporting agencies, the quantity involved in each delivery, transportation or other disposition, the identity of the means of transportation by which the petroleum or products are removed.

(6) *Tickets.* Gauge tickets, and run tickets, as made by the employees actually performing or observing the operations to which such records relate.

(7) *Other records.* Such other records as may now be required under the rules and regulations of other governmental agencies, State or Federal, which supervise, regulate or tax the production of petroleum.

(b) By every purchaser, refiner, storer, shipper or consignor of petroleum or petroleum products, by every casinghead gasoline plant, and by every person dealing in petroleum or petroleum products as a factor, broker, buyer or seller.

(1) *Inventories.* An opening and closing inventory of petroleum and petroleum products on hand each 24-hour day.

(2) *Receipts.* The daily receipts of petroleum and the petroleum products showing the amount received, the place and date of each receipt, the tanks identified by location and number into which received, the names and addresses of all producers or other persons from whom the crude petroleum and the petroleum products were received, a description identifying the transporting agency by which received.

(3) *Consumption.* The amount of petroleum and petroleum products used or otherwise disposed of daily showing the amount run to stills and to cracking units and the amount and type of petroleum products refined, processed or manufactured.

(4) *Deliveries; purchasers; transporter.* A daily record of all deliveries of petroleum and petroleum products including the names and addresses of purchasers and a description identifying the transporting agency delivering the same.

(5) *Reports of operations.* Crude, pumping, still, transfer, and yield reports as made by the employees actually performing or observing the operations to which such records relate.

(6) *Other records.* Such other records as may now be required under the rules and regulations of other governmental agencies, State or Federal, which supervise, regulate or tax the purchasing, refining, storing, shipping or consigning or otherwise dealing in as a factor, broker, buyer or seller of petroleum and petroleum products.

(c) By every person operating a reclamation plant:

(1) *Inventories.* An opening and closing inventory of all petroleum and petroleum products on hand each 24-hour day.

(2) *Receipts.* The number of barrels of each kind of petroleum and petroleum products which came into the possession of such plant daily, the name and address of each person from whom possession was acquired, the location from which the petroleum and petroleum products were acquired, the quantities acquired from each prior possessor and from each location, a description identifying the transporting agency by which such petroleum and petroleum products were acquired. In case any petroleum or petroleum product is picked up or reclaimed by such plant from any creek, river, stream or the bed thereof, such record shall also contain information as to the apparent source of the petroleum or petroleum product before it went into such creek, river, stream or the bed thereof.

(3) *Reclamation; destination; identification.* The number of barrels reclaimed by such plant daily and the disposition thereof showing the names and addresses of purchasers, a description identifying the transporting agency used in making delivery.

(4) *Original operating records.* The original records made by the employees actually performing or observing the operations to which such records relate as required by subparagraphs (1), (2), and (3) of this paragraph.

(5) *Other records.* Such other records as may now be required under the rules and regulations of all other governmental agencies, State or Federal, which supervise, regulate or tax the reclaiming or handling of petroleum or petroleum products.

(d) By pipe lines:

(1) *Inventories.* An opening and closing inventory including averages of crude petroleum and petroleum products on hand each 24-hour day.

(2) *Receipts; consignors, consignees; origin; destination.* The daily receipts of all petroleum and petroleum products showing the kind, grade and quantity received, the names and addresses of the consignors, the names and addresses of the consignees, the points of origin and destination.

(3) *Locations; persons; transporting agencies.* In case of the first transporting pipe line, and where possible in cases of subsequent transporting pipe lines, the location of the properties where the petroleum or petroleum products were produced, refined, processed or manufactured, the names and addresess of persons removing the petroleum or petroleum products from the properties where produced, refined, processed or manufactured, and a description identifying the transporting agency used in making delivery from such properties.

(4) *Diversion, stoppage.* A record of all shipments of petroleum or petroleum products diverted prior to reaching the original point of destination or stopped in the course of transportation, showing the disposition thereof.

(5) *Shipping documents.* Copies of all run-tickets, way bills, division and transfer orders and other documents used in the transportation of petroleum or petroleum products.

(6) *Other records.* Such other records as may now be required under the rules or regulations of other governmental agencies, State or Federal, which supervise, regulate or tax the transportation of petroleum or petroleum products.

(e) By transporting agencies, other than pipe lines:

(1) *Shipments.* The daily shipments of all petroleum and petroleum products showing the kind, grade and quantity transported, the names and addresses of the consignors, the names and addresses of the consignees, the points of origin and destination, and in the case

of railroads the car initials and numbers identifying the various shipments.

(2) *Diversion or stoppage.* A record of all shipments of petroleum or petroleum products diverted prior to reaching the original point of destination, or stoppage in the course of transportation, showing the disposition thereof.

(3) *Shipping documents.* Copies of all way bills, bills of lading and other documents used in the transportation of petroleum or petroleum products.

(4) *Other records.* Such other records as may now be required under the rules or regulations of other governmental agencies, State or Federal, which supervise, regulate or tax the transportation of petroleum or petroleum products.

(f) The records required by this regulation to be made and preserved shall be made currently as the transactions involved occur. Such records prescribed in subparagraphs (1), (2), (3), (4) and (5) of paragraph (a) of this regulation shall be kept on the lease or property to which they relate, or shall be kept in the field office or field headquarters from which the operations on such properties are conducted. Such records prescribed under subparagraphs (1), (2), (3) and (4) of paragraph (b), (1), (2) and (3) of paragraph (c), and (1), (2), (3) and (5) of paragraph (d) of this regulation shall be kept at the field office or field headquarters from which the operations involved are conducted. Such records prescribed under subparagraphs (1) and (3) of paragraph (e) of this regulation shall be kept at the freight office where the shipping papers for any shipment originate.

Section 403.9 of this part is hereby amended to read as follows:

§ 403.9 *Monthly reports.* Each producer, refiner, reclamation plant, casinghead gasoline plant, transporting agency, and storer of petroleum or petroleum products in the designated area shall file with the board monthly reports on forms approved by the Secretary of the Interior. Each report on such forms shall be subscribed and sworn to by the person required to file the same, using the form of affidavit therein contained, and the person required to file the report must make therein a full, truthful and complete disclosure of all the information required on the form and necessary to the full use thereof.

Section 403.11 of this part is hereby amended to read as follows:

§ 403.11 *Shipment by barge, tanker, or other vessel; reports; affidavits.* The shipper, or duly authorized agent of the shipper, a copy of whose authorization has been filed with the Petroleum Conservation Division of the Department of the Interior at its office in Washington, D. C., of a cargo of petroleum or petroleum products, or any part thereof, which has been loaded at any port in the States of Texas, Louisiana, Arkansas, or Mississippi, for shipment by tanker, barge, or other vessel, in whole or in part in interstate or foreign commerce, including the intermediate shipment to any point from which shipments of petroleum or petroleum products in interstate or foreign commerce customarily are made, shall transmit by mail to the Petroleum Conservation Division of the Department of the Interior at its office in Washington, D. C., with full postage paid, not later than twenty-four (24) hours after the date of sailing, a report and affidavit in duplicate on form designated OCR–1, made and executed in accordance with instructions prescribed and approved by the Secretary of the Interior and appearing thereon.

The master, owner, charterer, or the duly authorized agent of the owner or charterer of any tanker, barge, or other vessel, a copy of whose authorization has been filed with the Petroleum Conservation Division of the Department of the Interior at its office in Washington, D. C., upon discharging at any port in the United States a cargo of petroleum or petroleum products, or any part thereof, which has been loaded at any port in the States of Texas, Louisiana, Arkansas or Mississippi for shipment in interstate or foreign commerce, shall transmit by mail, with full postage paid, to the Petroleum Conservation Division of the Department of the Interior at its office in Washington, D. C., within twenty-four (24) hours of completion of each discharge operation, partial or complete, a report in duplicate on form designated OCR–2, made and executed in accordance with instructions prescribed and approved by the Secretary of the Interior and appearing thereon.

Section 403.12 is hereby prescribed to read as follows:

§ 403.12 *Saving clause and effective date*—(a) *Saving clause.* If any provision of this order or any clause, sentence or part hereof is held unauthorized or invalid for any reason, or the application thereof to any person, circumstance, commodity or class of transactions with respect to any commodity be held unauthorized or invalid for any reason, the validity of the remainder of this order and the application of such provisions to other persons, circumstances, commodities and classes of transactions shall not be affected thereby.

(b) *Effective date.* The regulations and amendments herein provided shall become effective immediately upon approval by the President.

HAROLD L. ICKES,
Secretary of the Interior.

Approved: October 27, 1942.

FRANKLIN D ROOSEVELT
THE WHITE HOUSE.

[F. R. Doc. 42-11111; Filed, October 30, 1942; 3:16 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Order 62]

CHELTENHAM PROJECT

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Cheltenham Project to be work of national importance, to be known as Civilian Public Service Camp No. 62. Said project, located at Cheltenham, Prince Georges County, Maryland, will be the base of operations for work at the Cheltenham School for Boys, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV–E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Cheltenham Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent of the Cheltenham School for Boys, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Cheltenham School for Boys. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

OCTOBER 29, 1942.

[F. R. Doc. 42-11117; Filed, October 31, 1942; 10:28 a. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Supplementary Directive 1–P]

Further delegation of authority to the Office of Price Administration with reference to rationing of fluid milk shipping containers and covers and farm fencing.

§ 903.20 *Supplementary Directive 1–P.* (a) In order to permit the efficient rationing of fluid milk shipping containers and covers and farm fencing, the authority delegated to the Office of Price Administration in § 903.1 (Directive No. 1) is hereby extended to include the exercise of rationing control (including but not limited to the issuance of suspension orders against any person who has acted in violation of any regulation or order issued pursuant to this Supplementary Directive) over the use by any person, or the sale, transfer, or other disposition by any person to any other person, of fluid milk shipping containers and covers and farm fencing, except the persons specified in subparagraphs (1) and (2) of paragraph (a) of said Directive No. 1. The exercise of such authority shall be subject to the terms and conditions specified in Directive No. 1. The Office of Price Administration may delegate to such persons as it may designate,

including the Secretary of Agriculture, the exercise of all functions, duties, powers, authority or discretion, conferred upon it with regard to the rationing of fluid milk shipping containers and covers and farm fencing.

(b) As used in this supplementary directive:

(1) "Fluid milk shipping container" means a steel container, suitable for use in connection with the transportation in bulk of fluid milk and fluid milk products, which possesses the following characteristics: (i) a substantially cylindrical shape, (ii) a coating of tin or a substitute sanitary coating, and (iii) a "necked in" top so that the opening is smaller than any part of the body cylinder.

(2) "Cover" means the device affixed or to be affixed on a fluid milk shipping container for the purposes of protecting and retaining the contents within the container.

(3) "Farm fencing" means barbed wire, woven or welded wire fence, poultry netting, and poultry flooring, for use on agricultural properties.

(E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11109; Filed, October 30, 1942; 2:13 p. m.]

PART 903—DELEGATIONS OF AUTHORITY

SPRAY DRIED MILK

[Directive 12]

Pursuant to the authority vested in me by Executive Order No. 9024 of January 16, 1942,[1] Executive Order No. 9040 of January 24, 1942,[2] and Executive Order No. 9125 of April 7, 1942,[3] and for the purpose of facilitating the acquisition of supplies of spray dried milk for governmental requirements; *It is hereby ordered that:*

§ 903.21 *Directive 12*—(a) *Delegation of authority to the Secretary of Agriculture with respect to spray dried milk.* The Secretary of Agriculture is authorized and directed to perform the functions and exercise the power, authority and discretion conferred upon the President by section 2 (a) of the Act of June 28, 1940 (Pub. Law 671, 76th Cong.; 54 Stat. 676), as amended by the Act of May 31, 1941 (Pub. Law 89, 77th Cong.; 55 Stat. 236), and as further amended by the Act of March 27, 1942 (Pub. Law 507, 77th Cong.; 56 Stat. 176), with respect to setting aside spray dried milk for governmental war requirements.

(b) As used in this directive, the term "spray dried milk" means whole and skim cow's milk dried by a spray process. The term "governmental war requirements" means the requirements of the Army and Navy of the United States, the Marine Corps, the Coast Guard, and any agency of the United States Government for supplies to be delivered to or for the account of the Government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), as determined by the Foods Requirements Committee of the War Production Board from time to time.

(c) The Secretary of Agriculture is authorized to require such reports and the keeping of such records, and to make such investigations, as he may deem necessary or appropriate for the administration of the powers conferred herein; and he may issue such regulations, orders, and directives, direct such inspection, and take such measures as he may deem necessary or appropriate for the effectuation of the powers conferred upon him by this directive.

(d) The Secretary of Agriculture may exercise the power, authority and discretion conferred upon him by this directive through such agencies and through such officials of the Government of the United States and in such manner as he may determine.

(e) Nothing herein shall be construed to authorize the Secretary of Agriculture to determine the amount of governmental war requirements, to control the distribution of spray dried milk to the extent of production thereof in excess of governmental war requirements, or to regulate or prohibit any commercial or industrial use of such excess production.

(E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

DONALD M. NELSON,
Chairman.

[F. R. Doc. 42-11167; Filed, October 31, 1942; 12:14 p. m.]

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S–128]

CARL M. LOEB, RHOADES AND CO.

Carl M. Loeb, Rhoades and Company, New York, New York, is a partnership engaged in the importing business. On or about June 2, 1942, the company's Buenos Aires representative purchased 100 tons of casein which was to be shipped to the company in the United States during June, July, August, and September.

General Imports Order M–63, as amended June 2, 1942, prohibits the importation of many products, including casein, without specific authorization from the Director of Industry Operations subsequent to July 2, 1942. The company at least by July 3 was fully aware of the fact that the importation of casein was restricted by this order. Notwithstanding its knowledge of these restrictions, the company advised its Buenos Aires office on July 3 that small quantities of casein could be imported without authorization. The 100 tons of casein was actually shipped from Buenos Aires to New York on or about July 17, 1942; 75 tons being shipped on the "SS Sloterdyjk" and 25 tons on the "SS Agwi Prince". The casein is still in the possession of Customs officials at the Port of New York.

This violation of General Imports Order M–63 has hampered and impeded the war effort of the United States by diverting shipping space to uses not authorized by the War Production Board. In view of the foregoing, *It is hereby ordered* That:

§ 1010.128 *Suspension Order S–128.* (a) Carl M. Loeb, Rhoades and Company, its successors and assigns, shall not accept delivery of, receive, or take any action to clear through the Bureau of Customs the 100 tons of casein presently in the custody of Customs officials at the Port of New York which was shipped on or about July 17, 1942, on the "SS Sloterdyjk" and the "SS Agwi Prince".

(b) Nothing contained in this order shall be deemed to relieve Carl M. Loeb, Rhoades and Company from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect immediately and shall remain in effect until revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of October, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11110; Filed, October 30, 1942; 2:31 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–129]

C. W. SAUNDERS

C. W. Saunders, of Los Angeles, California, has been engaged in the business of building houses in the City of Los Angeles and vicinity. His activities include the construction of multiple dwelling units either for others on land owned by them or for himself on land owned by himself, and the rental of such dwelling units.

After April 9, 1942, without the authorization of the Director of Industry Operations or the Director General for Operations of the War Production Board, C. W. Saunders began construction (as defined in Conservation Order L–41) of fifteen houses, containing fifty-two dwelling units, at the following locations: 1211–1221 West Burbank Boulevard, Burbank, California; 721 and 725 West Manchester Boulevard, Inglewood, California; 1018 East 66th Street, Inglewood, California; 4810 West 98th Street, Inglewood, California, 933–945 Fir Avenue, Inglewood, California, 4805 and 4811 West 104th Street, Lennox, California; 10016 and

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[1] 7 F.R. 329.
[2] 7 F.R. 527.
[3] 7 F.R. 2719.

10020 Inglewood Avenue, Lennox, California; and 1508 South Bronson Avenue, Los Angeles, California. The estimated cost of construction of each of these houses was far in excess of $500. Such construction was begun in disregard of the provisions of Conservation Order L-41, with which C. W. Saunders was familiar, and constituted wilful violations of that order.

These violations of Conservation Order L-41 have hampered and impeded the war effort of the United States by diverting scarce materials to uses prohibited by the War Production Board. In view of the foregoing facts, *It is hereby ordered* That:

§ 1010.129 *Suspension Order S-129.* (a) Neither C. W. Saunders nor any other person with whom C. W. Saunders is directly or indirectly connected shall order, purchase, accept delivery of, withdraw from inventory, secure in any other manner, or use any material or construction plant in order to continue or complete construction of any of the houses at the following locations: 1211-1221 West Burbank Boulevard, Burbank, California; 4810 West 98th Street, Inglewood, California; 933-945 Fir Avenue, Inglewood, California; 4805 and 4811 West 104th Street, Lennox, California; 10016 and 10020 Inglewood Avenue, Lennox, California; 1508 South Bronson Avenue, Los Angeles, California. No application for authorization to continue or complete construction of any of said last mentioned houses shall be granted by the War Production Board to C. W. Saunders or to any person with whom he is connected directly or indirectly.

(b) No person shall order, purchase, accept delivery of, withdraw from inventory, secure in any other manner, or use any material or construction plant in order to continue or complete construction of any of the houses specified in paragraph (a) hereof, except as specifically authorized by the Director General for Operations.

(c) Except as specifically authorized by the Director General for Operations, neither C. W. Saunders nor any other person shall order, purchase, accept delivery of, withdraw from inventory or secure in any other manner, or use any material or construction plant in order to continue or complete construction of any of the houses at the following locations: 721 and 725 West Manchester Boulevard, Inglewood, California; 1018 East 66th Street, Inglewood, California.

(d) For a period of six months from the effective date of this order, no application for authorization to begin construction of any house, building, structure or project filed by C. W. Saunders shall be granted by the War Production Board, except in connection with the houses specified in paragraph (c) hereof.

(e) For a period of six months from the effective date of this order, deliveries of material to C. W. Saunders, his successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(f) For a period of six months from the effective date of this order, no allocation shall be made to C. W. Saunders, his successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(g) This order shall take effect on November 5, 1942, and shall continue in effect until revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 31st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11147; Filed, October 31, 1942; 11:33 a. m.]

PART 1010—SUSPENSION ORDERS

(Suspension Order S-130)

NEON MAINTENANCE CORP.

Ralph V. Shelton, doing business as Neon Maintenance Corporation, a fictitious name, has been engaged in the business of manufacturing, installing and maintaining neon signs and lighting equipment, with his place of business in Vallejo, California. R. J. Syufy is engaged in the moving picture theater business as a theater operator in Vallejo. Ralph V. Shelton is, and since April 1, 1942, has been, the lessee of certain premises designated as 351 Fourth Street, Vallejo, California.

In July, 1942, Ralph V. Shelton began construction of a theater building located at 351 Fourth Street, Vallejo, California, pursuant to a contract with R. J. Syufy, whereby the latter was to sublease the theater building from Ralph V. Shelton. R. J. Syufy also performed certain construction work on the building. The estimated cost of construction of such theater building substantially exceeded $5,000, and Ralph V. Shelton and R. J. Syufy were aware of Conservation Order L-41 prior to the beginning of such construction. This constituted a wilful violation of Conservation Order L-41. Ralph V. Shelton was chiefly responsible for this violation, and R. J. Syufy was responsible to a lesser degree.

This violation of Conservation Order L-41 has hampered and impeded the war effort of the United States by diverting scarce material to uses prohibited by the War Production Board. In view of the foregoing facts, *It is hereby ordered* That:

§ 1010.130 *Suspension Order S-130.* (a) For a period of six months from the effective date of this order, deliveries of material to Ralph V. Shelton, doing business as Neon Maintenance Corporation or otherwise, his successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) For a period of six months from the effective date of this order, no allocation shall be made to Ralph V. Shelton, doing business as Neon Maintenance Corporation or otherwise, his successors and assigns, of any material the supply or distribution of which is governed by any order of the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) For a period of six months from the effective date of this order, no construction with which Ralph V. Shelton is directly or indirectly connected shall be accorded priorities assistance.

(d) Neither Ralph V. Shelton, R. J. Syufy nor any other person shall order, purchase, accept delivery of, withdraw from inventory or in any other manner secure or use material or construction plant in order to continue construction of the theater building located at 351 Fourth Street, Vallejo, California, except as specifically authorized by the Director General for Operations.

(e) This order shall take effect on November 5, 1942, and shall continue in effect until revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 31st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11148; Filed, October 31, 1942; 11:33 a. m.]

PART 1119—METAL PLASTERING BASES AND METAL PLASTERING ACCESSORIES

[Supplementary Limitation Order L-59-a]

In accordance with the provisions of § 1119.1 (*Limitation Order L-59*) which the following order supplements:

§ 1119.2 *Supplementary Limitation Order L-59-a.* During the period beginning November 1, 1942, and ending November 15, 1942, no manufacturer shall incorporate into metal plastering bases and/or metal plastering accessories, any metal in excess of one-eighth of the respective quantities of metal permitted by Limitation Order L-59, as amended, to be so incorporated during the four months period from July 1, 1942 to October 31, 1942, inclusive.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7

F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 31st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11168; Filed, October 31, 1942; 12:14 p. m.]

PART 1144—GOATSKINS, KIDSKINS AND CABRETTAS

[Conservation Order M-114, as Amended August 7, 1942, Amendment 1]

Section 1144.1 *General Conservation Order M-114* is hereby amended in the following respect:

The following is added to the schedule contained in paragraph (c) (1):

Nov.-Dec.-Jan.__210 (total for three months)

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 31st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11145; Filed, October 31, 1942; 11:33 a. m.]

PART 1233—THERMOPLASTICS

[General Preference Order M-154, Amendment 4]

Paragraph (d) of § 1233.1 *General Preference Order M-154* is hereby amended by striking the words and figures "1st of November, 1942" in the opening paragraph and substituting in their place the words and figures "1st of January 1943."

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 31st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11146; Filed, October 31, 1942; 11:33 a. m.]

PART 3096—PAPER AND PAPERBOARD

[General Conservation Order M-241]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export of various materials and facilities required in the manufacture and distribution of paper and paperboard; and the following order is deemed necessary in the public interest and to promote national defense:

§ 3096.1 *General Conservation Order M-241*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Produce" includes all operations connected with the production of paper and paperboard, including operations in the finishing room and packaging, but does not include processes or operations applied to paper and paperboard, after the primary papermaking, such as printing, waxing, gumming, coating, bag manufacture, cup manufacture, and envelope manufacture, box and container manufacture, and the fabrication of paper into paper articles.

(3) "Mill" means a congregation of pulp preparation and roll and sheet finishing equipment, paper machines and subsidiary facilities located and operated together as a single producing unit for the production of paper and paperboard.

(c) *Restrictions on production of paper and paperboard.* (1) No person or persons shall produce paper or paperboard in any mill which has not produced paper or paperboard since August 1, 1942.

(2) Except as provided in paragraphs (c) (4), (5) and (6), no person or persons shall during the calendar month commencing November 1, 1942, or any calendar month thereafter, produce in any mill any greater quantity in tons of paper and/or paperboard than 100% of the average monthly quantity in tons of paper and/or paperboard produced in such mill during the six months from April 1, 1942, to September 30, 1942, inclusive.

(3) The quantity in tons of paper and paperboard shall be measured in tonnage delivered from the paper machine, and the method and basis for determining such tonnage shall be that method and basis followed at such mill in the past, or any other practicable method and basis, provided that the same method and basis are used in determining production in future calendar months as are used in determining average production during the six months reference period from April 1, 1942 to September 30, 1942, inclusive.

(4) There shall not be included in such calculation, either for past or current production, papers and paperboard of the kinds included within the following designations on United States Department of Commerce (Census) Form WPB-514, as revised August 10, 1942:

Building Papers (Code 14000, 14100, 14200, 14300, 14900)
Building Boards (Code 58000, 58100, 58200, 58300, 58900)
Vulcanizing Fibre Stock (Code 13500)
Resin Impregnating Stock (Code 13600)
Sanitary Napkin and Hospital Wadding Stock (Code 11100)

(5) If one person owns only one mill, and such mill is equipped with only one machine unit for the manufacture of paper and/or paperboard, such person may, notwithstanding the provisions of paragraph (c) (2), produce at such mill during any calendar week any quantity of paper and/or paperboard required to occupy such machine 120 hours during such week.

(6) If any person owns more than one mill, and believes that the purposes of this order will be furthered by combining for production among all or several of his mills jointly the quantities of paper and/or paperboard which are permitted by this order for each separately, he may submit to the Director General for Operations, in writing, a plan for such combination, stating the quantity and kinds of paper and/or paperboard produced at each mill involved during the six month period from April 1, 1942 to September 30, 1942, inclusive, the quantity and kinds of paper expected to be produced at each such mill during each month under such plan, how long he proposes to operate under such plan, his reasons for desiring to adopt such plan, and the respects wherein he conceives that such plan will further the purposes of this order. The Director General for Operations may thereupon approve, modify, or disapprove such plan, or may impose upon the execution of any such plan such conditions as he may deem appropriate to this order. Upon receipt from the Director General for Operations of approval in writing of such a plan the proponent may, notwithstanding the provisions of paragraph (c) (2), produce at the mills designated in such plan the quantities and kinds of paper and/or paperboard provided for in such plan, subject to any modifications or conditions imposed by the Director General for Operations in his approval. No person shall undertake or attempt to carry into effect any such plan unless and until he receives such approval.

(d) *Restrictions on inventory.* No person shall knowingly make delivery of any type of paper or paperboard, and no person shall accept delivery of any type of paper or paperboard, if the inventory of such type of paper or paperboard in the hands of the person accepting delivery is, or will by virtue of such acceptance become, in excess of ninety days supply, on the basis of his current method and rate of operation. This restriction applies equally to paper and paperboard of foreign and domestic origin. It shall not, however, prevent acceptance by any person of delivery of one carload or less of any type of paper or paperboard if the inventory of such type of paper or paperboard of the person accepting such delivery is not and will not by virtue of such acceptance become in excess of two carloads.

(e) *Miscellaneous provisions*—(1) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(2) *Audit and inspection.* All records required to be kept by this order shall,

upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(3) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(5) *Appeals.* Any person affected by the order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(6) *Communications.* All communications concerning this order shall unless otherwise directed, be addressed to, War Production Board, Pulp and Paper Branch, Washington, D. C. Ref: M-241.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 31st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11144; Filed, October 31, 1942; 11:33 a. m.]

PART 1090—AGAVE FIBER, AGAVE PRODUCTS AND CERTAIN OTHER CORDAGE

[General Preference Order M-84, as Amended October 31, 1942]

Part 1090—Agave Fiber is hereby amended to read Part 1090—Agave Fiber, Agave Products and Certain Other Cordage.

The preamble and § 1090.1 *General Preference Order M-84*[1] are hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of agave fiber, agave products and certain other cordage for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1090.1 *General Preference Order M-84*—(a) *Definitions.* For the purposes of this order:

(1) "Agave fiber" means agave fiber of the species of agave sisalana, agave fourcroydes, and agave cantala, of all grades and qualities including tow, waste (but not including processor's mill waste) and fiber under 20" in length, commonly known in the trade as sisal, henequen, cantala, and maguey, and sometimes preceded by an adjective designating the country or district of origin.

(2) "Agave cordage" means cables and ropes 3/16" in diameter and larger, cordage or twines of any diameter used in the manufacture of any wire rope, twines used for fishing nets, and tarred marlines for use in manufacturing wire rope and for marine uses, in which agave fiber either alone or in combination with other material is used, but does not include agave cordage sold or delivered for its scrap value.

(3) "Processor" means any person who spins, twists, weaves or otherwise uses agave fiber in the production of cordage, twine or any other product.

(4) "Processing" means any use of agave fiber for the manufacture of any article or commodity into which agave fiber goes or of which it becomes a part.

(5) "Dealer" means any person who procures agave cordage or agave twine for storage or for sale, and includes selling agents and other commercially recognized agents acting for their own account or for others, whether or not acquiring title to such agave cordage or agave twine, but shall not include any person who imports agave cordage, or agave twine.

(6) "Wrapping twine" means twine, including lath yarns (ply and yarn goods) as included in National Bureau of Standards Simplified Practice Recommendation R 92-38, and any other twine suitable for the same purposes for which those twines described in said Simplified Practice Recommendation R 92-38 are used, which contains agave fiber, but shall not include binder twine.

(7) "Binder twine" or "binding twine" means a single yarn twine, manufactured of agave fiber, of the type customarily heretofore manufactured, and sold in lengths measuring 500, 525, 550, 600, 630 or 650 feet to the pound, with a plus or minus tolerance of 5 per centum, containing a lubricant of not less than 10 per centum of the total weight of the twine and an insect repellent, and which is put up in balls of approximately 5 or 8 pounds each, is suitable for use with a harvesting machine, and is used in the harvesting of agricultural products.

(8) "Inventory" with respect to any person shall include all of any agave product held or controlled by such person at all warehouses, plants or places of storage, but shall not include any of such product while actually in transit or actually in use.

(9) "Supply" means the average monthly amount of any agave product withdrawn from inventory which has been resold or put into actual use.

(i) In the three calendar months preceding the calendar month for which supply is being calculated; or,

(ii) In the three calendar months of the previous year which immediately followed the calendar month of that year corresponding to the said calendar month for which supply is being calculated;

whichever of the two shall be the higher.

(10) "Basic monthly poundage" with respect to any cordage processor for any month shall be the average number of pounds per month of both Manila and agave cordage sold by such processor during the period from January 1, 1939, to December 31, 1941, minus 37% of such person's Manila fiber basic monthly poundage calculated as required by General Preference Order M-36: *Provided,* That any cordage processor keeping his books on a weekly basis may calculate his basic monthly poundage from the fifty-two week period of the 1939 calendar year and adjust any other calculations or quotas under this order.

(11) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States, including the Philippine Islands. It includes shipments into a free port, free zone or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments in bond into the continental United States for transhipment to Canada, Mexico or any other foreign country.

(b) *Restrictions on sales and deliveries of agave fiber.* No person shall sell, or deliver, or make or accept delivery of agave fiber of any grade or quality; except that purchases, sales and deliveries of agave fiber may be made:

(1) By and to Defense Supplies Corporation;

(2) By and to persons importing or otherwise handling agave fiber in accordance with written instructions from Defense Supplies Corporation: *Provided,* That such agave fiber is to be delivered, either processed or unprocessed, directly or through one or more other persons to Defense Supplies Corporation.

(3) By and to importers, dealers, jobbers, or processors, pursuant to contracts entered into on or before February 20, 1942, but only of agave fiber in the amounts specified in such contracts on or before the said date, or by any amendments or supplements thereto on or before August 5, 1942: *Provided, however,* That purchases, sales and deliveries under general requirements contracts or contracts to take all, or a specified percentage of a production may continue to be made until December 31, 1942: *And provided further,* That all agave fiber, except bagasse waste, imported on or after October 31, 1942, under any contract mentioned in this subparagraph (3) shall, within twenty-four hours after its arrival, be reported to the War Production Board, except such agave fiber which shall have been offered for sale to the Defense Supplies Corporation, and such reported agave fiber shall not be used or disposed of except as specifically authorized by the Director General for Operations.

(4) By and to importers, dealers, jobbers, or processors of agave fiber which has been rejected by Defense Supplies Corporation as unfit for its use.

(5) By and to importers, dealers, jobbers or processors of tow, waste, bagasse flume or fiber less than twenty inches in length: *Provided,* That such fiber was on hand in the United States on February 20, 1942, or was, or is thereafter imported pursuant to this paragraph (b).

(6) By processors to processors, whether directly or through one or more other persons, of agave fiber which was on hand in the United States on or before August 5, 1942, or which is thereafter imported pursuant to this paragraph (b).

(c) *Restrictions on the processing of agave fiber.* (1) Except as provided in paragraphs (c) (2), (3) and (4), no person shall process any agave fiber in the manufacture of any product except the products specified below, and then only from the fibers and in the amounts expressly permitted below. The quotas hereinbelow established shall include processing for delivery to or for the account of, or for physical incorporation into material or equipment to be delivered to or for the account of, the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration or its operating or general agents.

(i) *Wrapping twine.* Processors may use agave fiber for the manufacture of wrapping twine in an amount in any month not in excess of the percentage for such month, of his average monthly sales for the calendar year 1941 described below:

Year 1942:	*Percent*
February	100
March	70
April	65
May	65
June	57½
July	50
August	40
September	20
October, and each month thereafter	0

Provided, however, That this restriction shall not apply to wrapping twine commonly known as baler twine for use in machines harvesting agricultural products other than machines using binder twine and any person purchasing any such baler twine from a processor shall endorse on, or attach to, his purchase order or delivery receipt therefor, a certificate signed by such person, or his duly authorized representative, in substantially the following form:

> The undersigned hereby represents to the seller and the War Production Board that the baler twine covered by this certificate will be either resold or used by the undersigned, during the current harvest season, for use in machines harvesting agricultural products, other than machines using binder twine, in accordance with paragraph (c) (1) (i) of General Preference Order M-84.

And provided further, That no person shall put into process after April 13, 1942, any Java agave sisalana for the manufacture of wrapping twine, or after August 5, 1942, any Java agave cantala for this purpose.

(ii) *Binder twine.* Processors may use agave fiber, in an amount not in excess of:

(*a*) During the eleven months ending June 30, 1942, an amount which, when added to binder twine in his stocks on November 1, 1941, equals 120% of that processor's total sales of binder twine in the United States during the twelve months ending October 31, 1941;

(*b*) During the four months commencing July 1, 1942, and ending October 31, 1942, an amount which equals 40% of that processor's total sales of binder twine in the United States during the twelve months ending October 31, 1941;

(*c*) During the two months commencing November 1, 1942, and ending December 31, 1942, an amount which equals 20% of that processor's total sales of binder twine in the United States during the twelve months ending October 31, 1941;

Provided, however, That no person shall hereafter put into process binder twine containing any of the following kinds and grades of agave fiber:

Java sisalana	All grades
Java cantala	All grades
African sisalana	Prime, No. 1 and No. 1 A
Haitian sisalana	Dauphin A and X St. Marc A 1 & HFC No. 1

or any binder twine measuring less than 600 feet to the pound containing any of the following kinds and grades of agave fiber:

African sisalana	No. 2 and No. 3 long
Haitian sisalana	Dauphin B & Y St. Marc A 2

(iii) *Padding or stuffing.* Processors manufacturing padding or stuffing may use for that purpose only bagasse waste, except on orders to be delivered to or for the account of, or to be physically incorporated into material or equipment to be delivered to or for the account of, the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration or its operating or general agents, in which case tow, waste, and fibers less than twenty inches in length may be used.

(iv) *Reinforced paper, tape and plastics.* Processors manufacturing reinforced paper, tape and plastics may use agave fibers except Java sisalana and Java cantala, but only in an amount not in excess of 50% of the fiber content of their average monthly sales of such products for the twelve months ended June 30, 1942.

(v) *Agave cordage.* Processors manufacturing agave cordage shall not put into process in any of the periods listed below an amount of agave fiber in excess of the amounts hereinafter specified for such period:

Periods:	*Amounts of agave fiber*
July 1, 1942, through December 31, 1942	12.2 times basic monthly poundage
Each calendar quarterly period in 1943	5.3 times basic monthly poundage

Provided, That the amount of agave fiber which may be put into process for this purpose by any cordage processor in any such period shall be:

(*a*) *Diminished* by the amount of any additional Manila fiber which may be put into process by such cordage processor during such period pursuant to any exceptions or additional authorizations issued by the Director General for Operations pursuant to General Preference Order M-36.

(*b*) *Increased* by the difference, if any, between the amount of Manila fiber permitted to be put into process by such cordage processor pursuant to General Preference Order M-36, and any lesser amount of Manila fiber actually put into process by such cordage processor during such period; and

(*c*) *Increased* by any or all of the said processor's permitted amount of agave fiber for use in the manufacture of wrapping twine, as provided in paragraph (c) (1) (i), which is not actually put into process for this use since July 1, 1942.

(2) A person may process agave fiber in the manufacture of a product not specified in paragraph (c) (1), for delivery to or for the account of, or for physical incorporation into material or equipment to be delivered to or for the account of, the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration or its operating or general agents.

(3) The prohibitions of paragraph (c) (1) shall not apply to the manufacture of wrapping twine, binder twine, agave cordage, reinforced paper, tape, or plastics from tow, waste, or fiber under twenty inches in length.

(4) The Director General for Operations may, whenever supplies of agave fiber on hand in the United States warrant, increase the amounts of agave fiber which may be entered into process for the manufacture of agave cordage or for such other products as in the judgment of the Director General for Operations may be necessary to promote the national defense and in the public interest.

(d) *Restrictions on purchases, sales and deliveries of agave cordage and wrapping twine.* (1) No dealer shall order, purchase or accept deliveries of any wrapping twine or agave cordage which will result in such dealer having in inventory an amount thereof in excess of one month's supply.

(2) No person (other than a dealer, an importer, a wire rope manufacturer, the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal or the War Shipping Administration or its operating or general agents) shall order or accept delivery of any wrapping twine or agave cordage which will result in such person having in inventory an amount thereof in excess of one month's supply; and no such person shall have outstanding at any one time orders for future deliveries of wrapping twine or agave cordage in excess of one month's supply for such person.

(3) No importer shall during the period from August 5, 1942 to October 31, 1942, sell or deliver in any calendar month agave cordage in excess of his average monthly sales of Manila and agave cordage in the calendar years 1939-1941, or in any calendar month after October 31, 1942, sell or deliver agave cordage, other than agave cordage

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[1] 7 F.R. 8257.

sold or delivered to the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the War Shipping Administration or its operating or general agents, in excess of one-third of his average monthly sales of Manila and agave cordage in the calendar years 1939–1941.

(4) Nothing in this paragraph (d) shall prevent the orderly advance accumulation of a supply of wrapping twine and/or haying rope to meet an expected seasonal demand for agricultural purposes, provided that the total amount so accumulated shall not be in excess of the amount estimated to be necessary for use for such purpose based on the most recently available crop forecasts of the Department of Agriculture.

(5) On and after September 26, 1942, no processor shall process agave fiber for cordage or sell or deliver any agave cordage except for filling contracts or purchase orders therefor for the following categories of uses:

(i) *Class One: Agave cordage other than that used in manufacture of wire rope.* (*a*) Use for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal or the War Shipping Administration or its operating or general agents;

(*b*) Use upon any contract or order placed by any department or agency of the United States Government for delivery of agave cordage to or for the account of the Government of any country pursuant to the Act of March 11, 1941, entitled "An Act to promote the Defense of the United States" (Lend-Lease Act).

(*c*) Use for physical incorporation into material or equipment (excluding grommets and ammunition box handles) to be delivered under an order on hand to or for the account of any of the departments or agencies specified in the foregoing inferior subdivisions (*a*) and (*b*) of paragraph (d) (5) (i).

(ii) *Class Two: Agave cordage other than that used in the manufacture of wire rope.* (*a*) Commercial or other governmental marine, towage or lighterage uses, provided the cordage for such uses shall be one inch or more in diameter.

(*b*) Fishing uses for commercial fish markets or canneries;

(*c*) Use as catlines, bull-ropes and drilling cables in the operation or drilling of oil or gas wells;

(*d*) Use as drilling cables in mines or quarries;

(*e*) Power transmission uses;

(*f*) Shipyard or construction rigging uses.

(iii) *Class Three: Agave cordage used in the manufacture of wire rope.* Use in the manufacture of component parts of wire rope:

Provided, however, That, on and after December 14, 1942, such agave cordage shall be processed only in sizes of 13/64 of an inch in diameter or larger, that lesser sizes on hand or in process on said date may be sold or delivered for this use, and that lesser sizes may be processed, sold or delivered for galvanized or other corrosion resistant wire rope of sizes 6 x 12, 6 x 24, 6 x 37, or of spring-lay construction for use by any person specified in paragraph (d) (5) (i), but only to the extent that the normal specifications of such person, or a future directive of any department or agency specified in said paragraph, require such use.

(6) Each purchaser (other than the departments or agencies specified in paragraph (d) (5) (i)) of agave cordage (excluding agave cordage in any dealer's inventory shipped to such dealer on or before September 25, 1942) shall furnish his seller a certificate as a condition to receiving said cordage, and no person shall sell or deliver any such agave cordage to such purchaser without obtaining a certificate, signed by such purchaser or his duly authorized representative, in substantially the following form:

> The undersigned hereby represents to the seller and the War Production Board that the agave cordage covered by this certificate will be used or sold only for the uses described in paragraph (d) (5) of General Preference Order M–84, with the terms of which the undersigned is familiar.

(7) During the period beginning September 26, 1942, to and including December 31, 1942, no processor shall put into process any agave fiber for the purpose of filling purchase orders for Class Two cordage uses, as specified in paragraph (d) (5) (ii) hereof, in excess of 20% of the unprocessed balance of his processing quota as established under paragraph (c) hereof as said balance may appear at the close of business on September 25, 1942.

(8) During the period beginning October 31, 1942, to and including December 31, 1942, no processor shall sell or deliver any agave cordage for Class Two cordage uses, as specified in paragraph (d) (5) (ii) hereof, in excess of 20% of his inventory of agave cordage as that inventory may appear at the close of business on October 30, 1942.

(9) No importer shall sell or deliver in any month listed below any wrapping twine, imported or domestic, in excess of the following percentages of his average monthly sales thereof during the calendar year 1941:

	Percent
July	65
August	40
September, and each month thereafter	20

Provided, however, That no importer shall, after September 30, 1942, import, purchase for import, offer to import, offer to purchase for import, contract or otherwise arrange to import any wrapping twine unless specifically authorized by the Director General for Operations. Authorizations will only be granted, in the absence of extraordinary circumstances, where it can clearly be demonstrated that such wrapping twine was processed only from tow, waste or fiber under 20'' in length.

(e) *Importation and disposition of agave fabrics and agave carpet yarns.* In addition to all other requirements of this order, the importation and disposition of agave fabrics and agave carpet yarns shall be made in conformity with the provisions of General Imports Order M–63, as amended from time to time.

(f) *Restrictions on purchases, sales and use of binder twine.* No person shall hereafter sell, purchase, deliver, accept delivery of or use any binder twine except for the growing or harvesting of agricultural products or for sewing up bags containing such products, and any person purchasing any binder twine shall endorse on, or attach to his purchase order or delivery receipt therefor, a statement signed by such person, or on his behalf by a duly authorized individual, a certificate in substantially the following form:

> The undersigned hereby represents to the seller and the War Production Board that the binder twine covered by this certificate will be either resold or used by the undersigned for the growing or harvesting of agricultural products or for sewing up bags containing such products and is not in excess of his requirements for the current harvest season, as provided in General Preference Order M–84.

(g) *Preference to agave cordage processors for cotton, istle or jute yarns.* (1) Subject to the provisions contained below in this paragraph (g) and notwithstanding the provisions of any other conservation order, preference rating A–2 is hereby assigned to any processor of agave cordage during the year 1942 to obtain delivery of cotton, istle or jute yarns for processing by him into cordage.

(2) The preference rating assigned by paragraph (g) (1) shall be applied and extended in accordance with Priorities Regulation No. 3, as amended from time to time.

(3) During the period November 1, 1942 through December 31, 1942, no processor of agave cordage during the year 1942 shall apply the rating assigned by paragraph (g) (1) to obtain delivery of any istle or jute yarns for such purpose in excess of an equivalent, for each yarn, of the basic monthly poundage, as established under paragraph (a) (10), and of two times said poundage for cotton yarns. Any such processor desiring additional quantities of any of said yarns may apply to the War Production Board therefor on form PD–1A or other applicable form prescribed.

(4) Each processor of agave cordage during the year 1942 shall furnish his seller a certificate as a condition to receiving any cotton, istle or jute yarns for processing by him into cordage, and no person shall sell or deliver any cotton, istle or jute yarns to such processor for such purpose without obtaining a certificate, signed by such processor or his duly authorized representative, in substantially the following form:

> The undersigned hereby represents to the seller and the War Production Board that he processed agave cordage during 1942 and that the cotton, istle or jute yarns covered by this certificate will be processed by the undersigned into cordage and is not in excess of the stock authorized under paragraph (g) of General Preference Order M–84.

(h) *Control and allocations of stocks of agave fiber and agave cordage.* (1) Control is hereby taken of the disposition and use of agave fiber and agave cordage possessed by or under the control of any importer, dealer or processor.

Any agave fiber or agave cordage at any time hereafter in the inventory of any such person shall be sold and delivered by such person as, and if, specifically directed in any order of the Director General for Operations which may be issued whenever the Director General for Operations shall determine that a shortage of any particular grade of agave fiber or agave cordage for defense, or for private account, or for export, renders it necessary or appropriate so to allocate such agave fiber or agave cordage in the public interest, or to promote the national defense by so directing its sale and delivery by such person. Any such sale shall be made at the established prices and terms of sale and payment therefor and shall take precedence over any preference rated orders. No person shall dispose of or use agave fiber or agave cordage in any manner inconsistent with any such order.

(2) Applications for specific authority to purchase, receive or use agave fiber or agave products otherwise than as permitted by paragraphs (b), (c), (d) or (e) may be made to the Director General for Operations by the person desiring to use such agave fiber or agave cordage on form PD–709 or such other form or forms as may be prescribed. Any such application shall, among other things, set forth a statement of the technical necessity for the use of agave fiber or agave cordage in the manner and to the extent that application therefor is made. Such application shall also summarize the efforts made by the applicant to use substitutes and shall contain a statement of the reasons why the applicant believes the use of agave fiber or agave cordage, in the manner and the extent that application therefore is made, will promote the national defense or will be in the public interest.

(i) *Reports.* Every importer of agave fiber shall file a report on Form PD–129 and every processor of agave fiber shall file a report on form PD–128 with the U. S. Tariff Commission, acting for the War Production Board, not later than the tenth day of the following month, and all persons affected by this order shall file with the War Production Board such reports as may from time to time be required by said Board.

(j) *Records.* All persons affected by this order shall keep and preserve for not less than two (2) years accurate and complete records concerning inventories, production, sales and other transactions pursuant to this order, and shall from time to time, upon request, submit all records required to be kept by this order to audit and inspection by duly authorized representatives of the War Production Board.

(k) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of agave fiber conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or telegram, Reference M–84, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(l) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Branch, Washington, D. C., Reference M–84.

(m) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(n) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 31st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11169; Filed, October 31, 1942; 12:40 p. m.]

PART 1256—FLATINUM

[General Conservation Order M–162, as Amended October 31, 1942]

Section 1256.1 is hereby amended to read as follows:

§ 1256.1 *General Conservation Order M–162*[1]—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(b) *Additional definitions.* As used in this order:

(1) "Platinum or platinum alloys" means the metal platinum, platinum salts and compounds, or any alloy or mixture of metals containing more than two per cent platinum by weight, in any form including sponge, bar, sheet, wire, scrap, partially fabricated or completely fabricated parts or equipment of any sort, crude ores, residues, and matte.

(2) "Jewelry" means rings, bracelets, pins, brooches, pendants, chains, earrings, combs, head or hair ornaments, buckles, buttons, cuff links, studs, badges, insignia, metals, medallions, and all other articles of personal adornment. The term also means tableware, flatware, holloware, cigarette cases, watch cases, candlesticks, pencils, pens (except pen-point tips), toilet sets, picture frames, and musical instruments.

(3) "Consumer" means a person who uses platinum or platinum alloys for purposes other than resale or investment.

(4) "Processor" means a person who manufactures articles or products made in whole or in part of platinum or platinum alloys.

(5) "Dealer" means a person who makes a regular business at an established address in continental United States of buying and selling platinum or platinum alloys.

(6) "Distributor" means a person who makes a regular business at an established address in continental United States of acting as buying or selling agent for dealers or processors of platinum or platinum alloys.

(7) "Refiner" means a person regularly engaged in the business of refining and separating platinum group metals.

(8) "Supplier" means any person who imports, smelts, alloys, melts, or refines platinum or platinum alloys or who sells platinum or platinum alloys to processors.

(9) "Process" means cut, draw, machine, stamp, melt, cast, forge, roll, turn, spin, or otherwise shape. It also means assemble. The term does not include sand-bobbing, buffing, or polishing an assembled article.

(10) "Put into process" means the first change by the processor in the form of material from that form in which it is received by him.

(11) The term "assemble" shall not be deemed to include the putting together of an article after delivery to a sales outlet or consumer in knockdown form pursuant to an established custom. The term "assemble" shall also not be deemed to include adding stones or finished parts to an otherwise finished article when the placing of one or more stones or finished parts, or the size or type of one or more stones or finished parts, is determined by the choice of the ultimate consumer or the use to which the ultimate consumer is to put the article.

(12) The terms "deliver" and "receive" shall be deemed to include deliveries and receipts under toll agreement.

(c) *Restrictions on sale, purchase, delivery, receipt, and manufacture.* (1) After May 30, 1942, no person shall sell, transfer, or otherwise deliver platinum or platinum alloys, except to a person known by the seller or transferor to be a refiner, a dealer, a distributor, a processor, or a consumer of platinum or platinum alloys. No person, after May 30, 1942, shall purchase or accept delivery of platinum or platinum alloys unless he is a refiner, a dealer, a distributor, a processor, or a consumer of platinum or platinum alloys.

(2) On and after October 31, 1942, no supplier shall sell or deliver platinum or platinum alloys to any processor for use in the manufacture of jewelry.

(3) On and after October 31, 1942, no processor shall purchase or receive plati-

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[1] 7 F.R. 4161.

num or platinum alloys for use in the manufacture of jewelry.

(4) On and after October 31, 1942, no processor shall put into process any platinum or platinum alloys in the manufacture of jewelry.

(5) On and after October 31, 1942, a processor in the manufacture of jewelry may continue the processing of any platinum or platinum alloys which had already been put into process on such date, provided the processing thereof will be completed by January 1, 1943. On and after January 1, 1943, no processor shall process in any way any platinum or platinum alloys in the manufacture of jewelry.

(6) The restrictions of paragraphs (c) (2) and (c) (3) shall not be deemed to prohibit the sale, delivery, purchase, or receipt of jewelry or parts thereof which are finished and complete except for adding stones or other finished parts and polishing.

(d) *Reports of stocks and inventories.* Every person who, on the 31st day of May, 1942, or on the last day of any month thereafter, has title to, or possession or control of, one (1) or more troy ounces of platinum or platinum alloys, exclusive of platinum or platinum alloys contained in items listed in Schedule A hereto attached, shall, on or before the close of business on the 15th day of the succeeding month, file with the War Production Board, Form PD–512.

(e) *Reports of sales or transfers.* After May 30, 1942, every person who sells, transfers, or otherwise disposes of platinum or platinum alloys to the extent of one (1) or more troy ounces, exclusive of platinum or platinum alloys contained in items listed in Schedule A hereto attached, during any calendar month, shall, on or before the close of business on the 15th day of the succeeding month, file with the War Production Board, Form PD–513.

(f) *Reports of purchases or receipts.* After May 30, 1942, every person who purchases, acquires possession of or title to, or otherwise gains possession or control of any platinum or platinum alloys, exclusive of platinum or platinum alloys contained in items listed in Schedule A hereto attached, during any calendar month, shall, on or before the close of business on the 15th day of the succeeding month, file with the War Production Board, Form PD–514.

(g) *Other reports.* Every person affected by this order shall file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time prescribe.

(h) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of materials conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or other written communication, in duplicate, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(i) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Miscellaneous Minerals Branch, Washington, D. C., Ref: M–162.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 31st day of October 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

Dental alloys and appliances, including, but not limited to, castings, pins, and foil.

Electrical equipment and parts.

Fuse wire for use in detonators or in temperature limiting fuses.

Glass furnace parts.

Industrial equipment and parts.

Jewelry, which has been polished, engraved, set with stones, or otherwise completed. Scrap and uncompleted forms are excepted.

Laboratory equipment.

Platinum metal catalysts.

Rayon spinnerets.

Thermocouples or resistance thermometers.

Hypodermic needles and other medical apparatus.

[F. R. Doc. 42–11170; Filed, October 31, 1942; 12:40 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 11 as Amended October 3, 1942, Amendment 1]

PRODUCTION REQUIREMENTS PLAN

Priorities Regulation No. 11 (§ 944.32)[1] is hereby amended as follows:

1. Paragraph (d) is amended by adding the following subparagraph (6) at the end thereof:

(6) A PRP Unit may extend an AAA rating it receives, where necessary to obtain material which it will deliver or which will be physically incorporated into material which it will deliver on the AAA rating, subject to the following restrictions:

(i) The AAA rating may not be extended for quantities of material in excess of those required to be delivered by it or to be physically incorporated into materials to be delivered by it on the AAA rating;

(ii) The rating may not be extended to obtain any material to the extent that it has such material on hand which it would be required to divert for the purpose of supplying the material to be delivered on the AAA rating in accordance with the provisions of Priorities Regulation No. 1;

(iii) The rating may not be extended to replace inventory;

(iv) The quantity of any material obtained with the assistance of the AAA rating must, to the extent possible, be deducted from any quantity of such material authorized for receipt on its PRP certificates and not yet received; and

(v) In case it is necessary to extend the rating for materials other than those, or in excess of the quantities, authorized on its PRP certificates, a PD–25F form must be filed within three days after such extension reporting the excess quantity or the other materials to which the AAA rating was extended.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

]F. R. Doc. 42–11200; Filed, November 2, 1942; 11:31 a. m.]

PART 1014—BURLAP AND BURLAP PRODUCTS

[Conservation Order M–47, as Amended November 2, 1942]

Section 1014.1 *Conservation Order M–47*[1] is hereby amended to read as follows:

§ 1014.1 *Conservation Order M–47*—(a) *Definitions.* For the purpose of this order, unless the context otherwise requires:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Burlap" means burlap of the Hessian cloth type, other than brattice cloth and linoleum cloth, which weighs more than six and not more than sixteen ounces per yard of cloth forty inches wide.

(3) "Importer" means any person who imported burlap during the year 1940, other than an importing bag manufacturer.

(4) "Importing bag manufacturer" means any person who imported burlap during the year 1940 and manufactured bags from such burlap.

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[1] 7 F.R. 7888.

[1] 7 F.R. 3316, 3807, 4449.

(5) "Non-importing bag manufacturer" means a bag manufacturer who purchases burlap from an importer or an importing bag manufacturer and manufactures bags for sale or for his own use.

(6) "Pacific port" means any port on the Pacific coast of the United States or any inland port of entry for goods from other ports on the Pacific coast of North America.

(7) "North Atlantic port" means any port on the Atlantic coast of the United States, north of Wilmington, N. C., or any inland port of entry for goods from other ports on the North Atlantic coast of North America.

(8) "Gulf port" means any port on the Gulf coast of the United States, the port of Wilmington, N. C., and the ports on the Atlantic coast of the United States to the south thereof, or any inland port of entry for goods from other ports on the Gulf or South Atlantic coast of North America.

(9) "Agricultural bag" means a new textile bag, as defined in Textile Shipping Bags Conservation Order M–221, as amended from time to time, made of burlap.

(10) "Full bales unbroken" means bales not fully opened so that the content could not readily be restored to the same bale, and includes bales which have been sampled.

(11) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States, including the Philippine Islands. It includes shipments into a free port, free zone or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments in bond into the continental United States for transshipment to Canada, Mexico or any other foreign country.

(b) *Stockpiling of imports.* (1) Any importer, importing bag manufacturer, or person importing burlap shall set aside two-thirds of each cargo of burlap imported by him into the continental United States, and shall not dispose thereof except as expressly directed by the Director General for Operations. The bales so set aside shall be the heaviest constructions available and shall not include any bales known to be damaged.

(2) Any importer, importing bag manufacturer, or person who has set aside burlap in accordance with the provisions of paragraph (b) (1) shall not deliver, sell, manufacture, process, use or otherwise release burlap from the quantity so set aside, without further authorization of the Director General for Operations, except in the following instances:

(i) To fill any order for burlap bearing a preference rating of A–1–c or higher assigned by a preference rating certificate on form PD–1A, PD–3A, PD–300 or PD–408 (but not a preference rating assigned in any other manner) expressly specifying burlap and issued directly to the person placing the order; and such person in applying the rating to his supplier, in addition to making the endorsement upon his purchase order as required, shall furnish to the supplier a photostatic copy (or another copy accompanied by his sworn statement that it is a true copy) of such preference rating certificate, together with a certificate manually signed by a duly authorized official that purchase orders for an amount in excess of the quantity of burlap delivery of which has been rated by such certificate have not been placed by him with any source of supply and rated under the said certificate. Reproduction of any preference rating certificate for the foregoing purposes is hereby permitted;

(ii) To fill any order placed by the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing: *Provided, however,* That the burlap so obtained shall not be disposed of except as specifically authorized by the Director General for Operations.

(c) *Restrictions on delivery or processing.* Except as provided in paragraphs (b) (2) and (h) (3), or upon express authorization of the Director General for Operations, no person shall knowingly sell, deliver or in any manner distribute, and no person shall purchase, accept delivery of or in any manner receive burlap for any use other than for the manufacture of agricultural bags, and no person shall process or use any burlap other than for the manufacture of agricultural bags. This prohibition against processing or use shall not apply to bales that were not full bales unbroken on December 22, 1941.

(d) *Quotas for importers and importing bag manufacturers.* (1) The quota of each importer or importing bag manufacturer out of each cargo of burlap imported to the continental United States (but excluding any amount in such cargo imported by the United States Government, the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, or any non-importing bag manufacturer) shall be an amount bearing the same ratio to the amount of such cargo as the average annual imports of such importer or importing bag manufacturer in the period 1935–1939, inclusive, through ports on the same coast—Pacific, North Atlantic or Gulf, as the case may be—bear to the average total imports of all importers and importing bag manufacturers through ports on the same coast in the same period; *Provided, however,* That whenever the Director General for Operations shall determine that there has been a substantial change in the relative amounts of cargoes discharged at Pacific, North Atlantic or Gulf ports as compared with the period 1935–1939, inclusive, he may make such adjustment as he deems appropriate by directing the distribution, in whole or in part, of any cargo or cargoes discharged at any port to importers or importing bag manufacturers not otherwise entitled to the same under the terms of this paragraph.

(2) Any importer or importing bag manufacturer not desiring to take up his quota out of any cargo may assign such quota, in whole or in part, to one or more importers or importing bag manufacturers in exchange for an equal yardage, without regard to constructions, out of the quotas with respect to expected future cargoes of such importers or importing bag manufacturers. Unused quotas, not so assigned, may be reallocated by the Director General for Operations.

(e) *Restrictions on importation.* (1) No person (other than the United States Government, the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, or a non-importing bag manufacturer) shall import burlap who did not import burlap in 1940.

(2) Any person securing shipping space for burlap in Calcutta or other point of shipment for import to the continental United States shall fill such shipping space with ten ounce constructions or heavier to the extent available.

(f) *Quotas for non-importing bag manufacturers.* (1) Each importer or importing bag manufacturer shall, out of his receipts of burlap (other than burlap stockpiled under paragraph (b)) make available to each non-importing bag manufacturer who purchased burlap from him during the years 1939 and 1940 the same percentage of burlap delivered by him to that non-importing bag manufacturer out of his total deliveries of burlap to all non-importing bag manufacturers during the years 1939 and 1940. This burlap shall be made available in each month, so far as practicable, and at regularly established prices and terms of sale or payment.

(2) No non-importing bag manufacturer may receive delivery from any importer or importing bag manufacturer of any burlap which will not be put into process by him for the manufacture of agricultural bags within sixty days after the receipt thereof. Each non-importing bag manufacturer shall certify to each importer or importing bag manufacturer from whom he receives delivery of burlap, as a condition to receiving such delivery, the following, on the purchase order for such burlap:

> The undersigned hereby certifies that the burlap to be delivered to the undersigned pursuant to the above purchase order is needed by the undersigned to put into process for the manufacture of agricultural bags within sixty days after physical receipt thereof by the undersigned.

Name
Date ---------- By ----------------------
(Authorized official)

(3) If, for any reason, a non-importing bag manufacturer does not take up all or part of his quota in any given month, the importer or importing bag manufacturer shall reallocate all or part of the unused quota among the non-importing

bag manufacturers to whom such importer or importing bag manufacturer is obligated to furnish quotas. This reallocation shall be made as far as practicable in proportion to existing quotas and to the extent that such non-importing bag manufacturers are willing to participate. Unused quotas not reallocated in any month shall be reallocated in successive months until consumed.

(4) The term "non-importing bag manufacturer" for the purposes of this paragraph (f) shall include any importing bag manufacturer to the extent of his receipts of burlap from each importer or each importing bag manufacturer, or from himself to the extent of his burlap cut up into bags during 1939 and 1940.

(g) *Calculation of quotas.* Quotas of importers, importing bag manufacturers and non-importing bag manufacturers shall be calculated to the nearest twenty-five bales, except that any quota amounting to less than twenty-five bales shall be calculated to the nearest bale.

(h) *Damaged burlap.* (1) Burlap set aside for Government use shall be deemed damaged when rejected by a writing identifying the said burlap after inspection by a Government inspector. Burlap not set aside for the Government stockpile shall be deemed damaged when inspected and rejected as damaged by a writing identifying the said burlap by representatives of the insurance company or companies required to meet the claim because of the damage involved.

(2) Notwithstanding the provisions of paragraph (b) (2), burlap set aside for Government use deemed to be damaged, in the manner described in the foregoing paragraph, may be sold, delivered or distributed to, and purchased, received, processed or used by any importing or non-importing bag manufacturer for the manufacture of agricultural bags: *Provided, however,* That such burlap shall be computed in the quota of such importing or non-importing bag manufacturer.

(3) In the event that the extent of damage is such that at least two bag manufacturers have rejected all or any portion of the burlap found to be damaged in the manner described in subparagraph (1) hereof as unsuitable for use in the manufacture of agricultural bags after an inspection thereof by their representatives, who shall not be persons connected with the persons offering such burlap, any person entitled to sell such burlap may sell the same free and clear of the restrictions of this order: *Provided, however,* That every such person shall make and file the following certificate with the War Production Board on or before the third business day following such sale:

> The undersigned hereby certifies to the War Production Board that ------------ bales of ---------------- burlap ex(ship) -------- bale nos. ---------------- which arrived at (port) -------------- on (date) ------------ have been rejected as damaged by (*insurance company representative or Government inspecting officer*), as evidenced by his attached certificate.
>
> This burlap has been offered to (*names of not less than two bag manufacturers*) and has been rejected by them as unsuitable for use in the manufacture of agricultural bags as evidenced by their attached certificates.
>
> ---------------------- (Name of seller)
>
> Date -------------- By -------------------- (Authorized signature)

The certificates of rejecting bag manufacturers shall be in substantially the the following form:

> The undersigned hereby certifies to the War Production Board that the undersigned is a bag manufacturer, that the undersigned has been offered by (name of seller) a lot of ------------ bales of ---------------- burlap ex ------------- bale nos. ------------- deemed to be damaged and that after inspection thereof by our representatives, who are not persons connected with the persons offering such burlap, we have rejected the said burlap as unsuitable for use in the manufacture of agricultural bags as to bales nos. ----------------

(i) *Adjustments and appeals.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may apply for relief to the War Production Board by telegram or letter setting forth the pertinent facts and the reason such person considers that he is entitled to relief.

(j) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of priorities regulations of the War Production Board, as amended from time to time.

(k) *Reports and communications.* (1) Each importer, importing bag manufacturer and non-importing bag manufacturer shall file with the War Production Board on form PD-188 a monthly report of his inventories, receipts and deliveries of burlap.

(2) Each person participating in any transaction involving burlap shall execute and file with the War Production Board such reports and questionnaires as may be requested by the Board from time to time.

(3) All reports required to be filed under, and all communications concerning, this order shall be addressed to the War Production Board, Textile, Clothing and Leather Branch, Washington, D. C., Reference M-47.

(l) *Records and inspection.* (1) Each person participating in any transaction involving burlap shall keep and preserve for a period of not less than two years accurate and complete records of his transactions therein, and his production, sales and inventories thereof.

(2) All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(m) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6580; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11183; Filed, November 2, 1942; 10:55 a. m.]

PART 1023—JEWEL BEARINGS

[Conservation Order M-50, as Amended November 2, 1942]

(a) Section 1023.1 *Conservation Order No. M-50*[1] is hereby amended to read as follows:

§ 1023.1 *Conservation Order M-50*—(a) *Definitions.* For the purpose of this order:

(1) "Jewel bearing material" means any natural sapphire or ruby of industrial quality, any synthetic sapphire or ruby, or any other material of similar chemical composition and physical properties.

(2) "Jewel bearing" means any jewel bearing material which has been processed in any manner for use where friction occurs, including vees, rings, cups, endstones, pallet stones, roller pins, needles, stylii, cutters, nozzles, supports, tool bits, and dies.

(3) "Substitute jewel bearing" means a metal, agate, garnet, spinel, glass, or other bearing designed to replace, or to substitute for, a large ring bearing or a vee bearing of sapphire or ruby.

(4) "Large ring bearing" means any jewel bearing or substitute jewel bearing through which a hole has been pierced from one parallel face to the other which has the following dimensions:

Outside diameter greater than	0.050 inch (1.270 mm.)
Thickness greater than	0.012 inch (.305 mm.)
Hole diameter greater than	0.006 inch (.152 mm.)

(5) "Vee bearing" means any jewel bearing or substitute bearing which has a conically shaped cavity in one of the parallel faces.

(6) "Supplier" means any person who has engaged in the importation or processing of jewel bearings, substitute jewel bearings, or jewel bearing material, since January 14, 1942.

(7) "Consumer" means any person who uses jewel bearings or substitute jewel bearings in the manufacture of any article.

(8) "Processing" means manufacturing, fabricating, polishing, or modifying in any manner jewel bearing material or material designed to substitute therefor.

(9) "Blank" means preparage, rondel, cylinder, or prism made from jewel bearing material for the purpose of fabrication of a jewel bearing but which has not been drilled or formed.

(10) "Use" of a jewel bearing or substitute jewel bearing means to mount the jewel bearing in a screw or other setting, or to incorporate physically the mounted or unmounted bearing in a device where its normal bearing surface may be subjected to friction from a moving part or object.

(11) "Semi-fabricated jewel bearing" means any jewel bearing processed beyond the blank stage but on which additional processing is necessary before it is ready to be used by a consumer.

(12) "Finished bearing" means any jewel bearing or substitute jewel bearing which has been processed to a point where it can immediately be used by a consumer.

(13) "Implements of war" means combat end products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armament, weapons, ships, tanks, and military vehicles), and any parts, assemblies, and materials to be incorporated in any of the foregoing items. This term does not include facilities or equipment used to manufacture the foregoing items.

(b) *Restrictions on delivery, processing, use, and sale.* (1) On and after November 2, 1942, each supplier shall set aside his entire stock, receipts, and production of finished jewel bearings, jewel bearing material, semi-fabricated jewel bearings, and blanks as a reserve for the fulfillment of present and future defense orders, and such other orders and uses as may be authorized from time to time by the Director General for Operations.

(2) No supplier shall make deliveries or withdrawals from such reserve either to his customers or for purposes of his own use, except as authorized by the Director General for Operations. The Director will from time to time allocate the supply of finished jewel bearings, of semi-fabricated jewel bearings, of blanks, and of jewel bearing material; and may specifically direct the manner and quantities in which deliveries to or by particular persons or for particular uses shall be made or withheld. He may also direct, limit, or prohibit processing of jewel bearing material, blanks and semi-fabricated jewel bearings. He may also direct, limit, or prohibit deliveries, withdrawals from inventories, and particular uses of jewel bearings in the hands of consumers. He may also allocate the supply of finished substitute jewel bearings, or any particular kind thereof, in the hands either of suppliers or consumers, and may direct, limit, or prohibit deliveries, withdrawals from inventories, and particular uses of substitute jewel bearings. Such allocations and directions will be made to insure the satisfaction of the defense requirements of the United States, both direct and indirect, and they may be made, in the discretion of the Director General for Operations, without regard to any preference ratings assigned to particular contracts or purchase orders.

(3) Unless specifically directed or authorized by the Director General for Operations, no person shall sell or deliver to any person for any purpose vee bearings or large ring bearings of sapphire or ruby, except:

(i) That any person may sell such bearings to the person from whom he originally acquired them; and

(ii) That a wholesaler or distributor (but not a supplier) may sell or deliver large ring bearings to persons who will use such large ring bearings solely in the repair of watches or aeroplane instruments.

(c) *Additional restrictions on consumers*—(1) *Use of vee bearings and large ring bearings.* Unless specifically directed or authorized by the Director General for Operations, no person shall use vee bearings or large ring bearings of sapphire or ruby in the manufacture of any article other than:

(i) "Implements of war" as defined in this order, which are being produced for the Army or the Navy of the United States, the Maritime Commission, the War Shipping Administration, or for any foreign government pursuant to the act approved March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), where the use of vee bearings or large ring bearings of sapphire or ruby to the extent employed is required by the latest issue of government specifications (including performance specifications, unless otherwise directed by the Director General for Operations) applicable to the contract, subcontract, or purchase order; or such other articles or products being produced for any of the foregoing services, agencies, or foreign governments, as may be from time to time approved and designated by the Director General for Operations by means of supplementary orders: *Provided, however,* That no person in the manufacture of implements of war or other articles or products covered by this paragraph (c) (1) (i) shall use a vee bearing or a large ring bearing of sapphire or ruby in any place or application where the governmental contracting agency 30 days or more previously has issued a written statement to such person permitting the use of a substitute jewel bearing in such place or application: *Provided, further,* That any person who uses vee bearings or large ring bearings of sapphire or ruby, in order to meet performance specifications in the manufacture of any article or product covered by this paragraph (c) (1) (i), shall furnish such information with respect to such article or product and the specifications applicable thereto as may be requested from time to time by the War Production Board.

(ii) Instruments for use in aeroplanes and ships.

(iii) Machine tools.

(iv) Precision gauges.

(v) Railroad standard watches, as such term is used and defined in Order L-175 of the War Production Board.

(2) *Use of substitute bearings.* On and after 30 days after November 2, 1942, unless specifically directed or authorized by the Director General for Operations, no person shall use jewel bearings of any type in the manufacture or repair of any article, other than those described in paragraph (c) (1) (i), in any place where it would be practicable, considering performance requirements, to use substitute jewel bearings, and in the repair of any such article no person shall replace a jewel bearing with a jewel bearing of any type if the bearing being replaced can be repaired or if it would be practicable, considering performance requirements, to use a substitute jewel bearing in its place.

(d) *General exception.* The prohibitions and restrictions contained in this order shall not apply to any jewel bearing which on or after November 2, 1942, without violating any order of the Director General for Operations, had been physically incorporated in a device in which, without further assemblage, its normal bearing surface was subjected to friction from a moving part or object.

(e) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of jewel bearings conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or other written communication, in triplicate, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(f) *Reports.* (1) Each supplier shall file with the War Production Board, Ref: M-50, on or before the 15th day of each calendar month, all the information required by Form PD-235.

(2) Each consumer shall file with the War Production Board, Ref. M-50, on or before the 15th day of each calendar month, all the information required by Form PD-236.

(3) Any person producing jewel bearing material shall file with the War Production Board, Ref: M-50, on or before the 15th day of each calendar month, all the information required by Form PD-338.

(g) *Miscellaneous provisions*— (1) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(2) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Miscellaneous Minerals Branch, Washington, D. C. Ref: M-50.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under pri-

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[1] 7 F.R. 278, 1629.

ority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11184; Filed, November 2, 1942; 10:55 a. m.]

PART 1031—MOLASSES

[General Preference Order M-54, as amended March 27, 1942, Amendment 4]

Paragraph (c) of § 1031.1 *General Preference Order M-54, as amended March 27, 1942* [1] is hereby amended by the addition of a new subparagraph (5) reading:

(5) Except as specifically authorized by the Director General for Operations, no producer shall deliver any molasses produced in the state of Louisiana after November 2, 1942, unless he shall have received from the person accepting delivery a certificate in substantially the following form:

> The undersigned hereby certifies to the War Production Board and to his supplier that the molasses hereby ordered will not be used or resold by him for the manufacture of mixed feed (including custom grinding), for the manufacture of vinegar or for ensilage or direct feed.
>
> --
> Name of Purchaser
>
> By --
> Duly Authorized Official Title

Where the molasses produced in the state of Louisiana after November 2, 1942, is mingled by the producer with other molasses owned or held by him, this paragraph shall not prevent such producer's selling molasses from such mingled stock without requiring such certificate where the amount delivered does not exceed the amount held by him on November 2, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2nd day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11192; Filed, November 2, 1942; 10:55 a. m.]

PART 1096—WOOD PULP

[General Preference Order M-93, Amendment 3]

Paragraph (c) of § 1096.1 *General Preference Order M-93* [2] is hereby amended to read as follows:

(c) *Directions as to deliveries.* (1) No producer shall make and no person shall accept from a producer deliveries of wood pulp until the deliveries have been approved by the Director General for Operations. To obtain such approval, consumers and producers shall proceed as follows:

(i) On or before the second day of each month each consumer other than the Army, Navy, and other agencies and governments, referred to in paragraph (b) of Priorities Regulation No. 1, as amended, including countries eligible to receive material or equipment under the Lend Lease Act, shall file with the producer his orders for wood pulp for delivery during the following month on Form PD-290, as amended, in accordance with the instructions accompanying that form.

(ii) On or before the twelfth day of each month each consumer shall file with the War Production Board Form PD-291, as amended, showing his consumption, inventory and estimated receipts of wood pulp and other fibrous materials, according to the instructions accompanying that form.

(iii) On or before the twelfth day of each month each producer shall file with the War Production Board his proposed shipping schedule of wood pulp for the following month on Form PD-292, as amended, in accordance with the instructions accompanying that form, together with copies of Form PD-290, as amended, filed with him under the terms of subdivision (i) of this paragraph.

(iv) Each producer may make during each month only the deliveries approved by the Director General for Operations.

(2) No person shall make delivery of wood pulp from his inventory thereof to any person, and no person shall accept delivery thereof, except from a producer, without having first obtained the express authority of the Director General for Operations.

This amendment shall take effect November 6, 1942.

(P.D. Reg. 1, as amended, 6 F. R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11185; Filed, November 2, 1942; 10:55 a. m.]

PART 1124—COTTON TEXTILES FOR USE FOR BAGS

[General Preference Order M-107, as Amended November 2, 1942]

1. Part 1124 (formerly "Cotton Textile Fabrics for Use as Agricultural Bags") is hereby amended to read "Cotton Textiles for Use for Bags".

2. Section 1124.1 *General Preference Order M-107* [1] is hereby amended to read as follows:

§ 1124.1 *General Preference Order M-107, as amended November 2, 1942*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Bags" shall mean any new cotton bags or wrappings.

(2) "Cotton textiles suitable for bags" shall mean the constructions listed below:

Osnaburg:
40″ 40/28 2.05 yd.
36″ 40/28 7 oz.
36″ 32/28 2.85 yd.
40″ 32/28 3.55 yd.
30″ 40/30 7 oz.

Sheetings:
36″ 48/48 2.85 yd.
40″ 48/44 3.25 yd.
40″ 48/44 3.75 yd.
37″ 48/48 4.00 yd.
40″ 44/40 4.25 yd.
31″ 48/48 5.00 yd.
40″ 48/48 2.85 yd.

Print Cloth Yarn Fabrics:
38½″ 64/60 5.35 yd.
38½″ 48/48 7.15 yd.
27″ 44/44 9.50 yd.
38½″ 44/40 8.20 yd.
36″ 28/24 16.00 yd. (Aprox. Weight)

Jeans:
38″ to 39″ 96/64 2.85 yd.

Knitted Fabrics:
Stockinette with plain or ribbed stitch.

Cotton Yarn:
Carded cotton yarns customarily used in the manufacture of stockinette.

and shall also include pro rata widths of like count and weight to the above woven textiles.

(3) "Bag manufacturer" shall mean any person engaged in the manufacture of bags, either for sale or for his own use, and shall include persons so engaged in the Dominion of Canada.

(c) *Assignment of preference rating.* Purchase orders for cotton textiles suitable for bags placed by bag manufacturers are hereby assigned a preference rating of A-2.

(d) *Restrictions on use of textiles obtained pursuant to order.* Notwithstanding any provision to the contrary contained in Priorities Regulation No. 13, no person shall use or dispose of any cotton textiles suitable for bags which were obtained by him pursuant to the application of the preference rating assigned by paragraph (c) above except as follows:

(1) For the manufacture of bags;

(2) For sale to any person on an order bearing a rating of A-2 or better; or

(3) For sale to or for the account of, or for physical incorporation into products to be delivered to, or for the account of, the Army of the United States, the United States Navy, the United States Maritime Commission, the War Shipping Administration or its Operating or General Agents: *Provided,* That no person shall sell or deliver, on an order rated less than A-2, any such material for physical incorporation into products for any of said governmental agencies unless he shall have first received from the purchaser a certificate signed by such purchaser, or by a person authorized to sign in his behalf, in substantially the following form:

> The undersigned hereby certifies that he requires the material covered by the annexed order for physical incorporation into material or equipment to be delivered to, or for the account of, the Army of the United States, the United States Navy, the United States Maritime Commission, the War Shipping Administration or its Operating or General Agents.

(e) *Application of preference rating.* Any bag manufacturer, in order to apply the preference rating assigned by paragraph (c) to deliveries of material to him, must endorse on or attach to each purchase order placed by him to which the rating is to be applied, a certification in the following form, signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purpose:

> The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply the preference ratings indicated opposite the items shown on this purchase order, and that such application is in accordance with Priorities Regulation No. 3, as amended, with the terms of which the undersigned is familiar. Furthermore, the undersigned certifies that the textiles hereby ordered will be used in the manufacture of bags or otherwise disposed of only as permitted in General Preference Order No. M-107.
>
> ------------------------ ----------------
> (Name of bag manufacturer) (Address)
>
> By ------------------------ ----------------
> (Signature and title of duly authorized officer) (Date)

Such endorsement shall constitute a representation to the War Production Board and the supplier with whom the contract or purchase order is placed that such contract or purchase order is duly rated in accordance herewith.

Each person applying ratings must maintain at his regular place of business all documents, including purchase or manufacturing orders, preference rating orders and certificates, upon which he relies as entitling him to apply or extend such ratings, segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection.

(f) *Restrictions on inventories.* No bag manufacturer shall hereafter hold in any mill, warehouse, place of storage, or bag manufacturing plant, any woven cotton textiles suitable for bags in excess of the aggregate yardage of such fabrics which will be manufactured by him into bags within sixty days.

(g) *Records.* All persons affected by this order shall keep and preserve for a period of not less than two years accurate and complete records concerning inventories, production and sales, and showing the yardage of each class of fabric, as indicated by the headings in paragraph (b) (2), sold pursuant to the application of the rating assigned by paragraph (c).

(h) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be required from time to time.

(i) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Branch, Washington, D. C., Ref: M-107.

(j) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of cotton textile fabrics suitable for bags conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board, Ref: M-107, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11193; Filed, November 2, 1942; 10:56 a. m.]

PART 1181—PASSENGER AUTOMOBILES

[General Conservation Order M-130 Amendment 1]

Section 1181.1 *General Conservation Order M-130* [1] is hereby amended in the following respects:

1. Paragraph (b) is hereby amended by adding at the end thereof the following sentence:

Notwithstanding any provision of this paragraph (b), any person may, prior to January 1, 1943, transfer any new Chevrolet, Ford or Plymouth passenger automobile of a four-door sedan, two-door sedan or coupe type to or for the account of the Ordnance Department of the War Department without obtaining surrender of a Government Exemption Permit PD-501: *Provided,* That nothing herein shall relieve such person of filing report Form PD-502 respecting such transfer in accordance with paragraph (d) of this order.

2. Paragraph (c) is hereby amended by adding at the end thereof the following sentence:

Notwithstanding any provision of this paragraph (c), prior to January 1, 1943, any manufacturer, distributor, dealer or sales agency to whom an order for a new Chevrolet, Ford or Plymouth passenger automobile of a four-door sedan, two-door sedan or coupe type is presented by or for the account of the Ordnance Department of the War Department and who has in stock any such passenger automobile, shall transfer such passenger automobile to the person specified in such order, irrespective of the terms of any contract of sale or any other commitment with any other person and irrespective of whether such passenger automobile is or is not a pool car.

3. Paragraph (d) is hereby amended by adding at the end thereof the following sentence:

Where a transfer is made to the Ordnance Department of the War Department without obtaining surrender of a Government Exemption Permit PD-501 the order of the Ordnance Department of the War Department upon which such automobile is transferred must be retained by the transferor as part of his records referred to in paragraph (e) below.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11191; Filed, November 2, 1942; 10:56 a. m.]

PART 1194—CANS MADE OF BLACKPLATE

[Conservation Order M-136, Amendment 2]

Section 1194.1 *Conservation Order M-136* [1] is hereby amended in the following particulars:

1. Item 13 of Table A is hereby amended to read as follows:

(13) *Oil paints, and oleoresinous paints,* ready-mixed, semi paste, including but not limited to white lead in oil, and colors in oil. 1-gal. cans until December 15, 1942; and from December 15, 1942, until December 31, 1942, ends only for 1-gal. fiber-bodied cans. 90 percent of 1940 pack.

2. Item 14 of Table A is hereby amended to read as follows:

(14) *Resin-emulsion water paints,* paste, for exterior use only, with dry protein content not to exceed 1 percent of total weight of

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[1] 7 F.R. 2384, 3479, 3882, 6933.

[2] 7 F.R. 1978, 2237, 2789, 5022, 6467, 6787.

[1] 7 F.R. 1835, 2169, 3083.

[1] 7 F.R. 4333.

[1] 7 F.R. 5642, 8638.

paint. 1-gal. cans until December 15, 1942; and from December 15, 1942, until December 31, 1942, ends only for 1-gal, fiber-bodied cans. 90 percent of 1940 pack.

3. Item 15 of Table A is hereby amended to read as follows:

(15) *Varnishes.* 1-gal. cans until November 30, 1942. 90 percent of 1940 pack.

4. Item 16 of Table A is hereby amended to read as follows:

(16) *Drying oils.* 1-gal. cans until November 30, 1942. 90 percent of 1940 pack.

5. Item 21 of Table A is hereby amended to read as follows:

(21) *Baking powder.* Until December 31, 1942, ends only for 6-oz. or larger fiber-bodied cans. A canner's blackplate quota from October 1, 1942, until December 31, 1942, is the area of blackplate required for making the can parts specified herein sufficient to pack 25 percent of the baking powder packed by the canner in 1941.

6. Table A is amended by the addition of the following item:

(24) *Pigmented lacquers.* 1-gal. cans until December 15, 1942; and from December 15, 1942, until December 31, 1942, ends only for 1-gal. fiber-bodied cans. 90 percent of 1940 pack.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11186; Filed, November 2, 1942; 10:57 a. m.]

PART 1216—HEAVY POWER AND STEAM EQUIPMENT

[Limitation Order L–117, Amendment 4]

1. Paragraph (a) (2) of § 1216.1 *Limitation L–117*[1] is hereby amended to read as follows:

(2) Heavy power and steam equipment means any new machinery or equipment of the kinds listed in Exhibit A, as the same may be amended from time to time. Unless otherwise specifically stated in such Exhibit, such equipment shall not include equipment designed for marine use.

2. Paragraph (c) is hereby amended to read as follows:

(c) *Production schedule.* (1) Any person engaged in the manufacture of heavy power and steam equipment listed in Exhibit B annexed hereto, as the same may be amended from time to time, shall file with the War Production Board, Ref. L–117, on or before the 15th day of November, 1942, and the 15th day of every month thereafter, a list of all unfilled orders as of the end of the month immediately preceding such filing for such heavy power and steam equipment together with the production schedule in respect thereto. Such list and schedule shall be filed on Form PD–665.

(2) The Director General for Operations may from time to time issue specific directions with respect to unfilled orders for equipment listed in Exhibit B annexed hereto, as the same may be amended from time to time, concerning the scheduling of the production and delivery of such equipment. Each manufacturer of such equipment shall, upon receipt of such directions, schedule its production and make deliveries only in accordance with such directions. Nothing contained in this paragraph shall alter the obligation of any manufacturer, in the absence of directions issued pursuant to this paragraph, to schedule its production and make deliveries in accordance with applicable preference ratings and such other applicable regulations, orders and directions as may have been heretofore or as may be hereafter issued by the War Production Board.

(3) The production and delivery schedules established by any specific direction issued from time to time pursuant to paragraph (c) (2) above shall be maintained without regard to any preference ratings already assigned or hereafter assigned to particular contracts, commitments, or purchase orders and may be altered only upon specific direction of the Director General for Operations.

(4) If it becomes impossible for any manufacturer to maintain production and delivery of equipment in accordance with any schedule established by any specific direction issued pursuant to paragraph (c) (2), he shall immediately notify the Director General for Operations stating the reasons for failure to maintain such schedule and, unless otherwise directed by the Director General for Operations, he shall continue to produce and deliver such equipment in the order set forth in such schedule and shall postpone production and delivery of any such equipment only to the extent such postponement is unavoidable.

3. Schedule A is redesignated Exhibit A and is hereby amended to read as follows:

EXHIBIT A

(1) Steam generating boilers for operation at pressures above 100 pounds per square inch gauge which are to be used for any purpose other than marine use, and the following equipment produced for use in the operation of such steam generating boilers:

Coal pulverizers.
Soot blowers.

(2) Coal stokers above 36 square feet of grate area.

(3) Steam surface condensers (including marine condensers other than condensers produced for the Navy of the United States for use on board ships).

(4) Steam-turbine and steam engine generator units.

(5) Mechanical drive steam-turbines above 50 h. p.

(6) Hydro-turbine generator units.

(7) Internal combustion engine generator units above 50 h. p. or 25 k. w.

(8) Frequency changers.

(9) Synchronous condensers.

(10) Mercury arc rectifiers for power use.

(11) Oil or air circuit breakers of 2200 volts or higher.

(12) Metal clad switch gear of 2200 volts or higher.

(13) Unit substations.

(14) Transformers above 500 kva.

4. The following Exhibit B is hereby added:

EXHIBIT B

(1) Steam generating boilers for operation at pressures above 100 pounds per square inch gauge which are to be used for any purpose other than marine use, and the following equipment produced for use in the operation of such steam generating boilers:

Coal pulverizers.
Soot blowers.

(2) Coal stokers above 36 square feet of grate area.

(3) Steam surface condensers (including marine condensers other than condensers produced for the Navy of the United States for use on board ships).

(4) Steam engine generator units.

(5) Frequency changers.

(6) Synchronous condensers.

(7) Mercury arc rectifiers for power use.

(8) Oil or air circuit breakers of 2200 volts or higher.

(9) Metal clad switch gear of 2200 volts or higher.

(10) Unit substations.

(11) Transformers above 500 kva.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11180; Filed, November 2, 1942; 10:54 a. m.]

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[1] 7 F.R. 3717, 3885, 4334, 5307.

PART 1235—COMBED COTTON YARN INCLUDING SALES YARN AND YARN FOR PRODUCERS OWN USE

[Amendment 2 to General Preference Order M–155]

Section 1235.1 *General Preference Order M–155*[1] is hereby amended in the following respects:

Paragraph (c) (1) and (2) is amended to read as follows:

(1) *Medium combed yarns.* Notwithstanding the provisions of any contracts to which he may be a party, each producer of medium combed yarns shall, as soon as may be necessary for him to do so in order to make delivery in accordance with the terms of any purchase order placed with him of the type specified in paragraph (d) (1) hereof and as soon as the required yarn counts and descriptions can be produced by him, but in any event not later than the week beginning January 1, 1943, and in each week thereafter until further direction, earmark at least 40 percent of his production thereof as reserved combed yarns.

(2) *Coarse combed yarns.* Notwithstanding the provisions of any contracts to which he may be a party, each producer of coarse combed yarns shall, as soon as may be necessary for him to do so in order to make delivery in accordance with the terms of any purchase order placed with him of the type specified in paragraph (d) (1) hereof and as soon as the required yarn counts and descriptions can be produced by him, but in any event not later than the week beginning January 1, 1943, and in each week thereafter until further direction, earmark at least 65 percent of his production thereof as reserved combed yarns.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.).

Issued this 2d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11187; Filed, November 2, 1942; 10:57 a. m.]

PART 3020—HEAT EXCHANGERS

[General Limitation Order L–172, Amendment 1]

Paragraph (a) (3) of § 3020.1 *General Limitation Order L–172*[1] is amended by adding at the end thereof, after subdivision (iv), the following:

The term "critical heat exchanger" shall not include any surface condenser. "Surface condenser" means any device consisting of a shell and bare tubes, including auxiliary air removal equipment when such auxiliary equipment is purchased with and used on said device, which condenses exhaust steam from a steam driven prime mover for the purpose of maintaining a minimum absolute exhaust pressure.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11181; Filed, November 2, 1942; 10:54 a. m.]

PART 3067—TEXTILE SHIPPING BAGS

[Conservation Order M–221]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of textile bags for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3067.1 *Conservation Order M–221*—(a) *Definitions.*

(1) "Textile bag" means any shipping container made of cotton, burlap, or any jute fabric. The term includes wool pouches, but does not include other bale covers or textile wrappings.

(2) "New textile bag" means any textile bag which has not been used and "used textile bag" means any textile bag which bag, or the fabric thereof, has been used one or more times for packing any product.

(3) "Dealer" means any person who is engaged in the business of buying and selling empty textile bags, whether or not he is also a user or a commercial emptier.

(4) "User" means any person who uses textile bags for packing any product.

(5) "Commercial emptier" means, as of any time, any person who has acquired more than 400 textile bags during any of the six calendar months prior to such time, by removing the contents of filled bags.

(b) *Restrictions pertaining to new textile bags made of burlap.* (1) No person manufacturing textile bags made of burlap, and no dealer shall, during any calendar year, sell or deliver to any person more than 50 percent of the number of new textile bags made of burlap which he delivered to such person during the calendar year 1941; provided, however, that new textile bags made of burlap may be sold and delivered to any person pursuant to express authorization by the Director General for Operations, the Director of Industry Operations, or the Director of Priorities, under any appeal granted prior to the date of issuance of this order, under Conservation Order M–47.

(2) No new textile bag which is made of burlap, and which is acquired by any user after the date of issuance of this order, shall be used for any purpose except for packing the following products:

Barley, beans and peas, chemicals (other than fertilizer), dairy products, mohair, potatoes, rice, salt (rock), seeds, feeds and meals for animal consumption, fruits (dried), nuts, sponges, starch, sugar (raw), wheat, wool and wool products.

(c) *Restrictions pertaining to new and used textile bags.* (1) No person shall manufacture, sell, or deliver any textile bag which he knows or has reason to believe will be delivered or used in violation of any provision of this order.

(2) No person shall sample the contents of any new or used textile bag except by opening the seam or the closure, or by inserting a probe or trier without damage to the fabric. No commercial emptier shall remove the contents of any textile bag except by opening the seam

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[1] 7 F.R. 4032, 5984.

[1] 7 F.R. 6074.

or closure, unless the contents have become caked or solidified to the extent that salvage of the bag is not practicable.

(3) No person shall use any new or used textile bag for packing mohair unless the word "Mohair" appears in legible type on both sides of the bag.

(4) No person shall purchase or accept delivery of any new or used textile bag to be used for defense against air raids or any other act of the enemy.

(d) *Restrictions pertaining to used textile bags.* (1) No dealer or commercial emptier shall deliver to a user any used textile bag of sound material unless such bag shall have been repaired and all holes, including trier or probe holes, properly mended or patched; provided that nothing in this paragraph (d) (1) shall prevent the return of an unrepaired leased bag to the owner, or the delivery of any bag to a person for the purpose of repair.

(2) Within 60 days from the date textile bags are acquired by a commercial emptier by emptying the contents of filled bags, an equal number of textile bags shall be withdrawn from his inventory of empty bags, and shall be used by the emptier or sold or transferred to a dealer or to another user: *Provided*, That, if such commercial emptier is also a dealer, he may hold such bags as a dealer.

(3) No dealer or commercial emptier shall sell or deliver any textile bag which has been used for packing raw sugar, and which is capable of carrying raw sugar, to any user except for packing raw sugar.

(4) For the purposes of this paragraph (d) (4):

"Wool bag" means any textile bag which is made of burlap, and which is between 6 and 7½ feet in length.

"#1 wool bag" means any wool bag which is capable of being repacked to its intended capacity, with grease wools.

"#2 wool bag" means any wool bag which is capable of carrying grease wools, but which, because of its condition, is not capable of being repacked to its intended capacity.

Unless acquired before the date of issuance of this order, no new wool bag or no #1 wool bag shall be used for any purpose except by a grower for packing grease wools known to the trade as Territory, California, or Texas wools, or by a person performing a grading operation, for packing such grease wools.

Unless acquired before the date of issuance of this order no #2 wool bag shall be used for any purpose except by a grower for packing grease wools known to the trade as fleece wools, or by a person performing a grading operation, for packing such grease wools.

When no longer capable of carrying grease wools, such wool bags shall be used only for packing scoured wools, noils, or wool wastes; provided that when such wool bags are no longer capable of carrying scoured wools, noils, or wool wastes, there shall be no restriction upon the disposition or use of such wool bags.

(5) No wool pouch imported from Australia, New Zealand, or South Africa, which is acquired by any user after the date of issuance of this order and which is capable of carrying wool or wool products, shall be used for any purpose other than for packing wool or wool products.

(e) *Miscellaneous provisions*—(1) *Applicability of order.* The restrictions imposed by this order shall not apply to:

(i) The sale, delivery, or use of any textile bag made of cotton, to be delivered to or for the account of the Army, Navy, Maritime Commission, or War Shipping Administration of the United States.

(ii) The sale, delivery, or use of any textile bag made of burlap, when such bag is manufactured from burlap set aside pursuant to any provision for Stockpiling of Imports, contained in Conservation Order M–47, as amended from time to time.

(2) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(3) *Reports.* On the fifteenth day of each month every dealer, user or emptier, who has in his possession at any time during the year 1942 more than 15,000 textile bags, exclusive of new textile bags made of cotton, shall report upon Form PD–645 to the Containers Branch, War Production Board, Washington, D. C., his inventory, receipts, and usage of textile bags.

(4) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional or unreasonable hardship upon him, may appeal to the Director General for Operations by letter, setting forth the pertinent facts and reasons why such person considers that he is entitled to relief. The Director General may thereupon take such action as he deems appropriate.

(5) *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the Director General for Operations in connection with this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(6) *Expiration.* This order shall expire after 60 days from the date of issuance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of November, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11188; Filed, November 2, 1942; 10:57 a. m.]

PART 3094—WIRE CLOTH FOR MANUFACTURE OF PULP, PAPER AND PAPERBOARD

[General Limitation Order L–209]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for war, for private account and for export, of metals used in the manufacture of fourdrinier and cylinder machine wires used in the production of pulp, paper and paperboard; and the following order is deemed necessary and appropriate in the public interest and to promote the war effort:

§ 3094.1 *General Limitation Order L–209*—(a) *Definitions.* For the purposes of this order:

(1) "Producer" means any individual, partnership, association, business trust, corporation, or any form of enterprise whatsoever, whether incorporated or not, engaged in producing pulp, paper or paperboard.

(2) "Wire cloth" includes any type of metal wire containing copper, nickel, chrome, or alloys thereof which has been woven into wire cloth for use in the manufacturing processes employed to produce pulp, paper, or paperboard.

(3) "Paper mill machine unit" means those industrial machine units (of the type listed in Part I of Schedule A attached) employed in the manufacturing processes for the production of pulp, paper or paperboard.

(b) *Restrictions on acceptance of deliveries of wire cloth.* No producer shall accept delivery of wire cloth for any paper mill machine unit if acceptance thereof would increase his total inventory (including wire cloth held for his account) of such wire cloth for that paper mill machine unit in excess of the numbers and kinds indicated for such type of paper mill machine unit in Part II of Schedule A attached.

(c) *Restriction on orders and inventories of wire cloth.* No producer shall place any order for wire cloth or enter into any other arrangement for the fabrication of wire cloth without specifying approximate delivery date; and no producer shall specify any delivery date earlier than such producer may reasonably expect, on the basis of average wire life experience, to be able to accept delivery of such wire cloth without violating the provisions of paragraph (b) of this order.

(d) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be prohibited from obtaining further deliveries of, or using, material under priority control and may be deprived of priorities assistance.

(e) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may apply for relief by addressing a letter to the War Production Board, setting forth the pertinent facts and the reason why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(f) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(g) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to War Production Board, Pulp and Paper Branch, Washington, D. C. Ref: L–209.

(h) *Reports.* Each producer shall file with the War Production Board such reports and questionnaires as the Board shall from time to time prescribe.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

(Part I) Paper Mill Machine Unit

Fourdrinier machine
Cylinder machine and washers:
  One-cylinder machine
  Two-cylinder machine
  Three-cylinder machine
  Four-cylinder machine
  Five-cylinder machine
  Six-cylinder machine
  Seven-cylinder machine
  Eight-cylinder machine
  Nine-cylinder machine
Saveall
Wet machine
Deckers
Filters
Extractor rolls

(Part II) Authorized Wire Cloth Inventory

4 (complete wires)

2 backings, 2 facings per machine
2 backings, 2 facings per machine
2 backings, 2 facings per machine
3 backings, 3 facings per machine
3 backings, 3 facings per machine
3 backings, 3 facings per machine
4 backings, 4 facings per machine
4 backings, 4 facings per machine
4 backings, 4 facings per machine
2 backings, 2 facings per unit
2 backings, 2 facings per unit
2 backings, 2 facings per unit
2 backings, 2 facings per unit
3 backings, 3 facings per unit

[F. R. Doc. 42–11182; Filed, November 2, 1942; 10:54 a. m.]

PART 3105—NYLON WASTE

[General Conservation Order M–247]

§ 3105.1 *General Conservation Order M–247*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Nylon waste" means waste, noils and garnetted or reclaimed fibers, including scraps and clippings, generated in the processing of thread, fabric, rope, braiding, or other material containing nylon, the total nylon content of which waste, noils or fiber is 50% or more by weight.

(2) "Nylon spinners' wastes" means nylon wastes suitable for making spun yarns, more specifically described as 100 percent nylon yarn waste, with 5 turns twist or under, with or without size and oil, and including undrawn yarn.

(3) "Dealer" means any person who purchases spun nylon yarn or nylon wastes, as the case may be, for resale, and the term shall also include exporters, importers, agents or brokers, whether or not they hold title to such yarn or wastes.

(4) "Processor" means any person engaged in the processing in any manner of spun nylon yarn or nylon wastes, as the case may be.

(5) "Generator" means any person who in the regular course of his business generates or creates nylon waste and collects the same as such for sale, disposition, or use.

(c) *Restrictions on use of spun nylon yarn made from wastes.* No processor of spun nylon yarn shall hereafter process or use any spun nylon yarn made from nylon spinners' wastes except in the manufacture of material or equipment ordered by, or for the account of, the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration or the Defense Plan Corporation.

(d) *Restrictions on sales and deliveries of nylon yarn made from wastes.* No dealer in or processor of spun nylon yarn shall sell or deliver any spun nylon yarn made from nylon spinners' wastes unless he shall have first received from the purchaser a certificate signed by such purchaser or by a person authorized to sign in his behalf in substantially the following form:

> The undersigned hereby certifies to his vendor and to the War Production Board that the spun nylon yarn to be delivered on the annexed purchase order will be physically incorporated into material or equipment to be delivered to, or for the account of, the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or the Defense Plant Corporation, or resold for such incorporation.

(e) *Restrictions on use of spinners' wastes.* No processor of nylon wastes shall hereafter use or process any nylon spinners' wastes except in the manufacture therefrom of spun nylon yarn.

(f) *Restrictions on sales and deliveries of spinners' wastes.* No generator of, processor of, or dealer in nylon wastes shall hereafter sell or deliver any nylon spinners' wastes unless he shall have first received from the purchaser a certificate signed by such purchaser or by a person authorized to sign in his behalf in substantially the following form:

> The undersigned hereby certifies to his vendor and to the War Production Board that the spinners' wastes to be delivered on the annexed purchase order will be used in the manufacture of spun nylon yarn or resold for such use.

(g) *Restrictions on use of other nylon wastes.* No processor of nylon wastes shall process or use any nylon wastes other than spinners' wastes except in the process of recovering nylon flake from such wastes.

(h) *Restrictions on sales and deliveries of other nylon wastes.* No generator of, processor of, or dealer in, nylon wastes shall sell or deliver any nylon wastes other than spinners' wastes unless he shall have first received from the purchaser a certificate signed by such purchaser, or by a person authorized to sign in his behalf, in substantially the following form:

The undersigned hereby certifies to his vendor and to the War Production Board that the nylon wastes to be delivered on the annexed purchase order will be processed to recover nylon flake therefrom, or resold for such processing.

(i) *Restrictions on intermingling of nylon wastes.* No generator of, processor of, or dealer in, nylon wastes shall hereafter mix any nylon waste created by him, or received or held by him, as the case may be, with any other waste material to form a mixture which does not qualify as nylon waste because of the nylon content thereof.

(j) *Inventory and other reports.* Any generator of, processor of, or dealer in, nylon wastes having in his possession on November 2, 1942, an amount of nylon wastes in excess of 50 pounds, shall file with the War Production Board on Form PD-703 an inventory, receipts and distribution record for the month of October, 1942, and for each month thereafter; and any such generator, processor or dealer who subsequently has in his possession an amount of nylon wastes in excess of 50 pounds shall file such record for the month in which he first has such amount in his possession, and for each month thereafter. Copies of Form PD-703 may be obtained on application to the Textile, Clothing and Leather Branch, War Production Board, Washington, D. C., Reference: M-247.

(k) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional or unreasonable hardship upon him, may appeal in writing to the War Production Board, Reference M-247, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(l) *Communications to the War Production Board.* The reports required to be filed under paragraph (j) and any other reports that may hereafter be required to be filed thereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Branch, Washington, D. C., Reference M-247.

(m) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11187; Filed, November 2, 1942; 10:57 a. m.]

PART 3127—NEW STEEL SHIPPING DRUMS

[General Preference Order M-255]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of new steel shipping drums for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3127.1 *General Preference Order M-255*—(a) *Definitions.* For the purposes of this order:

(1) "Drum" means any single walled, cylindrical or bilged container with a capacity of 110 gallons or less (including but not limited to buckets, kits and pails) constructed wholly of steel. The term shall not be deemed to refer to cans or high or low pressure gas steel cylinders, or to any container not susceptible of commercial use in the transportation and storage of commodities.

(2) "New drum" means any drum which has never been partially or wholly filled with any product or commodity for storage or shipping purposes in the course of business.

(3) "Manufacturer" means any person engaged in the business of producing drums and/or any metal part thereof (other than flanges, plugs or cap seals) for sale to others or for his own use in packing products of any kind.

(b) *Restrictions on deliveries and receipts.* (1) On and after the 16th day of November, 1942, no manufacturer shall sell or deliver any new drum or any metal part thereof (other than flanges, plugs or cap seals) except pursuant to purchase order accompanied by the authorization of the Director General for Operations provided for in paragraph (c) below.

(2) On and after the 16th day of November, 1942, no person shall receive or accept delivery of any new drum or any metal part thereof (other than flanges, plugs or cap seals) if he knows or has reason to believe that the delivery of such drum is prohibited by the terms of subparagraph (1) of this paragraph (b).

(3) On and after the 16th day of November, 1942, no manufacturer shall use any new drum or any metal part thereof (other than flanges, plugs or cap seals), the manufacture of which was completed after the 16th day of November, 1942, except as specifically authorized by the Director General for Operations upon application pursuant to paragraph (c) hereof.

(c) *Procedure for obtaining authorization of Director General for Operations.* The authorization of the Director General for Operations for the sale, delivery, receipt, acceptance of delivery or use of new drums or parts thereof, required by the provisions of paragraph (b) of this order, may be applied for by the purchaser or the user. Such application shall be made by letter in duplicate, filed with the Containers Branch, War Production Board, Washington, D. C., Ref: M-255, and shall have attached thereto a copy of any purchase order in connection with which authorization is sought. Said application shall state in detail the products with which all drums to be purchased or used, or for which parts are to be acquired, are to be packed, the party to whom said products are to be shipped in said drums, the use to which said products are to be put, and such other information as may be requested by the Director General for Operations. The Director General for Operations may waive the receipt of any of the foregoing information in any case.

(d) *Miscellaneous provisions*—(1) *Records.* All persons affected by this order shall keep and preserve for not less than two years after the effective date of this order accurate and complete records concerning inventories, production and sales.

(2) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(3) *Reports.* Each manufacturer and each purchaser of new drums shall file such reports as the Director General for Operations may prescribe for the purpose of the effective administration of the order.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Branch, Washington, D. C. Ref: M-255.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11190; Filed, November 2, 1942; 10:57 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Supplementary Order 24]

PACKAGED CHRISTMAS GIFTS

A statement of the reasons for this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.* For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

§ 1305.28 *Determination of maximum prices for wholesale and retail sales of packaged Christmas gifts.* (a) This Supplementary Order No. 24 provides temporary rules for determining the maximum prices for sales at wholesale or retail of articles which have been "specially packaged" for the 1942 Christmas season by the manufacturer, producer, processor, or fabricator (but not by any retailer or wholesaler). These rules shall not be applied to sales which take place after January 15, 1943.

(1) *Rule 1.* The maximum price for the contents and packaging shall be the maximum price, or the sum of the maximum prices, established by any applicable "price regulation" or regulations for the article or articles in the package if (i) the packaging consists primarily of "paper or ordinary cardboard", or both, and (ii) the article or articles contained in the package are regularly sold by the seller in seasons other than the Christmas season (for example, cigarettes, ties, socks, handkerchiefs, etc.).

(2) *Rule 2.* The package and its contents may be treated as a single commodity and its maximum price determined in accordance with the pricing provisions of section 3 (a) of the General Maximum Price Regulation[1] if (i) the packaging consists of material other than paper or ordinary cardboard, and is of a type which would normally carry a combined price for the contents and packaging higher than the price at which the contents would be sold without special packaging, or if (ii) the package contains an article or articles all or any of which are not regularly sold by the "seller" in seasons other than the Christmas season. The price so determined shall be subject to adjustment at any time by the Office of Price Administration but it need not be reported as required in the case of other commodities priced under section 3 (a) of the General Maximum Price Regulation. For the convenience of sellers the pricing provisions of section 3 (a) are here repeated:

> The seller (1) shall select from the same general classification and price range as the commodity being priced under this section, the comparable commodity for which a maximum price is established under section 2 of this regulation and of which the seller delivered the largest number of units during March 1942; (2) shall divide his maximum price for that commodity by his *replacement cost* of that commodity; and (3) shall multiply the percentage so obtained by the cost to him of the commodity being priced under this paragraph. The resulting figure shall be the maximum price of the commodity being priced.

(b) *Combination sales.* No price regulation or interpretative ruling issued by the Office of Price Administration which prohibits a seller from requiring a purchaser to buy one or more other articles as a condition of buying a particular article shall be construed to require any seller to sell separately articles which have been specially packaged in combination for Christmas gifts by the manufacturer, producer, processor, or fabricator.

(c) *Records.* Any seller determining maximum prices pursuant to Rule 2 shall keep and preserve for examination by any duly authorized representative of the Office of Price Administration detailed records showing the manner in which he calculated his maximum prices thereunder.

(d) This order shall not apply to any sales of "Nylon hosiery", either alone or in combination with other articles.

(e) *Definitions.* (1) "Nylon hosiery" means any women's full length hosiery in which (i) the leg or (ii) the leg and some portion of the stocking in addition to the leg, is made in whole or in part of nylon yarn.

(2) "Paper or ordinary cardboard" includes paper or cellophane with or without decoration or coloring and any box made of ordinary cardboard in sheets. It does not include cardboard boxes of expensive construction which purchasers would recognize as adding materially to the price of the article in the box, nor does it include papier mâché or cardboard which has been specially shaped or molded.

(3) "Price regulation" means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, as amended, a maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any order issued pursuant to any such regulation or schedule.

(4) "Replacement cost" shall be the net price paid by the seller after May 18, 1942, or the net price which the seller would have to pay to replace such commodity after such date.

(5) "Seller" means a person making a sale at wholesale or retail as defined in the General Maximum Price Regulation.

(6) "Specially packaged" means the state of being packaged especially for the 1942 Christmas season in a manner substantially different from that employed for other selling seasons.

(f) This Supplementary Order No. 24 (§ 1305.28) shall become effective November 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11087; Filed, October 30, 1942; 12:18 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 207, Amendment 2]

FROZEN FRUITS, BERRIES AND VEGETABLES

A statement of the considerations involved in the issuance of Amendment No. 2 to Maximum Price Regulation No. 207 has been issued and filed with the Division of the Federal Register.*

Section 1341.202 (b) (1) is amended by adding the following sentence: "Sales made prior to such period shall not be included, even though delivery is made during the period."

Section 1341.202 (b) (2) (ii) (*d*) is amended by inserting the figure "$8" as the maximum permitted increase per ton for apples.

Section 1341.202 (b) (2) (iii) is amended by inserting the words "or packer-grower" after the words "any cooperative packer".

Section 1341.206a (a) is amended by adding the following sentence after the words "permitted increase": "In calculating the 'permitted increase', the packer shall adjust any fraction of a cent to the nearest fractional unit in which the wholesaler customarily quotes prices for that item."

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§ 1341.215 *Effective dates of amendment.* * * *

(b) Amendment No. 2 (§§ 1341.202 (b) (1), 1341.202 (b) (2) (ii) (*a*), 1341.202 (b) (2) (iii), 1341.206 (a), and 1341.215) to Maximum Price Regulation No. 207 shall become effective November 5, 1942.

(Pub. Laws No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11088; Filed, October 30, 1942; 12:16 p. m.]

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH

[MPR 252]

VINEGAR CURED HERRING

In the judgment of the Price Administrator, the determination of maximum prices for processors of vinegar cured herring under the General Maximum Price Regulation[1] has resulted and will result in maximum prices which will not be generally fair and equitable as applied to the 1942 pack and subsequent packs and which will seriously impair the distribution of such commodity. The Price Administrator has ascertained and given due consideration to the prices of vinegar cured herring prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as is practicable, the Price Administrator has advised and consulted with representative

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

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[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The maximum prices established herein are not below the average prices of such commodities in the year 1941.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, and in accordance with Procedural Regulation No. 1,[2] Maximum Price Regulation No. 252 is hereby issued.

AUTHORITY: §§ 1364.301 to 1364.313, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1364.301 *Prohibition against dealing in vinegar cured herring at prices above the maximum.* On and after November 4, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any cured herring or vinegar cured herring, and no person in the course of trade or business shall buy or receive any cured herring or vinegar cured herring at prices higher than the maximum prices established pursuant to this Maximum Price Regulation No. 252; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of cured herring or vinegar cured herring to a purchaser if, prior to November 4, 1942, such cured herring or vinegar cured herring have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1364.302 *First processor's maximum prices for cured herring.* The first processor's maximum price per barrel, f. o. b. point of production, for cured herring sold or delivered to a final processor shall be the number of pounds per barrel multiplied by 8.61 cents per pound.

§ 1364.303 *Final processor's maximum prices for vinegar cured herring.* (a) The final processor's maximum prices per unit, f. o. b. manufacturing plant, for each kind, grade, type, or style of pack, or container size of vinegar cured herring shall be the sum of the following items:

(1) The cost per unit of cured herring, computed on the basis of the maximum prices chargeable for cured herring under § 1364.302 of this Maximum Price Regulation No. 252;

(2) The remainder after subtracting the 1941 average cost per unit of cured herring f. o. b. point of production for each kind, grade, type or style of pack or container size of vinegar cured herring, which the seller sold or delivered between September 15, 1941, and January 1, 1942, from the weighted average price per unit, obtained by dividing the gross receipts from sales of the same kind, grade, type or style of pack, or container size of vinegar cured herring, by the total number of units of such kind grade, type or style of pack, or container size of vinegar cured herring which the seller sold or delivered between September 15, 1941, and January 1, 1942. The weighted average price for each separate class of purchasers shall be computed separately;

(3) The remainder after subtracting the 1941 cost of ingredients (other than herring) and packaging materials, per unit, for vinegar cured herring of the same kind, grade, type or style of pack, and container size, from the August, 1942, cost of ingredients (other than herring) and packaging materials per unit: *Provided,* That no allowance for ingredients (other than herring) or packaging materials shall be made in excess of the maximum prices chargeable for such ingredients or packaging materials under the applicable price schedule, regulation or order issued by the Office or Price Administration;

(4) The remainder after subtracting the 1941 cost of direct labor employed in final processing and packing, per unit, for vinegar cured herring of the same kind, grade, type or style of pack, or container size, from the current cost of direct labor employed in final processing and packing, per unit: *Provided,* That no allowance for cost of direct labor shall be made in excess of 6 percentum of the direct labor cost per unit for vinegar cured herring of the same kind, grade, type or style of pack, or container size in 1941.

§ 1364.304 *Conditional agreements.* No person dealing in cured herring or vinegar cured herring shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by §§ 1364.302 or 1364.303, in the event that this Maximum Price Regulation No. 252 is amended or is determined by a court to be invalid or upon any other contingency: *Provided,* That if a petition for amendment has been duly filed, and such petition requires extensive consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment.

§ 1364.305 *Export sales.* The maximum price at which a person may export vinegar cured herring shall be determined in accordance with the Revised Maximum Export Price Regulation[3] issued by the Office of Price Administration.

§ 1364.306 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 252 may be charged, demanded, paid or offered.

§ 1364.307 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 252 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to cured herring or vinegar cured herring, alone or in conjunction with any other commodity or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying agreement or other trade understanding, or by changing the selection or style of processing or the packaging of cured herring or vinegar cured herring.

§ 1364.308 *Records and reports.* (a) Every first processor making a sale of cured herring, or otherwise dealing therein, after November 3, 1942, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale or transaction, showing the date thereof, the name and address of the buyer or recipient, the price contracted for or received, and the quantity sold or delivered.

(b) Every final processor shall file with the Office of Price Administration, Washington, D. C., on or before December 3, 1942, a statement certified under oath or affirmation showing:

(1) The gross receipts from sales or deliveries between September 15, 1941, and January 1, 1942, inclusive of each kind, grade, type, or style of pack, or container size of vinegar cured herring, separately stated for each separate class of purchasers;

(2) The total number of units of each kind, grade, type, or style of pack, or container size of vinegar cured herring, sold or delivered between September 15, 1941, and January 1, 1942, inclusive, separately stated for each separate class of purchasers;

(3) The weighted average price for each kind, grade, type, or style of pack, or container size of vinegar cured herring sold to each separate class of purchasers obtained by dividing the gross receipts figures reported under subparagraph (1) by the corresponding unit figures reported under subparagraph (2);

(4) An itemized statement in full detail of the cost per unit of ingredients, packaging materials, and direct labor, employed in final processing and packing of each kind, grade, type or style of pack, or container size of vinegar cured herring in 1941 and in 1942.

(c) Every processor subject to this Maximum Price Regulation No. 252 shall (1) preserve for examination by the Office of Price Administration all his existing records which were the basis for the computations required by § 1364.308, and (2) preserve all records of the same kind as he has customarily kept, relating to the prices which he charged for cured herring or vinegar cured herring sold on or after November 4, 1942, and (3) file

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* Copies may be obtained from the Office of Price Administration.

[2] 7 F.R. 971, 3363, 6967.

[3] 7 F.R. 5059, 7242.

with the appropriate field office of the Office of Price Administration a statement certified under oath or affirmation showing the maximum prices determined hereunder for each kind, grade, type or style of pack, and container size of cured herring or vinegar cured herring and all his customary allowances, discounts, or other price differentials, such statement to be filed on or before November 20, 1942, and (4) preserve a true copy of such statement for examination by any person during business hours. Any person who claims that substantial injury would result to him from making such statement available to any other person shall so notify the appropriate field office of the Office of Price Administration. The information contained in such a statement will not be published or disclosed unless it is determined that the withholding of such information is contrary to the purposes of this Maximum Price Regulation No. 252.

(d) Every processor of cured herring or vinegar cured herring shall keep such other records and shall submit such other reports to the Office of Price Administration in addition to or in place of the records and reports specified in paragraphs (a), (b), (c), and (d) of this section as the Office of Price Administration may from time to time require.

§ 1364.309 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 252 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 252 or any price schedule, regulation, or order issued by the Office of Price Administration or of any act or practices which constitute such a violation are urged to communicate with the nearest district, state, field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1364.310 *Petitions for amendment.* Persons seeking modification of any provision of this Maximum Price Regulation No. 252 may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

1364.311 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 252 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1364.312 *Definitions.* (a) When used in this Maximum Price Regulation No. 252 the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representatives of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Cured herring" means Atlantic sea herring preserved by pickling in a mild vinegar solution, salting, or otherwise, and packed in casks, barrels, or other containers, in the manner usually employed in the preliminary stages of preparation of herring destined for consumption as vinegar-cured herring.

(3) "Vinegar-cured herring" means cured herring further processed by pickling in a solution of vinegar, and sugar with the addition of spices or other ingredients and repacked in jars, pails, or other containers customary in the trade. By way of enumeration but not of limitation, vinegar-cured herring includes the commodities sold under the trade designations cut lunch, gaffelbitar, sprats, rollmopse, tidbits, hamburg spiced herring, bismark herring, appetite herring, whole spiced herring, vincure herring, fillets, and sill-bitar.

(4) "First processor" means any person who manufactures cured herring for sale to a final processor.

(5) "Final processor" means any person who manufactures vinegar-cured herring.

(6) "Unit" means jar, pail, or other container in which vinegar-cured herring is packaged for distribution to consumers. Aggregates of units, such as dozens or cases, shall not be deemed units for the purpose of computation and reporting under § 1364.303 and § 1364.308 of this regulation.

(7) "Purchaser of the same class" refers to the practice adopted by the final processor in setting different prices for vinegar cured herring for sales to jobbers and to retailers or for different quantities or under different conditions of sale: *Provided,* That persons purchasing for sale at retail, such as chain stores, if members of a class which a seller treated in sales during 1941 as jobbers, shall continue to be treated as jobbers rather than as retailers.

(8) "Appropriate field office of the Office of Price Administration" means the district office for the district (or in the absence of such district office, the state office for the State) in which is located the seller's place of business from which his sales are made.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1364.313 *Effective date.* This Maximum Price Regulation No. 252 (§§ 1364.301 to 1364.313, inclusive) shall become effective November 4, 1942.

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11089; Filed, October 30, 1942; 12:19 p. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 26,[1] Amendment 9]

DOUGLAS FIR AND OTHER WEST COAST LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In paragraph (a) of § 1381.62 the table entitled "Maximum Prices for Douglas Fir Ponton Lumber, United States Army—Corps of Engineers, Specifications" is amended; in paragraph (c), the first undesignated paragraph is amended, and paragraph (g) (2) is amended.

§ 1381.62 *Appendix A: Maximum prices for Douglas fir and other West Coast lumber where shipment originates at a mill.* (a) The maximum prices for Douglas fir lumber, f. o. b. mill, per one thousand feet board measure where shipment originates at the mill, shall be as follows: * * *

PONTON LUMBER—U. S. ARMY, SPECIFICATIONS

	Specification No.	Net size per piece	Nominal size	Maximum price
25-TON MODEL, 1940				
Chess	T-1053	2⅝ x 11⅝-15′	3 x 12¼-16′	$80.00
Half chess	T-1053	2⅝ x 5⅝-15′	3 x 6-16′	70.00
Sill	T-1056	7⅝ x 9⅝-15′6″	8¼ x 10¼-16′	180.00
Ponton balk	T-1557	5⅝ x 7¾-21′9⅛″	6¼ x 8¼-22′	175.00
Trestle balk	T-1057	5⅝ x 7¾-15′5½″	6¼ x 8¼-16′	170.00
Transverse balk	T-1068	2 x 10-14′11¾″	2½ x 10½-16′	90.00
Spacer blocks	T-1068	1¼ x 2⅛-10″	1½ x 2½-1′	75.00
Spacer blocks	T-1068	1¼ x 4-10″	1½ x 4½-1′	75.00
6-TON MODEL, 1938				
Trestle balk	T-1366	4 x 6-15′4⅜″	4½ x 6½-16′	155.00
Chess	T-1367	2⅛ x 11⅞-12′	2½ x 12½-12′	80.00
Half chess	T-1367	2⅛ x 5⅝-12′	2½ x 6-12′	70.00
Sill	T-1365	5¾ x 7¾-13′	6¼ x 8¼-14′	170.00
Ponton balk	T-1366	4 x 6-21′5″	4½ x 6½-22′	160.00

Compute footage on nominal sizes.

* * * * *

(c) For mixed car or mixed truck shipments $2.00 additional per 1,000 feet board measure may be charged. No addition may be made for a mixed cargo shipment without special authorization under paragraph (g) (2) of this section. A mixed car shipment consists of four or more items as hereinafter defined of at least 1,000 board feet each. A mixed truck shipment consists of four or more items of at least 250 feet each. For the purposes of this definition the following classifications of lumber of any different species shall constitute an item: * * *

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 4573, 4701, 5180, 5360, 6168, 6388, 6424, 7285, 8384.

(g) * * *

(2) For prices of workings, specifications, special grades, services, or extras not otherwise provided for in this section, the seller shall apply to the Lumber Branch of the Office of Price Administration in Washington, D. C., for an authorized price. In such application the seller shall:

(i) Describe in detail the workings, specifications, special grades, services, or other extras for which he wishes a maximum price determined;

(ii) State how the requested price was determined;

(iii) Furnish any price lists or invoices which would indicate that the price requested is in its normal pre-price-control relationship to the general level of prices established in paragraph (a) of this section.

(iv) Give any other facts which the seller wishes to furnish which will enable the Office of Price Administration to authorize the proper price.

The Office of Price Administration, shall within 30 days of the receipt of the application, either authorize the requested price, or authorize a price which is deemed proper. Authorization may be by letter or telegram. If the Office of Price Administration does not within 30 days either authorize a price or require further justification of the requested price, the requested price shall be considered approved.

Pending approval of such price, the seller may quote and deliver at a price which is agreed by the parties to be subject to adjustment to the price approved by the Office of Price Administration, but the seller may not accept payment and the buyer may not make final payment until a price has been authorized.

* * * * *

§ 1381.61a *Effective dates of amendments.* * * *

(i) Amendment No. 9 (§ 1381.62 (a), (c), (g)) to Maximum Price Regulation No. 26 shall become effective November 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11091; Filed, October 30, 1942; 12:19 p. m.]

PART 1389—APPAREL

[MPR 153, as Amended,[1] Amendment 3]

WOMEN'S, GIRLS' AND CHILDREN'S OUTERWEAR GARMENTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1389.3 (e) (3), subdivision (iii) is amended, and in § 1389.11, paragraph (e) is added, so as to read as set forth below:

§ 1389.3 *Maximum prices for new lines of women's, girls' and children's outerwear garments.* * * *

(e) * * *

(3) * * *

(iii) For purposes of sales, other than sales at wholesale or retail, the period between July 1 to September 30, 1941, inclusive; except that for purposes of sales to ultimate consumers by "dressmakers" or "custom tailors" from their own regular establishments, of garments produced or fabricated by them to the individual specifications and at the special orders of such ultimate consumers, the period between August 1 to December 31, 1941, inclusive.

* * * * *

§ 1389.11 *Effective dates of amendments.* * * *

(e) Amendment No. 3 (§§ 1389.3 (e) (3) (iii) and 1389.11 (e)) to Maximum Price Regulation No. 153, as amended, shall become effective November 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11090; Filed, October 30, 1942; 12:16 p. m.]

PART 1395—NONFERROUS FOUNDRY PRODUCTS

[MPR 125,[1] Amendment 3]

WILLIAM A. HARDY & SONS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new paragraph (j) is added to § 1395.2, and a new paragraph (c) is added to § 1395.10a, as set forth below:

§ 1395.2 *Exceptions.* * * *

(j) Permission is hereby granted to William A. Hardy & Sons Company, Fitchburg, Massachusetts, to sell the following castings at prices employing working margins not in excess of those specified below. "Working margin", for the purpose hereof, is the differential between the total selling price and the price of the ingot specified in the contracts referred to.

Castings	*Working margins per pound*
Castings sold under Item 2 of Schedule A of contract dated January 1, 1942, between William A. Hardy & Sons Company and the Boston & Maine Railroad, and identical castings sold to other railroads under similar contracts	5.875¢
Castings sold during the period from May 11, 1942 to May 31, 1942, inclusive, under Item 7 of Schedule A of the above contract with the Boston & Maine Railroad, and identical castings sold to other railroads during the same period under similar contract	3¢
Castings produced on and after June 1, 1942, under Item 7 of Schedule A of the above contract with the Boston & Maine Railroad, and identical castings sold to other railroads on and after said date under similar contracts	4¢

* * * * *

§ 1395.10a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1395.2(j) and § 1395.10a(c)) shall become effective as of May 11, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11092; Filed, October 30, 1942; 12:13 p. m.]

PART 1397—CONSTRUCTION OF BUILDINGS AND STRUCTURES

[MPR 251]

CONSTRUCTION AND MAINTENANCE SERVICES AND SALES OF BUILDING AND INDUSTRIAL EQUIPMENT AND MATERIALS ON AN INSTALLED OR ERECTED BASIS

In the judgment of the Price Administrator it is necessary and proper to establish a method of determining maximum prices for sales of construction and maintenance services and building and industrial equipment and materials on an installed or erected basis which differs, in some respects, from the method of computing maximum prices established therefor by the General Maximum Price Regulation. So far as practicable, the Price Administrator has advised and consulted with representative members of the industries which will be affected by this regulation.

The maximum prices established by this regulation, in the judgment of the Price Administrator, will be fair and equitable, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 251 is hereby issued.

Sec.
1397.51 General Maximum Price Regulation superseded.
1397.52 Definitions.
1397.53 Exclusions.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 4381, 5869, 7010, 7535.

[1] 7 F.R. 3202, 3990, 7249.

[1] 7 F.R. 971, 3663, 6967.

Sec.
1397.54 Prohibition against sales at higher than maximum prices.
1397.55 Maximum prices for sales under $500.
1397.56 Maximum prices for sales on a cost-plus basis.
1397.57 Maximum prices for sales on a unit price or lump-sum basis.
1397.58 Bonuses.
1397.59 Special pricing methods.
1397.60 Less than maximum prices.
1397.61 Certificates of compliance.
1397.62 Notification of purchaser of existence of regulation.
1397.63 Evasion.
1397.64 Records and reports.
1397.65 Licensing.
1397.66 Registration of licensee.
1397.67 Enforcement.
1397.68 Petitions for amendment or adjustment.
1397.69 Geographical applicability.
1397.70 Effective date.

AUTHORITY: §§ 1397.51 to 1397.70, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1397.51 *General Maximum Price Regulation superseded.* The provisions of the General Maximum Price Regulation are superseded with respect to sales of construction and maintenance services and sales of building and industrial equipment and materials on an installed or erected basis for which maximum prices are in effect pursuant to this Maximum Price Regulation No. 251, or which are exempted from this Maximum Price Regulation No. 251 under the provisions of § 1397.53 (f) hereof.

§ 1397.52 *Definitions.* (a) When used in this Maximum Price Regulation No. 251, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Building or industrial equipment or materials" includes any raw material, commodity or processed or fabricated article used in or made a part of any building or construction project.

(3) A "sale on an installed or erected basis" means a transaction in which the seller furnishes building or industrial equipment or materials, together with the labor or services required to incorporate such building or industrial equipment or materials into a building, structure, or construction project.

(4) "Construction or maintenance services" means all services rendered with respect to any building, structure, or construction project or any part thereof.

(5) "Price regulation" means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any order issued pursuant to any such regulation or schedule.

(6) "Government contract" means any contract with the United States or any agency thereof or with the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" or with any agency of any such government

§ 1397.53 *Exclusions.* This Maximum Price Regulation No. 251 shall not apply to the sale or supplying of:

(a) Any service which is excluded from the General Maximum Price Regulation by paragraph (b) of Revised Supplementary Regulation No. 11 to the General Maximum Price Regulation, as amended, including future amendments thereto;

(b) Any service specified in § 1499.101 (c), as amended, including future amendments, of Maximum Price Regulation No. 165, as amended—Services;

(c) Any construction or maintenance service or any commodity on an installed or erected basis for which a maximum price is established by any other price regulation[2] except the General Maximum Price Regulation;

(d) Any construction or maintenance service or any building or industrial equipment or materials on an installed or erected basis not delivered or supplied for use on a fixed structure or fixed construction project;

(e) Any construction or maintenance service or any building or industrial equipment or materials on an installed or erected basis pursuant to a contract entered into prior to the date of issuance of this regulation. Any substantial revision or modification of a contract shall be deemed a new contract for the purposes of this paragraph;

(f) Any construction or maintenance service or any building or industrial equipment or materials on an installed or erected basis pursuant to a prime contract with the War Department, the Navy Department, or any agency of the United States whose contracts are classified hereunder by order of the Office of Price Administration, or any subcontract to such prime contract: *Provided,* That the War Department, the Navy Department, or other agency of the United States classified hereunder shall certify, at the time the contract or subcontract is made, that the contract or subcontract has been negotiated or will be renegotiated in accordance with a method previously filed with the Office of Price Administration: and *Provided further,* That, notwithstanding the other provisions of this paragraph (f), the seller shall remain subject to the provisions of § 1397.61 (c) of this Maximum Price Regulation No. 251.

§ 1397.54 *Prohibition against sales at higher than maximum prices.* (a) On and after the effective date of this Maximum Price Regulation No. 251:

(1) No person shall sell or deliver or contract to sell or deliver building or industrial equipment or materials on an installed or erected basis, or sell or supply any construction or maintenance service, at a price higher than the maximum price established by this Maximum Price Regulation No. 251.

(2) No person, in the course of trade or business, shall buy or receive any building or industrial equipment or materials on an installed or erected basis, or any construction or maintenance service at a price higher than that permitted by this Maximum Price Regulation No. 251: *Provided,* That if upon completion of a sale subject to this regulation the purchaser shall receive from the seller a written affirmation that to the best of his knowledge, information, and belief, the prices charged do not exceed the maximum price established by this Maximum Price Regulation No. 251; and if the purchaser shall have no knowledge of the maximum price and no cause to doubt the accuracy of the affirmation, and if the actual price paid is not in excess of the maximum price as affirmed by the seller, the purchaser shall be relieved of liability under this section. The certificate provided for in § 1397.61 (a) or (b) hereof shall be deemed a written affirmation for the purposes of this section.

(3) No person shall agree, offer, solicit, or attempt to do any of the acts prohibited in subparagraphs (1) and (2) of this paragraph (a).

(b) The provisions of paragraph (a) (2) of this section shall not be applicable to any agency of the United States, or any contracting officer thereof, and any such contracting officer or any paying finance officer shall be relieved of any and every liability, civil or criminal, imposed by this Maximum Price Regulation No. 251 or by the Emergency Price Control Act of 1942.

§ 1397.55 *Maximum prices for sales not exceeding $500.* In the case of any sale subject hereto, the price for which in March 1942 would not have exceeded $500, the seller shall determine his maximum price hereunder as follows:

To the price which would have been charged for said sale in March 1942 (based on his then prevailing rates for labor and material and his then prevailing margin), the seller shall add increases in labor costs thereon up to July 1, 1942. The resulting figure shall be the maximum price for such sale.

§ 1397.56 *Maximum prices for sales on a cost-plus basis.* (a) The maximum price (except as determined under § 1397.55), in the case of sales or contracts to sell on the basis of cost-plus-a-percentage-of-cost, cost-plus-a-fixed-fee, or any other basis of addition to cost, shall be an amount not in excess of the sum of the following:

(1) Materials and supplies at actual cost, but in no event at prices in excess of those permitted by any applicable price regulation of the Office of Price Administration: *Provided, however,* That where the building or industrial equipment or materials are manufactured or processed by the seller, the cost thereof for the purpose of this section shall not exceed the lowest maximum price which the seller would be permitted to charge under any applicable price regulation on a sale of such materials or equipment to

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[2] See, for example, Revised Price Schedule No. 136—Machines and Parts.

a third party purchasing a similar quantity.

(2) Actual labor costs: *Provided, however*, That such costs shall not be allowed in an amount to exceed the cost of such labor computed on the basis of labor rates in the area of installation in effect on July 1, 1942.

(3) Such other actual direct costs incurred by the seller, including the cost of subcontracts, not otherwise provided for in subparagraphs (1) and (2) above: *Provided, however*, That such costs may not be allowed in an amount in excess of the maximum prices fixed therefor by this Maximum Price Regulation No. 251 or by any other applicable price regulation.

(4) A margin to include administrative, supervisory, and overhead costs and profit (excluding any reserve for contingencies) not in excess of such percentage of one or more of the other costs enumerated in subparagraphs (1), (2), and (3) of this section as (i) constituted the seller's highest margain similarly calculated during the base period January 1, 1939, to March 31, 1942, on the most comparable sale involving the same type of work, or (ii) if the margain cannot be determined under (i), a margin which would have constituted the seller's margin similarly calculated in March 1942, on a comparable sale involving the same type of work and based on the seller's own general experience, and the experience of the industry on such comparable sales.

The margin determined hereunder must be supported by records, or other competent evidence, of previous transactions occurring during the base period. These records and evidence must be produced on request of the Office of Price Administration.

(b) Within ten days after entering into any cost-plus contract subject to this Maximum Price Regulation No. 251, the seller shall submit to the nearest district, state, or regional office of the Office of Price Administration a report setting forth a description of the job, an estimate of the costs and a statement of the percentage margin or, in the case of a cost-plus-a-fixed-fee contract, the estimated margin in dollars and cents, as set forth in § 1397.56 (a) (1) to (4) above, and an indication of the items of overhead included therein.

§ 1397.57 *Maximum prices for sales on a unit-price or lump-sum basis.* (a) The maximum contract price (except when determined under § 1397.55), in the case of sales or contracts to sell on a unit price basis or on the basis of a total selling price (inclusive of all costs and profit), commonly referred to as a lump-sum contract, shall be an amount not in excess of the sum of the following:

(1) Estimated cost of materials and supplies at a price not in excess of that permitted by any applicable price regulation of the Office of Price Administration: *Provided, however*, That where the building or industrial equipment or materials are manufactured or processed by the seller, the cost thereof for the purposes of this Maximum Price Regulation No. 251 shall not exceed the lowest maximum price which the seller would be permitted to charge under any applicable price regulation on a sale of such materials or equipment to a third party purchasing a similar quantity.

(2) Estimated labor costs: *Provided, however*, That such costs shall not be allowed in an amount to exceed the cost of such labor computed on the basis of labor rates in the area of installation in effect on July 1, 1942.

(3) Estimated other direct costs, including the cost of subcontracts, applicable to each such sale not otherwise provided for in subparagraphs (1) and (2) above: *Provided*, That any commodity or service included in this estimate, whether subject to this Maximum Price Regulation No. 251 or any other applicable price regulation may be included only at a price not in excess of the maximum price permitted by any such regulation.

(4) An estimated reserve for such contingencies as the seller in good faith can reasonably foresee.

(5) A margin to include administrative, supervisory, and overhead costs and profit not in excess of such percentage of one or more of the other estimated costs enumerated in the subparagraphs (1), (2), (3), and (4) of this section as (i) constituted the seller's highest margin similarly calculated during the base period January 1, 1939, to March 31, 1942, on the most comparable sale involving the same type of work, or (ii) if the margin cannot be determined under (i), a margin which would have constituted the seller's margin similarly calculated in March 1942, on a comparable sale involving the same type of work and based on the seller's own general experience, and the experience of the industry on such comparable sales.

The margin determined hereunder must be supported by records, or other competent evidence, of previous transactions occurring during the base period. These records and evidence must be produced on request of the Office of Price Administration.

(b) Within ten days after entering into any unit price or lump-sum contract subject hereto, the seller shall submit to the nearest district, state, or regional office of the Office of Price Administration a report setting forth:

(1) A complete description of the job;

(2) Estimated costs of materials and supplies;

(3) Estimated labor costs;

(4) Estimated other direct costs, including the cost of each subcontract;

(5) Estimated reserve for contingencies;

(6) Estimated margin and the method by which it is computed; and

(7) The contract price.

No less than ten days before the anticipated final settlement under the lump-sum contract, a further report shall be submitted to the office to which the initial report was submitted, setting forth the actual costs for each of the above-mentioned items (2) to (5), inclusive. The seller may file his estimate sheets or other working papers in lieu of the reports required hereunder, or any part thereof, provided that the required information is fully set forth therein.

§ 1397.58 *Bonuses.* No seller shall charge, demand, or receive, and no buyer shall tender or pay, any bonus, consideration, gratuity, or any other addition to the maximum price, calculated on the basis set forth in this Maximum Price Regulation No. 251, and no seller or buyer shall agree to do any of the foregoing for early completion of such sale or for any other reason, except upon specific approval and authorization of the Office of Price Administration. Applications for such authorization shall be filed with the Office of Price Administration, Washington, D. C., and shall set forth a description of the job and its location, the contract price for the job, the amount of the proposed bonus, and the reasons for requesting permission to provide for it.

§ 1397.59 *Special pricing methods.* The Office of Price Administration may by order under this section provide a special pricing method to replace the pricing method set forth herein for any industry, or part thereof, subject to this Maximum Price Regulation No. 251.

§ 1397.60 *Less than maximum prices.* Lower prices than those provided for in this Maximum Price Regulation No. 251 may be charged, demanded, paid, or offered.

§ 1397.61 *Certificates of compliance.* (a) In the case of any sale subject to this Maximum Price Regulation No. 251 in which the total sale price exceeds $500, the seller, at the time of final settlement, shall furnish a certificate to the purchaser setting forth the ceiling price as determined under this Maximum Price Regulation No. 251 and the sale price, together with a statement that the terms of this Regulation have been complied with. A duplicate of this certificate shall be filed with the nearest district, state, or regional office of the Office of Price Administration.

(b) A certificate similar to the one provided for in paragraph (a) of this section shall be furnished to the purchaser in the case of any sale under $500 where demand therefor is made by the purchaser.

(c) In the case of any sale excluded from this Maximum Price Regulation No. 251 under the provisions of § 1397.53 (f), the seller shall file with the Office of Price Administration, Washington, D. C., at any time before final payment, a certificate that it has purchased or rented no equipment or materials at prices higher than the maximum prices permitted under the terms of any applicable price regulation.

§ 1397.62 *Notification of purchaser of existence of regulation.* Every person making sales subject to this Maximum Price Regulation No. 251 shall, before entering into a contract or making a sale, notify the purchaser of the existence of this Maximum Price Regulation No. 251, and, upon request of the purchaser, make available a copy of this Maximum Price Regulation No. 251 at the seller's principal place of business and at every branch office for examination by the purchaser.

§ 1397.63 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 251 shall not be evaded, whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, transfer, or purchase of, or relating to, any sale of building or industrial equipment or materials on an installed or erected basis, or any construction or maintenance service, alone, or in conjunction with any other commodity or service, or by way of commission, service, transportation, or other charge, rebate, discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by requiring the purchaser to furnish material for processing not in accordance with previous practice or by reducing the period of any guaranty or warranty of performance, or by eliminating or reducing any maintenance, repair, or installation service, or by undervaluing commodities received in trade, or by eliminating or reducing credits on purchases, or by lowering quality, or by any other change in terms, methods, or conditions of sale, delivery, or supply, or otherwise.

§ 1397.64 *Records and reports.* (a) Persons subject to this Maximum Price Regulation No. 251 shall keep available for inspection by representatives of the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect full records of each sale of building or industrial equipment or materials on an installed or erected basis, and of all sales of construction and maintenance services, after the effective date of this Maximum Price Regulation No. 251, showing the name of the purchaser, the date of the transaction, a description of the commodities and services involved, a detailed statement of the method by which the maximum price was calculated, together with all such records of a kind which the seller has customarily kept. Any person subject to this Maximum Price Regulation No. 251 who has regularly furnished customers with invoices, sales slips, receipts, or similar documents shall continue to do so.

(b) Such persons designated in paragraph (a) of this section shall submit such reports to the Office of Price Administration and keep such other records in addition to, or in place of, the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

§ 1397.65 *Licensing.* Every person making or contracting to make any sale of building or industrial equipment or materials on an installed or erected basis. or any sale of contruction and maintenance services, for which a maximum price is established by this regulation, is hereby granted a license as a condition of making such sale. Such license shall be effective on the effective date of this regulation or when any such person becomes subject hereto, and shall, unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, remain in effect as long as this regulation or any applicable part, amendment, or supplement remains in effect.

§ 1397.66 *Registration of licensee.* Every person hereby licensed may be required to register with the Office of Price Administration at such time and in such manner as the Administrator may hereafter by regulation prescribe.

§ 1397.67 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 251 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 251, or any other price regulation, or of any acts or practices which constitute such a violation are urged to communicate with the nearest district, state, or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1397.68 *Petitions for amendment or adjustment*—(a) *Government contracts or subcontracts.* Any person who has entered into or proposes to enter into a Government contract or a subcontract under any such contract, who believes that a maximum price established by this Maximum Price Regulation No. 251 impedes or threatens to impede production of a commodity or supply of a service which is essential to the war program and which is, or will be, the subject of such contract or subcontract may file an application for adjustment of that maximum price in acordance with Procedural Regulation No. 6,[3] issued by the Office of Price Administration.

(b) *General amendments.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 251 may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1397.69 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 251 shall be applicable to the continental United States and the District of Columbia, but shall not be applicable to the territories and possessions of the United States.

§ 1397.70 *Effective date.* This Maximum Price Regulation No. 251 (§§ 1397.51 to 1397.70, inclusive) shall become effective November 5, 1942.

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11086; Filed, October 30, 1942; 12:17 p. m.]

PART 1499—COMMODITIES AND SERVICES

[GMPR,[1] Amendment 31]

COST-OF-LIVING COMMODITIES

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

A new paragraph (c) is added to § 1499.13 as set forth below.

§ 1499.13 *Maximum prices of cost-of-living commodities; statement, marking or posting.* * * *

(c) No person is required to mark or file the maximum price of any commodity manufactured by him if his only sales at retail of such commodity are made to his employees.

* * * * *

§ 1499.23a *Effective dates of amendments.* * * *

(ff) Amendment No. 31 (§ 1499.13 (c)) to General Maximum Price Regulation shall become effective November 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11097; Filed, October 30, 1942; 12:13 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14, Amendment 46]

HOUSEHOLD SOAPS AND CLEANSERS

General Maximum Price Regulation[1]—Amendment No. 46 to Supplementary Regulation No. 14.[2]

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new subparagraph (35) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided: * * *

(35) *Sales at wholesale of household soaps and cleansers.* (i) Any seller at wholesale of household soaps or cleansers may, at his option, establish as his maximum prices therefor the maximum prices hereinafter established in lieu of the maximum prices therefor established pursuant to other provisions of the General Maximum Price Regulation:

(*a*) Any seller at wholesale of a household soap or cleanser whose price therefor in August 1941 was more than the manufacturer's carload delivered price before cash discount, may sell such soap or cleanser at the price therefor set forth in Column A of Appendix A hereof, or if such soap or cleanser is not listed in such Appendix A he may sell such unlisted soap or cleanser at the manufacturer's carload delivered price therefor before cash discount plus one percent of such manufacturer's price.

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[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

[3] 7 F.R. 5087, 5664.

*Copies may be obtained from the Office of Price Administration.

[2] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7293, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524.

(*b*) Any seller at wholesale of a household soap or cleanser whose price therefor in August 1941 did not exceed the manufacturer's carload delivered price before cash discount may sell such soap or cleanser at the price set forth in Column B of Appendix A hereof, or if such soap or cleanser is not listed in such Appendix A, he may sell such unlisted soap or cleanser at the manufacturer's carload delivered price before cash discount.

(ii) *Appendix A: Maximum delivered cash prices for household soaps and cleansers sold at wholesale.*

FINE FABRIC PACKAGE SOAPS

Brand name	Pack	Weight (per item)	B Price per case	A* Price per case
LARGE				
Lux	20	12½ oz	$4.10	$4.14
Ivory Flakes	24	12½ oz	4.85	4.90
Ivory Snow	24	12½ oz	4.85	4.90
Dreft	24	8¾ oz	4.85	4.90
Vel	24	12 oz	4.85	4.90
Klek	24	17½ oz	4.27	4.31
REGULAR				
Lux	100	5 oz	8.25	8.33
Lux	50	5 oz	4.15	4.19
Ivory Flakes	60	5 oz	4.85	4.90
Ivory Snow	60	5 oz	4.85	4.90
Dreft	60	3⅝ oz	4.85	4.90
Vel	48	4½ oz	3.88	3.92
Klek	48	8½ oz	4.17	4.21
GIANT				
Lux	9	28 oz	4.00	4.04
Dreft	9	23½ oz	4.753	4.80
Vel	9	32½ oz	4.75	4.80

PACKAGE LAUNDRY SOAPS

Brand name	Pack	Weight (per item)	B Price per case	A* Price per case
LARGE				
Rinso	24	24 oz	$4.900	$4.95
Oxydol	24	24 oz	4.899	4.95
Super Suds Concentrated	24	24 oz	4.90	4.95
Chipso Flakes	24	21½ oz	4.899	4.95
Chipso Granules	24	21½ oz	4.899	4.95
Silver Dust	24	21½ oz	5.190	5.24
Selox	24	17½ oz	2.959	2.99
Duz	24	21½ oz	4.899	4.95
American Family Flakes	24	21 oz	4.947	5.00
White King Granulated	24	29 oz	6.290	6.35
White King Granulated	24	22 oz	5.03	5.08
Magic Washer	24	25 oz	4.70	4.75
Fels Naptha Chips	24	21 oz	4.20	4.24
REGULAR				
Rinso	60	9 oz	4.90	4.95
Oxydol	60	9 oz	4.899	4.95
Super Suds Concentrated	60	9 oz	4.90	4.95
Chipso Flakes	60	8½ oz	4.899	4.95
Duz	60	8½ oz	4.899	4.95
American Family Flakes	60	8 oz	4.947	5.00
White King Granulated	48	9 oz	4.260	4.30
Magic Washer	60	8 oz	4.70	4.75
Fels Naptha Chips	60	8½ oz	4.20	4.24
GIANT				
Rinso	8	69 oz	4.600	4.65
Oxydol	8	69 oz	4.608	4.65
Super Suds Concentrated	8	69 oz	4.61	4.65
Duz	8	62½ oz	4.608	4.65
White King Granulated	12	48 oz	5.25	5.30

*The maximum prices set forth in this Column A are established only for wholesalers whose maximum price for the product named was, in August 1941, more than the manufacturer's carload delivered price therefor before cash discount. Any person who determines his maximum selling price under this amendment—to Supplementary Regulation No. 14 must keep the records and make the reports required under subdivision (iii) and must give the notice to buyers required under subdivision (iv).

TOILET SOAPS

Brand name	Pack	Size	B Price per case	A Price per case
REGULAR				
Lifebuoy	100	Regular	$6.000	$6.06
Lifebuoy	50	Regular	3.025	3.06
Lux Toilet	100	Regular	6.00	6.06
Lux Toilet	50	Regular	3.025	3.06
Camay	144	Regular	8.633	8.72
Camay	72	Regular	4.365	4.41
Palmolive	144	Regular	8.63	8.72
Palmolive	72	Regular	4.37	4.41
Fairy	72	Regular	3.25	3.28
Woodbury	144	Regular	10.15	10.25
Sweetheart	100	Regular	5.82	5.88
Sweetheart	50	Regular	2.91	2.94
Swan	100	Regular	5.35	5.40
Ivory (Medium)	100	Medium	5.335	5.39
Lava (Medium)	100	Medium	5.287	5.34
Lava (Medium)	50	Medium	2.668	2.70
LARGE				
Swan	100	Large	8.96	9.05
Swan	50	Large	4.53	4.58
Ivory	100	Large	8.924	9.02
Ivory	50	Large	4.511	4.56
Lava	100	Large	8.003	8.08
Lava	50	Large	4.074	4.11
BATH SIZE				
Lux Toilet	50	Bath size	4.275	4.32
Camay	100	Bath size	8.924	9.02
Camay	50	Bath size	4.491	4.54
Palmolive	100	Bath size	8.56	8.65
Palmolive	50	Bath size	4.31	4.35
GUEST SIZE				
Lifebuoy	144	Guest size	5.40	5.45
Lifebuoy	72	Guest size	2.70	2.73
Ivory	144	Guest size	5.82	5.88
Ivory	72	Guest size	2.959	2.99

BAR LAUNDRY SOAPS

Brand name	Pack	Size	B Price per case	A Price per case
P & G White Laundry or P & G The White Naphtha	100	Large	$4.074	$4.11
P & G White Laundry or P & G The White Naphtha	100	Regular	3.492	3.53
American Family Soap	80	Regular	3.977	4.02
Crystal White Family Soap	80	Large	3.25	3.28
Crystal White Family Soap	100	Regular	3.49	3.53
Kirkman's Borax	100	Regular	4.250	4.29
Octagon	100	Large	4.12	4.16
Octagon	120	Small	2.76	2.79
Fels Naptha	100	Regular	4.45	4.49

WASHING POWDERS

Brand name	Pack	Size	B Price per case	A Price per case
GIANT				
Gold Dust	12	36 oz	$1.750	$1.77
Star	12	39 oz	1.601	1.62
Grandma's	12	39 oz	1.601	1.62
Octagon	20	40 oz	2.72	2.75
Kirkman's	12	40 oz	1.850	1.87
LARGE				
Gold Dust	60	10 oz	2.45	2.47
O. K	60	14½ oz	2.28	2.30
Octagon	60	14 oz	2.33	2.35
Kirkman's	50	12 oz	2.10	2.12
REGULAR				
Gold Dust	100	6½ oz	2.60	2.63
O. K	120	7¼ oz	2.28	2.30
Star	100	8¾ oz	2.471	2.50
Grandma's	100	8¾ oz	2.474	2.50
Octagon	120	7 oz	2.76	2.79

SCOURING CLEANSERS

Brand Name	Pack	Weight (per item)	B Price per case	A Price per case
Gold Dust	24	14 oz	$1.050	$1.06
Old Dutch Cleanser	48	14 oz	3.05	3.08
Kitchen Klenzer	40	13 oz	2.00	2.02
Kirkman's	48	14 oz	1.92	1.94
Crystal White	48	13 oz	1.79	1.81

(iii) *Records and reports.* Any person who determines his maximum selling price for any household soap or cleanser under this Amendment No. 46 to Supplementary Regulation 14 of the General Maximum Price Regulation shall, within 10 days of his first sale at such adjusted price, file with the Office of Price Administration in Washington, D. C. an affidavit containing the following information with respect to each such commodity:

(*a*) The name of the commodity and the name of its manufacturer.

(*b*) His maximum selling price on such commodity as established under § 1499.2 of the General Maximum Price Regulation together with his maximum selling price as adjusted under this amendment.

(*c*) The average percentage mark-up enjoyed by him during August 1941 over the manufacturer's wholesale carload price per case before cash discount on such commodity.

(iv) *Notice.* Any person who determines his maximum selling price for any household soap or cleanser under this Amendment No. 46 to Supplementary Regulation 14 of the General Maximum Price Regulation shall deliver invoices to buyers covering sales subject to this amendment, and at the time of delivery attach to his first invoice to each such buyer on any sale at a price so determined a notice as follows:

The Office of Price Administration has permitted us to raise our maximum price for sales to you of (insert name of product) from $______ to $______. This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that retail prices would not be raised. The OPA has not permitted you or any other seller to raise maximum prices for sales of (insert name of product).

(v) *Definitions.* (*a*) "Household soaps and cleansers" shall mean any soap, soap product, soapless detergent, or cleanser customarily sold to household consumers.

(*b*) "Carload" shall mean any quantity of soap upon which the manufacturers thereof allow a carload quantity discount.

(*c*) "Price per case" shall mean the cash price per case delivered to the buyer's premises.

(*d*) "Seller" shall mean the person actually making the sale, but for the purpose of determining margins existing in August 1941 includes any predecessor whose business was taken over by the actual seller.

(b) *Effective dates.* * * *

(47) Amendment No. 46 (§ 1499.73 (a) (35)) to Supplementary Regulation No. 14 shall become effective November 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11099; Filed, October 30, 1942; 12:18 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 74 Under § 1499.18 (b) of GMPR]

B. & G. CANDY COMPANY—DETROIT BOARD OF EDUCATION

Order No. 74 Under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF 3-1962.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.874 *Adjustment of maximum prices for bar candy sold by B. & G. Candy Company to Board of Education of the City of Detroit.* (a) The B. & G. Candy Company of Detroit, Michigan, is hereby authorized to sell and deliver to the Board of Education of the City of Detroit, and the Board of Education of the City of Detroit may buy and receive from the B. & G. Candy Company the following commodities at prices not higher than those set forth below:

(1) Boxes of the following bar candy: Milky Way, Clark Bar, Oh Henry, Baby Ruth, Heath Bar, Tootsie Rolls, Nestle, Hershey, Nestle Almond, Hershey Almond, Welch Fudge, at 73¢ per box less 2% for prompt payment.

(b) The adjustment granted to B. & G. Candy Company is subject to the condition that the Board of Education of the City of Detroit shall not charge a higher price for candy bars at retail than its highest price during March 1942.

(c) The B. & G. Candy Company shall notify the Board of Education of the City of Detroit that said Board of Education may not charge a higher price for candy bars at retail than its highest price during March 1942.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 74 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 74 (§ 1499.874) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 74 (§ 1499.874) shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11100; Filed, October 30, 1942; 12:16 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 113 Under § 1499.3 (b) of GMPR]

ROCKINGHAM SHOE CO.

Maximum Prices Authorized Under § 1499.3 (b) of the General Maximum Price Regulation—Order No. 113.

Rockingham Shoe Company, New Market, New Hampshire, made application pursuant to § 1499.3 (b) of the General Maximum Price Regulation for an authorization to determine maximum prices for two new women's shoes. Due consideration has been given to the application and it appears that the new shoes cannot be priced by the seller under § 1499.2 of the General Maximum Price Regulation. For the reasons set forth in an opinion in support of this order, which has been issued simultaneously herewith and has been filed with the Division of the Federal Register and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.977 *Approval of method of determining maximum prices of two new shoes for Rockingham Shoe Company, New Market, New Hampshire.* (a) Rockingham Shoe Company is hereby authorized to determine the maximum price for two new styles of women's shoes in the following manner:

(1) From the same general classification as the new shoe it shall select as a base shoe a shoe which has the March 1942 total direct labor and material cost nearest to the calculated March 1942 total direct labor and material cost of the new shoe, which has a price established under § 1499.2 of the General Maximum Price Regulation, and of which a substantial number of units was delivered in March 1942. If there is no shoe of the same general classification, it shall select as a base shoe the shoe which is in the March 1942 total material and direct labor cost range nearest to the calculated March 1942 total material and direct labor cost of the new shoe, and of which it delivered a substantial number of units during March 1942.

(2) It shall divide the maximum price for the base shoe by the total March 1942 material and direct labor cost thereof;

(3) It shall multiply the percentage so obtained by the total material and direct labor cost of the new shoe figured on a March 1942 basis;

(4) It shall then subtract the total March 1942 material and direct labor cost of the base shoe from the maximum selling price thereof; and

(5) Add the total March 1942 material and direct labor cost of the new shoe to the figure so obtained.

(6) The lower of the two results (operation 3 or 5) is the maximum price for the new shoe to a purchaser of the same class as that to which the price of the base shoe applies.

(b) The costs to be used in computing the above mentioned formula are to be compiled by filling out the following report, Form GMPR: 6:

OFFICE OF PRICE ADMINISTRATION
Washington, D. C.

Form GMPR:6

Form Approved
Budget Bureau No. 08-R100-42

REPORT OF A MAXIMUM PRICE FOR A NEW SHOE

(Determined under § 1499.3 (b) of the General Maximum Price Regulation)

> This form is to be used to report the price for a type of shoe first manufactured after March 31, 1942, which cannot be priced under the general provisions of the General Maximum Price Regulation.

Date

Name of company

Address of company
(Street) (City) (State)

GENERAL INSTRUCTIONS

Schedule I of this report is used to summarize the maximum selling price and the total March material and direct labor cost of (1) the "new" shoe being priced and of (2) the "base" shoe used for comparison. The information required for this comparison is detailed in Schedules II and III, which show specifications and direct manufacturing costs of both shoes.

SCHEDULE I

Instructions: In answering Schedule I, the following point must be noted: Although you did not manufacture the "new" shoe in March 1942, you must refer to your March 1942, direct labor and material costs in pricing the "new" shoe. You must calculate the cost of producing the new shoe using the March 1942, costs which will be detailed in Schedule III.

From the same general classification as the "new" shoe, select as a base shoe a shoe: (1) Which has the March, 1942 total direct labor and material cost nearest to the calculated March, 1942 total direct labor and material cost of the new shoe; (2) which has a price established under Section 2 of the GMPR; and (3) of which a substantial number of units was delivered in March 1942.

If there is no shoe of the same general classification, select as a base shoe the shoe: (1) Which is in the March 1942 total material and direct labor cost range nearest to the calculated March 1942 total material and direct labor cost of the new shoe; and (2) of which you delivered a substantial number of units in March 1942.

Supply the information requested below for both the "base" shoe and the "new" shoe.

1. Stock number of the base shoe used for comparison
2. Description of the base shoe
3. Stock number of the "new" shoe for which a maximum price is reported
4. Description of the "new" shoe
5. Price and cost comparison:

Maximum selling price of base shoe (1)	Total March material and direct labor cost per pr. of base shoe[1] (2)	Mark-up		Total March material and direct labor cost per pr. of new shoe[1] (5)	Column 3 times column 5 (6)	Column 4 plus column 5 (7)
		Percent (col. 1 divided by col. 2) (3)	Dollar (col. 1 minus col. 2) (4)			

[1] Enter the March, 1942, total material and direct labor cost from Schedules II and III.

6. Maximum selling price of new shoe $ (enter the lower of the two results shown in columns (6) and (7).)

Example

Divide your maximum price for the base shoe (column 1) by the total March 1942, material and direct labor cost of that shoe (column 2). The result is to be inserted in column (3). Multiply the percentage so obtained (column 3) by the total March 1942, material and direct labor cost of the shoe being priced (column 5). The result is to be inserted in column (6).

Subtract your total March 1942, material and direct labor cost of the base shoe (column 2) from the maximum selling price of that shoe (column 1). The result so obtained is to be placed in column 4. Add the total March 1942, material and direct labor cost of "new" shoe (column 5) to the dollar mark-up (column 4). The sum is to be placed in column (7).

Your maximum selling price of the "new" shoe is the lower of the two results shown in columns (6) and (7).

Example

Maximum selling price of base shoe (1)	Total March material and direct labor cost per pr. base shoe[1] (2)	Mark-up		Total March material and direct labor cost per pr. of new shoe[1] (5)	Column 3 times column 5 (6)	Column 4 plus column 5 (7)
		Percent (col. 1 divided by col. 2) (3)	Dollar (col. 1 minus col. 2) (4)			
$2.40	$1.70	141.2%	$0.70	$2.25	$3.177	$2.95

Maximum selling price of new shoe $2.95.

SCHEDULE II—DATA AS OF MARCH 1942 ON BASE SHOE

Address of plant

Stock No. Style name

The cost data supplied below are based on (check one): ☐ per pr. ☐ 12 prs. ☐ 100 prs. ☐ other (Indicate amt.)

Parts (1)	Material (2)	Area (3)	Quantity (4)	Price (5)	Amount (6)	Total (7)	Description (8)	Amount (9)	Total (10)
Section I:							Amount forward		
Vamp							Section IV:		
Quarter							Outer sole		
Tip							Mid-sole		
Foxing							Tap		
Strap							Welt		
Brace							Heel		
Lacestay							Top lift		
Back stay							Inner sole		
							Shank		
Tongue							Box toe		
							Counter		
Heel cover									
							Section V:		
							Cases		
							Cartons		
Section II:							Amount forward		
Tongue lin									
Quarter lin							Total material		
Vamp lin									
Front lin							Section VI:		
Heel stay							Cutting		
Lacestay							Fitting		
							Sole fitting		
Heel pad							Lasting		
							Bottoming		
Doubler							Making		
							Finishing		
							Packing		
Section III:									
Binding									
Gore									
Ornament							Direct labor		
Buckles							Total material and direct labor		
							Per pair cost material and direct labor		
Laces									
Gen. findings									
							Selling price		

SCHEDULE III—DATA AS OF MARCH 1942 ON "NEW" SHOE

Address of plant ------------------------------
Stock number ------------------------------ Style name ------------------------------
The cost data supplied below are based on (check one): ☐ per pr. ☐ 12 prs. ☐ 100 prs. ☐ other ------------------------------ (Indicate amt.)

Parts (1)	Material (2)	Area (3)	Quantity (4)	Price (5)	Amount (6)	Total (7)
Section I:						
Vamp						
Quarter						
Tip						
Foxing						
Strap						
Brace						
Lacestay						
Back stay						
Tongue						
Heel cover						
Section II:						
Tongue lin						
Quarter lin						
Vamp lin						
Front lin						
Heel stay						
Lacestay						
Heel pad						
Doubler						
Section III:						
Binding						
Gore						
Ornament						
Buckles						
Laces						
Gen. findings						

Description (8)	Amount (9)	Total (10)
Amount forward		
Section IV:		
Outer sole		
Mid-sole		
Tap		
Welt		
Heel		
Top lift		
Inner sole		
Shank		
Box toe		
Counter		
Section V:		
Cases		
Cartons		
Amount forward		
Total material		
Section VI:		
Cutting		
Fitting		
Sole fitting		
Lasting		
Bottoming		
Making		
Finishing		
Packing		
Direct labor		
Total material and direct labor		
Per pair cost material and direct labor		
Selling price		

INSTRUCTIONS FOR SCHEDULES II AND III

Note that the information requested for Schedules II and III is as of March 1942 for each item. The information required in Schedule II should be taken from your standard or actual cost records.

The data inserted in Schedule III must be computed with complete reference to the March 1942 costs of each item.

Column

SECTIONS I AND II

(2) Material. Enter a brief description of the material used; for example, black kid, white calf, etc.
(3) Area. Enter shoe flat or "paper" area of pattern.
(4) Quantity. Enter the figure which is your regular cutting allowance for this pattern and material.
(5) Price. Enter the price (in March 1942 prices) per foot, per yard, or per unit for the material specified in Column 2.

(If your cost system is not sufficiently detailed to supply information as outlined in (3) and (4) you may use a total quantity figure for each different upper material.)

Material includes all items which become a part of the finished article, including cases and cartons. It does not include lasts, dies, patterns, machine parts, etc.

SECTION III

Write in any other miscellaneous items you customarily list separately.

Findings include all small items used in making and completing the shoe tacks, eyelets, thread, etc.

SECTION IV

In Column 8 after the items "outer sole", "mid-sole", "tap", and "welt" enter the grade and irons. After the item "heel" enter in Column 8 the height and kind (that is, wood or leather, etc.).

SECTION V

The cost of cases and cartons may be combined.

SECTION VI

Direct labor (sometimes called productive labor) covers all operations performed directly on the shoe, including such items as inspecting or crowning, leather sorting, sample making, etc. It does not include such labor as pattern or die boys, floor help, rack boys, cripple cutters, cobblers, elevator, custodial, and maintenance workers, firemen, engineers, truck drivers and helpers, receiving and shipping clerks, other clericals, salesmen, or foremen or working foremen and other supervisory employees.

NOTE: The maximum price for the new shoe determined in accordance with this authorization shall be subject to the same allowances, discounts, and price differentials to different classes of purchasers as those allowed by the seller during March 1942, for the shoe used for comparison. The seller shall not require any purchaser to pay a larger portion of transportation costs incurred in the delivery of the new shoe than the seller required purchasers of the same class to pay during March 1942, on deliveries of the shoe used for comparison.

State of ------------ }
County of ---------- }

The undersigned --------------------, being first duly sworn according to law, on oath deposes and says: That he is the person whose name appears subscribed to the above application for adjustment; and that he has read the same and knows to his own knowledge that the facts contained therein are true and correct.

Signature

Title

Subscribed and sworn to before me this ------ day of ---------------- A. D. 194--.

Officer Administering Oath

(c) All allowances, discounts, trade practices and practices relating to the payment of transportation costs in effect during March 1942, shall apply to the maximum prices determined under paragraph (a).

(d) Within ten days after the maximum selling prices have been determined as herein provided the Rockingham Shoe Company shall submit a verified individual report on Form GMPR 6 for each shoe priced under this Order No. 113 to the Office of Price Administration, Washington, D. C.

(e) The maximum selling prices as determined pursuant to paragraph (a) shall be subject to adjustment at any time by the Office of Price Administration.

(f) This Order No. 113 may be revoked or amended by the Office of Price Administration at any time;

(g) This Order No. 113 (§ 1499.977) shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11098; Filed, October 30, 1942; 12:19 p. m.

PART 1499—COMMODITIES AND SERVICES

[Order 104 Under § 1499.18 (c) of GMPR]

M'CARTHY FREIGHT SYSTEM, INC.

Order No. 104 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-2018.

On September 17, 1942, McCarthy Freight System, Inc., Olney and Wales Street, Taunton, Massachusetts, herein called applicant, filed an application for an adjustment of the provisions of the General Maximum Price Regulation. The applicant requested that it be granted permission to increase its transportation rates for the transportation, to points in Massachusetts, of soap, soap products, oil and case goods for the Procter and Gamble Distributing Company.

§ 1499.1104 *Order dismissing application for adjustment.* (a) The Administrator is of the opinion that the application should be dismissed for the reasons set forth below:

(1) It does not contain a sworn statement required by Rule 14 (g) of Procedural Regulation No. 1.

(2) Four copies of said application were not filed with the original, as required by Rule 12 of said procedural regulation.

(3) It does not set forth necessary facts or evidence in support of the adjustment applied for.

(b) However, the applicant may file a petition for adjustment under § 1499.18, as revised by Amendment No. 28, and pursuant to Temporary Procedural Regulation No. 8.

This Order No. 104 (§ 1499.1104) is issued and effective this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11101; Filed, October 30, 1942; 12:14 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 105 Under § 1499.18 (c) of GMPR]

M'CARTHY FREIGHT SYSTEM, INC.

Order No. 105 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-1747.

On September 2, 1942, McCarthy Freight System, Inc., Olney and Wales Street, Taunton, Massachusetts, herein called applicant, filed an application for an adjustment of the provisions of the General Maximum Price Regulation. The applicant requested that it be granted permission to increase its transportation rates for the transportation, to points in Massachusetts, of meats, meat products, food products and articles grouped therewith for Swift & Company and its subsidiaries.

§ 1499.1105 *Order dismissing application for adjustment.* (a) The Administrator is of the opinion that the application should be dismissed for the reasons set forth below:

(1) It does not contain a sworn statement required by Rule 14 (g) of Procedural Regulation No. 1.

(2) Four copies of said application were not filed with the original, as required by Rule 12 of said procedural regulation.

(3) It does not set forth necessary facts or evidence in support of the adjustment applied for.

(b) However, the applicant may file a petition for adjustment under § 1499.18, as revised by Amendment No. 28 and pursuant to Temporary Procedural Regulation No. 8.

This Order No. 105 (§ 1499.1105) is issued and effective this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11102; Filed, October 30, 1942; 12:14 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 106 Under § 1499.18 (c) of GMPR]

M'CARTHY FREIGHT SYSTEM, INC.

Order No. 106 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-2025.

On September 17, 1942, McCarthy Freight System, Inc., Olney and Wales Street, Taunton, Massachusetts, herein called applicant, filed an application for an adjustment of the provisions of the General Maximum Price Regulation. The applicant requested that it be granted permission to increase its transportation rates for the transportation, to points in Massachusetts, of soap, soap products, washing and cleaning compounds, vegetable oil shortening and lard substitutes for Procter and Gamble Distributing Company.

§ 1499.1106 *Order dismissing application for adjustment.* (a) The Administration is of the opinion that the application should be dismissed for the reasons set forth below:

(1) It does not contain a sworn statement required by Rule 14 (g) of Procedural Regulation No. 1.

(2) Four copies of said application were not filed with the original, as required by Rule 12 of said procedural regulation.

(3) It does not set forth necessary facts or evidence in support of the adjustment applied for.

(b) However, the applicant may file a petition for adjustment under § 1499.18, as revised by Amendment No. 28, and pursuant to Temporary Procedural Regulation No. 8.

This Order No. 106 (§ 1499.1106) is issued and effective this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11103; Filed, October 30, 1942; 12:14 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 107 Under § 1499.18 (c) of GMPR]

M'CARTHY FREIGHT SYSTEM, INC.

Order No. 107 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-2347.

On October 9, 1942, McCarthy Freight System, Inc., Olney and Wales Streets, Taunton, Massachusetts, herein called applicant, filed an application for an adjustment of the provisions of the General Maximum Price Regulation. The applicant requested that it be granted permission to increase its transportation rates for the transportation, to points in Massachusetts, of chemicals in drums and peroxide in carboys and empty drums, for the Melrose Chemical Company, Melrose, Massachusetts.

§ 1499.1107 *Order dismissing application for adjustment.* (a) The Administrator is of the opinion that the application should be dismissed for the reasons set forth below:

(1) It does not contain a sworn statement required by Rule 14 (g) of Procedural Regulation No. 1.

(2) Four copies of said application were not filed with the original, as required by Rule 12 of said procedural regulation.

(3) It does not set forth necessary facts or evidence in support of the adjustment applied for.

(b) However, the applicant may file a petition for adjustment under § 1499.18, as revised by Amendment No. 28, and pursuant to Temporary Procedural Regulation No. 8.

This Order No. 107 (§ 1499.1107) is issued and effective this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11104; Filed, October 30, 1942; 12:15 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 108 Under § 1499.18 (c) of GMPR]

M'CARTHY FREIGHT SYSTEM, INC.

Order No. 108 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-2062.

On September 19, 1942, McCarthy Freight System, Inc., Olney and Wales Streets, Taunton, Massachusetts, herein called applicant, filed an application for adjustment of the provisions of the General Maximum Price Regulation. The applicant requested that it be granted permission to increase its transportation rates for the transportation, to points in Massachusetts, of boot and shoe factory supplies for the Wall Streeter Shoe Company.

§ 1499.1108 *Order dismissing application for adjustment.* (a) The Administrator is of the opinion that the application should be dismissed for the reasons set forth below:

(1) It does not contain a sworn statement required by Rule 14 (g) of Procedural Regulation No. 1.

(2) Four copies of said application were not filed with the original, as required by Rule 12 of said procedural regulation.

(3) It does not set forth necessary facts or evidence in support of the adjustment applied for.

(b) However, the applicant may file a petition for adjustment under § 1499.18, as revised by Amendment 28, and pursuant to Temporary Procedural Regulation No. 8.

This Order No. 108 (§ 1499.1108) is isued and effective this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11105; Filed, October 30, 1942; 12:15 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 109 Under § 1499.18 (c) of GMPR]

COMMERCIAL MOLASSES CORPORATION

Order No. 109 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-581.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1109 *Adjustment of maximum prices for offshore blackstrap molasses sold by Commercial Molasses Corporation, New York, N. Y., from its storage terminal at Buffalo, New York.* (a) On and after October 31, 1942, Commercial Molasses Corporation, 17 East Forty-Second Street, New York, N. Y., may sell and deliver offshore blackstrap molasses from its storage terminal at Buffalo, New York, at a price no higher than the following:

(1) With respect to sales to buyers whose receiving points are located within the switching limits of Buffalo City, 21½ cents per gallon delivered by the seller to such receiving points.

(2) With respect to sales to buyers whose receiving points are located outside of the switching limits of Buffalo City, 21¼ cents per gallon f. o. b. seller's storage terminal at Buffalo in seller's tank cars. There may be added to this f. o. b. price for delivery to such receiving points located outside the switching limits of Buffalo City, an amount not in excess of the actual cost of transportation incurred.

(3) These maximum prices shall not be increased (i) by any charges for the extension of credit, or (ii) by commissions or any other charges.

(4) The term "offshore" refers to blackstrap molasses produced outside of the forty-eight states and the District of Columbia.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 109 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 109 (§ 1499.1109) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 109 (§ 1499.1109) shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11106; Filed, October 30, 1942; 12:13 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 34, Under § 1499.18 (b) of GMPR, Correction]

COLORADO MATTRESS COMPANY

Correction to Order No. 34[1] under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-1706.

Pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942. An Act to Amend the Emergency Price Control Act of 1942, etc. and Executive Order No. 9250, *It is ordered,* That the title to Order No. 34 under § 1499.18 (b) of General Maximum Price Regulation, Docket No. GF3-1706, "Colorado Bedding Company" is corrected to read "Colorado Mattress Company".

* * * * *

(f) This correction to Order No. 34 under § 1499.18 (b) of General Maximum Price Regulation, Docket No. GF3-1706, shall be effective as of September 2, 1942.

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11108; Filed, October 30, 1942; 12:15 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 30[2] Under § 1499.3 (b) of GMPR, Correction]

CHRYSLER CORPORATION

The name "Chrysler Airtemp Sales Corporation" is corrected to read "Chrysler Corporation, Airtemp Division" wherever it appears in Order No. 30 under § 1499.3 (b) of the General Maximum Price Regulation.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11107; Filed, October 30, 1942; 12:15 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 226, Amendment 1]

FRUIT PRESERVES, JAMS AND JELLIES

A statement of the considerations involved in the issuance of Amendment No. 1 to Maximum Price Regulation No. 226 has been issued and filed with the Division of the Federal Register.*

Section 1341.302 (b) (1) is amended by adding the following sentence: "Sales made prior to this period shall not be included, even though delivery was made during the period."

Section 1341.302 (b) (7) (ii) (b) is amended by inserting the figure "$6.50" as the maximum permitted increase per ton for apples and crabapples in place of the words "To be announced".

The following sections are added:

§ 1341.309a *Information which packers must give their customers*—(a) *Notice from packers to wholesalers.* In the case of any item of fruit preserves, jams or jellies which is being sold by a packer to a wholesaler for the first time after the packer's maximum price for it has been established under §§ 1341.302 or 1341.303, the packer shall send the wholesaler (before or at the time of delivery) a written statement which lists for each such item included in the sale (1) the weighted average price charged by the packer during the month of December 1941, called the "base price", (2) the packer's maximum price, as calculated under the provisions of this regulation, called the "maximum price", and (3) the amount of the difference between the "base price" and the "maximum price", called the "wholesaler's permitted increase". When any packer has established a maximum price by taking the maximum price of his competitor, as provided in § 1341.303 (a), his base price shall be the base price of the competitor. When any packer asks for special authority to determine a maximum price under § 1341.303 (b), the Office of Price Administration will instruct him how to determine his base price. When calculating the "wholesaler's permitted increase", the packer shall adjust any fraction of a cent to the nearest fractional unit in which the wholesaler customarily quotes prices for the item.

(b) *Notice from packers to retailers*—(1) *General package requirement.* Every packer who sells any item of fruit preserves, jams or jellies during the 90-day period beginning November 6, 1942, whether to a wholesaler or a retailer, shall include with the shipping case (or other package unit in which the retailer usually purchases the product) a "Notice of Retailer's Permitted Increase". This notice must be either pasted or stamped on the outside of each shipping case sold or printed on a slip and enclosed. In the latter case the packer shall place this statement on the outside: "Retailer's Notice Enclosed". The packer shall calculate the retailer's permitted increase for the item by reducing the permitted increase which he computed for the wholesaler under paragraph (a), where necessary, to the units in which the commodity is usually sold at retail. When making this calculation, the packer shall adjust fractions of one-half cent or more to the next higher cent and fractions of less than one-half cent to the next lower cent. Except for the proper insertion, the Notice of Retailer's Permitted Increase shall read as follows:

NOTICE OF RETAILER'S PERMITTED INCREASE

Your new OPA ceiling price for the enclosed item is your March ceiling price *plus* ______ cents per retail container. OPA requires you to keep this information for examination.

(2) *First sales directly to retailers; where notices do not accompany packages.* In the case of any item of fruit preserves, jams or jellies which is being sold by a packer to any retailer for the first time after the packer's maximum price for it has been established under §§ 1341.302 or 1341.303 and which for any reason is being sold in a form which does not include a packer's Notice of Retailer's Permitted Increase, the packer shall send the retailer (before or at the time of delivery) a written statement that (i) clearly identifies each such item included in the sale and (ii) states the "permitted increase" for it which the retailer is directed to add to his maximum price as established under the General Maximum Price Regulation. When preparing the statement the packer shall calculate the retailer's permitted increase for the item by reducing the permitted increase which he computed for the wholesaler under paragraph (a), where necessary, to the units in which the commodity is usually sold at retail. When making this calculation, the packer shall adjust fractions of one-half cent or more to the next higher cent and fractions of less than one-half cent to the next lower cent. Each statement shall be accompanied by this notice:

> Your new OPA ceiling price for each item noted is your March ceiling price *plus* the permitted increase shown per retail container. OPA requires you to keep this information for examination.

This statement may also contain similar information for any other items covered by this regulation even though they are not included in the sale.

* * * * *

§ 1341.317 *Effective dates of amendments.* * * *

(b) Amendment No. 1 (§§ 1341.302 (b) (1), 1341.302 (b) (7) (ii) (b), 1341.309a, and 1341.317) to Maximum Price Regulation No. 226 shall become effective on November 6, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued October 31st, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11122; Filed, October 31, 1942; 11:06 a. m.]

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[1] 7 F.R. 6966.

[2] 7 F.R. 6775.

*Copies may be obtained from the Office of Price Administration.

Part 1341—Canned and Preserved Foods

[MPR 226,[1] Amendment 2]

FRUIT PRESERVES, JAMS AND JELLIES

A statement of the considerations involved in the issuance of this Amendment No. 2 to Maximum Price Regulation No. 226 has been issued and filed with the Division of the Federal Register.*

Section 1341.302 (b) (2) (i) is amended by deleting the period at the end and substituting a comma, and by adding the following words: "except that for the purpose of determining the 'weighted average cost delivered at the factory of 1942 fruit' the 1942 base period shall be the months of June, July, August and September."

Section 1341.302 (b) (2) (ii) is amended by deleting the period at the end and substituting a comma, and by adding the following words: "except that for the purpose of determining the 'weighted average cost delivered at the factory of 1942 fruit' the 1942 base period shall be the months of August, September and October."

* * * * *

§ 1341.317 *Effective dates of amendment.* * * *

(c) This Amendment No. 2 to Maximum Price Regulation No. 226 (§§ 1341.302 (b) (2) (i), 1341.302 (b) (2) (ii), and 1341.317 (c)) shall become effective November 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 31st day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11123; Filed, October 31, 1942; 11:06 a. m.]

Part 1341—Canned and Preserved Foods

[MPR 232,[2] Amendment 1]

APPLE BUTTER

A statement of the considerations involved in the issuance of Amendment No. 1 to Maximum Price Regulation No. 232 has been issued and filed with the Division of the Federal Register.*

Section 1341.452 (b) (1) is amended by adding the following sentence: "Sales made prior to this period shall not be included, even though delivery was made during the period."

The following sections are added:

§ 1341.459a *Information which packers must give their customers*—(a) *Notice from packers to wholesalers.* In the case of any item of apple butter which is being sold by a packer to a wholesaler for the first time after the packer's maximum price for it has been established under §§ 1341.452 or 1341.453, the packer shall send the wholesaler (before or at the time of delivery) a written statement which lists for each such item included in the sale (1) the weighted average price charged by the packer during the month of December 1941, called the "base price", (2) the packer's maximum price, as calculated under the provisions of this regulation, called the "maximum price", and (3) the amount of the difference between the "base price" and the "maximum price", called the "wholesaler's permitted increase". When any packer has established a maximum price by taking the maximum price of his competitor, as provided in § 1341.453 (a), his base price shall be the base price of the competitor. When any packer asks for special authority to determine a maximum price under § 1341.453 (b), the Office of Price Administration will instruct him how to determine his base price. When calculating the "wholesaler's permitted increase", the packer shall adjust any fraction of a cent to the nearest fractional unit in which the wholesaler customarily quotes prices for the item.

(b) *Notice from packers to retailers*—(1) *General package requirement.* Every packer who sells any item of apple butter during the 90-day period beginning November 6, 1942, whether to a wholesaler or a retailer, shall include with the shipping case (or other package unit in which the retailer usually purchases the product) a "Notice of Retailer's Permitted Increase". This notice must be either pasted or stamped on the ouside of each shipping case sold, or printed on a slip and enclosed. In the latter case the packer shall place this statement on the outside: "Retailer's Notice Enclosed". The packer shall calculate the retailer's permitted increase for the item by reducing the permitted increase which he computed for the wholesaler under paragraph (a), where necessary, to the units in which the commodity is usually sold at retail. When making this calculation, the packer shall adjust fractions of one-half cent or more to the next higher cent and fractions of less than one-half cent to the next lower cent. Except for the proper insertion, the Notice of Retailer's Permitted Increase shall read as follows:

> NOTICE OF RETAILER'S PERMITTED INCREASE
>
> Your new OPA ceiling price for the enclosed item is your March ceiling price *plus* ---- cents per retail container. OPA requires you to keep this information for examination.

(2) *First sales directly to retailers; where notices do not accompany packages.* In the case of any item of apple butter which is being sold by a packer to any retailer for the *first* time after the packer's maximum price for it has been established under §§ 1341.452 or 1341.453 and which for any reason is being sold in a form which does not include a packer's Notice of Retailer's Permitted Increase, the packer shall send the retailer (before or at the time of delivery) a written statement that (i) clearly identifies each such item included in the sale and (ii) states the "permitted increase" for it which the retailer is directed to add to his maximum price as established under the General Maximum Price Regulation. When preparing the statement the packer shall calculate the retailer's permitted increase for the item by reducing the permitted increase which he computed for the wholesaler under paragraph (a), where necessary, to the units in which the commodity is usually sold at retail. When making this calculation, the packer shall adjust fractions of one-half cent or more to the next higher cent and fractions of less than one-half cent to the next lower cent. Each statement shall be accompanied by this notice:

> Your new OPA ceiling price for each item noted is your March ceiling price *plus* the permitted increase shown per retail container. OPA requires you to keep this information for examination.

This statement may also contain similar information for any other items covered by this regulation even though they are not included in the sale.

§ 1341.466 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1341.452 (b) (1), 1341.459a, and 1341.466) to Maximum Price Regulation No. 232 shall become effective on November 6, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 31st day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11124; Filed, October 31, 1942; 11:07 a. m.]

Part 1351—Food and Food Products

[MPR 255]

PERMITTED INCREASES FOR WHOLESALERS OF CERTAIN FOODS

Canned fruits, berries and juices, as listed
Frozen fruits, berries and vegetables
Fruit preserves, jams and jellies
Apple butter
Canned shrimp
Domestic canned crabmeat

This Maximum Price Regulation No. 255 is issued by the Price Administrator in order to establish maximum wholesale prices for certain food products at levels which are generally fair and equitable and which will aid in stabilizing the cost of living. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 255 is hereby issued.

Sec.
1351.701 Purposes of Maximum Price Regulation No. 255.
1351.702 Prohibition against selling and buying above maximum prices.
1351.703 Wholesaler's maximum prices for certain listed foods.
1351.704 Customary allowances and discounts.
1351.705 When maximum prices may be established or changed under § 1351.703.
1351.706 Information which wholesalers must give their customers.
1351.707 Evasion.
1351.708 Enforcement.
1351.709 Records and reports of wholesalers.

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* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7490.

[2] 7 F.R. 7778, 7966.

Sec.
1351.710 Applicability of the General Maximum Price Regulation and other Maximum Price Regulations.
1351.711 Petitions for amendment.
1351.712 Applicability.
1351.713 Export sales.
1351.714 Definitions.
1351.715 Revocation of superseded regulations.
1351.716 Effective date.

Authority: §§ 1351.701 to 1351.716, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1351.701 *Purposes of Maximum Price Regulation No. 255.* Maximum Price Regulation No. 255 is issued to establish maximum wholesale prices for certain food products at levels which will permit their distribution through the normal trade channels. In most cases wholesale price increases have been necessary because of upward price adjustments which various maximum price regulations have made at the processor level. In some cases the necessary wholesale adjustments have already been made in separate commodity regulations. By including such adjustments, this regulation covers in unified form all wholesale food adjustments in which wholesalers, by modifying their prices under the General Maximum Price Regulation,[1] are permitted to take account of the individual price increases which have already been allowed to processors and of which the processors are required to give them written notice.

§ 1351.702 *Prohibition against selling and buying above maximum prices.* (a) On and after November 6, 1942, regardless of any contract or obligation, no wholesaler shall sell or deliver an item of any food product at a price higher than the maximum price established for it by this Maximum Price Regulation No. 255. No person shall buy or receive an item of any food product from a wholesaler in the course of trade or business at a price higher than the maximum price established for it by this regulation. Nor shall any person agree, offer, solicit or attempt to do any of these things.

(b) However, prices lower than maximum prices may be charged and paid.

§ 1351.703 *Wholesaler's maximum prices for certain listed foods*—(a) *Maximum price rule.* For each item of the food products listed in paragraph (d), the wholesaler's maximum price to any class of purchasers shall be his "base price" plus his "permitted increase" (all per dozen or other customary wholesale selling unit).

(b) "Base price" means the wholesaler's maximum price as calculated under the General Maximum Price Regulation, except that for the purposes of this calculation the wholesaler shall substitute the base month named with the food product in paragraph (d) for the words "March 1942" wherever they appear in that regulation. With this qualification, the wholesaler shall use every pricing method provided by the General Maximum Price Regulation which may be necessary to establish a base price for the item.

(c) "Permitted increase" means the amount which the wholesaler's supplier is required to report to him under the maximum price regulation applicable to the supplier. Where there is more than one supplier the wholesaler shall take as his permitted increase the amount reported to him by the supplier who by the time the wholesaler is establishing his maximum price has delivered to him the largest total amount of that item from the 1942 pack. Exceptions: (1) For Hawaiian canned pineapple and Hawaiian canned pineapple juice the wholesaler's permitted increase shall be the difference, f. o. b. canner's shipping point, between the canner's November 1941 list price for the item and the canner's maximum price under the General Maximum Price Regulation.

(d) This regulation shall apply to these products:

(1) Canned fruits, canned berries and canned juices, whether packed in tin, glass or any other hermetically sealed container, as follows, using February 1942 as the base month:

Fruits. Apricots, cherries, red sour pitted, cherries, sweet, figs, fruit cocktail, fruits for salad, peaches, clingstone (including clingstone nectarines), peaches, freestone (including freestone nectarines), pears, Hawaiian pineapples, plums, prunes, fresh.

Berries. Blackberries, blueberries, Boysenberries, cranberries, gooseberries, huckleberries, loganberries, raspberries, black, raspberries, red, strawberries, Youngberries.

Juices. Fruit juices and nectars, plain or mixed, made from any of the fruits listed in this subparagraph. Berry juices made from any of the berries listed in this subparagraph.

(2) Frozen fruits, berries and vegetables, using March 1942 as the base month, except that for sales to institutional purchasers October 1941 shall be taken as the base month.

(3) Fruit preserves, jams and jellies, using February 1942 as the base month.

(4) Apple butter, using February 1942 as the base month.

(5) Canned shrimp, using March 1942 as the base month.

(6) Domestic canned crabmeat, No. ½ flats, using March 1942 as the base month.

§ 1351.704 *Customary allowances and discounts.* No wholesaler shall change any customary allowance, discount, or other price differential to a class of purchasers if the change results in a higher net price to that class of purchasers.

§ 1351.705 *When maximum prices may be established or changed under § 1351.703*—(a) *What must be done before a maximum price may be established.* No wholesaler may establish a maximum price for any item under § 1351.703 until he has received delivery of a customary amount of the item after this Maximum Price Regulation No. 255 has become applicable to it. To this extent the regulation shall be considered as having been in effect since August 5, 1942, for canned fruits, berries and juices; August 28, 1942, for frozen fruits, berries and vegetables; September 24, 1942, for canned shrimp; October 30, 1942, for domestic canned crabmeat.

(b) *When a maximum price is established.* On and after November 6, 1942, a maximum price becomes "established" (that is, fixed) for any wholesaler as soon as he has either filed a price for the item or disclosed it to any prospective customer, whether by sale, delivery, offer or notice of any kind. A maximum price may be established only once and having been established it may not be changed except with the written permission of the appropriate field office of the Office of Price Administration in cases of clerical error or other formal mistake.

(c) *What price becomes established as the maximum price.* The price which is established in this way as the wholesaler's maximum price is the one which he filed or disclosed. In most cases the maximum price so established will be the price which the wholesaler computed under § 1351.703. However, in some instances the wholesaler may want to disclose a *lower* price than the one which he computed and at the same time save his right to sell at the higher figure. He can establish the higher price as his ceiling price at the time of disclosure only by recording and naming it as such, in ink on his books, before he discloses the lower price.

§ 1351.706 *Information which wholesalers must give their customers*—(a) *Wholesaler's notice to retailers.* The wholesaler's obligation to notify his retailers of "permitted increases" is limited to cases in which the packer has not done so. The packer is required in some cases to include with the carton or other package unit in which the wholesaler usually handles the product a "Notice of Retailer's Permitted Increase", either stamped on the outside or printed on a slip and enclosed. In the latter case the packer is further required to indicate on the outside that such a notice has been included. In this way the wholesaler is able to determine as to any item when his own duty to notify a particular retailer exists.

In the case of any item which is being sold by a wholesaler to any retailer for the first time after the wholesaler's maximum price for it has been established under this Maximum Price Regulation No. 255 and which is being sold in a form which does not include a manufacturer's or producer's Notice of Retailer's Permitted Increase, the wholesaler shall send the retailer (before or at the time of delivery) a written statement that (1) clearly identifies each such item included in the sale and (2) states the "permitted increase" for it which the retailer is directed to add to his maximum price as established under the General Maximum Price Regulation. When preparing the statement the wholesaler shall calculate the retailer's permitted increase for each item by reducing his own permitted increase under § 1351.703, where necessary, to the units in which the commodity is usually sold at retail. When making this calculation, the wholesaler shall adjust fractions of one-half cent or more to the next higher cent and fractions of less than one-half cent to the next lower cent. Each statement shall be accompanied by this notice:

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[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5335, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 9758, 7913, 8431.

> Your new OPA ceiling price for each item noted is your March ceiling price *plus* the permitted increase shown per retail container. OPA requires you to keep this information for examination.

The statement may also include similar information for any other items covered by this regulation even though they are not included in the sale.

Although this regulation requires no special form for listing items and permitted increases, an example of an approved form which may be helpful to many wholesalers is set forth below. The particular example given happens to be one for fruit preserves, jams and jellies, but the item columns may readily be redrawn and renamed to fit any of the other products covered by this regulation.

NOTICE OF RETAILER'S PERMITTED INCREASE

To: ....

Address: ....

Your new OPA ceiling price for each item noted is your March ceiling price *plus* the permitted increase shown per retail container. OPA requires you to keep this information for examination.

Item					Permitted increase per retail container
Flavor	Kind	Brand	Container type	Size	
Strawberry Grape Guava	Preserves Jelly Jelly, etc	Smith's Best Smith's Best Red Sail	Regular jar Regular jar Re-use tumbler	2 lb 1 lb 2 lb	2¢ 1¢ 2¢

Wholesaler: ....

Address: ....

By: ....

Date: ....

(b) *Notice to wholesalers.* In the case of any item which is being sold by a wholesaler to any other wholesaler to whom he customarily sells, for the first time after the seller's maximum price for it has been established under this Maximum Price Regulation No. 255, the seller shall send the buyer (before or at the time of delivery) a written statement that (1) clearly identifies each item included in the sale for which the seller has determined a maximum price under this regulation, and (2) states the permitted increase which the purchaser is entitled in each case to add when computing his maximum price under § 1351.703. This permitted increase shall be the same permitted increase which was reported to the seller by his supplier.

§ 1351.707 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 255 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any of the commodities covered by this regulation, alone or in conjunction with any other commodity or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1351.708 *Enforcement.* Any person violating a provision of this Maximum Price Regulation No. 255, is subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided by the Emergency Price Control Act of 1942.

§ 1351.709 *Records and reports of wholesalers*—(a) *Base period records.* For each food product covered by this Maximum Price Regulation No. 255, every wholesaler shall (1) keep for examination by the Office of Price Administration all his existing records relating to the prices which he charged in sales in which delivery was made during the base month named in § 1351.703 and also his offering prices for delivery during that month, and (2) keep for examination by any person during ordinary business hours the notices of permitted increases given him by his suppliers and a statement prepared by him showing the information which the wholesaler must keep for examination under clause (1) plus all his customary allowances, discounts, and other price differentials. Any wholesaler who claims that he would be substantially injured by showing the statement or any notice to another person may file it with the appropriate field office of the Office of Price Administration. The information will not be shown to anyone unless withholding it would be contrary to the purposes of this regulation.

(b) *Current records.* Every wholesaler selling any food product covered by this regulation shall keep for examination by the Office of Price Administration records of the same kind as he has customarily kept relating to the prices which he charged for each such food product that he sells after this regulation becomes applicable to it.

(c) *Reports.* Within 30 days after making his first sale of any item subject to this regulation each wholesaler shall prepare a written statement showing for the item and each class of purchaser (1) his base price, (2) his permitted increase, and (3) his maximum price, all as determined under § 135 .703, and he shall file the statement with the nearest District Office or, in the absence of a District Office, the nearest State Office of the Office of Price Administration. The statement may also contain similar information for any other items covered by this regulation even though they are not required to be filed at that time. It shall be in the following form:

STATEMENT OF WHOLESALER'S MAXIMUM PRICES
UNDER MAXIMUM PRICE REGULATION NO. 255

Name of Wholesaler: ....

Address: ....

Item						Base price	Permitted increase	Maximum price
Kind	Style of pack, or flavor	Grade	Brand	Container type	Size			

The wholesaler shall also include as part of the statement an attached list of all discounts, allowances, territorial differentials and any other price differentials customarily charged by him.

§ 1351.710 *Applicability of the General Maximum Price Regulation and other Maximum Price Regulations.* (a) The General Maximum Price Regulation and other Maximum Price Regulations superseded by this Maximum Price Regulation No. 255 shall continue to apply to all sales and deliveries of any item of a commodity covered by this regulation until the wholesaler has established a maximum price for it under §§ 1351.703 and 1351.705.

(b) The following sections of the General Maximum Price Regulation, as well as amendments to them, shall be applicable to every person selling at wholesale any commodity listed in § 1351.703:

(1) Special deals (§ 1499.4b).

(2) Transfers of business or stock in trade (§ 1499.5).

(3) Federal and state taxes (§ 1499.7).

(4) Base-period records (§1499.11).

(5) Sales slips and receipts (§ 1499.14).

(6) Registration (§ 1499.15).

(7) Licensing (§ 1499.16).

(8) Definitions (§ 1499.20).

§ 1351.711 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 255 may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1,[2] and amendments, issued by the Office of Price Administration.

§ 1351.712 *Applicability.* The provisions of this Maximum Price Regulation No. 255 shall be applicable only to the forty-eight states of the United States and the District of Columbia.

§ 1351.713 *Export sales.* The maximum prices at which a person may export any commodity covered by this Maximum Price Regulation No. 255 shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[3] issued by the Office of Price Administration.

§ 1351.714 *Definitions.* (a) When used in this Maximum Price Regulation No. 255 the term:

(1) "Wholesaler" means any purchaser of a food product for resale who, without substantially changing its form, resells the food product other than as a retailer.

(2) "Retailer" means any purchaser of a food product for resale who, without substantially changing its form, resells the food product to an ultimate consumer other than an industrial, institutional or commercial user.

(3) "Item" means any kind, style or type of pack, flavor, grade, brand, container type and size.

(4) In the case of frozen fruits, berries and vegetables, "institutional purchaser" means any hotel, restaurant, club, hospital, sanitarium, asylum, charitable home, school, recreational camp, or other similar institution, and the armed forces of the United States, but not including service post exchanges.

(b) Unless the context requires otherwise, the definitions of section 302 of Emergency Price Control Act of 1942 shall apply to other terms used in this regulation.

§ 1351.715 *Revocation of superseded regulations.* To the extent shown, the following Maximum Price Regulations and provisions of Supplementar Regulation 14 to the General Maximum Price Regulation are hereby revoked and superseded: Maximum Price Regulation No. 197[4] (except as it applies to canned Cuban pineapple and canned Cuban pineapple juice); Maximum Price Regulation No. 212;[5] Maximum Price Regulation No. 247[6] (except as it applies to canners of domestic canned crabmeat); § 1499.73 (a) (26) of Supplementary Regulation 14[7] (except as it applies to canners of canned shrimp).

§ 1351.716 *Effective date.* This maximum Price Regulation No. 255 (§§ 1351.701 to 1351.716 inclusive) shall become effective November 6, 1942.

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11129; Filed, October 31, 1942; 11:10 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 256]

PERMITTED INCREASES FOR RETAILERS OF CERTAIN FOODS

Frozen fruits, berries and vegetables.
Fruit preserves, jams and jellies.
Apple butter.
Canned shrimp.
Domestic canned crabmeat.
Canned fruits, berries and juices, as listed.

This Maximum Price Regulation No. 256 is issued by the Price Administrator in order to establish maximum retail prices for certain food products at levels which are generally fair and equitable and which will aid in stabilizing the cost of living. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 256 is hereby issued.

Sec.
1351.851 Purposes of Maximum Price Regulation No. 256.
1351.852 Prohibition against selling and buying above maximum prices.
1351.853 Retailer's maximum prices for certain listed foods.
1351.854 Customary allowances and discounts.
1351.855 When maxmum prices may be established or changed under § 1351.853.
1351.856 Evasion.
1351.857 Enforcement.
1351.858 Reports of retailers.
1351.859 Applicability of the General Maximum Price Regulation and other Maximum Price Regulations.
1351.860 Petitions for amendment.
1351.861 Applicability.
1351.862 Export sales.
1351.863 Definitions.
1351.864 Revocation of superseded Regulations.
1351.865 Effective date.

AUTHORITY: §§ 1351.851 to 1351.865, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1351.851 *Purposes of Maximum Price Regulation No. 256.* Maximum Price Regulation No. 256 is issued to establish maximum retail prices for certain food products at levels which will permit their distribution through the normal trade channels. In most cases retail price increases have been necessary because of upward price adjustments which various maximum price regulations have made at the processing and wholesale levels. In some cases the necessary retail adjustments have already been made in separate commodity regulations. By including such adjustments, this regulation covers in unified form all retail food adjustments in which retailers, by modifying their prices under the General Maximum Price Regulation,[1] are permitted to take account of the individual price increases which have already been allowed to processors and wholesalers and of which the processors or wholesalers are required to give them written notice.

§ 1351.852 *Prohibition against selling and buying above maximum prices.* (a) On and after November 6, 1942, regardless of any contract or obligation, no retailer shall sell or deliver an item of any food product at a price higher than the maximum price established for it by this Maximum Price Regulation No. 256. No person shall buy or receive an item of any food product from a retailer in the course of trade or business at a price higher than the maximum price established for it by this regulation. Nor shall any person agree, offer, solicit or attempt to do any of these things.

(b) However, prices lower than maximum prices may be charged and paid.

§ 1351.853 *Retailer's maximum prices for certain listed foods*—(a) *Maximum price rule.* For each item of the food products listed in paragraph (b) the retailer's maximum price to any class of purchasers shall be (1) his maximum price under the General Maximum Price Regulation, plus (2) the amount reported by his supplier or by the manufacturer or producer as his "permitted increase" (all per retail container).

(b) This method of calculating the retailer's maximum prices shall apply to these products:

(1) Canned fruits, berries and juices, whether packed in tin, glass or any other hermetically sealed container, as follows:

Fruits. Apricots, cherries, red sour pitted, cherries, sweet, figs, fruit cocktail, fruits for salad, peaches, clingstone (including clingstone nectarines), peaches, freestone (including freestone nectarine), pears, Hawaiian pineapples, plums, prunes, fresh.

Berries. Blackberries, blueberries, Boysenberries, cranberries, gooseberries, huckleberries, loganberries, raspberries, black, raspberries, red, strawberries, Youngberries.

Juices. Fruit juices and nectars, plain or mixed, made from any of the fruits listed in this subparagraph. Berry juices made from any of the berries listed in this subparagraph.

(2) Frozen fruits, berries and vegetables.

(3) Fruit preserves, jams and jellies.

(4) Apple butter.

(5) Canned shrimp.

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[2] 7 F.R. 971, 3663, 6967, 8520.

[3] 7 F.R. 5059, 7242.

[4] 7 F.R. 5989, 7403, 7738.

[5] 7 F.R. 6831, 7173.

[6] 7 F.R. 8653.

[7] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 8237, 7946, 8024, 8199, 8351, 8358, 8524.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7913, 8431, 9758.

(6) Domestic canned crabmeat, No. ½ flats.

(c) If the retailer has more than one supplier of the item, he shall add only the permitted increase reported by the supplier who by the time the retailer is establishing his maximum price has delivered to him the largest amount of that item from the 1942 pack.

§ 1351.854 *Customary allowances and discounts.* No retailer shall change any customary allowance, discount, or other price differential to a class of purchasers if the change results in a higher net price to that class of purchasers.

§ 1351.855 *When maximum prices may be established or changed under § 1351.853*—(a) *What must be done before a maximum price may be established.* No retailer may establish a maximum price for any item under § 1351.853 until he has received delivery of a customary amount of the item after this Maximum Price Regulation No. 256 has become applicable to it. To this extent the regulation shall be considered as having been in effect since August 5, 1942, for canned fruits, berries and juices; August 28, 1942, for frozen fruits, berries and vegetables; September 24, 1942, for canned shrimp; October 30, 1942, for domestic canned crabmeat.

(b) *When a maximum price is established.* On and after November 6, 1942, a maximum price becomes "established" (that is, fixed) for any retailer as soon as he has either filed a price for the item or disclosed it to any prospective customer, whether by sale, delivery, offer or notice of any kind. A maximum price may be established only once and having been established it may not be changed except with the written permission of the appropriate field office of the Office of Price Administration in cases of clerical error or other formal mistake.

(c) *What price becomes established as the maximum price.* The price which is established in this way as the retailer's maximum price is the one which he filed or disclosed. In most cases the maximum price so established will be the price which the retailer computed under § 1351.853. However, in some instances the retailer may want to disclose a *lower* price than the one which he computed and at the same time save his right to sell at the higher figure. He can establish the higher price as his ceiling price at the time of disclosure only by recording and naming it as such, in ink on his books, before he discloses the lower price.

§ 1351.856 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 256 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any of the commodities covered by this regulation, alone or in conjunction with any other commodity or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1351.857 *Enforcement.* Any person violating a provision of this Maximum Price Regulation No. 256, is subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided by the Emergency Price Control Act of 1942.

§ 1351.858 *Reports of retailers.* After making his first sale of any cost-of-living item subject to this regulation each retailer shall prepare a written statement showing for the item and each class of purchaser (a) his maximum price under the General Maximum Price Regulation, (b) his permitted increase, and (c) his maximum price under this regulation; and he shall file the statement with the appropriate War Price and Rationing Board by the 10th day of the following month. The statement may also contain similar information for any other cost-of-living items covered by this regulation even though they are not required to be filed at that time. It shall be in the following form:

STATEMENT OF RETAILER'S MAXIMUM PRICES
UNDER MAXIMUM PRICE REGULATION NO. 256
(Cost-of-Living Commodities)

Name of Retailer: ------------------

Address: ------------------

Item						G. M. P. R. price	Permitted increase	New maximum price
Kind	Style of pack, or flavor	Grade	Brand	Container type	Size			

The retailer shall include as part of the statement an attached list of all discounts, allowances, territorial differentials and any other price differentials customarily charged by him. The retailer shall keep a true copy of each statement for examination by any person during ordinary business hours.

§ 1351.859 *Applicability of the General Maximum Price Regulation and other Maximum Price Regulations.* (a) The General Maximum Price Regulation and other Maximum Price Regulations superseded by this Maximum Price Regulation No. 256 shall continue to apply to all sales and deliveries of any item of a commodity covered by this regulation until the retailer has established a maximum price for it under §§ 1351.853 and 1351.855.

(b) The following sections of the General Maximum Price Regulation, as well as amendments to them, shall be applicable to every person selling at retail any commodity listed in § 1351.853:

(1) Retailers operating more than one retail establishment (§ 1499.4a).

(2) Special deals (§ 1499.4b).

(3) Transfers of business or stock in trade (§ 1499.5).

(4) Federal and state taxes (§ 1499.7).

(5) Base-period records (§ 1499.11).

(6) Current records (§ 1499.12).

(7) Cost-of-living commodities: statement, marking or posting; (§ 1499.13); and Appendix B.

(8) Sales slips and receipts (§ 1499.14).

(9) Registration (§ 1499.15).

(10) Licensing (§ 1499.16).

(11) Adjustment of maximum prices (§ 1499.18 (a)).

(12) Definitions (§ 1499.20).

§ 1351.860 *Petitions for amendment.* Any person seeking a modification of this Maximum Price Regulation No. 256 may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1,[2] and amendments, issued by the Office of Price Administration.

§ 1351.861 *Applicability.* The provisions of this Maximum Price Regulation No. 256 shall be applicable only to the forty-eight states of the United States and the District of Columbia.

§ 1351.862 *Export sales.* The maximum prices at which a person may export any commodity covered by this Regulation shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[3] issued by the Office of Price Administration.

§ 1351.863 *Definitions.* (a) When used in this Maximum Price Regulation No. 256 the term:

(1) "Retailer" means any purchaser of a food product for resale who, without substantially changing its form, resells the food product to an ultimate consumer other than an industrial, institutional or commercial user.

(2) "Item" means any kind, style or type of pack, flavor, grade, brand, container type and size.

(b) Unless the context requires otherwise, the definitions of section 302 of Emergency Price Control Act of 1942 shall apply to other terms used in this regulation.

§ 1351.864 *Revocation of superseded regulations.* To the extent shown, the following Maximum Price Regulations and provisions of Supplementary Regulation 14 to the General Maximum Price Regulation are hereby revoked and superseded: Maximum Price Regulation No. 197[4] (except as it applies to canned Cuban pineapple and canned Cuban pineapple juice); Maximum Price Regulation No. 212;[5] Maximum Price Regulation No. 247[6] (except as it applies to canners of domestic canned crabmeat); § 1499.73 (a) (26) of Supplementary Regulation 14[7] (except as it applies to canners of canned shrimp).

§ 1351.865 *Effective date.* This Maximum Price Regulation No. 256 (§§ 1351.851 to 1351.865 inclusive) shall become effective November 6, 1942.

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11130; Filed, October 31, 1942; 11:10 a. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[Rationing Order 2A,[1] Amendment 18]

NEW PASSENGER AUTOMOBILE RATIONING REGULATIONS

The date, October 31, 1942, as set forth in paragraph (b) of § 1360.331 of Rationing Order No. 2A is hereby amended to read December 31, 1942.

Effective Dates

* * * * *

§ 1360.442 *Effective dates of amendment.* * * *

(r) Amendment No. 18 (§ 1360.331 (b)) to Rationing Order No. 2A shall become effective October 31, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1, Supp. Dir. No. 1A, 7 F.R. 562, 678, 1493)

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11125; Filed, October 31, 1942; 11:07 a. m.]

PART 1379—SMALL ARMS AND PARTS

[MPR 254]

NEW SMALL FIREARMS AND FIREARM PARTS

By Limitation Order No. L-60 the War Production Board prohibited sales of new small firearms, shotguns, rifles and firearm parts to the general public during the month of March 1942. As a consequence the General Maximum Price Regulation, under which maximum prices are ascertained primarily by reference to prices charged during that month, does not provide an adequate method for establishing the maximum prices of new small firearms. In the judgment of the Price Administrator it is necessary, in order to effectuate the purposes of the Emergency Price Control Act of 1942, to establish for sales of new small firearms, the maximum prices provided by this Maximum Price Regulation No. 254.

In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation are generally fair and equitable. So far as practicable, the Price Administrator has given due consideration to prices prevailing between October 1 and October 15, 1941, and to relevant factors of general applicability. So far as practicable, the Price Administrator has consulted with representatives of the industry which will be affected by this Maximum Price Regulation No. 254.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 254 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 254 is hereby issued:

AUTHORITY: §§ 1379.1 to 1379.14, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

NOTE: Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation[2] shall apply to the terms used herein. The terms so defined are italicized the first time they appear in the text.

§ 1379.1 *Prohibition against dealing in firearms or firearm parts above the maximum prices on and after November 6, 1942, regardless of any contract or other obligation.* (a) No *person* shall *sell* or deliver any firearm or firearm part at a price higher than the maximum price permitted by this Maximum Price Regulation No. 254; and

(b) No person in the course of trade or business shall buy or receive any firearm or firearm part at a price higher than the maximum price permitted by this Maximum Price Regulation No. 254.

§ 1379.2 *Maximum prices for firearms and parts in the manufacturer's price list in effect January 10, 1942.* The maximum price for a firearm or a firearm part which was in the manufacturer's price list in effect January 10, 1942, shall be:

(a) For sales by manufacturers, the price set forth in the manufacturer's price list, in effect January 10, 1942, as the price for a sale by the manufacturer to a *purchaser of the same class;*

(b) For sales by distributors, the price set forth in the manufacturer's price list, in effect January 10, 1942, as the price suggested for sales by distributors to a purchaser of the same class;

(c) For sales by retailers, the price set forth in the manufacturer's price list, in effect January 10, 1942, as the price suggested for sales by retailers.

Notification to retailers. Every person delivering to a purchaser for *sale at retail* a firearm or part for which a maximum price is established by § 1379.2 (c) of this Maximum Price Regulation No. 254, shall, at or prior to the first invoice to such purchaser after November 16, 1942, furnish such purchaser with a copy of the price list in effect on January 10, 1942, which contains the suggested price for sales at retail. Such list shall be accompanied by the following statement:

> The suggested retail prices in the enclosed price list are your maximum selling prices under Maximum Price Regulation No. 254. You may not charge more than these prices for any firearm or part listed.

§ 1379.3 *Maximum prices for firearms and parts which cannot be priced under § 1379.2, other than new firearms and parts covered by § 1379.4.* The seller's maximum price for any firearm or firearm part which cannot be priced under § 1379.2, other than a new firearm or part covered by § 1379.4, shall be:

(a) If the seller dealt in the same firearm or firearm part during the 30-day period which ended January 10, 1942, the highest price charged by the seller during such period for the same firearm or part.

(b) If the seller did not deal in the same firearm or part in the 30-day period which ended January 10, 1942, the highest price charged during such period for the same firearm or part by the *most closely competitive seller of the same class.*

For the purposes of this Maximum Price Regulation No. 254, the highest price charged by a seller during the 30-day period which ended January 10, 1942, shall be:

(1) The highest price which the seller charged for a firearm or part *delivered* by him during the 30-day period which ended January 10, 1942, to a purchaser of the same class; or

(2) If the seller made no such delivery during the 30-day period which ended January 10, 1942, his highest *offering price* for delivery during that period to a purchaser of the same class; or

(3) If the seller made no such delivery and had no such offering price to a purchaser of the same class, the highest price charged by the seller during the 30-day period which ended January 10, 1942, to a purchaser of a different class, adjusted to reflect the seller's customary differential between the two classes of purchasers.

Provided, however, That if, prior to January 11, 1942, the seller raised his prices for the delivery of a firearm or part to his classes of purchasers generally, and if, during the 30-day period which ended January 10, 1942, he delivered such a firearm or part at the higher price to at least one class of purchasers, the highest price charged during the 30-day period which ended January 10, 1942, for each class of purchasers:

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[2] 7 F.R. 971, 3663, 6967, 8520.

[3] 7 F.R. 5059, 7242.

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[1] 7 F.R. 1542, 1647, 1756, 2108, 2242, 2305, 2903, 3097, 3482, 4343, 5484, 6049, 6082, 6424, 6601, 6775, 6964, 7149, 8809.

[4] 7 F.R. 5989, 7403, 7738.

[5] 7 F.R. 6831, 7173.

[6] 7 F.R. 8653.

[7] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 8237, 7946, 8024, 8199, 8351, 8358, 8524.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 971, 3663, 6967.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

(i) To which no delivery was made during the 30-day period which ended January 10, 1942, at the higher price, and

(ii) To which no delivery was made during the 30-day period which ended January 10, 1942, at a lower price after the price rise, unless made pursuant to a firm commitment entered into before such price rise

shall be the seller's highest offering price for delivery to such class of purchasers during the 30-day period which ended January 10, 1942.

(c) If the seller cannot determine the maximum price under paragraphs (a) or (b) of this section, he shall calculate a maximum price as follows:

The seller shall select the most nearly comparable item currently offered for sale by him for which a maximum price is established by this Maximum Price Regulation No. 254, he shall divide his maximum price for that item by his replacement cost of that item, and shall multiply the percentage so obtained by the net cost to him of the item being priced. The resulting figure shall be the maximum price of the article being priced.

(1) "Replacement cost" shall be the net price paid by the seller after November 5, 1942, or, if the seller has not bought the same firearm or part after that date, the net price which the seller would have to pay to replace the firearm or part after that date.

(2) "Net cost" or "net price" shall be the price paid after deducting all discounts allowed, and adding transportation and delivery charges actually paid.

§ 1379.4 *Maximum prices for new firearms or parts first offered for sale by the manufacturer after January 10, 1942.* The maximum price for any firearm or firearm part first offered for sale by the manufacturer after January 10, 1942, shall be determined by the following procedure:

A manufacturer wishing to sell a firearm or part not manufactured or offered for sale by him prior to January 10, 1942, shall make application to the Office of Price Administration, Washington, D. C., for specific authorization of a maximum price. The application shall give a full description of the firearm or firearm part and a detailed explanation of the computation of its cost. It shall also give the same information for the most comparable firearm or firearm part manufactured by him for which a maximum price has already been determined under the provisions of this Maximum Price Regulation No. 254. The manufacturer shall also propose a maximum price for sales by him to each class of purchaser and shall suggest maximum prices for sales by distributors and retailers, in accordance with the customary differentials used by him prior to January 10, 1942, in suggesting resale prices. On the basis of this application, the Office of Price Administration may authorize, by order, maximum prices for sales of the firearm or part by the manufacturer, and maximum prices for the resale of such firearm or firearm part. Each seller of such a firearm or part to a person purchasing for purposes of resale shall, by a communication in writing at the time of or prior to his first invoice to each such purchaser, inform each such purchaser of the provisions of the authorization which establish maximum prices for resale of the firearm or part.

§ 1379.5 *Price differentials and credit charges.* Every seller shall continue all of his customary allowances, discounts, and other price differentials. The maximum prices established by this Maximum Price Regulation No. 254 shall not be increased by any charge for the extension of credit other than retailers' customary carrying charges for credit to the extent that they were stated and charged separately in the past.

§ 1379.6 *Relation between Maximum Price Regulation No. 254 and the General Maximum Price Regulation.* (a) The provisions of this Maximum Price Regulation No. 254 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this Maximum Price Regulation No. 254, except as provided in paragraph (b) of this § 1379.6. However, the seller must comply with the provisions of the following paragraphs, which are identical, except for appropriate changes in dates and terminology, with the sections of the General Maximum Price Regulation indicated in parentheses. Any amendments to such sections of the General Maximum Price Regulation are automatically applicable to this Maximum Price Regulation No. 254.

(1) *Transfers of business or stock in trade* (§ 1499.5). If the business assets or stock in trade of any business are sold or otherwise transferred after November 6, 1942, and the transferee carries on the business, or continues to deal in the same type of commodities in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this Maximum Price Regulation No. 254.

(2) *Sales for export* (§ 1499.6). The maximum price at which a person may export any firearm or part shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation.[3]

(3) *Federal and state taxes* (§ 1499.7). Any tax upon, or incident to, the sale, delivery, or processing of any firearm or firearm part, imposed by any statute of the United States or statute or ordinance of any State or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such firearm or firearm part and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect during the 30-day period which ended January 10, 1942.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during the 30-day period which ended January 10, 1942, the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 254. (2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of the tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 254.

(b) *As to a tax or increase in a tax which becomes effective after January 10, 1942.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

(4) *Sales slips and receipts* (§ 1499.14). Any seller who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the article sold, and the price received for it.

(5) *Petitions for amendment* (§ 1499.19). Any person seeking a modification of any provision of this Maximum Price Regulation No. 254 may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1 issued by the Office of Price Administration.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation shall apply to every person *selling at wholesale* or retail any firearm or part covered by this Maximum Price Regulation No. 254.

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[3] 7 F.R. 5059, 7242.

§ 1379.7 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 254 may be charged, demanded, paid, or offered.

§ 1379.8 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 254 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to firearms or parts, alone or in conjunction with any other commodity, by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise.

§ 1379.9 *Base-period records.* Every person selling firearms or firearm parts for which, upon sale by that person, maximum prices are established by this Maximum Price Regulation No. 254 shall:

(a) Preserve for examination by any person the manufacturers' price lists and catalogues of firearms and firearm parts, which were in effect on January 10, 1942, and which establish his maximum selling prices for such firearms and parts.

(b) Preserve for examination by the Office of Price Administration all his existing *records* relating to the prices which he charged during the 30-day period which ended January 10, 1942, for firearms and firearm parts the maximum prices for which are not established by reference to the manufacturers' price lists or catalogues in effect on January 10, 1942.

(c) Prepare, on or before December 5, 1942, and thereafter keep for examination by any person during ordinary business hours, a statement showing (1) his maximum prices for all firearms and parts being dealt in by him on November 6, 1942, except firearms and parts, the maximum prices for which are established by reference to the manufacturers' price lists in effect on January 10, 1942, and (2) the method by which such maximum prices were computed. Prior to first offering for sale any other firearms or parts, he shall add to such statement the same information with regard to such firearms or parts. Any person, other than a person selling at retail, who claims that substantial injury would result to him from making such statement available to any other person, may file it with the appropriate field office of the Office of Price Administration. The information contained in such statement will not be published or disclosed unless it is determined that the withholding of such information is contrary to the purposes of this Maximum Price Regulation No. 254.

§ 1379.10 *Current records.* Every person subject to this Maximum Price Regulation No. 254 shall keep and make available for examination by the Office of Price Administration records of all sales of firearms or parts made by him on and after November 6, 1942. Such records shall show the name and address of the buyer, the make, model, and identification number of the firearm or part and the price paid and received for it.

§ 1379.11 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 254 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 254 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest district, state, field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1379.12 *Sales to United States and allied governments excepted.* This Maximum Price Regulation No. 254 shall not apply:

(a) To sales or deliveries of firearms or parts to the United States or any agency thereof or to the government of any country whose defense the President deems vital to the defense of the United States under the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," or any agency of any such government.

(b) To sales or deliveries of component parts and subassemblies of firearms exempted by paragraph (a) of this section, regardless of the person to whom sold or delivered. The term "component parts and subassemblies" includes all metallic and non-metallic component parts, adjuncts, and accessories, which have been machined or fabricated. The term does not include raw or unfinished materials or any other materials which are in such form as to permit their use in the manufacture of products other than firearms exempted under paragraph (a) of this section.

(c) To sales or deliveries of any firearm or part pursuant to a subcontract for the supply of such firearm or part for use as a component part, adjunct or accessory of a product exempted from the General Maximum Price Regulation by subparagraph (1) or (2) of § 1499.29 (a) of Revised Supplementary Regulation No. 4.[4]

§ 1379.13 *Definitions.* (a) When used in this Maximum Price Regulation No. 254, the term:

(1) "Firearm" means any new weapon of the type generally classed as small arms, including, for example, pistols, shotguns, and rifles.

(2) "Manufacturer" means a person who operates a business which fabricates or assembles a firearm or firearm part.

(3) "Distributor" means a person making sales of firearms or firearm parts at wholesale.

(4) "Retailer" means a person making sales of firearms or firearm parts at retail.

(b) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation and the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1379.14 *Effective date.* This Maximum Price Regulation No. 254 (§§ 1379.1 to 1379.14, inclusive) shall become effective November 6, 1942.

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11133; Filed, October 31, 1942; 11:11 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136,[1] as Amended, Amendment 36]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.*

New paragraph (l) is added to § 1390.2 as set forth below:

§ 1390.2 *Exclusions.* * * *

(l) Any sale or delivery, until January 1, 1943, of a fixed capacitor designed and sold exclusively for use in military radio or radar apparatus.

* * * * *

§ 1390.31a *Effective dates of amendments.* * * *

(kk) Amendment No. 36 (§ 1390.2 (l)) to Maximum Price Regulation No. 136, as amended, shall be effective as of September 26, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11126; Filed, October 31, 1942; 11:06 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,[2] Amendment 2]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In paragraph (b) of § 1394.5604 the reference to "fifteen (15) days" is amended to read "thirty (30) days"; paragraph (a) of § 1394.5052, paragraph (f) of § 1394.5303, paragraph (a) of § 1394.5454, paragraphs (b) and (c) of § 1394.5663 are amended; new § 1394.5509 is added; a new paragraph (f) is added to § 1394.5653; a new paragraph (b) is added to § 1394.5402; and a new

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[4] 7 F.R. 5056, 5089, 5566, 6082, 6084, 6426, 6744, 6793, 7175, 7538, 8021.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7944, 7945, 8198, 8362, 8433, 8479, 8520, 8652, 8707.

[2] 7 F.R. 8480, 8708.

subtitle and a new § 1394.5403 under it are added, as set forth below:

Scope of Ration Order No. 11

* * * * *

§ 1394.5052 *Scope of restrictions.* * * *

(a) By or for the account of the Army, Navy, Marine Corps, Coast Guard, War Shipping Administration, or Maritime Commission, of the United States, or the British Ministry of War Transport, or any official war transport or war shipping agency of any United Nation acquiring fuel oil for any official purpose; or * * *

Auxiliary Rations

* * * * *

§ 1394.5303 *Auxiliary rations for heating premises.* * * *

(f) For the examination or treatment of the sick or of patients in premises (other than those specified in paragraph (c) of this section) primarily used by a duly licensed physician, surgeon, dentist, osteopath or chiropractor: *Provided,* That the applicant must submit with his application a certification by such physician, surgeon, dentist, osteopath or chiropractor as to the temperature required for such purpose: *Provided further,* That in the case of a building other than a private dwelling, an auxiliary ration for the purposes specified in this paragraph may be obtained only for use in a space heater, unless such building is used primarily for such purpose.

* * * * *

Railroad Cars

§ 1394.5403 *Heat rations for railroad cars.* Notwithstanding any other provision of Ration Order No. 11:

(a) The owner, or the person controlling the use, of oil burning equipment used for heating railroad cars may obtain a ration for such purpose. Such rations may be obtained for three (3) month periods.

(b) Application for such ration shall be made to a Board on or after October 22, 1942, on Form OPA R–1102, by the owner of the equipment, or by the person controlling the use of such equipment, or by the agent of either of them. The applicant shall supply the information required by that form. A single application may be made for all the units of oil burning equipment for which a ration is required.

(c) The allowable ration shall be the amount of fuel oil needed for such purpose during the three (3) month period beginning with the date on which the ration is required, or, in the case of an application made prior to November 1, 1942, during the three (3) month period beginning October 1, 1942.

(d) After determining the allowable ration, the Board shall issue Class 3, 4, 5 or 6 coupon sheets containing coupons equal in gallonage value to the allowable ration less the amount of fuel oil on hand for the purpose for which the ration is required. Such amount shall be determined in accordance with the provisions of § 1394.5451.

(e) No ration issued pursuant to this section shall be used to heat railroad cars for human occupancy to a temperature in excess of 65 degrees F. except to the extent that:

(1) It is necessary to heat certain cars in a train in excess of 65 degrees F. in order to maintain a minimum temperature of 60 degrees F. in other cars in the train; or

(2) It is impossible, for mechanical reasons, to maintain the temperature below 65 degrees F.

General Provisions with Respect to Issuance of Rations

* * * * *

§ 1394.5454 *Acknowledgments of delivery.* (a) Acknowledgments of delivery, on Form OPA R–544 (Revised), to be used for the acquisition of fuel oil by or for the account of the Army, Navy, Marine Corps, War Shipping Administration, Coast Guard, and Maritime Commission, of the United States, or by the British Ministry of War Transport, or any official war transport or war shipping agency of any United Nation acquiring fuel oil for any official purpose, will be issued by the Washington Office to the Washington headquarters of such agencies. Any such form bearing the signature of an authorized officer, agent or employee of any of such agencies shall be valid as an authorization of transfer of fuel oil to or for the account of such agency by any person to whom it is presented, to the extent of the gallonage thereon stated. In the event that an acknowledgment form is not available, a receipt on an official letterhead of such agency, bearing such authorized signature, and supplying the information required by Form OPA R–544 (Revised) may be used in lieu of such acknowledgment form. Such form or receipt may be used as an evidence for purposes of replenishment.

* * * * *

Expiration and Revocation of Rations

* * * * *

§ 1394.5509 *Application for, determination and issuance of, heat and hot water rations for use outside the limitation area.* Notwithstanding any other provisions of Ration Order No. 11:

(a) Application for a heat or a heat and hot water ration for use outside the limitation area shall be made to the nearest Board in the thermal sub-zone nearest the premises for which the ration is to be used.

(b) The Board shall, in such case, determine the allowable ration and issue coupons in the same manner as if such premises were located in the thermal sub-zone in which the application is made.

* * * * *

Restrictions on Transfers to and by Consumers

* * * * *

§ 1394.5653 *Transfers to consumers in exchange for coupons.* * * *

(f) Notwithstanding any other provisions of Ration Order No. 11, a dealer or supplier may, during the period from November 1, 1942 to November 23, 1942, inclusive, transfer fuel oil to a consumer who has not received a ration, without requiring the surrender of coupons or other evidences, or delivery receipts, subject to the following conditions:

(1) No consumer may accept such transfer unless he has applied for and has reasonable cause to believe that he is entitled to receive a ration, for the purpose for which the transfer is made, which will, when issued, enable him to surrender to the transferor coupons or other evidences, or delivery receipts, equal in gallonage value to the amount of fuel oil so transferred.

(2) At the time of transfer, the consumer shall deliver to the transferor a written receipt acknowledging such transfer and stating the number of gallons of fuel oil transferred; the transferor shall make, and preserve for at least one year a written record of the name and address of the transferee, the amount, and, in the case of residual oil, the grade of fuel oil transferred. Upon receipt of coupons from the transferee pursuant to the requirements of subparagraph (3) of this paragraph, the transferor shall enter on such record the number and serial numbers of coupons (or delivery receipts) detached.

(3) Such consumer shall, immediately after the issuance of a ration to him, surrender to the transferor, coupons or other evidences, or delivery receipts, equal in gallonage value to the amount of fuel oil so transferred. At the time of such surrender the transferor shall make the entries required by § 1394.5653 or § 1394.5655, as the case may be.

(4) Any dealer or supplier who has made a transfer pursuant to this paragraph, shall, on or before November 30, 1942, report to the nearest State Office of the Office of Price Administration, the name and address of any consumer who has accepted such transfer and who has failed to surrender coupons or other evidences, or delivery receipts, as required by subparagraph (3) of this paragraph.

* * * * *

§ 1394.5663 *Transfers of fuel oil from the limitation area to persons outside the limitation area.* * * *

(b) A dealer or supplier may transfer fuel oil from within the limitation area to a consumer without the limitation area, in exchange for coupons or other evidences, or delivery receipts, valid in any thermal zone.

(c) A primary supplier may, upon written authorization of the Office of the Petroleum Coordinator for War, transfer fuel oil from within the limitation area to a dealer or supplier without the limitation area. No coupons or other evidences shall be exchanged with respect to such transfer.

* * * * *

Effective Date

§ 1394.5902 *Effective date of corrections and amendments.* * * *

(b) Amendment No. 2 (§§ 1394.5052 (a), 1394.5303 (f), 1394.5403, 1394.5454 (a), 1394.5509, 1394.5604 (b), 1394.5653 (f), 1394.5663 (b) and (c)) to Ration Order No. 11 shall become effective on October 31, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1–0, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719).

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11140; Filed, October 31, 1942; 11:09 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14, Amendment 47]

UNPRINTED SINGLE WEIGHT CREPE PAPER IN FOLDS

Amendment No. 47 to Supplementary Regulation No. 14 to General Maximum Price Regulation.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.* A new subparagraph (36) is added to paragraph (a), § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of the General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided: * * *

(36) *Unprinted single weight crepe paper in folds.* (i) From November 6, 1942 to and including January 17, 1943, maximum retail prices of the following types of unprinted single weight crepe paper in folds, shall be as follows:

Dimensions	Ratio	Maximum retail price
(*a*) 9″ x 20″	2½ to 1	$.10
(*b*) 9″ x 20″	2¼ to 1	.10
(*c*) 9″ x 20″	2 to 1	.10

(ii) On and after January 18, 1943, the maximum price for the types of crepe paper referred to above shall be a price as otherwise established by the General Maximum Price Regulation without regard to this Amendment No. 47 to Supplementary Regulation No. 14.

* * * * *

(b) *Effective dates.* * * *

(48) Amendment No. 47 (§ 1499.73 (a) (36)) to Supplementary Regulation No. 14 shall become effective November 6, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11131; Filed, October 31, 1942; 11:11 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14, Amendment 48]

SEMI-FABRICATED ARTICLES OF NEWLY-MINED DOMESTIC SILVER

Amendment No. 48 to Supplementary Regulation No. 14[1] to the General Maximum Price Regulation.[2]

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1499.73 (a) (12) (v) (*e*) is amended by inserting the words "(as modified by § 1499.73 (a) (15) (ii) of Supplementary Regulation No. 14)" between the phrase "of the General Maximum Price Regulation" and the phrase "for the same articles containing silver other than newly-mined domestic silver;" and §§ 1499.73 (a) (12) (ii) (*d*) and 1499.73 (a) (12) (v) (*c*) are amended as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of the General Maximum Price Regulation for certain commodities, services and transactions.* (a) * * *

(12 * * *

(ii) * * *

(*d*) A semifabricated article shall be deemed to contain newly-mined domestic silver if this fact is certified to the buyer by the seller and if the aggregate fine silver content of all semifabricated articles delivered by the seller at prices higher than the maximum prices established by § 1499.2 of the General Maximum Price Regulation, as modified by § 1499.73 (a) (15) (ii) of Supplementary Regulation No. 14, for the same articles containing silver other than newly-mined domestic silver at no time exceeds the aggregate quantity of fine newly-mined domestic silver (including the fine silver content of semifabricated articles) purchased by the seller, reported to the Office of Price Administration in accordance with the provisions of this § 1499.73 (a) (12), and not otherwise disposed of.

* * * * *

(v) * * *

(*c*) *Form OPA: SR14:3.* Certificate of Person from whom Newly-Mined Domestic Silver was Purchased.

I (We) hereby certify that during the month of ________________ 19____ I (we) made the following sales of newly-mined domestic silver to:

________________, ______
Name of purchaser

____
Address of purchaser

Description, including gross quantity	Quantity in fine troy ounces	Date of sale	Price charged
Total quantity in fine troy ounces			

I (We) further certify that all of the silver so sold is covered by miners' affidavits on Treasury Department Forms TSA–2 and/or TSA–2A, executed pursuant to § 80.7 of the Newly-Mined Domestic Silver Regulations of July 6, 1939, which on ____________________ 1942, were forwarded directly by me (us) to the Director of the Mint, Treasury Department, Washington, D. C., for verification and cancellation; and I (we) hereby authorize and direct the Director of the Mint to cancel such affidavits.

This statement is furnished to the purchaser of the silver herein described at his request, and pursuant to § 1499.73 (a) (12) of Supplementary Regulation No. 14 to the General Maximum Price Regulation, for the purpose of enabling the said purchaser to take advantage of the provisions therein as to maximum prices for semifabricated articles containing newly mined domestic silver.

(Signed) ______________________

____
Address

By ______________________
Authorized signature

Subscribed and sworn to before me this ______ day of ________________, 19____.

[Notarial Seal] ______________________
Signature of officer administering oath

My commission expires____________, 19____.

* * * * *

(b) *Effective dates.* * * *

(49) Amendment No. 48 to Supplementary Regulation No. 14 (§§ 1499.73 (a) (12) (ii) (*d*), 1499.73 (a) (12) (v) (*c*) and 1499.73 (a) (12) (v) (*e*)) shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11132; Filed, October 31, 1942; 11:11 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 110 Under § 1499.18 (c) of GMPR]

BROOKLYN COOPERAGE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1110 *Adjustment of maximum prices for syrup and molasses gumwood barrels produced and sold by the Brooklyn Cooperage Company.* (a) The Brooklyn Cooperage Company, 120 Wall Street,

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6776, 6793, 6887, 6892, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7400, 7453, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5424, 5775, 5784, 5783, 6053, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

New York, New York, may sell and deliver, and any person may buy and receive delivery from the Brooklyn Cooperage Company, the following specified syrup and molasses gumwood barrels on an open billing basis pending consideration by the Office of Price Administration of the petition filed by the Company on October 3, 1942, for adjustment of the maximum prices established by the General Maximum Price Regulation for sale of such barrels by the company:

(1) 55/57 gallon gumwood barrel, 6 hoops, unlined, manufactured for syrup, molasses and other products.

(2) 57/59 gallon gumwood barrel, 6 hoops, silicate lined, manufactured for syrup, molasses and other products.

(3) 54 gallon gumwood barrel, 6 hoops, silicate lined vent plug in head, manufactured or syrup, molasses and other products.

(b) The ultimate price paid and received for barrels sold and delivered on an open billing basis under the provisions of this order must be in accordance with the disposition made by the Office of Price Administration of the petition for adjustment filed on October 3, 1942 by the Brooklyn Cooperage Company with the Office of Price Administration. Final payment for barrels so sold and delivered may not be made or accepted until the Office of Price Administration has made such disposition; however, prior to such disposition, partial payment may be made and received if such payment does not exceed the maximum price established by the General Maximum Price Regulation.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 110 (§ 1499.1110) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 110 (§ 1499.1110) shall become effective November 2, 1942, and shall terminate on the date that the Office of Price Administration makes a final disposition of the petition for adjustment of maximum prices filed with the Office of Price Administration by the Brooklyn Cooperage Company on October 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11119; Filed, October 31, 1942; 11:07 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 113 Under § 1499.18 (c) of GMPR]

BERKELEY YEAST LABORATORY

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1113 *Adjustment of maximum prices for Berkeley Yeast Laboratory.* (a) Berkeley Yeast Laboratory of Berkeley, California may sell and deliver, and any purchaser may buy and receive sulphur wicks at a price not in excess of that hereinafter set forth:

Sulphur wicks at $13.33 per one hundred pounds,

(b) All discounts, allowances, practices with regard to charges for transportation and other trade practices in effect with respect to the above listed commodity during March 1942, by the seller, shall remain in effect under this order.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 113 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 113 (§ 1499.1113) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 113 (§ 1499.1113) shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11136; Filed, October 31, 1942; 11:08 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 114 Under § 1499.3 (b) of GMPR]

JOHN MIDDLETON, INC.

John Middleton, Inc. has made application under § 1499.3 (b) of the General Maximum Price Regulation for determination of maximum prices for a "John Middleton Pipe and Tobacco Chest". Due consideration has been given to the application and an opinion in support of this order issued simultaneously herewith has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Amergency Price Control Act of 1942 and in accordance with § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered,* That:

§ 1499.978 *Authorization of a maximum price for a certain Pipe and Tobacco Chest of smoking tobacco for John Middleton, Inc.* (a) On and after November 2, 1942 John Middleton, Inc. may sell and deliver to any person and any purchaser may buy and receive from John Middleton, Inc., a "John Middleton Pipe and Tobacco Chest" of smoking tobacco (consisting of one ounce of Regimental Mixture and 1⅛ ounce of either Club Mixture or Old Mariner tobacco, and a good quality domestic briar pipe of light walnut finish and six pipe cleaners, all packed in a hinged brown leatherette box 8 inches by 4 inches by 2⅔ inches, hereinafter spoken of as "Pipe and Tobacco Chest") at a price no higher than $13.50 per dozen "Pipe and Tobacco Chests", less 10 per cent trade discount and 2 per cent cash discount for payment within 10 days after date of delivery.

(b) Any wholesaler or jobber may sell and deliver to any person and any person may buy and receive from such wholesaler or jobber the pipe and tobacco chest at a price no higher than $13.50 per dozen pipe and tobacco chests less the customary discount or discounts given by such wholesaler or jobber on other tobaccos to a purchaser in the same class.

(c) Any retailer may sell and deliver and any person may buy and receive the pipe and tobacco chest at a price no higher than $1.50 per chest.

(d) John Middleton, Inc. shall notify in writing all jobbers and wholesalers who purchased such pipe and tobacco chest of the maximum prices established in paragraphs (a), (b) and (c) of this order for sales at wholesale and retail on or before the first delivery of such product after the effective date hereof and of the notification provision in (e) of this order below.

(e) All suppliers of this pipe and tobacco chest to sellers at retail shall notify such sellers in writing on or before the first delivery after the effective date hereof that the maximum price of such pipe and tobacco chest at retail is $1.50 per chest.

(f) This Order No. 114 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 114 (§ 1499.978) shall become effective November 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11118; Filed, October 31, 1942; 11:06 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 114 Under § 1499.18 (c) of GMPR]

A. KRAUSE & CO., INC.

Order No. 114 under § 1499.18 (c)—of the General Maximum Price Regulation—Docket No. GF3-1950.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1114 *Adjustment of maximum prices for salting and storing of sheepskins by A. Krauss & Co., Inc.* (a) The application for adjustment of maximum prices for collecting, spreading, cooling, salting, inspecting, handling, storing and shipping sheepskins for R. B. West Co., Inc. by A. Krauss & Co., Inc., is hereby granted to the extent set forth below:

The maximum price for collecting, spreading, cooling, salting, inspecting, storing and shipping sheepskins for R. B. West Co. by A. Krauss & Co., Inc. shall be $.096 per skin.

(b) Except as herein above granted the application for adjustment filed by A. Krauss & Co., Inc., and assigned Docket No. GF3-1950 is denied.

(c) All prayers of the application not granted herein are denied.

(d) This order is subject to revocation or amendment by the Price Administrator at any time hereafter, either by special order, or by any price regulation

issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation, the provisions of which may be contrary hereto.

(e) This Order No. 114 (§ 1499.1114) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 114 (§ 1499.1114) shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11137; Filed, October 31, 1942; 11:08 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 115 Under § 1499.18 (c) of GMPR]

STRONG WOOD TURNING CORPORATION

Order No. 115 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF1-124-P.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1115 *Adjustment of maximum prices for maple discs sold by Strong Wood Turning Corporation.* (a) Strong Wood Turning Corporation of Strong, Maine may sell to E. B. Estes & Sons, Inc., of New York City, and said E. B. Estes & Sons, Inc., may buy from said Strong Wood Turning Corporation, maple discs at a price not exceeding the following:

88¢ per M f. o. b. mill for maple discs 1.082'' in diameter by 21/64'' in thickness.

(b) The relief granted by this order is limited to discs delivered on and after May 11, 1942, and prior to August 9, 1942, the effective date of Maximum Price Regulation No. 196, and is not to supersede maximum prices determinable under said regulation.

(c) This Order No. 115 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 115 (§ 1499.1115) is hereby incorporated as a section of Supplementary Regulation 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 115 (§ 1499.1115) shall become effective on October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11138; Filed, October 31, 1942; 11:07 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 116 Under § 1499.18 (c) of GMPR]

E. B. ESTES & SONS, INC.

Order No. 116 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF1-124-P.

For the reasons set forth in an opinion issued simultaneously herewith *It is ordered:*

§ 1499.1116 *Adjustment of maximum prices for maple discs sold by E. B. Estes & Sons, Inc.* (a) E. B. Estes & Sons, Inc., of New York City, may sell to Anchor Novelty Company, Inc., of Brooklyn, New York, and said Anchor Novelty Company, Inc., may buy from said E. B. Estes & Sons, Inc., maple discs at a price not exceeding the following:

$1.03 per M f. o. b. mill for maple discs 1.082'' in diameter by 21/64'' in thickness.

(b) The relief granted by this order is limited to discs delivered on and after May 11, 1942, and prior to August 9, 1942, the effective date of Maximum Price Regulation No. 196, and is not to supersede maximum prices determinable under said regulation.

(c) This Order No. 116 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 116 (§ 1499.1116) is hereby incorporated as a section of Supplementary Regulation 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 116 (§ 1499.1116) shall become effective on October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11139; Filed, October 31, 1942; 11:08 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 117 Under § 1499.18 (c) of GMPR]

WESTERN ELECTRIC COMPANY, INC.

Order No. 117 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-117.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1117 *Adjustment of maximum prices for sale of Western red cedar butt-treated poles by the Western Electric Company, Incorporated.* (a) The maximum price for the sale of each class and size of Western red cedar butt-treated pole by the Western Electric Company, Incorporated, shall be the sum of: (1) actual delivered cost of each class and size of pole, and (2) the average dollar mark-up applied in 1941 for the same class and size of pole.

(b) Maximum prices established by this Order No. 117 shall apply to sales by the Western Electric Company, Incorporated, made on and after June 6, 1942.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 117 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 117 (§ 1499.1117) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 117 (§ 1499.1117) shall become effective October 31, 1942.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250; 7 F.R. 7871)

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11127; Filed, October 31, 1942; 11:10 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 118 Under § 1499.18 (c) of GMPR]

HOSPITAL LIQUIDS, INC.

Order No. 118 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-1854.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1118 *Adjustment of maximum prices charged for use of Compliter Administration units manufactured by Hospital Liquids, Incorporated.* (a) Hospital Liquids, Incorporated, at 843 Adams Street, Chicago, Illinois, and its distributors may charge the following maximum prices for the use or rental of Compliter Administration units manufactured by Hospital Liquids, Incorporated, and any person may pay such prices for the use or rental thereof:

(1) On transactions by Hospital Liquids, Incorporated, the maximum price to its distributors, or its other customers where the transaction is direct, is established at $.12 per unit.

(2) On transactions by such distributors the maximum price is established at $.15 per unit.

(b) All discounts (other than the 20 per cent discount off list heretofore given by Hospital Liquids, Incorporated, to its distributors), terms, trade and freight practice, employed by the persons affected by this order upon transactions involving the use or rental of such devices in effect during March 1942, shall apply to the maximum prices established in paragraph (a) above.

(c) Hospital Liquids, Incorporated, shall cause the following notice to be given to all of its distributors:

> The Office of Price Administration has permitted us to raise our maximum price for the use or rental of Compliter Administration Unit from $.10 less 20 per cent discount, to $.12 per unit net. Your new ceiling price for the use or rental of our Compliter Administration Unit has been established at $.15 per unit by Office of Price Administration Order No. 118 under § 1499.18 (c) of the General Maximum Price Regulation, Docket No. GF3-1854.

(d) This Order No. 118 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 118 (§ 1499.1118) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 118 (§ 1499.1118) shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11128; Filed, October 31, 1942; 11:09 a. m.]

Part 1499—Commodities & Services

[Order 119 Under § 1499.18 (c) of GMPR]

HARVARD APPARATUS COMPANY, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1119 *Adjustment of maximum prices for sale of scientific and physiological instruments and apparatus by Harvard Apparatus Company, Inc., of Dover, Massachusetts.* (a) Harvard Apparatus Company, Inc., of Dover, Massachusetts, may sell and deliver and any person may buy and receive the following articles and instruments, at the following prices:

Cannula, arterial	$0.25
Cat: sizes a, b, c, d. Dog: e, f.	
Cannula, tracheal, cats	.45
extra small.	
small.	
medium.	
large.	
Cannula, tracheal, dogs	1.10
small.	
medium.	
large.	
Cement, colophonium	.06
Circulation scheme	14.00
Clamp, adjusting	3.75
Clamp, curved	.30
Clamp, double	.65
Clamp, flat-jawed	1.45
Clamp, gaskell	1.25
Clamp, round-jawed	1.45
Clamp, swivel	2.50
Clip, artery	.75
Clip, frog board	.03
Coupler	.25
Electrodes, plate	.35
Electrodes, rod	.20
Electrodes, platinum	2.80
Electrodes, silver	2.25
Electrodes, shield	4.00
Electrodes, unpolarizable, each	.35
Electrometer, capillary	13.00
Ergograph	4.80
Eye, artificial	11.00
Frog board	1.20
Gas chamber	.80
Graduation tube	8.80
Holder for boot electrode	.35
Holder for plat. electrode	1.30
Hook, double	.02
Inductorium	13.50
Interrupter	12.00
Key, rocking, metal	4.75
Key, short-circuiting	2.45
Key, simple, spring type	1.80
Kymograph, medium spring	36.00
Lantern, optical	14.00
Leveling table	5.50
Lever, heart, wire stylus	1.10
Lever, heart, wooden stylus	1.35
Lever, heavy muscle	4.95
Lever, light muscle	1.80
Lever, writing	.03
Manometer, membrane	10.00
Manometer, large mercury	4.20
Manometer, small mercury	1.70
Moist chamber	6.30
Mounting rod, 4.8 mm	.20
Mounting rod, 8.8 mm	.35
Mounting rod, tubular	.35
Muscle warmer	1.35
Paper, kymograph, short, 100 for	$1.20
Paper, long, per 100 metres	2.35
Plate, adjustable	1.40
Plethysmegraph tube	.50
Pneumograph	3.50
Respiration scheme	5.20
Rheochord, long model	5.50
Rheochord, square model	3.50
Right angle rod	.55
Ring, wire	.01
Scale pan, large	.50
Scale pan, small	.30
Secker, stainless	1.30
Side rods (four)	3.00
Signal magnet, 27 mm	2.30
Smoker lamp, small	13.00
Stand, semicircular base	2.00
Stand, adjusting screw	5.50
Stand, large, tripod base	3.65
Stand, small, tripod base	2.60
Stopcock	1.10
Tambour, Marey	2.45
Tambour, sphygmograph	2.45
Tuning fork	1.45
Tuning fork starter	.35
Volume tube	1.20
Weights	.02
Work adder	6.20
Animal holder	24.00
Cannula, pleural	2.50
Clamp, heavy	1.10
Clamp, double, with binding post	.85
Clamp gaskell, with open jaw	1.60
Clock, electrical	75.00
Head holder, bar	3.85
Czermak, small	11.80
Czermak, large	11.80
Ford, guinea pig	5.00
Ford, rabbit	5.00
Key, double contact	2.75
Kymograph, electric, short	265.00
Frame for horizontal use and smoking	20.00
Smoker frame arm	4.50
Electric, long	500.00
Adjusting holder	31.00
Kymograph, spring, long	85.00
Slow and fast	40.00
Paper, for short electric kymograph—100 for	3.10
Paper, for long electric kymograph—100 metres:	
25.5 cm	3.10
28.5 cm	3.45
Pully, hinged handle	1.50
Respiration pump	110.00
Signal magnet, 10 mm	7.70
Smoker clamp for long spring kymograph	3.00
Smoker lamp, large	16.00

(b) All discounts, allowances, freight and trade practices by the seller, in effect with respect to the sale of the above commodities during March, 1942, shall apply to the maximum prices established under paragraph (a) above.

(c) This Order No. 119 (§ 1499.1119) may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 119 (§ 1499.1119), is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 119 (§ 1499.1119) shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E. O. 9250, 7 F.R. 7871)

Issued this 31st day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11165; Filed, October 31, 1942; 12:11 p. m.]

Part 1499—Commodities and Services

[Order 42 Under § 1499.18 (c) of GMPR]

GLOVERSVILLE KNITTING COMPANY

Order No. 42 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-1412.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered*, That:

(a) Order No. 42 (§ 1499.392) under § 1499.18 (c) of the General Maximum Price Regulation, authorizing the Gloversville Knitting Company to enter into adjustable pricing contracts, is hereby revoked.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued and effective this 31st day of October 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11164; Filed, October 31, 1942; 12:11 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

Part 6—Security of Ports and the Control of Vessels in the Navigable Waters of the United States

ENEMY ALIENS; AMENDMENT

Pursuant to the authority contained in section 1, Title II of the Espionage Act approved June 15, 1917, 40 Stat. 220 (U.S.C. title 50, sec. 191), as amended by the Act of November 15, 1941 (55 Stat. 763), and by virtue of the Proclamation and Executive Order issued June 27, 1940 (5 F.R. 2419), and November 1, 1941 (6 F.R. 5581), respectively, the regulations relating to the control of vessels in the navigable waters of the United States, approved September 29, 1942 (7 F.R. 8026) are hereby amended as follows:

By amending § 6.1 (c) to read as follows:

§ 6.1 *Definitions.* * * *

(c) The term "enemy aliens" shall include the following:

(1) All aliens of the age of 14 years or older who were or are citizens or subjects of Germany or Japan.

(2) All aliens of the age of 14 years or older who at present are stateless but who at the time at which they became stateless were citizens or subjects of Germany or Japan.

The term "enemy alien" for the purposes of this part, shall not include the following:

(3) Former German or Japanese citizens or subjects who before December 7, 1941, in the case of former Japanese citizens or subjects, and before December 8, 1941, in the case of former German citizens or subjects became and are citizens or subjects of any nation other than Germany or Japan.

(4) Austrians or Austrian-Hungarians (Austro-Hungarians) or Koreans who registered as such under the Alien Registration Act of 1940, provided that such persons have not at any time voluntarily become German or Japanese citizens or subjects.

(5) All citizens or subjects of Italy, and all aliens who at present are stateless but who at the time at which they became stateless were citizens or subjects of Italy.

(5) Aliens of enemy nationalities during their term of military service in the armed forces of the United States.

Frank Knox,
Secretary of the Navy.

The White House.

Approved: October 27, 1942.

Franklin D Roosevelt

[F. R. Doc. 42-11116, Filed, October 31, 1942; 9:37 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation

[No. 23]

Part 402—Annual Water Charges[1]

RIVERTON IRRIGATION PROJECT; ANNUAL WATER CHARGES[2]

October 8, 1942.

1. *Water rental.* Irrigation water, when available, will be furnished upon a rental basis under approved applications for temporary water service during the irrigation season of 1943 and thereafter until further notice to those lands in private ownership and to those public lands opened under the orders "opening public land to entry" dated March 3, 1926; November 9, 1926; March 23, 1931; May 2, 1932; January 31, 1933; and October 30, 1939; against which assessments for water rental were not levied by the Midvale Irrigation District in 1942.

2. *Charges and terms of payment.* The minimum water-rental charge for the irrigation season of 1943 and thereafter until further notice will be One Dollar and ten cents ($1.10) per acre for each irrigable acre of land for which application has been or is hereafter made which will entitle the applicant to two and two tenths (2.2) acre-feet of water, or so much thereof as may be necessary for beneficial use, for said season. Payment of the minimum charge shall be made for the entire irrigable area of each farm unit of public land entered under orders "opening public land to entry" dated March 3, 1926; November 9, 1926; March 23, 1931; May 2, 1932; January 31, 1933; and October 30 1939; and for the entire irrigable area in each 40-acre subdivision of private land entitled to water for which application has been made or is hereafter made. Said minimum charge will be made against each acre of irrigable land whether or not water is used; shall be paid in advance on or before May 1, 1943, and no part of said charge will be refunded. Additional water if available will be furnished during said irrigation season at the rate of One Dollar ($1.00) per acre-foot, payable on December 1, 1943. When water-rental application is submitted and approved after June 15, 1943, for public land entered under the reclamation law and after August 1, 1943, for land in private ownership, the minimum charge shall apply as a credit on the minimum charge for the following irrigation season. All water-rental charges under this notice should be paid to the Bureau of Reclamation, Riverton, Wyoming.

3. *Penalty for nonpayment.* If payment of the minimum charge be not made on or before May 1, 1943, and payment for additional water furnished be not made on or before December 1, 1943, as herein provided; there shall be added to the amount unpaid a penalty of one-half of one per centum thereof on the first day of the third calendar month thereafter, and there shall be added a like penalty of one-half of one per centum on the first day of each month thereafter so long as such default shall continue, and no water shall be delivered to the owner or entryman in subsequent years until all such charges and penalties have been paid in full.

Oscar L. Chapman,
Assistant Secretary.

[F. R. Doc. 42-11176; Filed, November 2, 1942; 9:58 a. m.]

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[1] Affects tabulation in § 402.2e.

[2] (Act of June 17, 1902, 32 Stat. 388, as amended and supplemented.)

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

Part 31—Uniform System of Accounts, Class A and Class B Telephone Companies

INCOME ACCOUNTS; OPERATING REVENUES, ETC.

The Commission on October 27, 1942, effective May 1, 1943, adopted the following amendments:

Table of Contents. Delete § 31.344 *Dividend appropriations of income* and change the title of § 31.416 to read *Dividend appropriations.*

§ 31.3-30 *Purpose of income accounts.* Change the parenthetical expression "(300 to 344, inclusive,)" to read "(300 to 343, inclusive,)."

§ 31.300 *Operating revenues.* In the note following this section, change the expression "†† In §§ 31.300 to 31.344, inclusive" to read "†† In §§ 31.300 to 31.343, inclusive".

§ 31.344 *Dividend appropriations of income* Delete this entire section, including Notes A and B.

§ 31.400 *Income balance.* Change the parenthetical expression "(300 to 344, inclusive,)" to read "(300 to 343, inclusive,)".

§ 31.416 *Dividend appropriations of surplus.* Change the title of this section to read *"Dividend appropriations."*; change the text of paragraph (a) to read: "This account shall include dividends on capital stock actually outstanding."; change the caption "Note A" to read "Note", and delete all of Note B. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i), sec. 220, 48 Stat. 1078; 47 U.S.C. 220.)

By the Commission.

[SEAL] **T. J. Slowie,**
Secretary.

[F. R. Doc. 42-11141; Filed, October 31, 1942; 10:54 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order No. 93]

Subchapter A—General Rules and Regulations

Part 95—Car Service

GIANT TYPE REFRIGERATOR CARS

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of October, A. D. 1942.

It appearing that due to the existing state of war, an emergency exists which, in the opinion of the Commisison, requires immediate action to prevent shortage of refrigerator cars, empty mileage of such cars, and congestion of traffic; and

It further appearing that certain Transcontinental Freight Bureau tariffs contain certain limitations, restrictions, and rate penalties on the use of the so-called giant type of refrigerator cars as defined in such tariffs; and that Service Order No. 86, as amended, will expire on October 31, 1942:

It is ordered, That:

§ 95.301 *Giant type refrigerator cars.* (a) On and after 12:01 a. m. November 1, 1942, and until further order of the Commission, common carriers by railroad subject to the Interstate Commerce Act serving points in Arizona and California shall furnish without regard to ownership, for loading with commodities, in carloads, suitable for transportation in refrigerator cars; and shall accept and transport, giant type refrigerator cars, as defined in paragraph (b) hereof, at the freight rates applicable on the same commodities when loaded in standard refrigerator cars (cars with inside length between bulkheads—loading space—of less than 37 feet 6 inches).

(b) For the purpose of this order, the term "giant refrigerator cars" is defined as refrigerator cars (1) with inside measurement between bulkheads (loading space) of not less than 37 feet 6 inches, (2) convertible refrigerator cars with collapsible bunkers having inside length between bulkheads (loading space) of less than 37 feet 6 inches with bulkheads in place and in excess of 37 feet 6 inches with bulkheads collapsed, and (3) express (Railway Express Agency) refrigerator cars of all sizes: *Provided,* That this order shall not apply to refrigerator cars owned by the Pacific Fruit Express Company or by the Atchison, Topeka & Santa Fe Railway refrigerator car department.

(c) The operation of all rules, regulations, and tariff provisions, including Item 606-B, Supplement 14, to Agent

Kipp's I.C.C. No. 1478, Item 504 of Agent Kipp's I.C.C. No. 1483, and Item 91–B, Supplement 28, to Agent Kipp's I.C.C. No. 1457, or reissues thereof, insofar as they are inconsistent with this order, is hereby suspended.

It is further ordered, That copies of this order and direction be served upon the Railway Express Agency and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy of it, in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42–11150; Filed, October 31, 1942; 11:22 a. m.]

Chapter II—Office of Defense Transportation

[Special Direction ODT 18, Revised–3]

PART 520—CONSERVATION OF RAIL EQUIPMENT—EXCEPTIONS, PERMITS, SPECIAL DIRECTIONS

SUBPART C—CARLOAD FREIGHT TRAFFIC

TRANSPORTATION OF CERTAIN COMMODITIES

Pursuant to the provisions of § 500.22, Subpart C, (General Order ODT 18, Revised),[1] Part 500, this chapter and title of the Code of Federal Regulations, *It is hereby ordered,* That:

§ 520.481 *Transportation of certain commodities.* Notwithstanding the provisions of § 500.21, Subpart C, (General Order ODT 18, Revised,) Part 500, this chapter and title, of the Code of Federal Regulations, any rail carrier may accept for transportation at point of origin, or forward therefrom, carload freight consisting of any of the following commodities when such car is loaded to the extent hereinafter shown.

(a) *A straight or mixed carload shipment of:*

(1) Rice in packages containing less than 50 pounds each, starch, seed, grain products, grain by-products, cereal food preparations, vegetable oil meal, animal and poultry feed, all in containers, and vegetable oil cake, shall be loaded to a weight not less than 60,000 pounds. Grain, in sacks, of a weight not exceeding 6,000 pounds may be included in mixed carload shipments of any commodities shown in this subparagraph (1) to make up the weight of 60,000 pounds;

(2) Corn or maize (not popcorn) in the ear (shucked or not shucked), oats, unground screenings, sorghum grains in the heads and unthreshed, in a closed freight car, shall be loaded to 80 percent of the weight required by § 500.21 (a) of General Order ODT 18, Revised, or to an elevation not lower than 24 inches from the ceiling of the car measured at its side walls;

(3) Shelled corn or maize, threshed sorghum grains, soy beans, flaxseed, or grains other than those included in the next preceding paragraph, in a closed freight car, shall be loaded to an elevation not lower than 24 inches from the ceiling of the car measured at its side walls, or up to the lawfully marked grain line of a car so marked;

(4) Coal, in a closed freight car, shall be loaded to 80 percent of the weight required by § 500.21 of General Order ODT 18 Revised, or if the interior walls of the car are partially sheathed or lined to an elevation insufficient to permit such loading without overrunning the sheathing or lining, then to the upmost elevation practicable without causing such overrunning;

(5) Liquids, pastes, and semi-liquids, in wooden barrels or metal drums of not less than 40 gallons capacity each shall be loaded, each drum placed on end, in one tier covering the floor space of the car;

(6) Dried beans, dried peas and dried lentils, in burlap, cotton, or paper bags, shall be loaded to a weight not less than 80,000 pounds;

(7) Canned goods, including milk in cans, shall be loaded to a weight not less than 65,000 pounds;

(8) Rosin and ester gum, in drums, or barrels, shall be loaded, each drum or barrel placed on end, in a tier covering the floor space of the car;

(9) Rosin and ester gum, in bags, shall be loaded 8 tiers high, each tier to be the same length and width as the floor space of the car;

(10) Turpentine, and pine oil, in cans, or bottles, packed in fibre-board boxes, shall be loaded to a weight not less than 40,000 pounds;

(11) Wallboard, ceiling board, and building board (manufactured from fibre or woodpulp), in a closed freight car, shall be loaded to an elevation not lower than 24 inches from the ceiling of the car measured at its side walls;

(12) Roofing materials, prepared, and composition, (including asphalt and asbestos shingles), shall be loaded to a weight not less than 60,000 pounds;

(b) *A straight carload shipment of:*

(1) Cement, in cloth or paper bags, when loaded in a car of 100,000 pounds capacity or greater, shall be loaded to a weight not less than 95,000 pounds;

(2) Peanuts (unshelled), in bags, shall be loaded to a weight not less than 40,000 pounds;

(3) Peanuts (shelled), in bags, shall be loaded to a weight not less than 50,000 pounds;

(4) Sewer pipe 4″ to 24″ in diameter shall be loaded to a weight not less than 35,000 pounds;

(5) Glass (flat, plate, window and laminated) shall be loaded to a weight not less than 70,000 pounds;

(6) Tobacco, in hogsheads, when origin or destination station is not provided with mechanical equipment for double decking, shall be loaded each hogshead placed upright, in a single tier covering the floor space of the car;

(7) Lime, in containers, shall be loaded to a weight not less than 70,000 pounds;

(8) Lime, in bulk, in a closed freight car, shall be loaded to a weight not less than 80,000 pounds, or if the interior walls of the car are partially sheathed or lined to an elevation insufficient to permit such loading without overrunning the sheathing or lining, then to the upmost elevation practicable without causing such overrunning;

(9) Limestone, ground, in containers shall be loaded to a weight not less than 80,000 pounds.

(10) Citrus fruit shipped during the months of November to March inclusive:

(i) Shipments in standard boxes, when precooled, or when loaded in cars equipped with air circulating fans, shall be loaded each box placed on end, 3 layers high, each layer to be the same length and width as the floor space of the car.

(ii) Non-precooled shipments in Container No. 5004 described in A. A. R. Perishable Division, Freight Container Bureau tariffs Nos. 2–B, Central Western Territory, I. C. C. No. 14, J. J. Quinn, Agent, or F. C. B.–3–A South East Territory, J. J. Quinn, Agent, or supplements thereto and reissues thereof, shall be loaded each container placed bottom or side down, 5 layers high, each layer to be the same length and width as the floor space of the car;

(iii) Non-precooled shipments in container No. 675 described in A. A. R. Perishable Division Freight Container Bureau tariffs Nos. 2–B, Central West Territory, I. C. C. No. 14, J. J. Quinn, Agent, or F. C. B.–3–A South East Territory, J. J. Quinn, Agent, or supplements thereto, and reissues thereof, shall be loaded 3 layers high; 2 layers, each box placed on end, and the top layer, each box to be placed on its bottom, each layer to be the same length and width as the floor space of the car;

(11) Salt, in containers, shall be loaded to a weight not less than 60,000 pounds;

(12) Potash, in paper containers, shall be loaded to a weight not less than 80,000 pounds;

(13) Dry ice (solidified carbon dioxide) shall be loaded to a weight which equals or exceeds the applicable tariff minimum weight;

(14) Oysters, when shipped from producing areas to packing plants or consuming markets not more than 300 miles from point of shipment, shall be loaded to a weight which equals or exceeds the applicable tariff minimum weight;

(15) Lettuce, in standard crates:

(i) When loaded in standard refrigerator cars equipped with stationary ice-bunkers, shall be loaded with not fewer than 320 crates;

(ii) When loaded in standard refrigerator cars equipped with convertible ice-bunkers, shall be loaded with not fewer than 368 crates;

(16) Carrots, in standard crates:

(i) When loaded in standard refrigerator cars equipped with stationary ice-bunkers, shall be loaded with not fewer than 362 crates;

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[1] 7 F.R. 8337.

(ii) When loaded in standard refrigerator cars equipped with convertible ice-bunkers, shall be loaded with not fewer than 433 crates;

(17) Cranberries, in quarter barrel boxes, shall be loaded each box placed bottom down, 6 layers high, each layer to be the same length and width as the floor space of the car;

(18) Dressed poultry, fresh chilled, when shipped from packing plants or warehouses shall be loaded to a weight not less than 28,000 pounds;

(19) Butter and butter substitutes:

(i) When shipped fresh, in prints, shall be loaded to a weight not less than 35,000 pounds;

(ii) When shipped fresh, in tubs, or when shipped frozen, in prints, shall be loaded to a weight not less than 45,000 pounds;

(20) Dried eggs, in any type of container, when moving from packing plants or warehouses shall be loaded to a weight not less than 40,000 pounds;

(21) Shell eggs, in standard cases, shall be loaded with not fewer than 600 cases;

(22) Cheese, in any type of container, or in bulk, when shipped from packing plants or warehouses shall be loaded to a weight not less than 40,000 pounds;

(23) Frozen fruits, frozen vegetables, frozen eggs, frozen juices, frozen seafood, frozen poultry and frozen meats, in a closed freight car, packed in cartons or other containers, shall be loaded to an elevation not lower than 18 inches from the ceiling of the car measured at its side walls, each layer of containers to be the same length and width as the floor space of the car;

(24) Potatoes:

(i) In bags, paper sacks, or boxes containing 100 pounds or more each, shall be loaded to a weight not less than 45,000 pounds;

(ii) In bags, paper sacks, or boxes containing less than 100 pounds each, shall be loaded to a weight not less than 42,000 pounds;

(iii) In bulk, shall be loaded to a weight not less than 40,000 pounds;

(25) Apples:

(i) In standard boxes, shall be loaded to a weight not less than 39,900 pounds;

(ii) In baskets of one bushel or less capacity, shall be loaded to a weight not less than 31,500 pounds;

(26) Pears, winter variety, in any type of container, shall be loaded to a weight not less than 37,800 pounds;

(27) Bananas shall be loaded to a weight not less than 23,000 pounds;

(28) Onions, in any type of container, shall be loaded to a weight not less than 40,000 pounds.

(29) Grapes, table variety, in display lugs, or juice variety, in boxes or lugs, shall be loaded to a weight not less than 34,000 pounds;

(c) *Mixed carload shipments of:*

(1) Butter, eggs, and dressed poultry, in any type of container, shall be loaded to a weight not less than 36,000 pounds, except as otherwise provided in this special direction.

(2) Dressed poultry and dairy products, when shipped from producing areas to warehouses or packing plants not more than 300 miles from the point of shipment, shall be loaded to a weight which equals or exceeds the applicable tariff minimum weight.

(3) Potatoes and onions, in any type of container, shall be loaded to a weight not less than 42,000 pounds.

§ 520.482 *Revocation.* Subpart C (Special Direction ODT 18, Revised-1)[2] Part 520, this chapter and title of the Code of Federal Regulations, be and the same is hereby revoked effective upon the date this Special Direction ODT 18, Revised-3 becomes effective.

§ 520.483 *Effective date.* This special direction shall become effective November 1, 1942.

Issued at Washington, D. C., this 31st day of October 1942.

V. V. BOATNER,
Director, Division of Railway Transport.

[F. R. Doc. 42–11201; Filed, November 2, 1942; 11:39 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

FARMERS ELEVATOR SERVICE CO.

ORDER SUPPLEMENTING PRIOR ORDER

In the matter of the registration of the Farmers Elevator Service Company, Ralston, Iowa, as a bona fide and legitimate farmers' cooperative organization.

The above-named registrant having certified to the Division that the farmers' cooperative organization listed below is a member of registrant and a bona fide and legitimate farmers' cooperative organization:

It is ordered, That the list attached to the Order herein dated September 5, 1941, as amended, be, and it is hereby further amended to include therein the name of the farmers' cooperative organization listed below:

Name and Address

Farmers Cooperative Elevator Company,
Allendorf, Iowa.

Dated: October 30, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42–11196; Filed, November 2, 1942; 11:04 a. m.]

[Docket No. 601–FD]

AMERICAN ROLLING MILL CO.

ORDER POSTPONING HEARING, ETC.

In the matter of the application of the American Rolling Mill Company for exemption pursuant to section 4–A of the Bituminous Coal Act of 1937.

Order postponing hearing and extending time for filing concise statement of facts.

The American Rolling Mill Company, applicant, having moved that the hearing in the above-entitled matter, heretofore scheduled for November 16, 1942, be postponed until December 16, 1942, and that the time be extended for the applicant to file the concise statement in writing of the facts expected to be proved at the hearing, and having shown good cause therefor;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of November 16, 1942, to 10 o'clock in the forenoon of December 16, 1942, at the place and before the officers heretofore designated.

It is further ordered, That the time for the filing by the applicant of the concise statement of the facts expected to be proved at the hearing be, and the same hereby is, extended to December 4, 1942.

Dated: October 30, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42–11197; Filed, November 2, 1942; 11:04 a. m.]

[Docket No. A–1665]

DISTRICT BOARD NO. 8

NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 8 for a change in mine name and seam designation for the Rennebaum Mine.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 24, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed wth the Bituminous Coal Division on or before November 19, 1942.

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[2] 7 F.R. 8339.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition filed with the Division by District Board No. 8 requesting an order granting temporary and permanent relief as follows: that the mine name of Mine Index No. 3817 of Rennebaum Coal Company be changed from "Rennebaum No. 2 Mine" to "Rennebaum No. 2 and 2½ Mine" and that the seam designation for that mine be changed from "Buckeye Springs" to "Buckeye Springs and Sterling."

It appears that the change in the seam name requested in the petition will require the establishment of a minimum price for coals to be mixed from two mines of Rennebaum Coal Company, which are in different seams and which have different price classifications and minimum prices, and that a hearing will be necessary in order to determine if these changes should be made permanent. It further appears, however, that an adequate showing of necessity has been made for the granting of temporary relief permitting the change in name and change in seam designation for the above-named mine as requested.

It is, therefore, ordered, That pending final disposition of the above-named matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 8, for All Shipments Except Truck and for Truck Shipments are supplemented to include the price classification and minimum prices set forth in the schedules marked "Supplement R" and "Supplement T" annexed hereto and made a part hereof.[1]

Notice is hereby given that applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: October 30, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11198; Filed, November 2, 1942; 11:05 a. m.]

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[1] Not filed with the Division of the Federal Register.

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order 167]

COOKING AND HEATING APPLIANCES MANUFACTURING INDUSTRY

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRIAL COMMITTEE

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I. L. Metcalfe Walling, Administrator of the Wage and Hour Division, U. S. Department of Labor,

Do hereby accept the resignation of Miss Alice Hunt from Industry Committee No. 51 for the Cooking and Heating Appliances Manufacturing Industry, and do appoint in her stead Mr. William Adams Brown, Jr., of Providence, Rhode Island, as representative for the public on such committee.

Signed at Washington, D. C. this 31st day of October 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-11199; Filed, November 2, 1941; 11:17 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4783]

PRESS RADIO SERVICE, ETC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of October, A. D. 1942.

In the matter of Joseph Cohen, an individual, trading as Press Radio Service and as Press Supplies.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John L. Hornor, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, November 9, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Hearing Room of the Federal Trade Commission Building, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-11142; Filed, October 31, 1942; 11:44 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 253]

PATENT APPLICATIONS OF ENEMY NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095,[1] as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> Patent applications listed and described in Exhibit A attached hereto and made a part hereof,

is property in which nationals of a foreign country or countries have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 22, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

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[1] 7 F.R. 5205.

EXHIBIT A

Patent applications in the United States Patent Office which are identified as follows:

Series of 1925

Serial No.	Filing date	Inventor	Title
368, 195	6/3/29	H. Bertsch	Wetting agents.

Series of 1935

Serial No.	Filing date	Inventor	Title
233, 270	10/4/38	A. Rupp	Screw propeller
244, 159	12/6/38	M. Wagner	Driving mechanism for power. driven vehicles with auxiliary gearing.
303, 534	11/9/39	H. Ufer et al	Process for producing condensation products of superpolyamide character.
307, 983	12/7/39	P. Schlack	Synthetic linear polyamides.
308, 176	12/8/39	P. Schlack	Polyvalent lactams.
309, 303	12/14/39	W. Schmidt et al	Process for the production of alicyclic alcohols.
309, 376	12/15/39	A. Friederich et al	Method and apparatus for producing linear polymers.
323, 511	3/12/40	M. Hagedorn	Process for the production of polymeric compounds.
323, 512	3/12/40	M. Hagedorn	Process for the production of high polymeric compounds.
323, 524	3/12/40	E. Hubert, et al	Process for the production of artificial leather, linoleum, covering fabrics, driving belts, packing rings and similar structures.
327, 632	4/3/40	M. Hagedorn et al	Process for the production of high polymeric condensation products.
336, 001	5/18/40	P. Schlack	Manufacture of cyclic amidines and artificial materials produced thereof.
355, 454	9/5/40	M. Hagedorn	Process for manufacture of hydrophilic polymerization. Products of the superpolyamide type.
355, 455	9/5/40	M. Hagedorn	Process for manufacture of hydrophilic polymerization. Products of the superpolyamide type.
358, 465	9/26/40	P. Schlack	Process for the manufacture of fibers from synthetic linear, polycondensation products.
359, 811	10/4/40	P. Schlack	Materials from high molecular polyamides.
364, 334	11/4/40	E. Hubert et al	Interpolyamides.
364, 354	11/5/40	P. Moller	Process of decreasing the sensitiveness to water of formed materials from interpolyamides.
367, 723	11/29/40	O. Herrmann	Foils for coating purposes.
370, 142	12/14/40	P. Schlack	Production of linear polyamides.
375, 092	1/18/41	W. Wehr	Polyamide articles.
378, 770	2/13/41	O. Drossbach et al	Method of producing lactams.
383, 226	3/13/41	P. Moller	Polyamides.
389, 002	4/17/41	H. Hopff	Production of superpolyamides.
390, 038	4/24/41	F. Laucht	Process for the production of oximes.
391, 311	5/1/41	W. Speer	Process for the production of aliphatic dicarboxylic acids.
391, 751	5/3/41	W. Rodenacker	Melting apparatus.
392, 812	5/9/41	H. Kroeper et al	Superpolyamides and process of producing same.
393, 282	5/13/41	H. Hopff et al	Process for the production of oxalkylation products.

[F. R. Doc. 42-11155; Filed, October 31, 1942; 11:52 a. m.]

[Vesting Order 254]

TRADEMARK OF ENEMY NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> The trade-marks registered in the United States Patent Office under the numbers and on the dates set out in Exhibit A attached hereto and made a part hereof, the titles to which stand of record in the names of persons as stated in connection with each registration listed in said Exhibit, and the registrations thereof together with the respective good will of the business in the United States and all its possessions, to which said trade-marks are appurtenant, and any and all indicia of such good will (including but not limited to formulae, whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machinery and other equipment) and any interest of any nature whatsoever in and any rights and claims of every character and description to said business, good will and trade-marks and registrations thereof, including without limitation all accrued royalties payable or held with respect to said trade-marks and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof.

is property in which nationals of a foreign country or countries have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 22, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Trade-marks which are identified as follows and the titles to which stand of record in the United States Patent Office in the names of the registrants indicated respectively, except where other record owner is shown:

Trade-mark registration No.	Date	Registrant	Character of goods
160, 353	10/24/22	Aachener Thermalwasser "Kaiserbrunnen" A. G.	Certain named medicinal and toilet preparations.
160, 373	10/24/22	Arthur Muller Bauten und Industriewerke	Building materials and portable bldgs.
160, 374	10/24/22	Arthur Muller Bauten und Industriewerke	Building materials and portable bldgs.
160, 410	10/24/22	Chemische Fabrik von Heyden, A. G	Bottle caps.
160, 447	10/24/22	Deutsche Capselin & Zinnolit-werke G. m. b. H.	Bottle caps.
160, 478	10/24/22	Fiat	Boards, panels of wood, etc.
160, 544	10/24/22	Kammer & Reinhardt A. G	Toys, etc.
160, 645	10/24/22	Robert Fabig G. m. b. H. Maschinen-U. Apparate-Fabrik.	Typewriting machines and parts.
160, 667	10/24/22	Simplo Fullfeder-Gesellschaft Voss, Lausen & Dziambor. Record Title in—Montblanc-Simplo G. m. b. H.	Fountain pens.
160, 861	10/31/22	Fiat	Certain named electrical apparatus, etc.
161, 437	11/14/22	Chemische Fabrik von Heyden A. G.	Solutions for parenteral protein therapeutics.
161, 479	11/14/22	Gerb- und Farbstoffwerke H. Renner & Co. A.G.	Solid and liquid tanning extracts.
161, 617	11/14/22	Justin Schwarzbart	Mentholated cotton.
161, 656	11/14/22	Vox-Schallplatten-und Sprechmaschinen-Ak	Talking machines, etc.
161, 793	11/21/22	Kabushiki Kaisha Hirao Sampei Shoten	Certain named toilet preparations.
161, 802	11/21/22	E. Merck	Dihydrooxycodeinonchlor-hydrate.
161, 803	11/21/22	E. Merck	Colloidal silver preparation combined with sodium cholate as protective colloid.
161, 804	11/21/22	E. Merck	Methylene blue silver compound.
161, 805	11/21/22	E. Merck	Acetylsalicyloyltheobromine.
161, 806	11/21/22	E. Merck	Preparation of barium sulphate (purest) for ready administration used in X-ray diagnosis.
161, 807	11/21/22	E. Merck	A suspension of animal charcoal of the highest adsorptive power ready for injections.

[F. R. Doc. 42-11156; Filed, October 31, 1942; 11:52 a. m.]

[Vesting Order 255]

TRADE-MARKS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

The trade-marks registered in the United States Patent Office under the numbers and on the dates set out in Exhibit A attached hereto and made a part hereof, the titles to which stand of record in the names of persons as stated in connection with each registration listed in said Exhibit, and the registrations thereof together with the respective good will of the business in the United States and all its possessions, to which said trade-marks are appurtenant, and any and all indicia of such good will (including but not limited to, formulae, whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machinery and other equipment) and any interest of any nature whatsoever in and any rights and claims of every character and description to said business, good will and trade-marks and registrations thereof, including without limitation all accrued royalties payable or held with respect to said trade-marks and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof,

is property in which nationals of a foreign country or countries have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it neecssary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 22, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Trade-marks which are identified as follows and the titles to which stand of record in the United States Patent Office in the names of the registrants indicated respectively, except where other record owner is shown:

Trade-mark registration No.	Date	Registrant	Character of goods
160, 440	10/24/22	Carrosserie Van Den Plas Societe Anonyme	Motor-car bodies, etc.
160, 595	10/24/22	Naamlooze Vennootschap tot Exploitatie van Cacaoen Chocolaadfabrieken Maatschappij A. Driessen.	Chocolate, etc.
160, 672	10/24/22	Societe Industrielle d'Impressions et de Tissus d'Art.	Printed, pressed, ornamented or decorated knitted, netted, and textile fabrics, etc.
160, 673	10/24/22	Societe Rodier Record Title in—Societe a Responsabilite Limitee "Rodier."	Woolen piece goods, etc.
160, 782	10/24/22	Des Produits Chimiques Coignet	Foods and ingredients of foods.
161, 528	11/14/22	Dr. Otto Lederer	Aspirators, etc.
161, 549	11/14/22	Marret, Bonnin, Lebel & Guieu	Alloys for use in the manufacture of jewelry, etc.
161, 581	11/14/22	Parfumerie Roger & Gallet	Pastes and powders.
161, 629	11/14/22	Societe Anonyme des Produits du Lion Noir	Certain named chemical compounds.
161, 630	11/14/22	Societe Anonyme des Produits du Lion Noir	Certain named chemical compounds.
161, 631	11/14/22	Societe Anonyme des Produits du Lion Noir, by Nicolas Alfred Fernand Georg, (Administrator).	Certain named polishes, etc.
161, 634	11/14/22	Souchon Rion & Cie	Cotton goods in the piece.
161, 655	11/14/22	Leendert Vermeulen	Ointment for treatment of burns, etc.
161, 741	11/21/22	Arlatte & Cie	Chicory.
161, 816	11/21/22	Paul Metadier	Analgesic tablets.
161, 840	11/21/22	Ste. An. de Couleurs d' Aniline et Products Chimiques "SACA"	Certain named chemicals and dyestuffs.

[F. R. Doc. 42–11157; Filed, October 31, 1942; 11:53 a. m.]

[Vesting Order 264]

Y. TAKAKUWA & CO. v. THE HOOSIER VENEER CO. OF INDIANAPOLIS, RECEIVERSHIP FILE 9–100–017–1327

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by W C. Bachelder, Receiver for Hoosier Veneer Company, acting under the judicial supervision of Marion Circuit Court of the State of Indiana, in and for the County of Marion;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely, Y. Takakuwa & Company whose last known address is Otaru, Japan; and

Determining that:

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Y. Takakuwa & Company against Hoosier Veneer Company, in receivership,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: October 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–11158, Filed; October 31, 1942; 11:53 a. m.]

[Vesting Order 265]

ESTATE OF ANDREAS HAIST, ALSO KNOWN AS ANDREAS SCHMIDT, DECEASED FILE D–28–1441

Under the authority of the Trading with the enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Joseph Goutte, Executor, acting under the judicial supervision of Superior Court of the State of California, in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely, Anna Maria Haist whose last known address is Germany and Friedericke Haist whose last known address is Germany; and

Determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Anna Maria Haist and Friedericke Haist, and each of them, in and to the Estate of Andreas Haist, also known as Andreas Schmidt, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: October 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–11159; Filed, October 31, 1942; 11:54 a. m.]

[Vesting Order 266]

ESTATE OF OTTO CONSEUR, DECEASED FILE 9–100–017–283

Under the authority of the Trading with the enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Charles A. White, Administrator, acting under the judicial supervision of Surrogate's Court of the State of New York, in and for the County of Erie;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely, Berta Conseur, Hedwig Ehrke, Hertha Voltz, Friedrich Conseur and Karl Conseur whose last known addresses are Germany; and

Determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Berta Conseur, Hedwig Ehrke, Hertha Voltz, Friedrich Conseur and Karl Conseur, and each of them, in and to the Estate of Otto Conseur, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: October 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–11160; Filed, October 31, 1942; 11:54 a. m.]

[Vesting Order 267]

ESTATE OF GEORGE T. WEED, DECEASED FILE D–39–1500

Under the authority of the Trading with the enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Manufacturers and Traders Trust Company, John K. Walker and Shepard Kimberly, Executors, acting under the judicial supervision of Surrogate's Court of the State of New York, in and for the County of Erie;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely, Reverend Petero M. Wakatsuki whose last known address is Nibancho, Tsu City, Japan; and

Determining that:

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Reverend Petero M. Wakatsuki in and to the Estate of George T. Weed, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: October 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–11161; Filed, October 31, 1942; 11:54 a. m.]

[Vesting Order 268]

ESTATE OF AUGUST KRAMER, DECEASED, FILE D–28–1366

Under the authority of the Trading with the enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Karl H. Jeppeson, Administrator, acting under the judicial supervision of District Court, Twelfth Judicial District of the State of Montana, in and for the County of Liberty;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely, Franz Kramer, Karl Kramer, Marie Kramer, Marie Reisner, Paulina Schmidt and Joseph Geisinger whose last known addresses are Germany; and

Determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Franz Kramer, Karl Kramer, Marie Kramer, Marie Reisner, Paulina Schmidt and Joseph Geisinger, and each of them, in and to the Estate of August Kramer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: October 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11162; Filed, October 31, 1942; 11:54 a. m.]

[Vesting Order 269]

ESTATE OF MARIE LOUISE JOOS, DECEASED

FILE 9-100-017-1200

Under the authority of the Trading with the enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Allston Headley and George E. Richards, Executors, acting under the judicial supervision of Surrogate's Court of the State of New York, in and for the County of Rensselaer;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Gustav Joos whose last known address is Stuttgart, Germany; and

Determining that:

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Gustav Joos in and to the Estate of Marie Louise Joos, deceased

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: October 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11163; Filed, October 31, 1942; 11:54 a. m.]

[Amendment of Vesting Order 13]

ROBERT BOSCH

Whereas, Pursuant to Vesting Order Number 13 of May 29, 1942,[1] the undersigned intended to vest, among other things, a United States Patent described as follows:

Number: 2,142,094.
Date: January 3, 1939.
Inventor: Walter Dorn.
Title: Magneto.
Record owner: Robert Bosch, G. m. b. H., of Germany; and

Whereas, In describing such patent in Exhibit A attached to and made a part of such Vesting Order Number 13, the number thereof was, as the result of a typographical error, inadvertently designated as "2,141,094";

Now, therefore, Vesting Order Number 13 of May 29, 1942 is hereby amended as follows and not otherwise:

By changing the number "2,141,094" appearing in Exhibit A attached thereto and made a part thereof to "2,142,094".

All other provisions of such Vesting Order Number 13 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on October 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11151; Filed, October 31, 1942; 11:53 a. m.]

[Amendment of Vesting Order 82]

TOYO MACHINE CO., INC.

Vesting Order Number 82 of July 30, 1942,[1] is hereby amended as follows and not otherwise:

By deleting that section of subparagraph (a) thereof which reads as follows:

All of the capital stock of Toyo Machine Co., Inc., a New York corporation, consisting of 100 shares of no par value common stock registered in the name of Toyo Machine Co., Osaka, Japan,

and by substituting therefor the following:

All of the issues and outstanding capital stock of Toyo Machine Co., Inc., a New York corporation, consisting of three shares of no par value common stock registered in the name of, and owned by, Toyo Machine Co., Osaka, Japan.

All other provisions of such Vesting Order Number 82 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on October 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11152; Filed, October 31, 1942; 11:53 a. m.]

S. JAMES CROWLEY AND EDWARD C. TEFFT

CERTIFICATE OF APPOINTMENT

Certificate of appointment with power to make and revoke authorizations and to designate supervisors.

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[1] 7 F.R. 4128.

[1] 7 F.R. 7050.

Know all men by these presents, that, pursuant to the authority vested in me by Executive Order No. 9095, as amended, I do hereby appoint and designate S. James Crowley, Chief of the Division of Business Operations, and Edward C. Tefft, Chief of the Division of Liquidation, severally, as my agents and delegates to make and to revoke, on my behalf. authorizations of transactions with respect to any property or business enterprise subject to the authority and power conferred upon me; and with respect to any specific property or business enterprise subject to such authority and power to appoint and designate supervisors for such property or business enterprise, who shall have power to make and to revoke, on my behalf, authorizations of transactions.

All transactions, involving any such property, or by, or with, or on behalf of, or pursuant to the direction of, any business enterprise of which I have undertaken the supervision or which has been vested by me or assets of or interests in which have been vested by me, or involving any property in which such business enterprise has any interest, and control of which has been released by the Secretary of the Treasury pursuant to Executive Order No. 9095, as amended, are prohibited unless authorized by me or by one of my said delegates or by a supervisor designated for such property or business enterprise by me or by one of my said delegates.

In testimony whereof, I have hereunto set my hand and seal this 30th day of October, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11153; Filed, October 31, 1942; 11:52 a. m.]

JAMES E. MARKHAM

CERTIFICATE OF APPOINTMENT

Certificate of Appointment as Deputy Alien Property Custodian with power to execute proxies.

Know all men by these presents: That I do hereby designate, appoint and authorize James E. Markham, of Lowell, Massachusetts, as my delegate to execute proxies upon any shares of stock in any corporation which are held by me or stand in my name or which I have power to vote by virtue of my office; proxies executed in my behalf by the said James E. Markham shall have the same force and effect as if they were executed by myself. This instrument in no way limits my certificate of appointment, dated March 19, 1942, designating and appointing the said James E. Markham Deputy Alien Property Custodian, which I hereby confirm and ratify together with all the powers and authority thereby delegated, conferred and vested.

In testimony whereof, I have hereunto set my hand and seal this 30th day of October, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11154; Filed, October 31, 1942; 11:52 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 2 Under MPR 114]

SCOTT PAPER COMPANY

ORDER GRANTING EXCEPTION

Order No. 2 under Maximum Price Regulation No. 114—Woodpulp.

On September 2, 1942, Scott Paper Company, Chester, Pennsylvania, filed a petition for exception under the provisions of paragraph (c) of § 1347.230 of Maximum Price Regulation No. 114. Due consideration has been given to the petition, and an opinion in support of this Order No. 2 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) That Scott Paper Company may purchase groundwood woodpulp from the Minas Basin Pulp and Power Company, Ltd., at a price not to exceed $28.50 per short air dry ton, f. o. b. Hantsport, Nova Scotia, and may pay rail freight in addition in such amounts that the delivered cost to the Petitioner at Chester, Pennsylvania, of groundwood pulp so purchased shall not exceed $53.90 per air dry ton for groundwood pulp 50% air dry, and $49.67 per air dry ton for such pulp 60% air dry.

(b) The permission granted to Scott Paper Company in this Order No. 2 is subject to the following condition:

(1) That the petitioner agrees with the Administrator in writing before November 10, 1942 that the amount of relief granted herein will not be used, either alone or in conjunction with any other cost factors, as a ground for the petitioner's seeking relief from the provisions of any maximum price regulation establishing maximum prices for any product of the Petitioner into which the groundwood woodpulp dealt with in this Order No. 2 goes.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1347.230 of Maximum Price Regulation No. 114 shall apply to terms used herein.

(f) This Order No. 2 shall become effective October 31, 1942.

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11093; Filed, October 30, 1942; 12:17 p. m.]

[Order 72 Under MPR 120]

A. H. THORMAN AND P. W. OERTEL

ORDER GRANTING ADJUSTMENT

Order No. 72 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-50.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Albert H. Thorman, Pendroy, Montana, and Paul W. Oertel, Pendroy, Montana, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraphs (b) (1) and (b) (2) below at prices not to exceed the respective prices stated therein;

(b) (1) Coals in Size Group 2 produced at the Kellogg Mine (Mine Index No. 175) of Albert H. Thorman, in District No. 22, may be sold for shipment by truck or wagon at prices not to exceed $7.00 per net tons, f. o. b. the mine;

(2) Coals in Size Group 2 produced at the Oertel Mine (Mine Index No. 215) of Paul W. Oertel, in District No. 22, may be sold for shipment by truck or wagon at prices not to exceed $7.00 per net ton, f. o. b. the mine.

(c) This Order No. 72 may be revoked or amended by the Price Administrator at any time:

(d) Unless the context otherwise requires the definitions set forth in § 1340.208 shall apply to all terms used herein;

(e) This Order No. 72 shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11094; Filed, October 30, 1942; 12:16 p. m.]

[Suspension Order 150]

CLEM P. MOHLER

ORDER RESTRICTING TRANSACTIONS

Clem P. Mohler, Frederick, Maryland, hereinafter called respondent, was served with a notice of charges of violations of Ration Order No. 5, Emergency Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing on the charges was held on the 10th day of September 1942, in Baltimore, Maryland. There appeared a representative of the Office of Price Administration and the respondent. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator,

It is hereby determined that:

(a) Respondent has violated Ration Order No. 5, Emergency Gasoline Rationing Regulations in that,

(1) On June 29, 1942, at the dealer outlet operated by him at Sixth and Market Streets, Frederick, Maryland, respondent on two separate occasions transferred six gallons of gasoline to a consumer and delivered the same into the fuel tank of a motor vehicle clearly identifiable as a private passenger vehicle without in either instance requiring the exhibition of any gasoline rationing

card Class X and without in either instance cancelling or witnessing the cancellation of any gasoline rationing card Class A or B.

(2) On June 30, 1942, at the dealer outlet operated by him at Sixth and Market Streets, Frederick, Maryland, respondent transferred six gallons of gasoline to a consumer and delivered the same into the fuel tank of a motor vehicle clearly identifiable as a private passenger vehicle without at the time of such transfer requiring the exhibition of any gasoline rationing card Class X and or cancelling or witnessing the cancellation of any gasoline rationing card Class A or B.

Because of the great scarcity and critical importance of gasoline in Maryland, violations of Ration Order No. 5, Emergency Gasoline Rationing Regulations, by the respondent necessarily resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to the national defense. It appears to the Deputy Administrator from the evidence before him that violations of Ration Order No. 5A, Gasoline Rationing Regulations, by respondent are likely unless appropriate administrative action be taken.

It is therefore ordered:

(b) During the period in which this suspension order shall be in effect,

(1) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source, any gasoline at or for the above described dealer outlet.

(2) No person, firm, or corporation shall deliver, or in any manner directly or indirectly transfer to respondent, any gasoline at or for the above described dealer outlet.

(3) Respondent shall not sell, transfer, or deliver any gasoline to any consumer at the above described dealer outlet.

(c) Any terms used in this suspension order that were defined in Ration Order No. 5, Emergency Gasoline Rationing Regulations, shall have the meaning therein given them.

(d) This suspension order shall become effective November 5, 1942, and unless sooner terminated shall expire November 20, 1942.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; W.P.B. Dir. 1 and Supp. Dir. 1H, 7 F.R. 3378, 3877, 5216.)

Issued this 30th day of October 1942.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 42-11095; Filed, October 30, 1942; 12:17 p. m.]

[Suspension Order 151]

LONG HOOK DEVELOPMENT CO.

ORDER RESTRICTING TRANSACTIONS

Long Hook Development Company, a corporation, hereinafter called respondent was served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations issued by the Office of Price Administration. Pursuant to the notice a hearing on the charges was held on the 16th day of September 1942, in Wilmington, Delaware. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator,

It is hereby determined that:

(a) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, in that on August 19, 1942, at a filling station operated by it at 525 South Market Street, Wilmington, Delaware, respondent transferred gasoline to a consumer and into the fuel tank of a motor vehicle without requiring the presentation of a gasoline coupon book issued with respect to said motor vehicle and without detaching therefrom any coupons.

Because of the great scarcity and critical importance of gasoline in Delaware, violations of Ration Order No. 5A, Gasoline Rationing Regulations by respondent necessarily resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to national defense. It appears to the Deputy Administrator from the evidence before him that further violations of Ration Order No. 5A, Gasoline Rationing Regulations by respondent are likely unless appropriate administrative action is taken.

It is therefore ordered:

(b) During the period in which this suspension order shall be in effect,

(1) Respondent shall not sell, transfer or deliver any gasoline to any consumer at its filling station at 525 South Market Street, Wilmington, Delaware.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source, any gasoline at or for its filling station at 525 South Market Street, Wilmington, Delaware.

(3) No person, firm, or corporation shall deliver or in any manner directly or indirectly transfer to respondent, any gasoline at its filling station at 525 South Market Street, Wilmington, Delaware.

(c) Any terms used in this suspension order that are defined in Ration Order No. 5A, Gasoline Rationing Regulations shall have the meaning therein given them.

(d) This suspension order shall become effective 12:01 A. M. November 5, 1942, and unless sooner terminated, shall expire 12:01 A. M. November 20, 1942.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; W.P.B. Dir. 1 and Supp. Dir. 1H, 7 F.R. 3378, 3877, 5216)

Issued this 30th day of October 1942.

PAUL M. O'LEARY,
Deputy Administrator
In Charge of Rationing.

[F. R. Doc. 42-11096; Filed, October 30, 1942; 12:17 p. m.]

[Order 12 Under MPR 169]

SWIFT AND COMPANY

ORDER APPROVING PRICES

Order No. 12 Under Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts—Docket No. 3169-165.

Approval of Maximum Prices of new items pursuant to § 1364.52 (j).

Maximum prices for sales by Swift and Company of Chicago, Illinois, of boneless beef for army canned meat are herein approved.

For the reasons set forth in the opinion issued simultaneously herewith, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *it is ordered:*

(a) Swift and Company of Chicago, Illinois, and each of its branches and subsidiaries, and each company owned or controlled by Swift and Company (hereinafter jointly and severally referred to as "Swift and Company"), may sell and deliver, agree, offer, solicit and attempt to sell and deliver boneless beef for army canned meat and any person may buy and receive from Swift and Company such boneless beef for army canned meat at delivered prices not in excess of those established for the zones as follows:

Zone and Area

Zone I: Washington, Oregon, California and Nevada.

Zone II: Idaho, Montana, Wyoming, Utah and Arizona.

Zone III: Colorado and New Mexico.

Zone IV: North Dakota, South Dakota, Minnesota, Nebraska, Kansas, Oklahoma, Texas, all that portion of Wisconsin west of and including the counties of Iron, Price, Taylor, Clark, Jackson, Monroe, Vernon and Crawford, Iowa, except the counties of Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines, and Lee; all that portion of Missouri west of and including the counties of Scotland, Knox, Shelby, Monroe, Andrian, Montgomery, Warren, Franklin, Washington, St Francis, Madison, Wayne, and Butler.

Zone V: All that portion of Wisconsin east of and including the counties of Villas, Oneida, Lincoln, Marathon, Wood, Juneau, Sauk, Richland and Grant; the following counties of Michigan: Gogebic, Ontonagon, Houghton, Baraga, Iron, Dickinson, Marquette, and Menominee; all that portion of Illinois north and west of and including the counties of Vermilion, Champaign, Douglas, Coles, Shelby, Effingham, Fayette, Bond, Madison, St. Clair and Monroe; the following counties of Iowa: Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines and Lee; the following counties of Missouri: Clark, Lewis, Marion, Ralls, Pike, Lincoln, St. Charles, St. Louis and Jefferson; the following counties of Indiana: Lake, Newton, Benton and Warren.

Zone VI: Indiana, except the counties of Lake, Newton, Benton and Warren; all that portion of Illinois east and south of and including the counties of Edgar, Clark, Cumberland, Jasper, Clay, Marion, Clinton, Washington, and Randolph; all that portion of Kentucky west and north of and including the counties of Todd, Muhlenberg, Ohio, Grayson, Hardin, Larue, Marion, Washington, Anderson, Shelby, Henry and Carroll; the county of Berrien in Michigan; the following counties of Missouri: St. Genevieve, Perry, Cape Girardeau, Bollinger, Scott, Stoddard, New Madrid, Mississippi, Dunklin and Pemiscot; the following counties of Tennessee: Dyer, Obion, Crockett, Gibson, Weakley, Carroll, Henry, Benton, Houston, Stewart and Montgomery; Arkansas; all that portion of Louisiana west of the Mississippi River from the northeast point of East Carroll Parish to the northeast point of Pointe Coupee Parish and west of and including the Parishes of Pointe Coupee, St. Martin, Iberia and Vermilion.

Zone VII: Michigan except the counties of Gogebic, Ontonagon, Houghton, Baraga, Iron, Dickinson, Marquette, and Menominee; Ohio; the following counties of New York: Niagara, Erie, Cattaraugus and Chautauqua; all that portion of Pennsylvania west of and including the counties of Warren, Forest, Clarion, Armstrong, Westmoreland, and Fayette; all that portion of West Virginia west of and including the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Doddridge, Gilmer, Calhoun, Roane, Kanawha, Boone, Logan and Mingo; all that portion of Kentucky east of and including the counties of Campbell, Kenton, Boone, Gallatin, Owen, Franklin, Woodford, Mercer, Boyle, Casey, Taylor, Green, Hart, Edmonson, Butler, and Logan; all that portion of Tennessee west of and including the counties of Campbell, Scott, Fentress, Overton, Putnam, White, Warren, Grundy and Marion, but excluding the counties of Obion, Dyer, Crockett, Gibson, Weakley, Carroll, Henry, Benton, Houston, Stewart and Montgomery; the following counties of Alabama: Jackson, Madison, Morgan, Limestone, Lauderdale, Colbert, Lawrence, Cullman, Winston, Franklin, Marion, Walker, Fayette and Lamar; all that portion of Mississippi north of and including the counties of Lowndes, Oktibbeha, Choctaw, Attala Madison, Yazoo, and Issaquena.

Zone VIII: All that portion of New York west of and including the counties of Oswego, Oneida, Madison, Chenango and Broome, but excluding the counties of Niagara, Erie, Cattaraugus and Chautauqua; the following counties of Pennsylvania: McKean, Potter, Elk, Cameron, Clinton, Jefferson, Clearfield, Centre, Indiana, Cambria, Blair, Huntingdon, Somerset, Bedford and Fulton; the following counties of Maryland: Garrett and Allegany; all that portion of West Virginia east of and including the counties of Monongalia, Marion, Harrison, Lewis, Braxton, Clay, Nicholas, Fayette, Raleigh, Wyoming and McDowell; the following counties of Virginia: Highland, Bath, Alleghany, Craig, Montgomery, Floyd, Carroll, Pulaski, Giles, Bland, Wythe, Grayson, Smyth, Tazewell, Buchanan, Russell, Washington, Dickenson, Wise, Scott and Lee; all that portion of Tennessee east of and including the counties of Claiborne, Union, Anderson, Morgan, Cumberland, Bledsoe, Van Buren, Sequatchie, and Hamilton; all that portion of North Carolina west and southwest of and including the counties of Alleghany, Wilkes, Alexander, Caldwell, Burke and Cleveland; all that portion of South Carolina west and northwest of and including the counties of Cherokee, Union, Newberry, Saluda, and Edgefield; all that portion of Georgia west and northwest of and including the counties of Columbia, McDuffie, Warren, Glascock, Washington, Johnson, Laurens, Dodge, Wilcox, Ben Hill, Irwin, Tift, Colquitt and Thomas; all that portion of Alabama south of and including the counties of De Kalb, Marshall, Blount, Jefferson, Tuscaloosa and Pickens; all that portion of Mississippi south of and including the counties of Noxubee, Winston, Leake, Scott, Rankin, Hinds and Warren; all that portion of Louisiana east of and including the parishes of West Feliciana, West Baton Rouge, Iberville, Assumption, and St. Mary; all that portion of Florida west of and including the counties of Leon and Wakulla.

Zone IX: Maine; New Hampshire; Vermont; Massachusetts; Rhode Island; Connecticut; all that portion of New York east of and including the counties of St. Lawrence, Jefferson, Lewis and Herkimer, and east and southeast of and including the counties of Otsego, Delaware, Sullivan, Orange, Rockland, Westchester, New York, Bronx and Kings; New Jersey; all that portion of Pennsylvania east of and including the counties of Tioga, Lycoming, Union, Mifflin, Juniata, Perry and Franklin; Delaware; all that portion of Maryland east and southeast of and including the counties of Washington, Frederick, Montgomery, Prince Georges, Charles, and St. Marys; District of Columbia; all that portion of Virginia east of and including the counties of Frederick, Shenandoah, Rockingham, Augusta, Rockbridge, Botetourt, Roanoke, Franklin and Patrick; all that portion of North Carolina east and southeast of and including the counties of Surry, Yadkin, Iredell, Catawba, Lincoln and Gaston; all that portion of South Carolina east of and including the counties of York, Chester, Fairfield, Lexington, Aiken, Barnwell, Allendale, Hampton, Jasper and Beaufort; all that portion of Georgia east of and including the counties of Richmond, Jefferson, Emanuel, Treutlen, Wheeler, Telfair, Coffee, Berrien, Cook and Brooks; the following counties of Florida: Jefferson, Madison, Taylor, Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Baker, Nassau, Duval, Union, Bradford, Clay, St. Johns, Alachua, Putnam, Flagler, Marion, Volusia, Lake, Sumter, Citrus, Hernando, and Pasco.

Zone X: All that portion of Florida south of and including the counties of Brevard, Seminole, Orange, Osceola, Polk, Hillsborough and Pinellas.

(2)

Zone	*Maximum delivered price per cwt.*
I	$23.75
II	22.75
III and IV	21.75
V	22.25
VI	22.50
VII	22.75
VIII	23.00
IX	23.25
X	23.50

(3) In the event boneless beef for army canned meat is ordered and delivered frozen, Swift and Company may add 25¢ per cwt. to the applicable zone prices established in subparagraph (a) (2) hereof, for such freezing.

(4) The maximum delivered price for boneless beef which does not qualify as boneless beef for army canned meat or which has been rejected by the United States Army or any of its authorized agents or representatives shall be 50¢ per cwt. lower than the applicable zone price established for boneless beef for army canned meat.

(b) "Boneless beef for army canned meat" as used in this order means beef derived from the grades and classes and satisfying the specifications and requirements contained in Notice No. 22, "Beef for Canned Meats", issued August 8, 1942 by the Chicago Quartermaster Depot of the United States Army. Any boneless beef for canned meats which has been rejected by the United States Army, or any of its authorized agents or representatives shall not be sold as boneless beef for army canned meat.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 12 may be revoked or amended by the Price administrator at any time.

(e) Unless the context otherwise requires the definitions set forth in § 1364.62 of Maximum Price Regulation No. 169 shall apply to the terms used herein.

(f) This Order No. 12 shall become effective October 31, 1942.

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11120; Filed, October 31, 1942; 11:08 a. m.]

[Order 27 Under RPS 6]

CRUCIBLE STEEL COMPANY

ORDER DENYING PETITION

Order No. 27 Under Revised Price Schedule No. 6—Iron and Steel Products—Docket No. 3006-28.

On October 1, 1942, Crucible Steel Company of America, New York, N. Y., filed a petition for an exception to Revised Price Schedule No. 6, as amended, pursuant to § 1306.7 (b) thereof. Due consideration has been given to the petition and an opinion in support of this Order No. 27 has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator under the Price Control Act of 1942 and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) That the petition for exception of Crucible Steel Company of America be and it hereby is denied.

(b) This Order No. 27 shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11135; Filed, October 31, 1942; 11:06 a. m.]

[Order 4 Under RPS 41]

KEY COMPANY

ORDER ESTABLISHING MAXIMUM PRICES

Order No. 4 Under Revised Price Schedule No. 41—Steel Castings—Docket No. 3041-5.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Procedural Regulation No. 6 issued by the Office of Price Administration, *It is hereby ordered:*

Adjustment of maximum prices of the Key Company on sales of gun base castings for the Oerlikon antiaircraft gun. (a) Notwithstanding anything to the contrary contained in Revised Price Schedule No. 41 the Key Company of East St. Louis, Illinois, may sell and deliver gun base castings for the Oerlikon antiaircraft gun pursuant to contracts with the United States or any agency thereof, or subcontracts under any such contract, at prices not in excess of 25.5 cents per pound delivered and any person may buy and receive said castings from the Key Company as above.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 4 shall become effective November 2, 1942 and shall operate retroactively from August 12, 1942.

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11134; Filed, October 31, 1942; 11:07 a. m.]

[Order 9 Under MPR 169]

SOUTH SAN FRANCISCO PACKING AND PROVISION CO.

ORDER GRANTING PETITION FOR ADJUSTMENT

Order No. 9 Under Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts—Docket No. 3169-168.

On October 10, 1942 South San Francisco Packing and Provision Company, 1400 Evans Avenue, San Francisco, California, filed a petition for adjustment pursuant to § 1364.60 of Maximum Price Regulation No. 169 as amended. Due consideration has been given to the petition and an Opinion in support of this Order No. 9 has been issued simultaneously herewith.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

(a) South San Francisco Packing and Provision Company may sell and deliver and agree, offer, solicit, and attempt to sell and deliver beef carcasses of the grade "good" at a price not higher than 21½ cents per pound to retailers. Such retailers may buy and receive beef carcasses of the grade good at the price from the South San Francisco Packing and Provision Company.

(b) South San Francisco Packing and Provision Company shall mail or cause to be mailed to all persons who purchase beef carcasses and wholesale cuts from it for sale at retail a notice reading as follows:

> The Office of Price Administration, by Order No. 9 effective November 2, 1942, pursuant to § 1364.60 of Maximum Price Regulation No. 169, has permitted us to raise our maximum price for sale to you of beef carcass, good grade, from 21¢ per pound to 21½¢ per pound.
>
> This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of beef carcasses. In order that we may continue to provide you with beef carcasses, good grade, it will be necessary for you to accept this reduction in your margin.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 9 may be revoked or amended by the Price Administrator at any time. Unless the context otherwise requires, the definitions set forth in § 1364.62 of Maximum Price Regulation No. 169 shall apply to the terms used herein.

(e) This Order No. 9 shall become effective November 2, 1942.

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11166; Filed, October 31, 1942; 12:11 p. m.]

[Order 3 Under § 1426.8 (c) of MPR 216]

SEABOARD AIR LINE RAILWAY

ORDER GRANTING ADJUSTMENT

Order No. 3 Under § 1426.8 (c) of Maximum Price Regulation 216—Railroad Ties.

On August 18, 1942, the Seaboard Air Line Railway filed an application for adjustment of its maximum prices for the purchase of certain species and sizes of railroad cross ties. Such filing has been considered as an application for adjustment pursuant to § 1426.8 (c) of Maximum Price Regulation 216—Railroad Ties.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1426.8 (c) of Maximum Price Regulation 216, *It is hereby ordered:*

(a) The Seaboard Air Line Railway may buy and receive and any person may sell and deliver to the Seaboard Air Line Railway the species and sizes of railroad cross ties set forth below at prices not in excess of the following:

[Maximum prices]

Species	Length	Sizes[1]		
		5	4	3
White oak	8′6″	$1.28	$1.13	$.98
Red and black cypress	8′6″	1.23	1.08	.93
Sap pine	8′6″	1.03	.93	.78
Near heart pine	8′6″	1.08	.98	.83

[1] Manufactured in accordance with the specifications for cross ties of the American Railway Engineering Association.

The above maximum prices include loading on cars at any delivery point on the right of way of the Seaboard Air Line Railway;

(b) All prayers of the application not granted herein are denied;

(c) This Order No. 3 may be revoked or amended by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1426.10 of Maximum Price Regulation 216 shall apply to the terms used herein;

(e) This Order No. 3 shall become effective November 2, 1942.

Issued this 31st day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11121; Filed, October 31, 1942; 11:11 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 16-1]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

ORDER DISAPPROVING AMENDMENT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of October A. D. 1942.

National Association of Securities Dealers, Inc., a registered national securities association under section 15A of the Securities Exchange Act of 1934, having filed with this Commission copies of certain proposed changes in and additions to the by-laws and rules of the said association, and certain information pertaining to the manner of adoption of the said changes and additions, and their effect upon the membership of the said association;

The Commission having held a public hearing upon the proposed amendment to section 1 of Article I of the said by-laws, imposing certain fixed minimum net capital requirements as a condition of admission to and continuation in membership, at which hearing representatives of the said association and various of its members appeared;

The Commission, having duly considered the matter, and having this day issued its Findings and Opinion;

It is ordered, That the said proposed amendment to section 1 of Article I of the by-laws of the said Association be, and the same hereby is, disapproved.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11113; Filed, October 30, 1942; 3:11 p. m.]

[File No. 8-3]

FOELBER-PATTERSON, INC.

ORDER DENYING APPLICATION

In the matter of Foelber-Patterson, Inc., 1315 Lincoln Bank Tower, Fort Wayne, Indiana.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of October, A. D. 1942

Foelber-Patterson, Inc., having applied for registration as an over-the-counter broker-dealer, proceedings having been instituted pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether Eugene F. Foelber and Sidney B. Patterson wilfully violated section 15 (c) (1) of that Act and rules and regulations of the Commission adopted thereunder, and whether it is in the public interest to deny such applications, hearings having been held after due notice, the Commission having heard argument and being fully advised in the premises, and having this day issued its findings and opinion herein;

It is ordered, On the basis of said findings and opinion that the application be, and the same hereby is, denied.

By the Commisison.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11112; Filed, October 30, 1942; 3:11 p. m.]

[File Nos. 59-17, 59-11, 54-25]

THE UNITED LIGHT AND POWER CO., ET AL.

NOTICE OF FILING OF RESPONDENTS' APPLICATION NO. 17

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 31st day of October, A. D. 1942.

In the matter of the United Light and Power Company, the United Light and Railways Company, American Light & Traction Company, Continental Gas & Electric Corporation, United American Company, and Iowa-Nebraska Light and Power Company, Respondents, File Nos. 59-17, 59-11; the United Light and Power Company, Applicant, File No. 54-25.

The Commission having previously, by order, instituted section 11 (b) (1) and 11 (b) (2) proceedings against the respondents,

And the American Light & Traction Company, a registered holding company and one of the Respondents herein, having on October 30, 1942 filed an application in these proceedings, now designated by this Commission as Application No. 17.

Notice is hereby given that this Application has been filed. The application may be summarized as follows:

On October 24, 1942, the American Light & Traction Company, the sole owner of the common stock of the San Antonio Public Service Company, sold all the stock for $10,000,000 in cash. It now proposes to apply $4,000,000 of these proceeds in full payment of its outstanding bank loans which are payable at any time without notice and payment of premiums.

Notice is further given that any interested person may, not later than November 6, 1942, at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reason for such request and the nature of his interest or may request that he be notified if the Commission should order a hearing thereon. At any time, thereafter, such Application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said Application, which is on file in the office of said Commission for a statement of the transaction therein proposed, which is summarized above.

The Applicant has requested that an order be entered granting such Application within ten days after the filing date or by November 9, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11171; Filed, November 2, 1942; 9:54 a. m.]

[File No. 70-617]

MINNESOTA UTILITIES CO. AND AMERICAN UTILITIES SERVICE CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of October, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by American Utilities Service Corporation, a registered holding company, and its subsidiary, Minnesota Utilities Company; and

Notice is further given that any interested person may, not later than November 14, 1942, at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of such interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Minnesota Utilities Company proposes to enter into an agreement with Tri-County Electric Cooperative and Dairyland Power Cooperative for the sale of the electric properties comprising its Root River Division, located in the counties of Fillmore and Houston in the State of Minnesota, for the sum of $386,000 in cash, subject to certain adjustments. It is contemplated that Tri-County Electric Cooperative and Dairyland Power Cooperative will also purchase materials and supplies and accounts receivable with respect to said Root River Division. Minnesota Utilities Company will employ the proceeds of said sale for the partial payment of its note indebtedness to its parent, American Utilities Service Corporation. It is contemplated that said sale and purchase will be consummated on or before December 1, 1942, but in no event later than December 31, 1942.

In accordance with the terms of the Indenture securing its Collateral Trust 6% Bonds, Series A, American Utilities Service Corporation will deposit the sum received from Minnesota Utilities Company, estimated to be approximately $386,000, with Continental Illinois National Bank and Trust Company of Chicago, Trustee. American Utilities Service Corporation plans to use $36,000 of said $386,000 for investment in additional securities of operating companies remaining in the system and will request the Trustee of its Collateral Trust 6% Bonds, Series A, to advertise for tenders of $350,000 of such bonds to be purchased at the option of American Utilities Service Corporation with the "release moneys" so held by the Trustee. American Utilities Service Corporation has filed a copy of the material to be used by the Trustee for purposes of advertisement and by the company for purposes of a postal card notice which will be mailed to all known holders of said Collateral Trust 6% Bonds, Series A. It is contemplated that publication and mailing of notices will be completed prior to December 31, 1942, but in no event later than February 1, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11172; Filed November 2, 1942; 9:54 a. m.]

[File No. 70-615]

KENTUCKY UTILITIES COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of October, A. D., 1942.

Kentucky Utilities Company, a registered holding company, having filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 regarding a reduction of the interest rate on $3,437,500 principal amount of its outstanding unsecured serial notes due May 1, 1943, to May 1, 1946, from 3⅝% per annum to 3¼% per annum:

Said declaration having been filed on October 12, 1942, and notice of said filing having been duly given in the form and manner prescribed in Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) of said Act, and the Commission deeming it appropriate in the public interest and the interest of investors and consumers to permit the declaration to become effective;

It is hereby ordered, Pursuant to Rule U-23, and the applicable provisions of said Act and subject to the terms and conditions prescribed by Rule U-24, that the aforesaid declaration be, and hereby is, permitted to become effective forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11173; Filed, November 2, 1942; 9:54 a. m.]

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FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

VOLUME 7 NUMBER 217

Washington, Wednesday, November 4, 1942

The President

EXECUTIVE ORDER 9261

Amending Regulations Concerning Foreign Service Pay Adjustment

By virtue of the authority vested in me by the act of March 26, 1934, 48 Stat. 466 (U.S.C., Title 5, sec. 118c), the list of basic rates of exchange established by section 4 of Executive Order 7972 of September 15, 1938, as amended, prescribing regulations for the payment of losses sustained by officers, enlisted men, and employees of the United States in foreign countries on account of the appreciation of foreign currencies in their relation to the American dollar, is hereby amended, effective as of April 1, 1942, by inserting therein, between the designation of the countries of Rumania and Spain, the following-designated country, monetary unit, and basic rate:

Saudi Arabia------Rial------35.74

Franklin D Roosevelt

The White House,
October 31, 1942.

[F. R. Doc. 42-11247; Filed, November 2, 1942; 2:51 p. m.]

Regulations

TITLE 16—COMMERCIAL PRACTICES

Chapter 1—Federal Trade Commission

[Docket No. 4811]

Part 3—Digest of Cease and Desist Orders

VIVIAN S. NASH

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.96 (a) *Using misleading name—Goods—Qualities or properties:* § 3.96 (a) *Using misleading name—Goods—Results.* In connection with offer, etc., of respondent's cosmetic preparations designated "Bee-Dew Special Hair Grower", "Bee-Dew Special U-Gro", "Bee-Dew Scalp Oil", "Bee-Dew Shampoo", "Bee-Dew Pressing Oil", "Bee-Dew U-Gro", and "Bee-Dew O-No", or any other similar preparations, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's said cosmetic preparations, which advertisements (1) represent, directly or by implication, that the preparations designated "Bee-Dew Special Hair Grower", "Bee-Dew Special U-Gro", "Bee-Dew Scalp Oil", "Bee-Dew Shampoo", "Bee-Dew Pressing Oil", and "Bee-Dew U-Gro", either when used alone or in combination with one or more of the others, constitute a cure or remedy for falling hair, baldness, dull hair, scalp irritation, or dandruff, or that any of such preparations will promote the growth of new hair or have any effect upon the growth of hair; or have any therapeutic values in the treatment of falling hair, baldness, dull hair, scalp irritation, or dandruff, in excess of cleansing the hair and scalp, allaying itching due to minor scalp irritations, and facilitating the removal of loose dandruff scales; (2) use the word "grow" or "grower" or any other word which is similar thereto either in spelling or in phonetics, to designate or describe the preparations now designated "Bee-Dew Special Hair Grower", "Bee-Dew Special U-Gro", and "Bee-Dew U-Gro", or otherwise represent that any of said preparations has any effect upon the growth of hair; or (3) represent, directly or by implication, that the preparation "Bee-Dew O-No" will give complete protection from offensive body odors, or that it will have any effect in excess of affording temporary protection from such odors; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Vivian S. Nash, Docket 4811, October 26, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of October, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that she waives all intervening procedure and further hearing

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Telephone information: District 0525.

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as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Vivian S. Nash, individually and trading under the name of Bee-Dew Cosmetic Company, or trading under any other name, and her agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of her cosmetic preparations designated "Bee-Dew Special Hair Grower," "Bee-Dew Special U-Gro," "Bee-Dew Scalp Oil," "Bee-Dew Shampoo," "Bee-Dew Pressing Oil," "Bee-Dew U-Gro," and "Bee-Dew O-No," or any other preparations composed of substantially similar ingredients or possessing substantially similar properties, whether sold under the same names or under any other names, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement

(a) Represents, directly or by implication, that the preparations designated "Bee-Dew Special Hair Grower," "Bee-Dew Special U-Gro," "Bee-Dew Scalp Oil," "Bee-Dew Shampoo," "Bee-Dew Pressing Oil," and "Bee-Dew U-Gro," either when used alone or in combination with one or more of the others, constitute a cure or remedy for falling hair, baldness, dull hair, scalp irritation, or dandruff, or that any of such preparations will promote the growth of new hair or have any effect upon the growth of hair;

(b) Represents, directly or by implication, that said preparations "Bee-Dew Special Hair Grower," "Bee-Dew Special U-Gro," "Bee-Dew Scalp Oil," "Bee-Dew Shampoo," "Bee-Dew Pressing Oil," and "Bee-Dew U-Gro" have any therapeutic values in the treatment of falling hair, baldness, dull hair, scalp irritation, or dandruff, in excess of cleansing the hair and scalp, allaying itching due to minor scalp irritations, and facilitating the removal of loose dandruff scales;

(c) Uses the word "grow" or "grower" or any other word which is similar thereto either in spelling or in phonetics, to designate or describe the preparations now designated "Bee-Dew Special Hair Grower," "Bee-Dew Special U-Gro," and "Bee-Dew U-Gro," or otherwise represents that any of said preparations has any effect upon the growth of hair; or

(d) Represents, directly or by implication, that the preparation "Bee-Dew O-No" will give complete protection from offensive body odors, or that it will have any effect in excess of affording temporary protection from such odors.

2. Disseminating or causing to be disseminated any advertisment by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's cosmetic preparations, which advertisement contains any representation prohibited in paragraph 1 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing setting forth in detail the manner and form in which she has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F.R. Doc. 42-11324; Filed, November 3, 1942; 11:04 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T.D. 50753]

PART 8—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

INDUSTRIAL ALCOHOL

Importation of ethyl alcohol for nonbeverage purposes. Exemption from internal-revenue tax under permit from Bureau of Internal Revenue.

Section 602 (e) of the Revenue Act of 1942 (Public Law 753, 77th Congress), approved October 21, 1942, provides as follows:

> (e) EXEMPTION OF IMPORTED ALCOHOL FOR INDUSTRIAL PURPOSES.
>
> (1) *Amendment to Internal Revenue Code.* Part II of Subchapter C of Chapter 26 (relating to industrial alcohol) is amended by inserting at the end thereof the following new section:
>
> SEC. 3125. IMPORTATION OF ALCOHOL FOR INDUSTRIAL PURPOSES.
>
> (a) *Importation without payment of internal revenue tax.* Under regulations to be prescribed by the Commissioner, with the approval of the Secretary, and subject from the time of its withdrawal from customs custody to all the applicable provisions of this part, alcohol of 160 proof, or greater, may be imported into the United States and be withdrawn, in bond, from customs custody, without payment of the internal revenue tax imposed by Section 2800 upon the act of importing such alcohol, for transfer to industrial alcohol plants, alcohol bonded warehouses, and denaturing plants for redistillation or denaturation and withdrawal, or withdrawal without redistillation or denaturation, tax free or tax paid, as the case may be, for all the purposes authorized by this part. If such alcohol is withdrawn from the said industrial alcohol plants, alcohol bonded warehouses, or denaturing plants for beverage purposes, there shall be paid upon such withdrawal an additional tax equal to the duty which would have been paid had such spirits been imported for beverage purposes, less the duty already paid thereon.
>
> (b) *Withdrawal tax free for use of United States.* Alcohol may be withdrawn from customs custody by the United States or any governmental agency thereof for its own use, free of internal revenue tax, under such regulations as may be prescribed.
>
> (2) *Effective date of subsection.* Notwithstanding section 601, this subsection shall take effect on the day following the date of enactment of this Act.

Section 3124 of Part II, Subchapter C of Chapter 26, of the Internal Revenue Code, provides that when used in that part the term "alcohol" means that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, from whatever source or whatever processes produced.

Paragraphs 4 and 802 of the Tariff Act of 1930 read, in part, as follows:

> PAR. 4. Alcohol: * * * ethyl for nonbeverage purposes only, * * *.
>
> PAR. 802. * * * other spirits manufactured or distilled from grain or other materials * * *.

With reference to the foregoing provisions of law, the following regulations are hereby prescribed:

§ 8.107 *Importation of ethyl alcohol for nonbeverage purposes.* (a) If claim is made for the classification of ethyl alcohol of 160 proof or greater under the last clause of paragraph 4 of the Tariff Act of 1930, there shall be filed in connection with the entry an affidavit of the importer that the alcohol is to be used for nonbeverage purposes only and will be withdrawn under permit issued by the Bureau of Internal Revenue for transfer under internal-revenue bond to industrial alcohol plants, industrial alcohol bonded warehouses, or denaturing plants, or under permit for direct shipment to an agency of the United States Government.

(b) Upon the filing of such affidavit and the presentation of the permit referred to therein, executed on Internal Revenue Form 1436, 1444, or 1463, and an application of the importer on Internal Revenue Form 1440 filed in triplicate, release from customs custody may be permitted upon the deposit of estimated duty, if any, and without the deposit of internal-revenue tax.

(c) Prior to release from customs custody, the alcohol shall be gauged by a customs officer who shall note on each copy of Internal Revenue Form 1440 a report of the gauge, the name of the country of exportation, the rate of customs duty paid on the alcohol, and the rate of customs duty which would have been applicable had such spirits been imported for beverage purposes. When shipments are made in tank cars or tank trucks, the details of gauge of each tank car or tank truck shall be reported separately thereon in accordance with the column headings on Internal Revenue Form 1440. The customs officer shall forward two copies of Form 1440 to the storekeeper-gauger at the industrial alcohol plant, industrial alcohol bonded warehouse, or denaturing plant designated in the application and retain one copy for customs purposes.

(d) When shipments of alcohol from customs custody to the industrial plant, industrial alcohol bonded warehouse, or denaturing plant are made in tank cars or tank trucks, all openings affording access to the tanks shall be sealed by a customs officer with customs seals. When shipments of alcohol from customs custody are made in packages, a customs officer shall gauge and release the alcohol pursuant to appropriate permit on Internal Revenue Form 1436, 1444, or 1463, and application on Internal Revenue Form 1440 in triplicate in the same manner as alcohol shipped in tank cars or tank trucks except that the sealing of the car or truck in which transported shall not be required.

(e) When the industrial alcohol plant, industrial alcohol bonded warehouse, or denaturing plant premises are equipped with suitable dock facilities, the alcohol may, subject to compliance with the customs laws and regulations, be transferred by pipe line from the importing vessel or barge through weighing tanks or other suitable measuring tanks into locked empty storage tanks on the plant or warehouse premises or directly into locked storage tanks thereon, provided such storage tanks are equipped with suitable measuring devices for correctly indicating the actual contents. Such transfer shall be made under customs supervision and the alcohol shall be gauged by a customs officer and released from customs custody upon compliance with the customs laws and presentation of withdrawal permit on Internal Revenue Form 1436 or 1463, and application on Internal Revenue Form 1440 in triplicate.

(f) If the alcohol is withdrawn from customs custody by or for the account of an agency of the United States Government under a permit on Internal Revenue Form 1444, the alcohol, after due entry thereof, shall be gauged by a customs officer who shall prepare a report of gauge on Internal Revenue Form 1440 in triplicate. This form shall be completed in the manner prescribed in paragraph (c) and shall be disposed of as follows: the original shall be retained by the collector of customs, one copy shall be forwarded to the governmental agency to which the alcohol is consigned, and one copy shall be forwarded directly to the Commissioner of Internal Revenue. A customs officer shall state on each copy of Form 1440 the permit number of Form 1444 under which the alcohol is to be withdrawn, and shall prepare Internal Revenue Form 1453 and forward it to the government officer to whom the alcohol is to be delivered at destination. The alcohol may then be released upon the deposit of estimated duty, if any, or in accordance with the provisions of article 314 (d), Customs Regulations of 1937, and without the deposit of internal-revenue tax, for shipment to the United States governmental agency named in the permit on Internal Revenue Form 1444.

(g) Upon the completion of the procedure outlined above, the entry shall be liquidated with the assessment of duty at the appropriate rate, if any, and without the assessment of internal-revenue tax. (R.S. 161, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: November 1, 1942.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-11290; Filed, November 2, 1942; 4:23 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter C—Miscellaneous Excise Taxes

[T.D. 5178]

PART 182—INDUSTRIAL ALCOHOL[1]

IMPORTATION FOR INDUSTRIAL PURPOSES; WITHDRAWAL TAX FREE FOR USE OF UNITED STATES

1. Section 602 (e) of the Revenue Act of 1942 (Public Law 753, 77th Congress), provides as follows:

> (e) EXEMPTION OF IMPORTED ALCOHOL FOR INDUSTRIAL PURPOSES
>
> (1) *Amendment to Internal Revenue Code.* Part II of Subchapter C of Chapter 26 (relating to industrial alcohol) is amended by inserting at the end thereof the following new section:
>
> SEC. 3125. IMPORTATION OF ALCOHOL FOR INDUSTRIAL PURPOSES.
>
> (a) *Importation without payment of internal revenue tax.* Under regulations to be prescribed by the Commissioner, with the approval of the Secretary, and subject from the time of its withdrawal from customs custody to all the applicable provisions of this part, alcohol of 160 proof, or greater, may be imported into the United States and be withdrawn, in bond, from customs custody, without payment of the internal revenue tax imposed by section 2800 upon the act of importing such alcohol, for transfer to industrial alcohol plants, alcohol bonded warehouses, and denaturing plants for redistillation or denaturation and withdrawal, or withdrawal without redistillation or denaturation, tax free or tax paid, as the case may be, for all the purposes authorized by this part. If such alcohol is withdrawn from the said industrial alcohol plants, alcohol bonded warehouses, or denaturing plants for beverage purposes, there shall be paid upon such withdrawal an additional tax equal to the duty which would have been paid had such spirits been imported for beverage purposes, less the duty already paid thereon.
>
> (b) *Withdrawal tax free for use of United States.* Alcohol may be withdrawn from customs custody by the United States or any governmental agency thereof for its own use, free of internal revenue tax, under such regulations as may be prescribed..
>
> (2) *Effective date of subsection.* Notwithstanding section 601, this subsection shall take effect on the day following the date of enactment of this Act.

2. Pursuant to the foregoing provisions of law and sections 3105, 3124 (a), and 3176 of the Internal Revenue Code, Regulations 3 is hereby amended by adding at the end thereof the following new articles:

Article XLV—Importation of Alcohol for Industrial Purposes

§ 182.989 *General provisions.* Except as hereinafter provided, the provisions of these regulations (Regulations 3, 26 CFR, Part 182), in so far as applicable, shall govern the withdrawal and disposition of alcohol of 160 degrees of proof, or greater, under the provisions of section 602 (e) of the Revenue Act of 1942. (*; Sec. 3125, I.R.C.)

§ 182.990 *Withdrawal.* The proprietor of an industrial alcohol plant, bonded warehouse, or denaturing plant desiring to withdraw imported alcohol from customs custody without payment of tax for transfer to an industrial alcohol plant, bonded warehouse, or denaturing plant for redistillation, or denaturation and withdrawal or withdrawal without redistillation, tax-free or tax-paid, as the case may be, for all the purposes authorized by Part II, Subchapter C, Chapter 26, Internal Revenue Code, shall file application on Part I of Form 1436, as to industrial alcohol plants or bonded warehouses, or on Part I of Form 1463, as to denaturing plants, with the district supervisor of the district in which the plant or warehouse is located for permit to procure such alcohol. The application should be properly modified by the applicant to cover the transfer of alcohol from customs custody, naming the port of entry through which the alcohol is to be withdrawn. If alcohol is to be withdrawn from more than one port of entry, separate applications for each port shall be filed. (*; Sec. 3125 (a), I.R.C.)

§ 182.991 *Consent of surety, Form 1533.* Proprietors of industrial alcohol plants, bonded warehouses, or denaturing plants, in order to withdraw imported alcohol without payment of tax from customs custody, or receive such alcohol in bond after its withdrawal from customs custody shall, prior to, or at the time of, filing application for such withdrawal, or transfer in bond, file consent of surety, Form 1533, on their bonds, Form 1432A, extending the terms thereof to assume liability for payment of the internal revenue tax on such alcohol. The consent of surety, which should be filed and disposed of as provided in Article X, shall be in substantially the following form:

> To extend the terms of said bond to assume liability (a) for the payment of the internal revenue tax on all alcohol withdrawn without payment of tax from customs custody for redistillation or denaturation and withdrawal, or withdrawal without redistillation or denaturation, by the principal pursuant to section 3125 (a), Internal Revenue Code, and regulations, and (b) if withdrawn for beverage purposes, for an additional tax equal to the duty which would have been paid had such spirits been imported for beverage purposes, less the duty already paid thereon.

(*; Sec. 3125 (a), I.R.C.)

§ 182.992 *Withdrawal permit.* Upon receipt of application on Part I of Form 1436 or Part I of Form 1463, the district supervisor will, if proper consent of surety on the proprietor's plant or warehouse bond has been filed, issue permit on Part II of Form 1436 or Part II of Form 1463, as the case may be, properly modified pursuant to such application. The district supervisor will retain the duplicate of the permit, Form 1436, or

Form 1463, for his files. (*; Sec. 3125 (a), I.R.C.)

§ 182.993 *Application, Form 1440.* In order to procure a specific quantity of imported alcohol, the proprietor of the industrial alcohol plant, bonded warehouse, or denaturing plant will execute application for withdrawal on Form 1440 in triplicate, properly modified, and forward all copies thereof and the original of the permit, Form 1436, or Form 1463, to the collector of customs at the port of entry named in the permit from whose custody it is proposed to withdraw the alcohol. The collector of customs will not release the alcohol without payment of internal revenue tax until the withdrawal permit, Form 1436, or Form 1463, and the application for withdrawal on Form 1440, in triplicate, properly modified have been received from the proprietor of the industrial alcohol plant, bonded warehouse, or denaturing plant, as the case may be. After the receipt of Form 1436 or Form 1463, covering the initial withdrawal of alcohol, the collector of customs may retain such permit to cover future withdrawals pursuant to application on Form 1440, in triplicate. (*; Sec. 3125 (a), I.R.C.)

§ 182.994 *Customs gauge and release.* Prior to release from customs custody, the alcohol will be gauged by a customs officer who will enter the details of the gauge on all copies of the Form 1440. When shipments are made in tank cars or tank trucks, the details of gauge of each tank car or tank truck will be reported separately thereon in accordance with the column headings on the Form 1440. The customs officer will also show on each copy of Form 1440 the country of exportation of the alcohol. In addition, he will ascertain and state on each copy of the Form 1440 the rate of customs duty paid on the alcohol and the rate of customs duty which would have been applicable had such spirits been imported for beverage purposes. The customs officer will forward two copies of Form 1440 to the storekeeper-gauger at the industrial alcohol plant, bonded warehouse, or denaturing plant designated in the application, and retain one copy for customs purposes. The storekeeper-gauger at the plant or warehouse will, on receipt of the two copies of Form 1440, verify the shipment, note on both copies any discrepancies, forward one copy to the district supervisor of the district in which the plant or warehouse is located, and deliver the remaining copy to the proprietor of the plant or warehouse. (*; Sec. 3125 (a), I.R.C.)

§ 182.995 *Tank car, tank truck, and package shipments*—(a) *Tank cars or tank trucks to be sealed.* Where shipments of alcohol from customs custody to the industrial alcohol plant, bonded warehouse, or denaturing plant are made in tank cars or tank trucks, all openings affording access to the tanks will be sealed by the customs officer with customs seals.

(b) *Packages.* Where shipments of alcohol from customs custody are made in packages, the customs officer will gauge and release the alcohol pursuant to appropriate permit. Form 1436 or Form 1463, and application, Form 1440, in triplicate, in the same manner as alcohol shipped in tank cars or tank trucks, except that the sealing of the car or truck in which transported will not be required. (*; Sec. 3125 (a), I.R.C.)

§ 182.996 *Transfer by pipe line at dock.* Where the industrial alcohol plant, bonded warehouse, or denaturing plant premises are equipped with suitable dock facilities, the alcohol may, subject to all requirements of the customs laws and regulations, be transferred by pipe line from the importing vessel or barge through weighing tanks or other suitable measuring tanks into locked empty storage tanks on the plant or warehouse premises or directly into locked storage tanks thereon, provided such storage tanks are equipped with suitable measuring devices for correctly indicating the actual contents. In such case, the alcohol will be transferred under customs supervision, gauged immediately by a customs officer, and thereupon released for deposit in the plant or warehouse pursuant to proper withdrawal permit, Form 1436 or Form 1463, and application for withdrawal on Form 1440 in triplicate. The details of the gauge will be reported on all copies of Form 1440 by the customs officer and the copies of Form 1440 distributed as provided in § 182.994. (*; Sec. 3125 (a), I. R. C.)

§ 182.997 *Gauging.* Upon receipt of the alcohol at the industrial alcohol plant, bonded warehouse, or denaturing plant from customs custody, it will be gauged in accordance with Articles XXI and XXV and the Gauging Manual, provided that where the bonded premises consist of storage tanks only, the spirits may be gauged upon receipt at such premises by any one of the following four methods, preference to be given in the order named:

(1) Weighed in scale tanks

(2) Gauged by volume in accurately calibrated storage tanks

(3) Weighed on railroad car scales located on bonded premises by weighing tank cars or tank trucks before and after filling and emptying, as the case may be

(4) Gauged by volume in accurately calibrated tank cars or tank trucks. (*; Sec. 3125 (a), I.R.C.)

§ 182.998 *Authorized transactions*—(a) *Industrial alcohol plant.* Imported alcohol received at an industrial alcohol plant may, after proper gauging and recording, be withdrawn before or after redistillation, free of tax, for any of the purposes authorized by these regulations, or withdrawn upon payment of the internal revenue tax and if withdrawn for beverage purposes, an additional tax equal to the duty which would have been paid had the spirits been imported for beverage purposes, less the duty already paid thereon.

(b) *Bonded warehouse.* Imported alcohol received at a bonded warehouse may, after proper gauging and recording, be withdrawn for redistillation and subsequent withdrawal or without redistillation, as provided in § 182.998 (a) or be withdrawn for denaturation as provided by these regulations.

(c) *Denaturing plant.* Imported alcohol received at a denaturing plant may, after proper gauging and recording, be withdrawn either denatured or undenatured pursuant to a withdrawal permit as provided by these regulations.

(d) *Imported alcohol to be kept separate.* Since the imported alcohol is eligible for withdrawal for beverage purposes, and is subject when so withdrawn, to an additional tax equal to the duty which would have been applicable had such spirits been imported for beverage purposes, less the duty already paid thereon, it must be kept separate at the industrial alcohol plant or bonded warehouse in which it is redistilled or stored and may not be mixed therein with domestic alcohol or imported alcohol which may be subject to a different rate of additional tax. Such alcohol may be transferred in bond between industrial alcohol plants, bonded warehouses and denaturing plants for the purposes authorized by paragraphs (a), (b) and (c). (*; Sec. 3125 (a), I.R.C.)

§ 182.999 *Taxpayment.* The basic internal revenue tax imposed by section 2800, I. R. C., shall be paid as to the imported alcohol in the manner prescribed by these regulations when withdrawn from an industrial alcohol plant or bonded warehouse for a tax-paid purpose. However, if the alcohol is withdrawn for beverage purposes, there shall be paid an additional tax equal to the duty which would have been applicable had the spirits been imported for beverage purposes, less the duty already paid thereon. Such additional tax shall be referred to as "additional tax—less duty," and shall be paid at the same time as the basic internal revenue tax. Such tax shall be computed at the rate specified on the application, Form 1440, covering withdrawal from customs custody, submitted in accordance with § 182.994. In computing such tax, credit will be taken for the duty already paid on the alcohol. The total taxable quantity in proof gallons to be withdrawn, as reported in Column 7 of the withdrawal application, Form 1440, shall be used as the basis of computation of the tax at the rate indicated. The amount of the "additional tax—less duty" and nature thereof will be stated separately in the application for taxpayment, Form 1440, as to packages or cases, or Forms 1440 and 1594, as to removals in tank cars, etc., as the case may be. Upon receipt of Form 1440, or Forms 1440 and 1594, and the remittance for the total taxes due, the amount of the "additional tax—less duty" will be listed for assessment by the collector on his current Distilled Spirits Tax List. The collector will certify separately on Form 1440 or on Forms 1440, 1594, and 1595 the payment of the "additional tax—less duty." (*; Sec. 3125 (a), I.R.C.)

§ 182.1000 *Records*—(a) *Industrial alcohol plant.* All imported alcohol requiring redistillation received at an industrial alcohol plant, either direct from customs custody or by transfer from another plant or warehouse, except where received in packages, shall be deposited in closed locked tanks in the alcohol plant. Such alcohol may then be redistilled and withdrawn, or withdrawn without redistillation, in the manner prescribed by these regulations. All transactions involving such alcohol shall be reported on separate Forms 1442, 1452–A and B, 1454, and 1488 where the proprietor does not operate a bonded warehouse. Such reports shall be marked "Imported Alcohol Transactions." Where the alcohol is received direct from customs custody, the country of exportation shall be stated on Form 1442 in the statement of "Materials Received During the Month." All removals of imported alcohol shown on Form 1488 will be reported by the district supervisor in a separate monthly account, Form 1487, appropriately modified where necessary. Such account shall be designated "Imported Alcohol Transactions."

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[1] The asterisk at end of sections refers to sections 3105, 3124 (a) (6), and 3176 of the Internal Revenue Code.

(b) *Bonded warehouse.* Imported alcohol received at a bonded warehouse, either direct from customs custody or by transfer from the alcohol plant or in bond from another plant or warehouse and withdrawn therefrom in the manner provided by these regulations, shall be reported on separate Forms 1443–A or 1443–B. Where the alcohol is received direct from customs custody, the country of exportation shall be stated in the detailed statements of such forms. Such alcohol shall be reported by the district supervisor in the separate report of imported alcohol transactions on Form 1487.

(c) *Denaturing plant.* Imported alcohol received at a denaturing plant, either direct from customs custody or by transfer from an alcohol plant or bonded warehouse, shall be reported on the regular denaturing plant forms in the same manner as alcohol of domestic origin. Where the alcohol is received direct from customs custody, the country of exportation shall be stated in the detailed statement of receipts on Form 1468–A, but thereafter such alcohol need not be separately reported.

(d) *Transfers in bond.* Where imported alcohol is transferred in bond, the transfer papers, Forms 1436, 1439 and 1440, in the case of transfers between warehouses, and Forms 1463, 1439 and 1440, in case of transfers from a warehouse to a denaturing plant, must specify that the alcohol to be transferred is imported alcohol. In each such case the rates of duty specified by § 182.994 shall be transcribed to the Form 1440 covering the transfer. (*; Sec. 3125 (a), I.R.C.)

§ 182.1001 *Losses.* Losses of imported alcohol, which occur in transit from customs custody to industrial alcohol plants, bonded warehouses, or denaturing plants, will be adjusted in accordance with the provisions of § 182.635. Where claims for remission of tax covering such losses are required, such claims will be filed by the proprietor of the plant or warehouse in accordance with § 182.637. Losses of such spirits occurring after receipt at the industrial alcohol plant, bonded warehouse, or denaturing plant, will be adjusted and claims therefor filed where necessary in accordance with the provisions of these regulations pertaining to losses of domestic alcohol. (*; Sec. 3125 (a), I.R.C.)

Article XLVI—Withdrawal of Imported Alcohol Tax Free for Use of the United States

§ 182.1002 *Withdrawal from customs custody.* Upon filing proper customs entry, imported alcohol of 160 degrees of proof, or greater, may be withdrawn direct from customs custody for use by the United States or any governmental agency thereof, under the provisions of this article, or it may be withdrawn from customs custody and be redistilled, warehoused, or denatured and subsequently withdrawn for use of the United States or governmental agency thereof under the provisions of Article XLV. (*; Sec. 3125 (b), I.R.C.)

§ 182.1003 *Form 1444*—(a) *Application.* Where alcohol is withdrawn direct from customs custody, application on Part 1 of Form 1444, shall be executed in duplicate by the United States or governmental agency thereof, and forwarded direct to the Commissioner of Internal Revenue for issuance of permit. The application shall name the port of entry through which the alcohol is to be withdrawn and each location to which it will be shipped. The provisions of § 182.172 shall apply to the signing of such applications.

(b) *Permit.* Upon receipt of an application on Form 1444, from the United States or governmental agency thereof for permit to withdraw and use imported alcohol free of tax, the Commissioner will, if he approves the application, issue permit on Part II of the Form 1444. Basic permits, Form 1444, shall be numbered serially in the order of issuance. The serial number of permits, Form 1444, shall be preceded by the symbol "US–TFI." The original copy of the Form 1444 shall be forwarded to the department, bureau, office or other agency of the United States making application for the permit. One copy will be retained by the Commissioner for his files.

(c) *Use of permit.* The department, bureau, office or other agency of the United States, in order to procure alcohol from customs custody, shall forward the permit to the collector of customs at the port named therein. The collector of customs may retain such permit to cover future withdrawals pursuant to appropriate customs entry in each case. (*; Sec. 3125 (b), I.R.C.)

§ 182.1004 *Limitation of permit.* Permits on Form 1444 to procure alcohol free of tax from customs custody will not limit the quantity of alcohol authorized to be procured. Such permits, however, shall name the port of entry through which the alcohol is to be withdrawn and each location to which it will be shipped. If it is desired to procure alcohol from more than one port of entry, a separate must be procured authorizing withdrawal from each port. All such permits will remain in force until surrendered or cancelled. (*; Sec. 3125 (b), I.R.C.)

§ 182.1005 *Customs gauge and release.* Upon receipt of customs entry for permit on Form 1444, the alcohol will be gauged by the customs officer who will prepare a report of gauge on Form 1440, in triplicate. The alcohol may then be released free of tax for shipment to the United States or governmental agency thereof named in the permit, Form 1444, subject to the conditions hereinafter stated. The original of Form 1440 shall be retained by the collector of customs, one copy shall be forwarded to the governmental agency to whom the alcohol is consigned, and one copy shall be forwarded direct to the Commissioner of Internal Revenue. The customs officer will state on each copy of Form 1440 the permit number of Form 1444 under which the alcohol was withdrawn. (*; Sec. 3125 (b), I.R.C.)

§ 182.1006 *Bill of lading and customs seals.* Where the alcohol is transported by common carrier, the person to whom the alcohol was delivered for shipment shall furnish a copy of the bill of lading covering transportation of the alcohol from the port of entry to final destination to the governmental agency of the United States to whom the alcohol is consigned. If the alcohol is shipped in tank cars or tank trucks, all openings affording access to the tanks will be sealed by the customs officer with customs seals. (*; Sec. 3125 (b), I.R.C.)

§ 182.1007 *Notice and receipt of shipment, Form 1453.* At the time of shipping alcohol tax-free to the United States or governmental agency thereof, the collector of customs will prepare Form 1453 and forward it to the government officer to whom the alcohol is to be delivered at destination. Such government officer upon receiving the shipment will execute the certificate of receipt and forward the form to the Commissioner of Internal Revenue. (*; Sec. 3125 (b), I.R.C.)

§ 182.1008 *Transportation by carrier.* The provisions of these regulations and Treasury Decision 5164 (26 CFR, Part 171, Subpart H) respecting the transportation of tax-free alcohol under permit, Form 145, issued by the district supervisor, shall apply, and the forms and bonds shall be modified to apply, to the transportation of alcohol withdrawn free of tax from customs custody by the United States or governmental agency thereof. (*; Sec. 3125 (b), I.R.C.)

[SEAL] NORMAN D. CANN,
Commissioner of Internal Revenue.

Approved: October 31, 1942.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42–11291; Filed, November 2, 1942; 4:23 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A–1622]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in

Docket No. A–1622 in the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I and R–II, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; commencing forthwith, the Shipping Point and Freight Origin Group appearing in the aforesaid Supplement R–II for the coals of Mine Index Nos. 2121 and 3497 shall be as therein shown instead of the Shipping Point and Freight Origin Group heretofore applicable to said mines; and commencing forthwith, the Shipping Point appearing in Supplement R–II for the coals of Mine Index No. 2619 shall be as therein shown instead of the Shipping Point heretofore applicable for this mine.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the Schedules attached are based upon the price classifications and minimum prices in effect on October 1, 1942 for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached Schedules do not differ, except in this regard, from the minimum prices proposed by petitioner.

Dated: October 17, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group No.]

Mine index No.	Code member	Mine name	Sub. dist. No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3072	Baer Brothers (Irwin Baer).	Baer	19	D	Madera, Pa.	PRR	45	(†)	(†)	C	(†)	(†)
2142	Burtner, C. P. (Burtner Coal Company).	Moscow #2	43	Big Vein	Barton, Md.	C&P	66	D	(†)	D	D	D
2143	Burtner, C. P. (Burtner Coal Company).	Moscow #3	43	Bak	Barton, Md.	C&P	66	H	(†)	H	H	H
3732	Davis, Charles W., Receiver Middle Penna. Coal Corporation.	Betz	13	A	Madera, Pa.	PRR	45	H	(†)	H	(†)	H
3733	Davis, Charles W., Receiver Middle Penna. Coal Corporation.	Bucher	13	A	Madera, Pa.	PRR	45	H	(†)	H	(†)	H
3734	Davis, Charles W., Receiver Middle Penna. Coal Corporation.	McDonald	13	D	Madera, Pa.	PRR	45	(†)	(†)	D	(†)	(†)
3607	Humphrey, Lee B. (The Humphrey Brick & Tile Company).	Black Prince #12	5	D	Fuller, Pa.	PRR	122	(†)	(†)	(*)	E	(†)
3644	Moshannon Falls Mining Co. (H. D. Woolridge).	Mt. Carmel (d).	9	B	Karthaus, Pa.	NYC	44	(†)	(†)	G	G	G
3546	Moshannon Falls Mining Co. (H. D. Woolridge).	Mt. Carmel #2(s)	9	C	Karthaus, Pa.	NYC	44	(†)	(†)	E	(†)	(†)
3735	Sutter, J. L.	Sutter #2	6	E	Sprankle Mills, Pa.	P&S	119	(†)	(†)	F	(†)	(†)
2127	Swanks Sons, Inc., Hiram.	Swank #6	15	B	Clymer, Pa.	NYC-PRR.	60	(†)	(†)	G	(†)	(†)
3736	Swanks Sons, Inc., Hiram.	Swank #13	18	C′	Dean, Pa.	PRR	52	(†)	(†)	E	(†)	(†)

*When shown under a Size Group Number, this symbol indicates coals previously classified for this Size Group.
†When shown under a Size Group Number this symbol indicates no classification effective for this Size Group.

amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the Schedules attached are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached Schedules do not differ, except in this regard, from the minimum prices proposed by petitioner.

Dated: October 15, 1942.

[SEAL] DAN H. WHEELER,
Director.

[Docket No. A-1651]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I and R-II, and § 321.24 (*General prices*) is

§ 321.7 *Alphabetical list of code members*—Supplement R-II

[Alphabetical listing of Code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3497	Miller Coal Co. (I. J. Helman).	Millen & Helman #2.	29	D	Johnstown, Pa.	J&SC	48	(†)	(†)	F	F	F
2619	Staley, James H.	Staley	6	D	Punxsutawney, Pa.	PRR	50	(†)	(†)	E	E	E
2121	Sutter, J. L.	Sutter's	6	D	Punxsutawney, Pa.	B&O	112	(†)	(†)	E	E	E

†When shown under a Size Group Number, this symbol indicates no classification effective for this Size Group.

NOTE: The above prices are applicable *only* via the respective Freight Origin Groups, Shipping Points, and Railroads shown for the respective mines. Shipping Points previously assigned to these mines are hereby deleted.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Sub district No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Blue Valley Coal Co. (J. V. Urmann).	3731	Blue Valley #2	2	Elk	B	(†)	(†)	230	(†)	(†)
Burtner, C. P. (Burtner Coal Company).	2142	Moscow #2	43	Alleghany	Big Vein	275	(†)	(*)	240	230
Burtner, C. B. (Burtner Coal Company).	2143	Moscow #3	43	Alleghany	Bak	255	(†)	(*)	220	210
Davis, Charles W., Receiver Middle Penna. Coal Corporation.	3732	Betz	13	Clearfield	A	255	(†)	230	(†)	210
Davis, Charles W., Receiver Middle Penna. Coal Corporation.	3733	Bucher	13	Clearfield	A	255	(†)	230	(†)	210
Davis, Charles W., Receiver Middle Penna. Coal Corporation.	3734	McDonald	13	Clearfield	D	(†)	(†)	250	(†)	(†)
Davis, George W.	3698	Helen Mae #2	36	Somerset	E	(†)	(†)	245	(†)	(†)
Humphrey, Lee B. (The Humphrey Brick & Tile Company).	3607	Black Prince #2	5	Jefferson	D	(†)	(†)	(*)	235	(†)
McLaughlin, Quinn H.	3679	McLaughlin	5	Jefferson	D	(†)	(†)	245	(†)	(†)
Moshannon Falls Mining Co. (H. D. Woolridge).	3644	Mt. Carmel (d)	9	Clearfield	B	(†)	(†)	235	225	215
Moshannon Falls Mining Co. (H. D. Woolridge).	3546	Mt. Carmel #2 (s).	9	Clearfield	C	(†)	(†)	245	(†)	(†)
Randalls, Burke	3678	Randall's Mine	44	Mineral	Bak	(†)	(†)	230	(†)	(†)
Schrock, Lyman	3641	Fortney	42	Garrett	Bak	(†)	(†)	230	(†)	(†)
Sutter, J. L.	3735	Sutter #2	6	Jefferson	E	(†)	(†)	240	(†)	(†)
Swanks Sons, Inc., Hiram	3736	Swank #13	18	Cambria	C	(†)	(†)	245	(†)	(†)
Winters, Charles	3737	K #3	14	Clearfield	C	(†)	(†)	240	(†)	(†)
Zacherl Coal Co.	3738	Andrew Stiglitz #14.	1	Clarion	A	265	240	240	230	220
Zacherl Coal Co.	3739	Zeitler #15	1	Clarion	A	260	235	235	225	215

†Indicates no classification effective for this Size Group.
*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 42-11194; Filed, November 2, 1942; 11:04 a. m.]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3781	Bahorik, Stephen	Bahorik	38	B	Cosgrove, Pa.	PRR	49	(†)	(†)	C	(†)	(†)
3782	Carlson, Ed. E. (Ed. E. Carlson Coal Co.).	Carlson #3	6	D	Punxsutawney, Pa.	PRR	50	(†)	(†)	E	(†)	(†)
3714	Center Hall Coal Mining Co. (Kathryn R. Stine).	Center Hall #1	21	A	Osceola Mills, Pa.	PRR	45	(†)	(†)	H	(†)	(†)
3778	Connacher & Smith (J. L. Smith).	Round Top #2 (D).	9	C	Mowry, Pa.	NYC	44	(†)	(†)	E	E	E
3779	Connacher & Smith (J. L. Smith).	Round Top #3 (S).	9	B	Mowry, Pa.	NYC	44	(†)	(†)	G	G	G
3780	Forsberg, Theodore	Forsberg #3	6	D	Anita, Pa.	PRR	50	(†)	(†)	E	E	E
3712	Knowles, Jonah	Knowles #2	8	C	Smoke Run, Pa.	PRR	45	(†)	(†)	F	(†)	(†)
3551	Limrick, J. L.	Whipporwill #2.	6	D	Hillman Branch (Punxsutawney), Pa.	PRR	50	(†)	(†)	E	(†)	(†)
547	Moore & Son, W. G. (W. G. Moore).	Moore #3	21	E	Osceola Mills, Pa.	PRR	45	(†)	(†)	(*)	G	G
3776	Moore & Son, W. G. (W. G. Moore).	Moore #4 (S).	21	D	Osceola Mills, Pa.	PRR	45	(†)	(†)	F	F	F
3777	Moore & Son, W. G. (W. G. Moore).	Moore #5	21	A	Osceola Mills, Pa.	PRR	45	(†)	(†)	H	H	H
1844	Pletcher Coal Company, John (John Pletcher).	Nicklow	40	C'	Confluence, Pa.	B&O	100	(†)	(†)	H	(†)	(†)

†Indicates no classification effective for these size groups.
*Indicates classifications and prices previously established for these size groups.

§ 321.7 *Alphabetical list of code members*—Supplement R-II

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group No.]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3578	O'Harah, Robert	Kennedy	5	D	Stanton, Pa.	P&S	119	(†)	(†)	E	(†)	(†)
2081	Sommerville Coal Co. (A. O. Sommerville).	Flannigan #1.	17	D	Patton, Pa.	PRR-NYC	60	(†)	(†)	E	(†)	(†)

†Indicates no classification effective for these size groups.

NOTE: The above prices are applicable only via the respective Freight Origin Groups, Shipping Points, and railroads shown for the respective mines. Shipping Points previously assigned to these mines are hereby deleted.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened, top size 2" and over	Double screened, top size 2" and under	Run of mine, modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Bahorik, Stephen	3781	Bahorik	38	Somerset	B	(†)	(†)	255	(†)	(†)
Carlson, Ed. E. (Ed. E. Carlson Coal Co.).	3782	Carlson #3	6	Jefferson	D	(†)	(†)	245	(†)	(†)
Center Hall Coal Mining Co. (Kathryn R. Stine).	3714	Center Hall #1	21	Center	A	(†)	(†)	230	(†)	(†)
Connacher & Smith (J. L. Smith)	3778	Round Top #2 (D).	9	Clearfield	C	(†)	(†)	245	235	225
Connacher & Smith (J. L. Smith)	3779	Round Top #3 (S).	9	Clearfield	B	(†)	(†)	235	225	215
Forsberg, Theodore	3780	Forsberg #3	6	Jefferson	D	(†)	(†)	245	235	225
Knowles, Jonah	3712	Knowles #2	8	Clearfield	C	(†)	(†)	240	(†)	(†)
Limrick, J. L.	3551	Whipporwill #2	6	Jefferson	D	(†)	(†)	245	(†)	(†)
Moore & Son, W. G. (W. G. Moore)	547	Moore #3	21	Clearfield	E	(†)	(†)	(*)	225	215
Moore & Son, W. G. (W. G. Moore)	3776	Moore #4 (S)	21	Clearfield	D	(†)	(†)	240	230	220
Moore & Son, W. G. (W. G. Moore)	3777	Moore #5	21	Clearfield	A	(†)	(†)	230	220	210

†Indicates no classification effective for this size group.
*Indicates classification and prices previously established for this size group.

[F. R. Doc. 42-11195; Filed, November 2, 1942; 11:04 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 134]

ORDER TO REPORT FOR WORK OF NATIONAL IMPORTANCE

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 50, entitled "Order to Report for Work of National Importance," effective immediately upon the filing hereof with the Division of the Federal Register.[1] The original supply of forms will be used until exhausted.

The foregoing revision shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of the Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

JUNE 20, 1942.

[F. R. Doc. 42-11218; Filed, November 2, 1942; 12:38 p. m.]

[No. 135]

NOTICE OF SELECTION

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 148, entitled "Notice of Selection," effective immediately upon the filing hereof with the Division of the Federal Register.[1] The supply of DSS Forms 148 shall be used until exhausted.

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JULY 18, 1942.

[F. R. Doc. 42-11219; Filed, November 2, 1942; 12:38 p. m.]

[No. 136]

REPORT OF TRANSMITTAL FORMS D. S. S. 166-167

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the

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[1] Filed as pa of the original document.

Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 171 "Report of Transmittal Forms D. S. S. 166–167," effective immediately upon the filing hereof with the Division of the Federal Register.[1] The supply of original DSS Form 171 on hand will be used until exhausted.

The foregoing revision shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of the Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

AUGUST 25, 1942.

[F. R. Doc. 42–11220; Filed, November 2, 1942; 12:38 p. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Amendment 2 to Suspension Order S–110]

CONNECTICUT REFINING CO.

Paragraph (a) of § 1010.110 *Suspension Order S–110,* issued October 14, 1942,[2] is hereby amended to read as follows:

(a) The Connecticut Refining Company, its successors and assigns, shall not deliver or cause to be delivered, directly or indirectly, in any calendar month, to any of the 27 service stations listed below, any motor fuel as the same is defined in Limitation Order L–70,[3] in excess of 25 per cent of the normal gallonage of such service station for such month, computed in accordance with the provisions of Limitation Order L–70, without the benefit of any adjustments under paragraph (e) of that order:

Joseph Aleria, doing business as Joe's Service Station, 189 Morgan Street, Hartford, Connecticut.

Irving Berkowitz, 119 Hartford Avenue, New Britain, Connecticut.

Benovenuto Bighinatti, doing business as Venice Filling Station, Newfield Street, Middletown, Connecticut.

Frank J. D'Amico, 211 Boston Post Road, Milford, Connecticut.

Connecticut Refining Co., Edward Shiner, Treasurer, (DeMute station), 299 Franklin Street, Norwich, Connecticut.

Joseph Cantor, 351 Connecticut Avenue, Bridgeport, Connecticut.

Herman Zamost, doing business as Economy Service Station, Park Road and Fairlawn Street, West Hartford, Connecticut.

George French and Harry French, doing business as French Bros., 626 East Main Street, Meriden, Connecticut.

Joseph Hirsch, 1147 Campbell Avenue, West Haven, Connecticut.

Metro Kociaba, doing business as K & M Service Station, 360 Seymour Avenue, Derby, Connecticut.

N. J. Larrivee, doing business as Nap Larrivee, 234 Forbes Avenue, New Haven, Connecticut.

Sidney Levinson, doing business as Viaduct Super Service, 74 State Street, New Haven, Connecticut.

Conney Pileski, doing business as Maple End Garage, 180 North Street, Bristol, Connecticut.

Jack Marsell, College St. & Crown Street, New Haven, Connecticut.

Ralph C. Miller, doing business as Manor Garage, 356 Savin Avenue, West Haven, Connecticut.

Constantino Racine, doing business as Universal Gas Station, 992 Bank Street, New London, Connecticut.

William A. Richards, doing business as the R & W Tire Company, 215–217 North Main Street, Bristol, Connecticut.

William A. Richards, doing business as Richards Service Station, 22 Main Street, Terryville, Connecticut.

Harold Ritchie, 50 Goffe Street, New Haven, Connecticut.

Henry L. Spieler, doing business as Spieler's Filling Station, Queen Street, Southington, Connecticut.

Robert A. Lalane, doing business as Shady Grove Service Station, Bristol Road, Farmington, Connecticut.

John Simpson, Main Street and Gerrish Avenue, East Haven, Connecticut.

Louis Present et al., doing business as State Street Auto Supply, 1519 State Street, Bridgeport, Connecticut.

Salvatore Bendott, doing business as Sully's Service Station, 428 New Britain Road, Kensington, Connecticut.

Theodore Tessman, doing business as Tessman Service Station, 335 East Main Street, New Britain, Connecticut.

R. E. and Thomas Tomlinson, doing business as Tomlinson Bros., 801 Whalley Avenue, New Haven, Connecticut.

Bessie A. Weinstein, doing business as Park Battery Service, 421 Park Street, Hartford, Connecticut.

This amendment shall take effect immediately.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11221; Filed, November 2, 1942; 1:47 p. m.]

PART 1143—RAZORS AND RAZOR BLADES

[General Limitation Order L–72, as Amended November 3, 1942]

§ 1143.1 *General Limitation Order L–72*[1]—(a) *Definitions.* For the purposes of this order:

(1) "Safety razor" means any razor provided with a guard or guards for the blade to prevent cutting of the skin.

(2) "Straight razor" means any razor which is not a safety razor.

(3) "Razor blade" means any single-edged or double-edged blade intended for use in a safety razor.

(4) "Copper" means any copper or copper alloy or any unfinished parts containing any such copper or copper alloy entering into the manufacturing or fabrication or assembly of safety razors.

(5) "Manufacturer" means any person regularly engaged in processing, fabricating, working on or assembling safety razors, straight razors, razor blades or parts made specifically for incorporation into safety razors, straight razors or razor blades regardless of what materials are used for such production.

(6) "Put into process" or "processed" means the first change in the form of iron or steel made by a manufacturer from the form in which such iron or steel is received by him.

(7) "Transfer" means to sell, lease, trade, lend, deliver, ship or transfer razor blades from one person to any other person. For the purposes of this order, the following shall not be regarded as transfers:

(i) To sell, lease, trade, lend, deliver, ship or transfer razor blades from one branch, division, or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control;

(ii) A transfer of title merely for security purposes;

(iii) Transfers of razor blades to and from warehouses where no substantial change in right, title or ownership to such razor blades is affected;

(iv) Transfers to and from carriers in order to effect the transfers specified in this paragraph.

(b) *Restrictions on production of safety razors.* (1) On and after November 3, 1942, no manufacturer shall use any copper in the production of safety razors except for plating purposes, provided that the copper so used does not exceed an average thickness of .0004 inch in the safety razors produced by him.

(2) On and after November 3, 1942, no manufacturer shall process, fabricate, work on or assemble any safety razors except to or for the account of the Army or Navy of the United States, government agencies or other persons acquiring safety razors for export to and consumption or use in any foreign country, or for the government of any country pursuant to the Act of March 11, 1942, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), and only in accordance with the provisions of paragraph (b) (3) of this order.

(3) On or before the 15th day of November, 1942, and on or before the 15th day of December, 1942, and on or before the 15th day of each third succeeding calendar month thereafter, each manufacturer shall file with the Director General for Operations a statement in writing which shall include:

(i) Such manufacturer's proposed production schedules for safety razors so far as then planned, but in any event for not less than the three calendar months following the filing of the report; and

(ii) His proposed delivery schedules of safety razors so far as then planned, but in any event for not less than the three calendar months following such filing. The production and delivery schedules for the three calendar months following the filing of the report shall be deemed to be authorized by the Director General for Operations upon the receipt of the statement by the War Production Board, unless the Director General for Operation shall otherwise direct. The Director General for Operations may, at any time, change any schedules; direct the cancellation of any order shown on any schedule; prescribe any other schedule for production or deliveries for any period, regardless of whether a schedule for such period, or any part thereof, has been reported by the manufacturer or theretofore approved by the Director General for Operations; allocate any order listed on the report to any other manufacturer; or direct the delivery of any safety razors so listed to any other person, at the established price and terms. No manufacturer shall produce or deliver any safety razors except in accordance with schedules approved or prescribed by the Director General for Operations as above provided; and no manufacturer shall alter any such approved or prescribed production or delivery schedules unless authorized or directed to do so by the Director General for Operations.

(c) *Restrictions on production of straight razors.* (1) During the period beginning November 3, 1942, and ending December 31, 1942, inclusive, no manufacturer shall produce straight razors in an amount greater than 8½% of the number of units of straight razors produced by him during 1940.

(2) On and after January 1, 1943, no manufacturer shall process, fabricate, work on or assemble any straight razors.

(d) *Restrictions on production of safety razor blades.* (1) On and after November 3, 1942, no manufacturer shall produce or transfer any razor blades for the account of the Army or Navy of the United States, except in accordance with the provisions of paragraph (e) of this order.

(2) During the three months period beginning October 1, 1942, and ending December 31, 1942, inclusive, and for each three months period thereafter, no manufacturer shall:

(i) Produce or transfer more razor blades for the account of any persons, other than the Army or Navy of the United States, than the greater of the following amounts:

(*a*) 21% of the number of units of razor blades produced by him during 1940 for sale purposes (including Army and Navy), or

(*b*) 15½% of the number of units of razor blades produced by him during 1941 for sale purposes (including Army and Navy);

(ii) Put into process more steel in the production of double-edged razor blades for the account of any person, other than the Army or Navy of the United States, than the greater of the following amounts:

(*a*) 21% of the amount of steel processed by him in the production of double-edged razor blades during 1940 for sale purposes (including Army and Navy), or

(*b*) 15½% of the amount of steel processed by him in the production of double-edged razor blades during 1941 for sale purposes (including Army and Navy);

(iii) Put into process more high carbon steel in the production of single-edged razor blades for the account of any persons, other than the Army or Navy of the United States, than the greater of the following amounts:

(*a*) 21% of the amount of high carbon steel processed by him in the production of single-edged razor blades during 1940 for sale purposes (including Army and Navy); or

(*b*) 15½% of the amount of high carbon steel processed by him in the production of single-edged razor blades during 1941 for sale purposes (including Army and Navy).

(3) On and after December 15, 1942, no manufacturer shall process, fabricate, work on or assemble any single-edged razor blade which contains any low carbon steel backing of a thickness greater than .018 inches. The restrictions contained in this paragraph shall apply to all single-edged razor blades whether or not they are produced for the account of the Army or Navy of the United States.

(4) During the period beginning November 3, 1942, and ending December 31, 1942, inclusive, and during the three months period beginning January 1, 1943, and during each three months period thereafter, no manufacturer shall transfer more razor blades produced by him after November 3, 1942, to or for the account of:

(i) Government agencies or other persons acquiring safety razors for export to and consumption or use in any foreign country, or for governments of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), than 18% of the number of units of razor blades produced by him during the period in which the transfer is made, or

(ii) The normal civilian requirements than 84% of the number of units of razor blades produced by him during the period in which the transfer is made.

The restrictions contained in this paragraph shall apply only to those razor blades produced pursuant to paragraph (d) (2) of this order.

(e) *Production of razor blades for the account of the Army or Navy of the United States.* On or before November 15, 1942, and on or before the 15th day of December, 1942, and on or before the 15th day of each third succeeding calendar month thereafter, each manufacturer shall file with the Director General for Operations, a statement in writing which shall include:

(1) Such manufacturer's proposed production schedules for razor blades by types (single and double-edged) which are to be produced by him for the account of the Army or Navy of the United States, so far as then planned, but in any event, for not less than the three calendar months following the filing of the report; and

(2) His proposed delivery schedules of razor blades by types (single and double-edged) for the account of the Army or Navy of the United States so far as then planned, but in any event for not less than the three calendar months following such filing. The production and delivery schedules for the three calendar months following the filing of the report shall be deemed to be authorized by the Director General for Operations upon receipt of the statement by the War Production Board, unless the Director General for Operations shall otherwise direct. The Director General for Operations may, at any time, change any schedules; direct the cancellation of any order shown on any schedule; prescribe any other schedule for production or deliveries for any period, regardless of whether a schedule for such period, or any part thereof, has been reported by the manufacturer or theretofore approved by the Director General for Operations; allocate any order listed on the report to any other manufacturer; or direct the delivery of any razor blades so listed to any other person, at the established price and terms. No manufacturer shall produce or transfer any razor blades on and after November 15, 1942, to or for the account of the Army or Navy of the United States, except in accordance with schedules approved or prescribed by the Director General for Operations as above provided; and no manufacturer shall alter any such approved or prescribed production or delivery schedules unless authorized or directed to do so by the Director General for Operations.

(f) *Reports.* (1) Every manufacturer affected by this order shall execute and file with the War Production Board, Washington, D. C., Ref: L–72, on or before November 15, 1942, a statement in writing showing:

(i) The number of safety razor blades for sale purposes by type (single-edged or double-edged) produced by him during 1940 and 1941 (including Army and Navy), showing the thickness and type (high or low carbon) of steel used for each type of blade and the total weight in tons of such steel by thickness and type (high or low carbon);

(ii) The base period (1940 or 1941) under which he will operate pursuant to paragraph (d) (2) of this order;

(iii) The number of units of straight razors produced during 1940 (including Army and Navy);

(iv) The number of units of safety razors produced during 1940 and 1941 (including Army and Navy).

(2) Every manufacturer affected by this order shall execute and file with the War Production Board, Washington, D. C., Ref: L–72, on or before the 10th day following the close of each calendar month, Form PD–655.

(g) *Records.* All persons affected by this order shall keep and preserve for not less than two years, accurate and complete records concerning inventories, production, and sales.

(h) *Audit and inspection.* All records required to be kept by this order shall upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *Avoidance of excessive inventories.* No manufacturer of safety razors, straight razors, and razor blades shall accumulate for use in the manufacture of such safety razors, straight razors, and razor blades, inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production at the rates permitted by this order.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

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[1] Filed as part of the original document.

[2] 7 F.R. 8349, 8460.

[3] 7 F.R. 5552, 6419.

[1] 7 F.R. 2297, 4778, 6069.

(k) *Appeal.* Any person affected by this order who considers that it works an exceptional or unreasonable hardship upon him may apply for relief by forwarding a letter addressed to the War Production Board, Consumers' Durable Goods Branch, Washington, D. C., Ref.: L–72, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(l) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the Director of Priorities, the Director of Industry Operations or the Director General for Operations, limits the use of any material in the production of safety razors, straight razors, and razor blades to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(m) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(n) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Washington, D. C., Ref.: L–72.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11322; Filed, November 2, 1942; 10:47 a. m.]

Chapter XI—Office of Price Administration

PART 1301—MACHINE TOOLS

[RPS 67,[1] Amendment 18]

NEW MACHINE TOOLS

A statement of the considerations involved in the issuance of this amendment has been prepared and filed with the Division of the Federal Register.*

In subparagraph (7) of § 1301.51 (a) the numbers "100" and "50" appearing in the table therein set forth under the heading "Quantity" are amended to read "85" and "65", respectively.

§ 1301.59a *Effective dates of amendments.* * * *

(r) Amendment No. 18 (§ 1301.51 (a) (7)) to Revised Price Schedule No. 67 shall become effective November 7, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11229; Filed, November 2, 1942; 2:27 p. m.]

PART 1334—SUGAR, CONFECTIONERY AND SOFT DRINKS

[RPS 60,[1] Amendment 4]

DIRECT-CONSUMPTION SUGARS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new § 1334.62 is added as set forth below:

§ 1334.62 *Applicability* The provisions of this Revised Price Schedule No. 60 shall not apply to sales and deliveries of direct-consumption sugars to or in the territories and possessions of the United States.

§ 1334.60a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§ 1334.62) to Revised Price Schedule No. 60 shall become effective November 7, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11230; Filed, November 2, 1942; 2:25 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS

[MPR 257]

PULPWOOD PRODUCED IN OR SOLD INTO THE STATES OF MINNESOTA, MICHIGAN AND WISCONSIN

In the judgment of the Price Administrator the price of pulpwood has risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the price of pulpwood prevailing in the states of Minnesota, Michigan and Wisconsin between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. The Price Administrator has advised and consulted with representative members of the industry. In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this regulation has been prepared and is issued simultaneously herewith.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, Maximum Price Regulation No. 257 is hereby issued.

Sec.	
1347.351	Prohibitions.
1347.352	Less than maximum prices.
1347.353	Adjustable pricing.
1347.354	Evasion.
1347.355	Records and reports.
1347.356	Enforcement.
1347.357	Petitions for amendment.
1347.358	Definitions.
1347.359	Effective date.
1347.360	Appendix A: Maximum prices for pulpwood.

AUTHORITY: §§ 1347.351 to 1347.360, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1347.351 *Prohibitions.* On and after November 7, 1942, in the continental limits of the United States, regardless of any contract, agreement, lease or other obligation, no person shall buy and no person shall sell, deliver or transfer pulpwood cut from the stump in the states of Minnesota, Michigan, or Wisconsin, and no person shall purchase pulpwood cut from the stump within the continental limits of the United States, for consumption in the aforesaid states, at prices in excess of the maximum prices set forth in Appendix A hereof; and no person shall agree, offer, solicit, or attempt to do any of the foregoing: *Provided, however,* That the maximum prices established by this Maximum Price Regulation No. 257 shall not apply to pulpwood cut, peeled and sold or contracted to be sold prior to November 7, 1942.

§ 1347.352 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1347.360) may be charged, demanded, paid or offered.

§ 1347.353 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1347.354 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 257 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to pulpwood produced in or sold into the states of Minnesota, Michigan, and Wisconsin, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other understanding, or otherwise.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1337, 1836, 2000, 2105, 2472, 2473, 2539, 2680, 3996, 3445, 3820, 4176, 5513, 5987, 7239, 7834.

[1] 7 F.R. 1320, 1836, 2132, 2510, 5664, 6787.

§ 1347.355 *Records and reports.* (a) Every person in the United States making a sale of pulpwood to a consumer in the course of trade or business for which a maximum price is established by this regulation and every consumer purchasing such pulpwood or importing pulpwood into the states of Minnesota, Michigan, and Wisconsin from a foreign country after November 6, 1942, shall keep records for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942 remains in effect, which records shall include:

(1) The name of the buyer or seller and the county and state, or the province in which the wood was cut;

(2) The quantity of pulpwood bought or sold by species and condition, (i. e., rough, rossed or peeled) or contracted to be bought or sold, in cords;

(3) The price per cord, and the pricing point;

(4) The cost and means of delivery to the pricing point, and to the consuming mill, if known to the person keeping the record.

(b) Such persons shall submit such reports to the Office of Price Administration as it may from time to time require.

(c) None of the requirements of paragraph (a) of this section shall apply to any farmer, as hereinafter defined, or other individuals whose primary means of livelihood is any trade, business or profession not connected with the production or marketing of any forest product.

§ 1347.356 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 257 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 257 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1347.357 *Petitions for amendment.* (a) Persons seeking any amendment of this Maximum Price Regulation No. 257 may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1347.358 *Definitions.* (a) When used in this Maximum Price Regulation No. 257, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing;

(2) "Pulpwood producer" or "Seller" includes any person who sells pulpwood;

(3) "Consumer" includes any person who purchases pulpwood for its own consumption;

(4) "Pulpwood" means any spruce, balsam fir, hemlock, jack pine, or poplar wood sold for manufacture into woodpulp;

(5) "Spruce wood" includes Black spruce (*Picea mariana*) and White spruce (*Picea glauca*);

(6) "Balsam fir wood" includes *Abies balsamea;*

(7) "Jack Pine wood" includes Jack pine (*Pinus banksiana*), Pitch pine (*Pinus rigida*), White pine (*Pinus strobus*), and Norway pine (*Pinus resinosa*);

(8) "Hemlock wood" includes *Tsuga canadensis;*

(9) "Poplar wood" includes any commercial species of the genus *Populus;*

(10) "Peeled" pulpwood includes any pulpwood from which the bark has been removed by any manual process prior to its delivery to a consumer;

(11) "Rossed" pulpwood includes any pulpwood from which the bark has been removed by any mechanical process prior to its delivery to a consumer;

(12) "Rough" pulpwood means pulpwood from which the bark has not been removed.

(13) A "cord" of pulpwood means an amount of pulpwood (whether peeled, rossed, or rough) which, when properly stacked, contains not less than 128 nor more than 133 cubic feet.

(14) "Farmer" means any individual producer of pulpwood whose primary means of livelihood is agriculture or dairying, as distinguished from the production or marketing of any forest product;

(15) "Culls" means decayed sticks of wood, or sticks otherwise unsuited for manufacture into woodpulp;

(16) A "shipment" of pulpwood means an amount of pulpwood delivered at a single time to a purchaser, or to a common carrier for delivery to a purchaser, pursuant to the terms of any contract or agreement between a purchaser and a seller;

(17) "Sale" or "sold" includes sales and deliveries, sales, and contracts to sell pulpwood.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1347.359 *Effective date.* This Maximum Price Regulation No. 257 (§§ 1347.351 to 1347.360, inclusive) shall become effective on November 7, 1942.

§ 1347.360 *Appendix A: Maximum prices for pulpwood.* (a) Prices may not exceed the prices set forth below. The maximum prices set forth below are established per cord, f. o. b. common or contract carrier (or f. o. b. loading point if there is no vehicle at the loading point when the wood is delivered there), f. a. s. vessel, or at streamside, or, in case of delivery to the purchaser by a conveyance owned or controlled by the seller, f. o. b. purchaser's mill.

	Rough	Peeled or rossed
(1) Spruce wood	$14.00	$17.00
(2) Balsam wood	11.00	14.00
(3) Jack pine wood	8.00	12.00
(4) Hemlock wood	9.00	11.00
(5) Poplar wood	6.50	[1] 10.50 [2] 9.00

[1] For 147 cubic feet of properly piled wood cut in 55" lengths.

[2] For 133 cubic feet of properly piled wood cut in 100" lengths.

(b) The prices established herein are for sound wood of top quality. All trade practices and customs with respect to allowances for culls, for firekills, or for defective wood of any kind must be observed.

(c) *Mixed shipments.* If a shipment contains a mixture of species, the maximum price per cord shall be ascertained by determining the number of cords of each species in the shipment and then applying the maximum price for each species.

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11208; Filed, November 2, 1942; 12:05 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 225,[1] Amendment 1]

PRINTING AND PRINTED PAPER COMMODITIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* In § 1347.475, the following undesignated paragraphs are amended to read as set forth below:

§ 1347.475 *Appendix A: Commodities.* * * *

Bound blank books, including but not limited to: * * *

Memorandum books, such as appointment books (except for resales), date books (except for resales), diaries (except for resales), memo books, pass books, telephone-address books, telephone call pads, travelers' expense books.

* * * * *

Greeting cards and related products, as follows:

- Greeting cards (except resales of Christmas and New Year's nonpersonalized greeting cards).
- Decorated tags, seals, and enclosures (except resales of Christmas and New Year's tags, seals and enclosures).
- Printed gift wrapping papers (except resales of Christmas and New Year's printed gift wrapping papers).
- Gift money holders (except resales of Christmas and New Year's gift money holders).
- Mottoes.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7593.

Greeting cards and related products—Con.
- Printed decorative paper ribbons and tapes (except resales of Christmas and New Year's printed decorative paper ribbons and tapes).
- Social calendars (except for resales).
- Souvenir post cards.

* * * * *

Commercial supplies, as follows:
- Bonds.
- Certificates.
- Commercial calendars (except separate bases made of materials other than paper and paperboard, and except for resales).
- Commercial forms.
- Commercial letter heads.
- Coupons, checks, and tickets (except pin tickets and marking machine tickets).
- Currency.
- File folders and dividers.
- Guide cards.
- Index cards.
- Labels, package wraps, and bands.
- Legal forms and contracts.
- Ruled legal papers.
- Blotters.

* * * * *

§ 1347.474a *Effective date of amendments.* (a) Amendment No. 1 (§ 1347.475) to Maximum Price Regulation No. 225 shall become effective November 7, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11231; Filed, November 2, 1942; 2:25 p. m.]

PART 1372—SEASONAL COMMODITIES

[MPR 210,[1] Amendment 5]

RETAIL AND WHOLESALE PRICES FOR FALL AND WINTER SEASONAL COMMODITIES

A statement of the considerations involved in the issuance of this Amendment No. 5 is issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1372.112 changes are made in paragraphs (a) (1), (2), (3), (4), (5), (6), (7), (8), (10), (11), (d) (2), (3), (f) (4), (g) (6), (h) (26), and new subparagraphs are added as follows: (a) (11), (d) (4), (f) (5), (6), (g) (10), (h) (28), (29), (30), and (31):

§ 1372.112 *Appendix A: List of fall and winter seasonal commodities.* * * *

(a) *The following designated types of coats, jackets, vests, pants, shirts, etc.*

(1) Coats, jackets and vests when fully lined or entire body is lined with cotton flannel, cotton suede, cotton blanket or any wool or part wool materials, but not including tailored garments covered by Maximum Price Regulation No. 177[2] or rainwear garments (men's and boys' only—all sizes except infants' garments);

(2) Mackinaws, swagger and fingertip coats, but not including tailored garments covered by Maximum Price Regulation No. 177[2] (men's and boys' only—all sizes);

(3) Shirts made of wool, part wool, cotton flannel or cotton suede (men's and boys' only—all sizes except infants' garments);

(4) Jackets, loafer coats and pants made of wool and part-wool kersey, melton, plaid or fleece, weighing 18 ounces or more per yard on 54 inch width basis, excepting tailored garments covered by Maximum Price Regulation No. 177[2] (men's and boys' only—all sizes);

(5) Jackets and coats made of leather, or of leather combined with wool or part-wool kersey, melton, plaid or fleece weighing 18 ounces or more per yard on 54 inch width basis (men's and boys' only—all sizes, except infants' garments):

(6) Leather coats and jackets when bodies and sleeves are made entirely of leather (women's and girls' only—all sizes except infants' garments);

(7) Corduroy coats, suits, jackets, vests, pants and overalls (men's and boys' only—all sizes except infants' garments);

(8) Water repellent duck clothing and all hunting clothing including coats, vests, pants, caps and hats (men's and boys' only—all sizes);

(9) Smoking jackets;

(10) Ski and skating outerwear clothing including pants, jackets, mittens, caps and hoods, and combinations of these (for both sexes and in all sizes—except women's, girls' and children's jackets, skirts, coats and skating suits covered by Maximum Price Regulation No. 153, as amended[3] and except infants' and children's ski pants up to and including size 14);

(11) Knitted wool vests, 9 pounds and over per dozen (men's and boys' only);

* * * * *

(d) *The following designated types of gloves.* (1) Husking gloves and husking mittens;

(2) Fully lined work gloves;

(3) Gloves and mittens made of or fully lined with fur, wool, part wool, brushed rayon or leather, but not including females' unlined leather gloves and unlined leather work gloves;

(4) Single thickness jersey work gloves, made of 9-ounce material or heavier;

* * * * *

(f) *The following designated types of robes, gowns, nightwear, etc.* * * *

(4) Robes made of wool, part wool or cotton blanket material (male and female, all sizes except infants' garments);

(5) Pajamas with knitted top and broadcloth pants (men's and boys' only—all sizes except infants' garments);

(6) Knitted bedsocks (women's and girls' only—all sizes except infants' garments).

(g) *The following designated miscellaneous articles.* * * *

(6) Leather and leatherette helmets, but not including athletic helmets, except as herein provided. * * *

(10) Muff beds.

(h) *The following designated types of appliances, toys and miscellaneous articles.* * * *

(26) Christmas, New Year's, and Thanksgiving ornaments and decorations including, but not limited to, tree ornaments, tree lights and holders, artificial trees, artificial wreaths and artificial paper fireplaces.

(27) * * *

(28) Fitted travel sets and toilet sets.

(29) Diaries, appointment books and date books.

(30) Social and commercial calendars.

(31) The following articles when specially printed for Christmas, and New Year's use: decorative tags, seals and enclosures, decorative paper ribbons and tapes, gift wrapping papers, non-personalized greeting cards and gift money holders.

* * * * *

§ 1372.111a *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§§ 1372.112 (a) (1), (2), (3), (4), (5), (6), (7), (8), (10) and (11), 1372.112 (d) (2), (3) and (4), 1372.112 (f) (4), (5) and (6), 1372.112 (g) (6) and (10), 1372.112 (h) (26), (28), (29), (30) and (31)) to Maximum Price Regulation 210 shall become effective November 7, 1942.

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11209; Filed, November 2, 1942; 12:05 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 1 to GMPR, Amendment 36]

DEFENSE SUPPLIES CORPORATION

Amendment No. 36 to Supplementary Regulation No. 1 to the General Maximum Price Regulation—Exceptions for Certain Commodities and Certain Sales and Deliveries.

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

In § 1499.26 a new subparagraph (9) is added to paragraph (b), as set forth below.

§ 1499.26 *Exceptions for certain commodities and certain sales and deliveries.* * * *

(b) The General Maximum Price Regulation shall not apply to the following sales or deliveries: * * *

(9) Sales and deliveries of ammunition by Defense Supplies Corporation.

* * * * *

(e) *Effective dates.* * * *

(37) Amendment No. 36 (§ 1499.26 (b) (9)) to Supplementary Regulation No. 1 shall become effective November 7, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11228; Filed, November 2, 1942; 2:27 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6789, 7318, 7173, 7912, 8651.

[2] 7 F.R. 5182, 5475, 6792, 6972, 7100, 7944.

[3] 7 F.R. 3901, 4381, 5869, 7010, 7535.

PART 1499—COMMODITIES AND SERVICES

[Order 75 Under § 1499.18 (b) of GMPR]

SEMMES HARDWARE COMPANY

Denial of application for adjustment of maximum prices under § 1499.18 (b) of the General Maximum Price Regulation—Order No. 75—Docket No. GF3-1289.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.875 *Denial of application for adjustment of maximum prices of fifty pound flaring lard cans sold by Semmes Hardware Company, Savannah, Georgia.* (a) The application of Semmes Hardware Company, Savannah, Georgia, filed August 10, 1942, and assigned Docket No. GF3-1289, requesting permission to increase the maximum price of fifty pound flaring lard cans is denied.

(b) This Order No. 75 (§ 1499.875) shall become effective November 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11225; Filed, November 2, 1942; 2:28 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 115 Under § 1499.3 (b) of GMPR]

MAXIMUM PRICE FOR SUBSTANDARD FERROMANGANESE

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation—Order No. 115.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered*, That:

§ 1499.979 *Authorization to sellers of substandard ferromanganese.* (a) Whenever a seller of substandard ferromanganese cannot determine his maximum price for such commodity under § 1499.2 of the General Maximum Price Regulation, the maximum price for such substandard ferromanganese shall be $120.00 per gross ton f. o. b. Atlantic Seaboard less $1.50 for each 1% of manganese contained below 78%.

(b) As used in this Order No. 115:

(1) "Substandard ferromanganese" means any high carbon ferromanganese containing less than 75% metallic manganese by weight.

(c) This Order No. 115 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 115 (§ 1499.979) shall become effective November 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11232; Filed, November 2, 1942; 2:25 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 116 Under § 1499.3 (b) of GMPR]

STEIN, HALL MANUFACTURING CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.980 *Approval of maximum price for Mold Inhibitor No. 3 manufactured by Stein, Hall Manufacturing Company.* (a) The maximum price for the sale of Mold Inhibitor No. 3 by Stein, Hall Manufacturing Company, 2841 S. Ashland Avenue, Chicago, Illinois, shall be $16.00 per hundred pounds.

(b) All discounts, trade practices and practices relating to the payment of shipping charges in effect during March 1942 on the sale of comparable products by the Stein, Hall Manufacturing Company shall apply to the maximum price set forth in paragraph (a).

(c) This Order No. 116 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 116 (§ 1499.980) shall become effective November 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11214; Filed, November 2, 1942; 12:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 117 Under § 1499.3 (b) of GMPR]

ARNER CO., INC.

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation—Order No. 117.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.981 *Approval of maximum prices for sales of pharmaceutical and proprietary products by the Arner Company, Inc.* (a) The maximum unit price for sales by the Arner Company, Inc. of Buffalo, New York, of pharmaceutical and proprietary products manufactured by it, for which a maximum price cannot be established under § 1499.2 of the General Maximum Price Regulation, shall be the sum which bears the same percentage relationship to the sum of items (1) and (2) below, as the net sales of the Arner Company, Inc. in March 1942, bore to the sum of raw material costs and manufacturing costs for all articles sold in that month, which percentage relationship is established in a statement filed by the Arner Company, Inc.

(1) Raw material costs per unit, computed on the basis of actual prices (not to exceed the applicable maximum prices) paid for raw materials, and in any case not to exceed the highest price charged in March 1942, by the actual supplier to a purchaser of the same class as the Arner Company, Inc.

(2) Manufacturing costs, equal to the sum of the applicable unit costs prevailing during March 1942 for the operations used in making the article to be priced, as specified in a list of unit manufacturing costs filed by the Arner Company, Inc. with the Office of Price Administration, dated September 10, 1942.

(b) All discounts, trade practices, and practices relating to the payment of shipping charges in effect during March 1942, on the sale by this company of pharmaceutical and proprietary products, shall apply to the maximum prices determined under paragraph (a).

(c) On or before the tenth day of each month, beginning with December 10, 1942, the Arner Company, Inc. shall submit to the Office of Price Administration in Washington, D. C. an individual report for each product priced under this Order No. 117 during the preceding month. Each such report shall include a description of the product so priced; a statement showing why the product cannot be priced under § 1499.2 of the General Maximum Price Regulation; the maximum price determined; and a detailed statement of the factors referred to in paragraph (a) of this order which were used in the determination of such maximum price. Each price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 117 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 117 (§ 1499.981) shall become effective November 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11217; Filed, November 2, 1942; 12:05 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 118 Under § 1499.3 (b) of GMPR]

THE UPJOHN COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.982 *Approval of maximum prices for sales of Minicaps B and Minicaps B with C*—(a) *Sales by The Upjohn*

Company—(1) *Maximum prices.* The maximum prices for sales by The Upjohn Company of Minicaps B or Minicaps B with C are established as set forth below:

	Per package of 30 capsules
Minicaps B	$1.05
Minicaps B with C	1.32

(2) *Discounts, allowances, and price differentials.* The Upjohn Company shall apply to the maximum prices set forth in subparagraph (1) of this paragraph for its sales of Minicaps B or Minicaps B with C all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of transportation costs, and any other customary discounts or allowances which were in effect in March, 1942, on its sales of Torulexin.

(b) *Sales by wholesale drug houses*—(1) *Maximum prices.* The maximum prices for sales by wholesale drug houses of Minicaps B or Minicaps B with C are established as set forth below:

	Per package of 30 capsules
Minicaps B	$1.24
Minicaps B with C	1.55

When used in this paragraph the term "wholesale drug house" means any person who sells a full or limited line of drug items to retail drug stores and who buys or receives on consignment or otherwise Minicaps B or Minicaps B with C and sells or resells them, without substantially changing their form, to retail drug establishments.

(2) *Discounts, allowances, and price differentials.* Any wholesale drug house making sales of Minicaps B or Minicaps B with C shall apply to the maximum prices set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March, 1942, on sales by the wholesale drug house of Torulexin or on sales of the vitamin B complex product most comparable to Minicaps B or Minicaps B with C if the wholesale drug house did not sell Torulexin in March, 1942.

(c) *Sales by retail drug establishments*—(1) *Maximum prices.* The maximum prices for sales by any retail drug establishment, either on prescription or otherwise, of Minicaps B or Minicaps B with C are established as set forth below:

	Per package of 30 capsules
Minicaps B	$1.58
Minicaps B with C	1.97

When used in this paragraph the term "retail drug establishment" means any person who buys Minicaps B or Minicaps B with C either from The Upjohn Company or from a wholesale drug house and resells them, without substantially changing their form, directly to consumers.

(2) *Discounts, allowances, and price differentials.* Any retail drug establishment making sales of Minicaps B or Minicaps B with C shall apply to the maximum prices set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March, 1942, on sales by the retail drug establishment of Torulexin or on sales of the vitamin B complex product most comparable to Minicaps B or Minicaps B with C if the retail drug establishment did not sell Torulexin in March, 1942.

(d) *Marking package with retail ceiling price.* The Upjohn Company shall mark each package of 30 capsules of Minicaps B sold by it with the words "OPA Retail Ceiling Price $1.58" and each package of 30 capsules of Minicaps B with C sold by it with the words "OPA Retail Ceiling Price $1.97". These words shall be printed or stamped in letters at least one quarter as large as those words used for the name of the product on the package in which the Minicaps B or Minicaps B with C is customarily sold by the seller at retail to the ultimate consumer when it is not sold on prescription, and the type shall be sufficiently bold and the words shall be printed or stamped in a color which sharply contrasts with the background so that the words are clearly legible. No retail drug establishment, except a person making a sale on prescription, shall make sales of Minicaps B or Minicaps B with C unless the package in which the product is sold is marked with the retail ceiling price as required by this paragraph.

(e) *Notification of maximum prices*—(1) *By The Upjohn Company.* The Upjohn Company shall accompany the first delivery of Minicaps B to each wholesale drug house or retail drug establishment or Minicaps B with C to each wholesale drug house or retail drug establishment with a notification of the maximum prices for sales by wholesale drug houses and the maximum prices for sales by retail drug establishments which are established by this Order No. 118. Such notification shall be effected by accompanying the first delivery of Minicaps B or Minicaps B with C to each wholesale drug house or retail drug establishment with a copy of paragraphs (b), (c), (d), and (e) of this Order No. 118 together with a statement that these maximum prices are established by Order No. 118 issued under § 1499.3 (b) of the General Maximum Price Regulation.

(2) *By a wholesale drug house.* Every wholesale drug house shall accompany the first delivery of Minicaps B or Minicaps B with C to each retail drug establishment with a notification of the maximum prices for sales by retail drug establishments which are established by this Order No. 118. Such notification shall be effected by accompanying the first delivery of Minicaps B or Minicaps B with C to each retail drug establishment with a copy of paragraphs (c) and (d) of this Order No. 118 together with a statement that these maximum prices are established by Order No. 118 issued under § 1499.3 (b) of the General Maximum Price Regulation.

(f) *Definitions.* When used in this order the term:

(1) "Minicaps B" means a vitamin preparation, each capsule of which contains the following amounts of specific vitamin substances:

	Mg.
Vitamin B_1 (thiamin chloride)	3.0
Vitamin B_2 (riboflavin)	2.0
Nicotinic acid amide	25.0
Calcium pantothenate	2.0
Vitamin B_6	2.0

(2) "Minicaps B with C" means a vitamin preparation, each capsule of which contains the following amounts of specific vitamin substances:

	Mg.
Vitamin B_1 (thiamin chloride)	3.0
Vitamin B_2 (riboflavin)	2.0
Nicotinic acid amide	25.0
Calcium pantothenate	2.0
Vitamin B_6	2.0
Vitamin C	50.0

(3) "Torulexin" means a vitamin preparation, each capsule of which contains the following amounts of specific vitamin substances:

	Mg.
Vitamin B_1 (thiamin chloride)	1.8
Vitamin B_2 (riboflavin)	.5
Nicotinic acid amide	5.0
Calcium pantothenate	.25
Vitamin B_6	.1

(g) This Order No. 118 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 118 (§ 1499.982) shall become effective on November 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11233; Filed, November 2, 1942; 2:24 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 119 Under § 1499.3 (b) of GMPR]

UNION BAY STATE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.983 *Approval of maximum prices for sock lining cement CS-207 manufactured by Union Bay State Company.* (a) Maximum prices for the sale by Union Bay State Company, 50 Harvard Street, Cambridge, Massachusetts, of sock lining cement CS-207 manufactured by that company shall be:

$2.63 per gallon in 55 gallon drums.
$2.68 per gallon in 5 gallons cans.

(b) All discounts, trade practices and practices relating to the payment of shipping charges in effect during March 1942 on the sale of comparable products by the Union Bay State Company shall apply to the maximum prices set forth in paragraph (a).

(c) This Order No. 119 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 119 (§ 1499.983) shall become effective November 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11226; Filed, November 2, 1942; 2:28 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 120 Under § 1499.3 (b) of GMPR]

CASTANEA PAPER COMPANY

On September 10 and 16, 1942, Castanea Paper Company, 230 Park Avenue, New York, New York, wrote to the Office of Price Administration asking for a determination of the ceiling prices applicable to sales of the printing papers manufactured by the Castanea Paper Company to that company's only customer—the Curtis Publishing Company. These letters have been considered as an application for a maximum price, filed pursuant to § 1499.3 (b) of the General Maximum Price Regulation. Due consideration has been given to the matter and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with § 1499.3 (b) of the General Maximum Price Regulation, issued by the Office of Price Administration, *It is hereby ordered:*

§ 1499.985 *Authorization for Castanea Paper Company to determine maximum prices for sales of printing paper to Curtis Publishing Company.* (a) The maximum price which may be charged for printing papers sold by the Castanea Paper Company to the Curtis Publishing Company shall be the price at which deliveries of such papers made during March 1942 were actually and tentatively billed.

(b) The maximum prices as established by this order shall be subject to adjustment at any time by the Office of Price Administration.

(c) This Order No. 120 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 120 (§ 1499.985) shall become effective November 3, 1942, and shall be applicable to all deliveries made by Castanea Paper Company to the Curtis Publishing Company since May 11, 1942, as well as to all future deliveries.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11227; Filed, November 2, 1942; 2:29 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 111 Under § 1499.18 (c) of GMPR]

GOEBEL COMPANY

Order 111 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-330.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1111 *Adjustment of maximum prices for Nut-Doh, a fresh coconut paste manufaceured by the Goebel Company for the confectionery trade.* (a) Any manufacturing confectioner may buy and receive from the Goebel Company, 1241 Belmont Avenue, Chicago, Illinois, and the Goebel Company may sell and deliver the fresh coconut paste known as Nut-Doh, manufactured by the herein named company, at a price not higher than the following:

22½¢ per pound, terms 2% 10 days net 30 days.

(b) The adjustment granted to the Goebel Company is subject to the condition that purchasers from the Goebel Company shall in no event charge more for products in which they use said coconut paste than their maximum prices as determined under paragraph (a) of § 1499.2 of the General Maximum Price Regulation or as adjusted under paragraph (a) of § 1499.18 of said regulation.

(c) All sellers are required to continue the same discounts, allowances and price differentials as were offered in March 1942, *Provided however,* That sellers may change discounts, allowances, and price differentials in a manner which will not effect an increase in the maximum price fixed herein.

(d) The Goebel Company shall mail, or otherwise supply to each buyer prior to the first delivery to such buyer, a notice reading as follows:

> The Office of Price Administration has permitted us to raise our maximum price for sales to you of Nut-Doh from 19¢ to 22½¢ per pound, terms 2% ten days, net 30 days. This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of Nut-Doh. In order that we may continue to provide you with Nut-Doh, it will be necessary for you to accept this reduction in your margin.

(e) All prayers of the petition not granted herein are denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 111 (§ 1499.1111) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(h) This Order No. 111 (§ 1499.1111) shall become effective November 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11210; Filed November 2, 1942; 12:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 112 Under § 1499.18 (c) 7 GMPR]

WEBSTER LUMBER COMPANY

Order 112 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-800.

§ 1499.1112 *Adjustment of maximum prices for sales of coal doors by Webster Lumber Company.* (a) On and after November 2, 1942, Webster Lumber Company of 2522 Como Avenue West, St. Paul, Minnesota, may sell and deliver, and offer, agree, solicit and attempt to sell and deliver, and any person may buy from said Webster Lumber Company, coal doors designed for converting railroad box cars into coal carrying cars at a price no higher than that hereinafter set forth:

51 cents each for coal doors 6′ x 24″
58 cents each for coal doors 7′ x 24″

(b) This Order No. 112 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 112 (§ 1499.1112) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(d) This Order No. 112 (§ 1499.1112) shall become effective November 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11215; Filed, November 2, 1942; 12:02 p. m.]

PART 1499—COMMODITIES & SERVICES

[Order 120 Under § 1499.18 (c) of GMPR]

COMFORT MANUFACTURING COMPANY

Order No. 120 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-1558.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.1120 *Adjustment of maximum prices for shaving cream, toothpaste, and gum massage, sold by Comfort Manufacturing Company, of Chicago, Illinois.* (a) Comfort Manufacturing Company may sell and deliver to Borun Brothers of Los Angeles, California, and such concern may buy and receive the following shaving cream, toothpaste, and gum massage, at the following maximum prices:

	Per gross
Shaverite brushless	$18.00
Shaverite shaving cream	18.00
Kleenrite tooth paste (peppermint)	12.00
Kleenrite tooth paste (spearmint)	12.00
Kleenrite gum massage	12.00

(b) All discounts, trade and freight allowances, upon the sale by Comfort Manufacturing Company of the products referred to in paragraph (a) above, during March, 1942, shall apply to the maximum prices set forth in paragarph (a).

(c) Upon issuance of this order, Comfort Manufacturing Company shall cause written notice to be sent to Borun Brothers, as follows:

> The Office of Price Administration has permitted us to raise our maximum price for the sales to you of Shaverite and Kleenrite products by Order, a copy of which is enclosed herewith. This price increase has been granted with the understanding that retail prices would not be raised. The OPA has not permitted you or any other seller to raise maximum prices for sales of such products.

(d) This Order No. 120 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 120 (§ 1499.1120) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 120 (§ 1499.1120) shall become effective November 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11234; Filed, November 2, 1942; 2:23 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 121 Under § 1499.18 (c) of GMPR]

CELMET PRODUCTS CO.

For reasons set forth in an opinion filed simultaneously herewith with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

§ 1499.1121 *Adjustment of maximum prices for sales of carbon paper by Celmet Products Company.* (a) The Celmet Products Company, 89 Allen Street, Rochester, New York, may sell and deliver #800 Celmet (Kresco) Superior carbon paper to the S. S. Kresge Company of Detroit, Michigan, at prices not exceeding $8.64 per gross of packages of twelve sheets, freight allowed to warehouse of purchaser in Brooklyn, New York, under terms and conditions of sale no less favorable to the purchaser than prevailed during March, 1942.

(b) This Order No. 121 (§ 1499.1121) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(c) This Order No. 121 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 121 under § 1499.18 (c) of the General Maximum Price Regulation shall become effective November 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued November 2, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11235; Filed, November 2, 1942; 2:23 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 122 Under § 1499.18 (c) of GMPR]

PLYMOUTH MANUFACTURING COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1122 *Adjustment of maximum prices for sales by the Plymouth Manufacturing Company, Plymouth, Indiana, of a wirebound packing box designed to carry 40 mm projectiles.* (a) The Plymouth Manufacturing Company, Plymouth, Indiana, may sell and deliver, and any person may purchase from said company, a wirebound packing box designed to carry 40 mm projectiles, at prices not higher than the price which the company would have quoted for delivery of such a box during March 1942, on the basis of material cost and labor rates prevailing in the company's plant during December 1941, which price bears a normal relation to the maximum prices established by the General Maximum Price Regulation for sales by the Plymouth Company of similar sizes and types of wirebound packing boxes.

(b) This Order No. 122 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 122 (§ 1499.1122) is hereby incorporated as a section of Supplementary Regulation No. 19, which contains modifications of maximum prices established by § 1499.2.

(d) This Order No. 122 (§ 1499.1122) shall become effective November 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11236; Filed, November 2, 1942; 2:23 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 123 Under § 1499.18 (c) of GMPR]

J. F. KIDDER MANUFACTURING CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered,* That:

§ 1499.1123 *Adjustment of maximum price for sale of #24 Little Blacksmith Slitting Shear manufactured by J. F. Kidder Manufacturing Co., Inc., of Burlington, Vermont.* (a) J. F. Kidder Manufacturing Co., Inc., of Burlington, Vermont, is hereby authorized to sell, offer to sell and deliver its #24 Little Blacksmith Slitting Shear and any person may buy, offer to buy, and receive from J. F. Kidder Manufacturing Co., Inc., said slitting shear at a list price of $200, less a discount of 25% to jobbers.

(b) This Order No. 123 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 123 (§ 1499.1123) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(d) This Order No. 123 (§ 1499.1123) shall become effective November 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11211; Filed, November 2, 1942; 12:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 124 Under § 1499.18 (c) of GMPR]

CREAMERY PACKAGE MANUFACTURING CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1124 *Adjustment of maximum prices for certain sales by The Creamery Package Manufacturing Company of matched sets of rough spruce staves, bottoms and covers for 63 pound butter tubs.* (a) The Creamery Package Manufacturing Company, Chicago, Illinois, may sell and deliver to the Menasha Wooden Ware Corp., Menasha, Wisconsin, and the latter may purchase from said company, two carloads of matched sets of rough spruce staves, bottoms and covers for 63 pound butter tubs at a price not higher than 25 cents per set, f. o. b. Toledo, Oregon.

(b) The Creamery Package Manufacturing Company, Chicago, Illinois, may sell and deliver to the Elgin Butter Tub Company, Elgin, Illinois, and the latter may purchase from said company, six carloads of matched sets of rough spruce staves, bottoms and covers for 63 pound butter tubs at a price not higher than 25 cents per set, f. o. b. Toledo, Oregon.

(c) This Order No. 124 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 124 (§ 1499.1124) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 124 (§ 1499.1124) shall become effective November 2, 1942.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250; 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11212; Filed, November 2, 1942; 12:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 125 Under § 1499.18 (c) of GMPR]

GOODRICH-GAMBLE CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1125 *Adjustment of maximum prices on certain sales by Goodrich-Gamble Company.* (a) The maximum prices for sales of Char-Tex Germicidal Mouth Wash by Goodrich-Gamble Company, St. Paul, Minnesota, to Char-Tex Sales Company, Minneapolis, Minnesota, shall be those prices which were in effect upon such sales from April 1, 1942, to May 10, 1942.

(b) All discounts, allowances, and trade practices in effect with respect to sales of Char-Tex by Goodrich-Gamble Company to Char-Tex Sales Company during March, 1942, shall remain in effect under this Order No. 125.

(c) At the time of the first delivery made at a price determined under this order, Goodrich-Gamble Company shall furnish Char-Tex Sales Company with the following notice:

> The Office of Price Administration has permitted us to raise our maximum price to you of Char-Tex from the maximum price established by the General Maximum Price Regulation to the prices which were in effect upon such sales by us to you during April 1, 1942, to May 10, 1942. This amount represents only that part of cost increases which we were unable to absorb, and it was granted with the understanding that prices for resales of this product by you would not be raised. The Office of Price Administration has not permitted you or any seller to raise maximum prices by reason of our increased price to you.

(d) All prayers of the applicant not granted herein are denied.

(e) This Order No. 125 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 125 (§ 1499.1125) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 125 (§ 1499.1125) shall become effective on November 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11216; Filed, November 2, 1942; 12:02 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 1 Under § 1499.13 (a) (2) of GMPR]

FIRESTONE TIRE AND RUBBER CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1201 *Granting of application to deviate from posting requirements of § 1499.13* (a) (1) *by The Firestone Tire and Rubber Company.* (a) The application of The Firestone Tire and Rubber Company, Akron, Ohio, filed September 26, 1942, and assigned File No. N-13 (a) (2)-1, requesting permission to deviate from posting requirements established by § 1499.13 (a) (1) of the General Maximum Price Regulation, with reference to all catalogs prepared by it to be mailed and distributed by or for its retail dealers and distributors, is hereby granted.

(b) In lieu of the requirements of § 1499.13 (a) (1), each catalog prepared by The Firestone Tire and Rubber Company shall carry upon its front cover or upon the first page following its front cover, the following notice:

> All prices shown in this catalog are our ceiling prices except as to some articles on which our ceiling may be slightly lower. However, as to any ceiling lower than prices shown for an article, the price charged to the consumer will not exceed the established ceiling.
>
> For all cost-of-living commodities shown in this catalog as designated by the General Maximum Price Regulation the ceiling prices are posted at the place in our stores where these commodities are offered for sale, and the ceiling prices are marked on the commodities. The ceiling prices on all items will be furnished upon request.

(c) This order may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 1 (§ 1499.1201) shall become effective November 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11213; Filed, November 2, 1942; 12:03 p. m.]

PART 1300—PROCEDURE

REVOCATION OF CERTAIN PROCEDURAL REGULATIONS

Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended and Executive Order 9250: *It is hereby ordered:*

(a) Sections 1300.121 to 1300.136, inclusive, Procedural Regulation No. 2, are hereby revoked.

(b) Sections 1300.801 to 1300.816, inclusive, Temporary Procedural Regulation No. 8, are hereby revoked.

(c) This Order of Revocation shall become effective 11:59 P. M., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11266; Filed, November 2, 1942; 3:57 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 25]

CHANGE IN REFERENCE TO CERTAIN PROCEDURAL REGULATIONS

A statement of the reasons involved in the issuance of this supplementary order, issued simultaneously herewith has been filed with the Division of the Federal Register.*

It is hereby ordered:

§ 1305.30 *Change in reference to certain procedural regulations.* (a) Any reference to Procedural Regulation No. 1 or to Procedural Regulation No. 2 in any price regulation heretofore issued by the Office of Price Administration shall hereafter be deemed to be to Revised Procedural Regulation No. 1. Applications for adjustment previously required to be filed pursuant to Procedural Regulation No. 1 or Procedural Regulation No. 2 shall hereafter be filed pursuant to Revised Procedural Regulation No. 1.

(b) "Price regulation", as used in this Supplementary Order No. 25 means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any amendment or supplement thereto or order issued thereunder.

(c) This Supplementary Order No. 25 (§ 1305.30) shall become effective 11:59 P. M., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11265; Filed, November 2, 1942; 3:55 p. m.]

PART 1306—IRON AND STEEL

[MPR 230,[1] Amendment 1]

REUSABLE IRON AND STEEL PIPE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7731.

Section 1306.460 is amended and a new § 1306.465a, is added, as set forth below:

§ 1306.460 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 230 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1306.465a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1306.460 and 1306.465a) to Maximum Price Regulation No. 230 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871).

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11282; Filed, November 2, 1942; 3:57 p. m.]

Part 1315—Rubber and Products and Materials of Which Rubber is a Component

[MPR 119,[1] Amendment 1]

ORIGINAL EQUIPMENT TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) in § 1315.1458 is amended by adding a new sentence at the end thereof, and a new § 1315.1461 is added, as set forth below.

§ 1315.1458 *Petitions for exceptions or amendment.* (a) * * * No petition for exception filed after November 15, 1942, will be granted under this paragraph (a).

§ 1315.1461 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1315.1458 (a), 1315.1461) to Maximum Price Regulation No. 119 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11259; Filed, November 2, 1942; 3:52 p. m.]

Part 1315—Rubber and Products and Materials of Which Rubber Is a Component

[MPR 220,[2] Amendment 1]

CERTAIN RUBBER COMMODITIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.°

Section 1315.1551 is amended; in § 1315.1561 a new sentence is added to paragraph (a) (1) and paragraph (a) (2) is revoked; and a new § 1315.1567 is added, all as set forth below:

§ 1315.1551 *Applicability of the General Maximum Price Regulation.* The provisions of §§ 1499.1 to 1499.3, inclusive, § 1499.18, and §§ 1499.21 to 1499.23, inclusive, of the General Maximum Price Regulation shall not apply to sales or deliveries of rubber commodities (as defined in paragraph (a) (4) of § 1315.1564) by the manufacturers thereof.

* * * * *

§ 1315.1561 *Applications for adjustment, and petitions for amendment*—(a) *Applications for adjustment.* (1) * * *
No application for adjustment filed after November 15, 1942, will be granted under this paragraph.

* * * * *

§ 1315.1567 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1315.1551; 1315.1561; 1315.1567) to Maximum Price Regulation No. 220 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11283; Filed, November 2, 1942; 3:57 p. m.]

Part 1315—Rubber and Products and Materials of Which Rubber Is a Component

[MPR 229,[1] Amendment 3]

RETAIL AND WHOLESALE PRICES FOR VICTORY LINE WATERPROOF RUBBER FOOTWEAR

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1315.1707 (a) subparagraph (6) is amended; and § 1315.1714 is amended, as set forth below:

§ 1315.1707 *Relation between Maximum Price Regulation No. 229 and the General Maximum Price Regulation.* (a) * * *

(6) Applications for adjustment (§ 1499.18 (a) and (b)).

* * * * *

§ 1315.1714 *Appendix B: Sections of the General Maximum Price Regulation*[2] *incorporated into this Maximum Price Regulation No. 229.* * * *

§ 1499.18 *Adjustment of maximum prices.* The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this regulation in the following cases:

(a) In the case of any seller at retail who shows:

(1) That such maximum price is abnormally low in relation to the maximum price of the same or similar commodity or service established for other sellers at retail; and

(2) That this abnormality subjects him to substantial hardship.

No application for adjustment filed after November 30, 1942, will be granted under this paragraph (a).

(b) In the case of any seller, other than a seller at retail, who shows:

(1) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar commodities; and

(2) That establishing for him a maximum price, bearing a normal relation to the maximum price established for competitive sellers of the same or similar commodities, will not cause or threaten to cause an increase in the level of retail prices.

No application for adjustment filed after November 15, 1942, will be granted under this paragraph (b).

§ 1315.1712a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1315.1707 (a); 1315.1714) to Maximum Price Regulation No. 229 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11258; Filed, November 2, 1942; 3:52 p. m.]

Part 1316—Cotton Textiles

[RPS 11,[1] Amendment 5]

FINE COTTON GREY GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In the first sentence of § 1316.13 (e) (3), subdivision (iv) is hereby revoked, and the word "or" is inserted between the last word in subdivision (ii) and subdivision (iii).

§ 1316.12a *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§ 1316.13 (e) (3) (iv)) to Revised Price Schedule No. 11 shall become effective 11:59 p. m. November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11270; Filed, November 2, 1942; 3:59 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3059.

[2] 7 F.R. 7282.

[1] 7 F.R. 7740, 7738, 8701.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4487, 4659, 4738, 5027, 4339, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

[1] 7 F.R. 1231, 1836, 2000, 2132, 2737, 3163, 5519, 7434.

Part 1316—Cotton Textiles

[RPS 35,[1] Amendment 10]

CARDED GREY AND COLORED-YARN COTTON GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In the first sentence of § 1316.61 (c) (3), subdivision (iv) is hereby revoked, and the word "or" is inserted between the last word in subdivision (ii) and subdivision (iii).

§ 1316.60a *Effective dates of amendments.* * * *

(j) Amendment No. 10 (§ 1316.61 (e) (3) (iv)) to Revised Price Schedule No. 35 shall become effective 11:59 p. m. November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11250; Filed, November 2, 1942; 3:52 p. m.]

Part 1377—Wooden Containers

[MPR 160,[2] Amendment 4]

SEASONAL WOODEN AGRICULTURAL CONTAINERS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1377.54, paragraph (b) is amended to read as set forth below:

§ 1377.54 *Relation between Maximum Price Regulation No. 160 and the General Maximum Price Regulation.* * * *

(b) The provisions of §§ 1499.12 and 1499.14 of the General Maximum Price Regulation, relating to records, and of §§ 1499.18 (a), (b), (c) and (d), and 1499.19 relating to adjustment and amendment, shall apply to all sales, the maximum prices for which are established by this Maximum Price Regulation No. 160, and to all persons making such sales.

* * * * *

§ 1377.60 *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§ 1377.54 (b)) to Maximum Price Regulation No. 160 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11253; Filed, November 2, 1942; 3:51 p. m.]

Part 1370—Electrical Appliances

[MPR 111,[1] Amendment 6]

NEW HOUSEHOLD VACUUM CLEANERS AND ATTACHMENTS

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1370.9b is amended to read as follows:

§ 1370.9b *Applications for adjustment.* The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum price established for any model under § 1370.12 (a), Appendix A, for persons selling to consumers in any case in which the seller shows:

(1) That such maximum price is substantially below the highest net price in effect for such model by the seller's price list or other regular price quotation to the same general class of purchaser during the period October 1, 1941, to October 15, 1941, inclusive; and

(2) That this fact subjects him to substantial hardship. Applications for adjustment under this § 1370.9b shall be filed in accordance with Revised Procedural Regulation No. 1. No application for adjustment filed after November 15, 1942, will be granted under this § 1370.9b.

§ 1370.14 *Effective dates of amendments.* * * *

(g) Amendment No. 6 (§ 1370.9b) to Maximum Price Regulation No. 111 shall become effective 11:59 p. m. November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11261; Filed, November 2, 1942; 3:54 p. m.]

Part 1372—Seasonal Commodities

[MPR 210,[2] Amendment 6]

RETAIL AND WHOLESALE PRICES FOR FALL AND WINTER SEASONAL COMMODITIES

The considerations involved in the issuance of this amendment are set forth in the statement of considerations accompanying Amendment No. 33 to the General Maximum Price Regulation which has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1372.106 (a), the words "Applications for adjustment (§ 1499.18)" are deleted, and the words "Adjustment of maximum prices (§ 1499.18 (a) and (b))" are substituted.

§ 1372.111a *Effective dates of amendments.* * * *

(f) Amendment No. 6 (§ 1372.106 (a)) to Maximum Price Regulation No. 210 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11262; Filed, November 2, 1942; 3:52 p. m.]

Part 1381—Softwood Lumber

[MPR 222,[1] Amendment 1]

NORTHERN SOFTWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1381.258, paragraphs (b) and (c) are revoked, and a new paragraph (b) is added; a new § 1381.262a is added, all to read as set forth below:

§ 1381.258 *Petitions for amendment or adjustment.* * * *

(b) Any person seeking an amendment of any provision of this Maximum Price Regulation No. 222 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1381.262a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1381.258 (b) and (c), and 1381.262a) to Maximum Price Regulation No. 222 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11254; Filed, November 2, 1942; 3:51 p. m.]

Part 1316—Cotton Textiles

[RPS 89,[2] Amendment 9]

BED LINENS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1316.111 (d) (5) is amended by adding thereto the item set forth below:

§ 1316.111 *Appendix A: Maximum prices for bed linens.* * * *

(d) *Deductions, premiums, and special classes of bed linens.* * * *

(5) * * *.

No application for adjustment filed after November 15, 1942, will be granted under this subparagraph (5).

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1270, 1836, 2132, 2738, 2795, 3060, 3164, 3447, 3900, 6640, 7248, 7318, 8201.

[2] 7 F.R. 4337, 4852, 5462, 5564.

[1] 7 F.R. 2307, 2794, 3330, 3447, 3776, 4229, 6049, 7839.

[2] 7 F.R. 6789, 7173, 7381, 7912.

[1] 7 F.R. 7436.

[2] 7 F.R. 1375, 1839, 2107, 2000, 2132, 2299, 2739, 3163, 3327, 3447, 3962, 4176, 4732.

§ 1316.110a *Effective dates of amendments.* * * *

(i) Amendment No. 9 (§ 1316.111 (d) (5)) to Revised Price Schedule No. 89 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11269; Filed, November 2, 1942; 3:59 p. m.]

PART 1340—FUEL

[MPR 137,[1] Amendment 11]

PETROLEUM PRODUCTS SOLD AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1340.89, paragraph (a) is amended to read as set forth below and paragraph (c) is revoked:

§ 1340.89 *Procedure for adjustment or amendment.* (a) The Office of Price Administration or any duly authorized representative thereof, may adjust any maximum price established under the Maximum Price Regulation No. 137 in the case of any seller of a petroleum product at a retail establishment who shows:

(1) That such maximum price is abnormally low in relation to the maximum price of such petroleum product established for other sellers thereof at retail establishments; and

(2) That this abnormality subjects him to substantial hardship.

Applications for adjustment under this paragraph (a) shall be filed in accordance with Revised Procedural Regulation No. 1.[2]

No application for adjustment filed after November 30, 1942 will be granted under this paragraph (a).

* * * * *

§ 1340.93a *Effective dates of amendments.* * * *

(l) Amendment No. 11 (§ 1340.89 (a)) to Revised Price Schedule No. 88 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11252; Filed, November 2, 1942; 3:50 p. m.]

PART 1340—FUEL

[RPS 88,[1] Amendment 39]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1340.156, paragraph (c) is amended to read as set forth below:

§ 1340.156 *Modification of Price Schedule.* * * *

(c) *Applications for adjustment.* The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum price established under this Revised Price Schedule No. 88, for any seller subject to the provisions thereof in any case in which such seller shows:

(1) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar crude petroleum and/or petroleum products, and

(2) That establishing for him a maximum price bearing a normal relation to the maximum prices established for competitive sellers of crude petroleum and/or the same or similar products will not cause or threaten to cause an increase in the level of retail prices.

Applications for adjustment under this paragraph (c) shall be filed in accordance with Revised Procedural Regulation No. 1.

No application for adjustment filed after November 15, 1942 will be granted under this paragraph (c).

§ 1340.158a *Effective dates of amendments.* * * *

(mm) Amendment No. 39 (§ 1340.156 (c)) to Revised Price Schedule No. 88 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11284; Filed, November 2, 1942; 3:57 p. m.]

PART 1340—FUEL

[MPR 121,[2] Amendment 8]

MISCELLANEOUS SOLID FUELS DELIVERED FROM PRODUCING FACILITIES

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

The title and provisions of § 1340.247a are amended to read as set forth below:

§ 1340.247a *Applications for adjustment.* The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this Maximum Price Regulation No. 121 in the following cases:

(a) In the case of any seller of miscellaneous solid fuels who shows:

(1) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of miscellaneous solid fuels; and

(2) Establishing for him a maximum price, bearing a normal relationship to the maximum prices established for competitive sellers of miscellaneous solid fuels, will not cause or threaten to cause an increase in the level of retail prices of miscellaneous solid fuels.

No application for adjustment filed after November 15, 1942 will be granted under this paragraph (a).

(b) In the case of any seller of miscellaneous solid fuels when it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of a miscellaneous solid fuel which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such miscellaneous solid fuel; and

(3) That such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Each regional administrator is authorized to make adjustments or act upon applications for adjustments under this paragraph (b).

Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1.[2]

§ 1340.250a *Effective dates of amendments.* * * *

(h) Amendment No. 8 (§ 1340.247a) shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871).

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11251; Filed, November 2, 1942; 3:50 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3165, 3749, 4273, 4653, 4780, 4853, 5363, 5868, 5941, 6057, 6896, 7902, 8353.

[2] *Infra.*

[1] 7 F.R. 1107, 1371, 1798, 1799, 2132, 2304, 2352, 2634, 2945, 3116, 3166, 3482, 3524, 3552, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 5988, 5983, 6057, 6167, 6471, 6680, 7242, 7838.

[2] 7 F.R. 3237, 3898, 4483, 5941, 6002, 6386, 8587, 8521.

[2] *Infra.*

PART 1340—FUEL

[MPR 189,[1] Amendment 2]

BITUMINOUS COAL SOLD FOR DIRECT USE AS BUNKER FUEL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1340.307 is amended to read as set forth below:

§ 1340.307 *Petitions for amendment and applications for adjustment.* (a) The Office of Price Administration may adjust any maximum price established under this regulation in the following cases:

(1) In the case of any supplier of bunker fuel who shows:

(i) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive suppliers of bunker fuel; and

(ii) That establishing for him a maximum price, bearing a normal relation to the maximum price established for competitive suppliers of bunker fuel, will not cause or threaten to cause an increase in the level of retail prices.

No application for adjustment filed after November 15, 1942 will be granted under this subparagraph (1).

(b) Any person seeking an amendment of any provision of this Maximum Price Regulation No. 189 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

* * * * *

§ 1340.314a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1340.307) to Maximum Price Regulation No. 189 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250; 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11260; Filed, November 2, 1942; 3:53 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 129,[2] Amendment 9]

WAXED PAPER, ETC.

Waxed paper.
Envelopes.
Paper cups, paper containers and liquid tight containers.
Sanitary closures and milk bottle caps.
Drinking straws.
Certain sulphate and certain sulphite papers.
Certain tissue paper.
Rope and jute papers.
Technical papers.
Gummed papers.
Tags, pin tickets and marking machine tickets.
Glazed and fancy papers.
Resale book matches.
Unprinted single weight crepe paper in folds.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register. Section 1347.20 is hereby revoked.

§ 1347.25 *Effective dates of amendments.* * * *

(i) Amendment No. 9 (§ 1347.20) to Maximum Price Regulation No. 129 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11271; Filed, November 2, 1942; 3:59 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 225,[1] Amendment 2]

PRINTING AND PRINTED PAPER COMMODITIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* Section 1347.469 is amended to read as set forth below:

§ 1347.469 *Adjustment of maximum prices.* The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this Maximum Price Regulation No. 225 in the following cases:

(a) In the case of any seller at retail who shows:

(1) That such maximum price is abnormally low in relation to the maximum price of the same or similar commodity or service established for other sellers at retail; and

(2) That this abnormality subjects him to substantial hardship.

No application for adjustment filed after November 30, 1942 will be granted under this paragraph (a).

(b) In the case of any seller, other than a seller at retail, who shows:

(1) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar commodities; and

(2) That establishing for him a maximum price, bearing a normal relation to the maximum price established for competitive sellers of the same or similar commodities, will not cause or threaten to cause an increase in the level of retail prices.

No application for adjustment filed after November 15, 1942 will be granted under this paragraph (b).

* * * * *

§ 1347.474a *Effective date of amendments.* * * *

(b) Amendment No. 2 (§ 1347.469) to Maximum Price Regulation No. 225 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11285; Filed, November 2, 1942; 3:59 p. m.]

PART 1362—CERAMIC PRODUCTS, STRUCTURAL CLAY PRODUCTS AND OTHER MASON MATERIALS

[MPR 116,[1] Amendment 4]

CHINA AND POTTERY

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1362.59a is amended to read as follows:

§ 1362.59a *Applications for adjustment.* The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum price established under this Maximum Price Regulation No. 116 for any seller in any case in which such seller shows:

(1) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar articles; and

(2) That establishing for him a maximum price, bearing a normal relation to the maximum prices established for competitive sellers of the same or similar articles, will not cause or threaten to cause an increase in the level of retail prices.

Applications for adjustment under this § 1362.59a shall be filed in accordance with Revised Procedural Regulation No. 1. No application for adjustment filed after November 15, 1942, will be granted under this § 1362.59a.

§ 1362.63 *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§ 1362.59a) to Maximum Price Regulation No. 116 shall become effective 11:59 p. m. November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11286; Filed, November 2, 1942; 3:58 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5831, 6684.

[2] 7 F.R. 3178, 3242, 3482, 3554, 4176, 4668, 5712, 5780, 5943, 7974.

[1] 7 F.R. 7593.

[1] 7 F.R. 3036, 3858.

Part 1365—Household Furniture

[MPR 213,[1] Amendment 1]

COIL AND FLAT BEDSPRINGS WITH NON-STEEL FRAMES

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1365.68 *Applications for adjustment* is hereby revoked, and a new § 1365.76 is added.

§ 1365.76 *Effective dates of amendments.* (a) Amendment No. 1 (§ 1365.68) to Maximum Price Regulation No. 213 shall become effective 11:59 p. m. November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11287; Filed, November 2, 1942; 3:58 p. m.]

Part 1389—Apparel

[MPR 177,[2] Amendment 5]

MEN'S AND BOYS' TAILORED CLOTHING

The statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1389.118 is amended as set forth below:

§ 1389.118 *Applications for adjustment or amendment*—(a) *Retail adjustments.* The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this regulation in the case of any seller at retail who shows:

(1) That such maximum price is abnormally low in relation to the maximum price of the same or similar commodity or service established by other sellers at retail; and

(2) That this abnormality subjects him to substantial hardship.

No application for adjustment filed after November 30, 1942, will be granted under this paragraph (a).

(b) *Petitions for amendment.* Any person seeking a modification of any provision of this Maximum Price Regulation 177 may file a petition for amendment.

(c) *Adjustment of limitations on highest price lines.* The Office of Price Administration, or any duly authorized representative thereof, may by order adjust the maximum prices of any seller, at retail or otherwise, in any case in which the seller shows:

(1) That because of the rule limiting the highest maximum price which may be determined for any classification of garments, his maximum prices for certain garments are lower than they would otherwise be;

(2) That in the absence of adjustment, these maximum prices would subject the seller to substantial hardship;

(3) That the garments affected, or the materials used in these garments, were irrevocably purchased by the seller before July 11, 1942, and constitute a substantial proportion of his inventory; and

(4) That establishing higher maximum prices for these garments will not defeat or impair the policy of the Emergency Price Control Act of 1942 and of Maximum Price Regulation 177 to eliminate the danger of inflation.

No application for adjustment filed by a seller at retail after November 30, 1942, or by any other seller after November 15, 1942, will be granted under this paragraph (c).

Applications for adjustment and petitions for amendment shall be filed in accordance with Revised Procedural Regulation No. 1.

* * * * *

§ 1389.120a *Effective dates of corrections and amendments.* * * *

(f) Amendment 5 (§ 1389.118) to Maximum Price Regulation 177 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11289; Filed, November 2, 1942; 3:58 p. m.]

Part 1389—Apparel

STAPLE WORK CLOTHING

[MPR 208,[1] Amendment 1]

The considerations involved in the issuance of this amendment are set forth in the statement of considerations accompanying Amendment No. 33 to the General Maximum Price Regulation which has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1389.213 is amended and a new § 1389.216a is added as set forth below:

§ 1389.213 *Adjustment of maximum prices.* The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this regulation in the case of any seller, other than a seller at retail, who shows:

(a) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar commodities; and

(b) That establishing for him a maximum price, bearing a normal relation to the maximum price established for competitive sellers of the same or similar commodities, will not cause or threaten to cause an increase in the level of retail prices.

No application for adjustment filed after November 15, 1942, will be granted under this section.

Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1.[2]

* * * * *

§ 1389.216a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1389.213, 1389.216) to Maximum Price Regulation 208 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11264; Filed, November 2, 1942; 3:52 p. m.]

Part 1393—Ice

[MPR 154 as Amended,[1] Amendment 2]

ICE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (d) of § 1393.8 is amended and paragraph (d) is added to § 1393.11, as set forth below:

§ 1393.8 *Applications for adjustment.* * * *

(d) No applications for adjustment filed after November 30, 1942 will be granted under paragraph (a) or paragraph (b) and no application for adjustment filed after November 15, 1942 will be granted under paragraph (c).

* * * * *

§ 1393.11 *Effective dates of amendments.* * * *

(d) Amendment No. 2 (§§ 1393.8 (d) and 1393.11 (d)) to Maximum Price Regulation No. 154 as amended, shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11255; Filed, November 2, 1942; 3:51 p. m.]

Part 1440—Brewery and Distillery Products

[MPR 193,[3] Amendment 1]

DOMESTIC DISTILLED SPIRITS

The considerations involved in the issuance of Amendment No. 1 are set forth in the statement of considerations accompanying Amendment No. 33 to the General Maximum Price Regulation which has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1420.8 the words "the provisions of § 1499.18 relating to applications for adjustment" are deleted and the words "the provisions of § 1499.18 (a), (b) and (d) relating to adjustment of maximum prices" are substitued and a new § 1420.14 is added as set forth below:

§ 1420.14 *Effective date of amendment.* (a) Amendment No. 1 (§ 1420.8) to Maximum Price Regulation No. 193 as amended shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11257; Filed, November 2, 1942; 3:51 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6968.

[2] 7 F.R. 5182, 7475, 6792, 6972, 7100, 7944.

[1] 7 F.R. 6649.

[1] 7 F.R. 5139, 5276, 5944

[2] *Infra.*

[3] 7 F.R. 6006.

Part 1400—Wool

[RPS 58, as Amended,[1] Amendment 10]

WOOL AND WOOL TOPS AND YARNS

A statement of the considerations involved in the issuance of this amendment has been issued herewith and has been filed with the Division of the Federal Register.*

Paragraph (b) of § 1410.56 is amended by adding a sentence thereto as set forth below:

§ 1410.56 *Petitions for amendment and adjustment.* * * *

(b) * * * No application for adjustment filed after November 15, 1942, will be granted under this paragraph (b).

§ 1410.60 *Effective dates of amendments.* * * *

(l) Amendment No. 10 (§ 1410.56 (b)) to Revised Price Schedule No. 58, as amended, shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11274; Filed, November 2, 1942; 3:55 p. m.]

Part 1400—Textile Fabrics; Cotton, Wool, Silk, Synthetics and Admixtures

[MPR 118,[2] Amendment 13]

COTTON PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1400.107 is hereby amended by adding thereto a new paragraph (d) as set forth below:

§ 1400.107 *Adjustment for seasonal goods.* * * *

(d) No application for adjustment filed after November 15, 1942, will be granted under this § 1400.107.

* * * * *

§ 1400.117 *Effective dates of amendments.* * * *

(m) Amendment No. 13 (§ 1400.107 (c)) to Maximum Price Regulation No. 118 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11279; Filed, November 2, 1942; 3:56 p. m.]

Part 1400—Wool

[MPR 163,[1] Amendment 7]

WOOLEN AND WORSTED CIVILIAN APPAREL FABRICS

A statement of the considerations involved in the issuance of this amendment has been issued herewith and has been filed with the Division of the Federal Register.*

Section 1410.109 is amended by adding thereto a new paragraph (c), as set forth below:

§ 1410.109 *Adjustment of maximum prices.* * * *

(c) No application for adjustment filed after November 15, 1942, will be granted under this § 1410.109.

§ 1410.117 *Effective dates of amendments.* * * *

(i) Amendment No. 7 (§ 1410.109 (c)) to Maximum Price Regulation No. 163, shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11278; Filed, November 2, 1942; 8:55 p. m.]

Part 1412—Solvents

[MPR 36,[2] Amendment 3]

ACETONE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1412.60 is hereby revoked.

§ 1412.65 *Effective dates of amendments.* * * *

(d) This Amendment No. 3 to Maximum Price Regulation No. 36 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11267; Filed, November 2, 1942; 3:59 p. m.]

Part 1412—Solvents

[MPR 37,[1] Amendment 3]

BUTYL ALCOHOL AND ESTERS THEREOF

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1412.110 is hereby revoked.

§ 1412.115 *Effective dates of amendments.* * * *

(d) This Amendment No. 3 to Maximum Price Regulation No. 37 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11268; Filed, November 2, 1942; 4:00 p. m.]

Part 1421—Iron and Steel Foundry Products

[MPR 241, Amendment 1]

MALLEABLE IRON CASTINGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraphs (b) and (d) of § 1421.107 are revoked, paragraph (a) of § 1421.107 is amended, paragraph (c) of § 1421.107 is redesignated paragraph (b) and is amended, §§ 1421.117 and 1421.118 are revoked, a new § 1421.115a is added, all as set forth below:

§ 1421.107 *Petitions and applications for amendment, adjustment or exception.* (a) Any person who has entered into or proposes to enter into a contract with the United States or any agency thereof, or with the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States", or any agency of any such Government, or a subcontract under any such contract, who believes that a maximum price established by this Maximum Price Regulation No. 241 impedes or threatens to impede production of a malleable iron casting which is essential to the war program and which is or will be the subject of such contract or subcontract, may file an application for adjustment of such maximum price in accordance with Procedural Regulation No. 6 issued by the Office of Price Administration.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1316, 1648, 1836, 2000, 2132, 2397, 2580, 2543, 3088, 3271, 4117, 4296, 4299, 4428, 5512, 6494, 7602, 7945.

[2] 7 F.R. 3038, 3211, 3522, 3578, 3824, 3905, 4405, 5224, 5405, 5567, 5836, 6005, 6484, 7451, 8217.

[1] 7 F.R. 4513, 4733, 4734, 5827, 5872, 6887, 6973, 7454, 7603.

[2] 7 F.R. 6655, 7001, 7910.

[1] 7 F.R. 6657, 7001, 7910.

(b) Any person seeking an amendment of any provision of this Maximum Price Regulation No. 241 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

§ 1421.115a *Effective date of amendments.* (a) Amendment No. 1 (§ 1421.107 (a), (b), (c), (d), §§ 1421.117, 1421.118 and 1421.115a) to Maximum Price Regulation No. 231 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11275; Filed, November 2, 1942; 3:54 p. m.]

PART 1421—IRON AND STEEL FOUNDRY PRODUCTS

[MPR 244, Amendment 1]

GRAY IRON CASTINGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraphs (a), (b) and (c) of § 1421.157 are amended, paragraph (d) of § 1421.157 is revoked, §§ 1421.167 and 1421.168 are revoked, a new § 1421.165a is added, all as set forth below:

§ 1421.157 *Petitions and applications for amendment, adjustment or exception.* (a) Any person who has entered into or proposes to enter into a contract with the United States or any agency thereof, or with the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States", or any agency of any such Government, or a subcontract under any such contract, who believes that a maximum price established by this Maximum Price Regulation No. 244 impedes or threatens to impede production of a gray iron casting which is essential to the war program and which is or will be the subject of such contract or subcontract, may file an application for adjustment of such maximum price in accordance with Procedural Regulation No. 6 issued by the Office of Price Administration.

(b) The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this regulation in the case of any seller or group of sellers when it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of a gray iron casting which aids directly in the war program; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such gray iron casting; and

(3) That such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942.

Each Regional Administrator is authorized to make adjustments or act upon applications for adjustment under this paragraph (b), and such applications shall be filed in accordance with Revised Procedural Regulation No. 1.

(c) Any person seeking an amendment of any provision of this Maximum Price Regulation No. 244 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

§ 1421.165a *Effective date of amendments.* (a) Amendment No. 1 (§ 1421.157 (a), (b), (c), (d), §§ 1421.167, 1421.168 and 1421.165a) to Maximum Price Regulation No. 244 shall become effective 11:59 p. m., November 4, 1942.

(Pub. laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F.R. Doc. 42-11276; Filed, November 2, 1942; 3:54 p. m.]

PART 1425—LUMBER DISTRIBUTION

[MPR 215,[1] Amendment 2]

DISTRIBUTION YARD SALES OF SOFTWOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1425.10, paragraphs (b) and (c) are revoked, and a new paragraph (b) is added, to read as set forth below:

§ 1425.10 *Petitions for amendment or adjustment.* * * *

(b) Any person seeking an amendment of any provision of this Maximum Price Regulation No. 215 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1425.13a *Effective dates of amendments.* * * *

(c) Amendment No. 2 (§ 1425.10 (b) and (c)) to Maximum Price Regulation No. 215 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11256; Filed, November 2, 1942; 3:50 p. m.]

PART 1499—COMMODITIES AND SERVICES

[GMPR,[1] Amendment 33]

ADJUSTMENT OF RETAIL SALES, ETC.

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 1499.18 is amended to read as set forth below:

§ 1499.18 *Adjustment of maximum prices.* The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this regulation in the following cases:

(a) In the case of any seller at retail who shows:

(1) That such maximum price is abnormally low in relation to the maximum price of the same or similar commodity or service established for other sellers at retail; and

(2) That this abnormality subjects him to substantial hardship.

No application for adjustment filed after November 30, 1942 will be granted under this paragraph (a).

(b) In the case of any seller, other than a seller at retail, who shows:

(1) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar commodities; and

(2) That establishing for him a maximum price, bearing a normal relation to the maximum price established for competitive sellers of the same or similar commodities, will not cause or threaten to cause an increase in the level of retail prices.

No application for adjustment filed after November 15, 1942 will be granted under this paragraph (b).

(c) In the case of any seller or group of sellers when it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of a commodity or service which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such commodity or service; and

(3) That such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7094, 7452, 8402.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

Each Regional Administrator is authorized to make adjustments or act upon applications for adjustment under this paragraph (c).

(d) In the case of any seller at retail who shows:

(1) That his maximum price for any commodity established under this regulation is less than the minimum price in effect for such commodity during March 1942 pursuant to a contract entered into in accordance with a Fair Trade Act of any state; and

(2) That the commodity was generally sold at retail during March 1942 at such minimum price within the locality in which his selling establishment is located; and

(3) That he has been permanently enjoined by a court from selling the commodity at less than such minimum price. In such a case the maximum price of such seller will be increased to such minimum price.

(e) In such other cases as may be specified by supplementary regulation issued under this section.

Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1.

§ 1499.23a *Effective dates of amendments.* * * *

(hh) Amendment No. 33 (§ 1499.18) to General Maximum Price Regulation shall become effective 11:59 p. m. November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11278; Filed, November 2, 1942; 3:54 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165 as Amended,[1] Amendment 5]

SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

In § 1499.114, a new sentence is added to paragraphs (a) and (b), and new paragraphs (d) and (e) are added, as set forth below:

§ 1499.114 *Applications for adjustment by sellers.* (a) * * *

No application for adjustment filed after January 1, 1943 will be granted under this paragraph (a).

(b) * * *

No application for adjustment filed after January 1, 1943 will be granted under this paragraph (b).

* * * * *

(d) The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this regulation in the case of any seller or group of sellers, when it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of a service which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such service; and

(3) That such adjustment will not create or tend to create a shortage or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Each Regional Administrator is authorized to make adjustments or act upon applications for adjustment under this paragraph (d).

Applications for adjustment filed under this paragraph (d) shall be filed in accordance with Revised Procedural Regulation No. 1.

(e) The Office of Price Administration, or any duly authorized representative thereof, may also adjust any maximum price established under this regulation in such other cases as may be specified by supplementary regulation issued under this section.

§ 1499.121a *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§ 1499.114) to Maximum Price Regulation No. 165 as amended shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11277; Filed, November 2, 1942; 3:55 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 188,[1] Amendment 2]

MANUFACTURERS' MAXIMUM PRICES FOR SPECIFIED BUILDING MATERIALS AND CONSUMERS' GOODS OTHER THAN APPAREL

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Sections 1499.151 and 1499.161 (a) are amended to read as set forth below:

§ 1499.151 *Applicability of the General Maximum Price Regulation.* The provisions of §§ 1499.1 to 1499.3, inclusive, and § 1499.18, of the General Maximum Price Regulation shall not apply to sales or deliveries by manufacturers of certain building materials and of certain consumers' goods set forth in § 1499.166, Appendix A, of this Maximum Price Regulation No. 188. All other sections of the General Maximum Price Regulation, together with existing and subsequent amendments and supplementary regulations, shall apply to sales and deliveries by such manufacturers, and are hereby incorporated by reference into this Maximum Price Regulation No. 188.

§ 1499.161 *Applications for adjustment and petitions for amendment*—(a) *Applications for adjustment.* The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum price established under this Maximum Price Regulation No. 188 for any manufacturer in any case in which such manufacturer shows:

(1) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar commodities; and

(2) That establishing for him a maximum price bearing a normal relation to the maximum prices established for competitive sellers of the same or similar commodities, will not cause or threaten to cause an increase in the level of retail prices.

Applications for adjustment under this paragraph (a) shall be filed in accordance with Revised Procedural Regulation No. 1. No application for adjustment filed after November 15, 1942, will be granted under this paragraph (a).

§ 1499.165a *Effective dates of amendments.* * * *

(b) Amendment No. 2 to Maximum Price Regulation No. 188 (§§ 1499.151 and 1499.161(a)) shall become effective 11:59 p. m. November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11280; Filed, Nov. 2, 1942; 3:56 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 211,[1] Amendment 4]

COTTON GINNING SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Paragraph (a) of § 1499.564 is amended as set forth below:

§ 1499.564 *Petitions for adjustment and amendment.* (a) A petition for adjustment may be filed in accordance with Appendix A, incorporated herein as § 1499.567 by:

(1) Any ginner who can show that the maximum price for cotton ginning services established for him by this Maximum Price Regulation No. 211 is abnormally low in relation to the maximum prices for the same or substantially similar services rendered by ginners in the same competitive area and that this abnormality subjects him to substantial hardship; and

(2) Any ginner who can show that the maximum prices for cotton ginning services established for him and substantial-

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[1] 7 F.R. 6428, 6966, 8239, 8431, 8795.

[1] 7 F.R. 5872, 7967.

[1] 7 F.R. 6828, 7406, 7332, 7813, 8237.

ly all of the ginners in the same competitive area by this Maximum Price Regulation No. 211 are abnormally low in relation to the maximum prices for the same or substantially similar services rendered by substantially all of the ginners in the nearest competitive area and that this abnormality subjects him to substantial hardship:

Provided, That no petition for adjustment filed after November 15, 1942, will be granted under this paragraph.

* * * * *

§ 1499.566a *Effective dates of amendments.* * * *

(e) Amendment No. 4 (§§ 1499.564) to Maximum Price Regulation No. 211 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws, 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11281; Filed, November 2, 1942; 3:57 p. m.]

Part 1341—Canned and Preserved Foods

[MPR 197,[1] Amendment 3]

CANNED FRUITS AND CANNED BERRIES AT WHOLESALE AND RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (c) of § 1341.166 is amended and paragraph (c) is added to § 1341.172.

§ 1341.166 *Petitions for amendment.* * * *

(c) No application for adjustment filed after November 30, 1942 will be granted under paragraph (a) and no application for adjustment filed after November 15, 1942 will be granted under paragraph (b).

* * * * *

§ 1341.172 *Effective dates of amendment.* * * *

(c) Amendment No. 3 (§§ 1341.166 (c) and 1341.172 (c)) to Maximum Price Regulation No. 197 shall become effective 11:59 p. m. November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11299; Filed, November 2, 1942; 4:58 p. m.]

Part 1346—Building Materials

[MPR 206,[2] Amendment 1]

VITRIFIED CLAY SEWER PIPE AND ALLIED PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1362.107 *Applications for adjustment*, is hereby revoked and a new § 1362.112a is added.

§ 1362.112a *Effective dates of amendments.* (a) This Amendment No. 1 (§§ 1362.112a and 1362.107) to Maximum Price Regulation No. 206 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11316; Filed, November 2, 1942; 5:03 p. m.]

Part 1346—Building Materials

[MPR 224,[1] Amendment 2]

CEMENT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1346.112 is hereby amended to read as set forth below. A new subparagraph (8) is added to § 1346.114 (a), and a new paragraph (b) is added to § 1346.117.

§ 1346.112 *Petition for amendment or application for adjustment*—(a) *Government contracts or subcontracts.* Any person who has entered into or proposes to enter into a government contract or a subcontract under any such contract, who believes that the maximum price impedes or threatens to impede production of cement which is essential to the war program and which is or will be the subject of such contract or subcontract, may file an application for adjustment of the maximum prices established by this Maximum Price Regulation No. 224 in accordance with Procedural Regulation No. 6,[2] issued by the Office of Price Administration.

(b) *Application for adjustment of maximum prices.* The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum price established under this Maximum Price Regulation No. 224 for any seller of cement in any case in which such seller shows:

(1) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of cement; and

(2) That establishing for him a maximum price bearing a normal relation to the maximum prices established for competitive sellers of cement will not cause or threaten to cause an increase in the level of retail prices.

(3) Applications for adjustment under this paragraph (b) shall be filed in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

(4) No application for adjustment filed after November 15, 1942 will be granted under this paragraph (b).

(c) *Petition for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 224 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

* * * * *

§ 1346.114 *Definitions.* (a) When used in this Maximum Price Regulation No. 224, the term: * * *

(5) "Government contract" means any contract with the United States or any agency thereof or with the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States" or with any agency of any such government.

* * * * *

§ 1346.117 *Effective dates of amendment.* * * *

(b) Amendment No. 2 (§§ 1346.112, 1346.114 (a) (8), and 1346.117 (b)) shall become effective 11:59 p. m., November 4.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11315; Filed, November 2, 1942; 5:03 p. m.]

Part 1346—Building Materials

[MPR 236,[1] Amendment 1]

HEATING BOILER CONVERSION PARTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1346.164 is hereby amended to read as set forth below and a new § 1346.168 is added.

§ 1346.164 *Petition for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 236 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1346.168 *Effective dates of amendment.* (a) Amendment No. 1 (§§ 1346.164 and 1346.168) of Maximum Price Regulation No. 236 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.: E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11298; Filed, November 2, 1942; 4:54 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5989, 7403, 7738.

[2] 7 F.R. 6424.

[1] 7 F.R. 7396, 8650.

[2] 7 F.R. 5087, 5664.

[1] 7 F.R. 8195.

Part 1355—Lead

[MPR 199,[1] Amendment 1]

LEAD BULLET ROD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1355.110 is revoked and a new § 1355.113a is added as set forth below.

§ 1335.113a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1355.110 and 1355.113a) to Maximum Price Regulation No. 199 shall become effective 11:59 P. M., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11300; Filed, November 2, 1942; 5:00 p. m.]

Part 1358—Tobaccos

[MPR 228,[2] Amendment 1]

FLUE-CURED TOBACCO

A statement of the considerations involved in the issuance of this amendment has been simultaneously herewith and and filed with the Division of the Federal Register.*

Section 1358.56 is amended and § 1356.63 is added, as set forth below:

§ 1358.56 *Applications for adjustment.* The Office of Price Administration or any duly authorized officer thereof may by order adjust the maximum prices established under this Maximum Price Regulation for any buyer in any case in which such buyer shows:

(1) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive buyers of flue-cured tobacco; and

(2) That establishing for him a maximum price bearing a normal relation to the maximum prices established for competitive buyers of flue-cured tobacco will not cause or threaten to cause an increase in the level of retail prices of products manufactured in whole or in part from flue-cured tobacco.

Applications for adjustment under this paragraph shall be filed in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

No application for adjustment filed after November 15, 1942 will be granted under this § 1358.56.

* * * * *

§ 1358.63 *Effective dates of amendment.* (a) Amendment No. 1 (§§ 1358.56 and 1358.63) to Maximum Price Regulation No. 228 shall become effective 11:59 p. m. November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11294; Filed, November 2, 1942; 4:54 p. m.]

Part 1372—Seasonal Commodities

[MPR 142,[1] Amendment 4]

RETAIL PRICES FOR SUMMER SEASONAL COMMODITIES

The considerations involved in the issuance of this amendment are set forth in the statement of considerations accompanying Amendment No. 33 to the General Maximum Price Regulation which has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1372.3 (c), the figures "1499.18" are deleted, and the phrase "1499.18 (a) and (b)" is substituted.

§ 1372.8a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§ 1372.3 (c)) to Maximum Price Regulation No. 142 shall become effective 11:59 p. m. November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11301; Filed, November 2, 1942; 5:00 p. m.]

Part 1377—Wooden Containers

[MPR 195,[2] Amendment 1]

INDUSTRIAL WOODEN BOXES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1377.113, the last sentence of paragraph (b) is amended and a new sentence added, paragraphs (c) and (d) are revoked, and a new paragraph (c) is added; a new § 1377.119 is added, all to read as set forth below:

§ 1377.113 *Petitions for amendment or adjustment.* * * *

(b) * * *

Applications for adjustment under this paragraph (b) shall be filed in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration. No application for adjustment filed after November 15, 1942 will be granted under this paragraph (b).

(c) Any person seeking an amendment of any provision of this Maximum Price Regulation No. 195 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1377.119 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1377.113 (b), (c), and (d), and 1377.119) to Maximum Price Regulation No. 195 shall become effective 11:59 p. m. November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.B. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11302; Filed, November 1942; 4:56 p. m.]

Part 1382—Hardwood Lumber

[MPR 223,[1] Amendment 1]

NORTHERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1382.158, paragraphs (b) and (c) are revoked, and a new paragraph (b) is added; a new § 1382.162a is added, all to read as set forth below:

§ 1382.158 *Petitions for amendment or adjustment.* * * *

(b) Any person seeking an amendment of any provision of this Maximum Price Regulation No. 223 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1382.162a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1382.158 (b) and (c), and 1382.162a) to Maximum Price Regulation No. 223 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11263; Filed, November 2, 1942; 3:55 p. m.]

Part 1384—Hardwood Lumber Products

[MPR 196,[2] Amendment 3]

TURNED OR SHAPED WOOD PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1384.65, the last sentence of paragraph (b) is amended and a new sentence added, paragraphs (c) and (d) are revoked, and a new paragraph (c) is added.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6219, 6885.

[2] 7 F.R. 7533.

[1] 7 F.R. 3553, 3720, 5520.

[2] 7 F.R. 6049.

[1] 7 F.R. 7445.

[2] 7 F.R. 6078, 7254, 8016.

§ 1384.65 *Petitions for amendment or adjustment.* * * *

(b) * * *

Application for adjustment under this paragraph (b) shall be filed in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration. No application for adjustment filed after November 15, 1942 will be granted under this paragraph (b).

(c) Any person seeking an amendment of any provision of this Maximum Price Regulation No. 196 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1384.70 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1384.65 (b), (c), and (d)) to Maximum Price Regulation No. 196 shall become effective 11:59 p. m. November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11303; Filed, November 2, 1942; 4:56 p. m.]

PART 1384—HARDWOOD LUMBER PRODUCTS

[MPR 217,[1] Amendment 1]

WALNUT GUNSTOCK BLANKS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1384.107, paragraphs (b) and (c) are revoked, and a new paragraph (b) is added; a new § 1384.111a is added, all to read as set forth below:

§ 1384.107 *Petitions for amendment or adjustment.* * * *

(b) Any person seeking an amendment of any provision of this Maximum Price Regulation No. 217 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1384.111a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1384.107 (b) and (c), and 1384.111a) to Maximum Price Regulation No. 217 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11288; Filed, November 2, 1942; 3:56 p. m.]

PART 1389—APPAREL

[MPR 153, as Amended,[1] Amendment 4]

WOMEN'S, GIRLS, AND CHILDREN'S OUTERWEAR GARMENTS

The considerations involved in the issuance of this amendment are set forth in the statement of considerations accompanying Amendment No. 33 to the General Maximum Price Regulation which has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1389.4, the words "1499.18 *Applications for adjustments*" are deleted, and the words "1499.18 (a) and (b) *Adjustment of maximum prices*" are substituted.

§ 1389.11 *Effective dates of amendments.* * * *

(f) Amendment No. 4 (§ 1389.4) to Maximum Price Regulation No. 153 as amended, shall become effective 11:59 p. m. November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11318; Filed, November 2, 1942; 5:02 p. m.]

PART 1389—APPAREL

[MPR 178,[2] Amendment 3]

WOMEN'S FUR GARMENTS

The considerations involved in the issuance of this amendment are set forth in the statement of considerations accompanying Amendment No. 33 to the General Maximum Price Regulation which has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1389.158 (b), the words "1499.18 *Applications for adjustment*" are deleted, and the words "1499.18 (a) and (b) *Adjustment of maximum prices*" are substituted.

§ 1389.166a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1389.158 (b)) to Maximum Price Regulation No. 178 shall become effective 11:59 p. m. November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. 42-11317; Filed, November 2, 1942; 5:02 p. m.]

PART 1400—TEXTILE FABRICS: COTTON WOOL, SILK SYNTHETICS AND ADMIXTURES

[MPR 39,[1] Amendment 3]

WOVEN DECORATIVE FABRICS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1400.160, paragraph (b) is amended and in § 1400.161, a new subparagraph (10) is added to paragraph (a) as set forth below:

§ 1400.160 *Petitions for amendment and adjustment.* * * *

(b) The Office of Price Administration may by order adjust the maximum price established under this regulation for any seller of a woven decorative fabric in any case in which such seller shows:

(1) That such maximum price causes him hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar commodities, and

(2) That establishing for him a maximum price bearing a normal relation to the maximum prices established for competitive sellers of the same or similar commodities will not cause or threaten to cause an increase in retail prices.

On and after July 13, 1942, all petitions for adjustment under this paragraph (b) shall be filed in accordance with Revised Procedural Regulation No. 1: *Provided*, That no petition for adjustment filed under this paragraph (b) after November 15, 1942, will be granted.

* * * * *

§ 1400.161 *Definitions.* (a) When used in this Maximum Price Regulation No. 39, the term: * * *

(10) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no manufacturer, purchaser for resale or other commercial user, shall be considered to be an ultimate consumer.

* * * * *

§ 1400.162a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1400.160 (b) and 1400.161 (a)) to Maximum Price Regulation No. 39 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11319; Filed, November 2, 1942; 5:04 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 183,[2] Amendment 8]

PUERTO RICO

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1418.10 is amended and a new § 1418.10a is added.

§ 1418.10 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 183 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

§ 1418.10a *Applications for adjustment.* Any person seeking an adjustment of the maximum prices established by this Maximum Price Regulation No. 183 may file a petition for adjustment in accordance with the provisions of Procedural Regulation No. 7.

* * * * *

§ 1418.13a *Effective dates of amendments.* * * *

(h) Amendment No. 8 (§§ 1418.10 and 1418.10a) to Maximum Price Regulation No. 183 shall become effective 11:59 p. m. November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11306; Filed, November 2, 1942; 4:57 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 194,[1] Amendment 5]

ALASKA

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1418.62 is amended and a new § 1418.52a is added.

§ 1418.62 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 194 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

§ 1418.62a *Applications for adjustment.* Any person seeking an adjustment of the maximum prices established by this Maximum Price Regulation No. 194 may file a petition for adjustment in accordance with the provisions of Procedural Regulation No. 7.

* * * * *

§ 1418.66 *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§§ 1418.62 and 1418.62a) to Maximum Price Regulation No. 194 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11304; Filed, November 2, 1942; 4:56 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 201,[1] Amendment 2]

VIRGIN ISLANDS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1418.112 is amended and a new § 1418.112a is added.

§ 1418.112 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 201 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

§ 1418.112a *Applications for adjustment.* Any person seeking an adjustment of the maximum prices established by this Maximum Price Regulation No. 183 may file a petition for adjustment in accordance with the provisions of Procedural Regulation No. 7.

§ 1418.116 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1418.112 and 1418.112a) to Maximum Price Regulation No. 201 shall become effective 11:59 p. m. November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11305; Filed, November 2, 1942; 4:57 p. m.]

PART 1420—BREWERY AND DISTILLERY PRODUCTS

[MPR 193, Amendment 2]

DOMESTIC DISTILLED SPIRITS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1420.8, a new phrase "the provisions of § 1499.9 (b) (5) relating to sales by hotels, restaurants, bars, etc.;" is added after the phrase "the provisions of § 1499.7 (a) relating to taxes;" and a new subparagraph (4) is added to paragraph (a) of § 1420.10, subparagraph (3) of paragraph (a) of § 1420.13 is amended and a new paragraph (d) is added to § 1420.13, as set forth below:

§ 1420.10 *Definitions.* (a) When used in this Maximum Price Regulation No. 193 the term: * * *

(4) "Monopoly states" means the following states of the United States or the appropriate Alcoholic Beverage Control Board or Commission thereof: Alabama, Idaho, Iowa, Maine, Michigan, Montana, New Hampshire, North Carolina, Ohio, Oregon, Pennsylvania, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming.

* * * * *

§ 1420.13 *Appendix A: Maximum prices for domestic distilled spirits*—(a) *Determination of maximum prices generally.* * * *

(3) *Notification.* On or before August 16, 1942, every seller, other than sellers at retail, shall notify each of its customers in writing of the difference between such seller's maximum price under the General Maximum Price Regulation and such seller's maximum price under this Maximum Price Regulation 193 for each item of domestic distilled spirits ordinarily sold by such seller to such customer. If any adjustment of maximum prices is made in accordance with the provisions of this Maximum Price Regulation No. 193 on or after August 16, 1942, every seller, other than sellers at retail, shall notify each of its customers in writing, as provided above, within 10 days from the date when such adjustment of maximum prices is made. When any modification of maximum prices is made in accordance with the provisions of subparagraph (a) (1) (iii) or subparagraph (a) (2) (ii) of this section relating to new or increased taxes, the separate statement of the amount of the new tax or increase in an existing tax on the invoice of the seller shall be deemed to be a proper notification under this section.

* * * * *

(d) *Automatic adjustments for monopoly states*—(1) *Permitted increases.* If any seller is permitted to increase his maximum price to any Monopoly state for domestic distilled spirits under the provisions of paragraph (a) (1) (i) or (ii) or under the provisions of paragraph (a) (2) (i) of this section relating to increased costs, such Monopoly state may adjust its maximum prices for such domestic distilled spirits by applying to the gross adjusted price (exclusive of new or increased taxes) charged to it by such seller the statutory or discretionary percentage mark-up in effect in such Monopoly state on March 31, 1942. In applying such percentage mark-up any Monopoly state may follow its practice as of March 31, 1942 with respect to the disposition of fractional and odd cents.

(2) *New or increased taxes.* If any seller is permitted to increase his maximum prices to any Monopoly state for domestic distilled spirits under the provisions of paragraph (a) (i) (iii) or under

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* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7244.

[1] 7 F.R. 4381, 5869, 7010, 7535.

[2] 7 F.R. 5277, 6771, 8016.

[1] 7 F.R. 5243, 5512, 6774.

[2] 7 F.R. 5620, 6744, 6659, 7454, 7843, 7945, 8558.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R 5909, 6268, 6744, 8023, 8358.

[1] 7 F.R. 6269.

the provisions of paragraph (a) (2) (ii) relating to new or increased taxes, such Monopoly state may add to its maximum prices for such domestic distilled spirits as adjusted under subparagraph (1) of this paragraph, the exact amount per case and per container which is furnished to it by its seller pursuant to subparagraph (3) of this paragraph.

(3) *Notification to monopoly states.* Any seller who sells any domestic distilled spirits to any Monopoly state shall state upon the face of the invoice covering any particular transaction or upon a written notice prior to shipment (i) the gross adjusted price exclusive of any new or increased taxes for each brand, type, quality and container size of domestic distilled spirits included in the particular transaction and (ii) the amount of any new or increased tax with respect to each brand, type, quality and container size of domestic distilled spirits included in the particular transaction: *Provided*, That no notification shall be required after the first notification to any particular Monopoly state unless the seller's maximum price is further adjusted or other new or increased taxes are imposed. The total amount of any new or increased tax shall be computed on the basis of the number of gallons or fractional gallons of the particular brand, type and quality of domestic distilled spirits contained in the particular case. The total amount of any new or increased tax so computed shall then be divided by the number of containers in the case of the particular brand, type, and quality of domestic distilled spirits. The figures so arrived at per case and per container shall then be adjusted to the next higher even cent if the fraction is ½ cent or more, and to the next lower even cent if the fraction is less than ½ cent. The final adjusted figures per case and per container shall be the figures stated with respect to new or increased taxes on the invoice or written notice as provided above.

§ 1420.14 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1420.8, 1420.10 (a) (4), 1420.13 (a) (3) and (d) and 1420.14 (b)) shall be effective as of November 1, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

§ 1305.31 *Amendment of certain revised price schedules and maximum price regulations.* (a) The sections, paragraphs or subparagraphs listed below are amended so that the text shall read as follows, the headnotes thereof, if any, remaining unchanged:

Any person seeking an amendment of any provision of this ____________[1] may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

Revised Price Schedule or Maximum Price Regulation:	*Section, Paragraph or Subparagraph*
General Maximum Price Regulation	1499.19
1	1301.4
2	1302.10
3	1303.7
4	1304.9
6	1306.7 (a)
7	1307.8
8	1308.8
9	1314.9
10	1306.55 (a)
11	1316.10
12	1309.17
13	1413.7
15	1309.57
16	1334.6
17	1333.7
18	1339.8
19	1381.207
20	1309.68
21	1335.57
23	1337.9
24	1342.7
26	1381.57
28	1335.156
29	1345.6 (a)
30	1347.7
31	1335.207
32	1347.58
33	1307.58
34	1335.257
35	1316.53
36	1412.61
37	1412.111
38	1335.407
39	1400.160 (a)
40	1346.6
41	1306.108 (b)
42	1335.457
43	1306.206 (a)
44	1312.156
45	1346.56
46	1306.257 (a)
47	1347.107
49	1306.156 (a)
50	1351.4
51	1351.57
52	1351.107
53	1351.156
54	1312.206
55	1330.57
56	1315.58
57	1352.10
58	1410.56 (a)

Revised Price Schedule or Maximum Price Regulation—Con.	*Section, Paragraph or Subparagraph*
76	1335.706
77	1345.57 (a)
78	1335.556
79	1335.606
80	1335.656
81	1303.56
82	1349.10
83	1336.59
84	1336.108
85	1360.58
86	1380.8
87	1315.1260
88	1340.156 (a)
89	1316.108
90	1401.56
91	1351.257
92	1351.307
93	1348.6
94	1312.256
95	1401.7
96	1330.107
97	1382.107
98	1335.756
99	1335.806
100	1306.306
101	1396.7
102	1380.57
103	1335.956
104	1335.906
105	1406.6
106	1410.6
107	1315.1357
108	1367.27
109	1312.357
110	1380.108
111	1370.10
112	1340.197
113	1369.9 (a)
114	1347.228
115	1338.67
116	1362.59
117	1377.17
118	1400.114
119	1315.1458 (b)
120	1340.207 (f)
121	1340.247
122	1340.257 (b)
123	1410.77
124	1303.257
125	1395.8
126	1376.7
127	1400.80 (a)
128	1400.30
129	1347.21
130	1347.279
131	1315.1307
132	1315.67
133	1361.8
134	1390.7
135	1367.38
136	1309.25 (c)
137	1340.89 (b)
138	1405.8
139	1380.209
140	1347.158
141	1314.108
142	1372.3 (c)
143	1315.1509

Revised Price Schedule or Maximum Price Regulation—Con.	*Section, Paragraph or Subparagraph*
166	1303.208
167	1337.37
168	1337.58
169	1364.60 (b)
170	1412.8
171	1392.7
172	1389.58
173	1363.108
174	1390.55
175	1408.7
176	1384.7
177	1389.118 (b)
178	1389.164
179	1385.9
180	1415.8
181	1341.64
182	1347.309
184	1364.108
185	1341.108
186	1377.108
187	1347.410
188	1499.161 (b)
190	1359.10
191	1419.9
192	1416.57
193	1420.9
197	1341.165
198	1387.7
199	1355.111
200	1315.1412
202	1309.160
203	1396.211
204	1499.510 (b)
205	1367.57
206	1362.108
207	1341.208
208	1389.214
209	1364.208
210	1372.106 (a) (7)
211	1499.564
212	1341.262
213	1365.69
214	1421.8 (d)
216	1426.9
218	1426.58
219	1381.307 (b)
220	1315.1561 (b)
225	1347.470
226	1341.310
227	1341.358
228	1358.55
231	1424.7
232	1341.460
233	1341.420
234	1350.56 (a) (3)
235	1421.58 (c) (First sentence)
239	1364.160
240	1367.109
241	1421.107 (c)
243	1351.908
244	1421.157 (c)
245	1418.108
246	1361.64 (a)
247	1364.264
Temporary Maximum Price Regulation 22	1351.809

(b) The order issued March 10, 1942, entitled "Order Amending Modification Provisions of Certain Revised Price

PART 1334—SUGAR, CONFECTIONERY AND SOFT DRINKS

[RPS 60,[1] Amendment 5]

DIRECT CONSUMPTION SUGARS

A statement of the considerations involved in the issuance of the amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1334.58a is revoked and paragraph (e) of § 1334.52 is amended to read as set forth below:

§ 1334.52 *Maximum prices for sales of direct-consumption sugars at wholesale by persons other than primary distributors.* * * *

(e) The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum price established by this section for any seller at wholesale in any case in which the seller shows:

(1) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of direct-consumption sugars; and

(2) That establishing for him a maximum price, bearing normal relation to the maximum prices established for competitive sellers of direct-consumption sugars, will not cause or threaten to cause an increase in the level of retail prices for direct-consumption sugars.

Application for adjustment under this paragraph (e) shall be filed in accordance with Revised Procedural Regulation No. 1.

No application for adjustment filed after November 15, 1942 will be granted under this paragraph (e).

§ 1334.60a *Effective dates of amendments.* * * *

(e) This Amendment No. 5 (§ 1334.52 (e) and § 1334.58a) to Revised Price Schedule No. 60 shall become effective 11:59 p. m. November 4, 1942.

(Pub. Laws 421, 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11297; Filed, November 2, 1942; 4:34 p. m.]

PART 1340—FUEL

[MPR 122,[1] Amendment 10]

is added to paragraph (a) of § 1340.257; paragraph (b) of that section is redesignated as paragraph (c) and a new paragraph (b) is added thereto to read as set forth below:

§ 1340.257 *Petitions for amendment and applications for adjustment.* (a) * * *

(9) No application for adjustment filed after November 15, 1942, will be granted under this paragraph (a).

(b) The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this Regulation in the following cases:

(1) In the case of any seller at retail who shows:

(i) That such maximum price is abnormally low in relation to the maximum price of the same or similar solid fuel established for other sellers at retail; and

(ii) That this abnormality subjects him to substantial hardship.

No application for adjustment filed after November 30, 1942 will be granted under this subparagraph (1).

(2) In the case of any seller, other than a seller at retail, who shows:

(i) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar solid fuel; and

(ii) That establishing for him a maximum price, bearing a normal relation to the maximum price established for competitive sellers of the same or similar solid fuel, will not cause or threaten to cause an increase in the level of retail prices.

No application for adjustment filed after November 15, 1942 will be granted under this subparagraph (2).

(3) In the case of any seller or group of sellers when it appears:

(i) That there exists or threatens to exist in a particular locality a shortage in the supply of any solid fuel which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war; and

(ii) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such solid fuel; and

(iii) That such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

§ 1384.65 *Petitions for amendment or adjustment.* * * *

(b) * * *

Application for adjustment under this paragraph (b) shall be filed in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration. No application for adjustment filed after November 15, 1942 will be granted under this paragraph (b).

(c) Any person seeking an amendment of any provision of this Maximum Price Regulation No. 196 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1384.70 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1384.65 (b), (c), and (d)) to Maximum Price Regulation No. 196 shall become effective 11:59 p. m. November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11303; Filed, November 2, 1942; 4:56 p. m.]

PART 1384—HARDWOOD LUMBER PRODUCTS

[MPR 217,[1] Amendment 1]

WALNUT GUNSTOCK BLANKS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1384.107, paragraphs (b) and (c) are revoked, and a new paragraph (b) is added; a new § 1384.111a is added, all to read as set forth below:

§ 1384.107 *Petitions for amendment or adjustment.* * * *

(b) Any person seeking an amendment of any provision of this Maximum Price Regulation No. 217 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1384.111a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1384.107 (b) and (c), and 1384.111a) to Maximum Price Regulation No. 217 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11288; Filed, November 2, 1942; 3:56 p. m.]

PART 1389—APPAREL

[MPR 153, as Amended,[1] Amendment 4]

WOMEN'S, GIRLS, AND CHILDREN'S OUTERWEAR GARMENTS

The considerations involved in the issuance of this amendment are set forth in the statement of considerations accompanying Amendment No. 33 to the General Maximum Price Regulation which has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1389.4, the words "1499.18 *Applications for adjustments*" are deleted, and the words "1499.18 (a) and (b) *Adjustment of maximum prices*" are substituted.

§ 1389.11 *Effective dates of amendments.* * * *

(f) Amendment No. 4 (§ 1389.4) to Maximum Price Regulation No. 153 as amended, shall become effective 11:59 p. m. November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11318; Filed, November 2, 1942; 5:02 p. m.]

PART 1389—APPAREL

[MPR 178,[2] Amendment 3]

WOMEN'S FUR GARMENTS

The considerations involved in the issuance of this amendment are set forth in the statement of considerations accompanying Amendment No. 33 to the General Maximum Price Regulation which has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1389.158 (b), the words "1499.18 *Applications for adjustment*" are deleted, and the words "1499.18 (a) and (b) *Adjustment of maximum prices*" are substituted.

§ 1389.166a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1389.158 (b)) to Maximum Price Regulation No. 178 shall become effective 11:59 p. m. November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. 42-11317; Filed, November 2, 1942; 5:02 p. m.]

PART 1400—TEXTILE FABRICS: COTTON WOOL, SILK SYNTHETICS AND ADMIXTURES

[MPR 39,[1] Amendment 3]

WOVEN DECORATIVE FABRICS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1400.160, paragraph (b) is amended and in § 1400.161, a new subparagraph (10) is added to paragraph (a) as set forth below:

§ 1400.160 *Petitions for amendment and adjustment.* * * *

(b) The Office of Price Administration may by order adjust the maximum price established under this regulation for any seller of a woven decorative fabric in any case in which such seller shows:

(1) That such maximum price causes him hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar commodities, and

(2) That establishing for him a maximum price bearing a normal relation to the maximum prices established for competitive sellers of the same or similar commodities will not cause or threaten to cause an increase in retail prices.

On and after July 13, 1942, all petitions for adjustment under this paragraph (b) shall be filed in accordance with Revised Procedural Regulation No. 1: *Provided,* That no petition for adjustment filed under this paragraph (b) after November 15, 1942, will be granted.

* * * * *

§ 1400.161 *Definitions.* (a) When used in this Maximum Price Regulation No. 39, the term: * * *

(10) "Sales at retail" means sales to the ultimate consumer: *Provided,* That no manufacturer, purchaser for resale or other commercial user, shall be considered to be an ultimate consumer.

* * * * *

§ 1400.162a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1400.160 (b) and 1400.161 (a)) to Maximum Price Regulation No. 39 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11319; Filed, November 2, 1942; 5:04 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 183,[2] Amendment 8]

PUERTO RICO

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

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* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7244.

[1] 7 F.R. 4381, 5869, 7010, 7535.

[2] 7 F.R. 5277, 6771, 8016.

[1] 7 F.R. 5243, 5512, 6774.

[2] 7 F.R. 5620, 6744, 6659, 7454, 7843, 7945, 8558.

Section 1418.10 is amended and a new § 1418.10a is added.

§ 1418.10 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 183 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

§ 1418.10a *Applications for adjustment.* Any person seeking an adjustment of the maximum prices established by this Maximum Price Regulation No. 183 may file a petition for adjustment in accordance with the provisions of Procedural Regulation No. 7.

* * * * *

§ 1418.13a *Effective dates of amendments.* * * *

(h) Amendment No. 8 (§§ 1418.10 and 1418.10a) to Maximum Price Regulation No. 183 shall become effective 11:59 p. m. November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11306; Filed, November 2, 1942; 4:57 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 194,[1] Amendment 5]

ALASKA

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1418.62 is amended and a new § 1418.52a is added.

§ 1418.62 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 194 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

§ 1418.62a *Applications for adjustment.* Any person seeking an adjustment of the maximum prices established by this Maximum Price Regulation No. 194 may file a petition for adjustment in accordance with the provisions of Procedural Regulation No. 7.

* * * * *

§ 1418.66 *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§§ 1418.62 and 1418.62a) to Maximum Price Regulation No. 194 shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11304; Filed, November 2, 1942; 4:56 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 201,[1] Amendment 2]

VIRGIN ISLANDS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1418.112 is amended and a new § 1418.112a is added.

§ 1418.112 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 201 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

§ 1418.112a *Applications for adjustment.* Any person seeking an adjustment of the maximum prices established by this Maximum Price Regulation No. 183 may file a petition for adjustment in accordance with the provisions of Procedural Regulation No. 7.

§ 1418.116 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1418.112 and 1418.112a) to Maximum Price Regulation No. 201 shall become effective 11:59 p. m. November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11305; Filed, November 2, 1942; 4:57 p. m.]

PART 1420—BREWERY AND DISTILLERY PRODUCTS

[MPR 193, Amendment 2]

DOMESTIC DISTILLED SPIRITS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1420.8, a new phrase "the provisions of § 1499.9 (b) (5) relating to sales by hotels, restaurants, bars, etc.;" is added after the phrase "the provisions of § 1499.7 (a) relating to taxes;" and a new subparagraph (4) is added to paragraph (a) of § 1420.10, subparagraph (3) of paragraph (a) of § 1420.13 is amended and a new paragraph (d) is added to § 1420.13, as set forth below:

§ 1420.10 *Definitions.* (a) When used in this Maximum Price Regulation No. 193 the term: * * *

(4) "Monopoly states" means the following states of the United States or the appropriate Alcoholic Beverage Control Board or Commission thereof: Alabama, Idaho, Iowa, Maine, Michigan, Montana, New Hampshire, North Carolina, Ohio, Oregon, Pennsylvania, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming.

* * * * *

§ 1420.13 *Appendix A: Maximum prices for domestic distilled spirits*—(a) *Determination of maximum prices generally.* * * *

(3) *Notification.* On or before August 16, 1942, every seller, other than sellers at retail, shall notify each of its customers in writing of the difference between such seller's maximum price under the General Maximum Price Regulation and such seller's maximum price under this Maximum Price Regulation 193 for each item of domestic distilled spirits ordinarily sold by such seller to such customer. If any adjustment of maximum prices is made in accordance with the provisions of this Maximum Price Regulation No. 193 on or after August 16, 1942, every seller, other than sellers at retail, shall notify each of its customers in writing, as provided above, within 10 days from the date when such adjustment of maximum prices is made. When any modification of maximum prices is made in accordance with the provisions of subparagraph (a) (1) (iii) or subparagraph (a) (2) (ii) of this section relating to new or increased taxes, the separate statement of the amount of the new tax or increase in an existing tax on the invoice of the seller shall be deemed to be a proper notification under this section.

* * * * *

(d) *Automatic adjustments for monopoly states*—(1) *Permitted increases.* If any seller is permitted to increase his maximum price to any Monopoly state for domestic distilled spirits under the provisions of paragraph (a) (1) (i) or (ii) or under the provisions of paragraph (a) (2) (i) of this section relating to increased costs, such Monopoly state may adjust its maximum prices for such domestic distilled spirits by applying to the gross adjusted price (exclusive of new or increased taxes) charged to it by such seller the statutory or discretionary percentage mark-up in effect in such Monopoly state on March 31, 1942. In applying such percentage mark-up any Monopoly state may follow its practice as of March 31, 1942 with respect to the disposition of fractional and odd cents.

(2) *New or increased taxes.* If any seller is permitted to increase his maximum prices to any Monopoly state for domestic distilled spirits under the provisions of paragraph (a) (i) (iii) or under

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R 5909, 6268, 6744, 8023, 8358.

[1] 7 F.R. 6269.

the provisions of paragraph (a) (2) (ii) relating to new or increased taxes, such Monopoly state may add to its maximum prices for such domestic distilled spirits as adjusted under subparagraph (1) of this paragraph, the exact amount per case and per container which is furnished to it by its seller pursuant to subparagraph (3) of this paragraph.

(3) *Notification to monopoly states.* Any seller who sells any domestic distilled spirits to any Monopoly state shall state upon the face of the invoice covering any particular transaction or upon a written notice prior to shipment (i) the gross adjusted price exclusive of any new or increased taxes for each brand, type, quality and container size of domestic distilled spirits included in the particular transaction and (ii) the amount of any new or increased tax with respect to each brand, type, quality and container size of domestic distilled spirits included in the particular transaction: *Provided*, That no notification shall be required after the first notification to any particular Monopoly state unless the seller's maximum price is further adjusted or other new or increased taxes are imposed. The total amount of any new or increased tax shall be computed on the basis of the number of gallons or fractional gallons of the particular brand, type and quality of domestic distilled spirits contained in the particular case. The total amount of any new or increased tax so computed shall then be divided by the number of containers in the case of the particular brand, type, and quality of domestic distilled spirits. The figures so arrived at per case and per container shall then be adjusted to the next higher even cent if the fraction is ½ cent or more, and to the next lower even cent if the fraction is less than ½ cent. The final adjusted figures per case and per container shall be the figures stated with respect to new or increased taxes on the invoice or written notice as provided above.

§ 1420.14 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1420.8, 1420.10 (a) (4), 1420.13 (a) (3) and (d) and 1420.14 (b)) shall be effective as of November 1, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11312; Filed, November 2, 1942; 5:03 p. m.]

PART 1305—ADMINISTRATION

[Supplementary Order 26]

STANDARD PROVISION FOR PETITIONS FOR AMENDMENT

A statement of the reasons involved in the issuance of this supplementary order is issued simultaneously herewith and filed with the Division of the Federal Register.*

§ 1305.31 *Amendment of certain revised price schedules and maximum price regulations.* (a) The sections, paragraphs or subparagraphs listed below are amended so that the text shall read as follows, the headnotes thereof, if any, remaining unchanged:

> Any person seeking an amendment of any provision of this ____________________[1] may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

Revised Price Schedule or Maximum Price Regulation:	*Section, Paragraph or Subparagraph*
General Maximum Price Regulation	1499.19
1	1301.4
2	1302.10
3	1303.7
4	1304.9
6	1306.7 (a)
7	1307.8
8	1308.8
9	1314.9
10	1306.55 (a)
11	1316.10
12	1309.17
13	1413.7
15	1309.57
16	1334.6
17	1333.7
18	1339.8
19	1381.207
20	1309.68
21	1335.57
23	1337.9
24	1342.7
26	1381.57
28	1335.156
29	1345.6 (a)
30	1347.7
31	1335.207
32	1347.58
33	1307.58
34	1335.257
35	1316.58
36	1412.61
37	1412.111
38	1335.407
39	1400.160 (a)
40	1346.6
41	1306.108 (b)
42	1335.457
43	1306.206 (a)
44	1312.156
45	1346.56
46	1306.257 (a)
47	1347.107
49	1306.156 (a)
50	1351.4
51	1351.57
52	1351.107
53	1351.156
54	1312.206
55	1330.57
56	1315.58
57	1352.10
58	1410.56 (a)
59	1353.8
60	1334.58
61	1314.60
62	1358.7
63	1315.107
64	1356.10
65	1352.60
66	1315.1207
67	1301.57 (a)
68	1335.507
69	1355.6
70	1355.61
71	1357.6
73	1363.8
74	1363.58
75	1362.7
76	1335.706
77	1345.57 (a)
78	1335.556
79	1335.606
80	1335.656
81	1303.56
82	1349.10
83	1336.59
84	1336.108
85	1360.58
86	1380.8
87	1315.1260
88	1340.156 (a)
89	1316.108
90	1401.56
91	1351.257
92	1351.307
93	1348.6
94	1312.256
95	1401.7
96	1330.107
97	1382.107
98	1335.756
99	1335.806
100	1306.306
101	1396.7
102	1380.57
103	1335.956
104	1335.906
105	1406.6
106	1410.6
107	1315.1357
108	1367.27
109	1312.357
110	1380.108
111	1370.10
112	1340.197
113	1369.9 (a)
114	1347.228
115	1338.67
116	1362.59
117	1377.17
118	1400.114
119	1315.1458 (b)
120	1340.207 (f)
121	1340.247
122	1340.257 (b)
123	1410.77
124	1303.257
125	1395.8
126	1376.7
127	1400.80 (a)
128	1400.30
129	1347.21
130	1347.279
131	1315.1307
132	1315.67
133	1361.8
134	1399.7
135	1367.38
136	1309.25 (c)
137	1340.89 (b)
138	1405.8
139	1380.209
140	1347.158
141	1314.108
142	1372.3 (c)
143	1315.1509
145	1314.160
146	1382.7
147	1368.7 (c)
148	1364.29 (b)
149	1315.30
150	1351.460
151	1330.173
152	1341.28
154	1393.9
155	1332.57
156	1378.56
157	1378.9
158	1391.64
159	1306.368 (b)
161	1381.157 (a)
162	1398.78
163	1410.114
164	1381.8
165	1499.115
166	1303.208
167	1337.37
168	1337.58
169	1364.60 (b)
170	1412.8
171	1392.7
172	1389.58
173	1363.108
174	1390.55
175	1408.7
176	1384.7
177	1389.118 (b)
178	1389.164
179	1385.9
180	1415.8
181	1341.64
182	1347.309
184	1364.108
185	1341.108
186	1377.108
187	1347.410
188	1499.161 (b)
190	1359.10
191	1419.9
192	1416.57
193	1420.9
197	1341.165
198	1387.7
199	1355.111
200	1315.1412
202	1309.160
203	1396.211
204	1499.510 (b)
205	1367.57
206	1362.108
207	1341.208
208	1389.214
209	1364.208
210	1372.106 (a) (7)
211	1499.564
212	1341.262
213	1365.69
214	1421.8 (d)
216	1426.9
218	1426.58
219	1381.307 (b)
220	1315.1561 (b)
225	1347.470
226	1341.310
227	1341.358
228	1358.55
231	1424.7
232	1341.460
233	1341.420
234	1350.56 (a) (3)
235	1421.58 (c) (First sentence)
239	1364.160
240	1367.109
241	1421.107 (c)
243	1351.908
244	1421.157 (c)
245	1415.108
246	1361.64 (a)
24	1364.264
Temporary Maximum Price Regulation 22	1351.809

(b) The order issued March 10, 1942, entitled "Order Amending Modification Provisions of Certain Revised Price Schedules"[2] is hereby revoked.

(c) This Supplementary Order No. 26 (§ 1305.31) shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11295; Filed, November 2, 1942; 4:55 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] Insert "Revised Price Schedule" or "Maximum Price Regulation" as may be appropriate.

[2] 7 F.R. 1836.

PART 1334—SUGAR, CONFECTIONERY AND SOFT DRINKS

[RPS 60,[1] Amendment 5]

DIRECT CONSUMPTION SUGARS

A statement of the considerations involved in the issuance of the amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1334.58a is revoked and paragraph (e) of § 1334.52 is amended to read as set forth below:

§ 1334.52 *Maximum prices for sales of direct-consumption sugars at wholesale by persons other than primary distributors.* * * *

(e) The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum price established by this section for any seller at wholesale in any case in which the seller shows:

(1) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of direct-consumption sugars; and

(2) That establishing for him a maximum price, bearing normal relation to the maximum prices established for competitive sellers of direct-consumption sugars, will not cause or threaten to cause an increase in the level of retail prices for direct-consumption sugars.

Application for adjustment under this paragraph (e) shall be filed in accordance with Revised Procedural Regulation No. 1.

No application for adjustment filed after November 15, 1942 will be granted under this paragraph (e).

§ 1334.60a *Effective dates of amendments.* * * *

(e) This Amendment No. 5 (§ 1334.52 (e) and § 1334.58a) to Revised Price Schedule No. 60 shall become effective 11:59 p. m. November 4, 1942.

(Pub. Laws 421, 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11297; Filed, November 2, 1942; 4:54 p. m.]

PART 1340—FUEL

[MPR 122,[2] Amendment 10]

SOLID FUELS, DELIVERED FROM FACILITIES OTHER THAN PRODUCING FACILITIES—DEALERS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1340.257a is deleted; the title of § 1340.257 is amended; subparagraph (9) is added to paragraph (a) of § 1340.257; paragraph (b) of that section is redesignated as paragraph (c) and a new paragraph (b) is added thereto to read as set forth below:

§ 1340.257 *Petitions for amendment and applications for adjustment.* (a) * * *

(9) No application for adjustment filed after November 15, 1942, will be granted under this paragraph (a).

(b) The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this Regulation in the following cases:

(1) In the case of any seller at retail who shows:

(i) That such maximum price is abnormally low in relation to the maximum price of the same or similar solid fuel established for other sellers at retail; and

(ii) That this abnormality subjects him to substantial hardship.

No application for adjustment filed after November 30, 1942 will be granted under this subparagraph (1).

(2) In the case of any seller, other than a seller at retail, who shows:

(i) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar solid fuel; and

(ii) That establishing for him a maximum price, bearing a normal relation to the maximum price established for competitive sellers of the same or similar solid fuel, will not cause or threaten to cause an increase in the level of retail prices.

No application for adjustment filed after November 15, 1942 will be granted under this subparagraph (2).

(3) In the case of any seller or group of sellers when it appears:

(i) That there exists or threatens to exist in a particular locality a shortage in the supply of any solid fuel which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war; and

(ii) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such solid fuel; and

(iii) That such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Each Regional Administrator is authorized to make adjustments or act upon applications for adjustment under this paragraph (3).

Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1.

§ 1340.260a *Effective dates of amendments.* * * *

(j) Amendment No. 10 (§ 1340.257) to Maximum Price Regulation No. 122 shall become effective 11:59 p. m. November 4, 1942.

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* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1320, 1836, 2132, 2510, 5664, 6787.

[2] 7 F.R. 3239, 3666, 3856, 3940, 3941, 5024, 5567, 5835, 7809.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11314; Filed, November 2, 1942; 5:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14[1] of GMPR,[2] Amendment 50]

REVOCATION OF CERTAIN PROVISIONS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraphs (1) (vi) and (8) of paragraph (a) of § 1499.73 are revoked.

(b) *Effective dates.* * * *

(51) This Amendment No. 50 (§ 1499.73 (a) (1), (a) (8)) to Supplementary Regulation No. 14 shall become effective 11:59 P. M., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11307; Filed, November 2, 1942; 5:00 p. m.]

PART 1420—BREWERY AND DISTILLERY PRODUCTS

[MPR 259]

DOMESTIC MALT BEVERAGES

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of domestic malt beverages by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 259 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250. So far as practical, the Price Administrator has advised and consulted with members of the industry which will be affected by the regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No, 1, issued by the Office of Price Administration, Maximum Price Regulation No. 259 is hereby issued.

Sec.	
1420.51	Prohibition against sales of domestic malt beverages above maximum prices.
1420.52	Less than maximum price.
1420.53	Applicability of General Maximum Price Regulation.
1420.54	Export sales.
1420.55	Federal and state taxes.
1420.56	Petitions for amendment.
1420.57	Evasion.
1420.58	Licensing.
1420.59	Standards of quality.
1420.60	Enforcement.
1420.61	Container and shipping case deposits.
1420.62	Definitions.
1420.63	Notification of adjustment.
1420.64	Geographical applicability.
1420.65	Effective dates.
1420.66	Appendix A: Maximum prices for domestic malt beverages.

AUTHORITY: §§ 1420.51 to 1420.66 inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1420.51 *Prohibition against sales of domestic malt beverages above maximum prices.* On and after November 1, 1942, regardless of any contract, agreement, lease or other obligation:

(a) No person shall sell or deliver any domestic malt beverages at higher prices than the maximum prices set forth in Appendix A (§ 1420.66) of this Maximum Price Regulation No. 259.

(b) No person shall buy or receive any domestic malt beverages in the course of trade or business at higher prices than the maximum prices set forth in this Maximum Price Regulation No. 259.

(c) No person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided,* That the provisions of this section shall not be applicable to sales or deliveries of domestic malt beverages to a purchaser if prior to November 1, 1942 such domestic malt beverage had been received by a carrier other than a carrier owned or controlled by the seller for shipment to such purchaser.

§ 1420.52 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 259 may be charged, demanded, paid or offered.

§ 1420.53 *Applicability of the General Maximum Price Regulation.* (a) The provisions of this Maximum Price Regulation No. 259 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of domestic malt beverages for which maximum prices are established by this regulation.

(b) The following sections of the General Maximum Price Regulation as well as amendments thereto, shall be applicable to every manufacturer, seller at wholesale or at retail:

(1) Special deals (§ 1499.4 (b)).
(2) Transfers of business or stock in trade (§ 1499.5).
(3) Commodities excepted (§ 1499.9 (b) (5)).
(4) Base period records (§ 1499.11).
(5) Current records (§ 1499.12).
(6) Sales slips and receipts (§ 1499.14).
(7) Registration (§ 1499.15).
(8) Definitions (§ 1499.20 (a), (c), (d), (e), (g), (h), (i), (k), (m), (n), (o), (p), (r), (s)).

§ 1420.54 *Export sales.* The maximum prices at which a person may export domestic malt beverages shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[1] issued by the Office of Price Administration.

§ 1420.55 *Federal and state taxes.* Any tax upon, or incident to, the sale or delivery of domestic malt beverages, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such domestic malt beverages and in preparing the records of such seller with respect thereto:

(a) As to a tax in effect prior to the last day of any base period herein provided for the determination of the maximum prices of any seller (1) if the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during the applicable base period the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 259. (2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately, from the purchase price, and the seller does state it separately, the seller may collect in addition to the maximum price, the amount of the tax actually paid by him or an amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 259.

(b) As to any new tax or any increase in an existing tax imposed after the last day of any base period herein provided for the determination of the maximum prices of any seller a manufacturer or wholesaler may collect the amount of such tax or increase in an existing tax imposed upon him or upon any prior vendor by any statute of the United States or statute or ordinance of any state or subdivision thereof with respect to domestic malt beverages to be "sold on draught": *Provided,* That such amount has been paid by the manufacturer or wholesaler or has accrued and is payable by such manufacturer or wholesaler to the appropriate taxing authorities or any prior vendor: *Provided,* That the seller at retail of domestic malt beverages "to be sold on draught" shall not adjust his maximum price because of any new tax or increase in an existing tax paid or accrued and payable by the manufacturer, wholesaler or such retailer.

(c) As to any new tax or any increase in an existing tax effective after the last day of any base period herein provided for the determination of the maximum prices of any seller, the manufacturer, wholesaler, or retailer may collect the amount of such tax or increase in an existing tax imposed upon him or any prior vendor by any statute of the United States or statute or ordinance of any state or subdivision thereof with respect to any domestic malt beverage "not to be sold on draught": *Provided,* That such amount has been paid by the manufacturer, wholesaler or retailer or has accrued and is payable by such manufacturer, wholesaler or retailer to the appropriate taxing authorities or any prior vendor.

(d) As to the specific increase in the Federal Excise Tax of $1.00 per barrel on domestic malt beverages, effective November 1, 1942, the method by which such tax increase may be added to the seller's maximum price is provided in § 1420.66 herein. This does not apply to a seller at retail of domestic malt beverages "to be sold on draught."

§ 1420.56 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 259 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

§ 1420.57 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 259 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale or delivery of, or relating to the sale of domestic malt beverages alone or in connection with any other commodity, or by way of commission, service, transportation, or any charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) The reduction or elimination of the seller's customary allowances, discounts or other price differentials existing during the applicable base period herein provided for the determination of the maximum prices of any seller;

(2) The depreciation of the quality of a domestic malt beverage other than a normal variation.

§ 1420.58 *Licensing—Applicability of the registration and licensing provisions of the General Maximum Price Regulation.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person making sales at wholesale or retail of any domestic malt beverages for which maximum prices are established by this Maximum Price Regulation No. 259. Said registration and licensing provisions became effective as to persons selling at wholesale on May 11, 1942 and as to persons selling at retail on May 18, 1942.

§ 1420.59 *Standards of quality.* "Quality" of a domestic malt beverage as used in § 1420.57 (b) is determined by the grade and proportion of the ingredients used and by the brewing process employed. The selection of a similar malt beverage in § 1420.66 (f) shall include consideration of "similar quality" which is the quality obtained by reason of a similar brewing process and equivalent types, grades and proportions of ingredients, without substantial variation.

§ 1420.60 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 259 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided by the Emergency Price Control Act of 1942.

(b) Persons who have any evidence of any violation of this Maximum Price Regulation No. 259 or any price schedule, regulation or order, issued by the Office of Price Administration, or any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1420.61 *Container and shipping case deposits.* If during the applicable base period herein provided for the determination of the maximum prices of any seller, the seller did not require a deposit for domestic malt beverage containers or shipping cases and did not sell the containers with their contents or sell the shipping cases to the purchaser, but required their return, he may impose a deposit charge on such containers or shipping cases: *Provided,* That the deposit charge imposed does not unduly exceed the actual replacement cost of such containers or shipping cases. If the seller has required a container deposit, which does not equal the replacement cost of containers or shipping cases the deposit charge may be increased to an amount which does not unduly exceed the actual replacement cost of such containers or shipping cases. If the seller has achieved the result of a deposit charge by a standing offer to repurchase domestic malt beverage containers or shipping cases at a fixed price which does not equal the replacement cost of containers or shipping cases, he may increase his standing offer for the repurchase of such containers or shipping cases to an amount which does not unduly exceed the replacement cost of each container or shipping case. In such event, he may add to his maximum selling prices the exact amount of the increase in his standing offer to repurchase such containers or shipping cases.

§ 1420.62 *Definitions.* (a) "Domestic malt beverage" shall mean any and all malt beverages produced within the continental United States, or its territories and possessions, made by the alcoholic fermentation of an infusion of decoction, or combinations of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

(b) "Domestic malt beverages sold on draught" means domestic malt beverages dispensed by a seller at retail from any container of ⅛ barrel or larger size.

(c) "Barrel" shall mean a container for domestic malt beverages having a capacity of 31 U. S. Standard gallons of 128 fluid ounces each.

(d) "Half barrels" shall mean a container for domestic malt beverages having a capacity of 15½ U. S. Standard gallons of 128 fluid ounces each.

(e) "Quarter barrel" shall mean a container for domestic malt beverages having a capacity of 7¾ U. S. Standard gallons of 128 fluid ounces each.

(f) "Eighth barrel" shall mean a container for domestic malt beverages having a capacity of 3⅞ U. S. Standard gallons of 128 fluid ounces each.

(g) "Case" shall mean a container used for shipping or delivery to the wholesaler, retailer or consumer of domestic malt beverages in bottles or cans. When used in connection with the determination of maximum prices, "case" shall mean the container and its contents.

§ 1420.63 *Notification of adjustment; to wholesalers and retailers*—(a) *Where the manufacturer established maximum prices on the October 1 to 15, 1941 base period plus the material cost increase of 50 cents per barrel and excise tax increase of $1.00 per barrel.* Beginning November 9, 1942 each brewer shall supply to each wholesaler and retailer whom such brewer serves and each wholesaler shall furnish to each retailer whom he supplies before or at the time of his first delivery of the domestic malt beverages to such purchaser, a written statement as follows:

> The Office of Price Administration has authorized us to establish a new maximum price on domestic malt beverages based upon the highest price charged each class of purchasers during the period of October 1 to 15, 1941 inclusive (computed in the same manner as the March 1942 maximum Price) plus an increase for material cost advances at the rate of 50 cents per barrel and for an excise tax increase at the rate of $1.00 per barrel. Your new OPA ceiling price for each size of the domestic malt beverage noted below is either the highest price charged by you to each class of purchasers during the period of October 1 to October 15, 1941, inclusive, (computed in the same manner as the March 1942 ceiling price) plus the permitted increase in table 1, or your maximum March 1942 price as determined under the provisions of the General Maximum Price Regulation plus the permitted increase in table 2. No permitted increase is allowed on retail sales of a domestic malt beverage when sold on draught. The Office of Price Administration requires that you keep this notice for examination.

(Table 1 and Table 2 shall be quoted in full or the appropriate figures from both these tables pertaining to the particular transaction must be made a part of this written statement.)

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

[1] 7 F.R. 5059, 7242, 8829.

(b) *Where the manufacturer establishes maximum prices on the March 1942 base period plus excise tax increases of $1.00 per barrel only.* Beginning November 9, 1942 each brewer shall supply to each wholesaler and retailer whom such brewer serves and each wholesaler shall furnish to each retailer whom he supplies before or at the time of his first delivery of a domestic malt beverage to such purchaser a written statement as follows:

The Office of Price Administration has authorized us to establish a new maximum price on domestic malt beverages based upon the maximum March 1942 price as determined under the provisions of the General Maximum Price Regulation plus $1.00 per barrel for increased excise taxes effective November 1, 1942. Your new OPA ceiling price for each size of the domestic malt beverage specified is either the highest price charged by you to each class of purchasers during the period of October 1 to 15, 1941 inclusive (computed in the same manner as the March 1942 ceiling price) plus the permitted increase in table 1, or your maximum March 1942 price as determined under the provisions of the General Maximum Price Regulation plus the permitted increase in table 2. No permitted increase is allowed on retail sales of domestic malt beverages when sold on draught. The Office of Price Administration requires that you keep this notice for examination.

(Table 1 and Table 2 shall be quoted in full or the appropriate figures from both these tables pertaining to the particular transaction must be made a part of this written statement.)

(c) *Tables.*

TABLE 1

[You may add the permitted increases shown in this table to your October 1 to 15, 1941 selling price.. Do *not* add these amounts to your March 1942 ceiling prices]

Brand	Size	Unit of pack	Permitted increase	
			Per case	Per bottle
(Manufacturer or wholesaler shall insert here names of products subject to price adjustment.)	Barrel	Barrel	$1.50 per barrel.	
	½ barrel	½ barrel	$0.75 per ½ barrel.	
	¼ barrel	¼ barrel	$0.38 per ¼ barrel.	
	⅛ barrel	⅛ barrel	$0.19 per ⅛ barrel.	
	64 oz. bottles	Case of 6 bottles	15 cents	2½ cents.
	32 oz. bottles	Case of 12 bottles	15 cents	1 cent.
	24 oz. bottles	Case of 12 bottles	11 cents	1 cent.
	16 oz. bottles	Case of 24 bottles	15 cents	½ cent.
	12 oz. bottles	Case of 24 bottles	11 cents	½ cent.
	11 oz. bottles	Case of 24 bottles	10 cents	½ cent.
	8 oz. bottles	Case of 48 bottles	15 cents	¼ cent.
	7 oz. bottles	Case of 48 bottles	13 cents	¼ cent.

TABLE 2

[You may add the permitted increases shown in this table to your March 1942 ceiling prices]

Brand	Size	Unit of pack	Permitted increase	
			Per case	Per bottle
(Manufacturer or wholesaler shall insert here brand names of products subject to price adjustment.)	Barrel	Barrel	$1.00 per barrel.	
	½ barrel	½ barrel	$0.50 per ½ barrel.	
	¼ barrel	¼ barrel	$0.25 per ¼ barrel.	
	⅛ barrel	⅛ barrel	$0.125 per ⅛ barrel.	
	64 oz. bottles	Case of 6 bottles	10 cents	1½ cent.
	32 oz. bottles	Case of 12 bottles	10 cents	1 cent.
	24 oz. bottles	Case of 12 bottles	07 cents	½ cent.
	16 oz. bottles	Case of 24 bottles	10 cents	½ cent.
	12 oz. bottles	Case of 24 bottles	07 cents	¼ cent.
	11 oz. bottles	Case of 24 bottles	07 cents	¼ cent.
	8 oz. bottles	Case of 48 bottles	10 cents	¼ cent.
	7 oz. bottles	Case of 48 bottles	09 cents	1½ cents.

All permitted increases resulting in a fractional cent shall be raised to the next higher cent if the fraction is ½ cent or more; but if the fraction is less than ½ cent the retailer may not add it to his price.

(d) If any brewer or wholesaler shall make any sale or delivery between November 1 and November 9, 1942 at new maximum prices as provided in this Maximum Price Regulation No. 259, and written notification is not given at the time of delivery as provided in paragraph (a) or (b) of this section, he shall confirm the permitted increases made by him and direct the retailer as to the method of computing his new maximum price by supplying him with a written statement as specified in paragraphs (a) or (b) of this section by November 9, 1942.

(e) On any written notification required under this section the seller is directed to list only those portions of tables 1 and 2 which apply to the size and brands handled by him.

(f) No further notice to any particular buyer shall be required after the first notification to such buyer as to the seller's adjusted maximum price computed under § 1420.66 hereof unless such maximum price is further adjusted in accordance with the provisions under § 1420.55 for any new state tax imposed after the effective date of this regulation.

§ 1420.64 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 259 shall be applicable to the forty-eight states, District of Columbia, the territories and possessions of the United States.

§ 1420.65 *Effective date.* This Maximum Price Regulation No. 259 (§§ 1420.51 to 1420.66, inclusive) shall become effective November 1, 1942 for the District of Columbia and the forty-eight states of the United States and shall become effective as of November 1, 1942 for the territories and possessions of the United States.

§ 1420.66 *Appendix A*—(a) *For manufacturers and wholesalers.* The maximum price which a manufacturer or wholesaler may charge for a domestic malt beverage, except in 32-ounce containers, shall be the highest price charged by him for such domestic malt beverage during the period October 1 to 15, 1941 inclusive, plus the "permitted increase" set forth in the schedule of permitted increases in paragraph (c) (1) of this section, or the maximum price now established by such manufacturer or wholesaler under the pricing provisions of the General Maximum Price Regulation, plus the "permitted increase" for excise taxes only as specified in paragraph (c) (2) of this section.

(b) *For retailers.* (1) The maximum price which a retailer may charge for any domestic malt beverage, except in 32-ounce containers and except "to be sold on draught," shall be the highest price charged by him for such domestic malt beverage during the period October 1 to 15, 1941 inclusive, plus the "permitted increase" set forth in the schedule of permitted increases in paragraph (c) (1) of this section, or the maximum price now established by such retailer under the pricing provisions of the General Maximum Price Regulation plus the "permitted increase" for an increase in excise taxes only as specified in paragraph (c) (2) of this section.

(2) The maximum price which a retailer may charge for any domestic malt beverage "to be sold on draught" shall be the maximum price now established by such retailer under the pricing provisions of the General Maximum Price Regulation, and no increase in such maximum price may be made under §§ 1420.55 or 1420.66 hereof.

(c) *Schedules of permitted increases*—(1) *Schedule of permitted increase for material costs and excise tax increase combined.* (See Note A below.)

Size	Unit of pack	Permitted increase	
		Per case	Per bottle
Barrel	Barrel	$1.50 per barrel.	
½ barrel	½ barrel	$0.75 per ½ barrel.	
¼ barrel	¼ barrel	$0.38 per ¼ barrel.	
⅛ barrel	⅛ barrel	$0.19 per ⅛ barrel.	
64 oz. bottles	Case of 6 bottles	15 cents	2½ cents.
34 oz. bottles	Case of 12 bottles	15 cents	1 cent.
24 oz. bottles	Case of 12 bottles	11 cents	1 cent.
16 oz. bottles	Case of 24 bottles	15 cents	½ cent.
12 oz. bottles	Case of 24 bottles	11 cents	½ cent.
11 oz. bottles	Case of 24 bottles	10 cents	½ cent.
8 oz. bottles	Case of 48 bottles	15 cents	¼ cent.
7 oz. bottles	Case of 48 bottles	13 cents	¼ cent.

NOTE A: The permitted increase in this schedule includes the following:
1. An increase for material costs at the rate of $0.50 per barrel.
2. An increase of $1.00 per barrel to cover the increase in the Federal Excise Tax, effective November 1, 1942. See 1420.55 (d) above.

(2) *Schedule of permitted increases for increases in excise tax only.*

Size	Unit of pack	Permitted increase for excise tax only	
		Per case	Per bottle
Barrel	Barrel	$1.00 per barrel.	
½ barrel	½ barrel	$0.50 per ½ barrel.	
¼ barrel	¼ barrel	$0.25 per ¼ barrel.	
⅛ barrel	⅛ barrel	$0.125 per ⅛ barrel.	
64 oz. bottles	Case of 6 bottles	10 cents	1½ cents.
32 oz. bottles	Case of 12 bottles	10 cents	1 cent.
24 oz. bottles	Case of 12 bottles	7 cents	½ cent.
16 oz. bottles	Case of 24 bottles	10 cents	½ cent.
12 oz. bottles	Case of 24 bottles	7 cents	¼ cent.
11 oz. bottles	Case of 24 bottles	7 cents	¼ cent.
8 oz. bottles	Case of 48 bottles	10 cents	¼ cent.
7 oz. bottles	Case of 48 bottles	10 cents	¼ cent.

(d) Each seller must make a final election of the method to be used for the determination of his adjusted maximum price as provided herein not later than thirty days after the effective date of this Maximum Price Regulation No. 259.

(e) If the maximum price is a fractional cent price in the case of either single bottles or quantity sales he shall adjust the price to the next lower cent, if the fraction is less than one-half cent, or to the next higher cent, if the fraction is one-half a cent or greater.

(f) Method of determining maximum prices for domestic malt beverages in 32 ounce containers. The seller's maximum price for a domestic malt beverage in 32 ounce containers shall be the maximum price charged by him for 12 ounce containers during the period October 1 to 15, 1941 inclusive, multiplied by 1.22; *Provided,* That if in accordance with (1) the pricing provisions of the General Maximum Price Regulation, or (2) any order heretofore issued by the Office of Price Administration, the percentage spread between the seller's existing maximum price for 32 ounce and 12 ounce containers (determined by dividing the 32 ounce maximum price by the 12 ounce maximum price, after deducting any state taxes from both prices) is less than 1.22, the seller's maximum price for the 32 ounce container shall be the maximum price for the 12 ounce container during the period of October 1 to 15, 1941 inclusive, multiplied by such percentage spread. The permitted increase specified in paragraph (a) (2) of this section and any state tax may then be added to the result obtained.

(g) The "highest price charged during October 1 to 15, 1941 inclusive" as used in this section shall be:

(1) The highest price which the seller charged for a domestic malt beverage delivered by him during the period October 1 to 15, 1941 inclusive, to a purchaser of the same class; or

(2) If the seller made no such delivery during the period October 1 to 15, 1941 inclusive, his highest offering price for delivery during the period to a purchaser of the same class; or

(3) If the seller made no such delivery and had no such offering price to a purchaser of the same class, the highest price charged by the seller during the period October 1 to 15, 1941 inclusive to a purchaser of a different class, adjusted to reflect the seller's customary differentials between the two classes of purchasers: *Provided, however,* That if during the period October 1 to 15, 1941 inclusive, the seller raised his price for the delivery of a domestic malt beverage to his classes of purchasers generally and if during the period October 1 to 15, 1941 inclusive, he delivered such domestic malt beverage at the higher price to at least one class of purchasers, the highest price charged during the period October 1 to 15, 1941 inclusive for each class of purchasers.

(i) To which no delivery was made during such period at the higher price, and

(ii) To which no delivery was made during such period at a lower price after the price raise unless made pursuant to a firm commitment entered into before such a price raise shall be the seller's highest offering price for delivery to such class of purchasers during such period.

(h) If the seller's maximum price for a domestic malt beverage to be priced cannot be determined under any of the above paragraphs of this Section, the seller's maximum price for a domestic malt beverage shall be the maximum price established under the provisions of this Maximum Price Regulation No. 259, for the most closely competitive seller of the same class for (1) the same domestic malt beverage or if the same domestic malt beverage is not sold or offered for sale then (2) a similar domestic malt beverage sold or offered for sale, for sales to purchasers of the same class.

(i) If the seller's maximum price for the domestic malt beverage to be priced cannot be determined under any of the above paragraphs of this section, the seller's maximum price shall be determined in accordance with § 1499.3 of the General Maximum Price Regulation.

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11309; Filed, November 2, 1942; 5:01 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14[1] of GMPR,[2] Amendment 52]

DISTILLED SPIRITS AND WINES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.* A new subparagraph (38) is added to paragraph (a) of §1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of the General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

* * * * *

(38) *Imported distilled spirits and imported wines*—(i) *Maximum prices for imported distilled spirits.* (*a*) Any seller of imported distilled spirits may add to the maximum price established for him under §1499.2, with respect to any brand, type, quality and container size of imported distilled spirits, the following:

(*1*) The amount of any new tax or any increase in an existing tax incident to the sale, delivery, processing or use thereof which is imposed upon such seller or any prior vendor after March 31, 1942, with respect to imported distilled spirits by any statute of the United States, or statute or ordinance of any state or subdivision thereof: *Pro-*

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524.

[2] 7 F.R. 3153, 3030, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5665, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

vided, That such tax or increase in such tax shall be a floor-stocks tax and the amount thereof shall have been paid or shall have accrued and be payable by such seller to the proper taxing authorities or to any prior vendor, with respect to the particular quantity of such imported distilled spirits in question.

(*2*) Subject to the provisions of interior subdivision (*b*) of subdivision (i), hereinafter set forth, the amount of any such new tax other than a floor-stocks tax, or any increase in any such existing tax other than a floor-stock tax, imposed upon such seller or any prior vendor after March 31, 1942, with respect to imported distilled spirits by any statute of the United States or statute or ordinance of any state or subdivision thereof: *Provided*, That the amount of such tax or increase in such tax shall have been paid or shall have accrued and be payable by such seller to the proper taxing authorities or to any prior vendor, with respect to the particular quantity of such imported distilled spirits in question.

(*b*) *Liquidation of inventory.* Before selling any quantity of any brand, type, quality and container size of imported distilled spirits at an increased maximum price pursuant to (i) (*a*) (*2*) hereof, each and every seller shall first sell a quantity thereof equal to the quantity of his floor-stocks, if any, with respect to which no new or increased tax has been imposed or for which his maximum price has been increased by a lesser amount pursuant to subdivision (i) (*a*) (*1*) hereof.

(ii) *Maximum price for imported wines.* (*a*) Any seller of imported wines may add to the maximum price established for him under § 1499.2 with respect to any brand, type, quality and container size of imported wines the following:

(*1*) The amount of any new tax or any increase in an existing tax incident to the sale, delivery, processing or use thereof which is imposed upon such seller or any prior vendor after March 31, 1942, with respect to imported wines by any statute of the United States or statute or ordinance of any state or subdivision thereof: *Provided*, That the amount of such tax or increase in such tax shall have been paid or shall have accrued and be payable by such seller to the proper taxing authorities or to any prior vendor, with respect to the particular quantity of such imported wines in question.

(*b*) *Liquidation of inventory.* Before selling any quantity of any brand, type, quality and container size of imported wines at an increased maximum price pursuant to (ii) (*a*) (*1*) hereof, each and every seller shall first sell a quantity thereof equal to the quantity of his floor-stocks, if any, with respect to which no new or increased tax has been imposed.

(iii) *Notification.* When a seller, other than sellers at retail, pursuant to subdivisions (i) or (ii) hereof, sells any brand, type, quality and container size of imported distilled spirits or imported wines at a price in excess of the maximum prices established for him with respect thereto under § 1499.2 such seller shall:

(*a*) Compute the total permitted tax increase per case authorized under (i) or (ii) hereof on the basis of the number of gallons or fractional gallons of each brand, type, quality and container size of imported distilled spirits or imported wines contained in the particular case.

(*b*) Divide the total permitted tax increase per case computed under (*a*) with respect to each brand, type and quality of imported distilled spirits or imported wines within the particular case by the number of individual containers of that brand, type, quality and container size of imported distilled spirits or imported wines within such case.

(*c*) Adjust the figures arrived at under (*b*) to the next higher even cent if the fraction is ½ cent or over, and to the next lower even cent if the fraction is less than ½ cent. The resulting figure shall be the permitted tax increase per individual container for each brand, type and quality of imported distilled spirits or imported wines within the particular case.

(*d*) Notify purchasers in writing as follows:

(*1*) If the purchaser is a wholesaler, he shall be notified of the total permitted tax increase per case computed under (*a*) with respect to each brand, type, quality and container size of imported distilled spirits or imported wines within the particular case.

(*2*) If the purchaser is a retailer he shall be notified of the purchaser's permitted tax increase per case arrived at under (*a*) and per individual container arrived at under (*c*) with respect to each brand, type, quality and container size of imported distilled spirits or imported wines within the particular case. Such notification shall be accomplished by a written statement upon or attached to the invoice issued by the seller in connection with the particular transaction. No notification shall be required after the first notification to any particular purchaser with reference to any brand, type, quality and container size of imported distilled spirits or imported wines unless the permitted tax increase is further adjusted pursuant to the provisions hereof.

(iv) *Computation of permitted tax increase per unit served by retailers other than packaged goods retailers.* If the seller is a retailer, other than a packaged goods retailer, he shall compute the amount of the permitted tax increase per individual unit or drink served by dividing the amount of the permitted tax increase per container size by the number of particular units or drinks of equal quantity customarily derived by such seller from the particular container size. The figures thus arrived at shall be adjusted to the next higher even cent if the fraction is ½ cent or over, and to the next lower even cent if the fraction is less than ½ cent. The resulting figure shall be the permitted tax increase per individual unit or drink served by such sellers of imported distilled spirits or imported wines.

(v) *Definitions.* (*a*) "Container" when used in connection with imported distilled spirits shall mean a liquor bottle or other closed receptacle of imported distilled spirits; and when used in connection with imported wines shall mean any bottle, cask or other closed receptacle irrespective of size or of the material from which made.

(*b*) "Imported distilled spirits" shall mean any alcoholic distillate fit for beverage purposes, such as whiskey, gin, rum, liqueurs, cordials, and bitters; and all compounds, by whatever name called, containing distilled spirits and fit for beverage purposes (but shall not include wine as defined in (*c*), containing 24 per centum or less of alcohol by volume) produced outside of the continental United States or its territories and possessions and introduced into the continental United States.

(*c*) "Imported wines" shall mean still wines, including vermouth, artificial or imitation wines or compounds sold as still wines, champagne or sparkling wines, and artificially carbonated wines; and liqueurs, cordials, or similar compounds, by whatever name sold or offered for sale, made with wine containing not over 24 per centum of alcohol by volume and fortified with brandy only; produced outside of the continental United States or its territories and possessions and introduced into the continental United States.

(vi) *Applicability.* The provisions of this subparagraph (38) shall be applicable to the United States and the District of Columbia.

(b) *Effective dates.* * * *

(53) Amendment No. 52 (§ 1499.73 (a) (38)) to Supplementary Regulation No. 14 shall become effective as of November 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250; 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11310; Filed, November 2, 1942; 5:01 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14[1] of GMPR Amendment 53[2]]

WINES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.* A new subparagraph (39) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of the General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6792, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707.

[2] 7 F.R. 3153, 3030, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5665, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

* * * * *

(39) *Fruit wines, berry wines and grape wines (other than California grape wines).* (i) *Maximum prices; permitted tax increases.* (*a*) Any seller of fruit wines, berry wines and grape wines (other than California grape wines) may add to the maximum price established for him under § 1499.2, with respect to any brand, type, quality and container size of such wines, the following:

(*1*) The amount of any new tax or any increase in an existing tax incident to the sale, delivery, processing or use thereof which is imposed upon such seller or any prior vendor after March 31, 1942, with respect to fruit wines, berry wines and grape wines (other than California grape wines) by any statute of the United States or statute or ordinance of any state or subdivision thereof: *Provided*, That the amount of such tax or increase in such tax shall have been paid or shall have accrued and be payable by such seller to the proper taxing authorities or to any prior vendor, with respect to any particular quantity of such fruit wines, berry wines and grape wines (other than California grape wines) in question.

(*b*) *Liquidation of inventory.* Before selling any quantity of any brand, type, quality and container size of fruit wines, berry wines and grape wines (other than California grape wines) at an increased price pursuant to (i) (*a*) (*1*) hereof, each and every seller shall first sell a quantity thereof equal to the quantity of his floor-stocks, if any, upon which no new or increased tax has been imposed.

(ii) *Notification.* When a seller of any class as set forth below, other than sellers at retail, pursuant to subdivision (i) hereof, sells any brand, type, quality and container size of fruit wines, berry wines and grape wines (other than California grape wines) at a price in excess of the maximum prices established for him with respect thereto under § 1499.2, such seller shall:

(*a*) *Vintner.* (*1*) The vintner shall compute the total tax increase per gallon authorized under (i) hereof, for each brand, type and quality of fruit wines, berry wines and grape wines (other than California grape wines) sold in any particular transaction.

(*b*) *Bottlers and wholesalers.* (*1*) The bottler and wholesaler shall convert the total tax increase per gallon into a permitted tax increase per case on the basis of the number of gallons or fractional gallons of each brand, type and quality of such wine within the particular case.

(*2*) The bottler and wholesaler shall divide the total permitted tax increase per case computed under (*b*) (*1*) with respect to each brand, type and quality of such wine within the particular case by the number of individual containers of that brand, type, quality and container size of such wine within the particular case.

(*3*) The bottler and wholesaler shall adjust the figure arrived at under (*2*) to the next higher even cent if the fraction is ½ cent or over and to the next lower even cent if the fraction is less than ½ cent. The resulting figures shall be the permitted tax increase per individual container for each brand, type and quality of such wine within the particular case.

(*c*) Notify purchasers in writing as follows: (*1*) If the purchaser is a bottler, he shall be notified of the total tax increase per gallon computed under (*a*) with respect to each brand, type and quality of such wine sold.

(*2*) If the purchaser is a wholesaler, he shall be notified of the total permitted tax increase per case computed under (*b*) (*1*) with respect to each brand, type and quality of such wine within the particular case.

(*3*) If the purchaser is a retailer he shall be notified of the permitted tax increase per case arrived at under (*b*) (*2*) and per individual container arrived at under (*b*) (*3*) with respect to each brand, type, quality and container size of such wine within the particular case.

Such notification shall be accomplished by a written statement upon or attached to the invoice issued by the seller in connection with the particular transaction. No notification shall be required after the first notification to any particular purchaser with reference to any brand, type, quality and container size of fruit wine, berry wine and grape wine (other than California grape wine), unless the permitted tax increase with reference thereto is further adjusted pursuant to the provisions hereof.

(iii) *Definition.* (*a*) "Berry wines" as used herein shall mean any wines manufactured exclusively from berries in accordance with sections 3032 and 3044 of the Internal Revenue Code.

(*b*) "Container" as used herein shall mean any cask, bottle or other closed receptacle irrespective of size or of the material from which made.

(*c*) "Fruit wines" as used herein shall mean any wines manufactured exclusively from fruits other than grapes in accordance with sections 3032 and 3044 of the Internal Revenue Code.

(*d*) "Grape wines" as used herein shall mean any wines produced from grapes in accordance with sections 3032, 3036 and 3044 of the Internal Revenue Code, and manufactured outside of the state of California.

(iv) *Applicability.* The provisions of this subparagraph (39) shall be applicable to the United States and the District of Columbia.

(b) *Effective dates.* * * *

(54) Amendment No. 53 (§ 1499.73 (a) (39)) to Supplementary Regulation No. 14 shall be effective as of November 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11311; Filed, November 2, 1942; 5:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14[1] to GMPR Amendment 54[2]]

CALIFORNIA GRAPE WINE, ETC.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register. A new subparagraph (40) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by §1499.2 of the General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter set forth:

* * * * *

(40) *California grape wine and California grape spirits*—(i) *Vintners' maximum prices for California grape wine*—(*a*) *Wine in bulk in carload lots.* On and after November 1, 1942, the maximum prices for vintners with respect to California grape wine in bulk in carload lots shall be as follows:

	Cents per gallon, naked, f. o. b. winery
Dessert wine	30
Table wine	21½

Provided, That if the maximum price established for any particular vintner under § 1499.2 with respect to California grape wine in bulk in carload lots is higher than the maximum prices set forth above, such vintner may continue to charge the maximum price established under § 1499.2.

(*b*) *All wines; permitted increase.* On and after November 1, 1942, any vintner may add to the maximum prices established for him under § 1499.2 or under (*a*) hereof, with respect to California grape wine, a permitted increase per gallon computed as hereinafter set forth. For the purposes of such computation each vintner shall:

(*1*) Compute the weighted average price per ton paid by him during the 1941 season for grapes for crushing purposes.

(*2*) Compute the weighted average price per ton paid or contracted to be paid by him during the 1942 season up to and including October 27, 1942 for grapes to be crushed for wine.

(*3*) Subtract the amount computed under (*1*) from the amount computed under (*2*). The resulting amount so arrived at, or $8.30, whichever is the lower, shall be the "allowable grape cost increase." In the case of growers' cooperatives operating wineries and in the case of vintners who grow more than 50 percent of the grapes crushed and to be crushed by them, the "allowable grape cost increase" shall be the difference between the average price paid per ton during the 1941 season for all California grapes crushed for wine and brandy ($19.90 per ton) and the average price per ton paid or contracted to be paid for all California grapes purchased during the 1942 season up to and including October 27, 1942 for crushing into wine and brandy, as published by the United States Department of Agriculture, or $8.30, whichever is the lower.

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[1] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6773, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7385, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7635, 7739, 7671, 7812, 7914, 7946, 8257, 8024, 8199, 8351, 8358, 8524, 8652, 8707.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5776, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

(*4*) Compute the number of tons of grapes acquired or contracted to be acquired by him during the 1942 season up to and including October 27, 1942 for crushing for wine and make a bona fide estimate of the number of additional tons of grapes which will be acquired by him during the remainder of the 1942 season for crushing for wine. The sum of the number of tons of grapes acquired or contracted to be acquired and of the estimated number of additional tons of grapes to be acquired shall be the "estimated 1942 grape tonnage."

(*5*) Multiply his "allowable grape cost increase" computed under (*3*) by his "estimated 1942 grape tonnage" computed under (*4*).

(*6*) Convert his "estimated 1942 grape tonnage" into his "estimated 1942 crush" on the basis of 80 gallons of dessert wine per ton of grapes, 160 gallons of table wine per ton of grapes.

(*7*) Multiply his "estimated 1942 crush" computed under (*6*) by 1.7 cents per gallon for the gallons of dessert wine and 0.85 cents per gallon for the gallons of table wine.

(*8*) Divide the dollar amount computed under (*5*) into two parts proportionately to the gallons of dessert wine and the gallons of table wine in his "estimated 1942 crush" computed under (*6*).

(*9*) Add the dollar amount computed under (*7*) for dessert wine to the dollar amount computed under (*8*) for dessert wine and add the dollar amount computed under (*7*) for table wine to the dollar amount computed under (*8*) for table wine. These sums shall be respectively the vintner's "total dollar allowance" for dessert wine and for table wine.

(*10*) Compute in gallons his total inventory of dessert wine and of table wine respectively as of October 27, 1942, (including such portion of his 1942 crush, if any, then on hand) and add the remainder of his estimated 1942 crush of dessert wine and of table wine respectively. The remainder of his estimated 1942 crush shall be computed by converting into gallons the portion of his estimated 1942 grape tonnage remaining to be crushed on the basis of 80 gallons of dessert wine per ton of grapes or 160 gallons of table wine per ton of grapes. The sum of his total inventory of dessert wine and of table wine respectively as of October 27, 1942 and the remainder of his estimated 1942 crush of dessert wine and of table wine respectively shall be his "total gallonage" of dessert wine and of table wine respectively.

(*11*) Divide his "total dollar allowance" for dessert wine and for table wine respectively computed under (*9*) by his "total gallonage" of dessert wine and of table wine respectively computed under (*10*). The resulting figure shall be the "permitted increase per gallon" for dessert wine and for table wine respectively: *Provided*, That in the case of concentrates and condensed grape must, the "permitted increase per gallon" shall be increased in proportion to the ratio of concentration or condensation.

(*c*) *All wines; taxes.* Any vintner may at any time add to the maximum prices established for him with respect to California grape wine the amount of any new tax or any increase in an existing tax incident to the sale, processing or use thereof imposed upon the vintner after March 31, 1942 by any statute of the United States or any statute or ordinance of any State or subdivision thereof: *Provided*, That such amount has actually been paid or will be payable by the vintner with respect to the particular quantity of California grape wine in question.

(ii) *Bottler's maximum prices for California grape wine*—(*a*) *All wines; permitted increase.* On and after November 1, 1942, any bottler may add to the maximum prices established for him under § 1499.2 with respect to any brand, type and quality of California grape wine a permitted increase per case computed as hereinafter set forth. For the purposes of such computation, each bottler shall:

(*1*) Compute the weighted average cost per gallon to the bottler of the quantity of each brand, type and quality of California grape wine sold by the bottler during March 1942 or during the bottler's customary fiscal month ending nearest to March 31, 1942. Cost per gallon shall be figured on a naked, f. o. b. winery basis.

(*2*) Compute the weighted average cost per gallon to the bottler of his first purchase of the same brand, type and quality of California grape wine purchased by him at a price adjusted under (i) hereof. Cost per gallon shall be figured on a naked, f. o. b. winery basis in the same containers as those used during March 1942.

(*3*) Subtract the figure computed under (*1*) from the figure computed under (*2*). The resulting figure shall be the permitted increase per gallon with respect to the quantity of each brand, type and quality of California grape wine to be sold by the bottler during November 1942.

(*4*) Compute the weighted average cost per gallon to the bottler of the quantity of each brand, type and quality of California grape wine purchased by the bottler during each calendar month commencing with November 1942 or during the bottler's customary fiscal month ending nearest to the end of the corresponding calendar month. Cost per gallon shall be figured on a naked, f. o. b. winery basis in the same containers as those used during March 1942.

(*5*) Subtract the figure computed under (*1*) from the figure computed for each month or fiscal month under (*4*). The resulting figure shall be the permitted increase per gallon with respect to the quantity of each brand, type, and quality of California grape wine sold by the bottler during the following calendar month or fiscal month.

(*6*) No bottler may increase his adjusted maximum price computed under (*3*) with respect to any brand, type and quality of California grape wine unless (*i*) his adjusted maximum price therefore computed under (*5*) for any subsequent calendar or fiscal month exceeds his adjusted maximum price therefore computed under (*3*) by two or more cents per gallon and (*ii*) the quantity of the particular brand, type and quality of California grape wine upon which his adjusted maximum price is computed under (*5*) is equal to the monthly average of his purchases of that brand, type and quality of California grape wine during the preceding twelve months. No bottler shall be required to decrease his adjusted maximum price computed under (*3*) with respect to any brand, type and quality of California grape wine unless his adjusted maximum price therefor computed under (*5*) for any subsequent calendar or fiscal month is less than his adjusted maximum price therefor computed under (*3*) by two or more cents per gallon: *Provided*, That, in no case, shall the bottler be required to reduce any adjusted maximum price below the maximum price established under § 1499.2.

(*7*) Convert the permitted increase per gallon into a permitted increase per case on the basis of the number of gallons or fractional gallons of each brand, type and quality of California grape wine contained in the particular case.

(*b*) *All wines; taxes.* (*1*) Any bottler may at any time add to the maximum prices established for him with respect to California grape wine the amount of any new tax or any increase in an existing tax incident to the sale, delivery, processing or use thereof imposed upon the bottler after March 31, 1942 by any statute of the United States or any statute or ordinance of any State or subdivision thereof: *Provided*, That such amount has actually been paid or will be payable by the bottler to the proper taxing authorities with respect to the particular quantity of California grape wine in question. After any bottler has adjusted his maximum price under (ii) (*a*), the provisions of this inferior subdivision (*b*) shall no longer be applicable to the Federal Floor Stocks Tax imposed in connection with the increases in Federal Excise Taxes which become effective November 1, 1942.

(*2*) The bottler shall convert the permitted increase with respect to taxes into a permitted increase per case on the basis of the number of gallons or fractional gallons of each brand, type, and quality of California grape wine contained in the particular case.

(*c*) *Notification.* When any bottler, pursuant to (ii) (*a*) and/or (ii) (*b*) hereof, sells any quantity of any brand, type, quality and container size of California grape wine at a price in excess of the maximum prices established with respect thereto under § 1499.2, the bottler shall:

(*1*) Compute the total permitted increase per case authorized under (ii) (*a*) and/or (ii) (*b*) hereof with respect to each brand, type and quality of California grape wine contained in the particular case and adjust the figure or figures arrived at to the next higher even cent if the fraction is ½ cent or over and to the next lower even cent if the fraction is less than ½ cent.

(*2*) Notify purchasers in writing as follows:

(*i*) If the purchaser is a wholesaler, he shall be notified of the "total permitted increase per case" computed under (*1*) with respect to each brand, type and quality of California grape wine contained in the particular case.

(*ii*) If the purchaser is a retailer, commencing November 9, 1942, each bottler shall supply every retailer, on or before his first delivery of each brand, type, quality and container size of California grape wine to such retailer, a written statement as follows, and shall confirm any sales or deliveries of California grape wine made to any retailer after November 1, 1942, and prior to November 9, 1942, by a written statement as follows:

> The Office of Price Administration has authorized us to increase our March 1942 maximum prices for California grape wine to reflect increases in the Federal Excise Taxes effective November 1, 1942 and vintners' permitted increases. Your new OPA ceiling price for each California Dessert Wine noted in Table I is your March 1942 ceiling price plus the "permitted increase" for each respective container size. Your new OPA ceiling price for each California Table Wine noted in Table II is your March ceiling price plus the "permitted increase" for each respective container size. These new "permitted increases" to your ceiling prices include all Federal Excise Taxes; you may add no more. OPA requires you to keep this notice for examination.

TABLE I

California dessert wines			Permitted increase per bottle (amount retailer may add to March ceiling price)
Brand	Type	Container size	
			Cents
		½ pt	1
		1/10	2
		1 pint	3
		⅕	5
		quart	6
		½ gal	12
		gallon	23

TABLE II

			Cents
		⅒	1
		1 pint	1
		⅕	2
		Quart	2
		½ gal	5
		Gallon	9

No notification shall be required after the first notification to any particular buyer of the bottlers' adjusted maximum price computed under (ii) (*a*) (*3*) and/or (ii) (*b*) hereof unless such maximum price is further adjusted upward or downward under (ii) (*a*) (*3*) and/or (ii) (*b*) hereof.

(iii) *Wholesalers' maximum prices for California grape wine*—(*a*) *All wines; permitted increase.* On and after November 1, 1942, after notification by the bottler pursuant to (ii) (*c*) (2) (*i*), any wholesaler may add to the maximum prices established for him under § 1499.2 with respect to any brand, type, quality and container size of California grape wine, the amounts set forth in the notice from the bottler. If such amounts are subsequently increased or decreased, after notification by the bottler pursuant to (ii) (*c*) (2) (*i*), any wholesaler may add the increase and must subtract the decrease from his adjusted maximum price.

(*b*) *All wines; taxes.*

(*1*) Any wholesaler may at any time add to the maximum prices established for him with respect to California grape wine the amount of any new or any increase in an existing tax incident to the sale, delivery, processing or use thereof imposed upon the wholesaler after March 31, 1942, by any statute of the United States or any statute or ordinance of any state or subdivision thereof: *Provided*, That such amount has actually been paid or will be payable by the wholesaler to the proper taxing authorities with respect to the particular quantity of California grape wine in question.

(*2*) The wholesaler shall convert the permitted increase with respect to taxes into a permitted increase per case on the basis of the number of gallons or fractional gallons of each brand, type and quality of California grape wine contained in the particular case. The figures so arrived at shall be adjusted to the next higher even cent if the fraction is ½ cent or over and to the next lower even cent if the fraction is less than ½ cent.

(*c*) *Notification.* When any wholesaler, pursuant to (iii) (*a*) and/or (iii) (*b*), sells any quantity of any brand, type, quality and container size of California grape wine at a price in excess of the maximum prices established with respect thereto under § 1499.2, the wholesaler shall notify retailers in writing according to the provisions of (ii) (*c*) (*1*) (*ii*) hereof in all respects as if such wholesaler were a bottler.

(iv) *Retailers' maximum prices for California grape wine*—(*a*) On and after November 1, 1942, any retailer may add to the maximum prices established for him under § 1499.2 with respect to any brand, type, quality and container size of California grape wine, the following amounts per bottle of dessert wine and table wine:

Size	Cents per bottle	
	Dessert wine	Table wine
½ pint	1	
⅒ gallon	2	1
1 pint	3	1
⅕ gallon	5	2
1 quart	6	2
½ gallon	12	5
1 gallon	23	9

(*b*) *All wines; taxes.* Any retailer may at any time add to the maximum price established for him with respect to California grape wines the amount of any new tax or any increase in an existing tax incident to the sale, delivery, processing or use thereof imposed upon the retailer or any prior vendor after March 31, 1942, by any statute of the United States or any statute or ordinance of any state or subdivision thereof: *Provided*, That such amount has actually been paid or will be payable by the retailer to the proper authorities or to any prior vendor with respect to the particular quantity of California grape wine in question. Retailers shall adjust the amount of any new or increased tax per container size to the next higher even cent if the fraction is ½ cent or over and to the next lower cent if the fraction is less than ½ cent. The provisions of this inferior subdivision (*b*) shall not apply to the increases in the Federal Excise Taxes which become effective November 1, 1942, as such tax increases are included in the retailers' adjustments provided in (iv) (*a*).

(v) *Distillers' maximum prices for California grape spirits*—(*a*) *Permitted increase.* On and after November 1, 1942, any distiller may add to the maximum prices established for him under § 1499.2, with respect to California grape spirits, a permitted increase per gallon computed as hereinafter set forth. For the purposes of such computation, each distiller shall:

(*1*) Compute the weighted average price per ton paid by him during the 1941 season for grapes for crushing purposes.

(*2*) Compute the weighted average price per ton paid or contracted to be paid by him during the 1942 season up to and including October 27, 1942 for grapes to be crushed for grape spirits.

(*3*) Subtract the amount computed under (*1*) from the amount computed under (*2*). The resulting figure so arrived at, or $8.30, whichever is the lower, shall be the "allowable grape cost increase." In the case of growers' cooperatives operating distilleries and in the case of distillers who grow more than 50 percent of the grapes crushed and to be crushed by them, the "allowable grape cost increase" shall be the difference between the average price per ton paid during the 1941 season for all California grapes crushed for wine and brandy ($19.90 per ton) and the average price per ton paid or contracted to be paid for all California grapes purchased during the 1942 season up to and including October 27, 1942, for crushing into wine and brandy, as published by the United States Department of Agriculture, or $8.30, whichever is the lower.

(*4*) Compute the number of tons of grapes acquired or contracted to be acquired by him during the 1942 season up to and including October 27, 1942 for crushing for grape spirits and make a bona fide estimate of the number of additional tons of grapes which will be acquired by him during the remainder of the 1942 season for crushing for grape spirits. The sum of the number of tons of grapes acquired or contracted to be acquired and the estimated number of additional tons of grapes to be acquired shall be the "estimated 1942 grape tonnage."

(*5*) Multiply his "allowable grape cost increase" computed under (*3*) by his "estimated 1942 grape tonnage" computed under (*4*).

(*6*) Convert his "estimated 1942 grape tonnage" into his "estimated 1942 crush" on the basis of 40 gallons of grape spirits per ton of grapes.

(*7*) Divide the dollar amount computed under (*5*) by his "estimated 1942 crush" computed under (*6*). The resulting figure shall be the "permitted increase per gallon."

(*b*) *Taxes.* Any distiller may, at any time, add to the maximum prices established for him with respect to California grape spirits the amount of any new tax or any increase in an existing tax incident to the sale, delivery, processing or use thereof imposed upon the distiller after March 31, 1942, by any statute of the United States or any statute or ordinance of any state or subdivision thereof: *Provided*, That such amount has actually been paid or will be payable by the distiller with respect to the particular quantity of California grape spirits in question.

(vi) (*a*) *Records and reports.* Each vintner of California grape wine and each distiller of California grape spirits shall preserve for so long as the Emergency Price Control Act of 1942 remains in effect, all his existing records relating (*1*) to the number of tons of grapes purchased by him during the 1941 season for crushing purposes and to the prices paid therefor, and (2) to the number of tons of grapes purchased or contracted to be purchased by him during the 1942 season prior to the effective date hereof for crushing respectively for wine and/or grape spirits and to the prices paid or contracted to be paid therefor.

(*b*) Each vintner of California grape wine and each distiller of California grape spirits shall make and preserve for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records relating to the number of tons of grapes purchased by him during the 1942 season subsequent to the effective date hereof, for crushing respectively for wine and/or grape spirits and to the prices paid therefor.

(*c*) On or before November 15, 1942 each vintner of California grape wine and each distiller of California grape spirits shall submit to the Office of Price Administration, Washington, D. C., a statement under oath showing in full the method by which he computed his permitted increase for all wines under (i) (*b*) hereof and/or his permitted increase for grape spirits under (v) (*a*) hereof. Each vintner shall show steps (*1*) to (*11*) inclusive, under (i) (*b*), and each distiller shall show steps (*1*) to (*7*) inclusive under (v) (*a*).

(*d*) On or before January 15, 1943, each vintner of California grape wine and each distiller of California grape spirits shall submit to the Office of Price Administration, Washington, D. C., a statement under oath showing (*1*) the number of tons of grapes actually purchased by him during the 1942 season for crushing respectively for wine and/or grape spirits and the total price actually paid therefor, (2) the total number of gallons of unfinished wine purchased by him from November 1, 1942 to December 31, 1942 and the total price paid therefor, and (*3*) the weighted average selling price per gallon charged by him for dessert wine and for table wine in carload lots, naked, f. o. b. winery from November 1, 1942 to December 31, 1942.

(vii) *Corrections of permitted increases by the Office of Price Administration.* The Office of Price Administration or any duly authorized officer thereof may by order adjust the permitted increase computed by any vintner under (i) (*b*) hereof or by any distiller under (v) (*a*) hereof if the statement required to be submited by such vintner or distiller under (vi) (*d*) hereof demonstrates that

(*a*) The weighted average price per ton of grapes computed under (i) (*b*) (2) or under (v) (*a*) (2) hereof is substantially above or below the weighted average price per ton actually paid by the vintner or distiller during the 1942 season for grapes for crushing respectively for wine and/or grape spirits or

(*b*) *The "estimated 1942 grape tonnage"* computed under (i) (*b*) (*4*) or under (v) (*a*) (*4*) hereof, is substantially above or below the number of tons of grapes actually purchased by the vintner or distiller during the 1942 season for crushing respectively for wine and/or grape spirits.

(viii) *Determination of maximum prices by reference to maximum prices of most closely competitive seller.* If the seller's maximum price for any brand, type, grade and quality of California grape wine or for California grape spirits cannot be determined under (i) to (v) inclusive hereof, the seller's maximum price therefor shall be the maximum price established under (i) to (v) inclusive hereof for the most closely competitive seller of the same class for the same brand, type, and quality of California grape wine and for the same California grape spirits or for the similar commodities most nearly like them (as such term is defined in § 1499.2) for sales to a purchaser of the same class.

(ix) *Definitions.* (*a*) "Vintner" means any person who produces or manufactures grape wine in a Federal bonded winery.

(*b*) "Distiller" means any vintner or other person who produces or manufactures grape spirits in a Federal bonded winery or distillery.

(*c*) "Bottler" means any person who packages wines for sale in containers of less than 5 gallons each.

(*d*) "California grape wine" means grape wine produced in the State of California.

(*e*) "Grape wine" means grape wine produced in accordance with sections 3032, 3036, and 3044 of the Internal Revenue Code.

(*f*) "Dessert wine" means grape wine having an alcoholic content in excess of 14% by volume but not in excess of 21% by volume to which wine spirits have been added in accordance with section 3032, of the Internal Revenue Code; the term "Dessert wine" shall also include finished blending wine conforming to the definition of dessert wine but having an alcoholic content of over 21% by volume and not over 24% by volume.

(*g*) "Table wine" means grape wine other than "Dessert wine".

(*h*) "California grape spirits" means grape spirits produced in the State of California.

(*i*) "Grape spirits" means wine spirits produced from grapes in accordance with section 3036 of the Internal Revenue Code, but does not include commercial brandy.

(*j*) "Naked, f. o. b. winery" means a price at the California winery exclusive of California State marketing tax and not including cost of containers or loading charges.

(*k*) "Weighted average price" means the total purchase price paid for any commodity in any particular period, divided by the total number of units of the commodity purchased during such period.

(*l*) "Container size" means any weight or unit in which California grape wine in lots of less than 5 gallons is sold to the ultimate consumer.

(*m*) "1941 season" means the period from September 1, 1942 to August 31, 1942.

(*n*) "1942 season" means the period from September 1, 1942 to August 31, 1943.

(*o*) "Concentrates" and "Condensed grape must" mean boiled or condensed grape juices or grape must concentrated to not more than 80° (Balling).

(*p*) "Grape must" means the juice of sound, ripe grapes.

(x) *Applicability.* The provisions of this subparagraph (40) shall be applicable to the United States and the District of Columbia.

(b) *Effective dates.* * * *

(55) Amendment No. 54 (§ 1499.73 (a) (40)) to Supplementary Regulation No. 14 shall be effective as of November 1, 1942.

(Pub. Laws 421, 729, 77th Cong.; E. O. 9250, 7 F.R. 7871.)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F.R. Doc. 42-11296; Filed November 2, 1942; 4:55 p. m.]

[Supp. Reg. 14[1] to GMPR,[2] Amendment 55]

IMPORTED DISTILLED SPIRITS, ETC.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.* A new subparagraph (41) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of the General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter set forth:

(41) *Imported distilled spirits and all wines; automatic adjustments for monopoly states*—(i) *Permitted increases.* In the event that any vendor of imported distilled spirits or wines, whether domestic or imported, is permitted to increase his maximum price to any Monopoly State for any imported distilled spirits or wines to cover any increased cost other than new or increased taxes, such Monopoly State may adjust its maximum prices for such imported distilled spirits or wines by applying to the gross adjusted price (exclusive of new or increased taxes) charged to it by such vendor, the statutory or discretionary percentage mark-up in effect in such Monopoly State on March 31, 1943. In applying such percentage mark-up any Monopoly State may follow its practice as of March 31, 1942 with respect to the disposition of fractional and odd cents.

(ii) *New or increased taxes.* In the event that any vendor of imported distilled spirits or wines, whether domestic or imported, is permitted to increase his maximum price to any Monopoly State for any imported distilled spirits or wines to cover new or increased taxes, such Monopoly State may add to its maximum prices for such imported distilled spirits or wines as adjusted under subparagraph (i) above, the exact amount per case and per container which is furnished to it by its vendor pursuant to subparagraph (iii) below.

(iii) *Notification to monopoly states.* Any vendor who sells any imported distilled spirits or wines, whether domestic or foreign, to any monopoly state shall state upon the face of the invoice covering any particular transaction or upon a written notice prior to shipment (*a*) the gross adjusted price exclusive of any new or increased taxes for each brand, type, quality and container size of imported distilled spirits or wines included in the particular transaction and (*b*) the amount of any new or increased tax with respect to each brand, type, quality and container size of imported distilled spirits or wines included in the particular tansaction: *Provided*, That no notification shall be required after the first notification to any particular monopoly state unless the vendor's maximum price is further adjusted or other new or increased taxes are imposed. The total amount of any new or increased tax shall be computed on the basis of the number of gallons or fractional gallons of the particular brand, type, and quality of imported distilled spirits or wines contained in the particular case. The total amount of any new or increased tax so computed shall then be divided by the number of containers in the case of the particular brand, type, and quality of imported distilled spirits or wines. The figures so arrived at per case and per container shall then be adjusted to the next higher even cent if the fraction is ½ cent or more, and to the next lower even cent if the fraction is less than ½ cent. The final adjusted figures per case and per container shall be the figures stated with respect to new or increased taxes on the invoice or writen notice as provided above.

(iv) *Definitions.* (*a*) "Imported distilled spirits" means imported distilled spirits as defined in Amendment No. 52 to Supplementary Regulation 14 to the General Maximum Price Regulation.

(*b*) "Wines" means imported wines as defined in Amendment No. 52 to Supplementary Regulation No. 14 to the General Maximum Price Regulation,[3] California grape wine as defined in Amendment No. 54 to Supplementary Regulation 14 to the General Maximum Price Regulation and fruit wine, berry wine and grape wine (other than California grape wine) as defined in Amendment No. 53 to Supplementary Regulation 14 of the General Maximum Price Regulation.

(*c*) "Monopoly States" means the following states of the United States or the appropriate Alcoholic Beverage Control Board or Commission thereof: Alabama, Idaho, Iowa, Maine, Michigan, Montana, New Hampshire, North Carolina, Ohio, Oregon, Pennsylvania, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming.

(b) *Effective dates.* * * *

(56) Amendment No. 55 (§§ 1499.73(a) (41)) to Supplementary Regulation No. 14 shall be effective as of November 1, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250 7 F.R. 7871.)

Issued this 2d day of November, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11308; Filed, November 2, 1942; 5:00 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 15 to GMPR]

FIREWOOD, ETC.

A statement of the considerations involved in the issuance of this supplementary regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* For the reasons set forth in that statement, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, an Act to amend the Emergency Price Control Act of 1942, etc., and Executive Order No. 9250, this supplementary regulation is hereby issued.

§1499.75 *Adjustment of maximum prices.* (a) The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under the General Maximum Price Regulation as hereinafter provided. Applications for adjustment under this Supplementary Regulation No. 15 shall be filed in accordance with Revised Procedural Regulation No. 1.[1]

(1) *Firewood.* Whenever any State office of the Office of Price Administration determines that the maximum prices established in §1499.2 of the General Maximum Price Regulation for the sale or delivery of firewood (e. g. cordwood, sawdust, mill ends and shavings and slabwood) are inadequate to insure a sufficient supply of firewood to meet heating requirements in any locality or localities within its jurisdiction, it may adjust such maximum prices to the minimum extent necessary to insure a sufficient supply of firewood therein. Such adjustments shall be made in relation (i) to the increased production costs which sellers of firewood in the locality or localities affected must incur in order to produce such firewood, compared with the costs of production in March 1942 (or the nearest earlier month in which firewood was generally produced in such locality or localities), and/or (ii) the extent of increased transportation costs which must be incurred by sellers of firewood in order to move sufficient supplies thereof to meet the requirements of the locality or localities affected and (iii) such other circumstances as may be pertinent to the procurement of sufficient supplies of firewood to meet the requirements of the locality or localities affected.

(2) *Milk and milk products.* (i) Whenever any Regional Office of the Office of Price Administration determines that (*a*) the use of March 1942 as the base period for the establishment of maximum prices for fluid milk has eliminated a normal differential or established an abnormal differential between the prices charged for fluid milk in any two or more localities within the region served by such Office, (*b*) the elimination of such normal differential or the establishment of such abnormal differential has caused or threatens to cause a diversion of a material portion of its normal supply to fluid milk from one such locality to one or more of such other localities, and (*c*) as the result of such diversion or threatened diversion, a shortage of fluid milk exists or is imminent in such locality, it may, for the

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[1] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8358, 8524.

[2] 7 F.R. 3153, 3030, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5665, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6515, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

[3] Note 2, *supra.*

*Copies may be obtained from the Office of Price Administration.

[1] *Supra.*

purpose of relieving or preventing such shortage increase or decrease the maximum prices established under § 1499.2 of the General Maximum Price Regulation for the sale or delivery of fluid milk at wholesale and retail in any of such localities to the minimum extent necessary to accomplish such purpose.

(ii) Whenever any Regional Office of the Office of Price Administration determines that *(a)* the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk, or milk powder for milk produced within the milk-shed upon which any locality within the region served by such Office depends for its supply of fluid milk has increased 23 cents or more per cwt. since March 1942, *(b)* distributors of fluid milk in such locality, in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality, are paying producers of such milk at least 23 cents more per cwt. than they paid in March 1942, and *(c)* notwithstanding the savings that have been effected or may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute fluid milk in such locality at the maximum prices established for them under § 1499.2 of the General Maximum Price Regulation, it may increase the maximum prices established under said § 1499.2 for the sale or delivery of fluid milk at wholesale and retail in such locality no more than one-half cent per quart of fluid milk if the prices paid to producers by such manufacturers and such distributors have increased 23 cents to 40 cents per cwt. since March 1942, and no more than one cent per quart of fluid milk if such prices have increased 41 cents or more per cwt. since March 1942: *Provided*, That any order issued pursuant to this subdivision (ii) shall require the distributors affected by such order to file with the Regional Office issuing such order, periodic reports concerning the prices paid by them to producers as such Office may deem necessary and appropriate.

(iii) No order issued pursuant to this subparagraph (2) shall modify the maximum prices established under the General Maximum Price Regulation for the sale or delivery of fluid milk in any city which, according to the Sixteenth Census of the United States, 1940, has a population of 100,000 or more persons, or in any city in which a minimum producer price for milk has been established pursuant to any marketing agreement or order made or issued under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended.

(3) *Services of carrier other than common carrier and storage and terminal services.* The Office of Price Administration, or any Regional Office thereof, may adjust the maximum price established under the General Maximum Price Regulation for any person supplying service as a carrier, other than a common carrier, or for any person supplying storage or terminal service, who shows (i) that such maximum price subjects him to substantial hardship; and (ii) that the adjustment requested is necessary to permit the continuance of the supply of an essential service for which there is no adequate substitute available at a price equal to or lower than the maximum price requested.

Applications for adjustment under this subparagraph (3) shall contain the following information:

(a) Description of applicant's business, including reference to commodities handled and territories served, and setting forth the names and addresses of companies financially or otherwise affiliated.

(b) Names and addresses of principal customers affected by the maximum price adjustment requested in the application.

(c) Reference to, and explanation of, authority granted by any federal or state regulatory agency to perform the service involved in the application.

(d) Present and requested maximum prices.

(e) Volume of commodity tonnage handled from January 1941 to date of application in service for which adjusted maximum price is requested and gross revenue derived from such service; the relationship between such gross revenue and total gross revenue should be shown if service involved in application is only a part of applicant's business.

(f) Detailed description of all equipment and property used by applicant in his business and in the service involved in the application, including date and cost of acquisition, capacity, and normal and present percentage of utilization of capacity (if applicant is a carrier other than a common carrier, his normal and present load factor should be shown; if applicant supplies warehouse service, percentage of total space occupied should be shown).

(g) Classes of employees, wages for each class and number employed in each class.

(h) All additional or increased expenses incurred since the establishment by the applicant of the price concerning which adjustment is requested.

(i) Detailed annual profit and loss statements, accompanied by balance sheets for past three fiscal or calendar years and detailed profit and loss statements supported by balance sheets, by quarters or months for the period from the termination of the last such year to the date of the application, with an explanation of all items contained in such statements; if the service involved in the application forms only a portion of applicant's business, an allocation of items of revenue and expenses should be made.

(j) Statement showing services supplied by others which are available to applicant's customers, prices of such services and adequacy of such services to meet any specialized needs of applicant's customers.

(b) *Effective dates.* (1) Supplementary Regulation No. 15 (§ 1499.75 (a) (1), (2) and (3)) shall become effective 11:59 p. m., November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11293; Filed, November 2, 1942; 4:58 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 126 Under § 1499.18 (c) of GMPR]

DUNCAN COFFEE COMPANY

Order No. 126 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3–2111.

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1126 *Adjustment of maximum prices for Bright and Early Brand coffee sold by Duncan Coffee Company.* (a) Duncan Coffee Company, Post Office Box 2079, Houston, Harris County, Texas, may sell and deliver, and any person may buy and receive from Duncan Coffee Company, the following commodities at prices not higher than those set forth below:

(1) Bright and Early Brand coffee packed in paper bags of one pound each at 24½¢ per pound.

(2) Duncan Coffee Company shall continue the customary allowances, discounts, price differentials, and trade practices existing in March 1942, unless a change results in a lower selling price.

(b) Purchasers from Duncan Coffee Company or from wholesale distributors of Bright and Early Brand Coffee shall in no event charge more for Bright and Early Brand Coffee sold at retail than their maximum prices determined under section 2 (a) of the General Maximum Price Regulation, or as such maximum price may be adjusted under any other regulation issued by the Office of Price Administration.

(c) Before or at the time of the first delivery to any wholesaler or retailer of Bright and Early Brand coffee at the maximum price permitted by this order, Duncan Coffee Company shall supply to each purchaser a written statement as follows:

> A price increase of one and one-half cents per pound on Bright and Early Brand coffee has been granted us by the Office of Price Administration. This increase was granted because our March 1942 selling price was abnormally low in relation to our costs of production, and the resulting hardship would have made it impossible to continue production. Our new maximum price of 24½¢ per pound is subject to all allowances, discounts, price differentials and trade practices we had in effect in March 1942 with respect to sales of Bright and Early Brand coffee. Your established ceiling price cannot be increased except that your maximum delivered selling price may be increased to the extent of adjusted mark-ups determined under the provisions of Maximum Price Regulation No. 237 (Adjusted and Fixed Mark-Up Regulation for Sales of Certain Food Products at Wholesale) or Maximum Price Regulation No. 238 (Adjusted and Fixed Mark-up Regulation for Sales of Certain Food Products at Retail).

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 126 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 126 is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modification of maximum prices established by § 1499.2.

(g) This Order No. 126 (§ 1499.1126) shall become effective November 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11313; Filed, November 2, 1942; 5:04 p. m.]

PART 1300—PROCEDURE

[Revised Procedural Regulation 1]

PROCEDURE FOR THE ISSUANCE, ADJUSTMENT, AMENDMENT, PROTEST AND INTERPRETATION OF MAXIMUM PRICE REGULATIONS

Pursuant to the authority of sections 201(d) and 203(a) of the Emergency Price Control Act of 1942, as amended (Pub. Laws 421, and 729, 77th Cong., E.O. 9250, 7 F.R 7871) Procedural Regulation No. 1[1]—Procedure for the Issuance, Protest and Amendment of Maximum Price Regulations, is hereby revoked and the following rules are prescribed for the issuance, adjustment, amendment, protest and interpretation of maximum price regulations:

PURPOSE OF REVISED PROCEDURAL REGULATION NO. 1

Sec.
1300.1 Purposes.

SUBPART A—ISSUANCE OF MAXIMUM PRICE REGULATIONS

1300.2 Investigation prior to issuance.
1300.3 Price hearing prior to issuance.
1300.4 Notice of pre-issuance hearing.
1300.5 Conduct of pre-issurance hearing.
1300.6 Statement of considerations.
1300.7 Notice of provisions of a maximum price regulation.
1300.8 Effective date.

SUBPART B—APPLICATION FOR ADJUSTMENT

1300.9 Right to apply for adjustment.
1300.10 Place of filing.
1300.11 Authorized office.
1300.12 Form of application.
1300.13 Applications must be verified.
1300.14 Joint applications.
1300.15 Investigation of application.
1300.16 Action by the authorized office on application for adjustment.
1300.17 Requests for review.
1300.18 Action on review.
1300.19 Protest of denial of application.

SUBPART C—PETITION FOR AMENDMENT

1300.20 Right to file a petition.
1300.21 Time and place for filing petitions.
1300.22 Joint petitions for amendment.
1300.23 Action by the administrator on petition.

SUBPART D—PROTESTS

1300.24 Right to protest.
1300.25 Action by representative.
1300.26 Time and place for filing protests.

Sec.
1300.27 Form of protest.
1300.28 Assignment of docket number.
1300.29 Contents of protest.
1300.30 Affidavits or other written evidence in support of protest.
1300.31 Submission of brief by protestant.
1300.32 Joint protests.
1300.33 Amendment of protest and presentation of supplemental evidence.
1300.34 Protest and evidential material not conforming to this regulation.
1300.35 Action by the Administrator on protest.
1300.36 Statements in support of maximum price regulation.
1300.37 Inclusion of material in the record by the Administrator.
1300.38 Consolidation of protests.

ORAL HEARINGS ON PROTESTS

1300.39 Requests for oral hearing.
1300.40 Conference prior to oral hearing.
1300.41 Continuance or adjournment of oral hearing.
1300.42 Conduct of the oral hearing.
1300.43 Filing of briefs.
1300.44 Subpoenas.
1300.45 Witnesses.
1300.46 Contemptuous conduct.
1300.47 Stenographic report of oral hearing.

OPINION AND TRANSCRIPT

1300.48 Opinion denying protest in whole or in part.
1300.49 Treatment of protest as petition for amendment or an application for adjustment or exception.
1300.50 Transcript for judicial review.

SUBPART E—INTERPRETATIONS

1300.51 Interpretations.
1300.52 Requirements governing interpretations.

SUBPART F—MISCELLANEOUS PROVISIONS AND DEFINITIONS

1300.53 Service of papers.
1300.54 Secretary; office hours.
1300.55 Confidential information; inspection of documents filed with Secretary.
1300.56 Former employee not to be representative.
1300.57 Definitions.
1300.58 Amendment of this regulation.
1300.59 Effective date of Revised Procedural Regulation No. 1.
1300.60 Appendix A: Form OPA–1PR–1.
1300.61 Appendix B: Form OPA–1PR–2.

AUTHORITY: §§ 1300.1 to 1300.61 inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

PURPOSE OF REVISED PROCEDURAL REGULATION NO. 1

§ 1300.1 *Purposes.* It is the purpose of this regulation to prescribe and explain the procedure used by the Office of Price Administration in making various kinds of price determinations.

(a) Subpart A deals with the procedure of the Office of Price Administration in issuing price regulations.

(b) Subpart B deals with individual applications for adjustment of maximum prices established by a price regulation. An adjustment ordinarily affects the prices of one particular seller or group of sellers who apply for a change in their prices. An adjustment can be granted only if the applicable price regulation contains specific provision for the granting of an adjustment.

(c) Subpart C deals with petitions for amendment. A petition for amendment is the appropriate document to file when a seller seeks a change of general applicability in the terms of a price regulation itself.

(d) Subpart D deals with protests. A protest is the means provided by the Emergency Price Control Act of 1942 for making a formal claim that a price regulation is in some respect invalid. Only if a protest has been filed and denied may the protestant file a complaint with the Emergency Court of Appeals to have the price regulation enjoined or set aside in whole or in part.

(e) Subpart E explains the way in which interpretations are rendered by officers or employees of the Office of Price Administration.

(f) Subpart F contains miscellaneous provisions and definitions.

SUBPART A—ISSUANCE OF MAXIMUM PRICE REGULATIONS

§ 1300.2 *Investigation prior to issuance.* A maximum price regulation may be issued by the Administrator after such studies and investigations as he deems necessary or proper. Before issuing a maximum price regulation the Administrator shall, so far as is practicable, advise and consult with representative members of the industry which will be affected by such regulation.

§ 1300.3 *Price hearing prior to issuance.* Whenever the Administrator deems it necessary or proper that a price hearing be held prior to the issuance of a maximum price regulation, he may provide for such hearing in accordance with §§ 1300.4 and 1300.5 of this revised procedural regulation.

§ 1300.4 *Notice of pre-issuance hearing.* Notice of any price hearing ordered prior to the issuance of a maximum price regulation shall be given by publication of such notice in the FEDERAL REGISTER, and may be supplemented by notice given in any other appropriate manner. The notice shall state the time and place of the price hearing and shall contain an appropriate indication of the purposes of such hearing.

§ 1300.5 *Conduct of pre-issuance hearing.* A price hearing held prior to the issuance of a maximum price regulation shall be conducted in such manner, consistent with the need for expeditious action, as will permit the fullest possible presentation of evidence by such persons as are, in the judgment of the Administrator, best qualified to provide information with respect to matters considered at the hearing or most likely to be seriously affected by action which may be taken as a result of the hearing.

§ 1300.6 *Statement of considerations.* Every maximum price regulation shall be accompanied by a statement of the considerations involved in its issuance. Such statement may include economic data and other facts of which the Administrator has taken official notice and facts found by the Administrator as a result of action taken under section 202 (a) of the Act.

§ 1300.7 *Notice of provisions of a maximum price regulation.* Notice of the provisions of a maximum price regulation shall be given by filing such regulation with the Division of the Federal Register. As soon as possible after the filing of such regulation, the Administrator shall make copies thereof available to the press.

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[1] 7 F.R. 971, 3663, 5776.

§ 1300.8 *Effective date.* A maximum price regulation shall become effective five days after the date of its issuance and a temporary maximum price regulation shall be effective from the date of the filing of such regulation with the Division of the Federal Register, unless an earlier or later date is specified therein.

SUBPART B—APPLICATIONS FOR ADJUSTMENT

§ 1300.9 *Right to apply for adjustment.* Unless otherwise provided, any person subject to a maximum price regulation, price schedule or temporary maximum price regulation who seeks adjustment under an adjustment provision thereof, shall make application therefor pursuant to the provisions of this Revised Procedural Regulation No. 1.

§ 1300.10 *Place of filing.* All applications may be filed with a district, state or regional office of the Office of Price Administration or with the Office of Price Administration, Washington, D. C., without regard to whether such office is authorized to consider such applications. If the office with which the application is filed is not so authorized it will forward such application to the authorized office and shall notify the applicant by mail of such forwarding. If an adjustment provision in a maximum price regulation indicates which office of the Office of Price Administration is authorized to consider applications for adjustment, action on applications will be expedited if it is filed with the nearest office authorized to consider it.

§ 1300.11 *Authorized office.* The authorized office shall be the Office of Price Administration which is authorized to act upon such an application for adjustment.

§ 1300.12 *Form of application.* Applications for adjustment shall be filed upon such forms as the Administrator shall from time to time prescribe. If no form has been designated for applications for the particular type of adjustment sought, the application shall set forth the following:

(a) Name and post office address of the applicant, the nature of his business, and the manner in which he is subject to the price regulation in question.

(b) A designation of the provision for adjustment pursuant to which the application is filed.

(c) The information, if any, required by the terms of the applicable adjustment provision.

(d) A clear and concise statement of the facts upon which applicant relies to qualify him for adjustment under the applicable adjustment provision, to the extent that such facts are not furnished under (c) above.

(e) A statement of the specific adjustment or other relief sought.

Applications for adjustment and all accompanying documents shall be filed in duplicate except that there shall be filed four copies of applications and accompanying documents with respect to sales of bituminous coal for delivery from a mine or preparation plant operated as an adjunct of a mine, or services in connection with such sales, including services as selling agents.

§ 1300.13 *Applications must be verified.* An application for adjustment shall contain a statement signed and sworn to (or affirmed) either by the applicant personally, or if a partnership, by a partner, or if a corporation or association, by a duly authorized officer, in accordance with Form OPA–1PR–1 set out in § 1300.60. Appendix A. Unless otherwise prohibited by law, every employee of the Office of Price Administration who is authorized to administer oaths, shall, without charge, administer the oath required by this section.

§ 1300.14 *Joint applications.* Two or more persons may file a joint application for adjustment where at least one ground is common to all persons joining therein. A joint application shall be verified by each applicant in accordance with § 1300.13, and shall be filed and determined in accordance with the rules governing the filing and determination of applications filed by one person. Whenever the authorized office deems it necessary or appropriate for the disposition of joint applications, it may treat such joint applications separately and, in any event, may require the filing of materials relevant to the individual position of each person joining therein.

§ 1300.15 *Investigation of application.* Upon receipt of an application for adjustment, the authorized office or any office designated by the authorized office may make such investigation of the facts involved in the application, hold such conferences, and request the filing of such supplementary information as may be necessary to the proper disposition of the application.

§ 1300.16 *Action by the authorized office on applications for adjustment.* Within a reasonable time after receiving an application for adjustment, the authorized office may either

(a) Dismiss any application for adjustment which fails substantially to comply with this Revised Procedural Regulation No. 1; or

(b) Grant or deny in whole or in part, any application for adjustment which is properly pending before it. The applicant shall be informed in writing of the action so taken; or

(c) In cases of unusual difficulty or importance, refer the application for action either to the Regional Office for the region in which the authorized office is located; or if the authorized office is itself a regional office, to the Administrator. An office so referring an application shall inform the applicant of such action.

§ 1300.17 *Requests for review.* Any applicant whose application for adjustment has been denied in whole or in part by a state or district office, may within fifteen days after the date on which notice of denial was mailed to him, file with such office a request for review by the regional office for the region in which such office is located. Any applicant whose application for adjustment has been denied in the first instance in whole or in part by a regional office may, within fifteen days after the date on which such notice of denial was mailed to him, file with such regional office a request for review of such denial by the Administrator. If an application for adjustment is denied by any regional office upon a request for review, such denial shall be final subject only to protest as provided in § 1300.19. Where no form has otherwise been provided, a request for review shall be filed on Form OPA–1PR–2 set out in § 1300.61, Appendix B. This form may be obtained from any field office of the Office of Price Administration or may be copied by the applicant from Appendix B.

§ 1300.18 *Action on review.* After due consideration, the Administrator, or the regional office, as the case may be, shall grant or deny in whole or in part, any application for adjustment as to which a proper request for review has been filed. The applicant shall be informed in writing of the action so taken.

§ 1300.19 *Protest of denial of application.* Any applicant whose application for adjustment is denied in whole or in part by the Administrator or by any regional office upon requests for review, may within sixty days after issuance of a formal order of denial file a protest against such order in accordance with the provisions of this Revised Procedural Regulation No. 1. Such protest may not be based upon grounds not raised in the application for adjustment.

SUBPART C—PETITION FOR AMENDMENT

§ 1300.20 *Right to file a petition.* (a) A petition for amendment may be filed at any time by any person subject to or affected by a provision of a maximum price regulation. A petition for amendment shall propose an amendment of general applicability and shall be granted or denied solely on the merits of the amendment proposed. The denial of a petition for amendment is not subject to protest or judicial review under the Act.

(b) Any governmental agency exercising regulatory authority over prices which are subject to a maximum price regulation may file a petition for amendment of either general or specific applicability based upon findings made by such agency after public hearing.

§ 1300.21 *Time and place for filing petitions; form and contents.* A petition for amendment shall be filed with the Secretary, Office of Price Administration, Washington, D. C. Five copies of the petition and of all accompanying documents and briefs shall be filed, except that in respect to petitions involving Maximum Price Regulation No. 120[2]—Bituminous Coal Delivered from Mine or Preparation Plant, seven copies of the petition and of all accompanying documents and briefs shall be filed. Each copy shall be printed, typewritten, mimeographed, or prepared by a similar process, and shall be plainly legible. Copies shall be double spaced, except that quotations shall be single spaced and indented. Every petition shall contain, upon the first page thereof, the number and the date of issuance of the maximum price regulation to which the petition relates, and shall be designated "Petition for Amendment;" shall state the name and address of the petitioner, shall specify the manner in which the petitioner is subject to or affected by the provision of the maximum price regulation involved, and shall include a specific statement of the particular amendment desired and the facts which make that amendment necessary or appropriate. The petition shall be accompanied by affidavits setting forth the evidence upon which the petitioner relies in his petition.

§ 1300.22 *Joint petitions for amendment.* Two or more persons may file a joint petition for amendment. Joint petitions shall be filed and determined in accordance with the rules governing the filing and determination of petitions filed by one person. A joint petition may be filed only where at least one ground is common to all persons joining it. Whenever the Administrator deems it to be necessary or appropriate for the disposition of joint petitions, he may treat such joint petitions as several and, in any event, he may require the filing of relevant material by each individual petitioner.

§ 1300.23 *Action by the Administrator on petition.* In the consideration of any petition for amendment the Administrator may afford to the petitioner and to other persons likely to have information bearing upon such proposed amendment, or likely to be affected thereby, an opportunity to present evidence or argument in support of, or in opposition to, such proposed amendment. Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more petitions for amendment, the Administrator may consolidate such petitions.

SUBPART D—PROTESTS

§ 1300.24 *Right to protest.* Any person subject to any provision of a maximum price regulation may file a protest against such provision in the manner set forth below. A person is, for the purposes of this revised procedural regulation, subject to a provision of a maximum price regulation only if such provision prohibits or requires action by him: *Provided, however,* That a producer of an agricultural commodity shall be considered to be subject to a maximum price regulation for the purpose of asserting any right created by section 3 (c) of the Emergency Price Control Act of 1942 or, section 3 of the Act of October 2, 1942 (Pub. Law 729, 77th Cong.) for the benefit of producers of such an agricultural commodity. Any protest filed by a person not subject to the provision protested, or otherwise not in accordance with this revised procedural regulation, may be dismissed by the Administrator.

§ 1300.25 *Action by representative.* Any action which by this revised procedural regulation is required of, or permitted to be taken by, a protestant may, unless otherwise expressly stated, be taken on his behalf by any person whom the protestant has by written power of attorney authorized to represent him. Such power of attorney, signed by the protestant, shall be filed with the protest.

§ 1300.26 *Time and place for filing protests.* Any protest against a provision of a maximum price regulation shall be filed with the Secretary, Office of Price Administration, Washington, D. C. within a period of sixty days after the date of issuance of such regulation, regardless of the effective date prescribed therein: *Provided, however,* That any protest based solely on grounds arising after the date of issuance of a maximum price regulation shall be filed within a period of sixty days after the protestant has had, or could reasonably have had, notice of the existence of such grounds: *Provided, further,* That protests of any person having his principal place of business in a territory, shall be filed with the director of the appropriate territorial office.

§ 1300.27 *Form of protest.* Every protest shall contain, upon the first page thereof, the number and the date of issuance of the maximum price regulation against a provision of which the protest is made and shall be clearly designated a "Protest". Five copies of the protest and of all accompanying documents and briefs shall be filed, except that in respect to protests involving Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant, seven copies of the protest and of all accompanying documents and briefs shall be filed.

§ 1300.28 *Assignment of docket number.* Upon receipt of a protest it shall be assigned a docket number, of which the protestant shall be notified, and all further papers filed in the proceedings shall contain on the first page thereof the docket number so assigned and the number and date of issuance of the maximum price regulation protested.

§ 1300.29 *Contents of protest.* Every protest shall set forth the following:

(a) The name and the post office address of the protestant, the nature of his business, and the manner in which the protestant is subject to the provision of the maximum price regulation protested.

(b) The name and post office address of the person filing the protest on behalf of the protestant and the name and post office address of the person to whom all communications from the Office of Price Administration relating to the protest shall be sent.

(c) A clear and concise statement of all objections raised by the protestant against the provision or provisions protested, each such objection to be separately stated and numbered.

(d) A clear and concise statement of all facts alleged in support of the objections.

(e) A statement of the relief requested by the protestant including, if the protestant requests modification of a provision of the maximum price regulation, the specific changes which he seeks to have made in the provision.

(f) In cases where the protest is based upon grounds arising after the date of issuance of the maximum price regulation, a clear and concise statement of facts showing the time when such grounds arose.

(g) A statement signed and sworn to (or affirmed) before an officer authorized to take oaths either by the protestant personally or, if a partnership, by a partner or if a corporation or association, by a duly authorized officer, that the protest and the documents filed therewith are prepared in good faith and that the facts alleged are true to the best of his knowledge, information and belief. The protestant shall specify which of the facts are alleged and known to be true and which are alleged on information and belief.

§ 1300.30 *Affidavits or other written evidence in support of protest.* Every protestant shall file; together with his protest, the following:

(a) Affidavits setting forth in full all the evidence, the presentation of which is subject to the control of the protestant, upon which the protestant relies in support of the facts alleged in the protest. Each such affidavit shall state the name, post office address, and occupation of the affiant; his business connection, if any, with the protestant; and whether the facts set forth in the affidavit are stated from personal knowledge or on information and belief. In every instance the affiant shall state in detail the sources of his information.

(b) A statement by the protestant in affidavit form setting forth in detail the nature and sources of any further evidence, not subject to his control, upon which he believes he can rely in support of the facts alleged in his protest.

(c) If necessary, a further statement by the protestant in affidavit form setting forth the nature and sources of any evidence which the protestant is unable to present solely because of the time limit for the filing of protests and supporting material. Such further statement may contain a request for an opportunity to present such further evidence, which request shall state specifically the amount of time needed for preparation of such evidence. Any affidavits providing further evidence, pursuant to order, shall contain the information required by subparagraph (a) of this § 1300.30.

§ 1300.31 *Submission of brief by protestant.* The protestant may file with his protest and accompanying evidential material a brief in support of the objections set forth in the protest. Such brief shall be submitted as a separate document, distinct from the protest and evidential material.

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[2] 7 F. R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6896, 7777, 7670, 7914, 7942, 8354, 8650.

§ 1300.32 *Joint protests.* Two or more persons may file a joint protest. Joint protests shall be filed and determined in accordance with the rules governing the filing and determination of protests filed by one person. A joint protest shall be verified in accordance with § 1300.29 (g) by each protestant. A joint protest may be filed only where at least one ground is common to all persons joining in it. Whenever the Administrator deems it to be necessary or appropriate for the disposition of joint protests, he may treat such joint protests as several, and, in any event, he may require the filing of relevant materials by each individual protestant.

§ 1300.33 *Amendment of protest and presentation of supplemental evidence.* (a) The protestant may amend his protest or his affidavits and briefs submitted therewith, or may add to such material within a period of sixty days after the issuance of the maximum price regulation against a provision of which the protest is filed, or, in the case of a protest based solely on grounds arising after the date of issuance of a maximum price regulation, within sixty days after the protestant has had or could reasonably have had notice of the existence of such grounds.

(b) After the time prescribed in paragraph (a) of this section a protestant may be granted permission to amend his protest or to present further evidence in connection therewith when, in the judgment of the Administrator, such permission will not unduly delay the completion of proceedings on the protest. No amendment which adds a new ground of protest will be permitted.

§ 1300.34 *Protest and evidential material not conforming to this regulation.* In any case where a protest or accompanying evidential material does not conform, in a substantial respect, to this revised procedural regulation, the Administrator may dismiss such protest, or, in his discretion, may strike such evidential material from the record of the proceedings in connection with the protest.

§ 1300.35 *Action by the Administrator on protest.* (a) Within a reasonable time after the filing of any protest in accordance with this revised procedural regulation, but in no event more than thirty days after such filing or ninety days after the issuance of the maximum price regulation against a provision of which the protest is filed, whichever occurs later, the Administrator shall:

(1) Grant or deny such protest in whole or in part.

(2) Notice such protest for oral hearing, to be held in accordance with the provisions of §§ 1300.39 to 1300.47, inclusive, of this revised procedural regulation; or

(3) Provide an opportunity to present further evidence in connection with such protest. Within a reasonable time after the presentation of such further evidence, the Administrator may notice such protest for oral hearing in accordance with subparagraph (2) of this section, may include additional material in the record of the proceedings in connection with the protest in accordance with § 1300.37 of this revised procedural regulation, or may take such other action as may be appropriate to the disposition of the protest.

(b) Notice of any such action taken by the Administrator shall promptly be served upon the protestant.

(c) Where the Administrator has ordered a hearing on a protest or has provided an opportunity for the presentation of further evidence in connection therewith, he shall, within a reasonable time after the completion of such hearing or the presentation of such evidence, grant or deny such protest in whole or in part.

§ 1300.36 *Statements in support of maximum price regulation.* (a) Any person affected by the provisions of a maximum price regulation may at any time after the issuance of such regulation submit to the Administrator a statement in support of any such provision or provisions. Such statement shall include the name and post office address of such person, the nature of his business, and the manner in which such person is affected by the maximum price regulation in question, and may be accompanied by affidavits and other data. Each such supporting statement shall conform to the requirements of § 1300.27 of this revised procedural regulation.

(b) In the event that a protest has been, or is subsequently, filed to a provision of a maximum price regulation in support of which a statement has been submitted, the Administrator may include such statement in the record of the proceedings taken in connection with such protest. If such supporting statement is incorporated into the record, and is not so incorporated at an oral hearing, copies of such supporting statement shall be served upon the protestant, and the protestant shall be given a reasonable opportunity to present evidence in rebuttal thereof.

§ 1300.37 *Inclusion of material in the record by the Administrator.* The Administrator shall include in the record of the proceedings on the protest such evidence, in the form of affidavits or otherwise, as he deems appropriate in support of the provision against which the protest is filed. When such evidence is incorporated into the record, and is not so incorporated at an oral hearing, copies thereof shall be served upon the protestant, and the protestant shall be given a reasonable opportunity to present evidence in rebuttal thereof.

§ 1300.38 *Consolidation of protests.* Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more protests the Administrator may consolidate such protests.

ORAL HEARINGS ON PROTESTS

§ 1300.39 *Requests for oral hearing.* Any protestant may request an oral hearing. Such request shall be accompanied by a showing by the protestant as to why the filing of affidavits or other written evidence and briefs will not permit the fair and expeditious disposition of the protest. In the event that the Administrator orders an oral hearing in connection with a protest, notice shall be served on the protestant not less than five days prior to such hearing. The time and place of the hearing shall be stated in the notice. Any oral hearing ordered by the Administrator may be limited in such manner and to the extent that he deems appropriate.

§ 1300.40 *Conference prior to oral hearing.* At any time prior to the commencement of the oral hearing, the Administrator may request the protestant to appear at a conference to consider: (a) the simplification of issues; (b) the possibility of obtaining stipulations of fact and of documents which will avoid unnecessary proof; and (c) such other matters as may expedite the conduct of the oral hearing. No transcript of such conference shall be kept, but the Administrator shall incorporate in the record of the proceedings any written stipulations or agreements made at, or as a result of, the conference. If the circumstances are such that an oral conference is impracticable, the Administrator may direct that such negotiations be conducted by correspondence.

§ 1300.41 *Continuance or adjournment of oral hearing.* The oral hearing shall be held at the time and place specified by the notice of hearing but may be continued or adjourned to a later day or to a different place. Notice of such adjournment or continuance may be by announcement at the oral hearing.

§ 1300.42 *Conduct of the oral hearing.* The oral hearing shall be conducted by the Administrator or such officer or employee of the Office of Price Administration (hereinafter referred to as the "presiding officer") as the Administrator may appoint or designate for that purpose, except that in respect to protests involving Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant, the Administrator may appoint or designate an officer or employee of the Bituminous Coal Division of the United States Department of Interior to conduct the hearing.

§ 1300.43 *Filing of briefs.* The presiding officer shall allow the protestant to file briefs or written arguments within such time as he shall designate.

§ 1300.44 *Subpoenas.* (a) Applications for subpoenas, when made prior to the oral hearing, may be filed by the protestant with the Secretary. The Administrator may grant or deny the application or refer it to the presiding officer appointed or designated under § 1300.42, who may thereafter grant or deny the application. Applications for subpoenas made during the oral hearing shall be submitted to the presiding officer, who may grant or deny such application.

(b) All applications for subpoenas shall specify the name of the witness and the nature of the facts to be proved by him and, if calling for the production of documents, shall specify them with such particularity as will enable them to be identified for purposes of production.

(c) Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to him the fees and mileage specified in section 202 (f) of the Act. When the subpoena is issued at the instance of the Administrator fees and mileage need not be tendered.

§ 1300.45 *Witnesses.* Witnesses summoned before the presiding officer at any protest hearing shall be paid the fees and mileage specified by section 202 (f) of the Act. Witness fees and mileage shall be paid by the person at whose instance the witness appears.

§ 1300.46 *Contemptuous conduct.* Contemptuous conduct at any oral hearing shall be ground for exclusion from the hearing. The refusal of a witness to answer any question which has been ruled to be proper shall, in the discretion of the presiding officer, be ground for the striking out of all testimony previously given by such witness on related matters.

§ 1300.47 *Stenographic report of oral hearing.* A stenographic report of the oral hearing shall be made, a copy of which shall be available for inspection during business hours in the Office of the Secretary, Office of Price Administration, Washington, D. C.

OPINION AND TRANSCRIPT

§ 1300.48 *Opinion denying protest in whole or in part.* In the event that the Administrator denies any protest in whole or in part, he shall inform the protestant of the grounds upon which such decision is based, and of any economic data and other facts of which the Administrator has taken official notice.

§ 1300.49 *Treatment of protest as petition for amendment or an application for adjustment or exception.* Any protest filed against a provision of a maximum price regulation may, in the discretion of the Administrator, be treated not only as a protest but also as a petition for amendment of the regulation protested, or as an application for adjustment or exception pursuant thereto, when the facts produced in connection with the protest justify such treatment.

§ 1300.50 *Transcript for judicial review.* The transcript for judicial review shall include: (a) the maximum price regulation against a provision of which the protest was filed; (b) the statement of considerations accompanying such regulation; (c) the protest; (d) a statement setting forth, as far as practicable, the economic data and other facts of which the Administrator has taken official notice; and (e) such other portions of the proceedings in connection with the protest as are material under the complaint.

SUBPART E—INTERPRETATIONS

§ 1300.51 *Interpretations.* An interpretation rendered by an officer or employee of the Office of Price Administration with respect to any provision of the Act or of any regulation, price schedule, order, requirement, or agreement thereunder, will be regarded by the Office of Price Administration as official only if such interpretation was requested and issued in accordance with § 1300.52 of this regulation. Action taken in reliance upon and in conformity with an official interpretation and prior to any revocation or modification thereof or to any superseding thereof by regulation, order or amendment, shall constitute action in good faith pursuant to the provision of the Act, or of the regulation, price schedule, order, requirement or agreement to which such official interpretation relates. An official interpretation shall be applicable only with respect to the particular person to whom, and to the particular factual situation with respect to which, it is rendered, unless publicly announced as an interpretation of general application.

§ 1300.52 *Requirements governing interpretations*—(a) *Requests for interpretations; form and contents.* Any person desiring an official interpretation of the Emergency Price Control Act of 1942 or any regulation, price schedule, order, requirement or agreement thereunder, shall make a request in writing for such interpretation. Such request shall set forth in full the factual situation out of which the interpretative question arises and shall, so far as is practicable, state the names and post office addresses of the persons involved. If the inquirer has previously requested an interpretation on the same or substantially the same facts, his request shall so indicate and shall name the official or office to whom his previous request was addressed. If the interpretation will affect operations of establishments located in more than one state, the request shall name the states in which the establishments are located. No interpretation shall be requested or given with respect to any hypothetical situation or in response to any hypothetical question.

(b) *Interpretation to be written; authorized officials.* Official interpretations shall be given only in writing, signed by one of the following officers of the Office of Price Administration: the Price Administrator, the General Counsel, any Associate or Assistant General Counsel, any Regional Attorney, any Regional Price Attorney, any State Attorney, or State Price Attorney and any Chief Attorney or Chief Price Attorney for a District Office: *Provided,* That interpretations of general application shall be announced only by the Price Administrator, the General Counsel, any Associate or Assistant General Counsel, or any Regional Attorney. The Price Administrator or the General Counsel may also delegate to the Director and General Counsel of the Bituminous Coal Division of the United States Department of the Interior authority to sign or announce official interpretations of designated regulations.

(c) *Revocation or modification of interpretation.* Any official interpretation, whether of general application or otherwise, may be revoked or modified by publicly announced statement by any official authorized to announce such interpretations of general application or by a statement or notice by the Price Administrator or General Counsel published in the FEDERAL REGISTER. An official interpretation addressed to a particular person may also be revoked or modified at any time by a statement in writing mailed to such person and signed by the General Counsel or any Associate or Assistant General Counsel. An official interpretation addressed to a particular person by a Regional Attorney, a Regional Price Attorney, a State Attorney, a Chief Attorney for a District Office, or a Chief Price Attorney for a District Office may also be revoked or modified at any time by a statement in writing mailed to such person and signed by the Regional Attorney or by the attorney who issued it or his successor.

SUBPART F—MISCELLANEOUS PROVISIONS AND DEFINITIONS

§ 1300.53 *Service of papers.* Notices, orders and other process and papers may be served personally or by leaving a copy thereof at the principal office or place of business of the person to be served; or by registered mail, or by telegraph. When service is made personally or by leaving a copy at the principal office or place of business, the verified return of the person serving or leaving the copy shall be proof of service. When service is by registered mail or telegraph the return post office receipt or telegraph receipt shall be proof of service.

§ 1300.54 *Secretary; office hours.* The Office of the Secretary, Office of Price Administration, Washington, D. C. shall be open, on week days, from 9 A. M. until 5 P. M. and on Saturdays from 9 A. M. until 1 P. M. Any person desiring to file any papers, or to inspect any documents filed with the Secretary at any time other than the regular office hours stated, may file a written application with the Secretary requesting permission therefor.

§ 1300.55 *Confidential information. Inspection of documents filed with Secretary.* Protests and all papers filed in connection therewith are public records, open to inspection in the Office of the Secretary upon such reasonable conditions as the Secretary may prescribe. Except as hereinbefore provided, confidential information contained in any questionnaire, report, return, or document filed with the Office of Price Administration will not be disclosed, unless the Administrator determines the withholding thereof to be contrary to the interests of the national defense and security.

§ 1300.56 *Former employee not to be representative.* No former officer or employee of the Office of Price Administration shall, within two years after the termination of his employment, be permitted to act as agent, attorney, or representative of any person in connection with any protest, petition for amendment, application for adjustment or exception, or other proceeding before the Office of Price Administration.

SUBPART B—APPLICATIONS FOR ADJUSTMENT

§ 1300.9 *Right to apply for adjustment.* Unless otherwise provided, any person subject to a maximum price regulation, price schedule or temporary maximum price regulation who seeks adjustment under an adjustment provision thereof, shall make application therefor pursuant to the provisions of this Revised Procedural Regulation No. 1.

§ 1300.10 *Place of filing.* All applications may be filed with a district, state or regional office of the Office of Price Administration or with the Office of Price Administration, Washington, D. C., without regard to whether such office is authorized to consider such applications. If the office with which the application is filed is not so authorized it will forward such application to the authorized office and shall notify the applicant by mail of such forwarding. If an adjustment provision in a maximum price regulation indicates which office of the Office of Price Administration is authorized to consider applications for adjustment, action on applications will be expedited if it is filed with the nearest office authorized to consider it.

§ 1300.11 *Authorized office.* The authorized office shall be the Office of Price Administration which is authorized to act upon such an application for adjustment.

§ 1300.12 *Form of application.* Applications for adjustment shall be filed upon such forms as the Administrator shall from time to time prescribe. If no form has been designated for applications for the particular type of adjustment sought, the application shall set forth the following:

(a) Name and post office address of the applicant, the nature of his business, and the manner in which he is subject to the price regulation in question.

(b) A designation of the provision for adjustment pursuant to which the application is filed.

(c) The information, if any, required by the terms of the applicable adjustment provision.

(d) A clear and concise statement of the facts upon which applicant relies to qualify him for adjustment under the applicable adjustment provision, to the extent that such facts are not furnished under (c) above.

(e) A statement of the specific adjustment or other relief sought.

Applications for adjustment and all accompanying documents shall be filed in duplicate except that there shall be filed four copies of applications and accompanying documents with respect to

§ 1300.60. Appendix A. Unless otherwise prohibited by law, every employee of the Office of Price Administration who is authorized to administer oaths, shall, without charge, administer the oath required by this section.

§ 1300.14 *Joint applications.* Two or more persons may file a joint application for adjustment where at least one ground is common to all persons joining therein. A joint application shall be verified by each applicant in accordance with § 1300.13, and shall be filed and determined in accordance with the rules governing the filing and determination of applications filed by one person. Whenever the authorized office deems it necessary or appropriate for the disposition of joint applications, it may treat such joint applications separately and, in any event, may require the filing of materials relevant to the individual position of each person joining therein.

§ 1300.15 *Investigation of application.* Upon receipt of an application for adjustment, the authorized office or any office designated by the authorized office may make such investigation of the facts involved in the application, hold such conferences, and request the filing of such supplementary information as may be necessary to the proper disposition of the application.

§ 1300.16 *Action by the authorized office on applications for adjustment.* Within a reasonable time after receiving an application for adjustment, the authorized office may either

(a) Dismiss any application for adjustment which fails substantially to comply with this Revised Procedural Regulation No. 1; or

(b) Grant or deny in whole or in part, any application for adjustment which is properly pending before it. The applicant shall be informed in writing of the action so taken; or

(c) In cases of unusual difficulty or importance, refer the application for action either to the Regional Office for the region in which the authorized office is located; or if the authorized office is itself a regional office, to the Administrator. An office so referring an application shall inform the applicant of such action.

§ 1300.17 *Requests for review.* Any applicant whose application for adjustment has been denied in whole or in part by a state or district office, may within fifteen days after the date on which notice of denial was mailed to him, file with such office a request for review by the regional office for the region in which such office is located. Any applicant whose application for adjustment has

may be obtained from any field office of the Office of Price Administration or may be copied by the applicant from Appendix B.

§ 1300.18 *Action on review.* After due consideration, the Administrator or the regional office, as the case may be, shall grant or deny in whole or in part, any application for adjustment as to which a proper request for review has been filed. The applicant shall be informed in writing of the action so taken.

§ 1300.19 *Protest of denial of application.* Any applicant whose application for adjustment is denied in whole or in part by the Administrator or by any regional office upon requests for review may within sixty days after issuance of a formal order of denial file a protest against such order in accordance with the provisions of this Revised Procedural Regulation No. 1. Such protest may be based upon grounds not raised in the application for adjustment.

SUBPART C—PETITION FOR AMENDMENT

§ 1300.20 *Right to file a petition.* (a) A petition for amendment may be filed at any time by any person subject to or affected by a provision of a maximum price regulation. A petition for amendment shall propose an amendment of general applicability and shall be granted or denied solely on the merits of the amendment proposed. The denial of a petition for amendment is not subject to protest or judicial review under the Act.

(b) Any governmental agency exercising regulatory authority over prices which are subject to a maximum price regulation may file a petition for amendment of either general or specific applicability based upon findings made by such agency after public hearing.

§ 1300.21 *Time and place for filing petitions; form and contents.* A petition for amendment shall be filed with the Secretary, Office of Price Administration, Washington, D. C. Five copies of the petition and of all accompanying documents and briefs shall be filed, except that in respect to petitions involving Maximum Price Regulation No. 120[1]—Bituminous Coal Delivered from Mine or Preparation Plant, seven copies of the petition and of all accompanying documents and briefs shall be filed. Each copy shall be printed, typewritten, mimeographed, or prepared by a similar

cific statement of the particular amendment desired and the facts which make that amendment necessary or appropriate. The petition shall be accompanied by affidavits setting forth the evidence upon which the petitioner relies in his petition.

§ 1300.22 *Joint petitions for amendment.* Two or more persons may file a joint petition for amendment. Joint petitions shall be filed and determined in accordance with the rules governing the filing and determination of petitions filed by one person. A joint petition may be filed only where at least one ground is common to all persons joining it. Whenever the Administrator deems it to be necessary or appropriate for the disposition of joint petitions, he may treat such joint petitions as several and in any event, he may require the filing of relevant material by each individual petitioner.

§ 1300.23 *Action by the Administrator on petition.* In the consideration of any petition for amendment the Administrator may afford to the petitioner and to other persons likely to have information bearing upon such proposed amendment, or likely to be affected thereby, an opportunity to present evidence or argument in support of, or in opposition to, such proposed amendment. Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more petitions for amendment, the Administrator may consolidate such petitions.

SUBPART D—PROTESTS

§ 1300.24 *Right to protest.* Any person subject to any provision of a maximum price regulation may file a protest against such provision in the manner set forth below. A person is, for the purposes of this revised procedural regulation, subject to a provision of a maximum price regulation only if such provision prohibits or requires action by him: *Provided, however,* That a producer of an agricultural commodity shall be considered to be subject to a maximum price regulation for the purpose of asserting any right created by section 3 (c) of the Emergency Price Control Act of 1942 or section 3 of the Act of October 2, 1942 (Pub. Law 729, 77th Cong.) for the benefit of producers of such an agricultural commodity. Any protest filed by a person not subject to the provision protested, or otherwise not in accordance with this revised procedural

§ 1300.26 *Time and place for filing protests.* Any protest against a provision of a maximum price regulation shall be filed with the Secretary, Office of Price Administration, Washington, D. C. within a period of sixty days after the date of issuance of such regulation, regardless of the effective date prescribed therein: *Provided, however,* That any protest based solely on grounds arising after the date of issuance of a maximum price regulation shall be filed within a period of sixty days after the protestant has had or could reasonably have had notice of the existence of such grounds: *Provided further,* That protests of any person having his principal place of business in a territory, shall be filed with the director of the appropriate territorial office.

§ 1300.27 *Form of protest.* Every protest shall contain, upon the first page thereof, the number and the date of issuance of the maximum price regulation against a provision of which the protest is made and shall be clearly designated a "Protest". Five copies of the protest and of all accompanying documents and briefs shall be filed, except that in respect to protests involving Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant, seven copies of the protest and of all accompanying documents and briefs shall be filed.

§ 1300.28 *Assignment of docket number.* Upon receipt of a protest it shall be assigned a docket number, of which the protestant shall be notified, and all further papers filed in the proceedings shall contain on the first page thereof the docket number so assigned and the number and date of issuance of the maximum price regulation protested.

§ 1300.29 *Contents of protest.* Every protest shall set forth the following:

(a) The name and the post office address of the protestant, the nature of his business, and the manner in which the protestant is subject to the provision of the maximum price regulation protested.

(b) The name and post office address of the person filing the protest on behalf of the protestant and the name and post office address of the person to whom all communications from the Office of Price Administration relating to the protest shall be sent.

(c) A clear and concise statement of all objections raised by the protestant against the provision or provisions pro-

date of issuance of the maximum price regulation, a clear and concise statement of facts showing the time when such grounds arose.

(g) A statement signed and sworn to (or affirmed) before an officer authorized to take oaths either by the protestant personally or, if a partnership, by a partner or if a corporation or association, by a duly authorized officer, that the protest and the documents filed therewith are prepared in good faith and that the facts alleged are true to the best of his knowledge, information and belief. The protestant shall specify which of the facts are alleged and known to be true and which are alleged on information and belief.

§ 1300.30 *Affidavits or other written evidence in support of protest.* Every protestant shall file, together with his protest, the following:

(a) Affidavits setting forth in full all the evidence, the presentation of which is subject to the control of the protestant, upon which the protestant relies in support of the facts alleged in the protest. Each such affidavit shall state the name, post office address, and occupation of the affiant; his business connection, if any, with the protestant; and whether the facts set forth in the affidavit are stated from personal knowledge or on information and belief. In every instance the affiant shall state in detail the sources of his information.

(b) A statement by the protestant in affidavit form setting forth in detail the nature and sources of any further evidence, not subject to his control, upon which he believes he can rely in support of the facts alleged in his protest.

(c) If necessary, a further statement by the protestant in affidavit form setting forth the nature and sources of any evidence which the protestant is unable to present solely because of the time limit for the filing of protests and supporting material. Such further statement may contain a request for an opportunity to present such further evidence, which request shall state specifically the amount of time needed for preparation of such evidence. Any affidavits providing further evidence, pursuant to order, shall contain the information required by subparagraph (a) of this § 1300.30.

§ 1300.31 *Submission of brief by protestant.* The protestant may file with his protest and accompanying evidential material a brief in support of the objections set forth in the protest. Such brief shall be submitted as a separate document, distinct from the protest and evidential material.

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§ 1300.32 *Joint protests.* Two or more persons may file a joint protest. Joint protests shall be filed and determined in accordance with the rules governing the filing and determination of protests filed by one person. A joint protest shall be verified in accordance with § 1300.29 (g) by each protestant. A joint protest may be filed only where at least one ground is common to all persons joining in it. Whenever the Administrator deems it to be necessary or appropriate for the disposition of joint protests, he may treat such joint protests as several, and, in any event, he may require the filing of relevant materials by each individual protestant.

§ 1300.33 *Amendment of protest and presentation of supplemental evidence.* (a) The protestant may amend his protest or his affidavits and briefs submitted therewith, or may add to such material within a period of sixty days after the issuance of the maximum price regulation against a provision of which the protest is filed, or, in the case of a protest based solely on grounds arising after the date of issuance of a maximum price regulation, within sixty days after the protestant has had or could reasonably have had notice of the existence of such grounds.

(b) After the time prescribed in paragraph (a) of this section a protestant may be granted permission to amend his protest or to present further evidence in connection therewith when, in the judgment of the Administrator, such permission will not unduly delay the completion of proceedings on the protest. No amendment which adds a new ground of protest will be permitted.

§ 1300.34 *Protest and evidential material not conforming to this regulation.* In any case where a protest or accompanying evidential material does not conform, in a substantial respect, to this revised procedural regulation, the Administrator may dismiss such protest, or, in his discretion, may strike such evidential material from the record of the proceedings in connection with the protest.

§ 1300.35 *Action by the Administrator on protest.* (a) Within a reasonable time after the filing of any protest in accordance with this revised procedural regulation, but in no event more than thirty days after such filing or ninety days after the issuance of the maximum price regulation against a provision of which the protest is filed, whichever occurs later, the Administrator shall:

(1) Grant or deny such protest in whole or in part.

(2) Notice such protest for oral hearing, to be held in accordance with the provisions of §§ 1300.39 to 1300.47, inclusive, of this revised procedural regulation; or

(3) Provide an opportunity to present further evidence in connection with such protest. Within a reasonable time after the presentation of such further evidence, the Administrator may notice such protest for oral hearing in accordance with subparagraph (2) of this section, may include additional material in the record of the proceedings in connection with the protest in accordance with § 1300.37 of this revised procedural regulation, or may take such other action as may be appropriate to the disposition of the protest.

(b) Notice of any such action taken by the Administrator shall promptly be served upon the protestant.

(c) Where the Administrator has ordered a hearing on a protest or has provided an opportunity for the presentation of further evidence in connection therewith, he shall, within a reasonable time after the completion of such hearing or the presentation of such evidence, grant or deny such protest in whole or in part.

§ 1300.36 *Statements in support of maximum price regulation.* (a) Any person affected by the provisions of a maximum price regulation may at any time after the issuance of such regulation submit to the Administrator a statement in support of any such provision or provisions. Such statement shall include the name and post office address of such person, the nature of his business, and the manner in which such person is affected by the maximum price regulation in question, and may be accompanied by affidavits and other data. Each such supporting statement shall conform to the requirements of § 1300.27 of this revised procedural regulation.

(b) In the event that a protest has been, or is subsequently, filed to a provision of a maximum price regulation in support of which a statement has been submitted, the Administrator may include such statement in the record of the proceedings taken in connection with such protest. If such supporting statement is incorporated into the record, and is not so incorporated at an oral hearing, copies of such supporting statement shall be served upon the protestant, and the protestant shall be given a reasonable opportunity to present evidence in rebuttal thereof.

§ 1300.37 *Inclusion of material in the record by the Administrator.* The Administrator shall include in the record of the proceedings on the protest such evidence, in the form of affidavits or otherwise, as he deems appropriate in support of the provision against which the protest is filed. When such evidence is incorporated into the record, and is not so incorporated at an oral hearing, copies thereof shall be served upon the protestant, and the protestant shall be given a reasonable opportunity to present evidence in rebuttal thereof.

§ 1300.38 *Consolidation of protests.* Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more protests the Administrator may consolidate such protests.

ORAL HEARINGS ON PROTESTS

§ 1300.39 *Requests for oral hearing.* Any protestant may request an oral hearing. Such request shall be accompanied by a showing by the protestant as to why the filing of affidavits or other written evidence and briefs will not permit the fair and expeditious disposition of the protest. In the event that the Administrator orders an oral hearing in connection with a protest, notice shall be served on the protestant not less than five days prior to such hearing. The time and place of the hearing shall be stated in the notice. Any oral hearing ordered by the Administrator may be limited in such manner and to the extent that he deems appropriate.

§ 1300.40 *Conference prior to oral hearing.* At any time prior to the commencement of the oral hearing, the Administrator may request the protestant to appear at a conference to consider: (a) the simplification of issues; (b) the possibility of obtaining stipulations of fact and of documents which will avoid unnecessary proof; and (c) such other matters as may expedite the conduct of the oral hearing. No transcript of such conference shall be kept, but the Administrator shall incorporate in the record of the proceedings any written stipulations or agreements made at, or as a result of, the conference. If the circumstances are such that an oral conference is impracticable, the Administrator may direct that such negotiations be conducted by correspondence.

§ 1300.41 *Continuance or adjournment of oral hearing.* The oral hearing shall be held at the time and place specified by the notice of hearing but may be continued or adjourned to a later day or to a different place. Notice of such adjournment or continuance may be by announcement at the oral hearing.

§ 1300.42 *Conduct of the oral hearing.* The oral hearing shall be conducted by the Administrator or such officer or employee of the Office of Price Administration (hereinafter referred to as the "presiding officer") as the Administrator may appoint or designate for that purpose, except that in respect to protests involving Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant, the Administrator may appoint or designate an officer or employee of the Bituminous Coal Division of the United States Department of Interior to conduct the hearing.

§ 1300.43 *Filing of briefs.* The presiding officer shall allow the protestant to file briefs or written arguments within such time as he shall designate.

§ 1300.44 *Subpoenas.* (a) Applications for subpoenas, when made prior to the oral hearing, may be filed by the protestant with the Secretary. The Administrator may grant or deny the application or refer it to the presiding officer appointed or designated under § 1300.42, who may thereafter grant or deny the application. Applications for subpoenas made during the oral hearing shall be submitted to the presiding officer, who may grant or deny such application.

(b) All applications for subpoenas shall specify the name of the witness and the nature of the facts to be proved by him and, if calling for the production of documents, shall specify them with such

particularity as will enable them to be identified for purposes of production.

(c) Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to him the fees and mileage specified in section 202 (f) of the Act. When the subpoena is issued at the instance of the Administrator fees and mileage need not be tendered.

§ 1300.45 *Witnesses.* Witnesses summoned before the presiding officer at any protest hearing shall be paid the fees and mileage specified by section 202 (f) of the Act. Witness fees and mileage shall be paid by the person at whose instance the witness appears.

§ 1300.46 *Contemptuous conduct.* Contemptuous conduct at any oral hearing shall be ground for exclusion from the hearing. The refusal of a witness to answer any question which has been ruled to be proper shall, in the discretion of the presiding officer, be ground for the striking out of all testimony previously given by such witness on related matters.

§ 1300.47 *Stenographic report of oral hearing.* A stenographic report of the oral hearing shall be made, a copy of which shall be available for inspection during business hours in the Office of the Secretary, Office of Price Administration, Washington, D. C.

OPINION AND TRANSCRIPT

§ 1300.48 *Opinion denying protest in whole or in part.* In the event that the Administrator denies any protest in whole or in part, he shall inform the protestant of the grounds upon which such decision is based, and of any economic data and other facts of which the Administrator has taken official notice.

§ 1300.49 *Treatment of protest as petition for amendment or an application for adjustment or exception.* Any protest filed against a provision of a maximum price regulation may, in the discretion of the Administrator, be treated not only as a protest but also as a petition for amendment of the regulation protested, or as an application for adjustment or exception pursuant thereto, when the facts produced in connection with the protest justify such treatment.

§ 1300.50 *Transcript for judicial review.* The transcript for judicial review shall include: (a) the maximum price regulation against a provision of which the protest was filed; (b) the statement of considerations accompanying such regulation; (c) the protest; (d) a statement setting forth, as far as practicable, the economic data and other facts of which the Administrator has taken official notice; and (e) such other portions of the proceedings in connection with the protest as are material under the complaint.

SUBPART E—INTERPRETATIONS

§ 1300.51 *Interpretations.* An interpretation rendered by an officer or employee of the Office of Price Administration with respect to any provision of the Act or of any regulation, price schedule, order, requirement, or agreement thereunder, will be regarded by the Office of Price Administration as official only if such interpretation was requested and issued in accordance with § 1300.52 of this regulation. Action taken in reliance upon and in conformity with an official interpretation and prior to any revocation or modification thereof or to any superseding thereof by regulation, order or amendment, shall constitute action in good faith pursuant to the provision of the Act, or of the regulation, price schedule, order, requirement or agreement to which such official interpretation relates. An official interpretation shall be applicable only with respect to the particular person to whom, and to the particular factual situation with respect to which, it is rendered, unless publicly announced as an interpretation of general application.

§ 1300.52 *Requirements governing interpretations*—(a) *Requests for interpretations; form and contents.* Any person desiring an official interpretation of the Emergency Price Control Act of 1942 or any regulation, price schedule, order, requirement or agreement thereunder, shall make a request in writing for such interpretation. Such request shall set forth in full the factual situation out of which the interpretative question arises and shall, so far as is practicable, state the names and post office addresses of the persons involved. If the inquirer has previously requested an interpretation on the same or substantially the same facts, his request shall so indicate and shall name the official or office to whom his previous request was addressed. If the interpretation will affect operations of establishments located in more than one state, the request shall name the states in which the establishments are located. No interpretation shall be requested or given with respect to any hypothetical situation or in response to any hypothetical question.

(b) *Interpretation to be written; authorized officials.* Official interpretations shall be given only in writing, signed by one of the following officers of the Office of Price Administration: the Price Administrator, the General Counsel, any Associate or Assistant General Counsel, any Regional Attorney, any Regional Price Attorney, any State Attorney, or State Price Attorney and any Chief Attorney or Chief Price Attorney for a District Office: *Provided*, That interpretations of general application shall be announced only by the Price Administrator, the General Counsel, any Associate or Assistant General Counsel, or any Regional Attorney. The Price Administrator or the General Counsel may also delegate to the Director and General Counsel of the Bituminous Coal Division of the United States Department of the Interior authority to sign or announce official interpretations of designated regulations.

(c) *Revocation or modification of interpretation.* Any official interpretation, whether of general application or otherwise, may be revoked or modified by publicly announced statement by any official authorized to announce such interpretations of general application or by a statement or notice by the Price Administrator or General Counsel published in the FEDERAL REGISTER. An official interpretation addressed to a particular person may also be revoked or modified at any time by a statement in writing mailed to such person and signed by the General Counsel or any Associate or Assistant General Counsel. An official interpretation addressed to a particular person by a Regional Attorney, a Regional Price Attorney, a State Attorney, a Chief Attorney for a District Office, or a Chief Price Attorney for a District Office may also be revoked or modified at any time by a statement in writing mailed to such person and signed by the Regional Attorney or by the attorney who issued it or his successor.

SUBPART F—MISCELLANEOUS PROVISIONS AND DEFINITIONS

§ 1300.53 *Service of papers.* Notices, orders and other process and papers may be served personally or by leaving a copy thereof at the principal office or place of business of the person to be served; or by registered mail, or by telegraph. When service is made personally or by leaving a copy at the principal office or place of business, the verified return of the person serving or leaving the copy shall be proof of service. When service is by registered mail or telegraph the return post office receipt or telegraph receipt shall be proof of service.

§ 1300.54 *Secretary; office hours.* The Office of the Secretary, Office of Price Administration, Washington, D. C. shall be open, on week days, from 9 A. M. until 5 P. M. and on Saturdays from 9 A. M. until 1 P. M. Any person desiring to file any papers, or to inspect any documents filed with the Secretary at any time other than the regular office hours stated, may file a written application with the Secretary requesting permission therefor.

§ 1300.55 *Confidential information. Inspection of documents filed with Secretary.* Protests and all papers filed in connection therewith are public records, open to inspection in the Office of the Secretary upon such reasonable conditions as the Secretary may prescribe. Except as hereinbefore provided, confidential information contained in any questionnaire, report, return, or document filed with the Office of Price Administration will not be disclosed, unless the Administrator determines the withholding thereof to be contrary to the interests of the national defense and security.

§ 1300.56 *Former employee not to be representative.* No former officer or employee of the Office of Price Administration shall, within two years after the termination of his employment, be permitted to act as agent, attorney, or representative of any person in connection with any protest, petition for amendment, application for adjustment or exception, or other proceeding before the Office of Price Administration.

§ 1300.57 *Definitions.* As used in this revised procedural regulation, unless the context otherwise requires, the terms:

(a) "Act" means the Emergency Price Control Act of 1942, as amended by the Act of October 2, 1942 (Public Laws 421 and 729, 77th Cong., 2d Sess.).

(b) "Administrator" means the Price Administrator of the Office of Price Adminstration or such person as he may appoint or designate to carry out any of the duties delegated to him by the Act.

(c) "FEDERAL REGISTER" means the publication provided for by the Act of July 26, 1935 (49 Stat. 500), as amended.

(d) "Maximum price regulation" means any regulation or order establishing a maximum price or prices and shall include a "revised price schedule" or "temporary maximum price regulation" as defined below unless otherwise expressly specified.

(e) "Revised Price Schedule" means any price schedule establishing a maximum price or prices issued by the Administrator of the Office of Price Administration or the Administrator of the Office of Price Administration and Civilian Supply, prior to February 11, 1942, and effective pursuant to section 206 of the Act.

(f) "Temporary Maximum Price Regulation" means any temporary regulation or order, issued pursuant to section 2 (a) of the Act, establishing as a maximum price or prices the price or prices prevailing with respect to any commodity or commodities within five days prior to the date of issuance of such temporary regulation or order.

(g) "Date of issuance," with respect to a maximum price regulation, means the date on which such maximum price regulation is filed with the Division of the Federal Register.

(h) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(i) "Protestant" means a person subject to any provision of a maximum price regulation of price schedule who files a protest in accordance with section 203 (a) of the Act.

(j) "Price hearing" means any formal or informal opportunity to present evidence which may be ordered by the Administrator in connection with any action or proceedings related to price control.

§ 1300.58 *Amendment of this regulation.* Any provision of this Revised Procedural Regulation may be amended or revoked by the Administrator at any time. Such amendment or revocation shall be published in the FEDERAL REGISTER and shall take effect upon the date of its publication, unless otherwise specified therein.

§ 1300.59 *Effective date of Revised Procedural Regulation No. 1.* This Revised Procedural Regulation shall become effective 11:59 p. m., November 4, 1942.

§ 1300.60 *Appendix A. Form OPA-1PR-1.*

AFFIDAVIT

STATE OF ---------------
County of ---------------, *ss:*

The Undersigned, -----------------------, being first sworn according to law, deposes and says: that he is the person whose name appears subscribed to the above Application for Adjustment; and that he has read the same and knows to his own knowledge that the facts contained therein are true and correct, except that he believes to be true any facts alleged therein to have been made on information and belief.

Signature

Subscribed and sworn to (or affirmed) before me this -------- day of ---------------.

Officer administering oath.

§ 1300.61 *Appendix B. Form OPA-1PR-2.*

REQUEST FOR REVIEW OF ORDER DENYING APPLICATION FOR ADJUSTMENT

-----------------------, an application for adjustment pursuant to Section ------ of Maximum Price Regulation No. --------[1] and Revised Procedural Regulation No. 1 of the Office of Price Administration hereby requests ------------------------------
(Administrator or Appropriate Regional Office)
to review an order of denial of such application for adjustment entered by the -------- ------------ Office and mailed to the applicant on ---------------------------, 194--.

The applicant objects to such order of denial as follows:

(Applicant should state briefly and concisely, and separately number, his objections)

(Applicant)
By --------------------------

(Title)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11292; Filed, November 2, 1942; 4:57 p. m.]

Chapter XIII—Office of Petroleum Coordinator for War

[Recommendation 55]

PART 1504—PROCESSING AND REFINING

CONSERVATION OF PARATONE

To Stanco Distributors, Inc., and to all purchasers and users of Paratone: The current stock position of Paratone, a petroleum polymer and Viscosity Index improver, is insufficient for military and essential industrial and civilian needs.

Therefore, in order to bring about that action required by the President's letter of May 28, 1941, defining the objectives and duties of the Office of Petroleum Coordinator for War and pursuant thereto, I do hereby recommend that immediately and until further notice:

AUTHORITY: §§ 1504.74 to 1504.78, inclusive, issued under the President's letter of May 28, 1941 to the Secretary of the Interior; 6 F.R. 2760.

§ 1504.74 *Definitions.* (a) "Paratone" means that petroleum polymer produced and sold by such name as a Viscosity Index improver.

(b) "Aviation lubricating oil" means any refined petroleum oil for lubricating aircraft engines which meets Army-Navy Aeronautical Specification No. AN-VV-O-446, dated December 15, 1941, including any amending or superseding specification therefor that may be issued from time to time, or any comparable specification of the British Petroleum Mission.

(c) "Recoil oil" means any refined petroleum oil for use in recoil mechanisms which meets any current specification of the United States Army or Navy or of the British Petroleum Mission, for such an oil.

(d) "Hydraulic oil" means any refined petroleum oil for use in hydraulic systems which meets any current specification of the United States Army or Navy or of the British Petroleum Mission, for such an oil.

§ 1504.75 *Restrictions on delivery of paratone.* Until the reserve supply specified in § 1504.76 is established at the maximum figure, Stanco Distributors, Inc., shall not deliver Paratone to any person or to any affiliate of itself except where such Paratone is to be used directly in the production of aviation lubricating oil, recoil oil, or hydraulic oil. Each person accepting delivery of Paratone from Stanco Distributors, Inc., shall certify to Stanco Distributors, Inc., by written certificate or endorsement that such Paratone will be used in compliance with the provisions of this section, and such certification shall constitute a representation to that effect to Stanco Distributors, Inc., and this Office.

After the establishment of the reserve supply specified in § 1504.76 of this chapter at the maximum figure, Stanco Distributors, Inc., may deliver and any person and any affiliate of Stanco Distributors, Inc. may accept delivery of Paratone without regard to the provisions of the first paragraph of this section to the extent and only to the extent that such deliveries of Paratone are not made from the reserve supply. No written certification or endorsement shall be required with respect to deliveries not made from the reserve supply.

§ 1504.76 *Reserve supply.* Stanco Distributors, Inc., shall continue to produce Paratone at not less than its current rate of production and shall hold any Paratone, produced in excess of the amount required for fulfillment of the permitted deliveries made pursuant to the first paragraph of § 1504.75 of this chapter, in storage until the amount thereof aggregates 100,000 gallons (of a concentration not lower than the present Paratone specification). Paratone so held in storage in amounts which in the aggregate are not in excess of 100,000 gallons shall constitute the reserve supply. At the end of each calendar month,

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[1] Or if applicable, Revised Price Schedule No. -------------------------, Temporary Maximum Price Regulation No. ------------ or the General Maximum Price Regulation.

Stanco Distributors, Inc., shall address a letter to the Director of Refining, Office of Petroleum Coordinator for War, stating the amount of Paratone it holds in storage and the total of its unfilled orders.

§ 1504.77 *War Production Board regulations and orders.* Nothing contained in this recommendation shall be construed to affect or limit, in any wise, any provision of any regulation, order or direction issued by the War Production Board.

§ 1504.78 *Exceptions.* Any person affected by this recommendation who can show that compliance therewith would work an exceptional and unreasonable hardship on him may apply in writing to the Director of Refining, Office of Petroleum Coordinator for War, for an exception, stating in full the facts upon which the application is based and the extent to which the exception is requested.

RALPH K. DAVIES,
Deputy Petroleum Coordinator for War.

OCTOBER 29, 1942.

[F. R. Doc. 42-11339; Filed, November 3, 1942; 11:41 a. m.]

[Recommendation 56]

PART 1504—PROCESSING AND REFINING

PRODUCTION OF PETROLEUM COKE

To Refiners having coking facilities:

Raw petroleum coke of high quality is an essential war material for the manufacture of electrodes and other critical products. The present supply and production of such coke is insufficient to meet the present and projected requirements of such products. In part at least, this deficiency can be corrected by the fullest capacity operation of existing coking facilities in certain refineries best adapted to the production of such coke from the standpoints of availability of raw materials, character of equipment and operation, accessibility to transportation and effect on the production of other war products.

Therefore, in order to bring about that action required by the President's letter of May 28, 1941 defining the objectives and duties of the Office of Petroleum Coordinator for War and pursuant thereto, I do hereby recommend that immediately and until further notice:

AUTHORITY: §§ 1504.82 to 1504.86, inclusive, issued under the President's letter of May 28, 1941, to the Secretary of the Interior; 6 F.R. 2760.

§ 1504.82 *Maximum production of petroleum coke.* Each refiner operating any refinery listed in Schedule A attached hereto and hereby made a part hereof, shall henceforth produce the maximum amount of raw petroleum coke that it is possible to produce from the coking facilities in each such listed refinery.

§ 1504.83 *Quality of petroleum coke.* Each refiner referred to in § 1504.82 of this chapter shall, with respect to the raw petroleum coke produced thereunder, eliminate or reduce the use, if any, of caustic soda or lime in connection with the production of such coke to the greatest extent possible without causing undue corrosion of the physical equipment.

§ 1504.84 *Information.* Each refiner referred to in § 1504.82 of this chapter shall, for each calendar month and with respect to each refinery listed in Schedule A, submit a report to the Director of Refining, Office of Petroleum Coordinator for War, on the 20th of the month immediately following each such calendar month, showing:

(a) Total production of raw petroleum coke (in short tons).

(b) Total shipments of raw petroleum coke.

(c) The inventory of raw petroleum coke at the end of the month.

§ 1504.85 *Special directions.* From time to time the Director of Refining, Office of Petroleum Coordinator for War, may revise Schedule A and may issue specific directions or prohibitions with respect to the provisions of §§ 1504.82 to 1504.86, inclusive, of this chapter.

§ 1504.86 *Exceptions.* Any refiner affected by this recommendation who can show that compliance therewith would work an exceptional and unreasonable hardship on him or adversely and directly affect any war program (other than by change in yields of fuel oil or motor gasoline) may apply in writing to the Director of Refining of the Office of Petroleum Coordinator for War, for an exception, stating in full the facts upon which the application is based and the extent to which the exception is requested.

RALPH K. DAVIES,
Deputy Petroleum Coordinator for War.

OCTOBER 28, 1942.

SCHEDULE A

1. Cities Service Oil Company:
   (a) East Chicago, Indiana refinery.
   (b) Ponca City, Oklahoma refinery.
2. Continental Oil Company:
   (a) Ponca City, Oklahoma refinery.
8. Sinclair Refining Company:
   (a) Coffeyville, Kansas refinery.
   (b) Kansas City, Kansas refinery.
   (c) East Chicago, Indiana refinery.
4. Gulf Oil Corporation:
   (a) Toledo, Ohio refinery.
   (b) Cincinnati, Ohio refinery.
   (c) Neville Island, Pennsylvania refinery.
   (d) Port Arthur, Texas refinery.
   (e) Sweetwater, Texas refinery.
5. Shell Oil Company, Incorporated:
   (a) Wood River, Illinois refinery.
6. Standard Oil Company (Indiana):
   (a) Whiting, Indiana refinery.
   (b) Wood River, Illinois refinery.
   (c) Sugar Creek, Missouri refinery.
   (d) Neodesha, Kansas refinery.
   (e) Casper, Wyoming refinery.
7. The Standard Oil Company of Ohio:
   (a) Lima, Ohio refinery.
   (b) Toledo, Ohio refinery.
8. The Texas Company:
   (a) Port Arthur, Texas refinery.
   (b) Amarillo, Texas refinery.
   (c) Dallas, Texas refinery.
8. The Texas Company—Continued.
   (d) Lockport, Illinois refinery.
   (e) Casper, Wyoming refinery.
   (f) Craig, Colorado refinery.
9. Kendall Refining Company:
   (a) Bradford, Pennsylvania refinery.
10. Utah Oil Refining Company:
   (a) Salt Lake City, Utah refinery.
11. Union Oil Company of California:
   (a) Oleum, California refinery.
12. Magnolia Petroleum Company:
   (a) Forth Worth, Texas refinery.
13. Socony-Vacuum Oil Company, Incorporated:
   (a) East St. Louis, Illinois refinery.
   (b) Trenton, Michigan refinery.

[F. R. Doc. 42-11340; Filed, November 3, 1942; 11:41 a. m.]

TITLE 46—SHIPPING

[Directive 4[1]]

Chapter IV—War Shipping Administration

PART 321—DIRECTIVES

FORWARDING AND TRANSPORTATION OF FOREIGN COMMERCE

Directive with respect to forwarding and transportation of waterborne foreign commerce of the United States.

To all persons (including departments, agencies and officers of the United States) engaged in the procurement, transportation or forwarding of Lend-Lease cargo, or cargo procured, transported or forwarded for the government of any country whose defense has been deemed by the President to be vital to the defense of the United States pursuant to the Act of March 11, 1941 (which government is hereinafter referred to as a Lend-Lease government):

Whereas the War Shipping Administrator (hereinafter referred to as the Administrator) is charged with the responsibility of coordinating the functions and facilities of public and private agencies engaged in forwarding and similar servicing of waterborne export and import foreign commerce of the United States and controlling the operation and use of ocean shipping (other than troopships and other vessels excluded from the Administrator's control under section 2 (a) of Executive Order 9054) for the successful prosecution of the war; and

Whereas in order effectively to discharge this responsibility it is necessary for the Administrator to correlate, in conjunction with the Director, Office of Defense Transportation, the movement of cargoes to port with the movement of ships available for carriage from port, to assure efficient loading of ships, and to maintain adequate inventories and records;

Therefore, by virtue of the authority vested in me by the Act of March 14, 1942 (Public Law 498, 77th Congress), by Executive Order 9054, dated February 7,

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[1] Directives 1 and 3 were issued to the general agents and agents of vessels owned by or chartered to the War Shipping Administration and Directive 2 was issued to the masters and officers of all vessels in the Merchant Marine Service and were not published in the FEDERAL REGISTER.

1942, as amended, and in accordance with the directive to be issued by the Lend-Lease Administrator, it is hereby directed:

§ 321.4 *Directive 4*—(a) *Scope.* No person (including departments, agencies or officers of the United States) shall forward or authorize forwarding to a port or point in the United States for export transportation therefrom by water any Lend-Lease cargo or cargo procured or transported for a Lend-Lease government except at the direction of the Administrator.

(b) *Consignment of cargo.* All such cargo so forwarded shall be consigned to the Administrator as principal. After such consignment, in the event that instructions for stoppage in transit or diversion to intermediate storage are given to the carrier or carriers, the Administrator or his agent shall be immediately notified by the issuer of such instructions.

(c) *Information required.* With respect to such cargo, the following information, together with such other information as the Administrator may require, shall be furnished to the Administrator or his agent as soon as it is available:

(1) The identifying serial number and date of issuance of the O. D. T. block permit and of the Q. M. R. or other release, if any, authorizing movement of the cargo;

(2) Confirmation of movement, origin, date of shipment, route, mode of carriage, and identification of carrying unit or units to the port or point of export;

(3) Original and such copies of inland carrier's bill of lading and of shipping papers as the Administrator may direct.

(d) *Preparation of documents.* With respect to such cargo, the Administrator will prepare or cause to be prepared all dock receipts, ocean bills of lading, customs declarations, and other appropriate ocean shipping documents.

(e) *Records maintained by Administrator.* The Administrator will maintain or cause to be maintained, in such form as requested by the interested United States Government procuring agencies, records concerning all such cargo called forward by him, consigned to him or his agent or forwarded by him or his agent, and all such cargo loaded on ocean carriers, and will make such information available to the procuring agencies concerned, the Munitions Assignment Board, and to the Lend-Lease Administrator.

(f) *Compliance with instructions issued by the Munitions Assignment Board and the Lend-Lease Administrator.* Whenever such cargo is consigned to the Administrator, the Administrator will comply with all instructions issued by the Munitions Assignment Board through its committees, in cases within its jurisdiction, or by the Lend-Lease Administrator in all other cases, with respect to the diversion of such cargo to some other use.

(g) *Limitations on responsibility of Administrator.* Nothing herein contained contemplates the assumption by the Administrator of responsibility for or control over stockpile, assembly, or transit storage depots, or the forwarding thereto, before consignment to the Administrator.

(h) *Issuance of supplements, administrative orders and instructions.* Supplements hereto and administrative orders and instructions hereunder may be issued from time to time.

(i) *Compliance.* All departments, agencies, or officers of the United States are directed to issue appropriate instructions to assure compliance herewith and with supplements hereto and administrative orders and instructions issued hereunder.

(j) *Effective date.* This directive shall become effective on December 1, 1942.

[SEAL] E. S. LAND,
Administrator.

NOVEMBER 3, 1942.

[F. R. Doc. 42-11341; Filed, November 2, 1942; 11:20 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNERS EMPLOYMENT CERTIFICATE

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of Special Certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective November 2, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

Armour-Smallberg Mfg. Corp., 1306 Memorial Ave., Williamsport, Pennsylvania; Cotton underwear; 5 percent (T); September 21, 1943. (This certificate became effective September 21, 1942).

Hart Schaffner & Marx, 36 S. Franklin St., Chicago, Illinois; Men's outer clothing; 4 percent (T); November 2, 1943.

Olympiad Sportwear, Inc., 1925 8th Ave., Seattle, Washington; Men's & boys' sport jackets and top coats; 5 learners (T); November 2, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-lined Garments Divisions of the Apparel Industry.

Clara Barton Nurses' Apparel, Inc., 82 St. Paul St., Rochester, New York; Uniforms; 3 learners (T); November 2, 1943.

Baxley Dress Mfg. Co., 1521 Tenth Ave., Seattle, Washington; Women's rayon & cotton dresses and sportswear; 10 learners (T); November 2, 1943.

The Big Ace Mfg. Corp., Thomas St., Athens, Georgia; Overalls and work shirts; 10 percent (T); November 2, 1943.

H. Bomze & Bro., Broad St., Elmer, New Jersey; Ladies' cotton and rayon dresses; 10 percent (T); November 2, 1943.

Brauer-Grossman Co., 814 Central St., Kansas City, Missouri; Men's sportswear, robes and military apparel; 10 percent (T); November 2, 1943.

Bremen Mills, Inc., Bremen, Georgia; Arrow dress shirts; 10 percent (T); November 2, 1943.

H. W. Carter & Sons, Bank St., Lebanon, New Hampshire; Cotton work clothing, wool & cotton utility sport garments, barrack bags-U. S. Army; 10 percent (T); November 2, 1943.

Carwood Mfg. Co., Winder, Georgia; U. S. Army trousers, civilian trousers and shirts; 10 percent (T); November 2, 1943.

Clearfield Sportswear Co., Meadows St., Curwensville, Pennsylvania; Sport shirts; 10 percent (T); November 2, 1943.

Clearfield Sportswear Co., Clearfield, Pennsylvania; Sport shirts; 10 percent (T); November 2, 1943.

Colonial Textile Mfg. Co., 85 Coggeshall St., New Bedford, Massachusetts; pajamas and gowns; 10 percent (T); November 2, 1943.

Doncaster Collar & Shirt Co., Court St., Rutherfordton, North Carolina; Women's dresses and unforms, neckerchiefs for the U. S. Navy; 10 learners (T); November 2, 1943.

Duti-Duds, Inc., 1117 Clay St., Lynchburg, Virginia; Uniform dresses, work garments, pajamas and aprons; 5 learners (T); November 2, 1943.

Elder Mfg. Co., Webb City, Missouri; boys' dress shirts and blouses; 10 percent (T); November 2, 1943.

Elizabeth Undergarment Corp., 829 Newark Ave., Elizabeth, New Jersey; Ladies' underwear; 7 learners (T); November 2, 1943.

Gail Carnogy Frocks, 146 N. 13th St., Philadelphia, Pennsylvania; Ladies' rayon dresses; 3 earners (T); November 2, 1943.

Goodman, Cohen & Co., 226 New Brunswick Ave., Perth Amboy, New Jersey; Men's shirts; 10 learners (T); November 2, 1943.

Halff Mfg. Co., 345 E. Commerce St., San Antonio, Texas; Women's work clothing and sportswear; 10 learners (T); November 2, 1943.

H. Kassoway & Son, 29 No. 6th St., Philadelphia, Pennsylvania; Hooverettes, brunch coats; 2 learners (T); November 2, 1943.

Kings Dresses, Inc., 519 Broadway, Kingston, New York; Dresses; 10 percent (T); November 2, 1943.

Kleeson Co., Jefferson Ave., Moundsville, West Virginia; Cotton work pants, cotton semidress pants; 10 percent (T); November 2, 1943.

Lebanon Shirt Co., Magnolia St., Union, Mississippi; Shirts, cotton khaki jackets and herringbone twill; 10 percent (T); November 2, 1943.

The H. D. Lee Mercantile Co., 20th & Wyandotte St., Kansas City, Missouri; Overalls and pants; 19 learners (T); November 2, 1943.

Liberty Trouser Co., 2211 1st Ave. No., Birmingham, Alabama; Overalls, unionalls, overall jackets and trousers; 10 percent (T); November 2, 1943.

J. Libman & Son, 94 Fulton St., Paterson, New Jersey; Ladies' pajamas, undergarments; 6 learners (T); November 2, 1943.

Lipson Garment Co., 308 E. 9th St. Los Angeles, California; Wash dresses, house coats; 2 learners (T); November 2, 1943.

Charles Meyers & Co., 1st & Harrison Sts., Belleville, Illinois; Men's & boys' trousers; 10 percent (T); November 2, 1943.

Model Blouse Co., Mulberry St. Millville, New Jersey; Boy' shirts; 18 learners (T); November 2, 1943.

Monarch Textile Corp., 206 Globe Mills Ave., Fall River, Massachusetts; Robes and bedjackets; 10 learners (T); November 2, 1943.

Monroe Mfg. Co., Monroe, Georgia; U. S. Army trousers and jackets, & men's & boys' overalls and jackets; 10 percent (T); November 2, 1943.

Morehead City Garment Co., Inc., Bridges St., Morehead City, North Carolina; Men's dress shirts; 10 percent (T); November 2, 1943.

Mt. Vernon Garment Co., 16th & Herbert Sts., Mt. Vernon, Illinois; House dresses and uniforms; 10 percent (T); November 2, 1943.

N-R Garment Co., Walkersville, Maryland; Men's and boys' pajamas; 10 learners (T); November 2, 1943.

Narragansett Shirt Co., Wamsutta St., New Bedford, Massachusetts; Men's shirts and pajamas; 10 percent (T); November 2, 1943.

National Garment Co., Inc., Boyle & Duncan Aves., St. Louis, Missouri; Men's and boys' polo shirts, ladies' sportswear; 10 percent (T); November 2, 1943.

National Glove & Sportswear Co., 209 Clay St., San Francisco, California; Leather jackets; 1 learner (T); November 2, 1943.

Neptune Mfg. Co., 709 W. Market St., Louisville, Kentucky; Men's top coats and overcoats; Army & Navy coats; 5 percent (T); November 2, 1943.

New England Sportswear & Dress Co., Inc., 12 Elm St., New Haven, Connecticut; Misses' dresses; 5 learners (T); November 2, 1943.

Newport Dress Factory (Morris R. Smarr), 28 S. 3rd St., Newport, Pennsylvania; Children's wash dresses and blouses; 10 percent (T); November 2, 1943.

Wm. H. Noggle & Sons, Inc., 27–37 E. Ferdinand St., Manheim, Pennsylvania; Children's cotton wash garments and hospital pajamas; 10 percent (T); November 2, 1943.

Wm. H. Noggle & Sons, Inc., Rexmont, Lebanon County, Pennsylvania; Pajamas; 10 percent (T); November 2, 1943.

Wm. H. Noggle & Sons, Inc., Grant & High Sts., Manheim, Pennsylvania; Army shirts and dress shirts; 10 percent (T); November 2, 1943.

Norris Mfg. Co., Taylors, South Carolina; Men's slacks and men's sport shirts; 10 percent (T); November 2, 1943.

Patterson Mfg. Co., 428 N. Main St., Miami, Oklahoma; Overalls, jumpers, army pants; 10 percent (T); November 2, 1943.

Peerless Mfg. Co., 20 Fair St., Hackensack, New Jersey; Brassieres; 11 learners (T); November 2, 1943.

Penn Garment Mfg. Co., N. W. Corner Broad & Cherry Sts., Philadelphia, Pennsylvania; Ladies' dresses and blouses; 10 percent (T); November 2, 1943.

Penn Pants, Inc., Maple Ave., Sellersville, Pennsylvania; Men's single pants; 11 learners (T); November 2, 1943.

Perfect Brassiere Co., Inc., 26 Exchange Place, Jersey City, New Jersey; Brassieres, panties; 7 learners (T); November 2, 1943.

Randolph Underwear Co., Inc., Randleman, North Carolina; Ladies' slips; 10 percent (T); November 2, 1943.

Royal Worcester Corset Co., 30 Wyman St., Worcester, Massachusetts; Corsets, brassieres and bandeaux; 10 learners (T); November 2, 1943.

Selfast Dress Co., R. D. #6, Bridgeton, New Jersey; Children's cotton dresses; 10 percent (T); November 2, 1943.

Shamokin Dress Co., 1012 N. Shamokin St., Shamokin, Pennsylvania; Women's dresses and mosquito headnets; 10 percent (T); November 2, 1943.

Silver Trouser Mfg. Co., 1405 E. Columbus Drive, Indiana Harbor, Indiana; Army O.D.-18 oz. wool serge trousers, civilian trousers; 10 percent (T); November 2, 1943.

Smith-Levin-Harris, Inc., Lopez, Pennsylvania; Men's pajamas; 10 percent (T); November 2, 1943.

Boris Smoler & Sons, 3021 N. Pulaski Rd., Chicago, Illinois; Wash dresses; 10 percent (T); November 2, 1943.

Southland Mfg. Co., Inc., 204 Greenfield St., Wilmington, North Carolina; Shirts; 10 percent (T); November 2, 1943. (This certificate replaces the one for 5 percent bearing the expiration date of August 24, 1943.)

Levi Strauss & Co., 250 Valencia St., San Francisco, California; Overalls, shirts, coats, jackets and pants; 10 percent (T); November 2, 1943.

Troy District Shirt Co., Inc., 305 Ontario St., Cohoes, New York; Men's shirts; 33 learners (T); November 2, 1943.

Tuxall Uniform Mfg. Co., 3704 Downing St., Denver, Colorado; Coveralls, service coats, work pants; 2 learners (T); November 2, 1943.

Sam Umansky & Son, 316 Burnet St., New Brunswick, New Jersey; Boys' pants, ski pants, ladies' slacks; 2 learners (T); November 2, 1943.

Union Mfg. Co., 901 E. Missouri St., El Paso, Texas; Men's cotton pants and shirts; 10 percent (T); November 2, 1943. (This certificate replaces the one for 5 percent bearing the expiration date of January 19, 1943.)

Victoria Sportswear, 241 E. Westfield Ave., Roselle Park, New Jersey; Sportswear, dresses and slacks; 1 learner (T); November 2, 1943.

Warrensburg Shirt Co., 50 River St., Warrensburg, New York; Men's shirts; 10 percent (T); November 2, 1943.

Max Weiner, 411 E. Front St., Wilmington, Delaware; Ladies' blouses & shirtwaists, W. A. A. C. shirts; 10 learners (T); November 2, 1943.

The Allen Mfg. Co., 1808 Lawrence St., Denver, Colorado; Single pants and breeches; 10 learners (T); November 2, 1942. (This certificate replaces the one bearing the expiration date of April 20, 1943).

Marso & Rodenborn Mfg. Co., 700 1st Ave., N., Fort Dodge, Iowa; Work clothing; 10 percent (T); November 2, 1943.

Cigar Industry

E. Regensburg & Sons, 327 E. 29th St., New York, New York; Cigars; 1 learner (T); Cigar making machine operators to have learning period of 320 hours at 75 percent of the applicable minimum wage; May 1, 1943.

Glove Industry

Brookville Glove Co., Brookville, Pennsylvania; Work gloves; 5 learners (T); November 2, 1943.

William B. Chant, Inc., 92 Hammond St., Port Jervis, New York; Knit fabric gloves; 5 learners (T); November 2, 1943.

Grayson-Nelson Glove Co., 606 So. Marengo Ave., Alhambra, California; Knit fabric and work gloves; 2 learners (T); November 2, 1943.

Marse & Rodenborn Mfg. Co., 700–702 First Ave. N., Fort Dodge, Iowa; Work gloves; 5 learners (T); November 2, 1943.

National Glove & Sportswear Co., 209 Clay St., San Francisco, California; Work gloves; 2 learners (T); November 2, 1943.

Hosiery Industry

Archer Hosiery Mills, Talbotton Ave., Columbus, Georgia; Full-fashioned hosiery; 5 percent (T); November 2, 1943.

Bear Brand Hosiery Co., 205 E. 21st St., Gary, Indiana; Full-fashioned and seamless hosiery; 5 percent (T); November 2, 1943.

Bear Brand Hosiery Co., Kankakee, Illinois; Seamless hosiery; 5 percent (T); November 2, 1943.

Bear Brand Hosiery Co., 1300 Washington St., Henderson, Kentucky; Seamless hosiery; 5 percent (T); November 2, 1943.

Bland Silk Hosiery Mills, Inc., Bland, Virginia; Full-fashioned hosiery; 5 learners (T); November 2, 1943.

Douglas Silk Products Co., Douglas, Georgia; Full-fashioned hosiery; 5 learners (T); November 2, 1943.

Georgia Hosiery Mills, North Main St., Blakely, Georgia; Seamless hosiery; 5 learners (T); November 2, 1943.

Jackson Hosiery Mill, Jackson, Missouri; Full-fashioned hosiery; 5 learners (T); November 2, 1943.

Magnet Mills, Inc., Cullom St., Clinton, Tennessee; Seamless and full-fashioned hosiery; 5 percent (T); November 2, 1943.

Magnet Mills, Inc., Lake City, Tennessee; Seamless hosiery; 5 learners (T); November 2, 1943.

Maurice Mills Co., Inc., Taylor St., Thomasville, North Carolina; Seamless hosiery; 5 percent (T); November 2, 1943.

Millheim Hosiery Mills, Inc., Millheim, Pennsylvania; Seamless hosiery; 5 percent (T); November 2, 1943.

Spalding Knitting Mills, East Broad St., Griffin, Georgia; Seamless hosiery; 5 percent (T); November 2, 1943.

Victor Hosiery Corp., 775 Frederick St., Hagerstown, Maryland; Seamless and full-fashioned hosiery; 5 percent (T); November 2, 1943.

Wrenn Hosiery Co., Liberty Drive, Thomasville, North Carolina; Seamless hosiery; 5 percent (T); November 2, 1943.

Zenith Hosiery Mills, Inc., East Highway #70, Hickory, North Carolina; Seamless hosiery; 5 learners (T); November 2, 1943.

Knitted Wear Industry

French Veiling Corp., 11 South Broad St., Peekskill, New York; Rayon elastic silk nets; 5 learners (T); November 2, 1943.

Textile Industry

Brookford Mills Division, Brookford, North Carolina; White woven fabrics; 3 percent (T); November 2, 1943.

Eagle & Phenix Mills, 1225 Front Ave., Columbus, Georgia; Cotton; 3 percent (T); November 2, 1943.

Hill Spinning Co., Roseboro, North Carolina; Karded cotton yarns; 3 percent (T); November 2, 1943.

Irene Mills, Taylorsville, North Carolina; Yarn & thread; 7 learners (T); November 2, 1943.

Juliette Milling Co., Juliette, Georgia; Cotton yarn and twine; 3 percent (T); November 2, 1943.

Kanmak Mills, Inc., Chestnut St., Kulpmont, Pennsylvania; yarn, thread; 3 percent (T); November 2, 1943.

Kingston Chenille Co., Kingston, Georgia; Cotton chenille bedspreads; 5 learners (T); November 2, 1943.

Lily Mills Co., Shelby, North Carolina; Cotton sewing threads; 3 percent (T); November 2, 1943.

Oconee Mills, Inc., Westminster, South Carolina; Cotton yarns and cotton blankets; 3 percent (T); November 2, 1943.

John Sidebotham, Inc., 4317 Griscom St., Philadelphia, Pennsylvania; Yarn and thread; 3 percent (T); November 2, 1943.

Spiess Ribbon Mills, 68 No. Third St., Stroudsburg, Pennsylvania; Ribbons; 3 learners (T); November 2, 1943.

Superba Mills, Inc., Hawkinsville, Georgia; All cotton; 3 percent (T), November 2, 1943.

Triangle Thread Mills, 150 Greene St., New York, New York; Thread; 3 learners (T); November 2, 1943.

Waxhaw Cotton Mills Co., Waxhaw, North Carolina; Cotton yarns; 3 percent (T); November 2, 1943.

Signed at New York, N. Y., this 31st day of October 1942.

MERLE D. VINCENT,
Authorized Representative,
of the Administrator.

[F. R. Doc. 42-11249; Filed, November 2, 1942; 2:49 p. m.]

LEARNERS EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of Special Certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective November 2, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

E. Simon Bialek, 102 Grant St., Passaic, New Jersey; Embroidery; 2 learners; 6 weeks for any one learner; 28 cents per hour; Spanner-helper; December 28, 1942.

Empire Embroidery Co., 1027 Race St., Philadelphia, Pennsylvania; Embroidery; 2 learners; 6 weeks for any one learner; 28 cents per hour; Spanner-helper; December 28, 1942.

Signed at New York, N. Y., this 31st day of October 1942.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 42-11248; Filed, November 2, 1942; 2:49 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-230]

TENNESSEE GAS AND TRANSMISSION COMPANY

ORDER FIXING DATE FOR HEARING

OCTOBER 31, 1942.

Upon application filed February 9, 1942, by Tennessee Gas and Transmission Company, a Tennessee corporation, having its principal office in Chattanooga, Tennessee, under section 7 (c) of the Natural Gas Act, for authority to construct and operate a natural gas pipe line system from natural gas fields in southern Louisiana to Nashville, Chattanooga, Knoxville and other cities and communities in the States of Tennessee and Alabama;

The Commission *orders* that:

(A) A public hearing in this proceeding be held commencing on December 8, 1942, at 9:45 a. m. in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(B) Interested State commissions may participate in this proceeding as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-11320; Filed, November 3, 1942; 9:31 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 64 Under MPR 120, Correction]

ATLANTIC SMOKELESS COAL CO., ET AL.

ORDER GRANTING ADJUSTMENTS

Correction to Order No. 64[1] under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket Nos. 3120-69, 3120-71 and 3120-91.

The name of the operator of the Asco No. 1 Mine stated in paragraph (b) (2) of Order No. 64 under Maximum Price Regulation No. 120 should be the Atlantic

Smokeless Coal Company and not the Atlantic Coal Sales Company.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11204; Filed, November 2, 1942; 12:04 p. m.]

[Order 34 Under MPR 122]

FIDLER SKILLING FUEL & DOCK CO.

ORDER GRANTING ADJUSTMENT

Order No. 34 under Maximum Price Regulation No. 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers—Docket No. 3122-47.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.257 (a) of Maximum Price Regulation No. 122, *It is hereby ordered:*

(a) Fidler Skilling Fuel & Dock Company of Sturgeon Bay, Wisconsin, may sell and deliver to the Sturgeon Bay Utilities, a municipally owned public utility of Sturgeon Bay, Wisconsin, and that purchaser may buy and receive Island Creek Mine No. 22-2" Nut and Slack Coal at prices not in excess of $6.08 per ton;

(b) This Order No. 34 may be revoked or amended at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to the terms used herein;

(d) This Order No. 34 shall become effective November 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11205; Filed, November 2, 1942; 12:03 p. m.]

[Order 11 Under MPR 169]

JONES COUNTRY VEAL

ORDER GRANTING PETITION FOR ADJUSTMENT

Order No. 11 under Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts—Docket No. 3169-66.

On August 21, 1942, David W. Jones doing business as Jones Country Veal, Harvard, Illinois, filed a petition for adjustment pursuant to § 1354.60 of Maximum Price Regulation 169, as amended. Due consideration has been given to the petition, and an opinion in support of this Order No. 11 has been issued simultaneously herewith.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Revised Procedural Regulation No 1 issued by the Office of Price Administration, *It is hereby ordered:*

(a) David W. Jones, doing business as Jones Country Veal, may sell and deliver, agree, offer, solicit and attempt to sell and deliver Veal Carcasses of the grades hereinafter set forth and any persons may buy and receive from the Jones Country Veal such Veal Carcasses at prices not in excess of those established as follows:

	Cents per pound
Veal Carcasses—choice grade	21½
Veal Carcasses—good grade	20

(b) Jones Country Veal shall mail or cause to be mailed to all persons who purchase Veal Carcasses from it for resale a notice reading as follows:

> The Office of Price Administration by Order No. 11 effective November 3, 1942 pursuant to § 1364.60 of Maximum Price Regulation No. 169 has permitted us to raise our maximum price for sales to you of veal carcasses, choice grade from 20¢ per pound to 21½¢ per pound, and veal carcasses, good grade from 19¢ per pound to 20¢ per pound. This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of veal carcasses. In order that we may continue to provide you with veal carcasses it will be necessary for you to accept this reduction in your margin.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 11 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1364.62 of Maximum Price Regulation No. 169 shall apply to terms used herein.

(f) This Order No. 11 shall become effective November 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11203; Filed, November 2, 1942; 12:05 p. m.]

[Order 5 Under RPS 12]

THERMOID COMPANY

ORDER GRANTING EXCEPTION

Order No. 5 under Revised Price Schedule No. 12—Brass Mill Scrap—Docket No. 3012-4.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1309.19 (e) (2) of Revised Price Schedule No. 12—Brass Mill Scrap, *It is ordered:*

(a) Thermoid Company may buy and receive from the Mueller Brass Company, and the Mueller Brass Company may sell and deliver to the Thermoid Company at a price not higher than 14¾¢ per pound, f. o. b. point of shipment, specially prepared brass mill scrap: *Provided,* That the Thermoid Company has been authorized by the War Production Board to make each such purchase.

(b) As used in this Order No. 5 "specially prepared brass mill scrap" shall mean screened brass chips of uniform size analyzing 58% to 63% Copper, 34% to 39% Zinc, 2% to 3% Lead, free from iron and other magnetic material except that such iron or magnetic material may be present in amounts not greater than 0.2% of the net weight of the material if it is in the form of fine dust and not sizable particles.

(c) Unless the context otherwise requires, the terms used in this Order No. 5 shall have the same meaning given to them by Revised Price Schedule No. 12.

(d) This Order No. 5 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 5 shall become effective November 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11206; Filed, November 2, 1942; 12:02 p. m.]

[Order 6 Under RPS 28]

W. P. SQUIBB DISTILLING COMPANY, INC.

ORDER GRANTING ADJUSTMENT

Order No. 6 under Revised Price Schedule No. 28—Ethyl Alcohol—Docket No. 3028-4.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

(a) Notwithstanding anything to the contrary contained in Revised Price Schedule No. 28 or in the General Maximum Price Regulation, W. P. Squibb Distilling Company, Inc., of Vincennes, Indiana, may charge for deliveries of ethyl alcohol of 188 proof or higher, of any formulae thereof, including pure ethyl alcohol, which were made to the Defense Supplies Corporation between August 15, 1942, and September 30, 1942, and the Defense Supplies Corporation may pay for such ethyl alcohol, prices not in excess of those set forth below:

$.6761 per wine gallon, f. o. b. plant.

(b) All prayers of the applicant not granted herein are denied.

(c) This Order No. 6 under Revised Price Schedule No. 28 shall become effective November 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11207; Filed, November 2, 1942; 12:02 p. m.]

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[1] 7 F.R. 8621.

[Order 4 Under RPS 10]

Delta Chemical & Iron Company

ORDER GRANTING PETITION

Order No. 4 Under Revised Price Schedule No. 10—Pig Iron—Docket No. 3010–4.

On September 30, 1942, Delta Chemical & Iron Company, Chicago, Illinois, filed a petition for an exception under § 1306.55 (b) of Revised Price Schedule No. 10. Due consideration has been given to the petition and an opinion in support of this Order No. 4 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Delta Chemical & Iron Company may sell or deliver or offer to sell or deliver charcoal pig iron produced at its plant at Delta, Michigan, at base prices not to exceed $30.00 per gross ton. Any person may buy or accept delivery or offer to buy or accept delivery from Delta Chemical & Iron Company of such charcoal pig iron at the price herein established.

(b) The permission granted to Delta Chemical & Iron Company is subject to the following conditions:

1. That there be filed with the Office of Price Administration on or before the 15th day of each month an itemized statement in affidavit form of blast furnace and all other costs incurred in the production of charcoal pig iron during the preceding month; also balance sheet and profit and loss statement of Delta Chemical & Iron Company as of the last day of the preceding month.

2. That Delta Chemical & Iron Company notify each purchaser of charcoal pig iron under this Order No. 4 as follows: "The Office of Price Administration has permitted us to raise our maximum base price for sales to you of charcoal pig iron from $28.00 to $30.00, f. o. b. furnace, Delta, Michigan. This amount represents only that part of cost increases which we were unable to absorb. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of products manufactured by you from this pig iron."

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1306.51 of Revised Price Schedule No. 10 shall apply to terms used herein.

(f) This Order No. 4 shall become effective November 3, 1942.

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–11222; Filed, November 2, 1942; 2:28 p. m.]

[Order 35 Under MPR 122]

F. Hurlbut Company

ORDER GRANTING ADJUSTMENT, ETC.

Order No. 35 Under Maximum Price Regulation No. 122—Solid Fuels Delivered from Facilities other than Producing Facilities—Dealers—Docket No. 1122–9–P, granting adjustment and closing docket on protest.

On June 1, 1942, F. Hurlbut Company, 201 Cedar Street, Green Bay, Wisconsin, filed a protest against the provisions of Maximum Price Regulation No. 122. On July 27, 1942, the Administrator issued an order providing protestant with an opportunity to present further evidence specified in said order, within thirty days from the effective date of said order. Thereafter, protestant filed further evidence in connection with its protest.

Pursuant to Rule 33 of Procedural Regulation No. 1, the Administrator has considered this protest not only as a protest but also as a petition for adjustment under § 1340.257a of Maximum Price Regulation No. 122, and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, *It is ordered:*

(a) F. Hurlbut Company may sell and deliver, agree, offer, solicit, and attempt to sell and deliver 40,000 tons of White Oak 1¼″ Screenings coal which said F. Hurlbut Company purchased from the White Oak Coal Company of New York and now has on hand, and any manufacturing plant, including canning factories, condenseries, dairies, and cheese factories, may buy and receive any of such coal from F. Hurlbut Company at prices not in excess of those stated in paragraph (b).

(b) The maximum prices for the sales described in paragraph (a) above shall consist of $6.05½ per ton for sales in open railroad freight cars or railroad box cars and $6.20½ per ton for sales in trucks, such prices to be f. o. b. Green Bay, Wisconsin.

(c) This Order No. 35 shall become effective on the 3d day of November 1942.

(d) This Order No. 35 may be revoked or amended by the Price Administrator at any time.

(e) Inasmuch as this Order No. 35 grants all the relief requested in the Protest, Protest Docket No. 1122–9–P is hereby closed.

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–11224; Filed, November 2, 1942; 2:28 p. m.]

[Order 36 Under MPR 122]

Paddock Cash Coal Company

ORDER GRANTING ADJUSTMENT

Order No. 36 under Maximum Price Regulation No. 122—Solid Fuels, Delivered from Facilities other than Producing Facilities—Dealers—Docket No. 3122–11.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.257a of Maximum Price Regulation No. 122, *It is hereby ordered:*

(a) Paddock Cash Coal Company of Syracuse, New York, may sell and deliver at wholesale the egg, stove and nut sizes of anthracite coal which it receives by rail and any dealer in Syracuse, New York, or the vicinity thereof, may purchase such coal from Paddock Cash Coal Company at prices no higher than those set forth in paragraph (b) below;

(b) The maximum price of Paddock Cash Coal Company for the sale at wholesale of egg, stove and nut sizes of anthracite coal which it receives by rail shall be the maximum prices presently established therefor under § 1340.261, as amended, of Maximum Price Regulation No. 122 plus 34 cents per ton;

(c) This Order No. 36 may be revoked or amended by the Price Administrator at any time;

(d) All prayers of the petition not granted herein are denied;

(e) This Order No. 36 shall become effective November 2, 1942.

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–11239; Filed November 2, 1942; 2:23 p. m.]

[Order 2 Under MPR 136]

Electronic Mechanics, Inc.

ORDER GRANTING ADJUSTMENT

Adjustment of Maximum Prices Under § 1390.25 (a) of Maximum Price Regulation No. 136, as amended—Machines and Parts and Machinery Services—Order No. 2.

For the reasons set forth in an opinion issued simultaneously and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with § 1390.25 (a) of Maximum Price Regulation No. 136, as amended, *It is hereby ordered,* That:

(a) *Adjustment of Maximum Prices on sale of "Mycalite" radio parts by Electronic Mechanics, Inc., under* § 1390.25 (a). (1) Electronic Mechanics, Inc., Clifton, New Jersey, is hereby authorized to sell and offer, agree, solicit and attempt to sell any radio part composed of, or containing, "Mycalite" manufactured by it, for which it had a published or confidential list price in effect on March 31, 1942, at a maximum price not exceeding the net price determined in accordance with the provisions of § 1390.5 plus an amount equal to 10% of such net price.

(2) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(3) This Order No. 2 under § 1390.25 (a) of Maximum Price Regulation No. 136 shall become effective November 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–11238; Filed, November 2, 1942; 2:24 p. m.]

[Order 20 Under MPR 188]

National Carbon Company, Inc.

ORDER AUTHORIZING MAXIMUM PRICES

Order No. 20 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods other than Apparel—Docket Nos. GF3–1723 and GF3–1724.

Maximum price authorization for sales of new dry cell radio batteries by National Carbon Company, Inc., to the Signal Corps, U. S. A. For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) National Carbon Company, Inc., is authorized to sell and deliver to the Signal Corps, Army of the United States, the following new dry cell radio batteries at prices, f. o. b. factory, no higher than those set forth below:

BA–39	$3.41
BA–40	2.49

(b) The authorization granted by this Order No. 20 is confined to sales and deliveries under Signal Corps Contract No. W287–SC–4979.

(c) This Order No. 20 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 20 shall become effective on the 3d day of November 1942.

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–11241; Filed, November 2, 1942; 2:27 p. m.]

[Order 21 Under MPR 188]

Home Made Rug Company

ORDER GRANTING ADJUSTMENT

Order No. 21 under § 1499.161 (a) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods other than Apparel—Docket No. GF3–394.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Home Made Rug Company of Kernersville, North Carolina, may sell and deliver the rugs listed herein at prices no higher than those set forth below:

Styles 82, 84, 85, 86, 820

Size	*Ceiling price*
2 x 3	$0.72
2 x 4	.95
27 x 54	1.20
3 x 5	1.75

Styles 300, 400, 500, 600, 800, 900, 910

Size	*Ceiling price*
2 x 3	$0.75
2 x 4	1.00
27 x 54	1.26
3 x 5	1.85

subject to the Home Made Rug Company's customary allowances, discounts, or other price differentials from its regular quoted price list in effect during March, 1942.

(b) Before offering to sell or delivering the rugs listed in paragraph (a) at the prices set forth therein, Home Made Rug Company must submit to the buyer the following notification:

> The Office of Price Administration has authorized an increase in the maximum price of this rug from $------ to $------. (Inserting the correct figures). This represents only that part of our cost increases which we are unable to absorb and was granted with the provision that your maximum prices remain the same.

(c) This Order No. 21 shall become effective November 2, 1942.

Issued this 2d day of November, 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–11242; Filed, November 2, 1942; 2:27 p. m.]

[Order 22 Under MPR 188]

Federal Electric Company

ORDER AUTHORIZING MAXIMUM PRICES

Order No. 22 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.158 of Maximum Price Regulation No. 188, *It is hereby ordered,* That:

(a) The Federal Electric Company, of 8700 South State Street, Chicago, Illinois, may sell and deliver, and any person may buy and receive from the Federal Electric Company, plastic downspouts at the following prices per 100 lineal feet, f. o. b. Chicago, Illinois.

	Carload prices	Less than carload prices
Maximum net prices to consumers	$29.00	$33.00
Maximum net prices to dealers	21.75	24.75
Maximum net prices to jobbers	18.49	21.04

(b) This Order No. 22 is subject to the condition that the Federal Electric Company submit to the Price Administrator within a period of ninety (90) days following the effective date an analysis of the actual cost of manufacture during that period, of the plastic downspouts involved.

(c) This Order No. 22 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 22 shall become effective November 2, 1942.

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–11240; Filed, November 2, 1942; 2:23 p. m.]

[Order 23 Under MPR 188]

Sampsbl Time Control, Incorporated

ORDER ADJUSTING MAXIMUM PRICES

Order No. 23 under § 1499.161 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. 3188–1.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and § 1499.161 of Maximum Price Regulation No. 188, *It is hereby ordered,* That:

(a) The Sampsel Time Control, Incorporated, of Spring Valley, Illinois, may sell and deliver to Sears-Roebuck & Company, damper regulators, types 8870 and 8871, at a price of $7.25 and $11.39 each, respectively.

(b) This Order No. 23 may be revoked and amended by the Price Administrator at any time.

(c) This Order No. 23 shall be effective as of September 24, 1942.

Issued this 2d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–11243; Filed, November 2, 1942; 2:27 p. m.]

[Order 1 Under MPR 213]

Simmons Company

ORDER APPROVING MAXIMUM PRICES

Order No. 1 under § 1365.53 (b) (2) of Maximum Price Regulation No. 213—Coil and Flat Bedsprings with Non-Steel Frames.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and by virtue of the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, *It is hereby ordered:*

(a) The Simmons Company of New York, New York, may sell and deliver the four coil bedsprings with wood frames listed herein at f. o. b. factory carload prices no higher than those set forth below:

	F. o. b. factory carload maximum prices
Pattern—C 450	$5.25
Pattern—C 451	5.80
Pattern—Princess	5.80
Pattern—C 443	6.80

The terms, discounts, allowances, and differentials established under Maximum Price Regulation No. 213:

(1) For Class A bedsprings shall apply to Pattern—C 450.

(2) For Class B bedsprings shall apply to Pattern—C 451.

(3) For Class B bedsprings shall apply to Pattern—Princess.

(4) For Class C bedsprings shall apply to Pattern—C 443.

(b) This Order No. 1 may be revoked or amended by the Office of Price Administration at any time.

(c) Unless the context otherwise requires the definitions set forth in Maximum Price Regulation No. 213, shall apply to terms used herein.

(d) This Order No. 1 shall become effective on the 2d day of November 1942.

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11237; Filed, November 2, 1942; 2:25 p. m.]

[Order 2 Under MPR 213]

BURTON-DIXIE CORPORATION

ORDER APPROVING MAXIMUM PRICES

Order No. 2 under § 1365.61 (a) of Maximum Price Regulation No. 213—Coil and Flat Bedsprings with Non-Steel Frames.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and by virtue of the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) The Burton-Dixie Corporation of Chicago, Illinois, may sell and deliver the 750 units which it had on hand September 18, 1942, of its "80 Coil Special" bedspring with a wood frame and two pairs of stabilizers at a price no higher than $7.00 f. o. b. factory, L. C. L.

(b) Any person may sell at wholesale and deliver Burton-Dixie Corporation's "80 Coil Special" bedspring with a wood frame and two pairs of stabilizers at a warehouse or delivered price no higher than $7.00, plus the dollar amount by which such seller's warehouse or delivered price respectively exceeded the manufacturer's f. o. b. factory, L. C. L. price for the most comparable bedspring with a steel frame during March 1942 under the same conditions of sale.

(c) Any person may sell at retail and deliver Burton-Dixie Corporation's "80 Coil Special" bedspring with a wood frame and two pairs of stabilizers at a price no higher than $12.50, plus $.70 for a sale at retail in the Far West Zone.

(d) The maximum prices set forth in paragraphs (a), (b) and (c) hereof shall be subject to the same discounts, allowances, terms and differentials as the seller had in effect for the most comparable bedspring with a steel frame during March 1942.

(e) Burton-Dixie Corporation shall notify in writing each person selling "80 Coil Special" bedsprings of the maximum prices established in paragraphs (a), (b) and (c) hereof upon the first sale of such bedspring to such seller.

(f) Before making delivery of an "80 Coil Special" bedspring with a wood frame, Burton-Dixie Corporation must attach securely to such bedspring so that it is clearly visible a durable tag containing in easily readable lettering a statement in the following form:

> The Office of Price Administration has established a retail ceiling price of (insert $12.50 or $13.20, which ever is correct) for this bedspring which includes the price for the two pairs of stabilizers. Lower prices may be charged. This tag may not be removed until after delivery to the consumer.

(g) This Order No. 2 may be revoked or amended by the Office of Price Administration at any time.

(h) Unless the context otherwise requires, the definitions set forth in Maximum Price Regulation No. 213 shall apply to the terms used herein.

(i) This Order No. 2 under § 1365.61 (a) of Maximum Price Regulation No. 213 shall become effective November 2, 1942.

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11244; Filed, November 2, 1942; 2:26 p. m.]

[Order 1 Under MPR 230]

BERRY PIPE AND SUPPLY COMPANY

ORDER ADJUSTING MAXIMUM PRICES

Order No. 1 under Maximum Price Regulation No. 230—Reusable Iron and Steel Pipe—Docket No. 3230-2.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Procedural Regulations Nos. 1 and 6 issued by the Office of Price Administration, *It is hereby ordered:*

Adjustment of maximum prices of Berry Pipe and Supply Company on sales of reusable pipe to Defense Plant Corporation on its Purchase Order No. 653. (a) Notwithstanding anything to the contrary contained in Maximum Price Regulation No. 230, the Berry Pipe and Supply Company of Tulsa, Oklahoma, may sell and deliver reusable pipe to the Defense Plant Corporation pursuant to its Purchase Order No. 653 dated September 22, 1942, at prices not in excess of the applicable prices contained in Maximum Price Regulation No. 230 for the reusable pipe delivered pursuant to said Purchase Order No. 653 plus 8¢ per lineal foot for so much of said pipe as is steamed and sand blasted so that it will be satisfactory for domestic water service, and Defense Plant Corporation may buy and receive said reusable pipe from Berry Pipe and Supply Company at prices as set forth above.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 1 shall become effective November 3, 1942.

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11246; Filed, November 2, 1942; 2:25 p. m.]

[Order 2 Under MPR 244]

HUNT-SPILLER MANUFACTURING CO.

ORDER ADJUSTING MAXIMUM PRICES

Order No. 2 under Maximum Price Regulation No. 244—Gray Iron Castings—Docket No. GF3-2421.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

Adjustment of maximum prices of the Hunt-Spiller Manufacturing Company on sales of railroad locomotive gray iron castings. (a) Notwithstanding anything to the contrary contained in Maximum Price Regulation No. 244, the Hunt-Spiller Manufacturing Company of South Boston, Massachusetts may sell and deliver railroad locomotive gray iron castings to its contract customers at prices not in excess of the following, f. o. b. Boston:

	Cents per pound
Class A-1	6¾
Plain cylinder bushings.	
Class A	7
Plain cylinder bushings with ports cored.	
Banded cylinder bushings with or without ports cored.	
Cylinder packing rings.	
Cylinder bull rings.	
Piston valve bull rings.	
Piston valve packing blanks.	
Piston valve bushing castings requiring one set of port cores.	
Outer rod bushings without cored inserts.	
Small bushings or packing blanks over 5½″ I. D.	
Air pump bushings without cored ports.	
Dry pipe sleeves (one-piece patterns).	
Tub castings for dry pipe joint rings.	
Crosshead shoes.	
Pedestal shoes and wedges.	
Hub liners.	
Air pump piston heads.	
Air pump packing blanks.	
Built-up piston heads.	
Class B	7⅜
Eccentrics.	
Eccentric straps.	
Crosshead liners.	

	Cents per pound
Class B—Continued	7⅜
By-pass valve bushings.	
By-pass valve packing blanks.	
Driving and engine truck boxes.	
Driving box collars.	
Piston valve bushing castings requiring more than one set of port cores.	
Box-type cored piston heads.	
"Z" type pistons of Hunt-Spiller gun iron.	
Air pump bushings with cored ports.	
Side rod bushings with cored inserts.	
Outer rod bushings with cored inserts.	
Dry pipe sleeves cored or split pattern.	
Class C	8⅜
Slide valves.	
Valve strips.	
Dry pipe elbows.	
Throttle valve spiders.	
Steam pipes.	
Throttle boxes or stand pipes.	
Ring seats.	
Main throttle valves.	
Sliding plates for metallic packing.	
Castings for individual dry pipe joint rings.	
Knuckle pin bushings or small packing ring blanks—under 5½″ I. D.	

and its contract customers may buy and receive said castings from Hunt-Spiller Manufacturing Company as above; Hunt-Spiller Manufacturing Company may sell and deliver such castings to persons other than its contract customers at prices not in excess of the applicable prices set forth above, f. o. b. Boston, plus ½¢ per pound and such persons may buy and receive said castings from Hunt-Spiller Manufacturing Company as above: *Provided,* That Hunt-Spiller Manufacturing Company shall file with the Iron and Steel Branch of the Office of Price Administration, Washington, D. C., on or before the last day of each month following each quarter year beginning the last quarter of the current year of 1942: (1) A sworn statement of its profits and losses on its sales of railroad locomotive gray iron castings for the preceding quarter; (2) a sworn statement of its overall profits and losses on all sales for the preceding quarter; (3) a breakdown of the profit and loss statements filed pursuant to (1) and (2) of this paragraph showing (i) net sales (ii) cost of commodities or services sold, stating separately total direct material costs, total direct labor costs and total other manufacturing costs and (iii) general and administrative expenses, segregating compensation to officers and directors; and (4) a sworn statement of its average per pound price for railroad locomotive gray iron castings sold during the preceding quarter and its average per pound cost for the railroad locomotive gray iron castings sold.

(b) The term "contract customers" when used in this order means persons with whom Hunt-Spiller Manufacturing Company has in effect, at the time of sale, a contract whereby Hunt-Spiller Manufacturing Company is to furnish all of said persons, requirements for railroad locomotive gray iron castings listed in paragraph (a).

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 2 shall become effective November 3, 1942.

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11245; Filed, November 2, 1942; 2:26 p. m.]

JOSEPH TOYE COMPANY

[Order 1 Under MPR 244]

ORDER GRANTING ADJUSTMENT

Order No. 1 under Maximum Price Regulation No. 244—Gray Iron Castings—Docket No. GF3-1984.

For the reasons set forth in the opinion issued simultaneously herewith, under the authority vested in the Price Aministrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration: *It is hereby ordered:*

Adjustment of maximum prices for gray iron castings sold by Joseph Toye Company to Ferracute Machine Company. (a) On and after the effective date of this order, Joseph Toye Company may sell and deliver to Ferracute Machine Company gray iron castings for use in bullet presses and other devices for the small arms ammunition program, and Ferracute Machine Company may buy and receive such gray iron castings from Joseph Toye Company, at prices not in excess of 5 cents per pound for such gray iron castings whose weight per piece is 30 pounds or more, and 6 cents per pound for such gray iron castings whose weight per piece is less than 30 pounds.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 1 shall become effective November 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11272; Filed, November 2, 1942; 3:50 p. m.]

WAR PRODUCTION BOARD.

METAL MILLS, AND OTHER SUPPLIERS OF PRP UNITS

USE OF CERTAIN CONTRACT NUMBERS ON APPLICATIONS

The War Production Board has in the past required certain suppliers of scarce materials to furnish Army and Navy contract numbers on applications for approval of shipments of materials. Hereafter, applications for approval of shipments of materials to be used by the purchaser in the manufacture of articles ordinarily sold from stock (and not for the manufacture of articles on specific order) will not be denied on the ground that Army or Navy contract numbers are omitted, if PRP certificate serial numbers are furnished in lieu of the contract numbers.

Consequently, metal mills and other suppliers of PRP units should not refuse acceptance of purchase orders for materials for the manufacture of articles ordinarily sold from stock, on the ground that Army or Navy contract numbers have been omitted, if PRP certificate serial numbers are given.

PRP units, have, however, been instructed to furnish Army and Navy contract numbers where they can do so without undue inconvenience or delay. Consequently, you should furnish Army and Navy contract numbers with respect to purchase orders for material to be used in the manufacture of articles on specific order, and in any other case where the numbers are given to you.

Issued this 3d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11321; Filed, November 3, 1942; 10:47 a. m.]

[Certificate No. 20]

APPROVAL OF RECOMMENDATION OF PETROLEUM COORDINATOR

THE ATTORNEY GENERAL: Pursuant to the provisions of section 12 of Public Law No. 603, approved June 11, 1942, I submit Recommendation No. 56[1] of the Petroleum Coordinator for War.

I hereby approve said recommendation for the purposes of section 12 of Public Law No. 603, approved June 11, 1942, and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such recommendation, is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

NOVEMBER 2, 1942.

[F. R. Doc. 42-11338; Filed, November 3, 1942; 11:41 a. m.]

[Certificate No. 21]

APPROVAL OF RECOMMENDATION OF PETROLEUM COORDINATOR

The ATTORNEY GENERAL: Pursuant to the provisions of section 12 of Public Law No. 603, approved June 11, 1942, I submit Recommendation No. 55[1] of the Petroleum Coordinator for War.

I hereby approve said recommendation for the purposes of section 12 of Public Law No. 603, approved June 11, 1942, and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such recommendation, is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

NOVEMBER 2, 1942.

[F. R. Doc. 42-11337; Filed, November 3, 1942; 11:41 a. m.]

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[1] Title 32, *supra.*

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FEDERAL REGISTER

VOLUME 7 NUMBER 218

Washington, Thursday, November 5, 1942

Regulations

TITLE 7—AGRICULTURE

Subchapter A—Office of the Secretary

[Conservation Order DA-1]

PART 3—MILK AND MILK PRODUCTS

SPRAY DRIED SKIM MILK

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain foods for defense, for private account, and for export. The Food Requirements Committee of the War Production Board has determined that at least 90 per centum of the production of dried skim milk is needed to meet governmental war requirements; therefore, the following order, issued pursuant to authority conferred by Directive No. 12[1] dated October 31, 1942, of the War Production Board, is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3.1 *Conservation Order DA-1; spray dried skim milk*—(a) *Definitions.* (1) "Spray dried skim milk" means dried skim milk produced by a spray process.

(2) "Dried skim milk" means the food products, variously known as "dried skim milk," "powdered skim milk," or "skim milk powder," which is made by drying sweet cowsmilk from which the fat has been separated and which conforms with standards promulgated[2] for such product under the Federal Food, Drug, and Cosmetic Act.

(3) "Person" means any individual, partnership, corporation, association, or other business entity.

(b) *Restrictions on manufacturers.* (1) Every manufacturer of spray dried skim milk shall set aside at least 90 per centum of the spray dried milk produced by him during the period November 5, 1942, to November 30, 1942, inclusive, and during each subsequent calendar month for delivery to the Agricultural Marketing Administration (Federal Surplus Commodities Corporation), Army, Navy, Marine Corps, Coast Guard, War Shipping Administration or any other governmental agency designated by the Secretary of Agriculture.

(2) If no governmental unit, or agency, specified in paragraph (b) (1) has contracted for, or declared its intention or desire to contract for, any portion of the set-aside quantity within 30 days after the end of the month in which such quantity was set aside by the manufacturers, such manufacturers may be deemed released from the restrictions of paragraph (b) (1). Quantities set aside may also be released by notice to that effect from the Administrator, Agricultural Marketing Administration, United States Department of Agriculture, or from any governmental agency specifically authorized by him to issue such notice.

(3) The restrictions of paragraph (b) (1) shall be observed without regard to existing constracts or any payments made or any other action taken thereunder. However, this order shall not be construed as reducing the amount of spray dried skim milk which any manufacturer thereof is required to offer to any governmental agency specified in paragraph (b) (1) under existing contracts with such agency.

(c) *Reports.* Every person to whom this order applies shall execute and file such reports and answer such questionnaires as the Agricultural Marketing Administration, United States Department of Agriculture may from time to time direct.

(d) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal in writing to the Agricultural Marketing Administration, United States Department of Agriculture, setting forth the pertinent facts and reason he considers he is entitled to relief. The Administrator, Agricultural Marketing Administration, may thereupon take such action as he deems aprpopriate.

(e) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Department of Agriculture, Dairy and Poultry Branch, A. M. A., Washington, D. C. Ref: DA-1.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order,

(Continued on next page)

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[1] 7 F.R. 8857.

[2] 5 F.R. 2543.

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FEDERAL REGISTER

1934

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Telephone information: DIstrict 0525.

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SECURITIES AND EXCHANGE COMMISSION.
  Applications granted:
    Bellows Falls Hydro-Electric Corp — 9018
    Southern Natural Gas Co — 9018
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  Commodity Corp., hearing — 9017
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WAGE AND HOUR DIVISION:
  Learner employment certificates:
    Cancellation in textile industry — 9010
    Issuance to various industries — 9009
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WAR DEPARTMENT:
  Army and Navy General Hospital, Fitzsimons General Hospital — 8980
  Army Specialist Corps, procedure prior to appointment, etc — 8980
WAR LABOR BOARD:
  General orders:
    Hiring at rates in excess of established rates — 8981
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WAR PRODUCTION BOARD:
  Cans made of tinplate or terneplate (M-81, Am. 5) — 8991
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    M-141 — 8991
    M-41-a — 8992
  Phenolic resins and molding compounds (M-246) — 8993
  Tar acid oil, carbolates, etc. (M-27) — 8989
WAR SHIPPING ADMINISTRATION:
  Merchant marine training; transportation of cadets — 9005

wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance. (W.P.B. Dir. 12, 7 F.R. 8857)

Done at Washington, D. C., this 3d day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-11392; Filed, November 4, 1942; 11:15 a. m.]

Chapter I—Agricultural Marketing Administration

PART 27—REGULATIONS COVERING COTTON FIBER AND SPINNING TESTS

Promulgation of regulations of the Secretary of Agriculture governing cotton fiber and spinning tests under the Act of April 7, 1941.

Pursuant to authority conferred by the Act of April 7, 1941 (Pub. Law 30, 77th Cong.) authorizing the Secretary of Agriculture to make analyses of fiber properties, spinning tests, and other tests of the quality of cotton samples submitted by cotton breeders and other persons, the following regulations are promulgated to be in force and effect on and after this date, the same to supersede the regulations heretofore promulgated under said Act (7 CFR 27.501-27.512; 6 F.R. 4412):

Sec.
27.501 Authority.
27.502 Laboratories.
27.503 Testing of samples.
27.504 Requirements as to samples.
27.505 Costs of submitting samples.
27.506 Disposition of samples.
27.507 Prescribed fees.
27.508 Fees for special tests.
27.509 Payment of fees.
27.510 Limitation of testing services.
27.511 Confidential information.
27.512 False and misleading information.

AUTHORITY: §§ 27.501 to 27.512, inclusive, issued under Act of April 7, 1941, Pub. Law 30, 77th Cong.

ADMINISTRATION

§ 27.501 *Authority.* The Administrator of the Agricultural Marketing Administration is charged with the administration of the provisions of the Act and the regulations in this part and is authorized to issue such instructions as he may deem proper and necessary.

§ 27.502 *Laboratories.* Laboratories shall be maintained at points designated by the Administrator of the Agricultural Marketing Administration.

FIBER AND SPINNING TESTS

§ 27.503 *Testing of samples.* The Administrator of the Agricultural Marketing Administration or his authorized representatives, upon written requests, shall make fiber and spinning tests of the properties of cotton samples and report the results thereof to the persons from whom such requests are received, subject to compliance by such persons with the regulations in this part and to the payment by them of fees as prescribed herein.

§ 27.504 *Requirements as to samples.* Each sample of ginned cotton lint submitted for fiber tests shall weigh approximately eight ounces and each sample submitted for spinning and fiber tests, or for spinning tests alone, shall weigh not less than five pounds. When the ginning of samples for spinning tests is requested, a sufficient quantity of seed cotton to provide from five to ten pounds of lint shall be submitted. Each sample submitted for testing shall be labeled or marked to show the name and address of the person submitting it and each sample shall be wrapped separately. The separately wrapped samples may be sent in one or more parcels, each of which shall bear on the outside thereof the name and address of the person submitting it. Each individual sample submitted for testing shall contain a tag or coupon bearing a number or other identification symbol. Persons who submit samples to laboratories for testing shall comply with any Federal or State quarantine requirements applicable to counties from which such samples are shipped.

§ 27.505 *Costs of submitting samples.* The transportation of samples to a laboratory for testing shall be without expense to the Government.

§ 27.506 *Disposition of samples.* The remnants of samples and the other materials accumulated in the making of tests under the regulations in this part shall be the property of the Government, but portions of such samples and materials may be used for illustrative purposes in connection with laboratory reports submitted to persons applying for such tests. Upon request, cotton seed will be returned to the owner at his expense.

FEES

§ 27.507 *Prescribed fees.* (a) Fees for fiber and spinning tests shall be as follows:

Item No. and kind of test	*Fee per test*
1. Ginning of spinning test samples, to include weighing sufficient seed cotton to produce from 5 to 10 pounds of lint; ginning the cotton with the use of a saw gin equipped with an extractor-cleaner feeder; weighing the lint and seed; and selecting, packaging, and marking the spinning test sample	$1.00
2. Fiber length array (3 sortings per test)	6.00
3. Fiber length, fibrograph, (3 measurements per test)	.20
4. Fiber strength (round bundle method—10 breaks per test)	5.00
5. Fiber strength (flat bundle method—10 breaks per test)	1.00
5a. Fiber strength (flat bundle method), 20 breaks per test, consisting of 4 breaks from each of 5 replicate samples of one strain or variety of cotton, without preparation of hand sliver	1.50
6. Fiber fineness (weight per inch) and maturity (2 measurements each per test)	5.00
7. Fiber fineness (cross section—2 measurements per test)	6.00
8. Cellulose alignment (X-ray) (2 measurements per test)	2.50
9. Complete fiber test, including items Nos. 2, 4, 6, and 7	18.00
10. Complete fiber test, including items Nos. 3, 5, 6, and 7	10.00
11. Complete spinning test (carded yarns, for cottons up to and including $1\frac{5}{32}$ inches), including grade and staple length classifications	$20.00
12. Complete spinning test (combed yarns, for cottons $1\frac{3}{16}$ inches and longer in staple), including grade and staple length classifications	25.00
13. Combination fiber and spinning test (including items Nos. 2, 4, 6, 7, and 11)	34.00
14. Combination fiber and spinning test (including items Nos. 3, 5, 6, 7, and 11)	26.00
15. Combination fiber and spinning test (including items Nos. 2, 4, 6, 7, and 12)	38.00
16. Combination fiber and spinning test (including items Nos. 3, 5, 6, 7, and 12)	30.00
17. Yarn skein strength and size, and yarn appearance determinations, to include one skein strength and size determination on each of 20 bobbins, or fewer, and one yarn appearance grade on each of 2 bobbins	1.00
18. Single strand yarn test (Moscrop method), including 80 individual determinations per bobbin, up to 6 bobbins	1.50

(b) Persons who first submit samples for complete fiber tests as provided in items 9 and 10 may during the progress of such tests, or within sixty days after the date of the laboratory report on any test, file a supplemental request for a complete spinning test of the same cotton, and the total fees assessed for such combined tests shall be as prescribed in items 13 to 16, inclusive.

(c) Fees for combinations of tests not provided for in this section shall be as determined by the Administrator of the Agricultural Marketing Administration.

§ 27.508 *Fees for special tests.* In the discretion of the Administrator of the Agricultural Marketing Administration, special tests not listed in 27.507 may be made to the extent that available facilities will permit, subject to the payment of fees as determined by him.

§ 27.509 *Payment of fees.* As soon as practicable after the fifteenth and the last day of each calendar month, bills shall be rendered to all persons from whom payment of fees and costs under the regulations in this part shall have become due: *Provided,* That when necessary in the opinion of the officer in charge of a testing laboratory any bill may be rendered at an earlier date. Payments under the regulations in this part shall be by certified check or by draft or post office or express money order payable to the order of "Treasurer of the United States."

GENERAL

§ 27.510 *Limitation of testing services.* It appearing that funds available for services under the regulations in this part may at times be insufficient to provide for the testing of all samples that may be submitted for the purpose, the Administrator of the Agricultural Marketing Administration may when necessary place reasonable limitations upon the quantities of samples to be submitted by individuals during any one fiscal year or any one calendar month, and may direct that samples received from cotton breeders shall take precedence over those received from other persons.

§ 27.511 *Confidential information.* No information concerning individual tests under the regulations in this part shall be published or communicated in such a way as to disclose to others the identity of the owners of cotton represented by samples submitted for testing, except with the permission of such owners.

§ 27.512 *False and misleading information.* The publication or communication by any person of false or misleading information concerning the results of tests as reported by laboratories under the regulations in this part shall be deemed sufficient cause for denial of testing services to such persons.

Done at Washington, D. C., this 2d day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-11335; Filed, November 3, 1942; 11:35 a. m.]

Chapter VIII—Sugar Agency

PART 802—SUGAR DETERMINATIONS

PROPORTIONATE SHARES FOR FARMS IN THE DOMESTIC BEET SUGAR AREA; 1942 CROP

Pursuant to the provisions of section 302 (a) of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.17e *Determination of proportionate shares for farms in the domestic beet sugar area for the 1942 crop.* The proportionate share for the 1942 crop for each farm in the domestic beet sugar area shall be the number of acres of sugar beets planted thereon for the production of sugar beets to be marketed (or processed by the producer) for the extraction of sugar or liquid sugar during the 1942 crop season. (Sec. 302, 50 Stat. 910; 7 U.S.C. 1940 ed. 1132)

Done at Washington, D. C., this 2d day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-11336; Filed, November 2, 1942; 11:35 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter IX—Agricultural Marketing Administration

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

TWIN CITY SALE YARDS, LEWISTON, IDAHO

NOTICE UNDER PACKERS AND STOCKYARDS ACT[1]

NOVEMBER 3, 1942.

Whereas, the Twin City Sale Yards was posted on July 16, 1941, as the Lewiston

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[1] Modifies list posted stockyards 9 CFR 204.1.

Livestock Commission Company, the name of which was changed to the Twin City Sale Yards March 13, 1942, subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas, it now appears that the Twin City Sale Yards is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the Twin City Sale Yards no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary of Agriculture.[2]

[F. R. Doc. 42-11391; Filed, November 4, 1942; 11:15 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 77—MEDICAL AND DENTAL ATTENDANCE

CERTAIN HOSPITALS

Sections 77.24 and 77.27[1] are hereby amended to read as follows:

§ 77.24 *Army and Navy General Hospital*—(a) *Character of cases treated*—(1) *General.* All medical and surgical cases of a general nature may be admitted to this hospital, except insanity and tuberculosis of the lungs, which may be admitted only temporarily in an emergency.

(2) *Special.* While equipped to care for all types of medical and surgical conditions (except as noted in subparagraph (1) of this paragraph), this hospital also has available the Hot Springs mineral waters used in the administration of hydrotherapy, together with excellent physiotherapy and occupational-therapy facilities. These waters have been found to be of special benefit in certain types of disease and injury. The best results are obtained in inflammatory conditions of the joints, neuritis, and neuralgia.

(b) *Classes of persons who may be admitted.* Persons of the following classes may be admitted:

(1) All personnel authorized admission by § 77.15.

(2) Honorably discharged officers, nurses, commissioned warrant officers, warrant officers, cadets, midshipmen, cadet engineers, and enlisted men of the Army, the Navy, the Marine Corps (including National Guard forces, Naval Militia, volunteers, and drafted or selected men in the service of the United States), the Coast Guard, the Coast and Geodetic Survey, and honorably discharged officers of the Public Health Service, when accommodations are available.

(c) *Procedure for admission*—(1) *For beneficiaries of Veterans Administration.* Beneficiaries of the Veterans Administration will be admitted upon requests made to the commanding officer of the hospital by the proper representative of the administration.

(2) *Other persons.* Other persons may be admitted upon special authority of the Secretary of War or the Surgeon General.

(3) *Admission in advance of authorization.* A patient presenting himself for treatment in advance of authorization may, if the case is one of emergency, be admitted at the discretion of the commanding officer of the hospital, who will report his action to the proper authority for confirmation.

(d) *Disposition of patients.* Retired enlisted men of any of the public services, and civilians, will be discharged from this hospital at their discretion or at the discretion of the commanding officer.

(e) *Charges*—(1) *Subsistence charges.* (i) A subsistence charge of 60 cents a day will be made as follows:

(*a*) For an enlisted man on the active list of the Navy, Marine Corps, United States Coast Guard, and Coast and Geodetic Survey, to be paid by the proper superior upon monthly statements submitted by the commanding officer of this hospital directly to the Surgeon General of the Navy, the commandant of the Coast Guard and the disbursing agent of the Coast and Geodetic Survey, respectively.

(*b*) For a nurse on the active list.

(ii) Subsistence charges will be collected from other pay patients as follows:

(*a*) For officers and those subsisted on a like status, at $1.50 per day.

(*b*) For cadets of the United States Military Academy, midshipmen of the United States Naval Academy, and nurses other than those on the active list, at 85 cents per day.

(*c*) For those subsisted on the status of an enlisted man, at 85 cents per day.

(2) *Medicine charges.* See § 77.18 (b). (R.S. 161; 5 U.S.C. 22) [Pars. 7, 8, 9, 10, and 11, AR 40-600, October 6, 1942]

§ 77.27 *Fitzsimons General Hospital*—(a) *General.* (1) The chief purpose of the Fitzsimons General Hospital, Denver, Colo., is to give treatment under most favorable conditions to patients with tuberculosis.

(2) Medical and surgical cases of a general character may be admitted.

(b) *Admissions*—(1) *Classes of persons who may be admitted.* The admission to this hospital of the following classes of patients is authorized:

(i) All persons enumerated in § 77.15.

(ii) Beneficiaries of the United States Soldiers' Home, Washington, D. C.

(iii) Other persons, upon special authority of the Secretary of War or The Surgeon General.

(2) *Procedure for admission.* (i) Beneficiaries of the United States Soldiers' Home, Washington, D. C., are admitted under arrangements approved by the Board of Commissioners of the home.

(ii) Beneficiaries of the United States Veterans Administration may be admitted direct upon written authority of the proper representative thereof.

(iii) Civilian employees (see § 77.15) may be admitted direct on certificate of the official under whom they are employed, the certificate to state the fact of employment and the circumstances under which the injury was incurred.

(iv) Members of families (defined in § 77.15) may be admitted upon application made direct to the commanding officer of the hospital.

(v) All other nonmilitary persons not otherwise provided for will be admitted only on authority of the Secretary of War or The Surgeon General.

(c) *Charges*—(1) *General.* Provisions regarding hospital charges published in § 77.18 will govern charges at this hospital except as otherwise prescribed in subparagraphs (2) and (3) of this paragraph.

(2) *Subsistence charges.* Officers, commissioned warrant officers, and warrant officers of the Army, Navy, or Marine Corps will be subject to a subsistence charge of $1.50 per day. All other persons subsisted on the status of an officer will be subject to a like charge for subsistence, except cadets of the United States Military Academy, midshipmen of the United States Naval Academy, and Army nurses who will be charged at the rate of $1.00 per day.

(3) *Charges for beneficiaries of United States Soldiers' Home, Washington, D. C.* All expenses of maintenance of patients from the Soldiers' Home will be paid by the Board of Commissioners of the home. (R.S. 161; 5 U.S.C. 22) [Pars. 13, 14, and 15, AR 40-600, October 6, 1942]

[SEAL] H. B. LEWIS,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 42-11365; Filed, November 3, 1942; 2:39 p. m.]

PART 79a—ARMY SPECIALIST CORPS

PROCEDURE PRIOR TO APPOINTMENT, ETC.

Sections 79a.7 (a), 79a.18 and 79a.33 (d) (3) (ii) are hereby amended to read as follows:

§ 79a.7 *Procedure prior to appointment.* (a) In general only citizens of the United States will be appointed members of the Corps. Citizens of the Commonwealth of the Philippines or nationals of those countries allied with the United States in the prosecution of the war may be considered upon satisfactory proof of citizenship in their respective countries. (R.S. 161; 5 U.S.C. 22) [Par. 7, Army Specialist Corps Regs. (Tentative), March 24, 1942, as amended by C7, October 20, 1942]

* * * * *

§ 79.18 *Customs of the service.* The normal courtesies, respects, and obligations now in practice between officers and enlisted men of the Army will be recognized and practiced between officers and specialists of the Corps and between members of the Army and members of the Corps. (R.S. 161; 5 U.S.C. 22) [Par. 20, Army Specialist Corps Regs. (Tentative), March 24, 1942, as amended by C6, August 15, 1942]

§ 79a.33 *Allotments of pay* * * *

(d) *Purpose.* * * *

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[1] 6 F.R. 2622.

[2] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2656).

(3) *To commercial life insurance companies.* * * *

(ii) Application for insurance will not constitute authority for allotment of pay. No allotment for insurance premiums (Class E) will be accepted unless it is affirmatively shown on the form authorizing the allotment that the insurance is on the life of the alloter only; that the insurance constitutes the major and not merely incidental or collateral element of the transaction; and that the allotment is made in favor of the insurance company issuing the policy and not in favor of a bank or other agent. (R.S. 161; 5 U.S.C. 22) [Par. 38*e*, Army Specialist Corps Regs. (Tentative), March 24, 1942, as amended by C7, October 20, 1942]

[SEAL] H. B. LEWIS,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 42-11379; Filed, November 4, 1942; 9:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amendment 20-1, Civil Air Regulations]

PART 20—PILOT CERTIFICATES

LOGGING INSTRUMENT FLIGHT TIME

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 30th day of October 1942.

Acting pursuant to sections 205, 601, and 602 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective October 30, 1942, Part 20 of the Civil Air Regulations is amended as follows:

By adding paragraph (d) to § 20.762 to read as follows:

§ 20.762 *Logging of pilot flight time.* * * *

(d) *Instrument.* Instrument flight time may be logged as such only when the aircraft is flown solely by reference to instruments whether under actual or properly simulated flight conditions. (Over-the-top flying shall not be logged as instrument flight time.)

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-11372; Filed, November 4, 1942; 9:35 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

[General Order 6]

HIRING AT RATES IN EXCESS OF ESTABLISHED RATES

§ 803.6 *General Order 6.* (a) The hiring of an individual at a wage rate in excess of the rate previously established in the plant for employees of similar skill and productive ability within the classification in which the individual is employed is a "wage increase" within the meaning of Executive Order No. 9250.

(b) If a wage rate for a job classification has not theretofore been established by the employer for the plant involved, the rate shall be fixed at a level not exceeding that which prevails for similar classifications within the area, unless a higher rate is approved by the National War Labor Board. (E.O. 9250, 7 F.R. 7871)

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-11369; Filed, November 3, 1942; 4:26 p. m.]

PART 803—GENERAL ORDERS

[General Order 7]

INCREASES IN COMPLIANCE WITH OPERATION OF FAIR LABOR STANDARDS ACT

§ 803.7 *General Order 7.* Since Title VI, section 1 of Executive Order No. 9250, dated October 3, 1942, states that "nothing in this Order shall be construed as affecting the present operation of the Fair Labor Standards Act," and since statutes and orders of the duly constituted authorities of the several states fixing minimum rates for certain types of workers carry out the true purposes and intent of the Fair Labor Standards Act, and are designed and intended to eliminate substandards of living within the meaning of section 2 of Title II of Executive Order No. 9250, the National War Labor Board hereby approves increases in wage and salary rates made in compliance with such statutes and orders. (E.O. 9250, 7 F.R. 7871)

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-11370; Filed, November 3, 1942; 4:26 p. m.]

PART 803—GENERAL ORDERS

[General Order 8]

ADJUSTMENT OF WAGES OR SALARIES IN TERRITORIES AND POSSESSIONS

§ 803.8 *General Order 8.* Exercising the authority vested in the National War Labor Board by § 4001.14 of Part 4001, Regulations Relating to Wages and Salaries, issued on October 27, 1942, by the Economic Stabilization Director and approved by the President, and deeming it necessary for the effective administration of the Act of Congress of October 2, 1942, the Board hereby determines that adjustments in any wages or salaries over which this Board has jurisdiction and which are paid in any territory or possession of the United States, except Alaska, are exempted from the operation of the said regulations and therefore may be made without the approval of the Board. (E.O. 9250, 7 F.R. 7871)

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-11371; Filed, November 3, 1942; 4:26 p. m.]

PART 803—GENERAL ORDERS

[General Order 9]

SALARIES TOTALLING NOT IN EXCESS OF $5,000 PER ANNUM

§ 803.9 *General Order 9*—(a) *Jurisdiction of the National War Labor Board.* Section 4001.2 of Part 4001 "Regulations Relating to Wages and Salaries," issued on October 27, 1942,[1] by the Economic Stabilization Director and approved by the President provides in part that the National War Labor Board:

> Shall have authority to determine whether any * * * salary payments to an employee totaling in amount not in excess of $5,000 per annum where such employee:
>
> (1) In his relations with his employer is represented by a duly recognized or certified labor organization or
>
> (2) Is not employed in a bona fide executive, administrative or professional capacity, are made in contravention of the Act of Congress of October 2, 1942, or any ruling, orders or regulations promulgated thereunder.

In other words the Board has jurisdiction over the adjustment of salaries up to $5,000 a year, except for those employees employed in a bona fide executive, administrative or professional capacity who are not represented by duly recognized or certified unions.

Section 4001.6 of said regulations provides that "in the case of a salary rate of $5,000 or less per annum existing on the date of the approval of these regulations by the President" (namely, October 27, 1942) no increase shall be made without the prior approval of the Board.

The Board hereby defines what is meant by "employed in a bona fide executive, administrative or professional capacity".[2]

(1) *Executive.* The term "employed in a bona fide executive capacity" shall mean any employee:

(i) Whose primary duty consists of the management of the establishment in which he is employed or of a customarily recognized department or subdivision thereof, and

(ii) Who customarily and regularly directs the work of other employees therein, and

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[1] 7 F.R. 8748.

[2] For the convenience of employers and employees who have been accustomed to the practices prevailing under the Fair Labor Standards Act, these definitions have been taken from the regulations promulgated by the Wage and Hour Administrator, pursuant to section 13 (a) (1) of the Fair Labor Standards Act of 1938 (52 Stat. 1060), but no provisions of that Act or of any regulations issued thereunder are in any way applicable to the regulations and orders of the National War Labor Board.

(iii) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight, and

(iv) Who customarily and regularly exercises discretionary powers, and

(v) Who is compensated for his services on a salary basis at not less than $30 per week (exclusive of board, lodging, or other facilities), and

(vi) Whose hours of work of the same nature as that performed by employees not employed in an executive, administrative or professional capacity do not exceed 20 percent of the number of hours worked in the workweek by the employees under his direction: *Provided*, That this subdivision (vi) shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment.

(2) *Administrative.* The term "employed in a bona fide administrative capacity" shall mean any employee:

(i) Who is compensated for his services on a salary or fee basis at a rate of not less than $200 per month (exclusive of board, lodging, or other facilities), and

(ii) (*a*) Who regularly and directly assists an employee employed in a bona fide executive or administrative capacity (as such terms are defined in these regulations), where such assistance is nonmanual in nature and requires the exercise of discretion and independent judgment; or (*b*) who performs under only general supervision, responsible nonmanual office or field work, directly related to management policies or general business operations, along specialized or technical lines requiring special training, experience, or knowledge, and which requires the exercise of discretion and independent judgment; or (*c*) Whose work involves the execution under only general supervision of special nonmanual assignments and tasks directly related to management policies or general business operations involving the exercise of discretion and independent judgment; or (*d*) who is engaged in transporting goods or passengers for hire and who performs, under only general supervision, responsible outside work of a specialized or technical nature requiring special training, experience, or knowledge, and whose duties require the exercise of discretion and independent judgment.

(3) *Professional.* The term "employed in a bona fide professional capacity" shall mean any employee who is:

(i) Engaged in work (*a*) predominantly intellectual and varied in character as opposed to routine metal, manual, mechanical, or physical work, and (*b*) requiring the consistent exercise of discretion and judgment in its performance, and (*c*) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time, and (*d*) whose hours of work of the same nature as that performed by employees not employed in an executive, administrative or professional capacity do not exceed 20 percent of the hours worked in the workweek by such employees: *Provided*, That where such non-professional work is an essential part of and necessarily incident to work of a professional nature, this subdivision (*d*) shall not apply, and (*e*) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes; or predominantly original and creative in character in a recognized field of artistic endeavor as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training, and the result of which depends primarily on the invention, imagination, or talent of the employee, and

(ii) Compensated for his services on a salary or fee basis at a rate of not less than $200 per month (exclusive of board, lodging, or other facilities): *Provided*, That this subdivision (ii) shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and who is actually engaged in the practice thereof.

(b) *Effective date of the Board's jurisdiction.* Pursuant to § 4001.6 of the said regulations, increases in salaries which by written agreement executed on or before October 27, 1942, or by formal action communicated to the employees, on or before October 27, 1942, were made applicable to work done prior to October 27, 1942, do not come within the jurisdiction of the Board, notwithstanding such increases are first reflected in a payroll subsequent to October 27, 1942.

(c) *Salary increases which do not require Board approval.* Pursuant to § 4001.6 of the said regulations, adjustments may be made in salary rates over which the Board has jurisdiction without the approval of the Board, if they are made in accordance with the terms of a salary agreement or salary rate schedule and as a result of:

(i) Individual promotions or reclassification,

(ii) Individual merit increases within established salary rate ranges,

(iii) Operation of an established plan of salary increases based on length of service,

(iv) Increased productivity under incentive plans,

(v) Operation of a trainee system, or

(vi) Such other reasons or circumstances as may be prescribed in orders, rulings, or regulations, promulgated under the authority of these regulations.

No such adjustments in salary rates, however, shall result in any substantial increase in the level of costs or shall furnish the basis either to increase price ceilings of the commodity or service involved or to resist otherwise justifiable reductions in such price ceilings.

(d) *Exempt employers.* Pursuant to § 4001.11 of the said regulations salary adjustments made by employers who employ not more than eight individuals are exempted from the provisions of § 4001.6, 4001.7 and 4001.8 of the said regulations and may therefore be made without the approval of the National War Labor Board.

(e) *Statutory salaries and wages.* The said regulations, pursuant to § 4001.13 thereof, are not applicable to any salary or wages paid by the United States, any state or political subdivision thereof, the District of Columbia, or any agency or instrumentality of any one or more of the foregoing where the amount of such salary or wages is fixed by statute. Adjustment in such salaries or wages may therefore be made without the approval of the National War Labor Board.

(f) *Decreases in salaries of less than $5,000 over which the National War Labor Board has jurisdiction as defined in paragraph (a) of this order.* Pursuant to § 4001.7 of the said regulations, no decrease in a salary rate paid to an employee for any particular work, and over which the National War Labor Board has jurisdiction as defined in paragraph (a) of this order, may be made by the employer below the highest salary rate paid for such work between January 1, 1942, and September 15, 1942, without the prior approval of the Board. (E.O. 9250, 7 F.R. 7871)

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-11373; Filed, November 3, 1942; 4:26 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1643]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I and Supplement R–II, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; commencing forthwith, the shipping points and freight origin groups appearing in the aforesaid Supplement R–II for the coals of Mine Index Nos. 878 and 3479 shall be as therein shown instead of the shipping points and freight origin groups heretofore applicable for these mines; and, commencing forthwith, the shipping point appearing in the aforesaid Supplement R–II for the coals of Mine Index No. 2238 shall be as therein shown instead of the shipping point heretofore applicable for this mine.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the Schedules attached are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and already reflect the changes, if any, made in the minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached Schedules do not differ, except in this regard, from the minimum prices proposed by petitioner.

Dated: October 19, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3680	Burns, J. T.	Burns	15	E	Dixonville, Pa	C. T. & D (NYC-PRR)	50	(†)	(†)	E	(†)	(†)
3767	Colvin, Harold F	East Creek #2	3	Bloss	Blossburg, Pa	Erie	130	C	C	C	C	C
3677	Dush, John & Clyde (Clyde Dush)	Chestnut Grove	7	D	Grampian, Pa	PRR	45	(†)	(†)	F	(†)	(†)
3682	Hollopeter, Dwight F	Hollopeter	6	Mid. Kittanning	Rockton, Pa	B&O	113	(†)	(†)	E	(†)	(†)
2952	Hoyt Coal Co. (Leroy Hoyt)	Hoyt	7	D	Curwensville, Pa	PRR	45	(†)	(†)	F	(†)	(†)
1539	Hunter Coal Company (James G. Hogg)	Cushing	3	Seymour	Antrim, Pa	NYC	131	H	H	H	H	H
1685	Wood, Frank B. (F. B. Wood Coal Mining Company)	Foxburg #1 (a)	17	D	St. Benedict, Pa	NYC	44	E	E	(*)	E	E
3764	Wood, Frank B. (F. B. Wood Coal Mining Company)	Pine Ridge #3 (a)	17	C′	St. Benedict, Pa	NYC	44	E	E	E	E	E
3765	Wood, Frank B. (F. B. Wood Coal Mining Company)	Pine Ridge #4 (a)	17	D	St. Benedict, Pa	NYC	44	E	E	E	E	E
3766	Wood, Frank B. (F. B. Wood Coal Mining Company)	Pine Ridge #5	17	C′	Hastings, Pa	PRR	50	(†)	(†)	E	E	E

†Indicates no classification effective for these size groups.

*Indicates classifications and prices previously established for these size groups.

(a) Classification for Pine Ridge (Mine Index No. 3479), Pine Ridge #3 (Mine Index No. 3764), Pine Ridge #4 (Mine Index No. 3765) and Foxburg #1 (Mine Index No. 1685) mines to apply to coals therefrom as loaded at the Victor #9 tipple and cleaning plant of the Carrolltown Coal Co.

§ 321.7 *Alphabetical list of code members*—Supplement R–II

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
878	Walker, Ray S. (Bradford Coal Co.).	Shannon #2	8	B	Morrisdale, Pa.	NYC	44	(†)	(†)	E	E	E
2238	Will, Harold R.	Harold Will Coal Company.	36	E	Somerset, Pa.	B&O	100	(†)	(†)	E	(†)	(†)
3479	Wood, Frank B. (F. B. Wood Coal Mining Company).	Pine Ridge[1]	17	B	St. Benedict, Pa.	NYC	44	C	C	C	C	C

†Indicates no classification effective for these size groups.

[1] See note in Supplement R–I.

NOTE: The above prices are applicable *only* via the respective Freight Origin Groups, shipping points, and Railroads shown for the respective mines. Freight Origin Groups and Shipping Points previously assigned to these mines are no longer applicable.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Sub-district No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Burns, J. T.	3680	Burns	15	Indiana	E	(†)	(†)	245	(†)	(†)
Colvin, Harold F.	3767	East Creek #2	3	Tioga	Bloss	347	322	322	312	302
Dush, John and Clyde (Clyde Dush).	3677	Chestnut Grove	7	Clearfield	D	(†)	(†)	240	(†)	(†)
Glass, J. H.	3686	Little King	20	Clearfield	F	(†)	(†)	240	(†)	(†)
Hollopeter, Dwight F.	3682	Hollopeter	6	Clearfield	Mid. Kittanning.	(†)	(†)	245	(†)	(†)
Hunter Coal Company (James G. Hogg).	1539	Cushing (d)	3	Tioga	Seymour	322	297	(*)	287	277
Roberts, Dominick (Roberts Coal Co.).	3681	Roberts	18	Cambria	E	(†)	(†)	240	(†)	(†)
Sabatose, James & Albert, Unsworth.	1989	Sabatose & Unsworth.	5	Jefferson	D	(†)	(†)	(*)	235	225
Sabatose, James & Albert Unsworth.	3768	Sabatose & Unsworth #2.	5	Jefferson	E	260	(†)	235	225	215
Wike, George H. & Harry (George H. Wike).	3640	Potter	1	Clarion	B	265	240	240	230	220
Wood, Frank B. (F. B. Wood Coal Mining Company).	3764	Pine Ridge #3.	17	Cambria	C'	(†)	(†)	245	(†)	(†)
Wood, Frank B. (F. B. Wood Coal Mining Company).	3765	Pine Ridge #4.	17	Cambria	D	(†)	(†)	245	(†)	(†)
Wood, Frank B. (F. B. Wood Coal Mining Company).	3766	Pine Ridge #5.	17	Cambria	C'	(†)	(†)	245	(†)	(†)

†Indicates no classification effective for these size groups.

*Indicates classifications and prices previously established for these size groups.

[F. R. Doc. 42–11332; Filed, November 3, 1942; 11:31 a. m.]

[Docket No. A–1653]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 7 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 7.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the Schedules attached are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached Schedules do not differ, except in this regard, from the minimum prices proposed by petitioner.

Dated: October 23, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-district No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group No.									
								1	2	3	4	5	6	7	8	9	10
318	D & D Coal Company	D & D Coal Co.	1	Sewell	Quinwood, W. Va.	C&O-NYC	19	(†)	(†)	(†)	(†)	(†)	B	B	(†)	(†)	(†)
512	Nuri Smokeless Coal Company (C. B. Tackett).	Boone	2	Sewell	Winona, W. Va.	C&O	10	A	(†)	(†)	(†)	(†)	A	A	B	B	(†)
319	United States Coal & Coke Company	# 13	3	Poca # 3	Moses, W. Va.	N&W	20	(†)	(†)	(†)	(†)	(†)	(†)	C	(†)	(†)	(†)

†When shown under a Size Group Number, this symbol indicates no classification effective for this Size Group.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine	Mine index No.	Subdistrict No.	County	Seam	All lump ¾" or larger, all egg and stove	All nut or pea, 1¼" top size or smaller	Screened M/R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
D & D Coal Company	D & D Coal Co.	318	1	Greenbrier	Sewell	------	------	300	235	------	----
Nuri Smokeless Coal Company (C. B. Tackett).	Boone	512	2	Fayette	Sewell	350	------	(*)	(*)	210	(*)
United States Coal & Coke Company.	#13	319	3	McDowell	Poca #3	------	------	-----	225	------	----

*When shown under a Size Group Number, this symbol indicates coals previously classified in this Size Group.

[F. R. Doc. 42–11329; Filed, November 3, 1942; 11:32 a. m.]

[Docket No. A–1673]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 7 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 7.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 327.21 (*High volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R–II, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the Schedules attached are based upon price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached Schedules do not differ, except in this regard, from the minimum prices proposed by petitioner.

Dated: October 20, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group No.									
								1	2	3	4	5	6	7	8	9	10
320	Meadows, E. W. (E. W. Meadows Coal Co.).	Meadows	5	Poca. #4	Fireco, W. Va.	Vgn	14	(†)	(†)	(†)	(†)	(†)	B	B	(†)	(†)	(†)

†When shown under a Size Group Number, this symbol indicates no classification effective for this size group.

§ 327.21 *High volatile coals: Alphabetical list of code members*—Supplement R–II

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.																													
								For destinations other than Great Lakes																For Great Lakes cargo only													
								1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
321	Thompson, L. D.	Painter Mtn. #2	Big Eagle	2	Cirtsville, W. Va.	Vgn	15	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	B	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)

†When shown under a Size Group Number, this symbol indicates no classification effective for this size group.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine	Mine Index No.	Subdistrict No.	County	Seam	All lump ¾″ or larger, all egg and stove	All nut or pea, 1¼″ top size or smaller	Screened M/R	Straight mine run	1¼″ screenings	¾″ screenings
						1	2	3	4	5	6
Meadows, E. W. (E. W. Meadows Coal Co.).	Meadows	320	5	Raleigh	Poca #4	------	------	300	235	----	---
Thompson, L. D	Painter Mtn. #2.	321	2	Raleigh	Big Eagle	------	------	280	235	----	---

[F. R. Doc. 42–11334; Filed, November 3, 1942; 11:32 a. m.]

[Docket No. A–1693]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of the Alley Mine of the Sandy Valley Coal Company in District No. 8.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Alley Mine of the Sandy Valley Coal Company, Mine Index No. 9, in District No. 8; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the schedule attached are based upon the price classifications and minimum prices in effect on October 1, 1942 for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21.

Dated: October 22, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.																													
								For destinations other than Great Lakes																For Great Lakes cargo only													
								1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
9	Sandy Valley Coal Company.	Alley	Elkhorn No. 1	1	Bull Creek, Ky.	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	A	B	C	C	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	A	B	C	C

*Indicates previously classified these size groups.
†Indicates no classification effective for these size groups.

[F. R. Doc. 42–11331; Filed, November 3, 1942; 11:31 a. m.]

[Docket No. A–1695]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8 and for a change in shipping point for Mine Index No. 389.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8 and for a change in shipping point for Mine Index No. 389; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof; and commencing forthwith, the shipping point appearing in the aforesaid Supplement R for Mine Index No. 389 shall be effective in place of the shipping point heretofore established for this mine.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the Schedule attached are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21.

Dated: October 22, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.																													
								For destinations other than Great Lakes																For Great Lakes cargo only													
								1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
176	Panther Red Ash Coal Corporation.	Douglas	Douglas	8	Hull, W. Va	N&W	130	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	A	A	A	A	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	A	A	A	A
389	Red Ash Smokeless Coal Co.	Red Ash	Douglas	8	Krollitz, W. Va.[1]	N&W	130	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	A	A	A	A	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	A	A	A	A

[1] Denotes new shipping point. Shipping point at Hull, W. Va., shall no longer be applicable.
*Indicates previously classified these size groups.
†Indicates no classification effective for these size groups.

[F. R. Doc. 42-11330; Filed, November 3, 1942; 11:31 a. m.]

[Docket No. A-1621]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 15 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 15 and for a change in the railroad upon which the coals of the Midway Mine (Mine Index No. 1433) originate for rail shipment.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 15; and for a change in the railroad upon which the coals of the Vita-Coal Mining Company's Midway Mine (Mine Index No. 1433) located in Latimer County, Oklahoma, Production Group 8, originate for rail shipment, from the Missouri, Kansas and Texas Railroad, Wilburton, Oklahoma, to the Chicago, Rock Island and Pacific Railway, Wilburton, Oklahoma; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 335.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 335.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the Schedules attached are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached Schedules do not differ, except in this regard, from the minimum prices proposed by petitioner.

No relief is granted herein for the coals of the Sizemore Mine (Mine Index No. 1629) of code member Sizemore Coal Company (Roy Sizemore) for the reason set forth in the order severing that portion of Docket No. A-1621 relating to said coals from the remainder of the Docket, designating such severed portion as Docket No. A-1621 Part II, and granting temporary relief herein.

Dated: October 22, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial use]

Code member	Mine index No.	Mine name	Production group No.	Shipping point	Railroad	Freight origin group No.	Price classification by size group														
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Mineral Products Company, The	111	Plant No. 1	1	West Mineral, Kans. & P & M Central Cleaning Plant (Mineral), Kans.	M-K-T	147	-----	-----	-----	-----	-----	-----	-----	-----	-----	A	-----	-----	(*)	-----	-----
					MP	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Rogers Brothers (Joseph Roger)	1635	Roger #3	3	Huntsville, Missouri	Wab	111	A	A	A	A	C	C	C	C	A	C	A	A	-----	A	A
Vita-Coal Mining Company (Roy Rogers).	1433	Midway	8	Wilburton, Okla.	M-K-T	[1] 101	(*)	(*)	(*)	(*)	-----	(*)	-----	(*)	(*)	(*)	-----	-----	-----	(*)	-----

* Previously classified for this size group.
[1] Denotes change in F. O. G. number. F. O. G. No. 100 shall no longer be applicable for this mine.
A is Market Area list price as listed in Price Schedule No. 1.
C Minus 10¢ from list price.

FOR TRUCK SHIPMENTS

§ 335.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Production Group No.	County	3″ lump	½″ up	10″ x 1½″	10″ x 1¼″	3″ x 2″	3″ x 1¼″	2″ x 1¼″	1¼″ x 1″	Mine run	3″ x 0	1¼″ x ⅜″	1¼″ x ¼(R)	1¼″ x 0 (W)	1¼″ x 0 (R)	¼″ x 0
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Foote, Julian C	1638	Foote #2	2	Bates, Mo	260	260	260	260	235	220	205	200	220	195	195	180	180	160	45
Heckadon, F. H	1626	Heckadon Coal Co	2	Bates Mo	260	260	260	260	235	220	205	200	220	195	195	180	180	160	45
Lynn & Sons, V. T. (Herbert N. Lynn)	1640	V. T. Lynn & Sons	5	Lafayette, Mo	295	295	295	295	285	265	255	230	295	215	230	215	-----	135	45
Roger Brothers (Joseph Roger)	1635	Roger #3	3	Randolph, Mo	240	240	240	240	225	215	205	195	220	190	195	180	-----	120	45
York, George C	1641	York Coal Co	11	Rogers, Okla	340	340	340	310	-----	280	-----	170	230	150	160	-----	-----	125	-----

[F. R. Doc. 42-11333; Filed, November 3, 1942; 11:32 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment LX]

PART 802—GENERAL LICENSES

FRENCH GUIANA—FRENCH WEST INDIES

Paragraph (a) of § 802.2 *General license numbers*[1] is hereby amended by rescinding the general license numbers assigned to the destinations listed below, and assigning the following new numbers:

French Guiana	101
French West Indies (including Desirade, Guadeloupe, Les Saintes, Martinique, Marie Galante, St. Martin (Northern part), and St. Bartholomew)	100

Paragraph (a) of § 802.3 *General license country groups*[2] is hereby amended by deleting from the list of destinations included in Group K the following:

French Guiana.
French West Indies (including Desirade, Guadeloupe, Les Saintes, Martinique, Marie Galante, St. Martin (Northern part), and St. Bartholomew).

This amendment shall become effective November 7, 1942.

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

Dated: October 26, 1942.

A. N. ZIEGLER,
Acting Chief,
Export Control Branch,
Office of Exports.

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[1] 7 F.R. 5001, 7993.

[2] 7 F.R. 5001, 7991, 7992.

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 969—TAR ACID OIL, CARBOLATES, PHENOLS AND SUBSTITUTED PHENOLS

[General Preference Order M-27, as Amended November 3, 1942]

"Part 969—Phenols" is hereby amended to read "Part 969—Tar Acid Oil, Carbolates, Phenols and Substituted Phenols".

Section 969.1 *General Preference Order M-27* is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of tar acid oil, carbolates, phenols and substituted phenols for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 969.1 *General Preference Order M-27, as amended November 3, 1942*—(a) *Definitions.* For the purpose of this order:

(1) "Tar acid oil" means any coal tar, or lignite tar, distillate containing 5% or more by volume of phenols.

(2) "Carbolates" means any aqueous solution of an alkali metal salt containing 10% or more by volume of phenols.

(3) "Phenols" means the acids, commonly known as tar acids, in either pure or crude form, comprising the following:

(i) Phenol, cresols and xylenols or any mixtures thereof, whether produced synthetically or recovered from coal tar, lignite tar, or distillates thereof, or from petroleum or petroleum distillates, or from any other source.

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(ii) Homologues of phenol, cresols and xylenols or any mixtures thereof, when such homologues occur naturally in, or are recoverable from, coal tar, lignite tar, or distillates thereof, or from petroleum or petroleum distillates.

(iii) Mixtures of phenol, cresols and xylenols with any of their homologues when such homologues occur naturally in, or are recoverable from, coal tar, lignite tar, or distillates thereof, or from petroleum or petroleum distillates.

(4) "Substituted phenols" means para-phenyl-phenol, ortho-phenyl-phenol, butyl phenol, amyl phenol and bis phenol.

(5) "Producer" means any person who produces tar acid oil, carbolates, phenols, or substituted phenols, or any person who has any of such materials produced for him pursuant to toll agreement.

(6) "Importer" means any person who imports tar acid oil, carbolates, phenols or substituted phenols for his own use or for resale.

(7) "Distributor" means any person who has purchased or who purchases tar acid oil, carbolates, phenols or substituted phenols for resale.

(b) *Restrictions on use and delivery.* (1) On and after December 1, 1942, subject to the exemptions provided in paragraph (c) hereof, no producer, distributor, or importer shall use or deliver, and no person shall accept delivery of tar acid oil, carbolates, phenols or substituted phenols except as specifically authorized by the Director General for Operations upon application, pursuant to paragraph (e) hereof.

(2) During the period commencing November 3, 1942, the effective date of this amendment, and ending November 30, 1942, no person shall deliver or accept delivery of any phenols except in accordance with the provisions of General Preference Order No. M–27 as in effect prior to this amendment.

(c) *Exemptions.* (1) Paragraph (b) (1) hereof shall not apply to the use, delivery or acceptance of delivery, by any person in any one calendar month, of 55 gallons or less of tar acid oil, carbolates, phenols or substituted phenols, provided that:

(i) Every person seeking delivery of a quantity in excess of 5 gallons, but not in excess of 55 gallons, of tar acid oil, carbolates, phenols and substituted phenols in any one calendar month shall file with his supplier, at the time of placing his order, a certificate in writing to the effect that, in the event such delivery is made, the deliveree will not have received during such month a quantity in excess of 55 gallons of tar acid oil, carbolates, phenols and substituted phenols.

(ii) Every producer, distributor or importer seeking to make deliveries of 55 gallons or less of tar acid oil, carbolates, phenols and substituted phenols, pursuant to the exemptions provided for in this paragraph (c) (1), shall apply for authorization to make such deliveries, as provided in paragraph (e) (2) (iii) hereof; and the total quantity of such deliveries by any such producer, distributor or importer during any one calendar month shall not exceed the amount of such deliveries which has been specifically authorized by the Director General for Operations.

(2) Paragraph (b) (1) hereof shall not apply to the use, delivery or acceptance of delivery of tar acid oil, carbolates or phenols by any person for the purpose of producing phenols.

(d) *Other restrictions.* Every person affected by this order shall comply with such directions as may be issued from time to time by the Director General for Operations with respect to the use, delivery or production of tar acid oil, carbolates, phenols or substituted phenols.

(e) *Applications and reports.* In addition to such other reports as may from time to time be required by the Director General for Operations:

(1) Every producer, distributor or importer seeking authorization to use, and every person seeking authorization to accept delivery of tar acid oil, carbolates, phenols or substituted phenols pursuant to paragraph (b) (1) hereof, shall apply for such authorization on Form PD–600. Every such applicant shall file with the War Production Board the original and two copies of such form on or before the 15th day of the month preceding the month for which such authorization is requested; and shall file with his supplier one copy of such form on or before the 15th day of such month, if the supplier is a producer, or on or before the 10th day of such month if the supplier is a distributor. Form PD–600 shall be completed by the applicant in accordance with the following instructions:

(i) *General.* Except as hereinafter specifically provided to the contrary the applicant shall supply all of the information called for by such form. Failure to comply with these instructions may result in denial of the application. A separate form must be supplied for each supplier.

(ii) *Heading.* Specify "tar acid oil, carbolates, phenols and substituted phenols" and order number "M–27" and specify pounds and gallons as the unit of measure, and in addition to specifying the delivery destination, indicate the address to which communications should be directed. Opposite "Application for delivery next month (state month)" insert the month in which delivery is desired.

(iii) *Columns 1, 11, and 19. Grade.* Specify supplier's trade name, number or such other identification as may be required to indicate the type and make-up of the tar acid oil, carbolates, phenols and substituted phenols covered by the application. All grades specified in column 1 must also be shown in column 11. All grades ordered from other suppliers must be shown in column 19.

(iv) *Column 2.* Show quantities of tar acid oil and carbolates in gallons and show quantities of phenols and substituted phenols in pounds, and specify "gals." or "lbs.", as the case may be.

(v) *Columns 3, 20 and 22.* In the case of a distributor purchasing for resale, specify "Resale pursuant to further authorization." In the case of a consumer, specify:

Phenolic resins.
Phenolic resin molding compounds.
Ammonium picrate.
Picric acid.
Triphenyl phosphate.
Tricresyl phosphate.
Nylon.
Oil additive (identify).
Pharmaceutical (identify).
Disinfectant (identify).
Insecticide (identify).
Preservative (identify).
Dyestuff (identify).
Dye intermediate (identify).
Color pigment (identify).
Ink (identify).
Refining solvent (identify).
Flotation agent (identify).
Carbon remover (identify).
Wetting agent (identify).
Soap (identify).
Cleaning compound (identify).
Mercerizing compound (identify).
Tanning compound (identify).
Other products (identify).

In each instance above where request is made to identify, indicate the chemical name of the product, or the name by which such product is commonly known.

(vi) *Column 4.* In the case of a distributor purchasing for resale, leave this column blank. In the case of a consumer, specify as follows:

Where the primary product is under allocation, specify only the number of the governing order.

Where the primary product is not under allocation, indicate end use in as detailed a manner as possible. For example, specify mining of copper, dyeing woolens, preservatives for glue, diesel engine oils, etc.

Where possible, state the ultimate consumer or the nature of the business of the ultimate consumer. For example, specify Army (include specification number, if available), Navy (include specification number, if available), Lend-Lease, other export (identify country), agricultural, veterinary, transportation, hospital, etc.

Allocations of tar acid oil, carbolates, phenols and sustituted phenols will be based on product use and it is, therefore, essential that information with respect to product use be stated clearly. Information with respect to product use may be extended on the reverse side of the form.

(vii) *Columns 5, 6, 7 and 8.* Leave blank.

(viii) *Tables II, III and IV.* Opposite "Receipts, disposition and stock of this chemical last month (state month)" insert the month preceding the month in which application is filed.

Opposite "Orders placed with other suppliers for delivery next month (state month)" insert the month succeeding the month in which the application is filed.

Opposite "Inventory of primary products at end of last month (state month)" insert the month preceding the month in which the application is filed.

(2) Every producer, distributor or importer seeking authorization to deliver tar acid oil, carbolates, phenols or substituted phenols pursuant to paragraph (b) (1) hereof, shall apply for such authorization on Form PD–601. Every such applicant shall file with the War Production Board the original and two copies of such form on or before the 20th day of the month preceding the month for which such authorization is requested. Form PD–601 shall be completed by the applicant in accordance with the following instructions:

(i) *General.* Except as hereinafter specifically provided to the contrary the applicant shall supply all of the information called for by such form. Failure to comply with these instructions may result in denial of the application.

(ii) *Heading.* Specify "tar acid oil, carbolates, phenols and substituted phenols" and order number "M–27" and specify pounds and gallons as the unit of measure, and in addition to specifying the plant or warehouse address, indicate the address to which communications should be directed. In the place marked "This schedule is for deliveries to be made during the month of ______" insert the month succeeding the month in which the application is filed.

Indicate also whether the supplier is a producer, distributor or importer.

(iii) *Column 1.* List customers alphabetically with respect to each of the following: phenol, ortho-cresol, meta-para-cresol, cresylic acid and xylenols, tar acid oils, carbolates, petroleum cresylic acid and each of the substituted phenols. If authorization to fill small orders under paragraph (c) (1) is requested, insert "aggregate small order deliveries" in column 1 after completing the list of all other customers, and specify in column 4 the aggregate amount of small order deliveries requested to be authorized for the particular grade.

(iv) *Columns 3 and 8.* Specify supplier's trade name, number or such other identification as may be required to indicate the type and make-up of the tar acid oil, carbolates, phenols and substituted phenols covered by the application.

(v) *Columns 4 and 5.* Show quantities of tar acid oil and carbolates in gallons and show quantities of phenols and substituted phenols in pounds and specify "gals." or "lbs.", as the case may be.

(vi) In all cases where the applicant proposes to ship by tank car, so indicate in column 7.

(3) Interim applications for authorization to deliver, accept delivery of, or use, tar acid oil, carbolates, phenols and substituted phenols will be considered only in exceptional cases.

(f) *Notification of customers.* Producers, distributors and importers shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any such person from complying with the terms hereof.

(g) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C. Ref: M–27.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11363; Filed, November 3, 1942; 4:42 p. m.]

PART 1068—CANS MADE OF TINPLATE OR TERNEPLATE

[Amendment 5 to Conservation Order M–81, as Amended June 27, 1942]

Section 1068.1 *Conservation Order M–81,* as amended June 27, 1942,[1] is hereby amended in the following particulars:

(1) Item 10 of Miscellaneous Foods of Table II is hereby amended to read as follows:

10. *Edible liquid oils,* including only animal, vegetable, olive, fish and other marine animal, and edible blends of such oils. 5-gal. cans. Quota for the period from November 1, 1942, until December 31, 1942, is 10 percent of 1940 pack in 5 gal. size cans.

(2) Item 4 of Table III is hereby amended to read as follows:

4. *Varnish removers, lacquers (liquid), lacquer thinners, and lacquer stains.* 1-gal. cans until November 30, 1942. Terneplate throughout. 90 percent of 1940 pack.

(3) Item 5 of Table III is hereby amended to read as follows:

5. *Shellac.* 1-gal. cans until November 30, 1942. Terneplate throughout, with a lead-tin alloy coating of not to exceed 15 lbs. per double base box. 90 percent of 1940 pack.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 4th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11386; Filed, November 4, 1942; 11:13 a. m.]

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[1] 7 F.R. 4836, 5272, 6148, 7090, 7237, 8471.

PART 1206—HORSEHIDE

[General Conservation Order M–141 as Amended November 4, 1942]

Section 1206.1 *General Conservation Order M–141* is hereby amended to read as follows:

§ 1206.1 *General Conservation Order M–141*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of Priorities Regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Horsehide" means the hide or skin which has been removed from a horse, colt, mule, ass or pony.

(2) "Raw horsehide" means an untanned horsehide before depilation.

(3) "Horsehide front" means that part of the horsehide commercially known as the "front", whether or not attached to the butt.

(4) "Horsehide butt" means that part of the horsehide commercially known as the "butt", whether or not attached to the front or shanks.

(5) "Horsehide shanks" means that part of the horsehide commercially known as the "shanks", whether or not attached to the butt.

(6) "Wet salted horsehide" means any horsehide except those commercially known as "dry South American horsehides" or "dry pony furs."

(7) "Put in process" means to soak in water or solution before depilation.

(8) "Military contract" means a contract for products to be delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, the government of Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies and Protectorates, or Yugoslavia, or the government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(9) "Military specifications" includes any and all United States Army, Navy (including the Bureau of Aeronautics and the Bureau of Ships), Marine Corps and Coast Guard specifications.

(10) "Blue chrome state" means the state after tanning but before fat-liquoring and coloring.

(11) "Converter" means any person who during the preceding three years has caused, or during the operation of this order causes, more than a sum total of 50 horsehide fronts, horsehide butts or horsehide shanks during any one calendar month to be tanned for his account by others.

(12) "Tanner" means any person who during the preceding three years has

tanned, or during the operation of this order tans, more than a sum total of 50 horsehide fronts, horsehide butts or horsehide shanks during any one calendar month either for his own account, for the account of others, or both.

(13) "Basic monthly quota" means $1/12$ of the number of wet salted horsehide fronts, wet salted and dry horsehide butts, or wet salted and dry horsehide shanks, as the case may be, put into process during the period July 1, 1941 to June 30, 1942, inclusive: *Provided, however,* That no "dry ponies" processed for furs, or any part thereof, shall be included in such quota.

(c) *Restrictions on processing of horsehide fronts, butts and shanks.* (1) No tanner shall put in process, and no converter shall cause to be put in process for his account, a greater percentage of his basic monthly quota of wet salted horsehide fronts, wet salted and dry horsehide butts, or wet salted and dry horsehide shanks, than is specified from time to time in orders supplemental to this order: *Provided, however,* That this restriction shall not apply to the processing of "dry ponies" for furs.

(2) No tanner shall put in process, and no converter shall cause to be put into process for his account, any wet salted horsehide fronts except to fill his existing orders for horsehide front leather to be physically incorporated into products for fulfilling specific existing military contracts.

(3) No tanner shall put in process, or continue to process, except in a tannage meeting military specifications, any raw horsehide front on hand as of the effective date of this order, or thereafter received by him, that in the judgment of his most qualified expert could be made by him or by any other person into suitable leather meeting military specifications in force at the time such horsehide front is put into process.

(4) The following restrictions shall apply to the processing beyond the blue chrome state of any horsehide front which in the judgment of the most qualified expert of the tanner of such horsehide front can by further processing from the blue chrome state be made by such tanner or by any other person into suitable leather meeting any military specifications:

(i) No such horsehide front which in the opinion of such expert can be made into suitable leather meeting Quartermaster Corps tentative specification for lined or unlined horsehide riding gloves may be processed by any tanner into any leather except leather meeting such specifications.

(ii) No such horsehide front which in the opinion of such expert cannot be processed into suitable leather meeting Quartermaster Corps tentative specifications for lined or unlined horsehide riding gloves but can be processed into suitable leather meeting other military specifications may be processed by any tanner into any leather except such suitable leather meeting such other military specifications.

(d) *Restrictions on deliveries, sales and use of raw horsehides and horsehide front leather.* (1) No person shall hereafter sell or deliver any raw horsehide if he knows or has reason to believe such material is to be processed or delivered in violation of this order.

(2) No tanner or converter shall hereafter sell or deliver any horsehide front leather meeting Quartermaster Corps tentative specifications for lined or unlined horsehide riding gloves except:

(i) To a converter to fill orders held by such converter for leather to be incorporated into lined or unlined horsehide riding gloves to fill specific existing contracts placed by the Quartermaster Corps, or

(ii) To a glove manufacturer for incorporation into lined or unlined horsehide riding gloves to fill his specific existing contracts placed by the Quartermaster Corps;

And no person shall accept delivery of or use any such horsehide front leather except a converter or a glove manufacturer under the respective conditions mentioned above in this subparagraph.

(3) No tanner or converter shall hereafter sell or deliver any horsehide front leather meeting any military specifications (other than Quartermaster Corps tentative specifications for lined or unlined horsehide riding gloves) except:

(i) To a converter to fill orders held by such converter for leather to be incorporated into products to fill specific existing military contracts, or

(ii) To any other person for incorporation into products to fill specific existing military contracts held by such other person;

and no person shall accept delivery of or use any such horsehide front leather except a converter or other person under the respective conditions mentioned in this subparagraph.

(4) No glove manufacturer shall utilize any cream colored horsehide front leather in the manufacture of any products not covered by an existing military contract: *Provided, however,* That any such manufacturer may apply to have any such cream colored horsehide front leather released from the provisions of this paragraph by making written application to the Director General for Operations, manually signed on behalf of the person requesting such release by a person duly authorized to make such application, containing a statement of the reasons why such horsehide leather should be released and having at the end thereof the following statement:

> The undersigned hereby represents to the Director General for Operations that the statements contained herein are true and correct with full knowledge that he may be prosecuted under section 35 (a) of the Criminal Code (18 U.S.C. 80) for any false representations contained herein.

(e) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of horsehides or horsehide leather conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or telegram, Reference M-141, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(f) *Reports.* Any person who puts in process, or causes to be put in process for his account, any horsehides, horsehide fronts, horsehide butts or horsehide shanks, shall file with the War Production Board monthly, beginning May 31, 1942, one copy of report form PD-475; and shall file any additional reports or forms prescribed by the War Production Board from time to time.

Any person who uses horsehide leather shall file reports and forms as prescribed by the War Production Board from time to time.

(g) *Records.* Any person who puts in process horsehides or uses horsehide leather for manufacturing purposes shall preserve such records for not less than two years as will clearly and adequately indicate his compliance with this order.

(h) *Communications to the War Production Board.* All reports, applications, forms or communications required under or referred to in this order, and all communications concerning this order, shall, unless otherwise directed, be addressed to War Production Board, Textile, Clothing and Leather Branch, Washington, D. C., Ref: M-141.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or who furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 4th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11387; Filed, November 4, 1942; 11:13 a. m.]

Part 1206—Horsehide

[Supplementary Order M-141-a]

Pursuant to paragraph (c) (1) of Order M-141 as amended to November 4, 1942,[1] which this order supplements, the Director General for Operations hereby determines that:

§ 1206.2 *Supplementary Order M-141-a.* During November and December 1942, no tanner shall put in process and no converter shall cause to be put in process for his account:

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[1] *Supra.*

(a) More than 200% (total for both months) of his basic monthly quota of wet salted horsehide fronts,

(b) More than 160% (total for both months) of his basic monthly quota of horsehide butts,

(c) More than 160% (total for both months) of his basic monthly quota of horsehide shanks.

(P.D. Reg. 1, as amended, 6 F.R. 6630; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125; 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong, as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 4th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11388; Filed, November 4, 1942; 11:13 a. m.]

Part 3104—Phenolic Resins and Phenolic Resin Molding Compounds

[General Preference Order M-246]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of phenolic resins and phenolic resin molding compounds for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3104.1 *General Preference Order M-246*—(a) *Definitions.* For the purposes of this order:

(1) "Phenolic reactant" means:

(i) Any of the synthetic phenols, including resorcinol, of all grades and from whatever source derived.

(ii) Phenolic acids, either in pure or crude form comprised in whole or in part of one or more of the following: phenol, ortho cresol, meta cresol, para cresol, xylenols and commercial grades of higher boiling cresylic acids, from whatever source derived.

(iii) Any of the substituted phenols, of all grades and from whatever source derived.

(2) "Aldehyde" means any organic compound containing the monovalent—CHO radical.

(3) "Phenolic resin" means any synthetic reaction product of a phenolic reactant with an aldehyde or a derivative of an aldehyde such as, for example, formaldehyde, furfural, para formaldehyde or hexamethylenetetramine. Such term includes, but is not limited to, phenolic resins, modified or otherwise, in liquid, lump, spray dried, cast or pulverized form and in solutions commonly termed laminating varnishes and resin solutions as well as resin dispersions, emulsions and cement. The term does not include any reaction product of lignin, cashew nut shell liquid or cardinol unless enriched with another phenolic reactant.

(4) "Phenolic resin molding compound" means any combination of phenolic resin and bulk filler such as, for example, wood flour, asbestos, mica, cotton fibres, or macerated fabrics, which can be molded. Such term includes, but is not limited to, molding compound, molding board and molding blanks.

(5) "Producer" means any person engaged in the production of any phenolic resin or phenolic resin molding compound and includes any person who has any such material produced for him pursuant to toll agreement.

(b) *Restrictions on use and delivery.* (1) On and after December 1, 1942, subject to the exemptions provided for in paragraphs (c) and (d) hereof, no producer shall use or deliver any phenolic resin or any phenolic resin molding compound, and no person shall accept delivery thereof from a producer, except as specifically authorized by the Director General for Operations upon application pursuant to paragraph (f) hereof.

(2) Each person accepting delivery of any phenolic resin or any phenolic resin molding compound pursuant to specific authorization of the Director General for Operations, shall use the same only for the purposes specified in such authorization.

(3) Each person affected by this order shall comply with such directions as may be given from time to time by the Director General for Operations with respect to the use or delivery of any phenolic resin or any phenolic resin molding compound.

(c) *Small order exemptions.* The specific authorization provided for in paragraph (b) (1) hereof shall not be required with respect to the following:

(1) Use by any producer, during any one month, of fifty (50) pounds or less of phenolic resins, other than cast resins, and of phenolic resin molding compounds.

(2) Delivery by any producer to any one person, during any one month, of fifty (50) pounds or less of phenolic resins, other than cast resins, and of phenolic resin molding compounds, or the acceptance of delivery thereof by such person, subject to the following conditions:

(i) Each producer desiring to make small order deliveries of any phenolic resin or phenolic resin molding compound pursuant to this paragraph (c) (2) shall apply for authorization to make small order deliveries pursuant to paragraph (f) (2) (iv) hereof, and the aggregate amount of small order deliveries made by any producer during any month shall not exceed the amount of small order deliveries which he is specifically authorized to make.

(ii) Each person seeking delivery of any phenolic resin or phenolic resin molding compound pursuant to this paragraph (c) (2) shall file with his supplier, at the time of placing his order therefor, a certificate in substantially the following form:

> The undersigned hereby certifies that if the delivery of the phenolic resins and phenolic resin molding compounds covered by the accompanying order is made, the undersigned will not have received during the current month in excess of fifty (50) pounds of such materials.

(Name of customer)
By -----------------------------
(Signature of authorized official)
Date: ------------- Title: -------------

The above certificate shall constitute a representation to (but shall not be filed with) the War Production Board.

(d) *General exemptions.* The specific authorization provided for in paragraph (b) (1) hereof shall not be required with respect to the following:

(1) Use of any phenolic resin or phenolic resin molding compound by any producer for the purpose of producing any other phenolic resin or phenolic resin molding compound.

(2) Intra-company deliveries of any phenolic resin or phenolic resin molding compound by any producer, or the acceptance of such delivery, for the purpose of producing any other phenolic resin or phenolic resin molding compound.

(3) Use for experimental purposes by any producer during any one month of not to exceed one 55 gallon container of phenolic resins or phenolic resin molding compounds.

(4) Delivery to, or acceptance of delivery by, any one person during any one month, for use for experimental purposes only, of not to exceed one 55 gallon container of phenolic resins or phenolic resin molding compounds: *Provided, however,* That aggregate deliveries by any producer under this paragraph (d) (4) shall not, in any month, exceed, with respect to phenolic resins, one-half of one per cent of his production of phenolic resins during the preceding month, and shall not, in any month, exceed, with respect to phenolic resin molding compounds, one-half of one per cent of his production of phenolic resin molding compounds during the preceding month.

(5) Delivery, acceptance of delivery or use of resins made from para-phenylphenol, which materials are governed by General Preference Order M-254.

(6) Delivery, acceptance of delivery, or use of any article or material made in whole or in part from any phenolic resin or phenolic resin molding compound where the phenolic resin or phenolic resin molding compound used in the manufacture of such article or material was acquired prior to the effective date of this order or was acquired from a producer, or used, pursuant to specific authorization of the Director General for Operations or pursuant to the small order exemption provided for in paragraph (c) hereof. Any person purchasing any article or material made in whole or in

part from any phenolic resin or phenolic resin molding compound shall have the right to assume, unless he knows or has reason to believe the contrary to be true, that the phenolic resin or phenolic resin molding compound used in the manufacture of such article or material was acquired prior to the effective date of this order or that the acquisition thereof was authorized by the Director General for Operations or by the small order exemption provided for in paragraph (c) hereof.

The exemption provided for in this paragraph (d) (6) shall not be construed as relieving any person from the obligation of applying, pursuant to paragraph (f) (1) (vi) hereof, for authorization to use phenolic resins or phenolic resin molding compounds, allocated to inventory or for a prospective product use which does not materialize.

(e) *Certification of consumer use.* (1) Any person seeking to purchase from the manufacturer thereof, any plywood (including shaped plywood and shaped impregnated wood), protective coating, laminate, molded product, or any of the products listed on Schedule A attached hereto, made in whole or in part from any phenolic resin or phenolic resin molding compound, shall, at the time of placing his order for such product, file with his supplier a certificate specifying the ultimate use to which such product will be put. Where such a certificate is supplied in connection with any order it shall not be necessary to file additional certificates in connection with deliveries made from time to time, in fulfillment of such order. Such certificate may be placed on the purchaser's purchase order and shall be in substantially the following form:

> The undersigned hereby certifies that the product covered by the accompanying purchase order will be used solely for the production of the products and materials listed above and that said products and materials will be used only for the purpose or purposes designated.

(Name of customer)
By----------------------------
(Signature of authorized official)
Date:-------------- Title:--------------

The above certificate shall constitute a representation to (but shall not be filed with) the War Production Board.

(2) The certificate provided for in paragraph (e) (1) hereof shall be sufficiently specific to enable the purchaser's supplier to indicate product use on his application for phenolic resins or phenolic resin molding compounds pursuant to paragraph (f) (1) (vi) hereof. Allocations of phenolic resins and phenolic resin molding compounds will be based on specific use of each product, and it is, therefore, essential that information with respect to product use be as precise as possible. For example, specify "Navy—torpedo boat—bulkhead" not merely "Navy", "torpedo boat" or "bulkhead". In cases where orders are made for inventory, the purchaser must indicate prospective product uses, and in the event a prospective use does not materialize, the purchaser shall not use the product made from phenolic resin or phenolic resin molding compound purchased for such use without authorization of the Director General for Operations. Applications for such authorization may be made by letter directed to the Chemicals Branch of the War Production Board, Ref. M–246, setting forth the material facts. Such letters shall be certified by the applicant in substantially the following form:

> The undersigned applicant certifies to the War Production Board that the information contained in this letter is complete and correct.

(Name of applicant)
By----------------------------
(Signature of authorized official)
Date:-------------- Title:--------------

(3) No person shall, regardless of the provisions of Priorities Regulation No. 1, be required to fill any order for any product made in whole or in part from any phenolic resin or phenolic resin molding compound where the purchaser is required by this paragraph (e) to file a certificate of product use, unless and until such certificate shall have been filed with him.

(f) *Applications and reports.* In addition to such other reports as may from time to time be required by the Director General for Operations:

(1) Each producer seeking authorization to use, and each person seeking authorization to accept delivery of, any phenolic resin or phenolic resin molding compound shall apply for such authorization on Form PD–600. Such applicant shall file with the War Production Board the original and two copies of such form on or before the 18th day of the month preceding the month for which such authorization is requested and shall file two copies of such form with his supplier on or before the 18th day of such month. Form PD–600 shall be completed by the applicant in accordance with the following instructions:

(i) *General.* Except as hereinafter specifically provided to the contrary, the applicant shall supply all of the information called for by such form. Failure to comply with these instructions may result in denial of the application.

(ii) Applications for phenolic resins and phenolic resin molding compounds may be included in a single form but separate applications shall be filed for such materials by each of the following:

(*a*) Manufacturers of plywood (including shaped plywood and shaped impregnated wood).

(*b*) Manufacturers of laminates.

(*c*) Manufacturers of protective coatings.

(*d*) Manufacturers of molded products.

(*e*) Schedule A specialty manufacturers.

(*f*) Specialty manufacturers.

The term "Schedule A specialty manufacturer" shall be taken to include all persons engaged in the manufacture of products listed on Schedule A. The term "specialty manufacturer" shall be taken to include all persons engaged in the manufacture of any product other than plywood (including shaped plywood and shaped impregnated wood), laminates, protective coatings, molded products and products listed on Schedule A.

Each applicant shall, immediately following his name, specify the nature of his business, that is, plywood manufacturer, laminator, molder, protective coating manufacturer, Schedule A specialty manufacturer or specialty manufacturer.

(iii) *Heading.* Specify "Phenolic Resins and Phenolic Resin Molding Compounds" and order number "M–246" and specify pounds (net) as the unit of measure, and in addition to specifying the delivery destination, indicate the address to which communications should be directed.

(iv) *Column 1.* Specify supplier's trade name, number or such other identification as may be required to indicate the type and make-up of each phenolic resin and each phenolic resin molding compound.

(v) *Column 3.* In the case of a laminator, specify sheets, rods, tubes and molded shapes.

In the case of a plywood (including shaped plywood and shaped impregnated wood) manufacturer, specify plywood.

In the case of a manufacturer of protective coatings, specify protective coatings.

In the case of a manufacturer of molded products, describe the product to be produced and identify by giving its function. For example, specify "aircraft-radio condenser" not merely "aircraft", "radio" or "condenser".

In the case of a Schedule A specialty manufacturer, specify the number of the product as shown on Schedule A.

In the case of a specialty manufacturer, describe the product to be produced and identify by giving its function. For example, specify "brake lining" not "friction material".

In all cases where orders are made for inventory, specify inventory.

(vi) *Column 4.* In the case of a plywood manufacturer, a laminator, a manufacturer of protective coatings, a manufacturer of molded products and a Schedule A specialty manufacturer, specify the product or material and product use certified by the applicant's customer in accordance with paragraph (e) hereof. The applicant shall be entitled to rely on the information given in such certificate unless he knows or has reason to believe it to be false. Applicants other than those listed above in this paragraph (f) (1) (vi) may leave column 4 blank.

Similar product uses may be grouped where it is possible to do so without sacrificing clarity.

In cases where orders are made for inventory, the applicant shall specify either prospective product uses or "Subject to further authorization". Where "Subject to further authorization" is specified or where a prospective product use does not materialize, the applicant shall not use the phenolic resin or phenolic resin molding compound allocated for inventory or for such product use without authorization of the Director General for Operations. Applications for such authorization shall be made on Form PD–600 and may be filed at any time. In such cases the applicant shall file with the War Production Board the original and two copies of such form prepared in the manner therein and herein specified except that Tables II, III and IV may be left blank. It shall not be necessary to file copies of such form with the applicant's supplier.

An applicant who has been allocated phenolic resin or phenolic resin molding compound for the manufacture of a specified product shall have the right, prior to receipt of such allocated material, to use material from inventory for the manufacture of such product: *Provided, however,* That the amount of such material so used shall be restored upon receipt of the material acquired pursuant to allocation for the manufacture of such product.

(vii) *Columns 5, 6, 7 and 8.* Leave blank.

(viii) *Columns 11 and 19.* In lieu of listing the grades of phenolic resins and phenolic resin molding compounds on hand, the applicant may group all phenolic resins as a single item and all phenolic resin molding compounds as a single item.

(ix) *Tables I, II and III.* These tables may be extended on the reverse side of the form.

(x) *Table IV.* Leave blank.

(2) Each producer seeking authorization to deliver any phenolic resin or any phenolic resin molding compound pursuant to paragraph (b) (1) hereof, shall apply for such authorization on Form PD–601. Such applicant shall file with the War Production Board the original and two copies of such form on or before the 23rd day of the month preceding the month for which such authorization is requested together with one copy of each Form PD–600 filed with him by his customers pursuant to paragraph (f) (1) hereof. Form PD–601 shall be completed by the applicant in accordance with the following instructions:

(i) *General.* Except as hereinafter specifically provided to the contrary, the applicant shall supply all of the information called for by such form. Failure to comply with these instructions may result in denial of the application.

(ii) Applications covering phenolic resins and phenolic resin molding compounds may be included in a single form but separate applications shall be filed for each of the classes of customers specified in paragraph (f) (1) (ii) hereof.

(iii) *Heading.* Specify "Phenolic Resins and Phenolic Resin Molding Compounds" and order number "M–246" and specify pounds (net) as the unit of measure, and in addition to giving the plant or warehouse address, indicate the address to which communications should be sent.

(iv) *Column 1.* If authorization to make small order deliveries pursuant to paragraph (c) (2) (i) hereof is requested, insert "Aggregate small order deliveries" in column 1 after completing the list of customers requiring in excess of fifty (50) pounds of phenolic resins or phenolic resin molding compounds, and specify in column 4 the aggregate amount of small order deliveries requested to be authorized.

(v) *Column 3.* In lieu of listing the grades of phenolic resins and phenolic resin molding compounds ordered by each customer the applicant may group, with respect to each customer, all phenolic resins as a single item and all phenolic resin molding compounds as a single item.

(vi) *Column 7.* Specify the capacity or capacities of the applicant's standard container or containers which the applicant proposes to use in making shipment. Where the applicant applies for authorization to make a delivery to himself, the applicant shall specify the standard batch size necessary to fill his requirements.

(vii) *Column 8.* Specify applicant's trade name, number or such other identification as may be required to indicate the type and make-up of each phenolic resin and each phenolic resin molding compound.

(3) Interim applications for authorization to deliver or accept delivery of phenolic resins or phenolic resin molding compounds will be considered only in exceptional cases.

(g) *Notification of customers.* Each producer shall, as soon as practicable, notify each of his regular customers of the requirements of this order, but failure to give such notice shall not excuse any such person from complying with the terms hereof.

(h) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C. Ref: M–246.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 4th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

(1) Insulating batting built with rock wool, glass wool or wood wool fibre bonded with phenolic resin.

(2) Floor tile, linoleum or other floor covering material, with a binder or saturant formulated in whole or in part with phenolic resin.

(3) Paper tubing impregnated with phenolic resin or a resin-bearing saturant.

(4) Brushes, other than paint and lacquer brushes, built with a phenolic resin adhesive for bonding the bristle used in the making of such brushes.

(5) Flexible fabric coated with a phenolic resin-bearing coating material.

[F. R. Doc. 42–11389; Filed, November 4, 1942; 11:13 a. m.]

Chapter XI—Office of Price Administration

PART 1301—MACHINE TOOLS

[RPS 1,[1] Amendment 1]

SECOND-HAND MACHINE TOOLS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1301.5 is amended and new §§ 1301.5a and 1301.6a are added, to read as set forth below:

§ 1301.5 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 1 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1301.5a *Licensing.* (a) The provisions of Supplementary Order No. 20,[2] licensing, among others, dealers selling second-hand machine tools or extras, are applicable to every dealer selling (other than at retail) second-hand machine tools or extras for which maximum prices are established by Appendix A (§ 1301.7). When used in this paragraph, the term "dealer" has the definition given to it by Supplementary Order No. 20.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at retail second-hand machine tools or extras for which maximum prices are established by Appendix A (§ 1301.7). When used in this paragraph, the term "selling at retail" has the definition given to it by § 1499.20 (o) of the General Maximum Price Regulation. Said registration and licensing provisions became effective as to persons selling at retail on May 18, 1942.

§ 1301.6a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1301.5, 1301.5a and 1301.6a) to Revised Price Schedule No. 1 shall become effective November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11342; Filed, November 3, 1942; 12:12 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 19,[3] Amendment 1]

LICENSING DISTRIBUTORS OF PAPER AND PAPER PRODUCTS

A statement of the reasons involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraphs (a) and (b) of § 1305.23 are amended and a new § 1305.23 (j) is added to read as set forth below:

§ 1305.23 *Provisions licensing distributors of paper and paper products*—(a) *License required.* Effective September 24, 1942 a license as a condition of selling is hereby required of every distributor now or hereafter selling any paper, paper product or materials for which maximum prices are established by Price Regulations Nos. 114, 130, 140, 182, as now or hereafter amended or supplemented, or by any price regulation now or hereafter issued, amended or supplemented by the Office of Price Administration making applicable by reference the provisions of this Supplementary Order No. 19.

(b) *License granted.* Every distributor now or hereafter selling any paper, paper product or materials for which maximum prices are established by Price Regulations Nos. 114, 130, 140, 182, as now or hereafter amended or supplemented, or by any price regulation now or hereafter issued, amended or supplemented by the Office of Price Administration making applicable by reference the provisions of this Supplementary Order No. 19, is hereby granted a license as a condition of selling such paper, paper product or materials.

The provisions of every price regulation of the Office of Price Administration to which this order now is or may hereafter become applicable shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of the provisions of said license. The license granted by this order shall become effective September 24, 1942, or when any person becomes subject to the provisions of this order, and shall, unless suspended as provided in the Act, continue in force so long as and to the extent that any such regulation or any applicable part, amendment or supplement remains in effect.

* * * * *

(j) *Effective dates of amendments.* (1) Amendment No. 1 (§§ 1305.23 (a) and 1305.23 (b) and 1305.23 (j)) to Supplementary Order No. 19 shall become effective November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11350; Filed, November 3, 1942; 1:38 p. m.]

PART 1340—FUEL

[MPR 122, Amendment 9]

MAXIMUM PRICES FOR SOLID FUELS

Amendment No. 9 Under Maximum Price Regulation No. 122[1]—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers.

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1340.261 (c), a new subparagraph (9) is added to read as set forth below:

§ 1340.261 *Appendix A: Maximum prices for solid fuels delivered from facilities other than producing facilities.* * * *

(c) * * *

(9) During the period from November 1, 1942 to January 1, 1943 as an alternative method to that provided in subparagraph (2) for computing a maximum price for the sale of a particular size and quality of bituminous coal, a seller may add (i) the "weighted average price" charged during December 1941 for such coal to (ii) the amount, if any, by which the applicable minimum price, f. o. b. the mine, established by the Bituminous Coal Division of the United States Department of the Interior and in effect October 1, 1942 exceeds the "weighted average purchase cost" of such coal during the "base cost period."

In the computation of an adjustment under this subparagraph (9), the Bituminous Coal Division October 1, 1942 minimum price, f. o. b. the mine, for the sale of such coal to the seller filing Form No. 1122.1 will be inserted as Item B on Sheet 1 of the form, and on line 1 of the Computation of Price Adjustment on Sheet 2 of the form. A notation shall be made on the form indicating the substitutions of the minimum price for which this subparagraph (9) makes provision.

* * * * *

§ 1340.260a *Effective dates of amendments.* * * *

(i) Amendment No. 9 (§ 1340.261 (c) (9)) to Maximum Price Regulation No. 122 shall be effective as of November 1, 1942.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250; 7 F.R. 7871)

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11351; Filed, November 3, 1942; 1:38 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS

[MPR 140,[1] Amendment 3]

SANITARY NAPKINS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1347.157a is amended to read as set forth below:

§ 1347.157a *Licensing.* (a) The provisions of Supplementary Order No. 19, licensing distributors of paper and paper products are applicable to every distributor selling sanitary napkins for which maximum prices are established by Appendix A (§ 1347.161). The term "distributor" shall have the meaning given to it by Supplementary Order No. 19.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at retail sanitary napkins for which maximum prices are established by Appendix A (§ 1347.161). The term "selling at retail" shall have the meaning given it by §1499.20 (o) of the General Maximum Price Regulation.

* * * * *

§ 1347.160a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1347.157a) to Maximum Price Regulation No. 140 shall become effective November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of November, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11353; Filed, November 3, 1942; 1:37 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1202, 1836, 2132, 6385.

[2] 7 F.R. 7490.

[3] 7 F.R. 7434.

[1] 7 F.R. 3239, 3666, 3856, 3940, 3941, 5024, 5567, 5835, 7809.

[1] 7 F.R. 3410, 5563, 7178.

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS

[MPR 114,[1] Amendment 4]

WOODPULP

A statement of the considerations involved in the isuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1347.227 is amended and a new § 1347.227a is added, to read as set forth below:

§ 1347.227 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 114 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1347.227a *Licensing.* The provisions of Supplementary Order No. 19, licensing distributors of paper and paper products, are applicable to every distributor selling woodpulp for which maximum prices are established by Appendix A (§ 1347.232). The term "distributor" shall have the meaning given to it by Supplementary Order No. 19.

§ 1347.231a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§§ 1347.227 and 1347.227a) to Maximum Price Regulation No. 114 shall become effective November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11354; Filed, November 3, 1942; 1:32 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS

[MPR 182,[1] Amendment 2]

KRAFT WRAPPING PAPERS AND CERTAIN KRAFT BAG PAPERS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1347.308 is amended and a new §1347.308a is added, to read as set forth below:

§ 1347.308 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 182 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1347.303a *Licensing.* The provisions of Supplementary Order No. 19, licensing distributors of paper and paper products, are applicable to every distributor selling Kraft wrapping papers or Kraft bag papers for which maximum prices are established by § 1347.301. The term "distributor" shall have the meaning given to it by Supplementary Order No. 19.

§ 1347.314 *Effective dates of amendments.* * * *

(c) Amendment No. 2 (§§ 1347.308 and 1347.308a) to Maximum Price Regulation No. 182 shall become effective November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11352; Filed, November 3, 1942; 1:37 p. m.]

PART 1358—TOBACCOS

[MPR 260]

CIGARS

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of cigars by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 260 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250. So far as practical, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 260 is hereby issued.

Sec.
1358.101 Prohibition against sales of cigars above maximum prices.
1358.102 Maximum prices for cigars.
1358.103 Maximum prices set under this regulation cannot be changed.
1358.104 Less than maximum price.
1358.105 Applicability of the General Maximum Price Regulation.
1358.106 Export sales.
1358.107 Federal and state taxes.
1358.108 Petitions for amendment.
1358.109 Evasion.
1358.110 Licensing.
1358.111 Enforcement.
1358.112 Definitions.
1358.113 Notification of adjustment.
1358.114 Geographical applicability.
1358.115 Effective dates.
1358.116 Appendix A: Maximum prices for cigars.

AUTHORITY: §§ 1358.101 to 1358.116 inclusive, issued under Pub. Laws 421 and 729, 77th Congress, E.O. 9250, 7 F.R. 7871.

§ 1358.101 *Prohibition against sales of cigars above maximum prices.* On and after November 1, 1942, regardless of any contract, agreement, lease or other obligation:

(a) No person shall sell or deliver any cigars at higher prices than the maximum prices set forth in Appendix A (§ 1358.116), subject to the provisions of § 1358.102, of this Maximum Price Regulation No. 260.

(b) No person shall buy or receive any cigars in the course of trade or business at higher prices than the maximum prices set forth in this Maximum Price Regulation No. 260.

(c) No person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1358.102 *Maximum prices for cigars*—(a) *Manufacturers' maximum prices.* (1) To determine his maximum list price for any particular price class of cigars, each manufacturer shall first note from Column 1 of Appendix A his March, 1942 stated retail price for such particular class of cigars. He shall then ascertain from Column 3 of Appendix A the new maximum retail price for such particular class of cigars; and from Column 4 of Appendix A his new maximum list price for such particular class of cigars.

(2) (i) Any manufacturer may elect to retain the March, 1942 stated retail price with respect to any particular class of cigars. If he so elects, he shall determine from Column 2 of Appendix A the March, 1942 list price for such particular price class of cigars and such list price shall be his maximum list price therefor.

(ii) If any manufacturer elects to adopt as the maximum retail price for any particular class of cigars set forth in Column 1 of Appendix A, an amount greater than that set forth in Column 1 of Appendix A, but less than that indicated therefor in Column 3 of Appendix

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 2843, 3576, 5059, 5564.

[1] 7 F.R. 5712, 6048, 7974.

[1] 7 F.R. 8961.

A, he shall determine his maximum list price for such class of cigars in the manner set forth in subparagraphs (2), (3) and (4) of paragraph (b) of this section.

(3) To determine his maximum net selling price for any particular class of cigars, each manufacturer shall deduct from his maximum list price for such class of cigars, his March, 1942 customary discounts and allowances to the particular class of purchasers in question.

(4) The prices set forth in Appendix A hereof are based upon packings of fifty cigars to the individual container. All price differentials in packings allowed in March, 1942 shall not be reduced. All price differentials in packings charged shall not be in excess of such differentials of March, 1942.

(5) Any manufacturer whose March, 1942 list price for any particular class of cigars was a net selling price, subject only to a discount for cash, shall determine his maximum net selling price with respect thereto in the following manner: (i) Divide his March, 1942 net selling price by the list price indicated in Column 2 of Appendix A for such particular price class of cigars, and (ii) multiply the resulting figures by the list price set forth in Column 4 of Appendix A for such particular price class of cigars. Such latter figure shall be the manufacturer's maximum net selling price for such particular price class of cigars.

(b) *Maximum prices for classes other than those set forth in Column 1 of Appendix A.* For all price classes of cigars for which no March, 1942 stated retail price is indicated in Column 1 of Appendix A hereof, the maximum retail price and the maximum list price for such particular price class shall be determined as follows:

(1) Add to the March, 1942 stated retail individual unit price or to the stated retail multiple unit price, as the case may be, 20 per centum thereof to determine the maximum retail price for such single unit price or multiple unit price respectively.

(2) (i) In the case of individual unit prices, multiply such maximum retail price by 1000 to determine the maximum retail price per thousand cigars of such class.

(ii) In th case of multiple unit prices, divide the number of unit items within such multiple unit into 1000, and multiply the resulting figure by the maximum retail price to determine the maximum retail price per thousand cigars of such class.

(3) If the maximum retail price per thousand, determined at (2) hereof, is less than $90, subtract 20 per centum of such amount to determine the maximum manufacturer's and wholesaler's list price per thousand cigars of such class, or

(4) If the maximum retail price per thousand determined at (2) is $90 or more, subtract 25 per centum of such amount to determine the maximum manufacturer's and wholesaler's list price per thousand cigars of such class.

(5) To determine his maximum net selling price for any particular class of cigars, each manufacturer and wholesaler shall deduct from his maximum list price for such class of cigars, his March, 1942 customary discounts and allowances to the particular class of purchasers.

(6) The maximum prices determined at subparagraph (5) of this paragraph (b) are based upon packings of fifty cigars to the individual container. All price differentials in packings allowed in March, 1942 shall not be reduced. All price differentials in packings charged shall not be in excess of such differentials of March, 1942.

(c) *Wholesalers' maximum prices.* (1) Upon receipt of notification pursuant to § 1358.113 hereof of an adjustment of the stated retail or list prices for any particular March 1942 stated retail price class of cigars, the wholesaler may adjust his maximum list price for such price class of cigars to an amount not in excess of such manufacturer's maximum list price. With reference to his floor-stocks of such particular class of cigars on the date of receipt of such notification, he shall state in plainly visible numerals upon each box or container of such cigars the exact adjusted maximum retail price for each such class of cigars.

(2) Where any manufacturer elects to retain the March, 1942 stated retail price with respect to any particular class of cigars, the wholesaler's maximum list price shall not be in excess of such manufacturer's maximum list price therefor, or the March 1942 list price therefor set forth in Column 2 of Appendix A, whichever is lower.

(3) To determine his maximum net selling price for any particular price class of cigars, each wholesaler shall deduct from maximum list price for such class of cigars, as determined in subparagraphs (1) and (2) hereof, his March 1942 customary discounts and allowances to the particular class of purchasers in question.

(4) All price differentials in packings allowed in March. 1942 shall not be reduced. All price differentials in packings charged shall not be in excess of such differentials of March 1942.

(d) *Retailers' maximum prices.* (1) Upon receipt of notification pursuant to § 1358.113 hereof from the manufacturer or wholesaler of an adjustment of the maximum retail price for any particular class of cigars, the retailer may adjust the maximum price for such particular class of cigars to a maximum retail price only in accordance with such notification. Such notification shall be applicable to floor-stocks.

(2) Where any manufacturer elects to retain the March 1942 stated retail price with respect to any particular class of cigars, such stated retail price shall be the retailer's maximum price therefor, as set forth in Column 1 of Appendix A.

(e) *Maximum prices for new brands of cigars.* Any manufacturer who desires to manufacture and sell a new brand of cigars may make application to the Office of Price Administration, Washington, D. C., for a determination of the maximum list price, the schedule of discounts and allowances, and the maximum retail price therefor. Such application shall set forth a full and complete description of all materials to be used in the manufacture of such new brand of cigars and a full and complete statement of all estimated manufacturing costs. The Price Administrator or any duly authorized officer of the Office of Price Administration may by order establish the maximum list price, the schedule of discounts and allowances, and the maximum retail price for any new brand of cigars which is the subject of an application under this provision.

§ 1358.103 *Maximum prices set under this regulation cannot be changed.* On or before January 15, 1943, each seller of cigars must establish an adjusted maximum list price and an adjusted maximum retail price pursuant to this regulation for each class of cigars sold by him. After January 15, 1943, such maximum price calculated by any seller of cigars under §§ 1358.102 and 1358.116 of this regulation, shall be his maximum price for that item from that time forward.

§ 1358.104 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 260 may be charged, demanded, paid or offered.

§ 1358.105 *Applicability of the General Maximum Price Regulation.* (a) The provisions of this Maximum Price Regulation No. 260 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of cigars for which maximum prices are established by this regulation.

(b) The following sections of the General Maximum Price Regulation as well as amendments thereto, shall be applicable to every manufacturer, seller at wholesale or at retail:

(1) Special deals (§ 1499.4 (b)).

(2) Transfers of business or stock in trade (§ 1499.5).

(3) Base period records (§ 1499.11).

(4) Current records (§ 1499.12).

(5) Sales slips and receipts (§ 1499.14).

(6) Definitions (§ 1499.20 (a), (d), (e), (i), (j), (m), (o), (p), (r), (s)).

§ 1358.106 *Export sales.* The maximum prices at which a person may export cigars shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[2] issued by the Office of Price Administration.

§ 1358.107 *Federal and State taxes.* (a) The amount of all Federal taxes with respect to cigars is reflected in the maximum prices for cigars established by this Maximum Price Regulation No. 260 and no amount may be added to the maximum price of any seller with respect thereto.

(b) The amount of any State tax incident to the sale, delivery, processing or use of cigars which has customarily been added to the stated retail price thereof may be added to the maximum prices for cigars established by this Maximum Price Regulation No. 260.

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[2] 7 F.R. 5059, 7242.

(c) The amount of any State tax incident to the sale, delivery, processing or use of cigars which has not customarily been added to the stated retail price thereof shall not be added to the maximum prices for cigars established by this Maximum Price Regulation No. 260.

(d) The amount of any new or increased State taxes incident to the sale, delivery, processing or use of cigars which would not customarily be added to the stated retail price thereof may not be added to the maximum prices for cigars established by this Maximum Price Regulation No. 260.

(e) The amount of any new or increased State taxes incident to the sale, delivery, processing or use of cigars which would customarily be added to the stated retail price thereof may be added to the maximum prices for cigars established by this Maximum Price Regulation No. 260.

§ 1358.108 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 260 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

§ 1358.109 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 260 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale or delivery of, or relating to the sale of cigars alone or in connection with any other commodity, or by way of commission, service, transportation, or any charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) The reduction or elimination of the seller's customary allowances, promotional and advertising allowances, discounts or other price differentials existing due to freight or otherwise during March, 1942 for the determination of the maximum prices of any seller:

(2) The depreciation of the quality or size of a cigar other than a normal variation.

§ 1358.110 *Licensing; Applicability of the registration and licensing provisions of the General Maximum Price Regulation.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person making sales at wholesale or retail of any cigar for which maximum prices are established by this Maximum Price Regulation No. 260. Said registration and licensing provisions become effective as to persons selling at wholesale on May 11, 1942 and as to persons selling at retail on May 18, 1942.

§ 1358.111 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 260 are subject to the criminal penalties, civil enforcement actions, license suspensions proceedings, and suits for treble damages provided by the Emergency Price Control Act of 1942.

(b) Persons who have any evidence of any violation of this Maximum Price Regulation No. 260 or any price schedule, regulation or order, issued by the Office of Price Administration, or any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, or regional offices of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1358.112 *Definitions.* When used in Maximum Price Regulation No. 260 the term:

(a) "Cigar" includes all types of cigars including Cheroots, Stogies, and little cigars, except those weighing less than three pounds per thousand.

(b) "Manufacturers' list price" means the manufacturers' gross price per thousand cigars before discounts and allowances.

(c) "Manufacturers' net selling price" means the manufacturers' list price less all discounts and allowances.

(d) "Stated retail price" means the retail price printed or otherwise marked upon the individual box or other container of cigars.

(e) "Packings" means the number of cigars contained in any container of cigars for sale at retail and the style and quality of the container.

§ 1358.113 *Notification of adjustment*—(a) *Manufacturers.* On and after the effective date hereof, every manufacturer must state in plainly visible numerals upon each box or container of cigars sold or delivered by him the exact maximum retail price of such cigars as determined pursuant to §§ 1358.102 and 1358.116 hereof. On or before the first delivery of any cigars after the effective date hereof, he shall notify each purchaser of the exact amount of his maximum list price and of the exact amount of the maximum retail price of the particular class of cigars in question. Such notification shall be accomplished by a written statement as follows:

> On our brand (describe cigar), the Office of Price Administration has authorized us to establish new maximum prices. The March 1942 stated retail price was ---- cents for each (or ---- for ---- cents). The new OPA ceiling retail price is ---- cents each (or ---- for ---- cents). Our March, 1942 list price was $---- per thousand for such class of cigars. Our new OPA list price is $---- per thousand for such class of cigars. All customary discounts and allowances in effect in March, 1942 on your purchases will not be lowered. All packings differentials allowed heretofore will not be lowered and all packings differentials charged will not be increased. The Office of Price Administration requires that you keep this notification for examination.

No notification shall be required after the first notification to any particular purchaser with reference to any particular price class of cigars unless an adjustment of the maximum prices established pursuant to the provisions hereof is made on or before January 15, 1942.

(b) *Wholesalers.* No wholesaler shall in any manner alter or efface the retail price stated upon each box or container received from the seller except as may be required by paragraph (c) (1) of § 1358.102. On or before the first delivery of cigars after the effective date hereof each wholesaler shall notify the purchaser of the exact amount of his maximum list price and the maximum retail price of such cigars in the following manner:

> On our brand (describe cigar), the Office of Price Administration has authorized us to establish new maximum prices. The March, 1942 stated retail price was ---- cents each (or ---- for ---- cents). Your new OPA ceiling retail price is ---- cents each (or ---- for ---- cents). Our March, 1942 list price was $---- per thousand for such class of cigars. Our new OPA list price is $---- per thousand for such class of cigars. All customary discounts and allowances in effect in March, 1942 on your purchases will not be lowered. All packings differentials allowed will not be lowered and all packings differentials charged will not be increased. The Office of Price Administration requires that you keep this notification for examination.

No notification shall be required after the first notification to any particular purchaser with reference to any particular price class of cigars unless an adjustment of the maximum prices established pursuant to the provisions hereof is made on or before January 15, 1942.

§ 1358.114 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 260 shall be applicable to the forty-eight states, the District of Columbia, and the territories and possessions of the United States.

§ 1358.115 *Effective date.* This Maximum Price Regulation No. 260 (§§ 1358.101 to 1358.116, inclusive) shall be effective as of November 1, 1942 for the District of Columbia and the forty-eight states of the United States and shall become effective November 12, 1942 for the territories and possessions of the United States.

§ 1358.116 *Appendix A*

Column 1—March 1942 stated retail prices	Column 2—March 1942 manufacturers' and wholesalers' list prices	Column 3—maximum retail prices	Column 4—Manufacturers' and wholesalers' maximum list prices
1¢	$8.00	5 for 6¢	$9.60
7 for 10¢	11.00	7 for 12¢	13.70
3 for 5¢	14.00	2¢ each	16.00
2¢	16.00	2 for 5¢	20.00
2 for 5¢	20.00	3¢ each	24.00
3¢, 5 for 15¢	24.00	4¢, 3 for 11¢, 5 for 18¢.	28.80
3 for 10¢	26.50	4¢ each	32.00
4¢	32.00	5 for 24¢	38.40
5¢	40.00	6¢ each	48.00
6¢	48.00	7¢ each	56.00
4 for 25¢	47.00	2 for 15¢	60.00
7¢, 3 for 20¢	53.50	8¢ each	64.00
8¢, 2 for 15¢	60.00	9¢ each	72.00
3 for 25¢	65.00	10¢ each	75.00
9¢	72.00	5 for 54¢	81.00
10¢	75.00	12¢ each	90.00
11¢	85.00	13¢ each	97.50
2 for 25¢	95.00	15¢ each	114.00
14¢	110.00	17¢, 3 for 50¢	130.00
15¢	115.00	18¢ each	138.00
17¢, 3 for 50¢	135.00	19¢, 3 for 55¢	145.00
2 for 35¢	136.50	21¢ each	163.80
3 for 55¢	142.00	22¢ each	170.00
20¢	160.00	24¢ each	186.00
25¢	195.00	30¢ each	234.00
30¢	240.00	36¢ each	280.00
35¢, 3 for $1.00	269.50	42¢ ea., 3 for $1.20.	325.00
40¢	320.00	48¢ each	384.00
45¢	337.50	54¢ each	432.00
50¢	400.00	60¢ each	480.00
55¢	412.50	66¢ each	528.00
60¢	480.00	72¢ each	576.00
75¢	600.00	90¢ each	720.00

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11323; Filed, November 3, 1942; 11:24 a. m.]

PART 1375—EXPORT PRICES

[Rev. Maximum Export Price Reg.,[1] Amendment 3]

DOMESTIC CHROME ORES AND CONCENTRATES

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (b) is added to § 1375.5 and paragraph (c) is added to § 1375.12, as set forth below:

§ 1375.5 *Specific maximum export premiums.* * * *

(b) *Domestic chrome ores and concentrates.* The maximum export premium to be charged on an export sale of domestic chrome ores and concentrates of 38% to 44% to Cr_2O_3 content shall be $6.00 per gross ton.

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§ 1375.12 *Effective date of amendments.* * * *

(c) Amendment No. 3 (§§ 1375.5 (b), 1375.12 (b)) shall become effective November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871).

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11355; Filed, November 3, 1942; 1:38 p. m.]

PART 1389—APPAREL

[MPR 177,[1] Amendment 4]

MEN'S AND BOYS' TAILORED CLOTHING

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1389.118 (a), the last sentence is deleted. Paragraphs (a) (3) and (b) (3), and the *Exceptions* following paragraphs (a) (3) and (b) (3) in § 1389.103; the *Exceptions* following paragraphs (a) (3) and (b) (2) in § 1389.104; paragraphs (b) (1) and (b) (2) in § 1389.115, and paragraphs (c) (1) and (c) (2) in § 1389.116 are amended; a new paragraph (a) (4) in § 1389.103 and a new § 1389.124 are added, as set forth below:

§ 1389.103 *Maximum prices for sales at retail of ready-made garments.* * * *

(a) *For garments other than outer coats.* * * *

(3) *In those cases in which neither the seller nor any closely competitive seller of the same class dealt in the same or similar garments during March 1942.* A maximum price in line with the level of maximum prices established by this Maximum Price Regulation No. 177. This shall be determined by:

(i) Selecting from the same classification and nearest price range that garment, priced under paragraph (a) (1) of this section, of which the seller delivered the largest number of units during March 1942;

(ii) Dividing the maximum price for that garment by the replacement cost of that garment, and

(iii) Multiplying the percentage so obtained by the replacement cost of the garment being priced under this subparagraph (3).

Within ten days after determining a maximum price under this subparagraph (3), the seller shall report it to the appropriate field office of the Office of Price Administration on a form prescribed for that purpose. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(4) *Increases permitted in cases where the seller is in certain geographic areas.* The maximum price established under paragraph (a) (1) for a garment not of tropical weight may be increased by not more than 10%, if:

(i) The maximum price is not higher than the highest price charged by the seller during October 1941 for the same garment, or, if none, for the similar garment most nearly like it; and

(ii) The net replacement cost of the garment is at least 10% higher than the actual net cost of the same or similar garment dealt in during October 1941; and

(iii) The seller is in a geographic area where, due to climatic conditions, the customary volume of March sales of garments not of tropical weight is substantially lower than the average monthly volume of sales of these garments during October, November and December.

A seller who increases his maximum price under this subparagraph (4) must fill out the details required by the form in Appendix D, (§ 1389.124) and file this information within 10 days after the price has been increased with the appropriate regional office of the Office of Price Administration. The increase in price taken under this subparagraph (4) shall be subject to modification or revocation at any time by the Office of Price Administration.

Except: That no maximum price determined under paragraph (a) shall exceed the seller's highest maximum price for a garment of the same classification, the same as or similar to a garment which he dealt in during the base period.

(b) *For outer coats.* * * *

(3) *In those cases in which neither the seller nor any closely competitive seller of the same class dealt in the same or similar garments during September, October and November, 1941.* A maximum price in line with the level of maximum prices established by this Maximum Price Regulation No. 177. This shall be determined by:

(i) Selecting from the same classification and nearest price range that garment priced under paragraph (b) (1) of this section of which the seller delivered the largest number of units during September, October and November, 1941;

(ii) Dividing the maximum price of that garment by the replacement cost of that garment; and

(iii) Multiplying the percentage so obtained by the replacement cost of the garment being priced under this subparagraph (3).

Within ten days after determining the maximum price under this subparagraph (3) the seller shall report it to the appropriate field office of the Office of Price Administration on a form prescribed for that purpose. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

Except: That no maximum price determined under paragraph (b) shall exceed the sum of the seller's highest maximum price for a garment of the same classification, the same as or similar to a garment which he dealt in during the base period.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5059, 7242, 8829.

[1] 7 F.R. 5182, 5475, 6792, 7100, 7944.

§ 1389.104 *Maximum prices for sales of ready-made garments otherwise than at retail.* * * *

(a) *For garments other than outer coats.* * * *

Except: That no maximum price determined under subparagraph (3) shall exceed the seller's highest maximum price for a garment of the same classification determined under subparagraph (1) or (2).

(b) *For outer coats.* * * *

Except: That no maximum price determined under subparagraph (2) shall exceed the seller's highest maximum price for a garment of the same classification determined under subparagraph (1).

* * * * *

§ 1389.115 *Records of sellers of ready-made garments otherwise than at retail, and of all manufacturers.* * * *

(b) *Statements to be filed.* (1) On or before November 10, 1942, every person who sells men's and boys' ready-made tailored clothing otherwise than at retail, and every person who retails men's and boys' ready-made tailored clothing of which he is the manufacturer, shall file a statement with the Office of Price Administration, in Washington, D. C., on a form to be prescribed. The statement shall contain such information relating to garments sold during the applicable base period and to garments sold on and after July 11, 1942 and before October 1, 1942, as the form requires.

(2) On or before the 10th day of December, 1942, and of each succeeding month, every person who sells men's and boys' ready-made tailored clothing shall file a supplemental statement. This statement shall be subject to the same requirements as the original statement, but shall relate only to garments sold, delivered or offered for sale prior to the month in which the supplemental report is filed, and not previously reported. When there is nothing new to report, no supplemental statement need be filed.

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§ 1389.116 *Records of sellers of "tailored to the trade" and "made to measure" garments.* * * *

(c) *Statements to be filed by manufacturers.* (1) On or before November 10, 1942, every manufacturer of men's and boys' "tailored to the trade" and "made to measure" clothing shall file a statement with the Office of Price Administration, Washington, D. C., on a form to be prescribed. The statement shall contain such information relating to garments sold during the applicable base period and for garments sold on and after July 11, 1942, and before October 1, 1942, as the form requires.

(2) On or before the 10th day of December, 1942, and of each succeeding month, every manufacturer of men's and boys' "tailored to the trade" and "made to measure" clothing shall file a supplemental statement. This statement shall be subject to the same requirements as the original statement but shall relate only to garments sold, delivered or offered for sale prior to the month in which the supplemental report is filed and not previously reported. When there is nothing new to report, no supplemental statement need be filed.

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§ 1389.124 *Appendix D: Form to be filed by sellers reporting a price increase under § 1389.103* (a) (4).

UNITED STATES OF AMERICA

OFFICE OF PRICE ADMINISTRATION

Two copies of this form must be filed with the appropriate regional office of the Office of Price Administration. A separate form should be filed for each item.

Report of Increase in Maximum Retail Price of Ready-Made Garments Other Than Outer-Coats, (Not of Tropical Weight) Under § 1389.103 (a) (4) *of Maximum Price Regulation 177, as Amended*

------------------, a seller at retail, hereby reports a price increase made by him pursuant to § 1389.103 (a) (4) of Maximum Price Regulation No. 177 as amended.

DESCRIPTION OF STORE

1. Name of store or business--------------
2. Address of store or business-------------
   (If this report is for more than one store, attach a statement to this form, listing the name and address of each store.)
3. Type of store or business---------------
   (For example: apparel, dry goods, general department, etc.)
4. Type of affiliation---------------------
   (For example: independent, national, regional, local chain or cooperative chain, etc.)

DESCRIPTION OF ITEM

5. Item offered for sale in fall, 1942---------- ------------------------------
   (Identifying information)
   (a) Manufacturer ----------, ----------
   (Name) (Address)
   (b) Range number of garments----------
   (c) Type of fabric----------------------
   (d) Weight of fabric--------------------
   (e) Net replacement cost----------------
   (1) Invoice cost --------
   (2) All discounts, including cash discounts, allowances, free deals --------
   (3) Net replacement cost (subtract (2) from (1)) --------
   (f) Store's present maximum price (before increase) --------
   (g) Maximum price as increased by you under § 1389.103 (a) (4) --------
6. Same or similar item sold in March, 1942 ------------------------------
   (Identifying information)
   (a) Manufacturer --------------------
   (Name) (Address)
   (b) Range number of garments----------
   (c) Type of fabric----------------------
   (d) Weight of fabric--------------------
   (e) Net cost at which the largest number of units of the item was purchased from November 1941 through March 1942 for sale in March, 1942.
   (1) Invoice cost --------
   (2) All discounts, including cash discounts, allowances, free deals, etc. --------
   (3) Net cost (subtract (2) from (1))---
   (f) Store's highest price charged during March, 1942 ----------
7. Same or similar item sold in October, 1941 ------------------
   (Identifying information)
   (a) Manufacturer: ----------, ----------
   (Name) (Address)
   (b) Range number of garments --------
   (c) Type of fabric ------------------
   (d) Weight of fabric ----------------
   (e) Net cost at which the largest number of units of the item was purchased for sale in October, 1941.
   (1) Invoice cost --------
   (2) All discounts, including cash discounts allowances, free deals, etc. --------
   (3) Net cost (subtract (2) from (1)) --------
   (f) Store's highest price charged during October, 1941 --------
8. If manufacturers in questions 5, 6 and 7 are not the same, explain in detail why you believe that the workmanship of manufacturers in question 5 is equivalent to the workmanship of the manufacturer in questions 6 and 7 and also why you believe that the materials and trimmings used by the different manufacturers are of the same type and quality. ------------------------------ ------------------------------ ------------------------------ ------------------------------ ------------------------------
9. Total dollar sales volume of ready-made garments other than outer coats, not tropical weight, during
   1941
   October----------------
   November---------------
   December---------------
   1942
   March------------------
10. Total shipments to you of item during 1941 (in dollars)--------------------
11. Total shipments to you of item during January 1, 1942 to April 1, 1942 (in dollars) --------------------

(Signature) ------------------------------
(Applicant)
By ------------------------------

(Title)

* * * * *

§ 1389.120a *Effective dates of corrections and amendments.* * * *

(e) Amendment 4 (§§ 1389.103 (a) (3) and (4), and (b) (3), 1389.104 (a) and (b), 1389.115 (b) (1) and (2), 1389.116 (c) (1) and (2), 1389.124, and 1389.120a (e)) shall become effective November 7, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11343; Filed, November 3, 1942; 12:12 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136, as Amended, Amendment 37]

LICENSING

Amendment No. 37 to Maximum Price Regulation No. 136, as Amended[1]—Machines and Parts and Machinery Services.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new § 1390.29a is added, to read as set forth below:

§ 1390.29a *Licensing.* (a) The provisions of Supplementary Order No. 20,[2] licensing, among others, dealers selling second-hand machines or parts are applicable to every dealer selling (other than at retail) second-hand machines or parts, for which maximum prices are established by Maximum Price Regulation No. 136, as amended. When used in this paragraph, the term "dealer" has the definition given to it by Supplementary Order No. 20.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602.

[2] 7 F.R. 7490.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at retail machines and parts as defined in Maximum Price Regulation No. 136, as amended. When used in this paragraph, the term "selling at retail" has the definition given to it by § 1499.20 (o) of the General Maximum Price Regulation. Said registration and licensing provisions became effective as to persons selling at retail on May 18, 1942.

(c) The registration and licensing provisions of §§ 1499.111 and 1499.112 of Maximum Price Regulation No. 165, as amended, are applicable to every person selling machinery services for which maximum prices are established by Maximum Price Regulation No. 136, as amended.

* * * * *

§ 1390.31a *Effective dates of amendments.* * * *

(ll) Amendment No. 37 (§ 1390.29a) to Maximum Price Regulation No. 136, as amended shall become effective November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11344; Filed, November 3, 1942; 12:12 p. m.]

PART 1400—TEXTILE FABRICS, COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 118,[1] Amendment 12, Correction]

COTTON PRODUCTS

The price of "46.625" (cents per pound) established for Class B Wide Sheeting in the table in § 1400.118 (d) (13) (iv) (*a*) is hereby corrected to read 44.625.

Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11356; Filed, November 3, 1942; 1:31 p. m.]

PART 1405—FERRO-ALLOYS

[MPR 258]

CHROME ORES

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for sales of chrome ores by a specific maximum price regulation. The Price Administrator has ascertained and given due consideration to the prices of chrome ores prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industries which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generaly fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been prepared, issued simultaneously herewith, and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, Maximum Price Regulation No. 258 is hereby issued.

Sec.
1405.101 Prohibition against dealing in chrome ores at prices above the maximum
1405.102 Less than maximum prices.
1405.103 Export sales.
1405.104 Sales or deliveries of chrome ores to the United States or any agency thereof.
1405.105 Sales of chrome ores located without the continental United States.
1405.106 Adjustable pricing.
1405.107 Evasion.
1405.108 Records and reports.
1405.109 Enforcement.
1405.110 Petitions for amendment
1405.111 Applicability of General Maximum Price Regulation.
1405.112 Definitions.
1405.113 Effective date.
1405.114 Appendix A: Maximum prices for metallurgical-chemical chrome ores.
1405.115 Appendix B: Maximum prices for refractory chrome ores.

AUTHORITY: §§ 1405.101 to 1405.115, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1405.101 *Prohibition against dealing in chrome ores at prices above the maximum.* On and after November 9, 1942, regardless of any contract, agreement, lease or other obligation, no person, except as provided in §§ 1405.104 and 1405.105, shall sell, offer to sell, deliver or transfer chrome ores, and no person shall buy or receive chrome ores, at higher prices than the maximum prices set forth in Appendices A and B hereof, incorporated herein as §§ 1405.114 and 1405.115; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Maximum Price Regulation No. 258 shall not apply to the sale or delivery of chrome ores if prior to November 9, 1942, such ores had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1405.102 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B (§§ 1405.114 and 1405.115) may be charged, demanded, paid or offered.

§ 1405.103 *Export sales.* The maximum price at which any person may export chrome ores shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation,[1] issued by the Office of Price Administration.

§ 1405.104 *Sales or deliveries of chrome ores to the United States or any agency thereof.* Neither the provisions of this Maximum Price Regulation No. 258, other than § 1405.108, nor the provisions of the General Maximum Price Regulation[2] shall apply to the sale or delivery of chrome ores to the United States or any agency thereof.

§ 1405.105 *Sales of chrome ores located without the continental United States.* (a) Neither the provisions of this Maximum Price Regulation No. 258, other than § 1405.108, nor the provisions of the General Maximum Price Regulation shall apply to the sale or delivery of chrome ores which are located at a point without the continental United States both at the time of the contract of sale and the vesting of title to the ores in the buyer.

(b) The Administrator will entertain no petition or application for amendment, adjustment, exception or other relief from the maximum prices established for any product of chrome ore, to the extent that such petition or application is based, directly or indirectly, on delivered costs of chrome ores, purchased by the petitioner or applicant pursuant to paragraph (a) of this § 1405.105, which are in excess of what the delivered costs would have been if the petitioner or applicant had purchased ores of equivalent grade for which maximum prices are established by the Maximum Price Regulation No. 258.

§ 1405.106 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In any appropriate situation where a petition for an adjustment or exception requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1405.107 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 258 shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, chrome ores, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

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[1] 7 F.R. 3038, 3211, 3522, 3578, 3824, 3904, 4405, 5224, 5405, 5587, 5836, 6005, 6484, 7451, 8216.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5059, 7242.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

§ 1405.108 *Records and reports.* (a) On and after November 9, 1942, every person making a purchase or sale of chrome ore shall keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each such purchase or sale showing (1) the date thereof, (2) the names and addresses of the buyer and the seller, (3) the quantity, source and analysis, including chromic oxide, chromium-iron ratio, silica, alumina and fines, of each kind or grade purchased or sold, (4) the purpose for which such ore was purchased, (5) the date of delivery of each shipment, (6) the price paid or received, and (7) in case of a purchase of ore pursuant to § 1405.105, the delivered cost of such ore.

(b) Persons affected by this Maximum Price Regulation No. 258 shall submit such reports to the Office of Price Administration as it may from time to time require.

§ 1405.109 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 258 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 258 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1405.110 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 258 or any adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1405.111 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 258 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this Maximum Price Regulation No. 258. Neither shall the General Maximum Price Regulation apply to those sales or deliveries expressly excluded therefrom by the provisions of this Maximum Price Regulation No. 258.

§ 1405.112 *Definitions.* (a) When used in this Maximum Price Regulation No. 258, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of the political subdivisions, or any agency of any of the foregoing.

(2) "Continental United States" means the 48 States of the United States and the District of Columbia.

(3) "Chrome ore" means any metallurgical-chemical or refractory chrome ore as defined below.

(4) "Metallurgical-chemical chrome ore" means any mineral substance in a crude state used chiefly as a source of chromium for alloying purposes or for the production of ferro-alloys, chromium metal or chromium chemicals. It includes such ore even though it has been concentrated or beneficiated. It shall not include any ore which contains less than 25% chromic oxide by weight.

(5) "Refractory chrome ore" means any mineral substance in a crude state used chiefly for the production of refractory bricks or other refractory materials. It includes such ore even though it has been crushed, ground or packed. It shall not include any ore which contains less than 25% chromic oxide by weight.

(6) "Montana ores and concentrates" mean any mineral substance mined in the State of Montana, whether or not concentrated or beneficiated, which satisfies the definition set forth above for a metallurgical-chemical chrome ore.

(7) "Chromium-iron ratio" means the ratio by weight of the metallic chromium content to the metallic iron content of chrome ore.

(8) "Buyer's receiving point" means the place at which the buyer will convert, manufacture or process a particular lot of ore, or at which he will stockpile it for conversion, processing or resale at some future time.

(9) "Buyer's most favorable basing point" means that one of the basing points, listed for the particular type of ore, from which a delivery to the buyer's receiving point would yield the buyer the lowest delivered cost. The delivered cost shall be computed by adding to the base price the rail freight for delivering the particular lot of ore from the basing point to the buyer's receiving point.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Price Regulation No. 258.

§ 1405.113 *Effective date.* This Maximum Price Regulation No. 258 (§§ 1405.101 to 1405.115, inclusive) shall become effective November 9, 1942.

§ 1405.114 *Appendix A: Maximum prices for metallurgical-chemical chrome ores.* (a) The maximum prices for metallurgical-chemical chrome ores shall be determined by using the following base price and base analysis with the premiums and penalties herein prescribed:

Base Analysis on Dry Basis.

Chromic oxide, 48%;

Chromium-iron ratio, 3.00:1.

Maximum Base Price Per Gross Ton.

$43.50 f. o. b. railroad cars New York, Philadelphia, Baltimore, Charleston, S. C., Portland, Ore., or Tacoma, Wash.: *Provided, However,* That the maximum base price for Montana ores and concentrates shall be $43.50 per gross ton f. o. b. railroad cars Columbus, Montana with an alowance to the buyer for actual freight not in excess of $7.00 per gross ton.

Premiums.

Chromic oxide content above 48% $.90 for each 1%.

Chromium-iron ratio above 3.00:1 $1.25 for each .10:1 up to but not exceeding 3.50:1.

Penalties.

Chromic oxide content below 48% $.90 for each 1% down to but not below 25%.

Chromium-iron ratio below 300:1 $1.25 for each .10:1 down to but not below 2.00:1.

The above premiums and penalties shall be applied pro rata to variations of a fraction of 1% chromic oxide and .10:1 chromium-iron ratio.

The basing point to be used in the determination of the maximum price for metallurgical-chemical chrome ore under the provisions of this paragraph (a) shall be the buyer's most favorable basing point except in the case of Montana ores and concentrates for which the basing point shall be Columbus, Montana.

(b) *Quantity differential.* The maximum prices set forth in paragraph (a), above, for metallurgical-chemical chrome ores may be increased by $3.50 per gross ton if the seller, at the request of and for the convenience of the buyer, sells and delivers such ores in lots of one carload or less.

(c) *Analysis.* In any case where the buyer contracts for or requests settlement for a partciular lot of metallurgical-chemical chrome ore on the basis of an independent analysis, the buyer may pay, in addition to the maximum price as determined under paragraphs (a) and (b), above, an amount equal to but not exceeding one-half the actual expenses of such analysis incurred pursuant to such contract or request: *Provided,* That, if the buyer pays more than one-half of the cost of such independent analysis, the maximum price shall be adjusted downward by an amount equal to the amount by which such payment exceeds one-half the actual expenses of such analysis.

(d) *Credit.* The maximum prices set forth above shall not be increased by any charges for the extension of credit.

§ 1405.115 *Appendix B: Maximum prices for refractory chrome ores*—(a) *Lump refractory chrome ore in bulk.* (1) The maximum price for lump refractory chrome ore in bulk shall be $31.00 per gross ton, dry basis, f. o. b. railroad cars Baltimore, Philadelphia, Chester, Pa., or San Francisco: *Provided,* That, the basing point to be used in the determination of the maximum price of such ore shall be the buyer's most favorable basing point.

(2) *Quantity differential.* The maximum price set forth in subparagraph (1), above, for lump refractory chrome ore in bulk may be increased by $3.50 per gross ton, if the seller, at the request

of and for the convenience of the buyer, sells or delivers such ore in lots of less than 2,000 gross tons.

(b) *Lump refractory chrome ore, packed.* The maximum price for lump refractory chrome ore shall be $35.55 per net ton when packed in single cloth sacks, $38.30 per net ton when packed in double cloth sacks, and $40.80 per net ton when packed in barrels. The above prices shall be f. o. b. railroad cars Baltimore, Chester, Pa. or Plymouth Meeting, Pa.: *Provided,* That any seller of such ore who regularly sold f. o. b. one of these basing points during March 1942, shall continue to use such basing point and that other sellers may use any one of these basing points.

(c) *Ground refractory chrome ore.* (1) The maximum price for ground refractory chrome ore, 24 mesh or coarser, shall be $36.50 per net ton, f. o. b. railroad cars Baltimore, and Chester, Pa., or Plymouth Meeting, Pa.: *Provided,* That any seller of such ore who regularly sold f. o. b. one of these basing points during March 1942, shall continue to use such basing point and that other sellers may use any one of these basing points.

(2) *Packing differentials.* The maximum price set forth in subparagraph (1), above, for ground refractory chrome ore may be increased by $3.50 per net ton when such ore is packed in single cloth or paper lined cloth sacks, $7.00 per net ton when packed in double cloth sacks, and $10.00 per net ton when packed in barrels.

(d) *Credit.* The maximum prices set forth above shall not be increased by any charges for the extension of credit.

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11357; Filed, November 3, 1942; 1:37 p. m.]

PART 1499—COMMODITIES AND SERVICES

[GMPR,[1] Amendment 32]

USED SUPPLIES AND EQUIPMENT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Subparagraph (2) of § 1499.9 (b) is amended to read as set forth below:

§ 1499.9 *Commodities excepted from this General Maximum Price Regulation.* * * *

(b) This General Maximum Price Regulation shall not apply to the following sales or deliveries: * * *

(2) By any person, of his used supplies or equipment not acquired or produced by him for the purpose of sale.

* * * * *

§ 1499.23a *Effective dates of amendments.* * * *

(gg) Amendment No. 32 (§ 1499.9 (b) (2)) to General Maximum Price Regulation shall become effective November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E. O. 9250, 7 F.R. 7871.)

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11358; Filed, November 3, 1942; 1:38 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 121 Under § 1499.3 (b) of GMPR]

PENN TOBACCO COMPANY

The Penn Tobacco Company of Wilkes-Barre, Pennsylvania, has made application under § 1499.3 (b) of the General Maximum Price Regulation for determination of a maximum price for a "Pipe Smokers' Selector." Due consideration has been given to the application and an opinion in support of this order issued simultaneously herewith has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with § 1499.3 (b) of the General Maximum Price Regulation *It is hereby ordered,* That:

§ 1499.985 *Authorization of maximum prices for a Pipe Smokers' Selector for the Penn Tobacco Company*—(a) *Manufacturer.* On and after November 4, 1942 the Penn Tobacco Company may sell and deliver to any person and any purchaser may buy and receive from the Penn Tobacco Company a "Pipe Smokers' Selector" consisting of 1½ ounces White Manor Tobacco, 1⅝ ounces Willoughby Taylor Tobacco, 2 ounces Kentucky Club Tobacco, 1¾ ounces Irish Castle Tobacco and one Taylor Arms Pipe all packed in a cardboard container, cellophane cover and cardboard sleeve, herein spoken of as a "Pipe Smokers' Selector", at a price no higher than $12.00 per dozen Pipe Smokers' Selector less 10% trade discount and 2% cash discount for payment within ten days of delivery.

(b) *Wholesaler or jobber.* Any wholesaler or jobber may sell and deliver to any person and any person may buy and receive from such wholesaler or jobber Pipe Smokers' Selectors at a price no higher than $12.00 per dozen Pipe Smokers' Selectors less the customary discount or discounts given by such wholesaler or jobber on other tobaccos to a purchaser of the same class.

(c) *Retailer.* Any retailer may sell and deliver and any person may buy and receive the Pipe Smokers' Selector at a price no higher than $1.25 per package.

(d) The Penn Tobacco Company shall notify in writing all jobbers and wholesalers who purchase such Pipe Smokers' Selectors of the maximum price established by paragraphs (a), (b) and (c) of this order for sales at wholesale and retail on or before the first delivery of such product after the effective date hereof, and of the notification to retailers as provided in paragraph (e) herein.

(e) All suppliers of this Pipe Smokers' Selector to sellers at retail shall notify such sellers in writing on or before the first delivery after the effective date hereof that the maximum price of such Pipe Smokers' Selector at retail is $1.25 per package.

(f) This Order No. 121 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 121 (§ 1499.985) shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11345; Filed, November 3, 1942; 12:12 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 122 Under § 1499.3 (b) of GMPR]

PIONEER COOPERAGE COMPANY

Pioneer Cooperage Company of St. Louis, Missouri, has made application under § 1499.3 (b) of the General Maximum Price Regulation for specific authorization to determine the maximum price for a commodity which cannot be priced under § 1499.2 thereof. Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith, and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is ordered;*

§ 1499.986 *Approval of maximum prices for wooden water breakers sold by the Pioneer Cooperage Company.* (a) On and after August 1, 1942, Pioneer Cooperage Company of St. Louis, Missouri, may sell and deliver, offer, agree and solicit and attempt to sell and deliver wooden water breakers manufactured by it and any person may buy from said Pioneer Cooperage Company such commodity produced by it at a price no higher than that established in accordance with the formula hereinafter set forth:

Compute material cost on basis of present material cost for standard keg of similar gallonage and other nearest comparability taking into account the difference in stave value established from variation in length and bilge and also the difference in heading value and value of hoops and other fittings. Compute labor cost and factory burden on the basis of March 31, 1942, labor cost and factory burden of standard keg in same number and type of staves taking additional care, efficiency and finish into account. To adjusted unit production cost thus established, add profit computed by multiplying said adjusted unit production cost by normal percentage of

profit for year 1941. Compute such normal percentage of profit by dividing 1941 gross profit before sales and administrative expenses by total production cost of barrels sold during 1941. To price thus determined add delivery charges to arrive at sales price.

(b) Within 10 days after determining a maximum price under this order, Pioneer Cooperage Company shall report such price to the Lumber Branch of the Office of Price Administration in Washington, D. C. Such report shall also set forth (1) a detailed description of the commodity for which the price is determined, (2) a statement that the maximum price reported was determined in accordance with the formula set forth in paragraph (a) of this order and a detailed explanation of the application of such formula in determining the maximum price for such commodity. The maximum price so reported shall be subject to adjustment at any time by the Price Administrator.

(c) This Order No. 122 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 122 (§ 1499.986) shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11328; Filed, November 3, 1942; 11:23 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 123 Under § 1499.3 (b) of GMPR]

THE UNITED STATES GYPSUM COMPANY

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered,* That:

§ 1499.987 *Approval of maximum prices of the "Perf-a-Tape" tool sold by the United States Gypsum Company.* (a) The United States Gypsum Company, Chicago, Illinois may sell, deliver and offer for sale, and all persons are authorized to buy and receive in the course of trade from the United States Gypsum Company, its "Perf-a-Tape" tool for the application of tape and cementitious material in one operation to recessed edged gypsum board, at a price per tool not higher than $10.81, delivered.

(b) The granting of the authorization to the United States Gypsum Company in paragraph (a) is subject to the condition that it shall notify all persons purchasing its "Perf-a-Tape" tool from it that the Office of Price Administration has by this order authorized its maximum price as provided in paragraph (a).

(c) This Order No. 123 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 123 (§ 1499.987) shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11346; Filed, November 3, 1942; 12:13 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[MPR 148]

DRESSED HOGS AND WHOLESALE PORK CUTS

Correction

In § 1364.35 appearing on page 8613 of the issue for Saturday, October 24, 1942, the figures opposite "7. Boston butts" in the columns headed "Weight (pounds)" should be separated by dashes instead of points.

TITLE 46—SHIPPING

Chapter I—Bureau of Customs

[T. D. 50756]

Subchapter A—Documentation, Entrance and Clearance of Vessels, Etc.

TRANSPORTATION OF PASSENGERS OR MERCHANDISE; TOWING OF CERTAIN VESSELS

WAIVER OF COASTWISE LAWS

OCTOBER 30, 1942.

Section 8 of the act of June 19, 1886, as amended, section 27 of the Merchant Marine Act, 1920, as amended, R.S. 4132, as amended, and R.S. 4370, as amended, waived to permit certain vessels owned or chartered by the War Shipping Administration to transport passengers or merchandise, or both, in the coastwise trade, and to permit those and other vessels so owned or chartered to tow any vessel coastwise.

Upon the written recommendation of the Administrator of the War Shipping Administration and pursuant to the authority vested in me by the provisions of section 501 of the Second War Powers Act, 1942 (Public Law 507, 77th Congress), I hereby waive compliance with the provisions of section 8 of the act of June 19, 1886, as amended, section 27 of the Merchant Marine Act, 1920, as amended, R.S. 4132, as amended, and R.S. 4370, as amended (46 U.S.C. 11, 289, 316, 883), to the extent necessary to permit:

1. The transportation of passengers or cargo, or both, in the coastwise trade (a) by any vessel of the United States which is under limited or restricted registry while such vessel is owned by or under any form of charter to the War Shipping Administration and has on board a "Certificate of Ownership and Operation" issued by the War Shipping Administration certifying that it is owned or chartered; or (b) by any foreign vessel while it is under any form of charter to the War Shipping Administration and has on board a "Certificate of Ownership and Operation" issued by the War Shipping Administration, certifying that it is so chartered; or

2. The towing of any vessel between any points or places embraced within the coastwise laws or between points within the harbor of any such place by any vessel of any of the classes mentioned in paragraph 1 of this order, or in T.D. 50592 or T.D. 50653.

I deem that such action is necessary in the conduct of the war.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-11364; Filed, November 3, 1942; 12:06 p. m.]

Chapter IV—War Shipping Administration

PART 310—MERCHANT MARINE TRAINING

[General Order 24, Supp. 1]

TRANSPORTATION OF CADETS

Amending § 310.59 of General Order No. 24—Emergency Regulations Governing the Appointment and Training of Cadets in the United States Merchant Marine Cadet Corps, by striking out all of § 310.59 and inserting in lieu thereof the following:

§ 310.59 *Transportation.* (a) The War Shipping Administration shall reimburse cadets at the rate of five cents per mile, based on official mileage tables of the War Department, for their traveling expenses when traveling on orders of the Supervisor or District Instructors:

(1) From home town to port wherein the Basic School or the Academy is located, after passing Merchant Marine Reserve physical examination, reporting to the Commanding Officer of a Basic School or to the Superintendent of the Academy, execution of oath of office as cadet in the U. S. Merchant Marine Corps, and satisfactory completion of preliminary training and basic Naval Science courses. Payment shall be made by the disbursing officer attached to the Academy or the Basic School approximately ten weeks after date of reporting.

(b) The War Shipping Administration will issue government transportation requests and meal tickets to cadets who have completed preliminary training for transportation:

(1) From either New York, New Orleans or San Francisco to the port where vessel to which the cadet is assigned is located or to a place of special shore training. Transportation requests and meal tickets will be issued by the District Instructor.

(2) From either New York, New Orleans or San Francisco to port wherein Academy or Basic School is located, or to a place of special shore training. Transportation and meal tickets will be issued by the District Instructor.

(3) Between ports of Academy or Basic Schools and between locations of places of special shore training. Transportation requests and meal tickets will be issued by the Superintendent or Commanding Officer.

(4) From either New York, San Francisco or New Orleans to home, and from home to port where vessel to which assigned is located, or where special shore training is conducted, after having been ordered home by the District In-

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5484, 5565, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

structor for the specific purpose of awaiting assignment to a vessel, the Academy, a Basic School, or place of special shore training. Transportation requests and meal tickets will be issued by the District Instructor.

(c) Cadets will not be reimbursed by the War Shipping Administration or issued transportation requests or meal tickets for travel to and from the Academy or Basic Schools or locations of special training ashore or ships while they are on leave; unless ordered home by the District Instructor or the Superintendent of the Academy for the specific purpose of awaiting assignment to ships, the Academy, Basic Schools, or places of special training ashore.

(d) Cadets will not receive a per diem allowance except as provided in § 310.63. (E.O. 9198, 7 F.R. 5383)

[SEAL] E. S. LAND,
Administrator.

NOVEMBER 3, 1942.

[F. R. Doc. 42-11396; Filed, November 4, 1942; 11:44 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Order ODT 21, Amendment 1]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART M—CERTIFICATES OF WAR NECESSITY FOR AND CONTROL OF COMMERCIAL MOTOR VEHICLES

INSPECTION OF TIRES

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, and by Executive Order No. 9156, dated May 2, 1942, Title 49, Chapter II, Part 501, Subpart M, (General Order ODT 21[1]), § 501.97, of the Code of Federal Regulations, is hereby amended to read as follows:

§ 501.97 *Inspection of tires.* On and after January 15, 1943, no person shall operate any commercial motor vehicle, unless within the sixty (60) days immediately preceding such operation, or, in the event such motor vehicle has been operated more than five thousand (5,000) miles during such period, unless within the five thousand (5,000) miles last operated by such vehicle, all tires mounted upon the wheels thereof or carried for use on such vehicle have been inspected by an inspection agency designated by the Office of Price Administration, and unless such inspection agency has certified that such person has made all reasonable and necessary adjustments, repairs, retreading, recapping, replacement of parts or tires, and realignment of wheels, found by such inspection agency to be necessary to conserve and providently utilize such tires, unless such operator is unable, under then existing rationing regulations, to make such repairs, retreading, recapping, or replacement of parts or tires.

This amendment shall become effective on November 15, 1942. (E.O. 8989 and 9156; 6 F.R. 6725; 7 F.R. 3349)

Issued at Washington, D. C., this 31st day of October 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-11367; Filed, November 3, 1942; 4:19 p. m.]

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[1] 7 F.R. 7100.

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

REDUCING AND REVOKING CERTAIN STOCK DRIVEWAY WITHDRAWALS IN NEVADA

The departmental orders of July 15, 1918, February 10, 14, 19, and 25, March 5 and 21, June 9, November 26, and December 19, 1919, August 29, 1924, August 17, 1925, June 15, 1927, October 19, 1929, October 7, 1932, and August 13, 1934, establishing and modifying stock driveway withdrawals under section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U. S. C. 300, are hereby revoked so far as they affect the following-described lands, which are within Nevada Grazing District No. 4:

MOUNT DIABLO MERIDIAN

T. 10 N., R. 53 E., secs. 13, 23, 24, 26, and 35.
T. 10 N., R. 54 E., secs. 6, 7, and 18.
T. 11 N., R. 54 E., secs. 5, 8, 17, 19, 20, 30, and 31.
T. 12 N., R. 54 E., secs. 4, 9, 16, 20, 21, 29, and 32.
T. 13 N., R. 54 E., secs. 3, 10, 15, 21, 22, 28, and 33.
T. 14 N., R. 54 E., secs. 11, 12, 14, 22, 23, 27, and 34.
T. 14 N., R. 55 E., secs. 6 and 7.
T. 15 N., R. 55 E.,
  sec. 3;
  sec. 4, E½;
  secs. 9, 10, 16, 17, 19, 20, 30, and 31.
T. 16 N., R. 55 E.,
  sec. 1, SE¼;
  secs. 12 and 13;
  sec. 14, SE¼;
  sec 22, NE¼ and S½;
  sec 23;
  sec. 24, N½ and SW¼;
  sec. 26, NW¼;
  sec. 27;
  sec. 28, SE¼;
  sec. 33, E½;
  sec. 34.
T. 23 N., R. 55 E.,
  secs. 2, 3, 9, and 10;
  sec. 11, W½;
  sec. 14, W½;
  secs. 15 to 22, inclusive.
T. 24 N., R. 55 E.,
  secs. 1, 12, 13, 14, and 23;
  sec. 24, NW¼;
  secs. 26, 34, and 35;
  sec. 36, SW¼.
T. 25 N., R. 55 E.,
  sec. 1;
  sec. 2, E½;
  secs. 12, 13, 24, 25, and 36.
T. 26 N., R. 55 E.,
  sec. 23, E½;
  sec. 24, W½;
  sec. 25, W½;
  sec. 26, E½;
  sec. 35, E½;
  sec. 36, W½.
T. 10 N., R. 56 E., secs. 2, 11, 13, 14, 23, 26, and 35.
T. 11 N., R. 56 E.,
  sec. 1, E½ and E½W½;
  sec. 11, SE¼;
  sec. 12, NE¼ and S½;
  sec. 13, N½ and SW¼;
  secs. 14, 23, 26, and 35.
T. 12 N., R. 56 E.,
  secs. 2, 11, 14, and 23;
  sec. 25, SW¼;
  sec. 26;
  sec. 35, N½ and SE¼;
  sec. 36.
T. 13 N., R. 56 E., secs. 2, 11, 14, 23, 26, and 35.
T. 14 N., R. 56 E.,
  secs. 3 and 10;
  sec. 14, SW¼;
  sec. 15;
  sec. 22, N½ and SE¼;
  sec. 23, W½;
  sec. 26, NW¼ and S½;
  sec. 27, E½;
  sec. 34, NE¼;
  sec. 35.
T. 15 N., R. 56 E., secs. 3, 10, 15, 22, 27, and 34.
T. 16 N., R. 56 E.,
  sec. 2;
  sec. 5, W½;
  sec. 6, NE¼ and S½;
  sec. 7;
  sec. 8, NW¼;
  secs. 11, 14, 15, 22, 27, and 34.
T. 17 N., R. 56 E.,
  sec. 2;
  sec. 10, E½;
  sec. 11;
  sec. 14, NW¼ and S½;
  sec. 15, E½;
  sec. 21, S½;
  secs. 22, 23, 26, 27, 28, and 29;
  sec. 30, SE¼;
  sec. 31, E½;
  sec. 32, N½ and SW¼;
  sec. 35.
T. 18 N., R. 56 E., secs. 2, 11, 14, 23, 26, and 35.
T. 19 N., R. 56 E., secs. 2, 11, 14, 23, 26, and 35.
T. 20 N., R. 56 E.,
  secs. 4, 9, 15, 16, and 22;
  sec. 26, NW¼ and S½;
  sec. 27;
  sec. 34, NE¼;
  sec. 35.
T. 21 N., R. 56 E.,
  sec. 5, NW¼NW¼, S½NW¼, SW¼, and W½SE¼;
  sec. 6, E½;
  sec. 7, E½E½;
  sec. 8, W½E½ and W½;
  secs. 16 and 17;
  sec. 18, E½E½;
  secs. 21, 28, and 33.
T. 22 N., R. 56 E.,
  sec. 5, W½W½;
  sec. 6, E½ and E½W½;
  sec. 7, E½ and E½NW¼;
  sec. 8, W½;
  sec. 17, W½;
  sec. 18, E½;
  sec. 19, E½;
  sec. 20, W½;
  sec. 29, W½;
  sec. 30, E½;
  sec. 31, E½;
  sec. 32, W½.
T. 23 N., R. 56 E.,
  secs. 5, 8, 17, 20, and 29;
  sec. 31, E½ and E½W½;
  sec. 32.
T. 24 N., R. 56 E., secs. 5, 8, 17, 20, 29, and 32.
T. 25 N., R. 56 E.,
  sec. 6, N½, SW¼, N½SE¼, and SW¼SE¼;
  secs. 7, 8, 17, 20, 29, and 32.
T. 26 N., R. 56 E., secs. 19, 30, and 31.
T. 10 N., R. 57 E., secs. 13 to 18, inclusive.

T. 1 N., R. 58 E.,
  secs. 4, 9, 16, 21, and 22;
  sec. 26, W½ and SE¼;
  secs. 27, 34, and 35.
T. 2 N., R. 58 E.,
  sec. 5;
  sec. 7, S½;
  secs. 8, 17, 18, 20, 21, 28, and 33.
T. 3 N., R. 58 E., secs. 11, 12, 14, 23, 25, 26, 27, 28, 29, 32, and 36.
T. 10 N., R. 58 E., secs. 13 to 18, inclusive.
T. 2 N., R. 59 E.,
  sec. 3, SW¼;
  secs. 4, 5, 6, 8, 9, 10, and 11;
  sec. 13, SW¼;
  sec. 14;
  sec. 23, N½ and SE¼;
  sec. 24.
T. 3 N., R. 59 E., secs. 6, 7, 30, 31, and 32.
T. 4 N., R. 59 E., secs. 5, 8, 17, 19, 20, 30, and 31.
T. 5 N., R. 59 E.,
  sec. 1, W½;
  sec. 2, E½;
  secs. 10 and 11;
  sec. 12, W½;
  secs. 15, 16, 20, 21, 29, and 32.
T. 6 N., R. 59 E.,
  sec. 25, NE¼ and S½;
  sec. 36.
T. 10 N., R. 59 E.,
  sec. 14, NW¼ and S½;
  secs. 15 to 18, inclusive;
  sec. 22, NE¼;
  secs. 23 and 24.
T. 2 N., R. 60 E., secs. 19 to 24, inclusive.
T. 6 N., R 60 E,
  sec 1;
  sec. 11, NE¼ and S½;
  secs. 12 and 14;
  sec. 21, S½;
  sec. 22, NE¼ and S½;
  sec. 23, N½ and SW¼;
  sec. 26, NW¼;
  sec. 27, N½;
  sec. 28, N½ and SW¼;
  secs. 29 and 30;
  sec. 31, N½.
T. 7 N., R. 60 E.,
  sec. 24, SE¼;
  secs. 25 and 36.
T. 10 N., R. 60 E.,
  secs. 19, 20, and 21;
  sec. 22, NW¼ and S½;
  sec. 23, S½;
  sec. 25, NW¼ and S½;
  sec. 26;
  sec. 27, N½;
  sec. 28, NE¼;
  sec. 35, NE¼;
  sec. 36.
T. 2 N., R. 61 E.,
  sec. 13;
  secs. 19 to 24, inclusive.
T. 7 N., R. 61 E.,
  secs. 6, 7, 18, and 19;
  sec. 30, N½ and SW¼.
T. 8 N., R. 61 E., secs. 6, 7, 18, 19, 30, and 31.
T. 9 N., R. 61 E.
  sec. 6, NE¼, E½NW¼, and S½;
  secs. 7, 18, 19, 30, and 31.
T. 10 N., R. 61 E., secs. 5, 8, 17, 20, 29, 31, and 32.
T. 11 N., R. 61 E.,
  secs. 4, 9, and 16;
  sec. 17, SE¼;
  sec. 20;
  sec. 21, NW¼;
  secs. 29 and 32.
T. 12 N., R. 61 E.,
  sec. 3;
  sec. 9, SE¼;
  sec. 10;
  sec. 15, W½;
  sec. 16, NE¼ and S½;
  secs. 21, 28, and 33.
T. 13 N., R. 61 E.,
  sec. 24, S½;
  sec. 25, N½ and SW¼;
  sec. 26;
  sec. 27, NE¼ and S½;
  sec. 34.
T. 15 N., R. 61 E., secs. 2, 11, 14, 23, and 24.
T. 16 N., R. 61 E.,
  sec. 2, NW¼ and S½;
  sec. 3, N½ and SE¼;
  sec. 11, N½, N½SW¼, and SE¼;
  sec. 12, SW¼;
  sec. 13, W½;
  sec. 14, E½;
  sec. 23, E½;
  sec. 24, W½;
  sec. 25, W½;
  sec. 26, E½;
  sec. 34, E½;
  sec. 35;
  sec. 36, W½.
T. 17 N., R. 61 E., secs. 3, 10, 15, 22, 27, 31, 32, 33, and 34.
T. 18 N., R. 61 E., secs. 3, 10, 15, 22, 27, and 34.
T. 19 N., R. 61 E., secs. 3, 10, 15, 22, 27, and 34.
T. 20 N., R. 61 E., secs. 3, 10, 15, 22, 27, and 34.
T. 21 N., R. 61 E., secs. 5, 8, 17, 20 29 and 32.
T. 22 N., R., 61 E., secs. 5, 8, 17, 20, 29, and 32.
T. 23 N., R. 61 E.,
  sec. 3, N½ and SW¼;
  sec. 4, NE¼ and S½;
  sec. 8, NE¼ and S½;
  sec. 9, N½ and SW¼;
  secs. 17, 20, 29, and 32.
T. 24 N., R. 61 E., secs. 3, 10, 15, 22, 27, and 34.
T. 25 N., R. 61 E., secs. 3, 10, 15, 22, 27, and 34.
T. 26 N., R. 61 E., secs. 23, 26, and 35.
T. 2 N., R. 62 E, secs. 13 to 24, inclusive.
T. 13 N., R. 62 E.,
  secs. 6, 7, 18, and 19;
  sec. 30, N½.
T. 14 N., R. 62 E., secs. 6, 7, 18, 19, 30, and 31.
T. 15 N., R. 62 E., secs. 19, 30, and 31.
T. 2 N., R. 63 E.,
  sec. 7, S½;
  sec. 8, S½;
  sec. 9, S½;
  sec. 10, S½;
  sec. 11, S½;
  sec. 12, S½;
  sec. 13, N½;
  sec. 14, N½;
  sec. 15, N½;
  sec. 16, N½;
  sec. 17, N½ and SW¼;
  sec. 18;
  sec. 19, N½ and SW¼.
T. 6 N., R. 63 E., secs. 35 and 36.
T. 15 N., R. 63 E.,
  sec. 1;
  sec. 12, E½;
  sec. 13, E½.
T. 16 N., R. 63 E.,
  sec. 3, lot 4, SW¼NW¼, and NW¼SW¼;
  sec. 4, lots 1, 2, and 3, S½NE¼, SE¼NW¼, and S½;
  sec. 8, SE¼;
  sec. 9, N½, SW¼, N½SE¼, and SW¼SE¼;
  sec. 16, NW¼NE¼, N½NW¼, SW¼NW¼;
  sec. 17, N½, SW¼, and W½SE¼;
  sec. 19, NE¼ and S½;
  sec. 20, N½, SW¼, N½SE¼, and SW¼SE¼;
  sec. 25, SW¼;
  sec. 26, S½N½ and S½;
  sec. 27, S½N½ and S½;
  sec. 28, S½NE¼, NW¼NW¼, S½NW¼, and SE¼;
  sec. 29, NW¼NE¼ and E½NW¼;
  sec. 30, N½;
  sec. 33, NE¼;
  sec. 34 N½;
  sec. 35, N½ and SE¼;
  sec. 36, SW¼NE¼, W½, and W½SE¼.
T. 17 N., R. 63 E.,
  sec. 2;
  sec. 10, SE¼;
  sec. 11;
  sec. 14, N½ and SW¼;
  sec. 15;
  sec. 21, E½;
  sec. 22;
  sec. 27, W½;
  sec. 28, E½;
  sec. 33, E½;
  sec. 34, W½.
T. 18 N., R. 63 E.,
  sec. 1, E½, E½W½;
  sec. 11, NW¼ and S½;
  sec. 12, N½NE¼, NW¼SW¼, and S½SW¼;
  sec. 13, NE¼NW¼;
  secs. 14, 23, 26, and 35.
T. 22 N., R. 63 E.,
  sec. 1;
  sec. 2, NE¼;
T. 23 N., R. 63 E.,
  sec. 4, NW¼ and S½;
  sec. 5, E½ and E½NW¼;
  sec. 9;
  sec. 15, SW¼;
  sec. 16;
  sec. 21, E½;
  sec. 22, W½;
  sec. 26, SW¼;
  sec. 27;
  sec. 28, NE¼;
  sec. 34, NE¼;
  sec. 35;
  sec. 36, SW¼.
T. 24 N., R. 63 E.,
  sec. 2, W½;
  sec. 3, E½;
  sec. 10, E½;
  sec. 11, W½;
  sec. 14, NW¼;
  sec. 15;
  sec. 16, SE¼;
  sec. 21;
  sec. 22, NW¼;
  sec. 28, N½ and SW¼;
  sec. 29, NE¼ and S½;
  sec. 32, N½, N½SW¼, SE¼SW¼, and SE¼;
  sec. 33, W½W½.
T. 25 N., R. 63 E.,
  sec. 12, NE¼ and S½;
  sec. 13;
  sec. 14, SE¼;
  sec. 22, SE¼;
  sec. 23;
  sec. 24, NW¼
  sec. 26, W½;
  sec. 27, E½;
  sec. 34, E½;
  sec. 35, W½.
T. 2 N., R. 64 E.,
  sec. 7, S½;
  sec. 16, SW¼;
  sec. 17, NW¼ and S½;
  sec. 18;
  sec. 19, NE¼;
  sec. 20, N½ and SE¼;
  secs. 21 and 22;
  sec. 23, S½;
  sec. 24, S½;
  sec. 25;
  sec. 26, N½ and SE¼;
  sec. 27, N½.
T. 6 N., R. 64 E.,
  sec. 5;
  sec. 7, E½;
  sec. 8;
  sec. 17, W½;
  sec. 18, NE¼ and S½;
  sec. 19;
  sec. 20, NW¼;
  secs. 30 and 31.
T. 7 N., R. 64 E.,
  secs. 4, 9, and 16;
  sec. 20, SE¼;
  sec. 21;
  sec. 28, N½ and SW¼;
  secs. 29 and 32.
T. 8 N., R. 64 E.,
  sec. 4;
  sec. 5, E½;
  secs. 9, 16, 21, 28, and 33.
T. 9 N., R. 64 E.,
  sec. 5, NW¼, N½SW¼, and SW¼SW¼;
  sec. 6, E½E½;
  sec. 7, E½ and E½W½;
  sec. 8, NW¼NW¼ and SW¼SW¼;
  sec. 17, W½;
  sec. 18, E½;
  sec. 19, E½;

sec. 20, NW¼NE¼, S½NE¼, NW¼, and S½;
sec. 28, W½;
sec. 29;
sec. 32, E½;
sec. 33, W½.
T. 10 N., R. 64 E.,
secs. 6, 7, and 18;
sec. 19, E½, E½W½, and NW¼NW¼;
sec. 20, W½;
sec. 29, W½;
sec. 30, E½;
sec. 31, E½;
sec. 32, W½.
T. 11 N., R. 64 E., secs. 6, 7, 18, 19, 30, and 31.
T. 12 N., R. 64 E.,
secs. 5, 8, 17, 20, and 29;
sec. 30, SE¼;
sec. 31;
sec. 32, N½ and SW¼.
T. 13 N., R. 64 E.,
sec. 5, secs. 8 to 12 inclusive, and secs. 17, 20, and 29;
sec. 32, N½, E½SW¼, and SE¼.
T. 14 N., R. 64 E.,
secs. 6, 7, 18, and 19;
sec. 20, W½;
sec. 29, N½, N½SW¼, and SE¼;
sec. 30, NE¼;
sec. 32, N½, SW¼, NW¼SE¼, and S½SE¼.
T. 15 N., R. 64 E.,
sec. 6, W½;
sec. 7, W½;
secs. 18, 19, 30, and 31.
T. 18 N., R. 64 E., secs. 5 and 6.
T. 19 N., R. 64 E.,
secs. 1 to 4, inclusive;
secs. 9, 16, 21, and 28;
sec. 29, NE¼ and S½;
sec. 32;
sec. 33, NW¼.
T. 20 N., R. 64 E.,
sec. 3, W½;
secs. 4, 9, 16, 21, 28, and 33.
T. 21 N., R. 64 E.,
secs. 4 and 9;
sec. 16, N½, SW¼, N½SE¼, and SW¼SE¼;
sec. 17, E½;
sec. 20;
sec. 21, W½NE¼ and W½;
secs. 29 and 32.
T. 22 N., R. 64 E.,
sec. 5, S½;
sec. 6;
sec. 7, N½;
secs 8, 9, 16, 21, 28, and 33.
T. 25 N., R. 64 E.,
secs. 6 and 7;
sec. 18, NW¼.
T. 26 N., R. 64 E.,
sec. 21;
sec. 28, N½ and SW¼;
sec. 29, NE¼NE¼, S½NE¼, and SE¼;
sec. 32, NE¼, NE¼NW¼, S½NW¼, and S½;
sec. 33, N½NW¼, and SW¼NW¼.
T. 1 N., R. 65 E.,
secs. 1 and 2;
sec. 3, E½;
sec. 12, N½ and SE¼.
T. 2 N., R. 65 E.,
sec. 19, S½;
sec. 28, S½;
sec. 29, NW¼ and S½;
sec. 30;
sec. 31, NE¼;
sec. 32, N½;
secs. 33 and 34;
sec. 35, W½.
T. 4 N., R. 65 E.,
secs. 3, 4, 5, 8, 9, 10, 15, 16, 17, 20, 21, 22, secs. 25 to 30, inclusive, and secs. 33 to 36, inclusive.
T. 5 N., R. 65 E.,
secs. 6 to 10, inclusive;
sec. 11, W½NE¼, W½, NW¼SE¼, and S½SE¼;
secs. 12 to 16, inclusive, secs. 21 to 24, inclusive, and secs. 27, 28, 32, 33, and 34.
T. 6 N., R. 65 E., secs. 6, 7, 18, 19, 30, and 31.
T. 7 N., R. 65 E., secs. 3, 10, 15, 22, 27, 31, 32, 33, and 34.
T. 8 N., R. 65 E.,
sec. 3, W½;
sec. 4, E½;
sec. 9, E½;
secs. 10 and 15;
sec. 16, NE¼;
secs. 22, 27, and 34.
T. 9 N., R. 65 E.,
sec. 1, W½W½;
secs. 2 and 11;
sec. 12, W½W½;
sec. 14, N½, SW¼, N½SE¼, and SW¼SE¼;
sec. 15, SE¼;
sec. 21, SE¼;
sec. 22;
sec. 23, W½NE¼, W½, and NW¼SE¼;
sec. 27;
sec. 28, E½;
sec. 33, E½;
sec. 34.
T. 10 N., R. 65 E., secs. 25, 26, and 35.
T. 13 N., R. 65 E.,
sec 1, S½;
sec. 2, S½;
secs. 7, 8, and 9;
sec. 10, S½;
sec 11;
sec. 12, N½.
T. 25 N., R. 65 E.,
sec. 2, lots 3, 4, and S½;
sec. 3, lots 1, 2, and SE¼;
sec. 10, NE¼;
secs. 11, 13, 14, and 24
T. 26 N., R. 65 E.,
sec. 22;
sec. 23, W½;
sec. 26, W½;
sec. 27, E½;
sec. 34, E½;
sec. 35, W½.
T. 1 N., R. 66 E., secs. 1 to 12, inclusive.
T. 2 N., R. 66 E., secs. 1 and 2.
T. 3 N., R. 66 E., secs. 2, 11, 14, 23, 26, and 35.
T. 4 N., R. 66 E.,
secs. 3, 10, 15, 22, 27, 29, and secs. 30 to 35, inclusive.
T. 10 N., R. 66 E.,
sec. 5, W½W½;
secs. 6, 7, 18, 19, 28, 29, 30, and 33.
T. 11 N., R. 66 E., secs. 4, 9, 16, 21, 28, 31, 32, and 33.
T. 12 N., R. 66 E.,
secs. 3, 10, 15, 22, 27, 33, and 34.
T. 13 N., R. 66 E.,
secs. 1 to 6, inclusive;
sec. 7, N½;
secs. 10, 11, 15, 22, 26, 27, 34, 35, and 36.
T. 14 N., R. 66 E.,
sec. 25, S½;
sec. 34, S½;
secs. 35 and 36.
T. 15 N., R. 66 E.,
secs. 1, 11, 12, 14, 23, 25, 26, and 36.
T. 16 N., R. 66 E.,
sec. 1, N½, SW¼, and N½SE¼;
sec. 12, SW¼NE¼, W½, and W½SE¼;
sec. 13, W½NE¼, NW¼, N½SW¼, and SW¼SW¼;
sec. 23, E½ and E½SW¼;
sec. 24, W½NW¼ and NW¼SW¼;
sec. 25, W½;
sec. 26, NW¼NE¼, SE¼NE¼, E½NW¼, SE¼SW¼, and SE¼;
sec. 35, E½ and E½W½;
sec. 36, W½.
T. 17 N., R. 66 E.,
sec. 1,
sec. 2, E½;
sec. 11, E½;
sec. 12, W½;
sec. 13;
sec. 14, NE¼;
secs. 24, 25, and 36.
T. 18 N., R. 66 E.,
sec. 2, NW¼ and S½;
sec. 3, E½;
sec. 10, E½;
sec. 11;
sec. 14, W½NE¼, NW¼, and S½;
sec. 23;
sec. 25, S½NW¼ and SW¼;
sec. 26;
sec. 35, E½;
sec. 36, NW¼NE¼, S½NE¼, NW¼, and S½.
T. 19 N., R. 66 E.,
sec. 1;
sec. 12, E½ and E½W½;
sec. 13;
sec. 14, S½N½ and S½;
sec. 22, SE¼;
sec. 23;
sec. 26, W½;
sec. 27, E½;
sec. 34, E½;
sec. 35, NW¼ and W½SW¼.
T. 20 N., R. 66 E.,
secs. 12 and 13;
sec. 16, SE¼;
sec. 21, E½;
secs. 24 and 25;
sec. 26, N½;
sec. 27, N½;
sec. 28, NE¼;
sec. 36.
T. 22 N., R. 66 E.,
secs. 2, 11, 12, and 13.
T. 23 N., R. 66 E., secs. 3, 10, 15, 22, 23, 26, and 35.
T. 2 N., R 66 E., secs. 5, 8, 9, 15, 16, 22, 27, and 34.
T. 25 N., R. 66 E., secs. 19, 20, 29, and 32.
T. 1 N., R. 67 E.,
secs. 3 to 8, inclusive;
sec. 9, N½ and N½SE¼;
sec. 10, N½.
T. 2 N., R. 67 E.,
sec. 6;
sec. 7, N½, SW¼, N½SE¼, and SE¼SE¼;
secs. 17, 18, and 19;
sec. 20, E½;
sec. 21, NW¼NE¼, S½NE¼, NW¼, and S½;
sec. 27, W½;
sec. 28;
sec. 29, NW¼;
sec. 30, E½NE¼ and W½NW¼;
sec. 31;
sec. 82, W½;
sec. 33;
sec. 34, W½.
T. 10 N., R. 67 E., sec. 1.
T. 11 N., R. 67 E.,
sec. 3, W½E½ and W½;
sec. 4, E½E½;
sec. 9, E½E½;
sec. 10, W½E½ and W½;
sec. 14, S½;
sec. 15;
sec. 16, E½NE¼;
sec. 22, N½;
secs. 23, 24, 25, and 36.
T. 12 N., R. 67 E.,
sec. 1, N½;
sec. 2, N½ and SW¼;
secs. 3, 4, 5, and 6;
sec. 9, E½;
sec. 10;
sec. 11, W½;
sec. 14, W½;
sec. 15;
sec. 22, NE¼ and E½SE¼;
sec. 23, W½E½ and W½;
sec. 25, NE¼, NE¼NW¼, S½NW¼, SW¼, and NW¼SE¼;
sec. 26, NW¼NE¼, S½NE¼, NW¼, and S½;
sec. 27, E½NE¼, S½SW¼, NE¼SE¼, and S½SE¼;
sec. 33, E½;
sec. 34;
sec. 35, NW¼NE¼ and N½NW¼.
T. 13 N., R. 67 E.,
secs. 31, 32, and 33;
sec. 34, SW¼ and S½SE¼;
sec. 35, S½SW¼ and SE¼;
sec. 36, S½.

T. 14 N., R. 67 E.,
secs. 6, 7, 13, and 14;
sec. 15, E½;
secs. 18 and 19;
sec. 20, SE¼;
sec. 21, S½;
sec. 22;
sec. 23, W½;
sec. 27, N½;
sec. 28, N½;
sec. 29, NE¼ and W½NW¼;
secs. 30 and 31.
T. 15 N., R. 67 E., secs. 30 and 31.
T. 20 N., R. 67 E., secs. 5, 7, and 8.
T. 21 N., R. 67 E., secs. 5, 8, 17, 20, 29, and 32.
T. 22 N., R. 67 E., secs. 18, 19, 29, 30, and 32.
T. 6 N., R. 68 E., secs 3, 10, 11, 13, and 14.
T. 7 N., R. 68 E., secs. 3, 10, 15, 22, 27, and 34.
T. 8 N., R. 68 E., secs. 3, 10, 15, 22, 27, and 34.
T. 9 N., R. 68 E., secs. 4, 9, 15, 16, 22, 27, and 34.
T. 10 N., R. 68 E.,
sec. 4, W½;
secs. 5 and 6;
sec. 8, E½;
sec. 9, NW¼ and S½;
sec. 16;
sec. 17, NE¼;
secs. 21, 28, and 33.
T. 14 N., R. 68 E.,
secs. 1, 2, 3, and 4;
sec. 8, SE¼;
secs. 9, 10, 11, 12, 16, 17, and 18.
T. 5 N., R. 69 E., secs. 2, 11, 13, and 14.
T. 6 N., R. 69 E., secs. 15, 16, 17, 18, 22, 27, and 34.
T. 14 N., R. 69 E.,
sec. 5, SW¼;
secs. 6, 7, and 8;
sec. 14, NE¼SW¼, S½SW¼, N½SE¼, and SW¼SE¼;
sec. 15, NE¼, NE¼NW¼, and S½;
sec. 16, S½NE¼, NW¼, and S½;
sec. 17;
sec. 18, NE¼;
sec. 21, N½;
secs. 22 and 23;
sec. 24, NW¼NW¼, S½NW¼, and S½;
sec. 25.
T. 2 N., R. 70 E.,
secs. 4 and 9;
sec. 16, N½ and SW¼;
sec. 17, NE¼ and S½;
secs. 19 and 20.
T. 3 N., R. 70 E., secs. 4, 9, 16, 21, 28, and 33.
T. 4 N., R. 70 E., secs 4, 9, 16, 21, 28, and 33.
T. 5 N., R. 70 E.,
sec. 18;
sec. 19, NE¼, N½NW¼, and S½;
secs. 20, 21, 28, and 33.
T. 14 N., R. 70 E.,
sec. 25, S½;
sec. 26, S½;
sec. 27, S½;
sec. 28, S½;
sec. 29, S½;
sec. 30;
sec. 31, N½;
secs. 32 to 36, inclusive.
T. 1 S., R. 58 E.,
sec. 2;
sec. 3, N½ and SE¼;
sec. 11;
sec. 12, NW¼ and S½;
sec. 13;
sec. 14, NE¼;
sec. 24;
sec. 25, N½ and SE¼.
T. 1 S., R. 59 E.,
sec. 19, SW¼;
secs. 30 and 31.
T. 2 S., R. 59 E., secs. 6, 7, 18, 19, 30, and 31.
T. 3 S., R. 59 E.,
secs. 6, 7, and 8;
sec. 16, W½;
sec. 17;
sec. 20, E½;
sec. 21, NW¼ and S½;
sec. 28;
sec. 29, NE¼;
sec. 33.
T. 4 S., R. 59 E.,
secs. 4 and 9;
sec. 10, SW¼;
sec. 15;
sec. 16, N½ and SE¼;
sec. 22;
sec. 23, SW¼;
sec. 26;
sec. 27, N½ and SE¼;
sec. 35, W½.

The areas described, including both public and non-public lands, aggregate 682,319.18 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

OCTOBER 20, 1942.

[F. R. Doc. 42-11366; Filed, November 3, 1942; 2:39 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of Special Certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective November 5, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-lined Garments Divisions of the Apparel Industry

Alan Dress Co., 808 Chestnut St., Klupmont, Pennsylvania; Dresses; 10 learners (T); November 5, 1943.

Altoona Factories, 1715 11th Ave., Altoona, Pennsylvania; Work Trousers, overalls, hunting clothes; 10 percent (T); November 5, 1943.

Chickadee Dress Co., 835 E. 4th St., Bethlehem, Pennsylvania; Ladies' dresses; 10 percent (T); November 5, 1943.

Eloesser-Heynemann Co., 1161 Mission St., San Francisco, California; Overalls, pants and shirts; 10 percent (T); November 5, 1943.

Ely & Walker Dress Factory, 1200 So. 8th St., St. Louis, Missouri; Popular priced junior dresses; 10 percent (T); November 5, 1943.

Ely & Walker Dry Goods Co., Illmo, Missouri; Overalls & jackets, trousers; 10 percent (T); November 5, 1943.

Ely & Walker Lingerie Factory, Warrenton, Missouri; Slips, women's and children's pants, pajamas and nightgowns; 10 percent (T); November 5, 1943.

Fishman & Tobin, Broad & Carpenter Sts., Philadelphia, Pennsylvania; Boys' wash suits; 10 percent (T); November 5, 1943.

Harrisburg Children's Dress Co., 14 & Howard Sts., Harrisburg, Pennsylvania; Children's wearing apparel; 10 percent (T); November 5, 1943.

The Hawk & Buck Co., Inc., 316 Washington St., Waco, Texas; Cotton pants and coveralls for U. S. Quartermaster, cotton work clothes; 10 percent (T); November 5, 1943.

Hollywood Maxwell Co., 437 S. Pleasant St., Princeton, Illinois; Brassieres; 5 learners (T); November 5, 1943.

Industrial Garment Co., 2517 St. Main St., Los Angeles, California; Work pants, coveralls, work shirts; 25 learners (E); May 5, 1943.

Abe Kahn Halbreich Co., Elizabethtown, Pennsylvania; Cotton dresses; 7 learners (T); November 5, 1943.

Joseph Malouf Co., 755 Market St., San Francisco, California; Ladies' slips; 10 learners (T); November 5, 1943.

The NuBone Co., Inc., 25th & Ash Sts., Erie, Pennsylvania; Corsets, brassieres, surgical belts and back braces; 10 percent (T); November 5, 1943.

Public Overall Co., Inc., Main St., Bloomingdale, New Jersey; Overalls; 5 learners (T); November 5, 1943.

W. & G. Mfg. Co., Market St., Blades, Delaware; Pajamas and shirts; 10 percent (T); November 5, 1943.

Wilson Shirt Co., 180 Trinity Ave., Atlanta, Georgia; Shirts; 10 percent (T); November 5, 1943.

Glove Industry

Jules Gignac, 5 Allen St., Gloversville, New York; leather dress gloves; 1 learner (T); November 5, 1943.

Hosiery Industry

H. R. H. Silk Hosiery Mills of Illinois, 3rd & Springs Sts., Quincy, Illinois; Seamless hosiery; 5 learners (T); November 5, 1943.

Johns City Mills, New St. & Southern Railway, Johnson City, Tennessee; Seamless and full-fashioned hosiery; 5 percent (T); November 5, 1943.

Wm. G. Leininger Knitting Co., Main Mill, Mohnton, Pennsylvania; Seamless hosiery; 5 percent (T); November 5, 1943.

Wm. G. Leininger Knitting Co., Lyons Plant, Lyons, Pennsylvania; Seamless hosiery; 5 learners (T); November 5, 1943.

Wm. G. Leininger Knitting Co., Wilton Plant, Mohnton, Pennsylvania; Seamless hosiery; 5 learners (T); November 5, 1943.

Wm. G. Leininger Knitting Co., Eshelman Plant, Mohnton, Pennsylvania; Seamless hosiery; 5 learners (T); November 5, 1943.

Rambo & Regar, Inc., Main below Ford St., Norristown, Pennsylvania; Seamless hosiery; 5 percent (T); November 5, 1943.

Knitted Wear Industry

Elmira Knitting Mills, Prospect Ave., Elmira Heights, New York; Knitted underwear; 5 percent (T); November 5, 1943.

Textile Industry

Muster Co., Adams Ave., Berwick, Pennsylvania; Thrown silk; 3 learners (T); November 5, 1943.

Newark Silk Co., Inc., 731 S. Franklin St., Wilkes-Barre, Pennsylvania; Rayon; 3 percent (T); November 5, 1943.

Signed at New York, N. Y., this 3d day of November 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-11395; Filed, November 4, 1942; 11:32 a. m.]

BUFFALO WOVEN LABEL WORKS, INC.

CANCELLATION OF SPECIAL CERTIFICATES CONFIRMED

Notice of confirmation of cancellation of Special Certificates for the employment of learners in the textile industry.

Notice is hereby given that the Findings and Determination of the duly authorized representative of the Administrator dated September 10, 1942, directing that the special certificates for the employment of learners, namely (1) certificate dated June 21, 1940 authorizing the employment of no more than three learners at any one time, (2) certificate dated October 23, 1941 authorizing the employment of no more than three learners at any one time, and (3) certificate dated October 23, 1941 authorizing the employment of no more than two learners at any one time, issued to the Buffalo Woven Label Works, Inc., of Buffalo, New York, be cancelled as of the first date of violation because of violation of their terms, is hereby confirmed.

This order of confirmation shall not become effective and enforceable until after the expiration of a fifteen-day period following the date on which this notice appears in the FEDERAL REGISTER. During this time, petition for review by the Administrator or by an authorized representative who has had no part in the proceedings heretofore may be filed by any directly interested and aggrieved party pursuant to § 522.151 of the regulations. If a petition is properly filed, the effective date of the order confirming the cancellation shall be postponed until final action is taken on the petition.

Signed at New York, New York, this 30th day of October 1942.

ISABEL FERGUSON,
Duly Authorized Representative of the Administrator.

[F. R. Doc. 42-11393; Filed, November 4, 1942; 11:32 a. m.]

SEAMLESS HOSIERY INDUSTRY

HEARING ON MINIMUM WAGE RECOMMENDATIONS

Notice of hearing on the minimum wage recommendations of Industry Committee No. 21 for the Seamless Hosiery Industry to be held November 24, 1942.

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, pursuant to the provisions of sections 5 and 8 of the Fair Labor Standards Act of 1938 approved the recommendation of Industry Committee No. 21 for the Seamless Hosiery Industry for a minimum wage rate of 36-cents per hour in such industry and issued a wage order on July 10, 1941 making said minimum effective on September 15, 1941; and

Whereas, the Acting Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938 on September 23, 1942, by Administrative Order No. 158, reconvened Industry Committee No. 21 for the Seamless Hosiery Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 21, on October 29, 1942, recommended a minimum wage rate for the Seamless Hosiery Industry and duly adopted a report containing such recommendations and reasons therefor and filed such report with the Administrator on November 2, 1942, pursuant to section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 21 if he finds that the recommendation is made in accordance with the law and is supported by the evidence adduced at the hearing before him and taking into consideration the same factors as are required to be considered by the industry committee, will carry out the purposes of section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 21 is as follows:

> Wages at a rate of not less than forty cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Seamless Hosiery Industry (as defined in Administrative Order No. 158) who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Seamless Hosiery Industry as set forth in Administrative Order No. 158 issued September 23, 1942, is as follows:

> The manufacturing or processing of seamless hosiery, including among other processes the knitting, dyeing, clocking and all phases of finishing seamless hosiery, but not including the manufacturing or processing of yarn or thread.

III. The full text of the report and recommendation of Industry Committee No. 21 is and will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, Old South Building, 294 Washington Street.
New York, New York, 341 Ninth Avenue.
Newark, New Jersey, Essex Building, 31 Clinton Street.
Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut and Juniper Streets.
Pittsburgh, Pennsylvania, Clark Building, Liberty Avenue & Seventh Street.
Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.
Baltimore, Maryland, 201 North Calvert Street.
Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.
Columbia, South Carolina, Federal Land Bank Building, Hampton and Marion Streets.
Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street, N. E.
Jacksonville, Florida, 456 New Post Office Building.
Birmingham, Alabama, 1908 Comer Building, 2nd Avenue and 21st Street.
New Orleans, Louisiana, 916 Union Building.
Jackson, Mississippi, 402 Deposit Guaranty Bank Building, 102 Lamar Street.
Nashville, Tennessee, 509 Medical Arts Building, 115 Seventh Avenue, N.
Cleveland, Ohio, Main Post Office, West 3rd and Prospect Avenue.
Cincinnati, Ohio, 1312 Traction Building, 5th and Walnut Streets.
Detroit, Michigan, David Scott Building, 1150 Griswold Street.
Chicago, Illinois, 1200 Merchandise Mart, 222 W. North Bank Drive.
Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 504 Title and Trust Building, 10th and Walnut Streets.
St. Louis, Missouri, 316 Old Customs House.
Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.
Dallas, Texas, Rio Grande National Building, 1100 Main Street.
San Francisco, California, 500 Humboldt Bank Building, 785 Market Street.
Los Angeles, California, 417 H. W. Hellman Building.
Seattle, Washington, 305 Post Office Building, 3d Avenue and Union Street.
San Juan, Puerto Rico, Post Office Box 112.
Washington, District of Columbia, Department of Labor, 1st Floor.
New York, New York, 165 West 46th Street.

Copies of the committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

IV. A public hearing will be held on November 24, 1942, before Major Robert N. Campbell, Presiding Officer, at 10:00 a. m. in Room 1610, 165 West 46th Street, New York, New York, for the purpose of taking evidence on the following question:

1. Whether the recommendation of Industry Committee No. 21 should be approved or disapproved.

V. Any interested persons supporting or opposing the recommendation of Industry Committee No. 21 may appear at the aforesaid hearing to offer evidence, either on his behalf or on behalf of any other person; provided that not later than November 17, 1942, such person shall file with the Administrator at New York, New York, a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 21.
4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 21 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, or by consulting with attorneys representing the Administrator who will be available for that purpose at the Office of the Solicitor, United States Department of Labor, in Washington, D. C., and New York, New York.

VII. Copies of the following documents relating to the Seamless Hosiery Industry will be made available on request for inspection by any interested person who intends to appear at the aforesaid hearing:

Release. "Estimated Intercity Differences in Cost of Living," June 1 1942, prepared by the Bureau of Labor Statistics, U. S. Department of Labor.

Release. "The Cost of Living," August 15, 1942, prepared by the Bureau of Labor Statistics, U. S. Department of Labor.

Report. "Minimum Wages in the Seamless Hosiery Industry," March 1941, prepared by the Economics Branch of the Wage and Hour Division.

Release. "Memorandum on Recent Economic Developments in the Seamless Hosiery Industry," October 1942, prepared by the Economics Branch of the Wage and Hour Division.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Presiding Officer as are deemed appropriate:

1. The hearings shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice, he will not be permitted to offer evidence at any other time except by special permission of the Presiding Officer.

3. At the discretion of the Presiding Officer, the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the Presiding Officer, or by other appropriate notice.

4. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the Presiding Officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the Presiding Officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the Presiding Officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be put in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The Presiding Officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person insofar as is practicable, and to object to the admission or exclusion of evidence by the Presiding Officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the Presiding Officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the Presiding Officer.

12. Before the close of the hearing, the Presiding Officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the Presiding Officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the procedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing, the Presiding Officer shall forthwith file a complete record of the proceedings with the Administrator. The Presiding Officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 3d day of November 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-11394; Filed, November 4, 1942; 11:30 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G–412]

UNITED FUEL GAS COMPANY

ORDER AUTHORIZING WITHDRAWAL OF RATE SCHEDULE, ETC.

NOVEMBER 3, 1942.

Order authorizing withdrawal of rate schedule, and vacating order of September 1, 1942.

It appearing to the Commission that:

(a) By order of September 1, 1942, a hearing was set for November 9, 1942, concerning the lawfulness of proposed increased rates or charges as provided for by United Fuel Gas Company Rate Schedule FPC No. 22 for the sale of natural gas by United Fuel Gas Company to Louisville Gas & Electric Company for resale for ultimate public consumption;

(b) Pending such hearing and decision thereon, it was further ordered that the proposed increased rates or charges be suspended and that the rates or charges contained in United Fuel Gas Company Rate Schedule FPC No. 3 and Supplements Nos. 1 and 2 and Supplement No. 2 to Supplement No. 2 to said rate schedule be continued in full force and effect;

(c) On October 30, 1942, United Fuel Gas Company filed an application for authority to withdraw its Rate Schedule FPC No. 22 and to continue the sale of natural gas to Louisville Gas & Electric Company in accordance with the provisions of United Fuel Gas Company Rate Schedule FPC No. 3 and Supplements Nos. 1 and 2 and Supplement No. 2 to Supplement No. 2 to said rate schedule;

The Commission finds that:

It will be consistent with the public interest to permit the requested withdrawal of United Fuel Gas Company Rate Schedule FPC No. 22 and to vacate the aforesaid order of September 1, 1942;

The Commission *Orders*, That:

(A) United Fuel Gas Company be and it is hereby authorized to withdraw its Rate Schedule FPC No. 22;

(B) United Fuel Gas Company Rate Schedule FPC No. 3 and Supplements Nos. 1 and 2 and Supplement No. 2 to Supplement No. 2 to said rate schedule shall remain and continue in full force and effect;

(C) The said order of September 1, 1942, be and it is hereby vacated;

(D) Nothing contained in this order shall be construed as constituting approval by this Commission of any service, rate, provision or condition contained in United Fuel Gas Company Rate Schedule FPC No. 3 and Supplements Nos. 1 and 2 and Supplement No. 2 to Supplement No. 2 to said rate schedule;

(E) This order is without prejudice to any findings or orders which may be made by the Commission in any proceedings now pending or hereafter instituted by or against the United Fuel Gas Company.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42–11390; Filed, November 4, 1942; 11:27 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4655]

PLATTNER DISTRIBUTING CO.

ORDER APPOINTING TRIAL EXAMINER, ETC.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of November, A. D. 1942.

In the matter of Harry V. Plattner, an individual, trading as Plattner Distributing Company.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, November 10, 1942, at two-thirty o'clock in the afternoon of that day (eastern standard time) in a hearing room of the Federal Trade Commission Building, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42–11382; Filed, November 4, 1942; 10:59 a. m.]

[Docket No. 4782]

FRANKLIN SALES CO.

ORDER APPOINTING TRIAL EXAMINER, ETC.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3rd day of November, A. D. 1942.

In the matter of Myron Trotcky, an individual trading as Franklin Sales Company.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 USCA, section 41),

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding, and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, November 10, 1942, at two-thirty o'clock in the afternoon of that day (eastern standard time) in a hearing room of the Federal Trade Commission Building, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42–11383; Filed, November 4, 1942; 10:59 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT B–28]

BOSTON—SPRINGFIELD, MASS.

MOTOR VEHICLE PASSENGER SERVICE COORDINATION

Directing coordinated operation of passenger carriers by motor vehicle between Boston and Springfield, Massachusetts.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers filed with the Office of Defense Transportation by Boston, Worcester & New York Street Railway Company, Framingham, Massachusetts, and Peter Picknelly, doing business as The Peter Pan Bus Lines, Springfield, Massachusetts, pursuant to § 501.49, Subpart H, (General Order ODT 11[1]), Part 501, Chapter II, Title 49 of the Code of Federal Regulations, and in order to assure maximum utilization of the facilities, services, and equipment of common carriers of passengers by motor vehicle, and to conserve and providently utilize vital equipment, material, and supplies, including rubber, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Boston, Worcester & New York Street Railway Company and Peter Picknelly, doing business as The Peter Pan Bus Lines, (hereinafter collectively called "carriers"), respectively, in the transportation of passengers on the routes served by them between Boston and Springfield, Massachusetts, as common carriers by motor vehicle, shall:

(a) Honor each other's tickets between all points common to their lines where equal fares apply and divert to each other traffic routed between such points for the purpose of relieving overloads and reducing the operation of additional equipment in extra sections;

(b) Adjust and establish schedules to eliminate duplication of times of departure of the respective carriers and provide reasonable frequency of service throughout the day;

(c) Wherever practicable eliminate duplicate depot facilities and commission ticket agencies, and, in lieu thereof, utilize joint depot facilities and joint commission ticket agencies. Contracts, agreements, and arrangements for any such joint facilities and agencies shall not extend beyond the effective period of this order. At such depot facilities and commission ticket agencies used jointly by the carriers, service, travel information, and ticket sales shall be impartial, without preference or discrimination for or against either of such carriers;

(d) Publish consolidated time tables.

2. Between Boston and Springfield, Massachusetts, Boston, Worcester & New York Street Railway Company shall operate a through service of not to exceed one round trip daily, and Peter Picknelly shall operate a through service of not to exceed six round trips on week days and seven round trips on Sundays and legal holidays.

3. The carriers forthwith shall file with the Interstate Commerce Commission in respect of transportation in interstate or foreign commerce, and with each appropriate State regulatory body in respect of transportation in intrastate commerce, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements, to filed tariffs, setting forth any changes in the fares, charges, operations, rules, regulations, and practices of each carrier which may be necessary to accord with the provisions of this order together with a copy of this order; and forthwith shall apply to said Commission and each such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

4. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT B–28."

This order shall become effective November 12, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this fourth day of November, 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42–11384; Filed, November 4, 1942; 10:59 a. m.]

[Special Order ODT B–29]

MILWAUKEE—LAKE GENEVA, WIS.

MOTOR VEHICLE PASSENGER SERVICE COORDINATION

Directing coordinated operation of passenger carriers by motor vehicle between Milwaukee and Lake Geneva, Wisconsin.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers filed with the Office of Defense Transportation by Peoria-Rockford Bus Company, Rockford, Illinois, and Alfred E. Bramucci, doing business as Midland Coach Lines, Burlington, Wisconsin pursuant to section 501.49 of General Order ODT 11,[1] and in order to assure maximum utilization of the facilities, services, and equipment of common carriers of passengers by motor vehicle, and to conserve and providently utilize vital equipment, material, and supplies, including rubber, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Peoria-Rockford Bus Company and Alfred E. Bramucci, doing business as Midland Coach Lines, (hereinafter collectively called "carriers"), respectively, in the transportation of passengers on the routes served by them between Milwaukee and Lake Geneva, Wisconsin, as common carriers by motor vehicle, shall:

(a) Honor each other's tickets between all points common to their lines where equal fares apply and divert to each other traffic routed between such points for the purpose of relieving overloads and reducing the operation of additional equipment in extra sections;

(b) Adjust and establish schedules to eliminate duplication of times of departure of the respective carriers and provide reasonable frequency of service throughout the day;

(c) Wherever practicable eliminate duplicate depot facilities and commission ticket agencies and, in lieu thereof, utilize depot facilities and joint commission ticket agencies. Contracts, agreements, and arrangements for any such joint facilities and agencies shall not extend beyond the effective period of this order. At such depot facilities and commission ticket agencies used jointly by the carriers, service, travel information, and ticket sales shall be impartial without preference or discrimination for or against any of such carriers.

2. Between Milwaukee and Lake Geneva, Wisconsin, Peoria-Rockford Bus Company and Alfred E. Bramucci each shall operate a through service of not to exceed three round trips daily.

3. The carriers forthwith shall file with the Interstate Commerce Commission in respect of transportation in interstate or foreign commerce, and with the Wisconsin Public Service Commission in respect of transportation in intrastate commerce, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in fares, charges, operations, rules, regulations, and practices of each carrier which may be necessary to accord with the provisions of this order, together with a copy of this order; and forthwith shall apply to said commissions for special permission for such tariffs or supplements to become effective on one day's notice.

4. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT B–29."

This order shall become effective November 12, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 4th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42–11385; Filed, November 4, 1942; 11:00 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Suspension Order 152]

ROY HARRIMAN AND NORA HARRIMAN

RESTRICTING TRANSACTIONS

Roy Harriman and Nora Harriman, co-partners, doing business as Roy's Milk Bar, 1600 Jackson Street, Baltimore, Maryland, hereinafter called respondents, were duly served with a notice of specific charges of violation of Rationing Order No. 3, Sugar Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing upon the charges was held on September 11, 1942, in Baltimore, Maryland. There appeared a representative of the Office of Price Administration and the respondents. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been duly considered by the Deputy Administrator, it is hereby determined that:

(a) On the 29th day of April, 1942, respondents registered for Roy's Milk Bar, an industrial user of sugar, located at 1600 Jackson Street, Baltimore, Maryland, and filed OPA Form R–310 with local Rationing Board No. 4, Baltimore County, Maryland;

(b) Respondents have violated § 1407.83 of Rationing Order No. 3, Sugar Rationing Regulations in that on said OPA Form R–310 respondents declared that the quantity of sugar used by them in the production of bottle beverages, flavoring extracts, and syrups was 4,000 pounds per month for the months of May, June, July, August and September of 1941, whereas the quantity of sugar in fact used by respondents for such purposes during each of those months was a much smaller amount;

(c) By reason of the false statements made by them on OPA Form R–310 respondents subsequently received allotments of sugar upon their applications for the months of May, June, July and August, 1942, in amounts in excess of those to which they were entitled under Rationing Order No. 3, Sugar Rationing Regulations.

Because of the great scarcity of sugar in the United States the violations of Rationing Order No. 3, Sugar Rationing Regulations resulted in the diversion of sugar from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to the national defense. It appears to the Deputy Administrator that further violations of Rationing Order No. 3, Sugar Rationing Regulations by respondents are likely unless appropriate administrative action is taken;

It is therefore ordered:

(d) The registration of Roy's Milk Bar as an industrial user of sugar made by respondents on the 29th of April, 1942, together with OPA Form R–310 filed by respondents in connection therewith, is hereby cancelled and all allotments of sugar based on such registration or form are hereby revoked.

(e) Upon cancellation and revocation of respondents' registration and allot-

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[1] 7 F.R. 4389.

[1] 7 F.R. 4389.

ments as aforesaid, respondents shall be entitled to register anew for Roy's Milk Bar as an industrial user of sugar. Such registration shall be made by petition on OPA Form R-315 and in accordance with the provisions of § 1407.163 of Rationing Order No. 3, Sugar Rationing Regulations. Such petition on OPA Form R-315 shall be deemed filed as of April 28, 1942, and respondents shall be entitled to allotments in the appropriate amounts for all periods since that date but future allotments shall be adjusted by deducting therefrom the excess amounts of sugar heretofore obtained by respondents by reason of their original improper registration and allotments based thereon.

(f) Any terms used in this Suspension Order that are defined in Rationing Order No. 3, Sugar Rationing Regulations, shall have the meaning therein given them.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. 9125; 7 F.R. 2719; W.P.B. Dir. 1 and Supp. Dir. 1E, 7 F.R. 2965)

Issued and effective this 3d day of November 1942.

[SEAL] PAUL M. O'LEARY,
Deputy Administrator,
In Charge of Rationing.

[F. R. Doc. 42-11347; Filed, November 3, 1942; 12:13 p. m.]

[Suspension Order 153]

GEORGE KALASHIAN AND JERE A. LEARY

ORDER RESTRICTING TRANSACTIONS

George Kalashian and Jere A. Leary, doing business as Kalashian and Leary, 2 Kent Street, Newburyport, Massachusetts, hereinafter called respondents were duly served with a notice of specific charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing upon the charges was held on September 25, 1942, in Boston, Massachusetts. There appeared a representative of the Office of Price Administration and respondents. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been duly considered by the Deputy Administrator, it is hereby determined that:

(a) On July 22, 1942, respondents were both dealers in and intermediate distributors of gasoline having their place of business in Newburyport, Massachusetts.

(b) Respondents have violated § 1394.1601 of Ration Order No. 5A, Gasoline Rationing Regulations in that on July 23, 1942, in their registration with War Price and Rationing Board No. 24, Newburyport, Massachusetts, on OPA Form R-545 they registered their total gasoline storage capacity as 22,000 gallons and their total inventory of gasoline on hand as of their first opening of business on July 22, 1942, as 3,610 gallons; whereas the total capacity of respondents' gasoline storage facilities was in fact 21,270 gallons and their total inventory of gasoline was in fact 11,132 gallons.

(c) Respondents have violated § 1394.1601 of Ration Order No. 5A, Gasoline Rationing Regulations in that on July 27, 1942, in an amended registration with War Price and Rationing Board No. 24, Newburyport, Massachusetts, respondents registered their total inventory of gasoline on hand as of their first opening of business on July 22, 1942, as 10,368 gallons, whereas such total inventory of gasoline was in fact 11,132 gallons.

The violations of Ration Order No. 5A, Gasoline Rationing Regulations by respondents have interfered with the effective administration and enforcement of Ration Order No. 5A, Gasoline Rationing Regulations, which have been prescribed in the public interest and to promote the national defense. It appears to the Deputy Administrator that further violations of Ration Order No. 5A, Gasoline Rationing Regulations by respondents are likely unless appropriate administrative action is taken.

It is therefore ordered, That:

(d) During the period in which this suspension order shall be in effect:

(1) Respondents shall not sell, transfer or deliver any gasoline to any person.

(2) Respondents shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline.

(3) No person, firm or corporation shall deliver, or in any manner directly or indirectly transfer any gasoline to respondents.

(e) Within three days after the effective date of this order, respondents appear before War Price and Rationing Board No. 24, Newburyport, Massachusetts, and correct the registration made on July 27, 1942, and surrender to said Board gasoline rationing coupons for 764 gallons of gasoline.

(f) Any terms used in this Suspension Order No. 153 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(g) This suspension order shall become effective 12:01 A. M. November 9, 1942, and unless sooner terminated, shall expire 12:01 A. M. January 8, 1943.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong.; E.O. 9125, 7 F.R. 2719; W.P.B. Dir. 1 and Supp. Dir. 1H, 7 F.R. 3378, 3877, 5216)

Issued this 3d day of November 1942.

[SEAL] PAUL M. O'LEARY,
Deputy Administrator,
In Charge of Rationing.

[F. R. Doc. 42-11348; Filed, November 3, 1942; 12:13 p. m.]

[Order 73 Under MPR 120]

PRINCESS PAT COAL, INC.

ORDER GRANTING ADJUSTMENT

Order No. 73 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 1120-80-P.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and Revised Procedural Regulation No. 1, *It is ordered:*

(a) Princess Pat Coal, Incorporated, Cumberland, Maryland, may sell and deliver, and any person may buy and receive the bituminous coal described in paragraph (b) at prices not in excess of the respective prices stated therein for shipment by rail.

(b) Coals produced in Size Group 6 by Princess Pat Coal, Incorporated, at its Princess Pat Mine (Mine Index No. 1338) in District No. 3 may be sold for shipment by rail at prices not to exceed $2.65 per net ton f. o. b. the mine.

(c) This Order No. 73 may be revoked or amended by the Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(e) This Order No. 73 shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11326; Filed, November 3, 1942; 11:23 a. m.]

[Order 5 Under MPR 204]

METALS RESERVE CO., ET AL.

PRICES FOR COPPER SCREENING

Order No. 5 under Maximum Price Regulation No. 204—Idle or Frozen Materials Sold Under Priorities Regulation No. 13.

An opinion in support of this Order No. 5 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and § 1499.506 of Maximum Price Regulation No. 204 and in accordance with Procedural Regulation No. 1, *It is hereby ordered* That:

(a) *Maximum prices for copper and copper base alloy insect screening sold or delivered to the Metals Reserve Company, the Copper Recovery Corporation or any agent thereof.* The maximum price for any copper or copper base alloy insect screening sold or delivered to the Metals Reserve Company, the Copper Recovery Corporation or any agent thereof pursuant to the program for the acquisition thereof announced by the War Production Board on October 19, 1942 (Salvage Program IRB-21) shall be the net price paid for such screening by the holder thereof plus 10% of such net price f. o. b. cars or trucks or, if by water, f. a. s. shipping point.

(b) As used in this Order No. 5:

(1) "Copper or copper base alloy insect screening" means wire mesh cloth made of copper or of copper base alloy containing 90% or more of copper.

(2) "Net price paid" means the list price which prevailed in the market in which the screening was purchased less standard discounts and any extra or special discount and less any allowance of any nature whatever and excluding any freight or handling charges.

(c) This Order No. 5 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 5 shall become effective as of October 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11325; Filed, November 3, 1942; 11:23 a. m.]

[Order 7 Under RPS 28]

MID-VALLEY DISTILLING CORPORATION

ORDER GRANTING ADJUSTMENT

Order No. 7 under Revised Price Schedule No. 28—Ethyl Alcohol—Docket No. 3028-11.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

(a) Notwithstanding anything to the contrary contained in Revised Price Schedule No 28 or in the General Maximum Price Regulation, Mid-Valley Distilling Corporation, Archbald, Pennsylvania, may charge for deliveries of ethyl alcohol of 188 proof or higher, of any formulae thereof, including pure ethyl alcohol, made to the Defense Supplies Corporation, Washington, D. C., and to the United States Treasury Department during the period August 16 to September 30, 1942, inclusive, prices not in excess of those set forth below:

$.8058 per wine gallon, f. o. b. plant.

(b) All prayers of the applicant not granted herein are denied.

(c) This Order No. 7 under Revised Price Schedule No. 28 shall become effective November 3, 1942, and shall operate retroactively from August 16, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11327; Filed, November 3, 1942; 11:23 a. m.]

[Order 6 Under MPR 204]

METALS RESERVE CO., ET AL.

PRICES FOR CADMIUM, ETC.

Order No. 6 under Maximum Price Regulation No. 204—Idle or Frozen Materials Sold Under Priorities Regulation No. 13.

An opinion in support of this Order No. 6 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and § 1499.506 of Maximum Price Regulation No. 204 and in accordance with Procedural Regulation No. 1, it is hereby ordered that:

(a) *Maximum prices for cadmium, cadmium oxide, cadmium scrap and cadmium alloy scrap sold or delivered to Metals Reserve Company or any agent thereof.* (1) The maximum prices for cadmium, cadmium oxide, cadmium scrap and cadmium alloy scrap sold or delivered to Metals Reserve Company or any agent thereof pursuant to a program for the acquisition thereof announced by the War Production Board on October 21, 1942, (Salvage Program IRB-20) shall be the following:

Type of material:	*Price f. o. b. plant of the Udylite Corp., Detroit, Mich.*
1. Unused anodes (all shapes, including ball and patented shapes) (cents per pound of material)	95
2. Partially used anodes (all shapes, including ball and patented shapes) (cents per pound of material)	94
3. Pigs, slabs, bars, plates, sticks, pencils, rods, ingots, and all other "regular", straight or flat forms (cents per pound of material)	90
4. Cadmium oxide (dry and properly packaged) (cents per pound of material)	95
5. Cadmium scrap (cents per pound of cadmium contained)	35

(b) As used in this Order No. 6:

(1) "Cadmium" means cadmium metal of a purity of at least 99.90% and containing not in excess of .05% silver, lead or tin or any combination thereof and not in excess of .005% arsenic, antimony and thallium or any combination thereof, the remaining major impurities being limited to cadmium oxide, zinc and iron.

(2) "Cadmium oxide" means cadmium which has been oxidized into a dry powder having a cadmium metallic content of not less than 84% and containing not in excess of .05% silver, lead or tin or any combination thereof and not in excess of .005% arsenic, antimony and thallium or any combination thereof, the remaining major impurities being limited to zinc and iron.

(3) "Cadmium scrap and cadmium alloy scrap" means any scrap materials containing any cadmium or cadmium alloy except material which has been plated with cadmium or furnace drosses containing cadmium.

(c) This Order No. 6 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 6 shall become effective as of October 21, 1942.

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11360; Filed, November 3, 1942; 1:37 p. m.]

[Order 7 Under MPR 204]

METALS RESERVE CO., ET AL.

PRICES FOR IRIDIUM, ETC.

Order No. 7 under Maximum Price Regulation No. 204—Idle or Frozen Materials Sold Under Priorities Regulation No. 13.

An opinion in support of this Order No. 7 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and section 1499.506 of Maximum Price Regulation No. 204 and in accordance with Procedural Regulation No. 1, it is hereby ordered that:

(a) *Maximum prices for iridium, iridium alloys and iridium-containing scrap sold or delivered by a manufacturing jeweler to the Metals Reserve Company or any agent thereof.* (1) The maximum prices for iridium, iridium alloys or iridium-containing scrap sold or delivered by a manufacturing jeweler to the Metals Reserve Company or any agent thereof pursuant to the program for the acquisition thereof announced by the War Production Board on October 20, 1942, (Salvage Program IRB-17) shall be determined on the following basis:

Contents of material as determined by National Bureau of Standards:	*Price in dollars per ounce troy f. o. b. National Bureau of Standards, Washington, D. C.*
Iridium	$140
Precious metals	32
Palladium	18

subject to the following adjustments:

(i) If any lot of material purchased does not contain at least $\frac{1}{10}$ of an ounce troy of iridium, the sum of $25 shall be deducted from the purchase price of the entire lot.

(ii) If the ratio of the weight of the iridium contained in each separate class to the total weight of such class shall be less than 2½ to 100, the sum of $3 an ounce shall be deducted from the purchase price of such separate class.

(b) As used in this Order No. 7:

(1) "Manufacturing jeweler" means any person who is engaged in any stage of fabrication or assembly of materials or articles for use in or as personal ornaments, time pieces, trophies, exhibit pieces and other similar wares and ornaments.

(2) "Precious metals" means the platinum, ruthenium, osmium, rhodium and gold which may be contained in the material. Palladium is also to be included in the term "precious metals" if 1% or less of palladium exists in any one separate class of the materials offered for sale.

(3) "Lot" means all of the iridium, iridium alloys or iridium-containing scrap shipped at one time by one holder.

(4) "Separate class" means the division by the manufacturing jeweler of any material delivered hereunder into one or more of the three following classifications of material which such manufacturing jeweler may offer, viz:

(i) Raw material: sponge; iridium-containing sheet, wire, bar, et cetera,

(ii) Clean scrap: iridium-containing blanks, settings, findings, and semi-processed, damaged or obsolete jewelry, and

(iii) Other scrap: iridium-containing filings and refines (other than sweepings).

(c) This Order No. 7 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 7 shall become effective as of October 20, 1942.

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11361; Filed, November 3, 1942; 1:31 p. m.]

[Order 8 Under MPR 204]

METALS RESERVE CO., ET AL.

PRICES FOR COPPER BASE ALLOY PRODUCTS, ETC.

Order No. 8 under Maximum Price Regulation No. 204—Idle or Frozen Materials Sold Under Priorities Regulation No. 13.

An opinion in support of this Order No. 8 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and section 1499.506 of Maximum Price Regulation No. 204 and in accordance with Procedural Regulation No. 1, it is hereby ordered that:

(a) *Maximum prices for copper and copper base alloy products and copper and copper base alloy scrap sold or delivered to Metals Reserve Company, Copper Recovery Corporation or any agent thereof.* (1) The maximum price for any copper or copper base alloy product sold or delivered to Metals Reserve Company, Copper Recovery Corporation or any agent thereof, pursuant to the program for the acquisition thereof announced by the War Production Board on May 11, 1942, shall be the price set forth in the "Government's Price Schedule for Purchases of Inactive Inventories of Copper and Copper Base Alloy Products" attached to the aforesaid program: *Provided, however,* That the maximum price for any copper or copper base alloy casting shall be the price set forth in Appendix A attached hereto: *And provided, further,* That the maximum price for any copper base alloy ingot, which the holder thereof had signified his willingness to sell prior to August 19, 1942 by the completion and execution of WPB Form 843-B shall be the price established by the General Maximum Price Regulation prior to August 19, 1942 or the price established by Maximum Price Regulation No. 204, whichever is the higher: *And provided, further,* That the maximum price for any copper base alloy ingot which the holder thereof had not signified his willingness to sell prior to August 19, 1942 shall be the price established by Maximum Price Regulation No. 204.

(2) The maximum price for any copper and copper base alloy scrap sold or delivered to Metals Reserve Company, Copper Recovery Corporation or any agent thereof, pursuant to the program for the acquisition thereof announced by the War Production Board on May 11, 1942 shall be that price set forth in Revised Price Schedule No. 8—Nickel-bearing Scrap Materials, Revised Price Schedule No. 12—Brass Mill Scrap, or Revised Price Schedule No. 20, as amended—Copper Scrap and Copper Alloy Scrap which would have been applicable if the holder of such scrap materials had sold them to a consumer as defined in such Schedules.

(3) As used in this Order No. 8:

(i) "Copper" means copper metal including copper metal produced from scrap.

(ii) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy. It shall include alloy metal produced from scrap.

(iii) "Copper or copper base alloy product" means any product made of copper or copper base alloy fabricated to the extent that it is a sheet, rod, tubing, extrusion, casting, forging, wire, powder, ingot or anode, or fabricated to any greater extent.

(iv) "Copper base alloy ingot" means any alloy ingot in the composition of which the weight of copper metal is 40% or more of the total weight of the ingot.

(v) "Copper or copper base alloy casting" means any casting made from copper or copper base alloy except castings in primary form such as ingots, cakes, widge bars, wire bars, billets, anodes, shot, et cetera.

(vi) "Copper and copper base alloy scrap" includes:

(*a*) Trimmings, borings, clippings, rod ends and similar material;

(*b*) All obsolete, damaged or imperfect material;

(*c*) All remnants of material in less than standard mill widths or lengths, except where the seller can establish by invoices that they were received in such form, and

(*d*) Any material the alloy content of which the seller does not definitely establish on WPB Form 843-A or 843-B.

(4) This Order No. 8 may be revoked or amended by the Price Administrator at any time.

(5) This Order No. 8 shall be effective as of August 20, 1942.

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

APPENDIX A

TABLE A—*Base prices to be paid for copper, copper-zinc, copper-lead, or copper-zinc-lead alloy castings*[1]

[In cents per pound]

Copper content (percent)	Base price per pound
Column 1	Column 2
40.00 to 42.50 incl.	18.05
42.51 to 47.50 incl.	18.20
47.51 to 52.50 incl.	18.33
52.51 to 57.50 incl.	18.48
57.51 to 62.50 incl.	18.63
62.51 to 67.50 incl.	18.76
67.51 to 72.50 incl.	18.90
72.51 to 77.50 incl.	19.04
77.51 to 82.50 incl.	19.19
82.51 to 87.50 incl.	19.33
87.51 to 92.50 incl.	19.46
92.51 to 97.50 incl.	19.60
97.51 to 100.00 incl.	19.75

TABLE B—*Allowances to be added to base prices in table A for alloys containing tin, nickel, or aluminum*

[In cents per pound]

Tin content (percent)	Allowance to be added to base price from table A	Nickel content (percent)	Allowance to be added to base price from table A	Aluminum content (percent)	Allowance to be added to base price from table A
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
0.25 to 2.00 incl.	0.70	0.50 to 3.00 incl.	0.64	0.50 to 2.00 incl.	0.06
2.01 to 4.00 incl.	1.40	3.01 to 6.00 incl.	1.26	2.01 to 4.00 incl.	0.12
4.01 to 6.00 incl.	2.10	6.01 to 9.00 incl.	1.90	4.01 to 6.00 incl.	0.18
6.01 to 8.00 incl.	2.80	9.01 to 12.00 incl.	2.54	6.01 to 8.00 incl.	0.24
8.01 to 10.00 incl.	3.51	12.01 to 15.00 incl.	3.16	8.01 to 10.00 incl.	0.31
10.01 to 12.00 incl.	4.22	15.01 to 18.00 incl.	3.79	10.01 to 12.00 incl.	0.38
12.01 to 14.00 incl.	4.91	18.01 to 21.00 incl.	4.50	12.01 to 14.00 incl.	0.43
14.01 to 16.00 incl.	5.61	21.01 to 24.00 incl.	5.05	14.01 to 16.00 incl.	0.49
16.01 to 18.00 incl.	6.31	24.01 to 27.00 incl.	5.69	16.01 to 18.00 incl.	0.55
18.01 to 20.00 incl.	7.01	27.01 to 30.00 incl.	6.32	18.01 to 20.00 incl.	0.61
20.01 to 22.00 incl.	7.71	30.01 to 33.00 incl.	6.96	20.01 to 22.00 incl.	0.67
22.01 to 24.00 incl.	8.41	33.01 to 36.00 incl.	7.58	22.01 to 24.00 incl.	0.73
24.01 to 26.00 incl.	9.26	36.01 to 40.00 incl.	8.22	24.01 to 26.00 incl.	0.80

[1] No alloying elements other than copper, zinc, lead, tin, nickel, or aluminum are to be considered for determining the prices to be paid for copper base alloy castings.

[F. R. Doc. 42-11362; Filed, November 3, 1942; 1:31 p. m.]

[Order 3 Under RPS 84]

WOODALL INDUSTRIES, INC.

ORDER APPROVING MAXIMUM PRICE

Order No. 3 under Revised Price Schedule No. 84—Radio Receiver and Phonograph Parts.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Woodall Industries, Inc. is authorized to sell, offer to sell or deliver its radio cabinet back, Detrola Radio Part 8634, at a price no higher than $162.58 per 1000 pieces, in quantities of 500 pieces, exclusive of federal excise tax, f. o. b. seller's point of shipment, subject to discounts, allowances and terms no less favorable than those customarily granted by it.

(b) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 3 shall become effective on the 3d day of November 1942.

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11359; Filed, November 3, 1942; 1:32 p. m.]

[Order 37 Under RPS 64]

CALORIC GAS STOVE WORKS

ORDER APPROVING MAXIMUM PRICES

Order No. 37 Under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On May 9, 1942, Caloric Gas Stove Works, Philadelphia, Pennsylvania, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for two new models of gas ranges designated in the application as Models Nos. 4207-1 and 4207-2.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250, *It is hereby ordered:*

(a) Caloric Gas Stove Works may sell, offer to sell or deliver the following new model gas ranges at prices no higher than those specified:

Model No. 4207-1 $27.35 f. o. b. factory to dealers.

Model No. 4207-2 $24.02 f. o. b. factory to dealers.

subject to discounts, allowances and terms no less favorable than those in effect with respect to the respective comparable Models Nos. 4017-1 and 4017-2.

(b) This Order No. 37 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 37 shall become effective on the 3d day of November 1942.

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11363; Filed, November 3, 1942; 1:31 p. m.]

[Order 17 Under RPS 57, Correction]

C. H. MASLAND AND SONS

ORDER ADJUSTING MAXIMUM PRICES

Correction of Order No. 17 under Revised Price Schedule No. 57—Wool Floor Coverings.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, it is ordered that paragraph (a) of Order No. 17 under Revised Price Schedule No. 57 be corrected to read as set forth below:

(a) C. H. Masland & Sons may sell, offer to sell or deliver the new fabrics designated at "MWC-4" and "WMC-6" at prices no higher than $2.81 and $2.35 respectively, per running yard of three-quarter carpet, f. o. b. mill, subject to discounts, allowances, rebates and terms no less favorable than those in effect with respect to the maximum prices for "Peggy Shippen" and "Woodbine" as established by Revised Price Schedule No. 57.

(e) This correction to Order No. 17 under Revised Price Schedule No. 57 shall be effective as of September 24, 1942.

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11223; Filed, November 2, 1942; 2:28 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 55-85]

YORK RAILWAYS COMPANY

ORDER APPROVING MAXIMUM ALLOWANCES

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 2d day of November 1942.

In the matter of York Railways Company, debtor in possession. Applications by: Saul, Ewing, Remick & Harrison, Counsel for York Railways Company; Manuel Kraus and I. H. Krekstein, Tax Consultants for York Railways Company; Tradesmens National Bank and Trust Company, Trustee for Bondholders of York Railways Company; Evans, Bayard and Frick, Counsel for Tradesmens National Bank and Trust Company; Day & Zimmerman, Inc., Expert Witness for York Railways Company.

Applications having been filed by Saul, Ewing, Remick & Harrison; Manuel Kraus and I. H. Krekstein; Tradesmens National Bank and Trust Company; Evans, Bayard and Frick; and Day & Zimmerman, Inc., pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935 and Rule U-63 promulgated thereunder, for approval of the maximum amounts that may be presently paid to said applicants for services rendered in connection with the reorganization of York Railways Company, a subsidiary of NY PA NJ Utilities Company, a registered holding company, and an indirect subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, such reorganization of said York Railways Company in which the debtor is in possession being now pending before the United States District Court for the Eastern District of Pennsylvania;

Public hearings having been held upon such applications, after appropriate notices, and the interested parties having waived submission of proposed findings of fact, filing of briefs and oral argument; the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That the following amounts be, and the same hereby are, approved as maximum allowances for services rendered that may apparently be paid out of the estate of York Railways Company, debtor in possession:

To: *Saul, Ewing, Remick & Harrison,* maximum interim allowance for period November 30, 1937 to December 31, 1941	$15,000.00
Kraus and Krekstein, maximum final allowance in full compensation for services rendered in settling Pennsylvania capital stock tax of debtor for years 1928-1940	6,000.00
Evans, Boyard and Frick, maximum interim allowance for period November 30, 1937 to November 1 1941	3,000.00
Tradesmens National Bank and Trust Company, maximum interim allowance for period November 30, 1937 to November 1, 1941	2,500.00
Day & Zimmerman, Inc., maximum final allowance for period November 30, 1937 to December 31, 1941, in full compensation for services rendered as expert witness with respect to valuation of debtor for purpurposes of plan of reorganization	623.46

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11374; Filed, November 4, 1942; 9:46 a. m.]

[File No. 811-449]

COMMODITY CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 2d day of November, A. D. 1942.

Commodity Corporation, a registered investment company, having filed an application pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company within the meaning of the said Act;

It is ordered, That a hearing on the aforesaid application be held on the 10th day of November 1942, at 10:00 o'clock in the forenoon of that day in the hearing room of the Securities and Exchange Commission Building at 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room

318 will advise interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any other officer of the Commission designated by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11375; Filed, November 4, 1942; 9:46 a. m.]

[File Nos. 70-593, 70-594]

JOSEPH B. ELY, ET AL.

ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 31st day of October 1942.

In the matter of Bellows Falls Hydro-Electric Corporation, File No. 70-593; Joseph B. Ely, C. Brooks Stevens, and Henry G. Wells, as Trustees under a Trust Agreement dated January 31, 1939, File No. 70-594.

Joseph B. Ely, C. Brooks Stevens and Henry G. Wells, as Trustees under a Trust Agreement dated January 31, 1939,

grant said applications pursuant to the applicable Sections of the Act and the rules thereunder;

It is hereby ordered, Pursuant to the applicable provisions of said Act and to the applicable Rules thereunder, subject to the terms and conditions prescribed in Rule U-24, that each of the aforesaid applications with respect to the transactions therein described be, and hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11378; Filed, November 4, 1942; 9:47 a. m.]

[File No. 70-607]

VIRGINIA ELECTRIC AND POWER COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 31st day of October 1942.

Virginia Electric and Power Company, a subsidiary company of Engineers Public Service Company, a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from Section 6 (a) of said Act of the issue and sale by it of $4,000,000 aggregate principal amount of notes to be dated November 2, 1942, to mature $500,000 principal amount on November 1, 1944 and a like principal amount on each May 1 and November 1 thereafter up to and including May 1, 1948 and to bear interest at the rate of two and one-quarter percentum (2¼%) per annum payable semi-annually, said notes to evi-

the fact that applicant holds certificates of necessity issued pursuant to Section 124 of the Internal Revenue Code with respect to the construction of applicant's Chesterfield Plant in Chesterfield County, Virginia; and

The Commission finding that the issue and sale of said notes are solely for the purpose of financing the business of applicant and have been expressly authorized by the State Corporation Commission of the Commonwealth of Virginia, the state in which applicant is organized and does business, and by the Utilities Commission of the State of North Carolina, in which state applicant also does business, but that further evidence should be taken with respect to what terms and conditions, if any, should be attached to its order as aforesaid:

It is ordered, That the issue and sale of said notes be and the same hereby are exempt from the provisions of Section 6 (a) of said act to the extent of permitting such issuance and sale by applicant, the Commission reserving jurisdiction to impose after further hearings herein such terms and conditions as it may deem appropriate in the public interest or for the protection of investors and consumers.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11377; Filed, November 4, 1942; 9:47 a. m.]

[File No. 70-612]

SOUTHERN NATURAL GAS CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its

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FEDERAL REGISTER

VOLUME 7 NUMBER 219

Washington, Friday, November 6, 1942

Regulations

TITLE 7—AGRICULTURE

Chapter VIII—Sugar Agency

PART 802—SUGAR DETERMINATIONS

WAGE RATES FOR HARVESTING SUGARCANE IN FLORIDA

Determination of fair and reasonable wage rates for harvesting sugarcane in Florida between September 1, 1942, and June 30, 1943.

Whereas section 301 (b) of the Sugar Act of 1937, as amended, provides the following as one of the conditions for payment to producers of sugar beets and sugarcane:

That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made

hereby make the following determination:

§ 802.24k *Fair and reasonable wage rates for persons employed in the harvesting of sugarcane in Florida between September 1, 1942, and June 30, 1943.* The requirements of section 301 (b) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to the harvesting of sugarcane in Florida during the period from September 1, 1942, to June 30, 1943, if all persons employed on the farm during that period in the harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates not less than the following:

(a) *Time rates.*

	Per day of 8 hours	Per hour (cents)
Cutting, topping, and stripping:		

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(iii) Other scrap: iridium-containing filings and refines (other than sweepings).

(c) This Order No. 7 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 7 shall become effective as of October 20, 1942.

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11361; Filed, November 3, 1942; 1:31 p. m.]

[Order 8 Under MPR 204]

METALS RESERVE CO., ET AL.

PRICES FOR COPPER BASE ALLOY PRODUCTS, ETC.

Order No. 8 under Maximum Price Regulation No. 204—Idle or Frozen Materials Sold Under Priorities Regulation No. 13.

An opinion in support of this Order No. 8 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and section 1499.506 of Maximum Price Regulation No. 204 and in accordance with Procedural Regulation No. 1, it is hereby ordered that:

(a) *Maximum prices for copper and copper base alloy products and copper and copper base alloy scrap sold or delivered to Metals Reserve Company, Copper Recovery Corporation or any agent thereof.* (1) The maximum price for any copper or copper base alloy product sold or delivered to Metals Reserve Company, Copper Recovery Corporation or any agent thereof, pursuant to the program for the acquisition thereof announced by the War Production Board on May 11, 1942, shall be the price set forth in the "Government's Price Schedule for Purchases of Inactive Inventories of Copper and Copper Base Alloy Products" attached to the aforesaid program: *Provided, however,* That the maximum price for any copper or copper base alloy casting shall be the price set forth in Appendix A attached hereto: *And provided, further,* That the maximum price for any copper base alloy ingot, which the holder thereof had signified his willingness to sell prior to August 19, 1942 by the completion and execution of WPB Form 843-B shall be the price established by the General Maximum Price Regulation prior to August 19, 1942 or the price established by Maximum Price Regulation No. 204, whichever is the higher: *And provided, further,* That the maximum price for any copper base alloy ingot which the holder thereof had not signified his willingness to sell prior to August 19, 1942 shall be the price established by Maximum Price Regulation No. 204.

(2) The maximum price for any copper and copper base alloy scrap sold or delivered to Metals Reserve Company, Copper Recovery Corporation or any agent thereof, pursuant to the program for the acquisition thereof announced by the War Production Board on May 11, 1942 shall be that price set forth in Revised Price Schedule No. 8—Nickel-bearing Scrap Materials, Revised Price Schedule No. 12—Brass Mill Scrap, or Revised Price Schedule No. 20, as amended—Copper Scrap and Copper Alloy Scrap which would have been applicable if the holder of such scrap materials had sold them to a consumer as defined in such Schedules.

(3) As used in this Order No. 8:

(i) "Copper" means copper metal including copper metal produced from scrap.

(ii) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy. It shall include alloy metal produced from scrap.

(iii) "Copper or copper base alloy product" means any product made of copper or copper base alloy fabricated to the extent that it is a sheet, rod, tubing, extrusion, casting, forging, wire, powder, ingot or anode, or fabricated to any greater extent.

(iv) "Copper base alloy ingot" means any alloy ingot in the composition of which the weight of copper metal is 40% or more of the total weight of the ingot.

(v) "Copper or copper base alloy casting" means any casting made from copper or copper base alloy except castings in primary form such as ingots, cakes, widge bars, wire bars, billets, anodes, shot, et cetera.

(vi) "Copper and copper base alloy scrap" includes:

(*a*) Trimmings, borings, clippings, rod ends and similar material;

(*b*) All obsolete, damaged or imperfect material;

(*c*) All remnants of material in less than standard mill widths, or lengths, except where the seller can establish by invoices that they were received in such form, and

(*d*) Any material the alloy content of which the seller does not definitely establish on WPB Form 843-A or 843-B.

(4) This Order No. 8 may be revoked or amended by the Price Administrator at any time.

(5) This Order No. 8 shall be effective as of August 20, 1942.

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

APPENDIX A

TABLE A—*Base prices to be paid for copper, copper-zinc, copper-lead, or copper-zinc-lead alloy castings*[1]

[In cents per pound]

TABLE B—*Allowances to be added to base prices in table A for alloys containing tin, nickel, or aluminum*

[In cents per pound]

Copper content (percent) Column 1	Base price per pound Column 2	Tin content (percent) Column 1	Allowance to be added to base price from table A Column 2	Nickel content (percent) Column 3	Allowance to be added to base price from table A Column 4	Aluminum content (percent) Column 5	Allowance to be added to base price from table A Column 6
40.00 to 42.50 incl.	18.05	0.25 to 2.00 incl.	0.70	0.50 to 3.00 incl.	0.64	0.50 to 2.00 incl.	0.06
42.51 to 47.50 incl.	18.20	2.01 to 4.00 incl.	1.40	3.01 to 6.00 incl.	1.26	2.01 to 4.00 incl.	0.12
47.51 to 52.50 incl.	18.33	4.01 to 6.00 incl.	2.10	6.01 to 9.00 incl.	1.90	4.01 to 6.00 incl.	0.18
52.51 to 57.50 incl.	18.48	6.01 to 8.00 incl.	2.80	9.01 to 12.00 incl.	2.54	6.01 to 8.00 incl.	0.24
57.51 to 62.50 incl.	18.63	8.01 to 10.00 incl.	3.51	12.01 to 15.00 incl.	3.16	8.01 to 10.00 incl.	0.31
62.51 to 67.50 incl.	18.76	10.01 to 12.00 incl.	4.22	15.01 to 18.00 incl.	3.79	10.01 to 12.00 incl.	0.38
67.51 to 72.50 incl.	18.90	12.01 to 14.00 incl.	4.91	18.01 to 21.00 incl.	4.50	12.01 to 14.00 incl.	0.43
72.51 to 77.50 incl.	19.04	14.01 to 16.00 incl.	5.61	21.01 to 24.00 incl.	5.05	14.01 to 16.00 incl.	0.49
77.51 to 82.50 incl.	19.19	16.01 to 18.00 incl.	6.31	24.01 to 27.00 incl.	5.69	16.01 to 18.00 incl.	0.55
82.51 to 87.50 incl.	19.33	18.01 to 20.00 incl.	7.01	27.01 to 30.00 incl.	6.32	18.01 to 20.00 incl.	0.61
87.51 to 92.50 incl.	19.46	20.01 to 22.00 incl.	7.71	30.01 to 33.00 incl.	6.96	20.01 to 22.00 incl.	0.67
92.51 to 97.50 incl.	19.60	22.01 to 24.00 incl.	8.41	33.01 to 36.00 incl.	7.58	22.01 to 24.00 incl.	0.73
97.51 to 100.00 incl.	19.75	24.01 to 26.00 incl.	9.26	36.01 to 40.00 incl.	8.22	24.01 to 26.00 incl.	0.80

[1] No alloying elements other than copper, zinc, lead, tin, nickel, or aluminum are to be considered for determining the prices to be paid for copper base alloy castings.

[F. R. Doc. 42-11362; Filed, November 3, 1942; 1:31 p. m.]

[Order 3 Under RPS 84]

WOODALL INDUSTRIES, INC.

ORDER APPROVING MAXIMUM PRICE

Order No. 3 under Revised Price Schedule No. 84—Radio Receiver and Phonograph Parts.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Woodall Industries, Inc. is authorized to sell, offer to sell or deliver its radio cabinet back, Detrola Radio Part 8634, at a price no higher than $162.58 per 1000 pieces, in quantities of 500 pieces, exclusive of federal excise tax, f. o. b. seller's point of shipment, subject to discounts, allowances and terms no less favorable than those customarily granted by it.

(b) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 3 shall become effective on the 3d day of November 1942.

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11359; Filed, November 3, 1942; 1:32 p. m.]

[Order 37 Under RPS 64]

CALORIC GAS STOVE WORKS

ORDER APPROVING MAXIMUM PRICES

Order No. 37 Under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On May 9, 1942, Caloric Gas Stove Works, Philadelphia, Pennsylvania, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for two new models of gas ranges designated in the application as Models Nos. 4207-1 and 4207-2.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250, *It is hereby ordered:*

(a) Caloric Gas Stove Works may sell, offer to sell or deliver the following new model gas ranges at prices no higher than those specified:

Model No. 4207-1 $27.35 f. o. b. factory to dealers.

Model No. 4207-2 $24.02 f. o. b. factory to dealers.

subject to discounts, allowances and terms no less favorable than those in effect with respect to the respective comparable Models Nos. 4017-1 and 4017-2.

(b) This Order No. 37 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 37 shall become effective on the 3d day of November 1942.

Issued this 3d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11363; Filed, November 3, 1942; 1:31 p. m.]

[Order 17 Under RPS 57, Correction]

C. H. MASLAND AND SONS

ORDER ADJUSTING MAXIMUM PRICES

Correction of Order No. 17 under Revised Price Schedule No. 57—Wool Floor Coverings.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, it is ordered that paragraph (a) of Order No. 17 under Revised Price Schedule No. 57 be corrected to read as set forth below:

(a) C. H. Masland & Sons may sell, offer to sell or deliver the new fabrics designated at "MWC-4" and "WMC-6" at prices no higher than $2.81 and $2.35 respectively, per running yard of three-quarter carpet, f. o. b. mill, subject to discounts, allowances, rebates and terms no less favorable than those in effect with respect to the maximum prices for "Peggy Shippen" and "Woodbine" as established by Revised Price Schedule No. 57.

(e) This correction to Order No. 17 under Revised Price Schedule No. 57 shall be effective as of September 24, 1942.

Issued this 2d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11223; Filed, November 2, 1942; 2:28 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 55-85]

YORK RAILWAYS COMPANY

ORDER APPROVING MAXIMUM ALLOWANCES

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 2d day of November 1942.

In the matter of York Railways Company, debtor in possession. Applications by: Saul, Ewing, Remick & Harrison, Counsel for York Railways Company; Manuel Kraus and I. H. Krekstein, Tax Consultants for York Railways Company; Tradesmens National Bank and Trust Company, Trustee for Bondholders of York Railways Company; Evans, Bayard and Frick, Counsel for Tradesmens National Bank and Trust Company; Day & Zimmerman, Inc., Expert Witness for York Railways Company.

Applications having been filed by Saul, Ewing, Remick & Harrison; Manuel Kraus and I. H. Krekstein; Tradesmens National Bank and Trust Company; Evans, Bayard and Frick; and Day & Zimmerman, Inc., pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935 and Rule U-63 promulgated thereunder, for approval of the maximum amounts that may be presently paid to said applicants for services rendered in connection with the reorganization of York Railways Company, a subsidiary of NY PA NJ Utilities Company, a registered holding company, and an indirect subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, such reorganization of said York Railways Company in which the debtor is in possession being now pending before the United States District Court for the Eastern District of Pennsylvania;

Public hearings having been held upon such applications, after appropriate notices, and the interested parties having waived submission of proposed findings of fact, filing of briefs and oral argument; the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That the following amounts be, and the same hereby are, approved as maximum allowances for services rendered that may apparently be paid out of the estate of York Railways Company, debtor in possession:

To: *Saul, Ewing, Remick & Harrison,* maximum interim allowance for period November 30, 1937 to December 31, 1941	$15,000.00
Kraus and Krekstein, maximum final allowance in full compensation for services rendered in settling Pennsylvania capital stock tax of debtor for years 1928-1940	6,000.00
Evans, Boyard and Frick, maximum interim allowance for period November 30, 1937 to November 1 1941	3,000.00
Tradesmens National Bank and Trust Company, maximum interim allowance for period November 30, 1937 to November 1, 1941	2,500.00
Day & Zimmerman, Inc., maximum final allowance for period November 30, 1937 to December 31, 1941, in full compensation for services rendered as expert witness with respect to valuation of debtor for purpurposes of plan of reorganization	623.46

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11374; Filed, November 4, 1942; 9:46 a. m.]

[File No. 811-449]

COMMODITY CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 2d day of November, A. D. 1942.

Commodity Corporation, a registered investment company, having filed an application pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company within the meaning of the said Act;

It is ordered, That a hearing on the aforesaid application be held on the 10th day of November 1942, at 10:00 o'clock in the forenoon of that day in the hearing room of the Securities and Exchange Commission Building at 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room

318 will advise interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any other officer of the Commission designated by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11375; Filed, November 4, 1942; 9:46 a. m.]

[File Nos. 70-593, 70-594]

JOSEPH B. ELY, ET AL.

ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 31st day of October 1942.

In the matter of Bellows Falls Hydro-Electric Corporation, File No. 70-593; Joseph B. Ely, C. Brooks Stevens, and Henry G. Wells, as Trustees under a Trust Agreement dated January 31, 1939, File No. 70-594.

Joseph B. Ely, C. Brooks Stevens and Henry G. Wells, as Trustees under a Trust Agreement dated January 31, 1939, a registered holding company, having filed an application pursuant to section 12(d) of the Public Utility Holding Company Act of 1935 and Rule U-44 thereunder with respect to a sale by Olcott Falls Company, a subsidiary company, of all of its physical properties and franchises which include the so-called Wilder Power Development at Hartford, Vermont and Lebanon, New Hampshire, on the Connecticut River, to Bellows Falls Hydro-Electric Corporation for a consideration of $200,000 in cash; and

Bellows Falls Hydro-Electric Corporation, a subsidiary company of New England Power Association, a registered holding company, having filed an application pursuant to section 10 of said Act with respect to the purchase and acquisition of the aforementioned property of Olcott Falls Company for the purchase price of $200,000; and

A public hearing having been held with respect to said applications after appropriate notice and the Commission having considered the record in these matters and having made and filed its findings and opinion with respect thereto; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said applications pursuant to the applicable Sections of the Act and the rules thereunder;

It is hereby ordered, Pursuant to the applicable provisions of said Act and to the applicable Rules thereunder, subject to the terms and conditions prescribed in Rule U-24, that each of the aforesaid applications with respect to the transactions therein described be, and hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11378; Filed, November 4, 1942; 9:47 a. m.]

[File No. 70-607]

VIRGINIA ELECTRIC AND POWER COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 31st day of October 1942.

Virginia Electric and Power Company, a subsidiary company of Engineers Public Service Company, a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from Section 6 (a) of said Act of the issue and sale by it of $4,000,000 aggregate principal amount of notes to be dated November 2, 1942, to mature $500,000 principal amount on November 1, 1944 and a like principal amount on each May 1 and November 1 thereafter up to and including May 1, 1948 and to bear interest at the rate of two and one-quarter percentum (2¼%) per annum payable semi-annually, said notes to evidence borrowings from the following banking institutions in the following amounts:

The First National Bank of Boston, Boston, Mass	$2,872,550
First and Merchants National Bank of Richmond, Richmond, Virginia	263,750
State-Planters Bank and Trust Company, Richmond, Va	281,400
The Central National Bank of Richmond, Richmond, Va	82,300
National Bank of Commerce of Norfolk, Norfolk, Va	300,000
The Seaboard Citizens National Bank of Norfolk, Norfolk, Virginia	200,000
	4,000,000

A public hearing having been commenced after appropriate notice and evidence on the application having been taken and the applicant having requested that the Commission grant the application to the extent of permitting the issuance of the notes but that the Commission reserve jurisdiction as to what terms and conditions shall be attached to the Commission's order with respect to the treatment by the applicant of accelerated amortization allowed for Federal Income Tax purposes by reason of the fact that applicant holds certificates of necessity issued pursuant to Section 124 of the Internal Revenue Code with respect to the construction of applicant's Chesterfield Plant in Chesterfield County, Virginia; and

The Commission finding that the issue and sale of said notes are solely for the purpose of financing the business of applicant and have been expressly authorized by the State Corporation Commission of the Commonwealth of Virginia, the state in which applicant is organized and does business, and by the Utilities Commission of the State of North Carolina, in which state applicant also does business, but that further evidence should be taken with respect to what terms and conditions, if any, should be attached to its order as aforesaid:

It is ordered, That the issue and sale of said notes be and the same hereby are exempt from the provisions of Section 6 (a) of said act to the extent of permitting such issuance and sale by applicant, the Commission reserving jurisdiction to impose after further hearings herein such terms and conditions as it may deem appropriate in the public interest or for the protection of investors and consumers.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11377; Filed, November 4, 1942; 9:47 a. m.]

[File No. 70-612]

SOUTHERN NATURAL GAS CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 30th day of October, A. D. 1942.

Southern Natural Gas Company, a registered holding company and a subsidiary of a registered holding company, having filed an application and amendments thereto, pursuant to Section 10 of the Public Utility Holding Company Act of 1935, for the acquisition of certain gas, oil, and mineral leases in and adjacent to the Bear Creek gas field in Louisiana, together with the wells, gathering lines, and certain other properties for a cash consideration of approximately $1,798,000;

A public hearing having been held after appropriate notice, and the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein;

It is ordered, That said application, as amended, be and the same hereby is granted forthwith, subject, however, to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11376; Filed, November 4, 1942; 9:46 a. m.]

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FEDERAL REGISTER
THE NATIONAL ARCHIVES OF THE UNITED STATES 1934
VOLUME 7 NUMBER 219
Washington, Friday, November 6, 1942

Regulations

TITLE 7—AGRICULTURE

Chapter VIII—Sugar Agency

PART 802—SUGAR DETERMINATIONS

WAGE RATES FOR HARVESTING SUGARCANE IN FLORIDA

Determination of fair and reasonable wage rates for harvesting sugarcane in Florida between September 1, 1942, and June 30, 1943.

Whereas section 301 (b) of the Sugar Act of 1937, as amended, provides the following as one of the conditions for payment to producers of sugar beets and sugarcane:

> That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, and the differences in conditions among various producing areas: *Provided, however,* That a payment which would be payable except for the foregoing provisions of this subsection may be made, as the Secretary may determine, in such manner that the laborer will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work, and that the producer will receive the remainder, if any, of such payment.

and

Whereas the Secretary of Agriculture has held a public hearing in Florida for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable wage rates for persons employed in the harvesting of sugarcane during the period from September 1, 1942, to June 30, 1943:

Now, therefore, I, Claude R. Wickard, Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearing and all other information before me, do hereby make the following determination:

§ 802.24k *Fair and reasonable wage rates for persons employed in the harvesting of sugarcane in Florida between September 1, 1942, and June 30, 1943.* The requirements of section 301 (b) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to the harvesting of sugarcane in Florida during the period from September 1, 1942, to June 30, 1943, if all persons employed on the farm during that period in the harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates not less than the following:

(a) *Time rates.*

	Per day of 9 hours	Per hour (cents)
Cutting, topping, and stripping:		
Adult males	$2.45	27.0
Adult females	2.00	22.0
Tractor drivers and truck drivers	2.30	26.0
Teamsters	2.20	24.0
Hoist operators	2.00	22.0
Any other harvesting operations not connected with mechanical loading or mechanical harvesting:		
Adult males	1.55	17.0
Adult females	1.25	14.0
Operations connected with mechanical loading or mechanical harvesting:		
Operators of mechanical loading or harvesting equipment	2.45	27.0
Grabmen, spotters, ropemen	2.25	25.0
Pilers	2.00	22.0
Scrappers	1.85	21.0
Other operations connected with mechanical loading or mechanical harvesting not specified above	1.85	21.0

(b) *Tonnage rates.* Cutting and loading sugarcane as a combined operation, per ton:

Type of sugarcane	Green sugarcane	Burnt sugarcane
Small barrel	$1.35	$1.13
Medium barrel	1.15	.97
Large barrel	.99	.81

(c) *Rates for harvesting operations performed by children.* (1) For children between the ages of 14 and 16 years, the

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FEDERAL REGISTER

1934

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Telephone information: DIstrict 0525.

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rate per day of 8 hours (maximum hours per day for such children) shall be not less than three-fourths of the rates established above for adult male workers for a 9-hour day. For a working day shorter than 8 hours, the rate shall be in proportion.

(2) The piece rates for children between the ages of 14 and 16 years shall be the same as those established above for adults (except that such children shall not be so employed or permitted to work for more than 8 hours per day.)

Provided, however, (1) That the piece rate for a particular harvesting operation calculated on a basis other than prescribed in this determination shall be such as to provide earnings per 9-hour day or per hour of not less than the daily or hourly rates specified above for such operation;

(2) That for a working day longer or shorter than 9 hours, the applicable time rate for a particular harvesting operation shall be the hourly rate specified above for such operation;

(3) That the producer shall furnish to the laborer without charge the customary perquisites, such as a habitable house, a suitable garden plot with facilities for its cultivation, pasturage for livestock, medical attention, and similar incidentals;

(4) That the producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined above; and

(5) That nothing in this determination shall be construed to mean that a producer may qualify for a payment under the act who has not paid in full

the amount agreed upon between the producer and laborer.

(Sec. 301, 50 Stat. 909; 7 U.S.C. 1940 ed. 1131)

Done at Washington, D. C. this 4th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-11508; Filed, November 5, 1942; 11:21 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 54—EXCHANGES

LIMITATIONS ON SALE OF ENLISTED MEN'S CLOTHING AND INSIGNIA

Section 54.3 (b) (5) is hereby amended to read as follows:

§ 54.3 *Activities.* * * *

(b) *Limitations.* * * *

(5) The sale to enlisted men of regulation trousers, shirts, caps, belts, ties, socks, and underwear is authorized. The sale of ornaments, insignia, or other articles of the uniform similar to, or as substitutes for, those issued by supply services of the Army is forbidden.

(R.S. 161; 5 U.S.C. 22) [Par. 9*b*, AR 210-65, July 1, 1941, as amended by C2, October 12, 1942]

[SEAL] H. B. LEWIS,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 42-11413; Filed, November 4, 1942; 2:34 p. m.]

TITLE 15—COMMERCE

Subtitle B—Regulations Relating to Commerce

Chapter I—Bureau of the Census, Department of Commerce

[Order No. 251]

PART 30—FOREIGN TRADE STATISTICS

FOREIGN COMMERCE STATISTICAL DECISION—35

NOVEMBER 5, 1942.

Section 30.48[1] (a) is amended to read as follows:

§ 30.48 *Monthly reports of vessel entrances and clearances.* (a) Collectors and deputy collectors of customs will transmit monthly the duplicate copies of Customs Form 1400, "Record of Vessels Engaged in Foreign Trade—Entered or Arrived Under Permit to Proceed" and Customs Form 1401, "Record of Vessels Engaged in Foreign Trade—Cleared or Granted Permit to Proceed" to the Division of Foreign Trade Statistics, Bureau of the Census, Washington, D. C. These should be transmitted by registered mail as soon as possible after the close of the month and in no case later than ten days after the close of the month. (R.S. 161, Sec. 4, 32 Stat. 826; 5 U.S.C. 22, 601)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 42-11519; Filed, November 5, 1942; 11:58 a. m.]

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[1] 7 F.R. 3293.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4419]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CORA LEE WILEY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondent's SNL (Suffer No Longer) medicinal or any other similar preparation, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, that said preparation constitutes a cure or remedy for, or possesses any therapeutic value in the treatment of, gonorrhea or any disease or disorder of the female organs; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Cora Lee Wiley, Docket 4419, November 2, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2d day of November, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission on the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that she waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Cora Lee Wiley, an individual, and her respresentatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of respondent's medicinal preparation designated as SNL (Suffer No Longer), or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails, or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that said preparation constitutes a cure or remedy for, or possesses any therapeutic value in the treatment of, gonorrhea or any disease or disorder of the female organs.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which she has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-11512; Filed, November 5, 1942; 12:02 p. m.]

[Docket No. 4666]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DI-FUNCTION COMPANY, INC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondent's "Di-Function" medicinal preparation, or other similar preparation, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, that such preparation constitutes a cure or an effective treatment for sugar diabetes; that the use thereof will revive the glands of the pancreas or enable them to produce sufficient insulin for the body's needs; that the use thereof will make it possible for one having sugar diabetes to discontinue dieting and the use of medicines, or enable one to enjoy a normally well and healthy life; or that said preparation is of any therapeutic value in the treatment of any disease or condition of the human body; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec 45b) [Cease and desist order, Di-Function Company, Inc., Docket 4666, November 2, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2d day of November, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Di-Function Company, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of respondent's medicinal preparation designated "Di-Function," or any other preparation containing the same or similar ingredients or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from:

1. Disseminating, or causing to be disseminated, any advertisement (a) by means of the United States mails or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that said preparation constitutes a cure or an effective treatment for sugar diabetes; that the use of said preparation will revive the glands of the pancreas or enable them to produce sufficient insulin for the body's needs; that the use of said preparation will make it possible for one having sugar diabetes to discontinue dieting and the use of medicines, or enable one to enjoy a normally well and healthy life; or that said preparation is of any therapeutic value in the treatment of any disease or condition of the human body.

2. Disseminating, or causing to be disseminated, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-11511; Filed, November 5, 1942; 12:02 p. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

INCREASES IN WAGE RATES

Interpretations to § 803.3 are issued to read as follows:

§ 803.3 *General Order No. 3*[1] * * *

[Interpretation No. 1]

The words "increases in wage rates which were put into effect on or before October 3" include increases in wage rates which by written agreement entered into on or before October 3, 1942, or by formal action communicated to the employees on or before October 3, 1942, were made applicable to work done prior to October 3, 1942, notwithstanding such increases were first reflected in a payroll subsequent to October 3, 1942.

[Interpretation No. 2]

Any change in wage rates, regardless of its effective date, which results from the award or decision of an arbitrator or referee made after October 3, 1942, is subject to the provisions of Executive Order No. 9250, dated October 3, 1942, notwithstanding the agreement or order for arbitration or reference was made on or before October 3, 1942.

[Interpretation No. 3]

Unless otherwise expressly exempted, any change in wage rates provided for in any existing agreement to take effect at some future date or on the happening of some future event, is subject to the provisions of Executive Order No. 9250, dated October 3, 1942, regardless of when the agreement was made.

(E.O. 9250, 7 F.R. 7871)

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-11516; Filed, November 5, 1942; 11:49 a. m.]

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[1] 7 F.R. 8379.

PART 803—GENERAL ORDERS

WAGE ADJUSTMENTS FOR SMALL BUSINESSES

Interpretations to § 803.4 are issued to read as follows:

§ 803.4 *General Order No. 4*[1] * * *

[Interpretation No. 1]

The exemption granted by General Order No. 4 to employers who employ not more than eight individuals does not apply to employers who own or operate more than one plant or unit where the aggregate of employees in such plants or units exceeds eight.

[Interpretation No. 2]

The exemption provided for by General Order No 4 shall not apply to employers whose employees' wages, hours or working conditions have been established or negotiated on an industry, association, area or other similar basis, whether by master contract or by separate but similar or identical contracts.

(E.O. 9250, 7 F.R. 7871)

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-11517; Filed, November 5, 1942; 11:49 a. m.]

PART 803—GENERAL ORDERS

WAGE ADJUSTMENTS IN CASES OF ESTABLISHED WAGE AGREEMENTS

An Interpretation to § 803.5 is issued to read as follows:

§ 803.5 *General Order No. 5*[2] * * *

[Interpretation No. 1]

The fixing of a piece-rate which was theretofore set only tentatively for trial purposes, and the re-setting of a piece-rate which was found to have been set in the first instance so as to yield less than the regularly established or normal amount prevailing in the plant for that type of job, are each "wage adjustments. . . . incident to the application of the terms of an established wage agreement or to established wage rate schedules" within the meaning of General Order No. 5, and may therefore be made without approval of the National War Labor Board.

(E.O. 9250, 7 F.R. 7871)

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-11518; Filed, November 5, 1942; 11:49 a. m.]

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[2] 7 F.R. 8380.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Dockets Nos. A-1652, A-1661, A-1663 and A-1664]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING RELIEF

Order of consolidation and order granting temporary relief and conditionally providing for final relief in the matter of the petitions of District Board No. 3, C. O. Dennison and H. C. Boggess, code members in District No. 3, for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3, and for a change in shipping point for the coals of the Tetrick Mine of H. C. Boggess in District No. 3.

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named parties, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3 and for a change in shipping point for the coals of the Tetrick Mine of H. C. Boggess, Mine Index No. 248, in District No. 3; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matters; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters are herein consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief is granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I and R-IV, and § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R-II and R-V, § 323.8 (*Special Prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto Supplement R-III and R-VI, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith, the shipping point appearing in the aforesaid Supplement R-IV for Mine Index No. 248 shall be effective in place of the shipping point heretofore established for this mine.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the Schedules attached are based upon the price classifications and minimum prices in effect on October 1, 1942 for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached Schedules do not differ, except in this regard, from the minimum prices proposed by petitioners.

Price classifications and minimum prices have not been established for the coals of the Daugherty mine of O. F. Daugherty or for the Beech mine of John A. Smith, for truck shipments, as requested by District Board No. 3, for the reason that these mines have been classified previously for truck shipments in Docket No. A-1605, 7 F.R. 7163.

Dated: October 22, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
449	Consolidation Coal Company	Consol. #51-A (S)	Pittsburgh	Viropa, W. Va	B&O	61	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
444	Dennison, C. O	Dennison #3	Pittsburgh	Clarksburg, W. Va	B&O	60	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
441	East End Coal Co	Horner #1 (S)	Pittsburgh	Clarksburg, W. Va	B&O	60	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
445	Suncrest Coal Company	Lee (S)	Pittsburgh	Viropa, W. Va	B&O	61	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no classifications and prices effective in this Size Group.

§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements except via lakes*—Supplement R-II. For railroad fuel prices add these mine index numbers to the group set forth in § 323.8 (b) in Minimum Price Schedule. Group No. 1: 441, 444, 445, 449.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*—Supplement R-III. For railroad fuel prices add these mine index numbers to the group set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 441, 444, 445, 449.

§ 323.6 *Alphabetical list of code members*—Supplement R-IV

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
248	Boggess, H. C	Tetrick	Pittsburgh	Everson, W. Va	B&O	61	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no classification effective for these size groups.

NOTE: The above prices are applicable only via the Freight Origin Group, Shipping Point and Railroad shown for the mine. Shipping Point previously assigned to this mine is no longer applicable.

§ 323.8 *Special prices—*(b) *Railroad fuel prices for all movements except via lakes*—Supplement R–V. For railroad fuel prices add this mine index number to the group set forth in § 323.8 (b) in Minimum Price Schedule. Group No. 1: 248.

§ 323.8 *Special prices—*(c) *Railroad fuel prices for movement via all lakes—all ports*—Supplement R–VI. For railroad fuel prices add this mine index number to the group set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 248.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups						
					Lump over 2", egg over 2", bottom size	Lump 2", egg 2", bottom size but over 1¼"	Lump 1¼" and under, egg 1¼" and under, bottom size	All nut and pea 2" and under	Run of mine resultant over 2"	1¼" and 2" slack	¾" slack
					1	2	3	4	5	6	7
Consolidation Coal Company.	449	Consol. #51-A (S)	Pittsburgh	Harrison	243	238	238	213	213	198	188
Dennison, C. O	444	Dennison #3	Pittsburgh	Harrison	243	238	238	213	213	198	188
East End Coal Co	441	Horner #1 (S)	Pittsburgh	Harrison	243	238	238	213	213	198	188
Jones, I. W	448	Keith #2	Pittsburgh	Gilmer	243	238	238	213	213	198	188
Peters, F. O	443	Wiant	Pittsburgh	Gilmer	243	238	238	213	213	198	188
Smith, Earl B	438	Rosedale #1 (Slate Dump).	Pittsburgh	Monongalia	243	238	238	213	213	198	188
Suncrest Coal Company.	445	Lee (S)	Pittsburgh	Harrison	243	238	238	213	213	198	188

[F. R. Doc. 42-11380; Filed, November 4, 1942; 11:10 a. m.]

[Docket No. A-1608]

PART 343—MINIMUM PRICE SCHEDULE, DISTRICT NO. 23

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 23 for the establishment of price classifications and minimum prices for the coals of the Waldo Hills Mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Waldo Hills Mine (Mine Index No. 172) of code member Faris & Krehbiel (Frank Faris); and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 343.3 (*Identification of subdistricts*) is amended by adding thereto Supplement R–I, § 343.4 (*Code member price index*) is amended by adding thereto Supplement R–II, § 343.5 (*General prices; minimum prices for shipment via rail transportation*) is amended by adding thereto Supplement R–III, and § 343.21 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall be otherwise ordered.

The original petition in this matter requests that the Waldo Hills Mine (Mine Index No. 172) be included in Subdistrict "C" of District No. 23 for the reason that the coals of this mine are comparable and analogous to the coals produced in that subdistrict. However, in view of the fact that this mine is located in Marion County, Oregon, and Subdistrict "C" is described in the Schedule of Effective Minimum Prices for District No. 23 For All Shipments as "Southwest Washington—State of Washington," it is deemed advisable, pending final disposition of this matter, to temporarily establish an additional subdistrict in the State of Oregon and include therein all coals produced in Marion and Clackamas Counties, Oregon. Accordingly, the Waldo Hills Mine (Mine Index No. 172) is shown in the attached schedule marked Supplement R–I, R–II, R–III and Supplement T to be located in Subdistrict "L" described as "Marion and Clackamas Counties, Oregon."

The original petition in this matter states that the coals of the Waldo Hills Mine will originate for rail shipment at Pratum, Oregon, upon the Northern Pacific Railway. However, the records of the Division disclose that Pratum, Oregon, is served only by the Southern Pacific Company. Accordingly, the price classifications and minimum prices set forth in the attached schedule marked Supplement R–I, R–II, R–III and Supplement T, for shipments via rail, apply to the coals of the Waldo Hills Mine (Mine Index No. 172) only when such coals originate for rail shipment upon the Southern Pacific Company at Pratum, Oregon.

The price classifications and minimum prices set forth in the attached schedule marked Supplement R–I, R–II, R–III and Supplement T are based upon the price classifications and minimum prices in effect on October 1, 1942 for comparable and analogous coals and reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached schedule do not differ, except in this regard, from the minimum prices proposed by petitioner.

Dated: October 17, 1942.

[SEAL] DAN H. WHEELER,
Director.

DISTRICT NO. 23

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 343, Minimum Price Schedule for District No. 23, and supplements thereto.

The following price classification and minimum prices and amendment to Subdistrict Identification shall be inserted in Minimum Price Schedule for District No. 23:

§ 343.3 *Identification of subdistricts*—Supplement R–I. Insert new Subdistrict "L" in proper alphabetical order, with the following identification:

Marion and Clackamas Counties, Oregon.

§ 343.4 *Code member price index*—Supplement R–II

[Insert the following listing in proper alphabetical order]

Producer	Mine	Mine index No.	County	Shipping point	Subdistrict price group	Railroad	F. O. B. No.	Prices	
								Rail	Truck
Faris & Krehbiel (Frank Faris).	Waldo Hills	172	Marion, Oreg.	Pratum, Oreg	"L"	SP	70	§343. 5	§343. 21

§ 343.5 *General prices; minimum prices for shipment via rail transportation*—Supplement R–III. Minimum f. o. b. mine prices in cents per net ton for shipment via rail transportation into market areas shown. Insert in proper alphabetical order the following subdistrict, code member and mine designations, market areas, price classifications and minimum prices.

Subdistrict L Marion and Clackamas Counties, Oregon. Faris & Krehbiel (Frank Faris), Waldo-Hills Mine. Mine Index No. 172.

Market areas	Size Groups														
	1	2	3	5	8	12	13	15	16	19	20	21	23	24	26
238	410	365	340	350	350	325	260	260	260	300	275	260	210	125	----
240	365	355	330	280	305	255	190	165	165	230	205	165	115	105	255
243	410	330	305	350	350	325	260	260	260	300	275	260	210	125	----
47	410	400	375	325	350	325	250	225	225	300	275	225	175	125	255
53	410	400	375	325	350	300	235	210	210	275	250	210	160	150	255
-21, 100-102, 105-112, 118, 125-129, 131, 133-137, and 139-141	405	393	370	345	345	320	245	245	245	295	270	245	195	120	255
2-31, 70, 72, 74, 103, 104, 114-116, 151-157 and 204-212	395	385	360	335	335	310	235	235	235	285	260	235	185	110	255
2-41, 47-50, 52-69, 71, 73, 75-78, 203, 215, 216, 234, 237 (Idaho) and 241	390	380	355	330	330	305	230	230	230	280	255	230	180	105	255
2-46, 200-202, 213, 214, 217-232, 236 and 244-246	400	390	365	340	340	315	240	240	240	290	265	240	190	115	255
113, 117, 120-124, 130, 132, 142, 143, 145-148 and 150	415	405	380	355	355	330	255	255	255	305	280	255	205	130	255
37 (Washington), 239, 242, 248-252 and 254	410	400	375	350	350	325	250	250	250	300	275	250	200	125	255

FOR TRUCK SHIPMENTS

§ 343.21 *General prices*—Supplement T

Insert in proper alphabetical order the following subdistrict, code member and mine designations, market areas, price classifications, minimum prices and supplementary notes.

Subdistrict "L" Marion and Clackamas Counties, Oreg.[1]

	Size groups													
	1	2	3	5	8	12	[2] 13	[2] 15	[2] 16	19	20	[2] 21	[2] 23	24
Faris & Krehbiel (Frank Faris), Waldo Hills Mine, Marion County	435	425	400	375	375	350	275	275	275	325	300	275	225	150

[1] When truck coal from Subdistrict "L" is sold to established retail dealers for storage, or when sold to public institutions and industrial consumers, the above prices may be reduced 25¢ per net ton.

[2] When coal is washed, add 10¢ per net ton to the prices shown in Size Groups 13, 15, 16, 21 and 23.

[F. R. Doc. 42-11381; Filed, November 4, 1942; 11:10 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment LXI]

PART 802—GENERAL LICENSES

PART 804—INDIVIDUAL LICENSES

CERTAIN FOREIGN TRADEMARKS, TRADE NAMES, ETC.

Part 802—*General Licenses* is amended by adding the following new section:

§ 802.17 *Certain foreign trademarks, trade names, etc.* No exportation may be made under any general license, with exception of those set forth in § 802.8 and § 802.11, of any article or material bearing the name of any person on the Proclaimed List, or bearing a trademark, trade name, brand, label or other mark which indicates that such article or material was manufactured or processed in any country with which the United States is at war or by any person whose name appears on the Proclaimed List.

* * * * *

Section 804.7[1] *Special provisions concerning applications to export certain commodities* is amended by adding the following new paragraph:

(p) *Articles and materials bearing certain foreign trademarks, trade names, etc.* Each application for an individual license to export any article or material bearing the name of any person on the Proclaimed List or bearing a trademark, tradename, brand, label or other mark which indicates that such article or material was manufactured or processed in any country with which the United States is at war or by any person whose name appears on the Proclaimed List must be accompanied by the following additional data:

(1) A statement showing that rejection of the application would work an undue hardship.

(2) A description of the trademark, trade name, brand, label or other mark appearing on the article or material sought to be exported.

(3) A statement of the country of manufacture or processing, the name of the manufacturer or processor, and the approximate date of such manufacture or processing.

(4) A statement of the transaction by which the applicant acquired an interest in the article or material for which an export license is requested.

Part 804—*Individual Licenses* is further amended by adding the following new section:

§ 804.14 *Certain foreign trademarks, trade names, etc.* No exportation may be made under any individual license of any article or material bearing the name of any person on the Proclaimed List or bearing a trademark, trade name, brand, label or other mark which indicates that such article or material was manufactured or processed in any country with which the United States is at war or by any person whose name appears on the Proclaimed List unless it is specifically stated on the individual license that the article or material bears such indicia.

This amendment shall become effective November 6, 1942.

(Sec. 6, 54 Stat. 714, Public Law 75, 77th Cong., Public Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

A. N. ZEIGLER,
Acting Chief, Export Control Branch, Office of Exports.

[F. R. Doc. 42-11496; Filed, November 5, 1942; 10:31 a. m.]

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[1] 7 F.R. 5010, 5081, 6256, 6951, 7992, 8823.

[Amendment LXII]

PART 801—GENERAL REGULATIONS

PART 802—GENERAL LICENSES

PROHIBITED EXPORTATIONS, ETC.

Section 801.2 *Prohibited exportations* is amended in the following particulars: In the column headed "Gen. Lic. Group" the group designations assigned to the commodities listed below are amended to read as follows:

Commodity	Dept. of Comm. No.	Gen. Lic. Group
Chemicals:		
Tannic acid	8303.98	47
Gallic Acid	8303.98	47
Insecticide, fungicide & disinfectants:		
Pyrethrum extract	8205.3	47
Pyrethrum flowers	2209.19	47
Rotenone	8205.93	47
Drugs, herbs, etc.—insecticides:		
Cube (timbo or barbasco) root, cube root extract & cube root powder	2209.05	47

Paragraph (d) of § 802.9 *General in-transit licenses* is hereby amended by adding to the list of commodities set forth therein the following:

Commodity:	*Dept. of Comm. No.*
Rotenone	8205.93
Cresols and cresylic acid	8024.09

Section 802.10 *General licenses which permit shipments not exceeding a specified value* is amended in the following particulars:

1. Paragraph (a) is amended by adding to the list of commodities set forth therein the following item:

Ipecac, its forms, conversions and derivatives

and by deleting from said list the following items:

Iodine.

Bromine and bromine preparations containing 10 per cent or more by value of bromine.

2. Paragraph (c) is amended by adding to the list of commodities set forth therein the following item:

Nut galls.

This amendment shall become effective November 12, 1942.

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

A. N. Ziegler,
Acting Chief,
Export Control Branch,
Office of Exports.

November 2, 1942.

[F. R. Doc. 42-11499; Filed, November 5, 1942; 10:31 a. m.]

[Amendment LXIII]

Part 801—General Regulations

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations*[1] is amended in the following particulars: In the column headed "Gen. Lic. Group" the group designations assigned to the commodities listed below are amended to read as follows:

Commodity	Dept. of Comm. No.	Gen. Lic. Group
Sodium carbonate, calcined (soda ash)	8365	K
Sodium hydroxide (caustic soda)	8373	K

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951.)

A. N. Ziegler,
Acting Chief,
Export Control Branch,
Office of Exports.

November 2, 1942.

[F. R. Doc. 42-11498; Filed, November 5, 1942; 10:31 a. m.]

Part 809—Shipping Priority Ratings

[Amendment LXIV]

RATINGS ASSIGNED UNDER GENERAL LICENSE

Paragraph (a) of § 809.6 *Ratings assigned articles and materials under general license*[1] is hereby amended by the assignment of the following new shipping ratings to the following listed commodities:

Schedule B No.	Commodity	Shipping rating
8365	Sodium carbonate, calcined (soda ash).	B
8373	Sodium hydroxide (caustic soda).	B

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951.)

A. N. Ziegler,
Acting Chief,
Export Control Branch,
Office of Exports.

November 2, 1942.

[F. R. Doc. 42-11500; Filed, November 5, 1942; 10:32 a. m.]

[Amendment LXV]

Part 802—General Licenses

METAL DRUMS AND CONTAINERS

Section 802.14 *Metal drums and containers*[2] is hereby amended by adding the following new section:

(e) General licenses are hereby issued permitting exportation to all destinations included in General License Country Group K, as set forth in § 802.3 (a), of metal drums and containers, regardless of capacity, when filled with any articles or materials which may be exported under general license to destinations included in said Group K.

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

A. N. Ziegler,
Acting Chief,
Export Control Branch,
Office of Exports.

November 2, 1942.

[F. R. Doc. 42-11494; Filed, November 5, 1942; 10:30 a. m.]

[Amendment LXVI]

Part 804—Individual Licenses

CERTIFICATES OF NECESSITY; CERTAIN COMMODITIES

Paragraph (b) of § 804.8 *Certificates of necessity*[1] is hereby amended by adding the following iron and steel items to the list previously set forth therein:

Commodities	*Dept. of Comm. Schedule B Nos.*
Sash and frames of iron or steel	6049
Electric welding rods and wire	6088
Welding rods and wire of iron and steel other than electric	6091.03
Coated wire, n. e. s., of iron and steel (include electric and telephone transmission wire of iron and steel, coated with aluminum, copper or other metal; insulated wire and cable having an iron or steel core—report galvanized under Department of Commerce No. 6082)	6091.09
Picture cord (include picture cord attached to cards without hangers or screw eyes—25 feet or more cord per card—and on spools or in coils not attached to cards)	6091.13
Bolts, machine screws, nuts, rivets and washers (except railroad)	6099

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

A. N. Ziegler,
Acting Chief,
Export Control Branch,
Office of Exports.

November 2, 1942.

[F. R. Doc. 42-11497; Filed, November 5, 1942; 10:30 a. m.]

[Amendment LXVII]

Part 802—General Licenses

PRISONERS OF WAR AND INTERNED CIVILIANS

Part 802—*General Licenses* is hereby amended by adding the following new section:

§ 802.16 *Prisoners of war and interned civilians.* A general license is hereby issued, designated "G-PW-2", authorizing the exportation, by mail only, of gift parcels to members of the armed forces of the United Nations, who are prisoners of war, and to civilians interned in enemy occupied territories who are nationals of the United Nations, subject to the following provisions:

(a) No gift package shall exceed 11 pounds gross weight or dimensions of 18 inches in length, or 42 inches in length and girth combined.

(b) Only one such parcel may be sent to each prisoner or interned civilian in each calendar sixty-day period.

(c) The contents of each gift package shall be listed on a Post Office Department Customs Declaration (currently Form No. 2966) which shall be filed at the time of mailing. In the event that the local post office does not have a Customs Declaration available, the contents of the package may be listed on a piece of paper and this list attached to the package.

(d) In the case of shipments to members of the armed forces of the United States, who are prisoners of war; or to nationals of the United States who are interned in enemy occupied territory, an official label will be furnished in duplicate by the Provost Marshal General's Office to the next of kin or the person designated by the prisoner or internee as his beneficiary. These labels will contain the name and address of the prisoner or internee, will bear a Provost Marshal General's Office form number, and will state the calendar sixty-day period in which it is valid for use under this general license. The next of kin or the beneficiary may transfer the labels to another person for use in exporting under this general license, but the name of the sender shall be written in ink on such labels in the space provided therefor. One of the labels, properly filled in by the sender, must be pasted on the outside of the parcel, and the other label shall be placed inside with the contents. The general license number "G-PW-2" must be printed on the labels.

(e) In the case of members of the armed forces of the British Empire or interned civilians who are nationals of the British Empire, the label issued by their respective Governments to the next of kin or other designated beneficiary of the prisoner of war or interned civilian must be affixed on the outside of the parcel by the consignor.

(f) In the case of shipments to members of the armed forces of any of the United Nations (except the United States and the British Empire), who are prisoners of war in Germany or German controlled territory, and in the case of shipments to nationals of any of the United Nations (except the United States and the British Empire), who are interned in Germany or German controlled territory, the consignor must affix on the outside of the parcel the proper label issued by the German authorities to the prisoner or internee designated on such label.

(g) In the case of shipments to members of the armed forces of any of the United Nations (except the United States and the British Empire), who are prisoners of war in Italy or Italian controlled territory, and in the case of shipments to nationals of any of the United Nations (except the United States and the British Empire), who are interned in Italy or Italian controlled territory, the consignor must place a certification in the following form on the Customs' Declaration:

> I certify that the prisoner of war (or civilian internee) to whom this parcel is addressed is personally known by me to be at the address given and I have mailed no other parcel to this prisoner (or civilian internee) within the sixty days prior to this date, and to my knowledge no other package has been mailed to this prisoner (or civilian internee) in such period.
>
> Sender ____________________
>
> Address ____________________

The signature and address of the sender must be written in ink.

(h) In all cases the sender of the gift parcel must write in ink under the address the following:

General License "G-PW-2" VIA NEW YORK, NEW YORK

(i) Gift parcels shall not contain any of the following:

(1) Food of any type (except as specifically listed in following paragraph (j)).

(2) Medical supplies of any type (except Vitamin tablets in cardboard containers).

(3) Articles in glass containers.

(4) Articles in hermetically, vacuum, or soldered sealed tins.

(5) Articles in collapsible tin tubes such as shaving cream or tooth paste.

(6) Written or printed matter of any kind.

(j) Subject to the limitations of paragraph (i), the following articles only may be included in gift parcels exported under the general license:

- Tobacco and smoking accessories:
  - Smoking tobacco
  - Chewing tobacco
  - Cigarette tobacco
  - Tobacco pouches
  - Pipes
  - Cigarette holders (except paper)
  - Cigarette cases (non-metallic)
- Toilet articles:
  - Washing powder
  - Medicated soap
  - Bath soap
  - Towels, bath and face
  - Wash cloths
  - Tooth powder (in non-metallic containers)
  - Tooth brushes
  - Combs (non-metallic)
  - Brushes, scrubbing
  - Hairbrushes (non-metallic)
  - Clothes brushes
  - Safety razor
  - Safety razor blades
  - Shaving brushes
  - Talcum powder (in non-metallic containers)
  - Styptic pencils
  - Shaving soap cake and powder
  - Small mirrors
- Items for women:
  - Wool hose
  - Safety pins
  - Small mirror
  - Ribbon
  - Hair nets and pins
  - Knitting needles (non-metallic)
  - Crochet needles (non-metallic)
  - Crochet thread
  - Knitting yarn
  - Elastic
  - Blouses
  - Skirts
  - Dresses
  - Toilet articles except liquids (in non-metallic containers)
  - Cleansing tissues
  - Camphor ice (cardboard containers)
  - Sanitary supplies for feminine hygiene
  - Orange sticks
- Items for children:
  - All kinds of clothing and shoes
  - Crayons
  - Small indestructible wooden toys
- Sports and games:
  - Playing cards
  - Checkers
  - Chess
  - Cribbage
  - Ping pong or table tennis sets
  - Softballs
  - Baseballs
  - Footballs
  - Softball or baseball gloves
- Clothing:
  - Socks
  - Sock supporters
  - Belts
  - Sport Shorts for athletics
  - Shirts (regular army or navy if prisoners of war)
  - Slacks (regular army or navy if prisoners of war)
  - Underwear
  - Gloves
  - Handkerchiefs
  - Mufflers
  - Light sweaters
  - Shoes
  - Shoe laces
  - Insoles
  - House slippers
  - Bathrobes
  - Pajamas
  - Nightgowns
  - Suspenders
- Miscellaneous items:
  - Chewing gum
  - Shoe polish in tins
  - Toothpicks
  - Nail files (not exceeding four and one-half inches (4½) in length)
  - Nail clippers
  - Wallets
  - Pocketbooks
  - Mending kits (no scissors included)
  - Sewing kits (no scissors included)
  - Buttons (non-metallic)
  - Hair clippers
  - Vitamin tablets in cardboard containers
- Food Items:
  - Processed American or Swiss cheese (Wrapped in cellophane)
  - Dried prunes, raisins, or apricots, peaches and apples (In one-pound or one-half pound cellophane packages)
  - Dried soups (in cellophane bags)
  - Cereals of the farina or cream of wheat type (cardboard containers)
  - Dried skim milk (in one or one-half pound cellophane bags)
  - Nuts—only pecans, Brazil nuts, or peanuts in shell or salted (cellophane bags)
  - Plain or chocolate powdered malted milk in press-in top tins or boxes or in cellophane bags not in excess of one pound
  - Malted milk tablets in cellophane bags or cardboard boxes not in excess of 500 tablets
  - Dried noodles, macaroni or spaghetti in cardboard boxes
  - Dried (chipped) beef wrapped in clear wax paper or cellophane not in excess of one pound
  - Coffee in plain bags not in excess of one pound
  - Tea—bulk (loose) in one-fourth (¼) or one-half (½) pound bags or cardboard boxes
  - Cocoa in press-in top cans or cellophane bags not in excess of one-half (½) pound
  - Sugar in paper bags or cardboard boxes not in excess of one pound

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

A. N. Ziegler,
Acting Chief,
Export Control Branch,
Office of Exports.

November 4, 1942.

[F. R. Doc. 42-11493; Filed, November 5, 1942; 10:30 a. m.]

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[1] 7 F.R. 4952, 5080, 5115, 5343, 5591, 5638, 5745, 5746, 6067, 6203, 6418, 6671, 6672, 6825, 7223, 7961, 7991, 8177.

[1] 7 F.R. 5268.

[2] 7 F.R. 5007, 5477.

[1] 7 F.R. 5012, 5591, 5937, 6418, 7029, 8015.

[Amendment LXVIII]

PART 802—GENERAL LICENSES

CONSIGNEE CONTROL UNDER GENERAL LICENSE

Paragraph (b) of § 802.5 *Consignee control under general license*[1] is hereby amended by adding the following new subparagraph:

(5) To any member of the armed forces of an enemy country who is a prisoner of war.

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951.)

A. N. ZIEGLER,
Acting Chief,
Export Control Branch,
Office of Exports.

OCTOBER 23, 1942.

[F. R. Doc. 42-11495; Filed, November 5, 1942; 10:31 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Revocation of Priorities Regulation 10]

Section 944.31 *Priorities Regulation No. 10* establishing the Allocation Classification System,[2] is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11507; Filed, November 5, 1942; 11:29 a. m.]

PART 1176—IRON AND STEEL CONSERVATION

[Conservation Order M-126 as Amended November 5, 1942]

§ 1176.1 *General Conservation Order M-126*[3]—(a) *Definitions.* For the purpose of this order:

(1) "Governing date", with respect to any item on List A or List S, or part thereof, means the date set forth opposite such item.

(2) "Army - Navy - Maritime order" means an order for material to be purchased (or physically incorporated into material to be purchased) by or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration, where with respect to any item on List A, or part thereof, the use of iron or steel, or with respect to any item on List S, or part thereof, the use of stainless steel, is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration, applicable to the contract, subcontract or purchase order.

(3) The terms "iron" and "steel" shall not be deemed to include screws, nails, rivets, bolts, or wire, strapping or small hardware for joining or other similar essential purposes.

(4) The term "stainless steel" means corrosion or heat resistant alloy iron or alloy steel containing 10 per cent or more of chromium with or without nickel and/or other alloying elements.

(5) "Process" means cut, draw, machine, stamp, melt, cast, forge, roll, turn, spin or otherwise shape.

(6) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(7) The term "assemble" shall not be deemed to include the putting together of an article after delivery to a sales outlet or consumer in knockdown form pursuant to an established custom. The term "assemble" shall also not be deemed to include adding finished parts to an otherwise finished article when the placing of one or more finished parts or the size or type of one or more finished parts is determined by the use to which the ultimate consumer is to put the article.

(b) *Restrictions with respect to List A products.* Except as provided in paragraph (d):

(1) *Raw material deliveries.* From and after the applicable governing date of any item on List A, no person shall deliver or accept delivery of any iron or steel which he knows or has reason to know will be used to make such item, or any part thereof.

(2) *Fabrication*—(i) *Limitation.* During the 30 days next following the applicable governing date of any item on List A, no person shall put into process any iron or steel to make such item, or any part thereof, in an aggregate weight greater than 75 per cent of the average monthly weight of all metals put into process by him during 1941 in the making of such item and parts, and no person shall put into process any iron or steel in the making of any such item or part unless processing thereof will be completed within such 30 day period.

(ii) *Prohibition.* From and after the date 30 days after the applicable governing date of any item on List A, no person shall process any iron or steel to make such item, or any part thereof.

(3) *Assembly.* From and after the date 60 days after the applicable governing date of any item on List A, no person shall assemble such item, or any part thereof, containing any iron or steel.

(4) *List A products without governing dates.* With respect to any item on List A without a governing date, (i) no person shall deliver or accept delivery of any iron or steel which he knows or has reason to know will be used to make such item, or any part thereof, (ii) no person shall put into process or process any iron or steel to make such item, or any part thereof, and (iii) no person shall assemble such item, or any part thereof, containing any iron or steel.

(5) *Finished item deliveries.* No person shall deliver or accept delivery of any item on List A, or part thereof, which he knows or has reason to know was fabricated, assembled or delivered in violation of any applicable provision of this order as amended from time to time.

(c) *Restrictions with respect to List S products.* Except as provided in paragraph (d):

(1) *Raw material deliveries.* From and after the applicable governing date of any item on List S, no person shall deliver or accept delivery of any stainless steel which he knows or has reason to know will be used to make such item, or any part thereof.

(2) *Fabrication*—(i) *Limitation.* During the 30 days next following the applicable governing date of any item on List S, no person shall put into process any stainless steel to make such item, or any part thereof, in an aggregate weight greater than 50% of the average monthly weight of stainless steel put into process by him during 1941 in the making of such item and parts, and no person shall put into process any stainless steel in the making of any such item or part unless processing thereof will be completed within such 30 day period.

(ii) *Prohibition.* From and after the date 30 days after the applicable governing date of any item on List S, no person shall process any stainless steel to make such item, or any part thereof.

(3) *Assembly.* From and after the date 45 days after the applicable governing date of any item on List S, no person shall assemble such item, or any part thereof, containing any stainless steel.

(4) *Finished item deliveries.* No person shall deliver or accept delivery of any item on List S, or part thereof, which he knows or has reason to know was fabricated, assembled, or delivered in violation of any applicable provision of this order as amended from time to time.

(d) *Exemption for Army-Navy-Maritime orders.* (1) The provisions of paragraph (b) with respect to items on List A with governing dates shall not apply to Army-Navy-Maritime orders for such items, or any parts thereof, for a period of 60 days after the applicable governing date. From and after the expiration of the applicable exemption period, no person shall deliver, accept delivery of, put into process, process or assemble any iron or steel for the making of any item on List A, or part thereof, unless such item or part is on List C. The provisions of paragraph (b) shall not apply to Army-Navy-Maritime orders for any item on List C, or part thereof, except that stainless steel shall not be used to make such item and parts, unless permitted by paragraph (d) (3).

(2) The provisions of paragraph (c) shall not apply to Army-Navy-Maritime orders for any item on List S, or part thereof, for a period of 60 days after its governing date. From and after the expiration of the applicable exemption period, no person shall deliver, accept delivery of, put into process, process or assemble any stainless steel for the making of any item on List S, or part thereof, unless such item or part is on List C.

(3) Except as otherwise specified on List C as to any item, or part thereof, stainless steel may be used to make any item on List C, or part thereof, for Army-Navy-Maritime orders until December 31, 1942. Except as provided in paragraph (d) (4), on and after December 31, 1942, no person shall use any stainless steel to make any item on List C, or part thereof, unless, and then only to the extent that, the use of stainless steel is expressly permitted for such item.

(4) Where the use of stainless steel or a type of stainless steel in the making of any item on List C, or part thereof, for Army-Navy-Maritime orders is prohibited by the provisions of this order, and the person making any such item or part is unable to secure permitted materials, a further exemption period is hereby granted for the minimum period of time necessary to obtain such permitted materials, but in no event later than April 30, 1943.

(e) *Restrictions with respect to other products*—(1) *Roofing and siding.* No person shall manufacture any iron or steel into roofing and siding except:

(i) For delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, The War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development; or

(ii) For delivery on a preference rating of AA-5 or higher assigned by a PD-3A preference rating certificate or by a preference rating order in the P-19 series; or

(iii) For defense housing, to the extent specified in the Defense Housing Critical List; or

(iv) For the manufacture, maintenance and repair of railroad freight cars, street cars, or busses; or

(v) For deliveries on preference ratings assigned by the Board of Economic Warfare or for deliveries on Lend-Lease orders; or

(vi) For delivery to an ultimate purchaser for maintenance and repair purposes regardless of rating. With respect to this paragraph (e) (1) (vi), no person may manufacture from May 5, 1942 to December 31, 1942, more than 20 percent of the roofing and siding made by him from iron or steel during the calendar year 1940; or in the calendar year 1943 or any subsequent calendar year, more than 25 percent of the roofing and siding made by him from iron or steel, during the calendar year 1940.

Any person manufacturing or selling any such roofing or siding may rely on the certificate of his customer that such roofing or siding will only be sold or used as permitted by this paragraph (e) (1).

(2) *Other products.* No person shall use any iron or steel to make any article not prohibited on List A, or any part thereof, where and to the extent that the use of other material (excluding material on List D) is practicable. Alloy steel shall not be used when the use of carbon steel is practicable, and no more iron or steel shall be used in connection with the manufacture of any such article than is essential. The provisions of this paragraph (e) (2) shall not apply in the case of articles or parts to be purchased by or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, or to be physically incorporated into products to be so purchased to the extent that the use of iron or steel is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration applicable to the contract, subcontract or purchase order.

(f) *Restrictions with respect to other scarce materials.* No person whose use of iron or steel is restricted by paragraphs (b), (d) or (e) shall use as a substitute therefor any material on List D.

(g) *Disposition of frozen and excessive inventories.* The disposition of frozen and excessive inventories containing iron or steel shall be subject to the applicable provisions of Priorities Regulation No. 13 (§ 944.34).

(h) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(2) *Appeal.* Any appeal from the provisions of this order must be made on Form PD-500 and must be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(3) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply whether the items are ordered or manufactured pursuant to a contract made prior to, on, or subsequent to May 5, 1942, or pursuant to a contract supported by a preference rating. Insofar as any other order of the Director General for Operations may have the effect of limiting or curtailing to a greater extent than herein provided the use of any material in the production of any item, the limitations of such order shall be observed.

(4) *Intra-company deliveries.* The restrictions of this order with respect to deliveries prohibit or restrict deliveries not only to other persons, including affiliates or subsidiaries, but also from one branch, division, or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(6) *Installation.* The restrictions of this order with respect to putting into process, processing, and assembling shall not apply to the installation of an item or part for the ultimate consumer on his premises when any putting into process, processing or assembling of such item or part is incidental to such installation and is done on such premises.

(7) *Repair.* The restrictions of this order (other than those contained in paragraph (e) (2)) shall not apply to a person repairing a used article on or off the premises of the owner, if the person making the repair does not use iron or steel weighing in the aggregate more than 25 pounds and if any putting into process, processing or assembling done by such person is for the purpose of making the specific repair. The limitations in this paragraph (h) (7) on repairing a used article shall not apply to any item on List A or List S, or part thereof, to the extent that maintenance and repair of such item is specifically excepted on List A or List S.

Issued this 5th day of November, 1942.

ERNEST KANZLER,
Director General for Operations.

LIST A

Item	*Governing date*
"A" Frames and booms for lighters, 25 tons capacity and under.	Nov. 5, 1942
Access panels—except as required by Underwriters Code.	None
Accessories, soda fountain[1]	July 15, 1942
Acoustical ceilings	None
Adhesive tape sleeves	July 15, 1942
Advertising novelties	None
Air-conditioning systems[1]—except for hospital operating rooms and industrial plants.	None
Ampule scorers	Nov. 5, 1942
Amusement park devices and roller coasters.[1]	None
Area walls	None
Ash sieves	None
Asparagus tongs	None
Atomizers, perfume-boudoir	None
Attic fans	None
Autographic registers[1]	None
Automobile accessories—except as required by law.	None
Automobile heaters[1]—except for passenger carriers, as defined in L-158, police cars, ambulances, trucks and fire wagons.	July 15, 1942
Awning frames and supports	None
Bag, purse, and pocketbook frames.	None
Balers, paper for household use	July 15, 1942
Ball park equipment including but not limited to:	July 15, 1942
Cages.[1]	
Fences.	
Lighting systems — except lamp bulbs.	
Metal bases.	
Protective netting.[1]	
Railings.	
Rollers.	
Score boards.	
Screens.[1]	
Seats.[1]	
Tampers.	
Banks, personal, toy, miniature.	Nov. 5, 1942

[1] Maintenance and repair excepted.

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[1] 7 F.R. 5004.

[2] 7 F.R. 4198, 4833, 5640.

[3] 7 F.R. 8266.

Item	Governing date
Barber and beauty shop furniture.	None
Barber and beauty shop supplies, machines and equipment.[1]	July 15, 1942
Barn pushers and scrapers	July 15, 1942
Barware and bar accessories	July 15, 1942
Bases on refrigerating machines below one H. P.	Nov. 5, 1942
Baskets—except for commercial cooking and manufacturing uses.	None
Baths, steam, all types	Nov. 5, 1942
Bath tubs	None
B-B shot for air rifles	None
Beach umbrellas	July 15, 1942
Beds—except hospital	None
Bed spring frames—except for hospital link fabric spring type bed.	None
Beer kegs—except hoop and fittings for wooden kegs.	None
Beer mugs	None
Beer stands	None
Beer steins	None
Bench legs—except industrial	None
Beverage bottle cases, including but not limited to beer and all soft drinks.	July 15, 1942
Bicycle racks	Nov. 5, 1942
Binding, linoleum	Nov. 5, 1942
Binoculars—except U. S. Government Agencies.	None
Bird cages and stands	None
Bird houses and feeders	None
Biscuit boxes	None
Blackboards	None
Blade stroppers, mechanical	None
Bleachers and grandstands[1]	None
Blocks, hat	July 15, 1942
Boards, sounding	Nov. 5, 1942
Boat hooks	Nov. 5, 1942
Book ends	None
Boot jacks	Nov. 5, 1942
Bottle holders–except hospital	None
Bowling alleys, bowling pins and accessories.[1]	July 15, 1942
Boxes and trays for jewelry, cutlery, combs, toilet sets.	None
Boxes, meter and covers—except industrial.	Nov. 5, 1942
Braces, extensible steel trench	Nov. 5, 1942
Bread and cake boxes, household.	July 15, 1942
Bread slicers for home use—except knives.	July 15, 1942
Bridge splash guards	None
Brushes and brush-backs—except industrial.	July 15, 1942
Buckles, for clothing—except overalls, overall suits, dungarees.	Nov. 5, 1942
Buckles for	July 15, 1942
Pocketbooks.	
Shoes—except for waterproof shoes.	
Building ornaments	None
Buildings, portable	Nov. 5, 1942
Burial lowering devices	Nov. 5, 1942
Butter chips	None
Butter knives	None
Buttons for clothing—except for overalls, overall suits and dungarees.	July 15, 1942
Buttons for work clothing—except 22 line fly button of plain design and 27 line button with wreath design for remainder of garment, and except open top button of not more than two pieces exclusive of the tack or fastener.	Nov. 5, 1942
Cabinets—except	None
Hospital operating and examining rooms.	
As permitted in Limitation Orders L–13–a and L–62.	
Cake cutters	None
Cake icing equipment	July 15, 1942
Cake tongs	None
Calendar and memo pad stands	July 15, 1942
Calliopes or steam organs	July 15, 1942
Candy display dishes	None
Canes	July 15, 1942
Canopies, hoods and supports	None
Cans, containers, closers and closures:	
Cans or containers for	None
Anti-freeze (under 5 gal. size).	
Artist supplies.	
Tobacco products.	
Bouillon cubes.	
Candy.	
Caviar.	
Chalk.	
Coffee.	
Gloves.	
Incense.	
Lawn seed.	
Nuts.	
Pencils.	
Phonograph needles.	
Playing cards.	
Razor blades—except metal holders which are integral parts of the mechanism for inserting blades into safety razors.	
Sponges.	
Staples.	
Tennis balls.	
Toilet water.	
Yarn.	
Cosmetics and toiletries	July 15, 1942
Closers for paper and cellophane bags—except bags for 25 lb. content or more.	Nov. 5, 1942
Closures for glass coffee containers—except that such closures may be processed until December 1, 1942 from distressed stocks of black plate lithographed on or before September 3, 1942.	None
Closures for cosmetics and toiletries.	July 15, 1942
Car washing machines	Nov. 5, 1942
Carillons	July 15, 1942
Carpet rods	None
Carriers, casket[1]	July 15, 1942
Carrousels (Merry-go-rounds)[1]	July 15, 1942
Carving set holders	None
Cases, vanity	July 15, 1942
Cash boxes	None
Cash registers[1]	None
Casket hardware	None
Casket trucks, undertaker's—except wheels.	Nov. 5, 1942
Ceilings	None
Chafing dishes	Nov. 5, 1942
Chamber pots	July 15, 1942
Cheese dishes	None
Chicken crates	None
Chicken house scrapers	July 15, 1942
Christmas tree holders	None
Christmas tree ornaments	None
Cigar and cigarette holders and cases.	None
Cigar clippers	None
Cigarette lighters	None.
Cigarette package holders	Nov. 5, 1942
Cigarette making machines, hand.	Nov. 5, 1942
Circus and carnival apparatus, equipment[1] and devices, including but not limited to:	July 15, 1942
Animal cages.[1]	
Animal stands.	
Tent standers.	
Trailers.[1]	
Trapeze bars.	
Clamps, hair, including barrettes, decorative clips and fasteners, but not including common bob and hair pins.	Nov. 5, 1942
Clips for attaching baggage tags	Nov. 5, 1942
Clock cases—except on recording and controlling industrial instruments.	None
Clothes lines	Nov. 5, 1942
Clothes line pulleys	None
Clothes line reels	None
Clothes racks and dryers	None
Clothes trees	None
Clothing trim and dress ornaments.	July 15, 1942
Coal chute and door, household.	None
Coal pans	None
Coasters and trivets for glass and hot containers.	July 15, 1942
Cocktail glasses	None
Cocktail sets	None
Cocktail shakers	None
Coin changers—except for public transportation.	July 15, 1942
Combs, hair—except curry combs.	July 15, 1942
Compacts	None
Concrete and cement hardeners.	Nov. 5, 1942
Cooking stoves, commercial electric.[1]	None
Copy holders	None
Corn poppers and machines	None
Counter tops and edgings	None
Covers for automotive leaf-type springs.	Nov. 5, 1942
Covers, manhole—except reinforcing and banding.	Nov. 5, 1942
Covers, meter frame—except industrial.	Nov. 5, 1942
Crochet hooks	July 15, 1942
Croquet sets	None
Crumb trays	None
Crutches	Nov. 5, 1942
Culverts, including conduits, corrugated pipe, and corrugated plates for pipe and arches for culverts—except:	None
Reinforcing for concrete.	
Nestable culverts for use outside continental limits of U. S.	
Culverts, reinforced concrete—except:	Nov. 5, 1942
Interior installations.	
Outside continental limits of U. S.	
Under access roads.	
Under airport runways.	
Under railroad rights of way.	
Cups of all kinds, drinking	None
Curb guards	None
Curlers, beauty parlor and home use.	Nov. 5, 1942
Curling irons	Nov. 5, 1942
Curtain stretchers	July 15, 1942
Darners, sock	Nov. 5, 1942
Decorative iron products	None
Desk equipment, including but not limited to:	July 15, 1942
Desk sets.	
Desk pads.	
Fountain pen and pencil stands.	
Letter openers.	
Name plates.	
Paper weights.	

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[1] Maintenance and repair excepted.

Item	Governing date
Diaper cans, containers, or receptacles.	Nov. 5, 1942
Dictaphone racks	None
Dinner bells	None
Dishwashing machines[1]—except hospitals.	None
Dishwashing racks, household	July 15, 1942
Dispensers, hand, for	None
Hand lotions	
Paper products	
Soap	
Straws	
Display forms	July 15, 1942
Document stands	None
Door chimes	None
Door closers[1]—except for hospitals, public toilet doors, exterior doors on public buildings, and where required to meet fire regulations.	None
Door handles—except shipboard use.	None
Door knockers	None
Door mats	July 15, 1942
Door stops	None
Drain boards and tub covers, household.	None
Drawer pulls	None
Dress forms	None
Dummy police	None
Dust collecting systems and equipment[1]—except on AA–5 or higher.	None
Dust covers and enclosures[1]—except industrial.	July 15, 1942
Easels, all types	July 15, 1942
Edging, furniture and linoleum	Nov. 5, 1942
Ediphone racks	None
Egg slicers	None
Electric drinking water coolers—except for use in war plants.	None
Embalming tables[1]	July 15, 1942
Enameled tile sheets and squares.	Nov. 5, 1942
Enamel store fronts	None
Erasing knives	None
Erasing shields	Nov. 5, 1942
Escalators[1]	None
Exercise and reducing machines.[1]	July 15, 1942
Exhibition and fair apparatus and equipment,[1] including but not limited to:	July 15, 1942
Lighting equipment.	
Racks.	
Stands.	
Fan stands, all types	Nov. 5, 1942
Feed troughs	None
Fences, chain link—except on A–2 or higher.	None
Fences, chain link—A–2 or higher.	July 15, 1942
Fence posts—except on A–2 or higher.	None
Fence posts—A–2 or higher	Nov. 5, 1942
Fences, ornamental	None
Ferneries, metal	Nov. 5, 1942
Finger bowls	None
Finger nail files	Nov. 5, 1942
Fireplace equipment, including but not limited to grates, clean out doors and ash dumps—except dampers.	None
Fireplace dampers	Sept. 3, 1942
Fireplace screens	None
First aid kits	Nov. 5, 1942
Fish aquariums	None
Flag holders	Nov. 5, 1942
Flagpoles	None
Flashlight tubes	None
Flatware—except cooking and eating utensils.	July 15, 1942
Floats for pageants, parades, advertising, etc.—except trucks.	July 15, 1942
Floor and ceiling plates for piping.	None
Floor and counter covering trim.	None
Floor polishing machines	None
Floor scrapers—except power-driven.	July 15, 1942
Floral tools and floral hoes	July 15, 1942
Florist supplies	Nov. 5, 1942
Flour, salt and pepper shakers	None
Flower boxes, pot holders and vases.	None
Flower shears	None
Fly traps	None
Food vending machines, including automats.	Nov. 5, 1942
Foot baths—except hospitals	None
Foot scrapers	None
Forms and accessories for residential and commercial concrete construction.	Nov. 5, 1942
Fountain pens—except functional parts.	None
Fountains, ornamental	None
Frames, catch basin and grater, all types.	Nov. 5, 1942
Frames, clothes drying	July 15, 1942
Frames for artists' canvas, darning and needlework.	July 15, 1942
Frames, steel blocking	Nov. 5, 1942
Fruit juice extractors, household.[1]	July 15, 1942
Furniture[1]—except:	None
Wood furniture.	
As permitted in Limitation Orders L–13–a and L–62.	
Hospital operating and examining rooms.	
Hospital beds and cots.	
Game and gambling devices	July 15, 1942
Garage hoists, car lifts, and racks.	None
Garbage grinders, household[1]	July 15, 1942
Garden trowels	July 15, 1942
Garment hangers	July 15, 1942
Gas toasters, household	July 15, 1942
Gates for fences	Nov. 5, 1942
Gates, railroad crossing, except mechanism.	Nov. 5, 1942
Glassware holders and trim—except on cooking utensils.	July 15, 1942
Golf bag supports	None
Grass shears	None
Grass whips	July 15, 1942
Grave markers	Nov. 5, 1942
Grilles	None
Ornamental.	
Sewers—except on AA–5 or higher and reinforcing for concrete sewers.	
Grills, outdoor	Nov. 5, 1942
Guards for guy wires	Nov. 5, 1942
Gutters, spouting, conductor pipe, and fittings for single family dwellings.[1]	None
Gutters, spouting, conductor pipe and fittings for dwellings two stories or less in height (2 family or more).	Nov. 5, 1942
H-Bar units	Nov. 5, 1942
Hair combs, except curry combs	July 15, 1942
Hair dryers	None
Hand seals for documents	July 15, 1942
Hand weeders	July 15, 1942
Handles, broom and mop	July 15, 1942
Hangers and track for garage doors for private use.	None
Hanger rings on brushes, brooms, etc.	None
Harness and saddlery fittings[1]—except for draft, work and ranch animals.	July 15, 1942
Hat frames	None
Hat-making machinery[1]	None
Heat resisting pads for household use.	Nov. 5, 1942
Hedge shears	None
Helmets—except on AA–5 or higher.	None
Highway railroad flasher lights[1]—except lamp bulbs.	July 15, 1942
Highway guard rail, wire, strip and posts.[1]	July 15, 1942
Highway guard rail reflectors[1]	July 15, 1942
Hitching posts	July 15, 1942
Holders, wire, all types	Nov. 5, 1942
Hoops, galvanized wire, for flower garden trim.	July 15, 1942
Hose reels—except:	None
Fire fighting equipment.	
Industrial uses in direct fire hazard areas.	
Hospital, medical, dental and related equipment.[1]	July 15, 1942
Anesthesia tables—except for use in operating rooms.	
Arm immersion stands.	
Back rests.	
Bassinets—except for frame and basket and isolation cabinet type.	
Bath cabinets—except hospital use.	
Bed feeding and reading trays.	
Bed trays.	
Bedside panel screens.	
Blanket warming cabinets.	
Book trucks—except wheel tires.	
Bowl stands—except for use in operating rooms.	
Cabinets for diathermy, sinusoidal and galvanic apparatus.	
Chairs, other than examining or specialist chairs or dental chairs.	
Chart holders—except necessary hardware.	
Chiropractic adjustment tables.	
Clothes hampers.	
Commodes—except receptacle.	
Couch tables.	
Dental cabinets.	
Dish trucks—except wheel tires.	
Dressing stands.	
Dressing carriages—except frame and necessary hardware.	
Examining tables, non-adjustable.	
Ice trucks—except wheel tires.	
Instrument cabinets—except for use in operating rooms.	
Instrument tables—except for use in operating rooms.	
Laundry trucks—except wheel tires.	
Linen hampers—except for frames.	
Linen trucks—except wheel tires.	
Needle cabinets—except for use in operating rooms.	
Nurses' work tables.	
Orthopedic and fracture carts—except wheel tires and frames.	
Overbed and swing overbed tables.	
Record and chart desks and racks.	
Shelf trucks—except wheel tires and frame (not food).	
Stands and racks for colonic irrigation apparatus.	

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[1] Maintenance and repair excepted.

Item	Governing date
Hospital, medical, dental—Con.	
Sterilizer stands — except frame and top.	
Stools—except for use in operating rooms and except mechanism for adjustable stools.	
Stretchers, wheel type—except wheel tires and frames.	
Supply and treatment cabinets—except for operating rooms.	
Tables, examining, adjustable—except frame and operating mechanism.	
Thermometer baskets.	
Utensil racks.	
Vasoscillator—oscillating beds.	
Wall shelf stands—except for use in operating rooms.	
Wheel chairs—except essential hardware.	
Hospital, medical, dental and related equipment.[1]	Nov. 5, 1942
Chiropody chairs.	
Nose and throat chairs, hydraulic.	
Optical chairs, hydraulic.	
Osteopathic tables.	
House numerals	None
Houses	Nov. 5, 1942
Tool.	
Hog.	
Poultry—except wire netting.	
Humidification devices—except industrial and hospital use.	Nov. 5, 1942
Humidors	July 15, 1942
Ice box exteriors—except portable blood banks.	None
Ice cream freezers, household	None
Ice cream molds	Nov. 5, 1942
Ice cube trays	None
Incinerators—except industrial, commercial and to the extent specified in Defense Housing Critical List.	None
Ink well holders	None
Inlets, gutter, all types	Nov. 5, 1942
Inlets, sewer, all types	Nov. 5, 1942
Insulation, metal reflecting type.	None
Ironing boards and stands	July 15, 1942
Jam boxes	None
Jelly molds	None
Jewelry	None
Jewelry cases	None
Jugs, picnic, all types	Nov. 5, 1942
Kaleidoscopes	July 15, 1942
Key chains, cases and rings	July 15, 1942
Keys for opening cans	July 15, 1942
Knitting needles	None
Ladders, step	Nov. 5, 1942
Lanterns, magic	July 15, 1942
Lard or vegetable oil tubs—except 5 lbs. and over, and straps for wood containers.	None
Laundry chutes	None
Laundry trays—except reinforcing mesh.	None
Lavatories—except hangers	None
Lawn and landscaping equipment, all types.	Nov. 5, 1942
Lawn brooms	July 15, 1942
Lawn edgers	July 15, 1942
Lawn rakes	July 15, 1942
Lawn rollers [1]	July 15, 1942
Lawn tampers	July 15, 1942
Lawn seeders [1]	July 15, 1942
Lawn sprinklers	None
Letter chutes	None
Letter openers	None
Letter trays	None
Lighting poles and standards [1]	None
Lipstick holders	None
Lobster forks	None
Lobster tongs	None
Lockers—except	None
Oil refinery use.	
As permitted by Limitation Order L-13-a.	
Logs, artificial, for gas and electric fireplace.	July 15, 1942
Luggage, except locks [1]	July 15, 1942
Lunch boxes	Nov. 5, 1942
Mail boxes—except as required by U. S. postal regulations.	None
Mailing tubes or cases—except for transportation of bacteria, cultures, serums, plasma, and biological specimens.	None
Marine hardware for pleasure boats.	None
Marquees	None
Match boxes	None
Material for housing, not otherwise specified in this order—except to the extent specified in the Defense Housing Critical List.	None
Measuring pumps and dispensers [1] for gasoline station, garage and household use, including but not limited to:	None
Air pumps.	
Grease guns.	
Grease pumps.	
Gasoline dispensing pumps.	
Kerosene pumps.	
Oil pumps — except barrel pumps and lubesters.	
Meat molds	Nov. 5, 1942
Mechanical book binding	None
Memorial tablets	July 15, 1942
Menu holders	None
Metal cloths, except for industrial processing.	Nov. 5, 1942
Metal dust covers and enclosures—except industrial.	July 15, 1942
Millinery wire and gimps	None
Mirrors, hand	None
Monograms and initials	July 15, 1942
Mop wringers	None
Motion picture cameras [1]	Nov. 5, 1942
Motion picture projectors [1]	Nov. 5, 1942
Motion picture screen stands [1]	Nov. 5, 1942
Mud scrapers	Nov. 5, 1942
Music stands	None
Napkin rings	None
Necktie racks	None
Newspaper boxes or holders	None
Novelties and souvenirs of all kinds—except that the assembling of artificial leaves, fruit, flowers, and of feather ornaments shall be permitted when any iron or steel wire to be used was drawn on or before June 19, 1942 or was sold to the manufacturer of the artificial leaves, fruit, flowers or feather ornaments as scrap.	None
Office machinery [1] used for	None
Change making.	
Coin handling.	
Check cancelling.	
Check cutting.	
Check dating.	
Check numbering.	
Check signing.	
Check sorting.	
Check writing.	
Envelope handling.	
Envelope opening.	
Envelope sealing.	
Envelope stamping.	
Envelope mailing.	
Folding contents of envelope.	
Oil well pumping units [1]—except:	Nov. 5, 1942
Brackets.	
Cranks.	
Equalizers.	
Pitmans.	
Reduction gears and case.	
Saddle bearings.	
Steel pin connections.	
Washers.	
Ornamental hardware and moldings.	None
Outdoor fireplace parts	None
Outing spades	July 15, 1942
Packing twine holders	None
Pads, inking and stamping	July 15, 1942
Pail clasps	None
Paint spray outfits—except industrial.	None
Paper rollers, household	None
Parasols, shafts and handles	July 15, 1942
Park and recreational benches.	None
Parking meters	None
Partitions	Sept. 3, 1942
Partition studs	Nov. 5, 1942
Pegs, tent	Nov. 5, 1942
Pen holders	None
Pencil holders	Nov. 5, 1942
Pencils, mechanical or automatic.	None
Permanent wave machines	None
Pet beds	None
Pet cages	None
Pet dishes	None
Pet equipment (except license tags) including but not limited to:	July 15, 1942
Carriers.	
Chains.	
Collars.	
Feeders.	
Houses.	
Leashes.	
Muzzles.	
Phonograph motors, hand wound.	None
Phonograph record blanks	None
Photographic accessories	None
Photographic equipment [1]— except microfilm.	Nov. 5, 1942
Physical reducing machines	None
Picnic and outing boxes and accessories.	July 15, 1942
Picture and mirror hardware	None
Pie plates—except commercial or institutional.	None
Pipe cases	None
Pipe cleaner knives	None
Pipe posts	Nov. 5, 1942
Pitchers—except for hospital use.	July 15, 1942
Plant and flower supports	None
Plates, light switch—except for cast conduit bodies.	Nov. 5, 1942
Playground equipment	Sept. 3, 1942
Play pens, boxes and enclosures, children's.	July 15, 1942
Pleasure boats	None
Pleasure boat equipment and accessories.	Nov. 5, 1942
Plumbing and heating equipment.	Nov. 5, 1942
Gas conversion burners.	
Gas fired boiler-burner units.	
Gas fired furnace-burner units.	
Oil fired boiler-burner units.	
Oil fired furnace-burner units.	
Registers, cold air.	
Registers and grilles.	
Steel heating boilers of 129 sq. ft. or less of heating surface.	
Pneumatic tube delivery systems [1]—except industrial.	None
Pocketbook ornaments	July 15, 1942
Polishing-wax applicators	None

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[1] Maintenance and repair excepted.

Item	Governing date
Polishing-wax sprayers	None
Portable bath tubs	None
Poultry incubator cabinets	None
Pulp, paper, paper products and converter machinery and equipment [1]—except:	Nov. 5, 1942
Automatic paper packaging machines.	
Paper bag machinery.	
Paper corrugating machinery.	
Paper cup machinery.	
Paper cutting machinery.	
Paper parafining machinery.	
Paper pasting machinery.	
Paper slitting machinery.	
Paper tube machinery.	
Slitters and winders.	
Waxing machines.	
Push carts	None
Push plates and kick plates, door.	None
Race track apparatus and equipment,[1] including but not limited to:	July 15, 1942
Mutuel ticket machines.	
Pari-mutuel boards.	
Race finish photographic equipment.	
Starting gates.	
Racks, display	Nov. 5, 1942
Racquets	None
Radiator enclosures	None
Radio antenna poles[1]—except on ratings of AA-5 or higher.	None
Railings, barriers and fences—except for livestock and poultry enclosures and essential industrial use.	July 15, 1942
Railings, barriers, and fences for industrial use.	Nov. 5, 1942
Railroad rail joint angle bars over 24″ in length [1]—except for replacement on used rails.	July 15, 1942
Reading stands	July 15, 1942
Reels, cable and rope	Nov. 5, 1942
Reflectors, street and highway	Nov. 5, 1942
Refrigerator boxes, walk-in	Nov. 5, 1942
Refrigerator containers and trays, household.	None
Regalia	July 15, 1942
Registers, hand tally	Nov. 5, 1942
Rodeo equipment, including but not limited to:	July 15, 1942
Animal trappings.	
Fences.	
Gates [1].	
Rolling boardwalk chairs [1]	July 15, 1942
Rolling pins	July 15, 1942
Rotary door bells	None
Rug scrubbing and shampooing machines.	Nov. 5, 1942
Safety zone posts, rails, cables and platforms.	Nov. 5, 1942
Salesmen's display cases and sales kits.	None
Salt and pepper holders	None
Sample boxes	None
Sand boats	Nov. 5, 1942
Sash weights for windows	Nov. 5, 1942
Scaffolding	None
Scales, coin operated	July 15, 1942
Scenery and stage hardware equipment,[1] for dramatic theatrical and operatic use, except lamp bulbs, including but not limited to:	July 15, 1942
Battens.	
Cables.	
Lights.	
Reflectors.	
Stage drops.	
Score boards	July 15, 1942
Screen frames — except industrial processing.	None
Scrubbing boards	None
Semaphones, traffic signal—except railroad.	Nov. 5, 1942
Service food trays	None
Sewer pipe, exterior installations [1]—except for vents and within 5 feet of buildings.	None
Shades, window and roller type	Nov. 5, 1942
Sheet iron or hoop iron packings for cookies and sweet goods.	None
Shirt and stocking dryers	None
Shoe cleaning kits	None
Shoe ornaments	July 15, 1942
Show window lighting and display equipment.	None
Shower recepters — except frames.	None
Shower stalls—except frames	None
Shutters, window,[1] except where required in industrial use by Underwriters.	July 15, 1942
Sidewalk scrapers	July 15, 1942
Sign hanger frames	None
Sign posts	None
Signets	None
Silos [1]—except strapping and reinforcing.	None
Sink aprons and legs	None
Sink drainboards, both integral and removable.	None
Siphon chargers	July 15, 1942
Sitz baths	None
Skates, roller and ice	None
Skating rink apparatus and equipment.[1]	July 15, 1942
Skewers, all types	Nov. 5, 1942
Ski racks	None
Slides, loops and slide-loops for work clothing—except:	Nov. 5, 1942
One size not exceeding 1⅞″ for men's work clothing.	
One size not exceeding 1¾″ for boys' work clothing.	
Sleds—except runners	July 15, 1942
Sleighs—except runners	July 15, 1942
Slide fasteners	None
Smokers' accessories	July 15, 1942
Snow shovels and pushers, hand	None
Sod lifters	July 15, 1942
Spading forks, children's	July 15, 1942
Special industrial machinery	Nov. 5, 1942
Cement making machinery.[1]	
Ceramic making machinery [1]—except refractory making machinery.	
Collapsible tube filling machines.[1]	
Cosmetic machinery.	
Coupon inserting machines.	
Cut and monumental stone machinery.	
Fertilizer machinery.[1]	
Lamp manufacturing machinery,[1] including incandescent, fluorescent, and electric discharge type.	
Milk can machinery.[1]	
Paint processing and manufacturing machinery.[1]	
Soap making machinery.[1]	
Steel drum machinery [1]—except for export purposes.	
Tobacco machinery.[1]	
Wire-bound box making machinery.	
Spittoons	None
Spools for cord, ribbon, tape	Nov. 5, 1942
Spools for wire—except traverse	Nov. 5, 1942
Sporting and athletic goods—except:	None
Fully fabricated skates, cleats, and similar items may be attached to athletic shoes without restriction.	
Fishing tackle as permitted by Limitation Order L-92.	
Spray containers, household	None
Sprinkling cans, garden	July 15, 1942
Stadiums [1]	None
Stair and threshold treads [1], household, institutional and commercial buildings—except for fire escape and essential industrial use.	July 15, 1942
Stamped bakery equipment—except pie plates for commercial or institutional use.	None
Stands, all types—except:	Nov. 5, 1942
Essential industrial use.	
Hospital use where not otherwise specifically prohibited in this order.	
Staple removers	Nov. 5, 1942
Starter shingle strips	None.
Statues	None
Steel wool for household use made from other than waste.	None
Stencils	Nov. 5, 1942
Store display equipment and show cases.	None
Stretchers, carpet	Nov. 5, 1942
Stretchers, glove, sock and sweater.	July 15, 1942
Structural steel home construction.	None
Subway turnstiles [1]	None
Sugar cube dryer trays	None
Sugar holders	None
Sun dials	July 15, 1942
Sun lamps and infra-red lamps—except:	July 15, 1942
For professional and hospital use.	
Where lamps and reflectors are used for drying and baking.	
Swimming pool equipment [1], including but not limited to:	July 15, 1942
Diving boards.	
Diving stands.	
Ladders.	
Slides.	
Swivel chairs	None
Table name-card holders	None
Table tops for household use	None
Tablets	None
Tags, key; name; price; identification—except:	None
Personnel identification tags or badges where metal tags or badges are required for protection of government agencies.	
Personnel identification tags or badges containing not more than ¾ ounce of iron and steel where metal tags or badges are required for protection of industrial plants.	
Metal tags required for identification of livestock and poultry and products made therefrom.	
Pin attached or wire attached tickets for price marking soft goods.	
Metal tags for marking and identification of metal in its production and export shipment.	
Tanks (strapping excluded)	None
Dipping—for animals.	
Watering—for animals.	
Feeding—for animals.	
Storage, beer.	
Storage, water [1]—except:	
In tropical climates.	
Heights in excess of 100 feet.	
Range boilers and hot water storage.	

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[1] Maintenance and repair excepted.

Item	Governing date
Tanks, etc.—Continued.	
Storage, water [1]—except—Con.	
Pneumatic pressure tanks 82 gallon size and 31 gallon or smaller size.	
Tank towers under 50 feet in height.	Nov. 5, 1942
Teapots	None
Telephone bell boxes—except bases and where required for safety.	None
Telephone booths	None
Telescopes—except U. S. Government Agencies.	None
Tent frames and supports	Nov. 5, 1942
Termite shields	Nov. 5, 1942
Terrazzo spacers and decorative strips—except hospital operating rooms.	None
Textile Machinery	Nov. 5, 1942
Bobbinet machines.	
Crocheting machines including scalloping machines and shell-stitching machines.	
Embroidery machines.	
Hosiery clocking machines.	
Lace machines.	
Looms:	
Axminster.	
Box.	
Dobby	
Hooked.	
Jacquard.	
Wilton.	
All other machines for the manufacture of drapery and upholstery fabrics whether flat or pile weave.	
Linoleum or felt-base wall or floor covering machines.	
Thermometer bases, household	None
Thermometer cases and mountings, except industrial.	Nov. 5, 1942
Thermos jugs and bottles over 1 qt.	None
Thimbles, sewing	Nov. 5, 1942
Tickers, stock	July 15, 1942
Ticket vending machines—except for public transportation.	July 15, 1942
Tile, steel-back	None
Tongs, food handling and household use.	None
Tool boxes—except industrial	None
Tool cases—except industrial	None
Tool handles—except power driven.	None
Traffic lane markers	Nov. 5, 1942
Trailer bodies [1]—except:	July 15, 1942
Tank and dump bodies.	
Essential hardware, structural and bracing members for bodies, essentially of wood construction.	
Transplanting trowels	July 15, 1942
Trophies	July 15, 1942
Truck bodies [1]—except:	July 15, 1942
Tank and dump bodies.	
Essential hardware, structural and bracing members for bodies, essentially of wood construction.	
Trunks [1]—except locks	July 15, 1942
Turf edgers	July 15, 1942
Typewriter mechanism for pedestal and drop-head desks.	Nov. 5, 1942
Umbrellas, garden	July 15, 1942
Umbrella shafts and handles	July 15, 1942
Urinals	None
Vanity cases	July 15, 1942
Vending machines for sanitary napkins.	Nov. 5, 1942
Ventilators, shutter type	Nov. 5, 1942
Vibrators, electric	Nov. 5, 1942
Voting machines	None
Wagon bodies and frames [1]—except for construction.	None
Wardrobe trunks	None
Waste paper receptacles	July 15, 1942
Watch straps	July 15, 1942
Water color paint boxes	None
Water softeners, household	Nov. 5, 1942
Water stills, household	Nov. 5, 1942
Water troughs [1]	July 15, 1942
Weather stripping	None
Weather vanes	July 15, 1942
Weed cutters and pullers, including dandelion, thistle and dock.	July 15, 1942
Wheelbarrows—except wheels, and except for use in foundries, smelters, and coke-producing plants to handle hot materials.	None
Whiskey service sets	None
Window display advertising	None
Window shade rollers	Nov. 5, 1942
Window stools	None
Window ventilators—except industrial and hospitals.	None
Wine coolers	None
Wine service sets	None
Wire parcel handles and holders.	None
Wire racks and baskets—except:	None
Animal cages for biological work.	
Industrial.	
Scientific laboratory equipment.	
Work benches—except:	None
Shipboard.	
Industrial, where required for safety.	

LIST S—STAINLESS STEEL

Item	Governing date
Aircraft fire walls	Nov. 5, 1942
Aircraft seats	Nov. 5, 1942
Aircraft toilets	Nov. 5, 1942
Ammunition boxes and chutes	Nov. 5, 1942
Badges	Nov. 5, 1942
Barrel hoops and fittings	Nov. 5, 1942
Baskets, except for heat-treating, pickling and plating.	Nov. 5, 1942
Bed pans	Nov. 5, 1942
Bins, screens and strainers	Nov. 5, 1942
Blueprint machines	Nov. 5, 1942
Bobbin heads	Nov. 5, 1942
Boiler casings	Nov. 5, 1942
Bottle coolers	Nov. 5, 1942
Branding, marking and labeling devices.	Nov. 5, 1942
Brewing, distilling and processing equipment for alcoholic and non-alcoholic beverages including bottling equipment.	Nov. 5, 1942
Buckets and pails	Nov. 5, 1942
Builders' supplies and hardware.	Nov. 5, 1942
Cable terminals, fittings, and turnbuckles.	Nov. 5, 1942
Cafeteria and restaurant equipment.[1]	July 15, 1942
Chains and cables—except for heat-treating, pickling and plating.	Nov. 5, 1942
Cheese vats	Nov. 5, 1942
Clocks, clock-dials and cases	Nov. 5, 1942
Coffee pots	Nov. 5, 1942
Control levers	Nov. 5, 1942
Convectors, local and unit heaters—except heat controls.	Nov. 5, 1942
Conveyors and conveyor chutes—except where subject to high temperature and corrosive action.	Nov. 5, 1942
Cups of all kinds—except industrial.	Nov. 5, 1942
Cutlery	Nov. 5, 1942
Dishes, saucers and plates	Nov. 5, 1942
Dyeing equipment [1]	Nov. 5, 1942
Elevators, including doors and trim.	Nov. 5, 1942
Fans—except industrial	Nov. 5, 1942
Farm machinery and replacement parts.	Nov. 5, 1942
Fire-fighting apparatus—except pump shafts and where working parts are in contact with corrosive chemicals.	Nov. 5, 1942
Fishing tackle and equipment	Nov. 5, 1942
Floor plates and floor coverings	Nov. 5, 1942
Fountains	Nov. 5, 1942
Furniture hardware	Nov. 5, 1942
Galley and mess equipment [1]	July 15, 1942
Galley, kitchen, cafeteria and restaurant panelling.	Nov. 5, 1942
Hangers, all types	Nov. 5, 1942
Hose clamps	Nov. 5, 1942
Hot water heaters, tanks and coils.	Nov. 5, 1942
Hydrants	Nov. 5, 1942
Ice boxes	Nov. 5, 1942
Ice cream cabinets	July 15, 1942
Identification tags and badges	Nov. 5, 1942
Instrument dials and cases	Nov. 5, 1942
Kitchenware	July 15, 1942
Ladders and hoists, including fittings.	Nov. 5, 1942
Lanterns and lamps — except valves, controls and mantle-holders.	Nov. 5, 1942
Lavatory equipment	Nov. 5, 1942
Light fixtures	Nov. 5, 1942
Livestock and poultry equipment.	Nov. 5, 1942
Locks	Nov. 5, 1942
Match and pattern plates, Matrices and flasks.	Nov. 5, 1942
Meat cutters	Nov. 5, 1942
Mechanical drawing and drafting equipment.	Nov. 5, 1942
Milk storage tanks, milk receiving tanks and milk weigh tanks — except that where permitted materials cannot be secured, the provisions of paragraph (d) (4) shall be deemed to apply.	Nov. 5, 1942
Mortician's supplies and equipment.	Nov. 5, 1942
Name plates	Nov. 5, 1942
Oil burners—except functional parts.	Nov. 5, 1942
Oil space heaters	Nov. 5, 1942
Pipe tube, tubing and fittings—except industrial.	Nov. 5, 1942
Pole-line hardware	Nov. 5, 1942
Powder boxes	Nov. 5, 1942
Pumps, fresh water—except industrial.	Nov. 5, 1942
Radio antenna	Nov. 5, 1942
Refrigerators and Refrigeration equipment—except essential machinery parts.	July 15, 1942
Rubber moulds	Nov. 5, 1942
Shelves	Nov. 5, 1942
Staples	Nov. 5, 1942
Stokers — except functional parts.	Nov. 5, 1942
Storage racks, cabinets or lockers.	Nov. 5, 1942
Stoves and ranges, disc stoves and hot plates—except electrical controls and units.	Nov. 5, 1942
Toilet floats, cistern and low water-floats.	Nov. 5, 1942
Tubs, washing	Nov. 5, 1942
Valve handles	Nov. 5, 1942
Ventilators	Nov. 5, 1942
Window screens and frames	Nov. 5, 1942

LIST C

- Access panels—for use on board ship, on military vehicles and where climatic or safety conditions make necessary.
- Accessories—soda fountain—for use on board ship.

- Acoustical ceilings—for use on board ship.
- Air conditioning systems—for hospital operating rooms and industrial plants (excluding offices), for use on board ship, for use outside continental limits of the U. S., for use in fortifications, for handling and storage of explosives, for storage and handling of instruments critical to temperature or humidity, for use in gas proofing installations, and for use in mobile surgical vehicles and laboratory vehicles.
- Attic fans—where climatic conditions make necessary.
- Automobile accessories.
- Automobile heaters—where specified for military vehicles.
- Awning frames and supports—for use on board ship, military repair units, hospital installations, and military construction units.
- Barber shop supplies.
- Baskets—for cooking and manufacturing uses and for ordnance operations.
- Bath tubs—for use on board ship and in hospitals.
- B-B shot—for training and shot blast cleaning purposes.
- Beds—for use on board ship; beds containing not more than 5 pounds of iron or steel, excluding springs.
- Bed spring frames—for use on board ship and for maintenance and repair.
- Bench legs.
- Binoculars.
- Bird cages—for carrier pigeons.
- Bird feeders—for carrier pigeons.
- Biscuit boxes—for use on board ship or where climatic conditions make necessary.
- Bleachers and grandstands—but only straps and necessary fasteners for demountable wooden bleachers and grandstands.
- Bottle holders—for use on board ship and in hospitals.
- Brushes, wire bristles only.
- Buttons.
- Cabinets—for mobile units such as maintenance company equipment (truck mounted), spare parts trucks and mobile reproduction units, and for electrical installations, hospital operating and examining rooms, and as permitted by L-13-a and L-62.
- Canopies, hoods and supports—for use on board ship, military repair units, hospital installations, and military construction units.
- Cans or containers for anti-freeze, candy, coffee, nuts—where climatic conditions make necessary.
- Cash boxes.
- Casket handles.
- Ceilings—for use on board ship, but only where necessary.
- Cigarette lighters—for use outside continental limits of U. S., for sale by Post Exchanges at ports of embarkation, and for sale by ships Service Stores on board ship.
- Clock cases.
- Clothing trim.
- Cooking stoves—commercial electric.
- Counter tops and edgings—for use on board ship.
- Culverts—for airports, for use outside continental limits of the U. S., and where certified to the manufacturer or supplier as necessary by the Army or Navy Engineer in charge.
- Cups of all kinds, drinking.
- Diswashing machines.
- Door closers—for fire prevention, for use on board ship, and where climatic or safety conditions make necessary.
- Door handles—for fire prevention, for use on board ship, for military vehicles, and where climatic or safety conditions make necessary.
- Dust collecting systems and equipment.
- Dust covers and enclosures—when specified for military vehicles.

- Electric drinking water coolers—for use on board ship, in hospitals and in tropical climates.
- Erasing knives.
- Fences, chain link, weighing not more than 2 pounds per lineal foot and not more than .33 pounds per square foot.
- Flag staffs and flag masts—for use on board ship, and on military vehicles.
- Flashlight tubes.
- Floor and ceiling plates for piping, for use on board ship, for military vehicles, and where climatic or safety conditions make necessary.
- Floor polishing machines—maintenance and repair only.
- Furniture—for use on board ship.
- Galley and mess equipment of stainless steel, but only—
    - Clad stainless steel for steam tables and warming pans.
    - Single clad stainless steel on inside of steam jacketed kettles.
    - Clad stainless steel bottoms and solid stainless steel sides for pressure cookers.
    - Non-nickel bearing stainless steel clad doors and other parts coming in direct contact with food in cold storage spaces on board ship.
    - Non-nickel bearing stainless steel for coffee urns.
    - Stainless steel single clad sinks and dresser tops for use on board ship.
    - Non-nickel bearing stainless steel liners for portable water coolers.
    - Non-nickel bearing stainless steel for tanks and hoods of dishwashing machines.
    - Metal sponges from non-nickel bearing stainless steel wire.
    - Compartment mess trays, but only from existing finished stocks of stainless steel, or new stainless steel only if the processing is past the melting stage on September 3, 1942.
- Games.
- Garage hoists and car lifts.
- Grilles—sewer.
- Hand seals for documents.
- Harness and saddlery fittings.
- Hat frames, wire and gimps.
- Hat-making machinery, but only—
    - Blocking machines with complete sets of blocks.
    - Sets or dies for cutting parts.
- Helmets.
- Hose reels.
- Hospital equipment—
    - Arm immersion stands.
    - Bed trays.
    - Bedside panel screen frames—for use in operating rooms, and outside continental limits of U. S.
    - Bowl stands—for use in operating rooms and on board ship.
    - Cabinets—X-ray film filing.
    - Cabinets for diathermy, sinusoidal and galvanic apparatus.
    - Chart holders.
    - Commodes—for hospital use outside continental limits of U. S.
    - Dish trucks—frames and wheel tires only.
    - Dressing stand frames.
    - Examining tables, non-adjustable—for use on board ship and in Field Hospitals.
    - Instrument cabinets.
    - Instrument tables.
    - Nurses' work tables.
    - Overbed and swing overbed tables—functional parts only.
    - Stands and racks for colonic irrigation apparatus.
    - Sterilizer stands.
    - Supply and treatment cabinets.
    - Utensil racks.
- Ice box exteriors—for use on board ship, mobile type refrigerators, and for use where climatic conditions make necessary.
- Ice cube trays.
- Incinerators.
- Keys for opening cans.
- Laundry trays—for use on board ship.
- Lavatories—for use on board ship and outside continental limits of U. S.
- Lockers—for office equipment as limited by Limitation Order L-13-a, for use on board ship, military vehicles, outside continental limits of U. S. and in ordnance plants.
- Mail boxes—for use on board ship.
- Measuring pumps and dispensers for gasoline stations and garages, including but not limited to—
    - Gasoline dispensing pumps.
    - Grease guns.
    - Grease pumps.
    - Oil pumps.
    - Kerosene pumps.
    - Air pumps.
- Mirrors, hand—for signal use.
- Pads, inking and stamping.
- Paint spray outfits.
- Partitions—for use in hospitals and on board ship.
- Pencils, mechanical or automatic, functional parts only—except for resale.
- Phonograph motors, hand wound.
- Phonograph record blanks.
- Photographic accessories.
- Pie plates.
- Pitchers.
- Pneumatic tube delivery systems.
- Portable bathtubs.
- Push carts—for ordnance and combat organizations.
- Radio antennae poles.
- Railings—for use on board ship.
- Scaffolding—for use in shipyards, airfields and other places where use of wood scaffolding is impracticable.
- Screen frames.
- Sewer pipe, exterior installations—for pressure lines only.
- Shirt and stocking dryers of cast iron only.
- Shower receptors—for use on board ship.
- Shower stalls—for use on board ship.
- Sink aprons and legs—for use on board ship.
- Sink drainboards, both integral and removable—for use on board ship and where required for sterilization.
- Siphon chargers for life jacket inflation.
- Slide fasteners.
- Snow shovels and pushers, hand.
- Sporting and athletic goods.
- Stamped bakery equipment.
- Swivel chairs—for use on board ship.
- Tags—
    - For marking ammunition.
    - Identification (name).
- Tanks, storage, water, but only for use on board ship, mobile units, range boilers and hot water storage, use outside continental limits of U. S., heights in excess of 100 feet, pneumatic pressure tanks.
- Telephone bell boxes—for use on board ship or where climatic or safety conditions make necessary.
- Telescopes.
- Thermos jugs and bottles.
- Tile, steel back—for ladder treads, step plates and use on board ship.
- Tool boxes.
- Tool cases—for mobile equipment.
- Tool handles, where specified.
- Truck and trailer units and bodies, where specifically designed for military purposes.
- Urinals—for use on board ship, and outside continental limits of U. S.
- Waste paper receptacles—for hospital use only.
- Water troughs, frame and support only.
- Wheelbarrows.
- Wire racks and baskets.
- Work benches where wooden benches will not stand up under ordinary use.

LIST D—OTHER SCARCE MATERIALS

- Metals—all, except lead.
- Rubber.

[F. R. Doc. 42-11510; Filed, November 5, 1942; 11:53 a. m.]

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[1] Maintenance and repair excepted.

[illegible] types and frames.	
Supply and treatment cabinets except for operating rooms.	
Tables, examining, adjustable except frame and operating mechanism.	
Thermometer baskets.	
Utensil racks.	
Vasoscillator—oscillating bed.	
Wall shelf stands except for use in operating [illegible].	
Wheel chairs except essential hardware.	
Hospital, medical, [illegible] and related equipment	Nov. 5, 1942
Chiropody chairs.	
Nose and throat [illegible] hydraulic.	
Optical chairs [illegible].	
Osteopathic tables.	
House numerals	None
Houses	Nov. 5, 1942
Tool.	
Hog.	
Poultry except wire netting.	
Humidification devices except industrial and hospital use	Nov. 5, 1942
Humidors	July 15, 1942
Ice box exteriors—except portable blood banks	None
Ice cream freezers, household	None
Ice cream molds	Nov. 5, 1942
Ice cube trays	None
Incinerators—except industrial, commercial and to the extent specified in Defense Housing Critical List	None
Ink well holders	None
Inlets, gutter, all types	Nov. 5, 1942
Inlets, sewer, all types	Nov. 5, 1942
Insulation, metal reflecting type	None
Ironing boards and stands	July 15, 1942
Jam boxes	None
Jelly molds	None
Jewelry	None
Jewelry cases	None
Jugs, picnic, all types	Nov. 5, 1942
Kaleidoscopes	July 15, 1942
Key chains, cases and rings	July 15, 1942
Keys for opening cans	July 15, 1942
Knitting needles	None
Ladders, step	Nov. 5, 1942
Lanterns, magic	July 15, 1942
Lard or vegetable oil tubs—except 5 lbs. and over, and straps for wood containers	None
Laundry chutes	None
Laundry trays—except reinforcing mesh	None
Lavatories—except hangers	None
Lawn and landscaping equipment, all types	Nov. 5, 1942
Lawn brooms	July 15, 1942
Lawn edgers	July 15, 1942
Lawn rakes	July 15, 1942
Lawn rollers[1]	July 15, 1942
Lawn tampers	July 15, 1942
Lawn seeders[1]	July 15, 1942
Lawn sprinklers	None
Letter chutes	None
Letter openers	None
Letter trays	None
Lighting poles and standards[1]	None
tric fireplace.	
Luggage, except locks[1]	July 15, 1942
Lunch boxes	Nov. 5, 1942
Mail boxes except as required by U. S. postal regulations	None
Mailing tubes or cases except for transportation of bacteria, cultures, serums, plasma, and biological specimens	None
Marine hardware for pleasure boats	None
Marquees	None
[illegible]	None
Material for housing not otherwise specified in this order except to the extent specified in the Defense Housing Critical List	None
Measuring pumps and dispensers for gasoline station garage and household use including but not limited to:	None
Air pumps.	
Grease guns.	
Grease pumps.	
Gasoline dispensing pumps.	
Kerosene pumps.	
Oil pumps — except barrel pumps and lubesters.	
Meat molds	Nov. 5, 1942
Mechanical book binding	None
Memorial tablets	July 15, 1942
Menu holders	None
Metal cloths, except for industrial processing	Nov. 5, 1942
Metal dust covers and enclosures—except industrial.	July 15, 1942
Millinery wire and gimps	None
Mirrors, hand	None
Monograms and initials	July 15, 1942
Mop wringers	None
Motion picture cameras[1]	Nov. 5, 1942
Motion picture projectors[1]	Nov. 5, 1942
Motion picture screen stands[1]	Nov. 5, 1942
Mud scrapers	Nov. 5, 1942
Music stands	None
Napkin rings	None
Necktie racks	None
Newspaper boxes or holders	None
Novelties and souvenirs of all kinds—except that the assembling of artificial leaves, fruit, flowers, and of feather ornaments shall be permitted when any iron or steel wire to be used was drawn on or before June 19, 1942 or was sold to the manufacturer of the artificial leaves, fruit, flowers or feather ornaments as scrap.	None
Office machinery[1] used for	None
Change making.	
Coin handling.	
Check cancelling.	
Check cutting.	
Check dating.	
Check numbering.	
Check signing.	
Check sorting.	
Check writing.	
Envelope handling.	
Envelope opening.	
Envelope sealing.	
Envelope stamping.	
Envelope mailing.	
Folding contents of envelope.	
Washers.	
Ornamental hardware and moldings	None
Outdoor fireplace parts	None
Outing spades	July 15, 1942
Packing twine holders	None
Pads, inking and stamping	July 15, 1942
Pail clasps	None
Paint spray outfits—except industrial	None
Paper rollers, household	None
Parasols shafts and handles	July 15, 1942
[illegible]	[illegible]
Parking meters	None
Partitions	Sept. 3, 1942
Partition studs	Nov. 5, 1942
Pegs, tent	Nov. 5, 1942
Pen holders	None
Pencil holders	Nov. 5, 1942
Pencils, mechanical or automatic	None
Permanent wave machines	None
Pet beds	None
Pet cages	None
Pet dishes	None
Pet equipment (except license tags) including but not limited to:	July 15, 1942
Carriers.	
Chains.	
Collars.	
Feeders.	
Houses.	
Leashes.	
Muzzles.	
Phonograph motors, hand wound	None
Phonograph record blanks	None
Photographic accessories	None
Photographic equipment[1]— except microfilm.	Nov. 5, 1942
Physical reducing machines	None
Picnic and outing boxes and accessories.	July 15, 1942
Picture and mirror hardware	None
Pie plates—except commercial or institutional.	None
Pipe cases	None
Pipe cleaner knives	None
Pipe posts	Nov. 5, 1942
Pitchers—except for hospital use.	July 15, 1942
Plant and flower supports	None
Plates, light switch—except for cast conduit bodies.	Nov. 5, 1942
Playground equipment	Sept. 3, 1942
Play pens, boxes and enclosures, children's.	July 15, 1942
Pleasure boats	None
Pleasure boat equipment and accessories.	Nov. 5, 1942
Plumbing and heating equipment.	Nov. 5, 1942
Gas conversion burners.	
Gas fired boiler-burner units.	
Gas fired furnace-burner units.	
Oil fired boiler-burner units.	
Oil fired furnace-burner units.	
Registers, cold air.	
Registers and grilles.	
Steel heating boilers of 129 sq. ft. or less of heating surface.	
Pneumatic tube delivery systems[1]—except industrial.	None
Pocketbook ornaments	July 15, 1942
Polishing-wax applicators	None

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[1] Maintenance and repair excepted.

Paper corrugating machinery.	
Paper cup machinery.	
Paper cutting machinery.	
Paper parafining machinery.	
Paper pasting machinery.	
Paper slitting machinery.	
Paper tube machinery.	
Slitters and winders.	
Waxing machines.	
Push carts	None
Push plates and kick plates, door	None
Race track apparatus and equipment,[1] including but not limited to:	July 15, 1942
Mutuel ticket machines.	
Pari-mutuel boards.	
Race finish photographic equipment.	
Starting gates.	
Racks, display	Nov. 5, 1942
Racquets	None
Radiator enclosures	None
Radio antenna poles[1]—except on ratings of AA-5 or higher	None
Railings, barriers and fences—except for livestock and poultry enclosures and essential industrial use	July 15, 1942
Railings, barriers, and fences for industrial use	Nov. 5, 1942
Railroad rail joint angle bars over 24" in length[1]—except for replacement on used rails.	July 15, 1942
Reading stands	July 15, 1942
Reels, cable and rope	Nov. 5, 1942
Reflectors, street and highway	Nov. 5, 1942
Refrigerator boxes, walk-in	Nov. 5, 1942
Refrigerator containers and trays, household.	None
Regalia	July 15, 1942
Registers, hand tally	Nov. 5, 1942
Rodeo equipment, including but not limited to:	July 15, 1942
Animal trappings.	
Fences.	
Gates[1].	
Rolling boardwalk chairs[1]	July 15, 1942
Rolling pins	July 15, 1942
Rotary door bells	None
Rug scrubbing and shampooing machines.	Nov. 5, 1942
Safety zone posts, rails, cables and platforms.	Nov. 5, 1942
Salesmen's display cases and sales kits.	None
Salt and pepper holders	None
Sample boxes	None
Sand boats	Nov. 5, 1942
Sash weights for windows	Nov. 5, 1942
Scaffolding	None
Scales, coin operated	July 15, 1942
Scenery and stage hardware equipment,[1] for dramatic theatrical and operatic use, except lamp bulbs, including but not limited to:	July 15, 1942
Battens.	
Cables.	
Lights.	
Reflectors.	
Stage drops.	
Score boards	July 15, 1942
Screen frames — except industrial processing.	None
Scrubbing boards	None
goods.	
Shirt and stocking dryers	None
Shoe cleaning kits	None
Shoe ornaments	July 15, 1942
Show window lighting and display equipment.	None
Shower recepters — except frames.	None
Shower stalls—except frames	None
Shutters, window,[1] except where required in industrial use by Underwriters.	July 15, 1942
Sidewalk scrapers	July 15, 1942
Sign hanger frames	None
Sign posts	None
Signets	None
Silos—except strapping and reinforcing.	None
Sink aprons and legs	None
Sink drainboards, both integral and removable	None
Siphon chargers	July 15, 1942
Sitz baths	None
Skates, roller and ice	None
Skating rink apparatus and equipment[1]	July 15, 1942
Skewers, all types	Nov. 5, 1942
Ski racks	None
Slides, loops and slide-loops for work clothing—except:	Nov. 5, 1942
One size not exceeding 1⅞" for men's work clothing.	
One size not exceeding 1¾" for boys' work clothing.	
Sleds—except runners	July 15, 1942
Sleighs—except runners	July 15, 1942
Slide fasteners	None
Smokers' accessories	July 15, 1942
Snow shovels and pushers, hand	None
Sod lifters	July 15, 1942
Spading forks, children's	July 15, 1942
Special industrial machinery	Nov. 5, 1942
Cement making machinery.[1]	
Ceramic making machinery[1]—except refractory making machinery.	
Collapsible tube filling machines.[1]	
Cosmetic machinery.	
Coupon inserting machines.	
Cut and monumental stone machinery.	
Fertilizer machinery.[1]	
Lamp manufacturing machinery,[1] including incandescent, fluorescent, and electric discharge type.	
Milk can machinery.[1]	
Paint processing and manufacturing machinery.[1]	
Soap making machinery.[1]	
Steel drum machinery[1]—except for export purposes.	
Tobacco machinery.[1]	
Wire-bound box making machinery.	
Spittoons	None
Spools for cord, ribbon, tape	Nov. 5, 1942
Spools for wire—except traverse	Nov. 5, 1942
Sporting and athletic goods—except:	None
Fully fabricated skates, cleats, and similar items may be attached to athletic shoes without restriction.	
Fishing tackle as permitted by Limitation Order L–92.	
Spray containers, household	None
cial or institutional use.	
Stands, all types—except:	Nov. 5, 1942
Essential industrial use.	
Hospital use where not otherwise specifically prohibited in this order.	
Staple removers	Nov. 5, 1942
Starter shingle strips	None
Statues	None
Steel wool for household use made from other than waste	None
[illegible]	Nov. 5, 1942
Store display equipment and show cases	None
Stretchers, carpet	Nov. 5, 1942
Stretchers, glove, sock and sweater	July 15, 1942
Structural steel, home construction	None
Subway turnstiles	None
Sugar [illegible]	None
Sugar holders	None
Sun dials	July 15, 1942
Sun lamps and infra-red lamps—except:	July 15, 1942
For professional and hospital use.	
Where lamps and reflectors are used for drying and baking.	
Swimming pool equipment including but not limited to:	July 15, 1942
Diving boards.	
Diving stands.	
Ladders.	
Slides.	
Swivel chairs	None
Table name-card holders	None
Table tops for household use	None
Tablets	None
Tags, key; name; price; identification—except:	None
Personnel identification tags or badges where metal tags or badges are required for protection of government agencies.	
Personnel identification tags or badges containing not more than ¾ ounce of iron and steel where metal tags or badges are required for protection of industrial plants.	
Metal tags required for identification of livestock and poultry and products made therefrom.	
Pin attached or wire attached tickets for price marking soft goods.	
Metal tags for marking and identification of metal in its production and export shipment.	
Tanks (strapping excluded)	None
Dipping—for animals.	
Watering—for animals.	
Feeding—for animals.	
Storage, beer.	
Storage, water[1]—except:	
In tropical climates.	
Heights in excess of 100 feet.	
Range boilers and hot water storage.	

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[1] Maintenance and repair excepted.

Item	Governing date
Tanks, etc.—Continued.	
Storage, water [1]—except—Con.	
Pneumatic pressure tanks 82 gallon size and 31 gallon or smaller size.	
Tank towers under 50 feet in height.	Nov. 5, 1942
Teapots	None
Telephone bell boxes—except bases and where required for safety.	None
Telephone booths	None
Telescopes—except U. S. Government Agencies.	None
Tent frames and supports	Nov. 5, 1942
Termite shields	Nov. 5, 1942
Terrazzo spacers and decorative strips—except hospital operating rooms.	None
Textile Machinery	Nov. 5, 1942
Bobbinet machines.	
Crocheting machines including scalloping machines and shell-stitching machines.	
Embroidery machines.	
Hosiery clocking machines.	
Lace machines.	
Looms:	
Axminster.	
Box.	
Dobby	
Hooked.	
Jacquard.	
Wilton.	
All other machines for the manufacture of drapery and upholstery fabrics whether flat or pile weave.	
Linoleum or felt-base wall or floor covering machines.	
Thermometer bases, household	None
Thermometer cases and mountings, except industrial.	Nov. 5, 1942
Thermos jugs and bottles over 1 qt.	None
Thimbles, sewing	Nov. 5, 1942
Tickers, stock	July 15, 1942
Ticket vending machines—except for public transportation.	July 15, 1942
Tile, steel-back	None
Tongs, food handling and household use.	None
Tool boxes—except industrial	None
Tool cases—except industrial	None
Tool handles—except power driven.	None
Traffic lane markers	Nov. 5, 1942
Trailer bodies [1]—except:	July 15, 1942
Tank and dump bodies.	
Essential hardware, structural and bracing members for bodies, essentially of wood construction.	
Transplanting trowels	July 15, 1942
Trophies	July 15, 1942
Truck bodies [1]—except:	July 15, 1942
Tank and dump bodies.	
Essential hardware, structural and bracing members for bodies, essentially of wood construction.	
Trunks [1]—except locks	July 15, 1942
Turf edgers	July 15, 1942
Typewriter mechanism for pedestal and drop-head desks.	Nov. 5, 1942
Umbrellas, garden	July 15, 1942
Umbrella shafts and handles	July 15, 1942
Urinals	None
Vanity cases	July 15, 1942
Vending machines for sanitary napkins.	Nov. 5, 1942
Ventilators, shutter type	Nov. 5, 1942
Vibrators, electric	Nov. 5, 1942
Voting machines	None
Wagon bodies and frames [1]—except for construction.	None
Wardrobe trunks	None
Waste paper receptacles	July 15, 1942
Watch straps	July 15, 1942
Water color paint boxes	None
Water softeners, household	Nov. 5, 1942
Water stills, household	Nov. 5, 1942
Water troughs [1]	July 15, 1942
Weather stripping	None
Weather vanes	July 15, 1942
Weed cutters and pullers, including dandelion, thistle and dock.	July 15, 1942
Wheelbarrows—except wheels, and except for use in foundries, smelters, and coke-producing plants to handle hot materials.	None
Whiskey service sets	None
Window display advertising	None
Window shade rollers	Nov. 5, 1942
Window stools	None
Window ventilators—except industrial and hospitals.	None
Wine coolers	None
Wine service sets	None
Wire parcel handles and holders.	None
Wire racks and baskets—except:	None
Animal cages for biological work.	
Industrial.	
Scientific laboratory equipment.	
Work benches—except:	None
Shipboard.	
Industrial, where required for safety.	

LIST S—STAINLESS STEEL

Item	Governing date
Aircraft fire walls	Nov. 5, 1942
Aircraft seats	Nov. 5, 1942
Aircraft toilets	Nov. 5, 1942
Ammunition boxes and chutes	Nov. 5, 1942
Badges	Nov. 5, 1942
Barrel hoops and fittings	Nov. 5, 1942
Baskets, except for heat-treating, pickling and plating.	Nov. 5, 1942
Bed pans	Nov. 5, 1942
Bins, screens and strainers	Nov. 5, 1942
Blueprint machines	Nov. 5, 1942
Bobbin heads	Nov. 5, 1942
Boiler casings	Nov. 5, 1942
Bottle coolers	Nov. 5, 1942
Branding, marking and labeling devices.	Nov. 5, 1942
Brewing, distilling and processing equipment for alcoholic and non-alcoholic beverages including bottling equipment.	Nov. 5, 1942
Buckets and pails	Nov. 5, 1942
Builders' supplies and hardware.	Nov. 5, 1942
Cable terminals, fittings, and turnbuckles.	Nov. 5, 1942
Cafeteria and restaurant equipment.[1]	July 15, 1942
Chains and cables—except for heat-treating, pickling and plating.	Nov. 5, 1942
Cheese vats	Nov. 5, 1942
Clocks, clock-dials and cases	Nov. 5, 1942
Coffee pots	Nov. 5, 1942
Control levers	Nov. 5, 1942
Convectors, local and unit heaters—except heat controls.	Nov. 5, 1942
Conveyors and conveyor chutes—except where subject to high temperature and corrosive action.	Nov. 5, 1942
Cups of all kinds—except industrial.	Nov. 5, 1942
Cutlery	Nov. 5, 1942
Dishes, saucers and plates	Nov. 5, 1942
Dyeing equipment [1]	Nov. 5, 1942
Elevators, including doors and trim.	Nov. 5, 1942
Fans—except industrial	Nov. 5, 1942
Farm machinery and replacement parts.	Nov. 5, 1942
Fire-fighting apparatus—except pump shafts and where working parts are in contact with corrosive chemicals.	Nov. 5, 1942
Fishing tackle and equipment	Nov. 5, 1942
Floor plates and floor coverings	Nov. 5, 1942
Fountains	Nov. 5, 1942
Furniture hardware	Nov. 5, 1942
Galley and mess equipment [1]	July 15, 1942
Galley, kitchen, cafeteria and restaurant panelling.	Nov. 5, 1942
Hangers, all types	Nov. 5, 1942
Hose clamps	Nov. 5, 1942
Hot water heaters, tanks and coils.	Nov. 5, 1942
Hydrants	Nov. 5, 1942
Ice boxes	Nov. 5, 1942
Ice cream cabinets	July 15, 1942
Identification tags and badges	Nov. 5, 1942
Instrument dials and cases	Nov. 5, 1942
Kitchenware	July 15, 1942
Ladders and hoists, including fittings.	Nov. 5, 1942
Lanterns and lamps — except valves, controls and mantle-holders.	Nov. 5, 1942
Lavatory equipment	Nov. 5, 1942
Light fixtures	Nov. 5, 1942
Livestock and poultry equipment.	Nov. 5, 1942
Locks	Nov. 5, 1942
Match and pattern plates, Matrices and flasks.	Nov. 5, 1942
Meat cutters	Nov. 5, 1942
Mechanical drawing and drafting equipment.	Nov. 5, 1942
Milk storage tanks, milk receiving tanks and milk weigh tanks — except that where permitted materials cannot be secured, the provisions of paragraph (d) (4) shall be deemed to apply.	Nov. 5, 1942
Mortician's supplies and equipment.	Nov. 5, 1942
Name plates	Nov. 5, 1942
Oil burners—except functional parts.	Nov. 5, 1942
Oil space heaters	Nov. 5, 1942
Pipe tube, tubing and fittings—except industrial.	Nov. 5, 1942
Pole-line hardware	Nov. 5, 1942
Powder boxes	Nov. 5, 1942
Pumps, fresh water—except industrial.	Nov. 5, 1942
Radio antenna	Nov. 5, 1942
Refrigerators and Refrigeration equipment—except essential machinery parts.	July 15, 1942
Rubber moulds	Nov. 5, 1942
Shelves	Nov. 5, 1942
Staples	Nov. 5, 1942
Stokers — except functional parts.	Nov. 5, 1942
Storage racks, cabinets or lockers.	Nov. 5, 1942
Stoves and ranges, disc stoves and hot plates—except electrical controls and units.	Nov. 5, 1942
Toilet floats, cistern and low water-floats.	Nov. 5, 1942
Tubs, washing	Nov. 5, 1942
Valve handles	Nov. 5, 1942
Ventilators	Nov. 5, 1942
Window screens and frames	Nov. 5, 1942

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[1] Maintenance and repair excepted.

LIST C

- Access panels—for use on board ship, on military vehicles and where climatic or safety conditions make necessary.
- Accessories—soda fountain—for use on board ship.

- Acoustical ceilings—for use on board ship.
- Air conditioning systems—for hospital operating rooms and industrial plants (excluding offices), for use on board ship, for use outside continental limits of the U. S., for use in fortifications, for handling and storage of explosives, for storage and handling of instruments critical to temperature or humidity, for use in gas proofing installations, and for use in mobile surgical vehicles and laboratory vehicles.
- Attic fans—where climatic conditions make necessary.
- Automobile accessories.
- Automobile heaters—where specified for military vehicles.
- Awning frames and supports—for use on board ship, military repair units, hospital installations, and military construction units.
- Barber shop supplies.
- Baskets—for cooking and manufacturing uses and for ordnance operations.
- Bath tubs—for use on board ship and in hospitals.
- B-B shot—for training and shot blast cleaning purposes.
- Beds—for use on board ship; beds containing not more than 5 pounds of iron or steel, excluding springs.
- Bed spring frames—for use on board ship and for maintenance and repair.
- Bench legs.
- Binoculars.
- Bird cages—for carrier pigeons.
- Bird feeders—for carrier pigeons.
- Biscuit boxes—for use on board ship or where climatic conditions make necessary.
- Bleachers and grandstands—but only straps and necessary fasteners for demountable wooden bleachers and grandstands.
- Bottle holders—for use on board ship and in hospitals.
- Brushes, wire bristles only.
- Buttons.
- Cabinets—for mobile units such as maintenance company equipment (truck mounted), spare parts trucks and mobile reproduction units, and for electrical installations, hospital operating and examining rooms, and as permitted by L-13-a and L-62.
- Canopies, hoods and supports—for use on board ship, military repair units, hospital installations, and military construction units.
- Cans or containers for anti-freeze, candy, coffee, nuts—where climatic conditions make necessary.
- Cash boxes.
- Casket handles.
- Ceilings—for use on board ship, but only where necessary.
- Cigarette lighters—for use outside continental limits of U. S., for sale by Post Exchanges at ports of embarkation, and for sale by ships Service Stores on board ship.
- Clock cases.
- Clothing trim.
- Cooking stoves—commercial electric.
- Counter tops and edgings—for use on board ship.
- Culverts—for airports, for use outside continental limits of the U. S., and where certified to the manufacturer or supplier as necessary by the Army or Navy Engineer in charge.
- Cups of all kinds, drinking.
- Diswashing machines.
- Door closers—for fire prevention, for use on board ship, and where climatic or safety conditions make necessary.
- Door handles—for fire prevention, for use on board ship, for military vehicles, and where climatic or safety conditions make necessary.
- Dust collecting systems and equipment.
- Dust covers and enclosures—when specified for military vehicles.
- Electric drinking water coolers—for use on board ship, in hospitals and in tropical climates.
- Erasing knives.
- Fences, chain link, weighing not more than 2 pounds per lineal foot and not more than .33 pounds per square foot.
- Flag staffs and flag masts—for use on board ship, and on military vehicles.
- Flashlight tubes.
- Floor and ceiling plates for piping, for use on board ship, for military vehicles, and where climatic or safety conditions make necessary.
- Floor polishing machines—maintenance and repair only.
- Furniture—for use on board ship.
- Galley and mess equipment of stainless steel, but only—
  - Clad stainless steel for steam tables and warming pans.
  - Single clad stainless steel on inside of steam jacketed kettles.
  - Clad stainless steel bottoms and solid stainless steel sides for pressure cookers.
  - Non-nickel bearing stainless steel clad doors and other parts coming in direct contact with food in cold storage spaces on board ship.
  - Non-nickel bearing stainless steel for coffee urns.
  - Stainless steel single clad sinks and dresser tops for use on board ship.
  - Non-nickel bearing stainless steel liners for portable water coolers.
  - Non-nickel bearing stainless steel for tanks and hoods of dishwashing machines.
  - Metal sponges from non-nickel bearing stainless steel wire.
  - Compartment mess trays, but only from existing finished stocks of stainless steel, or new stainless steel only if the processing is past the melting stage on September 3, 1942.
- Games.
- Garage hoists and car lifts.
- Grilles—sewer.
- Hand seals for documents.
- Harness and saddlery fittings.
- Hat frames, wire and gimps.
- Hat-making machinery, but only—
  - Blocking machines with complete sets of blocks.
  - Sets or dies for cutting parts.
- Helmets.
- Hose reels.
- Hospital equipment—
  - Arm immersion stands.
  - Bed trays.
  - Bedside panel screen frames—for use in operating rooms, and outside continental limits of U. S.
  - Bowl stands—for use in operating rooms and on board ship.
  - Cabinets—X-ray film filing.
  - Cabinets for diathermy, sinusoidal and galvanic apparatus.
  - Chart holders.
  - Commodes—for hospital use outside continental limits of U. S.
  - Dish trucks—frames and wheel tires only.
  - Dressing stand frames.
  - Examining tables, non-adjustable—for use on board ship and in Field Hospitals.
  - Instrument cabinets.
  - Instrument tables.
  - Nurses' work tables.
  - Overbed and swing overbed tables—functional parts only.
  - Stands and racks for colonic irrigation apparatus.
  - Sterilizer stands.
  - Supply and treatment cabinets.
  - Utensil racks.
- Ice box exteriors—for use on board ship, mobile type refrigerators, and for use where climatic conditions make necessary.
- Ice cube trays.
- Incinerators.
- Keys for opening cans.
- Laundry trays—for use on board ship.
- Lavatories—for use on board ship and outside continental limits of U. S.
- Lockers—for office equipment as limited by Limitation Order L-13-a, for use on board ship, military vehicles, outside continental limits of U. S. and in ordnance plants.
- Mail boxes—for use on board ship.
- Measuring pumps and dispensers for gasoline stations and garages, including but not limited to—
  - Gasoline dispensing pumps.
  - Grease guns.
  - Grease pumps.
  - Oil pumps.
  - Kerosene pumps.
  - Air pumps.
- Mirrors, hand—for signal use.
- Pads, inking and stamping.
- Paint spray outfits.
- Partitions—for use in hospitals and on board ship.
- Pencils, mechanical or automatic, functional parts only—except for resale.
- Phonograph motors, hand wound.
- Phonograph record blanks.
- Photographic accessories.
- Pie plates.
- Pitchers.
- Pneumatic tube delivery systems.
- Portable bathtubs.
- Push carts—for ordnance and combat organizations.
- Radio antennae poles.
- Railings—for use on board ship.
- Scaffolding—for use in shipyards, airfields and other places where use of wood scaffolding is impracticable.
- Screen frames.
- Sewer pipe, exterior installations—for pressure lines only.
- Shirt and stocking dryers of cast iron only.
- Shower receptors—for use on board ship.
- Shower stalls—for use on board ship.
- Sink aprons and legs—for use on board ship.
- Sink drainboards, both integral and removable—for use on board ship and where required for sterilization.
- Siphon chargers for life jacket inflation.
- Slide fasteners.
- Snow shovels and pushers, hand.
- Sporting and athletic goods.
- Stamped bakery equipment.
- Swivel chairs—for use on board ship.
- Tags—
  - For marking ammunition.
  - Identification (name).
- Tanks, storage, water, but only for use on board ship, mobile units, range boilers and hot water storage, use outside continental limits of U. S., heights in excess of 100 feet, pneumatic pressure tanks.
- Telephone bell boxes—for use on board ship or where climatic or safety conditions make necessary.
- Telescopes.
- Thermos jugs and bottles.
- Tile, steel back—for ladder treads, step plates and use on board ship.
- Tool boxes.
- Tool cases—for mobile equipment.
- Tool handles, where specified.
- Truck and trailer units and bodies, where specifically designed for military purposes.
- Urinals—for use on board ship, and outside continental limits of U. S.
- Waste paper receptacles—for hospital use only.
- Water troughs, frame and support only.
- Wheelbarrows.
- Wire racks and baskets.
- Work benches where wooden benches will not stand up under ordinary use.

LIST D—OTHER SCARCE MATERIALS

- Metals—all, except lead.
- Rubber.

[F. R. Doc. 42-11510; Filed, November 5, 1942; 11:53 a. m.]

Chapter XI—Office of Price Administration

PART 1499—COMMODITIES AND SERVICES

[Order 130 Under § 1499.3 (b) of GMPR]

A. HUBBARD & SON, INC., AND OLD MOTHER HUBBARD DOG FOOD CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.993 *Approval of maximum prices for sales of Old Mother Hubbard New Dry Vitaminized Cat Food by A. Hubbard & Son, Inc., as producer, and by Old Mother Hubbard Dog Food Company, Inc., as producer.* (a) A. Hubbard & Son, Inc., of Gloucester, Massachusetts, as producer, (and Old Mother Hubbard Dog Food Company Inc., of Gloucester, Massachusetts, as producer) may sell and deliver, and any person may buy and receive from A. Hubbard & Son, Inc., Old Mother Hubbard New Dry Vitaminized Cat Food (and from Old Mother Hubbard Dog Food Company Inc., the type of cat food heretofore produced by it like Old Mother Hubbard New Dry Vitaminized Cat Food) packed in 8-oz. bags at prices not exceeding 49 cents per dozen bags, f. o. b. plant of producer. This maximum price is only authorized for Old Mother Hubbard New Dry Vitaminized Cat Food when made according to the formula used by A. Hubbard and Son, Inc. in connection with its application for this order.

(b) No increase in the maximum price authorized by the above provision (a) may be made by any seller of Old Mother Hubbard New Dry Vitaminized Cat Food except in a sale at wholesale or retail. A sale at wholesale means only sales made to a person who makes sales at retail. A sale at retail means a sale made to a consumer.

(c) The maximum price which a seller may charge in a sale at wholesale or retail shall be figured as follows:

(1) If he sold any variety or brand of Old Mother Hubbard cat or dog food in March 1942, (i) he shall take the ceiling price of the variety or brand of which he sold the largest number of units, (ii) divide that ceiling price by the March 1942 net cost and (iii) then multiply the figure so obtained by the net delivered cost of Old Mother Hubbard New Dry Vitaminized Cat Food. ("Net delivered cost" means the net invoice cost at the customary receiving point less all discounts and allowances for prompt payment and shall not include any charges for local hauling.)

(2) If he did not sell any variety or brand of Old Mother Hubbard cat or dog food in March 1942 but did sell another cat or dog food, (i) he shall take the ceiling price of the cat or dog food of which he sold the largest number of units, (ii) divide that ceiling price by the March 1942 net cost and (iii) then multiply the figure so obtained by the net delivered cost of Old Mother Hubbard New Dry Vitaminized Cat Food. ("Net delivered cost" has the same meaning as in the previous subsection.)

(3) If he did not sell any dog or cat food in March 1942 he shall take the price that his most closely competitive seller of the same class has established or will establish for Old Mother Hubbard New Dry Vitaminized Cat Food.

(d) The maximum prices authorized by this order shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942 with respect to the sale of the cat or dog food which is used as a basis for fixing the price of Old Mother Hubbard New Dry Vitaminized Cat Food, shall include commissions, advertising or other allowances and all other charges and shall not be increased by any charges for the extension of credit.

(e) Records. Every person making a purchase or sale of Old Mother Hubbard New Dry Vitaminized Cat Food in the course of trade or business, except a seller at retail, shall keep for inspection by the Office of Price Administration, so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each such purchase and sale including the date thereof, the name of the seller and purchaser, the price and the amount sold. Sellers at retail need not keep records of sales at retail but shall keep all invoices and notices received with the purchase of each shipping unit.

(f) On and after November 4, 1942, and on or before the time of first delivery of Old Mother Hubbard New Dry Vitaminized Cat Food to any person who makes sales at wholesale or retail, as above defined, A. Hubbard & Son, Inc., as producer (or Old Mother Hubbard Dog Food Company, Inc., as producer) shall supply to the buyer a written statement, and also include in or attach to each shipping unit of Old Mother Hubbard New Dry Vitaminized Cat Food a copy of such statement, to read as follows:

> The Office of Price Administration has authorized a ceiling price for Old Mother Hubbard New Dry Vitaminized Cat Food. You are authorized to establish your ceiling price at a price higher than the cost of Old Mother Hubbard New Dry Vitaminized Cat Food to you in the following manner:
>
> (1) If you sold in March 1942 any variety of Old Mother Hubbard cat or dog food, your ceiling price on Old Mother Hubbard New Dry Vitaminized Cat Food is to be arrived at by using the same percentage of markup over the net cost which you used for your fastest selling Old Mother Hubbard cat or dog food in March 1942.
>
> (2) If you did not sell any variety of Old Mother Hubbard cat or dog food in March 1942 but you did sell another cat or dog food, your ceiling price on Old Mother Hubbard New Dry Vitaminized Cat Food is to be arrived at by using the same percentage of markup over the net cost which you used for your fastest selling cat or dog food in March 1942.
>
> (3) If you did not sell any cat or dog food in March 1942, your ceiling price is the price that your most closely competitive seller of the same class has established or will establish for Old Mother Hubbard New Dry Vitaminized Cat Food.
>
> Your ceiling price shall be figured to the nearest cent. Net cost means the net invoice delivered cost at the usual receiving point less all discounts and allowances, except discounts and allowances for prompt payment, and does not include any charges for local hauling. A copy of this notice is enclosed in every packing unit of Old Mother Hubbard New Dry Vitaminized Cat Food.
>
> If the first sale made by a wholesaler or a retailer is a split case sale the wholesaler is required to supply the retailer with a copy of this notice. The Office of Price Administration requires that you keep this notice and all invoices for examination.

(g) This Order No. 130 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 130 (§ 1499.993) shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11400; Filed, November 4, 1942; 12:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 128 Under § 1499.18 (c) of GMPR]

YELLOW TRUCK & COACH MFG. CO.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.1128 *Adjustment of maximum prices for new commercial motor vehicles sold by Yellow Truck & Coach Manufacturing Company (General Motors Truck & Coach Division) of Pontiac, Michigan.* (a) Notwithstanding any provision of subparagraph (19) of § 1499.73 (a) of Supplementary Regulation 14 to the General Maximum Price Regulation, the date November 16, 1942 shall be substituted for the date October 31, 1942 throughout said subparagraph (19) in the case of new commercial motor vehicles sold by Yellow Truck & Coach Manufacturing Company (General Motors Truck & Coach Division).

(b) This Order No. 128 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 128 (§ 1499.1128) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(d) This Order No. 128 (§ 1499.1128) shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11398; Filed, November 4, 1942; 12:20 p. m.]

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*Copies may be obtained from the Office of Price Administration.

PART 1499—COMMODITIES AND SERVICES

[Order 129 Under § 1499.18 (c) of GMPR]

J. M. KING MFG. CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.1129 *Adjustment of maximum prices for shaving brush handles made of catalin material manufactured by J. M. King Manufacturing Co., Inc.* (a) J. M. King Manufacturing Co., Inc. of Philadelphia, Pennsylvania, is hereby authorized to sell and deliver and American Safety Razor Corp., Brooklyn, New York, may buy and receive from J. M. King Manufacturing Co., Inc., shaving brush handles made of catalin material at a price no higher than $84.63 per thousand.

(b) The adjustment granted to J. M. King Manufacturing Co., Inc., is subject to the condition that J. M. King Manufacturing Co., Inc., shall notify American Safety Razor Corp. that no corresponding increase may be made by the latter as a result of this order in the maximum prices for complete shaving brushes.

(c) This Order No. 129 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 129 (§ 1499.1129) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 129 (§ 1499.1129) shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11399; Filed, November 4, 1942; 12:24 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 131 Under § 1499.18 (c) of GMPR]

JONES-HAGUE, INC.

Order No. 131 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-842.

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1131 *Adjustment of maximum prices for Jones-Hague, Incorporated.* (a) Jones-Hague, Incorporated, of Masontown, Pennsylvania, may sell and deliver, and any purchaser may buy and receive insulin complex compound, sold under trade name Dimels at a price not in excess of that hereinafter set forth:

Dimels at $4.50 per unit of 100 capsules.

(b) All discounts, allowances, practices with regard to charges for transportation and other trade practices in effect with respect to the above listed commodity during March 1942, by the seller, shall remain in effect under this order.

(c) This Order No. 131 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 131 (§ 1499.1131) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 131 (§ 1499.1131) shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. No. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11401; Filed, November 4, 1942; 12:24 p. m.]

PART 1499--COMMODITIES AND SERVICES

[Order 132 Under § 1499.18 (c) of GMPR]

R. N. NASON & CO.

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1132 *Adjustment of maximum price on sales of Fasto-lite Stain Solvent by R. N. Nason & Company.* (a) The maximum price for sales of Fasto-lite Stain Solvent by R. N. Nason & Company, San Francisco, California, shall be $0.66 per gallon, f. o. b. San Francisco.

(b) All discounts, allowances and trade practices in effect with respect to sales of this product by R. N. Nason & Company during March, 1942 shall remain in effect under this Order No. 132.

(c) At the time of the first delivery to each purchaser to whom such delivery is being made at a price determined under this Order No. 132, R. N. Nason & Company shall furnish such person with a copy of the following notice:

> The Office of Price Administration has permitted us to raise our maximum price to you for Fasto-lite Stain Solvent from the maximum price established by the General Maximum Price Regulation to the maximum price of $0.66 per gallon, f. o. b. San Francisco, California. This amount represents only that part of cost increases which we were unable to absorb, and it was granted with the understanding that prices for sales of products in the manufacture of which this product is used would not be raised. The Office of Price Administration has not permitted you or any seller to raise any maximum prices by reason of our increased price to you.

(d) All prayers of the applicant not granted herein are denied.

(e) This Order No. 132 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 132 (§ 1499.1132) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 132 (§ 1499.1132) shall become effective on November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong. E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11402; Filed, November 4, 1942; 12:24 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 135 Under § 1499.18 (c) of GMPR]

WALTON MFG. CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.1135 *Adjustment of maximum prices for celluloid shaving brush handles manufactured by Walton Manufacturing Company, Inc. of Brooklyn, New York.* (a) Walton Manufacturing Company, Inc. of Brooklyn, New York, is hereby authorized to sell, offer to sell and deliver its celluloid shaving brush handles and any person may buy, offer to buy, and receive from Walton Manufacturing Company, Inc. such handles at prices not higher than the maximum prices established therefor under § 1499.2 of the General Maximum Price Regulation multiplied by 1.05.

(b) The adjustment granted to Walton Manufacturing Company, Inc. is subject to the condition that Walton Manufacturing Company shall notify each of its customers that no corresponding increase may be made as a result of this Order in the maximum prices for complete shaving brushes.

(c) This Order No. 135 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 135 (§ 1499.1135) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 135 (§ 1499.1135) shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11403; Filed, November 4, 1942; 12:22 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 136 Under § 1499.18 (c) of GMPR]

PLOUGH, INC.

Order No. 136 under § 1499.18 (c) of the General Maximum Price Regulation—Docket GF3-312.

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*Copies may be obtained from the Office of Price Administration.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1136 *Adjustment of maximum prices for sales of "Ever-Ready Oil", a household machine oil sold through Plough, Inc., its jobbers and retailers.* (a) Plough, Inc. of Memphis, Tennessee, may sell and deliver and any person may buy and receive from such manufacturer "Ever-Ready Oil" in 3 ounce cans at a price equal to the maximum price as allowed under § 1499.2 of the General Maximum Price Regulation for the same commodity in 4 ounce cans.

(b) Neither Plough, Inc., nor its jobbers may sell and deliver to a retailer similar quantities or lots of "Ever-Ready Oil" in 3 ounce cans at a price higher than the maximum price allowed under § 1499.2 of the General Maximum Price Regulation for "Ever-Ready Oil" in 4 ounce cans.

(c) Any retailer may sell and deliver and any customer may buy and receive a 3 ounce can of "Ever-Ready Oil" at a price equal to the maximum price of such retailer allowed under § 1499.2 of the General Maximum Price Regulation for a 4 ounce can of "Ever-Ready Oil".

(d) The adjustments granted in paragraph (a) (b) and (c) are subject to the following conditions:

(1) Plough, Inc. shall notify each jobber and cause a notice to be made to each retailer of the modification of their maximum prices made by this Order in a manner reasonably calculated to provide adequate notice to such persons.

(2) No seller shall change his customary allowances, discounts or other price differentials, unless such change shall result in a lower price.

(e) All prayers of the application not granted herein are denied.

(f) This Order No. 136 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 136 (§§ 1499.1136) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by §§ 1499.2.

(h) This Order No. 136 (§ 1499.1136) shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11404; Filed, November 4, 1942; 12:23 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 137 Under § 1499.18 (c) of GMPR]

THORENS CO.

Order No. 137 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-1.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* *It is ordered:*

§ 1499.1137 *Granting adjustment of maximum prices for sales of certain harmonicas by Thorens Co. to the United States and Allied Governments.* (a) Thorens Company, New Hyde Park, Long Island, New York, is authorized to sell and deliver to the the United States or any agency thereof, or to the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States," or to any agency of any such government, the following harmonicas at prices no higher than those set forth below:

	Per dozen
Harmonica No. 10 (chromatic)	$26.70
Harmonica No. 60 (20 reed type)	6.00

These prices are f. o. b. New Hyde Park, Long Island, New York, and are exclusive of federal excise tax.

(b) The adjustment granted by paragraph (a) of this Order No. 137 is confined to sales to governments or agencies specified in said paragraph (a).

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 137 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 137 (§ 1499.1137) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 137 (§ 1499.1137) shall become effective on the 4th day of November 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11405; Filed, November 4, 1942; 12:24 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 138 Under § 1499.18 (c) of GMPR]

THE NATIONAL MAT AND MATTING COMPANY, INC.

Order No. 138 under § 1499.18 (c) of General Maximum Price Regulation—Docket GF1-925-P.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1138 *Adjustment of maximum prices for coir door mats sold by The National Mat and Matting Company, Inc.* (a) The National Mat and Matting Company, Inc., Wakefield, Massachusetts, may add to its existing maximum prices of the coir door mats ordered from Darragh Smail Co. Feb. 14, 1942, on which it shall have paid a United States Government duty of 12¢ per square foot the amount set forth below opposite the existing maximum price of each mat:

Quality of mat	Size	Existing maximum price	Amount to be added
		Per dozen	*Per dozen*
"0902/CLX"	1	$6.20	$2.03
	2	8.28	2.61
	3	10.35	3.26
"P"	1	7.52	2.00
	2	9.50	2.57
	3	11.48	3.21
"01080/KCLX"	1	7.92	2.09
	2	10.00	2.69
	3	12.08	3.37
"C C L"	1	7.92	1.91
	2	10.00	2.47
	3	12.08	3.10
"L B M"	1	8.61	1.55
	2	11.09	2.00
	3	13.37	2.47

Such an addition authorized herein shall be billed as a separate charge and stated separately by the National Mat and Matting Company on its invoice.

(b) The amount of duty which the National Mat and Matting Company shall have added to its existing maximum price of a coir door mat under paragraph (a) hereof may be added to the existing maximum price of any subsequent purchaser of such mat. The addition authorized herein shall be billed as a separate charge and stated separately on each invoice as "Duty Increase Surcharge".

(c) Before offering to sell or deliver one of the coir door mats under the provisions of paragraph (a) hereof, The National Mat and Matting Company shall furnish the buyer with the following notification:

> The Office of Price Administration has authorized the addition to the maximum price of this door mat of an amount equal to the increase in duty paid, which is stated separately on the invoice. On each resale of this door mat the exact increase in duty paid may be added to the seller's maximum price as determined under the General Maximum Price Regulation.

(d) Prior to the sale by the National Mat and Matting Company of any of the said coir door mats listed in paragraph (a) hereof, it shall file with the Office of Price Administration in Washington, D. C., an original and four copies of a verified statement of the number of coir door mats The National Mat and Matting Company contracted for before April 28, 1942, which became subject to the duty of 12¢ per square foot, and the number of such mats still on hand or still to be delivered to it.

(e) All prayers of the petition not granted herein are denied.

(f) This Order No. 138 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 138 (§ 1499.1138) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(h) This Order No. 138 (§ 1499.1138) shall become effective on this 4th day of November 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

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*Copies may be obtained from the Office of Price Administration.

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11406; Filed, November 4, 1942; 12:22 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 139 Under § 1499.18 (c) of GMPR]

MANSFIELD TIRE AND RUBBER COMPANY'S BRANDS OF BICYCLE TIRES AND TUBES

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1139 *Adjustment of maximum prices for Mansfield Tire and Rubber Company's bicycle tires and tubes*—(a) *Mansfield Tire and Rubber Company.* Mansfield Tire and Rubber Company of Mansfield, Ohio, is hereby authorized to sell and deliver bicycle tires and tubes of the brands and sizes listed in paragraph (c) of this section at prices not higher than those set forth for Mansfield Tire and Rubber Company in paragraph (c) of this section.

(b) *Jobbers and retailers.* Any jobber or retailer of bicycle tires and tubes of the brands and sizes listed in paragraph (c) of this section is hereby authorized to sell and deliver such bicycle tires and tubes at prices not higher than those set forth for such seller in paragraph (c) of this section. *Except,* That for any sale or delivery where a jobber's or retailer's maximum price under the General Maximum Price Regulation is higher than the price set forth for such seller in paragraph (c) of this section, such seller may sell and deliver such bicycle tires and tubes at a price not higher than such maximum price.

(c) *Table of prices.*

BICYCLE TIRES AND TUBES

Brand and type	Size	Prices per pair for Mansfield[1]	Prices per pair for jobbers	Prices per pair for retailers
Mansfield Black Beauty DT Casing.	26 x 2.125	$2.30	$2.90	$4.10
Mansfield Chief ST Tire.	28 x 1.50	2.20	2.90	4.10
Mansfield Superior Tube.	26 x 2.125	1.15	1.50	2.20

[1] Subject to 2% cash discount 10th Prox. Freight paid on 100 pounds or more. No volume bonus. No quantity allowance.

(d) Except as modified by the express provisions set forth in paragraph (c) of this section, all discounts, allowances, and trade practices which any seller had in effect during March, 1942, with respect to the brands and sizes of bicycle tires or tubes listed in paragraph (c) of this section, shall remain in effect under this order.

(e) Mansfield Tire and Rubber Company shall mail or cause to be mailed to all jobbers and retailers who purchase bicycle tires or tubes of the brands and sizes listed in paragraph (c) of this section, a notice reading as follows:

> The Office of Price Administration by Order No. 139 (§1499.1139), effective November 4, 1942, pursuant to section 18 (c) of the General Maximum Price Regulation, has permitted Mansfield Tire and Rubber Company to raise its maximum prices for sales of the brands and sizes of bicycle tires and tubes set forth in the table below. Jobbers and retailers of those bicycle tires and tubes have been permitted to raise their maximum prices to the prices set forth for them in the table below. However, in any case where a jobber or retailer already had maximum prices under the General Maximum Price Regulation which were above the level set forth in the table, such seller may continue to use the higher maximum prices.
>
> BICYCLE TIRES AND TUBES
>
> | Brand and type | Size | Prices per pair for jobbers | Prices per pair for retailers |
> |---|---|---|---|
> | Mansfield Black Beauty DT Casing | 26 x 2.125 | $2.90 | $4.10 |
> | Mansfield Chief ST Tire. | 28 x 1.50 | 2.90 | 4.10 |
> | Mansfield Superior Tube. | 26 x 2.125 | 1.50 | 2.20 |
>
> The permission contained in Order No. 139 (§ 1499.1139) was granted by the Office of Price Administration upon the basis of a showing that the maximum prices permitted to jobbers and retailers under that order are high enough that no hardship would be imposed upon jobbers or retailers generally if they were required to pay the prices permitted by the order.
>
> Order No. 139 (§ 1499.1139) does not necessarily permit a jobber or retailer to raise maximum prices enough to maintain his customary margin. The permitted maximum prices under that order must be observed even though the margin previously enjoyed by a jobber or retailer may be reduced.

(f) All prayers of the application, Docket No. GF3-209, not granted herein are denied.

(g) This Order No. 139 (§ 1499.1139) may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 139 (§ 1499.1139) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(i) This Order No. 139 (§ 1499.1139) shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11407; Filed, November 4, 1942; 12:21 p. m.]

PART 1301—MACHINE TOOLS

[RPS 67,[1] Amendment 19]

NEW MACHINE TOOLS

A statement of the considerations involved in the issuance of this Amendment has been prepared and filed with the Division of the Federal Register.*

New subparagraph (16) is added to § 1301.51 (a) as set forth below:

§ 1301.51 *Maximum prices for new machine tools and extras.* (a) * * *

(16) *L. J. Kaufman Manufacturing Company, Manitowoc, Wisconsin.* Notwithstanding any other provision of this paragraph (a), regardless of the terms of any existing contract of sale or other commitment, the maximum price at which L. J. Kaufman Manufacturing Company may sell, offer to sell, deliver or transfer, and the maximum price at which any person may buy, offer to buy, or accept delivery from L. J. Kaufman Manufacturing Company of any of the below described machine tools manufactured by L. J. Kaufman Manufacturing Company shall be the price set opposite each such machine tool in the following table:

Type of machine tool	*Maximum price, each*
#5 Standard High-Duty Pneumatically Controlled Tapping machine	$1,675.00
#5A Special High-Duty Pneumatically Controlled Tapping Machine, with lead screw	3,600.00
#10 Standard High-Duty Pneumatically Controlled Tapping Machine	2,050.00
#10 A Special High-Duty Pneumatically Controlled Tapping Machine, with lead screw	4,250.00

§ 1301.59a *Effective dates of amendments.* * * *

(s) Amendment No. 19 (§ 1301.51 (a) (16)) to Revised Price Schedule No. 67 shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11443; Filed, November 4, 1942; 4:06 p. m.]

PART 1361—FARM EQUIPMENT

[MPR 246,[1] Amendment 1]

MANUFACTURERS' AND WHOLESALE PRICES FOR FARM EQUIPMENT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph (1) is added to paragraph (a) of § 1361.64 and a new § 1361.69 is added, as set forth below:

§ 1361.64 *Petitions for amendment*—(a) *Amendments.* * * *

(1) Notwithstanding any other provisions of this Maximum Price Regulation No. 246, the maximum prices for sales of certain items of farm equipment by certain manufacturers and distributors shall be as set forth below:

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1337, 1836, 2000, 2105, 2472, 2473, 2539, 2680, 2996, 3445, 3820, 4176, 5513, 5987, 7239, and 7834.

[1] 7 F.R. 8587.

Manufacturer	Items	Prices
Acmeline Manufacturing Co., Traverse City, Mich., and wholesale distributors.	Sprayers, dusters, and planters for which provision for manufacture is made in Limitation Order L-170, or any succeeding order, issued by War Production Board.	Prices in effect March 31, 1942, multiplied by 1.075.
Cheney Weeder Company, Cheney, Washington, and wholesale distributors.	Heavy duty Reversible Reel	Fourteen dollars per foot less discounts in effect March 31, 1942.
	Farm equipment repair parts	Prices in effect April 10, 1942, less discounts in effect March 31, 1942.
Ford Motor Company. Dearborn, Michigan.	Ford Agricultural Tractor (Ferguson System) Equipped with Steel Wheels.	Price in effect in March 1942, plus $60
Harry Ferguson, Inc. Dearborn, Michigan.	Ford Agricultural Tractor (Ferguson System) Equipped with Steel Wheels.	List price: $805, less 20% discount to retail dealers, less 8.4% to wholesale distributors.
Vehicle Supply Company, Cairo, Illinois, and wholesale distributors of its products.	Farm Vehicle Parts and Supplies	Prices in effect February 1, 1942, less discounts then in effect.

The foregoing maximum prices shall be used as base prices in determining maximum prices for modifications of the above items pursuant to § 1361.53.

§ 1361.69 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1361.64 (a) (1) and 1361.69) to Maximum Price Regulation No. 246 shall become effective November 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11431; Filed, November 4, 1942; 3:09 p. m.]

Part 1390—Machinery and Transportation Equipment

[MPR 136,[1] Amendment 38]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph 25 is added to § 1390.25 (c) as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(25) *The Topeka Foundry and Iron Works Company.* Notwithstanding the provisions of § 1390.9, the maximum charge applicable to any machinery service supplied by the Topeka Foundry and Iron Works Company, Topeka, Kansas, in connection with the repair, rebuilding and maintenance of machines and parts shall be at the rate of $2.20 per hour.

§ 1390.31a *Effective dates of amendments.* * * *

(mm) Amendment No. 38 (§ 1390.25 (c) (25)) to Maximum Price Regulation No. 136, as amended, shall become effective November 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11414; Filed, November 4, 1942; 3:10 p. m.]

Part 1390—Machinery and Transportation Equipment

[MPR 136,[1] Amendment 39]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph 26 is added to § 1390.25 (c) as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) Amendments. * * *

(26) *American Raw Hide Products Co.* Notwithstanding any other provisions of this Maximum Price Regulation No. 136, as amended, the maximum price applicable to the sale of any loom picker manufactured by American Raw Hide Products Co., Providence, Rhode Island, shall be the price determined in accordance with this Maximum Price Regulation No. 136, as amended, multiplied by 1.4.

§ 1390.31a *Effective dates of amendments.* * * *

(nn) Amendment No. 39 (§ 1390.25 (c) (26)) to Maximum Price Regulation No. 136, as amended, shall become effective November 10, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11415; Filed, November 4, 1942; 3:10 p. m.]

Part 1390—Machinery and Transportation Equipment

[MPR 136,[1] Amendment 40]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph (27) is added to § 1390.25 (c) as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(27) *J. F. Kidder Manufacturing Co., Inc.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale by J. F. Kidder Manufacturing Co., Inc., of any of the punches and dies listed on page 4, column 1, of its catalogue No. 41 dated September 1, 1941, shall be determined in accordance with the provisions of § 1390.5 except that the 10% discount for such punches and dies when sold in dozen lots may be eliminated.

§ 1390.31a *Effective dates of amendments.* * * *

(oo) Amendment No. 40 (§ 1390.25 (c) (27) to Maximum Price Regulation No. 136, as amended) shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11416; Filed, November 4, 1942; 3:06 p. m.]

Part 1390—Machinery and Transportation Equipment

[MPR 136,[1] Amendment 41]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph 28 is added to § 1390.25 (c) as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(28) *Aget Manufacturing Company.* Notwithstanding the provisions of § 1390.5, the maximum price applicable to the sale by Aget Manufacturing Company, Adrian, Michigan, of the "Dustkop" dust collector shall be $85.

§ 1390.31a *Effective dates of amendments.* * * *

(pp) Amendment No. 41 (§ 1390.25 (c) (28) to Maximum Price Regulation No. 136, as amended), shall become effective November 4, 1942.

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[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6682, 6682, 6899, 6964, 6964, 6965, 6937, 6973, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7907, 7912, 7945, 7944, 7912, 8198, 8198, 8362, 8433, 8479, 8520, 8652, 8707.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11432; Filed, November 4, 1942; 3:07 p. m.]

Part 1390—Machinery and Transportation Equipment

[MPR 136,[1] Amendment 42]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph (29) is added to § 1390.25 (c) as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(29) *L. H. Cook Research Laboratories, Limited.* Notwithstanding the provisions of § 1390.5, the maximum price applicable to the sale by L. H. Cook Research Laboratories, Limited, of any standard depth pressure recorder shall be the price determined in accordance with § 1390.5 multiplied by 1.1.

§ 1390.31a *Effective dates of amendments.* * * *

(qq) Amendment No. 42 (§ 1390.25 (c) (29)) to Maximum Price Regulation No. 136, as amended, shall become effective November 4, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11407; Filed, November 4, 1942; 3:11 p. m.]

Part 1390—Machinery and Transportation Equipment

[MPR 136,[1] Amendment 43]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph (30) is added to § 1390.25 (c) as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(30) *Air Associates, Inc.* Notwithstanding any other provisions of this Maximum Price Regulation No. 136, as amended, the maximum price applicable to a domestic sale by Air Associates, Inc., Bendix, New Jersey, of any Propeller Governor Test Unit-Type 820 shall be $2158.

§ 1390.31a *Effective dates of amendments.* * * *

(rr) Amendment No. 43 (§ 1390.25 (c) (30)) to Maximum Price Regulation No. 136, as amended, shall become effective November 4, 1942.

(Pub. Laws 421, 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11418; Filed, November 4, 1942; 3:11 p. m.]

Part 1390—Machinery and Transportation Equipment

[MPR 136,[1] Amendment 44]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.*

New subparagraph (31) is added to paragraph (c) of § 1390.25 and new paragraph (ss) is added to § 1390.31a as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(31) *John E. Fast & Co.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale of any electrostatic condenser #CB-304 manufactured and sold by John E. Fast & Co., Chicago, Illinois to P. R. Mallory & Co., Inc., Indianapolis, Indiana shall be $24.30 per hundred: *Provided,* That John E. Fast & Co. shall notify P. R. Mallory & Co. Inc. that P. R. Mallory & Co., Inc. may not resell such condenser in excess of the maximum price applicable to the sale of such condenser by P. R. Mallory & Co., Inc. established by this Maximum Price Regulation No. 136, as amended.

§ 1390.31a *Effective dates of amendments.* * * *

(ss) Amendment No. 44 (§ 1390.25 (c) (31)) to Maximum Price Regulation No. 136, as amended, shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11419; Filed, November 4, 1942; 3:12 p. m.]

Part 1390—Machinery and Transportation Equipment

[MPR 136[1] Amendment 45]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph (32) is added to § 1390.25 (c) as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(32) *Sterling Electrical Motors, Inc.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale and delivery to any purchaser, of any electrical motor, generator or industrial control manufactured and sold by Sterling Electrical Motors, Inc., Los Angeles, California for which the Corporation had a published or confidential list price in effect on October 1, 1941 shall be such list price for such item, subject to the discount, to a purchaser of the same class, provided in the Optional Discount Schedule attached as Exhibit "A" to Administrative Notice No. 1, issued by the Office of Price Administration on April 16, 1942.

§ 1390.31a *Effective dates of amendments.* * * *

(tt) Amendment No. 45 (§ 1390.25 (c) (32)) to Maximum Price Regulation No. 136, as amended, shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11420; Filed, November 4, 1942; 3:13 p. m.]

Part 1390—Machinery and Transportation Equipment

[MPR 136,[1] Amendment 46]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph (33) is added to § 1390.25 (c) as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(33) *Tempest Products Manufacturing Co.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale by Tempest Products Manufacturing Co., Indianapolis, Indiana of its Check-N-Spect ma-

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5047, 5362, 5665, 5908, 6435, 6662, 6682, 6692, 6899, 6964, 6964, 6965, 6937, 6973, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7907, 7912, 7945, 7944, 7912, 8198, 8198, 8362, 8433, 8479, 8520, 8652, 8707.

chine to Bowes Seal Fast Corporation, Indianapolis, Indiana shall be $16.50 each; *Provided*, That Tempest Products Manufacturing Co. shall notify Bowes Seal Fast Corporation that Bowes Seal Fast Corporation may not charge a price higher than its maximum price established by this Maximum Price Regulation No. 136, as amended.

§ 1390.31a *Effective dates of amendments.* * * *

(uu) Amendment No. 46 (§ 1390.25 (c) (33)) to Maximum Price Regulation No. 136, as amended, shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11421; Filed, November 4, 1942; 3:13 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136, Amendment 47]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph (34) is added to § 1390.25 (c) as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(34) *John E. Mitchell Co.* Notwithstanding the provisions of § 1390.5, the maximum price applicable to the sale by John E. Mitchell Company, Dallas, Texas, of bristle brushes for use in the Mitchell cotton cleaning machine shall be $2.25.

§ 1390.31a *Effective dates of amendments.* * * *

(vv) Amendment No. 47 (§ 1390.25 (c) (34)) to Maximum Price Regulation No. 136, as amended, shall become effective November 4, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11449; Filed, November 4, 1942; 4:05 p. m.]

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*Copies may be obtained from the Office of Price Administration.

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136,[1] Amendment 48]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph (35) is added to § 1390.25 (c) as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(35) *Frick-Reid Supply Corporation.* Notwithstanding the provisions of §§ 1390.5 and 1390.10 (a) and (b), the maximum prices applicable to the sale of any of the items listed below by Frick-Reid Supply Corporation, Tulsa, Oklahoma, shall be the price set opposite each such item:

Item	Manufacturer	Maximum prices (Manufacturer's list prices in effect October 1, 1941
Leather Valve Cups:		
Dry Pressed Leather	C. L. & W. W. Auer (Corry, Pa.)	Less 76%.
Dry Pressed and Polished		Less 74%.
Star		Less 55%.
Forged Steel Ring Joint Flange Unions: 2", 2½", 3", 4", 6", 8".	Walworth Co. (New York, N. Y.)	Less 33%.
Casing Spiders:		
Solid type:		
4½"-5½" sizes	Larkin Packer Co. (St. Louis, Mo.)	Less 10%.
7" O D size		Less 17-5%.
8⅝" O D and larger		Less 7%.
Split Type Spiders		Less 8%.
Slips or Wedges		Less 5%.
Hinderliter-Mildren Tubing Supports:		
4¾" or 5³⁄₁₆" x 2" tubing	Hinderliter Tool Co. (Tulsa, Okla.).	
x 2", 2½" or 3" tubing		
6½" or 6⅝" x 2" tubing		
x 2", 2½" or 3" tubing		
x 4" tubing		
8¼" x 3" x 2", 2½" or 3" tubing		
4" tubing		
Pull Rod Couplings:		
No. 4329 ¾"	Axelson Mfg. Co. (Los Angeles, Calif.).	
No. 4330 ⅞"		
No. 4342 1"		

All the above items are subject to cash discount of 2% 20th Prox.

§ 1390.31a *Effective dates of amendments.* * * *

(ww) Amendment No. 48 (§ 1390.25 (c) (35)) to Maximum Price Regulation No. 136, as amended, shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11444; Filed, November 4, 1942; 4:07 p. m.]

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[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7955, 7944, 8198, 8362, 8433, 8479, 8520, 8652, 8707.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rationing Order 3,[1] Amendment 23]

SUGAR RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (12) of paragraph (c) of § 1407.21 is amended, and a new § 1407.170 is added as set forth below:

Definitions

§ 1407.21 *Meaning of terms used in Rationing Order No. 3.* * * *

(c) *Definitions.* * * *

(12) "Primary distributor" means any person who manufactures sugar or the agent of any such person; or any person who, for the purposes of sale, takes delivery from the Collector of Customs of sugar brought to the continental United States from a place, other than Canada or Mexico, not subject to Rationing Order No. 3, or the agent of any such person. The term "agent" shall be deemed to include a broker, factor, commission merchant, or a person who takes title but actually performs functions commonly performed by agents, brokers, factors, or commission merchants.

* * * * *

Petitions For Adjustment; Appeals; New Business; Miscellaneous

§ 1407.170 *Imports.* (a) Sugar may be brought to a place subject to Rationing Order No. 3 from a place not subject to Rationing Order No. 3, if it is delivered to the Collector of Customs at the point of entry into the United States. Such sugar may be delivered to the Collector without the receipt of stamps or certificates.

(b) The Collector of Customs may deliver sugar received by him to a registering unit upon receipt of certificates in weight value equal to the sugar delivered or an authorization by the Office of Price Administration to such registering unit authorizing it to take delivery of such sugar. Certificates received by the Collector of Customs shall be delivered, at least once each calendar month, to the State Director of the state in which such point of entry is located. Authorizations received by the Collector of Customs shall be delivered, at least once each calendar month, to the Office of Price Administration.

(c) The Collector of Customs may deliver sugar, received by him and brought from a place other than Canada or Mexico, to a primary distributor without the receipt of stamps or certificates.

(d) Application for authorization to take sugar from the Collector of Customs shall be made to the Office of Price Administration by the registering unit on OPA Form No. R-315 or such other form of application as shall be approved by the Office of Price Administration and shall include such information as the Office of Price Administration may require. Such authorization shall not be deemed to increase the allotment of the registering unit.

(e) Except as otherwise permitted in Rationing Order No. 3 or as authorized by the Office of Price Administration, no person shall bring sugar into a place subject to Rationing Order No. 3 from a place not subject to Rationing Order No. 3, or receive sugar from the Collector of Customs.

Effective Date

§ 1407.222 *Effective dates of amendments.* * * *

(x) Amendment No. 23 (§ 1407.21 (c) (12) and § 1407.170) shall become effective November 10, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1, and Supp. Dir. No. 1E; 7 F.R. 562, 2965)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11439; Filed, November 4, 1942; 3:11 p. m.]

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[1] 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 8402, 8655, 8739, 8809, 8710.

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14 of GMPR, Amendment 56]

WHOLESALE PRICES FOR FLUID MILK AND CREAM

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

A new inferior subdivision (*g*) is added to subdivision (ii) of § 1499.73 (a) (1); a new inferior subdivision (*b*) is added to subdivision (iv) of § 1499.73 (a) (1); inferior subdivision (*a*) of subdivision (v) of § 1499.73 (a) (1) is amended; and a new inferior subdivision (*j*) is added to subdivision (v) of § 1499.73 (a) (1), as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The Maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

(1) *Fluid milk and cream.* * * *

(ii) *Maximum prices for fluid milk sold at wholesale in specified localities.* * * *

Locality	Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
(*g*) Washington, D. C.-Arlington-Alexandria, Virginia, area.		Approved	Pint	Glass or paper	7½
		Approved	½ pint	Glass	4
		Approved	½ pint	Paper	4½
	Chocolate Drink or Chocolate Milk	Approved	Pint	Glass or paper	7½
		Approved	½ pint	Glass or paper	4
	Buttermilk	Approved	½ pint	Glass or paper	4

* * * * * * *

(iv) *Maximum prices for fluid cream sold at wholesale in specified localities.* * * *

Locality	Grade	Container size	Type of container	Adjusted maximum price (cents)
*	*	*	*	*
(b) Washington, D. C., Arlington-Alexandria, Virginia, Area.	Approved (18% or over Butterfat)	Quart	Glass or paper	44
	Approved (18% or over Butterfat)	Pint	Glass or paper	25
	Approved (18% or over Butterfat)	½ Pint	Glass or paper	14
	Approved (32% or over Butterfat)	Quart	Glass or paper	88

(v) *Definitions.* For purposes of this subparagraph (1):

(*a*) (*1*) "Milk" means cow's milk produced, processed, distributed, and sold for consumption in fluid form as whole milk.

(*2*) "Cream" means milk from which a portion of the serum solids has been removed and which is not classed, under the General Maximum Price Regulation, as fluid milk, evaporated or condensed milk.

(*3*) "Chocolate milk" and "chocolate drink" means skim milk or whole milk to which sugar, stabilizer and chocolate flavoring have been added.

(*4*) "Buttermilk" means milk from which all or a portion of the butterfat has been removed by churning, skimming or the application of centrifugal force, and which has been inoculated with lactic acid forming bacteria or in which such bacteria have been incubated through normal processes, with the result that the product contains lactic acid in excess of 0.5%.

* * * * *

(j) "Washington, D. C.-Arlington-Alexandria, Virginia Area" means the Washington marketing area as defined in Federal Milk Marketing Order No. O-45, as amended, issued by the Secretary of Agriculture on January 29, 1940, and the Arlington-Alexandria sales area as defined in Rules and Regulations for the Supervision and Control of the Arlington-Alexandria Market, as amended; issued by the Virginia State Milk Commission, on September 6, 1941.

(b) *Effective dates.* * * *

(57) Amendment No. 56 (§ 1499.73 (a) (1)) to Supplementary Regulation No. 14 shall be effective as of November 2, 1942.

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11445; Filed, November 4, 1942; 4:07 p. m.]

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*Copies may be obtained from the Office of Price Administration.

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14 of GMPR, Amendment 57]

RETAIL PRICES FOR FLUID MILK AND CREAM

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Inferior subdivision (*a*) of subdivision (i) of § 1499.73 (a) (1) is amended and a footnote is added to subdivision (i) of § 1499.73 (a) (1); a new inferior subdivision (*h*) is added to subdivision (ii) of § 1499.73 (a) (1); and a footnote is added to subdivision (ii) of § 1499.73 (a) (1), as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services, and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided:

(1) *Fluid milk and cream*—(i) *Maximum prices for fluid milk sold at retail in specified localities.* The maximum price of fluid milk sold and delivered at retail in localities set forth below, shall be the seller's maximum price as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or the applicable adjusted maximum price specified in the schedule set forth below, whichever is higher[1]: *Provided*, That, where the adjusted maxi-

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[1] This pricing formula, however, does not apply to certain sales in the New York Metropolitan area under inferior subdivisions (*a*) (*2*) and (*a*) (*5*) of subdivision (i) of § 1499.73 (a) (1) below.

mum price is expressed as "plus" a specified amount, the amount specified is to be added to the seller's maximum price as determined under said § 1499.2.

Locality	Grade	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)
*	*	*	*	*	* *
(a) New York Metropolitan area.	Approved	Out of store	Quart	Glass	(1) 12. Where the seller's maximum price as determined by § 1499.2 of General Provisions is *less* than 12, adjusted maximum price shall be 12. (2) 13. Where the seller's maximum price as determined by § 1499.2 of General Provisions is *more* than 13, adjusted maximum price shall be 13. Notwithstanding § 1499.2 of General Provisions of General Maximum Price Regulation and subdivision (i) of § 1499.73 (a) (1) above, seller's maximum price shall be 13. (3) Where the seller's maximum price as determined by § 1499.2 of General Provisions is *between* 12 and 13, it shall also be the adjusted maximum.
	Approved	Out of store	Quart	Paper	(4) 13. Where the seller's maximum price as determined by § 1499.2 of General Provisions is *less* than 13, adjusted maximum price shall be 13. (5) 14. Where the seller's maximum price as determined under § 1499.2 of General Provisions is *more* than 14, adjusted maximum price shall be 14. Notwithstanding § 1499.2 of General Provisions of General Maximum Price Regulation and subdivision (i) of § 1499.73 (a) (1) above, seller's maximum price shall be 14. (6) Where the seller's maximum price as determined by § 1499.2 of General Provisions is *between* 13 and 14, it shall also be the adjusted maximum.

* * * * * * *

(ii) *Maximum prices for fluid milk sold at wholesale in specified localities.* The maximum price of fluid milk sold and delivered at wholesale in the localities set forth below, shall be the seller's maximum price as determined under § 1499.2, General Provisions of the General Maximum Price Regulation, or the applicable adjusted maximum price specified in the schedule set forth below, whichever is higher[2]: *Provided,* That where the adjusted maximum price is expressed as "plus" a specified amount, the amount specified is to be added to the seller's maximum price as determined under said § 1499.2.

Locality	Grade	Container size	Type of container	Adjusted maximum price (cents)
*	*	*	*	* *
(h) New York Metropolitan area.	Approved	Quart	Glass	(1) 10½. Where the seller's maximum price as determined by § 1499.2 of General Provisions is *less* than 10½, adjusted maximum price shall be 10½. (2) 11. Where the seller's maximum price as determined by § 1499.2 of General Provisions is *more* than 11, adjusted maximum price shall be 11. Notwithstanding §1499.2 of General Provisions of General Maximum Price Regulation and subdivision (ii) of § 1499.73 (a) (1) above, seller's maximum price shall be 11. (3) Where the seller's maximum price as determined by § 1499.2 of General Provisions is *between* 10½ and 11, it shall also be the adjusted maximum.
	Approved	Quart	Paper	(4) 11½. Where the seller's maximum price as determined by § 1499.2 of General Provisions is *less* than 11½, adjusted maximum price shall be 11½. (5) 12. Where the seller's maximum price as determined by § 1499.2 of General Provisions is *more* than 12, adjusted maximum price shall be 12. Notwithstanding § 1499.2 of General Provisions of General Maximum Price Regulation and subdivision (ii) of § 1499.73 (a) (1) above, seller's maximum price shall be 12. (6) Where the seller's maximum price as determined by § 1499.2 of General Provisions is *between* 11½ and 12, it shall also be the adjusted maximum.

The foregoing adjusted maximum prices shall not apply to sales to subdealers, i. e. fluid milk distributors who do not operate pasteurizing plants, whether or not they operate milk depots. The seller's maximum price to such purchasers shall be his maximum price established under § 1499.2 of General Provisions of the General Maximum Price Regulation.

* * * * *

(b) *Effective dates.* * * *

(58) Amendment No. 57 (§ 1499.73 (a) (1)) to Supplementary Regulation No. 14 shall be effective as of November 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11440; Filed, November 4, 1942; 3:12 p. m.]

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[2] This pricing formula, however, does not apply to certain sales in the New York Metropolitan area under inferior subdivisions (*h*) (2) and (*h*) (5) of subdivision (ii) of § 1499.73 (a) (1) below.

PART 1499—COMMODITIES AND SERVICES

[Order 76 Under § 1499.18 (b) of GMPR]

SWAN ICE CREAM CO.

Order No. 76 Under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-423.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.876 *Adjustment of maximum prices for brick ice cream and bulk ice cream sold at wholesale by Swan Ice Cream Company of Saginaw, Michigan.* (a) Swan Ice Cream Company of Saginaw, Michigan may sell and deliver at wholesale brick ice cream and bulk ice cream at prices not to exceed the respective amounts set forth in the following schedule:

*	Service with customer's equipmen		Service with seller's equipment in part and customer's equipment in part		Service with seller's equipment	
	Bulk	Brick	Bulk	Brick	Bulk	Brick
200 gallons or less	$0.90	$1.00	$0.95	$1.05	$1.00	$1.10
200 to 600 gallons	.85	.95	1.90	1.00	.95	1.05
600 to 1,000 gallons	.85	.95	.85	.95	.90	1.00
1,000 gallons or more	.80	.90	.80	.90	.85	.95

(b) Swan Ice Cream Company of Saginaw, Michigan shall mail or cause to be mailed to all persons who purchase brick ice cream or bulk ice cream from it for sale at retail a notice reading as follows:

> The Office of Price Administration has permitted us to raise our maximum price for sales to you of brick ice cream and bulk ice cream from the respective amounts set forth in the following schedule marked Table A to the amounts set forth in Table B below:
>
> TABLE A
>
> | | Service with customer's equipment | | Service with seller's equipment in part and customer's equipment in part | | Service with seller's equipment | |
> |---|---|---|---|---|---|---|
> | | Bulk | Brick | Bulk | Brick | Bulk | Brick |
> | 650 gallons or less | $0.80 | $0.90 | $0.85 | $0.95 | $0.90 | $1.00 |
> | Over 650 gallons | .80 | .90 | .85 | .95 | .85 | .95 |
>
> TABLE B
>
> | | Service with customer's equipment | | Service with seller's equipment in part and customer's equipment in part | | Service with seller's equipment | |
> |---|---|---|---|---|---|---|
> | | Bulk | Brick | Bulk | Brick | Bulk | Brick |
> | 200 gallons or less | $0.90 | $1.00 | $0.95 | $1.05 | $1.00 | $1.10 |
> | 200 to 600 gallons | .85 | .95 | .90 | 1.00 | .95 | 1.05 |
> | 600 to 1,000 gallons | .85 | .95 | .85 | .95 | .90 | 1.00 |
> | 1,000 gallons or more | .80 | .90 | .80 | .90 | .85 | .95 |
>
> This amount represents only that part of cost increases which we were unable to absorb, and it was granted with the understanding that retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum retail prices for sales of brick ice cream or bulk ice cream. In order that we may continue to provide you with brick ice cream and bulk ice cream, it will be necessary for you to accept this reduction in your margin.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 76 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 76 (§ 1499.876) is hereby incorporated as a section of Supplementary Regulation No. 1', which contains modifications of maximum prices established by section 1499.2.

(f) This Order No. 76 (§ 1499.876) shall become effective November 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11441; Filed, November 4, 1942; 3:19 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 140 Under § 1499.18 (c) of GMPR]

QUEEN ANNE CANDY COMPANY

Order No. 140 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-2278.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1140 *Adjustment of maximum prices for No. 290 pecan roll, a confectionery product manufactured by the Queen Anne Candy Company.* (a) Queen Anne Candy Company is hereby authorized to sell and deliver No. 290 pecan roll at a delivered price of 30¢ per pound.

(b) Sellers at retail of No. 290 pecan roll manufactured by the Queen Anne Candy Company may increase their maximum price established under the General Maximum Price Regulation to 50¢ per pound.

(c) All sellers are required to continue the same discounts, allowances and price differentials as were offered in March 1942 unless a change results in a lower maximum price.

(d) Queen Anne Candy Company shall, on or before the day of the first delivery to each of its purchasers of pecan rolls at the price permitted by this Order No. 140, mail or cause to be mailed a written statement as follows:

> The Office of Price Administration has permitted us to raise our maximum price for sales to you of No. 290 pecan roll from 24¢ per pound to 30¢ per pound. This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that retail prices generally would not be raised. However, OPA recognizes that the margin of a few retailers may be considerably reduced; therefore, you are permitted to take as your ceiling price 50¢ or your maximum price established under the General Maximum Price Regulation whichever is higher.

(e) All prayers of the application not granted herein are denied.

(f) This Order No. 140 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 140 (§ 1499.1140) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(h) This Order No. 140 (§ 1499.1140) shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11451; Filed, November 4, 1942; 4:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 130 Under § 1499.18 (c) of GMPR]

CHESTER FIREPROOF BUILDING COMPANY

Order No. 130 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-1469.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1130 *Adjustment of maximum prices for steam heat, hot water and vacuum service by Chester Fireproof Building Company.* (a) The application for adjustment of maximum prices for steam heat, hot water and vacuum service for Security-First National Bank of Los Angeles by Chester Fireproof Building Company is hereby granted to the extent set forth below:

The maximum price for steam, hot water and vacuum service supplied to the Security-First National Bank of Los Angeles by Chester Fireproof Building Company shall be $175.00 per month.

(b) All prayers of the application not granted herein are denied.

(c) This order is subject to revocation or amendment by the Price Administrator at any time hereafter, either by special order, or by any price regulation issued hereafter, or by any Supplement or amendment hereafter issued as to any price regulation the provisions of which may be contrary hereto.

(d) This Order No. 130 (§ 1499.1130) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 130 (§ 1499.1130) shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11433; Filed, November 4, 1942; 3:07 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 133 Under § 1499.18 (c) of GMPR]

CRAIG DENTURE EQUIPMENT, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1133 *Adjustment of maximum prices charged for Dr. Craig's Permanent Liner manufactured by Craig Denture Equipment, Inc.* (a) Craig Denture

Equipment, Inc., an Indiana corporation, of 504 Broadway, Gary, Indiana, may charge a maximum price of $3.92 per tube for sales and deliveries of Dr. Craig's Permanent Liner to Craig Dental Products, Inc.

(b) Craig Dental Products, Inc., a corporation having its principal place of business in Chicago, Illinois, may charge a maximum price of $10.00 per tube for sales and deliveries of Dr. Craig's Permanent Liner to dental supply houses. The maximum price set forth in this paragraph (b) is subject to discounts of from 40 to 25 percent, depending upon the quantity sold, but in no case less than 25 percent.

(c) The maximum price which any dental supply house may charge for a sale or delivery of Dr. Craig's Permanent Liner to dentists shall be $10.00 per tube.

(d) Craig Denture Equipment, Inc. shall cause the following notice to be given to Craig Dental Products, Inc.:

> The Office of Price Administration has established the following maximum prices for sales or deliveries of Dr. Craig's Permanent Liner:

Sales by Craig Denture Equipment, Inc.	$3.92 per tube.
Sales by Craig Dental Products, Inc., to dental supply houses.	$10.00 per tube (less 25 to 40 percent discount, depending on the quantity sold).

(e) Craig Dental Products, Inc. shall cause the following notice to be given to dental supply houses to whom it sells or delivers Dr. Craig's Permanent Liner:

> The Office of Price Administration has established the following maximum prices for sales or deliveries of Dr. Craig's Permanent Liner:

Sales by Craig Dental Products, Inc., to dental supply houses.	$10.00 per tube (less 25 to 40 percent discount, depending on the quantity sold).
Sales to dentists by dental supply houses.	$10.00 per tube.

(f) Craig Denture Equipment, Inc. shall cause to be stamped or otherwise permanently affixed to the tube of Dr. Craig's Permanent Liner sold to dentists, the following:

> Office of Price Administration ceiling price for sales to dentists, $10.00.

(g) On or before March 5, 1943, Craig Denture Equipment, Inc., shall submit to the Office of Price Administration in Washington, D. C., a complete, verified report of its operations in the production of Dr. Craig's Permanent Liner. This report shall show in detail the number of tubes produced since the effective date of this Order No. 133 under § 1499.18 (c), and the unit direct cost of the tubes produced during this period, including direct labor, materials, and manufacturing expense. Craig Denture Equipment, Inc. shall, on or before the fifth day of each third month succeeding March, 1943, submit a similar report to the Office of Price Administration in Washington, D. C., as to its operations during the last three month period prior to the date on which the report is required.

(h) This Order No. 133 may be revoked or amended by the Price Administrator at any time.

(i) This Order No. 133 (§ 1499.1133) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(j) This Order No. 133 (§ 1499.1133) shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11429; Filed, November 4, 1942; 3:09 p. m.]

Part 1499—Commodities and Services

[Order 134 Under § 1499.18 (c) of GMPR]

E-Z BLEACH COMPANY

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1134 *Adjustment of maximum prices for the E-Z Bleach Company.* (a) E-Z Bleach Company of New Bedford, Massachusetts, (William Grant, Proprietor) may sell and deliver to any laundry and any laundry may buy and receive E-Z Bleach (sodium hypochlorite) at a price not in excess of that hereinafter set forth:

> E-Z Bleach (sodium (hypochlorite) at 23½¢ per gallon, delivered.

(b) All discounts, allowances, practices with regard to charges for transportation and other trade practices in effect with respect to the above listed commodity during March 1942, by the seller, shall remain in effect under this order.

(c) This Order No. 134 may be revoked by the Price Administrator at any time.

(d) This Order No. 134 (§ 1499.1134) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 134 (§ 1499.1134) shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11430; Filed, November 4, 1942; 3:09 p. m.]

Part 1499—Commodities and Services

[Order 78 Under § 1499.18 (b) of GMPR]

ANACORTES CANNING COMPANY

Order No. 78 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-2221.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.878 *Adjustment of maximum prices for sales of canned Puget Sound Sockeye salmon by Anacortes Canning Company of Ancortes, Washington.* (a) Anacortes Canning Company of Anacortes, Washington, may sell and deliver to governmental purchasing agencies, and government purchasing agencies may buy and receive from Anacortes Canning Company, Puget Sound Sockeye canned salmon at prices not higher than those set forth below:

> Per case of 48 ½-lb. flats @ $10.75 f. o. b. Anacortes.

(b) All prayers of the petition, which relate to sales of government purchasing agencies, not granted herein are denied.

(c) This Order No. 78 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 78 (§ 1499.878) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 78 (§ 1499.878) shall become effective November 5, 1942.

(Pub Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11428; Filed, November 4, 1942; 3:08 p. m.]

Part 1499—Commodities and Services

[Order 79 Under § 1499.18 (b) of GMPR]

DEMING AND GOULD COMPANY

Order No. 79 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-1703.

For the reasons set forth in an Opinion issued simultaneously herewith, *It is ordered:*

§ 1499.879 *Adjustment of maximum prices for sales of canned Puget Sound Sockeye salmon by Deming and Gould Company, of South Bellingham, Washington, as agents for Friday Harbor Canning Company.* (a) Deming and Gould Company, of South Bellingham, Washington, as agents for Friday Harbor Canning Company, may sell and deliver to governmental purchasing agencies, and government purchasing agencies may buy and receive from Deming and Gould Company, as agents for Friday Harbor Canning Company, Puget Sound Sockeye canned salmon at prices not higher than these set forth below:

> (1) Per case of 48 1-lb. talls at $17.00 f. o. b. South Bellingham.
>
> (2) Per case of 48 1-lb. flats at $18.00 f. o .b. South Bellingham.
>
> (3) Per case of 48 ½-lb. flats at $10.75 f. o. b. South Bellingham.

(b) All prayers of the petition, which relate to sales of government purchasing agencies, not granted herein are denied.

(c) This Order No. 79 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 79 (§ 1499.879) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 79 (§ 1499.879) shall become effective November 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November, 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11427; Filed, November 4, 1942; 3:08 p. m.]

Part 1499—Commodities and Services

[Order 80 Under § 1499.18 (b) of GMPR]

FISHERMEN'S PACKING CORPORATION

Order No. 80 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-2269.

For the reasons set forth in an Opinion issued simultaneously herewith: *It is ordered:*

§ 1499.880 *Adjustment of maximum prices for sales of canned Puget Sound Sockeye salmon by Fishermen's Packing Corporation of Anacortes, Washington.* (a) Fishermen's Packing Corporation, of Anacortes, Washington, may sell and deliver to governmental purchasing agencies, and government purchasing agencies may buy and receive from Fishermen's Packing Corporation, Puget Sound Sockeye canned salmon at prices not higher than those set forth below:

> (1) Per case of 48 1-lb. talls @ $17.00 f. o. b. Anacortes.
>
> (2) Per case of 48 1-lb. flats @ $18.00 f. o. b. Anacortes.
>
> (3) Per case of 48 ½-lb. flats @ $10.75 f. o. b. Anacortes.

(b) All prayers of the petition, which relate to sales of government purchasing agencies, not granted herein are denied.

(c) This Order No. 80 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 80 (§ 1499.880) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 80 (§ 1499.880) shall become effective November 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11435; Filed, November 4, 1942; 3:08 p. m.]

Part 1499—Commodities and Services

[Order 77 Under § 1499.18 (b) of GMPR]

LIGHTFOOT SCHULTZ COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.877 *Adjustment of maximum prices for certain sales of soap by Lightfoot Schultz Company to Brillo Manufacturing Company, Inc.* (a) The Lightfoot Schultz Company, 663 Fifth Avenue, New York City, may sell and Brillo Manufacturing Company, Inc., may buy 150,000 pounds of soap at 11½ cents per pound under the terms and conditions of Brillo Manufacturing Company, Inc. Order Number B-2011.

(b) This Order No. 77 may be amended or revoked by the Price Administrator at any time.

(c) This Order No. 77 (§ 1499.877) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains the modification of maximum prices established by § 1499.2.

(d) This Order No. 77 (§ 1499.877) shall become effective November 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871).

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11434; Filed, November 4, 1942; 3:07 p. m.]

Part 1499—Commodities and Services

[Order 25 Under § 1499.18 (c) of GMPR, Amendment 1]

GORTON-PEW FISHERIES CO., LTD.

Amendment No. 1 to Order No. 25 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-952.

For the reasons set forth in an opinion issued simultaneously herewith, paragraphs (a), (b) and (c) of Order No. 25 under § 1499.18 (c) are amended and paragraph (i) is added; all to read as set forth below:

§ 1499.375 *Adjustment of maximum prices for salt codfish produced by Gorton-Pew Fisheries Company, Ltd.* (a) Gorton-Pew Fisheries Company, Ltd., of 327 Main Street, Gloucester, Massachusetts, may sell and deliver, and any person may buy and receive from Gorton-Pew Fisheries Company, Ltd., salt codfish at prices not higher than those set forth below:

> (1) Gorton's Codfish Brand and/or Opal Cod Brand, 1 lb. carton @ $.24 f. o. b. packing plant.
>
> (2) Talisman Brand, 1 lb. carton @ $.23½ f. o. b. packing plant.
>
> (3) Atlantic Ocean Brand, 1 lb. carton @ $.22 f. o. b. packing plant.
>
> (4) Cod bits, 1 lb. carton @ $.21 f. o. b. packing plant.
>
> (5) Mother Ann Brand, 1 lb. wood box @ $.28 f. o. b. packing plant.
>
> (6) Water Lily, Diamond Wedge and Kodikook Brands, 1 lb. wood box @ $.30 f. o. b. packing plant.
>
> (7) Winner Cod Bits Brand, 1 lb. wood box @ $.25 f. o. b. packing plant.
>
> (8) Cod strips, regular, 30 lb. boxes @ $.24 per lb. f. o. b. packing plant.
>
> (9) Cod strips, regular, 15 lb. boxes @ $.24½ per lb. f. o. b. packing plant.
>
> (10) Cod strips, large, 40 lb. boxes @ $.25 per lb. f. o. b. packing plant.
>
> (11) Cod strips, large, 20 lb. boxes @ $.25½ per lb. f. o. b. packing plant.
>
> (12) Cod middles, large, 40 lb. boxes @ $.27 per lb. f. o. b. packing plant.
>
> (13) Cod middles, large, 20 lb. boxes @ $.27½ per lb. f. o. b. packing plant.
>
> (14) Cod middles, medium, 40 lb. boxes @ $.26 per lb. f. o. b. packing plant.
>
> (15) Cod middles, medium, 20 lb. boxes @ $.26½ per lb. f. o. b. packing plant.
>
> (16) Cod bits, in barrels @ $.18 per lb. f. o. b. packing plant.
>
> (17) Cod bits, 100 lb. boxes @ $.19 per lb. f. o. b. packing plant.
>
> (18) Cod bits, 50 lb. boxes @ $.19½ per lb. f. o. b. packing plant.
>
> (19) Cod bits, 20 lb. boxes @ $.20 per lb. f. o. b. packing plant.
>
> (20) Fibred codfish, 5 oz. packages @ $.09 per package f. o. b. packing plant.
>
> (21) Fibred codfish, 200 lb. barrels @ $.19 per lb. f. o. b. packing plant.
>
> (22) Fibred codfish, 50 lb. boxes @ $.19½ per lb. f. o. b. packing plant.
>
> (23) Fibred codfish, 5 lb. boxes @ $.20 per lb. f. o. b. packing plant.

(b) Any person selling at wholesale or retail salt codfish produced by Gorton-Pew Fisheries Company, Ltd., may sell and deliver, and any person may buy and receive from wholesale or retail distributors salt codfish so produced at prices not higher than the sum resulting from adding to the maximum prices heretofore chargeable by the seller the amounts set forth below:

> (1) Gorton's Codfish Brand and/or Opal Cod Brand, 1 lb. cartons, 3¢.
>
> (2) Talisman Brand, 1 lb. cartons, 3¢.
>
> (3) Atlantic Ocean Brand, 1 lb. cartons, 3¢.
>
> (4) Cod Bits, 1 lb. cartons, 3¢.
>
> (5) Mother Ann Brand, 1 lb. wood boxes, 5¢.
>
> (6) Water Lily, Diamond Wedge and Kodiakook Brands, 1 lb. wood boxes, 5¢.
>
> (7) Winner Cod Bits Brand, 1 lb. wood boxes, 3¢.
>
> (8) Cod strips, in bulk, per lb., 3¢.
>
> (9) Cod middles, in bulk, per lb. 3¢.
>
> (10) Cod bits, in bulk, per lb., 2¢.
>
> (11) Fibred codfish, 5 oz. packages, per package, 1¢.
>
> (12) Fibred codfish, in bulk, per lb., 3¢.

(c) The permission granted to sellers of salt codfish in paragraph (a) and (b) in this Amendment No. 1 to Order No. 25 is subject to the following conditions: (1) that Gorton-Pew Fisheries Company, Ltd., shall affix to or enclose in every case or carton of salt codfish sold by it for a period of three months after November 4, 1942, a printed statement clearly setting forth the amount of the increase allowed by this Amendment No. 1 to Order No. 25, per pound of salt codfish and also explaining the additions which sellers at wholesale or retail may make to their existing maximum prices for salt codfish produced by Gorton-Pew Fisheries Company, Ltd., (2) that any seller at wholesale or retail who, in March, 1942, sold or delivered salt codfish, produced by a processor other than Gorton-Pew Fisheries Company, Ltd., which has been sold or delivered by the processor at prices as high as or higher than the prices set forth in paragraph (a) of this Amendment No. 1 to Order No. 25, shall in no event charge more for salt codfish produced by Gorton-Pew Fisheries Company, Ltd., than the seller's maximum prices for salt codfish produced by other processors as determined under paragraph (a) of section 2 of General Maximum Price Regulation or as adjusted under paragraphs (a) or (b) of section 18 of said regulation.

* * * * *

(i) This Amendment No. 1 to Order No. 25 (§ 1499.375) shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11436; Filed, November 4, 1942; 3:08 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 81 Under § 1499.18 (b) of GMPR]

A. E. HEINSOHN

Order No. 81 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-2199.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.881 *Adjustment of maximum prices for sales of Solox by A. E. Heinsohn.* (a) The maximum prices for the sale of Solox by A. E. Heinsohn, 1443 Blake Street, Denver, Colorado, shall be the prices set forth below:

	Per gallon
5 gallon cans	$.95
1 gallon cans	1.20

(b) All discounts, trade practices, and practices relating to the payment of shipping charges in effect in March, 1942, on the sale of A. E. Heinsohn of Solox shall apply to the maximum prices set forth in paragraph (a).

(c) All prayers of the applicant not granted herein are denied.

(d) This Order No. 81 may be revoked or amended by the Administrator at any time.

(e) This Order 81 (§ 1499.881) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 81 (§ 1499.881) shall become effective November 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11442; Filed, November 4, 1942; 3:09 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 127 Under § 1499.18 (c) of GMPR]

TENNESSEE SANDPAPER CORPORATION

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1127 *Adjustment of maximum prices for coated abrasives sold to distributors by the Tennessee Sandpaper Corporation.* (a) On sales and deliveries made on and after November 4, 1942, the Tennessee Sandpaper Corporation, P. O. Box 465, Nashville, Tennessee, may sell and deliver to distributors, and any distributor may buy and receive from the Tennessee Sandpaper Corporation, coated abrasives at prices no higher than ten (10%) percent above the highest price charged a distributor for the same commodity during March, 1942, by the Tennessee Sandpaper Corporation.

(b) When used in this order, the term "distributor" means any person who buys coated abrasives for resale.

(c) All discounts, allowances, and trade practices which the seller had in effect during March, 1942, shall remain in effect under this order.

(d) This Order No. 127 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 127 (§ 1499.1127) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 127 (§ 1499.1127) shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11450; Filed, November 4, 1942; 4:05 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 141 Under § 1499.18 (c) of GMPR]

BUTLER BROTHERS

Order No. 141 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-143.

For reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register,* *It is ordered:*

§ 1499.1141 *Granting adjustment of maximum prices for sales of window shades by Butler Brothers.* (a) Butler Brothers, Randolph and Canal Streets, Chicago, Illinois, may sell and deliver window shades manufactured by the Columbia Mills, Inc., 225 Fifth Avenue, New York City, at prices no higher than those hereinafter designated:

> The styles and sizes at prices and terms of sale set forth in the catalog entitled "Columbia Price Lists", dated March 9, 1942, No. 3424; and the catalog entitled "Columbia Price Lists" dated March 9, 1942, No. 3423, issued by the Columbia Mills, Inc. and filed with the Office of Price Administration on September 4, 1942.

(b) Butler Brothers shall send to each customer, with each first delivery of window shades on which adjustment in maximum prices has been made pursuant to this Order No. 141, a complete list of adjusted maximum prices and a notice reading as follows:

> The Office of Price Administration has granted Butler Brothers permission, pursuant to Order No. 141 under section 18 (c) of the General Maximum Price Regulation to increase its maximum prices to those specified in the price lists accompanying this Order. Since these are the standard wholesale prices for this commodity, you will not be permitted to increase maximum prices for your sales because of such increased maximum prices established for Butler Brothers.

(c) This Order No. 141 may be revoked or amended by the Administrator at any time.

(d) This Order No. 141 (§ 1499.1141) is incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 141 (§ 1499.1141) under section 18 (c) of the General Maximum Price Regulation shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11458; Filed, November 4, 1942; 5:27 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 142 Under § 1499.18 (c) of GMPR]

F. C. FOARD & COMPANY, INC.

Order No. 142 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-2295.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1142 *Adjustment of maximum prices for sales of Imp Soot Destroyer.* (a) The maximum prices for the sale of Imp Soot Destroyer by F. C. Foard & Company, Inc., Bridgeport, Connecticut, shall be the prices set forth below:

	Per dozen
Sales to distributors	$2.64
Sales to jobbers	3.40
Sales to dealers	4.40
Sales to consumers	6.60

(b) The maximum prices for the sale of Imp Soot Destroyer by any other person shall be the highest price charged by him during March 1942 to a purchaser of the same class plus the amount by which the cost to him of Imp Soot Destroyer is increased as a result of the price increases authorized under paragraph (a).

(c) All discounts, trade practices, and practices relating to the payment of shipping charges in effect during March 1942, on the sale of Imp Soot Destroyer by any person who raises his prices under the authority set forth in paragraphs (a) and (b) shall apply to the maximum prices established by those paragraphs.

(d) The F. C. Foard & Company, Inc., with the first sale of Imp Soot Destroyer to every purchaser other than a consumer after the issuance of this order, shall send a written notification to such purchaser in the following form:

> The Office of Price Administration has permitted us to raise our maximum price for sales to you of Imp Soot Destroyer from $______ to $______ (insert the appropriate figures according to the class of purchaser involved). Your new ceiling price for Imp Soot Destroyer is your March ceiling price plus $______ (insert here the exact amount of the increase in the price to this purchaser).

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*Copies may be obtained from the Office of Price Administration.

(e) All prayers of the applicant not granted herein are denied.

(f) This Order No. 142 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 142 (§ 1499.1142) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(h) This Order No. 142 (§ 1499.1142) shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11459; Filed, November 4, 1942; 5:51 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 143 Under § 1499.18 (c) of GMPR]

SPEER HARDWARE COMPANY

Order No. 143 under § 1499.18 (c) of General Maximum Price Regulation—Docket No. GF3-637.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1143 *Adjustment of maximum prices for the sale of certain saw frames by Speer Hardware Company.* (a) Speer Hardware Company, Fort Smith, Arkansas may sell and deliver the saw frames listed herein at prices no higher than those set forth below:

Item number	*Maximum price (per dozen)*
No. 10-42 Sandvik pulpwood saw frames	$23.76
No. 25-L Sandvik pulpwood saw frames	33.00

(b) Before the first sale of a saw frame at a price set forth in paragraph (a) hereof, Speer Hardware Company shall notify the buyer in writing:

> The Office of Price Administration has authorized an increase in our maximum price on these saw frames from $_____ to $_____ per dozen (inserting correct figure) which represents the correction of a mistake made in billing these saws below costs during March 1942. If your maximum price for these saws is based on our March 1942 price and is abnormally low in relation to prices charged by your competitors, and if this causes you substantial hardship, you may apply to the Office of Price Administration Regional Office before November 30, 1942, for adjustment under section 18 (a) of the General Maximum Price Regulation. You may not increase your maximum price unless you receive specific authorization from the Office of Price Administration.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 143 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 143 (§ 1499.1143) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 143 (§ 1499.1143) shall become effective November 4, 1942.

(Pub. Laws No. 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11460; Filed, November 4, 1942; 5:25 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 144 Under § 1499.18 (c) of GMPR]

COLES & COMPANY

Order No. 144 under § 1499.18 (c) of General Maximum Price Regulation—Docket No. GF3-637.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1144 *Adjustment of maximum prices for the sale of a certain set of garden tools by Coles & Company.* (a) Coles & Company, New York, New York, may sell and deliver the small garden tools manufactured and sold to it by The Animal Trap Company of America, Lititz, Pa., at a price no higher than $12.00 per gross.

(b) On the first sale of garden tools at a price set forth in paragraph (a) hereof, Coles & Company shall notify the buyer in writing:

> The Office of Price Administration has authorized an increase in the maximum prices of these garden tools from $____ to $____ (inserting correct figure) which represents only that part of our cost increases which we are unable to absorb, and was granted with the provision that your maximum prices would remain the same.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 144 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 144 (§ 1499.1144) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 144 (§ 1499.1144) shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11461; Filed, November 4, 1942; 5:53 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 145 Under § 1499.18 (c) of GMPR]

UNION HARDWARE AND METAL COMPANY

Order No. 145 Under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-2339.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* *It is ordered:*

§ 1499.1145 *Granting to Union Hardware and Metal Company, Los Angeles, California, adjustment of its maximum prices for sales of station maintenance merchandise to Standard Oil Company of California.* (a) Union Hardware and Metal Company, 411 East First Street, Los Angeles, California, is authorized to sell and deliver to Standard Oil Company of California, tools and other items of service station maintenance equipment listed in (b) at prices no higher than prices determined by adding to the total of the seller's invoice cost plus transportation charges paid by him (not to exceed invoice costs based on the supplier's maximum prices and transportation charges based on rates in effect on the date of this order) a sum equal to twenty percent of such total.

(b) This Order No. 145 covers the following items:

A4 Tire prodding awl P & C
A118 Vim Tool & lock ring lifter P & C
A121 5" Screwdriver P & C
A134 Spring scraped P & C
A151 Tire irons P & C
A161 Hudson & Essex clutch wrench P & C
A164 3/8 x 7/16 Open end wrench P & C
A162 1/2 x 9/16 Open end wrench P & C
A166 19/32 x 11/16 Open end wrench P & C
A184 9" Ratchet handle P & C
A189 13/16 Hex socket P & C
A190 3/4 Hex socket P & C
A191 11/16 Hex socket P & C
A196 3/4" Sq. male socket P & C
A197 5/8" Sq. male socket P & C
A198 1/2" Sq. male socket P & C
A201 5/17" Sq. male socket P & C
A202 13/16 Spark plug socket P & C
A204 15/16 Spark plug socket P & C
A205 1" Spark plug socket P & C
A227 1 1/8" Spark plug socket P & C
A235 11/16" Spark plug socket P & C
A246 Drain plug wrench P & C
A39 36" x 72" Canvas seat cover
A40 34" x 72" Fender cover
A64 36" x 36" Canvas seat cover
A17 Battery top brush
A48 Paper towel dispenser
A22 Extra lid for Boraxo dispenser
A10 Bldg. brush
A130 1-gal. Liquid soap

(c) This Order No. 145 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 145 (§ 1499.1145) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 145 (§ 1499.1145) shall become effective on the 4th day of November, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11462; Filed, November 4, 1942; 5:51 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 146 Under § 1499.18 (c) of GMPR]

WRIGHT AND WILHELMY COMPANY

Order No. 146 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-1233.

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*Copies may be obtained from the Office of Price Administration.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* *It is ordered:*

§ 1499.1146 *Granting adjustment of maximum prices for sales of Wagner Kom-Kleaned Carpet Sweepers by Wright and Wilhelmy Company and retailers buying from that company.* (a) Wright and Wilhelmy Company, Omaha, Nebraska, and retailers buying from that company are authorized to sell and deliver the following Wagner Kom-Kleaned Carpet Sweepers, manufactured by E. R. Wagner Manufacturing Company, at prices no higher than those set forth below, subject to discounts, allowances and terms no less favorable than those customarily granted by the seller:

Minerva model	$8.50
Co-ed model	7.50
Milwaukeean model	6.50
Enterprise model	4.50

(b) This Order No. 146 shall have no application to any seller whose maximum price as established under the General Maximum Price Regulation is higher than the maximum price authorized by this Order No. 146.

(c) The adjustment granted to Wright and Wilhelmy Company by paragraph (a) of this Order No. 146 is subject to the condition that the company shall advise its retailers of the adjustment granted by this Order No. 146.

(d) This Order No. 146 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 146 (§ 1499.1146) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 146 (§ 1499.1146) shall become effective on the 4th day of November 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11463; Filed, November 4, 1942; 5:49 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 147 Under § 1499.18 (c) of GMPR]

LOUISVILLE POTTERY COMPANY

Order No. 147 Under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. 3116-5.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1147 *Adjustment of maximum prices on gallonage stoneware or stoneware specialties sold by Louisville Pottery Company, Louisville, Kentucky.* (a) Any seller at wholesale or retail may add to the maximum price established by the General Maximum Price Regulation for sales by such seller of gallonage stoneware or stoneware specialties manufactured by Louisville Pottery Company of Louisville, Kentucky the exact dollar amount of the increase in the manufacturer's price authorized by Order No. 147 undcr § 1499.161 (a) (2) of Maximum Price Regulation No. 188, and paid by such seller to the manufacturer or to a wholesaler on the articles being sold.

(b) This Order No. 147 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 147 (§ 1499.1147) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(d) This Order No. 147 (§ 1499.1147) shall become effective November 4, 1942. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11464; Filed, November 4, 1942; 5:52 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 148 Under § 1499.18 (c) of GMPR]

NEWSPAPER BOYS OF AMERICA, INC.

Order No. 148 Under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-1767.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

§ 1499.1148 *Granting adjustment of maximum prices for sales of certain commodities by Newspaper Boys of America, Inc.* (a) Newspaper Boys of America, Inc., 222 East Ohio Street, Indianapolis, Indiana, is authorized to sell and deliver the following commodities at prices no higher than those set forth below:

363	Ball inflater	$.28
147	Fielders glove	2.33
148	Fielders glove	1.78
149	Baseman's mitt	2.39
150	Softball glove	2.00
301	Tennis Racket Press	.50
480	Bike saddle	1.47
509	Pen set	.64
554	Billfold	.59
927	Stapler	1.56
669	Sun glasses	.89
933	Wrist band	.15
937	Razor blades	.23
942	Portafile	1.40
761	Bathroom scale	2.40
769	Clamp lamp	.81

The seller shall bear the transportation charges to the extent that it has customarily done so in the past.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 148 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 148 (§ 1499.1148) is incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 148 (§ 1499.1148) shall become effective on the 4th day of November, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11465; Filed, November 4, 1942; 5:48 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 149 Under § 1499.18 (c) of GMPR]

THE AMERICAN IMPORT COMPANY

Order No. 149 under § 1499.18 (c) of General Maximum Price Regulation—Docket GF3-414.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1149 *Adjustment of maximum prices for coir door mats sold by The American Import Company.* (a) The American Import Company, San Francisco, California, may add to its existing maximum prices of the coir door mats contracted for before April 28, 1942, on which it shall have paid a United States Government duty of 12¢ per square foot the amount set forth below opposite the existing maximum price of each mat:

Quality	Size	Existing maximum price	Amount to be added
		Per doz.	*Per doz.*
MCC/CC Lt. Wt	0	$4.95	$2.01
MCC/CC Lt. Wt	1	6.38	2.67
MCC/CC Lt. Wt	2	8.26	3.44
MCC/CC Lt. Wt	3	10.49	4.30
CLX/CCL Med. Lt. Wt	0	5.48	1.83
CLX/CCL Med. Lt. Wt	1	7.07	2.44
CLX/CCL Med. Lt. Wt	2	9.17	3.13
CLX/CCL Med. Lt. Wt	3	11.60	3.92
CLX/CCL Med. Lt. Wt	4	14.54	6.11
CLB Med. Wt	0	6.35	1.77
CLB Med. Wt	1	8.50	2.37
CLB Med. Wt	2	10.68	3.04
CLB Med. Wt	3	12.79	3.80
CLB Med. Wt	4	15.15	4.65
CLB Med. Wt	5	17.95	5.58
LB Med. Heavy Wt	1	9.07	2.16
LB Med. Heavy Wt	2	11.52	2.78
LB Med. Heavy Wt	3	14.22	3.47
LB Med. Heavy Wt	4	17.35	4.25
LB Med. Heavy Wt	5	20.85	5.10
LB Med. Heavy Wt	7	31.57	7.03
LB Med. Heavy Wt	9	41.90	9.27
MB Heavy Wt	2	15.35	2.21
MB Heavy Wt	3	18.50	2.76
MB Heavy Wt	4	22.98	3.37
MB Heavy Wt	5	26.94	4.05
MB Heavy Wt	6	31.98	4.78
MB Heavy Wt	7	37.47	5.58
MB Heavy Wt	8	43.00	6.44
MB Heavy Wt	9	49.11	7.36

Such an addition authorized herein shall be billed as a separate charge and stated separately by The American Import Company on its invoice.

(b) The amount of duty which The American Import Company shall have added to its existing maximum price of a coir door mat under paragraph (a) hereof may be added to the existing maximum price of any subsequent purchaser of such mat. The addition authorized herein shall be billed as a separate charge and stated separately on each invoice as "Duty Increase Surcharge".

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*Copies may be obtained from the Office of Price Administration.

(c) Before offering to sell or deliver one of the coir door mats under the provisions of paragraph (a) hereof, The American Import Company shall furnish the buyer with the following notification:

> The Office of Price Administration has authorized the addition to the maximum price of this door mat of an amount equal to the increase in duty paid, which is stated separately on the invoice. You and your purchasers are also authorized to add to your maximum prices the exact amount of the increase which you have paid, provided you bill such as a separate charge.

(d) Prior to the sale by The American Import Company of any of the said coir door mats listed in paragraph (a) hereof, it shall file with the Office of Price Administration in Washington, D. C., an original and four copies of a verified statement of the number of coir door mats The American Import Company contracted for before April 28, 1942 which became subject to the duty of 12¢ per square foot, and the number of such mats still on hand or still to be delivered to it.

(e) All prayers of the petition not granted herein are denied.

(f) This Order No. 149 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 149 (§ 1499.1149) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(h) This Order No. 149 (§ 1499.1149) shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11466; Filed, November 4, 1942; 5:50 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 150 Under § 1499.18 (c) of GMPR]

UNITED STATES TREASURY DEPARTMENT, PROCUREMENT DIVISION

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.1150 *Adjustment of Maximum Prices for purchases of drafting room and office supplies under Class 53 of the general schedule of supplies by the United States Treasury Department, Procurement Division, Washington, D. C.* (a) The United States Treasury Department, Procurement Division, Washington, D. C. may buy and receive from any person, and any person may sell and deliver to the said Treasury Department, Procurement Division, any of the commodities subject to the General Maximum Price Regulation, which are listed in the specifications and proposals for supplies, issued July 15, 1942, by the Treasury Department, Procurement Division, Washington, D. C. entitled "Drafting Room and Office Supplies under Class 53 of the General Schedule of Supplies for the Period December 1, 1942 to November 30, 1943," at prices not to exceed the lowest bid for such articles received by said Treasury Department.

(b) In the event that such lowest bid exceeds the maximum price of the seller for such article established by the General Maximum Price Regulation, the seller shall file with the Office of Price Administration in Washington, D. C. on or before December 1, 1942 a report in duplicate setting forth the following data:

(1) The list number of the commodity set forth upon the Schedule of Supplies.

(2) A brief description of the commodity.

(3) The price bid per unit of the commodity.

(4) A detailed analysis of the costs to be incurred by the seller in filling the contract, including materials, production charges, overhead and other costs, exclusive of taxes.

(5) The gross profit per unit to be realized by the seller in filling the contract.

(6) The same type of information listed in paragraphs 4 and 5 above with respect to the seller's costs and profit on the sale of the same or a similar article to the Treasury Department, Procurement Division under a contract for the preceding year and the price charged to the Treasury Department under said contract.

(7) Any further information which the seller wishes to submit, or which this Office may consider necessary to the determination of the maximum price to be charged for the commodity.

(c) In the case of any person who has submitted the lowest bid for the sale of any commodity under said Class 53, and who has complied with the provisions of paragraph (b) hereof, said bid price shall constitute seller's maximum price for the sale of such commodity under said Class 53, unless within fifteen days from the filing of the seller's report, the Office of Price Administration shall disapprove said price. In such event, it shall approve a lower maximum price for such transaction.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 150 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(g) This Order No. 150 shall become effective November 4, 1942.

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11467; Filed, November 4, 1942; 5:48 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 151 Under § 1499.18 (c) of GMPR]

WESTERN ELECTRIC COMPANY, INC.

Order No. 151 Under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-385.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1151 *Adjustment of maximum prices for the sale of certain commodities by Western Electric Company, Inc.*—(a) *Commodities covered by this order.* This order shall apply only to those commodities which are purchased by the Western Electric Company, Incorporated, through its central purchasing organization and for which the actual cost of acquisition determined as of the effective date of this order exceeds the established maximum price for resale by Western Electric Company, Incorporated.

(b) *Maximum prices for commodities covered by this order.* Western Electric Company, Incorporated, may sell the commodities covered by this order at prices no higher than prices determined by adding the dollar margin received by Western Electric Company, Incorporated, on the resale of such commodities in March 1942 to the actual cost of acquisition as of the effective date of this order, or to the supplier's maximum price for sales of such commodities to Western Electric Company, Incorporated, whichever is lower.

(c) *Reports.* Western Electric Company, Incorporated, shall submit such reports in connection with the purchase and sale of the commodities covered by this order as may be required from time to time by the Office of Price Administration.

(d) *Denial of prayers not granted.* All the prayers of the petition of the Western Electric Company, Incorporated, not granted herein, nor in Order No. 3 under § 1346.469 (c) of Maximum Price Regulation No. 225, are denied.

(e) *Amendment of order.* This Order No. 151 may be revoked or amended by the Price Administrator at any time.

(f) *Incorporation of this order into Supplementary Regulation No. 14.* This Order No. 151 (§ 1499.1151) is incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) *Effective date of order.* This Order No. 151 shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued November 4, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11468; Filed, November 4, 1942; 5:52 p. m.]

Part 1499—Commodities and Services

[Order 152 Under § 1499.18 (c) of GMPR]

AMERICAN BEAUTY AIDS CO.

Order No. 152 Under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF 3-553.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1152 *Adjustment of maximum prices on hair curlers sold by Adolph Reiter, doing business as American Beauty Aids Co.* (a) Any retailer may sell and deliver Adolph Reiter woman's hair curler at a price not in excess of that hereinafter set forth:

$0.15 per package of 2 hair curlers.

(b) This Order No. 152 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 152 (§ 1499.1152) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(d) This Order No. 152 (§ 1499.1152) shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11469; Filed, November 4, 1942; 5:52 p. m.]

Part 1499—Commodities and Services

[Order 153 Under § 1499.18 (c) of GMPR]

ALASKA PACIFIC SALMON CO.

Order No. 153 Under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-1172.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1153 *Adjustment of maximum prices for "Minute Man" Dehydrated Soup Mixes manufactured by Alaska Pacific Salmon Co.* (a) Alaska Pacific Salmon Co., having its principal place of business in New York City, New York, and any wholesaler and retailer may sell and deliver and any person may buy and receive "Minute Man" dehydrated soup mixes in the following varieties:

2½ ounce packages of "Minute Man" Noodle Soup Mix.

1⅛ ounce packages of "Minute Man" Vegetable Soup Mix.

1¾ ounce packages of "Minute Man" Broth with Rice.

at prices no higher than those set forth below:

(1) *Alaska Pacific Salmon Co.* The maximum prices established under § 1499.2 of the General Maximum Price Regulation plus 5 cents per dozen packages of "Minute Man" dehydrated soup mixes.

(2) *Wholesalers.* The maximum prices established for the particular wholesalers under § 1499.2 of the General Maximum Price Regulation plus 5 cents per dozen of "Minute Man" dehydrated soup mixes.

(3) *Retailers.* The maximum prices established for the particular retailer under § 1499.2 of the General Maximum Price Regulation plus 5 cents per dozen, or 5/12 cent per package of "Minute Man" dehydrated soup mixes. No seller at retail shall change his customary units of sale but he shall continue to sell and deliver either single package units and/or multiple package units according to the individual retailer's custom. Any maximum price either for single package units or for multiple package units of sale computed hereunder to a fraction of a cent, shall be adjusted to the nearest lower cent if such fraction is less than one-half cent and shall be adjusted to the nearest higher cent if such fraction is one-half cent or more.

(b) The adjustments granted in this order are subject to the following conditions:

(1) Before or at the time of the first delivery to any wholesaler of "Minute Man" dehydrated soup mixes on and after November 4, 1942, Alaska Pacific Salmon Co. shall supply a written statement to the wholesaler, as follows:

> The Office of Price Administration by Order No. 153, effective November 4, 1942, under § 1499.18 (c) of the General Maximum Price Regulation has authorized us to increase our maximum price for sales to you of "Minute Man" dehydrated soup mixes 5 cents per dozen packages. Your new ceiling prices for "Minute Man" dehydrated soup mixes are your March 1942 ceiling prices *plus* 5 cents per dozen packages. You must not change your customary allowances, discounts or other price differentials, unless such change results in a lower price.

(2) For a period of three months, beginning with its first shipment under the new maximum prices, Alaska Pacific Salmon Co. shall include in each shipping case of "Minute Man" dehydrated soup mixes a written statement as follows:

> The maximum selling prices for "Minute Man" dehydrated soup mixes have been increased 5 cents per dozen packages by authorization of the Office of Price Administration in Order No. 153 effective November 4, 1942, under § 1499.18 (c) of the General Maximum Price Regulation. As a retailer your new ceiling prices for "Minute Man" dehydrated soup mixes are your March 1942 ceiling prices *plus* 5 cents per dozen packages or 5/12 cent per package. You must not change your customary units of sale but shall continue to sell and deliver either single package units and/or multiple package units according to your custom. Any maximum price either for single package units or for multiple package units of sale computed hereunder to a fraction of a cent, shall be decreased to the nearest lower cent if such fraction is less than one-half cent and shall be increased to the nearest higher cent if such is one-half cent or more. You must not change your customary allowances, discounts, or other price differentials, unless such change results in a lower price.
>
> You are required to keep this notice for examination.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 153 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 153 (§ 1499.1153) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 153 (§ 1499.1153) shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11470; Filed, November 4, 1942; 5:51 p. m.]

Part 1301—Machine Tools

[RPS 67,[1] Amendment 20]

NEW MACHINE TOOLS

A statement of the considerations involved in the issuance of this amendment has been prepared and filed with the Division of the Federal Register.* New subparagraph (17) is added to § 1301.51 (a) and new subparagraph (10) is added to § 1301.54 (e) as set forth below.

§ 1301.51 *Maximum prices for new machine tools and extras.* (a) * * *

(17) *The King Machine Tool Company, Winton Place Station, Cincinnati, Ohio.* Notwithstanding any other provision of this paragraph (a), regardless of the terms of any existing contract of sale or other commitment, the maximum price at which The King Machine Tool Company may sell, offer to sell, deliver or transfer, and the maximum price at which any person may buy, offer to buy, or accept delivery from The King Machine Tool Company of, any of the twenty-five (25) 72″ vertical boring and turning machines to be manufactured by Columbia Machinery and Engineering Company of Hamilton, Ohio, as subcontractor, shall be $24,351 each.

§ 1301.54 *Records and reports.* * * *

(e) * * *

(10) The King Machine Tool Company of Winton Place Station, Cincinnati, Ohio, shall file with the Office of Price Administration, Washington, D. C., (i) on December 15, 1942, or not later than ten days after the final contract between it and the Columbia Machinery and Engineering Company for the manufacture of twenty-five 72″ vertical boring and turning machines shall have been executed, a copy thereof certified by an officer of The King Machine Tool Company to be a true and correct copy; and (ii) the serial number of each such machine tool manufactured by Columbia Machinery and Engineering Company, as subcontractor, within five days after such number shall have become available.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1337, 1836, 2000, 2105, 2472, 2473, 2539, 2680, 2996, 3445, 3820, 4176, 5513, 5987, 7239, 7834, 8928.

§ 1301.59a *Effective dates of amendments.* * * *

(t) Amendment No. 20 (§§ 1301.51 (a) (17), 1301.54 (e) (10)) to Revised Price Schedule No. 67 shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11485; Filed, November 4, 1942; 5:53 p. m.]

Part 1301—Machine Tools

[RPS 67,[1] Amendment 21]

NEW MACHINE TOOLS

A statement of the considerations involved in the issuance of this amendment has been prepared and filed with the Division of the Federal Register.* New subparagraph (18) is added to § 1301.51 (a) as set forth below:

§ 1301.51 *Maximum prices for new machine tools and extras.* (a) * * *

(18) *Portage Machine Company, Akron, Ohio.* Notwithstanding any other provisions of this paragraph (a), regardless of the terms of any existing contract of sale or other commitment, the maximum price at which Portage Machine Company may sell, offer to sell, deliver or transfer, and the maximum price at which any person may buy, offer to buy, or accept delivery from Portage Machine Company of, any of the 4″ Bar Horizontal Boring Mills, base machine, manufactured by Portage Machine Company shall be $18,500 each.

§ 1301.59a *Effective dates of amendments.* * * *

(u) Amendment No. 21 (§ 1301.51 (a) (18)) to Revised Price Schedule No. 67 shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11491; Filed, November 4, 1942; 5:26 p. m.]

Part 1305—Administration

[General Order 3,[2] Amendment 2]

DELEGATION TO REGIONAL ADMINISTRATORS OF AUTHORITY TO SEND LICENSING WARNING NOTICES

Subparagraphs (1) and (3) of paragraph (a) of § 1305.13 are hereby amended to read as set forth below:

(1) Each of the several Regional Administrators of the Office of Price Administration is authorized, within his region, to send a warning notice by registered mail to any person who, in the judgment of such Regional Administrator, has violated any of the provisions of a license issued under section 205 (f) of the Emergency Price Control Act of 1942, or has violated any of the provisions of any regulation, order, or requirement under section 2 or section 202 (b) of said Act, or any of the provisions of any price schedule effective in accordance with the provisions of section 206 of said Act, which is applicable to such person. In the absence of any Regional Administrator, the Acting Regional Administrator may exercise any of the authority conferred upon the Regional Administrator by paragraph (a) (1) of this General Order No. 3.

* * * * *

(3) Any warning notice sent by any Regional Administrator or any Acting Regional Administrator pursuant to the authority conferred by this General Order No. 3, or sent by one of the several Directors for Puerto Rico, the Virgin Islands, Alaska and Hawaii pursuant to authority conferred by the Regional Administrator of the Ninth Region under paragraph (a) (2) of this order, shall have the same force and effect as if sent by the Price Administrator.

* * * * *

(b) * * *

(2) This Amendment No. 2 (§ 1305.13 (a) (1), (3)) to General Order No. 3 shall become effective this 4th day of November 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11486; Filed, November 4, 1942; 5:25 p. m.]

Part 1352—Floor Coverings

[RPS 57,[1] Amendment 1]

WOOL FLOOR COVERINGS

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new subparagraph (3) has been added to § 1352.1 (a) as set forth below:

§ 1352.1 *Maximum prices for wool floor coverings.* * * *

(a) * * *

(3) In the case of Langhorne Carpet Company, South Langhorne, Pennsylvania the maximum price for the sale of Vernon Heather ¾ yard wool floor covering shall be $1.00 per running yard in sales to Montgomery Ward & Company, Chicago, Illinois, Mail Order Departments and $1.05 per running yard in sales to Montgomery Ward & Company's retail stores.

§ 1352.13 *Effective dates of amendments.* (a) Amendment No. 1 (§ 1352.1 (a) (3)) shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11488; Filed, November 4, 1942; 5:25 p. m.]

Part 1390—Machinery and Transportation Equipment

[MPR 136,[1] Amendment 49]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph (36) is added to § 1390.25 (c) as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(36) *A. K. Robins & Company.* Notwithstanding the provisions of § 1390.5, the maximum price applicable to the sale by A. K. Robins & Company, Baltimore, Maryland, of its Improved Stringless Bean Slitter shall be $850, equipped with belt drive, and $950 equipped with motor drive.

§ 1390.31a *Effective dates of amendments.* * * *

(xx) Amendment No. 49 (§ 1390.25 (c) (36)) to Maximum Price Regulation No. 136, as amended, shall become effective November 4, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11490; Filed, November 4, 1942; 5:26 p. m.]

Part 1390—Machinery and Transportation Equipment

[MPR 136,[1] Amendment 50]

MACHINES AND PARTS, AND MACHINERY SERVICES

A statement of considerations involved in the issuance of Amendment No. 50 has been prepared and filed with the Division of the Federal Register.*

A new subparagraph (37) is added to paragraph (c) of § 1390.25 to read as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(37) *Unique Manufacturing Company.* Notwithstanding the provisions of §§ 1390.4, 1390.5 and 1390.6, the maxi-

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1337, 1836, 2000, 2105, 2472, 2473, 2539, 2680, 3996, 3445, 3820, 4176, 5513, 5987, 7239, 7834, 8928.

[2] 7 F.R. 5480, 8797.

[1] 7 F.R. 1314, 1836, 2000, 2132, 6385.

[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 8707, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362, 8433, 8479, 8520, 8652, 8739, 8897.

mum price applicable for the sale of any machine tool attachments manufactured by Unique Manufacturing Company, Omaha, Nebraska, shall be determined pursuant to the provisions of §§ 1390.5 and 1390.6 except that the date April 10, 1942 shall be substituted for the date October 1, 1942 wherever that date appears in §§ 1390.5 and 1390.6.

§ 1390.31 (a) *Effective date of amendments.* * * *

(yy) Amendment No. 50 (§ 1390.25 (c) (37)) to Maximum Price Regulation No. 136, as amended, shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11489; Filed, November 4, 1942; 5:26 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136,[1] as Amended, Amendment 51]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph (38) is added to § 1390.25 (c) as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(38) *AC Spark Plug Division of General Motors Corporation.* Notwithstanding the provisions of § 1390.5, (i) the maximum price applicable to the sale by AC Spark Plug Division of General Motors Corporation of any spark plug for military use for which the replacement price in March, 1942, was $0.28, shall be $0.15, whether sold for original equipment or as a replacement; (ii) the maximum price applicable to the sale by said Company of any patented Air Cleaner for military use for which the price in March, 1942, was $0.965, shall be $1.05.

§ 1390.31a *Effective dates of amendments.* * * *

(zz) Amendment No. 51 (§ 1390.25 (c) (38)) to Maximum Price Regulation No. 136, as amended, shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11487; Filed, November 4, 1942; 5:25 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136[1] as Amended, Amendment 52]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph (39) is added to § 1390.25 (c) as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(39) *Louis Van Dorp Sheet Metal & Roofing Co., Inc.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale by Louis Van Dorp Sheet Metal & Roofing Co., Inc., Topeka, Kansas, of the following sizes of its combination water gauge lamp and guard manufactured for the Santa Fe Railway System shall be the price set forth below opposite each size:

	Per dozen
Size No. 3	$42.00
Size No. 4	43.00
Size No. 6	44.00
Size No. 7	48.00

§ 1390.31a *Effective dates of amendments.* * * *

(aaa) Amendment No. 52 (§ 1390.25 (c) (39)) to Maximum Price Regulation No. 136, as amended, shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11492; Filed, November 4, 1942; 5:26 p. m.]

PART 1399—CONSTRUCTION, OIL FIELD, MINING, AND RELATED MACHINERY

[MPR 134,[2] Amendment 4]

CONSTRUCTION AND ROAD MAINTENANCE EQUIPMENT RENTAL PRICES AND OPERATING OR MAINTENANCE SERVICE CHARGES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph (2) is added to § 1399.11 (b) as set forth below:

§ 1399.11 *Petitions for amendment.* * * *

(b) *Special amendments.* * * *

(2) *Sierra Tractor & Equipment Co.* Notwithstanding the provisions of § 1399.6, the maximum charge applicable to any repair and maintenance supplied by the Sierra Tractor & Equipment Co. of Chico, California, at its Chico and Redding shops on construction or road maintenance equipment shall be at the rate of $2.00 per hour.

§ 1399.14a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§ 1399.11 (b) (2)) to Maximum Price Regulation No. 134 shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong. E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11484; Filed, November 4, 1942; 5:49 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Amendment 1 to Posting Order 308]

PART 148—POSTING TARIFFS AT STATIONS

MODIFICATION OF CERTAIN REQUIREMENTS

In the matter of modification of the provisions of section 6 of the Act with regard to posting freight or passenger tariffs at stations.

Present: Clyde B. Aitchison, Chairman, to whom the above-entitled matter has been assigned for action thereon.

The modification of the posting requirements made by Posting Order No. 308 of April 30, 1942,[3] being under further consideration, and good cause appearing therefor;

It is ordered, That the list of localities specifically named in the eighth paragraph (§ 148.8) of the Commission's order of October 12, 1915, as amended by Posting Order No. 308 of April 30, 1942, be, and it is hereby further amended by adding to said list the points at which complete public files of tariffs shall be provided and maintained by The Midland Terminal Railway Company, Mississippi & Skuna Valley Railroad Company, Pittsburgh, Chartiers & Youghiogheny Railway Company, Waynesburg and Washington Railroad Company and Wood River Branch Railroad Company and by substituting the following items for the corresponding items in Posting Order No. 308:

Chicago Junction Railway (The Chicago River and Indiana Railroad Company, Lessee).	Chicago, Ill.
The Chicago River and Indiana Railroad Company.	Chicago, Ill.
Indiana Harbor Belt Railroad Company.	Chicago, Ill.
The Kansas City Southern Railway Company—	
Freight	Kansas City, Mo.
Passenger	Shreveport, La.
Louisiana & Arkansas Railroad Company—	
Freight	Kansas City, Mo.
Passenger	Shreveport, La.
The Midland Terminal Railway Company.	Colorado Springs, Colo.
Mississippi & Skuna Valley Railroad Company.	Memphis, Tenn.
The New York Central Railroad Company.	New York, N. Y. Chicago, Ill. Cincinnati, Ohio.
Pittsburgh, Chartiers & Youghiogheny Railway Company.	Pittsburgh, Pa.
Southern Railway System Lines.	Atlanta, Ga.
The Alabama Great Southern Railroad Company.	Cincinnati, Ohio.
Belt Railway Company of Chattanooga.	Washington, D. C.
Carolina and Tennessee Southern Railway Company.	
Chattanooga Traction Company.	
Cincinnati, Burnside & Cumberland River Railway Company.	
The Cincinnati, New Orleans and Texas Pacific Railway Company.	
Georgia Southern and Florida Railway Company.	
Harriman and Northeastern Railroad Company.	
New Orleans and Northeastern Railroad Company.	
New Orleans Terminal Company.	
St. Johns River Terminal Company.	
Southern Railway Company.	
State University Railroad Company.	
Waynesburg and Washington Railroad Company.	Pittsburgh, Pa.
Wood River Branch Railroad Company.	Boston, Mass.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362, 8433, 8479, 8520, 8652, 8707, 8739, 8897.

[2] 7 F.R. 3203, 3411, 3447, 7001, 8386.

[3] 7 F.R. 3412.

except that in lieu of maintaining a complete public file of freight tariffs at a point on its line, the Pennsylvania-Reading Seashore Lines is authorized to consider the complete public files of freight tariffs maintained by The Pennsylvania Railroad Company and the Reading Company, located in Philadelphia, Pa., as its complete public file of freight tariffs, *Provided,* That at Camden, N. J., the Pennsylvania-Reading Seashore Lines shall provide and maintain a complete public file of freight tariffs covering rates, rules and regulations applying locally over its line; that in lieu of maintaining a complete public file of tariff publications which it issues or is a party to, the Terminal Railroad Association of St. Louis be permitted to establish and maintain a complete public file of tariffs issued by it, or for it by an agent; and that the Manufacturers Railway Company need not maintain in its public file of tariffs at St. Louis, Mo., tariffs in which it participates only as a concurring intermediate carrier: *Provided further,* That, if a subsidiary or small connecting line has authorized the parent company, or principal connecting line, to publish and file for it all of its tariffs, tariffs so issued and filed on its behalf will be included in the complete public tariff files of the parent or issuing line, and it will not be necessary for such subsidiary or small line to maintain an additional complete public file.

Each of such files shall be in charge of an employee of the carrier, who will give desired information and assistance to those who may wish to consult such file, and each such file shall be kept open and accessible to the public during ordinary business hours and on business days.

The tenth and eleventh paragraphs (§ 148.9) of the Commission's order of October 12, 1915, are hereby eliminated and all posting orders issued prior to April 30, 1942, so far as they amend or modify the order of October 12, 1915, with regard to the location of public files of tariffs of common carriers by railroad (§ 148.12), are hereby canceled.

And it is further ordered, That this order shall continue in force until further order of the Commission. (Sec. 1, 25 Stat. 855, sec. 2, 34 Stat. 586, sec. 409, 41 Stat. 483; 49 U.S.C. 6 (6))

Dated at Washington, D. C., this 2d day of November 1942.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-11509; Filed, November 5, 1942; 11:17 a. m.]

Notices

BOARD OF ECONOMIC WARFARE.

[No. 2]

NIAGARA EXPORT AND IMPORT CO.

ORDER DENYING LICENSING PRIVILEGES

Pursuant to Part 807 of the regulations adopted under section 6 of the Act of July 2, 1940, as amended, the Chief of the Trade Intelligence Division of the Export Control Branch, Office of Exports, has charged the Niagara Export & Import Co., 44 Beaver St., New York City, and W. R. Shepherd, at the same address, (hereinafter referred to as respondents) with violations of Proclamation 2497,[1] authorizing a Proclaimed List of Certain Blocked Nationals and Controlling Certain Exports issued in part under the authority of said Section. The respondents have filed a written answer to the charges set forth.

The Compliance Commissioner, duly designated under § 807.1[2] of the aforesaid regulations, has reviewed the record and filed his findings of fact and recommendations in the matter. The following facts have been found:

On December 13, 1940, a certificate for conducting an export business under the name of Niagara Export & Import Co. was filed in New York City listing Russell R. Shepherd as owner; William R. Shepherd, the father of Russell R. Shepherd, directed the business of the Niagara Export & Import Co. and at all times in the course of its negotiations with "Hauck" S. A., acted as owner thereof. Russell R. Shepherd, in whose name the Niagara Export & Import Co. was registered, did not engage in any of the activities of the company. The Niagara Export & Import Co. acted as agent for, and carried on business with "Hauck" S. A., of Caracas, Venezuela prior to July 17, 1941. On July 17, 1941, the name of "Hauck," S. A. (Sucesores de Ludwig Hauck & Co.) Dr. Diaz a Zamuro 57, Caracas, Venezuela, was placed on the Proclaimed List of Certain Blocked Nationals. Between the dates of August 29, 1941, and December 31, 1941, the Niagara Export & Import Co. exported merchandise for the account of and performed services for Carlos Niemtschik y Cia. of Caracas, Venezuela, amounting to $18,806.97. The books of account of the Niagara Export & Import Co. charge Carlos Niemtschik y Cia. with the sum of $400.00 per month for fees, office and overhead expenses from July 1, 1941, to October 31, 1941. These exportations, commissions and services were performed with the knowledge that Carlos Niemtschik y Cia, was an agent of, and was acting for, on account of, and on behalf of "Hauck" S. A. of Caracas, Venezuela.

The Compliance Commissioner has found that these exportations, payments of commissions, and services performed in connection therewith were made at a time when "Hauck" S. A. appeared on the Proclaimed List of Certain Blocked Nationals, and that such exportations were for and on behalf of "Hauck" S. A. were without license or certificate of hardship, and as such, violated section 6 of the Act of July 2, 1940, as amended, and section 3 of the aforesaid Proclamation 2497.

Upon consideration of the record, Findings of Fact and Recommendations, in this matter, *It is hereby ordered,* That

1. All export licenses heretofore issued to W. R. Shepherd, also known as William R. Shepherd, and to the Niagara Export & Import Co. for exports as yet not consummated, are hereby revoked, and

2. W. R. Shepherd, also known as William R. Shepherd, and the Niagara Export & Import Co. and any person, association, or organization acting on behalf of, or for the account of either of them, are denied the privilege of obtaining individual export licenses and the use of any general or unlimited export license for any exportation whatsoever from the United States for the duration of the war.

The respondents may appeal in writing to the Assistant Director in charge of the Office of Exports provided the appeal is taken within ten (10) days after receipt of this order.

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[1] 6 F.R. 3555.

[2] 7 F.R. 5018.

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

A. N. Ziegler,
Acting Chief,
Export Control Branch,
Office of Exports.

October 28, 1942.

[F. R. Doc. 42-11501; Filed, November 5, 1942; 10:31 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 209]

37.33% of the Capital Stock of Atow Matsuoka Company and Certain Indebtedness Owing by It

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

> 56 shares (35 Class A shares and 21 Class B shares, which constitute a substantial part, namely, 37.33%, of all outstanding shares) of common capital stock of Atow Matsuoka Company, a California corporation, San Francisco, California, which is a business enterprise within the United States, which shares are owned by Yoshio Matsuoka whose last known address was represented to the undersigned as being Japan,

is property of, and represents an interest in said business enterprise which is, a national of a designated enemy country (Japan); and

(b) That the property described as follows:

> All right, title, interest and claim of any name or nature whatsoever of Atow Matsuoka, whose last known address was represented to the undersigned as being Japan, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to him by said Atow Matsuoka Company, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness,

is an interest in the aforesaid business enterprise held by a national of an enemy country, and also is property within the United States owned or controlled by a national of a designated enemy country (Japan),

and determining that to the extent that that said nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 3, 1942.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 42-11503; Filed, November 5, 1942; 11:15 a. m.]

[Vesting Order 214]

All of the Capital Stock of Steffen, Jones & Co., Inc., and Certain Indebtedness Owing by It

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

> All of the outstanding capital stock of Steffen, Jones & Co., Inc., a New York corporation, New York, New York, which is a business enterprise within the United States, consisting of 150 shares of no par value common stock, which shares are owned by Dr. Robert F. Lachmann whose last known address was represented to the undersigned as being Hamburg, Germany,

is property of, and represents ownership of said business enterprise which is, a national of a designated enemy country (Germany), and

(b) That the property described as follows:

> All right, title, interest and claim of any name or nature whatsoever of Dr. Robert F. Lachmann, Hamburg, Germany, and Julius Lachmann, Hamburg, Germany, and each of them, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to them or either of them by said Steffen, Jones & Co., Inc., including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness,

is an interest in the aforesaid business enterprise held by nationals of an enemy country, and also is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

and determining that to the extent that any or all of such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 3, 1942.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 42-11504; Filed, November 5, 1942; 11:15 a. m.]

[Vesting Order 222]

All of the Capital Stock of Westfalia Separator Company, Inc., and Certain Indebtedness Owing by It

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

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[1] 7 F.R. 5205.

> All of the capital stock of Westfalia Separator Company, Inc., a New York corporation, Bloomfield, New Jersey, which is a business enterprise within the United States, consisting of 150 shares of $100 par value common capital stock, which shares are owned by Ramesohl & Schmidt, A. G., whose last known address was represented to the undersigned as being Oelds, Westphalia, Germany,

is property of, and represents ownership of said business enterprise which is, a national of a designated enemy country (Germany); and

(b) That the property described as follows:

> All right, title, interest and claim of any name or nature whatsoever of the aforesaid Ramesohl & Schmidt, A. G., in and to all indebtedness, contingent or otherwise and whether or not matured, owing to said Ramesohl & Schmidt, A. G., by the aforesaid Westfalia Separator Company, Inc., including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness,

is an interest in the aforesaid business enterprise held by a national of an enemy country, and also is property within the United States owned or controlled by a national of a designated enemy country (Germany);

and determining that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 9, 1942.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 42-11506; Filed, November 5, 1942; 11:15 a. m.]

[Vesting Order 232]

Assets of Japan Institute, Inc.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All property of any nature whatsoever owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, Japan Institute, Inc., a non-profit corporation organized under the laws of New York having no capital stock but which is controlled by directors and executive officers who are nationals of Japan, which corporation is a business enterprise within the United States,

is property of said business enterprise which is a national of a designated enemy country (Japan), and determining that to the extent that such national is a person not within a designated enemy country such person is controlled by or acting for or on behalf of or as a cloak for a designated enemy country (Japan) or a person within such country, and the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 14, 1942.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 42-11505; Filed, November 5, 1942; 11:15 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3 Revised-3]

Tamiami Trail Tours, Inc.—Great Southern Trucking Company

SUSPENSION OF CERTAIN OPERATIONS, ETC.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of commodities generally, filed with this Office by Tamiami Trail Tours, Inc. of Tampa, Florida, and Great Southern Trucking Company of Jacksonville, Florida, as governed by § 501.9 of General Order ODT 3, Revised, as amended,[1] and good cause appearing therefor, *It is hereby ordered*, That:

1. Tamiami Trail Tours, Inc. shall:

(a) Suspend motor truck operations between West Palm Beach, Florida, and Miami, Florida, over U. S. Highway No. 1;

(b) Divert to Great Southern Trucking Company at West Palm Beach, Florida, all shipments destined to West Palm Beach, Florida, and Miami, Florida, and all points intermediate thereto, which originate in the Glades Area;

(c) Accept from Great Southern Trucking Company at West Palm Beach, Florida, all shipments destined to the Glades Area which originate at Miami, Florida, and West Palm Beach, Florida, including all points intermediate thereto, and transport such shipments on its own vehicles to final destination;

(d) Accept from Great Southern Trucking Company at West Palm Beach, Florida, all shipments destined to points west of West Palm Beach, which originate north of West Palm Beach, excepting such shipments as described in paragraph (c) of this section 1, and transport such shipments on its own vehicles to final destination;

(e) Accept from Great Southern Trucking Company at Tampa, Florida, all shipments destined to points west of La Belle, Florida, which originate at Daytona, Florida, and points north thereof, and transport such shipments on its own vehicles to final destination;

(f) Perform pick-up and delivery service, loading and unloading service, provide necessary warehousing facilities and perform all clerical duties in relation thereto for Great Southern Trucking Company at Tampa, Florida.

2. Great Southern Trucking Company shall:

(a) Divert to Tamiami Trail Tours, Inc. at West Palm Beach, Florida, all shipments destined to the Glades Area, which originate at Miami and West Palm Beach, Florida, including all points intermediate thereto;

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[1] 7 F.R. 5205.

[1] 7 F.R. 5445, 6689.

(b) Divert to Tamiami Trail Tours, Inc. at West Palm Beach, Florida, all shipments destined west of West Palm Beach, Florida, which originate north of West Palm Beach, Florida, excepting shipments originating at Daytona and points north thereof which are destined for points west of La Belle, Florida;

(c) Divert to Tamiami Trail Tours, Inc. at Tampa, Florida, all shipments destined to points west of La Belle, Florida, which originate at Daytona, Florida, and points north thereof;

(d) Accept from Tamiami Trail Tours, Inc. at West Palm Beach, Florida, all shipments destined to West Palm Beach and Miami, Florida, and all points intermediate thereto, which originate in the Glades Area, and transport such shipments on its own vehicles to final destination;

(e) Perform pick-up and delivery service, loading and unloading service, provide necessary warehousing facilities and perform all clerical duties in relation thereto for Tamiami Trail Tours, Inc. at West Palm Beach, Florida.

3. The carrier to whom the shipment has been diverted shall forward such shipment on the billing and pursuant to the tariff rate and the rules and regulations of the carrier issuing the bill of lading.

4. The carriers forthwith shall file with the Interstate Commerce Commission, in respect of transportation in interstate or foreign commerce, and with each appropriate State regulatory body, in respect of transportation in intrastate commerce, and publish, in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the fares, charges, operations, rules, regulations, and practices of each carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to said Commission, and each such regulatory body for special permission for such tariffs or supplements, to become effective on one day's notice.

5. A copy of this order shall be filed forthwith with the Interstate Commerce Commission in respect of transportation in interstate or foreign commerce, and with the appropriate State regulatory authority in respect of transportation in intrastate commerce.

6. Nothing contained herein shall be construed as to permit or require the motor carriers herein named to perform any transportation service which is not authorized or sanctioned by law.

This order shall become effective on the 5th day of November, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 5th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-11502; Filed, November 5, 1942; 11:03 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 75 Under MPR 120]

THE NYE COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 75 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-200.

For the reasons set forth in the opinion issued simultaneously herewith and under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) The Nye Coal Company, Nye, Montana, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not to exceed the respective price stated therein;

(b) Coal in Size Group 2 produced at the Tandy Mine, Mine Index No. 247, District No. 22, of the Nye Coal Company, may be sold for shipment by truck or wagon at prices not to exceed $4.50 per net ton, f. o. b. the mine;

(c) This Order No. 75 may be revoked by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120, shall apply to terms used herein;

(e) This Order No. 75 shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11408; Filed, November 4, 1942; 12:23 p. m.]

[Order 77 Under MPR 120]

WILLIAM PETERS AND GAIL L. LAWSON

ORDER GRANTING ADJUSTMENT

Order No. 77 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-101.

For the reasons set forth in the opinion issued simultaneously herewith and under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (c) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) William Peters and Gail L. Lawson, of Coal Valley, Illinois, doing business as Peters and Lawson, a partnership, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not to exceed the respective prices stated therein;

(b) Coals in Size Groups 6, 7, 10 and 11 produced at the Hunky Dory Coal Mine, Mine Index No. 639, Rock Island County, Illinois, District No. 10, of William Peters and Gail L. Lawson, may be sold for shipment by truck or wagon at prices per net ton, f. o. b. the mine, not to exceed $3.75, $3,00, $2.50 and $2.00, respectively;

(c) This Order No. 77 may be revoked or amended by the Price Administrator at any time;

(d) All prayers of the petition not granted herein are denied;

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(f) This Order No. 77 shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11409; Filed, November 4, 1942; 12:2 p. m.]

[Order 24 Under MPR 188]

SHOWERS BROTHERS COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 24 under § 1499.161 (a) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. GF3-1825.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, *It is hereby ordered:*

(a) Showers Brothers Company of Bloomington, Indiana, may sell and deliver the articles of furniture listed herein to Sears-Roebuck and Company at prices no higher than those set forth below:

7073	4/6 Bed	$13.38
7073	3/3 Bed	13.38
1261	44" Dresser-hanging	23.75
1261	4-Drawer chest	19.40
1261	4/6 Sleigh bed	16.95
1261	3/3 Sleigh bed	16.95
1261	Nite table	6.25
1261¼	44" Dresser-stationary	25.75
1261¼	7-Drawer vanity-stationary	29.25
1261¼	4-Drawer chest	21.50
1261¼	Chest on chest	29.75
1261¼	4/6 Sleigh bed	18.90
1261¼	3/3 Poster bed	21.00
1261¼	Nite table	6.75
1261¼	Regular bench	4.50
2123	Credenza	23.75
2123	Arm chair	5.00
2123	Side chair	4.50

(b) Before offering to sell or delivering the articles of furniture listed in paragraph (a) at the prices set forth therein, Showers Brothers Company must submit to the buyer the following notification:

> The Office of Price Administration has authorized an increase in the maximum price of this article from $____ to $____ (inserting correct figures). This represents only that part of our cost increases which we are unable to absorb and was granted with the provision that your maximum prices remain the same.

(c) This Order No. 24 shall become effective November 4, 1942.

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11411; Filed, November 4, 1942; 12:20 p. m.]

[Order 25 Under MPR188]

DREAMLAND BEDDING AND UPHOLSTERING COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 25, under § 1499.161 (a) (2) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. GF3-2.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and by virtue of the authority vested in the Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Dreamland Bedding and Upholstering Company, San Francisco, California, may sell and deliver the cotton mattresses listed herein at prices no higher than those set forth below:

Size	Weight	Maximum price
	Pounds	
2/6	12	$2.24
2/6	16	2.57
3/0	20	3.15

(b) Before the first sale of one of the cotton mattresses at a price set forth in paragraph (a) hereof, Dreamland Bedding and Upholstering Company shall notify the buyer in writing:

> The Office of Price Administration has authorized an increase in the maximum price of this mattress from $____ to $____ (inserting correct figure). This represents only that part of our cost increases which we are unable to absorb and was granted with the provision that your maximum prices remain the same.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 25 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 25 shall become effective November 4, 1942.

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11397; Filed, November 4, 1942; 12:23 p. m.]

[Order 8 Under RPS 28]

BROWN-FORMAN DISTILLERS CORPORATION

ORDER GRANTING ADJUSTMENT

Order No. 8 under Revised Price Schedule No. 28—Ethyl Alcohol—Docket No. 3028-8.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is ordered:*

(a) Notwithstanding anything to the contrary contained in Revised Price Schedule No. 28 or in the General Maximum Price Regulation, Brown-Forman Distillers Corporation, of Louisville, Kentucky, may charge for deliveries of ethyl alcohol of 188 proof or higher, of any formulae thereof, including pure ethyl alcohol, which were made to the Defense Supplies Corporation between August 15, 1942, and September 30, 1942, from its Labrot and Graham Distillery, Versailles, Kentucky, and the Defense Supplies Corporation may pay for such ethyl alcohol, at prices not in excess of those set forth below:

$.66772 per wine gallon, f. o. b. plant.

(b) All prayers of the applicant not granted herein are denied.

(c) This Order No. 8 under Revised Price Schedule No. 28 shall become effective November 4, 1942.

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11412; Filed, November 4, 1942; 12:20 p. m.]

[Order 38 of RPS 64]

CROWN STOVE WORKS

APPROVAL OF MAXIMUM PRICES

Order No. 38 to Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On July 29, 1942, Crown Stove Works, Chicago, Illinois, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of a maximum price for a new model of gas range designated in the application as Model No. 19-24.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Crown Stove Works may sell, offer to sell or deliver the following new model gas range at a price no higher than that specified:

Model No. 19-24, $34.66 f. o. b. factory to dealers, subject to discounts, allowances and terms no less favorable than those in effect with respect to the comparable Model No. 175-24.

(b) This Order No. 38 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 38 shall become effective on the 4th day of November, 1942.

Issued 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11410; Filed, November 4, 1942; 12:22 p. m.]

[Order 79 Under MPR 120]

FRANCIS REX COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 79 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120-192.

For the reasons set forth in the opinion issued simultaneously herewith and under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120; *It is hereby ordered:*

(a) Francis Rex Coal Company, La-Follette, Tennessee, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not to exceed the respective prices stated therein;

(b) Coals in Size Groups 1 and 20 produced at the Rex No. 2 Mine, Mine Index No. 404, Subdistrict No. 6, District No. 8, of the Francis Rex Coal Company, may be sold for shipment by rail at prices per net ton, f. o. b. the mine, not to exceed $3.70 and $2.35, respectively;

(c) This Order No. 79 may be revoked or amended by the Price Administrator at any time;

(d) All prayers of the petition not granted herein are denied;

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(f) This Order No. 79 shall become effective November 4, 1942.

(Pub. Laws 429 and 721, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11457; Filed, November 4, 1942; 4:04 p. m.]

[Order 32 Under MPR 188]

Lobdell-Emery Manufacturing Co.

ORDER GRANTING ADJUSTMENT

Order No. 32 Under § 1499.161 (a) (2) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. GF3–1078.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and by virtue of the authority vested in the Administrator under the Emergency Price Control Act of 1942, as amended by Executive Order No. 9250, *It is ordered:*

(a) Lobdell-Emery Manufacturing Company, Alma, Michigan, may sell and deliver the nursery seats listed herein at prices no higher than those set forth below:

Model No.:	*Maximum selling price per dozen*
M–30	$9.70
M–30 FR	12.60
M–35	10.25
M–36 Open Front	21.60
M–36 Closed Front	17.52
M–37	10.40
M–37 FR	13.80
M–50	25.32
M–55	24.00
M–60	23.16

(b) Before the first sale of any of the nursery seats at a price set forth in paragraph (a) hereof, Lobdell-Emery Manufacturing Company shall notify the buyer in writing:

> The Office of Price Administration has authorized an increase in the maximum price of these nursery seats from $________ to $________ (inserting correct figure). This represents only that part of our cost increases which we are unable to absorb and was granted with the provision that your maximum prices remain the same.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 32 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 32 shall become effective November 4th, 1942.

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–11453; Filed, November 4, 1942; 4:04 p. m.]

[Order 31 Under MPR 188]

Runsend Wood Products, Inc.

ORDER GRANTING ADJUSTMENT

Order No. 31 Under § 1499.161 (a) (2) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. GF3–1294.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Runsend Wood Products, Inc., Rochester, New York, is authorized to sell and deliver its Three-Arm Wood Dowel Towel Rack at prices, per dozen, no higher than those determined by adding 2½¢ to the maximum prices as established by Maximum Price Regulation No. 188.

(b) On the first sale of a towel rack, on which an increase is granted by this order, to each customer, Runsend Wood Products, Inc., shall notify such customer in writing:

> The Office of Price Administration has authorized an increase in our maximum price on these saw frames from $____ to $____ (inserting correct figure) in order to cover increases in costs which we were unable to bear. The increase was granted with the provision that your maximum price for resale of the items remain the same.

(c) All prayers for relief not granted herein are denied.

(d) This Order No. 31 shall become effective on the 4th day of November, 1942.

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–11452; Filed, November 4, 1942; 4:04 p. m.]

[Order 35 Under MPR 188]

P. Roberge

ORDER GRANTING ADJUSTMENT

Order No. 35 Under § 1499.161 (a) (2) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. GF3–275.

For reasons set forth in the opinion filed simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and § 1499.161 (a) (2): *It is ordered:*

(a) P. Roberge, 1003 North Concord Street, South St. Paul, Minnesota, may sell and deliver metal scabbards manufactured by him at prices no higher than those hereinafter set forth:

Model No. 1 at $1.00 each,
Model No. 3 at $1.10 each, f. o. b. So. St. Paul, Minnesota.

(b) This Order No. 35 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 35 under § 1499.161 (a) (2) of Maximum Price Regulation No. 188 shall become effective November 4, 1942.

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–11456; Filed, November 4, 1942; 4:05 p. m.]

[Order 33 Under MPR 188]

Readsboro Chair Company

ORDER GRANTING ADJUSTMENT

Order No. 33 Under § 1499.161 (a) (2) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. GF3–1283.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and by virtue of the authority vested in the Administrator under the Emergency Price Control Act as amended by Executive Order No. 9250, *It is ordered:*

(a) Charles H. Pope and George B. Flood, receivers of the Readsboro Chair Company, Readsboro, Vermont, may sell and deliver the "Atlas" highchair to the Atlas Baby Carriage Company, New York, N. Y. at a price no higher than $5.29 per chair.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 33 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 33 shall become effective November 4, 1942.

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–11454; Filed, November 4, 1942; 4:05 p. m.]

[Order 34 Under MPR 188]

Fibre Case and Novelty Co.

ORDER GRANTING ADJUSTMENT

Order No. 34 Under § 1499.161 (a) (2) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices For Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. GF3–1532.

Granting to Fibre Case and Novelty Company, New York, New York, adjustment of maximum price for sale of No. 9413 fibre sample case to Sears Roebuck and Company, Chicago, Illinois. For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Fibre Case and Novelty Company, New York, New York, may sell No. 9413, fibre sample case, to Sears Roebuck and Company, Chicago, Illinois, at a price no higher than $1.10 each.

(b) This Order No. 34 shall become effective November 4, 1942.

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–11455; Filed, November 4, 1942; 4:05 p. m.]

[Order 1 Under MPR 121]

Pittsburgh Coal Carbonization Company

ORDER GRANTING ADJUSTMENT

Order No. 1 Under Maximum Price Regulation No. 121—Miscellaneous Solid Fuels Delivered From Producing Facilities—Dealers—Docket No. 3121–7.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.247a (b) of Maximum Price Regulation No. 121, *It is hereby ordered:*

(a) The Pittsburgh Coal Carbonization Company, 1243 Oliver Building, Pittsburgh, Pennsylvania, may sell and deliver, and any person may buy and receive, the product described in paragraph (b) below at prices not in excess of the prices stated therein;

(b) Low temperature coke produced at its by-product coke plant located in Allegheny County, Pennsylvania and marketed under the name "Disco" at prices not to exceed the following:

	Per ton
Furnace Size, car lots, f. o. b. plant	$5.50
Stove Size, car lots, f. o. b. plant	5.00
Furnace Size, truck delivery, f. o. b. plant	6.50
Stove Size, truck delivery, f. o. b. plant	6.00
Any Size, when sold to employees—25 cents per ton less than car lot sales.	

(c) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of the petition not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.248 of Maximum Price Regulation No. 121 shall apply to the terms used herein;

(f) This Order No. 1 shall become effective November 4, 1942.

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–11448; Filed, November 4, 1942; 4:06 p. m.]

[Order 7 Under RPS 88]

Northwest Refining Company

ORDER GRANTING ADJUSTMENT

Order No. 7 under § 1340.156 (c) of Revised Price Schedule No. 88—Petroleum and Petroleum Products—Docket No. 3088–96.

For the reasons set forth in the opinion issued simultaneously herewith *It is ordered:*

Adjustment of maximum price for No. 5 fuel oil sold by Northwest Refining Company.

(a) Northwest Refining Company of St. Paul Park, Minnesota, may sell and deliver and any person may buy and receive from Northwest Refining Company, the following commodity at prices not higher than those set forth below:

No. 5 Fuel Oil

(1) *F. o. b. St. Paul Park, Minn.,* 0.0445¢ per gallon.

(2) *Delivered Price.* Delivered price shall be the f. o. b. St. Paul Park refinery price of 0.0445¢ per gallon plus cost of transportation therefrom to destination.

(b) The adjustment granted to Northwest Refining Company in paragraph (a) is subject to the following conditions:

(1) The Northwest Refining Company shall give written notification to its customers of No. 5 fuel oil of the adjustment permitted by this order by advising them as follows: The Office of Price Administration has permitted us to increase our f. o. b. St. Paul Park, Minnesota, refinery price for No. 5 fuel oil from .0395 cents per gallon to .0445 cents per gallon. That office has provided, however, that when the product is sold on a delivered basis, the delivered maximum price shall be the f. o. b. St. Paul Park refinery price of .0445 cents per gallon plus cost of transportation from St. Paul Park, Minnesota, to destination.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 7 may be revoked or amended at any time.

(e) Unless the context otherwise requires, the definition set forth in § 1340.157 of Revised Price Schedule No. 88 shall apply to the terms used here.

(f) This Order No. 7 shall become effective this 4th day of November, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F R. Doc. 42–11447; Filed, November 4, 1942; 4:07 p. m.]

[Order 80 Under MPR 120]

Fire Creek Coal and Coke Company

ORDER GRANTING ADJUSTMENT

Order No. 80 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120–109.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) The Fire Creek Coal and Coke Company, Fire Creek, West Virginia, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not to exceed the respective prices stated therein;

(b) Coal in Size Groups 7, 8, 9 and 10, produced at the Mason No. 1 Mine (Mine Index No. 116), District No. 7, of the Fire Creek Coal and Coke Company, may be sold, f. o. b. the mine, for shipment by rail or lake at prices per net ton not to exceed $3.25, $3.00, $3.00 and $2.75, respectively;

(c) This Order No. 80 may be revoked or amended by the Price Administrator at any time;

(d) All prayers of the petition not granted herein, except in regard to increases in maximum prices for smithing coals requested for both the Fire Creek Mine and the Mason No. 1 Mine, are hereby denied;

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein;

(f) This Order No. 80 shall become effective November 4, 1942.

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–11446; Filed, November 4, 1942; 4:08 p. m.]

[Order 76 Under MPR 120]

Shavers Mountain Coal Company

ORDER GRANTING ADJUSTMENT

Order No. 76 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 1120–73–P.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Shavers Mountain Coal Company, Elkins, West Virginia, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) below at prices not in excess of the price stated therein;

(b) Coals in Size Group 6 produced by the Shavers Mountain Coal Company at its Coberly Mine, Mine Index No. 945, District No. 3, may be sold for railroad fuel use at $2.55 per net ton f. o. b. the mine;

(c) This Order No. 76 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(e) This Order No. 76 shall become effective November 4, 1942.

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–11422; Filed, November 4, 1942; 3:06 p. m.]

[Order 78 Under MPR 120]

Renton Mining Company, Inc.

ORDER GRANTING ADJUSTMENT

Order No. 78 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120–182.

For the reasons set forth in the opinion issued simultaneously herewith and under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is hereby ordered*, That:

(a) The Renton Mining Company, Inc., of Renton, Washington, may sell and deliver, and any person may buy and receive, bituminous coal described in paragraphs (b) (1) and (b) (2) at prices not to exceed the respective prices stated therein;

(b) (1) Coal in Size Groups 2, 9, 16 and 24 produced at the Talbot Mine, Mine Index No. 150, Subdistrict F, District No. 23, of the Renton Mining Company, Inc., may be sold for shipment by truck or wagon at prices per net ton, f. o. b. the mine, not to exceed $5.90, $5.75, $5.25, and $3.00, respectively;

(2) Coal in Size Group 24 produced at the Talbot Mine, Mine Index No. 150, Subdistrict F, District No. 23, of the Renton Mining Company, Inc., may be sold for shipment by rail at prices not to exceed $2.75 per net ton, f. o. b. the mine;

(c) This Order No. 78 may be revoked or amended by the Price Administrator at any time;

(d) All prayers of the petitioner not granted herein are denied:

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(f) This Order No. 78 shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11423; Filed, November 4, 1942; 3:12 p. m.]

[Order 26 Under MPR 188]

Henry H. Sheip

ORDER GRANTING ADJUSTMENT

Order No. 26 Under § 1499.161 (a) (2) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. 3188-5.

Granting to Henry H. Sheip Manufacturing Co., Philadelphia, Pennsylvania, adjustment of maximum price for sale of walnut poker chip boxes to Brown & Williamson Tobacco Corporation, Louisville, Kentucky. For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Henry A. Sheip Manufacturing Co. may sell walnut poker chip boxes to the Brown & Williamson Tobacco Corporation at a price no higher than $2.45 per box.

(b) This Order No. 26 shall become effective November 4, 1942.

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11437; Filed, November 4, 1942; 3:06 p. m.]

[Order 27 Under MPR 188]

Reit-Price Manufacturing Co.

ORDER GRANTING ADJUSTMENT

Order No. 27 Under § 1499.161 (a) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—I. N. Reitnour d/b/a/ Reit-Price Manufacturing Company—Docket No. GF3-707.

Adjustment of maximum prices on commodities sold by I. N. Reitnour to J. I. Holcomb Manufacturing Company. For reasons set forth in the opinion filed simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and § 1499.161 (a) *It is ordered:*

(a) I. N. Reitnour, Union City, Indiana, may sell and deliver to J. I. Holcomb Manufacturing Company, Indianapolis, Indiana, the commodities listed below at prices no higher than those specified:

Commodity:	*Maximum Price* (*dozen*)
#410 Jumbo Dust Mops	$8.75
#412	9.75
#413	10.25
#415	12.00
#417	13.25
#419	14.00
#420	14.50
#425	16.50
#437	22.50
#443	28.00
Special #416	12.40
#417	12.75
#430	19.50
#431	20.00
#448	32.55
Jumbo Bowling Alley Mops:	
56″ long	39.00
60″ long	42.00
#361 Pivot Mop Heads	18.00
#637 Wool Mitts, canvas back	2.50
#638 All Wool Mitts	2.00

(b) This Order No. 27 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 27 under § 1499.161 (a) of Maximum Price Regulation No. 188 shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11424; Filed, November 4, 1942; 3:06 p. m.]

[Order 28 Under MPR 188]

Lawson Casket Company

ORDER GRANTING ADJUSTMENT

Order No. 28 Under § 1499.161 (a) (2) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket Nos. GF3-315 and GF3-316.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) The Lawson Casket Company, Newcastle, Indiana, may sell the following caskets at prices no higher than those set forth below:

Unlined Caskets:	
No. 876 Oak	$30.40
No. 222 Plain Oak	32.00
No. 222 Walnut	45.24
No. 222 Cherry	35.35
No. 222 Quartered Oak	41.00
No. 2400 Plain Oak	32.70
No. 2400 Cherry	37.40
No. 522 Plain Oak	34.55
No. 522 Cherry	37.90
No. 522 Walnut	44.74
No. 922 Plain Oak	37.60
No. 922 Cherry	48.45
No. 922 Quartered Oak	54.35
No. 922 Walnut	58.40
No. 147 Walnut	72.95
No. 147 Cherry	62.95
No. 147 Quartered Oak	68.00
No. 1000 Walnut	54.20
No. 1000 Cherry	43.80
No. 1000 Quartered Oak	49.25
Lined Caskets:	
No. 876 Plain Oak	60.60
No. 222 Plain Oak	64.68
No. 222 Cherry	68.78
No. 2400 Plain Oak	71.50
No. 2400 Cherry	75.40
No. 922 Plain Oak	82.35
No. 922 Cherry	96.80
No. 147 Walnut	148.70
Cloth Covered and Lined Caskets (Completed):	
No. 590 Plush Covering	40.66
No. 590 Plush Covering	48.14
No. 590 Plush Covering	27.07
No. 30 Doeskin Covering	31.82
No. 8760 Plush Covering	52.54

(b) On the first sale of one of the unlined, lined or lined and cloth covered caskets set forth in paragraph (a) hereof to each buyer, Lawson Casket Company shall notify such buyer in writing as follows:

> The Office of Price Administration has authorized an increase in the maximum price of this casket from $---- to $---- (inserting correct figure). This represents only that part of our cost increases which we are unable to absorb and was granted with the provision that your maximum prices remain the same.

(c) This Order No. 28 shall become effective this 4th day of November, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11425; Filed, November 4, 1942; 3:11 p. m.]

[Order 29 Under MPR 188]

Southern Factories, Inc.

ORDER GRANTING ADJUSTMENT

Order No. 29 Under § 1499.161 (a) (2) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. GF3-336.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and by virtue of the authority vested in the Administrator under the Emergency Price Control Act of 1942, as amended by Executive Order No. 9250, *It is ordered:*

(a) Southern Factories, Inc., Dallas, Texas, may sell and deliver the cotton mattresses listed herein at prices no higher than those set forth below:

Model	*Maximum price*
Adult sizes:	
Royal	$8.81
Royal Rest	12.26
Comfort Queen	14.11
Slumbertex	15.84
American Beauty	16.94
Southern Beauty	18.12
Lone Star	22.04
Baby and youth sizes:	
Plated Crib	3.75
Felt Mattress 27/51	5.04
Babyland 27/51	5.45
Cotton King	6.10
Fairyland	6.94
Felt Mattress 30/63	7.10
Babyland 30/63	7.50

(b) Before the first sale of one of the cotton mattresses at a price set forth in paragraph (a) hereof, Southern Factories, Inc. shall notify the buyer in writing:

> The Office of Price Administration has authorized an increase in the maximum price of this mattress from $------ to ------ (inserting correct figure). This represents only that part of our cost increases which we are unable to absorb and was granted with the provision that your maximum prices remain the same.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 29 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 29 shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11426; Filed, November 4, 1942; 3:12 p. m.]

[Order 30 Under MPR 188]

Stor-Aid, Inc.

ORDER GRANTING ADJUSTMENT

Order No. 30 Under § 1499.161 (a) (2) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. GF3-403.

Adjustment of maximum prices on sales of storage wardrobes and chests by Stor-Aid, Inc. to Sears Roebuck and Company. For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and § 1499.161 (a) (2), *It is ordered:*

(a) Stor-Aid, Inc. may sell and deliver to Sears Roebuck and Company the following commodities at prices no higher than those hereinafter set forth:

Storage Wardrobes and Chests Manufactured by Stor-Aid, Inc.

Model No.:	*Maximum price on sales to Sears Roebuck and Company*
DMO	$2.59
FMO	3.48
LMO	1.38
EMO	2.89
RMO	3.88
MMO	2.09
PMO	2.35
JMO	1.10
HMO	.72
AR	1.29
DR	2.34
CR	1.81
FR	3.23
ER	2.67
BR	1.80
PR	2.12
RR	3.63
JR	1.06
HR	.73
GR	.82
GMO	.98

(b) Sales at the maximum prices stated in paragraph (a) shall be subject to terms no less favorable than those which were in effect during March 1942, with respect to sales of those commodities by Stor-Aid, Inc. to Sears Roebuck and Company.

(c) This Order No. 30 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 30 under § 1499.161 (a) (2) of Maximum Price Regulation No. 188, as amended, shall become effective November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11438; Filed, November 4, 1942; 3:07 p. m.]

[Order 36 Under MPR 188]

John Bruno

AUTHORIZATION OF A MAXIMUM PRICE

Order No. 36 under § 1499.161 (a) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.161 (a) of Maximum Price Regulation No. 188, *It is hereby ordered*, That:

(a) John Bruno, an individual located at Mechanicville, New York, may sell and deliver crushed limestone to the West Virginia Pulp and Paper Company at Mechanicville, New York, at a price not in excess of $2.37 per ton delivered.

(b) This Order No. 36 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 36 shall become effective November 4, 1942.

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11474; Filed, November 4, 1942; 5:26 p. m.]

[Order 37 Under MPR 188]

Louisville Pottery Co.

ORDER GRANTING ADJUSTMENT OF MAXIMUM PRICES

Order No. 37 under § 1499.161 (a) (2) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices For Specified Building Materials And Consumers' Goods Other Than Apparel—Docket No. 3116-5.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) The Louisville Pottery Company, Louisville, Kentucky, may sell gallonage stoneware at carload prices no higher than those determined by adding one cent per gallon of capacity to the carload prices established as the maximum prices by Maximum Price Regulation No. 188 and at less than carload prices no higher than those determined by adjusting the carload prices so determined on the basis of customary differentials.

(b) The Louisville Pottern Company Louisville, Kentucky, may sell stoneware specialities at prices determined by increasing the maximum prices established by Maximum Price Regulation No. 188 by 10%.

(c) On the first sale of the stoneware and of the stoneware specialties set forth in paragraphs (a) and (b) hereof, to each customer the Louisville Pottery Company shall furnish such customer with a copy of the following notice:

> The Office of Price Administration has authorized an increase in the maximum price of this stoneware from $------ to $------ (inserting correct figure). This represents only that part of our cost increases which we are unable to absorb. You may increase your established ceiling price by the exact amount of the dollar increase in our price to you.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 37 shall become effective November 4, 1942.

Issued this 4th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11472; Filed, November 4, 1942 5:53 p. m.]

[Order 38 Under MPR 188]

PERFECTION PIANO REPAIR CO.—SEARS, ROEBUCK AND CO.

ORDER GRANTING ADJUSTMENT OF MAXIMUM PRICE

Order No. 38 under § 1499.161 (a) (2) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices For Specified Building Materials And Consumers' Goods Other Than Apparel—Docket No. GF3–2135.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is ordered:*

(a) H. J. Hansen, doing business as Perfection Piano Repair Company, may sell and deliver to Sears, Roebuck and Company reconditioned pianos at a price no higher than $39.00. The seller shall bear the transportation charges to the extent that he has customarily done so in the past.

(b) This Order No. 38 shall become effective on the 4th day of November, 1942.

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11481; Filed, November 4, 1942; 5:50 p. m.]

[Order 39 Under MPR 188]

OTTO R. TREFZ, JR. & CO.—SEARS, ROEBUCK & CO.

ORDER GRANTING ADJUSTMENT OF MAXIMUM PRICE

Order No. 39 under § 1499.161 (a) (2) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. GF3–1975.

For the reasons stated in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is ordered:*

(a) Otto R. Trefz, Jr. & Co., Inc., may sell, offer to sell, and deliver to Sears, Roebuck and Company reconditioned pianos at a price no higher than $39.00. The seller shall bear the transportation charges to the extent that it has customarily done so in the past.

(b) This Order No. 39 shall become effective on the 4th day of November 1942.

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11478; Filed, November 4, 1942; 5:50 p. m.]

[Order 40 Under MPR 188]

UNITED STATES TREASURY DEPARTMENT, PROCUREMENT DIVISION

ORDER GRANTING ADJUSTMENT

Order No. 40 under § 1499.161 (a) (2) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices For Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1499.161 (a) (2) of Maximum Price Regulation No. 188, *It is hereby ordered:*

(a) The United States Treasury Department, Procurement Division, Washington, D. C. may buy and receive from any person, and any person may sell and deliver to the said Treasury Department, Procurement Division, any of the commodities listed in Appendix A, § 1499.166 of Maximum Price Regulation No. 188, which are also listed in the Specifications and Proposals for Supplies, issued July 15, 1942, by the Treasury Department, Procurement Division, Washington, D. C. entitled "Drafting Room and Office Supplies under Class 53 of the General Schedule of Supplies for the Period December 1, 1942 to November 30, 1943" at prices not to exceed the lowest bid for such articles received by said Treasury Department.

(b) In the event that such lowest bid exceeds the maximum price of the seller for such article established by Maximum Price Regulation No. 188, the seller shall file with the Office of Price Administration in Washington, D. C. on or before December 1, 1942 a report in duplicate setting forth the following data:

(1) The list number of the commodity set upon the schedule of supplies.

(2) A brief description of the commodity.

(3) The price bid per unit of the commodity.

(4) A detailed analysis of the costs to be incurred by the seller in filling the contract, including materials, production charges, overhead and other costs, exclusive of taxes.

(5) The gross profit per unit to be realized by the seller in filling the contract.

(6) The same type of information listed in paragraph 4 and 5 above with respect to the seller's costs and profit on the sale of the same or a similar article to the Treasury Department, Procurement Division under a contract for the preceding year and the price charged to the Treasury Department under said contract.

(7) Any further information which the seller wishes to submit, or which this Office may consider necessary to the determination of the maximum price to be charged for the commodity.

(c) In the case of any person who has submitted the lowest bid for the sale of any commodity under said Class 53, and who has complied with the provisions of paragraph (b) hereof, said bid price shall constitute seller's maximum price for the sale of such commodity under said Class 53, unless within fifteen days from the filing of the seller's report, the Office of Price Administration shall disapprove said price. In such event, it shall approve a lower maximum price for such transaction.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 40 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.163 of Maximum Price Regulation No. 188 shall apply to the terms used herein.

(g) This Order No. 40 shall become effective November 4, 1942.

Issued November 4, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11471; Filed, November 4, 1942; 5:52 p. m.]

[Order 41 Under MPR 188]

AMERICAN BIFOCAL CO.—CLEVELAND BOARD OF EDUCATION

ORDER GRANTING ADJUSTMENT OF MAXIMUM PRICES

Order No. 41 Under § 1499.161 (a) (2) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices For Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. GF3–392.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) American Bifocal Co., Inc., 1440 St. Clair Ave., Cleveland, Ohio, is authorized to sell and deliver spectacles to the Cleveland Board of Education at prices no higher than those set forth in its contract with the Board covering the year ending June 30, 1943.

(b) This Order No. 41 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 41 shall become effective November 4, 1942.

Issued November 4, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11480; Filed, November 4, 1942; 5:50 p. m.]

[Order 42 Under MPR 188]

J. A. DUBOW MANUFACTURING CO.

ORDER GRANTING ADJUSTMENT OF MAXIMUM PRICES

Order No. 42, Under § 1499.161 (a) (2) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices For Specified Building Materials And Consumers' Goods Other Than Apparel—Docket No. GF1–170–P.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) J. A. Dubow Manufacturing Company, Chicago, Illinois, is authorized to sell and deliver to Sears, Roebuck and Company and Montgomery Ward and Company, the following boxing gloves and striking bags at prices no higher than those set forth below:

BOXING GLOVES

[Sets of four]

Model No.		Maximum price per dozen
Sears'	Ward's	
1415	5609	$19.14
1416	5610	27.50
1410	5614	35.64
1420	5604	51.48

STRIKING BAGS

--------	5434	$30.00
--------	5436	40.90

These prices are inclusive of federal excise taxes in effect on June 15, 1942. The seller shall bear the transportation charges to the extent that it has customarily done so in the past.

(b) All prayers for relief not granted herein are denied.

(c) This Order No. 42 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 42 shall become effective on the 4th day of November 1942.

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11477; Filed, November 4, 1942; 5:49 p. m.]

[Order 43 Under MPR 188]

KOEHLER MANUFACTURING CO.

ORDER GRANTING ADJUSTMENT OF MAXIMUM PRICES

Order No. 43 under § 1499.161 (a) (2) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices For Specified Building Materials and Consumers' Goods Other Than Apparel—Docket Nos. 3136–4 and 3136–7.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Koehler Manufacturing Company, Inc., Marlboro, Massachusetts, is authorized to sell and deliver to hearing aid manufacturers the following hearing aid battery and recharging apparatus at prices, f. o. b. factory, no higher than those set forth below:

Wheat rechargeable hearing aid battery	$3.00
Recharging apparatus for the above battery	4.00

(b) The adjustment granted by paragraph (a) of this Order No. 43 is subject to the condition that Koehler Manufacturing Company, Inc., shall advise all hearing aid manufacturers who buy from it, of the adjustment granted by this Order No. 43. Such notification shall be made at or prior to the first invoice to such purchaser after November 4, 1942, and shall contain a statement in the following form:

> The Office of Price Administration has permitted us to raise our maximum price for sales to you of the Wheat rechargeable hearing aid battery from $2.40 to $3.00 and of the recharging apparatus for the battery from $2.50 to $4.00. These increases represent only that part of the cost increase which we were unable to absorb and they were granted with the understanding that the prices for sales by the hearing aid manufacturers would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of this battery and recharging apparatus. In order that we may continue to provide you with these products, it will be necessary for you to accept this reduction in your margin.

(c) This Order No. 43 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 43 shall become effective on the 4th day of November 1942.

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11473; Filed, November 4, 1942; 5:53 p. m.]

[Ord 44 Under MPR 188]

HORN MOP CO.—STATE OF TEXAS

ORDER GRANTING ADJUSTMENT OF MAXIMUM PRICES

Order No. 44 under § 1499.161 (a) (2) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. GF3–1215.

For the reasons set forth in an opinion issued herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, *It is ordered:*

(a) The Horn Mop Co., West Texas, may sell the mop heads listed below to the State of Texas at prices no higher than the prices listed below:

16 oz. mop heads	$4.44
24 oz. mop heads	7.00
32 oz. mop heads	9.00

(b) This Order No. 44 shall become effective November 4, 1942.

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11479; Filed, November 4, 1942; 5:50 p. m.]

[Order 45 Under MPR 188]

AMERICAN BEAUTY AIDS CO.

ORDER GRANTING ADJUSTMENT OF MAXIMUM PRICES

Order No. 45 under § 1499.161 (a) (2) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices For Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. GF3–553.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250, *It is ordered:*

(a) Adolph Reiter, doing business as American Beauty Aids Company, New York, New York, may sell and deliver the Adolph Reiter woman's hair curler at a price not in excess of $.05 per curler to retailers.

(b) Before the first sale of the Adolph Reiter woman's hair curler set forth in paragraph (a) hereof, Adolph Reiter doing business as American Beauty Aids Company shall notify his customers in writing the following:

> The Office of Price Administration has authorized an increase in the maximum price of this hair curler from $.03 to $.05 per hair curler net to retailers. This represents only that part of our cost increase which we are unable to absorb. The Office of Price Administration authorization provides that you may increase your maximum price from $.05 per hair curler net to $.15 for 2 hair curlers net.

(c) This Order No. 45 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 45 under § 1499.161 (a) (2) of Maximum Price Regulation No. 188, as amended, shall become effective November 4, 1942.

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11483; Filed, November 4, 1942; 5:52 p. m.]

[Order 2 Under MPR 225]

UNITED STATES TREASURY DEPARTMENT, PROCUREMENT DIVISION

ORDER GRANTING ADJUSTMENT OF MAXIMUM PRICES

Order No. 2 under § 1347.469 (c) of Maximum Price Regulation No. 225—Printing and Printed Paper Commodities.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1347.469 (c) of Maximum Price Regulation No. 225, *It is hereby ordered:*

(a) The United States Treasury Department, Procurement Division, Washington, D. C., may buy and receive from any person, and any person may sell and deliver to the said Treasury Department, Procurement Division, any of the commodities listed in Appendix A, § 1347.475 of Maximum Price Regulation No. 225, which are also listed in the Specifications and Proposals for Supplies, issued July 15, 1942, by the Treasury Department, Procurement Division, Washington, D. C., entitled "Drafting Room and Office Supplies under Class 53 of the General Schedule of Supplies for the Period December 1, 1942 to November 30, 1943" at prices not to exceed the lowest bid for such articles received by said Treasury Department.

(b) In the event that such lowest bid exceeds the maximum price of the seller for such article established by Maximum Price Regulation No. 225, the seller shall file with the Office of Price Administration in Washington, D. C., on or before December 1, 1942 a report in duplicate setting forth the following data:

(1) The list number of the commodity set upon the Schedule of Supplies.

(2) A brief description of the commodity.

(3) The price bid per unit of the commodity.

(4) A detailed analysis of the costs to be incurred by the seller in filling the contract, including materials, production charges, overhead and other costs, exclusive of taxes.

(5) The gross profit per unit to be realized by the seller in filling the contract.

(6) The same type of information listed in paragraph (4) and (5) hereof with respect to the seller's costs and profit on the sale of the same or a similar article to the Treasury Department, Procurement Division under a contract for the preceding year and the price charged to the Treasury Department under said contract.

(7) Any further information which the seller wishes to submit, or which this Office may consider necessary to the determination of the maximum price to be charged for the commodity.

(c) In the case of any person who has submitted the lowest bid for the sale of any commodity under said Class 53, and who has complied with the provisions of paragraph (b) hereof, said bid price shall constitute seller's maximum price for the sale of such commodity under said Class 53, unless within fifteen days from the filing of the seller's report, the Office of Price Administration shall disapprove said price. In such event, it shall approve a lower maximum price for such transaction.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1347.472 of Maximum Price Regulation No. 225 shall apply to the terms used herein.

(g) This Order No. 2 shall become effective November 4, 1942.

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11476; Filed, November 4, 1942; 5:48 p. m.]

[Order 3 Under MPR 225]

WESTERN ELECTRIC COMPANY, INC.

ORDER GRANTING ADJUSTMENT

Order No. 3 Under § 1347.469 (c) of Maximum Price Regulation No. 225—Paper, Paper Products, Raw Materials for Paper and Paper Products—Docket No. GF3-385.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. *It is ordered:*

(a) *Commodities covered by this order.* This order shall apply only to those commodities which are purchased by the Western Electric Company, Incorporated, through its central purchasing organization and for which the actual cost of acquisition determined as of the effective date of this order exceeds the established maximum price for resale by Western Electric Company, Incorporated.

(b) *Maximum prices for commodities covered by this order.* Western Electric Company, Incorporated, may sell the commodities covered by this order at prices no higher than prices determined by adding the dollar margin received by Western Electric Company, Incorporated, on the resale of such commodities in March 1942 to the actual cost of acquisition as of the effective date of this order, or to the supplier's maximum price for sales of such commodities to Western Electric Company, Incorporated, whichever is lower.

(c) *Reports.* Western Electric Company, Incorporated, shall submit such reports in connection with the purchase and sale of the commodities covered by this order as may be required from time to time by the Office of Price Administration.

(d) *Denial of prayers not granted.* All the prayers of the petition of the Western Electric Company, Incorporated, not granted herein, nor in Order No. 151 under § 1499.18 (c) of the General Maximum Price Regulation, are denied.

(e) *Amendment of order.* This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(f) *Effective date of order.* This Order No. 3 shall become effective November 4, 1942.

Issued November 4, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11482; Filed, November 4, 1942; 5:51 p. m.]

[Order 6 Under RPS 53]

KIMBELL REFINING COMPANY

ORDER ESTABLISHING MAXIMUM PRICES

Order No. 6 under Revised Price Schedule No. 53—Fats and Oils.

On October 12, 1942 the Kimbell Refining Company, Fort Worth, Texas, filed an application for adjustment of its maximum prices on standard shortening pursuant to § 1351.151 (b) (12) (vii) of Revised Price Schedule No. 53.

Due consideration has been given to the application, and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and H. R. 7562, and in accordance with § 1351.151 (b) (12) (vii) of Revised Price Schedule No. 53, *It is hereby ordered:*

(a) (1) *Standard shortening.* The maximum delivered prices of Kimbell's standard shortening shall be the following prices:

	South
Drums (per pound)	16.25¢
Cartons:	
(i) 12/4 lbs. (per case)	8.00
(ii) 48/1 lbs. (per case)	8.15

The provisions of § 1351.151 (b) (12) (v) and (viii) of Revised Price Schedule No. 53 shall apply to the maximum prices established by this order for the standard shortening sold by the Kimbell Packing Company of Fort Worth, Texas.

(b) This Order No. 6 shall become effective November 4, 1942.

Issued this 4th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11475; Filed, November 4, 1942; 5:27 p. m.]

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FEDERAL REGISTER

VOLUME 7 NUMBER 220

Washington, Saturday, November 7, 1942

Regulations

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary

[Amendment 1 to Temporary Rationing Order B[1]]

PART 2—RATIONING OF FARM MACHINERY AND EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT

Section 2.112 is added; and Schedule II is amended by deleting therefrom the following, under the heading "Miscellaneous Farm Equipment":

Horse shoes, including mule shoes.

(NOTE.—Calks and nails are considered as repairs.)

§ 2.112 *Effective dates of amendments to Temporary Rationing Order B.* (a) Amendment No. 1 (Schedule II and § 2.112) to Temporary Rationing Order B shall become effective November 5, 1942.

Done at Washington, D. C., this 5th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-11572; Filed, November 6, 1942; 11:38 a. m.]

Chapter VIII—Sugar Agency

PART 802—SUGAR DETERMINATIONS

PRICES FOR 1942 FLORIDA SUGARCANE CROP

NOVEMBER 5, 1942.

Determination of fair and reasonable prices for the 1942 crop of Florida sugarcane for sugar, pursuant to the Sugar Act of 1937, as Amended.

Whereas section 301 (d) of the Sugar Act of 1937, as amended, provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

> That the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

Whereas the Secretary of Agriculture held public hearings for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable prices for the 1942 crop of Florida sugarcane for sugar:

Now, therefore, I, Grover B. Hill, Assistant Secretary of Agriculture, after investigation and consideration of the evidence obtained at the aforesaid hearings and all other information before me, do hereby make the following determination:

§ 802.22j *Fair and reasonable prices for the 1942 crop of Florida sugarcane for sugar.* Fair and reasonable prices for the 1942 crop of Florida sugarcane shall be not less for sugarcane of like quality in terms of commercially recoverable sugar than those provided for in Sugar Determination Number 147, issued October 8, 1942, for mills defining standard sugarcane as sugarcane containing 11½ per centum to 12½ per centum of sucrose in the normal juice, equivalent in terms of commercially recoverable sugar to 10.354 per centum to 11.432 per centum of sucrose in the crusher juice. The price basis for sugar shall be determined in accordance with whichever of the following options may be agreed upon: (1) the average price per pound of 96° raw sugar, duty-paid at New York less .17 cent per pound to adjust for the appropriate freight differential for the week in which such sugarcane is delivered, or (2) the average price per pound of 96° raw sugar, duty-paid at New York less .17 cent per pound to adjust for the appropriate freight differential for the period beginning October 15, 1942 and ending May 31, 1943, except that, if such prices do not give full effect to orders or regulations of the Federal Government pertaining to the establishment of a price for 96° raw sugar, duty-paid basis at New York, the Chief of the Sugar Agency may substitute such prices as will give effect to any such orders or regulations, and except, further, that if through any orders or regulations of the Federal Government the existing relationship between the price of 96° raw sugar, duty-paid basis, between New York City and Savannah, Georgia, should be changed, the price at Savannah, Georgia, except for the differential existing on October 15, 1942, shall be governing: *Provided, however,* That on each ton of Florida sugarcane there shall

(Continued on next page)

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[1] 7 F.R. 8723.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Telephone information: DIstrict 0525.

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be paid a molasses bonus equal to 2.75 times the amount, if any, by which the average net liquidation from disposal of blackstrap or final molasses exceeds 6.75 cents per gallon, f. o. b. sugar-house tanks at Clewiston, Florida during the 12 months ended May 31, 1943 and, *Provided further*, That the established customs and practices with respect to methods of sucrose analysis, deductions for frozen sugarcane based upon decreased boiling house effciency, fiber content determinations and deductions, definitions of delivery points, delivery schedules, and similar terms, as employed in connection with the purchase of the 1941 crop shall be employed in connection with the purchase of the 1942 crop, and the processor shall not, through any subterfuge or device whatsoever reduce the returns to the producer below those contemplated by this determination, but nothing in this sub-paragraph shall be construed as prohibiting modifications of practices which may be made necessary by unusual circumstances, any such modifications to be subject to review by the Secretary of Agriculture, or his authorized agent, in the event of changes alleged to be unfair to either the producer or the processor. (Sec. 301, 50 Stat. 910; 7 U.S.C. 1940 ed. 1131)

Done at Washington, D. C., this 5th day of November 1942. Witness my hand and seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-11573; Filed, November 6, 1942; 11:38 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[T. D. 5180]

Subchapter C—Miscellaneous Excise Taxes

PART 140—TAXES ON TOBACCO, SNUFF, CIGARS, CIGARETTES, CIGARETTE PAPERS AND TUBES, AND PURCHASE AND SALE OF LEAF TOBACCO

FLOOR STOCKS OF CIGARS AND CIGARETTES

Regulations 8, as amended, relating to taxes on tobacco products, etc., as made applicable to the Internal Revenue Code by Treasury Decision 4885, amended.

Regulations 8 (Revised November, 1934) [Part 140, Title 26, Code of Federal Regulations], as amended by Treasury Decision 4997, approved August 1, 1940, but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939 [Part 465, Subpart B of such Title 26, 1939 Sup.], are further amended as follows:

Article 200 [§ 140.200, Title 26, Code of Federal Regulations] is renumbered as article 206 [§ 140.206].

Immediately following article 199 [§ 140.199] the following new Chapter XVI is added:

Sec.
140.200 Scope of tax.
140.201 Rates of tax.
140.202 Payment of tax.
140.203 Return.
140.204 Refunds.
140.205 Penalties and interest.

AUTHORITY: §§ 140.200 to 140.205, inclusive, issued under I.R.C. 200 as amended by sec. 605 of the Revenue Act of 1942, and I.R.C. 3791, 53 Stat. 219, 467; 26 U.S.C. 2000, 3791.

CHAPTER XVI

FLOOR STOCKS TAXES ON LARGE CIGARS AND LARGE AND SMALL CIGARETTES

SEC. 605. CIGARS AND CIGARETTES. (Revenue Act of 1942.)

(a) *Rates on cigars.* Section 2000 (c) (1) is amended to read as follows:

(c) *Cigars and cigarettes.* Upon cigars and cigarettes manufactured in or imported into the United States, which are sold by the manufacturer or importer, or removed for consumption or sale, there shall be levied, collected, and paid the following taxes:

(1) *Cigars.* On cigars of all descriptions made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, 75 cents per thousand;

On cigars made of tobacco, or any substitute therefor, and weighing more than three pounds per thousand, if manufactured or imported to retail at not more than 2½ cents each, $2.50 per thousand;

If manufactured or imported to retail at more than 2½ cents each and not more than 4 cents each, $3.00 per thousand;

If manufactured or imported to retail at more than 4 cents each and not more than 6 cents each, $4.00 per thousand;

If manufactured or imported to retail at more than 6 cents each and not more than 8 cents each, $7.00 per thousand;

If manufactured or imported to retail at more than 8 cents each and not more than 15 cents each, $10.00 per thousand;

If manufactured or imported to retail at more than 15 cents each and not more than 20 cents each, $15.00 per thousand;

If manufactured or imported to retail at more than 20 cents each, $20.00 per thousand.

Whenever in this subsection reference is made to cigars manufactured or imported to retail at not over a certain price each, then in determining the tax to be paid regard shall be had to the ordinary retail price of a single cigar in its principal market.

(b) *Rates on cigarettes.* Section 2000 (c) (2) is amended by striking out "$3.25" and inserting in lieu thereof "$3.50" and by striking out "$7.80" and inserting in lieu thereof "$8.40."

(c) *Floor Stocks Tax.* Section 2000 is amended by inserting at the end thereof the following new subsection:

(e) *1942 Floor Stocks Tax.* (1) *Tax.* Upon large cigars (weighing more than three pounds per thousand) and all cigarettes subject to tax under this section, which on the effective date of Title VI of the Revenue Act of 1942 are held by any person for sale, there shall be levied, assessed, collected, and paid a floor stocks tax at a rate equal to the increase in rate of tax made applicable to such articles by the Revenue Act of 1942.

(2) *Returns.* Every person required by this subsection to pay any floor stocks tax shall, on or before the end of the month next following the month in which Title VI of the Revenue Act of 1942 takes effect, under such regulations as the Commissioner with the approval of the Secretary shall prescribe, make a return and pay such tax, except that in the case of such articles held by manufacturers and importers, the Commissioner may collect the tax with respect to all or part of such articles by means of stamps rather than return, and in such case may make an assessment against such manufacturer or importer having cigar and cigarette tax stamps on hand on the effctive date of Title VI of the Revenue Act of 1942, for the difference between the amount paid for such stamps and the increased rates imposed by the Revenue Act of 1942.

(3) *Laws Applicable.* All provisions of law, including penalties, applicable in respect of the taxes imposed by section 2000, shall, insofar as applicable and not inconsistent with this subsection, be applicable with respect to the floor stocks tax imposed by this subsection.

§ 140.200 *Scope of tax.* The floor stocks tax under section 2000 (e) of the Internal Revenue Code, as added by section 605 of the Revenue Act of 1942, is imposed upon large cigars and large and small cigarettes, which on the first moment of November 1, 1942, are held by any person for sale. The taxes apply without regard to where the cigars and cigarettes are held. Subject to the exemptions provided for with respect to the withdrawal of cigars and cigarettes for export (see § 140.185 [article 185]), the withdrawal of cigars and cigarettes for use as sea stores (see § 140.186 [article 186]), and the withdrawal of cigars and cigarettes for use of the United States (see Regulations 34 [Part 450, Title 26, Code of Federal Regulations]), the taxes apply also without regard to the disposition of the large cigars, or large or small cigarettes on or after November 1, 1942.

The terms "large cigars" and "large cigarettes" mean cigars and cigarettes weighing more than three pounds per thousand, and the term "small cigarettes" means cigarettes weighing not more than three pounds per thousand. [Art. 200]

§ 140.201 *Rates of tax*—(a) *Large cigars.* The rates of floor stocks tax applicable to large cigars are as follows:

If made to sell at retail at:	*Rate per 1,000*
Not more than 2½ cents each	$0.50
More than 2½ cents each and not more than 4 cents each	1.00
More than 4 cents each and not more than 5 cents each	2.00
More than 5 cents each and not more than 6 cents each	1.00
More than 6 cents each and not more than 8 cents each	4.00
More than 8 cents each and not more than 15 cents each	5.00
More than 15 cents each and not more than 20 cents each	4.50
More than 20 cents each	6.50

These rates are equal to the increases in the rates of tax made applicable to large cigars by section 2000 (c) of the Internal Revenue Code, as amended by section 605 of the Revenue Act of 1942.

(b) *Large and small cigarettes.* The rate of floor stocks tax applicable to large cigarettes is 60 cents per thousand, except that cigarettes measuring more than 6½ inches in length are taxable as small cigarettes counting each 2¾ inches (or fraction thereof) of the length of each cigarette as one small cigarette. The rate applicable to small cigarettes is 25 cents per thousand. These rates are equal to the increases in the rates of tax made applicable to large and small cigarettes by section 2000 (c) of the Internal Revenue Code, as amended by section 605 of the Revenue Act of 1942. [Art. 201]

§ 140.202 *Payment of tax.* The tax is payable on or before December 31, 1942, by every person who at the first moment of November 1, 1942, held large cigars, or large or small cigarettes for sale. The tax shall be paid at the time of filing the return. (See § 140.203 [article 203])

Manufacturers and importers holding unstamped large cigars or large or small cigarettes on November 1, 1942, shall pay the tax applicable thereto by affixing, at the time of the withdrawal of such articles from the factory or customs custody, stamps paid for at the rates in effect on and after November 1, 1942. To permit the use for this purpose of unattached large and small cigarette stamps and large cigar stamps of class A, purchased at the rates in effect prior to the first moment of November 1, 1942, manufacturers and importers shall, with respect to such stamps, pay as part of their floor stocks tax liability an amount equal to the difference between the amount paid for such stamps and the amount which would have been paid if the stamps had been purchased on or after November 1, 1942.

The floor stocks tax on unstamped large cigars intended to retail at more that 2½ cents but not more than 4 cents each, may be paid by the use of large cigar stamps of class B, purchased prior to November 1, 1942. The floor stocks tax on unstamped large cigars intended to retail at more than 4 cents each shall be paid only by the use of the appropriate large cigar stamps of classes C, D, E, F, and G purchased at the rates in effect on and after November 1, 1942. For this purpose, manufacturers and importers having large cigar stamps of the classes C, D, and E purchased at the rates in effect prior to November 1, 1942, may at their option surrender such stamps to the collector for the district in which the stamps are held to be exchanged for an equal value of new stamps, or to be redeemed in accordance with the provisions of § 140.116 [article 116]. [Art. 202]

§ 140.203 *Return*—(a) *General.* Every person who held stamped large cigars or large or small cigarettes for sale on the first moment of November 1, 1942, shall make and file a return of the cigars and cigarettes so held. The return shall be made on Form 188, Revised October 1942, by manufacturers and importers, and on Form 187, Revised October 1942, by persons other than manufacturers and importers.

Where taxable stamped cigars or cigarettes are held at only one place of business, the return shall be prepared in duplicate. The original return shall be filed with the collector of internal revenue for the district in which such place of business is located, while the duplicate shall be retained at such place of business.

Where taxable stamped cigars or cigarettes are held at more than one location or place of business, a separate return for each such location or place of business, or a consolidated return covering all such locations or places of business, may be filed at the option of the person liable to make return and pay tax. If a separate return is made for each location or place of business, the procedure set forth in the preceding paragraph shall be followed with respect to each such return.

If a consolidated return is made, the return shall be accompanied by separate inventories of the cigars and cigarettes held at each location or place of business covered by such return. Such separate inventories shall be prepared on the inventory portion of Form 187, or Form 188, whichever is applicable, in triplicate. Each separate inventory shall also show the taxpayer's name and the place of business where the cigars and cigarettes are held. The original and duplicate copies of the separate inventories shall be forwarded to the principal place of business for use in preparing the consolidated return, while the triplicate shall be retained at the premises where the cigars and cigarettes are held. The consolidated return shall be prepared in duplicate. The original return together with the original copies of the separate inventories shall be filed with the collector of internal revenue for the district in which the principal place of business is located, while the duplicate copies of the return and separate inventories shall be retained at such place of business.

Cigars and cigarettes, subject to floor stocks tax, are regarded as held by the owner thereof at the first moment of November 1, 1942, although at that time the articles are in transit to the owner, or in a warehouse, storeroom, or distributing depot, and shall be included in the inventory and return of the owner. Where title does not pass to the consignee until delivery, articles in transit at the first moment of November 1, 1942, are regarded as owned or held by the consignor at that time.

The required return shall be filed and tax shall be paid on or before December 31, 1942. Failure to file the return and pay the tax due thereon within the time specified will subject the taxpayer to the penalties set forth in § 140.205 [article 205].

The oath required on Form 187, Revised October 1942, or Form 188, Revised October 1942, may be administered by any person authorized to administer oaths for general purposes, or by a deputy collector or internal revenue agent. If the amount of tax shown to be due by the return is $10 or less, the return may be acknowledged before two subscribing witnesses instead of under oath.

(b) *Manufacturers and Importers.* In addition to the requirements set forth in subsection (a) of this article, a manufacturer or importer shall, for the purpose of the payment of the tax specified in § 140.202 [article 202] include in his return an inventory of all unattached cigarette stamps and all large cigar stamps of class A held at the first moment of November 1, 1942, and of all such stamps ordered and paid for at the rates in effect on October 31, 1942, but not received until after the first moment of November 1, 1942.

(c) *Records.* Every person required by this chapter to keep any copy of any return or separate inventory, shall keep such copy as part of his records, and in addition shall keep at each separate premises for which inventory is filed, complete and accurate records showing the details of the inventory, and how and by whom the inventory was taken. Such records shall be retained for a period of at least four years from December 31, 1942, and shall at all times be open for inspection by internal revenue officers. [Art. 203]

§ 140.204 *Refunds.* A claim for refund may be filed by any person who has paid a floor stocks tax on cigars or cigarettes (including unattached cigar and cigarette stamps) and who claims that he made an overpayment or an erroneous payment of such tax. Such claim must be made under oath on Form 843, contain the information required by the form, and be supported by a statement of the facts and evidence upon which the claim is based. The claim shall be filed with the collector of internal revenue to whom the tax was paid. [Art. 204]

§ 140.205 *Penalties and interest.* The penalty under section 3612 (d) (1) and (e) of the Internal Revenue Code for delinquency in filing a return is 5 per cent of the amount of the tax if the failure is for not more than 30 days, with an additional 5 per cent for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per cent in the aggregate. The penalty does not apply where the return is later filed and failure to file the return within the prescribed time is shown to the satisfaction of the Commissioner to be due to reasonable cause and not to willful neglect.

Where an assessment of the floor stocks tax is made, and payment is not made in full within 10 days after issuance of the first notice and demand (Form 17), there will accrue, under section 3655 of the Internal Revenue Code, a 5 per cent penalty and interest at the rate of 6 per cent per annum computed upon the entire unpaid portion of the assessment from the date of issuance of Form 17 until date of payment.

In case a false or fraudulent inventory and return is willfully made, the penalty under section 3612 (d) (2) and (e) of the Internal Revenue Code is 50 per cent of the total tax due.

The several criminal penalties set out in § 140.113 [article 113], are also applicable to the floor stocks tax. [Art. 205]

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: November 4, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-11545; Filed, November 5, 1942; 3:41 p. m.]

[T. D. 5179]

PART 306—PROCESSING TAX ON CERTAIN OILS

Subchapter C—Miscellaneous Excise Taxes

AMENDMENTS

Amending Regulations 48 as made applicable to the Internal Revenue Code by Treasury Decision 4885.

In order to conform Regulations 48 [Part 306, Title 26, Code of Federal Regulations], relating to the processing tax on certain oils, as made applicable to the Internal Revenue Code (53 Stat. Part 1) by Treasury Decision 4885 [Part 465, Subpart B, Title 26, Code of Federal Regulations, 1939 Sup.], approved February 11, 1939, to the provisions of sections 601 and 621 of the Revenue Act of 1942 (Public Law 753, 77th Congress, 2d Session), and to the Act approved September 16, 1942 (Public Law 711, 77th Congress, 2d Session), such regulations are further amended as follows:

PARAGRAPH 1. Immediately preceding article 1 [§ 306.1 of such Title 26] there is inserted the following:

SEC. 601 EFFECTIVE DATE OF THIS TITLE. (Revenue Act of 1942, Title VI.) This title shall take effect on the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

SEC. 621. EXEMPTION FROM PROCESSING TAX OF PALM OIL USED IN MANUFACTURE OF IRON OR STEEL PRODUCTS. (Revenue Act of 1942, Title VI.)

Section 2477 (relating to definition of first domestic processing) is amended to read as follows:

SEC. 2477. FIRST DOMESTIC PROCESSING DEFINED. "For the purposes of this chapter, the term "first domestic processing" means the first use in the United States, in the manufacture or production of an article intended for sale, of the article with respect to which the tax is imposed, but does not include the use of palm oil in the manufacture of iron or steel products, or tin plate, or terne plate, or any subsequent use of palm oil residue resulting from the manufacture of iron or steel products, or tin plate or terne plate.

PAR. 2. Article 1 (m) (4) [§ 306.1 (m) (4) of such Title 26], as amended by Treasury Decision 4817, approved June 20, 1938, is further amended to read as follows:

(m) *Use.* * * *

(4) The use of the oil or oils in connection with any process or stage of the manufacture or production of an article intended for sale, even though the oil is not consumed therein or does not become a component material of the article so produced. The tax does not apply to the use of palm oil, (1) in the manufacture of tin plate, (2) on or after July 1, 1938, in the manufacture of terne plate, or (3) on or after November 1, 1942, in the manufacture of iron or steel products. Likewise the tax does not apply to any use on or after July 1, 1938, of palm oil residue resulting from the use of such oil in the manufacture of tin plate, or terne plate, or to any use on or after November 1, 1942, of palm oil residue resulting from the use of such oil in the manufacture of iron or steel products.

PAR. 3. Immediately preceding § 306.2 [article 2 of such Title 26], there is inserted the following:

Act Approved September 16, 1942. Public Law 711—77th Congress 2d session.

That section 2470 (a) (2) of the Internal Revenue Code is hereby suspended: *Provided,* That if the President after receipt by him of a request from the Government of the Commonwealth of the Philippine Islands that the suspension of section 2470 (a) (2) be terminated, shall find that adequate supplies of copra, coconut oil, or both, the product of the Philippine Islands, are readily available for processing in the United States, he shall so proclaim; and thirty days after such proclamation, the suspension of section 2470 (a) (2) of the Internal Revenue Code, shall terminate.

SEC. 2. This Act shall become effective the day following its enactment, and shall terminate on June 30, 1944.

PAR. 4. § 306.3 (c) [Article 3 (c) of such Title 26], as amended by Treasury Decision 4817, is amended to read as follows:

§ 306.3 *Imposition of the tax.* * * *

(c) *Exception.* No tax is imposed on the use of palm oil, (1) in the manufacture of tin plate, (2) on or after July 1, 1938, in the manufacture of terne plate, nor, (3) on or after November 1, 1942, in the manufacture of iron or steel products. Likewise no tax is imposed on any use on or after July 1, 1938, of palm oil residue resulting from the use of palm oil in the manufacture of tin plate or terne plate, nor to any use on or after November 1, 1942, of palm oil residue resulting from the use of palm oil in the manufacture of iron or steel products.

PAR. 5. § 306.6 [Article 6 of such Title 26], as amended by Treasury Decision 4695, approved September 11, 1936, is further amended to read as follows:

§ 306.6 *Rate of tax.* (a) The tax is 3 cents per pound with respect to coconut oil, palm oil, palm-kernel oil, fatty acids derived from any of the foregoing oils, salts of any of the foregoing, or any combination or mixture containing a substantial quantity of any one or more of such oils, fatty acids, or salts.

(b) For the period ended 12:00 midnight, Eastern War Time, September 16, 1942, the applicable statute imposes an additional tax of 2 cents per pound upon the first domestic processing of coconut oil or any combination or mixture containing a substantial quantity of coconut oil with respect to which there has been no previous first domestic processing, except coconut oil (whether or not contained in such a combination or mixture) wholly the production of, or produced wholly from materials the growth or production of, the Philippine Islands or any other possession of the United States. Effective as of 12:01 Eastern War Time, September 17, 1942, such additional tax is suspended until 12:00 midnight, Eastern War Time or Eastern Standard Time (whichever is then in effect) June 30, 1944, unless the suspension is terminated prior thereto in accordance with the provisions of the Act approved September 16, 1942 (Pub. Law 711, 77th Congress). [Art. 6]

(Sec. 621 of the Revenue Act of 1942, the Act of September 16, 1942, and I.R.C. 3791, 53 Stat. 467; 26 U.S.C. 3791)

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: November 4, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-11544; Filed, November 5, 1942; 3:41 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

[Docket No. A-1635]

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of George F. Wallwork requesting the establishment of price classifications and minimum prices for the mixed coals of the Wallco No. 2 Mine of George F. Wallwork and the Sligo Mine of Wallwork Coal Company (J. C. Wallwork).

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Wallco #2 Mine (Mine Index No. 3540) of George F. Wallwork and The Sligo Mine (Mine Index No. 3133) of Wallwork Coal Company (J. C. Wallwork) when mixed and loaded in the same car for shipment over the Pennsylvania Railroad at Sligo, Pennsylvania; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

A petition of intervention by District Board No. 1 having been filed with the Division in the above-entitled matter requesting the entry of an order granting relief as requested by petitioner; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the Schedule attached are based upon the price classifications and minimum prices in effect on October 1, 1942. for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21.

Dated: October 26, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3133	Wallwork Coal Company (J. C. Wallwork).	Sligo	4	B	Sligo, Pa	PRR	90	(†)	(†)	G	H	H
3540	Wallwork, George F	Wallco #2 (S)	4	B	Sligo, Pa	PRR	90	(†)	(†)	G	H	(†)

When coals from Mines with Index Nos. 3133 and 3540 are loaded into the same car, at Sligo, Pa., the minimum price applicable to the mixture shall be the price of the coal in the mixture which has the highest price classification (Classification "G" in Size Group 3 and "H" in Size Group 4).

†Indicates no classification effective for these size groups.

[F. R. Doc. 42-11520; Filed, November 5, 1942; 11:33 a. m.]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

[Docket No. A-1677]

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 11 for establishment of price classifications and minimum prices for the Knox No. 5 Mine of the Knox Consolidated Coal Corporation.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having bene duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Knox No. 5 Mine of the Knox Consolidated Coal Corporation, Mine Index No. 1359, and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: October 27, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members*—Supplement R

Mine index No.	Code member	Mine	Seam	Sub-district	Freight origin group	Price group	Shipping point	Railroad
1359	Knox Consolidated Coal Corporation.	Knox No. 5	V	LS	63	9	Bicknell	Penna.

Mine Index No. 1359 shall be included in Price Group 9 and shall take the same f. o. b. mine prices as other mines in Price Group 9 in Minimum Price Schedule District No. 11, For All Shipments Except Truck. It shall also take the same adjustments in f. o. b. mine prices on account of differences in freight rates as other mines in Freight Origin Group 63 of the Linton-Sullivan Subdistrict having the same freight rate.

Mine Index No. 1359 shall be accorded the same prices for railroad locomotive fuel as shown in § 331.10 in Minimum Price Schedule, District No. 11, For All Shipments Except Truck as are shown for Mine Index Nos. 48 and 49.

Coal produced at Mine No. 5 (Mine Index No. 1359) of the Code member may be transported, at the expense of the Code Member, to Mine No. 2 (Mine Index No. 49) of the Code member at Bicknell, Indiana for processing, sizing and loading at and over the preparation facilities at such mine. Such coal may be processed, sized and loaded separately, or may be commingled and processed, sized and loaded with coal produced at Knox Mines Nos. 1 and 2 (Mine Index Nos. 48-49). In either instance such coal shall be considered as having been produced at Knox Mines Nos. 1 and 2 (Mine Index Nos. 48-49).

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group numbers																											
				1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
KNOX COUNTY																															
Knox Consolidated Coal Corporation	1359	Knox No. 5	5	255	250	245	235	230	225	185	190	180	175	155	145	90	60	190	185	190	180	180	170	140	165	155	115	170	160	120	145

[F. R. Doc. 42-11523; Filed, November 5, 1942; 11:34 a. m.]

[Docket No. A-1678]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 11 for the establishment of price classifications and minimum prices for coals produced in District No. 11.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain code members in District No. 11; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: October 29, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																											
				1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
CLAY COUNTY																															
Bolinger, Ike	1363	Bolinger Coal Co	5	255	250	245	235	230	225	185	190	180	175	155	145	90	60	--	--	--	--	--	--	--	--	--	--	--	--	--	--
CLAY-SULLIVAN COUNTIES																															
Burger, Homer & John (Homer Burger)	1361	Burger	5	255	250	245	235	230	225	185	190	175	170	140	130	75	45	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GREENE COUNTY																															
Clayton, Francis	1357	Hot Flash	5	255	250	245	235	230	225	185	190	180	175	155	145	90	60	--	--	--	--	--	--	--	--	--	--	--	--	--	--
McHenry, George	1345	McHenry	SB	280	265	260	250	245	240	210	210	190	180	160	150	85	55	--	--	--	--	--	--	--	--	--	--	--	--	--	--
PERRY COUNTY																															
Reed, Maurice	1364	Reed	5	255	250	245	235	230	225	185	190	180	175	155	145	90	60	--	--	--	--	--	--	--	--	--	--	--	--	--	--
SPENCER COUNTY																															
Christmas Coal Co	1358	Christmas Coal Co	5	255	250	245	235	230	225	185	190	180	175	155	145	90	60	--	--	--	--	--	--	--	--	--	--	--	--	--	--

[F. R. Doc. 42-11524; Filed, November 5, 1942; 11:34 a. m.]

[Docket No. A-1625]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 13 for the establishment of price classifications and minimum prices for certain District No. 13 coals.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 13, including rail prices for Drummond #3 Mine, Mine Index No. 640, operated by Ed Pledger, successor to Jim Manasco, Mine Index No. 626.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 333.6 (*General prices*) is amended by adding thereto Supplement R–I, § 333.7 (*Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*) is amended by adding thereto Supplement R–II, § 333.7 (*Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*) is amended by adding thereto Supplement R–III, § 333.24 (General prices) is amended by adding thereto Supplement R–IV, § 333.25 (*Special prices*—(b) *Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses*) is amended by adding thereto Supplement R–V, § 333.27 (*Prices for shipment by river (free alongside)* for all uses (*except for railway locomotive fuel*) *for delivery via the Tennessee River to f. a. s. consumers in the States of Tennessee and Alabama*) is amended by adding thereto Supplement R–VI, § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–I, and § 333.43 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the schedules attached are based upon the price classifications and minimum prices in effect on October 1, 1942 for comparable and analogous coals and already reflect the changes made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21.

Dated: October 23, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 *General prices*—Supplement R–I

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	JEFFERSON COUNTY, ALA.				
[1]1661	Harden & Abney (Walter D. Harden)	Lucky Strike	1	Pratt	50
[2]1662	Henderson, B. D. Coal Company (J. M. Henderson).	Henderson	1	Mary Lee	50
[3]1250	Moorer, Bert	Moorer	1	Harkness	10
	MARION COUNTY, ALA.				
[4]763	Butler, Clarence	Butler #1	1	Black Creek	60
[5]764	Butler, Clarence	Butler #2	1	Black Creek	60
	TUSCALOOSA COUNTY, ALA.				
[6]1539	Griffin, E. B. (E. B. Griffin Coal Co.)	Griffin	1	Milldale	44
[7]1578	Griffin, E. B. (E. B. Griffin Coal Co.)	Pumphrey No. 2	1	Carter	44
[7]1673	Griffin, E. B. (E. B. Griffin Coal Co.)	Wilbur House	1	Carter	44
[8]1674	Griffin, E. B. (E. B. Griffin Coal Co.)	Griffin No. 2	1	Brookwood	44

[1] Shipping Point: Brookside, Ala. Railroad: Sou. Ry. This mine shall have in Size Groups 1, 13 and 23, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 71 (Brookside-Pratt Mining Company, Blossburg "E" mine, Minimum Price Schedule).

[2] Shipping Point: Littleton, Ala. Railroad: Sou. Ry. This mine shall have in Size Groups 1 and 2, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 31 (Stith Coal Company, Aldridge Shaft mine, Minimum Price Schedule): and in Size Groups 7, 11, 13, 19, 20, 21, 22 and 23, on each such table, this mine shall have prices which are 10¢ less than those respectively listed in Size Groups 6, 10, 12, 14, 15, 16, 17 and 18 for said Mine Index No. 31.

[3] Shipping Point: McCombs, Ala. Railroad: C of G. This mine shall have in Size Group 13, on each respective price table, the same price as is listed for Mine Index No. 71 (Brookside-Pratt Mining Company, Blossburg "E" mine, Minimum Price Schedule).

[4] Shipping Point: Brilliant, Ala. Railroad: I. C. R. R. New shipping point, railroad and Freight Origin Group. Shipping point at Glen Allen, Ala., on the St. L.-S. F. in Freight Origin Group 101 shall no longer be applicable.

[5] Shipping Point: Brilliant, Ala. Railroad: I. C. R. R. This mine shall have in Size Groups 1, 2, 4, 6, 17 and 18, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 18 (Brilliant Coal Company, Brilliant mine, Minimum Price Schedule): and in Size Group 7, on each such table, this mine shall have a price which is 10¢ less than is listed in Size Group 6 for said Mine Index No. 18. New shipping point, railroad, and Freight Origin Group. Shipping point at Glen Allen, Ala., on the St. L.-S. F. in Freight Origin Group 101 shall no longer be applicable.

[6] Shipping Point: Brookwood, Ala. Railroad: L. & N. This mine shall have in Size Groups 19, 20 and 21, on each respective price table, the same price as is listed in Size Group 15 for Mine Index No. 17 (Southern Coal and Coke Company, Boothton mine, Minimum Price Schedule): and in Size Group 22, on each such table, this mine shall have the same price as is listed in Size Group 17 for said Mine Index No. 17. New shipping point, but without change in railroad or Freight Origin Group. Shipping point at North Ala. Junction, Ala., shall no longer be applicable.

Shipping Point: Brookwood, Ala. Railroad: L. & N. These mines shall have in Size Groups 1, 2 and 4, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 17 (Southern Coal and Coke Company, Boothton mine, Minimum Price Schedule): and in Size Group 7, on each such table, these mines shall have a price which is 10¢ less than is listed in Size Group 6 for said Mine Index No. 17: and in Size Groups 19, 20, 21, 22 and 23, on each such table, these mines shall have prices which are the same as those respectively listed in Size Groups 15, 15, 16, 17 and 18 for said Mine Index No. 17. These mines shall have in Size Group 13, on each respective price table, the same price as is listed thereon for Mine Index No. 9 (Black Diamond Mining Co., Blocton No. 9 mine, Minimum Price Schedule.

[8] Shipping Point: Brookwood, Ala. Railroad: L. & N. This mine shall have in Size Groups 13, 19, 20, 21, 22 and 23, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 40 (Twin Seam Mining Company, No. 5 Searles mine, Minimum Price Schedule).

§ 333.6 *General prices*—Supplement R–I—Continued

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	WALKER COUNTY, ALA.				
[9]1672	Alta Coal Co., Inc	Summit #2	1	Black Creek	80
[10]1667	Crenshaw, E. P	No. 15	1	Mary Lee	80
[11]1663	Jackson & Nix (Lewis D. Jackson)	Jackson & Nix	1	#7 (Mary Lee)	110
[12]640	Pledger, Ed	Drummond #3	1	Black Creek	80
[13]1660	Keithley, M. C	Keithley	1	Mary Lee	50
[14]1666	Pruden, L. G	Pruden Mine	1	Mary Lee	50

[9] Shipping Point: Sumiton, Ala. Railroad: St. L.-S. F. This mine shall have in Size Groups 1, 2, 4, 6, 8, 10, 17, 18 and 26, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 22 (DeBardeleben Coal Corporation, Empire mine, Minimum Price Schedule).

[10] Shipping Point: Dora, Ala. Railroad: St. L.-S. F. This mine shall have in Size Group 13, on each respective price table, a price which is 10¢ less than is listed in Size Group 12 for Mine Index No. 31 (Stith Coal Company, Aldridge Shaft mine, Minimum Price Schedule).

[11] Shipping Point: Nauvoo, Ala. Railroad: Sou. Ry. This mine shall have in Size Groups 1 and 2, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 31 (Stith Coal Company, Aldridge Shaft mine, Minimum Price Schedule): and in Size Groups 7, 13, 19, 22 and 23, on each such table, this mine shall have prices which are 10¢ less than those respectively listed in Size Groups 6, 12, 14, 17 and 18 for said Mine Index No. 31.

[12] Shipping Point: Rosemary, Ala. Railroad: St. L.-S. F. This mine shall have in Size Groups 1, 2, 4 and 6, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 22 (De Bardeleben Coal Corporation, Empire mine, Minimum Price Schedule): and in Size Group 7, on each such table, this mine shall have a price which is 10¢ less than is listed in Size Group 6 for said Mine Index No. 22: and in Size Groups 17 and 18, on each such table, this mine shall have the same prices as are listed in those respective size groups for said Mine Index No. 22: and in Size Group 26, on each such table, this mine shall have the same price as is listed thereon for said Mine Index No. 22. This mine shall have in Size Group 12, on each respective price table, a price which is 20¢ higher than is listed in Size Group 13 for Mine Index No. 14 (Galloway Coal Company, Hope mine, Minimum Price Schedule): and in Size Group 13, on each such table, this mine shall have a price which is 10¢ higher than is listed thereon for said Mine Index No. 14: and in Size Group 20, on each such table, this mine shall have the same price as is listed in Size Group 13 for said Mine Index No. 14. This mine shall have in Size Group 15, on each respective price table, a price which is 15¢ higher than is listed in Size Group 15 for Mine Index No. 11 (Hills Creek Coal Co., Hills Creek mine, Minimum Price Schedule).

[13] Shipping Point: Burnwell, Ala. Railroad: Sou. Ry. This mine shall have in Size Group 1, on each respective price table, the same price as is listed thereon for Mine Index No. 31 (Stith Coal Company, Aldridge Shaft mine, Minimum Price Schedule): and in Size Groups 13, 22 and 23, on each such table, this mine shall have prices which are 10¢ less than those respectively listed in Size Groups 12, 17 and 18 for said Mine Index No. 31.

[14] Shipping Point: Burnwell, Ala. Railroad: Sou. Ry. This mine shall have in Size Group 1, on each respective price table, the same price shown thereon for Mine Index No. 31 (Stith Coal Company, Aldridge Shaft mine, Minimum Price Schedule): and in Size Groups 7, 13, 21, 22 and 23, on each such table, this mine shall have prices which are 10¢ less than those respectively listed in Size Groups 6, 12, 16, 17 and 18 for said Mine Index No. 31. This mine shall have in Size Group 9, on each respective price table, a price which is 10¢ less than is listed in Size Group 8 for Mine Index No. 33 (Galloway Coal Company, Holly Grove mine, Minimum Price Schedule).

§ 333.7 *Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*—Supplement R–II

[Prices f. o. b. mines for shipment to all railroads and for exclusive use of railroads. The following prices apply on coal for use in railroad locomotives and powerhouse plants. For station heating, use in dining cars, or other uses than stated above, commercial prices as listed in other sections of this price schedule shall apply]

For all mines in Sub-District No. 1. For all sizes customarily furnished railroads for locomotive fuel.

Mine index No.	Central [1] of Georgia	Seaboard [1] Air Line Railway	St. Louis and San Francisco Railroad for consignment west of the Mississippi River	St. Louis and San Francisco Railroad for consignment east of the Mississippi River	A. B. & C. Railroad	All other railroads not specifically shown
1250	273	----------	230	250	----------	250
640, 1578, 1660, 1661, 1662, 1663, 1666, 1672, 1673, 1674	250	250	230	250	----------	250

[1] Prices listed for Central of Georgia and Seaboard Air Line Railways shall also apply to controlled subsidiaries whose purchases of coal are directly made by the controlling system.

§ 333.7 *Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R–III

[Sub-District No. 1. Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions]

Mine index No.	Size groups and prices applicable for steamship vessel fuel			
	Mine Group	14, 15, 16, 17, 18	12	13
640, 1672	Black Creek	315	315	----------
1539, 1578, 1673	Cahaba	300	----------	300
1661	Pratt	305	305	300
1660, 1662, 1666	Carbon Hill Big Seam	275	----------	----------

§ 333.24 *General prices*—Supplement R–IV

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel, and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	GRUNDY COUNTY, TENN.				
1679	Henderson, A. L	Nyack #2	3	Sewanee	140
1680	Henderson, A. L	Jakes Gulch	3	Sewanee	140

Shipping Point: Palmer, Tenn. Railroad: N. C. & St. L. On each respective price table, each of the above mines shall have in each size group the same respective price as is shown for Mine Index No. 94 (Sewanee Fuel & Iron Co. of Tennessee, Nyack mine, Minimum Price Schedule).

§ 333.25 *Special prices*—(b) *Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses*—Supplement R–V

[Subdistrict No. 3. Prices f. o. b. mines for shipment to all railroads for locomotive fuel, station heating, power plants and other uses]

For mines in subdistrict No. 3	Size	Price
Mine index number: 1679–1680	For all sizes except screenings	250
	Screenings with top size not more than 2"	245

§ 333.27 *Prices for shipment by river (free alongside) for all uses (except for railway locomotive fuel) for delivery via the Tennessee River to F. A. S. consumers in the States of Tennessee and Alabama*—Supplement R–VI

Code member index	Mine	Mine index No.	County	Seam	Lump: over 2"; egg: top size over 5"	Egg: top size 5" and under, bot. size 2" and under	Lump: 2" and under	Nut: top size 2" and under, bot. size 1" and under	Stoker: top size 1½" and under, bot. size ½" and under	Stoker: top size ¾" and under, bot. size ⅜" and under	Straight and modified M/R	Resultants: 5" and under	Resultants: 4" and under	Screenings: 2" and under	Screenings: 1½" and under	Screenings: 1¼" and under	Screenings: ¾" and under	Screenings: ⅜" and under	Industrial coal
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TENNESSEE-GEORGIA																			
Subdistrict 5																			
Chapman, H. J	Chapman	1594	Dade	Etna	345	345	335	290	280	275	265	265	265	255	255	245	235	205	290
McNeece, V. M	McNeece #2	1658	Marion	Sewanee	345	345	335	290	280	275	265	265	265	235	235	235	230	195	290

FOR TRUCK SHIPMENTS

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I

Code member index	Mine	Mine index No.	Subdistrict	Seam	Lump: Over 2"; Egg: Top size over 6"	Egg: Top size 6" and under	Lump: 2" and under	Nut: Top size 3" and under, bottom size over ½"		Chestnut: Top size 3" and under, bottom size ½" and under		Chestnut: Top size 1½" and under, bottom size ½" and under		Run of mine modified R/M	Resultants: 3" and under		Screenings: 1½" and under		Industrial coal
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	24-25-26
ALABAMA																			
JEFFERSON COUNTY																			
Harden & Abney (Walter D. Harden)	Lucky Strike	1661	2	Pratt	355	355	355	350	340	340	325	335	320	295	300	280	295	270	295
Henderson, B. D. Coal Company (J. M. Henderson).	Henderson	1662	2	Mary Lee	305	305	305	325	305	310	290	300	280	255	265	230	260	210	255
MARION COUNTY																			
Holt, A. F	Black Pearl #3	1675	2	Black Creek	415	415	390	365	345	345	335	340	330	320	305	295	295	255	320
TUSCALOOSA COUNTY																			
Griffin, E. B. (E. B. Griffin Coal Co.)	Griffin #2	1674	2	Brookwood	305	305	305	325	305	310	290	300	280	255	265	230	260	210	255
Griffin, E. B. (E. B. Griffin Coal Co.)	Wilbur House	1673	2	Carter	385	385	370	375	355	340	330	325	315	315	305	295	295	280	315
WALKER COUNTY																			
Alta Coal Co., Inc	Summit #2	1672	2	Black Creek	440	440	--------	380	--------	345	--------	345	--------	--------	320	--------	310	--------	340
Crenshaw, E. P	No. 15	1667	2	Mary Lee	305	305	305	325	305	310	290	300	280	255	265	230	260	210	255
Jackson & Nix (Lewis D. Jackson)	Jackson & Nix	1663	2	#7 (Mary Lee)	305	305	305	325	305	310	290	300	280	255	265	230	260	210	255
Keithley, M. C	Keithley	1660	2	Mary Lee	305	305	305	325	305	310	290	300	280	255	265	230	260	210	255
Davis, J. W	Hayes	1656	2	Black Creek	415	415	390	365	345	345	335	340	330	320	305	295	295	255	320
Pruden, L. G	Pruden Mine	1666	2	Mary Lee	305	305	305	325	305	310	290	300	280	255	265	230	260	210	255

§ 333.43 *General prices in cents per net ton for shipment into all market areas*—Supplement T–II

Code member index	Mine	Mine index No.	Subdistrict	Seam	Lump: over 2″; egg: top size over 5″	Egg: top size 5″ and under; bot. size 2″ and under	Lump: 2″ and under	Nut: top size 2″ and under; bot. size 1″ and under	Stoker: top size 1½″ and under; bot. size ½″ and under	Stoker: top size ¾″ and under; bot. size ⅜″ and under	Straight and modified M/R	Resultants: 5″ and under	Resultants: 4″ and under	Screenings: 2″ and under	Screenings: 1½″ and under	Screenings: 1¼″ and under	Screenings: ¾″ and under	Screenings: ⅜″ and under	Industrial coal
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TENNESSEE-GEORGIA																			
GRUNDY COUNTY, TENN.																			
Henderson, A. L	Jakes Gulch	1680	4	Sewanee	345	345	335	290	280	275	265	265	265	235	235	235	230	195	290
Henderson, A. L	Nyack #2	1679	4	Sewanee	345	345	335	290	280	275	265	265	265	235	235	235	230	195	290
MARION COUNTY, TENN.																			
McNeece, V. M	McNeece #2	1658	4	Sewanee	345	345	335	290	280	275	265	265	265	235	235	235	230	195	290

[F. R. Doc. 42–11522; Filed, November 5, 1942; 11:34 a. m.]

[Docket No. A–1657]

PART 338—MINIMUM PRICE SCHEDULE, DISTRICT NO. 18

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 18 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 18.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 18; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 338.2 (*Code member price index*) is amended by adding thereto Supplement T–I, and § 338.21 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the attached schedule marked Supplement T–I and T–II are based upon the price classifications and minimum prices in effect on October 1, 1942 for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached schedule do not differ, except in this regard, from the minimum prices proposed by petitioner.

Petitioner requests the establishment of a minimum price of $2.35 per ton for the coals of the Llaves Mine (Mine Index No. 173) in Size Group 16 (railroad fuel) for shipment by truck, and by a footnote limits the proposed price to apply only to coals 8″ x 0 in size. However, no minimum prices have heretofore been established for the coals in Size Group 16, produced from other mines in Subdistrict 4 of District No. 18, for shipment by truck, nor does the original petition in this matter contain facts sufficient to warrant the establishment of the minimum price requested therein for the coals of the Llaves Mine in that size group. Accordingly, since no clear showing has been made that the granting of such relief is necessary, no minimum price is established herein for the coals of Llaves Mine in Size Group 16.

Dated: October 29, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 18

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 338, Minimum Price Schedule for District No. 18, and supplements thereto.

FOR TRUCK SHIPMENTS

The following price classification and minimum prices shall be inserted in Minimum Price Schedule for Distrct No. 18:

§ 338.2 *Code member price index*—Supplement T–I. Insert the following listing in proper alphabetical order:

Producer	Mine	Mine Index No.	County	Subdistrict Price Group	Prices	
					Rail	Truck
Kern, Lloyd H	Llaves	173	Rio Arriba, M. Nex	4		§ 338. 21
Morgan, Billy	Na-Disk-Kish	172	McKinley, N. Mex	1		§ 338. 21

FOR TRUCK SHIPMENTS

§ 338.21 *General prices in cents per net ton for shipment into all market areas*—Supplement T–II

Insert the following code member names, mine names and counties under Subdistricts Nos. 1 and 4, respectively, in proper alphabetical order, and the following prices for transportation via truck:

Code member mine	County	Size groups							
		1	2	4	6	8	11	12	15
Subdistrict No. 4, Kern, Lloyd H., Llaves.	Rio Arriba, N. Mex	465	415				175		265
Subdistrict No. 1, Morgan, Billy Na-Disk-Kish.	McKinley, N. Mex	465	440	415	365	315	205	185	340

[F. R. Doc. 42–11521; Filed, November 5, 1942; 11:34 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 997—PRODUCTION AND DELIVERY OF MACHINE TOOLS

[Amendment 3 to General Preference Order E–1–b]

Paragraph (c) of *General Preference Order E–1–b*[1] (§ 997.2) is hereby amended to read as follows:

(c) *Production and delivery of machine tools during November 1942 and until further notice.* Notwithstanding any other provisions of this order, each producer shall schedule 75 percent of his production and delivery of each size of each type of machine tool during the balance of the calendar month of November 1942 and each month thereafter as follows, until further notice:

(1) Each producer forthwith shall divide into two types all purchase orders placed by each of the seven groups of Service purchasers (Bureau of Ships, Bureau of Ordnance, Ordnance Department, Air Services, Miscellaneous Bureaus and Branches, Maritime Commission, and Signal Corps) which specify as the required delivery date the month being scheduled or a previous month, such types being designated as Type 1 orders and Type 2 orders. The "required delivery date" is the date specified on the endorsement accompanying the purchase order, as changed by any subsequent instruction given on Form WPB–27, Form WPB–1588, or otherwise, by the War Production Board, or by any postponement thereof by the purchaser.

Type 1 orders shall include the following:

(i) Any purchase order for delivery to any Service Purchaser in the "Air Services" group (called "Air Forces" in Exhibits A and B to General Preference Order E–1–b). "Air Services" includes the Army Air Forces, the Navy Bureau of Aeronautics, their respective prime contractors and subcontractors, and the U. S. Corps of Engineers with respect to purchases made for the account of the Army Air Forces; and in addition thereto,

(ii) Any purchase order for delivery to any prime contractor listed on the preferred customers list (Exhibit C attached to this order) or any subcontractor of such a prime contractor. No purchase order from a prime contractor on the preferred customers list, or from his subcontractors, shall be classed as a Type 1 order, however, unless the endorsement required by paragraph (b) of this order to be placed by such purchaser on his purchase order, or the preference rating certificate itself if transferred to the producer, shows that the machine tool ordered is for use on the prime contract specified opposite the prime contractor's name on such Preferred Customers List.

Type 2 orders shall include all other purchase orders placed by Service purchasers which do not fall in Type 1 orders.

(2) The producer shall total all Type 1 orders from Service purchasers for the size and type of tool being scheduled, which specify as the required delivery date the month being scheduled or a previous month. Where 75 percent of the production of the size and type of tool being scheduled for delivery in any month is greater than the total Type 1 orders received from all Service purchaser groups specifying that month or a previous month as the required delivery date, all such Type 1 orders shall be scheduled for delivery in that month regardless of the effect on any Type 2 orders. The residue of such 75 percent shall be scheduled for delivery against Type 2 orders from the remaining Service purchaser groups in accordance with the percentage quotas established by Exhibit A to this order, the "Air Services" quota becoming an unabsorbed quota distributable in accordance with paragraph (e) (5) of this order.

(3) Where 75 percent of the production of the size and type of tool being scheduled for delivery in any month is less than the total Type 1 orders received from all Service purchaser groups specifying that month or a previous month as the required delivery date, no Type 2 orders shall be scheduled for delivery in that month. Where the Type 1 orders in such case are from more than one Service purchaser group, the distribution of such 75 percent of production between the Type 1 orders from such groups shall be determined as follows: The percentage which 75 percent of the production for that month constitutes of the total Type 1 orders from all such Service purchaser groups shall be determined. Such percentage shall then be applied to the number of such Type 1 orders from each Service purchaser group involved, and the resultant number of Type 1 orders shall accordingly be scheduled for delivery to such group. The particular Type 1 orders to be scheduled for each such Service purchaser group and the sequence of their delivery shall be determined by the Numerical Master Preference List, as amended by Revision No. 4 and corrections and additions thereto, the operation of which is set forth in paragraph (i) of this order.

(4) 25 percent of each producer's production for each month of each size of each type of tool shall continue to be scheduled for delivery to foreign purchasers and other purchasers in accordance with the other provisions of this order.

(5) Immediately upon scheduling machines for delivery in accordance with paragraphs (c) (2), (c) (3), and (c) (4) of this order, each producer shall notify all purchasers of the new scheduled delivery dates which fall within the period ending February 28, 1943.

(6) Notwithstanding the provisions of this paragraph (c), the War Production Board from time to time may issue specific scheduling instructions to any producer.

(7) The four months rule established by paragraphs (d) (4) and (e) (5) of this order, and the thirty and sixty day "frozen" periods established by paragraph (l) of this order, shall not be applied to Type 1 orders. All Type 1 orders on hand on November 5, 1942 or received in the future shall immediately be scheduled for delivery on their

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[1] 7 F.R. 3231, 3660, 4615, 5903, 6212, 6383, 7170.

required delivery dates or as soon thereafter as posible without retarding production. All Type 2 orders remain subject to the terms of this General Preference Order E–1–b except as the delivery dates on such orders may be extended by the rescheduling of Type 1 orders in accordance with this paragraph (c).

(8) All other provisions of this General Preference Order E–1–b not modified by this paragraph (c) shall remain in full force and effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of November 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42–11543; Filed, November 5, 1942; 3:05 p. m.]

Part 1075—Construction

[Interpretation 1 of Supplementary Conservation Order L–41–b, as Amended October 2, 1942]

The following official interpretation is hereby issued by the Director General for Operations with respect to § 1075.3, *Supplementary Conservation Order L–41–b,*[1] as amended October 2, 1942.

Paragraph (b) of the order is not applicable to the application of siding or roofing to the exterior of a building whether or not such siding or roofing has insulating qualities.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of November 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42–11580; Filed, November 6, 1942; 11:44 a. m.]

Part 1075—Construction

[Interpretation 2 of Conservation Order L–41, as Amended September 2, 1942]

The following official interpretation is hereby issued by the Director General for Operations with respect to § 1075.1, *Conservation Order L–41,*[2] as amended September 2, 1942:

(a) "Construction," as defined in paragraph (a) (2), includes the laying of asphalt tile, linotile, cork tile, rubber tile, and linoleum, if the same is cemented to or in any way is affixed to the construction.

(b) The application of siding or roofing is "construction," as the word is used in paragraph (a) (2), where such siding or roofing is applied to a portion of a building or structure which is not in need of "repair," as the word is used in paragraph (a) (11).

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of November 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42–11579; Filed, November 6, 1942; 11:44 a. m.]

Part 1133—Molybdenum

[Supplementary Order M–110–a]

§ 1133.2 *Supplementary Order M–110–a*—(a) *Small deliveries.* Notwithstanding any provision of General Preference Order No. M–110 as amended, any person who has not applied for an allocation of molybdenum for any calendar month may accept deliveries of molybdenum in quantities not exceeding a total of 500 pounds (contained molybdenum) from all sources of supply in such month, and any person may make such deliveries: *Provided,* such molybdenum is not to be used in the production of wire, rods, sheets or metallic powder or used in the fullfillment of orders to which a preference rating lower than A–1–J shall have been assigned: *And provided further,* That the purchaser has filed Form PD–359 on or before the 20th day of the preceding month. No person shall be required to file Form PD–358 or PD–360 or obtain any allocation or special authorization from the Director General for Operations in order to receive the deliveries permitted by this Supplementary Order.

(b) *Melting.* Notwithstanding the restrictions of paragraph (c) (3) of General Preference Order No. M–110 as amended, any person, other than a producer of iron or steel products as defined in Supplementary Order M–21–a, may melt not to exceed 500 pounds of contained molybdenum in any calendar month.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of November 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42–11581; Filed, November 6, 1942; 11:45 a. m.]

Part 1193—Bag Osnaburg and Bag Sheetings

[Amendment 2 to Limitation Order L–99]

Paragraph (e) (1) of § 1193.1 *Limitation Order L–99*[1] is hereby amended by adding thereto the following:

* * * *Provided, however,* That notwithstanding the provisions of paragraph (h), 50% of all looms operating on outing flannels on February 28, 1942 which are required by this subparagraph (1) to be converted to the manufacture of bag sheetings (excluding the number of such looms as, by reason of an appropriate appeal are allowed to remain unconverted to bag sheetings as of November 6, 1942) shall, after November 6, 1942 and prior to January 6, 1943, be converted back to the manufacture of outing flannels: *And provided further,* That 50% of such looms as, by reason of an appropriate appeal, are allowed to remain unconverted to bag sheetings as of November 6, 1942, shall, upon the expiration of the authorization allowing such looms to remain unconverted to bag sheetings, remain on the manufacture of outing flannels, or, in case such looms are not then on the manufacture of outing flannels, be converted to the manufacture of outing flannels within 60 days of the date of such expiration.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of November, 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42–11582; Filed, November 6, 1942; 11:44 a. m.]

Part 1215—Feminine Lingerie and Certain Other Garments

[Amendment 2 to General Limitation Order L–116]

Section 1215.1 *General Limitation Order L–116,*[1] the caption of paragraph (f) and of paragraph (f) (4), the introductory clause of paragraph (f), and paragraphs (f) (4) (i) and (f) (4) (iii) are amended to read as follows:

(f) *Curtailments on feminine lingerie.* No person shall, on or after May 11, 1942, put into process, or cause to be put into process by others for his account, any cloth for the manufacture of, or sell, or deliver any:

* * * * *

(4) Sleeping pajamas, as follows:

(i) With a separate or attached jacket, robe, sacque, negligee, hood, cap, mittens, belt, feet, or shoes at one unit price, except that, on or after November 6, 1942, one-piece pajamas may be made with attached feet in children's sizes (3, 4, 5, 6, 6X) and girls' sizes 7 and 8 only.

* * * * *

(iii) With trousers exceeding measurements of Schedule C attached hereto, except, on or after November 6, 1942, one-piece pajamas with feet in children's sizes (3, 4, 5, 6, 6X) and girls' sizes 7 and 8 only.

* * * * *

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of November 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42–11583; Filed, November 6, 1942; 11:44 a. m.]

Part 1294—Phosphate Plasticizers

[General Preference Order M–183, as Amended November 6, 1942]

Section 1294.1 *General Preference Order M–183* is hereby amended to read as follows:

§ 1294.1 *General Preference Order M–183*—(a) *Definitions.* For the purpose of this order:

(1) "Phosphate plasticizers" means tricresyl phosphate and triphenyl phosphate in any form and from whatever source derived.

(2) "Producer" means any person engaged in the production of phosphate plasticizers and includes any person who has such phosphate plasticizers produced for him pursuant to toll agreement.

(3) "Distributor" means any purchaser of phosphate plasticizers for purpose of resale.

(b) *Restrictions on use and delivery of phosphate plasticizers.* No person shall use, deliver or accept delivery of phosphate plasticizers except as specifically authorized by the Director General for Operations upon application pursuant to paragraph (c) hereof; provided, however, that no such specific authorization shall be required with respect to:

(1) The use or acceptance of delivery by any person during any one calendar month of one hundred (100) pounds or less of phosphate plasticizers;

(2) The delivery by any producer or distributor of one hundred (100) pounds or less of phosphate plasticizers to any one person during any one calendar month (which may be made without regard to preference ratings), provided that the aggregate amount of such deliveries by any producer or distributor during any one calendar month shall not exceed two percent (2%) of the deliveries which he is specifically authorized to make during such month.

(c) *Applications and reports.* (1) Each person (including producers and distributors) seeking authorization to use or accept delivery of phosphate plasticizers during any calendar month shall file application on or before the 15th day of the month preceding the month for which authorization for use or delivery is requested. Such application shall be made on the form PD–600, except as provided in paragraph (c) (3), in the manner prescribed therein, subject to the following instructions for the purpose of this order:

(i) Copies of Form PD–600 may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which one shall be forwarded to supplier and three certified copies to the War Production Board, Chemicals Branch, Washington, D. C. Ref: M–183. Only four copies need be prepared where supplier is "own stocks." A separate set shall be made up for each supplier from whom delivery is requested (except that where application is made for acceptance of delivery of any quantity from a supplier, it is not necessary to file a separate set listing "own stocks" as supplier). Also, separate sets shall be made for each different phosphate plasticizer sought.

(iii) In the heading, under the name of chemical, specify tricresyl or triphenyl phosphate (but not both); under War Production Board Order, Specify M–183; under name of company, specify name and mailing address, and specify delivery destination, supplier and shipping point; under unit of measure, specify pounds; and specify the month and year for which authorization for use or acceptance of delivery is sought.

(iv) Leave Column 1 blank.

(v) In Columns 3, 20 and 22, specify primary product in terms of the following:

Army cable insulation.
Navy cable insulation.
Other wire coatings.
Textile coatings.
Airplane dope.
Army cable lacquer.
Navy cable lacquer.
Other wire lacquers.
Other lacquers.
Paper coatings.
Molding compounds.
Photographic film.
Chemical resistant coatings.
Oil additive.
Motor fuel additive.
Inks.
Adhesives.
Artificial leather.
Rubber (natural or synthetic).
Sheet plastic.
Lubricants.
Miscellaneous (specify).
Inventory.
Export (as phosphate plasticizer; specify contract, country and whether Lend-Lease).
Resale (as phosphate plasticizer, upon further authorization).

Phosphate plasticizers allocated for inventory shall not be used except as specifically directed by the Director General for Operations, or to fill orders authorized by the Director General for Operations pending arrival of the phosphate plasticizers allocated to fill such orders, provided that upon arrival of such plasticizers the allocated inventory is restored.

(vi) In column 4 describe the use or end product, such as windshield glass, raincoats, tank cable, and the like. Opposite "Miscellaneous" in column 3 show in column 4 the groupings, insofar as possible, of the more important miscellaneous primary products.

(vii) In columns 11 and 19 list tricresyl phosphate and triphenyl phosphate separately and fill in the other columns of tables II and III accordingly.

(viii) Subject to the above instructions fill in all tables and columns of the form as prescribed therein, leaving only columns 1, 9 and 10 blank.

(2) Each producer and distributor seeking authorization to make delivery of phosphate plasticizers during any calendar month shall file application on or before the 24th day of the month preceding the month for which authorization is requested. Such application shall be made on Form PD–601 in the manner prescribed therein, subject to the following instructions for the purpose of this order:

(i) Copies of Form PD–601 may be obtained at local field offices of the War Production Board.

(ii) Prepare 4 copies and forward 3 certified copies to the War Production Board, Chemicals Branch, Washington, D. C. Ref: M–183; Separate sets of forms shall be filed for tricresyl phosphate and triphenyl phosphate.

(iii) Suppliers who have filed application on Form PD–600 specifying themselves as supplier, shall list their own names as customers on Form PD–601 and shall list their request for allocation in the manner prescribed for other customers.

(iv) In the heading, under name of chemical, specify tricresyl or triphenyl phosphate (but not both); under War Production Board Order, specify M–183; under name of company, specify name and mailing address; give address of plant or warehouse; check whether producer or distributor; under unit of measure, specify pounds; and state the month and year during which deliveries covered by the application are to be made.

(v) Leave columns 3 and 8 blank.

(vi) In column 5 specify proposed deliveries, delivery dates, and shipping container (drums or tank cars).

(vii) No statement need be made with respect to deliveries which may be made during the next month pursuant to paragraph (b) (2) of this order.

(viii) If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

(ix) Fill in all columns in Tables I and II, except columns 3, 6, 7 and 8.

(3) Application for authorization under this order by the United States Army, Navy, Coast Guard, Maritime Commission and War Shipping Administration may be made in any manner.

(4) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any such person with respect to preparing and filing Forms PD–600 and 601.

(d) *Notification of customers.* Producers and distributors of phosphate plasticizers shall, as soon as practicable, notify each of their regular customers of the requirements of this order as amended, but failure to receive such notice shall not excuse any such person from complying with the terms hereof.

(e) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time with the exception of Priorities Regulation No. 13, which shall be subject to this order to the extent that it is inconsistent herewith.

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[1] 7 F.R. 7830.

[2] 7 F.R. 6958, 7077.

[1] 7 F.R. 2743, 4327.

[1] 7 F.R. 3475, 4851.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C., Ref.:M–183.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11584; Filed, November 6, 1942; 11:45 a. m.]

PART 3046—LOW PRESSURE CAST IRON BOILERS

[Limitation Order L–187]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3046.1 *General Limitation Order L–187*—(a) *Definitions.* For the purposes of this order:

(1) "Low pressure cast iron boiler" means any boiler designed for the purpose of heating water so as to provide heat for the interior of a building by means of circulating steam or hot water, which boiler:

(i) Operates at a maximum working pressure not exceeding fifteen pounds per square inch of steam pressure or thirty pounds per square inch of water pressure, and

(ii) Is composed preponderantly of cast iron.

(2) "Parts" includes all materials used as repair parts for low pressure cast iron boilers.

(3) "Military low pressure cast iron boiler" means any low pressure cast iron boiler which is manufactured for delivery to or for the account of the Army, Navy, War Shipping Administration or the Maritime Commission of the United States or the Defense Plant Corporation.

(b) *Restrictions.* On and after the 16th day of November 1942, no person shall manufacture any low pressure cast iron boiler built to use exclusively gas or exclusively oil as a fuel, and no person shall manufacture any other low pressure cast iron boiler except to fulfill a specific contract or subcontract for delivery:

(1) Of a military low pressure cast iron boiler upon specific authorization of the Director General for Operations after written application has been made on Form PD–704;

(2) For use in a hospital constructed, to be constructed or under construction, upon specific authorization of the Director General for Operations after written application has been made on Form PD–704.

(c) *Replacement parts.* Nothing in this order shall restrict the production of any repair or replacement parts for any cast iron boiler.

(d) *Avoidance of excessive inventories.* No person shall accumulate, for use in the manufacture of low pressure cast iron boilers, inventories of any materials (whether raw, semi-processed or processed) in the excess of the minimum amounts necessary to maintain production at the rates permitted by this order.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(f) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Reports.* All persons affected by this order shall execute and file with the War Production Board on or before the tenth day of each calendar month a report on Form PD–639, and shall keep a copy of such monthly report in their own files for a period not less than two years.

(h) *Violations and false statements.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may apply for relief by addressing a letter to the War Production Board, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(j) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(k) *Applicability of other orders.* Insofar as any other order issued by the Director General for Operations, or to be issued by him hereafter, limits the use of any material to a greater extent than the limitations imposed by this order, the restriction of such other order shall govern unless otherwise specified therein.

(l) *Communications.* All reports, to be filed, appeals and other communications concerning this order, shall be addressed to the War Production Board, Plumbing and Heating Branch, Washington, D. C., Ref: L–187.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11576; Filed, November 6, 1942; 11:45 a. m.]

PART 3116—DOUGLAS FIR LUMBER

[Amendment 2 to Limitation Order L–218]

Subparagraph (1) of paragraph (a) of § 3116.1 *Limitation Order No. L–218*[1] is hereby amended to read as follows:

(1) "Douglas fir lumber" means any sawed lumber (except shingles or lath) of any size or grade, whether rough, dressed on one or more sides or edges, dressed and matched, shiplapped, worked to pattern, or grooved for splines, of the species of *Pseudotsuga taxifolia*, produced from timber located in those parts of Oregon and Washington lying west of the crest of the Cascade Mountain Range, but not including No. 3 boards, No. 3 dimension or No. 3 timbers, or any grade of factory or shop lumber, and not including plywood, veneer or used lumber.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11577; Filed, November 6, 1942; 11:44 a. m.]

PART 3132—PROCESSORS OF METAL SCRAP

[Preference Rating Order P–136]

For the purpose of facilitating the acquisition of material for operating supplies and for the maintenance and repair of equipment used by recognized processors for the sole purpose of locating, processing or transporting metal scrap (up to its delivery at point of shipment to ultimate consumer), and to promote

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[1] 7 F.R. 8549, 8795.

the national defense, preference ratings are hereby assigned to deliveries of such materials on the terms and within the limitations hereinafter set forth.

§ 3132.1 *Preference Rating Order P–136*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Processor" means any person operating an automobile graveyard or scrap yard physically situated within the limits of the United States who has been certified to by the Automobile Graveyard Section of the Conservation Division of the War Production Board as being experienced in the metal scrap trade and cooperative in expediting the movement of metal scrap to consumers.

(3) "Material" means any commodities, equipment, accessories, parts assemblies, or products of any kind.

(4) "Maintenance" means upkeep necessary to continue the working condition of essential operating equipment used by a processor at its then current rate of production.

(5) "Repair" means the restoration of equipment used by a processor to a sound working condition after wear and tear, damage, destruction or failure of parts, or the like, have made such equipment unfit or unsafe for service.

(6) "Operating supplies" means any material which is essential to the operation of equipment used by a processor and which is generally carried as processor's stores and charged to operating expense accounts.

(7) "Supplier" means any person with whom a rated purchase order or contract has been placed by a processor or by another supplier for material:

(i) Directly required by a processor for maintenance, repair, or operating supplies, or

(ii) To be physically incorporated in other material so required by a processor.

(b) *Assignment of preference ratings.* Subject to the terms of this order, the following preference ratings are hereby assigned, but nothing herein contained shall prevent the use of any other or higher rating to which any person may be entitled by reason of any other preference rating certificate or order:

(1) AA–2x to deliveries to a processor of material for repair of equipment used for any of the purposes set forth in the first paragraph of this order, when and only when there has been an actual breakdown or suspension of operations because of damage, wear and tear, destruction or failure of parts, or the like, and the essential repair parts are not otherwise available.

(2) AA–3 to deliveries to a processor of repair material, described in paragraph (b) (1), up to the minimum required to make reasonable advance provision to avert an actual breakdown of existing facilities or suspension.

(3) A–1–a to deliveries to a processor of material for other repairs to, for maintenance of, and for operating supplies for, equipment used for any one of the purposes set forth in the first paragraph of this order. The A–1–a rating assigned by this paragraph (b) (3) shall not be applied in any calendar quarter to material in excess of a total dollar value of $500.00 (including materials delivered under the provisions of paragraphs (b) (1) and (2) above), unless a specific authorization is obtained in advance from the Director General for Operations.

(c) *Persons entitled to apply preference ratings.* The preference rating hereby assigned may, in the manner and to the extent hereby authorized, be applied by:

(1) A processor;

(2) Any supplier of material to the delivery of which a preference rating has been applied as provided in paragraph (d).

(d) *Application of preference rating.* (1) No processor shall apply any preference rating assigned by paragraph (b) until:

(i) He shall have filed with the Automobile Graveyard Section, Conservation Division, War Production Board, a statement in the form prescribed by the Director General for Operations, setting forth amounts of raw material used for repair, maintenance and operating supplies for the preceding calendar quarter, inventories of such material at the beginning and end of such period, and an estimate of requirements of such materials for the current quarter, and further stating that he accepts the terms and conditions of this order.

(ii) He shall have received from the Automobile Graveyard Section, Conservation Division, War Production Board, a serial number which shall thereafter be endorsed on all purchase orders or contracts for material by him or for his account which are rated pursuant to this order.

(2) The preference ratings herein granted shall be applied and extended pursuant to the provisions of Priorities Regulation No. 3 (§ 944.23).

(3) Each processor shall immediately file with the nearest District Office of the War Production Board a copy of each purchase order or contract covering any materials to which an AA–2X or an AA–3 rating has been assigned under paragraph (b) (1) or (b) (2) of this order.

(e) *Restrictions on use of rating.* (1) Restrictions on processor. No processor may apply any rating hereby assigned to obtain delivery of material on earlier dates than required for the operation, maintenance or repair of its equipment.

(2) Restrictions on supplier. (i) No supplier may apply the rating to obtain material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or, within the limitations of (ii) below, to replace in his inventory material so delivered. He shall not be deemed to require such material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if, in making such delivery, he reduced his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(ii) A supplier who supplies material which he has not in whole or in part manufactured, processed, assembled or otherwise physically changed may defer applications of the rating hereunder to purchase orders or contracts for such material to be placed by him until he can place a purchase order or contract for the minimum quantity procurable on his customary terms; provided, that he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(f) *Restrictions of inventory.* (1) A processor shall not, during any calendar quarter, accept, and a supplier shall not knowingly make to a processor, deliveries (whether or not rated pursuant to this order) of any material to be used as operating supplies or for maintenance or repair the aggregate dollar volume of which shall exceed 55 percent of the aggregate dollar volume of the withdrawals for such purposes by the processor from stores or inventory during the preceding calendar half-year unless such deliveries shall be specifically authorized in advance by the War Production Board on the processor's application therefor.

(2) A processor shall not at any time accept deliveries (whether or not rated pursuant to this order) of any material to be used as operating supplies or for maintenance or repair until the processor's inventory and stores of such material have been reduced to a reasonable minimum, unless such delivery shall be specifically authorized in advance by the War Production Board on the processor's application therefor. Such reasonable minimum shall in no case exceed 125 percent of the aggregate dollar volume of such material in inventory and stores on the last day of the preceding calendar half-year.

(g) *Relief.* If the sound working condition of a processor is adversely affected by any provision or application of this order or by inability to obtain material essential for repair, maintenance or operating supplies, the processor may apply for relief to the Director General for Operations. The Director General for Operations may thereupon take such action as he deems appropriate.

(h) *Resale of material prohibited.* Except with specific permission of the Director General for Operations, a processor shall not resell any material acquired for repair, maintenance or operating supplies (whether or not obtained pursuant to rating assigned by this order); provided, that nothing herein contained shall prohibit sale by the processor of used material acquired prior to October 31, 1942.

(i) *Records, audits and reports.* Each processor and each supplier shall keep and preserve for a period of not less than two years accurate and complete records of all transactions affected by this order and shall submit from time to time to audit and inspection by duly authorized representatives of the War Production Board. Each processor and each supplier shall execute and file with the War Production Board or other designated agency such reports and in such form as the War Production Board shall from time to time require.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Revocation or modification.* This order may be revoked or modified by the Director General for Operations at any time as to any processor or supplier. In the event of revocation or modification, or upon expiration of this order, deliveries already rated pursuant to this order shall be completed in accordance with said rating, unless said rating has been specifically revoked or modified with respect thereto. No additional application of said rating to any other deliveries shall thereafter be made by any processor or supplier affected by such revocation, modification or expiration.

(l) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Reference P-136.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of November 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-11578; Filed, November 6, 1942; 11:45 a. m.]

Chapter XI—Office of Price Administration

Part 1388—Defense-Rental Areas

[Supp. Amendment 4A to Maximum Rent Regulations]

HOTELS AND ROOMING HOUSES

Correction

In the third line of the second paragraph of paragraph (e) of the document appearing on page 8479 of the issue of Wednesday, October 21, 1942, "200" should read "20".

Part 1499—Commodities and Services

[Supp. Reg. 1, Amendment 38]

LIBRARY OF CONGRESS RECORDING LABORATORY

Amendment No. 38 to Supplementary Regulation No. 1 to the General Maximum Price Regulation—Exceptions for Certain Commodities and Certain Sales and Deliveries.

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1499.26 a new subparagraph (10) is added to paragraph (b), as set forth below.

§ 1499.26 *Exceptions for certain commodities and certain sales and deliveries.* * * *

(b) The General Maximum Price Regulation shall not apply to the following sales or deliveries: * * *

(10) Sales and deliveries of phonograph records by the Recording Laboratory of the Library of Congress.

* * * * *

(e) *Effective dates.* * * *

(39) Amendment No. 38 (§1499.26 (b) (10)) to Supplementary Regulation No. 1 shall become effective November 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11541; Filed, November 5, 1942; 1:33 p. m.]

Part 1499—Commodities and Services

[Supp. Reg. 14, Amendment 49]

MANUFACTURERS' PRICES FOR SPECIFIED ITEMS OF FALL AND WINTER OUTER CLOTHING

Amendment 49 to Supplementary Regulation 14 to the General Maximum Price Regulation.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.* A new subparagraph (37) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of the General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

* * * * *

(37) *Manufacturers' prices for fall and winter outer clothing*—(i) *Definition of manufacturer.* As used in this subparagraph (37), a "manufacturer" of a garment means a seller otherwise than at wholesale or at retail.

(ii) *Definition of fall and winter outer clothing.* "Fall and winter outer clothing" means any of the following garments:

(*a*) Coats, jackets and vests when fully lined or entire body is lined with cotton flannel, cotton suede, cotton blanket or any wool or part wool materials, but not including tailored garments covered by Maximum Price Regulation No. 177[1] or rainwear garments (men's and boys' only; all sizes except infants' garments);

(*b*) Mackinaws, swagger and finger-tip coats, but not including tailored garments covered by Maximum Price Regulation No. 177 (men's and boys' only; all sizes);

(*c*) Shirts made of wool, part wool, cotton flannel or cotton suede (men's and boys' only; all sizes except infants' garments);

(*d*) Jackets, loafer coats and pants made of wool or part-wool kersey, melton, plaid or fleece weighing 18 ounces or more per yard on 54 inch width basis, excepting tailored garments covered by Maximum Price Regulation No. 177 (men's and boys' only; all sizes);

(*e*) Jackets and coats made of leather or of leather combined with wool or part-wool kersey, melton, plaid or fleece weighing 18 ounces or more per yard on 54 inch width basis (men's and boys' only; all sizes, excepting infants' garments);

(*f*) Leather coats and jackets when bodies and sleeves are made entirely of leather (women's and girls' only; all sizes except infants' garments);

(*g*) Corduroy coats, suits, jackets, vests, pants and overalls (men's and boys' only; all sizes except infants' garments);

(*h*) Water repellent duck clothing and all hunting clothing including coats, vests, pants, caps and hats (men's and boys' only; all sizes);

(*i*) Ski and skating outerwear clothing including pants, jackets, mittens, caps and hoods, and combinations of these (for both sexes and in all sizes; except women's, girls' and children's jackets, skirts, coats and skating suits covered by Maximum Price Regulation No. 153, as amended[2] and except infants' and children's ski pants up to and including size 14);

(*j*) Husking gloves and husking mittens;

(*k*) Fully lined work gloves;

(*l*) Gloves and mittens made of or fully lined with fur, wool, part wool, brushed rayon or leather, but not including females' unlined leather gloves and unlined leather work gloves;

(*m*) Single thickness jersey work gloves made of 9 ounce material or heavier;

(*n*) Parka hoods;

(*o*) Leather and leatherette helmets, excepting athletic helmets.

(iii) For the purpose of determining a manufacturer's maximum price under the General Maximum Price Regulation for fall and winter outer clothing, the "highest price charged during March 1942" by any seller means the price at which, from December 1941 to March 1942, inclusive, the seller first accepted an order from a purchaser of the same class for garments intended for the 1942 fall and winter season. But if the seller did not accept an order from a purchaser of a particular class, the "highest price charged during March 1942" to purchasers of that class means the price at which the seller first accepted an order during those months from a purchaser of any class, adjusted to reflect the manufacturer's established allowances, discounts and price differentials. No seller shall change his customary allowances, discounts, or other price differentials, if such change results in a higher price. No manufacturer shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery or supply of any fall and winter outer clothing than the seller required purchasers of the same class to pay from December 1941 to March 1942, inclusive, on deliveries of such clothing.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5182, 5475, 6792, 6972, 7100, 7944.

[2] 7 F.R. 3901, 4381, 5869, 7010, 7535.

(iv) On or before December 1, 1942, every manufacturer of fall and winter outer clothing shall prepare a statement and keep it available for examination by the Office of Price Administration. This statement shall list each garment of fall and winter outer clothing which the manufacturer has sold, delivered or offered for sale after November 10, 1942, the seller's maximum price for the garment to each class of purchaser, to whom it was sold, delivered or offered, and the manner in which the manufacturer determined his maximum price. This statement shall be kept up to date with respect to garments offered for sale on and after December 1, 1942. If the garment is one for which the seller from December 1941 to March 1942, inclusive, accepted orders for the 1942 fall and winter season, the statement shall show the price at which the seller first accepted an order for it from each class of purchaser.

(b) *Effective dates.* * * *

(50) Amendment 49 (§ 1499.73 (a) (37)) to Supplementary Regulation 14 shall become effective November 11, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11540; Filed, November 5, 1942; 1:32 p. m.]

Part 1499—Commodities and Services

[Order 124 Under § 1499.3 (b) of GMPR]

STANDARD FOOD PRODUCTS, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.988 *Authorization of maximum prices for sales of "Top-O" Hamburger Spread, a blend of sweet pickle relish, mustard, starch and condiments, by Standard Food Products, Inc., by wholesalers and retailers.* (a) On and after November 5, 1942, the maximum prices for sales by Standard Food Products, Incorporated, of Indianapolis, Indiana, of "Top-O" Hamburger Spread shall be:

$1.95 per shipping case of 24/8 ounce jars,
$3.55 per shipping case of 4/1 gallon jars,

These prices shall include prepaid freight to purchasers' stations.

(b) Sellers at wholesale shall determine their maximum delivered selling prices of "Top-O" Hamburger Spread by adding to their net cost of each size a maximum profit margin of 20% of this net cost. The maximum delivered prices so determined shall not exceed $2.34 per case of 24/8 ounce jars and shall not exceed $4.26 per case of 4/1 gallon jars. Where a maximum price per selling unit determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per selling unit shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the wholesaler is permitted to increase his maximum price per selling unit to the next higher cent.

"Net cost for a wholesaler" as mentioned in this paragraph shall be his invoice price for "Top-O" Hamburger Spread delivered at his customary receiving point, less all discounts allowed him except discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

(c) Sellers at retail shall determine their maximum selling prices of "Top-O" Hamburger Spread by adding to their net cost of each size a maximum profit margin of 33⅓% of this net cost. The maximum prices so determined shall not exceed 13 cents per 8 ounce jar and shall not exceed $1.32 per one gallon jar. Where a maximum price per jar determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per jar shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the retailer is permitted to increase his maximum price per package to the next higher cost.

"Net cost" for a retailer as mentioned in this paragraph shall be his invoice price for "Top-O" Hamburger Spread delivered to his customary receiving point less all discounts allowed him except the discount for prompt payment. No charge or cost for unloading or local trucking shall be included. Net cost for a retailer shall be based on a purchase of a customary quantity of this type of item from his customary supplier and on the customary mode of transportation.

(d) Wholesalers and retailers shall apply to their maximum selling prices for "Top-O" Hamburger Spread the same discounts, allowances and price differentials which they customarily apply to comparable items of sandwich spreads and meat seasoning sauces, unless a change in these customary discounts, allowances and price differentials results in lower selling prices.

(e) Standard Food Products, Incorporated, shall distribute or cause to be distributed at the time of or before each initial sale to all purchasers from this company of "Top-O" Hamburger Spread written notice as follows:

> The Office of Price Administration has authorized us by order to sell "Top-O" Hamburger Spread for the following maximum prices delivered at purchasers' stations:
>
> Cases 24/8 ounce jars "Top-O" Hamburger Spread $1.95.
>
> Cases 4/1 gallon jars "Top-O" Hamburger Spread $3.55.
>
> The same Office of Price Administration Order authorizes wholesalers to determine their maximum delivered prices of "Top-O" Hamburger Spread by adding to their net cost of each item a margin of profit of 20% of this net cost. Where a maximum price per selling unit so determined is a fractional cent price and the fraction of a cent is less than one-half cent, the price per selling unit shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the wholesaler is permitted to increase his maximum price per selling unit to the next higher cent. Maximum prices determined by this procedure shall not exceed $2.34 per case of 24/8 ounce jars and shall not exceed $4.26 per case of 4/1 gallon jars.
>
> Wholesaler's net cost shall be his invoice price paid for "Top-O" Hamburger Spread delivered to his customary receiving point less all discounts allowed except discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.
>
> This order also requires us to print on, include in or securely attach to each shipping case of "Top-O" Hamburger Spread for a period of three months after the original offering written notification to sellers at retail notifying them of the method for their determining their maximum selling prices of "Top-O" Hamburger Spread. You, as a wholesaler, are not required to give similar notification to retailers with full shipping case sales. However, you are required on any broken case sales to provide the retailer with a copy of this retailer notification, if such broken case sale is an initial sale.
>
> You are required to keep this notice for examination.

(f) Standard Food Products, Incorporated, shall print on, include in or securely attach to each shipping case of "Top-O" Hamburger Spread for a period of three months after the initial offering of this product written notice as follows:

> The Office of Price Administration has authorized for us and for wholesalers maximum selling prices of "Top-O" Hamburger Spread, packed in shipping cases of 24/8 ounce and 4/1 gallon jars.
>
> As a retailer, you are to determine your maximum selling prices of "Top-O" Hamburger Spread by adding to your net cost of each item a margin of profit of 33⅓% of this net cost. Where a maximum price per jar so determined is a fractional cent price and the fraction of a cent is less than one-half cent, the price per jar shall be lowered to the next lower cent. If the fraction is one-half cent or larger, you are permitted to increase your price per jar to the next higher cent.
>
> Your maximum prices so determined shall not exceed 13 cents per 8 ounce jar and shall not exceed $1.42 per one gallon jar.
>
> Your net cost shall be your invoice price paid for "Top-O" Hamburger Spread delivered to your customary receiving point less all discounts allowed except the discount for prompt payment. No charge or cost for unloading or local trucking shall be included. Your net cost shall be based on a purchase of a customary quantity of this type of item from your customary supplier and on the usual mode of transportation.
>
> You are required to keep this notice for examination.

(g) This Order No. 124 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 124 (§ 1499.988) shall become effective November 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11538; Filed, November 5, 1942; 1:32 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 125 Under § 1499.3 (b) of GMPR]

DI-NOC MANUFACTURING CO.

For reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered:*

§ 1499.989 *Approval of maximum prices for sales by Di-Noc Manufacturing Company of Saf-T-Blak Film, Saf-T-Glo Emergency Signs, and Saf-T-Glo Luminous Automobile Blackout Protectors.* (a) The maximum prices for sales of the products listed below by The Di-Noc Manufacturing Company of Cleveland, Ohio, shall be the following, f. o. b. Cleveland, Ohio:

Name of product	*Maximum price*
Saf-T-Blak film	$0.05 per sq ft. plus 5% for cutting.
Saf-T-Glo emergency signs	$0.50 per sq. ft.
Saf-T-Glo luminous automobile blackout protectors	$0.43 per sq. ft.

(b) This Order No. 125 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 125 (§ 1499.989) shall become effective November 6, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 5th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11537; Filed, November 5, 1942; 1:31 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 126 Under § 1499.3 (b) of GMPR]

M'CORMICK AND CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.989a *Authorization of a maximum price for sales of 1 ounce and 2 ounce bottles of "McCormick's Baking Magic" an imitation vanilla flavoring manufactured by McCormick and Company, Baltimore, Maryland.* (a) On and after November 6, 1942, the maximum selling prices for "McCormick Baking Magic" for sale by McCormick and Company, having its principal place of business in Baltimore, Maryland, shall be:

1 ounce bottles—per dozen	.72
2 ounce bottles—per dozen	1.22

Transportation charges to buyer's station to be included in the above prices.

(b) Sellers at wholesale shall determine their maximum delivered selling prices for "McCormick's Baking Magic" by adding to their net cost per dozen of each size, a maximum profit of 20 percent of this net cost. The maximum prices so determined shall not exceed 86¢ per dozen for the one-ounce size, and $1.46 per dozen for the two-ounce size. "Net cost" for a wholesaler as mentioned in this paragraph shall be his invoice cost at his customary station of destination less all discounts allowed him except the discount for prompt payment. No drayage, loading or unloading charges shall be included in "net cost".

(c) Sellers at retail shall determine their maximum delivered selling prices per bottle for "McCormick's Baking Magic" by adding to their net cost per dozen for each size a maximum profit margin of 35 percent to this net cost and dividing the figure so obtained by twelve. The maximum prices so determined shall not exceed 10¢ per bottle for the one ounce size and 16¢ per bottle for the two ounce size. "Net cost" to a retailer shall mean his invoice price paid for a purchase of a customary quantity of this type of commodity from his customary supplier and by the customary mode of transportation, if any. No charge for drayage, hauling, loading or unloading shall be included as part of the "net cost".

(d) Where maximum prices so determined by the provisions of (b) and (c) result in fractions of one cent, the selling prices shall be increased to the next highest cent if the fraction is one half cent or more and reduced to the next lower cent if the fraction is less than one half cent.

(e) Each seller shall allow the customary allowances, discounts, or price differentials applying to "McCormick's Pure Vanilla Extract" or in the event a seller did not deal in "McCormick's Pure Vanilla Extract", the most comparable commodity thereto.

(f) McCormick and Company shall mail or otherwise supply to their buyers at the time of, or prior to the first sale to such buyer by McCormick and Company of "McCormick's Baking Magic" a written notice as follows:

> The Office of Price Administration has authorized McCormick and Company to sell "McCormick's Baking Magic" in the following sizes at the maximum delivered prices shown:
>
> | | |
> |---|---|
> | 1 ounce bottles—per dozen | .72 |
> | 2 ounce bottles—per dozen | 1.22 |
>
> This Order No. 126 authorizes wholesalers to determine their maximum delivered selling prices for each size by adding to their net cost for each size, a maximum profit margin of 20 percent of this net cost. Maximum selling prices determined by this computation shall not exceed:
>
> .86 per dozen bottles for the one ounce size.
> 1.46 per dozen bottles for the two ounce size.
>
> In determining maximum selling prices, fractions of one cent shall be adjusted upward to the next highest cent if the fraction is one half cent or more, and adjusted downward to next lower cent if the fraction is lower than one half cent. Your net cost for "McCormick's Baking Magic" shall be the net invoice price delivered at your customary station of destination, less all discounts allowed except the discount for prompt payment. No charges for drayage, loading, or unloading shall be included in net cost.

(g) McCormick and Company shall place on or in the smallest packing and sales unit of each size for a period of three months after the initial offering of "McCormick's Baking Magic", a printed notice reading as follows:

> The Office of Price Administration has authorized maximum selling prices for "McCormick's Baking Magic" by specific Order No. 126. As a retailer you are to determine your maximum delivered selling prices according to the provision of this Order No. 126. This order permits retailers to add to their "net cost" per dozen of each size, a maximum profit margin of 35 percent of this net cost for each size and dividing the resulting figure by twelve to arrive at the maximum selling price per bottle. When the maximum prices so determined result in fractions of one cent, the price per bottle may be adjusted to the next highest cent if the fraction is one half cent or more, and shall be adjusted downward to the next lower cent if the fraction is less than one half cent. Maximum selling prices per bottle shall not exceed 10¢ for the one ounce size and 16¢ for the two ounce size. "Net cost" per dozen as used in paragraph (c) of Order No. 126 shall be the invoice price paid by the retailer to his customary supplier for a customary quantity of the item by the customary mode of transportation if any, less all discounts allowed except the discount for prompt payment. No charges for drayage, loading or unloading shall be included. You are required to keep this notice for examination.

(h) This Order No. 126 may be revoked or amended by the Price Administrator at any time.

(i) This Order No. 126 (§ 1499.989a) shall become effective as of November 6, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11536; Filed, November 5, 1942; 1:32 p. m.]

PART 1404—RATIONING OF RUBBER FOOTWEAR

[Ration Order 6,[1] Amendment 4]

MEN'S RUBBER BOOTS AND RUBBER WORK SHOES RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1404.5, paragraph (1) of § 1404.2, paragraph (a) of § 1404.6, paragraph (c) of § 1404.11, paragraph (b) of § 1404.69 are amended, and a new paragraph (d) is added to § 1404.71, as set forth below:

Definitions

§ 1404.2 *Definitions.* * * *

(1) "Rubber footwear" means all men's protective waterproof or snow and water repellent boots and work shoes, except those which have been worn, of the types listed in Appendix A (§ 1404.69), manufactured under any process which joins the sole and upper in a single unit manufactured wholly or in part of latex, crude rubber, reclaimed rubber, scrap rubber, or synthetic rubber, including seconds or rejects but excluding all men's and boys' rubber boots and rubber work shoes below size 6, all stocking-foot waders, all lumbermen's overs with leather tops, and all arctics, gaiters, work rubbers, dress rubbers, clogs, and footholds. When used in the context "unserviceable rubber footwear", however, the term "rubber footwear" shall denote only footwear which has been worn.

* * * * *

Restriction of Transfers

* * * * *

§ 1404.5 *Transfer of rubber footwear must be accompanied by surrender of certificates.* (a) Except as otherwise provided in Ration Order No. 6, a sale at retail of rubber footwear shall be made only upon the surrender of Parts I and III of a certificate authorizing such transfer and a transfer of rubber footwear, other than by sale at retail, shall be made only upon the surrender of Part I of a certificate authorizing the transfer of such rubber footwear.

(b) Whenever, under the provisions of Ration Order No. 6, the surrender of certificates is required for the transfer of rubber footwear, no person shall transfer rubber footwear of any type other than the type described on the certificate surrendered therefor: *Provided, however,* That olive drab, clay, or khaki colored rubber footwear classified as type 5 according to Appendix A (§ 1404.69) may be sold at retail upon the surrender of certificates authorizing the transfer and acquisition of rubber footwear described on such certificate as type 4.

Acquisition of Rubber footwear by Consumers

§ 1404.6 *Eligibility*—(a) *Individuals.* Individuals (1) whose work is essential to the promotion of the war effort or to the maintenance of public health or safety or to the preservation of mines, and (2) who in their work are necessarily exposed to water, snow, mud, spray, splash, floor heat, danger of burns, the action of chemicals, or other similar conditions, to such an extent that the use of rubber footwear is necessary to the preservation of their health or safety.

* * * * *

§ 1404.11 *Issuance of certificates.* * * *

(c) The certificate issued shall authorize the acquisition only of the type of rubber footwear which is the minimum necessary to satisfy the requirements of the applicant, and certificates authorizing the acquisition by consumers of rubber footwear described thereon as type 5 shall be issued only to miners or their employers who meet all the requirements of Ration Order No. 6.

Appendix

§ 1404.69 *Appendix A.* * * *

(b) Rubber pacs, bootees, and work shoes (worn instead of shoes, typically laced over the instep, and below-the-knee in height).

Type 5. Pacs and bootees, ten inches or more in height (with or without steel toes). All rubber mine pacs and mine bootees and all other rubber footwear of this class laced over the instep ten inches or more in height.

Type 6. Pacs, bootees, and work shoes below ten inches in height (with or without steel toes). All rubber work shoes, pacs, and bootees less than ten inches in height.

* * * * *

Effective Date

§ 1404.71 *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§§ 1404.5, 1404.2 (1), 1404.6 (a), 1404.11 (c), 1404.69 (b)) shall become effective November 11, 1942.

(Pub. Laws 421 and 729, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562, and Supplementary Directive No. 1-N, 7 F.R. 7730, E.O. 9250, 7 F.R. 7871)

Issued this 5th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11542; Filed, November 5, 1942; 1:33 p. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 19, Amendment 5]

SOUTHERN PINE LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1381.212 (a), the title of Table 2 is amended; the column of prices entitled "Standard Lengths" is revoked; items 11a, 11b, 11c and 11d are added, and items 13, 15, 16 and 18 are amended; in Table 3, the column of prices entitled "Random Lengths" is revoked; the prices of 2'' x 6'' are amended to equal the 2'' x 8'' prices; items 11a and 21a are added; and items 2, 12, 18 and 21 are amended; in Table 16, item 6a is added; and Table 17 is amended in its entirety.

In § 1381.212 (b), the title of Table 2 is amended; items 12a, 12b, 12c and 12d are added, and item 14 is amended; in Table 3, item 2 is amended; in Table 14, item 6a is added; and in Table 15, items 21 and 22 are amended, and item 35a is added.

In § 1381.212 (d) (4) (iii), weights for dry timbers are added under weights of "Heavy Joists, Timbers Etc. (Over 2'' Thick)", and a new subparagraph (5) is added.

In § 1381.212 (e), a list of qualified producers is added to subparagraph (1).

§ 1381.212 *Appendix A: Maximum prices for Southern pine lumber where shipment originates at a mill.* (a) * * *

TABLE 2—BOARDS AND STRIPS

Air Dried, S1S, S2S, S3S, S4S, S2S and Matched Shiplap, ECB1S or ECB2S, V Joint, Standard or Thinner, Including 11/16 if dressed from 1'' Stock

* * *

11a. 11/16, resawn, rough, take the price of the corresponding item of 6/4 rough, add $1.00 for extra thickness, add $1.00 for resawing and deduct 25% of the total 6/4 price so obtained. The result obtained by deducting the 25% from the "total 6/4 price" is the price per M for 11/16, rough. Footage shall be computed as though the 11/16 boards were one inch thick. An example of how to apply this formula is set out below:

To arrive at the price of #1 Common 11/16 x 8, rough, air dried, standard lengths:

First: Take the price of the corresponding item of 6/4 #1 Common 6/4 x 8, Rough, AD, Standard Lengths	$39.00
Second: Add $1.00 for extra thickness	1.00
Third: Add $1.00 for resawing	1.00
Fourth: Total 6/4 price	41.00
Fifth: Deduct 25% from "total 6/4 price"	10.25
Result: Maximum price for 11/16 x 8, Rough, AD, Standard Length	$30.75

These computations need not be shown on the invoice.

11b. 11/16, resawn, S1S, S2S, S3S, take the price of the corresponding item of 6/4, S4S, add $1.00 for extra thickness, add $1.00 for resawing, and deduct 25% from the total 6/4 price so obtained. Compute footage as though the boards were one inch thick. See example in Note 11a.

11c. 11/16, resawn, S4S, take the price of the corresponding item of 6/4, S4S, add $1.00 for extra thickness, add $1.00 for resawing, add $1.00 for dressing after resawing, and deduct 25% from the total 6/4 price so obtained. Compute footage as though the boards were one inch thick. See example in Note 11a.

11d. 5/8, figure price just as you would for 11/16 except that you do not add anything for extra thickness. The price will therefore be 75¢ per M less than the corresponding item of 11/16. Compute footage as though the boards were one inch thick. See example in Note 11a.

* * * * *

13. Where the buyer requires an average width, charge the price which would have been charged had the purchaser ordered the various widths which were shipped.

* * * * *

For Length:

15. The price for "random lengths" is the same as the price for 12' lengths. Random lengths must average at least 12'. If the lengths do not average at least 12' (with a tolerance of 3''), the price may not be higher than the 10' price. Random lengths are 4 to 20', inclusive, in multiples of 2', and may not contain more than the following percentages of short lengths:

	4'	6'	8'
	Percent	*Percent*	*Percent*
No. 1	None	None	5
No. 2	5	5	5
No. 3, No. 4 & Dunnage, 8'' & Wider	5	5	5
No. 3, No. 4 & Dunnage, 3'' to 6'' Widths.	May contain total of 25% under 10'		

16. Where the buyer specifies any restricted standard length, 8 to 16', 10 to 16', or otherwise, charge the specified length price for the lengths actually shipped.

* * * * *

18. Where the buyer requires an average length, charge the price for the specified length corresponding to the average length required.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7749, 7967, 8363, 8809.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5427, 5869, 7094, 8023.

TABLE 3—DIMENSION, AIR DRIED, S1S, S2S, S3S, OR S4S

Grade	8′ length	9′ length	10′ length	12′ length	14′ length	16′ length	18′ length	20′ length	22′-24′ lengths
*	*	*	*	*	*	*	*	*	*
No. 1: 2 x 6	$33.00	$34.00	$33.00	$33.00	$34.00	$34.50	$36.50	$37.50	$43.00
*	*	*	*	*	*	*	*	*	*
No. 2: 2 x 6	28.00	29.00	28.00	28.00	29.00	29.50	31.50	32.50	38.00
*	*	*	*	*	*	*	*	*	*
No. 3: 2 x 6	21.00	22.00	21.00	21.00	22.00	22.50	24.50	25.50	27.50
*	*	*	*	*	*	*	*	*	*

* * * * *

For Working:

2. Shiplap, Center Matched, Dressed and Matched or Grooved or any other dressing, add $1.00.

* * * * *

For Grade:

11a. The additions permitted by items 6, 7, 8, 9, 10 and 11, may only be made when each piece has been grade-marked.

12. Sound and Square Edge, same price as the No. 2 common price.

* * * * *

For Length:

18. Where the buyer requires an average length, charge the price for the specified length corresponding to the average length required.

* * * * *

21. For lengths longer than 24 feet, add to 24′ price as follows (for all grades):

Length	2 x 10 and smaller	2 x 11 and larger
26′	$1.00	$1.00
28′	2.00	2.00
30′	3.00	5.00
32′	5.00	7.00
34′	7.00	9.00
36′	9.00	12.00
38′	12.00	15.00
40′	15.00	20.00

21a. On random length shipments, one of the two following procedures must be used: If a flat price is quoted, the average length to be shipped must be specified and the price shall be that of the average length specified and shipped. If a flat price is not quoted, the specified length price for each length shipped may be charged for the quantity of that length shipped.

* * * * *

TABLE 16—CAR MATERIAL

* * * * *

For Condition:

6a. Green, deduct $2.00 on 2″ and thinner, and $4.00 on thicknesses greater than 2″.

TABLE 17—TIMBERS, GREEN, ROUGH

Sizes	No. 1 common			No. 2 common		
	Specified lengths 8′ to 16′	Specified lengths 18′ and 20′	Specified lengths 8′ to 20′	Specified lengths 8′ to 16′	Specified lengths 18′ and 20′	Specified lengths 8′ to 20′
3 x 3 to 4 x 4	$32.00	$36.00		$29.00	$33.00	
3 x 5 and 4 x 5	32.00	36.00		29.00	33.00	
3 x 7 to 5 x 8	32.00	36.00		29.00	33.00	
3 x 6 to 6 x 6	30.00	34.00		27.00	31.00	
6 x 7 to 8 x 8	34.00	38.00		30.00	34.00	
3 x 9 to 5 x 10			$39.00			$35.00
6 x 9 to 10 x 10			38.00			34.00
3 x 11 to 5 x 12			46.00			42.00
6 x 11 to 12 x 12			44.00			40.00
3 x 13 to 7 x 14			54.00			50.00
8 x 13 to 14 x 14			52.00			48.00
3 x 15 to 7 x 16			64.00			60.00
8 x 15 to 16 x 16			62.00			58.00
3 x 17 to 7 x 18			74.00			
8 x 17 to 18 x 18			72.00			
3 x 19 to 7 x 20			86.00			
8 x 19 to 20 x 20			84.00			

Additions and Deductions per 1,000 feet board measure:

For Working:

1. S1S, S2S, S3S, S4S, Shiplap or T and G, add $2.00.

2. Grooved 2 edges, add $3.00 (to dressed prices).

3. Beveling and/or outgauging for two edges on one face, add $4.00; for four edges, or one face and one edge, add $8.00 (to dressed prices in each case).

For grade, add to No. 1 Common prices unless otherwise specified:

	3 x 3 to 8 x 8	3 x 9 to 10 x 10	3 x 11 and larger
4. Square Edge and Sound	$1.00	$1.00	$2.00
5. Medium Grain (add to No. 1 or No. 2 Common)	3.00	3.00	3.00
6. Dense (add to No. 1 or No. 2 Common)	5.00	6.00	7.00
7. Dense Square Edge and Sound	6.00	7.00	9.00
8. Dense No. 1 Structural	7.00	8.00	10.00
9. Dense Structural, Square Edge and Sound	9.00	10.00	12.00
10. Dense Structural	11.00	12.00	14.00
11. Dense Select Structural	13.00	14.00	16.00
12. 85% Heart Facial Area (add to grade specified)	10.00	12.00	15.00
13. 90% Heart Facial Area (add to grade specified)	13.00	15.00	18.00
14. 88% Heart Cubical Content (add to grade specified)	8.00	10.00	12.00

For Lengths:

15. Over 20′, add to 20′ prices (all grades):

	3 x 3 to 10 x 10	3 x 11 and larger
22′ and 24′	$5.00	$5.00
26′	6.00	6.00
28′	7.00	7.00
30′	8.00	10.00
32′	10.00	12.00
34′	12.00	14.00
36′	14.00	17.00
38′	17.00	20.00
40′	20.00	25.00

16. For lengths over 40′, add $5.00 per lineal foot.

17. Odd or fractional lengths over 8′, shall be counted and priced as next longest even length.

18. For lengths shorter than 8′, use nearest multiple length price plus a total of $2.00 for cross-cutting.

19. Where the buyer specifies an average length, charge the specified length price for lengths shipped.

20. Where required by the buyer, for precision cutting to a specified exact length, where a tolerance of not more than ½″ is allowed, add $1.50. No addition is permitted for customary double end trimming.

For Condition:

21. Anti-stain treatment (any form) 3 x 3 to 10 x 10, or 2 x 14 and wider, add $1.00; 3 x 11 and larger, add $2.00.

22. Kiln dried, 20% moisture, 40″ cubic content and smaller, add $5.00; over 40″ cubic content, add $8.00 (cubic content is figured by multiplying width by thickness).

23. Air dried, 23% moisture, add $4.00 for all sizes.

24. Kiln dried 2″ Timbers, up to 12″, Square Edge and Sound and grades above, add $3.00. For 2 x 14″ and 2 x 16″, No. 1 Common and grades above, add $6.00.

For Size:

25. In No. 1 Common and grades above, for each 2″ above 20 x 20, add $12.00 to the 20 x 20 price.

26. Fractional thickness, add $3.00 to nearest listed thicker thickness. Compute footage on actual thickness.

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27. Fractional widths, add $3.00 to nearest listed wider width and compute footage on actual width.

28. For 2″ Timbers, Square Edge and Sound and grades above, when grade-marked, add $2.00 to the comparable 3″ price, except for 2 x 14 and 2 x 16, No. 1 Common and grades above, add $3.00.

29. Where the buyer specifies an average size, charge the price for the average size required.

30. Where the buyer specifies a cubic average, the price shall be that of the length in 12 x 12 required to equal the specified cubic average.

(b) * * *

TABLE 2—BOARDS AND STRIPS

Air Dried, S1S, S2S, S3S, S4S, S2S and Matched or Shiplap ECB1S, ECB2S, V-Joint, Standard or Thinner, including 11/16 if dressed from 1″ Stock.

* * * * *

12a. 11/16, resawn, rough, take the price of the corresponding item of 6/4 rough, add $1.00 for extra thickness, add $1.00 for resawing, and deduct 25% of the total 6/4 price so obtained. The result obtained by deducting the 25% from the "total 6/4 price" is the price per M for 11/16, rough. Footage shall be computed as though the 11/16 boards were one inch thick. An example of how to apply this formula is set out below:

To arrive at the price of #1 Common 11/16 x 8, rough, air dried, standard lengths:

First: Take the price of the corresponding item of 6/4: #1 Common 6/4 x 8, Rough, AD, Standard Lengths	$49.00
Second: Add $1.00 for extra thickness	1.00
Third: Add $1.00 for resawing	1.00
Fourth: Total 6/4 price	51.00
Fifth: Deduct 25% from "total 6/4 price"	12.75
Result: Maximum price for 11/16 x 8, Rough, AD, Standard Length	38.25

These computations need not be shown on the invoice.

12b. 11/16, resawn, S1S, S2S, S3S, take the price of the corresponding item of 6/4, S4S, add $1.00 for extra thickness, add $1.00 for resawing, and deduct 25% from the total 6/4 price so obtained. Compute footage as though the boards were one inch thick. See example in Note 12a.

12c. 11/16, resawn, S4S, take the price of the corresponding item of 6/4, S4S, add $1.00 for extra thickness, add $1.00 for resawing, add $1.00 for dressing after resawing, and deduct 25% from the total 6/4 price so obtained. Compute footage as though the boards were one inch thick. See example in Note 12a.

12d. 5/8, figure price just as you would for 11/16 except that you do not add anything for extra thickness. The price will therefore be 75¢ per M less than the corresponding item of 11/16. Compute footage as though the boards were one inch thick. See sample in Note 12a.

* * * * *

14. Where the buyer requires an average width, charge the price that would have been charged had the purchaser ordered the various widths which were shipped.

* * * * *

TABLE 3—DIMENSION, AIR DRIED, S1S, S2S, S3S OR S4S

* * * * *

For Working: * * *

2. Shiplap, Center Matched, Dressed and Matched or Grooved, or any other dressing, add $1.00.

* * * * *

TABLE 14—CAR MATERIAL

* * * * *

For Condition:

6a. Green, deduct $2.00 on 2″ and thinner, and $4.00 on thicknesses greater than 2″.

TABLE 15—TIMBERS, GREEN, ROUGH

* * * * *

For Size:

21. Fractional thickness, add $3.00 to price of the nearest greater listed thickness; compute footage on actual size.

22. Odd or fractional widths, use price of nearest listed wider width, and compute footage on actual width.

* * * * *

For Length: * * *

35a. Where required by the buyer, for precision cutting to any specified exact length with a tolerance of not more than ½″, add $1.50. No addition is permitted for customary double-end trimming.

(d) * * *

(4) * * *

(iii) * * *

HEAVY JOISTS, TIMBERS, ETC. (OVER 2″ THICK)

* * * * *

	Shortleaf (pounds)	Longleaf (pounds)
Dry, 3 x 3 to 4 x 4, deduct from corresponding green weight	800	800
Dry, 4 x 5 and larger, deduct from corresponding green weight	500	500

* * * * *

(5) Any producer of longleaf yellow pine lumber in the State of Florida whose lumber is consistently heavier than the weights permitted in subparagraph (4) (iii) of this paragraph and who during the first eight months of 1941 used estimated weights higher than such permitted estimated weights in computing a delivered price may submit to the Lumber Branch of the Office of Price Administration in Washington, D. C., a list of the estimated weights used by him during the first eight months of 1941, together with a sworn statement that these are the weights used by him during that period, and that he believes them to be the nearest possible estimate to the present average actual weights. After such list has been approved or adjusted, and approved as adjusted, and an order has been published in the FEDERAL REGISTER listing such producer's name as having filed a list of weights which has been approved and is subject to inspection by any interested person, the seller of such producer's lumber may use the approved estimated weights in computing transportation charges.

* * * * *

(e) (1) * * *

The following producers have qualified as producers of "special soft texture finish": * * *

Tremont Lumber Co., Rochelle, La.
Denkmann Lumber Co., Canton, Miss.
Burnett-Hauert Lumber Co., Clayton, Okla.
Paron Lumber Co., Paron, Okla.
Burnett-Wyss Lumber Co., Ola, Ark.
Burnett Lumber Co., Heavener, Okla.
Waldron Lumber Co., Waldron, Ark.
Black Springs Lumber Co., Eagleton, Ark.
Black Springs Lumber Co., Norman Ark.
Hatton Lumber Co., Hatton, Ark.

* * * * *

§ 1381.211a *Effective dates of amendments.* * * *

(f) Amendment No. 5 (§ 1381.212) to Maximum Price Regulation No. 19 shall become effective November 5, 1942.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250; 7 F.R. 7871)

Issued this 5th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11547; Filed, November 5, 1942; 4:22 p. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 19,[1] Amendment 4]

SOUTHERN PINE LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (b) of § 1381.203 is hereby revoked.

§ 1381.211a *Effective dates of amendments.* * * *

(e) Amendment No. 4 (§ 1381.203) to Maximum Price Regulation No. 19 shall become effective November 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11546; Filed, November 5, 1942; 4:22 p. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

PART 202—MINIMUM WAGE DETERMINATIONS

THE TOBACCO INDUSTRY

In the matter of the determination of the prevailing minimum wage in the Tobacco Industry.

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Supp. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act.

On August 29, 1942, the Assistant Administrator of the Division of Public Contracts of the Department of Labor issued a Notice of Opportunity To Show Cause on or before September 19, 1942, why I should not amend the prevailing minimum wage determination for the Tobacco Industry, issued by me on April 17, 1939, and amended August 12, 1942, by (1) increasing the prevailing minimum wage from 32½ cents an hour to 40 cents an hour, and (2) providing that learners may be employed at subminimum rates in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division.

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* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5427, 5869, 7094, 8023.

The notice sets forth that: (1) The minimum wage regularly to be paid by tobacco manufacturers subject to the provisions of the Fair Labor Standards Act of 1938 became 40 cents an hour on August 10, 1942, pursuant to the wage order of the Administrator of the Wage and Hour Division for the Tobacco Industry; (2) substantially all employees subject to my prevailing wage determination for the Tobacco Industry, are engaged in commerce or in the production of goods for commerce, and consequently the wage order has the effect of establishing 40 cents an hour as the prevailing minimum wage in the Tobacco Industry; and (3) it appears desirable, for the purpose of co-ordinating the administration of the Fair Labor Standards Act of 1938 and the Public Contracts Act, to provide that learners may be employed at subminimum rates under this determination in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division.

This notice was sent to trade unions, trade associations, and publications and was duly published in the FEDERAL REGISTER (7 F.R. 6908). No objections, protests, or any statements in opposition to the proposed amendments have been received.

Upon consideration of all the facts and circumstances, I hereby determine:

§ 202.26 *Tobacco.* (a) The Tobacco Industry, for the purpose of this determination, is defined to include the manufacture of cigarettes, of chewing and smoking tobaccos, and of snuff, but to exclude the manufacture of cigars.

(b) The minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. Supp. III 35) for the manufacture or supply of the products of the Tobacco Industry as herein defined shall be 40 cents an hour, or $16 per week of 40 hours, arrived at either upon a time or piece-work basis, provided that learners may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938 which I hereby adopt for the purposes of this determination. (Sec. 1 (b), 49 Stat. 2036; 41 U.S.C. 35 (b))

This determination shall be effective and the minimum wage hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced by the contracting agency on or after December 4, 1942.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938, or any wage order thereunder, or under any other law or agreement more favorable to employees than the requirements of this determination.

Dated: November 4, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-11515; Filed, November 5, 1942; 11:40 a. m.]

PART 202—MINIMUM WAGE DETERMINATIONS

RAINWEAR INDUSTRY

In the matter of the determination of the prevailing minimum wage in the rainwear industry.

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Supp. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act.

On September 2, 1942, the Assistant Administrator of the Division of Public Contracts of the Department of Labor issued a Notice of Opportunity To Show Cause on or before September 22, 1942, why I should not amend the prevailing minimum wage determination for the Men's Raincoat Industry issued by me on July 28, 1937, and amended September 18, 1939, February 8, 1941, and August 12, 1942, by changing the description of the industry in the title of this determination from the "Men's Raincoat Industry" to the "Rainwear Industry" and by providing that learners may be employed at subminimum rates in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division issued under the Fair Labor Standards Act of 1938.

This notice was sent to members of the industry, to trade unions, trade associations and publications, and was duly published in the FEDERAL REGISTER (7 F.R. 7019). No objections, protests, or any statements in opposition to the proposed amendments have been received. The only communication received in answer to the notice was a memorandum on behalf of the International Ladies' Garment Workers' Union in support of the proposed amendment.

Upon consideration of all the facts and circumstances, I hereby determine:

§ 202.4 *Rainwear.* (a) The title of this determination shall be "In the Matter of the Determination of the Prevailing Minimum Wage in the Rainwear Industry."

(b) The minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. Supp. III 35), for the manufacture or supply of men's raincoats, including vulcanized and rubberized raincoats and raincoats made from material known under the registered trade-mark of "Cravenette" or from fabric chemically or otherwise treated so as to render it water-resistant, of oiled waterproof cotton outer garments, and of all other types of rainwear, shall be 40 cents an hour, or $16 per week of 40 hours, arrived at either upon a time or piece-work basis, provided that learners may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938 which I hereby adopt for the purposes of this determination. (Sec. 1 (b), 49 Stat. 2036; 41 U.S.C. 35 (b))

This determination shall be effective and the minimum wage hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced by the contracting agency, on or after December 4, 1942, except that learners may be employed at subminimum rates, in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division, on or after December 4, 1942, in the performance of contracts, bids for which were solicited or negotiations otherwise commenced by the contracting agency prior to that date.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938 or any wage order thereunder, or under any other law or agreement more favorable to employees than the requirements of this determination.

Dated: November 4, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-11514; Filed, November 5, 1942; 11:41 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order 16, Supp. 6]

PART 303—CONTRACTS FOR CARRIAGE ON VESSELS OWNED OR CHARTERED BY THE WAR SHIPPING ADMINISTRATION

BILL OF LADING CLAUSE

§ 303.31 *Bill of lading clause for cargo carried on public vessels of the United States.* The following clause will be conspicuously printed or stamped on all Bills of Lading issued by War Shipping Administration agents pursuant to General Order No. 16:

> If the goods herein covered are carried on a vessel owned by or under bareboat charter to the United States and which is a Public Vessel of the United States, War Shipping Administration, on behalf of the United States, hereby assumes all liabilities it would have with respect to the carriage of such goods if the vessel were a merchant vessel except with respect to cargo owned by the United States or any Agency or Department thereof and lend-lease cargo. This clause is to be construed only as an agreement that such cargo when carried on such a Public Vessel shall be treated as though the carrying vessel were a merchant vessel with respect to liabilities for loss or damage to such cargo.

General Order No. 16, Supplement No. 5[1] is hereby superseded by this Supplement No. 6.

[SEAL]

E. S. LAND,
Administrator.

NOVEMBER 5, 1942.

[F. R. Doc. 42-11554; Filed, November 6, 1942; 11:17 a. m.]

[General Order No. 6, Supp. 5]

PART 305—INSURANCE

WAR RISK INSURANCE ON SHIPMENTS TO TERRITORIES

War Risk Insurance—Automatic Coverage on Import Cargoes and on Cargoes Shipped to the Territories and Possessions of the United States.

Pursuant to the authority contained in the Merchant Marine Act of 1936, as amended, the following Standard Optional Endorsement No. XIII is hereby promulgated:

Notwithstanding the provisions of General Order No. 6 Supplement No. 4 (§ 305.60) Clause 16 of Part II of Warshipopencargo Policy with respect to the exclusion of metal articles and soap and toilet preparations from any coverage under a Warshipopencargo Policy an assured may hereafter endorse such a policy to cover all shipments of those commodities from the Continental United States (excluding Alaska) to any one or more of the territories and possessions of the United States including Alaska according to the provisions of the following Standard Optional Endorsement No. XIII:

§ 305.99 *Standard Optional Endorsement No. XIII.* It is understood and agreed that all shipments of (1) soap and toilet preparations and (2) metal articles, each as defined in the United States Department of Commerce "Statistical Classification of Imports" in sections of Code Classification numbered respectively (1) §§ 8711.0–8731.2, and (2) §§ 6835.0–6905.0 are covered hereunder with respect to shipments from the Continental United States (excluding Alaska) to the territories and possessions of the United States including Alaska.

All other terms and conditions remaining unchanged.

This order shall become effective November 5, 1942.

[SEAL]

E. S. LAND,
Administrator.

NOVEMBER 4, 1942.

[F. R. Doc. 42-11555; Filed, November 6, 1942; 11:17 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Exemption Order ODT 23-1]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS, AND EXEMPTIONS

Subpart O—Limitation on Speed of Motor Vehicles

TESTING EQUIPMENT

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, and by Executive Order No. 9156, dated May 2, 1942:

It is hereby ordered, That:

§ 521.3600 *Exemption of motor vehicles used in testing.* (a) Motor vehicles used by the United States or any agency thereof, the District of Columbia, a State or any agency or political subdivision thereof, in testing tires, fuels, or equipment, and motor vehicles used exclusively for the experimental testing of synthetic or natural rubber tires by manufacturers or producers of such tires are hereby exempted from the provisions of Subpart O, (General Order ODT 23[1]) Part 501, this chapter and title of the Code of Federal Regulations, during the periods such motor vehicles are being used in such testing.

(b) The provisions of this exemption order (§ 521.3600) shall not be so construed or applied as to permit any person to drive or operate, or cause, permit, suffer, or allow to be driven or operated, any motor vehicle at a rate of speed which is in excess of the applicable speed limit duly prescribed by other competent public authority.

(c) This exemption order (§ 521.3600) shall become effective on November 6, 1942, and shall remain in full force and effect until further order.

Issued at Washington, D. C., this 5th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

NOVEMBER 5, 1942.

[F. R. Doc. 42-11548; Filed, November 6, 1942; 10:35 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1618]

DISTRICT BOARD NO. 8

ORDER POSTPONING HEARING

In the matter of the petition of District Board No. 8 for changes in price classifications and minimum prices in size groups 1 to 7, inclusive, for all shipments except truck and for truck shipments, for the coals of Red Parrot No. 2 Mine (Mine Index No. 593) of Red Parrot Coal Company, a Code Member in District No. 8.

Petitioner, District Board No. 8, having moved that the hearing in the above-entitled matter, scheduled for October 15, 1942 and postponed to November 5, 1942 at 10 o'clock in the forenoon of that day, be further postponed to November 12, 1942 because counsel for petitioner is not able to be present at the hearing in this matter on November 5; and

It appearing that good cause for the postponement has been shown;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed from November 5, 1942 until 10 o'clock in the forenoon of November 12, 1942 at the place heretofore designated.

Dated: November 4, 1942.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 42-11525; Filed, November 5, 1942; 11:33 a. m.]

[Docket No. A-78]

TECUMSEH COAL CORPORATION

MEMORANDUM OPINION AND ORDER GRANTING RELIEF

In the matter of the petition of Tecumseh Coal Corporation for revision of the effective minimum prices for the coals of Mine Index No. 105, District No. 11, in Size Groups 17 to 25, inclusive, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division (the "Division") on October 3, 1940, by Tecumseh Coal Corporation ("Tecumseh"), a code member in District 11, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Act"). Amendments to the petition were likewise filed on October 10 and 15, 1940. The petition, as amended, requested that petitioner's Tecumseh Mine (Mine Index No. 105) coals in the washed industrial sizes (Size Groups 17 to 25, inclusive), when sold to the Indianapolis Power and Light Company (the "Power Company"), have the same minimum f. o. b. mine prices as are established for District No. 11 Price Group 10 raw industrial coals of similar size. Both temporary and permanent relief were requested.

Petitions of intervention were filed by District Board 11; Ayrshire Patoka Collieries Corporation, Black Hawk Coal Corporation, The Enos Coal Mining Company, Hickory Grove Coal Mining Corporation, and Princeton Mining Company, code members in District 11; Old

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[1] 7 F.R. 8526.

[1] 7 F.R. 7694.

Ben Coal Corporation, et al. (five others), code members in District 10; and jointly by Snow Hill Coal Corporation, a code member in District 11, and Midland Electric Coal Corporation, et al. (five others), code members in District 10. Consumers' Counsel Division ("Consumers' Counsel") entered an appearance.[1]

Pursuant to an appropriate order and after due notice to all interested persons, a hearing in this matter was held on October 11–12, 1940, before H. A. Gray, Director, at a hearing room of the Division in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Appearances were entered by the petitioner; District Board 11; Ayrshire Patoka Collieries Corporation, The Enos Coal Mining Company, Hickory Grove Coal Mining Corporation, Princeton Mining Company, and Snow Hill Coal Corporation, code members in District 11; and Old Ben Coal Corporation, et al., and Midland Electric Coal Corporation, et al., code members in District 10; and Consumers' Counsel. At the close of the hearing on October 12, 1940, the proceeding was continued to November 22, 1940, for the purpose of hearing additional evidence.

On October 24, 1940, on the basis of the record, the Director entered an order granting the relief prayed for, temporarily, pending a final determination of the proceeding. The order granting temporary relief required the petitioner to file with the Division a verified weekly statement showing the tonnage shipped to the Power Company, prices, and data showing all other producers from whom the Power Company purchases coal, together with tonnages purchased and prices paid, such statement to become a part of the record in this proceeding. Motions were filed by Black Hawk Coal Corporation and Ayrshire Patoka Collieries Corporation, with respective supporting briefs, and by Consumers' Counsel to dismiss the proceeding.

On November 19 to December 10, 1940, stipulations by the parties were filed limiting the issue in this proceeding to the propriety of the minimum prices theretofore established for petitioner's coals in Size Groups 17 to 25, inclusive, when sold to the Power Company. On the basis of these stipulations petitioner filed a motion to close the hearing. On January 15, 1941, an order was entered so limiting the issue and closing the hearing.

Intervener Black Hawk Coal Corporation now (on October 5, 1942) files a "Motion for Final Hearing and Termination of Temporary Order pending Final Hearing." Intervener argues that the temporary relief granted to petitioner is preferential to it and prejudicial to intervener and other producers, in that the latter are barred by the differential between the prices for their washed screenings and those of petitioner from selling coals to the Power Company. It urges that a sufficient period of time has elapsed for the Director to determine if petitioner is entitled to the temporary relief already granted and states that the facts have changed since relief was granted, in that petitioner who then stated that its mine was shut down because of its inability to sell screenings to the Power Company is now one of the largest producers of coal in Indiana. Because of the alleged preference to petitioner and because it contends that the establishment of an individual consumer price is not contemplated by the Coal Act, intervener argues that the temporary relief granted petitioner is contrary to the provisions of the Act. Intervener states that "while this intervener did not desire to introduce any additional evidence two years ago, the facts have materially changed since that time." Accordingly, it urges that the reasons for the granting of the temporary relief have terminated and that the temporary relief should be cancelled without further testimony, or, in the alternative, that the hearing should be reopened and temporary relief terminated pending such final hearing in this matter.

On October 24, 1942, petitioner, Tecumseh Coal Corporation, filed a document indicating its opposition to intervener's motion, specifically denying many of the allegations made in the moving papers and contending that the temporary relief granted in the Order of October 24, 1940, should be continued to permit it to sell to the Power Company at special minimum prices. In the final paragraph petitioner states, "If the Director should determine in his decision in this proceeding that, as a matter of law, the authorization of specific prices to a specific consumer is not permissible under the Act, petitioner will of course be forced to petition for an enlargement of the issues in this proceeding."

The hearing in this proceeding was held on October 11–12, 1940, shortly after the establishment of minimum prices. Petitioner at that time had had practically no experience in the sale of its coal under the established minimum prices. It was impossible to determine then what effect decreases in petitioner's minimum prices might have on the status of competitive coals. Moreover, whether the price relationship between petitioner's washed screenings and Standard Fifth Vein raw screenings in District No. 11 should be varied for one consumer, the Power Company, on the basis of experience with that one consumer, posed new and difficult problems. Nevertheless, apparently, need for relief was urgent; petitioner's mine was shut down. Accordingly, temporary relief was granted.

As heretofore noted, the problems raised by this proceeding were novel in character. Their proper resolution was extremely important to effective administration of the Act. Therefore, the effect of the temporary relief granted to petitioner upon the distribution of Indiana coals was closely scrutinized. The weekly reports required from petitioner by the Order granting temporary relief have been carefully studied. Indeed, since January 15, 1941, when the Order was entered closing the hearing in this matter, all the problems which it presents have been under careful consideration. Considering both the difficulty and novelty of the problem and the great care necessary in its resolution, the time taken in study has been well spent. I believe that experience under established minimum prices both by the Division[2] and petitioner is now sufficient to permit full consideration and a complete disposition of the subject matter of this proceeding.

On the basis of the present record I do not feel inclined to establish a special minimum price for petitioner's coals for shipment to a single consumer. I am reluctant to enter a final order in this proceeding, however, until petitioner is afforded an opportunity to present any additional evidence which may be pertinent on this issue, as well as on the broader question of whether general relief is justified. It is desirable that no permanent order be entered without consideration of petitioner's experience in the sale of its washed coals subsequent to the original hearing. This experience will prove helpful in considering the effect of the differential between prices of petitioner's washed coal in the industrial sizes and prices for standard Fifth Vein raw coal in similar sizes in Price Group 10, based upon shipments to the several market areas, rather than to a single customer.

Therefore, pursuant to what may be termed the alternative prayer in petitioner's papers filed in opposition to intervener's motion, I find that petitioner should be given leave to amend its petition within thirty (30) days from the date of this order in accordance with the above opinion, and that the temporary relief granted herein shall remain effective until otherwise ordered by the Director.

Accordingly, it is so ordered.

Dated: November 2, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11526; Filed, November 5, 1942; 11:33 a. m.]

[Docket No. 1815-FD]

FRANK H. MCDONALD, DEFENDANT

RESTORATION OF CODE MEMBERSHIP

Order granting application for restoration of code membership and restoring code membership.

A written complaint dated July 24, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") having been duly filed on August 4, 1941, by Bituminous Coal Producers Board for District No. 3, a district board, as complainant,

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[1] Now, the Bituminous Coal Consumers' Counsel.

[2] In other price proceedings, the Division has had occasion to consider and pass on the question of a special minimum price to a single consumer. See, for example, in the matter of the petition of the Ford Collieries Co., etc., Docket No. A-302; in the matter of the petition of the New River Company, etc., Docket No. A-90; in the matter of the petition of Hill-Anderson Coal Company, etc., Docket No. A-416; in the matter of the petition of the Mallory Coal Company, etc., Docket No. A-164.

with the Bituminous Coal Division (the "Division"), alleging wilful violation by the above-named defendant of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder; and

An order cancelling and revoking the membership of the said Frank H. McDonald in the Code, pursuant to section 5 (b) of the Act, and directing the payment to the United States of a tax of $147.25 as a condition precedent to the restoration thereof, pursuant to section 5 (c) of the Act, having been issued herein, after hearing, on December 17, 1941; and

An application for the restoration of membership in the Code dated October 20, 1942 having been duly filed with the Division on October 21, 1942 by the said Frank H. McDonald; and

It apearing from said application that the said Frank H. McDonald has paid to the Collector of Internal Revenue at Parkersburg, West Virginia said tax of $147.25 on September 24, 1942, pursuant to said Order dated December 17, 1941, and said section 5 (c) of the Act, as a condition precedent to the restoration of his membership in the Code;

Now, therefore, *It is ordered,* That the said application of the said Frank H. McDonald for restoration of membership in the Code, be and the same hereby is granted; and

It is further ordered, That the said restoration of the membership of the said Frank H. McDonald in the Code, be and the same hereby is restored, effective as of 12:01 a. m. on September 24, 1942.

Dated: November 3, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11527; Filed, November 5, 1942; 11:33 a. m.]

[Docket No. A-364]

HILLMAN COAL & COKE COMPANY

ORDER TERMINATING TEMPORARY RELIEF AND DISMISSING PETITION

In the matter of the petition of Hillman Coal & Coke Company for a change in the minimum price established for coals of its Naomi Mine located in District No. 2, when sold for delivery all-river in Market Area No. 13, pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

Petitioner having filed an original petition requesting a price of $1.56 per ton for coal from its Naomi Mine, f. a. s. dock of the Ohio Edison Company at Toledo, Ohio, and asking for temporary relief; and

Temporary relief having been granted by an order issued December 13, 1940, 5 F.R. 5156, following an informal conference held on November 30, 1940; and

The Division having been advised by a communication from petitioner dated September 23, 1942, that the necessity for the relief granted no longer exists, and that petitioner desires to withdraw its petition filed herein;

Now, therefore, *It is ordered,* That the temporary relief heretofore granted in the above entitled matter by order issued December 13, 1940, 5 F.R. 5156, be and the same hereby is terminated.

It is further ordered, That the original petition in the above entitled matter be and the same hereby is dismissed without prejudice.

Dated: November 4, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11552; Filed, November 6, 1942; 11:04 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

EVAPORATED AND POWDERED SKIMMED MILK

EXCEPTION FROM PROVISIONS OF WALSH-HEALEY ACT

Whereas the Secretary of War on September 30, 1942, made written findings that the inclusion of the representations and stipulations of section 1 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35) in contracts awarded on or before December 31, 1943, for evaporated milk and powdered skimmed milk, will seriously impair the conduct of Government business; and

Whereas the Secretary of War by letter dated October 27, 1942, requested that an exception be granted under section 6 of the Act to permit the award of contracts until December 31, 1943, for evaporated milk and powdered skimmed milk without the inclusion of the representations and stipulations of section 1 of the Act; and

Whereas it appears that justice and public interest will be served by the granting of the exception on the basis of the findings of the Secretary of War,

Now, therefore, I do hereby grant an exception, pursuant to the powers vested in me by section 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35), permitting the award of contracts for evaporated milk and powdered skimmed milk during the period from this date to December 31, 1943, unless otherwise ordered without the inclusion in such contracts of the representations and stipulations of section 1 of the Act.

Dated: November 4, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-11513; Filed, November 5, 1942; 11:40 a. m.]

Wage and Hour Division.

[Administrative Order 168]

PENS AND PENCILS MANUFACTURING INDUSTRY

APPOINTMENT OF INDUSTRY COMMITTEE

Appointment of Industry Committee No. 52.

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the pens and pencils manufacturing industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the public:

David A. McCabe, Chairman, Princeton, New Jersey.
Eveline M. Burns, New York, New York.
Russell J. Clinchy, Hartford, Connecticut.
Alva W. Taylor, Nashville, Tennessee.

For the employees:

Arthur Waltz, New York, New York.
Carl Holderman, Newark, New Jersey.
Boris Shishkin, Washington, District of Columbia.
Joseph A. Briegel, Chicago, Illinois.

For the employers:

E. M. Beroisheimer, New York, New York.
J. P. Fitzpatrick, Lewisburg, Tennessee.
Robert S. Gilliam, Petersburg, Virginia.
Kenneth Parker, Janesville, Wisconsin.

Such representatives having been chosen with due regard to geographical regions in which such industry is carried on.

2. For the purpose of this order the term "pens and pencils manufacturing industry" means:

> The manufacture of pens and pencils, including, but without limitation, fountain pens, fountain pen desk sets, stylographic pens, pen holders, pen parts, nibs, lead pencils, crayon pencils, mechanical pencils, pencil leads, pencil parts, all types of crayons, and the related products made or assembled in pen and pencil manufacturing establishments.

3. The definition of the pens and pencils manufacuring industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That such clerical, maintenance, shipping and selling occupations when carried on in a wholesaling or selling department physically segregated from other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale, shall not be deemed to be covered by this definition: *Provided, further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. The industry committee herein created shall meet in the offices of the Wage and Hour Division, U. S. Department of Labor, Room 1610, at 165 West 46th Street, New York City, at 10:00 a. m. on November 30, 1942, and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all em-

ployees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at New York, New York, this 4th day of November 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42–11553; Filed, November 6, 1942; 11:08 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 196]

CERTAIN COPYRIGHTS AND COPYRIGHT INTERESTS

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property hereinafter described as property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of a foreign country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States; such property being described as follows:

(a) All right, title and interest of every kind or nature whatsoever of the owners thereof in, to and under the copyrights described in Exhibit A attached hereto and made a part hereof, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any or all persons, firms, corporations or governments for past infringement thereof, and all rights of renewal subject to be exercised by or through such owners.

(b) All right, title and interest of every kind or nature whatsoever of the authors of the publications described in said Exhibit A in, to and under the copyrights described in said Exhibit A, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any or all persons, firms, corporations or governments for past infringement thereof and all rights of renewal subject to be exercised by such authors or by their widows, children, executors or next of kin.

(c) All right, title and interest of every kind or nature whatsoever of the claimants thereof in, to and under any and all claims of copyright and rights to claim copyrights in the publications described in Exhibit B attached hereto and made a part hereof, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any or all persons, firms, corporations or governments for past infringement thereof, and all rights of renewal subject to be exercised by or through such claimants and potential claimants, or any of them.

(d) All right, title and interest of every kind or nature whatsoever of the authors of the publications described in said Exhibit B in, to and under any and all claims of copyright and rights to claim copyrights in the publications described in said Exhibit B, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any or all persons, firms, corporations or governments for past infringement thereof, and all rights of renewal subject to be exercised by said authors or by their widows, children, executors, or next of kin.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

1. Copyrights numbered A. Foreign 1093, 4187, 21295, 6927, 10386, 12721, 25850, 28611, 16421, 29254, 18238, 33497, 20439, 37561, 39622, 21912, 4703, 9505, 24077, 13424, 25623, 20436, 23283, 25064, 27007, 26123, 32192, 30126, 31969, 30917, 32785, 33898, 34281, on compositions written by F. K. Beilstein, a German national, entitled "Handbuch Der Organischen Chemie", the effective date of such copyrights variously being from April 29, 1921, to October 24, 1936, and the owner of such copyrights being Julius Springer, Berlin, Germany.

2. Copyright number A. Foreign 7420, on a play written by Riccardo Bacchelli, an Italian national, entitled "Una Passione Coniugale", the effective date of such copyright being April 1, 1936, and the copyright owner being Casa Editrice Ceschina, Milan, Italy.

3. Copyrights numbered J 260611, 260625, 260594, 260590, 260612, 260652, 260613, 260607, 260596, 255347, 255348, 260624, 260603, 255357, 260597, 255349, 255350, 260591, 255358, 255369, 255371, 255352, 255353, 260608, 260604, 260598, 255356, 260605, 255382, 255351, 260609, 260589, 260599, 260656, 260595, 260626, 260648, on certain photographs compiled by Offizielle Ausgabeder Geminde Oberammergau, the effective date of such copyrights being May 5, 1922, and the copyright owner being F. Bruckmann, Munchen, Germany.

4. Copyright No. A. Foreign 44375 on a book written by Dr. Jean Peters, a German national, entitled "Acht Stellige Tafel der Trigonometrichshen Functionen—Alte Teilungen", the effective date of such copyright being May 25, 1939, and the owner of such copyright being Reichsamt F. Landesanfnahme, Berlin, Germany.

EXHIBIT B

1. Claim of copyright on a book entitled "Sieben Stellige Tafel der Trigonometrichshen Functionen—Alte Teilungen" written by Dr. Jean Peters, a German national, such copyright claim dating from 1939, copyright claimants being Druck-Brandsteter, Leipzig, Germany, and Reichsamt F. Landesanfnahme, Berlin, Germany.

2. Claim of copyright on a book entitled "Leuchtfarben", written by Felix Fritz, a German national, such copyright claim dating from 1940, copyright claimed by Chemisch-technischer Verlag Dr. Gustav Bodenbender, Berlin, Germany.

[F. R. Doc. 42–11556; Filed, November 6, 1942; 11:31 a. m.]

[Vesting Order 203]

ALL OF THE CAPITAL STOCK OF MAUSER BARREL COMPANY, INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All of the capital stock of Mauser Barrel Company, Inc., a New York corporation, New York, New York, which is a business enterprise within the United States, consisting of 200 shares of no par value common stock, which shares are registered in the name of Karl W. Mauser, and held for the benefit of Karl W. Mauser, Rudolf Mauser, Alfons Mauser, Paul Mauser and Egon Mauser, the last known addresses for all of whom were represented to the undersigned as being Cologne-Ehrenfeld, Germany,

is property of nationals, and represents ownership of said business enterprise which is a national, of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–11557; Filed, November 6, 1942; 11:29 a. m.]

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[1] 7 F.R. 5205.

[Vesting Order 204]

REAL PROPERTY IN ELGIN, ILLINOIS, OWNED BY CAROLINE KRAUSE

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, interest and estate, both legal and equitable, of Caroline Krause, the last known address of whom was represented to the undersigned as being in Hamburg, Germany, in and to that certain parcel of real property, together with all fixtures, improvements and appurtenances thereto, situate, lying and being in the City of Elgin, County of Kane, State of Illinois, and particularly described as follows:

The East one-third (⅓) of the North one-half (½) of Lot 5 in Block 19 of P. J. Kimball Jr.'s Third Addition to Elgin, situated in the City of Elgin, Kane County, Illinois.

is property within the United States owned by a national of a designated enemy country (Germany), and determining that such property is encompassed within the purview of section 2 (c) of Executive Order No. 9095, as amended, and further finding that such property is the subject of litigation pending in the Circuit Court of Kane County, State of Illinois, in that certain action entitled Marjorie A. Healy, individually and as administratrix of the Estate of Walter E. Healy, deceased, and Charles Healy, Plaintiffs, against Caroline Krause, et al, Defendants, an action to establish and quiet title to the property, and determining that under such circumstances such property is encompassed within the purview of section 2 (f) of Executive Order No. 9095, as amended, and further determining that to the extent that the said Caroline Krause is a person not within a designated enemy country, such person is controlled by or acting for or on behalf of or as a cloak for a designated enemy country (Germany) or a person within such country, and the national interest of the United States requires that such person be treated as a national of such designated enemy country (Germany), and therefore determining that such person is a national of a designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–11558; Filed, November 6, 1942; 11:34 a. m.]

[Vesting Order 216]

SIX COPYRIGHTS OF ENEMY NATIONALS

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title and interest of every kind or nature whatsoever of the original author, who is a national of Germany and whose last known address was represented to the undersigned as being in Germany, of each of the six publications described in Exhibit A attached hereto and made a part hereof, including but not limited to all accrued royalties, all right to receive royalties, and all damages and profits recoverable at law or in equity from any or all persons, firms, corporations or governments for past infringement thereof, and all rights of renewal subject to be exercised by such author or by his widow, children, executor or next of kin, in, to and under each and all of the copyrights described in said Exhibit A,

is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of a foreign country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 5, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

1. Copyright No.: A 89775. Title of Book: Introduction to Scientific German. Date of Publication: December 4, 1935. Author: Otto Koischwitz.

2. Copyright No.: A 74352. Title of Book: German Workbook. Date of Publication: July 25, 1934. Author: Otto Koischwitz.

3. Copyright No.: A 61948. Title of Book: Bilderlesebuch. Date of Publication: May 25, 25, 1942. Author: Otto Koischwitz.

4. Copyright No.: A 51049. Title of Book: Deutsche Fibel. Date of Publication: April 25, 1932. Author: Otto Koischwitz.

5. Copyright No.: A 114315. Title of Book: Die Bilderfibel. Date of Publication: December 31, 1937. Author: Otto Koischwitz.

6. Copyright No.: A 1083446. Title of Book: Deutsches Geistesleben der Gegenwart. Date of Publication: July 17, 1928. Author: Otto Koischwitz.

[F. R. Doc. 42–11559; Filed, November 6, 1942; 11:32 a. m.]

[Vesting Order 221]

MARTHA CLARA VON STULPNAGEL

Re: Real property in Bellows Falls, Vermont, and a checking account in the Boston Safe Deposit and Trust Company,

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[1] 7 F.R. 5205.

Boston, Massachusetts, owned by Martha Clara von Stulpnagel.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

All right, title, interest and estate, both legal and equitable, of Martha Clara von Stulpnagel, the last known address of whom was represented to the undersigned as being in Potsdam, Germany, in and to that certain real property, together with all fixtures, improvements and appurtenances thereto, situate, lying and being in the Village of Bellows Falls, Town of Rockingham, County of Windham, State of Vermont, and particularly described as follows:

A certain piece or parcel of land situated on the westerly side of the square in said Village of Bellows Falls and bounded easterly on said square forty-nine and two hundredths feet; northerly by other lands one hundred sixty-two and three-tenths feet; and westerly by other lands forty-nine and five-tenths feet; and southerly by other lands one hundred fifty-seven and twenty-hundredths feet, be all said measurements more or less or howsoever otherwise bounded, the same being shown upon a "Plan of property, Harriet H. Bingham estate and others, owners. Formerly Pettis property, Bellows Falls, Vt. Surveyed by G. V. White, Lawrence, Mass., May 4, 1907",

is property within the United States owned by a national of a designated enemy country (Germany); and

(b) That the property described as follows:

The checking account at the Boston Safe Deposit and Trust Company carried in the name of Martha Clara von Stulpnagel,

is property within the United States owned or controlled by a national of a designated enemy country (Germany), and determining that the property described in paragraph (b) is necessary for the maintenance or safeguarding of other property [namely, that hereinbefore described in paragraph (a)] belonging to the same national of the same designated enemy country and subject to vesting (and, in fact, vested by this order) pursuant to section 2 of said Executive Order;

and determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 9, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–11560; Filed, November 6, 1942; 11:29 a. m.]

[Vesting Order 229]

JOHANN HEINRICH FLUHRER AND JOHANN FRIEDRICH FLUHRER

Re: Real property in Ward and McHenry Counties, North Dakota, and a bank account, owned by Johann Heinrich Fluhrer and Johann Friedrich Fluhrer.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

All right, title, interest and estate, both legal and equitable, of Johann Heinrich Fluhrer and Johann Friedrich Fluhrer, and each of them, the last known address of both of whom was represented to the undersigned as being in Wurttemberg, Germany, in and to those certain parcels of real property, together with all fixtures, improvements and appurtenances thereto, situated:

(1) In the City of Minot, County of Ward, State of North Dakota, and particularly described as follows: West 140 feet of Lot 7 of Block 4, Ramstad's Second Addition to the City of Minot; and

(2) In the County of McHenry, State of North Dakota, and particularly described as follows: Northeast quarter of Section 33, Township 156, Range 80,

is property within the United States owned by nationals of a designated enemy country (Germany); and

(b) That the property described as follows:

The bank balance belonging to Johann Heinrich Fluhrer and Johann Friedrich Fluhrer, or either of them, carried in the name of "Fluhrer Trust" in the First National Bank, Minot, North Dakota,

is property within the United States owned by nationals of a designated enemy country (Germany), and determining that the property described in this paragraph (b) is necessary for the maintenance or safeguarding of other property [namely, that hereinbefore described in paragraph (a)] belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

and determining that to the extent that either or both of such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on October 12, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–11561; Filed, November 6, 1942; 11:29 a. m.]

[Vesting Order 230]

50.05% OF CAPITAL STOCK OF REPUBLIC FILTERS, INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

(a) 488 shares (which constitute a substantial part, namely, 49.54%, of all outstanding shares) of $100 par value common capital stock of Republic Filters, Inc. (formerly American Seitz Filter Corporation), a New Jersey corporation, Paterson, New Jersey, which is a business enterprise within

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[1] 7 F.R. 5205.

the United States, which shares are registered in the name of and held by William J. Topken, New York, New York, for the benefit of Seitz-Werke, G. m. b. H., Bad Kreuznach, Germany; and

(b) 5 additional shares of similar stock of the aforesaid Republic Filters, Inc., which shares are registered in the name of Charles E. Hunziker, Paterson, New Jersey, and were obtained from Philip Farley on or about June 5, 1942,

is property of nationals, and represents interests in said business enterprise which is a national, of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on October 12, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–11562; Filed, November 6, 1942; 11:29 a. m.]

[Vesting Order No. 237]

CERTAIN REAL PROPERTY IN CLIFFSIDE PARK, NEW JERSEY, OWNED BY SALVATORE LOFORTE

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, interest and estate, both legal and equitable, of Salvatore Loforte, whose last known address was represented to the undersigned as being in Palermo, Italy, in and to that certain real property, together with all fixtures, improvements and appurtenances thereto, situated in the Borough of Cliffside Park, County of Bergen, State of New Jersey, and particularly described as follows:

Premises Borough of Cliffside Park, which on a certain map entitled "Map of Grantwood in the Borough of Cliffside Park, Bergen County, New Jersey" made by Alfred W. Williams, Civil Engineer and Surveyor, and duly filed in the Office of the Clerk of said County on May 1, 1901, as Map No. 805 is known and designated as part of lot number 12 and 13 in Block No. 18 on said map and more particularly bounded and described as follows:

Beginning at a point in the westerly side of Anderson Avenue, distant 71.17 feet northerly from the corner, formed by the intersection of the westerly side of said Anderson Avenue with the northerly side of Lafayette Avenue as said avenues are now laid out and which point is opposite the center line of a party wall standing partly on the premises hereby described and partly on the premises adjoining thereto on the south; running thence 1) to, through and beyond the center line of said party wall standing partly on the premises hereby conveyed and partly on the premises adjoining thereto on the south, north 45 degrees 44 minutes 30 seconds west, 110.47 feet to a point; running thence 2) north 50 degrees 7 minutes east along the rear line of lot 12 and 13 in Block 18 on the aforesaid map 19.86 feet to a point which point is opposite the center line of a party wall standing partly on the premises hereby described and partly on the premises adjoining thereto on the north; running thence 3) south 45 degrees 44 minutes 30 seconds east to, through and beyond the center line of said party wall standing on the premises hereby described and partly on the premises adjoining on the north 103.86 feet to a point in the westerly line of said Anderson Avenue; and running thence 4) southerly along the westerly line of said Anderson Avenue, 20.48 feet to the beginning,

is property within the United States owned by a national of a designated enemy country (Italy), and determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Italy), and having made all determinations and taken all action, after appropriate consultation and certification, required by said executive order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said executive order.

Executed at Washington, D. C., on October 15, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–11564; Filed, November 6, 1942; 11:34 a. m.]

[Vesting Order Number 242]

COPYRIGHTS COVERING "SIEBENSTELLIGE WERTE DER TRIGNOMETRISCHEN FUNKTIONEN"

Under the Authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property hereinafter described is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of a foreign country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said executive order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States; such property being the following described rights and interests under the copyright laws of the United States:

1. All right, title and interest of whatsoever kind or nature of each and all of the owners thereof in, to and under each and all of the claims of copyright described in Exhibit A attached hereto and made a part hereof, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any and all persons, firms, corporations or governments for past infringement thereof, and all rights of renewal subject to be exercised by or through any or all of such owners.

2. All right, title and interest of whatsoever kind or nature of each and all of the authors of each and all of the publications described in said Exhibit A in, to and under each and all of the claims of copyright described in said Exhibit A, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any and all persons, firms, corporations or govern-

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[1] 7 F.R. 5205.

ments for past infringement thereof, and all rights of renewal subject to be exercised by any or all of such authors or by their widows, children, executors, or next of kin.

3. All right, title and interest of whatsoever kind or nature of each and all other nationals, whomsoever they may be, of any and all designated enemy countries, in, to and under each and all of the claims of copyright and rights to copyright, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number, in any and all of the publications described, and in any and all other issues, editions or republications of any or all of the works described, and in any and all of the volumes heretofore published under the titles described, in the aforesaid Exhibit A, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any and all persons, firms, corporations or governments for past infringement thereof, and all rights of renewal subject to be exercised by or through any or all of such nationals.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said executive order.

Executed at Washington, D. C. on October 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

1. Claim of copyright on a publication entitled "Siebenstellige Werte der Trignometrischen Funktionen" written by Prof. Dr. Jean Peters, a national of Germany, the copyright claimant being Verlag der Optischen Anstalt C. P. Goerz A. G., whose last known address is Berlin-Friedenau, Germany, the effective date of such claim of copyright being 1918.

2. Claim of copyright on a publication entitled "Siebenstellige Werte der Trignometrischen Funktionen" written by Prof. Dr. Jean Peters, a national of Germany, the copyright claimant being Verlag der Optischen Anstalt C. P. Goerz A. G., whose last known address is Berlin-Friedenau, Germany, the effective date of such claim of copyright being 1938.

[F. R. Doc. 42–11565; Filed, November 6, 1942; 11:32 a. m.]

[Vesting Order Number 243]

COPYRIGHTS COVERING "HANDBUCH DER ORGANISCHEN CHEMIE"

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property hereinafter described is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of a foreign country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said executive order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States; such property being the following described rights and interests under the copyright laws of the United States:

1. All right, title and interest of whatsoever kind or nature of each and all of the owners thereof in, to and under each and all of the copyrights described in Exhibit A attached hereto and made a part hereof, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any and all persons, firms, corporations or governments for past infringement thereof, and all rights of renewal subject to be exercised by or through any or all of such owners.

2. All right, title and interest of whatsoever kind or nature of each and all of the authors of each and all of the publications described in said Exhibit A in, to and under each and all of the copyrights described in said Exhibit A, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any and all persons, firms, corporations or governments for past infringement thereof, and all rights of renewal subject to be exercised by any or all of such authors or by their widows, children, executors, or next of kin.

3. All right, title and interest of whatsoever kind or nature of each and all other nationals, whomsoever they may be, of any and all designated enemy countries, in, to and under each and all of the copyrights, claims of copyright and rights to copyright, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number, in any and all of the publications described, and in any and all other issues, editions or publications of any or all of the works described, and in any and all of the volumes heretofore published under the titles described, in the aforesaid Exhibit A, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any and all persons, firms, corporations or governments for past infringement thereof, and all rights of renewal subject to be exercised by or through any or all of such nationals.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said executive order.

Executed at Washington, D. C., on October 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Copyrights on publications entitled "Handbuch Der Organischen Chemie" written by F. K. Beilstein, a national of Germany, the owner of such copyrights being Julius Springer, whose last known address is Berlin, Germany, the effective dates of such copyrights variously being from March 15, 1932 to September 24, 1941, and the numbers of such copyrights being as follows:

A. Foreign 37207
A. Foreign 39190
A. Foreign 43376
A. Foreign 44554
A. Foreign 45410
A. Foreign 47101
A. Foreign 43375
A. Foreign 43374
A. Foreign 16120
A. Foreign 20439
A. Foreign 35178
A. Foreign 40474
A. Foreign 48098

[F. R. Doc. 42–11566; Filed, November 6, 1942; 11:32 a. m.]

[Vesting Order Number 244]

COPYRIGHTS AND RIGHTS THEREUNDER

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property hereinafter described is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of foreign countries, and having made all determinations and taken all action, after appropriate consultation and certification, required by said executive order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States; such property being described as follows:

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[1] 7 F.R. 5205.

(a) All right, title and interest, arising under the laws of the United States, of every kind or nature whatsoever, of the owners thereof in, to and under the copyrights described in Exhibit A attached hereto and made a part hereof, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any or all persons, firms, corporations or governments for past infringement thereof, and all rights of renewal subject to be exercised by or through such owners.

(b) All right, title and interest, arising under the laws of the United States, of every kind or nature whatsoever, of the authors of the publications described in Exhibit A attached hereto and made a part hereof in, to and under the copyrights described in said Exhibit A, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any or all persons, firms, corporations or governments for past infringement thereof and all rights of renewal subject to be exercised by such authors or by their widows, children, executors or next of kin.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said executive order.

Executed at Washington, D. C., on October 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Copyright No.	Nature of work	Titles of works	Copyright owners	Authors
E35717	Musical composition	Essential finger exercises.	Rozsavolgyi & Co., Budapest, Hungary.	E von Dohnanyi, a national of Hungary.
E9095	Musical composition	Essential finger exercises.	Rozsavolgyi & Co., Budapest, Hungary.	E von Dohnanyi, a national of Hungary.
E6351	Musical composition	Waltz from the Ballet Naila.	Rozsavolgyi & Co., Budapest, Hungary.	E von Dohnanyi, a national of Hungary.
E566708	Musical composition	Cappriccio; in Klavier F. Moll.	Rozsavolgyi & Co., Budapest, Hungary.	E von Dohnanyi, a national of Hungary.
A45434	Book	Magnesium und seine Legierungen.	Julius Springer, Berlin, Germany.	Adolph Beck, H. Altwicker and others, nationals of Germany.

[F. R. Doc. 42–11567; Filed, November 6, 1942; 11:33 a. m.]

[Vesting Order Number 248]

ALL OF THE CAPITAL STOCK OF UNION BANKING CORPORATION AND CERTAIN INDEBTEDNESS OWING BY IT

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

All of the capital stock of Union Banking Corporation, a New York corporation, New York, New York, which is a business enterprise within the United States, consisting of 4,000 shares of $100 par value common capital stock, the names of the registered owners of which, and the number of shares owned by them respectively, are as follows:

Names	*Number of shares*
E. Roland Harriman	3,991
Cornelius Lievense	4
Harold D. Pennington	1
Ray Morris	1
Prescott S. Bush	1
H. J. Kouwenhoven	1
Johann G. Groeninger	1
Total	4,000

all of which shares are held for the benefit of Bank voor Handel en Scheepvaart, N. V., Rotterdam, The Netherlands, which bank is owned or controlled by members of the Thyssen family, nationals of Germany and/or Hungary,

is property of nationals, and represents ownership of said business enterprise which is a national, of a designated enemy country or countries (Germany and/or Hungary);

(b) That the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of the aforesaid Bank voor Handel en Scheepvaart, and August Thyssen-Bank, Berlin, Germany, and each of them, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to them, or each of them, by said Union Banking Corporation, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness.

is an interest in the aforesaid business enterprise held by nationals of an enemy country or countries, and also is property within the United States owned or controlled by nationals of a designated enemy country or countries (Germany and/or Hungary);

and determining that to the extent that any or all of such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country or countries (Germany and/or Hungary), and having made all determinations and taken all action, after appropriate consultation and certification, required by said executive order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said executive order.

Executed at Washington, D. C., on October 20, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–11568; Filed, November 6, 1942; 11:31 a. m.]

[Vesting Order Number 250]

CERTAIN PERSONAL PROPERTY OF ALOIS SCHLICK

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended [1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

One Schlick Universal High Speed full width Beaming Machine, stored with Robert Reiner, Incorporated, 556 Gregory Avenue, Weehawken, New Jersey, and belonging to Alois Schlick, a citizen of Germany whose last known address was represented to the undersigned as being Hohenstein-Ernsthal, Saxony, Germany.

is property within the United States owned or controlled by a national of a designated enemy country (Germany), and determining that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said executive order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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[1] 7 F.R. 5205.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said executive order.

Executed at Washington, D. C. on October 22, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–11569; Filed, November 6, 1942; 11:31 a. m.]

[Vesting Order Number 263]

COPYRIGHT AND COPYRIGHT INTERESTS COVERING "URLAUB AUF EHRENWORT"

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property hereinafter described is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of a foreign country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said executive order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, such property being described as follows:

All right, title and interest, arising under the laws of the United States, of whatsoever kind or nature of the author, copyright owner, scenario writers and producer, and each of them, in, to and under each of the following:

(a) The copyright described as follows:

Copyright number: A. Foreign 38017.

Title of book: Urlaub Auf Ehrenwort.

Author: Kilan Koll, of Germany.

Copyright owner: Albert Langen/Georg Muller Verlag. G. m. b. H., of Germany.

(b) All copyrights, claims of copyright, rights to copyright and interests thereunder in the photoplay described as follows:

Title of photoplay: Urlaub Auf Ehrenwort.

Scenario writers: Charles Klein and F. Luetzkendorf, of Germany.

Producer: Universum Film, A. G., of Germany,

including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any and all persons, firms, corporations or governments for past infringement thereof, and all rights of renewal subject to be exercised by the aforesaid scenario writers or author or by their widows, children, executors or next of kin, or by or through the aforesaid copyright owner or producer.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said executive order.

Executed at Washington, D. C., on October 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–11570; Filed, November 6, 1942; 11:33 a. m.]

[Vesting Order Number 288]

DIVIDENDS ON CAPITAL STOCK OF THE AMERICAN PLATINUM WORKS

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All cash dividends declared but not yet paid, and 60 shares of $100 par value common capital stock declared as a stock dividend, by The American Platinum Works on June 6, 1942, on 1,523 shares of its $100 par value common stock which 1,523 shares were vested by the undersigned pursuant to Vesting Order Number 74 of July 30, 1942, and which dividends are owing to W. C. Heraeus, G.m.b.H., Hanau, Germany, both of which companies were found in said Vesting Order Number 74 to be nationals of a designated enemy country (Germany),

is property of, and represents an interest in a business enterprise within the United States which is, a national of a designated enemy country (Germany), and also is property within the United States owned or controlled by a national of a designated enemy country (Germany), and determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said executive order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said executive order.

Executed at Washington, D. C. on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–11571; Filed, November 6, 1942; 11:33 a. m.]

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[1] 7 F.R. 5205.

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT W–1]

WATER CARRIERS ON THE ILLINOIS RIVER

ORDER DIRECTING COORDINATED OPERATION

Directing coordinated operation of carriers by water on the Illinois River between Havana, Illinois, and Chicago, Illinois.

Upon consideration of the application for authority to coordinate service in and to pool equipment with respect to the transportation of property, by water, filed with this Office by Central Barge Company, Chicago, Illinois, and Ohio River Company, Cincinnati, Ohio, and in order to assure maximum utilization of the facilities, services, and equipment of carriers of property by water, and to conserve and providently utilize vital equipment, material, and supplies, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Central Barge Company and Ohio River Company, in the transportation of coal by water on the Illinois River from Havana, Illinois, to Chicago, Illinois, shall, subject to terms and conditions acceptable to each such company, pool their barges operated in such trade and service in connection therewith, and each use the barges of the other company without regard to the ownership thereof.

2. Barges made empty at Chicago shall, subject to terms and conditions acceptable to each such company, be moved to Havana by either company without regard to the ownership of such barges.

3. This order shall not be construed as approving the rates and charges to be collected by the carriers for the transportation of coal. Charter hire agreed upon by the carriers shall be subject to any applicable maximum price established by any competent governmental authority.

This order shall become effective November 6, 1942.

Issued at Washington, D. C., this 6th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42–11549; Filed, November 6, 1942; 10:35 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Rev. Order 3 Under MPR 120]

ELMIRA COAL COMPANY

ORDER GRANTING ADJUSTMENT

Revised Order No. 3 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120–2.

Order No. 3[1] under Maximum Price Regulation No. 120 is hereby amended to read as set forth below:

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Elmira Coal Company, Excelsior Springs, Missouri, may sell and deliver, and any person may buy and receive, bituminous coal described in paragraphs (b) and (c) at prices not to exceed the respective prices stated therein;

(b) Coal in Size Groups 2, 6 and 11 produced at the Elmira Mine (Mine Index No. 48), District No. 15, of the Elmira Coal Company, may be sold for shipment by rail at prices per net ton f. o. b. the mine not to exceed $3.90, $3.50 and $3.75, respectively.

(c) Coal in Size Groups 2, 6 and 11 produced at the Elmira Mine (Mine Index No. 48), District No. 15, of the Elmira Coal Company, may be sold for shipment by truck or wagon at prices per net ton f. o. b. the mine not to exceed $3.90, $3.50 and $3.75, respectively.

(d) All prayers of the petitioner not granted herein are denied.

(e) This Revised Order No. 3 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(g) This Revised Order No. 3 shall become effective November 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11535; Filed, November 5, 1942; 1:31 p. m.]

[Order 74 Under MPR 120]

WEIKART COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 74 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120–87.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (c) of Maximum Price Regulation No. 120, *It is ordered:*

(a) The Weikart Coal Company, Washingtonville, Ohio, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b), for shipment by truck or wagon, at prices not in excess of the respective prices stated therein.

(b) Coals produced by Weikart Coal Company at its Weikart Coal Company Mine (Mine Index No. 1445), in District No. 4, in Size Groups 2, 4 and 5, may be sold for shipment by truck or wagon f. o. b. the mine at prices per net ton not to exceed the following:

Size groups:	*Maximum prices*
2	$3.50
4	3.60
5	3.00

(c) This Order No. 74 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of the petition not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(f) This Order No. 74 shall become effective November 6, 1942.

Issued this 5th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11539; Filed, November 5, 1942; 1:32 p. m.]

OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT.

[Administrative Order 2]

ORGANIZATION; FUNCTIONS AND DUTIES OF OFFICERS[1]

SEPTEMBER 24, 1942.

Pursuant to the authority contained in Executive Order No. 8807[2] of June 28, 1941, and other provisions of law, and in order further to define the functions and duties of the Office of Scientific Research and Development, *It is hereby ordered* That:

SECTION 1. This administrative order amends and supersedes Administrative Order No. 1, dated August 20, 1941.

SEC. 2. The principal subdivisions of the Office of Scientific Research and Development shall be:

(a) *The National Defense Research Committee*, created by section 7 of Executive Order No. 8807, the duties of which shall be to advise and assist the Director as specified in section 7 and to supervise the performance of research in its designated field.

(b) *The Committee on Medical Research*, created by section 8 of Executive Order No. 8807, the duties of which shall be to advise and assist the Director as specified in section 8 and to supervise the performance of research in its designated field.

(c) *The Administrative Division*, at the head of which shall be an Executive Secretary appointed by the Director. The Administrative Division shall have charge of the administrative affairs and records of the Office of Scientific Research and Development under direction and supervision of the Director and subject to the provisions of section 10 of Executive Order No. 8807.

(d) *The Liaison Office*, under the supervision of a Senior Liaison Officer appointed by the Director. The duties of the Liaison Office shall be the conduct of scientific liaison with countries the defense of which the President has deemed vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States."

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[1] 7 F.R. 3909.

[1] An organization chart was filed with the original document.

[2] 6 F.R. 3207.

SEC. 3. Subject to all limitations and restrictions applicable to acts of the Director, the Chairman of the National Defense Research Committee is authorized: (1) to discharge all duties and to exercise all powers of the Director during the absence or disability of the Director, (2) to discharge such duties and to exercise such powers of the Director in the field of the National Defense Research Committee designated by section 7 of Executive Order No. 8807, as may be delegated to him from time to time by the Director, and (3) to delegate any power or duty of the Chairman to such assistant as he may designate with the approval of the Director.

SEC. 4. Subject to all limitations and restrictions applicable to acts of the Director, the Chairman of the Committee on Medical Research is authorized: (1) to discharge such duties and exercise such powers of the Director in the field of the Committee on Medical Research designated by section 8 of Executive Order No. 8807, as may be delegated to him from time to time by the Director, and (2) to delegate any power or duty of the Chairman to such assistant as he may designate with the approval of the Director.

SEC. 5. Subject to all limitations and restrictions applicable to acts of the Director and within such limits as may be prescribed by the Director, the Executive Secretary is authorized: (1) to negotiate and enter into contracts and to make supplements, amendments, modifications or extensions of contracts heretofore or hereafter made in connection with the functions of the Office of Scientific Research and Development and its officers, (2) to incur and release such obligations and to settle such claims as may be necessary to accomplish such functions, (3) to effect transfers and re-transfers of funds, (4) to authorize or approve travel and certify long-distance telephone calls in connection with such functions, and (5) to delegate any power or duty of the Executive Secretary to such assistant as he may designate with the approval of the Director.

SEC. 6. Acts heretofore performed consistent with the procedure authorized in this Administrative Order are approved, ratified and confirmed.

VANNEVAR BUSH,
Director.

Approved:
WAYNE COY, *Liaison Officer,*
Office for Emergency
Management.

[F. R. Doc. 42-11534; Filed, November 5, 1942; 12:20 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-616, 70-610]

COLUMBIA GAS & ELECTRIC CORP. AND COLUMBIA OIL & GASOLINE CORP.

ORDER GRANTING APPLICATIONS, ETC.

Order granting applications and permitting declarations to become effective in part and reserving jurisdiction.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 3d of November, 1942.

The above-named parties having filed applications or declarations, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9, 10, 12 (c), 12 (d) and Rules U-42, U-43, regarding the following transactions:

Columbia Gas & Electric Corporation, a registered holding company and a subsidiary of The United Corporation, also a registered holding company, and Columbia Oil & Gasoline Corporation, a subsidiary of Columbia Gas & Electric Corporation, propose by separate applications or declarations that Columbia Gas & Electric Corporation dispose of, and Columbia Oil & Gasoline Corporation acquire, $300,000 face amount of Columbia Oil & Gasoline Corporation's debentures held by Columbia Gas & Electric Corporation, for $312,000 in cash plus accrued interest, such amount being the redemption price specified in the indenture securing such debentures; the debentures so acquired to be tendered to the Trustee under the indenture in lieu of the semi-annual cash sinking fund required under the provisions of said indenture.

Notice of said filings having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declarations or applications within the period specified in said notices or otherwise, and not having ordered hearings thereon; and

The above-named parties having stated in their declarations that there may be problems in connection with the payment of the $12,000 premium in addition to the face amount of $300,000 for the said debentures, which would be time consuming and which are present in other pending proceedings (Files Nos. 59-33, 70-438), concerning the payment of a more substantial principal amount of debentures than is here involved; and having therefore suggested that an order be entered permitting the sale by Columbia Gas & Electric Corporation to Columbia Oil & Gasoline Corporation of the $300,000 principal amount of debentures for immediate payment of $300,000 plus accrued interest in cash, the Commission reserving jurisdiction over the payment of the additional amount of $12,000 for consideration and determination at a later date; and having requested the acceleration of the effective date of such declarations or applications; and

The Commission deeming it appropriate in the public interest and in the interests of investors and consumers to permit such declarations or applications to become effective to the extent suggested by the parties and that the date should be advanced;

It is ordered, pursuant to Rule U-23 and the applicable provisions of the Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declarations or applications be, and they hereby are, permitted to become effective and are granted forthwith, to the extent that they contemplate the sale by Columbia Gas & Electric Corporation and the corresponding purchase by Columbia Oil & Gasoline Corporation of $300,000 face amount of the latter's debentures for $300,000 in cash plus accrued interest, jurisdiction being reserved with respect to the payment of the $12,000 premium prescribed under the terms of the indenture securing the said debentures.

By the Commission (Commissioner Healy dissenting for reasons set forth in his memorandum of April 1, 1940).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11528; Filed, November 5, 1942; 11:56 a. m.]

[File No. 812-178]

THE SCRIPPS-HOWARD INVESTMENT COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of November, A. D. 1942.

An application having been duly filed by Scripps-Howard Investment Company for an order, pursuant to section 6 (b) and/or 6 (c) of the Investment Company Act of 1940, exempting the applicant from the provisions of that Act;

It is ordered, That a hearing on the aforesaid application be held on the 18th day of November, 1942, at 10:00 o'clock in the forenoon of that day in the hearing room of the Securities and Exchange Commission Building at 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held.

It is further ordered, That Robert P. Reeder, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment

Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11529; Filed, November 5, 1942; 11:56 a. m.]

[File No. 70-555]

CENTRAL MAINE POWER CO., ET AL.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 4th day of November 1942.

In the matter of Central Maine Power Company, Cumberland County Power and Light Company, New England Industries, Inc., New England Public Service Company.

Central Maine Power Company ("Central Maine"), Cumberland County Power and Light Company ("Cumberland"), New England Industries, Inc. ("Industries") and New England Public Service Company ("Nepsco"), having filed applications and declarations pursuant to sections 6, 7, 10 and 12 of the Public Holding Company Act of 1935 regarding transactions more particularly summarized as follows:

I

Central Maine and Cumberland (both subsidiaries of Nepsco) propose to enter into an agreement of merger by which Central Maine will acquire all the assets and assume all of the liabilities of Cumberland and by which Central Maine will continue as the surviving corporation. Cumberland will dispose of all of its assets to Central Maine and will be merged into Central Maine.

A. It is proposed that Central Maine: (1) change and increase the common stock authorized by its charter from 150,000 shares of Common Stock, no par value, into 1,500,000 shares of Common Stock, $10 par value, of which 642,500 shares will be outstanding in the hands of the holders of the presently outstanding 140,000 shares of Common Stock, no par value; and change the voting power of the common stock so that each share of such Common Stock, $10 par value, will have one-fifth of a vote; (2) issue and sell for cash $12,500,000 in principal amount of First and General Mortgage Bonds of a new series, to be designated Series M; (3) issue and sell for cash $5,000,000 in principal amount of Ten-Year Serial Notes; (4) issue a presently undeterminable amount of $50 Preferred Stock 5% Dividend Series, of which series 20,000 shares are presently oustanding.

B. It is further proposed that Central Maine: (1) assume the liability upon $9,275,000 in principal amount of First Mortgage Bonds, 3½% due 1966 and $1,494,000 in principal amount of First Mortgage Bonds, 4% due 1960 of Cumberland, and redeem and retire said Bonds at 105¼% and 105% respectively; (2) redeem and retire all outstanding shares of Preferred Stock of Cumberland at their respective redemption prices, subject, however, to an offer of exchange to be made to the holders thereof under which such holders may elect to receive two shares of $50 Preferred Stock, 5% Dividend Series, plus two shares of Common Stock, $10 par value of Central Maine for each share of 6% Preferred Stock of Cumberland, or two share of $50 Preferred Stock, 5% Dividend Series, plus one share of Common Stock, $10 par value, of Central Maine for each share of 5½% Preferred Stock of Cumberland. It is further proposed that Central Maine redeem or otherwise retire its presently outstanding 7% Preferred Stock in direct ratio to the par value of its $50 Preferred Stock, 5% Dividend Series, issued in such exchange of Cumberland Preferred Stock.

C. It is further proposed: (1) that Central Maine issue and sell for cash 261,910 shares of Common Stock, $10 par value, at the price of $10 per share, and that Nepsco purchase such shares (less any shares taken by holders of Common Stock and 6% Preferred Stock of Central Maine upon the exercise of their respective preemptive rights); (2) that Nepsco tender for conversion its present holdings of 54,699 shares of Common Stock of Cumberland and 638 shares of 6% Preferred Stock of Central Maine and receive therefor 404,575 shares and 6,380 shares (total 410,955 shares) respectively of Common Stock, $10 par value, of Central Maine.

D. It is further proposed that Central Maine's bank loans be paid off and necessary funds provided for the purchase and construction of property with cash derived from the transactions described above.

E. It is proposed that proxies be solicited from the stockholders of Cumberland and Central Maine in connection with the merger described above.

II

Central Maine proposes to sell and Industries (a subsidiary of Nepsco) proposes to buy 1,000 shares of Prior Preferred Stock and 1,457 shares of Preferred Stock of Keyes Fibre Company (a subsidiary of Nepsco and Central Maine) for an aggregate cash consideration of $245,700.

III

Central Maine proposes to buy and Nepsco proposes to sell 300 shares of Common Stock of Nepsco Services, Inc., for $3,000; $6,000 in principal amount of 5% Debentures of Nepsco Services, Inc., for $6,000 plus accrued interest; 10 shares of Common Stock of Nepsco Appliance Finance Corporation for $100; 650 shares (constituting 100%) of the Common Stock of New England Pole and Treating Company for $110,000.

A public hearing having been held on said applications and declarations as amended after appropriate notice; the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein:

It is ordered, That said applications be and the same hereby are granted and that said declarations be and become effective forthwith, subject to the terms and conditions set forth in Rule U-24 and subject also to the following additional terms and conditions:

(1) The granting of said applications and the permitting of said declarations to become effective is upon the express condition that if the Maine Public Utilities Commission shall not approve the merger of Cumberland into Central Maine and the issuance of securities by Central Maine as proposed herein, within sixty days from the date hereof, then this order shall be null and void and of no effect;

(2) No dividends, except dividends payable in common stock, shall be declared or paid on the common stock of the merged company except out of earnings accumulated subsequent to the date upon which the merger becomes effective.

(3) No dividends, except dividends payable in common stock, shall be declared or paid on the common stock of the merged company at any time unless for the entire period from the date upon which the merger shall have become effective to the end of the calendar month next preceding the month in which any such declaration is made:

(a) The Company shall have made provision for depreciation at the rate of not less than two per cent per annum on its depreciable gas and electric plant;

(b) The Company shall have retained current earnings applicable to its common stock, or shall have sold additional common stock for cash, at a rate of not less than $500,000 per annum until the sum of the earnings so retained plus the proceeds from the sale of common stock shall aggregate not less than $5,000,000. Such earnings as are so retained shall be used only for the payment of dividends on common stock payable in common stock.

(c) The Company shall have retained current earnings applicable to its common stock at the rate of not less than $200,000 per annum until all bonds of Portland Railroad Company outstanding in the hands of the public shall have been paid in full or acquired by the Company or sums sufficient to pay the same at maturity shall have been deposited with the Trustees under the mortgages securing the same. The earnings so retained shall be credited to a reserve against the Company's investment in Portland Railroad Company bonds until that investment has been reserved against in full, and thereafter shall be credited to the account "Bus Transportation System Substituted under Portland Railroad Lease", used to describe disbursements made for the purchase of busses or other equipment for Portland Railroad Company, until such account has been fully amortized. This last named provision is not intended to replace all or any part of the present reserve called "For Replacement of Bus Property Leased" or all or any part of the annual charge to earnings for that purpose;

(d) The Company shall have amortized from earnings at the rate of not less than $260,981 per annum the $2,000,000 carried in the plant account as "cost of obtaining capital and services rendered in financing and acquiring properties in 1910" and the $609,810, carried in plant account as an acquisition adjustment, being the excess of acquisition cost over cost to predecessors of the property acquired by Portland Electric Company from Portland Lighting and Power Company and Consolidated Electric Light Company of Maine, proportionate to the cost of that part of said property no longer in service, until the total amount of $2,609,810 shall have been amortized, or otherwise provided for: *Provided*, That no amortization of said items shall be a permitted earned surplus adjustment under paragraph (e) below;

(e) *Provided*, That surplus accumulated by retention of earnings under paragraphs (b) and (c) above may be reduced by adjustments applicable to earned surplus.

(4) That jurisdiction be and the same hereby is reserved to pass upon the price and spread of the bonds and the price of the notes;

(5) That jurisdiction be and the same hereby is reserved, pursuant to Instruction 8C to the Uniform System of Accounts for Public Utility Holding Companies to determine at what amount the new securities of Cumberland be acquired by New England Public Service Company shall be recorded on the books of New England Public Service Company.

(6) That Central Maine and Cumberland send to all stockholders solicited in connection with the special meetings of stockholders to be held for the purpose of voting upon the Agreement of Merger copies of our Findings and Opinion and Order herein.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11530; Filed, November 5, 1942; 11:56 a. m.]

[File No. 70-599]

ANDROSCOGGIN MILLS, ET AL.

ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 4th day of November 1942.

In the matter of Androscoggin Mills, Bates Manufacturing Company, The Edwards Manufacturing Company, Hill Manufacturing Company, York Manufacturing Company.

Androscoggin Mills, Bates Manufacturing Company, The Edwards Manufacturing Company, Hill Manufacturing Company and York Manufacturing Company, subsidiary companies of New England Public Service Company, a registered holding company, having filed applications pursuant to the last clause of the third sentence of section 6 (b) of the Public Utility Holding Company Act of 1935 regarding the issuance by applicants from time to time of promissory notes, not to exceed at any one time $500,000 in the case of Androscoggin Mills; the Edwards Manufacturing Company, Hill Manufacturing Company and York Manufacturing Company and not to exceed $1,000,000 in the case of Bates Manufacturing Company, said notes to be issued from time to time for the purpose of evidencing borrowings from banks; and

A public hearing having been held after appropriate notice; the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein:

It is ordered, That said applications be and the same hereby are granted subject to the terms and conditions set forth in Rule U-24 and subject also to the following condition:

No notes to be issued hereunder shall have maturities extending more than two years from the date hereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11531; Filed, November 5, 1942; 11:56 a. m.]

[File No. 70-24]

TRUSTEES OF MIDLAND UTILITIES CO., ET AL.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 3rd day of November 1942.

In the matter of Trustees, Midland Utilities Company, Northern Indiana Public Service Company, Hobart Light & Water Company.

Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, a registered holding company, and Hobart Light & Water Company, its wholly owned subsidiary, having filed applications and declarations, as amended, pursuant to the Public Utility Holding Company Act of 1935 and particularly sections 10, 12 (d), and 12 (f), and Rules U-43 and U-44 of the General Rules and Regulations thereunder, regarding the proposed sale of the assets of Hobart Light & Water Company to Northern Indiana Public Service Company, a subsidiary of the Estate of Midland Utilities Company, and for the acquisition of 69,500 shares of no par common stock of Northern Indiana Public Service Company, to be acquired as the total consideration for the assets of Hobart Light & Water Company; and Northern Indiana Public Service Company, a subsidiary of the Estate of Midland Utilities Company, having filed an application, pursuant to section 6 (b) of the Act with respect to the issuance and sale of the 69,500 shares of common stock, and an application, pursuant to section 10 of the Act, for the approval of the acquisition of certain of the assets of Hobart Light & Water Company; and

A public hearing having been held after appropriate notice and the Commission having considered the record in these matters and having made and filed its findings and opinion herein;

It is ordered, That said applications, as amended, be and hereby are granted forthwith, and said declarations, as amended, be and hereby are permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations promulgated under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11532; Filed, November 5, 1942; 11:57 a. m.]

[File No. 59-53]

CITIES SERVICE CO., ET AL.

ORDER CONTINUING DATE FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3rd day of November, A. D. 1942.

In the matter of Cities Service Company, Cities Service Power & Light Company, Federal Light & Traction Company, Central Arkansas Public Service Corporation, Public Service Company of Colorado, The Ohio Public Service Company, The Toledo Edison Company, and The Empire District Electric Company, respondents.

The Commission having on the 29th day of August, 1942 issued a notice and order instituting proceedings and setting date for hearing under sections 11 (b) (2), 12 (c), 12 (f), and 15 (f) of the Public Utility Holding Company Act of 1935 in the above entitled matter, and having ordered that the respondents named should file answers on or before the 22nd day of September, 1942, and having ordered that a hearing be held on such matters at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania at 10 o'clock in the forenoon of the 6th day of October, 1942; and

The Commission having on the 21st day of September, 1942 issued its order extending the time for filing answers until October 22, 1942 and having continued the date for hearing until November 10, 1942; and

The respondents herein having filed answers on or before October 22, 1942 and having requested that the hearing now set for November 10, 1942 be continued until a date subsequent thereto and having stipulated that during the period of such extension, no dividends will be declared or paid on the common stock of Cities Service Power & Light Company; and

The Commission having considered such request and stipulation and it appearing that the granting of such request will not be detrimental to the public interest or the interest of investors or consumers:

It is therefore ordered, That the date for hearing herein be continued until December 8, 1942 at 10 o'clock in the forenoon, such hearing to be held at the same place and before the same trial examiner as provided in the order dated August 29, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11533; Filed, November 5, 1942; 11:57 a. m.]

[File No. 1-2125]

WABASH RAILWAY COMPANY

ORDER SETTING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of November, A. D. 1942.

In the matter of Wabash Railway Company, $100 Par Common Stock, $100 Par 5% Profit Sharing A Non-Cumulative Preferred Stock; and Wabash Railway Company, 5% First Mortgage Gold Bonds, Due 1939; 5% Second Mortgage Gold Bonds, Due 1939; 5% Detroit Chicago Extension First Mortgage Sinking Fund Gold Bonds, Due 1941; 4% Des Moines Division First Mortgage Gold Bonds, Due 1939; 4% Toledo Chicago Division First Mortgage Gold Bonds, Due 1941; 3½% Omaha Division First Mortgage Gold Bonds, Due 1941; 4% First Lien Terminal Gold Bonds, Due 1954.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the above-mentioned securities of Wabash Railway Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Friday, December 18, 1942 at the office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officers herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Edwin B. Martenet, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11574; Filed, November 6, 1942; 11:49 a. m.]

[File No. 70-619]

BUTLER SUBURBAN WATER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 4th day of November, A. D. 1942.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission by The Butler Suburban Water Company, a direct subsidiary of The Butler Water Company and an indirect subsidiary of American Water Works and Electric Company, Incorporated which is a registered holding company; and

Notice is further given that any interested person may, not later than November 19, 1942 at 5:30 p. m., E. W. T., request the Commision in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declarations or applications, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declarations or applications which are on file in the office of said Commission for a statement of the transactions therein proposed, which are summarized as follows:

The Butler Suburban Water Company proposes to sell for a consideration of approximately $59,638.30 all of its franchises and all of its property to The Butler Water Company which owns all of the former company's Capital Stock, such capital stock consisting of 500 shares of $100 par value common stock and constituting all of the outstanding securities and subsequently, to distribute its net assets to The Butler Water Company, in connection with its liquidation, such net assets consisting solely of the cash consideration received upon the sale of its franchises and property, less the necessary, reasonable expenses incurred in the liquidation.

It is stated in the application or declaration that (a) the estimated expenses in conection with the liquidation of The Butler Suburban Water Company will not exceed $100, such expenses consisting only of filing fees and miscellaneous expenses; (b) the purchaser, The Butler Water Company, will assume and discharge all debts, liabilities and obligations, except common stock liability, of The Butler Suburban Water Company as the same become due and dischargeable and will assume all duties of and abide by all restrictions on The Butler Suburban Water Company; and (c) the Pennsylvania Public Utility Commission, which has jurisdiction over The Butler Suburban Water Company and its parent company, The Butler Water Company, has authorized the latter company to acquire the franchises and property of the former company.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11575; Filed, November 6, 1942; 11:49 a. m.]

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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 7 NUMBER 221

Washington, Tuesday, November 10, 1942

The President

EXECUTIVE ORDER 9262

Authorizing the Secretary of the Navy To Perform and Exercise Certain Additional Functions, Duties, and Powers

By virtue of the authority vested in me by the Constitution and laws of the United States, and particularly by Title I of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 838), as President of the United States and Commander in Chief of the Army and Navy of the United States, it is hereby ordered as follows:

1. The Secretary of the Navy is hereby authorized to perform and exercise the same functions, powers, and duties, on behalf of the Navy Department, as are authorized to be performed and exercised by the Secretary of War, on behalf of the War Department, by the provisions of subdivisions (a) and (b) of section 1 of the act entitled "An Act to expedite the strengthening of the national defense", approved July 2, 1940 (54 Stat. 712), as continued in effect by Public Law 580, 77th Congress, approved June 5, 1942.

2. Any provision of any Executive order, and any provision, rule, or regulation of any officer, department, board, commission, bureau, agency or instrumentality of the Government of the United States conflicting with this order are superseded to the extent of such conflict.

3. This order shall become effective as of the date hereof, and shall continue in force and effect until the termination of Title I of the First War Powers Act, 1941.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 5, 1942.

[F. R. Doc. 42-11595; Filed, November 6, 1942; 2:40 p. m.]

EXECUTIVE ORDER 9263

Revoking the Designations of Cordova, Alaska, and Mahukona, Hawaii, as Customs Ports of Entry

By virtue of the authority vested in me by section 1 of the act of August 1, 1914, 38 Stat. 609, 623 (U.S.C., title 19, sec. 2), the designations of Cordova, Alaska, and Mahukona, Hawaii, as customs ports of entry in Customs Collectiton District No. 31 (Alaska) and Customs Collection District No. 32 (Hawaii), respectively, are hereby revoked.

This order shall become effective on the thirtieth day from the date hereof.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 5, 1942.

[F. R. Doc. 42-11596; Filed, November 6, 1942; 2:40 p. m.]

EXECUTIVE ORDER 9264

Extension of the Provisions of Executive Order No. 9001 of December 27, 1941, to Contracts of the Department of Commerce

By virtue of the authority vested in me by Title II of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Congress), and as President of the United States, and deeming that such action will facilitate the prosecution of the war, I hereby extend the provisions of Executive Order No. 9001 of December 27, 1941,[1] to the Department of Commerce with respect to all contracts made or to be made by it relating to the prosecution of the war; and subject to the limitations and regulations contained in such Executive Order, I hereby authorize the Secretary of Commerce and such other officers as he may designate, to perform and exercise, as to the Department of Commerce, all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive Order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 5, 1942.

[F. R. Doc. 42-11597; Filed, November 6, 1942; 2:40 p. m.]

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[1] 6 F.R. 6787.

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FEDERAL REGISTER

1934

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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EXECUTIVE ORDER 9265

AMERICAN, EUROPEAN-AFRICAN-MIDDLE EASTERN AND ASIATIC-PACIFIC CAMPAIGN MEDALS

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Army and Navy of the United States, it is hereby ordered that the American, European-African-Middle Eastern, and Asiatic-Pacific campaign medals, including suitable appurtenances, be established, and that the said medals may be awarded, under such regulations as the Secretary of War and the Secretary of the Navy may severally prescribe, to members of the land and naval forces of the United States, including the Women's Reserve of the United States Naval Reserve, and to members of the Women's Army Auxiliary Corps who, during any period between December 7, 1941, inclusive, and a date six months subsequent to the termination of the present war, shall have served outside the continental limits of the United States in any of the respective areas as indicated by the names of the medals, such areas to be more precisely defined in the regulations hereby authorized.

For the purposes of this order, the Territory of Alaska shall be considered as outside the continental limits of the United States.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 6, 1942.

[F. R. Doc. 42-11615; Filed, November 7, 1942; 11:52 a. m.]

EXECUTIVE ORDER 9266

ESTABLISHING BUZZARDS BAY AND VINEYARD SOUND DEFENSIVE SEA AREA

By virtue of the authority vested in me by section 44 of the Criminal Code, as amended (U.S.C., title 18, sec. 96), the following-described area is hereby established and reserved, for purposes of national defense, as a defensive sea area, to be known as "Buzzards Bay and Vineyard Sound Defensive Sea Area":

All United States territorial waters of Buzzards Bay and Vineyard Sound and their seaward approaches and tributaries from the contour line of extreme high water on the shores of these waters as shown on the latest U.S.C.&G.S. Charts to:

A line running from the southernmost tip of Sakonnet Point;

thence to Bell buoy #2 off Schuyler Ledge in approximate position Latitude 41° 26′ 24″ North, Longitude 71° 11′ 39″ West;

thence on a side line due south to approximate position Latitude 41° 18′ 03″ North, Longitude 71° 11′ 39″ West;

thence due east to the southernmost tip of Squibnocket Point on Martha's Vineyard;

thence along the western and northern shore line of Martha's Vineyard to West Chop Light;

thence due north to the mainland in approximate Latitude 41° 32′ 36″ North, Longitude 70° 36′ 00″ West.

No vessel not proceeding under United States Naval or other United States authorized supervision shall enter or navigate the waters of the said Defensive Sea Area, except during daylight when good visibility conditions prevail, and then only after specific permission has been obtained. Such permission for entry into or navigation through or within the said Area must be obtained in advance of entry, preferably by application at a United States Naval District Headquarters prior to leaving port of origin of voyage, or by radio or visual communication on approaching the seaward limits of the Area. If radio telegraphy is used, the call "NQO" shall be made on a frequency of 500 kcs., and permission to enter the port requested. The name of the vessel, purpose of entry, and name of the master must be given in the request, which should be addressed to the Commandant of the Naval District or his local representative as may be designated and published in local regulations issued by the District Commandant. If visual communications are used, the procedure shall be essentially the same.

A vessel entering or navigating the waters of the Buzzards Bay and Vineyard Sound Defensive Sea Area does so at its own risk.

Even though permission has been obtained, it is incumbent upon a vessel entering the Buzzards Bay and Vineyard Sound Defensive Sea Area to obey any further instructions received from the United States Navy, or other United States authority.

The movements of vessels within the Buzzards Bay and Vineyard Sound Defensive Sea Area shall be subject to supervision, either through surface craft or aircraft. Such controlling surface craft or aircraft shall be identified by a prominent display of the Union Jack.

In the event that a United States Maritime Control Area is established adjacent to or abutting upon the above-established defensive sea area, permission to enter, and other instructions issued by proper authority, shall apply to any one continuous passage through or within both areas.

Any master of a vessel or other person within the Buzzards Bay and Vineyard Sound Defensive Sea Area who disregards these regulations, or fails to obey an order of United States Naval authority to stop or heave to, or performs any act threatening the efficiency of mine or other defenses or the safety of navigation, or takes any action inimical to the interests of the United States, may be detained therein by force of arms and shall be liable to attack by United States armed forces, and liable to prosecution as provided for in section 44 of the Criminal Code as amended (U.S.C., title 18, sec. 96).

All United States Government authorities shall place at the disposal of the Naval authorities their facilities for aiding in the enforcement of these regulations. The Governor of the State of Massachusetts, the local municipal authorities, and the local civilian defense agencies are called upon to render the local Naval authorities all possible assistance in the enforcement of these regulations.

These regulations are subject to amplification by the local United States Naval authority as necessary to meet local circumstances and conditions.

The Secretary of the Navy is charged with the publication and enforcement of these regulations.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 6, 1942.

[F. R. Doc. 42-11616; Filed, November 7, 1942; 11:52 a. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Administration

PART 29—TOBACCO INSPECTION

ORDER DESIGNATING THE RICHMOND, VIRGINIA, TOBACCO MARKET

Pursuant to authority conferred upon the Secretary of Agriculture by The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 1940 Ed. 511d), the following amendment to Title 7, Chapter I, Part 29, Code of Federal Regulations (7 CFR, 1938 Sup., 1939 Sup., 1940 Sup., Chapter I, Part 29, as amended by 6 F.R. 4111, 5147, 5478, and 7 F.R. 4811) is promulgated:

§ 29.301 *Orders of designation of tobacco markets.* * * *

(u) *The tobacco market at Richmond, Virginia.* Effective thirty days from this date, no tobacco shall be offered for sale at auction on said market until such tobacco shall have been inspected and certified by an authorized representative of the United States Department of Agriculture according to standards established under The Tobacco Inspection Act: *Provided, however,* That the requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is not sufficient to justify the cost of such service. No fee or charge shall be imposed or collected for the inspection and certification of tobacco sold or offered for sale at auction on the market designated herein.

Done at Washington, D. C., this 7th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-11688; Filed, November 9, 1942; 11:26 a. m.]

Chapter VII—Agricultural Adjustment Agency

PART 722—COTTON

COTTON MARKETING QUOTAS, 1943-44 MARKETING YEAR

Whereas the Agricultural Adjustment Act of 1938, as amended, provides:

> SEC. 342. Not later than November 15 of each year the Secretary [of Agriculture] shall find and proclaim (a) the total supply, the normal supply, and the carry-over of cotton as of August 1 of such year, (b) the probable domestic consumption of American cotton during the marketing year commencing August 1 of such year, (c) the probable exports of American cotton during such marketing year, and (d) the estimated carry-over of cotton as of the next succeeding August 1. * * *
>
> SEC. 345. Whenever the Secretary determines that the total supply of cotton for any marketing year exceeds by more than 7 per centum the normal supply thereof for such marketing year, the Secretary shall proclaim such fact not later than November

15 of such marketing year * * *, and marketing quotas shall be in effect during the next succeeding marketing year with respect to the marketing of cotton. Cotton produced in the calendar year in which such marketing year begins shall be subject to the quotas in effect for such marketing year notwithstanding that it may be marketed prior to August 1.

SEC. 343. (a) Not later than November 15 of each year the Secretary shall find and proclaim the amount of the national allotment of cotton for the succeeding calendar year in terms of standard bales of five hundred pounds gross weight. The national allotment shall be the number of bales of cotton adequate, together with the estimated carry-over as of August 1 of such succeeding calendar year, to make available a supply of cotton, for the marketing year beginning on such August 1, equal to the normal supply. * * *

(b) * * *. The national allotment for any year (after 1939) shall be not less than ten million bales.

(c) Notwithstanding the foregoing provisions of this section, the national allotment for any year shall be increased by a number of bales equal to the production of the acres allotted under section 344 (e) for such year.

SEC. 344. (a) The national allotment for cotton for each year (excluding that portion of the national allotment provided for in section 343 (c)) shall be apportioned by the Secretary among the several States on the basis of the average, for the five years preceding the year in which the national allotment is determined, of the normal production of cotton in each State. The normal production of a State for a year shall be (1) the quantity produced therein plus (2) the normal yield of the acres diverted in each county in the State under the previous agricultural adjustment or conservation programs. The normal yield of the acres diverted in any county in any year shall be the average yield per acre of the planted acres in such county in such year times the number of acres diverted in such county in such year.

(b) The Secretary shall ascertain, on the basis of the average yield per acre in each State, a number of acres in such State which will produce a number of bales equal to the allotment made to the State under subsection (a). Such number of acres plus the number of acres allotted to the State pursuant to subsection (e) (2) is referred to as the "State acreage allotment." The average yield per acre for any State shall be determined on the basis of the average of the normal production for the State for the years used in computing the allotment to the State, and the average, for the same period, of the acres planted and the acres diverted in the State.

(c) (1) The State acreage allotment (less the amount required for apportionment under paragraph (2)) shall be apportioned annually by the Secretary to the counties in the State. The apportionment to the counties shall be made on the basis of the acreage planted to cotton during the five calendar years immediately preceding the calendar year in which the State allotment is apportioned (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs) with adjustments for abnormal weather conditions and trends in acreage during such five-year period.

(2) Not more than 2 per centum of the State acreage allotment shall be apportioned to farms in such State which were not used for cotton production during any of the three calendar years immediately preceding the year for which the allotment is made, on the basis of land, labor, and equipment available for the production of cotton; crop rotation practices; and the soil and other physical facilities affecting the production of cotton.

* * * * *

(e) (1) For 1938, 1939, and any subsequent year, the Secretary shall allot to the several counties, to which an apportionment is made under subsection (c), a number of acres required to provide a total acreage for allotment under this section to such counties of not less than 60 per centum of the sum of (1) the acreage planted to cotton in such counties in 1937, plus (2) the acreage therein diverted from cotton production in 1937 under the agricultural adjustment and conservation program. The acreage so diverted shall be estimated in case data are not available at the time of making such allotment.

(2) The Secretary shall allot to each State to which an allotment is made under subsection (b), and in which at least three thousand five hundred bales were produced in any of the five years immediately preceding the year for which the allotment is made, a number of acres sufficient to provide a total State acreage allotment for such State of not less than five thousand acres.

Whereas said Act contains, in section 301 (b), the following definitions of terms pertinent herein:

"Carry-over" of cotton for any marketing year shall be the quantity of cotton on hand either within or without the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current.

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

* * * * *

Cotton, August 1–July 31 * * *

"Normal supply" in the case of * * * cotton * * * shall be a normal year's domestic consumption and exports of the commodity, plus * * * 40 per centum in the case of cotton * * * of a normal year's domestic consumption and exports, as an allowance for a normal carry-over.

"Normal year's domestic consumption", in the case of cotton * * *, shall be the yearly average quantity of the commodity produced in the United States that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"Normal year's exports" in the case of * * * cotton * * * shall be the yearly average quantity of the commodity produced in the United States that was exported from the United States during the ten marketing years * * * immediately preceding the marketing year in which such exports are determined adjusted for current trends in such exports.

"Total supply" of * * * cotton * * * for any marketing year shall be the carry-over of the commodity for such marketing year plus the estimated production of the commodity in the United States during the calendar year in which such marketing year begins;

Whereas said Act provides, in section 301 (c), that "The latest available statistics of the Federal Government shall be used by the Secretary [of Agriculture] in making the determinations required to be made by the Secretary under this Act"; and

Whereas said Act provides, in section 350, that the provisions of Part IV (Marketing Quotas; Cotton) of subtitle B of Title III thereof "shall not apply to cotton the staple of which is 1½ inches or more in length";

§ 722.501 *Findings and determinations.* Now, therefore, be it known that I, Claude R. Wickard, Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in me by the Act of Congress known as the Agricultural Adjustment Act of 1938, as amended, upon the basis of the latest available statistics of the Federal Government, do hereby find, determine, and proclaim under sections 342, 343, and 345 of said Act (52 Stat. 56, 58, 203; 53 Stat. 1125; 7 U.S.C., Sup., 1342, 1343, 1345) (within limitations imposed by wartime policy regarding the publication of information on foreign trade);

(a) That the "total supply" of American cotton as of August 1, 1942, was 24.7 million running bales;

(b) That the "normal supply" of American cotton as of August 1, 1942, was 18.2 million running bales;

(c) That the "carry-over" of American cotton as of August 1, 1942, was 11.1 million running bales;

(d) That the "probable domestic consumption of American cotton" during the marketing year commencing August 1, 1942, is 11.4 million running bales;

(e) That the "probable exports of American cotton" during the marketing year beginning August 1, 1942, is expected to be somewhat larger than in 1941–42;

(f) That the "estimated carry-over" of American cotton as of August 1, 1943, is expected to be above the level at the beginning of the 1942–43 season;

(g) That the "total supply" of American cotton for the marketing year beginning August 1, 1942, exceeds by more than 7 per centum the "normal supply" of cotton for such marketing year;

(h) That the national allotment of cotton for the calendar year beginning on January 1, 1943, shall be 10,000,000 standard bales of 500 pounds gross weight, increased by that number of standard bales of 500 pounds gross weight equal to the production in the calendar year 1942 of that number of acres required to be allotted for 1942 under the terms of section 344 (e) of said Act.

Done at Washington, D. C., this 6th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-11627; Filed, November 7, 1942; 12:06 p. m.]

Chapter VIII—Sugar Agency

PART 802—SUGAR DETERMINATIONS

SUGAR YIELD CALCULATIONS FOR VIRGIN ISLANDS

Determination of (1) normal yields of commercially recoverable sugar per acre and (2) eligibility for payment with respect to abandonment and crop deficiency for farms in the Virgin Islands, pursuant to section 303 of the Sugar Act of 1937, as amended.

Pursuant to the provisions of section 303 of the Sugar Act of 1937, the following determination is hereby issued:

§ 802.56 *Normal yield of commercially recoverable sugar per acre and eligibility for payment with respect to abandonment and crop deficiency for farms in the Virgin Islands*—(a) *Normal yield calculation.* The normal yield of commercially recoverable sugar per acre for any farm in the Virgin Islands in which sugarcane is grown and marketed (or processed by the producer) for the extraction of sugar shall be:

(1) For any farm on which sugarcane was grown and marketed (or processed by the producer) for the extraction of sugar during all three of the crop years 1935, 1936, and 1939, the product of:

(i) The average number of hundredweights of sugar, raw value, recovered per short ton of sugarcane processed for the extraction of sugar during such crop years by the mill, or mills, where such sugarcane was ground, and

(ii) The average number of short tons of sugarcane per acre harvested on the farm for the extraction of sugar during the said three crop years; or

(2) For any farm on which sugarcane was not grown and marketed (or processed by the producer) for the extraction of sugar during all three of the crop years 1935, 1936, and 1939, the average of the normal yields per acre, computed as in (1) above, for all farms within the same mill area on which sugarcane was harvested for the extraction of sugar during all three such crop years.

(b) *Eligibility for abandonment and deficiency payments.* That any farm located in a mill area in which the actual yields of commercially recoverable sugar per acre for farms comprising 10%, or more, of the total acreage of sugarcane for the extraction of sugar were 80%, or less, of the normal yields therefor, because of drought, flood, storm, freeze, disease, or insects, shall be eligible for abandonment and deficiency payments. (Sec. 303, 50 Stat. 910; 7 U.S.C. 1940 ed. 1132).

Done at Washington, D. C., this 7th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-11687; Filed, November 9, 1942; 11:26 a. m.]

Chapter IX—Agricultural Marketing Administration

PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

CERTAIN PROVISIONS OF ORDER TERMINATED

Order terminating certain provisions of § 927.7 of the order, as amended, regulating the handling of milk in the New York Metropolitan Marketing Area.

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (7 U. S. C. 1940 ed. 601 *et seq.*), hereinafter referred to as the "act", and the provisions of the order, as amended, regulating the handling of milk in the New York metropolitan marketing area, it is hereby determined that the provisions of such order which provide for diversion payments to certain handlers of milk under the said order are provisions which obstruct and do not tend to effectuate the declared policy of the act with respect to the producers of milk defined in the said order.

It is, therefore, ordered, That (a) the provisions of § 927.7 (e) [1] of the order, as amended, regulating the handling of milk in the New York metropolitan marketing area, except subparagraph (4) of the said § 927.7 (e), and (b) the words and figures "for the purpose of this § 927.7 (e)" which appear in the said subparagraph (4), shall be, and hereby are, terminated, effective as of 12:01 a. m., e. w. t., November 16, 1942.

Done at Washington, D. C., this 7th day of November, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-11689; Filed, November 9, 1942; 11:26 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amendment 60-1, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

PILOT IDENTIFICATION CARD

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 2d day of November 1942.

Acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective November 2, 1942, Part 60 of the Civil Air Regulations is amended as follows:

By striking § 60.322 of the Civil Air Regulations and inserting in lieu thereof the following:

§ 60.322 *Pilot identification card.* No person shall operate civil aircraft in flight, except scheduled air carrier aircraft, unless he has in his possession, in addition to a currently effective pilot certificate,

(1) An identification card, satisfactory to the Administrator, containing his fingerprints, his picture, and his signature, or

(2) Documents satisfactory to the Administrator issued by the Army, Navy, Marine Corps, or Coast Guard, identifying him as a member thereof.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-11625; Filed, November 7, 1942; 11:50 a. m.]

[Amendment 66-0, Civil Air Regulations]

PART 66—FOREIGN AIR CARRIER REGULATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 9th day of December 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205, 402 and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective January 15, 1942, the Civil Air Regulations are amended as follows:

By adding a new Part to read as follows:

Sec.
66.1 Scope.
66.2 Application of the air traffic rules.
66.3 Requirement of pilot certificate.
66.4 Provision for demonstration of ability.
66.5 Requirement of aircraft airworthiness.
66.6 Inspection.
66.7 Control of traffic at terminal airports.
66.8 Requirement of operation specifications.
66.9 Operation in accordance with operation specifications.

AUTHORITY: §§ 66.1 to 66.9, inclusive, issued under secs. 205, 402, 601, 52 Stat. 984, 991, 1007; 49 U.S.C. 425, 482, 551.

§ 66.1 *Scope.* The following regulations shall apply to scheduled operations within the United States (not including the Philippines) by aircraft of a foreign air carrier holding a permit issued by the Board, pursuant to the provisions of § 402 of the Civil Aeronautics Act of 1938.

§ 66.2 *Application of the air traffic rules.* Such operation shall be conducted in accordance with the provisions of the air traffic rules prescribed in Part 60 of the Civil Air Regulations except to the extent otherwise provided in these regulations. Any pilot employed in such operation may be required to accomplish a satisfactory examination demonstrating his knowledge of such rules.

§ 66.3 *Requirement of pilot certificate.* Each member of the crew of such aircraft shall be possessed of a proper currently effective certificate issued by the country whose nationality the aircraft possesses evidencing his competency to perform his duties in connection with the operation of such aircraft, or of a comparable certificate issued by the United States.

§ 66.4 *Provision for demonstration of ability.* In the interest of avoiding collisions between foreign air carrier aircraft and other aircraft, any member of the crew of such foreign air carrier aircraft may be required satisfactorily to demonstrate his ability to serve in such operation. Such demonstration may include, but need not be limited to, the use of the radio range, and the direction finder in the navigation of aircraft, and the operation of aircraft in instrument flight and during instrument approach for landing.

§ 66.5 *Requirement of aircraft airworthiness.* A foreign air carrier aircraft shall be possessed of a currently effective certificate of airworthiness issued by the country whose nationality it possesses, and shall have such combination of radio equipment providing radio range reception, direction finding, two-way voice communication, two-way CW communication, and of such character and quality, as shall be considered necessary by the Administrator to use air navigation facilities along and adjacent to the route to be flown within the United States and to maintain communication with ground stations along and adjacent to such route.

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[1] 7 F.R. 2375.

§ 66.6 *Inspection.* A foreign air carrier aircraft shall be subject to inspection by a duly authorized representative of the Administrator to determine that the aircraft has the equipment provided for in § 66.5.

§ 66.7 *Control of traffic at terminal airports.* No aircraft shall be operated by a foreign air carrier within the United States unless adequate personnel and equipment are provided for two-way radio voice communication between the aircraft and ground stations at such times and places as communication is deemed necessary by the Administrator. If such communication cannot be maintained in the English language or in a language with which the ground station operator is familiar, there shall be provided to assist the regular ground station operator during such times as communication with the aircraft is necessary, a person who is able to read, write, understand, and speak fluently the English language and the language necessary to maintain adequate two-way communication with the aircraft. In the case of an air-traffic control-tower ground station such person shall be a qualified air-traffic control-tower operator and shall be in such tower during such times as communication with the aircraft is necessary.

§ 66.8 *Requirement of operation specifications.* No foreign air carrier shall operate an aircraft in scheduled service within the United State unless the Administrator shall, after investigation and upon determination that such carrier is properly and adequately equipped and able to conduct a safe operation with respect to other aircraft, have issued to such carrier operation specifications prescribing the conditions under which such operation shall be conducted. Such specifications shall prescribe the type of operation (visual contact or instrument, day or night), the points to and from which and the civil airways over which such operation is to be conducted, the minimum limits of ceiling and visibility to be observed, the points of take-off and landing, and such other restrictions as may be reasonably required in the interest of avoiding collisions between the foreign air carrier aircraft and other aircraft.

§ 66.9 *Operation in accordance with operation specifications.* No foreign air carrier shall operate aircraft in scheduled service within the limits of the United States other than in accordance with operation specifications issued by the Administrator."

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-11624; Filed, November 7, 1942
11:50 a. m.]

[Amendment 60-2, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

CERTIFICATE OF WAIVER

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 4th day of November, 1942.

Acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective November 4, 1942, Part 60 of the Civil Air Regulations is amended as follows:

By amending § 60.91 to read as follows:

§ 60.91 *Certificate of waiver.* When in the opinion of the Administrator (1) the public interest will be best served by the nonobservance of any part of the air traffic rules for a particular activity and for a limited period of time and (2) such nonobservance will not adversely affect safety in air commerce, a certificate of waiver may be issued by the Administrator.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-11671; Filed, November 9, 1942;
10:37 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4501]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ELECTRO-HEALTH APPLIANCE COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising faslely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of respondent's "Electro-Health Short Wave Diathermy", or other similar device or apparatus, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said device or apparatus, which advertisements represent, directly or through inference, that said device or apparatus is safe or harmless, or that it constitutes a competent or effective treatment for rheumatism in its various forms, arthritis, sinus, hay fever, colds, laryngitis, bronchitis, respiratory troubles, neuritis, kidney troubles, prostatitis, asthma, high blood pressure, sciatica, lumbago, poor circulation, pneumonia, liver complaints, insomnia, abscesses, gastritis, pleurisy, colonic disorders, chilblains, bladder trouble, menstrual pains, female disorders, peritonitis, singer's throat, sore throat, adhesions, boils, furuncles, pelvic inflammation, neuralgia, tonsilitis, earache, or any other ailment or disorder of the human body, unless such advertisements are specifically limited to those cases in which no acute inflammatory process is involved and in which the application of heat is not likely to induce hemorrhage; or which advertisements fail to reveal clearly, conspicuously, and unequivocally that said device or apparatus is not safe to use unless and until a competent medical authority has determined as a result of diagnosis that the use of diathermy is indicated and has prescribed the method, frequency, and rate of application of such diathermy treatments and the user has been thoroughly and adequately instructed by a physician or trained technician in the use of such diathermy device or apparatus; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Electro-Health Appliance Company, Docket 4501, November 2, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2d day of November, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence taken before an examiner of the Commission theretofore duly designated by it, and brief filed in support of the complaint, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Electro-Health Appliance Company, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of an electrical device or apparatus designated as "Electro-Health Short Wave Diathermy," or any other device or apparatus of substantially similar character, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement concerning the electrical device or apparatus designated "Electro-Health Short Wave Diathermy," or disseminating or causing to be disseminated any advertisements, by any means, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of the aforesaid electrical device or apparatus, which advertisement:

1. Represents, directly or through inference, that said device or apparatus is safe or harmless;

2. Represents, directly or through inference, that respondent's device or apparatus constitutes a competent or effective treatment for rheumatism in its various forms, arthritis, sinus, hay fever, colds, laryngitis, bronchitis, respiratory troubles, neuritis, kidney troubles, prostatitis, asthma, high blood pressure, sciatica, lumbago, poor circulation, pneumonia, liver complaints, insomnia, abcesses, gastritis, pleurisy, colonic disorders, chilblains, bladder trouble, menstrual pains, female disorders, peritonitis, singer's throat, sore throat, adhesions, boils, furuncles, pelvic inflammation, neuralgia, tonsilitis, ear ache, or any other ailment or disorder of the human body, unless such advertisement is specifically limited to those cases in which no acute inflammatory process is involved and in which the application of heat is not likely to induce hemorrhage;

3. Fails to reveal clearly, conspicuously, and unequivocally that said device or apparatus is not safe to use unless and until a competent medical authority has determined as a result of diagnosis that the use of diathermy is indicated and has prescribed the method, frequency, and rate of application of such diathermy treatments and the user has been thoroughly and adequately instructed by a physician or trained technician in the use of such diathermy device or apparatus.

It is further ordered, That respondents shall, within sixty (60) days after the service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-11675; Filed, November 9, 1942;
11:15 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 210—REGULATION S-X UNDER SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934 AND INVESTMENT COMPANY ACT OF 1940.

QUALIFICATIONS OF ACCOUNTANTS

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 7 and 19 (a) thereof, the Securities Exchange Act of 1934 particularly sections 12, 13, 15 (d), and 23 (a) thereof, and the Investment Company Act of 1940, particularly sections 8, 30, and 38 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said Acts, hereby amends Part 210 [Regulation S-X] as follows:

Section 210.2-01 [Rule 2-01 of Regulation S-X] is amended by adding thereto the following new paragraph (c):

§ 210.2-01 *Qualifications of accountants.* * * *

(c) In determining whether an accountant is in fact independent with respect to a particular company, appropriate consideration shall be given to the propriety of the relationships and practices involved in all services performed for the company by such accountant, including the furnishing of a certificate or report as to any financial statements of such company which have been published or otherwise made generally available to security holders, creditors, or the public.

Effective November 7, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11605; Filed, November 7, 1942;
9:48 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[Regulations 29, 1942 Edition]

Subchapter C—Miscellaneous Excise Taxes

PART 197—DRAWBACK OF TAX ON DISTILLED SPIRITS USED IN THE MANUFACTURE OF NONBEVERAGE PRODUCTS

Sections 601 and 602 (f) of the Revenue Act of 1942, approved October 21, 1942 (Public Law 753—77th Congress), read as follows:

SEC. 601. EFFECTIVE DATE OF THIS TITLE.

This title shall take effect on the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

SEC. 602. DISTILLED SPIRITS. * * *

(f) *Drawback if distilled spirits used for certain purposes.* Section 3250 (relating to taxation of distilled spirits) is amended by inserting at the end thereof the following new subsection:

(1) *Manufacturers or producers of designated nonbeverage products.*

(1) *In General.* Any person using distilled spirits produced in a domestic registered distillery or industrial alcohol plant and fully tax-paid in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes and are sold or otherwise transferred for use for other than beverage purposes upon payment of a special tax per annum, shall be eligible for drawback as hereinafter provided for.

(2) Such special tax per annum shall be graduated in amount as follows: (a) for total annual withdrawals not exceeding 25 proof gallons, $25 per annum; (b) for total annual withdrawals not exceeding 50 proof gallons, $50 per annum; (c) for total annual withdrawals of 50 proof gallons or more, $100 per annum.

(3) *Requirements.* Such persons shall register annually with the Commissioner; keep such books and records as may be necessary to establish the fact that distilled spirits purchased by him and fully tax-paid were used in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts which were unfit for use for beverage purposes; and shall be subject to such rules and regulations in relation thereto as the Commissioner, with the approval of the Secretary, shall prescribe to secure the Treasury of the United States against frauds.

(4) *Investigative powers of Commissioner.* The Commissioner, for the purpose of ascertaining the correctness of any claim filed under this subsection is authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be alleged in the claim, and may require the attendance of the person filing the claim or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to any matter covered by the claim, with power to administer oaths to such person or persons.

(5) *Drawback.* A drawback at the rate of $3.75 on each proof gallon shall be allowed on distilled spirits tax-paid and used as provided in this subsection and be due and payable quarterly upon filing of a proper claim with the Commissioner. No claim under this subsection shall be allowed unless filed with the Commissioner within the three months next succeeding the quarter for which the drawback is claimed.

Pursuant to the above sections of law and sections 3270, 3280, 3304, 3770, and 4041 (a), Internal Revenue Code, the following regulations are prescribed:

SCOPE OF REGULATIONS

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197.1 Scope.
197.2 Domestic distilled spirits only.
197.3 Definition of term "fully taxpaid."
197.4 Definition of term "nonbeverage products."

SPECIAL TAX

197.5 Payment of special tax required.
197.6 Special tax for each place.
197.7 Date special tax due.
197.8 Rates of special tax.
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197.10 Execution of Form 11, "Special Tax Return."

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197.11 Issuance of stamps.
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197.20 Drawback.
197.21 Claims.
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197.24 Supporting data.
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FORMULAS AND SAMPLES

197.28 Statement of process.
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RECORDS

197.30 Nature of records.
197.31 Exception.
197.32 Form of record.

SCOPE OF REGULATIONS

§ 197.1 *Scope.* These regulations govern the allowance of drawback of internal revenue tax at the rate of $3.75 on each proof gallon of fully taxpaid distilled spirits used on and after November 1, 1942, in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes and are sold or otherwise transferred for use for other than beverage purposes. (Sec. 3250 (1), I.R.C.)

§ 197.2 *Domestic distilled spirits only.* The drawback is applicable only to distilled spirits produced in domestic registered distilleries, including fruit distilleries, or industrial alcohol plants. (Sec. 3250 (1), I.R.C.)

§ 197.3 *Definition of term "fully taxpaid."* The term "fully taxpaid," as used herein, means that the internal revenue tax imposed and levied on distilled spirits must have been paid according to the rates existing on and after November 1, 1942. (Sec. 3250 (1), I.R.C.)

§ 197.4 *Definition of term "nonbeverage products."* The term "nonbeverage products," as used herein, refers to medicines, medicinal preparations, food products, flavors, or flavoring extracts, in the manufacture or production of which fully taxpaid distilled spirits are used, and which are unfit for use for beverage purposes. (Sec. 3250 (1), I.R.C.)

SPECIAL TAX

§ 197.5 *Payment of special tax required.* Each person, partnership, or corporation that uses fully taxpaid distilled spirits, produced in a domestic registered distillery or industrial alcohol plant, in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes and are sold or otherwise transferred for use for other than beverage purposes, in order to be eligible to claim and receive the drawback on the distilled spirits so used, must pay special tax at the rate of $25 per annum for total annual withdrawals not exceeding 25 proof gallons of distilled spirits; $50 per annum for total annual withdrawals not exceeding 50 proof gallons; or $100 per annum for total annual withdrawals of more than 50 proof gallons. The year means the period from July 1 of each year to June 30 following. The manufacturer is not required to pay the special tax if he does not desire to claim the drawback on the distilled spirits used by him. (Secs. 3250 (1) and 4041 (a), I.R.C.)

§ 197.6 *Special tax for each place.* A separate special tax must be paid for each place at which fully taxpaid distilled spirits are used in the manufacture or production of nonbeverage products if a claim is filed for drawback of tax at the rate of $3.75 a proof gallon on distilled spirits so used at each such place. (Secs. 3250 (1) and 4041 (a), I.R.C.)

§ 197.7 *Date special tax due.* The special tax must be paid prior to the filing of the first claim for drawback during any fiscal year commencing July 1 and ending with June 30 following. Notwithstanding the month of the fiscal year in which the claim is filed, the full annual special tax of $25, $50, or $100, as the case may be, must be paid. (Secs. 3250 (1) and 4041 (a), I.R.C.)

§ 197.8 *Rates of special tax.* The rates of special tax per annum (July 1 of each year to June 30 following) are (a) $25 for total annual withdrawals not exceeding 25 proof gallons of distilled spirits; (b) $50 for total annual withdrawals not exceeding 50 proof gallons; and (c) $100 for total annual withdrawals of more than 50 proof gallons. The term "total annual withdrawals" means the total quantity of fully taxpaid distilled spirits in proof gallons removed from the stocks of the manufacturer and used in the manufacture and production of nonbeverage products during the fiscal year for which the special tax is paid. Special tax, based upon estimated withdrawals, may be paid in advance of actual withdrawals. Where a claim is presented in any fiscal year other than the fiscal year in which the spirits were withdrawn and used, and special tax has not been paid for such latter year, it must be paid in at least the minimum amount at the time of filing the claim. Adjustments of the special tax where improperly paid will be made in accordance with § 197.17. (Secs. 3250 (1) and 4041 (a), I.R.C.)

§ 197.9 *Filing of return and payment of special tax.* Persons intending to file claims for drawback shall file returns on Form 11, "Special Tax Return," with remittances, with the Collector of Internal Revenue for the district in which the place of manufacture is located. The remittance must be in the form of cash, United States Post Office Money Order, or certified check. Uncertified checks will not be accepted by the Collector. (Secs. 3250 (1) and 4041 (a), I.R.C.)

§ 197.10 *Execution of Form 11, "Special Tax Return."* (a) *General.* Special tax returns, Form 11, may be procured from any Collector or deputy collector, and shall disclose, in the space provided, the following:

(1) The true name of the taxpayer, which may be followed by the words "trading as" and any trade name under which the business is conducted.

(2) The exact location of the place of business, as by name and number of building or street, and where these do not exist, by some particularization in addition to the post office address.

(3) The kind of business carried on.

(4) Except in the case of a corporation, the true names of all persons having a proprietary interest in the business. While it is not necessary that the names of all persons having a proprietary interest in the business appear on the special tax stamp, the names must be disclosed on the return, Form 11.

(b) *Signature.* The return of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be signed by a member of the firm; and the return of a corporation shall be signed by an officer thereof. In each case, the person signing the return shall designate his capacity, as "individual owner," "member of firm," or, in the case of corporation, the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the business of a bankrupt, insolvent, deceased person, etc., will indicate the fiduciary capacity in which they act. Returns signed and sworn to by persons as agents will not be accepted unless they file with the Collector a power of attorney authorizing them so to act.

(c) *Oaths.* Special tax returns shall be made under oath, and sworn to before a deputy collector, notary public, or other person legally qualified to administer oaths. Deputy collectors and other internal revenue officers will make no charge for this service. (Secs. 3250 (1), 3270, and 4041 (a), I.R.C.)

SPECIAL TAX STAMPS

§ 197.11 *Issuance of stamps.* Upon receipt of a return on Form 11, properly executed, together with proper remittance, the Collector will issue a special tax stamp designated "Manufacturer of Nonbeverage Products." Collectors and their deputies may not issue the special tax stamp before the tax is fully paid. Such special tax stamp may not be sold or otherwise transferred to another person. (Secs. 3250 (1) and 4041 (a), I.R.C.)

§ 197.12 *Posting of stamps.* A special taxpayer shall conspicuously display his special tax stamp in the place of business for which the special tax was paid. If such stamp is lost or accidentally destroyed, the taxpayer should immediately notify the Collector from whom the stamp was purchased, who will issue to the taxpayer a certificate, Form 785, in lieu thereof, which must be kept in the same manner as the stamp. (Secs. 3250 (1) and 4041 (a), I.R.C.)

§ 197.13 *Corrections of errors on stamps.* On receipt of a special tax stamp, the taxpayer will examine it to insure that the name and address are correctly stated thereon. If an error has been made, the stamp should be returned to the Collector, with a statement showing the nature of the error and setting forth the proper name or address. The Collector, on receipt of such stamp and statement, will compare the data with that on Form 11, and if an error on the part of the Collector has been made, he will make the necessary correction and return the stamp to the taxpayer. If the Form 11 agrees with the data on the stamp, the Collector will require the taxpayer to file a new Form 11, designated "Amended Return," disclosing the proper name and address, and, on receipt of the amended Form 11, will amend his Record 10 accordingly, attach the amended Form 11 to the original Form 11, make the proper correction on the stamp, and return it to the taxpayer. (Secs. 3250 (1) and 4041 (a), I.R.C.)

§ 197.14 *Change in location*—(a) *General.* A special taxpayer who, during the fiscal year for which special tax was paid, removes his place of manufacture to a place other than that specified in his special tax stamp, must register the change with the Collector from whom the special tax stamp was purchased, within 90 days after he moves into the new premises, by executing a new return on Form 11, designated as "Amended Return," setting for the time, when and place to which such removal was made, and shall surrender the special tax stamp to the Collector for endorsement of the change in location.

(b) *Removal in same collection district.* When a special taxpayer removes his place of manufacture to another address within the same collection district, the

Collector will enter on his Record 10 the new address and the date of removal into the new premises, and will note the change on the face of the special tax stamp, stating clearly thereon the new location, and will return the special tax stamp to the taxpayer.

(c) *Removal to another collection district.* When a taxpayer removes his place of manufacture to a location within a collection district other than that in which the special tax stamp was issued, the Collector who issued the special tax stamp will enter on his Record 10 the new address and date of removal into the new premises, stating clearly the new location where the business is to be carried on, and will transmit the stamp to the Collector in charge of the district to which the taxpayer removed. The Collector of that district will make entry on his Record 10, as in the case of a new registrant, and note the taxpayer's new address and the Collector's name, title, and district, and the date of removal on the special tax stamp, which will be returned to the taxpayer.

(d) *Failure of registration.* A person who removes his place of manufacture and fails to register such removal with the Collector, as required by paragraph (a), must pay a new special tax for the new location if a claim for drawback is filed by him during the fiscal year for which the original special tax was paid.

(e) *Form 785.* The provisions of this section shall apply to certificates on Form 785 issued in lieu of lost or destroyed special tax stamps. (Secs. 3250 (1), 3280, and 4041 (a), I.R.C.)

§ 197.15 *Change in control*—(a) *General.* Certain persons other than the special taxpayer may, without paying additional special tax, be eligible to the same privileges granted by law to the taxpayer during the remainder of the fiscal year for which the special tax was paid. To secure such right, such person or persons must file with the Collector from whom the special tax was purchased, within 90 days after the date on which the successor or successors assume control, a return on Form 11, showing the basis of the succession.

(b) *Persons eligible.* Under the conditions indicated above, persons such as those listed below have the right of succession:

Death: The widow or child, or executor, administrator, or other legal representative of the taxpayer.

Husband and wife: A husband or wife succeeding to the business of his or her spouse (living).

Insolvency: A receiver or trustee in bankruptcy, or an assignee for benefit of creditors.

Withdrawal from firm: The partner or partners remaining after death or withdrawal of a member.

(c) *Failure of registration.* A person so succeeding, who fails to register such succession with the Collector, as required by paragraph (a), must pay a new special tax if a claim for drawback is filed by him during the fiscal year for which the original special tax was paid.

(d) *Form 785.* The provisions of this section shall apply to certificates on Form 785 issued in lieu of lost or destroyed special tax stamps. (Secs. 3250 (1), 3280, and 4041 (a), I.R.C.)

§ 197.16 *Change in name or style*—(a) *General.* A special taxpayer does not incur liability to additional special tax by reason of a mere change in the trade name or style under which such business is conducted, nor by reason of a change in management which involves no change in the proprietorship of the business.

(b) *Change in capital stock.* Additional special tax is not required by reason of a change of name or increase in the capital stock of a corporation if the laws of the state of incorporation provide for such changes without creating a new corporation.

(c) *Sale of stock.* No additional special tax is required by reason of the sale or transfer of all or a controlling interest in the capital stock of a corporation. (Secs. 3250 (1) and 4041 (a), I.R.C.)

§ 197.17 *Change to higher or lower rate of special tax*—(a) *Change to higher rate.* A special taxpayer who pays special tax of $25 per annum, and who has filed a claim for drawback during the fiscal year for which the special tax was paid, and who, during such fiscal year, withdraws from his stocks and uses more than 25 proof gallons of distilled spirits in the manufacture of nonbeverage products must pay special tax of $50 or $100, as the case may be, and obtain a stamp therefor. The manufacturer may thereupon submit the special tax stamp of $25 to the Collector with a claim on Form 843 for refund of the value thereof. Similar procedure will govern in the case of a taxpayer who pays special tax of $50 and who, during the fiscal year for which the special tax was paid, withdraws from his stocks and uses more than 50 proof gallons of distilled spirits.

(b) *Change to lower rate.* A special taxpayer who pays special tax of $100 or $50 per annum, as the case may be, and who, during the fiscal year for which the special tax was paid, withdraws from his stocks and uses in the manufacture or production of nonbeverage products not more than 50 or 25 proof gallons of distilled spirits, as the case may be, may file a claim on Form 843 for refund of the difference between the special tax paid and the special tax due. The special tax stamp shall be attached to the claim. (Secs. 3250 (1), 3304, 3770, and 4041 (a), I.R.C.)

§ 197.18 *Refund of special tax.* A special taxpayer is not entitled to a refund of special tax, unless it is established that he has not filed a claim for drawback during the period for which the stamp was issued. (Secs. 3250 (1) and 3770, I.R.C.)

§ 197.19 *Claims for refund of special tax*—(a) *General.* Claims for refund of the special tax alleged to have been erroneously or improperly paid shall be filed on Form 843, in duplicate, with the Collector to whom the special tax was paid. The claim must set forth in detail and under oath each ground upon which it is made, and facts sufficient to apprise the Commissioner of the exact basis thereof. The special tax stamp shall be attached to the claim.

(b) *Limitation.* No claim for refund of the special tax shall be allowed unless presented within four years next after the payment of such tax. (Secs. 3304 and 4041 (a), I.R.C.)

CLAIMS FOR DRAWBACK

§ 197.20 *Drawback.* Drawback at the rate of $3.75 on each proof gallon of fully taxpaid distilled spirits used in the manufacture of medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for use for beverage purposes and which were sold or otherwise transferred for use for other than beverage purposes will be allowed to any person who has become eligible for such drawback by payment of the special tax at the rates prescribed in § 197.8, and upon the filing of a claim therefor as hereinafter provided. (Sec. 3250 (1), I.R.C.)

§ 197.21 *Claims.* The claim shall be filed on Form 843, "Claim," in triplicate, with the Collector of Internal Revenue for the district in which the place of manufacture is located, and shall pertain only to nonbeverage products sold or otherwise transferred during any one quarter of the fiscal year, and only one claim may be filed for each quarter. (Sec. 3250 (1), I.R.C.)

§ 197.22 *Date of filing claim.* The claim must be filed within the three months next succeeding the quarter in which the nonbeverage products covered by the claim were sold or otherwise transferred. No claim will be allowed unless filed within the time so stated. (Sec. 3250 (1), I.R.C.)

§ 197.23 *Preparation of claim.* The claim must set forth, under oath, the following information:

(a) That the distilled spirits used in the manufacture of the nonbeverage products on which drawback is claimed were fully taxpaid and were produced in a domestic registered distillery or an industrial alcohol plant.

(b) That the distilled spirits on which the drawback is claimed were used in the manufacture or production of nonbeverage products which were unfit for use for beverage purposes.

(c) That the products produced were sold or otherwise transferred for use for other than beverage purposes in the quarter next preceding the quarter in which the claim is filed, and that (except as provided by § 197.31) the names and addresses of the persons to whom such products were sold or otherwise transferred are on file and are available for examination at the place covered by the special tax stamp.

(d) That the special tax has been paid. (Sec. 3250 (1), I.R.C.)

§ 197.24 *Supporting data.* Each claim will be accompanied by the following data in support of the request for drawback. The statements of supporting data shall also be prepared in triplicate and one copy attached to each copy of the claim.

(a) *Data with respect to taxpayment of the distilled spirits on which the drawback is claimed.* (1) If the distilled spirits were received in tank cars, the claimant will furnish the serial number of the certificate of taxpayment (Form 1595), the date of issuance of the certificate, the name and address of the vendor, and the kind and proof of the spirits.

(2) If the distilled spirits were received in containers, such as barrels, drums, cans, or cases, bearing taxpaid stamps, the claimant will furnish the serial number of the taxpaid stamp affixed to the container, the date of taxpayment appearing on the stamp, serial number of the container, if any, the name and address of the vendor, and the kind and proof of the spirits. (When the package is emptied, the stamp shall be scalped and attached to the next claim filed for drawback on the spirits which were in such package. The scalped stamp will be retained by the District Supervisor with the claims record of the claimant.)

(3) If the distilled spirits were received in bottles, the claimant will furnish the name and address of the bottler, and the kind and proof of the spirits as shown on the label, the serial number of the strip stamp affixed over the mouth and neck of the bottle, and the name and address of the vendor.

(b) *Data with respect to use in and sale or transfer of nonbeverage products.* (1) Name and description of the product manufactured in which the distilled spirits were used, and the alcoholic content by volume of such product.

(2) If the product is a medicinal preparation, tincture or fluid extract, manufactured in accordance with a formula prescribed by the United States Pharmacopoeia, the National Formulary, or the American Institute of Homeopathy, or if the product is a flavoring extract, manufactured in accordance with the advisory standards for flavoring extracts of the United States Food and Drug Administration, Federal Security Agency, the letters "U. S. P.," "N. F.," "A. I. H.," or "U. S. F. D. A.," as the case may be, should follow the name and description of the product.

(3) Quantity of product sold or otherwise transferred.

(4) Number of proof gallons of distilled spirits used in each product.

(c) *Data with respect to payment of special tax.* (1) Serial number of special tax stamp.

(2) Fiscal year for which issued.

(3) Date of issuance.

(4) Collection district where issued.

(d) *Data with respect to formula and process.* (1) If the claim is the first one filed with respect to any one product involved in the claim, the quantitative formula for each such product shall be attached to the claim; except that such quantitative formula need not be given if (i) the product is a medicinal preparation, tincture, or fluid extract produced under formulas prescribed by the United States Pharmacopoeia, the National Formulary, or the American Institute of Homeopathy, or (ii) the product is a flavoring extract, manufactured in accordance with the advisory standards for flavoring extracts of the United States Food and Drug Administration, Federal Security Agency, and (iii) the products are identified in the claim in the manner stated in paragraph (b) (2) of this section.

(2) Each formula will be given a serial number by the claimant beginning with number 1. Subsequent claims for drawback covering the same product need not be accompanied by the quantitative formula, unless there has been a modification or revision thereof. Where there has been no change, the claimant will refer to the serial number given the formula.

(3) In the case of food products, such as preserved fruits, cakes, buns, soups, etc., it will be sufficient to show the quantity of proof gallons of distilled spirits used in the production of a given quantity of finished product. (Sec. 3250 (1), I.R.C.)

§ 197.25 *Handling of claims.* The Collector will date-stamp each copy of the claim, and after recording, will forward the original and duplicate copies to the District Supervisor, Alcohol Tax Unit, and retain the triplicate copy for his files. The District Supervisor will examine the claim for the purpose of determining whether it is properly executed and that all supporting data have been submitted. He will return to the claimant any claim requiring amendment with appropriate instructions as to proper execution or amendment. (Sec. 4041 (a), I.R.C.)

§ 197.26 *Verification by District Supervisor.* The District Supervisor will conduct such inquiries and investigations as may be necessary to verify that drawback is allowable on the distilled spirits involved in the claim. After completion of such verification, he will forward the original copies of the claim and supporting data, and a copy of the report of investigation, with his recommendation as to the merit of the claim, to the Commissioner. (Sec. 4041 (a), I.R.C.)

§ 197.27 *When drawback not allowable.* Drawback is not allowable on distilled spirits lost by causes such as spillage, leakage, breakage, etc., prior to or during the process of manufacture of nonbeverage products, or on distilled spirits used in the manufacture of nonbeverage products if such products are lost or destroyed prior to sale or transfer. (Sec. 3250 (1), I.R.C.)

FORMULAS AND SAMPLES

§ 197.28 *Statement of process.* The Commissioner, at his discretion, may at any time require any person claiming drawback under these regulations to file the statement of process used in the manufacture or production of a nonbeverage product, and such other data as he may deem necessary for use in connection with the consideration of such person's claim for drawback. The statement of process should be submitted in triplicate with copies of the commercial labels used on the finished products. (Sec. 3250 (1), I.R.C.)

§ 197.29 *Samples.* The Commissioner, at his discretion, may also at any time require any person claiming drawback under these regulations to submit a sample of each nonbeverage product for examination. Where the applicant proposes to use a mixture of oil or other ingredients, the composition of which is unknown to him, a one-ounce sample should be submitted with the sample of finished product when so required by the Commissioner. (Sec. 3250 (1), I.R.C.)

RECORDS

§ 197.30 *Nature of records.* Every person intending to claim drawback on distilled spirits used in the manufacture or production of nonbeverage products must keep a permanent record showing the following data:

(a) The quantity, proof, and kind of distilled spirits received.

(b) Name and address of the person from whom the spirits were received.

(c) Kind of container and serial number thereof, serial number of certificate of taxpayment (if tank car), serial number of taxpaid distilled spirits stamp (if barrel, drum, can, or case), or serial number of strip stamp (if bottle).

(d) Date on which received.

(e) Number of proof gallons and kind of distilled spirits used in the manufacture of each product, and the date of use.

(f) Name of each product in the manufacture of which distilled spirits were used.

(g) Quantity of each product produced and the alcoholic content thereof.

(h) Name and address of the purchaser.

(i) Quantity of each product sold to each purchaser.

(j) Date of sale of product to each purchaser. (Sec. 3250 (1), I.R.C.)

§ 197.31 *Exception.* The manufacturer need not keep the records required by paragraphs (h), (i), and (j) of § 197.30 where the nonbeverage product contains less than 3 per cent of distilled spirits by volume, nor shall such records be required where nonbeverage products are sold by the producer direct to the consumer in retail quantities. The Commissioner may at any time require the keeping of such records upon at least 5 days' notice to the taxpayer. (Sec. 3250 (1), I.R.C.)

§ 197.32 *Form of record.* No particular form of record is prescribed, but the data required to be shown shall be readily ascertainable from the records kept by the manufacturer. Such records shall be kept complete and current at all times, and shall be retained by the manufacturer on the place covered by the special tax stamp, and shall be open to inspection by Government officers during regular business hours. Such records shall be retained by the manufacturer for a period of not less than three years. (Sec. 3250 (1), I.R.C.)

[SEAL] **Norman D. Cann,**
Acting Commissioner of Internal Revenue.

Approved: November 6, 1942.

John L. Sullivan,
Acting Secretary of the Treasury.

[F. R. Doc. 42-11629; Filed, November 7, 1942; 12:17 p. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

Part 803—General Orders

INCREASES IN WAGE RATES

Section 803.1, General Order No. 1, is amended by designating the first paragraph as (a) and adding paragraph (b) to read as follows:

§ 803.1 *General Order No. 1.* (a)

* * *

(b) General Order No. 1 shall apply also to salaries subject to the jurisdiction of the Board as defined in § 803.9.[1]

(E.O. 9250, 7 F.R. 7871)

George Kirstein,
Executive Secretary.

[F. R. Doc. 42-11664; Filed, November 9, 1942; 10:13 a. m.]

Part 803—General Orders

HIRING AT RATES IN EXCESS OF ESTABLISHED RATES

Section 803.6, General Order No. 6, is amended by adding paragraph (c) to read as follows:

§ 803.6 *General Order No. 6.* (a) * * *

* * * * *

(c) General Order No. 6 shall apply also to salaries subject to the jurisdiction of the Board as defined in § 803.9.[1]

(E.O. 9250, 7 F.R. 7871)

George Kirstein,
Executive Secretary.

[F. R. Doc. 42-11665; Filed, November 9, 1942; 10:14 a. m.]

Part 803—General Orders

PAYMENT OF A BONUS, ETC.

§ 803.10 *General Order No. 10* (a) The payment to employees, whose wage or salary increases are subject to the jurisdiction of the National War Labor Board, of a bonus, fee, gift, commission or other form of compensation customarily paid to such employees in the past may be continued without the approval of the National War Labor Board, *Provided*, That,

(1) If in a fixed amount, the total amount so paid to an employee during the current bonus year does not exceed the total so paid to an employee for like work during the preceding bonus year, or

(2) If computed on a percentage, incentive or other similar basis, the rate and the method of computation are not changed in the current bonus year so as to yield a greater amount than that in the preceding bonus year, but a greater amount when resulting from the same rate and method of computation may be paid.

(E.O. 9250, 7 F.R. 7871)

George Kirstein,
Executive Secretary.

[F. R. Doc. 42-11666; Filed, November 9, 1942; 10:13 a. m.]

Part 803—General Orders

INCREASES PRIOR TO NOVEMBER 7, 1942

§ 803.11 *General Order No. 11.* To prevent hardships resulting from innocent action in the period of transition following the issuance of Executive Order No. 9250, dated October 3, 1942, and pursuant to the authority vested in the National War Labor Board by that Executive Order; *It is hereby ordered*, That:

(a) An employer who, on or prior to November 7, 1942, has in good faith given an increase in wages or salaries subject to the jurisdiction of the National War Labor Board without the prior approval of the National War Labor Board or exemption under its regulations may apply for approval of such increase on or before December 1, 1942. If satisfied that the employer made the increase in good faith and that the increase is consistent with Executive Order No. 9250, October 3, 1942, and should be approved, the National War Labor Board will make its approval retroactive the date of the wage increase.

(1) Except as herein provided, an increase which requires approval of the National War Labor Board must receive such approval before it is put into effect.

(E. O. 9250, 7 F. R. 7871)

George Kirstein,
Executive Secretary.

[F. R. Doc. 42-11667; Filed, November 9, 1942; 10:13 a. m.]

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[1] 7 F.R. 8981.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

[Docket No. A-1648]

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 4 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 4.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 4; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 324.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 324.8 (*Numerical list of mines*) is amended by adding thereto Supplement R–II, § 324.2 (*Seasonal discounts*) is amended by adding thereto Supplement R–III, § 324.9 (*Recapitulation of price classifications*) is amended by adding thereto Supplement R–IV, § 324.11 (*Special prices—*(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) is amended by adding thereto Supplement R–V, and § 324.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the Schedules attached are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached Schedules do not differ, except in this regard, from the minimum prices proposed by petitioner.

Price classifications and minimum prices have not been established for the coals of Mine No. 2 of Shaw & Dawson (Ivan Shaw), for the reason that Shaw & Dawson (Ivan Shaw) is not a code member.

Dated: October 27, 1942.

[SEAL] DAN H. WHEELER, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Type	Shipping points in Ohio	Railroad	Freight origin group Nos.	Price classifications by size group Nos.											
									1	2	3	4	5	6	7	8	9	10	11	12
2325	B. & T. Coal Co. (A. C. Triplet)	B. & T.	4	3	Deep	Guernsey	PRR	53	Q	Q	Q	Q	O	O	Q	Q	Q	------	------	Q
1049	Denney Coal Co. (E. L. Oliver)	Denney	7	4	Deep	Wellston	B&O	41	K	K	O	O	O	O	O	O	O	------	------	O
[1]3046	Downing, Richard, Trustee, Freeport Gas Coal Company.	Alexander	2	3	Strip	Macksburg	PRR	16	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	------	Q
2127	Gee Coal Co. (Isaac Gee)	Goose Run	7	4	Deep	Wellston	B&O	41	K	K	O	O	O	O	O	O	O	------	------	O
490	Lanning & Smith Coal Co. (Virgil Lanning).	Lanning & Smith	5	6	Deep	Murray City	C&O	22	K	K	O	O	O	O	Q	Q	Q	------	------	Q
3048	Marshall Mining Company	West Point	4	6 & 7	Strip	Lisbon	PL&W	73	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	------	Q
491	McGinnis, E. P	Boggs Creek	6	7	Strip	Zanesville	PRR	34	O	O	O	O	O	O	Q	Q	Q	Q	------	Q
3045	Wertz, Ben & Company (Ben Wertz)	Wertz Coal Co	1	8	Deep	Barnesville	B&O	11	O	O	O	O	O	O	O	O	O	------	------	O

[1] Subject to Exception No. 4, § 324.1 (b) in the Schedule of Effective Minimum Prices.

§ 324.8 *Numerical list of mines*—Supplement R–II

Mine index No.	Mine name	Code member	Freight origin districts	Freight origin group No.	Railroad	Subdistrict No.
490	Lanning & Smith	Lanning & Smith Coal Co. (Virgil Lanning).	Hocking	22	C&O	5
491	Boggs Creek	McGinnis, E. P	Crooksville	34	PRR	6
1049	Denney	Denney Coal Co. (E. L. Oliver)	Jackson	41	B&O	7
2127	Goose Run	Gee Coal Co. (Isaac Gee)	Jackson	41	B&O	7
2325	B. & T	B. & T. Coal Co. (A. C. Triplet)	Middle	53	PRR	4
3045	Wertz Coal Co	Wertz, Ben & Company (Ben Wertz)	Ohio No. 8	11	B&O	1
3046	Alexander	Downing, Richard, Trustee, Freeport Gas Coal Company.	Cambridge	16	PRR	2
3048	West Point	Marshall Mining Company	Leetonia	73	PL&W	4

§ 324.2 *Seasonal discounts*—Supplement R–III

[On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all Market Areas except Market Areas 1 to 13, inclusive, 98 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipments during the month of—				
					April	May	June	July	August
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19.	---------	10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add mine index No. 3045.	30	20	10	---	---
Cambridge	---------	Add 16	---------	Add mine index No. 3046.	30	20	10	---	---
Hocking	21, 22, 26, 27, 28	---------	1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171.	Add mine index No. 490.	50	40	30	20	10
Crooksville	31, 32	Add 34	8, 97	Add mine index No. 491.	30	20	10	---	---
Jackson	41, 42, 43	---------	2, 131, 134	Add mine index Nos. 1049, 2127.	50	40	30	20	10
Middle	53, 54, 57	---------	49, 50, 67, 94, 132	Add mine index No. 2325.	30	20	10	---	---
Leetonia	72, 74	Add 73	3, 77, 159, 169	Add mine index No. 3048.	30	20	10	---	---

NOTE: Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.9 *Recapitulation of price classifications*—Supplement R–IV

[Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas, see Schedule of Effective Minimum Prices, § 324.9 and § 324.10. Also applies to Market Areas 98 and 99 (Great Lakes), § 324.11 (b) and § 324.11 (c), and Vessel Fuel, § 324.11 (d)]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19	---------	10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	3045
Cambridge	---------	Add 16	---------	[1] 3046
		Add 16	(Subject to Exception No. 4, p 3)	[1] 3046
Hocking	21, 22, 26, 27, 28	---------	1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171.	490
Crooksville	31, 32	Add 34	8, 97	491
Jackson	41, 42, 43	---------	2, 131, 134	1049, 2127
Middle	53, 54, 57	---------	49, 50, 67, 94, 132	2325
Leetonia	72, 74	Add 73	3, 77, 159, 169	3048

[1] Prices as shown for Mine Index No. 96 less 10¢ for Size Group Nos. 1 to 9, inclusive, and 12 will apply to additional Mine Index No. 3046 hereinabove noted. In addition, Mine Index No. 3046 will have a price in Size Group No. 10 equal to the applicable minimum price for its Size Group No. 8 less 5¢.

NOTE: Prices as shown in § 324.9, § 324.10, § 324.11 (b), § 324.11 (c) and § 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.11 *Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*—Supplement R–V

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown, see Schedule of Effective Minimum Prices, § 324.11 (a)]

Name of railroad	Mine index No.	Additional mine index No.
Baltimore & Ohio Railroad Co	10, 21, 30, 33, 39, 49, 58, 71, 72, 78, 81, 85, 87, 95, 96, 103, 104, 106, 116, 121, 124, 128, 134, 136, 144, 146, 147, 151, 155, 157, 160, 162.	Add mine index Nos. 1049, 2127, 3045.
Chesapeake & Ohio Railway Co	14, 38, 41, 47, 61, 70, 72, 75, 76, 82, 86, 101, 105, 112, 113, 130, 131, 168, 170, 171.	Add mine index No. 490.
Pennsylvania Railroad Co	11, 26, 31, 42, 43, 49, 50, 55, 56, 57, 62, 65, 67, 69, 81, 94, 111, 114, 115, 132, 152, 162, 165, 169.	Add mine index No. 2325.
	166	Add mine index Nos. 491, 3046.
Pittsburgh, Lisbon & Western Railroad	3, 77	Add mine index No. 3048.
Akron, Canton & Youngstown Railway Co.	From all mine index Nos. except those shown below. From mine index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add mine index Nos. 490, 1049, 2127, 2325, 3045. Add mine index Nos. 491, 3046, 3048.
Ann Arbor Railroad Co		
Canadian National Railways and Grand Trunk Railway System.		
Canadian Pacific Railway Co		
Detroit and Mackinac Railway Company.		
Detroit & Toledo Shore Line Railroad Co.		
Erie Railroad		
Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.).		
Pere Marquette Railway Co		
For all Railroads not shown above	From all mine index Nos. except those shown below. From mine index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add mine index Nos. 490, 1049, 2127, 2325, 3045. Add mine index Nos. 491, 3046, 3048.

NOTE: Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.24 *General prices in cents per net ton for shipment into all market areas—*Supplement T

Code member	Mine	Mine index No.	Type	Seam	Base sizes							
					6″ lump	3″-4″-5″ lump	2″ lump	2″ x 4″ egg, 2″ x 5″ egg	1¼″ lump, 1¼″ x 4″ egg	Mine run, nut and pea	2″ x 0 slack	¾″ x 0 slack
					1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 1—EASTERN OHIO												
BELMONT COUNTY												
Wertz, Ben & Company (Ben Wertz).	Wertz Coal Co.	3045	Deep	8	305	295	280	255	250	240	220	210
SUB-DISTRICT NO. 2—CAMBRIDGE												
NOBLE COUNTY												
Downing, Richard, Trustee, Freeport Gas Coal Company.	Alexander	3046	Strip	8	290	280	265	240	240	240	220	210
Smith, Herman F	White Oaks	459	Deep	8	290	280	265	240	240	240	220	210
SUB-DISTRICT NO. 4—MIDDLE												
CARROLL COUNTY												
Billman, Leonard E	Indian Ledge "M"	3047	Strip	5	295	285	270	255	255	240	210	200
COLUMBIANA COUNTY												
Marshall Mining Company	West Point	3048	Strip	6 & 7	320	310	295	270	265	245	225	215
COSHOCTON COUNTY												
Gallagher, Sherman & David Coal Co. (Sherman Gallagher).	Gallagher	3051	Deep	6	300	290	280	255	250	215	185	175
Snow Bros. (Harley E. Snow)	Locust Grove #2	429	Deep	6	300	290	280	255	250	215	185	175
STARK COUNTY												
Bernhardt, Michael	#3	3032	Strip	5	295	285	270	255	255	230	210	200
TUSCARAWAS COUNTY												
Bernhardt, Michael	#4	3033	Strip	5	295	285	270	255	255	230	210	200
Highway Coal Company, The		3050	Strip	5	295	285	270	255	255	230	210	200
Kloha, Lewis L	Kloha	3052	Strip	6	295	285	270	255	255	230	210	200
SUB-DISTRICT NO. 5—HOCKING												
PERRY COUNTY												
Lanning & Smith Coal Co. (Virgil Lanning).	Lanning & Smith	490	Deep	6	315	305	295	270	265	215	185	175
SUB-DISTRICT NO. 6—CROOKSVILLE												
MUSKINGUM COUNTY												
McGinnis, E. P	Boggs Creek	491	Strip	7	300	290	280	255	250	215	185	185
SUB-DISTRICT NO. 7—JACKSON												
JACKSON COUNTY												
Steele & Reed (Geo. A. Steele)	Steele & Reed #2	3053	Strip	7	315	305	295	270	265	215	185	175

[F. R. Doc. 42-11550; Filed, November 6, 1942; 11:04 a. m.]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

[Docket No. A-1687]

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 10 for the establishment of price classifications and minimum prices for coals produced in District No. 10.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced by the truck mines of Frank Fox, Mine Index No. 1606 and Jesse Wm. Wayland, Mine Index No. 1605.

—It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise bc ordered.

Dated: October 30, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																												
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	34
SECTION NO. 5—MCDONOUGH COUNTY																																
Fox, Frank	1606	Frank Fox	2	260	255	250	240	235	230	175	170	165	160	160	160	130	120	65	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Wayland, Jesse Wm	1605	Jesse Wayland	2	260	255	250	240	235	230	175	170	165	160	160	160	130	120	65	---	---	---	---	---	---	---	---	---	---	---	---	---	---

[F. R. Doc. 42-11551; Filed, November 6, 1942; 11:04 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

[Pub. Circ. 7A]

REMITTANCES TO MACAO

NOVEMBER 6, 1942.

Public Circular No. 7A under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.[1]

General Licenses Nos. 32 and 33 shall not be deemed to authorize remittances to any individual in Macao.

No remittance shall be made under General License No. 70 to any person in Macao unless the domestic bank effecting such remittance is full satisfied that the ultimate beneficiary is not a national of any blocked country other than Portugal.

(Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. No. 354, 77th Cong., 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941; E.O. 8832, July 26, 1941; E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, Apr. 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 42-11682; Filed, November 9, 1942; 11:12 a. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

[Gen. License 29]

REMOVAL OF CERTAIN COUPONS

NOVEMBER 6, 1942.

General License No. 29, as amended under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

General License No. 29 is hereby amended by adding the following proviso at the end thereof:

§ 131.29 *General License No. 29.* * * * "*Provided, however*, That this general license shall not be deemed to authorize the removal of any coupons for collection or otherwise from any General Ruling No. 6 account unless the bonds to which such coupons relate are in such General Ruling No. 6 account.

(Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. No. 354, 77th Cong., 55 Stat. 838; E.O. 8389, Apr. 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, Apr. 10, 1940, as amended June 14, 1941, and July 26, 1941.)

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 42-11684; Filed, November 9, 1942; 11:12 a. m.]

PART 132—GENERAL RULINGS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

[Gen. Ruling 11]

CONTINENTAL FRANCE

NOVEMBER 8, 1942

Amendment to General Ruling No. 11 under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

General Ruling No. 11 is hereby amended in the following respects:

(1) The phrase "that portion of France within continental Europe" is substituted for the phrase "that portion of France within continental Europe occupied by Germany or Italy" in paragraph (b) (2) (ii) thereof; and

(2) A semicolon is substituted for the period at the end of paragraph (b) (4) and the following is added:

§ 132.11 *General Ruling No. 11.* * * * (4) * * * *Provided, however*, That the date November 8, 1942 shall be substituted for the date of March 18, 1942 with respect to trade and communication with those enemy nationals who became enemy nationals only by reason of the amendment of this General Ruling on November 8, 1942.

(Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress, 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941; E.O. 8832, July 26, 1941; E.O. 9863, December 9, 1941, and E.O. 8998, December 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 42-11683; Filed, November 9, 1942; 11:12 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amendment No. 81]

PART 621—QUESTIONNAIRE AND OTHER INFORMATION TO BE USED IN CLASSIFYING REGISTRANTS

MAILING QUESTIONNAIRES

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U. S. C., Sup. 301-318, inclusive; E.O.

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[1] This public circular affects Part 131 and will be included in the appendix to that part.

No. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Delete paragraph (d) of § 621.1[1] in its entirety.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

NOVEMBER 6, 1942.

[F. R. Doc. 42-11677; Filed, November 9, 1942; 11:20 a. m.]

[Amendment No. 83]

PART 622—CLASSIFICATION

CLASS IV-F; MORALLY UNFIT

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 622.61 to read as follows:

§ 622.61 *Class IV-F: Morally unfit.* In Class IV-F shall be placed every registrant who, under procedures and standards prescribed by the land and naval forces, is found to be morally unacceptable for training and service or, under procedures and standards prescribed by the Director of Selective Service, is found to be morally unacceptable for assignment to work of national importance. The Director of Selective Service will keep the various elements of the Selective Service System advised of such procedures and standards.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

NOVEMBER 7, 1942.

[F. R. Doc. 42-11679; Filed, November 9, 1942; 11:20 a. m.]

[Amendment No. 82]

PART 641—NOTICE

NOTICE OF MAILING QUESTIONNAIRES

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F. R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Delete § 641.4[2] in its entirety.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing thereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

NOVEMBER 6, 1942.

[F. R. Doc. 42-11678; Filed, November 9, 1942; 11:20 a. m.]

[No. 137]

MEMORANDUM FOR RETIREMENT SECTION, ACCOUNTING DIVISION

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 28, entitled "Memorandum for Retirement Section, Accounting Division," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing addition shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 15, 1942.

[F. R. Doc. 42-11680; Filed, November 9, 1942; 11:20 a. m.]

[No. 138]

DISCONTINUANCE OF CERTAIN FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby order the discontinuance of the following DSS forms:

1. Discontinuance of DSS Form 11 entitled "Notice to Postmasters and Postal Clerks."
2. Discontinuance of DSS Form 24 entitled "Appointment Card of Local Board Area."
3. Discontinuance of DSS Form 24A entitled "List of Appointees."
4. Discontinuance of DSS Form 27 entitled "Approval Request Tab."
5. Discontinuance of DSS Form 27 entitled "Appeal Board Card."
6. Discontinuance of DSS Form 35 entitled "Notice to all Registrants."
7. Discontinuance of DSS Form 43 entitled "Notice to Registrants and to the Public."
8. Discontinuance of DSS Form 70 entitled "College and University Report."
9. Discontinuance of DSS Form 71 entitled "Student Report on Selective Service Status."
10. Discontinuance of DSS Form 116 entitled "Notice to Men called for Induction into the Military Service."
11. Discontinuance of DSS Form 118 entitled "Employment for Inductees."
12. Discontinuance of DSS Form 119 entitled "To Members of National Reemployment Committees."
13. Discontinuance of DSS Form 121 entitled "Offer of Voluntary Services."
14. Discontinuance of DSS Form 122 entitled "Reemployment Committee Appointment Notification."
15. Discontinuance of DSS Form 123 entitled "Reemployment Committee Appointment."
16. Discontinuance of DSS Form 124 entitled "Acceptance of Appointment."
17. Discontinuance of DSS Form 125 entitled "Oath of Office."
18. Discontinuance of DSS Form 126 entitled "Transcription Sheet (Form 40)."
19. Discontinuance of DSS Form 149 entitled "Information for Armed Forces Extracted from the Selective Service Questionnaire."
20. Discontinuance of DSS Form 153 entitled "List of Selected Men."
21. Discontinuance of DSS Form 159 entitled "Report of Deliveries."
22. Discontinuance of DSS Form 161 entitled "Local Board Report of Class I———."
23. Discontinuance of DSS Form 162 entitled "Report of Class I, State———."
24. Discontinuance of DSS Form 163 entitled "Local Board Quota Sheet."
25. Discontinuance of DSS Form 164 entitled "Notice of Quota."
26. Discontinuance of DSS Form 168.
27. Discontinuance of DSS Form 170 entitled "Serial Number Card."
28. Discontinuance of DSS Form 176 entitled "Notice to Men called for Induction into the Military Service."
29. Discontinuance of DSS Form 200 entitled "Report of Physical Examination."
30. Discontinuance of DSS Form 204 entitled "Psychiatric Examination Notice."
31. Discontinuance of DSS Form 206 entitled "Psychiatrists' Report."
32. Discontinuance of DSS Form 207 entitled "Accumulative Illiteracy Report through September 15, 1941."
33. Discontinuance of DSS Form 247 entitled "Travel Authority."
34. Discontinuance of DSS Form 247A entitled "Travel Authority."
35. Discontinuance of DSS Form 248 entitled "Travel Authority."
36. Discontinuance of DSS Form 248A entitled "Travel Authority."
37. Discontinuance of DSS Form 249 entitled "Travel Authority."
38. Discontinuance of DSS Form 249A entitled "Travel Authority."
39. Discontinuance of DSS Form 255A entitled "Pay Roll for Personal Services (yellow)."
40. Discontinuance of DSS Form 261 entitled "Estimate of Expenses."
41. Discontinuance of DSS Form 262 entitled "Maximum Monthly Allowances."
42. Discontinuance of DSS Form 268 entitled "Report of Worn Out Property."
43. Discontinuance of DSS Form 269 entitled "Report of Loss or Damage of Property."
44. Discontinuance of DSS Form 278 entitled "Request for Information re: Conviction or custody of a Registrant."
45. Discontinuance of DSS Form 1000 entitled "Report of Classification."
46. Discontinuance of DSS Form 1001 entitled "Rehabilitation Report."
47. Discontinuance of DSS Form 1002 entitled "Correction Inquiry, Waiver and Consent."
48. Discontinuance of DSS Form 2000 entitled "Report of Educational Rehabilitation."

The foregoing discontinuance shall become a part of the Selective Service Regulations and shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

NOVEMBER 7, 1942.

[F. R. Doc. 42-11681; Filed, November 9, 1942; 11:21 a. m.]

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[1] 6 F.R. 6606.

[2] 6 F.R. 6852.

[1] Filed as part of the original document

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Supplementary Directive No. 1Q]

RATIONING OF TIRES, TIRE CASINGS, TIRE TUBES, ETC.

Further delegation of authority with reference to the rationing of tires, tire casings, tire tubes, tire retreading and recapping materials, gasoline and passenger automobiles.

§ 903.22 *Supplementary Directive 1Q* (a) The authority heretofore delegated to the Office of Price Administration by Directive No. 1, § 903.1, is hereby extended to include the exercise of control over:

(1) The sale, transfer, delivery or other disposition of all tires, tire casings, tire tubes, tire retreading and recapping materials, and used passenger automobiles by or to any person:

(2) The use, alteration, mounting, or other disposition of tires, tire casings, tire tubes, tire retreading and recapping materials, and passenger automobiles by any person, and

(3) The sale, transfer, delivery or other disposition of gasoline by any person to any consumer; the use of gasoline by any consumer, the use of gasoline substitutes or gasoline blends by any consumer in a motor vehicle, and the blending of gasoline by any gasoline dealer; and

(4) The sale, transfer, delivery or other disposition of gasoline by any person to any person other than a consumer, to the extent of requiring the delivery of such coupons, certificates or other evidence as the Office of Price Administration may prescribe as a condition to such sale, transfer, delivery or disposition.

(b) The authority of the Office of Price Administration shall include the power to regulate or prohibit the sale, transfer, delivery or other disposition of tires, tire casings, tire tubes, tire retreading and recapping materials, gasoline and passenger automobiles to, or acquisition, use, alteration, mounting or other disposition of said materials and facilities by, any person who has acted in violation of any rationing regulation or order prescribed by the Office of Price Administration.

(c) The authority delegated by this order does not include the power to limit or restrict:

(1) The quantity of the materials and facilities referred to herein obtainable by the Army, Navy, Marine Corps or Coast Guard of the United States, or by government agencies or other persons to the extent to which they acquire such materials or facilities for export to and consumption or use in any foreign country; and

(2) The manufacture of tires, tire tubes, tire casings, tire retreading and recapping materials and passenger automobiles or the manufacture, processing, distilling or refining of gasoline; and

(3) The importation, use, sale, transfer, delivery or other disposition of airplane tires, airplane tire casings, or airplane tire tubes.

(d) As used herein:

(1) "Passenger automobile" means a passenger automobile of any model, built upon a standard or lengthened passenger car chassis, having a seating capacity of not more than ten persons, irrespective of the number of miles it has been driven (or the chassis of such automobile), including taxis, but not including ambulances, hearses and station wagons.

(2) "Used passenger automobile" means any 1941 or earlier model passenger automobile which has been driven 1000 miles or more.

(3) "Gasoline" includes any liquid fuel which is commonly or usually used for the propulsion of motor vehicles, aircraft or motorboats by means of internal combustion engines, except liquid fuel with an octane rating of 86 or more, and except Diesel fuel, kerosene, benzene, benzol and naphtha.

(4) "Motor vehicle" means any rubber-tired, self-propelled conveyance the motive power for which is furnished by an internal combustion engine designed for operation by gasoline and which is built primarily for the purpose of transporting persons or property.

(5) "Tire, tire tube, tire casing, and tire recapping and retreading materials" mean any of the foregoing made in whole or in part of any kind of rubber.

(6) "Rubber" means any form or type of natural, reclaimed, or synthetic rubber, or other similar materials.

(7) "Person" includes any individual, partnership, corporation, association, business trust, government or government agency, or any organized group of persons whether incorporated or not.

(8) "Consumer" means any person acquiring gasoline for use, including use as a component part of any manufactured article, material, or compound other than gasoline. The term includes dealers and distributors to the extent that they use gasoline, or acquire gasoline for use rather than for transfer.

(9) "Gasoline dealer" means any person engaged in the business of selling or transferring gasoline, except a person who transfers, receives, or uses gasoline in such a manner as to be required to account for the state motor fuel taxes imposed thereon directly to the motor fuel tax administration of a state.

(e) This supplementary directive supersedes the delegation of authority to the Office of Price Administration made by Supplementary Order M-15-c, § 940.4, as amended, Supplementary Directive No. 1-B, § 903.3, as amended, and Supplementary Directive No. 1-H, § 903.9, as amended: *Provided, however*, That all action heretofore taken (including, without limitation, regulations or orders heretofore issued) by the Office of Price Administration pursuant thereto or pursuant to said supplementary directives as originally issued, is hereby ratified, approved and confirmed, and the authority so delegated shall continue to remain in full force and effect with respect to all such action which is not inconsistent with the terms of this section, for all purposes including the purpose of allowing or sustaining any suit, action, prosecution or administrative or other proceeding heretofore or hereafter commenced with respect to any violation heretofore committed or right or liability heretofore incurred under or pursuant to the terms thereof.

(E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9246, 7 F.R. 7379; Sec. 2 (a), Pub. No. 671, 76th Cong., as amended by Pub. No. 89, 77th Cong., and by Pub. No. 507, 77th Cong.; W.P.B. Dir. No. 1, 7 F.R. 562; W.P.B. Reg. No. 1, 7 F.R. 561, as amended, 7 F.R. 2126.)

Issued this 6th day of November, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11598; Filed, November 6, 1942; 3:41 p. m.]

PART 1010—SUSPENSION ORDERS

[Amendment 1 to Suspension Order S-15]

MATTHEW G. LEPLEY

Paragraph (b) of § 1010.15, *Suspension Order S-15*,[1] issued March 21, 1942, is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11599; Filed, November 6, 1942; 3:41 p. m.]

PART 992—LAUNDRY EQUIPMENT

[Interpretation 1 of General Limitation Order L-6]

The following official interpretation is hereby issued by the Director General for Operations with respect to § 992.1 *General Limitation Order L-6*:[2]

Paragraph (a) (1) of § 992.1 *General Limitation Order L-6* defines "domestic laundry equipment" to mean "washing machines and ironing machines for home use." The phrase, "for home use", refers to the type of machine and not to the purpose for which a particular machine is eventually used.

All machines of a style or model designed and built by the manufacturer for marketing principally to home users are machines "for home use", and their production is therefore prohibited, regardless of the purposes for which some of them may be bought and used by commercial establishments, institutions or governmental agencies.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

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[1] 7 F.R. 2236.

[2] 6 F.R. 5533, 6407.

Issued this 7th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11610; Filed, November 7, 1942; 11:29 a. m.]

PART 1001—TIN

[Interpretation 1 of Conservation Order M-43-a, as Amended June 5, 1942]

The following official interpretation is hereby issued by the Director General for Operations with respect to § 1001.2, *Conservation Order M–43–a*[1] as amended June 5, 1942:

The phrase "Individual and organizational equipment" appearing in the definition of implements of war, as contained in paragraph (c) (2) (i) of Conservation Order M–43–a as amended June 5, 1942, is construed to include radio and radar equipment prescribed for field or combat use by the Army or Navy of the United States, the Coast Guard, or the United States Maritime Commission. Consequently, when such radio and radar equipment (including parts, assemblies and materials to be physically incorporated therein) is being produced for purchase by or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the Coast Guard, it is, by the terms of paragraph (c) (2) (i) of Conservation Order M–43–a as amended June 5, 1942, exempt from the restrictions on the use of tin contained in paragraphs (b) (1) and (b) (2) of said order, where the use of tin to the extent employed is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission or the Coast Guard applicable to the contract, subcontract or purchase order.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11611; Filed, November 7, 1942; 11:31 a. m.]

PART 1010—SUSPENSION ORDER S–136

E. E. ANDERSON LUMBER CO.

E. E. Anderson Lumber Company, Detroit, Michigan, is a Michigan corporation engaged in the wholesale distribution of lumber and mill work. From May 13, 1942, to June 25, 1942, the company accepted delivery of substantial quantities of construction lumber from producers, the delivery of which had not been authorized by the Director of Industry Operations, without having furnished said producers with the endorsements as to uses necessary under Limitation Order L–121.

The acceptance of these deliveries as aforesaid constituted a wilful violation of Limitation Order L–121.

The foregoing violations of War Production Board orders have impeded and hampered the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board.

It is hereby ordered:

§ 1010.136 *Suspension order No. S–136.* (a) E. E. Anderson Lumber Company, its successors and assigns, shall not accept, directly or indirectly, deliveries of lumber on any orders or contracts to which preference ratings have been assigned or applied, except as specifically authorized by the Director General for Operations: *Provided, however,* That the provisions of this paragraph shall not apply to deliveries of lumber which are in transit as of the effective date hereof.

(b) No person shall ship or deliver lumber on orders placed by E. E. Anderson Lumber Company for delivery to it or to any other person, to which orders preference ratings have been assigned or applied, except as specifically authorized by the Director General for Operations: *Provided, however,* the provisions of this paragraph shall not apply to deliveries of lumber which are in transit as of the effective date hereof.

(c) Deliveries of lumber on orders or contracts placed directly or indirectly, by E. E. Anderson Lumber Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations, or the Director General for Operations, except as specifically authorized by the Director General for Operations: *Provided however,* That the provisions of this paragraph shall not apply to deliveries of lumber which are in transit as of the effective date hereof.

(d) No allocation shall be made, nor any specific authorization be granted to E. E. Anderson Lumber Company, its successors or assigns, of any lumber the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(e) Nothing contained in this order shall be deemed to relieve E. E. Anderson Lumber Company, its successors and assigns, from any restriction, prohibition, or provision contained in any order or regulation of the Director of Industry Operations or the Director General for Operations, whether now in force or hereafter issued, except in so far as the same may be inconsistent with the provisions hereof.

(f) This order is to take effect November 10, 1942, and is to expire on February 10, 1943, at which time the restrictions contained in this order are to be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11612; Filed, November 7, 1942; 11:29 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-138]

M. PASHELINSKY & SONS

M. Pashelinsky & Sons, Jersey City, New Jersey, is a partnership engaged in the business of buying and selling scrap metals. This concern was familiar with the restrictions contained in Supplementary Order M–1–c and knew that the order prohibited the unauthorized delivery of aluminum scrap for melting or other processing. Nevertheless, in wilful violation of this order, M. Pashelinsky & Sons made deliveries, during the period of October 28, through December 16, 1941, of a total of 25,204 pounds of aluminum scrap to Manning, Bowman & Company for melting and other processing, despite the fact that no authorization for such deliveries had been obtained from the Director of Priorities. In connection with the deliveries of aluminum scrap made during this period, M. Pashelinsky & Sons, in wilful violation of Priorities Regulation No. 1, falsely described in its records and invoices such aluminum scrap as brass, copper, and white metal scrap, and in two instances falsely invoiced the aluminum scrap and entered records of such transactions in the firm's books in the individual name of Meyer Pashelinsky, a partner, rather than in the firm's name.

These violations of Supplementary Order M–1–c and of Priorities Regulation No. 1 have impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered:*

§ 1010.138 *Suspension Order S–138.* (a) Meyer Pashelinsky, Morris Pashelinsky, Bernard Pashelinsky, David T. Pash, Rose Pashelinsky Blau, individually, or doing business as M. Pashelinsky & Sons, or as successors or assigns of M. Pashelinsky & Sons, shall not purchase or accept delivery from any source of any metal, including scrap, regardless of the form or condition thereof, specified in the Metals List of Priorities Regulation No. 11, except as specifically authorized by the Director General for Operations.

(b) Meyer Pashelinsky, Morris Pashelinsky, Bernard Pashelinsky, David T. Pash, Rose Pashelinsky Blau, individually, or doing business as M. Pashelinsky & Sons, or as successors or assigns of M. Pashelinsky & Sons, shall not sell, transfer, deliver, fabricate, use, or consume any metal, including scrap, regardless of the form or condition thereof, specified in the Metals List of Priorities Regulation No. 11, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve Meyer Pashelinsky, Morris Pashelinsky, Bernard Pashelinsky, David T. Pash, Rose Pashelinsky Blau, individually, or doing business as M. Pashelinsky & Sons, or as successors or assigns of M. Pashelinsky & Sons from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on November 9, 1942, and shall remain in effect until revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11613; Filed, November 7, 1942; 11:29 a. m.]

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[1] 7 F.R. 4290, 5984.

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Revocation of Supplementary Limitation Order L-26-c]

Section 1029.4 *Supplementary Limitation Order L–26–c*[1] is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11614; Filed, November 7, 1942; 11:29 a. m.]

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Supplementary Limitation Order L-170-a]

In accordance with the provisions of paragraph (j) (2) of § 1029.10 *Limitation Order L–170,* which the following order supplements; *It is hereby ordered,* That:

§ 1029.11 *Supplementary Limitation Order L–170–a*—(a) *Additional definitions.* For the purposes of this order:

(1) "Copper" means unalloyed copper metal, including unalloyed copper metal produced from scrap.

(2) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds forty per cent (40%) of the total weight of the alloy. It shall include alloy metal produced from scrap.

(3) "Copper products" means products made of copper, fabricated to the extent that they are sheet, rod, tubing, extrusions, castings, ingots, forgings, wire, powder or anodes, or fabricated to any greater extent.

(4) "Copper base alloy products" means products made of copper base alloy, fabricated to the extent that they are sheet, rod, tubing, extrusions, castings, ingots, forgings, wire, powder or anodes, or fabricated to any greater extent.

(5) "Farm tractor" means all wheel type tractors and garden tractors for use on a farm.

(6) "Engine power units" means any such units used in farm machinery and equipment.

(b) *General restrictions; (required specifications).* (1) On and after November 7, 1942, no producer (except as otherwise specifically authorized by the Director General for Operations pursuant to an appeal under paragraph (o) of Limitation Order L–170) shall manufacture for sale, or receive from his supplier for re-sale, any copper products or copper base alloy products to be used or incorporated in the production of farm tractors, engine power units or repair parts therefor, other than for the following purposes:

(i) *Radiators.* Water courses and tanks of copper alloy containing not more than seventy-one percent (71%) copper;

(ii) *Cooling control devices.* Thermostats; radiator sealing caps (pressure type only);

(iii) *Electrical equipment.* Magnetos, switches, wiring;

(iv) *Bearings, bushings, thrust washers and similar parts.* Bushings and thrust washers for:

Electrical equipment; steering gears; front axle king pins; clutch and brake pedals and control shafts; transmission, power lift and power take off gearing; engine bearings,

Provided, That such copper and copper base alloy as may be used shall be reduced by substitution of steel backed for solid bronze bushings in all cases where diameter, length or wall thickness, make such substitution practicable;

(v) *Replacement parts,* but only where the original part was manufactured from copper or copper base alloy and no substitute has been developed in current or prior production, either by the producer himself or by suppliers of such items, and where (because of limited quantities to be produced) substitutes are prohibitive from a standpoint of tool, material and production costs.

(vi) *Carburetor parts.* Those parts having metering or seating, filtering or anti-friction characteristics such as jets, nozzles, seats, metering rods, floats, screens, springs and bearings; also drill plugs, where non-corrosive metal is required to facilitate removal for cleaning; and drain cocks;

(vii) *Plating.* For functional parts in connection with carburizing steel and where substituted for solid copper or copper base alloy;

(viii) *Gaskets.* Spark plug gaskets (internal only); grommets in cylinder head gaskets for water passages; washers or solid gaskets where seating is required;

(ix) *Used as a minor alloying element.* In zinc die castings for carburetor parts or for other functional items where substitutes are prohibitive from a standpoint of tool cost; in ferrous alloys;

(x) *Brazing material.* For joining functional parts of multiple-piece construction;

(xi) *Powdered copper,* for briquetted bearings; copper lead bearings;

(xii) *Gauges.* The functional movement parts (cranks, pointer posts, gears, bourdon tubes, thermometer bulbs, diaphragms and pointers) of oil pressure gauges, heat indicators, and ammeters;

(xiii) *Fuel filter screens,* fuel shut off cocks, three way fuel valves;

(xiv) *Priming cups,* for engine cylinders; or

(xv) *Clutch facings and brake linings.* The use of copper alloy in suitable form, such as wire, grindings, or brass chips, is permitted.

(c) This order supersedes L–26–c, and all amendments thereto and appeals granted thereunder.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11617; Filed, November 7, 1942; 11:30 a. m.]

PART 1052—KITCHEN, HOUSEHOLD AND OTHER MISCELLANEOUS ARTICLES

[Supplementary Limitation Order L-30-a]

GALVANIZED WARE AND NON-METAL COATED METAL ARTICLES

§ 1052.2 *Supplementary Limitation Order L–30–a*—(a) *Definitions.* For the purposes of this order:

(1) "Restricted" when applied to any products or articles, means made of iron or steel which is zinc-coated or has a plain, japanned, painted, lithographed or lacquered finish.

(2) "Preferred order" means any purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(3) "Garbage, rubbish and ash receptacles" or "garbage cans and pails" do not include any cans produced in fulfillment of preferred orders, provided such cans are constructed in accordance with United States Army Specification No. 29–91 (dated October 18, 1939), Federal Specification No. RR–C–81 (as amended May, 1936), Emergency Alternate Federal Specification No. E–RR–C–81 (dated April 30, 1941), or Bureau of Ships Speci-

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[1] 7 F.R. 4228.

fication 42C23 (INT) (dated June 1, 1942).

(4) "Pails," "buckets" or "tubs" do not include:

(i) Any pails, buckets or tubs designed expressly for use as packing or shipping containers; or

(ii) Any buckets produced in fulfillment of preferred orders, provided such buckets are constructed in accordance with Federal Specification No. RR-B-771a (dated March 3, 1939) or Emergency Alternate Federal Specification No. E-RR-B-771a (dated December 11, 1941).

(5) "Funnels" do not include any funnels produced in fulfillment of preferred orders, provided such funnels are constructed in accordance with Bureau of Ships Ad Interim Specification 41-F-6 (INT) For Funnels (dated December 1, 1941), or with Chemical Warfare Service Drawings Nos. B-18-41-2 (revised January 27, 1942) or E-18-41-1 (revised November 22, 1941) or any subsequent drawings designed for Chemical Warfare Service needs.

(6) "Manufacturer" means any person who produces or assembles any restricted product or article, or any part for such product or article.

(7) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(8) "Base period" means the twelve months ending June 30, 1941.

(b) *Restrictions on miscellaneous articles.* Except as provided in paragraph (g), on and after November 12, 1942, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any of the following restricted articles:

(1) Watering pots,

(2) Radiator and tractor filling cans,

(3) Foot baths,

(4) Liquid and dry measures, except in fulfillment of preferred orders,

(5) Dippers, except in fulfillment of preferred orders,

(6) Ash sifters,

(7) Coal hods and scuttles,

(8) Utility baskets.

(c) *Restrictions on garbage, rubbish and ash receptacles.* (1) Except as provided in paragraph (g), on and after November 12, 1942, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any restricted garbage, rubbish or ash receptacles except garbage cans and pails as permitted in Schedule A attached to this order.

(2) No manufacturer shall put into process more iron and steel, by weight, in the production of restricted garbage cans and pails permitted under Schedule A:

(i) During the period from November 1, 1942 to December 31, 1942, inclusive, than two times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted garbage, rubbish and ash receptacles; or

(ii) During the period of three months beginning January 1, 1943, and during each succeeding period of three months, than three times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted garbage, rubbish and ash receptacles.

(d) *Restrictions on pails, buckets and tubs.* (1) Except as provided in paragraph (g), on and after November 12, 1942, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any restricted pails, buckets or tubs (other than fire buckets) except pails and buckets and wash tubs as permitted under Schedule A.

(2) On and after January 1, 1943, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any restricted fire bucket.

(3) No manufacturer shall put into process more iron and steel, by weight, in the production of:

(i) Restricted pails and buckets permitted under Schedule A:

(*a*) During the period from November 1, 1942 to December 31, 1942, inclusive, than two times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted pails and buckets (other than fire buckets and wringer buckets); or

(*b*) During the period of three months beginning January 1, 1943 and during each succeeding period of three months, than three times 10% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted pails and buckets (other than fire buckets and wringer buckets).

(ii) Restricted wash tubs permitted under Schedule A:

(*a*) During the period from November 1, 1942 to December 31, 1942, inclusive, than two times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted wash tubs; or

(*b*) During the period of three months beginning January 1, 1943, and during each succeeding period of three months, than three times 10% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted wash tubs.

(iii) Restricted fire buckets during the period from November 1, 1942 to December 31, 1942, inclusive, than three times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted fire buckets.

(e) *Restrictions on wash boilers and fire shovels.* (1) Except as provided in paragraph (g), on and after November 12, 1942, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any:

(i) Restricted wash boiler except as permitted in Schedule A; or

(ii) Restricted fire shovel more than 22 inches in length.

(2) No manufacturer shall put into process more iron and steel, by weight, in the production of:

(i) Restricted wash boilers permitted under Schedule A:

(*a*) During the period from November 1, 1942 to December 31, 1942, inclusive, than two times 50% of the average monthly amount of iron and steel, by weight, put into process by him in the base period in the production of wash boilers (whether restricted or not); or

(*b*) During the period of three months beginning January 1, 1943, and during each succeeding period of three months, than three times 50% of the average monthly amount of iron and steel, by weight, put into process by him in the base period in the production of wash boilers (whether restricted or not).

(ii) Restricted fire shovels:

(*a*) During the period from November 1, 1942 to December 31, 1942, inclusive, than two times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted fire shovels; or

(*b*) During the period of three months beginning January 1, 1943, and during each succeeding period of three months, than three times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted fire shovels.

(f) *Restrictions on funnels, refrigerator pans and cans designed for the storage of kerosene.* (1) Except as provided in paragraph (g), on and after November 12, 1942, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any restricted funnel except as permitted in Schedule A.

(2) On and after January 1, 1943, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any restricted funnels, refrigerator pans or cans designed for the storage of kerosene with a capacity of from one to five gallons, inclusive.

(3) During the period from November 1, 1942 to December 31, 1942, inclusive, no manufacturer shall put into process in the production of:

(i) Restricted funnels, more than two times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted funnels;

(ii) Restricted refrigerator pans more than two times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of restricted refrigerator pans; or

(iii) Restricted cans designed for the storage of kerosene with a capacity of from one to five gallons, inclusive, more than two times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of such restricted cans.

(g) *Exceptions.* Notwithstanding the provisions of paragraphs (b), (c) (1),

(d) (1), (e) (1) and (f) (1), a manufacturer may produce any restricted article mentioned in these paragraphs from iron and steel which, on November 12, 1942, had been cut or blanked to size for such restricted article by him or by any other person: *Provided*, That such restricted article is completed on or before December 7, 1942, except for the application of a zinc or other coating and the attaching of bails, handles, spouts or ears, which may be done thereafter.

(h) *Applicability of other orders.* The provisions of this order shall supersede the provisions of Limitation Order L-30 in respect to restricted articles covered by this order, but nothing in this order shall be deemed in any way to affect the provisions of said Order L-30 and other orders in respect to any other articles or products. In so far as any other order restricts the use of any material in the production of any restricted articles to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern unless otherwise specified therein.

(i) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(j) *Appeal.* Any appeal from the provisions of this order should be made on Form PD-500, directed to the War Production Board, Consumers' Durable Goods Branch, Washington, D. C., Ref: L-30-a.

(k) *Avoidance of excessive inventories.* No manufacturer shall accumulate, for use in the manufacture of restricted articles covered by this order, inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of such restricted articles as permitted by this order.

(l) *Records.* All persons affected by this order shall keep and preserve for not less than two years, accurate and complete records concerning inventories, production and sales.

(m) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(n) *Reports.* (1) All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(2) Each manufacturer shall file with the War Production Board, on or before the tenth day of each calendar month, beginning December 10, 1942, a report on Form PD-655 showing all shipments of restricted articles covered by this order made during the preceding calendar month, together with a statement of stocks of such articles on hand at the beginning and end of such month.

(o) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(p) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers' Durable Goods Branch, Washington, D. C., Ref: L-30-a.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A TO LIMITATION ORDER L-30-A

Under paragraphs (c) (1), (d) (1), (e) (1) and (f) (1) of Limitation Order L-30-a, except as provided in paragraph (g) of that order, on and after November 12, 1942, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in certain restricted articles unless such restricted articles fall within the permissible sizes and other limitations set forth in this schedule. When a manufacturer is permitted by this schedule to make more than one size of any restricted article, each size he manufactures shall fall within a different one of the size ranges specified.

Articles	Number of sizes permitted each manufacturer	Size (actual capacity or dimensions)	Gauges
Garbage cans and pails (covers must not be zinc-coated).	4	5-7 gallons	26-31 gauge.
		9-11 gallons	26-31 gauge.
		20 gallons*	26-31 gauge.
		27 gallons* (1)	22-24 gauge.
Pails and buckets (other than fire buckets and wringer buckets).	2	10 quarts*	28 gauge and lighter.
		14 quarts*	28 gauge and heavier.
Wash tubs (without stands or legs)	1	14 gallons*	28 gauge and lighter.
Wash boilers	1	11 to 14½ gallons	28 gauge and lighter.
Funnels (with or without wire strainers)	Unlimited	10" to 15" in diameter of bowl by 9½" to 12½" deep.	Unlimited.

*The capacity or dimensions of these sizes may vary 10% from the figures stated.

[1] This size may be produced only in fulfillment of preferred orders.

[F. R. Doc. 42-11618; Filed, November 7, 1942; 11:30 a. m.]

PART 1157—CONSTRUCTION EQUIPMENT

[Revocation of Limitation Order L-82]

Section 1157.1 *Limitation Order L-82*[1] is hereby revoked as of the 7th day of November 1942, the subject matter of said order now being covered by § 1157.10 *Limitation Order L-192.* This action shall not be construed to affect in any way liabilities or penalties accrued or incurred under said Order L-82.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11620; Filed, November 7, 1942; 11:30 a. m.]

PART 1157—CONSTRUCTION EQUIPMENT

[Revocation of Limitation Order L-82-a]

Section 1157.2 *Limitation Order L-82-a*[2] is hereby revoked as of the 7th day of November 1942, the subject matter of said order now being covered by § 1157.10 *Limitation Order L-192.* This action shall not be construed to affect in any way liabilities or penalties accrued or incurred under said Order L-82-a.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11621; Filed, November 7, 1942; 11:30 a. m.]

PART 1157—CONSTRUCTION MACHINERY AND EQUIPMENT

[Limitation Order L-192]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of rubber and other materials used in the production of construction machinery and equipment and repair parts for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1157.10 *Limitation Order L-192*—(a) *Revocation of Limitation Orders L-82 and L-82-a.* This order, as of a date fifteen (15) days after its issuance, supersedes Limitation Order Nos. L-82 and L-82-a. All releases on equipment granted by the Director General for Operations pursuant to Limitation Order Nos. L-82 and L-82-a which are not shipped by November 15, 1942 shall be deemed cancelled as of that date.

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[1] 7 F.R. 3320.

[2] 7 F.R. 3321.

(b) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(c) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, government corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Producer" means any person engaged in the manufacture of equipment as hereafter defined.

(3) "Equipment" means that construction machinery and equipment listed in Schedules A, B and C attached hereto, but shall not include any rubber tired chassis or running gear built for or useable for the transportation of commodities or persons.

(4) "New", when applied to equipment, means any equipment which has never been received or accepted by any person acquiring it for use.

(5) "Repair part" means any part manufactured for use in the repair and maintenance of equipment.

(6) "Lend-Lease government" means the government of any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States".

(7) "Essential project" means a construction project undertaken by, or contracted by or for the account of the Army, Navy, Maritime Commission, War Shipping Administration or Defense Plant Corporation, or any other construction project granted a preference rating of A-1-k or higher under any order in the P-19 series.

(8) "Rubber" means all kinds of natural, reclaimed and synthetic rubber.

(9) "Government corporation" means any corporation which is beneficially owned by the United States Government or any of its agencies.

(d) *Procedure for placing and receiving orders.* (1) Any person desiring to place an order for new equipment listed in Schedule A attached hereto shall apply for authorization to purchase as follows:

(i) Such person, except the Army, Navy, Maritime Commission, War Shipping Administration or a Lend-Lease government, shall file an application on Form PD-556 in quadruplicate with the War Production Board Regional Office in the region in which such person desires to use such equipment. Such application when approved by the Director General for Operations shall establish all conditions under which such order may be placed with the supplier including the assignment of preference ratings if not previously granted.

(ii) No person, except the Army, Navy, Maritime Commission, War Shipping Administration or Lend-Lease government, may file application on Form PD-556 for any items listed in Schedule A which appear in Schedule C hereof.

(iii) The Army, Navy, Maritime Commission, War Shipping Administration or Lend-Lease government shall furnish the Construction Machinery Branch, War Production Board, Washington, D. C., with Form PD-556 made out in quadruplicate.

(2) No person shall accept an order for such equipment, except from the Army, Navy, Maritime Commission, War Shipping Administration and Lend-Lease government, unless accompanied by such authorization.

(e) *Restrictions on production of equipment.* (1) On and after November 15, 1942, no producer shall produce any equipment except in accordance with such production schedules as may be approved by the Director General for Operations as provided in paragraph (g) hereof.

(2) On and after November 15, 1942 no producer shall produce any equipment designed for or requiring rubber tires unless the authorization on Form PD-556 required by paragraph (d) specifically so provides.

(3) No producer shall manufacture more parts for assembly into new equipment than required by approved production schedules.

(4) On and after November 15, 1942, no producer shall put into process or assemble any materials in the manufacture of any equipment listed in Schedule C, except to fill an order placed by the Army, Navy, Maritime Commission or War Shipping Administration, or for the use by a prime contractor on a construction project for any of the foregoing, and then only if authorized by the Director General for Operations on Form PD-556.

(f) *Production schedules.* On or before November 15, 1942 and on or before the 15th day of each succeeding calendar month, every producer shall file in triplicate on Form PD-697 proposed production schedule of new equipment projected for such period as production may be planned. Except as limited in paragraph (e) (2) hereof, the production schedules of all new equipment for the three calendar months succeeding such filing or for such shorter time as production scheduling may be planned shall be deemed to be approved as of the first of the calendar month following receipt of such Form PD-697 by the War Production Board, unless the Director General for Operations shall otherwise direct. No producer shall change his production schedule as approved or changed by the Director General for Operations without specific authorization of the Director General for Operations.

(g) *Inventory reports.* Producers shall, on the 15th day of each month, file in triplicate on Form PD-697 a statement of finished unsold inventory, as of the last day of the preceding calendar month, of new equipment including that in the possession of their dealers and distributors. Dealers and distributors, on the fifth day of each month, shall report their inventories of new equipment as of the last day of the preceding calendar month to the producer from whom such equipment was purchased or, if not purchased, to the producer for whom the distributor or dealer is acting as agent.

(h) *Prohibiting transfer and use of equipment.* On and after November 15, 1942, no producer shall use for other than experimental or demonstration purposes, or sell, lease, trade, lend, deliver, ship or transfer, any new equipment and no person shall accept the same unless:

(1) Such equipment is then in transit to such person, or

(2) Such use, sale, lease, trade, loan, delivery, shipment or transfer is specifically approved by the Director General for Operations as follows:

(i) On or before November 15, 1942, and on or before the fifteenth (15) day of each succeeding calendar month, each producer shall file in triplicate on Form PD-697 showing his proposed delivery schedule of all unfilled orders of new equipment, shipments made during the calendar month previous to filing and the current month to date of filing. The delivery of all such new equipment scheduled for the calendar month following the date of filing shall be deemed to be authorized by the Director General for Operations on the first day of such calendar month unless the Director General for Operations shall otherwise direct.

(ii) The delivery of all new equipment as scheduled for delivery on or before November 15, 1942, and previously authorized under Limitation Order L-82 and L-82-a, shall be deemed to be authorized, unless the Director General for Operations shall direct otherwise.

(iii) The Director General for Operations, at any time, may revoke delivery authorization provided for in paragraphs (h) (2) (i) and (h) (2) (ii) as to any or all new equipment, direct or change the schedule for deliveries, allocate any order listed on Form PD-697 to any other producer, or direct the delivery of any new equipment to any other person, at regularly established prices and terms.

(iv) No producer shall change the schedule of deliveries as listed on said form, or as directed or changed by the Director General for Operations, without specific authorization of the Director General for Operations.

(i) *Restriction on resale, rental and use.* (1) On and after November 7, 1942, all persons except a Government corporation, the Army, Navy, Maritime Commission, War Shipping Administration or Lend-Lease government to whom delivery of any new equipment listed in Schedule A has been authorized pursuant to paragraph (d) must use such equipment on the project described in the authorization to purchase and will be subject to the provisions of paragraphs (i) (2) and (i) (3) hereof.

(2) All persons except a Government corporation, the Army, Navy, Maritime Commission, War Shipping Administration or Lend-Lease government, thirty days prior to the sale, lease or use on any other project of such equipment, shall complete, sign and return Form WPB-1159 to Used Construction Regional Specialist in the War Production Board Regional Office in the region in which such equipment is located.

(3) The Director General for Operations, at any time on two weeks' written notice, may require such person who owns such equipment to sell, lease or use such equipment as directed.

(4) Nothing in this order shall restrict the application of Limitation Order

L-196 in regard to the filing of Form WPB-1333.

(j) *Restrictions on sale and delivery of repair parts.* (1) All orders for repair parts for equipment in use on essential projects in the United States or Canada shall not be individually rated but shall carry the highest preference rating of the project and shall be subject to the following limitations:

(i) No person shall purchase repair parts during the calendar quarter commencing October 1, 1942 or any calendar quarter thereafter, in excess of 5% of the original purchase price of the equipment for which the repair parts are ordered unless authorized by the Director General for Operations on Form PD-556.

(ii) No producer, dealer or distributor shall sell or deliver repair parts to any person unless such person has furnished the information and certification called for below in a writing signed by such person and in substantially the following form.

Repair Parts for Maintenance and Repair—Rating ________ Contract Number ______ in accordance with Limitation Order L-192 with the terms of which I am familiar.

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Date Purchaser

By:

Such certification shall constitute a representation to the Director General for Operations that such repair parts are required for the purpose of repair of actual or impending breakdown or proper maintenance of the equipment and that the applicant does not have such parts available for this purpose.

(2) Orders for spare parts for new equipment listed in Schedule A shall be placed at the same time as the order for new equipment and must be authorized on Form PD-556 by the Director General for Operations.

(3) Any conditions in regard to purchase or delivery of repair parts not covered herein shall be in accordance with current regulations and orders of the War Production Board.

(k) *Substitution and conservation of critical materials.* In the manufacture of any item of equipment or repair parts, no producer shall use any alloy steel, stainless steel, aluminum, magnesium, copper, brass, bronze, zinc, nickel, tin, cadmium or fabricated rubber products where the use of other less critical materials will not impair the efficiency of operation of such item.

(l) *Records.* All persons affected by this order shall keep and preserve for not less than two (2) years accurate and complete records concerning inventories, purchases, production and sale.

(m) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(n) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(o) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the Construction Machinery Branch, War Production Board, Washington, D. C., setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action, if any, as he deems appropriate by the amendment of this order or otherwise.

(p) *Communications.* All communications concerning this order except where specific reference is made herein to the contrary shall be addressed to Construction Machinery Branch, War Production Board, Washington, D. C., Ref: L-192.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

The items of construction machinery and equipment appearing in Schedule A are subject to all the paragraphs of this order.

Items which appear in both Schedules A and C may be ordered and produced only for military purposes as stated in paragraph (d) (1) (ii) and (e) (4).

Angledozers and modifications thereof.
Batchers, construction material.
Batching plants, construction type.
Bins, construction material, portable.
Bins, construction material, stationary.
Brooms, contractors rotary.
Bulldozers and modifications thereof.
Cranes, crawler mounted power.
Cranes, tractor mounted power.
Cranes, rubber tired mounted power.
Crushers, jaw and roll, portable type.
Crushing plants, portable type.
Derricks, guy.
Derricks, stiff leg.
Distributors, bituminous.
Ditchers, ladder.
Ditchers, wheel.
Draglines, see cranes.
Draglines, slack lime.
Draglines, walking.
Dredges, and dredge equipment.
Drilling machines, blast hole drills.
Drilling machines, core drills.
Drilling machines, rock portable mounted.
Dryers, construction aggregate.
Earth boring machines.
Excavators, see power shovels.
Finegraders and subgraders, self-propelled.
Finishers, concrete.
Finishers, bituminous paving.
Forms, concrete road.
Graders, blade or pull type earth moving.
Graders, elevating earth moving.
Graders, self-propelled earth moving.
Grapples.
Hammers, pile.
Heaters, and circulators, tank car.
Hoists, contractors.
Loaders, portable bucket (other than coal).
Maintainers, road.
Maintainers, shoulder.
Mixers, bituminous cold mix type—10 tons per hour capacity or more.
Mixers, agitator concrete truck type.
Mixers, concrete truck mounted with elevating towers.
Mixers, concrete construction—above 10 cu. ft. size.
Pavers, concrete.
Plants, stabilizing.
Plants, asphalt.
Plows, snow-V and blade type, truck, tractor or grader mounted.
Plows, snow rotary type.
Power control units for tractors—both cable and hydraulic.
Pumps, portable engine or electric motor driven pumping units mounted on skids, with or without handles, or trailer mounted, larger than 90 M gallons per hour self-priming centrifugal pumps, horizontal or vertical triplex piston road pumps, ordinarily used for contractors' purposes or by contractors for dewatering and supply, as defined and approved in Contractors Pumps Standards by the Associated General Contractors of America, Inc. (A. G. C.), February 21, 1941.
Rippers, road.
Rollers, road pneumatic tired.
Rollers, road portable.
Rollers, tamping and sheepsfoot.
Rollers, road tandem.
Rollers, road three wheeled.
Scrapers, carrying and hauling, both drawn and self-propelled.
Screening plants, portable type.
Shovels, crawler mounted power.
Shovels, rubber tired mounted power.
Shovels, tractor mounted power.
Spreaders, concrete.
Sweepers, street.
Sweepers, street, motor pick-up.
Wagons, contractors crawler.
Washing and screening plants, portable type.
Winches, tractor mounted.

SCHEDULE B

The items of construction machinery and equipment appearing in Schedule B are subject to all the paragraphs of this order except:

1. Paragraph (d), controlling the procedure for placing and receiving orders.
2. Paragraph (j), restricting resale, rental and use of equipment.

Blade bits.
Blades, grader.
Breakers, paving.
Buckets, clamshell.
Buckets, concrete.
Buckets, dragline.
Buckets, orange peel.
Buckets, scraper (bottomless) for dragline operation.
Buggies and carts, concrete hand operated.
Buggies and carts, concrete power propelled.
Centerline markers.
Chutes, concrete handling.
Concrete, surfacing machines.
Conveyors, construction material.
Crushers, gyratory and cone (portable type).
Disc, road.
Distributors, water.
Ditchers, blade.
Drills, jack hammer.
Drills, rock except portable mounted.
Filling machines, joint and crack.
Finegraders and subgraders, drawn type.

Finishers, floor other than wood.
Form tamping machines.
Graders, under truck type.
Heaters, asphalt surface.
Heaters, concrete mixer.
Hoppers, portable concrete.
Jacks, mud.
Joint levellers.
Kettles, bituminous heating.
Loaders, portable snow.
Mixers, aggregate pulverizers.
Mixers, bituminous, cold mix type, under 10 ton per hour capacity.
Mixers, concrete construction, 10 cu. ft. and smaller.
Mixers, plaster and mortar.
Paving breakers.
Plows, cable laying.
Pumps, concrete.
Pumps, portable engine or electric motor driven pumping units, mounted on skids with or without handles, or trailer mounted, 90,000 gallons per hour and smaller self-priming, centrifugal pumps, plunger pumps, or diaphragm pumps ordinarily used for contractors purposes or by contractors for dewatering and supply as defined and approved by the Associated General Contractors of America, Inc. (A. G. C.), February 21, 1941, excluding farm type, industrial type and Underwriters approved fire fighting pumps.
Scarifiers.
Scrapers, drag, fresno and rotary.
Screens, rotary, vibrator and gravity types, other than coal and industrial.
Sprayers, bituminous material.
Spreaders, aggregate.
Towers, concrete placing.
Towers, material elevating.
Vibrators, concrete.
Winches, contractor.

SCHEDULE C

The items appearing in Schedule C may be ordered and produced only for military purposes as provided in paragraphs (d) (1) (ii) and (e) (4).

Batchers, construction material.
Batching plants, construction type.
Bins, construction material, portable.
Bins, construction material, stationary.
Brooms, contractors rotary.
Buckets, scraper (bottomless) for dragline operation.
Buggies and carts, concrete hand operated.
Buggies and carts, concrete power propelled.
Centerline markers.
Chutes, concrete handling.
Concrete surfacing machines.
Conveyors, construction material—except when a part of a portable crushing plant.
Derricks, guy.
Derricks, stiff leg.
Disc, road.
Ditchers, blade.
Dredges, and dredge equipment.
Drilling machines, core drills.
Drilling machines, portable well.
Dryers, construction aggregate, except portable type.
Filling machines, joint and crack.
Finishers, floor other than wood.
Form tamping machines.
Graders, blade or pull type earth moving.
Graders, elevating earth moving.
Graders, self-propelled earth moving.
Graders, under truck type.
Grapples.
Heaters, asphalt surface.
Hoists, contractors.
Hoppers, portable concrete.
Jacks, mud.
Joint levellers.
Maintainers, road.
Maintainers, shoulder.
Plants, asphalt except portable travel-mix type.
Plows, cable laying.
Plows, snow—V and blade type, truck, tractor or grader mounted.
Rollers, road pneumatic tired.
Rollers, road tandem.
Rollers, road three wheeled.
Scrapers, drag, fresno and rotary.
Screening plants, portable type.
Sweepers, street.
Sweepers, street, motor pick-up.
Towers, concrete placing.
Towers, material elevating.
Washing and screening plants, portable type.

[F. R. Doc. 42-11619; Filed, November 7, 1942; 11:31 a. m.]

PART 3037—ELECTRONIC EQUIPMENT

[Interpretation 1 of General Limitation Order L–183]

The following official interpretation is hereby issued by the Director General for Operations with respect to § 3037.1, *General Limitation Order L–183*[1]:

A "manufacturer" as defined in paragraph (a) (1) does not include one who merely distributes or maintains and repairs electronic equipment.

A "manufacturer" does, however, include one who converts or modifies electronic equipment so as to change the use of such equipment, or so as to change its mode of operation.

A person, corporation, or other legal entity may be a manufacturer and also may be engaged in the business of maintaining and repairing electronic equipment, and supplying parts for the maintenance and repair thereof. Where such is the case, and two distinct enterprises are in good faith conducted by the same person or entity, that person or entity as a manufacturer and as concerns its manufacturing branch is subject to the limitations of L–183; but such person or entity, as a servicing agent performing the services of maintenance and repair and supplying parts therefor, and as concerns that branch of its business, is not subject to the limitations of L–183 with respect to such servicing activities nor with respect to distribution and transfers effected in the normal course of its functions of servicing electronic equipment and supplying parts for maintenance and repair.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11622; Filed, November 7, 1942; 11:31 a. m.]

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[1] 7 F.R. 7396, 7896.

PART 3007—GLYCERINE RECOVERY

[Conservation Order M–193]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of glycerine for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3007.1 *Conservation Order No. M–193*—(a) *Definitions.* (1) "Fats and oils" means all of the raw, crude and refined fats and fatty oils and greases.

(2) "Domestic glycerides" means all fats and oils which are normally produced in the continental United States.

(3) "Neutral fats or oils content" means that saponifiable portion of fats or oils at point of saponification or hydrolysis obtained by subtracting from the total weight of such fats and oils the sum of the following: free fatty acids, moisture, insoluble impurities, and unsaponifiables. Free fatty acids, moisture, insoluble impurities, and unsaponifiables shall be determined by the official methods of the American Oil Chemists Society.

(4) "Fair average quality crude glycerine" means soap lye crude glycerine and saponification crude glycerine meeting the following specifications:

Soap lye crude glycerine:
  Glycerol content—not less than 80%.
  Ash—not more than 10%.
  Organic Residue—not more than 2%.
Saponification crude glycerine:
  Glycerol content—not less than 88%.
  Ash—not more than 2%.
  Organic Residue—not more than 1.5%.

Glycerol content, ash and organic residue shall be determined by the official methods of the American Oil Chemists Society.

(b) *Required recovery of crude glycerine.* (1) Except as provided in paragraphs (b) (2), (b) (3) and (d) hereof, no person shall saponify or hydrolyze any fat or oil in any process in which glycerine is produced unless:

(i) The amount of glycerol (either free or combined) remaining in the finished product shall be one percent (1.0%) or less, calculated on an anhydrous soap basis, and

(ii) Not less than 92% of the glycerol content of the spent lyes (where the product is boiled settled soap) shall be recovered as crude glycerine (100% glycerol basis). The glycerol content of such spent lyes shall be considered to be the glycerol theoretically contained in the neutral fats or oils content of the stock originally used less the maximum amount of glycerol permitted in the soap.

(iii) Where the glycerine is produced by the hydrolysis of fats or oils (fat splitting), the split shall be not less than 95% complete, except that where split fats or oils are to be used in soaps under paragraph (b) (2), the permitted glycerine in the finished product, on an anhydrous soap basis, shall be the limiting factor on the percentage of split. Not less than 94% of the glycerol content of the glycerine sweet water resulting from such splitting process shall be recovered as crude glycerine (100% glycerol basis). The glycerol content of such sweet water shall be considered to be the glycerol theoretically contained in the neutral fat or oil content of the stock originally used, less the maximum permitted amount (based on 95% split) of glycerol contained in the split fat or oil.

(2) Notwithstanding the provisions of paragraph (b) (1) (i) hereof, any person may use domestic glycerides in the manufacture of any liquid, potash, cold-made or half-boiled soap, provided that the glycerol remaining in the finished product shall not exceed 2.75% on an anhydrous soap basis, and provided further that his use of such glycerides and fatty acids in any calendar quarter does not exceed 90% of his average quarterly consumption of such glycerides and fatty acids in the production of such types of soap during the two year period January 1, 1940 to December 31, 1941. If any manufacturer in any quarter in the production of such types of soap does not use the quantity of such glycerides or fatty acids permitted by this paragraph (b) (2), he may carry forward to the succeeding quarter or quarters the unused part of his quota; except that no carry forward shall be permitted beyond June 30, 1943 or beyond the 30th day of June of any year thereafter.

(3) In the event that the product manufactured is a mixture of boiled settled soap and half-boiled soap, the permitted glycerol in the mixture shall be calculated in the manner provided by paragraphs (b) (1) (i) and (b) (2) hereof on the portion of each class of soap making up such product; namely, 1% of the boiled settled soap portion and 2.75% of the half-boiled soap portion, in each case on an anhydrous basis.

(c) *Required standard of refining of crude glycerine.* In the refining of fair average quality crude glycerine, not less than 96% of the glycerol content of the crude glycerine shall be recovered as refined glycerine (100% glycerol basis).

(d) *Operations not subject to standard of glycerine recovery.* The provisions of paragraph (b) hereof shall not be applicable to:

(1) Any person in any calendar month whose consumption of fats and oils or fatty acids in the aggregate in the preceding calendar month did not exceed 10,000 lbs.;

(2) Any person whom the Director General for Operations may specifically authorize to operate, on such person's establishing to the satisfaction of the Director General for Operations, by letter addressed to the War Production Board, Chemicals Branch, Washington, D. C., Ref: M–193, that he is recovering the maximum amount of glycerine that is reasonably possible with the facilities which he has or may reasonably be expected to secure or utilize;

(3) The sulfonation of any fats and oils, alkali or acid refining of fats or oils, manufacture of lubricating greases, or processing of food;

(4) The manufacture of medicinal soap U. S. P. XII to fill orders for medicinal use only.

(e) *Reports.* (1) Each refiner of glycerine regardless of amount, and each person who saponifies or hydrolyzes more than 3500 lbs. of oils, fats or fatty acids in any month in a process in which glycerine is recovered (not including any operation referred to in paragraph (d) (3) hereof) shall file with the War Production Board, Chemicals Branch, Washington, D. C., Ref: M–193, not later than the 15th day of the succeeding month, commencing December 15, 1942, Form PD–712, properly executed by him. Such Form PD–712 shall be filed by each person who saponifies or hydrolyzes more than such 3500 lbs. of oils, fats and fatty acids in such month, whether or not he is exempted under paragraphs (d) (1), (d) (2) or (d) (4) hereof.

(2) Where a person is both a manufacturer and refiner he shall file a separate form in each capacity.

(3) Each person affected by this order shall file such other reports at such times in such forms and with respect to such matters as the Chemicals Branch of the War Production Board may from time to time direct.

(f) *Effect on other orders.* Where different standards of recovery are imposed by this order and any other order or orders, the provisions of the order requiring the highest glycerine recovery shall control.

(g) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board Priorities Regulations, as amended from time to time.

(2) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C., Ref: M–193.

(3) *Violations.* Any person who wilfully violates any provisions of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

This order shall take effect December 1, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11668; Filed, November 9, 1942; 10:28 a. m.]

PART 1026—DOMESTIC COOKING APPLIANCES

[Amendment 4 to Supplementary General Limitation Order L–23–c]

Supplementary General Limitation Order No. L–23–c[1] (§ 1026.4) is hereby amended in the following respects:

1. Subparagraph (b) (6) to read as follows:

(6) From and after December 31, 1942, no Class C manufacturer shall use in any calendar quarter in the production of domestic heating stoves iron and steel in excess of three times 50% of the monthly average of iron and steel used by him in the manufacture of domestic heating stoves during the base period.

2. Paragraph (b) by adding thereto subparagraphs (12) and (13) to read as follows:

(12) Until January 1, 1943, no Class C manufacturer, who in the base period produced any combination ranges or domestic cooking appliances using coal or wood as fuel and any domestic heating stoves using coal or wood as fuel, may produce any permitted type combination range or any permitted type coal or wood range.

(13) From October 1, 1942 through December 31, 1942, no Class C manufacturer shall use in the production of domestic heating stoves using coal or wood as fuel any iron and steel in excess of three times 50% of the monthly average of iron and steel used by him in the manufacture of domestic heating stoves during the base period plus three times 70% of the monthly average of iron and steel used by him in the manufacture of domestic cooking appliances during the base period.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11690; Filed, November 9, 1942; 11:41 a. m.]

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[1] 7 F.R. 3571, 5119, 5556, 8647.

Chapter XI—Office of Price Administration

PART 1340—FUEL

[RPS 88,[1] Amendment 40]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1340.159 (c) (3), a new subdivision (vii) is added, as set forth below:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(c) *Specific prices.* * * *

(3) *Distillate fuel oils:* * * *

(vii) *Florida.* The maximum price of kerosene f. o. b. Jacksonville, Florida, for delivery in tank cars shall be 6.75 cents a gallon.

§ 1340.158a *Effective dates of amendments.* * * *

(nn) Amendment No. 40 (§ 1340.159 (c) (3) (vii)) to Revised Price Schedule No. 88 shall become effective November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11587; Filed, November 6, 1942; 12:15 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RPS 53,[2] Amendment 15]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new § 1351.151b is added to read as set forth below:

§ 1351.151b *Exempt Governmental purchases of foreign fats and oils.* All purchases of fats and oils located in any foreign country by the United States Government or any agency thereof, or by an agent, broker or other representative purchasing for the account of the United States Government or any agency thereof, shall be exempt from the operation of Revised Price Schedule No. 53, whether the purchase is made directly in the foreign country or through an agent, broker or other representative of the foreign seller located in the United States. Where fats and oils located in a foreign country are purchased by an agent, broker or other representative of the United States Government or any agency thereof who has a contract to resell the fats and oils so purchased to the United States or any agency thereof, such resale shall be exempt from the operation of Revised Price Schedule No. 53. This provision shall have no application to purchases by the United States Government or any agency thereof of fats and oils located in the United States which have been imported into this country without a contract to resell the fats and oils so imported to the United States Government or any agency thereof.

§ 1351.159 *Effective dates of amendments.* * * *

(o) Amendment No. 15, (§ 1351.151b) to Revised Price Schedule No. 53 shall be effective as of October 28, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 6th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11588; Filed, November 6, 1942; 12:14 p. m.]

PART 1424—IMPORTED AND PACKAGED FOODS

[MPR 231,[1] Amendment 1]

RAW SPICES AND SPICE SEEDS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1424.2, subparagraph (1), paragraph (a) of § 1424.11 and paragraph (g) of § 1424.14 are amended; § 1424.13a is added, all to read as set forth below:

§ 1424.2 *Applicability of the General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 231 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of raw spices and spice seeds for which maximum prices are established by this regulation: *Provided however,* That sales and deliveries of raw spices and spice seeds contained in this schedule in lots of less than one package are exempted from all provisions herein and the maximum prices for sales of less than one package shall be determined pursuant to the General Maximum Price Regulation.

§ 1424.11 *Definitions.* (a) * * *

(1) "Package" shall mean the customary unit and weight of bag, bale, box or pack in which the raw spices or spice seeds in question are customarily imported into the United States.

§ 1424.14 *Appendix A: Maximum prices for raw spices and spice seeds.* * * *

(g) Any person making sales of raw spices and spice seeds, except mace and cardamoms, contained in this schedule, in lots of one to twenty-five packages, inclusive, may add to the maximum prices specified in paragraph (a) of this section, an amount which shall not exceed:

7½% on sales of five to twenty-five packages, inclusive.

10% on sales of one to four packages, inclusive.

In the case of sales of mace and cardamoms 10% may be added to the maximum prices on sales of only one to four packages, inclusive.

§ 1424.13a *Effective date of amendments.* (a) Amendment No. 1 to Maximum Price Regulation No. 231 shall become effective November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11589; Filed, November 6, 1942; 12:13 p. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[MPR 216,[1] Amendment 3]

RAILROAD TIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new paragraph (e) is added to § 1426.2 as set forth below:

§ 1426.2 *Maximum prices for railroad ties.* * * *

(e) If no maximum price is established or permitted for any buyer under this regulation, the maximum price for any species and size of railroad tie shall be the price established by the Lumber Branch, Office of Price Administration, Washington, D. C., upon request for such action by any such buyer, or the price established by the Lumber Branch, Office of Price Administration, Washington, D. C., upon its own initiative. The maximum price may be so established by letter or telegram.

Every request by any buyer for the establishment of such a maximum price shall be accompanied by sufficient facts to enable proper disposition of such request, including a statement setting forth the information called for by § 1426.14, Appendix A.

§ 1426.13a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1426.2 (e) and 1426.13a (c)) to Maximum Price Regulation 216 shall become effective November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11590; Filed, November 6, 1942; 12:15 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1107, 1371, 1798, 1799, 2132, 2304, 2352, 2634, 2945, 3116, 3166, 3482, 3524, 3552, 3576, 3895, 3963, 4483, 3653, 4354, 4857, 5481, 5867, 5868, 5988, 5983, 6057, 6167, 6471, 6680, 7242, 7838.

[2] 6 F.R. 6409; 7 F.R. 81, 756, 1009, 1309, 3430, 3821, 4229, 4294, 4484, 5605, 7665, 7666, 7977, 8204, 8653, 8702.

[1] 7 F.R. 7844.

[1] 7 F.R. 7097, 7368, 8199, 8403.

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 1 of GMPR, Amendment 39]

AVIATION GAS, SYNTHETIC RUBBER, ETC.

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register. Subdivision (viii) of § 1499.26 (a) (25) is amended to read as follows:

§ 1499.26 *Exceptions for certain commodities and certain sales and deliveries.* (a) General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

* * * * *

(25) Aviation gasoline and components, synthetic rubber and components, toluene manufactured from petroleum and agricultural components used in the manufacture of furfural.

* * * * *

(viii) Duly authenticated copies of all contracts entered into after June 13, 1942, the effective date of subparagraph (25), involving the sale, purchase or exchange of the commodities exempted from General Maximum Price Regulation by this subparagraph, shall be filed by the seller with the Office of Price Administration within fifteen days after the signing of such contracts: *Provided,* That in lieu of the filing of duly authenticated copies of such contracts duly authenticated summaries of such contracts may be filed by the seller with the Office of Price Administration within fifteen days after the signing of such contracts. Such duly authenticated summaries shall include the following information: seller, commodities sold, date of contract, term of contract, production origin, buyer, point of delivery corresponding to sales price, method of delivery i. e. tanker, tank car, field pump, et cetera., volume sold in barrels or other appropriate unit, price cents per US gallon or other appropriate unit, specifications of product, and notes detailing special provisions of contract such as price formulae, et cetera: *Provided, further,* That there shall be filed by the seller such other records in place of the records required in this subdivision as the Office of Price Administration may require or permit.

(e) *Effective dates.* * * *

(40) Amendment No. 39 to (§ 1499.26 (a) (25)) to Supplementary Regulation No. 1 shall become effective November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11591; Filed, November 6, 1942; 12:14 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp Reg. 14, Amendment 51]

NEW COMMERCIAL MOTOR VEHICLES; PRICES, MAINTENANCE STANDARDS, ETC.

Amendment No. 51 to Supplementary Regulation No. 14 to General Maximum Price Regulation.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Sections 1499.73 (a) (19) (i) and 1499.73 (a) (19) (ii) (*a*) (*1*) are amended, and in § 1499.73 (a) (19) (ii) (*b*) item Nos. 4, 16, 17, and 18 are amended, and in § 1499.73 (a) (19) (iii), new inferior subdivision (*d*) is added, all as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services, and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided: * * *

(19) *New commercial motor vehicles*—(i) *Maximum prices.* To the maximum price of any new commercial motor vehicle, determined in accordance with the provisions of § 1499.2 of the General Maximum Price Regulation, there may be added for each calendar month or greater part thereof after February 28, 1942, which elapses prior to the sale of such new commercial motor vehicle:

(*a*) In the case of new commercial motor vehicles other than trailers, the lower of the following two amounts (*1*) 1% of the list price of such new commercial motor vehicle and of the list price of any extra, special, or optional equipment built into or installed on such vehicle, or if there is no such list price, 1% of the price at which such new commercial motor vehicle or extra, special, or optional equipment was last contracted to be sold between January 1, 1942 and March 31, 1942, or (2) $25;

(*b*) In the case of trailers continuously stored indoors on and after October 31, 1942 the lower of the following two amounts (*1*) ¾ of 1% of the list price of such trailer and of the list price of any extra, special or optional equipment built into or installed on such trailer, or if there is no such list price, ¾ of 1% of the price at which such trailer or extra, special or optional equipment was last contracted to be sold between January 1, 1942, and March 31, 1942, or (2) $20; and

(*c*) In the case of trailers stored outdoors at any time on or after October 31, 1942, the lower of the following amounts (*1*) ½ of 1% of the list price of such trailer and of the list price of any extra, special or optional equipment built into or installed on such trailer, or if there is no such list price, ½ of 1% of the price at which such trailer or extra, special or optional equipment was last contracted to be sold between January 1, 1942, and March 31, 1942, or (2) $15: *Provided,* That such new commercial motor vehicle shall, on and after October 31, 1942, receive while in storage all the maintenance operations set forth in subdivision (ii), as therein required: *And provided further,* That no amount whatsoever under this subdivision (i) shall be added to such maximum price unless such new commercial motor vehicle shall, on and after October 31, 1942, have continuously received all the maintenance operations required in subdivision (ii), and unless the seller, at the time of sale, shall certify in writing to the purchaser and to the Office of Price Administration, Washington, D. C., that such new commercial motor vehicle has, on and after October 31, 1942, continuously received all the maintenance operations required in subdivision (ii), in the following form:

> The undersigned hereby certifies that the ------------ vehicle bearing motor (model) number ------------ and/or serial number ------------ has, on and after October 31, 1942, continuously received all the maintenance operations required in § 1499.73 (a) (19) (ii) of Supplementary Regulation No. 14 to the General Maximum Price Regulation issued by the Office of Price Administration.
>
> Dated:
>
> ________________________

(ii) *Standards for maintenance of new commercial motor vehicles*—(*a*) *General instructions.* (*1*) All new commercial motor vehicles, other than trailers, must be stored indoors. Select a clean, dry building, suitable for storage of such vehicles. Cover all openings through which animals and birds may enter storage space. Prevent water leakage. Remove loose dirt and whitewash lime.

(*b*) *Table of maintenance operations.*

No.	When to be done	Item	Maintenance operations
*	* *	* *	* *
(*) 4 (#)	Initial and whenever necessary.	Chrome plated surfaces.	Thoroughly wash and clean all chrome plated surfaces with clear water; when dry, apply a coating of light oil, liquid wax, or special preparations; wipe off until no excess oil or wax appears on the surface of the chrome.
*	* *	* *	* *
(*) 16 (#)	Initial and as specified under Maintenance Operations.	Tires	(a) *Indoor storage.* Jack up vehicle in storage location taking weight off the tires. Maintain the air in tires between ⅓ and ⅔ operating pressure so that vehicles can be pushed or towed out quickly if necessary in an emergency. Tension in cords will be relieved by lowered pressure. (b) *Outdoor storage in the case of trailers.* Jack up vehicles in storage space. Remove tires from wheels. Leave wheels mounted on axle spindles. Lower weight of trailer to rest upon wheels. Store tires in a dark cool place protected from direct sunlight, in a horizontal position, with separators.
(*) 17 (#)	Initial and, if necessary, every six months where applicable.	Latches, hinges, brake connections, vertical supporting mechanisms, and fifth wheels.	Lubricate with light oil all latches, hinges, brake connections, vertical supporting mechanisms, and fifth wheels.
(*) 18 (#)	Initial where applicable.	Doors, windows and vents.	(a) Close all doors, windows, and vents tightly. (b) Close all venti-panes. (c) Leave cowl ventilator open (if screened).

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*Copies may be obtained from the Office of Price Administration.

(iii) *Definitions:* When used in this subparagraph (19): * * *

(*d*) The term "trailer" means full trailers and semi-trailers and includes van, tank, livestock, dump, platform, and low bed trailers; but does not include trailers designed for the conveyance of passengers, or household trailers, which are not deemed to be included within the term "new commercial motor vehicle".

* * * * *

(b) *Effective date.* * * *

(52) Amendment No. 51 (§§ 1499.73 (a) (19) (i), 1499.73 (a) (19) (ii) (*a*) (*1*), 1499.73 (a) (19) (ii) (*b*), and 1499.73 (a) (19) (iii) (*d*)) to Supplementary Regulation No. 14 shall become effective November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 6th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11592; Filed, November 6, 1942; 12:14 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS

[MPR 129,[1] Amendment 10]

WAXED PAPERS, ETC.

Papers affected:
- Waxed paper.
- Envelopes.
- Paper cups, paper containers and liquid tight containers.
- Sanitary closures and milk bottle caps.
- Drinking straws.
- Certain sulphate and certain sulphite papers.
- Certain tissue papers.
- Rope and jute papers.
- Technical papers.
- Gummed papers.
- Tags, pin tickets and marking machine tickets.
- Glazed and fancy papers.
- Standard grocer's and variety bags.
- Resale book matches.
- Unprinted single weight crepe paper in folds.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1437.12, paragraph (c) (1), tabulation of maximum prices has been amended to include item (f), a new paragraph (c) (3) has been added and item (33), definition of "retailer," has been added to § 1347.22 as set forth below.

§ 1347.12 *Maximum prices for certain paper commodities.* * * *

(c) *Unprinted single weight crepe paper in folds*—(1) *Tabulation of maximum prices.*

Dimensions	Ratio	Form	Maximum manufacturer's delivered price per gross
a. 9′ x 20″	2½ to 1	Packaged	$7.80
b. 9′ x 20″	2¼ to 1	Bulk	5.25
c. 9′ x 20″	2¼ to 1	Packaged	6.84
d. 9′ x 20″	2 to 1	Packaged	6.12
e. 7½′ x 20″	1½ to 1	Packaged	3.96
f. 9′ x 20″	1½ to 1	Packaged	4.20

* * * * *

(3) The retailer's maximum price for unprinted single weight crepe paper packaged in folds shall be as follows:

Dimensions	Ratio	Retailer's maximum price per fold
		Cents
9′ x 20″	2½ to 1	10
9′ x 20″	2¼ to 1	10
9′ x 20″	2 to 1	10
7½′ x 20″	1½ to 1	5

Provided, That, the above prices shall remain in effect up to but not including February 15, 1943, and that effective that date retailer's maximum prices on unprinted single weight crepe paper in folds shall be as follows:

Dimensions	Ratio	Retailers maximum price per fold
		Cents
9′ x 20″	2½ to 1	9
9′ x 20″	2¼ to 1	9
9′ x 20″	2 to 1	9
9′ x 20″	1½ to 1	5
7½′ x 20″	1½ to 1	4

* * * * *

§ 1347.22 *Definitions.* (a) When used in this Maximum Price Regulation No. 129, the terms:

* * * * *

(33) "Retailer" means anyone not a manufacturer or wholesaler who sells to an ultimate consumer.

§ 1347.25 *Effective dates of amendments.* * * *

(j) Amendment No. 10 (§ 1347.12 (c) (1) and (3)) to Maximum Price Regulation 129 shall become effective November 6, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued and effective this 6th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11602; Filed, November 6, 1942; 5:06 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Eviction Regulation 1]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES IN A PORTION OF THE NEBRASKA DEFENSE-RENTAL AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of the Act, the Administrator may, by regulation or order, regulate or prohibit speculative or manipulative practices or renting or leasing practices (including practices relating to recovery of the possession) in connection with any Defense-Area housing accommodations, which in his judgment are equivalent to or likely to result in rent increases inconsistent with the purposes of the Act.

By a designation and rent declaration issued by the Administrator on October 5, 1942, the Administrator designated as Defense-Rental Area certain localities including the Nebraska Defense-Rental Area, consisting of that portion of the State of Nebraska not theretofore designated by the Administrator as part of any Defense-Rental Area. Since the issuance of said designation and declaration, the number of removals of tenants from possession, by means of evictions, actions to evict, and notices to quit or vacate has sharply increased in the portion of said Nebraska Defense-Rental Area set out in § 1388.531 of this eviction regulation. The purpose and effect of such removals of tenants from possession is to increase the rents of the housing accommodations involved.

In the judgment of the Administrator such increased removals of tenants from possession constitute speculative or manipulative practices or renting or leasing practices which are equivalent to or likely to result in rent increases inconsistent with the purposes of said Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act this Eviction Regulation No. 1 is hereby issued.

AUTHORITY: §§ 1388.531 to 1388.535, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.531 *Scope of regulation.* (a) This Eviction Regulation No. 1 applies to all housing accommodations within that portion of the Nebraska Defense-Rental Area consisting of the Counties of Adams and Clay, said area having been designated in the designation and rent declaration (§§ 1388.1341 to 1388.1345, inclusive) issued by the Administrator on October 5, 1942, except as provided in paragraph (b) of this section.

(b) This eviction regulation does not apply to the following:

(1) Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3178, 3242, 3482, 3554, 4176, 4668, 5712, 5780, 5943, 7974.

(2) Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part;

(3) Rooms or other housing accommodations within hotels or rooming houses: *Provided*, That this eviction regulation does apply to entire structures or premises though used as hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this eviction regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this eviction regulation is void.

§ 1388.532 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, and regardless of any contract, lease, agreement or obligation heretofore or hereafter entered into which provides for entry of judgment upon the tenant's confession for breach of the covenants thereof or which otherwise provides contrary hereto, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Eviction Regulation No. 1; or

(2) The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however*, That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons who occupied under a rental agreement with the tenant; or

(5) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantial altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) The landlord owned, or acquired an enforceable right to buy or the right to possession of, the housing accommodations prior to the effective date of this eviction regulation, and seeks in good faith to recover possession of such accommodations for immediate use and occupancy as a dwelling for himself. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, the landlord shall file a written report on a form provided therefore before renting the accommodations or any part thereof during a period of six months after such removal or eviction.

(b) (1) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this eviction regulation and would not be likely to result in the circumvention or evasion thereof.

(2) Removal or eviction of a tenant for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after the effective date of this eviction regulation, is inconsistent with the purposes of the Act and this eviction regulation and would be likely to result in the circumvention or evasion thereof, unless (i) the payment or payments of principal made by the purchaser, excluding any payments made from funds borrowed for the purpose of making such principal payments, aggregate 33⅓% or more of the purchase price, and (ii) a period of three months has elapsed after the issuance of a certificate by the Administrator as hereinafter provided. For the purposes of this paragraph (b) (2), the payments of principal may be made by the purchaser conditionally or in escrow to the end that they shall be returned to the purchaser in the event the Administrator denies a petition for a certificate. If the Administrator finds that the required payments of principal have been made, he shall, on petition of either the vendor or purchaser, issue a certificate authorizing the purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law at the expiration of three months after the date of issuance of such certificate. In no other case shall the Administrator issue a certificate for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after the effective date of this eviction regulation, unless he finds that the vendor has or had a substantial necessity requiring the sale and that a reasonable sale or disposition of the accommodations could not be made without removal or eviction of the tenant, or unless he finds that other special hardship would result; under such circumstances the payment by the purchaser of 33⅓% of the purchase price shall not be a condition to the issuance of a certificate, and the certificate shall authorize the vendor or purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law.

(c) The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(d) (1) Every notice to a tenant to vacate or surrender possession of housing accommodations shall state the ground under this section upon which the landlord relies for removal or eviction of the tenant. A written copy of such notice shall be given to the Area Rent Office within 24 hours after the notice is given to the tenant.

No tenant shall be removed or evicted from housing accommodations, by court process or otherwise, unless, at least ten days prior to the time specified for surrender of possession and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the Area Rent Office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession.

Where the ground for removal or eviction of a tenant is non-payment of rent, every notice under this paragraph (d) (1) shall state the rent for the housing accommodations, the amount of rent due and the rental period or periods for which such rent is due. The provisions of this paragraph (d) (1) shall not apply where a certificate has been issued by the Administrator pursuant to the provisions of paragraph (b) of this section.

(2) At the time of commencing any action to remove or evict a tenant, including an action based upon non-payment of rent, the landlord shall give written notice thereof to the Area Rent Office stating the title of the case, the number of the case where that is possible, the court in which it is filed, the name and address of the tenant, and the ground under this section on which removal or eviction is sought.

(e) No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.533 *Procedure.* The Rules set forth in Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive) with respect to Maximum Rent Regulations shall apply, whenever appropriate, to this Eviction Regulation No. 1 and any proceedings hereunder.

§ 1388.534 *Definitions.* (a) When used in this Eviction Regulation No. 1:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The term "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short-time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Eviction Regulation.

§ 1388.535 *Effective date of the regulation.* This Eviction Regulation No. 1 (§§ 1388.531 to 1388.535, inclusive) shall become effective November 6, 1942.

Issued this 6th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11604; Filed, November 6, 1942; 5:07 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5B,[1] Amendment 8]

GASOLINE RATIONING REGULATIONS FOR PUERTO RICO

A rationale accompanying the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new paragraph (i) is added to § 1394.2851; a new paragraph (c) is added to § 1394.2907; and a new paragraph (h) is added to § 1394.3052.

Restrictions on Transfers

§ 1394.2851 *Restrictions on transfers to consumers.* * * *

(i) No person shall transfer gasoline to a consumer between 8:00 A. M. on October 27, 1942, and 6:00 P. M. on November 15, 1942, except when the consumer presents appropriate coupons accompanied by a written order of the chairman of any Local War Price and Rationing Board or the Territorial Rationing Administrator who may issue such written orders authorizing the purchase of gasoline for use in vehicles and equipment engaged in activities essential to the public health, safety and welfare, including vehicles and equipment necessary for carrying out one or more of the following purposes:

(1) Distribution of mail, milk, bread, meat or newspapers,

(2) Transportation of physicians, firefighters, police or draftees,

(3) Operation of ambulances, hearses, hospital transportation facilities, ice and ice cream manufacturing plants, equipment for loading and unloading ships, railroads, farms (limited to transportation of products to market), public sanitation units, electric and water companies, transportation companies except those with special permits, and public cars (limited to 5 gallons a day).

* * * * *

Replenishment and Audit

§ 1394.2907 *Restrictions on transfers.* * * *

(c) No dealer or intermediate distributor shall transfer or offer to transfer to, or shall receive a transfer of gasoline from any other dealer or intermediate distributor between 8:00 A. M. on October 27, 1942, and 6:00 P. M. on November 15, 1942, except in exchange for a quantity of coupons and written orders provided for by this Amendment, at or before the time of the actual delivery of the gasoline, equal in gallonage value to the amount of the gasoline so transferred.

* * * * *

Effective Date

§ 1394.3052 *Effective date of amendments.* * * *

(h) Amendment No. 8 To Ration Order No. 5B (§§ 1394.2851 (i), 1394.2907 (c) and 1394.3052 (h)) shall become effective as of 8:00 A. M. October 27, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Puv. Law No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, WPB Directive No. 1, Supp. Dir. No. 1 J, 7 F.R. 562)

Issued this 6th day of November, 1942.

WILLIAM B. MEAD, *Director,*
Office of Price Administraiion
for Puerto Rico.

[F. R. Doc. 42-11603; Filed November 6, 1942; 5:06 p. m.]

PART 1340—FUEL

[RPS 88,[1] Amendment 41]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (d) of § 1340.154 is amended as set forth below:

§ 1340.154 *Records and reports.* * * *

(d) Duly authenticated copies of all contracts entered into after March 7, 1942 involving the sale, purchase or exchange of the commodities exempted from §§ 1340.151 and 1340.159 by § 1340.160 shall be filed by the seller with this Office within fifteen days after the signing of such contracts, except as otherwise authorized in writing by the Office of Price Administration: *Provided,* That in lieu of the filing of duly authenticated copies of such contracts, duly authenticated summaries of such contracts may be filed by the seller with the Office of Price Administration within fifteen days after the signing of such contracts. Such duly authenticated summaries shall include the following information: seller, commodities sold, date of contract, term of contract, production origin, buyer, point of delivery corresponding to sales price, method of delivery, i. e. tanker, tank car, field pump, et cetera, volume sold barrels, price cents per US gallon, specifications of product and notes detailing special provisions of contract such as price formulae, et cetera.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5607, 6389, 6390, 7400, 6871, 7908.

[1] 7 F.R. 1107, 1371, 1798, 1799, 1836, 2132, 2304, 2352, 2634, 2945, 3116, 3482, 3524, 3552, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 5988, 6057, 6167, 6471, 6680, 7242, 7838, 8433, 8478, 8586, 8701, 8741.

§ 1340.158a *Effective dates of amendments.* * * *

(oo) Amendment No. 41 (§ 1340.154 (d)) to Revised Price Schedule No. 88 shall become effective November 12, 1942.

(Pub. Laws, 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11593; Filed, November 6, 1942; 2:08 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Second Rev. Zoning Order 1, Amendment 1]

SUGAR RATIONING REGULATIONS

Amendment No. 1 to Second Revised Zoning Order No. 1[1] under Rationing Order No. 3[2]—Sugar Rationing Regulations.

Those parts of paragraph (a) which establish Zones 1, 5, and 11, and paragraph (c) of § 1407.281, Second Revised Zoning Order No. 1, are amended, as set forth below:

§ 1407.281 *Establishment of zones; authorization of certain deliveries, shipments and transfers.* (a) The following zones are hereby established:

Zone 1 shall include the States of Maine, New Hampshire, and Rhode Island; and Worcester, Middlesex, Essex, Norfolk, Bristol, Plymouth, Barnstable, Suffolk, Nantucket and Dukes Counties in the State of Massachusetts.

* * * * *

Zone 5 shall include all points in the State of North Carolina where the base rate is based on shipments from Baltimore, Maryland, and all points in the State of Virginia not included in Zone 4:

* * * * *

Zone 11 shall include the State of Vermont; that part of the State of Massachusetts not included in Zone 1; that part of the State of New York not included in Zone 2; that part of the State of Pennsylvania not included in Zone 3; those parts of the States of Maryland and West Virginia not included in Zone 4; that part of the State of Ohio not included in Zone 8; and all points in the State of Indiana not included in Zone 8 where the base rate is based on shipments from Baltimore, Maryland.

* * * * *

(c) Sugar may be delivered, shipped or transferred from Zone 12 to any point in Zones 9 or 11.

* * * * *

(g) Amendment No. 1 to § 1407.281, Second Revised Zoning Order No. 1 (those parts of paragraph (a) which establish Zones 1, 5, and 11, and paragraph (c) of § 1407.281) shall become effective November 6, 1942.

Issued this 6th day of November 1942.

HAROLD B. ROWE,
Director, Food Rationing Division.

[F. R. Doc. 42-11594; Filed, November 6, 1942; 2:08 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5C]

MILEAGE RATIONING: GASOLINE REGULATIONS

Preamble. The Office of Price Administration has been directed by the Rubber Director to carry out the recommendations contained in the report of the President's Special Committee to Study the Rubber Situation.

The Committee stated: "We are faced with certainties as to demands: with grave insecurity as to supply. Therefore, this Committee conceives its first duty to be the maintenance of a rubber reserve that will keep our armed forces fighting and our essential civilian wheels turning. This can best be done by 'bulling through' the present synthetic program and by safeguarding jealousy every ounce of rubber in the county."

The recommendations of the Committee include:

1. Immediate institution of a tire replacement and recapping program with the allocation of reclaimed rubber for that purpose.
2. Nation-wide gasoline rationing to hold the average annual mileage to 5,000 miles * * *
3. Prompt and strict enforcement of a Nation-wide speed limit not exceeding thirty-five miles an hour * * *
4. Compulsory periodic tire inspection.

This Ration Order No. 5C has been adopted pursuant to the direction of the Rubber Director to complement the mileage rationing: Tire Regulations (Ration Order No. 1A). Wear and destruction of tires now in use must be reduced by curtailing the national average automobile mileage to a maximum of 5,000 miles per year. To accomplish this purpose, the Committee recommended:

> That a new rationing system of gasoline be devised, based on this 5,000 miles a year to save tires.
>
> That the restrictions as to gasoline and mileage be national in their application.

The Committee said:

> Gas rationing is the only way of saving rubber. Every way of avoiding this method was explored but it was found to be inescapable. This must be kept in mind: The limitation in the use of gasoline is not due to shortage of that commodity—it is wholly a measure of rubber saving. That is why the restriction is to be Nation-wide. Any localized measure would be unfair and futile.

The mileage rationing: Gasoline Regulations (Ration Order No. 5C) control the use and acquisition of gasoline as a means to conserve rubber and to maintain our transportation system. To safeguard against violation of the fundamental scheme, control is extended to gasoline generally, whether or not for motor vehicles.

Control over commercial motor vehicle mileage is shared jointly by the Office of Defense Transportation and the Office of Price Administration. The mileage to be driven by, and accordingly the amount of wear of tires used on, trucks, busses, taxis, and other like vehicles used for transporting property or available for hire or rental will be determined by the Office of Defense Transportation, and evidenced by Certificates of War Necessity setting forth the maximum mileage and gasoline gallonage allowed for the vehicles operated. On the basis of such certificates, local War Price and Rationing Boards will issue transport rations, filling the requirements of such vehicles up to the maximum fixed by the certificate.

The Office of Price Administration, through its local War Price and Rationing Boards, will regulate the use and allowable mileage of passenger automobiles. All passenger automobiles, with certain exceptions, will receive a small, basic, mileage allowance, in order, primarily, to prevent casting all persons normally using such facilities on to public transportation systems not equipped to handle tremendously increased loads. The private passenger automobile is, in this sense, an integral and indispensable part of the Nation's system of transportation.

Above this basic ration, mileage will be allowed for occupational uses of the vehicle. But this supplemental allowance is strictly tailored in accordance with need. Moreover, carrying out the program of the Committee that essential driving be given first place, a maximum allowance of 470 miles per month is placed upon the occupational use of vehicles. The list of those users who may be allowed mileage above this maximum is limited to those who use their vehicles for purposes essential to the war effort or to the civilian economy.

Certain exceptional, non-occupational, necessary motor vehicle uses, such as the procuring of food and supplies, or medical care are recognized and special rations are allowed for such purposes. Further, since the desire for conservation of gasoline is not the chief factor motivating these regulations, gasoline rations for purposes not involving wear of rubber tires are given virtually without restriction, to meet the demonstrated requirements of the user.

However, passenger car rations are not issued unless the applicant has disposed of all idle tires which he owns, so that they may be available to meet the present needs of others. No one should be permitted to withhold an idle tire from use when that tire may be necessary to avoid deprivation of another's transportation. There should be no tires which are not either in use, immediately available for use, or in process of being made usable.

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[1] 7 F.R. 8523.

[2] 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 8402, 8655, 8739, 8809, 8710.

Finally, in order more effectively to serve the end desired, the allowance of gasoline for motor vehicle use is made dependent, as is the issuance of tires, upon use of the vehicle in a manner best calculated to conserve its tires. Thus, periodic tire inspections, observance of a 35 mile per hour maximum speed limit, and avoidance of abuse and neglect of tires, are made prerequisite to continuance of any ration issued.

By these means and through control of the motive power of rubber-using vehicles, the vital rubber supply of this country will be utilized for purposes most essential to the public welfare, and will be made to last, if possible, beyond the period of critical shortage. There is, of course, no assurance that the rubber supply situation in the future will not require further curtailment and enforce conservation of tire use. To a great extent, this will depend upon whether the driving public will alter and restrict its driving habits, and conserve to the utmost extent the tires now in use. The Committee said:

> Let there be no doubt that only actual needs, not fancied wants, can, or should, be satisfied. To dissipate our stocks of rubber is to destroy one of our chief weapons of war. We have the choice!
>
> Discomfort or defeat. There is no middle course.

Accordingly, pursuant to the authority vested in me by War Production Board Directive No. 1, issued January 24, 1942, and by Supplementary Directive No. 1Q issued November 6, 1942.

It is hereby ordered, That:

Scope of Ration Order No. 5C

Sec.	
1394.7501	Territorial limitations.
1394.7502	Scope of restrictions.
1394.7503	Effect on Ration Order No. 5C on outstanding rations.
1394.7504	Effect of Ration Order No. 1A.

Definitions

1394.7551	Definitions.

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1394.7602	Jurisdiction of Boards over issuance of rations.
1394.7603	Action on applications.
1394.7604	Records of applications.

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1394.7651	Basic rations.
1394.7652	Basic ration books.
1394.7653	Application for and issuance of basic rations.

Supplemental Rations

1394.7701	Supplemental rations.
1394.7702	Passenger automobiles or motorcycles for which supplemental rations may not be issued.
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1394.7706	Preferred mileage.

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1394.7751	Official and fleet rations for passenger automobiles and motorcycles.
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1394.7754	Allowance of mileage.
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1394.7756	Interchangeable official or fleet ration books.
1394.7757	Issuance of rations for use with vehicles operated on dealer plates.

Transport Rations

1394.7801	Transport rations.
1394.7802	Persons entitled to transport rations.
1394.7803	Transport ration books.
1394.7804	Application for transport rations.
1394.7805	Issuance of transport rations.
1394.7806	Transport ration for equipment mounted on commercial motor vehicles.
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1394.7902	Non-highway ration books.
1394.7903	Application for non-highway rations.
1394.7904	Issuance of non-highway rations.

Issuance of Coupon Books and Acknowledgments of Delivery by the Office of Price Administration, Washington, D. C.

1394.7951	Issuance of ration books by the Office of Price Administration.
1394.7952	Acknowledgments of delivery.

General Provisions With Respect to Issuance of Rations and Tire Inspection Records

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1394.8002	Presentation of registration card.
1394.8003	Notation on registration card.
1394.8004	Notation on ration books, applications and coupons.
1394.8005	Change of motor vehicle registration number.
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1394.8009	Issuance of tire inspection records.
1394.8010	Presentation of tire inspection records and records required to be maintained by Office of Defense Transportation.
1394.8011	Denial of rations.
1394.8012	Earliest effective date of rations.
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1394.8052	Issuance of further ration for use prior to expiration date of current ration.
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General Provisions With Respect to Transfer and Use

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1394.8152	Transfers to consumers.
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1394.8154	Transfers in exchange for acknowledgment of delivery.
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RESTRICTIONS ON TRANSFERS BETWEEN DEALERS AND DISTRIBUTORS

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1394.8351	Effective dates.

AUTHORITY: §§ 1394.7501 to 1394.8351, inclusive, issued pursuant to Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law 421, 77th Cong., W.P.B. Directive No. 1, 7 F.R. 562, Supp. Directive No. 1Q *supra;* E.O. 9125, 7 F.R. 2719.

Scope of Ration Order No. 5C

§ 1394.7501 *Territorial limitations.* Except as otherwise expressly provided all of the provisions of Ration Order No. 5C shall apply to the entire area included within the continental limits of the United States.

§ 1394.7502 *Scope of restrictions.* Nothing in Ration Order No. 5C shall be construed to:

(a) Limit the quantity of gasoline which may be acquired by or for the account of the Army, Navy, Marine Corps, Coast Guard, War Shipping Administration, or Maritime Commission of the United States.

(b) Limit the quantity of gasoline which may be acquired by any person, for export to and consumption or use in any foreign country.

(c) Affect or apply to any transfer of gasoline between the agencies named in paragraph (a) hereof.

§ 1394.7503 *Effect of Ration Order No. 5C on outstanding rations.* (a) Except as provided in paragraphs (b) and (c) of this section and § 1394.8180 no provision of Ration Order No. 5C shall affect the validity or valid period of any ration issued pursuant to Ration Order No. 5A:[1] *Provided,* That, after November 21, 1942, no ration issued pursuant to Ration Order No. 5A shall be renewed except pursuant to the provisions of Ration Order No. 5C.

(b) All rations represented by Class S coupons issued pursuant to Ration Order No. 5A, and all service rations issued pursuant to Ration Order No. 5A whether represented by S coupons or bulk coupons and rations issued pursuant to Ration Order No. 5A to lessees of vehicles and boats available for public rental shall expire at 12:01 a. m., November 22, 1942, and the coupons representing such rations shall be void, after November 21, 1942, and shall within five (5) days be surrendered to the issuing Board.

(c) No ration issued pursuant to Ration Order No. 5A may be used for a purpose prohibited by the provisions of Ration Order No. 5A or Ration Order No. 5C. All rations issued pursuant to Ration Order No. 5A shall be subject to modification, revocation and redetermination pursuant to the provisions of Ration Order No. 5C.

§ 1394.7504 *Effect on Ration Order No. 1A.* No allotment of gasoline issued pursuant to Ration Order No. 5C for use with a motor vehicle shall be construed to authorize such use where it would be in violation of Ration Order No. 1A or to remove or avoid any disqualification of such vehicle under Ration Order No. 1A which would otherwise result from such use.

Definitions

§ 1394.7551 *Definitions.* (a) When used in Ration Order No. 5C:

(1) "Board" means a War Price and Rationing Board established by the Office of Price Administration, or a Plant Area Board or other Board established by the Office of Price Administration and designated by such Office to serve the workers in specified industrial or extractive establishments.

(2) "Bulk coupon" means any gasoline ration coupon on the face of which the word "bulk" has been printed by authority of the Office of Price Administration.

(3) "Bulk transfer" means any transfer of gasoline other than: (i) into the fuel tank of a registered or commercial motor vehicle, a motor vehicle held by a motor vehicle dealer for sale or resale, a motor vehicle operated on dealer or other interchangeable license plates; or (ii) into the fuel supply tank of machinery or equipment mounted on a commercial motor vehicle.

(4) "Certificate of War Necessity" or "certificate" means a certificate issued by the Office of Defense Transportation pursuant to General Order ODT No. 21.

(5) "Commercial motor vehicle" means (i) a straight truck; a combination truck-tractor and semi-trailer, a combination truck-tractor and full trailer, or a combination truck-tractor, semi-trailer and full trailer; or any other rubber-tired motor vehicle (other than a motorcycle) built (or rebuilt) primarily for the purpose of transporting property on the highways; and (ii) any of the following motor vehicles used in the transportation of persons upon the highways: any bus; any ambulance or hearse; any taxicab or jitney; any motor vehicle (other than a motorcycle) available for public rental; any station wagon or suburban carry-all available for hire or public rental; and any other motor vehicle other than a passenger automobile or motorcycle.

(6) "Consumer" means any person acquiring gasoline for use, including use as a component part of any manufactured article, material, or compound other than gasoline. The term includes dealers and distributors to the extent that they use gasoline, or acquire gasoline for use rather than for transfer.

(7) "Dealer" means any person, except a distributor, who operates a service station, filling station, garage, store, or other place of business at which gasoline is transferred directly to consumers in the regular course of business. The term also includes any person, other than a distributor, operating a tank truck or tank wagon for transfer of gasoline directly to consumers, who does not also maintain stationary gasoline storage tanks. All such persons shall be deemed to be dealers as to each such place of business.

(8) "Distributor" means an intermediate distributor, a licensed distributor, or both.

(9) "Equipment," when used in §§ 1394.7653 (c), 1394.7705 (d), 1394.7753, 1394.7755 (d), 1394.8009 (b) (c) and 1394.8172, means any conveyance, other than a motor vehicle, which is designed for and capable of operation on one or more wheels and any machinery in the operation of which wheels, with mounted tires, are used.

(10) "Evidence" means a token authorized by the Office of Price Administration to represent a right to receive a transfer of gasoline and exchangeable for such gasoline. The term shall include coupons, acknowledgments of de-

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[1] 7 F.R. 5225, 5362, 5426, 5566, 5606, 5666, 5674, 5942, 6267, 6776, 6684, 7510, 7399, 7748, 7811, 7907, 8708, 8808.

livery, inventory coupons, exchange certificates on Form OPA R–548 issued by a Board in return for other evidences received, and export certificates on Form OPA R–560.

(11) "Fleet," as applied to a passenger automobile or motorcycle, means that such vehicle is one of three or more passenger automobiles or three or more motorcycles owned or leased by and used by the same person or organization principally in connection with the same or related occupations, or, as applied to a commercial motor vehicle, that such vehicle is one of the three or more commercial vehicles owned or operated by the same person.

(12) "Gasoline" means any liquid fuel which is commonly or usually used for the propulsion of motor vehicles, aircraft, or motorboats by means of internal combustion engines, except liquid fuel with an octane rating of 86 or more, and except Diesel fuel, kerosene, benezene, benzol, and naphtha.

(13) "Inboard motorboat" means any self-propelled water craft the motive power for which is furnished by a gasoline-operated internal combustion engine other than an outboard motor.

(14) "Intermediate distributor" means any person, other than a licensed distributor, who is engaged in the business of transferring gasoline for resale.

(15) "Inventory coupon" means a one-gallon or one-hundred-gallon coupon issued by a Board to represent unfilled storage capacity of a dealer or intermediate distributor, or for such other purpose as may be provided in Ration Order No. 5 C.

(16) "Issuing Board" means the Board which issued a particular gasoline ration.

(17) "Licensed distributor" means any person, including any refiner, manufacturer, blender, importer, bulk distributor, wholesaler, or consumer, who transfers, receives, or uses gasoline in such manner as to be required to account for the State motor fuel taxes imposed thereon directly to the motor fuel tax administration of a State. Any such person shall be deemed to be a licensed distributor in each State to which he is required to account for such State motor fuel taxes, but only in such States: *Provided*, That any place of business at which functions corresponding to those of a dealer or intermediate distributor are performed and which is operated by, or receives gasoline on consignment for purposes of sale from, a licensed distributor located in the same State in which such place of business is located shall be deemed to be a part of the facilities of such licensed distributor if:

(i) Title to gasoline delivered to such place of business remains in the licensed distributor until the time of transfer of such gasoline therefrom; and

(ii) State motor fuel taxes are paid by such licensed distributor either upon receipt of such gasoline by the licensed distributor, or upon transfers of gasoline made at such place of business rather than upon the delivery of gasoline thereto.

(18) "Limitation area" means the entire eastern part of the continental United States up to and including all of the counties of Niagara, Erie, Wyoming, Livingston and Steuben in the State of New York; Tioga, Lycoming, Clinton, Centre, Blair, and Bedford in the State of Pennsylvania; Allegany in the State of Maryland; Mineral, Grant, and Pendleton in the State of West Virginia; Highland, Bath, Alleghany, Craig, Giles, Pulaski, Wythe, and Grayson in the State of Virginia; Ashe, Watauga, Avery, Mitchell, Yancey, Madison, Haywood, Swain, Graham and Cherokee in the State of North Carolina; Fannin, Murray, Whitfield, Catoosa, Dade, Walker, Chattooga, Floyd, Polk, Haralson, Carroll, Heard, Troup, Harris, Muscogee, Chattahoochee, Stewart, Quitman, Clay, Early, Seminole, and Decatur in the State of Georgia; and Gadsden, Liberty and that part of Franklin which lies east of the Apalachicola River in the State of Florida: *Provided*, That if part of an incorporated or unincorporated city, town or village is located within the limitation area, all of such city, town or village shall be deemed to be within such area.

(19) "Motorcycle" means any motor vehicle designed for highway operation on three wheels or less, but does not include tractors.

(20) "Motorcycle tire" means any tire designed primarily for use on a motorcycle and in no event larger than 4.50–18.

(21) "Motor vehicle" means any rubber-tired, self-propelled conveyance the motive power for which is furnished by an internal-combustion engine designed for operation by gasoline and which is built primarily for the purpose of transporting persons or property.

(22) "Motor vehicle dealer" means any person regularly engaged in the business of selling or reselling motor vehicles and includes persons engaged in selling repossessed motor vehicles.

(23) "Motor vehicle rental agency" means any person engaged in the business of leasing motor vehicles to others.

(24) "Mounted," as applied to a tire, means that such tire is held for use on a motor vehicle or equipment, whether or not physically mounted but not in excess of one tire for each wheel and one spare for each motor vehicle.

(25) "Non-highway use" means any use of gasoline other than (i) for the propulsion of a registered motor vehicle, a commercial motor vehicle, a motor vehicle held by a motor vehicle dealer for sale or resale, a motor vehicle operated on dealer or other interchangeable license plates, or (ii) for the operation of machinery or equipment mounted on a commercial motor vehicle.

(26) "Occupation" means business; gainful work; or any work regularly performed by a person which contributes to the war effort or to the public welfare; and includes the pursuit of a regular and recognized course of study.

(27) "Occupational mileage" means mileage driven by a person in carrying on an occupation or to and from a place where such occupation is carried on.

(28) "Official," as applied to a passenger automobile or motorcycle, means that such automobile or motorcycle is owned or leased by a Federal, State, local or foreign government or government agency, other than by the armed forces of the United States or the armed forces of a State organized pursuant to section 61 of the National Defense Act, as amended.

(29) "Organized transportation plan" means a plan organized and administered by a joint management-labor committee, or some similar group or individual designated by agreement between or with the consent of management and labor for the purpose of transporting, with a minimum use of tires, all workers who require automobiles for transportation to and from their work.

(30) "Passenger automobile" means any motor vehicle, other than an ambulance, hearse, vehicle available for public rental, taxicab, jitney, or a motorcycle, which is built primarly for the purpose of transportating persons on the highways and has a rated seating capacity of seven (7) or less; and includes station wagons and suburban carry-alls, irrespective of seating capacity, which are not available for hire or public rental.

(31) "Passenger-type tire" means any tire designed primarily for use on a passenger automobile excluding motorcycle tires and tires located outside the continental United States.

(32) "Person" means any individual, partnership, corporation, association, government or government agency, or any other organized group or enterprise.

(33) "Ration," as the context requires, means either a right to acquire and use gasoline which is evidenced by coupons issued by a Board on the basis of an application, or the amount of gasoline acquired in exchange for such coupons or both.

(34) "Ration book" means any gasoline coupon book issued pursuant to Ration Order No. 5A or 5C.

(35) "Registered," as applied to a motor vehicle, means that such motor vehicle is duly licensed for general operation on public roads or highways by the appropriate agency of the Federal Government or by a State, territorial or foreign government.

(36) "Scrap," as applied to a tire, means incapable of being repaired for use.

(37) "Serial number" means the serial number either on the sidewall or on the innner surface of a tire or, if no such number appears on a tire, the brand name.

(38) "State" includes the District of Columbia.

(39) "State motor fuel tax administration" means the commission, board, department, or officer having charge of receiving and auditing the reports of taxes levied by a State on the transfer, receipt or use of gasoline.

(40) "Transfer" means sell, give, exchange, lease, lend, deliver, supply or furnish, and includes the acquisition of title by will, inheritance, foreclosure, or legal process; it also includes the use by any dealer or distributor of any gasoline held by him; but does not include the creation of a security interest or security title involving no change of possession. Delivery to a carrier for shipment, or by a carrier in completion

of shipment, shall not be deemed to be a transfer to or by such carrier.

(41) "Transfer," as applied to a place of business, means any change from one person to another of the right to occupation of the premises, whether or not the transferor continues on the premises in another capacity. The term shall include, but not by way of limitation, a sale, lease, change in tenancy, inheritance, devise, eviction, foreclosure, or occupation by an executor, administrator, receiver, or trustee in bankruptcy, but not a mortgage or other security transfer unaccompanied by a change in the right to present possession.

(42) "Unit" means the value, in gallons of gasoline, assigned to a coupon contained in a ration book, by order or direction of the Office of Price Administration. Such order or direction may vary the value of a unit with respect to the class of the coupon, with respect to the type or quality of gasoline transferred, with respect to the type of motor vehicle or type of gasoline use for which such coupon is issued, or with respect to the area in which or time when the transfer of gasoline is made.

(43) "Vehicle available for public rental" means any registered motor vehicle leased from or held for rental by a motor vehicle rental agency.

(b) Where the context so requires, words in the singular shall include the plural, words in the plural shall include the singular, and the masculine gender shall include the feminine and neuter.

ADMINISTRATION, PERSONNEL AND JURISDICTION

§ 1394.7601 *Personnel.* (a) Ration Order No. 5C shall be administered by the Office of Price Administration through its War Price and Rationing Boards and such other administrative personnel as it may select. The persons appointed to administer Ration Order No. 5C shall have such powers and duties as are herein described and as the Office of Price Administration has delegated and may, from time to time, delegate.

(b) The persons referred to in paragraph (a) of this section may be assisted in the issuance of basic rations (as prescribed in § 1394.7653) by the chief school officials of the several States, the city and county superintendents of schools, and by the persons who may be appointed to act as school site administrators and registrars. The school site administrators shall be appointed by the city or county school superintendents and the registrars shall be appointed by the school site administrators. The persons mentioned in this paragraph shall be under the supervision of the persons mentioned in paragraph (a) of this section and of the persons who appointed them.

(c) No person participating in the administration of Ration Order No. 5C shall act officially in connection with any matter arising thereunder as to which he has any interest, by reason of business connection or relationship by blood, marriage or adoption.

§ 1394.7602 *Jurisdiction of Boards over issuance of rations.* (a) For purposes of Ration Order No. 5C, a Board other than a Plant Area Board or other Board specially designated by the Office of Price Administration to serve the workers in specified industrial or extractive establishments, shall have jurisdiction over:

(1) The issuance of basic rations: *Provided*, That during the period from November 9, 1942, to November 11, 1942, inclusive, such rations shall be issued only by registrars, in accordance with § 1394.7653;

(2) The issuance of rations (other than basic rations) for motor vehicles normally garaged or stationed in the area which the Board is designated to serve: *Provided*, That rations for fleet vehicles may, at the option of the applicant, be issued by the Board having jurisdiction over the area in which an office is maintained for directing the operations of such vehicles;

(3) The issuance of non-highway rations:

(i) For inboard motorboats, outboard motors or non-highway vehicles normally kept or stationed in the area which the Board is designated to serve;

(ii) For machinery or equipment located in the area which the Board is designated to serve;

(iii) For other non-highway use.

(4) The issuance of a ration to any person who shows good cause for failure to make application to the Board having jurisdiction pursuant to the provisions of paragraphs (1), (2) or (3) of this section; any person applying for a ration pursuant to this paragraph, for a registered or commercial motor vehicle, shall furnish the Board with the address of the place (if any) where such vehicle is normally garaged or stationed;

(5) The issuance of a ration for use with a motor vehicle, inboard motorboat, or outboard motor which is normally garaged, stationed or kept outside of the area included within the continental limits of the United States.

(b) For the purpose of Ration Order No. 5C, a Plant Area Board or other Board designated by the Office of Price Administration to serve the workers in specified industrial or extractive establishments shall have jurisdiction over:

(1) The issuance of basic, supplemental, and special rations for the motor vehicles of workers employed in the specified industrial or extractive establishments which such Board is designated to serve.

(i) No such Board shall have jurisdiction to issue any basic, supplemental or special ration for the motor vehicle of a worker employed in industrial or extractive establishments which it is designated to serve if such worker has made application, during the time he was so employed, for a ration for such vehicle under Ration Order No. 5C to the Board having jurisdiction over the area in which such vehicle is normally garaged or stationed: *Provided however*, That such plant area or other specially designated Board shall have jurisdiction to issue such ration if the applicant, since the time of making application to the Board having jurisdiction over the area in which his vehicle was normally garaged or stationed, has moved his residence and the place at which his vehicle is normally garaged or stationed to an area within the jurisdiction of another Board, and has not made application for such ration to such other Board.

(c) For the purposes of Ration Order No. 5C, no Board other than a Plant Area Board or other Board designated by the Office of Price Administration to serve the workers in specified industrial or extractive establishments shall have jurisdiction over the issuance of a basic, supplemental or special ration to an applicant employed at such industrial or extractive establishments if such applicant has made application for a basic, supplemental or special ration to a Plant Area Board or other Board designated to serve such industrial establishment unless the applicant since the time of making application to such Board has changed his place of employment and is no longer in the jurisdiction of such Board.

(d) No person shall be entitled to receive or to use a ration issued by a Board which does not have jurisdiction over the issuance thereof in accordance with this section.

§ 1394.7603 *Action on applications.* The Board shall render its decision on an application for a ration within ten (10) days after the date of submission of such application. In any case of apparent emergency, such decision shall be made within forty-eight (48) hours, if possible. The Board shall promptly notify the applicant of its decision.

§ 1394.7604 *Records of applications.* (a) All applications for basic rations submitted at an application site referred to in § 1394.7653 shall, when passed upon, be forwarded to the War Price and Rationing Board having jurisdiction over the area in which such application site is located.

(b) Except as provided in paragraph (c) of this section, each Board shall maintain a file of all applications for gasoline rations passed upon by it or received by it from any other Board or from any application site.

(c) A Board, after passing upon an application for a ration for use with a motor vehicle, made before it pursuant to paragraph (a) (4) of § 1394.7602, shall forward such application through the State Director to the Board having jurisdiction under paragraphs (a) (2) or (a) (3) of that section.

BASIC RATIONS

§ 1394.7651 *Basic rations.* A basic ration may be obtained for use with a registered passenger automobile or a registered motorcycle during the period from November 22, 1942, or the date of issuance of the ration, whichever is later, to July 21, 1943, inclusive, except that no basic ration shall be issued for use with a passenger automobile or motorcycle which is:

(a) Owned or leased by a Federal, State, local, or foreign government, or government agency; or

(b) Part of a fleet of passenger automobiles or motorcycles; or

(c) Held by a motor vehicle dealer for sale or resale.

§ 1394.7652 *Basic ration books.* Class A coupon books, and Class D coupon books marked "Basic," shall be issued as basic rations. Class A books shall be issued for passenger automobiles and Class D books for motorcycles. Subject to the provisions of § 1394.7653 (d) each Class A and Class D ration book shall contain thirty-two (32) coupons. Each coupon contained in a basic ration book shall have a value of one unit. Coupons contained in Class A books shall be valid for the transfer of gasoline to a consumer only during the periods indicated below.

Coupons numbered	*Valid period*
3	November 2, 1942, to January 21, 1943, inclusive.
4	January 22, 1943, to March 21, 1943, inclusive.
5	March 22, 1943, to May 21, 1943, inclusive.
6	May 22, 1943, to July 21, 1943, inclusive.

Coupons in Basic Class D books shall be valid for the transfer of gasoline to a consumer at any time prior to July 22, 1943.

§ 1394.7653 *Application for and issuance of basic rations.* (a) Application for a basic ration book shall be made on Form OPA R-534. During the period from November 9, 1942, to November 11, 1942, inclusive, application shall be made at any application site designated by the Office of Price Administration. After November 11, application shall be made to a Board: *Provided,* That, except for good cause shown for failure to apply at an application site, application may not be made to a Board prior to November 25, 1942. A separate application shall be made for each passenger automobile or motorcycle for which a basic ration is sought.

(b) The application must be signed by the registered owner of the vehicle for which a ration is sought and may not be signed by an agent: *Provided,* That the Board may accept an application signed by a duly authorized agent of the registered owner if the applicant for whom the agent is acting is physically unable to sign or is outside the jurisdiction of the Board with which application is filed.

(c) Each applicant for a basic ration shall state:

(1) The serial number of all tires mounted (including one spare) on the vehicle for which application is made; and

(2) The number and serial number of passenger-type tires (excluding motorcycle tires but including scrap tires) which are owned by the registered owner of the vehicle or by any person living in the household of such owner and related to him by blood, marriage or adoption, other than tires reported on OPA Form R-17 or R-17 Revised or reported by a manufacturer to the War Production Board or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

(d) Pursuant to such application, a basic ration shall be issued during the period from November 9, 1942, to November 11, 1942, inclusive, by any registrar appointed under paragraph (a) or (b) of § 1394.7601. After November 11, a basic ration shall be issued by a Board. The Board shall remove from any Class A book issued subsequent to November 22, 1942, all expired coupons and one currently valid coupon for each full eight days which have elapsed in the "valid period" during which such book is issued. In the case of a Basic D book issued after November 22, 1942, one coupon shall be removed for each full eight days which have elapsed since November 22, 1942.

(e) No basic ration shall be issued by a registrar or a Board unless the applicant has certified in the application that no passenger-type tires required to be reported in such application pursuant to paragraph (c) (2) of this section are owned by the registered owner of the vehicle or by any person living in his household and related to him by blood, marriage or adoption. No person shall be entitled to a basic ration if, at the time of issuance, the registered owner of the vehicle or any person living in his household and related to him by blood, marriage or adoption owns tires required to be reported in an application pursuant to paragraph (c) (2) of this section.

(f) No more than one basic ration may be issued for a vehicle, except as provided in §§ 1394.8007 and 1394.8103, and no person shall be entitled to more than one basic ration for the same vehicle, during the period from July 22, 1942, to July 21, 1943: *Provided,* That any person who has surrendered a basic ration to a Board by reason of having ceased to use the motor vehicle for which the ration was issued, or by reason of having removed such motor vehicle from the limitation area prior to November 22, 1942, may apply to a Board for reissuance thereof. Application for reissuance shall be made on Part A of Form OPA R-534, and the applicant shall attach thereto a certification in which he shall set forth the date and place of issuance of the ration surrendered, together with the date and place of surrender thereof, the reason therefor, and the number of unused coupons remaining in the book at the time of surrender. In the event that the Board is satisfied that the applicant surrendered such a ration in good faith the Board shall issue a basic ration book to the applicant pursuant to the provisions of § 1394.7653: *Provided,* That no coupon book reissued pursuant to the provisions of this paragraph shall contain coupons in excess of the number of coupons contained in the coupon book surrendered.

(g) Notwithstanding any other provision of Ration Order No. 5C, the period of time during which basic rations may be issued at application sites referred to in § 1394.7653 may be extended by the Office of Price Administration, its War Price and Rationing Boards or such other administrative personnel as it may select.

SUPPLEMENTAL RATIONS

§ 1394.7701 *Supplemental rations.* (a) The following coupon books may be issued by a Board as Supplemental rations to the owner or person entitled to the use of a registered passenger automobile or registered motorcycle (other than those specified in § 1394.7702), to provide for occupational mileage driven in such vehicle by anyone, to the extent that such mileage is allowed by the Board pursuant to § 1394.7704:

(1) Class B or Class C coupon books for use with passenger automobiles.

(2) Class D coupon books marked "Supplemental" for use with motorcycles.

(b) When issued as a supplemental ration, Class B books shall contain sixteen (16) coupons, and Class C and D books shall contain the number of coupons, specified in the tables set forth in § 1394.7705, necessary to provide the mileage allowed by the Board. Each coupon in a Class B, Class C or Supplemental Class D book shall have a value of one unit. Coupons contained in such books shall authorize the transfer of gasoline to consumers only during the valid period of such books noted thereon by the Board. Class B rations and books shall be valid only for the period ascertained pursuant to § 1394.7705. Class C and Supplemental Class D rations and books issued pursuant to Ration Order No. 5C shall be valid for a period of three months commencing on November 22, 1942, or on the date of issuance, whichever is later.

(c) Applicants for supplemental rations are deemed to have available 150 miles per month of occupational driving by using the basic ration t which they are entitled; and supplemental rations may be issued to provide only occupational mileage allowed by a Board in excess of 150 miles per month. However, no deduction for such 150 miles shall be made by the applicant in stating his required occupational mileage or by the Board in allowing occupational mileage, since a deduction of 150 miles from the total mileage allowed by the Board is automatically made when the Board applies the tables set forth in § 1394.7705 pursuant to which supplemental rations are to be issued.

§ 1394.7702 *Passenger automobiles or motorcycles for which supplemental rations may not be issued.* No supplemental rations may be obtained or shall be issued for use with a passenger automobile or motorcycle for which no basic ration has been issued or which is:

(a) Owned or leased by a Federal, State, local or foreign government or government agency; or

(b) Part of a fleet of passenger automobiles or motorcycles; or

(c) Held by a motor vehicle dealer for sale or resale.

§ 1394.7703 *Application for supplemental ration.* (a) Application for a supplemental ration may be made to a Board on or after November 12, 1942, on Form OPA R-535, by the owner or a person entitled to the use of a registered passenger automobile or registered motorcycle. A separate application shall be made for each vehicle. Application on behalf of an individual may not be signed by an agent.

(b) An applicant shall establish the average monthly occupational mileage driven within the continental United States and required for each of the following purposes, for the three-month period beginning with the date on which such ration is required:

(1) Driving between home and a fixed place of work in connection with the principal occupation of the applicant or principal user of the vehicle;

(2) Driving in the course of such principal occupation;

(3) Driving to and from or in the course of any other occupation or occupations for which the vehicle is used.

(c) In the event that two or more passenger automobiles for which supplemental rations are desired, are owned by persons living in the same household and related to each other by blood, marriage, or adoption, all applications for supplemental rations for such vehicles shall, except for good cause shown, be submitted at the same time to the same Board. Where two or more vehicles are used in a ride-sharing arrangement of the type described in paragraph (a) of § 1394.7704, a separate application for a supplemental ration shall be made for each such vehicle. Each such application shall include only the mileage driven in the vehicle for which it is made and, if such vehicles are all within the jurisdiction of one Board, all such applications must be submitted to it at the same time. If such vehicles are within the jurisdiction of different Boards, each application must be accompanied by duplicate copies of the applications for other vehicles used in such ride-sharing arrangement, and such duplicate copies shall show, if possible, the action taken by the respective Boards on the originals thereof.

§ 1394.7704 *Allowance of mileage.* (a) Except as provided in paragraph (c) of this section occupational mileage shall be allowed by a Board for a purpose specified in paragraph (b) of § 1394.7703 if the applicant establishes, in connection with the use of the vehicle for that purpose, either:

(1) That a bona fide ride-sharing arrangement has been made pursuant to which at least four persons (including the operator) will regularly be carried in the vehicle for the purpose of going to and from or carrying on their occupations and that transportation is needed for such purpose: *Provided,* That each person must certify to his participation in the ride-sharing arrangement by signing the application; or

(2) That no such ride-sharing arrangement could reasonably be made but that the vehicle carries as many persons as could reasonably be expected in the light of the circumstances in which and the purpose for which it is used; that transportation is needed for such purpose; and that no alternative means of transportation are available which would be reasonably adequate for such purpose.

(i) An applicant may establish that four or more persons cannot regularly be carried in the vehicle for which application is made by showing: the limited capacity of the vehicle; the necessity of traveling at unusual or irregular hours; the necessity of traveling over routes not feasible for other persons who might be carried; or such other reasons as the Board may find sufficient.

(ii) An applicant may establish the lack of reasonably adequate alternative means of transportation by showing the unavailability of other public or private means of transportation; or by showing that such alternative means, if available, are inadequate by reason of location, schedules or overcrowded conditions, by reason of physical disability of the person needing transportation, by reason of the nature of the work for which transportation is needed, or for such other reasons as the Board may find sufficient.

(3) In the event the applicant or principal user is employed at a power generation or transmission facility, public utility, transportation or communication facility, or agricultural, extractive, industrial, military or naval establishment at which more than one hundred (100) persons are employed, the application, if made for a ration to be used for transporting such applicant or principal user to and from such place of employment, must be certified as indicated thereon by an official in charge of an organized transportation plan at such establishment.

(4) In the event application is made for a supplemental ration in order to permit the use of the vehicle for which application is made in the pursuit of an occupation other than a gainful occupation, the application must be certified, as indicated thereon, by a responsible official of the organization, if any, for or under the direction of which the work is performed.

(b) Upon the basis of the application and such other facts as the Board may require, the Board shall allow mileage for driving within the continental United States for any of the purposes listed in paragraph (b) of § 1394.7703 for which applicant has applied, with respect to which the applicant has established the facts required by paragraph (a) hereof. The Board shall allow only that portion of the claimed mileage (in the absence of a ride-sharing arrangement) with respect to which the applicant has established the inadequacy of alternative means of transportation (in accordance with paragraph (a) (2) (ii) of this section). The Board shall then determine the total occupational mileage per month required by the applicant and allowed by it for the three-months' period specified in paragraph (b) of § 1394.7703 and shall issue a supplemental ration, in accordance with the provisions of § 1394.7705, to provide such mileage: *Provided,* That the Board may not allow an average of more than 470 miles per month for any occupational mileage other than preferred mileage as defined in § 1394.7706. The Board may allow an average mileage in excess of 470 miles per month only if such excess consists of such preferred mileage.

(c) A Board having jurisdiction over an area which is adequately served by subway, elevated railroad, or railroad commutation service shall allow mileage claimed with respect to which a ride-sharing arrangement has been made only if the applicant establishes that the use of such subway, elevated railroad, or railroad commutation service would not be reasonably adequate for the purpose for which such mileage is claimed.

(d) The Board shall deduct from the mileage it allows for a passenger automobile, in accordance with paragraph (b) above, 150 miles per month for each additional passenger automobile (other than a fleet passenger automobile) owned by the applicant or by any person living in his household and related to him by blood, marriage or adoption, if the Board finds that such automobile is available to and adequate for the use of the applicant for the purpose for which the supplemental ration is sought. No such automobile shall be deemed available to the applicant if it is used, to a substantial extent, for an occupational purpose of another person; nor shall such automobile be deemed available to the applicant during the effective period of a supplemental ration issued to another person whose mileage allowance was reduced on account of such automobile.

§ 1394.7705 *Issuance of supplemental rations.* (a) Supplemental rations shall be issued to provide the total mileage allowed by the Board in accordance with § 1394.7704.

(1) In the case of a passenger automobile, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 470 miles per month or less: one Class B book having the valid period specified in Table I for the mileage allowed:

(ii) In the event that the mileage allowed by the Board pursuant to paragraph (b) of § 1394.7704 exceeds 470 miles per month: one or more Class C books bearing expiration dates three months from the date of issuance or November 22, 1942, whichever is later, and containing the number of coupons specified in Table II for the mileage allowed.

(2) In the case of a motorcycle: one or more Class D books (to be marked "Supplemental") bearing expiration dates three months from the date of issuance or November 22, 1942, whichever is later, and containing the number of coupons specified in Table I, if the mileage allowed is 470 miles per month or less, or specified in Table II, if the mileage allowed is in excess of 470 miles per month.

TABLE I[1]—DETERMINATION OF DURATION AND AMOUNT OF SUPPLEMENTAL RATION

[For vehicles with an allowed mileage of more than 150 but not more than 470 miles per month]

Passenger automobile			Motorcycles	
Allowed mileage	Valid period of "B" book, in months and weeks		Allowed mileage	Number of coupons to be issued in Supplemental "D" book
	(Months)	(Weeks)		
0-150	(No "B" book)			
151-230	12		0-150	(No Supplemental "D" book)
231-246	10			
247-270	8		151-170	1
271-287	7		171-190	2
288-310	6		191-210	3
311-324	5	2	211-230	4
325-342	5		231-250	5
343-363	4	2	251-270	6
364-390	4		271-290	7
391-406	3	3	291-310	8
407-424	3	2	311-330	9
425-445	3	1	331-350	10
446-470	3		351-370	11
			371-390	12
			391-410	13
			411-430	14
			431-450	15
			451-470	16

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[1] To be used only for vehicles entitled to basic rations.

TABLE II[1]—PASSENGER AUTOMOBILES OR MOTORCYCLES

DETERMINATION OF AMOUNT OF SUPPLEMENTAL RATION

[For vehicles with an allowed mileage of more than 470 miles per month]

	Number of Coupons (Class "C" or Supplemental Class "D" Book)
Allowed mileage. (All in excess of 470 miles per month must be preferred mileage):	
471-490	17
491-510	18
511-530	19
531-550	20
551-570	21
571-590	22
591-610	23
611-630	24
631-650	25
651-670	26
671-690	27
691-710	28
711-730	29
731-750	30
751-770	31
771-790	32
791-810	33
811-830	34
831-850	35
851-870	36
871-890	37
891-910	38
911-930	39
931-950	40
951-970	41
971-990	42
991-1,010	43
1,011-1,030	44
1,031-1,050	45
1,051-1,070	46
1,071-1,090	47
1,091-1,110	48

[1] To be used only for vehicles entitled to basic rations.

In the event allowed mileage exceeds 1,110 miles, one additional coupon shall be issued for each 20 miles, or fraction thereof, of allowed mileage in excess of 1,110 miles. Additional books may be issued if necessary to provide additional coupons.

(b) The Board shall remove and cancel all coupons in Class C or Class D books in excess of the number to be issued hereunder.

(c) For the purpose of paragraph (a) of this section, a passenger automobile is conclusively presumed to operate 15 miles, and a motorcycle 40 miles, per gallon of gasoline.

(d) No supplemental ration shall be issued by a Board unless the applicant certifies that the registered owner, or his agent, has certified that no passenger-type tires (excluding motorcycle tires but including scrap tires) are owned by the registered owner of the vehicle or by any person living in the household of such owner and related to him by blood, marriage or adoption, other than tires reported on OPA Form R–17 or R–17 Revised or reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment; and no person shall be entitled to a supplemental ration if, at the time of issuance, the registered owner or any person living in his household and related to him by blood, marriage or adoption owns passenger-type tires (excluding motorcycle tires but including scrap tires) other than tires reported on OPA Form R–17 or R–17 Revised, or reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

§ 1394.7706 *Preferred mileage.* The mileage driven in a passenger automobile or motorcycle by the owner or a person entitled to the use thereof, necessary for carrying out one or more of the following purposes, shall be deemed preferred mileage:

(a) By a duly elected or appointed agent, officer, representative or employee of a Federal, State, local or foreign government or government agency, for performing the official business or carrying out an official function of such government or government agency; or by a duly authorized official, employee, agent, or representative of the American Red Cross, for performing the official business of the American Red Cross, either in a passenger automobile or motorcycle owned or leased by the American Red Cross, or in a passenger automobile or motorcycle not owned or leased by the American Red Cross if compensation is paid by the American Red Cross for the performance of such business and for the use of such passenger automobile or motorcycle: *Provided,* That:

(1) No Board (unless otherwise instructed by the Office of Price Administration) shall allow preferred mileage to any agent, representative or employee of a Federal, State, local or foreign government or government agency (other than mileage to be driven in an official or fleet vehicle) unless the application for such ration has been certified by an officer of such government or government agency empowered to authorize or to supervise travel by such officer, representative or employee: *Provided,* That a Board may allow preferred mileage without requiring such a certification if it has received from a duly authorized official of such government or government agency a list approved by the Office of Price Administration, showing (i) those official duties and functions which cannot effectively be performed or carried on without travel by automobile or motorcycle, and (ii) the minimum number of miles of driving which are required therefor. A Board shall allow no preferred mileage, on the basis of any such list, for the performance of any official duty or function not provided on such list, nor to an extent greater than the minimum number of miles which are indicated as being essential to the performance of any such function.

(2) Daily or periodic travel between home or lodgings and a fixed place of work shall not (except as provided in subparagraph (3) and (4) hereof) be deemed performance of official business or carrying out an official function.

(3) Travel by duly elected members of federal or state legislative bodies:

(i) Between their places of residence and the city or town of legislative session, or within such city or town and within their respective legislative districts in connection with their functions as legislators, except daily or periodic travel between home or lodgings and a fixed place of work; or

(ii) Elsewhere in pursuit of legislative business, shall be deemed the carrying out of an official function.

(4) Travel by a member of a War Price and Rationing Board between home or lodgings and a place at which such Board conducts its business, or compensated travel by a person engaged in the administration of the Selective Service System, whose services are not otherwise compensated, between home or lodgings and the place at which the business of the Selective Service System is conducted, shall be deemed performance of official business.

(b) By a school teacher or school official for the performance of school duties which require regular travel to more than one recognized educational institution.

(c) By a person for regularly transporting four or more pupils, students, teachers, or school employees to or from regular places of study, provided that alternative means of transportation are not adequate.

(d) For the transportation of mail on behalf of the United States Government.

(e) For delivery, other than delivery to the reader, of newspapers (not including magazines).

(f) For the transportation of nonportable equipment used in making newsreels for dissemination of information to the public, by a person regularly engaged in such activity.

(g) By a physician, surgeon, dentist, osteopath, chiropractor, or midwife, for making necessary professional calls outside his office if he regularly makes such calls, or for travel between offices maintained by him, but only if the applicant is licensed as such by the appropriate governmental authority.

(h) By a farm veterinary for rendering professional services at agricultural establishments, but only if the applicant is licensed by the appropriate governmental authority and regularly renders such professional services.

(i) By a medical interne, student of an accedited medical school or a public health nurse (but not including a private nurse) employed by or serving under the direction of a clinic or hospital, governmental agency, industrial concern, or similar organization, for rendering necessary medical, nursing or inspection calls.

(j) By an embalmer for rendering necessary services in connection with the preparation for interment of deceased persons, but only if the applicant is licensed as such by the appropriate governmental authority.

(k) By a practicing minister of any religious faith who regularly serves a congregation, to enable him to meet the

religious needs of the locality which he regularly serves, but not to go from home to place of worship; or by a practicing minister who regularly serves more than one congregation, to enable him to travel to the churches which he serves.

(l) By a religious practitioner, other than a minister, who is duly authorized by an organized religious faith to render services of a religious nature to members of such faith, for rendering such services to such members in the locality which he regularly serves, but not for travel from home to place of worship.

(m) By a farmer for transportation of farm products and necessary supplies between a farm and a wholesale or retail establishment, a public market, a shipping point, or another farm.

(n) By a person, including an employer, employers' organization, or labor organization, for the transportation of farm workers, commercial fishermen, seamen, or marine workers between their homes or lodgings and to, from or between their places of employment.

(o) By a worker, including an executive, technician or office worker (but excluding a person while engaged in promotional, merchandising, sales, landscaping or decorating activities, wholesale or retail delivery, and a member of the armed forces of the United States or military forces organized pursuant to section 61 of the National Defense Act, as amended), for necessary travel to, from, within or between the establishments or facilities listed below, for purposes necessary to the operation or functioning of such establishment or facilities.

(1) Naval, military or hospital establishments or facilities;

(2) Establishments or facilities of common carriers; or of other carriers performing services essential to the community or to the war effort; or of plants engaged in the production or distribution of light, power, electricity, gas, steam, or water; or of irrigation, drainage, flood control or sanitation systems; or of telephone, telegraph, radio or communication systems;

(3) Industrial, extractive or agricultural establishments essential to the war effort, including: plants or establishments engaged in the extraction, production, processing, or assembling of any aircraft, motor vehicle, ship, marine equipment, armament, implement or engine of war, or necessary part thereof; or of any raw, semi-processed or finished materials, supplies or accessories necessarily used in the manufacture thereof; or of tools, machinery or appliances essential to the manufacture or use thereof; or of munitions or fuel; or of essential medical supplies or essential food or clothing.

(p) By an authorized agent of government or of management or labor, for transportation to, from, within or between the establishments or facilities listed in paragraph (o) hereof, in order to maintain peaceful industrial relations therein or to recruit or train workers listed in paragraph (n) or (o) of this section.

(q) By an engineer, architect, technician, construction worker, repair or maintenance man who requires the use of a passenger automobile or motorcycle for performing, or for transporting materials or equipment necessary to perform, construction work; or by any of the above described persons who require the use of a passenger automobile or motorcycle to travel from one place to another (but not from home or lodgings to a fixed place of work) for performing, or for transporting materials or equipment necessary to perform, any of the following services: highway maintenance, or repair, or structural or mechanical installation, maintenance or repair, the extermination of vermin, or the exploration, discovery or exploitation of natural resources for the purpose of obtaining necessary war materials; or by a person who requires the use of a passenger automobile or motorcycle to travel from place to place (but not from home or lodgings to a fixed place of work) for performing highly skilled services necessary to the operation or functioning of the establishments or facilities described in paragraph (o) hereof: *Provided,* That preferred mileage may not be allowed pursuant to this paragraph to any person while engaged in promotional, merchandising or sales activities or retail or wholesale delivery, or to any person for the repair, maintenance, installation or construction of decorations or decorative equipment, or of novelty, amusement or entertainment devices, or of portable household equipment or furniture, or for landscaping.

(r) By members of the armed forces of the United States, or State military forces organized pursuant to section 61 of the National Defense Act, as amended, for necessary transportation between home or lodgings and post of duty (but not for transfer from post to post), or on official business where no military vehicle is available: *Provided,* That:

(1) The applicant must present to the Board a statement from his commanding officer which sets forth the following:

(i) The mileage sought is for necessary transportation between home or lodgings and post of duty (but not for transfer from post to post), or on official business;

(ii) No adequate quarters can be provided for the applicant at his post of duty or that the applicant's duties require frequent travel on official business;

(iii) No other practicable means of transportation are available and no military vehicle can be supplied for the applicant's use; and,

(iv) The commanding officer will take all reasonable steps to insure that the vehicle will be used for the purpose for which the application is made, and that every effort is made by the applicant to transport as many passengers as possible, consistent with the capacity of the vehicle.

(s) In a motorcycle, for delivery or messenger service; or in a passenger automobile, for the delivery of telegrams by a person regularly engaged in that business.

(t) By a person regularly engaged in the business of dealing in scrap materials for locating and accumulating scrap metals, or other scrap materials essential to the war effort: *Provided,* That no preferred mileage shall be allowed under this paragraph unless the applicant presents to the Board a certification by the Regional Salvage Manager of the War Production Board, or the District Chief of the appropriate section of the Conservation Division of the War Production Board, that travel by the applicant for such purpose is essential to the war effort.

OFFICIAL AND FLEET RATIONS FOR OFFICIAL AND FLEET PASSENGER AUTOMOBILES AND MOTORCYCLES

§ 1394.7751 *Official and fleet rations for passenger automobiles and motorcycles.* (a) The following coupon books and coupons, for use with registered passenger automobiles and registered motorcycles which are owned or leased by a Federal, State, local or foreign government or government agency (other than by the armed forces of the United States or by State military forces organized pursuant to section 61 of the National Defense Act, as amended) or which are part of a fleet shall be issued by a Board as rations to persons entitled to receive them under the provisions of § 1394.7752 to provide for occupational mileage to the extent that such mileage is allowed by a Board in accordance with § 1394.7754:

(1) Class B or Class C coupon books for use with passenger automobiles;

(2) Class D coupon books marked "Official" or "Fleet" for use with motorcycles;

(3) Bulk coupons issued pursuant to paragraph (b) of § 1394.8006.

(b) When issued as an official or fleet ration, Class B books shall contain sixteen (16) coupons and Class C and D books shall contain the number of coupons specified in the tables set forth in § 1394.7755, necessary to provide the mileage allowed by the Board. Coupons contained in such books shall authorize the transfer of gasoline to consumers only during the valid period of such books noted thereon by the Board. Class B rations and books shall be valid only during the period ascertained pursuant to § 1394.7755. Class C and official or fleet Class D rations and books shall be valid during a period of three months commencing on the date of issuance or November 22, 1942, whichever is later.

§ 1394.7752 *Persons entitled to official and fleet rations.* (a) Subject to the provisions of paragraph (b) hereof, the owner or the person entitled to the use of an official motor vehicle may obtain an "official" ration and the owner or the person entitled to the use of a registered passenger automobile or a registered motorcycle (other than an official motor vehicle) which is a part of a fleet may obtain a "fleet" ration, providing for occupational mileage to the extent that such mileage is allowed by a Board in accordance with § 1394.7754.

(b) Such official or fleet ration shall not be issued and may not be obtained for use with a passenger automobile or motorcycle which is held by a motor vehicle dealer for sale or resale.

§ 1394.7753 *Application for official and fleet rations.* Application for official and fleet rations shall be made to a Board on or after November 9, 1942, on Form OPA R–551. An application may cover one or more vehicles and may be signed by an agent. An applicant shall establish the average monthly occupational mileage within the continental United States required for each vehicle covered in the application or required for each of a group of vehicles used interchangeably for carrying on the same or a related occupation or occupations during the three-month period beginning with the date on which the ration is required. Each application for an official or fleet ration shall contain a certification by the owner or by a responsible representative of the owner as to (a) the serial numbers of the tires mounted on each vehicle for which application is made, and (b) except in the case of an application for an official ration, the number and serial number of passenger-type tires (excluding motorcycle tires but including scrap tires) owned by the registered owner of the vehicles in excess of those mounted (including one spare per motor vehicle) on motor vehicles or equipment other than tires reported on OPA Form R–17 or R–17 Revised or reported by a manufacturer to the War Production Board.

§ 1394.7754 *Allowance of mileage.* (a) No occupational mileage shall be allowed by a Board unless the applicant establishes in connection with such mileage, either:

(1) That transportation is needed for such occupational purposes, and that no alternative means of transportation are available which would be reasonably adequate within the meaning of § 1394.7704; or

(2) That a bona fide ride-sharing arrangement has been made in connection with the use of the vehicle or vehicles for such purposes, pursuant to which at least four persons (including the driver) will regularly be carried in the vehicle in connection with their occupations, and that transportation is required for such purposes: *Provided,* That the names and addresses of all persons (other than the drivers of the vehicles) participating in the ride-sharing arrangement shall be set forth on separate sheets and attached to the application: *Provided further,* That a Board having jurisdiction over an area which is adequately served by subway, elevated railroad or railroad commutation service shall allow mileage claimed with respect to which a ride-sharing arrangement has been made only if the applicant also establishes that the use of such subway, elevated railroad or railroad commutation service would not be reasonably adequate for the purpose for which such mileage is claimed.

(b) Subject to the provisions of paragraph (a) of this section, the Board shall allow the total average occupational mileage per month determined by it to be required for driving within the continental United States, during the three-month period specified in § 1394.7753 and shall issue a ration in accordance with the provisions of § 1394.7755 to provide such mileage: *Provided,* That the Board may not allow an average of more than 470 miles per month for any vehicle nor an average of more than 470 miles per month per vehicle for any group of vehicles, for any occupational mileage other than preferred mileage as defined in § 1394.7706.

§ 1394.7755 *Issuance of official and fleet rations.* (a) Official and fleet rations shall be issued to provide the total mileage allowed by the Board in accordance with § 1394.7754.

(1) In the case of passenger automobiles, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 470 miles per month or less: Class B books having the valid period specified in Table III for the mileage allowed;

(ii) In the event that the mileage allowed by the Board pursuant to paragraph (b) of § 1394.7754 exceeds 470 miles per month: Class C books bearing expiration dates three months from the date of issuance or November 22, 1942, whichever is later, and containing the number of coupons specified in Table IV for the mileage allowed;

(2) In the case of motorcycles: Class D books (to be marked "fleet" if issued for use with a fleet motorcycle and "official" if issued for use with an official motorcycle) bearing expiration dates three months from the date of issuance or November 22, 1942, whichever is later, and containing the number of coupons specified in Table III, if the mileage allowed is 470 miles per month or less, or specified in Table IV, if the mileage allowed is in excess of 470 miles per month.

TABLE III [1]—DETERMINATION OF AMOUNT OF OFFICIAL OR FLEET RATION

[For vehicles with an allowed mileage of not more than 470 miles per month]

Passenger automobiles			Motorcycles	
Allowed mileage	Valid period of "B" book, in months and weeks		Allowed mileage	Number of coupons to be issued in Official or Fleet Class "D" book
	(Months)	(Weeks)		
0–80	12	------	0–20	1
81–106	9	------	21–40	2
107–137	7	------	41–60	3
138–160	6	------	61–80	4
161–174	5	2	81–100	5
175–192	5	------	101–120	6
193–213	4	2	121–140	7
214–240	4	------	141–160	8
241–256	3	3	161–180	9
257–275	3	2	181–200	10
276–295	3	1	201–220	11
296–320	3	------	221–240	12
321–349	2	3	241–260	13
350–384	2	2	261–280	14
385–426	2	1	281–300	15
427–470	2	------	301–320	16
			321–340	17
			341–360	18
			361–380	19
			381–400	20
			401–420	21
			421–440	22
			441–460	23
			461–470	24

[1] To be used only for official or fleet passenger automobiles and motorcycles and other specified passenger automobiles and motorcycles not entitled to basic rations.

TABLE IV [1]—PASSENGER AUTOMOBILES OR MOTORCYCLES

DETERMINATION OF AMOUNT OF OFFICIAL OR FLEET RATION

[For vehicles with an allowed mileage of more than 470 miles per month]

Allowed mileage	Number of coupons in Official or Fleet Class "C" or "D" book or books	Allowed mileage	Number of coupons in Official or Fleet Class "C" or "D" book or books
471–500	25	721–740	37
501–520	26	741–760	38
521–540	27	761–780	39
541–560	28	781–800	40
561–580	29	801–820	41
581–600	30	821–840	42
601–620	31	841–860	43
621–640	32	861–880	44
641–660	33	881–900	45
661–680	34	901–920	46
681–700	35	921–940	47
701–720	36	941–960	48

[1] To be used only for official or fleet passenger automobiles and motorcycles and other specified passenger automobiles and motorcycles not entitled to basic rations.

In the event allowed mileage exceeds 960 miles, one additional coupon shall be issued for each 20 miles, or fraction thereof, of allowed mileage in excess of 960 miles. Additional books may be issued if necessary to provide additional coupons.

(b) The Board shall remove and cancel all coupons in Class C or Class D books in excess of the number to be issued hereunder. If the applicant has requested that bulk coupons be issued to him, the Board shall issue such bulk coupons in lieu of coupons in books, in accordance with the procedure set forth in paragraphs (a) and (b) of § 1394.8006.

(c) For the purposes of paragraph (a) of this section, a passenger automobile is conclusively presumed to operate 15 miles, and a motorcycle 40 miles, per gallon of gasoline.

(d) No fleet ration shall be issued by a Board unless the registered owner of the vehicle or vehicles for which such ration is required or his responsible agent, has certified in the application that no passenger-type tires (excluding motorcycle tires but including scrap tires) are owned by the registered owner of the vehicle other than tires reported on OPA Form R–17 or R–17 Revised or reported by a manufacturer to the War Production Board or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment. No person shall be entitled to a fleet ration if, at the time of issuance, the registered owner of the vehicles for which the ration is sought owns passenger-type tires (excluding motorcycle tires but including scrap tires) other than tires reported on OPA Form R-17 or R-17 Revised or reported by a manufacturer to the War Production Board or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

§ 1394.7756 *Interchangeable official or fleet ration books.* An applicant for an official or a fleet ration may request the Board to note on the ration books issued, the name or other identification of the official vehicles or the fleet, in lieu of the registration number of a particular vehicle. The Board may grant such request with respect to any official or fleet vehicles which are used interchangeably and which bear a clearly discernible official or fleet name, identification or designation. Any book on which such an identification is noted may be used, interchangeably, for all official or fleet vehicles bearing such identification.

§1394.7757 *Issuance of rations for use with vehicles operated on dealer plates.* (a) Notwithstanding any other provision of Ration Order No. 5C a ration may be issued by a Board to provide solely for the occupational mileage (other than for demonstration purposes) to be driven in an unregistered passenger automobile or motorcycle regularly operated on dealer or other interchangeable license plates if the operation of such vehicle on such plates is permissible under the law of the state issuing the plates.

(b) Such ration shall be issued in the same manner as fleet ration under the conditions provided in §§ 1394.7754 and 1394.7755 (a), (b), (c) and (d) and application for such ration shall be made to a Board on Form OPA R–551: *Provided,* That the certification therein contained as to ownership of tires by the registered owner of the vehicle shall be revised to constitute a certification as to tires owned by the owner of the vehicle. The applicant shall annex to the application a written statement showing the Federal Use Tax Stamp number and the engine number of such vehicle.

(c) If the Board finds the facts stated on the application to be true, it shall determine the allowed mileage for such vehicle in accordance with the provisions of § 1394.7754, and shall issue a ration in accordance with § 1394.7755 (a), (b) and (c). The Board issuing the ration book shall, at the time of issuance, make a clear notation of the Use Tax Stamp number on the cover of such book and, in the space provided for the license number, shall insert the engine number of such vehicle and the words "dealer plates." The Board shall note on the cover of the book the name and address of the person to whom the book is issued and shall note on the book and on the application the date on which the book becomes valid and the date on which it expires.

Transport Rations

§ 1394.7801 *Transport rations.* (a) Subject to the provisions of § 1394.7802, transport rations shall be issued by a Board to permit the acquisition of gasoline required for the propulsion of registered and unregistered commercial motor vehicles and motor vehicles owned or leased by the military or naval forces of the United States or State military forces organized pursuant to section 61 of the National Defense Act, as amended. Except as otherwise provided in §§ 1394.7802 and 1394.7805, transport rations shall be issued for use during fixed calendar quarterly periods of three months, the first of which shall commence on January 1, 1943.

§ 1394.7802 *Persons entitled to transport rations.* Subject to the provisions of § 1394.7805, the owner or the person entitled to the use of a commercial motor vehicle for which a Certificate of War Necessity has been issued may obtain a transport ration authorizing the acquisition of the maximum number of gallons of gasoline allowed for the operation of such vehicle for the quarterly period during which the ration is to be used, as set forth in such certificate. The owner or the person entitled to the use of a motor vehicle but which is owned or leased by the military or naval forces of the United States or the State military forces organized pursuant to section 61 of the National Defense Act, as amended, may obtain a transport ration authorizing the acquisition of the number of gallons of gasoline required for the operation of such vehicle during the quarterly period for which the ration is to be used.

§ 1394.7803 *Transport ration books.* (a) Class T–1 and Class T–2 coupon books and, in the case of motorcycles owned or leased by the armed forces, Class D books marked "Transport" shall be issued as transport rations. Coupons in Class T–1 and T–2 books shall each have a value of one unit.

(b) Coupons contained in a transport ration book shall authorize the transfer of gasoline to a consumer only during the period noted thereon by the Board.

§ 1394.7804 *Application for transport rations.* (a) Application for a transport ration may be made to a Board, on and after November 9, 1942, on Form OPA R–536. Application may be made by the owner or person entitled to the use of the vehicle, or by the authorized agent of either of them. A single application may be used for each fleet of vehicles or each group of fleet vehicles for which the applicant seeks a transport ration. A separate application must be used for each vehicle which is not a part of a fleet.

(b) In the event application is made for a transport ration for use with a commercial motor vehicle for which a Certificate of War Necessity has been issued, the application shall be accompanied by the single unit certificate issued for the vehicle or, in the case of a fleet of commercial vehicles, by the fleet certificate issued for such fleet. If the applicant requires, during the period, less than the maximum number of gallons of gasoline allowed by such certificate for the vehicles covered by the application, the applicant shall state the amount of gasoline required by him.

(c) In the event application is made for a transport ration for use with a motor vehicle owned or leased by the military or naval forces of the United States or State military forces organized pursuant to section 61 of the National Defense Act, as amended, the application shall state the number of gallons of gasoline required during the quarterly period for which the ration is sought for all operations of the vehicle, or in the case of a fleet, for all of the vehicles for which a ration is sought: *Provided,* That in the case of a ration for use prior to January 1, 1943 the application shall state the number of gallons of gasoline required for all operations of the vehicle, or in the case of a fleet, for all of the vehicles for which a ration is sought, during the period between the date on which the ration is required or November 22, 1942, whichever is later, and April 1, 1943.

§ 1394.7805 *Issuance of transport rations.* (a) Except as provided in paragraph (c) of this section, no transport ration shall be issued unless the applicant has presented to the Board, at the time of application, a currently valid single unit certificate or, in the case of a fleet, a fleet certificate issued for the fleet for which a ration is sought. Except as provided in § 1394.7806, no transport ration may be issued which will allow the applicant to acquire gasoline in excess of the maximum allowed by such certificate for the quarterly period for which the ration is sought and no transport ration shall be issued more than thirty (30) days prior to the beginning of the quarterly period during which it is to be used: *Provided,* That transport rations issued for use prior to January 1, 1943, shall not allow an amount of gasoline (other than gasoline allowed pursuant to § 1394.7806) in excess of the maximum number of gallons of gasoline allowed by the certificate for the remaining portion of the year 1942 and the first quarter of 1943.

(b) The Board shall examine the single unit certificate or the fleet certificate submitted and shall insert at the appropriate place provided in the application the maximum number of gallons of gasoline allowed by such certificate for the period for which the ration is sought. The Board shall allow the maximum number of gallons of gasoline set forth in the certificate for the period or periods for which the ration is sought, or the quantity of gasoline required by the applicant during such period as stated in the application, whichever is less. The Board shall issue Class T–1 or T–2 books or bulk coupons in sufficient number to provide the number of gallons of gasoline allowed by it.

(c) In the event application is made for a ration for use with a motor vehicle which is owned or leased by the military or naval forces of the United States or State military forces organized pursuant to section 61 of the National Defense Act, as amended, the Board shall not require the presentation of a Certificate of War Necessity and shall issue Class T–1 or T–2 books or, in the case of motorcycles, D books marked "Transport" containing coupons in sufficient number to provide the number of gallons of gasoline requested for the fixed quarterly period during which the ration is to be used, or, in the case of a ration to be used prior to January 1, 1943, the Board shall issue books containing coupons in sufficient number to provide the number of gallons of gasoline requested for the operation of the vehicle during the period between the date on which the ration is required or November 22, 1942, whichever is later, and April 1, 1943.

(d) The Board shall, when issuing Class T–1, T–2 or D books as transport rations, remove and cancel all coupons in excess of the number required to supply the gallonage allowed. The Board shall note on the face of the books the date of issuance or November 22, 1942, whichever is later, and the date of expiration of such books. At the time of issuance of any transport ration for use with a vehicle for which a Certificate of War Necessity is required to be presented, the Board shall note on the face of the single unit certificate the Board number, the period for which the ration is issued, the serial number of the ration book or books and the initials of the person issuing such books. In the case of a fleet certificate the Board shall note on the reverse side thereof the same information and shall also note the total gallonage for which coupons are issued, and the name or number and address of the issuing Board. If the applicant has requested that bulk coupons be issued to him, and if the applicant meets the requirements of paragraph (a) of § 1394.8006, the Board shall issue bulk coupons to the extent of the gallonage allowed by it for which bulk coupons are requested.

(e) No transport ration issued for a vehicle for the operation of which a Certificate of War Necessity is required may be used with any vehicle which does not comply with the orders of the Office of Defense Transportation, nor with any vehicles on which the tires have not been inspected and approved in accordance with any applicable rule, regulation, or order of the Office of Defense Transportation, or of the Office of Price Administration.

§ 1394.7806 *Transport ration for equipment mounted on commercial motor vehicles.* Notwithstanding any other provisions of Ration Order No. 5C, the applicant for a ration for use with a commercial motor vehicle upon which is mounted and permanently attached machinery or equipment which is operated by gasoline supplied from a fuel tank other than the fuel supply tank of the motor vehicle may set forth in his application for a transport ration for such vehicle the amount of gasoline needed for the operation of such machinery or equipment during the period for which the transport ration is sought. The Board shall ascertain and allow the amount of gasoline needed for such purpose during such period and shall include in the transport ration issued for such vehicle a sufficient number of coupons to provide gasoline to operate such machinery or equipment during such period.

§ 1394.7807 *Interchangeable transport ration books.* An applicant for a transport ration for use with fleet vehicles may request the Board to note, on the ration books issued, a clearly discernible name or other identification of the fleet or, if the vehicles bear no clearly discernible name or identification, the serial number of the fleet certificate issued for such vehicles, in lieu of the registration number of a particular vehicle. The Board may grant such a request with respect to any vehicles in the fleet which are used interchangeably and which bear a clearly discernible fleet name, identification or designation or, in the absence of such designation, with respect to any vehicles for which a fleet certificate has been issued. Any book on which a fleet identification or fleet certificate number is noted may be used interchangeably for all vehicles in the fleet bearing such identification or covered by such fleet certificate.

§ 1394.7808 *Temporary transport rations.* (a) Any person requiring gasoline for the operation of a commercial motor vehicle who has made application for a Certificate of War Necessity but who has received no notice of any action thereon may apply between November 15, 1942, and December 31, 1942, inclusive, for a temporary transport ration pursuant to the provisions of paragraph (b) of this section, and no Certificate of War Necessity shall be required to be presented in connection therewith.

(b) An application for a temporary transport ration may be made, in duplicate, to any Board during the period from November 15, 1942, to December 31, 1942, inclusive. Such application shall be made on Form OPA R-536, and may be made by an agent. The applicant shall state the mileage and gallonage required for the operation of such motor vehicle from the date the ration is required to December 31, 1942, inclusive, and shall specify the address of the Local Allocation Office of the Office of Defense Transportation with which the application for a Certificate of War Necessity has been filed, the date on which such application was filed, and the address of the Board with which his application pursuant to § 1394.7804 is to be filed. The applicant shall also state that no ration pursuant to § 1394.7805 has been issued, and that he has received no notice of any action on his application for a Certificate of War Necessity for the vehicle or vehicles for which a ration is sought. The word "temporary" shall be clearly noted on the application.

(c) The Board shall determine the number of gallons of gasoline required during such period for the operation of such motor vehicle. The Board shall then issue "T-1" or "T-2" books containing coupons in sufficient number to provide the gallonage needed. Such books shall expire at 12:01 A. M. on January 1, 1943.

(d) In the event that the Board issuing the temporary ration is not the Board with which the application for a transport ration pursuant to § 1394.7804 is to be filed, it shall return to the applicant the duplicate of such temporary application with its notations endorsed thereon. The applicant shall forthwith forward such duplicate to the Board with which the application pursuant to § 1394.7804 is to be filed. The original of such temporary application shall be transmitted to such Board by the issuing Board.

(e) No transport ration may be issued under § 1394.7805, for use prior to January 1, 1943, to any person obtaining a ration pursuant to this section: *Provided*, That if the Certificate of War Necessity for the vehicle for which such ration was issued allows gallonage for the period ending December 31, 1942, greater than the quantity allowed by the temporary transport ration issued for such period, a further transport ration may be issued representing such difference.

SPECIAL RATIONS

§ 1394.7851 *Application for special ration.* (a) The owner or person entitled to the use of a motor vehicle, or of a boat or outboard motor who finds that transportation in such vehicle, or boat, is necessary for one or more of the purposes specified in paragraph (b) of this section, and who finds that a ration issued for such vehicle or boat is not sufficient to permit its necessary use for such purpose, may apply to a Board for a special ration. Application for a special ration on behalf of an individual may not be signed by an agent. A special ration may be issued for any period up to six months from the date of application.

(b) Special rations shall be issued in order to permit the acquisition of gasoline for one or more of the following purposes:

(1) For use with a passenger automobile, motorcycle, or motorboat:

(i) To obtain necessary medical attention or therapeutic treatment or to procure necessary food or supplies;

(ii) To move such a vehicle or boat in connection with a bona fide change of the regular place of residence of the person entitled to the use thereof; or to return such a vehicle or boat to the regular place of residence of the person entitled to the use thereof on November 22, 1942 if such vehicle or boat has been continuously away from such place of residence since that date: *Provided*, That if such place of residence and such vehicle or boat were, on November 22, 1942, within the limitation area, no such ration shall be issued unless such vehicle or boat has been continuously away from the regular place of residence of the person entitled to the use thereof since August 22, 1942;

(iii) To move such vehicle or boat to a place of storage upon repossession or upon seizure by a Government authority;

(iv) To deliver such vehicle or boat after bona fide sale thereof or pursuant to a bona fide lease of more than ninety (90) days;

(v) To move such vehicle or boat from a sales establishment or place of storage to another sales establishment or place of storage: *Provided*, That no ration in excess of five (5) gallons per month per vehicle or boat shall be granted for such purpose.

(2) For use with a passenger automobile or motorcycle:

(i) To operate such vehicle in the course of manufacture or assembly for the purpose of testing such vehicle or moving it within or between plants engaged in its manufacture or assembly;

(ii) To transport the personnel and equipment of a scientific expedition organized or sponsored by a recognized scientific or educational institution or organization, if the Board finds that such expedition is in the public interest;

(iii) To carry persons to and from the polls for the purpose of voting in public elections (including primary elections); or to act as duly appointed election officials or poll watchers; or by a bona fide candidate for public office for purposes

essential to the prosecution of his candidacy;

(iv) To operate such vehicle for the purpose of bona fide tests or experiments contributing to the war effort, which require the use of such vehicle therein.

(3) To operate a motor vehicle or motorboat held by a motor vehicle or boat dealer for sale or resale, for the purpose of demonstrating such vehicle or boat to prospective purchasers: *Provided*, That no ration in excess of five (5) gallons per month per vehicle or boat shall be granted for purposes of demonstration.

(c) Application shall be made on Form OPA R-552 and the application shall state, in addition to such other information as may be required;

(1) The purpose for which a special ration is sought and the period (not exceeding six months) during which such ration will be needed;

(2) The type and number of ration books already issued for the vehicle, boat, or outboard motor, for which the application is made;

(3) The facts supporting the claim that transportation is necessary for the purpose;

(4) If application is made pursuant to paragraph (b) (1) (i) or (iv) or paragraph (b) (2) (ii) or (iii) of this section, the alternative means of transportation which are available and the reasons, if any, why such alternative means are not reasonably adequate for the purpose.

(5) The number of miles of driving, or, in the case of a boat or outboard motor, the amount of gasoline, claimed to be essential to the accomplishment of the purpose or purposes stated during the period for which the special ration is needed.

§ 1394.7852 *Form and issuance of special rations.* (a) The Board may grant a special ration only if it finds:

(1) That such special ration is needed by the applicant for the purpose claimed;

(2) That a ration (if any) previously issued for such vehicle, boat or outboard motor is not reasonably adequate or cannot be used for such purpose;

(3) That transportation is necessary to the accomplishment of such purpose; and

(4) That no reasonably adequate alternative means of transportation are available, if proof thereof is required by paragraph (c) of § 1394.7851.

(b) If the Board grants the application, it shall determine the quantity of gasoline which is essential to the applicant for accomplishment of the purpose or purposes stated from the date of its decision to the end of the period (not exceeding six months) for which such ration is sought, and shall issue to the applicant a coupon book or books of any appropriate class, except Class A books, containing coupons in sufficient number to allow to the applicant the quantity of gasoline determined by it to be essential on the basis of the current gallonage value of a unit in such book. It shall mark "special" any book which it so issues. It shall remove from the book and cancel any coupons in excess of the number representing the gallonage which it determines should be granted in accordance with the provisions of this paragraph.

(c) No special ration may be issued for the operation of a vehicle if such operation violates any order of the Office of Defense Transportation.

NON-HIGHWAY RATIONS

§ 1394.7901 *Persons entitled to non-highway rations.* Any person who requires gasoline for a non-highway purpose may obtain a non-highway ration authorizing the acquisition of the amount of gasoline required for such purpose, except as provided in paragraphs (b) and (c) of § 1394.7904. Non-highway rations shall be issued for three-month periods.

§ 1394.7902 *Non-highway ration books.* (a) Class E and Class R coupon books shall be issued as non-highway rations. Coupons in Class E and Class R books shall each have a value of one unit, and shall be valid for the transfer of gasoline to a non-highway consumer during the three-month period noted on such books by the Board.

(b) Each non-highway ration book issued for use with a motorboat for non-occupational purposes in the limitation area or in the States specified in paragraph (b) of § 1394.7904 shall be so designated on the inside cover.

§ 1394.7903 *Application for non-highway ration.* (a) Application for a non-highway ration may be made to a Board on or after November 9, 1942, on Form OPA R-537. Application may be signed by an agent.

(b) The applicant shall state the amount of gasoline needed for non-highway use during the three-month period following the date on which such ration is required, and the non-highway purpose or purposes for which such gasoline is needed.

§ 1394.7904 *Issuance of non-highway rations.* (a) The Board shall determine the amount of gasoline required for the three-month period referred to in paragraph (b) of § 1394.7903, and, subject to the provisions of paragraphs (b) and (c) of this section, shall issue to the applicant one or more Class E or Class R books, or any combination of them, containing a sufficient number of coupons to enable the applicant to acquire the amount of gasoline so determined to be necessary for such period. The Board shall remove from the book and cancel any coupons in excess of the number allotted.

(b) If application is made for a non-highway ration for use with an inboard motorboat or outboard motor operated wholly or in part for a non-occupational purpose within the limitation area or within any of the states of Georgia, North Carolina, Virginia, West Virginia, Maryland, Pennsylvania, New York, Ohio, Kentucky, Indiana, Michigan, Illinois, Wisconsin, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska or Kansas, the Board shall not allow for the non-occupational purpose an amount of gasoline in excess of the number of gallons determined by the following formulae:

(1) In the case of an inboard motorboat, the number of gallons equal to two times the manufacturer's rated horsepower of the motor or motors, but in any event not more than one hundred and twenty-five (125) gallons;

(2) In the case of an outboard motor, the number of gallons equal to two and one-half times the manufacturer's rated horsepower of such motor, but not in excess of twenty (20) gallons.

The Board shall, in such case, issue a separate book for such non-occupational purpose, containing coupons in sufficient number to allow the quantity of gasoline so determined, and shall note on such book that it is issued for a non-occupational purpose. For purposes of this paragraph non-occupational uses shall include use of a motor boat or outboard motor for sightseeing, guiding pleasure parties or conducting fishing parties other than to procure fish for sale or processing.

(c) If application is made for a non-highway ration for the operation of a gasoline engine (other than an outboard motor or an engine used to operate an airplane or inboard motorboat) the Board shall not allow more than one-tenth of one gallon of gasoline for each horsepower hour of operation set forth in the application.

(d) Except as provided in paragraph (a) of § 1394.8103, no more than one non-occupational ration may be issued for an inboard motorboat or an outboard motor during any three-month period.

(e) Each applicant for a non-highway ration who acquires such gasoline for consumption free from state motor fuel taxes, or who applies for refunds of such taxes paid with respect to gasoline used for non-highway purposes, shall execute the application for non-highway rations in duplicate. The Board shall transmit the duplicate copy of such application, with a record of its action thereon, through the State Director to the State Motor Fuel Tax Administration of the State in which the gasoline is to be procured. If after examination by the Tax Administrator of such application, unexplained discrepancies are noted between the amount of gasoline issued as a non-highway ration and the amount of gasoline as to which tax exemption is permitted or refunds of taxes made, such discrepancies shall be reported to the State Director of the Office of Price Administration for appropriate action.

ISSUANCE OF COUPON BOOKS AND ACKNOWLEDGMENTS OF DELIVERY BY THE OFFICE OF PRICE ADMINISTRATION, WASHINGTON, D. C.

§ 1394.7951 *Issuance of ration books by the Office of Price Administration.* (a) Coupon books of all types designated in Ration Order No. 5C may be issued by the Office of Price Administration, Washington, D. C., in its discretion, to the Army, Navy, Marine Corps, Coast Guard and the law-enforcement agencies of the United States, solely for the use of such agencies and for distribution to and use by their officers, agents or employees in the performance of official duties which depend upon secrecy.

(b) Any agency enumerated in paragraph (a) of this section which requires coupon books for use by such officers, agents or employees, shall make written application therefor to the Office of Price Administration, Washington, D. C., and shall state the number and type of books required, and the use for which such books are intended.

(c) If it grants the application, the Office of Price Administration, Washington, D. C., will issue such books in blank.

§ 1394.7952 *Acknowledgments of delivery.* (a) Forms OPA R–544 and OPA R–544 Revised, for acknowledgment of delivery, to be used for the acquisition of gasoline by or on behalf of the Army, Navy, Marine Corps, Coast Guard, Maritime Commission and War Shipping Administration of the United States, will be issued by the Washington Office to the Washington headquarters of such agencies. Any such form bearing the signature of an authorized officer, agent or employee of any such agencies shall be valid as an authorization of transfer of gasoline by any person to whom it is presented, to the extent of the gallonage thereon stated.

(b) In the event that an acknowledgment of delivery form should not be available, gasoline may be transferred into the fuel tank of a motor vehicle clearly identifiable as owned by or leased to one of such agencies, in exchange for an emergency acknowldgment on an official letterhead of the agency on whose behalf the gasoline is acquired, or on any other form if such a letterhead is unavailable, if such emergency acknowledgment supplies the information required by Form OPA R–544 Revised and is signed by an authorized officer, agent, or employee of such agency; such emergency acknowledgment shall show the address of the activity of the agency on whose behalf such emergency acknowledgment was issued. Such emergency acknowledgment may be used as an evidence for the purpose of replenishment by the transferor.

(c) Any Board by which such acknowledgments are received shall submit them within thirty (30) days to the activity of the agency named thereon, for verification. In the event any acknowledgment or emergency acknowledgment is found by such agency to have been used improperly, or by an unauthorized person, the agency will immediately notify the Board from which it was received, and such Board shall notify the State Director or District Manager of such facts for appropriate action.

(d) An acknowledgment or other evidence shall be transmitted in exchange for all gasoline received directly by one of the agencies authorized to use such acknowledgment, even though part of such gasoline may be intended for transfer to, or may be transferred to, a facility such as a Post Exchange or Ships' Service Store for transfer to consumers for non-official use.

General Provisions With Respect to Issuance of Rations and Tire Inspection Records

§ 1394.8001 *Appearance before Boards.* The Board may require any applicant for a ration to appear before it for examination and to produce such witnesses or evidence as it may deem material.

§ 1394.8002 *Presentation of registration card.* (a) Except as provided in paragraph (b) of this section, no gasoline ration (other than a transport, official, fleet or non-highway ration or a ration issued pursuant to § 1394.7757 or pursuant to subparagraphs (1) (iii) (iv) (v), (2) (i) (iv) and (3) of paragraph (b) of § 1394.7851) shall be issued for any motor vehicle unless a registration card or registration certificate authorizing the operation of such vehicle during all or part of the period for which such ration is to be issued, is presented to the registrar or the Board, as the case may be.

(b) If no currently valid registration card or registration certificate has been issued or is outstanding for such motor vehicle, or if such card or certificate has been lost, stolen or destroyed, and such motor vehicle is currently registered for operation on public highways under the law of the Federal government or of any State, territorial or foreign government, the applicant may sign and submit a certification, on such form as may be designated by the Office of Price Administration, stating the reasons why no registration card or registration certificate is outstanding. If the Board (or the registrar) is satisfied that such motor vehicle is currently registered but that no registration card or registration certificate therefor has been issued or is outstanding, it may issue a gasoline ration for such vehicle. Such certification shall be filed with the application for such ration.

§ 1394.8003 *Notation on registration cards.* At the time of issuing a gasoline ration in connection with which the presentation of a registration card is required pursuant to paragraph (a) of § 1394.8002, the person issuing such ration shall make a clear notation in ink, indelible pencil, or by typewriter, on the back of the motor vehicle registration card or registration certificate presented by the applicant, showing the date of issuance, the class of ration and the serial number of the ration book (if any) issued. If a ration has been issued on the basis of a temporary registration card or registration certificate, the applicant shall submit the permanent card or certificate, when issued, to a Board, for such notation. If a ration is issued without presentation of a registration card or registration certificate pursuant to the provisions of paragraph (b) of § 1394.8002, no notation will be made at the time of issuance of the ration but the applicant shall submit such card, within five (5) days of issuance of such card or certificate, to a Board for such notation.

§ 1394.8004 *Notation on ration books, applications and coupons.* (a) At the time of issuance of any ration book for a registered or commercial motor vehicle, the person issuing such book shall, unless an official or a fleet identification is used, make a clear notation on the cover thereof, in ink, indelible pencil or by typewriter, of the registration number, if any, of the vehicle for which it is issued, and the name and address of the owner of such vehicle. The Board shall make a notation on the cover of such book (other than a basic book) and on the application therefor, of the date on which it becomes valid and of its expiration date.

(b) At the time of issuance of a non-highway ration book, the Board shall make a clear notation on such book in ink, indelible pencil or by typewriter, of the name and address of the applicant and of the period during which such book shall be valid. Such period shall also be noted on the application.

(c) The person to whom a ration book is issued for use with a motor vehicle (other than an interchangeable book issued for an official or a fleet vehicle) shall note on the face of such book in the space provided therefor the serial number of the Use Tax Stamp, if any, issued for such vehicle.

(d) Each person to whom a ration book has heretofore been or is hereafter issued shall clearly write in ink (or in the case of interchangeable coupon books issued for official or fleet vehicles, shall clearly write in ink or stamp in ink) on the reverse side of each coupon issued to him, before accepting a transfer of gasoline in exchange for such coupon, the following information:

(1) In the case of A, B, C, D, T–1 or T–2 books; license number and state of registration of the vehicle for which such ration was issued, except that in the case of interchangeable coupon books issued for official or fleet vehicles the information shall be the official or fleet designation (or the Certificate of War Necessity number in the case of commercial vehicles not bearing fleet designations) and the state and city or town in which the principal office of the fleet operator is located.

(2) In the case of E and R books or bulk coupons; his name and address as they appear on the front cover of the ration book.

(e) Each person to whom bulk coupons have heretofore been or are hereafter issued shall clearly write his name and address in ink on the reverse side of each coupon issued to him, before accepting a transfer of gasoline in exchange for such coupon.

§ 1394.8005 *Change in motor vehicle registration number.* (a) The holder of a ration book or tire inspection record issued for a registered motor vehicle (other than a ration book bearing an official or a fleet identification) shall, upon any change in the registration number of such vehicle, submit such ration book and record either to an appropriate State motor vehicle registration official or to a Board for the purpose of having the notation thereon changed to correspond to the new registration number. The book or record shall be submitted to such official at the time of issuance of the new registration number, or to such Board within five (5) days thereafter; if such submission is made to a Board, the registration card or registration certificate (or in lieu thereof, an appropriate certification in such form as may be designated by the Office of Price Administration) evidencing the

new registration number shall be presented with the book or record. A State official to whom such book or record is presented may, and a Board to which such book or record is presented shall, obliterate the registration number appearing thereon and note thereon, in ink, indelible pencil or by typewriter, the new registration number issued for such vehicle. Notation on such new registration card shall also be made, as prescribed in § 1394.8003. Such notation shall be countersigned or initialed by the person making the change.

(b) The holder of any book bearing an official or fleet identification shall upon any change in the name, identification or designation of such official or fleet vehicles, submit such book to the Board which issued it for appropriate modification. Upon ascertaining the new name, identification or designation of such official or fleet vehicles, the Board shall change the designation on such book to correspond thereto.

(c) Nothing in this section shall be construed to authorize the continued use of a ration book after a change in ownership of the vehicle for which it was issued.

§ 1394.8006 *Authorization of bulk purchase.* (a) Any person who establishes to the satisfaction of a Board that he maintains a storage tank for supplying gasoline to one or more motor vehicles operated by him or for non-highway use, and that he has maintained such tank for such purposes prior to July 1, 1942, or that it has since become necessary to maintain a storage tank or to acquire gasoline in a tank, tank truck, drum, or other container for supplying gasoline to such vehicles or for such use, may, when applying for a ration, request the Board to issue such ration in the form of bulk coupons, or partly in bulk coupons and partly in coupon books. Such person may also request the Board to make a notation on any coupon books issued to him indicating that coupons in such books may be used for a bulk transfer of gasoline.

(b) If applicant establishes the facts required by paragraph (a) hereof, the Board shall issue bulk coupons to the extent of the gallonage allowed by it for which bulk coupons are requested: *Provided,* That, with respect to applications for supplemental rations, or for official or fleet rations for passenger automobiles or motorcycles, as provided in §§ 1394.7705 or 1394.7755, the Board shall first determine the type, number and expiration date of the coupon books to which the applicant is entitled; it shall then issue bulk coupons, to the extent requested by the applicant, having a gallonage value equal to the value in units of the coupons in the coupon books to which the applicant is entitled and in lieu of which such bulk coupons are issued; such bulk coupons shall expire on, and may not be used for the transfer of gasoline to a consumer after, the date on which such coupon books would expire: *Provided further,* That bulk coupons shall not be issued unless the applicant establishes the necessity for acquiring two hundred and fifty (250) gallons or more per month by bulk transfer.

§ 1394.8007 *Lost or destroyed coupons or coupon books.* (a) In the event of theft, accidental loss, destruction or mutilation of any coupon book or bulk coupons, the holder thereof may apply to the Board having jurisdiction under § 1394.7602, for replacement thereof.

(b) Such application shall be made in writing, under oath or affirmation, and shall set forth:

(1) The name and address of the applicant;

(2) The class, date and place of issuance and expiration date of such book or coupons;

(3) A description of the motor vehicle, boat, equipment or process for which the book or coupons were issued;

(4) A statement of the number and type of unused coupons so lost, destroyed or mutilated;

(5) A description of the manner and circumstances of the theft, loss, destruction or mutilation.

(c) If the Board is satisfied that such book or coupons have been stolen, lost or destroyed, or so damaged or mutilated as to be rendered unfit for use, it may, in its discretion, issue a duplicate book or duplicate bulk coupons of the same class and in the same quantity as those sought to be replaced; it shall clearly note on the cover of any duplicate book issued the same expiration date, if any, that appeared on the original book.

(d) No person receiving a duplicate book or coupons under paragraph (c) hereof shall use, attempt to use, or permit the use of the original book or coupons, but shall surrender such original book or coupons, if damaged or mutilated, to the Board at the time of issuance of the duplicate book; in the event that a stolen book or stolen coupons are recovered, or a lost book or lost coupons are found after duplicates have been issued, such original book or coupons shall be surrendered to the Board forthwith.

§ 1394.8008 *Disposition of lost coupon books.* (a) Any person who finds a gasoline coupon book, coupon or other evidence shall, within five (5) days, surrender such coupon book, coupon or other evidence to a Board.

(b) The Board to which a coupon book, coupon or other evidence is surrendered pursuant to paragraph (a) of this section shall forward such coupon book, coupon or other evidence through the State Director to the Board having jurisdiction over the issuance thereof. The Board having jurisdiction shall return such coupon book, coupon or other evidence to the person to whom it was originally issued, or, if a duplicate thereof has already been issued, shall destroy such coupon book, coupon or other evidence.

§ 1394.8009 *Issuance of tire inspection records.* (a) Upon the issuance of any basic, official or fleet ration (or a ration issued pursuant to the provisions of § 1394.7757) during the period between November 9, 1942 and December 12, 1942, inclusive, the Board or registrar, as the case may be, shall issue one tire inspection record on Part B of Form OPA R–534 for each vehicle for which a ration is issued unless a tire inspection record has previously been issued for such vehicle.

(b) During the period between November 9, 1942, and December 12, 1942, inclusive, the registered owner (or an agent of the registered owner, as provided in § 1394.7653) of a motor vehicle for which a basic ration has been issued pursuant to Ration Order No. 5A may apply on Form OPA R–534 for a tire inspection record. The applicant shall set forth the serial numbers of the tires mounted (including one spare per motor vehicle) on the vehicle for which the tire inspection record is sought. The Board shall issue one tire inspection record for each vehicle for which a basic ration has been issued pursuant to Ration Order No. 5A: *Provided,* That no such record shall be issued unless the registered owner or, under the conditions permited by paragraph (b) of § 1394.7653, an agent of the registered owner, certifies as required by the application that no passenger-type tires (excluding motorcycle tires but including scrap tires) are owned by the registered owner of the vehicle or by any person living in the household of the registered owner and related to him by blood, marriage or adoption, other than tires reported on Form OPA R–17 or R–17 Revised or reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

(c) During the period between November 9, 1942, and December 12, 1942, inclusive, the registered owner or a responsible representative of the registered owner of a fleet vehicle for which a fleet ration has been issued pursuant to Ration Order No. 5A, or a person to whom a ration has been issued pursuant to § 1394.1309 of Ration Order No. 5A, may make application on Form OPA R–551 for a tire inspection record. The applicant shall set forth the number of vehicles for which such rations are outstanding, the number and serial numbers of the tires mounted (including one spare per motor vehicle) on each such vehicle, and shall execute the certificate with respect to tires owned by the registered owner of the vehicles for which such fleet rations have been issued (or, in the case of a ration issued pursuant to § 1394.1309 of Ration Order No. 5A with respect to tires owned by the owner of the vehicle). The Board shall issue one tire inspection record for each such vehicle as to which there is outstanding a currently valid ration pursuant to Ration Order No. 5A: *Provided,* That no tire inspection record shall be issued pursuant to the provisions of this paragraph unless the registered owner or a responsible representative of the registered owner (or, in the case of a ration issued pursuant to § 1394.1309 of Ration Order No. 5A, the person to whom the ration was issued) certifies, as required by the application, that the registered owner of the vehicle or vehicles described in the application (or, in the case of a ration issued pursuant to § 1394.1309 of Ration Order No. 5A, the owner of the vehicle, owns no passenger type tires (excluding motorcycle tires but including scrap tires) other than tires reported on Form OPA R–17 or R–17 Revised, or reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

(d) After December 12, 1942, no tire inspection record shall be applied for pursuant to this section unless the applicant shows good cause why such record was not applied for on or before December 12, 1942.

§ 1394.8010 *Presentation of tire inspection records and records required to be maintained by Office of Defense Transportation.* (a) After December 12, 1942, no supplemental, official or fleet ration or ration issued pursuant to the provisions of § 1394.7757 shall be issued or renewed unless the applicant presents to the Board a tire inspection record on Part B of Form OPA R-534 for each vehicle for which a ration is sought indicating that odometer readings have been taken and that the tires on such vehicle have been inspected and approved in accordance with the requirements of Ration Order No. 1A: *Provided*, That in the event the applicant shows that the required readings, inspections or approvals could not be taken, made or obtained, because of the serious illness of the applicant or the physical condition or location of the vehicle, the Board may in its discretion issue a ration if the current inspection shows no evidence of abuse or neglect of any of the tires upon the vehicle.

(b) On and after March 1, 1943, no transport ration shall be issued for use with a motor vehicle for the operation of which a Certificate of War Necessity is required unless the applicant presents to the Board a record of inspections or a certificate as to inspections showing inspections as required by the Office of Defense Transportation.

§ 1394.8011 *Denial of rations.* (a) No person whose name has been recorded by a Board, in accordance with the provisions of § 1394.46 of Ration Order No. 5 or § 1394.1406 of Ration Order No. 5A for refusal to surrender a ration card, book, coupon or other evidences upon direction of the Board, or for failure or refusal, without good cause shown, to appear before such Board for examination, shall be entitled to obtain a ration of any type under Ration Order No. 5C, while his name remains thus recorded.

(b) Any Board which has reason to believe that any applicant for a ration has used a special ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than that for which such ration was issued, or used any other ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than one for which such ration could be obtained under Ration Order No. 5A or Ration Order No. 5C, or has violated the provisions of §§ 1394.8171, 1394.8175, or 1394.8181, may refuse to issue a ration to or renew a ration of any such applicant and may declare that he shall not be eligible to receive a ration for such period as it shall deem appropriate in the public interest. In any such case of refusal to issue or renew a ration, the Board shall serve upon such person a written statement of the grounds upon which the ration was denied, and shall state therein the effective period of such denial.

§ 1394.8012 *Earliest effective date of rations.* Notwithstanding any other provision of Ration Order No. 5C, no ration shall be issued pursuant to Ration Order No. 5C for use prior to November 22, 1942.

§ 1394.8013 *Consumer declaration of gasoline on hand.* A Board may require any applicant for a supplemental, fleet, official, transport or non-highway ration to set forth on his application the amount of gasoline held by him other than gasoline in the fuel supply tank of a motor vehicle, motorboat or equipment, and other than gasoline held by a dealer or distributor for transfer, or gasoline obtained in exchange for valid coupons or other evidences. No deduction may be made by the Board in issuing a ration on account of any such gasoline on hand.

Renewal of Rations and Issuance of Further Rations

§ 1394.8051 *Renewal of rations.* (a) Rations shall expire as provided in §§ 1394.8054 (b), 1394.8102, and 1394.8103. At any time within thirty (30) days prior to the expiration of any ration, or at any time thereafter, application for a renewal of a ration may be made. Such application shall be made in the same manner as the original application, except as provided in paragraph (b) of this section.

(b) If there have been no substantial changes since the date of the original application in the applicant's gasoline needs, or in the nature, amount, and conditions of use of the motor vehicle for which the original ration was issued, and if such original application accurately calculated the applicant's requirements, application for a renewal thereof (except in the case of a basic, special or transport ration) may be made by executing the renewal certificate on such original application. The applicant shall in such case note on such renewal certificate any changes in the nature or amount of his use since the date of the original application. An applicant may renew a transport ration by filling in the pertinent information on the face of the form for the period for which the ration is required and executing the renewal certificate: *Provided*, That if the Certificate of War Necessity, if any, effective at the time of the original ration, has been revoked or modified in any manner the applicant shall execute a new application.

(c) When renewing a ration prior to the expiration date of a current ration of the same class, the Board shall note on the application and on the front cover of the coupon book (if any) representing such renewed ration the date on which such book shall become valid. Such date shall be the day following the expiration date of the current ration.

(d) Except as provided in §§ 1394.8052 and 1394.8053, no ration of any class may be renewed for use prior to (or may be used prior to) the expiration of the current ration of the same class.

§ 1394.8052 *Issuance of further ration for use prior to expiration date of current ration.* (a) Any person who finds that, due to a change in occupation or in the location of place of business or residence, or other change in circumstances, or due to seasonal variation in the amount of occupational mileage needed, or miscalculation of needs, a ration of any class (other than a basic ration) issued to him fails to meet his requirements, may apply for a further ration of such class for use prior to the expiration date of his current ration. Such application shall be made in the same manner as the application for the current ration.

(b) The applicant shall append to the application a statement showing:

(1) That the current ration is insufficient to meet his needs for more than thirty (30) days from the date of the application;

(2) The reason or reasons why a further ration will be needed for use prior to the expiration date of the current ration.

(c) If the Board determines that, for one or more of the reasons specified in paragraph (a) of this section, more mileage is needed or, in the case of a non-highway ration, more gasoline is required, than that stated in the application on the basis of which the current ration was issued, it may grant a further ration in accordance with the provisions of paragraph (b) of § 1394.8054.

(d) No further supplemental ration under § 1394.7705, or official or fleet ration under § 1394.7755, or non-highway ration, shall be granted, pursuant to this section, which would permit the applicant to exceed the maximum mileage or gallonage to which he would be entitled under the provisions of paragraph (b) of § 1394.7704, or paragraph (b) of § 1394.7754, or § 1394.7904 as the case may be. No further transport ration shall be granted pursuant to this section which would allow a vehicle or fleet for the operation of which a Certificate of War Necessity is required more gasoline than the maximum amount authorized by the Certificate of War Necessity issued for such vehicle or fleet.

§ 1394.8053 *Special cases.* (a) Any person to whom a ration of a class specified in paragraph (b) of this section has been issued, who finds that the vehicle or vehicles for which such ration was granted cannot be operated for fifteen (15) miles (or, in the case of a motorcycle, for forty (40) miles) or more on a gallon of gasoline, may apply for a further ration for use prior to the expiration of such current ration.

(b) Such application shall be made in the same manner as the application for the current ration and may be granted only if such current ration is in one of the following categories:

(1) A supplemental ration based on an allowed mileage in excess of 470 miles per month;

(2) An official or fleet ration, issued pursuant to § 1394.7755.

(3) A transport ration other than one issued on the basis of a Certificate of War Necessity.

(c) The applicant shall append to the application a statement showing:

(1) That the current ration is insufficient to meet his needs for more than thirty (30) days from the date of the application;

(2) The nature of the use of the vehicle or vehicles for which the further ration is sought and the driving conditions under which such vehicle or vehicles are operated;

(3) The reason or reasons why a further ration is sought for use prior to the expiration of the current ration;

(4) That the vehicle or vehicles for which the application is made are in sound mechanical condition and are being operated in such manner as to secure maximum economy of gasoline.

(d) If the Board determines that the vehicle or vehicles for which application is made are being operated in such fashion as to obtain the maximum mileage per gallon of gasoline reasonably possible, it may grant a further ration in accordance with the provisions of paragraph (b) of § 1394.8054.

(e) No further supplemental ration under § 1394.7705, or official or fleet ration under § 1394.7755, shall be granted, pursuant to this section, which would permit the applicant to exceed the maximum mileage to which he would be entitled under the provisions of paragraph (b) of § 1394.7704, or paragraph (b) of § 1394.7754, as the case may be.

§ 1394.8054 *General provisions.* (a) All of the provisions of Ration Order No. 5C applicable to the issuance of an original ration shall apply to the renewal of a ration and to the issuance of a further ration pursuant to §§ 1394.8051, 1394.8052 and 1394.8053, except as otherwise expressly provided in those sections.

(b) Except as provided in paragraph (c) of this section, when granting a further ration for use prior to the original expiration date of a current ration, pursuant to the provisions of §§ 1394.8052 or 1394.8053, the Board shall redetermine the expiration date of such current ration. Such redetermination shall be based on the Board's estimate of the date on which such current ration will be exhausted. The Board shall thereupon note such redetermined expiration date on the application for such current ration and on the coupon books issued therefor. The redetermined date shall be deemed the expiration date of such current ration for all the purposes of Ration Order No. 5C. The further ration shall then be issued in accordance with the provisions of paragraph (c) of § 1394.8051.

(c) When granting a further ration as a transport ration for use prior to the expiration date of the current ration the Board shall allow subject to the provisions of paragraph (d) of § 1394.8052, the amount of gasoline required by the applicant prior to the expiration of the calendar quarterly period during which the further ration is to be used.

Expiration, Revocation and Redetermination of Rations

§ 1394.8101 *Surrender of expired coupons.* (a) No ration may be used and no coupon book shall be valid for the transfer of gasoline to a consumer after the expiration thereof.

(b) The person to whom a ration has been issued shall, within five (5) days after the expiration thereof, surrender to the issuing Board all unused coupons representing such ration.

§ 1394.8102 *Expiration of rations.* All basic rations shall expire at midnight, July 21, 1943. All transport rations shall expire at midnight of the last day of the calendar quarterly period for which they are issued except that transport rations issued for use prior to January 1, 1943, shall expire at midnight, March 31, 1943. Other rations shall expire as noted on the books or applications.

§ 1394.8103 *Expiration of rations upon cessation of use, change in ownership, revocation of Certificates of War Necessity.* (a) Upon cessation of use or change of ownership of any vehicle, boat or equipment, any ration issued for such vehicle, boat or equipment shall expire and all unused coupons and books issued therefor shall, within five (5) days after such cessation or change, be surrendered to the issuing Board, by the person to whom such ration was issued. The transferee of such vehicle, boat or equipment may apply for a ration therefor on his own behalf, in accordance with the applicable provisions of Ration Order No. 5C: *Provided*, That such transferee may not obtain a ration unless a bona fide transfer is involved.

(b) Upon cessation of use of a ration (other than a basic ration) for a purpose for which such ration may be obtained, such ration shall expire and all unused coupons and books issued therefor shall, within five (5) days after such cessation, be surrendered to the issuing Board by the person to whom such ration was issued.

(c) Upon revocation by the Office of Defense Transportation of any Certificate of War Necessity all rations issued for use with the vehicle or vehicles to which such certificate pertains shall expire.

§ 1394.8104 *Coupon books property of Office of Price Administration; Summary revocations.* (a) All coupon books, bulk coupons, inventory coupons, and other evidences are, and when issued shall remain, the property of the Office of Price Administration. The Office of Price Administration may refuse to issue, and may suspend, cancel, revoke, or recall any ration and may require the surrender and return of any coupon book, bulk coupon, inventory coupons or other evidences during suspension or pursuant to revocation or cancellation, whenever it deems it to be in the public interest to do so.

(b) Upon certification by the Office of Defense Transportation that any person to whom a ration has been issued has been bound by it to have violated an order of such Office, and upon recommendation by such Office that a ration or any part thereof, issued to such person, be revoked, the Office of Price Administration may revoke such ration, or such part thereof, pursuant to the provisions of paragraph (a) of this section.

(c) In the event that any person to whom a ration has been issued is convicted by a court of competent jurisdiction of driving a motor vehicle at a speed in excess of thirty-five (35) miles per hour, the issuing Board, upon receipt of a certified copy of the judgment of conviction or other official certification as to the fact of such conviction, may revoke the ration of such person and order such person to surrender to it all of his coupons or coupon books.

(d) Any ration issued to a person not entitled thereto on the basis of the facts stated in the application, may be revoked by the issuing Board, and the Board may order that any coupons or coupon books issued therefor be surrendered. If the Board finds that the holder is entitled to a ration of a different class or quantity than that issued, it shall issue such ration in lieu of the ration revoked.

§ 1394.8105 *Revocation of ration after hearing.* (a) When any Board has reason to believe that any holder of a ration has used a special ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than that for which such ration was issued, or used any other ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than one for which such ration could be obtained under Ration Order No. 5A or Ration Order No. 5C, or has violated the provisions of §§ 1394.8171, 1394.8175, or 1394.8181, it, or any other Board acting at its request, may serve written notice of hearing upon such person. Such notice shall be served at least three days prior to the date fixed for such hearing. The notice shall state the time and place of the hearing, the charges against the holder of the ration, and the purpose for which the hearing is to be held. If the holder of the ration admits the charges or fails to appear at the hearing, or if the Board determines on the basis of the evidence presented before it at the hearing that such person has committed any of the acts specified above, the Board shall by order revoke, for a period which shall be stated therein, the rations issued to him in whole or in part and direct him to surrender to it the coupons or coupon books issued to him to the extent required to make such revocation effective: *Provided*, That if any person whose ration was revoked for failure to appear at the hearing shows good cause to the Board for such failure, within five days from the effective date of the order, the revocation of his ration shall be cancelled and the Board shall grant him a full hearing on the charges made. A copy of the order of revocation shall promptly be served on the holder of a ration personally or by mail directly to his last known address, and copies thereof shall be sent to the District and State offices which have jurisdiction over the area in which the Board is located. Such order shall, if personally served, become effective twenty-four (24) hours after such service, and if served by mail, three (3) days after the date of mailing. The Board may designate one or more of its members to perform the functions prescribed in this paragraph.

(b) Any person against whom an order has been issued pursuant to the provisions of paragraph (a) of this section may, within five (5) days after the effective date thereof, request a hearing on the charges and a review of such order by filing a statement of objections to the order with the Board which issued it. Within three (3) days after receipt of the statement the Board shall forward it, together with the application and a copy of the notice served to the District Office, or if there is no District Office with jurisdiction over the area in which the Board is located, to the State Director. Within three (3) days after receipt of such statement from the Board the District Manager, or the State Director, as the case may be, shall set a date for a hearing on the charges and at least three (3) days prior to the hearing notify the holder of the ration personally or by registered mail directed to his last known address of the time and place set for the hearing. Such hearing shall be conducted by a presiding officer appointed by the Regional Administrator or by such person as he may designate to make such appointment. The presiding officer may administer oaths and affirmations and rule on the admission and exclusion of evidence. The provisions of paragraphs (b) (3) and (4) of § 1394.8109 shall apply in the conduct of such hearing.

If after such hearing it is determined by the District Manager, or State Director (as the case may be), that the ration holder has used a special ration for a purpose other than that for which it was issued or any other ration for a purpose other than the one for which such ration could be obtained or has violated the provisions of §§ 1394.8171, 1394.8175 or 1394.8181, he shall affirm the order or modify it to provide for such revocation in whole or in part as he shall deem appropriate. If he finds that the charges have not been proved he shall rescind the order. A copy of his decision shall promptly be served upon the person against whom the order was issued and upon the Board.

(c) The District Manager or the State Director, as the case may be, may for good cause shown upon application by the holder of the ration, stay or suspend the operation of any order issued pursuant to the provisions of paragraph (a) of this section pending the hearing and determination of the proceedings provided for in paragraph (b) hereof.

(d) An appeal from an affirmance or modification of the order of the Board may be taken by the holder of the ration by filing in the Office of the Secretary, Office of Price Administration, Washington, D. C., a notice of appeal, which may be accompanied by any affidavits or briefs which the person filing the notice desires to submit. Within a reasonable time after the filing of the notice of appeal, the Administrator, or such person as he may designate for such purpose, shall affirm, modify, rescind or stay the order, or direct that a further hearing be held.

(e) Whenever an order issued by a Board pursuant to the provisions of this section has been rescinded or modified, the Board shall, if any part of the ration has been surrendered, reissue all or part of such ration for the remaining portion of the period for which such ration was originally issued, or shall order the surrender of additional evidences, in accordance with the decision modifying such order.

§1394.8106 *Effective period of order revoking ration.* Whenever any Board, pursuant to the provisions of § 1394.8104 (b) or (c) or §1394.8105 (a), has revoked the ration of a ration holder in whole or in part, no ration shall be issued to such person or to any other persons for his use, and no ration theretofore issued to him or to any other person for his use shall be renewed during the period of such revocation, except in accordance with the provisions of such order, or as otherwise provided in Ration Order No. 5C.

§ 1394.8107 *Restoration of revoked rations upon application* A person whose ration has been revoked in whole or in part and who has surrendered coupons and coupon books to any Board as required by an order of the Board pursuant to the provisions of §§ 1394.8104 (c) or 1394.8105 (a) may apply in writing to the State Director for a restoration of his ration. Such application shall be granted if the State Director finds that the violation on the basis of which such ration has been revoked was excusable under the circumstances, or that the reissuance of the ration is necesary to the war effort or in the interest of public health or safety. In such case, the State Director shall direct the Board which revoked such ration to issue to such person, and such Board shall issue, any ration to which he may be entitled under the provisions of Ration Order No. 5C.

§ 1394.8108 *Presentation of registration cards upon revocation of ration and notations thereon.* Whenever a ration is revoked in whole or in part and the person to whom such ration has been issued is directed to surrender any coupons or coupon books pursuant to the provisions of Ration Order No. 5C, such person shall, if the ration was issued for the operation of a motor vehicle, present the registration card or registration certificate, if any, of the motor vehicle for which such ration was issued, at the time of surrendering to the Board such coupons or coupon books. The Board shall make a clear notation in ink, indelible pencil, or by typewriter on the back of the motor vehicle registration card or certificate stating that such ration has been revoked, or, if it has been revoked in part, the extent to which it has been revoked.

§ 1394.8109 *Authority of Regional Administrators, State Directors and District Managers to suspend and revoke rations and require the surrender of coupon books and coupons.* (a) The several Regional Administrators of the Office of Price Administration within their respective regions, and such State Directors or District Managers as may be designated by the Regional Administrators for such purpose, are authorized to determine whether any ration, coupon book, or any bulk, inventory, or other coupon (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book) should be suspended, cancelled, revoked, recalled, or surrendered, and may, after a hearing held in accordance with the provisions of this section, suspend, cancel, revoke, recall, or require the surrender of any such ration, coupon book, or coupon in any case in which the Regional Administrator, State Director, or District Manager, as the case may be, finds either:

(1) That a ration holder was not entitled to receive the ration issued; or

(2) That a ration holder has violated any provision of Ration Order No. 5A or 5C; or

(3) That a person has transferred, assigned, received or accepted, or has in has possession any coupon book or coupon (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or a part of a ration book) otherwise than in accordance with the provisions of Ration Order No. 5A or 5C.

(b) (1) The hearing shall be conducted by a presiding officer who shall be appointed or designated by the Regional Administrator or such person as he may authorize to make such appointment or designation. The presiding officer shall preside at the hearing, administer oaths and affirmations, and rule on the admission and exclusion of evidence.

(2) Notice of any hearing to be held pursuant to this section shall be served on the respondent not less than three (3) days prior to such hearing. The notice shall state the time and place of the hearing, the charges against the respondent, and the purpose for which the hearing is to be held.

(3) The hearing shall be conducted by the presiding officer in such manner as will permit the respondent to present evidence and argument to the fullest extent compatible with fair and expeditious determination of the issues raised in the hearing. To this end:

(i) The respondent shall have the right to be represented by counsel of his own choosing;

(ii) The rules of evidence prevailing in courts of law or equity shall not be controlling;

(iii) The presiding officer, having due regard to the need for expeditious decision, shall afford reasonable opportunity for cross-examination of witnesses.

(4) A stenographic transcript of the hearing shall be made, a copy of which shall be made available to the respondent at his request upon the payment of a reasonable fee.

(5) A copy of any order issued pursuant to this section shall promptly be served on the respondent.

(c) Any holder of a ration against whom an order is issued pursuant to the provisions of this section, on the ground that he was not entitled to such ration on the basis of the facts stated in the application, may appeal to the Regional Administrator from an order of a District Manager or State Director, and to the Deputy Administrator in charge of Rationing from an order or decision of the Regional Administrator on such appeal. In making any such appeal the

appellant shall file with the official who issued the order appealed from, a statement in writing setting forth his objections to the decision and the grounds for the appeal. The statement must be filed not later than thirty (30) days after receipt of notice of the decision. Within five (5) days after receipt of the statement, such official shall send it to the official appealed to together with the entire record. The official appealed to may request the appellant to appear before him or to furnish such additional information as he may deem pertinent and shall render his decision on the appeal within five (5) days after receipt of the statement and record, and, in cases of apparent emergency, within twenty-four (24) hours, if possible. He shall promptly notify the appellant, in writing, of his decision.

(d) Any person against whom an order is issued pursuant to the provisions of this section on any ground other than that set forth in paragraph (c) of this section may file in the Office of the Secretary, Office of Price Administration, Washington, D. C., a petition for reconsideration of such order. Such petition may be accompanied by any affidavits or briefs which the person filing such petition desires to submit. Within a reasonable time after the filing of a petition for reconsideration, the Administrator, or such person as he may designate for such purpose, shall affirm, modify, rescind, or stay such order, or direct that a further hearing be held thereon.

§1394.8110 *Redetermination of rations other than basic and transport rations in connection with applications for tires, tubes, or recapping service.* When application is made by the holder of a supplemental, fleet or official ration, or a ration issued pursuant to § 1394.7757 of Ration Order No. 5C or § 1394.1309 of Ration Order No. 5A, for a recapping service or for a tire or tube, the Board shall reconsider the application on the basis of which such ration was issued to determine whether the applicant is entitled, pursuant to Ration Order No. 5C, to the ration held by him. If such application is not available at the Board the Board shall require the applicant to file a new application. If the Board finds the applicant to be entitled, under Ration Order No. 5C to a ration of a different class or different allowed mileage than the ration held by him it shall require the applicant to surrender such ration and shall issue a ration of the class and mileage to which the Board finds the applicant to be entitled.

General Provisions With Respect to Transfers and Use

RESTRICTIONS ON TRANSFERS

§ 1394.8151 *Restriction on transfer to consumers.* On and after November 22, 1942, and notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person other than a dealer or distributor shall transfer or offer to transfer gasoline to a consumer, and no consumer shall accept a transfer of gasoline from a person other than a dealer or distributor, except as provided in §§ 1394.8157, 1394.8158, and 1394.8210.

§ 1394.8152 *Transfers to consumers.* On and after November 22, 1942, and notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, a dealer or distributor may transfer gasoline to a consumer, and a consumer may accept such transfer of gasoline, only in exchange for valid coupons, except as provided in §§ 1394.8154, 1394.8155, and 1394.8156.

§ 1394.8153 *Transfers to consumers in exchange for coupons*—(a) *Coupons in books issued for registered and commercial motor vehicles.* Transfer may be made and accepted in exchange for coupons contained in Class A, B, C, D, T–1, or T–2 books, only under the following conditions:

(1) At the time of transfer, the transferor must require presentation of the coupon book and must detach therefrom coupons having an aggregate unit value equal to the amount of gasoline transferred: *Provided,* That if the transferee is able to accept only a portion of the amount of gasoline represented by the unit value of a coupon, the transferor shall nevertheless detach an entire coupon. No transfer may be made pursuant to this paragraph in exchange for a coupon detached prior to the presentation of the coupon book to the transferor.

(2) Transfer may be made only into the fuel tank of a motor vehicle identified on the coupon book presented and only if a sticker coresponding to the class of book presented is conspicuously displayed on such vehicle, as required by the provisions of § 1394.8165, except that on presentation of a Class A book, transfer may be made into the fuel tank of a motor vehicle on which a Class B, or C sticker is displayed: *Provided,* That if such book bears a notation by a Board indicating that bulk transfer is authorized, a bulk transfer may be made in exchange for coupons in such book: *Provided further,* That bulk transfer may also be made, of an amount of gasoline not in excess of one unit, to enable a vehicle stranded for lack of fuel to reach a source of supply; in such case the transferor shall retain the ration book presented until the vehicle is brought to the place of transfer for identification.

(3) Transfer may be made only during the valid period noted on the cover of the book presented or, in the case of a Class A book, only during the period of validity of the coupon in exchange for which the transfer is to be made.

(4) Transfer may be made only in exchange for coupons bearing the notations required by § 1394.8004 (d).

(b) *Coupons in non-highway books.* Bulk transfer may be made in exchange for coupons contained in Class E and R books, under the following conditions:

(1) At the time of transfer, the transferor must require presentation of the coupon book and must detach therefrom coupons having an aggregate unit value equal to the number of gallons of gasoline transferred. No transfer may be made pursuant to this paragraph in exchange for a coupon detached prior to the presentation of the coupon book to the transferor.

(2) No transfer in exchange for coupons in a Class E or R book may be made into the fuel tank of, or knowingly made for use in, a registered motor vehicle, commercial motor vehicle, or a motor vehicle held by a motor vehicle dealer for sale or resale or operated on dealer or other interchangeable plates, nor shall any such transfer be made into, or knowingly made for use in, the fuel supply tank of machinery or equipment mounted on a commercial motor vehicle.

(3) Transfer may be made only in exchange for coupons bearing the notations required by § 1394.8004 (d).

(c) *Bulk coupons.* Transfer may be made in exchange for bulk coupons as follows:

(1) The transferor must require surrender, at the time of transfer, of bulb coupons having a value in gallons equal to the number of gallons of gasoline transferred: *Provided,* That in the case of any delivery made in the absence of the transferor or his agent, by barge, pipe line, tank car, or other carrier, or in the absence of the transferee or his agent, coupons need not be surrendered simultaneously with delivery, but must be forwarded by the transferee to the transferor within seven (7) days after delivery.

(2) Transfer may be made only in exchange for coupons bearing the notations required by § 1394.8004 (e).

§ 1394.8154 *Transfers in exchange for Acknowledgment of Delivery.* Transfer may be made in exchange for an acknowledgment of delivery, on Form OPA R–514, or OPA R–544 Revised, or in exchange for an emergency acknowledgment issued in lieu thereof, in accordance with the provisions of § 1394.7952.

§ 1394.8155 *Transfers for export.* (a) Any person (other than a licensed distributor) who desires to obtain gasoline for export to any insular or territorial possession of the United States, or to any foreign country, may execute and submit Part A of an Export Certificate on Form OPA R–560, in duplicate, to any Board. Such certificate shall state the amount of gasoline required for export, the proposed date and port of exportation and the name and address of the person desiring to export the gasoline. The Board shall retain the duplicate copy of the certificate and shall endorse and return the original copy to such person. The original copy, bearing the endorsement of the Board, shall constitute an evidence to authorize the transfer of the amount of gasoline stated thereon: *Provided,* That such certificate bearing the endorsement of an authorized official of the Federal government or any agency thereof shall be valid without endorsement by a Board, as an evidence to authorize the transfer to such government or agency for the purpose of export, or for re-transfer by such government or agency for such purpose.

(b) Within thirty (30) days after submission to and endorsement of such certificate by a Board, the person who has acquired gasoline pursuant to the provisions of paragraph (a) of this section shall submit to the Board which endorsed the certificate, a copy of a Shippers' Export Declaration (Commerce Form 7525) bearing the notation of an authorized customs official that to the best of his knowledge and belief the amount of gasoline thereon stated has been exported. The Board shall attach the copy of the declaration submitted to the copy of the certificate on file. If the Board is not satisfied with the authenticity of the copy of the declaration, or in the event none has been presented to the Board within thirty (30) days after endorsement of the certificate, the Board shall send the file of the case to the Office of Price Administration in Washington, D. C., for investigation.

(c) Any dealer or intermediate distributor who has exported gasoline from within the limitation area, or who has exported gasoline from outside the limitation area on or after November 22, 1942, to an insular or territorial possession of the United States or to a foreign country, who has not acquired such gasoline pursuant to the provisions of paragraph (a) of this section, may obtain replenishment for the amount of gasoline exported by executing and presenting to a Board Part B of an export certificate on Form OPA R–560 submitting therewith a copy of a Shippers' Export Declaration (Commerce Form 7525), bearing the notation of an authorized customs official that to the best of his knowledge and belief the amount of gasoline thereon stated was so exported. The Board, if it is satisfied with the authenticity of the copy of such declaration, shall endorse such certificate and return it to such person, and shall retain a copy of the declaration for its files. Such certificate bearing the endorsement of a Board shall be valid to authorize a transfer of the amount of gasoline thereon stated, and may be used by the transferor of such gasoline as evidence for purposes of replenishment.

(d) No person acquiring gasoline pursuant to the provisions of paragraph (a) of this section may use such gasoline for any purpose other than for export to an insular or territorial possession of the United States or to a foreign country.

(e) Nothing in this section shall be construed to authorize the export of gasoline other than in accordance with the laws of the United States and the rules and regulations of the Board of Economic Warfare or of any other department or agency of the United States.

§ 1394.8156 *Emergency transfers.* (a) Transfer may be made in exchange for an emergency receipt on Form OPA R–555, of the amount of gasoline stated thereon, subject to the provisions of paragraphs (b) and (c) of this section.

(b) Any person requiring gasoline in order to meet an emergency involving serious threat to life, health or valuable property, may obtain such gasoline by signing an emergency receipt on Form OPA R–555, in duplicate, and stating thereon the emergency purpose for which such gasoline is required and the reason why he is unable to present coupons in exchange for such gasoline. If such gasoline is required for use in a registered motor vehicle, he shall also state the license number of the vehicle in which such gasoline is to be used.

(c) Any dealer or distributor who has transferred gasoline in exchange for an emergency receipt, shall transmit such emergency receipt, in duplicate, to the Board having jurisdiction over the area in which his place of business is located. The Board, if it is satisfied that such dealer or distributor made a transfer, in good faith, of the amount of gasoline specified in such emergency receipt, shall issue to him, in exchange therefor, inventory coupons equal in gallonage value to the amount of gasoline so transferred. The Board shall retain one copy of such receipt in its own files and shall transmit the second copy to the Board having jurisdiction over the area in which the transferee resides, as stated on the receipt. If the Board is not satisfied that such dealer or distributor made a transfer, in good faith, of the amount of gasoline specified in such emergency receipt, it shall not issue to him any inventory coupons therefor. In such case, the Board shall return one copy of the emergency receipt to the dealer or distributor, and shall transmit the second copy of such receipt to the State Director for appropriate action.

(d) Any Regional Administrator of the Office of Price Administration who finds that there has been such delay in the issuance of rations as of November 22, 1942, as to jeopardize the movement of trucks, busses, or other essential vehicles for which no basic ration is issuable, may by declaration designate the States within his region in which such delay has occurred and specify the types of vehicles affected thereby. Such declaration shall continue in effect until December 4, 1942, or such earlier date as he may determine. During the effective period of such declaration, the operator of a vehicle of a type specified therein, licensed or operated in a State designated therein, may acquire gasoline for use in such vehicle by signing an emergency receipt on Form OPA R–555, in duplicate: *Provided,* That gasoline may be so acquired for a vehicle only during the interval between the date of application for a ration for such vehicle and the date of receipt or denial of such ration. Any dealer who has made a transfer of gasoline in exchange for an emergency receipt pursuant to this paragraph shall transmit such receipt, in duplicate, to the Board having jurisdiction over the area in which his place of business is located and such Board shall issue inventory coupons to him, in exchange for such receipt, in accordance with the procedure specified in paragraph (c) of this section.

§ 1394.8157 *Transfer of vehicle, boat or equipment.* Nothing in Ration Order No. 5C shall be deemed to forbid the transfer of gasoline in the fuel supply tank of a vehicle, boat or equipment, in conjunction with a lawful and bona fide transfer of such vehicle, boat or equipment; or the use by the transferee in such vehicle, boat or equipment of gasoline actually in the fuel supply tank thereof at the time of transfer.

§ 1394.8158 *Transfer of consumer establishments; transfer by operation of law.* (a) Nothing in Ration Order No. 5C shall be deemed to forbid the transfer of gasoline actually in a storage tank or other container maintained by a consumer as part of an enterprise or establishment, in conjunction with a lawful and bona fide transfer of such enterprise or establishment itself, or a transfer of gasoline by legal process or operation of law.

(b) Any person to whom a transfer of the character described in paragraph (a) is made, shall forthwith report such transfer and the amount of gasoline involved, to the Board having jurisdiction over the area in which such gasoline is located. Such person, if a dealer or distributor, shall surrender to the Board, together with such report, coupons or other evidences having a value equal to the number of gallons of gasoline transferred. Such person, if not a dealer or distributor, may either:

(1) Transfer all or any part of such gasoline in exchange for coupons or other evidences having a value equal to the number of gallons of gasoline so transferred: *Provided,* That such coupons or other evidences shall forthwith be surrendered by him to the Board for cancellation; or

(2) Consume such gasoline to the extent of any gasoline ration issued to him: *Provided,* That he may consume such gasoline only for the purpose for which such ration may be issued or, in the case of a special ration, for a purpose for which such ration was issued and shall surrender to the Board, for cancellation, coupons equal in value to the amount of gasoline consumed or to be consumed.

§ 1394.8159 *Rights of parties to contracts for transfer of gasoline.* If the performance of any contract or agreement for the transfer of gasoline is prevented by Ration Order No. 5A or 5C, no party thereto shall be liable for failure to perform such contract or agreement: *Provided,* That any persons who has received or has had the benefit of any deposit or other consideration on account of such contract, shall be liable upon demand to return such deposit or other consideration or to pay the fair value thereof, in the event the consideration has been materially altered in condition or cannot be returned.

§ 1394.8160 *Signature on coupon book.* No coupon book may be used until the person to whom such book is issued has signed the certification provided for therein.

PROHIBITED ACTS

§ 1394.8161 *General restrictions on use.* (a) No person to whom a special ration has been issued may use or permit the use of such ration for any purpose other than the one for which it was issued. No person to whom a supplemental, official, fleet, or non-highway ration, or ration issued pursuant to the provisions of § 1394.7757, has been issued may use or permit the use of such ration for a purpose other than one for which such ration could be obtained pursuant to the ration order under which it was issued.

(b) No transport ration issued for a vehicle for the operation of which a Certificate of War Necessity is required may be used other than for a purpose permitted by, or to an extent greater than that permitted by, the Certificate of War Necessity issued for such vehicle.

§ 1394.8162 *Change of occupation of ration holder.* The holder of a ration based on allowed mileage in excess of 470 miles per month shall report to the issuing Board any change in the principal occupation for the pursuit of which such ration was issued. Such report shall be transmitted to the Board within five (5) days after such change and shall describe fully the nature of the new occupation, the exact type of work performed, the business or industry in which such work is performed, and the purpose, if any, for which the motor vehicle will be used in such new occupation. If, on the basis of such report, the Board finds reason to believe that such motor vehicle will no longer be used for a preferred purpose listed in § 1394.7706, it shall notify such holder, in writing, that his right to such ration is to be reexamined. Such notice shall be mailed to such holder at the address shown on his application (or at the address shown on his report), and shall require him to file a new application for a ration within ten (10) days after the mailing date shown on such notice. If no new application is filed within such time, the Board shall revoke such ration and shall recall all Class C books or coupons (or Class D books or coupons based on an allowed mileage in excess of 470 miles per month) issued in connection therewith. If a new application is filed, and if the Board determines that the motor vehicle will be used for a preferred purpose listed in § 1394.7706, it shall take no further action. If the Board finds that the vehicle will no linger be used for a preferred purpose listed in § 1394.7706, it shall revoke the ration and recall the coupons or coupon book originally issued and shall issue, in lieu thereof, such ration (if any) as it determines that the holder is entitled to receive on the basis of his new application and in accordance with the provisions of §§ 1394.7705 or 1394.7755, as the case may be.

§ 1394.8163 *Restriction on use of rations or gasoline for racing or exhibition purposes.* No ration shall be issued or used, and no gasoline shall be used, or knowingly transferred for use, for the operation of any boat in the limitation area, or in the States set forth in § 1394.7904 (b), or of any motor vehicle in exhibitions or races for public entertainment or prizes.

§ 1394.8164 *Restriction on use of rations or gasoline for sightseeing purposes.* No supplemental, official or fleet ration, or ration issued pursuant to § 1394.7757, shall be issued or used, and no gasoline shall be used or knowingly transferred for use, for the operation of any motor vehicle, under charter or otherwise, for sightseeing purposes.

§ 1394.8165 *Display of stickers.* No person may use a Class A, B, C, T–1 or T–2 coupon book, other than one representing a special ration, issued for a registered or commercial motor vehicle unless a sticker identifying the class of ration issued for use with such vehicle, in such form as may be prescribed by the Office of Price Administration, is affixed to and conspicuously displayed on such vehicle. Such sticker shall be displayed on such vehicle at all times, but the display of such sticker shall be in accordance with the laws of the State in which such vehicle is operated. A person to whom any ration in addition to a Class A ration has been issued shall display only the sticker identifying such additional ration.

§ 1394.8166 *Restrictions on blending of gasoline.* No person other than a licensed distributor or a consumer shall blend, dilute, or otherwise mix gasoline with any other liquid or combustible, and no person shall knowingly transfer or accept a transfer of gasoline blended, diluted, or mixed in violation of this section.

§ 1394.8167 *Restrictions on consumption of gasoline.* (a) Except as provided in § 1394.8157, no person shall consume gasoline unless such gasoline was acquired by him or on his behalf in exchange for valid coupons or other valid evidences authorizing a transfer to a consumer: *Provided,* That:

(1) Any consumer may use for non-highway purposes (other than non-occupational boat operations in the limitation area and in the States set forth in § 1394.7904) gasoline owned by him and in his possession within the limitation area prior to August 22, 1942, or without the limitation area prior to November 22, 1942.

(2) Any consumer may use gasoline owned by him and in his possession within the limitation area prior to August 22, 1942, or without the limitation area prior to November 22, 1942, for the operation of a registered or commercial motor vehicle, or for non-occupational boat operation in the limitation area and in the States set forth in § 1394.7904 (b) if, at the time of transfer of such gasoline into the fuel tank of such vehicle or boat, he destroys currently valid coupons issued therefor equal in value to the number of gallons of gasoline so transferred: *Provided,* That, gasoline placed in the fuel supply tank of such vehicle or boat within the limitation area prior to August 22, 1942, or without the limitation area prior to November 22, 1942, may be used therein without restriction.

(b) The provisions of this section shall not be applicable to the consumption of gasoline by the Army, Navy, Marine Corps, Coast Guard or Maritime Commission or the War Shipping Administration of the United States.

§ 1394.8168 *Transfers from fuel tank to fuel tank of vehicles and boats forbidden.* No gasoline contained in the fuel tank of any motor vehicle, inboard motorboat, outboard motor or non-highway equipment shall be transferred therefrom to the fuel tank of any registered or commercial motor vehicle, or of any inboard motorboat or outboard motor operated for nonoccupational purposes in the limitation area or in the States set forth in § 1394.7904 (b).

§ 1394.8169 *Discrimination by dealers and distributors.* (a) On and after November 22, 1942, no distributor shall discriminate in the transfer of gasoline among distributors or dealers lawfully entitled to acquire gasoline under Ration Order No. 5C. Any refusal on the part of a distributor to transfer gasoline to a distributor or dealer to whom he has made a transfer on or subsequent to May 15, 1942, shall be prima facie evidence of a discrimination: *Provided,* That nothing herein shall be construed to require a transfer of gasoline which would result in a violation of any statute enacted or contract made to protect a trade-mark or trade name; nor a transfer to any dealer or distributor of an amount of gasoline in excess of that permitted by any regulation or order of any department or agency of the United States.

(b) On and after November 22, 1942, no dealer or distributor shall discriminate, in the transfer of gasoline, among any consumers lawfully entitled to acquire gasoline under the provisions of Ration Order No. 5C.

§ 1394.8170 *Mileage limitation.* No passenger automobile shall be operated in excess of mileage which can be obtained in the vehicle on the basis of the ration issued for use with such vehicle.

§ 1394.8171 *Limitation on speed.* (a) No person shall use or permit the use of gasoline in the operation of a motor vehicle at any rate of speed in excess of thirty-five (35) miles per hour.

(b) This restriction shall not apply to the operation of a motor vehicle by the Army, Navy, Marine Corps, Coast Guard or by the State military forces organized pursuant to section 61 of the National Defense Act, as amended, or to meet an emergency involving serious threat to life, health or public safety.

§ 1394.8172 *Tire certification, inspection and surrender of excess tires.* After December 12, 1942, no person shall use or permit the use of gasoline in a passenger automobile or motorcycle for which a basic, supplemental, fleet or official ration, or a ration pursuant to the provisions of § 1394.1309 of Ration Order No. 5A or § 1394.7757 of Ration Order No. 5C has been issued, unless a certification of passenger-type tires has been filed under § 1394.8009 of Ration Order No. 5C, nor unless a tire inspection record has been issued and is currently maintained as required by the Office of Price Administration; nor may gasoline be used on and after November 22, 1942, in any such passenger automobile or motorcycle, other than an official vehicle, if the registered owner (or, in the case of a ration issued pursuant to § 1394.1309 of Ration Order No. 5A or § 1394.7757 of Ration Order No. 5C, if the owner) of such vehicle owns passenger type tires other than tires reported on OPA Form R–17 or R–17 Revised or tires reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment. On and after

November 22, 1942, no person shall use or permit the use of gasoline in a motor vehicle for which a basic ration has been issued, if any person living in the household of the registered owner and related to such owner by blood, marriage or adoption owns passenger type tires other than tires reported on OPA Form R–17 or R–17 Revised, or tires reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) or motor vehicles or equipment.

§ 1394.8173 *Use in violation of Ration Order 1A.* No person shall use gasoline for the operation of any motor vehicle which results in use of tires in violation of Ration Order No. 1A.

§ 1394.8174 *Tires unlawfully acquired.* No person shall use gasoline for the operation of any motor vehicle which results in use of any tire or tube acquired in violation of Ration Order No. 1A.

§ 1394.8175 *Abuse or neglect of tires.* No person shall use gasoline in a motor vehicle in such a manner as to result in abuse or neglect of any tire or tube. Driving of a motor vehicle beyond the point where tires are recappable may be found to be abuse within the meaning of this section.

§1394.8176 *Offers, solicitations, attempts, or agreements.* No person shall solicit, offer, attempt, or agree to do any act in violation of Ration Order No. 5C.

§ 1394.8177 *Rations not transferable.* (a) No person shall transfer or assign any ration, and no person shall accept such transfer or assignment.

(b) No person shall transfer or assign and no person shall accept a transfer or assignment of any coupon book or any bulb, inventory or other coupon (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book) or other evidence, except in accordance with the provisions of Ration Order No. 5C.

(c) No person shall have in his possession any coupon book or bulk, inventory or other coupon (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book) or other evidence, except the person, or the agent of the person, to whom such book, coupon, or certificate was issued or by whom it was acquired in accordance with the provisions of Ration Order No. 5C.

(d) Notwithstanding the provisions of this section, a ration, other than a special ration, may be used by anyone entitled to use the vehicle, boat or equipment for which it was issued, if such use is for a purpose for which such ration may be obtained and so long as there is no change in ownership of such vehicle, boat or equipment.

(e) The provisions of paragraphs (a), (b), and (c) of this section shall not be applicable to public officials acting in the performance of their official duties.

§ 1394.8178 *Mutilation, destruction, or counterfeiting of coupon books or certificates.* (a) No person other than a person authorized pursuant to Ration Order No. 5C shall deface, mutilate, alter, burn or otherwise destroy any coupon book or bulk, inventory or other coupons (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book) or other evidence.

(b) No person shall counterfeit or forge any coupon book, or bulk, inventory, or other coupon, or any other evidence.

(c) No person shall transfer, receive a transfer of, possess, or use any forged, altered, or counterfeited coupon book or bulk, inventory or other coupon or other evidence.

(d) Any defacement, mutilation or alteration of a coupon or ration book in violation of any provision of this section shall render such coupon or book and the coupons therein, invalid. The detachment of any coupon from a ration book, except in accordance with the provisions of § 1394.8153, shall render such coupon invalid.

(e) The provisions of paragraphs (a), (c), and (d) of this section shall not be applicable to public officials acting in the performance of their official duties.

§ 1394.8179 *Compliance with O. D. T. orders.* No person owning or controlling any motor vehicle shall use or permit the use of gasoline therein for operations in violation of any order, rule or regulation issued by the Office of Defense Transportation.

§ 1394.8180 *Applicability of order to rations issued under Ration Order No. 5A.* All rations issued pursuant to Ration Order No. 5A, which remain in effect beyond November 21, 1942, shall be subject to the same restrictions, prohibitions, and conditions of use as though they were issued pursuant to Ration Order No. 5C.

§ 1394.8181 *False statements.* No person shall, in any application, record, report, certificate or other document made pursuant to or required by the terms of Ration Order No. 5C, make any untrue statement of any fact, or omit to state any fact required to be stated therein or necessary to make the statements therein not misleading. Any Board discovering such an untrue statement of fact, or any such omission to state any such fact shall report it and transmit the evidence thereof, to the State Director or District Manager for appropriate action, whether or not such Board has proceeded with respect thereto under the provisions of § 1394.8105.

Replenishment and Audit

REGISTRATION OF PLACE OF BUSINESS

§ 1394.8201 *Registration of inventory and capacity.* (a) Every dealer and intermediate distributor shall take a physical inventory of his total gasoline supplies on hand as of 12:01 a. m., November 22, 1942, and shall, on November 23 or 24, 1942, register (on Form OPA R–545) with the Board having jurisdiction of the area in which such a place of business is located, at the hours provided by the Board, the following matters, together with such other information as may be required:

(1) His name, firm name, business address and type of business.

(2) His total gasoline storage capacity.

(3) His total inventory of gasoline on hand as of 12:01 a. m., November 22, 1942.

(4) A certification as to the truth of each of the foregoing items of information.

(b) Separate registration shall be made by such dealer or intermediate distributor for each place of business operated by him at which gasoline is transferred, and shall be made at each respective Board having jurisdiction of the area in which each such place of business is located.

(c) Every licensed distributor who operates a place of business at which functions corresponding to those of a dealer or intermediate distributor are performed, and which, under the terms of § 1394.7551 (a) (17), is deemed to be a part of his facilities as a licensed distributor, and every person who receives gasoline from a licensed distributor on consignment for purposes of sale, shall register each such place of business (on Form OPA R–545) on November 23 and 24, 1942, with the Board having jurisdiction of the area in which each such place of business is located: *Provided,* That neither the inventory of gasoline on hand nor the gasoline storage capacity shall be registered, but only the name of the licensed distributor or consignee operating such place of business, a statement that the place of business is operated by a licensed distributor or by a consignee, and a certification as to the truth of this information.

(d) Notwithstanding the provisions of paragraph (a), (b) and (c) of this section, no dealer or distributor whose place of business has been registered with a Board pursuant to the provisions of Ration Order No. 5A shall, except as provided in §§ 1394.8220, 1394.8224, 1394.8225 and 1394.8226, again register such place of business or receive inventory coupons representing the unfilled gasoline storage capacity of such place of business: *Provided,* That any licensed distributor who registered, pursuant to the provisions of Ration Order No. 5A, facilities which, under the terms of § 1394.7551 (a) (17), are deemed for purposes of Ration Order No. 5C to be a part of his facilities as a licensed distributor, and received inventory coupons for the unfilled gasoline storage capacity of such facilities, shall reregister such facilities on November 23 or 24, 1942, as licensed distributor facilities, and surrender to the Board for cancellation inventory coupons or other evidences equal in gallonage value to the coupons originally issued to represent his unfilled gasoline storage capacity.

§ 1394.8202 *What constitutes gasoline on hand.* The registrant shall register all gasoline on hand, whether in storage tanks, tank trucks, tank cars delivered to railroad sidings, drums, or other containers, except gasoline in the fuel tank of a motor vehicle. The registrant shall not register gasoline in transit which did not arrive at his place of business prior to 12:01 a. m., November 22, 1942. Gasoline shipped to a dealer or intermediate distributor prior to November 22, 1942, but received by him at any time after November 21, 1942, shall be deemed to be gasoline transferred to him subsequent to November 21, 1942, and shall require an exchange therefor of coupons or other evidences in the manner provided in §§ 1394.8207 and 1394.8209.

§ 1394.8203 *What constitutes gasoline storage capacity.* The registrant shall register the total capacity of all immobile gasoline storage facilities, but not the capacity of tank trucks, tank wagons, drums or other movable containers: *Provided, however,* That a dealer or intermediate distributor who maintains no stationary gasoline storage tanks shall register the total capacity of all his delivery facilities.

§ 1394.8204 *Issuance of registration certificates.* The Board, on determining that the information submitted by the registrant is correct, and that the registrant is in fact engaged in business as a dealer or distributor, shall by authorized signature approve the certificate, file Part B thereof, and return Part A of the certificate to the registrant, who shall retain it as a certificate of registration at the place of business to which it applies, and shall present it as an identification at the time of transacting business with any Board.

§ 1394.8205 *Issuance of inventory coupons.* (a) The Board shall, at the time of its approval of the registration certificate of a dealer or intermediate distributor, issue to the registrant inventory coupons in an amount equal to the number of gallons, if any, by which the total gasoline storage capacity for each place of business exceeds the total inventory of gasoline on hand. A one-hundred gallon inventory coupon or a quantity of Class A coupons may at any time subsequent to registration be exchanged at any Board by a dealer or intermediate distributor for an equivalent amount of one-gallon inventory coupons.

(b) In any case in which the total inventory of gasoline on hand exceeds the total gasoline storage capacity of the registrant's place of business, the Board shall require the registrant to surrender for cancellation, and the registrant shall so surrender, at the earliest possible moment thereafter, consumer coupons or other evidences equal in gallonage value to the amount of gasoline by which his inventory of gasoline on hand as of 12:01 a. m., November 22, 1942 exceeds his total gasoline storage capacity.

§ 1394.8206 *Restriction on use of inventory coupons.* (a) Every dealer and intermediate distributor shall retain all inventory coupons issued to him at the place of business for which they were issued, and shall not exchange his inventory coupons except to the extent that any delivery exceeds the amount of consumer coupons or other evidences available for exchange: *Provided, however,* That one-gallon inventory coupons may be used to make up the difference between the number of gallons in any delivery and the number of gallons represented by the nearest composable sum of the values of consumer coupons or other evidences.

(b) Every dealer and intermediate distributor shall clearly write in ink on the reverse side of each inventory coupon issued to him, the name and address of his establishment as shown on his certificate of registration, and no inventory coupon shall be used in exchange for gasoline, and no gasoline may be transferred in exchange for inventory coupons, unless such notations appear on such coupons.

RESTRICTIONS ON TRANSFERS BETWEEN DEALERS AND DISTRIBUTORS

§ 1394.8207 *Restriction on transfers.* Except as provided in § 1394.8209, no dealer or distributor shall transfer or offer to transfer gasoline to any other dealer or distributor and no dealer or distributor shall receive a transfer of gasoline, except in exchange for a quantity of coupons or other evidences, at the time of the actual delivery of the gasoline or in advance thereof, equal in gallonage value to the amount of the gasoline so transferred, or, in cases in which gasoline is regularly transferred to him on a temperature adjustment basis, equal in gallonage value to the adjusted quantity of gasoline so transferred: *Provided, however,* That coupons or other evidences need not be exchanged for a transfer of gasoline between licensed distributors unless in the course of transit between such licensed distributors the gasoline is delivered to a dealer or intermediate distributor for redelivery to the transferee: *Provided further,* That transfers of gasoline may be made only in exchange for coupons bearing the notations required by paragraphs (d) and (e) of § 1394.8004 and paragraph (b) of § 1394.8206.

§ 1394.8208 *Same: Other applicable provisions.* Nothing in Ration Order No. 5C shall be construed to authorize any transfer of gasoline which would be in contravention of any regulation or order of any department or agency of the United States.

§ 1394.8209 *Absentee deliveries: Third party deliveries.* Where a distributor elects to make delivery of gasoline during hours when the transferee is not open for business, the transferee shall, where the exact amount of delivery is known in advance, mail or deliver in advance to the distributor, or, at the discretion of the distributor, within twenty-four (24) hours of delivery, coupons or other evidences equal in gallonage value to the amount, or adjusted amount, of the delivery. Where delivery of gasoline to a dealer or intermediate distributor is made by common or contract carrier or by pipe line, or where the billing for gasoline transferred is not received by the transferee at the same time as or prior to receipt of the transfer by him, the transferee shall, where the exact amount of the delivery is known in advance, mail or deliver in advance to his distributor coupons or other evidences equal in gallonage value to the amount, or adjusted amount, of the delivery, or may, at the discretion of the transferor, forward to the transferor within five (5) days after receipt of such delivery an amount of coupons or other evidences equal in gallonage value to the number, or adjusted number, of gallons so delivered.

§ 1394.8210 *Upstream transfers.* (a) Any distributor who receives a transfer or return of gasoline from a dealer or intermediate distributor, other than in connection with a transfer to him of the place of business of such dealer or intermediate distributor, shall deliver to such dealer or intermediate distributor a quantity of coupons or other evidences equal in gallonage value to the amount of gasoline so transferred or returned.

(b) Except as provided in paragraph (c) of this section, any dealer or distributor who receives a transfer or return of gasoline from a consumer, other than in connection with a transfer to him of the place of business of such consumer, shall deliver for cancellation to the Board having jurisdiction over the area in which the place of business of such dealer or distributor is located a quantity of coupons or other evidences equal in gallonage value to the quantity of gasoline so transferred or returned, together with a signed statement in duplicate setting forth the name and address of the consumer from whom the gasoline was acquired, and the quantity of gasoline so acquired. The Board shall retain the original of such statement in its files, and shall forward the duplicate thereof, through the State Director, to the Board having jurisdiction over the area in which such consumer is located, as shown on such statement. Any consumer who transfers or returns gasoline to a dealer or distributor may, if the gasoline so transferred or returned represents all or part of a ration issued to such consumer, apply, on the appropriate form, to the Board for reissuance of such ration or part thereof. Such application shall contain a statement of the nature and quantity of the ration originally issued, the name and address of the dealer or distributor to whom gasoline was transferred or returned, the quantity of gasoline so transferred or returned, and a certification as to the truth of such statements. If the Board finds that the consumer transferred or returned to a dealer or distributor gasoline originally issued to the consumer as a ration, that such ration has not yet expired, and that the consumer still requires such ration, it shall issue to the consumer coupon books or coupons of the same type as the ration originally issued equal in gallonage value to the quantity of gasoline so transferred or returned. The Board, at the time of issuance of such coupon books or coupons shall, in addition to such other notations as may be required, note on the face of the coupon books issued, and on the application, the expiration date of the ration, which shall be the same expiration date as that applicable to the ration originally issued.

(c) If gasoline is transferred by a military or naval post or station to a facility such as a post exchange or ships' service store for transfer to consumers for nonofficial use, and if such facility is a licensed distributor, such facility shall not surrender coupons or other evidences to a Board as required in paragraph (b) of this section, but shall merely attach coupons or other evidences acquired from consumers to its monthly State motor fuel tax report. If a military or naval post or station transfers gasoline directly to consumers such post or station shall execute a State motor fuel tax report in the manner required of licensed distributors, and shall attach thereto all coupons or other evidences acquired from consumers in exchange for such gasoline.

§ 1394.8211 *Preservation of coupons; Coupon sheets.* Each dealer and distributor shall affix all coupons received by him to a coupon sheet (Form OPA R–120) in the manner directed thereon, prior to any transfer of such coupons. Separate coupon sheets shall be maintained for coupons of each separate type, only coupons of the same class and gallonage value being attached to any one such sheet.

§ 1394.8212 *Preservation of acknowledgments; Summaries of acknowledgments.* Each dealer and distributor shall attach the acknowledgments of delivery delivered to him by authorized purchasers to a Summary of Coupons and Other Evidences (Form OPA R–541), on which he shall enter in order for each such acknowledgment the date of purchase, name of purchaser, and number of gallons sold.

§ 1394.8213 *Summary of Coupons.* Each dealer and distributor shall, prior to every delivery by him of coupons or other evidences, except exchange certificates, to a transferor of gasoline, prepare in duplicate on Form OPA R–541 a Summary of Coupons and Other Evidences in the manner directed thereon, certifying the number of each type of coupon or other evidences to be delivered. The original of this summary shall be delivered to the transferor attached to the coupons and other evidences. The copy shall be retained by him at his place of business for a period of not less than one year. All such summaries received by a distributor upon his delivery of gasoline to a dealer or intermediate distributor shall be recapitulated in his own summary, one such summary equalling the total gallonage represented by all coupons and other evidences (less the gallonage represented by exchange certificates, except as provided in § 1394.8214) forwarded by him. Summaries received by a distributor from dealers or intermediate distributors shall be included with the coupons and other evidences attached thereto when forwarded by him.

§ 1394.8214 *Exchange of coupons for certificates.* A distributor may at any time deliver to a Board coupons or other evidences (including exchange certificates) and obtain in return an exchange certificate or certificates equal to the gallonage value of the valid coupons or other evidences remitted. The remitter shall attach to such coupons or other evidences a Summary of Coupons and Other Evidences on Form OPA R–541, on which such evidences shall be listed by type and value, in addition to the summaries already attached thereto by the dealer or distributor from which such coupons or other evidences were received. In any case in which a distributor desires to exchange one or more exchange certificates for a greater number of exchange certificates, or certificates of different value, he shall, in addition to the summary for the certificates to be exchanged, prepare and submit summaries showing the types and values of the evidences to be represented by the exchange certificates to be issued. The Board shall furnish him in return one or more exchange certificates (Form OPA R–548) equal in gallonage value to the total gallonage value of the coupons or other evidences remitted by him: *Provided, however,* That every licensed distributor shall segregate all coupons or other evidences remitted by him according to the States to which are due the State motor fuel taxes on his own transfers which such coupons or other evidences represent, shall prepare a separate Summary of Coupons and Other Evidences for each such State, and shall receive from the Board a separate exchange certificate for each such State. The Board shall on request furnish more than one such certificate for transfers within any given State, each representing any fraction of the total gallonage value remitted for such State, so long as the sum of all such certificates equal the total gallonage value of the coupons or other evidences remitted. Exchange certificates shall be prepared in duplicate by the Board and shall be signed both by the distributor and by an authorized member or agent of the Board. The Board shall retain for its files the duplicate copy of each exchange certificate issued by it.

§ 1394.8215 *Transfer and surrender of expired coupons.* (a) No dealer shall accept from a consumer in exchange for a transfer of gasoline any Class S ration coupon issued pursuant to Ration Order No. 5A, or any Class A coupon the period of validity of which, as shown on the face thereof, has expired: and no such coupon shall be an evidence of any gallonage value, except on coupon sheets to which it has been attached prior, in the case of Class S coupons, to November 22, 1942, or in the case of Class A coupons, to the expiration of its period of validity.

(b) Every dealer or distributor who has in his possession or control any Class S ration coupons on or after November 22, 1942, or any Class A ration coupons the valid period of which has elapsed, shall dispose of such coupons in preference to others in his possession or control, when exchanging coupons for transfers of gasoline or for exchange certificates, or when otherwise disposing of coupons pursuant to the terms of Ration Order No. 5C.

(c) On and after December 2, 1942, but not later than December 7, 1942, in the case of Class S ration coupons, and on and after ten (10) days but not later than fifteen (15) days after the expiration dates of Class A ration coupons, each dealer or distributor who has in his possession or control Class S or expired Class A ration coupons shall surrender such coupons to the Board having jurisdiction over the area in which his place of business is located. The Board shall issue to a distributor in exchange for such coupons one or more exchange certificates, in accordance with the provisions of § 1394.8214. The Board shall issue to a dealer in exchange for such coupons inventory coupons equal in gallonage value to the coupons so surrendered. After December 7, 1942, in the case of Class S ration coupons, and after fifteen (15) days from the expiration date of any Class A ration coupon, such coupons are void, and no gasoline may be transferred in exchange therefor, and no exchange certificate, inventory coupons, or other evidence may be issued to a dealer or distributor in exchange for Class S or expired Class A ration coupons.

§ 1394.8216 *Certification of shortage.* Dealers and intermediate distributors shall be permitted from time to time to apply by certification (on Form OPA R–549) for replenishment for losses of gasoline through evaporation, handling, accident, or other extraordinary circumstance, and for unavoidable loss of coupons or other evidences. The certification of shortage shall be submitted to the Board having jurisdiction of the area in which such dealer or intermediate distributor has the place of business to which the shortage is to be attributed, and shall show the nature and quantity of such shortage with a full explanation of reasons therefor. If, on consideration of the certification presented and of such other facts as it may require of the applicant, the Board finds that the applicant has incurred the shortages claimed, that such shortages were not incurred as a result of any acts performed in violation of Ration Order No. 5A or 5C, and that any claimed shortage of gasoline is reasonable, the Board shall file the certification and issue to the applicant a quantity of inventory coupons equal to the amount of the proven shortage. A copy of the certification may be retained by the dealer or intermediate distributor for his records.

RECORDS AND AUDITS

§ 1394.8217 *Records to be kept by dealers and intermediate distributors.* At the time of making any delivery of gasoline to any dealer or intermediate distributor, every distributor shall furnish to such dealer or intermediate distributor an invoice, delivery ticket, or other customary evidence of transfer, showing the name and address of the transferee and the date and quantity of the transfer; and every such transferee shall retain at his place of business for a period of at least one year from the date of his receipt of such gasoline the invoice, delivery ticket, or other evidence so furnished him.

§ 1394.8218 *Reports by licensed distributors.* (a) Every licensed distributor shall prepare an additional copy of each of his monthly State motor fuel tax reports (and supporting schedules), which he shall submit to the State motor fuel tax administration at the time and

in the manner required by such administration for the usual monthly report, and shall attach to such copy a single exchange certificate, except as provided in paragraph (c) of § 1394.8210, in an amount equal to the total gallonage value of coupons or other evidences for which he is required to account for the period for which such return is made. Gasoline which has been shipped and billed in exact amount to a transferee during a calendar month, and which is included by the licensed distributor in the State motor fuel tax report for such month, shall be treated both by the transferor and transferee as gasoline transferred during such month, even though actual receipt of such gasoline by the transferee may take place during the following calendar month.

(b) The licensed distributor shall also prepare in triplicate a reconciliation statement (Form OPA R–550), reconciling the difference between the gallonage value of the exchange certificate so submitted and the total gallonage disposed of by him as reported by the tax return. He shall attach the original and one copy of the reconciliation form to the additional copy of his tax report, and shall retain the other copy of the reconciliation form at his place of business for a period of not less than one year; *Provided, however,* That, where special hardship results from the necessity of submitting the reconciliation form at the time that the State motor fuel tax report is due, application may be made, showing all relevant facts, to the Office of Price Administration, Washington, D. C., for leave to defer, for a period of not more than ten (10) days, the submission of the additional copy of his motor fuel tax report, the attached certificate, and the reconciliation form.

(c) Any licensed distributor who is not required by the State to which he is required to account for State motor fuel taxes to include his monthly opening and closing gasoline inventories in his motor fuel tax return shall take a physical inventory of his gasoline on hand at the beginning or ending of each month, and shall include in such inventory all gasoline in transit and billed to him. Such distributor, in addition to other information which may be required, shall include such monthly opening and closing gasoline inventories on the reconciliation form prepared by him.

(d) Licensed distributors required to make reports pursuant to Ration Order No. 5A for the month of November, 1942, shall make one combined report for such month including all transactions during such month covered by Ration Order No. 5A and Ration Order No. 5C. Licensed distributors not required to make reports pursuant to Ration Order No. 5A shall not make a separate report under Ration Order No. 5C for the month of November, 1942, but shall include all transactions from November 22 through November 30, 1942 in their report for the month of December, 1942, in accordance with the provisions of this section.

§ 1394.8219 *Audit by State motor fuel tax administration.* On completion of its usual office audit of a licensed distributor's monthly motor fuel tax report, each State motor fuel tax administration will by authorized signature either verify or note errors on the additional copy of the tax report received by it, will inspect the reconciliation form and attached exchange certificate in order to determine whether there are any apparent irregularities, and will retain the copy of the reconciliation form for its own files. It will, within the shortest possible time, forward the additional copy of the tax return, the attached certificates or other evidences and the original of the reconciliation form and supporting statements, to the Control and Audit Unit, Gasoline Rationing Branch, Office of Price Administration, Washington, D. C. In the event of discovery of any error, discrepancy, misrepresentation or other irregularity in the monthly report by later inspection or audits, the motor fuel tax administration will notify the Control and Audit Unit of all the facts relating to any such irregularity.

NEW REGISTRATIONS

§ 1394.8220 *Registration of new or reopened place of business.* Any dealer or distributor who opens or reopens a place of business not currently registered by such dealer or distributor under the provisions of § 1394.8201, shall, prior to receipt or transfer of any gasoline at such place of business, register such place of business in the manner provided in § 1394.8201, and shall be issued, if not a licensed distributor, inventory coupons equal in gallonage value to the total capacity of his unfilled gasoline storage facilities as of the time of registration.

§ 1394.8221 *Cessation of business.* Any dealer or intermediate distributor who ceases to operate as such, disposes of his stocks of gasoline, and closes his place of business without transferring it to another for continued operation, shall, at the time of final closing, deliver to the Board having jurisdiction of the area in which his place of business is located the certificate of registration of such place of business and a quantity of coupons or other evidences equal in gallonage value to the total capacity of the gasoline storage facilities of such place of business.

§ 1394.8222 *Acquisition of place of business from licensed distributor.* Any person acquiring a place of business from a licensed distributor for continued operation for the transfer of gasoline may accept a transfer of all gasoline on hand at such place of business. The transferee of such place of business shall obtain from such licensed distributor, and such distributor shall furnish, the certificate of registration, if any, for such place of business. The transferee shall, immediately after the transfer, deliver such certificate to the Board having jurisdiction of the area in which such place of business is located, and shall endorse such certificate of registration and the duplicate thereof on file with the Board. Such endorsement shall constitute a certification by the transferee that he has acquired the place of business described in such certificate and the total quantity of gasoline on hand at such place of business as of the time of transfer. The transferee shall then register as of the time of acquisition of such place of business in the manner provided in §§ 1394.8201 to 1394.8205, inclusive, at the Board having jurisdiction of the area in which such place of business is located, prior to receipt or transfer of any gasoline at such place of business.

§ 1394.8223 *Acquisition of dealer's or intermediate distributor's place of business.* Any person who acquires for continued operation for the transfer of gasoline a place of business from a dealer or intermediate distributor may accept a transfer of all gasoline on hand at such place of business. The transferee of such place of business shall, at the time of acquisition, obtain from such dealer or intermediate distributor, and such dealer or intermediate distributor shall furnish, the certificate of registration of such place of business and coupons or other evidence equal in gallonage value to the unfilled gasoline storage capacity as of the time of transfer of such place of business. The transferee of such place of business shall, immediately after the transfer, deliver to the Board having jurisdiction of the area in which the place of business is located, the certificate of registration so delivered, and, if the transferee is a licensed distributor, shall also deliver at such time the coupons or other evidence acquired by him from such dealer or intermediate distributor, and shall endorse such certificate of registration and the duplicate thereof on file with the Board. Such endorsement shall constitute a certification by the distributor that he has acquired from the transferor of such place of business the place of business described in such certificate, the total quantity of gasoline on hand at such place of business, and coupons or other evidences equal in gallonage value to the unfilled gasoline storage capacity of such place of business as of the time of transfer. The place of business so acquired shall be registered by the transferee in accordance with the provisions of §§ 1394.8201 to 1394.8205, inclusive, as of the time of acquisition thereof.

§ 1394.8224 *Surrender or revocation of license of licensed distributor.* Any licensed distributor who ceases to do business as such, although continuing in the business of transferring gasoline, shall, on the day on which he ceases to do business as a licensed distributor, register as a dealer or intermediate distributor, as the case may be, in the manner provided by §§ 1394.8201 to 1394.8205, inclusive, each of his places of business which has not already been so registered, certifying to the Board the total gasoline storage capacity of and the quantity of gasoline on hand at each such place of bussiness as of the date on which he ceased to do business as a licensed distributor.

§ 1394.8225 *Newly licensed distributor.* Any dealer or intermediate distributor who becomes a licensed distributor shall forthwith deliver to the Board having jurisdiction of the area in which such place of business is located the certificate of registration as a dealer or intermediate distributor of such place of business and coupons or other evidences equal in gallonage value to the total unfilled capacity of the gasoline storage facilities of such place of business as of the date on which he commenced operations as a licensed distributor, and shall register as a licensed distributor in accordance with the provisions of paragraph (c) of § 1394.8201.

§ 1394.8226 *Change of storage capacity.* Any dealer or intermediate distributor in any manner altering the total gasoline storage capacity of his place of business shall deliver for cancellation to the Board having jurisdiction of the area in which such place of business is located, his currently valid certificate of registration, and shall register for and obtain a new certificate of registration in the manner provided by §§ 1394.8201 to 1394.8204 inclusive. The Board shall attach to its copy of the new certificate the original and copy of the cancelled certificate. If the total gasoline storage capacity of the place of business is decreased, the dealer or intermediate distributor shall surrender to the Board a quantity of coupons or other evidences equal in gallonage value to the amount of such decrease. If the total gasoline storage capacity of such place of business is increased, the Board shall issue to the dealer or intermediate distributor a quantity of inventory coupons equal in gallonage value to the amount of such increase.

INSPECTIONS

§ 1394.8227 *Inspection of records and facilities.* All records, reports, forms, accounts, or other documents required by Ration Order No. 5A or Ration Order No. 5C to be prepared and kept by any person, and the gasoline facilities of any person, shall be subject to the inspection of the Office of Price Administration and its employees, by the employees of any State motor fuel tax administration, and by such other personnel as the Office of Price Administration may designate. Such inspection may be made at the place of business of any such person during regular business hours, or, in the case of matters prepared on forms of the Office of Price Administration, at any time and place designated by the Office of Price Administration.

ADJUSTMENTS AND APPEALS

§ 1394.8251 *Adjustments of errors made by registrars.* (a) Any person who claims that a registrar improperly refused to issue a basic ration book or made an error in issuing a basic ration book on the basis of his application, may apply to a Board, orally or in writing, for an adjustment of such error. Any person who claims that a basic ration book was denied or was incorrectly issued to him by a registrar, by reason of an error in his application, may make a new application, to a Board, for a basic ration book. Application pursuant to this paragraph shall be made to the Board having jurisdiction over the area in which such original application was made, or in which the motor vehicle for which the application was made is customarily garaged or stationed.

(b) The Board shall obtain and examine the original application, or, if such original application cannot expeditiously be found, it shall require the applicant to prepare a duplicate of such application and to certify that it is an exact duplicate thereof. If the Board finds that an error was made, by the applicant or by the registrar, it shall issue a basic ration book, or correct the book issued by the registrar, or issue a new book in place of the one issued by the registrar, or take such other action in accordance with the provisions of Ration Order No. 5C, as may be necessary to correct the error. The Board shall, if it replaces a book, remove from the book issued by it coupons having a unit value equal, as nearly as possible, to the value in gallons of the coupons found to be detached from the book to be replaced.

§ 1394.8252 *Appeals from decisions of boards.* Any person may appeal from an adverse decision of a Board. Except as provided in § 1394.8105, such appeals shall be taken only in accordance with the provisions of Procedural Regulation No. 9 issued by the Office of Price Administration.

ENFORCEMENT

§ 1394.8301 *Criminal prosecutions.* (a) Any person who knowingly falsifies an application, or any other record, report, or certificate made pursuant to or required by the terms of Ration Order No. 5C or who otherwise knowingly furnishes false information to any Board or any other agent, employee or officer of the Office of Price Administration or falsifies or who conceals or covers up a material fact, by any trick, scheme or device, or who makes or causes to be made any false or fraudulent statements, or representations, in any matter within the jurisdiction of the Office of Price Administration, may upon conviction be fined not more than $10,000 or imprisoned for not more than ten years, or both, and shall be subject to such other penalties or action as may be prescribed by law. Any person who conspires with another person to perform any of the foregoing acts or to violate any provision of Ration Order No. 5C may upon conviction be fined not more than $10,000 or imprisoned for not more than two years, or both, and shall be subject to such other penalties or action as may be prescribed by law.

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required, by any provision of Ration Order No. 5C may upon conviction be fined not more than $10,000 or imprisoned for not more than one year, or both, and shall be subject to such other penalties or action as may be prescribed by law.

§ 1394.8302 *Suspension orders.* Any person who violates this Ration Order No. 5C may, by administrative suspension order, be prohibited from receiving any transfers or deliveries of, or selling or using or otherwise disposing of, any gasoline or other rationed product or facility. Such suspension order shall be issued for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest and to promote the national security.

EFFECTIVE DATES

§ 1394.8351 *Effective dates.* (a) Ration Order No. 5C shall become effective on November 9, 1942 except that the provisions of §§ 1394.8151 to 1394.8180, inclusive, and the provisions of §§ 1394.8201 to 1394.8227 inclusive, shall become effective November 22, 1942.

(b) On and after November 22, 1942, Ration Order No. 5C, §§ 1394.7501 to 1394.8351, inclusive, supersedes Ration Order No. 5A, 7 F.R. 5225, July 9, 1942, as amended: *Provided however,* That Ration Order No. 5A and all amendments thereto shall continue to remain in full force and effect for the purpose of allowing or sustaining any suit, action, prosecution or administrative or other proceeding heretofore or hereafter commenced with respect to any violation committed or right or liability incurred under or pursuant to the terms thereof prior to November 22, 1942.

Issued this 6th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11601; Filed, November 6, 1942; 5:00 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Ration Order 1A]

TIRES, TUBES, RECAPPING, AND CAMELBACK

Preamble. This Ration Order No. 1A is issued pursuant to the direction of the Rubber Director to carry out the recommendations of the report of the President's Special Committee to study the rubber situation.

The Committee's report states:

> We are faced with certainties as to demands; with grave insecurity as to supply. Therefore, this Committee conceives its first duty to be the maintenance of a rubber reserve that will keep our armed forces fighting and our essential civilian wheels turning. This can best be done by "bulling through" the present synthetic program and by safeguarding jealously every ounce of rubber in the country.

The Committee points out that the tires on civilian cars have been wearing down at a rate eight times greater than they have been replaced. If this rate were permitted to continue "by far the larger number of cars will be off the road next year and in 1944 there will be all but complete collapse of the 27 million passenger cars in America." The conservation program recommended by the Committee includes "more rubber to those who need it; less to those who don't. * * * Only actual needs, not fancied wants, can or should be satisfied."

This order, along with the new Mileage Rationing: Gasoline Regulations, (Ration Order No. 5C) puts into practice the various recommendations of the Committee. These recommendations include:

> 1. Immediate institution of a tire replacement and recapping program with the allocation of reclaimed rubber for that purpose.
> 2. Nation-wide gasoline rationing to hold the average annual mileage to 5,000 miles * * *
> 3. Prompt and strict enforcement of a nation-wide speed limit not exceeding thirty-five miles an hour * * *
> 4. Compulsory periodic tire inspection.

The Mileage Rationing: Tire Regulations (Ration Order No. 1A) controls the use, care and acquisition of tires, tubes, and recapping services for all types and classes of rubber borne motor vehicles.

Control over commercial motor vehicles is shared with the Office of Defense Transportation. The mileage to be allowed for and the consequent wear of tires by trucks, taxis and like vehicles used for transporting property or available for rental or hire will be determined by the Office of Defense Transportation and evidenced by Certificates of War Necessity. Whether or not such commercial motor vehicles shall receive tires or recapping services remains the responsibility of the Office of Price Administration. Tires and camelback for these vehicles require crude rubber. The present supply of tires and camelback for commercial motor vehicles is now gravely limited. It may not be possible, therefore, to furnish tires or recapping services for every vehicle for which a Certificate of War Necessity is issued by the Office of Defense Transportation, and only the most essential commercial motor vehicles can be designated as eligible for tires or recapping services.

The situation with respect to passenger automobiles, although acute, at present allows a less stringent solution. Unlike truck-type camelback, camelback suitable for recapping passenger automobile tires can be manufactured almost entirely from reclaimed rubber. By rationing all tires, new and used, and all recapping services, and by strictly controlling the mileage driven by passenger automobiles through gasoline rationing, we can, within quota limits periodically fixed, make it possible to provide tires or recapping services for essential mileage. All passenger automobile gasoline rations other than the basic ration are strictly tailored in accordance with need, with a maximum allowance of 470 miles of occupational driving for all who do not fall within those classes of essential users described in the preferred mileage list. The passenger automobile is an integral part of the nation's transportation system and must be kept running. As pointed out by the Committee: "Necessary civilian needs are a part of the war effort. With the increased availability of motor transportation men have moved their residences farther from their place of work. With the growth and spread of war plants and demands for war workers, housing facilities of city and town have become overcrowded, increasing the transportation needs of the country. Nor can public transportation systems alone meet that need. The Committee has remarked:

> We realize full well that beyond some point we cannot limit the amount of (passenger car) transportation * * * without severe effects on our war program. Indeed we have been given estimates that point to the fact that unless 50 percent of our normal car mileage can be maintained our normal productive effort would be seriously retarded.

In order to maintain our essential passenger-car mileage and to prevent a collapse of the transportation system, idle tires must be put to use. To protect that system, none may hoard. Tires must be spread among all who need them. To accomplish this every idle tire must be made available for use. The Government has undertaken a purchase plan designed to bring into the market and make available for use every idle tire. A second means of using to the greatest advantage our existing supply of tires, is to preserve and restore those tire carcasses that are in need of recapping. These tires if recapped in time can continue to be used for essential purposes; if not recapped in time they become useless scrap. As said by the Committee, "The nation is now driving on rubber borrowed from a happier past. Without recaps and replacements the majority of civilian cars would be forced off the road by irreplaceable tire failures."

Conservation measures to protect our present stock of rubber now on running wheels, both of commercial motor vehicles and passenger automobiles have been stressed by the Committee. As such a measure the Mileage Rationing: Tire Regulations institute a system of compulsory periodic tire inspection. The equipment and tires of each car will be checked periodically to make sure that the tires are being used as efficiently as possible and to insure that they will not be used beyond the stage where they can be recapped. The War Price and Rationing Boards are empowered to treat driving over 35 miles per hour as evidence of tire abuse.

Each car owner should limit the use of his car to the most essential purposes. There is no assurance that the rubber supply will be sufficient to cover even the most essential needs, and further restrictions may be necessary in the future. This will depend in large part upon whether or not the American public rigidly restricts its driving habits, and uses the utmost care to prevent any abuse or neglect of its tires. In the words of the Committee report, "we have the choice: discomfort or defeat. There is no middle course."

Accordingly, pursuant to the authority vested in me by War Production Board Directive No. 1, issued January 24, 1942, and by Supplementary Directive No. 1Q, issued November 6, 1942.

It is hereby ordered, That:

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AUTHORITY: §§ 1315.151 to 1315.1198, inclusive, issued pursuant to Pub. Law No. 671, 76th Cong., as amended by Pub. Law No. 89, 77th Cong., and by Pub. Law No. 507, 77th Cong., Pub. Law No. 421, 77th Cong., E.O. 9125, 7 F.R. 2719, issued April 7, 1942, W.P.B. Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, *supra*.

SCOPE OF RATION ORDER NO. 1A

§ 1315.151 *Territorial limitations.* Ration Order No. 1A shall apply in every state, territory or possession of the United States and the District of Columbia.

§ 1315.152 *Effect on other ration orders.* Ration Order No. 1A shall not be construed to permit any act which would be in violation of any other ration order promulgated by the Office of Price Administration.

DEFINITIONS

§ 1315.201 *Definitions.* (a) For the purpose of this Ration Order No. 1A:

(1) "Acquire" means to accept a transfer.

(2) "Board" means a War Price and Rationing Board established by the Office of Price Administration; or a Plant Area Board or other Board established by the Office of Price Administration and designated by it to serve the workers in specified industrial or extractive establishments.

(3) "Bus" means a vehicle built or rebuilt primarily for the purpose of transporting persons and having a rated seating capacity of ten or more.

(4) "Camelback" means any rubber compound designed for application to a worn tire to make a new tread in the process of recapping.

(5) "Certificate," unless the context requires otherwise, means a certificate issued by a Board or other person or agency designated by the Office of Price Administration authorizing the acquisition of any tire, tube, recapping service or camelback.

(6) "Certificate of War Necessity" means a certificate issued by the Office of Defense Transportation pursuant to General Order ODT No. 21.

(7) "Commercial motor vehicle" means any of the following vehicles for which a Certificate of War Necessity is required pursuant to General Order ODT No. 21 and any exemptions, exceptions or permits thereunder or amendments thereto: (i) a straight truck, a combination truck-tractor and semi-trailer, a full trailer, any combination thereof, or any other rubber-tired vehicle, excluding a motorcycle or airplane, built or rebuilt primarily for the purpose of transporting property and propelled or drawn by mechanical power; and (ii) any of the following propelled or drawn by mechanical power and used in the transportation of persons upon the highways: any bus, any ambulance or hearse, any taxicab or jitney, and motor vehicle, except a motorcycle, available for public rental, any station wagon or suburban carry-all available for hire or public rental, or any other motor vehicle except a passenger automobile or motorcycle.

(8) "Consumer" means any person who holds or acquires a tire or tube for use and not for resale.

(9) "Dealer" means any person, other than a manufacturer, engaged in the business of recapping tires, or selling tires, tubes or camelback.

(10) "Fleet," when the term is used in connection with a passenger automobile or motorcycle, indicates that such vehicle is one of three or more passenger automobiles or three or more motorcycles owned by or leased to and used by the same person or organization principally in connection with the same or related occupations; or as applied to a commercial motor vehicle, that such vehicle is one of three or more commercial motor vehicles owned or operated by the same person.

(11) "Grade I," as applied to tires, means a new tire as herein defined, other than a Grade II or Grade III tire.

(12) "Grade II," as applied to tires, means: (i) A new tire for which the Office of Price Administration has established a maximum price of less than 85 percent of the maximum price for tires set forth in paragraphs (a), (b), (f), and (n) of §§ 1315.110 and 1315.111 of Revised Price Schedule No. 63 issued by the Office of Price Administration, (ii) a damaged new tire which is serviceable either with or without repair, (iii) a new tire found to be defective in the manufacturer's final inspection and upon which tire the manufacturer has placed a permanent special identification mark to indicate its defective condition, (iv) a new tire removed from the wheel of a vehicle, from which tire the mold marks have disappeared by reason of wear, or (v) a new tire manufactured prior to January 1, 1938.

(13) "Grade III," as applied to tires, means a used or recapped tire, or a tire manufactured principally from reclaimed rubber as specified by the War Production Board.

(14) "Implement tire" means a tire which has the word "implement" or the name of a type of farm equipment, other than a tractor or combine, molded into the sidewall of the tire by the manufacturer.

(15) "Manufacturer" means any person engaged in the business of manufacturing tires, tubes or camelback.

(16) "Mold" means any recapping mold, or any curing table or curing chamber designed to recap a tire.

(17) "Motorcycle" means a motor-driven vehicle designed for operation on three wheels or less, but does not include a tractor or bicycle.

(18) "Motorcycle tire" means a tire of a size 4.50–18 or smaller, and designed primarily for use upon a motorcycle.

(19) "New," as applied to tires and tubes, means a tire or tube that has been used less than 1,000 miles.

(20) "Official," as applied to a passenger automobile, means that such automobile is owned by or leased to a Federal, State, local or foreign government or government agency, other than the armed forces of the United States or the armed forces of a State organized pursuant to section 61 of the National Defense Act as amended.

(21) "Passenger automobile" means any motor vehicle (other than an ambulance or hearse, a vehicle available for public rental, a taxicab or jitney), built primarily for the purpose of transporting persons and having a rated seating capacity of seven or less; and includes station wagons and suburban carry-alls, irrespective of seating capacity, which are not available for hire or public rental, or any motorcycle.

(22) "Passenger-type camelback" means Grade F camelback as defined by the War Production Board.

(23) "Passenger-type tire" means a tire primarily designed for use on a passenger automobile.

(24) "Person" means any individual, partnership, corporation, association, government, government agency or subdivision, or any other organized group or enterprise.

(25) "Recapper" means any person engaged in the business of recapping.

(26) "Recapping" means the process of tread renewal in which camelback is applied to the tread surface of a tire.

(27) "Recapping service" means the recapping of a certificate holder's tire or a transfer by a dealer or a manufacturer to a certificate holder of a recapped tire in exchange for a recappable tire carcass.

(28) "Regional Office" means a Regional Office established by the Office of Price Administration.

(29) "Retailer" means any dealer other than a wholesaler.

(30) "Rubber" means any form or type of natural, reclaimed, or synthetic rubber, or other similar materials.

(31) "Serial number" means the serial number either on the sidewall or on the inner surface of a tire or, if no such number appears on a tire, the brand name.

(32) "State" means any State, Territory, or possession of the United States, or the District of Columbia.

(33) "State Director" means a State Director appointed by the Office of Price Administration.

(34) "Tire" means any solid or pneumatic rubber tire or casing capable of being used, or capable of being repaired for use, on any passenger automobile, bus, motorcycle, farm implement, farm tractor, commercial motor vehicle, or vehicle designed for use for road-grading, earth-moving, or similar off-the-road purposes.

(35) "Transfer" means any change in right, title, interest, possession or control, including, but not limited to, sale, purchase, lease, loan, trade, exchange, gift, delivery, shipment, and hypothecation.

(36) "Truck-type camelback" means Grade A or Grade C camelback as defined by the War Production Board.

(37) "Tube" means any rubber tube capable of being used, or capable of being repaired for use, within a tire casing on any passenger automobile, bus, motorcycle, farm implement, farm tractor, commercial motor vehicle, or vehicle designed for use for road-grading, earth-moving, or similar off-the-road purposes.

(38) "Used," as applied to tires and tubes, means any tire or tube which has been used 1,000 miles or more.

(39) "Vehicle" means a passenger automobile, bus, motorcycle, farm implement, farm tractor, commercial motor vehicle, or vehicle designed for use for road-grading, earth-moving, or similar off-the-road purposes.

(40) "Wholesaler" means any person engaged in the business of selling tires or tubes exclusively to dealers, or to dealers and consumers who control the use of five or more vehicles using tires.

(b) Where the context so requires, words in the singular shall include the plural, words in the plural shall include the singular, and the masculine gender shall include the feminine and neuter.

ADMINISTRATION, PERSONNEL, AND JURISDICTION

§ 1315.301 *Administration and personnel*—(a) *Personnel.* Ration Order No. 1A shall be administered by the Office of Price Administration through its Boards and such other administrative personnel as it may select. The persons appointed to administer Ration Order No. 1A shall have such powers and duties as are herein described and as the Office of Price Administration has delegated and may from time to time delegate.

(b) *Self interest shall disqualify official.* No person participating in the administration of Ration Order No. 1A shall act officially in any matter arising thereunder as to which he has any interest, by reason of business connection or relationship by blood, marriage or adoption.

§ 1315.302 *Jurisdiction of War Price and Rationing Boards.* A Board shall have jurisdiction to receive and act upon applications with respect to:

(a) A vehicle normally stationed or garaged within the area served by the Board, unless such vehicle is subject to the jurisdiction of a different Board as provided in paragraph (c) or in § 1315.303.

(b) A vehicle temporarily located within the area served by the Board, if such vehicle requires tires or tubes immediately for its continued operation and application cannot practicably be made to the Board normally having jurisdiction;

(c) The establishment, maintenance or increase of an emergency reserve of tires and tubes

(1) If the applicant is a State and has its seat of government within the area served by the Board, or

(2) If the applicant, other than a State, has his principal place of business within the area served by the Board;

(d) Authority to acquire an allotment of camelback, if the applicant has his principal place of business within the area served by the Board;

(e) Authority to acquire an allotment of Grade III tires, if the establishment for which such authority is sought is located within the area served by the Board;

(f) Authority to acquire a tube for use solely in recapping, if the mold for which the tube is sought is located within the area served by the Board.

§ 1315.303 *Jurisdiction of Plant Area Boards or other Boards.* A plant Area Board or other Board designated by the Office of Price Administration to serve the workers in specified industrial or extractive establishments shall have jurisdiction to receive and act upon applications with respect to a passenger automobile, where the applicant works at the establishment which the Board has been designated to serve, unless the current gasoline ration for the automobile was issued by the War Price and Rationing Board having jurisdiction over the area in which such automobile is normally garaged or stationed at the time application under this order is made.

QUOTAS

§ 1315.401 *Quotas*—(a) *Quotas to be fixed.* The Office of Price Administration, Washinton, D. C., may from time to time set and allocate quotas and reserve quotas fixing the maximum number of tires or tubes and the maximum amount of recapping services or camelback for the acquisition of which certificates may be issued, and may administer, adjust, and revoke such quotas.

(b) *Quotas not to be exceeded by Boards.* No Board shall issue a certificate for the acquisition of tires, tubes, recapping services, or camelback in excess of its quotas.

(c) *Basis for Board consideration.* If the Board has before it applications from persons eligible for tires, tubes, or recapping service which in its judgment satisfy all the conditions of this order but which together call for the issuance of certificates for tires, tubes, or recapping service in excess of the applicable quota of the Board, the Board, in determining which of the competing needs are to be satisfied, shall be governed by the relative importance to the war program, public safety, and public health, of the operation of a vehicle in one use as compared with the importance of the operation of a vehicle in another use. The Board shall base its determination upon the application for a certificate, the application for a gasoline ration for the vehicle for which tires, tubes, or recapping service are sought, and all other information which comes to its knowledge. The Board shall at all times serve the objectives sought to be accomplished by the tire rationing program and allot certificates for the most vital civilian uses and for uses essential to the war effort.

(d) *Passenger automobile spare tires.* No Board shall issue a certificate for a spare tire (other than for recapping service only) to an applicant for a passenger automobile for which there has been issued only a basic ration currently valid under Ration Order No. 5C, unless the mileage driven in such vehicle is necessary for carrying out one or more of the purposes described in § 1394.7706 of Ration Order No. 5C, except between the twenty-fifth and the last day of a month, and then only if there are no pending applications for tires for running wheels using passenger-type tires. A certificate for recapping service for a spare tire may be issued at any time.

(e) *List B commercial motor vehicles.* No Board shall issue a certificate for recapping service or a tube for a commercial motor vehicle eligible under § 1315.505 (b) (List B), except between the twenty-fifth and the last day of a month. No such certificate shall be granted if there is pending any application for recapping service or tube for a commercial motor vehicle eligible under § 1315.505 (a) (List A) which has not been satisfied.

PROOF OF NEED AND ELIGIBILITY

§ 1315.501 *General proof of need.* No Board shall grant a certificate authorizing any consumer to acquire a tire, tube, or recapping service, and no consumer shall accept such a certificate, unless the applicant is eligible under either §§ 1315.503, 1315.505, 1315.506, or 1315.507 and in addition meets each of the following conditions:

(a) *Immediate need.* That the tire, tube, or recapping service for which application is made is to equip a vehicle held for use and not for resale and is:

(1) To equip a vehicle which requires tires or tubes because of alteration, or reconstruction, or which, for reasons satisfactory to the Board, does not already have the number of tires permitted for such vehicle by the Office of Price Administration; or

(2) To replace a lost or stolen tire or tube; or

(3) To replace a tube which cannot be repaired, or a tire which cannot be repaired or recapped or which would be unsafe when recapped for operation at the speeds at which the applicant may reasonably be expected to operate; or

(4) To replace a tire or tube which is not serviceable for the use to which the vehicle is to be put; or

(5) To recap a tire which requires recapping or which will require recapping by the date the applicant may reasonably be expected to secure recapping.

(b) *No abuse or neglect.* That the applicant has not in any manner abused or neglected or permitted to be abused or neglected the tire or tube which he seeks to replace or recap. However, the Board may waive this condition if it finds that the community or the nation would suffer serious loss if the application were denied.

(1) The Board may consider, among other things, as evidence of tire abuse:

(i) That the vehicle for which a certificate is sought has been operated at a speed in excess of thirty-five (35) miles per hour; or

(ii) That the tire for which replacement is sought has become unfit for recapping through the fault of the applicant, such as failure to make timely application for a tire, failure to replace a tire as promptly as possible or driving for unnecessary purposes or when other means of transportation are available.

(c) *Unlawful mileage.* That the applicant has not used the tires or tubes which he seeks to replace on a vehicle which has been used for purposes prohibited by or for mileage in excess of that allowed under Ration Order No. 5C.

(d) *Ply construction.* That, if the application is for a certificate for a new passenger-type tire of six or more ply construction, the vehicle upon which the tire is to be mounted cannot be operated satisfactorily in the use to which it is to be put with a tire of less than six-ply construction.

(e) *No available tire or tube.* That the applicant, other than a Federal, State, local, or foreign government or government agency, does not own or control a tire or tube, other than tires or tubes mounted upon vehicles in current use (including one spare for each size wheel per vehicle) which can be used, or repaired for use, in lieu of the tire or tube sought to be replaced or the tire sought to be recapped. In computing the number of tires or tubes owned or controlled, applicant need not include emergency reserves acquired in accordance with § 1315.507, tires or tubes reported on OPA Form R–17 or R–17 (revised) or reported by a manufacturer to the War Production Board, or tires or tubes in a public warehouse and removable only upon certificate.

(f) *No excess tires.* That the applicant owns, possesses or controls no tires, the ownership, possession or control of which would render him ineligible for a Basic, Fleet, or dealer's ration under Ration Order No. 5C.

§ 1315.502 *Additional proof of need for passenger automobile.* In addition to meeting all the conditions of § 1315.501, an applicant for a tire, tube, or recapping service for a passenger automobile must meet the following conditions:

(a) *Gasoline ration.* That he has a gasoline ration currently valid under Ration Order No. 5C for a passenger automobile;

(b) *Inspection record.* That the applicant has a Tire Inspection Record, signed by an authorized tire inspector, showing that the required tire inspections have been made; and that either the serial number of the tire to be replaced has been entered upon such record or the applicant has Part D of a certificate authorizing acquisition of such tire: *Provided, however,* That the Board may waive the requirement that applicant have a Tire Inspection Record showing the required tire inspections if the applicant can establish that serious illness of the applicant or the physical condition or location of the automobile made it impossible to obtain the required inspections, and if the current inspection shows no evidence of abuse or neglect of any of the tires or tubes upon the vehicle.

§ 1315.503 *Eligibility of passenger automobile*—(a) *Reconsideration of gasoline ration.* When application is made for a tire, tube, or recapping service for a passenger automobile, the Board shall reconsider the applicant's gasoline ration before passing upon his application. Such reconsideration shall be made as follows:

(1) *Basic ration.* When only a basic gasoline ration has been issued for the passenger automobile, the applicant shall set forth in his application for tires, in addition to such other information as may be required, information concerning the uses to be made of the passenger automobile.

(2) *Supplemental ration.* If the applicant has a current supplemental ration, the Board shall reconsider the application for such ration for such vehicle, if available at the Board. If such application is not available at the Board, the applicant shall provide such information upon OPA Form R–535 as to his occupation and mileage requirements as the Board may require.

(3) *Fleet and official ration.* When application is made for a tire, tube, or recapping service for a fleet passenger automobile, or a passenger automobile owned by or leased to a Federal, State, local, or foreign government or governmental agency, the Board shall reconsider the application for the current Fleet or official ration, if available at the Board. If such application is not available at the Board, the applicant shall provide such information upon OPA Form R–551 as to the use and mileage requirements of such vehicle as the Board may require.

(b) *Redetermination of supplemental fleet or official gasoline ration.* If upon reconsideration of the gasoline ration as provided in paragraphs (a) (2) and (a) (3) of this section, the Board finds that the applicant has been granted either a larger or a smaller gasoline ration than he is entitled to under Ration Order No. 5C, or a ration of a class other than that to which he is entitled under Ration Order No. 5C, it shall recall excess gasoline coupons or issue an additional or a different gasoline ration for the corrected mileage: *Provided, however,* That no gasoline coupons shall be recalled if application is made for a fleet or official passenger automobile using an interchangeable gasoline ration book, but such mileage redetermination shall be used as a basis for determining whether the applicant is entitled to a Grade I, Grade II, or a Grade III tire.

(c) *Eligibility determined on basis of adjusted gasoline ration.* When the Board has adjusted an applicant's mileage requirements pursuant to paragraphs (a) and (b) of this section, it shall determine the applicant's eligibility for a tire, tube, or recapping service on the basis of such adjusted mileage, and not on the basis of his former allowed gasoline mileage, in accordance with the following table:

Total gasoline mileage	Kind of tire or recapping service	Kind of tube
560 or less miles per month	Recapping service with passenger-type camelback if applicant has a recappable tire carcass; otherwise a Grade III tire.	New or used at applicant's option.
561 to 1,000 miles per month	Recapping service with passenger-type camelback if the applicant has a recappable tire carcass; otherwise a Grade II or Grade III tire at applicant's option.	New or used at applicant's option.
1,000 miles per month or over	Recapping service with passenger-type camelback if the applicant has a recappable tire carcass; otherwise a Grade I, Grade II or Grade III tire at applicant's option.	New or used at applicant's option.
For fleet passenger automobiles or official passenger automobiles for which interchangeable gasoline ration books have been currently issued.	Recapping service with passenger-type camelback if applicant has a recappable tire carcass; otherwise a Grade III tire.	New or used at applicant's option.

Provided, That an applicant applying for a fleet or official passenger automobile for which an interchangeable gasoline ration book has been currently issued may receive a certificate for a Grade II or Grade I tire only if he establishes that the particular vehicle will be operated for the requisite number of (560 or 1,000) miles per month; *And provided further,* That, in applying the mileage requirements stated in this paragraph, mileage allowed on a special ration shall not be included.

(d) *Exceptions to eligibility, mileage not governing.* (1) An applicant may obtain a certificate for any grade of tire or tube if he clearly establishes that he must answer emergency calls which require him to operate a passenger automobile at high rates of speed, and that the vehicle is:

(i) Used exclusively for maintaining fire-fighting services or in investigation or patrolling necessary to the maintenance of public police services; or

(ii) Used for making necessary professional calls by a physician, surgeon, chiropractor, osteopath, midwife, or dentist, licensed as such by the appropriate governmental authorities and regularly rendering necessary professional services of an emergency nature outside his office; or

(iii) Used as an emergency maintenance vehicle by a public utility and is clearly and permanently marked as such.

(2) An applicant whose allowed gasoline mileage would entitled him to either a Grade I or Grade II tire may be limited to a certificate for a Grade III tire if the length of time for which he will need his allowed monthly mileage will be substantially less than the normal life of a Grade I or Grade II tire.

(3) An applicant who applies for an "obsolete type" tire or a tire to be mounted on a motorcycle to replace a tire which cannot be recapped, either because of its physical condition or the lack of adequate recapping facilities, shall be entitled to a certificate for a new tire of an "obsolete type," or a new motorcycle tire, but only if a currently valid suplemental gasoline ration is outstanding for the vehicle for which such tire is sought or, in the absence of a currently valid supplemental gasoline ration for such vehicle, if the mileage driven in such vehicle is necessary for carrying out one or more of the purposes described in § 1394.7706 of Ration Order No. 5C. As applied to tires, the term

"obsolete type" means passenger-type tires of the following sizes only:

3.30–18
3.50–18
3.85–18
5.25–18
5.25–5.50–18
5.50–18
6.00–18
6.50–18
7.00–18
7.50–18
4.50–19
4.75–19
4.75–5.00–19
5.00–19
5.25–19
5.25–5.50–19
5.50–19
6.00–19
6.00–6.50–19
6.50–19
7.00–19
7.50–19
3.30–20
3.85–20
4.50–20
4.75–20
4.50–4.75–5.00–20
5.00–20
5.25–20
5.50–20
6.00–20
6.00–6.50–20
6.50–20
7.00–20
4.40–4.50–21
4.40–21
4.50–21
4.75–21
5.00–21
5.25–21
6.00–21
6.50–21
7.00–21
5.00–22
6.00–22
7.50–14
28 x 3
30 x 3
30 x 3½
31 x 4
32 x 4
33 x 4
32 x 4½
33 x 4½
34 x 4½
35 x 5

§ 1315.504 *Additional proof of need for commercial motor vehicle.* In addition to meeting all the conditions of § 1315.501, an applicant for a tire, tube, or recapping service for a commercial motor vehicle must meet the following conditions:

(a) *Certificate of War Necessity.* That he holds a currently valid Certificate of War Necessity, if required, with respect to such vehicle and that the tires have been currently inspected and passed as required by General Order ODT No. 21; and

(b) *Importance to war effort, public health, or safety.* That the functions to be performed by the use of the tire, tube, or recapping service are essential to the war effort, the public health or the public safety. The applicant's need, standing alone, no matter how pressing, shall not be a basis for granting a certificate; and

(c) *Comparative need.* That the issuance of the certificate to the applicant will not deprive other applicants of tires, tubes, or recapping service needed to perform functions deemed by the Board to be more essential to the war effort, public health or public safety than the functions performed by the applicant; and

(d) *Recapping if possible.* That, if the applicant is seeking to replace a tire, it is not capable of being recapped or that it cannot be recapped for safe use at the speeds at which the applicant may reasonably be expected to operate; and

(e) *Passenger-type tires unavailable or wasteful.* That, if application is made for a truck-type tire, a passenger-type tire of suitable size is not available, or that the use of a passenger-type tire would constitute a waste of rubber; and

(f) *No other vehicle available.* That, if application is made with respect to a commercial motor vehicle eligible under § 1315.505 (a) (List A), all other commercial motor vehicles owned or controlled by the applicant are either eligible under § 1315.505 (a) (List A) or cannot practicably be used to perform the services for which a certificate is sought.

§ 1315.505 *Eligibility of commercial motor vehicle*—(a) *List A.* A certificate for any grade or type of tire or tube, or for recapping service may be granted only for a commercial motor vehicle which meets the applicable conditions of §§ 1315.501 and 1315.504, and which is used exclusively for one or more of the following purposes:

(1) As an ambulance, for the transportation of injured or sick persons.

(2) The transportation of mail on behalf of the United States Government.

(3) Maintaining fire-fighting services.

(4) Patrolling or investigation necessary to the maintenance of public police services.

(5) Maintaining garbage disposal and other sanitation services, disposing of refuse, maintaining sewage systems, and similar purposes.

(6) Towing house trailers from the place of manufacture to sites where such trailers are necessary to house workers directly engaged in war production, but only if no other housing is available, the haul is 200 miles or less, and the house trailers cannot be transported by rail.

(i) A Board shall not issue a cértificate where any haul exceeds 200 miles, except upon the written consent of the State Director.

(7) Transporting passengers as part of the services rendered to the general public by a transportation system from which the general public may obtain service upon payment of a standard fare, if such services are rendered along regular routes or with regular schedules.

(i) No certificate shall be issued for a vehicle used for sightseeing trips or similar excursions.

(8) Transporting students, teachers, or other school employees between their homes, or regular stops, and regular places of instruction.

(9) Transporting workers (including executives, technicians, or office workers) to, from, within or between the establishments or facilities listed below, where other practicable means of transportation are not available:

(i) Naval, military, or hospital establishment or facilities;

(ii) Establishments or facilities of common carriers, or other carriers performing services essential to the community or to the war effort; or plants engaged in the production or distribution of light, power, electricity, gas, steam, or water; or irrigation, drainage, flood control, or sanitation systems; or telephone, telepgraph, radio, or other communication systems; or construction projects;

(iii) Industrial, extractive, or agricultural establishments essential to the war effort, including plants or establishments engaged in the extraction, production, processing, or assembling of any aircraft, motor vehicle, ship, marine equipment, armament, implement or engine of war, munitions, fuel, essential medical supplies or essential food or clothing or necessary part thereof; or of any raw, semi-processed, or finished materials, supplies or accessories necessarily used in the manufacture thereof; or of tools, machinery, or appliances essential to the manufacture or use thereof.

(10) Transporting the following persons:

(i) Prisoners, insane, mentally disordered, or mentally incompetent persons and their custodians, guards, and other necessary attendants, provided that such transportation is furnished upon written request to the operator of the vehicle by an authorized officer of the law or other government official charged with the custody of such persons;

(ii) A jury and its official custodians and other authorized court attendants, provided such transportation is furnished upon written request to the operator of the vehicle by the presiding judge of the court in which such jury is serving;

(iii) Military or naval personnel (including State military forces organized pursuant to section 61 of the National Defense Act, as amended), or persons participating in organized recreational activities at military or naval establishments, to and from such establishments, where other practicable means of transportation are not available, provided such transportation is furnished upon written request to the operator of the vehicle by the commanding officer of such establishment;

(iv) Selectees to and from examining or induction centers of the Army, where other practicable means of transportation are not available, provided such transportation is furnished upon written request to the operator of the vehicle by an authorized official of the Selective Service System;

(v) Children under 18 years of age and their attendants to and from summer camps, where other practicable means of transportation are not available, provided the operator of the vehicle shall first obtain the written approval of the Regional Recreation Representative of the Office of Defense Health and Welfare Services;

(vi) Persons between their homes and their places of regular weekly worship for the purpose of attending religious services, where other practicable means of transportation are not available;

(vii) Civilians from their homes for purposes of evacuation, in the interest of their safety and to serve military purposes, or to their homes after evacuation, pursuant to orders of governmental or military authorities.

(11) To transport disabled members of the armed forces to or from any hospital where their disabilities are treated, or to transport persons for the purpose of donating blood, provided that no public means of transportation are available or that such persons cannot practicably use such means of transportation.

(12) ~~To~~ transport persons by taxicab or jitney under license issued by the appropriate governmental authority, provided the applicant presents to the Board his signed statement that he has complied with all applicable orders of the Office of Defense Transportation. No tire or tube obtained on a certificate issued under this subparagraph (12) shall be used on any taxicab or jitney unless it:

(i) Carries as many persons as is legally and practicably possible on each trip;

(ii) Is permanently and conspicuously marked as a taxicab or jitney;

(iii) Does not "cruise" for the purpose of seeking fares;

(iv) Is not used for sightseeing purposes; and

(v) Is not used for the purpose of making commercial deliveries of property.

(13) For transportation of any property by a common carrier which holds itself out to serve the public at standard rates, fixed in advance, and which does not serve persons whom it chooses as its customers on terms separately arranged for each customer.

(14) For transportation, by contract or private carriers, of the following kinds of property:

(i) Ice and fuel.

(ii) Materials and equipment for necessary construction projects or for necessary mechanical, plumbing, electrical, heating, structural, or highway maintenance or repair (other than the installation, maintenance, or repair of such household equipment and furniture as are portable, or such incidental non-structural and non-mechanical maintenance as the cleaning of office buildings, landscape gardening, and similar activities).

(iii) Waste and scrap materials such as waste paper, scrap iron, scrap rubber, and similar commodities which may be used again in production.

(iv) Such raw materials, semi-manufactured goods, and finished products, including foods and farm products, as are essential to the war effort or to the public health and safety. No certificate shall be issued, except to a common carrier, for transportation of such commodities to the ultimate consumer for personal, family, or household use, or for transportation to any person of alcoholic beverages, soft drinks and similar beverages, tobacco products, ice cream, confection, candy, flowers, toys, novelties, jewelry, furs, radios, phonographs, musical instruments, or any luxury goods, or for furnishing tranportation for incidental maintenance service or for the purpose of repairing any such effects, equipment, furniture or machines as are portable, or for the purpose of providing materials or service solely for landscaping or beautification of any construction project or other establishment, except as such transportation or deliveries can be made in conjunction with and incidental to the transportation of commodities or services recognized as eligible herein, without diverting the vehicle from its normal route or schedule. Certificates may be issued under this subdivision for tires or tubes to equip a commercial motor vehicle used to deliver newspapers at wholesale only.

(b) *List B.* A certificate for recapping service only, or for a tube, may be granted for a commercial motor vehicle which meets the applicable requirements of § 1315.501 and 1315.504 and is used for any important purpose not included in § 1315.505 (a) (List A), subject to the following conditions:

(1) Certificates may be granted under this paragraph only for recapping service, or for a tube, to equip commercial motor vehicles performing functions which the Board may find to be essential to the community, such as hearses vehicles delivering milk, bread, or other foods to the ultimate consumer for personal, family or household use, and other vehicles performing services not provided for in § 1315.505 (a) (List A).

(2) No certificate shall be granted under this paragraph if the transportation services can be obtained by using horse-drawn vehicles.

(3) The Board shall issue certificates under this paragraph only between the twenty-fifth day and the last day of a month. No such certificate shall be granted if its issuance would exceed the the quota applicable to recapping services or tubes, or if there is pending any application for such services or tubes for a commercial motor vehicle eligible under § 1315.505 (a) (List A) which has not been satisfied.

(c) *Truck-type camelback.* No certificate shall be issued authorizing the acquisition of truck-type camelback for recapping a tire to be mounted on any station wagon or on a passenger vehicle originally designed to carry seven passengers or less, whether or not rebuilt, unless rebuilt as a bus or unless the vehicle is a taxicab or jitney.

§ 1315.506 *Eligibility of farm implement, industrial equipment and non-highway vehicle.*—(a) *Eligibility requirements.* A certificate authorizing the acquisition of a tire, tube, or recapping service necessary to equip a vehicle which meets the applicable conditions of § 1315.501 and is designed and used as one of the following may be granted, provided tires are essential for its operation:

(1) A farm tractor or other farm implement.

(i) Tractors or combines may be issued certificates for the purchase of tractor tires or implement tires only. Other types of farm equipment may be issued certificates for implement tires only: *Provided, however,* That if an implement or front wheel tractor tire of suitable size is not available, the Board may issue a certificate for a Grade III passenger-type tire.

(ii) Notwithstanding the provisions of § 1315.501 (a) (3), certificates for the purchase of rear wheel tractor tires and not certificates for recapping service may be issued, even though the applicant possesses a recappable carcass.

(2) Industrial, mining and construction equipment, other than passenger automobiles or commercial motor vehicles.

(3) Non-highway vehicles for road-grading, earth-moving, or similar off-the-road purposes.

§ 1315.507 *Eligibility for emergency reserve of tires and tubes*—(a) *Eligibility requirements.* A Board may issue emergency certificates on OPA Form R–20 or regular certificates on OPA Form R–2 (revised) to enable any person who owns, operates, or controls a vehicle which meets the conditions of paragraph (b) of this section to establish, increase or maintain an emergency reserve of tires and tubes equivalent to ten percent of the number of running wheels on vehicles which satisfy the requirements of paragraph (b) (3).

(b) *Conditions.* An applicant must meet the following conditions:

(1) That all commercial motor vehicles which he owns, operates, or controls, are operated exclusively for one or more of the purposes specified in § 1315.505 (a) (List A);

(2) That the vehicle for which application is made is eligible under §§ 1315.503 or 1315.505 (a) (List A);

(3) That over 50 percent of the vehicle's mileage results from regular operations in runs of more than fifty (50) miles from the closest source controlled by the applicant at which tires and tubes are available for his immediate use and more than fifty (50) miles from the place where such vehicle is garaged or normally stationed;

(4) That the vehicle is owned by a State, or is owned or operated by an applicant who has been granted by the Interstate Commerce Commission either a certificate of public convenience and necessity as a common carrier or a permit as a contract carrier.

(i) The holder of a certificate or permit issued by the Interstate Commerce Commission may apply only for those vehicles which he owns and operates.

(ii) An owner of vehicles who is not the holder of a certificate or permit issued by the Interstate Commerce Commission may apply for an emergency reserve based only on those vehicles leased for exclusive use for a period of at least six months to the holder of a certificate or permit issued by the Interstate Commerce Commission: *Provided,* That the owner may permit the lessee to act as his agent in the physical distribution of the tires, tubes, or certificates among the lessee's vehicles during the term of the lease.

(iii) Application under this section shall be made by the State, and not by any subdivision or agency of the State.

(5) That the total number of tires and tubes which he owns and which are or can be mounted on his vehicles eligible under § 1315.503 or § 1315.505 (a) (List A) (excluding tires on running wheels and one spare of a given size for each vehicle operated for such purposes), amounts to less than ten percent of the running wheels on vehicles which satisfy the requirements of paragraph (b) (3).

(i) For the purposes of this computation a dual wheel shall be treated as two wheels.

(ii) An applicant who has increased the number of his vehicles operated for purposes specified in § 1315.503 or § 1315.505 (a) may apply to the Board for an emergency reserve based on such increase. He shall not be required to trade in or sell any tire or tube upon acquiring tires, tubes, or certificates to increase his emergency reserve, since such acquisition is not for replacement but is an addition to his stock.

(6) That he has satisfied all the applicable provisions of §§ 1315.501, 1315.502, and 1315.504.

(c) *Inspection and proof of sale.* An applicant who has been found by a Board to be entitled to an emergency reserve under paragraph (b) may, in order to replenish his allowable stock of tires or tubes, apply for a certificate for a tire, tube or recapping service. The applicant must present a certification by an inspector on OPA Form R–21 for each tire or tube to be recapped or replaced. The Board may issue a certificate on OPA Form R–2 (revised) for a tire, tube or recapping service. If the Board issues an emergency certificate on OPA Form R–20 for tires or tubes, the applicant must deliver to the Board a proof of sale on OPA Form R–22 for each tire or tube to be replaced, prior to receiving such certificate. Separate certificates must be issued for tires and for tubes in all cases.

§ 1315.508 *Eligibility for allotment of camelback*—(a) *Amount to which recapper entitled.* A certificate authorizing the acquisition of camelback may be issued to an applicant who is a recapper, but who is not a manufacturer of camelback. Such certificate shall authorize the applicant to acquire:

(1) Truck-type camelback for each mold operated by him and capable of recapping truck-type tires, sufficient to enable him to have the amount of truck-type camelback specified in the following table, less the combined total of:

(i) His inventory of such camelback as of midnight, February 18, 1942, irrespective of its location, and

(ii) The amount of such camelback authorized by the Board prior to October 12, 1942, as his initial allotment of such camelback, and

(iii) The amount of such camelback that he acquired from any person after February 18, 1942, without certificate:

Type of mold	Tire recapping capacity of mold	Number of pounds of camelback per mold	Type of camelback
Individual	7.50–20 or larger	1,000	Truck.
Individual	5.50–17, 30 x 5 or larger, but not 7.50–20 or larger.	300	Truck.
Multiple	7.50–20 or larger	1,500	Truck.

(2) Passenger-type camelback for each mold operated by him and capable of recapping passenger-type tires, sufficient to enable him to have the amount of passenger-type camelback specified in the following table, less the combined total of:

(i) His inventory of such camelback as of midnight March 22, 1942, irrespective of its location, and

(ii) The amount of such camelback authorized by the Board prior to October 12, 1942, as his initial allotment of such camelback, and

(iii) The amount of such camelback that he acquired from any person subsequent to March 22, 1942, without certificate:

Type of mold	Tire recapping capacity of mold	Number of pounds of camelback per mold	Type of camelback
Individual	Smaller than 7.50–20	1,500	Passenger.
Multiple	Smaller than 7.50–20	1,000	Passenger.

(b) *Limitation upon applications.* An applicant who has obtained a certificate from the Board authorizing him to acquire camelback under this section may not thereafter file another application, except for authority to purchase camelback for molds which he acquired subsequent to the issuance of the certificate.

§ 1315.509 *Eligibility for allotment of Grade III tires*—(a) *Applicant must be a dealer.* The Board may issue a certificate authorizing any applicant who is a dealer to acquire an allotment of Grade III tires for each establishment operated by him for which OPA Form R–17 has been filed in the quarter preceding his application, or for each establishment operated by him for which he was not required to file OPA Form R–17 under § 1315.1007 (b), or for each establishment which has been established pursuant to an authorization of the Office of Price Administration since October 1, 1942.

(b) *Amount of allotment.* Each applicant may be allotted one Grade III tire for each $1,000 of his 1941 retail and wholesale net dollar sales of passenger-type tires and tubes from the establishment for which the allotment is sought, but no allotment shall be in excess of two hundred (200) Grade III tires and any applicant shall be entitled to at least twelve (12) Grade III tires: *Provided,* That a certificate shall be granted to authorize the acquisition of no more than the difference between such allotment and his inventory of Grade III tires (including Parts B of certificates authorizing the acquisition of Grade III tires which he received in exchange for Grade III tires, but upon which he has not yet obtained replenishment) as of the date of his application.

(c) *One allotment only.* The Board shall grant only one allotment to an applicant for each establishment for which an allotment is sought.

§ 1315.510 *Eligibility of recappers for curing tubes.* Any recapper may file an application for authority to acquire tubes for use solely in recapping. The applicant must establish that he does not have more than one serviceable air bag or tube of the required size for each mold operated by him and that the tube applied for is necessary to the operation of the mold. No recapper shall be authorized to acquire in any one calendar month more than four tubes for each mold operated by him.

APPLICATIONS AND CERTIFICATES

§ 1315.601 *Application for certificates*—(a) *Who may execute and file.* Any person may file with the Board having jurisdiction an application for a certificate authorizing the acquisition of tires, tubes, recapping services or camelback. Application may be made by an agent; but if the agent is not an employee of the applicant, he may sign the application only if the applicant for whom he is acting is physically unable to sign or is outside the jurisdiction of the appropriate Board. No member or employee of the Board to whom application is made and no authorized tire inspector shall act as agent of an applicant. The Board may require that principal and agent, or owner and operator join in an application.

(b) *Contents of application.* Each applicant shall set forth (1) facts showing jurisdiction of the Board; (2) facts showing need and eligibility for the tires, tubes, recapping service or camelback for which application is made; and (3) such additional information and commitments as may be required by the application or by the Board.

(c) *Presentation of Tire Inspection Record.* Any applicant for a certificate who is required to have a Tire Inspection Record (OPA Form R–534–B) shall present to the Board such record at the time of filing his application. If the serial numbers of any tire shown on the Tire Inspection Record are different from those previously entered on the record, the applicant shall produce the Part D of a certificate authorizing the acquisition of such tire.

(d) *Presentation of Certificate of War Necessity.* Any applicant for tires, tubes or recapping service for a commercial motor vehicle shall present to the Board a currently valid Certificate of War Necessity, if required, for such vehicle.

(e) *Certification by applicant.* The applicant shall, in his application, state the true and complete facts required by the application or the Board to be set forth therein, and shall certify such facts. If an application is made by an agent, both the principal and agent shall be bound by and deemed to have knowledge of all statements set forth in the application.

§ 1315.602 *Filing of applications*—(a) *Tires and tubes for consumers.* Applications for certificates authorizing the acquisition of tires, tubes or recapping service (other than to establish, increase or replenish an emergency reserve) shall be filed with the Board having jurisdiction under § 1315.302 or § 1315.303 of Ration Order No. 1A. A separate application must be filed on OPA Form R–1 (revised) for each vehicle.

(b) *Emergency reserve for consumers.* Applications for certificates authorizing the acquisition of tires, tubes or recapping service to establish, increase or replenish an amergency reserve shall be filed on OPA Form R–19 with the Board for the area in which the applicant's principal place of business is located or, in the case of a State, in which its seat of government is located.

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(1) If the applicant changes the location of his principal place of business, subsequent applications shall be filed with the Board for the area in which his new principal place of business is located and the records of the applicant's prior applications shall be forwarded to such Board.

(c) *Curing tubes for recappers.* Applications for certificates authorizing the acquisition of tubes to be used in molds shall be filed on OPA Form R–1 (revised) with the Board for the area in which the mold is located.

(d) *Allotment of camelback for recappers.* Applications for certificates authorizing the acquisition of an allotment of camelback shall be filed on OPA Form R–9 (revised) with the Board for the area in which the principal place of business of the applicant is located.

(e) *Allotment of Grade III tires for dealers.* Applications by a dealer for certificates authorizing the acquisition of an allotment of Grade III tires shall be filed on OPA Form R–45 with the Board for the area in which the establishment for which the allotment is sought is located.

§ 1315.603 *Certification by inspector prior to filing application*—(a) *Inspection of tires and tubes.* No consumer may file an application for a certificate, and no such application shall be considered by a Board, until an inspector authorized by the Office of Price Administration has currently inspected the tires or tubes to be replaced or recapped and has executed and signed the "Certification by Inspector" contained in OPA Form R–1 (revised). This paragraph shall not apply when application is made for the following purposes:

(1) To establish or increase an emergency reserve; or

(2) To acquire a tire or tube necessary to equip a vehicle not equipped with the number of tires or tubes permitted in § 1315.501 (a); or

(3) To replace a lost or stolen tire or tube.

(b) *Thorough inspection required.* No inspector may certify any fact concerning the condition of a tire or tube without making a personal and adequate inspection to determine such fact, and no inspector shall certify that a tire can be recapped unless he removes the tire from the wheel or rim. The Board may in its discretion require an additional inspection and certification by an inspector named by the Board.

(c) *No compensation to be paid for inspection.* No applicant may pay any compensation for the certification or the inspection required by this section, except that sums, not in excess of those set forth in the following schedule, may be paid the inspector, or any other person, for the service of removing and replacing a tire when such service is necessary for inspection purposes:

Schedule of fees for removing and replacing tires

Type of tire	*Fee*
(1) Passenger car tires, each	$0.50
(2) Small truck tires (7.50–20 or smaller), each	.75
(3) Large truck tires (larger than 7.50–20), each	1.00
(4) Additional charge for removing inside dual truck tires (larger than 7.50–20)	.50

§ 1315.604 *Investigation of facts by Board*—(a) *Power of the Board.* Before issuing a certificate the Board may require such assurances and proof of such facts as it may deem necessary to determine whether an applicant should be issued a certificate. For this purpose the Board may make inquiries and investigations and may require an applicant to appear in person or by agent at the office of the Board at a designated time and supply such additional evidence and information and furnish such records and affidavits as may relate to the application.

(b) *Additional information.* If the applicant is applying for tires or tubes to be mounted on a vehicle which has less than the number of tires and tubes permitted by § 1315.501 (a) and which he has purchased or contracted to purchase, the Board shall require him to submit together with his application an affidavit from the vendor of the vehicle stating in full the reasons why the vehicle is not equipped with a sufficient number of tires or tubes. The Board must be satisfied from such affidavit before it may grant a certificate that the vendor is not responsible for the lack of a sufficient number of tires or tubes for such vehicle.

§ 1315.605 *Notation of reasons for action.* Whenever the Board acts upon an application, it shall note the reasons for its action upon the application. If the application is granted, the number, grade, and type of tires or tubes, or the type of recapping service or camelback shall be noted upon the application.

§ 1315.606 *Applicant to be notified of decision of Board.* After acting upon an application the Board shall promptly notify the applicant of its decision and, if the application is denied in whole or in part, shall state the reasons for its decision.

§ 1315.607 *Form of certificates to be issued.* The Board may issue the following certificates to an applicant who has established need and eligibility under this Ration Order No. 1A:

(a) *For tires, tubes, and recapping service.* OPA Form R–2 (revised) authorizing an applicant to acquire tires, tubes, or recapping service, other than for the purpose of acquiring tires or tubes to establish, increase, or replenish an emergency reserve. Separate certificates shall be issued for tires and for tubes and for recapping service.

(b) *For emergency reserve.* OPA Form R–20 authorizing an applicant to acquire tires or tubes in order to establish, increase or replenish an emergency reserve.

(c) *For curing tubes.* OPA Form R–2 (revised) authorizing an applicant to acquire tubes to be used in molds.

(d) *For allotment of camelback.* OPA Form R–10 (revised) authorizing an applicant to acquire an allotment of camelback.

(e) *For allotment of Grade III tires.* OPA Form R–46 authorizing an applicant to acquire an allotment of Grade III tires.

§ 1315.608 *Certificates non-transferable.* No certificate or any part thereof may be transferred except as authorized by Ration Order No. 1A or by the Office of Price Administration, or in exchange for tires, tubes, recapping service or camelback.

§ 1315.609 *Execution and issuance of certificate*—(a) *Execution of certificates.* It shall be the responsibility of the Board, prior to issuing any certificate, to fill in Part A and Part B of the certificate setting forth the information required, except that the item on OPA Form R–20 which calls for the specification of the sizes of the tires or tubes to be purchased, need not be filled in unless requested by the applicant. It shall also be the responsibility of the Board to indicate on Parts C and D of the certificate issued the number of the Board and its address. No certificate shall be valid unless Part A is signed by the issuing officer of the Board, who may be either a member of the Board or one of its clerks designated to act as issuing officer.

(1) The Board shall indicate on the certificate the tubes or the serial number of the tires to be replaced (including scrap tires or tubes), which the applicant must turn in. If the tire to be replaced is a recappable carcass, the Board shall write on the certificate after the serial number of such tire "recappable carcass".

(i) The applicant shall turn in all tires and tubes to be replaced, except when he is having his tire recapped, or if he can establish that he has no tires or tubes to turn in because he is establishing or increasing an emergency reserve, is acquiring a tire or tube necessary to equip a vehicle not equipped with the number of tires or tubes permitted by § 1315.501 (a), is replacing a lost or stolen tire or tube, or is a government agency forbidden by law to make such disposition.

(2) The Board shall indicate on the certificate the exact number, type, grade, and size of the tires or tubes, or the amount and type of recapping service or camelback which may be acquired in exchange for the certificate.

(b) *Issuance of certificates.* When all of the foregoing steps have been taken, the Board shall issue the certificate by delivering or mailing it to the applicant or his agent.

(1) If the certificate to be issued by the Board is for recapping service, the Board shall note on Parts A and B thereof whether the certificate entitles the applicant to truck-type camelback or to passenger-type camelback, as provided in § 1315.505 (c), and shall mark Part B thereof "good for (truck or passenger-type) camelback only".

(2) If the certificate to be issued by the Board is for implement tires, the Board shall mark Part B thereof "good for implement or tractor tires only".

(3) If a consumer desires to obtain tires or tubes stored by him in a public warehouse, he shall inform the Board of this fact, and, if the Board issues a certificate to him, it shall tear off and destroy Part B of such certificate.

§ 1315.610 *Action by certificate holders*—(a) *Use of certificate.* A certificate properly executed and issued may be used by the person to whom it was issued within the time and for the purposes specified thereon. After the expiration date thereon, the certificate shall be void and the applicant shall surrender it to the issuing Board.

(b) *Replaced tires or tubes to be turned in.* (1) If the certificate indicates that a tire or tube being replaced must be turned in and does not indicate that such tire is a recappable carcass, the applicant shall, before acquiring from a dealer any tire or tube in exchange for the certificate, turn in the tire or tube to be replaced to such dealer, except in the case of purchase by mail. If the applicant acquires a tire or tube by mail, or withdraws it from a public warehouse, he shall within five days thereafter deliver the replaced tire or tube to a dealer. In every case in which a tire or tube being replaced by mail is turned in to a dealer, the applicant shall, within five days after receiving the replacement, file with the Board which issued the certificate OPA Form R–3 certifying that the replaced tire or tube has been turned in to a dealer.

(2) If the tire turned in is a recappable carcass, a dealer who is not a recapper shall transfer such tire to a recapper in exchange for a proof of sale on OPA Form R–22.

(c) *Signing of certificates.* The applicant or his agent shall sign and execute the appropriate portions of the certificate in accordance with the instructions thereon, prior to acquiring the tires, tubes, recapping services or camelback specified thereon. The same person shall sign Parts B, C and D of OPA Form R–2 (revised) where the signature of the certificate holder is required. No member or employee of the Board issuing the certificate, no authorized tire inspector, and no dealer shall act as agent of the applicant in signing Parts A, B, C or D of OPA Form R–2 (revised).

§ 1315.611 *Action by suppliers*—(a) *Turn in of tire or tube prerequisite to transfer.* If the applicant is required to turn in a tire or tube, no dealer shall transfer any tire or tube pursuant to the certificate until the applicant has turned in to him the tire or tube to be replaced, except in the case of purchase by mail.

(b) *Certificate to be completed.* No dealer or warehouseman shall transfer tires, tubes or camelback until both he and the applicant have properly signed and executed the certificate in accordance with the instructions thereon.

(c) *Delivery pursuant to certificate.* If the foregoing requirements have been fulfilled, the dealer or warehouseman to whom the certificate has been surrendered shall deliver to the person indicated thereon, or to his agent, the exact number, type, grade and size of tires or tubes or the type of recapping service or camelback set forth on the certificate.

(1) Any dealer may, in exchange for a certificate for a Grade I tire, transfer to the holder thereof a Grade I or Grade II tire.

§ 1315.612 *Splitting of certificates.* A certificate holder who is unable to acquire from one supplier all the tires, tubes, recapping service or camelback which he has been authorized to acquire shall return the certificate to the issuing Board and the Board shall thereupon cancel the returned certificate and issue as many certificates as are necessary to permit the acquisition of such tires, tubes, recapping service or camelback from several suppliers.

REVOCATION OF CERTIFICATES OR RIGHT TO USE TIRES

§ 1315.651 *Revocation of certificates.* Any certificate, part of a certificate or authorization issued under Ration Order No. 1A shall be subject to revocation, cancellation, suspension, correction or modification by a Board or other agent designated for this purpose by the Office of Price Administration, Washington, D. C.

§ 1315.652 *Revocation of certificates issued by mistake.* Any certificate issued to a person not entitled thereto on the basis of the facts stated in the application and which has not been used by the person to whom it was issued, may be revoked by the issuing Board and the Board may order that such certificate be surrendered to it. If in such a case the Board finds that the certificate holder is entitled to a tire or tube of a different grade or type, it shall, subject to quota limitations, issue a certificate for such tire or tube in lieu of the certificate revoked.

§ 1315.653 *Revocation of certificates or declaration of ineligibility after hearing.* (a) *Procedure by Board.* When a Board has reason to believe that a consumer (1) has made a false statement in an application for a certificate, (2) has used a tire in connection with the use of a special ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than that for which such ration was obtained, or in connection with the use of a ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than one for which such ration may be obtained under Ration Order No. 5A or Ration Order No. 5C, or (3) has violated any provision of § 1315.901 (f) or (g), it or any other Board acting at its request may serve written notice of hearing upon such consumer and may recall any certificate issued to such consumer pending the determination of the proceedings before the Board. The notice shall be served at least three days prior to the date fixed for such hearing, and shall state the time and place of the hearing, the charge against such person, and the purpose for which the hearing is to be held. If the person against whom the proceeding is instituted admits the charges or fails to appear at the hearing, or if the Board determines on the basis of the evidence presented before it at the hearing that the consumer has committed any of the acts above specified, the Board shall by order revoke the certificates, if any, issued to him and direct him to surrender them to the Board, unless the certificates have been surrendered to a dealer, and declare that he shall not be eligible to receive a certificate for such period as it shall deem appropriate in the public interest: *Provided,* That if any person against whom an order was issued for failure to appear for hearing shows good cause to the Board, within five days from the effective date of the order, for such failure, the order shall be rescinded and the Board shall grant him a full hearing on the charges made. A copy of the Board's order shall promptly be served on the person against whom it is issued personally or by registered mail directed to his last known address, and copies thereof shall be sent to the district and state offices which have jurisdiction over the area in which the Board is located. Such order shall, if personally served, become effective twenty-four (24) hours after such service, or if served by mail, three (3) days after the date of mailing. The Board may designate one or more of its members to perform the functions prescribed in this paragraph.

(b) *Review by District Manager or State Director.* Any person against whom an order has been issued pursuant to the provisions of paragraph (a) of this § 1315.653 may within five (5) days after the effective date thereof request a hearing on the charges and a review of such order by filing a statement of objections to the order with the Board which issued it. Within three (3) days after receipt of the statement the Board shall forward it, together with the application and a copy of the notice served to the District Office or, if there is no District Office with jurisdiction over the area in which the Board is located, to the State Director. Within three (3) days after receipt of such statement from the Board, the District Manager, or the State Director, as the case may be, shall set a date for a hearing on the charges and at least three (3) days prior to the hearing notify the person requesting the hearing personally or by registered mail directed to his last known address of the time and place set for the hearing. Such hearing shall be conducted by a presiding officer appointed by the Regional Administrator or by such person as he may designate to make such appointment. The presiding officer may administer oaths and affirmations and rule on the admission or exclusion of evidence. The provisions of paragraphs (c) (3) and (4) of § 1315.656 shall apply in the conduct of such hearing. If after such hearing it is determined by the District Manager or State Director (as the case may be) that the person requesting the hearing is a consumer and (1) has made a false statement in an application for a certificate, (2) has used a tire in connection with the use of a special ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than that for which such ration was obtained or in connection with the use of a ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than one for which such ration may be obtained under Ration Order No. 5A or Ration Order No. 5C or (3) has violated any provision of § 1315.901 (f) or (g), he shall affirm the order but may extend or reduce the period of ineligibility established by the Board as he may deem appropriate in the public interest. If he finds that the charges have not been proved he shall rescind the order. A copy of his decision shall promptly be served upon the person against whom the order was issued and upon the Board.

(c) *Stay of action by District Manager or State Director.* The District Manager or the State Director (as the case may be) may for good cause shown upon application by the person against whom the order was issued, stay or suspend the operation of any order issued pursuant to the provisions of § 1315.653 (a) pending the hearing and determination of the proceedings provided for in paragraph (b) hereof.

(d) *Appeal to Washington Office.* An appeal from an affirmance or modification of the order of the Board may be taken by the person against whom it was issued by filing in the Office of the Secretary, Office of Price Administration, a notice of appeal, which may be accompanied by any affidavits or briefs which the person filing the notice desires to submit. Within a reasonable time after the filing of the notice of appeal, the Administrator or such person as he may designate for such purpose shall affirm, modify, rescind or stay the order, or direct that a further hearing be held.

(e) *Action by Board on remand.* Whenever an order issued by a Board pursuant to the provisions of § 1315.653 has been rescinded, the Board shall issue to the original holder any certificate to which he is entitled.

§ 1315.654 *Effective period of Board order.* Whenever any Board, pursuant to the provisions of § 1315.653 (a) has revoked a certificate or declared that a person should be ineligible to receive a certificate during a specified period, no certificate shall be issued to him except in accordance with the provisions of such order, unless a restoration is directed pursuant to the provisions of § 1315.655.

§ 1315.655 *Restoration of certificates or eligibility upon application.* A person whose certificate has been revoked and who has surrendered it to any Board as required by an order of the Board pursuant to the provisions of § 1315.653 (a) or has been declared by an order of a Board issued under that section to be ineligible to receive a certificate, may apply in writing to the State Director for a restoration of his certificate or his eligibility. Such application shall be granted if the State Director finds that the violation, on the basis of which the certificate was revoked or the applicant declared ineligible, was excusable under the circumstances, or that the granting of such application is necessary to the war effort or in the interest of public health or safety. In such case, the State Director shall direct the Board which revoked the certificate or declared such ineligibility to issue to such person any certificate to which he may be entitled under the provisions of Ration Order No. 1A.

§ 1315.656 *Authority of Regional Administrators, State Directors, and District Managers to revoke certificates or to forbid acquisition or use of tires or tubes*—(a) *When procedure available.* The several Regional Administrators of the Office of Price Administration within their respective regions, and such State Directors or District Managers as may be designated by the Regional Administrators for such purposes, are authorized to determine, after a hearing held in accordance with the provisions of this section, whether any person has (1) acquired a certificate to which he is not entitled under the provisions of Ration Order No. 1A, (2) acquired a tire or tube in violation of Ration Order No. 1A, (3) has used a tire in connection with the use of a special ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than that for which such ration was obtained, or in connection with the use of a ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than one for which such ration may be obtained under Ration Order No. 5A or Ration Order No. 5C, or (4) has violated any provision of § 1315.901 (e), (f) or (g) or any provision of § 1394.8172 of Ration Order No. 5C, and upon making such determination may take the action permitted under paragraph (b) of this section.

(b) *Kind of order which can be made.* (1) If it is determined in accordance with the provisions of this section that a person has acquired a certificate to which he is not entitled, such person shall be declared ineligible to receive a certificate for such period as may be deemed appropriate in the public interest, and the certificate shall be revoked if it has not been used, or, if it has been used, the use of the tire or tube so acquired shall be prohibited for such period as may be deemed appropriate in the public interest: *Provided, however,* That if the certificate was issued through a mistake of the Board which was not induced by any false statement or misleading omission on the part of the applicant, no declaration of ineligibility shall be made and the use of a tire or tube acquired through the use of the certificate shall not be prohibited, but the Board shall be directed to issue a proper certificate in place of the one revoked.

(2) If it is determined that a person has (i) acquired a tire or tube in violation of Ration Order No. 1A, (ii) has used a tire in connection with the use of a special ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than that for which such a ration was obtained, or in connection with the use of a ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than one for which such ration may be obtained under Ration Order No. 5A or Ration Order No. 5C, or (iii) has violated any provision of § 1315.901 (e), (f), or (g) or any provision of § 1394.8172 of Ration Order No. 5C, such person shall be forbidden to use the tires involved in the violation and shall be declared ineligible to acquire any certificate for such period as may be deemed appropriate in the public interest.

(c) *Hearing procedure.* (1) The hearing shall be conducted by a presiding officer who shall be appointed or designated by the Regional Administrator or such person as he may authorize to make such appointment or designation. The presiding officer shall preside at the hearing, administer oaths and affirmations, and rule on the admission and exclusion of evidence.

(2) Notice of any hearing to be held pursuant to this section shall be served on the respondent not less than three (3) days prior to such hearing. The notice shall state the time and place of the hearing, the charges against the respondent and the purpose for which the hearing is to be held.

(3) The hearing shall be conducted by the presiding officer in such manner as will permit the respondent to present evidence and argument to the fullest extent compatible with fair and expeditious determination of the issues raised in the hearing. To this end:

(i) The respondent shall have the right to be represented by counsel of his own choosing;

(ii) The rules of evidence prevailing in courts of law or equity shall not be controlling;

(iii) The presiding officer having due regard to the need for expeditious decision shall afford reasonable opportunity for cross-examination of witnesses.

(4) A stenographic transcript of the hearing shall be made, a copy of which shall be made available to the respondent at his request upon the payment of a reasonable fee.

(5) A copy of any order issued pursuant to this section shall promptly be served on the respondent.

(d) *Appeal to Regional Administrator.* Any consumer against whom an order is issued pursuant to the provisions of this section on the ground that he was not entitled to a certificate on the basis of the facts stated in the application may appeal to the Regional Administrator from an order of a District Manager or State Director, and to the Deputy Administrator in charge of rationing from an order or decision of the Regional Administrator on such appeal. In making any such appeal the appellant shall file with the official who issued the order appealed from a statement in writing setting forth his objections to the decision and the grounds for the appeal. The statement must be filed not later than thirty (30) days after receipt of notice of the decision. Within five (5) days after receipt of the statement, such official shall send it to the official appealed to together with the entire record. The official appealed to may request the appellant to appear before him or to furnish such additional information as he may deem pertinent and shall render his decision on the appeal within five (5) days after receipt of the statement and record, and, in cases of apparent emergency, within twenty-four (24) hours, if possible. He shall promptly notify the appellant, in writing, of his decision.

(e) *Appeal to Washington Office.* Any person against whom an order is issued pursuant to the provisions of this section on any ground other than that set forth in paragraph (d) of this section may file in the Office of the Secretary, Office of Price Administration, Washington, D. C., a petition for the consideration of such order. Such petition may be accompanied by any affidavits or briefs which the person filing such petition desires to submit. Within a reasonable time after the filing of a petition for reconsideration, the Administrator, or such person as he may designate for such purpose, shall affirm, modify, rescind, or stay such order, or direct that a further hearing be held thereon.

§ 1315.657 *Refusal of certificates.* If a Board finds that an applicant has violated any provision of § 1315.901 (f), (g), or (l) or has used a tire in connection with the use of a special ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than that for which such ration was obtained or in connection with the use of a ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than one for which such ration may be obtained under Ration Order No. 5A or Ration Order No. 5C, it may refuse to issue a certificate to the applicant and may declare that he shall not be eligible to receive a certificate for such period as it shall deem appropriate in the public interest. In such case, the Board shall serve upon the applicant a written statement of the grounds upon which the certificate was refused and the period for which he is declared ineligible.

INSPECTION OF PASSENGER AUTOMOBILE TIRES

§ 1315.701 *Periodic Inspection.* Every person controlling the use of a passenger automobile, for which a current gasoline ration has been issued, shall be issued a Tire Inspection Record (OPA Form–534–B) and shall have the tires mounted on such passenger automobile inspected by an inspector authorized by the Office of Price Administration, once during every two calendar months after November 30, 1942, except that after January 31, 1943, a person who has received only a basic ration under Ration Order No. 5C, or whose total allowed mileage is 240 miles per month or less, shall have his tires inspected once during every four calendar months: *Provided,* That such inspections shall be at least thirty days apart if inspection is required every two months and at least sixty days apart if inspection is required every four months.

(a) *Check of serial numbers.* If the serial number of any tire inspected is not identical with that indicated on the Tire Inspection Record, the inspector shall not sign such record unless Part D of a certificate is presented as evidence that the tire was obtained on certificate. Any discrepancy between the serial numbers on the Tire Inspection Record including those on Part D, and those on the mounted tires, shall be recorded by the inspector on OPA Form R–47 and filed with the Board which appointed the inspector.

(b) *Report on mileage and condition of tires.* The inspector shall indicate on the Tire Inspection Record as of the time of the inspection:

(1) The odometer reading of the vehicle,

(2) Whether the tires inspected should be replaced or recapped, and

(3) Any repairs and adjustments necessary to keep the tires in proper running order; if the inspector indicates that repairs and adjustments, other than recapping or replacements, are necessary, he shall not sign the Tire Inspection Record until such repairs or adjustments have been made.

§ 1315.702 *Inspection of tire transferred on passenger automobile.* In addition to the periodic inspection, every consumer who acquires a passenger automobile with tires mounted thereon shall have them inspected by an authorized inspector of the Office of Price Administration within ten days after such tires have been acquired. The Tire Inspection Record of the prior consumer shall be delivered to the transferee who shall turn in such record to the Board to which application for a gasoline ration is made and thereupon a New Tire Inspection Record may be delivered by the Board to such transferee: *Provided,* That if such tires are mounted on a passenger automobile for which no Tire Inspection Record has been issued, the transferee shall present to the Board a statement from the transferor specifying the serial numbers of the tires mounted on the vehicle and stating that they were either mounted on the vehicle on September 30, 1942, or were acquired mounted on the vehicle since that date. The Board may thereupon issue a new Tire Inspection Record to such transferee.

§ 1315.703 *Compensation to be paid for inspection.* An inspector may charge a fee not to exceed twenty-five cents (25¢) per vehicle for the inspection required by §§ 1315.701 and 1315.702. In addition, a sum not in excess of fifty cents (50¢) may be paid the inspector or any other person for the service of removing and replacing a tire when such service is necessary for inspection purposes under said sections.

§ 1315.704 *Shifting of tires.* No person shall mount on a passenger automobile any tire not duly entered upon the Tire Inspection Record for such passenger automobile, or acquired in exchange for a certificate issued to equip such passenger automobile: *Provided,* That an applicant may apply to a Board for authorization to shift tires from one passenger automobile owned by him to another such automobile, or to mount tires on an official passenger automobile pursuant to § 1315.802 (a) (4), and, upon approval by the Board, may be issued Tire Inspection Records authorizing such shifting or mounting of tires in exchange for the surrender of the Tire Inspection Records then applicable to such passenger automobiles.

§ 1315.705 *Replacement of lost tire inspection records.* Any person who has lost a Tire Inspection Record for a passenger automobile shall apply to a Board for a new record. Before issuing such record, the Board shall re-examine and redetermine the current gasoline ration issued for such passenger automobile in accordance with § 1315.503 (a) and (b) and shall satisfy itself that the serial numbers of the tires shown on such new record are those which were entered on the lost record or that discrepancies are accounted for by Parts D of certificates in the possession of the applicant.

PROHIBITED AND PERMITTED TRANSACTIONS

§ 1315.801 *Prohibitions.* Notwithstanding the terms of any contract, agreement or other obligation, regardless of when made, no person, unless permitted by Ration Order No. 1A, or by an order, authorization or regulation issued by the War Production Board, shall:

(a) Make or offer to make, accept or offer to accept, or solicit a transfer of any tire, tube or camelback; or

(b) Use, alter, or change the physical location of any tire, tube or camelback; or

(c) Mount any tire or tube upon a wheel or rim.

§ 1315.802 *Mounting or use of tires or tubes*—(a) *Mounting or use generally.* Subject to the restrictions of Ration Order No. 5C and paragraph (b) of this section, any person may change the physical location of, mount or use:

(1) Tires or tubes which have been acquired or recapped on certificate or authorization issued by the Office of Price Administration, on the passenger automobile for which they were acquired, or any other passenger automobile owned or controlled by such person, but only when pursuant to § 1315.704;

(2) Passenger-type tires declared on a Tire Inspection Record, upon the passenger automobile for which the Tire Inspection Record has been issued or upon a passenger automobile for which a Tire Inspection Record has been issued pursuant to § 1315.704;

(3) Tires or tubes which have been acquired or recapped on certificate or authorization issued by the Office of Price Administration, on the commercial motor vehicle for which they were acquired or ~~on~~ any other commercial motor vehicle owned or controlled by such person only if such commercial motor vehicle is eligible under § 1315.505 (a) (List A);

(4) Tires owned and possessed by him prior to October 1, 1942, on any official passenger automobile or any vehicle owned by him for which a Certificate of War Necessity has been issued: *Provided, however,* That no passenger-type tires which were unmounted on October 1, 1942, may be mounted or used under this subparagraph where the owner thereof owns any passenger automobile other than a motorcycle or an official passenger automobile;

(5) Tires or tubes which have been acquired or recapped on certificate or authorization issued by the Office of Price Administration, on the vehicle eligible under § 1315.506 for which they were acquired or on any other vehicle eligible under § 1315.506 owned or controlled by such person.

(6) Tires (other than passenger-type tires which were unmounted on October 1, 1942) owned and possessed by him prior to October 1, 1942, on any vehicle or equipment owned by him, other than a passenger automobile or commercial motor vehicle;

(7) Tubes owned and possessed by him prior to October 1, 1942, on any vehicle or vehicles.

(b) *Mounting from stock prohibited.* No dealer or manufacturer shall declare in his Tire Inspection Record or mount or use tires or tubes taken from his stock unless he has obtained a certificate authorizing such mounting or use or unless such tires or tubes were permanently removed from his stock ,and mounted on his vehicle prior to October 1, 1942.

§ 1315.803 *Transfer to consumers upon certificate*—(a) *By retailers.* A retailer may, in exchange for a certificate, transfer tires or tubes to a consumer.

(b) *By manufacturers or wholesalers.* A manufacturer or wholesaler may, in exchange for a certificate:

(1) Lease tires or tubes to any person regularly engaged in the business of transporting passengers by bus, taxicab or jitney;

(2) Transfer tires or tubes to those consumers to whom he transferred tires or tubes between December 31, 1940, and December 11, 1941: *Provided,* That upon receipt of the replenishment portion (Part B) of a certificate or receipt, a manufacturer or wholesaler may deliver tires or tubes directly to a consumer or dealer for the account of any dealer who might himself lawfully make such delivery.

(c) *No tire in stock.* A dealer or manufacturer who does not have in stock a tire or tube ordered by a consumer may, with the consumer's permission, transfer the replenishment portion of a certificate or receipt to a supplier and obtain the number of tires or tubes specified thereon for transfer to the consumer.

(d) *Tire requiring repair or recapping.* No dealer or manufacturer may transfer to a consumer a tire that requires repair or recapping.

(e) *By warehousemen.* A public warehouseman who has received tires or tubes for storage may, in exchange for a certificate, transfer tires or tubes to a consumer, as follows:

(1) New tires or tubes stored prior to December 11, 1941,

(2) Recapped tires used less than one thousand (1,000) miles after being recapped and stored prior to February 19, 1942,

(3) used tires and tubes, including used more than one thousand (1,000) miles after being recapped, stored prior to October 1, 1942.

§ 1315.804 *Dealer and manufacturer transfers*—(a) *Establishments under common ownership.* No dealer or manufacturer may transfer or move tires, tubes or camelback to an establishment where the business of a dealer is performed, except upon certificate or authorization of the Office of Price Administration, unless such transfer is expressly permitted by Ration Order No. 1A. If a manufacturer or dealer engages in the business of recapping tires, or selling tires, tubes or camelback at two or more separate establishments, he shall be considered a separate dealer for each such establishment, and the transfer or movement of tires, tubes or camelback between such establishments shall be subject to all the conditions that apply to transfers between separate dealers, unless expressly excepted by this Ration Order No. 1A.

(b) *Changes of location.* A manufacturer or dealer may change the location of tires, tubes or camelback within a single establishment or the location of the establishment itself, including the entire stock of tires, tubes or camelback contained therein: *Provided,* That no change in ownership, possession or control occurs and: *Provided, further,* That a recapper who has acquired an allotment of camelback pursuant to § 1315.508 may, without certificate, transfer the camelback so acquired among recapping establishments owned or operated by him if no change in ownership or control of such camelback is thereby effected.

(c) *Tires or tubes*—(1) *Restrictions on transfers by manufacturers.* No manufacturer shall during any calendar month transfer to or for the account of retail outlets owned or operated by him new tires or tubes of a wholesale dollar value amounting to a larger percentage of his total wholesale dollar value of new tires and tubes transferred for such month than the percentage of his total wholesale dollar value of new tires and tubes transferred to retail outlets owned or operated by him during the year 1941.

(2) *Restrictions on transfer of Parts B.* No person shall transfer Part B of OPA Form R–2 (revised) or of OPA Form R–46 and no person shall accept such transfer, unless the transferor first endorses his name and address thereon. A Part B of a certificate or receipt shall become void for purposes of replenishment when it has been transferred five times for such purpose: *Provided,* That a supplier may, without endorsement, return a Part B to the dealer from whom he received it, if he is unable to supply the tires or tubes specified thereon.

(3) *Permitted replenishment of tires or tubes.* Subject to the provisions of subparagraph (1) of this paragraph any dealer or manufacturer may, in exchange for a properly endorsed replenishment portion (Part B) of a certificate or receipt transfer to another dealer or manufacturer the number of tires or tubes authorized by the certificate or receipt in accordance with the table below:

If Part B calls for:	Dealer or manufacturer may replenish with:
Any size grade I passenger-type tire.	Any size grade I or II passenger-type tire.
Any size grade II passenger-type tire.	Any size grade II passenger-type tire.
Any size grade III passenger-type tire.	Any size grade III passenger-type tire or 8½ lbs. of passenger-type camelback.
Any size truck-type tire	Any size truck-type tire.
Any size tractor-type tire	Any size tractor, truck or implement-type tire.
Any size implement-type tire.	Any size tractor or implement-type tire.
Any size passenger tube	Any size passenger tube.
Any size truck tube	Any size truck tube.

(4) *Allotment of Grade III tires.* Any manufacturer or dealer may, in exchange for an appropriate certificate (OPA Form R–46) if the dealer's order is accom- tires authorized thereon to a dealer. No manufacturer or wholesaler who has a supply of Grade III tires of the size ordered may refuse to transfer them to a dealer who presents a certificate for an allotment of Grade III tires (OPA Form R–46) if the dealer's order is accompanied with cash or its equivalent. A manufacturer or wholesaler shall fill all accepted orders for Grade III tires received on one day before filling any orders received on any subsequent day.

(i) A manufacturer who obtains from Defense Supplies Corporation a Grade III tire that requires recapping and transfers such tire to a dealer shall at the same time transmit OPA Form R–48 to the dealer.

(5) *Transfers by dealers without certificates.* Any dealer may, without certificate, transfer tires, tubes or camelback to his supplier only for the following purposes:

(i) to return tires, tubes or camelback of a size, grade, type or quality other than that ordered by him: *Provided,* That his supplier shall, without certificate, transfer to him in exchange therefor tires, tubes or camelback of the size, grade, type or quality ordered;

(ii) to effect credit adjustments between the dealer and his supplier pursuant to a contract or sales agreement.

(6) *Transfer of legal title without certificate.* Any manufacturer who has transferred to a dealer possession of tires or tubes on consignment in exchange for the replenishment portion of a certificate, or who made such transfer prior to December 11, 1941, may, without certificate, transfer the legal title to such tires or tubes to the dealer.

(d) *Camelback*—(1) *Allotment.* A camelback dealer or manufacturer may, in exchange for a certificate (OPA Form R–10, revised), transfer camelback to a recapper.

(2) *For recapping.* A recapper may apply camelback to the tread surface of a tire carcass: *Provided,* That no passenger-type camelback shall be used in recapping a truck-type tire to be mounted on a truck, bus, farm implement, earthmover, road-grader or similar off-the-road vehicle, and no truck-type camelback shall be used in recapping a passenger-type tire to be mounted on any station wagon, suburban carry-all, or on an automobile originally designed to carry seven passengers or less, whether or not rebuilt, unless rebuilt as a bus, or unless the vehicle is a taxicab or jitney. No recapper shall apply camelback to the tread surface of a tire carcass if the carcass will not be serviceable as a recapped tire.

(3) *Restrictions on transfer of Parts B.* No person shall transfer Part B of OPA Form R–2 (revised) or of OPA Form R–48 and no person shall accept such transfer unless the transferor first endorses his name and address thereon. A Part B of a certificate or receipt shall become void for purposes of replenishment when it has been transferred five times for such purpose: *Provided,* That a manufacturer may, without endorsement, return Part B to the dealer from whom he received it if he is unable to supply the camelback specified thereon.

(4) *Permitted replenishment of camelback.* Subject to the provisions of subparagraph (3) of this paragraph, any camelback dealer or manufacturer may

transfer camelback in exchange for the replenishment portion (Part B) of a certificate or receipt for camelback, and may in exchange for the properly endorsed replenishment portion (Part B) of a certificate or receipt marked "Grade III tire" or "for camelback only" transfer camelback in accordance with Tables I and II below: *Provided*, That a replenishment portion (Part B) of a certificate marked "for camelback only," if accompanied by a recappable tire, may be exchanged for a Grade III tire.

TABLE I

If Part B calls for:	*Dealer or manufacturer may replenish with:*
"Passenger-type camelback only" or "Grade III tire."	Passenger-type camelback in the amount authorized in table II.
"Truck-type camelback only."	Truck-type camelback in the amount authorized in table II

TABLE II

Size or type of tire	*Number of pounds of camelback which may be purchased for each such tire*
Passenger-type tire regardless of sizes	8½
Truck-type tire smaller than 30 x 5	8½
Truck-type tire 30 x 5 up to but not including 7.50–18	12
Truck-type tire 7.50–18 up to but not including 9.00–20	16
Truck-type tire 9.00–20 up to but not including 12.00–20	22
Truck-type tire 12.00–20 and larger (regular truck type)	32
Truck-type 12.00–20 and up (but not including tires 12.00–24 and larger) used on farm tractors (rear tires only), road-graders, earth-movers and other similar equipment used primarily on off-road work	55
Tires 12.00–24 and larger	Amount necessary

When the amount of camelback to be replenished cannot be calculated from the above table, the person purchasing the camelback shall attach to the replenishment portion of the certificate or receipt a certified statement showing the amount of camelback necessary to recap the number of tires specified on the certificate or receipt, and he shall be entitled to purchase the amount of camelback appearing on such statement.

(5) *Recapping of Army and Navy tires.* Any camelback dealer or manufacturer may, without certificate, transfer camelback for use on tires owned by the United States Army, Navy, Marine Corps or Coast Guard to any recapper who has a prime contract with the War or Navy Department to recap such tires or who has a subcontract with such prime contractor, pursuant to a purchase order of the prime contractor or of the subcontractor if his order has been approved in writing by the prime contractor. The number or other identification of the prime contract must be written upon the order. A prime contractor or subcontractor shall not use OPA Form R–12 (revised) to replenish the camelback so used, but shall forward Part B thereof together with Part A to the Regional Office for the area in which the recapper is located.

(6) *For remilling.* Any recapper may transfer deteriorated camelback for remilling to a camelback dealer or camelback manufacturer, who may transfer such remilled camelback or camelback of identical amount, type, grade and weight to such recapper upon written authorization issued to such recapper by the Regional Office for the area in which the principal place of business of the recapper is located.

(7) *For curing.* Any recapper may, without certificate, transfer to another recapper, for the purpose of curing, a tire to which camelback has been applied and the recapper who has cured the camelback may, without certificate, transfer the recapped tire to the recapper who applied the camelback.

(e) *Transfer of dealer's business.* Any dealer may, without certificate, transfer as a unit his entire stock of tires, tubes or camelback together with any replenishment portions (Parts B) of certificates or receipts to another dealer who may acquire such stock for resale: *Provided*, That the transferor shall file a statement containing the name and address of the transferee and an inventory of the tires, tubes, camelback and replenishment portions (Parts B) to be transferred, with the Regional Office serving the area in which the transferor is located, at least ten days before making such transfer.

(f) *Transfers to sectional warehouses.* A manufacturer who complies with the following conditions may, without certificate, transfer tires, tubes or camelback to or keep them upon any premises, if no change in ownership or control of such tires, tubes or camelback is thereby effected:

(1) Except as provided hereinafter, the manufacturer shall not transfer to or keep such tires, tubes, or camelback upon any premises whether or not such camelback, tires or tubes were previously kept on such premises unless he has been authorized in writing to do so by the Office of Price Administration, Washington, D. C. Application in writing for such authorization shall be made by the manufacturer and shall state for each of such premises the location thereof and the name and address of the person who owns or controls them. For each of such authorized premises, except where the authorized premises are regional branches, the manufacturer shall appoint a specified individual as his agent to be responsible for the stock of tires, tubes or camelback and shall submit with his application for authorization the name and address of the agent, a verified copy of his agreement with the agent and a statement that he will be fully responsible for acts of the agent and any person acting for him. The manufacturer shall not designate any other individual as his agent except upon authorization in writing from the Office of Price Administration, Washington, D. C. The Office of Price Administration may in its discretion deny, modify or revoke any authorization at any time.

(2) The tires, tubes or camelback shall be kept segregated from any others owned, possessed or controlled by a person other than the manufacturer, and shall be kept readily identifiable upon inspection by signs, labels or similar means. The manufacturer shall at all times have access to the portion of the premises on which the camelback, tires or tubes are so segregated.

(i) In the case of segregated stocks, "authorized premises" means only that portion of the premises upon which the segregated stock is located.

(3) The number of premises authorized for each manufacturer shall not exceed fifty.

(4) A manufacturer may not keep more than 500 tires, 500 tubes and 20,000 pounds of camelback at any time on any authorized premises unless the Office of Price Administration authorizes him in writing to keep a greater stock, or unless the authorized premises are his regional branches.

(i) A "regional branch" means any premises wholly controlled by the manufacturer at which the functions of the manufacturer's business apart from production are performed: *Provided*, That such premises are not used in performing the functions of a retailer.

(5) Except in the case of transfer without certificate expressly permitted by other provisions of this Ration Order No. 1A, or transfer by a manufacturer from one of his authorized premises to another, no tires or tubes shall be transferred from any authorized premises unless the manufacturer or his duly designated agent shall have first received in exchange therefor and in accordance with the requirements of Ration Order No. 1A an appropriate certificate or receipt or the replenishment portion of a certificate or receipt.

(6) The provisions of paragraph (f) of this section shall apply only to tires, tubes or camelback located at any authorized premises and not to tires, tubes or camelback located at the place of manufacture or in a public warehouse.

(g) *Transfers to dealer's warehouses.* Any dealer may, without certificate, transfer tires, tubes or camelback for the purpose of storage only to any warehouse owned or operated by him, if no change in ownership or control of such tires, tubes or camelback is thereby effected. Any dealer may, without certificate, withdraw the tires, tubes or camelback stored in such warehouse.

§ 1315.805 *Acquisition for retransfer purposes*—(a) *Persons who may acquire.* Subject to the provisions of paragraphs (b) and (c) of this section, tires, tubes or camelback may be acquired, without certificate in the following cases:

(1) *Exercise of governmental rights or powers.* The United States or any state or political subdivision thereof or any governmental agency may acquire from any person any tire, tube or camelback in the exercise of governmental rights or powers against such tire, tube or camelback.

(2) *Decedents' estates.*. An executor or administrator, legatee or distributee may acquire any tire, tube or camelback pursuant to the appropriate laws of testate or intestate distribution.

(3) *Judicial process.* A person may acquire any tire, tube or camelback pursuant to judicial process or under the supervision of a court of competent jurisdiction.

(4) *Salvage.* A person who is engaged principally and primarily in the business of adjusting losses, or reconditioning and selling damaged commodities, and who takes possession of such commodities on the occurrence or imminence of casualties, or in direct connection with the adjustment of losses resulting from such casualties, may acquire any tire, tube or camelback that has been damaged or that is in imminent danger of being damaged or destroyed.

(5) *Subrogation upon payment of claim.* A common or contract carrier or any person duly authorized by law to engage in the insurance business may acquire any tire, tube or camelback in consequence of the right of subrogation or in consequence of the payment of a claim.

(6) *Security transfers.* A state or any agency thereof, the United States or any agency thereof, or any person duly licensed to engage in the business of making loans upon collateral and regulated in conducting such business by a state or the United States may, without certificate, acquire tires, tubes or camelback for security purposes and may, without certificate, transfer such tires, tubes or camelback to the debtor upon release or extinguishment of the debt so secured. Any person may, without certificate, acquire a lien created by operation of law on tires, tubes or camelback and may satisfy or release such lien. Such security interest or liens may be enforced in the manner provided by applicable State or Federal laws, and subject to the provisions of this section, transfers necessary to such enforcement may be made.

(b) *Reports of transfers for retransfer purposes.* A transferee under this section, other than a lienholder who acquired a lien by operation of law, shall within three days of such transfer file notice of such transaction with the Regional Office for the area in which such tire, tube or camelback is to be located.

(c) *Required retransfers.* A person, other than a dealer, acquiring full title to tires or tubes hereunder shall, within thirty days, sell such tires or tubes to Defense Supplies Corporation. A person, other than a dealer, acquiring full title to camelback hereunder shall, within thirty days, sell such camelback to a manufacturer or dealer in camelback.

§ 1315.806 *Transfers without certificate, special authorization or notice*—(a) *Transfers to Defense Supplies Corporation.* A person may, without certificate, transfer tires, tubes or camelback to Defense Supplies Corporation, Rubber Reserve Company, or Reconstruction Finance Corporation or any representative designated to receive tires, tubes or camelback on their behalf.

(b) *Changes in location.* A person, other than a dealer or manufacturer, may, without certificate, change the location of unmounted tires or tubes or of camelback if no change in ownership, possession or control results.

(c) *Transfers on vehicles.* A person may, without certificate, transfer a tire or tube as part of the equipment of a vehicle provided that such transfer is not prohibited by any order or regulation issued by the Office of Price Administration or the War Production Board.

(d) *Transfers for repair, mounting or inspection.* A person may, without certificate, temporarily transfer tires or tubes to any person engaged in the business of repairing tires or tubes, for purposes of inspection, mounting or repair only and may, without certificate, acquire such tires or tubes after such mounting, repair or inspection.

(e) *Return of lost or stolen tires, tubes or camelback.* A person may, without certificate, transfer tires, tubes or camelback which have been lost, stolen or otherwise wrongfully or mistakenly acquired to the person rightfully entitled thereto.

(f) *Exchange of tires or tubes.* A consumer who in exchange for a certificate acquires any tire or tube that is of a size or grade different from that ordered may, without certificate, but only within ten (10) days after its acquisition, exchange it with the transferor for the size or grade ordered if such tire or tube has not been used by such person.

(g) *Turn-in of tires or tubes to be replaced.* A consumer who holds a certificate authorizing the purchase of a tire or tube and is required to turn in a tire or tube to be replaced shall transfer such tire or tube to a dealer: *Provided*, That such dealer, if not a recapper, must sell the replaced tire, if recappable, to a recapper. Any dealer who receives a tire under this paragraph shall retain such tire for a period of not less than thirty (30) days before disposing of it.

(h) *Transfers for recapping.* (1) A consumer may transfer a tire for recapping service to a dealer but only if accompanied by a certificate authorizing recapping service.

(2) A dealer may transfer a tire for recapping to a recapper if accompanied by Part B of a certificate authorizing recapping service and the recapper may transfer a Grade III tire in exchange for such Part B.

(3) A manufacturer who has acquired from Defense Supplies Corporation a Grade III tire that requires recapping or any dealer who has acquired such tire in exchange for OPA Form R–46 or Part B of OPA Form R–2 (revised) may transfer such tire to a recapper accompanied by Part A of OPA Form R–48 and the recapper may transfer a recapped tire to such manufacturer or dealer in exchange for Part B of OPA Form R–48.

(i) *Transfer of recappable tire to recapper.* A dealer who is not a recapper may, without certificate, transfer a recappable tire carcass to a recapper, provided such dealer obtains and retains as a record a proof of sale on OPA Form R–22 from the recapper to evidence such transfer.

(j) *Camelback to dealers and manufacturers.* A consumer or dealer may, without certificate, transfer camelback to a camelback manufacturer, and a consumer, other than a dealer, may, without certificate, transfer camelback to a dealer.

(k) *Transfers to and from carriers.* A person may, without certificate, transfer tires, tubes or camelback to a common on contract carrier for shipment, and such tires, tubes or camelback may be transferred by such carrier to the consignee in the regular course of business: *Provided*, That the transaction between the consignor and the consignee shall remain subject to the provisions of Ration Order No. 1A.

(l) *Transfer to and from public warehouses.* A person may, without certificate, transfer tires, tubes or camelback to a public warehouse for storage. A public warehouseman who has received tires, tubes or camelback for storage may, without certificate, transfer them to the following persons:

(1) A dealer or manufacturer who transferred such tire, tube or camelback for storage;

(2) A manufacturer, assembler or dealer in vehicles equipped with tires or tubes who has transferred such tires or tubes for storage;

(3) A person who has a security interest in or lien on such tires, tubes or camelback as provided in § 1315.805 (a) (6);

(4) A consumer who stored:

(i) New tires or tubes after December 10, 1941; or

(ii) Recapped tires after February 18, 1942, where such tires were used less than 1,000 miles after being recapped; or

(iii) Used tires, including tires used more than 1,000 miles after being recapped, or used tubes, after September 30, 1942.

(m) *Mounting of original equipment.* A manufacturer of vehicles may mount tires or tubes as original equipment upon a vehicle made by him unless he has been prohibited from doing so by general or special instructions of the War Production Board.

§ 1315.807 *Miscellaneous transactions*—(a) *Territories and possessions of the United States.* Whenever conditions in any territory or possession of the United States make the application of this Ration Order No. 1A or any part thereof impracticable, the Office of Price Administration, Washington, D. C., may suspend the operation of this Ration Order No. 1A in whole or in part and provide by special authorization for the method of mounting, altering, changing location, using, transferring and acquiring tires, tubes and camelback in such territory or possession.

(b) *Secret Service.* A person may upon authorization in writing of the Office of Price Administration, Washington, D. C., transfer tires and tubes to the United States Secret Service.

(c) *Transfers and use for testing.* A manufacturer may, without certificate, mount tires and tubes on a vehicle owned by him or otherwise subject to his control which is used exclusively for testing such tires and tubes and not in connection with any other use. The transfer, acquisition, mounting, alteration or use of tires, tubes and camelback for testing purposes not expressly permitted by this paragraph (c) may be authorized by the Office of Price Administration, Washington, D. C. or the War Production Board.

(d) *Change-overs.* A dealer or manufacturer may transfer tires or tubes to a manufacturer, rebuilder or dealer in vehicles in exchange for tires or tubes mounted on a new or rebuilt vehicle as part of its original equipment upon authorization in writing from the Regional Office for the area in which the vehicle is located.

(e) *Destroyed or damaged stock.* In the event of the destruction or irreparable damage of a stock or a part of a stock of tires, tubes or camelback, a dealer or recapper may be issued replenishment portions (Parts B) to replace such stocks. Application for such replenishment portions (Parts B) shall be filed with the Regional Office for the area in which the destroyed or damaged stock is located.

(f) *Transfers by Defense Supplies Corporation.* Defense Supplies Corporation may transfer tires, tubes or camelback upon authorization of the Office of Price Administration, Washington, D. C.

(g) *Tires, tubes or camelback held in Customs.* Tires, tubes or camelback imported into this country and held in customs may not be released to the claimant unless he holds a certificate, receipt or authorization from the Office of Price Administration which would entitle him to acquire such tires, tubes or camelback.

§ 1315.808 *Transfers to certain governmental agencies, manufacturers of vehicles or for export*—(a) *Transfer to certain governmental agencies or for export.* A person may transfer tires, tubes or camelback:

(1) To or for the account of the Army, Navy, Marine Corps, or Coast Guard of the United States, the United States Maritime Commission, The Panama Canal, the Coast and Geodetic Survey, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development, but not to or for the account of any officer, member, or employee of any of the foregoing for use on a privately owned vehicle, regardless of the extent to which such vehicle is used on official business, nor to or for the account of any post exchange, ships' service store, commissary, or similar agency or organization, except for use on vehicles operated by it;

(2) To or for the account of the government of any foreign country, pursuant to a contract or order placed by any agency of the United States Government under the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), but subject in each case to such quotas, allocations, or other restrictions as may be prescribed by the War Production Board;

(3) For export to and consumption in any foreign country, for government or private account, otherwise than as provided in subparagraph (a) (2), but only when the exporter has been issued an individual or general export license for the tires, tubes and camelback to be exported.

(b) *Transfer to manufacturers of vehicles.* No dealer or manufacturer may transfer tires or tubes to any manufacturer of vehicles for mounting as original equipment on a vehicle made by him, except upon the written approval of the War Production Board.

(c) *Receipt.* A person who makes any transfer pursuant to paragraphs (a) or (b) of this section shall obtain a receipt from the purchaser upon OPA Form R–12 (revised): *Provided,* That a manufacturer who makes a transfer of tires, tubes or camelback pursuant to such paragraphs need not obtain such form from the purchaser if he complies with the provisions of § 1315.1005 (d) and: *Provided, further,* Any agency listed in subparagraph (a) (1) may transfer tires, tubes or camelback to any other agency listed in paragraph (a) (1) without obtaining such form.

§ 1315.809 *Authorization to become a dealer.* A person may become a dealer upon written authorization of the Office of Price Administration, Washington, D. C. The applicant shall set forth in his application facts showing either that he will continue an existing establishment or that additional establishments for the distribution of tires or tubes are needed in the community. If the applicant applies for authorization for an additional establishment, he shall set forth the number of tires and tubes which he estimates as his inventory requirements for such establishment. The Office of Price Administration, Washington, D. C., may permit such applicant to obtain an appropriate number of tires and tubes as an initial inventory, notwithstanding any other provision in this order.

OTHER PROHIBITED ACTS

§ 1315.901 *Offenses*—(a) *Mutilation and forgery of certificates.* No person shall without lawful authority willfully deface, mutilate, or destroy any certificate, receipt, authorization (whether issued or unissued), or any part thereof, and no person shall counterfeit or forge any such certificate, receipt, authorization, or any part thereof.

(b) *Illegal transfer of certificates.* No person shall transfer or assign and no person shall accept any transfer or assignment of any certificate, receipt, authorization (whether issued or unissued), or any part thereof, except in accordance with the provisions of Ration Order No. 1A.

(c) *Illegal use and possession of certificates.* No person shall use, possess, or control any certificate, receipt, authorization, or any part thereof, except the person or the agent of the person to whom such certificate, receipt, authorization (whether issued or unissued), or any part thereof, was issued or by whom it was acquired in accordance with the provisions of Ration Order No. 1A.

(d) *Possession of forged certificates.* No person shall without lawful authority transfer or accept a transfer of or have in his possession or under his control any forged, altered, or counterfeited certificate, receipt, authorization (whether issued or unissued), or any part thereof.

(e) *Illegal possession or use of tires.* No person shall possess, use, or permit the use of any tires, tubes or camelback acquired in violation of Ration Order No. 1A, and no person shall possess, use or permit the use of tires, tubes or camelback acquired under Ration Order No. 1A for any purpose in violation of Ration Order No. 1A.

(f) *Abuse of tires.* No person shall without lawful authority abuse, alter, damage, or neglect any tire, tube or camelback in his possession or control. Failure to make timely application for recapping or replacement shall constitute one form of abuse within the meaning of this paragraph.

(g) *Speed limitation.* No person shall use or permit the use of tires or tubes in the operation of a motor vehicle at any rate of speed which is in excess of thirty-five (35) miles per hour. This restriction shall not apply to the operation of a motor vehicle by the Army, Navy, Marine Corps, Coast Guard or by the state military forces organized pursuant to Section 61 of the National Defense Act, as amended, or to meet an emergency involving serious threat to life, health, or safety: *Provided,* That this paragraph shall not be construed to authorize any such motor vehicle to be driven at a rate of speed in excess of that which is reasonable under the circumstances.

(h) *Tire Inspection Record.* No person shall use or permit the use of tires or tubes unless he has obtained and kept current the Tire Inspection Record as required by the Office of Price Administration or such records of tire inspection as are required by the Office of Defense Transportation.

(i) *Declaration of tires.* No person shall use or permit the use of tires or tubes on a motor vehicle unless he has filed a declaration of tires as required by the Office of Price Administration, the War Production Board or the Office of Defense Transportation.

(j) *Illegal use of gasoline.* No person shall use or permit the use of tires or tubes upon a motor vehicle for which gasoline has been obtained in violation of Ration Order No. 5C or for which gasoline or other fuel is used in violation of that order.

(k) *Violation of other Orders.* No person shall use or permit the use of tires or tubes on a vehicle which he operates or controls in violation of any order, rule or regulation issued by the Office of Defense Transportation or other federal agency.

(l) *False statements.* No person shall, in any application, record, report, certificate or other document made pursuant to or required by the terms of Ration Order No. 1A, make any untrue statement of any fact, or omit to state any fact required to be stated therein or necessary to make the statements therein not misleading.

(m) *Attempts.* No person shall solicit, offer, attempt, or agree to do, either directly or indirectly, any act in violation of Ration Order No. 1A.

RECORDS AND REPORTS

§ 1315.1001 *Records by boards, state and regional offices.* The Boards, State Directors, Regional Administrators and other administrative personnel of the Office of Price Administration shall maintain such records and file such reports in such form as may be required by the Office of Price Administration, Washington, D. C.

§ 1315.1002 *Posting names of successful applicants.* At intervals of not more than one week, a list of the names of the recipients of certificates issued during the previous week for Grade I or Grade II tires or tubes shall be posted at the office of the board for public inspection and shall be released to the press. This requirement shall not apply to certificates issued to Army, Navy or government intelligence officers whose work requires secrecy.

§ 1315.1003 *Disposition of parts of certificates and receipts*—(a) *Certificates or receipts for tires, tubes or camelback.* A transferor of tires, tubes or camelback to whom a certificate is surrendered by an applicant or who receives an OPA Form R–12 (revised) receipt shall complete all the parts thereof and dispose of them as follows:

(1) *Part A.* Part A of OPA Form R–2 (revised) and OPA Form R–46 shall be retained by the transferor as his record; Part A of OPA Form R–20 shall, within three days of the date of transfer of the tires or tubes, be sent to the issuing Board which shall retain it as its record; Part A of OPA Form R–10 (revised) shall within five days of the date of transfer of the camelback be sent to the issuing Board which shall retain it as its record; Part A of OPA Form R–12 (revised) shall be sent to the Regional Office for the area in which the transferor's principal place of business is located within fifteen (15) days from the end of each calendar month in which deliveries have been made, and Part A of OPA Form R–48 shall be retailed by the recapper as his record.

(2) *Part B.* Part B of OPA Form R–2 (revised), OPA Form R–20, OPA Form R–46, OPA Form R–12 (revised), OPA Form R–10 (revised) and OPA Form R–48, when transferred to a manufacturer for purposes of replenishment, shall be marked "void except for replenishment by ___________________________." The name of the first manufacturer to whom the Part B is surrendered shall be inserted in the blank and the Part B shall be used for replenishment only by such manufacturer. Parts B not used for replenishment must be retained by the manufacturer as his record.

(3) *Part C.* Part C of OPA Form R–2 (revised) and OPA Form R–46 shall, within three days of the date of transfer of the tires, tubes or camelback, be sent to the issuing Board which shall retain it as its record. Part C of OPA Form R–20 and OPA Form R–12 (revised) shall be retained by the transferor as his record.

(4) *Part D.* Part D of OPA Form R–2 (revised), OPA Form R–46, OPA Form R–20, and OPA Form R–12 (revised) shall be retained by the transferee as his record.

(b) *Receipt for replaced tires or tubes.* OPA Form R–3 shall be retained by the Board as its record of the surrender of replaced tires or tubes.

(c) *File of certificates and receipts.* Every dealer, manufacturer, and warehouseman shall mintain a file of all certificates, receipts, or parts thereof which he is required to keep as his records.

§ 1315.1004 *Records of consumers operating five or more vehicles.* Every applicant to whom a certificate is issued, who operates five or more vehicles in carrying on a commercial enterprise, shall:

(a) On the fifteenth day of each month take a separate inventory of all tires and tubes in his possession or control and keep a separate record thereof;

(b) Keep a record of all applications made to Boards which have not been acted upon;

(c) Keep a record of all certificates which have been issued to him and which have not been used; and

(d) Maintain a file containing the purchaser's portions of used certificates.

§ 1315.1005 *Records and reports of transfers*—(a) *Records of transfers to and from dealers, manufacturers and warehousemen.* Every dealer, manufacturer and warehouseman shall keep true, accurate and complete records of all transfers of tires, tubes or camelback to or by him: *Provided,* That no records need be kept of transfers permitted by § 1315.806 (d) relating to transfers for mounting or inspection. Such records shall show the serial number of the certificate or the receipt (if the transfer involved the use of a certificate or receipt); sales price; date of transfer; the name of the transferee and

(1) If tires, other than recapped tires, are transferred, the number, size, type, and grade;

(2) If recapped tires are transferred, the number, size, type, and grade thereof and the type of camelback used in recapping the tires;

(3) If tubes are transferred, the number, type, and size thereof;

(4) If camelback is transferred, the amount, type, and grade thereof; or

(5) If tires or tubes are transferred for repair, information sufficient to identify the ownership of the tires.

(b) *Reports of transfers for retransfer purposes.* A transferee under § 1315.805, other than a lien holder who acquired a lien by operation of law, shall within three days after such transfer file notice of such transaction with the Regional Office for the area in which such transfer was made.

(c) *Report of transfer of dealer's business* A transferor under § 1315.804 (e) shall file a statement containing the name and address of the transferee and an inventory of the tires, tubes, camelback and replenishment portions (Parts B) to be transferred, with the Regional Office for the area in which the transferor is located, at least ten days before making such transfer.

(d) *Manufacturer's records in lieu of Form R–12.* A manufacturer who transfers tires, tubes, or camelback pursuant to § 1315.808 and does not obtain a receipt therefor on OPA Form R–12 (revised) shall:

(1) Establish and maintain at his principal business office, for each transferee under § 1315.808, a separate file containing every invoice for shipment of tires, tubes or camelback to such transferee, which invoice shall be filed within ten days after the date of shipment covered thereby; and

(2) Show on such invoices the date of the transfer, the name and address of the purchaser and of the consignee (if different from the purchaser), the name of the carrier and the point to which shipment was made, and keep records showing proof of delivery and receipt of payment.

§ 1315.1006 *Records and reports on camelback orders to recap Army and Navy tires*—(a) *Disposition of purchase orders and requisitions.* (1) A recapper who has a prime contract to recap Army, Navy, Marine Corps or Coast Guard tires and who requires camelback for this purpose shall make out the purchase order required by § 1315.804 (d) (5) in duplicate, showing upon its face the number or other identification of his prime contract with the War or Navy Department, shall forward one copy to the dealer or manufacturer from whom the camelback is to be acquired, and shall retain one copy in his files as his record. A recapper who is a subcontractor shall make out a purchase order in triplicate and shall submit one copy to the manufacturer or dealer in camelback, another copy to the prime contractor who shall approve the order in writing and forward it to the manufacturer or dealer in camelback, and shall retain the third copy in his files.

(2) When a manufacturer or dealer is also the recapper, he shall make out a requisition order setting forth the amount of camelback withdrawn and the date of withdrawal and shall retain it in his files.

(b) *Reports by camelback manufacturer or dealer.* (1) A manufacturer or dealer in camelback shall file a separate monthly report within fifteen (15) days from the end of each calendar month for each recapper to whom he has made any transfer of camelback pursuant to § 1315.804 (d) (5). Such report shall be filed with the Regional Office for the area in which the recapper is located and shall set forth the name and address of the prime contractor and the name and address of the subcontractor, if any, the numbers and dates of the purchase orders, and the amount and date of each shipment of camelback during such calendar month.

(2) When the manufacturer or dealer is also the recapper, he shall make out and file a monthly report within fifteen (15) days from the end of each calendar month with the Regional Office for the area in which he is located, stating the numbers and dates of the requisition orders, the amount of camelback used on such orders during the month, the dates when the recapped tires were shipped and the number of such tires.

§ 1315.1007 *Inventories of sellers of tires, tubes and vehicles.* Every person engaged in the business of selling or holding for sale tires, tubes, or vehicles, and every person extending credit to another upon the security of a vehicle under an agreement permitting the lender to take possession of the vehicle shall:

(a) At the close of business on the last day of each month take an inventory of all unmounted tires and tubes in his possession or control and keep a record thereof. Such inventory shall be based on a physical count: *Provided,* That a manufacturer need base such inventory for regional and factory branches on a physical count only on March 31, June 30, September 30, and December 31 of each year.

(b) File a report on OPA Form R-17, in accordance with the instructions thereon, for each quarter ending March 31, June 30, September 30, and December 31, setting forth all unmounted tires and tubes in his possession or control on the last day of such quarter and all transfers of tires and tubes made during such quarter. Transfers permitted by § 1315.806 (d) relating to transfers for repairs, mounting or inspection need not be recorded hereunder. A separate report for each establishment where tires or tubes are located, whether such establishment is used for purposes of sale or storage, shall be filed on or before the fifteenth day after the end of each quarter with the Board for the area in which such establishment is located: *Provided,* That a manufacturer or dealer who during the calendar year 1941 sold in excess of 50,000 tires or 100,000 tubes not manufactured by him but bearing his brand or trademark, need not report stocks located in establishments where, during the quarter covered by the report, no tires or tubes were sold or held for sale at retail.

(c) File a report with the Regional Office for the area in which his principal office is located, if the grade of any tire has been changed, setting forth the reasons for such change of grade, and shall not sell the tire until five days after the report has been filed with the Regional Office.

§ 1315.1008 *Inventories of sectional warehouses.* Records of inventories and of all transfers to and from any premises authorized pursuant to § 1315.804 (f) shall be kept by the manufacturer at such premises and at his principal place of business. Monthly reports thereof shall be filed with the Office of Price Administration not later than the twentieth day of the calendar month following the period covered by the report. For each of such authorized premises, except the regional branches, the monthly report shall include an inventory based upon a physical count showing the total number of tires, tubes and camelback at the beginning and end of the preceding monthly period on each of such premises and the total number of transfers to and from such stock during said monthly period and shall list, by serial number (if there is one), the certificates or receipts or Parts B thereof upon which the transfers were made and the number, by size, type and grade of tires or tubes and the amount, by grade and type, of camelback represented by each such certificate or receipt.

For authorized premises that are regional branches of the manufacturer, the report shall include an inventory based upon book records showing the total number of tires and tubes and the amount of camelback at the beginning and end of the preceding monthly period on each of such premises (except that the monthly reports that shall be filed on the 20th day of January, April, July, and October shall include an inventory based upon a physical count rather than upon book records) and the total number of tires and tubes and the amount of camelback transferred to and from such stocks during said monthly period. The number of tires and tubes included in the inventory and the transfers to and from such stocks during said monthly period shall be listed by totals of passenger tires (including motorcycle tires), passenger tubes (including motorcycle tubes), truck tires, truck tubes, tractor tires (including implement tires and tires not otherwise specified) and tractor tubes (including implement tubes and tubes not otherwise specified). The size or ply of such tires or tubes need not be stated. The amount of camelback included in the inventory and the transfers to and from such stocks during said monthly period shall be listed by totals of passenger-type and truck-type camelback.

§ 1315.1009 *Production records of manufacturers.* Each manufacturer of camelback shall on the close of business on the last day of each calendar month take an inventory of all camelback in his possession or control and keep a record of his total production during such month. Each manufacturer of tires and tubes shall at the close of business on the last day of each calendar month record his total production of tires and tubes during such month.

§ 1315.1010 *Inventories and records of recappers and camelback dealers*—(a) *Monthly inventory.* Each recapper or camelback dealer shall at the close of business on the last day of each calendar month take an inventory of all recapped tires and all camelback in his possession or control and keep a record of his total production of recapped tires and the amount of camelback used in recapping tires during the preceding month. Such record shall also indicate the number of tires recapped which were owned by the recapper and the amount of camelback used in recapping such tires.

(b) *Record of allotment of camelback.* Each recapper who has purchased an allotment of camelback pursuant to § 1315.508 shall keep records at his principal office and at each establishment where he operates molds capable of recapping tires showing the name and address of his supplier, the amount, type and grade of camelback he purchased, the date of purchase, the amount, type and grade of camelback that was transferred by his supplier to each of his establishments, and the date of such transfer. Each recapper who transfers camelback among his premises as provided in § 1315.804 (b) shall keep records at both the premises from which and to which the camelback is transferred, showing the address of each such premises, the date of transfer and the amount, type, and grade of camelback transferred.

(c) *Record of transfers of molds.* Each recapper who transfers a mold among his premises shall keep records at both the premises from which and to which the mold is transferred showing the address of each such premises, the date of transfer, the serial number, and the recapping capacity of the mold.

§ 1315.1011 *Preservation and filing of records.* Any person affected by this Ration Order No. 1A shall keep and file such additional records and reports as the Office of Price Administration may require. Any record required by Ration Order No. 1A to be kept shall be preserved for not less than two years, except that records of transfers for repair need be preserved only while the tires or tubes to be repaired are in the possession of the repairer. Such records and any other records relating to tires, tubes or camelback shall be available at all times for inspection by the Office of Price Administration.

§ 1315.1012 *Notice of legal proceedings.* Every person holding a certificate, part of a certificate or authorization shall, immediately upon the commencement of any legal action or proceeding involving such certificate, part of a certificate or authorization, notify the State or Regional Office for the area in which such action or proceeding is pending.

§ 1315.1013 *Report of violations*—(a) *By any person.* Any person may report a violation of this Ration Order No. 1A to a Board, District, State, or Regional Office of the Office of Price Administration, Washington, D. C. An official or employee of the office to which the report is made shall fill out a complaint (OPA Form R-4), secure the signature of the complainant, if possible, and transmit the complaint for investigation and action in accordance with the instructions of the Office of Price Administration.

(b) *By a Board.* Whenever a Board finds that an applicant has violated § 1315.901 (1), it shall immediately inform the nearest District Office of that fact in writing, transmitting all relevant documents with its report.

APPEALS

§ 1315.1101 *Who may appeal.* Any person whose application for a certificate, part of a certificate, or authorization has been denied in whole or in part by the action of a Board, State Director, or Regional Administrator, or whose certificate, part of a certificate, or authorization has been revoked, cancelled, suspended, or modified by action of a Board, State Director, or Regional Administrator, under Ration Order No. 1A, may appeal from such action or from any other adverse decision of a Board.

§ 1315.1102 *Procedure.* Except for proceedings arising out of § 1315.653 an appeal shall be taken only in accordance with the provisions of Procedural Regulation No. 9, issued by the Office of Price Administration.

ENFORCEMENT

§ 1315.1151 *Criminal prosecutions.* (a) Any person who knowingly falsifies an application or any other record, report, or certificate made pursuant to or required by the terms of Ration Order No. 1A, or who otherwise knowingly furnishes false information to a Board, inspector, or any other agent, employee or officer of the Office of Price Administration, or falsifies or conceals or covers up by any trick, scheme or device a material fact, or makes or causes to be made any false or fraudulent statements, or representations, in any matter within the jurisdiction of the Office of Price Administration, may upon conviction be fined not more than $10,000 or imprisoned for not more than ten years, or both, and shall be subject to such other penalties or action as may be prescribed by law. Any person who conspires with another person to perform any of the foregoing acts or to violate any provision of Ration Order No. 1A may upon conviction be fined not more than $10,000 or imprisoned for not more than two years, or both, and shall be subject to such other penalties or action as may be prescribed by law.

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required, by any provision of Ration Order No. 1A may upon conviction be fined not more than $10,000 and imprisoned for not more than one year, or both, and shall be subject to such other penalties or action as may be prescribed by law.

§ 1315.1152 *Suspension orders.* Any person who violates this Ration Order No. 1A may by administrative suspension order be prohibited from receiving any transfers or deliveries of, or selling or using or otherwise disposing of any tires, tubes or camelback or other rationed product or facility. Such suspension order shall be issued for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest and to promote the national security.

§ 1315.1198 *Effective Date of Ration Order No. 1A.* (a) Ration Order No. 1A (§§ 1315.151 to 1315.1198 inclusive) shall become effective November 22, 1942.

(b) Ration Order No. 1A (§§ 1315.151 to 1315.1198 inclusive) supersedes War Production Board Supplementary Order No. M-15-c, as amended,[1] and the Revised Tire Rationing Regulations, as amended:[2] *Provided, however,* That any violations which occurred or rights or liabilities which have arisen prior to the effective date of this Ration Order No. 1A shall be governed by the orders, regulations, and amendments thereto, in effect at the time such violations occurred or such rights or liabilities arose.

Issued this 6th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11600; Filed, November 6, 1942; 5:02 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 271]

CERTAIN PERISHABLE FOOD COMMODITIES, SALES EXCEPT AT RETAIL

In the judgment of the Price Administrator, it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, that maximum prices be established for the sale of certain perishable food commodities, f. o. b. country shipping point, and at wholesale. The following regulation supersedes Temporary Maximum Price Regulation No. 22 and establishes maximum prices in a manner calculated to promote equitable distribution of these important food commodities through normal channels of trade.

The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 271 is hereby issued.

Sec.
1351.1001 Applicability of this Maximum Price Regulation No. 271.
1351.1002 How a country shipper establishes his maximum price for perishable food commodities set forth in Appendix A.
1351.1003 How an intermediate seller calculates his maximum price for perishable food commodities set forth in Appendix B.
1351.1004 Information which each country shipper and intermediate seller must pass on to his purchaser.
1351.1005 Fractions of cents.
1351.1006 Customary allowances.
1351.1007 Relationship between this regulation, General Maximum Price Regulation and Temporary Maximum Price Regulation No. 22.
1351.1008 Evasion.
1351.1009 Enforcement.
1351.1010 Petitions for amendment.
1351.1011 Records and reports.
1351.1012 Export sales.
1351.1013 Exempt sales.
1351.1014 Definitions.
1351.1015 Geographic applicability.
1351.1016 Effective date.
1351.1017 Appendix A: Maximum prices for perishable food f. o. b. shipping point.
1351.1018 Appendix B: Figures to be used by intermediate sellers in calculating maximum prices under § 1351.1003 of this regulation.

AUTHORITY: §§ 1351.1001 to 1351.1018, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1351.001 *Applicability of this Maximum Price Regulation No. 271*—(a) *Commodities to be priced under this regulation.* This regulation applies to the following perishable food commodities:

(1) All white potatoes used for human consumption, not including seed potatoes.

(2) All dry onions used for human consumption, produced in the calendar year 1942.

(b) *To what types of sellers this regulation applies.* This regulation applies to country shippers and all intermediate sellers, as defined herein, of the commodities listed in paragraph (a) of this section, but does not apply to retailers.

(c) *Purposes of this regulation.* (1) Appendix A sets forth maximum prices and repeats the applicable differentials set forth in § 1351.1002 (b) for the country shipper, at the country shipping point, on board car or any other common carrier, for each variety and grade, in the month of sale and area in which the commodities were produced.

(2) Appendix B sets forth the figures which different classes of intermediate sellers must use in calculating maximum prices.

(d) *Prohibition against sales above maximum prices.* On and after November 9, 1942, regardless of any contract or other obligation, no person is permitted to sell or deliver perishable food commodities at prices higher than the maximum prices established by this regulation, and no person is permitted to buy or receive perishable food commodities in the course of trade or business at prices higher than the maximum prices herein established. Lower prices may be charged and paid.

§ 1351.1002 *How a country shipper establishes his maximum price for a perishable food commodity, as set forth in Appendix A.* (a) The maximum price, at the country shipping point, on board car or any other common carrier, shall be established by the country shipper as follows:

(1) For each hundred pounds of each variety of U. S. No. 1 grade of white potatoes, in bags, on board car or any other common carrier, the maximum price shall be the amount set forth as the maximum price for the month of sale and the area in which the white potatoes were produced, listed in Appendix A hereof. Differentials above or below the maximum price are listed in paragraph (b) of this section.

(2) For each fifty pounds of each variety of dry onions, graded and in sacks, on board car or any other common carrier, the maximum price shall be the amount set forth as the maximum price for the month of sale and the area in which the dry onions were produced, listed in Appendix A hereof. Differentials above or below the maximum price are listed in paragraph (b) of this section.

(b) The following differentials for certain grades and certain types of shipment shall be applicable to country shippers:

(1) White potatoes: (i) For white potatoes which grade below U. S. No. 1, packed in 100 pound bags, the country shipper shall subtract 30 cents per cwt. from the maximum prices for U. S. No. 1 grade listed in Appendix A.

(ii) For white potatoes, U. S. Extra No. 1, or U. S. No. 1-A, 2 inch minimum packed in 100 pound bags, the country shipper may add 20 cents per cwt. to the maximum prices for U. S. No. 1 grade listed in Appendix A.

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[1] 6 F.R. 6792.

[2] 7 F.R. 1027.

*Copies may be obtained from the Office of Price Administration.

(iii) For Russet Burbank potatoes, U. S. No. 1, 6 ounce minimum, packed in 100 pound bags, the country shipper may add 20 cents per cwt. to the maximum prices for U. S. No. 1 grade listed in Appendix A.

(iv) For Russet Burbank potatoes, U. S. No. 1, 6 ounce minimum to 14 ounce maximum, packed in 100 pound bags, the country shipper may add 35 cents per cwt. to the maximum prices for U. S. No. 1 grade listed in Appendix A.

(v) For white potatoes, graded and packed in sacks of 25 pounds or less, the country shipper may add 20 cents per cwt. to the maximum price established for each grade.

(vi) For white potatoes, shipped in bulk, graded but unsacked, the country shipper shall subtract 20 cents per cwt. from the maximum price established for each grade.

(vii) For white potatoes, shipped in bulk, ungraded and unsacked, the country shipper shall subtract 50 cents per cwt. from the maximum price established for U. S. No. 1 grade.

(viii) For white potatoes, ungraded and packed in 100 pound bags, the country shipper shall subtract 40 cents per cwt. from the maximum price for U. S. No. 1 grade.

(ix) For Russet Burbank potatoes, fancy, large, hand-graded and individually wrapped in boxes of not over 60 pounds, the country shipper may add 90 cents per cwt. to the maximum price established for each grade.

(x) If the purchaser furnishes bags, the country shipper shall subtract from any sacked price 25 cents per cwt.

(2) Dry onions: (i) For white onions, U. S. Grade No. 1, in 50 pound sacks, the country shipper may add 30 cents per 50 pounds to the maximum price listed in Appendix A.

(ii) For dry onions, U. S. Grade No. 1, 3 inches and larger in 50 pound sacks, the country shipper may add 20 cents per 50 pounds to the maximum price listed in Appendix A.

(iii) For dry onions, graded and packed in 10 pound sacks or less, the country shipper may add 15 cents per 50 pounds to the maximum price listed in Appendix A.

(iv) For white boiler and pickler onions, graded and packed in 50 pound sacks, the country shipper may add $1.00 per 50 pounds to the maximum price listed in Appendix A.

(v) For dry onions, ungraded and packed in sacks of any size, the country shipper shall subtract 15 cents per 50 pounds from the maximum price listed in Appendix A.

(vi) For dry onions, ungraded and unsacked, the country shipper shall subtract 30 cents per 50 pounds from the maximum price listed in Appendix A.

(vii) If the purchaser furnishes bags, the country shipper shall subtract from any sacked price 15 cents per 50 pounds.

(c) If a country shipper makes a sale of food commodities for delivery to a place other than his country shipping point, his maximum price shall be the price established by him under paragraphs (a) and (b) of this section and Appendix A, plus the transportation charges he has actually paid, at lowest available common carrier rates, from his country shipping point to the place where the commodities are to be delivered. In no case shall the country shipper include transportation charges, whether paid by him or not, from the farm where the commodities were produced to his country shipping point.

§ 1351.1003 *How an intermediate seller calculates his maximum prices for perishable food commodities listed in Appendix B.* (a) For the purposes of this regulation "intermediate sellers" are divided into the following classes and the term means any wholesale seller, including, but not limited to terminal distributors, service and cash-and-carry wholesalers, carlot receivers, jobbers or any other person who purchases for the purpose of reselling, except country shippers and retailers, and who take title and make sales to any person who is not the ultimate consumer. The term "ultimate consumer" does not include institutional, commercial or industrial users.

(1) *Class 1: Retailer-owned cooperative wholesaler.* A retailer-owned cooperative wholesaler is either a non-profit organization or a corporation, 51% or more of the stock of which is owned by its retail customers and which distributes food commodities for resale without materially changing their form.

(2) *Class 2: Cash and carry wholesalers.* A cash and carry wholesaler is a wholesaler not in Class 1 who distributes food commodities for resale or to commercial, industrial and institutional users without materially changing their form and who does not customarily deliver or extend credit.

(3) *Class 3: Service wholesalers.* A service wholesaler is a wholesaler not in Class 1 who distributes food commodities for resale or to commercial, industrial or institutional users without materially changing their form and who customarily delivers, or delivers and extends credit to purchasers.

(b) The intermediate seller shall calculate once every week on the day set forth opposite the name of the food commodity in Appendix B his maximum price for each variety and grade of such food commodity as follows:

(1) The intermediate seller shall first find from paragraph (a) of this section in what class of intermediate seller he falls.

(2) The intermediate seller shall next determine the "largest single purchase" of each variety and grade made during the seven days prior to the day set forth opposite the name of the food commodity in Appendix B, on which he is calculating his maximum price.

(3) "Largest single purchase" means the greatest quantity (in pounds, dozens or the like) of the variety and grade of the food commodity which the intermediate seller is pricing, and which was purchased by him during the seven days prior to the day set forth opposite the name of the food commodity in Appendix B.

(4) The intermediate seller shall then determine his "net cost" of his "largest single purchase" as defined above, of the food commodity being priced. "Net cost" means the amount he paid for the food commodity delivered at his customary receiving point less all discounts allowed him except the discount for prompt payment; however, no charge or cost for local unloading or local trucking shall be included.

(5) The intermediate seller shall then multiply his "net cost" as defined above, by the figure in Appendix B which applies to the class in which the intermediate seller falls. The resulting figure is the maximum price which the intermediate seller is permitted to charge for the 7-day period from the day set forth opposite the name of the food commodity set forth in Appendix B, provided that if an intermediate seller purchases food commodities from another intermediate seller, he shall resell such food commodities directly to a retailer, and shall not resell to another intermediate seller.

(c) If an intermediate seller makes sales and deliveries of Russet Burbank potatoes which he has re-graded for uniform size, individually wrapped in paper, and packed in boxes of not over 60 pounds, he may add 90¢ per cwt. to the maximum price determined by him under this section.

§ 1351.1004. *Information which each country shipper and intermediate seller must pass on to his purchaser.* Whenever a country shipper or an intermediate seller makes a sale and delivery after the effective date of this regulation, he shall supply in writing, to his purchaser on his invoice, sales ticket, cash receipt, or other written evidence of the sale, the following information:

(a) The variety of the food commodity being sold;

(b) The grade of the food commodity being sold; and

(c) The selling price, not exceeding the maximum price, which the country shipper or intermediate seller has determined for the variety and grade being sold. The invoice, sales ticket, cash receipt or other written evidence of the sale, when containing the above required information shall be deemed to be proper notification to the purchaser.

§ 1351.1005 *Fractions of cents.* Any calculation of a maximum price per 100 pounds or other customary unit of sale by a country shipper or intermediate seller which results in a fraction of a cent shall be reduced to the nearest lower cent if the fraction is less than one-half cent and shall be increased to the nearest higher cent if the fraction is one-half cent or more.

§ 1351.1006 *Customary allowances.* No country shipper or intermediate seller is permitted to change his customary allowances, discounts, and price differentials, including allowances, discounts and price differentials for different classes of purchasers, unless such change results in a lower net price.

§ 1351.1007 *Relationship between this regulation, General Maximum Price Regulation and Temporary Maximum Price Regulation No. 22.* (a) The provisions of this Maximum Price Regulation No. 271 supersede the provisions of Temporary Maximum Price Regulation No. 22, with respect to sales and deliveries by country shippers and intermediate sellers of the food commodities listed in Appendix A. However, the following provisions of the General Maximum Price Regulation, as well as any amendments thereto, continue to be applicable to every country shipper and intermediate seller selling such food commodities:

(1) Transfers of business or stock in trade (§ 1499.5).

(2) Federal and State taxes (§ 1499.7).

(3) Current records (§ 1499.12).

(4) Sales slips and receipts (§ 1499.14).

(5) Definitions (§ 1499.20).

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this regulation, other than country shippers, selling food commodities at wholesale.

§ 1351.1008 *Evasion.* The price limitations which are set forth in this Maximum Price Regulation No. 271 shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of or relationship to any of the commodities listed in Appendix A or B hereof, alone or in conjunction with any other commodity or by way of commission, service, transportation or any other charge or discount, premium, or other privilege or by tying-agreement or other trade understanding or otherwise.

§ 1351.1009 *Enforcement.* Persons violating any provisions of this Maximum Price Regulation No. 271 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942.

§ 1351.1010 *Petitions for amendment.* Persons seeking a modification of this Maximum Price Regulation No. 271 may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1,[1] issued by the Office of Price Administration.

§ 1351.1011 *Records and reports.* (a) Every person selling food commodities, maximum prices for which are established by this regulation, shall:

(1) Preserve for examination by the Office of Price Administration all his records including invoices, sales tickets, cash receipts or other written evidence of a sale and delivery relating to the prices which he charges pursuant to the provisions of this regulation.

(2) Prepare on or before December 1, 1942, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, a statement showing all of his customary allowances, discounts and other price differentials.

(b) Every person making sales of commodities, maximum prices for which are established by this regulation, shall keep and make available for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is in effect, records of the same kind as he has customarily kept relating to the prices which he charges for these commodities after the effective date of this regulation and in addition, records showing as precisely as possible, the basis upon which he determined maximum prices for these commodities.

§ 1351.1012 *Export sales.* The maximum prices at which a person may export food commodities covered by this Maximum Price Regulation No. 271 shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[2] issued by the Office of Price Administration.

§ 1351.1013 *Exempt sales.* (a) This regulation shall not apply to:

(1) Sales and deliveries by a farmer of any food commodity listed in Appendix A directly to ultimate consumers, if during the preceding month the farmer's sales to ultimate consumers of all food commodities produced on his farm did not exceed $75.00; and

(2) This regulation shall not apply to sales at retail.

§ 1351.1014 *Definitions.* (a) When used in this Maximum Price Regulation No. 271 the term:

(1) "Person" means individual, corporation, partnership, association, or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agencies of any of the foregoing.

(2) "Country shipper" means any person who makes sales and deliveries directly to any intermediate seller or retailer, whether for his own account, the account of a farmer, or for the joint account of himself and a farmer. This term includes farmers' cooperatives and associations, but does not include commission merchants, brokers, or any other person who does not take title to the food commodities covered by this regulation.

(3) "Variety" means any of the varieties of food commodities listed in Appendix A.

(4) "Grade" means official U. S. grades for potatoes and onions, as set forth in "U. S. Standards for Potatoes" and "U. S. Standards for Onions," issued by the U. S. Department of Agriculture.

(5) "Country shipping point" means the first place in or near the producing area where perishable food commodities are received and made ready for shipment to any intermediate seller or any commercial, industrial, or institutional user.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used in this regulation.

§ 1351.1015 *Geographic applicability.* The provisions of this Maximum Price Regulation No. 271 shall apply to the forty-eight states of the United States and the District of Columbia.

§ 1351.1016 *Effective date.* This Maximum Price Regulation No. 271 (§§ 1351.1001 to 1351.1018, inclusive) shall become effective November 9, 1942.

§ 1351.1017 *Appendix A: Maximum prices for perishable food f. o. b. shipping point*

WHITE POTATOES

[Maximum price per 100 lb., U. S. No. 1 grade and in bags[1] [2]]

State	Producing area	Variety	1942		1943					
			November	December	January	February	March	April	May	June
NORTH ATLANTIC										
Maine	All	All	1.90	1.95	2.05	2.10	2.20	2.30	2.20	2.10
New Hampshire	All	All	2.35	2.40	2.50	2.50	2.55	2.60	2.50	2.40
Vermont	All	All	2.35	2.40	2.50	2.50	2.55	2.60	2.50	2.40
Massachusetts	All	All	2.35	2.40	2.50	2.50	2.55	2.60	2.50	2.40
Rhode Island	All	All	2.35	2.40	2.50	2.50	2.55	2.60	2.50	2.40
Connecticut	All	All	2.35	2.40	2.50	2.50	2.55	2.60	2.50	2.40
New York	Long Island	All	2.25	2.25	2.35	2.45	2.45	2.45	2.45	2.45
	Rest of State	All	2.15	2.15	2.25	2.40	2.45	2.45	2.35	2.20
New Jersey	All	All	2.25	2.40	2.55	2.55	2.55	2.65	2.65	2.75
Pennsylvania	All	All	2.20	2.20	2.30	2.45	2.45	2.45	2.40	2.25
EAST NORTH CENTRAL										
Ohio	All	All	2.40	2.50	2.55	2.60	2.60	2.60	2.60	2.65
Indiana	All	All	2.35	2.40	2.45	2.55	3.55	2.60	2.60	2.70
Illinois	All	All	2.40	2.45	2.50	2.60	2.60	2.60	2.60	2.80
Michigan	All	All	2.05	2.10	2.20	2.25	2.30	2.35	2.20	2.20
Wisconsin	All	Red Skinned	2.10	2.15	2.25	2.30	2.35	2.40	2.35	2.25
		Round White	1.95	2.00	2.10	2.15	2.20	2.25	2.15	2.00
WEST NORTH CENTRAL										
Minnesota	All	Red skinned	1.95	2.00	2.05	2.10	2.20	2.25	2.20	2.10
		Round White	1.75	1.80	1.85	1.90	2.00	2.05	2.00	1.90
Iowa	All	All	2.25	2.25	2.45	2.50	2.60	2.60	2.60	2.40
Missouri	All	All	2.30	2.30	2.50	2.60	2.60	2.60	2.60	2.45
North Dakota	All	Red Skinned	1.95	2.00	2.05	2.10	2.20	2.25	2.20	2.10
		Round White	1.75	1.80	1.85	1.90	2.00	2.05	2.00	1.90
South Dakota	All	Red Skinned	2.05	2.10	2.15	2.20	2.30	2.35	2.30	2.20
		Round White	1.85	1.90	1.95	2.00	2.10	2.15	2.10	2.00

See footnotes at end of table.

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[1] 7 F.R. 8961.

[2] 7 F.R. 5059, 7242.

WHITE POTATOES—Continued

[Maximum price per 100 lb., U. S. No. 1 grade and in bags[1][2]]

State	Producing area	Variety	1942		1943					
			November	December	January	February	March	April	May	June
WEST NORTH CENTRAL—con.										
Nebraska	All	All	2.00	2.05	2.10	2.15	2.25	2.30	2.35	2.20
Kansas	All	All	2.30	2.30	2.45	2.45	2.55	2.85	2.60	2.35
SOUTH ATLANTIC										
Delaware	All	All	2.35	2.35	2.45	2.55	2.55	2.60	2.65	2.65
Maryland	All	All	3.35	2.35	2.45	2.55	2.55	2.55	2.55	2.75
Virginia	All	All	2.35	2.35	2.60	2.70	2.70	2.70	2.70	2.55
West Virginia	All	All	2.45	2.45	2.60	2.70	2.70	2.70	2.70	2.70
North Carolina	All	All	2.40	2.40	To be announced.					
South Carolina	All	All	2.60	2.60						
Georgia	All	All	2.60	2.60						
Florida	All	All	2.90	3.15						
SOUTHERN CENTRAL										
Kentucky	All	All	2.45	2.55						
Tennessee	All	All	2.45	2.55						
Alabama	All	All	2.65	2.75						
Mississippi	All	All	2.65	2.85						
Arkansas	All	All	2.65	2.65						
Louisiana	All	All	2.60	2.70						
Oklahoma	All	All	2.60	2.70						
Texas	All	All	2.90	3.15						
WEST										
Montana	All	All	2.25	2.25	2.30	2.30	2.35	2.35	2.40	2.50
Idaho	All	All	1.95	2.00	2.05	2.10	2.20	2.30	2.15	2.00
Wyoming	All	All	2.15	2.25	2.25	2.25	2.25	2.30	2.40	2.55
Colorado	Greeley District	All	1.90	1.95	1.95	1.95	1.95	2.10	2.20	2.30
	San Luis Valley	All	2.00	2.05	2.10	2.15	2.25	2.30	2.20	2.05
	Western Slope	Russet Burbank	1.95	2.00	2.05	2.10	2.20	2.25	2.15	2.00
	Western Slope	Other Varieties	1.90	1.95	2.00	2.05	2.15	2.20	2.10	1.95
New Mexico	All	All	2.45	2.50	2.55	2.60	2.60	2.65	2.65	2.65
Arizona	All	All	2.45	2.50	2.60	2.60	2.60	2.70	2.70	2.65
Utah	All	All	1.95	2.05	2.05	2.05	2.10	2.10	2.15	2.30
Nevada	All	All	2.25	2.25	2.25	2.25	2.25	2.25	2.35	2.40
Washington	All	All	2.05	2.10	2.15	2.20	2.30	2.40	2.25	2.10
Oregon	Malheur County	All	1.95	2.00	2.05	2.10	2.20	2.30	2.15	2.00
	Rest of State	All	2.05	2.10	2.15	2.20	2.30	2.40	2.25	2.10
California	Modoc & Siskyou Counties.	All	2.05	2.10	2.15	2.20	2.30	2.40	2.25	2.10
	Rest of State	All	2.25	2.25	2.35	2.35	2.35	2.55	2.55	2.55

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[1] These prices are subject to the following differentials for grades other than U. S. No. 1 and for certain types of shipment: A. *Differentials For Grades Other Than U. S. No. 1.*

1. For white potatoes which grade below U. S. No. 1, packed in 100 pound bags, the country shipper shall subtract 30¢ per cwt. from the maximum prices listed above.
2. For white potatoes, U. S. Extra No. 1, or U. S. No. 1–A, 2 inch minimum packed in 100 pound bags, the country shipper may add 20¢ per cwt. to the maximum prices listed above.
3. For Russet Burbank potatoes, U. S. No. 1, 6 ounce minimum, packed in 100 pound bags, the country shipper may add 20¢ per cwt. to the maximum prices listed above.
4. For Russet Burbank potatoes, U. S. No. 1, 6 ounce minimum to 14 ounce maximum packed in 100 pound bags, the country shipper may add 35¢ per cwt. to the maximum prices listed above.

B. *Differentials For Certain Types of Shipment:*

1. For white potatoes graded and packed in bags of 25 pounds or less, the country shipper may add 20¢ per cwt. to the maximum prices for each grade.
2. For white potatoes shipped in bulk, graded and unsacked, the country shipper shall subtract 20¢ per cwt. from the maximum prices for each grade.
3. For white potatotes shipped in bulk, ungraded and unsacked, the country shipper shall subtract 50¢ per cwt. from the maximum prices shown above.
4. For white potatoes, ungraded and packed in 100 pound bags, the country shipper shall subtract 40¢ per cwt. from the maximum prices shown above.
5. For Russet Burbank potatoes, Fancy, Large, Hand-graded and individually wrapped in boxes of not over 60 pounds, the country shipper may add 90¢ per cwt. to the maximum prices for each grade.
6. If the purchaser furnishes bags, the country shipper shall subtract 25¢ per cwt. from the maximum prices for each grade.

[2] *Example.*—How the country shipper establishes maximum prices for white potatoes: A country shipper located in Maine must determine a maximum price for sales of 100 pound bags of U. S. No. 1 Green Mountain white potatoes during the month of November, 1942. He refers to the table above which shows that his maximum price for sales of U. S. No. 1 white potatoes in bags for delivery during that month is $1.90 per cwt. He also has a buyer who during the month of November wants to purchase a carload of bulk, ungraded, and unsacked white potatoes. The country shipper establishes his maximum price for a sale of this type by referring to the maximum price for U. S. No. 1 potatoes in bags, shown in the table above, which is $1.90. He then subtracts the differential for this type of sale shown in footnote 1 (B) (3) which is 50¢ per cwt. and arrives at a maximum price of $1.40 per cwt.

DRY ONIONS

[Maximum prices per 50 lb. graded and in bags[1][2]]

States	1942		1943			
	November	December	January	February	March	April
			Dollars per 50 lb.	*Dollars per 50 lb.*		
Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island	1.45	1.55	1.70	1.80	1.95	2.05
New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia	1.50	1.60	1.75	1.85	2.00	2.10
Ohio, West Virginia	1.50	1.60	1.75	1.85	1.95	2.05
Indiana, Kentucky	1.45	1.55	1.70	1.80	1.90	2.00
Michigan	1.40	1.50	1.65	1.75	1.85	1.95
Wisconsin	1.35	1.45	1.60	1.70	1.80	1.90
Illinois, Iowa, Missouri, Nebraska, Kansas	1.40	1.50	1.65	1.75	1.85	1.95
Minnesota, North Dakota, South Dakota	1.35	1.45	1.60	1.70	1.80	1.90
Colorado, Wyoming, Utah, Nevada, New Mexico, Arizona	1.20	1.30	1.50	1.50	1.65	1.75
Idaho, Montana, Washington	1.20	1.30	1.40	1.40	1.55	1.65
Oregon	1.30	1.40	1.50	1.50	1.65	1.75
California	1.35	1.45	1.55	1.55	1.70	1.80
Other States:						
West of Mississippi River	1.45	1.55	1.70	1.75	1.85	1.95
East of Mississippi River	1.50	1.60	1.75	1.80	1.90	2.00

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[1] These prices apply only to dry onions produced in the calendar year 1942 and are subject to the following differentials:

(*a*) For white onions, U. S. Grade No. I, in 50-pound sacks, the country shipper may add 30¢ per 50 pounds to the maximum prices shown above.

(*b*) For dry onions, U. S. Grade No. I, 3 inches and larger in 50-pound sacks, the country shipper may add 20¢ per 50 pounds to the maximum prices shown above.

(*c*) For dry onions, graded and packed in 10-pound sacks or less, the country shipper may add 15¢ per 50 pounds to the maximum prices shown above.

(*d*) For white boiler and pickler onions, graded and packed in 50-pound sacks, the country shipper may add $1.00 per 50 pounds to the maximum price.

(*e*) For dry onions, ungraded and packed in sacks of any size, the country shipper shall subtract 15¢ per 50 pounds from the maximum prices shown above.

(*f*) For dry onions, ungraded and unsacked, the country shipper shall subtract 30¢ per 50 pounds from the maximum prices shown above.

(*g*) If the purchaser furnishes sacks, the country shipper shall subtract 15¢ per 50 pounds from the maximum price.

[2] Example: How the country shipper establishes his maximum price for dry onions. A country shipper located in Massachusetts must determine a maximum price for sales of 50 pound bags of graded yellow globe onions during the month of November, 1942. He refers to the table above which shows that his maximum price for sales of bagged and graded dry onions for delivery during that month is $1.45 per fifty pound bags. He also has a buyer who during the month of November wants to purchase 500 pounds of U. S. No. I white onions. The country shipper refers to the table above and finds for the month of November that his maximum price for fifty pounds is $1.45 plus the differential set forth in footnote 1 (*a*) above which is 30¢ per fifty pounds. He adds 30¢ to $1.45 and arrives at a maximum price of $1.75 per fifty pounds.

§ 1351.1018 *Appendix B: Figures to be used by intermediate sellers in calculating maximum prices under § 1351.1003 of this regulation*

[After the effective date of this regulation, maximum prices for any sale must be established as set forth below]

Column 1	Column 2	Column 3	Column 4		
Perishable food commodity	Date on which intermediate seller must calculate ceiling	Basis on which intermediate seller will calculate his maximum price	Figure to be multiplied by cost established as indicated in column 3		
			Class 1—Retailer owned cooperative	Class 2—Cash-and-carry	Class 3—Service and delivery
White potatoes (of each variety and grade). Dry onions (of each variety and grade).	Monday of each week.	Net delivered cost of the "largest single purchase" delivered at his customary receiving point during the 7 days, immediately preceding Monday of each week.	1.095	1.095	1.21

[1] Separate maximum prices must be calculated for each variety and grade handled and sold by the intermediate seller.

Example: (a) A terminal market wholesaler wishes to set a maximum price for the week beginning Monday, November 16. During the preceding week he bought his largest quantity of U. S. Grade No. 1 white potatoes from Maine. He received a car of these potatoes directly from a country shipping point on Friday, November 16. Looking at his cost, as set forth by the country shipper's invoice, he finds his "net cost" for these potatoes to be $1.90 per cwt. for the month of November or $760 for a carlot of 400 bags. To this "net cost," which represents his "largest single purchase" made during the week preceding November 16, he adds the actual freight of $179, thereby establishing the sum of $939. He divides the sum of his "net cost" and the freight ($939) by the number of bags in the (400) to secure his delivered cost per bag, in this case $2.34. This wholesaler's customary sales are on a cash-and-carry basis. Therefore he takes the multiplier of 1.095 established for Class 2 wholesalers and multiplies by his delivered "net cost" per bag to secure his ceiling price for the period November 16 through November 22 This will give a price per bag of $2.56 as his ceiling price.

Example: (b) A secondary wholesale receiver or jobber in a terminal market, who may extend credit but who customarily does not deliver, wishes to set a maximum price for the week beginning Monday, November 23. On November 18, he bought 50 bags of potatoes from the wholesaler described in Example (a). He customarily buys his largest supplies of white potatoes from this wholesaler. He paid $2.62 per bag for these. This jobber customarily sells to retail stores. Therefore, he takes the mark-up of 1.095 established for Class 2 wholesalers as shown above, and multiplies this by his cost to arrive at his ceiling price of $2.87 per bag for the period November 23 to November 29, inclusive.

Example: (c) A secondary wholesale receiver or jobber in this terminal market wishes to set a maximum price for the week beginning Monday, November 23. On November 18, he bought 200 bags of potatoes from the wholesaler described in Example (a). He customarily buys his largest supplies of potatoes from this wholesaler. He paid $2.62 per bag for these. This jobber customarily sells on a service and delivery basis to retail stores. Therefore, he takes the multiplier of 1.21 established for service and delivery wholesalers in Class 3 of the above chart and multiplies this by his cost to arrive at his ceiling price of $3.17 per bag for the period November 23 to 29, inclusive.

Since the fractional part of a cent is less than one-half cent, the wholesaler's permitted ceiling is $3.17 under §1351.1005 of this regulation which provides that fractions of less than one-half cent shall be adjusted to the next lower cent. Fractions *equal to* one-half cent or more shall be rounded to the next higher cent.

This secondary wholesale receiver or jobber is not permitted to re-sell to another wholesale distributor. Under this regulation the maximum price he has determined applies only for sales to retail establishments.

Issued this 7th day of November 1942.

Leon Henderson, *Administrator.*

Approved by:

Claude R. Wickard, *Secretary of Agriculture.*

[F. R. Doc. 42–11631; Filed, November 7, 1942; 12:43 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 237,[1] Amendment 3]

ADJUSTED AND FIXED MARKUP FOR SALES AT WHOLESALE

A statement of the considerations involved in the issuance of Amendment No. 3 to Maximum Price Regulation No. 237 has been issued and filed with the Division of the Federal Register.*

The table in § 1351.519 is amended and new subparagraph c is added to paragraph 2 of § 1351.519; all to read as set forth below:

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[1] 7 F.R. 8205, 8427, 8808.

*Copies may be obtained from the Office of Price Administration.

§ 1351.519 *Appendix B*

[Figures to be used by wholesale distributors in determining new maximum prices under §1351.503 of this regulation (new maximum prices are required after the effective date of this regulation)]

Food product[1]	Last date for determining new maximum prices under this regulation	Last date for filing new maximum prices with appropriate OPA District or State Offices	Figure to be multiplied by net cost of item in determining new maximum prices under this regulation.[2]		
			Class 1—Retail-owned cooperative	Class 2—Cash and carry	Class 3—Service and delivery
1. Fruit, dried	Nov. 30, 1942	Dec. 10, 1942	1.055	1.125	1.165
2. Lard	Nov. 30, 1942	Dec. 10, 1942	1.035	1.035	1.075
3. Dry edible beans	Dec. 20, 1942	Dec. 30, 1942	1.08	1.09	1.12

[1] As described below.

[2] See "Example of how to compute new maximum prices," below. For definition of classes of wholesalers, see paragraph (b) of § 1351.501 of this regulation.

* * * * *

2. *Definition of food products on which wholesalers must determine new maximum prices under § 1351.503 of this regulation.* a. Dried fruits shall mean dried apples, apricots, currants, nectarines, peaches, pears, prunes, raisins and any combination of the above, packaged or bulk. Stuffed or glaced dried fruit and figs shall be excluded.

b. Lard shall mean all pure packaged or bulk lard derived wholly from pork.

c. Dry edible beans shall mean all threshed and dried field or garden beans used for human consumption.

§ 1351.517a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1351.519) shall become effective on November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

Leon Henderson,
Administrator.

Approved:

Claude Wickard,
Secretary of Agriculture.

[F. R. Doc. 42–11632; Filed, November 7, 1942; 12:41 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 238,[1] Amendment 2]

ADJUSTED AND FIXED MARKUP FOR SALES AT RETAIL

A statement of the considerations involved in the issuance of this Amendment No. 2 to Maximum Price Regulation No. 238 has been issued and filed with the Division of the Federal Register.*

The table in § 1351.619 is amended and new subparagraph c is added to paragraph 2 of § 1351.619; all to read as set forth below:

§ 1351.619 *Appendix B*

Figures to be used by retail distributors in determining new maximum prices under § 1351.603 of this regulation (new maximum prices are required after the effective date of this regulation)]

Food product[1]	Last date for determining new prices under this regulation	Last date for filing new maximum prices with appropriate local war price and rationing board	Figure to be multiplied by net cost of item in determining new maximum prices under this regulation[2]				
			Independent retailer with annual volume			Class 4—Chain retailer with annual volume under $250,000	Class 5—Any retailer (chain or independent) with annual volume $250,000 or more
			Class 1—Under $20,000	Class 2—$20,000 but less than $50,000	Class 3—$50,000 but less than $250,000		
1. Fruit, dried	Dec. 31, 1942	Jan. 10, 1943	1. 27	1. 25	1. 25	1. 23	1. 22
2. Lard	Dec. 31, 1942	Jan. 10, 1943	1. 20	1. 20	1. 18	1. 13	1. 10
3. Dry edible beans	Jan. 20, 1943	Jan. 30, 1943	1. 36	1. 36	1. 36	1. 34	1. 29

[1] As described below.

[2] See "Example of how to compute new maximum prices," below. For definition of classes of retailers, see paragraph (b) of § 1351.601 of this regulation.

* * * * *

2. *Definition of food products on which retailers must determine new maximum prices under § 1351.603 of this regulation.* a. Dried fruit shall mean dried apples, apricots, currants, nectarines, peaches, pears, prunes, raisins and any combination of the above, packaged or bulk. Stuffed or glaced dried fruit and figs shall be excluded.

b. Lard shall mean all pure packaged or bulk lard derived wholly from pork.

c. Dry edible beans shall mean all threshed and dried field or garden beans used for human consumption.

§ 1351.617a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1351.619) shall become effective on November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,
Administrator.

Approved:

CLAUDE WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42–11633; Filed, November 7, 1942; 12:41 p. m.]

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[1] 7 F.R. 8209, 8808.

*Copies may be obtained from the Office of Price Administration.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 268]

SALES OF CERTAIN PERISHABLE FOOD COMMODITIES AT RETAIL

In the judgment of the Price Administrator, it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 that maximum prices be established for the sale of certain perishable food commodities at retail. The following regulation supersedes Temporary Maximum Price Regulation No. 22 insofar as sales at retail of certain perishable food commodities are concerned, and establishes maximum prices at retail in a manner calculated to promote equitable distribution of these commodities through normal channels of retail trade.

The maximum prices for retail sellers established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 268 is hereby issued.

Sec.
1351.1101 Applicability of this Maximum Price Regulation No. 268.
1351.1102 When a retailer must calculate maximum prices for the food commodities listed in Appendix A.
1351.1103 How a retailer calculates his maximum price for the food commodities listed in Appendix A.
1351.1104 How a retailer calculates the sales price of amounts other than the designated units of sale.
1351.1105 How a retailer must post his maximum price.
1351.1106 How a retailer determines whether he is an independent outlet or a member of a chain.
1351.1107 How a retailer determines his annual gross sales value.
1351.1108 Fractions of cents.
1351.1109 Records.
1351.1110 Relationship between this regulation, Temporary Maximum Price Regulation No. 22 and the General Maximum Price Regulation.
1351.1111 Evasion.
1351.1112 Enforcement.
1351.1113 Definitions.
1351.1114 Geographic applicability.
1351.1115 Effective date.
1351.1116 Appendix A: Figures to be used by retailers in determining maximum prices under § 1351.1103 of this regulation.

AUTHORITY: §§ 1351.1101 to 1351.1116, inclusive issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1351.1101 *Applicability of this Maximum Price Regulation No. 268*—(a) *What commodities must be priced under this regulation.* This regulation applies only to the food commodities listed in Appendix A (§ 1351.1115) of this regulation.

(b) *To what types of sellers this regulation applies.* This regulation applies only to sellers at retail (hereinafter referred to as retailers) which for the purpose of this regulation are divided into the following five classes:

(1) *Class 1.* Independent retail outlets with an annual gross sales volume of less than $20,000.

(2) *Class 2.* Independent retail outlets with an annual gross sales volume of $20,000 to $50,000.

(3) *Class 3.* Independent retail outlets with an annual gross sales volume of $50,000 to $250,000.

(4) *Class 4.* Chain retail outlets with an annual gross sales volume of less than $250,000.

(5) *Class 5.* Chain or independent retail outlets with an annual gross sales volume of $250,000 or more.

(c) *Purposes of this regulation.* This regulation provides new maximum prices for the particular food commodities listed in Appendix A. These maximum prices are to be the only maximum prices for all sales at retail of such food commodities after the effective date of this regulation and are to be used instead of the maximum prices established by any other applicable price regulation or order issued by the Office of Price Administration.

(d) *Prohibition.* On and after November 12, 1942, the date this regulation takes effect, regardless of any contract or other obligation, no person is permitted to sell or deliver at retail any of the food commodities listed in Appendix A at a price which is higher than the maximum price fixed by this regulation, and no person is permitted to buy or receive any of these food commodities at a price higher than that maximum price. Lower prices than the maximum prices may be charged and paid.

§ 1351.1102 *When a retailer must calculate maximum prices for the food commodities listed in Appendix A.* A retailer must calculate maximum prices for the food commodities covered by this regulation once every week. This calculation shall be made on the day of the week set forth opposite the food commodity in Appendix A and before any sales of such commodity are made on

that day. All maximum prices shall be calculated and stated in the unit of sale designated for the commodity in Appendix A (for example, maximum prices for potatoes will be calculated and stated for 5 lbs.)

§ 1351.1103 *How a retailer calculates his maximum prices for the food commodities listed in Appendix A.* (a) The retailer shall calculate his maximum price for the designated unit of sale of each item (that is, for each grade and variety) of food commodities listed in Appendix A as follows:

(1) The retailer shall first find in §§ 1351.1106 and 1351.1107 of this regulation in what class of retailers he falls as set forth in paragraph (b) of § 1351.1101 hereof.

(2) The retailer will then find his net cost of the item he is pricing.

(i) "Net cost" shall in all cases be based on the unit of purchase of the retailer's largest single purchase during the preceding week of each grade and variety from his customary type of supplier. "Largest single purchase" means the purchase of the greatest quantity which was received by the retailer at his customary receiving point during the 7 days before the day of the week on which the maximum price must be calculated. (For example, if a retailer during the preceding week purchased 25 bags of 100 lbs. each of white round, U.S. No. 1 potatoes at $2.10 per bag, and also purchased 15 bags of the same grade and variety of potatoes at $2.35 per bag, then the purchase of 25 bags at $2.10 per bag is the "largest single purchase" of that grade and variety of potatoes made during that week, and the unit of purchase is the 100 lb. bag.)

(ii) Where the item being priced is purchased by the retailer from other than an intermediate seller such as, but not limited to, a grower, primary seller, country shipper, processor, packer or the like, "net cost" in this regulation means the amount paid by the retailer for the unit of purchase of his "largest single purchase" delivered at his customary receiving point, less all discounts allowed him except the discount for prompt payment; however, no charge or cost for local trucking or local unloading shall be included.

(iii) Where the item being priced is purchased by the retailer from an intermediate seller such as, but not limited to, wholesalers, carlot receivers, branch warehouses or jobbers, but not another retailer, "net cost" in this regulation means the amount paid by the retailer for the unit of purchase of his "largest single purchase" as shown on the intermediate seller's invoice (sales ticket, cash receipt, or other written evidence of sale), less all discounts allowed to the retailer except the discount for prompt payment. When transportation charges, other than local trucking, are paid by the retailer and are not shown on the intermediate seller's invoice, they may be added to the invoice in calculating "net cost".

(3) The retailer shall then multiply his "net cost" of the unit of purchase by the figure in Appendix A which applies to a retailer of his class for the food commodity being priced.

(4) The retailer will then divide this amount by the number of designated units of sale in his unit of purchase. (For example, if his unit of purchase is a 100 lb. bag and the designated unit of sale is 5 lbs., he will divide by 20.) The resulting figure will be the retailer's maximum price for the designated unit of sale for the item being priced and shall be his maximum price until such time as the "net cost" of his "largest single purchase" changes.

(b) Before making any sales of such item at this maximum price, the retailer must post his maximum price as set forth in § 1351.1105 of this regulation.

(c) In calculating the first maximum price after the effective date of this regulation, a retailer, who made no purchases during the 7 days before the effective date of this regulation, shall use as his "largest single purchase" in determining "net cost" his most recent purchase.

§ 1351.1104 *How a retailer calculates the sales price of amounts other than the designated units of sale.* If a retailer sells an amount other than the designated unit of sale, he shall multiply his maximum price for the designated unit of sale by the number of times the designated until of sale is divisible into the quantity being sold. (For example, if the retailer sells 15 lbs. of potatoes and has a maximum price of 15¢ for 5 lbs. (the designated unit of sale), he multiplies 15¢ by 3 and gets 45¢; if he sells one lb. he multiplies 15¢ by ⅕ and gets 3¢.)

§ 1351.1105 *How a retailer must post his maximum prices.* A retailer must post his maximum prices for each grade and variety calculated under § 1351.1103 in clear and legible printing or writing at the opening of business on the day set forth opposite the food commodity in Appendix A, at the place in the store or retail establishment where the food commodity is offered for sale, stating in addition to the maximum prices, the grade and variety of each item.

§ 1351.1106 *How a retailer determines whether he is an independent outlet or a member of a chain.* For the purposes of this regulation, a retailer shall be considered an independent outlet or a member of a chain as follows:

(a) A retail outlet shall be an independent outlet if it is not a unit of four or more retail outlets under one ownership.

(b) A retail outlet shall be a member of a chain if it is a unit of four or more retail outlets under one ownership.

§ 1351.1107 *How a retailer determines his annual gross volume.* (a) For the purposes of this regulation, a retailer shall determine his annual gross sales volume as follows:

(1) If the retailer filed a Federal income tax return for the taxable year 1941, then his annual gross sales volume shall be his total gross sales as stated in such return.

(2) If the retailer did not file a Federal income tax return for the year 1941, or was not in operation during the year 1941, then his annual gross sales volume shall be determined by dividing his total gross sales for the period in operation during 1942, as shown on his records, by the number of weeks in operation during 1942 and multiplying the result by 52.

(3) If the retailer filed a Federal income tax return for the taxable year 1941, which return covered a period of less than 12 weeks, then his annual gross sales volume shall be determined by dividing his total gross sales as shown in such tax return by the number of weeks covered by such return and multiplying the result by 52.

(b) If a retailer makes sales through more than one retail outlet or is a department store in which the sales of food commodities are made in a separate department, then each retail outlet or department shall be considered a separate retailer for the purpose of determining annual gross sales volume. If the retailer in such a case did not file a separate Federal income tax return for the taxable year 1941 for each outlet or department, then the gross sales volume for the particular outlet or department, as shown on the retailer's records for the same period covered by the retailer's Federal income tax return for the taxable year 1941, shall be the annual gross sales volume of that outlet or food department.

(c) If a retailer sells food commodities in a retail outlet in which sales of food commodities are made by more than one retailer, and in which no more than one retailer sells the same food commodity, then each retailer shall use as his annual gross sales volume for the purpose of determining in what class of retailers he falls, the combined annual gross sales volume of all the retailers in that retail outlet. (For example, a retailer who leases the fresh produce department in his retail outlet must include his annual gross sales volume for the fresh produce department as well as the sales of all other departments in determining his class of retailers. Similarly, the produce retailer in this outlet must include the annual gross sales of all other departments in determining his class of retailers.)

(d) If a retailer sells food commodities in a retail outlet in which the sales of food commodities are made by more than one retailer, and in which more than one retailer sells the same food commodities, then, each retailer shall be considered a separate retailer for the purpose of determining annual gross sales volume. (For example, if more than one retailer operates a fresh produce stall in a public market, then each fresh produce retailer shall use only his own annual gross sales volume in determining his class of retailers.)

§ 1351.1108 *Fractions of cents.* Any calculation of a maximum price for a designated unit of sale or for another sale as provided in § 1351.1104 which results in a fraction of a cent shall be reduced to the nearest lower cent if the fraction is less than one-half cent and shall be increased to the nearest higher cent if the fraction is one-half cent or more.

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*Copies may be obtained from the Office of Price Administration.

§ 1351.1109 *Records.* Every retailer of food commodities covered by this regulation shall keep all records upon which he calculated any maximum price, "net cost" or "largest single purchase" under this regulation, whether currently in effect or not, which records shall be kept for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

§ 1351.1110 *Relationship between this regulation, Temporary Maximum Price Regulation No. 22 and the General Maximum Price Regulation.* (a) This regulation supersedes the provisions of Temporary Maximum Price Regulation No. 22 insofar as sales by retailers of food commodities covered by this regulation are concerned.

(b) The following provisions of the General Maximum Price Regulation, as well as any amendments thereto, shall continue to be applicable to every retailer selling the food commodities covered by this regulation.

(1) Determination of maximum prices by sellers at retail operating more than one retail establishment (§ 1499.4a).

(2) Transfers of business or stock in trade (§ 1499.5).

(3) Sales for export (§ 1499.6).

(4) Federal and State taxes (§ 1499.7).

(5) Current records (§ 1499.12).

(6) Sales slips and receipts (§ 1499.14).

(7) Registration (§ 1499.15).

(8) Licensing (§ 1499.16).

§ 1351.1111 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 268 shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, any of the commodities listed in Appendix A hereof, alone or in conjunction with any other commodity or by way of commission, service, transportation, or any other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by calculating "net cost" on purchases other than his "largest single purchase" or otherwise.

§ 1351.1112 *Enforcement.* Persons violating any provisions of this Maximum Price Regulation No. 268 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

§ 1351.1113 *Definitions.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in § 1351.1014 of Maximum Price Regulation No. 271, (potatoes and onions), § 1429.18 of Maximum Price Regulation No. 269 (turkeys) shall apply to terms used herein wherever applicable.

§ 1351.1114 *Geographic applicability.* The provisions of this Maximum Price Regulation No. 268 shall apply to the forty-eight states of the United States and the District of Columbia.

§ 1351.1115 *Effective date. This Maximum Price Regulation No. 268* (§§ 1351.1101 to 1351.1116, inclusive) shall become effective November 12, 1942.

§ 1351.1116 *Appendix A: Figures to be used by retailers in determining maximum prices under § 1351.1103 of this regulation.* (a) Maximum prices for any transactions after the effective date of this regulation must be calculated on the basis established in this regulation and a retailer will have a new maximum price whenever his "net cost" increases or decreases.

Food commodity	Day of the week on which retailer must calculate maximum prices	Figures to be multiplied by net cost of item in determining maximum prices under this regulation					
		Independent retailer with annual volume—			Class 4—chain retailer with annual volume under $250,000	Class 5—any retail (chain or independent) with annual volume of $250,000 or more	Unit of—sale for which base maximum selling price must be calculated
		Class 1—under $20,000	Class 2—$20,000 but less than $50,000	Class 3—$50,000 but less than $250,000			
							Pounds
1. White potatoes*	Thursday	1.33	1.33	1.30	1.30	1.28	5
2. Dry onions*	Thursday	1.50	1.50	1.50	1.39	1.35	3
3. Turkeys bought, dressed and sold dressed (boxed* and other pack).	Thursday	1.20	1.20	1.20	1.18	1.18	1
4. Turkeys bought live and sold live.*	Thursday	1.21	1.21	1.21	1.19	1.19	1
5. Turkeys bought live and sold dressed (selling price to be set on basis of *live* weight before dressing).*	Thursday	1.23	1.23	1.23	1.21	1.21	1
6. Quick-frozen Turkeys bought and sold eviscerated.*	Thursday	1.25	1.25	1.25	1.25	1.25	1

*Separate price must be computed for each grade and variety. The retailer's supplier must show the grade and variety on the invoice.

(b) (1) *Example of how to compute new maximum retail price for potatoes and onions.* A retailer must secure a new maximum price for round white potatoes to be used during the period November 12 (Thursday) to November 18 (Wednesday), inclusive. He customarily buys most of his potatoes from a jobber who delivers. His largest single purchase of white potatoes from his customary supplier during the seven days preceding November 12 (November 5 to November 11, inclusive) was 15 100-pound bags, at a cost of $2.75 per bag. This independent retailer had an annual volume of $18,000 in 1941.

Therefore, he takes the applicable figure for potatoes as shown in the table for retailers in Class I (Independent retailers with annual volume under $20,000), which in this case is 1.33, and multiplies it by the cost per hundred-pound bag. He next divides the number of pounds in the bag (which in this case is 100) by the designated number of pounds in the unit of sale, (5 lbs. for white potatoes), and this new figure (20) is then divided into the $3.6575 which he obtained by multiplying his cost by the multiplier for his class. The resulting figure of $.18 (rounding off to the nearest cent) is his ceiling price for 5 pounds of white potatoes.

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Example:
  Invoice cost (from Jobber) per 100-lb. bag---------------------------      $2.75
  Multiply by applicable figure for potatoes sold by retailers in Class I---   1.33
                                                                              ----
                                                                               825
                                                                              825
                                                                             275
                                                                            -------
 Divide by number of times designated unit of sale (5 lbs.) goes into
   unit of purchase (100 lbs.)---------------------------------------   20)$3.6575($.182875
                                                                          2 0
                                                                          --
                                                                          1 65
                                                                          1 60
                                                                          ----
                                                                             57
                                                                             40
                                                                             --
                                                                             175
                                                                             160
                                                                             ---
                                                                              150
                                                                              140
                                                                              ---
                                                                               100
                                                                               100
                                                                               ---
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The price ($.18) is the retailer's new ceiling on white potatoes in 5-lb. quantities—the designated unit of sales.

If this retailer wishes to sell 3-lb. quantities, he must reduce the ceiling price calculated above, as follows:

He takes the ceiling price calculated for the designated unit of sale ($.18 for 5 lbs.) and multiplies it by the number of pounds in the unit he wishes to sell (which in this case is 3). This new figure is then divided by the number of pounds in the designated unit of sale (5), and the figure arrived at is his new ceiling price for white potatoes to be sold by him in units of 3 pounds.

$.18×3=$.54

5)$.54($.108

($.11 is maximum price)

(2) *Additional instructions.* (i) A maximum price must be calculated before making a sale of any grade of the food commodities included in this appendix after the effective date of this regulation.

(ii) A new maximum price must be calculated on the first Thursday following a change, either up or down, in "net cost" as defined in this regulation. If "net cost" does not change, no new maximum price need be calculated.

(iii) "Net cost" shall be based on the amount paid for the unit of purchase of the retailer's largest single purchase from his customary type of supplier. "Largest single purchase" means the purchase of the greatest quantity which was made during the seven days before the day of week on which the maximum price must be calculated.

(c) *Definitions.* (1) "Potatoes" means all white potatoes used for human consumption not including seed potatoes.

(2) "Onions" means all dry onions used for human consumption produced in the calendar year 1942.

(3) "Turkeys" means all turkeys sold for human consumption except baby poults and turkeys sold only for breeding purposes.

Issued this 7th day of November 1942.

LEON HENDERSON,
Administrator.

Approved:

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-11630; Filed, November 7, 1942; 12:45 p. m.]

PART 1346—BUILDING MATERIALS

[MPR 261]

CONTRACT SALES OF FINISHING BUILDERS' HARDWARE

In the judgment of the Price Administrator it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 to replace those provisions of Revised Price Schedule No. 40 and the General Maximum Price Regulation, affecting the distribution of finishing builders' hardware by contract sales, with a separate regulation establishing maximum prices for all contract sales of finishing builders' hardware.

So far as practicable, the Price Administrator has consulted with representatives of the trade and industry and in the judgment of the Price Administrator, the maximum prices established by this Regulation are generally fair and equitable and in conformity with the general level of maximum prices prevailing during the period October 1, 1941 to March 31, 1942. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Accordingly, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1[1] issued by the Office of Price Administration, Maximum Price Regulation No. 261 is hereby issued.

Sec.

1346.201 Revised Price Schedule No. 40 and General Maximum Price Regulation superseded.
1346.202 Prohibitions.
1346.203 Maximum prices for contract sales for finishing builders' hardware.
1346.204 Less than maximum prices.
1346.205 Notification of purchasers of existence of regulation.
1346.206 Federal and State taxes.
1346.207 Export sales.
1346.208 Adjustable pricing.
1346.209 Evasion.
1346.210 Records and reports.
1346.211 Licensing.
1346.212 Enforcement.
1346.213 Petitions for adjustment or amendment.
1346.214 Geographical applicability.
1346.215 Definitions.
1346.216 Effective date.

AUTHORITY: §§ 1346.201 to 1346.216, inclusive, issued pursuant to Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1346.201 *Revised Price Schedule No. 40 and General Maximum Price Regulation superseded* The provisions of Revised Price Schedule No. 40 and the General Maximum Price Regulation are superseded by this Maximum Price Regulation No. 261 with respect to contract sales of finishing builders' hardware for which maximum prices are in effect pursuant to this Maximum Price Regulation No. 261.

§ 1346.202 *Prohibition against contract sales of finishing builders' hardware at higher than maximum prices.* (a) On and after November 13, 1942, regardless of any contract, agreement, lease, or other obligation:

(1) No person shall sell or deliver finishing builders' hardware pursuant to a contract sale at prices higher than the maximum prices set forth in § 1346.203;

(2) No person in the course of trade or business shall buy or receive any finishing builders' hardware pursuant to a contract sale at a price higher than that permitted by this Maximum Price Regulation No. 261: *Provided*, That if upon the purchase of any finishing builders' hardware pursuant to a contract sale, the purchaser shall have received from the seller or supplier a written affirmation that to the best of his knowledge, information, and belief, the prices charged do not exceed the maximum prices established by this Maximum Price Regulation No. 261; and if in such case the purchaser shall have no knowledge of the maximum price and no cause to doubt the accuracy of the affirmation, the purchaser shall be deemed to have complied with this section;

(3) No person shall agree, offer, solicit, or attempt to do any of the acts prohibited in subparagraphs (1) and (2) of this paragraph (a).

(b) No war procurement agency, nor any contracting or paying finance officer thereof, shall be subject to any liability, civil or criminal, imposed by this Maximum Price Regulation No. 261, or the Emergency Price Control Act of 1942.

§ 1346.203 *Maximum prices for contract sales or finishing builders' hardware*—(a) *Manufacturers' sales.* The maximum price for contract sales of finishing builders' hardware by manufacturers shall be the highest price received by the manufacturer from the owner of a building project, or his agent, for delivery during the period between October 1, 1941 and March 31, 1942, inclusive, of finishing builders' hardware of approximately the same grade, quality and amount for a similar building project and to a purchaser recognized by the trade as entitled to similar treatment, adjusted to reflect the maximum prices which have been or may be established by the Office of Price Administration for any finishing builders' hardware included in such a sale.

(b) *Sales by persons other than manufacturers.* (1) The maximum price for contract sales of finishing builders' hardware for persons other than manufacturers shall be a price not in excess of the actual cost of materials involved in each contract (figured at prices not in excess of the maximum prices permitted by any applicable price regulation or schedule of the Office of Price Administration), plus a mark-up over cost of materials as indicated in the schedule below.

Cost of materials:	*Mark-up (percent)*
$0.00 to $49.99	50
$50.00 to $199.99	45
$200.00 to $499.99	40
$500.00 or over	33⅓

(2) In the event any person other than a manufacturer makes a contract sale for finishing builders' hardware on the basis of estimated cost, and upon completion of delivery the contract price is in excess of the maximum price determined under subparagraph (1) of this section, he shall adjust the contract price, within ten days after completion of delivery, to conform to the maximum price as determined under subparagraph (1).

(c) *Cash discounts, transportation charges and other services.* The maximum prices established by paragraphs (a) and (b) of this section shall include at least the same absorption of transportation charges, the same rendition of services, and the same extension of cash discounts as were or would have been absorbed, rendered, or extended by the seller on comparable sales to purchasers of the same class on October 1, 1941.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8961.

§ 1346.204 *Less than maximum prices.* Lower prices than those set forth under § 1346.203 may be charged, demanded, or offered.

§ 1346.205 *Notification of purchasers of existence of regulation.* Every person selling finishing builders' hardware pursuant to a contract sale which is subject to this Maximum Price Regulation No. 261 shall, before entering into a contract or making a sale, notify the purchaser of the existence of this Maximum Price Regulation No. 261, and, upon request of the purchaser, make available a copy of this Maximum Price Regulation No. 261 at the seller's principal place of business and at every branch office for examination by the purchaser.

§ 1346.206 *Federal and state taxes.* There may be added to the maximum prices established by this Maximum Price Regulation No. 261 the amount of tax levied by any Federal excise tax statute or any state or municipal sales, gross receipts, gross proceeds, or compensating use tax statute or ordinance, under which the tax is measured by gross proceeds or units of sale, if, but only if; (a) such statute or ordinance requires the vendor to state the tax separately from the purchase price paid by the purchaser, consumer, or user, on the bill, sales check, or evidence of sale, at the time of the transaction; or (b) such statute or ordinance requires such tax to be separately paid by the purchaser, consumer, or user with tokens or other media of state or municipal tax payments; or (c) such statute or ordinance permits the vendor to state such tax separately, and such tax is in fact stated separately by the vendor. The amount of tax permitted to be added by this paragraph shall in no event exceed that paid by the purchaser, consumer or user.

§ 1346.207 *Revised Maximum Export Price Regulation applicable,* The maximum prices at which a person may export finishing builders' hardware under a contract sale shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[2] issued by the Office of Price Administration. An "export sale" is any sale between a seller in the continental United States and a purchaser outside thereof in which the commodity sold is transported from the continental United States to a point outside thereof and includes any sale of the exporter or by a corporation owned or controlled by the exporter within a period of two years after the date of shipment of the commodity from the continental United States.

§ 1346.208 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Price Administrator may upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1346.209 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 261 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, obligation, or delivery of, or relating to contract sales of finishing builders' hardware, either alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by breaking up orders for two or more items into sales of single items, or by breaking up orders into two or more orders for the purpose of securing higher mark-ups, or otherwise.

§ 1346.210 *Records and reports.* (a) Every person selling finishing builders' hardware pursuant to a contract sale subject to this Maximum Price Regulation No. 261 shall keep readily available for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect complete and accurate records of each such contract sale, including a copy of the contract, purchase order, delivery slips, or other evidence of the items and quantities sold; the date thereof; the name and address of the owner of the building project in which the finishing builders' hardware is to be used, or the agent of such owner, whether he be the general contractor, subcontractor, or architect, or some other person; the location of each job site under each contract; the actual cost of materials involved in each contract; the mark-up applied over actual cost of materials in each contract; and any adjustment made at the completion of the contract.

(b) Persons affected by this Maximum Price Regulation No. 261 shall submit such reports to the Office of Price Administration as it may from time to time require.

§ 1346.211 *Licensing.* The provisions of Supplementary Order No. 18 (§ 1305.22), licensing persons selling lumber, lumber products or building materials, are applicable to every person (except manufacturers) making a contract sale of finishing builders' hardware for which maximum prices are fixed by this regulation.

§ 1346.212 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 261 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 261 or any price schedule, regulation, or order issued by the Office of Price Administration; or any acts or practices which constitute such a violation are urged to communicate with the nearest state, district or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1346.213 *Petitions for amendment or adjustment*—(a) *Government contracts or subcontracts.* Any person who has entered into or proposes to enter into a government contract or a subcontract under any such contract, who believes that the maximum price impedes or threatens to impede the distribution of finishing builders' hardware pursuant to a contract sale, for use in connection with governmental building construction, may file an application for adjustment of a maximum price established by this Maximum Price Regulation No. 261, in accordance with Procedural Regulation No. 6[3] issued by the Office of Price Administration.

(b) *General amendments and adjustments.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 261 may file a petition for amendment in accordance with Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1346.214 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 261 shall be applicable to the forty-eight States and the District of Columbia.

§ 1346.215 *Definitions.* (a) When used in this Maximum Price Regulation No. 261 the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successors or representatives of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Finishing builders' hardware" means any article suitable for supporting, guarding, operating, controlling, identifying, or securing the various parts or openings of a building, including, but not limited to, doors, windows, transoms, drawers, gates and scuttles, for the convenience, protection and safety of the occupants, whether such devices are actually so used or otherwise, and accessories therefor, including but not limited to, knobs, locks, hinges, miscellaneous door hardware, window hardware, screen hardware, and name plates, but excluding all rough or constructional hardware.

(3) "Manufacturer" means a person operating an establishment which produces finishing builders' hardware, as well as any sales subsidiary or affiliate, any commission salesman, or other manufacturer's agent.

(4) "Contract sale" is synonymous with "lump-sum sale" and means a sale for a stated price of combinations of two or more items of finishing builders' hardware (whether or not the contract covers other commodities) sold according to plans, specifications, lists, or schedules supplied and/or approved by an owner or a building project or his agent, including but not limited to, the general contractor, the subcontractor or the architect.

(5) "Cost of materials", when used in relation to a contract seller other than a manufacturer, means the net price paid by the contract seller to his supplier for the finishing builders' hardware being sold, plus transportation charges paid by the contract seller to transport such finishing builders' hardware to the point at which he takes or took delivery of it from his supplier.

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[2] 7 F.R. 5059, 7242.

[3] 7 F.R. 5087, 5664.

(6) "Government contract" means any contract with the United States or any agency thereof or with the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States", or with any agency of any such Government.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1346.216 *Effective date.* This Maximum Price Regulation No. 261 (§§ 1346.201 to 1346.216, inclusive) shall become effective November 13, 1942.

Issued this 7th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11650; Filed, November 7, 1942; 12:35 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RPS 53,[1] Amendment 16]

FATS AND OILS

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Subdivision (ii) of § 1351.151 (b) (11) is amended to read as set forth below:

§ 1351.151 *Maximum prices for fats and oils.* * * *

(b) * * *

(11) * * *

(ii) *Refined soybean oil*—in tank cars, basis f. o. b. Decatur, Illinois:

[Cents per pound]

	Deodorized and bleached soybean oil	Winterized soybean oil	Hydrogenated margarine soybean oil	High titre hydrogenated soybean oil
Decatur, Ill.	12.87	13.00	13.45	13.60
Chicago, Ill.	13.05	13.18	13.63	13.78
New York, N. Y.	14.41	13.54	13.99	14.14
San Francisco, Calif.	13.77	13.90	14.35	14.50

(*a*) The usual or normal differentials for grade, above or below these basic grades, shall continue to apply.

(*b*) The usual or normal differentials for type of container shall continue to apply.

§ 1351.159 *Effective dates of amendments.* * * *

(p) Amendment No. 16 (§ 1351.151 (b) (11) (ii)) to Revised Price Schedule No. 53 shall become effective November 13, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7 day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11637; Filed, November 7, 1942; 12:36 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 270]

DRY EDIBLE BEANS

This Maximum Price Regulation No. 270 is issued by the Price Administrator in order to establish maximum prices for dry edible beans at levels which are generally fair and equitable and which will aid in stabilizing the cost of living. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 270 is hereby issued.

Sec.
1351.1201 Purpose of Maximum Price Regulation No. 270.
1351.1202 Prohibition against selling and buying above maximum prices.
1351.1203 List of maximum prices which country shippers may charge for dry edible beans.
1351.1204 Class and grade labeling requirement.
1351.1205 Exempt sales.
1351.1206 Evasion.
1351.1207 Export sales.
1351.1208 Records which country shippers must keep.
1351.1209 Enforcement.
1351.1210 Petitions for amendment.
1351.1211 Relationship between this regulation and Temporary Maximum Price Regulation No. 22, Maximum Price Regulations Nos. 237 and 238, and the General Maximum Price Regulation.
1351.1212 Geographical applicability.
1351.1213 Definitions.
1351.1214 Effective date.

AUTHORITY: §§ 1351.1201 to 1351.1214 inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1351.1201 *Purpose of Maximum Price Regulation No. 270.* The purpose of this Maximum Price Regulation No. 270 is to set maximum prices for dry edible beans in sales by country shippers. Maximum prices for the wholesalers and retailers of dry edible beans are governed by Maximum Price Regulations Nos. 237 and 238 respectively.

§ 1351.1202 *Prohibition against selling and buying above maximum prices.* (a) On and after November 9, 1942, regardless of any contract or obligation, no person shall sell or deliver any item of dry edible beans at a price bigger than the maximum price established for it by this Maximum Price Regulation No. 270. No person shall buy or receive any item of dry edible beans in the course of trade or business at a price higher than the maximum price established for it by this regulation. Nor shall any person agree, offer, solicit or attempt to do any of these things.

(b) However, prices lower than maximum prices may be charged and paid.

§ 1351.1203 *List of maximum prices which country shippers may charge for dry edible beans.* (a) The maximum prices per cwt., f. o. b. carrier at country shipping point, which country shippers may charge for dry edible beans packed in 100 lb. sacks shall be:

Item	*Maximum price per cwt.*
Pea and medium white beans (Navy):	
U. S. choice handpicked	$5.70
U. S. No. 1	5.60
U. S. No. 2	5.45
U. S. No. 3 and lower	5.20
Marrow beans (not including red marrow):	
U. S. choice handpicked	7.15
U. S. No. 1	7.05
U. S. No. 2	6.95
U. S. No. 3 and lower	6.70
Great northern beans:	
U. S. choice handpicked	5.70
U. S. No. 1	5.60
U. S. No. 2	5.45
U. S. No. 3 and lower	5.20
Small white beans:	
U. S. choice handpicked	5.70
U. S. No. 1	5.60
U. S. No. 2	5.45
U. S. No. 3 and lower	5.20
White kidney beans:	
U. S. choice handpicked	7.95
U. S. No. 1	7.85
U. S. No. 2	7.70
U. S. No. 3 and lower	7.45
Red kidney beans (light and dark):	
U. S. choice handpicked	5.70
U. S. No. 1	5.60
U. S. No. 2	5.45
U. S. No. 3 and lower	6.20
Red kidney beans (western):	
U. S. choice handpicked	6.10
U. S. No. 1	6.00
U. S. No. 2	5.85
U. S. No. 3 and lower	5.60
Yelloweye beans:	
U. S. choice handpicked	7.15
U. S. No. 1	7.05
U. S. No. 2	6.95
U. S. No. 3 and lower	6.70
Cranberry beans (other than western):	
U. S. choice handpicked	5.70
U. S. No. 1	5.60
U. S. No. 2	5.45
U. S. No. 3 and lower	5.20
Cranberry beans (western):	
U. S. choice handpicked	6.05
U. S. No. 1	5.95
U. S. No. 2	5.80
U. S. No. 3 and lower	5.55
Small red beans:	
U. S. choice handpicked	5.70
U. S. No. 1	5.60
U. S. No. 2	5.45
U. S. No. 3 and lower	5.20
Pink beans:	
U. S. choice handpicked	5.70
U. S. No. 1	5.60
U. S. No. 2	5.45
U. S. No. 3 and lower	5.20

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1309, 1836, 2132, 3430, 3821, 4229, 4294, 4484, 5605, 7665, 7666, 7977, 8204, 8653, 8702.

Item	*Maximum price per cwt.*
Bayo beans:	
U. S. choice handpicked	$5.60
U. S. No. 1	5.50
U. S. No. 2	5.35
U. S. No. 3 and lower	5.10
Blackeye beans (western):	
U. S. choice handpicked	5.90
U. S. No. 1	5.80
U. S. No. 2	5.65
U. S. No. 3 and lower	5.40
Pinto beans:	
U. S. No. 1	5.60
U. S. No. 2	5.45
U. S. No. 3 and lower	5.20
Lima beans (standard):	
U. S. extra No. 1	8.10
U. S. No. 1	8.00
U. S No. 2 and lower	7.85
Baby lima beans:	
U. S. extra No. 1	6.80
U. S. No. 1	6.70
U. S. No 2 and lower	6.55

(b) The classes and grades of dry edible beans specified in this Regulation are those set forth in the United States Standards for Beans issued by the United States Department of Agriculture.

(c) The maximum price per cwt., f. o. b. carrier at country shipping point, which country shippers may charge for any item of dry edible beans packed in 25 pound cartons or bags shall be the maximum price listed for the item in paragraph (a) plus 25 cents.

(d) The maximum price per cwt., f. o. b. carrier at country shipping point, which country shippers may charge for any item of dry edible beans packed in a container smaller than a 25 pound carton or bag shall be the maximum price listed for the item in paragraph (a) plus the customary differential per cwt, which he used in sales of the smaller size during the 90-day period preceding November 9, 1942.

(e) If a country shipper makes a sale of dry edible beans which have been moved to a place other than the original country shipping point, his maximum price shall be the price stated in paragraph (a) plus the transportation charges actually incurred, figured at the lowest available common carrier rate, from the original country shipping point to the place where the goods are located when sold. But in no case shall the shipper add the transportation charges from the farm to the country shipping point.

(f) No country shipper shall change any customary allowance, discount, or other price differential to a class of purchasers if the change results in a higher net price to that class of purchasers.

§ 1351.1204 *Class and grade labeling requirement.* Every country shipper shall plainly indicate on each 100 pound sack of dry edible beans which he delivers on and after November 9, 1942, the class and United States grade of dry edible bean enclosed. In sales of other sized containers, he shall show the grade of each item sold on the invoice.

§ 1351.1205 *Exempt sales.* This Maximum Price Regulation No. 270 shall not apply to these transactions:

(a) Sales and deliveries of dry edible beans produced on the country shipper's own farm. However, this regulation shall apply to a sale or delivery of dry edible beans by a farmer's cooperative or by a country shipper selling beans grown by him to an ultimate consumer if during the preceding month the country shipper's sales to ultimate consumers of all dry edible beans produced on his farm exceeded $75.

(b) Deliveries to the United States or any of its agencies under contracts entered into before October 5, 1942.

(c) Sales and deliveries by others than country shippers.

§ 1351.1206 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 270 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to dry edible beans covered by this regulation, alone or in conjunction with any other commodity or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by changing a business practice relating to the price line, grading, labeling, packaging or branding of dry edible beans.

§ 1351.1207 *Export sales.* The maximum prices at which a person may export dry edible beans covered by this Maximum Price Regulation No. 270 shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation [1] issued by the Office of Price Administration.

§ 1351.1208 *Records which country shippers must keep.* (a) Every country shipper selling dry edible beans shall prepare on or before December 15, 1942, on the basis of all available information and records, a statement showing all of his customary allowances, discounts and other price differentials, and he shall keep the statement for examination by any person during ordinary business hours. Any country shipper who claims that he would be substantially injured by showing this statement to another person may file it with the appropriate field office of the Office of Price Administration. The information will not be shown to anyone unless withholding it would be contrary to the purposes of this regulation.

(b) Every country shipper selling dry edible beans shall keep for examination by the Office of Price Administration, as long as the Emergency Price Control Act of 1942 remains in effect, records of the same kind as he has customarily kept, relating to the prices which he charges after November 8, 1942; and in addition, records showing as precisely as possible the basis upon which he calculated the maximum price for any item of dry edible beans under § 1351.1203 (d), which provides for the pricing of small-sized packages.

§ 1351.1209 *Enforcement.* (a) Any person violating a provision of this Maximum Price Regulation No. 270 is subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 270 or of any price schedule, regulation, or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1351.1210 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 270 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[2] and amendments, issued by the Office of Price Administration.

§ 1351.1211 *Relationship between this regulation and Temporary Maximum Price Regulation No. 22, Maximum Price Regulations Nos. 237 and 238, and the General Maximum Price Regulation.* (a) The provisions of this Maximum Price Regulation No. 270 supersede the provisions of Temporary Maximum Price Regulation No. 22 [3] in so far as they apply to sales and deliveries of dry edible beans made by growers and country shippers.

(b) The following sections of the General Maximum Price Regulation,[4] as well as amendments to them, shall be applicable to every country shipper selling dry edible beans:

(1) Special deals (§ 1499.4b).
(2) Transfers of business or stock in trade (§ 1499.5).
(3) Federal and State taxes (§ 1499.7).
(4) Base-period records (§ 1499.11).
(5) Sales slips and receipts (§ 1499.14).
(6) Definitions (§ 1499.20).

(c) Maximum prices for the wholesalers and retailers of dry edible beans are governed by Maximum Price Regulations Nos. 237 [5] and 238 [6] respectively.

§ 1351.1212 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 270 shall be applicable to the United States, its territories and possessions, and the District of Columbia.

§ 1351.1213 *Definitions.* (a) When used in this Maximum Price Regulation No. 270 the term:

(1) "Country shipper" means any person who operates an elevator, warehouse or receiving station and makes sales and deliveries from it directly to wholesalers or retailers, whether for his own account, the account of another, or the joint account of himself and another. The term includes cooperatives and associations, but not commission merchants or brokers who do not acquire the property in the goods.

(2) "Country shipping point" means the first place where dry edible beans are received from the producer, cleaned, sacked, stored in an elevator, warehouse or receiving station, and otherwise made ready for shipment to a wholesaler or retailer.

(3) "Item" means any class, grade and container size of dry edible beans.

(4) "Wholesaler" and "retailer" mean the persons respectively referred to as "wholesalers" and "retailers" in Maximum Price Regulations Nos. 237 and 238.

(b) Unless the context requires otherwise, the definitions set forth in section 302 of Emergency Price Control Act of 1942 shall apply to other terms used in this regulation.

§ 1351.1214. *Effective date.* This Maximum Price Regulation No. 270 (§§ 1351.1201 to 1351.1214, inclusive) shall become effective November 9, 1942.

Issued this 7th day of November 1942.

LEON HENDERSON,
Administrator.

Approved:
CLAUDE WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-11639; Filed, November 7, 1942; 12:36 p. m.]

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[1] 7 F.R. 5059, 7242.

[2] 7 F.R. 8961.

[3] 7 F.R. 7914, 8023, 8197, 8356, 8595.

[4] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7451, 7758, 7913, 8431.

[5] 7 F.R. 8205, 8427, 8808.

[6] 7 F.R. 8209, 8808.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 270, Amendment 1]

DRY EDIBLE BEANS

A statement of the considerations involved in the issuance of this Amendment No. 1 to Maximum Price Regulation No. 270 has been issued and filed with the Division of the Federal Register.*

A new § 1351.1203a and a new § 1351.1215 are added as follows:

§ 1351.1203a *Maximum prices which primary jobbers may charge for dry edible beans.* (a) Any primary jobber (that is, one who purchases dry edible beans, receives shipment of them into a warehouse and distributes them from such warehouse for resale customarily by wholesalers) shall calculate his maximum price for any item of dry edible beans by adding a 2% markup to his net cost for the item. "Net cost" means the amount the primary jobber paid for the item delivered at his customary receiving point less all discounts allowed him, except the discount for prompt payment. However, no charge or cost of local unloading or local trucking shall be included. "Net cost" shall be based on the primary jobber's most recent purchase, since May 11, 1942, of a customary quantity from a customary supplier and received by a customary mode of transportation.

(b) If, after calculating a maximum price, a primary jobber before December 20, 1942 purchases a customary quantity of the same item from a customary supplier at a higher "net cost" than he used in calculating his maximum price under paragraph (a) of this section, he may calculate a new maximum price on the basis of his new "net cost".

(c) A maximum price for any item of dry edible beans calculated by a primary jobber under paragraph (a) of this regulation shall be his maximum price for that item from that time forward. However, where a primary jobber recalculates his maximum price under paragraph (b) of this section, such recalculated price shall be his maximum price for that item of dry edible beans from and after the date of recalculation.

§ 1351.1215 *Effective dates of amendment.* (a) Amendment No. 1 (§ § 1351.-1203a and 1351.1215) to Maximum Price Regulation No. 270 shall become effective November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,
Administrator.

Approved:
CLAUDE WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-11634; Filed, November 7, 1942; 12:54 p. m.]

PART 1392—PLASTICS

[MPR 263]

NEW PHONOGRAPH RECORDS AND RECORD SCRAP

In the judgment of the Price Administrator, the prices of new phonograph records and of record scrap are threatening to rise to an extent, and in a manner, inconsistent with the purposes of the Emergency Price Control Act of 1942.

In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 263 are necessary to check inflation and to effectuate the purposes of the Act.

In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation are generally fair and equitable. So far as practicable, the Price Administrator has given due consideration to prices prevailing between October 1 and October 15, 1941, and to relevant factors of general applicability. So far as practicable, the Price Administrator has consulted with representatives of the industry, which will be affected by this Maximum Price Regulation No. 263.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 263 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Revised Procedural Regulation No. 1 [1] issued by the Office of Price Administration, Maximum Price Regulation No. 263 is hereby issued.

§ 1392.51 *Prohibition against sales and purchases of new records in excess of maximum price.* On and after November 12, 1942, no person shall sell or purchase any new phonograph record at a price higher than the maximum price.

(a) *Maximum prices for new records.* The maximum price for a new record shall be as set forth in this paragraph (a), subject to the discounts and allowances prescribed in § 1392.54 (a):

(1) For a record in the manufacturer's catalogue during March, 1942, the highest price therein set forth, less any portion thereof attributed to federal excise tax.

(2) For a record (except a limited edition) not in the manufacturer's catalogue in March, 1942, the highest price (less any portion thereof attributed to federal excise tax) regularly established in the manufacturer's catalogue in effect during March, 1942, for a record of the same label, series, size and classification. For the purposes of this subparagraph (2), a label shall not cease to be the same label if shortage or prohibitive cost of ink of a particular color requires the printing of the label with ink of a different color.

(3) For a record issued in a limited edition, a price approved by the Office of Price Administration, which approval shall be obtained before any such record is sold or offered for sale:
Provided, That sales of records for which no maximum price is authorized by this Maximum Price Regulation No. 263 shall be subject to the General Maximum Price Regulation.

(b) *Allowances for record scrap.* If the seller of new records requires the buyer to furnish record scrap in order to purchase new records, he shall make an allowance to the purchaser for such record scrap at the following rates:

(1) In the case of a sale by a dealer, not less than:

(i) 2 cents for each 10-inch solid-stock scrap record;

(ii) 3 cents for each 12-inch solid-stock scrap record;

(iii) 1 cent for each 10-inch laminated scrap record;

(iv) 1½ cents for each 12-inch laminated scrap record;

(v) 4 cents per pound for broken-record scrap in bulk.

(2) In the case of sales by manufacturers or distributors, not more than:

(i) 2½ cents for each 10-inch scrap record;

(ii) 4 cents for each 12-inch scrap record;

(iii) 6 cents per pound for record scrap in bulk.

The foregoing allowances when made by a distributor or manufacturer may be increased by an amount not exceeding the sum of all transportation charges actually incurred in forwarding the scrap from a dealer to a manufacturer or from a distributor to a manufacturer.

§ 1392.52 *Prohibition against sales and purchases of record scrap in excess of maximum price.* On and after November 13, 1942, no person shall, in the regular course of trade, sell or purchase record scrap at a price higher than 6 cents per pound, f. o. b. point of shipment.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8961.

§ 1392.53 *Less than maximum prices.* Lower prices than those established as maximum prices by §§ 1392.51 (a) and 1392.52 of this regulation may be charged, demanded, paid or offered for new records and for record scrap, except as set forth in § 1392.51 (b).

§ 1392.54 *Discounts and allowances.* (a) Every manufacturer and every distributor shall continue to grant to persons buying new records discounts from catalogue or list prices, and allowances and terms of sale, not less favorable to the purchaser than those generally in effect during March 1942, for a sale of similar records by such manufacturer or distributor to a purchaser of the same class.

(b) Every dealer selling new records shall continue to grant discounts and allowances for quantity purchases not less favorable to the purchaser than those regularly granted by him during March 1942.

§ 1392.55 *Taxes*—(a) *Taxes in effect during March, 1942.* A seller may add to his maximum prices hereunder any federal, state or local taxes on sales of records, which were in effect during March, 1942, to the extent that, during such month, such taxes were collected by the seller in addition to the prices established by this maximum price regulation. If such taxes are added, the seller shall state and collect them as an item separate from the price of the records.

(b) *Taxes which were first imposed after March, 1942.* Any federal, state, or local taxes or tax increases on sales of records, which were first imposed after March, 1942, may be added to the maximum prices established hereunder, *Provided,* That such taxes or tax increases be stated and collected as an item separate from the price of the records.

§ 1392.56 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 263 shall not be evaded directly or indirectly in connection with any sale or delivery of records or record scrap, alone or in conjunction with any other commodity, by way of any service, transportation, or other charge, or by the reduction of any discount, premium or privilege, or by tying agreement, trade understanding, or otherwise.

§ 1392.57 *Posting of maximum prices for records and allowances for scrap.* (a) On and after January 15, 1943, every seller at retail of new records covered by this Maximum Price Regulation No. 263 shall post conspicuously in his retail premises a legible statement of the maximum prices hereunder for such records and the minimum allowances which he is required to make for record scrap.

(b) Every manufacturer of records covered by this Maximum Price Regulation No. 263 shall make available to dealers selling such records:

(1) Placards for display in the dealers' premises on and after January 15, 1943, setting forth the information required by paragraph (a) of this § 1392.57;

(2) Envelopes, albums or containers for records or sets of records made by such manufacturer, bearing a legible statement showing the maximum prices established by this Maximum Price Regulation No. 263 for records or sets of records made by such manufacturer. The requirements of this subparagraph (2) shall be put into effect with respect to each size or type of envelope, album or container, upon exhaustion of each manufacturer's supply thereof on hand on the effective date of this regulation but in no event later than May 1, 1943.

(c) The printed matter referred to in paragraph (b) of this section shall be in a form approved in writing by the Office of Price Administration.

§ 1392.58 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 263 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation. The following sections of the General Maximum Price Regulation are made a part of this regulation:

(a) Sales for export (§ 1499.6).[3]
(b) Sales slips and receipts (§ 1499.14).[3]
(c) Registration (§ 1499.15).[3]
(d) Licensing (§ 1499.16).[3]

Any amendments to these sections are automatically applicable to this Maximum Price Regulation No. 263. In applying these sections, the words "Maximum Price Regulation No. 263" shall be substituted for the words "the General Maximum Price Regulation." The text of these sections is set forth in Appendix A incorporated herein as § 1392.63.

§ 1392.59 *Penalties.* (a) Persons violating any provisions of this Maximum Price Regulation No. 263 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, and to proceedings for suspension of licenses.

§ 1392.60 *Definitions.* When used in this Maximum Price Regulation No. 263, the term:

(a) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, legal successor or representative of the foregoing.

(b) "Distributor" means a jobber or wholesaler.

(c) "Dealer" means a person selling at retail.

(d) "Manufacturer" means a person regularly engaged in the manufacture of records.

(e) "Catalogue" includes (but is not limited to) price lists, price schedules, and schedules setting forth discounts, allowances and terms of sale.

(f) "Record" means a disc which is:

(1) Stamped with a spiral track of recorded sound;

(2) Manufactured otherwise than on special order of the ultimate consumer, for sale to the public;

(3) Intended for use on home-type reproducing equipment at a turntable speed of 78 revolutions per minute.

The term includes a group of records sold together in an album set.

(g) "Record scrap" means unbroken records, (including but not limited to records as defined in paragraph (f) of this section) or broken pieces thereof, delivered for the ultimate purpose of supplying a manufacturer with stock to be used in the manufacture of new records.

(h) "Limited edition" means a record which is:

(1) Recorded specially for the purpose of being manufactured and sold in a stated maximum quantity not to exceed 1000 impressions, and

(2) Which is in fact sold in a quantity not greater than the stated size of the edition or 1000 impressions, whichever is lower.

§ 1392.61 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 263 shall be applicable to the forty-eight states and the District of Columbia.

§ 1392.62 *Effective date.* This Maximum Price Regulation No. 263 (§§ 1392.51 to 1392.63, inclusive) shall become effective November 13, 1942.

§ 1392.63 *Appendix A: Sections of the General Maximum Price Regulation*[4] *incorporated into this Maximum Price Regulation No. 263.* The following sections of the General Maximum Price Regulation have been incorporated by reference into this Maximum Price Regulation No. 263. Any amendments to these sections are automatically applicable to this Maximum Price Regulation No. 263. These sections provide as follows:

Sales for export (§ 1499.6). The maximum price at which a person may export any commodity shall be determined in accordance with the provisions of the Maximum Export Price Regulation issued by the Office of Price Administration on April 25, 1942.

Sales slips and receipts (§ 1499.14). Any seller who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the name of each commodity or service sold, and the price received for it.

Registration (§ 1499.15). Every person selling at wholesale, and every person who owns, or hereafter becomes the owner of, any business operating an establishment selling at retail any commodity or service for which a maximum price is established by this regulation or by any other price regulation issued on or prior to April 28, 1942, by the Office of Price Administration shall register each such establishment with the Office of Price Administration at such time and in such manner as the Administrator may hereafter by regulation prescribe, on forms which will be made available by the Office of Price Administration.

§ 1499.16 *Licensing.* Every person selling at wholesale or retail any commodity or service for which a maximum price is established by this regulation or by any other price regulation issued on or prior to April 28, 1942, by the Office of Price Administration is by this regulation granted a license as a condition of selling any such commodity or service. Such license shall be effective on the effective date of this regulation or when any such person becomes subject to the maximum price provisions of this or any other price regulation, and shall, unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, remain in effect as long as such regulation, or any applicable part, amendment, or supplement remains in effect.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11635; Filed, November 7, 1942; 12:54 p. m.]

PART 1415—PROTECTIVE COATINGS

[MPR 264]

INDUSTRIAL WAXES

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of industrial waxes by a maximum price regulation establishing dollars and cents maximum prices.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 264 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 264 is hereby issued.

Sec.
1415.51 Prohibition against sales of industrial waxes above maximum prices.
1415.52 Applicability of the General Maximum Price Regulation.
1415.53 Less than maximum prices.
1415.54 Export sales.
1415.55 Import sales.
1415.56 Federal and state taxes.
1415.57 Adjustable pricing.
1415.58 Petitions for amendment.
1415.59 Licensing.
1415.60 Evasion.
1415.61 Enforcement.
1415.62 Records and reports.
1415.63 Definitions.
1415.64 Effective date.
1415.65 Appendix A: Maximum prices for sales of industrial waxes.

AUTHORITY: §§ 1415.51 to 1415.65 inclusive, issued under Public Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1415.51 *Prohibition against sales of industrial waxes above maximum prices.* On and after November 13, 1942, regardless of any contract, agreement, lease or other obligation:

(a) No person shall sell, deliver, or transfer any domestic industrial waxes or imported industrial waxes entering the continental United States after the 20th day of August, 1942 at higher prices than the maximum prices set forth in Appendix A (§ 1415.65) of this Maximum Price Regulation No. 264.

(b) No person shall buy or receive any such industrial waxes in the course of trade or business at higher prices than the maximum prices set forth in Appendix A (§ 1415.65) of this Maximum Price Regulation No. 264.

(c) No person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided,* That the provisions of this Maximum Price Regulation No. 264 shall not apply to sales or deliveries of domestic industrial waxes to a purchaser if prior to November 13, 1942, such industrial waxes had been received by a carrier other than a carrier owned or controlled by the seller for shipment to such purchaser.

§ 1415.52 *Applicability of the General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 264 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of industrial waxes for which maximum prices are established by this regulation except sales and deliveries of less than 1 pound.

§ 1415.53 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 264 may be charged, demanded, paid or offered.

§ 1415.54 *Export sales.* The maximum price at which a person may export industrial waxes shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation,[2] issued by the Office of Price Administration.

§ 1415.55 *Import sales.* The provisions of this Maximum Price Regulation No. 264 supersede the provisions of Supplementary Regulation No. 12 to the General Maximum Price Regulation with respect to sales, deliveries and transfers of industrial waxes for which maximum prices are established by this regulation.

§ 1415.56 *Federal and state taxes.* Any tax upon, or incident to, the sale or delivery of industrial waxes, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect during the year 1941.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during the year 1941 the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 264.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount or tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 264.

§ 1415.57 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to and at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations where a petition for amendment requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1415.58 *Petitions for amendment.* Persons seeking any modifications of this Maximum Price Regulation No. 264 or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1415.59 *Licensing.* The provisions of Supplementary Order No. 11 (§1305.15) licensing distributors of chemicals and drugs, shall be applicable to every distributor of industrial waxes for which maximum prices are established by this Maximum Price Regulation No. 264. The term "distributor" shall have the meaning given it by such Supplementary Order No. 11.

§ 1415.60 *Evasion.* Price limitations set forth in this Maximum Price Regulation No. 264 shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to industrial waxes, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege or other trade understanding or otherwise.

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[3] *Infra,* § 1392.63.

[4] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8961.

[2] 7 F.R. 5059, 7242, 8829.

§ 1415.61 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 264 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have any evidence of any violation of this Maximum Price Regulation No. 264 or any price schedule, regulation or order, issued by the Office of Price Administration, or any acts or practices which constitute such a violation, are urged to communicate with the nearest district, field, state, or regional offices of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1415.62 *Records and reports.* (a) Every person making sales of industrial waxes after November 12, 1942 shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price contracted for or received and the quantity of each type and grade of such industrial waxes purchased or sold.

(b) Such persons shall submit such reports to the Office of Price Administration and shall keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

§ 1415.63 *Definitions.* (a) When used in this Maximum Price Regulation No. 264, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivision or any agency of any of the foregoing.

(2) "Carnauba wax" includes all commercial grades of the exudation product from the leaves of the Carnauba palm tree (*corypha cerifera*) grown in Brazil and adjacent South American countries.

(3) "Ouricury wax" includes all commercial grades of the exudation product from the fronds or leaves of the Ouricury palm tree (*syageus cororata*).

(4) "Candelilla wax" is the product of the candelilla weed (*euphorbia antisyphilitica*).

(5) "Beeswax" includes the following commercial grades of any wax excreted by bees: imported sun-bleachable, non-sun-bleachable and African; and domestic crude, light capping, refined and bleached.

(6) "Trading price" is the price allowed by beekeepers' supply houses to beekeepers for beeswax in a barter transaction in which beeswax is traded for beekeeping equipment.

(7) "One ton" means 2,000 pounds.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1415.64 *Effective date of Maximum Price Regulation No. 264.* This Maximum Price Regulation No. 264 (§§ 1415.51 to 1415.65, inclusive) shall become effective November 13, 1942.

§ 1415.65 *Appendix A: Maximum prices for industrial waxes.* Maximum prices for domestic beeswax and for imported Carnauba Wax, Ouricury Wax, Candelilla Wax and Beeswax entering the United States after the 20th day of August 1942, are established as follows:

(a) *Crude Candelilla wax in quantities of one ton or more.*

	Per pound
(1) F. O. B. Laredo, Texas	34.3¢
(2) Ex-dock, New York City	36.05¢

(b) Imported Carnauba Wax, Ouricury Wax, Candelilla Wax, and crude, refined and bleached Beeswax, prices f. o. b. New York City in quantities of one ton or more:

(1) *Carnauba wax.*

Grade	Lump or flake in cents per pound	Powdered in cents per pound		
		20 mesh	80 mesh	100/120 mesh
No. 1 Yellow	83.25	88.25	88.75	89.25
No. 2 Yellow	81.25	86.25	86.75	87.25
No. 3 Yellow	79.00	84.00	84.50	85.00
Cauhype	76.75	81.75	82.25	82.75
No. 2 North Country	75.75	80.75	81.25	81.75
No. 3 North Country	73.50	78.50	79.00	79.50
No. 3 Chalky	71.25	76.25	76.75	77.25
Moreas No. 3 North Country Refined	76.75	81.75	82.25	82.75
Carnauba Refined	80.00	85.00	85.50	86.00

(2) *Ouricury wax.*

Grade	Lump or flake in cents per pound	Powdered in cents per pound		
		20 mesh	80 mesh	100/120 mesh
Franklin Brand #1	51.75	56.75	57.25	57.75
Franklin Brand #2	49.50	54.50	55.00	55.50
Gabrielle & Bloise and all other brands	48.50	53.50	54.00	54.50
Ouricury Refined	62.00	67.00	67.50	68.00

(3) *Candelilla wax.*

Grade	Lump or flake in cents per pound	Powdered in cents per pound		
		20 mesh	80 mesh	100/120 mesh
Crude	38.00	43.00	43.50	44.00
Refined	44.00	49.00	49.50	50.00

(4) *Crude imported beeswax.*

Grade:	Cents per pound
Central and South American sun-bleachable	44.75
Central and South American non-sun-bleachable	41.50
African (either sun-bleachable or non-sun-bleachable)	37.50

(5) *Yellow refined beeswax U. S. P. Standard.*

Size and package:	Cents per pound
Slabs	52.50
Approx. 1 pound bricks	53.50
Approx. 1 ounce discs	55.50
Approx. 1 ounce discs packed in 5 lb. cartons	56.50
Approx. 1 ounce discs packed in 2 lb. cartons	57.50
Approx. 1 ounce discs packed in 1 lb. cartons	58.50
Approx. 1 ounce "Rounds or Squares"	57.50
Approx. 1 ounce "Rounds or Squares" packed in 5 lb. c	58.50
Approx. 1 ounce "Rounds or Squares" packed in 2 lb. c	59.50
Approx. 1 ounce "Rounds or Squares" packed in 1 lb. c	60.50

(6) *Sun or chemically bleached beeswax U. S. P. Standard.*

Size and package:	Cents per pound
Slabs	57.00
Approx. 1 pound bricks	58.00
Approx. 1 ounce discs or cakes	60.00
Approx. 1 ounce discs or cakes in 5 pound cartons	61.00
Approx. 1 ounce discs or cakes in 2 pound cartons	62.00
Approx. 1 ounce discs or cakes in 1 pound cartons	63.00

(c) For single sales in quantities of less than one ton, additions to the maximum prices established by paragraphs (a) and (b) of this Appendix A may be made as follows:

	Per lb.
1. Sales of 200 lbs. to 1 ton	1¢
2. Sales of more than 100 lbs. but less than 200 lbs	3¢
3. Sales of 50 lbs. to 100 lbs	5¢
4. Sales of 1 to 49 lbs	10¢

(d) The maximum prices established in paragraph (b) are calculated upon freight of $2.00 per cwt. to New York, marine insurance at 0.5 percent, war risk insurance at 1½ percent for Central and South America, and 3 percent for Africa. Any actual charges in excess of the amounts based on these rates may be added to the maximum prices established herein and separately charged to the buyers' account. In the event actual charges are less than the amounts based on the above rates, the maximum prices established herein shall be reduced accordingly and the reductions credited to the buyers' account. As used in this paragraph (d) "War risk insurance" means the war risk insurance rates as posted by the War Shipping Administration. No costs of importation other than those named in this paragraph (d) may be added to the maximum prices established in this Appendix A.

(e) Maximum prices for imported Carnauba wax, Ouricury wax, and Beeswax entering the continental United States at a point other than New York City and sold at such other point of entry shall be f. o. b. actual point of entry and shall be the f. o. b. New York prices established in paragraphs (b) and (c) hereof as adjusted under paragraph (d) hereof.

(f) Maximum prices for industrial waxes shipped from a point other than New York City shall be the f. o. b. point of entry prices as established in paragraphs (b) (c) (d) and (e) hereof plus any actual transportation charges incurred by the seller in transporting such industrial waxes from such point of entry to the point of shipment: *Provided*, That such actual transportation charges are separately stated upon an invoice transmitted from the seller to the buyer not more than ten days after shipment of such industrial waxes.

(g) *Crude domestic beeswax.* Maximum prices for crude domestic beeswax are established as follows:

	Per lb.
Beekeepers' cash price f. o. b. apiary	41.5¢
Beekeepers' trade price f. o. b. apiary	43 5¢

(h) Maximum prices f. o. b. refining plant for domestic refined beeswax, and for domestic bleached beeswax respectively shall be prices equal to the respective f. o. b. New York prices established for imported refined beeswax and for imported bleached beeswax by paragraphs (b), (c), and (d) of this Appendix A.

(i) The maximum prices established in this Appendix A may not be increased by reason of any charge for containers.

(j) The maximum prices established by this Appendix A may not be increased by reason of any extension of credit to the buyer by the seller.

Issued this 7th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11636; Filed, November 7, 1942; 12:55 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 194,[1] Amendment 6]

ALASKA

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1418.52 (b) and § 1418.56 (c) (2) (iii) are amended as set forth below:

§ 1418.52 *Maximum prices for commodities not actually produced or manufactured in the Territory of Alaska.* * * *

(b) Where a seller offered for sale or delivery to a buyer in the Territory of Alaska any commodity for which a maximum price regulation has been issued in the Continental United States, and which is not actually produced or manufactured in the Territory of Alaska, and the maximum price of such commodity cannot be determined under the provisions of paragraph (a) of this Section, the maximum price of such commodity shall be determined in accordance with the following procedure. The seller of such commodity shall file in duplicate with the Territorial Office of the Office of Price Administration in Juneau, Alaska, a sworn petition containing:

(1) A description of the commodity.

(2) A statement of the facts which prevent determination of the maximum price under paragraph (a) of § 1418.52.

(3) The price charged by sellers of the same competitive class for the same or similar commodity.

(4) A statement of the direct cost of the commodity to the seller.

(5) The price at which the seller intends to offer the commodity for sale.

(6) Such other facts which the seller deems relevant in the determination of a price for such commodity.

The Territorial Director in Juneau, Alaska may authorize a price which is in line with the maximum prices of other similar sellers of the same or similar commodity, or may, in his discretion, forward the petition to the Administrator for the Ninth Region in Washington, D. C. If a seller objects to a price authorized by the Territorial Director, he must file such objection with the Territorial Office in Juneau, Alaska within twenty days after the date the notice of price authorization by the Territorial Director was postmarked. If, at the expiration of forty days from the date the price authorization is signed by the Territorial Director, the Administrator for the Ninth Region does not issue an Order establishing a maximum price other than the maximum price authorized by the Territorial Director, the seller may thereafter continue to sell such commodity at a price not in excess of the maximum price authorized by the Territorial Director. The Administrator or the Ninth Region may from time to time make such changes in the authorized maximum prices as in his judgment changes in circumstances require. Such increases or decreases in maximum prices shall not have retroactive effect. If a seller objects to a price authorized by the Administrator for the Ninth Region, he may obtain review in accordance with the provisions of Procedural Regulation No. 7.

§ 1418.56 *Records and reports*—(c) *Lists to be filed.* * * *

(2) * * *

(iii) The amount of markup which the seller added on sales to a purchaser of the same class for the same commodity during the period November 7, 1941 to December 6, 1941, inclusive, or if the same commodity was not sold to a purchaser of the same class during such period, then the amount of markup the seller added during the last thirty days prior to November 7, 1941, at which a sale was made.

* * * * *

§ 1418.66 *Effective dates of amendments.* * * *

(f) Amendment No. 6 (§§ 1418.52 (b) and 1418.56 (c) (2) (iii)) to Maximum Price Regulation No. 194 shall become effective November 7, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 7th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11649; Filed, November 7, 1942; 12:39 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. Supp. Reg. 11 of GMPR, Amendment 8]

JEWELRY REPAIR, ENGRAVING, ETC.

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Subparagraph (48) of § 1499.46 (b) is amended to read as set forth below.

§ 1499.46 *Exceptions for certain services.* * * *

(b) The provisions of the General Maximum Price Regulation shall not apply to the rates, fees, charges or compensation for the following services: * * *

(48) Jewelry and articles of gold, silver or plated ware, repair and engraving of, and the cutting, polishing and setting of precious or semi-precious stones and pearls. (Storage of such commodities in safe deposit facilities is subject to Maximum Price Regulation No. 165 as amended; storage otherwise than in safe deposit facilities is subject to the General Maximum Price Regulation.)

(d) *Effective dates.* * * *

(9) Amendment No. 8 to Revised Supplementary Regulation No. 11 shall become effective on November 13, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11652; Filed, November 7, 1942; 12:33 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. Supp Reg. 11 of GMPR, Amendment 9]

CERTAIN UTILITY RATES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Subparagraphs (28), (41), (51) and (99) of § 1499.46 (b) are amended to read as set forth below:

§ 1499.46 *Exceptions for certain services.* * * *

(b) The General Maximum Price Regulation shall not apply to the rates, fees, charges, or compensation for the following services: * * *

(28) Electricity—rates charged for, by companies furnishing as public utilities. * * *

(41) Gas—rates charged for, by companies furnishing as public utilities through mains. * * *

(51) Light, heat, or power—rates charged for, by companies furnishing as public utilities. * * *

(99) Water—rates charged for, by companies supplying to urban areas as public utilities. * * *

(d) *Effective dates.* * * *

(10) Amendment No. 9 (§ 1499.46 (b) (28), (41), (51) and (99)) to Revised Supplementary Regulation No. 11 shall become effective November 13, 1942.

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*Copies may be obtained from the Office of Price Administration

[1] 7 F.R. 5909, 6268, 6744, 8023, 8358, 8947.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11653; Filed, November 7, 1942; 12:33 p. m.]

Part 1499—Commodities and Services

[Supp. Reg. 14[1] of GMPR,[2] Amendment 59]

MOLASSES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.[*]

A new subparagraph (43) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of the General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

* * * * *

(43) *Cane blackstrap molasses and beet sugar final molasses*—(i) *Maximum prices for sales of cane blackstrap molasses and beet sugar final molasses produced in the continental United States by producers thereof and by distributors other than those exempted in subdivision* (ii). The maximum prices for sales of cane blackstrap molasses and beet sugar final molasses produced in the continental United States by producers thereof and by distributors other than those exempted in subdivision (ii) shall be the applicable maximum prices set forth in this subdivision (i), or the seller's maximum price as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, whichever is higher.

(*a*) The maximum f. o. b. price shall be the applicable price f. o. b. the mill or factory as specified below for the area in which the mill or factory producing the molasses being sold is located. The maximum price for molasses delivered to the buyer shall be the applicable f. o. b. price set forth below plus the charge at the lowest available rate for the transportation of an identical quantity from the mill or factory producing the molasses being sold to the buyer's place of business: *Provided,* That in no case may the seller add to the applicable f. o. b. price an amount in excess of the charge at the lowest available rate for the transportation of an identical quantity from the mill or factory producing the molasses being sold to the point designated by the buyer as his receiving point.

Location of mill or factory:	*F. o. b. mill or factory in tank cars*
Area No. 1	18 cents per gallon, 42° Baumé
Area No. 2	18½ cents per gal., 42° Baumé
Area No. 3	$20 per ton of 2,000 pounds
Area No. 4	$24.20 per ton of 2,000 pounds
Area No. 5	$33.20 per ton of 2,000 pounds

These areas shall be as follows:

Area No. 1—Louisiana, Florida, Texas, and Georgia.

Area No. 2—New York, Pennsylvania, Maryland, Massachusetts, and New Jersey.

Area No. 3—Oregon, Washington, and California.

Area No. 4—Idaho, Utah, Montana, Colorado, Wyoming, Kansas, South Dakota, and Nebraska, excluding Grand Island.

Area No. 5—Indiana, Michigan, Ohio, Wisconsin, Minnesota, Iowa, and Grand Island, Nebraska.

(*b*) The maximum prices set forth in inferior subdivision (*a*) shall be adjusted by the addition or subtraction, as the case may be, of a differential, if any, for sales in less than tank car lots. If during the period August 1, 1941 to March 31, 1942, (*1*) the seller customarily charged a differential over his tank car price for such sales, he may add to the applicable maximum f. o. b. tank car price set forth in inferior subdivision (*a*) an amount not higher than the highest differential charged by him during said period for the same type and size of container to a purchaser of the same class; or (*2*) the seller customarily deducted a differential for such sales from his tank car price, he shall deduct from the applicable maximum f. o. b. tank car price set forth in inferior subdivision (*a*) an amount not less than the lowest differential charged by him during said period for the same type and size of container to a purchaser of the same class.

Within 30 days from the effective date hereof, each producer of cane blackstrap molasses and beet sugar final molasses produced in the continental United States and each distributor thereof other than those persons exempted in subdivision (ii) shall file with the Office of Price Administration, Washington, D. C., a complete list of his differentials over and under his tank car price, specifying the type and size of container and class of purchaser to which each applies.

(*c*) The maximum prices established by this subdivision (i) shall not be increased (*1*) by any charges for the extension of credit, or (*2*) by commissions or any other charges.

(ii) *Exempt sales.*[3] This subparagraph (43) shall not apply to:

(*a*) Sales at retail,

(*b*) Sales at wholesale by persons whose entire sales of cane blackstrap molasses and beet sugar final molasses during the period August 1, 1941 to March 31, 1942 were made in less than tank car lots, and

(*c*) Sales to and purchases by manufacturers of ethyl alcohol, butyl alcohol, and acetone or other solvents.

(iii) *Definitions.* For the purpose of this subparagraph (43):

(*a*) "Cane blackstrap molasses" and "beet sugar final molasses" means the final by-product from sugar manufacturing or sugar refining process after the extraction of all commercially available sucrose.

(*b*) "Continental United States" means only the forty-eight States and the District of Columbia.

(*c*) All other terms used in this subparagraph (43) shall have the meaning given them by the General Maximum Price Regulation.

(b) *Effective dates.* * * *

(60) Amendment No. 59 (§ 1499.73 (a) (43)) to Supplementary Regulation No. 14 shall become effective November 13, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11648; Filed, November 7, 1942; 12:39 p. m.]

Part 1499—Commodities and Services

[Supp. Reg. 14 of GMPR, Amendment 58]

M. WERK SOAP CO.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

A new subparagraph (42) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided: * * *

(42) *Sales at retail of Tag Yellow Laundry Soap manufactured by M. Werk Soap Company*—(i) *Maximum prices.* The maximum delivered price for sales of Tag Yellow Laundry Soap when sold at retail shall be either the seller's maximum price or determined under § 1499.2 of the General Maximum Price Regulation or the prices set forth below, whichever is higher.

Number of cakes:	*Prices in cents*
1	5
3	14
6	28
10	47

(b) *Effective date.* * * *

(59) Amendment No. 58 (§ 1499.73 (a) (42)) to Supplementary Regulation No. 14 shall become effective November 13, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

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[*] Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6776, 6793, 6887, 6892, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707.

[2] 7 F.R. 3153, 3330, 3653, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

[3] Maximum prices for sales exempted from this amendment shall be determined under the General Provisions of the General Maximum Price Regulation.

Issued this 7th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11638; Filed, November 7, 1942; 12:36 p. m.]

Part 1499—Commodities and Services

[Amendment 6 to MPR 165, as Amended[1]]

SERVICES

In § 1499.101 (c) subparagraph (4) is amended to read as follows:

§ 1499.101 *Prohibition against dealing in services above maximum prices.* * * *

(c) *Services covered.* * * *

(4) Automotive vehicles (including but not limited to automobiles, busses, motorcycles, semi-trailers, tractors, trailers, and trucks—lubrication, maintenance, painting, rental, repair, storage (including but not limited to dead storage and parking), towing, washing or other servicing of (including but not limited to maintenance, rental or repair of accessories or parts such as batteries, radios, tires, or tubes, and including but not limited to pick-up and delivery and mounting and demounting of tires and use of loaned tires and tubes but not including retreading or recapping of tires or any service rendered in connection with a sale of tires or tubes or with the retreading or recapping of tires): *Provided,* That in the case of any of the foregoing services for which a charge is authorized by any rationing order or rationing regulations issued by the Office of Price Administration, the maximum price hereunder shall be the highest price authorized by such rationing order or regulations.

§ 1499.121 (a) *Effective dates of amendments.* * * *

(f) Amendment No. 6 (§ 1499.101 (c) (4)) to Maximum Price Regulation No. 165 as amended shall become effective November 13, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250; 7 F.R. 7871)

Issued this 7th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11651; Filed, November 7, 1942; 12:35 p. m.]

[Order 4 Under MPR 165 as Amended]

Part 1499—Commodities and Services

SUNBEAM ELECTRIC MANUFACTURING CO.

Order No. 4 under § 1499.114 (c) of Maximum Price Regulation No. 165 as amended—Services—Docket No. GF3-367.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.704 *Adjustment of maximum charges for repairs of mechanical refrigerator units by Sunbeam Electric Manufacturing Company.* (a) Sunbeam Electric Manufacturing Company, Evansville, Indiana, may charge a price no higher than $18.60 for repairing a Coldspot mechanical refrigerator unit.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 4 (§ 1499.704) shall become effective November 7, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11640; Filed, November 7, 1942; 12:37 p. m.]

Part 1499—Commodities and Services

[Order 5 Under MPR 165[1]]

SEARS, ROEBUCK AND COMPANY

Order No. 5 under § 1499.114 (c) of Maximum Price Regulation No. 165,[1] as amended—Services—Docket No. GF3-367.

For the reasons set forth in an opinion accompanying Order No. 5 issued simultaneously herewith, *It is ordered:*

§ 1499.705 *Adjustment of maximum charges for repairs of mechanical refrigerator units by Sears, Roebuck and Company.* (a) Sears, Roebuck and Company, Chicago, Illinois, may charge a price no higher than $29.85 for repairing a Coldspot mechanical refrigerator unit.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 5 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 5 (§ 1499.705) shall become effective November 7, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11641; Filed, November 7, 1942; 12:37 p. m.]

Part 1499—Commodities and Services

[Order 82 Under § 1499.18 (b) of GMPR]

C. D. LE FAIVRE

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.882 *Adjustment of maximum prices for 18″ pine keg staves sold by C. D. Le Faivre of Bon Air, Virginia.* (a) C. D. Le Faivre of Bon Air, Virginia, may sell, and any person may buy from said C. D. Le Faivre, 18″ pine keg staves with a $\frac{7}{16}$″ bilge, crozed and chamfered, at prices not in excess of $.90 per bundle, f. o. b. Robious, Virginia.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 82 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 82 (§ 1499.882) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 82 (§ 1499.882) shall become effective November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11654; Filed, November 7, 1942; 12:34 p. m.]

Part 1499—Commodities and Services

[Order 83 Under § 1499.18 (b) of GMPR]

UNITED PLATERS, INC.

Adjustment of maximum prices under § 1499.18 (b) of the General Maximum Price Regulation—Order No. 83—Docket No. GF3-1933.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

§ 1499.883 *Adjustment of maximum prices for plated washers sold by United Platers, Inc.* (a) On or after the effective date of this order, United Platers, Inc., in determining the maximum prices at which it may sell plated washers may add to its maximum prices therefor as otherwise determined by the General Maximum Price Regulation the amounts by which the purchase price of its raw washers immediately after March 20, 1942, exceeded the purchase price of such washers immediately prior thereto.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 83 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 83 (§ 1499.883) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 83 (§ 1499.883) shall become effective November 9, 1942.

(Pub. Law 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 7th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11655; Filed, November 7, 1942; 12:34 p. m.]

Part 1499—Commodities and Services

[Order 85 Under § 1499.18 (b) of GMPR]

BRAUN CORP., ET AL

Applicants and Docket Numbers

Braun Corporation, Los Angeles, California, GF3-909; Brunswig Drug Company, Los Angeles, California, GF3–907; Carl F. Miller & Company, Seattle, Washington, GF3–867; E. S. Browning Company, San Francisco, California, GF3–2213; J. L. Lott Company, San Francisco, California, GF3–906; McKesson and Robbins Inc., San Francisco, California, 3028–2; Pacific Solvents Company, Los Angeles, California, GF3–868; Stay & Day Paint Materials Company, Los Angeles, California, GF3–908.

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[1] 7 F.R. 6428, 6966, 8239.

[1] 7 F.R. 4734, 5028, 5567, 6428, 6966, 8239, 8431.

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered*, That the maximum prices established by the General Maximum Price Regulation for certain sales at wholesale by the above applicants, hereinafter also referred to as sellers, of the formulae of ethyl alcohol listed below shall be adjusted as set forth below:

§ 1499.885 *Adjustment of maximum prices.* (a) The maximum prices for sales at wholesale of ethyl alcohol of the formulae listed below by the above listed applicants to persons whose businesses are located in the states of Washington, Oregon, California, Nevada, Idaho, Utah, and Arizona are as follows:

(1) *Completely denatured ethyl alcohol.*

	Per wine gallon (231 cubic inches) f. o. b. shipping point
(i) LCL, in drums	$0.66
(ii) LCL, containers other than drums:	
(*a*) Barrels	0.73
(*b*) 5 gallon cans	0.76
(*c*) 1 gallon cans	0.81

(2) *Proprietary name solvent.*

	Per wine gallon (231 cubic inches) f. o. b. shipping point
(i) LCL, 19 drums or over:	
(*a*) Shellacol (188–190 proof)	$0.62
(*b*) Shellacol (over 190 proof)	0.63
(*c*) Padiscol A	0.625
(*d*) Filmcol A	0.625
(*e*) Padiscol	0.615
(*f*) Fil[illegible]col	0.615
(*g*) Solox	0.615

(ii) LCL, less than 19 drums: drum price as set forth in subdivision (i) of subparagraph (2) above, plus $0.03 per wine gallon.

(iii) LCL, containers other than drums:

- (*a*) Barrels: drum price as set forth in subdivision (i) of subparagraph (2) above, plus $0.07 per wine gallon.
- (*b*) 5 gallon cans: drum price as set forth in subdivision (i) of subparagraph (2) above, plus $0.10 per wine gallon.
- (*c*) 1 gallon cans: drum price as set forth in subdivision (i) of subparagraph (2) above, plus $0.15 per wine gallon.

(3) *Transportation charges.* Where seller ships from a point other than the point of manufacture, his maximum price shall be the appropriate price set forth under subparagraph (1) or subparagraph (2) above, as the case may be, plus the actual transportation charges from the point of manufacture to such seller's shipping point, f. o. b. such seller's shipping point. Such transportation charges shall be shown as separate items on all records and invoices.

(4) *Containers.* The maximum prices established in this Order No. 85 shall not be increased by any charges for containers.

(b) All discounts, allowances, and trade practices in effect with respect to sales of the above listed commodities during March, 1942, by the respective sellers thereof shall remain in effect under this Order No. 85.

(c) Each seller who determines his maximum price for any completely denatured ethyl alcohol or proprietary name solvent under this Order No. 85 shall deliver invoices to buyers covering sales subject to this Order, and at the time of delivery attach to his first invoice to each such buyer on any sale at a price so determined a notice as follows:

> The Office of Price Administration has permitted us to raise our maximum price for sales to you of (insert formula or proprietary name) from $------ to $------ per wine gallon. This amount represents only that part of cost increases which we were unable to absorb, and it was granted with the understanding that prices for resales of this product, or for sales of products in the manufacture of which this product is used, would not be raised. The Office of Price Administration has not permitted you or any seller to raise maximum prices by reason of our increased price to you. .

(d) All prayers of the applicants not granted herein are denied.

(e) This Order No. 85 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 85 (§ 1499.885) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 85 (§ 1499.885) shall become effective on November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11642; Filed, November 7, 1942; 12:37 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 86 Under § 1499.18 (b) of GMPR]

RAPIDES DRUG COMPANY, LTD.

Order No. 86 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3–1080.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.886 *Adjustment of maximum prices for sales of certain products by the Rapides Drug Company, Ltd.* (a) The maximum prices for sales of the following products by the Rapides Drug Company, Ltd., Third and Lee Streets, Alexandria, Louisiana, shall be the prices set forth below:

Marbelite RT Shaving Sticks.	$3.37 per dozen, wholesale .43 each, retail
Williams Reloads	2.24 per dozen, wholesale .28 each, retail
Petroline Lanolin Hydrous U. S. P.	$0.45 per pound
Fleischmann's Pure Dry Brewer's Yeast.	.33 per pound, wholesale .50 per pound, retail
Flit Sprayers	2.33 per dozen, wholesale .29 each, retail
Checkerboards #25.	2.20 per dozen, wholesale .28 each, retail

(b) All discounts, trade practices, and practices relating to the payment of shipping charges in effect in March 1942, on sales by the Rapides Drug Company of the products listed in paragraph (a) shall apply to the maximum prices set forth in paragraph (a).

(c) Within five days after November 9, 1942, Rapides Drug Company, Ltd., shall mail or cause to be mailed to all persons who purchase the products listed in paragraph (a) from it for sale at retail a notice reading as follows:

> The Office of Price Administration has permitted us to raise our maximum prices for sales to you of the products listed below as follows (here list the products specified in paragraph (a), the old maximum prices and the adjusted maximum prices authorized by paragraph (a)). These price increases represent only that part of cost increases which we were unable to absorb, and they were granted with the understanding that retail prices generally would not be raised. However, if your maximum price for one of these products is abnormally low in relation to the maximum prices established for sales of such product by other competitive sellers at retail and if the price charged to you by us should impose a substantial hardship upon you, you may communicate with the nearest district, state, or regional office of the Office of Price Administration setting forth the facts of your situation. Such action, however, must be taken not later than November 30, 1942.

(d) All prayers of the applicant not granted herein are denied.

(e) This Order No. 86 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 86 (§ 1499.886) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 86 (§ 1499.886) shall become effective November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11646; Filed, November 7, 1942; 12:38 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 127 Under § 1499.3 (b) of GMPR]

SELLERS OF USED STEEL BLACK POWDER KEGS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.990 *Authorization to sellers of used steel black powder kegs.* (a) In any case in which a person, selling or contracting to sell used steel black powder kegs to be refilled with black powder, is unable to determine the maximum price for such kegs under § 1499.2 of the General Maximum Price Regulation, specific authorization is hereby given to any such person to sell such kegs at a price not to exceed 10 cents per keg delivered f. o. b. purchaser's mill or place of business.

(b) This Order No. 127 may be revoked or amended by the Office of Price Administration at any time.

(c) This Order No. 127 (§ 1499.990) shall become effective November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11658; Filed, November 7, 1942; 12:33 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 128 Under § 1499.3 (b) of GMPR]

BROOKLYN COOPERAGE CO.

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation—Order No. 128—Brooklyn Cooperage Company—Maximum prices for Gum Slack Barrels with 74½" Bilge, Six Steel Hoops, Two 4" Cleats, and Tongued, Grooved and Glued Headings.

The Brooklyn Cooperage Company of New York City, made application under §1499.3 (b) of the General Maximum Price Regulation for determination of maximum prices for a new type of barrel. Due consideration has been given to the application, and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion under the authority vested in the Price Administrator, the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is ordered:*

§ 1499.991 *Approval of maximum prices for sale by the Brooklyn Cooperage Company of a new type of gum slack barrel.* (a) On and after November 9, 1942, the Brooklyn Cooperage Company of New York, New York, may sell, and any person may purchase from the Brooklyn Cooperage Company, gum slack barrels, with a 74½" bilge, six steel hoops, tongued, grooved and glued headings, and two 4" cleats, designed to package approximately 900 pounds of material, at a price not in excess of $1.315 per barrel, f. o. b. the assembling plant of the Brooklyn Cooperage Company.

(b) This Order No. 128 may be revoked or amended at any time.

(c) This Order No. 128 (§ 1499.991) shall become effective November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11644; Filed, November 7, 1942; 12:38 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 129 Under § 1499.3 (b) of GMPR]

M'CAMBRIDGE AND M'CAMBRIDGE CO., ET AL.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.992 *Approval of maximum prices for sales of Azone Anti-Gas First-Aid Kit*—(a) *Sales by the McCambridge and McCambridge Company*—(1) *Maximum prices.* The maximum prices for sales by the McCambridge and McCambridge Company of Azone Anti-Gas First-Aid Kits are established as set forth below, freight prepaid:

Per kit $1.08

(2) *Cash discounts.* The maximum prices set forth in subparagraph (1) of this paragraph shall be reduced by 2 per cent for payment in cash by the purchaser within ten days of delivery to the purchaser by the McCambridge and McCambridge Company.

(b) *Sales by wholesale drug houses*—(1) *Maximum prices.* The maximum prices for sales by wholesale drug houses of Azone Anti-Gas First-Aid Kits are established as set forth below:

Per kit $1.27

When used in this paragraph the term "wholesale drug house" means any person who sells a full or limited line of drug items to retail drug establishments and who buys Azone Anti-Gas First-Aid Kits and resells them, without substantially changing their form, to retail drug establishments.

(2) *Discounts, allowances and price differentials.* Any wholesale drug house making sales of Azone Anti-Gas First-Aid Kits shall apply to the maximum prices set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March, 1942, on sales by the wholesale drug house of the first-aid kit most comparable to Azone Anti-Gas First-Aid Kit.

(c) *Sales by retail drug establishments*—(1) *Maximum prices.* The maximum prices for sales by any retail drug establishment of Azone Anti-Gas First-Aid Kit are established as set forth below:

Per kit $1.90

When used in this paragraph the term "retail drug establishment" means any person who buys Azone Anti-Gas First-Aid Kits either from the McCambridge and McCambridge Company or from a wholesale drug house and resells them, without substantially changing their form, directly to consumers.

(2) *Discounts, allowances, and price differentials.* Any retail drug establishment making sales of Azone Anti-Gas First-Aid Kits shall apply to the maximum prices set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March, 1942, on sales by the retail drug establishment of the first-aid kit most comparable to Azone Anti-Gas First-Aid Kit.

(d) *Marking package with retail ceiling price.* The McCambridge and McCambridge Company shall mark each Azone Anti-Gas First-Aid Kit sold by it with the words "OPA Retail Ceiling Price $1.90." These words shall be printed or stamped in letters at least one quarter as large as those used for the name of the product on the package in which the Azone Anti-Gas First-Aid Kit is customarily sold by the retail drug establishment. No person shall sell Azone Anti-Gas First-Aid Kit unless the package in which the product is sold is marked with the retail ceiling price as required by this paragraph.

(e) *Notification of maximum prices*—(1) *By the McCambridge and McCambridge Company.* The McCambridge and McCambridge Company shall accompany the first delivery of Azone Anti-Gas First-Aid Kits by the company to each wholesale drug house and to each retail drug establishment with a notification of the maximum prices for sales by wholesale drug houses and of the maximum prices for sales by retail drug establishments which are established by this Order No. 129. Such notification shall be effected by accompanying the first delivery of Azone Anti-Gas First-Aid Kits to each wholesale drug house or retail drug establishment with a copy of paragraphs (b), (c), (d), and (e) of this Order No. 129 together with a statement that these maximum prices are established by Order No. 129 issued under section 1499.3 (b) of the General Maximum Price Regulation.

(2) *By a wholesale drug house.* Every wholesale drug house shall accompany the first delivery to each retail drug establishment of Azone Anti-Gas First-Aid Kit with a notification of the maximum prices for sales by retail drug establishments which are established by this Order No. 129. Such notification shall be effected by accompanying the first delivery to each retail drug establishment of Azone Anti-Gas First-Aid Kit with a copy of paragraphs (c) and (d) of this Order No. 129 together with a statement that these maximum prices are established by Order No. 129 issued under § 1499.3 (b) of the General Maximum Price Regulation.

(f) *Definitions.* When used in this order the term: "Azone Anti-Gas First-Aid Kit" means a first aid kit to be used for the treatment of injuries caused by gases which consists of the following items: one four ounce bottle kerosene, two four ounce bottles of 5 percent copper sulphate solution, one 4½ ounce bottle of bleaching powder (chlorinated lime), one 8 ounce package of sodium bicarbonate, one 8 ounce package of boric acid, one ¾ ounce package of absorbent cotton, one four ounce bottle of hydrogen peroxide, one eye dropper, and one four ounce empty jar for mixing purposes packed in a nested carton.

(g) This Order No. 129 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 129 (§ 1499.992) shall become effective on November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7971)

Issued this 7th day of November, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11657; Filed, November 7, 1942; 12:35 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 131 Under § 1499.3 (b) of GMPR]

WM. P. POYTHRESS & CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith; *It is ordered:*

§ 1499.994 *Approval of maximum prices for sales of Merpectogel with applicator or Merpectogel without applicator*—(a) *Sales by Wm. P. Poythress & Co., Inc.*—(1) *Maximum prices.* The maximum prices for sales of Merpectogel with applicator or Merpectogel without applicator by Wm. P. Poythress & Co., Inc., to wholesale drug houses and to persons other than wholesale drug houses are established as set forth below:

	Wholesale drug houses	Persons other than wholesale drug houses
	Each	*Each*
Merpectogel with applicator	$0.84	$1.00
Merpectogel without applicator	.67	.80

(2) *Discounts, allowances, and price differentials.* The Wm. P. Poythress & Co., shall apply to the maximum prices set forth in subparagraph (1) of this paragraph for its sales of Merpectogel with applicator or Merpectogel without applicator all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of transportation costs, and any other customary discounts or allowances which were in effect in March, 1942, on its sales of P M N Ointment.

(b) *Sales by wholesale drug houses*—(1) *Maximum prices.* The maximum prices for sales by wholesale drug houses of Merpectogel with applicator or Merpectogel without applicator are established as set forth below:

	Each
Merpectogel with applicator	$1.00
Merpectogel without applicator	.80

When used in this paragraph the term "wholesale drug house" means any person who sells a full or limited line of drug items to retail drug establishments and who buys Merpectogel with applicator or Merpectogel without applicator and resells it, without substantially changing its form, to retail drug establishments.

(2) *Discounts, allowances, and price differentials.* Any wholesale drug house making sales of Merpectogel with applicator or Merpectogel without applicator shall apply to the maximum prices set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March, 1942, on sales by the wholesale drug house of P M N Ointment or on sales of the ointment most nearly comparable to Merpectogel with applicator or Merpectogel without applicator, if the wholesale drug house did not sell P M N Ointment in March, 1942.

(c) *Sales by retail drug establishments*—(1) *Maximum prices.* The maximum prices for sales by any retail drug establishment, either on prescription or otherwise, of Merpectogel with applicator or Merpectogel without applicator are established as set forth below:

	Each
Merpectogel with applicator	$1.50
Merpectogel without applicator	1.20

When used in this paragraph the term "retail drug establishment" means any person who buys Merpectogel with applicator or Merpectogel without applicator either from Wm. P. Peythress & Co., Inc., or from a wholesale drug house and resells it, without substantially changing its form, directly to consumers.

(2) *Discounts, allowances, and price differentials.* Any retail drug establishment making sales of Merpectogel with applicator or Merpectogel without applicator shall apply to the maximum prices set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March 1942, on sales by the retail drug establishment of the P M W Ointment or on sales of the ointment most nearly comparable to Merpectogel with applicator or Merpectogel without applicator if the retail drug establishment did not sell the P M W Ointment in March, 1942.

(d) *Marking package with retail ceiling price.* The Wm. P. Poythress & Co., Inc., shall mark each package of Merpectogel sold by it with the words "OPA Retail Ceiling Price $1.50" and each package of Merpectogel without applicator with the words "OPA Retail Ceiling Price $1.20". These words shall be printed or stamped in letters at least one quarter as large as those used for the name of the product on the package in which the Merpectogel with applicator or Merpectogel without applicator is customarily sold by the retail drug establishment to the ultimate consumer when it is not sold on prescription, and the type shall be sufficiently bold and the words shall be printed or stamped in a color which sharply contrasts with the background so that the words are clearly legible. No retail drug establishment, except a person making a sale on prescription, shall make sales of Merpectogel with applicator or Merpectogel without applicator unless the package in which the product is sold is marked with the retail ceiling price as required by this paragraph.

(e) *Notification of maximum prices*—(1) *By Wm. P. Poythress & Co., Inc.* The W. P. Poythress & Co., Inc., shall accompany the first delivery of Merpectogel with applicator or Merpectogel without applicator to each wholesale drug house or retail drug establishment with a notification of the maximum prices for sales by wholesale drug houses and the maximum prices for sales by retail drug establishments which are established by this Order No. 131. Such notification shall be effected by accompanying the first delivery of Merpectogel with applicator or Merpectogel without applicator to each wholesale drug house or retail drug establishment with a copy of paragraphs (b), (c), (d), and (e) of this Order No. 131 together with a statement that these maximum prices are established by Order No. 131 issued under § 1499.3 (b) of the General Maximum Price Regulation.

(2) *By a wholesale drug house.* Every wholesale drug house shall accompany the first delivery of Merpectogel with applicator or Merpectogel without applicator to each retail drug establishment with a notification of the maximum prices for sales by retail drug establishment which are established by this Order No. 131. Such notification shall be effected by accompanying the first delivery of Merpectogel with applicator or Merpectogel without applicator to each retail drug establishment with a copy of paragraphs (c) and (d) of this Order No. 131 together with a statement that these maximum prices are established by Order No. 131 issued under § 1499.3 (b) of the General Maximum Price Regulation.

(f) *Definitions.* When used in this order the term:

(1) "Merpectogel with applicator" means a 3¼ ounce tube of a suspension of phenyl mercuric nitrate in pectin jelly, issued with a vaginal applicator, for the local treatment of leucorrhea.

(2) "Merpectogel without applicator" means a 3¼ ounce tube of a suspension of phenyl mercuric nitrate in pectin jelly, issued without a vaginal applicator, for the local treatment of leucorrhea.

(3) "P M N Ointment" means a one ounce tube of a suspension of phenyl mercuric nitrate in a hydrophilic oxycholesterin ointment base for the local treatment of certain fungous and bacterial infections of the skin.

(g) This Order No. 131 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 131 (§ 1499.994) shall become effective November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11643; Filed, November 7, 1942; 12:37 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 132 Under § 1499.3 (b) of GMPR]

GAY, SULLIVAN AND CO., INC., AND M. A. PATOUT AND SON, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.995 *Approval of maximum price for the sale of Enterprise brand molasses by Gay, Sullivan and Company, Incorporated, or by M. A. Patout and Son, Incorporated, Jeanerette, Louisiana.* (a) On and after November 9, 1942, Gay, Sullivan and Company, Incorporated, 207 North Peters Street, New Orleans, Louisiana, or M. A. Patout and Son, Incorporated, Jeanerette, Louisiana, may sell and deliver Enterprise brand molasses made from string sugars at a price no higher than 21 cents per gallon, net f. o. b. producer's mill or factory, loaded into tank cars furnished by the buyer. Gay, Sullivan and Company, Incorporated, or M. A. Patout and Son, Incorporated, shall mail before or with the shipment to all purchasers of this molasses, the following written notice:

> Sale of Enterprise molasses at 21 cents per gallon, net f. o. b. producer's factory or mill, loaded into tank cars furnished by the buyer, is authorized by the Office of Price Administration by Order No. 132, issued November 7, 1942, under § 1499.3 (b) of the General Maximum Price Regulation.

(b) This Order No. 132 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 132 (§ 1499.995) shall become effective November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11645; Filed, November 7, 1942; 12:38 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 133 Under § 1499.3 (b) of GMPR]

LIQUID CARBONIC CORP.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.996 *Approval of Maximum prices for sales of # 1138 Red Diamond Brand Phosphoric Acid Solution.* (a) On and after November 9, 1942, the Liquid Carbonic Corporation, a corporation having its principal place of business in Chicago, Illinois may sell and deliver the commodity listed below, and any person may buy the commodity listed below from the Liquid Carbonic Corporation at prices no higher than those hereinafter set forth:

> $1.84 per gallon of #1138 Red Diamond Brand Phosphoric Acid Solution.

(b) All discounts, trade practices, and practices relating to the payment of shipping charges effective during March, 1942, on sales by this corporation of Solution #1137 Red Diamond Brand Phosphoric Acid Solution shall apply to the maximum prices set forth in paragraph (a).

(c) When used in this Order No. 133, the term:

"#1138 Red Diamond Brand phosphoric acid solution" means a solution composed of 85.3 fluid ounces of 85 percent phosphoric acid and 42.7 fluid ounces of distilled water to the gallon.

"#1137 Red Diamond Brand Phosphoric acid solution" means a solution composed of 28.4 fluid ounces of 85 per cent phosphoric acid and 99.6 fluid ounces of distilled water to the gallon.

(d) This Order No. 133 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 133 (§ 1499.996) shall become effective on November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11647; Filed, November 7, 1942; 12:39 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 84 Under § 1499.18 (b) of GMPR]

LESNOW BROS.

Order No. 84 under § 1499.18 (b) of the General Maximum Price Regulation—In the matter of Lesnow Brothers, Incorporated, Protestant—Docket No. GF1-55-P.

On May 22, 1942, Lesnow Brothers, Inc., of Easthampton, Massachusetts, herein called Protestant, filed a Protest against the provisions of the General Maximum Price Regulation. For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.884 *Adjustment of maximum prices for men's dress shirts manufactured by Lesnow Brothers, Inc.* (a) Lesnow Brothers, Inc., of Easthampton, Massachusetts, may sell and deliver and any person may buy and receive from Lesnow Brothers, Inc., the following commodities at prices no higher than those set forth below:

$13.25 gross per dozen of shirts having the same specifications as to quality of fabrics and trimmings, standards of construction and garment dimensions (except that plastic buttons may be substituted for pearl buttons), as the garment which the Lesnow Brothers, Inc. manufactured and delivered in March 1942 under the name "Pennleigh".

(b) The adjustment granted to Lesnow Brothers, Inc. in paragraph (a) is subject to the following conditions:

(1) All discounts, trade practices, and all practices relating to shipping and shipping charges in effect in March 1942 shall be applicable to the maximum prices set forth in paragraph (a) hereof.

(c) All prayers of the Protest not granted herein are denied.

(d) This Order No. 84 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 84 (§ 1499.884) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 84 (§ 1499.884) shall become effective November 6, 1942.

(Pub. Laws 421 and 729, 77th Cong. E.O. 9250, 7 F.R. 7871)

Issued this 6th day of November, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11656; Filed, November 7, 1942; 12:35 p. m.]

PART 1499—COMMODITIES AND SERVICE

[Order 95, Amendment 1, Under § 1499.3 (b) of GMPR]

BEMIS BROS. BAG CO.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* *It is hereby ordered:*

In § 1499.959, paragraph (a) is amended by adding thereto the item set forth below, and a new paragraph (e) is added as set forth below:

§ 1499.959 *Maximum prices for the sale of cotton smelter tubes by Bemis Bros. Bag Co.* (a) * * *

If a material other than 36'' 3.00 yard sheeting is used in the production of cotton smelter tubes the maximum price therefor shall be the maximum price set forth above, increased or decreased by the difference in cost between 36'' 3.00 yard sheeting and the actual material used, which material cost shall be determined from prevailing maximum prices.

* * * * *

(e) Amendment No. 1 (§ 1499.959 (a) and (e) to Order No. 95 shall become effective November 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11691; Filed, November 9, 1942; 11:50 a. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8353.

PART 1499—COMMODITIES AND SERVICES

[Order 87 Under § 1499.18 (b) of GMPR]

ALLEN BROTHERS

Order No. 87 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-1702.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* *It is ordered:*

§ 1499.887 *Adjustment of maximum prices for sales of quilted bed pads by Allen Brothers.* (a) Allen Brothers, Los Angeles, California may sell and deliver, and any person may buy and receive from Allen Brothers, quilted bed pads at prices no higher than those set forth below:

Size:	*Prices per dozen*
39 x 76	$21.48
54 x 76	27.00

(b) The prices set forth in paragraph (a) of this section shall be subject to the same terms and conditions of sale as were granted to purchasers during March, 1942.

(c) *Retail prices.* Retailers may not charge a higher price for quilted bed pads purchased from Allen Brothers, than the maximum price which they have established, during and prior to March, 1942.

(d) Allen Brothers, shall cause the following notice to be sent, in writing, to all persons who purchase from it for sale at retail the quilted bed pads referred to in paragraph (a):

> The Office of Price Administration has permitted us to raise our maximum price for sales to you of 39 x 76 quilted bed pads from $19.80 per dozen to $21.48 per dozen, and 54 x 76 quilted bed pads from $22.85 per dozen to $27.00 per dozen (subject to the same terms of sale as we had in effect during March, 1942). This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of quilted bed pads. In order that we may continue to provide you with quilted bed pads, it will be necessary for you to accept this reduction in your margin.

(e) All prayers of the petition not granted herein are denied.

(f) This Order No. 87 may be revoked or amended by the Price Adminstrator at anytime.

(g) This Order No. 87 (§ 1499.887) is herein incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(h) This Order No. 87 (§ 1499.887) shall become effective November 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11692; Filed, November 9, 1942; 11:50 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 88 Under § 1499.18 (b) of GMPR]

BROWN BROTHERS

Order No. 88 under § 1499.18 (b) of the General Maximum Price Regulation Docket No. GF3-2580.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, * *It is ordered:*

§ 1499.888 *Adjustment of maximum price for sales of Woodberry Cotton Seine Twine Nos. 18 to 96 by Brown Brothers.* (a) Brown Brothers, Jonesville, Louisiana may sell and deliver, and any person may buy and receive from Brown Brothers, Woodberry cotton seine twine Nos. 18 to 96 at a price no higher than $2.90 per 5 lb. bale.

(b) The price set forth in paragraph (a) of this section shall be subject to the same terms and conditions of sale as were granted to purchasers during March, 1942.

(c) This Order No. 88 may be revoked or amended by the Price Administrator at anytime.

(d) This Order No. 88 (§ 1499.888) is herein incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 88 (§ 1499.888) shall become effective November 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 9th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11693; Filed, November 9, 1942; 11:50 a. m.]

PART 1429—POULTRY AND EGGS

[MPR 269]

POULTRY AND EGGS

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 issued by the President on October 3, 1942, that maximum prices be established for the sale of the poultry and eggs named in this regulation.

The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of said Act, as amended, and said Executive Order. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* The following regulation supersedes Temporary Maximum Price Regulation Number 22, as amended, with respect to the poultry and eggs specified in this regulation.

The maximum prices established herein for poultry and eggs are not below prices which will reflect to the growers and producers of such poultry and eggs prices for their product equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and by the Executive Order of October 3, 1942.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1[1] issued by the Office of Price Administration, Maximum Price Regulation No. 269 is hereby issued.

Sec.
1429.1 Prohibitions against selling poultry and eggs at prices above the maximum.
1429.2 Maximum prices for live and dressed turkeys listed in Appendix A, § 1429.19, when sold to primary distributors.
1429.3 Maximum prices for sales of live and dressed turkeys by "first and secondary wholesalers".
1429.4 Less than maximum prices.
1429.5 Customary discounts.
1429.6 Sales at export.
1429.7 Exempt sales.
1429.8 Applicability.
1429.9 Geographical applicability.
1429.10 Transfers of business or stock in trade.
1429.11 Petitions for amendment.
1429.12 Federal and state taxes.
1429.13 Adjustable pricing.
1429.14 Evasion.
1429.15 Enforcement.
1429.16 Records and reports.
1429.17 Applicability of certain provisions of the General Maximum Price Regulation.
1429.18 Definitions.
1429.19 Appendix A: Base maximum prices in the five basing point cities of New York, New York; Los Angeles, California; San Francisco, California; Portland, Oregon; Seattle, Washington.
1429.20 Appendix B: Calculation of maximum prices for a "first wholesaler" selling or delivering any live or dressed turke, item.
1429.21 Appendix C: Calculation of maximum prices for a "secondary wholesaler" selling or delivering any live or dressed turkey item.
1429.22 Effective date.

AUTHORITY: §§ 1429.1 to 1429.22, inclusive, issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1429.1 *Prohibition against selling poultry and eggs at prices above the maximum.* On and after November 9, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver poultry or eggs specified in this regulation, and no person in the course of trade or business shall buy or receive such poultry or eggs at a price higher than the maximum prices permitted by this Maximum Price Regulation No. 269; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of poultry or eggs to a purchaser, if, prior to November 9, 1942, such poultry or eggs have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8961.

§ 1429.2 *Maximum prices for live and dressed turkeys listed in Appendix A, § 1429.19 when sold to primary distributors.* (a) The maximum prices for all sales and deliveries of the live or dressed turkeys listed in Appendix A, § 1429.19 by all persons selling to the "first wholesaler" at any particular place in the United States shall be calculated as follows:

"The first wholesaler" means the wholesaler or any other distributor making the first purchase at the particular place for which the price is to be determined, including but not limited to wholesalers, jobbers, processors, packers, processor- or packer-wholesalers and other distributors who purchase for resale with or without processing. It shall also include commercial, governmental, and institutional users, except when making purchases of poultry and eggs from "first wholesalers" and "secondary wholesalers" as defined in § 1429.3 (a).

(1) The seller or buyer must first find his basing point city. Five basing point cities are listed in Appendix A. The seller will select as his basing point city that one of the five cities which is closest freightwise to the place where the seller intends to sell his turkeys.

A basing point city is "closest freightwise" when the railroad freight rate from the place of sale to that city is lower than that to any of the other basing point cities.

Example. City X is 100 miles nearer to New York City than it is to Los Angeles. However, the freight rate to Los Angeles is ¼¢ per pound lower than it is to New York. Los Angeles is the basing point city because it is closer freightwise.

(2) If the seller's closest basing point city is the City of New York, New York, and if the seller's place of sale is located at any point east, northeast, or southeast of the City of Chicago, Illinois, the seller's maximum price for each turkey item delivered to "the first wholesaler" at the place of sale shall be determined as follows:

(i) First, the seller or buyer shall take the maximum price for such turkey item in the basing point city of New York, as set forth in Appendix A, § 1429.19 and subtract therefrom the railroad freight rate from the City of Chicago, Illinois to the City of New York.

(ii) Second, the seller or buyer shall add to the difference so obtained the freight rate from the City of Chicago, Illinois, to the place of sale. The total thus reached shall be the seller's maximum price for such turkey item in the place of sale.

(3) In all other cases, the seller's maximum price for each turkey item delivered to the "first wholesaler" shall be the maximum price for such turkey item in the seller's basing point city less the railroad freight rate from the place of sale to such basing point city.

(4) In all cases other than the shipment of live turkeys the seller shall compute his railroad freight rate by multiplying his lowest railroad rate per pound of gross weight by 1.22 to provide for tare and icing. In the case of live turkeys his freight rate shall be the actual lowest railroad freight rate per pound.

§ 1429.3 *Maximum prices for sales of live and dressed turkeys by "first and secondary wholesalers".* (a) The maximum prices for sales and deliveries of the live and dressed turkeys listed in Appendix A, § 1429.19 by all "first wholesalers" and by all "secondary wholesalers" shall be calculated as follows:

(1) A "first wholsaler" shall follow the procedure set forth in Appendix B, § 1429.20.

(2) A "secondary wholesaler" shall follow the procedure set forth in Appendix C, § 1429.21.

(3) (i) A "first wholesaler" is defined in § 1429.2 (a) above.

Example. The ABC Co. is a poultry wholesale house in Chicago, Illinois. It customarily buys turkeys in carlot quantities at the terminal receiving point in Chicago from an original shipper in Texas. It then sells such turkeys in smaller quantities to other wholesalers or jobbers in Chicago. It, therefore, is a "first wholesaler".

(ii) "A secondary wholesaler" is any person who purchases any of the live or dressed turkeys listed in Appendix A, § 1429.19 from a "first wholesaler" for the purpose of resale other than at retail.

Example. The XYZ Co. is a poultry wholesale house in Chicago, Illinois. It purchased 25 boxes of dressed turkeys from the ABC Co., another wholesaler, and sold these 25 boxes to a retail store. Later, it purchased a carlot of dressed turkeys from a packing house in Texas and later sold this carlot in small quantities to both retail stores and other wholesale firms. With respect to the 25 boxes of dressed turkeys purchased from the ABC Co., the XYZ Co. is a "secondary wholesaler". However, with respect to the carlot of dressed turkeys purchased from the Texas processor, the XYZ Co. is a "first wholesaler".

(4) In no case shall a person selling turkey items as "a first wholesaler" follow the procedure set forth in Appendix C, § 1429.21 for "a secondary wholesaler".

§ 1429.4 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 269 may be charged, demanded, paid, or offered.

§ 1429.5 *Customary discounts.* Every seller shall continue his discounts, allowances, and other price differentials customarily given in connection with the sale and delivery of the poultry and egg items covered by this Maximum Price Regulation No. 269.

§ 1429.6 *Sales at export.* The maximum prices at which a person may export any commodity covered by this Maximum Price Regulation No. 269 shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[2] issued by the Office of Price Administration.

§ 1429.7 *Exempt sales.* The following sales are exempt from the provisions of this Maximum Price Regulation No. 269, in addition to those exempted by the application of certain provisions of the General Maximum Price Regulation as provided in § 1429.17 hereof.

(a) All sales at retail. Sales at retail shall be determined in accordance with the provisions of Maximum Price Regulation No. 269, entitled "Certain Perishable Food Products at Retail".

(b) All sales of turkey breeding stock when sold for breeding purposes.

(c) All sales of baby turkey poults when sold for purposes other than for present human consumption.

§ 1429.8 *Applicability.* The provisions of this Maximum Price Regulation No. 269 supersede the provisions of Temporary Maximum Price Regulation No. 22 with respect to sales and deliveries of poultry and egg items for which maximum prices are established by this regulation.

§ 1429.9 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 269 shall be applicable only to the 48 states of the United States and to the District of Columbia.

§ 1429.10 *Transfers of business or stock in trade.* If the business, assets, or stock in trade of any seller are sold or otherwise transferred on or after November 9, 1942, and the transferee carries on the business, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no transfer had taken place, and his obligation to keep records sufficient to verify those prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in this regulation.

§ 1429.11 *Petitions for amendment.* Persons seeking a modification of this Maximum Price Regulation No. 269 may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1,[3] issued by the Office of Price Administration.

§ 1429.12 *Federal and state taxes.* Any tax upon, or incident to, the sale or delivery of poultry or egg items imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect prior to the effective date of this Maximum Price Regulation No. 269 for any poultry or egg item.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price prior to the effective date for such item the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such a case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 269.

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[2] 7 F.R. 5059, 7242, 8829.

[3] 7 F.R. 8961.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 269.

(b) *As to a tax or an increase in a tax which becomes effective after the effective date of this regulation for any poultry or egg item.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1429.13 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to and at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations where a petition for amendment requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1429.14 *Evasion.* Price limitations set forth in this Maximum Price Regulation No. 269 shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, the commodities prices of which are herein regulated, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege or other trade understanding or otherwise.

§ 1429.15 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 269 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have any evidence of any violation of this Maximum Price Regulation No. 269 or any price schedule, regulation, or order, issued by the Office of Price Administration, or any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, field or regional offices of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1429.16 *Records and reports.* (a) Every seller and purchaser subject to this Maximum Price Regulation No. 269 making sales or deliveries or purchases of poultry and eggs to the value of $200.00 or more in any one month, after November 9, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years a complete and accurate record of each sale or delivery or purchase of poultry and eggs, showing the date of purchase or sale, the name and address of the buyer and seller, the quantities, varieties, grades, weight-size classes, bought and sold, the dressed or live condition of the poultry bought and sold, the type of sale made (delivered or nondelivered), and the price paid or received.

(b) Such persons shall keep such other records in addition to or in place of the records required in paragraph (a) of this section and shall submit such reports to the Office of Price Administration as that Office may from time to time require or permit.

§ 1429.17 *Applicability of certain provisions of the General Maximum Price Regulation.* (a) The following sections of General Maximum Price Regulation, the amendments thereto, and Revised Supplementary Regulation Number 4 thereof shall be applicable to every person making sales and deliveries covered by this Maximum Price Regulation No. 269.

(1) § 1499.4 (b) (Special deals.)

(2) § 1499.14 (Sales slips and receipts.)

(3) § 1499.15 (Registration.)

(4) § 1499.16 (Licensing.)

(5) § 1499.29 (a) (5) (Developmental contracts.)

(6) § 1499.29 (a) (6) (Secret contracts.)

(7) § 1499.29 (a) (7) (Emergency purchases.)

(8) § 1499.29 (a) (15) (Sales or deliveries of the War Department or the Department of the Navy through such Departments' sales stores.)

§ 1429.18 *Definitions.* (a) Unless the context requires otherwise, the definitions of General Maximum Price Regulation, as amended, and of section 302 of Emergency Price Control Act of 1942, as amended, shall apply to the terms used in this Maximum Price Regulation No. 269.

(b) Wherever the word "turkey item" is used in this Maximum Price Regulation No. 269, it shall mean the particular variety, grade, and weight-size of turkey found in the table of Appendix A, § 1429.19, (a) (1).

§ 1429.19 *Appendix A: Base maximum prices in the five basing point cities of New York, New York; Los Angeles, California; San Francisco, California; Portland, Oregon; Seattle, Washington.* (a) The following base maximum prices are for dressed turkeys, as designated below, sold to the "first wholesaler" in the five basing point cities listed herein delivered at his customary receiving point:

(1)

Food product	Basing point cities					
	New York			Pacific coast		
				Los Angeles-San Francisco. Seattle-Portland		
	Grade and price			Grade and price		
	A	B	C	A	B	C
Dressed turkeys:						
Young Hens or Toms:						
Under 16 lbs. per lb	40.0¢	38.5¢	36.0¢	39.0¢	37.5¢	35.0¢
16-20 lbs. per lb	38.5¢	37.0¢	34.5¢	37.5¢	36.0¢	33.5¢
Over 20 lbs. per lb	37.5¢	36.0¢	33.5¢	36.5¢	35.0¢	32.5¢
Old Hens or Toms:						
Under 16 lbs. per lb	38.0¢	36.5¢	34.0¢	37.0¢	35.5¢	33.0¢
16-20 lbs. per lb	36.5¢	35.0¢	32.5¢	35.5¢	34.0¢	31.5¢
Over 20 lbs. per lb	35.5¢	34.0¢	31.5¢	34.5¢	33.0¢	30.5¢
Eviscerated turkeys: (Approximate weights before drawn)						
Young Hens or Toms:						
Under 16 lbs. per lb	58¢	56¢	53¢	57¢	55¢	52¢
16-20 lbs. per lb	56¢	54¢	51¢	55¢	53¢	50¢
Over 20 lbs. per lb	55¢	53¢	50¢	54¢	52¢	49¢
Old Hens or Toms:						
Under 16 lbs. per lb	56¢	54¢	51¢	55¢	53¢	50¢
16-20 lbs. per lb	54¢	52¢	49¢	53¢	51¢	48¢
Over 20 lbs. per lb	53¢	51¢	48¢	52¢	50¢	47¢

(2) The above prices shall be for the months of November, December and January. For the remaining months of the year the following additions shall be made to each of the above prices:

February	½ cent
March	1 cent
April	1½ cents
May	2 cents
June	2½ cents
July	3 cents
August	3½ cents
September	2 cents
October	1 cent

(3) *Split or cut-up turkeys.* The maximum amount received through the sale of all the various cut-up parts of a given turkey shall not exceed the amount received by the sale of the same grade and weight of turkey in its eviscerated form at its maximum price.

(4) *Grade specifications.* U. S. Department of Agriculture grade specifications for turkeys must be used at all sales for dressed turkeys covered herein. However, while packages or individual birds must be identified as Grade A, or Grade B, or Grade C, they may not be identified with the designation "U. S." unless certified by the U. S. Department of Agriculture, or an agent thereof. All sellers subject hereto must invoice turkeys by grade. Grades must be shown on invoice.

(b) *Live turkeys.* (1) The maximum price for live young turkeys at all times of the year shall be computed by taking the maximum price for dressed young Grade A turkeys of corresponding size as listed in the tables above for the November to January period, and subtracting from such maximum price the sum of 2½ cents per pound.

(2) The maximum price for live old turkeys at all times of the year shall be computed by taking the maximum price for dressed old Grade A turkeys of corresponding size as listed in the tables above for the November to January period, and subtracting from such maximum price the sum of 2½ cents per pound.

(3) A live turkey shall be deemed to be of corresponding size to a dressed turkey according to the following relationship:

(i) Live turkeys weighing less than 18 lbs. correspond to dressed turkeys weighing less than 16 lbs.;

(ii) Live turkeys weighing from 18 to 23 lbs. correspond to dressed turkeys weighing from 16 to 20 lbs.;

(iii) Live turkeys weighing over 23 lbs. correspond to dressed turkeys weighing over 20 lbs.

(c) *Calculation.* In calculating maximum prices per pound basis in this Section, all calculations shall be carried to the fourth decimal place. Final calculation of a maximum price resulting in a fraction of a cent per pound shall be adjusted to the nearest ¼¢ per pound.

(d) *Definition of terms used in Appendix A*—(1) *Grades of turkeys.*

(i) Grade A: *Young hen.* Young, soft-meated female bird, with well-fleshed breast, and with entire carcass well covered with fat. Must be well bled, well dressed, and practically free of pinfeathers, especially on the breast. Only slight flesh or skin bruises, abrasions, or discolorations permitted, with breast practically free of such defects. Slightly dented breast bones (not to exceed ¼ inch) permitted. Slightly curved, but no crooked breasts permitted. Must be free of deformities. Broken wings above the wing tips or broken legs not permitted. A disjointed leg or wing permitted if ony slightly bruised. Birds with crops properly removed and sewn up may be included in this grade. No torn skin permitted. No sewn skin permitted on the breast or fleshy part of the carcass, and only slight tears sewn permitted on the back. Must be dry picked or semi-scalded.

(ii) Grade A: *Young tom.* Young male bird with quality specifications the same as for Grade A Young Hen, with due allowance made for fleshing conditions characteristic of its sex. Slight staggy condition permitted, if bird is soft-meated.

(iii) Grade A: *Old hen.* Mature female bird with quality specifications the same as for Grade A Young Hen, with due allowance made for fleshing conditions characteristic of its age.

(iv) Grade A: *Old tom.* Mature male bird with quality specifications the same as for Grade A Young Tom, with due allowance made for fleshing conditions characteristic of its age.

(v) Grade B: *Young hen.* Young female bird, with fairly well-fleshed breast, and with carcass fairly well covered with fat. Must be fairly well bled and dressed, and may show scattered pinfeathers over the entire carcass. Slight flesh or skin bruises permitted, but not more than three such defects if on the breast. Fairly numerous skin abrasions or discolorations permitted. Abrasions or tears over 3 inches in length, on the fleshy parts of the carcass not permitted unless properly sewn. Slight open tears less than 3 inches in length may be permitted if on the back or over the back of wings. Dented or slightly crooked breast bones or other slight deformities permitted. One broken wing or one broken leg permitted if bone does not protrude through the flesh and if not showing excessive bruise or blood clot.

(vi) Grade B: *Young tom.* Young male bird with quality specifications the same as for Grade B Young Hen, with due allowance made for fleshing conditions characteristic of its sex.

(vii) Grade B: *Old hen.* Mature female bird with quality specifications the same as for Grade B Young Hen, with due allowance made for fleshing conditions characteristic of its age.

(viii) Grade B: *Old tom.* Mature male bird with quality specifications the same as for Grade B Old Hen, with due allowance made for fleshing conditions characteristic of its age.

(ix) Grade C: *Young hen.* Young female bird which may be poorly fleshed and with carcass poorly covered with fat. May show evidence of poor bleeding and have numerous pinfeathers over the entire carcass. Numerous skin abrasions and discolorations permitted. Hunch back or other deformities allowed if birds are fairly well fleshed. Open tears permitted in skin. Broken bones or birds badly bruised so as to make any appreciable part of the carcass inedible not permitted. Birds showing emaciation or external evidence of disease or other condition which render them unwholesome or unfit for human food not permitted.

(x) Grade C: *Young tom.* Young male bird with quality specifications the same as for Grade C Young Hen.

(xi) Grade C: *Old hen.* Mature female bird with quality specifications the same as for Grade C Young Hen.

(xii) Grade C: *Old Tom.* Mature male bird with quality specifications the same as for Grade C Young Tom.

(xiii) 2. *Dressed turkey.* The term "dressed turkey" means a turkey which has been killed, bled, and has had its feathers removed.

(xiv) 3. *Eviscerated turkey.* The term "eviscerated turkey" means a dressed turkey which has had its head, feet, and inedible viscera removed.

(xv) 4. *Split turkey.* The term "split turkey" means an eviscerated turkey which has been cut into two halves, each half containing approximately equal and, as far as possible, the same parts of the bird.

(xvi) 5. *Cut-up turkey.* The term "cut-up turkey" means an eviscerated turkey, the carcass of which has been dismembered or cut into portions.

§ 1429.20 *Appendix B: Calculation of maximum prices for a "first wholesaler" selling or delivering any live or dressed turkey item.* (a) A "first wholesaler", as defined in § 1429.2 (a), herein, making a sale or delivery of any live or dressed turkey item shall calculate his maximum selling price for such item as follows:

(1) First: He shall determine the form of sale as listed in column 1 of Table B, below, which applies to the sale he is making, and select the appropriate multiplier figure for such form of sale in column 2 or 3 of Table B below, depending upon whether his sale is to be a delivered sale or a non-delivered sale.

(2) Second: He shall next determine the maximum price per pound at which he as a first wholesaler could purchase such live or dressed turkey item as calculated under § 1429.2 herein and Appendix A, § 1429.19, therein, for the particular place at which such item is to be sold.

(3) Third: He shall then multiply the figures determined under sub-paragraph (2) by the multiplier determined in sub-paragraph (1) and the resulting product of such multiplication shall be the maximum price at which he can sell such live or dressed turkey item.

(4) *Table B—Sales by a "first wholesaler".*

Column 1 Form of sale	Column 2 Multiplier for "non-delivered" sales	Column 3 Multiplier for "delivered" sales
1. Turkeys bought live and sold live	1.050	1.100
2. Turkeys bought dressed and sold dressed	1.040	1.080
3. Turkeys bought live and sold fresh killed	1.280	1.330
4. Quick-frozen Turkeys bought eviscerated and sold eviscerated	1.125	1.175

(b) *Calculation.* In calculating maximum prices on a per pound basis in this section, all calculations shall be carried to the fourth decimal place. Any final calculation of a maximum price resulting in a fraction of a cent per pound shall be adjusted to the nearest ¼¢ per pound.

(c) *Definition of terms used in Appendix B*—(1) *Quick-frozen turkey* is an eviscerated turkey which is frozen by rapid methods of refrigeration and distributed in a frozen state.

(2) The definitions given in § 1429.19, Appendix A, Paragraph (d) shall apply to all the terms used in this Appendix B.

§ 1429.21 *Appendix C: Calculation of maximum prices for a "secondary wholesaler" selling or delivering any live or dressed turkey item.* (a) A "secondary wholesaler", as defined in § 1429.3 (a) herein, making a sale or delivery of any live or dressed turkey item shall calculate his maximum selling price for such item as follows:

(1) First: He shall determine the form of sale as listed in column 1 of Table C, below, which applies to the sale he is making, and select the appropriate multiplier figure for such form of sale in column 2 or 3 of Table C below, depending upon whether his sale is to be a delivered sale or a non-delivered sale.

(2) Second: He shall then determine the maximum price per pound at which a first wholesaler could purchase such live or dressed turkey item, as calculated under § 1429.2 and Appendix A, § 1429.19, for the particular place at which such item is to be sold.

(3) Third: He shall then multiply the figure determined under sub-paragraph (2) by the multiplier determined in sub-paragraph (1), and the resulting product of such multiplication shall be the maximum price at which he can sell such live or dressed turkey item.

(4) *Table C—Sales by a "secondary wholesaler".*

Column 1 Form of sale	Column 2 Multiplier for "non-delivered" sales	Column 3 Multiplier for "delivered" sales
1. Turkeys bought live and sold live	1.10	1.15
2. Turkeys bought dressed and sold dressed	1.08	1.12
3. Turkeys bought live and sold fresh-killed	1.35	1.40
4. Turkeys bought dressed and sold eviscerated	1.125	1.175

(b) *Calculation.* In calculating maximum prices on a per pound basis in this section, all calculations shall be carried to the fourth decimal place. Any final calculation of a maximum price resulting in a fraction of a cent per pound shall be adjusted to the nearest ¼¢ per pound.

(c) *Definition of terms used in Appendix C.* The definitions given in § 1429.19, Appendix A, paragraph (d) and § 1429.20, Appendix B, paragraph (c) shall apply to all the terms used in this Appendix C.

§ 1439.22 *Effective date.* This Maximum Price Regulation No. 269 (§§ 1429.1 to 1429.22, inclusive) shall become effective November 9, 1942.

Issued this 7th day of November 1942.

LEON HENDERSON,
Administrator.

Approved: Claude R. Wickard,
Secretary of Agriculture.

[F. R. Doc. 42-11694; Filed, November 9, 1942; 11:50 a. m.]

Chapter XVIII—Office of Economic Stabilization

Subchapter A—Office of the Director of Economic Stabilization

PART 4001—WAGES AND SALARIES

SALARIES NOT GOVERNED BY CONTRACTS

Paragraph (e) of § 4001.9 of the regulations relating to stabilization of wages and salaries, prescribed by the Economic Stabilization Director and approved by the President on October 27, 1942 (7 F.R. 8748), is amended to read as follows:

(e) Unless payment thereof is required under a bona fide contract in effect on October 3, 1942, no amount of salary shall be paid or authorized to be paid to or accrued to the account of any employee or received by him after October 27, 1942, and before January 1, 1943, if the total salary paid, authorized, accrued or received for the calendar year 1942 exceeds the amount of salary which would otherwise be allowable under paragraph (a) of this section and also exceeds the total salary paid, authorized, accrued or received for the calendar year 1941.

The foregoing amendment shall be effective as of October 27, 1942.

(E.O. 9250, 7 F.R. 7871)

JAMES F. BYRNES,
Economic Stabilization Director.

NOVEMBER 5, 1942.

[F. R. Doc. 42-11663; Filed, November 9, 1942; 9:55 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

PART 302—CONTRACTS WITH VESSEL OWNERS AND RATES OF COMPENSATION RELATING THERETO

[General Order 8 (Rev.), Supp. No. 8]

TIME LOST IN ARMING VESSELS, DEGAUSSING, ETC.

Part I—Prescribing regulations for determining compensation payable to owners and chartered owners of vessels time chartered to the War Shipping Administration, for time lost in partially or entirely arming, degaussing, or demagnetizing, prior or subsequent to delivery of such vessel to the Government.

§ 302.76 *Vessels included.* All vessels time chartered by the War Shipping Administration under charter party agreement tendered pursuant to General Order No. 8 (Revised) and supplements thereto (§§ 302.12 to 302.75 incl.), with respect to which time is lost by the owners or chartered owners thereof (herein referred to as "owners") in partially or entirely arming, degaussing, or demagnetizing (herein referred to as "defensing"), for which such owners have not been reimbursed.

§ 302.77 *Determination of and payment for time lost.* (a) The Administration will reimburse owners for time lost in defensing their vessel at the applicable rate of hire (§§ 302.12 to 302.75 incl.); or pro rata part thereof, prescribed in the time charter tendered to the owners in accordance with the provisions of General Order No. 8, (Revised) and supplements thereto (§§ 302.12 to 302.75 incl.); *Provided, however,* That such time lost shall be reduced:

(1) To half-hire for time consumed in making owners' repairs of the nature described in Clauses 4 (a) and 4 (b) of Part II of Warshiptime (General Order No. 11) (§ 302.50), during the period of defensing;

(2) To half-hire for time consumed in excess of 48 hours in the cleaning of boilers and overhauling machinery, as prescribed in the last paragraph of Clause 4 of Part II of Warshiptime (§ 302.50), during the period of defensing;

(3) Off-hire for time consumed in drydocking, cleaning and painting the bottom of the vessel, as prescribed in Clause 12 of Part II of Warshiptime (§ 302.50), during the period of defensing; and

(4) Off-hire for time consumed by the owners in remedying defects in the vessel's condition upon delivery, as prescribed in Clause 1 of Part II of Warshiptime (§302.50), during the period of defensing.

(b) During any period with respect to which full hire is allowed the owner, but the use of the vessel is lost to the charterer, credit shall be given for any expenses set forth in Clause 6 of Part II of Warshiptime (§ 302.50) which are saved by the owner.

(c) During any period with respect to which hire is suspended or reduced, the cost of fuel and water consumed, and port charges, pilotage, towage, and other expenses for the charterer's account, as prescribed in the last paragraph of Clause 4, in Clause 12, and in Clause 17 of Part II of Warshiptime (§ 302.50), shall be borne by the owners.

§ 302.78 *Determination of and payment for time lost resulting from defensing, for which the owner has not been previously compensated, prior to the delivery of the vessel to the Administration.* (a) Owners shall prepare public vouchers in the usual form which shall be supported by a statement, or statements, reflecting:

(1) Date and time vessel was made available upon receipt of the order for defensing, and date and time vessel left yard after completion of defensing;

(2) Time consumed in defensing;

(3) Deduct: Time consumed in making owners' repairs as prescribed in Clauses 1, 4, and 12 of Part II of Warshiptime (§ 302.50);

(4) Value of net time lost in defensing, calculated at the applicable charter hire rate, or pro rata part thereof, prescribed in General Order No. 8 (Revised) or supplements thereto (§ 302.12 to 302.75 incl.);

(5) Deduct: Credit for owners' expenses saved, or expenses which should be borne by the owner, as prescribed in paragraphs (b) and (c) of § 302.77 hereinabove, during the period for which full

hire is allowable or in which hire is suspended or reduced; and

(6) Net amount claimed for time lost resulting from defensing.

In addition to the above statements there shall also be required a statement, in duplicate, from the yard which performed such defensing setting forth the time consumed in such defensing, such statement to contain the written approval of the Administration's local district Manager of Maintenance and Repairs.

(b) Public vouchers (Form 1034, revised) shall be prepared for each vessel and shall be submitted in quintuplicate to the local District Auditor or Port Auditor, or the Chief, Auditing and Financial Analysis Section, Division of Finance, Washington, D. C. (if there is no District Auditor or Port Auditor in the home port of the owner), and shall be prepared to read substantially as follows:

> Compensation for time lost in defensing SS ________________, prior (or subsequent) to delivery to the Government, for which compensation has not heretofore been received, calculated at the applicable time charter rate prescribed in General Order No. 8 (Revised), or supplements thereto (§§ 302.12 to 302.75 incl.), and in the manner prescribed in General Order No. 8, Supplement No. 8 (§ 302.76), subject to adjustment to conform with the provisions of the said General Order and the applicable time charter. Payment by the War Shipping Administration of all, or any part of the amounts claimed herein shall not be construed as an approval of the correctness of the amounts stated to be due the Owner, nor as a waiver of any of the rights or remedies of the War Shipping Administration under the terms of the applicable time charter agreement or otherwise.

§ 302.79 *Disputes.* In the event of a dispute between the owner and the War Shipping Administration as to the amount of time consumed in performing defensing, owner's repairs, etc., the decision of the Administrator, War Shipping Administration, shall be final and binding.

Part II—Prescribing regulations for determining time lost by the United States of America under time charters executed by and through the War Shipping Administration or the United States Maritime Commission.

§ 302.80 *Definitions.* (a) The word "Warshiptime" when used herein refers to the form of time charter approved by the Administration under its General Order No. 11 (§ 302.50); however, the regulations promulgated herein shall also be applicable, in so far as they may be relevant, to all other forms of time charters executed by the United States of America, acting by and through the War Shipping Administration or its predecessor, the United States Maritime Commission.

(b) The words "owner" or "owners" when referred to herein shall be deemed to include the owners or chartered-owners or owner's agents of vessels operated or operating under Warshiptime as hereinabove defined.

(c) The word "charterer" shall be deemed to mean the United States of America, acting by and through the War Shipping Administration or United States Maritime Commission.

(d) The word "agent" shall be deemed to mean the agent of the charterer.

§ 302.81 *Provisions of Warshiptime under which time is lost by the charterer but hire may continue, be suspended or reduced to one-half.* (a) Full hire continues to run, although time is lost by the charterer, under circumstances within the following clauses of Part II of Warshiptime (§ 302.50);

(1) The happening of any event listed in subparagraph (a) of Clause 4 caused by the fault of the charterer or caused or contributed to by war or warlike acts as more fully described in subparagraph (i) of said Clause 4;

(2) Time lost (when the vessel needs repairs necessary to her working) due to circumstances described in subparagraph (ii) of Clause 4;

(3) Time lost in the installation or repair (for charterer's account) of equipment or defensive armament as described in Clause 11, subject, however, to regulations issued pursuant to Article 2 (d) of General Order No. 8 (Revised) (§§ 302.12 to 302.16 incl.); and

(4) Time lost because of the unavailability of drydock as prescribed in Clause 12.

(b) Hire is reduced to one-half, when time is lost by the charterer, under circumstances within the following Clauses of Part II of Warshiptime (§ 302.50);

(1) Time lost from circumstances described in subparagraphs (a) and (b) of Clause 4: *Provided, however,* That the events described in said subparagraph (a) are not caused by the charterer or caused or contributed to by war or warlike acts as described in subparagraph (i) of said Clause 4;

(2) Time lost in excess of 48 hours in any two-month period in the cleaning of boilers and overhauling of machinery as prescribed in the last paragraph of Clause 4; and

(3) Time lost in the event of a disabled winch or winches or insufficient power to operate winches as prescribed in Clause 17.

(c) Hire is suspended under circumstances within the following Clauses of Part II of Warshiptime (§ 302.50):

(1) Time lost in remedying defects in the vessel's condition upon delivery as described in Part I of Warshiptime (§ 302.50) and in Clause 1 of Part II.

(2) Time lost in drydocking, cleaning and painting the bottom of the vessel as described in Clause 12;

(3) Time lost in remedying defects caused by the owner's failure to maintain the condition of the vessel as prescribed in Clause 1;

(4) Time lost for damage to the vessel resulting in its constructive total loss (damage in excess of 50% of the value of the vessel) as prescribed in Clause 3.

(5) Time lost due to any act of neglect, fault, omission to act, breach of contract, or breach of any order of the charterer, by the owner pursuant to the provisions of Warshiptime. (§ 302.50)

§ 302.82 *Savings required to be credited to the charterer during periods in which hire continues, is suspended, or is reduced to one-half.* (a) During periods in which full hire accrues under circumstances described in paragraph (a) of § 302.81 hereinabove, the provisions of Warshiptime (§ 302.50) provide that credit shall be given the charterer for savings effected by owners with respect to those expenses set forth in Clause 6, and a corresponding deduction therefor should be made from monthly charter hire.

(b) During periods in which hire is reduced to one-half or suspended under circumstances described in paragraphs (b) and (c) of § 302.81 hereinabove, the provisions of Warshiptime provide that the cost of fuel and fresh water consumed, which otherwise would be borne by the charterer, shall be assumed by the owner, and the owner also shall pay all port charges, pilotage, towage and other expenses which otherwise would be for the account of the charterer or would be incidental to the periodic drydocking of the vessel.

§ 302.83 *Regulations.* (a) For each event within the provisions of § 302.81 hereinabove, the owner shall execute, in triplicate, a Certificate (hereinafter referred to as "Off-Hire Certificate") setting forth the following information:

(1) The cause or causes which produced such occurrence;

(2) The relevant extracts from the engine, deck or port logs, whichever may be pertinent.

(3) The time lost by the vessel (computed in days and hours) as a result of such occurrence;

(4) Statement whether hire should continue, be reduced to one-half, or be suspended during the time specified in (3) above (§ 302.83 (a) (3));

(5) Whether hire is to continue, to be suspended, or to be reduced to one-half, a statement should be made of the savings effected by owners or the charges which would otherwise be borne by the Charterer which are assumed by the owner, if any, which should be deducted from the hire accruing under (4) above. (§ 302.83 (a) (4))

(6) Such Certificate of Off-Hire should then be mailed to the Manager, Charterers and Agencies Section, Division of Operations, War Shipping Administration, Washington, D. C. not later than 30 days after knowledge by the owner of the occurrence, except that for occurrences prior to the effective date of this order, such certificate shall be mailed immediately.

(b) Every owner shall be required to exercise due diligence to effect savings during periods in which the vessel remains on hire as more fully described in § 302.82 above.

(c) For repeated failure by owners to furnish voluntarily the certificates of off-hire required hereunder, or for failure to exercise due diligence in effecting savings or assuming the expenses which are ordinarily borne by the charterer (in the applicable circumstances described in § 302.82 hereinabove), the proper officers of the charterer will be authorized to suspend payments of hire in an amount equalling, in the estimate of the charterer, the time lost by the charterer plus any savings which should have been effected by the owners for the benefit of the charterer, and any expenses which should have been borne by the owner in the applicable cases which are normally for the account of the charterer.

§ 302.85 *Applicability of regulations.* The regulations published hereunder shall be applicable, to the extent permissible under the particular charter, to all time charters executed with owners by the charterer from July, 1941. In the event that an "off-hire" situation occurs which is not covered by regulations promulgated hereunder, such situation shall be settled on the basis of the law applicable under the provisions of the charter.

§ 302.86 *Off-Hire Certificate.* The form of Off-Hire Certificate to be used in connection with the foregoing regulations shall be furnished, in triplicate, in the following form:

War Shipping Administration
Charters and Agencies Section
Division of Operations
Washington, D. C.

Gentlemen:

This is to advise that, to the best of our knowledege and belief, we hereby certify that the following events took place with respect to the SS/MS under Time Charter to the United States of America (Contract No.):

(1) --

(2) The time lost by the vessel, as a result of the above occurrence, was days, hours (for major fractions of an hour a full hour shall be added, and for minor fractions of an hour such fraction shall be deducted, to bring the total to even hours).

(continue)
(3) Hire should (be reduced to one-half) dur-
(be suspended)
ing the period specified in (2) above for the following reasons:

(4) During the period specified in (2) above, the following deductions should be made from accrued hire because of savings effected by us or because the charges were assumed by us during such period:

(5) The sum total of hire to be suspended or reduced to one-half plus the savings specified in (4) above totals $---------- which should be deducted from monthly hire accruing under the above-mentioned Time Charter Party Agreement.

(Signature of Owner)

(Signature of Charterer's Agent)

NOTE.—If the facts recited in subparagraph (1) set forth time lost by the vessel in a repair yard, the written concurrence of the local District Manager of Maintenance and Repairs of the Charterer should be obtained as to the statement of time lost in such repairs.

§ 302.87 *Concurrent "Off-Hire" situations.* When time is lost by the charterer from events or series of events which, under the provisions of the foregoing regulations, would require the simultaneous suspension, reduction or continuation of hire, the charterer will adjust such instances as follows: (1) Determine the number of days and/or hours during which such joint repairs were made; (2) add the hire applicable to the two or more events; and (3) divide the sum thereof by the number of such events, the quotient thereof being the hire payable during such period to the owners.

(E.O. 9054, 7 F.R. 837)

E. S. LAND,
Administrator.

NOVEMBER 6, 1942.

[F. R. Doc. 42-11626; Filed, November 7, 1942; 12:06 p. m.]

PART 306—GENERAL AGENTS AND AGENTS

[General Order 12, Supp. 9]

COMPENSATION PAYABLE—DRY CARGO VESSELS

Amending §§ 306.7[1] and 306.8[1] of General Order No. 12.

Strike out the last paragraph of § 306.7 and the last sentence of § 306.8 of General Order No. 12 reading as follows: "No brokerage will be paid except with the prior approval of the Administrator and applications for such approval will not be considered unless brokerage was formerly paid in such trade"; all of Supplement 3-A; all of Supplement 4 and § 306.42 of Supplement 5 and add a new paragraph (f) to § 306.7 and also a new paragraph (f) to § 306.8 which shall apply to the payment of brokerage on cargo carried aboard Dry Cargo vessels, Combination Cargo and Passenger vessels and Colliers.

Section 306.7 *Compensation of agents in continental United States ports,* is hereby amended by adding the following paragraph (f):

(f) Payment of customary brokerage is authorized to brokers who performed services in connection with booking, handling, etc., of cargo in trades and on such commodities and under such conditions as it has been in the past customary to pay brokerage on cargo carried aboard dry cargo vessels sailing prior to 12:01 A. M. June 10, 1942. On vessels sailing after 12:01 A. M. June 10, 1942, brokerage may be paid at the customary rate, but not in excess of the following rates:

(1) General commercial cargo, commonly known as package cargo, loaded outward and homeward: 1¼% on the base freight rates before all surcharges, war or otherwise.

(2) Sugar, metals, ores and other bulk cargoes covered by bills of lading, charter party or contract of affreightment, outward, homeward and way, in the nearby trades, which includes Caribbean and Canadian: 1¼% on the base freight charges before all surcharges, war or otherwise: *Provided, however,* That brokerage shall not be paid on that portion of freight charges in excess of $5.00 per handled ton.

(3) Sugar, metals, ores and other bulk cargoes covered by bills of lading, charter party or contract of affreightment, outward, homeward and way, in long voyage trades or in spheres outside of those covered by No. 2 above: 1¼% on the base freight before all surcharges, war or otherwise: *Provided, however,* That brokerage shall not be paid on that portion of freight charges in excess of $8.00 per handled ton.

(4) Bulk cargoes coastwise: 1¼% on the base freight before all surcharges, war or otherwise: *Provided, however,* That brokerage shall not be paid on that portion of freight charges in excess of 80¢ per handled ton on any bill of lading, contract of affreightment or charter.

(5) It is further provided that no shipper or consignee of cargo, or Agent or General Agent of the carrying vessel, shall act as broker or be paid brokerage, and that all brokers' invoices must be certified that no portion whatsoever of any brokerage received by them is to be refunded to any shipper, consignee or owner of the cargo.

Section 306.8 *Compensation of subagents at ports outside the continental United States* is hereby amended by adding the following paragraph (f):

(f) Payment of customary brokerage is authorized to brokers who perform services in connection with booking, handling, etc., of cargo in such trades and on such commodities and under such conditions as it has been customary to pay brokerage: *Provided, however,* That such payment of brokerage shall not exceed that as provided in § 306.7 (f) hereof: *And provided further,* That no more than one brokerage may be paid on any one cargo or shipment, and that no brokerage shall be paid to the Foreign Sub-Agent of the vessel.

E. S. LAND,
Administrator.

NOVEMBER 7, 1942.

[F. R. Doc. 42-11685; Filed, November 9, 1942; 11:37 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 122—MONTHLY OPERATING REPORTS

REVENUES AND EXPENSES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 31st day of October, A. D. 1942.

The subject of monthly reports of revenues and expenses being under consideration, the following order was entered:

It is ordered, That the order of this Commission dated November 18, 1941, in the matter of monthly reports of revenues and expenses of Class I steam railways, and corresponding sections of the Code of Federal Regulations be, and hereby are annulled, effective January 1, 1943, and the following order shall become effective.

§ 122.1 *Revenues and expenses.*[1] (a) Each and every Class I steam railway, excluding Class I switching and terminal companies, subject to the provisions of section 20, Part I of the Interstate Commerce Act be, and they hereby are, required to file monthly reports of revenues and expenses in accordance with the form of report which is attached hereto and made a part of this order. Such monthly reports shall be made under oath, and filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before the twenty-sixth day of the month next succeeding the month for which made. (Sec. 20, 24 Stat. 386; sec. 7, 34 Stat. 593, 35 Stat. 649; sec. 14, 36 Stat. 555; sec. 1, 38 Stat. 1196, 39 Stat. 441; secs. 434-438, 41 Stat. 493, 494; 49 U.S.C. 20 (1)-(10))

It is further ordered, That this order shall become effective as of January 1, 1943, and continue in effect until further order of this Commission.

By the Commission, division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-11672; Filed, November 9, 1942; 10:49 a. m.]

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[1] 7 F.R. 6583, 6587, 8565, 8714.

[1] Report form filed as part of the original document. Copies may be obtained from the Commission.

Chapter II—Office of Defense Transportation

[General Permit ODT 24-3]

PART 520—CONSERVATION OF RAIL EQUIPMENT—EXCEPTIONS AND PERMITS

SUBPART D—PASSENGER TRAIN OPERATIONS

In accordance with the provisions of Title 49, Chapter II, Part 500, Subpart D, (General Order ODT 24,[1]) § 500.42, of the Code of Federal Regulations, it is hereby authorized, that:

§ 520.602 *Certain operations authorized.* Notwithstanding the provisions of paragraphs (b) and (c) of § 500.41 of General Order ODT 24, any rail carrier may operate:

(a) An extra or special passenger train or a passenger train which is not scheduled for the purpose of transporting property and employees of any commercial telegraph company when necessary to permit the inspection, repair, or installation of property belonging to any such telegraph company and which is located upon the right-of-way of a rail carrier; or

(b) A passenger train the consist of which includes a car chartered, or the use of which by prior arrangement is restricted, to such persons traveling together as a group as may be designated by a commercial telegraph company, when necessary to permit the inspection, repair, or installation of property belonging to any such telegraph company and which is located upon the right-of-way of a rail carrier.

This general permit shall become effective on November 9, 1942, and shall remain in full force and effect until further order.

Issued at Washington, D. C., this 9th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-11676; Filed, November 9, 1942; 11:13 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

[Docket No. C-20]

COLUMBIA STEEL COMPANY

ORDER WITHDRAWING APPLICATION

Bituminous Coal Division.

In the matter of the application of Columbia Steel Company for exemption pursuant to section 4-A of the Bituminous Coal Act of 1937.

On October 27, 1942, Columbia Steel Company requested that its application for exemption in the above-entitled matter be withdrawn and advised that it was accepting membership in the Bituminous Coal Code.

Now, therefore, it is ordered, That the application for exemption in Docket No. C-20 be, and it hereby is, deemed withdrawn as of the date of this Order.

Dated: November 6, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11608; Filed, November 7, 1942; 10:31 a. m.]

[Dockets Nos. A-1706, A-1707, A-1708]

LILLYBROOK COAL COMPANY ET AL.

ORDER OF CONSOLIDATION AND DENYING TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

In the matter of the petitions of Lillybrook Coal Company, C. H. Mead Coal Company, and Leccony Smokeless Fuel Company for a change in the established minimum price of refuse coal produced at Mine Index Nos. 94, 117, and 21, District No. 7.

Original petitions, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named parties requesting temporary and permanent lower effective minimum prices for refuse coal produced at Mine Index Nos. 94, 117, and 21 in District No. 7; and

It appearing that the above-entitled matters raise similar and related issues and that insufficient facts have been presented for the granting of temporary relief herein without a hearing;

It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That the request for temporary relief be, and the same hereby is, denied without prejudice to the renewal of such request for temporary relief, upon further showing or upon the basis of the record to be made at the hearing to be held herein.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 30, 1942, at 10:00 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petitions is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 25, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petitions, other matters necessarily incidental and related thereto, which may be raised by amendment to the petitions, petitions of intervention or otherwise, or which may be necessary corollaries to relief, if any, granted on the basis of these petitions.

The matter concerned herewith is in regard to petitions filed with the Division by Lillybrook Coal Company, C. H. Mead Coal Company and Leccony Smokeless Fuel Company requesting that the effective minimum price for refuse coal for Mine Index Nos. 94, 117, and 21, District No. 7, of $1.10 per net ton f. o. b. the mine for shipment to Appalachian Electric Power Company at Glen Lyn, Virginia, and the Virginia Railway Company at Narrows, Virginia, be reduced to 90 cents per net ton f. o. b. the mine which was the effective minimum price prior to the Acting Director's Order of August 28, 1942, in General Docket No. 21.

Dated: November 7th, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11686; Filed, November 9, 1942; 11:29 a. m.]

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[1] 7 F.R. 7814.

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Agency.

Cotton Marketing Quota Referendum

TIME AND PLACE FOR BALLOTING, ETC.

In view of the fact that the Secretary of Agriculture of the United States on November 6, 1942, determined and proclaimed, pursuant to the provisions of section 345 of the Act of Congress known as the Agricultural Adjustment Act of 1938, that the total supply of cotton for the marketing year beginning August 1, 1942, exceeds by more than 7 percent the normal supply[1] thereof for such marketing year, a referendum, by secret ballot, of farmers who were engaged in the production of cotton in 1942, will be held on December 12, 1942, pursuant to section 347 of said Act and in accordance with the referendum regulations prescribed by the Secretary of Agriculture, to determine whether they favor or oppose cotton marketing quotas on the 1943 cotton crop.[2]

If two-thirds or more of the cotton farmers voting in the referendum favor cotton marketing quotas, the cotton marketing quotas established pursuant to the provisions of said Act will be in effect for the 1943 cotton crop. If more than one-third of the cotton farmers voting in the referendum oppose the cotton marketing quotas, the quotas will not be in effect in 1943.

Eligibility to Vote

1. Farmers who were engaged in the production of cotton in 1942 as owner-operator, cash tenant, standing-rent or fixed-rent tenant, or landlord of a share tenant, or as share tenant or sharecropper are eligible to vote (except as provided in paragraph 2 below).

2. Since the Act provides that marketing quotas are not applicable to cotton the staple of which is 1½ inches or more in length, a person who was engaged in the production of such cotton in 1942 shall not be eligible to vote unless he was also engaged in the production of cotton in 1942 the staple of which was less than 1½ inches in length.

3. No cotton farmer (whether an individual, partnership, corporation, firm, association, or other legal entity) shall be entitled to more than one vote in the referendum, even though he may have been engaged in 1942 in the production of cotton on two or more farms or in two or more communities, counties, or States.

4. In case several persons, such as husband, wife, and children, participated in the production of cotton in 1942, under the same rental or cropping agreement or lease, only the person or persons who signed or entered into the rental or cropping agreement or lease shall be eligible to vote.

5. In the event two or more persons engaged in producing cotton in 1942 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person is entitled to vote.

6. There shall be no voting by proxy, or agent, or in any manner except the eligible voter personally depositing his ballot marked by him in the ballot box, but a duly authorized officer of a corporation, firm, association, or other legal entity, or duly authorized member of a partnership, may cast its vote. There shall be no voting by mail except that any eligible farmer who will not be present in the county in which he was engaged in the production of cotton in 1942 on the day of the referendum may obtain a ballot in the county in which he is located and cast his ballot by mailing it to the county office of the county in which he was a cotton producer in 1942 in time to reach that office before the polls are closed.

PLACE FOR BALLOTING

The place for voting in the referendum in the ------------------- community will be -------------------.

TIME

The polls, in accordance with the regulations for holding the referendum, shall be opened promptly at -- o'clock a. m. and closed promptly at -- o'clock p. m. on Saturday, December 12, 1942, local standard war time.

(Signatures of members
of the County Agricultural Conservation
Committee)

Issued ----------------, 1942.

Done at Washington, D. C., this 6th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-11628; Filed, November 7, 1942; 12:06 p. m.]

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[1] The Agricultural Adjustment Act of 1938 defines "normal supply," in the case of cotton, as a normal year's domestic consumption and exports plus 40 per centum of a normal year's domestic consumption and exports as an allowance for a normal carry-over.

[2] Post a copy of this notice at one or more public places within each community at least 10 days in advance of the date of the referendum.

DEPARTMENT OF LABOR.

Wage and Hour Division.

Handling of Eggs in Certain States

OPPORTUNITY TO PETITION FOR REVIEW OF DETERMINATION

Notice of opportunity to petition for review of the determination denying the application for exemption of the procuring, hauling, handling, cooling, candling, grading, packing, and shipping of eggs in the States of Iowa, Minnesota, North Dakota, and South Dakota from the maximum hours provisions of the Fair Labor Standards Act of 1938 as an industry of a seasonal nature.

Whereas, an application was filed by sundry parties for exemption of the procuring, hauling, handling, cooling, candling, grading, packing, and shipping of eggs in the States of Iowa, Minnesota, North Dakota, and South Dakota from the maximum hours provisions of the Fair Labor Standards Act of 1938 pursuant to section 7 (b) (3) of the Act and Part 526, as amended, of the regulations issued thereunder; and

Whereas, the Administrator of the Wage and Hour Division gave notice of a public hearing to be held at Hotel Nicollet, Minneapolis, Minnesota, on February 10, 1942 before Mr. Marshall S. Spaulding, a duly authorized representative of the Administrator, who was authorized to take testimony, hear argument, and determine:

Whether the procuring, hauling, handling, cooling, candling, grading, packing, and shipping of eggs in the States of Iowa, Minnesota, North Dakota, and South Dakota constitutes a separate branch of the egg industry and is of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 as amended of the regulations issued thereunder, and if so the appropriate limits of that branch of the industry; and

Whereas, following such hearing the said representative of the Administrator duly made his findings of fact and determined as follows:

1. Although comprehensive data are not available, it appears that many establishments engaged in procuring, hauling, handling, cooling, candling, grading, packing, and shipping of eggs in the States of Iowa, Minnesota, North Dakota, and South Dakota receive for packing 50 percent or more of their total annual receipts of eggs during a period of 14 weeks each year.

2. For the country as a whole, establishments engaged in the procuring, hauling, handling, cooling, candling, grading, packing, and shipping of eggs receive less than 50 percent of their total annual receipts of eggs during the peak 14 weeks of the year.

3. Egg handling establishments, wherever located, carry on the same or similar operations and compete for the same markets in various parts of the country.

4. A large proportion of the establishments which engage in these egg handling operations also engage in handling poultry or dairy products and in other operations. Any one or more of these activities are carried on substantially throughout the year; the peak activity in egg handling occurring in the spring and the peak activity in the handling of poultry occurring in the summer and fall. With very few exceptions, the same employees are used to carry on all these operations.

5. The procuring, hauling, handling, cooling, candling, grading, packing, and shipping of eggs in the States of Iowa, Minnesota, North Dakota, and South Dakota does not constitute a separable branch of the egg handling industry within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and Part 526 of the regulations issued thereunder.

6. The procuring, hauling, handling, cooling, candling, grading, packing, and shipping of eggs in the States of Iowa, Minnesota, North Dakota, and South Dakota is not an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 of the regulations.

The application is denied; and

Whereas, said findings and determination were duly filed with the Administrator on October 29, 1942, at the National Office of the Wage and Hour Division, 165 West 46th Street, New York, New York, and are available for examination by all interested parties;

Now, therefore, pursuant to the provisions of § 526.7 of the aforesaid regulations notice is hereby given that any person aggrieved by the said determination may within fifteen days after the date this notice appears in the FEDERAL REGISTER file a petition with the Administrator at the National Office of the Wage and Hour Division requesting that he review the action of the said representative upon the record of the hearing. Such petition shall set forth the grounds upon which the petition for review is based.

Signed at New York, New York, this 4th day of November, 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-11609; Filed, November 7, 1942; 11:21 a. m.]

Veronica Dress Company

CANCELLATION OF LEARNER EMPLOYMENT CERTIFICATE

Notice of cancellation of Special Certificate for the employment of learners in the single pants, shirts, and allied garments and women's apparel industries.

Notice is hereby given that the special certificate for the employment of learners, dated December 11, 1941, authorizing the employment of no more than six (6) learners at any one time between December 15, 1941 and December 15, 1942, issued to the Veronica Dress Company of Dickson City, Pennsylvania, has been ordered cancelled as of the first date of violation because of the violation of its terms.

The order of cancellation shall not become effective and enforceable until after the expiration of a fifteen day period following the date on which this notice appears in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any directly interested and aggrieved party pursuant to § 522.176 of the Regulations. If a petition is properly filed the effective date of the order of the cancellation shall be postponed until final action is taken on the petition.

Signed at New York, New York, this 6th day of November 1942.

ISABEL FERGUSON.
*Duly Authorized Representative
of the Administrator.*

[F. R. Doc. 42-11674; Filed, November 9, 1942; 10:55 a. m.]

Learner Employment Certificates

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective November 9, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

Name and Address of Firm, Industry, Product, Number of Learners and Expiration Date

Apparel

Peasinger Bros., 1801 Harney St., Omaha, Nebraska; Men's & boys' clothing; 1 learner (T); November 9, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Alabama Textile Products Corp., Riverfalls St., Andalusia, Alabama; Shirts, men's shorts; 10 percent (T); November 9, 1943.

R. J. Beals & Co., 171 Pleasant St., Malden, Massachusetts; Ladies' neckwear; 2 learners (T); November 9, 1943.

Betty Jane Frocks, Kentucky & Hunt Sts., McKinney, Texas; Ladies' dresses; 10 learners (T); November 9, 1943.

Blue Buckle Overall Co., Inc., 14th & Kemper St., Lynchburg, Virginia; Overalls, dungarees, jackets, army trousers and barrack bags; 10 percent (T); November 9, 1943.

Chic-Form Mfg. Co., 333 S. Market St., Chicago, Illinois; Brassieres, girdles and garter belts; 3 learners (T); November 9, 1943.

The Crown Overall Mfg. Co., Third, Plum & McFarland Sts., Cincinnati, Ohio; Trousers, jackets, suits, blouses, overalls, shirts, dungarees, army & navy trousers and jackets, army jungle suits, ordnance plant trousers and shirts; 10 percent (T); November 9, 1943.

Cumberland Rainwear Co., Broad St., Jellico, Tennessee; Mackinaws, sport jackets; 5 learners (T); November 9, 1943.

Durable Sportwear Co., Inc., 47 Broadway, Lynbrook, New York; Men's & boys' cotton jackets, leather jackets, U. S. Army cotton jackets—wool lined; 10 learners (T); November 9, 1943.

Ely & Walker Dry Goods Co., 16th & Locust Sts., St. Louis, Missouri; Men's robes and neckwear; 10 learners (T); November 9, 1943.

The Emaus Shirt Co., Inc., Elm & Moyer Sts., Emmaus, Pennsylvania; Shirts; 10 percent (T); November 9, 1943.

Even Pul Foundations, Inc., 321 Main St., East Rutherford, New Jersey; Foundation garments; 10 learners (T); November 9, 1943.

H. B. Glover Co., 480–498 Iowa St., Dubuque, Iowa; Men's shirts, pajamas and coats; 10 percent (T); November 9, 1943. (This certificate replaces the one for 5 learners bearing the expiration date of December 4, 1942).

Golden Crown Shirt Co., 230 North 7th St., Bangor, Pennsylvania; Army officer's shirts; 10 percent (T); November 9, 1943.

Greenspoon Clothing Co., Inc., 1232 Washington Ave., St. Louis, Missouri; Men's coats; 2 learners (T); November 9, 1943.

Highland Art Embroidery Co., 5315 Butler St., Pittsburgh, Pennsylvania; Ladies' pinafore aprons, stamped goods for embroidery; 2 learners (T); November 9, 1943.

Honesdale Garment Co., Inc., 14th St., Honesdale, Pennsylvania; Women's & misses' sport dresses; 10 learners (T); November 9, 1943.

Laros Textiles Co., Bethlehem, Pennsylvania; Ladies' woven & knitted underwear; 10 percent (T); November 9, 1943.

Sedlis Mfg. Co., 467 Roosevelt Ave., Central Falls, Rhode Island; Cotton dresses; 10 percent (T); November 9, 1943.

Andrew Mochi Gown Co., 40–43 West 19th St., Bayonne, New Jersey; Pajamas and gowns; 4 learners (T); November 5, 1943 (This certificate became effective November 5, 1942).

Morgan Shirt Co., Inc., Morgantown, West Virginia; Dress shirts, pajamas, army shirts; 10 percent (T); November 9, 1943.

Neptune Garment Co., 116 Harrison Ave., Boston, Massachusetts; Weatherproof garments; 5 learners (T); November 9, 1943.

Saul-Klenberg Co., 236 Nelson St., S. W., Atlanta, Georgia; Rayon & cotton ladies' dresses; 10 percent (T); November 9, 1943.

Shriner Mfg. Co., Woodsboro, Maryland; Men's pants; 10 learners (T); November 9, 1943.

Shriner Mfg. Co., Union Bridge, Maryland; Pajamas; 5 learners (T); November 9, 1943.

Skyline Mfg. Co., Inc., Pine Grove Ave., Kingston, New York; Children's overalls, slacks, shorts; 10 percent (T); November 9, 1943.

Stratford Lingerie, Inc., 1–6 High St., Morristown, New Jersey; Slips; 3 learners (T); November 9, 1943.

Susquehanna Waist Co., 505 Wood St., Philadelphia, Pennsylvania; Ladies' blouses and shirt waists; 10 learners (T); November 9, 1943.

I. Taitel & Son, 525 N. Center St., Bremen, Indiana; Men's & boys' long pants, breeches and knickers; 5 learners (T); November 9, 1943.

Wachusett Shirt Co., Summer St., Leominster, Massachusetts; Shirts, pajamas and shorts; 10 percent (T); November 9, 1943.

B. Weiss Garment Mfg. Co., 1515 N. 7th St., Philadelphia, Pennsylvania; Ladies' & children's aprons; 3 learners (T); November 9, 1943.

White Fabric Co., 1954 University Ave., St. Paul, Minnesota; Nurses' white uniforms; 3 learners (T); November 9, 1943.

Wide Awake Shirt Co., Inc., 2047 Kutztown Rd., Reading, Pennsylvania; Shirts; 10 percent (T); November 9, 1943. (This certificate replaces the one for 5 percent, bearing the expiration date of January 26, 1943).

Cigar

Bayuk Cigar Co., 10th & Bainbridge Sts., Philadelphia, Pennsylvania; Cigars; 10 percent (T); November 8, 1943; Hand cigar stripper to have learning period of 160 hours at 75 percent of the applicable minimum wage.

Glove

Milwaukee Glove Co., 807 S. 14th St., Milwaukee, Wisconsin; Leather dress and work gloves; 5 learners (T); November 9, 1943.

Hosiery

Grey Hosiery Mills, 305 Fourth Ave. E., Hendersonville, North Carolina; Full-fashioned hosiery; 5 percent (T); November 9, 1943.

H. R. H. Silk Hosiery Mills, Inc., 1127 N. Morley St., Moberly, Missouri; Seamless hosiery; 5 learners (T); November 9, 1943.

Wm. G. Leininger Knitting Co., Komet Plant, Mohnton, Pennsylvania; Seamless hosiery; 5 learners (T); November 9, 1943.

Thornton Knitting Co., Denton, North Carolina; Seamless hosiery; 10 learners (E); July 9, 1943.

Varina Knitting Co., Varina, North Carolina; Seamless hosiery; 5 learners (T); November 9, 1943.

Vestal Mills, Inc., Jackson St., Athens, Tennessee; Seamless hosiery; 5 learners (T); November 9, 1943.

Wayne Knitting Mills, 641 Knitters Ave., Fort Wayne, Indiana; Full-fashioned hosiery; 5 percent (T); November 9, 1943.

Telephone

Florida Telephone Corp., 200 Third St., Leesburg, Florida; To employ learners as commercial switchboard operators at its Leesburg Exchange located at 200 Third St., Leesburg, Florida; (T); November 9, 1943.

Florida Telephone Corp., Leesburg, Florida; To employ learners as commercial switchboard operators at its 213 East Broadway Exchange, located at Ocala, Florida; (T); November 9, 1943.

Textile

Berwick Weaving, Inc., Washington & Sycamore Sts., Berwick, Pennsylvania; Nylon parachute cloth and rayon piece goods; 3 learners (T); November 9, 1943.

Roselin Mfg. Co., Inc., 95 Milk St., Willimantic, Connecticut; Woven & braided narrow fabrics; 3 percent (T); November 9, 1943.

Lanning Bag & Specialty Co., 205 Front St., Harvard, Illinois; Cotton cloth bags; 3 learners (T); November 9, 1943.

W. Warren Thread Works, So. Broad St., Westfield, Massachusetts; Spool cotton and sewing thread; 3 learners (T); November 9, 1943.

Signed at New York, N. Y., this 7th day of November 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42–11673; Filed, November 9, 1942; 10:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6437]

KMTR RADIO CORPORATION

NOTICE OF HEARING

In re application of KMTR Radio Corporation (KMTR), dated January 5, 1942, for renewal of license, class of service, broadcast; class of station, broadcast; location, Los Angeles, California; operating assignment specified: Frequency, 570 kc; power, 1 kw; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine the qualifications of the applicant, its officers, directors and stockholders, to continue the operation of Station KMTR.
2. To determine whether the rights granted KMTR Radio Corporation, as licensee of Station KMTR, have without the consent of this Commission, been transferred, assigned, or otherwise disposed of in violation of section 310 (b) of the Communications Act of 1934, as amended.
3. To determine the manner in which programs of Station KMTR are produced and the amount of attention and supervision given to the same.
4. To determine the extent to which the applicant exercises control and supervision over the operation of Station KMTR.
5. To determine whether the information supplied by the applicant in response to Broadcast Division Order No. 2, Rule 340.01 (both formerly in force and effect) and § 43.1 of the Federal Communications Commission Rules is true and accurate.
6. To determine whether, in view of the facts adduced under the foregoing issues, the granting of this application would serve public interest, convenience or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: KMTR Radio Corporation, Radio Station KMTR, 1000 Cahuenga Boulevard, Los Angeles, California.

Dated at Washington, D. C., November 5, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42–11670; Filed, November 9, 1942; 10:34 a. m.]

[Docket No. 6166]

DELTA BROADCASTING COMPANY, INC. (WQBC)

NOTICE OF HEARING

In re application of Delta Broadcasting Company, Inc. (WQBC), dated May 7, 1941, for modification of license, class of service, broadcast; class of station, broadcast; location, Vicksburg, Mississippi; operation assignment specified; frequency, 1,470 kc.; power, 500 w. night; 1 kw. day; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application will be consistent with the Commission's Memorandum Opinion of April 27, 1942.
2. To determine the areas and populations which may be expected to gain primary service should Station WQBC operate as proposed and what other broadcast service is available to these areas and populations.
3. To determine the areas and populations which may be expected to lose primary service should Station WQBC operate as proposed and what other broadcast service is available to these areas and populations.

4. To determine the extent of any interference which would result from the simultaneous operation of Station WQBC as proposed and Stations WBIG and WMBD.
5. To determine the areas and populations which may be expected to lose primary service, particularly from Stations WBIG and WMBD, should Station WQBC operate as proposed and what other broadcast service is available to these areas and populations.
6. To determine whether, in view of the facts adduced under the foregoing issues, the granting of the application would serve public interest, convenience or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Delta Broadcasting Company, Inc., Radio Station WQBC, Hotel Vicksburg, Corner Clay and Walnut Streets, Vicksburg, Mississippi.

Dated at Washington, D. C., November 6, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42–11669; Filed, November 9, 1942; 10:34 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 235]

84.37% OF THE PREFERRED STOCK AND 86.81% OF THE COMMON STOCK OF DENOBILI CIGAR COMPANY

Under the authority of the Trading with the enemy Act, as amended,[1] and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> 17,912 shares of $25 par value third preferred capital stock and 13,022 shares of $50 par value common capital stock (which constitute substantial parts, namely, 84.37% and 86.81%, respectively, of all outstanding shares of preferred and common stock) of DeNobili Cigar Company, a New York corporation, Long Island Ci' New York, which is a business enterprise within the United States, the names and last known addresses of the registered owners of which, and the number of shares of each class owned by them respectively, are set forth in Exhibit A attached hereto and made a part hereof,

is property of nationals, and represents control of said business enterprise which is a national, of a designated enemy country (Italy), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 14, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

30,934 shares of the capital stock of DeNobili Cigar Company, the names and last known addresses of the registered owners of which, and the number and class of shares owned by them, respectively, are as follows:

Name	Last known address	Number of shares	
		Common stock	6 percent cumulative preferred stock
Giuseppina Borghini Azzolini	2 Via Mascardi, Roma, Italy	51	30
Banca Commerciale Italiana	Carrara, Italy	10	20
Anna Costa Bergalli	2 Piazzale Mazzini, Genova, Italy	35	36
Alfonso Bertoni	12 Corso Italia, Genova, Italy	74	52
Amelia Bertieri Bertoni	1 Via Casargis, Genova, Italy		266
Ernesto Bertoni	37 Via XX Settembre, Genova, Italy	36	86
Furio Bertoni	1 Via Casargis, Genova, Italy	185	124
Giovanna Gemma Bertoni	1 Via Casargis, Genova, Italy	179	138
Maria Luisa Bertoni	1 Via Casargis, Genova, Italy	179	120
Adriana Bigi	42 Viale Coccarini, Rioione, Italy	50	74
Francesco Boccalandro	35 Via s. s. Giacomo e Filippe, Genova, Italy	25	30
Zelindo Bonacini	38 Via Canaceto, Modeno, Italy	2	71
Alfonso Borri	Pontelungo Pistoiese, Firenze, Italy	40	
Maria Luisa Pardo Borri	12 Via Bonifacio Lupi, Firenze, Italy	30	108
Dino Borri	Casaluidi per Vinacciano, Pistoia, Italy	30	
Ludovina Braglia	107 Via Castiglione, Bologna, Italy		70
Angelo Brichetto	37 Via XX Settembre, Genova, Italy	50	60
Elena Quaglia Brignani	3 Via Principe Amedeo, LaSpezia, Italy	50	60
Eugenia Bianchi Brignani	6 Via Chiodo, LaSpezia, Italy	20	200
Giuseppe Brunetti	20 Via Bizza, Genova, Italy	100	230
Marcella Orlando Bruno	4 Via Dante, Milano, Italy	18	14
Fratelli Bruzzo	Via 30, XX Settembre, Genova, Italy		210
Attillio Bruzzone	2 Piazza Corvetto, Genova, Italy	125	110
Mario Bruzzone	2 Piazza Corvetto, Genova, Italy	30	30
Carlo Bussola	Piscosa S. Pietro. aidue Frati a pasillipo, Napoli, Italy.	10	24
Ugo Calabi	47 Viale Matiri Fascist, Roma, Italy	25	23
Agostino Canale	104 Palazzo Nuova Borea, Genova, Italy	120	162
Maria Canale	1 A, Viale Mojon, Genova, Italy	30	40
Pia Capparoni	2 Via, Principe Amedeo, LaSpezia, Italy	100	90
Enrichetta Capurro	10 Viale Mosto, Genova-Skurla, Italy	20	39
Ernesto Carpanani	3 Via Fieschi, Genova, Italy	25	262
Alessandri Cassini	13 Corso Solferini, Genova, Italy	100	80
Ernesto Cassini	13 Corso Solferini, Genova, Italy	100	110
Gaetano Cassini	13 Corso Solferini, Genova, Italy	105	70
Irene Montefieri Cavalieri	2 Via Giulio Caccini, Roma, Italy		50
Adriana Misciattelli Ceci	5 Piazza Venezia, Roma, Italy	100	
Maria Ceci	8 Via Ofanto, Roma, Italy	25	40
Carlo Massimo Chiappe	1 Via David Chiossone, Genova, Italy	12	30
Domenico Boccardi	12 Piazza Soziglia, Genova, Italy	20	39
Maria Teresa Chiappe	Palazzo Vaire, Alassio, Italy	12	36
Violante Ciano	24 Via Montebello, Livorna, Italy	50	40
Libera Levi Civita	50 Via Sardegna, Roma, Italy	10	20
Paola Codeglia	Piazza Cavour, LaSpezia, Italy	50	60
Laura Bingen Cohen	C/o Credito Italiano, Roma, Italy	10	20
Giorgio Colombo	25 Via delle Murette, Roma, Italy		60
Agostino Conte	60 Via Garbaldi, Genova (Cornigliano), Italy	25	22
Vicenzo Cosentini	A. Prigliano (Conzenza), Italy		80
Anna Maria De Amicis	68 Via San Frattaroso, Genova, Italy	20	10
Angelo De Ferrari	11 Via Roma, Genova, Italy	215	240
Gian Nicolo De Ferrari	11 Via Roma, Genova, Italy	45	10
Elizabetta Orlando De Orchi	Piazza Cacciatore della Alpi, Como, Italy	18	5
Anita de Pasquali	2 Via Cairoli, Genova, Italy	226	202
Enrico de Pasquali	2 Via Cairoli, Genova Italy	66	50

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[1] 7 F.R. 5205.

Name	Last known address	Number of shares	
		Common stock	6 percent cumulative preferred stock
Amedo de Scalzi	22 Via della Penna, Roma, Italy	21	20
Laura de Scalzi	22 Via della Penna, Roma, Italy	123	106
Luigi de Scalzi	22 Via della Penna, Roma, Italy	124	145
Maria Orlando del Bono	18 Via Leopardi, Milano, Italy	18	15
Ricardo del Frate	6 Vicola Mazzini, Roma, Italy	60	40
Giccomo De Medici Del Vascello	8 Piazza Filippo Corridoni, Genova, Italy	163	220
Giulia Ravano Della Cha	1 Via XX Settembre, Genova, Italy	20	
Adele Dodero	84 Via Felice Romani, Roma, Italy	12	20
Gio Batti Faggioni	44 Via dei Colli, La Spezia, Italy	100	118
Elisa Scartezzini Fontana	21 Via Duchessa Jolanda, Torino, Italy	99	
Pio Giuseppe Fassio	48 Via Assarati, Genova, Italy	25	30
Letitia Costa Furlanelli	2 Piazzale Mazzini, Genova, Italy	34	36
Angelo Galleto	8 Via Roma, Genova, Italy	167	390
Gio Batta Galleto	8 Via Roma, Genova, Italy	25	32
Edoardo Gambaro	13 Corso Solferini, Genova, Italy	75	70
Francesco Gambaro	13 Corso Solferini, Genova, Italy	75	100
Giuseppe Gambaro	13 Corso Solferini, Genova, Italy	160	120
Maria Gambaro	13 Corso Solferini, Genova, Italy	220	166
Ettora Maria Gargiolli	6 Via Brignole De Ferrari, Genova, Italy	25	22
Ruggero Schiff Giorgini	102 Via Po, Roma, Italy	30	30
Gio Batto Gnecco (Brecco)	37 Via Zara, Genova, Italy	97	
Instituto Ital. Creditto Marittimo	Genova, Italy	30	50
Instituto Ital. di Paericultura Montefiore.	Roma, Italy	25	9
Edgardo Lazzaroni	26 Via dei Lucchesi, Roma, Italy	85	
Bice Ottolenghi Lattes	22 Via Niza, Roma, Italy	13	21
Edoardo Lattes	22 Via Niza, Roma, Italy	14	35
Giorgio Lattes	22 Via Niza, Roma, Italy	14	15
Michele Lazzaroni	26 Via dei Lucchesi, Roma, Italy	30	94
Alfredo Lena	1 Via dei Colli, Spezia, Italy	20	
Leone Leone	2 Via Ponte Reale, Genova, Italy	43	590
Mario Levi	71 Via in Aricione, Roma, Italy	25	20
Vitorrio Levi	71 Via in Aricione, Roma, Italy	25	40
Luigi Lombard	14 Via Pandolfini, Firenze, Italy		40
Irma Orlando Maniscalco	18 Via Leopardi, Milano, Italy	18	25
Teresita Pastore Marchese	6 Via Corsica, Genova, Italy	13	61
Bianca Scartezzini Marengo	63 Corso Magenta, Genova, Italy		170
Teresa Quartieri Martellini	4 Via Enrico Toti, Milano, Italy	100	138
Angiolina Migone Massa	222 B. P. D. Casa-Segniper Colleferro, Roma, Italy		650
Ugo Massa	Viale Quartara, Genova-Quarto Roma, Italy	299	424
Flavio Misciattelli	c/o Banca d'America e d'Talia, Milano, Italy	100	
Ugo Mochi	2 Via Principe Amedo, LaSpezia, Italy	35	240
Giuseppino Mola	2 Via Principe Amedo, LaSpezia, Italy	90	
Virginia Gambaro Molfino	13 Corso Solferini, Genova, Italy	250	240
Maria Ovasza Momigliano	1 Piazza Carlo Emanuele II, Torino, Italy	10	24
Italia Nadaletto	1 Via Duca d'Aosta, Padova, Italy	13	57
Giulia Oberti Origone	15 Via Panigalli, Padova, Italy	17	42
Giuseppe Orlando	18 Via Leopardi, Milano, Italy	18	34
Luigi Orlando	17 Via Marsala, Brescia, Italy	17	30
Paolo Orlando	4 Via Dante, Milano, Italy	18	34
Salvatore Orlando	18 Via Leopardi, Milano, Italy	17	22
Virginia Basevi Ovazza	36 Via Ludovisi, Roma, Italy	25	
Vittorio Padoa	22 Via Nicolo Macchiavelli, Trieste, Italy	10	20
Carola Parodi	37 Via Bosco, Genova, Italy	10	24
Ceasarino Saredo Parodi	41 Corso Torino, Genova, Italy	18	10
Elena Saredo Parodi	41 Corso Torino, Genova, Italy	18	20
Giacomo Parodi	37 Via Bosco, Genova, Italy	10	24
Laura Saredo Parodi	41 Corso Torino, Genova, Italy	18	30
Marcello Saredo Parodi	41 Corso Torino, Genova, Italy	19	28
Alfredo Passadore	10 Via Garibaldi, Genova, Italy	204	230
Augusto Passadore	10 Via Garibaldi, Genova, Italy	65	60
Adolfo Passagi	1 Palazzo Nuova Borsa, Genova, Italy	102	102
Armando Pastore	3 Poggio Giovane Italia, Genova, Italy	23	45
Stefano Pastore	29 Via Palestro, Genova, Italy	329	370
Elena Pavesi	33 Via Manin, Milano, Italy	25	42
Franco Pavesi	33 Via Manin, Milano, Italy	25	42
Angelo Pavia	23 Via XX Settembre, Milano, Italy	15	30
Umberto Perotto	33 Via XX Settembre, Milano, Italy	40	50
Leopoldo Ferrarini	Villa de Benedetti San Venerio, LaSpezia, Italy	51	42
Gabriella Picarelli	106 Corso Trieste, Roma, Italy	20	20
Angela Calabi Pileri	47 Via Martiri Fascisti, Roma, Italy	25	20
Giuliano Poggio	2 Via Principe Amedo, LaSpezia, Italy	138	206
Oreste Poggiolini	13 Piazza D'Azeglio, Firenze, Italy	36	
Anna Maria Foscari Poli	Palazzo Weidman, Venezia, Italy	10	25
Enrico Poli	19 Via Innocenzoni, Frugoni, Genova, Italy	20	50
Edoardo Pongiglione	1 Via Massimo D'Azeglio, LaSpezia, Italy	20	
Anna Maria Puccio	31 Via S.S. Giacomo e Filippo, Genova, Italy	15	20
Bianca Maria Puccio	31 Via S. S. Giacomo e Filippo, Genova, Italy	15	17
Rinaldo Puppo	10 Via Mosto, Genova, Stuota, Italy	20	20
Giovanni Quartieri	4 Enrico Toti, Milano, Italy	300	510
Ana Benvenuto Queirolo	25 Via A. M. Maragliano, Genova, Italy	30	30
Giovanni Queirolo	25 Via A. M. Maragliano, Genova, Italy	10	30
Tito Queirolo	41 Piazza Manin, Genova, Italy	55	90
Giuseppe Rahola	4 Lungoparco Gropallo, Genova, Italy	52	74
Agostino Ravano	39 Via Montallegro, Genova, Italy	25	32
Doro Rosetti	11 Corso Italia, Milano, Italy	25	50
Mary Oldoini Rossi	2 Via Galilei, LaSpezia, Italy	26	14
Maria Massa Sacerdote	Viale Quartera, Genova-Quarto, Italy	15	308
Riccardo Salvadori	9 Piazza Sallustro, Roma, Italy		106
Lugenio Scartezzini	63 Corso Magento, Genova, Italy	120	119
Giorgia Scartezzini	2 Via Jacopo Ruffini, Genova, Italy	125	110
Giovanna Bassi Scartezzini	2 Via Jacopo Ruffini, Genova, Italy	18	100
Maria Scartezzini	2 Via Jacopo Ruffini, Genova, Italy	125	150
Maria Scartezzini	63 Corso Magenta, Genova, Italy	120	130
Mario Scartezzini	2 Via Jacopo Ruffini, Genova, Italy	126	178
Unberto Scartezzini	63 Corso Magenta, Genova, Italy	120	100
Umberto, Maria, Eugenio Scartezzini	63 Corso Magenta, Genova, Italy	118	
Mario Scofferi	Alassio, Genova, Italy	13	39
Andreina Vignola Sermarini	la Viale Mojon, Genova, Italy	6	70
Adele Cassini Serra	13 Corso Solferini, Genova, Italy	100	100
Arturo Soria	19 Via Crescenzo, Roma, Italy	40	
Georgio Soria	12 Via Crescenzo, Roma, Italy	120	170
Emma Randone Tagliavini	C/o Banca Comm. Italiana, Napoli, Italy	25	10
Lina Taponeca	2 Corso Principe de Piemonte, Rapello, Italy	5	32
Giuseppe Tassara	6 Via Privata Piaggio, Genova, Italy	13	22
Antonio Tittoni	San Felice Ciereco, Roma, Italy	125	160
Guido Treves	167 Via Basaccio, Firenze, Italy	25	42
David Viale	32 Via XX Settembre, Genova, Italy	73	126
Maria Teresa Chiappe Viale	Palazzo Vairo, Alassio, Italy	37	50
Ottavio Villa	10 Salita S. Caterina, Genova, Italy	200	
Eugenio Zuccarini	84 Palazzo Nuova Borsa, Genova, Italy	15	20
Giuseppe Aldebrandi	32 Via Botteghe Oscure, Roma, Italy	25	20
Societa Svizzera "APE", holding for the benefit of Prospero DeNobili and family, Italian nationals.	1 Via Salita di Genzana, Lugano, Switzerland	1,726	360
Societa Svizzera "Vigilanza," holding for the benefit of Prospero DeNobili and family, Italian nationals.	1 Via Salita di Genzana, Lugano, Switzerland	1,239	3,322
Angelita Apricale	Salita Montaldo 9, Genova, Italy	3	
Gemma Apricale	Via Trieste 3, Genova, Italy	3	17
Erminia Apricale	Salita Montaldo 9, Genova, Italy	4	7
Camillo Artom	Via Margherita 17, Firenze, Italy	6	10
Eugenio Artom	Via Margherita 17, Firenze, Italy	6	10
Sara Ascarelli Weill	Via della Frezza 70, Roma, Italy	5	12
Ilda Chirico Arduino	Via Fillipo Palizzi 19, Napoli, Italy	4	2
Gugliemo Alvino	Via Francesco Carrera 207, Napoli, Italy	1	
Arnaldo Ascarelli	Via della Frezza 70, Roma, Italy	2½	
Adriana Ascarelli	Via della Frezza 70, Roma, Italy	2½	6
Antonietta Azzolini	Piazza Garibaldi 4, Sarzana, Italy		17
Umberto Balzi	Piazza Mare 4, Genova, Italy	10	10
Luigia Balzi Germani	Piazza Mare 4, Genova, Italy	10	10
Giuseppina Ballerini Marini	Via dei Celli 2, La Spezia, Italy	5	2
Roberto Bloch	Via degli Scipioni 165, Roma, Italy	10	10
Edoardo Bloch	Via degli Scipioni 165, Roma, Italy	5	2
Giorgio Bloch	Via degli Scipioni 165, Roma, Italy	5	12
Lidia Bondi	Via Antonio Scialoia 32, Roma, Italy	10	14
Alberto Bertoni	Via Casaregis 97, Genova, Italy	6	6
Mario Buffa	Via Bertolini 26, Roma, Italy	10	10
Francesco Bertolini	Via Duca di Genova, LaSpezia, Italy	5	
Carlo Borgarello	Via Surla, Genova, Italy	10	
Pier Luigi Bertagna	Via Ciro Menotti 25, Firenze, Italy	9	10
Paolo Bertagna	Via Ciro Menotti 25, Firenze, Italy	9	10
Francesco Beverini	Via Chiodo 5, LaSpezia, Italy		28
Fernando Bertoni	Via XX Settembre 37, Genova, Italy		4
Teresita Ceretti	Via XX Settembre 16, LaSpezia, Italy	10	
Elia Conzi	Corso Montegrappa 16, Genova, Italy	2	4
Luisa Coen Erriquez	Via Sardegna 50, Roma, Italy	5	12
Vittorio Cauvin	Piazza San Matteo 15, Genova, Italy	15	
Luisa Delfino Bagliano	Via Indipendenza 58, Bologna, Italy		30

Name	Last known address	Number of shares	
		Common stock	6 percent cumulative preferred stock
Federigo Erriquez	Via Sardegna 50, Roma, Italy	5	10
Bianca Maria Marvaldi	Via Oliveto 2, Genova-Quarto, Italy		18
Roberto Funaro	Via Roma 10, Livorno, Italy	6	4
Maria Franchecti Padovani	Via Fucino 31, Roma, Italy	5	
Maria Giuitta	Corso Montograppa 16, Genova, Italy	3	7
Vittoria Grimaldi	Passeggiata della Cipetta 19, Roma, Italy	2	
Angella Grassi Gennarini	Piazzale Mazzini 2, Genova, Italy	6	6
Anna Maria Grassi	Piazzale Mazzini 2, Genova, Italy	6	5
Enrico F. Grassi	Piazzale Mazzini 2, Genova, Italy	5	6
Instituto Italiano Credito	Roma, Italy	10	
Vittorio Mola	Principe Amedeo 2, LaSpezia, Italy	10	
Adelaide Manni	Via A. Terlonia 2, Roma, Italy	5	2
Giovanni Miragoli	Via Lungo Tevere 27, Roma, Italy	5	
Giorgio Medina	Via XX Settembre 37, Genova, Italy	3	
M. Medina	San Sebastiano 15, Genova, Italy	2	
Carlo Carli	Viale Marrara 30, Livorno, Italy	15	
Gian Fillipo Carettoni	Via Boncompagni 16, Roma, Italy	10	4
Luca Caffarena	Via Martin Piaggio, Genoa, Italy	10	10
Riccardo Cavalleroni	Via Roma 8, Genova, Italy	10	
Eugenio Chiappe	Via Lavide Chiossone 1, Genova, Italy		26
Umberto Cataldi	Via Scarlatti 4, Roma, Italy		2
Maria Costa Staricco Canepa	Piazza Mazzini 2, Genova, Italy	8	9
Terenzio Del Chicca	Via Palestro 3, LaSpezia, Italy	5	
Giuseppina De Bellegarde	Via dei Colli 4, LaSpezia, Italy	5	2
Gio Batta Da Pozzo	Principe Amedeo 4, LaSpezia, Italy	6	10
Giovanni Da Pozzo	Viale Mazzini 3, LaSpezia, Italy	5	10
Giuseppe De Ferrari	Via Azzaretti 46, Genova, Italy	7	10
Giacomo De Ferrari	Via Azzaretti 56, Genova, Italy	6	
Mario Daglio	Discesa San Siro 12, Genova, Italy	3	23
Gladys De Riseis	Via Serra 3, Genova, Italy		9
Giuseppina Migone	San Fruttuoso, Genova, Italy	2	
Maria Mosso Treves	Via Canova 21, Milano, Italy	5	
Irene Muzio	Piazza Manin 41, Genova, Italy	5	
Teresita Marmori	XX Settembre 13, LaSpezia, Italy	15	
Francesco Mazzotti	Piazza Castello 28, Milano, Italy		30
Angelica Mazzotti	Piazza Castello 28, Milano, Italy		2
Adele Maria Marengo	Viale Magento 2, Genova, Italy		10
Anna Marazza	Piazza San Leonardo 1, Pallanza, Italy		10
Maria Marazza	Piazza San Leonardo 1, Pallanza, Italy		20
Giovanni Marmori	XX Settembre 16, LaSpezia, Italy		20
Angelo Nizza	Via Corsica 2, Genova, Italy	12	4
Giacomo Nissim	Viale Landini 14, Firenze, Italy	13	10
Nina Ottolenghi Levi	San Marco 515, Venezia, Italy	10	4
Franco Oliva	Via Chiodo 15, LaSpezia, Italy	5	
Bice Oldoini Rossi	Galileo Galilei 2, LaSpezia, Italy	7	7
Livietta Ollandini	Via San Vito 4, Genova, Italy		10
Adele Puccio Lauricella	Via Santi Giacomo de Filippo, Genova, Italy		20
Elvira Paoletti Chappini	Via Emilia 24, Roma, Italy		3
Alberto Pongilione	Via Massimo d'Azeglio 21, LaSpezia, Italy	5	2
Paolo Pontremoli	XX Settembre 62, LaSpezia, Italy	5	
Bice Paganini Bertolini	Via Dei Mille, 15, LaSpezia, Italy	5	10
Eligio Pensa	Via Palagi 10, Milano, Italy	7	
Amalia Paganini	Via Genova, LaSpezia, Italy	5	2
Elena Pontremoli	Via Vittorio Veneta 9, LaSpezia, Italy	5	2
Lea Savio	Via delle Alpi 17, Roma, Italy	10	19
Maria Gialo Savio	Via delle Alpi 17, Roma, Italy	10	9
Nereo Sciarretta	San Sebastiano 15, Genova, Italy	5	
Leone Sonino	Via Carducci 4, Roma, Italy	10	10
Alberto Sonnino	Lunge Tevere 1, Roma, Italy	3	
G. B. Costa Staricco	Piazzale Mazzini 2, Genova, Italy	9	9
Gerolamo Costa Staricco	Piazzale Mazzini 2, Genova, Italy	9	8
Giuseppe Costa Staricco	Piazzale Mazzini 2, Genova, Italy	8	9
Francesco Staricco	Piazzale Mazzini 2, Genova, Italy	11	12
Giorgio Costa Staricco	Piazzale Mazzini 2, Genova, Italy	12	12
Mario Alberto Staricco	Piazzale Mazzini 2, Genova, Italy	11	12
Baccio Tassara	Tre Monumenti, Terni, Italy	13	10
Teresa Tassara Cipollini	Corso Vittorio Emanuele 121, Napoli, Italy	13	10
Antonio Tavoni	Vignola (Modena) Italy	4	8
Luigi Vignolo	Corso Firenze 6, Genova, Italy	5	
Angelo Viglienzoni	Via Adamo Centurione, Genova, Italy		34
Bianca Raffo	Deiva-LaSpezia, Italy	4	10
Eugenio Raffo	Via Cesare Cabella, Genova, Italy	4	
Gaetana Rasponi	Via Boncompagna 14, Roma, Italy	5	10
Domenico Ramognino	Via F. Crispi 10, Roma, Italy	5	
Carlo Rubatto	Salita Montaldo 9, Genova, Italy		36
Ninny Racah Soria	Via Properzio 6, Roma, Italy		2
Agostino Saredo Parodi	Via Marcello Durazzo 1, Genova, Italy	10	10
Alfredo Pensa	Via Trieste 3, Genova, Italy		5
Maria Luisa Guirlo Poli	Via A. M. Maraglian, Genova, Italy	10	
Elena Poli	Via A. M. Maraglian, Genova, Italy	10	10
Alberto Paoletti	Corso Firenze 39, Genova, Italy	6	
Elena Queirolo	Piazza Manin 41, Genova, Italy	5	
Alberta Queirolo	Piazza Manin 41, Genova, Italy	5	10
Jole Robson	La Rinchiostra, Massa, Italy	10	4
Total		13,022	17,912

[F. R. Doc. 42-11563; Filed, November 6, 1942; 11:30 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Suspension Order 154]

WILLARD M. BLODGETT

ORDER RESTRICTING TRANSACTIONS

Willard M. Blodgett, Fitzwilliam, New Hampshire, hereinafter called respondent, was duly served with a notice of specific charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice, a hearing upon the charges was held on September 25, 1942, in Concord, New Hampshire. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been duly considered by the Deputy Administrator,

It is hereby determined that:

(a) Respondent is a dealer in gasoline within the meaning of Ration Order No. 5A, Gasoline Rationing Regulations.

(b) Respondent has violated § 1394.1503 of Ration Order No. 5A, Gasoline Rationing Regulations, in that on August 17, 1942, and on at least one other occasion between July 22 and August 17, 1942, in Fitzwilliam, New Hampshire, respondent transferred five gallons of gasoline to a private consumer and into the fuel tank of a private passenger automobile without requiring the presentation of a gasoline ration coupon book and on each occasion respondent received in exchange for the transfer a gasoline ration coupon Class S.

Because of the great scarcity and critical importance of gasoline in the New Hampshire area, violations of Ration Order No. 5A, Gasoline Rationing Regulations, by respondent have necessarily resulted in the diversion of gasoline from military and essential civilian uses into nonessential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator that further violations by respondent are likely unless appropriate administrative action is taken.

It is therefore ordered:

(c) During the period in which this Suspension Order shall be in effect,

(1) Respondent shall not sell, transfer or deliver any gasoline to any person.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline.

(3) No person, firm or corporation shall deliver, or in any manner directly or indirectly transfer any gasoline to respondent.

(d) Any terms used in this Suspension Order No. 154 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(e) This Suspension Order shall become effective 12:01 A. M. November 9, 1942, and unless sooner terminated, shall expire 12:01 A. M. December 9, 1942.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125, 7 F.R. 2719; WPB Directive No. 1 and Supplementary Directive No. 1H (7 F.R. 3378, 3877, 5216))

Issued this 6th day of November, 1942.

PAUL M. O'LEARY,
Deputy Administrator,
In Charge of Rationing.

[F. R. Doc. 42-11585; Filed, November 6, 1942; 12:13 p. m.]

[Suspension Order 158]

FRANK ALEXANDER

ORDER RESTRICTING TRANSACTIONS

Frank Alexander, 69 Storig Street, Closter, New Jersey, hereinafter called respondent was duly served with a notice of specific charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing on the charges was held on October 2, 1942, in Newark, New Jersey. There appeared a representative of the Office of Price Administration. Respondent did not appear either in person or by attorney. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Deputy Administrator in Charge of Rationing.

It is hereby determined that:

(a) Respondent has violated § 1394.1102 of Ration Order No. 5A, Gasoline Rationing Regulations, in that on August 17, 1942, in Demarest, New Jersey, respondent purchased and received the transfer of six A-1 gasoline ration coupons and on the 18th and 21st days of August, 1942, in Creeskill, New Jersey, respondent purchased and received delivery of gasoline and gave in exchange therefor certain of the gasoline ration coupons so purchased by him.

Because of the great scarcity and critical importance of gasoline in the New Jersey area, violations of Ration Order No. 5A, Gasoline Rationing Regulations, by respondent have resulted in the diversion of gasoline from military and essention civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations by respondent are likely unless appropriate administrative action is taken,

It is therefore ordered:

(b) That the gasoline ration heretofore issued to respondent by the Office of Price Administration is hereby revoked.

(c) Respondent shall forthwith surrender for cancellation to the War Price and Rationing Board which issued the same, all gasoline ration coupon books and coupons in his possession.

(d) Any terms used in this Order that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. 9125, 7 F.R 2719; WPB Directive No. 1 and Supplementary Directive No. 1H, 7 F.R. 562, 3478, 3877, 5216)

Issued and effective this 6th day of November 1942.

PAUL M. O'LEARY,
Deputy Administrator,
in Charge of Rationing.

[F. R. Doc. 42-11586; Filed, November 6, 1942;
12:13 p. m.

[Order 1 Under MPR 19]

BOND-WOOLF AND COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 1 under Maximum Price Regulation No. 19—Southern Pine Lumber—Docket No. 3019-1.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 6, *It is ordered:*

(a) Bond-Woolf and Company, of Alcoa, Tennessee, may sell and deliver to the Aluminum Company of America at Alcoa, Tennessee, any Southern pine lumber which is to be and is used for crating aluminum, and the Aluminum Company of America may buy and receive such Southern pine lumber from Bond-Woolf and Company, at the maximum prices permitted by Maximum Price Regulation No. 19, plus the amount of inbound rail freight paid by Bond-Woolf and Company in bringing this lumber into their reprocessing mill at Alcoa, Tennessee.

(b) This Order No. 1 may be revoked or amended by the Administrator at any time.

(c) All prayers of the petition not granted herein are denied.

(d) Unless the context otherwise requires, the definitions set forth in § 1381.208 of Maximum Price Regulation No. 19 shall apply to terms used herein.

(e) This Order No. 1 shall become effective November 8, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 7th day of November, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11660; Filed, November 7, 1942;
12:37 p. m.]

[Order 11 Under MPR 161]

EAGLE LOGGING COMPANY, ET AL.

OVERTIME ADDITIONS

Order No. 11 under § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs.

Pursuant to the provisions of § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs, the following persons have filed with the Office of Price Administration, Washington, D. C., a certified statement that said persons regularly maintain the following hours per week in all of their logging operations. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1381.160 (e) of Maximum Price Regulation 161, *It is hereby ordered:*

(a) The following persons being on a 48-hour week may add to the maximum prices of all logs produced by them $1.00 per 1,000 ft., log scale:

Eagle Logging Company, Seattle, Washington.
Frank Pearce, Potlatch, Washington.
Galbraith Timber Company, Bellingham, Washington.
Vancouver Plywood & Veneer Company, Vancouver, Washington.
Olympic Logging Company, Seattle, Washington.
Wooden & Combs Logging Co., Jewell, Oregon.
F. R. Henry Logging Co., Forks, Washington.
Anderson Bros. Company, Grand Ronde, Oregon.
Ira Smith Logging Company, Anacortes, Washington.
Crown Zellerbach Corporation (Siltcoos Division), San Francisco, California.
Hamilton Bros. Logging Co., Warrenton, Oregon.
Siuslaw Forest Products, Inc., Mapleton, Oregon.
Olson Bros. Lumber Company, Camas, Washington.

(b) The following company, having changed its status as an overtime company from a 60-hour basis to a 54-hour basis, may add to the maximum prices of all logs produced by it $1.50 per 1,000 ft. log scale instead of $2.00 per 1,000 ft. log scale as heretofore authorized by prior order of the Office of Price Administration:

West Fork Logging Co., Tacoma, Washington.

Authorization for the overtime addition of $2.00 per 1,000 ft. log scale for this company terminated on September 27, 1942, because of the described change of status.

(c) The following persons being on a 54-hour week may add to the maximum prices of all logs produced by them $1.50 per 1,000 ft., log scale:

Noon & Crippen Logging Co., Randle, Washington.
L. Marenakos, Renton, Washington.
Weatherly Timber Company, Newberg, Oregon.

(d) The following person being on a 60-hour week may add to the maximum prices of all logs produced by it $2.00 per 1,000 ft., log scale:

M. & D. Timber Company, Aberdeen, Washington.

(e) The additions to maximum prices specified in paragraphs (a), (b), (c) and (d) hereof may be made subject to the condition that the persons named comply with all provisions of § 1381.160 (e) of Maximum Price Regulation 161.

(f) This Order No. 11 may be revoked or amended by the Price Administrator at any time by similar publication in the FEDERAL REGISTER for change of status of any of the persons named herein as an overtime company.

(g) This Order No. 11 shall become effective November 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11659; Filed, November 7, 1942;
12:39 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-2635]

AMERICAN BOX BOARD CO.

ORDER SETTING HEARING ON APPLICATION, ETC.

In the matter of American Box Board Company Common Stock, $1 Par Value.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of November, A. D., 1942.

The American Box Board Company pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, $1 Par Value, from listing and registration on the New York Curb Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Thursday, December 17, 1942, at the office of the Securities and Exchange Commission, 1370 Ontario Street, Cleveland, Ohio, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That C. J. Odenweller, Jr., an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11606; Filed, November 7, 1942;
9:48 a. m.]

[File No. 68-11]

BENJAMIN BAKER, BERNARD H. CHERNIN, ET AL.

ORDER AUTHORIZING SOLICITATIONS

In the matter of Benjamin Baker, Bernard H. Chernin, Irving I. Goldsmith and Clifford J. Hilsinger, acting as a protective committee for holders of convertible obligations of Associated Gas and Electric Company, who previously held convertible debenture certificates of Associated Gas and Electric Company.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of November, A. D. 1942.

A declaration having been filed on September 30, 1942, by the above-named party pursuant to sections 11 (g) and 12 (e) of the Public Utility Holding Company Act of 1935, and Rule U-62 promulgated thereunder, concerned with a proposed solicitation of authorizations by declarants as a Protective Committee for holders of Convertible Obligations, due 2002, of Associated Gas and Electric Company; an amendment having been filed on October 7, 1942, providing, in part, that the "declaration is to be deemed amended, and hereby is amended, so as to make the effective date thereof such date as shall be fixed by order of the Securities and Exchange Commission"; additional amendments having been filed on October 19, 1942, and October 24, 1942, which, among other things, expressly limit the solicitations of authorizations to persons who now hold Convertible Obligations of Associated Gas and Electric Company, and who became holders of these securities only upon exchange therefor of one or more of the following classes of securities of Associated Gas and Electric Company:

6% Convertible Debenture Certificates, Series A, B, C, D, and E,
6% Convertible Debenture Certificates, Series B of 1929.
6% Convertible Debenture Certificates, 1931 Series;
6% Convertible Debenture Obligations, Series F,
6½% Convertible Debenture Certificates, Series B (Manila),
6½% Convertible Debenture Certificates, Series O (Manila);

The Commission having considered the declaration, as amended, and finding that the requirements of Rule U-62 are complied with and deeming it appropriate in the public interest and the interest of investors to permit the declaration to become effective;

It is therefore ordered, That the declaration, as amended, be allowed to become effective forthwith in the manner and on the terms set forth therein.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11607; Filed November 7, 1942; 9:48 a. m.]

[File Nos. 59-17, 59-11, 54-25]

UNITED LIGHT AND POWER CO., ET AL.

ORDER APPROVING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of November 1942.

In the matter of United Light and Power Company, United Light and Railways Company, American Light & Traction Company, Continental Gas & Electric Corporation, Iowa-Nebraska Light and Power Company, respondents, File No. 59-17; United Light and Power Company and its subsidiary companies, respondents, File No. 59-11; United Light and Power Company, applicant, File No. 54-25.

American Light & Traction Company (Traction), a registered holding company and a subsidiary of the United Light and Power Company (Power), also a registered holding company, having filed an application (designated as Application No. 17) under the Public Utility Holding Company Act of 1935, particularly sections 11 (b) (1) and 11 (b) (2) thereunder, regarding the payment by Traction of $4,000,000 in complete retirement of four promissory notes dated May 28, 1942, and due January 28, 1943, aggregating $4,000,000 in face amount, which evidence all of Traction's outstanding bank loans; the funds to be used for this payment being a portion of the proceeds received from the sale, for $10,000,000 in cash, of its holdings of San Antonio Public Service Company common stock, on October 24, 1942, such sale having been made pursuant to an order entered by this Commission under section 11 (b) (1) of the Act against Power and its subsidiaries on August 5, 1941, as amended by its supplemental and amendatory order of October 23, 1942; and

Said application having been filed on October 30, 1942 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in the said notice, or otherwise, and not having ordered a hearing thereon; and

The applicant having requested that an order be entered granting said application prior to November 10, 1942; and that such order conform with the requirements of sections 371 (b) and 371 (f) of the Internal Revenue Code as amended by section 171 of the Revenue Act of 1942 and contain the findings therein specified; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application pursuant to sections 11 (b) and 12 (c) of the Act and Rules U-23 and U-42 thereunder; and being satisfied that the date of approval of such application should be advanced; and

The Commission finding that the transactions hereinabove described are necessary or appropriate to the integration or simplification of the holding company system of which Traction is a member, and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, 49 Stat. 820 (U.S.C. Title 15, sec. 79K (b)):

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be, and the same is hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11661; Filed, November 9, 1942;
9:53 a. m.]

[File No. 70-418]

UNITED PUBLIC SERVICE CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 7th day of November, A. D. 1942.

Notice is hereby given that a supplemental application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by United Public Service Corporation; and

Notice is further given that any interested person may, not later than November 23, 1942 at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such supplemental declaration or application, as filed or as amended, may become effective or may be granted by order of the Commission or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said supplemental declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

United Public Service Corporation proposes to sell to Natural Gas Investment Company 4,082 shares of preferred stock, 6%, non-cumulative, par value $100 per share, of Southern United Gas Company, for the sum of not less than $80,000 in cash. Said shares of preferred stock of Southern United Gas Company are non-voting and constitute approximately 24.73% of the outstanding shares of preferred stock of said corporation and are all the outstanding securities of said corporation held by United Public Service Corporation.

United Public Service Corporation proposes to distribute the proceeds of such sale, together with the sum of $73,000 of cash, to its stockholders according to their respective rights as a partial liquidating dividend when and as declared by its Board of Directors pursuant to the authority granted by its stockholders at a meeting held on December 29, 1941. United Public Service Corporation has outstanding 305,994 shares of common stock of a par value of 25¢ per share.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11662; Filed, November 9, 1942; 9:53 a. m.]

WAR MANPOWER COMMISSION.

[Directive XIV]

EMPLOYMENT STABILIZATION ON DAIRY, LIVESTOCK, AND POULTRY FARMS

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9139[1] establishing the War Manpower Commission, and having found after consultation with the members of the War Manpower Commission that production of dairy, livestock, and poultry products essential to the war effort is being seriously impaired by labor shortages attributable in large part to migration of qualified farm workers to other industries, to induction and voluntary enlistment of such workers in the armed forces, and to wasteful and ineffective utilization of such workers, that a coordinated program, involving employment and wage stabilization measures and measures for the protection of existing herds and flocks, is necessary to assure the fulfillment of agricultural production requirements for our armed forces, our Lease-Lend Program and necessary civilian consumption; that the Secretary of Agriculture will take all necessary or appropriate steps, in cooperation with the War Production Board, to safeguard herds of dairy cattle and calves from undue depletion through sale for slaughter, and will make appropriate investigations and take appropriate action to effect required adjustments in wages of dairy, livestock and poultry farm workers, and having further found that the measures hereinafter set forth will promote employment stabilization on dairy, livestock, and poultry farms and facilitate the recruitment and effective utilization of essential workers on such farms, it is hereby directed:

I. The Director of Selective Service shall take all lawful and proper steps, through appropriate instructions to local and appeal boards of the Selective Service System and otherwise, to the end that:

(a) All persons subject to training and service under the Selective Training and Service Act of 1940 as amended, while engaged as dairy, livestock or poultry farm workers and operators, as defined in paragraph V hereof, who are deferrable under that Act on grounds of dependency, are classified in Class III-B;

(b) All persons subject to training and service under the Selective Training and Service Act of 1940, as amended, while engaged as dairy, livestock, and poultry farm workers and operators who are not deferrable under that Act on grounds of dependency or on other than occupational grounds, and for whom replacements would be required and are not available, as determined in the light of the factors set forth in paragraph VII of this directive, are deferred on occupational grounds;

(c) Each person subject to training and service under the Selective Training and Service Act of 1940, as amended, who is not a dairy, livestock or poultry farm operator, who is skilled in dairy, livestock or poultry farm work and who is not deferrable on occupational or other grounds, is, as his order number is called or as his classification is reviewed, referred to the United States Employment Service for placement on essential dairy, livestock or poultry farms in accordance with such provisions of local Selective Service Board Release No. 149 as are consistent herewith;

(d) Each farm owner, operator or tenant subject to training and service under the Selective Training and Service Act of 1940, as amended, who is skilled in dairy, livestock or poultry farm work and who is not deferrable on occupational or other grounds, is, as his order number is reached or as his classification is reviewed, referred to such agency of the Department of Agriculture as the Secretary of Agriculture may designate, for placement as an operator or tenant on an essential dairy, livestock or poultry farm, in accordance with such provisions of local Selective Service Board Release No. 149 as are consistent herewith.

II. The Department of Agriculture shall take such action as may be necessary or appropriate to:

(a) Cooperate with the United States Employment Service in the War Manpower Commission, in its development and conduct of vigorous campaigns to recruit dairy, livestock, and poultry farm workers and operators from rural areas in which a surplus of such workers or operators exists, for placement on essential dairy, livestock, and poultry farms requiring such workers or operators, and upon request of the Farm Placement Service of the United States Employment Service, make available to it qualified personnel of the Department of Agriculture on a part-time basis to assist in such recruitment and placement campaigns, and particularly to assist in the recruitment and placement of dairy, livestock, and poultry farm operators;

(b) Provide transportation for individuals to dairy, livestock, and poultry farms on which they have agreed to work and to which they have been referred by the United States Employment Service;

(c) Develop training courses and establish training centers, in cooperation with the United States Office of Education in the Federal Security Agency, for the training of dairy, livestock, and poultry farm workers and operators;

(d) Provide reasonable subsistence for individuals transported or trained pursuant to subparagraphs (b) and (c) of this paragraph, during their transportation and training periods;

(e) Furnish such detailed information and standards to the Selective Service System and the United States Employment Service as they may require under this directive, in order to classify dairy, livestock, and poultry farm workers and operators for purposes of the Selective Training and Service Act, as amended, and effectively to carry out recruitment and placement campaigns with respect to such workers and operators;

(f) Conduct a vigorous program to encourage dairy, livestock, and poultry farm operators to secure replacements of required workers through the United States Employment Service and to accept qualified workers referred to them by the United States Employment Service;

(g) Develop and promote active programs for assuring the maximum effective utilization of workers on dairy, livestock, and poultry farms, and for providing additional animal units to essential small farms on which dairy, livestock or poultry farm operators or workers are not fully employed;

(h) Develop and promote an active program to enable farm owners, operators, and tenants who are skilled in dairy, poultry or livestock production but whose farms do not constitute dairy, livestock or poultry farms as defined in paragraph V (c) of this directive, to bring their farms within the purview of this directive by assisting such farm owners, operators, and tenants to secure the necessary livestock, equipment, or land.

III. The United States Office of Education shall cooperate with the Department of Agriculture and the United States Employment Service in the training of dairy, livestock, and poultry farm workers as provided in paragraph II (c) of this directive, and in providing instructors for that purpose.

IV. In order to effectuate the purposes of this directive, it is essential that:

(a) The Army and the Navy (i) refrain from recruiting or accepting for voluntary enlistment any man who does not present a certificate from his Selective Service local board that he is not in Class II-A, II-B or III-B or is not entitled to such classification by reason of being an essential dairy, livestock or poultry farm worker or operator; and

(ii) Refrain from initiating programs to encourage the voluntary enlistment in the armed forces of dairy, livestock or poultry farm workers or operators, particularly in areas which the War Manpower Commission designates as areas in which critical shortages of such workers or operators exist;

(b) The Secretary of Agriculture (i) take such action with respect to wage rates on diary, livestock, and poultry farms as is necessary to assist such farms in securing and maintaining an adequate supply of dairy, livestock, and poultry workers; and

(ii) Take all necessary or appropriate steps in cooperation with such other departments or agencies of Government as he deems proper, to safeguard herds of dairy cattle and calves from undue depletion through sale for slaughter;

(c) Dairy, livestock, and poultry farm operators (i) recruit workers through the United States Employment Service and accept for employment qualified workers, including workers who have received training under dairy, livestock, and poultry worker training programs such as those provided for under paragraph II (c) of this directive;

(ii) Employ relatively inexperienced workers and provide on-the-farm training for such workers; and

(iii) Cooperate fully with the several Government departments and agencies concerned in carrying out the employment stabilization program set forth in this directive;

(d) Dairy, livestock, and poultry farm workers cooperate fully with dairy, livestock and poultry operators and with the several Government departments and agencies concerned in carrying out the employment stabilization program set forth in this directive;

(e) Any employer who is not a dairy, livestock and poultry farm operator refrain from hiring or soliciting for the purpose of hiring, any dairy, livestock or poultry farm worker or operator, unless such worker or operator has been referred to him by the United States Employment Service. The War Manpower Commission will prescribe standards and procedures for such referrals, but no provision of this directive shall be construed to apply to a change of employment or activity by a dairy, livestock or poultry farm worker or operator from one dairy, livestock or poultry farm to another.

V. As used in this directive (a) "Dairy, livestock, and/or poultry farm worker" means an individual (other than a dairy, livestock or poultry operator) who, on or after the date of this directive, performed services on a dairy, livestock or poultry farm on a year-around basis and who devoted substantially full-time services to either or both

(i) The care of dairy cows, livestock, and poultry, and

(ii) The production of dairy, livestock or poultry products as an incident to ordinary farming operations.

The term shall include unpaid members of the family or household of a dairy, livestock or poultry worker or operator, provided such members otherwise are included within the above definition. Services performed on a farm in the production of feed crops used exclusively or primarily for dairy cows, livestock, and poultry on such farm shall be included as services performed in the care of dairy cows, livestock or poultry;

(b) "Dairy, livestock or poultry farm operator" means an individual engaged in the operation of a dairy, livestock or poultry farm, or charged with the direction or supervision of dairy, livestock or poultry farm workers on such a farm. Except where the context clearly requires otherwise, the term includes any corporation or other type of organization which through officers or employees directs or supervises dairy, livestock or poultry workers;

(c) "Dairy, livestock or poultry farm" means a farm (1) upon which the number of dairy cows (milch or dry) maintained is 12 or more and upon which milk is produced at the annual rate of 45,000 pounds or more, or (2) upon which are maintained or produced the number of animal units, from time to time determined by the Secretary of Agriculture as equivalents thereof for the purposes of this directive, except that: (i) Prior to February 1, 1943, the term shall include a farm upon which the number of dairy cows maintained is 8 or more and upon which milk is produced at the annual rate of 30,000 pounds or more, or the equivalent thereof in animal units as hereinabove provided; and (ii) during the period February 1, 1943, to May 1, 1943, the term shall include a farm upon which the number of dairy cows maintained is 10 or more and upon which milk is produced at the annual rate of 37,500 pounds or more, or the equivalent thereof in animal units as hereinabove provided. In the application of the foregoing provisions with respect to the annual rate at which milk is produced on a farm and the number of dairy cows or animal units maintained thereon (1) reasonable allowance shall be made for temporary declines in the rate of milk production or in the number of cows or animal units maintained, and (2) reasonable additions, determined by the Secretary of Agriculture for the purposes of this directive, shall be made if all or substantially all the feed, including roughage, required for such cows or animal units is not produced on the farm on which such cows or animal units are maintained.

VI. Any worker, operator or employer, or group of workers, operators or employers, dissatisfied with any act or failure to act pursuant to this directive, other than an act or failure to act pursuant to paragraph I hereof, shall be given a fair opportunity to present his or their case to an appropriate Area War Manpower Committee. Such Committee shall make recommendations concerning such cases as well as other matters pertinent to the carrying out of this directive in its area, to the War Manpower Area Director, or such other official of the War Manpower Commission as may be designated for that purpose, for appropriate action. The Chairman of the War Manpower Commission shall prescribe rules, regulations and procedures for the carrying out of the responsibilities of Area Committees under this directive, including procedures for the review of the recommendations of the local Area Committees, by regional Management-Labor Committees and by the National Management-Labor Policy Committee.

VII. In determining whether a replacement for a particular dairy, livestock or poultry farm worker or operator would be required and is not available, for the purpose of paragraph I of this directive, or for the purpose of any other provision of this directive, consideration shall be given to the following factors, as determined in each case by the United States Employment Service:

(a) The labor required for the farm, as evidenced by conversion tables prepared by the United States Department of Agriculture indicating the number of animal units a single person is reasonably able to handle when (1) the required feed for dairy cows, livestock, and poultry is produced on the farm, and (2) the required feed is purchased;

(b) The workers available on the farm, and for this purpose each person devoting substantially full-time service to dairy, livestock, or poultry production on the farm shall be considered an available worker, with suitable allowance for reduced physical capacity, if any, of children, women, and handicapped persons; and

(c) The importance and skill of the particular individual under consideration and the possibility of recruiting a replacement of sufficient skill, experi-

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[1] 7 F.R. 2919.

NOV 12 1942

ence, and training to carry on the work of such individual without impairment of production.

VIII. Each department and agency of the Federal Government is hereby directed to utilize its facilities and services, and take all lawful and appropriate steps under authority vested in it by law to achieve or promote compliance with the provisions of this directive. Each procurement agency of the Federal Government is hereby directed to instruct its contractors to refrain from hiring or soliciting for the purpose of hiring, any dairy, livestock or poultry farm worker or operator for other than dairy, livestock or poultry farm work, unless such worker or operator has been referred to him by the United States Employment Service.

IX. This directive may be cited as the "Directive to Promote Employment Stabilization on Dairy, Livestock, and Poultry Farms."

PAUL V. MCNUTT,
Chairman.

NOVEMBER 6, 1942.

[F. R. Doc. 42-11623; Filed, November 7, 1942; 11:42 a. m.]

NOV 12 1942

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934
LITTERA SCRIPTA MANET

VOLUME 7 NUMBER 222

Washington, Wednesday, November 11, 1942

The President

PROCLAMATION 2570

ARMISTICE DAY, 1942

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

The calm which settled over the Western Front at 11 a. m. on November 11, 1918, closed one phase of a world-wide struggle against lawless aggression and for the basic freedoms of mankind; and

The United States, in company with the United Nations, must once more champion the essential freedoms—freedom of speech, freedom of worship, freedom from want and freedom from fear—on a world-wide battlefield; and

Faith can be kept with those who died in the first World War only by resolutely prosecuting to final victory the great war in which we are now engaged, and by crowning that victory with a peace which shall safeguard and extend these essential freedoms.

WHEREAS Senate Concurrent Resolution 18 of the Sixty-ninth Congress, passed June 4, 1926 (44 Stat. 1982), requests the President of the United States to issue a proclamation for the observance of Armistice Day, November 11:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby call upon the people of the United States to rededicate this Nation, on November 11, 1942, to the great task of winning this war and building a just peace in order that we and our children may live in a world made free to work toward human advancement; and I direct that the flag of the United States be displayed on all Government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of November in the year of our Lord nineteen hundred and forty-two, and of the Independence of the United States of America the one hundred and sixty-seventh.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL,
Secretary of State.

[F. R. Doc. 42-11712; Filed, November 9, 1942; 4:54 p. m.]

EXECUTIVE ORDER 9267

SUSPENDING UNTIL FURTHER ORDER THE MAXIMUM LIMITATIONS OF PUNISHMENT FOR VIOLATION OF ARTICLE OF WAR 61

By virtue of the authority vested in me by Article of War 45, Chapter II, act of June 4, 1920, 41 Stat. 759, 796, and as President of the United States, I hereby suspend until further order, as to offenses committed after the effective date of this order, the limitations prescribed by the Table of Maximum Punishments, paragraph 104 (c) of the Manual for Courts-Martial, United States Army, 1928, upon punishments for absence without leave in violation of Article of War 61.

This order shall become effective on December 1, 1942.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 9, 1942.

[F. R. Doc. 42-11710; Filed, November 9, 1942; 3:57 p. m.]

EXECUTIVE ORDER 9268

SUSPENDING IN PART THE PROVISIONS OF SECTION 12 OF THE NAVAL AVIATION CADET ACT OF 1942

By virtue of the authority vested in me by the Naval Aviation Cadet Act of 1942, approved August 4, 1942 (Public Law 698—77th Congress), the provisions of section 12 of said act, except those of the first proviso thereof, are hereby suspended during the present war as to all officers who were formerly enlisted in the grade of aviation cadet or trans-

(Continued on next page)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Telephone information: District 0525.

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ferred to that enlisted grade subsequent to September 3, 1942.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 9, 1942.

[F. R. Doc. 42-11709; Filed, November 9, 1942; 3:57 p. m.]

Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 71—RECRUITING AND INDUCTION FOR THE ARMY OF THE UNITED STATES

Sections 71.1 to 71.21, inclusive, are rescinded and the following substituted therefor:

Sec.	
71.1	Enlistments and reenlistments.
71.2	Eligibility for enlistment and reenlistment in the Army of the United States.
71.3	Classes ineligible for enlistment.
71.4	Clearance of selective service registrants.
71.5	Age.
71.6	Grade.
71.7	Men with dependents, including married men.
71.8	Special assignments.
71.9	Enlistments and reenlistments requiring special authority.
71.10	Physical examination.
71.11	Intelligence tests.
71.12	Waivers.
71.13	Retention of accepted applicants at Government expense.
71.14	Transportation of accepted applicants.
71.15	Date of enlistment; antedating enlistments.
71.16	General.
71.17	Reimbursements.
71.18	Certificates of discharge.

AUTHORITY: §§ 71.1 to 71.18, inclusive, issued under 41 Stat. 765; 10 U.S.C. 42.

SOURCE: The regulations in §§ 71.1 to 71.18 are also contained in Army Regulations No. 600-750, September 30, 1942, the particular paragraphs being shown in brackets at end of sections.

§ 71.1 *Enlistments and reenlistments*—(a) *Regular Army.* Enlistments for the Regular Army are suspended for the duration of the war.

(b) *Army of the United States.* (1) Enlistments will be made only by officers designated as recruiting and induction officers under authority contained in Army Regulations.

(2) Enlistments in the Army of the United States will be for the duration of the war plus 6 months.

(c) *Regular Army Reserve.* No enlistments will be made for the duration of the war.

(d) *Enlisted Reserve Corps.* See §§ 64.1 to 64.12. [Par. 5]

§ 71.2 *Eligibility for enlistment and reenlistment in the Army of the United States*—(a) *General.* Any male citizen of the United States who is of authorized age for enlistment, able-bodied, free from disease, of good character, temperate habits, and who meets the required mental tests may be enlisted or reenlisted in the Army of the United States within authorized quotas. Each applicant for enlistment or reenlistment will be required to state, under oath, whether or not he is a citizen of the United States. Persons other than citizens of the United States will be enlisted or reenlisted only in accordance with general instructions or by special authority of the War Department.

(b) *Enlistment of Puerto Ricans.* Puerto Ricans will not be enlisted within the continental limits of the United States. If they meet the requirements for enlistment prescribed in paragraph (a) above, they will be directed to apply to their local selective service board for voluntary induction.

(c) *Enlistment of Filipinos.* Citizens of the Philippine Commonwealth are acceptable for enlistment in the Army of the United States under the same regulations as are applicable to citizens of the United States.

(d) *Men 45 and 50.* (1) Citizens of the United States who reached their forty-fifth birthday prior to February 16, 1942, and who, at the time of application for enlistment, have not attained their fiftieth birthday, will be accepted for enlistment and direct assignment to service command units or War Department overhead units or installations, provided they are otherwise qualified and vacancies exist in the units, or that the assignment of these volunteers will release enlisted men fit for general military service.

(2) The acceptance of volunteers in this age group will be restricted to individuals having character, skills, or aptitudes which make their enlistment desirable, including bandsmen. Prior to acceptance, men enlisted under this authority will be cleared through their local selective service boards.

(e) *Soldiers' Home inmates.* Men discharged to enter the United States Soldiers' Home will be enlisted only after a period of 3 months has elapsed since date of discharge.

(f) *Reenlistment.* As a general policy, any man honorably discharged from his last enlistment with character very good or better who has not reached his fifty-fifth birthday and is otherwise qualified for enlistment may be reenlisted in the grade of private. (See § 71.9 (c) for reenlistment of men 55 and over.)

(g) *Waiting list.* A list will be maintained of applicants for enlistment for whom there is no immediate vacancy, graded in order of desirability as A, B, and C. [Par. 6]

§ 71.3 *Classes ineligible for enlistment.* Personnel of the following classes are ineligible for enlistment or reenlistment:

(a) *Insane or intoxicated persons.*

(b) *Deserters and felons.* Deserters from the military service of the United States and persons who have been convicted of a felony are ineligible except that the Secretary of War may, by regulations or otherwise, authorize the enlistment or reenlistment of such persons in especially meritorious cases. In such cases investigation will be made and evidence will be submitted to prove that each case is a meritorious one and that an exception should be made.

(c) *Persons who have been imprisoned under sentence of a court.* Commanding generals of service commands are authorized to waive this disability in the cases of applicants for enlistment within the service commands who have served only short sentences for minor offenses. Notation of such waivers will be noted under "Remarks" on page 1 of the enlistment record.

A record of adjudication of conduct by a juvenile court in the State of Ohio under the statute quoted below or by a juvenile court of any State having a similar law is not a bar to enlistment under section 1113, Revised Statutes. Recruiting officers will carefully scrutinize the juvenile court record of an applicant for enlistment to determine whether he is of good character and otherwise eligible for enlistment, and will submit to higher authority any case in which doubt arises as to the effect of a particular statute.

Sec. 1639-30, Supplement to the General Code of Ohio, 1936, June 1938, provides that:

> No adjudication upon the status of any child in the jurisdiction of the court (juvenile court) shall operate to impose any of the civil disabilities ordinarily imposed by conviction, nor shall any child be deemed a criminal by reason of such adjudication, nor shall such adjudication be deemed a conviction, nor shall any child be charged with or convicted of a crime in any court; * * * nor shall such disposition * * * operate to disqualify a child in any future civil service examination, appointment or application. [Par. 7]

§ 71.4 *Clearance of selective service registrants.* Men who volunteer for enlistment either in the Enlisted Reserve Corps or for active service will be cleared by their respective local selective service boards prior to acceptance, except the following cases:

(a) Men who have attained their eighteenth birthday but have not yet reached their twentieth birthday.

(b) College students enlisting in the Enlisted Reserve Corps. [Par. 8]

§ 71.5 *Age*—(a) *Under 18.* Minors under 18 years of age are by law ineligible for enlistment.

(b) *Between 18 and 21.* A person who has reached his eighteenth birthday will be enlisted or reenlisted in any component of the Army of the United States, including Reserves, prior to his twenty-first birthday only with the written consent of his parents or guardian. If the applicant has neither parent nor guardian, a statement to that effect will be included under "Remarks" under the "Declaration of Applicant" on his enlistment record. The written consent will conform to the following:

(1) It will be signed by both parents but the consent of one parent may be accepted if the other is absent for an extended period of time. Enlistment is not authorized if either parent objects.

(2) The parents or guardian will be required to include a statement of the date of birth of the applicant in the document giving their consent to his enlistment.

(3) The consent will not include any written or oral qualifications relative to allotments of pay, special training, or service in any particular arm or service or at a certain post or locality.

(4) If the parents are not personally known to the recruiting and induction officer or to the individual authorized to accept the applicant for enlistment, he may require verification of signature by a witness known to him, or in the absence of such, by notarization. The latter practice will be used only as a final resort.

(5) The original only of the parents' consent will be signed. True copies may be made for retention.

(c) *Over 45.* The original enlistment in the Army of the United States of a person who has passed his forty-fifth birthday is prohibited, except as stated in § 71.2 (d), or in accordance with general instructions or special authority from the War Department. This includes those who have passed their forty-fifth birthday even though they have had prior service in the Navy, Marine Corps, or the Coast Guard, unless they have also had prior enlisted service in the Army, and are otherwise qualified. [Par. 9]

§ 71.6 *Grade*—(a) *Original enlistments.* Original enlistments in the Army of the United States will be made in the grade of private, except when the chief of a supply service or the commanding officer of an organization considers it in the best interest of the service to enlist an especially qualified man in any grade for which he has an existing vacancy and receives authority therefor from The Adjutant General.

(b) *Enlistment in grade in the Enlisted Reserve Corps.* See §§ 64.1 to 64.13, inclusive.

(c) *Reenlistment in grade within 20 days from date of discharge.* Any noncommissioned officer discharged with character "Excellent" after 3 years in active service and who is otherwise qualified will be permitted to reenlist in the Army of the United States in the organization and grade from which last discharged provided he reenlists within 20 days after the date of such discharge. In order to be reenlisted in grade, a discharged noncommissioned officer, qualified as in (a) above, must apply for reenlistment at the station of the organization from which discharged, except that such noncommissioned officer on detached service or absent sick from the station of his organization will be reenlisted in grade for the organization to which he is assigned. A noncommissioned officer sent to the United States from foreign service for discharge will not be reenlisted in grade for an organization on foreign service without special authority from The Adjutant General.

(d) *Reenlistment of men discharged to accept commissions.* An enlisted man discharged to accept a commission or who serves on active duty as an officer of the Army of the United States, whose active service as a commissioned officer terminates honorably, and who tenders himself for reenlistment within 6 months after the termination of such commissioned service will, regardless of physical disqualifications incurred or having inception while on active duty in line of duty, and regardless of whether a vacancy exists in the appropriate enlisted grade, be accepted and restored without loss of seniority to the grade held by him prior to such commissioned service; and will be entitled to count active commissioned service in the Army of the United States as service for all purposes. [Par. 10]

§ 71.7 *Men with dependents, including married men.* The enlistment of a married man or a man with dependents is authorized. Married applicants and applicants with dependents will no longer be required to sign a statement that their dependents have sufficient means of support. No man will be accepted for enlistment conditional upon any written, oral, or implied promise that any portion of his pay will be allotted to a relative or other person. [Par. 11]

§ 71.8 *Special assignments.* All enlistments will be for the Army of the United States, unassigned, except as otherwise directed from time to time by the War Department. Enlistments for assignment to a particular arm or service or organization will be made only when authorized by the War Department. Cases presented to the War Department must clearly indicate why an exception to the normal policy is necessary such as when a man is a rare specialist not ordinarily obtainable through classification. [Par. 12]

§ 71.9 *Enlistments and reenlistments requiring special authority.* The following classes of persons will be enlisted or reenlisted in the Army of the United States only with special authority in each case from The Adjutant General or the commanding general of a service command or department;

(a) *Discharged before expiration of term of service.* Former enlisted men who have been discharged before expiration of term of service, except those discharged for the convenience of the Government, by purchase, or on account of minority.

(b) *Over 45.* Former enlisted men over 45 years of age (except as provided in § 71.2 (d) who were last discharged as privates and failed to reenlist within 3 months thereafter. In such cases the application must show that the reenlistment will be for the interest of the service.

(c) *Over 55.* For the duration of the war no man who has passed his fifty-fifth birthday, regardless of the grade in which he was last discharged from the military service, will be reenlisted without special authority from the War Department.

(d) *Physical disabilities.* Persons who cannot pass the required examination in all respects, except where waivers are authorized in these regulations. Applications of this nature will show that any existing defects will not prevent the performance by the applicant of full military duty.

(e) *Deserters, discharged other than honorably, etc.* Former enlisted men, sailors, marines, and coast guardsmen of the following classes:

(1) Those who deserted the service of the United States from their last enlistment (except as provided in § 71.3 (b)).

(2) Those whose service during the last enlistment was terminated by other than honorable discharge.

(3) Those who were last discharged with character less than "Good."

(4) Those whose last discharge certificate bears the notation "Not recommended for reenlistment."

Authority to enlist persons of these classes will be granted only in view of the good conduct of the applicant subsequent to his desertion or last service. See R.S., 1998, as amended by sec. 1, act August 22, 1912 (37 Stat. 356; 10 U.S.C. 624; M.L., 1939, sec. 249). [Par. 13]

§ 71.10 *Physical examination*—(a) *General.* (1) Except for men enlisted for appointment as aviation cadets and men enlisted in the Enlisted Reserve Corps, all men enlisted in the Army of the United States will, prior to their enlistment, appear before a board of officers and undergo the same physical examination, including a chest X-ray, a serological test for syphilis, and a careful neuropsychiatric study as is required in the case of selective service registrants prior to their induction.

(2) Individuals may be accepted as applicants for enlistment at recruiting and induction stations which lack complete examination facilities, but actually enlisted only at recruiting and induction stations which do have complete examination facilities. Recording of the date and fact of chest X-ray examination on the service record of men enlisted in the Army of the United States is not required, except for men enlisted for appointment as aviation cadets and men enlisted in the Enlisted Reserve Corps.

(b) *Physical examination of aviation cadets.* Aviation cadets must either pass the prescribed physical examination for flying duty, W.D., A.G.O. Form No. 64 (Physical Examination for Flying), or must meet the requirements for a Reserve officer, W.D., A.G.O. Form No. 63 (Report of Physical Examination), except that visual acuity must be 20/20 and color perception normal. For ground duty the physical examination will be the same as that prescribed for Reserve officers. See § 74.3.

(c) *Candidates for U. S. Military Academy.* Every applicant who is known to be enlisting in the Army of the United States with the expectation of entering the United States Military Academy at any time after enlistment will be examined according to the standards prescribed in AR 40–100. See § 75.22.

(d) *Use of civilian physicians.* If medical officers or contract surgeons are not available for physical examination, applicants for enlistment in the Army of the United States or the Enlisted Reserve Corps will be physically examined by civilian physicians, preferably Army Medical Corps Reserve officers not on active duty, employed under authority of the commanding general of the service command. Civilian physicians employed for such purpose must be citizens of the United States. Authority is hereby granted for the hire of such physicians at $15 per day, unless the number to be examined is so small that it would be more economical to hire them under the provisions of §§ 77.1 to 77.8, inclusive, which allows the payment of $2 for a single physical examination and $1 for each additional examination that may be made on the same day. A physician employed to make examinations at more than one recruiting and induction station will be allowed the above-mentioned rates in full for the examinations at each station. Vouchers will be prepared on War Department Form No. 354 (Voucher for Examining and Vaccinating Recruits by Civilian Physicians) and forwarded to The Surgeon General for settlement. [Par. 14]

§ 71.11 *Intelligence tests.* The minimum educational standards for all arms and services, including the Air Corps, require that applicants for enlistment must have the capacity of reading and writing the English language as commonly prescribed for the fourth grade in grammar school. [Par. 15]

§ 71.12 *Waivers*—(a) *General.* Commanding generals of service commands are authorized to grant waivers for physical defects which will not interfere with the full performance of military duty. At general hospitals such waivers may be granted by the commanders thereof.

(b) *Upon immediate reenlistment.* The commanding officer of a post, camp, or station is authorized to waive minor physical defects or to continue in force waivers previously granted by proper authority in cases of men who apply for reenlistment immediately following their discharge, provided the men are qualified to perform full military duty and the physical condition of such men warrants reenlistment.

(c) *When previously discharged for disability or similar reasons.* The authorizations indicated in (a) and (b) above do not extend to applicants for enlistment or reenlistment who were last discharged from the Army, Navy, Marine Corps, or any other service on certificate of disability by reason of medical survey or by a similar procedure, or because of mental or moral deficiencies. Only special cases of waivers for men discharged for disabilities will be favorably considered. Requests submitted to The Adjutant General to enlist such men must include all available information which will aid in determining action. [Par. 16]

§ 71.13 *Retention of accepted applicants at Government expense.* (a) Applicants who have signified their intention to enlist in the Army of the United States may be retained at Government expense for such reasonable time as may be necessary to make appropriate disposition of their cases. In no case will the period of retention at Government expense exceed 7 days without special authority from The Adjutant General.

(b) At recruiting substations at which no medical officer or recruiting and induction officer is on duty, determination will be made by the senior enlisted man on duty at the station whether the applicant for enlistment may be retained for any part of the period indicated above.

(c) The following toilet articles will be supplied for the use of applicants when necessary.

1 comb, medium.

1 towel, face. (When circumstances so indicate, one towel, bath, may be issued in lieu of one towel, face).

1 soap, hand, cake.

Toilet paper. [Par. 17]

§ 71.14 *Transportation of accepted applicants.* (a) Transportation at Government expense from place of acceptance to designated place of enlistment will be furnished to an applicant only when he has been accepted for enlistment.

(b) Return transportation at Government expense to point of acceptance will be furnished only to applicants for enlistment who are rejected upon final examination: *Provided, however,* That return transportation will not be furnished to an applicant for enlistment who is rejected because of disqualification concealed by him at time of acceptance as an applicant. [Par. 20]

§ 71.15 *Date of enlistment; antedating enlistments*—(a) *General.* Except as hereinafter set forth, the date upon which the enlistment or reenlistment of an enlisted man is completed by administering the oath is the date of enlistment and it must be shown on the enlistment record above the signature of the officer who administers the oath. No enlistment will be antedated without prior approval by the War Department. Under no circumstances will an enlistment be postdated.

(b) *Exceptions.* When the enlistment or reenlistment of an enlisted man is delayed through no fault of the enlisted man, but for the convenience of the Government, and it appears that the enlisted man has a well-founded claim to have a prior date recorded as the date of enlistment, a full report of all the facts, with recommendations, will be made to The Adjutant General. [Par. 24]

§ 71.16 *General.* No applicant for enlistment who receives transportation, lodging, or subsistence at Government expense or who is responsible for the loss or destruction of Government property, and then declines or fails to enlist and does not refund the costs involved, will be accepted for enlistment or reenlistment in the Army of the United States, without special authority from The Adjutant General. [Par. 26]

§ 71.17 *Reimbursements.* When practicable before rendering reports of applicants for enlistment in the Army of the United States who decline or elope, the men will be given an opportunity to reimburse the Government for the expense incurred, and if reimbursement is made the names of such men will not be reported to The Adjutant General. If reimbursement is declined, the men will be informed that they cannot again be accepted for enlistment in the Army of the United States without special authority from The Adjutant General. [Par. 27]

§ 71.18 *Certificates of discharge.* Certificates of discharge left in the possession of the recruiting and induction officer will be returned to the applicant without delay, or forwarded to The Adjutant General for file. [Par. 28]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–11718; Filed, November 10, 1942; 11:07 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 250—REPORTS, INFORMATION, HEARINGS AND WITNESSES

EMPLOYEE COMPENSATION REPORTS

Amending § 250.03 of the regulations under the Railroad Retirement Act of 1937.

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U.S.C. 1940 ed. 228j), § 250.03 of the regulations of the Railroad Retirement Board under such Act (4 F.R. 1477) is amended, effective October 27, 1942, by Board Order 42–559 dated October 27, 1942, to read as follows:

§ 250.03 *Employers' reports of compensation of employees.* Each employer shall, in accordance with instructions issued by the director of wage and service records, file with the Board (a) on or before the last day of each month, a report of the compensation adjustments appearing on pay rolls or other disbursement documents for the month immediately preceding such month, (b) on or before the last day of the month immediately following the end of each calendar quarter, a summary of compensation adjustments reported for the quarter, and (c) on or before the last day of the month immediately following the end of each calendar quarter or, for employers authorized to report annually, on or before the last day of the second month immediately following the end of each calendar year:

(1) A report of the compensation earned by each employee for service during the period covered by the report showing with respect to each employee his name, his account number, and, except in the case of an employee of a railway-labor-organization employer, his occupational class under the appropriate Interstate Commerce Commission occupational classification as supplemented or varied for this purpose by instructions issued by the director of wage and service records and approved in this respect by the director of research.

(2) A summary report of the compensation of the employees for the period covered by the report.

Authorization to report annually the compensation earned by each employee shall be granted upon application by the employer to the director of wage and service records and the approval of such application by the Board.

If such last day of the month is a Sunday or legal holiday, the report may be filed on the next following business day. If placed in the mails, the report shall be posted in ample time to reach the office of the Board at Chicago, Illinois, under ordinary handling of the mails, on or before the date on which the report is required to be filed.

(Secs. 8, 10, 50 Stat. 313, 314; 45 U.S.C. 1940 ed. 228h, 228j)

By authority of the Board.

Dated: November 5, 1942.

[SEAL] MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 42–11696; Filed, November 9, 1942; 12:12 p. m.]

PART 325—REGISTRATION AND CLAIMS FOR BENEFITS

DESIGNATION OF UNEMPLOYMENT CLAIMS AGENTS, ETC.

Amending § 325.11 of the regulations under the Railroad Unemployment Insurance Act.

Pursuant to the authority contained in section 12 of the Act of June 25, 1938 (52 Stat. 1094, 1107; 45 U.S.C. 1940 ed. 362), the Railroad Retirement Board, by Board Order 42–561 dated October 27, 1942, amends, effective October 27, 1942, § 325.11 of the Regulations under the Railroad Unemployment Insurance Act by adding a sentence as follows:

§ 325.11 *Designation of unemployment claims agents and free employment offices.* * * * Each employment service office maintained by a State or by the Federal Government is designated a "free employment office" for the purposes of section 4 (a) (ii) of the Railroad Unemployment Insurance Act.

By authority of the Board.

Dated: November 5th, 1942.

[SEAL] MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 42–11697; Filed, November 9, 1942; 12:12 p. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

INCREASES PRIOR TO NOVEMBER 7, 1942

Section 803.11, *General Order No. 11,*[1] is amended by deleting from paragraph (a) the words "or salaries." (E.O. 9250, 7 F.R. 7871)

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42–11720; Filed, November 10, 1942; 11:34 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S–131]

COLONIAL SUPPLY CO.

Colonial Supply Company, Louisville, Kentucky, is a partnership composed of B. H. Collings and Bess H. Collings in the business of furnishing building materials including sand, gravel, and cement on various contracts. Subsequent to April 9, 1942, the Colonial Supply Company began the construction of a swimming pool costing approximately $3,500 on residential premises for private use at Louisville, Kentucky, without obtaining the authorization of the War Production Board as required by Conservation Order L–41. The Colonial Supply Company, also purchased brass parts for this swimming pool on a rating of A–10 applied under Preference Rating Order No. P–100.

The beginning of construction by the partnership without obtaining authorization of the War Production Board constituted a wilful violation of Conservation Order L–41, and the purchase of materials on a Preference Rating assigned by Preference Rating Order P–100, which were not intended for maintenance, repair or operating supplies, constituted a wilful violation of Preference Rating Order P–100. These violations have hampered and impeded the war effort of the United States. In view of the foregoing facts,

It is hereby ordered:

§ 1010.131 *Suspension Order S–131.* (a) Deliveries of material to B. H. Collings and Bess H. Collings, their successors and assigns, and to the partnership known as the Colonial Supply Company, its successors and assigns shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to B. H. Collings and Bess H. Collings, their successors and assigns, or to the partnership known as the Colonial Supply Company, its successors and assigns, by means of Preference Rating Certificates, Preference Rating Orders, General Preference Orders and any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to B. H. Collings and Bess H. Collings, their successors and assigns, or to the partnership known as the Colonial Supply Company, its successors and assigns, of any material the supply or distribution of which is covered by any order to the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve B. H. Collings and Bess H. Collings, or the partnership known as the Colonial Supply Company from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order is to take effect November 12, 1942, and is to expire on February 12, 1943, at which time the restrictions contained in this order are to be of no further effect.

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[1] 7 F.R. 9115.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11705; Filed, November 9, 1942; 3:47 p. m.]

Part 1010—Suspension Orders

[Suspension Order S-133]

ARTCRAFT FLUORESCENT CORP.

Artcraft Fluorescent Corporation is a New York corporation located at 132 Bleecker Street, New York, New York. The Company assembles and sells, at wholesale and retail, fluorescent lighting fixtures. The Company knew that General Limitation Order L–78 prohibited the sale of fluorescent lighting fixtures, constructed for the operation of a tube or bulb having a wattage in excess of 30 watts, except to fill orders rated A–2 or higher. During the period of June 2 through September 23, 1942, the Company wilfully violated this order by selling and delivering in fulfilment of unrated orders 97 fixtures constructed for the operation of a tube or bulb having a wattage in excess of 30 watts.

This violation of General Limitation Order L–78 has hampered and impeded the war effort of the United States. In view of the foregoing facts,

It is hereby ordered, That:

§ 1010.133 *Suspension Order S–133.* (a) Deliveries of material to Artcraft Fluorescent Corporation, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to Artcraft Fluorescent Corporation, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained herein shall be deemed to relieve Artcraft Fluorescent Corporation, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on November 10, 1942, and shall expire on February 10, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11706; Filed, November 9, 1942; 3:47 p. m.]

Part 1010—Suspension Orders

[Suspension Order S–134]

FEDERAL PIPE AND TUBE CO.

Federal Pipe and Tube Company is a Michigan corporation doing business at 6464 E. McNichols Road, Detroit, Michigan, and is engaged in retail sales of plumbing and heating supplies to the general public and to industrial firms. During the period from April 16, 1942 to May 23, 1942 the company made numerous sales of items of plumbing and heating equipment in excess of five dollars ($5) to installers on orders which appeared to bear a preference rating of A–10 applied under the provisions of Preference Rating Order P–84, but to which, as the company knew, said preference rating had not been applied by the purchasers in the manner required by said order. Subsequent to May 23, 1942 the company made numerous sales of items of plumbing and heating equipment in excess of five dollars ($5) to ultimate consumers on orders which appeared to bear a preference rating of A–10 applied under the provisions of Preference Rating Order P–84, but to which, as the company knew, said preference rating had not been applied by the purchasers in the manner required by said order. During the period from April 24, 1942 to May 23, 1942 the company purchased plumbing and heating equipment from various suppliers and extended an A–10 preference rating to obtain these materials by certifying that said preference rating was extended under the provisions of Preference Rating Order P–84. At the time that these preference ratings were extended as aforesaid, the company did not have A–10 preference rating orders from its customers to support these extensions.

These actions constituted wilful violations of Limitation Order No. L–79 and Preference Rating Order No. P–84.

The company fabricated, assembled and delivered steel flag poles subsequent to August 3, 1942.

These actions constituted wilful violations of Conservation Order No. M–126.

The foregoing violations of War Production Board Orders have impeded and hampered the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board.

It is hereby ordered:

§ 1010.134 *Suspension Order S–134.* (a) Deliveries of material to Federal Pipe and Tube Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) Nothing contained in this order shall be deemed to relieve Federal Pipe and Tube Company, its successors and assigns, from any restriction, prohibition, or provision contained in any order or regulation of the Director of Industry Operations or the Director General for Operations, whether now in force or hereafter issued except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on November 12, 1942, and shall terminate on May 12, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9215, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11707; Filed, November 9, 1942; 3:47 p. m.]

Part 1010—Suspension Orders

[Suspension Order S–135]

HAYES MANUFACTURING CORP.

Hayes Manufacturing Corporation is a Michigan corporation doing business at 551 Seventh Street, N.W., Grand Rapids, Michigan, and is engaged in the manufacture of aircraft wings, parachutes, bomb fins, torpedoes, army truck parts, and other war work. It was formerly engaged in the manufacture of dies and stamps. During the period from April 1, 1942 to June 30, 1942 the company was permitted under Limitation Order L–29 to use 24.64 tons of steel in the manufacture of metal signs exceeding 36 square inches in area. Notwithstanding this limitation, the company used during said period 133.6 tons of steel in the manufacture of signs exceeding 36 square inches in area.

The use of steel during this period in excess of 24.64 tons for this purpose constituted a wilful violation of Limitation Order L–29.

The foregoing violation of War Production Board orders has impeded and hampered the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board.

It is hereby ordered:

§ 1010.135 *Suspension Order S–135.* (a) The Hayes Manufacturing Corporation is hereby prohibited from making

delivery of any and all metal signs and metal sign parts now in its possession to any person, firm, corporation, or partnership until such time as control of these materials by the War Production Board has terminated, except as directed by the Director General for Operations for the purpose of recovery of the scarce materials contained in such signs and sign parts for use in the war effort.

(b) Nothing contained in this order shall be deemed to relieve Hayes Manufacturing Corporation, its successors and assigns, from any restriction, prohibition, or provision contained in any order or regulation of the Director of Industry Operations or the Director General for Operations, whether now in force or hereafter issued, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect November 12, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11708; Filed, November 9, 1942; 3:47 p. m.]

Part 1054—Lead and Tin Scrap

[Interpretation 1 of Supplementary Order M–72–a, as Amended October 20, 1942]

TINNED AND DETINNED SCRAP

The following official interpretation is hereby issued by the Director General for Operations with respect to § 1054.2, *Supplementary Order M–72–a,* as amended October 20, 1942:

(a) Permission to acquire used tin cans granted under the provisions of paragraph (b) (4) of Supplementary Order M–72–a, as amended October 20, 1942, to applicants who are manufacturers of crown caps or engaged in the business of bottling or distributing beverages shall not be construed as including permission to acquire tinned scrap in any form other than that of a can from which the contents have been removed, unless other forms of tinned scrap are expressly designated in the authorization issued to the applicant by the Director General for Operations. A "prepared can" from which the label and ends have been removed and the sides flattened in accordance with the instructions contained in paragraph (2) of Exhibit 1 of Order M–72–a, as amended, for delivery to, and use by a shredding or detinning plant, is deemed to be in the form of a can.

(b) If a used tin can has been processed in such a way (for example, by rolling or pressing out its sides) so that it takes the shape of a flat sheet, it is deemed to be no longer in the form of a can but instead, is deemed to be tinned scrap consisting of tin plate. Specific permission to acquire tinned scrap in the form just described, must be applied for under paragraph (b) (3) of Order M–72–a as amended, independently of any application under paragraph (b) (4) thereof. Inasmuch as paragraph (b) (3) of Order M–72–a as amended, permits certain specified deliveries of tinned scrap with a view to assuring its availability for vital war purposes, it will be the general policy of the Director General for Operations to deny such permission to persons other than those specified in said paragraph unless it can be clearly demonstrated by the applicant that the scrap will be used in lieu of some material which is more critical in the war program, or unless other circumstances exist which the Director deems sufficient to warrant a departure from this general policy.

(c) Paragraph (b) (4) of Order M–72–a as amended, provides that an applicant for permission to acquire used tin cans pursuant to its provisions "when authorized shall be held responsible for using his best efforts, in cooperation with official local collecting agencies to collect for such agencies all cans smaller than size No. 10." The responsibility thus imposed includes the requirement that all cans of a size smaller than size No. 10 acquired by a person authorized pursuant to paragraph (b) (4) must be prepared by him in accordance with the instructions contained in paragraph (2) of Exhibit 1 of Order M–72–a as amended, and includes the further requirement that all such cans must be delivered, in their entirety, either directly to a shredding or detinning plant or to a local salvage committee or municipal agency for ultimate delivery to a shredding or detinning plant.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11715; Filed, November 10, 1942; 10:46 a. m.]

Part 1210—Industrial Power Trucks

[Supplementary Limitation Order L–112–a, Amendment 1]

Section 1210.2 *Supplementary Limitation Order L–112–a*[1] is hereby amended in the following particulars:

(a) The following corrections are made in paragraph (a) in references to the "Approved Standard Models" of certain manufacturers: "TS–103" in the list of models following "Automatic Transportation Company" is corrected to read: "P–427"; "CS" in the list of models following "Elwell-Parker Electric Company" is corrected to read: "CZ"; and "6554" in the list of models following "Ross Carrier Company" is corrected to read: "6544".

(b) The following is inserted in paragraph (a) under "Name of Manufacturer and approved Standard Models", immediately following the line reading "Yard-Man, Incorporated: C-Truck-Man":

Barrett-Cravens Co.: PowerOX—in platform lengths 48 to 60 inches, widths 19 & 25 inches, and heights 7, 9, and 11 inches.

Berry Motor Car Co.: FHLT–1, FHLT–2, TT–3–2NC, TT–6–2GY.

Buda Company: Chore Boy.

Lansing Company: Models J and R.

MacDonald Truck Co.: Models A, B, and C.

Mercer Engineering Works Inc.: Models 3, 5, and 7.

Moto-Truc Company: NMSD–1, WE–1, MT–1, MT–3, MT–5, MT–6. Moto-Truc platform in platform widths 20 & 26½ inches, lengths 36, 48, 60, and 90 inches, heights 6, 7, 9, and 11 inches.

Salsbury Corporation: SCT, SLT, STT.

Silent Hoist Winch & Crane Co.: Models A, AX, AY, DY, CK.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11716; Filed, November 10, 1942; 10:46 a. m.]

Part 3000—Petroleum Sulfonates

[General Preference Order M–188]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of petroleum sulfonates for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3000.1 *General Preference Order M–188*—(a) *Definitions.*

(1) "Petroleum sulfonates" means the original or neutralized product of the reaction between intermediate petroleum fractions and oleum or sulfuric acid, known to the trade variously as mahogany soap, mahogany sulfonate, sodium sulfonate, soap base, oil or water soluble sulfonates and their metallic salts whether in crude or refined form.

(2) "Producer" means any person who produces or refines petroleum sulfonates, and includes any person who has petroleum sulfonates produced for him pursuant to toll agreement.

(3) "Distributor" means any purchaser of petroleum sulfonates from any person for purpose of resale as petroleum sulfonates.

(b) *Restrictions on deliveries and use.* (1) Subject to paragraph (c) hereof, no producer or distributor shall deliver, use or refine petroleum sulfonates, and no person shall accept delivery of petroleum sulfonates from a producer or distributor, except as specifically authorized or directed by the Director General for Operations.

(2) Authorizations or directions with respect to deliveries to be made or accepted in each month, beginning with December, 1942, will so far as practicable be issued by the Director General for

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[1] 7 F.R. 6420, 6680.

Operations prior to the commencement of such month, but the Director General for Operations may at any time (including the period prior to December 1, 1942), at his discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted or with respect to the use or uses which may or may not be made of material to be delivered or then on hand.

(3) Each person specifically authorized to accept delivery of petroleum sulfonates shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed.

(4) Producers who prepare oil bases and other products from petroleum sulfonates, shall be considered users and must receive authorization for such use.

(c) *Small order exemption.* No specific authorization shall be required for:

(1) Acceptance of delivery by any person in any one calendar month of 50 pounds or less of petroleum sulfonates in the aggregate; provided that such person has not been specifically authorized to accept delivery of any quantity of such material during such month;

(2) The delivery by any producer or distributor to any person who shall certify to him in writing that he is entitled pursuant to paragraph (c) hereof to accept delivery;

(3) The use or refining by any producer in any calendar month of 50 pounds or less of petroleum sulfonates in the aggregate.

(d) *Applications and reports.* (1) Each person seeking authorization to accept delivery of petroleum sulfonates during any calendar month, beginning with December 1942 (except as provided in paragraph (c) hereof), whether for his own consumption or resale, shall file application therefor on or before the 15th day of the month preceding the month for which authorization for delivery is requested. Applications by producers for authorization to use or refine shall be filed in the same manner. Where delivery, use or refining is to be in November 1942, such application shall be made as many days as possible in advance of the requested delivery, use or refining. In any case, such application shall be made on Form PD–600, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

(i) Copies of Form PD–600 may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which one shall be forwarded to supplier and three forwarded to the War Production Board, Chemicals Branch, Washington, D. C., Ref: M–188. A producer applying for authorization to refine petroleum sulfonates shall file a separate set of Form PD–600 covering such application.

(iii) In the heading, under name of chemical, specify petroleum sulfonates; under WPB Order No., specify M–188; under unit of measure, specify pounds (dry soap basis); under name of your company, specify name and mailing address; and specify the month and year for which authorization for acceptance of delivery is sought.

(iv) In columns 1, 11 and 19, specify sulfonate ingredient and percentage thereof.

(v) In columns 3, 20 and 22, specify your primary product in terms of the following:

Cutting oil base.
Lubricant additive.
Wetting agent.
Resale (as petroleum sulfonates).
Petroleum emulsion breaker.
Rust preventative.
Fat-splitting.
Refining.
Others (specify).

Where the application is made by a producer for leave to refine, insert in columes 3, 20 and 22 the refined product in terms of dry soap base sulfonate.

(vi) In column 4, specify ultimate use of product (for example, if the "primary product" called for in columns 3, 20 and 22, is "lubricant additive," the "ultimate use of product" might be "lubricant for marine diesel engines"), and also specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease, or commercial customer.

(vii) Remarks in column 10 may, if necessary, be extended on the reverse side of the sheet. Include in remarks quantity of petroleum sulfonates used in manufacture for preparation of primary products in corresponding period of year 1941. If requirements have increased appreciably, state reasons.

(2) Each producer or distributor seeking authorization to make delivery of petroleum sulfonates during any calendar month beginning with December, 1942, shall file application on or before the 20th day of the month preceding the month for which authorization is requested. Where authorization is sought for November delivery, application shall be filed as many days as possible in advance of the proposed delivery. Such application shall be made on Form PD–601, in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form PD–601 may be obtained at local field offices of the War Production Board.

(ii) Prepare four copies and forward three to the War Production Board, Chemicals Branch, Washington, D. C., Ref.: M–188, retaining the fourth copy for your files.

(iii) Producers or distributors who have filed application on Form PD–600, specifying themselves as their suppliers, shall list their own names as customers on Form PD–601, and shall list their requests for allocation in the manner prescribed for other customers.

(iv) In the heading, under name of chemical, specify petroleum sulfonates; under WPB Order No., specify M–188; under name of company, state your name and mailing address; under unit of measure, specify pounds (dry soap basis); and state the month and year during which deliveries covered by the application are to be made.

(v) In columns 3 and 8, specify sulfonate ingredient and percentage thereof.

(vi) Column 5 may, at your discretion, be left blank.

(vii) Names of customers to whom small order deliveries are to be made during the next month pursuant to paragraph (c) of this order need not be given, but insert in column 1 "Total small order deliveries (estimated)" and in column 4, the estimated quantity.

(viii) If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

(3) On or before November 30, 1942, each person who as of November 1, 1942, owned 500 pounds or more of petroleum sulfonates shall report the amount of each grade of petroleum sulfonates owned on such date by letter addressed to the War Production Board, Chemicals Branch, Washington, D. C., Ref: M–188.

(4) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue other and further directions to any such person with respect to preparing and filing Forms PD–600 and PD–601.

(e) *Notification of customers.* Each supplier shall notify his regular customers, as soon as possible, of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C. Ref: M–188.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11717; Filed, November 10, 1942; 10:46 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Supp. Order 27]

SALES BY CERTAIN STORES OPERATED OR REGULATED BY THE WAR DEPARTMENT OR THE DEPARTMENT OF THE NAVY

A statement to accompany this Supplementary Order No. 27 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered,* That:

§ 1305.32 *Exemption from all price regulation of sales by certain stores operated or regulated by the War Department or the Department of the Navy.* (a) Sales and deliveries of any commodity by the War Department or the Department of the Navy of the United States through such Departments' sales stores, including commissaries and ships' stores ashore, and by stores operated as army canteens, post exchanges or ships' activities shall not be subject to any price regulation heretofore or hereafter issued unless specific provision making a price regulation applicable to such sales shall hereafter be included in such regulation.

(b) "Price regulation" as used in this Supplementary Order No. 27 means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation heretofore or hereafter issued by the Office of Price Administration or any amendment or supplement thereto or order heretofore or hereafter issued thereunder.

(c) This Supplementary Order No. 27 (§ 1305.32) shall become effective November 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11699; Filed, November 9, 1942; 3:13 p. m.]

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH

[MPR 265]

SALES BY CANNERS OF SALMON

In the judgment of the Price Administrator the prices of salmon have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of salmon prevailing between October 1, 1941 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable, and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The maximum prices established herein are not below the average price of such commodities in the year 1941.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 265 is hereby issued.

AUTHORITY: §§ 1364.551 to 1364.562 inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1364.551 *Prohibition against dealing in salmon at prices above the maximum.* On or after November 9, 1942, regardless of any contract, agreement or other obligation, no canner, or agent or other person acting on behalf, or under control, of such canner shall sell or deliver any salmon, and no person in the course of trade or business shall buy or receive from a canner any salmon at prices higher than those set forth in Appendix A hereof, incorporated herein as § 1364.562; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of salmon to a purchaser if prior to 1942, such salmon has been received by a carrier, other than a carrier owned or controller by the seller, for shipment to such purchaser.

§ 1364.552 *Conditional agreement.* No canner of salmon shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1364.562 in the event that this Maximum Price Regulation No. 265 is amended or is determined by a court to be invalid or upon any other contingency: *Provided,* That if a petition for amendment has been duly filed, and such petition requires extensive consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment.

§ 1364.553 *Export sales.* The maximum price at which a person may export salmon shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[1] issued by the Office of Price Administration.

§ 1364.554 *Less than maximum prices.* Lower prices than those set forth in § 1364.562 may be charged, demanded, paid, or offered.

§ 1364.555 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 265 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to salmon, alone or in conjunction with any other commodity, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by changing the selection or style of processing or the canning, wrapping or packaging of salmon.

§ 1364.556 *Records and reports.* (a) Every person making a purchase or sale of salmon in the course of trade or business, or otherwise dealing therein, after November 8, 1942, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 as amended remains in effect, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and of the seller, the price contracted for or received, the quantity and a description of the grade or brand, style of pack, and container size of salmon.

(b) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

§ 1364.557 *Enforcement.* (a) Persons violating any provision of this maximum Price Regulation No. 265 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 265 or any price schedule, regulation, or order issued by the Office of Price Administration or of any act or practices which constitute such a violation are urged to communicate with the nearest district, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1364.558 *Petitions for amendment.* Any person seeking an amendment of any provision of this Regulation No. 265 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[2] issued by the Office of Price Administration.

§ 1364.559 *Applicability of General* Maximum Price Regulation.[3] The provisions of this Maximum Price Regulation No. 265 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5059, 7242, 8829.

[2] 7 F.R. 8961.

[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5783, 5784, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

§ 1364.560 *Definitions.* (a) When used in this Maximum Price Regulation No. 265 the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of the foregoing.

(2) "Canner" means a person who preserves salmon by processing and hermetically sealing in metal containers.

(3) "Salmon" means any canned fish of the genus *Oncorhynchus* or of the species *Salmo gairdneri*, except where same is canned along the Columbia River.

(4) "Red" salmon includes Red, Blueback, Quinnault, Alaska Sockeye and Puget Sound Sockeye (*Oncorhynchus merka*).

(5) "Coho" salmon includes Coho, Silver, and Silverside (*Oncorhynchus kisutch*).

(6) "Pink" salmon includes Pink and Humpback (*Oncorhynchus gorbusche*).

(7) "Chinook" salmon includes Chinook, Spring, King, Tyee, and Quinnat (*Oncorhynchus tschawytscha*).

(8) "Chum" includes Chum and Dog (*Oncorhynchus Keta*).

(9) "Price per case" means the price for 48 cans of salmon packed for shipment in the usual container.

(10) One pound "tall" means a can 301 x 411.

(11) One pound "flat" means a can 401 x 211.

(12) One-half pound "flat" means a can 307 x 201.25.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1364.561 *Effective date.* This Maximum Price Regulation No. 265 (§§ 1364.551 to 1364.562, inclusive) shall become effective November 9, 1942, in the continental United States and the District of Columbia, and November 19, 1942, in the territories and possessions of the United States.

§ 1364.562 *Appendix A: Maximum canners' prices for salmon.* (a) The prices set forth below are maximum prices per case f. o. b. car at Seattle, Washington, for salmon canned in territory outside the continental United States and f. o. b. car at the shipping point nearest cannery for salmon canned within the United States. For salmon canned in Alaska and sold for consumption in Alaska the maximum price shall be 50¢ less per case of 48 one pound cans than the prices set forth below. The maximum prices are gross prices and the seller shall deduct therefrom his customary allowances, discounts, and differentials to purchasers of different classes.

Variety	Style of container	Price per case
Chinook	½ lb. flats	$12.00
Red	1 lb. talls	15.00
Red	1 lb. flats	15.50
Red	½ lb. flats	9.00
Coho	1 lb. talls	11.60
Coho	1 lb. flats	12.30
Coho	½ lb. flats	7.75
Pink	1 lb. talls	8.00
Pink	1 lb. flats	8.00
Pink	½ lb. flats	5.20
Chum	1 lb. talls	7.60
Chum	½ lb. flats	5.00
Alaska Sockeye	1 lb. talls	15.00
Alaska Sockeye	1 lb. flats	16.00
Alaska Sockeye	½ lb. flats	11.00
Puget Sound Sockeye	1 lb. talls	18.00
Puget Sound Sockeye	1 lb. flats	19.00
Puget Sound Sockeye	½ lb. flats	11.00

(b) For varieties, container sizes, or types and styles of pack of salmon not listed in paragraph (a) the price shall be a price determined by the Office of Price Administration to be in line with the prices listed in paragraph (a). Such determination shall be made upon written request, addressed to the Office of Price Administration, Washington, D. C., and accompanied by sworn statements showing costs and usual differentials.

Issued this 9th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11700; Filed, November 9, 1942; 3:13 p. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 253]

REDWOOD LUMBER AND MILLWORK

In the judgment of the Price Administrator, it is necessary and proper to establish specific maximum prices for the sale of Redwood lumber and millwork items. The Price Administrator has ascertained and given due consideration to the prices of these items prevailing between October 1 and October 15, 1941. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the Maximum Prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Revised Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 253 is hereby issued.

Sec.
1381.401 Maximum prices for Redwood lumber.
1381.402 Less than maximum prices.
1381.403 Conditional agreements.
1381.404 Prohibited practices.
1381.405 Records and reports.
1381.406 Enforcement.
1381.407 Petitions for adjustment or amendment.
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1381.409 Export sales.
1381.410 Licensing.
1381.411 Effective date.
1381.412 Appendix A: Maximum prices for Redwood lumber and millwork where shipment originates at a mill and purchaser takes delivery in the Western area.
  Table 1. Rough green Redwood lumber, clear and common.
  Table 2. Shop lumber.
  Table 3. Moulding strips.
  Table 4. Bevel, bungalow and Mt. Vernon siding.
  Table 5. Drop siding, rustic, ceiling, dressed and matched.
  Table 6. Battens.
  Table 7. Sawn stakes.
  Table 8. Sawn garden stakes.
  Table 9. Sawn ties.
  Table 10. Shingles.
  Table 11. Shakes, Monterey shakes.
  Table 12. Window and door frames.
  Table 13. Mouldings.
  Table 14. Miscellaneous lath and slats, car strips, tray lath, tray frame parts, nursery flats, furrow tubes, pickets, cooling tower strips.
  Table 15. Extra charges.
  Table 16. Estimated weights.
1381.413 Appendix B: Maximum delivered prices for Redwood lumber and millwork items shipped from the mill and delivered to purchaser in Eastern area.
  Table 1. Bevel, bungalow, Mt. Vernon and Anzac siding.
  Table 2. Drop siding, ceiling, flooring, shiplap.
  Table 3. Finish lumber.
  Table 4. Wide finish.
  Table 5. Thin finish.
  Table 6. Squares and timbers, clear.
  Table 7. Porch and stair rail.
  Table 8. Baluster rail.
  Table 9. Battens.
  Table 10. Square balusters.
  Table 11. Tank, pipe and silo stock.
  Table 12. No. 1 heart common.
  Table 13. No. 2 and 3 common.
  Table 14. Log cabin siding.
  Table 15. Sawn posts and fence rail.
  Table 16. Taper sawn posts.
  Table 17. No. 1 shop.
  Table 18. Greenhouse bench lumber.
  Table 19. Pickets.
  Table 20. Cooler tower filler strips.
  Table 21. Plaster lath.
  Table 22. Grounds.
  Table 23. Shingles.
  Table 24. Sawn shakes.
  Table 25. Sawn stakes.
  Table 26. Sawn plant stakes.
  Table 27. Window and door frames.
  Table 28. Mouldings.
  Table 29. Extra charges.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8961.

Sec.
1381.414 Appendix C: Maximum prices for grades, classes and items of Redwood lumber and millwork not specifically priced in §§ 1381.412 and 1381.413 where shipment originates at the mill.

AUTHORITY: §§ 1381.401 to 1381.414, inclusive, issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1381.401 *Maximum prices for Redwood lumber, and millwork.* (a) On and after November 13, 1942, regardless of any contract or other obligations, no person shall sell or deliver any Redwood lumber or millwork items manufactured therefrom for domestic or export use, and no person shall buy or receive in the course of trade or business any Redwood lumber or millwork items:

(1) At prices higher than the maximum prices provided for in §§ 1381.412 and 1381.414, Appendices A and C, where the shipment originates at a mill and the purchaser takes delivery within the Western area.

(2) At delivered prices higher than the maximum prices provided for in §§ 1381.413 and 1381.414, Appendices B and C, where the shipment originates at a mill and the purchaser takes delivery within the Eastern area.

(b) No person shall offer, agree, solicit, or attempt to do any of the foregoing.

(c) The provisions of this Maximum Price Regulation No. 253 shall be applicable to sales of millwork, moulding and pattern items only where the mill manufacturing such items produces at least 75 percent of its lumber from logs.

(d) Any sale which comes within the definition of a "direct-mill retail sale" as defined in § 1381.408 (a) (8) is not subject to this Maximum Price Regulation No. 253.

(e) The provisions of this Maximum Price Regulation No. 253 supersede the provisions of the General Maximum Price Regulation [2] with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1381.402 *Less than maximum prices.* Lower prices than those set forth in §§ 1381.412, 1381.413, and 1381.414, may be charged, demanded, paid or offered.

§ 1381.403 *Conditional agreements.* No seller subject to this Maximum Price Regulation No. 253 shall enter into an agreement permitting the adjustment of the price of Redwood lumber to prices which may be higher than the maximum prices in effect upon the date of the agreement: *Provided,* That if a petition for amendment has been duly filed, and such petition requires extensive consideration the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1381.404 *Prohibited practices.* (a) The price limitations set forth in this Maximum Price Regulation No. 253 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to redwood lumber and millwork items, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Unnecessarily routing lumber through a distribution yard, whether wholesale or retail;

(2) Unreasonably refusing to ship except in specified or restricted random lengths, or under other circumstances entitling the seller to a premium;

(3) Making charges for delivery in the Western area which exceed the actual cost to the seller of such delivery except as otherwise provided in § 1381.411;

(4) Falsely or wrongly grading or invoicing lumber;

(5) Grading as a special grade lumber which can be graded as a standard grade;

(6) Selling as specified lengths a shipment of lumber which is substantially equivalent to standard or random lengths, or reselling as specified lengths a shipment purchased by the seller as standard or random lengths;

(7) Breaking up an order which would normally be a single order into a series of smaller orders in order to obtain a premium and unreasonably refusing to ship an item of lumber except in a small quantity which entitles the seller to a premium;

(8) Quoting or charging a delivered price computed on the basis of estimated weights which are higher than those set forth in §§ 1381.412 and 1381.413;

(9) Refusing to ship except on the basis of "estimated weights";

(10) Charging a premium for "partially dry" lumber when the purchaser ordered "green lumber" and a sufficient quantity of "green lumber" was available to fill the order;

(11) Charging "dry lumber" prices for "partially dry" or "green lumber";

(12) Charging "partially dry" prices for "green" lumber.

(c) The maximum prices established in this Maximum Price Regulation No. 253 shall not be increased by any charges for the extension of credit or by any decrease in the time customarily allowed for payment, and shall be decreased for prompt payment to the same extent that the sale price would have been decreased on October 1, 1941.

(d) No person shall pay, and no person shall charge or receive a commission for purchasing an item of Redwood lumber or millwork which is based on the amount or value of the item purchased if the amount of the commission plus the purchase price is higher than the maximum price permitted by this Maximum Price Regulation No. 253.

(e) The maximum price for sales on combination grades shall be the maximum price established for the lowest grade named in the combination.

(f) A gross price above the maximum price established in this Maximum Price Regulation No. 253 shall not be quoted, even if accompanied by a discount the effect of which is to bring the net price below such maximum price.

§ 1381.405 *Records and reports.* (a) On and after November 13, 1942, every person who, during any calendar month, offers or agrees to sell, sells, or delivers, or offers or agrees to buy, buys or receives a total of 34,000 pounds or more of Redwood lumber in the course of trade or business, shall keep for inspection by the Office of Price Administration for a period of not less than two years, a complete and accurate record of every such offer, agreement of sale, purchase, sale or delivery of Redwood lumber and millwork made by him showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity, size, grade, specifications and condition of seasoning of the lumber in each transaction.

(b) Such persons at the close of each 30 day period commencing November 19, 1942 and ending 60 days therefrom, shall send to the Lumber Branch of the Office of Price Administration, certified copies of invoices of all shipments of lumber containing any lumber sold as "dry" or "partially dry".

(c) Such person shall keep such other records in addition to or in place of the records required in paragraph (a) of this section and shall submit such reports to the Office of Price Administration as that Office may from time to time require or permit.

§ 1381.406 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 253 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 253, or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest District, State, or Regional office of the Office of Price Administration or its principal office in Washington, D. C.

(c) No war procurement agency, nor any contracting or paying finance officer thereof, shall be subject to any liability, civil or criminal, imposed by this Maximum Price Regulation No. 253 or the Emergency Price Control Act of 1942.

§ 1381.407 *Petition for adjustment or amendment—*(a) *Government contracts or subcontracts.* Any person who has entered into or proposes to enter into a contract with the United States or any agency thereof, or with the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to

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[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

Promote the Defense of the United States", or any agency of any such government, or a subcontract under any such contract, who believes that the maximum price impedes or threatens to impede production of an item or items of redwood lumber essential to the war program, and which is or will be the subject of such contract or subcontract, may file an application for adjustment of the maximum prices established by this Maximum Price Regulation No. 253 in accordance with Procedural Regulation No. 6,[3] issued by the Office of Price Administration.

(b) Persons seeking any modification of this Maximum Price Regulation No. 253, or any adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1381.408 *Definitions.* (a) This Maximum Price Regulation No. 253 and the terms appearing therein, unless the context otherwise requires, shall be construed as follows:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing and includes the United States, or any agency thereof, or any government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Redwood" lumber means the botanical species "Sequoia Sempervirens," also known as "California Redwood"' or "Sequoia."

(3) "Mill" means any establishment:

(i) Which processes into the items of lumber and millwork covered by this Maximum Price Regulation No. 253 by sawing or planing, or ships to milling-in-transit operations for such processing by sawing, planing, or kiln drying, at least 25 percent of the volume of Redwood lumber or logs purchased or received by it or

(ii) Which resembles the following described establishment more nearly than that described under the definition of "distribution yard" in subparagraph (4) (ii) of this paragraph: An establishment which concentrates and prepares lumber for commercial shipment, which keeps in stock primarily Redwood lumber, which has its lumber brought in chiefly in rough green form by truck from small local sawmills and sells chiefly for rail shipment, and which has been located at its particular site in order to be near the lumber producing area.

(4) "Distribution yard" means an establishment:

(i) Which processes into the items of lumber and millwork covered by this Maximum Price Regulation No. 253 by sawing or planing, or ships to milling-in-transit operations for such processing by sawing, planing, or kiln drying, less than 25 percent of the volume of Redwood lumber purchased or received by it; and

(ii) Which resembles the following described establishment more nearly than that described under the definition of "mill" in subparagraph (3) (ii) of this section: A wholesale or retail lumber yard which purchases or receives lumber from a mill or another distribution yard for purposes of unloading, sorting, and resale or redistribution, which regularly maintains a miscellaneous stock of lumber from different regions, which obtains its lumber primarily by rail shipment and sells primarily for truck shipment, which is equipped to make quick deliveries of many different items of lumber, and which has been located at its particular site primarily in order to be near a lumber consuming area.

(5) A shipment is deemed to "originate at a mill" when the lumber reaches the purchaser without having been stored as an integral part of the yard stock of a distribution yard as defined in paragraph (4) of this section.

(6) A shipment is deemed to "originate at a distribution yard", whether wholesale or retail, when, and only when, the shipment is made out of a stock of lumber which was an integral part of the seller's stock at the time the sale was made.

(7) "Volume" means the board foot measure of lumber processed from logs or other lumber, or sold, as the case may be, within six months immediately prior to the transaction subject to this Maximum Price Regulation No. 253.

(8) "Direct-mill retail sale", for the purpose of determining whether the sale is exempt from the provisions of §§ 1381.412, 1381.413 and 1381.414 means a sale which satisfies all of the following tests:

(i) It must be a sale of not more than 5,000 feet of lumber;

(ii) It must be a sale in which the purchaser requests delivery to a point not more than 30 miles from the mill at which shipment originates;

(iii) It must be a sale of lumber to a contractor or consumer for use in construction, remodeling, repair, maintenance, fabrication, or remanufacture, and not for resale in substantially the same form.

(9) "Western area" means the states of Washington, Oregon, California, Idaho, Nevada, Arizona, Utah, Montana, Wyoming and New Mexico.

(10) "Eastern area" means all the area of the continental United States not included in the "western area" as defined in paragraph (a) (9) of this section.

(11) "Dry lumber", is lumber which, when shipped, does not exceed by more than five percent the appropriate estimated weight for "dry" lumber, set forth in §§ 1381.412 or 1381.413.

(12) "Partially dry" (or "Stuck") lumber is lumber the weight of which, when shipped, does not exceed 85 percent of the appropriate estimated weight for "green" lumber set forth in §§ 1381.412 and 1381.413.

(13) "Green lumber" is lumber which, when shipped, is not "dry" or "partially dry."

(14) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the War Shipping Administration, the Office of Scientific Research and Development and the Lend-Lease Section of the Procurement Division of the Treasury Department, or any agency of the foregoing.

(15) Unless otherwise specified, grades and classes of lumber, or items, patterns, workings and specifications used herein, have the meanings set forth in one or more of the following publications: *"Standard Specifications for Grades of California Redwood,"* issued October 1936, revised May 1940; *"Standard Patterns of Worked Redwood Lumber, Pattern Book 738"*, adopted May 24, 1938 and revised June 1940; *"Standard Moulding Book (8000 Series)" Fourth Edition*, published by Shattock and McKay Co., revised March 1, 1940; and *"Frame Catalogue 140"* issued in 1940 by California Redwood Distributors, Ltd. These publications are listed in order of precedence.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to the terms used herein for which definitions are not provided.

§ 1381.409 *Export sales.* (a) The maximum price at which a person may export Redwood lumber shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation,[4] issued by the Office of Price Administration.

(b) On F. A. S. sales to Lend-Lease Administration, British Purchasing Commission, British Air Commission, and other government agencies or their contractors, an addition of $3.50 per thousand feet board measure may be made for marking, bundling, assembling, switching, unloading, tallying, dock insurance and other services necessary to the proper dispatch of the off-shore cargo of lumber.

§ 1381.410 *Licensing.* The provisions of Supplementary Order No. 18 (§ 1305.22) Licensing Persons Selling Lumber, Lumber Products or Building Materials, are applicable to every person (except mills, manufacturers or producers) making sales of Redwood lumber or millwork items, for which maximum prices are established by this Maximum Price Regulation No. 253.

§ 1381.411 *Effective date.* Maximum Price Regulation No. 253 (§§ 1381.401 to 1381.414, inclusive) shall become effective November 13, 1942, but shall not apply if prior to November 13, 1942, such lumber was received by a carrier, other than a carrier owned or controlled by the seller, for shipment to the purchaser.

§ 1381.412 *Appendix A: Maximum prices for Redwood lumber and millwork where shipment originates at a mill and purchaser takes delivery in the Western area.* (a) The maximum prices for redwood lumber and millwork items, f. o. b. mill, per one thousand feet board measure or other designated measure, where shipment originates at the mill and purchaser takes delivery in the Western area, shall be as follows:

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[3] 7 F.R. 5087, 5664.

[4] 7 F.R. 5059, 7242.

TABLE 1.—*Rough green redwood lumber, per M'BM*

(A) 1″ THICKNESSES

Size	Lengths	Add for dry	Clear all heart	A	B	No. 1 Heart, Common	No. 2 Common	No. 3 Common
1″ x 2″	6′	$10.00	$45.00	$37.00	$34.00	$37.00	$33.50	------
1″ x 2″	8′	10.00	48.00	40.00	37.00	40.00	36.50	------
1″ x 2″	10′ & 12′	10.00	51.00	45.00	41.00	45.00	40.50	------
1″ x 2″	14′, 16′, 18′ & 20′	10.00	63.00	56.00	53.00	56.00	52.50	------
1″ x 2″	6′ to 14′ R/L	10.00	51.00	45.00	41.00	------	------	------
1″ x 2″	6′ to 20′ R/L	10.00	56.00	47.00	43.00	47.00	42.50	------
1″ x 3″	6′	10.00	45.00	39.00	34.00	35.50	25.50	$17.00
1″ x 3″	8′	10.00	48.00	42.00	36.00	38.50	28.50	19.00
1″ x 3″	10′ & 12′	10.00	51.00	47.00	39.00	40.50	29.50	19.00
1″ x 3″	14′, 16′, 18′ & 20′	10.00	63.00	57.00	49.00	51.50	38.50	26.00
1″ x 3″	6′ to 14′ R/L	10.00	51.00	47.00	39.00	------	------	------
1″ x 3″	6′ to 20′ R/L	10.00	56.00	50.00	42.00	43.50	30.50	19.00
1″ x 4″	6′	10.00	40.00	32.00	28.00	32.50	19.50	16.00
1″ x 4″	8′	10.00	43.00	35.00	31.00	35.50	22.50	16.00
1″ x 4″	10′ & 12′	10.00	46.00	40.00	35.00	38.50	22.50	16.00
1″ x 4″	14′, 16′, 18′ & 20′	10.00	58.00	51.00	47.00	47.50	34.50	22.00
1″ x 4″	6′ to 14′ R/L	10.00	46.00	40.00	35.00	------	------	------
1″ x 4″	6′ to 20′ R/L	10.00	51.00	42.00	37.00	39.50	24.50	17.00
1″ x 6″	6′	10.00	43.00	37.00	33.00	33.50	21.50	17.00
1″ x 6″	8′	10.00	46.00	40.00	36.00	36.50	24.50	19.00
1″ x 6″	10′ & 12′	10.00	49.00	45.00	42.00	38.50	26.50	19.00
1″ x 6″	14′, 16′, 18′ & 20′	10.00	61.00	55.00	52.00	49.50	36.50	26.00
1″ x 6″	6′ to 14′ R/L	10.00	49.00	45.00	42.00	------	------	------
1″ x 6″	6′ to 20′ R/L	10.00	54.00	48.00	45.00	41.50	29.50	20.00
1″ x 8″	6′	10.00	51.00	47.00	43.00	42.00	22.50	19.00
1″ x 8″	8′	10.00	55.00	51.00	47.00	45.00	27.50	21.00
1″ x 8″	10′ & 12′	10.00	61.00	57.00	53.00	49.00	29.50	21.00
1″ x 8″	14′, 16′, 18′ & 20′	10.00	66.00	62.00	58.00	56.00	38.50	26.00
1″ x 8″	6′ to 20′ R/L	10.00	61.00	57.00	53.00	50.00	31.50	21.00
1″ x 5″ & 1″ x 10″	6′	10.00	63.00	56.00	53.00	47.00	27.50	21.00
1″ x 5″ & 1″ x 10″	8′	10.00	63.00	59.00	56.00	50.00	30.50	21.00
1″ x 5″ & 1″ x 10″	10′ & 12′	10.00	69.00	65.00	62.00	57.00	35.50	23.00
1″ x 5″ & 1″ x 10″	14′, 16′, 18′ & 20′	10.00	69.00	65.00	62.00	57.00	35.50	23.00
1″ x 5″ & 1″ x 10″	6′ to 20′ R/L	10.00	67.00	63.00	60.00	55.00	33.50	21.00
1″ x 12″	6′	10.00	63.00	59.00	56.00	47.00	28.50	22.00
1″ x 12″	8′	10.00	63.00	61.00	58.00	50.00	33.50	22.00
1″ x 12″	10′ & 12′	10.00	69.00	65.00	62.00	57.00	36.50	24.00
1″ x 12″	14′, 16′, 18′ & 20′	10.00	69.00	65.00	62.00	57.00	36.50	24.00
1″ x 12″	6′ to 20′ R/L	10.00	67.00	63.00	60.00	55.00	34.50	22.00
1″ x 14″	6′ to 20′ Spec. or R/L	16.00	79.00	74.00	------	63.00	------	------
1″ x 16″	6′ to 20′ Spec. or R/L	16.00	82.00	77.00	------	65.00	------	------
1″ x 18″	6′ to 20′ Spec. or R/L	16.00	86.00	81.00	------	67.00	------	------
1″ x 20″	6′ to 20′ Spec. or R/L	16.00	91.00	86.00	------	69.00	------	------
1″ x 22″	6′ to 20′ Spec. or R/L	16.00	95.00	90.00	------	71.00	------	------
1″ x 24″	6′ to 20′ Spec. or R/L	16.00	95.00	90.00	------	73.00	------	------

(B) 1¼″ AND 1½″ THICKNESSES

Size	Lengths	Add for dry	Clear all heart	A	B	No. 1 Heart, Common	No. 2 Common
1¼″ x 2″ & 1½″ x 2″	6′	$12.00	$58.00	$53.00	$49.00	$51.00	$48.50
1¼″ x 2″ & 1½″ x 2″	8′	12.00	62.00	56.00	52.00	53.00	51.50
1¼″ x 2″ & 1½″ x 2″	10′ & 12′	12.00	64.00	60.00	56.00	58.00	52.50
1¼″ x 2″ & 1½″ x 2″	14′, 16′, 18′ & 20′	12.00	71.00	67.00	63.00	66.00	64.50
1¼″ x 2″ & 1½″ x 2″	6′ to 20′ R/L	12.00	66.00	62.00	58.00	59.00	54.50
1¼″ x 3″ & 1½″ x 3″	6′	12.00	59.00	54.00	50.00	46.00	37.50
1¼″ x 3″ & 1½″ x 3″	8′	12.00	63.00	57.00	53.00	48.00	40.50
1¼″ x 3″ & 1½″ x 3″	10′ & 12′	12.00	65.00	61.00	57.00	53.00	41.50
1¼″ x 3″ & 1½″ x 3″	14′, 16′, 18′ & 20′	12.00	72.00	68.00	64.00	61.00	53.50
1¼″ x 3″ & 1½″ x 3″	6′ to 20′ R/L	12.00	67.00	63.00	59.00	54.00	43.50
1¼″ x 4″ & 1½″ x 4″	6′	12.00	53.00	48.00	44.00	46.00	37.50
1¼″ x 4″ & 1½″ x 4″	8′	12.00	57.00	51.00	47.00	48.00	40.50
1¼″ x 4″ & 1½″ x 4″	10′ & 12′	12.00	59.00	55.00	51.00	53.00	41.50
1¼″ x 4″ & 1½″ x 4″	14′, 16′, 18′ & 20′	12.00	66.00	62.00	58.00	61.00	53.50
1¼″ x 4″ & 1½″ x 4″	6′ to 20′ R/L	12.00	61.00	57.00	53.00	54.00	43.50
1¼″ x 6″ & 1½″ x 6″	6′	12.00	57.00	52.00	48.00	46.00	37.50
1¼″ x 6″ & 1½″ x 6″	8′	12.00	61.00	55.00	51.00	48.00	40.50
1¼″ x 6″ & 1½″ x 6″	10′ & 12′	12.00	63.00	59.00	55.00	53.00	41.50
1¼″ x 6″ & 1½″ x 6″	14′, 16′, 18′ & 20′	12.00	70.00	66.00	62.00	61.00	53.50

TABLE 1.—*Rough green redwood lumber, per M'BM*—Continued

(B) 1¼″ AND 1½″ THICKNESSES—Continued

Size	Lengths	Add for dry	Clear all heart	A	B	No. 1 Heart, Common	No. 2 Common
1¼″ x 6″ & 1½″ x 6″	6′ to 20′ R/L	$12.00	$65.00	$61.00	$57.00	$54.00	$43.50
1¼″ x 8″ & 1½″ x 8″	6′	12.00	75.00	73.00	69.00	58.00	37.50
1¼″ x 8″ & 1½″ x 8″	8′	12.00	77.00	75.00	71.00	61.00	42.50
1¼″ x 8″ & 1½″ x 8″	10′ & 12′	12.00	81.00	79.00	75.00	68.00	48.50
1¼″ x 8″ & 1½″ x 8″	14′, 16′, 18′ & 20′	12.00	81.00	79.00	75.00	68.00	48.50
1¼″ x 8″ & 1½″ x 8″	6′ to 20′ R/L	12.00	79.00	77.00	73.00	66.00	46.50
1¼″ x 5″ & 10″, & 1½″ x 5″ & 10″	6′	12.00	77.00	75.00	71.00	63.00	43.50
1¼″ x 5″ & 10″, & 1½″ x 5″ & 10″	8′	12.00	79.00	77.00	73.00	63.00	46.50
1¼″ x 5″ & 10″, & 1½″ x 5″ & 10″	10′ & 12′	12.00	83.00	81.00	77.00	70.00	52.50
1¼″ x 5″ & 10″, & 1½″ x 5″ & 10″	14′, 16′, 18′ & 20′	12.00	83.00	81.00	77.00	70.00	52.50
1¼″ x 5″ & 10″, & 1½″ x 5″ & 10″	6′ to 20′ R/L	12.00	81.00	79.00	75.00	68.00	50.50
1¼″ x 12″ & 1½″ x 12″	6′	12.00	77.00	75.00	71.00	64.00	43.50
1¼″ x 12″ & 1½″ x 12″	8′	12.00	79.00	77.00	73.00	64.00	46.50
1¼″ x 12″ & 1½″ x 12″	10′ & 12′	12.00	83.00	81.00	77.00	70.00	52.50
1¼″ x 12″ & 1½″ x 12″	14′, 16′, 18′ & 20′	12.00	83.00	81.00	77.00	70.00	52.50
1¼″ x 12″ & 1½″ x 12″	6′ to 20′ R/L	12.00	81.00	79.00	75.00	68.00	50.50
1¼″ x 14″ & 1½″ x 14″	6′ to 20′ Spec. or R/L	18.00	88.00	83.00	------	80.00	------
1¼″ x 16″ & 1½″ x 16″	6′ to 20′ Spec. or R/L	18.00	91.00	86.00	------	82.00	------
1¼″ x 18″ & 1½″ x 18″	6′ to 20′ Spec. or R/L	18.00	95.00	90.00	------	84.00	------
1¼″ x 20″ & 1½″ x 20″	6′ to 20′ Spec. or R/L	18.00	100.00	95.00	------	86.00	------
1¼″ x 22″ & 1½″ x 22″	6′ to 20′ Spec. or R/L	18.00	104.00	99.00	------	88.00	------
1¼″ x 24″ & 1½″ x 24″	6′ to 20′ Spec. or R/L	18.00	104.00	99.00	------	90.00	------

(C) 2″ THICKNESSES

Size	Lengths	Add for dry	Clear all heart	A	B	No. 1 heart, common	No. 2 common	No. 3 common
2″ x 2″	6′	$12.00	$51.00	$40.00	$36.00	$39.00	$30.00	------
2″ x 2″	8′	12.00	55.00	43.00	39.00	43.50	33.00	------
2″ x 2″	10′ & 12′	12.00	56.00	45.00	41.00	46.50	39.00	------
2″ x 2″	14′, 16′, 18′, & 20′	12.00	66.00	57.00	53.00	57.50	49.00	------
2″ x 2″	6′ to 20′ R/L	12.00	59.00	49.00	45.00	49.50	42.00	------
2″ x 3″	6′	12.00	50.00	41.00	37.00	38.50	26.00	$18.00
2″ x 3″	8′	12.00	55.00	45.00	41.00	40.50	30.00	19.00
2″ x 3″	10′ & 12′	12.00	55.00	48.00	44.00	43.50	32.00	19.00
2″ x 3″	14′, 16′, 18′, & 20′	12.00	66.00	59.00	55.00	55.50	41.00	25.00
2″ x 3″	6′ to 20′ R/L	12.00	59.00	51.00	47.00	48.50	35.00	20.00
2″ x 4″	6′	12.00	46.00	35.00	31.00	33.00	20.00	14.00
2″ x 4″	8′	12.00	50.00	38.00	34.00	37.50	26.00	17.00
2″ x 4″	10′ & 12′	12.00	51.00	40.00	36.00	39.50	30.00	16.00
2″ x 4″	14′, 16′, 18′, & 20′	12.00	61.00	52.00	48.00	48.50	40.00	24.00
2″ x 4″	6′ to 20′ R/L	12.00	54.00	44.00	40.00	41.50	33.00	20.00
2″ x 6″	6′	12.00	48.00	38.00	34.00	36.50	23.00	17.00
2″ x 6″	8′	12.00	53.00	42.00	38.00	38.50	27.00	17.00
2″ x 6″	10′ & 12′	12.00	53.00	45.00	41.00	42.50	31.00	17.00
2″ x 6″	14′, 16′, 18′ & 20′	12.00	64.00	56.00	52.00	52.50	40.00	24.00
2″ x 6″	6′ to 20′ R/L	12.00	57.00	48.00	44.00	45.50	34.00	19.00
2″ x 8″	6′	12.00	57.00	54.00	50.00	45.00	28.00	17.00
2″ x 8″	8′	12.00	60.00	57.00	53.00	49.00	29.00	17.00
2″ x 8″	10′ & 12′	12.00	67.00	62.00	58.00	53.00	32.00	19.00
2″ x 8″	14′, 16′, 18′ & 20′	12.00	67.00	62.00	58.00	53.00	32.00	19.00
2″ x 8″	6′ to 20′ R/L	12.00	65.00	60.00	56.00	51.00	30.00	17.00
2″ x 5″ & 2″ x 10″	6′	12.00	62.00	57.00	53.00	44.50	29.00	20.00
2″ x 5″ & 2″ x 10″	8′	12.00	62.00	60.00	56.00	44.50	30.00	20.00
2″ x 5″ & 2″ x 10″	10′ & 12′	12.00	69.00	65.00	61.00	51.50	32.00	22.00
2″ x 5″ & 2″ x 10″	14′, 16′, 18′ & 20′	12.00	69.00	65.00	61.00	51.50	32.00	22.00
2″ x 5″ & 2″ x 10″	6′ to 20′ R/L	12.00	67.00	63.00	59.00	49.50	30.00	20.00
2″ x 12″	6′	12.00	68.00	62.00	58.00	45.50	31.00	20.00
2″ x 12″	8′	12.00	68.00	65.00	61.00	45.50	33.00	20.00
2″ x 12″	10′ & 12′	12.00	73.00	70.00	66.00	52.50	36.00	22.00
2″ x 12″	14′, 16′, 18′ & 20′	12.00	73.00	70.00	66.00	52.50	36.00	22.00
2″ x 12″	6′ to 20′ R/L	12.00	71.00	68.00	64.00	50.50	34.00	20.00
2″ x 14″	6′ to 20′ Spec. or R/L	18.00	82.00	77.00	------	62.50	------	------
2″ x 16″	6′ to 20′ Spec. or R/L	18.00	85.00	80.00	------	64.50	------	------
2″ x 18″	6′ to 20′ Spec. or R/L	18.00	89.00	84.00	------	66.50	------	------
2″ x 20″	6′ to 20′ Spec. or R/L	18.00	94.00	89.00	------	68.50	------	------
2″ x 22″	6′ to 20′ Spec. or R/L	18.00	98.00	93.00	------	70.50	------	------
2″ x 24″	6′ to 20′ Spec. or R/L	18.00	98.00	93.00	------	72.50	------	------

TABLE 1.—*Rough green redwood lumber, per M'BM*—Continued

(D) 3" AND 4" THICKNESSES

Size	Lengths	Add for dry	Clear all heart	A	No. 1 heart, common	No. 2 common	No. 3 common
3" x 4"	6'	$13.00	$56.00	$52.00	$36.50	$36.00	$21.00
3" x 4"	8'	13.00	59.00	55.00	41.50	36.00	21.00
3" x 4"	10' & 12'	13.00	59.00	55.00	43.50	36.00	21.00
3" x 4"	14'	13.00	59.00	55.00	44.50	39.00	23.00
3" x 4"	16', 18' & 20'	13.00	66.00	62.00	49.50	43.00	25.00
3" x 4"	6' to 20' R/L	13.00	61.00	57.00	45.50	38.00	22.00
3" x 6"	6'	23.00	63.00	58.00	37.50	30.00	19.00
3" x 6"	8'	23.00	68.00	64.00	41.50	31.00	19.00
3" x 6"	10', 12' & 14'	23.00	68.00	64.00	41.50	31.00	19.00
3" x 6"	16', 18' & 20'	23.00	77.00	73.00	47.50	37.00	24.00
3" x 6"	6' to 20' R/L	23.00	71.00	67.00	43.50	32.00	20.00
3" x 8"	6'	23.00	62.00	58.00	48.50	36.00	26.00
3" x 8"	8'	23.00	68.00	64.00	48.50	36.00	26.00
3" x 8"	10', 12' & 14'	23.00	68.00	64.00	48.50	36.00	26.00
3" x 8"	16', 18' & 20'	23.00	77.00	73.00	48.50	36.00	26.00
3" x 8"	6' to 20' R/L	23.00	71.00	67.00	46.50	34.00	24.00
3" x 10"	6' to 20' Spec	23.00	77.00	72.00	48.50	36.00	26.00
3" x 10"	6' to 20' R/L	23.00	75.00	70.00	46.50	34.00	24.00
3" x 12"	6' to 20' Spec	23.00	79.00	74.00	49.50	37.00	29.00
3" x 12"	6' to 20' R/L	23.00	77.00	72.00	47.50	35.00	27.00
3" x 14"	6' to 20' Spec. or R/L	24.00	86.00	81.00	62.50	-------	-------
3" x 16"	6' to 20' Spec. or R/L	24.00	89.00	84.00	64.50	-------	-------
3" x 18"	6' to 20' Spec. or R/L	24.00	93.00	88.00	66.50	-------	-------
3" x 20"	6' to 20' Spec. or R/L	24.00	98.00	93.00	68.50	-------	-------
3" x 22"	6' to 20' Spec. or R/L	24.00	102.00	97.00	70.50	-------	-------
3" x 24"	6' to 20' Spec. or R/L	24.00	102.00	97.00	72.50	-------	-------
4" x 4"	6'	16.00	60.00	56.00	36.50	36.00	21.00
4" x 4"	8'	16.00	62.00	58.00	41.50	36.00	21.00
4" x 4"	10'& 12"	16.00	62.00	58.00	43.50	36.00	21.00
4" x 4"	14'	16.00	62.00	58.00	44.50	39.00	23.00
4" x 4"	16', 18' & 20'	16.00	69.00	65.00	49.50	43.00	25.00
4" x 4"	6' to 20' R/L	16.00	64.00	60.00	45.50	38.00	22.00
4" x 6"	6'	23.00	61.00	56.00	37.50	30.00	19.00
4" x 6"	8'	23.00	64.00	58.00	41.50	31.00	19.00
4" x 6"	10', 12' & 14'	23.00	64.00	58.00	41.50	31.00	19.00
4" x 6"	16', 18' & 20'	23.00	71.00	65.00	47.50	37.00	24.00
4" x 6"	6' to 20' R/L	23.00	66.00	60.00	43.50	32.00	20.00
4" x 8"	6' to 20' Spec	23.00	74.00	68.00	48.50	42.00	29.00
4" x 8"	6' to 20' R/L	23.00	72.00	66.00	46.50	40.00	27.00
4" x 10"	6' to 20' Spec	23.00	75.00	69.00	48.50	42.00	29.00
4" x 10"	6' to 20' R/L	23.00	73.00	67.00	46.50	40.00	27.00
4" x 12"	6' to 20' Spec	23.00	76.00	70.00	50.50	43.00	31.00
4" x 12"	6' to 20' R/L	23.00	74.00	68.00	48.50	41.00	29.00
4" x 14"	6' to 20' Spec. or R/L	29.00	89.00	84.00	63.50	-------	-------
4" x 16"	6' to 20' Spec. or R/L	29.00	92.00	87.00	65.50	-------	-------
4" x 18"	6' to 20' Spec. or R/L	29.00	96.00	91.00	67.50	-------	-------
4" x 20"	6' to 20' Spec. or R/L	29.00	101.00	96.00	69.50	-------	-------
4" x 22"	6' to 20' Spec. or R/L	29.00	105.00	100.00	71.50	-------	-------
4" x 24"	6' to 20' Spec. or R/L	29.00	105.00	100.00	73.50	-------	-------

(E) 5" AND GREATER THICKNESSES

Size	Lengths	Add for dry	Clear all heart	A	No. 1 heart, common	No. 2 common	No. 3 common
5" x 5"	6' to 20' Spec. or R/L	$26.00	$71.00	$66.00	-------	-------	-------
6" x 6"	6', 8', 10', 12', & 14'	26.00	71.00	66.00	$47.00	$37.00	$25.00
6" x 6"	16', 18' & 20'	26.00	71.00	66.00	51.00	41.00	27.00
6" x 6"	6' to 20' R/L	26.00	71.00	66.00	48.00	38.00	25.00
6" x 8"	6' to 20' Spec. or R/L	26.00	71.00	66.00	48.00	40.00	28.00
6" x 10"	6' to 20' Spec. or R/L	26.00	71.00	66.00	48.00	43.00	38.00
6" x 12"	6' to 20' Spec. or R/L	26.00	71.00	66.00	48.00	43.00	38.00
6" x 14"	6' to 20' Spec. or R/L	26.00	93.00	88.00	54.00	49.00	44.00
6" x 16"	6' to 20' Spec. or R/L	26.00	96.00	91.00	56.00	51.00	46.00
6" x 18"	6' to 20' Spec. or R/L	26.00	100.00	95.00	58.00	53.00	48.00
6" x 20"	6' to 20' Spec. or R/L	26.00	105.00	100.00	60.00	55.00	50.00
6" x 22"	6' to 20' Spec. or R/L	26.00	109.00	104.00	62.00	57.00	52.00
6" x 24"	6' to 20' Spec. or R/L	26.00	109.00	104.00	64.00	59.00	54.00
8" x 8"	6' to 20' Spec. or R/L	26.00	72.00	67.00	48.00	43.00	38.00
8" x 10"	6' to 20' Spec. or R/L	26.00	72.00	67.00	49.00	44.00	39.00
8" x 12"	6' to 20' Spec. or R/L	26.00	72.00	67.00	50.00	45.00	40.00
8" x 14"	6' to 20' Spec. or R/L	26.00	74.00	69.00	54.00	49.00	44.00
8" x 16"	6' to 20' Spec. or R/L	26.00	76.00	71.00	56.00	51.00	46.00
10" x 10"	6' to 20' Spec. or R/L	26.00	75.00	70.00	48.00	43.00	38.00
10" x 12"	6' to 20' Spec. or R/L	26.00	75.00	70.00	50.00	45.00	40.00
10" x 14"	6' to 20' Spec. or R/L	26.00	79.00	74.00	52.00	47.00	42.00
10" x 16"	6' to 20' Spec. or R/L	26.00	81.00	76.00	54.00	49.00	44.00
12" x 12"	6' to 20' Spec. or R/L	26.00	77.00	72.00	50.00	45.00	40.00
12" x 14"	6' to 20' Spec. or R/L	26.00	81.00	76.00	52.00	47.00	42.00
12" x 16"	6' to 20' Spec. or R/L	26.00	83.00	78.00	54.00	49.00	44.00
14" x 14"	6' to 20' Spec. or R/L	26.00	85.00	80.00	52.00	47.00	42.00
14" x 16"	6' to 20' Spec. or R/L	26.00	87.00	82.00	54.00	49.00	44.00
16" x 16"	6' to 20' Spec. or R/L	26.00	90.00	85.00	54.00	49.00	44.00

Specified lengths: 6' to 20' spec. permits at the buyers option the selection of any of the following lengths, or combination of lengths, at the price listed: 6', 7', 8', 9', 10', 12', 14', 16', 18', and 20'.

Random lengths: (a) Permits a maximum of 20% of 6' to 9' lengths. (b) Requires a minimum of 40% of 14' to 20' lengths.

Additions and deductions per 1,000 feet board measure.

For surfacing.

1. Surfacing to standard sizes:

(I) Widths 2" and narrower, S4S: Add $9.00.

(II) Widths 2" and narrower, S1S, S2S, or S3S: Add $8.00.

(III) Widths 3" and wider except wide clear finish, S1S, S2S, S3S, or S4S: Add $3.00.

(IV) Widths 14" and wider in wide clear finish only S1S, S2S, S3S, or S4S: Add $6.00.

2. Surfacing to sizes larger than standard: Add $1.00 to the surfaced standard size price for each additional 1/16" or fraction thereof in thickness, and $1.00 for each additional 1/8" or fraction thereof in width.

For length:

3. Additions to random length 6' to 20' price for omitting the following short lengths:

(I) 6' lengths: Add $0.50.

(II) 6' to 8' lengths: Add $1.00.

4. Specified lengths 7' and 9':

(I) Widths 6" and narrower in thickness 2" or less.

(a) 7' length: Same price as and compute footage on 8' length.

(b) 9' length: Same price as and compute footage on 10' length.

(II) Widths 6" and narrower in thicknesses greater than 2".

(a) 7' lengths: Same price as 14' length.

(b) 9' lengths: Same price as 18' length.

(III) Widths greater than 6".

(a) 7' length: Same price as 14' length.

(b) 9' length: Same price as 18' length.

5. Specified lengths less than 6', Clear All Heart, A, and B grades only:

(I) 4' lengths and shorter: Deduct $2.50 from 6'. and compute footage on 6" multiples.

(II) 4' 1" to 5' 11" inclusive: Same as 6', and compute footage on 6" multiples.

6. Specified lengths less than 6', common grades only:

(I) No. 1 and No. 2 Common.

(a) 4': Deduct $1.50 from 6'.

(b) 5': Same as 6'.

(c) For any other length in 6" multiples: Add $2.00 to the shortest multiple of the length wanted for which a price is provided.

(d) For fractional lengths other than 6" multiples: Same price as, and compute footage on, next longer 6" length.

(II) No. 3 Common: Add cutting charge to 6' to 20' random length, and compute footage on 6" multiples.

7. Specified lengths longer than 20', Clear All Heart and A grades only:

(I) 22' and 24': Add $6.00 to 20' specified length.

(II) 26' to 32': Add $14.00 to 20' specified length.

(III) Longer than 32': Add $2.00 to 32' specified length for each additional 2' in length.

8. Specified lengths longer than 20', common grades only:

(I) 22' and 24': Add $6.00 to 20' specified length.

(II) 26' to 32': Add $1.00 to 24' specified length for each additional 2' in length.

(III) Longer than 32': Add $1.00 to 32' specified length for each additional 2' in length.

9. Specified fractional and odd lengths greater than 6' not priced: Same price as, and compute footage on, next longer even length listed.

10. Specified average length: Same price as the specified length price for the required lineal average.

For Width.

11. Widths wider than listed: Add $2.00 to the widest width listed in the thickness wanted for each additional 2" in width.

12. Odd widths not listed: Add $5.00 to, and compute footage on, next wider width listed.

13. Fractional widths not listed: Add $8.00 to, and compute footage on, next wider width listed.

14. Random widths, 8" and wider, averaging 12" wide by piece count: Same price as the average of the prices of the 12" and 14" widths.

15. Restricted random widths: Each width shall be invoiced separately at the specified width price.

For Thickness.

16. Thicknesses greater than listed: Add $2.00 to the greatest thickness listed in the width wanted for each additional 2" in thickness.

17. Odd thicknesses not listed: Add $5.00 to, and compute thickness on, next greater thickness listed.

18. Fractional thicknesses not listed: Add $8.00 to, and compute footage on, next greater thickness listed.

19. Shims:

(I) Specified widths: Deduct 25% from the price of specified width in 1" rough lumber.

(II) Random widths: Same price as 8" width shims.

For condition.

20. Partially dry lumber:

(I) 1" lumber: Add $3.00 to the price of green lumber and use actual weight, or 85% of the green estimated weight for determining a delivered price.

(II) 1¼", 1½" & 2" lumber: Add $4.00 to the price of green lumber and use actual weight, or 85% of the green estimated weight for determining a delivered price.

(III) 2½" & thicker lumber: Add $6.00 to the price of green lumber and use actual weight, or 85% of the green estimated weight for determining a delivered price.

For selection from clear grades.

21. Clear vertical grain:

(I) Widths 12" and narrower: Add $10.00 to clear all heart.

(II) Widths 14" and wider: Add $25.00 to clear all heart.

22. Curly grain: Add $10.00 to clear all heart.

23. Pattern lumber: Add $10.00 to clear all heart.

24. Clear all heart vertical grain stadium seat stock: Add $10.00 to clear all heart.

25. Selected clear all heart greenhouse rafter bar stock: Add $10.00 to clear all heart.

26. Expansion joint specification stock: Add $10.00 to clear all heart.

For selection from common grades:

27. Irrigation heart: Add $3.00 to No. 1 heart common.

28. Foundation grade: Same as No. 1 heart common.

29. Dense select all heart structural: Add $15.00 to No. 1 heart common.

30. Select all heart structural: Add $12.00 to No. 1 heart common.

31. Bulkhead structural: Add $10.00 to No. 1 heart common.

32. Heart structural: Add $10.00 to No. 1 heart common.

33. Refuse, all sizes: The price is $15.00.

For working.

34. Crosscutting to nominal lengths: Add $2.00.

35. Ripping, except taper: Add $2.00.

36. Saw sizing to exact size: Add $2.00 per cut.

37. Cutting to exact length or mitering, piece containing:

(I) 6' BM or more: Add $2.50.

(II) 3' BM and less than 6': Add $5.00.

(III) 2' BM and less than 3': Add $7.50.

(IV) 1½' BM and less than 2': Add $10.00.

(V) 1' BM and less than 1½': Add $12.50.

(VI) ¾' BM and less than 1': Add $15.00.

(VII) ½' BM and less than ¾': Add $20.00.

(VIII) ¼' BM and less than ½': Add $25.00.

(IX) Less than ¼' BM: Add $30.00.

38. End notching: Add $3.50.

39. End slotting: Add $5.00.

40. Cutting end splices: Add $0.10 net per end.

41. Crowning:

(I) Straight: Add $5.00 for 1 cut.

(II) Straight: Add $7.00 for 2 cuts.

(III) Circular: Add $15.00.

42. Resawing:

(I) Add $1.00 per M lineal feet for 2" widths and narrower.

(II) Add $4.00 per M' BM for 3" and wider.

43. Taper ripping or diagonal resawing: Add $5.00.

44. Resawn bevel siding other than Table 4: Add $12.00.

45. Resawn face, when specified on 1¼" and thicker pattern items: Add $4.00.

46. 1" rustic or ceiling with resawn face: Add $7.50 to width required in 2" stock.

47. Taper sawn poles:

(I) Add $10.00 for single taper.

(II) Add $20.00 for double taper.

48. Sawing wedges:

(I) Add $3.00 for 1 cut.

(II) Add $5.00 for 2 cuts.

49. Set-up for special machine work, 1,000 feet BM or less: Add $5.00 net.

50. Grooved for spline, dressed and matched, shiplap, and/or grooved roofing: Add $4.00.

51. Roofing poles. Add $2.00 per cut.

52. Chamfering posts, 4 cuts: Add $4.00.

53. Running wheelguard, 8" x 10" and larger, S4S, bevelled 1E: Add $12.00.

54. Running guard rail S4S. bevelled corner: Add $5.00.

55. Standard patterns of drop siding, rustic siding, wall boarding (except ⅜"), dressed and matched, flooring, log cabin siding, corn cribbing, ceiling, partition, bevel sill, shiplap, and anzac siding (except items in tables 4 and 5) as shown in standard pattern book 738, or patterns having identical profiles with these standard patterns but varying in size: Add $4.00.

56. ⅜" resawn wall boarding: Same price as ½" resawn bevel siding.

57. Standard patterns of moulded sill: Add $5.00.

58. Non-standard patterns of moulded sill: Add $10.00.

59. Non-standard patterns, rustic, ceiling. log cabin siding, and bevel sill: Add $6.00.

60. Casing, base, and stepping: Add $3.00.

61. Standard or non-standard patterns of gutter, trunking and capping: Add $15.00.

62. Selected clear all heart greenhouse rafter bar stock worked to detail: Add $25.00 to clear all heart.

63. Boring:

(I) Stock 3" and thinner, straight bore: Add $0.01 net per hole.

(II) Stock 3" and thinner, counter sunk hole: Add $0.015 net per hole.

(III) Stock thicker than 3", single straight bore: Add $0.10 net per hole.

(IV) Stock thicker than 3", additional parallel holes: Add $0.01 net per hole.

64. Circular routing for timber connectors: Add $0.025 net per rout.

65. Dapping: Add $0.10 net per dap.

TABLE 2.—*No. 1 shop, green, rough, 6' to 20' random lengths, per M'BM*

Size	Price	Add for dry
1" x 5"/12"	$27.00	$10.00
1" x 14" & up	36.00	16.00
1¼" x 5"/12"	40.00	12.00
1¼" x 14" & up	46.00	18.00
1½" x 5"/12"	40.00	12.00
1½" x 14" & up	46.00	18.00
2" x 5"	34.00	12.00
2" x 6"	29.00	12.00
2" x 8"	36.00	12.00
2" x 10"	32.00	12.00
2" x 12"	32.00	12.00
2" x 5"/12"	30.00	12.00
2" x 14" & up	39.00	18.00
2½" x 5"/12"	45.00	23.00
2½" x 14" & up	55.00	24.00
3" x 5"/12"	40.00	23.00
3" x 14" & up	50.00	24.00

Additions and Deductions per 1,000 feet Board Measure.

For surfacing:

1. S1S or S2S: Add $2.50.

2. S3S or S4S: Add $3.00.

For width:

3. Specified widths not listed: Add $5.00.

For thickness:

4. Thicknesses 4" and greater: Same as 3" thicknesses.

For selection:

5. Vertical grain: Add $10.00.

6. Selection to produce all heart cuttings: Add $5.00.

For working:

7. Standard patterns:

(I) Moulded sill: Add $5.00.

(II) Log cabin siding: Add $4.00.

(III) Bevel sill: Add $4.00.

8. Non-standard patterns:

(I) Moulded sill: Add $10.00.

(II) Log cabin siding: Add $6.00.

(III) Bevel sill: Add $6.00.

TABLE 3.—*Moulding strips, B and better, green, rough, 6' to 20' random lengths, bundled, per M'BM*

Size	Price	Add for dry
1" x 1"	$34.00	$10.00
1" x 1½"	35.00	10.00
1" x 2"	43.00	10.00
1" x 2½"	45.00	10.00
1¼" x 2"	49.00	12.00
1½" x 1½"	49.00	12.00
1½" x 2"	49.00	12.00
2" x 2"	43.00	12.00

Random lengths: (a) Permits a maximum of 20% or 6' to 9' lengths. (b) Requires the invoicing of an excess over 20% of 6' to 9' lengths at a deduction of $7.00.

Additions and Deductions per 1,000 feet Board Measure

For Surfacing:

1. Surfacing: Add $9.00.

For length:

2. Specified lengths:

(I) 6': Deduct $10.00.

(II) 8': Deduct $7.00.

(III) 10' and 12': Deduct $4.00.

(IV) 14', 16', 18' and 20': Add $8.00.

3. Restricted Lengths:

(I) 6' to 9': Deduct $7.00.

(II) 10' to 20': Add $2.00.

For Working:

4. Resawing: Add $1.00 per M Lineal Feet.

TABLE 4.—*Standard patterns of bevel, bungalow and Mount Vernon siding, dry, mixed grain, 3' to 20' random lengths, bundled, per M'SM*

Size	Siding	Clear all heart	A	B
½" x 4"	Bevel	$34.50	$30.00	$27.50
½" x 5"	Bevel	36.00	33.00	31.50
½" x 6"	Bevel	36.00	33.00	31.50
½" x 8"	Bevel	39.50	37.50	35.50
⅝" x 4"	Bevel (Pattern 360)	34.50	30.00	27.50
⅝" x 6"	Bevel (Patterns 362, 382, 401).	36.00	33.00	31.50
⅝" x 6"	Bungalow (Pattern 362A).	40.00	38.00	36.00
⅝" x 8"	Bevel, (Patterns 363, 383, 402).	39.50	37.50	35.50
⅝" x 8"	Bungalow (Pattern 326).	45.50	43.50	41.50
⅝" x 10"	Bungalow	49.00	47.00	45.00
¾" x 4"	Bungalow	52.50	50.00	48.00
¾" x 6"	Bungalow	55.00	52.50	50.50
¾" x 8"	Bungalow	63.75	62.50	60.50
¾" x 10"	Bungalow	65.00	63.75	61.75
¾" x 12"	Bungalow	65.00	63.75	61.75
⅞" x 8"	Mt. Vernon	76.50	75.00	73.00
⅞" x 10"	Mt. Vernon	78.00	76.50	74.50
⅞" x 12"	Mt. Vernon	78.00	76.50	74.50

Random lengths, clear all heart and A grades:

(I) 3' to 20': (a) Permits a maximum of 10% of 3' to 7' lengths.
(b) Requires a minimum of 35% of 14' to 20' lengths.

(II) 3' to 12': (a) Requires a minimum of 35% of 10' and 12' lengths.

Random lengths, B grade:

(I) 3' to 20': (a) Permits a maximum of 20% of 3' to 7' lengths.
(b) Requires a minimum of 35% of 14' to 20' lengths.

(II) 3' to 12': (a) Requires a minimum of 35% of 10' and 12' lengths.

Additions and deductions per 1,000 feet surface measure

For length:

1. Specified lengths:

(I) ½" siding, 3' to 12': Same price.

(II) ½" siding, 14' to 20': Add $3.00.

(III) ⅝" and thicker siding: Add $2.00.

2. Random lengths other than 3' to 20':

(I) 8' to 20': Add $2.00.

(II) 3' to 12': Deduct $2.50.

(III) 3' to 7': Deduct $8.00.

For condition:

3. Green:

(I) ½" and ⅝": Deduct $5.00.

(II) ¾": Deduct $7.50.

(III) ⅞": Deduct $9.00.

For selection:

4. Vertical grain clear all heart: Add $3.00 to clear all heart.

Other sidings and wall boarding:

5. Flat sawn siding:

(I) S1S2E to 23/64": Same price as ½" bevel siding of the same nominal width.

(II) S1S2E to ½": Same price as ¾" bungalow siding of the same nominal width.

6. ⅜" resawn wall boarding: Same price as ½" resawn bevel siding.

TABLE 5.—*Standard patterns of drop siding, rustic ceiling, dressed and matched, dry, mixed grain, 3' to 20' random lengths, bundled, per M'SM*

Size	Patterns	Clear all heart	A	B
½" x 4"	127, 136, 161, 202, 211, and 312.	$51.50	$49.00	$47.50
½" x 6"	128, 137, 162, and 212	54.00	51.50	50.00
⅝" x 4"	129, 138, 163, 204, and 213.	62.00	59.00	57.50
⅝" x 6"	130, 139, 164, 205, 214, 290, 300, and 428.	65.00	62.00	60.50
⅝" x 8"	291 and 301	75.50	74.00	72.50

Random lengths, clear all heart and A grades: (a) Permits a maximum of 10% of 3' to 7' lengths. (b) Requires a minimum of 35% of 14' to 20' lengths.

Random lengths, B grade: (a) Permits a maximum of 20% of 3' to 7' lengths. (b) Requires a minimum of 35% of 14' to 20' lengths.

Additions and deductions per 1,000 feet surface measure

For condition:

1. Green.

(I) ½": Deduct $7.50.

(II) ⅝": Deduct $9.00.

TABLE 6.—*Standard patterns of battens, dry, surfaced, 3' to 20' random lengths, bundled, per M'SM*

Size	Length	Finish	Clear all heart	B and better
⅜" x 1¾"	4' to 6'	S1S2E	$35.50	$31.50
⅜" x 1¾"	7' to 14'	S1S2E	38.50	35.50
⅜" x 1¾"	16' to 20'	S1S2E	44.50	41.00
⅜" x 1¾"	3' to 20' R/L	S1S2E	41.00	36.50
⅜" x 2½"	4' to 6'	S1S2E	32.00	29.00
⅜" x 2½"	7' to 14'	S1S2E	35.00	33.00
⅜" x 2½"	16' to 20'	S1S2E	41.00	38.00
⅜" x 2½"	3' to 20' R/L	S1S2E	37.50	34.50
5/16" x 2½"	4' to 6'	S4S	35.00	32.00
5/16" x 2½"	7' to 14'	S4S	38.00	36.00
5/16" x 2½"	16' to 20'	S4S	44.00	41.00
5/16" x 2½"	3' to 20' R/L	S4S	40.50	37.50

Additions and deductions per 1,000 feet surface measure

For surfacing and rough:

1. S1S1E or S1S: Same as S1S2E.

2. Rough: Same as S1S2E.

For condition:

3. Green: Deduct $5.00.

TABLE 7.—*Sawn stakes, B and better, rough, unpointed, per M'BM*

Size and Length	
5' and shorter:	
½" x ½"	$70.00
8' and shorter (2', 2'6", 3', 3'6", 4', 5', 6', 7', 8'):	
1" x 1"	47.00
1" x 1¼"	50.00
1" x 1½"	50.00
1" x 2"	43.00
1¼" x 1¼"	60.00
1¼" x 2"	60.00
1½" x 1½"	60.00
1½" x 2"	60.00
12' and shorter (3', 3'6", 4', 5', 6', 7', 8', 9', 10', 12'):	
2" x 2"	50.00

Additions and deductions per 1,000 pieces

For working:

1. Pointing 1" x 1" and larger:

(I) 5' and shorter: Add $2.00.

(II) 6' to 8': Add $4.00.

(III) 9' to 12': Add $6.00.

TABLE 8.—*Sawn garden stakes, B and better, S4S, pointed, per M'BM*

Size	
8' and shorter:	
1" x 1"	$80.00
1¼" x 1¼"	90.00
1½" x 1½"	90.00
2" x' 2"	90.00

TABLE 9.—*Sawn ties, per M'BM*

Item	Size	Length	No. 1 Grade	No. 2 Grade
Cross ties	6" x 8" and 7" x 9".	6' to 8'	$50.00	$40.00
Switch ties	6" x 8" and 7" x 9".	8' 6" to 17'	53.00	43.00

TABLE 10.—*Shingles*

Length and thickness	Width	Grade	Grain	Per square	Exposure
16", 5/2	Random	No. 1	Vertical	$4.00	5"
16", 5/2	Random	No. 2	Mixed	3.00	5"

Additions and deductions per square—For width. 1. Dimension shingles: Add 20%.

TABLE 11.—*Sawn shakes*

OTHER SHAKES

24" x ⅝" Butt	Monterey Shakes	$10.00 per square, 10" Exposure
36" x ¼" x 6"	No. 1 clear vertical grain.	$24.50 per M pieces.
36" x ¼" x 6"	No. 2 clear slash grain.	18.50 per M pieces.
36" x ¼" x 6"	No. 2 sap	16.50 per M pieces.
36" x ¼" x 6"	No. 3 and tray	14.50 per M pieces.

TABLE 12.—*Window and door frames, per frame, for quantities of 300 or more openings for shipment at one time*

[Discounts applicable to rame catalogue No. 140]

Window frames with 4/4" casings	23½%
Door frames with 4/4" casings	13½%
Inside door jambs	13½%

Additions and deductions per frame

For quantities.

1. 100 to 299 openings: Shorten discount 5 points.

2. 99 or less openings: Shorten discount 10 points.

3. Items less han 10 of a size in one order: Add $0.10 net to price of complete frame, or $0.05 net to head and sill parts, and $0.05 net to side.

For working	Window frames			Doo , casement and cellar frames		
	Complete	Head and sill	Sides	Complete	Head and sill	Sides
4. Style "A" bundling: Add	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
5. Style "B" bundling: Add	0.04			0.04		
6. Style "C" bundling: Add	0.05	0.02	0.03	0.04	0.02	0.02
7. Style "D" bundling: Add	0.10	0.04	0.06	0.05	0.03	0.02

8. Mullions—Double net price of single frames and add to head and sill parts, $0.15 net.

9. Triples—Treble net price of single frames and add to head and sill parts $0.30 net.

10. Quadruples—Quadruple net price of single frames and add to head and sill parts, $0.45 net.

11. Mullion centers—Use price of single side parts.

12. Mullion center casings are 5⅝" net width. For 6" to 7" net width, add $0.05 net per casing.

Delivered prices: To compute delivered prices, shorten discount 1 point for each $0.08 increase in freight rate. Compute discount to nearest ½ point.

TABLE 13.—*Standard patterns of mouldings, B and better, 6' to 16' or 6' to 20' random lengths, per M lineal feet*

[Discounts applicable to 8000 series moulding book]

$3.00 list and less	44½%
Over $3.00 list	39½%
80¢ list—Screen mouldings	51½%
Lattice and wallboard strips	51½%

Random lengths 6' to 16' or 6' to 20': (a) Permits a maximum of 15% 6' to 9' lengths.

Additions and deductions

For length.

1. Specified lengths: Shorten discount 5 points.

2. Omitting 6' to 9': Shorten discount 3 points.

3. Random lengths 6' to 9': Lengthen discount 10 points.

For selection.

4. Clear all heart: Shorten discount 5 points.

Other mouldings.

5. Special Mouldings:

(I) 3,000 lineal feet and over: Same discount.

(II) Less than 3,000 lineal feet: Add $3.00 net set-up charge.

For quantity.

6. 1,000 to 9,999 lineal feet: Lengthen discount 2 points.

7. 10,000 lineal feet and over: Lengthen discount 4 points.

Delivered prices: To compute delivered prices, shorten discount 1 point for each $0.08 increase in freight rate. Compute discount to nearest ½ point.

TABLE 14.—*Miscellaneous Redwood manufactured items (bundled)*

(X) LATH & SLATS, A & BETTER, PER M PIECES

⅜" x 1½"—4'	$5.00
⅜' x 1½"—6'	12.00
⅜" x 1½"—8'	20.00

(X) CAR STRIPS, A & BETTER, PER M'BM

7/16" x 1¼"—4'	$30.00
7/16" x 1¼"—6' & 8'	40.00

(X) TRAY LATH, A & BETTER, PER M'BM

7/16" x 1½"—6'	$40.00
7/16" x 1½"—7'	40.00
7/16" x 1½"—8'	40.00

(X) TRAY FRAME, PARTS A & BETTER, PER M'BM

1" thick 7'	$57.00
1", other lengths	50.00
1¼" thick, 7'	63.00
1¼", other lengths	60.00

(X) NURSERY FLATS, B & BETTER, PER M'BM

Sides, ends & bottoms	$37.50

(X) FURROW TUBES, B & BETTER, PER M'BM

Standard patterns	$65.00

(X) PICKETS, B & BETTER, PER M'BM

	Green	Dry
1" x 2", 3", 4", & 6"	$41.00	$51.00
1½" x 1½"	44.00	56.00

COOLING TOWER STRIPS, ALL HEART, PER C PIECES

	¼" x 2"	⅜" x 1½"	⅜" x 2"	⅜" x 3"
3'	$1.16	$1.33	$1.76	$2.59
4'	1.55	1.77	2.34	3.46
5'	1.94	2.21	2.96	4.32
6'	2.34	2.66	3.45	5.18
7'	2.72	3.10	4.09	6.07
8'	3.11	3.56	4.69	6.93

Additions and deductions

For selection.

1. All heart in items marked with an (X): Add 10%.

For working.

2. Cutting cooling tower filler strips to special lengths (bundle trimming): Add $0.10 per 100 pieces.

TABLE 15.—*Extra charges*

1. Stencilling and hammer marking (when ordered): Add $1.00 per M'BM.

2. Cleating ends (when ordered): Add $2.00 per M'BM.

3. Tying in bundles (when ordered and when not standard): Add $2.00 per M'BM.

4. Crating, four sides, strapped (when ordered): Add $10.00 per M'BM.

5. Stakes and straps used in loading flat or gondola cars: Add $5.00 per car.

TABLE 16.—*Estimated weight, pounds*

	Rough	Surfaced
GREEN		
Foundation grade, No. 1 Ht. Com., No. 2 Com., No. 3 Com.	3,750 BM	3,000 BM
Irrigation heart	4,000 BM	3,200 BM
Structural grades	4,500 BM	4,500 BM
Ties	4,000 BM	
Clear heart, A grade, B grade (except 6" x 10" & larger).	4,000 BM	3,000 BM
Clear heart, 6" x 10" & larger	4,000 BM	3,750 BM
Shop common, 1" to 2" thickness.	4,000 BM	3,000 BM
Shop common, 2½" & thicker	4,000 BM	3,200 BM
Bevel siding, ½" & ⅝" thickness.		1,300 SM
Bungalow siding, ⅝" thickness.		1,575 SM
Bungalow siding, ¾" thickness.		1,850 SM
Mt. Vernon siding, ⅞" thickness.		2,250 SM
Pattern items: Ceiling, rustic, drop siding, 1" thickness.		2,800 BM
Flooring, shiplap, dressed and matched, ⅝" thickness.		2,000 SM
Partition, corn cribbing, wall boarding, ½" thickness.		1,600 SM
Battens, ⅜" & 5/16" thickness		1,300 SM
Log cabin siding, 2" & thicker		3,000 BM
Strips, stakes, laths & slats, 8' & shorter.	3,750 BM	
Tray parts, nursery flats, furrow tubes, car strips.	3,750 BM	
Pickets		3,000 BM
Shingles, 5/2-16" (5" exposure).	300 Sq.	
Shakes, 6" x 36"	1,400 M Pc.	
Cooling tower strips	3,750 BM	
DRY		
½" thickness (resawn from 1¼").		1,100 SM
⅝" thickness (resawn from 1½").		1,400 SM
1"	2,400 BM	1,800 BM
1¼" & 1½"	2,500 BM	2,000 BM
2"	2,600 BM	2,100 BM
2½", 3" & 4"	2,800 BM	2,400 BM
5" & 6"	3,200 BM	2,800 BM
Bevel siding, ½" & ⅝" thickness.		700 SM
Bungalow siding, ⅝" thickness.		850 SM
Bungalow siding, ¾" thickness.		1,000 SM
Mt. Vernon siding, ⅞" thickness.		1,200 SM
Pattern items: ceiling, rustic, drop siding, 1¼" thickness.		2,000 BM
Flooring, shiplap, dressed and matched, 1" thickness.		1,600 BM
Partition, corn cribbing, ⅝" thickness.		1,100 SM
Wall boarding, ½" thickness		850 SM
Battens, ⅜" & 5/16" thickness		700 SM
Log cabin siding, 2" & thicker		2,500 BM
Gutter		1,400 BM
Bevel & moulded sill		2,000 BM
Pickets		1,600 BM
Shingles, 5/2-16" (5" exposure)	200 sq	
Monterey shakes (10" exposure).	225 sq	

(b) Delivered prices in the western area, except as otherwise provided in tables 12 and 13, shall be determined as follows:

(1) A delivered price in excess of the maximum f. o. b. mill prices set forth in paragraph (a) of § 1381.411 may be charged consisting of such maximum prices plus the transportation costs permitted by this paragraph: *Provided,* That (i) the invoice shows the point of origin of the shipment, the destination, and the applicable railroad or truck rate, or, in place of such rate, where shipment is by motor vehicle owned or controlled by the seller, the amount added for transportation; and (ii) the invoice is marked "direct mill shipment."

(2) Where shipment is exclusively by motor vehicle owned or controlled by the seller, the charge for delivery may be no greater than the actual cost to the seller of delivery by motor vehicle; and in no event shall the charge exceed the railroad charge at the carload rate for the most nearly comparable haul. If the actual cost is less than such railroad charge, only the actual cost may be added to the maximum price.

(3) Where shipment is by common or contract carrier the amount added for transportation may be no greater than the actual amount paid to the carrier, except as provided in subparagraph (4) of this paragraph (b): *Provided,* That where shipment is by both rail and truck (either owned or controlled by the seller or a common or contract carrier), the following shall govern:

(i) Where shipment is by rail followed by truck delivery, the amount added for transportation may include, in addition to the amount added for rail transportation, the actual cost of truck delivery, provided such cost is shown separately on the invoice.

(ii) Where a truck haul precedes the rail shipment, as where a mill located away from a railhead hauls lumber by truck to the railhead, no addition may be made for such truck haul.

(4) In computing transportation costs, the following practices are permitted:

(i) The charging of a sum equivalent to the one-quarter of a dollar per thousand feet nearest to such transportation costs.

(ii) The averaging of transportation charges where a single order for which a single flat delivered price has been quoted and accepted is shipped from more than one mill to a single destination:

Provided, That the following procedure is followed:

(*a*) The seller shall set forth in each invoice the transportation charges for the particular shipment, and indicate that the particular shipment is part of a larger order.

(*b*) At the completion of the transaction, the seller shall render a final invoice to the purchaser for the complete order, showing the individual prices of each item separately f. o. b. mill, the quantity of each item shipped from each mill, the exact amount of actual transportation charge applying to each shipment, and a reconciliation of the total amount so computed with the agreed delivered sales price and the maximum price permitted by this Maximum Price Regulation No. 253.

(*c*) The seller must send a copy of such final invoice to the Office of Price Administration in Washington, D. C., within ten days of the completion of the last shipment.

(iii) The use of the estimated weights per one thousand feet board measure, set forth herein at Table 16 (even though higher than the actual weights) is permissible, but the purchaser may require that shipment be made upon actual weights.

§ 1381.413 *Appendix B: Maximum delivered prices for Redwood lumber and millwork items shipped from the mill and delivered to purchaser in Eastern area.* (a) The maximum delivered prices for Redwood lumber and millwork items where shipment originates at the mill and purchaser takes delivery within the Eastern area, shall be as follows per thousand board feet or other designated measure:

TABLE 1.—*Standard patterns of bevel, bungalow, Mt. Vernon and Anzac siding, dry, mixed grain, 3' to 20' random lengths, bundled*

BEVEL SIDING PER M'SM

Size	Clear all heart	A	B
½" x 4"	$32.50	$30.50	$29.00
½" x 5"	40.00	39.00	37.00
½" x 6"	40.00	39.00	37.00
½" x 8"	53.00	52.00	50.00

BUNGALOW SIDING PER M'SM

Size	Clear all heart	A	B
⅝" x 6"	$43.00	$42.00	$41.00
⅝" x 8"	56.00	54.00	52.00
⅝" x 10"	64.50	62.50	60.50
¾" x 4"	44.00	42.00	40.00
¾" x 6"	55.50	53.50	51.50
¾" x 8"	64.00	63.00	61.00
¾" x 10"	68.50	67.50	65.50
¾" x 12"	73.50	72.50	70.50

MT. VERNON SIDING PER M'SM

Size	Clear all heart	A	B
⅞" x 6"	$70.00	$67.00	$65.00
⅞" x 8"	78.00	75.00	73.00
⅞" x 10"	85.00	82.00	80.00
⅞" x 12"	90.00	86.00	84.00

ANZAC SIDING PER M'BM

Size	Clear all heart	A	B
1" x 8"	$83.00	$80.00	$78.00
1" x 10"	90.50	88.00	86.00
1" x 12"	95.50	92.50	90.50

Estimated weight (pounds):

½"	700
⅝"	850
¾"	1,000
⅞"	1,200
1"	1,600

Random lengths, clear all heart and A grades:

(I) 3' to 20': (a) Permits a maximum of 10% of 8' to 7' lengths. (b) Requires a minimum of 35% of 14' to 20' lengths.

(II) 3' to 12': (a) Requires a minimum of 35% of 10' and 12' lengths.

Random lengths, B grade:

(I) 3' to 20': (a) Permits a maximum of 20% of 8' to 7' lengths. (b) Requires a minimum of 35% of 14' to 20' lengths.

(II) 8' to 12': (a) Requires a minimum of 35% of 10' and 12' lengths.

Additions and deductions per 1,000 feet board measure or surface measure, whichever is used above.

For length.

1. Omitting 3' to 7' in clear all heart and A grades: Add $2.00.

2. Omitting 18' and 20' lengths: No charges.

3. Specified lengths:

(I) ½" sidings, 3' to 12': No addition.

(II) ½" sidings, 14' to 20': Add $4.00.

(III) ⅝" and thicker sidings, all lengths: Add $4.00.

4. Random lengths:

(I) ½" sidings, 3' to 7': Deduct $8.00.

(II) ½" sidings, 3' to 12': Deduct $3.00.

For selection:

5. Vertical grain clear all heart:

(I) ½", ⅝", ¾" and ⅞" sidings: Add $3.00 to clear all heart.

(II) 1" sidings: Add $10.00 to clear all heart.

For other sidings and wall boarding.

6. Rabbeted sidings: No addition.

7. Flat sawn sidings, S1S2E:

(I) 23/64": Same prices as ½" bevel sidings.

(II) ½": Same prices as ¾" bungalow sidings.

8. ⅜" resawn wall boarding: Same prices as ½" resawn bevel siding.

TABLE 2.—*Standard patterns of drop siding, ceiling, flooring, shiplap, dressed and matched, partition, and corn cribbing, dry, mixed grain, 3' to 20' random lengths, bundled*

Size	Unit	Clear all heart	A	B
½" x 4"	M'SM	$55.00	$47.00	$45.00
½" x 6"	M'SM	60.00	52.00	50.00
⅝" x 4"	M'SM	58.00	50.00	48.00
⅝" x 6"	M'SM	63.00	55.00	53.00
1" x 3"	M'BM	74.00	57.00	51.50
1" x 4"	M'BM	72.00	56.50	54.50
1" x 6"	M'BM	76.00	63.50	61.50
1" x 8"	M'BM	81.50	68.00	65.00
1" x 10"	M'BM	89.00	89.00	83.00
1¼" x 3"	M'BM	83.50	82.50	79.50
1¼" x 4"	M'BM	83.50	82.50	79.50
1¼" x 6"	M'BM	88.50	86.50	84.50

Estimated weight (pounds):

½"	850
⅝"	1,100
1"	1,600
1¼"	1,800

Random lengths, clear all heart and A grades:

(I) 3' to 20': (a) Permits a maximum of 10% of 3' to 7' lengths. (b) Requires a minimum of 35% of 14' to 20' lengths.

(II) 6' to 20' and 8' to 20': (a) Requires a minimum of 40% of 14' to 20' lengths.

(III) 3' to 12': (a) Requires a mimimum of 35% of 10' and 12' lengths.

Random lengths, B grades:

(I) 3' to 20': (a) Permits a maximum of 20% of 3' to 7' lengths. (b) Requires a minimum of 35% of 14' to 20' lengths.

(II) 6' to 20' and 8' to 20': (a) Requires a minimum of 40% of 14' to 20' lengths.

(III) 3' to 12': (a) Requires a minimum of 35% of 10' and 12' lengths.

Additions and Deductions Per 1,000 feet Board Measure or Surface Measure whichever is used above.

For length:

1. Omitting 18' and 20' lengths: No charge.

2. Specified Lengths:

Lengths	Widths	
	3", 4", & 6"	8" & 10"
(I) 3', 4', 5', 6', 8', 10', and 12'	Add $0.00	$0.00
(II) 7' & 14'	Add $3.00	4.00
(III) 9', 16', 18', & 20'	Add $6.00	4.00

3. Random Lengths:

Lengths	Widths	
	3", 4" & 6"	8" & 10"
(I) 6' to 20'	Add $0.50	$0.50
(II) 8' to 20'	Add $1.00	1.00
(III) 10' to 20'	Add $1.50	1.50
(IV) 12' to 20'	Add $2.00	2.00
(V) 14' to 20'	Add $3.00	3.00
(VI) 16' to 20'	Add $4.00	4.00
(VII) 3' to 12'	Deduct $2.00	
(VIII) 3' to 14'	Deduct $1.00	

4. Specified lengths longer than 20′:
(I) 22′ and 24′: Add $6.00 to 20′ specified length.
(II) 26′ to 32′: Add $14.00 to 20′ specified length.
(III) Longer than 32′: Add $2.00 to 32′ specified length for each additional 2′ in length.

For Condition:
5. Green (using estimated dry weights):
(I) 1″ and 1¼″: No deduction.
6. Partially dry (using estimated dry weight):
(I) 1″ and 1¼″: No deduction.

For Selection:
7. Vertical Grain clear all heart: Add $10.00 per M′ BM to clear all heart.

For working:
8. Surfaced 13/16″ in thickness: Add $1.00.
9. Crosscutting to nominal lengths: Add $2.00.
10. Cutting to exact length or mitering, piece containing:
(I) 6′ BM or more: Add $2.50.
(II) 3′ BM and less than 6′: Add $5.00
(III) 2′ BM and less than 3′: Add $7.50.
(IV) 1½′ BM and less than 2′: Add $10.00.
(V) 1′ BM and less than 1½′: Add $12.50.
(VI) ¾′ BM and less than 1′: Add $15.00.
(VII) ½′ BM and less than ¾′: Add $20.00.
(VIII) ¼′ BM and less than ½′: Add $25.00.
(IX) Less than ¼′ BM: Add $30.00.
11. End slotting: Add $5.00.

For other patterns or sizes:
12. Non-standard patterns: Add $2.00.
13. Patterns having identical profiles but varying in size: Same price as similar standard patterns secured from same lumber size.

TABLE 3.—*Finish, dry, surfaced, 6′ to 20′ random lengths, per M′BM*

Size	Clear all heart	A	B
1″ x 2″	$78.00	$72.50	$65.00
1″ x 3″	78.00	72.50	65.00
1″ x 4″	75.00	70.00	65.00
1″ x 5″	82.00	79.00	76.00
1″ x 6″	78.50	75.50	70.00
1″ x 8″	83.50	80.50	76.00
1″ x 10″	92.00	89.00	83.00
1″ x 12″	96.50	92.50	88.00
1¼″ x 2″	87.00	83.50	
1¼″ x 3″	88.00	82.50	
1¼″ x 4″	83.50	80.50	
1¼″ x 5″	90.50	89.00	
1¼″ x 6″	88.50	86.50	
1¼″ x 8″	93.50	92.00	
1¼″ x 10″	101.50	99.00	
1¼″ x 12″	105.50	103.50	
1½″ x 2″	91.50	88.50	
1½″ x 3″	91.00	87.00	
1½″ x 4″	90.00	85.00	
1½″ x 5″	98.50	95.50	
1½″ x 6″	95.50	88.50	
1½″ x 8″	97.50	91.50	
1½″ x 10″	103.00	100.00	
1½″ x 12″	107.50	104.00	
2″ x 2″	91.50	88.50	
2″ x 3″	91.00	87.00	
2″ x 4″	90.00	85.00	
2″ x 5″	98.50	95.50	
2″ x 6″	95.50	88.50	
2″ x 8″	97.50	91.50	
2″ x 10″	103.00	100.00	
2″ x 12″	108.00	104.00	

Estimated Weight (Pounds)

Thickness	Rough	Surfaced
1″	2,400	1,800
1¼″	2,500	2,000
1½″	2,500	2,000
2″	2,600	2,100

Random lengths 6′ to 20′: (a) Permits a maximum of 20% of 6′ to 9′ lengths. (b) Requires a minimum of 40% of 14′ to 20′ lengths.

Additions and Deductions per 1,000 Feet Board Measure—

For Rough and Non-Standard Surfacing:
1. Rough:
(I) 1″ and 1¼″: Add $2.00.
(II) 1½″ and 2″: Add $1.00.
2. Surfacing to sizes larger than standard: Add $1.00 to the surfaced standard size price for each additional 1/16″ or fraction thereof in thickness and $1.00 for each additional ⅛″ or fraction thereof in width.

For length.
3. Omitting the following lengths:
(I) 6′ lengths: Add $0.50.
(II) 6′ to 8′ lengths: Add $1.00.
(III) 18′ and 20′ lengths: No addition.
4. Standard specified lengths 6′ to 20′:

Lengths	Widths: 2″, 3″, 4″, 5″, 6″, & 8″	Widths: 10″ & 12″
(I) 6′, 8′, 10′, & 12′, deduct	$3.00	$0.00
(II) 7′, 9′, 14′, 18′, & 20′, add	3.00	3.00
(III) 16′, add	5.00	5.00

5. Specified lengths less than 6′.
(I) 4′ lengths and shorter: Deduct $2.50 from 6′, and compute footage on 6″ multiples.
(II) 4′ 1″ to 5′ 11″ inclusive: Same as 6′, and compute footage on 6″ multiples.
6. Specified fractional and odd lengths greater than 6′ not priced: Same price as, and compute footage on, next longer even length listed.
7. Specified lengths longer than 20′:
(I) 22′ and 24′: Add $6.00 to 20′ specified length.
(II) 26′ and 32′: Add $14.00 to 20′ specified length.
(III) Longer than 32′: Add $2.00 to 32′ specified length or each additional 2′ in length.
8. Specified average length: Same price as the specified length price for the required lineal average.

For Width:
9. Odd widths not listed: Add $5.00 to, and compute footage on, next wider width listed.
10. Fractional widths not listed: Add $8.00 to, and compute footage on, next wider width listed.
11. Random widths: 8″ and wider, averaging 12″ wide by piece count: Same price as the average of the prices of the 12″ and 14″ widths.
12. Restricted random widths: Each width shall be invoiced separately at the specified width price.

For Thickness:
13. Fractional thickness not listed: Add $8.00 to, and compute footage on, next greater thickness listed.
14. Odd thickness not listed: Add $5.00 to, and compute thickness on, next greater thickness listed.

For Condition:
15. Green (using estimated dry weight):
(I) 1″ and 1¼″: No deduction.
(II) 1½″ and 2″: Deduct $5.00.
16. Partially dry (using estimated dry weights):
(I) 1″ and 1¼″: No deduction.
(II) 1½″ and 2″: Deduct $2.50.

For Selection:
17. Clear all heart vertical grain: Add $10.00 to clear all heart.
18. Curly grain: Add $10.00 to clear all heart.
19. Boat lumber: Add $5.00 to clear all heart.
20. Clear all heart vertical grain stadium seat stock Add $10.00 to clear all heart.
21. Expansion joint stock: Add $10.00 to clear all heart.
22. Selected clear all heart greenhouse rafter bar stock: Add $10.00 to clear all heart.
23. Pattern lumber: Add $10.00 to clear all heart.

For working:
24. Crosscutting to nominal lengths: Add $2.00.
25. Ripping, except taper: Add $2.00.
26. Saw sizing to exact size: Add $2.00 per cut.
27. Cutting to exact length or mitering, piece containing:
(I) 6′ BM or more: Add $2.50.
(II) 3′ BM and less than 6′: Add $5.00.
(III) 2′ BM and less than 3′: Add $7.50.
(IV) 1½′ BM and less than 2′: Add $10.00.
(V) 1′ BM and less than 1½′: Add $12.50.
(VI) ¾′ BM and less than 1′: Add $15.00.
(VII) ½′ BM and less than ¾′: Add $20.00.
(VIII) ¼′ BM and less than ½′: Add $25.00.
(IX) Less than ¼′ BM: Add $30.00.
28. End notching: Add $3.50.
29. End slotting: Add $5.00.
30. Cutting end splices: Add $10.10 net per end.
31. Crowning:
(I) Straight: Add $5.00 for 1 cut.
(II) Straight: Add $7.00 for 2 cuts.
(III) Circular: Add $15.00.
32. Resawing:
(I) Add $1.00 per M lineal feet for 2″ widths and narrower.
(II) Add $4.00 per M′BM for 3″ and wider.
33. Taper ripping or diagonal resawing: Add $5.00.
34. Resawn bevel siding other than table 1: Add $9.00.
35. Sawing wedges:
(I) Add $3.00 for 1 cut.
(II) Add $5.00 for 2 cuts.
36. Setup for special machine work, 1000 feet BM or less: Add $5.00 net.
37. Grooved for spline, dressed and matched, shiplap, and/or grooved roofing: No addition.
38. Standard patterns of moulded sill: Add $2.00.
39. Non-standard patterns of moulded sill: Add $7.00.
40. Standard patterns of bevel sill: No addition.
41. Non-standard patterns, rustic, log cabin siding, and bevel sill: Add $3.00.
42. Casing, base, and stepping: No addition.
43. Selected clear all heart greenhouse rafter bar stock worked to detail: Add $22.00 to clear all heart.
44. Boring:
(I) Straight bore: Add $0.01 net per hole.
(II) Counter sunk hole: Add $0.015 net per hole.
45. Circular routing for timber connectors: Add $0.025 net per rout.
46. Dapping: Add $0.10 net per dap.

TABLE 4.—*Wide finish, dry, rough, S1S or S2S, 6′ to 20′ random lengths, per M′BM*

Size	Clear all heart	A
1″ x 14″	$106.00	$101.00
1″ x 16″	112.50	107.50
1″ x 18″	119.50	114.50
1″ x 20″	124.50	119.50
1″ x 22″	131.50	126.50
1″ x 24″	131.50	126.50
1″ x 26″	136.50	131.50
1″ x 28″	141.50	136.50
1″ x 30″	154.50	149.50

Estimated weight (pounds): 2,000.

Random lengths 6′ to 20′: (a) Permits a maximum of 20% of 6′ to 9′ lengths. (b) Requires a minimum of 40% of 14′ to 20′ lengths.

Additions and deductions per 1,000 feet board measure.

For Surfacing.
1. S4S: Add $5.00.
2. Surfacing to sizes larger than standard: Add $1.00 to the surfaced standard size price for each additional 1/16″ or fraction thereof in thickness, and $1.00 for each additional ⅛″ or fraction thereof in width.

For Length.
3. Omitting the following lengths:
(I) 6′ lengths: Add $0.50.
(II) 6′ to 8′ lengths: Add $1.00.
(III) 18′ and 20′ lengths: No addition.
4. Specified lengths 6′ to 20′: Add $5.00.
5. Specified lengths longer than 20′:
(I) 22′ and 24′: Add $6.00 to 20′ specified length.
(II) 26′ to 32′: Add $14.00 to 20′ specified length.
(III) Longer than 32′: Add $2.00 to 32′ specified length for each additional 2′ in length.

For Width:
6. Odd widths not listed: Add $5.00 to, and compute footage on, next wider width listed.
7. Fractional widths not listed: Add $8.00 to, and compute footage on, next wider width listed.

For Thickness:
8. Standard thicknesses not listed:
(I) 1¼″, 1½″ and 2″: Add $11.00.
(II) 3″ and 4″: Add $20.00.

For Condition:
9. Green (using estimated dry weights):
(I) 1″ and 1¼″: No deduction.
(II) 1½″ and 2″: Deduct $5.00.
(III) 2½″ and thicker: Deduct $10.00.
10. Partially dry (using estimated dry weights):
(I) 1″ and 1¼″: No deduction.
(II) 1½″ and 2″: Deduct $2.50.
(III) 2½″ and thicker: Deduct $5.00.

For Selection:
11. Clear all heart vertical grain: Add $25.00 to clear all heart.
12. Curly Grain: Add $10.00 to clear all heart.
13. Pattern Lumber: Add $10.00 to clear all heart.
14. Boat Lumber: Add $10.00 to clear all heart.

For Working:
15. Crosscutting to nominal lengths: Add $2.00.
16. Ripping, except taper: Add $2.00.
17. Saw sizing to exact size: Add $2.00 per cut.
18. Cutting to exact length or mitreing piece containing 6′ BM or more: Add $2.50.
19. Crowning:
(I) Straight: Add $5.00 for 1 cut.
(II) Straight: Add $7.00 for 2 cuts.
(III) Circular: Add $15.00.
20. Resawing 3″ and wider: Add $4.00.
21. Taper ripping or diagonal resawing: Add $5.00.
22. Resawn bevel siding (except items in table 1): Add $9.00.
23. Setup for special machine work, 1,000 feet BM o less: Add $5.00 net.
24. Boring:
(I) Stock 3″ and thinner, straight bore: Add $0.01 net per hole.
(II) Stock 3″ and thinner, counter sunk hole: Add $0.015 net per hole.
(III) Stock thicker than 3″, single straight bore: Add $0.10 net per hole.
(IV) Stock thicker than 3″, additional parallel holes: Add $0.01 net per hole.
25. Dapping: Add $0.10 net per dap.
26. Circular routing for timber connectors: Add $0.025 net per rout.

TABLE 5.—*Thin finish, dry, S1S, or S2S 6′ to 16′ or 6′ to 20′ random lengths, per M′SM*

Size		Clear all heart	A
½″ x 3″	S2S (7/16″)	$61.50	$59.50
½″ x 4″	S2S (7/16″)	59.50	57.50
½″ x 5″	S2S (7/16″)	74.00	72.00
½″ x 6″	S2S (7/16″)	62.50	60.50
½″ x 8″	S2S (7/16″)	67.50	65.50
½″ x 10″	S2S (7/16″)	73.50	71.50
½″ x 12″	S2S (7/16″)	79.50	77.50
½″ x 14″	S2S (7/16″)	98.00	96.00
⅝″ x 3″	S2S (9/16″)	68.50	66.50
⅝″ x 4″	S2S (9/16″)	66.50	64.50
⅝″ x 5″	S2S (9/16″)	81.00	79.00
⅝″ x 6″	S2S (9/16″)	69.50	67.50
⅝″ x 8″	S2S (9/16″)	74.50	72.50
⅝″ x 10″	S2S (9/16″)	80.50	78.50
⅝″ x 12″	S2S (9/16″)	86.50	84.50
⅝″ x 14″	S2S (9/16″)	105.00	103.00

Estimated Weight (Pounds)

½″	1,100
⅝″	1,400

Additions and deductions per 1,000 feet surface measure

For surfacing.
1. S4S: Add $2.00.

For length.
2. Omitting the following lengths:
(I) 6′ lengths: Add $0.50.
(II) 6′ to 8′ lengths: Add $1.00.
3. Specified lengths 6′ to 20′: Add $2.00.
4. Specified lengths less than 6′:
(I) 4′ lengths and shorter: Deduct $2.00 from 6′, and compute footage on 6″ multiples.
(II) 4′ 1″ to 5′ 11″ inclusive: Same as 6′, and compute footage on 6″ multiples.
5. Specified fractional and odd lengths greater than 6′ other than 7′ and 9′ lengths not priced: Same price as, and compute footage on, next longer even length listed.
6. Specified average length: Same price as the specified length price for the required lineal, average.

For width.
7. Widths 16″ and wider: Add $7.00 to 14″ price for each additional 2″.
8. Odd widths not listed: Add $3.00 to, and compute footage on, next wider width listed.
9. Fractional widths not listed: Add $5.00 to, and compute footage on, next wider width listed.
10. Random widths, 8″ and wider, averaging 12″ wide by piece count: Same price as the average of the prices of the 12″ and 14″ widths.
11. Restricted random widths: Each width shall be invoiced separately at the specified width price.

For selection.
12. Clear all heart vertical grain:
(I) ½″: Add $6.25 to clear all heart.
(II) ⅝″: Add $7.50 to clear all heart.
13. Curly grain:
(I) ½″: Add $6.25 to clear all heart.
(II) ⅝″: Add $7.50 to clear all heart.
14. Expansion joint specification stock:
(I) ½″: Add $6.25 to clear all heart.
(II) ⅝″: Add $7.50 to clear all heart.

For working.
15. Crosscutting to nominal lengths: Add $2.00.
16. Ripping, except taper: Add $2.00.
17. Cutting to exact length or mitering, piece containing:
(I) 6′ SM or more: add $2.50.
(II) 3′ SM and less than 6′: add $5.00.
(III) 2′ SM and less than 3′: add $7.50.
(IV) 1½′ SM and less than 2′: add $10.00.
(V) 1′ SM and less than 1½′: add $12.50.
(VI) ¾′ SM and less than 1′: add $15.00.
(VII) ½′ SM and less than ¾′: add $20.00.
(VIII) ¼′ SM and less than ½′: add $25.00.
(IX) Less than ¼′ SM: add $30.00.
18. Crowning: (I) Straight: add $5.00 for 1 cut.
(II) Straight: add $7.00 for 2 cuts.
(III) Circular: add $15.00.
19. Setup for special machine work, 1,000 feet SM, or less: add $5.00 net.
20. Boring:
(I) Straight bore: add $0.01 net per hole.
(II) Counter sunk hole: add $0.015 net per hole.
21. Dapping: add $0.10 net per dap.

TABLE 6.—*Square and timbers, clear all heart and A grades, rough and surfaced, 6′ to 20′ random lengths, per M′BM*

Size	Condition	Clear all heart	A
3″ x 3″	Dry	$95.00	$90.00
3″ x 4″	Dry	92.00	87.00
4″ x 4″	Dry	94.00	89.00
5″ x 5″	Green	99.00	94.00
6″ x 6″	Green	97.00	92.00
6″ x 8″	Green	97.00	92.00
6″ x 10″	Green	97.00	92.00
6″ x 12″	Green	97.00	92.00
8″ x 8″	Green	97.00	92.00
8″ x 10″	Green	97.00	92.00
8″ x 12″	Green	97.00	92.00
10″ x 10″	Green	111.00	106.00
10″ x 12″	Green	111.00	106.00
10″ x 14″	Green	111.00	106.00
12″ x 12″	Green	111.00	106.00
12″ x 14″	Green	111.00	106.00
14″ x 14″	Green	111.00	106.00
16″ x 16″	Green	111.00	106.00

Estimated Weight (Pounds)

3″	2,800
4″	3,000
5″ and thicker	4,000

Random Lengths 6′ to 20′: (a) Permits a maximum of 20% of 6′ to 9′ lengths. (b) Requires a minimum of 40% of 14′ to 20′ lengths.

Additions and Deductions per 1,000 Feet Board Measure

For Surfacing.
1. Surfacing to sizes larger than standard: Add $1.00 to the surfaced standard size price for each additional 1/16″ or fraction thereof in thickness, and $1.00 for each additional ⅛″ or fraction thereof in width.

For Length.
2. Omitting the following lengths:
(I) 6′ lengths: Add $0.50.
(II) 6′ to 8′ lengths: Add $1.00.
(III) 18′ and 20′ lengths: No addition.
3. Specified lengths:
(I) 3″ x 3″ and 4″ x 4″:
(A) 6′, 7′, 8′, 10′, 12′, and 14′: Deduct $2.00.
(B) 9′, 16′, 18′, and 20′: Add $3.00.
(II) 5″ x 5″ and larger:
(A) 6′ to 20′: Add $2.00.
4. Specified lengths longer than 20′:
(I) 22′ and 24′: Add $6.00 to 20′ specified length.
(II) 26′ to 32′: Add $14.00 to 20′ specified length.
(III) Longer than 32′: Add $2.00 to 32′ specified length for each additional 2′ in length.
5. Specified fractional and odd lengths greater than 6′ not listed: Same price as, and compute footage on, next longer even length listed.

For Width.
6. Odd widths not listed: $5.00 to, and compute footage on, next wider width listed.
7. Fractional widths not listed: Add $8.00 to, and compute footage on, next wider width listed.
8. Widths wider than listed: Add $2.00 to the widest width listed in the thickness wanted for each additional 2″ in width.

For Thickness.
9. Thicknesses greater than listed: Add $2.00 to the greatest thickness listed in the width wanted for each additional 2″ in thickness.
10. Odd thicknesses not listed: Add $5.00 to, and compute thickness on, next greater thickness listed.
11. Fractional thicknesses not listed: Add $8.00 to, and compute footage on, next greater thickness listed.

For Condition.
12. Green: 3″ x 3″, 3″ x 4″ and 4″ x 4″; deduct $10.00.

For Selection.
13. Clear vertical grain:
(I) Widths 12″ and narrower: Add $10.00 to clear all heart.
(II) Widths 14″ and wider: Add $25.00 to clear all heart.

For Working.
14. Crosscutting to nominal lengths: Add $2.00.
15. Ripping, except taper: Add $2.00.
16. Saw sizing to exact size: Add $2.00 per cut.
17. Cutting to exact length or mitering, piece containing:
(I) 6′ BM or more: Add $2.50.
(II) 3′ BM and less than 6′: Add $5.00.
18. End notching: Add $3.50.
19. End slotting: Add $5.00.
20. Cutting end splices: Add $0.10 net per end.
21. Crowning:
(I) Straight: Add $5.00 for 1 cut.
(II) Straight: Add $7.00 for 2 cuts.
(III) Circular: Add $15.00.
22. Taper ripping or diagonal resawing: Add $5.00.
23. Taper sawn poles:
(I) Add $10.00 for single taper.
(II) Add $20.00 for double taper.
24. Sawing wedges:
(I) Add $3.00 for 1 cut.
(II) Add $5.00 for 2 cuts.
25. Setup for special machine work, 1,000 seet BM or less: Add $5.00 net.
26. Chamfering posts, 4 cuts: Add $4.00.
27. Standard or non-standard patterns of gutter, trunking and capping: Add $12.00 (estimated weight, 1,400 pounds.)
28. Boring:
(I) Stock 3″ and thinner, straight bore: Add $0.01 net per hole.
(II) Stock 3″ and thinner, counter sunk hole: Add $0.015 net per hole.
(III) Stock thicker than 3″, single straight bore: Add $0.10 net per hole.
(IV) Stock thicker than 3″, additional parallel holes: Add $0.01 net per hole.
29. Circular routing for timber connectors: Add $0.025 net per rout.
30. Dapping: Add $0.10 net per dap.

TABLE 7.—*Standard patterns of porch and stair rail, B and better, dry 6′ to 16′ or 6′ to 20′ random lengths, per M′BM*

Size:	*Price*
2″ x 3″	$69.50
2″ x 4″	69.00
2″ x 5″	89.50
2½″ x 4″	79.00
3″ x 3″	74.00
3″ x 4″	74.00
3″ x 5″	95.00

Estimated Weight (Pounds)

2″	1,600
2½″	1,800
3″	1,800

Additions and deductions per 1,000 feet board measure

For length.
1. Specified lengths: Add $2.00.

For Selection.
2. Clear all heart: Add $10.00.

For Working.
3. Plowing (under 1,000 lineal feet): Add $5.00 net setup charge.
4. Special patterns (under 1,000 lineal feet): Add $5.00 net setup charge.

TABLE 8.—*Standard pattern of baluster rail, B and better, dry, 6′ to 16′ or 6′ to 20′ random lengths, per M′BM*

Size:	
1¼″ x 1¼″	$71.50
1½″ x 1½″	71.50
2″ x 2″	71.50

Estimated Weight (Pounds)

1¼″	1,600
1½″	1,600
2″	1,600

Additions and deductions per 1,000 feet board measure

For Length.
1. Specified lengths: Add $2.00.

For Selection.
2. Clear all hearts: Add $10.00.

For Working.
3. Rounds: Add $10.00.

TABLE 9.—*Standard patterns of battens B and better, dry, 6′ to 16′ or 6′ to 20′ random lengths, bundled, per M lineal feet*

Size	Pattern number	Price
⅜″ x 2½″ S1S2E	558	$9.00
¾″ x 1¾″ (O. G.)	559	12.00
¾″ x 2¼″ (O. G.)	560	15.00

Estimated Weight (Pounds)

⅜″ x 2½″	200
¾″ x 1¾″	235
¾″ x 2¼″	290

Additions and deductions per 1,000 lineal feet
For length.
1. Specified lengths: Add $1.00.
2. Random lengths, 6′ to 14′: Deduct $1.00.

Table 10.—*Standard patterns of square balusters, B and better, dry, S4S or beaded, bundled, per M pieces*

Size:	Price
1¼″ x 1¼″—24″	$17.25
1½″ x 1½″—24″	24.95
2″ x 2″—24″	44.00
3″ x 3″—24″	105.50

Estimated Weight (Pounds)

1¼″	390
1½″	565
2″	1,000
3″	2,250

Additions and deductions per 1,000 pieces.
For length.
1. Specified lengths:
(I) 20″ and 22″: Deduct 15%.
(II) Longer than 24″: Add 20% for each additional 2″.
For selection.
2. Clear all heart: Add 5%.

Table 11.—*Tank, pipe and silo stock, clear all heart, dry, rough, or surfaced, per M′BM*

SIZE

1½″ & 2″ x 3″	6′ to 14′ Spec	$89.50
1½″ & 2″ x 3″	16′ to 20′ Spec	96.50
1½″ & 2″ x 3″	6′ to 20′ R/L	91.50
1½″ & 2″ x 4″	6′ to 14′ Spec	88.50
1½″ & 2″ x 4″	16′ to 20′ Spec	92.50
1½″ & 2″ x 4″	6′ to 20′ R/L	89.50
1½″ & 2″ x 6″ & 8″ (mixed)	6′ to 14′ Spec	94.50
1½″ & 2″ x 6″ & 8″ (mixed)	16′ to 20′ Spec	101.50
1½″ & 2″ x 6″ & 8″ (mixed)	6′ to 20′ R/L	96.50
1½″ & 2″ x 10″ & 12″ (mixed)	6′ to 14′ Spec	109.50
1½″ & 2″ x 10″ & 12″ (mixed)	16′ to 20′ Spec	112.50
1½″ & 2″ x 10″ & 12″ (mixed)	6′ to 20′ R/L	110.50
3″ x 6″ & 8″ (mixed)	6′ to 14′ Spec	115.00
3″ x 6″ & 8″ (mixed)	16′ to 20′ Spec	119.00
3″ x 6″ & 8″ (mixed)	6′ to 20′ R/L	116.00
3″ x 10″ & 12″ (mixed)	6′ to 14′ Spec	118.00
3″ x 10″ & 12″ (mixed)	16′ to 20′ Spec	121.00
3″ x 10″ & 12″ (mixed)	6′ to 20′ R/L	119.00

Estimated weight (Pounds).

1½″ & 2″	2,600
3″	2,800

Random Lengths, 6′ to 20′: (a) Permits a maximum of 20% of 6′ to 9′ lengths. (b) Requires a minimum of 40% of 14′ to 20′ lengths.

Additions and Deductions per 1000 feet Board Measure.

For Length.
1. Lengths greater than 20′:
(I) 22′ and 24′: Add $10.00 to 20′ specified length.
(II) 26′ and 28′: Add $20.00 to 20′ specified length.
(III) 30′ and 32′: Add $30.00 to 20′ specified length.

For Width.
2. Specified widths: ADD $3.00.
(1) Fractional or odd widths: Add $5.00 to and compute footage on next wider even width.

For Thickness.
3. Other thicknesses. (I) 2½″: Add $12.00 to 3″ price.
(II) 4″: Add $5.00 to 3″ price.
(III) Fractional or odd thickness: Add $5.00 to and compute footage on next thicker even thickness.

For Condition.
4. Green (using estimated dry weight):
(I) 1½″ and 2″: Deduct $5.00.
(II) 2½″ and thicker: Deduct $10.00.
5. Partially dry (using estimated dry weight):
(I) 1½″ and 2″: Deduct $2.50.
(II) 2½″ and thicker: Deduct $5.00.

For Selection.
6. Special tank bottom stock: Deduct $10.00.
7. A all heart: Deduct $3.00.
8. Vertical Grain: Add $10.00 clear all heart.

For Working.
9. Cutting to exact length or mitering, piece containing:
(I) 6′ BM or more: Add $2.50.
(II) 3′ BM and less than 6′: Add $5.00.
10. End slotting: Add $5.00.
11. Cutting end splices: Add $0.10 net per end.
12. Standard or nonstandard patterns of gutter and trunking: Add $12.00 (estimated weight, 1400 pounds).
13. Boring:
(I) Stock 3″ and thinner, straight bore: Add $0.01 net per hole.
(II) Stock 3″ and thinner, countersunk hole: Add $0.015 net per hole.
(III) Stock thicker than 3″, single straight bore: Add $0.10 net per hole.
(IV) Stock thicker than 3″, additional parallel holes: Add $0.01 net per hole.
14. Circular routing for timber connectors: Add $0.025 net per rout.
15. Dapping: Add $0.10 net per dap.

Table 12.—*No. 1 heart common, green or dry, surfaced, shiplapped, or tongued and grooved, per M′BM*

Widths	Lengths	Thicknesses			
		1″	2″	3″	4″
2″	6′, 7′, 8′, 10′, 12′ & 14′	$76.00	$71.50		
2″	9′, 16′, 18′ & 20′	87.00	79.50		
2″	6′, to 20′ R/L	79.00	73.50		
3″	6′, 7′, 8′, 10′, 12′ & 14′	65.00	71.50	$75.50	
3″	9′, 16′, 18′ & 20′	76.00	79.50	80.50	
3″	6′ to 20′ R/L	68.00	73.50	75.50	
4″	6′, 7′, 8′, 10′, 12′ & 14′	65.00	71.50	75.50	$75.50
4″	9′, 16′, 18′ & 20′	76.00	79.50	80.50	80.50
4″	6′ to 20′ R/L	68.00	73.50	75.50	75.50
6″	6′, 7′, 8′, 10′, 12′ & 14′	62.00	71.50	75.50	75.50
6″	9′, 16′, 18′ & 20′	73.00	79.50	80.50	80.50
6″	6′ to 20′ R/L	66.00	73.50	75.50	75.50
8″	6′, 7′, 8′, 10′, 12′ & 14′	75.50	82.50	76.50	76.50
8″	9′, 16′, 18′ & 20′	80.50	85.50	79.50	79.50
8″	6′ to 20′ R/L	76.50	82.50	76.50	76.50
10″ & 5″	6′, 8′, 10′ & 12′	79.50	79.50	76.50	76.50
10″ & 5″	7′ & 14′	82.50	79.50	76.50	76.50
10″ & 5″	9′, 16′, 18′ & 20′	82.50	82.50	79.50	79.50
10″ & 5″	6′ to 10′ R/L	79.50	79.50	76.50	76.50
12″	6′, 8′, 10′ & 12′	80.50	81.50	78.50	78.50
12″	7′ & 14′	83.50	81.50	78.50	78.50
12″	9′, 16′, 18′ & 20′	83.50	84.50	81.50	81.50
12″	6′ to 20′ R/L	80.50	81.50	78.50	78.50
14″	6′ to 20′ Spec. or R/L	88.50	93.50	93.50	93.50

Size	Lengths	Price
5″ x 5″	6′, 7′, 8′, 10′, 12′ & 14′	$85.00
5″ x 5″	9′, 16′, 18′ & 20′	88.00
5″ x 5″	6′ to 20′ R/L	85.00
6″ x 6″	6′, 7′, 8′, 10′, 12′ & 14′	80.00
6″ x 6″	9′, 16′, 18′ & 20′	83.00
6″ x 6″	6′ to 20′ R/L	80.00
6″ x 8″	6′ to 20′ Spec. or R/L	79.00
6″ x 10″	6′ to 20′ Spec. or R/L	79.00
6″ x 12″	6′ to 20′ Spec. or R/L	79.00
6″ x 14″	6′ to 20′ Spec. or R/L	85.00
6″ x 16″	6′ to 20′ Spec. or R/L	87.00
8″ x 8″	6′ to 20′ Spec. or R/L	80.00
8″ x 10″	6′ to 20′ Spec. or R/L	81.00
8″ x 12″	6′ to 20′ Spec. or R/L	82.00
8″ x 14″	6′ to 20′ Spec. or R/L	85.00
8″ x 16″	6′ to 20′ Spec. or R/L	87.00
10″ x 10″	6′ to 20′ Spec. or R/L	80.00
10″ x 12″	6′ to 20′ Spec. or R/L	81.00
10″ x 14″	6′ to 20′ Spec. or R/L	83.00
10″ x 16″	6′ to 20′ Spec. or R/L	85.00
12″ x 12″	6′ to 20′ Spec. or R/L	81.00
12″ x 14″	6′ to 20′ Spec. or R/L	83.00
12″ x 16″	6′ to 20′ Spec. or R/L	85.00
14″ x 14″	6′ to 20′ Spec. or R/L	83.00
16″ x 16″	6′ to 20′ Spec. or R/L	85.00

Estimated weight (pounds)

Thickness	Rough	Surfaced
1″	4,000	3,100
1¼″	4,000	3,400
1½″	4,000	3,400
2″	4,000	3,400
3″ & thicker	4,000	3,600

Specified lengths: 6′ to 20′ Spec. permits at the buyer's option the selection of any of the following lengths, or combination of lengths, at the price listed: 6′, 7′, 8′, 9′, 10′, 12′, 14′, 16′, 18′, or 20′.

Random lengths 6′ to 20′: (a) Permits a maximum of 20% of 6′ to 9′ lengths. (b) Requires a minimum of 40% of 14′ to 20′ lengths.

Additions and deductions per 1,000 feet board measure.
For rough and non-standard surfacing.
1. Rough: Adjust prices by adding the difference in weight multiplied by the 57¢ freight rate, then deduct $3.00 and equalize to the nearest $0.25.
2. Surfacing to sizes larger than standard: Add $1.00 to the surfaced standard size price for each additional 1/16″ or fraction thereof in thickness, and $1.00 for each additional ⅛″ or fraction thereof in width.
For length.
3. Omitting the following from 6′ to 20′ random lengths:
(I) 6′ lengths: Add $0.50.
(II) 6′ to 8′ lengths: Add $1.00.
(III) 18′ and 20′ lengths: No addition.
4. Specified lengths less than 6′: Use 6′ price and compute footage on 1′ multiples.
5. Specified lengths longer than 20′:
(I) 22′ and 24′: Add $6.00 to 20′ specified length.
(II) 26′ to 32′: Add $1.00 to 24′ specified length for each additional 2′ in length.
(III) Longer than 32′: Add $1.00 to 32′ specified length for each additional 2′ in length.
6. Specified fractional and odd lengths greater than 6′ not listed: Same price as, and compute footage on, next longer even length listed.
7. Specified average length: Same price as the specified length price for the required lineal average.
For width.
8. Widths wider than listed: Add $2.00 to the widest width listed in the thickness wanted for each additional 2″ in width.
9. Odd widths not listed: Add $5.00 to, and compute footage on, next wider width listed.
10. Fractional widths not listed: Add $8.00 to, and compute footage on, next wider width listed.
For thickness.
11. 1¼″ and 1½″: Add $5.00 to 2″ price.
12. Thicknesses greater than listed: Add $2.00 to the greatest thickness listed in the width wanted for each additional 2″ in thickness.
13. Odd thicknesses not listed; Add $5.00 to, and compute thickness on, next greater thickness listed.
14. Fractional thicknesses not listed: Add $8.00 to and compute footage on next greater thickness listed.
For selection.
15. Irrigation heart: Add $3.00 to No. 1 heart common.
16. Foundation grade: Same as No. 1 heart common.

17. Dense select all heart structural: Add $15.00 to No. 1 heart common. (Estimated weight, 4,500 pounds.)
18. Select all heart structural: Add $12.00 to No. 1 heart common. (Estimated weight, 4,500 pounds.)
19. Bulkhead structural: Add $10.00 to No. 1 heart common. (Estimated weight, 4,500 pounds.)
20. Heart structural: Add $10.00 to No. 1 heart common. (Estimated weight, 4,500 pounds.)
For working.
21. Crosscutting to nominal lengths: Add $2.00.
22. Ripping, except taper: Add $2.00.
23. Saw sizing to exact size: Add $2.00 per cut.
24. Cutting to exact length or mitering, piece containing:
(I) 6′ BM or more: Add $2.50.
(II) 3′ BM and less than 6′: Add $5.00.
(III) 2′ BM and less than 3′: Add $7.50.
(IV) 1½′ BM and less than 2′: Add $10.00.
(V) 1′ BM and less than 1½′: Add $12.50.
(VI) ¾′ BM and less than 1′: Add $15.00.
(VII) ½′ BM and less than ¾′: Add $20.00.
(VIII) ¼′ BM and less than ½′: Add $25.00.
(IX) Less than ¼′ BM: Add $30.00.
25. End notching: Add $3.50.
26. End slotting: Add $5.00.
27. Cutting end splices: Add $0.10 net per end.
28. Crowning:
(I) Straight: Add $5.00 for 1 cut.
(II) Straight: Add $7.00 for 2 cuts.
(III) Circular: Add $15.00.
29. Resawing:
(I) Add $1.00 per M lineal feet for 2″ widths and narrower.
(II) Add $4.00 per M′ BM for 3″ and wider.
30. Taper ripping or diagonal resawing: Add $5.00.
31. Taper sawn poles:
(I) Add $10.00 for single taper.
(II) Add $20.00 for double taper.
32. Sawing wedges:
(I) Add $3.00 for 1 cut.
(II) Add $5.00 for 2 cuts.
33. Set-up for special machine work, 1,000 feet BM or less: Add $5.00 net.
34. Roofing poles: Add $2.00 per cut.
35. Chamfering posts, 4 cuts: Add $4.00.
36. Running wheelguard, 8″ x 10″ and larger S4S, bevelled 1E: Add $9.00.
37. Running guard rail S4S, bevelled corner: Add $2.00.
38. Standard patterns of moulded sill: Add $2.00.
39. Nonstandard patterns, rustic, ceiling, log-cabin siding, and bevel sill: Add $3.00.
40. Standard or nonstandard patterns of gutter, trunking and capping: Add $12.00. (Estimated weight, 1,400 pounds)
41. Boring:
(I) Stock 3″ and thinner, straight bore: Add $0.01 net per hole.
(II) Stock 3″ and thinner, countersunk hole: Add $0.015 net per hole.
(III) Stock thicker than 3″, single straight bore: Add $0.10 net per hole.
(IV) Stock thicker than 3″, additional parallel holes: Add $0.01 net per hole.
42. Circular routing for timber connectors: Add $0.025 net per rout.
43. Dapping: Add $0.10 net per dap.

Table 13.—*No. 2 Common and No. 3 Common, green or dry, surfaced, shiplapped, or tongued and grooved, per M′BM*

Size	Lengths	No. 2 Common	No. 3 Common
1″ x 3″	6′	$39.50	$37.00
1″ x 3″	8′	43.00	39.00
1″ x 3″	10′ & 12′	47.00	39.00
1″ x 3″	7′, 9′, 14′, 16′, 18′ & 20′.	60.50	46.00
1″ x 3″	6′ to 20′ R/L	50.50	39.00
1″ x 4″	6′	37.50	36.00
1″ x 4″	8′	41.00	36.00
1″ x 4″	10′ & 12′	45.00	36.00
1″ x 4″	7′, 9′, 14′, 16′, 18′ & 20′	58.50	42.00
1″ x 4″	6′ to 20′ R/L	48.50	37.00
1″ x 6″	6′	43.00	37.00
1″ x 6″	8′	46.00	39.00
1″ x 6″	10′ & 12′	48.50	39.00
1″ x 6″	7′, 9′ 14′, 16′, 18′ & 20′	62.00	46.00
1″ x 6″	6′ to 20′ R/L	51.50	40.00
1″ x 8″	6′	46.50	39.00
1″ x 8″	8′	52.00	41.00
1″ x 8″	10′ & 12′	54.00	41.00
1″ x 8″	7′, 9′, 14′, 16′, 18′ & 20′	63.50	46.00
1″ x 8″	6′ to 20′ R/L	56.00	41.00
1″ x 5″ & 1″ x 10″	6′	51.00	41.00
1″ x 5″ & 1″ x 10″	8′	55.00	41.00
1″ x 5″ & 1″ x 10″	10′ & 12′	60.00	43.00
1″ x 5″ & 1″ x 10″	7′, 9′, 14′, 16′, 18′ & 20′	60.00	43.00
1″ x 5″ & 1″ x 10″	6′ to 20′ R/L	58.00	41.00
1″ x 12″	6′	53.00	42.00
1″ x 12″	8′	58.00	42.00
1″ x 12″	10′ & 12′	61.00	44.00
1″ x 12″	7′, 9′, 14′, 16′, 18′ & 20′	61.00	44.00
1″ x 12″	6′ to 20′ R/L	59.00	42.00
2″ x 3″	6′	50.50	38.00
2″ x 3″	8′	$55.00	$39.00
2″ x 3″	10′ & 12′	57.00	39.00
2″ x 3″	7′, 9′, 14′, 16′, 18′ & 20′	68.50	45.00
2″ x 3″	6′ to 20′ R/L	60.00	40.00
2″ x 4″	6′	45.50	34.00
2″ x 4″	8′	50.50	37.00
2″ x 4″	10′ & 12′	55.00	36.00
2″ x 4″	7′, 9′, 14′, 16′, 18′ & 20′	66.50	44.00
2″ x 4″	6′ to 20′ R/L	58.00	40.00
2″ x 6″	6′	46.50	37.00
2″ x 6″	8′	50.50	37.00
2″ x 6″	10′ & 12′	57.00	37.00
2″ x 6″	7′, 9′, 14′, 16′, 18′ & 20′.	68.50	44.00
2″ x 6″	6′ to 20′ R/L	60.00	39.00
2″ x 8″	6′	50.50	37.00
2″ x 8″	8′	54.00	37.00
2″ x 8″	10′ & 12′	60.00	39.00
2″ x 8″	7′, 9′, 14′, 16′, 18′ & 20′.	60.00	39.00
2″ x 8″	6′ to 20′ R/L	58.00	37.00
2″ x 5″ & 2″ x 10″	6′	54.00	40.00
2″ x 5″ & 2″ x 10″	8′	57.00	40.00
2″ x 5″ & 2″ x 10″	10′ & 12′	60.00	42.00
2″ x 5″ & 2″ x 10″	7′, 9′, 14′, 16′, 18′ & 20′.	60.00	42.00
2″ x 5″ & 2″ x 10″	6′ to 20′ R/L	58.00	40.00
2″ x 12″	6′	54.00	40.00
2″ x 12″	8′	57.00	40.00
2″ x 12″	10′ & 12′	61.00	42.00
2″ x 12″	7′, 9′, 14′, 16′, 18′ & 20′.	61.00	42.00
2″ x12″	6′ to 20′ R/L	59.00	40.00
3″ x 4″	6′	60.00	41.00
3″ x 4″	8′, 10′ & 12′	62.00	41.00
3″ x 4″	7′ & 14′	65.00	43.00
3″ x 4″	9′, 16′, 18′ & 20′	69.00	45.00
3″ x 4″	6′ to 20′ R/L	63.50	42.00
3″ x 6″	6′	56.00	39.00
3″ x 6″	7′, 8′, 10′, 12′ & 14′	57.00	39.00
3″ x 6″	9′, 16′, 18′ & 20′	64.50	44.00
3″ x 6″	6′ to 20′ R/L	58.00	40.00
3″ x 8″ & 3″ x 10″	6′ to 20′ Spec	61.50	46.00
3″ x 8″ & 3″ x 10″	6′ to 20′ R/L	59.50	44.00
3″ x 12″	6′ to 20′ Spec	61.50	49.00
3″ x 12″	6′ to 20′ R/L	59.50	47.00
4″ x 4″	6′	59.50	41.00
4″ x 4″	8′, 10′ & 12′	66.00	41.00
4″ x 4″	7′ & 14′	66.00	43.00
4″ x 4″	9′, 16′, 18′ & 20′	71.00	45.00
4″ x 4″	6′ to 20′ R/L	66.00	42.00
4″ x 6″	6′	56.50	39.00
4″ x 6″	7′, 8′, 10′, 12′ & 14′	58.50	39.00
4″ x 6″	9′, 16′, 18′ & 20′	62.50	44.00
4″ x 6″	6′ to 20′ R/L	59.50	40.00
4″ x 8″ & 4″ x 10″	6′ to 20′ Spec	66.50	49.00
4″ x 8″ & 4″ x 10″	6′ to 20′ R/L	64.50	47.00
4″ x 12″	6′ to 20′ Spec	68.00	51.00
4″ x 12″	6′ to 20′ R/L	66.00	49.00
6″ x 6″	6′, 7′, 8′, 10′, 12′ & 14′	61.50	45.00
6″ x 6″	9′, 16′, 18′ & 20′	65.50	47.00
6″ x 6″	6′ to 20′ R/L	62.50	45.00
6″ x 8″ & 6″ x 10″	6′ to 20′ Spec	67.00	50.00
6″ x 8″ & 6″ x 10″	6′ to 20′ R/L	65.00	48.00
6″ x 12″	6′ to 20′ Spec	67.00	50.00
6″ x 12″	6′ to 20′ R/L	65.00	48.00
8″ x 8″ & larger	6′ to 20′ Spec. or R/L	75.00	70.00

Estimated weight (pounds)

Grade	Thickness	Rough	Surfaced
No. 2 Common	1″	3,750	2,800
	1¼″	3,750	3,150
	1½″	3,750	3,150
	2″	3,750	3,150
	3″	3,750	3,300
	4″ & thicker	3,750	3,400
No. 3 Common	1″	3,750	3,000
	1¼″	3,750	3,000
	1½″	3,750	3,000
	2″	3,750	3,000
	3″	3,750	3,000
	4″ & thicker	3,750	3,000

Specified lengths: 6′ to 20′ spec. permits at the buyer's option the selection of any of the following lengths, or combination of lengths, at the price listed: 6′, 7′, 8′, 9′, 10′, 12′, 14′, 16′, 18′ and 20′.

Random lengths: (a) Permits a maximum of 20% of 6′ to 9′ lengths. (b) Requires a minimum of 40% of 14′ to 20′ lengths.

Additions and deductions per 1000 feet board measure.
For rough and non-standard surfacing.
1. Rough: Adjust prices by adding the difference in weight multiplied by the 57¢ freight rate, then deduct $3.00 and equalize to the nearest $0.25.
2. Surfacing to sizes larger than standard: Add $1.00 to the surfaced standard size price for each additional 1/16″ or fraction thereof in thickness, and $1.00 for each additional ⅛″ or fraction thereof in width.
For length.
3. Omitting the following from 6′ to 20′ random lengths
(I) 6′ lengths: Add $0.50.
(II) 6′ to 8′ lengths: Add $1.00.
(III) 18′ and 20′ lengths: No addition.
4. Specified lengths less than 6′: Use 6′ price and compute footage on, 1′ multiples.
5. Specified lengths longer than 20′:
(I) 22′ and 24′: Add $6.00 to 20′ specified length.
(II) 26′ to 32′: Add $1.00 to 24′ specified length for each additional 2′ in length.
(III) Longer than 32′: Add $1.00 to 32′ specified length for each additional 2′ in length.
6. Specified fractional and odd lengths greater than 6′ not listed: Same price as, and compute footage on, next longer even length listed.
7. Specified average length: Same price as the specified length price for the required lineal average.
For width.
8. Widths wider than listed: Add $2.00 to the widest width listed in the thickness wanted for each additional 2″ in width.
9. Odd widths not listed: Add $5.00 to, and compute footage on, next wider width listed.
10. Fractional widths not listed: Add $8.00 to, and compute footage on, next wider width listed.
For Thickness.
11. 1¼″ and 1½″: Add $5.00 to 2″ price.
12. Thicknesses greater than listed: Add $2.00 to the greatest thickness listed in the width wanted for each additional 2″ in thickness.
13. Odd thicknesses not listed: Add $5.00 to, and compute thickness on, next greater thickness listed.
14. Fractional thicknesses not listed: Add $8.00 to, and compute footage on, next greater thickness listed.
For Working.
15. Crosscutting to nominal lengths: Add $2.00.
16. Ripping, except taper: Add $2.00.
17. Saw sizing to exact size: Add $2.00 per cut.
18. Cutting to exact length or mitering, piece containing:
(I) 6′ BM or more: Add $2.50.
(II) 3′ BM and less than 6′: Add $5.00.
(III) 2′ BM and less than 3′: Add $7.50.
(IV) 1½′ BM and less than 2′: Add $10.00.
(V) 1′ BM and less than 1½′: Add $12.50.
(VI) ¾′ BM and less than 1′: Add $15.00.
(VII) ½′ BM and less than ¾′: Add $20.00.
(VIII) ¼′ BM and less than ½′: Add $25.00.
(IX) Less than ¼′ BM: add $30.00.
19. End notching: Add $3.50.
20. End slotting: Add $5.00.
21. Crowning:
(I) Straight: Add $5.00 for 1 cut.
(II) Straight: Add $7.00 for 2 cuts.
(III) Circular: Add $15.00.
22. Resawing: (I) Add $1.00 per M lineal feet for 2″ widths and narrower.
(II) Add $4.00 per M′ BM for 3″ and wider.
23. Taper ripping or diagonal resawing: Add $5.00.
24. Sawing wedges:
(I) Add $3.00 for 1 cut.
(II) Add $5.00 for 2 cuts.
25. Set-up for special machine work, 1,000 feet BM or less: Add $5.00 net.
26. Roofing poles: Add $2.00 per cut.
27. Chamfering posts, 4 cuts: Add $4.00.
28. Running guard rail S4S, bevelled corner: Add $2.00.
29. Standard patterns of moulded sill: Add $2.00.
30. Non-standard patterns, rustic, ceiling, log cabin siding, and bevel sill: Add $3.00.
31. Standard or non-standard patterns of gutter, trunking, and capping: Add $12.00 (estimated weight 1,400 pounds).
32. Boring.
(I) Stock 3″ and thinner, straight bore: Add $0.01 net per hole.
(II) Stock 3″ and thinner, counter sunk hole: Add $0.015 net per hole.
(III) Stock thicker than 3″, single straight bore: Add $0.10 net per hole.
(IV) Stock thicker than 3″, additional parallel holes: Add $0.01 net per hole.
33. Circular routing for timber connectors: Add $0.025 net per rout.
34. Dapping: Add $0.10 net per dap.

Table 14.—*Standard patterns of log cabin siding, green or dry, 6′ to 16′ or 6′ to 20′ random lengths, per M′BM*

Size	No. 1 Common	No. 2 Common
2″ x 6″	$65.00	$50.50
2″ x 8″	71.00	53.50
8″ x 6″	70.50	57.50

Estimated weight (pounds). 2″, 2,500; 3″, 2,800.
Additions and deductions per 1,000 feet board measure.
For length.
1. Specified lengths: Add $2.00.

TABLE 15.—*Straight sawn posts and fence rail, green S4S, No. 2 Common, 6′ to 20′ random lengths, per M′BM*

Size. 2″ x 3″, 2″ x 4″, 2″ x 6″, 4″ x 4″, 4″ x 6″, 5″ x 6″, and 6″ x 6″, $58.50.

Estimated weight (pounds)

Thickness	Rough	Surfaced
2″	3,750	3,300
4″	3,750	3,300
5″	3,750	3,400
6″	3,750	3,400

Additions and deductions per 1,000 feet board measure.
For rough.
1. Rough. Adjust prices by adding the difference in weight multiplied by the 57¢ freight rate then deduct $3.00 and equalize to the nearest $0.25.
For length.
2. Specified lengths.
(I) 7′, 9′, 14′, 16′, 18′ and 20′: Add $2.00.
(II) 6′, 8′, 10′ and 12′: No charge.
For working.
3. Crosscutting to nominal lengths: Add $2.00.
4. Cutting to exact length or mitering, piece containing 6′ BM or more: Add $2.50.
5. Chamfering posts, 4 cuts: Add $4.00.

TABLE 16.—*Taper sawn posts, green, rough, No. 2 Common, per piece*

Size	Estimated weight (pounds)	Price
2″ x 4″/4″ x 4″-6′	20	$0.36
2″ x 4″/4″ x 4″-7′	23	0.42
2″ x 4″/4″ x 4″-8′	27	0.47
2″ x 4″/4″ x 4″-9′	30	0.55
2″ x 4″/4″ x 4″-10′	33	0.60
2″ x 6″/4″ x 6″-6′	30	0.52
2″ x 6″/4″ x 6″-7′	35	0.60
2″ x 6″/4″ x 6″-8′	40	0.70
2″ x 6″/4″ x 6″-9′	45	0.79
2″ x 6″/4″ x 6″-10′	50	0.88
3″ x 5″/5″ x 5″-6′	33	0.59
3″ x 5″/5″ x 5″-7′	39	0.68
3″ x 5″/5″ x 5″-8′	44	0.78
3″ x 5″/5″ x 5″-9′	50	0.89
3″ x 5″/5″ x 5″-10′	55	0.96

TABLE 17.—*No. 1 Shop, dry, rough, S1S or S2S, random widths and random lengths, per M′BM*

Size	Dry	Price
1″ x 5″/12″	Kiln	$50.50
1″ x 14″ & wider	Kiln	60.50
1¼″ & 1½″ x 5″ & wider	Kiln	62.50
2″ x 5″/12″	Kiln	58.50
2″ x 14″ & wider	Kiln	69.50
2½″ x 5″ & wider	Air	74.00
2½″ x 14″ & wider	Air	81.00
3″ & thicker x 5″/12″	Air	74.00
3″ & thicker x 14″ & wider	Air	74.00

Estimated weight (pounds)

Thickness	Rough	S2S
1″	2,400	2,000
1¼″	2,500	2,200
1½″	2,500	2,200
2″	2,600	2,300
2½″	2,700	2,500
3″ and thicker	2,800	2,600

Additions and deductions per 1,000 feet board measure.
For surfacing or working.
1. S4S specified widths: Add $1.00 to specified width.
2. Dressed and matched specified widths: Add $1.00 to specified width.
For width.
3. Specified widths:
(I) 12″ and narrower: Add $3.00.
(II) 14″ and wider: Add $5.00.
For condition.
4. Green:
(I) 1″, 1¼″ and 1½″: Deduct $2.50.
(II) 2″: Deduct $3.50.
(III) Thicker than 2″: Deduct $7.00.
5. Air dried, 2″ and thinner: Deduct $2.50.
For Selection.
6. Selection to produce all heart cuttings: Add $5.00.

TABLE 18.—*Greenhouse bench lumber, rough or surfaced, 6′ to 20′ random lengths, per M′BM*

Size	Dry	Green
1″ x 3″	$42.50	$45.00
1″ x 4″	42.50	45.00
1″ x 6″	42.50	45.00
1″ x 8″	45.50	48.00
1″ x 10″	46.50	49.00
1″ x 12″	46.50	49.00
2″ x 3″	47.50	50.00
2″ x 4″	47.50	50.00
2″ x 6″	47.50	50.00
2″ x 8″	47.50	50.00
2″ x 10″	47.50	50.00
2″ x 12″	47.50	50.00

Estimated weight (pounds).
(I) Dry: 2,500.
(II) Green: 3,100.
Additions and deductions per 1,000 feet board measure.
For length.
1. Specified lengths:
(I) 6′ and 10′: no addition.
(II) Multiples of 4′: add $2.00.
(III) 16′: add $4.00.
(IV) All others: add $2.00.
2. Omitting the following lengths.
(I) 6′: add $0.50.
(II) 6′ to 8′: add $1.00.
(III) 6′ to 10′: add $2.00.

TABLE 19.—*Standard patterns of pickets, B and better, dry, bundled, per M pieces*

Size	Lengths	Estimated weight (pounds)	Price
1″ x 2″	2′	467	$18.75
1″ x 2″	3′	700	28.00
1″ x 2″	3½′	816	32.75
1″ x 2″	4′	934	37.50
1″ x 3″	2′	700	29.00
1″ x 3″	3′	1,050	42.25
1″ x 3″	3½′	1,225	49.25
1″ x 3″	4′	1,400	58.00
1″ x 4″	2′	935	37.50
1″ x 4″	3′	1,400	56.25
1″ x 4″	3½′	1,630	65.50
1″ x 4″	4′	1,870	75.00
1¼″ x 1¼″	2′	390	14.40
1¼″ x 1¼″	3′	590	22.00
1¼″ x 1¼″	3½′	700	25.50
1¼″ x 1¼″	4′	780	28.75
1½″ x 1½″	2′	562	21.15
1½″ x 1½″	3′	845	31.50
1½″ x 1½″	3½′	985	36.75
1½″ x 1½″	4′	1,125	42.25

Additions and deductions per 1,000 pieces.
For selection.
1. Clear all heart: Add 10%.

TABLE 20.—*Cooling tower filler strips, all heart, per C pieces*

Length	¼″x 2″ estimated		⅜″x 1½″ estimated		⅜″x 2″ estimated		⅜″x 3″ estimated	
	Weight (lb.)	Price	Weight (lb.)	Price	Weight (lb.)	Price	Weight (lb.)	Price
3′	51	$1.45	57	$1.65	83	$2.23	103	$3.18
4′	67	1.93	75	2.20	110	2.97	138	4.25
5′	84	2.42	94	2.75	138	3.75	172	5.30
6′	100	2.91	113	3.30	175	4.45	207	6.36
7′	117	3.39	132	3.85	193	5.19	241	7.44
8′	134	3.87	150	4.41	220	5.94	275	8.50

Additions and deductions per 100 pieces
For working.
1. Cutting to special lengths: Add $0.10.

TABLE 21.—*Plaster lath, bundled, per M pieces*

Size: ⅜″ x 1½″ x 4′ $8.37

Estimated weight (pounds), 410.

TABLE 22.—*Grounds, B and better, S2S and saw sized, 6′ to 20′ random lengths, bundled, per M lineal feet*

Size: ¾″ x ¾″ and/or ⅞″ $4.50

Estimated weight (pounds), 115.

Random length 6′ to 20′: (a) Permits a maximum of 70% of 6′ to 12′ lengths.

Additions and deductions per 1,000 lineal feet.
For length.
1. Random lengths 6′ to 12′: Deduct $0.20.

TABLE 23.—*Shingles*

Length and thickness	Width	Grade	Grain	Per square	Exposure
16″, 5/2	Random	No. 1	Vertical	$5.14	5″
16″, 5/2	Random	No. 2	Mixed	4.14	5″

Estimated weight (pounds), 200.
Additions and deductions per square.
For width.
1. Dimension shingles: Add 20%.

TABLE 24

Sawn shakes.

24″ x ⅝″ butt	Monterey shakes	$11.25 per square, 10″ exposure.

Other shakes

36″ x ¼″ x 6″	No 1 clear vertical grain.	$32.50 per M pieces.
36″ x ¼″ x 6″	No 2 clear slash grain.	26.50 per M pieces.

Estimated weight (pounds)

Monterey shakes	325 per square.
Other shakes	1,400 per M pieces

TABLE 25.—*Sawn stakes, B and better, rough, pointed per C pieces*

Size	Lengths	Estimated weight (pounds)	Price
1″ x 1″	3′	58	$1.18
1″ x 1″	4′	77	1.58
1″ x 1″	5′	96	1.98
1″ x 1″	6′	115	2.37
1¼″ x 1¼″	3′	98	2.36
1¼″ x 1¼″	4′	130	3.14
1¼″ x 1¼″	5′	163	3.92
1¼″ x 1¼″	6′	195	4.69

Additions and deductions per 100 pieces.
For working.
1. Unpointed stakes: Deduct 10%.

TABLE 26.—*Sawn plant stakes, B and better, S4S, pointed, per C pieces*

Size	Lengths	Estimated weight (pounds)	Price
1″ x 1″	4′	53	$2.03
1″ x 1″	5′	67	2.53
1″ x 1″	6′	80	3.04
1¼″ x 1¼″	4′	83	4.01
1¼″ x 1¼″	5′	104	5.01
1¼″ x 1¼″	6′	125	6.01

Additions and deductions per 100 pieces.
For working.
Unpointed stakes: Deduct 10%.

TABLE 27.—*Window and door frames, per frame, for quantities of 300 or more openings for shipment at one time*

DISCOUNTS APPLICABLE TO FRAME CATALOGUE NO. 140

Window frames with 5/4 casings	12½%
Window frames with 4/4 casings, box and cellar frames	14½%
Door frames 5/4 casings, or brick moulding	2½%
Door frames 4/4 casings and inside jambs	4½%

Additions and deductions per frame.
For quantities.
1. 100 to 299 openings: Shorten discount 5 points.
2. 99 or less openings: Shorten discount 10 points.
3. Items less than 10 of a size in one order: Add $0.10 net to price of complete frame, or $0.05 net to head and sill parts, and $0.05 net to side.
4. 500 openings or less differing in detail from those shown in catalogue No. 140: Shorten discount 4 points.

DISCOUNTS APPLICABLE TO FRAME CATALOGUE NO. 140—Continued

For working:

	Complete	Head & sill	Sides
5. For less than 10 frames of one size and detail	Add $0.10	$0.05	$0.05 Net
6. Inserting pulleys—(G. R. 103 only) (includes boring)	Add 0.25		0.25 Net
7. Screwing in pockets	Add 0.03		0.03 Net
8. Boring for any pulley requiring other than a straight side, round end mortise	Add 0.06		0.06 Net
9. If stiles not bored for pulleys (window frames)	Deduct 0.02		0.02 Net
10. If pockets not cut (window frames)	Deduct 0.02		0.02 Net
11. For miter cuts not otherwise provided—			
(I) Brick moulds, back bands or I. S. stops	Add 0.02	0.01	0.01 Net
(II) Crown moulds (returns not mitered)	Add 0.02	0.02	Net
NAILING CHARGES			
12. *Nailing parting beads in place	Add 0.015	0.005	0.01 Net
13. *Nailing blind stops in place	Add 0.025	0.005	0.02 Net
14. *Nailing drip cap in place	Add 0.01	0.01	Net
15. *Crown mould mitered and nailed in place (returns not mitered)	Add 0.05	0.05	Net
16. Nailing filler strips to pulley stiles or head jambs	Add 0.025	0.005	0.02 Net

*These charges included in style "D" bundling charges.

BUNDLING CHARGES

	Window frames			Door, Casement & Cellar Frames		
	Complete	Head & Sill	Sides	Complete	Head & Sill	Sides
17. Style "A" Bundling	Add $0.00	$0.00	$0.00	$0.00	$0.00	$0.00 Net
18. Style "B" Bundling	Add $0.04			0.04		Net
19. Style "C" Bundling (no mailing)	Add $0.05	0.02	0.03	0.04	0.02	0.02 Net
20. Style "D" Bundling (Semi-assembled) (includes nailing shown in items 12, 13, 14, & 15 above) *Plain Cap Frames*	Add $0.10	0.04	0.06	0.05	0.03	0.02 Net
21. Style "D" Bundling (Semi-assembled) (includes nailing shown in items 12, 13, 14, & 15 above) *Moulded Cap Frames*	Add $0.15	0.09	0.06	0.10	0.08	0.02 Net

MULLION, TRIPLE & QUADRUPLE FRAMES

	Window frames
22. Mullions—Double net price of single frames and add to head & sill parts	$0.15 net
23. Triples—Treble net price of single frames and add to head & sill parts	0.30 net
24. Quadruples—Quadruple price of single frames and add to head & sill parts	0.45 net
25. Mullion centers—Use price of single side parts	
26. Mullion center casings are 5-5/8″ net width. For 6″ to 7″ net width, add	0.05 net per casing

SINGLE SASH FRAMES

27. For head & sill parts—Use single head & sill list prices
28. For side parts—Use ⅔ side parts list prices.

LIST EXTRAS FOR MOULDED CAP

29. Window Frames (with 1″ or 1-¼″ casings)

Glass	14″	16″	18″	20″	22″	24″	26″	28″	30″	32″	34″	36″	40″	44″	48″
Add	$0.10	$0.11	$0.12	$0.12	$0.13	$0.13	$0.14	$0.15	$0.15	$0.16	$0.16	$0.17	$0.18	$0.19	$0.21

30. Casement Frames.

	Openings													
	1′ 6″	1′ 8″	1′ 10″	2′ 0″	2′ 2″	2′ 4″	2′ 6″	2′ 8″	2′ 10″	3′ 0″	3′ 4″	3′ 8″	4′ 0″	4′ 4″
Add	$0.10	$0.11	$0.12	$0.12	$0.13	$0.13	$0.14	$0.15	$0.15	$0.16	$0.17	$0.18	$0.19	$0.21

31. Door Frames (with 1″ or 1¼″ casings).

	Openings							
	2′ 6″	2′ 8″	2′ 10″	3′ 0″	3′ 6″	4′ 0″	5′ 0″	6′ 0″
Add	$0.14	$0.15	$0.15	$0.16	$0.18	$0.19	$0.23	$0.27

32. For glass or opening sizes not listed—use next larger size shown.

Delivered prices: To compute delivered prices, shorten or lengthen discount 1 point for each $0.08 increase or decrease in freight rate. Compute discount to nearest ½ point.

TABLE 28.—*Standard patterns of mouldings, B and better, 6′ to 16′ or 6′ to 20′ random lengths, per M lineal feet*

DISCOUNTS APPLICABLE TO 8,000 SERIES MOULDING BOOK

$3.00 list and less	37½%
Over $3.00 list	32½%
80¢ list—screen mouldings	42½%
Lattice and wallboard strips	42½%

Random lengths 6′ to 16′ or 6′ to 20′: (a) Permits a maximum of 15% 6′ to 9′ lengths.

Additions and deductions per 1,000 lineal feet.
For length.
1. Specified lengths: Shorten discount 5 points.
2. Omitting 6′ to 9′: Shorten discount 3 points.
3. Random lengths 6′ to 9′: Lengthen discount 10 points.
For selection.
4. Clear all heart: Shorten discount 7 points.
Other mouldings.
5. Special mouldings:
(I) 3,000 lineal feet and over: Same discounts.
(II) Less than 3,000 lineal feet: Add $3.00 net set up charge
For quantity.
6. 150,000 lineal feet or more: Lengthen discount 5 points.
7. 1,000 lineal feet and under per item: Shorten discount 2 points.

Delivered prices: To compute delivered prices, shorten or lengthen discount 1 point for each $0.08 increase or decrease in freight rate. Compute discount to nearest ½ point.

TABLE 29.—*Extra charges*

1. Stencilling and hammer marking (when ordered): Add $1.00 per M′ BM.
2. Cleating ends (when ordered): Add $2.00 per M′ BM.
3. Tying in bundles (when ordered and when not standard): Add $2.00 per M′ BM.
4. Crating, four sides, strapped (when ordered): Add $10.00 per M′ BM.
5. Stakes and straps used in loading flat or gondola cars: Add $5.00 per car.

(b) The maximum delivered prices set forth in paragraph (a) of this section are constructed on the basis of a 57-cent freight rate. For higher rate points within the Eastern area, add, and for lower rate points within such area, deduct, an amount computed by multiplying the difference in rate between the actual rate and a 57-cent rate by the weights for each item, evening off to the nearest 25 cents per thousand feet.

(c) In computing delivered prices in accordance with this section, it shall be permissible to use the appropriate estimated weights set forth herein, even though higher than actual weights, but the purchaser may require that shipment be made upon actual weights.

§ 1381.414 *Appendix C: Maximum prices for grades, classes and items of Redwood lumber and millwork not specifically priced in §§ 1381.412 and 1381.413 where shipment originates at the mill.* (a) The maximum prices in Eastern and Western areas for grades, classes, and items of Redwood lumber and millwork not specifically priced in §§ 1381.412 and 1381.413 but referred to in one or more of the publications set forth in § 1381.408 (a) (15), shall be determined as follows:

(1) The seller shall determine a tentative price by taking the price of the most nearly comparable grade or item specifically priced in the appropriate section (§ 1381.412 for Western deliveries, § 1381.413 for Eastern deliveries) and applying thereto the average price differential between the two items (determined in accordance with subparagraph (2) (iv) of this section) maintained by the seller during the period January 1, 1941 to July 31, 1941. If the seller had no established differential during that period, he shall apply the average differential maintained by his most closely competitive seller during that period. If neither the seller nor a competitive seller had such a differential the seller shall apply a differential based on comparative grade value.

(2) The tentative price so determined shall be submitted for approval to the Lumber Branch of the Office of Price Administration in Washington, D. C., within ten days of the use of such price together with a detailed statement as to the manner of determining the price. The statement shall include the following:

(i) The place where purchaser will take delivery.

(ii) The item to be priced, designated according to the paragraph number of each publication referred to in § 1381.408 (a) (15) in which the item appears or is referred to.

(iii) The item specifically priced in the appropriate § 1381.412 (Western deliveries) or § 1381.413 (Eastern deliveries) which was considered as the most nearly comparable.

(iv) The price, reduced to a mill basis, of the largest volume sale made by the seller or his most closely competitive seller of each item mentioned in this subparagraph (2) (ii) and (iii) from January 1, 1941 to July 31, 1942, for each month in which a sale was made.

(v) The highest price, reduced to a mill basis, charged by the seller or his most closely competitive seller during the month of March 1942, for each commodity mentioned in subparagraph (2) (ii) and (iii).

(vi) Any other information which applicant deems appropriate or which the Lumber Branch of the Office of Price Administration may from time to time require.

If within thirty days after receipt of the request for approval, the Office of Price Administration does not adjust or require further justification of such tentative maximum price, the price shall be considered approved and shall thereafter be the maximum price for such item for that seller. Pending such approval the seller may deliver the lumber and receive payment therefor subject to the condition that a refund will be made if the price is in excess of that finally determined or approved by the Office of Price Administration.

(b) No additions may be made for items of millwork or mouldings, or for workings, specifications, services, or other extras not expressly provided for: *Provided*, That the seller may apply to the Office of Price Administration in Washington, D. C., for instructions as to the making of such additions. In such application the seller shall describe in detail the grade, item, workings, specification, service, or extra not expressly provided for. Pending receipt of such instructions the seller may quote and deliver at a price which is agreed by the parties to be subject to adjustment to the price determined by the Office of Price Administration, but the seller may not accept payment and the purchaser may not make payment until such instructions have been received.

Issued this 9th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11703; Filed, November 9, 1942; 3:13 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 262]

SEASONAL AND MISCELLANEOUS FOOD COMMODITIES

This regulation provides for the determination of maximum prices of certain listed seasonal and miscellaneous food commodities. The formulae set forth herein for determining maximum prices for these commodities are designed to give a maximum price consisting of (1) the ceiling price or, if none, the March 1942 price of ingredients (with certain added increases over 1941 prices in the case of fresh berries, fruits and peanuts), and (2) the ceiling price or, if none, the March 1942 price of packaging materials, (3) labor costs at March 1942 wage rates, and (4) plus a markup as of March 1942 or, if none, as of the last selling season.

In the judgment of the Price Administrator, the maximum prices established by this regulation are fair, just and equitable and tend to effectuate the purpose of the Emergency Price Control Act of 1942, as amended.

A statement of considerations involved in the issuance of this Maximum Price Regulation No. 262 is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator in the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, and in accordance with Revised Procedural Regulation No. 1[1] issued by the Office of Price Administration, this Maximum Price Regulation No. 262 is hereby issued:

AUTHORITY: §§ 1351.951 to 1351.968, inclusive, issued under Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1351.951 *Scope and purpose of this regulation.* This regulation provides for and prescribes the maximum prices for the seasonal and miscellaneous food commodities listed in Appendix A and B hereof. It provides that each producer shall compute his maximum prices on these commodities on the basis of specified costs plus last season's markup in the case of seasonal commodities or the March 1942 markup in the case of miscellaneous commodities. These maximum prices must be calculated and reported to the Office of Price Administration within thirty days after the effective date of this regulation. Unless this is done the producer cannot sell these commodities at all after said thirty-day period until he does calculate and report his prices under this regulation. Once the producer has calculated and reported his maximum prices under this regulation he cannot sell these commodities at a higher price though he may sell them at a lower price and he must continue all customary allowances, discounts and other price differentials. Further, once a maximum price on a commodity covered by this regulation is calculated and reported as required by this regulation it cannot be changed except with the written permission of the Office of Price Administration in cases of excusable clerical error or other mistake.

§ 1351.952 *Applicability of the General Maximum Price Regulation.* After a producer has calculated and reported his maximum prices under this regulation on any seasonal or miscellaneous food commodity covered hereby, the provisions of the General Maximum Price Regulation shall have no further application to sales or deliveries by him thereof; and thirty days after the effective date of this regulation, the provisions of the General Maximum Price Regulation shall not apply to sales or deliveries by producers of seasonal and miscellaneous food commodities hereinafter listed in Appendix A and B hereof.

§ 1351.953 *Prohibition against dealing in listed seasonal and miscellaneous food commodities above maximum prices.* (a) Thirty days after the effective date of this regulation and regardless of any contract or any other obligation:

(1) No producer shall sell or deliver or offer to sell or deliver any seasonal or miscellaneous food commodity hereinafter listed in Appendix A or B hereof unless he has calculated and reported his maximum price thereon as provided in this regulation nor shall any producer sell or deliver or offer to sell or deliver any such seasonal or miscellaneous food commodity at a price higher than the maximum price permitted by this regulation; and

(2) No person shall buy or receive any such commodity from a producer at a price higher than the price permitted by this regulation.

§ 1351.954 *Maximum prices for listed seasonal food commodities.* Each producer of a seasonal food commodity listed in Appendix A of this regulation shall determine his maximum prices to each class of purchasers thereof as follows:

(a) Each producer shall first ascertain the actual or estimated cost to him of ingredients and packaging materials per unit of the commodity to be priced, subject to the following limitations:

(1) No ingredient or packaging material subject to maximum prices prescribed by the Office of Price Administration shall be included in such costs at higher than the maximum purchase price to said producer.

(2) Except as provided in subparagraphs (3) and (4) of paragraph (a) of this section, no ingredient or packaging material for which no maximum price has been prescribed by the Office of Price Administration shall be included in such costs at higher than the market price of the ingredient or packaging material in question in March 1942 or in the event there were no substantial sales of a particular ingredient or packaging material during March 1942 at higher than the market price of that ingredient or packaging material in the base period of 1941 as set forth in Appendix A hereof opposite the seasonal commodity to be priced.

(3) Where one of the following commodities is not subject to maximum

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8961.

prices prescribed by the Office of Price Administration and constitutes an ingredient of the commodity to be priced, the producer shall not include the same in such cost at higher than the weighted average actual price paid by the producer during 1941 plus the amount hereinafter set forth opposite each such ingredient commodity:

	Per pound
Fresh berries except strawberries	$ 0.03
	Per ton
Fresh apples	$6.50
Fresh apricots	23.00
Fresh cherries, red sour and pitted	50.00
Fresh cherries, sweet	56.00
Fresh figs	34.00
Fresh grapes	14.00
Fresh peaches, cling stone, including cling stone nectarines	7.00
Fresh peaches, free stone, including free stone nectarines	15.00
Fresh pears	15.00
Fresh plums	2.00
Fresh prunes	13.00

If the producer made no such purchases during 1941 he shall not include the same in such costs at higher than the weighted average actual price paid by his most closely competitive producer during 1941 as ascertained through the Office of Price Administration if reasonable inquiry by him fails to disclose the same, plus the aforesaid amounts.

(4) Where one of the following commodities is not subject to maximum prices prescribed by the Office of Price Administration and constitutes an ingredient of the commodity to be priced, the producer shall not include the same in such costs at higher than the prices hereinafter set forth opposite such ingredient commodity:

	Per pound
Fresh strawberries	$0.08
U. S. Grade No. 1 Virginia shelled peanuts	.14
U. S. Grade No. 1 Spanish shelled peanuts	.13
U. S. Grade No. 1 Runners shelled peanuts	.12¾

The customary differentials for other grades of peanuts shall be in continuing force.

(b) To the cost of ingredients and packaging materials as above ascertained, the producer may add "direct labor cost" per unit of the commodity to be priced at the "March 1942 wage rates." "Direct labor cost" shall include the labor involved in the manufacturing, packaging and shipping of the commodity but shall not include the labor involved in the purchase of ingredients and supplies, plant and machinery maintenance, distribution, selling or advertising of the commodity, or administrative expenses. Said "March 1942 wage rates" shall be the highest wage rates paid by the producer in March 1942 for each class of labor involved in the production of the commodity to be priced. If the producer did not employ a given class of labor in March 1942 he shall take the highest wage rate paid in March 1942 by that producer of the same or a comparable commodity operating under the most nearly comparable conditions who did employ that class of labor during March 1942.

(c) The producer shall next ascertain (1) his weighted average actual selling price to each class of purchasers during the base period of 1941 as set forth in Appendix A hereto opposite each commodity and (2) his weighted, average actual costs of ingredients, packaging materials and direct labor per unit of the same commodity or of a commodity of a comparable type produced and sold by him during said base period.

The producer shall then ascertain his former markup in dollars and cents by subtracting item (2) (old costs) from item (1) (old selling price); and also by percentage by dividing item (2) (old costs) into item (1) (old selling price).

The producer shall then take the total cost of ingredients, packaging materials and labor as computed under paragraphs (a) and (b) of this section and: (1) add to this total the dollars and cents markup (to a given class of purchasers if he sold to more than one class) as above calculated and (2) multiply this total cost of ingredients, packaging materials and labor by the percentage (to a given class of purchasers if he sold to more than one class) as above calculated. The lower of the two resulting figures shall be his maximum price of the commodity which is being priced (to that class of purchasers to whom the markup appertains if he had more than one class; and in like manner he should calculate his maximum prices on the commodity which is being priced to other classes of purchasers, if any).

If the producer did not produce the commodity or a commodity of a comparable type during said base period, he shall use the markup determined in a like manner as above provided of that producer of the same commodity or a commodity of a comparable type operating under the most nearly comparable conditions during said base period as ascertained through the Office of Price Administration if reasonable inquiry by him fails to disclose the same.

§ 1351.955 *Maximum prices for listed miscellaneous food commodities.* Each producer of a miscellaneous food commodity listed in Appendix B of this regulation shall determine his maximum prices to each class of purchasers thereof as follows:

(a) Each producer shall first compute the cost of ingredients and packaging materials per unit of the commodity to be priced, in the following manner:

(1) He shall include in such cost every ingredient or packaging material subject to maximum prices prescribed by the Office of Price Administration at the maximum price to the class of purchasers to which he belongs.

(2) Except as provided in subparagraphs (3) and (4) of paragraph (a) of this section, he shall include in such cost every ingredient or packaging material for which no maximum price has been prescribed by the Office of Price Administration at the market price of the ingredient or packaging material in question in March 1942.

(3) Where one of the following commodities is not subject to maximum prices prescribed by the Office of Price Administration and constitutes an ingredient of the commodity to be priced, the producer shall include the same in such cost at the weighted average actual price paid by the producer during 1941 plus the amount hereinafter set forth opposite each such ingredient commodity:

	Per pound
Fresh berries except strawberries	$0.03
	Per ton
Fresh apples	$6.50
Fresh apricots	23.00
Fresh cherries, red sour and pitted	50.00
Fresh cherries, sweet	56.00
Fresh figs	34.00
Fresh grapes	14.00
Fresh peaches, cling stone, including cling stone nectarines	7.00
Fresh peaches, free stone, including free stone nectarines	15.00
Fresh pears	15.00
Fresh plums	2.00
Fresh prunes	13.00

If the producer made no such purchases during 1941 he shall include the same in such costs at the weighted average actual price paid by his most closely competitive producer during 1941 as ascertained through the Office of Price Administration if reasonable inquiry by him fails to disclose the same, plus the aforesaid amounts.

(4) Where one of the following commodities is not subject to maximum prices prescribed by the Office of Price Administration and constitutes an ingredient of the commodity to be priced, the producer shall include the same in such costs at the prices hereinafter set forth opposite each ingredient commodity:

	Per pound
Fresh strawberries	$0.08
U. S. Grade No. 1 Virginia shelled peanuts	0.14
U. S. Grade No. 1 Spanish shelled peanuts	0.13
U. S. Grade No. 1 Runners shelled peanuts	0.12¾

The customary differentials for other grades of peanuts shall be in continuing force.

(b) The producer shall next ascertain (1) his weighted average actual selling price to each class of purchasers during March 1942 and (2) his weighted average actual costs of ingredients and packaging materials per unit of the same commodity or of a commodity of a comparable type produced and sold by him during March 1942.

The producer shall then ascertain his former markup in dollars and cents by subtracting item (2) (old costs) from item (1) (old selling price); and also by percentage by dividing item (2) (old costs) into item (1) (old selling price).

The producer shall then take the total cost of ingredients and packaging materials as computed under paragraph (a) of this section and: (1) add to this total the dollars and cents markup (to a given class of purchasers if he sold to more than one class) as above calculated; and (2) multiply this total cost of ingredients and packaging materials by the percentage (to a given class of purchasers if he sold to more than one class) as above calculated. The lower of the two resulting figures shall be his maximum price of the commodity which is being priced (to that class of purchasers to whom the markup appertains if he had more than one class; and in like manner he should calculate his maximum prices on the commodity which is being priced to other classes of purchasers, if any).

If the producer did not produce the commodity or a commodity of a comparable type during said base period, he shall use the markup determined in a like manner as above provided of that producer of the same commodity or a commodity of a comparable type operating under the most nearly comparable conditions during paid base period as ascertained through the Office of Price Administration if reasonable inquiry by him fails to disclose the same.

§ 1351.956 *Package or unit net weight changes in lieu of price changes.* Where it is the customary practice of a producer of a commodity listed in Appendix A or B hereto to reflect cost changes by package or unit net weight changes, he may reflect the price changes prescribed by this regulation by corresponding package or unit net weight changes determined in the following manner: The producer shall (a) divide the maximum price per unit of the commodity as determined under this regulation into his selling price per unit of the commodity prevailing immediately before the effective date of this regulation; and (b) multiply the existing package or unit net weight of the commodity by the percentage so determined. The resulting figure shall be the new package or unit net weight for sales under this regulation.

§ 1351.957 *Information which packers must give their customers of price increases*—(a) *Notice from packers to wholesalers of price increases.* In the case of any item of any commodity listed in Appendix B hereof which is being sold by a producer to a wholesaler for the first time after the packer's maximum price for it has been established under § 1351.955, the producer shall send the wholesaler (before or at the time of delivery) a written statement which lists for each such item included in the sale (1) the weighted average price charged by the packer during the month of March 1942, called the "base price", (2) the producer's maximum price, as calculated under the provisions of this regulation, called the "maximum price", and (3) the amount of the difference between the "base price" and the "maximum price", called the "wholesaler's permitted increase". When any producer has established a maximum price by taking the maximum price of his competitor, as provided in § 1351.955 (b), his base price shall be the base price of the competitor. When calculating the "wholesaler's permitted increase", the producer shall adjust any fraction of a cent to the nearest fractional unit in which the wholesaler customarily quotes prices for the item.

(b) *Notice from producers to retailers of price increases*—(1) *General package requirement.* Every producer who sells any item of a commodity listed in Appendix B hereof during the 90-day period from and after the effective date of this regulation whether to a wholesaler or a retailer, shall include with the shipping case (or other package unit in which the retailer usually purchases the product) a "Notice of Retailer's Permitted Increase." This notice must be either pasted or stamped on the outside of each shipping case sold, or printed on a slip and enclosed. In the latter case the producer shall place this statement on the outside: "Retailer's Notice Enclosed." The producer shall calculate the retailer's permitted increase for the item by reducing the permitted increase which he computed for the wholesaler under paragraph (a), where necessary, to the units in which the commodity is usually sold at retail. When making this calculation, the packer shall adjust fractions of one-half cent or more to the next higher cent and fractions of less than one-half cent to the next lower cent. Except for the proper insertion, the Notice of Retailer's Permitted Increase shall read as follows:

> *Notice of Retailer's Permitted Increase.* Your new OPA ceiling price for the enclosed item is your March ceiling price *plus* ---- cents per retail container. OPA requires you to keep this information for examination.

(2) *First sales directly to retailers; where notices do not accompany packages.* In the case of any item of a commodity listed in Appendix B hereof which is being sold by a producer to any retailer for the first time after the producer's maximum price for it has been established under § 1351.955 and which for any reason is being sold in a form which does not include a producer's Notice of Retailer's Permitted Increase, the producer shall send the retailer (before or at the time of delivery) a written statement that (i) clearly identifies each such item included in the sale and (ii) states the "permitted increase" for it which the retailer is directed to add to his maximum price as established under the General Maximum Price Regulation. When preparing the statement the packer shall calculate the retailer's permitted increase for the item by reducing the permitted increase which he computed for the wholesaler under paragraph (a), where necessary, to the units in which the commodity is usually sold at retail. When making this calculation, the packer shall adjust fractions of one-half cent or more to the next higher cent and fractions of less than one-half cent to the next lower cent. Each statement shall be accompanied by this notice:

> Your new OPA ceiling price for each item noted is your March ceiling price *plus* the permitted increase shown per retail container. OPA requires you to keep this information for examination.

This statement may also contain similar information for any other items covered by this regulation even though they are not included in the sale.

§ 1351.958 *Wholesaler and retailer not to adjust prices in case of producer's package or unit net weight changes.* If a package or unit net weight change has been effected by the producer, as permitted under § 1351.956 above, the wholesaler and retailer shall each respectively continue their previous maximum prices on the new package or unit net weight commodity in question without adjustment or change in price. The producer shall send the wholesaler and the wholesaler or producer shall send all retailers a written statement of any package or unit net weight change.

§ 1351.959 *Reporting of maximum prices calculated and determined hereunder.* Within thirty days after the effective date of this regulation, the producer shall calculate and report his maximum price or prices under this regulation to the Office of Price Administration in Washington, D. C., setting forth by verified statement in writing, the detailed figures used in determining his maximum price or prices hereunder and any permitted package or unit net weight changes, itemizing each ingredient, packaging material and labor cost and selling price or prices used in the several calculations herein required.

Once reported, a maximum price calculated and determined under this regulation may not be changed except with the written permission of the Office of Price Administration in cases of excusable clerical error or other mistake.

Every maximum price or package or unit net weight change reported under this regulation shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration.

§ 1351.960 *Retention of customary allowances, discounts and other price differentials.* Every producer shall continue all customary allowances, discounts and other price differentials in effect during the respective base periods set forth in Appendix A hereof in regard to seasonal food commodities and during March 1942 in regard to the miscellaneous food commodities set forth in Appendix B hereof, unless a change will result in lower maximum prices.

§ 1351.961 *Evasion.* The provisions of this Maximum Price Regulation No. 262 shall not be evaded whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of any commodity covered by this regulation alone or in conjunction with any other commodity or by way of commission, service, transportation or other charge, or discount, premium or other privilege or by tying-in agreement or other trade understanding or otherwise.

§ 1351.962 *Export sales.* The maximum prices at which a producer or other person may export any commodity covered by this regulation shall be determined in accordance with the provisions of the Revised Maximum Export Regulation issued by the Office of Price Administration.

§ 1351.963 *Petitions for amendments.* Any person seeking an amendment to any provisions of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1351.964 *Enforcement.* (a) Any persons violating any provisions of this Maximum Price Regulation No. 262 shall be subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 262 or of any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation are urged to communicate with the nearest district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1351.965 *Definitions.* (a) When used in this Maximum Price Regulation No. 262 the term:

(1) "Producer" means a person, firm or corporation operating an establishment producing, manufacturing or processing a commodity listed in Appendix A or B hereof for the wholesale and retail trade.

(2) A "commodity of a comparable type" means a commodity of equal weight and quantity (except as adjusted under the provisions of § 1351.956 of this regulation for certain commodities) offering fairly equivalent utility and differing in ingredients or packaging materials from the commodity produced by the seller or his most closely competitive seller in the respective base period listed in Schedule A in regard to seasonal food commodities or in March 1942, in regard to miscellaneous food commodities listed in Schedule B only by changes to the best possible feasible substitutes for ingredients or packaging materials presently impossible to obtain or (if not subject to maximum prices subscribed by the Office of Price Administration) obtainable only at an unreasonably high price in relation to the costs and maximum selling price of the commodity in question.

(3) "Purchaser of the same class", "class of purchasers" shall have the same meaning as under the General Maximum Price Regulation.

(4) A "wholesaler" or "retailer", respectively, shall be deemed to be a person making "sales at wholesale" or "sales at retail" as defined under the General Maximum Price Regulation.

(5) "Bottled egg nog" is a specialty holiday beverage made from fresh or powdered eggs, syrup, cream and milk. It may include liquor. When liquor is included it consists of one or more of the following: brandy, rum and whiskey.

(6) "Tom and Jerry batter" is a mixture of eggs (powdered or fresh), sugar or sugar syrup, and spices beaten together and is used generally during the holiday season for mixing with liquors and hot water in the preparation of a beverage called Tom and Jerry.

(7) "Blended maple syrup" is a blend of sugar cane syrup with or without corn syrup and with a minimum of 15% by volume of maple syrup.

(8) "Fig bars" are biscuits containing a minimum of 20% of fig paste as an ingredient in the filling placed between two crusts of dough.

(9) "Raisin filled or topped biscuits and crackers" are biscuits or crackers in which at least 20% of their ingredient weight consists of raisins.

(10) "Peanut candy" is candy in which peanuts, either in processed or unprocessed form, constitute the predominating ingredient by weight or cost.

(11) "Christmas cookies" means novelty cookies baked from special formulae or baked in special shapes exclusively for the holiday season which begins with Thanksgiving and ends with New Year's Day.

(12) All other commodities listed in either Appendix A or B hereof and not hereinbefore specifically defined are those which customarily have been known and sold under those names.

§ 1351.966 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 262 shall be applicable to the forty-eight states and the District of Columbia.

§ 1351.967 *Effective date.* This Maximum Price Regulation No. 262 (§§ 1351.951 to 1351.969, both inclusive) shall become effective on and after November 14, 1942.

§ 1351.968 *Appendix A: Seasonal food commodities covered by this regulation.* The following seasonal food commodities are covered and shall be governed by this Maximum Price Regulation No. 262.

Commodity:	*Base Period*
Christmas cookies	Nov.–Dec., 1941.
Mincemeat	Sept.–Oct., 1941.
Plum, date and fig puddings	Sept.–Oct., 1941.
Bottled Egg Nog	Oct.–Nov., 1941.
Tom and Jerry batter	Oct.–Nov., 1941.

§ 1351.969 *Appendix B: Miscellaneous food commodities covered by this regulation.* The following miscellaneous food commodities are covered by and shall be governed by this Maximum Price Regulation No. 262.

Baker's fruit pie and pastry fillings.
Fig bars.
Blended maple syrup.
Maple sugar.
Egg noodles.
Fountain fruits.
Peanut candy.
Potato chips.
Raisin filled or topped biscuits and crackers.
Canned boned chicken and turkey.
Chocolate coated sugar cones.
Tortillas.
Tamales.

Issued this 9th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11711; Filed, November 9, 1942; 4:24 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Amendment 3 to Restriction Order 1[1]]

MEAT RESTRICTION

A Rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The word "sells" in § 1407.901 (g) is amended to read "delivers"; the word "inventories" in § 1407.908 (c) is amended to read "data"; the reference in § 1407.917 (a) to "§ 1407.912 (a) (1)" is amended to read "§ 1407.912 (a)"; the reference in § 1407.919 (a) to "§ 1407.912" is amended to read "§ 1407.912a"; §§ 1407.901 (d), 1407.904 (a), 1407.905, 1407.906 (b), 1407.907 (a) (5), 1407.908 (a) and (b), 1407.911, 1407.912, 1407.913, 1407.914 (a), 1407.914a (b), and (c), and 1407.918 are amended; and a new § 1407.912a, and new paragraphs (k) of § 1407.901 and (c) of § 1407.925, are added, to read as set forth below:

§ 1407.901 *Definitions.* * * *

(d) "Deliver" means to transfer physical possession of controlled meat to any other person. The transfer of controlled meat by a slaughterer or non-quota slaughterer to a unit or department of the slaughterer or non-quota slaughterer for use in the preparation, manufacture, or production of any product or commodity other than controlled meat shall be deemed a transfer of physical possession to a person other than the slaughterer or non-quota slaughterer. In the case of a slaughterer or non-quota slaughterer who uses controlled meat for such purposes without any such transfer, the use of controlled meat in the preparation, manufacture or production of any product or commodity other than controlled meat shall, for the purposes of Restriction Order No. 1, have the same effect as a transfer of physical possession to a person other than the slaughterer or non-quota slaughterer.

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(k) "Veal" means controlled meat derived from calves, graded or classified during any quota period by the same standards used by the slaughterer or non-quota slaughterer with respect to controlled meat of such type during the corresponding base period: *Provided,* That during any quota period no dressed carcass as defined in paragraph (e) (2) of this section shall be deemed veal, for the purposes of Restriction Order No. 1, unless it has the veal or calf characteristics defined by the United States Department of Agriculture (A.M.A. Reg. 114, Official U. S. Standards for Grades of Veal and Calf Carcasses (1940)), and weighs not more than 275 pounds.

* * * * *

§ 1407.904 *Deliveries of non-quota slaughterers restricted.* (a) Notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no non-quota slaughterer shall, during any quota period, deliver to persons other than those referred to in § 1407.912 (a) more controlled meat of any type resulting from his own slaughter than he delivered of such type resulting from his own slaughter during the corresponding base period. For the purposes of this section, cutter and canner grades of controlled meat of beef shall be regarded as a separate type of controlled meat.

§ 1407.905 *Base and quota periods established.* (a) There are hereby established the following quota periods:

(1) Quota Period 1: October 1, 1942, to December 31, 1942, inclusive.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7839, 8217, 8524.

(2) Quota Period 2: January 1, 1943 to March 31, 1943, inclusive.

(3) Quota Period 3: April 1, 1943 to June 30, 1943, inclusive.

(4) Quota Period 4: July 1, 1943 to September 30, 1943, inclusive.

(b) The Corresponding base periods shall be as follows:

(1) Base Period 1: October 1, 1941 to December 31, 1941, inclusive.

(2) Base Period 2: January 1, 1941, to March 31, 1941, inclusive.

(3) Base Period 3: April 1, 1941 to June 30, 1941, inclusive.

(4) Base Period 4: July 1, 1941 to September 30, 1941, inclusive.

§ 1407.906 *Method of computing quota bases.* * * *

(b) If any person acquires or has acquired a business involving slaughtering, including the good will thereof, and operates the business in substantially the same manner as it was carried on prior to such acquisition, the slaughterings and inventories of such business and deliveries by and to it prior thereto shall be deemed slaughterings and inventories of, and deliveries by and to, such person for the purposes of Restriction Order No. 1. If a slaughterer makes such acquisition subsequent to his registration he shall immediately file a new registration in accordance with § 1407.914.

* * * * *

§ 1407.907 *Method of computing deliveries during quota period.* (a) * * *

(5) The conversion weight of controlled meat of such type delivered by him during the quota period without charge against quotas in accordance with § 1407.912a.

§ 1407.908 *Accounting procedures and inventories.* (a) A slaughterer in determining his inventories for the purposes of §§ 1407.906 and 1407.907 shall disregard controlled meat held at or in transit to his branches or branch houses, and controlled meat held in a unit or department of the slaughterer for use in the preparation, manufacture, or production of any product or commodity other than controlled meat.

(b) If the accounting periods used by a slaughterer during 1941 do not correspond to the base and quota periods established by Restriction Order No. 1, he may substitute such accounting periods for such base and quota periods: *Provided,* That:

(1) The accounting periods used for base periods shall contain the same number of calendar days as the accounting periods used for the quota periods.

(2) The accounting periods so used shall end on Saturday or Sunday, and begin and end with seven (7) days of the beginning and end of the corresponding periods established by Restriction Order No. 1.

(3) Inventories taken at the beginning and end of such accounting periods shall be used in computing deliveries during the base and quota periods.

* * * * *

§ 1407.911 *Persons becoming slaughterers and slaughterers owning retail outlets.* (a) In the case of a person who owns five or more establishments selling controlled meat principally at retail and who is also a slaughterer and in the case of a person who became or becomes a slaughterer after October 1, 1942, the operation of the slaughtering plant or plants operated by him shall be deemed to be separate from all his other activities for the purposes of Restriction Order No. 1, including the determination of the applicable quota base and quotas. Deliveries to such person shall be deemed made without charge against quotas only if made to such plant or plants, and only inventories of, and deliveries to and from such plant or plants shall be included in any computations required by Restriction Order No. 1. The restrictions in §§ 1407.902 and 1407.909 shall apply to such person only with respect to deliveries of controlled meat from, and the use of controlled meat in, such plant or plants.

§ 1407.912 *Exempt purchasers.* (a) The following are designated exempt purchasers:

(1) The Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, War Shipping Administration, Maritime Commission, Panama Canal, Advisory Committee for Aeronautics, Office of Scientific Research and Development and Defense Supplies Corporation, and any agency of the United States or of any foreign government, to the extent that controlled meat is delivered to it for export to any foreign country or any territory or possession of the United States other than the District of Columbia: *Provided, however,* That post exchanges, organized messes, sales commissaries, service men's clubs, ship service stores, and similar organizations, shall not be deemed part of the Army, Navy, Marine Corps or Coast Guard.

(2) Any person, to the extent that controlled meat is delivered to him for export to any foreign country or any territory or possession of the United States other than the District of Columbia.

(3) Any person operating an ocean-going vessel engaged in the transportation of cargo or passengers in foreign, coastwise or intercoastal trade, to the extent that controlled meat is delivered to him as ships' stores for consumption aboard such vessel.

(4) Any hospital, asylum, orphanage, prison, or other similar institution, which is operated by any federal, state or local government or agency thereof, other than an agency listed in paragraph (a) (1) of this section, which took delivery of controlled meat in the year 1941 under contracts awarded upon the basis of competitive bids.

(5) Any person, to the extent that the delivery of controlled meat to him, without charge against quotas, has been specifically authorized by the Director of the Food Rationing Division of the Office of Price Administration.

§ 1407.912a *Deliveries permitted without charge against quotas*—(a) *Deliveries by slaughterers to U. S. government agencies, covered by written contract.* In computing the conversion weight of controlled meat delivered during a quota period without charge against quotas for the purposes of § 1407.907 (a) (5), any slaughterer may include the conversion weight of controlled meat delivered by him, or contained in canned meat or sausage delivered by him, during such period to an exempt purchaser designated in § 1407.912 (a) (1), if such delivery was covered by a written contract between him and such exempt purchaser: *Provided, however,* That no slaughterer shall so include the conversion weight of such controlled meat unless he retains the contract in his files and, not later than the close of the quota period in which the controlled meat, canned meat or sausage was delivered, attaches to such contract receipts or bills of lading evidencing such delivery, the invoices relating thereto, and a certification signed by him referring to such contract and stating the conversion weight of each type of controlled meat delivered, or contained in canned meat or sausage delivered, by him during such quota period.

(b) *Deliveries by slaughterers to persons holding written contracts with U. S. government agencies.* In computing the conversion weight of controlled meat delivered during a quota period without charge against quotas for the purposes of § 1407.907 (a) (5), any slaughterer may include the conversion weight of controlled meat delivered by him, or contained in canned meat or sausage delivered by him, during such period to any person who is required to deliver, or has on or after October 1, 1942, delivered, either controlled meat, or canned meat or sausage made therefrom, to an exempt purchaser designated in § 1407.912 (a) (1), if the delivery of controlled meat, sausage or canned meat to the exempt purchaser is covered by a written contract between such person and such exempt purchaser: *Provided, however,* That no slaughterer shall so include the conversion weight of such controlled meat unless he obtains from such person, either before or after delivery to the exempt purchaser, but in any event not later than the close of the quota period in which controlled meat, canned meat or sausage was so delivered to such person, a certification signed by such person referring to such contract by date and number and setting forth the following:

(1) The name of such person;

(2) The name of the exempt purchaser;

(3) The total weight of each type of controlled meat, canned meat or sausage covered by such certification, a description thereof permitting conversion in accordance with the provisions of § 1407.913, and the date or dates of delivery to such person;

(4) A statement that the quantity of controlled meat of any type covered by all certifications signed by such person and referring to such contract, does not exceed the quantity of controlled meat of such type required for the performance of the contract.

The person holding the contract with the exempt purchaser shall retain it in his files and shall attach thereto receipts or bills of lading evidencing the delivery of such meat, the invoices relating thereto, copies of all certifications referring to such contract and, in addition thereto,

a certification signed by him stating the conversion weight of each type of controlled meat delivered by him pursuant to the contract during each quota period, or in the case of a contract calling for the delivery of canned meat or sausage, the conversion weight of controlled meat used in the preparation of the canned meat or sausage delivered by him pursuant to the contract during each quota period.

(c) *Deliveries by slaughterer directly to exempt purchasers other than U. S. government agencies, to other slaughterers, and to U. S. government agencies if not covered by written contract.* In computing the conversion weight of controlled meat delivered during a quota period without charge against quotas for the purposes of § 1407.907 (a) (5), any slaughterer may include the conversion weight of controlled meat delivered by him during such period to any exempt purchaser designated in § 1407.912 (a) (2) to (5) inclusive, or to any exempt purchaser designated in § 1407.912 (a) (1) when such delivery was not covered by written contract, or to another slaughterer whose deliveries are subject to the quota provisions of Restriction Order No. 1, and may also include the conversion weight of controlled meat contained in canned meat or sausage delivered by him during such period to any such exempt purchaser (but not to other slaughterers): *Provided, however,* That no slaughterer shall so include the conversion weight of such controlled meat unless, not later than the close of the quota period in which such delivery is made, he obtains from the exempt purchaser or slaughterer to whom such controlled meat, canned meat or sausage is delivered, a certification signed by such exempt purchaser or slaughterer, acknowledging delivery of the controlled meat, canned meat or sausage, and satisfying the following requirements:

(1) The certification shall state the name and address of the slaughterer who delivered the controlled meat, canned meat, or sausage, and the date or dates of delivery; the name and address of the exempt purchaser or slaughterer; the total weight of each type of controlled meat, canned meat, or sausage covered by such certification; and a description thereof permitting conversion in accordance with the provisions of § 1407.913.

(2) If the exempt purchaser is an exporter designated in § 1407.912 (a) (2), there shall be attached to such certification a Shipper's Export Declaration bearing the notation of an authorized customs official to the effect that, to the best of his knowledge and belief, the amount of controlled meat, canned meat or sausage therein stated has been exported.

(3) If the exempt purchaser is a person operating a vessel as provided in § 1407.912 (a) (3), there shall be attached to such certification a statement signed by the collector of customs or his deputy authorizing the delivery of such controlled meat as ships' stores and evidencing the fact that such delivery has been made.

(4) If the exempt purchaser is an institution referred to in § 1407.912 (a) (4), the certification shall state that such purchaser took delivery of controlled meat in the year 1941 under contracts awarded upon the basis of competitive bids, and that the controlled meat described in the certification will be used solely by such institution.

(5) If the exempt purchaser is a person to whom quota-free delivery of controlled meat has been authorized by the Director of the Food Rationing Division of the Office of Price Administration, he shall attach to the certification a copy of such authorization.

(6) If canned meat or sausage is covered by the certification signed by an exempt purchaser, the slaughterer shall attach thereto a statement signed by him setting forth, on the basis of the formula for such canned meat or sausage (which need not be set forth in full), the conversion weight of controlled meat of each type contained therein.

(d) *Deliveries by slaughterers to persons other than exempt purchasers, to replace inventory delivered to U. S. government agencies, to vessels, or for export.* In computing the conversion weight of controlled meat delivered during a quota period without charge against quotas for the purposes of § 1407.907 (a) (5), any slaughterer may include the conversion weight of controlled meat delivered by him, or contained in canned meat or sausage delivered by him, during such period to any person other than a slaughterer to replace in the inventory of such person controlled meat, canned meat or sausage delivered by, or contained in canned meat or sausage delivered by, such person on or after October 1, 1942, to an exempt purchaser designated in § 1407.912 (a) (1) if such delivery was not covered by a written contract, or to an exempt purchaser designated in § 1407.912 (a) (2), (3), or (5): *Provided, however,* That no slaughterer shall so include the conversion weight of such controlled meat unless, not later than the close of such period, he obtains from such person a certification signed by such exempt purchaser, acknowledging delivery of controlled meat, canned meat or sausage, and containing the statements and attachments provided for in paragraph (c) of this section, and in the case of an exempt purchaser designated in § 1407.912 (a) (1), also stating that such delivery was not covered by a written contract.

(e) *Deliveries to boners.* Any person who desires to deliver, or has on or after October 1, 1942, delivered controlled meat, canned meat or sausage to an exempt purchaser designated in § 1407.912 (a) (1) pursuant to a written contract between such person and such exempt purchaser, may sign and transmit to the boner who boned or will bone the controlled meat for him, a certification containing the statements and information provided for in paragraph (b) of this section. The boner to whom any such certification is so transmitted may endorse and deliver it to the slaughterer who delivered or delivers such controlled meat to him. In computing the conversion weight of controlled meat delivered during a quota period without charge against quotas for the purposes of § 1407.907 (a) (5), any slaughterer may include the conversion weight of the controlled meat delivered by him during such period to such boner, if covered by such certification transmitted to him during the quota period. For the purposes of this paragraph, "boner" means a person to whom carcasses or primal cuts of beef, veal, lamb, mutton or pork are delivered, and by whom boneless controlled meat and trimmings are delivered.

(f) *Deliveries by slaughterers to any person, for storage in anticipation of government contracts.* In computing the conversion weight of controlled meat delivered during a quota period without charge against quotas for the purposes of § 1407.907 (a) (5), any slaughterer may include the conversion weight of controlled meat delivered by him to any person for storage in anticipation of contracts with exempt purchasers designated in § 1407.912 (a) (1), if such delivery, quota-free, is specifically authorized by the Director of the Food Rationing Division of the Office of Price Administration: *Provided, however,* That no slaughterer shall so include the conversion weight of such controlled meat unless, not later than the close of such period, he obtains from such person a copy of the authorization and a certification signed by such person, referring to such authorization by date, and stating that such controlled meat has been segregated for use pursuant to a contract with an exempt purchaser, and that the quantity of controlled meat of any type covered by all certifications referring to such authorization does not exceed the quantity of controlled meat of such type the delivery of which has been specifically authorized thereby.

Any person to whom a specific authorization is issued shall retain together in his files the original authorization, copies of all certifications referring thereto, any contract with an exempt purchaser designated in § 1407.912 (a) (1), pursuant to which controlled meat or canned meat or sausage is subsequently delivered, the invoices relating thereto, and receipts or bills of lading evidencing deliveries against such contract.

(g) *Duplication prohibited.* No controlled meat shall be included more than once by a slaughterer in computing the conversion weight of controlled meat delivered during a quota period without charge against quotas.

(h) *Military information of a secret character.* If any of the information required by paragraphs (a) to (f) inclusive of this section is military information of a secret character, such information may be omitted.

(i) *Form of certification.* The certifications required by this section and the statements which are required to be attached thereto may be in the form of receipts with appropriate notations thereon and do not require verification or acknowledgment, but no certification shall be valid for the purposes of this section unless it bears the required attachments. An authorized agent or employee of the person by whom any certification or statement is required to be signed may sign such certification or statement in behalf of such person.

§ 1407.913 *Conversion weight factors.* (a) For the purposes of §§ 1407.906 and 1407.907, the conversion weight of swine slaughtered during a period shall be determined exclusively by computing the average live purchase weight of all swine slaughtered (less condemnations) and multiplying the total live purchase weight of such swine by the conversion factor set forth below for the weight range within which the average live purchase weight falls:

Weight range:	*Conversion factor*
200 lbs., and under	.55
201–240 lbs	.57
241–300 lbs	.59
301 lbs. and over	.61

(b) The conversion weight of carcasses, and of cuts and trimmings of controlled meat derived therefrom, shall be determined by multiplying the weight thereof by the appropriate conversion factor set forth below:

Type of controlled meat	Description of product	Conversion factor (multiplier)	
Beef	Dressed carcasses and cuts, not boned, fresh (chilled) or frozen.	1.00	
	Boned beef and trimmings, fresh (chilled) or frozen.	1.41	
	Cured other than dried	1.05	
	Dried (including smoked)	2.00	
Veal	Dressed carcasses hide off, and cuts, not boned, fresh (chilled) or frozen.	1.00	
	Dressed carcasses hide on, fresh (chilled) or frozen.	.90	
	Boned, fresh (chilled) or frozen	1.41	
Lamb and mutton.	Dressed carcasses pluck out, and cuts, not boned, fresh (chilled) or frozen.	1.00	
	Dressed carcasses pluck in, fresh (chilled) or frozen.	.90	
	Boned, fresh (chilled) or frozen	1.41	
Pork	Dressed carcasses (with cutting fats on), fresh (chilled) or frozen.	.83	
		Not boned	Boned
	Cuts:		
	Fresh (chilled)	1.00	1.15
	Wiltshire sides, fresh or cured.	1.00	-----
	Cured	1.00	1.10
	Smoked	1.10	1.20
	Cooked	1.20	1.35
	Trimmings: Fresh (chilled) or frozen.	------	1.10

(c) In paragraph (b) of this section, "boned" describes cuts from which 50% or more of the bone by weight has been removed by the process of boning, and "not boned" describes cuts from which none, or less than 50%, of the bone by weight has been removed, and primal cuts which contain no bone.

(d) The conversion weight of controlled meat of each type used in the preparation of sausage or canned meat shall be computed by determining, on the basis of the manufacturing formula, the net weight of controlled meat of such type used in the processing thereof, and multiplying such net weight by 1.41 in the case of boned beef, veal, lamb and mutton, and 1.10 in the case of pork.

§ 1407.914 *Registration of slaughterers.* (a) No slaughterer who during the first nine months of 1942 slaughtered cattle, calves, sheep, lambs or swine which produced controlled meat having an aggregate conversion weight in excess of 1,500,000 pounds shall deliver controlled meat on or after November 15, 1942, unless he shall have filed with the Office of Price Administration a registration statement, executed in duplicate on OPA Form No. R501:1 and completed, except that information with reference to the second and third quarters of 1941 need not be supplied. Both copies of such registration statement shall be signed by the slaughterer, a partner (if a partnership), an officer (if a corporation), or a manager of the slaughterer. No such slaughterer shall deliver controlled meat on or after December 13, 1942, unless he shall have filed with the Office of Price Administration on such form a supplemental registration statement covering the second and third quarters of 1941, executed and signed in duplicate by the slaughterer, a partner (if a partnership), an officer (if a corporation), or a manager of the slaughterer.

* * * * *

§ 1407.914a *Statements of deliveries from other slaughterers or non-quota slaughterers required.* * * *

(b) Such statement shall be prepared in two parts. Part 1 shall include deliveries during Base Periods 1 and 2. Part 2 shall include only deliveries during Base Periods 3 and 4. On or before November 2, 1942, every slaughterer required to prepare a statement pursuant to paragraph (a) of this section shall send by registered mail, return receipt requested, the original of Part 1 of each statement to the slaughterer or non-quota slaughterer who made the deliveries described therein. On or before November 30, 1942, every such slaughterer shall send by registered mail, return receipt requested, the original of Part 2 of each statement to the slaughterer or non-quota slaughterer who made the deliveries described therein. If deliveries during Base Periods 3 and 4 are included in any statement mailed on or before November 2, 1942, the portions of such statement relating to deliveries during Base Periods 1 and 2 shall be deemed Part 1 thereof and the portions relating to deliveries during Base Periods 3 and 4 shall be deemed Part 2.

(c) Every slaughterer shall attach to a duplicate of each statement sent by him the return receipt for the original of such statement, and shall file Part 1 of all such duplicate statements with the Office of Price Administration together with the registration statement filed on or before November 15, 1942, pursuant to § 1407.914. Every slaughterer shall file Part 2 of all such duplicate statements with the Office of Price Administration either with such registration statement or with the supplemental registration statement filed on or before November 30, 1942, pursuant to such section.

* * * * *

§ 1407.918 *Certification deemed a representation.* (a) Any certification delivered to or made by a slaughterer pursuant to the provisions of § 1407.912a shall be held by the slaughterer for delivery to the Office of Price Administration upon request by it.

(b) Statements contained in or accompanying any such certification shall be deemed representations to an agency of the United States.

§ 1407.925 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1407.901 (d), 1407.901 (g), 1407.901 (k), 1407.904 (a), 1407.905, 1407.906 (b), 1407.907 (a) (5), 1407.908, 1407.911, 1407.912, 1407.912a, 1407.913, 1407.914 (a), 1407.914a (b), and (g), 1407.918, 1407.919 (a), and 1407.925 (c)) to Restriction Order No. 1 shall be effective as of November 7, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong., WPB Directive No. 1, Supp. Dir. No. 1–M, 7 F.R. 562, 7234)

Issued this 9th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11701; Filed, November 9, 1942; 3:14 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Amendment 4 to Restriction Order 1 [1]]

MEAT RESTRICTION

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (b) of § 1407.902 is amended; new paragraphs (d) and (e) are added to § 1407.902; a new paragraph (d) is added to § 1407.925, as set forth below; and the figure "80" in paragraph (a) of § 1407.903 is amended to read "70".

§ 1407.902 *Deliveries of slaughterers restricted.* * * *

(b) Any slaughterer may, during any quota period, deliver controlled meat against any unused portion of his quota for such type of controlled meat for the preceding quota period in an amount not exceeding 10% of such quota, and against his quota for such type of controlled meat (other than beef) for the subsequent quota period in an amount not exceeding 10% of his quota for the current quota period.

* * * * *

(d) No slaughterer shall, on or after November 7, 1942, make any delivery of controlled meat of beef which, when taken together with the amount of such meat previously delivered by him during quota period 1, would cause his total deliveries of such meat during such period to exceed 70% of his quota base for such meat for such period.

(e) Any deliveries by a slaughterer, during quota period 1, of controlled meat of beef in excess of 70% of his quota base for such meat for such period, shall be charged against his beef quota for quota period 2, and if such deliveries are in violation of paragraph (a) or (d) of this section, shall be subject to such other actions, penalties or proceedings as may be prescribed by law or imposed pursuant to Restriction Order No. 1.

§ 1407.925 *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§§ 1407.902 (b), 1407.902 (d), 1407.902 (e), 1407.903 (a), 1407.925 (d)) to Restriction Order No. 1 shall be effective as of November 7, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong., WPB Directive No. 1, Supp. Dir. No. 1–M, 7 F.R. 562, 7234)

Issued this 9th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–11702; Filed, November 9, 1942; 3:14 p. m.]

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[1] 7 F.R. 7839, 8217, 8524, and *supra*.

* Copies may be obtained from the Office of Price Administration.

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS

[Revised MPR 130]

STANDARD NEWSPRINT PAPER

A statement of the considerations involved in the issuance of this Revised Maximum price Regulation No. 130 [1] has been issued simultaneously herewith and filed with the Division of the Federal Register.* The preamble and §§ 1347.271 to 1347.283 inclusive are revised to read as follows:

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for sales and purchases of standard newsprint paper. The Price Administrator has ascertained and given due consideration to the price of standard newsprint paper prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act.

Sec.
1347.271 Maximum prices for standard newsprint paper.
1347.272 Less than maximum prices.
1347.273 Federal and State taxes.
1347.274 Adjustable pricing.
1347.275 Evasion.
1347.276 Records.
1347.277 Reports.
1347.278 Enforcement.
1347.279 Licensing.
1347.280 Petitions for amendment.
1347.281 Definitions.
1347.282 Effective date.
1347.283 Appendix A: Maximum prices for standard newsprint paper.

AUTHORITY: §§ 1347.271 to 1347.283, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1347.271 *Maximum prices for standard newsprint paper.* On and after May 11, 1942, in the continental limits of the United States, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver standard newsprint paper, and no person shall buy or receive standard newsprint paper in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1347.283; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of standard newsprint paper to a purchaser if prior to April 1, 1942, such standard newsprint paper had been received by a carrier owned or controlled by the seller, for shipment to such purchaser, or to the extent, and only to the extent, permitted by the Revised Maximum Export Price Regulation [2] of July 2, 1942, to agreements for the sale of standard newsprint paper made by an exporter at prices in excess of the maximum prices herein established.

§ 1347.272 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1347.283) may be charged, demanded, paid, or offered.

§ 1347.273 *Federal and State taxes.* There may be added to the maximum price established by this Revised Maximum Price Regulation No. 130 the amount of tax levied by any Federal excise tax statute or any State or municipal sales, gross receipts, gross proceeds, or compensating use tax statute or ordinance, under which the tax is measured by gross proceeds or units of sale, if, but only if, (a) such statute or ordinance requires the vendor to state the tax, separately from the purchase price paid by the purchaser, consumer, or user on the bill, sales check, or evidence of sale, at the time of the transaction; or (b) such statute or ordinance requires such tax to be separately paid by the purchaser, consumer or user with tokens or other media of State or municipal tax payment; or (c) such a statute or ordinance permits the vendor to state such tax separately, and such tax is in fact stated separately by the vendor. The amount of tax permitted to be added by this provision shall in no event exceed that paid by the purchaser, consumer, or user.

§ 1347.274 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1347.275 *Evasion.* (a) The price limitations set forth in this Revised Maximum Price Regulation No. 130 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to standard newsprint paper, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited: (1) Shipment of standard newsprint paper to or receipt of standard newsprint paper at a point other than the destination point as defined in § 1347.281, paragraph (a) (12), when the effect of such shipment or receipt is to increase the price above the maximum prices herein provided.

§ 1347.276 *Records.* (a) Every person making a purchase or sale of standard newsprint paper in the course of trade or business, or otherwise dealing therein, after November 16, 1942 shall keep records for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, which records shall include, with respect to each purchase or sale of standard newsprint paper:

(1) The date of such purchase or sale;

(2) The name of the buyer or seller;

(3) The quantity of standard newsprint paper bought or sold, the quality if super standard newsprint, the ordered basis weight, and, in the case of manufacturers and merchants, the actual average basis weight where it varies from said ordered weight, and the order and roll or package numbers of such standard newsprint paper; whether such paper was bought or sold in rolls or sheets; whether specially packaged or trimmed, and, if so, the nature of such special packaging or trimming;

(4) The basis on which such standard newsprint paper was bought or sold, i. e., whether f. o. b., f. a. s., c. i. f., or delivered, and the f. o. b., f. a. s., c. i. f., or delivered point;

(5) The price paid or received at the particular f .o. b., f. a. s., c. i. f., or delivered point involved in the purchase or sale, including, as separate items, any costs of transportation, brokerage, or delivery, or any other costs charged as a part of the price by or to the person keeping the record;

(6) The mark-up or discount, if any, paid or received, and in the case of exports or sales for export, any additional charges or commissions paid or received including, if shipment is from an emergency port, the computation of the extra freight charged, if any.

§ 1347.277 *Reports.* Persons required to keep records shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in § 1347.276 (a) as the Office of Price Administration may from time to time require or permit.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3183, 3521, 5139.

[2] 7 F.R. 5059, 7242.

§ 1347.278 *Enforcement.* (a) Persons violating any provision of this Revised Maximum Price Regulation No. 130 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Maximum Price Regulation No. 130, or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation are urged to communicate with the nearest district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1347.279 *Licensing.* (a) The provisions of Supplementary Order 19,[3] licensing distributors of paper and paper products, are applicable to every distributor selling standard newsprint paper for which maximum prices are established by Appendix A (§ 1347.283). The term "distributor" shall have the meaning given to it by Supplementary Order No. 19.

§ 1347.280. *Petitions for amendment.* Persons seeking any modification of this Revised Maximum Price Regulation No. 130, or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1,[4] issued by the Office of Price Administration.

§ 1347.281 *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 130, the term:

(1) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Standard newsprint paper" means the form, class, or standard of newsprint paper manufactured and sold, irrespective of its actual use, for use for printing newspapers, and conforming to the following specifications.

(i) *Weight.* 500 sheets, each 24 x 36 inches, shall weigh not less than 30 pounds nor more than 35 pounds.

(ii) *Rolls.* Rolls shall be not less than 16 inches wide nor less than 28 inches in diameter.

(iii) *Sheets.* The sheets shall not be less than 20 inches in width nor less than 30 inches in length.

(iv) *Stock.* The paper shall contain fiber consisting of not less than 70 percent of groundwood, and the remainder chemical pulp.

(v) *Finish.* The average of five tests in machine direction and five tests in cross direction on both sides, moving the paper after each test made with the Ingersoll Glarimeter, shall be not more than 50 percent gloss.

(vi) *Ash.* The ash content of the paper shall not be in excess of 6.5%.

(vii) *Degree of sizing.* The time of transudation of water shall not be more than ten seconds by the groundglass method or five seconds by the alternate method. (Valley Size Tester or curl method.)

(viii) *Color.* The paper shall consist of such colors as are used in the publication of newspapers.

(ix) *Thickness.* The thickness of the paper shall not be in excess of 0.004 of an inch, with a five percent tolerance.

(3) "Super Standard" newsprint paper is a quality of standard newsprint paper, with an average basis weight per shipment of 34 pounds, subject to normal trade variation, which has been specially manufactured and processed in a manner to render it more suitable than ordinary standard newsprint paper for printing by the rotogravure process.

(4) "Manufacturer" means any person who manufactures standard newsprint paper, and any person who distributes or sells standard newsprint paper as a del credere agent or other representative of a manufacturer.

(5) "Merchant," "distributor" or "merchant or distributor" means any person who in the normal course of business buys standard newsprint paper in any quantity from a manufacturer or other seller and who, either with or without converting the same, resells such paper.

(6) "Conversion" as applied to standard newsprint paper means either the operation of sheeting, trimming, rewinding, coloring, repacking, or other processing operation, whether performed by the manufacturer or a person other than the manufacturer. "Converter" means any person performing a conversion operation.

(7) "Ton" means, when standard newsprint paper is sold in sheets, a net billing weight of 2,000 pounds computed from the nominal weight. "Ton" means a gross actual weight of 2,000 pounds, exclusive of the weight of returnable cores when same are used, when standard newsprint paper is sold in rolls.

(8) "Basis weight" means the weight in pounds of 500 sheets each containing 864 square inches.

(9) "Non-returnable core" means a core on which standard newsprint paper is wound in a roll and which is not subject to return to the manufacturer for credit, and the weight of which is included in the billing weight of the paper.

(10) "Returnable core" means a metal capped, iron or other heavy duty core on which standard newsprint paper is wound in a roll and for which a unit charge is made by the seller in the event the core is not returned for further use.

(11) "Point of origin" means the door of the manufacturer of the standard newsprint paper, or in the case of carload sales from a merchant's warehouse, his warehouse door.

(12) "Destination point" means the railway siding, if delivery is by rail, or dock, if delivery is by water, nearest to the purchaser's door in the city or town where the purchaser is located, or any other point, delivery to which does not involve a higher delivered cost to the purchaser at his door than would delivery of the same quantity from the same point of origin to the nearest railway siding or dock in the city or town where the purchaser is located.

(13) "Export sale" means any "export" or "export sale" as defined in § 1375.8, paragraph (a) (1) of the Revised Maximum Export Price Regulation.[5]

(14) "Sale for export" means any domestic sale of standard newsprint paper prior to an "export sale" of standard newsprint paper, where such standard newsprint paper, or the wrapper or container thereof, is clearly marked so as to indicate that the standard newsprint paper is to be exported.

(15) "Normal port of export" means the port of exit in the continental United States from which standard newsprint paper manufactured by a particular mill or sold from a particular merchant's warehouse would have customarily been shipped in export to a particular destination during the period July 1 to December 31, 1941.

(16) "Emergency port" means the port from which standard newsprint paper is actually shipped in export, when the "normal port of export" is not available.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1347.282 *Effective date.* This Revised Maximum Price Regulation No. 130 (§§ 1347.271 to 1347.283 inclusive) shall become effective on November 16, 1942.

§ 1347.283 *Appendix A: Maximum prices for standard newsprint paper*—(a) *Maximum prices per ton of white standard newsprint paper in rolls sold either in carload or less than carload quantities.* (1) The maximum prices established herein, except those established for Zone 10,[6] shall be f. o. b. point of origin, lowest carload rate of freight allowed to destination point: *Provided*, That in all sales of l. c. l. quantities by a merchant from his warehouse stocks, maximum prices may be f. o. b. warehouse without freight allowance.

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[3] 7 F.R. 7434.

[4] 7 F.R. 971, 3663, 6967, 8520.

[5] 7 F.R. 5059, 7242.

(2) The maximum price for shipments to destinations in Zone 4, exclusive of conversion charges, super standard differential and merchants' markups as set forth in paragraphs (b), (c) and (d) of this section respectively, shall be $51.00, hereinafter referred to as the "base price".

(3) (i) Maximum prices for shipments to destinations in zones other than Zones 4 and 10, exclusive of conversion charges, super standard differential and merchants' markups, shall be determined by subtracting from or adding to the base price the zone differentials set forth below.

Destination—Zone Price Differentials per Ton

Zone 1	minus $1.50
Zone 2	minus 1.00
Zone 3	minus .50
Zone 4	Base price
Zone 5	plus $1.00
Zone 6	plus 2.00
Zone 7	plus 3.00
Zone 8	plus 4.00
Zone 9	plus 5.00

(ii) With respect to shipments to destinations in Zone 10, exclusive of conversion charges, super standard differential and merchants' markups:

First, when delivery is all rail from mill to destination point and actual freight does not exceed $5.00 per ton, such freight shall be allowed by the seller and the maximum price shall be determined by subtracting $1.00 from the base price.

Second, when delivery is all rail from mill to destination point and freight exceeds $5.00, the maximum price shall be determined by subtracting $6.00 from the base price and adding the actual freight.

Third, when delivery is made via a Pacific Coast seaport, the maximum price shall be determined by deducting $1.00 from the base price, allowing the actual freight to the receiving Pacific Coast seaport and adding any further rail freight to the destination point to the price.

(4) For shipments to destinations in port cities, other than in Zone 10, the port price differential of $1.00 per ton shall be deducted from the base price.

(5) *Newsprint zones by counties.* (i) The following list indicates in which of the 10 zones referred to herein, each state in the United States and each county in each state and the District of Columbia, is located. The presence of a single asterisk (*) before the name of or reference to a state or county indicates such state or county contains a port city. Port cities are listed in inferior subdivision (*a*) of this subdivision (i). The presence of a double asterisk before the name of a county or reference to a county not in Zone 4 indicates said county contains a city that takes the Zone 4 or base price. Such cities are listed in inferior subdivision (*b*) of this subdivision (i).

**Alabama*. Entire State in *Zone 7*.

Arizona. Entire State in *Zone 8*.

Arkansas. In *Zone 7*, except the following counties which are in *Zone 8:* Howard, Little River, Miller, Polk, Scott, Sebastian, and Sevier.

**California*. Entire State in *Zone 10*.

Colorado. Entire State in *Zone 8*.

Connecticut. Entire State in *Zone 1* with the special exception of the following towns: Greenwich, Norwalk, South Norwalk, Stamford, which are in *Zone 2*.

**Delaware*. Entire State in *Zone 4*.

District of Columbia. In *Zone 3*.

**Florida*. In *Zone 8* except the following counties which are in *Zone 9:* Charlotte, Collier, **Dade, De Soto, Glades, Hardee, Hendry, Highlands, Lake, Lee, Marion, Monroe, Okeechobee, Orange, Osceola, Polk, and Sumter.

**Georgia*. In *Zone 7*, except the following counties which are in *Zone 8:* Atkinson, Baker, Ben Hill, Berrien, Brooks, Camden, Charlton, Clinch, Coffee, Colquitt, Cook, Crisp, Decatur, Dougherty, Echols, Grady, Irwin, Lanier, Lee, Lowndes, Miller, Mitchell, Seminole, Sumter, Thomas, Tift, Turner, Ware, Worth.

Idaho. Entire State in *Zone 10*.

**Illinois*.

County:	*Zone*
Adams	5
Alexander	7
Bond	5
Boone	4
Brown	5
Bureau	4
Calhoun	5
Carroll	4
Cass	4
Champaign	4
Christian	5
Clark	4
Clay	5
Clinton	5
Coles	4
*Cook	4
Crawford	4
Cumberland	4
DeKalb	4
De Witt	4
Douglas	4
Du Page	4
Edgar	4
Edwards	5
Effingham	5
Fayette	5
Ford	4
Franklin	6
Fulton	4
Gallatin	6
Greene	5
Grundy	4
Hamilton	5
Hancock	5
Hardin	6
Henderson	4
Henry	4
Iroquois	4
Jackson	6
Jasper	4
Jefferson	5
Jersey	5
Jo Daviess	4
Johnson	6
Kane	4
Kankakee	4
Kendall	4
Knox	4
Lake	4
La Salle	4
Lawrence	5
Lee	4
Livingston	4
Logan	4
McDonough	4
McHenry	4
McLean	4
Macon	4
Macoupin	5
Madison	5
Marion	5
Marshall	4
Mason	4
Massac	6
Menard	4
Mercer	4
Monroe	5
Montgomery	5
Morgan	5
Moultrie	4
Ogle	4
Peoria	4
Perry	6
Piatt	4
Pike	5
Pope	6
Pulaski	7
Putnam	4
Randolph	6
Richland	5
Rock Island	4
Saint Clair	5
Saline	6
Sangamon	4
Schuyler	4
Scott	5
Shelby	4
Stark	4
Stephenson	4
Tazewell	4
Union	6
Vermilion	4
Wabash	5
Warren	4
Washington	5
Wayne	5
White	5
Whiteside	4
Will	4
Williamson	6
Winnebago	4
Woodford	4

Indiana. In *Zone 4*, except the following counties which are in *Zone 5:* Crawford, Daviess, Dubois, Gibson, Greene, Knox, Martin, Perry, Pike, Posey, Spencer, Sullivan, Vanderburgh, and Warrick.

Iowa. In *Zone 4*, except the town of Keokuk and following counties which are in *Zone 5:* Adair, Adams, Audubon, Buena Vista, Calhoun, Carroll, Cass, Cheroke, Clay, Crawford, Dickinson, Emmett, Fremont, Greene, Guthrie, Harrison, Ida, Lyon, Mills, Monona, Montgomery, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Pottawattamie, Ringgold, Sac, Shelby, Sioux, Taylor, Union, and Woodbury.

Kansas.

County:	*Zone*
Allen	7
Anderson	6
Atchison	5
Barber	8
Barton	8
Bourbon	6
Brown	5
Butler	7
Chase	7
Chautauqua	7
Cherokee	7
Cheyene	8
Clark	8
Clay	6
Cloud	7
Coffey	7

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[6] See subparagraph 5 for description of zones.

County:	Zone
Comanche	8
Cowley	7
Crawford	7
Decatur	8
Dickinson	7
Doniphan	5
Douglas	6
Edwards	8
Elk	7
Ellis	8
Ellsworth	7
Finney	8
Ford	8
Franklin	6
Geary	7
Gove	8
Graham	8
Grant	8
Gray	8
Greeley	8
Greenwood	7
Hamiltotn	8
Harper	7
Harvey	7
Haskell	8
Hodgeman	8
Jackson	6
Jefferson	6
Jewell	7
Johnson	6
Kearny	8
Kingman	7
Kiowa	8
Labette	7
Lane	8
Leavenworth	5
Lincoln	7
Linn	6
Logan	8
Lyon	7
McPherson	7
Marion	7
Marshall	6
Meade	8
Miami	6
Mitchell	7
Montgomery	7
Morris	7
Morton	8
Nemaha	6
Neosho	7
Ness	8
Norton	8
Osage	6
Osborne	7
Ottawa	7
Pawnee	8
Phillips	7
Pottawatomie	6
Pratt	8
Rawlins	8
Reno	7
Republic	7
Rice	7
Riley	6
Rooks	7
Rush	8
Russell	7
Saline	7
Scott	8
Sedgwick	7
Seward	8
Shawnee	6
Sheridan	8
Sherman	8
Smith	7
Stafford	8
Stanton	8
Stevens	8
Sumner	7
Thomas	8
Trego	8
Wabaunsee	6
Wallace	8
Washington	6
Wichita	8
Wilson	7
Woodson	7
**Wyandotte	5

Kentucky in *Zone 6* except the following counties:

County	Zone
Boone	4
Boyd	4
Bracken	4
Campbell	4
Carroll	4
Carter	4
Daviess	5
Gallatin	4
Grant	4
Greenup	4
Henderson	5
Henry	4
Jefferson	4
Kenton	4
Lewis	4
Mason	4
Oldham	4
Owen	4
Pendleton	4
Robertson	4
Trimble	4

**Louisiana*. Entire State in *Zone 7*.

Maine. Entire State in *Zone 1*.

**Maryland*. Entire State in *Zone 4* except the following counties which are in *Zone 5:* Calvert, Charles, Dorchester, St. Mary's Somerset, Wiconico, and Worcester.

Massachusetts. Entire State in *Zone 1*.

**Michigan*. Entire State in *Zone 4*.

**Minnesota*. Entire State in *Zone 4*.

Mississippi. Entire State in *Zone 7*.

Missouri:

County:	Zone
Barry	7
Barton	7
Bates	6
Bollinger	6
Butler	7
Camden	6
Cape Girardeau	6
Carter	7
Cass	6
Cedar	6
Christian	7
Crawford	6
Dade	6
Dallas	6
Dent	6
Douglas	7
Dunklin	7
Greene	6
Hickory	6
Howell	7
Iron	6
Jasper	7
Laclede	6
Lawrence	7
McDonald	7
Madison	6
Mississippi	7
New Madrid	7
Newton	7
Oregon	7
Ozark	7
Pemiscot	7
Perry	6
Phelps	6
Polk	6
Pulaski	6
Reynolds	6
Ripley	7
Saint Clair	6
Sainte Genevieve	6
Saint Francois	6
Scott	7
Shannon	6
Stoddard	7
Stone	7
Taney	7
Texas	6
Vernon	6
Washington	6
Wayne	6
Webster	6
Wright	6

All other counties** in *Zone 5*.

Montana. Entire State in *Zone 10*.

Nebraska:

County:	Zone
Adams	7
Antelope	6
Arthur	8
Banner	8
Blaine	8
Boone	6
Box Butte	8
Boyd	6
Brown	8
Buffalo	7
Burt	5
Butler	6
Cass	5
Cedar	6
Chase	8
Cherry	8
Cheyenne	8
Clay	6
Colfax	6
Cuming	6
Custer	7
Dakota	5
Dawes	8
Dawson	7
Devel	8
Dixon	5
Dodge	6
**Douglas	5
Dundy	8
Fillmore	6
Franklin	7
Frontier	8
Furnas	8
Gage	6
Garden	8
Garfield	6
Gosper	8
Grant	8
Greeley	6
Hall	7
Hamilton	6
Harlan	7
Hayes	8
Hitchcock	8
Holt	6
Hooker	8
Howard	7
Jefferson	6
Johnson	6
Kearney	7
Keith	8
Keya-Paha	7
Kimball	8
Knox	6
Lancaster	6
Lincoln	8
Logan	8
Loup	7
McPherson	8
Madison	6
Merrick	6
Morrill	8
Nance	6
Nemaha	5
Nuckolls	7
Otoe	5
Pawnee	6
Perkins	8
Phelps	7
Pierce	6
Platte	6
Polk	6
Redwillow	8
Richardson	5
Rock	7
Saline	6
Sarpy	5
Saunders	6
Scotts Bluff	8
Seward	6
Sheridan	8
Sherman	7
Sioux	8
Stanton	6
Thayer	6
Thomas	8
Thurston	5
Valley	7
Washington	5
Wayne	6
Webster	7
Wheeler	6
York	6

Nevada. Entire State in *Zone 10*.

New Hampshire. Entire State in *Zone 1*.

**New Jersey*. In *Zone 4*, excepting the following counties in *Zone 5:* **Atlantic, Cape May, Cumberland, Salem.

New Mexico. Entire State in *Zone 8*.

**New York*. In *Zone 1*, except the following counties:

County:	Zone
*Bronx	4
Chautauqua	4
Dutchess	2
*Kings	4
Nassau	5
*New York	4
Orange	2
Putman	2
*Queens	4
*Richmond	4
Rockland	2
Suffolk	5
Sullivan	2
Westchester	2

North Carolina. Entire State in *Zone 7*.

North Dakota. In *Zone 8*, except following counties which are in *Zone 4:* Cass, Grand Forks and Traill.

**Ohio*. Entire State in *Zone 4*.

Oklahoma. Entire State in *Zone 8*.

**Oregon*. Entire State in *Zone 10*.

**Pennsylvania*. Entire State in Zone 4, except Pittsburgh in *Zone 3*.

Rhode Island. Entire State in *Zone 1*.

**South Carolina*. Entire State in *Zone 7*.

South Dakota. In *Zone 8*, except the following counties:

County:	Zone
Aurora	6
Beadle	6
Bon Homme	6
Brookings	6
Brown	6
Brule	6
Charles Mix	6
Clark	6
Clay	5
Codington	6
Davison	6
Day	6
Deuel	6
Douglas	6
Grant	6
Gregory	6
Hamlin	6
Hanson	6
Hutchinson	6
Jerauld	6
Kingsbury	6
Lake	6
Lincoln	5
McCook	6
Marshall	6
Miner	6
Minnehaha	5
Moody	6
Roberts	6
Sanborn	6
Spink	6
Turner	6
Union	5
Yankton	6

Tennessee. In *Zone 6*, except the following counties which are in *Zone 7:* Anderson, Bledsoe, Blount, Bradley, Carter, Cocke, Franklin, Grainger, Greene, Grundy, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, McMinn, Marion, Meigs, Monroe, Polk, Rhea, Roane, Sequatchie, Sevier, Sullivan, Unicoi, Union, Washington

**Texas*. Entire State in *Zone 8*.

Utah. Entire State in *Zone 8*.

Vermont. Entire State in *Zone 1*.

* *Virginia*. In *Zone 7* except the following counties:

County:	Zone
Accomac	5
Caroline	5
Charles City	5
Chesterfield	5
Clarke	4
Dinwiddie	5
Elizabeth City	5
Essex	5
Fairfax	5
Frederick	4
Gloucester	5
Hanover	5
Henrico	5
Isle of Wight	5
James City	5
King and Queen	5
King George	5
King William	5
Lancaster	5
Loudoun	4
Mathews	5
Middlesex	5
New Kent	5
*Norfolk	5
Northampton	5
Northumberland	5
Prince George	5
Princess Anne	5
Prince William	5
Richmond	5
Stafford	5
Surry	5
Sussex	5
*Warwick	5
Westmoreland	5
York	5

("Independent" cities in this State take the Zone of the county in which they are located, unless listed under Appendices.)

**Washington*. Entire State in *Zone 10*.

West Virginia. In *Zone 4*, except the following counties which are in *Zone 6:* Barbour, Boone, Fayette,, Grant, Greenbrier Hardy, Lincoln, Logan, McDowell, Mercer, Mingo, Monroe, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Summers, Tucker, Upshur, Wayne, Webster, and Wyoming.

**Wisconsin*. Entire State in *Zone 4*.

Wyoming. Entire State in *Zone 8*.

(*a*) *Cities designated as ports and treated as exceptions to zones in which they are located.* The port cities listed below take the base price (Zone 4 price) less a port allowance of $1.00 per ton. City limits determine the area in which the port pricing applies.

Baltimore, Md.
Beaumont, Tex.
Bellingham, Wash.
Charleston, S. C.
Chicago, Ill.
Cleveland, Ohio.
Corpus Christi, Tex.
Detroit, Mich.
Duluth, Minn.
Everett, Wash.
Galveston, Tex.
Hoboken, N. J.
Houston, Tex.
Jacksonville, Fla.
Jersey City, N. J.
Long Beach, Calif.
Los Angeles, Calif.
Milwaukee, Wis.
Mobile, Ala.
Newark, N. J.
New Orleans, La.
Newport News, Va.
New York, N. Y. (including only Boroughs of Bronx, Manhattan and Brooklyn and the areas known as L. I. City and West New Brighton, S. I.)
Norfolk, Va.
Oakland, Calif.
Philadelphia, Pa.
Portland, Oreg.
Portsmouth, Va.
San Diego, Calif.
San Francisco, Calif.
San Pedro, Calif.
Seattle, Wash.
Savannah, Ga.
Tacoma, Wash.
Tampa, Fla.
Toledo, Ohio.
Wilmington, Calif.
Wilmington, Del.

(*b*) *Special Zone 4 cities treated as exceptions to zones in which they are located.* The special Zone 4 cities listed below take the base price (Zone 4 price). City limits determine the area in which such base pricing applies.

Atlantic City, N. J.
Kansas City, Kans.
Kansas City, Mo.
Miami, Fla.
Omaha, Neb.
St. Louis, Mo.

(6) *Cores.* (i) No charge shall be made for any non-returnable core in any sale of standard newsprint paper, beyond the inclusion of its weight in the billing weight of the paper. (ii) No charge shall be made for any returnable core which is returned by the buyer to the seller. (iii) For returnable cores not returned, the seller may charge an amount per core not in excess of the amount charged by him for similar returnable cores in the period October 1 to 15, 1941, or, if he made no such charge for returnable cores in such period, the amount charged for such cores in that period by his most closely competitive seller. Returnable cores shall be billed by the linear foot subject to full credit less any return freight not prepaid by the buyer.

(b) *Maximum conversion charges.* (1) Manufacturers or other persons performing any of the conversion operations set forth in subparagraph (2) below may add to the maximum prices established in paragraph (a) of this section the appropriate conversion differential or differentials for the conversion operation or operations performed. No charge may be made for any conversion operation not mentioned in said subparagraph (2). The amount of any conversion differential shall not exceed the maximum amount charged by the converter in the period from October 1 to October 15, 1941, inclusive. If a conversion operation was not priced in said period, the amount of the charge shall be determined by using such cost factors, wage rates, charges for machine hours, overhead, etc., as would have been used to compute such charge during said period, even though such cost factors may have increased since that date. Conversion differentials shall not include more than the cost and profit factors for the operation itself, and any extra margin included during the base period by a converter other than a manufacturer, to cover merchandizing markup, shall be excluded in determining any conversion charge. Before making any conversion charge, converters other than manufacturers must file with the Paper and Paper Products Branch of the Office of Price Administration, Washington, D. C., and their nearest Regional Office of the Office of Price Administration a written statement of their maximum conversion differentials for standard newsprint paper during the aforesaid base period, with respect to any conversion processes they are equipped to perform. If conversion charges varied in the base period with respect to varying quantities or sizes, such various charges must also be reported. The statement shall declare that it is filed pursuant to Maximum Price Regulation No. 130.

(2) The conversion operations for which maximum charges are established by paragraph (1) of this section are:

(i) Sheeting and standard packaging.

(ii) Special packaging.

(iii) Trimming.

(iv) Resheeting to sizes smaller than 20" x 30" in either dimension.

(v) Coloring or tinting.

(vi) Rewinding, or slitting and rewinding.

(c) *Differential for super standard quality.* Sellers may add to the maximum prices hereinbefore established, a price differential not in excess of $3.50 per ton for super standard quality, as hereinbefore defined, when such paper or the container or wrapper thereof is marked in such fashion as to indicate clearly it is sold for rotogravure printing. The payment of this differential by the purchaser shall constitute a guarantee to the Administrator that the purchaser will use such paper only for rotogravure printing.

(d) *Merchants' maximum selling prices.* (1) Merchants' maximum selling prices shall in no event exceed the sum of the amounts set forth in subdivisions (i) and (ii) or (i) and (iii) of this subparagraph (1), whichever sum is appropriate.

(i) Price paid by the merchant, which may in no event exceed the appropriate maximum price established in paragraph (a) of this section, plus charges for conversion performed by another person, if any, but exclusive of any markup paid to another merchant, and differential for super standard quality.

(ii) The maximum markup which a merchant selling either rolls or sheets to a person other than a merchant, may add to the price set forth in subdivision (i) of this paragraph, shall be computed on the following markup table:

	Percent markup[1]
1 Ream[2] to less than 1 Bundle[3]	100
1 Bundle to less than 500 pounds	90
1 or more rolls less than 500 pounds	90
500 pounds to less than 2000 pounds	50
2,000 pounds to less than 5,000 pounds	30
5,000 pounds to less than 10,000 pounds	20
10,000 pounds to less than 40,000 pounds	15
40,000 pounds or more	7

[1] All prices in quantities of less than 2,000 pounds may be computed to the nearest 25c per cwt., e. g., 12.5c per cwt. may be taken as 25c per cwt. and 12.0c per cwt. shall be computed as zero. In quantities of 2,000 pounds and over, prices may be computed to the nearest 5c per cwt. e. g., 2.5c may be taken as 5c per cwt., and 2c per cwt. shall be computed as zero.

[2] Sales in lots of less than one ream may be made at a price not in excess of the one ream price per pound plus 50%. One ream of newsprint is a sealed or banded package containing 500 sheets of newsprint paper.

[3] One bundle of newsprint is a unit of measure of newsprint paper weighing approximately 125 pounds.

(iii) The maximum markup which a merchant selling either rolls or sheets to another merchant, may add to the price set forth in subdivision (i) of this paragraph, shall be computed on the following markup table:

	Percent markup
1 Ream to less than 1 Bundle	52
1 Bundle to less than 500 pounds	46
1 or more rolls less than 500 pounds	46
500 pounds to less than 2,000 pounds	26
2,000 pounds to less than 5,000 pounds	17
5,000 pounds to less than 10,000 pounds	16
10,000 pounds to less than 40,000 pounds	8
40,000 pounds or more	4

The merchant so selling shall invoice to show his cost and markup, and the merchant so buying shall, when reselling, exclude this markup as required in (d) (1) (i) of this section.

(e) *Sales for export.* (1) Maximum prices for standard newsprint paper sold for export by any person shall in no event exceed the sum of the following:

(i) The manufacturer's maximum price at the normal port of export of the mill at which the paper was made, or the normal port of the merchant if the shipment is made by a merchant from his warehouse stock.

(ii) Such conversion charges or super standard differential as may properly be charged in the particular case, pursuant to paragraphs (b) and (c) of this section, plus, where one or more merchants sell the paper for export, an amount not in excess of the appropriate merchant's markup provided in paragraph (d) of this section.

(iii) If paper is to be shipped from an emergency port, the difference between lowest carload rate of freight from mill to mill's normal port of export and actual emergency port of exit, or, if the paper is shipped from a merchant's warehouse, the difference between the freight from the merchant's normal port and the actual emergency port.

(f) *Export sales.* The maximum price at which any person may make an export sale of standard newsprint paper shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration on July 2, 1942, and any amendments thereto.

Issued this 10th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11733; Filed, November 10, 1942; 12:08 p. m.]

Chapter XV—Board of War Communications

[Order 25]

PART 1720—TELEGRAPH SERVICE

WIRE COMMUNICATIONS USE, CONTROL, ETC.

Whereas the Board of War Communications on July 3, 1942, requested the Federal Communications Commission to investigate the service being rendered in the telegraph field; and

Whereas the Commission by its Order No. 103[1] dated July 7, 1942, undertook such an investigation into telegraph service and has forwarded its report together with its recommendations; and

Whereas the Board of War Communications has determined that the national defense and security and the successful conduct of the war demand that immediate steps be taken to the end that the domestic telegraph industry shall be more closely geared to the war effort;

Now, therefore, by virtue of the authority vested in the Board by Executive Order No. 9089[2] of March 6, 1942, prescribing regulations governing the use, control, supervision and closing of stations and facilities for wire communications;

It is hereby ordered as follows:

Sec.
1720.1 Speed of service; office drag; routing time.
1720.2 Priorities for the handling of traffic.
1720.3 Standards of minimum use to control installation of teleprinter equipment.
1720.4 Leasing of telegraph circuits.
1720.5 Elimination of unnecessary circuits, facilities, and offices.
1720.6 Discontinuance of non-telegraphic services.
1720.7 Discontinuance of holiday greeting and congratulatory messages.
1720.8 Franks, deadhead and free service messages.
1720.9 Periodic reports of current state of telegraph service.

AUTHORITY: §§ 1720.1 to 1720.9, incl., issued under E.O. 9089, 7 F.R. 1777.

§ 1720.1 *Speed of service; office drag; routing time.* The following service objectives for domestic telegraph carriers are hereby established:

(a) In each office the office drag (the interval between the time a message first reaches the operating room [digit time] and the completion of transmission at that operating room) shall average no more than seven minutes for at least 95 percent of the messages received in such office each hour and the office drag shall not exceed 15 minutes for any message in such 95 percent.

(b) Present routing times for business messages to be delivered by messenger shall be reduced 33⅓ percent.

§ 1720.2 *Priorities for the handling of traffic.* The Federal Communications Commission is requested and authorized to develop a plan for revising the present system of priorities for the handling of urgent essential traffic, both governmental and non-governmental, and to report its specific recommendations to the Board.

§ 1720.3 *Standards of minimum use to control installation of teleprinter equipment.* The Federal Communications Commission is requested and authorized to prepare standards of minimum use to control present and future installations of teleprinter equipment for telegraph users including exemptions for equipment which serves a military necessity or a vital public need which cannot otherwise be met, and to report such standards to the Board together with its specific recommendations for regulation of such installations.

§ 1720.4 *Leasing of telegraph circuits.* The Federal Communications Commission is requested and authorized to formulate basic principles for regulating the present and future leasing of telegraph circuits to the end that no needed facilities shall be used for non-essential purposes, and to report such principles to the Board together with its specific recommendations for regulation of such leasing.

§ 1720.5 *Elimination of unnecessary circuits, facilities, and offices.* The Federal Communications Commission is requested to study the possibilities for the elimination of unnecessary circuits, facilities and offices and to report to the Board its recommendations for closure of any such specific circuits, facilities or offices.

§ 1720.6 *Discontinuance of non-telegraphic services.* Effective December 15, 1942, domestic telegraph carriers shall discontinue all non-telegraphic services including but not limited to, messenger, errand, distribution, remittance, installment payments, and shopping service, sale of traveler's checks, sale of mail money orders, and acceptance of express packages: *Provided, however,* That at any time prior to November 25, 1942, the Board will receive objections to discontinuance of any such non-telegraphic service together with a statement of reasons and upon the filing of any such objections the Board may give further consideration to the requirements of this paragraph.

§ 1720.7 *Discontinuance of holiday greeting and congratulatory messages.* Effective December 15, 1942, no domestic telegraph carrier shall accept for transmission any message (other than Expeditionary Force messages) of felicitation or congratulation, including but not limited to, greetings for Christmas, New Year, Easter, Father's Day, Jewish New Year, Mother's Day, Thanksgiving, Valentine's Day, congratulations on the birth of a child, graduations, weddings, anniversaries and birthdays, *Provided, however,* That at any time prior to November 25, 1942, the Board will receive objections to the provisions of this paragraph and upon the filing of any such objections the Board may give further consideration to the requirements of this paragraph.

§ 1720.8 *Franks, deadhead and free service messages.* The Federal Communications Commission is requested and authorized to develop a plan for the curtailment of the use of franks and deadhead messages and the elimination of "free service" messages and to report its specific recommendations to the Board.

§ 1720.9 *Periodic reports of current state of telegraph service.* Three months after the date of this order and periodically each three months thereafter, the Commission is requested to report to the Board the current state of service being rendered by the telegraph industry together with any recommendations for improvement of such service in the interest of the war effort.

Subject to such further order as the Board may deem appropriate.

BOARD OF WAR COMMUNICATIONS.
JAMES LAWRENCE FLY, *Chairman.*

Attest: November 5, 1942.

HERBERT E. GASTON,
Secretary.

[F. R. Doc. 42-11713; Filed, November 10, 1942; 9:52 a. m.]

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[1] 7 F.R. 5255.

[2] 7 F.R. 1777.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 3666]

PART 75—REGULATIONS APPLYING TO SHIPPERS

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 9th day of November, A. D. 1942.

In the matter of regulations for transportation of explosives and other dangerous articles.

It appearing that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921 (41 Stat. 1445), and section 204 (a) (2) of Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles;

It further appearing that in application received we are asked to amend the aforesaid regulations as set forth in provisions made part thereof;

And it further appearing that amendment involved in said application, having been considered and found to be in accord with the best-known practicable means for securing safety in transportation:

It is ordered, That the aforesaid regulations for transportation of explosives and other dangerous articles, be, and they are hereby, amended as follows:

Amending par. (b) (5), section 110, order August 16, 1940, as follows (packing inflammable liquids):

(Add) Note. Because of the present emergency and until further order of the Commission, wooden whiskey barrels with staves of uniform thickness at least one inch and otherwise complying with spec. 10B are also authorized for transportation of leather cement. Barrels must be marked I.C.C. 10B; other specification marking waived.

It is further ordered, That this order amending the aforesaid regulations shall be effective on and after November 9, 1942, and shall remain in full force and effect and be observed until further order of the Commission;

And it is further ordered, That copies of this order be served upon all the parties of record herein and that notice be given to the public by posting in the office of the Secretary of the Commission at Washington, D. C.

By the Commission, division 3.

(Sec. 233, 41 Stat. 1445, and sec. 204 (a) (2), 49 Stat. 546; 18 U.S.C. 382, 49 U.S.C. 304)

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-11731; Filed, November 10, 1942; 11:50 a. m.]

[Service Order 95]

PART 95—CAR SERVICE

REFRIGERATOR CAR AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 9th day of November, A. D. 1942.

It appearing, that certain representations having been made to this Commission by the Office of Defense Transportation with respect to the necessity of further conservation in the use of refrigerator cars and locomotives, and that due to the existing state of war an emergency exists which, in the opinion of the Commission, requires immediate action to promote such conservation and more efficient utilization of such equipment:

It is ordered, That:

§ 95.302 *Refrigerator car agent*—(a) *Designation.* Robert B. Hoffman, Manager, Refrigerator Car Section, Car Service Division, Association of American Railroads, 59 East Van Buren Street, Chicago, Illinois, is hereby designated and appointed as agent of the Interstate Commerce Commission and vested with authority to control the movement of refrigerator cars and to carry out the Commission's directions as to refrigerator car service.

(b) *Outline of duties.* As agent he is authorized and directed to set up, subject to the approval of the Commission, and utilize the services of an Advisory

Committee consisting of at least one representative of the Office of Defense Transportation, of the Association of American Railroads, of the railroad industry, of railroad controlled refrigerator car companies, of non-railroad controlled refrigerator car companies and a representative of shipper-owned refrigerator car companies. As agent of the Commission, he is authorized and directed to supervise, coordinate, and direct the distribution of all refrigerator cars according to the needs of the various loading areas and with due regard to economy in their use and mileage. When necessary he shall direct the distribution of all refrigerator cars, without regard to ownership or assignment, so as to accomplish the following purposes:

(1) To accord preference or priority over other traffic normally transported in refrigerator cars, for the transportation of materials and supplies of war, and commodities requiring special protection from heat or cold;

(2) The elimination of unnecessary hauls and reduction in cross-hauling of refrigerator cars;

(3) Such reduction as may be necessary or advisable in the use of refrigerator cars for the transportation of canned goods, bottled goods, barreled goods, and other similar commodities in areas where seasonal or weather conditions permit the movement of such commodities without special protection from heat or cold.

As agent, he is directed to make every effort to obtain the short routing of empty refrigerator cars so that the burden of empty mileage will be minimized and, so far as possible, equalized as between railroads. As agent, he is authorized and directed to determine and advise the Commission of all measures which will reduce the time for loading and unloading of refrigerator cars or increase the efficiency in the utilization, operation, and transportation of refrigerator cars.

§ 95.303 *Exemptions.* Refrigerator cars owned or operated by or leased to, any of the military or naval authorities of the United States are exempted from the operation of this order.

And it is further ordered, That this order shall become effective November 9, 1942, and shall remain in force until further order of the Commission; that copies of this order and direction be served upon the various refrigerator car lines, the Railway Express Agency, and upon the Association of American Railroads, Car Service Division, as agent of the carriers subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy of it in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register, The National Archives.

By the Commission, division 3.

(40 Stat. 101, 41 Stat. 476, 49 Stat. 543, 54 Stat. 901; 49 U.S.C. 1 (10–17))

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42–11732; Filed, November 10, 1942; 11:50 a. m.]

Notices

WAR DEPARTMENT.

MOTOR PURCHASES APPROVAL UNDER WAR DEPARTMENT CIVIL APPROPRIATION ACT, 1943[1]

OCTOBER 23, 1942.

1. *Assignment of administrative functions.* Section 6 of the Act April 28, 1942 (Bull. No. 21, W.D., 1942) requires the approval of the Secretary of War before certain appropriated funds may be used by various Government departments and agencies for the purchase or exchange of any motor-propelled passenger-carrying vehicles. As to the War and Navy Departments, such approval is required when the purchase or exchange is made out of funds appropriated for the civil functions of those departments, but is not required where the purchase or exchange is made out of funds appropriated for their military or naval functions. The administration of section 6 of the act is vested in the Contract Clearance Branch, Purchases Division, Services of Supply, in which Branch a Motor Purchases Approval Section has been established. Communications should be addressed to Motor Purchases Approval Section, Contract Clearance Branch, Purchases Division, Services of Supply, War Department, Washington, D. C. (Telephone Republic 6700, Extension 71438).

2. *Procedure.* *a.* The application of the requisitioning government department or agency (in the case of the War Department, the service concerned) for such approval by the Secretary of War will be submitted to the Treasury Procurement Division, if the purchase or exchange is to be made by that division, accompanied by all other papers required by that division. That division, after obtaining such clearance as may be necessary from the War Production Board (see General Conservation Order M–130 requiring Form PD–501) or the Office of Price Administration (see Rationing Order 2A requiring Form R–217), will transmit the application to the Motor Purchases Approval Section.

b. If the purchase or exchange is not to be made by the Treasury Procurement Division, the requisitioning government department or agency (in the case of the War Department, the service concerned) will itself obtain such clearance as may be necessary from the War Production Board or the Office of Price Administration, and submit to the Motor Purchases Approval Section its application for approval by the Secretary of War, accompanied by a copy of the permit granted by the War Production Board or the Office of Price Administration (or the substance and serial number thereof), or a statement that no such permit is required.

c. The chief or acting chief of the Motor Purchases Approval Section will supervise the examination of all applications for approval by the Secretary of War, will file his recommendations concerning them with the Secretary of War, and will forward a certificate to the applicant in the event of approval.

d. The fact that clearance of the War Production Board or of the Office of Price Administration is not required for certain types of purchases or exchanges (for example, purchases or exchanges of used cars) will not dispense with the necessity for obtaining the approval of the Secretary of War, if otherwise required by section 6 of the act.

3. *Information to be furnished in applications.* *a.* No special form of application for the approval of the Secretary of War will be required, but each application for the approval of the purchase or exchange of a motor-propelled passenger-carrying vehicle will be filed in duplicate and will contain the following information:

(1) Type and model of car to be purchased and reasons for its acquisition.

(2) If the application is for a replacement, a statement of type, year of manufacture, mileage, and condition of car to be replaced.

(3) Statement from the administrative chief or his assistant of the requisitioning department or agency (in the case of the War Department, the service concerned), as to the necessity of acquiring the cars to be purchased or exchanged.

(4) Name, address, and telephone number (including departmental extension number) of the person associated with the applicant who has full information about the application.

(5) Substance and serial number of the permit granted by the War Production Board or Office of Price Administration, or a statement that no such permit is required.

b. The chief or acting chief of the Motor Purchases Approval Section in any case may require further information which he may deem relevant.

4. *Report required.* Each government department or agency and each service of the War Department concerned will submit to the Motor Purchases Approval Section a report showing the number of motor-propelled passenger-carrying vehiles, if any, which have been purchased since May 18, 1942, without the approval of the Secretary of War, together with the dates of such purchases.

5. *Definition of "service."* The term "service," as used in this circular, includes all supply services, Services of Supply; the Commanding General, Army Ground Forces; the Matériel Command, Army Air Forces; the commanding generals of all service commands; the commanding generals of all defense commands; the Director, Special Service Division and the Chief of Administrative Services, Services of Supply; the Command and General Staff School; the Army War College; the United States Military Academy; and the Chief of Military Intelligence Service. (Sec. 6, Act April 28, 1942, Public Law 527, 77th Congress) [Cir. 352, W.D., October 23, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–11695; Filed, November 9, 1942; 12:12 p. m.]

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[1] See also notice published in FEDERAL REGISTER May 23, 1942, 7 F.R. 3861.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

OTIS CLARK, ET AL.

ORDER SUSPENDING LICENSES

Otis Clark, Fred Clark and Mrs. Otis Clark, having appeared in connection with alleged violations of Regulation W of the Board of Governors of the Federal Reserve System (hereinafter called the "Board"), and having waived notice and opportunity for hearing before the Board and consented to the issuance of this Order for the suspension of their license, and having agreed that:

1. They were at all times mentioned herein and now are partners engaged in the business of making instalment sales and charge sales of listed articles through furniture stores which they own and operate under the following trade names at the following places:

Clark Brothers Store No. 1, 1467 Market Street, Chattanooga, Tenn.
Clark Brothers Store No. 2, 613 Market Street, Chattanooga, Tenn.
Clark Brothers Store No. 5, 2421 Glass Street, Chattanooga, Tenn.
Easy Furniture Co., 920 Rossville Avenue, Chattanooga, Tenn.
Easy Furniture Co., 45 E. Main Street, Chattanooga, Tenn.
Ellis Furniture Co., 43 E. Main Street, Chattanooga, Tenn.
Clark Brothers Furniture Co. Dalton, Georgia.
Clark Brothers Furniture Co., LaFayette, Georgia.

2. They duly filed the Registration Statement required by the Board's Regulation W and were at all times mentioned herein and now are subject to such Regulation.

3. Before and after May 30, 1942, and continuing through October 21, 1942, they pursued a course of dealing in contravention of Regulation W and willfully or negligently failed to comply with same. Such willful or negligent violations included (a) failure to obtain down payments in amounts required by the Regulation; (b) improper and inadequate preparation and delivery of Statements of Transaction by the omission from such statements of the deferred balance, cash price, finance charge, and interest, if any, and the time balance; (c) failure to schedule periodic payments in the amounts required by the Regulation; (d) agreeing with customer that payment of open charge accounts might be deferred beyond the tenth day of the second calendar month following the calendar month during which the article was sold; and (e) using open charge accounts as a means of evasion in selling articles on an instalment plan; and

The said Otis Clark, Fred Clark, and Mrs. Otis Clark having further agreed and represented to the Board that, during the period of suspension of their license under this Order, they will close all of the aforesaid stores and discontinue all sales including those for cash; that, upon resumption of business following the termination of this suspension period, they will conform their business to the requirements of the Regulation; and that they will not, in any manner, in their future solicitations or advertisements for business indicate or imply that they would grant terms which would be in contravention of the Regulation:

Accordingly, the Board having considered the consent, representations, and agreements of the parties named, and under authority of section 5 (b) of the Act of October 6, 1917, as amended, and the Executive Order of the President No. 8843, hereby orders:

1. That the license of the said Otis Clark, Fred Clark, and Mrs. Otis Clark issued pursuant to the Board's Regulation W be and the same is hereby suspended for the period commencing at 12:01 a. m. November 22, 1942, and ending at 12:01 a. m. November 29, 1942, unless said period is sooner terminated by the Board: *Provided,* That this Order, during the suspension period, shall not prohibit (a) the carrying on of regular office and accounting work; (b) the receipt of any payments through the mails or through the normal and usual collection facilities which have heretofore been maintained off the premises of said stores; and (c) the making of payments on any obligations, including obligations to employees for salaries or wages.

2. Any terms used in this Order that are defined in Regulation W shall have the meaning therein given them.

By order of the Board of Governors of the Federal Reserve System this 9th day of November 1942.

[SEAL] CHESTER MORRILL,
Secretary.

[F. R. Doc. 42–11704; Filed, November 9, 1942; 3:35 p. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT LB–1]

FIFTH AVENUE COACH CO., ET AL.

REDUCTION OF MILEAGE

Directing reduction of mileage of Fifth Avenue Coach Company, New York City Omnibus Corporation, Madison Avenue Coach Company, Inc., and Eighth Avenue Coach Corporation, New York, New York.

By virtue of the authority vested in me by Executive Order No. 8989, issued December 18, 1941, and by Executive Order No. 9156, issued May 2, 1942, and in order to conserve and providently utilize vital equipment, material and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. Fifth Avenue Coach Company, New York City Omnibus Corporation, Madison Avenue Coach Company, Inc., and Eighth Avenue Coach Corporation, all of New York, New York, (hereinafter called "carriers"), in the transportation of passengers on the routes served by them in New York, New York, as common carriers by motor vehicle, shall not operate in any calendar month a greater number of bus miles than eighty-five per cent (85%) of the total bus miles operated by said carriers during the base month as hereinafter defined. For the purposes of computing the mileage reduction required by this order:

(a) The operations of all carriers shall be regarded as a unified operation, so that the aggregate of bus miles operated by all carriers in any calendar month shall not exceed eighty-five per cent (85%) of the aggregate of bus miles operated by all carriers during the base month;

(b) If operations of said carriers were increased between the month for which current reduction of mileage is being computed and the base month, as a result of the acquisition of bus operations of another carrier, there shall be added, to the bus miles that were operated by the acquiring carrier during the base month, the bus miles that were operated during that month in the acquired operations, or if such operations were not conducted during the base month, then during the last month of such operations conducted prior to the date of acquisition;

(c) If operations of said carriers were decreased, between the month for which current reduction of mileage is being computed and the base month, as a result of the sale, lease or transfer of bus operations, there shall be subtracted, from the bus miles operated by said carriers during the base month, the bus miles operated during that month in the operations sold, leased or transferred.

2. As used herein, the term:

(a) "Bus" means any rubber-tired vehicle propelled or drawn by mechanical power and used upon the streets or highways (but not on rails) for the transportation of passengers;

(b) "Bus miles" includes all miles of actual bus operation, whether in passenger service or otherwise;

(c) "Base month" means the corresponding calendar month of either 1941 or 1940, whichever of those months included the greater number of bus miles operated by said carriers.

3. The carriers shall file forthwith with the appropriate regulatory body or bodies having jurisdiction over the operations affected by this order, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in fares, charges, operations, rules, regulations and practices of the carriers which may be necessary to accord with the provisions of this order, together with a copy of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.

4. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT LB–1."

This order shall become effective December 1, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 10th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42–11722; Filed, November 10, 1942; 11:30 a. m.]

[Special Order ODT LB–2]

COMPREHENSIVE OMNIBUS CORPORATION, ET AL.

REDUCTION OF MILEAGE

Directing reduction of mileage of Comprehensive Omnibus Corporation and East Side Omnibus Corporation, New York, New York.

By virtue of the authority vested in me by Executive Order No. 8989, issued December 18, 1941, and by Executive Order No. 9156, issued May 2, 1942, and in order to conserve and providently utilize vital equipment, material and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Comprehensive Omnibus Corporation and East Side Omnibus Corporation, both of New York, New York, (hereinafter called "carriers"), in the transportation of passengers on the routes served by them in New York, New York, as common carriers by motor vehicle, shall not operate in any calendar month a greater number of bus miles than eighty-five percent (85%) of the total bus miles operated by said carriers during the base month as hereinafter defined. For the purposes of computing the mileage reduction required by this order:

(a) The operations of both carriers shall be regarded as a unified operation, so that the aggregate of bus miles operated by both carriers in any calendar month shall not exceed eighty-five per cent (85%) of the aggregate of bus miles operated by both carriers during the base month;

(b) If operations of said carriers were increased between the month for which current reduction of mileage is being computed and the base month, as a result of the acquisition of bus operations of another carrier, there shall be added, to the bus miles that were operated by the acquiring carrier during the base month, the bus miles that were operated during that month in the acquired operations, or if such operations were not conducted during the base month, then during the last month of such operations conducted prior to the date of acquisition;

(c) If operations of said carriers were decreased between the month for which current reduction of mileage is being computed and the base month, as a result of the sale, lease or transfer of bus operations, there shall be subtracted, from the bus miles operated by said carriers during the base month, the bus miles operated during that month in the operations sold, leased or transferred.

2. As used herein, the term:

(a) "Bus" means any rubber-tired vehicle propelled or drawn by mechanical power and used upon the streets or highways (but not on rails) for the transportation of passengers;

(b) "Bus miles" includes all miles of actual bus operation, whether in passenger service or otherwise;

(c) "Base month" means the corresponding calendar month of either 1941 or 1940, whichever of those months included the greater number of bus miles operated by said carriers.

3. The carriers shall file forthwith with the appropriate regulatory body or bodies having jurisdiction over the operations affected by this order, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in fares, charges, operations, rules, regulations and practices of the carriers which may be necessary to accord with the provisions of this order, together with a copy of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.

4. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT LB–2."

This order shall become effective December 1, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 10th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42–11723; Filed, November 10, 1942; 11:30 a. m.]

[Special Order ODT LB–3]

AVENUE B & EAST BROADWAY TRANSIT CO., INC.

REDUCTION OF MILEAGE

Directing reduction of mileage of Avenue B & East Broadway Transit Co., Inc., New York, New York.

By virtue of the authority vested in me by Executive Order No. 8989, issued December 18, 1941, and by Executive Order No. 9156, issued May 2, 1942, and in order to conserve and providently utilize vital equipment, material and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Avenue B & East Broadway Transit Co., Inc., of New York, New York, (hereinafter called "carrier"), in the transportation of passengers on the routes served by it in New York, New York, as a common carrier by motor vehicle, shall not operate in any calendar month a greater number of bus miles than eighty-five per cent (85%) of the total bus miles operated by said carrier during the base month as hereinafter defined. For the purposes of computing the mileage reduction required by this order:

(a) If operations of said carrier were increased between the month for which current reduction of mileage is being computed and the base month, as a result of the acquisition of bus operations of another carrier, there shall be added, to the bus miles that were operated by the acquiring carrier during the base month, the bus miles that were operated during that month in the acquired operations, or if such operations were not conducted during the base month, then during the last month of such operations conducted prior to the date of acquisition;

(b) If operations of said carrier were decreased, between the month for which current reduction of mileage is being computed and the base month, as a result of the sale, lease or transfer of bus operations, there shall be subtracted, from the bus miles operated by said carrier during the base month, the bus miles operated during that month in the operations sold, leased or transferred.

2. As used herein, the term:

(a) "Bus" means any rubber-tired vehicle propelled or drawn by mechanical power and used upon the streets or highways (but not on rails) for the transportation of passengers;

(b) "Bus miles" includes all miles of actual bus operation, whether in passenger service or otherwise;

(c) "Base month" means the corresponding calendar month of either 1941 or 1940, whichever of those months included the greater number of bus miles operated by said carrier.

3. The carrier shall file forthwith with the appropriate regulatory body or bodies having jurisdiction over the operations affected by this order, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in fares, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order, together with a copy of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.

4. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT LB–3".

This order shall become effective December 1, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 10th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42–11724; Filed, November 10, 1942; 11:31 a. m.]

[Special Order ODT LB–4]

CHICAGO SURFACE LINES

REDUCTION OF MILEAGE

Directing reduction of mileage of Chicago Surface Lines, Chicago, Illinois.

By virtue of the authority vested in me by Executive Order No. 8989, issued December 18, 1941, and by Executive Order No. 9156, issued May 2, 1942, and in order to conserve and providently utilize vital equipment, material and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Walter J. Cummings and Daniel C. Green, as receivers of Chicago Railways Company, a corporation, and Edward J. Fleming and Charles H. Albers, as receivers of Chicago City Railway Company, Calumet and South Chicago Railway Company, and The Southern Street Railway Company, corporations, doing business as Chicago Surface Lines, of Chicago, Illinois, (hereinafter referred to as the "carrier"), in the transportation of passengers on the routes served by said carrier in the city and suburbs of Chicago, Illinois, as a common carrier by motor vehicle, shall not operate in any calendar month a greater number of bus miles than eighty-five percent (85%) of the total bus miles operated by said carrier during the base month as hereinafter defined. For the purposes of computing the mileage reduction required by this order:

(a) If operations of said carrier were increased between the month for which current reduction of mileage is being computed and the base month, as a result of the acquisition of bus operations of another carrier, there shall be added, to the bus miles that were operated by the acquiring carrier during the base month, the bus miles that were operated during that month in the acquired operations, or if such operations were not conducted during the base month, then during the last month of such operations conducted prior to the date of acquisition;

(b) If operations of said carrier were decreased, between the month for which current reduction of mileage is being computed and the base month, as a result of the sale, lease or transfer of bus operations, there shall be subtracted, from the bus miles operated by said carrier during the base month, the bus miles operated during that month in the operations sold, leased or transferred.

2. As used herein, the term:

(a) "Bus" means any rubber-tired vehicle propelled or drawn by mechanical power and used upon the streets or highways (but not on rails) for the transportation of passengers, and includes trolley buses;

(b) "Bus miles" includes all miles of actual bus operation, whether in passenger service or otherwise;

(c) "Base month" means the corresponding calendar month of the twelve (12) month period ending October 31, 1942.

3. The carrier shall file forthwith with the appropriate regulatory body or bodies having jurisdiction over the operations affected by this order, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in fares, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order, together with a copy of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.

4. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT LB–4."

This order shall become effective December 1, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C. this 10th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42–11725; Filed, November 10, 1942; 11:31 a. m.]

[Special Order ODT LB–5]

CHICAGO MOTOR COACH COMPANY

REDUCTION OF MILEAGE

Directing reduction of mileage of the Chicago Motor Coach Company, Chicago, Illinois.

By virtue of the authority vested in me by Executive Order No. 8989, issued December 18, 1941, and by Executive Order No. 9156, issued May 2, 1942, and in order to conserve and providently utilize vital equipment, material and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Chicago Motor Coach Company, of Chicago, Illinois, (hereinafter called "carrier"), in the transportation of passengers on the routes served by it in the city and suburbs of Chicago, Illinois, as a common carrier by motor vehicle, shall not operate in any calendar month a greater number of bus miles than eighty-five per cent (85%) of the total bus miles operated by said carrier during the base month as hereinafter defined. For the purposes of computing the mileage reduction required by this order:

(a) If operations of said carrier were increased between the month for which current reduction of mileage is being computed and the base month, as a result of the acquisition of bus operations of another carrier, there shall be added, to the bus miles that were operated by the acquiring carrier during the base month, the bus miles that were operated during that month in the acquired operations, or if such operations were not conducted during the base month, then during the last month of such operations conducted prior to the date of acquisition;

(b) If operations of said carrier were decreased, between the month for which current reduction of mileage is being computed and the base month, as a result of the sale, lease or transfer of bus operations, there shall be subtracted, from the bus miles operated by said carrier during the base month, the bus miles operated during that month in the operations sold, leased or transferred.

2. As used herein, the term:

(a) "Bus" means any rubber-tired vehicle propelled or drawn by mechanical power and used upon the streets or highways (but not on rails) for the transportation of passengers;

(b) "Bus miles" includes all miles of actual bus operation, whether in passenger service or otherwise;

(c) "Base month" means the corresponding calendar month of either 1941 or 1940, whichever of those months included the greater number of bus miles operated by said carrier.

3. The carrier shall file forthwith with the appropriate regulatory body or bodies having jurisdiction over the operations affected by this order, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in fares, charges, operations, rules, regulations and practices of the carrier which may be necessray to accord with the provisions of this order, together with a copy of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.

4. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT LB-5."

This order shall become effective December 1, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 10th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42–11726; Filed, November 10, 1942; 11:31 a. m.]

[Special Order ODT LB–6]

PHILADELPHIA TRANSPORTATION CO.

SUSPENSION OF CERTAIN OPERATIONS

Directing Philadelphia Transportation Company, Philadelphia, Pennsylvania, to suspend certain operations as a passenger carrier by motor vehicle in Philadelphia, Pennsylvania.

By virtue of the authority vested in me by Executive Order No. 8989, issued December 18, 1941, and by Executive Order No. 9156, issued May 2, 1942, and in order to conserve and providently utilize vital equipment, material and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Philadelphia Transportation Company, Philadelphia, Pennsylvania, (hereinafter called "carrier"), in the transportation of passengers as a common carrier by motor vehicle, in the city and suburbs of Philadelphia, Pennsylvania, over its bus routes described in the Appendix[1] hereto and designated as Routes V, C (a), C (b), D (a), H, 55, A and R, respectively, shall suspend operation of:

(a) All of Route V;

(b) That section of Route C (a) along Broad Street between Olney Avenue and Snyder Avenue and that section of Route C (b) along Broad Street between Alle-

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[1] Filed as part of the original document.

gheny Avenue and Snyder Avenue, except such portions of said sections as may be required for looping of buses continuing to operate over remaining sections of said routes or other routes;

(c) That section of Route D (a) between the intersection of Chestnut and Walnut Streets and 62nd Street and the 69th Street Terminal;

(d) That section of Route N between Cottman Avenue and Shady Lane;

(e) That section of Route 55 between the City Line and Olney Avenue Terminal, except for the operation of a through service, with no local service, during "rush hours" over that section;

(f) That section of Route A between the intersection of Hunting Park Avenue and 29th Street and the intersection of Broad and Lombard Streets; and that section of Route R between the intersection of Hunting Park Avenue and 29th Street and the intersection of Broad Street and Erie Avenue; and consolidate the remaining sections of Route A and Route R into a single route.

2. The carrier forthwith shall file with the appropriate regulatory body or bodies having jurisdiction over the operations affected by this order, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the fares, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order, together with a copy of this order, and a notice describing the operations to be suspended in compliance herewith; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.

3. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT LB-6".

This order shall become effective December 28, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 10th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-11727; Filed, November 10, 1942; 11:32 a. m.]

[Special Order ODT LB-7]

BALTIMORE COACH COMPANY

SUSPENSION OF CERTAIN OPERATIONS

Directing The Baltimore Coach Company, Baltimore, Maryland, to suspend certain operations as a passenger carrier by motor vehicle.

By virtue of the authority vested in me by Executive Order No. 8989, issued December 18, 1941, and by Executive Order No. 9156, issued May 2, 1942, and in order to conserve and providently utilize vital equipment, material and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The Baltimore Coach Company, Baltimore, Maryland, (hereinafter called "carrier"), in the transportation of passengers as a common carrier by motor vehicle in the city of Baltimore, Maryland, forthwith shall suspend operation of its bus routes designated as Route A and Route G and described in the Appendix hereto.

2. The carrier forthwith shall file with the appropriate regulatory body or bodies having jurisdiction over the operations affected by this order, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in its fares, charges, operations, rules, regulations and practices which may be necessary to accord with the provisions of this order, together with a copy of this order, and a notice describing the operations to be suspended in compliance herewith; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.

3. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT LB-7."

This order shall become effective December 28, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 10th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-11728; Filed, November 10, 1942; 11:32 a. m.]

[Special Order ODT LB-8]

THE CINCINNATI STREET RAILWAY COMPANY

REDUCTION OF MILEAGE

Directing reduction of mileage of The Cincinnati Street Railway Company, Cincinnati, Ohio.

By virtue of the authority vested in me by Executive Order No. 8989, issued December 18, 1941, and by Executive Order No. 9156, issued May 2, 1942, and in order to conserve and providently utilize vital equipment, material and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The Cincinnati Street Railway Company, of Cincinnati, Ohio, (hereinafter called "carrier"), in the transportation of passengers on the routes served by it in the city and suburbs of Cincinnati, Ohio, as a common carrier by motor vehicle, shall not operate in any calendar month a greater number of bus miles than eighty-five per cent (85%) of the total bus miles operated by said carrier during the base month as hereinafter defined. For the purposes of computing the mileage reduction required by this order:

(a) If operations of said carrier were increased between the month for which current reduction of mileage is being computed and the base month, as a result of the acquisition of bus operations of another carrier, there shall be added, to the bus miles that were operated by the acquiring carrier during the base month, the bus miles that were operated during that month in the acquired operations, or if such operations were not conducted during the base month, then during the last month of such operations conducted prior to the date of acquisition;

(b) If operations of said carrier were decreased, between the month for which current reduction of mileage is being computed and the base month, as a result of the sale, lease or transfer of bus operations, there shall be subtracted, from the bus miles operated by said carrier during the base month, the bus miles operated during that month in the operations sold, leased or transferred.

2. As used herein, the term:

(a) "Bus" means any rubber-tired vehicle propelled or drawn by mechanical power and used upon the streets or highways (but not on rails) for the transportation of passengers, and includes trolley buses;

(b) "Bus miles" includes all miles of actual bus operation, whether in passenger service or otherwise;

(c) "Base month" means the corresponding calendar month of either 1941 or 1940, whichever of those months included the greater number of bus miles operated by said carrier.

3. The carrier shall file forthwith with the appropriate regulatory body or bodies having jurisdiction over the operations affected by this order, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in fares, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order, together with a copy of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.

4. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT LB-8."

This order shall become effective December 1, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C. this 10th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-11729; Filed, November 10, 1942; 11:32 a. m.]

[Special Order ODT LB-9]

VIRGINIA ELECTRIC AND POWER COMPANY

REDUCTION OF MILEAGE

Directing reduction of mileage of Virginia Electric and Power Company, Richmond, Virginia.

By virtue of the authority vested in me by Executive Order No. 8989, issued December 18, 1941, and by Executive Order No. 9156, issued May 2, 1942, and in order to conserve and providently utilize vital equipment, material and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Virginia Electric and Power Company, of Richmond, Virginia, (hereinafter called "carrier"), in the transportation of passengers on the routes served by it in the city and suburbs of Richmond, Virginia, as a common carrier by motor vehicle, shall not operate in any calendar month a greater number of bus miles than eighty-five per cent (85%) of the total bus miles operated by said carrier during the base month as hereinafter defined. For the purposes of computing the mileage reduction required by this order:

(a) If operations of said carrier were increased between the month for which current reduction of mileage is being computed and the base month, as a result of the acquisition of bus operations of another carrier, there shall be added, to the bus miles that were operated by the acquiring carrier during the base month, the bus miles that were operated during that month in the acquired operations, or if such operations were not conducted during the base month, then during the last month of such operations conducted prior to the date of acquisition;

(b) If operations of said carrier were decreased, between the month for which current reduction of mileage is being computed and the base month, as a result of the sale, lease or transfer of bus operations, there shall be subtracted, from the bus miles operated by said carrier during the base month, the bus miles operated during that month in the operations sold, leased or transferred.

2. As used herein, the term:

(a) "Bus" means any rubber-tired vehicle propelled or drawn by mechanical power and used upon the streets or highways (but not on rails) for the transportation of passengers;

(b) "Bus miles" includes all miles of actual bus operation, whether in passenger service or otherwise;

(c) "Base month" means the corresponding calendar month of either 1941 or 1940, whichever of those months included the greater number of bus miles operated by said carrier.

3. The carrier shall file forthwith with the appropriate regulatory body or bodies having jurisdiction over the operations affected by this order, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in fares, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order, together with a copy of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.

4. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT LB-9".

This order shall become effective December 1, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 10th day of November, 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-11730; Filed, November 10, 1942; 11:33 a. m.]

[Special Order ODT B-30]

NEW YORK—MIAMI

COORDINATED OPERATION OF PASSENGER CARRIERS BY MOTOR VEHICLE

Directing coordinated operation of passenger carriers by motor vehicle between New York, New York, and Miami, Florida.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers filed with this Office by Pan American Greyhound Lines, Inc., Charleston, West Virginia, Pennsylvania Greyhound Lines, Inc., Cleveland, Ohio, Atlantic Greyhound Corporation, Charleston, West Virginia, and Florida Motor Lines Corporation, Jacksonville, Florida, pursuant to section 501.49 of General Order ODT 11,[1] and in order to assure maximum utilization of the facilities, services, and equipment of common carriers of passengers by motor vehicle, and to conserve and providently utilize vital equipment, material and supplies, including rubber, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Pan American Greyhound Lines, Inc., Pennsylvania Greyhound Lines, Inc., Atlantic Greyhound Corporation, and Florida Motor Lines Corporation (hereinafter collectively called "carriers"), in the transportation of passengers on the duplicate or closely parallel routes served by them between New York, New York, and Miami, Florida, as common carriers by motor vehicle, shall:

(a) Honor each other's tickets between all points common to their lines where equal fares apply and divert to each other traffic routed between such points for the purpose of relieving overloads and reducing the operation of additional equipment in extra sections;

(b) Adjust and establish schedules to eliminate duplication of times of departure of the respective carriers and provide reasonable frequency of service throughout the day;

(c) Pool traffic and operations to the end that the average load factor, i. e., the ratio of passenger miles to seat miles, of Pan American Greyhound Lines, Inc. on each portion of its route which duplicates or closely parallels a route of any of the other carriers shall be at least equal, during each calendar month, to the average load factor of each of the other carriers on that portion of its routes which duplicates or closely parallels the route of Pan American Greyhound Lines, Inc.;

(d) Apply to the appropriate regulatory bodies for authorization to make joint use of each other's operating authority, and upon obtaining authority, make such joint use forthwith, wherever their respective routes are the same or closely parallel;

(e) Wherever practicable eliminate duplicate depot facilities and commission ticket agencies and, in lieu thereof, utilize joint depot facilities and joint commission ticket agencies. Contracts, agreements, and arrangements for any such joint facilities and agencies shall not extend beyond the effective period of this order. At such depot facilities and commission ticket agencies used jointly by the carriers, service, travel information, and ticket sales shall be impartial without preference or discrimination for or against any of such carriers.

2. The carriers forthwith shall file with the Interstate Commerce Commission in respect of transportation in interstate or foreign commerce, and with each appropriate State regulatory body in respect of transportation in intrastate commerce, and published in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in fares, charges, operations, rules, regulations, and practices of each carrier which may be necessary to accord with the provisions of this order, together with a copy of this order; and forthwith shall apply to said Commission and each such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

3. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT B-30."

This order shall become effective November 24, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C. this 10th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-11721; Filed, November 10, 1942; 11:30 a. m.]

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[1] 7 F.R. 4389.

OFFICE OF PRICE ADMINISTRATION.

[Order 37 of MPR 122[1]]

Brooks Coal & Supply Co.

ORDER GRANTING ADJUSTMENT TO THE CITY OF CLEVELAND

Order No. 37, under Maximum Price Regulation No. 122[1]—Solid Fuels Delivered from Facilities other than Producing Facilities—Dealers—Docket No. 3122-267.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.257 (b) (3) of Maximum Price Regulation No. 122, *It is hereby ordered:*

(a) Brooks Coal and Supply Company of Cleveland, Ohio, may sell and deliver Fairmount coal, stoker size, to the City of Cleveland, Ohio, and that purchaser may buy and receive such coal from Brooks Coal and Supply Company at prices no higher than $5.54 per net ton delivered to the Easterly Sewage Disposal Plant;

(b) This Order No. 37 may be revoked or amended by the Price Administrator at any time;

(c) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to the terms used herein;

(d) This Order No. 37 shall be effective as of November 2, 1942.

Issued this 9th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11698; Filed, November 9, 1942; 3:14 p. m.]

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[1] 7 F.R. 3239, 3666, 3856, 3940, 3941, 5024, 5567, 5835, 7809.

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-620]

Federal Water and Gas Corporation

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 9th day of November, A .D., 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the Federal Water and Gas Corporation, a registered holding company; and

Notice is further given that any interested person may, not later than November 25, 1942 at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application which is on file in the office of said Commission for a statement of the transactions therein proposed, which are summarized as follows:

Federal Water and Gas Corporation proposes to purchase from time to time prior to December 31, 1943, for cash, all or any part of a maximum of $500,000 principal amount of its 5½% Gold Debentures, due May 1, 1954, in the open market at market prices current at the time of purchase but not to exceed the call price in effect at the date of purchase. The call price for such debentures in effect up to and including May 1, 1943 is 104⅛, and from May 1, 1943 to and including May 1, 1944 is 103¾ of the principal amount thereof.

Sections 10 and 12 (c) of the Act and Rule U-42 are designated as being applicable to the proposed transaction.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 42-11719; Filed, November 10, 1942; 11:07 a. m.]

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THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 7 NUMBER 223

Washington, Friday, November 13, 1942

The President

EXECUTIVE ORDER 9269

Modifying the Limitation on Fixed Fees With Respect to Contracts of the Treasury Department for Architectural and Engineering Services

By virtue of the authority vested in me by the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 838), and deeming that such action will facilitate the prosecution of the war, it is ordered as follows:

1. The provision in paragraph 7 of Title II of Executive Order No. 9001, dated December 27, 1941,[1] limiting the fixed fee to be paid as a result of any cost-plus-a-fixed-fee contract entered into under the authority of that order, shall not apply to contracts for architectural or engineering services entered into by the Treasury Department for the accomplishment of any project, or portion of a project, for which funds are allocated to the Treasury Department from any appropriation to carry out the provisions of the act entitled "An Act further to promote the defense of the United States, and for other purposes", approved March 11, 1941 (55 Stat. 31); but the fixed fee to be paid for such architectural or engineering services under any cost-plus-a-fixed-fee contract for such services may be determined in accordance with such appropriate scale of fees as may be prescribed by the Secretary of the Treasury: *Provided,* that in no case shall any such fee exceed 4 per centum of the estimated cost (exclusive of all compensation for architectural or engineering services) to be paid by the Treasury Department from such allocated funds on account of the project in connection with which such services are employed.

2. Executive Order No. 9023 of January 14, 1942,[2] extending the provisions of the said Executive Order No. 9001 to contracts of the Treasury Department and other Government agencies, is modified accordingly.

Franklin D Roosevelt

The White House,
November 11, 1942.

[F. R. Doc. 42-11814; Filed, November 12, 1942; 10:42 a. m.]

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[1] 6 F.R. 6787.

[2] 7 F.R. 302.

Regulations

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[ACP-1942-16]

Part 701—Agricultural Conservation Program

SUBPART D—1942

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1942 Agricultural Conservation Program,[1] as amended, is further amended as follows:

Section 701.301 (b) (3) is amended by deleting item (vii) thereof and by renumbering item (viii) as item (vii).

Section 701.301 (j) is amended by adding at the end thereof the following new subparagraphs (5) and (6).

§ 701.301 *Allotments, yields, grazing capacity, payments, and reductions.* * * *

(j) *Miscellaneous.* * * *

(5) *Reallocation of allotments due to displacement of producers.* Except as otherwise provided herein, the crop allotment for any land which is removed from agricultural production because of acquisition by a State or Federal agency or for use in connection with the national defense program shall be available to the State committee for use in providing equitable allotments for farms (except peanut allotments on farms on

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[1] 6 F.R. 4111, 5520, 5581, 6472; 7 F.R. 56, 57, 923, 1410, 1825, 2287, 2771, 3146, 5085, 7874, 4509, 8768.

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Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Telephone information: DIstrict 0525.

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which no peanuts were grown in any of the years 1939, 1940, or 1941) operated by persons who were producers of such crop on the land so acquired. Insofar as possible the allotments for farms operated by such persons shall be comparable to the allotments for other farms in the locality taking into consideration the allotment for the farm on which the operator was located in 1941.

In the case of cotton and wheat, the allotment established, or which would have been established, for any land acquired in 1940 or thereafter by any Federal agency for national defense purposes shall be placed in a State pool and shall be used only for making equitable allotments for farms owned or acquired by owners dispossessed by a Federal agency because of acquisition of the farm for national defense purposes. The allotment made for any such farm, including farms on which such crop was not planted during any of the three years 1939 to 1941, shall compare with the allotments for such crops established for other farms in the same area which are similar except for the past acreage of such crop, taking into consideration the character and adaptability of the soil and other physical facilities affecting the production of the crop.

In the case of tobacco, the allotment established, or which would have been established, for any land acquired in 1940 or thereafter by any Federal agency for national defense purposes shall be placed in a state pool and shall be used only for making equitable allotments for farms owned or acquired by owners dispossessed by a Federal agency because of acquisition of the farm for national defense purposes. Upon application to the local committee, any person so dispossessed shall be entitled to have an allotment for any one of the farms owned or acquired by him equal to an allotment which would have been made to such farm plus the allotment which would have been made to the farm acquired by the Federal agency: *Provided*, That such allotment shall not exceed 50 percent of the acreage of cropland on the farm in the case of flue-cured tobacco, and 20 percent of the acreage of cropland on the farm in the case of other kinds of tobacco: *Provided further*, That this paragraph shall not apply so long as there is any marketing quota penalty due and unpaid, or a failure to account for the disposition of tobacco produced on the farm acquired by a Federal agency, or if the allotment established for such farm in 1942 would have been reduced because of the false or improper identification of tobacco produced on or marketed from such farm.

Notwithstanding any other provision of this bulletin, the permitted acreage established for any crop on a farm operated in 1942 by a person who was a producer of such crop on a farm acquired by a state or Federal agency or for use in connection with the national defense program, shall be considered as an allotment and payment shall be computed thereon at the same rates and under the same conditions as provided for other farms for which allotments are determined.

(6) *Errors in measurement.* Where a farmer relied solely upon the measured acreage furnished to him in writing by the county committee in planning his 1942 farming operations or in adjusting his 1942 crop acreages, such measured acreage may be used in determining compliance with the provisions of the 1942 program even though it subsequently proves to be incorrect.

Section 701.303 (a) (1) is amended by adding at the end thereof the following new paragraph:

§ 701.303 *Division of payments and deductions*—(a) *Payments and deductions in connection with crop acreage allotments and restoration land.* (1) * * * In cases where landlords, tenants, or sharecroppers have lost their interests in any crop for which special crop allotments are determined after planting but prior to harvest thereof, by reason of the acquisition of title to or lease of the farm for use in connection with the national war effort, the net payment (excluding any compensation for the loss of payment) or the net deduction computed with respect to such crops shall be divided among such persons in the same proportion that the county committee determines that such persons would have been entitled, as of the time of harvest, to share in the proceeds of such crops except for such acquisition of title or lease.

Done at Washington, D. C., this 12th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-11831; Filed, November 12, 1942; 11:10 a. m.]

[P-1942-3]

PART 741—PARITY PAYMENT REGULATIONS

SUBPART D—1942

By virtue of the authority vested in the Secretary of Agriculture by the item entitled "Parity Payments" contained in the Department of Agriculture Appropriation Act, 1942 (Pub. Law No. 144, 77th Congress, approved July 1, 1942; 55 Stat. 460), and pursuant to the provisions of sections 301 and 303 of the Agricultural Adjustment Act of 1938, as amended, (Pub. Law No. 430, 75th Congress; 82 Stat. 38, 45, 7 U.S.C. 1940 ed. 1301, 1303) the 1942 Parity Payment Regulations,[1] as amended, are hereby amended as follows:

Section 741.303 is amended by adding at the end thereof the following new paragraph:

§ 741.303 *Division of payment and deductions.* * * * In cases where landlords, tenants, or sharecroppers have lost their interest in any crop for which parity payments are authorized after planting but prior to harvest thereof, by reason of the acquisition of title to or lease of the farm for use in connection with the national war effort, the net payment (excluding any compensation for the loss of payment) or the net deduction computed with respect to such crops shall be divided among such persons in the same proportion that the county committee determines that such persons would have been entitled, as of the time of harvest, to share in the proceeds of such crops except for such acquisition of title or lease.

Done at Washington, D. C. this 12th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-11832; Filed, November 12, 1942; 11:10 a. m.]

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[1] 7 F.R. 1013, 3146, 8770.

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

In addition to changes published in the FEDERAL REGISTER October 13, 1942 (7 F.R. 8163) affecting War Department Procurement Regulations as revised September 5, 1942, §§ 81.302 (c), 81.321a, 81.321b, 81.359, 81.360,. 81.805 (b), 81.905 (f), 81.911 (d) (4), and 81.962 to 81.967 are hereby added, and §§ 81.105, 81.107, 81.109, 81.110, 81.111, 81.112, 81.303, 81.305, 81.309, 81.315 (b), 81.318, 81.321, 81.332, 81.601, 81.602, 81.603, 81.604, 81.605, 81.811 (e), 81.905, 81.914, 81.915, 81.1101, 81.1303, 81.1304, 81.1306, 81.1312, are changed, amended, or rescinded as follows: (See also Part 83.)

The changes and additions contained herein were made in the War Department Procurement Regulations under date of October 14, 1942. Numbers to the right of the decimal point correspond with the respective paragraph numbers in procurement regulations.

AUTHORITY: Sec. 5a, National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193-1195, and the First War Powers Act 1941, 55 Stat. 838, 50 U.S.C. Sup. 601-622.

§ 81.105 *Contents.* The following is a list of the current procurement regulations:

PR No. 1 General Instructions [¶ 101-119] (§§ 81.101-81.119)
PR No. 2 Negotiated Purchases [¶ 201-206.3] (§§ 81.201-81.206)
PR No. 3 Contracts [¶ 301-358] (§§ 81.301-81.358)
PR No. 4 Bonds and Insurance [¶ 401-427] (§§ 81.401-81.427)
PR No. 5 Foreign Purchases [¶ 501-508.2] (§§ 81.501-81.508)
PR No. 6 Procurement and Purchase of Supplies [¶ 601-605] (§§ 81.601-81.605)
PR No. 7 Disposition of Personal Property [¶ 701-717.4] (§§ 83.701-83.717)
PR No. 8 Federal, State and Local Taxes [¶ 801-817.3] (§§ 81.801-81.817)
PR No. 9 Labor [¶ 901-961.2] (§§81.901-81.961)
PR No. 10 Emergency Plant Facilities [¶ 1001-1017] (§§ 81.1001-81.1017)
PR No. 11 Miscellaneous Purchase Instructions [¶ 1101-1107] (§§ 81.1101-81.1107)
PR No. 12 Renegotiation and Price Adjustment [¶ 1201-1213] (§§ 81.1201-81.1213)
PR No. 13 Forms of Contracts [¶ 1301-1312; 1321-1326] (§§ 81.1301-81.1312 and 81.1321-81.1326)

§ 81.107 *Authority with respect to procurement*—(a) *Basic statute.* Sec. 897 of the Military Laws (Supp. I, 1940) provides as follows:

Secretary of War, Under Secretary of War, and Assistant Secretary of War; duties in connection with procurement. Hereafter the Secretary of War, in addition to other duties imposed upon him by law, shall be charged with the supervision of the procurement of all military supplies and other business of the War Department pertaining thereto and the assurance of adequate provision for the mobilization of matériel and industrial organizations essential to wartime needs, and he may assign to the Under Secretary of War and The Assistant Secretary of War such duties in connection therewith as he may deem proper. * * * Sec. 5a, added to act of June 3, 1916, by sec. 5, act of June 4, 1920 (41 Stat. 764) sec. 2, act of Dec. 16, 1940 (54 Stat. 1224); 10 U.S.C. 1193.

(b) *Delegations from the Secretary of War to the Under Secretary of War.* On April 21, 1941, the Secretary of War issued the following order:

Pursuant to authority contained in the Act of December 16, 1940 (Public No. 891; 76th Congress):

a. The duties and responsibilities placed on the Secretary of War by section 5a of the National Defense Act, as amended, are hereby assigned to the Under Secretary of War.

b. Chiefs of branches of the Army will report directly to the Under Secretary of War regarding all matters of procurement.

c. The Under Secretary of War will continue to perform the duties and discharge the responsibilities placed on The Assistant Secretary of War by Army Regulations No. 5-5, July 16, 1932, Orders E, War Department, November 28, 1933, and all other existing orders or instructions.

d. The office heretofore designated as the Office of The Assistant Secretary of War will hereafter be designated the Office of the Under Secretary of War. All officers and civilian employees now detailed to the Office of the Under Secretary of War or the Office of The Assistant Secretary of War from the branches engaged in procurement, and all other officers and employees now on duty in the Office of the Under Secretary of War or in the Office of The Assistant Secretary of War, shall continue on such detail and duty in the Office of the Under Secretary of War.

e. During the absence or disability of the Under Secretary of War, or in the event of a temporary vacancy in that office, the duties and responsibilities of the Under Secretary of War shall be performed and discharged by The Assistant Secretary of War, and in the case of the absence or disability of both the Under Secretary of War and The Assistant Secretary of War, or in the event of a temporary vacancy in both of said offices, the duties and responsibilities of the Under Secretary of War shall be performed and discharged by the Assistant Secretary of War for Air.

Under date of December 30, 1941, the Secretary of War issued the following memorandum:

MEMORANDUM for the Under Secretary of War.

Subject: Delegation of Authority under Executive Order No. 9001.

The powers delegated to the War Department by Executive Order No. 9001, dated December 27, 1941, to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to make advance, progress, and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts are hereby further delegated to the Under Secretary of War. He may, pursuant to Executive Order No. 9001, exercise such powers either personally or through such officer or officers or civilian officials of the War Department as he may direct, and he may confer upon such officers or civilian officials the power to make further delegations of such powers within the War Department.

HENRY L. STIMSON,
Secretary of War.

(c) *Responsibilities of the Under Secretary of War fixed by AR 5-5.* Although Army Regulation 5-5 is rescinded, the portion thereof relating to the responsibilities of The Assistant Secretary of War (now the Under Secretary of War) is incorporated by reference in paragraph c. of the above quoted order of the Secretary of War, dated December 16, 1940. The portion of said regulation which is thus continued in force reads as follows:

* * * * *

b. Definition. Under section 5a, national defense act, as amended, the Assistant Secretary of War, under the direction of the Secretary of War, is charged, among other duties, with the supervision of all administrative and operative functions and installations of the Military Establishment concerned in the acquisition or production of military supplies. The types of matériel desired having been specified by the proper agencies, the responsibilities of the Assistant Secretary of War, under the statute, begin with the necessary preliminary and preparatory measures for the procurement or production of such materiel, and end with its delivery to the proper supply arms and services for issue.

c. Supervision over procurement includes preparation of plans and policies and supervision of activities concerning—

(1) Research and development of substitutes for critical and strategic materials and of materials, methods or processes, and facilities for manufacturing purposes.

(2) The procurement of materials and facilities for manufacturing purposes.

(3) Preparation of United States Army manufacturing specifications and the commercial standardization activities of the supply arms and services. See AR 850-25.

(4) Procurement of all military supplies by purchase, production, or other means, whether obtained for experimental, service test, or issue purposes; inspection, test, acceptance, and storage of supplies incident to procurement; the procurement of real estate and the construction, operation, maintenance, repair, and inspection of all establishments and facilities for the foregoing purposes.

(5) Procurement of supplies for other Government departments or for foreign governments at their request.

(6) The acquisition and use of patent rights by the War Department and the Army.

(7) The transfer or exchange of military supplies in conformity with approved policies.

(8) The renovation of matériel on a production basis at an establishment functioning under the direct control of a chief of a supply arm or service in accordance with approved policies and projects.

(9) The collection of information and compilation ~~of~~ data pertaining to sources of supply

(10) The assurances of adequate and timely provisions for the mobilization of the matériel and industrial organizations essential to war-time needs, including arrangements in the supply arms and services and arrangements with the agencies outside the War Department.

(11) The Army Industrial College, Washington, D. C.

(12) Instruction in business administration at civilian institutions.

(13) Fiscal matters pertinent to procurement in accordance with instructions contained in paragraph 1*b* (2) and (4) of orders E, War Department, October 29, 1925.

(14) Legislation relating to procurement.

(15) Civilian personnel engaged on procurement duties.

(16) Any other matters pertaining solely to the business activities of the War Department in the procurement of military supplies. The determining factor in all cases will be whether the aspect of the particular activity concerned in the given case is incident to *procurement.* If it is, the statute places it under the supervision of the Assistant Secretary of War.

d. The Assistant Secretary of War will represent the War Department:

(1) On all interdepartmental boards for the standardization of:

(*a*) Specifications.

(*b*) Procurement procedure.

(2) On the Army and Navy Munitions Board.

(3) In dealing with any interdepartmental or superdepartmental agency that may be created in connection with the allocation of matériel or industrial facilities to various uses.

(4) In arranging necessary contracts with other standardization bodies such as the American Engineering Standards Committee and the Division of Simplified Practice, Department of Commerce.

e. Chiefs of supply arms and services will report directly to and will correspond directly with the Assistant Secretary of War on all matters covered above.

2. *Delegated duties.* The following duties are delegated to the Assistant Secretary of War and are classified as follows:

a. Military.

(1) (*a*) Matters pertaining to the Militia Bureau and the National Guard.

(*b*) Matters pertaining to the Officers' Reserve Corps and the Organized Reserves.

(*c*) Clemency cases in mitigation or remission of sentence by courts-martial.

(2) Correspondence on the matters in (1) above will follow the usual military channels.

b. Nonmilitary.

(1) (*a*) The sale or disposal of surplus supplies, equipment, plants, land, or other facilities.

(*b*) Claims, foreign or domestic, by or against the War Department, excepting those resulting from the operation of aircraft.

(*c*) The purchase and sale of real estate; the lease of real estate for the use of the War Department; the granting of leases or licenses to individuals, corporations, or organizations for the temporary use of land, buildings, or other property under War Department control; and easements or rights of way across military reservations, in accordance with approved policies.

(*d*) The activities relating to the National Board for the Promotion of Rifle Practice and to civilian marksmanship.

(*e*) Approval of expenditures from funds allotted, and of public vouchers for expenditures by the disbursing clerk of the War Department; approval of the program of expenditures by the National Board for the Promotion of Rifle Practice; routine expenditures from the appropriation "Contingencies of the Army"; and expenditures from "Contingencies, Military Information Division," for extraordinary expenses of military attachés and observers abroad.

(*f*) Matters relating to national military parks and national monuments.

(*g*) Matters relating to national cemeteries in the United States and abroad.

(*h*) Authorization of advertising.

(*i*) Regulations for burial expenses of deceased military personnel. [AR 30-1830]

(*j*) The use of patent rights by the War Department and the Army.

(*k*) Bridge permits and extensions of time for completion of bridges.

(*l*) Disposition of engineer property pertaining to rivers and harbors.

(*m*) Permits for laying submarine cable.

(2) Correspondence on the matters in (*l*) above will be direct between the office of the Assistant Secretary of War and the agency or office concerned unless otherwise directed.

(d) *Orders, directives, and instructions relating to procurement.* Under date of April 9, 1942, the Under Secretary of War addressed the following letter to The Commanding General, Matériel Command, Army Air Forces, and The Commanding General, Services of Supply:

1. Until otherwise directed, existing orders, directives and instructions with reference to organization and procedural matters relating to procurement, which have heretofore been issued by the Under Secretary of War, or by the Commanding General, Services of Supply, or by higher authority, are hereby made applicable to the Matériel Command of the Army Air Forces.

2. In the future, in the issuing of orders, directives or instructions, concerning procurement and related matters, it is desired to insure uniformity of procedure, in so far as practicable, in these matters, in the Matériel Command, Army Air Forces, and in the Services of Supply.. To accomplish the above, the following procedure is prescribed:

a. Prior to their issuance, important orders, directives or instructions affecting major policies on procurement and related matters, will be presented by the Commanding General, Services of Supply, to the Under Secretary of War for his approval.

b. All other orders, directives and instructions to carry out approved policies will be processed and issued by the Commanding General, Services of Supply, without reference to the Under Secretary of War.

c. Prior to issuance of orders, directives or instructions on procurements and related matters, they will be cleared in all appropriate cases with the Commanding General, Matériel Command, Army Air Forces through a designated Air Corps liaison officer. For this purpose, the officer so designated will work with the Control Division, Services of Supply, which latter will be responsible for referring appropriate orders, directives or instructions to the Air Corps liaison officer for clearance.

d. Orders, directives and instructions indicated in paragraphs *a* and *b*, above will be issued by the Comanding General, Services of Supply, and will be applicable to the Matériel Command, Army Air Forces, The Commanding General, Services of Supply, will furnish the Commanding General, Matériel Command, Army Air Forces, such copies as he desires for redistribution to the agencies under his jurisdiction.

ROBERT P. PATTERSON,
Under Secretary of War.

(e) *Delegations from the Under Secretary of War to the Commanding General, Services of Supply.* Under date of September 15, 1942, the following memorandum was issued by the Under Secretary of War:

MEMORANDUM for the Commanding General, Services of Supply.

Subject: Delegation of Authority.

1. In confirmation of and supplementing the memorandum of the undersigned to the Commanding General, Services of Supply dated June 29, 1942 on the above subject, authority is hereby delegated to the Commanding General, Services of Supply, to act for the Secretary of War or the Under Secretary of War in clearing, approving, and taking other action in respect to contracts, change orders, supplemental agreements, advance payments, awards, letters of intent, letter contracts, letter purchase orders, leases, amendments of contracts, and other contractual instruments; to make, authorize and approve sales or contracts for the sale of equipment, supplies and material; to prescribe and modify regulations in respect of procurement; and to approve new War Department contract forms and deviations from approved forms of contracts, including all authority heretofore delegated to the undersigned by the Secretary of War pursuant to Public Law 354, 77th Congress and Executive Order 9001.

2. Without any limitation of the powers and authority hereinbefore granted, there is hereby vested in the Commanding General, Services of Supply, pursuant to and subject to the provisions of Title II of the First War Powers Act (Public Law 354, 77th Congress) and Executive Order 9001 the authority to take the following action:

a. He may enter into, amend or modify contracts, may make purchases, may place orders, and may make advance progress and other payments on such contracts, purchases and orders without regard to the provisions of law relating to the making, performance, amendment or modification of contracts.

b. The contracts hereby authorized to be made include agreements of all kinds (whether in the form of letters of intent, purchase orders, or otherwise) for all types and kinds of things, and services necessary, appropriate or convenient for the prosecution of war, or for the invention, development, or production of, or research concerning any such things, including but not limited to, aircraft, buildings, vessels, arms, armament, equipment, or supplies of any kind, or any portion thereof, including plans, spare parts and equipment, or supplies of any kind, or any portion thereof, including plans, spare parts and equipment therefor, materials, supplies, facilities, utilities, machinery, machine tools, and any other equipment, without any restriction of any kind, either as to type, character, location or form.

c. Whenever, in the judgment of the Commanding General, Services of Supply (or of an officer or civilian employee of the War Department to whom authority has been delegated to exercise such powers), the prosecution of the war is thereby facilitated, he may amend or modify contracts heretofore or hereafter made for the purpose of (1) obtaining continued operations by contractors engaged in war production, (2) encouraging greater diligence on the part of contractors, (3) protecting contractors from the consequences of unforeseen or unexpected events, (4) adjusting contracts to new conditions and circumstances, including those created by the rules, orders, instructions and determinations of Government departments, or (5) for any other purposes for facilitating the prosecution of the war.

Such amendments and modifications of contracts may be without consideration, other than the determination that the prosecution of the war will thereby be facilitated, and may be utilized to accomplish the same things as any original contract could accomplish, irrespective of the time or circumstances of the making of or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof. The powers hereby delegated may be exercised by (1) supplemental agreements which modify or amend or settle claims by or against the United States arising under or with respect to any contracts heretofore or hereafter made; (2) agreements with contractors or obligors modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under any surety or other bond; or (3) supplemental agreements and change orders suspending or modifying the operation of existing contracts as yet uncompleted, and providing for the payment by the Government of the damages incurred by a contractor by reason of such suspension or modification; provided in each instance that full performance by the contractor under such contract, or under a series of contracts between the United States and the same contractor for substantially the same goods, shall not have been completed and final payment made thereunder. The supplemental contracts hereby authorized to be made include agreements of all kinds for all types and kinds of things and services necessary, appropriate or convenient for the prosecution of the war, or for the invention, development or production of, or research concerning any such things.

d. He may waive bid, payment, performance, or other bonds, and dispense with advertising for bids and competitive bidding.

3. Nothing herein shall affect the existing authority of the Commanding General, Services of Supply, as to matters relating to the Army Air Forces, the extent of which is set forth in the letter of April 9, 1942, from the Under Secretary of War to the Commanding General, Matériel Command, Army Air Forces, and to the Commanding General, Services of Supply, or any authority in respect of Army Air Force contracts and other contractual instruments, delegated to Colonel Albert J. Browning, A. U. S., by memoranda of the undersigned dated June 1, 1942, and September 15, 1942, nor shall anything herein contained be construed to limit or affect the power and authority of any commander in any theatre of operation.

4. The Commanding General, Services of Supply, or any person acting by delegation from him in the exercise of the powers hereby granted, shall have power to ratify and approve any contractual documents entered into or action taken by others, which he himself might have entered into or taken by virtue of the powers hereby granted.

5. The powers, authority and discretion hereby conferred upon the Commanding General, Services of Supply, or any portion or portions thereof, may be redelegated by him to whomsoever he may designate, including without limitation the Director, Purchases Division, Services of Supply, with the power of redelegating such powers, in whole or in part, to any officer or officers or civilian official or officials of the War Department. In any delegation of power or authority hereunder there may be included such terms and conditions, if any, as the person making such delegation may deem appropriate to ensure proper exercise of such power and authority in the interest of the United States and of the prosecution of the war.

Robert P. Patterson,
Under Secretary of War.

The memorandum of the Under Secretary of War, dated June 29, 1942, referred to in above memorandum reads as follows:

Memorandum for the Commanding General, Services of Supply.

Subject: Delegation of Authority.

1. Authority is hereby delegated to the Commanding General, Services of Supply, to act for the Secretary of War or the Under Secretary of War in clearing, approving, and taking other action in respect to contracts, change orders, supplemental agreements, advance payments, awards, letters of intent, letter contract, letter purchase orders, leases, amendments of contracts, and other contractual instruments; to approve sales of equipment, supplies and material; and to approve new War Department contract forms and deviations from approved forms of contracts, including all authority heretofore delegated to the undersigned by the Secretary of War pursuant to Public Law 354, 77th Congress and Executive Order No. 9001.

2. The Commanding General, Services of Supply, is authorized further to delegate the above powers or any portion thereof to whomsoever he may designate, with the power of redelegation.

3. The following memoranda are each hereby revoked; viz: (1) Memorandum for Mr. Albert J. Browning, dated March 13, 1942, delegating certain authority to the Chief of the Purchases Branch, Procurement and Distribution Division, Services of Supply, and (2) Memorandum for Colonel Albert J. Browning, A. U. S., dated June 2, 1942, delegating certain authority to him, as Chief of the Purchases Branch, Procurement and Distribution Division, Services of Supply. Nothing herein contained shall be construed as revoking the delegation of authority to Chiefs of Supply Services contained in Procurement Circular No. 91, dated December 29, 1941, and Procurement Circular No. 17, dated February 24, 1942, nor any delegation of authority heretofore made by the Commanding General, Services of Supply, or the Chief, Purchases Branch, Procurement and Distribution Division.

4. Nothing herein shall affect the existing authority of the Commanding General, Services of Supply, as to matters relating to the Army Air Forces, the extent of which is set forth in the letter of April 9, 1942, from the Under Secretary of War to the Commanding General, Matériel Command, Army Air Forces and to the Commanding General, Services of Supply, or any authority in respect of Army Air Force contracts and other contractual instruments, delegated to Colonel Albert J. Browning, A. U. S. by memorandum of the undersigned, dated June 1, 1942.

Robert P. Patterson,
Under Secretary of War.

(f) *Delegations from the Commanding General, Services of Supply to the Director, Purchases Division.* Under date of September 16, 1942, the following memorandum was issued by the Commanding General, Services of Supply:

Memorandum for Director, Purchases Division.

Subject: Delegation of Authority.

In confirmation of and supplementing the memorandum of the undersigned, dated June 29, 1942, to the Chief, Purchases Branch, Procurement and Distribution Division, Services of Supply (now the Director, Purchases Division, Services of Supply), the authority delegated to the Commanding General, Services of Supply, by memorandum of the Under Secretary of War, dated September 15, 1942 to act for the Secretary of War or the Under Secretary of War in clearing, approving, and taking other action in respect to contracts, change orders, supplemental agreements, advance payments, awards, letters of intent, letter contracts, letter purchase orders, leases, amendments of contracts and other contractual instruments, to make, authorize and approve sales or contracts for the sale of equipment, supplies and material and to approve War Department contract forms and deviations from approved forms, including all authority heretofore delegated to the undersigned pursuant to Public Law 354, 77th Congress, and Executive Order 9001 (including without limitation all authority pursuant to Public Law 354 and Executive Order 9001 delegated to the undersigned by the Under Secretary of War by the memorandum dated September 15, 1942), is hereby delegated to the Director, Purchases Division, Services of Supply. The Director, Purchases Division, is authorized to delegate further the above powers, authority, and discretions or any portion thereof to any officer or officers, or civilian official or officials of the War Department he may designate, with the power of redelegation. In any delegation of power or authority hereunder there may be included such terms and conditions, if any, as the person making such delegation may deem appropriate to ensure proper exercise of such power and authority in the interest of the United States and of the prosecution of the War.

Brehon Somervell,
Lieutenant General,
Commanding.

The memorandum of the Commanding General dated June 29, 1942, referred to in the above memorandum reads as follows:

Memorandum for Chief, Purchases Branch, Procurement and Distribution Division.

Subject: Delegation of Authority.

The authority delegated to the Commanding General, Services of Supply, by memorandum of the Under Secretary of War, dated June 29, 1942, to act for the Secretary of War or the Under Secretary of War in clearing, approving, and taking other action in respect to contracts, change orders, supplemental agreements, advance payments, awards, letters of intent, letter contracts, letter purchase orders, leases, amendments of contracts and other contractual instruments, to approve sales of equipment, supplies and material and to approve War Department contract forms and deviations from approved forms, including all authority heretofore delegated to the undersigned pursuant to Public Law 354, 77th Congress, and Executive Order 9001, is hereby delegated to the Chief, Purchases Branch, Procurement and Distribution Division, Services of Supply. The Chief, Purchases Branch, Procurement and Distribution Division, is authorized to delegate further the above powers or any portion thereof to whomsoever he may designate, with the power of redelegation.

Brehon Somervell,
Lieutenant General,
Commanding.

(g) *Delegations from the Under Secretary of War to the Special Representative of the Under Secretary of War for the Army Air Forces.* Under date of September 15, 1942, the following memorandum was issued by the Under Secretary of War:

Memorandum for Colonel Albert J. Browning A. U. S. Special Representative of the Under Secretary of War.

Subject: Delegation of Authority.

1. In confirmation of and supplementing the memorandum of the undersigned to Colonel Albert J. Browning, A. U. S., dated June 1, 1942, on the above subject, authority is hereby delegated to Colonel Browning to act for the Secretary of War or the Under Secretary of War, in clearing, approving, and taking other action in respect to Army Air Force contracts, change orders, supplemental agreements, advance payments, awards, letters of intent, letter contracts, letter purchase orders, leases, amendments of contracts, and other contractual instruments; to make, authorize and approve sales or contracts for the sale of Army Air Force equipment, supplies and material; and to approve new War Department Army Air Force contract forms and deviations from approved forms of contracts, including all authority with respect to Army Air Force contracts and agreements of all kinds heretofore delegated to the undersigned by the Secretary of War pursuant to Public Law 354, 77th Congress and Executive Order No. 9001. This memorandum, however, shall not affect the existing authority of the Commanding General, Services of Supply, as to matters relating to the Air Forces, the extent of which is set forth in the letter dated April 9, 1942 from the Under Secretary of War to the Commanding General, Matériel Command, Army Air Forces, and to the Commanding General, Services of Supply. Colonel Browning, and any person or persons designated by him as such, acting under the authority herein contained will act as "Special Representative of the Under Secretary of War."

2. Without any limitation of the powers and authority hereinbefore granted, there is hereby vested in Colonel Browning, pursuant to and subject to the provisions of Title II of the First War Powers Act (Public Law 354, 77th Congress) and Executive Order No. 9001 the authority to take the following action:

a. He may enter into, amend or modify contracts, may make purchases, may place orders, and may make advance progress and other payments on such contracts, purchases and orders without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts.

b. The contracts hereby authorized to be made include agreements of all kinds (whether in the form of letters of intent, purchase orders, or otherwise) for all types and kinds of things and services necessary, appropriate or convenient for the prosecution of war, or for the invention, development, or production of, or research concerning any such things, including but not limited to, aircraft, buildings, vessels, arms, armament, equipment, or supplies of any kind, or any portion thereof, including plans, spare parts and equipment therefor, materials, supplies, facilities, utilities machinery, machine tools, and any other equipment, without any restriction of any kind, either as to type, character, location or form.

c. Whenever, in the judgment of Colonel Browning, (or of an officer or civilian employee of the War Department to whom authority has been delegated to exercise such powers), the prosecution of the war is thereby facilitated, he may amend or modify contracts heretofore or hereafter made for the purpose of (a) obtaining continued operations by contractors engaged in war production, (b) encouraging greater diligence on the part of contractors, (c) protecting contractors from the consequences of unforeseen or unexpected events, (d) adjusting contracts to new conditions and circumstances, including those created by the rules, orders, instructions and determinations of Government departments, or (e) for any other purposes for facilitating the prosecution of the war.

Such amendments and modifications of contracts may be without consideration, other than the determination that the prosecution of the war will thereby be facilitated, and may be utilized to accomplish the same things as any original contract could accomplish, irrespective of the time or circumstances of the making of or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof. The powers hereby delegated may be exercised by (a) supplemental agreements which modify or amend or settle claims by or against the United States arising under or with respect to any contracts heretofore or hereafter made; (b) agreements with contractors or obligors modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under any surety or other bond; or (c) supplemental agreements and change orders suspending or modifying the operation of existing contracts as yet uncompleted, and providing for the payment by the Government of the damages incurred by a contractor by reason of such suspension or modification; provided in each instance that full performance by the contractor under such contract, or under a series of contracts between the United States and the same contractor for substantially the same goods, shall not have been completed and final payment made thereunder. The supplemental contracts hereby authorized to be made include agreements of all kinds for all types and kinds of things and services necessary, appropriate or convenient for the prosecution of the war, or for the invention, development or production of, or research concerning any such things.

d. He may waive bid, payment, performance, or other bonds, and dispense with advertising for bids and competitive bidding.

4. Colonel Browning, or any person acting by delegation from him in the exercise of the powers hereby granted, shall have power to ratify and approve any contractual documents entered into or action taken by others, which he himself might have entered into or taken by virtue of the powers hereby granted.

5. The powers, authority and discretion hereby conferred upon Colonel Browning, or any portion or portions thereof, may be redelegated by him to whomsoever he may designate, with the power of redelegating such powers, in whole or in part, to any officer or officers or civilian official or officials of the War Department. In any delegation of power or authority hereunder there may be included such terms and conditions, if any, as the person making such delegation may deem appropriate to ensure proper exercise of such power and authority in the interest of the United States and of the prosecution of the war.

Robert P. Patterson,
Under Secretary of War.

The memorandum of the Under Secretary of War, dated June 1, 1942, referred to in the above memorandum, reads as follows:

Memorandum for Colonel Albert J. Browning, A. U. S.

Authority is hereby delegated to Colonel Albert J. Browning, A. U. S. to act for the Secretary of War and/or the Under Secretary of War in clearing, approving and taking other action in respect to Army Air Forces contracts, change orders, supplemental agreements, advance payments, awards, letters of intent, letter contracts, letter purchase orders, leases, amendments of contracts and other contractual instruments; to approve sales of Army Air Force equipment, supplies and materials; and to approve new War Department Army Air Force contract forms and deviations from approved forms of Army Air Force contracts.

The foregoing authority, or any portion thereof, is likewise delegated to such person or persons as may be designated in writing by Colonel Albert J. Browning, A. U. S.

The individual acting under the foregoing authority will so act as "Special Representative of the Under Secretary of War."

The foregoing authority shall remain in full force and effect until revoked by this office.

By direction of the Secretary of War:

Robert P. Patterson,
Under Secretary of War.

(h) *Authority delegated by these Procurement Regulations.* These regulations to the extent, and only to the extent, that they actually confer authority upon the chiefs of the supply services and other officers or civilian officials of the War Department to exercise power to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made and to make advance, progress and other payments thereon shall constitute a redelegation by the Commanding General, Services of Supply of the authority delegated to him as set forth in § 81.107 (e), and by the Special Representative of the Under Secretary of War of the authority delegated to him, as set forth in § 81.107 (g). The authority granted as provided in the preceding sentence, of course, does not dispense with the necessity of obtaining any approval expressly specified in any paragraph of these Procurement Regulations (see e. g. § 81.315 (a)). The chiefs of the supply services severally shall have power to redelegate the powers conferred upon them respectively by the first sentence of this paragraph to such officer or officers or civilian official or officials of the War Department as they severally may direct. This power of redelegation shall exist with respect to authority granted to the chiefs of the supply services under any paragraph of these Procurement Regulations whether or not express mention of the power of redelegation is made in any such paragraph. The exercise prior to the date of these regulations of any such authority by any such officer or officers or civilian official or officials is hereby ratified and confirmed in all respects.

(i) *Instructions on procedure.* Since the regulations are generally declaratory of policy only, it will be necessary for the chief of each supply service to publish appropriate instructions on procedure.

§ 81.109 [Rescinded]

Sections 81.110 to 81.112 are renumbered §§ 81.109 to 81.111, respectively, and amended as follows:

§ 81.109 *Prohibition against voluntary servitude.* No department or officer of the Government may accept voluntary service for the Government except in cases of sudden emergency involving the loss of human life or the destruction of property, or when a written statement is obtained that the service rendered will not be made the basis of a future claim against the Government for compensation.

§ 81.110 *Prohibition against use of troop labor and transportation.* (a) Except in cases of manifest necessity or when authorized by the Secretary of War, the labor of troops will not be used to enable the contractors to fulfill contracts.

(b) Whenever troop labor has been used:

(1) Authority therefor will be given in writing.

(2) A report enumerating in detail the service rendered will be forwarded to the Commanding General, Services of Supply.

(3) Full deduction will be made for the value of the service rendered.

§ 81.111 *Prohibition against purchases from officers or employees of the Government.* (a) No officer or employee of the War Department may act as an agent of the United States in advising, recommending, making or approving the purchase of supplies or other property, or in contracting therefor, if he would be admitted to share or receive directly or indirectly any pecuniary profit or benefit from such purchase or contract.

(b) No officer or agent of any corporation, joint stock company, or association, and no member or agent of any firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint stock company, association or firm.

§ 81.302 *Definitions.* * * *

(c) *Contracting officer.* A contracting officer is an officer or civilian official of the War Department who has been designated by any one of the following persons, or by their direction, or in accordance with such orders and regulations as they may prescribe for their respective commands, to execute contracts on behalf of the United States:

(1) The Secretary of War.

(2) The Under Secretary of War.

(3) The Commanding General in a Theatre of Operations.

(4) The Commanding General, Matériel Command, Army Air Forces.

(5) The Director, Purchases Division, Services of Supply.

(6) The Chief of any Supply Service.

* * * * *

§ 81.303 *General requirements for contracts.* Every purchase transaction except those where payment is made coincidentally with receipt of supplies will be evidenced by a written contract.

(a) The contract may be (1) a formal contract contained in one instrument and executed by both parties (2) an informal contract embodied in more than one instrument and signed by both parties or (3) an informal contract consisting of a written order signed by the contracting officer on behalf of the United States and not by the contractor.

(b) Purchase transactions of either of the following types will be evidenced by a formal contract:

(1) Transactions involving a delivery or performance that will extend over a period in excess of 180 days.

(2) Transactions, the contract price of which exceeds $500,000.

(c) All purchase transactions other than those specified in subparagraphs (1) and (2) of paragraph (b) of this section may be evidenced by informal contracts. Such informal contracts will be of the type described in paragraph (a) (2) of this section except that contracts of either of the following classes may be of the type described in paragraph (a) (3) of this section;

(1) Contracts which involve a contract price of less than $5,000 and which require only one payment.

(2) Contracts covering purchases made at public auction, at a produce exchange, or under similar conditions.

§ 81.305 *Numbering contracts.* * * *

Paragraph (c) is rescinded and paragraphs (d) and (e) are redesignated (c) and (d) respectively, the former being amended, as follows:

(c) *Example.* Based on paragraph (b) above, the following is the number of the first numbered contract executed by the Quartermaster, Fort Bragg, North Carolina:

W-159 qm-1.

(d) *Organized reserves.* * * *

§ 81.309 *Approval of contracts within the Supply Services.* A contract may be made by the contracting officer with or without the approval of higher authority within the supply service, as may be directed by the chief of the supply service concerned. If approval of such higher authority is required, (a) an appropriate approval article will be included in the contract, (b) all changes and deletions shall have been made before the contract is forwarded for such approval, and (c) the contract shall not be valid until such approval is given.

§ 81.315 *Supplemental agreements.* * * *

(b) *Form.* Supplemental agreements entered into pursuant to paragraph (a) of this section will be reduced to writing and signed by the contracting parties. Supplemental agreements will bear the same identification as the contract which is thereby modified or of the supply service concerned, in the order in which the modifications or amendments to the contract are issued. One continuous series of lettering or numbering as the case may be, will be used for each contract, even though it is modified or amended, both by supplemental agreements and change orders. Signed numbers and copies of supplemental agreements will be distributed in the same manner as is prescribed for the contracts to which they pertain, and the contracting officer will note on his retained copy of the supplemental agreement the date on which the contractor's number was delivered or mailed to him.

§ 81.316 *Adherence to approved forms.* The authority of §§ 81.315–81.319 will not be used for the purpose of authorizing a deviation from approved forms of War Department contracts, unless such deviation is authorized by these regulations nor will it be used for the purpose of making material changes in the character or terms of an award or contract previously approved by the Under Secretary of War or the Director, Purchases Division, Headquarters, Services of Supply. The same requirements and restrictions with respect to approved forms are applicable to supplemental agreements and change orders as are applicable to original contracts. Except as otherwise specifically provided to the contrary in § 81.1206 or in any other section of these procurement regulations, whenever any contract (either as originally drawn or as the same may have been modified, amended or supplemented) contains a provision covering the same subject matter as a clause prescribed by §§ 81.322 to 81.360, but in a form different from that therein prescribed, it will not be necessary, in executing any supplemental agreement or change order in connection with said contract, to amend such provision either with respect to the items which are the subject of the contract or with respect to the items which are the subject of the supplemental agreement or change order.

§ 81.321 *Advance payments.* * * *

Paragraph (f) is redesignated as follows:

(e) *Reports.* * * *

§ 81.321a *Telegraph charges in cost-plus-a-fixed fee contract*—(a) *General.* Under date of May 5, 1941, (Docket 6257) the Federal Communications Commission affirmed the position of the War Department that cost-plus-a-fixed-fee contractors are entitled to send official telegrams at Government rates. This order has been clarified by the Commission so as to require the telegraph companies to render separate bills covering service since May 1, 1942, for each contract and at Government rates. Government rates on the telegrams are fixed annually by order of the Federal Communications Commission. The Commission Order No. 98, dated May 26, 1942, covers the fiscal year July 1, 1942 to June 30, 1943.

(b) *Cost-plus-a-fixed-fee subcontracts executed under cost-plus-a-fixed-fee prime contracts.* The principle of the ruling of the Federal Communications Commission referred to in paragraph (a) of this section is regarded as extending to cost-plus-a-fixed-fee subcontracts executed under cost-plus-a-fixed-fee prime contracts.

(c) *Procedure.* The following procedure for the handling of such messages at Government rates is prescribed for the guidance of procurement agencies administering cost-plus-a-fixed-fee contracts and cost-plus-a-fixed-fee subcontracts executed under cost-plus-a-fixed-fee prime contracts:

All telegrams sent by contractors and subcontractors or their representatives which are necessary in connection with such cost-plus-a-fixed-fee contracts or subcontracts will bear a certificate signed by an authorized officer, employee or agent of the United States as follows:

> I certify that this message is on official business, is necessary in the public service, and will be paid by check on the Treasury of the United States from United States Funds.

Monthly invoices for telegrams must be certified and verified by the contractor or subcontractor, as the case may be. The contracting officer or his representative will certify and verify the particular contract. If in proper order and rendered in accordance with provisions of paragraphs (a) and (b) of this section, such telegrams will be paid by check on the Treasurer of the United States directly by a disbursing officer of the War Department. Such bills should not be sent to the Signal Corps for audit or payment. Invoices covering Government messages not submitted by the contractor or subcontractor by Government rates or not otherwise in proper form will be returned to the contractor or subcontractor for correction.

The Comptroller General has ruled that where direct payment is made by the Government to the telegraph companies for telegrams sent in connection with cost-plus-a-fixed-fee contracts, certified copies of such telegrams may be submitted in support of the invoices in lieu of submitting the original messages, as required by AR 35–6100, and the vendor's certificate provided for by AR 35–1040 will not be required, provided that the invoices are certified and verified both by the contractor and the contracting officer or his representative as being proper charges against the contract work.

In the absence of the originals of outgoing messages in connection with such contracts, all services are directed to exercise due caution to avoid duplication of payments for such messages.

§ 81.321b *Cable and radio messages in cost-plus-a-fixed-fee contracts.* Cable and radio messages sent by cost-plus-a-fixed-fee contractors, or their representatives, pertaining to cost-plus-a-fixed-fee contracts will also be paid for directly by the Government, and the procedure outlined in § 81.321a (c) will be followed in handling and in paying for such messages when transmitted by telegraph companies.

§ 81.332 *Government-owned facilities clause.* In those cases where the contractor is to procure necessary facilities for the account of the Government for use in connection with the work under the contract, and in those cases where the Government furnishes the contractor new facilities which the Government has acquired or will acquire directly, the contract will contain a clause substantially as follows:

* * * * *

(b) As each item of the facilities listed in Schedule A is delivered to, or manufactured by, the contractor, for the Government's account, it shall become and remain the property of the Government, and title thereto shall vest in the Government. (All of the facilities listed in Schedule B are the property of the Government, and title to them is, and shall remain, in the Government.)[1] The Government hereby grants to the contractor the right to use, without the payment of rental therefor, such facilities in connection with the work herein contracted for and, subject to the written approval of the Contracting Officer, for any additional work for which the Government may contract.

* * * * *

§ 81.359 *Telegrams, cablegrams, radiograms.* Every cost-plus-a-fixed-fee contract will contain a clause substantially as follows:

(a) The Government will pay directly for all telegraphic communications, cablegrams, radiograms, and similar messages that may be sent by the contractor pertaining directly to the contract for work to be done or materials to be furnished thereunder, and the Contractor is hereby designated as an agent of the Government for the purpose of causing to be transmitted any such messages, but not for the purpose of signing the certificate referred to in paragraph (b) below.

(b) All such messages hereafter sent by the contractor or his representatives in connection with this contract will bear a certificate signed by an authorized officer, employee or agent of the United States, as follows:

> I certify that this message is on official business, is necessary in the public service, and will be paid by check on the Treasurer of the United States from United States funds.

(c) Telephone messages (including teletype and facsimile, when authorized by the Contracting Officer to be installed) sent by the contractor or its representatives, in connection with this contract, shall be paid by the contractor tax free. Such payments by the contractor shall be accompanied by a tax exemption certificate.

§ 81.360 *Minimum wages.* Each contract subject to the Davis-Bacon Act will contain a clause substantially as follows:

> The minimum wages to be paid laborers and mechanics on this project, as determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the pertinent locality, are as follows:

Classification of laborers and mechanics	Minimum rates of wages per hour

Any class of laborers and mechanics not listed in the preceding paragraph, which will be employed on this contract, shall be classified or reclassified conformably to the foregoing schedule. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question, accompanied by the recommendation of the contracting officer, shall be referred to the Secretary of Labor for final determination.

PROCUREMENT AND PURCHASE OF SUPPLIES

§ 81.601 *Rescission of regulations.* Army Regulations 5–300, December 10, 1936, as amended; Army Regulations 5–320, October 10, 1936, as amended; and all other prior directives and instructions relating to interbranch and interdepartmental procurement inconsistent herewith are hereby rescinded.

§ 81.602 *Definitions*—(a) *Procurement responsibility.* The term "procurement responsibility" as used in this Procurement Regulation No. 6 means the responsibility assigned to a designated service or services to make all necessary arrangements short of actual purchase for the procurement of a given item or class of items. This responsibility includes procurement planning, preparation of estimates, defense of such estimates and custody of funds.

(b) *Purchase responsibility.* The term "purchase responsibility," as used in this Procurement Regulation No. 6, means the responsibility assigned to a designated service to buy, inspect and accept from industry or produce in Government-owned establishments under such service, a given item, component part thereof, or class of items.

PROCUREMENT RESPONSIBILITY AND PURCHASE RESPONSIBILITY

§ 81.603 *Action of Procurement Assignment Board.* When reference is hereinafter in this section made to the assignment of procurement responsibility and purchase responsibility by the Procurement Assignment Board, Headquarters, Services of Supply, it will be understood that such action is to be taken only upon the approval of the Director of Procurement. When such action is to be taken in regard to an item in which the Army Air Forces have a substantial interest it will be further understood that the Army Air Forces will be given an opportunity to be heard on the matter, and that if the Army Air Forces disagree with any action proposed to be taken by the Procurement Assignment Board, an effort will be made by the Director of Procurement to reconcile the disagreement by a conference with a representative designated by the Commanding General, Matériel Command, Army Air Forces; and that, in the event that a satisfactory agreement cannot be reached in this manner, the Director of Procurement and the representative of the Army Air Forces will jointly prepare a brief setting forth their respective views on the matter, which brief shall be submitted to the Under Secretary of War, who shall make the final decision.

§ 81.604 *Assignment of procurement and purchase responsibility.* The Procurement and Assignment Board shall have authority, with the approval of the Director of Procurement, to assign procurement responsibility and purchase responsibility in regard to all items or classes of items. Such responsibilities may be assigned to the same service or to different services. Appendix I to these procurement regulations contains a list of items and classes of items, for which procurement and purchase responsibility have been assigned by the Procurement Assignment Board. Additions to and changes in this list will be made from time to time. Procurement responsibility and purchase responsibility for a given item or class of items will remain with the service or services exercising such responsibilities unless and until otherwise assigned by the board.

(a) In any given transaction, purchase of any item may be effected by a service other than the service having purchase responsibility provided that (1) the service having purchase responsibility has first been consulted and has expressed its agreement and (2) a report of the transaction is made to the Procurement Assignment Board, Headquarters, Services of Supply, promptly after the completion of the transaction.

(b) The purpose of assigning purchase responsibility as a separate and distinct function is (1) to permit centralization of purchase or purchase control and thereby to eliminate competition among the several supply services purchasing from industry, (2) to secure for the War Department the advantages incident to mass buying, and (3) to facilitate the control of purchasing procedure in cases where War Production Board Limitation Orders affect the supply of raw material and manufactured articles. Responsibility for inspection and acceptance in regard to a particular item or class of items may be assumed by the service having procurement responsibility, provided such procedure is agreed upon by the service having purchase responsibility in regard to such item or class of items.

§ 81.605 *Procedure.* (a) All services requiring an item or class of items, for which procurement responsibility has been assigned to another service, will furnish to the service charged with procurement responsibility statements of their requirements at such times as such statements may be called for by the service having procurement responsibility. This will enable the service having procurement responsibility to make provision for adequate funds on an annual and supplemental basis.

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[1] Use these provisions only where the Government is furnishing facilities which it has acquired, or will acquire, directly.

In addition, in the event that a service has an unusual or emergency requirement for such an item or class of items, it will furnish a statement of such requirement to the service having procurement responsibility.

(b) The service having procurement responsibility will forward to the service having purchase responsibility at such times as may be specified by the service having purchase responsibility requisitions for normal periodic requirements (in which will be consolidated, with the requirements of the service itself, the requirements of any other services which have furnished statements pursuant to paragraph (a) of this section.

(c) The service having procurement responsibility will forward, in the most expeditious manner practicable, requisitions for unusual or emergency requirements to the service having purchase responsibility, and will confirm such requisitions by a formal requistion.

(d) Each requisition will contain a certificate of availability of funds and citation of the applicable procurement authority.

(e) When practicable, requisitions will call for not less than minimum carload lots.

(f) Commercial units will be the basis of all requisitions.

(g) Requisitions will be filed as a result of individual or collective purchases. No attempt will be made by the service having only purchase responsibility for a particular item or class of items to maintain depot stocks of such item or class of items from which requisitions could be filled. Any such depot stocks will be maintained by the service having storage and issue responsibility.

§ 81.805 *Cost-plus-a-fixed-fee contracts.* (a) * * *

(b) Telephone messages sent by cost-plus-a-fixed-fee contractors or their representatives, in connection with such contracts may be paid by the contractor tax free. Such payments by the contractor should be accompanied by a tax exemption certificate. The contract provision relating to this subject is set forth in § 81.359.

§ 81.811 *Standard tax exemption forms.* * * *

Paragraphs (d) and (e) are redesignated (c) and (d) respectively, paragraph (c) having been rescinded.[1]

§ 81.812 *Preparation and execution; identification cards*—(a) *Preparation and execution.* (1) In the preparation of tax exemption certificates the typewriter will be used when practicable; otherwise ink or indelible pencil will be used. The use of ordinary lead pencil is prohibited. All blank spaces must be properly filled in or lined out, and no such exemption certificate will be delivered to a contractor unless fully and properly executed, except that the Bureau of Internal Revenue has advised that it is not necessary to state the amount of Federal tax upon the exemption certificate (Ltr. to the Chief Signal Officer from D. S. Bliss, Deputy Commissioner of Internal Revenue, June 19, 1942). The amount of tax should be stated, however, if readily available. If at the time of entering into a contract for articles or supplies to be sold for the exclusive use of the Government or for exportation under the Lend-Lease Act, Federal tax excluded, it is impossible to determine the amount of such taxes, for example as in the case of an indefinite quantity contract, it is permissible to issue a blanket tax exemption certificate to cover all sales under the contract. The certificate should cover all articles purchased under such contract, including delivery orders placed thereunder by other officers. As to blanket tax exemption certificates covering purchases under contracts of the General Schedule of Supplies, see paragraph (c) of this section.

* * * * *

§ 81.905 *Applicability of eight-hour law.* The basic law applies to contracts for work which may require or involve the employment of laborers or mechanics. It does not apply to the following classes of contracts:

* * * * *

(f) *Qualification of exceptions.* In exceptions contained in paragraphs (a) to (e) (but not the exception for Walsh-Healey contract) are subject to the qualifications contained in the Act that the basic law shall apply to "all classes of work which have been, are now, or may hereafter be performed by the Government * * *". The meaning of this qualification is not clear since, taken literally, it would nullify the exceptions. (See 29 Op. A. G. 505 (1912).) Accordingly, it is suggested that unless the work is of a nature which has habitually been performed by the Government, said exceptions should be disregarded.

§ 81.911 *Applicability of Davis-Bacon Law.* * * *

(d) *Exceptions.* * * *

(4) Wage rates payable to employees of railroads operating under collective bargaining agreements which are subject to the provisions of the Railway Labor Act. (Letter of Secretary of Labor to Secretary of War, dated March 14, 1942)

The regulations formerly in § 81.914 are now contained in § 81.360. Accordingly § 81.914 has been deleted and § 81.915 has been redesignated § 81.914 as follows:

§ 81.914 *Underpayment of wages.* * * *

OVERTIME WAGE COMPENSATION

§ 81.962 *Executive Order.* Executive Order No. 9240, dated September 9, 1942 (7 F.R. 7159) with Article V as amended by Executive Order No. 9248, dated September 17, 1942 (7 F.R. 7419), reads as follows:

REGULATIONS RELATING TO OVERTIME WAGE COMPENSATION

WHEREAS many labor organizations have already adopted the patriotic policy of waiving double time wage compensation or other premium pay for work on Saturday, Sunday and holidays, as such, for the duration of the war; and

WHEREAS it is desirable and necessary in the prosecution of the war, and to insure uniformity and fair treatment for those labor organizations, employers, and employees who are conforming to such wage policies that this principle be universally adopted:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the statutes, as President of the United States and as Commander in Chief of the Army and Navy, *It is hereby ordered:*

I. That the following principles and regulations shall apply for the duration of the war to the payment of premium and overtime wage compensation on all work relating to the prosecution of the war:

A. No premium wage or extra compensation shall be paid to any employee in the United States, its territories or possessions, for work on Saturday or Sunday except where such work is performed by the employee on the sixth or seventh day worked in his regularly scheduled workweek and as hereinafter provided.

(1) Where because of emergency conditions an employee is required to work for seven consecutive days in any regularly scheduled workweek a premium wage of double time compensation shall be paid for work on the seventh day.

(2) Where required by the provisions of law or employment contracts, not more than time and one-half wage compensation shall be paid for work in excess to eight hours in any day or forty hours in any workweek or for work performed on the sixth day worked in any regularly scheduled workweek.

B. No premium wage or extra compensation shall be paid for work on customary holidays except that time and one-half wage compensation shall be paid for work performed on any of the following holidays only:

New Year's Day
Fourth of July
Labor Day
Thanksgiving Day
Christmas Day

and either Memorial Day or one other such holiday of greater local importance.

II. All Federal departments and agencies shall conform the provisions in all existing and future contracts negotiated, executed, or supervised by them to the policies of this order. All such departments and agencies shall immediately open negotiations to alter provisions in existing contracts to conform them to the requirements of this order.

III. Nothing in this order shall be construed as requiring a modification of the principle that every employee should have at least one day of rest in every seven days. The continuous operation of plants and machines in prosecuting the war does not require that employees should work seven consecutive days.

IV. Nothing herein shall be construed as superseding or in conflict with the provisions of the statutes prescribing the compensation hours of work and other conditions of employment of employees of the United States.

V. All Federal departments and agencies affected by this order shall refer to the Secretary of Labor for determination questions of interpretation and application arising hereunder. In any industry or occupation in which the Secretary finds that a wage stabilization agreement approved by a Government department or agency is operating satisfactorily, or in any industry or occupation in which the Secretary finds that a wage stabilization agreement approved by a Government department or agency is operating satisfactorily, or in any industry or occupation in which the Secretary finds that the nature and exigencies of operations make such action necessary or advisable for the successful prosecution of the war, the Secretary may determine that any or all of the provisions of this order shall not apply to such industry or occupation or to any classes of employees therein.

VI. The provisions of this order shall become effective October 1, 1942.

FRANKLIN D ROOSEVELT

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[1] 7 F.R. 8164.

§ 81.963 *Elimination of inconsistencies through amendment of contracts; nonreimbursement, etc.* By memorandum dated September 17, 1942, (see S.O.S. Circ. 65) the Under Secretary of War acting jointly with the Under Secretary of the Navy and the Chairman of the Maritime Commission, issued instructions reading in part as follows:

> 2. Wherever any contract of the War Department, the Navy Department, or the Maritime Commission contains a provision which required the payment of overtime or premium wages in a manner inconsistent with the provisions of Executive Order No. 9240, contracts will be amended to eliminate such inconsistency for the period beginning October 1, 1942, and no future contract will contain any such inconsistent provision. It is not required that any amendment be made of the usual contract articles included with respect to the provisions of the Walsh-Healey Act, the Eight Hour Law, and the Fair Labor Standards Act of 1938, all as amended.
>
> 3. On and after October 1, 1942, no reimbursement of cost will be made under any cost-plus-a-fixed-fee contract nor will any recognition be given for inclusion in the case of Navy so called "price-minus" contracts, of any cost which represents the payment of premium or overtime compensation at rates or under circumstances which are not permitted by the foregoing order.

§ 81.964 *Current interpretations.* The Secretary of Labor has issued interpretations of Executive Order Number 9240 as amended. Certain of these are contained in an official release dated September 25, 1942 and a letter of the same date to the Under Secretary of War. Extracts from these are contained in paragraphs (a) and (b) of this section.

(a) *Basic purposes of the order as stated by the Secretary of Labor.* "* * * The order seeks to accomplish two basic purposes. It is designed, first, to facilitate "round-the-clock" war production by removing the absenteeism which frequently results from premium pay for work on Saturday and Sunday as such, and second, it seeks wider application, in the interest of efficiency and health, of the salutary principle that every worker shall have one day of rest in seven * * *" (2nd paragraph, release of September 25, 1942)

(b) *The work to which Executive Order No. 9240, as amended, is applicable.* The order applies to "all work performed by prime contractors on Government war contracts, by their subcontractors and those who make the materials and supplies necessary for the performance of such contracts and subcontracts. If the employer is engaged both in war work and in work unrelated to the prosecution of the war, the order would apply in the absence of segregation. The order should be construed liberally." (Section 7, release of September 25, 1942)

(c) *Classes of employees to which the order is applicable.* "The question as to which classes of employees in a covered industry or plant are within the terms of the order should be resolved by determining how the purposes of the order can best be achieved. The order would not apply, for example, to executive or supervisory employees whose compensation is not customarily or by requirements of applicable statutes or agreements based upon the number of hours worked in any day or the number of days worked in any workweek. On the other hand, the order would apply to production, maintenance, and office employees whose compensation is usually related to the number of hours and days worked." (Section 8, release of September 25, 1942)

(d) *Premium pay for any calendar day as such prohibited.* "* * * Premium wages and extra compensation for work on Saturday and Sunday [as such] * * * are prohibited * * * [and] any attempt to vest any other day of the week, as such, with an unusual status calling for extra pay would be an evasion of the purposes of the order * * *" (Section 1, release of September 25, 1942)

(e) *When double time for seventh consecutive day worked not mandatory.* "* * * when work is actually performed on any seven consecutive days, double time must be paid for the work on the seventh day, unless by agreement the employer and employees have arranged a mutually satisfactory work schedule which affords a day of rest in each regular work week. A regular work week would be seven successive days starting on the same calendar day each week * * *" (Section 2, release of September 25, 1942)

(f) *Computation of number of days worked.* "The order does not require that any particular number of hours be worked in any day for that day to be regarded as a day worked under paragraphs I (A) (1) and I (A) (2)." (Section 4, release of September 25, 1942)

(g) *Same: Inability to work.* Whether or not seven or six days have been worked in any work week within the meaning of paragraphs I (A) (1) and I (A) (2), respectively of the order, where, through no fault of the employee, he does not work on one of the previous work days in the work week, although he is ready and willing to do so, "* * * [will] upon the circumstances of each case, and [the question] is generally to be solved in accordance with the custom, practice or agreement in the industry or plant * * *" (Section 3, release of September 25, 1942). Thus, "where the employee reports for work pursuant to instructions and is sent home, such days will be considered days actually worked where so regarded by custom, practice or agreement in the industry or plant." (Footnote No. 2, release of September 25, 1942)

(h) *Same: absenteeism.* "* * * since one of the purposes of the order is to discourage absenteeism, where the employee absents himself for reasons of personal convenience the day is not included in the computation." (Section 3, release of September 25, 1942)

(i) *Same: enumerated holidays included in the computation.* "* * * Since it is the purpose of the order to give recognition to the enumerated days as holidays, they should be counted as days worked for the purpose of computation of the seventh and sixth days of work under paragraphs I (A) (1) and I (A) (2) whether or not work is actually performed and whether or not compensation is paid for the holidays if no work is performed." (Section 5, release of September 25, 1942)

(j) *Premium pay on holidays: when forbidden.* (1) "* * * Double time on holidays is forbidden unless such holidays fall on the seventh worked under paragraph I (A) (1) [of the order] * * *". (Section 5, release of September 25, 1942)

(2) Time and one-half on undesignated holidays is forbidden unless such holidays fall on the sixth day worked in any regularly scheduled work week under paragraph I (A) (2) of the order, and unless such premium pay is "* * * required by the provisions of law or employment contracts * * *". (Paragraph I (A) (2), Executive Order 9240)

(k) *Same: when mandatory.* "* * * time and a half is required for work on the six holidays named [in the order] * * *". (Section 5, release of September 25, 1942)

(l) *Same: not pyramided.* See paragraph (o) herein.

(m) *Other kinds of premium payments not prohibited.* It is not the intention of the order "* * * to prevent the payment of special compensation under other justifiable circumstances which do not depend upon the number of hours or days worked in a week. [For example], if the parties agree, or if the custom has been to provide for premiums for working on late shifts, the order does not prevent the continuance of such arrangements." (Paragraph (f), letter of September 25, 1942)

(n) *Employment contract for time and one half for work for the sixth day worked may be implied.* An employer may, consistent with paragraph I (A) (2) of the order, continue to pay the employees time and one half for the sixth day worked even though no express employment contract or applicable law so requires, since past custom has the force of an implied term in the employment contract. (See paragraph (g), letter of September 25, 1942)

(o) *Premium rates not pyramided.* "Where particular work is subject to different premium rates under separate paragraphs of the order or applicable statutes, (e. g. work on a holiday which is also the seventh successive day of work), the order does not require that the several premium rates by pyramided, but does require that the highest single rate be paid.

§ 81.965 *Exceptions*—(a) *Shipbuilding stabilization agreement.* Work in the shipbuilding and ship repair industry has been excepted from the provisions of the order for a period of 60 days from October 1, 1942, as more fully set out in an order of the Secretary of Labor, dated September 30, 1942.

(b) *Building trades stabilization agreement.* Work on construction projects subject to the wage stabilization agreement for the building and construction trades industry engaged in war construction (July 1941) is exempted from the provisions of Executive Order No. 9240. The agreement is entitled "Memorandum of Agreement between the Representatives of Government Agencies Engaged in Defense Construction and the Building and Construction Trades Department of the American Federation of Labor." (See order, Secretary of Labor, September 30, 1942)

(c) *Miscellaneous.* The order does not extend to enterprises which are not engaged in the manufacture either of any product used by the Government in the prosecution of the war, or of any product used by a Government contractor or subcontractor in the manufacture of war products. Enterprises which provide public transportation or communication facilities, storage, distribution, or warehousing facilities, etc., are not covered by the order. Accordingly, employees of railroads, air lines or other common or contract carriers, seagoing personnel, longshoremen, dock workers, and similar waterfront workers, are not within the order. Employees of telephone and telegraphic companies engaged in the normal communication operations of such companies are also excluded as are employees of power and light and other public utility companies who do not manufacture any war products but merely furnish power or other facilities for their manufacture. As to the distribution field, employees of wholesalers who do not process any war products, and employees of warehouses not engaged in any processing activity and the brokers who merely buy and sell the materials were not intended to be covered by the terms of the order. (Statement of Secretary of Labor, October 3, 1942)

§ 81.966 *Future interpretations.* (a) Paragraph V of Executive Order No. 9240, as amended, requires that all questions of its interpretations and application will be referred to the Secretary of Labor. Such questions requiring action by the Secretary of Labor insofar as they are posed by representatives of the War Department, will be directed to the Director of the Civilian Personnel Division, Services of Supply, who will take any necessary steps to obtain such interpretations in appropriate cases. The Director of Civilian Personnel will clear with the Director, Purchases Division, all such questions relating to contracting or procurement procedure. Interpretations of Executive Order 9240, made by the Secretary of Labor from time to time will be promptly forwarded to the chiefs of supply services, and to the Commanding General, Matériel Command, Army Air Forces, and will be summarized for inclusion in these regulations or in Services of Supply circulars. Auditors, Finance Officers, and other persons reviewing War Department vouchers and payments will present to the Director of Civilian Personnel, through the Director, Fiscal Division, all requests for instructions as to the application of the Executive Order to fiscal matters.

(b) *Requests for interpretations will be prepared in the following form and submitted in triplicate:*

(1) A brief statement of the question for which interpretation is requested.

(2) A statement as to the person, official, department, or organization requesting the interpretation.

(3) Any facts or comments which are necessary for interpretation. These comments should not exceed one or two paragraphs.

WAGE AND SALARY STABILIZATION

§ 81.967 *Executive Order No. 9250,* dated October 3, 1942, establishes a national wage and salary stabilization policy pursuant to the Act of October 2, 1942 entitled "An Act to Amend Emergency Price Control Act of 1942, to Aid in Preventing Inflation, and for Other Purposes". Titles II, III, and VI of the order deal with wage and salary stabilization, and, in general, provide that the administration and enforcement of the stabilization policy will be under the direction of the National War Labor Board and of the Economic Stabilization Director.

(a) Title II of Executive Order No. 9250 provides in part:

> 1. No increases in wage rates, granted as a result of voluntary agreement, collective bargaining, conciliation, arbitration, or otherwise, and no decreases in wage rates, shall be authorized unless notice of such increases or decreases shall have been filed with the National War Labor Board and unless the National War Labor Board has approved such increases or decreases.
>
> 2. The National War Labor Board shall not approve any increase in the wage rates prevailing on Sept. 15, 1942, unless such increase is necessary to correct maladjustments or inequalities, to eliminate substandards of living, to correct gross inequities, or to aid in the effective prosecution of the war.
>
> *Provided, however,* That where the National War Labor Board or the Price Administrator shall have reason to believe that a proposed wage increase will require a change in the price ceiling of the commodity or service involved, such proposed increase, if approved by the National War Labor Board, shall become effective only if also approved by the Director.
>
> 3. The National War Labor Board shall not approve a decrease in the wages for any particular work below the highest wages paid therefor between Jan. 1, 1942, and Sept. 15, 1942, unless to correct gross inequities and to aid in the effective prosecution of the war.
>
> 4. The National War Labor Board shall, by general regulation, make such exemptions from the provisions of this title in the case of small total wage increases or decreases as it deems necessary for the effective administration of this order.
>
> 5. No increases in salaries now in excess of $5,000 per year (except in instances in which an individual has been assigned to more difficult or responsible work), shall be granted until otherwise determined by the Director.
>
> 6. No decreases shall be made in the salary for any particular work below the highest salary paid therefor between Jan. 1, 1942 and Sept. 15, 1942, unless to correct gross inequities and to aid in the effective prosecution of the war.

* * * * *

(b) Title III, paragraphs 3 and 4, provide:

> 3. No provisions with respect to wage contained in any labor agreement between employers and employes (including the shipbuilding stabilization agreements as amended on May 16, 1942, and the wage stabilization agreement of the building construction industry arrived at May 22, 1942) which is inconsistent with the policy herein enunciated or hereafter formulated by the Director shall be enforced except with the approval of the National War Labor Board within the provisions of this order. The National War Labor Board shall permit the shipbuilding stabilization committee and the wage adjustment board for the building construction industry, both of which are provided for in the foregoing agreements, to continue to perform their functions therein set forth, except in so far as any of them is inconsistent with the terms of this order.
>
> 4. In order to effectuate the purposes and provisions of this order and the act of October 2, 1942, any wage or salary payments made in contravention thereof shall be disregarded by the executive departments and other governmental agencies in determining the costs or expenses of any employer for the purpose of any law or regulation, including the Emergency Price Control Act of 1942 or any maximum price regulation thereof, or for the purpose of calculating deductions under the revenue laws of the United States or for the purpose of determining costs or expenses under any contract made by or on behalf of the government of the United States.

(c) Title IV, paragraph 1 provides:

> 1. The prices of agricultural commodities and of commodities manufactured or processed in whole or in substantial part from any agricultural commodity shall be stabilized, so far as practicable, on the basis of levels which existed on Sept. 15, 1942, and in compliance with the act of Oct. 2, 1942.

(d) Pending the establishment by the War Labor Board and the Economic Stabilization Director of procedures and regulations for the administration and interpretation of the Executive Order, officials and civilian employees of the War Department will not approve any modification of the wages and salaries paid by any War Department contractor.

§ 81.1101 *Discounts in purchasing.* (a) All purchases made directly by the War Department regardless of the method used (after advertising or by negotiation), when made on a firm price basis, will be made without regard to seller's offer of prompt payment or cash discount provisions.

(b) For all purchases hereafter initiated, all prompt payment or cash discount provisions in invitations for bids, requests for quotations or estimates, or other purchase instruments will be deleted. All requests for bids, formal or informal, will contain a clause reading substantially as follows:

> No offers of prompt payment or cash discounts will be rendered to or considered by the Government.

(c) Nothing in paragraphs (a) and (b) of this section will be construed to apply to:

(1) Purchases made from a contractor under circumstances where the contractor has no competition,

(2) Purchases made under a contract executed by another Federal department or agency, or

(3) A cash discount offered after acceptance of an offer and making of award.

§ 81.1303 *W. D. Contract Form No. 3.*

Contract No. ------

FIXED FEE CONSTRUCTION CONTRACT

WAR DEPARTMENT

Contractor and address:
Contract for construction of:
Location:
Fixed fee:
Estimated construction cost exclusive of fixed fee:
Payment:
To be made by --------------, U. S. Army, at: -------------

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

This contract is authorized by the following laws:

Fixed Fee Construction Contract

This contract, entered into this -------- day of ------------, 194--, by The United States of America (hereinafter called the Government) represented by the Contracting officer executing this contract, and -- --

*a corporation organized and existing under the laws of the State of ---------------- --

*a partnership consisting of---------------- -- --

*an individual trading as------------------ of the City of ---------------- in the State of -------------- (hereinafter called the Contractor), witnesseth that:

Whereas the Government desires to engage the services of a Contractor to perform the work and services hereinafter set forth; and

Whereas the accomplishment of the said work under a fixed-fee contract entered into after negotiations approved by the Secretary of War, and without advertising for proposals, is authorized by law and will facilitate the prosecution of the war, and

Whereas as a result of such negotiations, the Secretary of War has directed that the Government enter into a fixed-fee contract with the Contractor for the accomplishment of the said work:

Now, therefore, the parties hereto do mutually agree as follows:

ARTICLE I. *Statement of work.*

1. The Contractor shall, in the shortest possible time, furnish the labor, materials, tools, machinery and equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: -- -- all in accordance with the drawings and specifications or instructions contained in Appendix "A" hereto attached and made a part hereof, or to be furnished hereafter by the Contracting Officer and subject in every detail to his supervision, direction and instructions.

2. The Contractor shall also perform management services which shall include, among other functions, the scheduling and/or purchasing of items of materials and equipment to avoid any delays in the prosecution of the work hereunder. The Contractor shall advise and consult with the subcontractors on this project and shall direct and supervise their work, subject to the provisions of Article VII; and shall, subject to the direction of the Contracting Officer, store materials and equipment for use in connection with the project.

3. It is estimated that the construction cost of the work listed in Section 1 of this Article will be------------------------------ -- dollars ($------------), exclusive of the Contractor's fee, and that the work herein contracted for will be ready for utilization by the Government on or before-------------------. It is expressly understood, however, that neither the Government nor the Contractor guarantee the correctness of either of these estimates. In consideration of his undertaking under this contract the Contractor shall receive the following:

a. Reimbursement for expenditures as provided in Article II.

b. Rental for Contractor's equipment as provided in Article II.

c. A fixed fee in the amount of----------- -- dollars ($----------), which shall constitute complete compensation for the Contractor's services including profit and all general overhead expenses.

4. When in the opinion of the Contracting Officer it is to the best interest of the Government, the Contractor shall when so ordered or authorized, subcontract any or all items or classifications of work required under this contract or subsequently added thereto. Such subcontracting of work, or the performance thereof with the Contractor's own forces, regardless of the amount and/or extent of work performed or subcontracted, all with the prior written approval or order of the Contracting Officer, shall entail no adjustment in the fixed fee stipulated in Section 3c of this Article has been determined in the light of the fact that all of the work may be subcontracted pursuant to the foregoing provision. Such fee includes compensation for the services which may be rendered by the Contractor in the negotiation, supervision, and coordination of any work subcontracted and the responsibilities assumed by the Contractor in connection therewith, and is deemed to be reasonable, regardless of the amount or extent of work performed or subcontracted.

5. The Contracting Officer may at any time by written order issue additional instructions, require additional work or services or direct the omission of work or services covered by this contract. If such changes cause a material increase or decrease in the amount or character of the work to be done under this contract an equitable adjustment of the amount of the fixed fee to be paid the Contractor shall be made and the contract shall be modified in writing accordingly. Any claim for adjustment under this Article must be asserted within 10 days from the date the change is ordered. Nothing provided in this Article shall excuse the Contractor from proceeding with the prosecution of the work so changed. There shall be no adjustment in the amount of the fixed fee as provided herein, nor any claim therefor because of any errors and/or omissions made in computing the estimated cost of the construction of the work under this contract or where the actual cost varies from the estimated cost.

ART. II. *Cost of the work.*

1. *Reimbursement for contractor's expenditures:* The Contractor shall be reimbursed in the manner hereinafter described for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer and as are included in the following items:

a. All labor, materials, tools, machinery, equipment, supplies, services, utilities, power, and fuel necessary for either temporary or permanent use for the benefit of the work.

b. All subcontracts made in accordance with the provisions of this contract.

c. Rental actually paid by the Contractor, at rates not to exceed those approved by the Contracting Officer, for construction plant in sound and workable condition exceeding $300 in value as may be necessary for the proper and economical prosecution of the work. Each contract for the rental of construction plant or parts thereof by the Contractor from third parties shall be in a form prescribed by the Contracting Officer and shall be subject to his approval and shall include provisions 1. that title to such construction plant or parts thereof free of all liens and encumbrances shall vest in the Government when and if the total rental paid and/or accrued to the lessor for any item of construction plant or parts thereof shall equal the approved value thereof plus one percent (1%) of the approved value per month for each contract month or fraction thereof such piece of equipment shall have been in use, and that on demand the lessor will deliver to the Contracting Officer such evidences of title as he shall demand; and 2, that at any time prior to termination of such rental agreement, the Government may at its option purchase any piece of equipment by paying the lessor the difference between the valuation of such piece of equipment plus one percent (1%) of the approved value per month for each contract month or part thereof such piece of equipment shall have been in use, and the total rental theretofore paid for such piece of equipment: *Provided, however,* That either of such provisions may be omitted from such rental agreements if the omission is approved by the Chief of the Supply Service.

d. Unloading and assembling at the site of the work of construction plant owned or rented by the Contractor; transportation thereof to the place or places where it is to be used in connection with said work, dismantling, unloading and return transportation to the point of original shipment or equivalent mileage, but in no event will the payment made for return transportation exceed the payment made for transportation to the job site unless such excess cost results solely from an increase of freight rates, or is required by Government transfer of such equipment to another site more distant from the point of origin than the site of the work set out in Article I hereof. Charges for transportation over distances in excess of 500 miles must have the written authorization of the Contracting Officer in advance. Loading at the site of origin and unloading when returned to the original shipping point or other return shipping point will not be paid by the Government and is not a reimbursable item.

e. Repairs and repair parts as are not included in the rental or are not made necessary by the fault or negligence of the Contractor or his employees.

f. Transportation charges on materials and supplies.

g. Transportation and traveling expenses to the work of the necessary field forces for the economical and successful prosecution of the work, and return when such services are no longer required; expenses of procuring labor and expediting the production and transportation of material and equipment. Expenditures under these items shall be either authorized or approved in writing by the Contracting Officer.

h. Salaries of resident engineers, superintendents, timekeepers, foremen, and other field employees of the Contractor in connection with the work. In case the full time of any field employee of the Contractor is not applied to the work, his salary shall be included in this item only in proportion to the actual time applied thereto. No person shall be assigned to service by the Contractor as superintendent of construction, chief engineer, chief purchasing agent, chief accountant, or similar position in the Contractor's field organization, or as principal assistant to any such person, until there has been submitted to and approved by the Contracting Officer a statement of the qualifications, experience, and salary of the person proposed for such assignment. The regular salary or compensation rate of any such person shall not be in excess of the highest salary or compensation rate received by him during the year preceding the date of this contract plus such increase as the Contracting Officer may approve. The payment of any excess salary over such scheduled amounts shown in the approved salary schedule, Appendix C, attached hereto and made a part hereof shall not be reimbursable, unless and until the Chief of the Supply Service has so approved in writing.

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*Delete all lines which do not apply.

i. Buildings, trade fixtures and equipment required for necessary field offices, commissaries, hospitals, and other facilities, and the cost of maintaining and operating such field offices, commissaries, hospitals and other facilities: *Provided*, That the Contractor may enter into a contract with any third party or parties for the operation of the commissaries, hospitals, or other facilities provided for herein, in which event such contract shall be reduced to writing and the terms thereof subject to the prior written approval of the Contracting Officer.

j. Temporary rights in land required in connection with the work.

k. Premiums on such bonds and insurance policies as the Contracting Officer may approve or require as reasonably necessary for the protection of the Government or the Contractor. In every instance where this contract requires or permits the United States to pay the premium on a bond or insurance policy either directly or ultimately as a reimbursable item, the bond or insurance policy shall contain an indorsement or other recital excluding by appropriate language any claim on the part of the insurer or obligor to be subrogated, on payment of a loss or otherwise, to any claim against the United States.

l. Losses and expenses, not compensated by insurance or otherwise (including settlements made with the written consent of the Contracting Officer), actually sustained by the Contractor in connection with the work and found and certified by the Contracting Officer to be just and reasonable unless reimbursement therefor is expressly prohibited.

m. The cost of reconstructing and replacing any of the work destroyed or damaged, and not covered by insurance, but expenditures under this item must have the written authorization of the Contracting Officer in advance.

n. Payments from his own funds made by the Contractor under the Social Security Act, and any disbursements required by law, which the Contractor may be required on account of this contract to pay on or for any plant, equipment, process, organization, materials, supplies, or personnel; and, if approved in writing by the Contracting Officer in advance, permit and license fees and royalties on patents used, including those owned by the Contractor.

o. If the Contractor and/or his representative shall be required to travel, the Government will reimburse the Contractor for the transportation, including Pullman where necessary, and will allow for such travel Six Dollars ($6.00) per day in lieu of all other expenses. Transportation by automobile on such required travel shall be reimbursed at the rate of Five Cents ($.05) per mile as representing the actual cost of such transportation.

All travel shall be either authorized or approved in writing by the Contracting Officer. Should the Contractor, or any representative thereof, remain in a travel status in excess of six (6) days at any one time, not including the time consumed in travel, the cost for such excess travel status shall be at the expense of the Contractor, unless otherwise ordered in writing by the Contracting Officer.

p. When specifically approved in advance by the Contracting Officer, a reasonable allowance for work done in the Contractor's general offices exclusively for and directly chargeable to the work.

q. Disbursements incident to payment of payrolls, including but not limited to the cost of disbursing cash, necessary guards, cashiers, and paymasters. If payments to employees are made by check, facilities for cashing checks must be provided without expense to employees, and the Contractor shall be reimbursed therefor.

r. Such other items not expressly excluded by other provisions of this contract as should, in the opinion of the Contracting Officer, be included in the cost of the work. When such an item is allowed by the Contracting Officer, it shall be specifically certified as being allowed under this Subsection.

s. All expenditures for which reimbursement has not been made pursuant to Letter Contract dated ----------------, a copy of which is attached hereto. Such Letter Contract is hereby merged and superseded by this contract.[1] This Subsection s. shall be deemed to be included herein if and only if this contract is preceded by a Letter Contract.

2. *Rental for construction plant owned by contractor:*

a. Rental shall be paid to the Contractor for construction plant in sound and workable condition, owned and furnished by him for the proper and economical prosecution of the work, as shown in the attached "Appendix B" hereby made a part hereof, at rental rates prescribed by the Under Secretary of War in "Uniform Rental Rates for Contractor-Owned Construction Plant", August 27, 1941.

b. In the event the Contractor, with the approval of the Contracting Officer, furnishes additional equipment that is not included in "Appendix B", rental for such equipment will be paid in accordance with the said "Uniform Rental Rates for Contractor-Owned Construction Plants."

c. Except as otherwise specified herein, rental shall begin on the date of delivery of the construction plant to a common carrier for shipment to the site of the work, as evidenced by bill of lading or other satisfactory evidence covering such shipment. In the event the construction plant is conveyed by the Contractor, the rental shall start at the time transportation to the site begins; however, the rental paid shall not exceed that for the equivalent time of shipment by common carrier.

d. If such construction plant is not in sound and workable condition, to the satisfaction of the Contracting Officer, when delivered at the site of the work, the rental period therefor shall not begin until the construction plant shall have been placed in sound and workable condition at the expense of the Contractor, and rental therefor shall not be paid for any prior period.

e. If such construction plant cannot be placed in sound and workable condition within reasonable time to the satisfaction of the Contracting Officer, no transportation charges for the shipment thereof, to or from the site of the work, shall be paid.

f. The approved value of the construction plant as shown in "Appendix B" shall be deemed binding unless the Contracting Officer shall, within twenty days after such plant has been set up and working, modify or change such valuation. In the event a change is made in the valuation of the construction plant, a corresponding change shall be made in the rental rate in accordance with said "Uniform Rental Rates for Contractor-Owned Construction Plant". Thereafter the valuation and the related rental rate shall be binding unless the rental is modified as specified below.

g. Furnish within 15 days of the date of the receipt of written notice from the Contracting Officer, construction plant listed in "Appendix B": *Provided*, That the date upon which the Contractor is required to furnish such plant shall not precede the date on which such construction plant is listed as available in said "Appendix B". In the event the Contractor fails to furnish construction plant as required by such notice, the additional cost of acquiring replacement construction plant from any source other than the Contractor shall be paid by the Contractor and shall not be a reimbursable expenditure.

h. Rental for time consumed for repairs, in excess of the time normally required for such repairs as determined by the Contracting Officer, shall be deducted from the rental in the amount of one-thirtieth of the monthly rental rate for each day determined to be in excess. When in the opinion of the Contracting Officer the amount of repairs or maintenance is excessive, a deduction shall be made from the rental.

i. The payment of rental shall cease on a date to be established in a written notice by the Contracting Officer to the Contractor, that the Construction plant is no longer required. The date of release thus established shall include an allowance for the time necessary for final repairs, dismantling and loading for shipment.

GENERAL

3. Title to all materials, tools, machinery, equipment and supplies for which the Contractor shall be entitled to reimbursement under Article II shall vest in the Government at such point or points as the Contracting Officer may designate in writing: *Provided*, That the right of final inspection and acceptance or rejection of such materials, tools, machinery, equipment and supplies at such place or places as he may designate in writing is reserved to the Contracting Officer: *Provided further*, That upon such final inspection, the Contractor shall be given written notice of acceptance or rejection as the case may be. In the event of rejection, the Contractor shall be responsible for the removal of the rejected property within a reasonable time.

4. The work shall be executed in the best and most workmanlike manner by qualified, careful, and efficient workers, in strict conformity with the best standard practices.

5. Except as otherwise authorized by the Contracting Officer, all materials shall be of the best quality of their respective kinds. If the Contracting Officer requires that the Contractor submit for prior approval samples of materials proposed for use in the work covered by this contract, the Contractor shall make no commitments for such materials until the submitted sample has been approved by the Contracting Officer.

6. During the performance of this contract, the work shall be under the full-time resident direction of the Contractor, if an individual; of one or more principal partners if the Contractor is a partnership; or in case the Contractor is a corporation, association, or similar legal entity, one or more senior officers thereof: *Provided, however*, That the Contractor, whether an individual, a partnership, a corporation, or other legal entity, may be represented in the direction of the work by some person of a class other than those specified above, if the Contracting Officer gives his approval. In any event the Contractor shall not be entitled to be reimbursed for any salary, wages or like compensation paid for such direction of the work, whether performed by an individual, a partner, a corporate officer or other representative.

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[1] This Contract will bear same date as Letter Contract.

7. The Government reserves the right to furnish any materials, construction equipment, machinery, tools, or services, including communication services necessary for the completion of the work. The Contractor shall cause all equipment, machinery, and tools to which title is vested in the Government to be suitably marked with an identifying mark or symbol indicating that such items are the property of the United States. The Contractor shall maintain at all times, in a manner satisfactory to the Contracting Officer, records showing the disposition and/or use of all equipment, machinery, tools and materials purchased for the work and for which he has been reimbursed by the Government or which have been furnished by the Government. Upon the completion of this contract or upon demand, the Contractor shall return such equipment, machinery, tools and unused materials to the place designated by the Contracting Officer.

8. a. The Government reserves the right to pay directly to common carriers any or all freight charges on construction plant, materials, and supplies.

b. Insert [¶ 359] (§ 81.359).

9. The Government reserves the right to pay directly to the persons concerned all sums due from the Contractor for labor, materials, or other charges.

10. No salary of the Contractor, partners or corporate officers of the Contractor's organization shall be included in the cost of the work. No part of the expense incurred in conducting the Contractor's main office or regularly established branch offices, and no overhead expense of any kind, except as specifically authorized in Section 1 of this Article, shall be included in the cost of the work; nor shall any interest on capital employed or on borrowed money be included in the cost of the work.

11. The Contractor shall, to the extent of his ability, take all cash and trade discounts, rebates, allowances, credits, salvage, commissions, and bonifications, and when unable to take advantage of such benefits he shall promptly notify the Contracting Officer with the reason therefor. In determining the actual net cost of articles and materials of every kind required for the purpose of this contract, there shall be deducted from the gross cost thereof all cash and trade discounts, rebates, allowances, credits, commissions, and bonifications which have accrued to the benefit of the Contractor or would have so accrued but for the fault or neglect of the Contractor. Such benefits lost through no fault or neglect on the part of the Contractor, or lost through fault of the Government, shall not be deducted from gross costs.

12. All revenue received by the Contractor from the operations of the hospital, commissaries, or other facilities, or from rebates, discounts, refunds, etc., shall be accounted for by the Contractor and, except for any reasonable compensation accruing to a third party or parties for the operation of commissaries, hospitals, or other facilities, applied in reduction of the cost of the work.

ART. III. *Payments.*

1. *Reimbursement for cost:* The Government will currently reimburse the Contractor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original signed pay-rolls for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

2. *Rental for contractor's equipment:* Rental as provided in Article II for such construction plant or parts thereof as the Contractor may own and furnish shall be paid monthly upon presentation of proper vouchers.

3. *Payment of the fixed-fee:* Ninety percent (90%) of the fixed-fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer. Final payment upon completion of the work and its final acceptance shall be made in accordance with Section 5. If the contract is terminated by the Government, payment shall be made in accordance with Article VI.

4. *Payments by contractor:* If bills for purchase of material, machinery or equipment, or payrolls covering employment of laborers or mechanics incurred by the Contractor or by any subcontractor hereunder are not paid promptly by the Contractor or subcontractor as the case may be, the Contracting Officer may, in his discretion, withhold from payments otherwise due the Contractor an amount equivalent to the amount of any such bill or payroll. Should the Contractor neglect or refuse to pay such bills or pay-rolls or to direct any subcontractor to pay such bills or pay-rolls within five (5) days after notice from the Contracting Officer so to do, the Government shall have the right to pay such bills or pay-rolls directly, and in such event a deduction equal to five percent (5%) of the amount so paid directly shall be made from the Contractor's fee.

5. *Final payment:* Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee, less any sum that may be necessary to settle any unsettled claims in connection with this contract, or any claim the Government may have against the Contractor. The Contracting Officer shall accept the completed work with reasonable promptness. Prior to final payment and as condition thereto, the Contractor shall furnish the Government with a release of all claims against the Government arising under and by virtue of this contract other than such claims, if any, as are specifically excepted by the Contractor from the operation of the release in stated amounts to be set forth therein.

ART. IV. *Records and accounts inspection and audit.*

1. The Contractor agrees to keep records and books of account, showing the actual cost to him of all items of labor, materials, equipment, supplies, services, and other expenditures of whatever nature for which reimbursement is authorized under the provisions of this contract. The system of accounting to be employed by the Contractor shall be such as is satisfactory to the Contracting Officer.

2. The Contracting Officer shall at all times be afforded proper facilities for inspection of the work and shall at all times have access to the premises, work and materials, to all books, records, correspondence, instructions, plans, drawings, receipts, vouchers, and memoranda of every description of the Contractor pertaining to said work except such documents as have been submitted in support of reimbursement vouchers; and the Contractor shall preserve such papers without additional compensation therefor, for a period of three (3) years after completion or termination of this contract.

3. Any duly authorized representative of the Contractor shall be accorded the privilege of examining the books, records, and papers of the Contracting Officer relating to the cost of the work for the purpose of checking and verifying such cost.

4. In order to avoid so far as possible duplication in accounting and auditing functions performed by the Contractor and the Government, it is agreed that the following accounting and auditing functions shall be performed by the Government exclusively:

a. Time checking (not time keeping) in the field, or in the Contractor's plant.

b. Audit of original pay-rolls of the Contractor (or such portions thereof as are applicable), where such pay-rolls are prepared by the Contractor.[1]

c. Checking of equipment rentals and the preparation and delivery of properly approved rental rolls to the Contractor for payment.[2]

d. Such other accounting and auditing functions as may be effectively performed by Government employees and to which the Contracting Officer and the Contractor may mutually agree in writing.

5. It is further agreed that if any of the accounting and auditing functions performed exclusively by the Government do not adequately discharge such accounting and auditing functions, to the satisfaction of the Contractor, the Contractor, with the approval in writing of the Contracting Officer, may perform such additional checking and auditing as may be so approved. The Contractor shall be reimbursed for the cost of such additional accounting and auditing functions as are so approved.

ART. V. *Special requirements.*

1. The Contractor hereby agrees that he will:

a. Procure and maintain such bonds and insurance in such forms and in such amounts and for such periods of time as the Contracting Officer may require.

b. Procure all necessary permits and licenses; obey and abide by all applicable laws, regulations, ordinances, and other rules of the United States of America, of the State, Territory, or political subdivision thereof wherein the work is done, or of any duly constituted public authority.

c. Reduce to writing, unless this provision is waived in writing by the Contracting Officer, every contract in excess of Two Thousand Dollars ($2,000) made by him for the purpose of the work hereunder for services, materials, supplies, machinery, equipment, or for the use thereof; insert therein a provision that such contract is assignable to the Government; make all such contracts in his own name, and not bind or purport to bind the Government or the Contracting Officer thereunder. No purchase in excess of $2,000 shall be made or placed without the prior approval of the Contracting Officer.

d. Enter into no subcontract for any portion of the work, except in the form prescribed by the Chief of Supply Service with the written approval of the Contracting Officer. Subcontracts are defined as contracts entered into by the Contractor with others which involve the performance, wholly or in part at the site of the work, of some part of the work described in Article I hereof.

e. At all times during the progress of the work, keep at the site thereof a duly appointed and qualified representative who shall receive and execute on the part of the Contractor such notices, directions, and instructions as the Contracting Officer may give.

f. The Contracting Officer may require the Contractor to dismiss from work such employee or employees as the Contracting Officer deems incompetent, careless, or insubordinate or whose continued employment is deemed inimical by the Contracting Officer to the public interest. The Contractor shall make every reasonable effort in the selection of his employees and in the prosecution of the work under this contract, to safeguard plot drawings and schematic drawings furnished him and drawings and specifications, and to prevent the theft or unauthorized use of the same.

g. Furnish sufficient technical, supervisory and administrative personnel to insure the prosecution of the work in accordance with a progress schedule approved by the Contracting Officer. If, in the opinion of the Contracting Officer, the Contractor falls behind a progress schedule approved by the Contracting Officer, the Contractor shall take such steps as may be necessary to improve his progress and the Contracting Officer may direct him to increase working days, or hours of labor per day. Failure to promptly comply with such directions shall be deemed sufficient cause to terminate the contract for the fault of the Contractor.

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[1] Where pay-rolls are prepared by the Government the audit thereof by the Government will be concurrent with such preparation.

[2] If not applicable, this section will be omitted.

h. Immediately upon termination of third party rental agreement, make all repairs to equipment rented thereunder which are required to be made by the terms of such rental agreements and remove such equipment from the site of the work. In cases where such repairs and removal cannot promptly be made, the Contractor shall notify the Contracting Officer of the reasons for such delay.

ART. VI. *Termination of contract by Government.* (Insert [¶ 350] (§ 81.350))

ART. VII. *Contracting Officer's decisions.*

The extent and character of the work to be done by the Contractor shall be subject to the general supervision, direction, control and approval of the Contracting Officer to whom the Contractor shall report and be responsible.

ART. VIII. *Disputes.* (Insert [¶ 326] (§ 81.326))

ART. IX. *Convict labor.* (Insert [¶ 345] (§ 81.345))

ART. X *Labor.*

1. Insert [¶ 343] (§ 81.343).
2. Insert [¶ 346] (§ 81.346).
3. All wage rates, including compensation for overtime under Section 2 of this Article, for laborers and mechanics engaged in work under this contract shall be approved in writing by the Chief of the Supply Service or a representative expressly designated by him for that purpose, and any amount paid by the Contractor to any laborer or mechanic in excess of the wage rate approved for such laborer or mechanic by the Chief of the Supply Service or a representative expressly designated by him for that purpose shall be at the expense of the Contractor and shall not be reimbursed by the Government. When, in connection with the audit and check by the Contracting Officer or his authorized representative, of the Contractor's payrolls prior to reimbursement as contemplated in Section 1 of Article II hereof, it is found that one or more laborers and/or mechanics have been paid wages at rates in excess of the wage rates approved as herein provided, the reimbursement made to the Contractor on account of such payrolls will not include any such excess payments.
4. Insert [¶ 325] (§ 81.325).
5. Insert [¶ 344] (§ 81.344).

ART. XI. *Accident prevention.*

In order to protect the life and health of his employees in the performance of this contract, the Contractor will comply with all pertinent provisions of the "Safety Requirements in Excavation—Building—Construction" approved by Chief of Engineers December 16, 1941 (a copy of which is on file in the Office of the Contracting Officer), and as may be amended, and will take or cause to be taken such additional measures as the Contracting Officer may determine to be reasonably necessary for this purpose. The Contractor will maintain an accurate record of, and will report to the Contracting Officer in the manner and on the forms prescribed by the Contracting Officer, all cases of death, occupational disease, and traumatic injury arising out of or in the course of employment on work under this contract.

The Contracting Officer will notify the Contractor of any noncompliance with the foregoing provisions and the action to be taken. The Contractor shall, after receipt of such notice, immediately correct the conditions to which attention has been directed. Such notice when served on the Contractor or his representative at the site of the work shall be deemed sufficient for the purpose aforesaid.

If the Contractor fails or refuses to comply promptly, the Contracting Officer may issue an order stopping all or any part of the work. When satisfactory corrective action is taken, a start order will be issued.

ART. XII. *Notice to Government of labor disputes.* (Insert [¶ 354] (§ 81.354))

ART. XIII. *Officials not to benefit.* (Insert [¶ 322] (§ 81.322))

ART. XIV. *Covenant against contingent fees.* (Insert [¶ 323] (§ 81.323))

ART. XV. *Contractor's organization and methods.*

Upon the execution of this contract, the Contractor shall submit to the Contracting Officer a chart showing in general the executive organization, duties and personnel to be employed in connection with the work under the contracts; the data so furnished shall be supplemented as additional information becomes available.

ART. XVI. *Loading and unloading cars.*

The Contractor shall load promptly all railroad cars furnished for loading upon his order and shall unload from railroad cars promptly upon arrival all shipments consigned to him, and shall provide storage facilities and other facilities necessary for these purposes; and the Contractor shall not order railway cars for loading unless they can be loaded promptly and shall not cause or permit shipments to be consigned to him unless they can be unloaded from railroad cars promptly upon arrival.

ART. XVII. *Assignment of claims.* (Insert [¶ 355] (§ 81.355))

ART. XVIII. *Renegotiation.* (See [¶ 342] and PR 12 (§ 81.342 and §§ 81.1201–81.1213))

ART. XIX. *Definitions.*

1. The term "Secretary of War" as used herein shall include the Under Secretary of War; and the term "Chief of Supply Arm or Service" shall mean the Chief of ------------------------

2. The term "his duly authorized representative" shall mean any person or board authorized by the Secretary of War or the Chief of the Supply Service, as the case may be, to act for him, other than the Contracting Officer.

3. The term "his duly authorized representative" shall mean any person or Board authorized by the Secretary of War or the Chief of the Supply Service, as the case may be, to act for him, other than the Contracting Officer.

4. Except for the original signing of this contract, and except as otherwise stated herein, the term "Contracting Officer" as used herein shall include his duly appointed successor or his authorized representative.

5. The term "construction plant" shall include any part thereof.

ART. XX. *Approval required.*

This contract shall be subject to the approval of -------------- and shall not be binding unless so approved.

ART. XXI. *Alterations.*

The following changes were made in this contract before it was signed by the parties hereto:

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the day and year first above written:

THE UNITED STATES OF AMERICA,
By ------------------------------
(Official Title)

Witnesses as to signature of Contractor
--------------- ---------------------
(Contractor)

(Address)
By ---------------------
--------------- ---------------------
(Business Address)

(Address)

I --------------, certify that I am the Secretary of the corporation named as Contractor herein; that -------------- who signed this contract on behalf of the Contractor was then ---------------- of said corporation; that said contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of said corporation this ------ day of ----------, 19----.

[CORPORATE SEAL] ---------------------
(Secretary)

I hereby certify that, to the best of my knowledge and belief, based upon observation and inquiry, --------------, who signed this contract for -------------- had authority to execute the same, and is the individual who signs similar contracts on behalf of this corporation with the public generally.

Contracting Officer

APPENDIX "B" TO CONTRACT NO. ----

(All equipment available ------------ except where otherwise specified)

Quantity	Complete description capacity, and identifying Numbers	Total purchase cost or fair value	Rental Rate: month, week, or day

APPENDIX "C"

There is set forth below the present key employees to be furnished under this contract indicating their names, description of work to be performed, an expression as to whether the salaries are based on a weekly, monthly or annual basis, and the maximum salary agreed upon to be paid for services in the position indicated for personnel now employed.

Name	Position	Salary based on weekly (W), monthly (M), or annual basis	Maximum salary agreed to be paid under contract

1. For the purposes of this Appendix "C" it is understood that

a. "Non-manual employees" are those employees who are not "laborers and mechanics" within the meaning of the Davis-Bacon Act. Specifically, the term "non-manual employees" has been interpreted to include all occupations not involving manual labor directly in connection with construction work.

The following is a list (not all-inclusive) of typical "Non-manual" occupations:

Accountants.
Architects.
Auditors.
Axemen.
Bookkeepers.
Chainmen.
Chiefs of party.
Clerks.
Draftsmen.
Engineers.
Executives of any kind.
Levelmen.
Material Checkers.
Material Clerks.
Messengers.
Office Machine Operators.
Project Managers.
Purchasing Agents.
Rodmen.
Stenographers.
Storekeepers.
Superintendents.
Telephone Operators.
Timecheckers.
Timekeepers.
Tool Checkers.
Transitmen.
Typists.

b. For the purpose of this Appendix "C", non-manual employees will be classified in the following groups:

(1) Group "A". Employees whose base salaries are less than $50.00 per week, except those included in Groups "D" and "E".

(2) Group "B". Employees whose base salaries are between $50.00 and $90.00 per week, inclusive, except those included in Groups "D" and "E".

(3) Group "C". Employees whose base salaries are in excess of $90.00 per week, except those included in Groups "D" and "E".

(4) Group "D". Trade Foreman, employed by construction contractors.

(5) Group "E". Custodial employees, including Camp Assistants, Chauffeurs, Cooks, Custodians, Fire Fighters, Guards, Janitors, Watchmen, etc.

c. The base salaries of *all* employees of Groups "A", "B" and "C" will be established on the basis of a minimum work week of 48 hours.

d. Group "A" employees will be paid at the rate of straight time for all work which they are required to perform in excess of 48 hours per week.

e. Group "B" employees will be expected to work any reasonable number of hours, six (6) days per week, without payment of additional compensation. They will be paid at the rate of straight time (the weekly salary divided by 48) for all work which they are required to perform on the seventh day.

f. Group "C" employees will be considered key employees, and will be expected to work any necessary number of hours (including work on Sundays) without payment of additional compensation.

g. Group "D" employees will normally be employed on an hourly basis, and will be governed by the overtime policies applicable to the laborers and mechanics under their supervision.

h. The number of hours which shall constitute a work week for Group "E" employees shall be determined by the Contractor, with the approval of the Contracting Officer, and salaries for such employees fixed accordingly. Normally, Group "E" employees will not be required to work in excess of the work week thus established. In the event such excess work is necessary at any time because of unforseen contingencies, the employee will not be paid any additional compensation, but will be granted compensatory time off with pay.

§ 81.1304 *W. D. Contract Form No. 4.*

Contract No. W------

FIXED FEE ARCHITECT-ENGINEER CONTRACT WITH OPTIONAL SUPERVISION

WAR DEPARTMENT

Architect-engineer & address:
Contract for architect-engineer services in connection with
Location:
Fixed fee for title I $--------
for title II $--------
Estimated construction cost exclusive of fixed fee:
Payment: To be made by --------

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authority or authorities, the available balances of which are sufficient to cover the cost of the same.

This contract is authorized by the following laws:

Fixed Fee
Architect-Engineer Contract
With Optional Supervision

This contract, entered into this ------ day of ------------, 19----, by The United States of America (hereinafter referred to as "the Government"), represented by the Contracting Officer executing this contract, and------
----
----
*a corporation organized and existing under the laws of the State of ------------------
*a partnership consisting of---------------

----
an individual trading as ------------------
in the City of --------------------------
State of --------------------------------
(hereinafter referred to as "the Architect-Engineer"), Witnesseth that:

Whereas the accomplishment of the hereinafter described work and services is authorized by law and will facilitate the prosecution of the war; and

Whereas it is deemed by the Secretary of War to be advantageous to the war effort to employ the Architect-Engineer to render services as hereinafter set forth for the preparation of necessary reports, drawings, specifications, and other documents; and, at the option of the Government, for technical supervision of the construction of the project described in Article I–A hereof; and

Whereas the Secretary of War has authorized the Government to negotiate this Cost-Plus-A-Fixed-Fee Architect-Engineer contract:

Now, therefore, the parties hereto do mutually agree as follows:

TITLE I

ARTICLE I–A. *Description of project.*

1. The project shall be located at or near and is generally described as follows:

ART. I–B. *Statement of Architect-Engineer Services.*

The Architect-Engineer shall, in the shortest reasonable time, establish and maintain an office at or near the site of the work under the full-time resident direction of the Architect-Engineer; of one or more principal partners if the Architect-Engineer is a partnership or in case the Architect-Engineer is a corporation, association, or similar legal entity, one or more corporate officers thereof; or a responsible representative approved by the Contracting Officer; and the Architect-Engineer shall perform the following services (in addition to such services which may be required to be performed under Title III of this contract):

a. Make all necessary topographical and other surveys and maps; arrange for and supervise necessary test borings and other subsurface investigations: *Provided, however,* That this provision is not to be deemed to require the Architect-Engineer to make real estate or boundary surveys.

b. Prepare, subject to the approval of the Contracting Officer, preliminary studies, sketches, and layout plans and reports including estimates of cost of the proposed project and of all structures, utilities and appurtenances thereto.

c. Adapt Government designs, drawings, specifications and standards for buildings and other structures as necessary to meet the requirements of the approved layout of the proposed project, and prepare detailed designs, specifications and drawings in required form for which Government designs are incomplete or unavailable.

d. Obtain necessary permits and approvals from all local, State and Federal authorities. Should it become necessary in the performance of the work and services for the Architect-Engineer to secure the right of ingress and egress to perform any of the work required by this contract on properties not owned or controlled by the Government, the Architect-Engineer shall secure the consent of the owner, his representative, or agent, prior to effecting entry on such property. In the event the owner requires the payment of any fee for a license to enter upon and/or use such property, the Architect-Engineer, when so directed by the Contracting Officer, shall pay such fee and obtain a receipt therefor.

e. Prepare estimates of material quantities required to construct the project.

f. When preliminary drawings are approved in writing by the Contracting Officer, prepare final designs, detailed working drawings and specifications in accordance with Government standards necessary for the effective coordination and efficient execution of the construction work and revise such drawings and specifications if necessary. All reservation, topographical, utility and unit layout maps shall be inked in on linen. If deemed practicable by the Contracting Officer, all other drawings for structures and other items may be made in pencil. Prepare copies of the specifications and sets of full size copies of working drawings in such manner and in such numbers as the Contracting Officer may require. There shall be included in the specifications all provisions which the Contracting Officer may direct to have incorporated therein relating to the negotiating or awarding of contract or contracts, conditions under which the work shall be done, and any special provisions required by statute or existing War Department regulations or instructions.

g. Prepare an estimate of the cost of the proposed project based on the approved designs, drawings, and specifications therefor.

h. Establish a permanently monumented base line, with elevations, tied into North American Datum, unless specifically exempted by written instructions of the Contracting Officer.

i. Check and approve all shop and working drawings submitted in connection with the construction work to assure that they conform with approved drawings.

j. Assist the Contracting Officer in preparing invitations for offers, analyzing and evaluating proposals for a construction contract or contracts based upon the approved drawings and specifications.

ART. I–C. *Period of service.*

The Architect-Engineer shall complete all work and services under Title I of this contract except work and services required under subsection i of Article I–B, within---------- months after the date of this contract, but such service wiill extend thereafter, without additional fee, until the services set forth in Article I–B are complete or otherwise terminated.

ART. I–D. *Fixed fee and reimbursement of expenditures.*

1. In consideration for his undertakings under this Title I, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of----------- Dollars ($----------) which shall constitute complete compensation under this Title I for the Architect-Engineer's services, including the services of the resident partners or corporate officers, or the representative referred to in Article I–B and also all general overhead expenses except as otherwise herein expressly provided. Payments on account of the fixed-fee shall be made as provided in Article III–G hereof.

b. Reimbursement for expenditures as specified in Article III–E hereof.

TITLE II

At any time prior to six months after satisfactory completion and acceptance of the work and services to be furnished under Title I except subsection 1 of Article I–B, the Government at its option, may direct, by a written order, the Architect-Engineer to perform the work and services provided under this Title II. Upon receipt of such direction, the Arichitect-Engineer shall proceed with such work and services.

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*Delete all lines which do not apply.

ART. II–A. *Services to be furnished by Architect-Engineer.*

1. The Architect-Engineer shall perform the following services:

a. Furnish all governing lines, bench marks and grades essential to the construction of the project.

b. Supervise the work included in this contract to assure the construction of every part of the work in accordance with the approved drawings and specifications within the areas and boundaries designated for the project.

c. Make such field and laboratory tests of concrete and concrete aggregates and other materials at the site or at any time or place as the Contracting Officer may require. Inspect and report to the Contracting Officer in writing as to the conformity or nonconformity of the workmanship and materials to specifications; and on the progress of the project.

(1) When so directed by the Contracting Officer, arrange for, by subcontract or otherwise tests and inspections of materials and workmanship by commercial testing laboratories or other similar agencies, either at such laboratories or at the points of manufacture or fabrication of materials. The cost of such tests and inspection shall be reimbursable and subcontracting thereof shall entail no adjustment in the fixed fee.

d. Furnish for the approval of the Contracting Officer:

(1) Labor estimates, to be prepared with the assistance of the Contractor, showing the approximate numbers, trades and dates required to meet the approved construction schedule.

(2) In addition to the requirements of Article III–L, semimonthly progress reports in approved form showing the progress of the construction work and any deviation from the approved construction schedule.

e. Upon termination or completion of this contract, as determined by the Contracting Officer, and before final payment of the fixed-fee, the Architect-Engineer shall:

(1) Prepare record drawings in required form, or correct drawings and specifications to show construction as actually accomplished as follows:

(a) Drawings of topographical surveys, project layouts, utility layout maps, unit layout maps (including utilities), landscape layouts and detailed drawings for all special structures of a permanent nature, including sewage disposal plants, and water and electrical supply systems, shall be inked in on linen.

(b) All other drawings for structures and other items may be in pencil if deemed practicable by the Contracting Officer.

(2) Supervise the testing of operating units designed by the Architect-Engineer to assure their conformance with specifications and furnish all engineering services necessary to secure such conformance.

(3) Prepare instructions for the proper operation and maintenance of all utilities and operating equipment designed by him.

(4) Assist in preparation of the completion report for the project.

f. Prepare such partial and final estimates of quantities and values of construction work performed under lump sum and unit price contracts and/or subcontracts as may be necessary to provide the data required under the payment provisions of such contracts and/or subcontracts.

g. Perform such other services as may be required under the provisions of Title III hereof.

ART. II–B. *Period of service.*

The period of service of the Architect-Engineer under this Title II is estimated as -- months from receipt of order to proceed thereunder, but will extend thereafter until the services set forth herein are complete or otherwise terminated. If for any reason the time required of the Architect-Engineer under this Title II is extended for more than thirty (30) calendar days beyond that estimated in this Article, there shall be an equitable adjustment in the Architect-Engineer fixed fee, as may be agreed upon between the Architect-Engineer and the Contracting Officer.

ART. II–C. *Fixed-fee and reimbursement of expenditures.*

1. In consideration for his undertakings under this Title II, the Architect-Engineer shall be paid the following:

a. Fixed-Fee in the amount of ----------- dollars ($--------) which shall constitute complete compensation under this Title II for the Architect-Engineer's services, including the services of the resident partners or corporate officers, or the representative referred to in Article I–B, and all general overhead expenses except as otherwise herein expressly provided. Payment on account of the fixed-fee shall be made as provided in Article III–G hereof.

b. Reimbursement for expenditures specified in Title III.

TITLE III

The provision of this title shall apply to this entire contract, to-wit: To Title I and likewise to Title II, should Title II become operative as provided therein.

ART. III–A. *Additional services to be performed by Architect-Engineer.*

1. Without additional compensation the Architect-Engineer shall perform the following services:

a. The Architect-Engineer, or any member of the organization, when requested, shall consult and advise with the Contracting Officer on any questions which may arise in connection with the service furnished under this contract.

b. Prepare schedules and charts showing the sequence of operations in the construction of each of the several portions of the work.

c. Prepare estimates showing the quantities of critical and important materials and length of time after award of the construction contract when such materials will be required on the site.

d. Perform all other architectural and engineering services within the scope of this contract, required by the Contracting Officer.

ART. III–B. *Records and accounts, inspection and audit.*

1. *Records and books of account.* The Architect-Engineer agrees to keep records and books of account, showing the actual cost to him of all items of labor, material, equipment, supplies, services, and other expenditures of whatever nature for which reimbursement is authorized under the provisions of this contract. The system of accounting to be employed by the Architect-Engineer shall be such as is satisfactory to the Contracting Officer.

2. *Access to records by Contracting Officer and Architect-Engineer.* The Contracting Officer shall at all times be afforded proper facilities for inspection of the work and shall at all times have access to the premises, work and materials, to all books, records, correspondence, instructions, plans, drawings, receipts, vouchers, and memoranda of every description of the Architect-Engineer pertaining to said work except such documents as are submitted in support of reimbufrsement vouchers; and the Architect-Engineer shall preserve such papers, without additional compensation therefor, for a period of three (3) years after completion or termination of this contract. Likewise, any duly authorized representative of the Architect-Engineer shall be accorded the privilege of examining the books, records, and papers of the Contracting Officer relating to the actual cost of the work for the purpose of checking and verifying such cost.

3. *Auditing functions.* In order to avoid so far as possible duplication in accounting and auditing functions performed by the Architect-Engineer and the Government, it is agreed that the following accounting and auditing function shall be performed by the Government exclusively.

a. Time Checking in the field or in the Architect-Engineer's plant (Not time keeping).

b. Audit of original payrolls of the Architect-Engineer (or such portions thereof as are applicable), where such payrolls are prepared by the Architect-Engineer.[1]

c. Checking of equipment rentals and the preparation and delivery of properly approved rental rolls to the Architect-Engineer for payment.

d. Such other accounting and auditing functions as may be effectively performed by Government employees and to which the Contracting Officer and the Architect-Engineer may mutually agree in writing.

4. *Discharge of functions.* It is further agreed that if any of the accounting and auditing functions performed exclusively by the Government do not adequately discharge such accounting and auditing functions to the satisfaction of the Architect-Engineer, the Architect-Engineer, with the approval in writing of the Contracting Officer, may perform such additional checking and auditing as may be so approved. The Architect-Engineer shall be reimbursed for the cost of such additional accounting and auditing functions as are so approved.

ART. III–C. *Equipment and services to be furnished by the Government.*

1. The Government shall provide for the use of the Architect-Engineer's field organization during the period covered by this contract, all office and drafting room space, supplies, equipment, facilities, and services necessary for the proper performance of work hereunder.

a. If any of the foregoing articles, equipment, services or other items required by the Architect-Engineer's field organization are not promptly made available by the Government, the Architect-Engineer, when such action is approved by the Contracting Officer, shall procure such items and the Architect-Engineer shall be reimbursed for expenses incurred in connection therewith: *Provided,* That direct payment by the Government shall be made as prescribed in Article III–E, Section 2 hereof for any communication services mentioned in that Article which the Architect-Engineer procures. Unless procurement on a rental basis approved in advance by the Contracting Officer, all items of office equipment which the Architect-Engineer procures under this section shall be purchased and title thereto shall vest in the Government. Third party rental agreements made for items covered by this provision shall be terminable at the option of the Government and, except for third-party owned motor-propelled vehicles, shall not contain a recapture clause.

2. Except as to property the liability for which is fixed by any other instrument or agreement or by some other provision of this contract, the Architect-Engineer shall not be liable for loss or destruction of or damage to property of the Government in the possession or control of the Architect-Engineer in connection with this contract unless such loss, damage or destruction results from wilful misconduct or failure to exercise good faith on the part of the Architect-Engineer's corporate officers or other representatives having supervision or direction of the operation of the whole of the Architect-Engineer's business or of the whole of any plant operated by the Architect-Engineer in the performance of this contract.

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[1] Where payrolls are prepared by the Government the audit thereof by the Government will be concurrent with such preparation.

3. In the event office space at or near the site of the work is not provided by the Government in sufficient time to permit the work and services described herein to be performed efficiently and expeditiously, the Architect-Engineer, if approved in advance in writing by the Contracting Officer, may rent or lease such space at a convenient location, or if such rented or leased space is not available, may arrange by subcontract or otherwise for the construction of a temporary structure or structures to meet his immediate needs, on Government owned or controlled property or on privately owned property leased for such purpose.

ART. III–D. *Estimated cost of construction.*

1. The present preliminary estimated construction cost of the project on which the services of this contract are based is approximately ---------------- Dollars ($--------) exclusive of Architect-Engineer's fixed-fee. It is expressly understood, however that neither the Government nor the Architect-Engineer guarantees the correctness of this estimate.

ART. III–E. *Reimbursement for expenditures.*

1. In addition of the payment of the fixed-fee as specified herein, the Architect-Engineer will be reimbursed for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer and as are included in the following items.

a. Actual salaries or wages paid to principal assistant engineers, engineers, architects and other technical, administrative and field employees of the Architect-Engineer directly engaged in the work including those in both his home and field office. The payment of any excess over the scheduled amounts shown in the approved salary schedule, Appendix "C" attached hereto and made a part hereof, shall not be reimbursable, unless and until the Chief of the Supply Service has so approved in writing.

b. In case the full time of one or more employees of the Architect-Engineer is not applied to the work hereunder, the salaries or wages of such employees shall be included in this item only in proportion to the actual time applied thereto.

c. *Travel:* (1) If the Architect-Engineer and/or his representatives shall be required to travel, the Government will reimburse the Architect-Engineer for the transportation, including Pullman where necessary, and will allow the traveler Six Dollars ($6.00) per day in lieu of all other expenses.

(2) All travel shall be either authorized or approved in writing by the Contracting Officer. Should the Architect-Engineer, or any representative thereof, remain in a travel status in excess of six (6) days at any one time, not including the time consumed in travel the cost for such excess travel status shall be at the expense of the Architect-Engineer unless otherwise ordered in writing by the Contracting Officer.

(3) Authorized transportation by automobile shall be reimbursed at the rate of Five Cents ($.05) per mile as representing the actual cost of such transportation.

d. Payment from his own funds made by the Architect-Engineer under the Federal Social Security Act and any applicable state or local taxes, fees or charges which the Architect-Engineer may be required to pay from his own funds on account of this contract.

e. Costs of such bonds and insurance policies and premiums thereon as the Contracting Officer may require for the protection of the Government and may approve as reasonably necessary for the protection of the Architect-Engineer. In every instance where this contract requires or permits the United States to pay the premium on a bond or insurance policy either directly or ultimately as a reimbursable item, the bond or insurance policy shall contain an indorsement or other recital excluding by appropriate language any claim on the part of the insurer or obligor to be subrogated, on payment of a loss or otherwise, to any claim against the United States.

f. Losses and expenses, not compensated by insurance or otherwise (including settlements made with the written consent of the Contracting Officer), actually sustained by the Architect-Engineer in connection with the work and found and certified by the Contracting Officer to be just and reasonable unless reimbursement therefor is expressly prohibited.

g. Subcontracts, when approved by the Contracting Officer. Unless otherwise expressly provided for in this contract, subcontracting of any services covered by this contract shall be subject to a decrease in the fixed fee by an equitable adjustment on the basis of the decrease in services due to such subcontracting.

h. Temporary rights in land required in connection with the work and services hereunder, when approved in writing by the Contracting Officer.

i. Expenditures made by the Architect-Engineer under the provisions of Article III–C and III–F of this contract.

j. Such other items as should in the opinion of the Contracting Officer, be included in the cost of the work, provided that when such items are allowed by the Contracting Officer, they shall be specifically certified as being allowed under this subsection.

k. All expenditures for which reimbursement has not been made pursuant to Letter Contract dated ----------------, a copy of which is attached hereto. Such Letter Contract is hereby merged and superseded by this contract.[1] This subparagraph *k* shall be deemed to be included herein if and only if this contract is preceded by a Letter Contract.

l. Rental for equipment owned and furnished by the Architect-Engineer, subject to such rental rates, terms and conditions as may be approved by the Contracting Officer: *Provided,* That the necessity for the use of such equipment is approved in advance by the Contracting Officer: *And provided, further,* That such equipment shall not be subject to recapture.

m. Rental paid by the Architect-Engineer for third-party-owned motor propelled vehicles. Each agreement for the rental of such equipment shall be in a form prescribed by the Contracting Officer, shall be subject to his approval and shall include provisions (1) that title to such equipment free of all liens and encumbrances shall vest in the Government when and if the total rental paid and/or accrued to the lessor for any item of equipment shall equal the approved value thereof plus one per cent (1%) of the approved value per month for each contract month or fraction thereof such piece of equipment shall have been in use, and that on demand the lessor will deliver to the Contracting Officer such evidences of title as he shall demand; and (2) that at any time prior to termination of such rental agreement, the Government may at its option purchase any piece of equipment by paying the lessor the difference between the valuation of such piece of equipment plus one per cent (1%) of the approved value per month for each contract month or part thereof such piece of equipment shall have been in use, and the total rental theretofore paid for such piece of equipment: *Provided, however,* That either of such provisions may be omitted from such rental agreements if the omission is approved by the Chief of the Supply Service.

n. Fees for necessary permits and licenses under subparagraph d of Article I–B hereof.

o. Reimbursement under this Article shall include all actual expenditures directly chargeable to the work and services provided herein performed at the Architect-Engineer's home office, its field office, or elsewhere.

2. The Government will pay directly for all telegraphic communications (including teletype and facsimile when authorized by the Contracting Officer to be installed), cablegrams, radiograms, and similar messages that may be sent by the Architect-Engineer pertaining directly to the contract for work to be done or materials to be furnished thereunder, and the Architect-Engineer is hereby designated as an agent of the Government for the purpose of causing to be transmitted any such messages.

3. No salary, wages or like compensation of the Architect-Engineer, partners or corporate officers of the Architect-Engineer's organization and no salary, wages or like compensation of the resident manager referred to in Article I–B shall be included in the cost of the work; nor shall any interest on capital employed or on borrowed money be included in the cost of the work.

ART. III–F. *Expert technical assistance.*

1. When in the judgment of the Contracting Officer the complexity and nature of the project are such as to require expert technical assistance, or services, or advice in connection with special phases of the work such as site planning, aerial surveys, manufacturing processes, or other problems of a highly technical character, the Architect-Engineer may obtain by subcontract or otherwise, when so ordered by the Contracting Officer, such supplemental professional services as are necessary for the proper performance of this contract. The obtaining of such supplemental professional services shall entail no adjustment of the fixed-fee.

2. The provisions of the above Section shall not apply to the usual professional services normally furnished by Architect-Engineers, including but not limited to topographic surveys, design of water supply and sewerage systems, power plants and other utilities, structures and foundations. If, in the opinion of the Contracting Officer, it is essential for the proper prosecution of the work that the Architect-Engineer obtain expert technical advice or consulting services in connection with those classes of service not included in Section 1 above, the cost of obtaining such advice or service shall not be reimbursable except for the salaries of employees of such consultants, when assigned to the work on a full-time basis.

ART. III–G. *Method of payment.*

1. Payments to the Architect-Engineer are to be made as follows:

a. At intervals of not less than two weeks, the Architect-Engineer shall prepare a statement of the actual salaries paid, as hereinbefore mentioned, during the preceding period of two weeks, together with a statement of all other reimbursable expenses and including an estimate of the portion of the Architect-Engineer's fixed-fee earned. These statements, with original certified payrolls, receipted bills for all expenses including materials, rentals, supplies and equipment, and all other supporting data as may be required, shall be required, shall be delivered to the Contracting Officer. The approved amounts of such statements shall be the basis for the preparation of the public voucher.

b. Payments of reimbursable cost items and of 90% of the amount of the Architect-Engineer's fee earned shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, supported by original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, rentals, and all other supporting data. Upon completion of the project and its final acceptance the Architect-Engineer shall be paid the unpaid balance of any money due the Architect-Engineer hereunder. Prior to final payment under the contract, or prior to settlement upon termination of the contract, and as a condition precedent thereto, the Architect-Engineer shall execute and deliver to the Contracting Officer a release, in such form and containing such provisions as shall be approved by the contracting officer, of claims or demands of any nature whatsoever, against the Government arising under and by virtue of this contract other than such claims, if any, as are specifically excepted by the Architect-Engineer from the operation of the release in stated amounts to be set forth therein.

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[1] This contract will bear same date as Letter Contract.

c. In the event that the Government does not exercise the option under Title II of this contract within 30 days after the satisfactory completion and acceptance by the Contracting Officer of the work done by the Architect-Engineer under Article I–B, subsections *a* through *h* inclusive, the Architect-Engineer shall be paid the unpaid balance of any money due for work done under said Article I–B, subsections *a* through *h* inclusive.

ART. III–H. *Drawings and other data to become property of Government.*

1. All drawings, designs and specifications are to become the property of the Government on completion as outlined in this contract, and the Government shall have full right to use said drawings, designs and specifications as instruments for the purpose of constructing, under contract or otherwise any buildings or other structures for the sole use of the Government when and where the Government may designate, without any claim on the part of the Architect-Engineer for additional compensation.

2. All notes, designs, drawings and other data concerning the project shall be delivered to the Government whenever requested by the Contracting Officer and, furthermore, access to such data shall be restricted to trusted and duly authorized representatives of the Government and of the Architect-Engineer.

ART. III–I. *The Contracting Officer's decisions.*

1. The extent and character of the work to be done by the Architect-Engineer shall be subject to the general supervision, direction, control, and approval of the Contracting Officer, to whom the Architect-Engineer shall report and be responsible.

ART. III–J. *Disputes.* (Insert [¶326] (§ 81.326))

ART. III–K. *Changes in work or services.*

1. The Contracting Officer may at any time by written order issue additional instructions, require additional work or services or direct the omission of work or services covered by this contract. If such changes cause a material increase or decrease in the amount or character of the work and services to be done under this contract an equitable adjustment of the amount of the fixed fee to be paid the Architect-Engineer shall be made and the contract shall be modified in writing accordingly. Any claim for adjustment under this Article must be asserted within 10 days from the date the change is ordered. Nothing provided in this Article shall excuse the Architect-Engineer from proceeding with the prosecution of the work so changed. There shall be no adjustment in the amount of the fixed fee as provided herein, nor any claim therefor because of any errors and/or omissions made in computing the estimated cost of the work under this contract or where the actual cost varies from the estimated cost.

ART. III–L. *Termination for cause or for convenience of the Government.*

1. The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer. Upon receipt of such notice the Architect-Engineer shall, unless the notice directs otherwise, immediately discontinue all work and the placing of all orders for materials, facilities and supplies in connection with performance of this contract and shall proceed to cancel promptly all existing orders and terminate work under subcontracts insofar as such orders and/or work are chargeable to this contract.

2. Upon the termination of this contract, full and complete settlement of all claims of the Architect-Engineer arising out of this contract shall be made as follows:

a. The Government shall assume and become liable for all obligations, commitments, and claims that the Architect-Engineer may have theretofore in good faith undertaken or incurred in connection with said work and in accordance with the provisions of this contract; and the Architect-Engineer shall, as a condition of receiving the payments mentioned in this Article, execute and deliver all such papers and take all such steps as the Contracting Officer may require for the purpose of fully vesting in the Government the rights and benefits of the Architect-Engineer under such obligations or commitments.

b. The Government shall reimburse the Architect-Engineer for all expenditures made in accordance with Article III–E and not previously reimbursed.

c. The obligations of the Government to make any of the payments required by this Article, or by Article III–G of this contract, shall be subject to any unsettled claims for labor or material or any claim the Government may have against the Architect-Engineer.

3. If the contract is terminated for the convenience of the Government, the Architect-Engineer will be paid promptly that portion of the prescribed fixed-fee which the work actually performed bears to the total work called for under this contract, less fixed-fee payments previously made, and the Government shall further reimburse the Architect-Engineer for such essential expenditures, made after the date of termination, for the protection of Government property and for accounting services in connection with the settlement of this contract, as the Contracting Officer may approve.

4. If the contract is terminated due to the fault of the Architect-Engineer, no further payments on account of the fixed-fee will be made.

ART. III–M. *Progress reports and changes in personnel.*

1. The Architect-Engineer shall promptly, after the execution of the contract, prepare and submit to the Contracting Officer, for approval, a schedule showing the order in which the Architect-Engineer proposes to carry on the work, with dates on which he will start the several salient features of the work and the contemplated dates for completing the same. The schedule shall be in the form of a progress chart at suitable scale as to indicate with symbols the percentage completed at any time. The Architect-Engineer shall correct the progress schedule at the end of each week and shall immediately deliver to the Contracting Officer three copies of the same.

2. The Architect-Engineer shall furnish sufficient technical, supervisory and Administrative personnel to insure the prosecution of the work in accordance with the approved progress schedule. If, in the opinion of the Contracting Officer, the Architect-Engineer falls behind the progress schedule, the Architect-Engineer shall take such steps as may be necessary to improve his progress and the Contracting Officer may direct him to increase working days per week, or hours of labor per day and failure to promptly comply with such directions shall be deemed sufficient cause to terminate the contract.

3. When in the opinion of the Contracting Officer the Architect-Engineer's personnel and/or overhead is excessive for the proper performance of this contract, reductions thereof shall be made as required by the Contracting Officer.

ART. III–N. *Covenant against contingent fees.* (Insert [¶323] (§ 81.323))

ART. III–O. *Officials not to benefit.* (Insert [¶322] (§ 81.322))

ART. III–P. *Assignment of claims.* (Insert [¶355] (§ 81.355))

ART. III–Q. *Anti-Discrimination.* (Insert [¶325] (§ 81.325))

ART. III–R. *Convict labor.* ([¶345] (§ 81.345))

ART. III–S. *Dismissals.*

1. The Contracting Officer may require the Contractor to dismiss from work such employee or employees as the Contracting Officer deems incompetent, careless, or insubordinate or whose continued employment is deemed inimical by the Contracting Officer to the public interest. The Architect-Engineer shall make every reasonable effort in the selection of his employees and in the prosecution of the work under this contract to safeguard plot drawings and schematic drawings furnished him, and drawings and specifications, and to prevent the theft or unauthorized use of the same.

ART. III–T. *Accident prevention.*

1. In order to protect the life and health of his employees in the performance of this contract, the Architect-Engineer will comply with all pertinent provisions of the "Safety Requirements in Excavation—Building—Construction" approved by Chief of Engineers December 16, 1941 (a copy of which is on file in the Office of the Contracting Officer), and as may be amended, and will take or cause to be taken such additional measures as the Contracting Officer may determine to be reasonably necessary for this purpose. The Architect-Engineer will maintain an accurate record of, and will report to the Contracting Officer in the manner and on the forms prescribed by the Contracting Officer, all cases of death, occupational disease, and traumatic injury arising out of or in the course of employment on work under this contract.

2. The Contracting Officer will notify the Architect-Engineer of any noncompliance with the foregoing provisions and the action to be taken. The Architect-Engineer shall, after receipt of such notice, immediately correct the conditions to which attention has been directed. Such notice when served on the Architect-Engineer or his representative at the site of the work shall be deemed sufficient for the purpose aforesaid.

3. If the Architect-Engineer fails or refuses to comply promptly, the Contracting Officer may issue an order stopping all or any part of the work. When satisfactory corrective action is taken, a start order will be issued.

ART. III–U. *Renegotiation.* (See [¶342] and PR 12 (§ 81.342 and §§ 81.1201 to 81.1213))

ART. III–V. *Approval required.*

1. This contract shall be subject to the approval of ______________ and shall not be binding unless so approved.

ART. III–W. *Definitions.*

1. The term "Chief of the Supply Service" refers to the head of a service of the War Department, viz., the Chief of Engineers, the Chief of Ordnance, or the Chief of Chemical Warfare Service.

2. The terms "Secretary of War" and "Chief of the Supply Service" shall include their duly authorized representatives as the case may be other than the Contracting Officer.

3. The terms "Secretary of War" and "Chief of Engineers" shall include any person or board authorized by the Secretary of War or the Chief of the Supply Service, as the case may be, to act for him, other than the Contracting Officer.

4. Except for the original signing of this contract, the term "Contracting Officer" as used herein shall include his duly appointed successor or his authorized representative.

ART. III–X. *Alterations.*

The following changes were made in this contract before it was signed by the parties hereto:

In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

THE UNITED STATES OF AMERICA
By ____________________________
____
(Contracting officer)
ARCHITECT-ENGINEER,
By ____________________________
____
(Title)
____
(Business address)

Witnesses as to signature of Architect-Engineer:

____
____
(Address)
____
____
(Address)

CERTIFICATION

I, ______________________ do hereby certify that I am the duly qualified __________ __________ of the corporation named herein as Architect-Engineer; that ______________ who signed this contract on behalf of the Architect-Engineer was then ______________ of said corporation; that said contract was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of the ______________ ________ this ________ day of ______________ 194____

[CORPORATE SEAL] ______________________

APPENDIX "C"

There is set forth below the present key employees proposed to be furnished under this contract indicating their names, description of work to be performed, an expression as to whether the salaries are based on a weekly, monthly or annual basis, and the maximum salary agreed upon to be paid for services in the position indicated for personnel now employed.

Name	Position	Salary based on weekly (W), monthly (M), or annual basis	Maximum salary agreed to be paid under contract

1. For the purposes of this Appendix "C" it is understood that

a. "Non-manual employees are those employees who are not laborers and mechanics" within the meaning of the Davis-Bacon Act. Specifically, the term "non-manual employees" has been interpreted to include all occupations not involving manual labor directly in connection with construction work. The following is a list (not all-inclusive) of typical "Non-manual" occupations:

Accountants.
Architects.
Auditors.
Axemen.
Bookkeepers.
Chainmen.
Chiefs of party.
Clerks.
Draftsmen.
Engineers.
Executives of any kind.
Levelmen.
Material Checkers.
Material Clerks.
Messengers.
Office Machine Operators.
Project Managers.
Purchasing Agents.
Rodmen.
Stenographers.
Storekeepers.
Superintendents.
Telephone Operators.
Timecheckers.
Timekeepers.
Tool Checkers.
Transitmen.
Typists.

b. For the purpose of this Appendix "C", non-manual employees will be classified in the following groups:

(1) Group "A". Employees whose base salaries are less than $50.00 per week, except those included in Groups "D" and "E".

(2) Group "B". Employees whose base salaries are between $50.00 and $90.00 per week, inclusive, except those included in Groups "D" and "E".

(3) Group "C". Employees whose base salaries are in excess of $90.00 per week, except those included in Groups "D" and "E".

(4) Group "D". Trade Foremen, employed by construction contractors.

(5) Group "E". Custodial employees, including Camp Assistants, Chauffeurs, Cooks, Custodians, Fire Fighters, Guards, Janitors, Watchmen, etc.

c. The base salaries of all employees of Groups "A", "B" and "C" will be established on the basis of a minimum work week of 48 hours.

d. Group "A" employees will be paid at the rate of straight time for all work which they are required to perform in excess of 48 hours per week.

e. Group "B" employees will be expected to work any reasonable number of hours, six (6) days per week, without payment of additional compensation. They will be paid at the rate of straight time (the weekly salary divided by 48) for all work which they are required to perform on the seventh day.

f. Group "C" employees will be considered key employees, and will be expected to work any necessary number of hours (including work on Sundays) without payment of additional compensation.

g. Group "D" employees will normally be employed on an hourly basis, and will be governed by the overtime policies applicable to the laborers and mechanics under their supervision.

h. The number of hours which shall constitute a work week for Group "E" employees shall be determined by the Contractor, with the approval of the Contracting Officer, and salaries for such employees fixed accordingly. Normally, Group "E" employees will not be requird to work in excess of the work week thus established. In the event such excess work is necessary at any time because of unforeseen contingencies, the employee will not be paid any additional compensation, but will be granted compensatory time off with pay.

§ 81.1306 *W. D. Contract Form No. 6.*

Offer and Acceptance.	Contract No. .... Purchase Order Office Identifying No. ....
	Payment will be made by Finance Officer at ....
Date	The supplies and services to be obtained by this instrument are authorized by, or for the purpose set forth in, and are chargeable to Procurement Authority, No. quoted below, the available balance of which is sufficient to cover cost of same.
.... (Office or Station) .... (Address)	Auth. No. ....

OFFER

Confirming negotiations, the undersigned agrees to furnish the supplies, and/or services as listed below, at the price and terms specified and in accordance with the conditions on the reverse hereof and on continuation sheets attached hereto.

Articles or services	Quantity	Unit	Unit price	Amount	
				Dollars	Cents

Delivery point, f. o. b. ________________
Delivery Schedule: ________________
____
Contractor ____________ Address ____________
____
By ________________ Title ____________

(Signature of person authorized to sign this contract)

ACCEPTANCE BY THE GOVERNMENT

____
(Date)
Name ________________ Title ____________
____

CONDITIONS

1. Insert [¶322] (§ 81.322).
2. Insert [¶323] (§ 81.323).
3. Insert [¶352] (§ 81.352).
4. Insert [¶324] (§ 81.324).
5. Insert [¶325] (§ 81.325).
6. Insert [¶357] (§ 81.357).
7. Insert [¶326] (§ 81.326).
8. Insert [¶328] (§ 81.328).
9. Renegotiation (If more than $100,000, see [¶342] and PR12 (81.342 and §§ 81.1201–81.1213)).
10. Insert [¶353] (§ 81.353).
11. Insert [¶354] (§ 81.354).
12. Insert [¶345] (§ 81.345).
13. Insert [¶355] (§ 81.355).

NOTE: For a form of certificate as to the authority of the person signing on behalf of the Contractor see Article 28 under § 81.1301.

§ 81.1312 *W. D. Contract Form No. 12.*

Contract No. __________

FIXED FEE ARCHITECT-ENGINEER-CONSTRUCTION-MANAGEMENT SERVICES CONTRACT

WAR DEPARTMENT

Architect-Engineer-Construction-Manager & address:
Contract for Architect-Engineer-Construction-Management Services in connection with:
Location:
Fixed fee:
Estimated construction cost exclusive of fixed fee:
Payment: To be made by ________________
At: ________________

The supplies and services to be obtained by this instrument are authorized by, or for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

____

This contract is authorized by the following laws:

Fixed-Fee
Architect-Engineer-Construction-
Management Services Contract

This Contract, entered into this __________ day of ________________, 194____, by THE UNITED STATES OF AMERICA (hereinafter called the "Government"), represented by the Contracting Officer executing this contract, and

____
____
____

*a corporation organized and existing under the laws of the State of ------------------ --

*a partnership consisting of ---------------- -- -- --

*an individual trading as ---------------- ------------ of the City of ------------ ------------ in the State of ------------ ---------- (hereinafter for brevity called the "A-E-M"), Witnesseth That:

Whereas, the Government desires to engage the services of an architect-engineer-manager to perform such architect-engineering services as are hereinafter described, the construction of certain portions of the work, and management services for the entire project; and

Whereas, the accomplishment of the work by the A-E-M under a cost-plus-a-fixed-fee contract, entered into after negotiations approved by the Secretary of War, and without advertising for proposals, is authorized by law and will facilitate the prosecution of the war; and

Whereas, as a result of such negotiations, the Secretary of War has directed that the Government enter into such contract with the A-E-M for the accomplishment of the work hereinafter described:

Now, Therefore, the parties hereto do mutually agree as follows:

ARTICLE I. *Statement of work.*

1. The A-E-M shall, in the shortest reasonable time, furnish the labor, materials, tools, machinery and equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following described work: -- -- all in accordance with the drawings and specifications or instructions contained in Appendix "A" hereto attached and made a part hereof, or to be furnished hereafter by the Contracting Officer and subject in every detail to his supervision, direction and instructions.

ART. II. *General statement of work and services.*

1. The A-E-M shall render all architect-engineering and other services incident to design, inspection and supervision of the project, more specifically described in Article I hereof.

2. Insofar as is practicable, where such action will not, in the opinion of the A-E-M, result in delay in completion of the facilities, all construction work shall be accomplished by contracts; either on lump sum or unit price basis awarded and entered into by the Government after negotiations therefor with the assistance of the A-E-M.

3. The A-E-M shall, in the shortest reasonable time, prepare adequate plans, specifications, bills of material, and estimates covering:

a. Items of materials and equipment.

b. Any and all items of construction work for which contracts may be awarded on lump sum or unit price basis.

c. All other items of construction work for which lump sum or unit price contracts are not awarded.

4. When drawings and specifications are sufficiently complete with respect to any portion of construction work, which in the judgment of the A-E-M and the Contracting Officer may be contracted for on lump sum or unit price basis, the A-E-M shall furnish complete bid documents, conforming to law and regulations, for the letting of such contracts by the Government, and shall assist the Contracting Officer in evaluating proposals, and shall render such other services in connection with the award of contracts, based upon such approved drawings and specifications, as the Contracting Officer may require.

5. The A-E-M shall furnish or assemble such necessary force of superintendents, foremen, skilled workmen and laborers, construction tools and equipment and shall construct all items of construction work required by this contract for which contracts are not awarded by the Government on lump sum or unit price basis, except that the A-E-M may with the prior approval of the Contracting Officer subcontract in his own name for the performance of construction work on a lump sum, unit price, or fixed-fee basis when this method will in his opinion result in decreasing the time of completion of the project and/or the cost to the Government. Cost-plus-a-fixed-fee subcontracts wil be entered into only after a written determination with reasons therefor by the A-E-M, and the approval of the Contracting Officer.

6. The A-E-M shall provide the necessary office space, at the site of the work for the representatives of the Contracting Officer and himself.

ART. III. *Statement of Architect-Engineer Services.*

1. The A-E-M shall, in the shortest reasonable time, establish and maintain an office at or near the site of the work under the full-time resident direction of the A-E-M, if an individual; of one or more principal partners if the A-E-M is a partnership; or in case the A-E-M is a corporation, association or similar legal entity, one or more senior officers thereof: *Provided, however*, That the A-E-M, whether an individual, a partnership, a corporation, or other legal entity may be represented in the direction of the work by some person or persons of a class other than those specified above, if the Contracting Officer gives his approval. It is agreed that there shall be ------ representative(s) of the A-E-M for the purpose above mentioned. The A-E-M shall perform the following services:

a. Make all necessary topographical and other surveys and maps; arrange for and supervise necessary test borings and other subsurface investigations. *Provided, however*, That this provision is not to be deemed to require the A-E-M to make real estate surveys.

b. Prepare, subject to the approval of the Contracting Officer, preliminary studies, sketches, and layout plans and reports including estimates of cost of the proposed project and of all structures, utilities and appurtenances thereto.

c. Adapt and modify Government designs, drawings, specifications and standards for buildings and other structures as necessary to meet the requirements of the approved layout of the proposed project, and prepare detailed designs, specifications and drawings in required form for which Government designs are incomplete or unavailable.

d. Obtain necessary permits and approvals from all local, State and Federal authorities. Should it become necessary in the performance of the work and services for the A-E-M to secure the right of ingress or egress to perform any of the work required by this contract on properties not owned or controlled by the Government, the A-E-M shall secure the consent of the owner, his representative, or agent, prior to effecting entry on such property. In the event the owner requires the payment of any fee for a license to enter upon and/or use such property, the A-E-M, when so directed by the Contracting Officer, shall pay such fee and obtain a receipt therefor.

e. Prepare estimates of material quantities required to construct the project.

f. When preliminary drawings are approved in writing by the Contracting Officer, prepare final designs, detailed working drawings and specifications in accordance with Government standards necessary for the effective coordination and efficient execution of the construction work and revise such drawings and specifications if necessary. All reservation, topographical, utility and unit layout maps shall be inked in on linen. If deemed practicable by the Contracting Officer, all other drawings for structures and other items may be made on paper in pencil. Prepare copies of the specifications and sets of full size copies of working drawings in such manner and in such numbers as the Contracting Officer may require.

There shall be included in the specifications all provisions which the Contracting Officer may direct to have incorporated therein relating to the awarding of the construction contracts, contemplated by Section 2 of Article II, conditions under which the work shall be done, including a provision that the Contractors (lump sum and unit price contractors and lump sum subcontractors) and all persons employed directly or indirectly under such construction contracts, will utilize the hospital and first-aid facilities furnished by the A-E-M, and any special provisions required by statute or existing War Department regulations or instructions.

g. Prepare an estimate of the cost of the proposed project based on the approved designs, drawings and specifications therefor, and furnish for the approval of the Contracting Officer:

(1) Schedules and charts showing the proposed sequence of operations in the construction of each of the several portions of the work.

(2) Estimates showing the amounts of critical and important materials and dates when such materials will be required on the site.

(3) Labor estimates, to be prepared with the assistance of other construction contractors, contemplated by Section 2 of Article II, showing the approximate numbers, trades and dates required to meet the schedule in (1) above.

(4) In addition to the requirements of Article XXVI, semimonthly progress reports in approved form showing the progress of the construction work and any deviation from the approved construction schedule.

h. Establish a permanently monumented base line, with elevations, tied into the North American Datum, unless specifically exempted by written instructions of the Contracting Officer. Furnish all governing lines, bench marks and grades essential to the construction of the project.

i. Supervise the work included in this contract to assure the construction of every part of the work in accordance with the approved drawings and specifications within the areas and boundaries designated for the project.

j. Check and approve all shop and working drawings submitted in connection with the construction work to assure that they conform with approved drawings.

k. Make or cause to be made such field and laboratory tests of concrete and concrete aggregates and other materials at the site or at any time or place as the Contracting Officer may require. Inspect and report to the Contracting Officer in writing as to the conformity or nonconformity of the workmanship and materials to specifications; and on the progress of the project.

(1) When so directed by the Contracting Officer, arrange for, by subcontract or otherwise, and supervise tests and inspections of materials and workmanship by commercial testing laboratories or other similar agencies, either at such laboratories or at the points of manufacture or fabrication of materials. The cost of such tests and inspection shall be reimbursable and the subcontracting thereof shall entail no adjustment in the fixed fee. Subcontracting of any other architect-engineer services, unless otherwise expressly provided for in this contract, shall be subject to a decrease in the fixed fee by an equitable adjustment on the basis of the decrease in services due to such subcontracting.

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*Delete all lines which do not apply.

l. Upon termination or prior to completion of this contract, as determined by the Contracting Officer, and before final payment of the fixed-fee, the A-E-M shall:

(1) Prepare record drawings in required form, or correct drawings and specifications to show construction as actually accomplished as follows:

(a) Drawings of topographical surveys, project layouts, utility layout maps, unit layout maps (including utilities), landscape layouts and detailed drawings for all special structures of a permanent nature, including sewage disposal plants, and water and electrical supply systems, shall be inked in on linen.

(b) All other drawings for structures and other items may be made in pencil if deemed practicable by the Contracting Officer.

(2) Supervise the testing of operating units designed by the A-E-M to assure their conformance with specifications and furnish all engineering services necessary to secure such conformance.

(3) Prepare instructions for the proper operation and maintenance of all utilities and operating equipment designed by the A-E-M.

m. Without additional compensation the A-E-M, or any member of the organization, when requested, shall consult and advise with the Contracting Officer on any questions which may arise in connection with the work.

n. Prepare partial and final estimates of quantities and values of work done under lump sum and unit price contracts and subcontracts necessary to provide data required under the payment provisions of such contracts and subcontracts.

o. Perform all other architectural and engineering services within the scope of this contract required by the Contracting Officer.

ART. IV. *Statement of construction services.*

1. The A-E-M shall, in the shortest practicable time, furnish the services, labor, materials, tools, machinery, equipment, facilities and supplies not furnished by the Government and do all things necessary for the construction of that portion of the project not performed by the Government or performed under the contracts contemplated by Sections 2 and 5 of Article II, all in accordance with the approved drawings and specifications.

ART. V. *Statement of management services.*

1. The A-E-M shall furnish management services to assure the satisfactory completion of the project. Such services shall include, among other functions, the preparation of contract documents, and scheduling such contracts as to units of work, time of completion, and other salient phases so as to assure the orderly prosecution of the work. Such services shall also extend to the scheduling and/or purchasing of items of materials and equipment to avoid any delays in the prosecution of the work hereunder. The A-E-M shall advise and consult with the construction contractors on this project and shall direct and supervise their work, subject to the provisions of Article XVII; and shall, when directed or authorized by the Contracting Officer, procure and store materials and equipment for use in connection with the project.

ART. VI. *Estimated cost, fee and performance period.*

1. It is estimated that the cost of the construction of the project will be ------------ ------------------ Dollars ($-------------- ------) exclusive of the A-E-M's fee, and that the work herein contracted for will be ready for utilization by the Government ---- -------------------------- It is expressly understood, however, that neither the Government nor the A-E-M guarantees the correctness of either of these estimates.

2. In consideration for his undertaking under this contract the A-E-M shall receive the following:

a. Reimbursement for expenditures as provided in Article XI.

b. Rental for A-E-M's equipment as provided in Article XI.

c. A fixed fee in the amount of -------- ---------------------- Dollars ($---------- ----------) which shall constitute complete compensation for the A-E-M's services, including profit and all general overhead expenses.

3. When in the opinion of the Contracting Officer it is to the best interests of the Government, the A-E-M shall when so ordered or authorized, subcontract any or all items or classifications of construction work required under this contract or subsequently added thereto, for which contracts are not awarded by the Government on a lump sum or unit price basis. Such subcontracting of construction work, or the performance thereof with the A-E-M's own forces, regardless of the amount and/or extent of work performed or subcontracted, all with the prior written approval or order of the Contracting Officer, and such awarding of contracts for construction work hereunder by the Government on a lump sum or unit price basis, irrespective of the amount and extent thereof, shall entail no adjustment in the fixed fee stipulated in Section 2*c* of this Article VI. The fixed fee stipulated in Section 2*c* of this Article VI has been determined in the light of the fact that all of the construction work may be subcontracted or contracts for such work may be awarded by the Government on a lump sum or unit price basis. Such fee includes compensation for the services which may be rendered by the A-E-M in the negotiation, supervision, and coordination of any construction work subcontracted or for which contracts have been awarded by the Government on a lump sum or unit price basis and the responsibilities assumed by the A-E-M in connection therewith, and is deemed to be reasonable, regardless of the amount or extent of construction work performed, subcontracted, or for which contracts are awarded by the Government on a lump sum or unit price basis.

ART. VII. *Changes.*

1. The Contracting Officer may at any time by written order issue additional instructions, require additional work or services or direct the omission of work or services covered by this contract. If such changes cause a material increase or decrease in the amount or character of the work to be done under this contract an equitable adjustment of the amount of the fixed fee to be paid the A-E-M shall be made and the contract shall be modified in writing accordingly. Nothing provided in this Article shall excuse the A-E-M from proceeding with the prosecution of the work so changed. There shall be no adjustment in the amount of the fixed fee as provided herein, nor any claim therefor, because of any errors and/or omissions made in computing the estimated cost of the construction of the work under this contract or where the actual cost varies from the estimated cost.

ART. VIII. *Title to work.*

1. Title to all materials, tools, machinery, equipment and supplies for which the A-E-M shall be entitled to reimbursement under Article XI shall vest in the Government at such point or points as the Contracting Officer may designate in writing: *Provided*, That the right of final inspection and acceptance or rejection or such materials, tools, machinery, equipment and supplies at such place or places as he may designate in writing is reserved to the Contracting Officer: *Provided further*, That, upon such final inspection, the A-E-M shall be given written notice of acceptance or rejection as the case may be. In the event of rejection, the A-E-M shall be responsible for the removal of the rejected property within a reasonable time.

ART. IX. *Workmanship and materials.*

1. The work shall be executed in the best and most workmanlike manner by qualified, careful and efficient workers, in strict conformity with the best standard practices. Except as otherwise authorized by the Contracting Officer all materials shall be of the best quality of their respective kinds. If the Contracting Officer requires that the A-E-M submit for prior approval samples of materials proposed for use in the work covered by this contract, the A-E-M shall make no commitments for such materials until the submitted sample has been approved by the Contracting Officer.

ART. X. *Expert technical assistance.*

1. When in the judgment of the Contracting Officer the complexity and nature of the project are such as to require expert technical assistants, or services, or advice in connection with special phases of the work, such as site planning, aerial surveys, manufacturing processes, or other problems of a highly technical character, the Architect-Engineer-Manager may obtain by subcontract or otherwise, when so ordered by the Contracting Officer, such supplemental professional services as are necessary for the proper performance of this contract. The obtaining of such supplemental professional services shall entail no adjustment of the fixed-fee.

2. The provisions of the above Section shall not apply to the usual professional services normally furnished by Architect-Engineers, including but not limited to topographic surveys, design of water supply and sewerage systems, power plants and other utilities, structures and foundations. If, in the opinion of the Contracting Officer, it is essential for the proper prosecution of the work that the Architect-Engineer-Manager obtain expert technical advice or consulting service in connection with those classes of service not included in Section 1 above, the cost of obtaining such advice or service shall not be reimbursable except for the salaries of employees of such consultants, when assigned to the work on a full-time basis.

ART. XI. *Cost of the work.*

1. *Reimbursement for A-E-M expenditures.* The A-E-M shall be reimbursed in the manner hereinafter described for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer and as are included in the following items:

a. All labor, materials, tools, machinery, equipment, supplies, services, utilities, power and fuel necessary for either temporary or permanent use for the benefit of the work.

b. All subcontracts made in accordance with the provisions of this contract.

c. Rental actually paid by the A-E-M at rates not to exceed those approved by the Contracting Officer, for construction plant in sound and workable condition exceeding $300 in value as may be necessary for the proper and economical prosecution of the work. Each contract for the rental of construction plant or parts thereof by the A-E-M from third parties shall be in a form prescribed by the Contracting Officer and shall be subject to his approval and shall include provisions (1) that the lessor shall deliver to the Government title to such construction plant or parts thereof free of all liens and encumbrances when and if the total rental paid and/or accrued to the lessor for any item of construction plant or parts thereof shall equal the approved value thereof plus one percent (1%) of the approved value per month for each contract month or fraction thereof such piece of equipment shall have been in use, and (2) that any time prior to termination of such rental agreement, the Government may at its option purchase any piece of equipment by paying the lessor the difference between the valuation of such piece of equipment plus one percent (1%) of the approved value per month for each contract month or part thereof such piece of equipment shall have been in use, and the total rental theretofore paid for such piece of equipment, *Provided, however*, That either

*Delete all lines which do not apply.

coordination and efficient execution of the

of such provisions may be omitted from such rental agreements if the omission is approved by the Chief of the Supply Service.

d. Unloading and assembling at the site of the work of construction plant owned or rented by the A-E-M; transportation thereof to the place or places where it is to be used in connection with said work, dismantling, loading and return transportation to the point of original shipment or equivalent mileage, but in no event will the payment made for return transportation exceed the payment made for transportation to the job site unless such excess cost results solely from an increase of freight rates, or is required by Government transfer of such equipment to another site more distant from the point of origin than the site of the work set out in Article I hereof. Charges for transportation over distances in excess of 500 miles must have the written authorization of the Contracting Officer in advance. Loading at the site of origin and unloading when returned to the original shipping point or other return shipping point will not be paid by the Government and is not a reimbursable item.

e. Repairs and repair parts for construction plant, except such as are included in the rental and those made necessary by defects in such plant, or parts thereof, or by the fault or negligence of the A-E-M or his employees.

f. Transportation charges on materials and supplies.

g. Transportation and traveling expenses to the work of the necessary field forces for the economical and successful prosecution of the work, and return when such services are no longer required; expenses of procuring labor and expediting the production and transportation of material and equipment. Expenditures under these items shall be either authorized or approved in writing by the Contracting Officer.

h. Salaries of engineers, resident engineers, principal assistant engineers, architects, superintendents, timekeepers, foremen, technical, administrative employees and other field employees of the A-E-M in connection with the work. In case the full time of any field employee of the A-E-M is not applied to the work, his salary shall be included in this item only in proportion to the actual time applied thereto. No person shall be assigned to service by the A-E-M as superintendent of construction, chief engineer, chief purchasing agent, chief accountant, or similar position in the A-E-M's field organization, or as principal assistant to any such person, until there has been submitted to and approved by the Contracting Officer a statement of the qualifications, experience, and salary of the person proposed for such assignment. The payment of any excess salary over such scheduled amounts shown in the approved salary schedule, Appendix "C," attached hereto and made a part hereof, shall not be reimbursable, unless and until the Chief of the Supply Service has so approved in writing.

i. Buildings, trade fixtures and equipment required for necessary field offices, commissaries, hospitals, and other facilities, and the cost of maintaining and operating such field offices, commissaries, hospitals and other facilities; provided that the A-E-M may enter into a contract with any third party or parties for the operation of the commissaries, hospitals, or other facilities provided for herein, in which event such contract shall be reduced to writing and the terms thereof subject to the prior written approval of the Contracting Officer.

j. Temporary rights in land required in connection with the work.

k. Premiums on such bonds and insurance policies as the Contracting Officer may approve or require as reasonably necessary for the protection of the Government or the A-E-M. In every instance where this contract requires or permits the United States to pay the premium on a bond or insurance policy either directly or ultimately as a reimbursable item, the bond or insurance policy shall contain an indorsement or other recital excluding by appropriate language any claim on the part of the insurer or obligor to be subrogated, on payment of a loss or otherwise, to any claim against the United States.

l. Losses and expenses, not compensated by insurance or otherwise (including settlements made with the written consent of the Contracting Officer), actually sustained by the A-E-M in connection with the work and found and certified by the Contracting Officer to be just and reasonable unless reimbursement therefor is expressly prohibited.

m. The cost of reconstructing and replacing any of the work destroyed or damaged, and not covered by insurance, but expenditures under this item must have the written authorization of the Contracting Officer in advance.

n. Payments from his own funds made by the A-E-M under the Social Security Act, and any disbursements required by law which the A-E-M may be required on account of this contract to pay on or for any plant, equipment, process, organization, materials, supplies, or personnel; and, if approved in writing by the Contracting Officer in advance, permit and license fees and royalties on patents used including those owned by the A-E-M.

o. (1) If the A-E-M, or any representative thereof, shall be required to travel, the Government will reimburse the A-E-M for the transportation, including Pullman where necessary and will allow for such travel Six Dollars ($6.00) per day in lieu of all other expenses. Transportation by automobile on such required travel shall be reimbursed at the rate of Five Cents ($.05) per mile as representing the actual cost of such transportation.

(2) All travel shall be either authorized or approved in writing by the Contracting Officer. Should the A–E–M, or any representative thereof, remain in a travel status in excess of six (6) days at any one time, not including the time consumed in travel, the cost of such excess travel status shall be at the expense of the A-E-M, unless otherwise ordered in writing by the Contracting Officer.

p. When specifically approved in advance by the Contracting Officer, a reasonable allowance for work covered by Article IV performed in the A-E-M's general offices exclusively for and directly chargeable to the work.

q. Disbursements incident to payment of payrolls, including but not limited to, the cost of disbursing cash, necessary guards, cashiers, and paymasters. If payments to employees are made by check, facilities for cashing checks must be provided without expense to employees, and the A-E-M shall be reimbursed therefor.

r. Expenditures made by the A-E-M under the provisions of Subsection *d* of Section 1 of Article III and Article X.

s. Such other items not expressly excluded by other provisions of this contract as should, in the opinion of the Contracting Officer, be included in the cost of the work. When such an item is allowed by the Contracting Officer, it shall be specifically certified as being allowed under this Subsection.

If this contract was preceded by a Letter Contract, the following provision shall be deemed to be included herein:

t. All expenditures for which reimbursement has not been made pursuant to Letter Contract dated ----------------, a copy of which is attached hereto. Such Letter Contract is hereby merged and superseded by this contract.[1]

2. *Rental for construction plant owned by A-E-M.* *a.* Rental shall be paid to the A-E-M for construction plant in sound and workable condition, owned and furnished by him for the proper and economical prosecution of the work, as shown in the attached "Appendix B" hereby made a part hereof, at rental rates prescribed by the Under Secretary of War in "Uniform Rental Rates for Contractor-Owned Construction Plant", August 27, 1941.

b. In the event the A-E-M, with the approval of the Contracting Officer furnishes additional equipment that is not included in "Appendix B", rental for such equipment will be paid in accordance with said "Uniform Rental Rates for Contractor-Owned Construction Plant."

c. Except as otherwise specified herein, rental shall begin on the date of delivery of the construction plant to a common carrier for shipment to the site of the work, as evidenced by bill of lading or other satisfactory evidence covering such shipment. In the event the construction plant is conveyed by the A-E-M, the rental shall start at the time transportation to the site begins; however, the rental paid shall not exceed that for the equivalent time of shipment by common carrier.

d. If such construction plant is not in sound and workable condition to the satisfaction of the Contracting Officer, when delivered at the site of the work, the rental period therefor shall not begin until the construction plant shall have been placed in sound and workable condition at the expense of the A-E-M, and rental therefor shall not be paid for any prior period.

e. If such construction plant cannot be placed in sound and workable condition within reasonable time to the satisfaction of the Contracting Officer, no transportation charges for the shipment thereof, to or from the site of the work, shall be paid.

f. The approved value of the construction plant as shown in "Appendix B" shall be deemed binding unless the Contracting Officer shall, within twenty days after such plant has been set up and working, modify or change such valuation. In the event a change is made in the valuation of the construction plant, a corresponding change shall be made in the rental rate in accordance with said "Uniform Rental Rates for Constructor-Owned Construction Plant". Thereafter the valuation and the related rental rate shall be binding unless the rental is modified as specified below.

g. Furnish within 15 days of the date of the receipt of written notice from the Contracting Officer, construction plant listed in Appendix "B" provided that the date upon which the A–E–M is required to furnish such plant shall not precede the date on which such construction plant is listed as available in said Appendix "B." In the event the A–E–M fails to furnish construction plant as required by such notice, the additional cost of acquiring replacement construction plant from any source other than the A–E–M shall be paid by the A–E–M and shall not be a reimbursable expenditure.

h. Rental for time consumed for repairs, in excess of time normally required for such repairs as determined by the Contracting Officer, shall be deducted from the rental in the amount of one-thirtieth of the monthly rental rate for each day determined to be in excess. When in the opinion of the Contracting Officer the amount of repairs or maintenance is excessive, a deduction shall be made from the rental.

i. The payment of rental shall cease on a date to be established in a written notice by the Contracting Officer to the A–E–M that the construction plant is no longer required. The date of release thus established shall include an allowance for the time necessary for final repairs, dismantling and loading for shipment.

GENERAL

3. *Reservations by Government.* *a.* The Government reserves the right to furnish any

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[1] This contract will bear same date as Letter Contract.

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materials, construction equipment, machinery, tools, or services, including communication services necessary for the completion of the work. The A–E–M shall cause all equipment, machinery, and tools to which title is vested in the Government to be suitably marked with an identifying mark or symbol indicating that such items are the property of the United States. The A–E–M shall maintain at all times, in a manner satisfactory to the Contracting Officer records showing the disposition and/or use of all equipment, machinery, tools, and materials purchased for the work and for which he has been reimbursed by the Government or which have been furnished by the Government. Upon the completion of this contract or upon demand, the A-E-M shall return such equipment, machinery, tools, and unused materials to the place designated by the Contracting Officer.

b. The Government reserves the right to pay directly to common carriers any or all freight charges on construction plant, materials and supplies.

c. The Government reserves the right to pay directly to the person concerned all sums due from the A–E–M for labor, materials, or other charges.

d. The Government will pay directly for all telegraphic communications (including teletype and facsimile when authorized by the Contracting Officer to be installed), cablegrams, radiograms, and similar messages that may be sent by the A-E-M pertaining directly to the contract for work to be done or materials to be furnised thereunder, and the A-E-M is hereby designated as an agent of the Government for the purpose of causing to be transmitted any such messages.

4. *Salaries of corporate officers, etc.* No salary, wages, or like compensation of the A-E-M, partners or corporate officers of the A-E-M's organization and no salary, wages or like compensation of the resident managers referred to in Section 1 of Article III shall be included in the cost of the work. No part of the expense incurred in conducting the A–E–M's main office or regularly established branch offices, and no overhead expenses of any kind, except as specifically authorized in Section 1 of this Article, shall be included in the cost of the work; nor shall any interest or capital employed or on borrowed money be included in the cost of the work.

5. *Discounts.* The A-E-M shall, to the extent of his ability, take all cash and trade discounts, rebates, allowances, credits, salvage, commissions, and bonifications, and when unable to take advantage of such benefits he shall promptly notify the Contracting Officer of the reason therefor. In determining the actual net cost of articles and materials of every kind required for the purpose of this contract, there shall be deducted from the gross cost thereof all cash and trade discounts, rebates, allowances, credits, commissions, and bonifications which have accrued to the benefit of the A-E-M or would have so accrued but for the fault or neglect of the A-E-M. Such benefits lost through no fault or neglect on the part of the A-E-M, or lost through fault of the Government, shall not be deducted from gross costs.

6. *Revenue.* All revenue received by the A-E-M from the operations of the hospital, commissaries, or other facilities, or from rebates, discounts, refunds, etc., shall be accounted for by the A-E-M and, except for any reasonable compensation accruing to a third party or parties for the operation of commissaries, hospitals, or other facilities, applied in reduction of the cost of the work.

ART. XII. *Payments.*

1. *Reimbursement for cost.* The Government will currently reimburse the A-E-M for expenditures made in accordance with Article XI upon certification to and verification by the Contracting Officer of the original of signed payrolls for labor, the receipted invoices for materials, or such other documents as the Contracting Officer may require. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

2. *Rental for A-E-M's equipment.* Rental as provided in Section 2, Article XI for such construction plant or parts thereof as the A-E-M may own or furnish shall be paid monthly upon presentation of proper vouchers.

3. *Payment of the fixed-fee.* Ninety percent (90%) of the fixed-fee set out in Article VI shall be paid by the Government as it accrues, in monthly installments based upon the precentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer. Final payment upon completion of the work and its final acceptance shall be made in accordance with Section 5 of this Article. If the contract is terminated by the Government, payment shall be made in accordance with Article XVI.

4. *Payments by A-E-M.* If bills for purchase of material, machinery or equipment, or pay-rolls covering employment of laborers or mechanics incurred by the A-E-M or by any subcontractor hereunder are not paid promptly by the A-E-M or subcontractor as the case may be, the Contracting Officer may, in his discretion, withhold from payments otherwise due the A-E-M an amount equivalent to the amount of any such bill or payroll. Should the A-E-M neglect or refuse to pay such bills or payrolls or to direct any subcontractor to pay such bills or payrolls within five (5) days after notice from the Contracting Officer so to do, the Government shall have the right to pay such bills or payrolls directly, and in such event a deduction equal to five percent (5%) of the amount so paid directly shall be made from the A-E-M's fee.

5. *Final payment.* Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the A-E-M the unpaid balance of the cost of the work determined under Article XI, and of the fee, less any sum that may be necessary to settle any unsettled claims in connection with this contract, or any claim the Government may have against the A-E-M. The Contracting Officer shall accept the completed work with reasonable promptness. Prior to final payment and as a condition thereof, the A-E-M shall furnish the Government with a release of all claims against the Government arising under and by virtue of this contract other than such claims, if any, as are specifically excepted by the A-E-M from the operation of the release in stated amounts to be set forth therein.

ART. XIII. *Records and accounts, inspection and audit.*

1. *Records and books of account.* The A-E-M agrees to keep records and books of account, showing the actual cost to him of all items of labor, materials, equipment, supplies, services, and other expenditures of whatever nature for which reimbursement is authorized under the provisions of this contract. The system of accounting to be employed by the A-E-M shall be such as is satisfactory to the Contracting Officer.

2. *Access to records by Contracting Officer and A-E-M.* The Contracting Officer shall at all times be afforded proper facilities for inspection of the work and shall at all times have access to the premises, work and materials, to all books, records, correspondence, instructions, plans, drawings, receipts, vouchers, and memoranda of every description of the A-E-M pertaining to said work except such documents as are submitted in support of reimbursement vouchers; and the A-E-M shall preserve such papers, without additional compensation therefor, for a period of three (3) years after completion or termination of this contract. Likewise, any duly authorized representation of the A-E-M shall be accorded the privilege of examining the books, records, and papers of the Contracting Officer relating to the actual cost of the work for the purpose of checking up and verifying such cost.

3. *Auditing functions.* In order to avoid so far as possible duplication in accounting and auditing functions performed by the A-E-M and the Government, it is agreed that the following accounting and auditing functions shall be performed by the Government exclusively:

a. Time checking (not time keeping) in the field or in the A-E-M's Plant.

b. Audit of original pay rolls of the A-E-M (or such portions thereof as are applicable), where such pay rolls are prepared by the A-E-M.[1]

c. Checking of equipment rentals and the preparation and delivery of properly approved rental rolls to the A-E-M for payment.[2]

d. Such other accounting and auditing functions as may be effectively performed by Government employees and to which the Contracting Officer and the A-E-M may mutually agree in writing.

4. *Discharge of functions.* It is further agreed that if any of the accounting and auditing functions performed exclusively by the Government do not adequately discharge such accounting and auditing functions to the satisfaction of the A-E-M, the A-E-M with the approval in writing of the Contracting Officer, may perform such additional checking and auditing as may be so approved. The A-E-M shall be reimbursed for the cost of such additional accounting and auditing functions as are so approved.

ART. XIV. *Drawings and other data to become property of Government.*

1. All drawings, designs and specifications are to become the property of the Government on completion thereof as outlined in this contract, and the Government shall have full right to use said drawings, designs and specifications as instruments for the purpose of constructing, under contract or otherwise, any buildings or other structures for the sole use of the Government when and where the Government may designate without any claim on the part of the A-E-M for additional compensation.

2. All notes, designs, drawings and other data concerning project shall be delivered to the Government whenever requested by the Contracting Officer and, furthermore, access to such data shall be restricted to trusted and duly authorized representatives of the Government and of the A-E-M.

ART. XV. *Special requirements.*

1. The A-E-M hereby agrees that he will:

a. Procure and maintain bonds and insurance in such forms and in such amounts and for such periods of time as the Contracting Officer may require or approve. Insurance shall cover all work required by this contract, regardless of whether it is performed by the A-E-M's own forces, subcontractors, or direct contracts with the Government, as is contemplated in Article II of this contract.

b. Procure all necessary permits and licenses; obey and abide by all applicable laws, regulations, ordinances, and other rules of the United States of America, of the State, Territory, or political subdivision thereof wherein the work is done, or of any other duly constituted public authority.

c. Reduce to writing, unless this provision is waived in writing by the Contracting Officer, every contract in excess of two thousand dollars ($2,000) made by him for the purpose of the work hereunder for services, materials, supplies, machinery, equipment, or for the use thereof; insert therein a provision

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[1] Where pay rolls are prepared by the Government the audit thereof by the Government will be concurrent with such preparation.

[2] If not applicable, this section will be omitted.

A-E-M. In every instance where this contract requires or permits the United States

work, as shown in the attached "Appendix

Contract.

that such contract is assignable to the Government; make all such contracts in his own name, and not bind nor purport to bind the Government or the Contracting Officer thereunder. No purchase in excess of two thousand dollars ($2,000) shall be made or placed without the prior approval of the Contracting Officer.

d. Enter into no subcontract for any portion of the construction work except in the form prescribed by the Chief of the Supply Service, with the written approval of the Contracting Officer. Subcontracts are defined as contracts entered into by the A-E-M with others which involve the performance, wholly or in part at the site of the work, of some part of the work described in this contract.

e. The Contracting Officer may require the A-E-M to dismiss from work such employee or employees as the Contracting Officer deems incompetent, careless or insubordinate, or whose continued employment is deemed inimical by the Contracting Officer to the public interest. The A-E-M shall make every reasonable effort in the selection of his employees and in the prosecution of the work under this contract to safeguard plot drawings and schematic drawings furnished him and drawings and specifications, and to prevent the theft or unauthorized use of the same.

f. Immediately upon termination of third-party rental agreements, make all repairs to equipment rented thereunder which are required to be made by the terms of such rental agreements and shall remove such equipment from the site of the work. In cases where such repairs and removal cannot promptly be made, the A-E-M shall notify the Contracting Officer of the reasons for such delay.

ART. XVI. *Termination of contract by the Government.* (Insert [¶350] (§ 81.350))

ART. XVII. *The Contracting Officer's decisions.*

1. The services rendered and the work done by the A-E-M shall be subject to the supervision and approval of the contracting officer to whom the A-E-M shall report and be responsible.

ART. XVIII. *Disputes.* (Insert [¶ 326] (§ 81.326))

ART. XIX. *Convict labor.* (Insert [¶ 345] (§ 81.345))

ARTI XX. *Labor.*

1. Insert [¶ 343] (§ 81343).

2. Insert [¶ 346] (§ 81.346).

3. *Excess wage rates on overtime compensation.* All wage rates, including compensation for overtime under Section 2 of this article, for laborers and mechanics engaged in work under this contract shall be approved in writing by the Chief of the Supply Service or a representative expressly designated by him for that purpose, and any amount paid by the A-E-M to any laborer or mechanic in excess of the wage rate approved for such laborer or mechanic by the Chief of the Supply Service or a representative expressly designated by him for that purpose shall be at the expense of the A-E-M and shall not be reimbursed by the Government. When, in connection with the audit and check by the Contracting Officer or his authorized representative, of the A-E-M's pay rolls prior to reimbursement as contemplated in Section 1 of Article XI hereof, it is found that one or more laborers and/or mechanics have been paid wages at rates in excess of the wage rates approved as herein provided, the reimbursement made to the A-E-M on account of such pay rolls shall not include any such excess payments.

4. Insert [¶ 325] (§ 81.325).

5. Insert [¶ 344] (§ 81.344).

ART. XXI. *Accident prevention.*

1. In order to protect the life and health of his employees in the performance of this contract, the A-E-M will comply with all pertinent provisions of the "Safety Requirements in Excavation—Building—Construction" approved by Chief of Engineers December 16, 1941 (a copy of which is on file in the Office of the Contracting Officer), and as may be amended, and will take or cause to be taken such additional measures as the Contracting Officer may determine to be reasonably necessary for this purpose. The A-E-M will maintain an accurate record of, and will report to the Contracting Officer in the manner and on the forms prescribed by the Contracting Officer, all cases of death, occupational disease, and traumatic injury arising out of or in the course of employment on work under this contract.

2. The Contracting Officer will notify the A-E-M of any noncompliance with the foregoing provisions and the action to be taken. The A-E-M shall, after receipt of such notice, immediately correct the conditions to which attention has been directed. Such notice when served on the A-E-M or his representatives at the site of the work shall be deemed sufficient for the purpose aforesaid.

3. If the A-E-M fails or refuses to comply promptly, the Contracting Officer may issue an order stopping all or any part of the work. When satisfactory corrective action is taken, a start order will be issued.

ART. XXII. *Notice to Government of labor disputes.* (Insert [¶ 354] (§ 81.354))

ART. XXIII. *Officials not to benefit.* (Insert [¶ 322] (§ 81.322))

ART. XXIV. *Covenant against contingent fees.* (Insert [¶ 323] (§ 81.323))

ART. XXV. *A-E-M's organization and methods.*

1. Upon the execution of this contract, the A-E-M shall submit to the Contracting Officer a chart showing in general the executive and administrative organization, duties and personnel to be employed in connection with the work under contract; the data so furnished shall be supplemented as additional information becomes available.

ART. XXVI. *Progress reports and changes in personnel.*

1. The A-E-M shall promptly, after the execution of this contract, prepare and submit to the Contracting Officer, for approval, a schedule showing the order in which the A-E-M proposes to carry on the work, with dates on which he will start the several salient features of the work and the contemplated dates for completing the same. The schedule shall be in the form of a progress chart at suitable scale so as to indicate with symbols the percentage completed at any time. The A-E-M shall correct the progress schedule at the end of each week and shall immediately deliver to the Contracting Officer three copies each of the same.

2. The A-E-M shall furnish sufficient technical, supervisory and administrative personnel to insure the prosecution of the work in accordance with the approved progress schedule. If in the opinion of the Contracting Officer, the A-E-M falls behind the progress schedule, the A-E-M shall take such steps as may be necessary to improve his progress, and the Contracting Officer may direct him to increase working days per week, or hours of labor per day. When in the opinion of the Contracting Officer, the A-E-M's personnel and/or overhead is excessive for the proper performance of this contract, reductions thereof shall be made as required by the Contracting Officer. Failure to promptly comply with such directions shall be deemed sufficient cause to terminate this contract for the fault of the A-E-M.

ART. XXVII. *Loading and unloading railway cars.*

1. The A-E-M shall load promptly all railroad cars furnished for loading upon his order and shall unload from railroad cars promptly upon arrival all shipments consigned to him and shall provide storage facilities and other facilities necessary for these purposes; and the A-E-M shall not order railway cars for loading unless they can be loaded promptly and shall not cause or permit shipments to be consigned to him unless they can be unloaded from railroad cars promptly upon arrival.

ART. XXVIII. *Assignment of claims.* (Insert [¶ 355] (§ 81.355))

5. No assignee shall divulge any information concerning the contract, or contained therein, except to those persons authorized by the Contracting Officer.

If this contract is classified as Secret, Confidential, or Restricted, the foregoing provisions of this Article shall not be applicable, and the following provision shall be deemed to be substituted therefor:

1. Neither this contract, nor any interest therein, or claim thereunder, shall be assigned or transferred by the A-E-M to any party or parties.

ART. XXIX. *Renegotiation.* (See [¶ 342] and PR 12 (§ 81.342 and §§ 81.1201–81.1213))

ART. XXX. *Approval required.*

1. This contract shall be subject to the approval of the ________________ and shall not be binding unless so approved.

ART. XXXI. *Definitions.*

1. The term "Chief of the Supply Service" refers to the head of a service of the War Department, e. g., the Chief of Engineers.

2. The terms "Secretary of War" and "Chief of the Supply Service" shall include their duly authorized representatives as the case may be other than the Contracting Officer.

3. The term "his duly authorized representative" shall mean any person or board authorized by the Secretary of War or the Chief of the Supply Service, as the case may be, to act for him, other than the Contracting Officer.

4. For the original signing of the contract and modification thereof, the term "Contracting Officer" as used herein shall be deemed to include the Contracting Officer in the Office of the Chief of Engineers appointed for that purpose by the Chief of Engineers. For all other purposes, the term "Contracting Officer" shall mean the District Engineer of the United States Engineer District in which the contract work is being performed, his successor or duly authorized representative.

5. The term "construction plant" shall include any part thereof.

ART. XXXII. *Alterations.*

The following changes were made in this contract before it was signed by the parties hereto:

In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

THE UNITED STATES OF AMERICA,
By ______________________________
____
(Contracting Officer)

A-E-M,
By ______________________________
____

Witnesses as to signature of A-E-M:
____
____
(Address)
____
____
(Address)

CERTIFICATION

I, ____________________ do hereby certify that I am the duly qualified ________________ of the corporation named herein as Architect-Engineer-Construction-Manager; that ______ ______________ who signed this contract on behalf of the Architect-Engineer-Construction-Manager was then ____________________ of said corporation; that said contract was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

In witness whereof, I have hereunto affixed my hand and the seal of the ______________ this ______ day of __________, 194____.

____

[CORPORATE SEAL]

APPENDIX "B" TO CONTRACT NO. ----

(All equipment available ____________ except where otherwise specified)

Quantity	Item: Complete description, capacity, and identifying numbers	Total purchase cost of fair value	Rental rate $______ month, week, or day

APPENDIX "C"

There are set forth below the present key employees proposed to be furnished under this contract indicating their names, description of work to be performed, an expression as to whether the salaries are based on a weekly, monthly, or annual basis, and the maximum salary agreed upon to be paid for services in the position indicated for personnel now employed.

Name	Position	Salary based on weekly (W), monthly (M), or annual basis	Maximum salary agreed to be paid under contract

1. For the purpose of this Appendix "C" it is understood that

a. "Non-manual employees" are those employees who are not "laborers and mechanics" within the meaning of the Davis-Bacon Act. Specifically, the term "non-manual employees" has been interpreted to include all occupations not involving manual labor directly in connection with construction work. The following is a list (not all-inclusive) of typical "Non-manual" occupations:

Accountants.
Architects.
Auditors.
Axemen.
Bookkeepers.
Chainmen.
Chiefs of party.
Clerks.
Draftsmen.
Engineers.
Executives of any kind.
Levelmen.
Material Checkers.
Material Clerks.
Messengers.
Office Machine Operators.
Project Managers.
Purchasing Agents.
Rodmen.
Stenographers.
Storekeepers.
Superintendents.
Telephone Operators.
Timecheckers.
Timekeepers.
Toolcheckers.
Transitmen.
Typist.

b. For the purpose of this Appendix "C", non-manual employees will be classified in the following groups:

(1) Group "A". Employees whose base salaries are less than $50.00 per week, except those included in Groups "D" and "E".

(2) Group "B". Employees whose base salaries are between $50.00 and $90.00 per week, inclusive, except those included in Groups "D" and "E".

(3) Group "C". Employees whose base salaries are in excess of $90.00 per week, except those included in Groups "D" and "E".

(4) Group "D". Trade Foremen, employed by construction contractors.

(5) Group "E". Custodial employees, including Camp Assistants, Chauffeurs, Cooks, Custodians, Fire Fighters, Guards, Janitors, Watchmen, etc.

c. The base salaries of all employees of Groups "A", "B" and "C" will be established on the basis of a minimum work week of 48 hours.

d. Group "A" employees will be paid at the rate of straight time for all work which they are required to perform in excess of 48 hours per week.

e. Group "B" employees will be expected to work any reasonable number of hours, six (6) days per week, without payment of additional compensation. They will be paid at the rate of straight time (the weekly salary divided by 48) for all work which they are required to perform on the seventh day.

f. Group "C" employees will be considered key employees, and will be expected to work any necessary number of hours (including work on Sundays) without payment of additional compensation.

g. Group "D" employees will normally be employed on an hourly basis, and will be governed by the overtime policies applicable to the laborers and mechanics under their supervision.

h. The number of hours which shall constitute a work week for Group "E" employees shall be determined by the Contractor, with the approval of the Contracting Officer, and salaries for such employees fixed accordingly. Normally, Group "E" employees will not be required to work in excess of the work week thus established. In the event such excess work is necessary at any time because of unforeseen contingencies, the employee will not be paid any additional compensation, but will be granted compensatory time off with pay.

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

APPENDIX I

PROCUREMENT ASSIGNMENT BOARD, HEADQUARTERS, SERVICES OF SUPPLY, ASSIGNMENT OF PROCUREMENT RESPONSIBILITY AND PURCHASE RESPONSIBILITY

1. The items listed alphabetically herein have been reviewed by the Procurement Assignment Board, Purchases Division, Headquarters Services of Supply and, with the approval of the Director of Procurement, procurement responsibility and purchase responsibility therefor have been assigned to the appropriate service.

2. Procurement responsibility and purchase responsibility are defined in § 81.602 (a) and (b).

3. The initial list of items includes only

(a) those items which, pursuant to the provisions of A. R. 850–25, have been presented as new items for standardization and

(b) those items which have been referred to the Procurement Assignment Board for assignment under § 81.604 of the Procurement Regulations, and

(c) those general classes of items which are particular field or specific services.

4. Procuring and purchasing officers are cautioned that this list is incomplete, that it will be continually expanded, and that questionable items not found in this appendix should be referred to the next higher authority for determination or forwarding to the chief of the service for his decision, or his reference to the Procurement Assignment Board, Headquarters, Services of Supply.

5. The assignment of procurement responsibility indicated by the list set forth below is subject to the qualification that items of installed equipment are always the procurement responsibility of the Corps of Engineers when

(a) such items are incident to initial construction, repairs, and utilities and

(b) the cost of such items is included in the total cost of the projects to which such items are incident.

6. The following symbols designate the services to which procurement and purchase responsibility have been assigned:

A—Army Air Forces.
C—Chemical Warfare Service.
E—Corps of Engineers.
M—Medical Department.
O—Ordnance Department.
Q—Quartermaster Corps.
S—Signal Corps.
T—Transportation Corps.

Item or general class	Federal Standard Stock Catalogue stock no. or class no.	Procurement responsibility	Purchase responsibility
Adapter, cluster, 550-lb. incendiary bomb, M1		C	C
Adapter, gun mount, type E-54		A	A
Adapter, line, filling, one ton container, M1	58-A-57	C	C
Adaptors, ski		Q	Q
Aeronautical instruments (and parts—thereof)	88	A	A
Airplanes: Complete (without engines)	80	A	A
Airplane: Engines (with or without accessories)	84	A	A
Airplane: Engine accessories and parts	86	A	A
Alarm, gas, M1	4-A-310	C	C
Album, photographic, type A-3 (03-343)		A	A
Altimeter, type B-11 (aircraft 20,000 ft.)		A	A
Altimeter, type B-12		A	A
Altimeter, precision, type D-9 (aircraft)		A	A
Antifreeze		O	O
Ammunition, ammunition-details: blasting apparatus, bombs	4	O-C-E	O-C-E
Apparatus, oxygen, purifier, type A-3		A	A
Apparatus, oxygen purifier, Type A-4		A	A
Apron, white, bakers, butchers and cooks	55-A-1105	Q-M	Q
Apron, rubberized: Cloth 33 by 46 inches	57-A-880	Q-M	Q
Armored tailer, ms (32)	78	O	O
Arms, small and all accessories, outfits and parts	2	O	O
Astograph, type A-1 (05-820)		A	A
Axe, ice, mountain		Q	Q
Badges; insignia; medals, etc	71	Q	Q
Bag assembly clothing type B-4	27-B-124	A	A
Bag, clothing, waterproof		Q	Q
Bag, food, waterproof, jungle		Q	Q
Bag, laundry small		Q-M	Q
Bag, laundry large: 60 by 22 inches		Q-M	Q
Bag, wardrobe: for patients' clothing		Q-M	Q
Bag, personal effects	27-B-250	Q-M	Q
Bake shop & kitchen-apparatus and utensils: aluminum-utensils; corrosion-resisting-steel-utensils; galley-gear; tinware; and all accessories, outfits and parts.	64	Q	Q
Bands, contraction		Q	Q
Band, helmet, camouflage		Q	Q
Bar boring cam shaft and main bearings universal type	41-B-20	O	O
Bar mosquito	27-B-348	Q-M	Q
Basket, laundry, army duck body		M	Q
Basket, laundry metal frame 34 by 22 by 23 inches deep		M	Q
Batteries, flashlight	17	(1)	S

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[1] All services.

Item or general class	Federal Standard Stock Catalogue stock no. or class no.	Procurement responsibility	Purchase responsibility
Bathroom & toilet-fixtures: and all accessories, outfits, and parts	30	E	E
Basin hand (medium)	57-B-1550	Q-M	Q
Bed hospital standard	57-B-2792	Q-M	Q
Bed hospital, adjustable, spring-bottom	57-B-2764	Q-M	Q
Bed, adjustable, caster: with or without wheel brakes; requisitions should state which.		Q-M	Q
Bed, fracture: white enamel	57	Q-M	Q
Bed, shoe: wood (requisitions will state the inside diameter of leg of bed, which will be outside diameter of shoe).	57	Q-M	Q
Bed, folding: hospital cot 76 by 36 by 32¼ inches	57	Q-M	Q
Bench, porch: slat seat and back	26	Q-M	Q
Bedsack		Q-M	Q
Beater, egg: 12½-inch double dasher	64	Q-M	Q
Beater, egg, wire, whip: 16-inch	64	Q-M	Q
Beef juicer, 1 qt	64	Q-M	Q
Bedspread: white, cotton, 72 by 90 inches	27	Q-M	Q
Bindings, snowshoe, mountain		Q	Q
Bladder, flotation, jungle		Q	Q
Block, equipment TE-92	19-B-35300	S	S
Block, butcher: 30 by 30 by 16 inches		E-Q-M	Q
Blower, insect powder		E-Q-M	Q
Blank-forms	28	Q	Q
Blanket, wool, O. D.: M-1934	27-B-678	Q-M	Q
Blanket, white: wool 90 by 66 inches	27	Q-M	Q
Boat and ship-fittings	12	T	T
Bomb, chemical, 100-lb. M47A1	3	O	O
Bomb, incendiary, oil, 6-lb., M56	3	C	C
Booster, type A-1, voltage (12-24 volt, D. C, aircraft		A	A
Boots, shoes: leather and rubber—clothing	72	Q	Q
Boots, jungle	72	Q	Q
Boots, mukiuk	72	Q	Q
Boots, parachute jumpers'	72-B-200	Q	Q
Board, bread: 14 by 20 by ⅞ inches		Q-M	Q
Board, chopping		Q-M	Q
Boiler, double, 2½ qt.: Long handle	64	Q-M	Q
Boiler, double, 6 qt	64	Q-M	Q
Boiler, double, 15 qt	64	Q-M	Q
Bowl, chopping: wood, 20-inch		Q-M	Q
Bowl, mixing, 21-inch: baker's tinned steel		Q-M	Q
Bowl, mixing, 30-inch		Q-M	Q
Bowl, soup, china	63	Q-M	Q
Bowl, soup, enamelware	63	Q-M	Q
Bowl, sugar, china	63	Q-M	Q
Bowl, sugar, individual: china	63	Q-M	Q
Bottle water purification, individual		M	M
Box, match, waterproof, with compass	18	Q	Q
Box, cash: metal with lock		Q-M	Q
Box opener		Q-M	Q
Bowl, sugar, enamelware: with lid 17½ oz.		Q-M	Q
Box, soap: metal		Q-M	Q
Brush, carbon cleaning, circular type with ¼ inch shank	40-B-865	O	O
Brush, carbon cleaning, end type, solid filled, with ¼-inch shank	40-B-870	O	O
Brush mountain		Q	Q
Broiler, wire: 16 by 18 inches		Q-M	Q
Brush, meat block: steel, 3¾ by 9 inches		Q-M	Q
Broom corn	38	Q-M	Q
Broom, stable		Q-M	Q
Brushes, bedpan		Q-M	Q
Brush, counter: hair	38	Q-M	Q
Brush, hand: scrub, fiber		Q-M	Q
Brush, paint, 2-inch		Q-M	Q
Brush, paint, flat, 3-inch	38-B-2640	Q-M	Q
Brush, radiator		Q-M	Q
Brush, horse: M-1912	34-B-14890	Q-M	Q
Brush, scrub		Q-M	Q
Brush, sweeping, floor: hair		Q-M	Q
Brush, sweeping, floor: handle		Q-M	Q
Brush weighted: For polishing floor complete with handle		Q-M	Q
Brush weighted, brush		Q-M	Q
Brassard, arm: Geneva Convention	71-B-1318	Q-M	Q
Brassard, arm Veterinary Corps	71-B-1375	Q-M	O
Bucket, canvas, water w/spout, 8-quart, radiator filling	24-B-2015	O	O
Bucket, general purpose, 15 qts		Q-M	Q
Bulbs, Flashlight	42-B-25525	(1)	S
Burner, gasoline: Fire pot type		Q-M	Q
Button: Large and small for pajamas, old type convalescent and operating suits		Q-M	Q
Button, sewing, hole: For maroon convalescent coat and trousers		Q-M	Q
Button, staple: Split ring (maroon)		Q-M	Q
Bucket canvas folding, 8qt	24-B-2008	Q-M	Q
Bucket, canvas: Collapsible, 10 qts		Q-M	Q
Buckets, 3 in nest: Enamelware, 8, 10, 12 qts		Q-M	Q
Cable stub CC-356	15-C-40250	S	S
Camera, aircraft type B-2		A	A
Camera, aircraft, day reconnaissance, type K-25		A	A
Camera ground general purpose	18-C-306	A	A
Camera PH-324	18-C-391-400	S	S
Camera PH-430		S	S
Camera PH-431		S	S
Camera, ground, type A-5		A	A
Camouflage equipment, aviation engineers		E	E
Can assembly plants		E	E
Can parts, prefabricated		Q	Q
Candle, gas, irritant, DM, M-2	51-C-594-75	C	C
Canvas and canvas goods		(1)	Q
Canvas and buckets, special automotive		Q	Q
Caps; hats; gloves; men's and women's-furnishings	73	Q	Q
Cap, ski		Q	Q
Cap, bakers and cooks	73-C-3038	Q-M	Q
Cap, operating		Q-M	Q
Car, armored, light, M8	78-C-2300	O	O
Car, railway, box (kitchen)	58-C-00201	E	E
Car, railway, box (store)	58-C-00204	E	E
Car, railway, gondola, low side	58-C-214	E	E
Car, railway, hand-pushed, 4-wheel	58-C-220	E	E
Carriage, gun, 37 MM, M3A2	1-C-1532-175	O	O
Carriage, gun, 3 inch M10 motorized	1-C-1520-30	O	O
Carrier, shovel, intrenching M-1910	74-C-165	Q	Q
Case, cartridge, 76MM M26		O	O
Case, gas casualty		M	M
Can, 5 gal.: galvanized iron		Q-M	Q
Can, oil: Zinc, 2 oz		Q-M	Q
Can, waste: 4 gal., with foot-lifting device for lid, enamelware		Q-M	Q
Chest Ch-79-( )		S	S
Chest Ch-80-( )		S	S
Chest, gas casualty	57-C-3710	M	M
Chest, lighting equipment, M21	17-C-8880	O	O
Chuck, drill, 3-jaw, ball bearing heavy duty type		O	O
Chuck gauge, tire pressure, 10 to 70 pounds in 1 pound units		O	O
Chalk line with reel and awl, complete		Q-M	Q
Chest tool, large	41-C-765	Q-M	Q
Chest, tool, empty	41-C-780	Q-M	Q
Chest, tool, small, complete		Q-M	Q
Chest, tool, small, empty		Q-M	Q
Chairfolding	26-C-2285	Q-M	Q
Chest, mess		Q-M	Q
Chest, tableware		Q-M	Q
Cleaner and tester, spark plug compair abrasive type 12Y (110V)	40-C-1013 and 1015	O	O
Climbers, ski, mohair		Q	Q
Clothing, individual, WAAC		Q	Q
Cleaver, 8-inch		Q-M	Q
Cleaver, 10-inch: with blade, 4 lbs		Q-M	Q
Clothesline: rope or galvanized iron wire	22	Q-M	Q
Coal	7	E	Q
Coat, parachute, jumper's		Q	Q
Compass, vehicular	18-C-1752	E	E
Computer, time-distance, type D-4 (aircraft)		A	A
Container, aerial delivery, type A-8 (06-591)		A	A
Container, fuel, 1-qt		Q	Q
Container, signal, type A-5 02-811		A	A
Container, signal type A-6 02-819		A	A
Container, signal type A-7 02-818		A	A
Control, bomb arming, type B-1 (08-1436)		A	A
Control boost, manifold pressure type A-2 (08-1436)	83-B-20000	A	A
Control boost, manifold pressure type A-2 (08-1474)		A	A
Control, gun charger, type B-6 (02-813)		A	A
Conveyor bag, Army duck 35 inches deep, 25 inches diameter		Q-M	Q
Control, hydraulic valve, type A-1 02-730		A	A
Conveyor, laundry	24-C-750	Q-M	Q
Cookset, mountain		Q	Q
Cover, protective, individual		Q	Q
Colander, 13½-inch		Q-M	Q
Colander, 16-inch		Q-M	Q

[1] All services.

Item or general class	Federal Standard Stock Catalogue stock no. or class no.	Procurement responsibility	Purchase responsibility
Cordage; hemp; jute; oakum; twine; including manufactured articles.	21	A-Q-E	A-Q-E
Corer, apple: Tin		Q-M	Q
Cover, cake		Q-M	Q
Cover, plate		Q-M	Q
Comb, curry		Q-M	Q
Comb, mane		Q-M	Q
Corkscrew, folding		Q-M	Q
Cot, folding canvas M1938	26-C-3033	Q-M	Q
Cover, horse and mule blankets, lined	34-C-1445	Q-M	Q
Cranes, overhead (indoor of 3 t cap. or larger) all outdoor portable, mobile and fixed.		E	E
Crampons, mountain		Q	Q
Cream, sun preventive	29	Q	Q
Cruet, vinegar and oil, glass		Q-M	Q
Cup, custard, china	63	Q-M	Q
Cup, egg, china		Q-M	Q
Cup, feeding, china	63	Q-M	Q
Cup, measuring: aluminum, ½ pint	64	Q-M	Q
Cup, tea: china	63	Q-M	Q
Cutter, biscuit: 2-inch	64	Q-M	Q
Cutter, butter		Q-M	Q
Cutter, cookie		Q-M	Q
Cutter, doughnut		Q-M	Q
Cutter, French fry		Q-M	Q
Cup, paper, collapsible, 250		Q-M	Q
Cup, paper, noncollapsible		Q-M	Q
Cup, enamelware: nesting		Q-M	Q
Cup, feeding, enamelware		Q-M	Q
Cylinder, gas, helium or hydrogen	51-C-2085	E-C	E
Darkroom, H-392 (field, portable)	18-D-103	S	S
Defroster and deicer, electric windshield		O	O
Dipper, 1 pt.: long handle		Q-M	Q
Dipper, 1 qt.: long handle		Q-M	Q
Dipper, milk: 1 qt		Q-M	Q
Director, pilot type C-1 (solar photographic)		A	A
Director, torpedo, type A-1		A	A
Director trainer M9		O	O
Discharger, pyrotechnic, M5	2-D-180	O	O
Dish, butter, China: individual		Q-M	Q
Dish, butter, paper: individual		Q-M	Q
Dish, meat, large: China		Q-M	Q
Dish, meat, small: 14-inch		Q-M	Q
Dish, oatmeal: China		Q-M	Q
Dish, pickle: China		Q-M	Q
Dish, vegetable: without cover, China		Q-M	Q
Dish, vegetable, individual: China		Q-M	Q
Dishwasher, electric, large: (requisitions will state mounting, i. e., straightaway or corner; whether right or left hand feed. Also floor plan will be submitted showing fixed installations including windows and doors. Requisitions also will state type of auxiliary heating. If gas, whether artificial or natural).		E-Q-M	Q
Dishwasher, electric, small: (requisitions will state mounting, i. e., straightaway or corner; whether right or left hand feed. Also, floor plan will be submitted showing fixed installations including windows and doors. Requisitions also will state type of auxililiary heating. If gas, whether artificial or natural).		E-Q-M	Q
Dishwasher, electric, rack, type 1 mixed dishes		E-Q-M	Q
Dishwasher, electric rack, type 2, plates		E-Q-M	Q
Dishwasher, electric rack, type 3, silver and glasses		E-Q-M	Q
Dishwasher, electric, type 4, cups: Individual compartments		E-Q-M	Q
Dishwashing compound: 280 lbs		E-Q-M	Q
Dish, meat, large, enamelware		Q-M	Q
Dish, meat, small, enamelware		Q-M	Q
Dish, vegetable, enamelware		Q-M	Q
Dolly, 2-wheel, 2DT, semi-trailer, ponton		E	E
Drafting equipment, sound ranging, field artillery	18-D-680	E	E
Drum inflammable liquid steel galvanized 55 gallon	42-D-1410	Q	Q
Dry-Goods: Textiles; bedding; buttons; curtains; cushions; draperies; findings; floor-coverings; linoleum; notions; oilcloth; trimmings; upholstery-materials; yarns; etc.	27	Q	Q
Dryer, aerial film type A-6 (O3-281)	18	A	A
Dryer, aerial roll film, type A-7 (O3-334)	18	A	A
Dryer photographic print, type B-8	18-D-830	A	A
Duck, canvas; including manufactured articles	24	(1)	Q
Engine, model R-916-5	84	A	A
Engine, model R-985-53		A	A
Engine, model R-985-29		A	A
Engine, model R-1830-67	84-E-30000	A	A
Engine, model R-3350-31	84-E-70000	A	A
Equiangulator, type A-1 (O3-338)		A	A
Extinguisher, for water, 4-gallon pump type (remountable; nestable).	59	E	E
Fans, electric	17	(1)	E
Filer, piston ring, universal		O	O
Filling hon grenade frangible M1	4-E-15	C	C
Filter, aircraft, camera, electric heated, type A-7		A	A
Filter, aircraft camera, heated, type A-8		A	A
Firing platform T6 for 155 MM gun carriages, M1918 and M3	1-P-7797	O	O
Flags: bunting	5	Q	Q
Flashlight cases		S	S
Fly paper; double sheet		Q-M	Q
Fly swatter; wire handle		Q-M	Q
Flask, with cup		Q-M	Q
Flask, without cup		Q-M	Q
Flask, cup		Q-M	Q
Food: groceries; ice; provisions; subsistence	56	Q	Q
Forage: bulbs and roots; plants, shrubs and trees; seeds	67	Q	Q
Fork, carving: 9-inch blade		Q-M	Q
Fork, flesh, 12-inch: two tines		Q-M	Q
Fork, flesh, 20-inch: two tines		Q-M	Q
Fork, table		Q-M	Q
Fork, table, corrosion resisting steel		Q-M	Q
Freezer ice cream, 1 gal., hand crank triple motion		Q-M	Q
Freezer, ice-cream, 3 gal		Q-M	Q
Frame, ammunition, M14	4-P-175	O	O
Frame, ammunition, M18 (8-round)		O	O
Frame, ammunition, M19 (5-round)		O	O
Frame, ammunition, M20 (10-round)	4	O	O
Frame, bar, mosquito (med.)	26-F-118	Q-M	Q
Fuel Oil	7	Q	Q
Fuze, B. D. M66	4-F-180	O	O
Fuze, bomb, tail M106A1	4	O	O
Fuze, bomb, tail M106A2	4	O	O
Fuze, proximity, radio, rocket, M8	4-F-295	O	O
Fuze, B. D., M68	4-F-181	O	O
Gage, type C-14A, fuel pressure (aircraft, 26 volts, 400 cycles)		A	A
Gages, wheel and axle railway artillery	41-G-513	E	E
Gaiters, ski		Q	Q
Gasoline (except aviation)	7	Q	Q
Drum, inflammable liquid, steel galvanized, 5 gal	42-D-1280	Q	Q
Gauges, tire pressure, general purpose	8-G-615	O	O
Glasses, sun, with case	741-G-0063	Q	Q
Glider, training, model TG-5-AE		A	A
Glider, training model TG-1A		A	A
Glider, training model TG-1A		A	A
Glider, training model TH-3A		A	A
Glider, training model TG-6-TA		A	A
Gloves, flying, winter	73	A-Q	Q
Gloves, wool, O. D. leather palm	73	Q	Q
Gloves, mosquito	73-G-35000	Q	Q
Goggles, M-1942, complete	74-G-75.5	Q	Q
Gown, operating (large, medium, small)	57-G-2420	Q-M	Q
Grenade M6, M7, and M8	4-G-319	C	C
Grater, large		Q-M	Q
Grater, small		Q-M	Q
Grater, nutmeg		Q-M	Q
Gravy boat: China		Q-M	Q
Griddle		Q-M	Q
Gun, 3″, M	1-G-5776-100	O	O
Gun, 3″ M7	1-G-5776-120	O	O
155 MM Gun motor carriage, M12 (76)	1	O	O
Gun, 76MM, M1	1	O	O
Guns (anti-aircraft; boat; coast-defense; drill; field; machine; main battery; secondary-battery; siege); gun-mounts; instruments (fire-control; optical); and their parts	1	O	O
Gun, pump, bucket, lubricating with flexible hose 40 lb. capacity	411-G-01425	O	O
Hammer, piton, mountain		Q	Q
Hammock, jungle, complete		Q	Q
Headset HS-33	16-H-3934-50	S	S
Headset HS-38	16-H-3935	S	S
Helmet, flying, summer type A-8	37-H-1440	A-Q	Q

[1] All services.

Item or general class	Federal Standard Stock Catalogue stock no. or class no.	Procurement responsibility	Purchase responsibility
Helmet, jungle cloth (37H-1600-1616)	37	Q	Q
Holder, card: for bed card		Q-M	Q
Hose, water, wrapped ¾-inch 50 ft. length	33-H-1026	M-E	E
Hose, nozzle: adjustable brass ¾-inch	33-N-100	M-E	E
Hospital, laboratory and surgical apparatus: and all accessories, outfits, parts and supplies	57	M	M
Indentification equipment PH-385	18-I-285	S	S
Inclinometer, type B-2 (aircraft)		A	A
Indicator assemble bank and turn	88-I-3310	A	A
Indicator, flight, pitch and roll, gyron, type E-1		A	A
Indicator, oxygen system, flow, type A-3 (aircraft)	88-I-1880	A	A
Indicator test, universal, dial type		O	O
Indicator, turn magnitude (electrically operated)		A	A
Insecticide: for use in electric and hand sprayers. 5 gallon	51	Q-E-M	Q
Insecticides	51	Q-E-M	Q
Insignia, collar U. S. (warrant officer army mine planter)	71	Q	Q
Instrument, azimuth, M1	1-A-870	O	O
Instrument landing localizer SCH-591	16-I-2550	S	S
Instrument lights, M16		O	O
Instrument lights, M18		O	O
Instrument lights, M19		O	O
Instrument lights, M20		O	O
Intervalometer, type B-4		A	A
Jacket jungle cloth (37 J 152-164)		Q	Q
Jacket, mountain		Q	Q
Kettle, roasting: steam jacket	64	Q-M-E	Q
Kettle, steam, 40 gal.: ⅔ Steam jacket		Q-M-E	Q
Kettle, steam 100 gal		Q-M-E	Q
Kettle, steam 60 gal.: ⅔ steam jacket		Q-M-E	Q
Kettle, tea: 7 qt	64	Q-M	Q
Kit, cable, repair, M5	41-K-136	O	O
Kit, emergency, parachute (jungle. parachute seat). type B-3 (06-597).		A	A
Kit, emergency, subsistence (rations), type E-1		A	A
Kit, emergency subsistence (implements) type E-2		A	A
Kit, emergency, subsistence (escape), type E-3		A	A
Kit, first aid, gas casualty	57	M	M
Kit, gun bore sight, type J-1 (06-606)		A	A
Kit, helium filling, MB		O	O
Kit, medical jungle, individual		M	M
Kit, photo interpreter's, type F-1		A	A
Kit, photo interpreter's type F-2		A	A
Kit, type G-1, tool and repair, photographic (aerial camera)		A	A
Kit, service, for portable flame thrower, M1	41-K-100	C	C
Kit, repair, ski		Q	Q
Kit, water purification, squad		M	M
Knife, mountain		Q	Q
Knife, boning, 6-inch: Blade	64	Q-M	Q
Knife, bread, 10-inch: Blade	64-K-515	Q-M	Q
Knife, butcher, 6-inch: Blade		Q-M	Q
Knife, butcher, 10-inch: Blade		Q-M	Q
Knife, butcher, 12-inch: Blade		Q-M	Q
Knife, chopping: 2 Curved blades		Q-M	Q
Knife, grapefruit: curved blade		Q-M	Q
Knife, paring: corrosion resisting	64	Q-M	Q
Knife, sabatier, heavy: 14-inch blade		Q-M	Q
Knife, sabatier, light: 10-inch blade		Q-M	Q
Knife and saw, combination		Q-M	Q
Knife, skinning: 6-inch blade		Q-M	Q
Knife, slicing: 12-inch blade		Q-M	Q
Knife, table	63	Q-M	Q
Knife, table, corrosion resisting steel	63	Q-M	Q
Laboratory, photographic, portable type D-2		A	A
Laboratory, photographic, demountable, type E-2		A	A
Laces, boot ski—mountain		Q	Q
Laces, shoe pac		Q	Q
Ladder, step, 16-foot	41	Q	Q
Ladle, large: 24 oz	64	Q-M	Q
Ladle, small: 6 oz	64	Q-M	Q
Lamp, PH-216-A	17	S	S
Lamp, adjustable, for bed: (takes 15 watt frosted bulb furnished by quartermaster).	17	Q-M	Q
Lamp assembly, cockpit, flexible, type C-6	17-L-7469-50	A	A
Lamp, operating, field, generator		Q-M	E
Lantern, globe, white	31	Q	Q
Lantern, globe, green	31	Q	Q
Lantern, wick	31	Q	Q
Launcher, rocket, A. T. N.-1		O	O
Liner, helmet, M-1, jungle		Q	Q
Lubricants, automotive	14	Q	Q
Lye: 13 ounces	51	Q-M	Q
Machete, 18-inch blade, M-1942	74-M-114	Q	Q
Machine, duplicating, spirit process, military field kit	54	Q	Q
Machine, well drilling, percussion type		E	E
Machine, well drilling, rotary type		E	E
Magazine, aircraft camera, roll film		A	A
Maintenance equipment ME-21-( ) (contractor unit)		S	S
Marker, beacon receiving equipment RC-193-( )-(24V)	16	S	S
Marker, beacon receiving equipment RC-193-( )-Z-(12V)	16	S	S
Marker, trail		Q	Q
Masher, potato: wood	64	Q-M	Q
Masher, potato: wire	64	Q-M	Q
Masher, potato, ricer	64	Q-M	Q
Mask, face		Q	Q
Mask, gas, service	74-M-810	C	C
Mask, oxygen (demand), type A-10	37	A	A
Mat, door	27-M-148	Q-M	Q
Mat, steel		Q-M	Q
Match safe		Q-M	Q
Matches, safety: box		Q-M	Q
Machine, imprinting: for use with individual identification tags	54-M-30200	Q-M	Q
Mattress, cotton: 4 x 34 x 76 inches	57-M-790	Q-M	Q
Mattress, for transport: cotton, 4 x 28 by 72 inches		Q-M	Q
Mattress, pad: cotton		Q-M	Q
Mattress, inner spring		Q-M	Q
Mattress, hair: in 3 equal parts each 4 by 36 by 26 inches long		Q-M	Q
Mattress cover for felt mattress		Q-M	Q
Mattress cover for inner spring mattress		Q-M	Q
Measure, dry, 1 qt		Q-M	Q
Measure, liquid, 1 qt		Q-M	Q
Measure, steel with flexible spout, 1 qt. valve controlled	41-M-940	Q	Q
Message stick MC-379		S	S
Meter, drift, type B-6	88-M-100	A	A
Mine, anti-personnel, M3	3	O	O
Mittens, over, white	73	Q	Q
Mixer: Motor driven		Q-M-E	Q
Mobile meteorological station SCM-1	18	S	S
Mold, jelly: Individual		Q-M	Q
Mop handle: Complete with metal fixture		Q-M	Q
Mop head		Q-M	Q
Mop wringer: And metal bucket, complete 26 qts		Q-M	Q
Mortar, chemical 4.2 inch	1-M-568	C	C
Motorcycle, shaft-driven		O	O
Motor-vehicles: Trailers: motorcycles; bicycles; motor scooters	78	O	O
Motor vehicle parts, sub-assemblies, assemblies, accessories	8	O	O
Mount, camera, vertical (for type T-5 camera) type A-22		A	A
Mount, gun, AA, 20 mm, M2	1-M-674-185	O	O
Mount, gun, 3″ M4	1-M-676-20	O	O
Mount, gun, type K-3, airplane		A	A
Mount, sight, M37	1	O	O
Mount, telescope, M38	1-M-791-390	O	O
Mug, coffee, with handle: China	[illegible]	Q-M	Q
Multiple gun motor carriage M13 (TIE 4)	1-C-1516	O	O
Musical-instruments: Music; and all accessories, outfits and parts.	36	Q	Q
Nail, boot, mountain		Q	Q
Napkin, linen	27	Q-M	Q
Napkin, paper: Crepe, folded, 1,000		Q-M	Q
Nail puller	41	Q-M	Q
Needle, common, assorted sizes	27	Q-M	Q
Net, set, camouflage, No. 1		E	E
Nozzles, automotive		O	O
Oil, incendiary, IM	4-I-2000	C	C
Oiler, spray, spring, trigger operated	13	O	O
Ointment, protective, M5	51-O-884-15	C	C
Opener, can, large: Bracket type		Q-M	Q
Opener, can, small: With corkscrew and cap remover		Q-M	Q
Outfit, baking, field	64	Q	Q
Outfit, embalming, complete w/case	57-E-830	Q	M
Ovens, ranges and stoves: and all accessories, outfits, and parts	65	Q	Q
Overshoe, boat, safety sole	72	Q	Q
Overshoes, arctic 4-buckle, nurses'	72-O-660	Q	Q
Pack, jungle		Q	Q
Packboard		Q	Q

Item or general class	Federal Standard Stock Catalogue stock no. or class no.	Procurement responsibility	Purchase responsibility
Pad, snowshoe		Q	Q
Pad, insulated, sleeping		Q	Q
Pajama coat, summer: (large, medium, small)	55	Q-M	Q
Pajama coat, winter	55	Q-M	Q
Pajama trousers, summer: (large, medium, small)	55	Q-M	Q
Pajama trousers—winter	55	Q-M	Q
Panel, type A-1A, control, generator		A	A
Panel, type A-2A, control, generator		A	A
Panel, type B-1B, control, generator		A	A
Pan, bake, 2⅞-inch: by 17⅜ x 19¼-inch	64	Q-M	Q
Pan, bake, 4¾-inch: by 20¼ x 26¼-inches	64	Q-M	Q
Pan, cake, round: 9⅜ by 1 inch	64	Q-M	Q
Pan, cake, 12-inch: by 12 inches	64	Q-M	Q
Pan, cake, 18-inch: by 18 inches	64	Q-M	Q
Pan, dish, 20 qt	64	Q-M	Q
Pan, dish, 36 qt	64	Q-M	Q
Pan, fry, 9-inch		Q-M	Q
Pan, fry, 13⅛-inch		Q-M	Q
Pan, muffin: 12 cups		Q-M	O
Pan, sauce, 2 qt: long handle		Q-M	Q
Pan, sauce, 8½ qt		Q-M	Q
Pan, dust: open, 14-inch, heavy	64	Q-M	Q
Paper, toilet, 1000 sheets		Q-M	Q
Paper, toilet, fixture: complete, for roll type		Q-M	Q
Parka, reversible, ski	55	Q	Q
Pedestal truck mount M24A1	1-M-700	O	O
Pedestal truck mount M31	1-M-702	O	O
Peeler, vegetable, 16-inch		Q-M	Q
Peeler, vegetable, 26-inch		Q-M	Q
Periscope, M3	1	O	O
Periscope, M4	1	O	O
Periscope, M5	1	O	O
Periscope, M6	1	O	O
Periscope, M7	1	O	O
Photographic equipment		S	S
Photographic equipment PH-383 (regimental)	18-P-22297-35	S	S
Pick, ice: 10-inch	64-P-1249	Q-M	Q
Pillow, feather	27-P-460	Q-M	Q
Pillow, hair		Q-M	Q
Pillow case: cotton, 45 by 33½ inches	27-P-630	Q-M	Q
Pillow, sack		Q-M	Q
Pin white head: 2M diameter		Q-M	Q
Pin, common		Q-M	Q
Pin, safety, large: 12		Q-M	Q
Pin, safety, medium: 12		Q-M	Q
Pin, safety, small: 12		Q-M	Q
Pin, tent, metal, large	24-P-68	Q	Q
Pin, tent, metal, small	24-P-70	Q	Q
Pipe lines, gasoline		E	E
Pioneer equipment, automotive		O	O
Pitcher, qt.: Enamelware		Q-M	Q
Pistol, pyrotechnic, M8 with mount	2-P-3499	O	O
Piton, mountain		Q	Q
Plate, bread and butter, enamelware: 6½ inch		Q-M	Q
Plate, dinner, enamelware: 87⅞-inch		Q-M	Q
Pot, fire, gasoline, 1-gallon capacity heavy duty utility type		O	O
Pouch, first aid packet		Q	Q
Printer, contact, type A-10		A	A
Printer, contact, type A-11		A	A
Printer, projection, type B-11		A	A
Projectile, APC, 57MM, M86		O	O
Projectile, APC, 90MM, M82	4-P-775	O	O
Projector, type C-3 (bomb scoring)	18-P-24682	A	A
Projector, 35MM. Still film slide type C-2		A	A
Projector equipment PH-131		S	S
Projector equipment PH-398		S	S
Projector equipment PH-402		S	S
Projector, collective, M3	66-P-818	C	C
Public address set PA	16-P-8910	S	S
Puller, gear, universal type, medium reversible, reversible jaw, 8″ capacity.		O	O
Puller, gear, universal type small, reversible jaw, 0 to 6″ capacity		O	O
Pump, hand dispensing		Q	Q
Pyrethrum		Q-M-E	Q
Radio and sound-signal-apparatus: and all accessories, outfits, and parts.	16	S	S
Radio receiver BC-779 (weather type)	16-R-2435	S	S
Radio set, SCR-582-( ) (locater)	16-R-984-250	S	S
Radio set, SCR-585-(C)	16-R-934-255	S	S
Radio set SCR-640		S	S
Radio set SCR-640 for use as spare set	16-R-987-130	S	S
Radio set SCR-640 for use as spare parts		S	S
Radio set SCR-620	16-R-987-65	S	S
Radio set SCR-620 for use as spare set		S	S
Radio set SCR-621	16-R-987-70	S	S
Radio set SCR-621 for use as spare set		S	S
Radio set SCR-621 for use as spare parts		S	S
Radio spare tubes for radio set SCR-640	16-T-11113	S	S
Radio spare tubes for radio set SCR-620	16-T-11105	S	S
Radio spare tubes for radio set SCR-621	16-T-11108	S	S
Radio test equipment modified IE-16		S	S
Radio test equipment modified IE-16 spares	548760	S	S
Radio set SCR-620 required by Military Training Division and Maintenance Division.		S	S
Radio set SCR-640 required by military training division and maintenance division.	16-R-987-130	S	S
Radio set SCR-621 required by maintenance division	16-R-987-70	S	S
Radio set SCR-808	16-R-989	S	S
Radio set SCR-828	16-R-989-60	S	S
Radio set SCR-838	16-R-989-80	S	S
Raft, pneumatic, type B-4	83-R-14000	A	A
Railroad equipment and supplies	58	E	E
Raincoats, parka type, women's	72	Q	Q
Razor, safety: Without blades		Q-M	Q
Razor, safety, blades		Q-M	Q
Razor, metal handle		Q-M	Q
Razor, strap		Q-M	Q
Recoil mechanism, 3″ gun, M10	1-R-1076	O	O
Reel DR-15	15-R-950	S	S
Reproducer MC-364 transcription	17-R-6072	S	S
Rheostat, variable resistance, type O-3A (20 ohms)	17-R-7870	A	A
Robe, bath		Q-M	Q
Rocket, at 2.36″, M6		O	O
Rocket, practice at, 2.36″ M17		O	O
Rolling pin: Wood		Q-M	Q
Ropes, climbing		Q	Q
Ribbon, computing and recording machine, recording, black (state make of machine and width of ribbon).	53	Q-M	Q
Ribbon, typewriter: Black record	53	Q-M	Q
Ribbon, typewriter, black and red; record	53	Q-M	Q
Saddle, pack	34	Q-M	Q
Saucer, enamelware: 5¾-inch		Q-M	Q
Saucer, china		Q-M	Q
Saucer, fruit: china		Q-M	Q
Saw, meat, 14-inch		Q-M	Q
Saw, meat, 18-inch		Q-M	Q
Saw, meat, 22-inch		Q-M	Q
Scale, grocer's: 10 lbs		Q-M	Q
Scale, meat beam: 600 lbs		Q-M	Q
Scoop, ice cream: 10 to qt		Q-M	Q
Scoop, large: grocer's		Q-M	Q
Scoop, small		Q-M	Q
Semi-trailer, 10-ton ponton	78-S-21500	E	E
Semi-trailer, 10-ton, 2-wheel (2dt), refrigerator	78-S-22000	O	O
Semi-trailer, 25-ton ponton	78-S-27000	E	E
Semi-trailer, searchlight repair, complete with tools		E	E
Set gas casualty, complete	57-S-2355	M	M
Sextant (averaging) (fairchild model 320)		A	A
Shaker, pepper: glass, 4½-inch		Q-M	Q
Shaker, pepper; individual		Q-M	Q
Shaker, salt: glass, 4½-inch		Q-M	Q
Shaker, salt; individual		Q-M	Q
Shaker, sugar: glass		Q-M	Q
Shaker, sugar, individual: Glass		Q-M	Q
Sheath, machete, 18-inch blade M-1942	74	Q	Q
Sheet: cotton, 72 by 108 inches	27-S-7100	Q-M	Q
Shell, 4.2″ chemical mortar	4-S-1	C	C
Shell, smoke, 3″, M88		O	O
Shelter, field maintenance adjustable, type A-1		A	A
Shirt, knit, O. D	55	Q	Q
Shoe, boat, safety sole	72	Q	Q
Shoes, climbing	72	Q	Q
Sieve, flour: with crank		Q-M	Q
Sieve, flour, 16-inch, round		Q-M	Q
Sight, bomb, type D-8	2	A	A
Sight, computing, M6	1-S-7628-75	O	O
Sight, fixed gun, type N-3B		A	A
Silencer, metal, for furniture legs: with rubber cushion		Q-M	Q

Item or general class	Federal Standard Stock Catalogue stock no. or class no.	Procurement responsibility	Purchase responsibility
Sighting, system, M2A1	1-S-8446	O	O
Sighting system, M5 (for 37 mm A. A. gun)		O	O
Signal, type H-2 altitude warning		A	A
Signal lamp equipment SE-11	17-S-7532	S	S
Skids, generator, M1		O	O
Snap, M-279 (metal swivel, transportation)	34-S-558	S	S
Snaplink, mountain		Q	Q
Soap, laundry: 1 lb	51	Q-M	Q
Soap, scouring, coarse: grit		Q-M	Q
Soap, scouring powder: sprinkler top container		Q-M	Q
Soap, white, floating 6 oz	51	Q-M	Q
Socks, wool, cushion sole	73	Q	Q
Socks, wool, ski	73	Q-M	Q
Solenoid, type E-8		A	A
Solenoid, firing gun remote, type G-11		A	A
Solenoid, C-16		A	A
Solvent, dry cleaning		Q	Q
Solvent, automotive		O	O
Spice box, 6 cans		Q-M	Q
Spokeshave: 10-inch with blade 2⅛ inches		Q-M	Q
Spoon, basting, 14-inch		Q-M	Q
Spoon, basting, 20-inch		Q-M	Q
Spoon, mustard: wood		Q-M	Q
Spoon, table		Q-M	Q
Spoon, table, corrosion resisting steel		Q-M	Q
Spoon, table, medium (dessert)		Q-M	Q
Spoon, tea		Q-M	Q
Spoon, tea corrosion resisting steel		Q-M	Q
Spoon, wood: mixing		Q-M	Q
Spotting board M7	1	O	O
Sprayer, electric, large: insecticide		Q-M-E	Q
Sprayer, electric, small: universal motor, insecticide		Q-M-E	Q
Sprayer, hand: insecticide, knapsack type		Q-M-E	Q
Sprayer, hand: continuous sprayer for insecticide	41	Q-M-E	Q
Spraying equipment (for pyrethrum and insecticides)		Q-M-E	Q
Spreader, mosquito-bar	26-S-7595	Q-M	Q
Squeezer, lemon		Q-M	Q
Starter, combination inertia & direct drive, types G-7, G-8, G-9, G-10, G-11, G-12 (all 24 volts): 83-S-50000; 86-S-50020; 86-S-50040; 86-S50060; 86-S-50080; 86-S-50100.		A	A
Stationery: bags, paper, books, blank; boxes, paper; cartons; drafting-room, office and printers' supplies.	53	Q	Q
Steel, butcher's		Q-M	Q
Steeper, tea		Q-M	Q
Stone, sharpening, 6" x 2" x 1"	41-S-5274	Q	Q
Stove, 2-burner, gasoline: with one extra tank 10¾ by 19¼ by 4⅝-inches.	85	Q-M	Q
Stove, gasoline, one-burner	65	Q-M	Q
Strainer, 3-inch: wire, wood handle		Q-M	Q
Strainer, 9-inch		Q-M	Q
Strainer, Chinese: 9-inch, coarse		Q-M	Q
37 mm subcaliber gun, M8	1	O	O
Submarine fire control system, audio reception system, M1		O	O
Submarine Mine Case M3		O	O
Suit, convalescent, coat: (large, medium, small)	55	Q-M	Q
Suit, convalescent, trousers: (large, medium, small)	55	Q-M	Q
Suit, one piece, jungle	55	Q	Q
Suit, operating, coat: (large, medium, small)	55	Q-M	Q
Suit, operating, trousers: (large, medium, small)	55	Q-M	Q
Suit, working, one-piece, nurses'	55	Q	Q
Supercharger, turbine, exhaust-driven, type B-13	86-S-600-20	A	A
Supercharger, turbine, exhaust-driven, type B-14	86-S-60050	A	A
Supercharger, turbine, exhaust-driven, type CMC-3	86-S-60090	A	A
Supporter, athletic	37-S-5900	Q	Q
Survey equipment flash ranging, field artillery (observation battalions).	18-S-3149-10	E	E
Surveying equipment, sound ranging, field artillery (observation battalions).	18-S-3149-50	E	E
Suspenders, parachute jumper's		Q	Q
Sweat, high neck		Q	Q
Target tow (flag), type A-10	3	A	A
Table, cloth: Dining, 2 yds. wide, linen		Q-M	Q
Table, cover: Silence cloth, 2 yds. wide		Q-M	Q
Tape measure: 60 inches: Linen		Q-M	Q
Table, bedside, folding: Wood 16 by 15½ by 26 inches		Q-M	Q
Tableware (barracks; crews'-mess; hospital; hotel; officers'-mess; ship-saloon); aluminumware; chinaware; corrosion-resisting-steelware; glassware; silverware.	63	Q	Q
Telephone central office set TC-12	17-T-2140	S	S
Telescope M-15	18-T-546	O	O
Telescope M19A1		O	O
Telescope M21A1		O	O
Telescope M32		O	O
Telescope M38		O	O
Telescope M39		O	O
Telescope M40		O	O
Telescope M41	18-T-546-210	O	O
Telescope M42		O	O
Template, Ma, M1	18-T-567	E	E
Tent, mountain, 2-man	24	Q	Q
Tentage	24	Q	Q
Test equipment IR-17-A	17-T-5487-75	S	S
Textile—Clothing: Knitted goods	55	Q	Q
Theodolite M1-247	18-T-610	S	S
Thermometer, electric, type F-11 (aircraft, 24 volts d. c.)		A	A
Thermometer, type C-15 free air (aircraft, 24 volts, d. c.)		A	A
Thermometer, electric, type F-12		A	A
Thermometer (free air) (aircraft, direct reading type), C-13A		A	A
Thong, emergency		Q	Q
Thread, cotton: No. 60 three cord (state color desired)		Q-M	Q
Thread, linen No. 25, unbleached, 200 yds		Q-M	Q
Timer PH-191-A	18-T-3227	S	S
Tip, ski, emergency, repair		Q	Q
Title board set PH-273	18-T-3269-200	S	S
Tobacco-products: Cigars, cigarettes and all accessories, outfits, and supplies.	25	Q	Q
Toilet-articles: And all accessories, outfits and parts	29	Q	Q
Tool, growler, armature, electric	17-G-5940	O	O
Tool set—armored force, motor vehicle mechanics set	41-T-3495	O	O
Tool set armored force, motor vehicle mechanics set	41-T-3495	O	O
Tank company set	3302	O	O
Regimental crew set	3499	O	O
Regimental maintenance platoon set	3501	O	O
Towel, bath	27-T-280	Q-M	Q
Towel, hand	27-T-3590	Q-M	Q
Tongs, ice: 18-inch span		Q-M	Q
Towel, dish		Q-M	Q
Towel, paper: folded, 150		Q-M	Q
Towel, paper, fixture		Q-M	Q
Tools, automotive	41	O	O
Tool set: full company set		O	O
Tool set: power plant company		O	O
Tool set, special, for base shop regiments		O	O
Tool set, special, electric brakes	41-T-3366-50	O	O
Tool set: Special shop equipment set engineer amphibian command.		O	O
Tool, sleeve compressing, TL-189	41-C-2555	S	S
Torpedo, Bangalore, M1		O	O
Tower, type A-1 parachute drying		A	A
Tractor, medium, M4	78	O	O
Tractor, crane, 2-ton, M3		O	O
Tractor, crane, 6-ton, M4		O	O
Trailer, ¼ ton, 2 wheel, cargo	783-T-29000	O	O
Trainer, aerial gunnery, type M-7		O	O
Trainer, bombing, type A-2A		A	A
Trainer, celestial navigation and bombing ground, type D-1	88-T-1775	A	A
Trainer, machine gun, caliber .22		O	O
Browning machine gun, caliber .30, M2, aircraft—recommended for adoption as trainer, M. O., caliber .22, M5.	1-T-1905-50	O	O
Trainer, machine gun, anti-aircraft, M0		O	O
Tray, bed: With folding legs		Q-M	Q
Tray butler's: Wood		Q-M	Q
Tray serving		Q-M	Q
Trap, mouse: Spring		Q-M	Q
Truck, warehouse: Hand, two wheel	69-T-1240	Q	Q
Truck, platform, 4 wheel, platform 30 by 60 inches, capacity 1600 lbs.	69-T-2137	Q	Q
Stereoscopic trainer, N6	1	O	O
Trousers, jungle cloth		Q	Q
Trousers, mountain		Q	Q
Trousers, parachute jumper's		Q	Q
Trousers, ski, white		Q	Q
Truck, 6-ton 6 x 6 bridge construction		O	O
Truck, 4-ton, 6 x 6, dump	78-T-63900	O	O
Truck, 6-ton, 6 x6, gasoline tank, 2,000 gallons		O	O
Trucks, materials handling—lift and power		Q	Q
Truck mounted crane, M2	78-C0500	O	O
Truck trailer, 40-ton tank recovery T21	78-T-36755	O	O
Truck trailer, 45-ton tank transporter, M19		O	O
Tumbler, glass		Q-M	Q
Turner, cake		Q-M	Q
Typewriter: (specify size)	54	(1)	Q
Typewriter, portable: complete with carrying case	54	(1)	Q
Unit, cage, engine, type B-8 (with electric thermometer) (05-825)		A	A
Unit, power electric: (gasoline motor generator, portable, 110 volt 60 cycle).		M-E	E
Voltmeter, system, electrical, aircraft, type C-1	16-V-4400	A	A
Wader, over-the-shoe	72-W-5000	Q	Q
Waste: cotton		Q-M	Q
Wax, ski		Q	Q
Wristlets, knit	73-W-10000	Q	Q
X-ray field unit, bi-plane marker and reorientating device		M	M

[1] All services.

[F. R. Doc. 42-11714; Filed, November 10, 1942; 10:18 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

Part 600[1]—Designation of Civil Airways

[Amendment 12]

REDESIGNATION OF RED CIVIL AIRWAY NO. 18, ETC.

November 4, 1942.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the regulations of the Administrator of Civil Aeronautics as follows:

Redesignation of Red civil airway No. 18, Red civil airway No. 14, and Blue civil airway No. 3; deletion of Blue civil airway No. 11.

1. By striking in § 600.10217 *Red civil airway No. 18* (Indianapolis, Ind., to Washington, D. C.) the following:

"Huntington, W. Va., radio range station; Charleston, W. Va., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Charleston, W. Va., radio range and the southwest leg of the Elkins, W. Va., radio range; Elkins, W. Va., radio range station;"

and substituting in lieu thereof the following:

"Huntington, W. Va., radio range station; the Elkins, W. Va., radio range station;"

2. By striking in § 600.10302 *Blue civil airway No. 3* (Memphis, Tenn., to Tampa, Fla.) the title "Memphis, Tenn., to Tampa, Fla." and substituting in lieu thereof the following: "Birmingham, Ala., to Tampa, Fla."

3. By striking § 600.10310 *Blue civil airway No. 11* (Muscle Shoals, Ala., to Nashville, Tenn.).

4. By striking in § 600.10213 *Red civil airway No. 14* (Lone Rock, Wis., to Louisville, Ky.) the following: "The Lafayette, Ind., radio range station; and".

This amendment will become effective 0001 E. W. T. November 15, 1942.

C. I. Stanton,
Administrator.

[F. R. Doc. 42-11751; Filed, November 11, 1942; 10:09 a. m.]

[1] 7 F.R. 1417, 1748, 2381, 2864, 4131, 4376, 4939, 5387, 5540, 6457, 7654, 7959, 8378.

Part 601[1]—Designation of Airway Traffic Control Areas, Control Zones of Intersection, Control Airports, and Radio Fixes

[Amendment 18]

REDESIGNATION OF RADIO FIXES, ETC.

November 4, 1942.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation Serial No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the regulations of the Administrator of Civil Aeronautics as follows:

Redesignation of radio fixes: Red civil airway No. 14; Blue civil airway No. 3; deletion of radio fixes; Blue civil airway No. 11; redesignation of airway traffic control areas: Blue civil airway No. 3; Blue civil airway No. 11.

1. By striking in § 601.40218 *Red civil airway No. 18* (Indianapolis, Ind., to Washington, D. C.) the following: "Charleston, W. Va., radio range station;"

2. By striking in § 601.40214 *Red civil airway No. 14* (Lone Rock, Wis., to Louisville, Ky.) the following: "Lafayette, Ind., radio range station" and substituting in lieu thereof the following: "The intersection of the center lines of the on course signals of the southeast leg of the Chicago, Ill., radio range and the southeast leg of the Joliet, Ill., radio range."

3. By striking § 601.40311 *Blue civil airway No. 11* (Muscle Shoals, Ala., to Nashville, Tenn.).

4. By striking in § 601.40303 *Blue civil airway No. 3* (Memphis, Tenn., to Tampa, Fla.) the following in the title: "Memphis, Tenn., to Tampa, Fla." and substituting in lieu thereof the following: "Birmingham, Ala., to Tampa, Fla.;" and deleting the following: "Muscle Shoals, Ala., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Muscle Shoals, Ala., radio range station and the north leg of the Birmingham, Ala., radio range;"

5. By striking in § 601.10303 *Blue civil airway No. 3 airway traffic control area* (Memphis, Tenn., to Tampa, Fla.) the following in the title: "Memphis, Tenn., to Tampa, Fla." and substituting in lieu thereof the following: "Birmingham, Ala., to Tampa, Fla."

6. By striking § 601.10311 *Blue civil airway No. 11 airway traffic control area.*

This amendment will become effective 0001 E. W. T., November 15, 1942.

C. I. Stanton,
Administrator.

[F. R. Doc. 42-11752; Filed, November 11, 1942; 10:09 a. m.]

[1] 7 F.R. 378, 529, 597, 841, 1016, 1424, 1748, 2864, 2865, 3466, 4196, 5540, 6457, 6458, 6927, 7655, 7690, 8455.

TITLE 17—COMMODITIES AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

Part 274—Forms, Investment Company Act of 1940

AMENDMENT OF FORM

Amendment to Form N-8B-1.

The Securities and Exchange Commission, acting pursuant to the authority conferred upon it by the Investment Company Act of 1940, particularly sections 8 (b) and 38 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors hereby amends the following items of Form N-8B-1:

(1) Item 13 (a) Column 6 by deleting the words "Amount owned of record and beneficially (if known to registrant)" and substituting in lieu thereof the following: "Amount of record owned beneficially (if known to registrant)."

(2) Item 13 (a) Column 7 by deleting the words "% of class owned of record and beneficially" and substituting in lieu thereof the following: "% of record owned beneficially."

(3) Item 14 Column 6 by deleting the words "Amount owned of record and beneficially (if known to registrant)." and substituting in lieu thereof the following: "Amount of record owned beneficially (if known to registrant)."

(4) Item 14 Column 7 by deleting the words "% of class owned of record and beneficially" and substituting in lieu thereof the following: "% of record owned beneficially."

(5) Item 15 Column 5 by deleting the words "Amount owned of record and not beneficially (if known to registrant)" and substituting in lieu thereof the following: "Amount of record owned beneficially (if known to registrant)."

(6) Item 15 Column 6 by deleting the words "% of class owned of record and

not beneficially" and substituting in lieu thereof the following: "% of record owned beneficially."

(7) Item 22 (c) by deleting the words "the persons whose direct remuneration is included under Item 22 (a) or 22 (b)" and substituting in lieu thereof the following: "the officers of the registrant" so that Item 22 (c) reads as follows: "Indirectly to each of the officers of the registrant."

(8) Item 23 (b) by deleting the words "of the persons whose direct remuneration is included under Item 23 (a)" and substituting in lieu thereof "the directors and members of the advisory board of the registrant" so that Item 23 (b) reads as follows: "indirectly to each of the directors and members of the advisory board of the registrant."

(9) Item 55 (b) by inserting before the word "day" in the fourth line thereof the word "specified".

(10) Item 56 (a) Column 7 by deleting the words "Amount owned of record and beneficially (if known to registrant)" and substituting in lieu thereof the words "Amount of record owned beneficially (if known to registrant)."

(11) Item 56 (a) Column 8 by deleting the words "% of class owned of record and beneficially" and substituting in lieu thereof the words "% of record owned beneficially."

(12) Item 63 (b) by deleting the words "a day on or after June 2, 1941" in the fourth and fifth lines thereof and substituting in lieu thereof "on the day referred to in answer to Item 55 (b)."

(13) Sub-item 16 (a) of Item 63 (b) by deleting "in dollars (15—[9(a)+14])" and substituting in lieu thereof "In dollars ([9(a)+14]—15)."

(14) Item 65 by inserting immediately before Item (a) of said item the following: "The information required by this item need not be furnished for any subsidiary for which financial statements are not required to be filed."

Effective July 1, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-11777; Filed, November 11, 1942; 11:41 a. m.]

PART 274—FORMS, INVESTMENT COMPANY ACT OF 1940

AMENDMENT TO FORM INSTRUCTIONS

Amendment No. 1 to instructions for Form N-8B-1.

The Securities and Exchange Commission, acting pursuant to the authority conferred upon it by the Investment Company Act of 1940, particularly sections 8 (b) and 38 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, hereby amends the instructions to Form N-8B-1 by adding a new paragraph 4 to such instructions to read as follows:

4. *Sponsor of an unincorporated fund not having a board of directors.* If the registrant is an unincorporated company not having a board of directors, the information called for by Items 22, 23, 24, 25, and 26 shall be supplied for the personnel of the sponsor of such unincorporated company. Appropriate note should be made in the answers to these items that the information relates to the compensation paid by the sponsor company to its personnel.

Effective June 9, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-11776; Filed, November 11, 1942; 11:41 a. m.]

TITLE 29—LABOR

Chapter IV—Children's Bureau

PART 422—OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL-BEING

OPERATION OF POWER-DRIVEN WOODWORKING MACHINERY

Amendment of Hazardous-Occupations Order No. 5.

By virtue of and pursuant to the authority conferred by section 3(l) of the Fair Labor Standards Act of 1938; an amendment to Hazardous-Occupations Order No. 5 having been proposed for final adoption by the Chief of the Children's Bureau; opportunity having been given to all interested parties to file objections thereto within 20 days from the date of publication of said proposed order in the FEDERAL REGISTER; no such objections having been filed; and sufficient reason appearing therefor,

Now, therefore, it is ordered that § 422.5 of Part 422 of Chapter IV, Title 29, Code of Federal Regulations, is hereby amended so as to read as follows:

§ 422.5 *Occupations involved in the operation of power-driven woodworking machines*—(a) *Finding and declaration of fact.* The following occupations involved in the operation of power-driven woodworking machines are particularly hazardous for minors between 16 and 18 years of age:

(1) The occupation of operating power-driven woodworking machines, including supervising or controlling the operation of such machines, feeding material into such machines, and helping the operator to feed material into such machines but not including the placing of material on a moving chain or in a hopper or slide for automatic feeding.

(2) The occupations of setting up, adjusting, repairing, oiling, or cleaning power-driven woodworking machines.

(3) The occupations of off-bearing from circular saws and from guillotine-action veneer clippers.

(b) *Definitions.* As used in this order:

(1) The term "power-driven woodworking machines" shall mean all fixed or portable machines or tools driven by power and intended for cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening, or otherwise assembling, pressing, or printing wood or veneer.

(2) The term "off-bearing" shall mean the removal of material or refuse directly from a saw table or from the point of operation. Operations not considered as off-bearing within the intent of this order include (i) the removal of material or refuse from a circular saw or guillotine-action veneer clipper where the material or refuse has been conveyed away from the saw table or point of operation by a gravity chute or by some mechanical means such as a moving belt or expulsion roller, and (ii) the following operations when they do not involve the removal of material or refuse directly from a saw table or from the point of operation: the carrying, moving, or transporting of materials from one machine to another or from one part of a plant to another; the piling, stacking, or arranging of materials for feeding into a machine by another person; and the sorting, tying, bundling, or loading of materials.

(c) This order shall not apply to the employment of apprentice pattern makers, cabinet makers, airplane-model makers, ship joiners, and mold-loftsmen in the occupations declared particularly hazardous in § 422.5 (a) hereof, if such employment is incidental to their apprentice training, is intermittent and for short periods of time and under the direction and supervision of an instructor as a necessary part of such apprentice training, and is carried on in accordance with a written apprenticeship agreement that has been approved by the Federal Committee on Apprenticeship of the Apprentice-Training Service, War Manpower Commission, or by a State apprenticeship council or other authority recognized by the Federal Committee on Apprenticeship.

(d) This order shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established herein.

(e) This amendment shall became effective upon publication in the FEDERAL REGISTER.

[SEAL] KATHARINE F. LENROOT,
Chief of the Children's Bureau.

[F. R. Doc. 42-11847; Filed, November 12, 1942; 11:24 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

[Docket No. A-1690]

DISTRICT BOARD 2

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 2.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 322.7 *Alphabetical list of code members* is amended by adding thereto Supplement R-I, § 322.9 (c) *Special prices; Railroad fuel* is amended by adding thereto Supplement R-II, and § 322.23 *General prices* is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: November 3, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Sub-dist. No.	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2561	Freebrook Corporation	Pittshaw #75 (S)	U. Freeport	1	Hooker, Pa	WA	21	F	F	E	E	E	E	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2557	Hawker, O'Neal (Hawker Coal Co.).	Blower (D)	Pittsburgh	9	Apollo Mine Sdg., Fayette City, Pa.	P&LE	73	D	D	C	C	C	C	C	C	C	(†)	A	A	A	C	E	E
2558	Keefer, W. W. (Jackson Coal Co.).	Jackson (S)	Pittsburgh	7	Walkers Mills, Pa	PRR	74	G	G	F	F	H	H	H	H	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)
1091	Kerry & Young (R. W. Kerry)	Kerry & Young (D & S)	U. Freeport	1	Wurtemburg, Pa	B&O	27	F	F	E	E	E	E	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2562	V-G Corporation, c/o John F. Goechner.	North Washington (S)	U. Freeport	1	Hooker, Pa	WA	21	F	F	E	E	E	E	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no classification effective for this size group.

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II. In § 332.9 (c) in Minimum Price Schedule add the mine index numbers in groups shown. Group No. 1: 2557; Group No. 2: 1091, 2558; Group No. 12: 2561, 2562.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes										
				Lump over 4″	Lump 4″	Lump 3″	Lump 2″	Egg 2″ x 4″	Stove 1″ x 4″	Pea ¾″ x 1¼″	Run of mine	2″ N/S	1¼″ slack	¾″ slack
				1	2	3	4	5	6	7	8	9	10	11
ALLEGHENY COUNTY														
Keefer, W. W. (Jackson Coal Co.)	2558	Jackson (S)	Pittsburgh	290	280	270	250	235	235	230	240	200	190	180
Murray, Raymond	2559	Indianola, S. D.	T. Freeport	305	295	285	260	240	240	240	240	210	200	190
Trasp & Jones Coal Co. (Evan Trasp).	2437	Pleasant Hills #1	Pittsburgh	315	305	295	270	245	245	240	240	215	205	200
BUTLER COUNTY														
Boyd, Carl E	2556	Boyd Farm	U. Kittanning	320	310	300	275	270	265	245	245	205	195	185
Freebrook Corporation	2561	Pittshaw #75 (S)	U. Freeport	345	325	305	285	280	265	265	250	210	200	190
V-G Corporation, c/o John F. Goechner.	2562	North Washington.	U. Freeport	345	325	305	285	280	265	265	250	210	200	190
FAYETTE COUNTY														
Byers & Byers (Charles A. Byers).	2554	South Fayette	Pittsburgh	310	300	290	270	250	240	235	240	225	220	195
Fetcho, John I	2560	Fetcho	Sewickley	295	285	275	260	240	230	230	230	215	210	195
Hawker, O'Neal (Hawker Coal Co.).	2557	Blower (D)	Pittsburgh	330	320	310	290	270	260	255	260	230	220	205
Hayes, T. W. (Hayes Coal Co.).	2563	Hayes #2 (S)	Pittsburgh	295	285	275	260	240	230	230	230	215	210	195
WASHINGTON COUNTY														
National Mining Company	90	Hazel (W)	Pittsburgh	(*)	(*)	[1]295	[1]270	(*)	(*)	(*)	(*)	(*)	(*)	(*)
WESTMORELAND COUNTY														
McClelland, Daniel W	2553	McClelland	Freeport	290	280	270	260	250	230	230	225	205	195	185

* Indicates prices previously classified for these Size Groups.

[1] For mechanically cleaned coal add 10¢ to Size Groups, 3,4.

[F. R. Doc. 42–11805; Filed, November 11, 1942; 3:40 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 139]

IMPORTANT NOTICE TO REGISTRANTS

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885), and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Discontinuance of DSS Form 55, "Important Notice to Registrants," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing discontinuance shall become a part of the Selective Service Regulations, effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

OCTOBER 31, 1942.

[F. R. Doc. 42–11797; Filed, November 11, 1942; 12:50 p. m.]

[Order 63]

NEW JERSEY STATE HOSPITAL PROJECT

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the New Jersey State Hospital Project to be work of national importance, to be known as Civilian Public Service Camp No. 63. Said project, located at Marlboro, Monmouth County, New Jersey, will be the base of operations for work at the New Jersey State Hospital, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV–E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said New Jersey State Hospital Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Medical Director, New Jersey State Hospital at Marlboro, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the New Jersey State Hospital. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

NOVEMBER 5, 1942.

[F. R. Doc. 42–11792; Filed, November 11, 1942; 12:50 p. m.]

[Order 64]

TERRY PROJECT

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Terry Project to be work of national importance, to be known as Civilian Public Service Camp No. 64. Said camp, located at Terry, Prairie County, Montana, will be the base of operations for land development and irrigation work in the State of Montana, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV–E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to Civilian Public Service Camp No. 64 will consist of land development and the construction of irrigation and drainage facilities, and shall be under the technical direction of the Farm Security Administration of the United States Department of Agriculture insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

NOVEMBER 10, 1942.

[F. R. Doc. 42–11793; Filed, November 11, 1942; 12:50 p. m.]

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[1] Filed as part of the original document.

[Order 65]

UTICA STATE HOSPITAL PROJECT

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Utica State Hospital Project to be work of national importance, to be known as Civilian Public Service Camp No. 65. Said project, located at Utica, Oneida County, New York, will be the base of operations for work at the Utica State Hospital, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV–E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Utica State Hospital Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Utica State Hospital, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Utica State Hospital. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

NOVEMBER 5, 1942.

[F. R. Doc. 42–11794; Filed, November 11, 1942; 12:50 p. m.]

[Order 66]

NORRISTOWN STATE HOSPITAL PROJECT

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Norristown State Hospital Project to be work of national importance, to be known as Civilian Public Service Camp No. 66. Said project, located at Norristown, Montgomery County, Pennsylvania, will be the base of operations for work at the Norristown State Hospital, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV–E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Norristown State Hospital Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Norristown State Hospital, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Norristown State Hospital. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

NOVEMBER 5, 1942.

[F. R. Doc. 42–11795; Filed, November 11, 1942; 12:50 p. m.]

[Order 67]

DOWNEY PROJECT

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Downey Project to be work of national importance, to be known as Civilian Public Service Camp No. 67. Said camp, located at Downey, Bannock County, Idaho, will be the base of operations for soil conservation work in the State of Idaho, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV–E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to Civilian Public Service Camp No. 67 will consist of rehabilitation of small group or individual irrigation systems, reservoir rehabilitation, stock water development, fencing, gully control, channel stabilization, tree planting, terracing, rodent and weed control, fire pre-suppression and suppression, and shall be under the technical direction of the Soil Conservation Service of the United States Department of Agriculture insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

NOVEMBER 7, 1942.

[F. R. Doc. 42–11796; Filed, November 11, 1942; 12:50 p. m.]

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment No. LXIX]

PART 802—GENERAL LICENSES

AUSTRALIA

Amendment No. XLIII is hereby revised to read as follows:

Paragraph (a) of § 802.3 *General license country groups* is hereby amended by adding Australia to the list of destinations included in Group C.

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

A. N. ZIEGLER,
Acting Chief,
Export Control Branch,
Office of Exports.

NOVEMBER 11, 1942.

[F. R. Doc. 42–11849; Filed, November 12, 1942; 11:50 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 971—ETHYL ALCOHOL AND RELATED COMPOUNDS

[Amendment 2 to General Preference Order M–30,[1] as Amended August 8, 1942]

Section 971.1 *General Preference Order M–30*, as amended August 8, 1942, is hereby amended in the following respects:

1. Paragraph (c) (1) is hereby amended to read as follows:

(1) No person shall, during any calendar quarter commencing January 1, 1942, accept delivery of ethyl alcohol for any purpose not specified in paragraphs (c) (2), (c) (3), (c) (4) and (k) hereof in excess of 100% of the quantity of ethyl alcohol which he used (distributed in the case of a distributor) for such purpose during the corresponding calendar quarter in the twelve months period ended June 30, 1941.

2. By striking out from paragraph (c) (2) the words "rubbing alcohol".

3. By adding a new paragraph (k) reading as follows:

(k) *Prohibited deliveries.* On and after November 11, 1942, no person shall deliver ethyl alcohol or any compound or preparation containing ethyl alcohol for use as rubbing alcohol or for the manufacture of any rubbing alcohol compound or preparation; provided that this restriction shall not prevent deliveries to:

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[1] 7 F.R. 6204, 8380.

(1) The agencies, governments or persons specified in paragraph (c) (7) hereof:

(2) Licensed physicians, dentists and veterinarians;

(3) The holders of written prescriptions or orders of licensed physicians, dentists and veterinarians;

(4) A wholesale or retail druggist, for resale in accordance with this paragraph (k) only.

(5) A manufacturer of any rubbing alcohol compound or preparation or a packager or bottler of any such compound or preparation, for resale in accordance with this paragraph (k) only.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11764; Filed, November 11, 1942; 10:31 a. m.]

PART 984—LEAD

[Amendment 2 to Conservation Order M–38–c[1]]

Section 984.4 *Conservation Order M–38–c* as heretofore amended, is hereby further amended as follows:

1. Paragraph (b) of said section is hereby amended so as to read:

(b) *Limitation on all other uses of lead.* From and after October 1, 1942, no person shall use during any calendar quarter in the manufacture of any product which is not prohibited by paragraph (a) of this order more lead or lead base alloy than 90% of the quantity of lead or lead base alloy that he used in the manufacture of such product during the base period. If any person did not use lead or lead base alloy during the base period in the manufacture of any product not prohibited by paragraph (a), he may use in the manufacture of such product such quantity of lead or lead base alloy as the Director General for Operations may authorize pursuant to an appeal under paragraph (f) (2) of this order.

2. List "A" of said section is hereby amended as follows:

By striking out the item "Blocks for cutting leather."

By changing the heading "*Building Supplies* (except as required in latest Defense Housing Critical List)" to read "*Building Supplies* (except as permitted in latest War Housing Critical List)."

By changing the item "flashings, more than 2½ lbs. hard lead" to read "flashings over 2½ lbs. per sq. ft. hard lead or 4 lbs. per sq. ft. soft lead."

By changing the item "sheets under tile flooring" to read "sheets under flooring except those not over 2½ lbs. per sq. ft. hard lead or 4 lbs. per sq. ft. soft lead for water proofing."

By changing the item "shower pans over 4 lbs. per sq. ft." to read "shower pans, over 2½ lbs. per sq. ft. hard lead or 4 lbs. per sq. ft. soft lead."

By adding to the item "caskets and casket hardware" the words "except name plates manufactured from secondary antimonial lead weighing not more than 14 ounces."

3. List "B" of § 984.4 is hereby amended by adding thereto the following items:

- Building supplies as follows:
  - Bends
  - Calking lead
  - Closet floor flanges (hard lead only)
  - Flashings up to and including 2½ lbs. per sq. ft. hard lead or 4 lbs. per sq. ft. soft lead
  - Pipe
  - Sheets 2½ lbs. per sq. ft. and under hard lead or 4 lbs. per sq. ft. and under soft lead for water proofing
  - Shower pans 2½ lbs. per sq. ft. and under hard lead or 4 lbs. per sq. ft. and under soft lead
  - Traps
- Foil for:
  - Babbitt for the preparation of industrial metallic packing.
  - Packaging cheese, yeast, dehydrated hydroscopic foods and medicinal and parmaceutical products.
  - Wrapping lead sheathed cable.
- Gaskets
- Identification and instruction plates of secondary antimonial lead for industrial machinery and equipment.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11747; Filed, November 11, 1942; 10:31 a. m.]

PART 1112—OFFICE MACHINERY

[General Limitation Order L–54–c, as Amended November 11, 1942]

Section 1112.4 *General Limitation Order L–54–c,* is hereby amended to read as follows:

§ 1112.4 *General Limitation Order L–54–c*—(a) *Definitions.* For the purposes of this order:

(1) "Office machinery" means machinery, including attachments thereto, of the types listed on Lists A, B, C, or D attached to this order as amended from time to time.

(2) "New" office machinery means office machinery which has not been delivered to any person acquiring it for use. The term shall not describe any machine which has been delivered for trial, loan, rental or demonstration at any time prior to March 14, 1942. "Used" office machinery means office machinery other than new office machinery.

(3) "Restricted office machinery" means:

(i) Any new office machinery listed on Lists A, B, and C.

(ii) Any new machines and collateral equipment intended for use for dictating purposes.

(iii) Any used office machinery listed on Lists A, B, and C which on November 11, 1942 is in, or which thereafter comes into, the possession of its manufacturer for any purpose other than mere repair or reconditioning, and the manufacture of which was completed after December 31, 1940, and

(iv) Any used punched card tabulating machinery which on November 11, 1942 is in, or which thereafter comes into, the possession of its manufacturer for any purpose other than mere repair or reconditioning, regardless of its age.

(4) "Manufacturer" means any person manufacturing new office machinery or sets of parts, to the extent that he is engaged in such manufacture, and shall include majority-owned sales, distribution, and manufacturing subsidiaries.

(5) "Dealer" means any wholesaler, retailer or other distributor of restricted office machinery other than a sales or distribution subsidiary of a manufacturer, and shall include any person, firm or corporation normally receiving restricted office machinery on consignment.

(6) "Delivery" includes any physical transfer of restricted office machinery, and includes transfers for trial, loan, rental, demonstration or other use; but the terms shall not include the transfer to the consignee, designated on the shipping documents, of any new restricted office machinery actually in transit on June 1, 1942, or of any other restricted office machinery actually in transit on November 11, 1942.

(7) "Army or Navy of the United States" and "Maritime Commission" include the War Department, the Navy Department, and the Maritime Commission, respectively, but shall not include any privately operated plant, shipyard, training school, or other enterprise controlled or financed by the Army or Navy of the United States, the Maritime Commission, or any other agency of the United States Government, nor any plant or shipyard privately operated on a cost-plus-fixed-fee basis under the control or direction of the Army or Navy of the United States, the Maritime Commission, or any other agency of the United States Government.

(8) "Lend-Lease purchaser" means any person requesting authorization to receive delivery of restricted office machinery for export to any country, the government of which is entitled to the benefits of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States."

(9) "Sets of parts" means parts for office machinery produced at plants in the United States for shipment to foreign countries for assembly into new office machinery of the types listed on Lists A, B, and C.

(b) *Restrictions on production*—(1) *List A and List B quotas.* No manufacturer of any kind of new office machinery listed on List A or List B or of sets of parts for such kinds of machinery shall manufacture any such machinery or sets of parts in excess of the sum of the quotas established by paragraphs (b) (1) (i) and (b) (1) (ii) of this order.

(i) *1942 quotas.* Between June 1, 1942, and December 31, 1942, inclusive, a manufacturer of new office machinery of any kind listed on List A or List B, or of sets of parts for such kind of machinery, may manufacture a total dollar value of new office machinery of such kind (including sets of parts, but excluding special machines to be delivered under paragraph (c) (3) of this order and machines to be delivered free of restrictions pursuant to an election under paragraph (e) (1) (iv) of the original order L–54–c) equal to seven (7) times the percentage specified in Column I of List A or List B of the average monthly dollar value during the calendar year 1941 of the new office machinery of such kind billed to customers by such manufacturer plus the new office machinery of such kind exported in the form of sets of parts.

(ii) *1943 quotas.* Between January 1, 1943 and December 31, 1943, inclusive, a manufacturer of new office machinery of any kind listed on List A or List B, or of sets of parts for such kind of machinery, may manufacture a total dollar value of new office machinery of such kind (including sets of parts, but excluding special machines to be delivered under paragraph (c) (3) of this order and machines to be delivered free of restrictions pursuant to an election under paragraph (e) (1) (iv) of the original order L–54–c) equal to the percentage specified in Column II of List A or List B of the total dollar value of the new office machinery of such kind billed to customers by such manufacturer during the calendar year 1941 plus the new office machinery of such kind exported in the form of sets of parts during the calendar year 1941.

(iii) *Basis of leased machinery.* Any manufacturer whose customary practice has been to lease substantially all of any particular kind of new office machinery shall base his production quota of such kind of new office machinery upon the aggregate of the average monthly number of new units assembled and sets of parts exported during the calendar year 1941. The number of sets of parts exported in 1941 shall be considered as equal to the number of units into which such sets of parts were ultimately assembled.

(iv) *Valuation of production.* The dollar value of assembled new office machinery billed during the calendar year 1941 by the manufacturer to either domestic or foreign customers, and the dollar value of assembled new office machinery manufactured after June 1, 1942, shall be based upon the retail list price of such machinery to domestic customers. The dollar value of sets of parts shall be based upon the retail list price of the same kind of machinery, when assembled, to domestic customers. The number of sets of parts exported shall be considered as equal to the number of units into which such sets of parts were ultimately assembled.

(2) *Further restrictions on List A production.* (i) No manufacturer shall commence fabrication, or cause fabrication to be commenced, of any material for parts, or contract to purchase parts, for the assembly of any new office machinery listed on List A other than the machinery which he is allowed to produce under the terms of this order.

(ii) After December 31, 1942, no manufacturer shall fabricate, cause to be fabricated, or contract to purchase, parts for the assembly of new office machinery listed on List A.

(iii) After December 31, 1943, no manufacturer shall assemble any of the kinds of new office machinery listed on List A.

(3) *Further restrictions on List B production.* (i) No manufacturer shall commence fabrication, or cause fabrication to be commenced, of any material for parts, or contract to purchase parts, for the assembly of any new office machinery listed on List B other than the machinery which he is allowed to produce under the terms of this order.

(ii) After December 31, 1942, no manufacturer shall fabricate, cause to be fabricated, or contract to purchase, more than 25% of the parts required for the assembly of the new office machinery listed on List B (except calculating and computing machines) which he is permitted to manufacture during the entire period from June 1, 1942, to December 31, 1943.

(iii) After March 31, 1943, no manufacturer shall fabricate, cause to be fabricated or contract to purchase, parts for the assembly of new calculating or computing machines.

(4) *Restrictions on List C production.* (i) No manufacturer shall manufacture any new office machinery listed on List C or sets of parts therefor, except machines to fill orders approved under paragraphs (c) (2) through (c) (5) inclusive of this order, to fill orders of the Army or Navy of the United States or of the Maritime Commission which were actually on hand on November 11, 1942, and to maintain the minimum practicable working inventory under the circumstances.

(ii) No manufacturer shall commence fabrication, or cause fabrication to be commenced, of any material for parts, or contract to purchase parts, for the assembly of any new office machinery listed on List C other than the machinery which he is allowed to produce under the terms of this order.

(5) *Restrictions on List D production.* No manufacturer shall fabricate, cause to be fabricated, or contract to purchase, parts for the assembly of any new office machinery listed on List D. No manufacturer shall assemble any new office machinery listed on List D.

(6) *Repair and service parts.* The restrictions upon the manufacture of new office machinery contained in this paragraph (b) shall not apply to the manufacture of parts to be used to service or repair any kind of office machinery listed on Lists A, B, C, and D.

(7) *Discontinued new office machinery.* No manufacturer shall fabricate parts for any new office machinery or assemble any new office machinery of any kind which he elected to deliver free of all restrictions pursuant to paragraph (e) (1) (iv) of the original order L–54–c.

(c) *Restrictions on delivery*—(1) *General restrictions.* Regardless of the terms of any contract of sale or purchase, or other commitment, or of any preference rating, or any blanket preference rating order, no manufacturer or dealer shall deliver any restricted office machinery except as provided in paragraphs (c) (2) to (c) (7) inclusive of this order other than machines which may be delivered free of restrictions pursuant to an election under paragraph (e) (1) (iv) of the original order L–54–c.

(2) *Back orders.* A manufacturer or dealer may deliver restricted office machinery to fill orders of the Army or Navy of the United States which were actually on hand on June 1, 1942.

(3) *Special orders.* Manufacturers or dealers may apply for authorization to deliver special restricted office machinery which, on June 1, 1942, was assembled, or in the process of fabrication and assembly, but which could not otherwise be delivered under the terms of this order. Such application may be made by filing with the War Production Board, in triplicate, plainly marked "Ref: L–54–c", a letter containing a list of all such orders, together with such information as will support the representation of the manufacturer or dealer that the machinery is special. As used in this paragraph, a "special" machine is a machine built to special specification for a customer, with features which render it unusable except by a small class of persons similarly situated.

(4) *Future orders of the Army, Navy and Maritime Commission.* From time to time, the Director General for Operations will notify manufacturers and dealers, on Form PD–423, of quantities of restricted office machinery which may be delivered without further authorization for the use of the Army or Navy of the United States, or the Maritime Commission, in preference to any other deliveries except when specifically instructed otherwise by the Director General for Operations. Manufacturers and dealers may not deliver restricted office machinery on preference rating certificates PD–3 and PD–3a, except to fill back orders of the Army or Navy of the United States pursuant to paragraph (c) (2) of this order.

(5) *Future orders of other persons.* (i) Except as provided in paragraphs (c) (2), (c) (3), (c) (4), and (c) (7) of this order, no manufacturer or dealer shall deliver any restricted office machinery to fill any order unless the order is accompanied by a preference rating certificate PD–1A issued after May 31, 1942 and prior to December 1, 1942, or by an authorization to deliver the machinery on a Form PD–688 signed by the Director General for Operations, surrendered to the manufacturer or dealer. Such preference rating certificate PD–1A, or Form PD–688, may be used to secure restricted office machinery only by the person to whom it was directly issued and only when such office machinery is expressly specified on the certificate.

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[1] 7 F.R. 219, 2629.

(ii) Persons entitled to restricted office machinery by virtue of a preference rating certificate PD–1A who do not surrender such certificate, but retain the same, as permitted by Priorities Regulation No. 3, as amended from time to time, shall, in addition to furnishing the endorsement required by such Priorities Regulation No. 3, certify to the manufacturer or dealer from whom the machinery is to be acquired that the certificate was originally issued to such person and that the machinery was expressly specified on the certificate.

(iii) Except when specifically instructed otherwise by the Director General for Operations, the sequence of deliveries of machines authorized on PD–688 certificates shall be determined by the delivery dates specified in the respective certificates. In any case where delivery dates are the same, or it is impossible to make all deliveries on schedule, the sequence of deliveries shall be determined by the respective dates on which the PD–688 certificates were received by the supplier named in such certificates.

(6) *Intracompany Deliveries.* Without further authorization, a manufacturer may for the purpose of redelivery, but not for use, deliver restricted office machinery from one branch, division or section of his enterprise, including majority-owned sales, distribution and manufacturing subsidiaries, to another branch, division or section of the same enterprise, including majority-owned sales, distribution and manufacturing subsidiaries, except that he may not deliver to a subsidiary, branch, or other outlet located outside of the United States, its territories, and possessions.

(7) *Delivery to dealers and returns to manufacturers.* Without further authorization, dealers may return restricted office machinery to any manufacturer willing to accept the same and manufacturers may accept all such restricted office machinery from dealers. Without further authorization, manufacturers or dealers may deliver restricted office machinery to dealers in the following instances only:

(i) To fill an order, authorized by the terms of the original order L–54–c or this order L–54–c as amended, already received by such dealer, or to replace restricted office machinery delivered by such a dealer from his inventory to fill an order authorized by the terms of the original order L–54–c or this order L–54–c as amended. In either case, such dealer shall furnish to the manufacturer or to the other dealer a photostat or certified copy of the PD–1A, PD–688, or other authorized basis for delivery of restricted office machinery. Reproduction of any PD–1A, PD–688, or any other document for such purpose is hereby permitted.

(ii) To store or display such restricted office machinery on the dealer's premises in the United States, its territories and possessions, provided that the restricted office machinery so stored or displayed is in the absolute control and ownership of the manufacturer or delivering dealer and may be removed, transferred or shipped by such manufacturer or delivering dealer at any time in his discretion.

(8) *Deliveries under General Conservation Order L–148.* The issuance of an authorization on Form PD–423 or on Form PD–688 to deliver a time stamp machine, a time recording machine, or collateral equipment shall constitute a preference rating of A–7 or higher within the meaning of § 1095.4, General Conservation Order L–148, for the particular items authorized to be delivered.

(d) *Special procedures and information.* (1) Private contractors engaged in construction work for the Army, Navy, Maritime Commission or Defense Plant Corporation and private operators of any plant, shipyard, training school or other enterprise controlled or financed, on a cost-plus-fixed-fee basis or otherwise, by the Army or Navy of the United States, the Maritime Commission or any other agency of the United States Government shall, when requesting restricted office machinery on Form PD–688, furnish a certification by the Government inspector assigned to the project (1) that no Government equipment is available for use in lieu of the equipment requested, (2) that the contractor or operator has no equipment available from any other source for use in lieu of the equipment requested, and (3) that the equipment requested is to be used exclusively by the contractor's or operator's private personnel for the duration of the project on work which the contractor is required to perform under the terms of his contract.

(2) Lend-Lease purchasers shall accompany their applications on Form PD–688 with a formal recommendation by the Lend-Lease Administration that such request be granted.

(3) Any person, other than the Army or Navy of the United States, the Maritime Commission, or any Lend-Lease purchaser, desiring to acquire restricted office machinery for export from the United States, except to Canada, must first apply to the Office of Export Control, Board of Economic Warfare, Washington, D. C., for an Export License, accompanying such application with an application on Form PD–688 for permission to receive delivery. If the Office of Export Control decides that an Export License should be issued to the applicant, a statement of such decision, together with the application on Form PD–688 and a formal recommendation that the application be granted, is to be forwarded to the War Production Board.

(e) *Sets of parts.* No person shall deliver any sets of parts for export from the United States unless the Director General for Operations has authorized such delivery on Form PD–423. Any person desiring to deliver sets of parts for export shall apply by letter to the War Production Board, enclosing with his application a Form PD–423 duly prepared for authorization. He shall state in his application the number of units of machinery which may be assembled from such sets of parts, the model numbers of such machines, and the equivalent retail price of similar completed machines when sold in the United States. The authorization to produce sets of parts given by paragraph (b) of this order and the authorization to deliver sets of parts for export given by the Director General for Operations on Form PD–423 shall not be construed to authorize the exportation of such sets of parts unless an export license can be secured. No manufacturer so producing and delivering sets of parts for export shall directly or indirectly import any new office machinery of the kinds listed on List A, List B, or List C into the United States.

(f) *Restrictions on types, styles, models, specifications, and use of materials*—(1) *Elimination of models.* The Director General for Operations may, from time to time, order the cessation of production or delivery of any model, style, or type of office machinery, including attachments or repair parts thereof.

(2) *Issuance of schedules.* The Director General for Operations may, from time to time, issue schedules establishing simplified practices with respect to the types, sizes, forms, materials, or specifications of office machinery. After the effective date of any such schedule, no office machinery shall be fabricated or assembled, except such as conforms to the issued schedule and except as specifically permitted by such schedule.

(3) *Elimination of motor driven machines.* (i) On and after November 1, 1942, no manufacturer of new duplicating machines of the spirit, gelatin, or stencil types shall incorporate electric motors in more than 20 percent of the aggregate number of duplicating machines of those kinds that he is permitted to produce under his quotas. The incorporation of electric motors in other types of duplicating machines by their manufacturers shall be discontinued except for those styles of machines where motors are essential to their operation.

(ii) No manufacturer of adding machines shall incorporate any electric motor in a new adding machine except a machine for the assembly of which all the necessary parts, including motors not useful for any other purpose, were available or in process on September 8, 1942.

(g) *Applicability of Priorities Regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board as amended from time to time.

(h) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(i) *Records.* All manufacturers and dealers affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventory, production and sales of restricted office machinery, and shall, upon request, make such records available for audit and inspection by duly authorized representatives of the War Production Board.

(j) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and

answers to questionnaires as the War Production Board shall from time to time request.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who wilfully furnishes false information to the Director General for Operations in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using materials under priority control and may be deprived of priorities assistance by the Director General for Operations.

(l) *Communications to War Production Board.* All reports required to be filed hereunder, all communications concerning this order, and all applications shall, unless otherwise directed, be addressed to: War Production Board, Services Branch, Washington, D. C.; Ref: L–54–c.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R.329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

LIST A

	I	II
1. Adding machines	55%	12%
2. Microfilm machines designed for office functions	50%	10%
3. Shorthand writing machines	70%	10%
4. Time stamp machines and collateral equipment	100%	42%

LIST B

1. Accounting machines, bookkeeping machines, and billing machines (accounting principle). Also continuous forms handling machines typewriter principle, having carbon paper handling devices constructed as an integral part of the machine, and collateral equipment, except autographic registers	91%	30%
2. Addressing machines, including but not limited to embossing machines for plates, and stencil-cutting machines embodying typewriter principle	88%	42%
3. Calculating and computing machines	91%	23%
4. Duplicating machines, including but not limited to ink ribbon, gelatin, offset, spirit, stencil and reproducing typewriter principle machines	100%	48%
5. Office composing machines (changeable type, changeable horizontal and vertical spacing, uniform impression)	100%	100%
6. Punched card tabulating and accounting machines and collateral equipment	100%	25%
7. Time recording machines and collateral equipment, except watchmen's clocks	100%	64%

LIST C

1. Dictating types of machines embodying amplifiers and other facilities for recording telephone conversations, conferences, and wireless messages, with near and far voice control
2. Payroll denominating machines

LIST D

1. Autographic registers.
2. Cash (registering) machines.
3. Change making machines.
4. Check cancelling machines.
5. Check cutting machines.
6. Check dating machines.
7. Check endorsing machines.
8. Check numbering machines.
9. Check perforating machines.
10. Check protecting machines.
11. Check signing machines.
12. Check sorting machines.
13. Check writing machines.
14. Coin counting machines.
15. Coin sorting machines.
16. Coin wrapping machines.
17. Machines and collateral equipment intended for use for dictating. purposes.
18. Envelope contents folding machines.
19. Envelope handling machines.
20. Envelope mailing machines.
21. Envelope opening machines.
22. Envelope sealing machines.
23. Envelope stuffing machines.
24. Mail room folding machines.
25. Postal permit mailing machines.
26. Stamp affixing machines.

[F. R. Doc. 42–11748; Filed, November 11, 1942; 10:31 a. m.]

PART 1131—ROUGH DIAMONDS

[Amendment 2 of General Preference Order M–109 [1]]

Section 1131.1 *General Preference Order M–109* is hereby amended as follows:

1. By changing paragraph (c) to read as follows:

(c) *Reports of stocks and inventories.* Every person who, on the 31st day of March, 1942, or on the last day of any calendar quarter thereafter, has title to, or possession or control of, ten (10) or more carats of rough diamonds, including rough diamonds incorporated in any unused tool or other device, shall, on or before the close of business on the 15th day of the succeeding month, report to the War Production Board in duplicate on Form PD–376 the quantity and description of rough diamonds owned by him or in his possession or control, the business in which he is engaged, the name of any other person having any interest in such rough diamonds, and such other information as may be required; *Provided, however,* That any person, other than a manufacturer of grinding wheels, who has title to, or possession or control of, any unused grinding wheel in which rough diamonds are incorporated, shall report on Form PD–376, in lieu of the quantity and description of rough diamonds incorporated in such grinding wheel, the name of the manufacturer of the wheel, a description of the model or type of wheel, and the manufacturer's number for such wheel, if any.

2. By relettering paragraphs (g), (h), (i), and (j) as paragraphs (h), (i), (j) and (k) respectively, and inserting a new paragraph (g) to read as follows:

(g) *Restrictions upon sales or transfers of rough diamonds.* From and after November 11, 1942, no person shall sell or transfer rough diamonds not incorporated in a tool or other device, and no person shall purchase or accept a transfer of rough diamonds not incorporated in a tool or other device, unless:

(1) The sales or transfers aggregate fifty (50) carats or less of crushing bortz or five (5) carats or less of other rough diamonds to a single customer in a single calendar month: *Provided, however,* That all such sales or transfers shall be reported on Form PD–378 in accordance with paragraph (f); or

(2) The sales or transfers are to fill orders bearing a preference rating of A–1–j or higher: *Provided, however,* That all such sales or transfers shall be reported on Form PD–377 in accordance with paragraph (d), giving in each case, in addition to all other information required by such form, the preference rating of the order pursuant to which the sales or transfers were made; or

(3) The sales or transfers are specifically authorized by the Director General for Operations in accordance with the following procedure:

When the sale or transfer has been negotiated, the seller or transferor shall immediately package and seal the diamonds and shall hold them subject to authorization or disapproval of the transaction by the Director General for Operations; and seller and purchaser shall immediately apply to the Director General for Operations for authorization to make the sale or transfer, upon Form PD–377, plainly marked "Application" for this purpose, giving all the information required by such form. This application shall be executed by both the seller and the purchaser and shall be filed with the War Production Board, Chanin Building, New York, New York, Ref: M–109, in quadruplicate. If the seller has not received express authorization or disapproval of the transaction from the Director General for Operations within a period of 10 days from the date of filing the application with the War Production Board, the application shall be considered as having been disapproved. Sales or transfers made pursuant to express authorization in accordance with the provisions of this paragraph (g) (3) shall be considered as having been duly reported for the purposes of paragraph (d).

The restrictions of this paragraph (g) shall apply to sales or transfers for export as well as to domestic transactions.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11749; Filed, November 11, 1942; 10:31 a. m.]

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[1] 7 F.R. 2389, 2789.

PART 3038—DRIED FRUIT

[Amendment 1 to Conservation Order M–205]

Section 3038.1 *Conservation Order M–205* is hereby amended in the following respects:

1. Subparagraphs (a) (3) and (a) (4) are amended to read as follows:

(3) "Processing" shall mean grading, sizing, stemming, seeding, or treating dried fruit by the use of hot water, steam, chemicals or compressed or hot air; or cutting fresh apples acquired for the production of dried apples.

(4) "Government agency" shall mean the Army of the United States, the Agricultural Marketing Administration, and any other officer, board, agency, commission, or government-owned or government-controlled corporation of the United States specifically designated by the Director General for Operations.

2. Subparagraph (b) (1) is amended to read as follows:

(1) Each packer shall, without regard to previously existing contracts, set aside to be delivered for the requirements of government agencies, any dried fruit, and any fresh fruit acquired for the production of dried fruit, which were in his possession, under his control or under contract on August 10, 1942, or were acquired by him within one year thereafter. All such fruit so set aside may be delivered to the Army of the United States or the Agricultural Marketing Administration without specific allocation; to any other government agency if specifically allocated to such agency, and to any private purchaser if released. Such fruit shall not be processed and packed without instructions which may be given by the Director General for Operations, by the Army of the United States, or by the Agricultural Marketing Administration, if such fruit is to be purchased by either of such agencies; or, if such fruit is specifically allocated to any other agency, instructions may be given by the agency to which it is allocated. The Director General for Operations may issue specifications at any time as to processing, packing, labeling, boxing and strapping.

3. Subparagraph (b) (3) is deleted, and subparagraphs (b) (4) and (b) (5) are renumbered as (b) (3) and (b) (4) respectively.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11750; Filed, November 11, 1942; 10:31 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–139]

E. B. AND A. C. WHITING COMPANY

E. B. and A. C. Whiting Company, Burlington, Vermont, manufactures fibers for brushes from imported istle. Subsequent to March 14, 1942, the Company contracted or arranged to import 39 carloads of raw istle into the United States from Mexico without written authorization from the Director of Industry Operations. Between May 9 and July 20, 1942, 35 of these carloads of istle were actually imported into the United States. This constituted a violation of General Imports Order M–63 as amended March 14, 1942, and such contracts as were made subsequent to May 9, 1942, also constituted a violation of Conservation Order M–138.

These violations of War Production Board orders have hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.139 *Suspension Order S–139.* (a) E. B. and A. C. Whiting Company, Burlington, Vermont, shall not purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import or make any contract or other arrangement for the importing of any raw istle.

(b) No application filed by E. B. and A. C. Whiting Company for authorization to purchase for import, import, offer to purchase for import, receive or offer to receive on consignment for import or make any contract or other arrangement for the importing of any raw istle shall be granted.

(c) Nothing contained in this order shall be deemed to relieve E. B. and A. C. Whiting Company from any restriction, prohibition, or provisions contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on November 13, 1942, and shall expire on April 15, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11803; Filed, November 11, 1942; 2:16 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–140]

EMPIRE STATE MAT CO., INC.

Empire State Mat Company, Inc., a New York corporation, of Brooklyn, New York, is a manufacturer of rubber mats. Amendment No. 6 to Supplementary Order M–15–b prohibited the consumption of scrap rubber in the manufacture of rubber mats, among other items, except to fill war orders, as defined therein. Despite the fact that the Company knew that restrictions had been placed upon the use of scrap rubber, it violated Supplementary Order M–15–b by consuming sufficient scrap rubber to manufacture approximately 6,996 rubber mats for civilian use during the period of April 1 through June 8, 1942. During the period of June 9 through July 13, 1942, despite the fact that the Company was familiar with the specific restrictions of Amendment No. 6 to Supplementary Order M–15–b, it consumed sufficient scrap rubber to manufacture approximately 3,456 rubber mats for civilian use in wilful violation of the order. The Company also committed wilful violations of Supplementary Order M–15–b by purchasing approximately 7,236 used tires for the manufacture of rubber mats for civilian use, during the period of April 1 through July 13, 1942.

On or about January 19, 1942, the Company placed an order for certain rubber tubing with its supplier and applied a preference rating of A–10 thereto, certifying that the tubing was destined for material manufactured for institutional and governmental use. This was a false certification made in violation of Priorities Regulation No. 1, since at the time the Company placed this rated order it had received no orders from institutions or governmental agencies nor did it thereafter receive any such orders requiring the use of rubber tubing.

These violations of Supplementary Order M–15–b and of Priorities Regulation No. 1 have impeded and hampered the war effort of the United States by diverting scrap rubber to uses unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.140 *Suspension Order S–140.* (a) Empire State Mat Company, Inc., its successors and assigns, shall accept no deliveries from any source of rubber, scrap rubber, or reclaimed rubber, as defined in Supplementary Order M–15–b, except as specifically authorized by the Director General for Operations.

(b) Empire State Mat Company, Inc., its successors and assigns, shall not consume, fabricate, process, or in any way use any rubber, scrap rubber, or reclaimed rubber, as defined in Supplementary Order M–15–b, except as specifically authorized by the Director General for Operations.

(c) Empire State Mat Company, Inc., its successors and assigns, shall make no deliveries of rubber, scrap rubber, or reclaimed rubber, as defined in Supplementary Order M–15–b, except as specifically authorized by the Director General for Operations.

(d) Nothing contained herein shall be deemed to relieve Empire State Mat Company, Inc., its successors and assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on November 12, 1942, and shall remain in effect until six months after the termination of the present war.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671,

76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11804; Filed, November 11, 1942; 2:16 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–143]

REJA, INC.

Reja, Inc., New York, New York, is a manufacturer of costume jewelry. Although the Company was aware of the fact that Conservation Order M–43–a, as issued December 31, 1941, restricted the use of tin in the manufacture of costume jewelry during the first quarter of 1942 to 50 per cent of the quantity of tin used for this purpose during the corresponding period of 1940, the Company, in the first quarter of 1942, used quantities of tin in the manufacture of costume jewelry in excess of 150 per cent of the amount of tin used by it for such purpose during the corresponding period of 1940. This constituted a violation of M–43–a and of Amendment No. 1 thereto.

These violations of Conservation Order M–43–a have impeded and hampered the war effort of the United States by diverting tin to uses not authorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered, That:*

§ 1010.143 *Suspension Order No. S–143.* (a) Deliveries of material to Reja, Inc., its successors and assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to Reja, Inc., its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained herein shall be deemed to relieve Reja, Inc., from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect November 12, 1942, and shall expire May 12, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11802; Filed, November 11, 1942; 2:16 p. m.]

PART 1012—DOMESTIC VACUUM CLEANERS

[Interpretation 1 to Supplementary General Limitation Order L–18–c]

The following interpretation is hereby issued by the Director General for Operations with respect to § 1012.4, *Supplementary General Limitation Order L–18–c,*[1] dated October 24, 1942:

Supplementary Limitation Order L–18–c restricts all "transfers" of new domestic vacuum cleaners. A transfer is stated in paragraph (a) (6) not to include "any delivery to or by a carrier . . . "

A question has arisen as to the meaning of the phrase "to or by a carrier". This phrase is merely intended to make it clear that in carrying out the transfers permitted in paragraph (b) of that order a carrier may be freely employed. Such transfers are considered "transfers" from the shipper to the consignee and do not involve "transfers" to or by a carrier. Whether a transfer is prohibited or permitted under the order depends solely upon the relationship between the seller or other shipper and the buyer or other receiver. It makes no difference whether a carrier is or is not employed. Obviously, therefore, a transfer of a new domestic vacuum cleaner to a carrier for the carrier's own use is not exempt from the restrictions of the order, nor is a transfer to an unauthorized transferee permitted merely because a carrier is employed. A carrier, however, in accepting any new domestic vacuum cleaners for shipment is under no obligation to make sure that the vacuum cleaners are being shipped to an authorized transferee.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11833; Filed, November 12, 1942; 10:59 a. m.]

PART 1056—NATURAL GAS

[Limitation Order L–31, as Amended November 12, 1942]

Limitation Order L–31[2] (§ 1056.1) is hereby amended to read as follows:

§ 1056.1 *General Limitation Order L–31*—(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Natural gas" means natural gas and mixtures of natural and manufactured gas.

(3) "Utility" means any person supplying natural gas, directly or indirectly, for general use by the public or supplying manufactured gas to a natural gas distribution system serving the general public.

(4) "Non-utility supplier" means any person who owns or operates natural or manufactured gas production or transmission facilities and who is not included in the definition of utility in paragraph (a) (3): *Provided,* That no person engaged in the production, refining or processing of petroleum or natural gas shall be considered or treated as a "non-utility supplier," except as such person's activities relate to the disposition of natural gas after such production, refining or processing.

(5) "Consumer" means any ultimate user of gas produced, transmitted, or distributed by any utility or by any non-utility supplier which is interconnected with any utility.

(6) "Standby facilities" means equipment in serviceable operating condition designed to use oil, electricity, coal or other fuel to replace natural gas, and for the operation of which a supply of such fuel is obtainable.

(7) "Space-heating equipment" means equipment used for the purpose of raising atmospheric temperature in any building or portion thereof.

(8) "Central space-heating equipment" means all space-heating equipment intended by reason of its size, type, or location to heat more than one room.

(b) *Integration of gas system operation.* (1) Each utility shall as far as practicable so operate its gas manufacturing transmission, storage, and distribution facilities as to achieve maximum deliverability of natural gas in the area or areas in which a shortage exists or is imminent and to conserve existing gas reserves, and no utility shall abandon any such facilities except upon specific authorization from the Director General for Operations. Where necessary for such purposes, the Director General for Operations may, from time to time, issue specific directions as to the operation of gas manufacturing, transmission, storage and distribution facilities.

(2) Each utility shall maintain in operating condition all gas manufacturing facilities owned or operated by such utility which are in operating condition on the effective date of this amendment. Each utility shall repair and maintain in operating condition such other gas manufacturing facilities owned or operated by such utility as the Director General for Operations may, from time to time, direct. Where the repair and maintenance of gas manufacturing facilities requires the use of materials in excess of those available under any order issued by the War Production Board, application for authority to use or acquire such materials shall be made to the Director

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[1] 7 F.R. 8641.

[2] 7 F.R. 1065.

General for Operations in accordance with established procedures.

(3) The Director General for Operations may, from time to time, issue specific directions respecting the delivery of natural gas from one utility to another and the interconnection of utility facilities, and no utility shall deliver or accept, or fail to deliver or accept, deliveries of gas in violation of any such directions. Subject to such directions and to the provisions of paragraph (b) (4) each utility shall so interchange natural gas with other interconnected utilities as to achieve, directly or indirectly, the maximum deliverability in any area or areas in which a shortage exists or is imminent.

(4) No utility shall deliver natural gas to any utility system not theretofore regularly supplied by such utility (except emergency deliveries to relieve a shortage resulting from the failure or breakdown of gas production, transmission, or distribution facilities), without specific approval of the Director General for Operations. Any utility making such emergency deliveries shall report promptly to the War Production Board, Power Branch, Ref: L–31, the nature of the emergency and the amount and duration of such deliveries.

(5) Each utility shall, as soon as practicable, make an investigation of the type, amount, and availability of any natural or manufactured gas production facilities owned or operated by any non-utility supplier located in or near its operating area, whether or not interconnected with such utility, and shall report to the War Production Board by January 1, 1943, such integration measures (including measures for interconnections and the interchange of gas of any type) as may be possible to meet or to anticipate shortages of natural gas. The Director General for Operations will, where necessary to accomplish the purposes of this order, issue specific directions to utilities and non-utility suppliers as to the integration of gas production facilities. Where such integration requires the use of materials in excess of those available under any priority order issued by the Director General for Operations, application for authority to use or to acquire such materials shall be made to the Director General for Operations in accordance with established procedures.

(6) Each non-utility supplier in any area served by any utility with which such non-utility supplier is interconnected, shall, upon notice from the Director General for Operations, so order its operations as to make available for delivery to such utility all natural or manufactured gas which it is capable of producing or supplying and which is not essential for its own operations, unless the Director General for Operations shall, upon application, determine that such gas, because of differences in heat value or chemical composition, cannot practicably be mixed with the gas supplied by such utility. Such non-utility supplier shall also make available for delivery to such utility further quantities of gas in accordance with directions of the Director General for Operations.

(c) *Operation during gas shortages.* (1) In the event of a gas shortage in any area, each utility supplying such area shall operate its standby gas manufacturing facilities and shall reduce deliveries to consumers in accordance with the following schedule and with such further directions as the Director General for Operations may, from time to time, issue: *Provided,* That to the extent, if any, required by the emergency nature of the shortage, such utility may in the first instance reduce deliveries without regard to such schedule, but shall as soon as possible thereafter readjust its operations and deliveries to conform in all respects to such schedule during the continuance of the gas shortage.

(i) First, the utility shall, within the limits of its contractual rights, reduce deliveries to all consumers purchasing natural gas under contracts permitting the supplier to interrupt deliveries: *Provided,* That deliveries of gas necessary for the maintenance of the war production and essential civilian services listed in Exhibit A, as the same may be amended from time to time, shall be reduced only to the extent that the fuel requirements for such production and services can be supplied from the consumer's standby facilities.

(ii) Second, the utility shall, to the extent necessary, so operate its standby manufacturing facilities as to achieve maximum output of gas in the shortage area. Any utility may request the Director General for Operations to direct the operation of any consumer's standby facilities under paragraph (c) (1) (iii) prior to the operation of such utility's standby manufacturing facilities. Such request will be granted only if the Director General for Operations determines that the operation of consumer standby facilities prior to operation of utility standby manufacturing facilities would relieve the gas shortage more expeditiously or with less use of critical fuels, or would otherwise aid in relieving the gas shortage.

(iii) Third, the utility shall, without regard to its contractual rights or those of any consumer, reduce deliveries to all consumers who have standby facilities to the extent to which the operation of such facilities will directly or indirectly alleviate the shortage of natural gas in the area.

(iv) Fourth, the utility shall, to the extent necessary, reduce deliveries, insofar as practicable on a uniform proportionate basis, to all commercial and industrial consumers except to the extent that such deliveries are necessary for the maintenance of the war production and essential civilian services listed in Exhibit A or to prevent permanent damage to the production facilities of such consumers.

(v) If, after effectuating the reduction in deliveries of gas required by or pursuant to the foregoing provisions of this paragraph, it becomes necessary to curtail deliveries of gas for the maintenance of the war production and essential civilian services listed in Exhibit A, as the same may be amended from time to time, the utility shall insofar as practicable reduce such deliveries on a uniform proportionate basis.

(2) The Director General for Operations may issue such directions with respect to reductions in deliveries to residential consumers as may be necessary to alleviate gas shortages.

(3) Whenever pursuant to paragraphs (c) (1) or (c) (2) above or any direction issued thereunder, any utility is obliged to reduce deliveries to any consumer, such utility shall so inform such consumer, who shall, upon such notification, reduce his acceptance of deliveries of natural gas in accordance with such notification.

(4) Whenever any utility reduces deliveries of gas to any consumer pursuant to paragraph (c) (1) of this order, such utility shall immediately notify the Power Branch of the War Production Board, Ref: L–31, by telegram of the extent of such reductions.

(5) Following each such shortage period, each affected utility shall submit a detailed report of the quantities of gas conserved by the operation of standby facilities and the duration of curtailment and the extent to which each commercial and industrial consumer was curtailed. Such report shall be filed on Form PD–283.

(d) *Restrictions on deliveries of natural gas applicable prior to November 30, 1942.* (1) No utility shall deliver natural gas to any non-residential consumer in Areas I, II, III, IV, or V listed in Exhibit B for the operation of any new gas-fired equipment unless such deliveries were commenced in Area I prior to February 27, 1942, in Area II prior to March 20, 1942, in Area III prior to May 15, 1942, in Area IV prior to August 10, 1942, or in Area V prior to September 15, 1942, or unless:

(i) Such non-residential consumer shall have installed, prior to the date of such deliveries, standby facilities of sufficient capacity to replace such deliveries of such gas during period of shutoff, or

(ii) Such non-residential consumer cannot reasonably use any fuel other than natural gas because of technical utilization factors or process requirements, or

(iii) Such deliveries shall have been specifically approved in advance by the Director General for Operations.

(2) No utility shall deliver, and no consumer shall accept delivery of, natural gas in Areas I, II, III, IV or V listed in Exhibit B for either of the following purposes:

(i) For the operation of central space heating equipment (or heating equipment supplying the major portion of the heating requirements of the premises) unless such equipment was installed in Area I prior to March 1, 1942, in Area II prior to March 20, 1942, in Area III prior to May 15, 1942, in Area IV prior to August 10, 1942, or in Area V prior to September 15, 1942, or unless, in the case of new construction, the equipment was specified in the construction contract and the foundation under the main part of the structure in which the equipment is to be installed was completed in Area I prior to March 1, 1942, in Area II prior to March 20, 1942, in Area III prior to May 15, 1942, in Area IV prior to August 10, 1942, or in Area V prior to September 15, 1942; or

(ii) For the operation of central space heating equipment (or heating equipment supplying the major portion of the heating requirements of the premises), which has been converted from other fuel to natural gas unless such conversion has been completed in Area I prior to February 26, 1942, in Area II prior to March 20, 1942, in Area III prior to May 15, 1942, in Area IV prior to August 10, 1942, or in Area V prior to September 15, 1942.

(e) *Restrictions on deliveries of gas applicable on and after November 30, 1942.* (1) On or after November 30, 1942, no utility shall deliver to any non-residential consumer, and no such consumer shall accept delivery of natural gas for the operation of any gas-fired equipment (including space-heating equipment) unless:

(i) Such equipment was installed (or if converted from some other fuel to natural gas, such conversion was completed) prior to November 30, 1942 at the same premises: *Provided,* That deliveries of natural gas for the operation thereof were not prohibited prior to that date by the provisions of paragraph (d) of this order, or

(ii) Such equipment replaces similar type gas-fired equipment of equal or greater capacity previously installed or operated by the same consumer at the same premises for the same purposes, or

(iii) Such deliveries have been specifically approved by the Director General for Operations.

(2) On or after November 30, 1942, no utility shall deliver to any residential consumer and no such consumer shall accept delivery of natural gas for the operation of any space-heating equipment unless:

(i) Such equipment was installed (or if converted from some other fuel to natural gas, such conversion was completed) at the same premises prior to November 30, 1942: *Provided,* That deliveries of natural gas for the operation of such equipment were not prohibited prior to that date by the provisions of paragraph (d) of this order, or

(ii) In the case of new construction in any area listed in Exhibit B, such equipment was specified in the construction contract and was installed prior to March 1, 1943, and the foundation under the main part of the structure in which the equipment is to be installed was completed in Area I prior to March 1, 1942, in Area II prior to March 20, 1942, in Area III prior to May 15, 1942, in Area IV prior to August 10, 1942, in Area V prior to September 15, 1942, or in Area VI prior to November 30, 1942, or

(iii) Such equipment replaces gas-fired equipment of equal or greater capacity previously installed or operated at the same premises whether by the same or by another consumer: *Provided,* That nothing contained in this subparagraph shall authorize the delivery of gas for the operation of central space-heating equipment which replaces non-central space-heating equipment or central space-heating equipment of a different type, or

(iv) Such deliveries have been specifically approved by the Director General for Operations.

Provided, That deliveries of natural gas may be made to residential consumers in those areas not listed in Exhibit B for the operation of any space-heating equipment.

(3) On or after November 30, 1942, no person shall install or cause to be installed gas-fired equipment designed to receive deliveries of natural gas from any utility if such deliveries are prohibited by this paragraph (e).

(4) Applications by all consumers for exemption from the space-heating restrictions of this order shall be made on Form PD 673. Applications by non-residential consumers for exemption from the restrictions on deliveries for non-space heating purposes shall be made on Form PD–672.

(f) *Applications to Director General for Operations.* (1) Any person who considers that any reduction in or prohibition of deliveries of natural gas made or proposed to be made pursuant to paragraphs (c), (d), or (e), or any direction issued thereunder, interferes or will interfere materially with war production or the operation of an essential civilian service, may apply for relief to the Director General for Operations, who may grant such specific exemptions or take such other action as may be consistent with the purposes of this order. Such application shall state the nature of the war materials being manufactured or the nature of the service, the extent to which such production or service has been or may be curtailed because of the reduction in or prohibition of deliveries of gas, and the amount of increase in deliveries of gas required for restoration of full production or service.

(2) Any utility which considers that the supply of natural gas available on any utility system or portion thereof is sufficient to take care of all existing and estimated future requirements of war industry and unrestricted civilian use, may apply for exemption of the system or any portion thereof from the provisions of paragraphs (d) or (e), or both, of this order or of any direction issued pursuant thereto, to the Director General for Operations, who may grant such exemptions or take such other action as may be consistent with the purposes of this order.

(g) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship on him may appeal for relief to the Director General for Operations, who may grant such specific exemptions or take such other action as may be consistent with the purposes of this order.

(h) *Reports and information.* (1) Each utility shall keep and preserve for not less than two years accurate and complete records concerning deliveries of natural gas to consumers. Such records shall be subject to inspection by duly authorized representatives of the War Production Board.

(2) All persons affected by this order shall execute and file with the War Production Board such reports and questionnaries as said Board shall, from time to time, request.

(i) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Power Branch, Washington, D. C., Ref: L–31.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making, or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT A

WAR PRODUCTION AND ESSENTIAL CIVILIAN SERVICES

(1) Fire and police stations, post offices, court houses, schools, hospitals, and prisons.

(2) Public eating establishments, including restaurants, cafes, etc.

(3) Bakeries, dairies and meat-packing establishments.

(4) Public utilities to the extent that gas is required for the ignition of other fuels (not exceeding 1 per cent of the total B. T. U. content of the fuel used for boiler operations).

(5) Water, sewage and sanitation systems to the extent that gas is required for the disposal of sewage and garbage and for the operation of power equipment.

(6) Scientific testing and research laboratories.

(7) Repair yards or shops to the extent they are used for the maintenance or repair of transportation equipment.

(8) Industrial plants to the extent they are engaged in the production of the following munitions, equipment or materials:

(a) Airplanes, airplane engines, and parts.

(b) Naval and merchant ships and parts.

(c) Ordnance items, including guns, ammunition, explosives, combat and military vehicles, radio equipment and parts.

(d) Copper, brass, tin, lead, magnesium, aluminum and alumina, zinc, manganese, mercury, nickel, cadmium or monel metal.

(e) Abrasives.

(f) Graphite electrodes.

(g) Forgings.

(h) The following machinery and equipment:

Power boilers.
Searchlights.
Electrical measuring instruments.
Generators.
Transformers, electrical control and switchboard apparatus.
Heat exchangers.
Pressure vessels.
Wire and cable.

Steam engines.
Steam turbines.
Diesel engines.
Gas engines.
Track-laying tractors.
Mining machinery and equipment.
Machine tools.
Machine tool accessories and machinists precision tools.
Pumps and compressors.
Conveyors and conveying equipment.
Industrial cars and trucks.
Industrial blowers, exhaust and ventilatings fans.
Mechanical testing equipment.
Ball and roller bearings and parts.
Mechanical power transmission equipment.
Water purification equipment.
Locomotives and railroad cars.
Navigation instruments.
Surgical, medical and dental equipment and supplies.
Optical instruments and lenses.
Construction machinery and equipment.
(i) Iron ore, pig iron, steel and ferroalloys.
(j) Sulphuric acid.
(k) Liquid oxygen.
(l) Rubber.
(m) Alcohol.

EXHIBIT B

AREA I

Alabama (except the area served by the United Gas Pipe Line Company).

Arkansas (only the area served by the Mississippi River Fuel Company).

California.
District of Columbia.
Georgia.
Illinois.
Indiana.
Kentucky.
Maryland.
Michigan.

Mississippi (except the city of Natchez, the towns of Woodville and Centerville, and the area served by the United Gas Pipe Line Company).

Missouri.
New York.
Ohio.
Pennsylvania.
Tennessee.
Virginia.
West Virginia.

AREA II

Kansas (only the following counties):

Allen.
Anderson.
Atchison.
Bourbon.
Brown.
Cherokee.
Coffey.
Crawford.
Doniphan.
Douglas.
Franklin.
Jackson.
Jefferson.
Johnson.
Labette.
Leavenworth.
Linn.
Miami.
Montgomery.
Nemaha.
Neosho.
Osage.
Shawnee.
Wilson.
Woodson.
Wyandotte.

AREA III

Iowa (only the areas served by Northern Natural Gas Co., and utilities obtaining any part of their requirements from this company).

Kansas (only the areas served by Cities Service Gas Co., Kansas Power and Light Co., Kansas-Nebraska Gas Co., Consolidated Gas Utilities Corp., Drillers' Gas Co., and utilities obtaining any part of their requirements from these companies, except those areas included in Area II, above).

Minnesota.

Nebraska (only the areas served by the Northern Natural Gas Co., Kansas-Nebraska Gas Co., Cities Service Gas Co., and utilities obtaining any part of their requirements from those companies).

Oklahoma (only the areas served by Cities Service Gas Co., Consolidated Gas Utilities Corporation, and utilities obtaining any part of their requirements from these companies).

South Dakota (only the areas served by Northern Natural Gas Company, and utilities obtaining any part of their requirements from this company.)

AREA IV

Iowa (only the areas served by the Natural Gas Pipe Line Company of America, and utilities obtaining any part of their requirements from this company.)

Kansas (only the areas served by the Natural Gas Pipe Line Company of America, and utilities obtaining any part of their requirements from this company, except those areas in Kansas included in Area II or Area III, above.)

Nebraska (only the areas served by the Natural Gas Pipe Line Company of America, and the utilities obtaining any part of their requirements from this company.)

AREA V

Those areas in New Mexico, Colorado and Wyoming supplied by the Colorado Interstate Gas Company, or by any utility receiving all or any part of its gas supply from said company.

AREA VI

Those areas in Arizona and New Mexico (except Eddy, Lea and Chaves counties in New Mexico) served by the El Paso Natural Gas Company or by any utility receiving all or any part of its gas supply from said company.

[F. R. Doc. 42-11834; Filed, November 12, 1942; 10:59 a. m.]

PART 1069—UMBRELLA FRAMES

[General Limitation Order L-36]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1069.1 *General Limitation Order L-36*—(a) *Definitions.* For the purposes of this order:

(1) "Frame" means the framework of an umbrella made out of iron, steel, or plastic, including ribs, stretchers, notch, runner, springs, cap, ferrule, tips or connecting hardware.

(2) "Group I frame" means any frame designed for a man's umbrella.

(3) "Group II frame" means any frame designed for a woman's umbrella which has metallic tips and ferrule.

(4) "Group III frame" means any frame designed for a woman's umbrella which has plastic or other nonmetallic tips and/or ferrule.

(5) "Manufacturer" means any person engaged in the business of processing, fabricating, working on or assembling new umbrella frames ready for covering from umbrella frame parts, whether or not he actually covers umbrella frames.

(6) "Repair part" means any part of an umbrella frame which is not produced for or used in the assembly of a new umbrella frame.

(b) *General restrictions.* (1) During the period beginning November 12, 1942, and ending December 31, 1942, and during the three months period beginning January 1, 1943, and during each three months period thereafter, no manufacturer's total production of frames shall exceed 7½% of the number of group I, group II and group III frames produced by him during 1941.

(2) On and after November 12, 1942, no manufacturer shall produce any group I frame:

(i) The weight of which, exclusive of the weight of the shafts and handles, is more than five pounds per dozen frames;

(ii) Which contains more than 8 ribs;

(iii) Which contains any rib exceeding 25 inches in length.

(3) On and after November 12, 1942, no manufacturer shall produce any group II frame:

(i) The weight of which, exclusive of the weight of the shafts and handles, is more than 4.35 pounds per dozen frames;

(ii) Which contains more than 10 ribs;

(iii) Which contains any rib exceeding 20 inches in length.

(4) On and after November 12, 1942, no manufacturer shall produce any group III frame:

(i) The weight of which, exclusive of the weight of the shafts and handles, is more than 4 pounds per dozen frames;

(ii) Which contains more than 10 ribs;

(iii) Which contains any rib exceeding 20 inches in length.

(5) During the period beginning November 12, 1942, and ending December 31, 1942, and during the three months period beginning January 1, 1943, and during each three months period thereafter, no manufacturer shall produce repair parts containing more iron or steel than 5%, by weight, of the amount of iron or steel contained in the frames which such manufacturer is permitted to produce pursuant to paragraphs (b) (1), (b) (2), (b) (3), and (b) (4) of this order.

(6) On and after November 12, 1942, no manufacturer of parts specifically intended for incorporation into frames shall process, fabricate, work on, assemble, sell, lease, trade, lend, deliver, ship or transfer such parts if he knows or has reason to believe that such parts will not be used either as repair parts or in the production of frames pursuant to paragraphs (b) (1), (b) (2), (b) (3), and (b) (4) of this order.

(c) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, and sales.

(d) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(e) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Appeal.* Any appeal from the provisions of this order must be made on Form PD-500 and must be filed with the field office of the War Production Board of the district in which is located the plant to which the appeal relates.

(h) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(i) *Applicability of other orders.* In so far as any other order heretofore issued by the Director of Priorities, the Director of Industry Operations, or the Director General for Operations, or to be issued hereafter by the Director General for Operations, limits the use of iron and steel in the production of umbrella frames to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise ordered, be addressed to the War Production Board, Washington, D. C., Ref: L-36.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11835; Filed, November 12, 1942; 10:59 a. m.]

PART 1108—MAINTENANCE AND OPERATION OF PLANTS PROCESSING DAIRY PRODUCTS OR EGGS

[Preference Rating Order P-118, as Amended November 12, 1942]

Part 1108 (formerly entitled "Repair, Maintenance and Operation of Plants Producing or Processing Dairy Products") is amended to read "Part 1108, Maintenance and Operation of Plants Processing Dairy Products or Eggs", and Preference Rating Order P-118[1] (§ 1108.1) is amended to read as follows:

§ 1108.1 *Preference Rating Order P-118*—(a) *Definitions.* For the purposes of this order:

(1) "Processor" means any person located in the United States, its territories and possessions, engaged in processing dairy products or eggs, or any person located in the Dominion of Canada, to whom and in whose name, a copy of this order is specifically issued.

(2) "Processing dairy products" means only the primary processing operations in connection with any of the following businesses:

(i) Pasteurizing milk,

(ii) Receiving milk from other persons for cooling preparatory to reshipment for further processing,

(iii) Producing dairy products, for sale, by processing milk or cream in a plant not located on the farm where the milk was produced or by processing ice cream mix produced in the same plant or in another plant under the same ownership as the processing plant.

(3) "Processing eggs" means only the primary processing operations in connection with any of the following businesses, performed in plants approved by the Agricultural Marketing Administration for purposes of directly or indirectly supplying eggs or egg products to or for that agency or for the armed services:

(i) Candling and grading shell eggs,

(ii) Breaking, packaging, and freezing liquid eggs,

(iii) Dehydrating eggs.

(4) "Primary processing" means the operations commencing with the bringing of milk, cream, eggs, or ice cream mix (in the case provided for in paragraph (a) (2) (iii)) to a processor's plant and ending with the placing of the processed milk, dairy products, eggs or egg products in any packaging in that plant. Any special packaging required by contracts with the armed services or the Agricultural Marketing Administration shall also be considered primary processing.

(5) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind used for maintenance, repair, operation or replacement in plants processing dairy products or eggs, but shall not include any office or transportation supplies, machinery or equipment.

(6) "Maintenance" means minimum upkeep necessary to enable the processor's existing plant, machinery and equipment to be used at its maximum rate of operation permissible under any applicable orders, but shall not include the acquisition of additional machines or equipment.

(7) "Repair" means restoration of a processor's plant, machinery or equipment to sound working condition within a reasonable time after physical depreciation, wear and tear, damage, destruction of parts or the like have impaired its fitness for service but not to an extent involving major reconstruction or the acquisition of capital assets or of motors of 1-horsepower or more.

(8) "Material required for operation" means operating supplies to be consumed in the course of a processor's operations but not to be physically incorporated in the finished products nor used as packaging (except packaging staples, strapping, or stitching wire), fuel, or office supplies.

(9) "Replacement" means substitution of machinery or equipment for worn or damaged existing machinery or equipment which cannot be repaired without major reconstruction; *Provided,* That such substitution is made within a reasonable time after such condition develops; *And provided further,* That the replacement is not of greater productive capacity than the replaced machinery or equipment except to the minimum possible extent when a replacement of equivalent capacity is obsolete, unobtainable, or not obtainable within a reasonable time in relation to the processor's operating needs.

(10) "Supplier" means any person with whom a contract or purchase order has been placed for delivery of material to a processor or to another supplier.

(b) *Assignment of preference ratings.* Preference ratings are hereby assigned, subject to the restrictions and conditions of paragraphs (c) and (d) hereof:

(1) AA-2X to deliveries, to a processor, of material directly required for emergency maintenance or repair to avert spoilage of milk, dairy products, or eggs (shell, liquid, dehydrated) because of an actual breakdown or suspension of a processor's operations.

(2) AA-5 to deliveries, to a processor, of material required for repair, maintenance or operation.

(3) AA-3 to deliveries, to a processor, of material required for replacement.

(c) *Restrictions on application of ratings by processor.* (1) The processor shall not apply any preference rating assigned by (b) (1) above to deliveries of material to replace other material withdrawn from his inventory or stores for maintenance, repair, or operation.

(2) The processor shall not apply any preference rating assigned by (b) (2) above if, in view of the current rate of consumption of his inventory or stores for repair and maintenance or operation, the delivery of the material to be rated would increase his inventory or stores above the minimum permitted or provided in paragraph (e) below.

(3) The processor shall not apply any preference rating hereunder unless the material to be delivered cannot be secured when required without such rating.

(4) The processor may apply the rating only to those quantities and kinds of materials necessary to enable him to maintain his processing schedules up to the end of the calendar year 1943.

(d) *Application of preference rating.* (1) A processor or any supplier, in order to apply or extend the preference ratings assigned hereunder shall comply with Priorities Regulation No. 3, as it may be amended from time to time.

(2) If preference rating AA-2X is applied for emergency maintenance or repair, the processor must, immediately upon placing his order for such material, telegraph to the War Production Board the following with respect to such order:

(i) The name and address of the supplier,

(ii) Brief statement of what necessitated application of rating for emergency maintenance and repair,

(iii) A specific description of the material included in the order, and

(iv) The invoice cost of each item of such material.

(3) If the material is required for replacement, the processor shall not apply

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[1] 7 F.R. 8259.

preference rating AA-3, unless he shall have communicated with the War Production Board, describing the material needed and the nature of the proposed replacement, and shall have received from the Director General for Operations a specific authorization to apply such rating, notwithstanding the fact that, prior to November 12, 1942, he may have been authorized to apply a lower rating under this order. Such application for authorization may be made by a written statement on Form PD-414 or, in any emergency, by telegram giving substantially the information called for by said Form PD-414.

(e) *Inventory provisions.* A processor shall not accept deliveries (whether rated hereunder or not) of material for repair and maintenance or operation which will increase the inventory or stores available to the processor for such purposes to an amount greater than the minimum necessary for repair and maintenance and to sustain the current level of operations of the processor, and the ratio of such inventory and stores to current operations shall in no event exceed the ratio of average inventory to average operation for the years 1938, 1939, and 1940.

(f) *Records.* In addition to the records required to be kept under Priorities Regulation 1, a processor placing any purchase order or contract rated hereunder shall retain, for a period of two years, for inspection by representatives of the War Production Board, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such a manner that they can be readily segregated for such inspection.

(g) *Reports.* Each processor who applies a preference rating hereunder shall file such reports as may be required from time to time by the War Production Board; and until further notice, any processor who applies a preference rating hereunder for "emergency maintenance or repair" under paragraph (b) (1) or for "repair, maintenance or operation" under paragraph (b) (2), shall file with the War Production Board within 10 days after the end of each quarter Form PD-413. The first such report shall be filed for the full quarter ending December 31, 1942.

(h) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Food Branch, Washington, D. C.—Ref.: P-118.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(j) *Revocation or amendment.* This order may be revoked or amended at any time as to any processor or any supplier. In the event of revocation, deliveries already rated pursuant to this order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the processor or supplier affected by such revocation.

(k) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11836; Filed, November 12, 1942; 11:00 a. m.]

PART 1255—INVENTORY RESTRICTION EXCEPTIONS

[Amendment 7 to General Inventory Order M-161]

Section 1255.1 *General Inventory Order M-161*[1] is hereby further amended by adding to the materials listed on Schedule A attached to said order the following:

Sodium sulfate (salt cake)

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11837; Filed, November 12, 1942; 11:00 a. m.]

PART 3039—MANUFACTURED GAS

[Amendment 1 to Limitation Order L-174]

1. Paragraph (c) of Limitation Order L-174[1] is hereby amended to read as follows:

(c) *Limitations on deliveries of manufactured gas.* (1) In the event of a gas shortage in any area, each utility supplying such area shall reduce deliveries to consumers in accordance with the following schedule and with such further directions as the Director General for Operations may, from time to time, issue: *Provided*, That to the extent, if any, required by the emergency nature of the shortage, such utility may in the first instance reduce deliveries without regard to such schedules, but shall as soon as possible thereafter readjust its operations and deliveries to confirm in all respects to such schedule during the continuance of the gas shortage.

(i) First, the utility shall, within the limits of its contractual rights, reduce deliveries to all consumers purchasing manufactured gas under contracts permitting the supplier to interrupt deliveries: *Provided*, That deliveries of gas necessary for the maintenance of the war production and essential civilian services listed in Exhibit A, as the same may be amended from time to time, shall be reduced only to the extent that the fuel requirements for such production and services can be supplied from the consumer's standby facilities.

(ii) Second, the utility shall without regard to its contractual rights or those of any consumer, reduce deliveries to all consumers who have standby facilities to the extent to which the operation of such facilities can directly or indirectly alleviate the shortage of manufactured gas in the area.

(iii) Third, the utility shall to the extent necessary, reduce deliveries to all commercial and industrial consumers except to the extent that such deliveries are necessary for the maintenance of the war production and essential civilian service listed in Exhibit A or to prevent permanent damage to the production facilities of such consumers. Such reductions shall be made insofar as practicable on a uniform proportionate basis.

(iv) Fourth, if after effectuating the reduction in deliveries of gas required by or pursuant to the foregoing provisions of this paragraph, it becomes necessary to curtail deliveries of gas for the maintenance of the war production and essential civilian service listed in Exhibit A, the utility shall insofar as practicable reduce such deliveries on a uniform proportionate basis.

(2) The Director General for Operations may issue such directions with respect to reductions in deliveries to residential consumers as may be necessary to alleviate gas shortages.

(3) The Director General for Operations may require any utility to file a specific curtailment schedule listing consumers proposed to be curtailed and the order of their curtailment during gas shortages and may issue such directions with respect thereto as may be necessary to assure compliance with the provisions of this paragraph (c).

(4) Whenever, pursuant to paragraph (c) (1) or (c) (2) above or any directions issued thereunder, any utility is obliged to reduce deliveries to any consumer, such utility shall so inform each consumer to be curtailed, and each such consumer shall, upon such notification, reduce his acceptance of deliveries of manufactured gas in accordance with such notification.

(5) Whenever any utility finds it necessary to reduce deliveries, pursuant to this paragraph (c), such utility shall immediately notify the Power Branch of the War Production Board, Ref.: L-174, of such curtailment by telegram. Following each such curtailment, the utility shall submit to the Power Branch a detailed report of the duration of curtailment and the extent to which deliveries to such consumers were curtailed. Such report shall be filed on Form PD-628.

2. Paragraph (d) of Limitation Order L-174 is hereby amended to read as follows:

(d) *Restrictions upon deliveries to consumers other than domestic consumers.* No utility shall deliver manufactured gas to any consumer, other than a domestic consumer, for the operation of any gas-fired equipment (including space-heating equipment) which was not installed (or if converted from some other fuel, such conversion was not completed) at the same premises prior to September 1, 1942, unless:

(1) Such equipment is non-space heating equipment and has an aggregate input capacity of less than 150 cubic feet per hour.

(2) Such equipment replaces similar type gas-fired equipment of equal or greater capacity previously installed or operated by the same consumer at the same premises for the same purposes, or

(3) Such deliveries are specifically approved in advance by the Director General for Operations. Any consumer or utility which considers that such deliveries are necessary for war production or the operation of an essential civilian service may apply for such approval to the Director General for Operations.

No person shall install gas-fired equipment designed to receive deliveries of manufactured gas from any utility if such deliveries are prohibited by this paragraph.

3. Paragraph (e) is hereby amended to read as follows:

(e) *Restrictions upon deliveries to domestic consumers for space heating.* Except where otherwise directed by the Director General for Operations, no utility shall deliver to any domestic consumer and no such consumer shall accept deliveries of manufactured gas for the operation of any space-heating equipment unless such equipment:

(1) Was installed (or if converted from some other fuel to manufactured gas, such conversion was completed) at the same premises prior to September 1, 1942, or

(2) Replaces similar type space-heating equipment of equal or greater capacity previously installed or operated at the same premises whether by the same or by another consumer, or

(3) Was installed prior to November 15, 1942, in a new building, and such equipment was specified in the construction contract, and the foundation under the main part of the structure in which the equipment is to be installed was completed prior to September 1, 1942.

No person shall install space-heating equipment designed to receive deliveries of manufactured gas from any utility if such deliveries are prohibited by this paragraph.

4. Paragraph (f) of Limitation Order L-174 is hereby amended by adding the following subparagraph (3):

(3) Applications by all consumers for exemption from the space-heating restrictions of this order shall be made on Form PD-673. Applications by non-residential consumers for exemption from the restrictions on deliveries for non-space heating purposes shall be made on Form PD-672.

5. Exhibit A is hereby amended to read as follows:

EXHIBIT A

WAR PRODUCTION AND ESSENTIAL CIVILIAN SERVICES

1. Fire and police stations, post offices, court houses, schools, hospitals, and prisons.

2. Public eating establishments, including restaurants, cafes, etc.

3. Bakeries, dairies and meat-packing establishments.

4. Water, sewage, and sanitation systems to the extent that gas is required for the disposal of sewage and garbage and for the operation of power equipment.

5. Scientific testing and research laboratories.

6. Repair yards or shops to the extent they are engaged in the maintenance or repair of transportation equipment.

7. Industrial plants to the extent they are engaged in the production or processing of the following munitions, equipment or materials:

(a) Airplanes, airplane engines, and parts.
(b) Naval and merchant ships and parts.
(c) Ordnance items, including guns, ammunition, explosives, combat and military vehicles, radio equipment and parts.
(d) Copper, brass, tin, lead, magnesium, aluminum and alumina, zinc, manganese, mercury, nickel, cadmium or monel metal.
(e) Abrasives.
(f) Graphite electrodes.
(g) Forgings.
(h) The following machinery and equipment:
  Power boilers.
  Searchlights.
  Electrical measuring instruments.
  Generators.
  Transformers, electrical control and switchboard apparatus.
  Heat exchangers.
  Pressure vessels.
  Wire and cable.
  Steam engines.
  Steam turbines.
  Diesel engines.
  Gas engines.
  Track-laying tractors.
  Mining machinery and equipment.
  Machine tools.
  Machine tool accessories and machinists precision tools.
  Pumps and compressors.
  Conveyors and conveying equipment.
  Industrial cars and trucks.
  Industrial blowers, exhaust and ventilating fans.
  Mechanical testing equipment.
  Ball and roller bearings and parts.
  Mechanical power transmission equipment.
  Water purification equipment.
  Locomotives and railroad cars.
  Navigation instruments.
  Surgical, medical and dental equipment and supplies.
  Optical instruments and lenses.
  Construction machinery and equipment.
(i) Iron ore, pig iron, steel and ferroalloys.
(j) Sulphuric acid.
(k) Liquid oxygen.
(l) Rubber.
(m) Alcohol.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th

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[1] 7 F.R. 4174, 4778, 4779, 5663, 5985, 6208, 6769.

[1] 7 F.R. 6738.

Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11838; Filed, November 12, 1942; 10:59 a. m.]

PART 3102—NATIONAL EMERGENCY SPECIFICATIONS FOR STEEL PRODUCTS

[Schedule 3 to Limitation Order L-211]

BARBED WIRE, WIRE FENCE, POULTRY NETTING AND POULTRY FLOORING

§ 3102.4 *Schedule 3 to Limitation Order L-211*[1]—(a) *Restrictions on barbed wire.* (1) No person shall produce, fabricate or deliver barbed wire except two point barbed wire of 14 gauge strands and 16 gauge barbs, the spacing of the barbs to be not less than 4 inches.

(2) No person shall supply barbed wire except on 80 rod spools.

(b) *Restrictions on wire fence, poultry netting and poultry flooring.* No person shall produce, fabricate or deliver woven or welded wire fence, poultry netting or poultry flooring, except in the styles, specifications and in the size of rolls set forth in List 1 attached hereto.

(c) *Restrictions on use of copper.* No person shall add any copper to steel to be used in the production of wire for fabrication of barbed wire, woven or welded wire fence, poultry netting or poultry flooring.

(d) *Restrictions on galvanizing.* No person shall apply any zinc coating to barbed wire, or woven or welded wire fence, except in accordance with Federal Specification QQ-W-461, Table IV, Weight A, issued June 16, 1941.

(e) *Acceptance of delivery.* No person shall accept delivery of material produced, fabricated or delivered in violation of the provisions of paragraphs (a), (b), (c) or (d).

(f) *General exceptions.* The provisions of paragraphs (a), (b), (c), (d) and (e) shall not apply to material:

(1) The production, fabrication, delivery or acceptance of which is specifically permitted by the Director General for Operations, or

(2) Which has been produced or fabricated before the issuance date of this schedule, or which before such date has been processed in such manner and to such extent that processing to conform to such provisions would be impracticable, or

(3) To be purchased by or for the account of any of the following, to the extent that such material is called for by the specifications applicable to the contract, subcontract, or purchase order:

(i) The Army or Navy of the United States, The United States Maritime Commission, and the War Shipping Administration;

(ii) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies and Protectorates, and Yugoslovia;

(iii) The government of any country listed above, or any other country, including those in the Western Hemisphere, where the contract or purchase order is placed by any agency of the United States Government, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(g) *Exception to restrictions on size of rolls.* The restrictions as to size of rolls contained in paragraphs (a) and (b) shall not be applicable to deliveries on preference ratings assigned by the Board of Economic Warfare, deliveries on Lend-Lease orders, or to deliveries by any person to the ultimate consumer.

(h) *Records.* Each producer or fabricator owning or possessing material excepted by the provisions of paragraphs (f)(1) and (2) shall retain records of such material available for inspection by duly authorized representatives of the War Production Board.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

LIST 1

POULTRY FENCE—10 ROD ROLLS ONLY

Styles*	Inches between stays	Filler wire gauge	Top-bottom wire gauge
1948	6	14½	11
1948	6	15½	12½
2048	6	15½	12½
2148	6	15½	12½

HOG AND CATTLE FENCE—20 ROD ROLLS ONLY

726	6	14½	11
726	6	12½	10
832	6	14½	11
832	12	12½	10
635	12	12½	10

POULTRY NETTING—150 FOOT ROLLS ONLY

Height	Mesh	Wire gauge
48"	2"	20
12"	1"	20

POULTRY FLOORING—100 FOOT ROLLS ONLY

36"	1" x 2"	14

*The classification of styles of woven or welded wire fence is designated by numbers in accordance with recognized trade practice. The last two digits of such numbers refer to the height of the fence and the first digit (or two digits) refers to the number of horizontal bars or line wires. For example: Style 1948 means a fence having 19 line wires and a height of 48 inches.

[F. R. Doc. 42-11839; Filed, November 12, 1942; 11:00 a. m.]

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[1] 7 F.R. 8639, 8640.

Chapter XI—Office of Price Administration

PART 1302—ALUMINUM

[RPS 2,[1] Amendment 4]

ALUMINUM SCRAP AND SECONDARY ALUMINUM INGOT

A statement of the considerations involved in the issuance of this Amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1302.14 and paragraph (b) of § 1302.15 are amended as set forth below:

§ 1302.14 *Appendix A: Maximum prices for aluminum scrap*—(a) *Schedule of prices.* * * *

Grade of aluminum scrap	Column I	Column II	Column III
	Maximum price (cents per pound) for shipment at one time of less than 1,000 pounds	Maximum price (cents per pound) for shipment at one time of 1,000 to 20,000 pounds	Maximum price (cents per pound) for shipment at one time of 20,000 pounds or more
(1) Plant scrap, segregated:			
2S solids	10	11	11½
All other solids	9½	10½	11
Borings and turnings	7½	8½	9
(2) Plant scrap, mixed:			
All solids	8½	9½	10
Borings and turnings	6½	7½	8
(3) Obsolete scrap:			
Pure cable	10	11	11½
Old sheet and utensils	8½	9½	10
Old castings and forgings	9	9½	10
Pistons free of struts	9	9½	10
Pistons with struts	7	7½	8

(4) *Drosses, skimmings, grindings, sweepings, sawings and spatters:*	
Containing 15 per cent or more by weight of metallic aluminum, as determined by fire assay	8 cents per pound of metallic aluminum contained, as determined by fire assay, irrespective of quantity.
Containing less than 15 per cent by weight of metallic aluminum, as determined by fire assay	1.2 cents per pound of material irrespective of aluminum content and irrespective of quantity.

* * * * *

NOTE 3: *Quantity differentials.* The requisite quantities for which premiums are provided in Columns II and III, above, may consist of various grades of aluminum scrap, but other metals may not be included for the purpose of making up such quantities. In computing the weight necessary to obtain a quantity differential the actual weight of the material at the point of shipment, as determined by the public carrier, or as certified to and accepted by the public carrier, or as certified by a public weigher, is to be used. If the weight of the material at the point of shipment is not determined by any of the methods herein specified the actual weight of the material at the buyer's receiving point shall be used.

* * * * *

NOTE 5: *Premiums for special preparation.* Upon the sale of segregated solid aluminum plant scrap of any of the wrought aluminum or s-type alloys, except 2s and 3s, to any person designated as a "producer" by the Director of Priorities, War Production Board, the following premiums may be charged, demanded, paid or offered:

	Cent per pound
If such scrap is baled or packaged, suitable for briquetting	½
If such scrap is briquetted, or in large pieces too heavy to briquette	1

Except as provided herein, the maximum prices established for aluminum scrap by this Revised Price Schedule No. 2, as amended, shall not be increased by any charge or payment for special preparation.

* * * * *

(b) *Delivery charges.* (1) If aluminum scrap is delivered to the buyer's receiving point by a public (common or contract) carrier, the maximum delivery charge which may be added to the established maximum price f. o. b. point of shipment shall be the actual transportation charge made by such carrier: *Provided,* That if the quantity differentials set forth in Column III are paid, and if the quantity shipped, as determined in accordance with Note 3 in § 1302.14 (a), is less than the minimum quantity, as set forth in the tariffs of the railroad, upon which the lowest carload rate from the point of shipment to the buyer's receiving point is based, the maximum delivery charge which may be added to such maximum price shall be an amount calculated at the lowest carload rate on the basis of the actual weight of material so determined.

* * * * *

§ 1302.15 *Appendix B: Maximum prices for secondary aluminum ingot.* * * *

(b) * * * *Quantity differentials.* Except as hereinafter provided, the maximum prices established above are applicable if secondary aluminum ingot is sold or delivered in quantities of 30,000 pounds or more. The following premiums may be charged, in addition to the maximum prices set forth above, for the quantities specified:

Quantity	*Premium (cents per pound)*
10,000 to 30,000 pounds	¼
1,000 to 10,000 pounds	½
Less than 1,000 pounds	1

In determining whether the quantity differentials herein provided are applicable, the quantity sold or the quantity delivered to one buyer at one time, whichever is larger shall be used in all cases, and regardless of the fact that such sale or shipment may be composed of different alloys: *Provided,* That if the quantity sold exceeds the amount which the buyer is authorized by the War Production Board to receive in any allocation period, the amount which the buyer is so authorized to receive may be used instead of the quantity sold.

* * * * *

§ 1302.13a *Effective dates of amendments.* * * *

(e) Amendment No. 4 to Revised Price Schedule No. 2 as amended (§§ 1302.14 and 1302.15(b)) shall become effective November 16, 1942.

(Pub. Law 421, 77th Cong. and Pub. Law 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11740; Filed, November 10, 1942; 2:27 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Temporary MPR 22,[1] Amendment 5]

CERTAIN ESSENTIAL FOOD PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new paragraph (c) has been added to § 1351.801; subparagraph (1) of § 1351.803 (a) is amended and new subparagraphs (4) and (5) are added; § 1351.811 is amended; and new paragraph (e) is added to § 1351.814 to read as set forth below:

§ 1351.801 *Purpose of this regulation.* * * *

(c) The Provisions of paragraph (b) of this section shall not be applicable to any war procurement agency or any contracting or paying finance officer thereof, and any such agency or contracting or paying finance officer shall be relieved of any and every liability, civil or criminal, imposed by this Temporary Maximum Price Regulation No. 22 or by the Emergency Price Control Act of 1942, as amended. "War Procurement Agency" as used in this paragraph includes the War Department, the Department of the Navy, the United States Maritime Commission, and the Lend-Lease Section of the Procurement Division of the Treasury Department, or any agency of the foregoing.

* * * * *

§ 1351.803 *Exempt sales.* (a) This Temporary Maximum Price Regulation No. 22 shall not apply to the following:

(1) Sales and deliveries made directly by a farmer of any listed food products produced on his farm. However, this Temporary Maximum Price Regulation No. 22 shall apply to a sale or delivery by a farmers' cooperative, whether as agent or otherwise, and to a sale or delivery directly by a farmer of any listed food products to an ultimate consumer if during the preceding month the farmer's sales to ultimate consumers of all food

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1203, 1600, 1836, 2132, 3746, 4584, 5513, 6468, 8200.

[1] 7 F.R. 7914, 8023, 8197, 8358, 8595.

products produced on his farm exceeded $75.

* * * * *

(4) Sales, deliveries or transactions in connection with any listed food product which may be exempted by the following sections of Revised Supplementary Regulation No. 4, as well as amendments to them, and such sections and amendments are hereby made applicable to every pereson selling listed food products:

(i) § 1499.29 (a) (5) (Developmental contracts).

(ii) § 1499.29 (a) (6) (Secret contracts).

(iii) § 1499.29 (a) (7) (Emergency purchases).

(iv) § 1499.29 (a) (15) (Sales or deliveries by the War Department or the Department of the Navy through such Departments' sales stores).

(5) Sales or deliveries by hotels, restaurants, soda fountains, bars, cafes or other similar establishments of listed food products prepared and sold for consumption on the premises.

* * * * *

§ 1351.811 *Relation to other maximum price regulations.* The provisions of this Temporary Maximum Price Regulation No. 22 shall not apply to any sale or delivery of a listed food product for which a maximum price is in effect on October 5, 1942, under the provisions of any other price regulation, including the General Maximum Price Regulatiton, issued by the Office of Price Administration: *Provided, however,* That the following sections of the General Maximum Price Regulation, as well as the amendments to them, shall be applicable to every person selling a listed food product:

(1) *Determination of maximum prices by sellers at retail operating more than one retail establishment.* (§ 1499.4a) In applying § 1499.4a of the General Maximum Price Regulation, the base period of September 28, 1942 to October 2, 1942, inclusive, shall be substituted for the period of March, 1942 used therein.

(2) *Adjustment of maximum prices in cases of special deals* (§ 1499.4b).

(3) *Transfers of business or stock in trade* (§ 1499.5).

(4) *Federal and state taxes* (§ 1499.7). In applying § 1499.7 of the General Maximum Price Regulation, the base period of September 28, 1942, to October 2, 1942, inclusive, shall be substituted for the period of March, 1942 used therein, and the date October 2, 1942, shall be substituted for the date March 31, 1942.

(5) *Sales slips and receipts* (§ 1499.14).

(6) *Registration* (§ 1499.15).

(7) *Licensing* (§ 1499.16).

* * * * *

§ 1351.814 *Effective dates of amendments.* * * *

(e) Amendment No. 5 to Temporary Maximum Price Regulation No. 22 (§§ 1351.801 (c), 1351.803 (a) (1), 1351.803 (a) (4), 1351.803 (a) (5), and 1351.811) shall become effective November 16, 1942.

(Pub. Laws 421, 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 10th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11734; Filed, November 10, 1942; 12:08 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[Rationing Order 2A,[1] Amendment 19]

NEW PASSENGER AUTOMOBILE RATIONING REGULATIONS

A rationale for the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1360.310 new paragraphs (l), (m) and (n) are added; a new § 1360.364 is added; § 1360.363 (a) and § 1360.372 (h) are amended as set forth below:

Definitions

§ 1360.310 *Definitions.* * * * (l) "Taxicab" means any passenger automobile operated by a taxi driver in the call and demand transportation of passengers for compensation to and from points chosen or designated by the passenger, and not operated on a fixed schedule, between fixed termini, or over scheduled routes.

(m) "Taxi driver" means an individual to whom a license permit, or other grant of authority has been issued by a government agency authorizing him to engage in the transportation of passengers by taxicab and includes an individual who, in good faith, was so engaged on September 1, 1942 in a community where no such license, permit or other grant of authority was required.

(n) "Taxicab rental company" means any person regularly engaged in the business of leasing taxicabs to taxi drivers.

Transfers without Certificates

§ 1360.363 *Procedure for transfers under §§ 1360.361 and 1360.362*—(a) *Documents required.* Any person receiving a transfer made pursuant to §§ 1360.361 or 1360.362 shall fill out and execute in quadruplicate Form R-203 (Revised) issued by the Office of Price Administration giving the information required by the Form and obtaining the necessary supporting statement required on the form. The transferor, upon delivery of the automobile, shall retain for himself one copy of Form R-203 (Revised).

* * * * *

§ 1360.364 *Persons eligible to lease for use as a taxicab.* A taxi driver may lease a new passenger automobile from a taxicab rental company if such automobile

(a) is licensed by the taxicab rental company for use as a taxicab; and

(b) will be operated by the lessee exclusively as a taxicab either

(1) in the locality designated by the lessor in his application Form R-213 for a certificate pursuant to which such automobile was acquired by him; or

(2) in any other case in the locality customarily serviced by taxicabs licensed by the lessor; or

(3) in any other area in which the Office of Defense Transportation has authorized the operation of such taxicab.

(c) This section provides only for the lease of a new passenger automobile for use as a taxicab and does not otherwise authorize a transfer of such new passenger automobile.

Persons Eligible to Acquire New Passenger Automobiles by Transfer With Certificates

§ 1360.372 *Eligibility classification.* * * *

(h) Persons, including taxicab rental companies, who require new passenger automobiles to replace taxicabs owned by them and operated pursuant to Certificates of War Necessity issued by the Office of Defense Transportation but no longer adequate for such use, or to provide such additional taxicabs as may be authorized by special or general permits issued by the Office of Defense Transportation.

(1) An applicant described in this paragraph may obtain a certificate if he submits with his application

(i) the Certificate of War Necessity for the taxicab to be replaced, or if the application is for an additional taxicab, a special or general permit issued by the Office of Defense Transportation authorizing such addition; and

(ii) a signed statement that he has complied with all the applicable Orders of the Office of Defense Transportation and that the new passenger automobile will be used exclusively in the manner specified by the Office of Defense Transportation in its regulation of taxicabs and taxi service.

(2) A certificate may not be granted under this paragraph for a new passenger automobile which will be operated as a rent-a-car or will be otherwise leased or rented for private use rather than for use as a taxicab.

Effective Dates

§ 1360.442 *Effective dates of amendments.* * * *

(s) Amendment No. 19 (§§ 1360.310, 1360.363, 1360.364, 1360.372) to Rationing Order No. 2A shall become effective November 14, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1, Supp. Dir. No. 1-A, 7 F.R. 562, 698, 1493)

Issued this 10th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11735; Filed, November 10, 1942; 12:06 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,[1] Amendment 3]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Every reference in Ration Order No. 11 to Class 4, 5 or 6 coupon sheets is hereby amended to read "Class 3 coupon sheets"; in § 1394.5603 the phrase "November 1, 1942" is amended to read "November 23, 1942"; a new § 1394.5270 is added; a new paragraph (j) is added to § 1394.5801; a new paragraph (c) is added to § 1394.5902; and paragraph (b) of § 1394.5604, paragraph (b) of § 1394.5653 and subparagraph (5) of paragraph (b) of § 1394.5655 are amended as set forth below:

Heat and Hot Water Rations

§ 1394.5270 *Rations for space heaters in premises other than private dwellings: special cases.* Notwithstanding the provisions of paragraph (c) of § 1394.5261:

(a) The allowable ration for heating residential premises other than a private dwelling by means of a space heater may, at the option of the applicant be determined in accordance with subparagraph (3) of paragraph (a) and paragraph (b) of § 1394.5256, where the certifications required by § 1394.5253 cannot, for good cause, be obtained.

(b) The allowable ration for furnishing domestic hot water to such premises, by means of a space heater may, at the option of the applicant, be determined in accordance with provisions of § 1394.5259, where the certifications required by § 1394.5253 cannot, for good cause, be obtained.

(c) Application for a ration pursuant to this section shall be made on Form OPA R-1100. The applicant shall supply the information required by that form, except that he need not supply the certifications required by paragraph (b) of § 1394.5255 or paragraph (b) of § 1394.5260.

Restrictions on Use of Rations and Fuel Oil

§ 1394.5604 *Redemption of coupon notes.* * * *

(b) Within thirty (30) days after the effective date of this Ration Order No. 11, every person who executed a coupon note pursuant to Limitation Order L-56, as amended (or who was required to execute such a note by the provisions of that order), shall surrender to the person to whom the note was given (or was required to be given) coupons or other evidences, or Delivery Receipts, acquired by such person in accordance with the provisions of Ration Order No. 11, equal in gallonage value to the number of gallons for which such notes were executed (or required): *Provided,* That a primary supplier need not so surrender evidences in connection with transfers of fuel oil from another primary supplier. At the time of such surrender, the person to whom the coupons, evidences or delivery receipts are surrendered shall make the entries required by § 1394.5653 or § 1394.5655, as the case may be.

Restrictions on Transfers to and by Consumers

§ 1394.5653. *Transfers to consumers in exchange for coupons.* * * *

(b) The transferor must require presentation of the coupon sheet at the time of the transfer and must, at such time, detach therefrom coupons equal in gallonage value to the amount of fuel oil transferred, except that if delivery is made in the absence of the transferee or his agent, or by common or contract carrier or pipeline, the transferee shall, within seventy-two (72) hours after such transfer, forward the coupon sheet to the transferor and the transferor shall detach therefrom coupons equal in gallonage value to the amount of fuel oil transferred. After detaching such coupons, the transferor shall return the coupon sheet to the transferee.

§ 1394.5655 *Transfers to consumers in exchange for acknowledgments of delivery and delivery receipts.*

(b) * * * (5) At the time of transfer, both the transferee and the transferor shall sign the Delivery Receipt, after entering thereon the date of the transfer and the amount of residual oil transferred. The transferor shall then enter such date and amount on the Delivery Receipt stub; he shall thereupon deduct the amount of the transfer from the balance shown on such stub and shall enter the new balance both on that stub and on the stub attached to the Delivery Receipt (if any) bearing the next higher serial number. Both the transferor and the transferee shall then certify as to the accuracy of the entries made by signing the stub. The receipt shall then be detached by the transferor and the stub retained by the transferee. Where delivery of residual oil is made in the absence of the transferee or his agent, or by common or contract carrier or pipeline, the transferee shall, within seventy-two (72) hours after such transfer, execute a Delivery Receipt in the manner required above and forward it to the transferor with its stub attached, for the certification and entries hereinabove required; the transferor shall make such entries, detach the receipt and return the stub to the transferee.

Prohibitions

§ 1394.5801 *Prohibitions.* * * *

(j) No person shall, in any application, record, report, certificate or other document made pursuant to or required by the terms of Ration Order No. 11, make any untrue statement of any fact, or omit to state any fact required to be stated therein or necessary to make the statements therein not misleading.

§ 1394.5902 *Effective date of corrections and amendments.* * * *

(c) Amendment No. 3 (§ 1394.5270, 1394.5603, 1394.5604 (b), 1394.5653 (b), 1394.5655 (b) (5), 1394.5801 (j)) to Ration Order No. 11 shall become effective on November 14, 1942.

(Pub. Law 671, 76th Cong., 3d sess., as amended by Pub. Law 89, 77th Cong., 1st sess., and by Pub. Law 507, 77th Cong., 2d sess.; Pub. Law 421, 77th Cong., 2d sess.; W.P.B. Directive No. 1, 7 F.R. 562, Supp. Directive No. 1-0, 7 F.R. 8418; Executive Order No. 9125, 7 F.R. 2719)

Issued this 10th Day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11742; Filed, November 10, 1942; 2:27 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 89 Under § 1499.18 (b) of GMPR]

STAYNER CORPORATION

Order 89 Under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-2162.

For the reasons set forth in an opinion issued simultaneously herewith *It is ordered:*

§ 1499.889 *Adjustment of maximum prices for sales of Stayner Citrates and Carbonates manufactured by Stayner Corporation.* (a) The maximum prices for the sale of Stayner Citrates and Carbonates by Stayner Corporation, 805 Allston Way, Berkeley, California, shall be the prices set forth below:

Sales in 4 ounce containers—$2.50 per dozen units.

Sales in 8 ounce containers—$3.60 per dozen units.

Sales in 16 ounce containers—$6.00 per dozen units.

(b) All discounts, trade practices, and practices relating to the payment of shipping charges in effect in March 1942, on the sale by Stayner Corporation of Stayner Citrates and Carbonates shall apply to the maximum prices set forth in paragraph (a).

(c) The Stayner Corporation, with the first sale of Stayner Citrates and Carbonates to each purchaser after the issuance of this order, shall send a written notification to such purchaser in the following form:

> The Office of Price Administration has permitted us to raise our maximum price for sales to you of Stayner Citrates and Carbonates from $________ to $________ (insert the appropriate figures according to the type of sale being made). This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised. The OPA has not permitted you or any other seller to raise maximum prices for sales of Stayner Citrates and Carbonates.

(d) This Order No. 89 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 89 (§ 1499.889) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 89 (§ 1499.889) shall become effective November 11, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1542, 1647, 1756, 2108, 2242, 2305, 2903, 3097, 3482, 4343, 5484, 6049, 6082 6424, 6601, 6775, 6964, 7149, 8808, 8895.

[1] 7 F.R. 8480.

*Copies may be obtained from the Office of Price Administration.

Issued this 10th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11741; Filed November 10, 1942; 2:27 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 90 Under § 1499.18 (b) of GMPR]

M. BROWN AND SON

Order 90 under § 1499.18 (b) of the General Maximum Price Regulation—M. Brown & Son, South Bend, Indiana—Docket No. GF3—1187.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.890 *Adjustment of maximum prices of natural oil of spearmint and redistilled oil of peppermint sold by M. Brown & Sons, South Bend, Indiana.* (a) M. Brown & Sons of South Bend, Indiana, may sell and deliver and any person may buy and receive from M. Brown & Sons the following commodities at prices no higher than those set forth below:

	Per pound
Natural oil of spearmint	$3.50
Redistilled oil of peppermint	5.75

(b) All discounts, trade and freight allowances upon sales by M. Brown & Sons of the products referred to in paragraph (a) above, during March 1942, shall apply to the maximum prices set forth in paragraph (a).

(c) This Order No. 90 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 90 (§ 1499.890) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 90 (§ 1499.890) shall become effective November 11th, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 10th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11736; Filed, November 10, 1942; 12:06 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 107 Under § 1499.3 (b) of GMPR]

DRY-PACK CORPORATION

Correction

The document appearing on page 8698 of the issue for Wednesday, October 28, 1942, should have been designated as Order 107, not Order 7, under § 1499.3 (b) of the General Maximum Price Regulation.

PART 1428—SPONGES AND CHAMOIS

[MPR 267]

SPONGES

In the judgment of the Price Administrator the prices of sponges have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of sponges prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The maximum prices established herein are not below the average price of sponges in the year 1941.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 267 is hereby issued.

AUTHORITY: §§ 1428.1 to 1428.14, inclusive, issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1428.1 *Prohibition against dealing in sponges at prices above the maximum.* On and after December 1, 1942, regardless of any contract, agreement, or other obligation, no packer, or agent or other person acting on behalf, or under the control, of such packer shall sell or deliver any sponges, and no person in the course of trade or business shall buy or receive from a packer any sponges at prices higher than those set forth in Appendix A hereof, incorporated herein as § 1428.13; and no distributor, or agent or other person acting on behalf, or under the control, of such distributor shall sell or deliver any sponges, and no person in the course of trade or business shall buy or receive from a distributor any sponges at prices higher than those set forth in Appendix B hereof, incorporated herein as § 1428.14; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of sponges to a purchaser, if prior to December 1, 1942, such sponges have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1428.2 *Conditional agreements.* No packer or distributor of sponges shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1428.13 or § 1428.14, in the event that this Maximum Price Regulation No. 267 is amended or is determined by a court to be invalid or upon any other contingency: *Provided,* That if a petition for amendment has been duly filed, and such petition requires extensive consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment.

§ 1428.3 *Export sales.* The maximum price at which a person may export sponges shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[2] issued by the Office of Price Administration.

§ 1428.4 *Less than maximum prices.* Lower prices than those set forth in § 1428.13 or § 1428.14 may be charged, demanded, paid, or offered.

§ 1428.5 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 267 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to sponges, alone or in conjunction with any other commodity or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying agreement or other trade understanding or by changing the selection, sorting, or grading or the style of trimming or of packaging sponges.

§ 1428.6 *Records and reports.* (a) Every person subject to this regulation who sold during 1941 any sponges other than Rock Island wool sponges, yellow sponges, or Florida grass sponges, or any sponge trimmings, sewn sponges, sponge bags, or other articles designed to serve the same purpose as sponges of which the principal ingredient in value consists of sponges or parts of sponges, shall file with the Office of Price Administration, Washington, D. C., on or before December 1, 1942, a sworn statement listing and describing any such commodities sold and setting forth the average price charged for each such commodity delivered during 1941 to purchasers of the same class.

(b) Every person subject to this regulation making a purchase or sale of sponges in the course of trade or business, or otherwise dealing therein, after November 30, 1942, shall keep for inspection by the Office of Price Administration for so long a time as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and of the seller, the price contracted for or received, the quantity and a description of the type, grade, and size or count of sponges.

(c) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraphs (a) and (b) of this section as the Office of Price Administration may from time to time require.

§ 1428.7 *Licensing; applicability of the registration and licensing provisions of the General Maximum Price Regulation.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation[3] are applicable to every distributor of sponges and to every packer who sells sponges to any jobber of sponges or to any retailer of sponges.

§ 1428.8 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 267 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 267 or any price schedule, regulation, or order issued by the Office of Price Administration or any act or practices which constitute such a violation are urged to communicate with the nearest district, state, field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1428.9 *Petitions for amendment or exception.* (a) Persons seeking modification of any provision of this Maximum Price Regulation No. 267 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

(b) Any distributor of sponges may, within a period of three months after the effective date of this regulation, file a petition for exception from the provisions of paragraphs (b) or (c) of § 1428.14, in the event that those paragraphs fail to reflect his differential pricing practices for different classes of purchasers. Such petition shall be filed in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration, and shall state that the petitioner's treatment of different classes of purchasers does not conform in substance with the differential pricing practices incorporated in paragraphs (b) or (c) of § 1428.14 and shall set forth the petitioner's system of price differentials in sufficient detail and with sufficient precision to permit segregation of customers into the classes recognized by petitioner and the application to each purchaser of the appropriate differential pricing arrangement so that the maximum price which may be charged such purchaser can be computed from the base price specified in paragraph (a) of § 1428.14. If, from the petition or from further evidence furnished in support thereof upon request, it appears that a difference in fact exists between petitioner's differential pricing practices and those incorporated in paragraphs (b) or (c) of § 1428.14, the Office of Price Administration shall enter an order excepting the petitioner from the operation of those paragraphs and permitting the petitioner to charge to different classes of purchases differential prices which shall be related to the base prices specified in paragraph (a) of § 1428.14 in substantial conformity with the petitioner's own prior practices respecting differential pricing.

§ 1428.10 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 267 supersede the provisions of the General Maximum Price Regulation, except as provided in § 1428.14 hereof, with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1428.11 *Definitions.* (a) When used in this Maximum Price Regulation No. 267 the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor, or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Sponge" means the skeleton of any marine animal of the genera *Spongia, Euspongia,* or *Hippospongia,* cleaned and processed in such manner as to be commercially saleable. Unless the context otherwise requires, the term "sponge" when used in this regulation, shall be deemed to include sponge trimmings, sewn sponges, sponge bags, or other articles designed to serve the same purpose as sponges, of which the principal ingredient in value consists of sponges or parts of sponges.

(3) "Packer" means a person who buys sponges on any established sponge exchange and recleans, grades, sorts, trims, and packs them. Every person shall be deemed a packer as to any sponges so acquired and so treated by him, although he handles other sponges as a distributor.

(4) "Distributor" means a person other than a jobber or a retailer, who buys sponges from a packer or from a seller located outside the limits of the continental United States for resale in usual trade channels. No person shall be deemed a distributor as to any sponges bought by him on an established sponge exchange.

(5) "Jobber" means any person who in 1941 was treated by the seller as a jobber, as evidenced by price quotations and business correspondence, and any other person conducting a business of substantially identical character.

(6) "Size group" refers to the practice of classifying and valuing sponges according to the number of sponges per pound. As to each type or grade of sponges, any item of the following series, which is commonly employed in quoting and selling sponges of that grade or class shall be considered a distinct size group: ½, 2s, ⅔, 3s, ¾, 4s, 4/6, 6/8, 8s, 8/10, 10/12, 12s, 12/16, 16/20 and 20/30. Each such symbol refers to the sponge count per pound, *e. g.* 6/8 signifies six to eight sponges to the pound.

(7) "Bale" means a lot, ranging from twenty-five to fifty-five pounds in weight, of sponges corresponding in the bulk to any of the descriptions specified in the right hand column of the table of prices set out in §§ 1428.13 and 1428.14, and being in a single size group, if of a description for which different prices are quoted for different size groups in the table of prices, packed in the manner usual in the trade.

§ 1428.12 *Effective date.* This Maximum Price Regulation No. 267 (§§ 1428.1 to 1428.14, inclusive) shall become effective December 1, 1942.

§ 1428.13 *Appendix A: Maximum packer's prices for sponges.* (a) The prices set forth below are maximum prices per pound for sponges, f. o. b. packing plant. The maximum prices are gross prices for sales to distributors and the seller shall deduct therefrom his customary allowances or discounts related to the quantity of sponges sold or the time of payment.

TABLE OF PRICES

	1/10	10/12	10/16	12/20	16/20	20/30	Mixed	All sizes
Rock Island wool, #1, B, C forms and cuts mixed	$10.50	$9.60		$8.90				
Rock Island wool, #1 & B forms	11.25	10.25		9.50				
Rock Island wool, #1 cuts	11.25	10.00		9.25				
Rock Island wool, C forms, B cuts	9.80	9.00		8.50				
Rock Island wool, #2	8.75	8.50		8.00		$7.50		
Rock Island wool, #3	7.65		$7.00		$6.50	6.50		
Rock Island wool, #4								$5.00
Florida Yellow, #1 and #2	5.15		5.15		4.90	4.90	$5.00	
Florida Yellow, #3							3.50	
Florida Yellow, #4							1.80	
Florida Grass, #1 and #2								4.10
Florida Grass, #3								2.80
Florida Grass, #4								1.45

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8961.

[2] 7 F.R. 5059, 7242, 8829.

[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6053, 6081, 6007, 6216, 6615, 6794, 6959, 7093, 7322, 7454, 7758, 7913, 8431.

(b) The maximum prices for sales of sponges by packers to jobbers shall be 120 per centum of the prices specified for each type, size, and grade of sponges in paragraph (a), and the maximum prices for sales of sponges by packers to retailers shall be 130 per centum of the prices specified for each type, size, and grade of sponges in paragraph (a). The seller shall deduct therefrom his customary allowances or discounts related to the quantity of sponges sold or the time of payment.

(c) The maximum prices for sales by packers of types of sponges other than Rock Island wool, yellow, and Florida grass or of sponge trimmings shall be 125 per centum of the average price charged by the seller in 1941 to purchasers of the same class for sponges or trimmings of the same kind, grade, or condition.

§ 1428.14 *Appendix B: Maximum distributor's prices for sponges.* (a) The prices set forth below are maximum prices per pound for sponges, f. o. b. cars at the locality of the distributor's warehouse, when sold in bales. The maximum prices are gross prices and the seller shall deduct therefrom his customary allowances or discounts related to the quantity of sponges sold or the time of payment.

TABLE OF PRICES

	1/10	10/12	10/16	12/20	16/20	20/30	Mixed	All sizes
Rock Island wool, #1, B & C forms and cuts mixed	$12.90	$11.75		10.95				
Rock Island wool, #1 & B forms	13.75	12.60		11.65				
Rock Island wool, #1 cuts	13.75	12.30		11.35				
Rock Island wool, C forms, B cuts	12.00	11.00		10.40				
Rock Island wool, #2	10.75	10.30		9.70		$9.10		
Rock Island wool, #3	9.30		8.50		7.90	7.90		
Rock Island wool, #4								6.10
Florida Yellow, #1 and #2	6.25		6.25	5.95	5.95			6.10
Florida Yellow, #3							4.25	
Florida Yellow, #4							2.20	
Florida Grass, #1 and #2								5.00
Florida Grass, #3								3.40
Florida Grass, #4								1.80

(b) Except where a petition for exception under paragraph (b) of § 1428.9 has been allowed, the maximum prices for sales of sponges by weight in lots of less than a bale shall be the price per pound obtained by adding to the prices specified for each type, size, and grade of sponges, in paragraph (a) of this section, (1) for sales in lots of ten pounds or more of a single type, size, and grade of sponges, fifteen cents per pound, or (2) for sales in lots of less than ten pounds of a single type, size, and grade of sponges, twenty per centum of the price specified in paragraph (a).

(c) Except where a petition for exception under paragraph (b) of § 1428.9 has been allowed, the maximum price for sales of sponges in any case where the contract or order specified the quantity by number rather than by weight shall be:

(1) In case the aggregate weight of the sponges is 10 pounds or less, the price obtained by dividing the price per pound for sponges of that description and size group, computed pursuant to the provisions of paragraph (b), by the "appropriate divisor";

(2) In case the aggregate weight is between 10 pounds and 25 pounds, 107 per centum of the price obtained by dividing the price per pound for sponges of that description and size group, computed pursuant to the provisions of paragraph (b), by the "appropriate divisor";

(3) In case the aggregate weight is 25 pounds or over, 107 per centum of the price obtained by dividing the price per pound for sponges of that description and size group, specified by the provisions of paragraph (a) by the "appropriate divisor."

The "appropriate divisor" shall be:

1½ for sponges in the size group 1/2s, 2½ for sponges in the size group 2/3s, 3½ for sponges in the size group 3/4s, 5 for sponges in the size group 4/6s, 7 for sponges in the size group 6/8s, 9 for sponges in the size group 8/10s, 11 for sponges in the size group 10/12s, 14 for sponges in the size group 12/16s, 18 for sponges in the size group 16/20s, 25 for sponges in the size group 20/30s, and for sponges in the size groups 2s, 3s, 4s, 8s and 12s, 2, 3, 4, 8, and 12 respectively.

(d) The maximum prices for sales by distributors of types of sponges other than Rock Island wool, Florida yellow, and Florida grass or of sponge trimmings, sewn sponges, sponge bags, or other articles designed to serve the same purpose as sponges of which the principal ingredient in value consists of sponges or parts of sponges, shall be 125 per centum of the average price charged in 1941 to purchasers of the same class for sponges, trimmings, or articles made in whole or in part of sponges, of the same kind, grade, or condition.

Issued this 11th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11784; Filed, November 11, 1942; 12:02 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 91 Under § 1499.18 (b) of GMPR]

M'KESSON AND ROBBINS, INC.

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.891 *Adjustment of maximum prices for sales of Menthol by McKesson and Robbins, Incorporated, Chattanooga, Tennessee.* (a) The maximum prices for sales of Menthol by McKesson and Robbins, Incorporated, Chattanooga, Tennessee, shall be $1.21 per ounce for sales in lots of less than one-fourth pound, and $4.57 per quarter pound for sales in lots of one-fourth pound or more.

(b) All discounts, allowances, and trade practices in effect with respect to sales of Menthol by McKesson and Robbins, Incorporated, of Chattanooga, Tennessee, during March 1942 shall remain in effect under this Order No. 91.

(c) At the time of the first delivery of Menthol made to each purchaser at a price determined under this Order No. 91, McKesson and Robbins, Incorporated, Chattanooga, Tennessee, shall furnish each such purchaser with the following notice:

> The Office of Price Administration has permitted us to raise our maximum price to you of Menthol from $0.60 per ounce for sales in lots of less than one-fourth pound, and $1.96 per one-fourth pound for sales in lots of one-fourth pound or more, to $1.21 per ounce and $4.57 per one-fourth pound respectively. This increase represents only that part of cost increase which we were unable to absorb, and it was granted with the understanding that other price increases would not be caused thereby. The Office of Price Administration has not permitted you or any other purchaser of this product from us to raise any maximum price by reason of our increased price to you.

(d) All prayers of the applicant not granted herein are denied.

(e) This Order No. 91 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 91 (§ 1499.891) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 91 (§ 1499.891) shall become effective November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11786; Filed, November 11, 1942; 11:59 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 92 Under § 1499.18 (b) of GMPR]

PHILADELPHIA WHOLESALE DRUG COMPANY

Order No. 92 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-735.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.892 *Adjustment of maximum prices for sales of certain specified products by Philadelphia Wholesale Drug Company.* (a) The maximum prices for the sale of the following products by Philadelphia Wholesale Drug Company, Philadelphia, Pennsylvania, shall be the prices set forth below:

Kil-Ve, 3 oz	$3.53 per dozen
Kil-Ve, 6 oz	6.03 per dozen
Mentho-Laxene	8.16 per dozen
Electric lamp carbon #68	11.18 Box of ten
Ear douche Weiss Lucas	1.09 per dozen
Therapogen, 8 oz	9.24 per dozen
Mop bucket w/wringer	34.75 per dozen
Wash cloths #979	.86 per dozen
Jergen's Ben Hur perfume, #565	.84 per dozen

Hudson Bantam sprayers F-2½	$1.12 per dozen
Daggett & Ramsdell Golden Cleansing Cream, $1.00 size	9.63 per dozen
Gasoda, 2 oz	2.49 per dozen
Goggles #2,000	2.71 per dozen
Brushes Bath Pep	3.50 per dozen

(b) All discounts, trade practices, and practices relating to the payment of shipping charges in effect during March 1942 on the sale by Philadelphia Wholesale Drug Company of the products referred to in paragraph (a) shall apply to the maximum prices set forth in paragraph (a).

(c) Philadelphia Wholesale Drug Company, upon the first sale to each purchaser of any product listed in paragraph (a) after the effective date of this Order, shall send a written notification to such purchaser in the following form:

> The Office of Price Administration has permitted us to raise our maximum price for sales to you of (insert name of product) from $---- to $---- (insert the amounts applicable to that particular product). This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that retail prices would not be raised. The OPA has not permitted you or any other seller to raise maximum prices for sales of (insert name of product).

(d) All prayers of the applicant not granted herein are denied.

(e) This Order No. 92 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 92 (§ 1499.892) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 92 (§ 1499.892) shall become effective November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11787; Filed, November 11, 1942; 11:56 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 90, Amendment 1, Under § 1499.3 (b) of GMPR]

KRAFT CHEESE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

Amended: § 1499.954[1] (a), (b), and (d).

Added: § 1499.954 (g), (h), and (i).

§ 1499.954 *Authorization of maximum prices for sales of Phenix Mushroom Soup, 2 ounce package of dehydrated soup mix, by Kraft Cheese Company of Chicago, Illinois, by authorized distributors and by retailers.* (a) On and after November 12, 1942, the maximum price for sale by Kraft Cheese Company, having its principal place of business in Chicago, Illinois, and by its authorized distributors, of Phenix Mushroom Soup, 2 ounce packages of dehydrated soup mix, shall be the list price of $1.19 per dozen packages to retailers delivered at purchasers' customary receiving points subject to the customary quantity discounts applying to Dainty Noodle Soup.

(b) A seller at retail shall determine his maximum selling price of Phenix Mushroom Soup by adding to his net cost of this product a markup of 33⅓% of his net cost, except that the maximum selling price at retail so determined shall not exceed 13 cents per 2 ounce package. If the price so determined is a fractional cent price and the fraction of a cent is less than one-half of a cent, the price shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the retailer is permitted to increase his maximum price to the next larger cent.

Net cost as used in this paragraph shall be the retailer's invoice cost of Phenix Mushroom Soup based on the purchase of a customary quantity of this type of item delivered at his customary receiving point less all discounts, allowances and free deals, except cash discount for prompt payment. Net cost shall not include unloading charges or charges for local cartage.

* * * * *

(d) Kraft Cheese Company shall distribute or cause to be distributed at the time of or before the initial sale to each retailer purchasing Phenix Mushroom Soup from said company or from authorized distributor or shall print on, include in or securely attach to each shipping case for a period of three months after the initial offering of this product written notice as follows:

> The Office of Price Administration has authorized us and our authorized distributors to sell Phenix Mushroom Soup to retailers at maximum delivered selling prices of $1.19 per dozen 2 ounce packages, subject to customary quantity discounts applying to Dainty Noodle Soup.
>
> As a retailer, you are to determine your maximum selling price of Phenix Mushroom Soup by adding to your net cost of Phenix Mushroom Soup a 33⅓% markup on your net cost. Your maximum selling price so determined cannot exceed 13 cents per 2 ounce package.
>
> Your "net cost" of Phenix Mushroom Soup is described by the Office of Price Administration Order as your invoice cost based on a purchase of a customary quantity of this type of item delivered at your customary receiving point less all discounts, allowances and free deals, except cash discount for prompt payment. Net cost shall not include unloading charges or charges for local cartage.
>
> You are required to keep this notice for examination.

* * * * *

(g) On and after November 12, 1942, the maximum price for sale by Kraft Cheese Company of Phenix Mushroom Soup, shall be the net price to distributors of 95 cents per dozen 2 ounce packages delivered at purchasers' customary receiving points.

(h) Kraft Cheese Company shall mail at the time of or before each initial sale of Phenix Mushroom Soup to each distributor written notice of its maximum prices and of the maximum prices for sales to retailers.

(i) Amendment No. 1 (§ 1499.954 (a) (b) (d) (g) (h) (i)) to Order No. 90 under § 1499.3 (b) of the General Maximum Price Regulation shall become effective November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 11th day of November, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11785; Filed, November 11, 1942; 12:02 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 134 Under § 1499.3 (b) of GMPR]

SOUTHERN STATES FOODS, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.997 *Authorization of maximum prices for sales of Saucetti, a spaghetti dinner product packed to include dry spaghetti and a dry tomato sauce mix without cheese, by Southern States Foods, Incorporated, by wholesalers, and by retailers.* (a) On and after November 12, 1942, the maximum prices for sales by Southern States Foods, Incorporated, of Dallas, Texas, of Saucetti shall be:

$1.50 per dozen 7⅓ ounce packages.

These prices shall include prepaid freight to purchasers' stations.

(b) Sellers at wholesale shall determine their maximum delivered selling prices of Saucetti by adding to their net cost of each size a maximum profit margin of 20% of this net cost. The maximum delivered prices so determined shall not exceed $1.80 per dozen 7⅓ ounce packages. Where a maximum price per selling unit determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per selling unit shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the wholesaler is permitted to increase his maximum price per selling unit to the next higher cent.

"Net cost" for a wholesaler as mentioned in this paragraph shall be his invoice price for Saucetti delivered at his customary receiving point, less all discounts allowed him except discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

(c) Sellers at retail shall determine their maximum selling price of Saucetti by adding to their net cost of each size a maximum profit margin of 33⅓% of this net cost. The maximum prices so determined shall not exceed 20 cents per 7⅓ ounce package. Where a maximum price per package determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per package shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the retailer is permitted to increase his maximum price per package to the next higher cent.

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[1] 7 F.R. 8286.

"Net cost" for a retailer as mentioned in this paragraph shall be his invoice price for Saucetti delivered to his customary receiving point less all discounts allowed him except the discount for prompt payment. No charge or cost for unloading or local trucking shall be included. Net cost for a retailer shall be based on a purchase of a customary quantity of this type of item from his customary supplier and on the customary mode of transportation.

(d) Wholesalers and retailers shall apply to their maximum selling prices for Saucetti the same discounts, allowances and price differentials which they customarily apply to comparable items of spaghetti dinner, unless a change in these customary discounts, allowances and price differentials results in lower selling prices.

(e) Southern States Foods, Incorporated, shall distribute or cause to be distributed at the time of or before each initial sale to all purchasers from this company of Saucetti written notice as follows:

> The Office of Price Administration has authorized us by order to sell Saucetti for the following maximum prices delivered at purchasers' stations:
>
> $1.80 per dozen 7⅓ ounce packages.
>
> The same Office of Price Administration Order authorizes wholesalers to determine their maximum delivered prices of Saucetti by adding to their net cost of each item a margin of profit of 20% of this net cost. Where a maximum price per selling unit so determined is a fractional cent price and the fraction of a cent is less than one-half cent, the price per selling unit shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the wholesaler is permitted to increase his maximum price per selling unit to the next higher cent. Maximum prices determined by this procedure shall not exceed $1.80 per dozen 7⅓ ounce package.
>
> Wholesaler's net cost shall be his invoice price paid for Saucetti delivered to his customary receiving point less all discounts allowed except discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.
>
> This order also requires us to print on, include in or securely attach to each shipping case of Saucetti for a period of three months after the original offering written notification to sellers at retail notifying them of the method for their determining their maximum selling prices of Saucetti. You, as a wholesaler, are not required to give similar notification to retailers with full shipping case sales. However, you are required on any broken case sales to provide the retailer with a copy of this retailer notification, if such broken case sale is an initial sale.
>
> You are required to keep this notice for examination.

(f) Southern States Foods, Incorporated, shall print on, include in or securely attach to each shipping case of Saucetti for a period of three months after the initial offering of this product written notice as follows:

> The Office of Price Administration has authorized for us and for wholesalers maximum selling prices of Saucetti, per dozen 7⅓ ounce packages.
>
> As a retailer, you are to determine your maximum selling prices of Saucetti by adding to your net cost of each item a margin of profit of 33⅓% of this net cost. Where a maximum price per package so determined is a fractional cent price and the fraction of a cent is less than one-half cent, the price per package shall be lowered to the next lower cent. If the fraction is one-half cent or larger, you are permitted to increase your price per package to the next higher cent.
>
> Your maximum prices so determined shall not exceed 20 cents per 7⅓ ounce package.
>
> Your net cost shall be your invoice price paid for Saucetti delivered to your customary receiving point less all discounts allowed except the discount for prompt payment. No charge or cost for unloading or local trucking shall be included. Your net cost shall be based on a purchase of a customary quantity of this type of item from your customary supplier and on the usual mode of transportation.
>
> You are required to keep this notice for examination.

(g) This Order No. 134 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 134 (§ 1499.997) shall become effective as of November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11788; Filed, November 11, 1942; 11:59 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 135 Under § 1499.3 (b) of GMPR]

GEORGE A. BREON & CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.998 *Approval of maximum prices for sales of doxychol tablets by George A. Breon & Company.* (a) On and after November 12, 1942, George A. Breon & Company, a corporation having its principal place of business in Kansas City, Missouri, may sell and deliver doxychol tablets and any person may buy doxychol tablets from George A. Breon & Company, at prices no higher than those hereinafter set forth:

Size of package	*Maximum price per package*
Bottle of 100 tablets	$3.00
Bottle of 500 tablets	13.25
Bottle of 1,000 tablets	23.00

(b) George A. Breon & Company shall apply to the maximum prices set forth in paragraph (a) for its sales of doxychol tablets all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of transportation costs, and any other customary discounts or allowances which were in effect in March, 1942, on its sales of dehydrocholic acid tablets.

(c) When used in this Order No. 135, the term:

(1) "Doxychol tablets" means a compressed tablet for medicinal use which contains three grains of dehydrocholic acid and one grain of desoxycholic acid.

(2) "Dehydrocholic acid tablets" means a compressed tablet for medical use which contains three and three-quarters grains of dehydrocholic acid.

(d) This Order No. 135 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 135 (§ 1499.998) shall become effective on November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11789; Filed, November 11, 1942; 12:02 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 136 Under § 1499.3 (b) of GMPR]

SPERRY FLOUR COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.999 *Authorization of a maximum price for sales of the 46 ounce rigid package of "Sperry Wheat Hearts", a farina type hot cereal with 20% added purified wheat germ, by Sperry Flour Company, Western Division of General Mills, Incorporated.* (a) On and after November 12, 1942, the maximum price for sale by Sperry Flour Company, Western Division of General Mills, Incorporated, having its principal place of business in San Francisco, California, of the 46 ounce rigid package of "Sperry Wheat Hearts", a farina type hot cereal with 20% added purified wheat germ, shall be $3.55 per case of twelve packages, delivered to purchasers' stations.

(b) A seller at wholesale shall determine his maximum selling price for the 46 ounce rigid package of "Sperry Wheat Hearts" by adding to his net cost of this item a mark-up of 8% of that net cost. The maximum price so determined shall not exceed $3.83 per case of 12 46 ounce packages. Where the maximum selling price per case so determined results in a fractional cent price and the fraction of a cent is less than one-half of a cent, the price shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the seller is permitted to increase his maximum price to the next higher cent.

"Net cost" as used in this paragraph shall be a wholesaler's invoice cost of "Sperry Wheat Hearts" in the 46 ounce rigid package delivered at his customary receiving point, less all discounts, allowances and free deals except cash discount for prompt payment. Net cost shall not include the cost for unloading or local trucking.

(c) A seller at retail shall determine his maximum selling price of "Sperry Wheat Hearts" in the 46 ounce rigid package by adding to his net cost of this product a mark-up of 22% of his net cost. The maximum selling price so determined shall not exceed 39 cents per package. Where the maximum selling price per case so determined results in a fractional cent price and the fraction of a cent is less than one-half of a cent, the price shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the seller is permitted to increase his maximum price to the next higher cent.

"Net cost" as used in this paragraph shall be the retailer's invoice cost of "Sperry Wheat Hearts" in the 46 ounce rigid package delivered at his customary receiving point in a customary quantity of this type of item from a customary supplier and on the usual mode of transportation. He shall deduct from invoice cost all discounts, allowances and free deals except the discount for prompt payment. Net cost shall not include the cost for unloading or local trucking.

(d) No seller shall change his customary allowances, discounts or other price differentials applying to the prices of other packages of "Sperry Wheat Hearts" when making sales of the new 46 ounce size of "Sperry Wheat Hearts" unless such change shall result in a lower price.

(e) Sperry Flour Company before, or at the time of their first delivery to any wholesaler of "Sperry Wheat Hearts" in the 46 ounce package shall supply to such wholesaler a written statement as follows:

> The Office of Price Administration has authorized a maximum delivered selling price of $3.55 per case of 12 46 ounce rigid packages of "Sperry Wheat Hearts". You are authorized to establish your ceiling price per case of this item by multiplying your net cost by 1.08% (7.41% of the selling price).
>
> We have included with each shipping case of "Sperry Wheat Hearts" in the 46 ounce rigid package a notice to retailers indicating the method for determining their maximum selling prices. If your initial sale of this item to any retailer is a spilt case sale, you are required to provide such retailer with a copy of the retailer notice.
>
> Your net cost as a wholesaler shall be your invoice cost of "Sperry Wheat Hearts" in the 46 ounce rigid package delivered at your customary receiving point, less all discounts, allowances and free deals except cash discount for prompt payment. Net cost shall not include the cost for unloading or local trucking.
>
> The Office of Price Administration requires that you keep this notice for examination.

(f) The Sperry Flour Company shall, before or at the time of the first delivery to a retailer, supply to such retailer, or shall for a period of three months after the effective date of this order, include in or securely attach to each shipping case a written statement as follows:

> The Office of Price Administration has authorized a maximum selling price for "Sperry Wheat Hearts" in the 46 ounce rigid package, packed 12 to a case. You are authorized to establish your ceiling price per package of this 46 ounce rigid package of "Sperry Wheat Hearts" by multiplying your net cost by 1.22% (18.03% of the selling price).
>
> Your net cost as a retailer shall be your invoice cost of "Sperry Wheat Hearts" in the 46 ounce rigid package delivered at your customary receiving point in a customary quantity of this type of item from a customary supplier and on the usual mode of transportation. You shall deduct from invoice cost all discounts, allowances and free deals except the discount for prompt payment. Net cost shall not include the cost for unloading or local trucking.
>
> The Office of Price Administration requires that you keep this notice for examination.

(g) This Order No. 136 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 136 (§ 1499.999) shall become effective as of November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11790; Filed, November 11, 1942; 11:59 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 137 Under § 1499.3 (b) of GMPR]

STANLEY CHEMICAL COMPANY

The Stanley Chemical Company of East Berlin, Connecticut, has made application under § 1499.3 (b) of the General Maximum Price Regulation for specific authorization to determine maximum prices for "Haydenite Base Coat No. 66K-2156A and No. 66K-2214A" and "Haydenite Finish Coat No. 66K-2157A and No. 66K-2215A," respectively. Due consideration has been given to the application, and an opinion has been issued simultaneously herewith and filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, *It is ordered:*

§ 1499.1000 *Approval of maximum prices for Haydenite Base Coats and Haydenite Finish Coats manufactured by Stanley Chemical Company.* (a) On and after November 12, 1942, Stanley Chemical Company may sell and deliver and offer for sale or delivery and any person may buy the following products at prices not in excess of those hereinafter set forth:

	Per gallon
Haydenite Base Coat No. 66K-2156A delivered, containers included	$2.75
Haydenite Base Coat No. 66K-2214A delivered, containers included	2.53
Haydenite Finish Coat No. 66K-2157A delivered, containers included	2.50
Haydenite Finish Coat No. 66K-2215A delivered, containers included	2.80

(b) Prices set forth above shall be subject to terms by the seller thereof which are no less favorable than those which were in effect during March 1942 with respect to sales of Stanley Chemical Company Base Coat 66K-2100A and Stanley Chemical Company Finish Coat 66K-2089A respectively.

(c) This Order No. 137 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 137 (§ 1499.1000) shall become effective November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11791; Filed, November 11, 1942; 12:02 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 9,[1] Am. 1]

COMMODITIES OR SERVICES UNDER GOVERNMENT CONTRACT OR SUB-CONTRACT APPLICATIONS FOR ADJUSTMENT OF MAXIMUM PRICES

A statement of the consideration involved in the issuance of this amendment has been prepared and filed with the Division of the Federal Register.*

Section 1305.12 is amended to read as follows:

§ 1305.12 *Applications for adjustment of maximum prices for commodities or services under Government contract or sub-contract.* * * *

(b) "Price regulation," as used in this supplementary order, means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation heretofore or hereafter issued by the Office of Price Administration, or any amendment or supplement thereto or order heretofore or hereafter issued thereunder, but does not include any of the following price regulations: Nos. 2, 3, 4, 8, 12, 20, 30, 47, 55, 70, 87, 90, 115, 123, 171.

(c) *Effective dates.* * * *

(2) This Amendment No. 1 to Supplementary Order No. 9 (§ 1305.12 (b)) shall become effective November 14, 1942.

(Pub. Laws 421 and 729, 77th Cong; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11799; Filed, November 11, 1942; 3:06 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPERS AND PAPER PRODUCTS

[MPR 187,[2] Amendment 1]

CERTAIN PAPERBOARD PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The first sentence of the preamble, paragraphs (a) and (c) (3) of § 1347.401, paragraph (b) of § 1347.406, paragraphs (a) (8) (i), (ii), (iii) and (a) (16) of § 1347.412 are amended; a new paragraph (d) is added to § 1347.401, a proviso is added to paragraph (b) of § 1347.401, and a new § 1347.415 is added.

In the judgment of the Price Administrator the prices of folding cartons, corrugated fibre sheets, corrugated fibre boxes, solid fibre sheets, solid fibre boxes, set-up boxes, pads, partitions and other paperboard products partially or completely manufactured on the same converting equipment, rectangular set-up and flat Pure-Pak milk bottles, and wedge shaped pails formed on a Brightwood or similar type machine, but excluding liquid-tight containers, milk bottle caps, book matches and other commodities covered by Maximum Price Regulation No. 129[2] have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5444.

[2] 7 F.R. 5780.

* * * * *

§ 1347.401 *Prohibition against dealing in paperboard products above maximum prices.* * * *

(a) *Classifications.* This Maximum Price Regulation No. 187 shall apply to the following described products whether partially or completely manufactured: Folding cartons, corrugated fibre sheets, corrugated fibre boxes, solid fibre sheets, solid fibre boxes, set-up boxes, pads, partitions and other paperboard products manufactured on the same converting equipment, rectangular set-up and flat Pure-Pak milk bottles, and wedge shaped pails formed on a Brightwood or similar type machine, but excluding liquid-tight containers, milk bottle caps, book matches and other commodities covered by Maximum Price Regulation No. 129.

(b) * * * *Provided,* That on or after November 17, 1942, a manufacturer may sell or deliver products listed in paragraph (a) of this section which were sold during the period October 1 to October 31, 1941, at prices based upon a price list which was published or circulated to the trade or to the manufacturer's salesmen, at maximum prices not in excess of those established in paragraph (d) of this section.

(c) * * *

(3) *Margin.* An item for a margin over the raw material cost and applicable conversion charges (*i. e.,* sub-paragraph (1) plus sub-paragraph (2)) computed on the same percentage basis, or on the same rate per unit of material, or on a combination thereof and by the same method as the seller employed in pricing the most nearly comparable commodity or service sold, supplied or offered for sale during October 1941, to a "purchaser of the same class" as defined in § 1347.412, paragraph (a) (16) of this regulation. If during October 1941, the seller employed the practice of including his charges for margin in his hourly and piece rates for hand and machine operations, he shall continue such practice in pricing any commodity or service under this section, and in such a case the seller shall make no duplicate calculation for margin under this sub-paragraph (3). This margin shall not exceed the margin used by the manufacturer during the period from October 1, 1941 to October 31, 1941, inclusive, in determining the selling price f. o. b. shipping point for:

(i) The same commodity or service contracted to be sold at a definite price to a purchaser of the same class during such period; or, if the manufacturer did not contract to sell the same commodity or service to a purchaser of the same class during such period.

(ii) The comparable commodity or service contracted to be sold at a definite price to a purchaser of the same class during such period; or, if the manufacturer did not contract to sell any comparable commodity or service at a definite price to a purchaser of the same class during such period.

(iii) The margin shall be computed by using the margin employed by the manufacturer in determining the selling price for the same or comparable commodity or service contracted to be sold at a definite price to a purchaser of a different class during such period, adjusted to reflect the manufacturer's customary differential between the two classes of purchasers.

(iv) No seller shall change his customary allowances, discounts or other price differentials unless such change results in a lower price.

(d) Notwithstanding the previous paragraph (c) of this section, the manufacturer may establish his maximum price in accordance with the procedure stated herein for any product which is listed in paragraph (a) of this section and which was sold during the period October 1 to October 31, 1941 at prices based upon a price list which was published or circulated to the trade or to the manufacturer's salesmen. Such maximum price shall be the price at which such products were offered for sale in such published or circulated price lists as were in effect for sales made during the period October 1 to October 31, 1941. *Provided,* (i) That if such price list is used by the manufacturer to establish his maximum price it must be used in its entirety and for all products listed on such price list; (ii) that no price based upon such price list shall be charged unless and until duplicate copies of such price lists have been filed with the Office of Price Administration, Washington, D. C. and with the regional office nearest to the manufacturer's place of business; and (iii) that the prices established by such price list shall be subject to nonretroactive disapproval or adjustment by letter of the Office of Price Administration.

* * * * *

§ 1347.406 *Base period records.* * * *

(b) Within 21 days after July 29, 1942, the manufacturer shall file under oath with the Office of Price Administration, Washington, D. C., the pricing formulae including hourly hand and/or machine and/or piece rates, or rates per thousand units and/or per thousand square feet of base material, and set up charges used in estimating conversion charges, and a complete range of margins, as employed by the manufacturer during the period from October 1, 1941 to October 31, 1941, inclusive, in determining selling prices on commodities or services contracted to be sold or supplied at a definite price during such period.

* * * * *

§ 1347.412 *Definitions and explanations.* (a) * * *

(8) *"Hourly, piece and setting-up rates".* (i) "Hourly rates" means the righest rate per hour for labor, machine, machine overhead, and other manufacturing expenses as established for estimating purposes during the period from October 1 to October 31, 1941.

(ii) "Piece rates" means the highest rate per numerical unit for labor, machine, machine overhead and other manufacturing expenses as established for estimating purposes during the period from October 1 to October 31, 1941.

(iii) "Setting up rates" means the highest rate of the preparation of a machine for a particular conversion operation including such procedures as adjustment of feeding and receiving devices, installation of proper printing plates, cutting knives or creasing bars, and cleaning the machine after the completion of the conversion operation as established for estimating purposes during the period from October 1 to October 31, 1941.

* * * * *

(16) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for commodities or services for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or under different conditions of sale. Customary differentials in discounts on price list goods or in margins on goods priced according to the formula established herein shall be among the criteria which establish differences among classes of purchasers.

§ 1347.415 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1347.401 (a), (c) (3) (i), (ii), (iii), (iv), (d), 1347.406 (b), 1347.412 (a) (8) (i), (ii), (iii) and (a) (16) and 1347.415) to Maximum Price Regulation 187 shall become effective November 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11800; Filed, November 11, 1942; 3:07 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 95 Under § 1499.18 (b) of GMPR]

I. AARONSON

Order No. 95 Under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-1730.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.895 *Adjustment of maximum prices for sales of dressed badger hair by I. Aaronson, 3005-9 Atlantic Avenue, Brooklyn, New York.* (a) I. Aaronson, 3005-9 Atlantic Avenue, Brooklyn, New York, is hereby authorized to sell and deliver the following grades of dressed badger hair at prices not in excess of the following:

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[2] 7 F.R. 3178, 3242, 3482, 3553, 4176, 4668, 5712, 5780, 5943, 7974, 8939.

	Price per pound
Badger hair casings	$48.00
Badger hair middles	35.50

(b) The maximum prices authorized by this order are subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) This order may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 95 (§ 1499.895) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 95 (§ 1499.895) shall become effective this 11th day of November, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11801; Filed, November 11, 1942; 3:35 p. m.]

PART 1410—WOOL

[MPR 123,[1] Amendment 3]

RAW AND PROCESSED WOOL WASTE MATERIALS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

"Part 1400—Textile Fabrics: Cotton, Wool Silk, Synthetics and Admixtures" is corrected to read "Part 1410—Wool" in Amendment No. 2 to Maximum Price Regulation No. 123—Raw and Processed Wool Waste Materials.

Subparagraph (2) of paragraph (a) and paragraphs (b) and (c) of § 1410.71, subparagraphs (2), (3) and (4) of paragraph (a) of § 1410.78 and Tables I through V, inclusive, of Appendix A, incorporated herein as § 1410.80 are amended, and new §§ 1410.71a and 1410.81 are added, all to read as set forth below: Subparagraph (3) of paragraph (c) of § 1410.80 is hereby revoked.

§ 1410.71 *Maximum prices for raw and processed wool waste materials.* * * *

(a) *Raw wool waste materials.* * * *

(2) (i) The maximum price for any type, kind, classification or grade of raw wool waste material not enumerated in Tables I to VI, inclusive, of Appendix A, incorporated herein as § 1410.80, shall be a price in line with the maximum price set forth in Tables I to VI, inclusive, for the nearest related type, kind, classification, and grade (including color and percentage of wool content) of raw wool waste material. The term "in line with," as used in this subparagraph (2), means having a justifiable relation to the maximum price with commensurate decreases or increases to give effect to actual differences in the type, kind, classification, grade, condition and quality of the materials.

(ii) In the event that a person has in stock or on contract 500 pounds or more of a raw wool waste material, the maximum price for which is determined pursuant to this subparagraph (2), such person shall, within 5 days after making his first sale of any part thereof, submit a request for the approval of the maximum price therefor to the Office of Price Administration, Washington, D. C. Such request for approval shall be accompanied by a sample and a description of such raw wool waste material and of the nearest related type, kind, classification and grade (including color and percentage of wool content) of raw wool waste material, the maximum price for which is set forth in the applicable table in § 1410.80. *Provided,* That if the maximum price approved by the Office of Price Administration is lower than the price at which the raw wool waste material was sold, the seller shall within 10 days after the approval of such maximum price refund to the purchaser the amount by which such selling price exceeded the approved maximum price.

(b) *Processed wool waste materials.* (1) Except as provided in subparagraph (2) the maximum price for processed wool waste materials shall be the aggregate of:

(i) The prices actually paid by the seller for the constituent raw materials, not including dyes, chemicals, oil or similar substances: *Provided,* That the prices for the constituent raw wool waste materials do not exceed the applicable maximum prices for such materials set forth in the Tables of § 1410.80, and

(ii) The applicable processing margin as defined in and subject to the provisions of § 1410.78 (a) (5); *Provided,* That no amount may be added to the prices actually paid by the seller for raw wool waste materials enumerated in Tables IV, V and VI, inclusive, of § 1410.80, for blending such materials.

(2) The maximum price for processed wool waste materials subjected only to any one or a combination of more than one of the special processing services set forth in Appendix B, incorporated herein as § 1410.81 shall be the aggregate of:

(i) The maximum prices for the constituent raw materials set forth in the applicable Tables of § 1410.80; and

(ii) The applicable maximum charges set forth in § 1410.81:

(3) Every person making a sale of processed wool waste materials in the course of trade or business or otherwise dealing therein, after April 27, 1942, shall deliver to the purchaser an invoice or similar document which shall show, in addition to the other items specifically required in this Maximum Price Regulation No. 123: (i) the quantity of the processed wool waste materials shipped or delivered and the price contracted for, received or paid therefor; (ii) the aggregate quantity of and the aggregate price paid by the seller for, the raw wool waste materials in the processed product so sold; (iii) an itemization of each of the processing services actually performed by the seller, or for his account and (iv) the applicable processing margin or the maximum charges set forth in § 1410.81 for the processing services performed.

(c) *Export sales.* The maximum prices for export sales of raw or processed wool waste materials sold by an exporter shall be determined in accordance with the Revised Maximum Export Regulation[2] issued by the Office of Price Administration.

§ 1410.71a *Maximum prices for processed wool waste materials which cannot be priced under § 1410.71.* The seller's maximum price for any processed wool waste material which cannot be priced under § 1410.71 of this Maximum Price Regulation No. 123, shall be a price in line with the level of maximum prices established by this Maximum Price Regulation No. 123, determined by the seller after specific authorization from the Office of Price Administration. A person who seeks an authorization to determine a maximum price under the provisions of this § 1410.81 shall file with the Office of Price Administration in Washington, D. C., an application setting forth (a) a description in detail of the processed wool waste material for which a maximum price is sought, together with a sample thereof and (b) a statement of the reasons why the maximum price for such processed raw wool waste material cannot be determined under the provisions of § 1410.71. Such authorization will be given in the form of an order prescribing the method by which the applicant shall determine the maximum price for such processed wool waste material.

§ 1410.78 *Definitions.* (a) When used in this Maximum Price Regulation No. 123, the term:

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3088, 3330, 3829.

[2] 7 F.R. 5059.

(2) "Raw wool waste materials" includes the types, kinds, classifications and grades of wool waste materials, enumerated in Tables I through VI, inclusive, of Appendix A hereof (§ 1410.80), regardless of the system of manufacture on which the waste materials were produced, as well as all related types, kinds, classifications and grades of raw wool waste materials, except those covered by other regulations and price schedules issued by the Office of Price Administration. The term is applicable to both domestic and imported raw wool waste materials.

(3) "Processing" includes any one or a combination of more than one of the following processes: blending, dusting, lumping, carding, shredding, garnetting, carbonizing, cutting, scouring, washing, stripping, dyeing, picking, sterilizing, burr picking and neutralizing. The term shall also include sorting when done in combination with any one or more of the aforementioned processes, other than sterilizing, burr picking or neutralizing.

(4) "Processed wool waste materials" means raw wool waste materials, whether or not in combination with wool or other fibers, which have been subjected to any one or a combination of more than one of the processes enumerated in subparagraph (3), and shall include raw wool waste materials subjected to any one or a combination of more than one of the special processing services for which maximum charges are established in § 1410.81. Without limiting the generality of the above definitions, processed wool waste materials include both "reused wool" and "reprocessed wool" as those terms are defined in the Wool Products Labeling Act of 1939. The term shall not include imported processed wool waste materials.

* * * * *

§ 1410.80 *Appendix A: Maximum prices for raw and processed wool waste materials.* * * *

TABLE I—*Maximum prices for wool waste*

[Expressed in dollars per pound, f. o. b. shipping point, net weight]

Classifications WORSTED WASTES	100 percent wool, 98 percent boil out				95 percent to 98 percent wool, balance other fibres				90 percent to 95 percent wool, balance other fibres				80 percent to 90 percent wool, balance other fibres			
	White	Mixed pastel	Solid colors and khaki	Mixed colored	White	Mixed pastel	Solid colors and khaki	Mixed colored	White	Mixed pastel	Solid colors and khaki	Mixed colored	White	Mixed pastel	Solid colors and khaki	Mixed colored
Drawing laps:																
Fine and ½ Blood	1.25	1.05	1.00	.95	1.15	.96	.915	.865	1.09	.91	.865	.82	.965	.805	.765	.725
⅜ Blood	1.05	.92	.87	.82	.96	.84	.79	.745	.91	.79	.75	.70	.805	.70	.66	.62
¼ Blood	.85	.80	.75	.70	.77	.725	.675	.63	.72	.685	.64	.595	.645	.605	.565	.525
44's and below	.70	.65	.60	.55	.63	.58	.535	.485	.595	.55	.505	.46	.525	.485	.445	.405
Spinning and roving laps:																
Fine and ½ Blood	1.15	.98	.93	.88	1.055	.895	.85	.80	1.00	.845	.80	.755	.885	.75	.71	.67
⅜ Blood	1.00	.90	.85	.80	.915	.82	.77	.725	.91	.775	.72	.685	.765	.685	.645	.605
¼ Blood	.82	.78	.73	.68	.745	.705	.66	.61	.70	.665	.62	.575	.62	.59	.55	.51
44's and below	.63	.60	.57	.52	.565	.535	.505	.46	.53	.505	.475	.43	.47	.445	.42	.38
Rings:																
Fine and ½ Blood	1.10	.90	.85	.80	1.01	.82	.77	.725	.955	.775	.72	.685	.845	.685	.645	.605
⅜ Blood	.95	.82	.77	.72	.865	.745	.695	.65	.82	.70	.655	.61	.725	.62	.58	.54
¼ Blood	.77	.70	.65	.60	.695	.63	.58	.535	.655	.595	.55	.505	.58	.525	.485	.445
44's and below	.60	.55	.50	.45	.535	.485	.44	.39	.505	.46	.415	.37	.445	.405	.365	.325
Worsted spinning threads:																
Fine and ½ blood	.92	.65	.60	.55	.84	.58	.535	.485	.79	.55	.505	.46	.70	.485	.445	.405
⅜ blood	.82	.60	.55	.50	.745	.535	.485	.44	.70	.505	.46	.415	.62	.445	.405	.365
¼ blood	.75	.55	.50	.45	.675	.485	.44	.39	.64	.46	.415	.37	.565	.405	.365	.325
44's and below	.58	.50	.45	.40	.515	.44	.39	.345	.485	.415	.37	.325	.43	.365	.325	.285
Worsted weaving threads:																
Fine and ½ blood	.84	.57	.52	.47	.76	.505	.46	.41	.72	.475	.43	.385	.635	.42	.38	.34
⅜ blood	.74	.52	.47	.42	.665	.46	.41	.365	.63	.43	.385	.34	.555	.38	.34	.30
¼ blood	.68	.47	.42	.37	.61	.41	.365	.315	.575	.385	.34	.295	.51	.34	.30	.26
44's and below	.53	.42	.37	.32	.47	.365	.315	.27	.44	.34	.295	.25	.39	.30	.26	.22
Worsted soft knitting threads:																
Fine and ½ blood	.97	.70	.65	.60	.885	.63	.58	.535	.835	.595	.55	.505	.74	.525	.485	.445
⅜ blood	.87	.65	.60	.55	.79	.58	.535	.485	.75	.55	.505	.46	.66	.485	.445	.405
¼ blood	.80	.60	.55	.50	.725	.535	.485	.44	.685	.505	.46	.415	.605	.445	.405	.365
44's and below	.63	.55	.50	.45	.565	.485	.44	.39	.53	.46	.415	.37	.47	.405	.365	.325
Mohair																
Drawing, spinning, roving laps:																
Fine	1.00	.85	.80	.75	.915	.77	.725	.675	.865	.72	.685	.64	.765	.645	.605	.565
Medium	.70	.60	.55	.50	.63	.58	.485	.44	.595	.505	.46	.415	.525	.445	.405	.365
Coarse	.65	.55	.50	.45	.58	.485	.44	.39	.55	.46	.415	.37	.485	.405	.365	.325
Mohair spg. or weav. threads:																
Fine	.88	.65	.60	.55	.80	.58	.535	.485	.755	.55	.505	.46	.67	.485	.445	.405
Medium	.58	.50	.45	.40	.515	.44	.39	.345	.485	.415	.37	.325	.43	.365	.325	.285
Coarse	.53	.45	.40	.35	.47	.39	.345	.295	.44	.37	.325	.28	.39	.325	.285	.245
Mohair soft knitting threads:																
Fine	.93	.70	.65	.60	.85	.63	.58	.535	.80	.595	.55	.505	.71	.525	.485	.445
Medium	.63	.55	.50	.45	.565	.485	.44	.39	.53	.46	.415	.37	.47	.405	.365	.325
Coarse	.58	.50	.45	.40	.515	.44	.39	.345	.485	.415	.37	.325	.43	.365	.325	.285
Spinners' brush and sweeps:																
Fine	.58	.38	.33	.28	.515	.325	.28	.23	.485	.305	.26	.215	.43	.27	.23	.19
Medium	.53	.33	.28	.23	.47	.28	.23	.185	.44	.26	.215	.17	.39	.23	.19	.15
Coarse	.50	.30	.25	.20	.44	.25	.20	.155	.415	.235	.19	.145	.365	.205	.165	.125
Weavers sweeps:																
Fine	.15	.10	.08	.08	.11	.06	.04	.04	.10	.055	.035	.035	.085	.045	.03	.03
Medium	.12	.07	.05	.05	.08	.03	.015	.015	.07	.025	.015	.015	.06	.02	.015	.015
Coarse	.10	.06	.04	.04	.06	.025	.015	.015	.055	.02	.015	.015	.045	.015	.015	.015
Dusted worsted card or worsted strips:																
Fine	.60	.55	.50	.45	.535	.485	.44	.39	.505	.46	.415	.37	.445	.405	.365	.325
Medium	.55	.50	.45	.40	.485	.44	.39	.345	.46	.415	.37	.325	.405	.365	.325	.285
Coarse	.50	.45	.40	.35	.44	.39	.345	.295	.415	.37	.325	.28	.365	.325	.285	.245

TABLE I—*Maximum prices for wool waste*—Continued

Classifications WORSTED WASTES	70 percent to 80 percent wool, balance other fibres				50 percent to 70 percent wool, balance other fibres				30 percent to 50 percent wool, balance other fibres				Less than 30 percent, balance other fibres			
	White	Mixed pastel	Solid colors and khaki	Mixed colored	White	Mixed pastel	Solid colors and khaki	Mixed colored	White	Mixed pastel	Solid colors and khaki	Mixed colored	White	Mixed pastel	Solid colors and khaki	Mixed colored
Drawing laps:																
Fine and ½ Blood	.84	.70	.665	.63	.59	.49	.465	.44	.34	.28	.265	.25	.215	.175	.165	.155
⅜ Blood	.70	.61	.575	.54	.49	.425	.40	.375	.28	.24	.225	.21	.175	.15	.14	.13
¼ Blood	.56	.525	.49	.455	.39	.365	.34	.315	.22	.205	.19	.175	.135	.125	.115	.105
44's and below	.455	.42	.385	.35	.315	.29	.265	.24	.175	.16	.145	.13	.105	.095	.085	.075
Spinning and roving laps:																
Fine and ½ Blood	.77	.65	.615	.58	.54	.455	.43	.405	.31	.26	.245	.23	.195	.16	.15	.14
⅜ Blood	.665	.595	.56	.525	.465	.415	.39	.365	.265	.235	.22	.205	.165	.145	.135	.125
¼ Blood	.54	.51	.475	.44	.375	.355	.33	.305	.21	.20	.185	.17	.13	.12	.11	.10
44's and below	.405	.385	.365	.33	.28	.265	.25	.225	.155	.145	.135	.12	.09	.085	.08	.07
Rings:																
Fine and ½ Blood	.735	.595	.56	.525	.515	.415	.39	.365	.295	.235	.22	.205	.185	.145	.135	.125
⅜ Blood	.63	.54	.505	.47	.44	.375	.35	.325	.25	.21	.195	.18	.155	.13	.12	.11
¼ Blood	.505	.455	.42	.385	.35	.315	.29	.265	.195	.175	.16	.145	.12	.105	.095	.085
44's and below	.385	.35	.315	.28	.265	.24	.215	.19	.145	.13	.115	.10	.085	.075	.065	.055
Worsted spinning threads:																
Fine and ½ blood	.61	.42	.385	.35	.425	.29	.265	.24	.24	.16	.145	.13	.15	.095	.085	.075
⅜ blood	.54	.385	.35	.315	.375	.265	.24	.215	.21	.145	.13	.115	.13	.085	.075	.065
¼ blood	.49	.35	.315	.28	.34	.24	.215	.19	.19	.13	.115	.10	.115	.075	.065	.055
44's and below	.37	.315	.28	.245	.255	.215	.19	.165	.14	.115	.10	.085	.08	.065	.055	.045
Worsted weaving threads:																
Fine and ½ blood	.55	.365	.33	.295	.385	.25	.225	.20	.215	.135	.12	.105	.135	.08	.07	.06
⅜ blood	.48	.33	.295	.26	.335	.225	.20	.175	.185	.12	.105	.09	.115	.07	.06	.05
¼ blood	.44	.295	.26	.225	.305	.20	.175	.15	.17	.105	.09	.075	.10	.06	.05	.04
44's and below	.335	.26	.225	.19	.23	.175	.15	.115	.125	.09	.075	.06	.07	.05	.04	.03
Worsted soft knitting threads:																
Fine and ½ blood	.645	.455	.42	.385	.45	.315	.29	.265	.255	.175	.16	.145	.16	.105	.095	.085
⅜ blood	.575	.42	.385	.35	.40	.29	.265	.24	.225	.16	.145	.13	.14	.095	.085	.075
¼ blood	.525	.385	.35	.315	.365	.265	.24	.215	.205	.145	.13	.115	.125	.085	.075	.065
44's and below	.405	.35	.315	.28	.28	.24	.215	.19	.155	.13	.115	.10	.09	.065	.055	.045
Mohair																
Drawing, spinning, roving laps:																
Fine	.665	.56	.525	.49	.465	.39	.365	.34	.265	.22	.205	.19	.165	.135	.125	.115
Medium	.455	.385	.35	.315	.315	.265	.24	.215	.175	.145	.13	.115	.105	.085	.075	.065
Coarse	.42	.35	.315	.28	.29	.24	.215	.19	.16	.13	.115	.10	.095	.075	.065	.055
Mohair, spg. or weav. threads:																
Fine	.58	.42	.385	.35	.405	.29	.265	.24	.23	.16	.145	.13	.14	.095	.085	.075
Medium	.37	.315	.28	.245	.255	.215	.19	.165	.14	.115	.10	.085	.08	.065	.055	.045
Coarse	.335	.28	.245	.21	.23	.19	.165	.14	.125	.10	.085	.07	.07	.055	.045	.035
Mohair soft knitting threads:																
Fine	.615	.455	.42	.385	.43	.315	.29	.265	.245	.175	.16	.145	.15	.105	.095	.085
Medium	.405	.35	.315	.28	.28	.24	.215	.19	.155	.13	.115	.10	.09	.075	.065	.055
Coarse	.37	.315	.28	.245	.255	.215	.19	.165	.14	.115	.10	.085	.08	.065	.055	.045
Spinners' brush and sweeps:																
Fine	.37	.23	.195	.16	.255	.155	.13	.105	.14	.08	.065	.05	.08	.04	.03	.02
Medium	.335	.195	.16	.125	.23	.13	.105	.08	.125	.065	.05	.035	.07	.03	.02	.015
Coarse	.315	.175	.14	.105	.215	.115	.09	.065	.115	.055	.04	.025	.065	.025	.015	.015
Weavers sweeps:																
Fine	.07	.035	.02	.02	.04	.015	.015	.015	.015	.015	.015	.015	.015	.015	.015	.015
Medium	.05	.015	.015	.015	.025	.015	.015	.015	.015	.015	.015	.015	.015	.015	.015	.015
Coarse	.035	.015	.015	.015	.015	.015	.015	.015	.015	.015	.015	.015	.015	.015	.015	.015
Dusted worsted card or worsted strips:																
Fine	.385	.35	.315	.28	.265	.24	.215	.19	.145	.13	.115	.10	.085	.075	.065	.055
Medium	.35	.315	.28	.245	.24	.215	.19	.165	.13	.115	.10	.085	.075	.065	.055	.045
Coarse	.315	.28	.245	.21	.215	.19	.165	.14	.115	.10	.085	.07	.065	.055	.045	.035

Classifications WOOLEN WASTES	100 percent wool, 98 percent boil out				95 percent to 98 percent wool, balance other fibres				90 percent to 95 percent wool, balance other fibres				80 percent to 90 percent wool, balance other fibres			
	White	Mixed pastel	Solid colors	Mixed colored and khaki	White	Mixed pastel	Solid colors	Mixed colored and khaki	White	Mixed pastel	Solid colors	Mixed colored and khaki	White	Mixed pastel	Solid colors	Mixed colored and khaki
Woolen rovings:																
Fine	.725	.58	.535	.485	.685	.55	.505	.46	.605	.485	.445	.405	.525	.42	.385	.35
Medium	.63	.535	.485	.44	.595	.505	.46	.415	.525	.445	.405	.365	.455	.385	.35	.315
Coarse	.535	.485	.44	.39	.505	.46	.415	.37	.445	.405	.365	.325	.385	.35	.315	.28
Woolen threads:																
Fine	.675	.44	.39	.345	.64	.415	.37	.325	.565	.365	.325	.285	.49	.315	.28	.245
Medium	.58	.39	.345	.295	.55	.37	.325	.28	.485	.325	.285	.245	.42	.28	.245	.21
Coarse	.485	.345	.295	.25	.46	.325	.28	.235	.405	.285	.245	.205	.35	.245	.21	.175
Woolen card waste:																
Fine	.485	.39	.345	.295	.46	.37	.325	.28	.405	.325	.285	.245	.35	.28	.245	.21
Medium	.39	.345	.295	.25	.37	.325	.28	.235	.325	.285	.245	.205	.28	.245	.21	.175
Coarse	.345	.295	.25	.20	.325	.28	.235	.19	.285	.245	.205	.165	.245	.21	.175	.14
Woolen strips:																
Fine	.175	.08	.06	.04	.16	.07	.055	.035	.14	.06	.045	.03	.12	.05	.035	.02
Medium	.165	.07	.05	.03	.155	.065	.045	.025	.13	.05	.035	.02	.11	.04	.025	.015
Coarse	.155	.06	.04	.02	.145	.055	.035	.02	.125	.045	.03	.015	.105	.035	.015	.015
Napper flocks:																
Wool	.25	.12	.10	.08	.235	.115	.09	.07	.205	.095	.075	.06	.175	.08	.065	.05
Wool blanket	.45	.35	.30	.17	.425	.33	.28	.16	.37	.29	.245	.135	.32	.25	.21	.115

TABLE I—*Maximum prices for wool waste*—Continued

Classifications WOOLEN WASTES	70 percent to 80 percent wool, balance other fibres				50 percent to 70 percent wool, balance other fibres				Less than 50 percent wool, balance other fibres			
	White	Mixed pastel	Solid colors	Mixed colored and khaki	White	Mixed pastel	Solid colors	Mixed colored and khaki	White	Mixed pastel	Solid colors	Mixed colored and khaki
Woolen rovings:												
Fine	.365	.29	.265	.24	.205	.16	.145	.13	.125	.095	.085	.075
Medium	.315	.265	.24	.215	.175	.145	.13	.115	.105	.085	.075	.065
Coarse	.265	.24	.215	.19	.145	.13	.115	.10	.085	.075	.065	.055
Woolen threads:												
Fine	.34	.215	.19	.165	.19	.115	.10	.085	.115	.065	.055	.045
Medium	.29	.19	.165	.14	.16	.10	.085	.07	.095	.055	.045	.035
Coarse	.24	.165	.14	.115	.13	.085	.07	.055	.075	.045	.035	.025
Woolen card waste:												
Fine	.24	.19	.165	.14	.13	.10	.085	.07	.075	.055	.045	.035
Medium	.19	.165	.14	.115	.10	.085	.07	.055	.055	.045	.035	.025
Coarse	.165	.14	.115	.09	.085	.07	.055	.04	.045	.035	.025	.015
Woolen strips:												
Fine	.075	.025	.015	.015	.03	.015	.015	.015	.015	.015	.015	.015
Medium	.07	.02	.015	.015	.025	.015	.015	.015	.015	.015	.015	.015
Coarse	.065	.015	.015	.015	.025	.015	.015	.015	.015	.015	.015	.015
Napper flocks:												
Wool	.115	.05	.035	.025	.055	.015	.015	.015	.025	.015	.015	.015
Wool blanket	.22	.17	.14	.07	.115	.085	.07	.03	.065	.045	.035	.015

Classifications MISCELLANEOUS	100% WOOL—98% BOIL OUT			
	White	Mixed pastel	Solid colors and khaki	Mixed colored
Scoured or carbonized, dusted, neutralized, worsted card or strips:				
Fine	.90	.75	.70	.65
Medium	.80	.70	.65	.60
Coarse	.70	.60	.55	.50
Carbonized, dusted neutralized burrs and burred burrs:				
Fine	.70	.55	.50	.45
Medium	.65	.50	.45	.40
Coarse	.55	.45	.40	.35
Doffer waste:				
Fine	.32	.20	.20	.20
Medium	.30	.15	.15	.15
Coarse	.25	.12	.12	.12
Paper making felt:				
Rovings:				
Fine	.85	----	----	----
Medium	.80	----	----	----
Coarse	.70	----	----	----
Threads:				
Fine	.80	----	----	----
Medium	.75	----	----	----
Coarse	.65	----	----	----
Card waste:				
Fine	.60	----	----	----
Medium	.55	----	----	----
Coarse	.50	----	----	----

Scouring mill waste:	
Unsorted or after sort:	
Mixed grade, defective, colored, stained, gray, black, noils, or wastes, carbonized, neutralized, dusted	.52
Sorted—Free of noils and waste, scoured and dusted:	
No. 1—White bulk 50's, 56's and finer grade	.83
No. 1—Grey, black, colored or stained bulk 50's, 56's and finer	.75
No. 2—White bulk 46's to 50's	.72
No. 2—Grey, black, colored, or stained bulk 46's to 50's	.65
Low—White, grey, black, colored, stained bulk 44's and coarser	.54
Sorted—Containing noils or waste, scoured and dusted:	
No. 1—White bulk 50's, 56's and finer	.70
No. 1—Gray, black, colored, or stained bulk 50's, 56's and finer	.62
No. 2—White bulk 46's to 50's	.59
No. 2—Grey, black, colored, or stained bulk 46's to 50's	.53
Low—White, grey, black, colored or stained bulk 44's and coarser	.45

Classifications MISCELLANEOUS	100% WOOL—98% BOIL OUT		
	White	Colored or red	Beige or yellow
Tanners waste (boiled sheepskin trimmings—scoured basis):			
Fine 1″ to 1¼″ long	.81	.40	.66
Medium 1″ to 1¼″ long	.72	.36	.56
Coarse 1″ to 1¼″ long	.61	.29	.46
Fine ½″ to ¾″ long	.65	.30	.50
Medium ½″ to ¾″ long	.54	.26	.44
Coarse ½″ to ¾″ long	.46	.20	.36
Fine ¼″ to ½″ long	.50	.24	.35
Medium ¼″ to ½″ long	.41	.20	.30
Coarse ¼″ to ½″ long	.29	.16	.25
Tanners shearings (sheepskin flocks—scoured basis after removal of leather and dirt):			
Fine 1″ to 1¼″ long	.92	.50	.70
Medium 1″ to 1¼″ long	.81	.41	.62
Coarse 1″ to 1¼″ long	.60	.33	.50
Fine ½″ to ¾″ long	.58	.30	.50
Medium ½″ to ¾″ long	.50	.26	.38
Coarse ½″ to ¾″ long	.41	.20	.30
Fine ¼″ to ½″ long	.50	.20	.35
Medium ¼″ to ½″ long	.41	.17	.30
Coarse ¼″ to ½″ long	.29	.14	.20

TABLE II—*Maximum prices for new wool clips*

[Expressed in dollars per pound f. o. b. shipping point gross weight tare not to exceed 5 percent]

MEN'S WEAR

Classifications (sorted to grades and color)	Free of cotton warps						With cotton warps
	100% wool, 98% boil out	95% to 98% wool, balance other fibres	90% to 95% wool, balance other fibres	80% to 90% wool, balance other fibres	70% to 80% wool, balance other fibres	50% to 70% wool, balance other fibres	Less than 50% wool, balance other fibres
Worsteds							
White	.58	.52	.49	.43	.36	.26	.14
Pearl gray	.44	.38	.36	.31	.26	.19	.10
Oxford (free of bankers)	.37	.32	.30	.25	.21	.15	.075
Oxford	.36	.31	.29	.24	.20	.14	.07
Bankers	.35	.30	.28	.23	.19	.13	.065
Light gray	.34	.29	.27	.22	.18	.12	.06
Black	.36	.31	.29	.25	.20	.14	.07
Black and white	.32	.27	.25	.21	.17	.11	.055
Tan	.36	.31	.29	.25	.20	.14	.07
Light brown	.33	.28	.26	.22	.18	.13	.06
Dark brown	.32	.27	.25	.21	.17	.12	.055
Mixed brown	.31	.26	.24	.20	.16	.11	.05
Navy blue	.35	.30	.28	.24	.20	.14	.065
Navy blue (pencil stripe)	.33	.28	.26	.22	.18	.13	.06
Powder blue	.32	.27	.25	.21	.17	.12	.055
Royal blue	.33	.28	.26	.22	.18	.13	.06
Teal blue	.35	.30	.28	.24	.20	.14	.065
Slate	.32	.28	.26	.22	.18	.13	.06
Light green	.33	.28	.26	.22	.18	.13	.06
Dark green	.32	.27	.25	.21	.17	.12	.055
Forestry	.33	.28	.26	.22	.18	.13	.06
Mixed light	.27	.22	.20	.14	.10	.075	.05
Mixed Worsteds	.23	.18	.16	.12	.08	.055	.035
All other sorted solid colors	.32	.27	.25	.21	.17	.12	.055
Sorted double dark	.24	.195	.18	.15	.12	.08	.045
Worsted gabardines (free of silk, cotton or rayon decorations)							
White	.60	.53	.50	.44	.37	.28	.15
Tan	.43	.37	.35	.30	.25	.18	.09
Light brown	.37	.32	.30	.25	.21	.15	.07
Brown	.34	.29	.27	.23	.19	.14	.065
Blue	.37	.32	.30	.25	.21	.15	.07
Light blue	.40	.35	.32	.28	.23	.17	.09
Green	.38	.33	.30	.26	.22	.16	.08
Light green	.40	.35	.32	.28	.23	.17	.09
Mixed light	.30	.23	.21	.17	.13	.105	.055
Mixed dark	.26	.19	.17	.13	.09	.065	.035
Mixed gabardines	.28	.21	.19	.15	.11	.085	.045
All other sorted solid colors	.34	.29	.27	.23	.19	.14	.065
Topcoatings							
Camel hair shade	.45	.39	.37	.32	.27	.195	.10
Vicuna shade	.44	.38	.36	.31	.26	.19	.095
Chocolate	.28	.23	.22	.18	.15	.10	.04
Tan	.26	.21	.20	.17	.13	.09	.035
Light brown	.24	.195	.18	.15	.12	.08	.03
Dark brown	.23	.18	.17	.14	.11	.075	.03
Mixed brown	.22	.17	.16	.13	.10	.07	.03
Pearl gray	.35	.30	.28	.24	.20	.14	.065
Oxford (free of bankers)	.25	.20	.19	.16	.13	.085	.03
Black and white	.23	.18	.17	.14	.11	.075	.03
Royal blue	.235	.19	.18	.15	.12	.08	.03
Powder blue	.25	.20	.19	.16	.13	.085	.03
Light green	.23	.18	.17	.14	.11	.075	.03
Dark green	.22	.17	.16	.13	.10	.07	.03
Mixed light	.18	.14	.13	.105	.08	.05	.025
Mixed dark	.15	.11	.10	.08	.06	.035	.015
Mixed topcoating	.16	.12	.11	.09	.065	.04	.02
All other sorted solid colors	.24	.19	.18	.15	.12	.08	.03
Coverts							
Tan (free of selvages)	.28	.235	.22	.18	.15	.10	.045
Mixed light	.21	.165	.155	.13	.10	.06	.025
Mixed dark	.19	.145	.135	.11	.08	.04	.015
Mixed Coverts	.20	.155	.145	.12	.09	.05	.02
Overcoatings—Free of meltons and snow clips							
Camel hair shade	.40	.35	.325	.28	.23	.17	.09
Vicuna shade	.39	.34	.315	.27	.22	.16	.08
Tan	.20	.155	.145	.12	.09	.06	.02
Light brown	.19	.145	.135	.11	.085	.055	.02
Dark brown	.185	.14	.13	.105	.08	.0525	.02
Mixed brown	.18	.135	.125	.10	.075	.05	.02
Pearl gray	.32	.27	.25	.215	.18	.125	.055
Oxford	.18	.135	.125	.105	.08	.05	.02
Black and white	.19	.145	.135	.11	.085	.055	.02
Navy blue	.18	.135	.125	.105	.08	.05	.02
Royal blue	.20	.155	.145	.12	.09	.06	.02
Powder blue	.21	.165	.155	.125	.10	.065	.02
Mixed blue	.17	.13	.12	.095	.07	.0425	.02
Light green	.16	.12	.11	.09	.065	.0375	.02
Dark green	.15	.11	.10	.08	.06	.0325	.02
Mixed green	.14	.10	.09	.07	.05	.03	.02
Mixed light	.14	.10	.09	.07	.05	.03	.02
Mixed dark	.11	.07	.06	.04	.02	.015	.015
Mixed	.12	.08	.07	.05	.03	.025	.015
All other sorted solid colors	.16	.12	.11	.09	.065	.0375	.02

TABLE II—*Maximum prices for new wool clips*—Continued

MEN'S WEAR—Continued

Classifications (sorted to grades and color)	Free of cotton warps						With cotton warps
	100% wool, 98% boil out	95% to 98% wool balance other fibres	90% to 95% wool, balance other fibres	80% to 90% wool, balance other fibres	70% to 80% wool, balance other fibres	50% to 70% wool, balance other fibres	Less than 50% wool, balance other fibres
Mixed suiting							
White worsteds and woolens	.52	.46	.43	.37	.32	.23	.13
Suitings 75% worsteds 25% woolens	.20	.155	.145	.12	.09	.06	.02
Suitings 50% worsteds 50% woolens	.18	.135	.125	.105	.08	.05	.02
Suitings 100% woolens	.15	.11	.10	.08	.06	.0325	.02
Shetlands and Tweeds (Free of Nubs)							
Pastel	.30	.25	.235	.20	.16	.115	.05
Biege	.35	.30	.28	.24	.20	.14	.065
Powder blue	.26	.215	.20	.17	.135	.09	.035
Tan	.27	.225	.21	.18	.14	.10	.04
Mixed brown	.24	.195	.18	.15	.12	.08	.025
Light brown	.26	.215	.20	.17	.135	.09	.035
Dark brown	.25	.205	.19	.16	.125	.085	.03
Black and white	.25	.205	.19	.16	.125	.085	.03
Oxford	.26	.215	.20	.17	.135	.09	.035
Pearl	.35	.30	.28	.24	.20	.14	.065
Mixed green	.24	.195	.18	.15	.12	.08	.025
Dark green	.25	.205	.19	.16	.125	.085	.03
Light green	.26	.215	.20	.17	.135	.09	.035
Navy blue	.28	.235	.22	.185	.15	.10	.04
Mixed light (with nubs)	.205	.16	.15	.125	.095	.06	.02
Mixed dark (with nubs)	.18	.14	.125	.10	.075	.05	.015
All other sorted solid colors	.25	.205	.19	.16	.13	.085	.035
Sorted solid colors heather in design	.25	.205	.19	.16	.13	.085	.035
Mixed tweeds	.19	.145	.135	.11	.085	.055	.02

COTTON BACK KNITTED TOPCOATING AND OVERCOATING CLIPS. MINIMUM 50% WOOL—BALANCE COTTON OR RAYON

Tan	.08	Black and white	.05
Vicuna	.08	Light brown	.05
Oxford	.05	Dark brown	.05
Navy blue	.05	Mixed	.03
Powder blue	.05	All other sorted solid colors	.05
Green	.05		

WOMEN'S WEAR

Classifications (sorted to grades and color)	Free of cotton warps						With cotton warps
	100% wool, 98% boil out	95 to 98% wool, balance other fibres	90 to 95% wool, balance other fibres	80 to 90% wool, balance other fibres	70 to 80% wool, balance other fibres	50 to 70% wool, balance other fibres	Less than 50% wool, balance other fibres
Worsted crepes							
Pastel	.37	.32	.30	.255	.21	.15	.075
Pearl gray	.37	.32	.30	.255	.21	.15	.075
Navy blue	.24	.195	.18	.15	.12	.08	.03
Tan	.40	.345	.325	.28	.23	.17	.09
Black	.24	.195	.18	.15	.12	.15	.075
Mixed light	.28	.235	.22	.185	.15	.10	.045
Mixed dark	.22	.175	.16	.135	.11	.07	.025
Mixed crepes	.25	.205	.19	.16	.13	.085	.035
All other sorted solid colors	.25	.205	.19	.16	.13	.085	.035
All other sorted solid pastel colors	.39	.335	.315	.27	.225	.16	.08
Light rabbit hair	.33	.28	.26	.22	.18	.13	.06
Medium rabbit hair	.27	.225	.205	.175	.14	.10	.04
Dark rabbit hair	.20	.155	.145	.12	.09	.06	.015
Tricotines							
Pastel	.40	.345	.325	.28	.23	.17	.09
Navy blue	.24	.195	.18	.15	.12	.08	.03
Tan	.40	.345	.325	.28	.23	.17	.09
Brown	.24	.195	.18	.15	.12	.08	.03
Black	.24	.195	.18	.15	.12	.08	.03
Mixed light	.29	.24	.225	.19	.155	.11	.05
Mixed dark	.23	.185	.17	.145	.11	.075	.03
Mixed tricotines	.26	.215	.20	.17	.135	.09	.035
All other sorted solid colors	.25	.205	.19	.16	.13	.085	.03
Sorted solid pastel colors	.42	.37	.34	.30	.25	.18	.085

TABLE II—*Maximum prices for new wool clips*—Continued

WOMEN'S WEAR—Continued

Classifications (sorted to grades and color)	Free of cotton warps						With cotton warps
	100% wool, 98% boil out	95 to 98% wool, balance other fibres	90 to 95% wool, balance other fibres	80 to 90% wool, balance other fibres	70 to 80% wool, balance other fibres	50 to 70% wool, balance other fibres	Less than 50% wool, balance other fibres
Shetlands							
Pastel	.39	.335	.315	.27	.225	.16	.085
Mixed light	.30	.25	.235	.20	.16	.115	.055
Mixed dark	.18	.14	.13	.105	.08	.05	.02
Mixed shetlands	.24	.195	.18	.15	.12	.08	.035
Sorted solid colors	.25	.205	.19	.16	.13	.085	.035
Sorted solid pastel colors	.41	.36	.33	.29	.24	.175	.09
Suedes							
Pastel	.35	.30	.28	.24	.20	.14	.07
Mixed light	.27	.225	.21	.18	.14	.10	.045
Mixed dark	.14	.10	.09	.07	.05	.03	.015
Mixed suedes	.20	.16	.15	.12	.09	.06	.02
Sorted solid colors	.22	.175	.16	.135	.11	.07	.025
Sorted solid pastel colors	.37	.32	.30	.255	.21	.15	.075
Polos							
White	.57	.51	.48	.42	.35	.26	.14
Solid pastel (mixed)	.35	.30	.28	.24	.20	.14	.07
Pastel two tone	.30	.25	.24	.20	.16	.12	.055
Pastel checks	.30	.25	.24	.20	.16	.12	.055
Eggshell	.40	.35	.33	.28	.23	.17	.09
Camel hair shade	.43	.38	.35	.30	.25	.185	.10
Chocolate	.30	.25	.24	.20	.16	.12	.055
Tan	.39	.33	.31	.27	.22	.16	.08
Tan and white	.30	.25	.24	.20	.16	.12	.055
Pearl gray	.33	.28	.26	.22	.18	.13	.065
Black and white	.24	.195	.18	.15	.12	.08	.03
Mixed light	.24	.195	.18	.15	.12	.08	.035
Mixed dark	.19	.145	.135	.11	.085	.055	.02
Mixed spring	.20	.16	.15	.12	.09	.06	.02
Mixed fall	.15	.11	.10	.08	.06	.03	.015
All other sorted solid colors	.25	.21	.19	.16	.13	.09	.035
All other sorted solid pastel colors	.40	.35	.33	.28	.23	.17	.09
Flannels							
Pastel	.40	.35	.33	.28	.23	.17	.09
Scarlet	.32	.27	.25	.22	.18	.125	.06
Green	.27	.225	.21	.175	.14	.10	.04
Camel hair shade	.40	.345	.325	.28	.23	.17	.09
Tan	.38	.33	.31	.265	.22	.16	.08
Light checks	.18	.14	.13	.11	.08	.05	.015
Mixed light	.25	.205	.19	.16	.13	.085	.035
Mixed dark	.18	.14	.13	.11	.08	.05	.015
Mixed flannels	.22	.175	.16	.135	.11	.07	.025
All other sorted solid colors	.28	.235	.22	.185	.15	.10	.045
All other sorted solid pastel colors	.40	.35	.33	.28	.23	.17	.09
Tweeds (Free of Nubs)							
Pastel	.29	.24	.225	.19	.155	.11	.045
Beige	.34	.29	.27	.23	.19	.135	.065
Powder blue	.24	.195	.18	.15	.12	.08	.03
Tan	.26	.215	.20	.17	.135	.09	.035
Pearl gray	.34	.29	.27	.23	.19	.135	.06
All other sorted solid colors	.24	.195	.18	.15	.12	.08	.03
Sorted solid colors heather in design	.24	.195	.18	.15	.12	.08	.03
With Nubs							
Mixed brown	.22	.175	.16	.135	.11	.07	.025
Black and white	.23	.185	.17	.145	.115	.08	.03
Mixed light	.195	.15	.14	.12	.09	.06	.02
Mixed dark	.17	.13	.12	.095	.07	.04	.015
All other sorted solid colors	.23	.185	.17	.145	.115	.08	.03
Sorted solid colors heather in design	.23	.185	.17	.145	.115	.08	.03
Serges							
Mixed light	.30	.25	.235	.20	.16	.115	.05
Mixed dark	.20	.155	.145	.12	.09	.06	.02
White serge and flannels	.57	.51	.48	.42	.35	.26	.14
All other sorted solid colors	.30	.25	.235	.20	.16	.115	.05
Worsted Plaids							
Pastel	.45	.395	.37	.32	.27	.195	.10
Mixed light	.32	.27	.25	.215	.18	.125	.06
Mixed dark	.22	.175	.16	.135	.11	.07	.03
Mixed	.25	.205	.19	.16	.13	.085	.035

TABLE II—*Maximum prices for new wool clips*—Continued

WOMEN'S WEAR—Continued

Classifications (sorted to grades and color)	Free of cotton warps						With cotton warps
	100% wool, 98% boil out	95 to 98% wool, balance other fibres	90 to 95% wool, balance other fibres	80 to 90% wool, balance other fibres	70 to 80% wool, balance other fibres	50 to 70% wool, balance other fibres	Less than 50% wool, balance other fibres
Woolen Plaids							
Mixed light	.21	.165	.155	.13	.10	.065	.025
Mixed dark	.18	.14	.13	.105	.08	.05	.02
Boucles							
Tan	.37	.32	.30	.255	.21	.15	.075
Mixed light	.28	.235	.22	.185	.15	.10	.045
Mixed dark	.225	.18	.17	.14	.11	.07	.025
Mixed medium	.25	.205	.19	.16	.13	.085	.03
All other sorted solid colors	.28	.235	.22	.185	.15	.10	.045
MISCELLANEOUS							
Snow and ski suits							
Navy blue	.12	.08	.07	.055	.035	.025	.015
Royal blue	.14	.10	.09	.07	.055	.03	.015
Teal	.12	.08	.07	.055	.04	.025	.015
Scarlet	.25	.205	.19	.16	.13	.085	.035
Red	.11	.07	.06	.05	.035	.025	.015
Orange	.18	.14	.13	.105	.08	.05	.015
Brown	.11	.07	.06	.05	.035	.025	.015
Green	.11	.07	.06	.05	.035	.025	.015
Kelly green	.24	.195	.18	.15	.12	.08	.03
Mixed	.08	.06	.05	.04	.03	.02	.015
All other sorted solid colors	.11	.07	.06	.05	.035	.025	.015
Mackinaws	.10	.09	.085	.06	.04	.02	.015
Meltons							
Navy	.10	.06	.05	.04	.03	.02	.015
Black	.10	.06	.05	.04	.03	.02	.015
Maroon	.10	.06	.05	.04	.03	.02	.015
Brown	.10	.06	.05	.04	.03	.02	.015
Green	.10	.06	.05	.04	.03	.02	.015
Mixed	.08	.06	.05	.04	.03	.02	.015
All other sorted solid colors	.10	.06	.05	.04	.03	.02	.015
Boys' cashmere							
Boys' cashmere	.15	.11	.10	.08	.06	.0325	.02
Blanket clips							
Pastel	.40	.35	.32	.28	.23	.17	.09
Mixed light	.30	.23	.21	.17	.13	.105	.055
Mixed dark	.20	.15	.145	.12	.09	.05	.02
Sorted solid pastel colors	.44	.38	.36	.31	.26	.19	.10
Felt clips							
White	.17	.13	.12	.095	.07	.04	.015
Khaki	.08	.045	.04	.03	.02	.015	.015
Upholstery clips							
Mixed	.12	.10	.09	.08	.07	.03	.015
Tan	.14	.12	.11	.10	.08	.04	.02
Slate	.14	.12	.11	.10	.08	.04	.02
Pearl Gray	.17	.15	.14	.12	.10	.05	.025
All other sorted solid colors	.14	.12	.11	.10	.08	.04	.02

UPHOLSTERY CLIPS WITH COTTON WARP[1]

Mixed cotton warp	.04
Worsted auto clips	.08
Worsted and woolen auto clips	.06

[1] 100% wool, 98% boil out.

ALL WOOL NECKTIE CLIPS[1]

White	.49
Black	.26
Black and white	.34
Black challis	.22
Mixed	.18
All other sorted solid colors	.24

[1] 100% wool, 98% boil out.

TABLE III—*Maximum prices for knitted wool clips*

[Expressed in dollars f. o. b. shipping point, net weight]

Sweater clips	100% wool 98% boil out	90 to 98% wool	70 to 90% wool	50 to 70% wool	25 to 50% wool	Less than 25% wool
WORSTED CUTTERS						
Fine						
White	.80	.69	.53	.37	.17	.12
Pastel	.62	.52	.40	.29	.12	.09
Mixed light	.54	.45	.34	.24	.10	.07
Mixed dark	.46	.38	.29	.20	.08	.06
WORSTED CUTTERS—continued						
Coarse and medium						
White	.78	.67	.51	.36	.16	.12
Pastel	.60	.51	.39	.27	.12	.08
Mixed light	.52	.43	.33	.23	.095	.05
Mixed dark	.40	.33	.25	.17	.065	.04
Navy	.52	.43	.33	.23	.095	.07
Black	.51	.42	.32	.22	.09	.065
Royal blue	.65	.55	.42	.29	.13	.095
Brown	.65	.55	.42	.29	.13	.095
Dark green	.65	.55	.42	.29	.13	.095
Wine	.65	.55	.42	.29	.13	.095
Gray	.65	.55	.42	.29	.13	.095
Guardsman	.64	.54	.41	.28	.125	.09
Purple	.65	.55	.42	.29	.13	.0950
Teal	.65	.55	.42	.29	.13	.095
Taupe	.65	.55	.42	.29	.13	.095
Ching	.65	.55	.42	.29	.13	.095
Luggage	.65	.55	.42	.29	.13	.095
Chucker	.65	.55	.42	.29	.13	.095
All other sorted solid colors	.65	.55	.42	.29	.13	.095
All other sorted solid, pastel colors	.70	.60	.46	.32	.14	.105
Sorted solid colors heather in design	.63	.53	.41	.28	.12	.09
Khaki	.49	.41	.31	.21	.09	.065
SEAMERS						
White	-----	.55	.42	.29	.13	.095
Pastel	-----	.40	.30	.205	.085	.06
Mixed Light	-----	.32	.24	.16	.06	.04
Mixed Dark	-----	.25	.18	.12	.04	.03
WOOLEN CUTTERS						
Fine						
White	.60	.51	.39	.27	.115	.085
Pastel	.47	.39	.30	.20	.08	.06
Mixed light	.39	.32	.24	.16	.06	.04
Mixed dark	.29	.23	.17	.11	.04	.025
Coarse and medium						
White	.58	.49	.37	.26	.11	.08
Pastel	.46	.38	.29	.20	.08	.06
Mixed light	.38	.31	.23	.16	.06	.04
Mixed dark	.28	.22	.16	.11	.035	.02
Navy	.35	.28	.21	.14	.05	.035
Black	.34	.27	.20	.135	.05	.03
Royal blue	.44	.36	.27	.18	.075	.055
Brown	.44	.36	.27	.18	.075	.055
Dark green	.44	.36	.27	.18	.075	.055
Wine	.44	.36	.27	.18	.075	.055
Gray	.44	.36	.27	.18	.075	.055
Purple	.44	.36	.27	.18	.075	.055
Teal	.45	.37	.28	.19	.08	.06
Woolen cutters, coarse and medium						
Taupe	.44	.36	.27	.18	.075	.055
Ching	.44	.36	.27	.18	.075	.055
Luggage	.44	.36	.27	.18	.075	.055
Chucker	.44	.36	.27	.18	.075	.055
All other sorted solid colors	.44	.36	.27	.18	.075	.055
All other sorted solid pastel colors	.51	.42	.32	.22	.09	.065
Sorted solid colors heather in design	.44	.36	.27	.18	.075	.055
Khaki	.44	.36	.27	.18	.075	.055
Seamers						
White	-----	.38	.29	.20	.08	.06
Pastel	-----	.27	.20	.13	.05	.03
Mixed light	-----	.20	.15	.10	.03	.02
Mixed dark	-----	.14	.10	.06	.02	.015
Infants wear minimum 65% wool, maximum 35% rayon						
Baby's worsted seamers	-----	.43	-----	-----	-----	-----

TABLE IV—*Maximum prices for graded old rags*

[Expressed in dollars, f. o. b. shipping point, gross weight, fare not to exceed 5%.]

MEN'S WEAR

SKIRTED WORSTEDS (100% WORSTEDS, FREE OF COTTON WARPS, CASHMERES, CHEVIOTS, AND COTTONADES)

Dark	.0775
Mixed Brown	.09
Red Brown	.105
Light Brown	.105
Dark Brown	.10
Tan	.11
Mixed Blue	.09
Powder Blue	.10
Slate Blue	.0925
Fancy Blue	.085
Navy Blue	.1125
Coarse Navy Blue	.115
Letter Carrier	.165
Black	.1025
Black and White	.0975
Double Dark Oxford	.105
Oxford	.0975
Pearl Gray	.16
Bankers Gray	.105
Light	.09
Khaki	.18
Forestry	.165
All other sorted solid colors	.10

WORSTEDS AND CLOTH (FREE OF COTTON WARPS)

Khaki Worsteds and Cloth (⅓ each worsteds, suitings, overcoatings.)	.16
Mixed Forestry and Cloth	.125
Mixed Cadet and Cloth	.1125

WORSTED SEAMS (100% WORSTEDS)

Mixed	.0275
Solid colors	.0375

SKIRTED CHEVIOTS (FREE OF COTTON WARPS)

Dark	.04
Light	.05
Brown	.04
Black and White	.055
Oxford	.045
Tan	.0725
Powder Blue	.055
Navy Blue	.045
All other sorted solid colors	.05

SKIRTED OVERCOATS (FREE OF COTTON WARPS)

Dark	.0325
Light	.0525
Tan	.0775
Mixed Brown	.0375
Light Brown	.0425
Dark Brown	.04
Oxford	.0425
Black and White	.0625
Black	.0375
Khaki	.12
Powder Blue	.0675
Navy Blue	.0425
All other sorted solid colors	.0475

WOMEN'S WEAR

MERINOS (FREE OF COTTON WARPS AND SILK NOILS) ALL WOMEN'S WEAR

No. 1 Fine Light (Free of Black)	.20
Pastel Fine Light (all Pastel colors)	.27
Black and White Fine Light	.16
No. 2 Fine Light	.15
Fine Dark	.04
Fine Dark (all fine flannels)	.06
No. 1 Coarse Light (containing all colors and free of black)	.11
No. 2 Coarse Light (containing black)	.075
No. 2 Coarse Light (Free of Black)	.085
Pastel Coarse Light (all Pastel colors)	.16
Black and White Coarse Light	.085
Tan Coarse Light (Free of Dark Brown)	.135
Pearl Gray	.16
All other sorted solid colors	.13
Coarse Dark	.035

MERINOS (FREE OF COTTON WARPS AND SILK NOILS) 80% WOMEN'S WEAR 20% MEN'S WEAR

No. 1 Coarse Light (containing all colors and Free of Black)	.10
No. 2 Coarse Light (containing black)	.065
No. 2 Coarse Light (Free of Black)	.075
Pastel Coarse Light (all pastel colors)	.15
Black and White	.075
Tan (Free of Dark Brown)	.125
Pearl Gray	.16
All other sorted solid colors	.12

POLOS (FREE OF COTTON WARPS AND SILK NOILS)

Tan (all highlight solid Tan)	.1725
Skirted Wool Bodies (all women's wear)	.055

FINE FLANNELS (ALL SOLID COLORS. FREE OF COTTON WARPS AND SILK NOILS)

Navy Blue	.06
Black	.05
Brown	.06
Green	.06
Maroon	.08
Light Blue	.08
Royal Blue	.07
Bright Red	.15
Scarlet	.15
Mixed Reds	.09
All other sorted solid colors	.065

MIXED FINE FLANNELS AND CHONGAS (ALL SOLID COLORS FREE OF COTTON WARPS AND SILK NOILS)

Navy Blue	.05
Black	.04
Brown	.05
Green	.05
Red	.085
Maroon	.075
Light Blue	.07
Royal Blue	.06
All other sorted solid colors	.055

WORSTED SERGES (100% WORSTEDS FREE OF COTTON WARPS AND SILK NOILS)

Navy Blue	.11
Black	.10
Brown	.12
Green	.13

TABLE IV—*Maximum prices for graded old rags*—Continued.

WOMEN'S WEAR—Continued

MIXED FINE FLANNELS AND CHONGAS (ALL SOLID COLORS FREE OF COTTON WARPS AND SILK NOILS)—Continued

Red	.14
Light Blue	.14
Royal Blue	.13
All other sorted solid colors	.12
Pullman curtains	.14

WORSTED SERGES WITH CHONGAS AND FLANNELS (FREE OF COTTON WARP AND SILK NOILS)

Navy Blue	.09
Black	.08
Brown	.10
Green	.11
Red	.12
Light Blue	.12
Royal Blue	.11
White	.36
All other sorted solid colors	.10

TRICOTINES (100% WORSTEDS) FREE OF COTTON WARPS, TINSEL, AND SILK DECORATIONS

Blue	.105
Black	.09
Tan	.30
All other sorted solid colors	.12

MIXED WORSTED THIBETS 100% WORSTEDS. FREE OF COTTON WARPS, TINSEL, AND SILK DECORATIONS

Mixed (with Black)	.10
Mixed (Free of Black)	.11

MIXED THIBETS (75% WORSTED—25% FINE FLANNELS). FREE OF COTTON WARPS, TINSEL, AND SILK DECORATIONS

Mixed (with Black)	.08
Mixed (Free of Black)	.09

MISCELLANEOUS

No. 1 White Quilt Wool	.29
No. 2 White Quilt Wool	.125
Billiard Cloth	.07
No. 1 Bed Wool	.36
No. 2 Bed Wool	.19
Silk Noil Rags	.04
White Linsey Flannels	.065
Mixed Linsey Flannels	.04
Khaki Cotton Warp Shirts	.04
Khaki Shirts (Free of cotton warps)	.16
Pastel Wool Blankets (Pastel colors)	.1925
Light gray underwear (part wool—part cotton)	.095

CARPETS

Wool	.06
Soft Back	.035
Linsey	.0275

SOFT BACK WILTON CARPETS (FOR USE IN HAND LOOMED RUGS)

Strips not less than 27″ long and ½″ wide	.06

PAPER MILL FELTS (UNSCOURED ALL WOOL)

White	.45
Near White	.34
Cream	.32
Tan	.28
Dark Gray	.10
No. 2 Tan	.225
Dark	.175
Couch Rolls (Free of tacks)	.12
Slasher Cloth	.075

KNITS 100% KNITS (FREE OF LINSEYS)

White Knits (Free of Silk and Underwear)	.45
White Softs (50% white knits—50% white flannels and serges)	.37
White Silk and Wool	.28
Light Hoods (Free of silk)	.255
Pastel Light Hoods (Pastel colors)	.305
Medium Light Hoods	.225
Buff Hoods	.34
Silk and Wool Hoods	.17

TABLE IV—*Maximum prices for graded old rags*—Continued.

MISCELLANEOUS—Continued

KNITS 100% KNITS (FREE OF LINSEYS)—Continued

Pastel Light Jersey (all Pastel colors)	.33
Light Jerseys	.31
Fine Dark Jerseys	.18
Mixed Fancy Knits	.12½
Mixed Fancy Worsted Knits	.17
Mixed Heather Knits	.14
Wool underwear	.24
Fine white wool underwear	.26

KNITS—SORTED COLORS (100% KNITS FREE OF LINSEYS)

Mixed Green (Free of Heather)	.20
Dark Green	.25
Light Green	.27
Kelly Green	.28
Mixed Brown (Free of Heather)	.185
Dark Brown	.195
Light Brown	.20
Mixed Blue (Free of Heather)	.185
Navy Blue	.195
Royal Blue	.26
Khaki	.26
Black	.20
Mixed Red	.20
Maroon	.225
Cardinal Red	.26
Jockey	.30
Oxford	.17
Pearl Gray	.31
Steel Gray	.20
All other sorted solid colors	.18
All other sorted solid pastel colors	.33

HALF WOOL KNITS (TO CONTAIN A MINIMUM OF 50% WOOL)

White	.14
Light Hoods	.10
Mixed	.065
Graded to color	.085

LINSEY SWEATERS (TO CONTAIN A MINIMUM OF 30% WOOL)

Light Hoods	.055
Dark	.03
Black	.045
Red	.045
Brown	.045
Navy Blue	.045
Green	.045
Gray	.045
Pearl Gray	.055
White	.085
All other sorted solid colors	.045

TABLE V—*Maximum prices for old wool rags, mixed stock*

[Expressed in dollars, F. O. B. shipping point, gross weight, tare not to exceed 5%]

Mixed soft woolens (to contain minimum 33% knits)	.10
Mixed knits (all colors including light and white)	.1850
Skirted merinos	.0625
Mixed rough cloth and worsteds (free of vests)	.03
Mixed rough worsteds (free of vests)	.0425
Rough wool bodies	.0325
Mixed linsey sweaters (free solid cotton pieces)	.03
Mixed rough overcoats	.0225
Rough light overcoats	.03
Rough dark overcoats	.02
Rough cheviots	.025
Rough khaki	.08
Rough vests	.02

§ 1410.81 *Appendix B: Maximum charges for special processing services.* This § 1410.81 sets forth the maximum charges which may be added to the maximum prices for the constituent raw materials upon which the enumerated special processing services are performed, as provided for in subparagraph (2) of paragraph (b) of § 1410.71 hereof:

(i) *Trimming or seaming.* Trimming or seaming raw wool waste materials, the maximum prices for which are set forth in Table IV of § 1410.80, at the request of the purchaser and to meet his specifications: *Provided,* That no charge may be added for trimming or seaming where the "boil out" of the wool rags is less than 92% wool.

MAXIMUM CHARGE

Maximum price for graded old wool rags as set forth in table IV	Boil out not less than 92% wool	Boil out not less than 95% wool	Boil out not less than 98% wool
$0.01 to $0.09 inclusive	.0225	.0325	.035
.10 to .14 inclusive	.0275	.0375	.045
.15 to .19 inclusive	.035	.045	.055
.20 to .24 inclusive	.04	.0525	.065
.25 to .29 inclusive	.045	.06	.075
.30 to .34 inclusive	.05	.07	.085
.35 to .39 inclusive	.0525	.075	.09
.40 to .44 inclusive	.06	.085	.10
.45 to .50 inclusive	.065	.09	.105

(ii) *Blending clips.* Blending raw wool waste materials, the maximum prices for which are set forth in Tables II or III of § 1410.80, at the request of the purchaser and to meet his specifications, 2¢ per pound.

(iii) *Sorting for fineness and/or to exclude decorations.* Sorting raw wool waste materials, the maximum prices for which are set forth in Table II of § 1410.80, for fineness and/or to exclude decorations, at the request of the purchaser and to meet his specifications, 2¢ per pound.

(iv) *Sorting into 100% worsted knits.* Sorting solid colored knits, the maximum prices for which are set forth in Table IV of § 1410.80, to segregate 100% worsted knits, at the request of the purchaser and to meet his specifications, 3¢ per pound.

§ 1410.79a *Effective dates of amendments.* (c) Amendment No. 3 (§§ 1410.71 (a) (2), (b) and (c), 1410.71a, 1410.78 (a) (2), (3) and (4), 1410.80 and 1410.81) to Maximum Price Regulation No. 123 shall become effective November 17, 1942: *Provided,* That a seller making deliveries of raw or processed wool waste materials within 30 days of November 17, pursuant to contracts entered into prior to such date in compliance with the provisions of Maximum Price Regulation No. 123, as then effective, may charge the contract prices therefor.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 11th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11798; Filed, November 11, 1942; 3:22 p. m.]

PART 1340—FUEL

[MPR 137,[1] Amendment 12]

PETROLEUM PRODUCTS SOLD AT RETAIL

A statement of the considerations involved in the issuance of this Amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1340.82 is amended to read as set forth below:

§ 1340.82 *Federal and state taxes.* Any tax upon or incident to the sale, delivery, processing, or use of petroleum products, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such petroleum products and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect during March, 1942.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during March, 1942, the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller, may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining his maximum price under this Maximum Price Regulation No. 137.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of the tax paid by any prior vendor and separately stated and collected, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 137.

(b) *As to a tax or increase in a tax which becomes effective after March 31, 1942.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased: *Provided, however,* That in the case of the increase in the federal excise on lubricating oils provided by the Revenue Act of 1942, effective November 1, 1942, a seller of motor lubricating oil subject to this Maximum Price Regulation No. 137 who separately states the amount of such increase and who actually pays the amount of such increase or an amount equal thereto paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, may collect in addition to the maximum price, an additional sum as follows:

On each sale of five quarts or less, one cent; on each sale of more than five quarts, the total amount of the increase, adjusted to the nearest cent.

§ 1349.93a *Effective dates of amendments.* * * *

(m) Amendment No. 12 (§ 1340.82) to Maximum Price Regulation No. 137 shall become effective November 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 12th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11815; Filed, November 12, 1942; 10:48 a. m.]

PART 1340—FUEL

[RPS 88,[1] Amendment 42]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new § 1340.164 is added as set forth below:

§ 1340.164 *Federal and State taxes*—(a) *Lubricating oils.* Effective November 1, 1942, each seller subject to this Revised Price Schedule No. 88 may collect in addition to his maximum price for a lubricating oil subject to the Federal Excise tax on lubricating oils, the amount of the increase in such tax provided by the Revenue Act of 1942 and subsequent increases therein, actually paid by him or an amount equal to the amount of such increase or increases paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, provided the seller states the amount of such increase or increases separately from the purchase price.

§ 1340.158a *Effective dates of amendments.* * * *

(pp) Amendment No. 42 (§ 1340.164) to Revised Price Schedule No. 88 shall become effective November 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11819; Filed, November 12, 1942; 10:48 a. m.]

PART 1340—FUEL

[RPS 88,[1] Am. 43]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new paragraph (x) is added to § 1340.157 and a new subdivision (vi) is added to § 1340.159 (c) (6) as set forth below:

§ 1340.157 *Definitions.* * * *

(x) "Texas-Panhandle Area." Panhandle area of Texas is that portion of Texas north of the southern boundaries of the following counties: Parmer, Castro, Swisher, Briscoe, Hall and Childress.

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(c) Specific prices. * * *

(6) Residual fuel oils. * * *

(vi) Texas-Panhandle Area. Notwithstanding the provisions of § 1340.159 (b) the maximum price for No. 6 fuel oil f. o. b. refineries in the Panhandle area of Texas for shipment to ultimate destinations in Texas, Oklahoma and New Mexico shall be 74¢ per barrel, exclusive of taxes, in bulk lots for delivery by tank car or motor transport.

§ 1340.158a *Effective dates of amendments.* * * *

(qq) Amendment No. 43 (§§ 1340.157 (x), 1340.159 (c) (6) (vi)) to Revised Price Schedule No. 88 will become effective November 17, 1942.

(Pub. Law 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11816; Filed, November 12, 1942; 10:48 a. m.]

PART 1347—PAPER, PAPER PRODUCTS AND RAW MATERIALS FOR PAPER AND PAPER PRODUCTS

[MPR 266]

CERTAIN TISSUE PAPER PRODUCTS

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for certain tissue paper products by a separate Maximum Price Regulation. The Price Administrator has ascertained and given due consideration to the prices of certain tissue paper products prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3165, 3749, 4273, 4780, 4853, 5363, 5868, 5941, 6057, 6896, 7902, 8353, 8938.

[1] 7 F.R. 1107, 1371, 1798, 1799, 2132, 2304, 2352, 2634, 2945, 3116, 3166, 3482, 3524, 3552, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 5988, 5983, 6057, 6167, 6471, 6680, 7242, 7838, 8433, 8478, 8586, 8701, 8741.

[1] 7 F.R. 1107, 1371, 1798, 1799, 1886, 2132, 2304, 2352, 2634, 2945, 3463, 3482, 3524, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 5988, 5983, 6057, 6167, 6471, 6680, 7242, 7838, 8433, 8478.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Revised Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 266 is hereby issued.

Sec.
1347.501 Prohibition against dealing in certain tissue paper products at prices above the maximum prices.
1347.502 Adjustable pricing.
1347.503 Export sales.
1347.504 Less than maximum prices.
1347.505 Federal and State taxes.
1347.506 Applicability of the General Maximum Prfce Regulation.
1347.507 Evasion.
1347.508 Records and reports.
1347.509 Licensing.
1347.510 Relief for signatories of voluntary agreements.
1347.511 Petitions for amendment.
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AUTHORITY: §§ 1347.501 to 1347.516, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.

§ 1347.501 *Prohibition against dealing in toilet tissue and paper towels at prices above the maximum prices.* On and after November 26, 1942, regardless of any contract, agreement or other obligation, no person shall sell or deliver any toilet tissue or paper towels, and no person in the course of trade or business shall buy or receive any toilet tissue or paper towels at prices higher than those set forth in Appendices A and B hereof, incorporated herein as § 1347.515 and § 1347.516; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of toilet tissue or paper towels to a purchaser, if, prior to November 26, 1942, such toilet tissue and paper towels have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

The basic pricing provisions of this Regulation, for different types of sellers, are as follows:

Toilet paper

For manufacturers	§ 1347.515 (a) and (b).
For distributors	§ 1347.515 (c).
For retailers	§ 1347.515 (d).

Paper towels

For manufacturers	§ 1347.516 (a) and (b).
For distributors	§ 1347.516 (c).
For retailers	§ 1347.516 (d).

§ 1347.502 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1347.503 *Export sales.* The maximum prices at which a person may export tissue products covered by this Maximum Price Regulation No. 266 shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[2] issued by the Office of Price Administration.

§ 1347.504 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 266 may be charged, demanded, paid or offered.

§ 1347.505 *Federal and State taxes.* Any tax upon, or incident to, the sale or delivery of tissue products covered by this Maximum Price Regulation No. 266, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto.

(a) As to a tax in effect prior to October 15, 1941, (1) if the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during October 1–15 1941 the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 266. (2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately, from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount or tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 266.

(b) As to a tax or increase in a tax which becomes effective after October 15, 1941, if the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum prices, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1347.506 *Applicability of the General Maximum Price Regulation.*[3] The provisions of this Maximum Price Regulation No. 266 supersede the provisions of the General Maximum Price Regulation in respect to sales and deliveries of tissue products for which maximum prices are established by this Maximum Price Regulation No. 266.

§ 1347.507 *Evasion.* The price limitations established by this Maximum Price Regulation No. 266 shall not, directly or indirectly, be circumvented or evaded by modifying, discontinuing, or altering any customary trade practice of the seller, or by increasing terms for the extension of credit, or by splitting orders, or by deteriorating the quality of any commodity, or by changing the selection or style of processing or the wrapping, or packaging of tissue products covered by this Maximum Price Regulation No. 266, or by any other means.

§ 1347.508 *Records and reports.* (a) Every person, except retailers, making sales or purchases of toilet tissue and paper towels in the course of trade or business after November 25, 1942, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each such purchase or sale showing the date thereof, the name and address of the purchaser or seller, the price received, and the amount of toilet tissue and paper towels in each case bought or sold.

(b) Within twenty-one (21) days after the effective date of this regulation, each manufacturer shall file under oath with the Office of Price Administration, Washington, D. C., the maximum price established by the Regulation for each product or grade which he manufactures, setting forth for each such product or grade the manner in which such maximum price has been determined. In the case of a product or grade wherein the manufacturer determines his maximum price under the provisions of § 1347.515 (a) (1) (iii), §1347.515 (b) (6), § 1347.516 (a) (1) (iii), and/or § 1347.516 (b) (6), establishing the maximum price at 95% of the highest carload price which he charged for such product or grade during the period of October 1 to 15, 1941, he shall state the maximum price charged for such product or grade between October 1 and 15, 1941, indicating the calculation and the resulting maximum price.

In the case of a product or grade wherein the manufacturer determines his maximum price by the formula set forth in § 1347.515 (a) (1) or § 1347.516 (a) (1), he shall state for each such product or grade the furnish, sheet size, sheet count, method of handling freight, and other relevant factors, indicating the calculation and the resulting maximum price.

(c) Where a manufacturer applies under § 1347.515 (b) (3) or § 1347.516 (b) (2) for approval of a price on shipments of other than carload lots to one consignee, he shall define the practice employed, together with a statement of the date upon which the practice was instituted and the reason therefor; including the costs involved in such practice during the year 1941 and the current year. Such application must be made within 21 days of the effective date of this regulation.

§ 1347.509 *Licensing.* (a) The provisions of Supplementary Order No. 19, licensing distributors of pulp, paper and paper products, are applicable to every distributor selling any commodity for which maximum prices are established by this regulation. The term "distributor" shall include paper merchants, wholesale druggists and wholesale grocers, as those terms are defined in this Regulation.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Maximum Price Regulation No. 266 selling at retail any commodity covered by this Maximum Price Regulation No. 266. When used in this section, the term "selling at retail" has the definition given to it by § 1347.511 (a) (5) of this Maximum Price Regulation No. 266. Said registration and licensing provisions became effective as to persons selling at retail on May 18, 1942.

§ 1347.510 *Relief for signatories of voluntary agreements.* A manufacturer of any of the commodities covered by this regulation, who at the request of the Price Administrator, has heretofore signed a voluntary agreement, agreeing not to exceed those prices in effect during the period October 1 to October 15, 1941, with respect to such commodities, and who, because of this action, is restrained from using the formula provided in this regulation, for determining his maximum price, because such maximum price would exceed his March, 1942, price, as stipulated in §§ 1347.515 (a) (1) for toilet tissue, and 1347.516 (a) (1) for paper towels, may file a petition to use the price established by the formula or the price of his most nearly competitive seller if that is lower: *Provided*, (1) That it can be established that such manufacturer was a signatory of such voluntary agreement at the request of the Price Administrator, and (2) that the manufacturer establish that the maximum price, as calculated by such formula, is not in excess of the March, 1942 price charged for deliveries of the same or similar commodity by his most nearly competitive seller of the same class. If, within 21 days after the date of the petition, such petition has not been denied by the Office of Price Administration, the manufacturer may sell at such price, subject to non-retroactive adjustment by this Office.

§ 1347.511 *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1347.512 *Definitions.* (a) When used in this Maximum Price Regulation No. 266, the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof or any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Manufacturer" includes any person who converts tissue for use as toilet tissue or paper towels.

(3) "Distributor" includes any person, other than a manufacturer or a retailer, the major portion of whose sales are to retailers, industrial and institutional users, or other distributors.

(4) "Wholesale grocer" includes distributors, the major portion of whose sales are to retail grocery stores.

(5) "Retailer" includes all persons, the major portion of whose sales are resale items sold to the ultimate consumer.

(6) "Paper merchant" includes any person other than a retailer, wholesale druggist, or wholesale grocer (as herein defined) who buys any commodity listed in this regulation in any quantity from a manufacturer or other seller and who resells such commodity.

(7) "Wholesale druggist" includes distributors, the major portion of whose sales are to retail drug stores.

(8) "Industrial, institutional and commercial user" includes all users who purchase toilet tissue and paper towels for general use by their employees, inmates, and guests, and do not resell any of these items.

(9) "Most closely competitive seller of the same class." "Seller of the same class" means a seller (1) performing the same function (for example, manufacturing, distributing, retailing, processing, storing, installing, or repairing), (2) of similar type (for example, department store, mail order house, chain store, specialty shop, cut-rate store), (3) dealing in the same type of commodities or services, and (4) selling to the same class of purchaser. A seller's "most closely competitive seller of the same class" shall be a seller of the same class who (a) is selling the same or a similar commodity, and (b) is closely competitive in the sale of such commodities, and (c) is located nearest to the seller.

(10) "Similar". One commodity shall be deemed "similar" to another commodity, if the first has the same use as the second, affords the purchaser fairly equivalent serviceability, and belongs to a type which would ordinarily be sold in the same price line. In determining the similarity of such commodities, differences merely in style or design which do not substantially affect use, or serviceability, or the price line in which such commodities would ordinarily have been sold, shall not be taken into account.

(11) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for commodities or services for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(12) "Toilet tissue" includes all tissue papers having a basis weight of 8 to 16 pounds, inclusive, (24 x 36—500), a square inch area per sheet of 16 to 40 inches, inclusive, made from either chemical pulp or mechanical pulp or a combination of the two and designed for toilet use.

(13) "Paper towels" includes all absorbent, creped or embossed papers having a basis weight between 22 and 40 pounds (24 x 36—500), a square inch area per sheet of 80 to 220 inches, made from chemical pulp or mechanical pulp or a combination of the two and designed principally for drying purposes.

(14) "Facial type toilet tissue" includes two ply toilet tissue manufactured on a type of paper machine where paper is creped, and adhering to the dryer with a moisture range not exceeding 10%.

(15) "Wet-strength paper towel" refers to one that has a wet-tensile strength of at least 1.5 pounds per inch width when tested according to TAPPI Method No. T404 M 41 with the tensile load applied ten seconds after the specimen, clamped in the testing machine, has been streaked transversely along a path at least one-quarter inch wide with an excess of water at room temperature, providing the toweling is capable of be-

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8961.

[2] 7 F.R. 5059, 7242, 8829.

[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5484, 5774, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

coming at least 80% saturated[*] when submerged 10 seconds in water at room temperature and provided the ratio of the wet-tensile to the dry-tensile strength is at least 20 percent.

(16) "Basis weight" refers to the weight of a 500 sheet ream of paper 24 x 36 inches per sheet.

(17) "Chemical pulp" refers to the chemical fibre content which must be either virgin chemical fibre or 100% chemical fibre wastepaper properly deinked.

(18) "Zone 1" includes Maine, New Hampshire, Vermont, Massachusetts, Connecticut, New York, New Jersey, Rhode Island, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia, Ohio, Kentucky, Indiana, Michigan, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota—East of Grand Forks and Fargo, South Dakota—East of and including Watertown and Sioux Falls, Nebraska—East of and including Grand Island and Kansas—East of and including Topeka.

(19) "Zone 2" includes North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, Texas — except Laredo and El Paso, Kansas—West of Topeka, and Nebraska—West of Grand Island, South Dakota—West of Watertown and Sioux Falls, North Dakota—West of Grand Forks and Fargo.

(20) "Zone 3" includes Arizona, Utah, Nevada—excluding Reno, Idaho—South of Panhandle and East of Boise, Montana, Wyoming, New Mexico, Laredo and El Paso in Texas, Colorado.

(21) "Zone 4" includes Washington, Oregon, California, Reno, Nevada and Idaho (including Boise), except that part of Idaho in Zone 3.

(22) "Case" refers to the shipping container in which toilet tissue or 3750 paper towels are packed.

(23) "Mark-up" refers to that percentage of cost, exclusive of cash discount which is taken to arrive at the selling price.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1347.513 *Applicability.* The provisions of this Maximum Price Regulation No. 266 shall be applicable within the continental limits of the United States.

§ 1347.514 *Effective date.* This Maximum Price Regulation No. 266 (§§ 1347.501 to 1347.516, inclusive) shall become effective November 26, 1942.

§ 1347.515 *Appendix A: Maximum prices for toilet tissue 4½" wide*[1]—(a) *Manufacturers maximum prices for sales on a uniform nationally delivered basis.* Where a manufacturer sells on a uniform nationally delivered basis his maximum prices shall be computed as follows:

(1) *Toilet tissue.*

Basis weight 24 x 36—500 classes[2]	Chemical pulp content[3]		
	100% bleached price factor X	75%-99% price factor Y	Less than 75% price factor Z
1. Less than 11.00	$1.09	$1.05	$1.00
2. 11.0 to 11.99	1.15	1.10	1.05
3. 12.0 to 12.99	1.20	1.15	1.10
4. 13.0 and over	1.26	1.20	1.15

[1] Widths greater than 4½" take a proportionately increased price; widths less than 4½" take a proportionately reduced price.

[2] The classes are established on the weight of a ream of 500 sheets of paper 24" x 36". A manufacturer is permitted a 5% tolerance per case, but in no event can the basis weight vary plus or minus from the stated basis weight by more than 5% on any case.

[3] The groups are established on a basis of chemical pulp content. Products in Group X shall have 100% bleached chemical pulp; products in Group Y shall have 75%-99% chemical pulp; products in Group Z shall have less than 75% chemical pulp.

The maximum basis weight to be used in computing the manufacturer's maximum price shall be either (i) the basis weight ascribed by the manufacturer for the same item from January 1, 1942 to the issuance of this Regulation, or (ii) the actual basis weight of the same item from January 1, 1942 to the issuance of this regulation, whichever is lower. In no case shall the price as calculated above exceed the price which was charged for deliveries during March, 1942. (iii) In the event that the maximum price as calculated above is less than 95% of the highest carload price which was charged, on a uniform nationally delivered basis, by the manufacturer during the period of October 1 to October 15, 1941, the maximum price shall be 95% of such October 1 to 15, 1941 carload price.

The case price shall be computed by multiplying the applicable price factor (derived from column X, Y or Z) by the number of linear inches of paper in the case divided by 100,000, as illustrated below:

$$\frac{\text{Number of Linear Inches in the Case (Length of Sheet x Sheets per Case)}}{100{,}000}$$

(2) *Facial type toilet tissue.* The maximum price for facial type toilet tissue shall be computed in accordance with the provisions of paragraph (a) (1) of this section, except that $0.23 may be added to the price factor in Class 1, Group X. In no event may the price of any facial type toilet tissue exceed the price which was charged by the manufacturer for deliveries during March 1942.

(3) *Special products.* (i) Special small diameter rolls of toilet tissue packaged for use on Pullman cars are excluded from this Maximum Price Regulation No. 266, and are covered by the General Maximum Price Regulation.

(ii) Toilet tissue put up to conform with the new specification for the armed forces in special waterproof envelopes each containing 100 sheets is excluded from this Maximum Price Regulation No. 266, and is covered by the General Maximum Price Regulation.

(b) *Manufacturers' maximum prices for sales not on a uniform nationally delivered basis*—(1) *Zone basis.* Where a manufacturer does not sell on a nationally delivered basis, his maximum prices, which in no event shall exceed the prices charged by the manufacturer for deliveries during March, 1942, shall be computed in accordance with the procedure of paragraph (a) (1) (i) (ii) of this section, with the adjustments as shown in the following table:

Location of manufacturing plant	Point of delivery	Addition to or subtraction from applicable price factor
1. Zone 1	Zone 1	Deduct $0.03
2. Zone 1	Zone 2	Add $0.01
3. Zone 1 Zone 4.	Zone 3	Add $0.03
4. Zone 1	Zone 4	Add $0.03
5. Zone 2 Zone 3. Zone 4.	Anywhere in continental United States (subject to (3) above)	No addition or deduction.

In the event that the maximum prices as calculated in accordance with the provisions of paragraph (b) of this section are less than 95 percent of the highest carload price which was charged by the manufacturer on sales into any particular zone during the period of October 1 to October 15, 1941, the maximum price shall be 95 percent of such October 1 to October 15, 1941, price for sales into the same zone.

(2) *F. o. b. mill basis.* Where shipments to the Army, Navy, or Lend-Lease Administration are made on an F. O. B. mill basis the manufacturer's maximum price, which in no event may exceed the prices charged by the manufacturer for deliveries during March, 1942, shall be computed in accordance with the provisions of paragraph (a) (1) of this section, except that $0.12 must be deducted from the applicable price factor. Freight charges to the point of delivery may be added to the resulting f. o. b. mill price.

(3) *Manufacturers' maximum prices for shipments of other than carload lots to one consignee.* On shipments of other than carload lots to one consignee, the manufacturer may add the established differentials which he had in effect during the period October 1 to October 15, 1941. These differentials may be added to the maximum price established by this Regulation for carload quantities. These differentials may be charged, unless they are disapproved by the Office of Price Administration within 21 days after filing, or an extension thereof specified by the Office of Price Administration. These differentials shall be subject to non-restrictive adjustment by the Price Administrator at any future date. Such differentials shall be reported in accordance with § 1347.508 (c) of this regulation.

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[*] $\frac{B-A}{C-A}=80\%$ where A is weight of two single ply specimens each 5 inches square weighed in air dry condition (45 to 50 percent relative humidity). B is weight after being submerged in distilled water at 70 degrees Fahrenheit for 10 seconds and then drained freely for 10 seconds. C is weight after being submerged in distilled water at 70 degrees Fahrenheit for 24 hours and then drained freely for 10 seconds.

(c) *Distributors' maximum prices.* The distributors' maximum price, which in no event may exceed the highest price charged for deliveries during March, 1942, is to be computed by multiplying the manufacturer's maximum price by the lesser of the following amounts: "Highest price charged" shall include an offering price if no sales were made during March 1942.

(1) The highest mark-up[4] which the distributor applied to sales of toilet tissue of a given grade to a purchaser of the same class during March, 1942, or,

(2) On sales by:

	Paper merchants %	Wholesale druggists %	Wholesale grocers %
1. 1 to less than 3 cases	145	120½	117½
2. 3 to less than 10 cases	127½	------	------
3. 10 to less than 25 cases	125	------	------
4. 25 to less than 100 cases	122½	------	------
5. 100 cases to less than C/L	117½	------	------
6. Carload	105	------	------

(3) Paper merchants, wholesale druggists, and wholesale grocers who purchase toilet tissue from other merchants or distributors may not charge a price in excess of the maximum price which would be applicable if the purchase had been made directly at the manufacturer's ceiling price computed in accordance with paragraphs (a), (b) and (c) of this section: *Provided,* That on less-than-case sales by recognized service distributors, a mark-up may be charged not in excess of 165%, and that on less-than-case sales by wholesale druggists and grocers, the mark-up may exceed the mark-ups specified in paragraphs (c) (1) and (c) (2) of this section by an amount not in excess of the differential between one case and less-than-case lots which was charged on deliveries made during March, 1942.

(4) For sales in carload lots involving shipment from the manufacturer to a person purchasing from a merchant or distributor where local delivery by the merchant or distributor from a warehouse or rail siding is required, there may be added to the maximum price established herein the actual delivery expense (except that no rail freight shall be included), which in no event shall exceed the applicable local common carrier rate. Such expense shall be separately noted in the invoice or other evidence of sale.

(5) Where a merchant or distributor supplies cabinets or other fixtures for the dispensing of toilet tissue in connection with the sale of such product, he may make a charge for the sale of such cabinet or fixture at a price not exceeding 150 percent mark-up of the cost to him of such cabinet or fixture.

(6) On sales of less-than-carload lots to points outside his recognized free delivery zones or areas, the merchant or distributor may add to his maximum price the lesser of the following differentials:

(i) The amount which he charged on such sales made during the period of October 1 to October 15, 1941, or, if he made no such sale, the amount which he would have charged on such sales to purchasers of the same class; or

(ii) The actual freight.

(d) *Retailer's maximum prices.* The retailer shall calculate his maximum price for toilet tissue as follows (for unit and multiple sales separately):

(1) *The maximum price rule.* The retailer shall first find his "net cost" of the brand he is pricing. He must then multiply that "net cost" by his "March, 1942 percentage mark-up." The meanings of "net cost" and "March, 1942 percentage mark-up" are explained in (2) and (3) which follow.

(2) *The meaning of "net cost."* "Net cost" as used in the maximum price rule above means the amount the retailer paid for the brand delivered at his customary receiving point, less all discounts and all allowances allowed him, except the discount for prompt payment. "Net cost" should be based on the first sale of such brand of toilet tissue delivered to the retailer in which there has been inserted a copy of this paragraph (d). "Net cost" refers to a customary quantity from a customary supplier and by the customary mode of transportation.
Provided, That if the cost to the retailer of such toilet tissue is adjusted by any amendment issued by this Regulation by the Office of Price Administration, then that cost shall be based on the first case of such toilet tissue delivered to the retailer at prices subject to the amendment.

(3) *The meaning of "March, 1942 percentage mark-up."* The percentage which the retailer shall use as his "March, 1942 percentage mark-up" depends upon whether or not in March, 1942 he sold such brand of toilet tissue:

(i) If the retailer did sell such brand of toilet tissue in March 1942, he shall:

(*a*) Take the highest price at which he made sales of such toilet tissue during March, 1942, and,

(*b*) Divide this price by his "net cost" of such brand which appeared on his last invoice in March, 1942.

The resulting figure is the retailer's "March, 1942 percentage mark-up." This is the figure by which the retailer should multiply his new cost to arrive at his ceiling price.

(ii) If the retailer did not sell such brand of toilet tissue during March, 1942, he shall use his "March, 1942 percentage mark-up," calculated as in (d) (3) above, on the largest volume brand of toilet tissue which he sold during March, 1942.

(4) *Fractions of cents.* If the calculation of a maximum price for a customary unit of sale under this Regulation results in a fraction of less than one-half cent, the maximum price shall be reduced to the nearest lower cent; if the calculation results in a fraction one-half cent or more, it should be increased to the nearest higher cent. Calculations shall be made separately for multiple sales and for unit sales of such products.

(5) *Examples:* A retailer purchases from his supplier a case of X brand of toilet tissue at a net cost of $4.87 in December, 1942. His last March, 1942 purchase of X brand was made at a net cost of $5.00 per case. His highest March, 1942 price was 7 cents per roll. He shall find his ceiling price for X brand toilet tissue as follows:

1. (i) He shall divide 7 cents (his highest March, 1942 retail price) by 5 cents (his last net cost in March, 1942).

```
  1.40
5/7.00
  5
  —
  20
  20
  —
```

The resulting figure of 1.40 is his "March, 1942 percentage mark-up."

(ii) He multiplies $4.87 (his net cost) by 1.40 (his "March, 1942 percentage mark-up").

```
 $4.87
   1.4
 ─────
  1948
  487
 ─────
$6.818
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(iii) $6.818 per case of 100 rolls or 7 cents per roll is the retailer's ceiling price.

2. Assume that the retailer made his last purchase in March, 1942 of toilet tissue at $4.60 per case. The calculations are as follows:

```
 $4.60
   1.4
 ─────
  1840
  460
 ─────
$6.440
```

The retailer's ceiling price is $6.44 per case of 100 rolls or 6 cents per roll.

3. Assume the retailer's March, 1942 selling price was 3 for 19 cents, the new cost is $4.77, and his last March, 1942 invoice was $5.00. His "March, 1942 percentage mark-up" is calculated as follows:

```
  1.266
5/6.330
  5
  —
  13
  10
  ——
   33
   30
   ——
    30
    30
    —
```

The resulting figure of 1.266 is his "March, 1942 percentage mark-up" over net cost. His ceiling price is determined as follows:

Multiply $4.87 (his net cost) by 1.266 (his "March, 1942 percentage mark-up"). The retailer's ceiling price is 3 for 18 cents or $6.04 per case of 100 rolls.

(e) *Marking of products and notices.* (1) The manufacturer shall plainly mark on each case of toilet tissue the basis weight, the chemical pulp class, sheet and roll count, and sheet size.

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[4] See definition of mark-up, § 1347.511 (a) (23).

(2) The manufacturer shall insert a copy of paragraph (d) of this section in each case of resale toilet tissue shipped before January 31, 1943, except that no such notice need be inserted in cases already prepared for shipment on the effective date of this regulation. The manufacturer shall also attach to all billings on sales made to distributors before January 31, 1943, paragraph (c) of this section.

On both these notifications, the manufacturers shall add the following statement: "Cessation of this notification will not constitute revocation thereof."

§ 1347.516 *Appendix B: Maximum prices for paper towels*—(a) *Manufacturers' maximum prices for sales on a uniform nationally delivered basis.* Where a manufacturer sells on a uniform nationally delivered basis, his maximum prices shall be as follows:

TOWELS DISPENSED IN SINGLE THICKNESS

(1) Towel area for interfolded towels (sq. in.)	Less than 25# (V)	Basis weight classes [1] 24″ x 36″—500			
		25#-27.9# (W)	28#-33.9# (X)	34#-37.9# (Y)	38# and over (Z)
1. 85 to 108.9	$1.65	$1.85	$2.20	$2.40	$2.50
2. 109 to 119.9	1.80	2.00	2.30	2.55	2.65
3. 120 to 134.9	1.95	2.15	2.45	2.70	2.80
4. 135 to 147.9	2.05	2.25	2.55	2.80	2.90
5. 148 and over	2.15	2.35	2.65	2.90	3.00
6. Household Roll [2]	2.60	2.90	3.30	3.50	3.65

TOWELS DISPENSED IN DOUBLE THICKNESS

7. 70 to 84.9	2.60	2.80	3.25	3.45	3.55
8. 85 to 99.9	2.80	3.00	3.45	3.70	3.80
9. 100 to 109.9	3.00	3.20	3.65	3.95	4.10
10. 110 and over	3.20	3.45	3.90	4.20	4.35

[1] The classes are established on basis weights of 24 x 36—500. A manufacturer is permitted a 5% tolerance per case, but in no event may the basis weight vary plus or minus from the stated basis weight by more than 5% of any case.

[2] The maximum prices for household rolls are for cases of 7,500 towels, 7½″ x 11″. Where the case count or sheet size varies, a directly proportionate adjustment in price shall be made.

These maximum prices are for cases of towels made from furnish containing less than 65% chemical pulp.[5] Where the chemical pulp content is between 65% and 90%, 4% may be added to the case price; where the chemical pulp content is over 90%, 8% may be added to the case price.

The maximum basis weight to be used in computing the manufacturer's maximum price shall be either (i) the basis weight ascribed by the manufacturer for the same item from January 1, 1942 to the issuance of this regulation, or (ii) the actual basis weight of the same item from January 1, 1942 to the issuance of this regulation, whichever is lower. In no case shall the price as calculated above exceed the price which was charged for deliveries during March, 1942. (iii) In the event that the maximum price as calculated above is less than 95% of the highest carload price which was charged on a uniform nationally delivered basis by the manufacturer during the period of October 1 to October 15, 1941, the maximum price shall be 95% of such October 1 to 15, 1941 carload price.

(iv) Where towels are made from 100% chemical pulp, and where the following minimum strength and absorbency tests are met, the maximum price, calculated in accordance with the provisions of paragraphs (a) and (b) of this section, may be exceeded by not more than 65¢ per case.

Delivery from dispenser	Basis weight	Strength [1]	Absorbency [2]
Single	Under 32#	20#	200 seconds.
Single	32#—37#	25#	175 seconds.
Single	38# and over	30#	125 seconds.
Double	Under 32#	40#	20 seconds.
Double	32#—37#	50#	15 seconds.
Double	38# and over	60#	10 seconds.

[1] Pounds per square inch, as measured by the Mullen test.

[2] Seconds required for the absorption of one-half cubic centimeter of water placed on the top of the sheet, according to Bureau of Standards test UU-T-591.

Manufacturer's maximum prices for wet-strength paper towels shall not exceed those in the (X) basis weight class, the group to be determined by the sheet size.

(v) Continuous roll towels take a proportionate price, on an area basis, to household roll towels.

(b) *Manufacturers maximum prices for sales not on a uniform nationally delivered basis.* (1) Where a manufacturer does not sell on a nationally delivered basis, his maximum prices, which in no event may exceed the prices charged for deliveries made during March, 1942, shall be computed in accordance with the procedure of paragraph (a) (1) (i) (ii) of this section, with the adjustments as shown in the following table:

Location of manufacturing plant	Point of delivery	Addition to or subtraction from applicable case price
1. Zone 1	Zone 1	Deduct $0.10
2. Zone 1	Zone 2	Add $0.05
3. Zone 1. Zone 4	Zone 3	Add $0.20
4. Zone 1	Zone 4	Add $0.20
5. Zone 2 Zone 3 Zone 4	Anywhere in continental United States (subject to (3) above).	No addition or deduction.

In the event that the maximum prices as calculated in accordance with the provisions of paragraph (b) of this section are less than 95 percent of the highest carload price which was charged by the manufacturer on sales into any particular zone during the period of October 1 to October 15, 1941, the maximum price shall be 95 percent of such October 1 to October 15, 1941 price for sales into the same zone.

(2) *Manufacturers' maximum prices for shipments of other than carload lots to one consignee.* On shipments of other than carload lots to one consignee, the manufacturer may add the established differentials which he had in effect during the period October 1 to October 15, 1941. These differentials may be added to the maximum price established by this regulation for carload quantities. These differentials may be charged unless they are disapproved by the Office of Price Administration within 21 days after filing, or an extension thereof specified by the Office of Price Administration. These differentials shall be subject to non-retroactive adjustment by the Price Administrator at any future date. Such differentials shall be reported in accordance with § 1347.508 (c) of this regulation.

(c) *Distributors' maximum prices.* The distributor's maximum price, which in no event may exceed the highest price charged for deliveries during March, 1942, is to be computed by multiplying the manufacturers' maximum price by the lesser of the following amounts: "Highest price charged" shall include an offering price if no sales were made during March, 1942.

(1) The highest mark-up[6] which the distributor applied to sales of paper towels of a given grade to a purchaser of the same class during March, 1942. Or,

(2) On sales by:

	Paper merchants %	Wholesale druggists %	Wholesale grocers %
1. 2 cases or less	155	120½	117½
2. 3 to less than 6 cases	140		
3. 6 to less than 25 cases	127½		
4. 25 to less than 200 cases	122½		
5. 200 cases to less than C/L	117½		
6. Carload	105		

(3) Paper merchants, wholesale druggists, and wholesale grocers who purchase toilet tissue from other merchants or distributors may not charge a price in excess of the maximum price which would be applicable if the purchase were made directly from the manufacturer, computed in accordance with paragraphs (a), (b), and (c) of this section: *Provided,* That on less-than-case sales by wholesale druggists and grocers, the mark-up may exceed the mark-ups specified in paragraphs (c) (1) and (c) (2) of this section by an amount not in excess of the differential between one case and less-than-case lots which was charged on deliveries made during March, 1942.

(4) For sales in carload lots involving shipment from the manufacturer to a person purchasing from a merchant or distributor where local delivery by the merchant or distributor from a warehouse or rail siding is required, there may be added to the maximum price established herein the actual delivery expense (except that no rail freight shall be included), which in no event shall exceed the applicable local common carrier rate. Such expense shall be separately noted in the invoice or other evidence of sale.

(5) Where a merchant or distributor supplies cabinets or other fixtures for the disposing of paper towels in connection with the sale of such products, he may make a charge for the sale of such cabinet or fixture at a price not exceeding 150 per cent mark-up of the cost to him of such cabinet or fixture.

(6) On sales of less than carload lots to points outside his recognized free delivery zones or areas, the merchant or distributor may add to his maximum price the lesser of the following differentials:

(i) The amount which he charged during the period of October 1 to October 15, 1941, or, if he made no such sale, the amount which he would have charged on such sales to purchasers of the same class; or

(ii) The actual freight.

(d) *Retailer's maximum prices.* The retailer shall calculate his maximum price for household roll towels as follows: (for unit and multiple sales separately)

(1) *The maximum price rule.* The retailer shall first find his "net cost" of the brand he is pricing. He must then multiply that "net cost" by his "March, 1942 percentage mark-up." The meanings of "net cost" and "March, 1942 percentage mark-up" are explained in (2) and (3) which follow.

(2) *The meaning of "net cost."* "Net cost" as used in the maximum price rule above means the amount the retailer paid for the brand delivered at his customary receiving point, less all discounts and all allowances allowed him, except the discount for prompt payment. "Net cost" should be based on the first sale of such brand of household roll towels delivered to the retailer in which there has been inserted a copy of this paragraph (d); "Net cost" refers to a customary quantity from a customary supplier and by the customary mode of transportation: *Provided,* That if the cost to the retailer of such household roll towels is adjusted by any amendment issued to this regulation by the Office of Price Administration, then that cost shall be based on the first case of such household roll towels delivered to the retailer at prices subject to the amendment.

(3) *The meaning of "March, 1942 percentage mark-up."* The percentage which the retailer shall use as his "March, 1942 percentage mark-up" depends upon whether or not in March, 1942 he sold such brand of household roll towels:

(i) If the retailer did sell such brand of household roll towels in March, 1942, he shall:

(*a*) Take the highest price at which he made sales of such household roll towels during March, 1942, and,

(*b*) Divide this price by his "net cost" of such brand which appeared on his last invoice in March, 1942.

The resulting figure is the retailer's "March, 1942 percentage mark-up." This is the figure by which the retailer should multiply his new cost to arrive at his ceiling price.

(ii) If the retailer did not sell such brand of household roll towels during March, 1942, he shall use his "March, 1942 percentage mark-up" calculated as in (d) (3) above, on the largest volume brand of household roll towels which he sold during March, 1942.

(4) *Fractions of cents.* If the calculation of a maximum price for a customary unit of sale under this Regulation results in a fraction of less than one-half cent, the maximum price shall be reduced to the nearest lower cent; if the calculation results in a fraction one-half cent or more, it should be increased to the nearest higher cent. Calculations shall be made separately for multiple sales and for unit sales of such products.

(5) *Example.* A retailer purchases from his supplier a case of X brand of household roll towels at a net cost of $3.90 in December, 1942. His last March, 1942 purchase of X brand was made at a net cost of $4.20 per case. His highest March, 1942 price was 10 cents per roll. He shall find his ceiling price for X brand of household roll towels as follows:

(i) He shall divide 10 cents (his highest March, 1942 retail price) by 8.4 cents per roll (his last net cost in March, 1942).

```
       1.1905
  8.4 10.000
       84
       ──
       160
        84
       ───
        760
        756
       ────
         400
         420
        ───
```

The resulting figure of 1.19 is his "March, 1942 percentage mark-up."

(ii) He multiplies 7.8 cents (his net cost per roll) by 1.19 (his "March, 1942 percentage mark-up")

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  $1.19
   .078
 ──────
    952
   833
 ──────
 $.09282
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(iii) His ceiling price is $.09282 or 9 cents per roll.

(e) *Marking of products and notices.* (1) The manufacturer shall plainly mark on each case of paper towels the basis weight, the chemical pulp class, sheet and roll count, and sheet size, except that cases already prepared for shipment need not be so marked.

(2) The manufacturer shall insert a copy of paragraph (c) of this section in each case of resale paper towels shipped before January 31, 1943, except no such notice need be inserted in cases already prepared for shipment. The manufacturer shall also attach to all billings on sales made to distributors before January 31, 1943, paragraph (c) of this section.

On both these notifications, the manufacturers shall add the following statement: "Cessation of this notification will not constitute revocation thereof."

Issued this 12th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11817; Filed, November 12, 1942; 10:51 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 183[1], Amendment 9]

PUERTO RICO

A statement of considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraphs (7), (8), (9) and (10) are added to paragraph (a) of § 1418.1; in Table I in § 1418.14 (a) (1) (ii) the items Blue Rose and Early Prolific are revoked; subparagraphs (5) and (6) are added to paragraph (a) of § 1418.14; and paragraphs (g), (h), (i) and (j) are added to § 1418.14.

§ 1418.1 *Maximum prices.* (a) Maximum prices are established as follows: * * *

(7) On and after November 13, 1942, regardless of any contract, agreement, lease, or other obligation, or of any price regulation heretofore issued, no person shall sell or deliver, and no person shall buy, dried beans in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14 (g), Table VII; and no person shall offer, solicit, or attempt to do any of the foregoing.

(8) On and after November 13, 1942, regardless of any contract, agreement, lease or other obligation, or of any price regulation heretofore issued, no person shall sell or deliver, and no person shall buy onions in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14 (h), Table VIII; and no person shall offer, solicit, or attempt to do any of the foregoing.

(9) On and after November 13, 1942, regardless of any contract, agreement, lease or other obligation, or of any price regulation heretofore issued, no person shall sell or deliver, and no person shall buy butter in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14 (i), Table IX; and no person shall offer, solicit, or attempt to do any of the foregoing.

(10) On and after November 13, 1942, regardless of any contract, agreement, lease or other obligation, or of any price regulation heretofore issued, no person shall sell or deliver, and no person shall buy evaporated milk in the Territory of Puerto Rico at prices higher than the

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[5] The groups are defined as follows:
N—Less than 65% chemical pulp.
O—65% to 90% chemical pulp.
P—Over 90% chemical pulp.

[6] See definition of mark-up, § 1347.511 (a) (23).

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5620, 6744, 6659, 7454, 7843, 7945, 8558, 8833, 8946.

maximum prices set forth in § 1418.14 (j), Table X; and no person shall offer, solicit, or attempt to do any of the foregoing.

§ 1418.14 *Tables of maximum prices*—(a) *Table I: Maximum prices for rice.* * * *

(5) *Table Ia: Specific maximum prices for certain varieties of rice:*

Varieties	Sales to wholesaler (price per pound)	Sales at wholesale (price per pound)	Sales at retail (price per pound)
Blue Rose	$0.0655	$0.07	$0.08
Early Prolific	.0655	.07	.08

For sales of fractions of a pound the maximum price shall be proportionately computed.

(6) Every person selling the varieties of rice specified in Table Ia to a retailer shall on and after November 13, 1942, before or at the time of his first delivery to each purchaser, supply the purchaser with the following statement:

OPA SPECIFIC MAXIMUM RETAIL PRICES FOR CERTAIN VARIETIES OF RICE IN THE TERRITORY OF PUERTO RICO

	Sales at retail
Blue Rose	$0.08
Early Prolific	0.08

For sales of fractions of a pound the maximum price shall be proportionately computed.

The maximum prices for all other varieties of rice are to be computed in accordance with the procedure established in Table I of this Maximum Price Regulation No. 183.

(g) *Table VII: Maximum prices for dried beans.* (1) The maximum prices for dried beans sold or delivered in the Territory of Puerto Rico shall be:

Dried Beans	Sales to wholesaler (price per pound)	Sales at wholesale (price per pound)	Sales at retail (price per pound)
Red Kidney U. S. #1	$0.065	$0.07	$0.08
Red Kidney U. S. #2	.065	.07	.08
Pea Beans U. S. #1	.065	.07	.08
Pea Beans U. S. #2	.065	.07	.08
Pintos U. S. #1	.065	.07	.08
Pintos U. S. #2	.065	.07	.08
Small White #1	.07	.073	.08
Small White #2	.0685	.073	.08
California Pink #1	.07	.073	.08
California Pink #2	.0685	.073	.08

For sales of fractions of a pound the maximum price shall be proportionately computed.

(2) Every person selling dried beans to a retailer on and after November 13, 1942, before or at the time of his first delivery to each purchaser shall supply the purchaser with the following statement:

OPA MAXIMUM RETAIL PRICES FOR DRIED BEANS IN THE TERRITORY OF PUERTO RICO

Dried Beans:	*Sales at retail (price per pound)*
Red Kidney U. S. #1	$0.08
Red Kidney U. S. #2	.08
Pea Beans U. S. #1	.08
Pea Beans U. S. #2	.08
Pintos U. S. #1	.08
Pintos U. S. #2	.08
Small White No. 1	.08
Small White No. 2	.08
California Pink #1	.08
California Pink #2	.08

For sales of fractions of a pound the maximum price shall be proportionately computed.

(h) *Table VII: Maximum prices for onions.* (1) The maximum price for onions sold or delivered in the Territory of Puerto Rico shall be:

	Sales to wholesaler (price per 50# bag)	Sales at wholesale (price per 50# bag)	Sales at retail (price per pound)
Onions	$2.00	$2.40	$0.06

For sales of less than 50 pounds at wholesale or for fractions of a pound at retail the maximum price shall be proportionately computed.

(2) Every person selling onions to a retailer on and after November 13, 1942, before or at the time of his first delivery to each purchaser shall supply the purchaser with the following statement:

OPA MAXIMUM RPTAIL PRICES FOR ONIONS IN THE TERRITORY OF PUERTO RICO

	Sales at retail (price per pound)
Onions	$0.06

For sales of fractions of a pound the maximum prices shall be proportionately computed.

(i) *Table IX: Maximum prices for butter.* (1) The maximum price for butter sold or delivered in the Territory of Puerto Rico shall be:

	Sales at wholesale (price per pound)	Sales at retail (price per pound)
Butter	$0.53	$0.60

For sales of fractions of a pound the maximum price shall be proportionately computed.

(2) Every person selling butter to a retailer on and after November 13, 1942, before or at the time of his first delivery to each purchaser shall supply the purchaser with the following statement:

OPA MAXIMUM RETAIL PRICES FOR BUTTER IN THE TERRITORY OF PUERTO RICO

	Sales at retail (price per pound)
Butter	$0.60

For sales of fractions of a pound the maximum price shall be proportionately computed.

(j) *Table X: Maximum prices for evaporated milk.* (1) The maximum prices for evaporated milk sold or delivered in the Territory of Puerto Rico shall be:

	Sales to wholesaler (case of 48 14½ oz. cans)	Sales at wholesale (case of 48 14½ oz. cans)	Sales at retail (per 14½ oz. can)
Evaporated milk	$3.95	$4.18	$0.10

The maximum prices for cans of different sizes shall be adjusted proportionately.

(2) Every person selling evaporated milk to a retailer on and after November 13, 1942, before or at the time of his first delivery to each purchaser shall supply the purchaser with the following statement:

OPA MAXIMUM RETAIL PRICES FOR EVAPORATED MILK IN THE TERRITORY OF PUERTO RICO

	Sales at retail (per 14½ oz. can)
Evaporated milk	$0.10

The maximum prices for cans of different sizes shall be adjusted proportionately.

§ 1418.13a *Effective dates of amendments.* * * *

(i) Amendment No. 9 (§§ 1418.1 (a) (7) (8) (9) (10), 1418.14 (a) (5) (6), (g) and (h)) to Maximum Price Regulation No. 183 shall become effective November 13, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9270, 7 F.R. 7871)

Issued this 12th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11850; Filed, November 12, 1942; 11:54 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165, as Amended,[1] Amendment 7]

SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

In § 1499.101 (c), subparagraph (43) is amended to read as set forth below:

§ 1499.101 *Prohibition against dealing in services above maximum prices.* * * *

(c) *Services covered.* * * *

(43) Photography services as follows: copying, developing, enlarging, exposing, printing, or taking of all still camera films and plates; color and monochrome printing from color transparencies; mounting, retouching, tinting, or toning of films and prints; vaporating or other preservative treatment of films; repairs or services to or rentals of photographic equipment.

§ 1499.121a *Effective dates of amendments.* * * *

(g) Amendment No. 7 (§ 1499.101 (c) (43)) to Maximum Price Regulation No. 165 as amended shall become effective November 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11830; Filed, November 12, 1942; 10:47 a. m.]

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[1] 7 F.R. 6428, 6966, 8239, 8431, 8798.

PART 1499—COMMODITIES AND SERVICES

[MPR 165 as Amended,[1] Am. 8]

SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Paragraph (b) of § 1499.102 is amended to read as follows:

§ 1499.102 *Maximum prices for services.* * * *

(b) If the seller's maximum price cannot be determined under paragraph (a), the maximum price of the "most closely competitive seller of the same class"

(1) For the same service; or

(2) If such competitive seller has no maximum price for the same service, for the similar service most nearly like it; or

* * * * *

§ 1499.121a *Effective dates of amendments.* * * *

(h) Amendment No. 8 to Maximum Price Regulation No. 165 as amended shall become effective November 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11818; Filed, November 12, 1942; 10:48 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 68 Under § 1499.18 (b) of GMPR]

STANDARD BRANDS, INC.

Order No. 68 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-1192.

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.868 *Adjustment of maximum prices for Chase and Sanborn brand coffee sold by Standard Brands, Inc.* (a) Standard Brands, Inc., 595 Madison Avenue, New York, N. Y., may sell and deliver, and any person may buy and receive from Standard Brands, Inc., the following commodities at prices not higher than those set forth below:

(i) Chase and Sanborn brand coffee packed in paper bags of 1 pound each at 28¢ per pound.

(ii) Chase and Sanborn, Inc., shall continue the customary quantity discounts, allowances or any other price differentials existing in March 1942.

(b) Purchasers from Standard Brands, Inc., or from wholesale distributors of Standard Brands products shall in no event charge more for Chase and Sanborn coffee at retail than their maximum prices as determined under paragraph (a) of § 1499.2 of the General Maximum Price Regulation, or as adjusted under any other regulation issued by the Office of Price Administration.

(c) On or after the effective date of the order, before or at the time of, his first delivery to any wholesaler or retailer, Standard Brands, Inc., shall supply a written statement as follows:

> A price increase of one cent per pound on Chase & Sanborn brand coffee has been granted us by the Office of Price Administration. This increase was granted because our March 1942 price was abnormally low in relation to the prices charged by our competitors and the resulting hardship would have made it impossible to continue production. Our new price of 28¢ per pound is subject to all allowances, discounts and trade practices we had in effect in March 1942 with respect to sales of Chase and Sanborn Coffee. Your established ceiling price cannot be increased except that your maximum delivered selling price may be increased to the extent of adjusted mark-ups determined under the provisions of Maximum Price Regulation No. 237 (Adjusted and Fixed Mark-up Regulation for Sales of Certain Food Products at Wholesale) or Maximum Price Regulation #238 (Adjusted and Fixed Mark-up Regulation for Sales of Certain Food Products at Retail).

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 68 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 68 is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 68 (§ 1499.868) shall become effective November 12, 1942.

(Pub. Laws 421 and 729, 77th Congress, E.O. 9250, 7 F.R. 7871)

Issued this 12th day of November, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11829; Filed, November 12, 1942; 10:47 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Order 92[1] Under § 1499.3 (b) of GMPR]

KRAFT CHEESE CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

Amended: § 1499.956 (a), (b), and (d).
Added: § 1499.956 (g), (h), and (i).

§ 1499.956 *Authorization of maximum prices for sales of Kraft Spaghetti Dinner, a combination of dry spaghetti and a dehydrated sauce mixed with cheese, by Kraft Cheese Company of Chicago, Illinois, by authorized distributors and by retailers.* (a) On and after November 12, 1942, the maximum price for sale by Kraft Cheese Company, having its principal place of business in Chicago, Illinois, and by its authorized distributors, of Kraft Spaghetti Dinner, a combination of dry spaghetti and a dehydrated sauce mixed with cheese, shall be the list prices to retailers delivered at purchasers' customary receiving points as follows:

(1) $1.85 per dozen of 7½ ounce packages in the states of California, Oregon, Washington, Nevada, Idaho, Arizona, Utah, Montana (Billings and West), and Wyoming (Western half).

(2) $1.80 per dozen of 7½ ounce packages in all other states and in the District of Columbia,

subject to the customary quantity discounts applying to Kraft Dinner items.

(b) A seller at retail shall determine his maximum selling price of Kraft Spaghetti Dinner by adding to his net cost of this product a markup of 33⅓% of his net cost, except that the maximum selling price at retail so determined shall not exceed 21¢ per 7½ ounce package in the area described in subparagraph (1) of paragraph (a) above and shall not exceed 20¢ per 7½ ounce package in the area described in subparagraph (2) of paragraph (a) above. If the price so determined is a fractional cent price and the fraction of a cent is less than one-half of a cent, the price shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the retailer is permitted to increase his maximum price to the next larger cent.

Net cost as used in this paragraph shall be the retailer's invoice cost of Kraft Spaghetti Dinner based on the purchase of a customary quantity of this type of item delivered at his customary receiving point less all discounts, allowances, and free deals, except cash discount for prompt payment. Net cost shall not include unloading charges or charges for local cartage.

* * * * *

(d) Kraft Cheese Company shall distribute or cause to be distributed at the time of or before the initial sale to each retailer purchasing Kraft Spaghetti Dinner from said company or from an authorized distributor or shall print on, include in or securely attach to each shipping case for a period of three months after the intial offering of this product written notice as follows:

> The Office of Price Administration has authorized us and our authorized distributors to sell Kraft Spaghetti Dinner to retailers at maximum delivered selling prices of:
>
> $1.85 per dozen of 7½ ounce packages in the states of California, Oregon, Washington, Nevada, Idaho, Arizona, Utah, Montana (Billings and West), and Wyoming (western half),
>
> $1.80 per dozen of 7½ ounce packages in all other states and in the District of Columbia,
>
> subject to customary quantity discounts applying to Kraft Dinner Items.
>
> As a retailer, you are to determine your maximum selling price of Kraft Spaghetti Dinner by adding to your net cost of Kraft Spaghetti Dinner a 33⅓% markup on your net cost. Your maximum selling price so determined cannot exceed 21¢ per 7½ ounce package in the Western territory described above nor can it exceed 20¢ per 7½ ounce package in all other states and in the District of Columbia.
>
> Your "net cost" of Kraft Spaghetti Dinner is described by the Office of Price Administration Order as your invoice cost based on a purchase of a customary quantity of this type of item delivered at your customary receiving point less all discounts, allowances and free deals, except cash discount for prompt payment. Net cost shall not include unloading charges or charges for local cartage.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6428, 6966, 8239, 8798, 8943.

[1] 7 F.R. 8287.

You are required to keep this notice for examination.

* * * * *

(g) On and after November 12, 1942, the maximum price for sale by Kraft Cheese Company of Kraft Spaghetti Dinner, shall be the net price to distributors delivered at purchasers' customary receiving points as follows:

(1) $1.54 per dozen of 7½ ounce packages in the states of California, Oregon, Washington, Nevada, Idaho, Arizona, Utah, Montana (Billings and west) and Wyoming (western half).

(2) $1.49 per dozen of 7½ ounce packages in all other states and in the District of Columbia.

(h) Kraft Cheese Company shall mail at the time of, or before each, initial sale to each distributor written notice of its maximum prices and of distributors' maximum prices for sales to retailers.

(i) Amendment No. 1 (§ 1499.956 (a) (b) (d) (g) (h) (i)) to Order No. 92 under § 1499.3 (b) of the General Maximum Price Regulation shall become effective November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11827; Filed, November 12, 1942; 10:47 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 93 Under § 1499.18 (b) of GMPR]

CHARLES A. BALDWIN & SONS

Order No. 93 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF1-548-P—Charles A. Baldwin & Sons, West Stockbridge, Massachusetts.

For the reasons set forth in an Opinion issued simultaneously herewith, *It is ordered:*

§ 1499.893 *Adjustment of maximum prices for sale of Red Cross Gauze Bandages by Charles A. Baldwin & Sons, of West Stockbridge, Massachusetts.* (a) Charles A. Baldwin & Sons, of West Stockbridge, Massachusetts, may sell and deliver, and any purchaser may buy and receive Red Cross Bandages manufactured by Johnson & Johnson at prices not in excess of those hereinafter set forth:

1 inch x 10 yards at	$0.61
1½ inch x 10 yards at	.90
2 inch x 10 yards at	1.13

(b) All discounts, allowances, practices with regard to charges for transportation and other trade practices in effect with respect to the above listed commodity during March, 1942, by the seller, shall remain in effect under this Order.

(c) Charles A. Baldwin & Sons, of West Stockbridge, Massachusetts, shall until November 30, 1942, send to each retailer purchasing the following Johnson & Johnson Red Cross Gauze Bandages a copy of the following notice:

> The Office of Price Administration has permitted us to raise our maximum prices for the sale to you of Red Cross Gauze Bandages manufactured by Johnson & Johnson as follows:
>
> 1 inch x 10 yards from $.45 to $.61.
> 1½ inch x 10 yards from $.85 to $.90.
> 2 inch x 10 yards from $1.00 to $1.13.
>
> You or any other sellers are not permitted by such order to raise your maximum prices for the sale of such Johnson & Johnson Red Cross Gauze Bandages. If, however, you feel that you are suffering substantial hardship and your maximum prices are abnormally low in relation to the maximum prices established for your most competitive sellers of such products, you may apply to the Office of Price Administration in Washington, D. C., under the provisions of § 1499.18 (a) of the General Maximum Price Regulation prior to November 30, 1942.

(d) This Order No. 93 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 93 (§ 1499.893) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 93 (§ 1499.893) shall become effective November 13, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 12th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11828; Filed, November 12, 1942; 10:47 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 5—ADJUDICATION: DEPENDENTS' CLAIM

PENSIONABLE AND COMPENSABLE SERVICE FOR DEATH PENSION AND COMPENSATION PURPOSES

Sections 5.2548 and 5.2576 are revised.

§ 5.2548 *Death of World War Veteran from disease or injury not the result of military service, who at time of death had a service-connected disability (Public No. 484, 73d Congress, as amended).* No change in (a), (b), (c), (d), (e), (f), (g), and (h).

(i) *Absence for seven years.* On and after June 5, 1942, compensation under Public No. 484, 73d Congress, as amended, may be awarded to persons, otherwise entitled, in instances where the death of the veteran is presumed by applying the provisions of Public No. 591, 77th Congress, relating to the continued and unexplained absence of a person from his home and family for a period of seven years, provided the veteran had a service-connected disability such as would, by its nature, be known to have existed to a degree which would bring it within the provisions of Public No. 484, 73d Congress, as amended, at the time presumption of death arose. The date of death in such cases is the date determined to be the end of the seven year period. (See §§ 5.2518 and 5.2576 (h).) (November 14, 1942) (Pub. No. 591, 77th Cong.)

§ 5.2576 *Public No. 484, 73d Congress, as amended by Public No. 844, 74th Congress, Publics No. 304 and 514, 75th Congress, Public No. 198, 76th Congress, and Section 9, Public No. 866, 76th Congress.* No change in (a), (b), (c), (d), (e), (f), and (g).

(h) Original awards of compensation under Public No. 484, 73d Congress, as amended, predicated upon a finding of continued and unexplained absence of a veteran from his home and family for a period of seven years (Public No. 591, 77th Congress; §§ 5.2518 and 5.2548 (i)), under which it must be borne in mind that the date of death is the date determined to be the end of the seven year period, shall commence:

(1) On June 5, 1942, in those cases where the death of the veteran is determined to have occurred prior to June 5, 1942, and an application was pending on that date or filed on or after that date and within one year following the date of death.

(2) The day following the date of death where the death of the veteran is determined to have occurred on or after June 5, 1942, and application is filed within one year following the date of death.

(3) The date of filing application, if application is not filed within one year from date of death, but in no event prior to June 5, 1942. (November 14, 1942) [Pub. No. 591, 77th Congress]

Previous paragraph (h) relettered (i).

[SEAL] **Frank T. Hines,**
Administrator.

[F. R. Doc. 42-11848; Filed, November 12, 1942; 11:28 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

PART 303—CONTRACTS FOR CARRIAGE ON VESSELS OWNED OR CHARTERED BY THE WAR SHIPPING ADMINISTRATION

[General Order 26]

UNIFORM PASSENGER TICKET

Whereas on February 7, 1942, by Executive Order No. 9054 the President of the United States, by virtue of the authority in him vested, established the War Shipping Administration under the direction of the Administrator, to perform, among other functions, control of the operation and use of all ocean vessels under the flag and control of the United States, except (1) combatant vessels of the Army, Navy, and Coast Guard; fleet auxiliaries of the Navy; and transports owned by the Army and Navy; and (2) vessels engaged in coastwise, intercoastal and inland transportation under the control of the Director of the Office of Defense Transportation, and the issuance of such directives concerning shipping operations as he may deem necessary or appropriate; and

Whereas it is deemed necessary and appropriate that in the exercise of the said functions a uniform passenger ticket be used in the operation of all vessels the operation of which is so within the control of the Administrator; *Now, therefore, it is hereby ordered,* That:

Sec.	
303.24	Uniform passenger ticket.
303.25	Size and type of uniform passenger ticket.
303.26	Consent of master required.
303.27	Signature by passengers.
303.28	Special terms and conditions.
303.29	Short form of passenger ticket.
303.30	Approval of other forms of passenger ticket.

AUTHORITY: §§ 303.24 to 303.30, inclusive, issued under E.O. 9054, 7 F.R. 837.

§ 303.24 *Uniform passenger ticket.* All operators of vessels owned by or under bareboat or time charter to or operated by or for the use or account of the United States of America shall, on or before November 15, 1942, on all outbound carriage of passengers from United States ports excluding Alaska, and as soon thereafter as possible on all other such carriages, and on all such subsequent carriages, use or cause to be used only the uniform passenger ticket designated as Warshipticket 11/15/42, which shall be as follows:

WARSHIPTICKET
11/15/42

X Y Z STEAMSHIP LINE

PASSENGER TICKET
(NOT TRANSFERABLE)

......Class. Ship............ (as agreed) Scheduled to sail............(Passenger to be advised) 19.. At........ ....(not known). From Pier............(Passenger to be advised). From............ (as agreed). To...... ......(a agreed).

Names of passengers (this passage is subject to terms printed, typed, stamped, or written below and on back).	Room	Berth	Ocean	Fare	Taxes collected

Total Ocean fare $........

Adults Children Quarters Infants Servants

........Tax ....
........Tax ....
Total amount received $........

By acceptance of this contract ticket, whether or not signed by him or on his behalf, or of passage on the ship, the passenger named herein agrees that the following terms and conditions, which are incorporated herein as part hereof, shall govern the relations between and be binding upon the carrier and the passenger in every possible contingency:

1. "Passenger" includes all persons named in this ticket as passengers; "Carrier" includes the ship, her owner, master, operator, demise charterer, and, if bound hereby, time charterer; "Baggage" includes all kinds of personal effects and property whatsoever of the passenger, whether or not remaining wholly or partly in the custody of the passenger, but does not include any articles such as are described in Clause 20. The rules and regulations and/or charges herein referred to are those promulgated by the carrier or the agent whose name is subscribed hereto and for the time being in force.

2. Passenger shall be bound by and comply with the rules and regulations established from time to time by the carrier or i agent respecting the transportation of passengers and their property, except to the extent, if any, of conflict herewith.

3. This ticket is not transferable. The passenger shall not be entitled to transportation except on production and surrender of this ticket or, in case of loss or theft of the ticket, only upon the furnishing of sufficient indemnity against use of the lost or stolen ticket. If this ticket is not used for the ship and sailing named herein, and the accommodations reserved are not released or canceled to the carrier at least seven days before the scheduled sailing date, it shall be void and the passage money may be retained by the carrier, except to the extent that the accommodations shall be sold to others.

4. The bed, berth or stateroom allocated to the passenger may be changed at the discretion of the carrier or its representative at any time without notice. If accommodations are not available at the rate indicated on this ticket at the time that the passenger presents himself for transportation, the passenger will pay or receive, as the case may be, the difference between the rate already paid and the rate charged for the accommodations actually furnished. The carrier also reserves the right at all times, if the accommodations occupied or to be occupied by the passenger shall be required for any person whose carriage is in the opinion of any officer or agent of the Government of the United States essential to the efficient prosecution of any war in which that Government may be engaged, to require the passenger to vacate such accommodations and to disembark forthwith at any port or place, and the carrier shall not incur any liability of any nature whatsoever by reason of the exercise of the right reserved under this clause.

5. This ticket is good for the agreed ship only, but the carrier in its discretion may substitute another ship, of the same or different ownership, at the port of embarkation or at any other port, and in such case, all terms and conditions hereof, insofar as may be, shall be applicable with respect to the substituted ship.

6. Prior to passenger's embarkation, carrier, with or without notice to the passenger, may abandon the voyage or delay or advance the time of sailing, and in such case carrier shall not be liable for any loss, damage or expense caused thereby, and in no event liable in excess of the price paid for this ticket.

7. After embarkation of passenger and prior to his arrival at final destination, carrier may discontinue service between any ports, or omit any port, in the itinerary, or deviate from the voyage (including going into any port or ports not in the itinerary or putting back into any port or ports of call), if carrier, in its absolute discretion, deems such discontinuance, omission or deviation justified for any reason including, but not limited to, the saving of life or property, getting coal, oil, water or other supplies, actual or apprehended obstructors, riots, strikes of carrier's employees or others, civil commotions, war, health conditions, possibility of quarantine, or any dangerous or unsafe conditions. Carrier shall have no liability by reason of any such discontinuance, omission or deviation, or for any failure to arrive at or depart from any port at scheduled or announced time. The obligations of carrier in any such event shall be as herein expressly provided and not otherwise.

8. If, after embarkation, and prior to arrival of passenger at final destination, the voyage shall be discontinued or the port of final destination omitted from the itinerary for any reason except disaster or misfortune to the ship, carrier may return to the passenger for the unused portion of this ticket, a sum deemed by the carrier to be a fair proportion of the price paid, or by another vessel or by railroad or by air, at the sole risk of the passenger, return the passenger and his baggage to the point of departure or forward to destination, carrier paying the fare therefor, or at passenger's option paying to passenger a sum equal thereto. In event of such discontinuance or omission, by reason of disaster or misfortune to the ship, carrier shall refund to the passenger 50% of the passage money actually paid for carriage hereunder and in no event shall the payment hereunder be less than $25 unless the original fare was less than the sum. If the passage money paid is less than $25 no refund shall be made.

9. Carrier has liberty, without any obligation whatsoever, to comply with any orders or directions as to departure, arrival, routes, ports of call, stoppages, destinations, delivery, loading, embarkation, discharges, disembarkation or otherwise, howsoever given by the government of any nation or any department or agency thereof, or any person acting or purporting to act with the authority of such government or any department or agency thereof, or any committee or person having, under the terms of any war risk insurance which may be on the ship, the right or authority to give such orders or directions.

10. Ship may sail armed or unarmed and with or without convoy, may leave or enter any port with or without pilot, may tow and be towed and assist other ships in all situations and save or attempt to save life or property, and all of the foregoing are included in the contract voyage.

11. Passenger is notified that the ship on the voyage for which this ticket is issued carries dangerous or hazardous articles including but not limited to those so defined by law, and acknowledges due notification of that fact.

12. Passenger assumes all responsibility for obtaining passports, visas, and other documents, including health and vaccination certificates, which are or may be required by governmental or other authorities. If the failure of passenger to obtain any such documents might delay or threaten the delay of the ship, or might be deemed a violation of any rule, order or direction of any governmental or other authority, carrier shall have no further obligation to transport or furnish transportation to passenger, and carrier's sole obligation to passenger shall be to refund the fare paid or an amount deemed by carrier to be a fair proportion of the fare for any unused portion of this ticket.

13. Carrier at all times shall have the right to refuse to transport passenger, or may land or eject passenger at any port of call, at passenger's own expense, in the event of any illness, disease, injury, mental derangement, disorderly or vulgar conduct, or failure or refusal to observe or comply with any regulations which are or may be established on board the ship for the general comfort or safety, which renders or may render passenger unfit to proceed, or is likely to endanger the health or safety of or cause annoyance or discomfort to others on board. If passenger be, or is believed to be, suffering from such physical or mental disqualification, or is otherwise objectionable for the reasons herein mentioned, the passenger may be required to submit to such restrictions on board the ship as in the opinion of the master or other officer in charge may be necessary for the safety and comfort of the passenger and/or other passengers or persons aboard the ship. The master or such other officer shall be the sole judge of such matters, and passenger agrees to accept such judgment as final, and neither the carrier nor the master nor such officer shall be liable for mistakes

in judgment exercised in good faith. In the event of any such refusal to transport passenger, or such landing or ejection of passenger, carrier's sole obligation to passenger shall be to refund the fare paid or a sum deemed by carrier to be a fair proportion of the fare for any unused portion of this ticket, and in either case, less any expenses paid or incurred by the carrier because of the aforesaid conditions or for account of the passenger. The acceptance of passenger for passage shall not constitute a waiver by carrier of any right to object thereafter to any condition or conduct of passenger which would have brought passenger within any of the above classes at time of acceptance for passage.

14. If the vessel carries a surgeon, physician, barber, hairdresser, or manicurist, that is done solely for the convenience of passengers and any such person in dealing with a passenger shall not be considered in any respect as the servant or agent of the carrier and the carrier shall not be liable for any act or omission of such person or those under his or her orders, or assisting him or her with respect to treatment, advice or care of any kind given to any passenger. The surgeon, physician, barber, hairdresser or manicurist shall be entitled to make a proper charge subject to the approval of the master, for any services performed with respect to a passenger and the carrier shall not be concerned otherwise in any way whatsoever in any such arrangement. The carrier shall not be under any obligation to provide the passenger with facilities for medical treatment or care in any case until the master has received notice from the passenger, which shall be in writing, if possible, that medical treatment or care is required and the carrier shall have had an opportunity to provide such facilities.

15. Passenger will pay all port charges, health fees, quarantine dues and charges, and in case of detention by quarantine, no matter for what reason, passenger will bear all risks and expenses thereby incurred. If quartined on ship, passenger will pay daily to carrier for maintenance according to the latter's charges for every day of detention. Passenger agrees that carrier shall have a lien upon all passenger's baggage, and all property of passenger on the ship, for such charges and for all other property charges due carrier from passenger, including but not limited to bar, laundry, excess baggage, telegrams and other items of such nature, and carrier shall have the right to hold and retain such baggage and property until such charges are paid, and if not paid within 60 days after demand, carrier may enforce this lien by public or private sale of such baggage and property.

16. Carrier does not undertake to transport passenger or passenger's baggage between the anchorage and the landing where the landing is not reached by the ship; such transportation by others to be at the passenger's risk and expense and without liability or responsibility on the part of the carrier.

17. Liability of the carrier in any capacity whatsoever under this ticket is limited to the time the passenger and/or passenger's baggage are on board the ship. Carrier acts only as agent for the passenger in arranging any transportation beyond its own line, or in securing accommodations or facilities of any nature on behalf of passenger, and shall have no liability or responsibility therefor. Carrier shall have no obligation to provide care or maintenance for passenger at point of transfer to other carrier or ship.

18. Passenger assumes the risk of, and agrees that carrier shall not be liable for (a) injury, death or delay of or to passenger or (b) loss, damage or delay of or to passenger's baggage, effects or property arising from, caused by or in the judgment of the carrier or master rendered necessary or advisable by reason of any Act of God or public enemies, arrests, restraints of princes, rulers or people, piracy, war, revolution, rebellion, insurrection, civil strife, fire, explosion, collision, stranding, grounding, perils of the sea, rivers, canals, locks or other waters, perils of navigation of any kind, lack of water or passageway in canals, theft, accident to or from machinery, boilers, steam or latent defects even though existing at embarkation or commencement of voyages, barratry, desertion or revolt of crew, seizure of ship by legal process, strike, lockout or labor disturbance whatsoever (whether or not such strike, lockout or labor disturbance results from a dispute between carrier and its employees or between other parties, whether or not the fault of carrier), or from causes of any kind beyond carrier's control, whether or not of like or similar character to the foregoing.

19. The fare for transportation under this ticket is based partly upon limitations and restrictions on the value, amount, and the nature of passenger's baggage, effects and property, and carrier's liability and obligations in respect thereof. Full fares include transportation of baggage not exceeding weights and volumes set forth in carrier's current passenger traffic rules and regulations and additional charge at rates prescribed therein will be payable for any excess. Carrier in no event shall have any liability whatsoever for any baggage, effects, or property consisting of money, jewelry, or other articles of high value mentioned in Title 46, section 181, U. S. Code, unless the same have been delivered to and accepted by carrier for transportation under bill of lading, or have been deposited with purser. Carrier in no event shall have any liability whatsoever for the loss, destruction, theft, embezzlement, delay or damage of or to any passenger's baggage, effects, or property, not shipped under bill of lading, whether deposited or intended for deposit with purser or carried or intended for carriage in baggage rooms, passenger's custody, in excess of $100 for a passenger paying full adult fare or, in the case of a passenger paying less than full adult fare, in excess of a proportion of such sum based on the relation of the fare paid to such full adult fare, which amount it is agreed value of same does not exceed, unless on or before deposit of same with purser or delivery of custody of same to carrier, or if not so deposited or delivered, then on or before embarkation, passenger shall declare in writing to carrier a higher value for same and shall pay carrier such sum, not exceeding five per cent on such declared excess, as may be fixed by carrier, in which event any liability of carrier shall not exceed the sum so declared. Any partial loss or damage for which the carrier may be liable shall be adjudged pro rata on the foregoing basis. Birds, dogs or other animals will not be carried as baggage, and if carried will be subject to carrier's regulations.

20. Carrier does not undertake to carry as baggage merchandise, furniture, household effects, paintings, pictures, securities, documents, instruments, samples, perishable goods, property of other than the passenger, glassware, liquids or bric-a-brac or any other articles whatsoever not necessary for the passenger's personal use on the voyage covered hereby, and transportation thereof must be arranged for in writing by bill of lading or otherwise by the passenger with the carrier.

21. Carrier shall have no liability for loss of life or bodily injury unless written notice of claim shall be given to, and written claim filed with carrier not later than six months, and suit on such claim is begun not later than one year from the day when such death or injury shall have occurred. Such notice shall be given at the home office of carrier or to carrier's agent at place of landing. Carrier shall have no liability whatsoever for any other loss, destruction, theft, embezzlement, delay, or damage in connection with this transportation unless written notice of claim therefor is so presented and given within thirty days, and unless suit on such claim is begun and process served within six months from the day passenger is landed or the ship arrives at passenger's destination, whichever is the earlier.

22. All provisions of law relating to carrier's exemption from and limitation of liability, shall be applicable also to the master.

23. All questions arising under this contract shall be decided according to the laws of the United States.

24. No agent or employee of carrier shall have any authority to modify or waive any of the terms or conditions of this contract, and it expressly is agreed by passenger that no modification or waiver respecting this contract shall be effective which is not in writing and signed by a duly authorized officer of carrier. Any waiver of any regulation of carrier or condition of this contract, or any failure to assert or enforce any right of carrier under this contact, shall not be deemed a waiver as to any other or further breach. No action by carrier or any agent, employee or attorney of carrier, in considering or dealing in respect of claims of passenger, shall be considered a waiver of any of the terms or conditions of this contract.

25. Each of the provisions of this ticket contract is, and is to be deemed, severable, and if any thereof should be invalid, illegal, or unenforceable, the remaining provisions shall remain in full force and effect.

26. Nothing in this ticket shall operate to limit or deprive the carrier of any statutory protection or exemption from, or limitation of, liability, which would have been applicable in the absence of any terms set forth herein, and, in particular, the carrier shall be entitled to the benefit of sections 4281 to 4286, inclusive, of the Revised Statutes of the United States.

27. In the event that any person designated in this ticket is received under an agreement for free transportation, this ticket has effect only as a non-transferable pass and is given only on the condition that the user assumes all risk of personal injury, loss of life and loss of or damage to property however caused, and expressly agrees that the carrier shall not be liable under any circumstances whatsoever, and whether or not there be negligence on the part of the carrier or its agents or servants, for injury to the person or loss of life, or for loss of or damage to property. The above exemption from liability shall be applicable even though the user of the ticket is charged for meals and berth, and the carrier may also avail itself of any provisions contained in this ticket which may operate in its favor.

For the Master,

(Name of agent in print)

By: ------------------------------

As agent for the master

By: ------------------------------

Issued at ------------------------------.

Dated --------------------, 19----.

Accepted:

Passenger

§ 303.25 *Size and type of uniform passenger ticket.* Said passenger ticket shall be printed in type no smaller than six point. All operators shall at their own expense, under agency agreements now or hereafter in effect, cause said passenger ticket to be printed as aforesaid, and any such operator shall indicate its name and may also print appropriate

and customary house flags, office addresses, etc., on the face thereof.

§ 303.26 *Consent of master required.* Prior to the issuance of tickets for the carriage of passengers on any vessel the operator or agent thereof shall obtain the written consent of the master of said vessel to the execution of such tickets, for and on behalf of said master.

§ 303.27 *Signature by passengers.* All passenger tickets, when practicable, must be signed by the passenger, as well as the agent for the master. When it shall not be practicable to procure the signature of a passenger a ticket shall be issued to such passenger and shall have conspicuously stamped upon the face thereof the following:

NOTICE

Passenger to whom this ticket is issued is carried at the convenience of the United States. Passenger's signature is not required. *Passenger is notified,* however that carrier and vessel reserve all limitations, exceptions and rules set forth herein as governing the contract of carriage.

READ TICKET CAREFULLY

§ 303.28 *Special terms and conditions.* The operator shall, upon previous advice to War Shipping Administration, incorporate in all passenger tickets any special arrangements on the face thereof and any special clauses respectively appropriate to the trade and route undertaken, and shall make such changes in the arrangement of the face of the ticket as best suit the operator's needs.

§ 303.29 *Short form of passenger ticket.* If or when a short form of passenger ticket shall have been approved incorporating by reference the aforesaid terms and conditions of carriage it shall be used with the same force and effect as though the said terms and conditions had been set forth in full therein.

§ 303.30 *Approval of other forms of passenger ticket.* The right is reserved to approve other forms of passenger tickets or clauses as the Administrator may deem appropriate in certain circumstances.

[SEAL] E. S. LAND,
Administrator.

NOVEMBER 11, 1942.

[F. R. Doc. 42-11813; Filed, November 12, 1942; 10:35 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 15—RULES AND REGULATIONS GOVERNING ALL RADIO STATIONS IN THE WAR EMERGENCY RADIO SERVICE

The Commission on November 6, 1942, effective immediately, adopted the following amendments:

§ 15.2 *Civilian defense stations.* The term "Civilian defense station" means a station operated by a municipal government for emergency communication relating directly to the activities of the United States Citizens' Defense Corps[1] or other equivalent officially recognized organization.

§ 15.61 *Eligibility for station license.* Authorizations for civilian defense stations will be issued only to municipal governments, such as cities, towns, counties, etc.

§ 15.62 *Supplementary statements.* (a) * * *

(4) Methods to be used in monitoring, supervising, and controlling the operation of all stations for which license is requested, including method of compliance with Restricted Order No. 2.

§ 15.64 *Communication with other stations.* Within the scope of service permitted under § 15.63 and during tests and drills, civilian defense stations may be used to communicate with other stations in the war emergency radio service, with stations in the emergency radio service (police, forestry, special emergency, and marine fire stations), and with United States Government stations, in those cases which require cooperation or coordination of activities. Transmissions not directed to a specific authorized station are prohibited.

§ 15.75 *Tests.* The licenses of civilian defense stations are permitted to make such tests as are necessary for the purpose of maintaining equipment, making adjustments to insure that the apparatus is in operating condition, training personnel, and perfecting methods of operating procedure: *Provided,* That such tests shall be conducted only during the following periods:

(a) Tests may be conducted by individual stations during the three months' period immediately following the date on which the respective station license was first granted, in accordance with the following schedule:

Time zone	Eastern	Central	Mountain	Pacific
Wednesdays	10 p. m.-12 m	9 p. m.-11 p. m	8 p. m.-10 p. m	7 p. m.-9 p. m.
Sundays	5 p. m.-7 p. m	4 p. m.-6 p. m	3 p m.-5 p. m	2 p. m.-4 p. m.

(b) Tests may be conducted by individual stations during any period of the respective station license, in accordance with the following schedule:

Time zone	Eastern	Central	Mountain	Pacific
Sundays	5 p. m.-7 p.m	4 p. m.-6 p. m	3 p. m.-5 p. m	2 p. m.-4 p. m.

All times given are local standard (war) time.

§ 15.82 *Supplementary statement.* (d) Methods to be used in monitoring, supervising, and controlling the operation of all stations for which the license is requested, including method of compliance with Restricted Order No. 2.

§ 15.83 *Scope of service.* (b) State guard stations may be used to communicate with stations in the war emergency radio service, in the emergency radio service (police, forestry, special emergency, and marine fire stations), and with United States Government stations, in those cases which require cooperation or coordination of activities. Transmissions not directed to a specific authorized station are prohibited.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-11775; Filed, November 11, 1942; 11:56 a. m.]

[Order No. 94-A]

PART 3—RULES GOVERNING STANDARD AND HIGH-FPEQUENCY BROADCAST STATIONS

MINIMUM OPERATING TIME

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of November 1942:

It appearing (1) that the demand by the military services has decreased the supply of trained personnel available for the operation of broadcast stations, and (2) that there is a scarcity of materials for the maintenance of broadcast stations, and

It further appearing that a relaxation of the Commission's Rules, Regulations and other requirements with respect to minimum operating schedules for broadcast stations will serve the public interest;

Now, therefore, *It is ordered:*

1. That until further order of the Commission § 3.71 of the Rules and Regulations with respect to minimum operating schedules for standard broadcast stations be, and it is hereby, suspended; and in lieu thereof, except Sundays, the minimum operating schedule for standard broadcast stations shall be one-third of the total hours it is authorized to operate between 6 a. m. and midnight, local standard time, except that in an emergency, due to causes beyond the control of the licensee, it becomes impossible to continue operating, the station may cease operation for a period of not to exceed 10 days, provided that the Commission and the Inspector in Charge shall be notified in writing immediately after the emergency develops.

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[1] United States Citizens' Defense Corps is an organization of enrolled civilian volunteers established within the Office of Civilian Defense to implement the passive defense.

It is further ordered, That Order No. 94[1] be, and it is hereby, repealed.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION.
T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-11771; Filed, November 11, 1942; 11:18 a. m.]

[Order No. 107]

PART 3—RULES GOVERNING STANDARD AND HIGH-FREQUENCY BROADCAST STATIONS

CHANGES IN METHOD OR METHODS OF DETERMINING CERTAIN OPERATING CONSTANTS OF STANDARD BROADCAST STATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of November 1942.

Pursuant to the request of the Board of War Communications,

It is ordered:

1. That the provision of § 3.52 of the Rules and Regulations with respect to determining the operating power of Standard Broadcast stations by the indirect method be, and they are hereby, suspended, and in lieu thereof, the following provisions be, and they are hereby, substituted:

§ 3.52 *Operating power: indirect measurement.* The operating power determined by indirect measurement from the plate input power of the last radio stage is the product of the plate voltage (E), the total plate current of the last radio stage (I_p), and the proper factor (F) given in the following tables: that is

Operating Power $E_p \times I_p \times F$

A. FACTOR TO BE USED FOR STATIONS EMPLOYING PLATE MODULATION IN THE LAST RADIO STAGE[1]

[Factor (F) to be used in determining the operating power from the plate input power]

Maximum rated carrier power of transmitter:[2]	
100–1,000 watts	0.88
5,000 and over watts	1.00

B. FACTOR TO BE USED FOR STATIONS OF ALL POWERS USING LOW LEVEL MODULATION[1]

[Factor (F) to be used in determining the operating power from the plate input power]

Class of power amplifier in the last radio stage:	
Class B	0.44
Class BC[3]	0.82

C. FACTORS TO BE USED FOR STATIONS OF ALL POWERS EMPLOYING GRID MODULATION IN THE LAST RADIO STAGE[1]

[Factor (F) to be used in determining the operating power from the plate input power]

Type of tube in the last radio stage:	
Table C[1]	0.32
Table D[1]	0.44

[1] See power rating of vacuum tubes.

[2] The maximum rated carrier power must be distinguished from the operating power. (See §§ 2.18 and 2.19).

[3] All linear amplifier operation where efficiency approaches that of class C operation.

2. That the provisions of the 6th paragraph of section 7, "Further Requirement for Direct Measurement of Power", of the Standards of Good Engineering Practice, reading:

> An accurate determination of the antenna resistance can only be made by taking a series of measurements each for a different frequency. From 10 to 12 resistance measurements covering a band 50 to 60 kc. wide with the operating frequency near the middle of the band must be made to give data from which accurate results may be obtained. The values measured should be plotted with frequency as abscissa and resistance in ohms as ordinate and a smooth curve drawn. The point on the ordinate where this curve intersects the operating frequency gives the value of the antenna resistance.

be, and they are hereby, suspended, and in lieu thereof the following provisions be, and they are hereby, substituted therefor:

> An accurate determination of the antenna resistance can only be made by taking a series of measurements each for a different frequency. From 10 to 12 resistance measurements covering a band 50 to 60 kc. wide with the operating frequency near the middle of the band must be made to give data from which accurate results may be obtained. The values measured should be plotted with frequency as abscissa and resistance in ohms as ordinate and a smooth curve drawn. The value of the point on the ordinate where this curve intersects the operating frequency, multiplied by the factor 1.26, gives the value of the antenna resistance.

3. That each broadcast station shall operate in accordance with best engineering practice for the conservation of equipment. The instructions and suggestions set forth in "The Manual for the Adjustment of Broadcast Equipment"[1] and any subsequent amendments or additions thereto shall be the basis of such operation and for points not specifically covered or where they may not be specifically applicable to the particular equipment, the principles set out shall be followed. In all other particulars, operation shall be in accordance with the Rules and Regulations and Standards of Good Engineering Practice governing Standard Broadcast stations.

It is further ordered, That the license of each standard broadcast station shall be modified so as to conform to this order.

This order shall be effective at 3 a. m., E. S. T., on December 1, 1942.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION.
T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-11770; Filed, November 11, 1942; 11:19 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Special Dir. ODT, 18, Rev.-4]

PART 520—CONSERVATION OF RAIL EQUIPMENT—EXCEPTIONS, PERMITS, SPECIAL DIRECTIONS

SUBPART C—CARLOAD FREIGHT TRAFFIC

Pursuant to the provisions of § 500.22, Subpart C, (General Order ODT 18, Revised),[1] Part 500, this chapter and title of the Code of Federal Regulations, *It is hereby ordered,* That:

§ 520.484 *Transportation from warehouses.* Notwithstanding the provisions of § 500.21, Subpart C, (General Order ODT 18, Revised,) Part 500, this chapter and title of the Code of Federal Regulations, any rail carrier may accept for transportation at any warehouse in the United States, or forward therefrom, carload shipments of perishable food products moving under transit privileges provided for in rail carriers' tariffs when such freight is loaded to a weight which equals or exceeds the weight loaded in the car from which the shipment was unloaded into such warehouse. This provision shall apply only to shipments which were billed from the original point of shipment prior to November 1, 1942.

§ 520.485 *Effective date.* This special direction shall become effective November 9, 1942.

Issued at Washington, D. C., this 9th day of November 1942.

V. V. BOATNER,
Director of Division of Railway Transport.

[F. R. Doc. 42-11743; Filed, November 10, 1942; 2:52 p. m.]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

[General Order ODT 22, Amendment 1]

SUBPART N—TAXICABS AND TAXI SERVICE IN NEW YORK CITY

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, and by Executive Order No. 9156, dated May 2, 1942, Title 49, Chapter II, Part 501, Subpart N, (General Order ODT 22[1]), § 501.114, of the Code of Federal Regulations, is hereby amended to read as follows:

§ 501.114 *Operating regulations.* Notwithstanding the provisions of § 501.82 of this part (General Order ODT 20, as amended,[2]) no person shall drive or operate a taxicab to any point or points more than five (5) miles beyond the corporate limits of New York, New York.

This amendment shall become effective on November 11, 1942.

(E.O. 8989, 9157; 6 F.R. 6725, 7 F.R. 3349)

Issued at Washington, D. C., this 11th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-11754; Filed, November 11, 1942; 11:00 a. m.]

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[1] 7 F.R. 3249.

[1] Filed as part of the original document.

[1] 7 F.R. 7206.

[2] 7 F.R. 6906, 7 F.R. 7694.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

BRANT COAL COMPANY ET AL.

ORDER REVOKING REGISTRATIONS

In the matter of the revocation of registrations as distributors of Brant Coal Company, Engler, Nina C. (Engler Coal & Coke Company), Fostoria Ice & Coal Co., May and Son (Lester G. May & Edward May), Elizabeth Pater (H. Pater Coal Co.), and David Wax.

The registered distributors, whose names are set forth in Exhibit A, attached hereto and made a part hereof, having requested revocation of registration, having discontinued or disposed of their distribution business, having been reorganized under a new name, having been otherwise succeeded in their business or for other reasons being no longer engaged in business, the registrations previously granted to them should be revoked and their names withdrawn from the List of Registered Distributors.

Accordingly, *It is so ordered.*

Dated: November 9th 1942.

[SEAL] DAN H. WHEELER,
Director.

EXHIBIT A

Registration No.	*Name and address*
1036	Brant Coal Co., Findlay Rd. at N. P. Crossing, Fostoria, Ohio.
2774	Engler, Nina C., (Engler Coal & Coke Co.), 503 Omaha Loan Bldg., Omaha, Nebr.
3118	Fostoria Ice & Coal Co., 410 E. North St., Fostoria, Ohio.
6071	May and Son (Lester G. May & Edward May), 941 Bellefontaine Ave., Lima, Ohio.
7172	Elizabeth Pater, (H. Pater Coal Co.), East Ave. & Grand Blvd., Hamilton, Ohio.
9468	David Wax, 400 S. Main St., Kenton, Ohio.

[F. R. Doc. 42-11737; Filed, November 10, 1942; 1:30 p. m.]

[Docket No. D-15]

FELLENZ COAL AND DOCK COMPANY

ORDER DISMISSING PROCEEDINGS

In the matter of proceedings to determine if certain registered distributors are bona fide merchants actively, regularly and continuously engaged in the business of purchasing coal for resale and actually reselling it in not less than cargo or railroad carload lots within the meaning of Section 304.13 of the Rules and Regulations for the Registration of Distributors; and for the Revocation of the Registration of Distributors who are not engaged.

The Fellenz Coal and Dock Company, Milwaukee, Wisconsin, Registration No. 2915, having filed answer to the order to show cause, dated February 18, 1942, in the above-entitled matter; and

Having made adequate showing that it is actively, regularly and continuously engaged in the business of purchasing coal for resale and reselling it in not less than cargo or railroad carload lots; and

Having demonstrated that the above-entitled proceeding was erroneously instituted in respect to it;

It is ordered, That the proceedings herein, as to Fellenz Coal and Dock Company, Milwaukee, Wisconsin, Registration No. 2915, be and they hereby are dismissed.

Dated: November 9th 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11738; Filed, November 10, 1942; 1:30 p. m.]

[Docket No. A-1672]

DISTRICT BOARD NO. 14

ORDER DISMISSING PETITION

In the matter of the petition of District Board No. 14 requesting that Mine Index No. 170 of the J. M. Bates Coal Company and Mine Index No. 485 of the A. M. Hobbs Coal Company be permitted to absorb certain freight charges on sales of railroad locomotive fuel to the Kansas City Southern Railway Company.

The Bituminous Coal Producers Board for District No. 14, original petitioner in the above-entitled matter, having moved that the hearing therein, heretofore scheduled to be held on November 12, 1942, be cancelled and that the original petition therein be dismissed, and no opposition having been expressed thereto;

Now, therefore, it is ordered, That the hearing in the above-entitled matter heretofore scheduled to be held on November 12, 1942, be, and the same hereby is, cancelled.

It is further ordered, That the original petition in the above-entitled matter be, and the same hereby is, dismissed.

Dated: November 9th, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11739; Filed, November 10, 1942; 1:30 p. m.]

[Docket No. A-1239]

COALS SHIPMENT TO CINCINNATI, OHIO

ORDER REOPENING HEARING

In the matter of a review of the minimum prices effective for shipment of coals by rail and by river for delivery in the City of Cincinnati, Ohio (Market area 19).

Pursuant to a Notice of and Order for Hearing dated December 27, 1941, a hearing commenced at Cincinnati, Ohio, on January 28, 1942, before the undersigned, a Trial Examiner of the Bituminous Coal Division, and was recessed on March 16, 1942, until such date as the Acting Director or the Trial Examiner should determine. On October 14, 1942, there were submitted to the undersigned for admission into evidence certain documents identified as Exhibits Nos. 144 and 145. On October 15, 1942, the undersigned issued a notice requiring all parties to file a verified specific written statement of position with such Trial Examiner on or before October 31, 1942, setting forth their objections to the admission of said exhibits in evidence or their desire to present evidence relating thereto, or to any other matter pertaining to the above-entitled proceeding.

Certain objections to the admission into evidence of Exhibits Nos. 144 and 145 were thereafter filed in said matter by Walter K. Sibbald, Esq., as attorney for the members of Solid Fuel Institute, Campbell and McNeer, Esqs., as attorneys for Island Creek Coal Company, Island Creek Fuel and Transportation Company, Queen City Coal Company and Hatfield Campbell Creek Coal Company, and by Luther Harr, Bituminous Coal Consumers' Counsel within the time prescribed in said Notification. No party, person, or entity in interest has expressed any desire to present evidence relating to matters other than those pertaining to Exhibits 144 and 145.

It appears, therefore, that it is desirable to reopen the hearing for the limited purpose of considering certain of the objections so raised to the admission of said exhibits into evidence.

Now, therefore, it is ordered, That the hearing herein be reopened for the limited purpose of receiving evidence relating to Exhibits Nos. 144 and 145 and the consideration of objections to the admission of said exhibits into evidence.

It is further ordered, That said reopened hearing be held before the undersigned, or any other officer of the Division duly designated for that purpose, on December 2, 1942, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section will advise as to the room when such hearing will be held.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding.

Dated: November 10, 1942.

[SEAL] CHARLES S. MITCHELL,
Trial Examiner.

[F. R. Doc. 42-11806; Filed, November 11, 1942; 3:40 p. m.]

[Docket Nos. A-1682; A-1682 Part II]

DISTRICT BOARD 8

NOTICE OF AND ORDER FOR HEARING, ETC.

In the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

In the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of the Frank Coker Mine, Mine Index No. 510, of Frank Coker.

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[1] 7 F.R. 8337.

Memorandum opinion and order severing Docket No. A-1682 Part II from Docket No. A-1682 and denying temporary relief in Docket No. A-1682 Part II, and notice of and order for hearing.

An original petition in the above-entitled matter having been duly filed with the Division on October 7, 1942, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 praying for the establishment of temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 8; and

As indicated in a separate order entered in Docket No. A-1682, a reasonable showing of necessity having been made for the granting of the relief prayed for by the petitioner, but, in connection with the prayer contained in the original petition for Mine Index No. 510, it appearing that no final determination should be made at this time with respect to a change in the established price classifications and minimum prices for the coals of the Frank Coker Mine, Mine Index No. 510, of Frank Coker, for Great Lakes cargo only; and

No reasonable showing of necessity having been presented for the granting of temporary relief herein without a hearing; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That the portion of Docket No. A-1682 relating to the coals of the Frank Coker Mine, Mine Index No. 510, of Frank Coker be and it hereby is severed from the remainder of that docket and designated as Docket No. A-1682 Part II.

It is further ordered, That the request for temporary relief be and the same hereby is denied without prejudice to the renewal of such request for temporary relief, upon further showing or upon the basis of the record to be made at the hearing to be held herein.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of the Bituminous Coal Act of 1937 and the rules of the Division be held on December 14, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 8, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 8 for a change in the established price classifications and minimum prices for the coals of the Frank Coker Mine, Mine Index No. 510, of Frank Coker for Great Lakes cargo only.

Dated: November 11, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11843; Filed, November 12, 1942; 11:03 a. m.]

[Docket No. A-1692]

DISTRICT BOARD 13

ORDER GRANTING LEAVE TO INTERVENE, ETC.

In the matter of the petition of District Board No. 13 for the establishment of certain price classifications and minimum prices for coals produced in District No. 13 and sold for use as steamship bunker fuel.

Order granting leave to intervene and denying motion to deny relief and to change place of hearing.

District Board No. 13 has filed a petition in the above-entitled matter requesting that it be permitted to intervene and become a party thereto, and has moved that the relief requested in the original petition be denied and that the hearing therein, heretofore scheduled to be held in Fort Smith, Arkansas, on November 13, 1942, be removed to Washington, D. C., or Memphis, Tennessee.

District Board No. 13 alleges that it has a substantial interest in this proceeding on the ground that the coals involved therein will compete with coals produced in District No. 13. No facts are offered in support of its motion that the relief requested in the original petition be denied. Removal of the hearing from Fort Smith, Arkansas, to Washington, D. C., or Memphis, Tennessee, is requested on the ground that the latter cities are more accessible to all parties, but no facts are alleged to show that Fort Smith, Arkansas, is not equally convenient and accessible to the parties to this proceeding.

Now, therefore, it is ordered, That District Board No. 13 be, and it hereby is, granted leave to intervene in the above-entitled matter.

It is further ordered, That the motion to deny the relief requested in the original petition herein be, and it hereby is, denied without prejudice to the renewal of such motion upon the hearing in this matter.

It is further ordered, That the motion to remove the hearing in this proceeding to Washington, D. C., or Memphis, Tennessee, be, and it hereby is, denied.

Dated: November 11, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11844; Filed, November 12, 1942; 11:04 a. m.]

General Land Office.

NEVADA

ORDER REDUCING AND REVOKING CERTAIN STOCK DRIVEWAY WITHDRAWALS

Correction

In the third column of page 9008 of the issue for Thursday, November 5, 1942, the indistinct township number under Township 23 should read "24."

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

GREATER KANSAS CITY MARKETING AREA

PROPOSED MARKETING AGREEMENT, ETC.

Notice of report and opportunity to file written exceptions with respect to a proposed marketing agreement, as amended, and a marketing order, as amended, regulating the handling of milk in the Greater Kansas City marketing area, prepared by the Administrator of the Agricultural Marketing Administration.

Pursuant to § 900.12 (a) of the General Regulations of the Agricultural Marketing Administration, United States Department of Agriculture, governing proceedings to formulate marketing orders and marketing agreements, notice is hereby given of the filing with the hearing clerk of this report of the Administrator of the Agricultural Marketing Administration, with respect to a proposed marketing agreement, as amended, and to a marketing order, as amended, regulating the handling of milk in the Greater Kansas City marketing area. Interested parties may file exceptions to the report with the Hearing Clerk, Room 1019, South Building, United States Department of Agriculture, Washington, D. C., not later than the close of business on the 10th day after publication of this notice in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary Statement

The proceeding was initiated by the Agricultural Marketing Administration upon receipt of a joint petition dated June 24, 1942, received from the Pure Milk Producers Association of Greater Kansas City and the Bates County Milk Producers Association, for a public hearing on certain changes in the marketing agreement and marketing order program which they proposed. The Milk Service Association representing six handlers then submitted a proposal for four changes and the Dairy and Poultry Branch of the Agricultural Marketing Administration suggested changes in the regulations pertaining largely to administrative matters. Following this request, and after consideration of the proposals, notice of the hearing was issued on August 14, 1942, and the hearing was convened on August 21, 1942. The time for filing briefs was set at the close of the hearing, to expire September 5, 1942.

The major issues developed at the hearing were concerned with (1) the prices of Class I and Class II milk, with special reference to the basic formula price to be used in determining the prices of Class I milk and Class II milk, (2) the number of delivery periods during which the base and surplus plan would be operative, (3) the butterfat differential to handlers, (4) the inclusion of bottled skim milk in Class I, and (5) the specifications of administrative practice in greater detail.

With respect to these issues it is concluded from the record that:

1. The basic formula price to be used in determining the prices for Class I and Class II milk and the attendant premiums should be revised.
2. The number of delivery periods during which the base and surplus plan would be operative should be revised.
3. The butterfat differential to handlers should be revised.
4. The evidence was insufficient for the inclusion of skim milk in Class I.
5. The administrative provisions of the order should be revised.

The proposed marketing order, as amended, which follows, is recommended as the detailed means by which these conclusions may be effectuated. The proposed marketing agreement, as amended, is not included in this report because the provisions thereof will be the same as the provisions of the proposed marketing order, as amended, set forth below.

PROPOSED MARKETING ORDER, AS AMENDED

It is found upon the evidence introduced at the public hearing held in Kansas City, Missouri, on August 21 and 22, 1942:

Findings

1. That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to §§ 2 and 8 (e) (50 Stat. 246; 7 U.S.C. 1940 ed. 602, 608e) are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk, and that the minimum prices set forth in this order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

2. That this order, as amended, regulates the handling of milk in the same manner as, and is applicable only to handlers defined in, a marketing agreement, as amended, upon which a hearing has been held; and

3. That the issuance of this order, as amended, and all of its terms and conditions, tends to effectuate the declared policy of the act.

§ 913.3 *Definitions*—(a) *Terms*. The following terms shall have the following meanings:

(1) "Greater Kansas City marketing area" hereinafter called the "marketing area," means all of the territory in: Jackson County, Missouri; that part of Clay County, Missouri, south of Highway 92, beginning at the Platte County and Clay County line, east to the west section line of section 26 in Washington Township, north to the north section line of said section 26, east to the Clay County and Ray County line; Lee, Waldron, May, and Pettis Townships in Platte, County, Missouri; Wyandotte County, Kansas; Shawnee and Mission Townships in Johnson County, Kansas; and Delaware, Leavenworth, and that part of Kickapoo and High Prairie Townships east of the 95th principal meridian in Leavenworth County, Kansas.

(2) "Person" means any individual, partnership, corporation, association, or any other business unit.

(3) "Producer" means any person who, with respect to the regulations applicable to milk to be used for consumption as milk or cream in the marketing area, (i) under supervision of the health department of Kansas City, Kansas; Leavenworth, Kansas; Excelsior Springs, Missouri; Independence, Missouri; or Kansas City, Missouri; or (ii) under a permit issued by either the Kansas State Board of Health or the Missouri State Board of Health, produces milk (*a*) which is purchased or received in bulk by a handler, other than himself, at such handler's plant from which milk is disposed of as Class I milk or Class II milk in the marketing area, or (*b*) which a cooperative association causes to be delivered to a plant of a handler or to a plant from which no milk is disposed of as Class I milk or Class II milk in the marketing area, for the account of such cooperative association.

(4) "Handler" means any person who, on his own behalf or on behalf of others, disposes of Class I milk or Class II milk in the marketing area. "Handler" also means any coperative association with respect to the milk of a producer which such cooperative association causes to be delivered to a plant of a handler or to a plant from which no milk is disposed of as Class I milk or a Class II milk in the marketing area for the account of such cooperative association.

(5) "Market administrator" means the person designated pursuant to § 913.4 as the agency for the administration hereof.

(6) "Delivery period" means the current marketing period from the first to, and including, the last day of each month.

(7) "Base" means the quantity of milk calculated for each producer pursuant to § 913.10.

(8) "Cooperative association" means any cooperative association of producers which the Secretary determines (i) to have its entire activities under the control of its members and (ii) to have and to be exercising full authority in the sale of milk of its members.

(9) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937) 7 U.S.C. 1940 ed. 601 et. seq.), as amended.

(10) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

§ 913.4 *Market administrator*—(a) *Designation*. The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers*. The market administrator shall:

(1) Administer the terms and provisions hereof; and

(2) Report to the Secretary complaints of violation of the provisions hereof.

(c) *Duties*. The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Pay, out of the funds provided by § 913.13, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(3) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the Secretary may designate;

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 913.5 or (ii) made payments pursuant to § 913.11; and

(5) Promptly verify the information contained in the reports submitted by handlers.

§ 913.5 *Reports of handlers*—(a) *Periodic reports.* On or before the 7th day after the end of each delivery period, each handler who purchased or received milk from sources other than his own production or other handlers shall with respect to milk or dairy products which were purchased, received, or produced by such handler during such delivery period report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(1) The receipts at each plant of milk from each producer, the butterfat content and the number of days on which milk was received from each producer.

(2) The quantity of milk received from each producer in excess of his respective base.

(3) The receipts from such handler's own farm production and the butterfat content.

(4) The receipts of milk, cream, and milk products from handlers who purchase or receive milk from producers and the butterfat content.

(5) The receipts of milk, cream, and milk products from any other source, including receipts of milk and cream completely processed and packaged for distribution to consumers from handlers whose sole source of supply is from such handler's own farm production and the butterfat content.

(6) The respective quantities of milk and milk products and the butterfat content which were sold, distributed, or used, including sales to other handlers for the purpose of classification pursuant to § 913.6.

(7) The sales of milk and Class II products outside the marketing area, listing the market or area in which such milk and such Class II products were sold or disposed of, the date of such sale or disposition, and the plant from which such milk and milk products were supplied; and

(8) Such other information with respect to the use of milk as the market administrator may request.

(b) *Reports of payments to producers.* On or before the 20th day after the end of each delivery period, upon the request of the market administrator, each handler who purchased or received milk from producers shall submit to the market administrator his producer pay roll for such delivery period which shall show for each producer, (1) the daily and total pounds of milk delivered and the average butterfat content thereof and (2) the net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

(c) *Reports of handlers whose sole source of supply is from such handler's own farm production or from other handlers.* Handlers whose sole source of supply is from such handler's own farm production or from other handlers shall make reports to the market administrator at such time and in such manner as the market administrator may require.

(d) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose disposition of milk the classification depends. Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to:

(1) Verify the receipts and disposition of all milk and milk products, and, in case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content the milk purchased or received from producers and any product of milk upon which classification depends; and

(3) Verify the payments to producers prescribed in § 913.11.

§ 913.6 *Classification of milk*—(a) *Basis of classification.* All milk and milk products purchased or received by each handler, including milk of a producer which a cooperative association caused to be delivered to a plant of a handler or to a plant from which no milk is disposed of as Class I milk or Class II milk in the marketing area, for the account of such cooperative association, shall be reported by the handler in the classes set forth in (b) of this section: *Provided*, That (i) milk sold or disposed of by a handler as fluid milk to a nonhandler who distributes fluid milk or cream shall be classified as Class I milk, and cream sold or disposed of by a handler as cream to such nonhandler shall be classified as Class II milk, except for such milk or cream in excess of the amount of milk and cream distributed by such nonhandler; (ii) milk or cream sold or disposed of by a handler to a nonhandler who does not distribute fluid milk or cream shall be classified as Class III milk subject to verification by the market administrator; (iii) milk sold or disposed of as fluid milk by a handler who purchases or receives milk from producers to another handler shall be classified as Class I milk: *Provided*, That if such milk, except milk sold or disposed of by such handler to another handler who purchases or receives no milk from producers, is reported by the receiving handler or by the disposing handler as having been utilized as Class II milk or Class III milk, such milk shall be classified accordingly, subject to verification by the market administrator: *And provided further*, That if such milk was sold or disposed of from a handler's plant located outside the marketing area to another handler who purchases or receives milk from producers, such milk shall be classified at the lowest class usage of such purchasing handler; (iv) cream sold or disposed of as fluid cream by a handler who purchases or receives milk from producers to another handler shall be classified as Class II milk: *Provided*, That if such cream, except cream sold or disposed of by such handler to another handler who purchases or receives no milk from producers, is reported by the receiving handler or by the disposing handler as having been utilized as Class III milk, such cream shall be classified accordingly, subject to verification by the market administrator: *And provided further*, That if such cream was sold or disposed of from a handler's plant located outside the marketing area to another handler who purchases or receives milk from producers, such cream shall be classified at the lowest class usage of such purchasing handler; (v) milk or cream sold or disposed of as bulk milk or cream by a handler who receives no milk from producers to another handler who receives milk from producers shall be classified as Class III milk; and (vi) milk sold or disposed of completely processed and packaged for distribution to consumers by a handler who purchases or receives no milk from producers to another handler who purchases or receives milk from producers shall be classified as Class I milk up to the amount of such milk actually sold in the original package by the purchasing handler as bottled Class I milk and the remaining milk shall be classified as Class III milk; and cream sold or disposed of completely processed and packaged for distribution to consumers by a handler who purchases or receives no milk from producers to another handler who purchases or receives milk from producers shall be classified as Class II milk up to the amount of such cream actually sold in the original package by the purchasing handler as bottled Class II milk and the remaining cream shall be classified as Class III milk.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraph (a) of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of milk containing more than 1 percent butterfat, irrespective of whether under the legal standard for milk and unaccounted for butterfat in excess of 3 percent of the total receipts from producers converted to a 3.8 percent milk equivalent, except such milk as is classified as Class II milk and as Class III milk pursuant to (2) and (3) of this paragraph.

(2) Class II milk shall be all milk, except skim milk, used to produce cream which is disposed of in the form of cream, other than for use in products specified in (3) of this paragraph, flavored milk, creamed cottage cheese, creamed buttermilk, products sold or disposed of in the form of cream testing less than 18 percent butterfat, aerated cream, and eggnog.

(3) Class III milk shall be all milk: used to produce butter, cheese (other than creamed cottage cheese), evaporated milk, condensed milk, ice cream, and powdered whole milk; used for starter churning, wholesale baking and candy making purposes; accounted for as salvage from products where the recovery of fat is impossible; and not accounted for but not in excess of 3 percent of the total receipts of butterfat from producers.

(c) *Responsibility of handlers in establishing the classification of milk.* In establishing the classification as required in (b) of this section of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(d) *Computation of milk in each class.* For each delivery period each handler shall compute, in the manner and on forms prescribed by the market administrator the amount of milk in each class as defined in (b) of this section, as follows:

(1) Determine the total pounds of milk received as follows: add together the total pounds of milk received from (i) producers, (ii) own farm production, (iii) other handlers, and (iv) other sources.

(2) Determine the total pounds of butterfat received as follows: multiply by its average butterfat test the weight of the milk received from (i) producers, (ii) own farm production, (iii) other handlers, (iv) other sources, and (v) add together the resulting amounts.

(3) Determine the total pounds of milk in Class I as follows: (i) convert to pounds the quantity of Class I milk on the basis of 2.15 pounds per quart, (ii) multiply the result by the average butterfat test of such milk, and (iii) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk, computed pursuant to (4) (ii) and (5) (iv) of this paragraph, is less than the total pounds of butterfat received, computed in accordance with (2) of this paragraph, an amount equal to the difference shall be divided by 3.8 percent and added to the quantity of milk determined pursuant to (i) of this subparagraph.

(4) Determine the total pounds of milk in Class II as follows: (i) multiply the actual weight of each of the several products of Class II milk by its average butterfat test, (ii) add together the resulting amounts, and (iii) divide the result obtained in (ii) of this subparagraph by 3.8 percent.

(5) Determine the total pounds of milk in Class III as follows: (i) multiply the actual weight of each of the several products of Class III milk by its average butterfat test, (ii) add together the resulting amounts, (iii) subtract from the total pounds of butterfat computed pursuant to (2) of this paragraph, the total pounds of butterfat in Class I milk, computed pursuant to (3) (ii) of this paragraph, the total pounds of butterfat in Class II milk, computed pursuant to (4) (ii) of this paragraph and the total pounds of butterfat computed pursuant to (ii) of this subparagraph which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 3 percent of the total receipts of butterfat from producers by the handler), (iv) add together the results obtained in (ii) and (iii) of this subparagraph, and (v) divide the result obtained in (iv) of this subparagraph by 3.8 percent.

(6) Determine the classification of milk received from producers as follows:

(i) Subtract from the total pounds of milk in each class the pounds of milk which were received from other handlers and used in such class.

(ii) Subtract from the remaining pounds of milk in each class the pounds of milk which were received from sources other than producer, own farm production, and other handlers in series beginning with the lowest class.

(iii) If the remaining pounds of Class III milk are less than 10 percent of the sum of the remaining pounds of Class I milk, Class II milk, and Class III milk, subtract pro rata out of the remaining pounds of milk in each class the pounds of milk received from the handler's own farm production, or if the remaining pounds of Class III milk are more than 10 percent of the sum of the remaining pounds of Class I milk, Class II milk, and Class III milk, subtract pro rata out of the remaining pounds of Class I milk and Class II milk 90 percent of the pounds of milk received from the handler's own farm production and subtract from the remaining pounds of Class III milk the remaining pounds of milk received from the handler's own farm production.

(e) *Reconciliation of utilization of milk by classes with receipts of milk from producers.* In the event of a difference between the total quantity of milk utilized in the several classes as computed pursuant to (6) of (d) of this section and the quantity of milk received from producer, except for excess milk or milk equivalent of butterfat pursuant to § 913.8 (e), such difference shall be reconciled as follows:

(1) If the total utilization of milk in the various classes for any handler, as computed pursuant to (6) of (d) of this section, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to (6) or (d) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

§ 913.7 *Minimum prices*—(a) *Class prices.* Subject to the differentials set forth in (c) and (d) of this section, each handler shall pay producers, at the time and in the manner set forth in § 913.11, for milk purchased or received from them not less than the following prices:

(1) Class I milk: The price per hundredweight of Class I milk during each delivery period shall be the price determined pursuant to (b) of this section, plus 75 cents: *Provided*, That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be the price determined pursuant to (b) of this section, plus 30 cents.

(2) Class II milk: The price per hundredweight of Class II milk during each delivery period shall be the price determined pursuant to (b) of this section, plus 50 cents.

(3) Class II milk: The price per hundredweight of Class III milk during each delivery period shall be the highest price ascertained by the market administrator to have been quoted for ungraded milk of 3.8 percent butterfat content received during such delivery period by any one of the three following plants: The Meyer Sanitary Milk Company at its plant at Valley Falls, Kansas; the Franklin Ice Cream Company at its plant at Tonganoxie, Kansas; and the Milk Producers' Marketing Company at its plant at Kansas City, Kansas.

(b) *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price to be used in determining the Class I and Class II prices, set forth in this section, per hundredweight of milk as computed and announced by the market administrator on or before the 5th day of the delivery period shall be the arithmetical average of the prices per hundredweight reported to the United States Department of Agriculture as being paid all farmers for milk of 3.5 percent butterfat content delivered f. o. b. plant during the immediately preceding delivery period at the following plants and places:

Borden Co., Mt. Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
Borden Co., New London, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

divided by 3.5 and multiplied by 3.8, but in no event shall such basic formula price to be used be less than the following: multiply by 3.8 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the immediately preceding delivery period, and add 20 percent: *Provided*, That such price shall be subject to the following adjustments: (i) add $3\frac{1}{2}$ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption is above $5\frac{1}{2}$ cents per pound, or (ii) subtract $3\frac{1}{2}$ cents per hundredweight for each full one-half cent that the price of such dry skim milk is below $5\frac{1}{2}$ cents per pound. For purposes of determining this adjustment the price per pound of dry skim milk to be used shall be the average of the carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture for the Chicago area during the immediately preceding delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period. In the event the United States Department of Agriculture does not publish carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, the average of the carlot prices for dry skim milk for human consumption, delivered at Chicago, shall be used. In the latter event such price shall be subject to the following adjustments: (i) add 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption, delivered at Chicago, is above 7½ cents per pound, or (ii) subtract 3½ cents per hundredweight for each full one-half cent that such price of dry skim milk is below 7½ cents per pound.

(c) *Butterfat differential.* If the average butterfat content of milk purchased or received from producers by any handler during any delivery period is more or less than 3.8 percent, there shall be added or subtracted per hundredweight of such milk for each one-tenth of 1 percent above or below 3.8 percent an amount equal to the Class III price for such delivery period, divided by 38.

(d) *Location differential.* (1) If any handler has received milk from any producer at his plant approved by an applicable health authority for the receiving of milk to be disposed of as milk or cream in the marketing area and located outside the marketing area but more than 30 miles by the shortest highway route from such handler's plant approved by an applicable health authority for the receiving of milk to be sold or disposed of as milk or cream in the marketing area and located within the marketing area, there shall be subtracted with respect to a quantity of milk (but not in excess of the total quantity of milk received from producers by such handler at such plant located outside the marketing area) computed by the market administrator as follows: (i) determine the difference between 105 percent of such handler's total Class I milk and Class II milk received from producers and the total quantity of milk received from producers by such handler at his plant located within the marketing area during the delivery period of the next preceding calendar year when such difference was the greatest; (ii) divide such difference by the number of days in such delivery period; and (iii) multiply by the number of days in the delivery period an amount up to but not exceeding the amount specified for the distance of such plant from such handler's plant located within the marketing area, as follows: not more than 45 miles, 17 cents per hundredweight; for each additional 10 miles or fraction thereof up to 75 miles, an additional 1½ cents per hundredweight; and for each additional 10 miles or fraction thereof beyond 75 miles, an additional ½ cent per hundredweight.

(2) If any handler has received milk from producers at more than one such plant located outside the marketing area, at one of which such plants no facilities for processing or separating milk are maintained and has received no milk from producers at his plant located within the marketing area, there shall be subtracted with respect to a quantity of milk, if received, equal to 105 percent of such handler's total Class I milk and Class II milk received from producers, an amount up to but not exceeding the amount specified for the distance of such plant from such handler's plant located within the marketing area, as follows: not more than 45 miles, 17 cents per hundredweight; for each additional 10 miles or fraction thereof up to 75 miles, an additional 1½ cents per hundredweight; and for each additional 10 miles or fraction thereof beyond 75 miles, an additional ½ cent per hundredweight; such deductions shall first be made on the milk received from producers at such plant located outside the marketing area where no facilities for processing or separating milk are maintained.

§ 913.8 *Application of provisions.* (a) The provisions of §§ 913.6, 913.9, 913.10, 913.11, 913.12, and 913.13, shall not apply to a handler whose sole source of supply is from such handler's own farm production or from other handlers.

(b) If a handler who purchases or receives milk from producers purchases or receives milk or cream in bulk from another handler who purchases or receives no milk from producers and sells or disposes of such milk or cream for other than Class III purposes, the market administrator, in determining the net pool obligation of the handler, pursuant to § 913.9 (a), shall add an amount equal to the difference between (1) the value of such milk or cream according to its utilization by the handler, and (2) the value at the Class III price.

(c) If a handler who purchases or receives milk from producers purchases or receives milk or cream completely processed and packaged for distribution to consumers from another handler who purchases or receives no milk from producers and sells or disposes of such milk or cream not sold as bottled Class I or Class II milk in the original package for other than Class III purposes, the market administrator, in determining the net pool obligation of the handler, pursuant to § 913.9 (a), shall add an amount equal to the difference between (1) the value of such milk or cream according to its utilization by the handler and (2) the value at the Class III price.

(d) If a handler has sold or disposed of milk or cream which was received from sources other than producers, his own farm production, or other handlers as Class I milk or Class II milk within the marketing area to persons other than a handler who purchases or receives milk from producers, the market administrator, in determining the net pool obligation of the handler, pursuant to § 913.9 (a), shall add an amount equal to the difference between (1) the value of such milk according to its utilization by the handler and (2) the value at the Class III price.

(e) If a handler has purchased or received milk or butterfat from sources determined as other than producers, own farm production, or other handlers, the market administrator, in determining the net pool obligation of the handler, pursuant to § 913.9 (a), shall consider such milk or the milk equivalent of such butterfat as Class III milk. If the receiving handler sells or disposes of such milk or butterfat for other than Class III purposes, the market administrator shall add an amount equal to the difference between (1) the value of such milk or butterfat according to its utilization by the handler and (2) the value at the Class III price. This provision shall not apply to milk or butterfat from sources determined as other than producers or handlers, if such handler can prove to the market administrator that such milk or butterfat was used for purposes which did not violate any regulations issued by the various health authorities in the marketing area.

(f) If a handler, after subtracting receipts from his own farm production, receipts from other handlers, and receipts from sources determined as other than producers, own farm production, or other handlers, has disposed of milk and/or butterfat in excess of the milk and/or butterfat which, on the basis of his reports, has been credited to his producers as having been delivered by them, the market administrator, in determining the net pool obligation of the handler, pursuant to § 913.9 (a), shall add an amount equal to the value of such milk and/or butterfat according to its utilization by the handler.

(g) If the shortest highway distance between a handler's plant approved by an applicable health authority for the receiving of milk to be dosposed of as milk or cream in the marketing area and located outside the marketing area and such handler's plant approved by an applicable health authority for the receiving of milk to be sold or disposed of as milk or cream in the marketing area and located within the marketing area is lessened through a relocation of highways to less than 30 miles, the location differential which applied before the highway distance was lessened shall continue to apply.

§ 913.9 *Determination of uniform price to producers*—(a) *Net pool obligations of handlers.* Subject to the provisions of § 913.8, the net pool obligation of each handler for milk received from producers during each delivery period shall be a sum of money computed for such delivery period by the market administrator as follows:

(1) Multiply the pounds of milk in each class, computed pursuant to § 913.6, by the class price and add together the resulting values,

(2) Add, if the average butterfat content of all milk received from producers is in excess of 3.8 percent, and deduct, if the average butterfat content of all milk received from producers is less than 3.8 percent, an amount equal to the total value of the butterfat differential applicable pursuant to § 913.7 (c),

(3) Subtract an amount equal to the total value of the location differential applicable pursuant to § 913.7 (d),

(4) Add an amount equal to the total values pursuant to § 913.8 (b), (c), (d), (e), and (f), and

(5) Deduct, if the average butterfat content of all milk purchased or received from producers is in excess of 3.8 percent, and add, if the average butterfat content of all milk purchased or received from producers is less than 3.8 percent, the total value of the butterfat differential applicable pursuant to § 913.11 (c).

(b) *Computation and announcement of the uniform prices.* The market administrator shall compute and announce the uniform price per hundredweight of milk received during each delivery period, in the following manner:

(1) For the delivery periods other than those of April, May, and June of each year: (i) Combine into one total the net pool obligations of all handlers, computed pursuant to (a) of this section, who made the reports prescribed by § 913.5 and who made the payments prescribed by § 913.11;

(ii) Add the amount of the location differentials applicable pursuant to § 913.11 (d);

(iii) Subtract the total amount to be paid pursuant to § 913.11 (a) (1) (ii);

(iv) Add an amount equal to one-half of the cash balance in the producer-settlement fund;

(v) Divide by a figure equal to the total hundredweight of milk delivered by producers less the hundredweight of milk represented pursuant to § 913.11 (a) (1) (ii) and which is included in these computations;

(vi) Subtract not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. This result shall be known as the uniform price for such delivery period for the milk of producers containing 3.8 percent butterfat; and

(vii) On or before the 10th day after the end of such delivery period, mail to all such handlers and publicly announce (*a*) such of these computations as do not disclose information confidential pursuant to the act; (*b*) the blended price per hundredweight which is the result of these computations; (*c*) the Class III price; and (*d*) the butterfat differentials computed pursuant to § 913.7 (c) and § 913.11 (c).

(2) For the delivery periods of April, May, and June of each year: (i) Combine into one total the net pool obligations of all handlers, computed pursuant to (a) of this section, who made the reports prescribed by § 913.5 and who made the payments prescribed by § 913.11;

(ii) Add the amount of the location differentials applicable pursuant to § 913.11 (d);

(iii) Subtract the total amount to be paid pursuant to § 913.11 (a) (2) (ii);

(iv) Subtract the total amount to be paid pursuant to § 913.11 (a) (2) (iii);

(v) Add an amount equal to one-half of the cash balance in the producer-settlement fund;

(vi) Divide by a figure equal to the total hundredweight of milk delivered by graded producers less the hundredweight of milk represented pursuant to § 913.11 (a) (2) (ii) which is not in excess of the delivered bases of producers and which is included in these computations;

(vii) Subtract not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. This result shall be known as the uniform price for base milk containing 3.8 percent butterfat received from producers during such delivery period; and

(viii) On or before the 10th day after the end of such delivery period, mail to all such handlers and publicly announce (*a*) such of these computations as do not disclose information confidential pursuant to the act; (*b*) the blended price per hundredweight which is the result of these computations; (*c*) the Class III price; and (*d*) the butterfat differentials computed pursuant to § 913.7 (c) and § 913.11 (c).

§ 913.10 *Base ratings*—(a) *Determination of base.* For the delivery periods of April, May, and June of each year, the base of each producer shall be a quantity of milk calculated by the market administrator in the following manner: multiply the applicable figure computed pursuant to (b) (1), (b) (2), or (b) (3) of this section adjusted by (c) of this section by the number of days during such delivery period on which milk was received from such producer.

(b) *Determination of daily base.* (1) Effective for the delivery periods of April, May, and June of each year, the daily base of each producer, who regularly delivered milk to a handler during the entire next previous delivery periods of October, November, December, and January, shall be computed by the market administrator from reports submitted by the handlers pursuant to § 913.5, or from the best information available in the following manner:

(i) Determine for each producer who regularly delivered milk to a handler during the entire next previous delivery periods of October, November, December, and January, the average daily delivery of milk to a handler for the period from the next previous October 1 to and including January 31.

(2) Effective for the delivery periods of April, May, and June of each year, the daily base of each producer, who did not regularly deliver milk to a handler during the entire next previous delivery periods of October, November, December, and January, but who began deliveries of milk to a handler, subsequent to October 1 and previous to March 1, shall be computed by the market administrator from reports submitted by the handlers pursuant to § 913.5, or from the best information available in the following manner:

(i) Determine for each such producer, the average daily delivery of milk to a handler, for each delivery period of April, May, and June, and (ii) multiply by 70 percent.

(3) In case a handler who distributes within the marketing area milk of his own production ceases to act as a handler and begins regular deliveries of milk to a handler, the daily base of such producer shall be computed by the market administrator in the following manner: determine the average daily Class I milk and Class II milk produced and disposed of during the three months next preceding the date of his ceasing to act as a handler.

(c) *Base rules.* (1) In case a producer sells or delivers to a handler milk not of his own production as being milk of his own production, the price to be received by such producer for all milk sold or delivered to a handler by such producer during such delivery period shall be the price for Class III milk for such delivery period pursuant to § 913.7 (a) (3) and such milk shall not be included in the computations pursuant to § 913.10 (b) (1) or § 913.10 (b) (2).

(2) A base of a producer may be transferred to the surviving spouse or a direct heir, upon written request of such spouse or heir to the market administrator on or before the 5th day following the delivery period when such transfer is to be effective and if accompanied by an affidavit with respect to such producer's death.

(3) A landlord who rents on a crop-share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. Likewise, the tenant who rents on a crop-share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by tenant and landlord, the daily base shall be divided between the joint owners according to the ownership of the cattle, if and when such joint owners terminate the tenant and landlord relationship.

(4) A producer, whether landlord or tenant of a farm, may retain his base when moving his entire herd of cows from one farm to another farm: *Provided,* That at the beginning of tenant and landlord relationship the allotted base of each tenant and landlord shall be a combined base and may be divided only if such relationship is terminated.

§ 913.11 *Payments for milk*—(a) *Time and method of payment.* On or before the 12th day after the end of each delivery period, each handler shall make payment, after deducting the amount of the payment made pursuant to (b) of this section, for not less than the total value of milk of producers received by such handler during such delivery period, computed according to § 913.9 and subject to the differentials set forth in (c) and (d), respectively, of this section as follows:

(1) For the delivery periods other than those of April, May, and June of each year: (i) To producers, subject to (ii) of this subparagraph, at the uniform price per hundredweight computed pursuant to § 913.9 (b) (1), for the total quantity of milk received from such producers; and

(ii) To producers, pursuant to § 913.10 (c) (1), at the price per hundredweight for Class III milk, computed pursuant to § 913.7 (a) (3), for the total quantity of milk received from such producers.

(2) For the delivery periods of April, May, and June of each year: (i) To producers, subject to (ii) of this subparagraph, at the uniform price per hundredweight computed pursuant to

§ 913.9 (b) (2), for that quantity of milk received from such producers, not in excess of their respective bases;

(ii) To producers pursuant to § 913.10 (c) (1) at the price per hundredweight for Class III milk, computed pursuant to § 913.7 (a) (3), for the total quantity of milk received from such producers; and

(iii) To producers, at the price per hundredweight for Class III milk, computed pursuant to § 913.7 (a) (3), for that quantity of milk received from such producers in excess of their respective bases.

(b) *Half delivery period payments.* On or before the 25th day of each delivery period, each handler shall make payment to each producer for the approximate value of the milk of such producer which, during the first 15 days of such delivery period, was received by such handler.

(c) *Butterfat differential.* If, during the delivery period, any handler has purchased or received from any producer milk having an average butterfat content other than 3.8 percent, such handler, in making the payments prescribed in (a) of this section, shall add to the prices per hundredweight for such producer for each one-tenth of 1 percent of average butterfat content in milk above 3.8 percent not less than, or shall subtract from such prices for such producer for each one-tenth of 1 percent of average butterfat content in milk below 3.8 percent not more than, an amount computed as follows: add 4 cents to the average price of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and divide the resulting sum by 10.

(d) *Location differentials.* For milk received from producers at plants approved by any applicable health authority for the receiving of milk to be sold or disposed of as milk or cream in the marketing area and located outside the marketing area but more than 30 miles by the shortest highway route from such handler's plant approved by an applicable health authority for the receiving of milk to be sold or disposed of as milk or cream in the marketing area and located within the marketing area, each handler, in making payments pursuant to (a) (1) of this section shall deduct, with respect to all milk except milk subject to (a) (1) (ii) of this section received from such producers, and in making payments pursuant to (a) (2) of this section, shall deduct, with respect to all base milk except milk subject to (a) (2) (ii) of this section received from such producers, the amount per hundredweight specified for the distance of such plant located outside the marketing area from such handler's plant located within the marketing area, as follows: not more than 45 miles, 17 cents per hundredweight; for each additional 10 miles or fraction thereof up to 75 miles, an additional 1½ cents per hundredweight; and for each additional 10 miles or fraction thereof beyond 75 miles, an additional ½ cent per hundredweight.

(e) *Additional payments.* Any handler may make payment to producers in addition to the payments to be made pursuant to (a) of this section: *Provided,* That such additional payments shall be uniform as among all producers for milk of the same grade and quality.

(f) *Producer - settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to (g) and (i) of this section and out of which he shall make all payments to handlers pursuant to (h) and (i) of this section: *Provided,* That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each delivery period, the market administrator shall compute the amount by which each handler's net pool obligation, including the payments to producers which are required to be made pursuant to § 913.8, is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handlers pursuant to (a) (1) and (a) (2) of this section and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or pool credit, as the case may be, and render such handler a transcript of his account.

(g) *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period each handler shall make full payment to the market administrator of any pool debit balance shown on the account rendered, pursuant to (d) of this section, for such delivery period.

(h) *Payments out of the producer-settlement fund.* On or before the 12th day after the end of each delivery period, the market administrator shall pay to each handler the pool credit balance shown on the account rendered, pursuant to (d) of this section, if any, for such delivery period, less any unpaid obligations of the handler. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler, who, on the 12th day after the end of each delivery period, has not received the balance of the payment due him from the market administrator shall be deemed to be in violation of (a) of this section if he reduces his total payments uniformly to all producers by not more than the amount of the reduction in payment from the producer-settlement fund. Nothing in this paragraph shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

(i) *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to the producer-settlement fund pursuant to (g) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billings, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to (h) of this section, the market administrator shall, within 5 days, make such payment to such handler or offset any such payment due to any handler against payments due from such handler. Whenever verification by the market administrator of the payment by a handler to any producer, for milk purchased or received by such handler, discloses payment to such producer of less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.

§ 913.12 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in (b) of this section, each handler shall deduct 3 cents per hundredweight from the payments made to each producer pursuant to § 913.11 (a) (1) and (a) (2), with respect to all milk of such producer purchased or received by such handler during the delivery period, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be expended by the market administrator for market information to, and for the verification of weights, sampling, and testing of milk received from, said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing the services set forth in paragraph (a) of this section, each handler shall make the deductions from the payments to be made pursuant to § 913.11 (a) (1) and (a) (2), which are authorized by such producers, and, on or before the 12th day after the end of each delivery period, pay over such deductions to the associations of which such producers are members.

§ 913.13 *Expense of administration*—(a) *Payments by handlers.* As his pro-rata share of the expense of the administration hereof, each handler who purchased or received milk from producers, with respect to all milk received from producers during the delivery period, shall pay to the market administrator, on or before the 12th day after the end of such delivery period, an amount not exceeding 2 cents per hundredweight, which amount shall be determined by the market administrator, subject to review by the Secretary.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's prorata share of expenses set forth in this section.

§ 913.14 *Effective time, suspension, or termination of order, as amended*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to (b) of this section.

(b) *Suspension or termination of order, as amended.* The Secretary may suspend or terminate this order, as amended, or any provision hereof, whenever he finds that this order, as amended, or any provision hereof, obstructs, or does not tend to effectuate the declared policy of the act. This order, as amended, shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until removed by the Secretary, (ii) from time to time account for all receipts and disbursements and, when so directed by the Secretary, deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary may direct, and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall liquidate, if so directed by the Secretary, the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 913.15 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

This report filed at Washington, D. C. this 10th day of November, 1942.

[SEAL] ROY F. HENDRICKSON,
Administrator.

[F. R. Doc. 42-11755; Filed, November 11, 1942; 11:02 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

DAKOTA RABBIT AND FUR COMPANY

APPLICATION FOR EXEMPTION FROM MAXIMUM HOURS

In the matter of the application for the exemption of the skinning of wild rabbits and other wild fur bearing animals from the maximum hours provisions of the Fair Labor Standards Act of 1938 pursuant to section 7 (b) (3) of the Act and Part 526 as amended of the regulations issued thereunder.

Whereas an application has been received from the Dakota Rabbit and Fur Company of Sioux Falls, South Dakota, for the exemption of the skinning of wild rabbits and other wild fur bearing animals in wild rabbit skinning establishments from the maximum hours provisions of the Fair Labor Standards Act of 1938 pursuant to section 7 (b) (3) of the Act and Part 526, as amended, of the regulations issued thereunder; and

Whereas it appears from the said application and upon further investigation that:

1. Owing to natural conditions, wild rabbits and other wild fur bearing animals are available for skinning only during the cold weather months, from about November 15 of each year to about March 15 of the following year, when the fur or pelt is prime; and

2. Wild rabbit skinning establishments receive the carcasses of wild rabbits and occasionally the carcasses of other wild fur bearing animals, skin them, and prepare the pelts for shipment to market only during a regularly recurring season of the year when the pelts are prime, from about November 15, of each year to about March 15 of the following year; and

3. Wild rabbit skinning establishments cease operations during the remainder of the year except for such work as maintenance, repair, clerical, and sales work;

Now, therefore, upon consideration of the facts stated in the application and upon further investigation, the Administrator hereby determines pursuant to § 526.5(b) (ii) of the regulations, that a prima facie case has been shown for the granting of an exemption as an industry of a seasonal nature pursuant to section 7(b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder, to the skinning of wild rabbits in wild rabbit skinning establishments, and the skinning of other wild fur bearing animals such as skunk, muskrat, mink, and beaver, in wild rabbit skinning establishments during the wild rabbit skinning season.

The term "skinning of wild rabbits in wild rabbit skinning establishments and the skinning of other wild fur bearing animals" includes the operations of collecting or receiving the carcasses of these animals, or occasionally, the pelts of these animals which have not been cleaned, scraped or dried, and it includes the removing of the pelts from the carcasses, cleaning, scraping and drying the pelts, baling the pelts for shipment and all operations immediately necessary and incident to these enumerated operations. It does not include these operations when performed on domesticated rabbits or other fur bearing animals raised in captivity.

In accordance with the procedure established by § 526.5 (b) (ii), of the regulations, Part 526, as amended, the Administrator, for fifteen days following the publication of this determination, will receive objection to the granting of the exemption and request for hearing from any person interested. Upon receipt of objection and request for hearing, the Administrator will set the application for hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the prima facie case.

Objections and request for hearing should be filed in writing at the National Office of the Wage and Hour Division, 165 West 46th Street, New York, New York. The application for exemption may be examined in Room 1619 at this address.

Signed at New York, New York, this 11th day of November 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-11811; Filed, November 12, 1942; 9:28 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 778]

AIR TRANSPORTATION IN THE CARIBBEAN AREA

NOTICE OF ORAL ARGUMENT

In the matter of an investigation to determine the need for temporary air transportation in the Caribbean Area.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding, that oral argument is hereby assigned to be held on November 16, 1942, at 10:00 a. m. (eastern war time), in Room 5042, Department of Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D. C.

Dated Washington, D. C., November 10, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-11744; Filed, November 11, 1942; 9:36 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6444]

Capitol Broadcasting Corp.

NOTICE OF HEARING

In re application of Capitol Broadcasting Corporation (WISH), dated May 8, 1942, for construction permit; class of service, broadcast; class of station, broadcast; location, Indianapolis, Indiana; operating assignment specified: Frequency, 1,310 kc.; power, 5 kw. (DA—night); hours of operation, unlimited.

You are hereby notified that the Commission on October 6, 1942, denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942.

2. To determine the extent of any interference which would result from the simultaneous operation of Station WISH as proposed and Station CKCO, Ottawa, Ontario. (Appendix II Table I NARBA).

3. To determine the extent of any interference which would result from simultaneous operation of Station WISH as proposed and Stations KFBB, WIBA and WDOD.

4. To determine the areas and populations which may be expected to lose primary service during nighttime hours, particularly from Stations KFBB, WIBA and WDOD as a result of the operations of Station WISH as proposed and what other broadcast services are available to these areas and populations.

5. To determine the areas and populations which would gain primary service should Station WISH operate as proposed and what other broadcast services are available to these areas and populations.

6. To determine whether the proposed directional antenna would afford adequate protection to the primary service areas of Stations KFBB, WIBA, and WDOD and if not, what procedure might be necessary in order to establish proof of performance and/or necessary protection to the services of the above stations.

7. To determine whether the proposed operation is in accord with the Standards of Good Engineering Practice.

8. To determine the extent of any interference that would be caused to Stations WRR, WTNJ, WCAM and/or WCAP from the operation of Station WISH as proposed.

9. To determine whether, in view of the foregoing, public interest, convenience and necessity would be served by the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Capitol Broadcasting Corporation, Radio Station WISH, 215 Board of Trade Building, Indianapolis, Indiana.

Dated at Washington, D. C., November 9, 1942.

By the Commission.

[SEAL] T. J. Slowie,
Secretary.

[F. R. Doc. 42-11774; Filed, November 11, 1942; 11:57 a. m.]

[Docket No. 6341]

Crosley Corporation

ORDER SUPPLEMENTING HEARING ISSUES

In re application of The Crosley Corporation (WLW), Cincinnati, Ohio, for modification of license.

It is ordered, on the Commission's own motion, this 6th day of November, 1942, that the issues heretofore released in Docket No. 6341 be, and they are hereby, supplemented to read as follows:

1. To determine whether the granting of this application would be consistent with the Commission's Memorandum Opinion of April 27, 1942.

2. To determine whether the application may be granted within the purview of the Rules and Regulations of the Commission, particularly § 3.22 (a).

3. To determine whether § 3.22 (a), Commission's Rules, should be waived or an exception allowed, as proposed by applicant.

4. To determine whether the operation of Station WLW as proposed would be consistent with the Standards of Good Engineering Practice, particularly as to the population residing within the predicted "Blanket Area" (250 mv/m contour).

5. To determine the areas and populations which may be expected to gain primary service should Station WLW operate as proposed, and what other broadcast services are available to these areas and populations.

6. To determine the extent of any interference that might result from the simultaneous operation of any of the following stations: WOR, WGN, WISR and KFEQ and Station WLW with the power of 500 kw prior to local sunrise as permitted by § 3.87 of the Commission's Rules should this application be granted.

7. To determine the areas and populations that might lose primary service particularly from Stations WOR, WGN, WISR and KFEQ should Station WLW operate as proposed and as permitted by § 3.87 of Commission's Rules.

8. To determine whether Station WLW, operating as proposed, including operation with daytime facilities as permitted under § 3.87 of Commission's Rules and Regulations would be contrary to provisions of the North American Regional Broadcasting Agreement (Subject "C", Executive Agreement Series No. 136).

9. To determine whether, in view of the foregoing, public interest, convenience and necessity will be served through the granting of this application.

By the Commission.

[SEAL] T. J. Slowie,
Secretary.

[F. R. Doc. 42-11773; Filed, November 11, 1942; 11:57 a. m.]

Standard Broadcast Stations

NOTICE TO ALL LICENSEES

The Commission today adopted Order No. 107[1] which requires readjustment of standard broadcast station transmitters for operation in accordance with engineering practices designed to conserve equipment, particularly vacuum tubes, to the maximum extent possible consistent with maintenance of efficient broadcast service. This action has been found necessary because of increasing needs of the armed forces for radio equipment and consequent decreasing supply of such equipment available for other uses.

Such readjustment will include, among other things, a reduction in the antenna current and the filament and plate voltages applied to the tubes, particularly the filament voltage of tubes employing tungsten filaments. It is estimated that 5% reduction in the filament voltage of tubes employing this type of filament will approximately double the life of such tubes. However, in the case of tubes employing oxide coated or thoriated tungsten filaments the filament voltages must be kept constant at the rated voltages in order to obtain the maximum life. In addition, reduction of the plate voltages reduces the emission requirements and heating of the tubes which effects a further extension of the life of tubes. These will have no practical effect as far as service to the broadcast listeners are concerned but will result in a material increase in the life of the equipment.

In conjunction with the above order, there is issued a "Manual on the Adjustment of Standard Broadcast Transmitters" prepared and approved by the Board of War Communications setting forth the procedure to be followed in readjusting the equipment and in making regular checks of such adjustments. It is realized that this manual may not cover all points or may not be specifically applicable to the particular equipment. However, it is required that each station follow the principles set out therein and will be held responsible for operation in accordance therewith.

The Commission at the same time adopted Order No. 94-A superseding its previous Order No. 94 and suspending § 3.71 of the Rules and Regulations with respect to requiring each standard broadcast station to operate at least two-thirds of the authorized time during the broadcast day, i. e., 6 a. m. to midnight, and in lieu thereof only requires operation for one-third of the broadcast day.

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[1] *Supra.*

This permits a voluntary reduction in time of operation from 12 hours daily, in the case of an unlimited time station, to 6 hours daily. There is no restriction on the maximum hours of operation except as provided by their present licenses and the Rules and Regulations of the Commission.

Stations taking advantage of this relaxation should arrange their schedules so as to best serve the public, but insofar as possible the number of operating periods should not be increased since the heating and cooling of the tubes sets up strains which may cause them to fail prematurely. The procedure set forth in the manual in this regard should be followed very carefully.

The necessity of each broadcast station conserving its equipment to the maximum cannot be over-emphasized. In this connection, attention is invited to a survey made by the Board of War Communications which showed that if no new tubes could be supplied to broadcast stations and the tubes continued to fail at the present rate, within one year 67½% of the broadcast stations would be silenced due to the lack of one or more tubes. The several government departments concerned in this are making every effort to provide adequate replacements of tubes and parts to broadcast stations consistent with the supplying actual equipment required by the military forces. However, it is apparent that the full cooperation of each user of such equipment must be obtained if broadcasting is to be maintained at its present high level.

By the Commission.

[SEAL] T. J. Slowie,
Secretary.

[F. R. Doc. 42-11772; Filed, November 11, 1942; 11:18 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5802]

Arkansas Power & Light Company, et al.

ORDER POSTPONING HEARING

November 10, 1942.

In the matter of Arkansas Power & Light Company, Kansas Gas and Electric Company, Louisiana Power & Light Company, Mississippi Power & Light Company, Nebraska Power Company, Oklahoma Gas and Electric Company, Public Service Company of Oklahoma, Southwestern Gas & Electric Company, Southwestern Light & Power Company, and Texas Power & Light Company.

It appearing to the Commission that:

Good cause exists for postponing the hearing in this proceeding now set for November 17, 1942, at 10:00 a. m. in Room 521, Federal Building, Little Rock, Arkansas;

The Commission *Orders*, That:

The hearing in such proceeding be and the same is hereby postponed to December 14, 1942, at the same hour and place as heretofore fixed.

By the Commission.

[SEAL] Leon M. Fuquay,
Secretary.

[F. R. Doc. 42-11745; Filed, November 11, 1942; 10:06 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4830]

Wisconsin DeLuxe Corporation

ORDER APPOINTING TRIAL EXAMINER, ETC.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of November, A. D. 1942.

Order appointing trial examiner and fixing time and place for taking testimony.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 USCA, sec. 41),

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, November 24, 1942, at ten o'clock in the forenoon of that day (central standard time) in Office of Mr. Fleissner, Postmaster, United States Post Office, Milwaukee, Wisconsin.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] A. N. Ross,
Acting Secretary.

[F. R. Doc. 42-11846; Filed, November 12, 1942; 11:11 a. m.]

[Docket No. 4842]

Happy Hostess Candy Company, Inc., et al.

ORDER APPOINTING TRIAL EXAMINER, ETC.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of November, A. D. 1942.

Order appointing trial examiner and fixing time and place for taking testimony.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., sec. 41),

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, November 20, 1942, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] A. N. Ross,
Acting Secretary.

[F. R. Doc. 42-11845; Filed, November 12, 1942; 11:11 a. m.]

LEND-LEASE ADMINISTRATION.

[Directive No. 1]

Storage, Forwarding, and Transportation of Cargo for Certain Governments

Storage, forwarding and transportation of cargo intended for the government of any country whose defense has been deemed by The President to be vital to the defense of the United States, pursuant to the act of March 11, 1941.

To all departments, agencies, officers and persons of the United States Department of the Treasury, Department of Agriculture and the United States Maritime Commission engaged in the procurement, storage, forwarding or transportation of cargo intended for the government of any country whose defense has been deemed by the President to be vital to the defense of the United States pursuant to the Act of March 11, 1941 (which government is hereinafter referred to as a Lend-Lease government):

By virtue of the authority vested in the President by the Act of March 11, 1941 (Public Law 11, 77th Congress), and delegated to me pursuant to Executive Order 8926, dated October 28, 1941, as amended, and in order to assure the most effective handling, storage and forwarding to seaboard of Lend-Lease cargo and to further the successful prosecution of the war, it is hereby directed:

1. No department, agency, officer or person of the United States Department of the Treasury, Department of Agriculture and the United States Maritime Commission engaged in the procurement of Lend-Lease cargo intended for a Lend-Lease government (which departments, agencies, officers and persons are hereinafter referred to as procurement agencies) shall forward or authorize forwarding such cargo to a port or point in the United States for export transportation therefrom by water (hereinafter referred to as forwarding to seaboard) except at the direction of the War Shipping Administrator. The routing of shipping documents in connection with such forwarding shall be pursuant to the instructions of the War Shipping Administrator.

2. All such cargo shall be forwarded and consigned pursuant to the directive of the War Shipping Administrator dated November 3, 1942, and any supplements thereto and administrative orders and regulations issued thereunder, and the procurement agencies shall notify or cause to be notified the War Shipping Administrator and the representatives of the Lend-Lease government concerned as Lend-Lease articles become available for such forwarding. If such Lend-Lease government desires that a Lend-Lease article be forwarded to seaboard, it shall communicate its request therefor to the War Shipping Administrator, who shall

direct such forwarding to the extent shipping space is available.

3. The procurement agencies shall furnish all shipping instructions to their respective contractors, and shall prepare or cause to be prepared all inland shipping documents employed in connection therewith.

4. The procurement agencies shall establish inland depots to receive all Lend-Lease cargoes made available by their contractors, and shall endeavor to forward such cargo to seaboard from such depots, except when insufficient depot stocks or considerations of efficient transportation require forwarding to seaboard direct from the contractor. The procurement agencies, in conjunction with the Director of the Office of Defense Transportation, shall arrange for such depots, and the Office of Lend-Lease Administration from time to time will provide the necessary funds therefor. The Office of Lend-Lease Administration shall obtain forecasts of requirements from the foreign governments on the basis of which the procurement agencies shall endeavor to maintain in such depots supplies of "common" Lend-Lease items sufficient for approximately 30 days' shipping requirements. The Office of Lend-Lease Administration will from time to time provide the necessary funds therefor. No such cargo shall be forwarded to seaboard from such depots except at the direction of the War Shipping Administrator.

5. Prior to the issuance of instructions to forward to seaboard, the procurement agencies shall notify the War Shipping Administrator that the cargo is available for forwarding to seaboard immediately. If advised that the cargo is to be so forwarded, and after obtaining the proper traffic control release, the procurement agencies shall instruct the depot or the contractor accordingly, and shall immediately cause the War Shipping Administrator or his agent to be furnished with such information and documents as may be required. After cargoes have been consigned to the War Shipping Administrator, the War Shipping Administrator, in conjunction with the Director of the Office of Defense Transportation, shall provide for such storage as may from time to time be required while such cargoes are being called forward to seaboard, and the Office of Lend-Lease Administration from time to time, whenever necessary, will provide the necessary funds therefor. Whenever cargo called forward to seaboard is placed in such storage, the War Shipping Administrator shall promptly notify the Lend-Lease Administrator, the Lend-Lease government concerned, and the appropriate procurement agencies.

6. The procurement agencies shall comply with instructions issued by the Munitions Assignments Board, through its committees, in cases within its jurisdiction, or by the Lend-Lease Administrator in all other cases, with respect to the diversion of such cargo to some other use.

7. It shall be the responsibility of each procurement agency to maintain or cause to be maintained appropriate records concerning all Lend-Lease cargo in depots, or in transit to such depots, and, to the extent and in the manner requested, to make the same available to the Munitions Assignments Board and the Lend-Lease Administrator.

8. It shall be the responsibility of the War Shipping Administrator to maintain or cause to be maintained appropriate records showing by class, type and specifications of goods the quantities of all Lend-Lease cargo called forward by him, consigned to him or his agent, or forwarded by him or his agent, and all such cargo loaded on an ocean carrier, and, to the extent and in the manner requested, to make the same available to the Munitions Assignments Board and the Lend-Lease Administrator.

9. Nothing in this directive shall be deemed to apply to the forwarding of any Lend-Lease cargo destined for export transportation overland or via inland waterways to any points outside the United States within continental North America. With respect to such cargo, the procurement agency concerned, in conjunction with the Office of Defense Transportation, shall maintain appropriate records concerning all such cargo, whether in depots or in transit, and to the extent and in the manner requested, to make the same available to the Munitions Assignments Board and to the Lend-Lease Administrator in periodic summary reports showing by class, type and specifications of goods the quantities of such Lend-Lease cargo intended for each Lend-Lease government. The Lend-Lease government calling such cargo forward shall also furnish to the extent and in the manner requested similar reports to the Munitions Assignments Board and to the Lend-Lease Administrator concerning all such cargo called forward by it, consigned to it or to its agent, or forwarded by it or its agent, and concerning all such cargo, if any, loaded on ocean carriers departing from North American ports.

10. This directive shall become effective on December 1, 1942.

E. R. STETTINIUS, Jr.,
Administrator.

NOVEMBER 11, 1942.

[F. R. Doc. 42-11812; Filed, November 12, 1942; 10:28 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 183]

96⅔% OF CAPITAL STOCK OF H. MOLSEN & COMPANY

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

29 shares (which constitute a substantial part, namely, 96⅔%, of all outstanding shares) of $100 par value common capital stock of H. Molsen & Company, a Texas corporation, Dallas, Texas, which is a business enterprise within the United States, which shares are evidenced by Certificate No. 4 and registered in the name of Herman Rogge, Dallas, Texas, holding as trustee under a trust created by Heinrich Molsen (who is a national of Germany and is interned in an alien detention camp) and Elizabeth Molsen, Dallas, Texas,

is property of nationals, and represents control of said business enterprise which is a national, of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11762; Filed, November 11, 1942; 11:30 a. m.]

[Vesting Order 199]

33.947% OF CAPITAL STOCK OF NEW WORLD SUN, INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

1,290 shares (which constitute a substantial part, namely, 33.947%, of all outstanding shares) of $10 par value common capital stock of New World Sun, Inc., a California corporation, San Francisco, California, which is a business enterprise within the United States, the names and last known addresses of the registered owners of which, and the number of shares owned by them respectively, are as follows:

Names and last known addresses	*Number of shares*
Toyoji Abe (alien detention camp)	230
Kikuji Hatakeyama (alien detention camp)	204
Kakuzo Ichimaru (alien detention camp)	130
Kotoji Inouye (alien detention camp)	5
Ichikuro Kondo (alien detention camp)	85
Kamoki Sakata (alien detention camp)	46
Rikitaro Sato (alien detention camp)	15
Tomotaka Taira (alien detention camp)	15
Kazuo Ebina, Japan	200
Tomatsu Murayama, Japan	180
Takashi Nakagawa, Japan	90
Kimahei Nishimura, Japan	70
Hizaku Yamamura, Japan	10
Jyokichi Yamanaka, Japan	10
Total	1,290

is property of nationals, and represents an interest in said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 30, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11763; Filed, November 11, 1942; 11:30 a. m.]

[Vesting Order 200]

94.425% OF CAPITAL STOCK OF PILOT REINSURANCE COMPANY

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that:

(a) The property described as follows:

45,455 shares (constituting a substantial part, namely, 75.758% of the outstanding shares) of $20 par value common capital stock of The Pilot Reinsurance Company of New York, a New York corporation, New York, New York, which is a business enterprise within the United States, the names and last known addresses of the registered owners of which shares, and the number of shares owned by them respectively, are as follows:

Names and last known addresses	*Numbers of shares*
Munchener Ruckversicherungs Gesellschaft Munchen (Munich Reinsurance Company), Munich, Germany	1,460
Dr. Kurt Schmitt, Munich, Germany	25
Union Ruckversicherungs Gesellschaft, Zurich, Switzerland	4,480
Union Bank of Switzerland, Zurich, Switzerland	15,000
Forsakringsaktiebolaget "Atlantica", Goteborg, Sweden	3,750
Aterforsakringsaktiebolaget "Atlas", Stockholm, Sweden	5,000
Sjo-ooh Brandforsakringsaktiebolaget "Svenska Veritas", Stockholm, Sweden	3,753
N. V. Algameene Verzekering Maatschappij "Merwede", Dodrecht, Holland	1,000
Nederlandsche Credietverzekering Maatschappij, N. V., Amsterdam, Holland	5,360
N. V. Nederlandsche Asseuranti-Compagnie To Amsterdam Van 1776, Amsterdam, Holland	3,600
Carl Schreiner, Zurich, Switzerland	2,027
Total	45,455

is property of nationals of a designated enemy country (Germany) and represents control of said business enterprise which is a national of a designated enemy country (Germany); and (b) the property described as follows:

11,200 shares (constituting 18.667% of the outstanding shares) of similar stock of said company, the names and last known addresses of the registered owners of which shares, and the number of shares owned by them respectively, are as follows:

Names and last known addresses	*Number of shares*
Assicurazioni Generali di Trieste e Venezia (General Insurance Company, Ltd. of Trieste and Venice), Italy	3,800
Guarantee Trust Company of New York, as Trustee for General Insurance Company, Ltd. of Trieste and Venice, Italy	7,400
Total	11,200

is property of nationals of a designated enemy country (Italy) and represents interests in said business enterprise; and determining that to the extent that any or all of such nationals are persons not within a designated enemy country such persons are controlled by or acting for or on behalf of or a cloaks for one or the other of the aforesaid designated enemy countries or a person within one of such countries, and the national interest of the United States requires that such persons be treated as nationals of one or the other of the aforesaid designated enemy countries, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 30, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11764; Filed, November 11, 1942; 11:31 a. m.]

[Vesting Order 207]

91.379% OF CAPITAL STOCK OF SUMITOMO BANK OF CALIFORNIA

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

1,325 shares (constituting a substantial part, namely, 91,379%, of all outstanding shares) of $100 par value common capital stock of Sumitomo Bank of California, a California corporation, Sacramento, California, which is a business enterprise within the United States, which shares are owned by Sumitomo Bank, Ltd., a Japanese corporation, Osaka, Japan,

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[1] 7 F.R. 5205.

is property of, and represents control of said business enterprise which is, a national of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 3, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11765; Filed, November 11, 1942; 11:31 a. m.]

[Vesting Order 215]

ASSETS OF THE NIPPON CLUB, INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

(a) All right, title interest and estate, both legal and equitable, of The Nippon Club, Inc., a New York corporation, in and to certain real property at 161 West 93rd Street in the City and State of New York, together with all improvements and appurtenances thereto, more specifically described as Parcels One and Two and set forth in Exhibit A hereunto attached and by reference made a part hereof,

(b) All furniture, fixtures, office equipment and miscellaneous personal property owned by The Nippon Club, Inc., at its premises at 161 West 93rd Street, New York,

(c) All merchandise on hand owned by The Nippon Club, Inc., at its premises at 161 West 93rd Street, New York,

(d) The following listed bonds owned by The Nippon Club, Inc., and held in the Yokohama Specie Bank, 526 Broadway, New York:

(1) Oriental Development Company bonds, 6% face value.

(2) City of Yokohama bonds, 6% face value.

(e) The following listed bank accounts of The Nippon Club, Inc.:

(1) The bank account at the Manufacturers Trust Company, 680 Columbus Avenue, New York.

(2) The bank account at the Yokohama Specie Bank, 526 Broadway, New York.

(f) Accounts receivable of The Nippon Club, Inc.

(g) Petty cash of The Nippon Club, Inc.,

(h) All other property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to The Nippon Club, Inc.,

is property within the United States owned or controlled by a national of a designated enemy country (Japan), and determining that the property described in subparagraphs (d), (e), (f) and (g) is necessary for the maintenance and safeguarding of other property [namely, that hereinbefore described in subparagraphs (a), (b), (c) and (h)] belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order, and determining that to the extent that such national is a person not within a designated enemy country such person is controlled by or acting for or on behalf of persons within a designated enemy country (Japan), and the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian , Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 5, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

PARCEL ONE

All these three certain lots, pieces or parcels of land with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan of the City of New York in the County and State of New York, bounded and described as follows:

Beginning at a point on the northerly side of 93rd Street, distant 168 feet easterly from the corner formed by the intersection of the northerly side of 93rd Street with the easterly side of Amsterdam Avenue; running thence easterly along the northerly side of 93rd Street 51 feet; thence northerly parallel with Amsterdam Avenue and part of the distance through a party wall 104 feet, 8½ inches more or less to the center line of an old road or lane formerly called Apthrop's Lane; thence northwesterly along the center line of said Lane 51 feet and 9/16ths of an inch more or less to a point distant 168 feet easterly from the easterly side of Amsterdam Avenue measured along a line drawn at right angles thereto; and thence southerly parallel with the easterly side of Amsterdam Avenue 106 feet 10¼ inches to the point or place of beginning.

PARCEL TWO

All that certain lot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, City of New York in the County and State of New York bounded and described as follows:

Beginning at a point on the northerly side of 93rd Street distant 219 feet easterly from the corner formed by the intersection of the easterly side of Amsterdam (10th) Avenue with the northerly side of 93rd Street; running thence easterly along the northerly side of 93rd Street 15 feet; thence northerly parallel with Amsterdam Avenue part of the way through a party wall 104 feet, 1 inch to the center line of an old road called Apthrop's Lane; thence northwesterly along said center line of Apthrop's Lane 15 feet and ⅛ of an inch to a point distant 219 feet easterly from the easterly side of Amsterdam Avenue measured on a line drawn at right angles thereto; thence southerly parallel with Amsterdam Avenue part of the way through a party wall 104 feet 8½ inches to the point or place of beginning.

[F. R. Doc. 42-11766; Filed, November 11, 1942; 11:31 a. m.]

[Vesting Order 217]

ALL THE CAPITAL STOCK OF MERCHANDISE FACTORS, INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All of the capital stock of Merchandise Factors, Inc., a corporation, New York, New York, which is a business enterprise within the United States, consisting of 10 shares of $100 par value capital stock, of which nine shares are registered in the name of Frederick Draeger, New York, New York, and one share is registered in the name of Noah B. Cornman, Long Island, New York, each of whom holds for the benefit of Schenker & Company, Berlin, Germany,

is property of, and represents ownership of said business enterprise which is, a national of a designated enemy country (Germany), and determining that to the extent that either or both of such nationals are persons not within a designated enemy country such persons are controlled by or acting for or on behalf of or as cloaks for a designated enemy country (Germany) or a person within such country, and the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11767; Filed November 11, 1942; 11:31 a. m.]

[Vesting Order 241]

PERSONAL PROPERTY OWNED BY CERTAIN JAPANESE NATIONALS

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of the Japanese nationals (repatriated to Japan on the MS *Gripsholm* which sailed from New York City on June 18, 1942), whose names are set forth in Exhibit A attached hereto and made a part hereof, in and to the articles of personal property appearing in said Exhibit opposite their respective names,

is property within the United States owned by nationals of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form AFC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Name of owner	*Property*
Kyuya Abiko	1 No. 1 Autographic Kodak Jr. #16340.
Naoaki Andoh	1 Magazine Cine-Kodak 3 model 90 and case.
	1 Brownie Reflex camera Model B and case.
Tomio Fukushima	1 Rolleicord camera #3005939 and case.
	1 Cine-Kodak #12536 and case.
	2 Rolls movie film.
	1 Master Weston exposure meter #5905057.
Masuri Hanaoki	1 Roleiflex camera.
Yuji Hashizume	1 Ensign special reflex camera, lens #136687.
Hideo Iijima	1 Kodak camera #31780.
Tateki Iriye	1 Zeiss Ikon Super Ikonta camera and case.
Aizo Kamazawa	1 Contax camera #E-8599 and case.
	1 Bell and Howell Filmo Double Run camera #240108 and case.
	1 Daylight bulk film winder.
	1 Weston camera light meter model 850 and case.
	1 Camera tripod.
	1 Leather hand bag with combination lock.
Shuichiro Kanbazashi	1 Bell and Howell Filmo movie camera #253352, with telephoto lens and case.
	1 Pair Carl Zeiss binoculars #1953338 and case.
Kohji Katoh	1 Bell and Howell Filmo double 8 Cine camera #288047.
	1 Eastman Kodak Model #0 camera #40838.
Kihachiro Kimura	1 Bentzin Primar camera.
Motarvo Koshima	1 Balda camera and case.
	Miscellaneous.
Jiro Kozai	1 Agfa camera.
Denjiro Kubota	1 Contax camera #B49754 and case.
Tagao Kunsaka	1 Leica camera #283041.
	1 Pilot portable radio.
Yonosuke Maenami	1 Cine-Kodak 8 Model 90 and case.
	1 Bell and Howell Filmo 141 B and case.
	1 Zeiss Ikon camera with case.
Kenjiro Masuda	1 Roleiflex camera #818732.
Shoji Masuda	1 Contax #3 camera #B57578 and case.
	1 Photo Plait Paris camera #138609 and case.
	1 Baby Brownie Spd. camera.
Kiyoshi Matsuno	1 Zeiss Ikon camera #J22318.
	1 Cine-Kodak Model 60.
	5 Rolls of V120 Kodak film—unexposed.
Sakae Matsushita	Miscellaneous calling cards.
Fusagaro Matsuskita	1 #2 Hawkeye camera lens #21222.
Tomohiko Midzuno	1 Kodak 35 lens #E. C. 7832.
	1 Kodascope Projector Model 3 and case.
	1 16mm Bell and Howell projector and case.
	1 Tripod in canvas zipper bag.
	1 40" Screen "Broadway" in case.
	31 16mm reels.
	1 Round leather case for Cine-Kodak "R Mount."

Name of owner	*Property*
Kiyoshi Miyazaki	1 Pair Hyphos Prism binoculars.
	1 Eastman Cine-kodak 8mm and case.
	1 Tan leather suitcase.
Takeshi Mizukami	1 Jiffy camera.
Kai Niida	1 Zeiss Ikon camera.
	2 Baby Brownie cameras.
Kazuo Nishi	1 25mm Eastman movie camera and two cases.
	1 Small Thagee Camera #502062 and case.
	4 Pair of opera and field glasses.
	1 Kodascope jr. film splicing outfit.
	3 Boxes of unexposed 16mm Super X motion picture film.
	2 Boxes of unexposed 16mm Kodachrome motion picture film.
Yasuo Nishino	1 Philco radio Model 40-125 #39-6305.
Saburo Nishiki	1 Olympus Tokyo n Camera #5437.
	1 Keystone 8mm movie camera and case.
	1 Kodascope 833.
	1 Foth-Derby camera lens #51142.
Kyoichiro Nogami	1 Zeiss Ikon camera #4115388 and case.
	1 Cine-Kodak Model B #80914.
Eisuke Ono	1 Retina Candid camera.
	1 8mm Eastman Cine-Kodak Model 60 and case.
	1 Craig film splicing outfit.
	1 Weston Exposure meter.
	1 Cine-Kodak film titler.
	2 Yellow filters
	1 pair of field glasses and case.
	1 tan leather suitcase.
Tomoyoshi Ozawa	1 Zeiss Ikon Super B camera #4296467.
Ryaso Sasaki	1 Contax kodak 35mm Lens #N. R. 1754950.
	9 Rolls exposed movie film.
	1 Pair opera glasses.
	1 Certatex camera.
Kaenori Sato	1 Zeiss Ikon Camera #4095722 and case.
Tetuo Sekine	1 Zeiss Ikon Camera #E12982 and case.
Kaji Shindo	1 Contax #11 Camera #B59262 and case.
Kiyosi Sugaya	1 Eastman 8mm Movie Camera #15400 and case.
Fumio Takagi	1 Zeiss Ikon Camera #1246218.
	1 Pair of Bausch & Lomb sport glasses.
	Miscellaneous photographs.
	1 Roll unexposed film.
	1 Optipod.
Yasuo Tani	1 Contaflex Carl Zeiss Camera Lens #1866476.
	1 Kodascope 8-33 projector and case.
	1 Eastman Movie Kodak Model 60 and case.
	1 Carl Zeiss and case #2164983.
	1 Movie screen and case.
	1 Kodascope Rapid Reviewer and Film Splicer.
Takeshi Utsumi	1 Leica Camera #112198 and case.
	1 Cine-Kodak.
	1 Box of miscellaneous 8mm movie film.
Sueyuki Wakosugi	1 Ensign Spd Reflex Camera and case.
Sutezo Watahiki	1 Super Ikonta camera 530/16 #1762755 and case.
Tamizo Watanabe	2 Small cameras.
Hitasi Yamada	1 Zeiss Ikonta camera #C10751 and case.
Naomoto Yamauchi	1 Carl Zeiss camera #F73103.
	1 Gold handled pocket knife.
	Miscellaneous keys.
Hachiro Yokouchi	1 Leica camera #272644 and case.
Kenroku Yoshiwara	1 Zeiss Ikon camera and case with Super Ikonta lens.

[F. R. Doc. 42-11768; Filed, November 11, 1942; 11:32 a. m.]

[Vesting Order 275]

All the Capital Stock of Chemnyco, Inc.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All of the capital stock of Chemnyco, Inc., a New York corporation, New York, New York, which is a business enterprise within the United States, consisting of 4 shares of $100 par value common stock, the names of the registered owners of which, and the number of shares owned by them respectively, are as follows:

Names:	*Number of shares*
Karl Hochschwender	2
Rudolph W. Ilgner	1
Max Braune	1
Total	4

is owned by or held for the benefit of I. G. Farbenindustrie A. G., whose last known address was represented to the undersigned as being Frankfurt, Germany, and therefore is property of, and represents ownership of said business enterprise which is, a national of a designated enemy country (Germany), and determining that to the extent that either or both of such nationals are persons not within a designated enemy country such persons are controlled by or acting for or on behalf of or as cloaks for a designated enemy country (Germany) or a person within such country and the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 30, 1942.

[SEAL]
LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11769; Filed, November 11, 1942; 11:32 a. m.]

[Vesting Order 286]

Franz B. Lehmann Trust

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, interest and estate, both legal and equitable, of Franz B. Lehmann, whose last known address was represented to the undersigned as being Comeniusstrasse 7, Dresden, Germany, in and to the Franz B. Lehmann Trust Fund, of which Florence M. Kranz is trustee, and all accrued and unpaid annuities thereunder,

is property within the United States owned or controlled by a national of a designated enemy country (Germany), and determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL]
LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11757; Filed, November 11, 1942; 11:29 a. m.]

[Vesting Order 331]

Estate of William Muller, Deceased

In re: Estate of William Muller, deceased—File No. D-28-1634.

Under the authority of the Trading with the enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation, Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Bronx County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals	*Last known address*
Henry Herman Mueller	Germany
Meta Wilkens	Germany
Anna Mueller	Germany

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Henry Herman Mueller, Meta Wilkens and Anna Mueller in and to the Estate of William Muller, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: November 5, 1942.

[SEAL]
LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11759; Filed, November 11, 1942; 11:30 a. m.]

[Vesting Order 332]

Estate of John Meyer, Deceased

In re: Estate of John Meyer, deceased—File D-28-1641.

Under the authority of the Trading with the enemy Act, as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation, Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Kings County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals	*Last known address*
Frederick Meyer	Germany
Adelheit Ahlers	Germany
Bette Ehlers	Germany

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Frederick Meyer, Adelheit Ahlers, and Bette Ehlers in and to the Estate of John Meyer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: November 5, 1942.

[SEAL]
LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11760; Filed, November 11, 1942; 11:30 a. m.]

[Vesting Order 333]

Estate of John Bahrenburg, Deceased

In re: Estate of John Bahrenburg, deceased—File D-28-1642.

Under the authority of the Trading with the enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation, Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Kings County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals	*Last known address*
Karl Bahrenburg	Germany
Otto Bahrenburg	Germany
Cord Bahrenburg	Germany
John Heinrich Bahrenburg	Germany
Mamie Lienau	Germany
Adele Mangels	Germany

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that

such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

> All right, title, interest, and claim of any kind or character whatsoever of Karl Bahrenburg, Otto Bahrenburg, Cord Bahrenburg, John Heinrich Bahrenburg, Mamie Lienau and Adele Mangels in and to the Estate of John Bahrenburg, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: November 5, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–11761; Filed, November 11, 1942; 11:30 a. m.]

[Vesting Order 336]

LEGACIES PAYABLE TO GERMAN NATIONALS UNDER THE WILL OF DIEDRICH KAYSER, DECEASED

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All right, title, interest and claim of the persons whose names, last known addresses and respective interests are set forth in Exhibit "A" attached hereto and made a part hereof, in and to certain legacies payable to them, and each of them, under the Will of Diedrich Kayser, deceased, who at the time of his death resided at Americus, Lyon County, Kansas,

is property which is in process of administration by a person (namely, Stanley Gordon, Executor), acting under judicial supervision (namely, that of the Probate Court of Lyon County, Kansas) and which is payable or deliverable to, or claimed by, nationals of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 6, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Names and last known addresses	*Interest*
Anna Bovers, Teddeloh, 2 uber Oldenburg, Oldenburg Freistaat, Germany	$2,500
Marie Grone, Eversten, 3 bei Oldenburg, Oldenburg Freistaat, Germany	500
Catherine Kayser, Petersfehn, Mitteline, Oldenburg Freistaat, Germany	500

[F. R. Doc. 42–11758; Filed, November 11, 1942; 11:29 a. m.]

[Vesting Order 348]

CERTAIN INDEBTEDNESS OWING BY WESTMINSTER INDUSTRIAL CORPORATION

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

(a) Finding that Fritz von Opel (alien detention camp) is a national of a designated enemy country (Germany);

(b) Finding that Fritz von Opel beneficially owns 100 shares of the capital stock of Westminster Industrial Corporation, a New York corporation, New York, New York, which is a business enterprise within the United States and which 100 shares of common stock (which were vested by the undersigned pursuant to Vesting Order Number 18 issued under date of June 4, 1942) constitute all the outstanding capital stock of said business enterprise and represent ownership thereof, and therefore determining that such business enterprise is a national of the aforesaid designated enemy country (Germany);

(c) Finding that all right, title, interest, and claim of any name or nature whatsoever of Overseas Finance Corporation, Ltd. in and to all indebtedness contingent or otherwise and whether or not matured, owing to it by said Westminster Industrial Corporation, including but not limiited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness is held for the benefit of said Fritz von Opel and therefore is an interest in the aforesaid business enterprise held by a national of an enemy country and also is property within the United States owned or controlled by a national of a designated enemy country (Germany);

(d) Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

(e) Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

(f) Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the indebtedness described in subparagraph (c), to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 9, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–11756; Filed, November 11, 1942; 11:29 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT B–31]

AMARILLO, TEXAS—ALBUQUERQUE, N. M.

OPERATION OF PASSENGER CARRIERS BY MOTOR VEHICLE

Directing coordinated operation of passenger carriers by motor vehicle between Amarillo, Texas, and Albuquerque, New Mexico.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers filed with this Office by New Mexico Transportation Company, Inc., Roswell, New Mexico, and Southwestern Greyhound Lines, Inc., Fort Worth, Texas, and in order to assure maximum utilization of the facilities, services, and equipment of common carriers of passengers by motor vehicle, and to conserve and providently utilize vital equipment, materials, and supplies, including rubber, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. New Mexico Transportation Company, Inc. and Southwestern Greyhound Lines, Inc. (hereinafter called "carriers"), respectively, in the transportation of passengers on the routes served by them between Amarillo, Texas, and Albuquerque, New Mexico, as common carriers by motor vehicle, shall:

(a) Honor each other's tickets between all points common to their lines where equal fares apply and divert to each other traffic routed between such points for the purpose of relieving overloads and reducing the operation of additional equipment in extra sections;

(b) Adjust and establish schedules to eliminate duplication of times of departure of the respective carriers and provide reasonable frequency of service throughout the day;

(c) Wherever practicable eliminate duplicate depot facilities and commission ticket agencies and in lieu thereof, utilize joint depot facilities and joint commission ticket agencies. Contracts, agreements, and arrangements for any such joint facilities and agencies shall not extend beyond the effective period of this order. At such depot facilities and commission ticket agencies used jointly by the carriers, service, travel information, and ticket sales shall be impartial, without preference or discrimination for or against either of such carriers.

2. On the routes served by the carriers between Amarillo, Texas, and Albuquerque, New Mexico, New Mexico Transportation Company, Inc. shall operate a through service of not to exceed three round trips daily, and Southwestern Greyhound Lines, Inc. shall operate a through service of not to exceed two round trips daily.

3. The carriers forthwith shall file with the Interstate Commerce Commission, in respect of transportation in interstate or foreign commerce, and with each appropriate regulatory body in respect of transportation in intrastate commerce, and publish in accordance with law, and continue in effect until further order, tariffs, or appropriate supplements to filed tariffs, setting forth any changes in the fares, charges, operations, rules, regulations, and practices of each carrier which may be necessary to accord with the provisions of this order, together with a copy of this order; and forthwith shall apply to said Commission and each such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

4. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT B–31".

This order shall become effective November 25, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 11th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42–11753; Filed, November 11, 1942; 11:00 a. m.]

OFFICE OF PRICE ADMINISTRATION.

WILLIAM F. DALY

[Suspension Order 157]

ORDER RESTRICTING TRANSACTIONS

William F. Daly, 1752 Riverdale Road, West Springfield, Massachusetts, hereinafter called respondent, was duly served with a notice of specific charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing upon the charges was held on September 2 and 3, 1942, in Boston, Massachusetts. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been duly considered by the Deputy Administrator, it is hereby determined that:

(a) Respondent is a dealer in and an intermediate distributor of gasoline within the meaning of Ration Order No. 5A, Gasoline Rationing Regulations.

(b) Respondent has wilfully violated §§ 1394.1502 and 1394.1503 of Ration Order No. 5A, Gasoline Rationing Regulations, in that on August 5, 1942, in West Springfield, Massachusetts, respondent transferred three gallons of gasoline to a consumer, Francis Nokes, and into the fuel tank of a motor vehicle without receiving in exchange therefor any gasoline ration coupon and without requiring the presentation of any gasoline ration coupon book.

(c) Respondent has wilfully violated §§ 1394.1502 and 1394.1503 of Ration Order No. 5A, Gasoline Rationing Regulations, in that on August 10, 1942, in West Springfield, Massachusetts, respondent transferred three gallons of gasoline to a consumer, William F. Otto, and into the fuel tank of a motor vehicle without receiving in exchange therefor any gasoline ration coupon and without requiring the presentation of any gasoline ration coupon book.

(d) Respondent has violated §§ 1394.1502 and 1394.1503 of Ration Order No. 5A, Gasoline Rationing Regulations, in that on August 4, 1942, in West Springfield, Massachusetts, respondent transferred three and one-half gallons of gasoline to a consumer, Gordon Joyce, and into the fuel tank of a motor vehicle without receiving in exchange therefor any gasoline ration coupon and without requiring the presentation of any gasoline ration coupon book.

(e) Respondent has violated §§ 1394.1502, and 1394.1503 of Ration Order No. 5A, Gasoline Rationing Regulations, in that on August 5, 1942, in West Springfield, Massachusetts, respondent transferred three gallons of gasoline to a consumer, Clarence W. Niles, Jr., and into the fuel tank of a motor vehicle without receiving in exchange therefor any gasoline ration coupon and without requiring the presentation of any gasoline ration coupon book.

(f) Respondent has violated §§ 1394.1502 and 1394.1503 of Ration Order No. 5A, Gasoline Rationing Regulations, in that on August 5, 1942, in West Springfield, Massachusetts, respondent transferred five and one-half gallons of gasoline to a consumer, Gordon C Smith, and into the fuel tank of a motor vehicle without receiving in exchange therefor any gasoline ration coupon and without requiring the presentation of any gasoline ration coupon book.

(g) The foregoing transfers by respondent were not within any of the classes of transfers of gasoline permitted by the provisions of Ration Order No. 5A, Gasoline Rationing Regulations, to be made without the exchange of coupons.

Because of the great scarcity and critical importance of gasoline in Massachusetts, violations of Ration Order No. 5A, Gasoline Rationing Regulations, by respondent have necessarily resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator that further violations of Gasoline Rationing Regulations by respondent are likely unless appropriate administrative action is taken.

It is therefore ordered:

(h) During the period in which this Suspension Order shall be in effect,

(1) Respondent shall not in any manner directly or indirectly sell, transfer or deliver any gasoline to any person: *Provided, however*, That subject to the prior approval of and the supervision by the Regional Administrator of Region I, Office of Price Administration, respondent may dispose of his stocks of gasoline on hand at the time this Order is served upon him.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline.

(3) No person, firm or corporation shall deliver, or in any manner directly or indirectly transfer any gasoline to respondent.

(i) Any terms used in this Suspension Order No. 157 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(j) This Suspension Order No. 157 shall become effective 12:01 A. M. November 13, 1942, and shall remain in effect until further order by the Deputy Administrator in Charge of Rationing but not later than December 31, 1944.

(Sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. No. 9125, 7 F.R. 2719; WPB Dir. 1, 7 F.R. 562; WPB Supp. Dir. 1H, 7 F.R. 3478, 3877, 5216)

Issued this 11th day of November 1942.

Paul M. O'Leary,
Deputy Administrator
In Charge of Rationing.

[F. R. Doc. 42-11783; Filed, November 11, 1942; 12:02 p. m.]

[Administrative Order 30]

Rationing of Fluid Milk Shipping Containers and Covers and Farm Fencing

AUTHORIZATION OF THE SECRETARY OF AGRICULTURE

Pursuant to the authority conferred upon the Office of Price Administration and the Administrator by Executive Order No. 9125[1] and by War Production Board Directive No. 1[2] as extended by Supplementary Directive No. 1-P[3], the following order is prescribed:

(a) The Secretary of Agriculture is hereby authorized and directed to exercise the functions, duties, powers, authority and discretion, including but not limited to the power of subpoena, and the power to issue suspension orders, conferred upon the Office of Price Administration and the Administrator for the purpose of securing the efficient rationing of fluid milk shipping containers and covers and farm fencing within the limits of the continental United States.

(b) Any order issued by the Secretary of Agriculture pursuant to this delegation of authority shall have the same force and effect as if issued by the Administrator.

(c) As used herein the terms "fluid milk shipping container", "cover", and "farm fencing" shall have the meanings given them in paragraph (b) of War Production Board Supplementary Directive No. 1-P.

Issued and effective this 11th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11808; Filed, November 11, 1942; 3:06 p. m.]

[Order 4, Under MPR 204, Amendment 1]

Metals Reserve Co.

MAXIMUM PRICES FOR TIN OXIDE AND TIN ANODES

Amendment No. 1 to Order No. 4 Under Maximum Price Regulation No. 204—Idle or Frozen Materials Sold Under Priorities Regulation No. 13.

An opinion in support of this Amendment No. 1 to Order No. 4 under Maximum Price Regulation No. 204 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

The heading, *"Price in cents per pound dry weight of tin content, properly packed in wood containers f. o. b. cars or trucks or, if by water, f. a. s. barge or vessel at the shipping point,"* of the price column contained in subparagraph (1) of paragraph (a) is amended to read, *"Prices in cents per pound dry weight of tin content, properly packed in wood containers f. o. b. Barber, New Jersey."*

(e) This amendment No. 1 to Order No. 4 under Maximum Price Regulation No. 204 shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11807; Filed, November 11, 1942; 3:07 p. m.]

[Suspension Order 151]

Long Hook Development Company

ORDER RESTRICTING TRANSACTIONS

Order on petition for reconsideration of Suspension Order No. 151.

On November 4, 1942, Long Hook Development Company, a corporation, hereinafter called respondent, filed a petition for reconsideration of Suspension Order No. 151 issued October 30, 1942. On November 4, 1942, an order was issued staying Suspension Order No. 151 until further order of the Deputy Administrator in Charge of Rationing. The petition and the brief accompanying the same having been duly considered by the Deputy Administrator in Charge of Rationing, *It is hereby ordered,* That Suspension Order No. 151 is modified to read as follows:

Long Hook Development Company, a corporation, hereinafter called respondent was served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations issued by the Office of Price Administration. Pursuant to the notice a hearing on the charges was held on the 16th day of September 1942, in Wilmington, Delaware. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator,

It is hereby determined that:

(a) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, in that on August 19, 1942, at a filling station operated by it at 525 South Market Street, Wilmington, Delaware, respondent transferred gasoline to a consumer and into the fuel tank of a motor vehicle without requiring the presentation of a gasoline coupon book issued with respect to said motor vehicle and without detaching therefrom any coupons.

Because of the great scarcity and critical importance of gasoline in Delaware, the violation of Ration Order No. 5A, Gasoline Rationing Regulations by respondent necessarily resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to national defense. It appears to the Deputy Administrator from the evidence before him that further violations of Ration Order No. 5A, Gasoline Rationing Regulations by respondent are likely unless appropriate administrative action is taken. *It is therefore ordered:*

(b) During the period in which this Suspension Order No. 151 shall be in effect, (1) Respondent shall not sell, transfer or deliver any gasoline to any consumer at its filling station at 525 South Market Street, Wilmington, Delaware.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source, any gasoline at its filling station at 525 South Market Street, Wilmington, Delaware, for resale at said station.

(3) No person, firm or corporation shall deliver or in any manner directly or indirectly transfer to respondent, any gasoline at its filling station at 525 South Market Street, Wilmington, Delaware, for resale at said station.

(c) Any terms used in this suspension order that are defined in Ration Order No. 5A, Gasoline Rationing Regulations shall have the meaning therein given them.

(d) This Suspension Order No. 151 shall become effective 12:01 A. M. November 18, 1942, and unless sooner terminated, shall expire 12:01 A. M. December 3, 1942.

[Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong. as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); WPB Dir. No. 1 (7 F.R. 562) and Supp. Dir. No. 1H (7 F.R. 3478, 3877, 5216)]

Issued this 11th day of November 1942.

Paul M. O'Leary,
Deputy Administrator,
in Charge of Rationing.

[F. R. Doc. 42-11810; Filed, November 11, 1942; 3:06 p. m.]

[Revised Suspension Order 154]

Willard M. Blodgett

ORDER RESTRICTING TRANSACTIONS

Suspension Order No. 154 is hereby amended to read as follows:

Willard M. Blodgett, Fitzwilliam, New Hampshire, hereinafter called respondent, was duly served with a notice of specific charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice, a hearing upon the charges was held on September 25, 1942, in Concord, New Hampshire. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been duly considered by the Deputy Administrator,

It is hereby determined that:

(a) Respondent is a dealer in gasoline within the meaning of Ration Order No. 5A, Gasoline Rationing Regulations.

(b) Respondent has violated § 1394.-1503 of Ration Order No. 5A, Gasoline Rationing Regulations, in that on August 17, 1942, and on at least one other occasion between July 22 and August 17, 1942, in Fitzwilliam, New Hampshire, respondent transferred five gallons of gasoline to a private consumer and into the fuel tank of a private passenger automobile without requiring the presentation of a gasoline ration coupon book and on each occasion respondent received in exchange for the transfer a gasoline ration coupon Class S.

Because of the great scarcity and critical importance of gasoline in the New Hampshire area, violations of Ration Order No. 5A, Gasoline Rationing Regulations, by respondent have necessarily resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator that further violations by respondent are likely unless appropriate administrative action is taken. *It is therefore ordered:*

(c) During the period in which this Suspension Order shall be in effect,

(1) Respondent shall not sell, transfer or deliver any gasoline to any person.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline.

(3) No person, firm or corporation shall deliver, or in any manner directly or indirectly transfer any gasoline to respondent.

(d) Any terms used in this Suspension Order No. 154 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(e) This suspension order shall become effective 12:01 A. M. November 18, 1942, and unless sooner terminated, shall expire 12:01 A. M. December 18, 1942.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); WPB Dir. No. 1 (7 F.R. 562) and Supp. Dir. No. 1H (7 F.R. 3478, 3877, 5216)

Issued this 11th day of November 1942.

Paul M. O'Leary,
Deputy Administrator
in Charge of Rationing.

[F.R. Doc. 42-11809; Filed, November 11, 1942; 3:06 p. m.]

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[1] 7 F.R. 2719.
[2] 7 F.R. 562.
[3] 7 F.R. 8856.

[Order 13 Under MPR 169]

Earl C. Gibbs, Incorporated

ORDER GRANTING ADJUSTMENT

Order No. 13 Under Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts—Docket No. 3169-177.

On September 16, 1942, Earl C. Gibbs, Incorporated, 3378 West 65th Street, Cleveland, Ohio, filed a petition for adjustment pursuant to § 1364.60 of Maximum Price Regulation No. 169, as amended. Due consideration has been given to the petition and an opinion in support of this Order No. 13 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

(a) Earl C. Gibbs, Incorporated, may sell and deliver and agree, offer, solicit and attempt to sell and deliver beef carcasses of the grades hereinafter set forth, and any person may buy and receive from Earl C. Gibbs, Incorporated, such beef carcasses at prices not in excess of those established as follows:

	Cents per lb.
Steer and heifer carcasses, AA or choice grade	22
Steer and heifer carcasses, A or good grade	21
Steer and heifer carcasses, B or commercial grade	20
Cow carcasses, A or good grade	18
Cow carcasses, B or commercial grade	17½
All carcasses, Cutter and canner grade	15

(b) Earl C. Gibbs, Incorporated, shall mail or cause to be mailed to all persons who purchase beef carcasses from it for resale a notice reading as follows:

> The Office of Price Administration, by Order No. — effective ———, 1942, pursuant to Section 1364.60 of Maximum Price Regulation No. 169, as amended, has permitted us to raise our maximum prices for sales to you of beef carcasses as follows:
>
> Steer and heifer carcasses, AA or choice grade from 21¢ to 22¢ per lb.
>
> Steer and heifer carcasses, A or good grade from 20½¢ to 21¢ per lb.
>
> Steer and heifer carcasses, B or commercial grade from 19½¢ to 20¢ per lb.
>
> Cow carcasses, A or good grade from 17½¢ to 18¢ per lb.
>
> Cow carcasses, B or commercial grade from 16½¢ to 17½¢ per lb.
>
> All carcasses, Cutter and Canner grade from 14½¢ to 15¢ per lb.
>
> This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that resale prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of beef carcasses. In order that we may continue to provide you with these carcasses, it will be necessary for you to accept this reduction in your margin.

(c) All prayers of the petition not granted herein are denied.

(4) This Order No. 13 may be revoked or amended by the Price Administrator at any time. Unless the context otherwise requires, the definitions set forth in § 1364.62 of Maximum Price Regulation No. 169, as amended, shall apply to the terms used herein.

(e) This Order No. 13 shall become effective November 13, 1942.

Issued this 12th day of November 1942.

Leon Henderson,
Administrator.

[F.R. Doc. 42-11823; Filed, November 12, 1942; 10:49 a. m.]

[Order 14 Under MPR 169]

Superior Meat Products

ORDER GRANTING ADJUSTMENT

Order No. 14 Under Maximum Price Regulation No. 169—Beef and Veal Carcasses—Docket No. 3169-114.

On September 10, 1942, the Superior Meat Products, Gary, Indiana, filed a petition for adjustment pursuant to § 1364.60 of Maximum Price Regulation No. 169, as amended. Due consideration has been given to the petition, and an opinion in support of this Order No. 14 has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

(a) Superior Meat Products may sell and deliver and agree, offer, solicit and attempt to sell and deliver the sausage products hereinafter set forth and any person may buy and receive from the Superior Meat Products such sausage products at prices not in excess of those established as follows:

	Cents per lb.
M. B. Weiners	26
G. S. Weiners	24
M. B. Veal Saus	22
Reg. H. C. Franks	21
M. B. Sq. Mince	21
M. B. Berliner	33
Smoked Liver	25
Fresh Liver	22
Thuringer	27
1st Grade Cotto Salami	28
Pl. Loaf Veal	22
Pim. Veal Lf	23½
Mother's Loaf	26
Ham & Cheese	26
Honey Loaf	37
Pepper Loaf	35

(b) Superior Meat Products shall mail or cause to be mailed to all persons who purchase such sausage products from it for resale a notice reading as follows:

> The Office of Price Administration by Order No. effective ______, 1942, pursuant to Section 1364.60 of Maximum Price Regulation No. 169 as amended, has permitted us to raise our maximum prices for sales to you of sausage products, as follows:
>
> M. B. Wieners, from 25¢ to 26¢ per pound.
> G. S. Wieners, from 23¢ to 24¢ per pound.
> M. B. Veal Saus., from 20¢ to 22¢ per pound.
> Reg H. C. Franks, from 17¢ to 21¢ per pound.
> M. B. Sq. Mince, from 20¢ to 21¢ per pound.

M. B. Berliner, from 32¢ to 33¢ per pound.
Smoked Liver, from 23¢ to 25¢ per pound.
Fresh Liver, from 20¢ to 22¢ per pound.
Thuringer, from 24¢ to 27¢ per pound.
1st Grade Cotto Salami, from 25¢ to 28¢ per pound.
Pl. Loaf Veal, from 20¢ to 22¢ per pound.
Pim. Veal Lf., from 21¢ to 23½¢ per pound.
Mother's Loaf, from 24¢ to 26¢ per pound.
Ham & Cheese, from 24¢ to 26¢ per pound.
Honey Loaf, from 33¢ to 37¢ per pound.
Pepper Loaf, from 31¢ to 35¢ per pound.

This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of sausage products. In order that we may continue to provide you with Sausage products it will be necessary for you to accept this reduction in your margin.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 14 may be revoked or amended by the Price Administrator at any time. Unless the context otherwise requires, the definitions set forth in § 1364.62 of Maximum Price Regulation No. 169, as amended, shall apply to terms used herein.

(e) This Order No. 14 shall become effective November 13, 1942.

Issued this 12th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11824; Filed, November 12, 1942; 10:49 a. m.]

[Order 46 Under MPR 188]

UNITED STATES GYPSUM COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 46 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Marterials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and § 1499.158 of Maximum Price Regulation No. 188, *It is hereby ordered:*

(a) *Maximum prices for sales of camouflage paint by the United States Gypsum Company of Chicago, Illinois.* United States Gypsum Company, 300 West Adams Street, Chicago, Illinois, is hereby authorized to sell, offer to sell and deliver, and any person is hereby authorized to purchase from said Company, camouflage paint referred to in the application herein at prices not in excess of $8.75 per cwt.

(b) All applicable discounts, terms and conditions of sale, differentials for different sizes and other trade practices in force for United States Gypsum Company, in March 1942, shall be maintained, unless the discontinuance or the modification thereof results in a lower price.

(c) This Order No. 46 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 46 shall become effective November 12, 1942.

Issued this 12th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11825; Filed, November 12, 1942; 10:49 a. m.]

[Order 47 Under MPR 188]

PERMANENTE METALS CORPORATION

ORDER GRANTING ADJUSTMENT

Order No. 47 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion which has been issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) Specific authority is hereby given to Permanente Metals Corporation, San Francisco, California, to sell and deliver to any person:

Crushed Raw Dolomite @ $2.90 per ton (2,000 lbs.) f. o. b. Salinas, California.

(b) The Permanente Metals Corporation shall file with the Office of Price Administration in Washington, D. C., on or before January 15, 1943, the following data:

(1) A detailed breakdown of the cost of producing, crushing, and selling Dolomite during the period beginning on the effective date of the order and ending December 31, 1942, showing separately the tonnage crushed and itemized inventories of all Dolomite in both tons and dollar amounts.

(2) Total Crushed Dolomite sales in both dollars and tons made during the period covered.

(c) The data requested in (b), (1) and (2), covering each subsequent quarterly period shall be filed not later than the 15th day of the month following the close of such quarterly period.

(d) This Order No. 47 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 47 shall become effective November 12, 1942.

Issued this 12th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11826; Filed, November 12, 1942; 10:49 a. m.]

[Order 48 Under MPR 188]

JAMES E. BRYAN

ORDER GRANTING ADJUSTMENT

Order No. 48 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) James E. Bryan and Associates are authorized to sell and deliver to retailers a new puzzle game, designated as "Trap the Jap in Tokio", at a price no higher than $12.75 per gross, f. o. b. Cleveland, Ohio.

(b) This Order No. 48 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 48 shall become effective on the 12th day of November, 1942.

Issued this 12th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11820; Filed, November 12, 1942; 10:50 a. m.]

[Suspension Order 156]

L AND J TIRE COMPANY

ORDER RESTRICTING TRANSACTIONS

Ben Greenblatt and Doris Greenblatt, doing business as L and J Tire Company, 3222 Market Street, Youngstown, Ohio, herein called respondents, were duly served with a notice and a supplemental notice of specific charges of violations of Revised Tire Rationing Regulations issued by the Office of Price Administration. Pursuant to said notices a hearing upon the charges was held on August 31, 1942, and on October 5, 1942, in Youngstown, Ohio. There appeared a representative of the Office of Price Administration and respondents. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been duly considered by the Deputy Administrator in Charge of Rationing, It is hereby determined that:

(a) Respondents have violated § 1315.803 of Revised Tire Rationing Regulations in that on May 9, 1942, respondents accepted delivery of 4,000 pounds of camelback from a dealer in camelback without delivering in exchange therefor any portion of any certificate issued pursuant to Revised Tire Rationing Regulations.

(b) Respondents have violated § 1315.803 of Revised Tire Rationing Regulations in that between May 10, 1942, and May 20, 1942, respondents as dealers in camelback delivered 500 pounds of camelback to one Sidney Ulansky without receiving in exchange therefor any portion of any certificate issued pursuant to Revised Tire Rationing Regulations.

(c) Respondents have violated § 1315.803 of the Revised Tire Rationing Regulations in that on May 15, 1942, respondents, as dealers in camelback, delivered 500 pounds of camelback to Butler County National Bank and Trust Company, Butler, Pennsylvania, without receiving in exchange therefor any portion of any certificate issued pursuant to Revised Tire Rationing Regulations.

(d) Respondents have violated § 1315.803 of the Revised Tire Rationing Regulations in that on June 20, 1942, respondents as dealers in camelback, delivered 2,000 pounds of camelback to Butler County National Bank and Trust Company, Butler, Pennsylvania, without receiving in exchange therefor any portion of any certificate issued pursuant to Revised Tire Rationing Regulations.

(e) Respondents have violated § 1315.401 and § 1315.802 of Revised Tire Rationing Regulations in that between May 15, 1942, and August 31, 1942, respondents delivered 89 recapped tires to Butler County National Bank and Trust Company, Butler, Pennsylvania, without receiving in exchange therefor any certificate authorizing such delivery issued by a War Price and Rationing Board.

(f) The foregoing deliveries made or received by respondents were not within any of the classes of deliveries of camelback or recapped tires permitted by the provisions of the Revised Tire Rationing Regulations to be made without the exchange of certificates or portions of certificates.

Because of the great scarcity and critical importance of rubber in the United States, respondents' violations of the tire rationing regulations issued by the Office of Price Administration have necessarily resulted in the diversion of rubber from military and essential civilian uses to non-essential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations of the Tire Rationing Regulations by respondents are likely unless appropriate administrative action is taken.

It is therefore ordered:

(g) During the period in which Suspension Order No. 156 shall be in effect,

(1) Respondents, their successors or assigns, shall not accept any transfers or deliveries of or in any manner directly or indirectly receive from any source any new tires, new tubes, recapped tires, retreaded tires, camelback or other recapping or retreading material.

(2) No person shall in any manner, directly or indirectly, sell, transfer or deliver any new tires, new tubes, recapped tires, retreaded tires, camelback or other recapping or retreading material to respondents, their successors or assigns, regardless of whether such materials have been previously purchased and completely paid for.

(3) Respondents shall not directly or indirectly sell, transfer, deliver, or otherwise deal or trade in any new tires, new tubes, recapped tires, retreaded tires, camelback or other retreading or recapping material: *Provided, however,* That respondents may make sales, transfers, or deliveries of their stocks thereof in their possession at the time this Suspension Order No. 156 is served upon them with the prior approval and under the supervision of the Regional Administrator of the Office of Price Administration for Region III.

(4) Respondents, their successors, or assigns, shall not enter into any contract or commitment for the recapping or retreading of tires or recap or retread any tires or in any way use or consume any camelback or other retreading or recapping material: *Provided, however,* That if any contract for retreading or recapping of tires have been entered into by respondents and such tires have been prepared in any degree for retreading or recapping or have been retreaded or recapped before this Suspension Order No. 156 is served upon respondents, such recapping or retreading may be completed and the retreaded or recapped tires delivered with the prior approval and under the supervision of the Regional administrator of the Office of Price Administration for Region III.

(h) Any term used in this Suspension Order No. 156 that is defined in Revised Tire Rationing Regulations shall have the meaning therein given it.

(i) This Suspension Order No. 156 shall become effective November 17, 1942, and shall remain in effect until further order of the Deputy Administrator in Charge of Rationing, but in no event later than December 31, 1944.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 and Supplementary Directive No. 1B (7 F.R. 562, 925); W.P.B. Supplementary Order No. M-15-C (6 F.R. 6792))

Issued this 12th day of November 1942.

PAUL M. O'LEARY,
Deputy Administrator in Charge of Rationing.

[F. R. Doc. 42-11822; Filed, November 12, 1942; 10:50 a. m.]

[Suspension Order 159]

ANGELINA RESTAURANT

ORDER RESTRICTING TRANSACTIONS

Angelina Nicholas, doing business as Angelina Restaurant, 1123 West Columbus Avenue, Philadelphia, Pennsylvania, hereinafter called respondent, was duly served with a notice of specific charges of violation of Rationing Order No. 3, Sugar Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing upon the charges was held on September 25, 1942, in Philadelphia, Pennsylvania. There appeared a representative of the Office of Price Administration and the respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been duly considered by the Deputy Administrator, It is hereby determined that:

(a) On the 28th of April, 1942, respondent registered for Angelina Restaurant, an institutional user of sugar, located at 1123 West Columbus Avenue, Philadelphia, Pennsylvania, and filed OPA Form R-310 with Local Rationing Board No. 39, Philadelphia, Pennsylvania.

(b) Respondent has violated § 1407.83 of Rationing Order No. 3, Sugar Rationing Regulations, in that on said OPA Form R-310 respondent declared that the quantity of sugar used by her for meals or food services was 500 pounds per month during each of the months of 1941 and that the quantity of sugar owned by her at the time of such registration was 250 pounds whereas the quantity of sugar, in fact, used by respondent for meals and food services during each of the months of 1941 was substantially less than 500 pounds and the quantity of sugar owned by respondent at the time of such registration was approximately 2,275 pounds.

(c) By reason of the false statements made by her on OPA Form R-310 respondent subsequently received an allotment of sugar for the months of May and June, 1942 in an amount in excess of that to which she was entitled under Rationing Order No. 3, the Sugar Rationing Regulations. Respondent, however, never purchased or received the sugar allotted to her nor has she made any purchases of sugar subsequent to her registration on April 28, 1942.

The violations by respondent of Rationing Order No. 3, Sugar Rationing Regulations, have hampered the effective administration and enforcement of necessary wartime regulations in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations of Ration Order No. 3, Sugar Rationing Regulations, by respondent are likely unless appropriate administrative action is taken. *It is therefore ordered:*

(d) The registration of Angelina Restaurant as an institutional user of sugar is hereby cancelled and all allotments of sugar to Angelina Restaurant are hereby revoked.

(e) Respondent shall forthwith surrender for cancellation to the War Price and Rationing Board that issued the same all sugar purchase certificates heretofore issued to respondent.

(f) Respondent may petition for registration of and assignment to Angelina Restaurant of an allotment. The petition shall be made upon OPA Form R-315 and the proceedings thereafter shall be the same as provided in § 1407.161 of Rationing Order No. 3, Sugar Rationing Regulations.

(g) Respondent shall be entitled to use 200 pounds of sugar per month pending decision on any petition respondent may file pursuant to Paragraph (f) of this Suspension Order No. 159.

(h) Any terms used in this Suspension Order No. 159 that are defined in Rationing Order No. 3, Sugar Rationing Regulations, shall have the meaning therein given them.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., E.O. No. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 (7 F.R. 562) and Supplementary Directive No. 1E (7 F.R. 2965))

Issued and effective this 12th day of November 1942.

PAUL M. O'LEARY,
Deputy Administrator,
in Charge of Rationing.

[F. R. Doc. 42-11821; Filed, November 12, 1942; 10:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-618]

AMERICAN POWER & LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of November, A. D., 1942.

Notice is hereby given that a declaration or application (or both) has been filed by American Power & Light Company pursuant to the Public Utility Holding Company Act of 1935, which designates sections 10 and 12 (c) of said Act and Rules U-23 and U-42 promulgated thereunder as applicable to the transactions proposed therein. All interested persons are referred to said declaration or application (or both), which is on file in the office of this Commission, for a statement of such proposed transactions, which are summarized as follows:

American has outstanding $41,153,000 principal amount of American's Gold Debenture Bonds, American 6% Series, due 2016, and $3,780,000 principal amount of Southwestern Power & Light Company 6% Gold Debenture Bonds, Series A, due 2022 (the latter issue of Bonds having been assumed by American). American will employ up to $10,000,000 in the purchase in the open market, at prices not exceeding the principal amount thereof (exclusive of accrued interest), of such amount of the Debenture Bonds as are obtainable within a period of approximately six months. If at the end of such period there remains as much as $200,000 unexpended out of such $10,000,000, applicant proposes to call for tenders of such Debenture Bonds for sale to applicant at prices not exceeding the principal amount thereof (exclusive of accrued interest), and will offer to purchase the largest number of Debenture Bonds (excluding any fraction of $1,000 principal amount) which such unexpended cash will pay for, Debenture Bonds offered at the lowest price or prices to be purchased first, and in case more Debenture Bonds are tendered than can be purchased with such unexpended sum, Debenture Bonds offered at the highest price at which Debenture Bonds are to be purchased will be selected by lot.

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to said matter, and that said declaration or application (or both) shall not be permitted to become effective, nor granted, except pursuant to further order of this Commission:

It is ordered, That a hearing on such matter, under the applicable provisions of said Act and the rules and regulations of the Commission, be held on November 24, 1942, at 10:00 A. M., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on that day by the hearing room clerk in Room 318;

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That any person desiring to be heard in connection with the proceeding, or proposing to intervene herein, shall file with the Secretary of the Commission on or before November 17, 1942, his request or application therefor, as provided by Rule XVII of the Rules of Practice of this Commission; and

It is further ordered, That without limiting the scope of the issues, presented for the aforesaid declaration or application (or both), to be raised at the hearing, particular attention will be directed to the following matters and questions:

1. Whether the proposed reacquisition by applicant of its Debenture Bonds is in the public interest and the interest of investors.

2. Whether the method proposed by applicant for the reacquisition of said Debenture Bonds is appropriate and in the public interest and the interest of investors.

3. Whether the fees, commissions or other remunerations to be paid, directly or indirectly, in connection with the proposed transaction are reasonable.

4. Whether the proposed reacquisition is detrimental to the carrying out of the provisions of Section 11 of the Act or tends to circumvent any provisions of the Act or any Rules, Regulations or Orders of the Commission.

5. Whether it is necessary or appropriate to impose any terms or conditions in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11782; Filed, November 11, 1942; 11:40 a. m.]

COMSTOCK TUNNEL AND DRAINAGE CO.

[File No. 1-2640]

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of November, A. D. 1942.

In the matter of Comstock Tunnel and Drainage Company, Common Stock, $1 Par Value.

The Comstock Tunnel and Drainage Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, $1 Par Value, from listing and registration on the San Francisco Mining Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Friday, December 4, 1942, at the office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officers herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That John H. Kelley, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11779; Filed, November 11, 1942; 11:40 a. m.]

[File No. 59-12]

ELECTRIC BOND AND SHARE CO., ET AL.

ORDER GRANTING APPLICATION FOR EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of November, A. D. 1942.

In the Matter of Electric Bond and Share Company, American Power & Light Company, Pacific Power & Light Company, Electric Power & Light Corporation, Utah Power & Light Company, National Power & Light Company and Ebasco Services Incorporated, respondents.

Order granting application for extension of time to comply with order under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 directing the dissolution of National Power & Light Company.

The Commission having heretofore, on August 23, 1941, entered its order herein, pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935, requiring (a) that the existence of National Power & Light Company be terminated and that said Company be dissolved, and (b) that National Power & Light Company and Electric Bond and

Share Company proceed with due diligence to submit to the Commission a plan or plans for the prompt dissolution of National Power & Light Company, pursuant to section 11 (b) (2) of the Act; and

National Power & Light Company having filed an application herein requesting the Commission to enter an order under Section 11 (c) of the Act extending for one year the time for compliance with said order of dissolution dated August 23, 1941; and

A public hearing having been duly held on said application, the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein, and being of the opinion that action may appropriately be taken as hereinafter ordered:

It is ordered, That said application for an extension of time is hereby granted, and that the time within which National Power & Light Company shall comply with said order of dissolution dated August 23, 1941, is hereby extended for a period of one year from and after August 23, 1942, subject to the following conditions:

1. On or before December 20, 1942, National Power & Light Company shall submit to this Commission estimated corporate income and surplus statements, by months, for the nine months' period ending August 31, 1943. Such statements shall show the nature and source of the estimated monthly income, the detail of the estimated monthly expenses, deductions from income and surplus items, all classified in accordance with the Uniform System of Accounts for Public Utility Holding Companies under the Public Utility Holding Company Act of 1935.

2. On or before the 20th day of each month from and after December 1, 1942, National Power & Light Company shall submit to the Commission its actual corporate income and surplus statements for the calendar monthly period next preceding the date of the filing thereof. Such statements shall show the nature and source of the monthly income, the detail of the monthly expenses, deductions from income and surplus items, all classified in accordance with the Uniform System of Accounts for Public Utility Holding Companies under the Public Utility Holding Company Act of 1935.

3. National Power & Light Company shall submit an amendment or amendments to its "Plan dated as of May 7, 1942, for Compliance with section 11 (b) of the Public Utility Holding Company Act of 1935", setting forth the extent and manner in which it is proposed that Birmingham Electric Company, Carolina Power & Light Company, Lehigh Valley Transit Company and Pennsylvania Power & Light Company shall (a) restate their respective plant, surplus, capital and other accounts so as to segregate, dispose of, or eliminate write-ups and intangibles in their respective plant accounts, (b) set up adequate reserves for depreciation of plant and property, (c) make such other accounting adjustments as may be deemed necessary to meet the requirements of the Act, and (d) revise and simplify their respective capital structures, and take such other steps as may be deemed necessary to effectuate a fair and equitable redistribution of voting power among their respective security holders. In respect of Birmingham Electric Company, such amendment shall be submitted on or before December 15, 1942. In respect of Carolina Power & Light Company, such amendment, giving consideration to the adjustments proposed in the proceeding entitled "In the Matter of Carolina Power & Light Company, et al., File No. 70-603", shall be submitted on or before January 1, 1943. In respect of Lehigh Valley Transit Company and Pennsylvania Power & Light Company, such amendment or amendments shall be submitted on or before February 15, 1943.

4. Jurisdiction is hereby reserved to rescind or modify, after appropriate notice to National Power & Light Company, the provisions of this order granting the extension of time for the purpose aforesaid.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11780; Filed, November 11, 1942; 11:40 a. m.]

[File No. 70-621]

THE RAILWAY AND BUS ASSOCIATES

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of November 1942.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by The Railway and Bus Associates, an indirect subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company; and

Notice is further given that any interested person may, not later than November 30, 1942, at 5:30 p. m., E. W. T., request the Comission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of such interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application, as filed or as amended, may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to the said application, which is on file in the office of the said Commission, for a statement of the transaction therein proposed, which is summarized below:

The Railway and Bus Associates propose to acquire from Triple Cities Traction Corporation 800 shares of the common capital stock (par value $1 per share) of Atlantic Utility Service Corporation, a service company in the Associated Gas and Electric Corporation system, for the total consideration of One Dollar ($1). This acquisition is stated to be pursuant to the terms of an agreement between The Railway and Bus Associates and George E. Schreiber, et al., by the terms of which The Railway and Bus Associates, on January 29, 1942, sold and delivered all the common stock totaling 450 shares of Triple Cities Traction Corporation to the said George E. Schreiber, et. al., receiving as consideration therefor the sum of $276,000. The agreement also provided that the purchasers of the stock of Triple Cities Traction Corporation are to cause the Triple Cities Traction Corporation to transfer its 800 shares of common stock of Atlantic Utility Service Corporation to The Railway and Bus Associates for the consideration of $1. The proposed transaction is for the purpose of effectuating the terms of the agreement.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11778; Filed, November 11, 1942; 11:40 a. m.]

[File No. 70-418]

UNITED PUBLIC SERVICE CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 9th day of November, A. D. 1942.

Notice is hereby given that a supplemental application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by United Public Service Corporation; and

Notice is further given that any interested person may, not later than November 23, 1942 at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such supplemental declaration or application, as filed or as amended, may become effective or may be granted by order of the Commission or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said supplemental declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

United Public Service Corporation proposes to sell to Atlantic Company 217,917 shares of Capital Stock, par value $1 per share, of Southern United Ice Company, and a 4% Income Note of such company dated October 1, 1935, due October 1, 1951, in the principal amount of $432,800, of which $388,840.88 principal amount is unpaid, for the sum of $91,800 in cash.

United Public Service Corporation proposes to distribute the proceeds of such sale to its stockholders according to their respective rights as a partial liquidating dividend when and as declared by its Board of Directors pursuant to the authority granted by its stockholders at a meeting held on December 29, 1941. United Public Service Corporation has outstanding 305,994 shares of common stock of a par value of 25¢ per share.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11781; Filed, November 11, 1942; 11:40 a. m.]

Reference

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 7 NUMBER 224

Washington, Saturday, November 14, 1942

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Commodity Credit Corporation

[1942 C. C. C. Soybean Form 1—Instructions, Rev.]

PART 230—1942 SOYBEAN LOANS

INSTRUCTIONS CONCERNING LOANS AND PURCHASES

Commodity Credit Corporation has authorized the making of loans on farm-stored soybeans or the purchase of soybeans stored in approved warehouses or delivered to designated delivery points in accordance with these instructions.

GENERAL INSTRUCTIONS

Sec.
230.1 Eligible producer.
230.2 Lending agency.
230.3 Liens.
230.4 High and low oil content soybeans.
230.5 County agricultural conservation committees.
230.6 Regional office of Commodity Credit Corporation.

LOANS

230.10 Eligible soybeans for loans.
230.11 Amount.
230.12 Maturity and interest.
230.13 Determination of quantity of soybeans.
230.14 Farm storage.
230.15 Source of loans.
230.16 Purchase of loans.
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PURCHASES

230.20 Eligible soybeans.
230.21 Program outline.
230.22 Methods of handling soybean purchases.
230.23 Amount.
230.24 Increase in soybean price.
230.25 Purchase by country warehouseman who has agreement to purchase soybeans for processor.
230.26 Purchase by country warehouses approved under the uniform grain storage agreement.
230.27 Purchase by processor.
230.28 Purchases by county committees where there are no warehousemen or processors available.
230.29 Two types of sight drafts.
Sec.
230.30 Making grade analysis.
230.31 Guaranteeing the support price.
230.32 Shipping instructions.
230.33 Soybeans of the most adaptable varieties selected for seed.
230.34 Insurance by warehouseman.

AUTHORITY: §§ 230.1 to 230.34, inclusive, issued under sec. 302, 52 Stat. 43; 7 U.S.C., 1302.

GENERAL INSTRUCTIONS

§ 230.1 *Eligible producer.* Any person, partnership, association, or corporation producing soybeans in 1942 as landowner, landlord, or tenant.

§ 230.2 *Lending agency.* Any bank, cooperative marketing association, or other corporation, partnership, or person, which has executed a Contract to Purchase (1940 C.C.C. Form E) and filed such contract with a regional office of Commodity Credit Corporation.

§ 230.3 *Liens.* Soybeans offered as collateral or for purchase must be free and clear of all liens except in favor of the lienholders listed in the space provided therefor in the chattel mortgage or the offer of sale memorandum. The names of all existing lienholders such as landlord, laborers, threshers, or mortgagees must be listed in the space provided therefor in the mortgage or offer of sale memorandum. The waiver and consent to sell or mortgage the soybeans and payment of the proceeds to the producer as contained in the mortgage or offer of sale memorandum must be signed personally by all lienholders listed or by their duly authorized agents; or, if corporation, by an officer thereof customarily authorized to execute such instruments. Waivers of lienholders may be executed on separate instruments if complete identification of the commodity and the producer is shown.

§ 230.4 *High and low oil content soybeans.* (a) High oil content soybeans of classes I and II are varieties approved by the United States Department of Agriculture State War Board produced in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Kentucky, West Virginia, Maryland, Delaware, and all States north and east thereof.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Telephone information: DIstrict 0525.

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(b) Low oil content soybeans of classes I and II shall be soybeans produced in areas other than those designated in subsection (a) above.

(c) High oil content soybeans of classes III, IV, and V, and varieties of classes I and II not approved by the United States Department of Agriculture State War Board shall be soybeans of such classes and varieties which are produced in a county as to which it is determined by Commodity on the basis of representative samples that such classes or varieties generally grown in such county have a fat content of not less than 17½ percent on a 10 percent moisture basis.

(d) Low oil content soybeans shall be soybeans of classes III, IV, and V (brown, black, and mixed) and varieties of U. S. classes I and II not approved by the United States Department of Agriculture State War Board unless grown in a county as to which it is determined by Commodity on a basis of representative samples that soybeans of such classes or varieties generally grown in such county have a fat content of not less than 17½ percent on a 10 percent moisture basis.

(e) In any county in which soybeans of any class are to be bought on a low oil content basis, unless they are approved as having high oil content, the county agricultural conservation committee may, with the approval of the State committee, secure representative samples of such class of soybeans for the purpose of determining the average oil content. In preparing such representative samples, the county committee, as the representative of Agricultural Adjustment Agency and Commodity Credit Corporation, shall secure individual farm samples so as to include all varieties of soybeans making up the particular class and so as to include farms located on each soil type in the county in which such class of soybeans is produced. Individual farm samples shall be taken from a minimum of 20 farms, unless there are less than 20 farms producing the particular class of soybeans in the county, in which case a sample shall be taken from each farm. The individual farm samples shall be thoroughly intermingled and from this three composite samples of not less than one quart each shall be prepared and sent to an approved laboratory for oil analysis. If the average oil content of the three composite samples is 17½ percent or more on a 10 percent moisture basis, all soybeans of that class produced in the county shall be considered to be of high oil content, upon submission to the regional director of Commodity Credit Corporation at Chicago of a copy of the analysis and a report of the manner in which the samples were taken and prepared.

If an individual producer desires to have an official determination made with respect to the oil content of the soybeans produced on his farm, he may request the county committee to secure a representative sample of his soybeans. The county committee shall take not less than three samples from the soybeans produced by such producer and from these they shall prepare a composite sample and submit it to an approved laboratory for analysis as indicated above. The county committee shall also determine the approximate number of bushels of soybeans of the particular class which the producer will offer for sale. In the event the analysis of the sample indicates an oil content of 17½ percent or more on a 10 percent moisture basis, the soybeans offered for sale by the producer shall be eligible for the high oil content price, provided the documents executed in connection with the purchase of such soybeans are accompanied by the report of the oil analysis made by the laboratory and a statement by the county committee showing the number of bushels of soybeans of such class represented by the sample produced on the farm to be offered for sale.

In the event a group of producers growing the same variety of soybeans wish to have an official oil determination made, the same procedure should be followed in securing samples as outlined in the first paragraph of this subsection. It will, however, be necessary for the county committee to prepare for submission with all documents executed in connection with the purchase of such soybeans a true copy of the oil analysis prepared by the laboratory, together with their estimate of the number of bushels of soybeans of such class represented by the sample produced and to be offered for sale by each producer in the group.

In both cases covered by the two paragraphs next above, the individual or group of individuals requesting the determination will pay the costs of the oil analysis.

§ 230.5 *County agricultural conservation committees.* Local county agricultural conservation committees will administer the loan and purchase program within a county and will determine eligibility of producers and soybeans. All loan and purchase forms will be obtainable from offices of county committees and must be approved by the committee prior to disbursement of proceeds. A service fee in connection with each loan will be collected by the county committee to cover the expenses incurred in the operation of the program.

§ 230.6 *Regional office of Commodity Credit Corporation.* The regional office of Commodity Credit Corporation, 208 South La Salle Street, Chicago, Illinois, will handle the soybean loan and purchase program for the Corporation.

LOANS

§ 230.10 *Eligible soybeans for loans.* Soybeans eligible for loans must be stored on farms and shall be any class grading No. 3 or better with respect to factors other than moisture and having a moisture content not in excess of 14 percent, which were produced in 1942, the beneficial interest to which is and always has been with the eligible producer, except that soybeans grading weevily or which are musty, sour, heating, or have any objectionable foreign odor, shall not be eligible soybeans for loan. Loans will be made to eligible producers on soybeans stored on the farm in all areas approved by the Agricultural Adjustment Agency. The procedure in § 230.4 (e) relating to high oil content soybeans for purchase applies to soybeans for loans also.

§ 230.11 *Amount.* The basic loan values for No. 1 and No. 2 soybeans shall be in accordance with the following schedules:

(a) Soybeans of classes I and II (green and yellow):

(i) $1.60 per bushel for high oil content.
(ii) $1.50 per bushel for low oil content.

(b) Soybeans of classes III, IV, and V (brown, black, and mixed):

(i) $1.50 per bushel for high oil content.
(ii) $1.40 per bushel for low oil content.

(c) Soybeans of any class grading No. 3 with respect to factors other than moisture and having not more than 14 percent moisture shall be discounted 8 cents per bushel below the basic loan value for No. 1 or No. 2.

§ 230.12 *Maturity and interest.* Loans on eligible soybeans will be available after the 1942 harvest begins and through March 31, 1943. Loans will mature on demand, but not later than June 30, 1943. Consent for storage of the soybeans on the farm until September 1, 1943, will be required. A 7-cent per bushel storage allowance will be advanced which may be retained by the borrower if the soybeans are delivered to Commodity Credit Corporation in payment of the loan at maturity or prior thereto if payment is demanded for a reason other than damage to the collateral or misrepresentation by the borrower. If delivery is made prior to maturity due to damage or threatened damage to the collateral, the producer shall refund to the Corporation an amount equal to 1 cent per bushel per month for each month or fraction thereof he fails to store the beans to June 30, 1943, not to exceed a total of 7 cents per bushel. Loans will be made on a note and chattel mortgage basis, using C.C.C. Grain Form A (Revised) (note) and C.C.C. Grain Form AA (Revised) (chatel mortgage).

§ 230.13 *Determination of quantity of soybeans.* Loans shall be made at values expressed in cents per bushel, a bushel being determined to be 60 pounds when determined by weight or 1.25 cubic feet of soybeans testing 60 pounds per bushel when determined by measurement. In determining the quantity of soybeans stored by measurement, fractional pounds of the test weight per bushel for soybeans testing less than 60 pounds will be disregarded, and the quantity determined by measurement shall be adjusted by the following respective percentages:

	Percent
For soybeans testing 60 pounds or over	100
For soybeans testing 59 pounds or over, but less than 60 pounds	98
For soybeans testing 58 pounds or over, but less than 59 pounds	97
For soybeans testing 57 pounds or over, but less than 58 pounds	95
For soybeans testing 56 pounds or over, but less than 57 pounds	93
For soybeans testing 55 pounds or over, but less than 56 pounds	92
For soybeans testing 54 pounds or over, but less than 55 pounds	90
For soybeans testing 53 pounds or over, but less than 54 pounds	88
For soybeans testing 52 pounds or over, but less than 53 pounds	87

§ 230.14 *Farm storage.* Soybeans shall have been stored in the granary for a reasonable period, determined by the county committee, prior to inspection for measurement, sampling, and sealing. In accordance with regulations issued by the Secretary of Agriculture, the State and county agricultural conservation committees will inspect and approve storage facilities and will arrange for measuring, sampling, grading, and sealing the soybean collateral in approved structures. Chattel mortgages covering farm-stored soybeans must be executed and filed in accordance with the applicable State law. Producers should obtain information and assistance from the county agricultural conservation committees in regard to the execution and filing of such chattel mortgages. Where the borrower is a tenant, the expiration date of the lease must be given in the chattel mortgage and if such date is prior to September 1, 1943, the landlord must execute the consent for storage in the chattel mortgage. The consent for storage agreement must also be executed by any other party or parties entitled to possession prior to September 1, 1943. Each producer must designate in the chattel mortgage a shipping point reasonably convenient for the delivery of the soybeans as determined by the county committee. A separate note and chattel mortgage must be submitted for soybeans stored on each quarter section of land.

§ 230.15 *Source of loans.* Loans may be obtained through banks and other lending agencies as defined in § 230.2 hereof, or direct from the Commodity Credit Corporation.

§ 230.16 *Purchase of loans.* Commodity Credit Corporation will purchase without recourse, notes evidencing loans only from lending agencies which have executed and delivered to a regional office of Commodity Credit Corporation, Contract to Purchase, 1940 C.C.C. Form E. Notes held by lending agencies must be tendered to the Commodity Credit Corporation for immediate or deferred purchase within 10 days of written request or at least 10 days prior to maturity in the absence of written demand. The purchase price to be paid by Commodity Credit Corporation for notes accepted will be the outstanding face amount of such notes, plus accrued interest from the date of disbursement by the lending agency to the date of payment of the purchase price at the rate of 1½ percent per annum. Under the terms of the Contract to Purchase, lending agencies are required to report weekly on 1940 C.C.C. Form F all repayments or collections on producers' notes held by them and to remit with such report to the office of Commodity Credit Corporation an amount equivalent to 1½ percent per annum on the principal amount collected from the date of disbursement by the lending agency to the date of repayment.

§ 230.17 *Release of collateral.* A borrower may obtain the return of his note and redeem the collateral at any time prior to delivery of the collateral to Commodity Credit Corporation upon payment of the principal amount due thereon, plus accrued interest. Borrowers may repay directly notes that are held by lending agencies or if the notes are held by Commodity Credit Corporation, they may request that notes be forwarded to a local bank for collection, or remit an amount sufficient to pay the outstanding principal and interest. Partial payment of a note and partial release of collateral may be arranged with the county agricultural conservation committee.

PURCHASES

§ 230.20 *Eligible soybeans.* Eligible soybeans shall be soybeans of all classes grading No. 4 or better produced in 1942, the beneficial interest to which is and always has been in the eligible producer. Soybeans containing stones and/or cinders, or soybeans grading weevily, musty, sour, heating, or hot, or which have any commercially objectionable foreign odor, shall not be eligible for purchase.

§ 230.21 *Program outline.* In order to handle this year's record crop of soybeans in an orderly and efficient manner and assure producers of the announced support prices, it is necessary that the county agricultural conservation committees assist in the purchase programs. This will require close cooperation with Commodity Credit Corporation, processors, country, terminal, and subterminal warehousemen. To determine the best methods of handling soybeans in their county, the county committee should first estimate the production and then make a survey of the storage situation in the county, determining the amount of farm storage, elevator storage, Commodity Credit Corporation owned steel and wooden bins, and the amount of storage needed, but not available in the county. All expense incurred by the county committee in connection with the purchase program, including supervision, mileage, and the cost of weighing, sampling, making determination of oil content, and loading into Commodity Credit Corporation bins shall be paid by the county committee and claimed as a reimbursable expense.

§ 230.22 *Methods of handling soybean purchases.* (a) By country warehouseman for the account of the processor, either for immediate sale to or storage for the processor.

(b) By approved country warehouseman for immediate shipment to Commodity Credit Corporation, storage for Commodity Credit Corporation, deferred sale to Commodity Credit Corporation, or immediate sale to a processor, or terminal warehouseman.

(c) By processor direct from the producer.

(d) By county agricultural conservation committees for storage in Commodity Credit Corporation owned steel or wooden bins, storage in other facilities, or shipment.

The purchase period shall begin as soon as 1942 soybeans are harvested and shall extend through June 30, 1943.

§ 230.23 *Amount.* The basic price per net bushel to be paid for eligible soybeans grading No. 1 and No. 2, sold and delivered before January 1, 1943, shall be not less than the prices in the following schedule:

Soybeans of class I (yellow) and class II (green):

(a) $1.60 per bushel for high oil content.

(b) $1.50 per bushel for low oil content.

Soybeans of class III (brown), class IV (black) and class V (mixed) and (varieties of classes I and II not approved by the United States Department of Agriculture State War Board, except in the States in which the Processor Contract for Cotton States is offered):

(a) $1.50 per bushel for high oil content.

(b) $1.40 per bushel for low oil content.

The price per net bushel to be paid for soybeans grading No. 3 and No. 4 shall be determined by deducting from the price per net bushel for soybeans grading No. 1 and No. 2, discounts in accordance with the following:

(a) *Test weight.* ½ cent per bushel for each pound or fraction thereof under 54 pounds.

(b) *Moisture.* 3/10 cent per bushel for each 1/10 percent of moisture in excess of 14 percent.

(c) *Splits.* ¼ cent per bushel for each 5 percent or fraction thereof in excess of 15 percent.

(d) *Damage.* 1 cent per bushel for each 1 percent or fraction thereof in excess of 3 percent, but not in excess of 5 percent, plus 2 cents for each 1 percent or fraction thereof in excess of 5 percent.

(e) *Foreign material other than dockage.* 1 cent per bushel for each 1 percent in excess of 2 percent rounded to nearest percent.

(f) *Other colors (than yellow or green).* 1 cent per bushel for each 1 percent in excess of 3 percent (over 5 percent classify as mixed soybeans).

(g) *Dockage.* Not to be paid for. Deduct from the gross weight all dockage entered on the inspection certificate.

§ 230.24 *Increase in soybean price.* For soybeans sold and delivered on or after January 1, 1943, the basic prices shown above shall be increased as follows:

	Cents per bushel
January 1 to January 31, inclusive	1
February 1 to February 28, inclusive	2
March 1 to March 31, inclusive	3
April 1 to April 30, inclusive	4
May 1 to May 31, inclusive	5
June 1 to June 30, inclusive	6

§ 230.25 *Purchase by country warehouseman who has agreement to purchase soybeans for processor.* Country warehouseman will purchase soybeans delivered by wagon or truck at support prices as determined by class, grade, and discounts as stated in § 230.23. The warehouseman will be reimbursed by the processor in accordance with the terms of their agreement in an amount equal to the support price (§§ 230.23 and 230.24), plus not less than 3½ cents per bushel charge for handling the soybeans in and out of the warehouse, plus ¾ of 1 cent per bushel if no storage is earned by the warehouseman and soybeans are shipped prior to January 1, 1943. The 3½ cents and ¾ cent charges stated herein apply only to processors signing the Form B and Pacific Coast contracts.

§ 230.26 *Purchase by country warehouses approved under the Uniform Grain Storage Agreement.* The country warehouseman shall purchase soybeans delivered by wagon or truck from the producer at the support price and will be reimbursed by Commodity Credit Corporation in an amount equal to the support price in effect on the date of purchase by the warehouseman, plus charges as indicated herein.

(a) *Storage in warehouse for Commodity Credit Corporation.* Warehouseman issues warehouse receipts to the order of Commodity Credit Corporation for each producer's soybeans. Warehouse receipts shall be properly listed on C.C.C. Soybean Purchase Form D and attached to a sight draft drawn on Commodity Credit Corporation for the total amount due warehouseman (not including warehouse charges) with respect to the soybeans represented by the receipts. The sight draft and attachments may be presented to a local bank or direct to the Corporation for collection. Warehouseman's charges will accrue against the warehouse receipts in accordance with the Uniform Grain Storage Agreement.

(b) *Storage in Commodity Credit Corporation owned bins.* Eligible soybeans grading No. 4 or better except for moisture content and containing not more than 14 percent moisture and reasonably free from dockage and foreign material may be stored in Commodity Credit Corporation owned bins. Soybeans to be stored in steel or wooden bins for Commodity Credit Corporation should be segregated as to color. If necessary, soybeans of the same color but different grades may be mixed. Warehouseman shall issue scale tickets for the soybeans placed in Commodity Credit Corporation bins and deliver such tickets to the county committee. The scale tickets shall be listed on C.C.C. Soybean Purchase Form D which shall be attached to a sight draft drawn on Commodity Credit Corporation for the amount due the warehouseman for the purchase price of soybeans. For receiving the soybeans and placing them in Commodity Credit Corporation owned bins the warehouseman will receive an amount not to exceed 2 cents per bushel according to the amount of service rendered and in accordance with an agreement with the county committee. The warehouseman will invoice Commodity Credit Corporation at Chicago for the amount of these services and must secure the county committee's written approval of the invoice before submission to the Corporation.

(c) *Immediate shipment.* If the warehouseman does not store the beans in his warehouse or place them in Commodity Credit Corporation owned bins, he may request shipping instructions from the Chicago office of Commodity Credit Corporation. The warehouseman will list all scale tickets representing soybeans loaded for shipment on C. C. C. Soybean Purchase Form D, and attach sight draft for the purchase price of soybeans drawn on Commodity Credit Corporation, together with copy of the bill(s) of lading. Commodity Credit Corporation will pay warehouseman 3½ cents per bushel for handling the soybeans in and out of the warehouse, plus ¾ of 1 cent per bushel for temporarily financing, insuring, and temporarily storing the soybeans, if the soybeans are shipped by the country warehouseman immediately upon purchase by him. This payment will be made after receipt of soybeans by Commodity Credit Corporation and will be subject to adjustment on the basis of official weights and grades at destination.

(d) *Sale to processor.* Country warehouseman may purchase soybeans for sale to processor or to terminal or subterminal warehouses. In such instances the instructions in § 230.25 shall apply.

§ 230.27 *Purchase by processor.* Processor may purchase soybeans at the plant direct from producer at the support price. Processor will not be entitled to a handling charge, but will be reimbursed by Commodity Credit Corporation in accordance with an agreement between the processor and the Corporation.

§ 230.28 *Purchases by county committees where there are no warehousemen or processors available*—(a) *For storage in Commodity Credit Corporation owned bins.* In areas where there are no approved warehousemen, country warehousemen, warehousemen's agent, processor, or processor's agent available at producer's usual shipping point or where warehousemen do not cooperate in the purchase program, the purchase program will be carried out by the county committee. Commodity Credit Corporation will authorize members of the county committee or an agent designated by the county committee and approved by the Corporation to issue sight drafts drawn on the Corporation in favor of producers who sell and deliver soybeans to the Corporation in accordance with instructions from the county committee.

Soybeans which contain in excess of 14 percent moisture shall not be stored in Commodity Credit Corporation owned bins. However, producers may, by filing an Offer of Sale with the county committee, deliver their soybeans for purchase to a point designated by the county committee, without first having secured a grade determination, if in the opinion of the producer and the county committee, the soybeans do not have a moisture content in excess of 14 percent.

In the event the producer is requested by the county committee to deliver his soybeans to a point more distant than his usual delivery point for the purpose of assembling in carload lots, the Corporation will allow not more than 5 cents per ton per mile haul for the additional distance necessary to make such delivery, but in no event should the county committee approve payments for an additional haul in excess of 4 cents per bushel without prior approval of the Regional Director of Commodity Credit Corporation, 208 South La Salle Street, Chicago, Illinois. When payment for additional mileage is approved by the county committee, a statement should be prepared, signed by the producer and approved by the county committee. This statement should be attached to the copies of C. C. C. Soybean Purchase Form E. Purchase Form E will be attached to the sight draft but the amount claimed for additional mileage shall not be included in the amount of the sight draft.

County committees shall weigh, secure a representative sample, load in Commodity Credit Corporation owned bins and forward the sample to the State office of Agricultural Adjustment Agency or to an inspector licensed to grade soybeans for grade analysis. Upon receipt of the grade analysis which shall include all grade factors needed to determine purchase price, the county committee shall draw a sight draft in favor of the producer on Commodity Credit Corporation for the total purchase price of the beans delivered.

In order that the sight draft will be honored by Commodity Credit Corporation, the county committee shall attach to the sight draft C. C. C. Soybean Purchase Form E, Report of Soybeans Purchased for the Account of Commodity Credit Corporation by county committee. The county committee shall list on Commodity Loan 23-A all purchases of soybeans made for storage in Commodity Credit Corporation bins. Two copies of Commodity Loan 23-A should be forwarded to the Regional Director, Commodity Credit Corporation, 208 South La Salle Street, Chicago, Illinois, regularly (not less than once a week) as purchases are made. All soybeans placed in Commodity Credit Corporation bin storage will be under the supervision of the county committee. County committees shall closely supervise the filling of Commodity Credit Corporation owned bins to be sure that soybeans placed in the bins are dry enough to assure safekeeping. Frequent inspections during the harvest season should be made to prevent loss from heating and if the soybeans are found to be questionable as to keeping qualities, the county committee should notify the State committee at once.

(b) *Soybeans purchased for shipment for the account of Commodity Credit Corporation by county committee.* Where soybeans for purchase are delivered to the county committee and are questionable as to keeping qualities or will grade in excess of 14 percent moisture, thus making them ineligible for Commodity Credit Corporation bin storage, or no bin storage is available, they should be assembled in carload lots for immediate shipment. The county committee should then secure shipping instructions from the State committee before loading for shipment. County committees should make certain *before* accepting delivery of soybeans that will have to be shipped because of moisture that such soybeans can be accepted by processors. Farmers may be required to withhold delivery until such time as the county committee finds space for shipment. The method of securing grade determinations and the payment for the soybeans will be handled by the county committee in the same manner as outlined for soybeans stored in Commodity Credit Corporation bins by the county committee.

§ 230.29 *Two types of sight drafts.* (a) A noninterest-bearing sight draft shall be used in all cases when the soybeans are purchased for immediate shipment.

(b) An interest-bearing sight draft shall be used when the soybeans are placed in warehouse storage for Commodity Credit Corporation or in Commodity Credit Corporation bins. In either instance the sight draft may be presented to the local bank or direct to Federal Reserve Bank of Chicago for collection. Upon receipt of an interest-bearing sight draft by a local bank the local bank shall pay the draft and either submit direct to the Federal Reserve Bank of Chicago for collection, or transfer to another bank (one transfer permitted in case of warehouse-stored soybeans only), or hold until called by Commodity Credit Corporation and collect interest thereon at 1½ percent from date on the draft until date of payment by Commodity Credit Corporation.

§ 230.30 *Making grade analysis.* Where requested by the producer, soybean purchasers shall furnish the producer a complete grade analysis which shall include class, grade, test weight, moisture, percent of splits, percent of damage, percent of foreign material other than dockage, percent of brown and/or black soybeans in the case green or yellow soybeans are being offered for sale, and percent of dockage.

If the warehouse is not equipped to furnish all grade factors, a representative sample of the soybeans delivered shall be taken by the purchaser and producer and sent to the State agricultural conservation office laboratory, or to an inspector licensed to grade soybeans, for grade determination before any payment is made to the producer. Each producer will be paid according to the soybeans delivered. The county agricultural conservation committee shall arrange for the warehouseman to mail such samples direct to the laboratory through the use of C. C. C. Soybean Purchase Form F.

All settlements with the producer by the purchaser will be based upon an agreement between the purchaser and producer of grade factors determined. If in agreement, the purchaser shall pay to the producer an amount equal to the rates established in these instructions on the net member of bushels of soybeans delivered.

The producer should understand that he has the right to call for an official grade if, in his opinion, any grade factors furnished by the purchaser are incorrect. In such cases, a representative sample taken by the purchaser and producer shall be forwarded to a qualified licensed inspector or Federal Grain Supervision Office for analysis, and settlement shall then be made on the basis of such analysis. The individual requesting the official grade shall pay the cost of securing grade determination.

§ 230.31 *Guaranteeing the support price.* Processor and Commodity Credit Corporation may require from the purchaser a signed statement that all soybeans were purchased from producers at the support price per bushel indicated by Commodity, and that purchaser had made and will maintain records evidencing the payment of such support price to producers, such record to be open during business hours to inspection by the processor, by Commodity, or by any county committee of the Agricultural Adjustment Agency.

§ 230.32 *Shipping instructions.* Soybeans purchased for the account of the processor shall be loaded and shipped according to instructions from the processor. Soybeans purchased for the account of Commodity Credit Corporation shall be loaded and shipped according to instructions from Commodity Credit Corporation at Chicago, Illinois. In no event shall a car be loaded until shipping instructions have been received.

§ 230.33 *Soybeans of the most adaptable varieties selected for seed.* In the heavy soybean-producing counties, the county agricultural conservation committee will assist the elevatorman in selecting high-quality soybeans of the most adaptable varieties in order that they may be segregated and stored separately in Commodity Credit Corporation owned bins for seed purposes.

§ 230.34 *Insurance by warehouseman.* Warehouseman shall at his own expense keep all soybeans purchased by him for the account of Commodity Credit Corporation, but not covered by storage receipts while the soybeans are in his possession, insured against fire, windstorm, lightning, cyclone, tornado, and inherent explosion (if legal in the State involved) at full market value in his own name.

Dated: September 24, 1942.

[SEAL] J. B. HUTSON,
President.

[F. R. Doc. 42-11879; Filed, November 13, 1942; 11:37 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Administration

Subchapter C—Regulations Under the Farm Products Inspection Act

PART 60—RICE (INSPECTION AND CERTIFICATION)

REVISION OF REGULATIONS

By virtue of the authority vested in the Secretary of Agriculture by law (Public Law 674, 77th Congress; 7 U.S.C. 414) the following revision of Title 7, Chapter I, Subchapter C, Part 60, Code of Federal Regulations (7 CFR, and 1939 Supp., Chapter I, Subchapter C, Part 60, as amended by 7 F.R. 6805) which shall supersede the regulations now in effect, is promulgated:

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60.58 Appeal certificate supersedes inspector's certificate.
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AUTHORITY: §§ 60.1 to 60.66, inclusive, issued under Pub. Law 674, 77th Cong., 7 U.S.C. 414.

DEFINITIONS

§ 60.1 *Meaning of words.* Words in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 60.2 *Terms defined.* For the purpose of this part, unless the context otherwise require, the following terms shall be construed, respectively, to mean:

(a) "Act" means the following provisions of an Act of Congress entitled "An Act making appropriations for the Department of Agriculture" for the fiscal year ending June 30, 1943, (Public Law 674, 77th Congress):

> For enabling the Secretary of Agriculture, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of businessmen or trade organizations, and persons or corporations engaged in the production, transportation, marketing, and distribution of farm and food products, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits, and vegetables, whether raw, dried, or canned, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided,* That officers and employees who, under proper authorization, use privately owned motor vehicles in the performance of official travel within the corporate limits of their official stations for the purpose of inspecting and grading farm and food products and the supervision thereof at points located within the said corporate limits may be reimbursed for such travel at a rate not to exceed three cents per mile: *Provided further,* That certificates issued by the authorized agents of the Department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained.

(2) "Secretary" means the Secretary of Agriculture or any person to whom the Secretary has heretofore lawfully delegated, or to whom the Secretary may hereafter lawfully delegate the authority to act in his stead.

(c) "Administration" means the Agricultural Marketing Administration of the United States Department of Agriculture.

(d) "Administrator" means the Administrator of the Agricultural Marketing Administration or any officer or employee of that Administration to whom the Administrator has heretofore lawfully delegated, or to whom the Administrator may hereafter lawfully delegate, the authority to act in his stead.

(e) "Person" means an individual, association, partnership, or corporation.

(f) "Inspector" means a person authorized by the Secretary to investigate and certify to shippers and other interested parties the grade, class, quantity, condition, and/or origin of rice in accordance with the regulations in this part.

(g) "Rice" means any rice for which standards shall have been fixed and established by the Secretary, or other cultivated rice for which inspection and certification is authorized by the regulations in this part.

(h) "Inspection certificate" means a certificate of the grade, class, quality, condition, and/or origin of rice, issued by an inspector or rice supervisor under the Act.

(i) "Interested party" means a person financially interested in a transaction involved in a rice inspection or an appeal.

(j) "Regulations" mean regulations promulgated under the Act by the Secretary.

(k) "Grade" means grade according to the official rice standards of the United States.

(l) "Official rice standards of the United States" mean standards of grade, class, quality, and condition of rice promulgated under the Act by the Secretary.

(m) "Rice supervisor" means an officer or agent of the Administration designated by the Administrator whose duties include the supervision of the inspection, grading or analysis of rice, of certification of grade, class, quality, condition, and origin thereof, and the determination of appeals in accordance with the Act and regulations.

(n) "License" means a license issued under the Act by the Secretary to any person to inspect rice and to certificate the grade, class, quality, condition, and origin thereof.

(o) "Authorized sampler" means a person authorized by a rice supervisor, or by an inspector with the approval of a rice supervisor, to draw official samples of rice, or any employee of the Administration assigned to perform sampling service.

(p) "District" means a defined portion of the United States designated for the purpose of the administration of the rice inspection service.

(q) "District headquarters" means a field office of the Grain, Feed and Seed Branch of the Agricultural Marketing Administration designated as the headquarters of a rice supervisor.

(r) "Appeal" means an appeal taken to a rice supervisor pursuant to the regulations in this part from the inspection of any lot of rice which has been certificated by an inspector.

ADMINISTRATION

§ 60.3 *Authority.* The Administrator is charged with the administration of the provisions of the Act and of the regulations in this part, and is authorized to issue such instructions as he may deem proper and necessary for the conduct of the service.

INSPECTION SERVICE

§ 60.4 *Kind of service.* Rice may be inspected for grade, class, quality, condition, and/or origin.

§ 60.5 *Who may obtain service.* An application for inspection of rice may be made by any interested party, or his authorized agent, including Federal, State, county, and municipal governments and common carriers.

§ 60.6 *How to make application.* Application for inspection may be made to any inspector in writing, orally, by telegraph or telephone. If made orally the inspector may require that it be confirmed in writing.

§ 60.7 *Form of application.* Application for inspection of rice under the Act shall include the following information: (a) the date of application; (b) the identification and location of the rice; (c) the name and post office address of the applicant and of the person, if any, making the application in his behalf; (d) the interest of the applicant therein; (e) the form of inspection desired; (f) if the rice has been inspected previously at the same place, a statement to that effect; and (g) such other information as the inspector may require or as may be deemed necessary by the Administrator.

§ 60.8 *When application is deemed filed.* An application shall be deemed filed when delivered to an inspector.

§ 60.9 *When application may be withdrawn.* Any application for inspection may be withdrawn by the applicant at any time before the certificate is issued, upon payment of any expenses incurred in connection therewith.

§ 60.10 *When inspection may be refused.* Inspection may be refused by the inspector for noncompliance with the Act or the regulations in this part. Such inspector shall immediately notify the applicant the reasons for such refusal. All expenses incurred in connection therewith may be charged to the applicant.

§ 60.11 *Authority of agent.* Proof of the authority of any person applying for inspection on behalf of another may be required in the discretion of the inspector.

§ 60.12 *Basis of service.* Inspection for grade, class, quality, condition, or origin shall be based upon such standards as may be prescribed by the Secretary, or upon such tests as may be authorized by the Administrator.

§ 60.13 *Date of inspection.* In order to determine the date of inspection at any point for the purpose of the regulations in this part, each day shall be deemed to end at midnight, or at such time before midnight thereof as may be fixed and announced for the convenience of the inspectors and the trade at such point, with the approval of the rice supervisor in charge of the district in which such point shall be located.

§ 60.14 *Lot inspection.* A lot inspection shall consist of taking a representative sample or samples of the rice, examining the same for grade, class, quality, condition, or origin, as the case may be, and of issuing a certificate therefor. No certificate shall be issued reciting the grade, class, quality, condition, or origin of any lot of rice unless a sample or samples of the rice covered by such certificate be drawn by the inspector or by an authorized sampler, and no such certificate shall be issued unless a representative sample or samples are obtained from all parts of the rice to be certificated in accordance with instructions issued by the Administrator.

In case it shall appear that a material portion of a lot of rice is in any manner distinctly inferior to the remainder of the lot, a separate sample shall be taken from each portion, there shall be filed with each such sample a statement showing the quantity of each portion, and a separate inspection shall be made of each such portion.

§ 60.15 *Sample inspection.* A sample inspection shall consist of examining a sample for its grade, class, quality, or condition, as the case may be, and of isuing a certificate therefor. Such sample shall be, in the opinion of the inspector, of sufficient size to permit accurate determination of the grade, class, quality, or condition to be certified.

CERTIFICATES

§ 60.16 *Certificate; issuance.* An official certificate shall be issued for each inspection of any lot or sample of rice to show the grade, class, quality, condition, or origin, as the case may be; but in no case shall an inspector sign a certificate covering rice not inspected by him.

§ 60.17 *Certificate; form.* Certificates shall be issued only in such form as approved by the Administrator.

§ 60.18 *Certificate; contents.* Each inspection certificate issued under the Act by an inspector shall embody within its written or printed terms such information as may be required by the Administrator.

In addition to the matters required by the Administrator, the inspection certificate may include only such additional remarks as may be approved by the Administrator.

§ 60.19 *Lot inspection certificate.* A lot inspection certificate shall be issued to show the grade, class, quality, condition, or origin, as the case may be, of a lot of rice.

§ 60.20 *Sample inspection certificate.* A sample inspection certificate shall be issued to show the grade, class, quality, or condition, as the case may be, of a sample of rice. Each sample inspection certificate shall clearly state that it applies only to the sample described therein.

§ 60.21 *Analysis certificate.* Upon request of an applicant an analysis certificate may be issued by an inspector to show the result of one or more factor analysis tests according to the official rice standards of the United States, or according to any approved test for kind, quality, or condition.

§ 60.22 *Equal-to-type certificate.* Upon application of an interested party and upon compliance with the provisions of §§ 60.4 to 60.28, a rice inspection certificate may be issued by an inspector to state that the quality of a lot or a sample of rice is "equal to or better than" the quality of a type which has previously been placed on file and definitely identified in the office of the inspector, provided such inspection and certification meet the conditions set forth in either paragraphs (a) (1), (2), (3), and (4), (b), or (c) of this section.

(a) (1) The lot or sample to be certificated shall be equal to, or better than, the quality of the type according to all class, quality, and condition factors of the official rice standards of the United States, with the exception of moisture.

(2) At the time of filing the type with the inspector, the depositor shall specify and file in writing with the inspector a statement of the maximum moisture content of any rice which he proposes to have inspected or to deliver against such type.

(3) When the statement of moisture content filed by the depositor with the type specifies a maximum moisture content of 15.0 percent or less and when the lot or sample to be delivered or inspected against the type contains no more moisture than the maximum percentage so specified, the factor of moisture may be disregarded in making the certification.

(4) When the statement of moisture content filed by the depositor with the type specifies a maximum moisture content in excess of 15.0 percent and when the lot or sample to be delivered or inspected against the type contains no more moisture than the maximum percentage so specified, the certificate shall clearly state the maximum percentage of moisture specified by the depositor, also the actual moisture content of the lot or sample covered by the certificate.

(b) An equal-to-type certificate also may be issued to show that rice is "equal to or better than" a properly identified type according to one or more of the class, quality, and condition factors of the official rice standards of the United States or according to other authorized kind, quality, and/or condition tests, provided the certificate clearly states the factors or tests used in making the inspection.

(c) An equal-to-type certificate also may be issued to show that rice is "equal to or better than" a properly identified type according to all of the class, quality, and condition factors of the official rice standards of the United States except for one or more such factors, provided the certificate clearly states the factors excepted in making the inspection.

All certificates issued under the provisions of this section shall clearly state the identity of the type.

In case any inspector finds that a lot or sample of rice offered for inspection under this section fails to meet the above requirements, the certificate issued pursuant to such inspection shall state that the rice is "not equal to type."

§ 60.23 *Milling-test certificate.* Any inspector who has equipment available to him to perform milling tests may, upon application of any interested party, and upon compliance with the provisions of §§ 60.4 to 60.28, make such tests and certificate the results, provided such equipment, and the method of use thereof meet the requirements prescribed by the Administrator, or by the rice supervisor for the area in which the rice is located.

§ 60.24 *Origin certificate.* Upon application of an interested party, a rice inspection certificate may be issued by an inspector to state that any rice sampled or inspected by him is of United States origin provided he determined this to be the fact.

§ 60.25 *Advance information.* Upon request of an applicant, all or any part of the contents of any certificate issued to him may be telegraphed or telephoned to him at his expense.

§ 60.26 *Disposition of certificates.* The original inspection certificate, immediately upon its issuance, shall be delivered or mailed to the applicant or a person designated by him. One copy shall be filed in the office of the inspector, and one or more copies forwarded to the Administrator or his representative. Additional copies may be furnished to the applicant without charge if requested prior to the issuance of the certificate. Additional copies may be furnished in accordance with the provisions of § 60.61 (d).

§ 60.27 *Superseded certificates; copies.* No inspector shall issue, nor permit to be issued over his signature, any copy of an inspection certificate which has been superseded by a Federal appeal inspection certificate, without first notifying the district rice supervisor and securing his approval of such issuance.

§ 60.28 *Certificates; copies filed with rice supervisor.* Each inspector shall, as soon as possible after inspecting and certificating any rice and not later than the close of business on the next following business day, file in, or transmit to, the District Headquarters in the district in which the inspection was performed, a true copy of each certificate issued by him.

LICENSED INSPECTORS

§ 60.29 *Who may be licensed.* Persons who show proper qualifications as provided in §§ 60.30, 60.31 and 60.32 may be licensed by the Secretary to inspect rice. Each license issued shall be countersigned by the rice supervisor under whose direction the licensee is to perform rice inspections, or by such other officer of the Administration as the Administrator may designate.

§ 60.30 *Application; requirements.* Any person desiring a license to inspect rice shall make application to the Administrator or to a rice supervisor. Each application shall contain or be accompanied by (a) satisfactory evidence that the applicant (1) has passed his twenty-first birthday and (2) has had at least one year's experience as an inspector of rice of the kind for which a license is sought, or the equivalent of such experience; (b) satisfactory assurance that the applicant will be provided with the necessary means or facilities for inspecting and grading rice of the kind for which a license is sought; and (c) shall be signed by the applicant.

§ 60.31 *Applicant to be examined for competency.* Each applicant for a license shall, if so required by the Administrator, be examined for the purpose of determining his competency. Such examination shall be held at a time and place and in such manner as may be prescribed by the Administrator.

§ 60.32 *Licensee shall be disinterested.* No person licensed by the Secretary to inspect or grade rice, or employed by him in carrying out any of the provisions of the Act or of the regulations in this part shall, during the term of such license or employment, be interested, financially or otherwise, directly or indirectly, in the rice involved, or in any rice mill or rice storage place, or in the merchandising of rice, nor shall he be in the employment of any person, corporation, or association, owning or operating any mill, storage place, merchandising company or other organization which handles rice commercially.

§ 60.33 *License; property of Administration.* Each license shall be the property of the Administration. Whenever any license shall have been superseded, suspended, canceled, or revoked it shall be returned to the Administrator.

§ 60.34 *Licenses; conditions governing issuance.* Each license issued shall be on condition that the licensee will, during the term of his license, apply the standards correctly, and will comply with all the provisions of the Act and the regulations in this part.

§ 60.35 *Suspension of license.* Whenever he deems such action necessary the Administrator may suspend the license of any inspector by giving him notice to that effect, together with a statement of the reasons therefor.

A licensee will be permitted 7 days from the receipt of such notice and statement of reasons, within which to show cause, supported by any evidence he may wish to offer on his behalf, why his license should not be revoked.

After the expiration of said period, final action as to the disposition of the said license will be taken.

§ 60.36 *Violations to be reported.* Each inspector shall immediately report to the rice supervisor of his district, evidence coming to his knowledge tending to show:

(a) That any provision of the Act or regulations has been violated;

(b) That any rice, inspected, and certificated, or to be inspected and certificated, under the Act or regulations has been irregularly loaded, or so loaded or piled as to conceal evidently inferior rice.

§ 60.37 *Instructions by rice supervisors.* Each inspector shall execute diligently all instructions for carrying out the Act and regulations issued to him, directly or indirectly, by a rice supervisor or by any officer of the Administration engaged in administering the Act and regulations, and, upon request, shall advise such rice supervisor or administrative officer, in full detail, of any facts regarding inspection services performed by him and the compensation received therefor.

§ 60.38 *Instructions by chief inspectors.* No chief or supervising inspector, shall issue to inspectors under his supervision any instructions inconsistent with the provisions of the Act and the regulations in this part. Each inspector shall immediately report to his rice supervisor any instructions issued contrary to this section.

§ 60.39 *Inspection and certification; when required.* Each inspector shall upon request, without discrimination, as soon as practicable, and upon reasonable terms, inspect any rice of the kind mentioned in his license, if such rice be offered and made accessible during customary business hours for such inspection, at a point where he performs service as an inspector. For each inspection, an official certificate shall be issued showing the grade, class, quality, condition, or origin, as the case may be.

§ 60.40 *Lot inspection to be based on representative sample.* No inspector shall issue an inspection certificate for any lot of rice unless the inspection thereof be based upon a correct and representative sample of the lot and be made under conditions which permit the determination of its true grade, class, quality, condition, or origin, as the case may be. Each inspector shall take proper precautions to insure that no sample be exposed to manipulation which would deprive it of its representative character from the time of its collection until the certificate is issued. No sample shall be deemed representative unless of the size and procured in accordance with the method prescribed in instructions issued by the Administrator.

§ 60.41 *Lot certification; when prohibited.* No inspector shall issue an inspection certificate for a lot of rice based upon a sample thereof drawn by a sampler who is not employed or authorized by him or his inspection department; or who is not an employee of the Administration approved for the purpose; or who is interested, financially or otherwise, directly or indirectly, in the rice involved, or in any rice mill, or rice storage place, or in the merchandising of rice, nor shall he be in the employment of any person, corporation, or association owning or operating any mill, storage place, merchandising company, or other organization which handles rice commercially, or who the inspector knows, or has reason to believe, is incompetent.

§ 60.42 *Inspection; restrictions.* No inspection shall be made of any rice which is to be loaded into a vessel, vehicle, or other container, if it appears to the inspector that the hold, compartment, or other enclosure into which the rice is to be loaded is in such condition as to contaminate the rice or to lower the grade, quality, or condition.

§ 60.43 *Inspector to make records.* Each inspector shall keep complete and correct records of all rice inspected by him, which records shall be open for inspection and examination by any rice supervisor or by any officer of the Administration designated for the purpose by the Administrator.

SAMPLERS

§ 60.44 *Authorized samplers.* Each inspector and rice supervisor may authorize samplers to draw official samples for him for inspection purposes under the following conditions:

(a) *Sampler shall be disinterested.* No sampler authorized to draw official samples for an inspector or rice supervisor shall, during the term of such authorization, be interested, financially or otherwise, directly or indirectly, in the rice involved, or in any rice mill, or rice storage place, or in the merchandising of rice, nor shall he be in the employment of any person, corporation, or association owning or operating any mill, storage place, merchandising company or other organization which handles rice commercially.

(b) *Authorization to be approved by rice supervisor.* No authorization issued to any sampler by an inspector shall be valid unless approved by the rice supervisor.

(c) *Form of authorization.* Each such authorization shall be in the form required by the Administrator. Each such authorization shall be signed by the inspector issuing the same, shall bear, or be accompanied by, a statement signed by the sampler that he will perform sampling services in accordance with instructions issued by the Administrator, and it shall also be signed as approved by a rice supervisor.

§ 60.45 *Suspension or revocation of authorization.* Each authorization shall be subject to suspension or revocation by the inspector issuing same or by any rice supervisor, upon its being established that the sampler is incompetent, that he is not acting in accordance with instructions, that he is not needed for service, that he has entered other employment that renders him unable to meet the requirement of § 60.44 (a), or for any other good reason. No sample drawn by a sampler after his authorization has been suspended or revoked shall be used by an inspector for inspection purposes.

§ 60.46 *Instructions to authorized samplers.* Each authorized sampler shall act in accordance with instructions issued to him by the inspector or the rice supervisor issuing the authorization, except that no inspector shall issue any instructions to authorized samplers that are inconsistent with the Act, with the regulation in this part, or with special instructions issued by the Administrator.

APPEAL INSPECTION

§ 60.47 *When and by whom appeal may be taken.* An application for an appeal inspection of a lot of rice may be made by an interested party who is dissatisfied with the determination stated in the original certificate. An appeal shall be taken (a) before the rice leaves the place where the inspection appealed from was made, (b) before the identity of the rice has been lost, and (c) as promptly as possible, but not later than the close of business on the second business day following the date of the inspection appealed from; however, the rice supervisor may permit the filing of an appeal application after the time prescribed herein upon the showing of fraud, insufficient time, or for other good reason.

§ 60.48 *How to obtain appeal inspection.* An appeal inspection may be obtained by any interested party, upon filing an application for such appeal inspection in writing, or by telegraph, in the office of the rice supervisor in the district in which the original inspection was made: *Provided,* That in his discretion the officer designated in charge of the rice inspection service may authorize the entertaining of an appeal by a rice supervisor in charge of a District Headquarters other than a rice supervisor having jurisdiction over the district in which the inspection appealed from was made.

§ 60.49 *Advance notice of appeal.* Any interested party desiring an appeal inspection may, in advance, transmit to the proper District Headquarters, by telegraph, telephone, or otherwise, such information as may be necessary to enable a rice supervisor in such office to proceed to the examination of the rice involved.

§ 60.50 *Contents of appeal application.* An application for an appeal signed by the appellant, shall state: (a) the identification and location of the rice at the time of taking the appeal; (b) the names and post office addresses of all other parties interested in the rice involved, if any; and (c) such other information as may be required by the rice supervisor in charge of the District Headquarters in which such application is filed.

§ 60.51 *Inspection certificate; filing.* The appellant may be required to file or cause to be filed, in the District Headquarters referred to in § 60.48, the inspection certificate for the rice involved issued by the inspector from whose inspection the appeal is taken if the same be in his possession. If such certificate be in the custody or control of the inspector, he shall upon request, immediately transmit or deliver it to said office.

§ 60.52 *Record of filing appeal.* A record showing the date and place of filing an appeal application or other documents pertaining to an appeal shall be made immediately by the receiver thereof. Each application or other document shall be deemed filed in a District Headquarters when delivered thereto.

§ 60.53 *When appeal may be dismissed.* A rice supervisor may dismiss any appeal filed in his office for noncompliance with the regulations in this part, or if it shall appear (a) that the reasons stated in an application for an appeal inspection are frivolous or unsubstantial, or (b) that the quality or condition of the rice has undergone a material change since the original inspection, or (c) that the rice cannot be made accessible for a thorough examination and sampling of all parts of the rice inspected. Upon the dismissal or withdrawal of an appeal the inspection certificate filed therein shall be immediately returned to the person by whom filed, or delivered upon his written order. No appeal may be withdrawn after the issuance of an appeal inspection certificate.

§ 60.54 *When appeal may be withdrawn.* Any application for appeal inspection may be withdrawn by the appellant at any time before the appeal inspection certificate referred to in § 60.56 has been issued, upon payment of any expense incurred in connection therewith.

§ 60.55 *Rice supervisor to determine appeals.* The sample or samples of rice involved in an appeal, complying with § 60.60 shall be examined as soon as possible, such tests shall be applied as are necessary, and the documents and all other evidence shall be carefully considered by the rice supervisor in determining the appeal.

§ 60.56 *Appeal inspection certificates, issuance.* Immediately after an appeal inspection has been made a certificate designated as "Appeal Inspection Certificate" shall be issued showing the grade, class, quality, condition, or origin, as the case may be, assigned by the rice supervisor to the lot of rice involved, which certificate shall be the final appeal inspection certificate for the purpose of that inspection. Each appeal inspection certificate shall be numbered and shall, by number or otherwise, identify the certificate which it supersedes.

§ 60.57 *Appeal inspection certificates; disposition.* The original of the appeal inspection certificate, issued by the rice supervisor and marked as such, shall be delivered to the appellant or upon the written order of the appellant. Additional copies may be furnished to the appellant without charge if requested prior to the issuance of the certificate. A copy of each appeal inspection certificate marked as such shall be furnished to each interested party of record other than the appellant, to whom the original appeal inspection certificate is issued. Additional copies may be furnished in accordance with the provisions of § 60.61 (d).

§ 60.58 *Appeal certificate supersedes inspector's certificate.* An appeal inspection certificate shall supersede the inspection certificate from which the appeal was taken and such superseded inspection certificate shall not thereafter represent the grade, class, quality, condition, or origin, as the case may be, of the rice.

§ 60.59 *Right of appeal not to be impaired.* No rule, regulation, bylaw, or custom of any market, board of trade, chamber of commerce, exchange, inspection department, or other organization, nor any contract, agreement, or understanding, shall be ground for refusing to hear and determine any appeal taken in compliance with the Act and regulations in this part.

§ 60.60 *Appeal inspection to be based on representative sample.* No appeal shall be determined except upon the basis of a representative sample or samples of the rice involved. Such samples shall be drawn by a person authorized for the purpose by either the Administrator or the rice supervisor in charge of the District Headquarters in which the appeal is entertained. For the purpose of an appeal no sample shall be deemed representative unless of the size and procured in accordance with the method prescribed in instructions issued by the Administrator.

CHARGES FOR INSPECTION

§ 60.61 *Fees and charges.* Fees and charges for inspection, appeal inspection, and certification as to grade, class, quality, condition, or origin, as the case may be, shall be in accordance with paragraphs (a) to (d) of this section.

(a) *Fees for inspections.* For each inspection of rice a fee according to a schedule of fees approved by the Administrator shall be assessed against the applicant.

(b) *Fees for appeal inspections.* The fee for an appeal inspection shall be in the same amount as the fee assessed for the inspection from which the appeal is taken: *Provided,* That in the case of an appeal from an inspection for grade, no appeal fee shall be assessed if the inspector's grade be changed.

(c) *Charges for traveling and other expenses.* Such additional charges may be made for traveling and other expenses paid and incurred by an inspector or by the Administration in the performance of inspection or appeal inspection services as will reimburse the inspector or the Administration.

(d) *Charges for copies of certificate.* In addition to the copies of certificates provided for in § 60.26, additional copies of certificates may be furnished to the applicant or upon his order; and in the case of appeal inspection certificates provided for in § 60.57, additional copies may be furnished to any interested party of record in the appeal, or upon his order. For such additional copies a reasonable charge may be made for each copy, but the maximum charge for each such copy shall not exceed twenty-five cents.

§ 60.62 *How fees and charges shall be paid.* Fees and charges for inspections and appeal inspections of rice shall be paid in accordance with the provisions of paragraphs (a), (b), and (c) of this section and in advance if required by the inspector or by the rice supervisor.

(a) *Inspections by Department employees.* Fees and charges for inspections made by inspectors who are employees of the Department and acting exclusively for the Administration shall be paid by the applicant by check, draft, or money order payable to the Treasurer of the United States and remitted promptly to the Administration.

(b) *Inspections under cooperative agreements.* Fees and charges for inspections made by inspectors employed and licensed under a cooperative agreement between the Administration and a person, or a State or other agency shall be paid by the applicant and disposed of in accordance with the terms of such agreement.

(c) *Appeal inspections.* Fees and charges for appeal inspections shall be paid by the appellant by check, draft, or money order payable to the Treasurer of the United States and remitted promptly to the Administration.

MISCELLANEOUS

§ 60.63 *Fraud or misrepresentation.* Any wilful misrepresentation or any deceptive or fraudulent practice made or committed by any person in connection with the making or filing of an application for inspection or appeal or any wilful violation of the regulations in this part may be deemed sufficient cause for debarring from any further benefits of the Act the person found guilty thereof, after opportunity for hearing has been accorded him and, pending investigation and hearing, the Administrator may, without hearing, direct that such person shall be denied the benefits of the Act. The facts and circumstances with respect to any such wilful misrepresentation or deceptive or fraudulent practice may be published.

§ 60.64 *Publications.* Publications under the Act and the regulations in this part may be made in the FEDERAL REGISTER, the Service and Regulatory Announcements of the Administration, and/or such other media as the Administrator may approve for the purpose.

§ 60.65 *Political activity.* All inspectors authorized, either by appointment or license from the Secretary to issue inspection certificates under the Act and the regulations in this part are forbidden, during the period of their appointment or license to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including temporary and cooperative employees, and employees on leave of absence with or without pay. Wilful violation of this section will constitute grounds for dismissal in the case of appointees, and revocation of licenses in the case of licensees.

§ 60.66 *Identification.* All inspectors and samplers shall have in their possession at all times, and be able to present upon request, while on duty appropriate means of identification.

Done at Washington, D. C., this 12th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-11877; Filed, November 13, 1942;
11:37 a. m.]

PART 942—MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Order suspending certain provisions of § 942.5 (a) (1) of the order,[1] as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area.

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "Act", and the provisions of the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area, it is hereby determined that the provisions of such order which provide that the price of Class I milk disposed of under a program approved by the Secretary of Agriculture for the sale or disposition of milk to low income consumers, including persons on relief, shall be a price which is less than the established price of Class I milk, are provisions which obstruct and do not tend to effectuate the declared policy of the Act with respect to the producers of milk defined in the said order.

It is, therefore, ordered, That the provisions of § 942.5 (a) (1) of the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area, which relate to the price to be paid by handlers for Class I milk disposed of under a program approved by the Secretary of Agriculture for the sale or disposition of milk to low income consumers, including persons on relief, shall be, and hereby are, suspended, effective as of 12:01 a. m., c. w. t., November 15, 1942.

Done at Washington, D. C., this 13th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] THOMAS J. FLAVIN,
Assistant to the
Secretary of Agriculture.[1]

[F. R. Doc. 42-11878; Filed, November 13, 1942;
11:37 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

WAGE STABILIZATION IN BUILDING

§ 803.12 *General Order No. 13.* (a) As provided in Title III, section 3, of Executive Order No. 9250[2] the Wage Adjustment Board of the Building Construction Industry established by the Secretary of Labor's Administrative Order No. 101 shall continue to perform the duty ascribed to it by that order as amended by Supplement No. 1 and by the Wage Stabilization Agreement of May 22, 1942, between the Building and Construction Trades Department of the American Federation of Labor and several Government agencies. As provided in the agreement, rates are to be revised above the July 1, 1942, levels only where those rates are inadequate because:

(1) They were fixed at a time so long before July 1, 1942, as to be out of line with the general wages then prevailing;

(2) They were applicable in a locality where changing conditions in the building construction industry require a revision of wage rates; or

(3) They do not sufficiently take into account any abnormal changes in conditions.

(b) In the performance of this duty the Wage Adjustment Board shall take no action which is inconsistent with the terms of Executive Order No. 9250.

(c) Any recommendation of the Wage adjustment Board directed to the parties for a change in wage rates shall be transmitted to the National War Labor Board and shall become a final order of the National War Labor Board seven days after filing unless in the interim the National War Labor Board determines that the recommendation should be stayed for the purpose of review or should be put into operation subject to review. If the National War Labor Board assumes review, it shall enter its order confirming the recommendation of the Wage Adjustment Board or remanding the case to the Wage Adjustment Board for further consideration. The Wage Adjustment Board may refer to the National War Labor Board or the National War Labor Board may bring up on its own motion, any recommendation of the Wage Adjustment Board directed to the parties in order to determine whether the action is inconsistent with the terms of Executive Order No. 9250.

(d) Unless and until otherwise ordered this order shall apply only to wage adjustments in contracts which were entered into prior to November 5, 1942, or which are otherwise excluded from the operation of Maximum Price Regulation 251 of the Office of Price Administration.

(E.O. 9250, 7 F.R. 7871)

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-11868; Filed, November 13, 1942;
11:29 a. m.]

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[1] 7 F.R. 3113.

[1] Acting Pursuant to Authority Delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81: 7 F.R. 2656).

[2] 7 F.R. 7871.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1691]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT No. 7

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 7 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 7.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 327.21 (*High volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R-II, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the schedules attached are based upon the price classifications and minimum prices in effect on October 1, 1942 for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached Schedules do not differ, except in this regard, from the minimum prices proposed by petitioner.

The coals of the Deepwater Mine, Mine Index No. 295, of the Deepwater Coal Company, have not been given a classification of C for Size Group 27 as requested by petitioner, but have been given a classification of E for Size Group 27 for the reason that the coals of the Beards Fork Mine of the Eastern Gas and Fuel Associates (Koppers Coal Company), Mine Index No. 15, an adjacent mine, are analogous with the coals of the Deepwater Mine and have a classification of E for Size Group 27 established therefor.

Dated: November 2, 1942.

[SEAL] DAN H. WHEELER, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R-I

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-district No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group Nos.									
								1	2	3	4	5	6	7	8	9	10
323	Edmor Coal Co	Edmor #2	3	Poca. #3	Northfork, W. Va	N&W	20	(†)	(†)	(†)	(†)	(†)	B	B	(†)	(†)	(†)
84	Fire Creek Fuel Co	Hunter #2	5	Fire Creek	Jonben, W. Va	Vgn	14	D	D	C	A	A	B	(*)	B	B	B

*When shown under a Size Group Number, this symbol indicates coals previously classified in this Size Group.

†When shown under a Size Group Number, this symbol indicates no classification effective for this size group.

§ 327.21 *High volatile coals: Alphabetical list of code members*—Supplement R-II

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Sub-district No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.																													
								For destinations other than Great Lakes																For Great Lakes cargo only													
								1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
295	Deepwater Coal Co	Deepwater	No. 2 Gas	2	Deepwater, W.Va	Vgn	15	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	E	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)

† When shown under a Size Group Number, this symbol indicates no classification effective for this size group.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine	Mine index No.	Subdistrict No.	County	Seam	All lump ¾″ or larger, all egg and stove	All nut or pea, 1¼″ top size or smaller	Screened M/R	Straight mine run	1¼″ screenings	¾″ screenings
						1	2	3	4	5	6
Edmor Coal Co	Edmor #2	323	3	McDowell	Poca. #3			300	235		
Fire Creek Fuel Co	Hunter #2	84	5	Raleigh	Fire Creek	310	270	300	(*)	215	210

*When shown under a Size Group Number, this symbol indicates coals previously classified in this Size Group.

[F. R. Doc. 42-11842; Filed, November 12, 1942; 11:03 a. m.]

[Docket No. A-1658]

PART 339—MINIMUM PRICE SCHEDULE, DISTRICT No. 19

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 19 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 19.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 19 for shipment by truck; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 339.4 (*Code member price index*) is amended by adding thereto Supplement T-I, and § 339.21 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T-II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the attached schedule marked Supplement T-I and T-II are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached schedule do not differ, except in this regard, from the minimum prices proposed by petitioner.

Dated: November 6, 1942.

[SEAL] DAN H. WHEELER, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 19

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions exceptions and other provisions contained in Part 339, Minimum Price Schedule for District No. 19 and supplements thereto.

FOR TRUCK SHIPMENTS

The following price classification and minimum prices shall be inserted in Minimum Price Schedule for District No. 19.

§ 339.4 *Code member price index*—Supplement T-I. Insert the following listings in proper alphabetical order:

Producer	Mine	Mine index No.	County	Subdistrict price group	Prices	
					Rail	Truck
Griffiths, Laramie	Sand Creek #2	241	Converse	9		§ 339.21
Washut, George F	Clear Creek #2	242	Johnson	9		§ 339.21
Wise, George & Rogers, Coal Mine (John Rogers, Jr.).	Wise, George & Rogers	240	Fremont	6		§ 339.21

§ 339.21 *General prices in cents per net ton for shipment into all market areas*—Supplement T-II. Insert the following code member names, mine names and counties in proper alphabetical order under Subdistricts 6 and 9, respectively, and the following prices for shipment via truck:

Code member mine name	County	Size group														
		1	2	3	4	5	6	7	8	9	10	12	14	15	16	17
SUB-DISTRICT NO. 6																
Wise, George, & Rogers Coal Mine (John Rogers, Jr.), Wise, George, & Rogers.	Fremont	330	330	330	305	280	280	280	255	155	155	200	130	120	---	---
SUB-DISTRICT NO. 9																
Griffiths, Laramie Sand Creek #2	Converse	...	245	245	245	245	245	225	205	130	130	155	130	130	105	55
Washut, George F. Clear Creek #2	Johnson	...	245	245	245	245	245	225	205	130	130	155	130	130	105	55

[F. R. Doc. 42-11840; Filed, November 12, 1942; 11:03 a. m.]

[Docket No. A-1573]

PART 343—MINIMUM PRICE SCHEDULE, DISTRICT No. 23

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 23 for the establishment of price classifications and minimum prices for the coals of the Buffalo Mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Buffalo Mine (Mine Index No. 169) of the Buffalo Coal Company, Incorporated, Subdistrict I of District No. 23; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 343.4 (*Code member price index*) is amended by adding thereto Supplement R-I, § 343.5 (*General prices; minimum prices for shipment via rail transportation*) is amended by adding thereto Supplement R–II, and § 343.21 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the attached Schedule marked Supplement R–I, R–II and T are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached Schedule do not differ, except in this regard, from the minimum prices proposed by petitioner.

Dated: November 3, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 23

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 343, Minimum Price Schedule for District No. 23, and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

The following price classification and minimum prices shall be inserted in the Schedule of Effective Minimum Prices for District No. 23:

§ 343.4 *Code member price index*—Supplement R–I. Insert the following listing in proper alphabetical order:

Producer	Mine	Mine index No.	Seam	County	Shipping point	Sub-district price group	Railroad	F. O. G. No.	Prices	
									Rail	Truck
Buffalo Coal Co., Inc.	Buffalo Coal Co.	169	Nos. 1, 2, 3, 4, and 5.	3rd Division, Alaska.	Premier.	"I"	Alaska	90	§ 343. 5	§ 343. 21

§ 343.5 *General prices; minimum prices for shipment via rail transportation*—Supplement R–II.

[Minimum F. O. B. mine prices in cents per net ton for shipment via rail transportation into market areas shown]

Insert under Subdistrict "I" the following code member name, mine name, mine index number, price classifications and minimum prices:

Subdistrict "I" Alaska. Buffalo Coal Co., Inc., Buffalo Coal Co. Mine (Mine Index No. 169).

Market areas	Size groups				
	2	4	10	15	19
1-21, 100-102, 105-112, 118, 125-129, 131, 133-137, and 139-141	620	445	520	345	420
22-31, 70, 72, 74, 103, 104, 114-116, 151-157, and 204-212	610	435	510	335	410
32-41, 47-50, 52-69, 71, 73, 75-78, 203, 215, 216, 234, 237 (Idaho), 240, and 241	605	430	505	330	405
42-46, 200-202, 213, 214, 217-232, 236, and 244-246	615	440	515	340	415
113, 117, 120-124, 130, 132, 142, 143, 145-148, and 150	630	455	530	355	430
237 (Washington), 238, 239, 242, 243, and 247-254	625	450	525	350	425

FOR TRUCK SHIPMENTS

§ 343.21 *General prices*—Supplement T. Insert under Subdistrict "I" Alaska in proper alphabetical order the following Code Member name, mine name, mine index number, county, and minimum prices:

[Prices in cents per net ton for shipment into all market areas]

Code member mine name	County	Size groups—				
		2	4	10	15	19
SUBDISTRICT "I"						
Buffalo Coal Co., Inc., Buffalo Coal Co. Mine (Mine Index No. 169).	3rd Division, Alaska.	625	450	525	350	425

[F. R. Doc. 42–11841; Filed, November 12, 1942; 11:03 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S–141]

GREATER BUFFALO PRESS, INC.

The Greater Buffalo Press, Inc., Buffalo, New York, is engaged in the printing business. Although it had not used any organic pigments in the manufacture of printing ink during the year 1941, between March 30 and July 1, 1942, operating under the assumed name of Chemical Process and Supply Company, the Company accepted deliveries of and used in the manufacture of printing ink approximately 4,000 pounds of yellow organic pigment and 4,000 pounds of red organic pigment. This constituted a violation of Conservation Order M–53.

During the months of July and August, 1942, the Company used, in the manufacture of printing ink, approximately 4,400 pounds of red organic pigment, 14,000 pounds of yellow organic pigment, and 7,200 pounds of blue organic pigment. This constituted a violation of Conservation Order M–53 as amended June 29, 1942. The Company at all times was fully aware of the restrictions contained in Conservation Order M–53.

These violations of Conservation Order M–53 have hampered and impeded the War effort of the United States by diverting organic pigments to uses unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.141 *Suspension Order No. S–141.* (a) Deliveries of material to The Greater Buffalo Press, Inc., its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to The Greater Buffalo Press, Inc., by means of Preference Rating Certificates, Preference Rating Orders, General Preference Orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to The Greater Buffalo Press, Inc., its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this Order shall be deemed to relieve The Greater Buffalo Press, Inc. from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect November 14, 1942, and shall expire on May 14, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11852; Filed, November 12, 1942; 1:58 p. m.]

PART 1119—METAL PLASTERING BASES AND METAL PLASTERING ACCESSORIES

[Limitation Order L–59–b]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of steel, zinc, and other metals for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1119.3 *Supplementary Limitation Order L–59–b*—(a) *Definitions.* For the purpose of this order:

(1) "Metal plastering base" means any support or reinforcement, made in whole or in part of metal which is of a type commonly used as a base for the application of interior or exterior plastering or stucco construction, including, but not limited to, the following: expanded metal lath, metal stucco mesh, sheet metal lath, wire lath, wire cloth, wire fabric (whether woven or welded) and any of the foregoing in combination with any other of the foregoing or with paper, fabric or other backing.

(2) "Metal plastering accessory" means any article (other than a metal plastering base, a nail or clips or any device for holding plaster base other than metal plastering base), which is of a type commonly used as a guide, support, reinforcement or means of attachment for metal plastering bases or other plaster bases, and which is made in whole or in part of metal including, but not limited to, the following: corner lath (cornerite), corner beads, base screed, corner bead clips, tie wire, metal partition studs, floor and ceiling track for partitions, steel plastering shapes such as channels and rods, and concealed picture mold and trim to be applied before plastering.

(b) *General restrictions.* On and after the 16th day of November, 1942, notwithstanding any contract, agreement or preference rating, no person shall manufacture or fabricate any metal plastering base or metal plastering accessory except metal plastering base to fill an order from the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration when such metal plastering base is required by specifications (including performance specifications) applicable to such order.

Nothing in this order shall supersede the directive for wartime construction, dated May 20, 1942, issued by the Chairman of the War Production Board, the Secretary of War and the Secretary of the Navy, or the "List of Prohibited Items for Construction Work", dated June 29, 1942, issued by the Army and Navy Munitions Board as amended from time to time.

(c) *Reports.* Each person to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said board shall from time to time request.

(d) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(e) *Appeals.* Any appeal from the provisions of this order shall be filed on Form PD–500 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(f) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(g) *Routing of correspondence.* Reports to be filed and communications concerning this order, other than appeals, shall be addressed to the War Production Board, Building Materials Branch, Washington, D. C. Ref: L–59–b.

(P.D. Reg. 1, as amended, 6 F.R 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11862; Filed, November 13, 1942; 10:52 a. m.]

PART 3031—WALL PAPER

[General Limitation Order L–177]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export, of paper, inks, chemicals and other material and facilities used in the manufacture and distribution of Wall Paper and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3031.1 *General Limitation Order L–177*—(a) *Applicability of priorities regulations.* This order (and any schedule pursuant thereto) and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, or organized group of persons, whether incorporated or not.

(2) "Manufacturer" means any person who manufactures or processes wall paper.

(3) "Wall paper" shall include all paper designed for use as a covering for the ceiling or walls of rooms, which is manufactured or produced by printing on paper or fabric with oil, water, or other coloring materials, and/or by the embossing or pressing of designs on paper.

(4) "Distributor" shall include any person who sells wall paper to any person for resale; and shall further include any person who offers wall paper for sale by means of the distribution of sample books to the ultimate consumer by mail, or otherwise.

(c) *Schedule for the simplification and standardization of wall paper.* (1) No person shall sell, deliver, purchase or otherwise acquire any base paper stock for the manufacture of wall paper unless the same shall conform to the specifications set forth in Schedule 1 which is made a part of this order.

(2) No person shall process or manufacture any base paper stock into wall paper except in conformity with the specifications set forth in said Schedule 1.

(d) *Amendments to schedule.* The Director General for Operations from time to time may issue such amendment or amendments to Schedule 1 of this order as he deems necessary.

(e) *Reports.* Each manufacturer and distributor shall file such reports as may be required from time to time by the Director General for Operations.

(f) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning their manufacture, processing and/or distribution of wall paper.

(g) *Appeals.* Any person affected by this order or any schedule issued pursuant thereto who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared to the amount of materials conserved or that compliance with this order or such schedule would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(h) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall unless otherwise directed, be addressed to: War Production Board, Printing and Publishing Branch, Washington, D. C., Ref.: L–177.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries, or from process or use, of material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E. O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE 1 TO GENERAL LIMITATION ORDER L-177

SPECIFICATIONS AND PRACTICES FOR MANUFACTURE OF WALL PAPER

(a) *Definitions.* For the purposes of this schedule:

(1) All trade words, phrases and terms used herein shall be construed as commonly understood in the wall paper trade.

(b) *General limitations on wall paper manufacture*—(1) *Patterns.* New wall paper patterns (those not previously used in production by any manufacturer) shall be limited to 60% of the total number of patterns employed in the 1941–1942 lines of each manufacturer

(2) *Paper limitations.* In the manufacture of wall paper for the 1942–43 season, no manufacturer shall:

(i) Purchase or otherwise acquire, or put in process paper stock in excess of fifty percent (50%) of the total tonnage of paper stock consumed by him in the production of wall paper in the 1941–42 season.

(ii) Exceed the 1941–42 percentage ratio of the usage of ground-wood free paper stock in relation to his total tonnage consumption of paper stock.

(iii) Use paper stock which will exceed 19¼″ in width to trim to 18″.

(iv) Use paper stock in excess of base weight of paper stock theretofore employed by him in the manufacture of his line.

(3) *Exception.* All paper stock acquired prior to the date of this order, and in the possession of the manufacturer on said date, is specifically excepted from the provisions of subdivisions (ii), (iii) and (iv) of paragraph (b) (2).

(c) *Styles sampled.* All manufacturers and distributors of wall paper shall reduce the number of styles in their 1942–1943 line or lines of sidewall and ceiling wall paper (including specials) in accordance with the following schedule of percentage reductions:

Number of styles of sidewall and ceiling wall paper samples in the 1941–1942 line or lines (including all specials)		Required percentage reduction of styles to be sampled in the 1942–1943 line or lines (including all specials)
By manufacturers	By distributors	
First 400	First 200	10%
Next 200	Next 100	15%
Next 200	Next 100	20%
Next 200	Next 100	25%
All additional	All additional	30%

Provided however, That any manufacturer or distributor who reduced the number of styles of sidewall and ceiling wall paper sampled in his 1941–1942 line or lines (including specials) 25% or more from the number of such styles sampled in his 1940–1941 line or lines, may employ the average number of such styles sampled in his 1940–1941 and 1941–1942 line or lines as the base for computing the permissible number of styles to be sampled in his 1942–1943 line or lines, in accordance with the foregoing schedule of percentage reductions.

(d) *Sample books.* In his 1942–1943 line or lines, each manufacturer and/or distributor of wall paper may cut up only such total number of rolls of wall paper for the making of sample books, as results from a reduction of the total cut up for his 1941–1942 line or lines by the same percentage of overall reduction of the number of styles required by paragraph (c) hereof. *Provided however,* That such reduction in the number of rolls of wall paper shall not apply to books of selection, but no more than five (5) copies of any book of selection may be prepared.

(e) *Color usage.* (1) No manufacturer, in his 1942–1943 line or lines, shall exceed the following color limitations of red, green, blue and yellow colored grounds (including pad grounds and full chokes), whether organic or inorganic colors, set forth in "Munsell Book of Color, Abridged" (1929 edition).

Wall paper ground color class	Munsell hue designation	Minimum value permissible	Maximum chroma permissible
Rose red	7.5P-10RP	6	8
Orange red	2.5R-10R	6	8
Yellow	2.5YR-10Y	8	6
Green	2.5G-10BG	7	4
Blue	2.5B-5.0P	5	5

(2) In his 1942–1943 line or lines, each manufacturer may produce only such total number of styles in each classification of colored grounds (set forth in subparagraph (1) of this paragraph (e)) as results from a reduction of the total produced in his 1941–1942 line or lines by the same percentage of overall reduction of the number of styles required by paragraph (c) hereof.

(3) *Metallic inks.* No manufacturer may use any aluminum or bronze powder, paste, ink or leaf in the manufacture of wall paper for his 1942–1943 line or lines, *Provided, however,* That this provision shall not operate to prevent any person from disposing of inventories of such processed wall paper from his 1941–1942 line or lines.

[F. R. Doc. 42-11863; Filed, November 13, 1942; 10:52 a. m.]

PART 3061—STEEL SHIPPING DRUMS

[Amendment 3 to Limitation Order L-197[1]]

Subparagraph (5) of paragraph (c) of Limitation Order L-197 (§ 3061.1) is hereby amended to read as follows:

(5) Notwithstanding the provisions of paragraph (c) (4), any person who owns a drum which is not required to be embossed or marked with the letter **X** pursuant to paragraphs (c) (1) and (c) (2) of this order, whether such drum is in his possession or is hereafter returned to him by another person, may use such drum for packing any of the materials listed in said paragraph (c) (4), so long as he retains ownership of such drum; but the provisions of said paragraph (c) (4) shall become applicable as soon as he sells such drum.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11864; Filed, November 13, 1942; 10:52 a. m.]

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[1] 7 F.R. 7237, 7342, 8638.

Chapter XI—Office of Price Administration

PART 1300—PROCEDURE

[Procedural Regulation 11]

NOTICE OF INCREASES IN RATES AND CHARGES OF COMMON CARRIERS AND OTHER PUBLIC UTILITIES

Pursuant to the authority conferred by the Emergency Price Control Act of 1942, as amended, including sections 1, 2 and 7 (b) of the Act to Amend the Emergency Price Control Act of 1942, to Aid in preventing inflation and for other purposes, by Executive Order No. 9250[1] dated October 3, 1942, and Directive No. 1 of the Director of Economic Stabilization,[2] the following rules are prescribed for the filing of notices of proposed general increases in rates or charges of common carriers and other public utilities.

§ 1300.901 *Definition.* For the purpose of this Procedural Regulation No. 11, a general increase in the rates or charges of a common carrier or other public utility is defined as any change in its rates, fares, classifications, rules, regulations or practices which results in an increase in the charges for transportation or other public utility service applicable to a class of passengers, shippers or customers, including increases in wholesale or industrial rates or charges for public utility services, as distinguished from an increase of rates or charges applicable to a particular customer or transportation service under special arrangement.

§ 1300.902 *General requirements with respect to notices.* Thirty (30) days before the effective date of a general increase in the rates or charges of any common carrier or other public utility, there shall be filed with the Transportation and Public Utilities Division of the Office of Price Administration, Washington, D. C., two copies of notice of such proposed increase, except as otherwise provided in paragraphs (d) and (e) of § 1300.904. Such notices shall be deemed to have been filed when received in the Office of such Division. If authority for the establishment of any such increase is required by any regulatory agency, notice shall be given on or before the time such authority is sought in order that the Price Administrator may have timely opportunity to intervene, but in no event shall such notice be given less than 30 days before such proposed increased rates or charges are to become effective. All notices shall state the name and address of the Federal, State or municipal authority having jurisdiction over the rates or charges in question.

Each such notice shall contain a statement that the common carrier or other public utility consents to the timely intervention by the Price Administrator, on behalf of the Director of Economic Stabilization, before the Federal, State or municipal authority having jurisdiction to consider such increase.

One copy of each notice must be over the signature of an executive officer, a responsible traffic officer, or a duly authorized attorney or agent of the carrier or other public utility. Duly authorized officers of corporate agents shall sign on behalf of such agents. The person signing the notice shall certify that the information contained therein is true to the best of his knowledge, information and belief.

§ 1300.903 *Contents of notice filed by common carriers other than common carriers included in § 1300.904.* (a) Notice filed by common carriers other than common carriers included in § 1300.904 shall show the names and addresses of the carriers on whose behalf the notice is filed, except that in case of a notice filed by an agent or agents on behalf of a group of carriers, parties to a tariff filed with a federal agency, reference may be made to such tariffs wherein is shown the names of the carriers for whom such agent is acting. In case of notice filed by an agent or agents on behalf of a group of carriers, parties to a tariff not filed with a federal agency, one copy of such tariff showing the names and addresses of such carriers may be submitted.

In cases other than those specified in paragraph (c), the notice shall contain a reference to the tariffs filed with a regulatory authority having jurisdiction, or, in lieu thereof, a statement of specific changes proposed.

(b) Notice of increases of the character set forth in paragraph (c) shall also contain the information indicated below:

(1) The present and proposed rates, fares, charges, classifications, practices, rules or regulations, the commodities affected, the minimum weight and the points between which the changes apply shall be shown: *Provided,* That where it is proposed to increase a large number of rates, fares or charges, the notice instead of showing each specific change may show the present and proposed rates, fares, or charges between typical points: *Provided further,* That where it is proposed to change a rule a clear statement of the effect of the change shall be made.

(2) If the proposed rates, fares or charges are predicated on the proceedings or order of a regulatory agency having jurisdiction over those rates, the notice shall so indicate by proper reference to each proceeding.

(3) A statement of the reasons for the increases sought to be established shall be submitted with the notice. There may be submitted as a part of such statement an estimate of the volume of movement under the rates proposed to be increased when that information is available, and comparisons of the present and proposed rates with comparable rates of other carriers or with other rates of the carrier filing the notice.

(4) Upon request of the Office of Price Administration, the tariff or rate sheet authorities of the present rates, ratings or rules shall be indicated as well as the tariff or rate sheets in which the proposed rates, ratings or rules will be published.

(c) The information set forth in paragraph (b) shall be filed in every case where the proposed general increase is of the following nature:

(1) An increase of general application within a recognized rate territory, or between such territories; or

(2) An increase having application from or to numerous points of origin or designation; or

(3) An increase in a proportional rate or rates which by application in connection with other rates, apply from or to numerous points of origin or destination; or

(4) An increase in a rate or rates between points which are related to rates applying from or to other points which on the whole apply from or to numerous points of origin or destination; or

(5) An increase in a rate or rates between two or more points on one or more commodities or class of passengers when the transportation between such points constitutes a substantial part of the business of the carrier.

§ 1300.904 *Contents of notice of proposed increase in rates and charges of public utilities.* (a) For the purpose of this section the term public utility shall include the following: Any person, firm, corporation (private or public), engaged in the production, transmission, or sale of electric energy, gas (whether natural, artificial, or mixed) water, or heat; or in the transportation or transmission of electric energy, gas, water, or heat; or in the transmission of messages, communications, or other intelligence by telephone, telegraph, cable, radio, or other wire or wireless conductors or appliances, as a common carrier for hire; or in the transportation as common carrier of passengers by street railway, trolley, bus or motor vehicle in urban areas.

(b) The notice filed by a public utility shall be accompanied by a copy of each application or petition submitted to any regulatory agency in support of the request for such increase in rates or charges.

(c) The following information or data shall be submitted with each notice filed by a public utility, except as provided in paragraphs (d) and (e): *Provided,* That if such information or data is furnished pursuant to the requirements of § 1300.902 above, it need not be furnished in duplicate under this paragraph:

(1) A statement of the reasons for the proposed increase;

(2) A comparison of the existing and proposed rates or charges;

(3) A statement indicating the class or classes of customers affected, and the approximate number of each such class; and the community or communities, or territory affected;

(4) An estimate of the probable sales and revenue under the proposed rates or charges for a period of twelve months after the increase becomes effective;

(5) Detailed income statements for the two calendar years preceding the filing of the application or petition, and an income statement for as much of the current years as is available;

(6) Balance sheets as of the end of the calendar year preceding the filing of the application or petition, and also as of the latest date for which such balance sheets are available;

(7) A statement of federal income taxes paid or accrued during the calendar year 1939 and each calendar year thereafter, including the current year;

(8) A statement, if available, showing the original cost of the facilities used, and useful in furnishing the service for which increased rates or charges are proposed.

(d) Local telephone companies having five hundred or less stations shall not be required to file the information or data specified in subparagraphs (4) to (8), inclusive of paragraph (c) above, excepting the filing of the latest available annual income statement.

(e) Taxi cabs or taxi cab companies shall serve notice upon the nearest state or district office of the Office of Price Administration and shall not be required to furnish information set forth in subparagraphs (4) to (8), inclusive, of paragraph (c), except the filing of the latest available annual income statement.

§ 1300.905 *Supplementary orders.* The Administrator may issue such supplementary orders as may be required to effectuate the purposes of this regulation.

§ 1300.906 *Effective date.* This Procedural Regulation No. 11 (§§ 1300.901 to 1300.906, inclusive) shall become effective November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871 and Dir. No. 1, 7 F.R. 8758)

Issued this 12th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-11853; Filed, November 12, 1942; 3:42 p. m.]

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[1] 7 F.R. 7871.

[2] 7 F.R. 8758.

PART 1499—COMMODITIES AND SERVICES

[Amendment 61 to Supp. Reg. 14[1] of GMPR[2]]

OIL MEALS AND OIL CAKES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.* A new subparagraph (44) is added to paragraph (a) of § 1499.73 as set forth below.

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

* * * * *

(44) *Oil meals and oil cakes*—(i) *Maximum prices for sales by a person other than a processor of oil meals and oil cakes.* Maximum prices for sales of oil meals and oil cakes by a person other

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9196.

[2] 7 F.R. 8942.

than a processor are hereby modified as follows:

(*a*) *Sales by a jobber; profit margin over cost.* A jobber may charge the maximum profit margin or markup of 50¢ per ton.

(*b*) *Sales by a wholesaler; profit margin over cost.* If a wholesaler purchases from a processor, his maximum profit margin or markup shall be $2.50 per ton. If a wholesaler purchases from a jobber, his maximum profit margin or markup shall be $2.00 per ton.

(*c*) *Sales by a retailer; profit margin over cost.* If a retailer purchases from a processor, his maximum profit margin or markup shall be $5.50 per ton. If a retailer purchases from a jobber, his maximum profit margin or markup shall be $5.00 per ton. If a retailer purchases from a wholesaler, his maximum profit margin or markup shall be $3.00 per ton.

(*d*) The maximum profit margins over cost specified in inferior subdivisions (*a*), (*b*), (*c*) above may be charged only once, that is to say, on sales between jobbers or between wholesalers or between retailers, the applicable markup can be added only once.

(ii) *Maximum prices for sales in sacks.* Where the jobber, wholesaler, or retailer buys oil meal or oil cake unsacked and resells the same sacked, he may add to his maximum price as specified in subdivision (i) above, the replacement cost of sacks: *Provided*, That the total charge does not exceed $3.50 per ton.

(iii) *Maximum prices for sales of imported oil meals and oil cakes.* Where the jobber, wholesaler, or retailer buys or imports oil meal or oil cake, he may add the actual duties paid plus an additional 50¢ per ton to his maximum price as specified in subdivisions (i) and (ii) above.

(iv) *Profit margin includes all charges.* The profit margin as specified in inferior subdivisions (*a*) (*b*), (*c*) hereof include, and no increase or charges shall in any manner be made for, brokerage, commissions, storage, insurance, extension of credit, carrying charges, handling charges, or any other charges of any nature whatsoever.

(v) *Cost.* The cost to which the above specified profit margins may be added is as follows:

(*a*) In the case of the jobber, cost shall mean the actual price paid by him for each individual purchase. The price paid by the jobber's buyer (wholesaler or retailer, as the case may be) may include all applicable transportation charges provided that under no circumstances shall the jobber's profit margins or markup exceed 50¢ per ton.

(*b*) In the case of the wholesaler, the weighted average delivered price to him on deliveries at his warehouse or place of business for the period October 1, 1942, to October 31, 1942, both inclusive, shall be his cost for the period November 1, 1942, to November 30, 1942, both inclusive. For each month preceding November, 1942, his cost shall be the weighted average delivered price to him at his warehouse or place of business during the preceding calendar month. If no deliveries were made in any month the cost shall be determined in the manner aforesaid on the basis of deliveries during the last preceding month in which deliveries were made. The price paid by the wholesaler's buyer (the retailer) may include all applicable transportation charges from the wholesaler's warehouse or place of business to the place designated by the retailer: *Provided*, That under no circumstances shall the wholesaler's profit margin or markup exceed, if he purchased from a processor, $2.50 per ton, or, if purchased from a jobber, $2.00 per ton.

(*c*) In the case of the retailer, the weighted average delivered price to him at his receiving point or points for the period October 1, 1942, to October 31, 1942, both inclusive, shall be his cost for the period November 1, 1942, to November 30, 1942, both inclusive. For each succeeding month after November 1942 his cost shall be the weighted average delivered price at his warehouse or place of business during the preceding calendar month. If no deliveries were made in any month the cost shall be determined in the manner aforesaid on the basis of deliveries during the last preceding month in which deliveries were made. Under no circumstances shall the retailer add any transportation charge from his receiving point to his buyer and under no circumstances shall the retailer's profit margins or markup exceed if he purchased from a processor $5.50 per ton, or, if he purchased from a jobber, $5.00 per ton, or, if he purchased from a wholesaler, $3.00 per ton.

(vi) *Definitions.* For the purposes of this subparagraph (44) the following terms shall have the following meanings:

(*a*) "Processor" means any person who by expeller, extraction or hydraulic process removes oil from soybeans, flaxseed, cottonseed, peanuts, sesame seeds, ivory nuts, palm kernels, coconuts, or other vegetable oil bearing materials, and in that process produces an oil meal or oil cake.

(*b*) "Jobber" or "dealer" means a person who buys oil meal or oil cake, whether in carlots, or less than carlots, and resells the same without unloading into a warehouse.

(*c*) "Wholesaler" means a person who buys oil meal or oil cake and unloads his purchase into a warehouse and resells the same, except at retail.

(*d*) "Retailer" means a person who buys oil meal or oil cake and resells the same to a feeder or ultimate user.

(*e*) "Oil meal or oil cake" means the oil meal or oil cake produced in the manner hereinbefore described under the definition of processor.

(*f*) All other terms used in the subparagraph (44) shall have the meanings ascribed to them in § 1499.20 of this General Maximum Price Regulation.

(vii) *Records and reports.* Every person making a sale or purchase of oil meals or oil cakes in the course of trade or business shall keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942, as Amended, remains in effect, complete and accurate records of each such sale or purchase showing: (*a*) the date thereof, (*b*) the name and address of the buyer and seller, (*c*) the product and the quantity bought or received, (*d*) the price charged and the method of computing it, listing separately all items of transportation charges and the mode of transportation. Such persons shall submit such reports to the Office of Price Administration, and keep such other records in addition to or in place of the records hereinbefore required, as the Office of Price Administration may from time to time direct.

(viii) The provisions of ths subparagraph (44) shall be applicable to the forty-eight states of the United States and to the District of Columbia.

(b) *Effective dates.*

* * * * *

(62) Amendment No. 61 (§ 1499.73 (a) (44)) to Supplementary Regulation No. 14 of the General Maximum Price Regulation shall become effective November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 12th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-11854; Filed, November 12, 1942; 3:42 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Ration Order 1A]

TIRES, TUBES, RECAPPING, AND CAMELBACK

Correction

An incorrect line appeared in § 1315.804 (c) (4) on page 9173 of the issue for Tuesday, November 10, 1942. The subparagraph should read as follows:

(4) *Allotment of Grade III tires.* Any manufacturer or dealer may, in exchange for an appropriate certificate (OPA Form R-46) transfer the number of Grade III tires authorized thereon to a dealer. No manufacturer or wholesaler who has a supply of Grade III tires of the size ordered may refuse to transfer them to a dealer who presents a certificate for an allotment of Grade III tires (OPA Form R-46) if the dealer's order is accompanied with cash or its equivalent. A manufacturer or wholesaler shall fill all accepted orders for Grade III tires received on one day before filling any orders received on any subsequent day.

PART 1309—COPPER

[RPS 12,[1] Amendment 4]

BRASS MILL SCRAP

A statement of the considerations involved in the issuance of this Amendment No. 4 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1309.19 (e) (2) is revoked and a new § 1309.19 (e) (2) is added to read as set forth below:

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1234, 1836, 2132, 3520, 5515, 8650.

§ 1309.19 *Appendix A: Maximum prices.* * * *

(e) *Exceptions.* * * *

(2) *Specially prepared brass mill scrap.* (i) Paragraphs (a), (b) and (c) of this section do not apply to sales or deliveries of specially prepared brass mill scrap to a person other than a brass mill, a brass and bronze ingot maker, or a copper smelter or refiner.

(ii) The maximum price for specially prepared brass mill scrap sold or delivered to a person other than a brass mill, a brass and bronze ingot maker or a copper smelter or refiner shall be a price hereafter established in writing by the Office of Price Administration. The price so established shall be a price in line with the general level of prices established by this Revised Price Schedule No. 12 taking into account the applicant's special requirements and the additional cost to the seller involved in preparing material to meet these requirements.

(iii) Any person other than a brass mill, a brass and bronze ingot maker or a copper smelter or refiner desiring to purchase specially prepared brass mill scrap may apply to the Office of Price Administration for the establishment of a price that such person may pay for such scrap. Such application shall be in writing, shall be signed and sworn to by the applicant or by an authorized officer or partner of the applicant, shall be filed with the Copper, Aluminum and Ferro-Alloys Branch of the Office of Price Administration, Washington, D. C., and shall state:

(*a*) The name and address of the applicant.

(*b*) The nature of applicant's business.

(*c*) The purpose for which applicant will use the material which he desires to purchase.

(*d*) The name and address of the proposed seller or sellers.

(*e*) The date of issuance and an identification of the War Production Board authority permitting applicant to purchase brass mill scrap.

(*f*) A detailed statement of applicant's specifications for the material.

(*g*) A description of the manner in which the material has been specially prepared.

(*h*) To the extent possible, a statement of the additional expense to the seller in preparing the material for the applicant's use.

(*i*) If the applicant purchased the material prior to July 11, 1941, a statement of the price normally paid by the applicant.

(*j*) The proposed price f. o. b. point of shipment.

§ 1309.18a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§§ 1309.19 (e) (2) and 1309.18a (d)) to Revised Price Schedule No. 12 shall become effective November 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11886; Filed, November 13, 1942; 11:55 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Amendment 17 to RPS 53[1]]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1351.151 (b) (11) is amended by the addition of subdivision (vii).

§ 1351.151 *Maximum prices for fats and oils.* * * *

(b) * * *

(11) * * *

(vii) Where refined peanut oil and refined soy bean oil are sold to be used ultimately for industrial usages and not for edible purposes, the seller may add ½ cent per pound to the maximum prices established for refined peanut oil and refined soy bean oil by § 1351.151 (b) (11) of this schedule. * * *

§ 1351.159 *Effective dates of amendment.* * * *

(q) Amendment No. 17 (§ 1351.151 (b) (11) (vii)) to Revised Price Schedule No. 53 shall become effective November 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11887; Filed, November 13, 1942; 11:53 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Amendment 18 to RPS 53[1]]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1351.151 (b) (6) is amended by the addition of subdivision (iv) as set forth below:

§ 1351.151 *Maximum prices for fats and oils.* * * *

(b) * * *

(6) * * *

(iv) When refined cottonseed oil is sold to be used ultimately for industrial usages and not for edible purposes, the seller may add ½ cent per pound to the maximum prices established for refined cottonseed oil by § 1351.151 (b) (6) of this schedule. * * *

§ 1351.159 *Effective dates of amendment.* * * *

(r) This Amendment No. 18 (§ 1351.151 (b) (6) (iv)) to Revised Price Schedule No. 53 shall become effective November 19, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11884; Filed, November 13, 1942; 11:55 a. m.]

PART 1377—WOODEN CONTAINERS

[Rev. MPR 195[1]]

INDUSTRIAL WOODEN BOXES

The preamble is amended, and §§ 1377.151 to 1377.167, inclusive, are renumbered and amended to read as set forth below:

In the judgment of the Price Administrator it is necessary and proper to establish in a separate regulation the maximum price for the sale of industrial wooden boxes since, because of their special nature, they cannot satisfactorily be priced on the basis of deliveries made in March 1942. The maximum prices established by this regulation are in the judgment of the Price Administrator, generally fair and equitable, and in conformity with the general level of prices established by the General Maximum Price Regulation.[2] A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

So far as practicable the Price Administrator has given due consideration to prices prevailing between October 1 and 15, 1941, and to relevant factors of general applicability. So far as practicable the Price Administrator has consulted with representatives of trade and industry.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Revised Maximum Price Regulation No. 195—Industrial Wooden Boxes—is hereby issued.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1309, 1836, 2132, 3430, 3821, 4229, 4294, 4484, 5605, 7665, 7666, 7977, 8204, 8702.

[1] 7 F.R. 6049, 8945.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6058, 6081, 6087, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431.

Sec.
1377.151 What products are covered.
1377.152 Sales of industrial wooden boxes at higher than maximum prices prohibited.
1377.153 Maximum price: Sales by manufacturers.
1377.154 How to figure material costs.
1377.155 How to figure the adjustment for increased overtime.
1377.156 Maximum prices: Sales by other persons than manufacturers.
1377.157 Maximum prices: All other cases.
1377.158 Extras, discounts, and allowances.
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1377.160 Records.
1377.161 Petitions for amendment or adjustment.
1377.162 Adjustable pricing.
1377.163 Prohibited practices.
1377.164 Enforcement.
1377.165 Export sales.
1377.166 Definitions.
1377.167 Effective date.

AUTHORITY: §§ 1377.151 to 1377.167, inclusive, issued under the authority contained in Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1377.151 *What products are covered.* The term "industrial wooden box" as used in this regulation has a somewhat wider meaning than may be customary in some parts of the trade. It includes any assembled or unassembled box, crate, case, carrier, shipping pallet, reel, or similar container made principally of wood, in the form of lumber, plywood, or veneer, and used for packaging any product other than perishable fruits and vegetables. The term includes any constituent wooden part of the kind of containers mentioned, if it is ready to be assembled into the container. It does not include cooperage products or parts, used containers, or any wire-bound boxes. Some of the containers which are covered by this regulation, but may not usually be thought of as "industrial" boxes, are butter boxes, lard boxes, egg cases, cheese boxes, fish boxes, and munitions boxes.

Any industrial wooden box whose sale is governed by any other maximum price regulation, such as Maximum Price Regulation No. 176 on Rotary Cut Southern Hardwood Box Lumber or Maximum Price Regulation No. 186 on Western Wooden Agricultural Containers, is not subject to this regulation. This regulation does, however, supersede the General Maximum Price Regulation as to all sales and deliveries which this regulation covers.

§ 1377.152 *Sales of industrial wooden boxes at higher than maximum prices prohibited.* (a) On and after November 19, 1942, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any industrial wooden box at a price higher than the maximum price, and no person shall agree, offer, or attempt to do any of these things.

(b) If, upon the purchase of any industrial wooden box, the purchaser gets from the seller a written statement that to the best of his knowledge the price paid does not exceed the maximum price established by this regulation, and if the purchaser has no reason to doubt the truth of the statement, the purchaser shall be deemed to have complied with this section.

(c) Prices lower than the maximum prices may, of course, be charged or paid.

§ 1377.153 *Maximum price: Sales by manufacturers.* The maximum price for any industrial wooden box is the price which the particular manufacturer would have quoted on that box on March 31, 1942, if his material costs and the number of hours of overtime labor in the producing plant had been what they are now. This means that all other costs and all labor rates (straight and overtime), must be figured at the March 31, 1942 levels. Of course, the material cost cannot be figured higher than the maximum price set for that material by any applicable maximum price regulation. The statement that material costs and the number of hours of overtime labor should be taken as they are "now" means that they should be taken as of the time the particular quotation is made. These factors, then, are not necessarily rigidly fixed as of the effective date of this regulation, but may go up or down, so long as the material cost does not exceed the applicable maximum price for the material.

The specific methods of applying these rules are outlined below:

(a) *Price-determining methods based on costs.* In computing what the March quotation would have been, a manufacturer who on March 31, 1942, had an established price-determining method based on costs (such as an "NRA-type" formula) must continue to use that method. As stated above, the formula must be applied to the March 31, 1942 costs. The details of how to adjust March 31, 1942 costs as to material costs and overtime hours are given below in §§ 1377.154 and 1377.155.

(b) *"Lumber-cost method"*—(1) *Boxes priced in March.* If the manufacturer had no established price-determining method based on costs, his maximum price for a box which he priced in March 1942 shall be based on the relation of the March 1942 lumber cost to the March 1942 price for this box. This relation must be figured in terms of dollars and cents, not percentages. For example, if the lumber cost on the box was $1.00 in March and the sales price on the box was $2.00, and if the lumber cost is now $1.20, the maximum price for the box would be $2.20, not $2.40. This maximum price may be adjusted for changes in material costs other than lumber, and for changes in overtime hours as explained in § 1377.155.

(2) *Boxes not priced in March.* This "lumber-cost method" should be used (by a manufacturer having no price-determining method based on costs) for any box on which he figured a price in March 1942. Then, if he wants to find a price for a box which he did not price in March 1942, he should use as a "yardstick" the box with the nearest board footage content for which he has been able to figure a maximum price under paragraph (1) just above. This "yardstick" box should be a box of the same style using a thickness of stock involving comparable sawing operations. (For example, a box using resawn lumber should not be used as a yardstick for one using stock not resawn.) If there is a normal dollars-and-cents price differential between the two boxes, he should adjust the maximum price which he has figured for the "yardstick" box by that differential, and this will give him the maximum price for the box being priced. If there is not a normal dollars-and-cents differential, the differential should be built up on the basis of normal individual price differentials for the differences in board footage content, extra operations, and any other specifications.

(c) *Competitor's-price method.* If paragraphs (a) and (b) cannot be applied, a manufacturer should find his principal competitor who has an established maximum price on a similar box, and use that price as the basis for his own maximum price, adjusted for any difference such as footage and extra operations. Any manufaoturer who has an established maximum price on a box must tell that price to any competitor who needs it for purposes of this paragraph. This does not mean, however, that actual selling prices, or the method of arriving at the maximum price must be revealed to competitors.

§ 1377.154 *How to figure material costs*—(a) *Purchased lumber.* The cost of purchased lumber is the average of the actual prices paid for the lumber (of the kind used in the particular box) in the manufacturer's inventory or under contract at the time of the sale subject to this regulation. The purchases must be weighted on the basis of quantity. If inventory is kept on grade, the average purchase price of the grade or grades actually used in the box should be taken as the lumber cost. If inventory is not kept on grade, the average value of inventory should be used, and lumber taken out of inventory should be charged off at the average purchase price at the time of removal. The average need not be figured every day, but may be figured by the manufacturer's usual periods. The average must, however, be figured at least monthly.

The purchased-lumber cost must in no case be figured higher than the applicable maximum price for purchase of the lumber.

(b) *Produced lumber.* A manufacturer who produces his own lumber shall use the same method of working out his lumber cost as he used in March 1942. In no event shall a lumber cost over the applicable maximum price for sale of the lumber at a mill be used.

§ 1377.155 *How to figure the adjustment for increased overtime.* A manufacturer with an established price-determining method based on cost may use his present overtime hours in figuring labor cost, but must apply them to the March 1942 wage rate. A manufacturer who figures his maximum price from lumber cost under § 1377.153 (b) can increase that maximum price to the extent of any added expense due to any increase in overtime hours above the hours worked in March 1942. No increase due to increased basic wage rates since March may be included. Thus, if time-and-a-half is paid for overtime, and if the hourly rate has increased from 60¢ to 70¢ since March, the overtime expense is figured on the 60¢ rate. Under both methods, the added expense for the additional overtime must be computed on a weekly basis and spread evenly over all the industrial box production of the plant. A manufacturer who uses a competitor's maximum prices as his own cannot make any adjustment for his own added overtime.

§ 1377.156 *Maximum prices: Sales by other persons than manufacturers.* (a) The maximum price for the sale of an industrial wooden box by a seller other than a manufacturer is the seller's net invoice cost of this box plus the seller's average percentage mark-up during March 1942 on sales of all industrial wooden boxes to purchasers of the same class. This "average percentage mark-up during March 1942" must be an average weighted by volume of sales.

If he sold no industrial wooden boxes during March, he should use as his own mark-up the "average percentage mark-up during March 1942" of his most closely competitive seller. A person who is asked what his mark-up is by a competitor who needs it for use under this paragraph must reveal it.

§ 1377.157 *Maximum prices: All other cases.* If any seller of industrial wooden boxes cannot figure his maximum price under the provisions of this regulation up to this point, he should write a letter to the Lumber Branch of the Office of Price Administration, Washington, D. C., telling why he can not. He should describe the box, (giving inside dimensions; style of box; number, size, thickness of each piece, and species of lumber; grade requirements of box; whether veneer or sawed; fixtures, such as hinges and hasps; any special operations, such as hand-holes; whether in shook form, unitized, or set-up; and any other relevant facts), state the requested price and whether it is f. o. b. mill or delivered, and give any information, such as competitive or market prices, costs, and the like which would be of assistance in determining a proper price. The Office of Price Administration will then by letter send instructions either in the form of a specific price or in the form of a method of computing the price. A seller who has written this kind of letter does not have to suspend negotiations or deliveries. He may sell and deliver at the price requested by him, but he may not accept final payment until the Office of Price Administration has acted on his request. If he sells or delivers during this interim period, he must tell the buyer that the final price is subject to adjustment according to the action of the Office of Price Administration.

§ 1377.158 *Extras, discounts, and allowances.* The maximum price shall be adjusted for all extra charges, discounts, or allowances in use by the seller in March 1942.

§ 1377.159 *Reports.* No reports need be filed under this regulation, unless the Office of Price Administration specifically requests them, except in this one case: If the seller has once used a maximum price computed under this regulation as a basis for sale or quotation, and then later computes a higher maximum price for the same box, he must send a letter to the Office of Price Administration in Washington, D. C., explaining the higher price. The reason for this is that when a seller's maximum price has once been made known, and he later sells at a higher price, it appears on the surface that the seller is violating the regulation. It is to prevent any such misunderstanding that this report is required.

§ 1377.160 *Records.* All sellers of industrial wooden boxes must keep records which will clearly identify the box sold and show the name and address of the purchaser, the date of the sale, and the price. Records must also be kept showing the method of determining prices used by the seller, and any calculated cost factors, such as material and labor costs, which were used in applying the price-determining method. Purchasers must keep a record of the name and address of the seller, the date of the purchase, a description of the box purchased, and the price paid for it. Any other records which the Office of Price Administration later requires must also be kept.

§ 1377.161 *Petitions for amendment or adjustment*—(a) *Government contracts or subcontracts.* Any person who has entered into or proposes to enter into a contract with the United States or any agency thereof, or with the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States", or any agency of any such government, or a subcontract under any such contract, who believes that the maximum price impedes or threatens to impede production of an industrial wooden box which is essential to the war program and which is or will be the subject of such contract or subcontract, may file an application for adjustment of the maximum prices established by this regulation in accordance with Procedural Regulation No. 6,[3] issued by the Office of Price Administration.

(b) *General amendments.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

(c) *Adjustment of abnormally low maximum prices.* The Office of Price Administration or any duly authorized officer thereof, may by order adjust the maximum prices established under this Maximum Price Regulation No. 195, for any seller of industrial wooden boxes in any case in which such seller shows:

(1) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar commodities; and

(2) That establishing for him a maximum price, bearing a normal relation to the maximum prices established for competitive sellers of the same or similar commodities, will not cause or threaten to cause an increase in the level of retail prices.

Applications for adjustment under this paragraph (c) shall be filed in accordance with Revised Procedural Regulation No. 1,[4] issued by the Office of Price Administration. No application for adjustment filed after November 15, 1942, will be granted under this paragraph (c).

§ 1377.162 *Adjustable pricing.* It is permissible under this regulation to provide in a contract that the price shall be adjustable to a price not higher than the maximum price in effect at the time of delivery.

§ 1377.163 *Prohibited practices.* (a) Any practice or device which is an attempt to get the effect of a higher price without actually raising the price is as much a violation of this regulation as an outright excessive price. This applies to devices involving commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(b) The following are among the practices specifically prohibited:

(1) Decreasing cash discounts or the discount period below those available to the buyer in March 1942, or making credit terms more unfavorable to the buyer than they were in March 1942.

(2) Making the purchaser bear a larger part of the transportation cost than he would have borne in March 1942.

(3) Making the purchaser buy something he does not want in order to get what he does want.

(4) Billing the buyer for more boxes than were shipped.

(5) Billing against a style of box which was not actually delivered.

§ 1377.164 *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) No war procurement agency, nor any contracting or paying finance officer thereof shall be subject to any liability, civil or criminal, imposed by this regulation or the Emergency Price Control Act of 1942. "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any agency of the foregoing.

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[3] 7 F.R. 5087, 5664.

[4] 7 F.R. 8961.

(c) Persons who have evidence of any violation of this regulation or of any other regulation or order issued by the Office of Price Administration are urged to communicate with the nearest field, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1377.165 *Export sales.* The maximum price for export sales of industrial wooden boxes is governed by the Maximum Export Price Regulation[1] issued by the Office of Price Administration.

§ 1377.166 *Definitions.* (a) The term "person" includes an individual, corporation, partnership, association, or any other organized groups of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, shall apply to other terms used herein.

§ 1377.167 *Effective date.* All of the provisions of Revised Maximum Price Regulation No. 195 (§§ 1377.151 to 1377.167, inclusive) shall become effective November 19, 1942.

Issued this 13th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11888; Filed, November 13, 1942; 11:52 a. m.]

Part 1394—Rationing of Fuel and Fuel Products

[Ration Order 11,[2] Amendment 4]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1394.5266 new paragraphs (e) and (f) are added; § 1394.5267 is renumbered § 1394.5267 (a), and a new paragraph (b) is added thereto; a new § 1394.5461 is added; § 1394.5707 is renumbered § 1394.5707 (a), and a new paragraph (b) is added thereto; and a new paragraph (d) is added to § 1394.5902; as set forth below:

HEAT AND HOT WATER RATIONS

§ 1394.5266 *Same: applications made on or after November 1, 1942; heat or both heat and hot water.* * * *

(e) If the applicant has taken a transfer of fuel oil on or after October 1, 1942, the Board shall issue (in addition to coupon sheets issued pursuant to paragraph (b) of this section) Class 1 or Class 2 coupon sheets containing currently valid coupons equal in gallonage value to the amount of fuel oil transferred to the applicant for such purpose during the period from October 1, 1942, to the date of application, except that the aggregate number of coupons issued pursuant to this paragraph and to paragraph (b) of this section shall not exceed in gallonage value the allowable ration determined in accordance with §§ 1394.5256 or 1394.5261, whichever is applicable.

(f) Notwithstanding the provisions of subparagraph (2) of paragraph (b) of this section, the gallonage value of the aggregate number of currently valid coupons issued pursuant to paragraphs (b) and (e) of this section shall be not less than the number of gallons purchased by the applicant during the period from October 1, 1942 to the date of application.

§ 1394.5267 *Same: applications made on or after November 1, 1942 for hot water only.* * * *

(b) If the applicant has taken a transfer of fuel oil on or after October 1, 1942 for such equipment for furnishing hot water (but not heat) to premises other than private dwellings, the coupon sheets issued to such applicant shall contain coupons (in addition to those issued pursuant to paragraph (a) of this section) equal in gallonage value to the amount of fuel oil transferred to the applicant for such purpose during the period from October 1, 1942 to the date of application, except that the aggregate number of coupons issued pursuant to this paragraph and to paragraph (a) of this section shall not exceed in gallonage value the allowable ration determined in accordance with paragraph (b) of § 1394.5261.

GENERAL PROVISIONS WITH RESPECT TO ISSUANCE OF RATIONS

§ 1394.5461 *Applications made on or after November 1, 1942: special cases.* Notwithstanding any other provisions of Ration Order No. 11, when a State Director of the Office of Price Administration so directs, any application for a ration executed by the applicant prior to November 1, 1942 and filed with a Board on or before a date (not later than November 14, 1942) fixed by such Director, shall be acted upon by the Board as though such application had been made prior to November 1, 1942.

REPLENISHMENT AND AUDIT

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RESTRICTIONS ON TRANSFERS TO DEALERS AND SUPPLIERS

§ 1394.5707 *Restrictions on transfers.* * * *

(b) Notwithstanding any other provisions of Ration Order No. 11, any transfer required by paragraph (a) of this section to be accompanied by an exchange of coupons or other evidences, or any transfer specified in § 1394.5708, may, during the period from November 1, 1942 to November 23, 1942, inclusive, be made without requiring the surrender of coupons or other evidences, subject to the following conditions:

(1) No dealer or supplier may accept a transfer pursuant to this paragraph unless he has filed an application for registration with a Board in accordance with the provisions of § 1394.5701.

(2) At the time of transfer the dealer or supplier receiving the transfer shall deliver to the transferor a written receipt showing the date of transfer, the number of gallons of fuel oil transferred, and the name and address of the transferee, except that when a transfer specified in § 1394.5708 is made, such receipt may be forwarded to the transferor within five (5) days after the transfer.

(3) A dealer or supplier who receives a transfer of fuel oil and delivers a receipt therefor pursuant to this paragraph shall, on or before November 28, 1942, surrender to the transferor coupons or other evidences equal in gallonage value to the amount of fuel oil so transferred.

(4) Any dealer or supplier who has made a transfer pursuant to this paragraph shall, on or before November 30, 1942, report in writing to the nearest State Office of the Office of Price Administration, the name and address of any dealer or supplier who has accepted a transfer pursuant to this paragraph and who has failed to surrender coupons or other evidences as required by subparagraph (3).

EFFECTIVE DATE

§ 1394.5902 *Effective dates of corrections and amendments.* * * *

(d) Amendment No. 4 (§§ 1394.5266 (e) and (f), 1394.5267 (a) and (b), 1394.5461, 1394.5707 (a) and (b)) to Ration Order No. 11 shall become effective November 19, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 13th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11883; Filed, November 13, 1942; 11:52 a. m.]

Part 1407—Rationing of Food and Food Products

[Rationing Order 3,[1] Amendment 24]

SUGAR RATIONING REGULATIONS

A new paragraph, (e), is added to § 1407.86 as set forth below:

INSTITUTIONAL AND INDUSTRIAL USERS

§ 1407.86 *Allotment.* * * *

(e) A registering unit may, but shall not be required to, make on OPA Form No. R-314, the application for an allotment specified in § 1407.88 of Rationing Order No. 3. A registering unit not making such application for any period commencing on or after April 28, 1942, shall be deemed to have bene granted for that period the full allotment to which it would have been entitled if it had made such application within the time specified in paragraph (b) of this section. A registering unit which made such application for any period expiring on or before December 31, 1942, after the time specified therefor in paragraph (b), shall be deemed to have been granted an increase in its allotment for that period equal to the amount of the reduction made pursuant to paragraph (b). No certificate shall be issued for any allotment or increase in allotment granted pursuant to this paragraph (e).

EFFECTIVE DATE

§ 1407.222 *Effective dates of amendments.* * * *

(y) Amendment No. 24 (paragraph (e) of § 1407.86) shall become effective November 19, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1, and Supp. Dir. No. 1E)

Issued this 13th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11885; Filed, November 13, 1942; 11:52 a. m.]

Part 1499—Commodities and Services

[Supp. Reg. 14[1] of GMPR,[2] Amendment 60]

FLUID MILK AND CREAM

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Inferior subdivision (*i*) is added to subdivision (i) of § 1499.73 (a) (1), inferior subdivision (*i*) is added to subdivision (ii) of § 1499.73 (a) (1), and inferior subdivision (*k*) is added to subdivision (v) of § 1499.73 (a) (1), as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

(1) *Fluid milk and cream*—(i) *Maximum prices for fluid milk sold at retail in specified localities.* * * *

Locality	Grade	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)*
*	*	*	*	*	*
(*i*) Lewiston-Auburn, Maine.	All grades, including raw and pasteurized.	Out of store or to the home.	Quart	Glass	14
	All grades, including raw and pasteurized.	Out of store or to the home.	Quart	Paper	15
	All grades, including raw and pasteurized.	Out of store or to the home.	Pint	Glass	7½
	All grades, including raw and pasteurized.	Out of store or to the home.	Pint	Paper	8½
	All grades, including raw and pasteurized.	Out of store or to the home.	Half-pint	Glass	5
	All grades, including raw and pasteurized.	Out of store or to the home.	Half-pint	Paper	6

(ii) *Maximum prices for fluid milk sold at wholesale in specified localities.* * * *

Locality	Grade	Container size	Type of container	Adjusted maximum price (cents)*
*	*	*	*	*
(*i*) Lewiston-Auburn, Maine.	All grades including raw and pasteurized	Quart	Glass	12
	All grades including raw and pasteurized	Quart	Paper	13
	All grades including raw and pasteurized	Pint	Glass	6½
	All grades including raw and pasteurized	Pint	Paper	7½
	All grades including raw and pasteurized	Half-pint	Glass	3½
	All grades including raw and pasteurized	Half-pint	Paper	4½

* * * * *

(v) *Definitions.* For purposes of this subparagraph (1): * * *

(*k*) "Lewiston-Auburn, Maine" means the area included within the city limits of the cities of Lewiston and Auburn and the town of Lisbon (except that part generally known as Lisbon Falls) all within Androscoggin County, Maine.

(b) *Effective dates.* * * *

(61) Amendment No. 60 (§ 1499.73 (a) (1)) to Supplementary Regulation No. 14 shall become effective November 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-11890; Filed, November 13, 1942; 11:53 a. m.]

Part 1499—Commodities and Services

[Order 138 Under § 1499.3 (b) of GMPR]

METALS RESERVE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1154 *Authorization of maximum prices for sales of Indian mica splittings to consumers by the Metals Reserve Company.* (a) The Metals Reserve Company may sell and deliver and agree, offer, solicit and attempt to sell and deliver Indian mica splittings to consumers at prices no higher than the maximum prices set forth in the following table:

MAXIMUM PRICES, F. O. B. COHOES, NEW YORK, AND NEW YORK, NEW YORK.

Mark	Size	Form	Maximum price per pound
MS-1	No. 4	Bookpacked mica splittings	$2.35
MS-1A	No. 4½	Bookpacked mica splittings	2.15
MS-2	No. 5 1st Q	Bookpacked mica splittings	1.60
MS-3	No. 5 2nd Q	Bookpacked mica splittings	1.20
MS-4	No. 5	Loose dusted mica splittings	.95
MS-3A	No. 5½	Bookpacked mica splittings	1.05
(*)	No. 5½	Loose dusted mica splittings	.60
(*)	No. 6	Bookpacked mica splittings	.55
MS-5	No. 6	Loose dusted mica splittings	.40
MS-6	No. 6	First Quality loose mica splittings	.40
MS-7	No. 6	Second Quality loose mica splittings	.30
MS-8	No. 6	Third Quality loose mica splittings	.23

*No mark number assigned.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3096, 3824, 4294, 4541, 5059, 7242.

[2] 7 F.R. 8480, 8708, 8808, 8897.

[1] 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 8402, 8655, 8739, 8809, 8710, 8830, 8831, 9042.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8881, 8899, 9082, 8953, 8954, 8955, 8959, 9043, 8950, 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942.

(b) When used in this order, the term "Consumers" includes but is not limited to manufacturers of built-up mica products, aviation spark plugs, and fixed condensers.

(c) This Order No. 138 may be revoked or amended at any time by the Price Administrator.

(d) This Order No. 138 (§ 1499.1154) shall become effective November 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11889; Filed, November 13, 1942; 11:53 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 94 Under § 1499.18 (b) of GMPR]

WITT ICE & GAS CO.

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.894 *Adjustment of maximum prices for Witt Ice and Gas Company.* (a) Witt Ice and Gas Company of Los Angeles, California, may sell and deliver, and any purchaser may buy and receive dry ice at a price not in excess of that hereinafter set forth:

> Dry ice at 3¢ per pound, in wholesale quantities from the seller's warehouse in Amarillo, Texas.

(b) All discounts, allowances, practices with regard to charges for transportation and other trade practices in effect with respect to the above listed commodity during March 1942, by the seller, shall remain in effect under this order.

(c) Witt Ice and Gas Company shall accompany each first sale, to each customer buying dry ice at 3¢ per pound, wholesale, from its Amarillo, Texas, warehouse, with the following notice:

> The Office of Price Administration has granted Witt Ice and Gas Company permission to increase its maximum price on dry ice from 2½¢ per pound to 3¢ per pound in wholesale quantities, delivered from its Amarillo, Texas, warehouse.
>
> Permission to increase its maximum price has been granted on the presumption that purchasers from this company will not request an increase in prices on the products which they sell because of such increase in the cost of dry ice.

(d) This Order No. 94 may be amended or revoked by the Price Administrator at any time.

(e) This Order No. 94 (§ 1499.894) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 94 (§ 1499.894) shall become effective November 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. E.O. 9250, 7 F.R. 7871)

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11881; Filed, November 13, 1942; 11:49 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 1 Under § 1499.75 (a) (3) of GMPR, Sup. Reg. 15]

MERCHANTS COLD STORAGE AND WAREHOUSE CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1301 *Adjustment of maximum prices for warehouse services sold by Merchants Cold Storage and Warehouse Company.* (a) Merchants Cold Storage and Warehouse Company, of Providence, Rhode Island, may sell and supply, and any person may buy and receive from Merchants Cold Storage and Warehouse Company, the following services at charges not higher than those set forth below:

(1) Handling and storage of apples in Field Boxes, Standard Eastern and Western Boxes, or Baskets (bushel) . . . 30¢ per season, for the season commencing on September 1st of each year and ending on the following March 31st.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 1 (§ 1499.1301) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 1 (§ 1499.1301) shall become effective November 13, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11882; Filed, November 13, 1942; 11:49 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

PART 202—MINIMUM WAGE DETERMINATIONS

AVIATION TEXTILE PRODUCTS MANUFACTURING INDUSTRY

In the matter of the determination of the prevailing minimum wage for the Aviation Textile Products Manufacturing Industry.

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Supp. III, 35) entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes" otherwise known as the Walsh-Healey Public Contracts Act. The Public Contracts Board, created in accordance with Section 4 of the said Act by Administrative Order dated October 6, 1936, held a hearing on March 24, 1942, in the above-entitled matter.

Notice of this hearing was sent to all known members of the industry, to trade unions, and to trade publications. Invitation to attend the hearing was extended through the national press to all other interested parties.

Appearances were made and testimony was given at the hearing by members of the industry, Upholsterers' International Union of North America, United Textile Workers of America, United Garment Workers of America, and Central Labor Union, Washington, Indiana.

Wage data for this industry were collected by a committee designated by the Administrator of the Public Contracts Division and consisting of manufacturers and employee representatives. The data were tabulated by the Research Section of the Division. This survey included 2,765 production workers employed by 12 establishments located in 10 states. The payroll period covered by the wage survey was that including the day of October 20, 1941 except in the case of two plants whose wage data were for a payroll period in February 1942.

At the time of the survey the industry was undergoing a process of augmentation through gradual conversion of adaptable plants which were primarily members of other industries such as the Cotton Garment Industry. The evidence presented at the hearing indicates that the survey represented an adequate coverage of the industry both as to the number of workers and as to the number of plants; and that it was representative of the different geographical regions in the industry.

On the basis of the evidence before it, the Public Contracts Board recommended that prevailing minimum wages for the Aviation Textile Products Manufacturing Industry be determined to be 55 cents an hour for the States of California, Oregon, and Washington; and 47½ cents an hour for the remaining states and the District of Columbia. The Board further recommended that the employment of workers who are bona fide learners in the industry be permitted without present limitation of their number at rates of 40 cents an hour for the first two weeks and 45 cents an hour for the second two weeks of their employment. The Board's recommendations were circularized by the Assistant Administrator of the Division of Public Contracts to interested parties who were invited to express their approval or to register their objections and submit verifiable wage evidence in support of such objections. Several objections to the Board's recommendations have been received.

The data in the wage survey indicates a substantial concentration of employees in the 40-42 cent wage bracket, 25 percent of the workers being found in that bracket. Other large concentrations of employees are shown in the 50-52 cent bracket (15 percent) and the 55 cent bracket (11 per cent). The testimony at the hearing shows a number of increases of 5 cents an hour between the payroll period covered by the survey and the date of the hearing. A comparison of minimum wages prevailing in different plants as determined from their individual schedules indicates an exceptionally homogenous wage structure with the exception of the Pacific Coast. The evidence in the record indicates a prevailing minimum wage of 55 cents an hour on the Pacific Coast as represented by the State of California and 47½ cents an hour in the rest of the country as represented by the other nine states included in the survey.

The survey indicates that there are workers employed as learners in this industry. Evidence shows that the learner period ranges upward from two weeks. While the wage survey shows that only slightly more than 6 percent of the workers are employed as learners, the industry is a new and growing one and it appears advisable not to fix any definite percentage of learners who may be employed, but merely to limit the tolerance to employees who are in fact learners in the industry.

The nature of the objections to the Board's recommendations varies. Thus, objections have been received on the grounds that the proposed minima are too low as well as that they are too high; that the learner period is inadequate; and that there should be no difference between the Pacific Coast and the rest of the country, and that 55 cents an hour should be established for the entire country. Very few of the objections were accompanied by supporting data. I have considered the data submitted and find that they do not constitute a basis for departing from the Board's recommendations.

Upon consideration of all the facts and circumstances, I hereby determine that:

§ 202.45 *Aviation Textile Products Manufacturing Industry.* (a) The Aviation Textile Products Manufacturing Industry is defined for the purpose of this determination as that industry which is engaged in the manufacture of articles (other than apparel) primarily of fabric for use in connection with the Aviation Industry, including, but without limitation, parachutes of all types, parachute packs, parachute harnesses, safety belts, aerial delivery containers made primarily from fabrics, tow targets, and wind direction indicators of the wind-sock type: *Provided, however,* That the manufacture of canvas and duck articles for ground use, such as signaling panels, is not included.

(b) The minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Walsh-Healey Public Contracts Act of June 30, 1936 (49 Stat. 2036, 41 U.S.C. Supp. III, 35), for the manufacture or furnishing of the products of the Aviation Textile Products Manufacturing Industry shall be 55 cents an hour or $22.00 a week of 40 hours, arrived at either on a time or piecework basis, for the States of California, Oregon, and Washington, and 47½ cents an hour or $19.00 a week of 40 hours, arrived at either on a time or piecework basis, for the remaining 45 states and the District of Columbia: *Provided,* That workers who are in fact learners may be employed at the rate of 40 cents an hour or $16.00 a week of 40 hours during the first two weeks of their employment and at the rate of 45 cents an hour or $18.00 a week during the third and fourth weeks of their employment.

This determination shall be effective and the minimum wages hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced by the contracting agency on or after December 11, 1942.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938, or any wage order thereunder, or under any other law or agreement more favorable to the employees than the requirements of this determination.

Dated: November 11, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-11870; Filed, November 13, 1942; 11:34 a. m.]

EMPLOYMENT OF FEMALE PERSONS UNDER 18 YEARS OF AGE

EXEMPTION FROM PROVISIONS OF WALSH-HEALEY ACT

Exemption from the provisions of section I (d) of the Walsh-Healey Public Contracts Act to permit the employment of female persons under 18 years of age in any industry.

Whereas, the Acting Secretary of War, the Acting Secretary of the Navy and the Chairman of the Maritime Commission having requested that an exemption be granted under section 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. Supp. III, 35), hereinafter called the Act, permitting the award of contracts to contractors in all other industries not included in the exemption order dated April 21, 1942,[1] without the inclusion in such contracts as required by section 1 (d) of the Act the representation and stipulation:

> That no * * * female person under eighteen years of age * * * will be employed by the contractor in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in such contract; and

Whereas, the request is supported by written findings signed by the Acting Secretaries of War and Navy and the Chairman of the Maritime Commission that the inclusion of such stipulation as provided in section 1 (d) of the Act will impair seriously the conduct of Government business by retarding essential production and interfering with the successful prosecution of the war in which the United States is engaged and which requires the complete utilization of the human and national resources of the nation; and

Whereas, an exemption has been granted heretofore to permit the employment of girls between the ages of 16 and 18 upon contracts in certain industries; and

Whereas, it is apparent that justice and public interest will be served by extending the exemption to all other industries on a basis of the findings by the Acting Secretary of War, the Acting Secretary of the Navy and the Chairman of the Maritime Commission;

I hereby amend the order dated April 21, 1942, pursuant to the powers vested in me by section 6 of the Walsh-Healey Public Contracts Act until further ordered granting an exemption from the application of section 1 (d) and section 2 of the Act with respect to the employment of girls between the ages of 16 and 18 by contractors from this date in any industry, subject to the following conditions:

(1) That no girl under 16 years of age shall be employed.

(2) That no girl under 18 years of age shall be employed for more than 8 hours in any one day, or between the hours of 10 p. m. and 6 a. m., or in any way contrary to State laws governing hours of work.

(3) That no girl under 18 years of age shall be employed in any operation or occupation which, under the Fair Labor Standards Act or under any State law or administrative ruling, is determined to be hazardous in nature or dangerous to health.

(4) That for every girl under the age of 18 years employed by him the contractor shall obtain and keep on file a certificate of age showing that the girl is at least 16 years of age.

(5) That a specific and definite luncheon period of at least 30 minutes be regularly granted any women workers under 18 years of age.

(6) That no girl under 18 shall be employed at less than the minimum hourly rate set by or under the Fair Labor Standards Act or the Walsh-Healey Public Contracts Act for the industry in which the exemption is granted.

Dated: November 11, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-11869; Filed, November 13, 1942; 11:34 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order 5,[1] as Amended, Supp. 1]

PART 304—LABOR

Amending § 304.3 *Delegation of power* by striking out the following words: (provided the Board shall not establish new penalty rates).

[SEAL] E. S. LAND,
Administrator.

NOVEMBER 12, 1942.

[F. R. Doc. 42-11865; Filed, November 13, 1942; 10:58 a. m.]

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[1] 7 F.R. 3003.

[1] 7 F.R. 7762.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS

ORDER CHANGING DATE OF EFFECT

In the matter of a uniform system of accounts to be kept by steam roads.

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 6th day of November 1942.

In the matter of the order of July 13, 1937, effective July 1, 1937, prescribing operating-revenue account 117, "Protective service—Perishable freight," for steam roads; the order of July 31, 1937, changing the effective date to January 1, 1938; the order of December 18, 1937, changing the effective date to January 1, 1939; the order of November 28, 1938, changing the effective date to January 1, 1940; the order of November 6, 1939, changing the effective date to January 1, 1941; the order of December 10, 1940, changing the effective date to January 1, 1942, and the order of September 19, 1941,[1] changing the effective date to January 1, 1943.

It is ordered, That the effective date be changed to January 1, 1944.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-11866; Filed, November 13, 1942; 11:11 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

APPLICATIONS FOR REGISTRATION

FADELEY AND COMPANY, ET AL.

To all District Boards, Code Members, Distributors, the Consumers' Counsel and other interested persons:

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name and address	*Date application filed*
Fadeley & Co., 160 M St. N.E., Washington, D. C.	Oct. 23, 1942
Roy C. Gilbert, D/B/A Gilbert Coal Co., 315 Hanna Building, Cleveland, Ohio	Oct. 24, 1942
M. B. Martini, 206 N. Washington St., Spokane, Wash.	Oct. 30, 1942
North Western—Hanna Fuel Co., 2196 University Ave., St. Paul, Minn.	Oct. 19, 1942
Ralston Fox Smith—Fox Smith Coal Co., 330 Chester-Twelfth Bldg., Cleveland, Ohio	Nov. 6, 1942
E. S. Rosenbaum, Room 860, 141 W. Jackson Blvd., Chicago, Ill.	Nov. 6, 1942
R. C. Tway Coal Co., Inc. Wagon Works Building, 2601 S. Third St., Louisville, Ky.	Oct. 26, 1942
Julius Wilbert, Pittsburg, Kans.	Nov. 2, 1942

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before December 14, 1942. This information should be mailed or presented to the Bituminous Coal Division, Department of the Interior, Washington, D. C.

Dated: November 12, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11875; Filed, November 13, 1942; 11:41 a. m.]

[Docket No. A-1681]

SAHARA COAL COMPANY

ORDER DISMISSING PETITION

In the matter of the petition of Sahara Coal Company, a Code member in District No. 10, for revision of the schedule of effective minimum prices for District No. 10 for all shipments except truck on shipments to certain destinations in Market Areas 45 and 46.

Sahara Coal Company, original petitioner in the above-entitled matter, having moved that the original petition therein be dismissed and that permission be granted for the withdrawal of its application for taking depositions filed on October 7, 1942, in this matter, and no opposition having been expressed thereto;

Now, therefore, It is ordered, That the original petition in the above-entitled matter be, and the same is hereby dismissed without prejudice to the filing of a similar petition at a later date.

It is further ordered, That permission be and the same hereby is granted to withdraw the application for the taking of depositions.

Dated: November 12, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11876; Filed, November 13, 1942; 11:41 a. m.]

[Docket No. A-1720]

DISTRICT BOARD NO. 2

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 2 for a change in the effective minimum prices for truck shipments for coals produced by certain mines in District No. 2.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on December 9, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 4, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition filed with the Division by District Board No. 2 requesting that the effective minimum prices for truck shipments for the coals produced by Ritenour Mine, (Mine Index No. 923) of O. N. Ritenous; Kennedy Mine, (Mine Index No. 858) of J. C. Hindman Coal Company; Stadnick Mine, (Mine Index No. 934) of Stadnick Coal Company (Louis Stadnick); and Taylor Mine, (Mine Index No. 1628) of Taylor Cannel Coal Company (H. L. Taylor), be changed as follows:

Size groups	1	2	3	4	5	6	7	8	9	10	11
From	370	360	350	340	320	310	300	290	280	230	215
To	500	500	350	340	320	310	300	250	210	200	190

Dated: November 12, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11872; Filed, November 13, 1942; 11:41 a. m.]

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[1] 6 F.R. 5042.

[Docket No. D-22]

STAHMER COAL COMPANY

ORDER FURTHER POSTPONING HEARING

In the matter of the application of Stahmer Coal Company for permission to receive sales agents' commissions and distributors' discounts on coal sold to Madison Fuel and Supply Company.

The above-entitled matter by orders dated August 8, 1942, and September 12, 1942, having been scheduled for hearing on November 16, 1942, at a hearing room of the Bituminous Coal Division, Washington, D. C., and

Applicant having filed, on November 10, 1942, a motion to further postpone said hearing to an indefinite date, and having shown good cause therefor,

It is ordered, That the hearing in the above-entitled matter be postponed from 10:00 a. m. on November 16, 1942, to a date to be later designated.

Dated: November 12, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11873; Filed, November 13, 1942; 11:41 a. m.]

[Docket No. A-1713]

DISTRICT BOARD 11

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 11 for establishment of price classifications and minimum prices for coals of Pyramid Coal Corporation.

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 was filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Victory Mine, Mine Index No. 1354, of the Pyramid Coal Corporation for shipment by both rail and truck.

Petitioner requests the temporary establishment of the price classifications and minimum prices set forth in its petition stating that the Victory Mine is a new mine now being developed in a third vein seam and that until such mine is actually producing and loading its coals for shipment petitioner will be unable to obtain sufficient factual data to propose permanent price classifications and minimum prices for the coals of that mine.

Accordingly, a reasonable necessity having been shown for the granting of the request in the original petition it is deemed advisable to temporarily establish the price classifications and minimum prices requested by petitioner for the coals of its mine. However, it does not appear advisable to permanently establish price classifications and minimum prices for the coals of that mine until such time as all factual data necessary to such an establishment has been obtained by petitioner and has been submitted to the Division for consideration.

Therefore It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedules of Effective Minimum Prices for District No. 11 for All Shipments Except Truck and for Truck Shipments are supplemented to include the price classifications and minimum prices set forth in the schedules marked "Supplement R" and "Supplement T" annexed hereto and hereby made a part hereof.[1]

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: November 12, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11874; Filed, November 13, 1942; 11:41 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATE

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the determination and order or regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective November 12, 1942. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

Litwin & Oakjones, 5 N. Greene St., Baltimore, Maryland; Coats; 1 learner (T); November 12, 1943.

Universal Hat & Cap Mfg. Co., 231 S. Green St., Chicago, Illinois; Men's & boys' headwear; 3 learners (T); May 12, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Amory Garment Co., Inc., Amory, Mississippi; Men's & boys' pants; 35 learners (T); November 12, 1943.

Berwick Shirt Co., 10th & Pine Sts., Berwick, Pennsylvania; Men's shirts; 10 percent (T); November 12, 1943.

D. Coopersmith, N. Washington St., Milford, Delaware; Cotton dresses; 5 learners (T); November 12, 1943.

Elder Mfg. Co., St. Genevieve, Missouri; Boys' shirts and pajamas; 10 percent (T); November 12, 1943.

Ely & Walker Dry Goods Co., Main St., Kennett, Missouri; Shirts; 10 percent (T); November 12, 1943.

Great Western Garment Co., 501 Travis St., Wichita Falls, Texas; Pants, overalls, jackets, shirts; 10 percent (T); November 12, 1943.

Greensboro Overall Co., 1303 Carolina St., Greensboro, North Carolina; Work garments, government trousers; 10 percent (T); November 12, 1943.

Hanover Mfg. Co., 16 Centennial Ave., Hanover, Pennsylvania; Cotton dresses; 10 percent (T); November 12, 1943.

Harwood Mfg. Corp., Marion, Virginia; Men's shorts & pajamas (cotton) and bandoleers; 50 learners (E); May 12, 1943.

Leather Sportwear, Inc., 315 Centre St., Jamaica Plain, Massachusetts; Leather jackets; 4 learners (T); November 12, 1943.

Le Nore Garments, 1020 W. Adams St., Chicago Illinois; Ladies' & children's aprons; 10 percent (T); November 12, 1943.

S. Liebovitz & Sons, Leola, Pennsylvania; Men's shirts; 10 learners (T); November 12, 1943.

Miller Brothers, 1619 Preston St., Houston, Texas; Government trousers, civilian trousers, shirts, miscellaneous garments; 10 percent (T); November 12, 1943.

Myles Mfg. Co., Pennsboro, West Virginia; Men's underwear, shorts and pajamas; 10 percent (T); November 12, 1943.

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[1] Not filed with the Division of the Federal Register.

Parsonsburg Mfg. Co., Parsonsburg, Maryland; Infants' & children's dresses; 4 learners (T); November 12, 1943.

Charles Smithline Underwear Co., Inc., 248 Broad Ave., Palisades Park, New Jersey; Ladies' pajamas, gowns and slips; 5 learners (T); November 12, 1943.

Star Garment Mfg. Co., 211 E. 4th St., St. Paul, Minnesota; Leather and sheep-lined coats, mackinaws, pants; 10 learners (T); November 12, 1943.

Scranton Garment Mfg. Co., Inc., 315 Cherry St., Scranton, Pennsylvania; Army field jackets, mackinaws and sport clothing; 10 percent (T); November 12, 1943.

S. E. Stein, Inc., Hebron, Maryland; Shirts; 10 percent (T); November 12, 1943.

Stein-Schwartz, Inc., 314 N. 13th St., Philadelphia, Pennsylvania; White duck garments; 5 percent (T); November 12, 1943.

Susquehanna Waist Co., 402 Race St., Philadelphia, Pennsylvania; Ladies' blouses and shirt waists; 10 learners (T); November 12, 1943.

Wildman Mfg. Co., 905 Washington Ave., St. Louis, Missouri; Ladies' & Misses' rayon and cotton dresses; 8 learners (T); November 12, 1943.

Hosiery Industry

Charles H. Bacon Co., Lenoir City, Tennessee; Seamless hosiery; 5 percent (T); November 12, 1943.

Bisher Hosiery Mill, Denton, North Carolina; Seamless hosiery; 5 learners (T); November 12, 1943.

Brown Brothers Hosiery Mills, 1208 Second St., Hickory, North Carolina; Seamless hosiery; 5 percent (T); November 12, 1943.

Bryan Hosiery Mill, Inc., 3319 Long St., Chattanooga, Tennessee; Full-fashioned hosiery; 5 learners (T); November 12, 1943.

Crescent Hosiery Mills, Niota, Tennessee; Seamless hosiery; 5 percent (T); November 12, 1943.

Dobson Hosiery Mills, Pulaski, Virginia; Seamless hosiery; 5 percent (T); November 12, 1943.

Elliott Knitting Mills, Inc., Catawba, North Carolina; Seamless hosiery; 5 percent (T); November 12, 1943.

Fremont Hosiery Mills, Thomasville, North Carolina; Seamless hosiery; 5 percent (T); November 12, 1943.

Illinois Knitting Co., South 12th St., Mt. Vernon, Illinois; Seamless hosiery; 5 percent (T); November 12, 1943.

Shuford Hosiery Mills, Inc., E. Highland Ave., Hickory, North Carolina; Seamless hosiery; 5 percent (T); November 12, 1943.

Telford Knitting Mills, Telford, Tennessee; Seamless hosiery; 5 learners (T); November 12, 1943.

Knitted Wear Industry

Waynesboro Knitting Co., 312 W. Second St., Waynesboro, Pennsylvania; Knitted underwear; 5 percent (T); November 12, 1943.

Textile Industry

Bear Brand Hosiery Co., West Ave. & Hickory St., Kankakee, Illinois; Cotton yarn; 3 percent (T); November 12, 1943.

Signed at New York, N. Y., this 10th day of November 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-11867; Filed, November 13, 1942; 11:17 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 349]

ALL OF THE CAPITAL STOCK OF HENRY PELS & CO., INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All of the capital stock of Henry Pels & Co., Inc., a New York corporation, New York, New York, which is a business enterprise within the United States, consisting of 500 shares of $100 par value common stock.

is owned by Berlin-Erfurter Maschinenfabrik Henry Pels & Co. A. G., whose last known address was represented to the undersigned as being Berlin, Germany, and therefore is property of, and represents ownership of said business enterprise which is, a national of a designated enemy country (Germany), and determining that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy Country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 9, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11851; Filed, November 12, 1942; 2:19 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 49 Under MPR 188]

GAME MAKERS, INC.

APPROVAL OF A MAXIMUM PRICE

Order No. 49 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Game Makers, Incorporated, is authorized to sell or deliver a new toy designated as "No. 35 Bow Gun" to dealers at a price no higher than $25.20 per gross, f. o. b. Long Island City, New York, and to jobbers at a price no higher than $26.20 per gross, f. o. b. Long Island City, New York.

(b) This Order No. 49 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 49 shall become effective on the 13th day of November 1942.

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11896; Filed November 13, 1942; 11:49 a. m.]

[Order 50 Under MPR 188]

ELITE HAND PAINTING CORPORATION

APPROVAL OF A MAXIMUM PRICE

Order No. 50 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Elite Hand Painting Corporation is authorized to sell and deliver to jobbers two new dolls manufactured by it, at prices, f. o. b. New York, New York, no higher than those set forth below:

	Per dozen
Colonial Doll	$3.65
Fairyland Doll	3.97

(b) This Order No. 50 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 50 shall become effective on the 13th day of November 1942.

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11897; Filed, November 13, 1942; 11:52 a. m.]

[Order 51 Under MPR 188]

JOE OTT MANUFACTURING COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 51 under § 1499.158 of maximum price regulation No. 188—manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Joe Ott Manufacturing Company is authorized to sell and deliver a new toy plane kit designated as "Identoplanes" at a price to retailers no higher than $.336 per kit, f. o. b. Chicago, Illinois, and to jobbers at a price no higher than $.295 per kit, f. o. b. Chicago, Illinois.

(b) This Order No. 51 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 51 shall become effective on the 13th day of November 1942.

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11898; Filed; November 13, 1942; 11:52 a. m.]

[Order 52 Under MPR 188]

SMART STYLE

APPROVAL OF A MAXIMUM PRICE

Order No. 52 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, it is ordered:

(a) Lawrence Schwarz, doing business under the name, "Smart Style", is authorized to sell and deliver to retailers a new toy officer outfit, designated as "Junior U. S. Officer Toy Outfit," at a price no higher than $4.25 per dozen, f. o. b. Union City, New Jersey.

(b) This Order No. 52 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 52 shall become effective on the 13 day of November 1942.

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11891; Filed, November 13, 1942; 11:53 a. m.]

[Order 53 Under MPR 188]

SKILL DARTS COMPANY

APPROVAL OF A MAXIMUM PRICE

Order No. 53, under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Skill Darts Company is authorized to sell and deliver a new toy machine gun designated as "Krack-A-Jap" at a price no higher than $0.55 per unit f. o. b. High Point, North Carolina, to W. K. Butler, doing business under the name of "New Enterprises".

(b) This Order No. 53 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 53 shall become effective on the 13th day of November 1942.

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11892; Filed, November 13, 1942; 11:54 a. m.]

[Order 54 Under MPR 188]

PLAYETTE CORPORATION

APPROVAL OF A MAXIMUM PRICE

Order No. 54 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, it is ordered:

(a) Playette Corporation is authorized to sell and deliver to retailers the new toy theatre, designated as "Little Playette Theatre", at a price no higher than $.85½ per theatre, f. o. b. New York, New York.

(b) This Order No. 54 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 54 shall become effective on the 13th day of November 1942.

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11899; Filed, November 13, 1942; 11:55 a. m.]

[Order 55 Under MPR 188]

HOLT AND COMPANY

APPROVAL OF A MAXIMUM PRICE

Order No. 55 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, it is ordered:

(a) Holt and Company is authorized to sell and deliver to retailers the set of four miniature train signals manufactured by it, at a price no higher than $.414 per set, f. o. b. Cleveland, Ohio.

(b) This Order No. 55 may be revoked or amended by the Price Administrator at any time.

Issued and effective this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11900; Filed, November 13, 1942; 11:55 a. m.]

[Order 56 Under MPR 188]

LEO HART COMPANY, INC.

APPROVAL OF A MAXIMUM PRICE

Order No. 56 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, it is ordered:

(a) Leo Hart Company, Incorporated, is authorized to sell and deliver a new jig-saw picture puzzle, designated as the "Hart Picture Puzzle" to dealers at a price no higher than $1.68 per dozen f. o. b., Rochester, New York.

(b) This order No. 56 may be revoked or amended by the Price Administrator at any time.

(c) This order No. 56 shall become effective on the 13th day of November 1942. Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11901; Filed, November 13, 1942; 11:55 a. m.]

[Order 57 Under MPR 188]

RALSTON TOY AND NOVELTY CO., INC.

ORDER GRANTING ADJUSTMENT

Order No. 57 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250; *It is ordered:*

(a) Ralston Toy and Novelty Company, Incorporated, is authorized to sell and deliver to retailers a line of new wooden toys manufactured by it, at prices, f. o. b. Omaha, Nebraska, no higher than those set forth below:

	Per dozen
"Jeep"	$1.75
"Tank"	1.00
"Patrol Torpedo Boat"	2.00

(b) This Order No. 57 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 57 shall become effective on the 13th day of November 1942.

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11880; Filed, November 13, 1942; 11:56 a. m.]

[Order 58 Under MPR 188]

KLISE MANUFACTURING COMPANY, INC., AND CAPPEL, MACDONALD AND CO.

APPROVAL OF MAXIMUM PRICES

Order No. 58 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, An Act to amend the Emergency Price Control Act of 1942, etc., and Executive Order No. 9250, *It is ordered:*

(a) Klise Manufacturing Company, Inc., is authorized to sell and deliver to Cappel, MacDonald and Company the following "Teach-A-Tot" toys at prices per unit, f. o. b. factory, no higher than those set forth below:

Letter Blox	$1.12
Nok-A-Blok	1.00
Mak-A-Toys	.80
Color Top	.60
Play-A-Weigh	.87
Nut-N-Bolt	.69
Blox Cars	1.03
Time-A-Roo	.57

(b) Cappel, MacDonald Company is authorized to sell and deliver to retailers the following "Teach-A-Tot" toys at prices per unit, f. o. b. seller's point of shipment, no higher than those set forth below:

Letter Blox	$1.99
Nok-A-Blok	1.71
Mak-A-Toy	1.42
Color Top	.84
Play-A-Weigh	1.57
Nut-N-Bolt	1.14
Blox-Cars	1.85
Time-A-Roo	.99

(c) This Order No. 58 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 58 shall become effective on the 13th day of November, 1942.

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11893; Filed, November 13, 1942; 11:54 a. m.]

[Order 59 Under MPR 188]

THE GENERAL CLAY PRODUCTS COMPANY

AUTHORIZATION OF A MAXIMUM PRICE

Order No. 59 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion which has been issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and pursuant to § 1499.158 of Maximum Price Regulation No. 188: *It is ordered:*

(a) Specific authority is hereby given to The General Clay Products Company, Huntington Bank Building, Columbus, Ohio, to sell and deliver to any person:

Ohio Second Quality Fire Brick, 9″ x 4½″ x 2½″ series at $36.00 per thousand, f. o. b. plant.

Ohio Second Quality Fire Clay Brick, 8¾″ x 4¼″ x 2¼″ (undersize) at $31.00 per thousand, f. o. b. plant.

(b) This Order No. 59 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 59 shall become effective November 13, 1942.

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11894; Filed, November 13, 1942; 11:54 a. m.]

[Order 81 Under MPR 120]

JOHNSTOWN COAL & COKE COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 81 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-106.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and pursuant to § 1340.207 (b) of Maximum Price Regulation No. 120: *It is ordered:*

(a) Johnstown Coal & Coke Company, 1006 United States National Bank Building, Johnstown, Pennsylvania, may sell and deliver, and any person may buy and receive the bituminous coal described in paragraph (b), at prices not in excess of the respective prices stated therein, for shipment by rail.

(b) Coals produced by the Johnstown Coal & Coke Company at its Logan No. 4 Mine (Mine Index No. 285) in District No. 1, may be sold for shipment by rail at prices not to exceed $3.15 per net ton in Size Group 3, $3.00 per net ton in Size Group 4, and $3.00 per net ton in Size Group 5.

(c) This Order No. 81 may be revoked or amended by the Administrator at any time.

(d) All prayers of the petition not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(f) This Order No. 81 shall become effective November 14, 1942.

Issued this 13th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11895; Filed, November 13, 1942; 11:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-39]

NORTH AMERICAN LIGHT & POWER COMPANY HOLDING-COMPANY SYSTEM AND THE NORTH AMERICAN COMPANY

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of November, A. D. 1942.

The Commission on September 29, 1942, having entered an order for a hearing to be held on November 16, 1942, for the purpose of determining the nature, validity, and extent of the claim of Illinois Iowa Power Company against North American Light & Power Company and Illinois Traction Company; and

It appearing to the Commission that it is necessary and appropriate to postpone said hearing:

It is ordered, That the hearing heretofore set in the above entitled matter for November 16, 1942, be and the same hereby is postponed to November 30, 1942, at 10:00 A. M., E. W. T. Said hearing to be held at the offices of the Securities & Exchange Commission, 18th & Locust Streets, Philadelphia, Pa., in such room as may be designated on such day by the hearing room clerk in Room 318.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11855; Filed, November 13, 1942; 10:34 a. m.]

[File No. 59-35]

NEW YORK WATER SERVICE CORPORATION AND FEDERAL WATER AND GAS CORPORATION

NOTICE OF AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 10th day of November, A. D. 1942.

The Commission having instituted proceedings with respect to Federal Water and Gas Corporation, a registered holding company, and New York Water Service Corporation, one of its subsidiaries, to determine whether, for the purpose of fairly and equitably distributing voting power among security holders of New York Water Service Corporation pursuant to the provisions of section 11 (b) (2) of the Public Utility Holding Company Act of 1935, it is necessary or appropriate to require that said corporation shall revise and simplify its capital structure and what further action may be required by New York Water Service Corporation to effect complete compliance with section 11 (b) (2) of the Public Utility Holding Company Act of 1935, as more fully set forth in the Commission's notice of and order instituting proceedings and setting date for hearing (Holding Company Act Release No. 3156);

Hearings having been held in respect of such proceeding and having been adjourned subject to call of the Trial Examiner; and

It appearing appropriate to the Commission that hearings in this matter be reconvened for the purpose of adducing additional evidence;

It is ordered, That the hearing in the above-entitled matter be reconvened on the 18th day of November 1942 at 10 o'clock in the forenoon of that day in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa. On that day the hearing room clerk in 318 will inform the parties as to the exact room in which said reconvened hearing shall be held;

It is further ordered, That without limiting the scope of the issues presented by these proceedings, attention will be directed at such hearing to a consideration of the following matters and questions:

(1) Whether, for the purpose of fairly and equitably distributing voting power among security holders of New York Water Service Corporation, pursuant to the provisions of section 11 (b) (2) of the Public Utility Holding Company Act of 1935, it is necessary or appropriate to require that New York Water Service Corporation shall revise and simplify its stock structure so as to cause the same to consist of common stock only;

(2) Whether, in the event the stock structure of New York Water Service Corporation is so revised, any participation should be accorded to Federal Water and Gas Corporation by reason of its holdings in the present common stock of New York Water Service Corporation;

(3) Whether, and if so the extent to which, New York Water Service has suffered any detriment in connection with its transactions with associate companies or affiliates.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11857; Filed, November 13, 1942; 10:34 a. m.]

[File Nos. 54-50, 59-39, 59-10]

NORTH AMERICAN LIGHT & POWER CO., ET AL.

NOTICE OF FILING, ETC.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of November, A. D. 1942.

In the matter of North American Light & Power Company, File No. 54-50, North American Light & Power Company, Holding-Company System, and The North American Company, File No. 59-39, The North American Company, et al., File No. 59-10.

Notice of filing of plan for liquidation of North American Light & Power Company and Illinois Traction Company (application No. 11) and order for hearing.

The Commission on December 30, 1941, having entered an order pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 (File No. 54-50) directing that North American Light & Power Company (Light & Power) shall be liquidated and its existence terminated, and further directing that Light & Power and The North American Company shall proceed with due diligence to submit to this Commission a plan or plans for the prompt liquidation of Light & Power in a manner consistent with the provisions of the Public Utility Holding Company Act of 1935; and

The Commission in its Findings and Opinion of December 30, 1941, having stated,

> We observe in passing that in addition to owning about 85% of the common stock of Light & Power, North American also owns about 43% of Light & Power's preferred stock and 63% of its debentures. The record discloses that these senior securities were acquired at substantial discounts and at a time when dividend arrears on its preferred stock were mounting and an earned surplus deficit increasing. These facts raise serious questions concerning the possible application to North American's holdings of various equitable doctrines. At this time, we do not determine or indicate in what manner North American's claims as a senior security holder of Light & Power shall be treated, as the record is not complete on that matter. Whether such claims shall be treated on a parity with those of the same class held by others; whether North American shall be confined to cost, computed in light of all relevant factors; whether North American's claims must be subordinated in whole or in part; or whether some other disposition of these problems may be appropriate, will depend on a comprehensive inquiry into the facts and a consideration of the applicable principles. We reserve jurisdiction to pass on these questions at a later time.

and

The Commission having on May 5, 1942 entered an order directing that the said proceeding (File No. 54-50) be consolidated with the proceeding entitled "In the matter of The North American Company, et al., (File No. 59-10)" and with the proceeding entitled "In the matter of North American Light & Power Company Holding-Company System and The North American Company, (File No. 59-39)";

Notice is hereby given that North American Light & Power Company filed on October 15, 1942, a plan for the liquidation and termination of the existence of said Light & Power and for the liquidation and termination of the existence of Illinois Traction Company, a subsidiary of The North American Company and said Light & Power. Said plan is designated as Application No. 11.

All interested persons are referred to said application which is on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

It is recited in said plan that Light & Power has heretofore filed Applications No. 1 to 4 inclusive, all of which have been approved by the Commission and which provided for the dissolution of Power & Light Securities Company (a subsidiary of Light & Power), for the retirement of Light & Power's publicly held debentures, for the sale of the assets and dissolution of The McPherson Oil & Gas Development Company (a subsidiary of Light & Power) and for the sale of Light & Power's 50% interest in Blue River Power Company to The Kansas Power and Light Company.

Light & Power proposes to file additional applications (designated 5 to 10, inclusive) which will request authority for Illinois Traction Company to sell its interest in Kewanee Public Service Company for approximately $300,000, for Western Illinois Ice Company to sell its physical property for approximately $250,000 in cash, for Cahokia Manufacturers Gas Company to sell its physical properties to Illinois Iowa Power Company for approximately $20,000, for Light & Power to sell its preferred stock holdings (and dividend arrears certificates) of Illinois Iowa Power Company, at the market, netting approximately $343,220, to retire 210 shares of publicly held preferred stock of Illinois Traction Company, and for Illinois Traction Company to turn over to Light & Power its residual cash assets estimated to be approximately $30,917.

The plan further states that when all of the above transactions shall have been accomplished it is estimated that there will be available for distribution by Light & Power and Illinois Traction Company as of December 31, 1942, the following:

Cash (estimated)	$2,501,031.27
	Shares
Preferred Stock, Missouri Power & Light Company	3,298
Common Stock, Missouri Power & Light Company	75,000
Common Stock, The Kansas Power & Light Company	1,050,000
Common Stock, Northern Natural Gas Company	355,250
Common Stock, Illinois Iowa Power Company	312,478
Common Stock warrants Illinois Iowa Power Company	300,000

North American Light & Power Company will have outstanding as of December 31, 1942, the following securities:

5½% Debentures, all owned by The North American Company, principal amount	$5,623,000
	Shares
Preferred stock owned by public investors	109,255
Preferred stock owned by The North American Company	84,925
Total preferred stock shares	194,180
Liquidating value of preferred stock	$19,418,000
Dividend arrears to end of 1942 at $63 per share	12,233,340
Total preferred stock	31,651,340
	Shares
Common Stock, $1 par value	6,288,059
Held by The North American Company	5,327,067
Held by the public	960,992

Light & Power proposes, subject to determination of various claims (involving questions of fact and law) which may have an effect on the amount of assets available therefor, the following plan of distribution:

1. To pay off the outstanding debentures in the principal amount of $5,623,500 as follows:

(a) By use of available cash to the extent of $2,200,000.

(b) By offering for sale 3,298 shares of preferred stock and 75,000 shares of the common stock of Missouri Power & Light Company; and 63,980 shares of the common stock of Northern Natural Gas Company for $3,423,500.

(c) In case such sum cannot be realized from the sale of said securities, then to pay cash in the amount of $2,200,000 and transfer the above securities to the holders of the debentures as payment in full for same.

The North American Company acquired the debentures as follows:

	Par value	*Cost*
Purchased	$9,608,500.00	$6,479,611.52
Redeemed by Light & Power	3,985,000.00	2,688,388.58
Balance remaining	$5,623,500.00	*$3,791,211.94

*Includes intercompany profit of $256,786.

2. To distribute to the preferred stockholders pro rata the following:

Cash (Balance remaining after distributions to debenture holders as provided in part (1) of Plan)

	Shares
Common capital stock of The Kansas Power and Light Company	1,050,000
Common capital stock of Northern Natural Gas Company	291,270
Common stock Illinois Iowa Power Company	312,478
Common stock warrants	300,000

The application states that the face amount of the outstanding debentures plus the liquidating value of the preferred stock including accrued dividends is approximately $37,000,000 and the current value of the assets is materially less than this amount so that there will be no assets remaining for distribution to holders of common stock.

Sections 9 (a), 10, 11 (b) (1), 11 (b) (2), 11 (e), 12 (d) of the Act, and Rules U-43, U-44, U-45, and U-50 of the Rules and Regulations of the Commission issued thereunder, have been indicated as applicable to the proposed transactions.

The Commission being required by the provisions of section 11 (e) of said Act, before approving any plan for compliance with section 11 (b), to find, after notice and opportunity for hearing that such plan, as submitted or as modified is necessary to effectuate the provisions of section 11 (b), and is fair and equitable to the persons affected by such plan; and

It appearing to the Commission that the public interest, and the interest of investors may be served by consideration of certain limited issues presented by such plan (which are hereinafter described) prior to a determination of whether said plan is in all respects in accordance with the applicable standards of said Act;

It is ordered, That a hearing on said application be held on December 8, 1942 at 10:00 A. M., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at such hearings is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice; and

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to North American Light & Power Company, The North American Company, Illinois Iowa Power Company, and Illinois Traction Company; and that notice of said hearing is hereby given to all security holders of North American Light & Power Company, to all states, municipalities and political subdivisions of states within which are located any of the utility assets of the said North American Light & Power Company Holding Company System, to all state commissions, state security commissions, and all agencies, authorities, or municipalities of the United States, one or more states, municipalities, or other political subdivisions having jurisdiction over said North American Light & Power Company or any of its subsidiaries, and to all other persons who may have any interest in the proceeding, such notice to be given by a general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication in the FEDERAL REGISTER not later than fifteen days prior to the date hereinbefore fixed as the date of the hearing; and

It is further ordered, That North American Light & Power Company mail to each of its security holders at his last known address at least fifteen days prior to December 8, 1942, a copy of this notice and order and a copy of the plan of liquidation and dissolution as set forth in item 6 of Application No. 11 filed herein and include therewith the following exhibits filed with said application: D-2, D-3, D-5, D-6, D-8, D-9, D-10, D-11 and D-14.

It is further ordered, That any person desiring to be heard in connection with these proceedings or proposing to intervene shall file with the Secretary of this Commission on or before December 1, 1942 his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission;

It is further ordered, That particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the provisions in said plan relating to the participation of The North American Company are necessary and fair and equitable; and

(2) Whether there are any special equities affecting the securities of Light & Power held by The North American Company which require that the participation of The North American Company be limited, or that for the purpose of determining such participation said holdings be subordinated to the holdings of any claims of securities of Light & Power held by the public.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11856; Filed, November 13, 1942; 10:34 a. m.]

[File Nos. 59-32, 70-455]

ASSOCIATED GAS AND ELECTRIC CORP., ET AL.

ORDER PERMITTING AMENDMENT TO DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of November 1942.

In the matter of Denis J. Driscoll and Willard L. Thorp, as trustees of Associated Gas and Electric Corporation, respondents, File No. 59-32; in the matter of Northeastern Water and Electric Corporation and Denis J. Driscoll and Willard L. Thorp as trustees of Associated Gas and Electric Corporation, applicants-declarants, File No. 70-455.

The Commission having heretofore, on March 3, 1942, issued an order in the above-captioned proceedings, which, among other things, permitted a declaration to become effective under section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 promulgated thereunder, regarding the proposed sale to John H. Ware, Jr. and Penn-Jersey Water Company of 155,747 shares of common stock of Northeastern Water and Electric Corporation by Trustees of Associated Gas and Electric Corporation, a registered holding company, for a cash consideration of $3,805,197.14; and

An amendment having now been filed providing, among other things, that the consideration to be received be reduced to $3,224,665.77, and further providing that $2,000,000 thereof be in the form of a collateral promissory note of vendees bearing 3% interest and maturing November 15, 1943; the amended filing indicating that section 10 of the Act is applicable to the proposed acquisition; and

A public hearing having been held on the amended filings, after appropriate notice; the Commission having considered the record and finding that there is no reason to make any adverse findings under section 12 (d) of the Act and the applicable rules regarding the proposed disposition, and further finding that the acquisition meets the standards of section 10; and having made and filed its findings and opinion herein;

It is ordered, That the amended declaration be, and the same hereby is, permitted to become effective forthwith, and that the application be, and the same hereby is, approved, subject to the terms and conditions set forth in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11858; Filed, November 13, 1942; 10:34 a. m.]

[File No. 70-532]

GENERAL WATER, GAS & ELECTRIC CO., ET AL.

ORDER RELEASING JURISDICTION AS TO FEES AND EXPENSES

In the matter of General Water Gas & Electric Company, Boise Water Corporation, Natatorium Company, Kellogg Power and Water Company.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of November, A. D. 1942.

General Water, Gas & Electric Company, a registered holding company, and its subsidiaries, Kellogg Power and Water Company and Boise Water Corporation, together with the latter company's subsidiary, Natatorium Company, having joined in appropriate applications and declarations filed with this Commission, with amendments thereto, under sections 6 (b), 10 and 12 of the Public Utility Holding Company Act of 1935 for approval of (1) the acquisition of the outstanding securities of Kellogg Power and Water Company by Boise Water Corporation from its parent, General Water, Gas & Electric Company, in exchange for common stock to be issued by Boise Water Corporation; (2) the issuance and private sale of $950,000 principal amount of bonds by Boise Water Corporation; (3) the redemption of $1,000,000 principal amount of bonded debt by Boise Water Corporation from General Water, Gas & Electric Company; and (4) transactions incident thereto; and

The Commission having permitted such declarations to become effective subject, however, to certain conditions including the reservation of jurisdiction with respect to all accounting entries to be made, and certain fees and expenses to be paid, in connection with the consummation of such transactions; and

General Water Gas & Electric Company, Boise Water Corporation, Natatorium Company and Kellogg Power and Water Company having filed a notification and itemized statement of such accounting entries and fees and expenses; and

It appearing to the Commission that under the circumstances of this proceeding, and the fact that the Public Utilities Commission of Idaho will have jurisdiction in respect of the proposed accounting entries, it is unnecessary that this Commission further reserve jurisdiction in the present proceeding concerning such accounting entries, and it further appearing that the fees and expenses proposed to be paid by the applicants are not unreasonable;

It is ordered, That jurisdiction be, and the same is hereby released in respect of said fees and expenses, and be, and the same is hereby released, insofar as the present proceeding is concerned in respect of said proposed accounting entries, but without prejudice to the right and power of this Commission to consider further the propriety of said accounting entries in any other or further proceeding in which the same may appropriately be considered: *And, provided further*, That the release of jurisdiction in respect of all matters concerning which the same is hereby released is made subject to the conditions prescribed by Rule U-24;

It further appearing to the Commission that by clerical error a line was omitted from the Findings and Opinion of this Commission herein of July 1, 1942 (Holding Company Act Release No. 3643) in the first sentence of the second paragraph of that subdivision of said opinion entitled "Proposed Transactions", and that said sentence should read as follows:

> As the initial step in accomplishing the designated purpose, Boise proposes to acquire from its parent, General, all the outstanding securities of Kellogg consisting of a $100,000 6% demand note and 65,000 shares of common stock (par value $1.00) in exchange for 1,650 shares of common stock (par value $100) to be issued by Boise;

It is further ordered, That said Findings and Opinion be, and the same are hereby amended and corrected so that said sentence shall read as hereinabove set forth.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11860; Filed, November 13, 1942; 10:35 a. m.]

[File Nos. 70-529, 70-530, 37-28]

ASSOCIATED GAS AND ELECTRIC CORP., ET AL.

ORDER OF SEPARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 10th day of November 1942.

In the matter of Denis J. Driscoll and Willard L. Thorp, trustees of Associated Gas and Electric Corporation, NY PA NJ Utilities Company, File No. 70-529; In the matter of Denis J. Driscoll and Willard L. Thorp, trustees of Associated Gas and Electric Corporation, Associated Utilities Corporation, File No. 70-530; In the matter of Atlantic Utility Service Corporation, File No. 37-28.

Order separating consolidated proceedings and consenting to withdrawal of declarations and applications pursuant to request of declarants and applicants.

Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, and Associated Utilities Corporation, a subsidiary of the said Trustees, having filed applications and declarations pursuant to the Public Utility Holding Company Act of 1935 regarding the dissolution and liquidation of Associated Utilities Corporation, and the acquisition by the Trustees of the assets of Associated Utilities Corporation and the assumption by the Trustees of all the liabilities of Associated Utilities Corporation, as shown by its books at the time of the transfer of its assets to the Trustees (File No. 70-530); and the Trustees and NY PA NJ Utilities Company having filed declarations and applications pursuant to the said Act regarding the contribution by the Trustees of certain securities to NYPA NJ Utilities Company (File No. 70-529); and Atlantic Utility Service Corporation, a subsidiary of the Trustees, having filed with the Commission an application for approval as a mutual service company, pursuant to section 13 of the said Act (File No. 37-28); and the Commission having consolidated the foregoing matters for hearing, and hearings having been held on the consolidated proceedings; and

Trustees of Associated Gas and Electric Corporation, Associated Utilities Corporation, and NY PA NJ Utilities Company having filed requests for withdrawal of the declarations and applications with respect to File Nos. 70-529 and 70-530; the Commission having considered the request and deeming it appropriate that the same should be granted; and that the application of Atlantic Utility Service Corporation (File No. 37-28) should be separated from the consolidated proceedings for further determination;

It is ordered, That the application of Atlantic Utility Service Corporation (File No. 37-28) be, and hereby is, separated from the consolidated proceedings for further determination.

It is further ordered, That the declarations and applications of the Trustees of Associated Gas and Electric Corporation, Associated Utilities Corporation, and NY PA NJ Utilities Company (File Nos. 70-529 and 70-530) be, and hereby are, permitted to be withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11861; Filed, November 13, 1942; 10:35 a. m.]

[File No. 70-613]

ASSOCIATED ELECTRIC CO., ET AL.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of November 1942.

In the matter of Associated Electric Company, Metropolitan Edison Company, Staten Island Edison Corporation, File No. 70-613.

Order permitting declarations to become effective pursuant to section 12 and Rules U-42, U-43 and U-45.

Associated Electric Company, a registered holding company; Staten Island Edison Corporation, a subsidiary of New York State Electric & Gas Corporation and an indirect subsidiary of NY PA NJ Utilities Company, a registered holding company; and Metropolitan Edison Company, a subsidiary of NY PA NJ Utilities Company, having filed declarations pursuant to sections 12 (b), 12 (c), and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43, and U-45 promulgated thereunder, in regard to the following transactions: Associated Electric Company proposes to acquire (a) $2,222,000 principal amount of its own 4½% bonds, due January 1, 1953, from Staten Island Edison Corporation for a cash consideration of $955,460, plus accrued interest (the consideration being determined upon the basis of 43% of principal amount), and (b) $3,602,000 principal amount of its own 4½% bonds, refunding series, due April 1, 1956, from Metropolitan Edison Company, for a cash consideration of $1,548,860, plus accrued interest (the consideration also being determined upon the basis of 43% of principal amount); and Staten Island Edison Corporation proposes to advance the sum of $1,050,000 to its subsidiary, Richmond Light and Railroad Company, to enable such company to have sufficient cash available to redeem, at the call price of 105, the entire outstanding issue of $1,000,000 principal amount of its First and Collateral Trust 4% 50-year Gold Bonds, due July 1, 1952; and

Such declarations having been filed on October 10, 1942, and a notice and amended notices of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declarations within the period specified in said notices, or otherwise, and not having ordered a hearing thereon; and

It appearing that the approval of the Pennsylvania Public Utility Commission is required to permit the sale by Metropolitan Edison Company of $3,602,000 principal amount of 4½% Associated Electric Company bonds, refunding series, due April 1, 1956, to the Associated Electric Company, for a cash consideration of $1,548,860, plus accrued interest, and that such approval has not as yet been obtained; and

The Commission finding that the requirements of sections 12 (b), 12 (c), and 12 (f) and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declarations to become effective forthwith in regard to and limited to the acquisition by Associated Electric Company of the $2,222,000 principal amount of its own 4½% bonds due January 1, 1953, from Staten Island Edison Corporation for a cash consideration of $955,460 plus accrued interest and the advance by Staten Island Edison Corporation of the sum of $1,050,000 to Richmond Light and Railroad Company to enable such company to have sufficient cash available to redeem, at the call price of 105, the entire outstanding issue of $1,000,000 principal amount of its First and Collateral Trust 4% 50-year Gold Bonds, due July 1, 1952;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that said declarations, in regard to and limited to the acquisition by Associated Electric Company of $2,222,000 principal amount of its own 4½% bonds, due January 1, 1953, from Staten Island Edison Corporation for a cash consideration of $955,460, plus accrued interest, and to the advance by Staten Island Edison Corporation of the sum of $1,050,000 to Richmond Light and Railroad Company to enable such company to have sufficient cash available to redeem, at the call price of 105, the entire outstanding issue of $1,000,000 principal amount of its First and Collateral Trust 4% 50-year Gold Bonds, due July 1, 1952, be and hereby are, permitted to become effective forthwith; and

It is further ordered, That jurisdiction be and is hereby reserved over the proposed sale by Metropolitan Edison Company of $3,602,000 principal amount of 4½% Associated Electric Company bonds, refunding series, due April 1, 1956, to the Associated Electric Company, for a cash consideration of $1,548,860, plus accrued interest.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11859; Filed, November 13, 1942; 10:35 a. m.]

Reference

NOV 18 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 225

Washington, Tuesday, November 17, 1942

The President

PROCLAMATION 2571

DAYS OF PRAYER: THANKSGIVING DAY AND NEW YEAR'S DAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

"It is a good thing to give thanks unto the Lord." Across the uncertain ways of space and time our hearts echo those words, for the days are with us again when, at the gathering of the harvest, we solemnly express our dependence upon Almighty God.

The final months of this year, now almost spent, find our Republic and the nations joined with it waging a battle on many fronts for the preservation of liberty.

In giving thanks for the greatest harvest in the history of our nation, we who plant and reap can well resolve that in the year to come we will do all in our power to pass that milestone; for by our labors in the fields we can share some part of the sacrifice with our brothers and sons who wear the uniform of the United States.

It is fitting that we recall now the reverent words of George Washington,

> "Almighty God, we make our earnest prayer that Thou wilt keep the United States in Thy holy protection",

and that every American in his own way lift his voice to Heaven.

I recommend that all of us bear in mind this great Psalm:

> "The Lord is my shepherd; I shall not want.
>
> "He maketh me to lie down in green pastures: he leadeth me beside the still waters.
>
> "He restoreth my soul: he leadeth me in the paths of righteousness for his name's sake.
>
> "Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me; thy rod and thy staff they comfort me.
>
> "Thou preparest a table before me in the presence of mine enemies: thou anointest my head with oil; my cup runneth over.
>
> "Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the Lord for ever."

Inspired with faith and courage by these words, let us turn again to the work that confronts us in this time of national emergency: in the armed services and the merchant marine; in factories and offices; on farms and in the mines; on highways, railways and airways; in other places of public service to the Nation; and in our homes.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby invite the attention of the people to the joint resolution of Congress approved December 26, 1941, which designates the fourth Thursday in November of each year as Thanksgiving Day; and I request that both Thanksgiving Day, November 26, 1942, and New Year's Day, January 1, 1943, be observed in prayer, publicly and privately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this eleventh day of November, in the year of our Lord nineteen hundred and forty-two, and of the Independence of the United States of America the one hundred and sixty-seventh.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[F. R. Doc. 42-11906; Filed, November 13, 1942; 3:12 p. m.]

EXECUTIVE ORDER 9270

CORRECTING EXECUTIVE ORDER NO. 9257 OF OCTOBER 15, 1942, ENLARGING NAVAL PETROLEUM RESERVE NO. 1

CALIFORNIA

By virtue of the authority vested in me as President of the United States, it is ordered that the land description contained in Executive Order No. 9257 of October 15, 1942,[1] enlarging Naval Petroleum Reserve No. 1, in California, be, and it is hereby, corrected to read as follows:

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[1] 7 F. R. 8411.

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THE PRESIDENT

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 13, 1942.

[F. R. Doc. 42-11921; filed, November 14, 1942; 11:17 a. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter VIII—Sugar Agency

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE PRICES FOR THE 1942 CROP OF VIRGIN ISLANDS SUGARCANE (REVISED)

Whereas section 301 (d) of the Sugar Act of 1937, as amended, provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

> That the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

Whereas the Secretary of Agriculture, on March 26, 1942, held a public hearing at Christiansted, St. Croix, Virgin Islands, for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable prices for the 1942 crop of Virgin Islands sugarcane:

Now, therefore, I, Grover B. Hill, Assistant Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearing and all other information before me, do hereby make the following determination with respect to the requirements of section 301 (d) of the said act:

§ 802.53 *Fair and reasonable prices for the 1942 crop of Virgin Islands sugarcane.* Processors who, as producers, apply for payment under the Sugar Act of 1937, as amended, shall be deemed to have complied with the provisions of section 301 (d) of said act, if the requirements specified below have been met:

(a) Purchased sugarcane is paid for at the rate of not less than the f. o. b. mill value of 6 pounds of 96° raw sugar per hundredweight of such sugarcane. The average New York price of 96° raw sugar, for the week (or such other period as may be agreed upon) in which sugarcane was delivered, less all costs involved in the marketing of such sugar (other than bags and bagging, storage in company warehouses, war risk insurance, or any item of expense incurred in the marketing of such sugar which is reimbursed in whole or in part by the federal government or any agency thereof) shall be deemed as the f. o. b. mill value of such sugar.

(b) There is paid, per hundredweight of purchased sugarcane, an amount equal to one-half of the excess, if any, of the net proceeds derived from the sale of blackstrap molasses produced from a hundredweight of sugarcane of the 1942 crop over the net proceeds from the sale of blackstrap molasses produced from a hundredweight of sugarcane from the 1941 crop.

(c) The cost of transportation of purchased sugarcane up to 3 cents per hundredweight, shall be absorbed by the processor. (Sec. 301, 50 Stat. 910; 7 U.S.C., 1131)

This determination supersedes the "Determination of Fair and Reasonable Prices for the 1942 Crop of Virgin Islands Sugarcane", issued July 21, 1942.

Done at Washington, D. C., this 13th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-11934; Filed, November 14, 1942; 12:22 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 36—CLAIMS AGAINST THE UNITED STATES

Sections 36.3, 36.5 (d), 36.5a (a) (4) and (6), 36.6 (b), 36.7a, and 36.7b are hereby amended, section 36.5 (g) and (h) is redesignated 36.5 (h) and (i) respectively, and section 36.5a (a) (7) and a new paragraph (g) in section 36.5 are added as follows:

§ 36.3 *Classification*—(a) *General.* Claims may be divided into two general classes:

(1) Those for damages to persons or property arising through the activities of the Army or War Department.

(2) Those arising under contractual relations.

(b) *Claims for personal injury.* No provision has been made for the settlement by the War Department of claims for damages for personal injury, except in the case of personal injury inflicted in the operation of aircraft, as provided in the annual appropriation acts, and, in the case of claims falling within the provisions of the act of January 2, 1942 (55 Stat. 880), providing for the settlement of claims for damages occasioned by Army forces in foreign countries. (See § 36.5 (d) and 36.5 (g).) However, all other claims for personal injury will be investigated by a board of officers and reported upon in the same manner as claims for property damage in order that information relative thereto may be on hand in the War Department for future use. (R.S. 161; 5 U.S.C. 22) [Par 2, AR 35–7020, October 14, 1942]

§ 36.5 *Laws granting authority for settlement of claims by Secretary of War.*

* * *

(d) *Claims incident to operation of aircraft.* The annual appropriation act approved July 2, 1942 (Bull. 30, W.D., 1942), authorizes the payment of claims (not exceeding $500 each) for damage to private property, including claims of military and civilian personnel in and under the War Department, and for injury to persons other than military personnel resulting from the operation of aircraft. See §§ 36.12–36.14b and § 36.5 a (a) (4).

* * * * *

(g) *Claims for damages occasioned by Army forces in foreign countries.* The act of January 2, 1942 (55 Stat. 880), authorizes the Secretary of War to appoint a claims commission or commissions composed of officers of the Army to consider, adjust, and determine bona fide claims on account of damages caused by Army forces, or individual members thereof, in a foreign country or possession thereof, including places located therein which are under the temporary or permanent jurisdiction of the United States, to the property, public or private, or the persons of inhabitants of such foreign countries, where the amount of such claim does not exceed $1,000. Under this law, payment is made from such appropriation as may be determined by the Secretary of War. (See § 36.55.)

(h) *Real estate claims.* * * *

(i) *Claims incident to river and harbor works.* * * *

(R.S. 161; 5 U.S.C. 22) [Par. 4, AR 35–7020, October 14, 1942]

§ 36.5a *Application of regulations*—(a) *General.* The following general principles will govern in determining which regulations have application to any claim:

* * * * *

(4) Claims resulting from the operation of aircraft:

(i) Not exceeding $500, exclusively for damage to persons, involving negligence, will be considered under the provisions of §§ 36.12–36.13.

(ii) Not exceeding $500 for damages to private property, or to persons and private property, but not involving negligence, will be considered as within the scope of §§ 36.12–36.13.

(iii) Not exceeding $1,000 for damage to private property, involving negligence, if the negligence occurred within the scope of the employment, will be considered as within the provisions of §§ 36.14–36.14b.

(iv) Which exceed $500, but do not exceed $1,000, for damage to private property, and do not involve negligence, will be considered under the provisions of §§ 36.9–36.11 or §§ 36.21–36.23, whichever is applicable.

(v) *While engaged on special field exercises.* Not exceeding $500, for damage to private property, whether or not caused by negligence, will be considered under §§ 36.18–36.20.

* * * * *

(6) Claims not exceeding $1,000 occasioned by Army forces in foreign countries will be considered under § 36.55.

(7) Military personnel who are, at the time of the incident from which the damage arises, engaged in an official mission and who have not materially deviated therefrom on a personal mission will be deemed to be acting within the scope of their employment as contemplated by the provisions of §§ 36.14–36.14b, regardless of the degree of negligence involved, or by other regulations if applicable. Where loss of or damage to property of any person has occurred through depredation, willful misconduct, or such reckless disregard of property rights as to carry an implication of guilty intent, committed by persons subject to military law not acting within the scope of the Government, except under the provisions of § 36.55, but the claim may properly be considered under the one hundred and fifth article of war and §§ 36.15–36.16. Where investigation discloses a case of simple negligence, whether within or beyond the scope of employment, the one hundred and fifth article of war does not apply. However, cases involving simple negligence within the scope of employment come within the provisions of the appropriate regulations cited in this paragraph, but, in those cases involving simple negligence not within the scope of employment, none of the statutes mentioned in this paragraph, except under the provisions of § 36.55, has any application, and the claimant is necessarily left to his ordinary civil remedies. (R.S. 161; U.S.C. 22) [Par. 5, AR 35–7020, October 14, 1942]

§ 36.6 *Action to be taken by claimant.* * * *

(b) *Form in which claim should be submitted.* The claimant will be required to submit a sworn statement over his signature and address setting forth all the facts and circumstances in connection with the damage claimed, including the nature and extent, the date incurred, the agency by which caused, if known, and the amount of the claim. Standard Form No. 28 (Claim for Damages—Accident, Motor Transporation), may be used whenever practicable. (R.S. 161; 5 U.S.C. 22) [Par. 6, AR 35–7020, October 14, 1942]

* * * * *

§ 36.7a *Claims, settlement of which is not provided for by any specific law.* Claims may arise which on account of statutory limitations, or for other reasons, do not come within the provisions of any law governing settlement and payment. All such claims will be referred to a board of officers for investigation and report in a manner similar to that prescribed in § 36.7, with such modification as the features of the particular cases may warrant. Such claims will then be forwarded to the Chief of Finance for examination, administrative action, and submission to the Secretary of War. (R.S. 161; 5 U.S.C. 22) [Par. 9, AR 35–7020, October 14, 1942]

§ 36.7b *Notification to claimant.* Upon receipt of notification by the Chief of Finance of the action taken by the Secretary of War on any claim falling under the provisions of §§ 36.9 to 36.11, 36.14 to 36.14b, and 36.18 to 36.23, the Chief of Finance will notify the claimant of that action, transmitting one copy of notification to the commanding general of the service command under whose jurisdiction the claim arose. (R.S. 161; 5 U.S.C. 22) [Par. 10, AR 35–7020, October 14, 1942]

[SEAL]
J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–11903; Filed, November 13, 1942; 12:49 p. m.]

PART 36—CLAIMS AGAINST THE UNITED STATES

Sections 36.15 and 36.16 are rescinded and the following substituted therefor:

§ 36.15 *Application of statute.* The provisions of A. W. 105 apply only when the loss or damage has been caused by depredation, wilful misconduct, or such reckless disregard of property rights as to carry an implication of guilty intent. It does not apply in cases of simple negligence, whether or not without the scope of employment of the offender, or under the conditions set forth in §§ 36.2–36.8. See Dig. Ops. JAG 1912–1930, sec. 807, and MS. Ops. JAG, Mar. 5, 1928. (R.S. 161, 5 U.S.C. 22) [Par. 2, AR 35–7080, July 16, 1942]

§ 36.16 *General procedure.* When claims of this character are submitted to the commanding officer of the post, camp, station, or other unit of the Military Establishment within which or nearest adjacent to which the loss or damage occurred, as provided in § 36.2–36.8, the commanding officer will refer it in the usual manner to a board of one to three officers who will take the action prescribed in § 36.2–36.8. (R.S. 161, 5 U.S.C. 22) [Par. 3, AR 35–7080, July 16, 1942]

[SEAL]
J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–11902; Filed, November 13, 1942; 12:49 p. m.]

Chapter V—Military Reservations and National Cemeteries

PART 52—REGULATIONS AFFECTING MILITARY RESERVATIONS

Sections 52.1 to 52.8, inclusive, are rescinded and the following substituted therefor:

Sec.
52.1 Real estate defined.
52.2 Real estate; how acquired.
52.3 Function of Chief of Engineers.
52.4 Leases and similar instruments.
52.5 Temporary use; how granted.
52.6 Rights which may be granted by Secretary of War.
52.7 Rights which may be granted by Secretary of the Interior.
52.8 Rights which may be granted by Secretary of Agriculture.
52.9 Rights which may be granted by Federal Power Commission.
52.10 Rights which may be granted by President of the United States.
52.11 Limitations on rights which may be granted.
52.12 Rights which cannot be granted without specific statutory authority.
52.13 Forms to be used.
52.14 Payments.
52.15 Refund of rental paid.
52.16 Revocation of grants.
52.16a Real estate; claims for damages.

AUTHORITY: §§ 52.1 to 52.16a, inclusive, issued under R.S. 161; 5 U.S.C. 22.

SOURCE: The regulations in §§ 52.1 to 52.16a are also contained in AR 100–60, September 29, 1942; AR 100–61, September 15, 1942; AR 100–62, September 15, 1942; and AR 100–64, September 29, 1942; the particular paragraphs being shown in brackets at end of sections.

§ 52.1 *Real estate defined.* The term "real estate," as used in connection with the activities of the War Department, includes land; buildings; piers, docks, and wharves; office and storage space; rights of way or easements, whether temporary or permanent; and any interests which may be acquired or held therein for the us or benefit of the United States by the Army or any branch thereof. [Par. 1, AR 100–60, Sept. 29, 1942]

§ 52.2 *Real estate; how acquired*—(a) *Methods of acquiring real estate.* Real property and interests therein may be acquired by the War Department by:

(1) Purchase or condemnation.
(2) Donation.
(3) Lease or similar instrument. [Par. 1, AR 100–61, Sept. 15, 1942]

(b) *Authority to acquire real estate*—(1) *Congressional authority necessary.* No land shall be acquired on account of the United States except under a law authorizing such acquisition. See R.S. 3736; 41 U.S.C. 14.

(2) *Acts authorizing Secretary of War to acquire real estate.* The Secretary of War is authorized to acquire land, interest therein, or rights pertaining thereto needed for military purposes by purchase, condemnation, donation, or lease. See sec. 1, act August 1, 1888 (25 Stat. 357; 40 U.S.C. 257). Act July 2, 1917 (40 Stat. 241). Act April 11, 1918 (40 Stat. 518; 50 U.S.C. 171). Sec. 1, act February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a) act July 2, 1940 (54 Stat. 712). Second War Powers Act 1942; approved March 27, 1942 (Bull. 18, W. D., 1942). [Par. 2, AR 100–61, Sept. 15, 1942]

§ 52.3 *Function of Chief of Engineers.* (a) The Chief of Engineers, under the authority of the Secretary of War, is charged with the acquisition of all real estate and interests therein for the use of the War Department. See act December 1, 1941 (55 Stat. 787; 10 U.S.C. 181b).

(b) With the exception of the acquisition of trespass rights, and such other exceptions as may be specifically authorized from time to time, the Chief of Engineers is charged with the execution of administrative details in connection with the acquisition and disposal of real estate.

(c) The Chief of Engineers is responsible that acquisitions are accomplished in accordance with War Department directives and that expensive tracts bordering on roads or other boundaries are eliminated whenever this action will not decrease the general usefulness of the area for the purpose for which it is being acquired. Boundaries or priorities of acquisition will not be changed without authority of the Chief of Engineers.

(d) To avoid any possibility of misunderstanding by property owners, and resultant embarrassment to the War Department, under no circumstances will commitments be made, either by negotiation or by the dissemination of information to the public, by any authority other than the Chief of Engineers. [Par. 4, AR 100–61 Sept. 15, 1942]

§ 52.4 *Leases and similar instruments*—(a) *Authority of certain commanders.* Commanders of theaters of operation and defense commands outside the continental limits of the United States, and commanders of oversea departments and bases are authorized to negotiate and approve leases for real estate or facilities, required for the accomplishment of their missions, without approval by higher authority. [Par. 10, AR 100–61, Sept. 15, 1942]

(b) *Authority of local officers.* (1) The following classes of leases are authorized to be made by local commanders without approval by higher authority, when funds are available and the rental consideration conforms to the prevailing rate in the locality concerned. [Par. 11, AR 100–61, Sept. 15, 1942]

(i) Leases for hire of camp sites, buildings, and grounds for troops; office and storage space for small detachments; garage space; and space for recruiting stations; provided the premises are to be occupied not longer than 3 months, and the rental for the entire period of occupancy is $500 or less; or

(ii) Commanding generals of defense commands within the continental limits of the United States, through their rents and claims boards or other units designated by them, are authorized to negotiate leases and agreements involving rentals not in excess of $500 per annum where immediate possession or expeditious action is necessary to acquire the use of premises for the activities of their commands, and are charged with the processing of all instruments, including renewals, terminations, and payments of all rentals thereunder. Leases and renewals will conform with applicable laws, regulations, and provisions of the Real Estate Manual of the Chief of Engineers.

(2) Leases in subparagraph (1) (i) and (ii) above may be by informal written agreements, unless the rental for the period exceeds $100, in which case execution on Standard Form No. 2, (Lease Between/and the United States of America) is preferable.

(i) Informal written agreements may be worded substantially as follows:

(Place)

(Date)

The undersigned hereby agrees to allow the use of premises --------------------------
(Description of premises)
by ---------------------- at a rental of
(Designation of detachment)
$------ per month, or proportionate part thereof for the time of occupancy.

(Signature of property owner)

(ii) The following certificate should be indorsed on informal agreements: I certify that I have this day entered into an informal agreement with -------------------- covering rental of -------------------- same being
(Name of property owner)
(Description of premises)
required and absolutely necessary for the successful operation of my detachment.

(Name)

(Grade and organization)

----------------, 19--.

(c) *Authority of Chief of Engineers.* Except as provided in paragraphs (a) and (b) of this section, all leases and similar instruments must be approved by the Chief of Engineers or his authorized representative. [Par. 12, AR 100–61, Sept. 15, 1942.]

(d) *Preparation and execution of instruments*—(1) *Forms to be used.* Except as provided in paragraphs (a) and (b) (2) of this section, or unless otherwise authorized by the Chief of Engineers, all leases will be prepared and executed on Standard Form No. 2. (Lease Between/and the United States of America.)

(2) *Alterations, improvements, and repairs.* (i) As a rule, buildings will be selected that do not require any alterations, improvements, and repairs. Whenever the rent is more than $2,000 per annum, alterations, improvements, and repairs which will become a structural part of the premises will not exceed 25 percent of the amount of the rent for the first year of the rental term, or for the entire rental term if less than 1 year. Amounts expended by the Government for repairs, etc., to premises occupied rent free or at a nominal rent, are to be regarded as rent.

(ii) Section 322 of the act of June 30, 1932, as amended, limiting the amount which may be paid for rent of leased premises and that which may be expended for repairs, etc., "where the rental to be paid shall exceed $2,000 per annum," must be considered as applicable where premises are occupied rent free or at a nominal rental, if the amount proposed to be expended for repairs, etc., plus the nominal rental, if any, exceeds $2,000.

(iii) Amounts in excess of $2,000 proposed to be expended by the Government for repairs, etc., to premises occupied rent free or at a nominal rent, plus any nominal rent, must not exceed the 15-percent-of-the-fair-market-value rental limitation contained in section 322 of the act of June 30, 1932, as amended, which becomes applicable when the rent for leased premises exceeds $2,000 per annum.

(iv) When premises are occupied under a lease covering a fraction of a year with the privilege of renewal, the first 12 months of occupancy constitute "the first year of the rental term" within the meaning of section 322 of the act of June 30, 1932, as amended, limiting the amount which may be expended by the Government for repairs, etc., to leased premises.

(v) The requirements contained in subdivisions (i) to (iv) above, are based on the provisions of section 322, act June 30, 1932 (47 Stat. 412) as amended by sec. 15, act March 3, 1933 (47 Stat. 1517; 40 U.S.C., 278a; M. L., 1939, sec. 957a. See 21 Comp. Gen. 906. However, the provisions of said section 322 as amended, "* * * shall not apply during a war or a national emergency * * * to such leases or renewals of existing leases * * * as are certified by the Secretary of War * * *, or by such persons as he may designate, as covering premises for military, * * * or civilian purposes necessary for the prosecution of the war or vital in the national emergency." Act April 28, 1942 (Sec. I, Bull. 23, W. D., 1942).

(vi) The Chief of Engineers is designated to make certificates contemplated by the provisions of the above Act.

(3) *Not to cover portions of two fiscal years.* Except when specifically authorized in special cases, leases must not be executed to cover portions of two fiscal years, unless the rental consideration is $1.00, and receipt is acknowledged.

(4) *Option to renew.* Since the term of the lease must be limited to a fiscal year, every effort will be made to obtain an option of renewal from year to year for the longest period of time compatible with the interest of the Government. When improvements are contemplated, said period will be for at least 25 years, or for the duration of the war and 6 months thereafter. If the lease contains a renewal privilege, the term of the renewal will begin on July 1.

(5) *Option to purchase.* If obtainable, the lease will include an option to purchase, with a provision for application of rental payments to the purchase price.

(6) *Right of termination.* A right to terminate or cancel the lease or any renewal upon a stipulated number of days' notice will be inserted in the lease where it is obtainable without increased rental.

(7) *Title to buildings and improvements.* Leases will contain a provision that buildings and improvements constructed by the United States, will remain the personal property of the United States, and that the United States will have the right to remove such buildings prior to or upon termination of the lease or renewal or extension thereof. Action will be taken to insure that buildings are so removed.

(8) *Services.* If heat, light, water, or other services are necessary, they will be furnished by the lessor when not otherwise obtainable at a lower cost, and the rental agreed upon will be expressed in the lease as including the services to be furnished.

(9) *Lessor must have valid interest.* Contracting officers will satisfy themselves, before executing leases, that the prospective lessor has such an interest in the premises as will insure the validity of the lease.

(10) *Authority of lessor's agent.* In executing leases, contracting officers will exercise great care to insure that the authority for the execution thereof on behalf of the owner by agents, trustees, etc., is adequate.

(11) *Effective date.* Original leases must take effect on the date the premises are first occupied. [Par. 14, AR 100–61, Sept. 15, 1942]

(e) *Survey of premises upon taking possession.* When possession of any premises is taken for temporary use, the officer or other agent of the War Department taking possession will cause a careful survey and detailed examination of the premises to be made jointly with the owner or his authorized representative. A report of survey, showing the detailed condition of the premises and facilities, will be prepared and signed by both parties and placed with the original lease or agreement on file in the office of the Chief of Engineers. [Par. 17, AR 100–61, Sept. 15, 1942]

(f) *Cancelation.* (1) A lease may be canceled prior to the expiration date, if cancelation is authorized by its terms, or if the lessor consents.

(2) Notice of cancelation will be prepared in triplicate. The lessor will be requested to acknowledge receipt on all three copies of the cancelation notice. If the lessor refuses or fails to do so, the officer serving the notice will certify thereon as to the fact, date, and method of service. [Par. 20, AR 100–61, Sept. 15, 1942]

(g) *Vacation of premises*—(1) *Vacation.* The premises will be vacated prior to date of expiration of lease or prior to the effective date of termination.

(2) *Release; form used.* Upon vacation of the premises, a release executed on forms prescribed by the Chief of Engineers will be obtained from the lessor

(3) *Survey; when required.* If the release referred to above is not obtainable from the lessor, a report will be made after thorough survey of the property, detailing specifically all of the changes made in the premises while in the possession of the United States, including a separate estimate of the cost of restoring the property to the condition in which it existed when the United States first entered into possession as evidenced by the survey made under paragraph (e) of this section. If the lessor requires the Government to restore the premises as provided under the lease, and restoration is not possible or practicable, the lessor will be requested to execute a modified release detailing his exceptions to the condition in which the property is returned. He will also be requested to participate in, or indicate in writing his acceptance of, the survey mentioned above. The estimate of actual injuries to the premises will be made independently by the survey officer, who must possess qualifications, training, and experience which will enable him to qualify as an expert witness, in the event of litigation. [Par. 21, AR 100–61, Sept. 15, 1942]

(h) *Sale of Government improvements to lessor*—(1) *Authority.* Government improvements which have been installed on leased premises may, incident to the settlement of a claim for the restoration of the premises under the terms of the lease, be sold to the lessor at their fair market value. Before sale to the lessor of any improvements erected prior to April 6, 1917, or subsequent to March 3, 1921, an inspection report must be made by the Chief of Engineers or his duly authorized representative.

(2) *Form of agreement.* In such case the sale must be in the form of an agreement supplementary to the original lease, executed prior to its termination.

(3) *Procedure prescribed by the Chief of Engineers.* In cases involving the sale of Government improvements as authorized above, or in those cases in which particular requirements of restoration exist, the procedure will be as prescribed by the Chief of Engineers to meet the conditions in each particular case.

Use of War Department Real Estate

§ 52.5 *Temporary use; how granted.* There are three methods by which the temporary use of real estate under the control of the War Department may be granted: lease, easement, and license or permit. [Par. 1, AR 100–61, Sept. 15, 1942]

§ 52.6 *Rights which may be granted by Secretary of War*—(a) *General.* (1) The Secretary of War is authorized with or without advertising, to provide for the operation and maintenance of certain plants, buildings, facilities, utilities, and appurtenances thereto and, when he deems it necessary in the interest of the National Defense, to lease, sell or otherwise dispose of, any such plants, buildings, facilities, utilities, appurtenances thereto, and land, under such terms and conditions as he may deem advisable, and without regard to the provisions of section 321 of the act of June 30, 1932 (47 Stat. 412), which requires the consideration to be in money only. See secs. 1 and 5, act July 2, 1940, (54 Stat. 712; M. L., 1939, Supp. I, sec. 2216).

(2) The above provisions applied only to the fiscal year ending June 30, 1941. They were first extended to cover the fiscal year ending June 30, 1942, and later to cover the period of the present war and 6 months thereafter, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate. See sec. 9, act June 30, 1941 (55 Stat. 393; sec. 13, act June 5, 1942) (Bull. 27, 1942).

(3) The Secretary of War may acquire any real property, temporary use thereof, or other interest therein, together with any personal property located thereon or used therewith, that shall be deemed necessary for military purposes, and may dispose of such property or interest therein, by sale, lease, or otherwise, in accordance with section 1 (b) of the act of July 2, 1940 (54 Stat. 712). See Second War Powers Act, 1942 (Public Law 507, 77th Cong.).

(b) *Leases.* The Secretary of War is authorized, when in his opinion it will be for the public good, to lease for a period not exceeding five years, and revocable at any time, such property of the United States under his control, exclusive of mineral and phosphate lands, as may not for the time be required for public use. See act July 28, 1892 (27 Stat. 213), as amended, sec. 1 act May 29, 1928 (45 Stat. 988; 40 U.S.C. 303; M. L., 1939, sec. 997).

(c) *Roads.* The Secretary of War may permit the extension of State, county, or territorial roads across military reservations or the changing of the location of any such roads as may already exist. See act July 5, 1884 (23 Stat. 104; 10 U.S.C. 1348; M. L., 1939; sec. 999).

(d) *Poles and wires.* The Secretary of War may grant rights of way, for periods not exceeding 50 years, for pole lines for electric-power transmission, or telephone and telegraph purposes over lands under his jurisdiction. See act March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961; M. L., 1939, sec. 993).

(e) *Pipe lines.* The Secretary of War may grant easements for rights of way for gas, water, and sewer pipe lines, provided such grant is in the public interest and will not substantially injure the interest of the United States in the property affected thereby. See act May 17, 1926 (44 Stat. 562; 10 U.S.C. 1351; M. L., 1939, sec. 994).

(f) *Licenses.* The Secretary of War may, by revocable license terminable at his discretion as the public interest may require, grant to private interests the temporary use of real estate belonging to the United States which is under his control and which is not for the time being required for public use, provided such license conveys no interest therein and such use does not conflict with the purpose for which the property is held. (See Dig. Op. JAG, 1912, p. 950), As a matter of policy, the term of such licenses will be limited to 5 years.

(g) *Ferries, bridges, livestock.* The Secretary of War may permit the landing of ferries and erection of bridges on, and the driving of livestock across military reservations. See act July 5, 1884 (23 Stat. 104; 10 U.S.C. 1348; M.L., 1939, sec. 999).

(h) *Archaeological excavations.* The Secretary of War may grant permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon War Department lands, to institutions which are deemed properly qualified to conduct such examination, excavation, or gathering, subject to prescribed rules and regulations. Such examinations, excavations, and gatherings must be undertaken for the benefit of reputable museums, univerities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and the gatherings shall be made for permanent preservation in public museums. See act June 8, 1906 (34 Stat. 255; 16 U.S.C. 432; M.L. 1939, sec. 1041); and Uniform Rules and Regulations approved December 28, 1906 (Cir. 14, W.D. 1907).

(i) *Post offices.* The Secretary of War shall assign proper and suitable room or rooms for post office purposes at all military posts where post offices have been established. See sec. 1, act August 1, 1914 (38 Stat. 629; 10 U.S.C. 1345; M.L., 1939, sec. 954).

(j) *American National Red Cross.* The Secretary of War may grant revocable licenses permitting the erection and maintenance on military reservations by the American National Red Cross of buildings suitable for the storage of supplies available for the aid of the civilian population in case of serious national disaster, or the occupation for that purpose of buildings erected by the United States. See sec. 127a, act June 3, 1916, as amended by act June 4, 1920 (41 Stat. 785; 10 U.S.C. 1347; M.L. 1939, sec. 1000).

(k) *Young Men's Christian Association.* The Secretary of War may grant revocable licenses permitting the erection and maintenance on military reservations by the Young Men's Christian Association of such buildings as their work for the promotion of the social, physical, intellectual, and moral welfare of the garrisons may require. See act May 31, 1902 (32 Stat. 282; 10 U.S.C. 1346; M.L. 1939, sec. 1001).

(l) *Temporary buildings.* The Secretary of War may grant, by revocable licenses of lease, permission to erect or construct temporary buildings other than public, on military reservations; in the lease or license the condition for occupancy will be clearly set forth, except with respect to unimportant structures and temporary structures incident to the work of contractors on Government jobs. (§ 52.18 (d).)

(m) *Busses and taxicabs.* The Secretary of War may grant revocable licenses to operate transportation facilities by bus and taxicab to and from posts, camps, and stations. [Par. 2, AR 100–62, Sept. 15, 1942]

§ 52.7 *Rights which may be granted by Secretary of the Interior.* (a) Subject to the approval of the Secretary of War, the Secretary of the Interior may grant rights-of-way through military reservations for:

(1) Electrical lines for telephone and telegraph purposes and for the transmission of current, other than that generated by water power, for power purposes.

(2) Canals, ditches, pipes and pipelines, flumes, tunnels, or other water conduits, for purposes other than the production of water power.

(3) Water plants, dams, and reservoirs used to promote irrigation, mining or quarrying; for the manufacturing or cutting of timber or lumber; or for the supplying of water for domestic, public, or other beneficial uses. See act February 15, 1901 (31 Stat. 790; 43 U.S.C. 959; M. L., 1939, sec. 998).

(b) Subject to like approval, rights may also be similarly granted to canal or ditch companies to take material, earth, and stone necessary for the construction of a canal or ditch, for which a right of way has been granted, from public lands adjacent to the line of such canal or ditch. See act March 3, 1891 (26 Stat. 1101), as amended by the acts of March 4, 1917 (39 Stat. 1197), and May 28, 1926 (44 Stat. 668; 43 U.S.C. 946). [Par. 3, AR 100–62, Sept. 15, 1942]

§ 52.8 *Rights which may be granted by Secretary of Agriculture.* (a) National forests on certain military reservations were created by executive orders pursuant to the provisions of section 9 of the act approved June 7, 1924 (43 Stat. 655; 16 U.S.C. 471), which provides for administration by the Secretary of Agriculture under such rules and regulations and in accordance with such general plans as may be jointly approved by the Secretary of Agriculture and the Secretary of War, for the occupation and protection of such lands and for the sale of products therefrom, subject to the unhampered use by the War Department for purposes of national defense and without affecting or restricting the authority over such lands for such purposes now vested in the Secretary of War. See sec. 9, act June 7, 1924 (43 Stat. 655; 16 U.S.C. 471, 505; M.L. 1939, secs. 992 and 995).

(b) The use of portions of reservations may be authorized for rights of way or sources of material for constructing and maintaining Federal-aid projects, if determined reasonably necessary by the Secretary of Agriculture, and if not objected to by the Secretary of War. See act November 9, 1921 (42 Stat. 216; 23 U.S.C. 18; M.L., 1939, sec. 1013a). [Par. 4, AR 100–62, Sept. 15, 1942]

§ 52.9 *Rights which may be granted by Federal Power Commission.* The Federal Power Commission, subject to the approval of the Secretary of War, may grant licenses for waterpower projects upon, or partly upon, a military reservation, including dams, reservoirs, conduits, transmission lines, and other project works. See act June 10, 1920 (41 Stat. 1063), sec. 202, Title II, act August 26, 1935 (49 Stat. 840; 16 U.S.C. 797; M.L., 1939, sec. 1866). [Par. 5, AR 100–62, Sept. 15, 1942]

§ 52.10 *Rights which may be granted by President of the United States.* The President is authorized, through the head of any executive department, upon terms and conditions considered advisable by him or such head of department, to lease real property acquired by the United States since April 6, 1917, for storage purposes for the use of the Army which in the judgment of the President or the head of such department is no longer needed for use by the United States, and to execute and deliver in the name of the United States and in its behalf, any and all contracts or other instruments necessary to effectuate any such lease. See act July 11, 1919 (41 Stat. 129; 10 U.S.C. 1263). [Par. 6, AR 100–62, Sept. 15, 1942]

§ 52.11 *Limitations on rights which may be granted*—(a) *Consideration.* (1) Unless otherwise provided by law, leases of buildings and properties of the United States shall be for a money consideration only, and there shall not be included in the lease, any provision for the alteration, repair, or improvement of such buildings or properties as a part of the consideration for the rental to be paid for the use and occupation of the same. See sec. 321, act June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b) But leases made under the authority contained in act July 2, 1940 (54 Stat. 712) or in Second War Powers Act, 1942 (Public Law 507, 77th Cong.), are not subject to this restriction. See § 52.6(a).

(2) The consideration provided for in leases must be adequate.

(3) The consideration payable under temporary grants other than leases may consist of either money or some direct or indirect adequate benefit to the United States.

(b) *Competitive conditions.* It is the policy of the War Department to recommend the granting of leases to the highest responsible bidder, after advertising for bids, unless competition is impracticable.

(c) *Private use.* It is the policy of the War Department not to permit the use of public quarters by organization or societies other than those of a purely military character, nor to permit private uses of military reservations or parts thereof to the exclusion of the general public, nor to grant licenses or other instruments for the establishment at military posts of activities, the revocation of which may prove embarrassing to the War Department. [Par. 7, AR 100–62, Sept. 15, 1942]

§ 52.12 *Rights which cannot be granted without specific statutory authority.* Except when specifically authorized by Congress, the Secretary of War is without authority to grant an interest in real estate of the United States for any of the following purposes:

(a) Cutting of grass or gathering of fruit, except as incident to a lease.

(b) Mining.

(c) Quarrying of rock, sand, or gravel, or sale, thereof.

(d) Cutting of timber, or sale thereof. See R.S. 1241 (10 U.S.C. 1261; M. L. 1939, sec. 2017), under which timber that has reached maturity, so that it begins to deteriorate, may be regarded as damaged and unsuitable, and may be sold in the manner prescribed therein. See Dig. Op., JAG 1912, p. 959; Dig. Op., JAG 1912–40, sec. 2017 (3).

(e) Permanent rights-of-way for railroad purposes.

(f) Sinking of oil wells, or sale of oil or other minerals.

(g) Use of surplus water from post water systems. See AR 100–80[1] and § 52.18 (f).

(h) Use of electricity from a Government-owned supply. See AR 100–80.[1]

(i) Construction by private interests of permanent structures on military reservations. See § 52.18 (d); 21 Op. Atty. Gen. 537; and 10 Comp. Gen. 395. But temporary permission in exceptional cases may be granted for structures on military reservations pending the enactment of statutory authority therefor. See 35 Op. Atty Gen. 485. [Par. 8, AR 100–62, Sept. 15, 1942]

§ 52.13 *Forms to be used*—(a) *Applications for leases, easements, licenses, and permits.* Applications ordinarily will consist of a simple written request, and no particular form is required.

(b) *Form of instruments.* Instruments will be prepared on forms prescribed by the Chief of Engineers. [Pars. 10 and 11, AR 100–62, Sept. 15, 1942]

§ 52.14 *Payments.* The initial payment made by private interests for privileges granted by leases, licenses, easements, or permits, will be collected at the time the instrument is signed by the grantee and, in order to avoid undue delay in cashing checks and drafts, will be promptly turned over to the nearest disbursing officer or agent officer with a request that the proceeds therefrom be placed in his special deposit account pending final disposition of the instrument by the Chief of Engineers and notification from the Chief of Finance for the disposition of the collection. The Chief of Engineers will be informed by his real estate representative of the collection of the initial payment. All deferred payments on instruments which provide for a fixed rental will be made payable to the Treasurer of the United States, and forwarded by the grantee direct to the Chief of Finance, or to representatives designated by him. All deferred payments on instruments which do not provide for a fixed rental and all payments for temporary storage will be collected by the authorized representative of the Chief of Engineers and turned over to the nearest disbursing officer or agent officer, [Par. 12, AR 100–62, Sept. 15, 1942]

§ 52.15 *Refund of rental paid.* On the termination of a grant by the lessee between rent days, refund of rental paid in advance is not authorized unless provided for in the instrument. (See 8 Comp. Gen. 643). But a refund of rental may be made under a supplemental lease which is in the interest of the United States. (MS. Comp. Gen. A 40803 February 20, 1932.) Where the revocation or termination of a grant is in contemplation, collections of rental will be made only to the effective date of such revocation or termination, and temporarily placed in the special deposit account. [Par. 14, AR 100–62, Sept. 15, 1942]

§ 52.16 *Revocation of grants*—(a) *When permissible; by whom revoked.* All grants or rights for the temporary use of real estate by private interests are subject to revocation at will by the Secretary of War, except as follows:

(1) Rights-of-way granted by the Secretary of the Interior (§ 52.7 (a)) are revocable by him at his discretion.

(2) Rights-of-way granted for the purpose specified in § 52.6 (e) are not revocable, but may be terminated for nonuse or abandonment.

(3) Unless specific provision for revocation is made therein, permits of the character specified in § 52.6 (d) and § 52.6 (h) constitute easements upon and across said reservations and are not revocable.

(4) Leases of property, acquired for storage purposes since April 6, 1917, granted after determination that such property is no longer required for public use, are not revocable unless the lease so provides.

(b) *When and by whom recommended.* Any officer becoming aware of any facts or receiving any information indicating that the interest of the United States requires the revocation of an existing grant, lease, license, permit, or privilege will immediately report the facts, or transmit the information, together with his remarks and recommendations to the Chief of Engineers, through the division engineer.

(c) *Instruments of revocation; by whom prepared; how disposed of.* If revocation is determined upon, the Chief of Engineers will prepare the necessary instruments of revocation and transmit them to the commanding officer concerned, together with instructions for the necessary action. [Par. 15, AR 100–62, Sept. 15, 1942]

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[1] Administrative regulations of the War Department relating to repairs and utilities.

§ 52.16a *Real estate; claims for damages*—(a) *Scope of regulations.* These regulations cover the method of handling claims for damages arising under the terms and conditions, whether express or implied, of leases for the use and occupancy of real estate by the Army, and all claims arising out of the use and occupancy of real estate by the Army, without formal lease or other contract therefor. They have no application to claims for damage caused by constructing contractors, their officers, agents, or employees, and they have no application to cases that are within the provisions of §§ 36.9–36.23, 36.55 and 37.3–37.5 or any of the following Army Regulations:

AR 35-950—Accounts of Foreign Governments and Foreign Claims by or against the War Department.
AR 35-7030—Claims for Damages to or Loss of Private Property Resulting from the Conduct of Special Field Exercises.
AR 35-7040—Claims for Damages to or Loss of Private Property Incident to the Training, Practice, Operation, or Maintenance of the Army, General.
AR 35-7050—Claims for Reimbursement for Damage to or Loss of Private Property Under the Act of August 24, 1912. (Maneuvers, target practice, etc.)
AR 35-7060—Claims for Damages to Persons and Private Property Resulting from the Operation of Aircraft.
AR 35-7070—Claims for Reimbursement for Damage to or Loss of Private Property caused by the Negligence of any Officer or Employee of the Government Acting Within the Scope of his Employment.
AR 35-7080—Claims under the One Hundred and Fifth Article of War.
AR 35-7090—Claims for Damages Occasioned by Army Forces in Foreign Countries.
AR 35-7100—Claims of Military Personnel for Private Property Lost, Damaged, or Destroyed in the Military Service.
AR 35-7220—Claims in Favor of the United States on Account of Damages to Government Property.

[Par. 1, AR 100-64, Sept. 29, 1942]

(b) *Action to be taken by claimant* (1) The claimant will be required to submit a statement, over his signature and address, setting forth all the facts and circumstances in connection with the premises and the occupancy thereof, by virtue of which the claim is said to have accrued; the nature and extent of any damages thereto; how and by whom caused, if known; and the cost of repairs of replacement.

(2) This statement will be accompanied by such evidence as is available, including a receipt for the payment of repairs of replacement, if made, or an estimate of the cost thereof. [Par. 2, AR 100-64, Sept. 29, 1942]

(c) *Claims; where referred.* All claims will be referred to the commanding officer of the post, camp, station, or other military establishment within which, or most adjacent to which, the loss or damage occurred. [Par. 3, AR 100-64, Sept. 29, 1942]

(d) *Investigating boards.* (a) The commanding officer to whom the claim is referred will convene a board of one or more officers or civilian employees of the War Department.

(2) The board will investigate the claims, and report:

(i) Circumstances under which the claim accrued, or the occupancy of the premises occurred.

(ii) Date of the beginning of such occupancy, and the date of the vacation of the premises.

(iii) Nature and extent of the damage, and the fair rental value of the premises for the purpose to which they were put.

(iv) Cause of the damage, that is, whether due to accident, or to fault on the part of any officer or agent of the United States or any other person, or were the necessary result of occupancy of the premises.

(v) Estimated cost of restoring the premises to substantially the condition in which they were before they were so occupied, or before the damage occurred, and the value of any permanent improvements made by the Government to the premises during such occupancy, and appropriate deductions therefor.

(vi) Amount of any salvage value realized, the amount of any insurance actually collected from any insurer, and the fair salvage value of any improvements installed upon the premises during such occupancy.

(3) Boards investigating such claims will not undertake negotiations for the settlement thereof, but will confine their reports to findings of the facts and to recommendations as to appropriate settlements to be made in the interest of the United States.

(4) The board will reduce to writing all pertinent evidence submitted in behalf of the claimant and of the Government, and will transmit a complete transcript thereof with its report, certified as correct by the senior member of the board.

(5) When practicable, testimony will be secured verbally by questions and answers rather than by written depositions, but additional or supplementary proof will be secured when deemed necessary.

(6) The board will require the claimant to state in writing whether he will or will not accept the award, and if not his reasons therefor. This statement will be made a part of, and forwarded with, the recommendation as to the award.

(7) The action required of the board by the preceding provisions of this paragraph must not be confused with the inspection required by § 52.4 (e), which is separate and distinct therefrom, and the result of which should be included in evidence on which the findings of the board are based. [Par. 4, AR 100-64, Sept. 29, 1942]

(e) *Action by commanding officer and higher authority.* (1) The commanding officer convening such board will recommend approval or disapproval of its proceedings, or make such other recommendation as he may deem proper, and before forwarding the proceedings will exercise the utmost care that the findings of the board are complete, that the facts and evidence are clearly stated, and that the report contains all the essential facts and evidence.

(2) All claims and proceedings of boards with reference to claims will, after action by the commanding officer, be forwarded to the division engineer, who will transmit the claims and proceedings, together with his remarks and recommendations, to the Real Estate Claims Board in the office of the Chief of Engineers for examination, recommendation, and reference to the Chief of Finance for review and administrative action. [Par. 5, AR 100-64, Sept. 29, 1942]

(f) *Conditions precedent to payment.* There are three conditions which must be fulfilled before payment from the appropriations applicable to that purpose of claims for damages arising out of the use and occupancy of real estate:

(1) The damages must have been ascertained by the War Department.

(2) The claimant must accept in full satisfaction of his claim, the amount so awarded, approved, and recommended, and execute a clear and complete release discharging the United States from any and all claims arising out of the use and occupancy of the premises.

(3) The settlement must be made by the General Accounting Office, Claims Division. [Par. 6, AR 100-64, Sept. 29, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-11904; Filed, November 13, 1942; 12:49 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 245]

PART 202—ACCOUNTS AND REPORTS

FORMS OF FINANCIAL AND STATISTICAL REPORTS OF AIR CARRIERS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 10th day of November 1942.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 407 (a) thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

Effective November 20, 1942 paragraph (a) of § 202.1[1] of the Economic Regulations is hereby amended to read as follows:

§ 202.1 *Forms of financial and statistical reports of air carriers.* (a) Each air carrier engaged in regularly scheduled interstate air transportation within the continental limits of the United States and each air carrier engaged in regularly scheduled operations within the territory of Hawaii shall for all periods subsequent to October 1, 1942, make periodic financial and statistical reports to the Board using the appropriate schedules of the Report of Financial and Operating Statistics of Domestic Air Carriers, CAB Form 2780,[1] and such amendments thereto as may hereafter be approved by the Board. Such reports shall be made in accordance with, and shall be filed with the Secretary of the Board at such times as are specified in, the instructions relating to the reporting procedure contained in section 32 of the Uniform System of Accounts for Domestic Air Carriers, effective January 1, 1942, and such amendments thereto as may have been or may hereafter be approved by the Board.

By the Civil Aeronautics Board.

DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-11959; Filed, November 16, 1942; 10:31 a. m.]

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[1] 7 F.R. 499, 5899.

[Orders, Serial No. 2029]

PART 202—ACCOUNTS, RECORDS AND REPORTS

UNIFORM SYSTEM OF ACCOUNTS FOR DOMESTIC AIR CARRIERS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 10th day of November 1942.

The Board finding that certain changes are necessary in section 32 of the Uniform System of Accounts for Domestic Air Carriers,[1] as amended by Amendment No. 2 to said Uniform System prescribed by order of the Board dated September 14, 1942; [2] and

The Board acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 407 (a) and 407 (d) thereof, and finding its action necessary to carry out the provisions of said Act, and to exercise its powers and perform its duties thereunder;

It is ordered, That section 32 of the Uniform System of Accounts for Domestic Air Carriers (CAB Form 2780 Manual), as amended, be and the same is further amended as set forth in Amendment No. 3 attached hereto.[1]

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-11968; Filed, November 16, 1942; 10:31 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Agricultural Marketing Administration

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

DEPOSIT OF INVESTMENT SECURITIES, ETC.

By virtue of the authority vested in the Secretary of Agriculture by the Commodity Exchange Act (42 Stat. 998, as amended; 7 U.S.C. 1940 ed. 1–17a), §§ 1.26 and 1.29, Title 17, Chapter I, Part 1, Code of Federal Regulations (17 CFR, Chapter I, Part 1, as amended by 7 F.R. 2721), are hereby amended to read as follows:

§ 1.26 *Deposit of investment securities, obligations, and warehouse receipts.* Each futures commission merchant who, in accordance with section 4d (2) of the act and with these rules and regulations, invests money belonging or accruing to customers in obligations or investment securities described in said section, or loans such money on the security of negotiable warehouse receipts, shall promptly:

(a) Deposit such obligations, securities, and warehouse receipts in safekeeping with a bank or trust company under an account name which will clearly show that they represent investments of, or security for loans of, customers' funds segregated as required by the Commodity Exchange Act, and under a written agreement with such bank or trust company waiving any claim, lien, or right of set-off of any nature which such bank or trust company might otherwise have or obtain against such obligations, securities, and warehouse receipts, and authorizing inspection thereof at any reasonable time by representatives of the Administration; or

(b) Deposit such obligations, securities, and warehouse receipts with a clearing organization of a contract market under an account name which will clearly show that they represent investments of, or security for loans of, customers' funds segregated as required by the Commodity Exchange Act, and under a written agreement with such clearing organization providing that such obligations, securities, and warehouse receipts are deposited solely to margin, guarantee, secure, transfer, adjust, or settle the contracts or trades of the commodity customers of such futures commission merchant and waiving any other claim, lien, or right of set-off of any nature which such clearing organization might otherwise have or obtain against such obligations, securities, and warehouse receipts. Such agreement shall authorize the inspection at any reasonable time by representatives of the Administration of such obligations, securities, and warehouse receipts.

An executed copy of the agreement prescribed herein shall be kept as a permanent record by the futures commission merchant. (Sec. 4d, as added by sec. 5, 49 Stat. 1494; 7 U.S.C. 6d (2))

* * * * *

§ 1.29 *Increment or interest resulting from investment or lending of customers' funds.* The investment and lending of customers' funds in accordance with the provisions of section 4d (2) of the Commodity Exchange Act and these rules and regulations and the deposit, in accordance with the provisions of § 1.26, of obligations, investment securities, and warehouse receipts, shall not operate to prevent the depositor from receiving and retaining as his own any increment or interest resulting therefrom. (Sec. 4d, as added by sec. 5, 49 Stat. 1494; 7 U.S.C. 6d (2))

Done at Washington, D. C., this 13th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-11933; Filed, November 14, 1942; 12:21 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1676]

PART 332—MINIMUM PRICE SCHEDULE, DISTRICT NO. 12

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 12 for the establishment of minimum prices for the coals of certain mines in District No. 12.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines located in District No. 12; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 332.2 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 332.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.—

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: November 6, 1942.

[SEAL] DAN H. WHEELER,
Director.

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[1] On file with the Division of the Federal Register.

[2] 7 F.R. 7653.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 12

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 332, Minimum Price Schedule for District No. 12 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 332.2 *Alphabetical list of code members*—Supplement R

[Listing of code members, mines, mine index numbers and mine origin groups]

Code member	Mine index No.	Mine name		Mine origin group	Originating rail road	Mine origin group No.
Edwards, Matt (Matt Edwards Coal Co.).	832	(*)	No. 2	Evans	CRI&P	50
Parker, E. H. (E. H. Parker Coal Company).	536	(*)	Parker Coal	Bussey	CB&Q-Wab	31
Robinson, T. J. (Blue Valley Coal Co.).	672	(*)	Blue Valley	Harvey	CB&Q	37
White Ash Mining Co., Inc. c/o James Hupton.	835	(*)	White Ash # 2	Albia	CB&Q	30

*Indicates mines shipping via public sidings and ramps for railway delivery.

FOR TRUCK SHIPMENTS

§ 332.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Price group No.	County	Chunk 1	Standard lump 2	Egg 8 x 2", 6 x 2" 3	Small egg 4 x 2" 3 x 1½" 4	Mine run 5	Nut 2 x 1¼", 1¼ x ¾" 6	Dom. stoker 1¼" 1 x 5/16" 7	Screenings 2" 1½", 1¼ x 0 8	Ind. stoker Cr. 2", 1½", 1¼" x 0 9	5/16" x 0 10
Edwards, Matt (Matt Edwards Coal Co.).	832	No. 2	23	Mahaska	325	315	305	295	280	280	280	175	235	105
Hanson, C. E. (Kirkville Coal Co.).	833	Kirkville Coal Co.	10	Wapello	305	295	285	275	275	275	275	190	250	105
Howard, John W. (Howard Coal Co.).	834	Howard Mine No. 4.	16	Lucas	305	295	285	275	275	275	275	165	225	105
Stribling & Bretz (Marion Stribling).	831	Stribling & Bretz	7	Van Buren	315	305	295	285	275	275	275	185	245	105
White Ash Mining Co., Inc., c/o James Rupton.	835	White Ash #2	11-A	Monroe	305	295	285	275	275	275	275	185	245	105

[F. R. Doc. 42-11871; Filed, November 13, 1942; 11:41 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

PART 1106—PRINTING AND PUBLISHING

[Amendment No. 1 to General Conservation Order M-99]

Section 1106.1 *General Conservation Order M–99*[1] is hereby amended as follows:

1. By adding the following subparagraph (8) to paragraph (a):

(8) "Putting into process" means the first change made by a person after November 15, 1942 in the form of material.

2. By adding the following paragraphs:

(e) *Restrictions on use of zinc for plates.* No person may put into process during the second half of the last calendar quarter of 1942 for the purpose of making zinc plates more than 37½% of the amount by weight of zinc put into process by him in the entire last calendar quarter of 1941 for the same purpose; no person may put into process during the first half of the first calendar quarter of 1943 for the purpose of making zinc plates more than 37½% of the amount by weight of zinc put into process by him in the entire first calendar quarter of 1941 for the same purpose; no person may put into process during the second half of the first calendar quarter of 1943 for the purpose of making zinc plates more than 25% of the amount by weight of zinc put into process by him in the entire first calendar quarter of 1941 for the same purpose; and no person may put into process during any calendar quarter subsequent to the first calendar quarter of 1943 for the purpose of making zinc plates more than 50% of the amount by weight of zinc put into process by him in the corresponding calendar quarter of 1941 for the same purpose.

(f) *Exemption from Order M–11–b.*[2] The provisions of Conservation Order M–11–b (§ 937.13) do not apply to the putting into process of zinc for the purpose of making zinc plates.

3. By relettering former paragraph (e) to be paragraph (g).

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11918; Filed, November 14, 1942; 10:17 a. m.]

PART 993—DOMESTIC ICE REFRIGERATORS

[Revocation of General Limitation Order L-7 and Supplementary Limitation Orders L-7-a and L-7-b[1]]

Sec.
993.1 General Limitation Order L-7.
993.2 Supplementary Limitation Order L-7-a.
993.2 Amendment No. 1.
993.3 Supplementary Limitation Order L-7-b.

The above orders and amendment are hereby revoked, effective November 24, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11916; Filed, November 14, 1942; 10:17 a. m.]

PART 993—DOMESTIC ICE REFRIGERATORS

[Supplementary Limitation Order L-7-c]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel and other critical materials used in the production of Domestic Ice Refrigerators for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 993.4 *Supplementary Limitation Order L–7–c*—(a) *Definitions.* For the purposes of this order:

(1) "Domestic ice refrigerator" means any non-mechanical ice chest or ice box designed for home use.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(3) "Iron and steel content" means the aggregate weight of iron and steel contained in a finished domestic ice refrigerator, including but not limited to, latches, hinges, screws, nails, rivets, bolts, sheet steel, binder strips, drain tubes, drip pans and shelving.

(4) "Net ice capacity" means the maximum amount of standard scored ice in one piece which the ice chamber of a domestic ice refrigerator will hold.

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[1] 7 F.R. 6146.

[2] 7 F.R. 5703, 7802.

[1] 6 F.R. 5534; 7 F.R. 114, 1792, 2462.

(b) *General restrictions.* (1) On and after November 24, 1942, no person shall produce any domestic ice refrigerator:

(i) Containing any rubber (crude, synthetic or reclaimed) or any metal other than iron and steel (except metal used in galvanizing, plating or coating steel); or

(ii) Having an iron and steel content of more than 15 pounds.

(2) On and after January 1, 1943, no person shall produce any domestic ice refrigerator:

(i) Having an iron and steel content of more than 6 pounds; or

(ii) Having a net ice capacity of other than 50 or 75 pounds, except that it may vary ten per cent from either of these amounts.

(3) On and after November 14, 1942, no person shall produce any domestic ice refrigerator except in accordance with a production quota assigned to him in a schedule issued by the Director General for Operations pursuant to this order. Such production quotas shall be assigned for a calendar quarter, except that the initial one may be for any period less than three months ending December 31, 1942, and shall expire on the last day of the quarter for which they are assigned. Any person desiring to obtain a production quota for a calendar quarter beginning on or after January 1, 1943, shall file with the War Production Board, at least 30 days before the beginning of such quarter, a written application to be assigned a production quota for such quarter. Such application should contain a statement as to the amount of iron and steel and other critical materials to be contained in each domestic ice refrigerator the applicant proposes to produce during such quarter. Whenever production quotas are assigned by the Director General for Operations, he will take into consideration the amount of iron and steel and other critical materials to be used by each applicant, the performance of the domestic ice refrigerators which each applicant proposes to produce as established by tests of the National Bureau of Standards or otherwise, and also the labor and transportation situation in the area where the plant of each applicant is located and such other factors as the Director General for Operations shall deem appropriate.

(c) *Applicability of other orders.* On and after November 24, 1942, the provisions of this order, and of any schedules issued pursuant thereto, shall supersede the provisions of Limitation Orders L-7 and L-7-b. In so far as any other order heretofore or hereafter issued by the Director General for Operations, the Director of Priorities, or the Director of Industry Operations limits the use of any material in the production of domestic ice refrigerators to a greater extent than the restrictions imposed by this order, the restrictions of such other order shall govern unless otherwise specified therein.

(d) *Applicability of priorities regulations.* This order (and any schedules issued pursuant thereto) and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(e) *Avoidance of excessive inventories.* No manufacturer of domestic ice refrigerators shall accumulate for use in the manufacture of such domestic ice refrigerators inventories of raw materials, semi-processed materials or finished parts in quantities in excess of the minimum amount necessary to maintain production at the rates permitted by this order and any schedules issued pursuant thereto.

(f) *Records.* All persons affected by this order or any schedule issued pursuant thereto, shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(g) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Reports.* Each person who produces or ships any domestic ice refrigerator shall file with the War Production Board, not later than 10 days after the end of each calendar month in which he produced or shipped any domestic ice refrigerator, a report on Form PD-655, showing all domestic ice refrigerators which he produced and shipped during such month. Each person, before he offers for sale any new model of domestic ice refrigerator, shall file with the War Production Board a report on Form PD-531, setting forth a bill of material for such model. Each person affected by this order, or any schedule issued pursuant thereto, shall file such other reports and answers to questionnaires as the War Production Board shall from time to time require.

(i) *Violations.* Any person who wilfully violates any provision of this order, or of any schedule issued pursuant thereto, or who, in connection with this order, or any such schedule, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(j) *Appeal.* Any appeal from the provisions of this order, or of any schedule issued pursuant thereto, should be made on Form PD-500, filed with the War Production Board.

(k) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, or any schedule issued pursuant thereto, shall, unless otherwise directed, be addressed to the War Production Board, Consumers' Durable Goods Branch, Washington, D. C., Ref. L-7-c.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11920; Filed, November 14, 1942; 10:17 a. m.]

PART 993—DOMESTIC ICE REFRIGERATORS

[Schedule I to Supplementary Limitation Order L-7-c]

§ 993.5 *Schedule I to Supplementary Limitation Order L–7–c.*[1] Pursuant to paragraph (b) (3) of Supplementary Limitation Order L-7-c, the following production quotas for domestic ice refrigerators are hereby established for the period from November 14, 1942, to December 31, 1942, inclusive. Each person named is authorized to produce, during that period, the number of domestic ice refrigerators set forth opposite his name, plus the additional number, if any, necessary to complete the number of such refrigerators which he has been authorized to produce during such period by the Director General for Operations pursuant to an appeal from the provisions of Supplementary Limitation Order L-7-b.

Name	*Number of Domestic Ice Refrigerators*
Alaska Refrigerator Co., Brooklyn, N. Y	2,687
Brunswick Refrigerator Co., Brooklyn, N. Y	4,206
Coleman Furniture Co., Pulaski, Va	5,000
The Coolerator Co., Duluth, Minn	23,212
Fy-Boro Metal Products Co., Inc., Brooklyn, N. Y	6,092
Ice Cooling Appliance Corporation, Morrison, Ill	23,529
Iceland Refrigerator Co. Inc., Brooklyn, N Y	2,613
The Maine Manufacturing Co., Nashua, N. H	17,043
Modern Refrigerators Works, Glendale, Calif	316
Progress Refrigerator Co., Louisville, Ky	2,300
Sanitary Refrigerator Co., Fond du Lac, Wis	15,255
Success Manufacturing Co., Gloucester, Mass	1,109
Ward Refrigerator & Manufacturing Co., Los Angeles, Calif	3,938

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11919; Filed, November 14, 1942; 10:17 a. m.]

PART 1049—INCANDESCENT, FLUORESCENT AND OTHER ELECTRIC DISCHARGE LAMPS

[Interpretation 1 to Supplementary Limitation Order L-28-a]

The following interpretation is hereby issued by the Director General for Operations with respect to § 1049.2, Supplementary Limitation Order L–28–a,[1] issued September 17, 1942:

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[1] *Supra.*

In Schedule A of Supplementary Limitation Order L–28–a it is stated that a manufacturer may use "only one type of base" for lamps appearing on a single line of the schedule. To conform to this restriction a manufacturer may not vary the design or shape of any base, but he may vary its material content. Thus, as far as Order L–28–a is concerned, bases which are made of brass are considered to be of the same "type" as those made of plated steel, plastics or any other material, provided they are of the same design, shape and size. It should be noted, however, that the production of brass bases is controlled by the terms of General Limitation Order L–28, as Amended October 24, 1942.

Order L–28–a, in paragraph (b) (1) (iii), states that on and after November 1, 1942, no manufacturer may mark on any incandescent, fluorescent or glow discharge lamp any "trade mark or identification of any person other than himself or another manufacturer". This provision does not prohibit a manufacturer from using more than one trade mark to identify his own product. But in any case where the trade mark is used primarily to identify a purchaser (who is not himself a manufacturer) of the lamps rather than the lamp manufacturer, such trade mark may not be etched or otherwise marked on a lamp after October 31, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11917; Filed, November 14, 1942; 10:17 a. m.]

PART 1243—OFFICERS UNIFORMS

[Amendment 1 to Preference Rating Order P–131, as Amended Septmeber 22, 1942]

Section 1243.1 *Preference Rating Order P–131*[2] is hereby amended in the following respects:

1. Paragraph (b) (1) is amended to read as follows:

(1) "Officers uniform" means only the overcoat, short overcoat, raincoat, coat, blouse, trousers, slacks, skirt, cap, web belt or shirt, but only of the material and specifications prescribed by the applicable United States departmental or agency regulations (such as, U. S. Army Regulation No. 600–35 or U. S. Navy Uniform Regulations, 1941) for:

(i) U. S. Army officers (commissioned and warrant) and nurses, but not including officers of the U. S. Women's Army Auxiliary Corps (WAACS).

(ii) U. S. Navy officers (commissioned and warrant), chief petty officers and nurses, but not including officers of the U. S. Women's Reserve of the U. S. Naval Reserve (WAVES).

(iii) U. S. Marine Corps officers (commissioned and warrant).

(iv) U. S. Coast Guard officers (commissioned and warrant) and chief petty officers.

(v) U. S. Government military and naval academy and training school students.

(vi) U. S. Maritime Commission officers.

(vii) U. S. War Shipping Administration officers.

(viii) U. S. Coast and Geodetic Survey officers.

(ix) U. S. Public Health Service officers and nurses.

2. Paragraph (d) (3) is amended to read as follows:

(3) No producer, except a custom or merchant tailor producer, shall apply the rating assigned by paragraph (c) to obtain delivery of any tropical worsted cloth of a khaki or sun tan shade for the production of any officers uniform for U. S. Army officers (commissioned and warrant), but not including officers uniforms for U. S. Army nurses.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11913; Filed, November 14, 1942; 10:18 a. m.]

PART 1276—DOUGLAS FIR PLYWOOD (MOISTURE-RESISTANT TYPE)

[Amendment 1 to Limitation Order L–150 as Amended October 8, 1942]

Subparagraph (4) of paragraph (a) of § 1276.1 *Limitation Order L–150 as amended October 8, 1942*[1] is hereby amended to read as follows:

(4) Other terms shall have the meanings assigned to them in Commercial Standard CS 45–42, effective November 16, 1942, issued by the National Bureau of Standards.

This amendment shall take effect November 16, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11914; Filed, November 14, 1942; 10:18 a. m.]

PART 3080—CHEMICAL FERTILIZERS

[Amendment 2 to Conservation Order M–231]

Section 3080.1 *Conservation Order M–231*[1] is hereby amended by striking paragraph (b) (2) (iv) of said section and inserting in lieu thereof the following:

(iv) No fertilizer manufacturer, dealer or agent shall, prior to December 1, 1942, deliver any chemical fertilizer containing chemical nitrogen except for use during 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11915; Filed, November 14, 1942; 10:18 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–142]

CAMBRIDGE COFFEE COMPANY

Cambridge Coffee Company, 5137 Lake Park Avenue, Chicago, Illinois, is a roaster and wholesale distributor of coffee. During the months of June and July, 1942, the company sold and delivered approximately 13,632 pounds of coffee in excess of its allowable quota under Conservation Order M–135. These deliveries were made with full knowledge of the quota assigned the company under Conservation Order M–135, and constituted wilful violations of the order.

The violations of Conservation Order M–135, set forth above, have hampered and impeded the war effort of the United States. In view of the foregoing facts, *It is hereby ordered*, That:

§ 1010.142 *Suspension Order No. S–142.* (a) During each of the calendar months this order shall be in effect, deliveries of coffee by Cambridge Coffee Company, its successors and assigns, shall not exceed 7,088 pounds, except as specifically authorized by the Director General for Operations.

(b) The restrictions contained in paragraph (a) hereof shall not apply to deliveries by Cambridge Coffee Company, its successors and assigns, to any hospital, asylum, orphanage, prison, or other similar institution which is operated by any United States federal, state, or local governmental agency, and which received coffee during 1941 under contracts awarded upon the basis of competitive bids.

(c) Nothing contained in this order shall be deemed to relieve Cambridge Coffee Company from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations of the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall remain in effect from December 1, 1942, to September 30, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11922; Filed, November 14, 1942; 11:30 a. m.]

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[1] 7 F.R. 7342.

[2] 7 F.R. 4334, 7487.

[1] 7 F.R. 4482, 7996.

[1] 7 F.R. 7234, 7531.

PART 1251—BUTYL ALCOHOL

[General Preference Order M–159, as Amended November 16, 1942]

Section 1251.1 *General Preference Order M–159* is hereby amended to read:

§ 1251.1 *General Preference Order M–159,* as amended November 16, 1942—(a) *Definitions.* (1) "Butyl alcohol" means normal, secondary and tertiary butyl alcohol and includes isobutyl alcohol.

(2) "Producer" means any person engaged in the production of butyl alcohol and includes any person who has butyl alcohol produced for him pursuant to toll agreement.

(3) "Distributor" means any person who has purchased or purchases butyl alcohol for purposes of resale.

(b) *Restrictions on deliveries and use.* (1) Subject to paragraph (c) hereof, no producer or distributor shall deliver or use butyl alcohol, and no person shall accept delivery of butyl alcohol from a producer or distributor, except as specifically authorized or directed by the Director General for Operations.

(2) Authorizations or directions with respect to deliveries to be made or accepted in each month will so far as practicable be issued by the Director General for Operations prior to the commencement of such month, but the Director General for Operations may at any time at his discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted or with respect to the use or uses which may or may not be made of material to be delivered or then on hand.

(3) Each person specifically authorized to accept delivery of butyl alcohol shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed.

(c) *Small order exemption.* No specific authorization shall be required for:

(1) Acceptance of delivery by any person in any one calendar month of 54 gallons or less of butyl alcohol in the aggregate: *Provided,* That such person has not been specifically authorized to accept delivery of any quantity of such material during such month;

(2) The delivery by any producer or distributor to any person who shall certify to him in writing that he is entitled pursuant to paragraph (c) hereof to accept delivery: *Provided, however,* That no producer shall deliver an aggregate amount of butyl alcohol in any one calendar month pursuant to this paragraph (c) in excess of 2% of the amount of his estimated production of butyl alcohol for such month.

(3) The use by any producer in any calendar month of 54 gallons or less of butyl alcohol in the aggregate.

(d) *Applications for delivery of butyl alcohol and reports.* (1) Each person seeking authorization to accept delivery of butyl alcohol during any calendar month, whether for his own consumption or resale (and each producer seeking authorization to use butyl alcohol during any calendar month), shall file application therefor on or before the 10th day of the month preceding the month for which authorization for delivery or use is requested, except that requests for delivery from a distributor shall be filed not later than the 7th day of the month. In each case, such application should be made on Form PD–600 in the manner prescribed therein (except that applications for acceptance of delivery or use in November or December, 1942 may be made in the applicant's discretion on Form PD–505), subject to the following special instructions

(i) Copies of Form PD–600 may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which one shall be forwarded to supplier and three forwarded to the War Production Board, Chemicals Branch, Washington, D. C., Ref.: M–159, the fifth to be retained for your files.

(iii) In the heading, under name of chemical, specify butyl alcohol; under WPB Order No., specify M–159; under unit of measure, specify pounds; under name of your company, specify name and mailing address; and specify the month and year for which authorization for acceptance of delivery is sought.

(iv) In Columns 1, 11 and 19, indicate grade in terms of the following: normal, secondary, tertiary, iso.

(v) In Columns 3, 20 and 22, specify your primary product in terms of the following:

Dibutyl phthalate.
Butyl xanthate.
Nitrocellulose lacquer.
Ethylene glycol monobutyl ether.
Butyric Acid.
Oil additives.
Insect repellants.
Others (specify).
Protective coating (specify).
Butyl acetate.
Hydraulic brake fluid.
Resins and plastics.
Medicinal and pharmaceutical.
Butyl amines.
Photographic and reproduction products.
Resale (as butyl alcohol).

(vi) In Column 4, specify ultimate use of product. For example, if the "primary product" called for in Columns 3, 20 and 22 is "dibutyl phthalate", the "ultimate use of product" might be "smokeless powder". In the case where the primary product is a protective coating, show in Column 4 the article or material to which the coating is to be applied; for example, aircraft, shell casings. Specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease or commercial customer, and give government specification number, if any.

(2) Each producer or distributor seeking authorization to make delivery of butyl alcohol during any calendar month shall file application on or before the 17th day of the month preceding the month for which authorization is requested. Such application shall be made on Form PD–601 in the manner prescribed herein, subject to the following special instructions:

(i) Copies of Form PD–601 may be obtained at local field offices of the War Production Board.

(ii) Prepare four copies and file three copies with the War Production Board, Chemicals Branch, Washington, D. C., Ref: M–159, retaining the fourth copy for your files. A separate set of Form PD–601 shall be filed for each grade of butyl alcohol for which authorization to deliver is sought, viz. normal, secondary, tertiary, iso.

(iii) Producers and distributors who have filed application on Form PD–600, specifying themselves as their suppliers, shall list their own names as customers on Form PD–601, and shall list their requests for allocation in the manner prescribed for other customers.

(iv) In the heading, under name of chemical, specify butyl alcohol; under WPB Order No., specify M–159; under name of company, state your name and mailing address; under unit of measure, specify pounds; and state the month and year during which deliveries covered by the application are to be made.

(v) List all customers alphabetically. The names of customers to whom small order deliveries are to be made during the next month pursuant to paragraph (c) of this order need not be given, but insert in Column 1 "Total small order deliveries (estimated)" and in Column 4 specify the estimated quantity. If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand total for all sheets on the last sheet which is the only one that need be certified.

(vi) Column 5 may, at your discretion, be left blank.

(vii) Leave Column 6 blank.

(3) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue other and further directions with respect to preparing and filing Forms PD–600 and PD–601.

(e) *Notification of customers.* Each supplier shall notify his regular customers, as soon as possible, of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Transactions outside of the continental United States.* This order shall not apply to transactions in butyl alcohol originating and completed outside of the continental United States.

(g) *Restrictions on production of butyl alcohol.* Except as may be otherwise directed by the Director General for Operations, no producer shall produce butyl alcohol from molasses (as defined in General Preference Order M–54, amended) unless his equipment and facilities capable of producing butyl alcohol from corn or grain are being utilized to the fullest extent possible in the production of butyl alcohol from corn or grain.

(h) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C. Ref: M–159

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11956; Filed, November 16, 1942; 10:22 a. m.]

PART 1270—METHYL ETHYL KETONE

[General Preference Order M–169, as Amended November 16, 1942]

Section 1270.1 *General Preference Order M–169* is hereby amended to read:

§ 1270.1 *General Preference Order M–169*, as amended November 16, 1942—(a) *Definitions.* (1) "Methyl ethyl ketone" means methyl ethyl ketone, ethyl methyl ketone or 2-butanone of any grade and from whatever source derived.

(2) "Producer" means any person engaged in the production of methyl ethyl ketone and includes any person who has such methyl ethyl ketone produced for him pursuant to toll agreement.

(3) "Distributor" means any person who has purchased or purchases methyl ethyl ketone for purposes of resale.

(b) *Restrictions on deliveries and use.* (1) Subject to paragraph (c) hereof, no producer or distributor shall deliver or use methyl ethyl ketone, and no person shall accept delivery of methyl ethyl ketone from a producer or distributor, except as specifically authorized or directed by the Director General for Operations.

(2) Authorizations or directions with respect to deliveries to be made or accepted in each month will so far as practicable be issued by the Director General for Operations prior to the commencement of such month, but the Director General for Operations may at any time at his discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted or with respect to the use or uses which may or may not be made of material to be delivered or then on hand.

(3) Each person specifically authorized to accept delivery of methyl ethyl ketone shall use such material for the purpose authorized and only for such purpose, except as otherwise specifically directed.

(c) *Small order exemption.* No specific authorization shall be required for:

(1) Acceptance of delivery by any person in any one calendar month of 54 gallons or less of methyl ethyl ketone in the aggregate: *Provided,* That such person has not been specifically authorized to accept delivery of any quantity of such material during such month;

(2) The delivery by any producer or distributor to any person who shall certify to him in writing that he is entitled pursuant to paragraph (c) hereof to accept delivery: *Provided, however,* That no producer shall deliver an aggregate amount of methyl ethyl ketone in any one calendar month pursuant to this paragraph (c) in excess of 2% of the amount of his estimated production of methyl ethyl ketone for such month.

(3) The use by any producer in any calendar month of 54 gallons or less of methyl ethyl ketone in the aggregate.

(d) *Applications for delivery and use, and reports.* (1) Each person seeking authorization to accept delivery of methyl ethyl ketone during any calendar month, whether for his own consumption or resale, (and each producer seeking authorization to use methyl ethyl ketone during any calendar month) shall file application therefor on or before the 10th day of the month preceding the month for which authorization for delivery or use is requested, except that requests for delivery from a distributor shall be filed not later than the 7th day of the month. In each case, such application shall be made on Form PD–600 in the manner prescribed therein (except that applications for acceptance of delivery or use in November and December, 1942 may be made in the applicant's discretion on Form PD–523), subject to the following special instructions:

(i) Copies of Form PD–600 may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which one shall be forwarded to supplier and three forwarded to the War Production Board, Chemicals Branch, Washington, D. C., Ref: M–169, the fifth to be retained for your files.

(iii) In the heading, under name of chemical, specify methyl ethyl ketone; under WPB Order No. specify M–169; under unit of measure, specify pounds; under name of your company, specify name and mailing address; and specify the month and year for which authorization for acceptance of delivery is sought.

(iv) Leave blank Columns 1, 11 and 19.

(v) In Columns 3, 20 and 22, specify your primary product in terms of the following:

Cements.
Protective coating.
Cellulose acetate sheets.
Toluol substitute.
Coated fabric.
Lubricating oils.
Paint and varnish remover.
Resale (as methyl ethyl ketone).

(vi) In Column 4, specify ultimate use of product. For example, if the "primary product" called for in Columns 3, 20 and 22 is "cements", the "ultimate use of product" might be "self sealing gas tanks". In the case where the primary product is a protective coating, show in Column 4 the article or material to which the coating is to be applied; for example, aircraft, munition finish. Specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease or commercial customer, and give government specification number, if any.

(2) Each producer or distributor seeking authorization to make delivery of methyl ethyl ketone during any calendar month, shall file application on or before the 17th day of the month preceding the month for which authorization is requested. Such application shall be made on Form PD–601 in the manner prescribed herein, subject to the following special instructions:

(i) Copies of Form PD–601 may be obtained at local field offices of the War Production Board.

(ii) Prepare four copies and file three copies with the War Production Board Chemicals Branch, Washington, D. C., Ref: M–169, retaining the fourth copy for your files.

(iii) Producers and distributors who have filed application on Form PD–600, specifying themselves as their suppliers, shall list their own names as customers on Form PD–601, and shall list their requests for allocation in the manner prescribed for other customers.

(iv) In the heading, under name of chemical, specify methyl ethyl ketone; under WPB Order No., specify M–169; under name of company, state your name and mailing address; under unit of measure, specify pounds; and state the month and year during which deliveries covered by the application are to be made.

(v) List all customers alphabetically. The names of customers to whom small order deliveries are to be made during the next month pursuant to paragraph (c) of this order need not be given, but insert in Column 1 "Total small order deliveries (estimated)" and in Column 4 specify the estimated quantity. If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand total for all sheets on the last sheet, which is the only one that need be certified.

(vi) Leave Columns 3 and 6 blank.

(vii) Column 5 may, at your discretion, be left blank.

(3) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue other and further directions with respect to preparing and filing Forms PD–600 and PD–601.

(e) *Notification of customers.* Each supplier shall notify his regular customers, as soon as possible, of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Transactions outside of the continental United States.* This order shall not apply to transactions in methyl ethyl ketone originating and completed outside of the continental United States.

(g) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C. Ref: M–169.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11957; Filed, November 16, 1942; 10:22 a. m.]

PART 3046—LOW PRESSURE CAST IRON BOILERS

[Amendment 1 to Limitation Order L–187]

Section 3046.1 *Limitation Order L–187*[1] is hereby amended by striking out paragraph (b) *Restrictions,* and substituting the following in place thereof:

(b) *Restrictions.* On and after the 1st day of December 1942, no person shall manufacture any low pressure cast iron boiler built to use exclusively gas or exclusively oil as a fuel, and no person shall manufacture any other low pressure cast iron boiler except to fulfill a specific contract or subcontract for delivery:

(1) Of a military low pressure cast iron boiler upon specific authorization of the Director General for Operations after written application has been made on Form PD–704.

(2) For use in a hospital constructed, to be constructed or under construction, upon specific authorization of the Director General for Operations after written application has been made on Form PD–704;

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11958; Filed, November 16, 1942; 10:22 a. m.]

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[1] 7 F.R. 9080.

PART 3141—MILITARY ARMS

[Limitation Order L–230]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of military arms and of steel scrap for defense, for private account and for export; and the following order is deemed necessary and appropriate in the war interest and to promote the national defense:

§ 3141.1 *Limitation Order L–230*—(a) *Definitions.* For the purpose of this order:

(1) "Military arms" means any cannon, machine gun, grenade, bomb, or other weapon using explosives, and any ammunition therefor, but does not include any pistol, rifle, or shotgun (except such as are machine guns as defined in paragraph (a) (2)) or ammunition therefor.

(2) "Machine gun" means any weapon which will fire more than one round without renewing pressure on the trigger or other firing device.

(3) "Non-operating" means in such condition that it cannot be used for the purpose for which it was originally made whether by reason of obsolescence, absence of necessary parts or explosive charge, accidental or intended damage or for any other reason.

(b) *Prohibited deliveries of military arms.* Notwithstanding any existing contract, payment or other action, no person shall hereafter sell, transfer or deliver, and no person shall accept delivery of, any military arms, whether operating or non-operating, or parts therefor, except as provided in paragraph (c).

(c) *Permitted deliveries.* The restrictions in paragraph (b) shall not apply to the following sales, transfers or deliveries:

(1) Sales, transfers or deliveries to or by any department or agency of the United States or of any State or political subdivision thereof or any person acting for the account of any such department or agency.

(2) Sales, transfers or deliveries for export if such export is covered by an export license previously issued by the appropriate agency or department of the United States Government.

(3) Sales, transfers or deliveries of non-operating military arms to any scrap dealer, when sold, transferred or delivered as scrap.

(4) Sales, transfers or deliveries of non-operating military arms by any scrap dealer, when sold, transferred or delivered as scrap to any person regularly engaged in the business of melting scrap.

(5) Sales, transfers or deliveries made with the specific authorization of the Director General for Operations.

(d) *Reports.* Any person making any delivery pursuant to paragraph (c) (3)

or (c) (4) hereof shall at the time of

ment (whether purchased or leased) or

6. Paragraph (e) is further amended

thereafter apply ratings under the interim procedure to deliveries in that advance quarter of any materials in-

would disrupt the producer's production schedules and result in substantially diminished production. Nothing herein

Lead (including antimonial)
Zinc
Nickel

Nickel-silver
Chrome nickel
Cadmium
Silver

or (c) (4) hereof shall at the time of such delivery report to the War Production Board a detailed description of the property delivered and the person to whom such delivery was made.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, sales, transfers and deliveries of military arms.

(f) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall be addressed to: War Production Board, Bureau of Governmental Requirements, Washington, D. C., Ref: L–230.

(g) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Effective date.* This order shall take effect 12:01 a. m., November 16, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11970; Filed, November 16, 1942; 11:13 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Amendment 2 to Priorities Regulation 11, as Amended October 3, 1942]

PRODUCTION REQUIREMENTS PLAN

Priorities Regulation 11[1] (§ 944.32) is hereby amended as follows:

1. Paragraph (b) (7) is hereby amended to read as follows:

"Supplies" means maintenance and repair materials and operating supplies. It also includes minor items of productive capital equipment (such as jigs and fixtures, dies and die blocks, portable pneumatic or portable electric tools, and material required for minor relocations of plant machinery and equipment). It does not include any production material or any office machinery or office equipment (whether purchased or leased) or materials for plant expansion or plant construction.

2. Paragraph (c) is hereby amended to read as follows:

(c) *Persons required to qualify under PRP.* Every Class I producer shall file a PRP application. For the first quarter of 1943, this application shall be filed not later than October 25, 1942. Any person who becomes a Class I producer shall file such application as promptly as possible after becoming a Class I producer. The Director General for Operations may specifically require other persons to file such applications from time to time, and may also exempt particular Class I producers from the requirements of this paragraph or extend or advance their time for filing PRP applications. Any other processors of materials desiring priority assistance on a quarterly basis may also, with the consent of the Director General for Operations, qualify under the Production Requirements Plan, although not required to do so by this regulation.

3. Paragraph (d) (2) is hereby amended by adding after the opening words of the first sentence reading "During the fourth quarter of 1942," the following words "but not thereafter,".

4. Paragraph (d) (5) is hereby amended to read as follows:

(5) In case preference rating assistance for a material is denied on the PRP certificate on the express ground that such assistance is unnecessary or that ratings for such material are not currently being assigned on PRP certificates, the provisions of this paragraph (d) shall not apply to such material.

5. Paragraph (e) (3) is hereby amended to read as follows:

(3) Any PRP unit which has applied ratings under the interim procedure specified in paragraph (i) of this regulation based on a particular PRP application may, until receipt of that particular PRP certificate, accept deliveries of the quantities of the materials to which it is authorized to apply ratings under the interim procedure. After receipt of such PRP certificate it may accept deliveries of listed materials and listed fabricated items in excess of the quantities authorized on such certificate only if the same were in transit to the PRP unit at the time its supplier received notice of postponement or cancellation of delivery pursuant to the provisions of paragraph (j) of this regulation and even then may not accept delivery of such materials or items unless shipment was made within ten days (including Sundays) after receipt by the PRP unit of the PRP certificate which necessitated such postponement or cancellation.

6. Paragraph (e) is further amended by adding the following subparagraphs (4) and (5) at the end thereof:

(4) A PRP unit may accept delivery of material to which it extends an AAA rating in accordance with the provisions of paragraph (d) (6) of this regulation.

(5) A PRP unit may accept delivery of listed materials or listed fabricated items in excess of the quantities authorized on its PRP certificates, to the extent that cancellation or postponement of such delivery is waived by the provisions of paragraph (j) (3) of this regulation.

7. Paragraph (i) is hereby amended to read as follows:

(i) *Interim procedure.* During the interim between filing a PRP application for a particular quarter and receipt of the PRP certificate for such quarter a person may apply or extend preference ratings for delivery during such quarter, and, in case he shall have submitted advance quarter applications, may apply or extend preference ratings for delivery during only the first advance quarter, as follows:

(1) If he has been operating under the Production Requirements plan, he may apply the same preference ratings he was authorized to apply by his PRP certificates for the preceding quarter, to orders calling for delivery of not more than 40% during the first month of the quarter and 70% during the entire quarter, of the quantities of the materials indicated as his anticipated requirements on his PD–25A and on any PD–25F application for the quarter, submitted prior to receipt by him of the first PRP certificate received by him for the quarter.

(2) If he has not been operating under the Production Requirements Plan, he may continue to apply and extend ratings under any applicable preference rating orders or preference rating certificates in the same manner as permitted prior to the beginning of the particular quarter; and, notwithstanding the termination of any preference rating order on or after the end of the preceding quarter, the same shall be deemed to continue in effect as to any such person until he receives his PRP certificate: *Provided, however,* That he shall not apply or extend ratings to the delivery in the particular quarter of any material in an aggregate quantity greater than 40% during the first month of the quarter, nor greater than 70% during the entire quarter, of the amount of such material which he has indicated as his anticipated requirements on his PRP application for the quarter, subject to any further restrictions contained in the preference rating certificates or orders assigning the ratings which he is applying or extending.

(3) After a person has received an advance quarter authorization, he may not thereafter apply ratings under the interim procedure to deliveries in that advance quarter of any materials included in the authorization for that quarter, until he files a complete PD–25A application for such quarter, but must use only the ratings authorized on advance quarter authorizations for such materials in that quarter. Upon the filing of a complete PD–25A application for a quarter a PRP unit may then rate purchase orders in accordance with the interim procedure even if this permits rating quantities in excess of those authorized by a previous advance quarter authorization for that quarter.

(4) A person who applies or extends any preference rating pursuant to this paragraph (i) shall deduct the amount of any material which he has received or to which he has applied or extended such rating from the amount rated or otherwise authorized by his corresponding PRP certificate (on Form PD–25A or PD–25F, as the case may be) when issued to him.

8. Paragraph (j) is hereby amended to read as follows:

(j) *Rerating on receipt of PRP certificates.* (1) Each PRP unit, not later than the seventh day (including Sundays) after the receipt of any PRP certificate for a quarter, shall adjust its outstanding purchase orders so that they shall not exceed, either in quantities or in grades of preference rating, those authorized for the quarter and for any advance quarters covered by the PRP certificates in accordance with the provisions of this regulation; but this provision shall not require the adjustment of orders duly placed under paragraph (i) of this regulation for materials covered by a PD–25F application filed before receipt of a PD–25A certificate, until the return of such PD–25F certificate.

(2) This adjustment may be made by cancellation, postponement of deliveries, or by rerating. To the extent that authorized ratings are higher than those already applied to outstanding orders, rating adjustment shall be optional, and, with respect to any material, the balance of any authorized rating not used may be added to the authorized amount of any lower authorized rating.

(3) No person shall be required by the provisions of this paragraph (j), however, to cancel any order or portion thereof calling for delivery on or before November 21, 1942, or during the first twenty-one days of the first month of any subsequent quarter, of any listed material, if the producer thereof certifies in writing to such person (i) that substitution of other orders, or diversion of the material to fill other orders, (even if such other orders call for later delivery or carry a lower rating) is impossible, and (ii) that the production of such material has been completed or that cancellation would disrupt the producer's production schedules and result in substantially diminished production. Nothing herein contained, however, shall relieve a PRP unit from the obligation of cancelling or postponing delivery under other orders calling for delivery of similar material during the quarter, as to which no certification is received, to the extent necessary to bring the total receipts of such material during the quarter within the quantities authorized on its PRP certificates.

9. Paragraph (k) is hereby amended to read as follows:

(k) *Restrictions on Class I producers who have not filed PRP applications.* Any Class I producer who has not filed his PRP application by the time required by this regulation or by any specific direction of the Director General for Operations may not extend or apply any rating, other than AAA ratings, until he has mailed or personally submitted his PRP application to the War Production Board: *Provided, however,* That these restrictions do not apply to ratings specifically assigned to a Class I producer for the purpose of acquisition of items of capital equipment, or materials for authorized plant expansion or plant construction.

10. The following new paragraphs (n) and (o) are added:

(n) *Reporting of excess receipts.* Any PRP unit which receives during a quarter any listed material other than, or in excess of, quantities of such material authorized by its PRP certificates for such quarter, or by specific authorization of the Director General for Operations, shall promptly report to the Production Requirements Branch, War Production Board, Washington, D. C., the quantities and kinds of materials so received, together with a statement of the reasons why such receipt was necessary, referring to the provisions of this regulation under which such receipt is permitted, and giving the name and serial number of the PRP unit which received the material.

(o) *Exceptions or exemptions.* The Director General for Operations may grant exceptions or exemptions with respect to any or all provisions of this regulation. Any such action shall be in writing over the signature of the Director General for Operations and shall refer specifically to the fact that it is an exemption from or an exception to this regulation.

11. Paragraph (a) (1) of the metals list attached to Priorities Regulation No. 11 is hereby amended to read as follows:

Iron
Carbon steel
Alloy steel
Stainless steel
Aluminum
Magnesium
Copper
Brass
Bronze
Lead (including antimonial)
Zinc
Nickel
Tin
Cupro-nickel
Monel
Nickel-silver
Chrome nickel
Cadmium
Silver
Tantalum metal
Tungsten carbide

12. Paragraph (a) (2) of the metals list attached to Priorities Regulation No. 11 is hereby amended by adding at the end thereof but within the parenthesis the following words "but not including insect wire screen cloth".

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–11971; Filed, November 16, 1942; 11:13 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[RPS 88,[1] Amendment 44]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subdivision (ii) is amended and a new subdivision (viii) is added to § 1340.159 (c) (3) as set forth below:

§ 1340.159 *Appendix A; maximum prices for petroleum and petroleum products.* * * *

(c) *Specific prices.* * * *

(3) *Distillate fuel oils.* * * *

(ii) Maximum tank wagon prices for No. 2 fuel oil:

Tank wagon area:	*Cents per gallon*
Minneapolis, Minnesota:	
1–99 gals	8.8
100 gals. and over	7.8
Washington, D. C	9.1

* * * * *

(viii) Maximum prices for No. 2 fuel oil f. o. b. refinery or terminal:

Location of refinery or terminal:	*Cents per gallon*
Minneapolis-St. Paul Area	6.2

§ 1340.158a *Effective dates of amendments.* * * *

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[1] 7 F.R. 7888, 8864.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1107, 1371, 1798, 1799, 2132, 2304, 2352, 2634, 2945, 3482, 3524, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5867, 5988, 5983, 6057, 6167, 6471, 6680, 7242, 7838, 8433, 8478, 3116, 3166, 3482, 3552, 8586, 8701, 8741, 8829, 8938, 8948, 9130, 9134.

PART 1394—RATIONING OF FUEL AND FUEL

(g) Amendment No. 7 (§§ 1394.5001

PART 1309—COPPER

(rr) Amendment No. 44 (§ 1340.159 (c) (3) (ii) (viii)) to Revised Price Schedule No. 88 shall become effective November 13, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9252, 7 F.R. 7871)

Issued this 13th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-11908; Filed, November 13, 1942; 3:59 p. m.]

PART 1340—FUEL

[MPR 122,[1] Amendment 11]

SOLID FUELS

Solid fuels delivered from facilities other than producing facilities—dealers.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1340.258 (a), a new subparagraph (11) is added; in § 1340.261 (d), new subparagraphs (3) and (4) are added and subparagraphs (1) and (2) are amended to read as set forth below:

§ 1340.258 *Definitions.* (a) When used in this Maximum Price Regulation No. 122, the term:

* * * * *

(11) "Appropriate regional office" means the regional office of the Office of Price Administration for the area in which is located the seller's place of business from which the solid fuel is offered for sale.

* * * * *

§ 1340.261 *Appendix A: Maximum prices for solid fuels delivered from facilities other than producing facilities.* * * *

(d) (1) If the seller's maximum price cannot be determined under paragraphs (a), (b) and (c) of this section, the seller's maximum price shall be the maximum price of his most closely competitive seller carrying on a business of the same character (wholesale or retail; equipped or unequipped) in the same locality. This shall be the maximum price for the sale of:

(i) The same size, kind and quality of solid fuel;

(ii) In similar quantities;

(iii) To purchasers of the same class (e. g., domestic, commercial, industrial);

(iv) By the same method of delivery (e. g., truck, rail, etc.); and

(v) Under the same terms of delivery (e. g., delivered to the purchaser or f. o. b. transportation facilities at the seller's yard, dock, or terminal facilities, etc.).

Within ten days after a maximum price is determined under the provisions of this subparagraph, the maximum price so determined shall be reported by the seller to the appropriate regional office of the Office of Price Administration, together with the name and address of the seller's most closely competitive seller; the name, if any, by which such competitive seller identifies the solid fuel involved; the name, if any, by which the solid fuel is identified by the seller determining his maximum price under this subparagraph and a statement of the reasons why a maximum price for sales thereof cannot be determined under paragraphs (a), (b) and (c) of this section.

(2) If the seller's maximum price cannot otherwise be determined under this section, the seller's maximum price shall be a price not in excess of the sum of the per net ton cost of such solid fuel f. o. b. transportation facilities at supplier's shipping point, plus the actual cost incurred in transporting such solid fuel to the seller's yard, dock or other terminal facility and plus the margin over delivered cost obtained on the seller's similar sale of solid fuel most nearly like the sale of solid fuel for which a maximum price is computed under this subparagraph, taking into account similarity in:

(i) Size, kind and quality of solid fuel;

(ii) Quantity of solid fuel;

(iii) Class of purchasers (e. g., domestic, commercial, industrial);

(iv) Method of delivery (e. g., truck, rail, etc.);

(v) Terms of delivery (e. g., delivered to the purchaser or f. o. b. transportation facilities at the seller's yard, dock, or terminal facilities, etc.).

Within ten days after the seller determines the maximum price for the sale of such solid fuel under the provisions of this subparagraph, he shall report to the appropriate regional office of the Office of Price Administration the maximum price so determined, together with the computations made by him in determining such maximum price and a statement of the reasons why a maximum price for such solid fuel could not otherwise be determined under this section.

(3) If the seller's maximum price for a particular size, kind and quality of solid fuel cannot be determined under this section by reason of the fact that the seller had no sale of solid fuel which can reasonably be considered similar within the meaning of paragraph (d) (2), his maximum price shall be the price established by the appropriate regional office of the Office of Price Administration. Such seller shall file an application with such regional office of the Office of Price Administration setting forth:

(i) The size, kind and quality of the solid fuel involved;

(ii) The name of the producer and the origin of such solid fuel, or in the case of bituminous coal, the price classification, size group and mine index number as set forth in the minimum price schedules established by the Bituminous Coal Division of the United States Department of the Interior;

(iii) The per net ton price f. o. b. transportation facilities at supplier's shipping point;

(iv) The transportation costs incurred in transporting such solid fuel to the seller's yard, dock, or other terminal facility;

(v) A proposed schedule of prices for sales to each class of purchaser involved, stating proposed variations in price for different quantities, methods and terms of delivery;

(vi) The margin over delivered cost on his sales of solid fuel serving the same purpose;

(vii) Such additional pertinent information as the regional office of the Office of Price Administration may require.

Each Regional Administrator is authorized to establish maximum prices under this subparagraph in line with the level of maximum prices established by this Maximum Price Regulation No. 122.

(4) For the purposes of this paragraph, the term "margin over delivered cost" means the difference between (i) the cost per net ton f. o. b. transportation facilities at supplier's shipping point, determined by the most recent purchase of such solid fuel, plus the actual cost incurred in transporting such solid fuel to the seller's yard, dock or other terminal facility and (ii) the maximum price for the sale of such solid fuel under the provisions of this section.

* * * * *

§ 1340.260a *Effective dates of amendments.* * * *

(k) Amendment No. 11 (§§ 1340.258a, 1340.261 (d) (1), (2), (3) and (4)) to Maximum Price Regulation No. 122 shall become effective November 13, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-11910; Filed, November 13, 1942; 3:59 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3239, 3666, 3856, 3940, 3941, 5024, 5567, 5835, 7809, 8996, 8949, 8948.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,[1] Amendment 7]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (9) of paragraph (a) of § 1394.5001, subparagraph (3) of paragraph (a) of § 1394.5151 is amended; and a new paragraph (e) is added to § 1394.5507 and a new paragraph (g) is added to § 1394.5902; as set forth below:

Definitions

§ 1394.5001 *Definitions.* (a) When used in this Ration Order No. 11:

* * * * *

(9) "Convertible facilities" means any fuel oil burning equipment, including converted facilities, which can be converted to the use of an alternate fuel: *Provided,* That such equipment and facilities shall be deemed convertible in the absence of satisfactory proof that the materials necessary for such conversion are not on hand and that the required labor is not available and that such materials and labor can be obtained only with unreasonable difficulty or expense, or that an alternate fuel is not available.

* * * * *

Restrictions on Issuance of Rations

§ 1394.5151 *Restrictions on issuance of rations.* (a) No ration shall be issued or used:

* * * * *

(3) For the operation of convertible facilities for furnishing heat or hot water, or both, to premises other than private dwellings, except to the extent necessary to operate such facilities until the earliest date when conversion can be completed (but not later than the end of the valid period for coupons numbered "2", indicated in paragraph (b) of § 1394.5201.

Expiration and Revocation of Rations

§ 1394.5507 *Suspension and revocation of rations.* * * *

(e) The Board shall review all applications granted for the operation of oil burning equipment furnishing heat or hot water, or both, to premises other than private dwellings; it shall require the applicant to establish that such equipment is not convertible, and shall, pursuant to paragraph (d) of this section, revoke any ration issued to such applicant if he has failed to establish that such equipment is not convertible.

* * * * *

Effective Date

§ 1394.5902 *Effective date of corrections and amendments.* * * *

(g) Amendment No. 7 (§§ 1394.5001 (a) (9), 1394.5151 (a) (3), and § 1394.5507 (e)) shall become effective on November 13, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Law, 89, 77th Cong., and by Pub. Law 507, 77th Cong.; Pub. Law 421, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562, Supp. Dir. No. 1-0, 7 F.R. 8418, Executive Order No. 9125, 7 F.R. 2719).

Issued this 13th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-11909; Filed, November 13, 1942; 3:59 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8480, 8708, 8808, 8897.

PART 1405—FERRO-ALLOYS

[MPR 138,[1] Amendment 3]

STANDARD FERROMANGANESE

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new paragraph (f) is added to § 1405.10 as set forth below:

§ 1405.10 *Appendix A; maximum prices for standard ferromanganese.* * * *

(f) The maximum prices set forth above for standard ferromanganese, other than the prices for standard ferromanganese when crushed and pressed into briquettes, shall be adjusted downward in the amount of $10.00 per gross ton upon sales to the United States or any agency thereof for shipment outside the United States (1) if the standard ferromanganese sold is made from dutiable ore and the import duty thereon has not been paid at the time of shipment by the seller or is made from other ore which has been substituted for such dutiable ore in a bonded warehouse, or (2) if the seller will have a claim by substitution or otherwise for a drawback of duty by reason of the shipment of the standard ferromanganese to a destination outside the United States: *Provided,* That no adjustment downward of maximum price shall be required if the seller, having a claim to a drawback of import duty, assigns or transfers his claim to such drawback to the governmental agency making the purchase of standard ferromanganese.

§ 1405.11a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1405.10 (f)) to Maximum Price Regulation No. 138 shall become effective November 13, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-11911; Filed, November 13, 1942; 3:59 p. m.]

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[1] 7 F.R. 3212, 5646.

PART 1309—COPPER

[MPR 202,[1] Amendment 1]

BRASS AND BRONZE ALLOY INGOT

A statement of the considerations involved in the issuance of this Amendment No. 1 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1309.165 paragraphs (d) and (e) are redesignated as § 1309.165 (e) and (f), the headnote to § 1309.165 (c) is amended and a new § 1309.165 (d) is added to read as set forth below:

§ 1309.165 *Appendix A: Maximum prices for brass and bronze alloy ingot.* * * *

(c) *Maximum prices for sales or deliveries in carload lots of brass or bronze alloy ingot not included in paragraph (b).* * * *

(d) *Maximum prices for sales or deliveries in carload lots of brass or bronze alloy ingot produced by special types of producers.*

(1) The maximum prices established by paragraphs (b) and (c) of this § 1309.165 shall not apply to sales or deliveries of brass and bronze alloy ingot manufactured by persons not customarily regarded as producers of brass and bronze alloy ingot if:

(i) Such person's deliveries in dollars of brass and bronze alloy ingot were less than 30% of his total deliveries in dollars of all products during the period January 1, 1942 to September 30, 1942.

(ii) Such person, during the period from January 1, 1940 to March 31, 1942, regularly charged for each grade of brass or bronze alloy ingot delivered by him a price at least 6 cents per pound in excess of the price established in paragraph (b) for the alloy having the most nearly comparable specifications.

(2) The maximum price for a sale or delivery of any brass or bronze alloy ingot exempted from paragraphs (b) and (c) by subparagraph (1) above shall be the seller's maximum offering price on March 31, 1942 for a sale or delivery of a carload lot of such brass or bronze alloy ingot, reduced by 10% of such price.

(3) On or before December 1, 1942 any person, who has sold or delivered or who proposes to sell or deliver any brass or bronze alloy ingot, the maximum price for which was determined or will be determined under subparagraph (2) hereof, shall file a report with the Copper, Aluminum & Ferro-Alloys Branch, Office of Price Administration, Washington, D. C. containing the following information:

(i) The name, address and principal business of the seller.

(ii) The seller's deliveries of brass and bronze alloy ingot during the period January 1, 1942 to September 30, 1942, in dollars.

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[1] 7 F.R. 6421, 7247, 8948.

(iii) The seller's total deliveries, including brass and bronze alloy ingot, during the period January 1, 1942 to September 30, 1942, in dollars.

(f) The maximum prices for sales by wholesalers to retailers located in the City of New York and for sales by such retailers shall be as follows:

of the seller and purchaser, price paid or received, buyer's receiving point and the quantity of wheat mill feed sold or purchased: *Provided,* That in case of

to San Jose and thence to Niles; from Niles in a straight line to Vernalis; from Vernalis in a straight line to Lathrop; from Lathrop along the line of the

in determining the seller's maximum price for wheat mill feeds, and in preparing the records of such seller with respect thereto: if at the time the seller

delivered at any other point than the waters named or the buyer's manufacturing plant shall be determined as follows:

(iii) The seller's total deliveries, including brass and bronze alloy ingot, during the period January 1, 1942 to September 30, 1942, in dollars.

(iv) The alloy content, including impurity limitations and physical specifications for each grade of brass or bronze alloy ingot delivered during the period January 1, 1940 to March 31, 1942.

(v) The carload price at which each such grade was first delivered after January 1, 1940 and any changes in such prices from September 1, 1939 to March 31, 1942.

(vi) The seller's maximum price for each grade of brass and bronze alloy ingot produced by him computed pursuant to subparagraph (2) hereof. * * *

§ 1309.164a *Effective dates of amendments.* * * *

(b) Amendment No. 1 (§§ 1309.165(c), (d), (e) and (f) and 1309.164a (b)) shall be effective as of August 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11941; Filed, November 14, 1942; 12:25 p. m.]

PART 1350—EMERGENCY CIVILIAN DEFENSE MATERIALS AND EQUIPMENT

[MPR 234,[1] Amendment 2]

APPROVED STIRRUP PUMPS

A statement of considerations involved in the issuance of this Amendment No. 2 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

The text of paragraph (a) and paragraph (b) of § 1350.53, and § 1350.59 are amended; a new paragraph (f) is added to § 1350.53; the text of § 1350.64 is designated as paragraph (a), and a new paragraph (b) is added, as set forth below:

§ 1350.53 *Maximum prices for sales of approved stirrup pumps in the continental United States.* (a) Except as otherwise provided in paragraph (f) of this § 1350.53, maximum prices for sales or deliveries of approved stirrup pumps in the continental United States are as follows: * * *

(b) The price listed under "factory price" in paragraph (a) is the maximum price for sales by the named manufacturer to all classes of purchasers (including municipalities and defense councils) other than those who customarily sell only through one or more retail establishments. For sales by the manufacturer to a person who customarily sells only through one or more retail establishments, the maximum price is the price specified in paragraph (a) as the "factory price", plus $.05. These prices are f. o. b. factory.

* * * * *

(f) The maximum prices for sales by wholesalers to retailers located in the City of New York and for sales by such retailers shall be as follows:

(1) For a sale by a person other than the manufacturer to a retailer located in the City of New York, the maximum price is $2.20, delivered.

(2) For a sale by a retailer located in the City of New York of a stirrup pump bought directly from the manufacturer, the maximum price is $3.00.

(3) For a sale by a retailer located in the City of New York of a stirrup pump bought by him from a person other than the manufacturer, the maximum price is $3.10.

§ 1350.59 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 234 may be charged, demanded, paid or offered, and no seller shall, as a condition of sale, require the purchaser to agree not to sell at lower prices than those established as maximum prices, or in any other manner establish or attempt to establish minimum prices for resales of the approved stirrup pumps.

§ 1350.64 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1350.53 (a), (b), (f), 1350.59, 1350.64) to Maximum Price Regulation No. 234 shall become effective:

(1) November 14, 1942 as to the provisions of §§ 1350.53 (a), (b), (f) (1), and 1350.59; and,

(2) November 20, 1942 as to the provisions of §§ 1350.53 (f) (2), and (f) (3).

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11935; Filed, November 14, 1942; 12:26 p. m.]

PART 1363—FEEDINGSTUFFS

[MPR 173,[1] Amendment 1]

WHEAT MILL FEEDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1363.105, subparagraph (6) of paragraph (a) of § 1363.111, subparagraphs (2) and (8) of paragraph (a) and paragraphs (d) and (e) of § 1363.112 are amended and new §§ 1363.115 and 1363.116 are added as set forth below:

§ 1363.105 *Documents and reports.* Every person making a sale or purchase of wheat mill feeds in the course of trade or business after July 3, 1942, shall keep for inspection by the Office of Price Administration for as long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records and documents of such sales and purchases including the date thereof, name of the seller and purchaser, price paid or received, buyer's receiving point and the quantity of wheat mill feed sold or purchased: *Provided,* That in case of sales at retail the seller or buyer, as the case may be, shall be required to keep only such records relating to sales or purchases of mill feed as he customarily kept at the effective date of this regulation.

* * * * *

§ 1363.111 *Definitions.* (a) When used in Maximum Price Regulation No. 173 the term: * * *

(6) "Wheat mill feeds" means all the products of milling wheat except the following commodities which shall remain subject to the provisions, exceptions, and other terms of the General Maximum Price Regulation.

(i) Flour from wheat.

(ii) Farina and semolina.

(iii) Wheat germ and wheat germ meal.

(iv) Wheat germ oil cake and wheat germ oil meal.

(v) Bran for human consumption.

(vi) Ground wheat.

* * * * *

§ 1363.112 *Appendix A: Maximum delivered prices for wheat mill feeds.*—(a) *Maximum delivered prices for sales by millers of wheat mill feeds, sacked and shipped in carload quantities, shall be as follows:* * * *

(2) For shipments to points in the State of Missouri located within the area bounded on the west and south by a line drawn as follows:

From Kansas City, Mo., along the line of the St. Louis-San Francisco Railway Co. to Harrisonville; from Harrisonville to East Lynne; from East Lynne to Springfield; from Springfield to Cabool; from Cabool along a straight line perpendicular to the northern border of Arkansas, but not including (i) points located on the boundary line referred to above and (ii) points located on or adjacent to the main line of the St. Louis-San Francisco Railway Co. from Springfield to, but not including, Pacific, and (iii) points on or adjacent to the branch lines of the St. Louis-San Francisco Railway Co. from Cuba to Salem and Cherry Valley; and also for shipments to points within the State of Arkansas and all states east of the Mississippi River with the exception of Louisiana, Minnesota, Wisconsin and the Northern Peninsula of Michigan, the maximum price at Kansas City, Mo., plus the charge at the lowest railroad carload proportional rate for the transportation of an identical quantity from the applicable Missouri River rate break point to the railroad siding nearest to the point designated by the buyer as his receiving point.

* * * * *

(8) *For shipments to points within the State of California.* (i) To points located on or north of a line drawn as follows:

From a point on the Pacific Coast due west of Los Gatos in a straight line to Los Gatos, and thence in a straight line to San Martin; from San Martin along the line of the Southern Pacific Lines

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7976, 7998, 8948.

[1] 7 F.R. 5024, 8948.

to San Jose and thence to Niles; from Niles in a straight line to Vernalis; from Vernalis in a straight line to Lathrop; from Lathrop along the line of the Southern Pacific Lines to Turlock; from Turlock in a straight line to Denair; thence along the main line of the Atchison, Topeka and Santa Fe Railway from Denair to Riverbank; from Riverbank along the line of the Sierra Railway Company of California to Tuolumne; and from Tuolumne in a straight line due east to the Nevada border, with the exception of Colusa and points located on or adjacent to the main line of the Northwestern Pacific Railroad Company north of Santa Rosa, the maximum price at Seattle, Washington, plus the lowest railroad transit balance from Seattle, Washington to the railroad siding nearest to the point designated by the buyer as his receiving point computed on the basis of the charge at the lowest railroad carload rate for the transportation of an identical quantity from Spokane, Washington, to the railroad siding nearest to the point designated by the buyer as his receiving point with transit privileges at Seattle, Washington.

* * * * *

(d) *Maximum delivered prices for sales at retail.* To determine the maximum prices for sales at retail of wheat mill feeds, add $4.00 per ton to the maximum price for carload shipments computed under the applicable provisions of paragraph (a) of this section. For purposes of this subparagraph in computing maximum delivered prices under the applicable provisions of paragraph (a) of this section "point designated by the buyer as his receiving point" shall mean the place of business of the retail seller. In the event that the retail seller customarily made a charge for delivery at the effective date of this regulation he may add to the maximum price computed under this paragraph his customary delivery charge.

(e) *Maximum prices for shipments unsacked or in buyer's sacks.* (i) The maximum prices which may be charged or paid for sales of wheat mill feeds shipped in carload quantities unsacked shall be the maximum price computed under the applicable provisions of paragraph (a) of this section less the customary differential applying to shipments of carload quantities unsacked at the effective date of this regulation.

(ii) The maximum prices which may be charged or paid for sales of wheat mill feeds shipped in buyer's sacks shall be the maximum price computed under the applicable provisions of paragraphs (a), (b), (c) or (d) of this section less the customary differential applying to shipments in buyer's sacks at the effective date of this regulation.

§ 1363.116 *Federal and state taxe including certain licenses or inspection fees.* Any tax upon or incident to the sale, delivery, processing or use of wheat mill feeds including license or inspection fees levied on a tonnage basis imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof shall be treated as follows in determining the seller's maximum price for wheat mill feeds, and in preparing the records of such seller with respect thereto: if at the time the seller determines his maximum price, the statute or ordinance imposing the tax does not prohibit the seller from stating and collecting the tax separately from the purchase price and the seller does state it separately, the seller may collect in addition to the maximum price, the amount of tax or feed actually paid by him or an amount equal to the amount of tax or feed paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

* * * * *

§ 1363.115 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1363.105, 1363.111 (a) (6), 1363.112 (a) (2) and (a) (8) and (d) and (e), 1363.115 and 1363.116 to this Maximum Price Regulation No. 173 shall become effective this 20th day of November 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11936; Filed, November 14, 1942; 12:25 p. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 161,[1] Amendment 4]

WEST COAST LOGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraphs (11) (iii) and (13) of § 1381.158 (a) are amended; paragraphs (b), (c), and (e) of § 1381.160 are amended; and a new paragraph (d) is added to § 1381.159a as set forth below:

§ 1381.158 *Definitions.* (a) When used in this Maximum Price Regulation No. 161, the term: * * *

(11) "District" means any one of four districts, as follows: * * *

(iii) Columbia River district, including the counties of Wahkiakum, Cowlitz, Clark, and Skamania in the State of Washington, and Clatsop, Columbia, Washington, Multnomah, and Clackamas in the State of Oregon. * * *

(13) "Delivered" means:

(i) Boomed and rafted and prepared for towing when the logs are delivered to any towable waters; or

(ii) Dumped in the mill pond at the buyer's manufacturing plant where rafting is not required; or

(iii) Loaded on a railroad car.

* * * * *

§ 1381.160 *Appendix A: Maximum delivered prices for West Coast logs.* * * *

(b) The maximum delivered prices per 1,000 ft. log scale for West Coast Logs delivered at any other point than the waters named or the buyer's manufacturing plant shall be determined as follows:

(1) From the prices in paragraph (a) of this section, subtract the transportation costs, including booming and rafting charges, which would have been applicable to the shipment had it moved from the spar-tree to the waters of the particular district;

(2) Then add actual transportation costs from the spar-tree to the destination specified by the purchaser, including any cost of loading on cars or dumping in a mill pond. For the purpose of this subparagraph (2), delivery at the spar-tree shall be considered as a violation of this Maximum Price Regulation 161 since the seller must make delivery either to towable waters (including booming and rafting), or to the mill pond of the buyer's plant, or to a railhead (including loading on cars).

Regardless of the result of the above computation, the prices shall in no event exceed the prices set forth in paragraph (a) of this section applicable to deliveries into the waters of Puget Sound, Willapa Bay and Grays Harbor, and the Columbia River.

(c) The maximum delivered prices per 1,000 ft. log scale for West Coast logs delivered at any point in the Willamette Valley district shall be determined as follows:

(1) From the prices set forth in paragraph (a) of this section for delivery in the Columbia River district, subtract the transportation costs, including booming and rafting charges, which would have been applicable to the shipment had it moved from the spar-tree to the waters of the Columbia River district;

(2) Then add actual transportation costs from the spar-tree to the destination specified by the purchaser, including any cost of loading on cars, dumping in a mill pond, or booming and rafting in the Willamette River. For the purpose of this subparagraph (2), delivery at the spar-tree shall be considered as a violation of this Maximum Price Regulation 161 since the seller must make delivery either to towable waters (including booming and rafting), or to the mill pond of the buyer's plant, or to a railhead (including loading on cars).

Regardless of the result of the above computation, the prices for the Willamette Valley district shall in no event exceed the prices set forth in paragraph (a) of this section for delivery in the Columbia River district. Further, if such computation results in a maximum price which is $3.50 or more below the Columbia River district price, the maximum price shall be a price $3.50 below the Columbia River district price. * * *

(e) * * *

(2) Not later than the 15th of October, 1942, and the 15th of every month thereafter in which the overtime addition is claimed, the company must file a certified statement with the Office of Price Administration, Washington, D. C., containing the following:

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 4426, 5360, 7008, 7839.

(i) A statement that the required hours prevailed during the preceding month;

(ii) The company's production figures, log scale, by species, for the month;

(iii) The amount of logs by species, both log scale and total value, sold during the month on which the overtime addition was claimed;

(iv) The amount of logs, log scale, by species, used in the seller's own mill.

§ 1381.159a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§§ 1381.158 (a), 1381.159a, and 1381,160 (e)) shall become effective November 20, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11937; Filed, November 14, 1942; 12:26 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[MRR 24, Amendment 1]

HOUSING ACCOMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES IN THE BALTIMORE DEFENSE-RENTAL AREA

Section 1388.1016[1] (d) (1) of Maximum Rent Regulation No. 24 as heretofore amended by Supplementary Amendment No. 6 is hereby amended to read as follows:

§ 1388.1016 *Restrictions on removal of tenant.* * * *

(d) (1) Every notice to a tenant to vacate or surrender possession of housing accommodations shall state the ground under this section upon which the landlord relies for removal or eviction of the tenant. A written copy of such notice shall be given to the Area Rent Office within 24 hours after the notice is given to the tenant.

No tenant shall be removed or evicted from housing accommodations, by court process or otherwise, unless, at least ten days prior to the time specified for surrender of possession and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the Area Rent Office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession: *Provided, however,* That the requirements of this sentence shall not apply to housing accommodations within the City of Baltimore, Maryland, when the ground for the removal or eviction of a tenant is non-payment of rent.

Where the ground for removal or eviction of a tenant is non-payment of rent, every notice under this paragraph (d) (1) shall state the rent for the housing accommodations, the amount of rent due and the rental period or periods for which such rent is due. The provisions of this paragraph (d) (1) shall not apply where a certificate has been issued by the Administrator pursuant to the provisions of paragraph (b) of this section.

§ 1388.1024a *Effective dates of amendments.* (a) Amendment No. 1 (§ 1388.1016 (d) (1)) to Maximum Rent Regulation No. 24 shall become effective November 16, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 14th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11942; Filed, November 14, 1942; 12:23 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,[1] Amendment 8]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In paragraph (b) of § 1394.5254, the phrase "or (4)" is inserted between "(a) (3)" and "of"; paragraph (a) of § 1394.5256 is amended and a new paragraph (c) is added thereto; paragraph (b) of § 1394.5257, paragraph (b) of § 1394.5258, § 1394.5259 and paragraph (a) of § 1394.5270 are amended; and a new paragraph (h) is added to § 1394.5902; as set forth below:

Heat and Hot Water Rations

* * * * *

§ 1394.5256 *Determination of allowable ration for heating private dwellings.* (a) Except as provided in paragraph (c) of this section, the allowable ration for heating private dwelling premises during the heating year shall be $66\frac{2}{3}\%$ of the amount of fuel oil consumed (as adjusted for temperature variations from the norm, pursuant to § 1394.5257) in heating such premises during the base period, except that:

(1) If $66\frac{2}{3}\%$ of such adjusted consumption exceeds the maximum of range established pursuant to § 1394.5258, the allowable ration shall be such maximum;

(2) If $66\frac{2}{3}\%$ of such adjusted consumption is less than the minimum of such range, the allowable ration shall be either such minimum or 85% of such adjusted consumption, whichever is less;

(3) If the applicant fails to obtain or to furnish the required certification from any dealer or supplier, but shows good cause for such failure, and if consumption during the base period is representative of normal fuel oil requirements for heating the premises during the heating year, the allowable ration shall be midpoint of such range or $66\frac{2}{3}\%$ of such consumption (as adjusted for temperature variations from the norm in accordance with paragraphs (b) and (c) of § 1394.5257) whichever is less: *Provided,* That if $66\frac{2}{3}\%$ of such adjusted consumption is less than the minimum of such range, the allowable ration shall be such minimum or 85% of such adjusted consumption, whichever is less;

(4) If consumption during the base base period cannot be determined, or if such consumption is, for any reason (other than weather conditions) not representative of normal fuel oil requirements for heating the premises during the heating year, the allowable ration shall be the midpoint of such range.

* * * * *

(c) Where application is made for a ration for furnishing heat and hot water to private dwelling premises and the amount of fuel oil deducted for hot water pursuant to paragraph (b) of § 1394.5257 exceeds the total amount of fuel oil consumed during the base period, such total amount of fuel oil shall be deemed to have been consumed for heating the premises and the allowable ration for heating the premises shall be determined in accordance with the provisions of paragraph (a) and (b) of this section. In such cases no ration for domestic hot water shall be issued.

§ 1394.5257 *Same; determination of adjusted fuel oil consumption during base period.* * * *

(b) The amount of fuel oil (if any) used for hot water shall be deducted from such total. If fuel oil was used, during all or part of the base period, for supplying domestic hot water, the amount so used shall, in the absence of proof to the contrary, be deemed to have been twenty (20) gallons per month for the first person, plus five (5) gallons per month for each additional person, regularly occupying the premises while fuel oil was used for such purpose: *Provided,* That where a space heater supplied such hot water, the amount so used shall, in the absence of proof to the contrary, be deemed to have been fifteen (15) gallons per month; * * *

§ 1394.5258 *Same, determination of range.* * * *

(b) In computing the floor area of the premises for the purposes of paragraph (a) of this section, only necessary living and sleeping quarters and space used for occupational purposes shall be included: *Provided,* That in no event shall a total area in excess of 2,000 square feet for the first person, plus 600 square feet for the second person and 300 square feet for each additional person, regularly occupying the premises covered by the application, be included in determining the range: *Provided further,* That in no event shall a total area in excess of 550 square feet be included in determining the range where application is made for a ration for heating premises by a space heater unless:

(1) The applicant submits satisfactory proof that the space heater actually heats a floor area in excess of 550 square feet, or

(2) Consumption during the base period has been determined in accordance with paragraph (a) of § 1394.5254 and is representative of normal fuel oil requirements for heating the premises during the heating year.

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[1] 7 F.R. 5912, 8505.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8480, 8708, 8808, 8897.

§ 1394.5259 *Determination of ration for domestic hot water in private dwelling.* Except as provided in paragraph (c) of § 1394.5256, the allowable ration for supplying domestic hot water to private dwelling premises shall be $66\frac{2}{3}\%$ of the figure obtained by adding twenty (20) gallons for the first person plus five (5) gallons for each additional person regularly occupying such premises, and multiplying the sum by the number of months during the heating year in which a ration for hot water is required: *Provided,* That the allowable ration for the operation of a space heater for such purpose shall be the figure obtained by multiplying ten (10) gallons by the number of months during the heating year in which a ration for hot water is required.

§1394.5270 *Rations for space heaters in premises other than private dwellings; special cases.* Notwithstanding the provisions of paragraph (c) of § 1394.5261:

(a) The allowable ration for heating residential premises other than a private dwelling by means of a space heater may, at the option of the applicant, be determined in accordance with subparagraph (3) or (4) of paragraph (a), whichever is applicable, and paragraphs (b) and (c), of § 1394.5256, where the certifications required by § 1394.5253 cannot, for good cause, be obtained.

* * * * *

Effective Date

§ 1394.5902 *Effective dates of amendments and corrections.* * * *

(h) Amendment No. 8 (§§ 1394.5254 (b), 1394.5256 (a) and (c), 1394.5257 (b), 1394.5259 (b), 1394.5259, and 1394.5270 (a)) shall become effective on November 14, 1942.

(Pub. Law 671, 76th Cong., 3rd Sess., as amended by Pub. Law 89, 77 Cong., 1st Sess., and by Pub. Law 507, 77th Cong., 2nd Sess.; Pub. Law 421, 77th Cong., 2nd Sess.; W.P.B. Directive No. 1, 7 F.R. 562, Supp. Directive No. 1-O, 7 F.R. 8418; Executive Order No. 9125, 7 F.R. 2719).

Issued this 14th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-11944; Filed, November 14, 1942; 12:23 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5B,[1] Amendment 9]

GASOLINE RATIONING REGULATIONS FOR PUERTO RICO

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (b) of § 1394.2354, paragraphs (c) and (d) of § 1394.2601, § 1394.2752, and § 1394.2914 are hereby revoked; § 1394.2252, paragraph (b) of § 1394.2301, paragraph (b) of § 1394.2304, § 1394.2305, § 1394.2353, § 1394.2355, and paragraph (a) of § 1394.2601 are amended to read as follows: §§ 1394.2307 and 1394.2308 are added. Paragraph (n) is added to § 1394.2306, paragraph (c) is added to § 1394.2655, paragraph (b) is added to § 1394.2752, subparagraph (4) is added to paragraph (i) of § 1394.2851, subparagraph (1) is added to paragraph (c) of § 1394.2907, paragraph (b) is added to § 1394.2919, paragraph (i) is added to § 1394.3052.

§ 1394.2252 *Basic ration books.* (a) Class A ration books marked "basic" shall be issued as basic rations for passenger automobiles, shall contain six (6) pages of eight (8) coupons to each page, and shall be valid for the transfer of gasoline to the holder thereof only during the periods as follows:

Coupons	*Valid period*
The inner four coupons of page 2, numbered A2.	Nov. 1, 1942, to Nov. 30, 1942.
Page 3, numbered A3.	Invalid.
Page 4, numbered A4.	Nov. 1, 1942, to Nov. 30, 1942.
Page 5, numbered A5.	Dec. 1, 1942, to Dec. 31, 1942.
Page 6, numbered A6.	Jan. 1, 1943, to Jan. 31, 1943.

(b) *Class D ration books.* Class D ration books marked "basic" shall be issued as basic rations for motorcycles, shall contain six (6) pages of eight (8) coupons to each page, and shall be valid for transfer of gasoline to the holder thereof at any time during the period from August 1, 1942 to January 31, 1943.

§ 1394.2301 *Supplemental rations.* * * *

(b) The ration period for which Class B and Class C ration books shall be issued shall be from August 1, 1942 to October 31, 1942. Registration for renewals and issuance of renewals thereof shall be during the week beginning November 2, 1942. Renewals thereof shall be valid for twelve (12) weeks, commencing on November 8, 1942 and ending on January 30, 1943, as follows:

B RATION BOOKS

Coupons	*Valid Period*
B1	Nov. 8, 1942–Nov. 14, 1942
B2	Nov. 15, 1942–Nov. 21, 1942
B3	Nov. 22, 1942–Nov. 28, 1942
B4	Nov. 29, 1942–Dec. 5, 1942
B5	Dec. 6, 1942–Dec. 12, 1942
B6	Dec. 13, 1942–Dec. 19, 1942
B7	Dec. 20, 1942–Dec. 26, 1942
B8	Dec. 27, 1942–Jan. 2, 1943
B9	Jan. 3, 1943–Jan. 9, 1943
B10	Jan. 10, 1943–Jan. 16, 1943
B11	Jan. 17, 1943–Jan. 23, 1943
B12	Jan. 24, 1943–Jan. 30, 1943

C RATION BOOKS

Coupons	*Valid Period*
C1	Nov. 8, 1942–Nov. 14, 1942
C2	Nov. 15, 1942–Nov. 21, 1942
C3	Nov. 22, 1942–Nov 28, 1942
C4	Nov. 29, 1942–Dec. 5, 1942
C5	Dec. 6, 1942–Dec. 12, 1942
C6	Dec. 13, 1942–Dec. 19, 1942
C7	Dec. 20, 1942–Dec. 26, 1942
C8	Dec. 27, 1942–Jan. 2, 1943
C9	Jan. 3, 1943–Jan. 9, 1943
C10	Jan. 10, 1943–Jan. 16, 1943
C11	Jan. 17, 1943–Jan. 23, 1943
C12	Jan. 24, 1943–Jan. 30, 1943

§ 1394.2304 *Allowance of mileage.* * * *

(b) Upon the basis of the application and such other facts as the Board may require, the Board shall allow mileage for any of the purposes listed in § 1394.2303 (b) for which the applicant has applied, with respect to which the applicant has established the facts required by paragraph (a) hereof. In the absence of a ride-sharing arrangement the Board shall allow only that portion of the claimed mileage with respect to which the applicant has established the inadequacy of alternative means of transportation in accordance with paragraph (a) (2) (ii) of this section. The Board shall then allow the applicant an average occupational mileage per month required by the applicant, as set forth in § 1394.2305.

§ 1394.2305 *Issuance of supplemental rations (B ration books).* (a) Supplemental rations shall be issued to provide the total mileage allowed by the Board, in accordance with § 1394.2304 and with this section, for the unexpired pro rata weekly portions of the ration period for which the B ration book shall be valid.

(b) The Boards shall issue not more than one (1) B ration book to a person entitled to supplementary rations for use in a passenger automobile as follows:

(1) Each person shall state his weekly requirements of gasoline, computed on the basis of one (1) gallon of gasoline to twelve (12) miles of driving.

(2) The maximum number of coupons, computed on a weekly basis, which any person entitled to supplementary rations shall receive shall be not more than one (1) B ration book page, containing eight (8) coupons, of a value of one-half ($\frac{1}{2}$) gallon each.

(3) Each Board, in computing the requirements of an applicant for supplementary rations, shall use the value of one-half ($\frac{1}{2}$) gallon for each B coupon, regardless of the value which such B coupon may have for acquisition of gasoline at any time.

(4) The Boards shall remove a sufficient number of coupons from each page of each ration book issued hereunder, so that the person entitled thereto shall receive no more gasoline than allowed by the Board, as computed in accordance with the provisions of this section.

§ 1394.2306 *Preferred mileage.* * * *

(n) By any person whose activities are certified by the director of the Office of Price Administration for Puerto Rico to be essential to the prosecution of the war.

§ 1394.2307 *Issuance of preferred rations (C ration books).* (a) Preferred rations shall be issued to provide the total mileage allowed by the Board, in accordance with § 1394.2306, for the unexpired pro rata weekly portions of the ration period for which the C ration book shall be valid.

(b) The Board shall issue not more than one (1) C ration book to a person entitled to preferred mileage for use in passenger automobiles, as follows:

(1) Each person shall state his weekly requirements of gasoline, computed on the basis on one (1) gallon of gasoline to twelve (12) miles of driving.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5607, 6389, 6390, 7400, 6871, 7908, 8385, 8335, 9134.

(2) The maximum number of coupons, computed on a weekly basis, which any person entitled to preferred mileage shall receive shall be not more than one (1) C ration book page, containing eight (8) coupons, of a value of one and one-half (1½) gallons each.

(3) Each Board, in computing the requirements of an applicant for preferred mileage, shall use the value of one and one-half (1½) gallons for each C coupon, regardless of the value which such C coupon may have for acquisition of gasoline at any time.

(4) The Boards shall remove a sufficient number of coupons from each page of each ration book issued hereunder, so that the person entitled thereto shall receive no more gasoline than allowed by the Board, as computed in accordance with the provisions of this section.

§ 1394.2308 *Motorcycles (D ration books) issuance of supplementary and preferred mileage.* (a) A person entitled to the operation of a motorcycle shall receive sufficient D ration coupons:

(1) For occupational mileage, as defined in § 1394.2305, not to exceed 280 miles per month.

(2) For preferred mileage, as defined in § 1394.2306, not to exceed 280 miles per month.

(3) For the purpose of determining the gallonage necessary for such mileage, the Board shall conclusively presume that a motorcycle obtains thirty-five (35) miles per gallon.

§ 1394.2353 *Application for fleet rations.* (a) Application for fleet rations shall be made to a Board on or after July 22, 1942, on Form OPA PRR-4. An application may cover one or more vehicles and may be made by an agent. An applicant shall establish the average monthly mileage required for the use of each vehicle covered in the application in carrying on an occupation or occupations, or the average monthly mileage required for the use of each of a group of such vehicles used interchangeably for carrying on the same or a related occupation or occupations, for the periods for which the applicable ration books are issued.

§ 1394.2355 *Issuance of fleet rations.* Class B, C, and D ration books marked "FLEET" shall not be issued as fleet rations to provide the total mileage allowed by the Board in the same manner as such books are issued pursuant to § 1394.2305 for supplemental mileage, and § 1394.2307 for preferred mileage, and in the case of motorcycles, pursuant to § 1394.2308.

§ 1394.2601 *Value of coupons.* (a) Each gasoline coupon of the class hereinafter designated shall have the following value in gallons of gasoline:

Class	*Gallons*
A	½
B	½
C	1½
D	½
E	1½
R	5
S1	1
S2	1
Gallon Bulk	⅓
100 Gallon Bulk	33⅓

* * * * *

§ 1394.2655 *Restrictions on consumption of gasoline.* * * *

(c) After November 1, 1942, no new issue or renewal of any type of ration book, basic or otherwise, shall be issued to any person unless such person shall have consumed, or shall have otherwise disposed of, all gasoline in his possession prior to August 1, 1942. The Boards may require any person to explain under oath the disposition of such gasoline prior to the issuance of any ration book.

§ 1394.2752 *Presentation of license certificate.* * * *

(b) No gasoline ration shall be issued pursuant to the provisions of paragraph (a) of this section unless the license certificate to be exhibited shall be current and valid at the time of the issuance of such ration.

§ 1394.2851 *Restriction on transfers to consumers.* * * *

(i) * * *

(4) Nothing contained in this paragraph shall prevent the transfer of gasoline to holders of A ration books on or after November 1, 1942, or to the holders of B or C ration books on or after November 8, 1942.

§ 1394.2907 *Restrictions on transfers.* * * *

(c) * * *

(1) Nothing contained in this paragraph shall prevent the transfer of gasoline to holders of A ration books on or after November 1, 1942, or to the holders of B or C ration books on or after November 8, 1942.

§ 1394.2919 *Explanation by oil companies.* * * *

(b) *Explanations by dealers.* The director of the Office of Price Administration for Puerto Rico may at any time request any dealer to explain the discrepancy existing between the total of his inventory of gasoline on hand plus the number of evidences received by him in connection with the sale of gasoline and the total amount of gasoline plus the number of evidences which he should have on hand. Any failure or refusal to explain such discrepancies shall constitute prima facie evidence that such dealer has transferred gasoline without accepting evidences therefor.

§ 1394.3052 *Effective dates of amendments.* * * *

(i) Amendment No. 9 to Ration Order 5B (§§ 1394.2252, 1394.2301 (b), 1394.2304 (b), 1394.2305, 1394.2306 (n), 1394.2307, 1394.2308, 1394.2353, 1394.2355, 1394.2601 (a), 1394.2655 (c), 1394.2752 (b), 1394.2851 (i) (4), 1394.2907 (c) (1), 1394.2919 (b), 1394.3052 (i)) shall become effective at 6:00 P. M., October 31, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; WPB Directive No. 1, Supp. Dir. No. 1J, 7 F.R. 562)

Issued this 14th day of November 1942.

NELSON H. EDDY,
Acting Director, Office of Price Administration for Puerto Rico.

[F. R. Doc. 42-11943; Filed, November 14, 1942; 12:25 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 101 Under § 1499.3 (b) of GMPR, Amendment 1]

AMERICAN METAL CO.

An opinion in support of this Amendment No. 1 to Order No. 101[1] under § 1499.3 (b) of the General Maximum Price Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register. In § 1499.965, paragraph (a) is amended and in paragraph (b), subparagraphs (3) and (4) are combined and amended to read as a new subparagraph (3) and subparagraph (5) is renumbered and amended to read as a new subparagraph (4), and a new paragraph (e) is added, all to read as set forth below:

§ 1499.965 *Maximum prices at which The American Metal Company, Limited, may sell and deliver gilding metal to brass mills.* (a) The maximum prices at which The American Metal Company, Limited, may sell and deliver gilding metal to any brass mill shall be:

Shapes	*Maximum price f.o.b. Carteret, N. J.*
Cakes, billets and slabs	Cost of metals plus $22 per net ton.
Gates and ends	Cost of metals

(b) * * *

(3) "Cakes, billets and slabs" shall mean gilding metal castings in shapes suitable for brass mill use.

(4) "Gates and ends" shall mean the by-products resulting from casting gilding metal into cakes, billets or slabs.

* * * * *

(e) This Amendment No. 1 (§ 1499.965 (a), (b) and (e)) shall become effective November 16, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of November, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11946; Filed November 14, 1942; 12:23 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 139 Under § 1499.3 (b) of GMPR]

NASHUA MANUFACTURING CO.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

§ 1499.1155 *Maximum prices for the sale of certain blankets by Nashua Manufacturing Company.* (a) Nashua Manufacturing Company, Nashua, New Hampshire, may sell and deliver, and any person may buy and receive the blankets described below at prices no higher than those set forth below:

Style No.	Fibre content	Maximum price
Group 12, 72" x 54"	88% rayon 12% wool	$2.115 each.

(b) The maximum prices set forth in paragraph (a) shall be subject to the same terms of sale as were offered during March, 1942 to each class of purchaser.

(c) This Order No. 139 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 139 (§ 1499.1155) shall become effective November 16, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14 day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11947; Filed, November 14, 1942; 12:23 p. m.]

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[1] 7 F.R. 8504.

PART 1499—COMMODITIES AND SERVICES

[Order 96 Under § 1499.18 (b) of GMPR]

NEWMAN CO.

Order No. 96 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-2504.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

§ 1499.896 *Adjustment of maximum prices for the sale of gauze diapers by The Newman Company.* (a) The Newman Company, 43-51 West 36th Street, New York, New York, may sell and deliver, and any person may buy and receive from The Newman Company, gauze diapers, in boxes, at prices no higher than those set forth below:

Size	*Price per dozen*
20" x 40"	$1.35

(b) The maximum price set forth in paragraph (a) shall be subject to the same terms and conditions of sale as were granted to purchasers during March, 1942.

(c) The Newman Company shall cause the following notice to be sent, in writing, to all retailers who purchase gauze diapers from it:

> The Office of Price Administration has permitted us to raise our maximum price for 20"x40" gauze diapers from $1.25 per dozen to $1.35 per dozen. This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that retail prices would not be raised. The Office of Price Administration has not permitted you or any seller to raise maximum prices for sales of 20"x40" gauze diapers.

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 96 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 96 (§ 1499.896) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by §1499.2.

(g) This Order No. 96 (§1499.896) shall become effective November 16, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11938; Filed, November 14, 1942; 12:28 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 97 Under § 1499.18 (b) of GMPR]

BROOKLYN COOPERAGE CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.897 *Adjustment of maximum prices for sales of syrup and molasses gumwood barrels produced and sold by the Brooklyn Cooperage Company.* (a) The Brooklyn Cooperage Company, 120 Wall Street, New York, New York, may sell and deliver, and any person may buy and receive delivery from the Brooklyn Cooperage Company, the syrup and molasses gumwood barrels herein specified, manufactured at the Chalmette, Louisiana plant of the Brooklyn Cooperage Company, at prices no higher than the following prices per barrel, f. o. b. Chalmette, Louisiana.

(1) 55/57 gallon gumwood barrel, 6 hoops, unlined, manufactured for syrup, molasses and other products	$3.27
(2) 57/59 gallon gumwood barrel, 6 hoops, silicate lined, manufactured for syrup, molasses and other products	3.34
(3) 54 gallon gumwood barrel, 6 hoops, silicate lined, vent plug in head, manufactured for syrup, molasses and other products	3.34

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 97 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 97 (§ 1499.897) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 97 (§ 1499.897) shall become effective November 16, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11939; Filed, November 14, 1942; 12:27 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 98 Under § 1499.18 (b) of GMPR]

DANTE CANDY CO., INC.

Order No. 98 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-2001.

For the reasons set forth in an opinion issued simultaneously herewith; *It is ordered:*

§ 1499.898 *Adjustment of maximum prices for bar candy sold by Dante Candy Company, Inc.* (a) The Dante Candy Company, Inc. of Chicago, Illinois, is hereby authorized to sell and deliver the following commodities at prices not higher than those set forth below:

(1) Boxes of the following, 100 count bars to the box: Doctors Orders, Challenger, Plum Good, and Vita Date Bars, at $2.20 per box, f. o. b. Chicago.

(2) Boxes of the following, 24 count bars to the box: Doctors Orders, Challenger, Plum Good, and Vita Date Bars, at 68¢ per box, full freight allowed to destination.

(b) The adjustment granted to the Dante Candy Company, Inc. is subject to the condition that purchasers from Dante Candy Company, Inc. shall in no event charge more for the candy bars at retail than their maximum prices as determined under paragraph (a) of § 1499.2 of the General Maximum Price Regulation or as adjusted under paragraph (a) of § 1499.18 of said regulation.

(c) All sellers are required to continue the same discounts, allowances and price differentials as were offered in March 1942: *Provided, however,* That sellers may change discounts, allowances, and price differentials if such change results in a lower price.

(d) Dante Candy Company, Inc., shall mail or cause to be mailed to all persons who purchase candy bars from it for resale, notices reading as follows:

(1) To all purchasers of the 100 count candy bars:

> The Office of Price Administration permitted us to raise our maximum prices for sales to you of Doctors Orders, Challenger, Plum Good, and Vita Date Bars, from $2.10 per case containing 100 count, to $2.20 per case containing 100 count. This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised. The OPA has not permitted you or any other seller to raise maximum prices for sales of Doctors Orders, Challenger, Plum Good, and Vita Date Bars. In order that we may continue to provide you with Doctors Orders, Challenger, Plum Good, and Vita Date Bars, it will be necessary for you to accept this reduction in your margin.

(2) To all purchasers of the 24 count candy bars:

> The Office of Price Administration permitted us to raise our maximum prices for sales to you of Doctors Orders, Challenger, Plum Good, and Vita Date Bars, from 66¢ per box containing 24 count, to 68¢ per box containing 24 count. This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised. The OPA has not permitted you or any other seller to raise maximum prices for sales of Doctors Orders, Challenger, Plum Good, and Vita Date Bars. In order that we may continue to provide you with Doctors Orders, Challenger, Plum Good, and Vita Date Bars, it will be necessary for you to accept this reduction in your margin.

(e) All prayers of the petition not granted herein are denied.

(f) This Order may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 98 (§ 1499.898) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(h) This Order No. 98 (§ 1499.898) shall become effective November 16, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250 7 F.R. 7871)

Issued this 14th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11945; Filed, November 14, 1942; 12:24 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 99 Under § 1499.18 (b) of GMPR]

D. MAURER & SON COMPANY

Order No. 99 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-183.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.899 *Adjustment of maximum prices for sales of Pompeian Olive Oil, Williams Shaving powder, Williams Holder Top Shaving Stick and Binky Bottle Caps sold by D. Maurer & Son Company, of Philadelphia, Pennsylvania.* (a) D. Maurer & Son Company, of Philadelphia, Pennsylvania, may sell and deliver and any person may buy and receive from that concern the following items at prices not in excess of those set forth below:

Pompeian Olive Oil (3 oz. glass urn) at $2.21 per dozen.

Williams Holder Top Shaving Stick at $3.37 per dozen.

Williams Shaving Powder at $2.99 per dozen.

Binky Bottle Caps at $10.56 per gross.

(b) All discounts, trade and freight practices upon the sale by D. Maurer & Son Company, on the products referred to in paragraph (a) above in March, 1942, shall apply to the maximum prices set forth in paragraph (a).

(c) D. Maurer & Son Company, of Philadelphia, Pennsylvania, shall until November 30, 1942, send to each retailer purchasing the commodities specified in paragraph (a) above a copy of the following notice:

> The Office of Price Administration has permitted us to raise our maximum prices for the sale to you of the following commodities in the following amounts:
>
> Pompeian Olive Oil (3 oz. glass urn) from $1.99 per dozen to $2.21 per dozen.
>
> Williams Holder Top Shaving Stick from $2.66 per dozen to $3.37 per dozen.
>
> Williams Shaving Powder from $2.60 per dozen to $2.99 per dozen.
>
> Binky Bottle Caps from $9.00 per gross to $10.56 per gross.
>
> You or any other sellers are not permitted by such order to raise your maximum prices for the sale of such commodities. If, however, you feel that you are suffering substantial hardship and your maximum prices established for your most competitive sellers of such products, you may apply to the Office of Price Administration in Washington, D. C., under the provisions of § 1499.18 (a) of the General Maximum Price Regulation, prior to November 30, 1942.

(d) This Order No. 99 may be revoked or amended by the Price Administrator at any time.

(e) All prayers of the application not granted herein are denied.

(f) This Order No. 99 (§ 1499.899) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by Section 1499.2.

(g) This Order No. 99 (§ 1499.899) shall become effective November 16, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11940; Filed, November 14, 1942; 12:28 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5A,[1] Amendment 16]

GASOLINE RATIONING REGULATIONS

Paragraph (c) of § 1394.1503 is renumbered to be subparagraph (1) of paragraph (c) of § 1394.1503; § 1394.1606 is renumbered to be paragraph (a) of § 1394.1616; § 1394.1607 is renumbered to be paragraph (a) of § 1394.1607; a new § 1394.1110, a new paragraph (d) and a new paragraph (e) to § 1394.1304, a new subparagraph (4) to paragraph (a) of § 1394.1503, a new subparagraph (3) to paragraph (b) of § 1394.1503, a new subparagraph (2) to paragraph (c) of § 1394.1503; a new paragraph (b) to § 1394.1606, and a new paragraph (b) and (c) to § 1394.1607 are added; and a new paragraph (q) is added to § 1394.1902; as set forth below:

Restrictions on Use of Rations and Gasoline

§ 1394.1110 *Mutilation, destruction, or counterfeiting of coupon books or certificates.* (a) Except as provided in § 1394.1105, no person shall deface, mutilate, alter, burn or otherwise destroy and coupon book or bulk, inventory or other coupons (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book) or exchange certificate.

(b) No person shall counterfeit or forge any coupon book, or bulk, inventory or other coupon or any exchange certificate.

(c) No person shall transfer, receive a transfer of, possess, or use any forged, altered, or counterfeited coupon book or bulk, inventory or other coupon or exchange certificate.

(d) Any defacement, mutilation or alteration of a coupon or ration book in violation of any provision of this section shall render such coupon or book and the coupons therein, invalid. The detachment of any coupon from a ration book, except in accordance with the provisions of § 1394.1503, shall render such coupon invalid.

(e) The provisions of paragraphs (a), (c) and (d) of this section shall not be applicable to public officials acting in the performance of their official duties.

* * * * *

General Provisions With Respect to Issuance of Gasoline Rations

§ 1394.1304 *Notation on ration books, applications and coupons.* * * *

(d) Each person to whom an A, B, C, D, S-1, S-2, or an E or R book has heretofore been or is hereafter issued shall clearly write in ink (or in the case of interchangeable coupon books issued for fleet vehicles, shall clearly write in ink or stamp in ink) on the reverse side of each coupon issued to him, before accepting a transfer of gasoline in exchange for such coupon, the following information:

(1) In the case of A, B, C, D, S-1 or S-2 books: the license number and state of registration of the vehicle for which such ration was issued, except that in the case of interchangeable coupon books issued for fleet vehicles the information shall be the fleet designation and the state and city or town in which the principal office of the fleet operator is located.

(2) In the case of E and R books: his name and address as they appear on the front cover of the ration book.

(e) Each person to whom bulk coupons have heretofore been or are hereafter issued in accordance with the provisions of § 1394.1306 (b) shall clearly write his name and address in ink on the reverse side of each coupon issued to him, before accepting a transfer of gasoline in exchange for such coupon.

* * * * *

Restrictions on Transfers

§ 1394.1503 *Transfers to consumers in exchange for coupons.* (a) * * *

(4) Transfer may be made only in exchange for coupons bearing the notations on the reverse side thereof required by § 394.1304 (d).

(b) * * *

(3) Transfer may be made only in exchange for coupons bearing the notations on the reverse side thereof required by § 1394.1304 (d).

(c) *Bulk coupons.* * * *

(2) Transfer may be made only in exchange for coupons bearing the notations on the reverse side thereof required by § 1394.1304 (e).

* * * * *

Replenishment and Audit

§ 1394.1606 *Restriction on use of inventory coupons.* * * *

(b) Every dealer and intermediate distributor shall clearly write in ink on the reverse side of each inventory coupon issued to him, the name and address of his establishment as shown on his Certificate of Registration, and no inventory coupon shall be used in exchange for gasoline, and no gasoline may be transferred in exchange for inventory coupons, unless such notations appear on such coupons.

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[1] 7 F.R. 5225, 5426, 5566, 5606, 5666, 5674, 5942, 6267, 6684, 6776, 7399, 7510, 7748, 7811, 7907, 8708, 8808.

* * * * *

Restrictions on Transfers

§ 1394.1607 *Restriction on transfers.* (a) Except as provided in § 1394.1609, no dealer or distributor, whether within or without the limitation area, shall transfer or offer to transfer gasoline to any other dealer or distributor within the limitation area, and no dealer or distributor within the limitation area shall receive a transfer of gasoline, except in exchange for a quantity of coupons or other evidences, at the time of the actual delivery of the gasoline or in advance thereof, equal in gallonage value to the amount of the gasoline so transferred: *Provided, however,* That coupons or other evidences need not be exchanged for a transfer of gasoline between licensed distributors: *Provided, further,* That on and after November 21, 1942 transfers of gasoline may be made only in exchange for coupons bearing the notations required by paragraphs (d) and (e) of § 1394.1304 and paragraph (b) of § 1394.1606.

(b) Every dealer or distributor who has in his possession or control any coupons or other evidences on which the notations required by paragraphs (d) and (e) of § 1394.1304 and paragraph (b) of § 1394.1606 do not appear shall dispose of such coupons in preference to those on which such notations do appear when exchanging coupons for transfers of gasoline or for Exchange Certificates (Form OPA R-548), or when submitting evidences in connection with State motor fuel tax reports, or when otherwise disposing of coupons pursuant to the terms of Ration Order No. 5A.

(c) On and after November 26, 1942 and not later than November 30, 1942 each dealer and distributor who has in his possession or control coupons on which the notations required by paragraphs (d) and (e) of § 1394.1304 and paragraph (b) of § 1394.1606 do not appear shall surrender such coupons to the Board having jurisdiction over the area in which his place of business is located. In the case of a distributor the board shall issue exchange certificates in exchange for such coupons in accordance with the provisions of § 1394.1614. In the case of a dealer, the board shall issue to the dealer in exchange for such coupons inventory coupons of equal gallonage value. After November 30, 1942 no exchange certificate or inventory coupons shall be issued to a distributor or dealer in exchange for coupons on which the notations required by paragraphs (d) and (e) of § 1394.1304 and paragraph (b) of § 1394.1606 do not appear.

Effective Date

* * * * *

§ 1394.1902 *Effective dates of amendments.* * * *

(q) Amendment No. 16 (§§ 1394.1110, 1394.1304 (d) and (e), 1394.1502, 1394.1503 (a) (4), (b) (3), (c) (2), 1394.1606, and 1394.1607 (a) (b), (c)) shall become effective November 21, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507 and 421, 77th Cong.; W. P. B. Dir. 1; Supp. Dir. 1 H; 7 F.R. 562, 3478, 3877, 5216)

Issued this 16th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-11978; Filed, November 16, 1942; 11:45 a. m.]

PART 1499—COMMODITIES AND SERVICES

[GMPR,[1] Amendment 34]

MIXED FEED AND FLOUR

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1499.20 paragraphs (f) and (v) are amended to read as set forth below:

§ 1499.20 *Definitions and explanations.* This General Maximum Price Regulation and the terms appearing therein, unless the context otherwise requires, shall be construed as follows:

* * * * *

(f) "Mixed feed" includes a mixture or blend of more than one feed ingredient for the purpose of feeding animals, except that

(1) Screenings as defined in the Official Publication of the Association of American Feed Control Officials Incorporated for 1942 shall be governed by this General Maximum Price Regulation and

(2) A mixture resulting from the blending or mixing of offals or by-products from a single vegetable, plant or other agricultural product shall be governed by this General Maximum Price Regulation.

* * * * *

(v) "Flour" means the flour produced from wheat, rye, buckwheat, rice, corn, oats, barley, soybeans and potatoes. Combinations of flours produced from the said commodities, and bleached, bromated, enriched, phosphated and self-rising flours shall be considered flour. Flour from wheat shall mean:

(1) Any product of the milling of wheat, other than durum wheat, whose ash content is not more than 1/20th of the protein calculated to a moisture-free basis plus .35 except that farina shall not be deemed to be flour from wheat.

(2) Any product of the milling of durum wheat, whose ash content calculated to a moisture-free basis, is not more than 1.5 per cent, except that semolina shall not be deemed to be a flour from wheat.

(3) Whole wheat flour.

(4) Whole durum wheat flour.

(5) Blends of the foregoing flours from wheat.

In determining whether the ash content of bleached, bromated, enriched, phosphated and self-rising flours complies with the above ash requirements, allowances shall be made for the increase in the ash content resulting from the addition of the bleaching, bromating, enriching, phosphating and self-rising ingredients.

§ 1499.23a *Effective dates of amendment.* * * *

([illegible]) Amendment No. 34 (§ 1499.20 (f) and (v)) to General Maximum Price Regulation shall become effective November 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11977; Filed, November 16, 1942; 11:44 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 100 Under § 1499.18 (b) of GMPR]

HARDIE BROTHERS CO.

Order No. 100 Under § 1499.18 (b) of the General Maximum Price Regulation—Docket-GF3-1583.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.900 *Adjustment of maximum price for 12 ounce packages of assorted chocolates manufactured and sold by Hardie Brothers Company.* (a) Hardie Brothers Company is hereby authorized to sell 12 ounce packages of assorted chocolates at 18¢ per package, f. o. b. Pittsburgh.

(b) The adjustment granted to Hardie Brothers Company is subject to the condition that purchasers from Hardie Brothers shall in no event charge more for 12 ounce packages of assorted chocolates at retail than their maximum prices as determined under paragraph (a) of section 2 of the General Maximum Price Regulation or as adjusted under paragraph (a) of section 18 of said regulation.

(c) All sellers are required to continue the same discounts, allowances and price differentials as were offered in March 1942: *Provided, however,* That sellers may change discounts, allowances, and price differentials only if such changes result in prices lower than the maximum price fixed herein.

(d) Hardie Brothers Company shall mail or cause to be mailed to all persons who purchase 12 ounce packages of assorted chocolates from it for sale at retail, a notice reading as follows:

> The Office of Price Administration has permitted us to raise our maximum price for sales to you of 12 ounce packages of assorted chocolates for 17¢ per 12 ounce package to 18¢ per 12 ounce package. This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised. The OPA has not permitted you or any other seller to raise maximum prices of sales of

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942.

said 12 ounce packages of assorted chocolates. In order that we may continue to provide you with 12 ounce packages of assorted chocolates, it will be necessary for you to accept this reduction in your margin.

(e) All prayers of the application not granted herein are denied.

(f) This Order No. 100 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 100 (§ 1499.900) is hereby incorporated as a Section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(h) This Order No. 100 (§ 1499.900) shall become effective November 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 16th day of November, 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-11975; Filed, November 16, 1942; 11:44 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 101 Under § 1499.18 (b) of GMPR]

MILLER CHEMICAL CO.

Order No. 101 under § 1499.18 (b) of the General Maximum Price Regulation—Miller Chemical Company, Omaha, Nebraska—Docket No. GF3-536.

For the reasons set forth in an Opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1002 *Adjustment of maximum prices for sales of Anise Oil, U. S. P., by Miller Chemical Company.* (a) Miller Chemical Company, Omaha, Nebraska, may sell and deliver, and any person may buy and receive from Miller Chemical Company, anise oil, U. S. P., at a price not higher than $4.25 per pound.

(b) All discounts, allowances, and trade practices in effect during March 1942 with respect to sales of anise oil, U. S. P., by Miller Chemical Company shall remain in effect under this Order No. 101.

(c) At the time of the first delivery of anise oil, U. S. P., made to each purchaser at a price determined under this Order No. 101, Miller Chemical Company shall furnish each such purchaser with the following notice:

> The Office of Price Administration has permitted us to raise our maximum price for sales to you of anise oil, U. S. P., from $1.08 per pound to $4.25 per pound. This amount represents only that part of cost increases which we are unable to absorb, and it was granted with the understanding that other price increases would not be caused thereby. The Office of Price Administration has not permitted you or any other purchaser of this product from us to raise any maximum price by reason of our increased price to you.

(d) All prayers of the applicant not granted herein are denied.

(e) This Order No. 101 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 101 (§ 1499.1002) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 101 (§ 1499.1002) shall become effective November 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 16th day of November, 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-11976; Filed, November 16, 1942; 11:44 a. m.]

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment No. LXX]

PART 802—GENERAL LICENSES

CERTAIN INTRANSIT SHIPMENTS

Paragraph (d) of § 802.9 *General Intransit licenses*[1] is hereby amended by revising that part of the paragraph which precedes the list of commodities to read as follows:

(d) Intransit shipments of commodities hereafter listed in this paragraph require individual export licenses except when proceeding under general intransit licenses GIT-A/A or GIT-Y/Z, as set forth in paragraph (b) of this section, or when proceeding under bond from Mexico through the United States to another part of Mexico, or when proceeding between any part of the Western Hemisphere and the Republic of Panama through the Panama Canal Zone:

* * * * *

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

Dated: November 13, 1942.

A. N. ZIEGLER,
Acting Chief,
Export Control Branch,
Office of Exports.

[F. R. Doc. 42-11965; Filed, November 16, 1942; 10:38 a. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS; APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417, 4417a, 4426, 4438, 4440, 4488, 4491, as amended. 49 Stat. 1544 (46 U.S.C. 375, 391, 391a, 404, 224, 228, 481, 489, 367) and Executive Order No. 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the inspection and navigation regulations and approval of miscellaneous items of equipment for the better security of life at sea are prescribed:

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES; REGULATIONS DURING EMERGENCY

Section 153.9 is amended by the addition of a new paragraph (b) reading as follows:

§ 153.9 *Construction of ring life buoys.*

* * *

(b) *Number of segments for cork or balsa wood ring life buoys.* Cork or balsa wood ring life buoys, if constructed of two layers, may consist of not more than 6 segments in one layer and not more than 12 segments in the other layer (Total: 18 segments). Cork or balsa wood ring life buoys may be constructed of 3 layers, with not more than 5 segments in each outside layer and not more than 8 segments in the center layer (Total: 18 segments). The joints shall, in all cases, be properly staggered and, with the exception of the number of segments permitted above, all other requirements for standard ring life buoys, including the strength test, steaming test, fitting and gluing of segments, dowel-pinning, etc., shall be complied with.

PART 155—LICENSED OFFICERS AND CERTIFICATED MEN; REGULATIONS DURING EMERGENCY

Part 155 is amended by the addition of a new § 155.11 reading as follows:

§ 155.11 *Inland mates of Great Lakes, steam or motor vessels.* The following provision is, during the emergency, applicable as alternative qualifying experience to that provided by §§ 36.5-2 and 78.33 of this chapter:

(a) Whenever any person presents himself for examination for license as mate of inland steamers, the Merchant Marine Inspector in Charge shall examine him as to his knowledge, experience, and skill in loading cargo and in handling and stowage of freight, his knowledge of the operation and handling of fire apparatus, the launching and handling of lifeboats, his knowledge of life preservers and the method of adjusting them, his ability to manage the crew and direct and advise the passengers in case of emergency, and his general familiarity with his duties in maintaining discipline and protecting the passengers, and if found qualified he shall grant him a license as such, but no such license shall be granted to any person who has not had at least 2 years' experience in the deck department of a steam vessel, sail vessel, motor vessel, or barge consort, 6 months of such service to have been in a steam or motor vessel.

Part 155 is further amended by the addition of a new § 155.20 reading as follows:

§ 155.20 *Inland mates of bays, sounds, and lakes other than the Great Lakes, steam or motor vessels.* The following provision is, during the emergency, applicable as alternative qualifying experience to that provided by §§ 36.6-2 and 96.32 of this chapter:

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[1] 7 F.R. 5004, 5509, 5745, 7167, 7429, 8730, 9026.

(a) Whenever any person presents himself for examination for license as mate of inland steamers, the Merchant Marine Inspector in Charge shall examine him as to his knowledge, experience, and skill in loading cargo and in handling and storage of freight, his knowledge of the operation and handling of fire apparatus, the launching and handling of lifeboats, his knowledge of life preservers and the method of adjusting them, his ability to manage the crew and direct and advise the passengers in case of emergency, and his general familiarity with his duties in maintaining discipline and protecting the passengers, and if found qualified he shall grant him a license as such, but no such license shall be granted to any person who has not had at least 2 years' experience in the deck department of a steam vessel, sail vessel, motor vessel, or barge consort, 6 months of such service to have been in a steam or motor vessel.

Part 155 is finally amended by the addition of a new § 155.34 reading as follows:

§ 155.34 *Inland mates of rivers, steam or motor vessels.* The following provision is, during the emergency, applicable as alternative qualifying experience to that provided by §§ 36.7-2 and 115.31 of this chapter:

(a) Whenever any person presents himself for examination for license as mate of inland or river steamers the Merchant Marine Inspector in Charge shall examine him as to his knowledge, experience, and skill in loading cargo and in handling and stowage of freight, his knowledge of the operation and handling of fire apparatus, the launching and handling of lifeboats, his knowledge of life preservers and the method of adjusting them, his ability to manage the crew and direct and advise the passengers in case of emergency, and his general familiarity with his duties in maintaining discipline and protecting the passengers, and if found qualified he shall grant him a license as such, but no such license shall be granted to any person who has not had at least 2 years' experience in the deck department of a steam vessel, sail vessel, motor vessel, or barge consort, 6 months of such service to have been in a steam or motor vessel.

PART 156—INSPECTION AND CERTIFICATION

Part 156 is amended by the addition of a new § 156.3 reading as follows:

§ 156.3 *Electrical installation.* The following provisions are, during the emergency, applicable as alternative provisions to those contained in §§ 32.6-1 to 32.6-5, inclusive, 63.9, 79.9, 97.11, and 116.16 of this chapter:

(a) The type of electric wires and cables to be used in the various part of all vessels constructed after October 1, 1942 may be in accordance with "Acceptable Substitute Specifications for Shipboard Cable, Wires and Cables—Construction and Applications, Modification of A. I. E. E. Standards No. 45, For the Duration of the National Emergency, sections 18, 19, 20, and 21", dated September 14, 1942, copies of which are available on request to the Commandant. Repairs, alterations, or extensions to the electrical wire or cable installations on existing vessels may be made in accordance with the provisions of this section for new construction.

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

Lifeboats

24′ x 7.9′ x 3.33′, 37-person metallic lifeboat (General Arrangement Dwg. No. 24-37), manufactured by Frank Morrison and Son Co., Cleveland, Ohio.

22′0″ x 7′6″ x 2′9″, 24-person metallic lifeboat (General Arrangement Dwg. No. LB-24-P, Sheet No. 1, Rev. 19 September 1942), manufactured by Neptune Boat & Davit Co., Inc., New Orleans, La.

22′ x 6′6″ x 3′0″, 22-person metallic lifeboat (General Arrangement Dwg. No. H-1, dated 8 May 1942), manufactured by Hugo Manufacturing Co., Duluth, Minn.

Life Rafts

16-person life raft, Type WBD-517 (Dwg. No. WBD-517, dated 22 September 1942), manufactured by Walker Boat & Raft Co., New Orleans, La.

20-person life raft (Dwg. No. R-566, Rev. 20 September 1942), manufactured by Wm. H. Sands, Inc., Towson, Md.

18-person catamaran type life raft (Dwg. No. 1), manufactured by Moore Lumber Company, Galveston, Texas.

Life Preserver

Navy standard adult kapok life preserver (Dwg. No. WLP-1, dated 5 October 1942), Approval No. B-171, manufactured by Elvin Salow Company, Boston, Mass.

Signal Pistol

V-K, Mark 12, parachute signal pistol (Dwg. No. S-100, dated 16 October 1942, Rev. 30 October 1942), manufactured by Van Karner Chemical Arms Corp., New York, N. Y.

Chemical Heating Pads

Thermat chemical heating pad, manufactured by Bauer & Black, Chicago, Ill.

Lightningpak chemical heating pad, manufactured by Rose-Derry Co., Newton, Mass.

Daytime Distress Signals (Smoke Signals)

Coston Day Floating Smoke Signal, submitted by Coston Supply Co., New York, N. Y.

R. R. WAESCHE,
Commandant.

NOVEMBER 13, 1942.

[F. R. Doc. 42-11912; Filed, November 14, 1942; 9:24 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 14—ELECTRIC RAILWAYS; UNIFORM SYSTEM OF ACCOUNTS

In the matter of a uniform system of accounts to be kept by electric railways.

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 6th day of November 1942.

In the matter of the order of July 13, 1937, effective July 1, 1937, prescribing operating-revenue account 108½, "Protective service revenue—Perishable freight," for electric railways; the order of July 31, 1937, changing the effective date to January 1, 1938; the order of December 18, 1937, changing the effective date to January 1, 1939; the order of November 28, 1938, changing the effective date to January 1, 1940; the order of November 6, 1939, changing the effective date to January 1, 1941; the order of December 10, 1940, changing the effective date to January 1, 1942, and the order of September 19, 1941,[1] changing the effective date to January 1, 1943.

It is ordered, That the effective date be changed to January 1, 1944.

By the Commission, division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-11969; Filed, November 16, 1942; 10:34 a. m.]

Chapter II—Office of Defense Transportation

[General Order ODT 21, Amendment 2]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART M—CERTIFICATES OF WAR NECESSITY FOR AND CONTROL OF COMMERCIAL VEHICLES

Pursuant to Executive Order No. 8989 and Executive Order No. 9156, §§ 501.91, 501.96, and 501.99 of General Order ODT 21, as amended,[2] are hereby amended by striking out the words and figures "on and after November 15, 1942" wherever they appear therein, and § 501.104 of such general order is hereby amended to read as follows:

§ 501.104 *Effective date.* Except as otherwise provided herein, this subpart shall become effective December 1, 1942, and shall remain in full force and effect until further order of the Office of Defense Transportation. (E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349)

This amendment shall become effective on November 15, 1942.

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[1] 6 F.R. 5042.
[2] 7 F.R. 7100; 7 F.R. 9006.

Issued at Washington, D. C., this 12th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-11905; Filed, November 13, 1942; 1:32 p. m.]

[Exemption Order ODT 21-2]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS, AND EXEMPTIONS

SUBPART M—CERTIFICATES OF WAR NECESSITY

EXEMPTION OF CERTAIN VEHICLES

Passenger motor vehicles available for public rental under term lease; commercial motor vehicles used in driveaway service, or experimental testing, between plants in course of manufacture or assembly, in movement between places of storage and in course of repossession or seizure.

Pursuant to Executive Order No. 8989, and Executive Order No. 9156: *It is hereby ordered,* That:

§ 521.3501 *Partial exemption of passenger motor vehicles available for public rental under term lease; commercial motor vehicles used in driveaway service, or experimental testing, between plants in course of manufacture or assembly, in movement between places of storage and in course of repossession or seizure.* All rubber-tired vehicles, propelled or drawn by mechanical power, (other than buses, taxicabs, jitneys, ambulances, hearses, trucks, and station wagons and suburban carryalls used in the transportation of persons or property for compensation), used in the transportation of persons upon the highways and available for public rental, operated under lease, rental or similar agreement for a term of more than seven consecutive days; driveaway commercial motor vehicles operated by a manufacturer or dealer, or by a carrier upon behalf of a manufacturer or dealer, exclusively for the purpose of sale by such manufacturer or dealer; commercial motor vehicles operated in the course of movement from a place of storage to another place of storage, or to a place of storage upon repossession or upon seizure by competent governmental authority; commercial motor vehicles used by the United States or any agency thereof, the District of Columbia, a State or any agency or political subdivision thereof, in testing tires, fuels, or equipment; commercial motor vehicles used exclusively for the experimental testing of synthetic or natural rubber tires by manufacturers or producers of such tires; and commercial motor vehicles operated in the course of manufacture or assembly for the purpose of testing such vehicles or in the course of movement within or between plants engaged in their manufacture or assembly, are hereby exempted from the provisions of General Order ODT 21, as amended, except § 501.101.

This exemption order (§ 521.3501) shall become effective on December 1, 1942, and shall remain in full force and effect until further order. (E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349; Gen. Order ODT 21, 7 F.R. 7100, 7 F.R. 9006)

Issued at Washington, D. C., this 13th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-11907; Filed, November 13, 1942; 3:46 p. m.]

[General Permit ODT 24-4]

PART 520—CONSERVATION OF RAIL EQUIPMENT—EXCEPTIONS AND PERMITS

SUBPART D—PASSENGER TRAIN OPERATIONS RESTRICTED

STREET, SUBURBAN AND INTERURBAN ELECTRIC RAILWAYS

In accordance with the provisions of Title 49, Chapter II, Part 500, Subpart D (General Order ODT 24 [1]), § 500.42 of the Code of Federal Regulations, it is hereby authorized, that:

§ 520.603 *Electric passenger train and car operations.* Notwithstanding the provisions of paragraphs (a), (b), and (d) of § 500.41 of General Order ODT 24, any rail carrier when operating a street, suburban, or interurban electric railway, independently and not as a part of a general steam railroad system of transportation, may operate on any such electric railway;

(a) Passenger train or passenger car schedules in addition to those operated during the week ending September 26, 1942; or

(b) Extra or special passenger trains or passenger cars, or passenger trains or passenger cars which are not scheduled; or

(c) Extra sections to scheduled passenger trains or passenger cars.

This general permit shall become effective November 14th, 1942, and shall remain in full force and effect until further order of this office.

Issued at Washington, D. C., this 14th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-11924; Filed, November 14, 1942; 11:52 a. m.]

[General Permit ODT 17-16, Correction]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS AND EXEMPTIONS

SUBPART K—MOTOR CARRIERS OF PROPERTY

TRANSPORTATION OF FARM PRODUCTS AND SUPPLIES

In General Permit ODT 17-16,[2] this title, chapter, part, and subpart of the Code of Federal Regulations, the section number "521.2891" should read "521.2892", and it is hereby corrected accordingly.

Issued at Washington, D. C., this 14th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-11923; Filed November 14, 1942; 11:52 a. m.]

[General Permit ODT 17-17]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS AND EXEMPTIONS

SUBPART K—MOTOR CARRIERS OF PROPERTY

TRANSPORTATION OF FLORISTS' PRODUCTS

In accordance with the provisions of § 501.71, Subpart K, (General Order ODT 17, as amended),[1] Part 501, this chapter and title of the Code of Federal Regulations, it is hereby authorized, That:

§ 521.2893 *Transportation of florists' products.* Notwithstanding the provisions of paragraph (c), § 501.68, Subpart K, (General Order ODT 17, as amended), Part 501, this chapter and title of the Code of Federal Regulations, any motor carrier when operating a motor truck in local delivery of cut flowers, containers thereof, potted plants, floral designs and equipment used in connection therewith, may make three deliveries to a funeral home, or two deliveries to a funeral in a private home, in any one calendar day, and may make one additional delivery in any one calendar day to the premises, at which a wedding is held, for the purpose of removing potted plants, decorations and equipment used in connection therewith. (E.O. 8989, 6 F.R. 6725; E.O. 9156, 7 F.R. 3349; Gen. Order ODT 17, as amended, 7 F.R. 5678, 7 F.R. 7694)

This general permit shall become effective November 16th, 1942, and shall remain in full force and effect until further order of the Office of Defense Transportation.

Issued at Washington, D. C., this 16th day of November, 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-11962; Filed, November 16, 1942; 10:52 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-338]

RUSH AND BACKUS

NOTICE OF AND ORDER FOR HEARING

In the matter of Clyde Rush and Grover Backus, individually and as co-partners doing business under the name and style of Rush and Backus, Code Member.

A complaint dated October 12, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous

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[1] 7 F.R. 7814.

[2] 7 F.R. 8834.

[1] 7 F.R. 5678, 7694.

Coal Act of 1937 (the "Act"), having been duly filed on October 15, 1942, by Bituminous Coal Producers Board for District No. 4, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Clyde Rush and Grover Backus, individually and as co-partners doing business under the name of Rush and Backus (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 16, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division at the New Federal Building, Room 322, Columbus, Ohio.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that Clyde Rush and Grover Backus, individually and as co-partners doing business under the name and style of Rush and Backus, a partnership, with principal offices in New Straitsville, Ohio, operating the Rush and Backus Mine, Mine Index No. 2631, located in Perry County, Ohio, District No. 4, has wilfully violated the Act, the Code and the rules and regulations thereunder by:

1. Selling and delivering coal produced at said mine to the Straitsville Brick Company, New Straitsville, Ohio, f. o. b. the mine for truck shipment as follows: (a) During the period May 1, 1941 to November 30, 1941, both dates inclusive, 1165 tons of 2″ x 0 nut, pea and slack coal (Size Group 7) at 90 cents per net ton; and (b) during the month of December 1941, 10 tons of 2″ x 0 nut, pea and slack coal (Size Group 7) at 90 cents per net ton, whereas the effective minimum price for said coal was $1.65 per net ton f. o. b. the mine, for truck shipment as set forth in the Temporary Supplement 7 of the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipment, resulting in violation of section 4 II (e) of the Act and Part II (e) of the Code; and

2. Failing to comply with the provisions of Orders Nos. 307 and 309, issued by the Division on December 11, 1940 and January 14, 1941, respectively, in that (a) the reports filed for each month from May 1941 to and including November 1941, covering sales of coal at said mine by truck or wagon to said Straitsville Brick Company, falsely stated the tonnage and prices, in that said reports showed sales of 2″ nut, pea and slack coal aggregating 688 tons and the price at $1.65 per ton f. o. b. the mine, whereas the tonnage was 1165 tons and the actual sales price was 90 cents per ton f. o. b. the mine; and (b) the reports filed for the month of December 1941, covering the sales by truck or wagon to Straitsville Brick Company, falsely stated that tonnage and price of said coal, in that the tonnage was shown to be 110 tons of 2″ x 0 nut, pea and slack coal and the price $1.65 per ton f. o. b. the mine, whereas said shipments consisted of 10 tons of 2″ x 0 nut, pea and slack coal and the actual sales price was 90 cents per ton f. o. b, the mine; resulting in violations of section III (b) of Order No. 307 and Order No. 309.

Dated: November 13, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11972; Filed, November 16, 1942; 11:19 a. m.]

General Land Office.

[Public Land Order 50]

NEVADA

ORDER WITHDRAWING PUBLIC LANDS FOR USE IN CONNECTION WITH THE PROSECUTION OF THE WAR

By virtue of the authority vested in the President, and pursuant to Executive Order No. 9146 of April 24, 1942, and to section 1 of the act of June 28, 1934, as amended, c. 865, 48 Stat. 1269 (U.S.C., Title 43, sec. 315), it is ordered as follows:

Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved under the jurisdiction of the Secretary of the Interior for use in connection with the prosecution of the war:

MOUNT DIABLO MERIDIAN

Tps. 30 to 35 N. incl., R. 68 E., partly unsurveyed.
Tps. 30 to 35 N. incl., R. 69 E., partly unsurveyed.
Tps. 30 to 35 N. incl., R. 70 E., partly unsurveyed.

The areas described aggregate 414,720 acres.

The order of the Secretary of the Interior of April 8, 1935, establishing Nevada Grazing District No. 1, is hereby modified to the extent necessary to permit the use of the land and minerals as herein provided.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 3, 1942.

[F. R. Doc. 42-11960; Filed, November 16, 1942; 10:42 a. m.]

Office of Indian Affairs.

WIND RIVER RESERVATION, WYOMING

ORDER RESTORING LANDS TO TRIBAL OWNERSHIP

Corrections

In the document appearing on page 7458 of the issue for Tuesday, September 22, 1942, the following changes should be made: In Land Use District 13, the third entry under Township 5 North, Range 6 East, should read "Sec. 8, W½", instead of "Sec. 5, W½". In Land Use District 24, the fifth entry under Township 7 North, Range 4 East should read "Secs. 21 to 24 incl.;" instead of "Secs. 21 to 34, incl.;". The second entry under Township 6 North, Range 5 East should read "Secs. 2 to 11, incl.;" instead of "Sec. 15 to 30, incl.;". In Land Use District 44, under Township 5 North, Range 6 East the description under sec. 16 which reads "N½ S¼ SE¼" should read "N½ S½ SE¼". The description under sec. 21 which reads "NW¼ NW¼ SE¼" should read "NW¼ NW¼ NE¼".

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

OHIO

DESIGNATION OF LOCALITIES IN COUNTY FOR LOANS

Designation of localities in county in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by Supplement 2 of Secretary's Memorandum No. 867 issued as of July 1, 1942, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION III—OHIO

GALLIA COUNTY

Locality I—Consisting of the townships of Addison, Cheshire, Clay, Gallipolis, Green, and Springfield, $3,640.

Locality II—Consisting of the townships of Guyan, Greenfield, Harrison, Walnut, Perry, Ohio, Huntington, Raccoon, and Morgan, $2,356.

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved: November 12, 1942.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 42-11963; Filed, November 16, 1942; 11:04 a. m.]

ARKANSAS

DESIGNATION OF LOCALITIES IN COUNTY FOR LOANS

Designation of localities in county in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by Supplement 2 of Secretary's Memorandum No. 867 issued as of July 1, 1942, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION VI—ARKANSAS

HOT SPRING COUNTY

Locality I—Consisting of the townships of Brown Springs, Clear Creek, Fenter, Harrison, Lone Hill, Midway, Ouachita, and Prairie, $1,699.

Locality II—Consisting of the townships of Big Creek, Butterfield, Dover, Gifford, Magnet, and Saline, $1,646.

Locality III—Consisting of the townships of Alford, Antioch, Bismarck, DeRoche, Henderson, Montgomery, and Valley, $958.

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved: November 12, 1942.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 42-11964; Filed, November 16, 1942; 11:04 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

LUGGAGE, LEATHER GOODS, BELTS AND WOMEN'S HANDBAG INDUSTRY

MINIMUM WAGE RATES

Notice of opportunity to show cause in the matter of the determination of the prevailing minimum wage in the luggage, leather goods, belts, and women's handbag industry.

Whereas, the prevailing minimum wage determination for the Luggage and Saddlery Industries, issued by the Acting Secretary of Labor on July 12, 1938, pursuant to the provisions of section 1 (b) of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U.S.C. Supp. III, sec. 35), as amended on September 26, 1939, provides that the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of that Act, for the manufacture or supply of luggage, including mail satchels or pouches, and carrier's tie straps and leather pouches (consisting of a leather pouch or pocket of holster type with belt loop used for carrying pliers and knife), shall be 40 cents an hour for the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Delaware, Washington, Oregon, California, Idaho, Nevada, Arizona, Montana, Wyoming, Utah, Colorado, and New Mexico and 37½ cents an hour for the other twenty-six States and the District of Columbia; and

Whereas the Administrator of the Wage and Hour Division issued on July 1, 1942, pursuant to the Fair Labor Standards Act of 1938, a wage order effective July 27, 1942, providing that wages at the rate of not less than 40 cents an hour shall be paid by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the Luggage, Leather Goods, and Women's Handbag Industry, and defining that industry as follows:

> (a) The manufacture from any material of luggage including, but not by way of limitation, trunks, suitcases, traveling bags, brief cases, sample cases; the manufacture of instrument cases covered with leather, imitation leather, or fabric including, but not by way of limitation, portable radio cases; the manufacture of small leather goods and like articles from any material except metal; the manufacture of women's, misses', and children's handbags, pocketbooks, purses, and mesh bags from any material except metal; but not the manufacture of bodies, panels, and frames from metal, wood, fiber, or paper board for any of the above articles.
>
> (b) The manufacture from leather, imitation leather, or fabric of cut stock and parts for any of the articles covered in paragraph (a) of this section;

and

Whereas the Luggage, Leather Goods, and Women's Handbag Industry, as so defined, includes within its scope substantially all the products covered by the prevailing minimum wage determination for the Luggage and Saddlery Industries, and it appears desirable, for the purpose of coordinating the administration of the Fair Labor Standards Act of 1938 and the Public Contracts Act, to adopt the definition contained in the Luggage, Leather Goods, and Women's Handbag Wage Order for the purposes of this wage determination; and

Whereas it appears desirable to extend the proposed wage determination to articles which are subject to the wage order of the Administrator of the Wage and Hour Division for the Belts Division of the Apparel Industry, effective July 15, 1940, establishing 40 cents an hour as the minimum wage to be paid to employees in the manufacture of men's, boys', women's, misses' and children's separate belts from leather, imitation leather, or other material or fabric who are engaged in commerce or in the production of goods for commerce; and

Whereas it appears that substantially all employees subject to the proposed wage determination for the Luggage, Leather Goods, Belts, and Women's Handbag Industry are engaged in commerce or in the production of goods for commerce, as that term is defined in the Fair Labor Standards Act of 1938, and that, consequently, the aforementioned wage orders of the Administrator for the Luggage, Leather Goods, and Women's Handbag Industry and for the Belts Division of the Apparel Industry have the effect of establishing a minimum wage of not less than 40 cents an hour in the Luggage, Leather Goods, Belts, and Women's Handbag Industry as defined in the proposed wage determination; and

Whereas it appears desirable for the purpose of coordinating the administration of the Fair Labor Standards Act of 1938 and the Public Contracts Act to provide that apprentices and learners may be employed under the proposed determination at subminimum rates in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division (Regulations, Ti. 29, c. V, Parts 521 and 522, respectively).

Now, therefore, notice is hereby given to all interested parties of the opportunity to show cause on or before December 3, 1942, why the Secretary of Labor should not make a determination pursuant to the provisions of section 1 (b) of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U.S.C. Supp. III, 35), that the prevailing minimum wage for persons employed in the Luggage, Leather Goods, Belts, and Women's Handbag Industry is not less than 40 cents an hour or $16 per week of 40 hours, arrived at either upon a time or piecework basis, provided that apprentices and learners may be employed in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938, and defining the Luggage, Leather Goods, Belts, and Women's Handbag Industry, for the purposes of this determination, as follows:

> (a) The manufacture from any material of luggage including, but not by way of limitation, trunks, suitcases, traveling bags, brief cases, sample cases; the manufacture of instrument cases covered wiith leather, imitation leather, or fabric including, but not by way of limitation, portable radio cases; the manufacture of small leather goods and like articles from any material except metal; the manufacture of women's, misses', and children's handbags, pocketbooks, purses, and mesh bags from any material except metal; but not the manufacture of bodies, panels, and frames from metal, wood, fiber, or paper board for any of the above articles.
>
> (b) The manufacture from leather, imitation leather, or fabric of cut stock and parts for any of the articles covered in paragraph (a) of this section.
>
> (c) The manufacture of men's, boys', women's, misses', and children's separate belts from leather, imitation leather, or other material or fabric.

All objections, protests, or any statements in opposition to or in support of the proposed amendments should be addressed to the Administrator, Division of Public Contracts, Department of Labor, Washington, D. C., and should be filed with the Administrator not later than December 3, 1942.

Dated: November 12, 1942.

WM. R. MCCOMB,
Deputy Administrator.

[F.R. Doc. 42-11925; Filed, November 14, 1942; 11:49 a. m.]

Office of the Secretary of Labor.

[Administrative Order 101, Supp. 1]

WAGE ADJUSTMENT BOARD FOR THE BUILDING CONSTRUCTION INDUSTRY

REQUESTS FOR WAGE ADJUSTMENT

Pursuant to the request of the National War Labor Board, dated November 13, 1942, Administrative Order No. 101[1] is hereby amended to add a section which is to read as follows:

> In addition to the powers vested in the Board by § 4.2 of this order, the Board shall consider and act upon requests for any wage adjustments on projects done for or financed by the Government agencies which are parties to the Wage Stabilization Agreement of May 22, 1942, or which shall become parties thereto, when presented by employers, Government contracting agencies or any group of workers not specified in § 4.2 of this order, as well as when presented by unions, including wage rates which are not prescribed by collective bargaining agreements. Nothing in this section shall change the procedure estabished in § 4.2 for the presentation of requests for wage adjustments by local labor organizations therein described.

Dated: November 13, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-11926; Filed, November 14, 1942; 11:49 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 1-1]

ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY, ET AL.

POOLING OF MERCHANDISE TRAFFIC

Upon consideration of the application for authority to pool merchandise traffic, filed with this Office by St. Louis-San Francisco Railway Company (J. M. Kurn and John G. Lonsdale, Trustees), Atlantic Coast Line Railroad Company, Seaboard Air Line Railway Company (L. R. Powell, Jr., and Henry W. Anderson, Receivers), and Central of Georgia Railway Company (M. P. Callaway, Trustee), as contemplated by General Order ODT 1,[1] as amended, and good cause appearing therefore, *It is hereby ordered*, That:

1. St. Louis-San Francisco Railway Company (J. M. Kurn and John G. Lonsdale, Trustees) shall load and forward a merchandise car from Memphis, Tennessee, to Jacksonville, Florida, on six days of each week.

2. The route of movement of such car shall be alternated daily between a route via St. Louis-San Francisco Railway Company (J. M. Kurn and John G. Lonsdale, Trustees), Central of Georgia Railway Company (M. P. Callaway, Trustee), and Seaboard Air Line Railway Company (L. R. Powell, Jr., and Henry W. Anderson, Receivers) and a route via St. Louis-San Francisco Railway Company (J. M. Kurn and John G. Lonsdale, Trustees), Central of Georgia Railway Company (M. P. Callaway, Trustee), and Atlantic Coast Line Railroad Company.

3. St. Louis-San Francisco Railway Company (J. M. Kurn and John G. Lonsdale, Trustees) shall disregard routing instructions given with respect to merchandise traffic tendered it for movement by rail between Memphis, Tennessee, and Jacksonville, Florida, to the extent necessary to enable it to forward such traffic from Memphis in the merchandise car first leaving after the receipt of such traffic at Memphis.

This Order shall become effective November 14th, 1942.

Issued at Washington, D. C., this 14th day of November, 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-11961; Filed, November 16, 1942; 10:52 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 1 Under MPR 39]

CHENEY BROS.

ORDER GRANTING ADJUSTMENT

Order No. 1 under § 1400.160 (c) of Maximum Price Regulation No. 39—Woven Decorative Fabrics.

Adjustment of maximum prices for sales of woven decorative fabrics by the cut-length sales department of Cheney Bros.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with § 1400.160 (c) of Maximum Price Regulation No. 39; *It is ordered:*

(a) The maximum prices for sales of woven decorative fabrics by the cut-length sales department of Cheney Bros., of New York, N. Y., shall be determined in accordance with § 1400.164 of Maximum Price Regulation No. 39.

(b) Cheney Bros. with respect to its cut-length sales department only shall be considered a person other than a manufacturer for the purposes of Maximum Price Regulation No. 39, and shall comply accordingly with the provisions applicable to persons other than manufacturers.

(c) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 1 shall become effective November 16, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11953; Filed, November 14, 1942; 12:25 p. m.]

[Order 15 Under MPR 169]

SALTER MEAT COMPANY

ORDER GRANTING PETITION FOR ADJUSTMENT

Order No. 15 under Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts—Docket No. 3169-45.

On August 10, 1942, Salter Meat Company, 3049 East Vernon Avenue, Los Angeles, California, filed a petition for adjustment pursuant to § 1364.60 of Maximum Price Regulation No. 169, as amended. Due consideration has been given to the petition and an opinion in support of this Order No. 15 has been issued simultaneously herewith.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration; *It is hereby ordered:*

(a) Salter Meat Company may sell and deliver, agree, offer, solicit and attempt to sell and deliver steer, heifer, and cow carcasses cutter and canner grade at a price not in excess of 15¾ cents per pound and any person may buy and receive from the Salter Meat Company such steer, heifer, and cow carcasses at a price not in excess of 15¾ cents per pound.

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[1] 7 F.R. 5893.

[1] 7 F.R. 3046, 3213, 3753.

(b) Salter Meat Company shall mail or cause to be mailed to all persons who purchase steer, heifer and cow carcasses, cutter and canner grade from it for resale a notice reading as follows:

> The Office of Price Administration by Order No. 15 effective November 16, 1942 pursuant to § 1364.60 of Maximum Price Regulation No. 169 has permitted us to raise our maximum price for sales to you of steer, heifer, and cow carcasses, cutter and canner grade, from 14¾ cents per pound to 15¾ cents per pound. This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of steer, heifer, and cow carcasses, cutter and canner grade. In order that we may continue to provide you with steer, heifer, and cow carcasses cutter and canner grade it will be necessary for you to accept this reduction in your margin.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 15 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1364.62 of Maximum Price Regulation No. 169, as amended, shall apply to terms used herein.

(f) This Order No. 15 shall become effective November 16, 1942.

Issued this 14th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11954; Filed, November 14, 1942; 12:24 p. m.]

[Order 60 Under MPR 188]

LOCKE INSULATOR CORP.

MAXIMUM PRICES FOR PORCELAIN COOK WEAR

Order No. 60 under § 1499.158 of maximum Price Regulation No. 188— Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250; *It is ordered*:

(a) The Locke Insulator Corporation, Baltimore, Maryland, is authorized to sell, offer to sell, or deliver, porcelain cookware at prices no higher than the prices listed herein.

Item	Number	Price each
Duchess Pattern		
Saucepan and cover sets	1	$ .98⅓
	2	1.15
	3	1.31⅔
	4	1.48⅓
	6	1.65
Saucepan only	1	.75
	2	.88⅓
	3	1.00
	4	1.11⅔
	6	1.23⅓
Prudence pattern		
Saucepan and cover sets	1	$0.98⅓
	2	1.15
	3	1.31⅔
Saucepan only	1	.75
	2	.88⅓
	3	1.00
Double boiler—upper part only	1	.75
	3	1.00
Other items		
Fry pan and cover	8	1.15
	10	1.48⅓
Fry pan only	8	.78⅓
	10	1.06⅔
Bases (table serving tiles)	1	.15
	2	.16⅔
	4	.21⅔
	6	.25
	8	.33⅓
Inserts	4¾	.11⅔
	5	.13⅓
	5½	.15
	6	.16⅔
	6½	.18⅓
	7¼	.20
	9	.21⅔
Pie plate	10	.33⅓
Casserole with cover	8	1.31⅔
	10	1.65
Casserole only	8	.95
	10	1.23⅓
Custard cup	1	.20
Ramekin	1	.23⅓

(b) This Order No. 60 may be revoked or amended by the Price Administrator at any time.

(c) Issued and effective this 14th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11952; Filed, November 14, 1942; 12:26 p. m.]

[Suspension Order 160]

EDDIE'S SERVICE STATION

ORDER RESTRICTING TRANSACTIONS

Albert C. Hackett, doing business as Eddie's Service Station, 428 First Avenue, West Haven, Connecticut, hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations. Pursuant to said notice, a hearing upon such charges was held in Hartford, Connecticut, on October 26, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator, It is hereby determined that:

(a) Respondent operates a filling station at 428 First Avenue, West Haven, Connecticut, known as Eddie's Service Station, at which station gasoline is regularly transferred to consumers.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, in that at divers times between July 22 and September 22, 1942, respondent sold and transferred gasoline to consumers in exchange for gasoline ration coupons Class A, No. 2.

Because of the great scarcity and critical importance of gasoline in Connecticut, violations of Ration Order No. 5A, Gasoline Rationing Regulations, have necessarily resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator that further violations by respondent are likely unless appropriate administrative action is taken.

It is therefore ordered:

(c) During the period in which this Suspension Order shall be in effect,

(1) Respondent shall not sell, transfer or deliver any gasoline to any person.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(3) No person, firm or corporation shall deliver, or in any manner directly or indirectly transfer any gasoline to respondent for resale.

(d) Any terms used in this Suspension Order that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(e) This Suspension Order No. 160 shall become effective 12:01 A. M. November 18, 1942, and unless sooner terminated, shall expire 12:01 A. M. December 18, 1942.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law. 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216).)

Issued this 14th day of November 1942.

PAUL M. O'LEARY,
Deputy Administrator
In Charge of Rationing

[F. R. Doc. 42-11949; Filed, November 14, 1942; 12:26 p. m.]

[Suspension Order 161]

MAPLE SERVICE STATION

ORDER RESTRICTING TRANSACTIONS

William V. Reidy, doing business as Maple Service Station, 118 Maple Avenue, Hartford, Connecticut, hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations. Pursuant to said notice, a hearing upon such charges was held in Hartford, Connecticut, on October 26, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator, It is hereby determined that:

(a) Respondent operates a filling station at 118 Maple Avenue, Hartford, Connecticut, known as Maple Service Station, at which station gasoline is regularly transferred to consumers.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, in that at divers times between July 22 and September 18, 1942, respondent sold and transferred gasoline to consumers in exchange for gasoline ration coupons Class A, No. 2, and Class A, No. 3.

Because of the great scarcity and critical importance of gasoline in Connecticut, violations of Ration Order No. 5A, Gasoline Rationing Regulations, have necessarily resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator that further violations by respondent are likely unless appropriate administrative action is taken.

It is therefore ordered:

(c) During the period in which this Suspension Order shall be in effect,

(1) Respondent shall not sell, transfer or deliver any gasoline to any person.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(3) No person, firm or corporation shall deliver, or in any manner directly or indirectly transfer any gasoline to respondent for resale.

(d) Any terms used in this Suspension Order that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(e) This Suspension Order No. 161 shall become effective 12:01 A. M. November 18, 1942, and unless sooner terminated, shall expire 12:01 A. M. December 18, 1942.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216))

Issued this 14th day of November 1942.

PAUL M. O'LEARY,
Deputy Administrator
In Charge of Rationing.

[F. R. Doc. 42-11950; Filed, November 14, 1942; 12:27 p. m.]

[Suspension Order 162]

TREASURE ISLAND SERVICE STATION

ORDER RESTRICTING TRANSACTIONS

Raymond DeAngelo and Hillaire E. Mark, co-partners, doing business as Treasure Island Service Station, Fair and Olive Streets, New Haven, Connecticut, hereinafter called respondents, were duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations. Pursuant to said notice, a hearing upon such charges was held in Hartford, Connecticut, on October 27, 1942. There appeared a representative of the Office of Price Administration and respondents. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator, it is hereby determined that:

(a) Respondents operate a filling station at Fair and Olive Streets, New Haven, Connecticut, known as Treasure Island Service Station, at which station gasoline is regularly transferred to consumers.

(b) Respondents have violated Ration Order No. 5A, Gasoline Rationing Regulations, in that at divers times between July 22 and September 17, 1942, respondents sold and transferred gasoline to consumers in exchange for gasoline ration coupons Class A, No. 2.

Because of the great scarcity and critical importance of gasoline in Connecticut, violations of Ration Order No. 5A, Gasoline Rationing Regulations, have necessarily resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator that further violations by respondents are likely unless appropriate administrative action is taken.

It is therefore ordered:

(c) During the period in which this Suspension Order shall be in effect,

(1) Respondents shall not sell, transfer or delivery any gasoline to any person.

(2) Respondents shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(3) No person, firm or corporation shall deliver, or in any manner directly or indirectly transfer any gasoline to respondents for resale.

(d) Any terms used in this Suspension Order that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(e) This Suspension Order No. 162 shall become effective 12:01 A. M. November 18, 1942, and unless sooner terminated, shall expire 12:01 A. M. December 18, 1942.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 11th Cong.; E.O. No. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216))

Issued this 14th day of November, 1942.

PAUL M. O'LEARY,
Deputy Administrator,
In Charge of Rationing.

[F. R. Doc. 42-11951; Filed, November 14, 1942; 12:27 p. m.]

[Suspension Order 155]

DUKE OIL COMPANY

ORDER RESTRICTING TRANSACTIONS

S. W. Duke, doing business as Duke Oil Company, Bremen, Georgia, herein called respondent, was duly served with a notice of specific charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing upon the charges was held on October 9, 1942, in Bremen, Georgia. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been duly considered by the Deputy Administrator in Charge of Rationing, It is hereby determined that:

(a) Respondent is a dealer in gasoline within the meaning of Ration Order No. 5A, Gasoline Rationing Regulations, and operates a filling station at Bremen, Georgia.

(b) Respondent has violated § 1394.1502 of Ration Order No. 5A, Gasoline Rationing Regulations, in that on August 25, 1942, at Bremen, Georgia, respondent transferred 16 gallons of gasoline to J. B. Warren, a consumer, without receiving in exchange therefor any gasoline ration coupon.

(c) Respondent has violated § 1394.1502 of Ration Order No. 5A, Gasoline Rationing Regulations, in that on August 25, 1942, at Bremen, Georgia, respondent transferred 10 gallons of gasoline to W. F. Whitton, Jr., a consumer, without receiving in exchange therefor any gasoline ration coupon.

(d) Respondent has violated § 1394.1502 of Ration Order No. 5A, Gasoline Rationing Regulations, in that on August 25, 1942, at Bremen, Georgia, respondent transferred about 15 gallons of gasoline to a private consumer, F. E. Deaton, and into the fuel tank of a motor vehicle in exchange for gasoline ration coupons (Class S) from a coupon book that was not issued for and did not bear the identification of the vehicle into which the transfer was made.

(e) The foregoing transfers by respondent were not within the classes of transfers of gasoline permitted by the provisions of Ration Order No. 5A to be made without the exchange of gasoline ration coupons.

Because of the great scarcity and critical importance of gasoline in Georgia, the violations of the gasoline rationing regulations by respondent have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing, that further violations of the gasoline rationing regulations by respondent are likely unless appropriate administrative action is taken.

It is therefore ordered:

(f) During the period in which this Suspension Order No. 155 shall be in effect:

(1) Respondent shall not sell, transfer, or deliver any gasoline to any person at or from his fiilling station in Bremen, Georgia.

(2) Respondent shall not accept any deliveries or transfers of or in any manner directly or indirectly receive from any source any gasoline at or for his filling station in Bremen, Georgia.

(3) No person, firm, or corporation shall deliver or in any manner directly or indirectly transfer any gasoline to respondent at or for his filling station in Bremen, Georgia.

(g) Any terms used in this Suspension Order No. 155 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(h) This Suspension Order No. 155 shall become effective 12:01 A. M., November 18, 1942, and unless sooner terminated shall expire 12:01 A. M., January 17, 1943.

(Sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Dir. 1 (7 F.R. 562) and Supp. Dir. 1H (7 F.R. 3478, 3877, 5216))

Issued this 14th day of November, 1942.

PAUL M. O'LEARY,
Deputy Administrator in Charge of Rationing.

[F. R. Doc. 42-11948; Filed, November 14, 1942; 12:26 p. m.]

[Order 10 Under MPR 169]

STANDARD PACKING COMPANY

ORDER GRANTING PETITION FOR ADJUSTMENT

Order No. 10 under Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts—Docket No. 3169-70.

On August 22, 1942, Standard Packing Company, 2400 East Vernon Avenue, Los Angeles, California, filed a petition for adjustment or exception pursuant to § 1364.60 of Maximum Price Regulation No. 169 as amended. Due consideration has been given to the petition and an opinion in support of this Order No. 10 has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

(a) Standard Packing Company may sell and deliver and agree, offer, solicit, and attempt to sell and deliver beef carcasses of the grades hereinafter set forth and any person may buy and receive from the Standard Packing Company such beef carcasses at prices not in excess of those established as follows:

	Per pound
Beef carcasses—good grade	21½¢

(b) Standard Packing Company shall mail or cause to be mailed to all persons who purchase beef carcasses from it for sale at wholesale or retail a notice reading as follows:

> The Office of Price Administration, by Order No. 10, effective November 16, 1942, pursuant to § 1364.60 of the Maximum Price Regulation No. 169, has permitted us to raise our maximum price for sales to you of beef carcass good grade from 20½¢ per pound to 21½¢ per pound.
>
> This amount represents only that part of cost increase which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised.
>
> The Office of Price Administration has not permitted you or any other seller to raise the maximum price for sale of carcass beef. In order that we may continue to provide you with carcass beef good grade it will be necessary for you to accept this reduction in your margin.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 10 may be revoked or amended by the Price Administrator at any time. Unless the context otherwise requires, the definitions set forth in § 1364.62 of Maximum Price Regulation No. 169 shall apply to the terms used herein.

(e) This Order No. 10 shall become effective November 16, 1942.

Issued this 16th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11979; Filed, November 16, 1942; 11:44 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 54-47]

JACKSONVILLE GAS COMPANY

ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of November, A. D. 1942.

This Commission, on May 28, 1942, having issued its order approving the plan, as modified, of Jacksonville Gas Company to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 (hereinafter called "the Plan"), subject to reservation of jurisdiction with respect to the proposed indenture, certificate of incorporation and similar documents pertaining to the company as should be prepared in connection with and prior to final consummation of the Plan, with respect to such matters as should require the further attention of the Commission in the proceeding under section 15 (f) of the Act, and with respect to such amendments or modifications, if any, of the Plan, as the District Court of the United States for the Southern District of Florida should refer to the Commission for consideration; and

Pursuant to said order, counsel for the Commission having made application on behalf of the Commission to the District Court of the United States for the Southern District of Florida to enforce and carry out the terms and provisions of the Plan; and

Upon due notice and after hearings duly held, the District Court of the United States for the Southern District of Florida having filed its order, approving the Plan as fair and equitable and appropriate to effectuate the provisions of section 11 of the Act, which order authorized and directed Jacksonville Gas Company, among other things, to do such acts as may be necessary or appropriate to carry out the terms and provisions of the Plan, including such acts as may be necessary to effect the organization of a new corporation under the laws of the State of Florida to be called "Jacksonville Gas Corporation," to cause Jacksonville Gas Corporation to execute, file and adopt a certificate of incorporation and by-laws subject to approval by the Commission and by the Court, to cause Jacksonville Gas Corporation to execute with The Florida National Bank of Jacksonville as Trustee a first mortgage and deed of trust subject to approval by the Commission and by the Court, to execute and file and cause Jacksonville Gas Corporation to execute and file subject to the approval of the Commission and of the Court, such documents as may be appropriate in connection with the consummation of the Plan, and to incur and pay or cause Jacksonville Gas Corporation to incur and pay taxes, charges, expenses, compensation and fees in connection with the consummation of the Plan in amounts not exceeding the sums estimated as part of the Plan, subject to obtaining approval of the Commission for all payments requiring such approval under the applicable rules and orders of the Commission; and

Jacksonville Gas Company having filed with the Commission Amendments No. 7, No. 8 and No. 9 to its Application, setting forth:

(1) A proposed Certificate of Incorporation and By-laws of Jacksonville Gas Corporation and a proposed First Mortgage and Deed of Trust from Jacksonville Gas Corporation to The Florida National Bank of Jacksonville as Trustee;

(2) Pro forma balance sheets of Jacksonville Gas Corporation as at December 31, 1941 and May 31, 1942;

(3) An outline of the mechanics of consummating the Plan, including certain modifications thereof with respect to the following matters: (a) the initial board of directors and the initial officers of Jacksonville Gas Corporation, (b) the reservation of 18 shares of the authorized and unissued common stock of Jacksonville Gas Corporation for issuance to such persons as may be entitled to receive all or part of the $18,159.50 principal amount of unissued income notes of Jacksonville Gas Company, (c) payment of cash to holders of income debentures and income notes of Jacksonville Gas Company, and to persons entitled to receive unissued income notes of Jacksonville Gas Company, in principal amounts less than $1,000 or in excess of even multiples of $1,000, at the rate of 1.5575¢ for each dollar of such fractional principal amounts, (d) the reduction in the number of shares of Jacksonville Gas Corporation's common stock to be issued and delivered and to be reserved for issuance, from 36,448 shares and 18 shares respectively, to the extent required by payment of fractional claims in cash, (e) increase of cash to be deposited with the exchange agent in an amount sufficient to pay fractional claims in cash, estimated not to exceed $3,000, and (f) the naming of a Stock Transfer Agent, a Stock Registrar and an Exchange Agent;

(4) A request that the Commission's order include certain recitals pursuant to the provisions of subdivision (f) of Section 1808 of the Internal Revenue Code;

(5) A request that the Commission approve the instruments referred to in said amendments and the provisions relative to the plan therein set forth;

(6) A request that the Commission reserve jurisdiction with respect to any increases in fees and expenses over and above those already approved as part of the Plan; and

(7) A request that the Commission make application to the District Court of the United States for the Southern District of Florida for an order approving and enforcing the modifications of the plan proposed in said amendments; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to said matters and that said Amendments shall not be approved except pursuant to further order of this Commission:

It is ordered, That a hearing on such matters under the applicable provisions of the Act and the rules of the Commission thereunder be held on November 24, 1942 at 10 A. M., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Lobingier, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings on such matters. The officer so designated to preside at such hearings is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act, and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said Amendments otherwise to be considered in these proceedings, particular attention will be directed at the hearings to the following matters and questions:

1. Whether the proposed First Mortgage and Deed of Trust, Certificate of Incorporation and By-laws are necessary or appropriate to carry out the terms and provisions of the Plan as approved by the Commission and by the United States District Court for the Southern District of Florida.
2. Whether the proposed pro forma balance sheets reflect the accounting entries required by the terms and provisions of the Plan.
3. Whether the mechanics of consummating the Plan, and the proposed modifications thereof, are necessary or appropriate to carry out the terms and provisions of the Plan.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11927; Filed, November 14, 1942; 12:13 p. m.]

[File No. 70-625]

TRI-CITY UTILITIES COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of November 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by Tri-City Utilities Company, a subsidiary of Associated Electric Company, a registered holding company; and

Notice is further given that any interested person may, not later than November 23, 1942, at 5:30 p. m. E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Tri-City Utilities Company proposes to sell for an aggregate base price of $195,000, in cash, all the properties (including materials and supplies) comprising its Ohio River electric division, to Meade County Rural Electric Cooperative Corporation and Green River Rural Electric Cooperative Corporation, in accordance with the terms and provisions of an agreement dated November 6, 1942. The utility assets herein proposed to be sold are located in the Counties of Breckinridge and Hancock, in the Commonwealth of Kentucky, and in the County of Perry, in the State of Indiana.

Tri-City Utilities Company has requested that the Commission issue its order permitting the declaration to become effective, or granting the application, on or before November 25, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11928; Filed, November 14, 1942; 12:13 p. m.]

[File No. 70-203]

CINCINNATI GAS AND EECTRIC COMPANY, ET AL.

ORDER GRANTING APPLICATION AND DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of November, A. D. 1942.

In the Matter of Cincinnati Gas & Electric Company, Hamilton Service Company, Harrison Electric and Water Company, Loveland Light and Water Company, West Harrison Electric and Water Company, and Columbia Gas & Electric Corporation.

Columbia Gas & Electric Corporation, a registered holding company, and The Cincinnati Gas & Electric Company, The Hamilton Service Company, The Harrison Electric and Water Company, The Loveland Light and Water Company, and West Harrison Electric and Water Company, subsidiaries thereof, having filed appropriate joint applications and declarations, and amendments thereto, under sections 6 (b), 12, 9 (a), and 10 of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder, for approval of the merger of said The Hamilton Service Company, The Harrison Electric and Water Company and The Loveland Light and Water Company into said The Cincinnati Gas & Electric Company, with the latter company continuing as the surviving corporation, and also with respect to transactions incident thereto; and

Columbia Gas & Electric Corporation having filed an application under Instruction 8 (C) of the Uniform System of Accounts of Public Utility Holding Companies, promulgated under said Act, for approval of the accounting treatment of the additional investment it proposes to make in Cincinnati as a part of the merger program; and

Public hearings having been held on said applications and declarations, after appropriate notice, and the Commission having examined the record and made and filed its Findings based thereon;

It is ordered, That said applications and declarations, as amended, be and they hereby are approved and permitted to become effective, subject, however, to the terms and conditions prescribed by Rule U-24; and subject to the further condition that the express authorization or approval by the Indian Public Service Commission of the proposed transactions involved in the acquisition by West Harrison Electric and Water Company of the assets of The Harrison Electric and Water Company, located in the state of Indiana, be obtained and submitted to this Commission within sixty days from the date of this order:

Provided, That jurisdiction is reserved to take such action as may at any time be deemed appropriate with respect to the accounts of The Cincinnati Gas & Electric Company, the accounting treatment of the aggregate carrying value of the investment of Columbia Gas & Electric Corporation in the securities of The Cincinnati Gas & Electric Company, or the retainability of any of the properties of the companies involved in the merger in the holding company system.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11929; Filed, November 14, 1942; 12:13 p. m.]

[File No. 1-426]

THE GREATER NEW YORK BREWERY, INC.

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of November, A. D. 1942.

In the Matter of proceeding under section 19(a)(2) of the Securities Exchange Act of 1934, as amended, to determine whether the registration of The Greater New York Brewery, Inc. Common Capital Stock, $1.00 Par Value, should be suspended or withdrawn.

I

It appearing to the Commission:

That The Greater New York Brewery, Inc., (formerly Fidelio Brewery, Inc.) a corporation organized under the laws of the State of New York, is the issuer of Common Capital Stock, $1.00 Par Value; and

That said The Greater New York Brewery, Inc. registered such security on the New York Curb Exchange, a national securities exchange, by filing with the Exchange and with the Commission on or about April 18, 1935 an application on Form 10, and on or about February 28, 1941 and March 17, 1941 applications on Form 8-A, pursuant to section 12(b) and (c) of the Securities Exchange Act of 1934, as amended, and Rule X-12B-1, as amended, promulgated by the Commission thereunder, registration pursuant to such applications having become effective on July 1, 1935 and April 18, 1941, respectively, and remaining in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X-13A-1, promulgated pursuant to section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said The Greater New York Brewery, Inc.; and

That said Rule X-13A-1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the Instruction Book for Form 10-K does not prescribe any period other than such 120 days; and that pursuant to said Rule X-13A-1 the annual report must be filed within such period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

That said The Greater New York Brewery, Inc. has a fiscal year ending September 30; that the annual report for its fiscal year ended September 30, 1941 was due to be filed not later than January 28, 1942; that the time for filing was extended to March 31, 1942, the maximum extension permitted by Rule X-13A-1; that the annual report for the fiscal year ended September 30, 1941 was not filed either within such extended period or at any later date; and

II

The Commission having reasonable cause to believe that:

The said The Greater New York Brewery, Inc. has failed to comply with the provisions of Section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 promulgated thereunder, in that (1) it has failed to file its annual report for the year ended September 30, 1941 within the time prescribed for filing said report, and (2) it has failed to file such annual report at any later date; and

III

It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether The Greater New York Brewery, Inc. has failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Capital Stock, $1.00 Par Value, of said The Greater New York Brewery, Inc. on said New York Curb Exchange;

It is further ordered, pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, Frederick T. Finnigan, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 24th day of November, 1942, at 10:00 A. M. Eastern War Time at the Regional Office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 42-11930; Filed, November 14, 1942; 12:13 p. m.]

[File No. 811-40]

Utility & Industrial Corporation

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of November, A. D. 1942.

An application having been filed by Utility & Industrial Corporation pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of said Act;

It is ordered, That a hearing on the aforesaid application be held on November 20, 1942 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held;

It is further ordered, That Robert P. Reeder, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside on such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 42-11931; Filed, November 14, 1942; 12:14 p. m.]

[File No. 812-294]

David G. Baird

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of November, A. D. 1942.

An application having been filed by David G. Baird, an affiliated person of an affiliated person within the provisions of the Investment Company Act of 1940, of Phoenix Securities Corporation, a registered investment company, for an order pursuant to section 17 (b) of the Act exempting from the provisions of section 17 (a) (2) of the Act, a proposed purchase by David G. Baird from Phoenix Securities Corporation of all the latter's interest in, and holdings of, shares of preferred stock and common stock of Associated Transport, Inc.,

It is ordered, That a hearing on the aforesaid application be held on November 23, 1942, at ten o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held;

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside on such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 42-11932; Filed, November 14, 1942; 12:14 p. m.]

[File No. 70-613]

Associated Electric Company et. al.

ORDER REVOKING PREVIOUS ORDER AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 13th day of November 1942.

In the matter of Associated Electric Company, Metropolitan Edison Company and Staten Island Edison Corporation.

Associated Electric Company, a registered holding company; Staten Island Edison Corporation, a subsidiary of New York State Electric & Gas Corporation and an indirect subsidiary of NY PA NJ Utilities Company, a registered holding company; and Metropolitan Edison Company, a subsidiary of NY PA NJ Utilities Company, having filed declarations pursuant to sections 12 (b), 12 (c), and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43, and U-45 promulgated thereunder, in regard to the following transactions: Associated Electric Company proposes to acquire (a) $2,222,000 principal amount of its own 4½% bonds, due January 1, 1953, from Staten Island Edison Corporation for a cash consideration of $955,460, plus accrued interest (the consideration being determined upon the basis of 43% of principal amount), and (b) $3,602,000 principal amount of its own 4½% bonds, refunding series, due April 1, 1956, from Metropolitan Edison Company, for a cash consideration of $1,548,860, plus accrued interest (the consideration also being determined upon the basis of 43% of principal amount); and Staten Island Edison Corporation proposes to advance the sum of $1,050,000 to its subsidiary, Richmond Light and Railroad Company, to enable such company to have sufficient cash available to redeem, at the call price of 105, the entire outstanding issue of $1,000,000 principal amount of its First and Collateral Trust 4% 50-year Gold Bonds, due July 1, 1952; and

Such declarations having been filed on October 10, 1942, and a notice and amended notices of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission having, on November 10, 1942, issued an order permitting the declarations to become effective in regard to and limited to the acquisition by Associated Electric Company of $2,222,000 principal amount of its 4½% Bonds, due January 1, 1953, from Staten Island Edison Corporation for a cash consideration of $955,460, plus accrued interest, and to the advance by Staten Island Edison Corporation of the sum of $1,050,000 to Richmond Light and Railroad Company and having reserved jurisdiction therein in regard to the proposed sale by Metropolitan Edison Company of Associated Electric Company bonds; and

It appearing that the Public Service Commission of the State of New York had requested a hearing with respect to said declarations within the period specified in the amended notices and that the declarants have agreed that the record be reopened; and

It appearing to the Commission that the order, dated November 10, 1942, should be revoked and that a hearing should be held upon all said declarations;

It is ordered, That the order of the Commission, dated November 10, 1942, be, and hereby is, revoked and rescinded.

It is further ordered, That the record in the matter be reopened and that a hearing be held under the applicable provisions of the Public Utility Holding Company Act of 1935 and rules of the Commission thereunder, on December 2, 1942, at 10:00 a. m., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in the room designated on said day by the hearing room clerk in room 318.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at any such hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the generality of the foregoing and without limiting the scope of the proceedings as specified herein, particular attention will be directed at said hearing to the following matters and questions:

1. Whether terms and conditions are necessary to be imposed in the public interest and in the interest of the investors and consumers to insure compliance with the requirements of the Public Utility Holding Company Act of 1935, or any rules, regulations, or orders promulgated thereunder;

2. Generally, whether all actions proposed to be taken comply with the requirements of such Act and rules and regulations or orders promulgated thereunder.

Notice is hereby given of said hearing to the above-named declarants, and to all interested persons; said notice to be given to said declarants by registered mail, and to all other persons by publication in the Federal Register. It is requested that any person desiring to be heard in this proceeding shall file with the Secretary of this Commission on or before November 27, 1942, an appropriate request or application to be heard as provided by Rule XVII of the Commission's Rules of Practice.

By the Commisison.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 42-11966; Filed, November 16, 1942; 10:42 a. m.]

[File No. 7-679]

Boston Stock Exchange

ORDER SETTING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of November, A. D., 1942.

In the matter of application of the Boston Stock Exchange to extend unlisted trading privileges to Erie Railroad Company Certificates of Beneficial Interest in the common stock, no par value.

Order setting hearing on application to extend unlisted trading privileges.

The Boston Stock Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned security; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Tuesday, December 15, 1942, at the office of the Securities and Exchange Commission, 82 Devonshire Street, Boston, Massachusetts, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Frank Kopelman, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 42-11967; Filed, November 16, 1942; 10:42 a. m.]

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THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 7 NUMBER 226

Washington, Wednesday, November 18, 1942

Regulations

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[Cotton 1943-44, Amendment 1]

PART 722—COTTON

COTTON MARKETING QUOTAS, 1943–44 MARKETING YEAR

In order to clarify the language in paragraphs (e) and (f), and to correct two typographical errors in paragraph (h), those paragraphs of § 722.501 of the Cotton Marketing Quota Proclamation for the 1943–44 Marketing Year, issued by the Secretary of Agriculture on November 6, 1942,[1] are hereby amended to read as follows:

§ 722.501 *Findings and determinations.* * * *

(e) That the "probable exports of American cotton" during the marketing year beginning August 1, 1942, is larger than the exports of American cotton in 1941–42.

(f) That the "estimated carry-over" of American cotton as of August 1, 1943, is more than 11.1 million running bales.

* * * * *

(h) That the national allotment of cotton for the calendar year beginning on January 1, 1943, shall be 10,000,000 standard bales of 500 pounds gross weight, increased by that number of standard bales of 500 pounds gross weight equal to the production in the calendar year 1943 of that number of acres required to be allotted for 1943 under the terms of section 344 (e) of said Act.

Done at Washington, D. C., this 14th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-11986; Filed, November 16, 1942; 3:28 p. m.]

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[1] 7 F.R. 9107.

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 57—SERVICE CLUBS, HOSTESSES, AND LIBRARIANS

LIBRARIAN AND HOSTESS UNIFORMS

Section 57.21[1] (e) (1) and (2) are added as follows:

§ 57.21 *Service uniform for hostesses and librarians; general.* * * *

(e) (1) The Army exchange at the various posts, camps, and stations will handle the orders for all uniforms for hostesses and librarians and will make service charges as specified in War Department instructions.

(2) The Army hostesses and librarians will have their measurements taken by tailors of their own choosing and furnish the Army exchange the size uniform and other necessary information in order that the exchange officer may place the order with the manufacturer. The finished garment will be shipped by the manufacturer to the exchange which will pay the manufacturer and collect for the various articles from the Army hostesses and librarians who will take such uniform to a tailor of their own choosing for any necessary alteration, unless the post tailor can accommodate and is able to perform the necessary alteration.

(R.S. 161; 5 U.S.C. 22) [Pars. 1 and 2, Sec. V, W.D. Circular 349, October 19, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-12007; Filed, November 17, 1942; 9:40 a. m.]

Chapter VII—Personnel

PART 79—PRESCRIBED SERVICE UNIFORM

MUFFLER, INSIGNIA, ETC.

Sections 79.11a, 79.24 (b) (2) (xxvi), and 79.30 (j)[2] are added; §§ 79.24 (c) (2)

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[1] 7 F.R. 7185.
[2] 7 F.R. 16, 2125, 2721.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Telephone information: DIstrict 0525.

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(i)[2] and 79.30a[3] are amended; and § 79.24 (c) (2) (ii) is rescinded as follows:

§ 79.11a *Muffler, wool, olive drab.* Commercial pattern. (R.S. 1296; 10 U.S.C. 1391) [Par. 11½, AR 600–35, November 10, 1941, as amended by C4 October 23, 1942]

§ 79.24 *Insignia for collar and lapel of coat.* * * *

(b) *Other officers, Army nurses, and warrant officers.* * * *

(2) *Insignia of arm, service, and bureau.* * * *

(xxvi) *First Special Service Force.* Two crossed arrows ¾ inch in height, with points up.

(c) *Enlisted men.* A disk 1 inch in diameter, of the screw-post, two-piece type.

* * * * *

(2) The left collar insignia will have the insignia of arm, service, or bureau on a plain solid circular background, except as follows:

(i) *Detached enlisted men's list.* The coat of arms of the United States.

(ii) *Indian Scouts.* [Rescinded] (R. S. 1296; 10 U.S.C. 1391) [Par. 24, AR 600–35, November 10, 1941, as amended by C4, October 23, 1942]

* * * * *

§ 79.30 *Brassards.* All brassards to be of cloth 18 inches in length and 4 inches in width of the color specified. When the brassard consists of more than one color, the colors will be of equal width and will run lengthwise of the brassard.

* * * * *

(j) *Technical observers and service specialists accompanying United States Army forces in field.* The letters TO in black 1¼ inches in height on an orange background. (R.S. 1296; 10 U.S.C. 1391) [Par. 30, AR 600–35, November 10, 1941, as amended by C4, October 23, 1942]

§ 79.30a *Emblem, sleeve, combatant, and emblem, sleeve, noncombatant.* For civilian employees in forces of the Army of the United States, having a status recognized by the War Department to part of the forces, and civilian personnel of all United States military missions in theaters of operations and oversea garrisons, a sleeve emblem, as follows:

(a) *Combatant.* For personnel who are required to perform combatant duties, an emblem of dark blue cloth, 4½ inches in width, 4½ inches in height, charged with a scarlet equilateral triangle with the letters "US" in dark blue, 1½ inches in width and 1½ inches in height, thereon.

(b) *Noncombatant.* For all other personnel, as in paragraph (a) above, except that the triangle will be white.

(R.S. 1296; 10 U.S.C. 1391) [Par. 30½, AR 600–35, November 10, 1941, as amended by C4, October 23, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–12006; Filed, November 17, 1942; 9:40 a. m.]

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[2] 7 F.R. 11.
[3] 7 F.R. 2721.

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

WAGE STABILIZATION IN BUILDING

Correction

Section 803.12 *General Order No. 13*[1] should read as follows:

§ 803.13 *General Order No. 13.*

(E.O. 9250, 7 F.R. 7871)

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42–11981; Filed, November 16, 1942; 1:06 p. m.]

PART 803—GENERAL ORDERS

WAGE OR SALARY ADJUSTMENTS FOR STATE GOVERNMENTS

§ 803.12 *General Order No. 12.* A state or its political subdivision, or any agency or instrumentality thereof, which proposes to make an adjustment in salaries or wages not fixed by State statute which would otherwise require the prior approval of the National War Labor Board may make such adjustment on certification to the Board that the adjustment is necessary to correct maladjustments, or to correct inequalities or gross inequities, as defined in the Board's Statement of Wage Policy of November 6, 1942. A certificate by the official or agency authorizing the adjustment stating the nature and amount of such adjustment, and briefly setting forth the facts meeting the foregoing requirement, will be accepted by the Board as sufficient evidence of the propriety of the adjustment, subject to review by the Board. Modification by the Board of adjustments made by a governmental official or agency acting pursuant hereto shall not be retroactive. The certificate prescribed herein, together with four copies thereof, shall be filed promptly with the committee established by joint action of the National War Labor Board and the Commissioner of Internal Revenue, namely, the Joint Committee on Salaries and Wages, Room 5406, Department of Labor Building, Washington, D. C., which will forward the same to the Board or the Commissioner, as the case may require.

The certification procedure shall not apply to any adjustment which would raise salaries or wages beyond the prevailing level of compensation for similar services in the area or community. In exceptional cases where such an adjustment is sought, and in all cases where the agency seeks an adjustment other than by the certification procedure, application for approval shall be filed with the appropriate Regional Office of the National War Labor Board.

(E.O. 9250, 7 F.R. 7871)

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42–11982; Filed, November 16, 1942; 1:07 p. m.]

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[1] 7 F.R. 9385.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A–1603]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of Springfield Coal Corporation, operator of Springfield No. 5 Mine, Mine Index No. 153, for approval of agreement to purchase 400 net tons of coal per day from F. R. Maurer and T. F. Price a co-partnership, doing business as Maurer and Price, operator of the Cornwall No. 6 (S), Mine Index No. 3705, and Cornwall No. 7 (D) Mine, Mine Index No. 3706, for changes in freight origin group numbers and shipping points for the coals of Mine Index Nos. 3705 and 3706, and for permission to mix the coals of these mines.

An original petition having been duly filed with this Division by the Springfield Coal Corporation, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the approval of an agreement attached thereto and requesting temporary and permanent relief to load and mix the coals produced by Mine Index Nos. 3705 and 3706 with the coals of Mine Index No. 153; and

It appearing that the proposed agreement attached to the original petition does not comply with the Marketing Rules and Regulations promulgated by the Division; it appearing, however, that a reasonable showing of necessity has been made for granting temporary relief in the manner hereinafter set forth; no petitions of intervention having been filed with this Division in the above-entitled matter; and the following action being deemed necessary in order to effectuate the purposes of the Act;

It is, therefore, ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof; and commencing forthwith the freight origin group numbers and shipping points appearing in the aforesaid Supplement R for the mines mentioned therein are effective in place of the freight origin group numbers and shipping points heretofore established for these mines and the mixing of the coals of Mine Index Nos. 3705 and 3706 with the coals of Mine Index No. 153 is hereby approved.

It is further ordered, That nothing in this order shall be construed as approval of the contract attached to the original petition inasmuch as the said contract does not comply with the Marketing Rules and Regulations promulgated by the Division.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless otherwise ordered.

Dated: November 3, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

§ 321.7 *Alphabetical list of code members*—Supplement R

FOR ALL SHIPMENTS EXCEPT TRUCK

[Alphabetical listing of code members having railway loading facilities showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3705	Maurer & Price Coal Company (F. R. Maurer)	Carnwath #6 (S)	13	D	Carnwath, Pa La Jose, Pa. (Wilson Run)	NYC PRR	60	(†)	(†)	D	D	D
3706	Maurer & Price Coal Company (F. R. Maurer)	Carnwath #7 (D)	13	E	Carnwath, Pa. La Jose, Pa. (Wilson Run)	NYC PRR	60	(†)	(†)	F	F	F
153	Springfield Coal Corporation.	Springfield #5	18	C'	La Jose, Pa. (Wilson Run).	PRR	50	E	E	E	E	E

NOTE: If coals of Mine Index Nos. 153, 3705 and 3706 are loaded into the same carat La Jose, Pa. (Wilson Run) the price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the highest price classification.

†Indicates no classification effective for these size groups.

[F. R. Doc. 42–11974; Filed, November 16, 1942; 11:19 a. m.]

[Dockets Nos. A–1674 and A–1685]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING RELIEF, ETC.

Order of consolidation and order granting temporary relief and conditionally providing for final relief in the matter of the petitions of District Board No. 1 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1 and for a change in shipping points for the coals of certain mines in District No. 1.

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named parties, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1, and for a change in shipping points for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matters; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters are herein consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I and R–II, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith, the shipping points and railroads appearing in the aforesaid Supplement R–II for the coals of Mine Index Nos. 745, 491, 2216, 1491 and 1407 shall be as therein shown instead of the shipping points and railroads heretofore applicable to these mines; and commencing forthwith, the shipping points appearing in Supplement R–II for the coals of Mine Index Nos. 2280 and 522 shall be as therein shown instead of the shipping points heretofore applicable for these mines.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

A change in shipping point for the coals of the Moore Mine, Mine Index No. 1793, formerly operated in the name of Andrew Wallwork, has not been established for the reason that this mine is presently operated in the name of Ernest Moore.

Dated: November 4, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

§ 321.7 *Alphabetical list of code members*—Supplement R–I

FOR ALL SHIPMENTS EXCEPT TRUCK

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Sub-dist. No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3743	Bonner, H. C	Arcadia #83	12	E	Hooverhurst, Pa.	NYC	44	(†)	(†)	G	(†)	(†)
3744	Bonner, H. C	Arcadia #96	12	E	Hooverhurst, Pa.	NYC	44	(†)	(†)	G	(†)	(†)
1203	Chambers, Roy A. (R. A. Chambers Coal Co.).	Clarence #1	9	A	Snow Shoe, Pa.	PRR	49	(†)	(†)	D	(†)	(†)
3797	Griffith Estate Mine, E. W.	Grove #4	29	C′	Johnstown, Pa.	J&SC	48	(†)	(†)	E	(†)	E
3702	Henry & Graham Coal Company (William L. Henry).	Shaffer #2	11	B	Timblin, Pa	P&S	119	(†)	(†)	H	(†)	(†)
1636	Koshko Michael	Lehigh #26	9	A	Snow Shoe, Pa	PRR	49	(†)	(†)	D	(†)	(†)
1687	Little Ben Coal Company, The c/o W. L. Sherman.	Little Ben	44	Brush Creek	Mount Savage, Md.	C&P	66	(†)	(†)	D	(†)	(†)
3801	Lowrey Marshall	Lowrey #2	41	L. Pgh	Hocking Jct., Pa.	B&O	100	(†)	(†)	H	(†)	(†)
3799	Morgan Coal Co. (Fred C. Morgan).	Morgan #2	1	A′	Holden Pa	LEF&C	31	H	H	H	J	J
3745	Neal, Ralph W	Arcadia #57	12	E	Hooverhurst, Pa.	NYC	44	(†)	(†)	G	(†)	(†)
3746	Neal Ralph W	Arcadia #90	12	E	Hooverhurst, Pa.	NYC	44	(†)	(†)	G	(†)	(†)
3437	Orr, H. A	Lydic	15	E	Sample Run Mines, Pa.	CT&D (PRR-NYC).	59	(†)	(†)	E	(†)	(†)
2988	Poltis, John	Poltis	9	C	Snow Shoe, Pa.	PRR	49	(†)	(†)	E	(†)	(†)
3708	Poltis, John	John Poltis #2.	9	B	Snow Shoe, Pa.	PRR	49	(†)	(†)	G	(†)	(†)
3459	U. M. Coal Co	U. M. Coal Co. #1.	9	D	Karthaus, Pa	NYC	44	(†)	(†)	D	(†)	(†)
2479	Weimer Run Coal Co. (Irvin Wolf).	Judy Mines	40	A	Rockwood, Pa	B&O	100	(†)	(†)	G	(†)	(†)

†Indicates no classification effective for these size groups.

§ 321.7 *Alphabetical list of code members*—Supplement R–II

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Sub-dist. No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
745	Bona, John	Bona #2	5	B	Brockway, Pa.	P & S	119	(†)	(†)	E	(†)	(†)
522	Carrolltown Coal Company	Victor #9	24	B	St. Benedict, Pa.	NYC	44	D	D	D	D	D
491	Ponfeigh Smokeless Coal Co. (Charles A. Merrill)	Ponfeigh Smokeless #1	41	Pittsburgh	Garrett, Pa	W. Md	102	(†)	---	G	---	---
1491	Wallwork Coal Co. (J. C. Wallwork)	Loyal T. Henderson	10	E	Hawthorn, Pa.	PRR	75	H	H	H	J	J

†Indicates no classification effective for these size groups.

§ 321.7 *Alphabetical list of code members*—Supplement R–II—Continued

Mine Index No.	Code member	Mine name	Sub-ist. No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
1407	Wallwork Coal Company (Andrew C. Wallwork)	Mosgrove	10	E	Pine Furnace, Pa.	B&O	112	H	H	H	J	J
2216	Weese Coal Mines, Inc., J. C.	Mont Alto	44	Bakerstown	Shaw, W. Va	W. Md	68	H	H	H	H	H
2280	Zeth, N. P. (Zeth Coal Co.)	Zeth	39	Kelly	Kearney, Pa	H&BTM	43	---	---	F	---	---

NOTE: The above prices are applicable *only* via the respective Freight Origin Groups, Shipping Points, and Railroads shown for the respective mines. Freight Origin Groups, Shipping Points, and Railroads shown in previous schedules are hereby deleted.

§ 321.24 *General prices*—Supplement T

FOR TRUCK SHIPMENTS

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened, top size 2″ and over	Double screened, top size 2″ and under	Run of mine, modified R/M	2″ and under, slack	¾″ and under, slack
						1	2	3	4	5
Bonner, H. C	3743	Arcadia #83	12	Indiana	E	(†)	(†)	235	(†)	(†)
Bonner, H. C	3744	Arcadia #96	12	Indiana	E	(†)	(†)	235	(†)	(†)
English Center Coal Co. (Joseph G. Saricks).	3197	Bitumen #1	3	Clinton	B	(†)	(†)	(*)	(†)	235
Griffith Estate Mine, E. W	3797	Grove #4	29	Cambria	C′	(†)	(†)	245	(†)	225
Henry & Graham Coal Company (William L. Henry).	3702	Shaffer #2	11	Armstrong	B	(†)	(†)	230	(†)	(†)
Horton Coal Co. (John & James Horton).	3715	Horton	14	Clearfield	E	(†)	(†)	240	(†)	(†)
Lawrence, John A	3741	Toby Coal Co.	2	Elk	C′	(†)	(†)	230	(†)	(†)
Lowrey Marshall	3801	Lowrey #2	41	Somerset	L. Pgh	(†)	(†)	230	(†)	(†)
Lusick, Mike	3798	Mike Lusick	15	Indiana	B	(†)	(†)	235	(†)	(†)
Matildaville Coal Co. (Bill R. Priester).	3802	Fuller Farm Mine.	4	Clarion	A′	260	235	235	220	210
Mognet, S. E	3587	Foster #1	22	Indiana	Pittsburgh	(†)	(†)	240	(†)	(†)
Mognet, S. E	3584	Avonmore	22	Armstrong	Pittsburgh	(†)	(†)	240	(†)	(†)
Morgan Coal Co. (Fred C. Morgan).	3799	Morgan #2	1	Jefferson	A′	255	230	230	215	205
Neal, Ralph W	3745	Arcadia #57	12	Indiana	E	(†)	(†)	235	(†)	(†)
Neal, Ralph W	3746	Arcadia #90	12	Clearfield	E	(†)	(†)	235	(†)	(†)
Nearhoof Brothers (Orville Nearhoof).	3753	Old #15	14	Clearfield	E	(†)	(†)	240	(†)	(†)
Orr, H. A	3437	Lydic	15	Indiana	E	(†)	(†)	245	(†)	(†)
Shoff, E. D., & Son (E. D. Shoff).	3700	Shoff	13	Clearfield	D	(†)	(†)	250	(†)	(†)
Smith, Geo. F	3800	Hill Top #2	22	Indiana	Pittsburgh	(†)	(†)	240	(†)	(†)
Smochek, Chester	3703	Duff Mines	6	Clearfield	E	(†)	(†)	240	(†)	(†)
Wendler Carl W	850	Carwen	6	Jefferson	E	265	(†)	(*)	230	(†)

†Indicates no classification effective for these size groups.
*Indicates classifications and prices previously established for these size groups.

[F. R. Doc. 42–11973; Filed, November 16, 1942; 11:19 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Amendment 1 to Schedule A to Priorities Regulation 13 as Amended to Sept. 23, 1942]

Schedule A[1] attached to Priorities Regulation No. 13 (§ 944.34) is hereby amended with respect to the materials listed below as follows:

AMENDMENT NO. 1 TO SCHEDULE A

War Material	Classes of buyers to whom special sales of war materials may be made in accordance with this schedule, subject to paragraph (e) (2) of this regulation					Remarks
	Persons who produce material in the form in which it was purchased by holder	Users permitted to buy for an authorized use	Reprocessors who are authorized to buy	Wholesale dealers who sell the material in the form held by holder	Scrap dealers who are authorized to buy	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Copper:[1]						
Copper ingots and refinery shapes.	W.O.P.	No	X	W.O.P.*	No	*Only to persons holding allocation certificates or specific authorization to buy.
Copper base alloy ingots (40% or more copper by weight).	W.O.P.	No	X	W.O.P.*	No	
Brass and wire mill products.	W.O.P.	PR AA–5	X	W.O.P.*	No	This note applies only to places where asterisk appears.
Insulated wire	W.O.P.	PR AA–5	X	W.O.P.	No	
Copper and copper base alloy foundry products.	W.O.P.	PR AA–5	X	W.O.P.*	No	
Brass mill scrap	W.O.P.**	No	X	X	W.O.P.	**Only to brass mills.
Other scrap	W.O.P.*	No	X	X	W.O.P.	
Copper chemicals (see chemicals).						
Steels:[2]						
Rails and track accessories.*	No	No	No	No	No	*See L–88.
Tin plate, terne plate and tin mill black plate.*	W.O.P.	PR A–10	X	No	No	*Subject to limitations of M–21–e.
All other carbon and alloy steels.	W.O.P.	PR AA–5	PR AA–5	PR AA–5.	No	
Tin and terne plate scrap	W.O.P.	No	W.O.P.	X	W.O.P.	
Other carbon steel scrap	W.O.P.	W.O.P.	W.O.P.	X	W.O.P.	
Alloy steel scrap	W.O.P.	No	No	X	W.O.P.	
Terne plate (see Steels).						
Terne plate scrap (see Steels).						
Tin mill black plate (see Steels).						
Tin plate (see Steels).						
Tin plate scrap (see Steels).						
Cotton, American extra staple.*	W.O.P.	W.O.P.	X	W.O.P.	No	*As defined in M–197. Use certification required.
Cotton, Egyptian*	W.O.P.	W.O.P.	X	W.O.P.	No	As defined in M–117 Use certification required.
Cottonseed, SXP	W.O.P.	W.O.P.	X	W.O.P.	W.O.P.	

[1] In the case of all sales made under this regulation of copper or copper base alloy items which have previously been reported to War Production Board, Care Copper Recovery Corporation, 200 Madison Avenue, New York, New York, the seller must send a copy of the invoice to that address.

[2] In the case of all sales made under this regulation of steel or steel base alloy items which have previously been reported to War Production Board, Care Steel Recovery Corporation 5835 Baum Boulevard, Pittsburgh, Pennsylvania, the seller must send a copy of the invoice to that address.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12012; Filed, November 17, 1942; 10:45 a. m.]

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[1] 7 F.R. 7523.

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

[Amendment 3 to Supplementary General Limitation Order L–1–e]

Section 976.15 *Supplementary General Limitation Order L–1–e*,[1] as amended, is hereby further amended in the following particulars:

Paragraph (e) *Authorized production of off-the-highway motor vehicles* is hereby amended to read as follows:

(e) *Authorized production of off-the-highway motor vehicles.* Irrespective of the provisions of paragraph (a), producers may manufacture off-the-highway motor vehicles during the period July 1, 1942 to March 31, 1943, not in excess of five hundred (500) units, for essential civilian and indirect military requirements, and for export, in such quantities and of such types as may heretofore have been, or as may hereafter be, from time to time, specifically authorized by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024; 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12014; Filed, November 17, 1942; 10:43 a. m.]

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[1] 7 F.R. 2782, 5705, 8189.

PART 1052—KITCHEN, HOUSEHOLD AND OTHER MISCELLANEOUS ARTICLES

[Supplementary Limitation Order L–30–d]

MISCELLANEOUS COOKING UTENSILS AND OTHER ARTICLES

§ 1052.5 *Supplementary Limitation Order L–30–d*—(a) *Definitions.* For the purposes of this order:

(1) "Preferred order" means a purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(2) "Miscellaneous cooking utensil" means any utensil containing more than 7½%, by weight, of metal, which is designed primarily for use in the preparation or cooking of food, whether for household, institutional commercial, governmental or any other purpose, including but not limited to, glass and ceramic flameware, but excluding any utensil the production of which is governed by Supplementary Limitation Orders L–30–b or L–30–c, or expressly exempted from the provisions of those orders when produced pursuant to preferred orders.

(3) "Kitchen tools" means articles containing more than 5%, by weight, of metal, commonly known as kitchen tools, including, but not limited to, can openers, jar openers, bottle openers, strainers, flour sifters, food whips, food mills, dippers, scoops, choppers, slicers, corers, mashers, shapers, beaters, graters, grinders, cutters, sieves, cake turners, basting spoons, cork screws and skewers, but excluding cutlery (which is governed by Limitation Order L–140), electrical appliances (which are governed by Limitation Order L–65), gas appliances and power-driven equipment.

(4) "Household storage articles" means articles containing more than 5%, by

weight, of metal, designed for the storage of food or household supplies, including but not limited to, canisters, spice sets, cake covers or safes, holders for salt, soap or cleanser cartons, step-on cans, lunch boxes, vacuum jugs and bottles, and window boxes for the storage of food, but excluding

(i) Pails, buckets and tubs;

(ii) Containers designed for the packing, shipment or delivery of materials or products of any kind, including but not limited to, cans as defined in Conservation Orders M–81 or M–136, glass containers or closures as defined in Limitation Order L–103, and drums as defined in Limitation Order L–197; and

(iii) Articles the production of which is governed by Supplementary Limitation Orders L–30–a, L–30–b or L–30–c, or expressly exempted from the provisions of those orders when produced pursuant to preferred orders.

(5) "Manufacturer" means any person engaged in the business of producing or assembling any miscellaneous cooking utensils, kitchen tools, household storage articles or any other products covered by this order, or any parts (including repair parts) for such utensils, kitchen tools, storage articles or products.

(6) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(7) "Base period" means the twelve months ending June 30, 1941.

(8) "Black steel" means uncoated, polished or lacquered carbon steel. It does not include any steel which has a metal or vitreous-enameled coating.

(9) "Joining hardware" means nuts, screws, nails, bolts, clasps, rivets and other similar items of small hardware used for joining or other similar purposes.

(10) "Repair part" means any part for an article or product which is not produced for or used in a new article or product.

(b) *Prohibition on production of miscellaneous articles.* (1) No manufacturer shall process, fabricate, work on or assemble any iron, steel or other metal for use in the following kitchen, household and other miscellaneous articles (whether manufactured for household or for any other purpose): all closet accessories, including but not limited to, coat and garment hangers and hooks, tie racks, and boot and shoe-trees; all articles of fireplace equipment; towel bars and racks, tooth brush holders, soap dishes, soap savers, toilet and other paper holders, pot chains, fly swatters, sink drainers, dish drainers, cuspidors, spittoons, vegetable bins, curtain rods and fixtures, drapery attachments, clothes pins, candlesticks, carpet beaters, carpet sweepers, pot cover holders, picnic stoves, camp grids, cup frames and cake coolers, except for the minimum amount of iron and steel (not to exceed 5% of the weight of the article) contained in necessary joining hardware.

(2) Except as provided in paragraph (g), on and after November 23, 1942, no manufacturer shall process, fabricate, work on or assemble any iron, steel or other metal for use in the production of any of the following articles or parts (including repair parts) for such articles:

(i) Dish pans (except black steel dish pans produced pursuant to preferred orders), rinsing pans, pot scourers and other sink accessories (not included in subparagraph (1) of this paragraph (b)), funnels, dust pans, silent butlers, crumb sets, wash boards and clothes wringers, except for the minimum amount of iron and steel (not exceeding 5% of the weight of the article) contained in necessary joining hardware, and except for any such articles the production of which is governed by Supplementary Limitation Orders L–30–a or L–30–b, or expressly exempted from the provisions of those orders when produced pursuant to preferred orders; or

(ii) Concrete garbage receptacles containing more than 5%, by weight, of metal, exclusive of the weight of separate bases or blocks.

(c) *Restrictions on miscellaneous cooking utensils.* (1) Except as provided in paragraph (g), on and after November 23, 1942, no manufacturer shall process, fabricate, work on or assemble any iron, steel or other metal for use in the production of any miscellaneous cooking utensils containing 20% or more of metal, by weight, or parts for such utensils, except

(i) Black steel frying pans having a bottom diameter of from 8 to 12 inches, inclusive;

(ii) Black steel heavy-duty roast pans without covers, having a capacity of from 675 cubic inches to 2600 cubic inches, inclusive, and having two or three reinforcing straps and wired edges; and

(iii) Black steel or tinned utensils, including liquid and dry measures, (other than black steel frying pans or heavy-duty roast pans), or stamped bakery equipment, when such utensils or equipment are produced pursuant to preferred orders.

(2) No manufacturer shall put into process more iron and steel, by weight, in the production of

(i) Black steel frying pans

(*a*) During the period from November 10, 1942 to December 31, 1942, inclusive, than two times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of black steel frying pans; or

(*b*) During the period of three months beginning January 1, 1943, and during each succeeding period of three months, than three times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of black steel frying pans;

(ii) Black steel heavy-duty roast pans

(*a*) During the period from November 10, 1942 to December 31, 1942, inclusive, than two times 35% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of black steel heavy-duty roast pans; or

(*b*) During the period of three months beginning January 1, 1943, and during each succeeding period of three months, than three times 35% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of black steel heavy-duty roast pans; or

(iii) Miscellaneous cooking utensils containing more than 7½%, but less than 20%, of metal, by weight, and parts for such utensils (other than repair parts)

(*a*) During the period from November 10, 1942 to December 31, 1942, inclusive, than two times 100% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of such cooking utensils and parts (including repair parts); or

(*b*) During the period of three months beginning January 1, 1943, and during each succeeding period of three months, than three times 100% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of such cooking utensils and parts (including repair parts); or

(iv) Repair parts for miscellaneous cooking utensils containing more than 7½%, but less than 20%, of metal, by weight.

(*a*) During the period from November 10, 1942 to December 31, 1942, inclusive, than two times 5% of the monthly average amount of iron and steel, by weight, put into process by him during the base period in the production of such cooking utensils and parts for such utensils (including repair parts); or

(*b*) During the period of three months beginning January 1, 1943, and during each succeeding period of three months, than three times 5% of the monthly average amount of iron and steel, by weight, put into process by him during the base period in the production of such cooking utensils and parts for such utensils (including repair parts).

(d) *Restrictions on kitchen tools.* (1) Except as provided in paragraph (g), on and after November 23, 1942, no manufacturer shall process, fabricate, work on or assemble any iron, steel or other metal for use in the production of any kitchen tools, except

(i) The following kitchen tools:

Basting spoons, 14 to 21 inches, inclusive, in overall length.
Cake turners, 13 to 21 inches, inclusive, in overall length.
Can openers.
Egg beaters, rotary type, 10 inches or longer, including handle.
Food choppers and grinders.
Food mills.
Wire strainers.
Wire whips, commercial type, 12 inches or longer.

(ii) The following kitchen tools in fulfillment of preferred orders only:

Butter cutters.
Dippers.
French fry cutters.
Nutmeg graters.
Skimmers.
Sugar and flour scoops.
Vegetable graters.

(iii) Any other kitchen tool in fulfillment of preferred orders for use on board ship only.

(2) Except in fulfillment of preferred orders for use on board ship, no manufacturer shall put into process more iron and steel, by weight, in the production of

(i) Any kitchen tool listed in subparagraph (1) of this paragraph (d), and parts for such tool (other than repair parts)

(*a*) During the period from November 10, 1942 to December 31, 1942, inclusive, than two times 35% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of such kitchen tool and parts for such tool (including repair parts); or

(*b*) During the period of three months beginning January 1, 1943 and during each succeeding period of three months, than three times 35% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of such kitchen tool and parts for such tool (including repair parts); or

(ii) Repair parts for any kitchen tool

(*a*) During the period from November 10, 1942 to December 31, 1942, inclusive, than two times 5% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of such kitchen tool and parts for such tool (including repair parts); or

(*b*) During the period of three months beginning January 1, 1943, and during each succeeding period of three months, than three times 5% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of such kitchen tool or parts for such tool (including repair parts).

(e) *Restrictions on household storage articles.* (1) Except as provided in paragraph (g), on and after November 23, 1942, no manufacturer shall process, fabricate, work on or assemble any iron, steel or other metal for use in the production of any household storage articles, except vacuum bottles with a capacity of one quart or less and, pursuant to preferred orders, vacuum bottles and jugs with a capacity of more than one quart.

(2) No manufacturer shall put into process more iron and steel, by weight, in the production of vacuum bottles with a capacity of one quart or less

(i) During the period from November 10, 1942 to December 31, 1942, inclusive, than two times 50% of the average monthly amount of iron and steel by weight, put into process by him during the base period in the production of such vacuum bottles; or

(ii) During the period of three months beginning January 1, 1943, and during each succeeding period of three months, than three times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of such vacuum bottles.

(f) *Restrictions on pails, buckets and tubs.* Except as provided in paragraph (g), on and after November 23, 1942, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any pails, buckets or tubs, except

(1) Pails or tubs designed expressly for use as packing or shipping containers;

(2) Pails or tubs which contain iron or steel only in hoops, bails, ears, handles and joining hardware, provided that the total weight of such iron and steel does not exceed 15% of the total weight of the pail or tub, and further provided that any such pail, or any such tub with a capacity of less than 15 gallons, does not have more than two hoops containing iron or steel;

(3) Dairy pails;

(4) Pails, buckets or tubs when made of black steel and produced pursuant to preferred orders; and

(5) Pails, buckets or tubs the production of which is governed by Supplementary Limitation Orders L–30–a or L–30–b, or expressly exempted from the provisions of those orders when produced pursuant to preferred orders.

(g) *Exceptions.* Notwithstanding the provisions of paragraphs (b) (2), (c) (1), (d) (1), (e) (1) and (f), a manufacturer may complete the fabrication and assembly of any article included in such paragraphs from iron or steel which, on November 17, 1942, had been cut, blanked or otherwise formed to size for such article by him or by any other person, provided that such article is completed on or before December 31, 1942, except for the application of a coating or finish or the attaching of handles, bails or ears, which may be done thereafter.

(h) *Applicability of other orders.* The provisions of this order shall supersede the provisions of Limitation Order L–30 in respect to all articles the production of which is governed by this order. In so far as any other order restricts the use of any material in the production of any articles to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern unless otherwise specified therein.

(i) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(j) *Appeal.* Any appeal from the provisions of this order should be made on Form PD–500, directed to the War Production Board, Consumers' Durable Goods Branch, Washington, D. C., Ref.: L–30–d.

(k) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the manufacture of articles the production of which is governed by this order, inventories of raw materials, semiprocessed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production permitted by this order.

(l) *Records.* All persons affected by this order shall keep and preserve, for not less than two years, accurate and complete records concerning inventories, production and sales.

(m) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(n) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(o) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(p) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers' Durable Goods Branch, Washington, D. C. Ref: L–30–d.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12017; Filed, November 17, 1942; 10:43 a. m.]

PART 3115—CONSTRUCTION MACHINERY AND EQUIPMENT SIMPLIFICATION AND CONSERVATION

[Limitation Order L–217]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials used in the production of construction machinery and equipment and repair parts for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3115.1 *Limitation Order L–217*—(a) *Issuance of schedules for simplification of lines and conservation of materials.* The Director General for Operations may from time to time issue schedules to this order establishing conservation of materials and simplified practices with respect to types, sizes, forms, specifications or other qualifications for construction machinery and equipment or parts thereof. From and after the effective date of any such schedules, no such products or materials shall be produced, fabricated, processed or assembled except in conformity with the issued schedules and except as specifically permitted by any such schedules. Any schedule issued pursuant hereto may also contain any other restrictions concerning such materials and products that may be deemed necessary and appropriate, such as restrictions on the sale, puchase, transfer, delivery or uses thereof.

(b) *Applicability of priorities regulations.* This order and any schedules thereto and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(c) *Records.* All persons affected by this order, or any schedule issued pursuant hereto, shall keep and preserve for not less than two years accurate and complete records concerning orders, inventories, production, sales and deliveries.

(d) *Audit and inspection.* All records required to be kept by this order, shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(e) *Reports.* All persons affected by this order, or any schedule issued pursuant hereto, shall file such reports as may be required from time to time by the War Production Board.

(f) *Violations.* Any person who wilfully violates any provision of this order, or any schedule thereto, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(g) *Appeal.* Any appeals from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(h) *Communications.* All reports to be filed and other communications concerning this order shall be addressed to War Production Board, Construction Machinery Branch, Washington, D. C., Ref: L-217.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12018; Filed, November 17, 1942; 10:44 a. m.]

PART 3115—CONSTRUCTION MACHINERY AND EQUIPMENT SIMPLIFICATION AND CONSERVATION

[Schedule I to Limitation Order L-217]

SCRAPERS

§ 3115.2 *Schedule I to Limitation Order L-217*—(a) *Definitions.* For the purpose of this Schedule I:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Producer" means any person engaged in the manufacture of scrapers.

(3) "Scraper" means any power drawn or self-propelled, self-loading construction machine commonly called a scraper used in the excavating, hauling and spreading of earth, rock and other similar substances.

(4) "Power control unit" means any hydraulic or cable controlled device powered by a tractor or similar unit and used for regulating the excavating, carrying and unloading of the scraper.

(5) "Prime mover" means a unit producing the necessary power for operating a scraper.

(6) "Repair part" means any part manufactured for use in the repair of scrapers.

(7) "Alloy steel" means all alloy steel castings, ingots, blooms, slabs, billets, forgings and all other semi-finished and finished rolled or drawn steels containing any one or more of the following elements in the following amounts:

(i) Manganese in excess of 1.65%.

(ii) Silicon in excess of 0.60%.

(iii) Copper in excess of 0.60%.

(iv) Aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium, or any other alloying element in any amount specified or known to have been added to obtain a desired alloying effect.

(b) *Conservation of materials*—(1) *Restriction on the use of alloy steel.* (i) On and after November 17, 1942, no producer shall use or put into process any alloy steel except to produce scrapers appearing on production schedules already approved by the Director General for Operations, and then only until December 15, 1942 as provided in paragraph (b) (1) (ii) hereof.

(ii) On and after December 15, 1942, no producer shall use alloy steel in the manufacture or assembly of scrapers or repair parts except as provided in paragraph (b) (2) hereof.

(2) *Power control units, prime movers and anti-friction bearings.* The restrictions provided for in paragraphs (b) (1) (i) and (b) (1) (ii), hereof shall not apply to the manufacture or processing of power control units, prime movers and anti-friction bearings.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12019; Filed, November 17, 1942; 10:44 a. m.]

PART 932—CORK AND PRODUCTS AND MATERIALS OF WHICH CORK IS A COMPONENT

[Amendment 3 of General Preference Order M-8-a]

Section 932.2 *General Preference Order M-8-a* [1] is hereby amended by adding the following subparagraph (2) to paragraph (e) to-wit:

(2) Notwithstanding any general authorization for the processing or delivery of cork discs for beverage crowns granted in any monthly allocation schedule, except as specifically authorized by the Director General for Operations:

(i) No person not regularly engaged in the business of manufacturing and selling crowns with cork discs shall purchase or receive cork discs not in crown shells if his inventory, plus the amount to be acquired, is in excess of the number of cork discs not in crown shells he can and will insert or have inserted in crown shells during the 30-day period succeeding the date of proposed acquisition; and

(ii) No person shall sell or deliver cork discs not in crown shells to any person, other than one regularly engaged in the business of manufacturing and selling crowns with cork discs, unless the purchaser shall execute in duplicate Form PD-711, and deliver one copy to the seller with the purchase order. The seller shall retain such copy in his files for a period of two years.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12013; Filed, November 17, 1942; 10:44 a. m.]

PART 1047—PETROLEUM MATERIAL CONSERVATION

[Conservation Order M-68-c as Amended Nov. 17, 1942]

Section 1047.4 *Conservation Order M-68-c* is hereby amended to read as follows:

§ 1047.4 *Conservation Order M-68-c*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to the applicable provisions of any priorities regulation issued by the War Production Board, as amended from time to time.

(b) *Definitions.* (1) "Person" means any individual, partnership, association, business trust corporation, governmental corporation or agency or any organized group of persons, whether incorporated or not.

(2) "Marketing" means the operation of all facilities (other than petroleum terminal or terminal storage facilities or marine, rail, pipeline or truck facilities used to transport petroleum) for distributing or dispensing petroleum (excluding natural gas), including without limitation the operation of service stations, substations, bulk plants, warehouses, wholesale depots, or facilities operated by "consumer accounts".

(3) "Petroleum" means petroleum, petroleum products, and associated hydrocarbons including but not limited to natural gas.

(4) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(5) "Structure" means any building, physical construction or portion thereof, used in marketing, but not including equipment used therein.

(6) "Equipment" means dispensing pumps and storage tanks (including skid tanks) having a capacity of more than 65 gallons used in marketing.

(7) "Advertising material" means any material (other than non-metallic material) used for such display or advertising purposes as are incident to marketing.

(8) Subject to subparagraph (10), "maintenance" means the upkeep of a structure or equipment in a sound working condition with a minimum expenditure of material.

(9) Subject to subparagraph (10), "repair" means the restoration of a structure or equipment to a sound working condition when such structure or equipment has been rendered unsafe or unfit for further service by wear and tear, damage, destruction or failure of parts or similar causes.

(10) The terms "maintenance" and "repair" do not include any of the following:

(i) The replacement of an item or part thereof where such replacement is carried on the books as a fixed asset;

(ii) The use of material for the improvement of a structure or equipment through the replacement of material in the existing installation, unless the item or part thereof which is replaced is beyond economic repair or has been rendered unusable by fire or other hazard or natural cause;

(iii) The use of material for additions to or expansion of a structure or equipment;

(iv) The use of material for a purpose which could not properly be charged on the books to "maintenance", "repair", or the equivalent in the established method of bookkeeping.

(11) "Farm" means any plot of land at least 10 acres of which are used for agricultural purposes for profit.

(12) "Supplier" means any person, other than an ultimate consumer, supplying petroleum directly or indirectly.

(c) *Conservation of material used in marketing.* Subject to the exceptions in paragraph (d) hereof, no person shall construct, reconstruct, expand or remodel any structure or install equipment or advertising material, and no person shall construct, equip or locate any tank truck or trailer where such tank truck or trailer is used or is to be used to deliver petroleum into the fuel supply tanks of passenger motor vehicles. Subject to the exceptions in paragraph (d) hereof, no person shall deliver or otherwise supply, or cause to be delivered or otherwise supplied, any material which he knows, or has reason to believe, is intended for such uses.

(d) *Exceptions.* The provisions of paragraph (c) hereof, shall not apply in the following instances:

(1) To any case where material is to be used by a person for the maintenance or repair of any structure or equipment.

(2) To any case where actual physical work of construction, reconstruction, expansion, or remodeling of any structure or the installation of equipment or advertising material had commenced prior to January 14, 1942: *Provided,* That such work of construction, reconstruction, expansion, remodeling, or installation must then have been scheduled for completion and be actually completed on or before May 15, 1942.

(3) To any case where a structure or equipment is to be used exclusively for the official requirements of the armed forces of the United States.

(4) To any case where advertising material which was completely fabricated, but not necessarily assembled, on or before March 30, 1942, is to be installed.

(5) To any case where there occurs a transfer of title to or rights in any structure or equipment, which transfer does not involve the construction, reconstruction, expansion, or remodeling of such structure or the installation of equipment.

(6) To any case where equipment is to be installed as a replacement of equipment the repair of which cannot be effected on the premises: *Provided,* That: (i) in the case of storage tanks having a capacity of more than 65 gallons, the capacity of the tank which is to be installed does not exceed the capacity of the tank which is to be replaced; (ii) in the case of dispensing pumps, the pump which is to be installed is of the same type and design as the pump which is to be replaced.

(7) To any case (i) where any used dispensing pump is to be installed as a replacement of a dispensing pump which was manufactured not less than nine years prior to the date of such installation and which is beyond economic repair; (ii) where any dispensing pump, which was not removed from the stock of the manufacturer of such pump subsequent to November 1, 1942, is to be installed as a "drum" or "barrel" pump as these terms are known to the trade; (iii) where any used dispensing pump is to be installed at any location from which such dispensing pump had been previously removed for safekeeping or is to be installed as a replacement of a pump of the same type and design which had been removed from such location for safekeeping: *Provided,* That any person installing a dispensing pump pursuant to this subparagraph shall keep a record showing the date and location of the removal, the type and design of the pump removed, the date of the new installation and the type and design of the newly installed pump.

(8) To any case where equipment is to be installed to distribute petroleum to machinery or vehicles used directly in physical construction work on any project having a project rating higher than A-2: *Provided,* That such equipment shall be withdrawn from the location of the project upon the completion thereof and shall thereafter be subject to the provisions of this order.

(9) To any case where equipment is to be installed (i) to contain, distribute or dispense fuel oil classified as grade No. 1, 2, 3, 4, 5 or 6 (including Bunker "C" fuel oil, kerosene, range oil, or gas oils) to stationary consuming facilities: *Provided,* That such equipment is not installed at any structure for use in carrying out marketing functions regularly performed by a service station, substation, bulk plant, warehouse, or wholesale depot; or (ii) to contain, distribute or dispense butane, propane, propylene, butene or any combination or dilution thereof commonly known as liquefied petroleum gas.

(10) To any case where used equipment which was completely fabricated on or before January 14, 1942 is to be installed on a farm and is used exclusively to dispense petroleum to machinery or vehicles used directly in operations on such farm: *Provided,* (i) That no supplier shall have any interest, legal or equitable, in such equipment and that no restrictions, other than those required by law, are imposed directly or indirectly on the use of such equipment by oral or written contract, agreement, understanding or by any means or device whatsoever whereby the use of such equipment is limited to the dispensing of petroleum of any supplier or suppliers; and (ii) That any person for whom such equipment is installed shall return any drums (of not less than 42 gallons capacity used for containing petroleum on such farm) owned by a supplier to such supplier and shall offer any other drums (of not less than 42 gallons capacity used for containing petroleum on such farm) for sale to suppliers at a price not exceeding the maximum price prescribed for such drums by the Office of Price Administration.

(11) To any case where the Director General for Operations has determined that the construction, reconstruction, expansion or remodeling of any structure, the installation of equipment or advertising material, or the equipping or locating of any tank truck or trailer is necessary and appropriate in the public interest and to promote the war effort. Application for such a determination shall be made by letter and filed with the District Director of Marketing, Office of Petroleum Coordinator for War at:

(i) 122 East 42nd Street, New York, New York, if the material is to be used in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, or Florida, or the District of Columbia.

(ii) Suite 1336, 120 South LaSalle Street, Chicago, Illinois, if the material is to be used in the States of Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, or North Dakota.

(iii) 245 Mellie Esperson Building, Houston, Texas, if the material is to be used in the States of Alabama, Mississippi, Louisiana, Arkansas, Texas, or New Mexico.

(iv) 320 First National Bank Building, Denver, Colorado, if the material is to be used in the States of Montana, Wyoming, Colorado, Utah or Idaho.

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[1] 6 F.R. 5007, 5290; 7 F.R. 2344, 4156.

(v) 855 Subway Terminal Building, Los Angeles, California, if the material is to be used in the States of Arizona, California, Nevada, Oregon, or Washington, or the Territories of Alaska or Hawaii.

Information to be submitted in such application shall be in accordance with OPC Form PD–215 (Revised), issued by the Office of Petroleum Coordinator for War.

(e) *Required certification.* Any person, acquiring any material for use in the construction, reconstruction, expansion, or remodeling of any structure or any equipment or advertising material for installation purposes, shall endorse on all copies of each purchase order or contract for such material which are placed with any person, a statement in the following form signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purpose:

> The material which is ordered in this purchase order (or contract) is to be used in conformity with the provisions of Conservation Order No. M–68–c, as amended, with the terms of which Order the undersigned is familiar.
>
> ------------------
> Name of person
>
> By ------------------
> Signature of duly authorized official

Such endorsement shall constitute a representation to the War Production Board and the person with whom the purchase order or contract is placed that the material obtained under such purchase order or contract will be used in accordance with the provisions of this order. Such person shall be entitled to rely on such representation unless he knows or has reason to believe it to be false. No person shall, in the absence of such endorsement, deliver or otherwise supply, or cause to be delivered or otherwise supplied, any material which he knows, or has reason to believe, is intended for uses restricted by paragraph (c) of this order.

(f) *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to any Department or agency of the United States in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(g) *Revocation or amendment.* This order may be revoked or amended at any time as to any person. In the event of revocation, deliveries shall be made in accordance with the provisions of any applicable preference rating order without further restrictions, unless such deliveries have been specifically restricted.

(h) The provisions of this order shall be applicable to deliveries of material by any person located in the United States, its territories and possessions to any other person located in the United States, its territories and possessions, but not elsewhere. The provisions of this paragraph supersede Interpretation No. 1 of this order, issued February 7, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12015; Filed, November 17, 1942; 10:44 a. m.]

PART 3130—MINERAL OIL POLYMERS

[General Preference Order M–258]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of mineral oil polymers for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3130.1 *General Preference Order M–258*—(a) *Definitions.* (1) "Mineral oil polymers" means the resinous product produced by the polymerization of mixtures of unsaturated hydrocarbons (either the solid resin or solvent extended product) and does not include polystyrene, polyisobutylene, polyethylene, butadiene, or the copolymers of such materials.

(2) "Producer" means any person who produces or refines mineral oil polymers, and includes any person who has mineral oil polymers produced for him pursuant to toll agreement.

(3) "Distributor" means any purchaser of mineral oil polymers from any person for purpose of resale as mineral oil polymers.

(b) *Restrictions on deliveries and use.* (1) Subject to paragraph (c) hereof, no producer or distributor shall deliver or use mineral oil polymers, and no person shall accept delivery of mineral oil polymers from a producer or distributor, except as specifically authorized or directed by the Director General for Operations.

(2) Authorizations or directions with respect to deliveries to be made or accepted in each month, beginning with December, 1942, will so far as practicable be issued by the Director General for Operations prior to the commencement of such month, but the Director General for Operations may at any time (including the period prior to December 1, 1942), at his discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted, or with respect to the use or uses which may or may not be made of material to be delivered or then on hand.

(3) Each person specifically authorized to accept delivery of mineral oil polymers shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed.

(4) Producers who prepare oil products from mineral oil polymers shall be considered users and must receive authorization for such use.

(c) *Small order exemption.* No specific authorization shall be required for:

(1) Acceptance of delivery by any person in any one calendar month of 50 pounds or less of mineral oil polymers in the aggregate; provided that such person has not been specifically authorized to accept delivery of any quantity of such material during such month;

(2) The delivery by any producer or distributor to any person who shall certify to him in writing that he is entitled pursuant to paragraph (c) hereof to accept delivery;

(3) The use by any producer in any calendar month of 50 pounds or less of mineral oil polymers in the aggregate.

(d) *Applications and reports.* (1) Each person seeking authorization to accept delivery of mineral oil polymers during any calendar month, beginning with December, 1942 (except as provided in paragraph (c) hereof), whether for his own consumption or resale, shall file application therefor on or before the 15th day of the month preceding the month for which authorization for delivery is requested. Applications by producers for authorization to use shall be filed in the same manner. Where delivery or use is to be in November, 1942, such application shall be filed as many days as possible in advance of the intended acceptance of delivery or use. In any case, such application shall be made on Form PD–600, in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form PD–600 may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which one shall be forwarded to supplier, three forwarded to the War Production Board, Chemicals Branch, Washington, D. C., Ref: M–258, and the fifth retained for your files.

(iii) In the heading, under name of chemical, specify mineral oil polymers; under WPB Order No., specify M–258; under unit of measure, specify pounds; under name of your company, specify name and mailing address; and specify the month and year for which authorization for acceptance of delivery is sought.

(iv) In Columns 1, 11 and 19, specify iodine number and percentage of solids.

(v) In Columns 3, 20 and 22, specify your primary product in terms of the following:

Core-oil
Insulation material
Plastic base
Floor covering
Fibre board impregnant
Protective coatings (specify)
Resale (as mineral oil polymers)
Others (specify)

(vi) In Column 4, specify ultimate use of product (for example, if the "primary product" called for by Columns 3, 20 and 22 is "core oil", the "ultimate use of product" might be "aircraft engine cylinders"), and also specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease, or commercial customer.

(vii) Remarks in Column 10 may, if necessary, be extended on the reverse side of the sheet. Include in remarks quantity of mineral oil polymers used in manufacture for preparation of primary products in corresponding period of year 1941. If requirements have increased appreciably, state reasons.

(2) Each producer or distributor seeking authorization to make delivery of mineral oil polymers during any calendar month beginning with December, 1942, shall file application on or before the 20th day of the month preceding the month for which authorization is requested. Such application shall be made on Form PD–601, in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form PD–601 may be obtained at local field offices of the War Production Board.

(ii) Prepare four copies and forward three to the War Production Board, Chemicals Branch, Washington, D. C., Ref: M–258, retaining the fourth copy for your files.

(iii) Producers or distributors who have filed application on Form PD–600, specifying themselves as their suppliers, shall list their own names as customers on Form PD–601, and shall list their requests for allocation in the manner prescribed for other customers.

(iv) In the heading, under name of chemical, specify mineral oil polymers; under WPB Order No., specify M–258; under name of company, state your name and mailing address; under unit of measure, specify pounds; and state the month and year during which deliveries covered by the application are to be made.

(v) In Columns 3 and 8, specify iodine number and percentage of solids.

(vi) Column 5 may, at your discretion, be left blank.

(vii) Names of customers to whom small order deliveries are to be made during the next month pursuant to paragraph (c) of this order need not be given, but insert in Column 1 "Total small order deliveries (estimated)" and in Column 4, the estimated quantity.

(viii) If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

(3) On or before November 30, 1942, each person who as of November 1, 1942 owned 500 pounds or more of mineral oil polymers shall report the amount of each grade of mineral oil polymers owned on such date by letter addressed to the War Production Board, Chemicals Branch, Washington, D. C., Ref: M–258.

(4) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue other and further directions to any such person with respect to preparing and filing Forms PD–600 and PD–601.

(e) *Notification of customers.* Each supplier shall notify his regular customers, as soon as possible, of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C. Ref: M–258.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12020; Filed, November 17, 1942; 10:45 a. m.]

PART 1052—KITCHEN, HOUSEHOLD AND OTHER MISCELLANEOUS ARTICLES

[Revocation of General Limitation Order L–30]

Section 1052.1 *General Limitation Order L–30*,[1] as amended September 30, 1942, is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12016; Filed, November 17, 1942; 10:43 a. m.]

PART 1157—CONSTRUCTION MACHINERY AND EQUIPMENT

[Amendment 1 to Limitation Order L–192]

Section 1157.10 *Limitation Order L–192*[2] is hereby amended in the following particulars:

1. Paragraph (a) is amended to read as follows:

> This order, as of November 30, 1942, supersedes Limitation Order Nos. L–82[3] and L–82–a.[4] Notwithstanding the revocation of Orders L–82 and L–82–a issued November 7, 1942, every person subject to the terms thereof immediately prior to such date shall abide by the terms of such orders until November 30, 1942, as though their text were fully incorporated in this order. All releases on equipment granted by the Director General for Operations pursuant to Limitation Orders Nos. L–82 and L–82–a not shipped by November 30, 1942, shall be deemed cancelled as of that date.

2. Paragraph (e) (1) is amended by striking out the date "November 15, 1942" and inserting in lieu thereof "November 30, 1942" and by changing the letter "(g)" and inserting in lieu thereof the letter "(f)".

3. Paragraph (e) (2) is amended by striking out the date "November 15, 1942" and inserting in lieu thereof "November 30, 1942".

4. Paragraph (e) (4) is amended to read as follows:

> On and after November 30, 1942, no producer shall put into process or assemble any materials in the manufacture of any equipment listed in Schedule C, except to fill an order placed by the Army, Navy, Maritime Commission, War Shipping Administration or Lend-Lease Government or for the use by a prime contractor on a construction project for any of the foregoing, and then only if authorized by the Director General for Operations on Form PD–556.

5. Paragraph (f) is amended by striking out the date "November 15, 1942" and inserting in lieu thereof "November 25, 1942".

6. Paragraph (g) is amended by striking out "Producers shall on the 15th day of each month" and inserting in lieu thereof "On or before November 25, 1942 and on or before the 15th day of each succeeding calendar month every producer shall".

7. Paragraph (h) is amended by striking out the date "November 15, 1942" and inserting in lieu thereof "November 30, 1942".

8. Paragraph (h) (2) (i) is amended by striking out the date "November 15, 1942" and inserting in lieu thereof "November 25, 1942".

9. Paragraph (h) (2) (ii) is amended by striking out the date "November 15, 1942" and inserting in lieu thereof "November 30, 1942".

10. Paragraph (i) (1) is amended by striking out the date "November 7, 1942" and inserting in lieu thereof "November 30, 1942".

11. Paragraph (i) (2) is amended to read as follows:

> All persons except a Government Corporation, the Army, Navy, Maritime Commission, War Shipping Administration or Lend-Lease Government, thirty days prior to the sale, lease or use on any other project of such equipment, shall complete, sign and return Form WPB–1159 to the Used Construction Machinery Regional Specialist in the War Production Board regional office in the region in which such equipment is located.

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[1] 7 F.R. 8254.

[2] 7 F.R. 9125.

[3] 7 F.R. 3320, 9125.

[4] 7 F.R. 3321, 9125.

12. Schedule A is amended by striking out "Draglines, slack lime" and inserting in lieu thereof "Draglines, slack line".

13. Paragraph (2) of Schedule B is amended by striking out the letter "(j)" and inserting in lieu thereof the letter "(i)".

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12021; Filed, November 17, 1942; 11:40 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[RPS 88,[1] Amendment 45]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1340.159 (c) (3) subdivisions (v) and (vi) are revoked and a new subdivision (ix) is added as set forth below:

§ 1340.159 *Appendix A; Maximum prices for petroleum and petroleum products.* * * *

(c) *Specific prices.* * * *

(3) *Distillate fuel oils.* * * *

(ix) *Lower Peninsula of Michigan.* The maximum tank wagon price of No. 1 fuel oil shall be 7½¢ a gallon in quantities of 100 gallons or over and 8½¢ a gallon in quantities of less than 100 gallons at all points in the Lower Peninsula of Michigan where the maximum tank wagon price thereof determined under § 1340.159 (b) (1)-(3) of this Revised Price Schedule No. 88 is less than the maximum price above specified.

§ 1340.158a *Effective dates of amendments.* * * *

(ss) Amendment No. 45 (§ 1340.159 (c) (3) (ix)) to Revised Price Schedule No. 88 shall become effective November 16, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11988; Filed, November 16, 1942; 4:18 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rationing Order 3,[1] Amendment 25]

SUGAR RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (a) of § 1407.267 is amended to read as follows:

Deposits

§ 1407.267 *Deposits.* (a) Stamps surrendered by a consumer to a depositor and received by a component establishment served or required to be served by an account shall be deposited in such account within ten (10) days after the expiration of the ration period assigned to such stamps by Schedule C of § 1407.243. Stamps surrendered by a registering unit to a depositor and received by a component establishment served or required to be served by an account, shall be deposited within ten (10) days after receipt by the depositor of such stamps. A certificate issued to a depositor by a listed board shall be deposited in an account of such depositor with sixty (60) days of the valid date of the certificate. A certificate issued in the name of a depositor by a person other than a listed board, and received by a component establishment served or required to be served by an account, shall be deposited in such account within sixty (60) days after the valid date of the certificate. A certificate surrendered to a depositor and received by a component establishment served or required to be served by an account shall be deposited in such account within sixty (60) days after the valid date of the certificate or thirty (30) days after the date of the last endorsement on the certificate whichever is later. Vouchers issued to a depositor shall be deposited in an account of such depositor within fifteen (15) days after the date appearing on the face thereof.

* * * * *

Effective Date

§ 1407.222 *Effective date of corrections and amendments.* * * * (z) Amendment No. 25 (§ 1407.267 (a)) to Rationing Order No. 3 shall become effective on November 14, 1942.

(Pub. Law 421, 77th Cong.; W.P.B. Dir. No. 1, and Supp. Dir. No. 1E; 7 F.R. 562, 2965)

Issued this 16th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11987; Filed, November 16, 1942; 4:18 p. m.]

PART 1305—ADMINISTRATION

[Supplementary Order 26]

STANDARD PROVISION FOR PETITIONS FOR AMENDMENT

Corrections

In the list of maximum price regulations appearing on page 8949 of the issue for Wednesday, November 4, 1942, the section designation opposite Maximum Price Regulation 234 should be 1350.58 (a) (3); the last regulation number should be 247 instead of 24.

PART 1381—SOFTWOOD LUMBER

[MPR 19, Amendment 5]

SOUTHERN PINE LUMBER

Corrections

In Table 17 appearing on page 9086 of the issue for Saturday, November 7, 1942, under the heading "Additions and Deductions per 1,000 feet board measure" item 1 should read "S1S, S2S, S3S, S4S, Shiplap or T and G, add $2.00." The introductory portion of item 14 should read "85% Heart Cubical Content (add to grade specified)."

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[Directive No. 5]

PART 321—DIRECTIVES

FORWARDING AND TRANSPORTATION OF WATERBORNE FOREIGN COMMERCE

Directive with respect to forwarding and transportation of waterborne foreign commerce of the United States issued jointly by the Lend-Lease Administrator and the Administrator, War Shipping Administration.

To all persons (including departments, agencies and officers of the United States) engaged in the procurement, transportation or forwarding of Lend-Lease cargo, or cargo procured, transported or forwarded for the government of any country whose defense has been deemed by the President to be vital to the defense of the United States pursuant to the Act of March 11, 1941 (which government is hereinafter referred as a Lend-Lease government);

By virtue of the authority vested in the President by the Act of March 11, 1941 (Public Law 11, 77th Congress), and delegated to the Lend-Lease Administrator pursuant to Executive Order 8926,[1] dated October 28, 1941 as amended; and by virtue of the authority vested in the Administrator, War Shipping Administration by the Act of March 14, 1942 (Public Law 498, 77th Congress), by Executive Order 9054,[2] dated February 7, 1942 as amended, it is hereby directed:

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1107, 1371, 1798, 1799, 2132, 2304, 2352, 2634, 2945, 3116, 3166, 3482, 3524, 3552, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 5983, 6057, 6167, 6471, 6680, 7242, 7838, 8433, 8478, 8586, 8701, 8741, 8829.

[1] 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 8402, 8655, 8739, 8809, 8710, 8830, 8831, 9042, 9396.

[1] 6 F.R. 5519.

[2] 7 F.R. 837.

§ 321.5 *Directive No. 5.* (a) Pursuant to Directive No. 1 of the Lend-Lease Administrator, dated November 11, 1942 (7 F.R. 9359) and to Directive No. 4, dated November 3, 1942 of the Administrator, War Shipping Administration (7 F.R. 8967) the ocean bill of lading issued by any vessel (without regard to the nationality of the vessel) for the ocean carriage of any cargo included within the scope of the aforesaid directives shall be in the following form:

STRAIGHT BILL OF LADING—NOT NEGOTIABLE

(Short Form)

Lend-Lease Blading
11-13-42

(Name of line to be inserted as required)

B/L No. ------------------

RECEIVED on board from the shipper hereinafter named the goods, or packages said to contain goods, hereinafter mentioned in apparent good order and condition unless otherwise indicated in this bill of lading, to be transported to the port of discharge and there to be delivered or transshipped on the terms hereinafter stated. In every contingency whatsoever and even in case of deviation or of unseaworthiness of the ship at time of loading or at any subsequent time, the rights and obligations, whatsoever they may be, of each and every person having any interest or duty whatsoever in respect of the receipt, care, custody, carriage, delivery or transshipment of the goods whether as shipper, consignee, holder or endorsee of the bill of lading, receiver or owner of the goods, master of the ship, carrier, shipowner, demise charterer, time charterer, operator, agent, bailee, warehouseman, forwarder, or otherwise howsoever, shall be subject to and governed by the terms of the Carrier's regular Bill of Lading, which shall be deemed to be incorporated herein, including any amendments thereto or special provisions thereof which may be in effect at the time the goods are received for shipment and applicable to the intended voyage. Copies of such Bill of Lading may be obtained on application to the Agent or the Master at the port of shipment or port of discharge or to the Administrator, War Shipping Administration, Washington. This shipment shall have effect subject to the provisions of the Carriage of Goods by Sea Act of the United States, approved April 16, 1936, which shall be deemed to be incorporated herein and nothing herein contained shall be deemed a surrender by the carrier of any of its rights or immunities or an increase of any of its responsibilities or liabilities under said Act. The provisions stated in said Act shall (except as may be otherwise specifically provided in the bill of lading referred to above) govern before the goods are loaded on and after they are discharged from the ship and throughout the entire time the goods are in the custody of the carrier. Nothing herein contained, whether by express statement, reference, implication or otherwise, shall be deemed a surrender of any rights or immunities or an increase of any responsibilities or liabilities which the ship, her owner, charterer, operator, agent or master or any carrier, bailee, warehouseman, or forwarder of the goods or the agent of any of them would have in the absence of this bill of lading. None of the terms of this bill of lading shall be deemed to have been waived by any person unless by express waiver signed by such person, or his duly authorized agent.

IN ACCEPTING THIS BILL OF LADING, the shipper, consignee, pledgee, holder or endorsee of this bill of lading, receiver, owner of the goods and each of them agree that all freight engagements, dock receipts or other agreements whatsoever in respect of the shipment of the goods are superseded by this bill of lading, and agree to be bound by all its terms whether written, printed or stamped on the front or back thereof or incorporated by reference therein, any local customs or privileges to the contrary notwithstanding.

If requested, one signed bill of lading duly endorsed must be surrendered to the agent of the ship at the port of discharge in exchange for delivery order.

Ship:
M. S. Port of
S. S. ---- Voyage number ---- Loading: ----
Shipper: --------------------------------
Consignee: ------------------------------
Arrival Notice to be Addressed to: ---------
Port of Discharge from Ship: --------------

PARTICULARS FURNISHED BY SHIPPER OF GOODS

Leading marks	Description of goods	Gross weight pounds
(Double bottom triangle to be imprinted on form, not exceeding 1½" on each side.)		

STRAIGHT BILL OF LADING—NOT NEGOTIABLE

FREIGHT AND CHARGES

------- @ ------per 2240 lbs------ $----------
------- @ ------per 2240 lbs------ $----------
------- @ ------per 100 lbs------- $----------
------- @ ------per 100 lbs------- $----------
------- @ ------per 100 lbs------- $----------
------Ft------in. @ ------per 40 cu. ft----- $----------
------Ft------in. @ ------per 40 cu. ft----- $----------
------Ft------in. @ ------per cu. ft-------- $----------
------Ft------in. @ ------per cu. ft-------- $----------
---------------- @ ------per-------------- $----------
-------------pkgs. @ ------per pkg---------- $----------
--- $----------
Total------ $----------

If the ship is not owned by or chartered by demise to the Company designated herein (as may be the case notwithstanding anything that appears to the contrary) this bill of lading shall take effect only as a contract with the owner or demise charterer, as the case may be, as principal, made through the agency of the Company designated herein which acts as agent only and shall be under no personal liability whatsoever in respect thereof.

IN WITNESS WHEREOF, the Master of the said ship has affirmed to FOUR bills of lading, all of this tenor and date, ONE of which being accomplished, the others to stand void.

Dated ---------------, this ---------- day
of -------------------, 19 ----.

FOR THE MASTER,
(Name of Agent in Print)
By ---------------------------
as Agent for the Master
By ---------------------------

CAUTION

This document contains information affecting the national defense of the United States within the meaning of the Espionage Act, 50 U. S. C., 31 and 32 as amended. Its transmission or the revelation of its contents in any manner to an unauthorized person is prohibited by law.

(b) Such ocean bill of lading shall be of a uniform size, 9½ inches by 14½ inches, all of the printing to be done on one side, the reverse side remaining blank. The type used shall be no smaller than 6 point type.

(c) This directive shall become effective on December 1, 1942.

[SEAL] E. R. STETTINIUS, Jr.,
Lend-Lease Administrator,
Office of Lend-Lease Administration.
E. S. LAND,
Administrator,
War Shipping Administration.

NOVEMBER 13, 1942.

[F. R. Doc. 42-11980; Filed, November 16, 1942; 12:03 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 15—RULES AND REGULATIONS GOVERNING ALL RADIO STATIONS IN THE WAR EMERGENCY RADIO SERVICE

Correction

Attention is directed to the following error which appears on page 9347 in the Friday, November 13, 1942, issue of the FEDERAL REGISTER:

§ 15.75 *Tests.* "The licenses of civilian defense stations" should read "The licensees of civilian defense stations".

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-12008; Filed, November 17, 1942; 10:06 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-341]

JOE AND WALTER SOPINSKI

NOTICE OF AND ORDER FOR HEARING

In the matter of Joe Sopinski and Walter Sopinski, individually and as copartners, doing business under the name and style of Joe and Walter Sopinski, Code Member.

A complaint dated October 12, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on October 15, 1942, by Bituminous Coal Producers Board for District No. 4, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Joe Sopinski and Walter Sopinski, individually and as copartners, doing business under the name and style of Joe and Walter Sopinski, (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 19, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Coshocton, Ohio.

It is further ordered, That W. A. Cuff or any other officer or officers of the

Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that Joe Sopinski and Walter Sopinski, individually and as co-partners, doing business under the name and style of Joe and Walter Sopinski, Code Member, whose address is 330 McCrea Avenue, Dennison, Ohio, operating the White Oak Mine, Mine Index No. 1826, located in Tuscarawas County, Ohio, District No. 4, has violated section 4 II (e) of the Act and Part II (e) of the Code promulgated thereunder by selling and delivering (a) during the period January 1, 1941 to December 31, 1941, both dates inclusive, to various purchasers approximately 1 331 net tons of ¾'' lump coal (Size Group 5) produced at said mine at $2.25 per net ton f. o. b. said mine, whereas the effective minimum price was $2.35 per net ton f. o. b. said mine as established in the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipment, and (b) during the period February 1, 1942 to March 31, 1942, both dates inclusive, to one Delmar Baer of Tuscarawas, Ohio, approximately 389.65 net tons of 1'' slack coal (Size Group 7) produced at said mine at $1.80 per net ton f. o. b. said mine for truck shipment, whereas the effective minimum price was $1.90 per net ton f. o. b. said mine as established in said schedule.

Dated: November 16, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12009; Filed, November 17, 1942;
10:37 a. m.]

[Docket No. B-337]

BLAKE MINE COMPANY

NOTICE OF AND ORDER FOR HEARING

In the matter of Jasper Blake, Wendell Blake and George Blake, individually and as co-partners doing business under the name and style of Blake Mine Company, Code Member.

A complaint dated October 12, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on October 15, 1942, by Bituminous Coal Producers Board for District No. 4, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Jasper Blake, Wendell Blake and George Blake, individually and as co-partners doing business under the name and style of Blake Mine Company, (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject of such complaint be held on January 19, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Coshocton, Ohio.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that Jasper Blake, Wendell Blake and George Blake, individually and as co-partners, doing business under the name and style of Blake Mine Company, a Code Member of Newcomerstown, Ohio, operating the Ohio Black Diamond Mine, Mine Index No. 2811, located in Tuscarawas County, Ohio, District No. 4, has wilfully violated the Act, the Code, and rules and regulations thereunder by selling and delivering coal produced at said mine as follows:

1. During the period March 19, 1941, to March 30, 1941, both dates inclusive, approximately 126.23 net tons of 1¼'' lump coal and 304.175 net tons of mine

run coal to the Belden Brick Company of Canton, Ohio, and approximately 81.70 net tons of 1¼'' lump coal to the Reeves Steel and Manufacturing Company of Dover, Ohio, whereas prices temporary or final had not been established by the Division for the sale of said coal, resulting in violations of the order in General Docket No. 19 dated October 9, 1940; and

2. During the period April 16, 1941, to October 31, 1941, both dates inclusive, to the Port Washington, Ohio, plant of the Belden Brick Company, a distance of 13.9 miles from said mine, approximately 215.20 net tons of 1¼'' lump coal at a truck delivered price of $2.57 per net ton, and 288.30 net tons of 1¼%'' slack coal at truck delivered prices of $1.90 and $2.00 per net ton; and to the Canton, Ohio, plant of the Belden Brick Company, a distance of 58 miles from said mine, approximately 1,680.66 net tons of mine run coal at a truck delivered price of $3.00 per net ton; and to the Dover, Ohio, plant of the Reeves Steel and Manufacturing Company, a distance of 29 miles from said mine, approximately 1,428.54 net tons of 1¼'' slack coal at a truck delivered price of $2.00 per net ton; whereas the effective minimum prices were $1.90 per net ton for 1¼'' slack coal, $2.35 per net ton for 1¼'' lump coal and $2.20 per net ton for mine run coal, f. o. b. the mine, as contained in the order in Docket No. A-754, dated April 7, 1941, and made a part of the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipment, to which minimum prices the code member failed to add amounts at least equal to the actual handling or incidental charges from the transportation facilities at said mine to said points of deliveries, resulting in violations of section 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code; and

3. During the months of January, February and March 1941, to various purchasers by truck or wagon and filing with the Division copies of truck tickets, sales slips and invoices of said sales and falsely stating therein the total amount charged for said coal, contrary to the requirements of section III (b) of Order No. 307 of the Division, dated December 11, 1940, resulting in violations of Order of the Division No. 309 dated January 14, 1941 issued pursuant to said Order No. 307 and section 4 II (a) of the Act and Part II (a) of the Code.

Dated: November 16, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12010; Filed, November 17, 1942;
10:37 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

COLONIAL STORES INCORPORATED

NOTICE OF GRANTING EXCEPTION

Notice of granting of exception pursuant to § 516.18 of the Record Keeping Regulations, Part 516.

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, issued under authority contained in the Fair Labor Standards Act of 1938, the Administrator of the Wage and Hour Division has granted to the Colonial Stores Incorporated of Norfolk, Virginia, an exception to § 516.15 (b) of the Record Keeping Regulations relieving this company from the requirement of preserving for 2 years outgoing shipping and delivery records of merchandise shipments from its warehouses to its retail stores: *Provided,* That these records are retained for not less than 4 months, and that at least 10 percent of these records for each month are retained for not less than 2 years, and that summary card records of all of the shipments from the warehouses to the retail stores are retained for not less than 2 years.

This authority is granted on the representations of the petitioner and is subject to revocation for cause.

Signed at New York, New York, this 12th day of November 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-11985; Filed, November 16, 1942;
2:37 p. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective November 16, 1942.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

E. Simon Bialek, 102 Grant St., Passaic, New Jersey; Embroidery on handkerchiefs; 2 learners; 28 cents per hour for any one learner; 6 weeks for any one learner; Spanner-helper; January 11, 1943. (This replaces the certificate listed in the November 2, 1942 register).

Eaton Paper Products, South Church St., Pittsfield, Massachusetts; Paper converters, box making, leather products; 25 learners; 4 weeks for any one learner; 33 cents per hour for any one learner; Machine operators and hand operations; December 28, 1942.

Sutherland's, 1072 Granada, San Marino, California; Shell jewelry; 10 learners; 4 weeks for any one learner; 30 cents per hour for any one learner; Stringing shells and finishing; February 22, 1943.

Empire Embroidery Co., 1027 Race St., Philadelphia, Pennsylvania; Embroidery; 2 learners; 6 weeks for any one learner; 28 cents per hour for any one learner; Spanner-helper; January 11, 1943. (This replaces the certificate listed in the November 2, 1942 register).

Signed at New York, N. Y., this 14th day of November 1942.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 42-11983; Filed, November 16, 1942;
2:37 p. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the determination and order or regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective November 16, 1942. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-lined Garments Divisions of the Apparel Industry:

Ambassador Uniform Co., 3769 Broadway Place, Los Angeles, California; Doctors' & nurses' uniforms; 2 learners (T); November 16, 1943.

American Robe Co., Inc., Bohemia, Long Island, New York; Bathrobes; 10 learners (T); November 16, 1943.

Artcraft Shirt Co., 407 S. Main St., Lewistown, Pennsylvania; Shirts; 10 percent (T); November 16, 1943.

Atlanta Knitting Mills, Catskill, New York; Slips, polo shirts and rayon underwear; 10 percent (T); November 16, 1943.

Bay State Mfg. Co., Inc., 286 Congress St., Boston, Massachusetts; Women's cotton and rayon wash dresses; 10 percent (T); November 16, 1943.

Belmont Mfg. Co., 321 N. 8th St., Philadelphia, Pennsylvania; Ladies' cotton and rayon blouses and dresses; 10 percent (T); November 16, 1943.

Bridgewater Garment Co., Main St., Bridgewater, Virginia; Pants and breeches; 10 percent (T); November 16, 1943.

Bernstein & Sons Shirt Corp., 727 Meadow Street, Allentown, Pennsylvania; Boys' cotton shirts; 10 percent (T); November 16, 1943.

Casey Jones, Inc., Denton, Maryland; Work clothing; 10 learners (T); November 16, 1943.

Chesnin & Leis, Inc., 12 Bankard Ave., Newburgh, New York; Ladies' underwear; 10 percent (T); November 16, 1943.

Chesnin & Leis, Inc., Pine St., Walden, New York; Ladies' underwear; 10 percent (T); November 16, 1943.

Chesnin & Leis, Inc., Main St., Walden, New York; Dresses; 10 percent (T); November 16, 1943.

Chesnin & Leis, Inc., Pleasant Ave., Walden, New York; Dresses; 10 percent (T); November 16, 1943.

Elizabeth Shirt Co., 701 Spring St., Elizabeth, New Jersey; Boys' shirts; 10 percent (T); November 16, 1943.

Ely & Walker Dry Goods Co., Salem, Missouri; Army shorts, pajamas, sport shirts & shorts; 10 percent (T); November 16, 1943.

The Emaus Shirt Co., Inc., Ridge St. & Keystone Ave., Emmaus, Pennsylvania; Pajamas; 10 percent (T); November 16, 1943.

Gem Garment Co., S. Cedar Lane, Greencastle, Pennsylvania; Ladies' cotton house dresses; 10 percent (T); November 16, 1943.

Georgia Shirt Co., Cornelia, Georgia; Work shirts; 10 percent (T); November 16, 1943.

The L. N. Gross Co., Fayetteville, Tennessee; Dresses and parachutes; 10 percent (T); November 16, 1943.

Milton Hoisch, 308 E. 9th St., Los Angeles, California; Defense uniforms, slack suits, blouses; 7 learners (T); November 16, 1943.

J. W. Jackson & Sons, 546 S. Meridian St., Indianapolis, Indiana; Overalls, one-piece suits; 2 learners (T); November 16, 1943.

Kaisel Garment Co., Inc., 1531 Washington Ave., St. Louis, Missouri; Dresses; 5 learners (T); November 16, 1943.

Keystone Garment Co., N. Stratton St., Gettysburg, Pennsylvania; Ladies' cotton ready to wear dresses and uniforms, etc.; 10 percent (T); November 16, 1943.

H. Lang Co., 113 N. 2nd St., River Falls, Wisconsin; One-piece working suits; 10 percent (T); November 16, 1943.

Lassar & Bick Co., Inc., 1143 Santee St., Los Angeles, California; Sport coats; 5 learners (T); November 16, 1943.

Liberty Sport Togs, 40 King St., Mt. Holly, New Jersey; Boys' wash suits; 4 learners (T); November 16, 1943.

S. Liebovitz & Sons, Inc., Snow Hill, Maryland; Men's shirts; 10 learners (T); November 16, 1943.

M. Limau Mfg. Co., 400 First Ave., Minneapolis, Minnesota; Children's coat & legging sets, ladies' & children's ski suits, junior coats; 5 learners (T); November 16, 1943.

Marvel Underwear & Pajama Co., 20 Cleveland Ave., Rutland, Vermont; Men's pajamas and shorts; 10 percent (T); November 16, 1943.

Mount Holly Dress Co., Inc., Murrell & Paxson Sts., Mount Holly, New Jersey; Children's cotton dresses; 6 learners (T); November 16, 1943. (This certificate replaces the one bearing the expiration date of April 27, 1943).

Nassau Brassiere Co., 205–7 Lawrence Ave., Inwood, New York; Corsets, brassieres and foundations; 10 learners (T); November 16, 1943.

New England Pants Co., 57 North St., Willimantic, Connecticut; Men's & boys' trousers; 10 percent (T); November 16, 1943.

Nora-Lee Lingerie Co., Inc., 57 Church St., Granville, New York; Ladies' night gowns, slips and panties; 10 learners (T); November 16, 1943.

Parkville Shirt Co., 521 River St., Troy, New York; Men's cotton shirts; 10 percent (T); November 16, 1943.

Perfect Trouser Co., Inc., 26th & Reed Sts., Philadelphia, Pennsylvania; U. S. Marine pants, army jackets; 10 percent (T); November 16, 1943.

Salant & Salant, Inc., Obion, Tennessee; Cotton work shirts; 10 learners (T); November 16, 1943.

Smart Set Frocks, Inc., 52 Twelfth St., Fall River, Massachusetts; Ladies' wash dresses and children's dresses; 10 percent (T); November 16, 1943.

Violet Tatum, 834 So. Broadway, Los Angeles, California; Misses dresses and unlined suits; 4 learners (T); November 16, 1943.

Walco Garment Co., 127 E. 9th St., Los Angeles, California; Cotton wash garments; 10 learners (T); November 16, 1943.

Cigar Industry

General Cigar Co., 205 Court St., Evansville, Indiana; Cigars; 10 percent (T); Cigar packers to have learning period of 320 hours at 75 percent of the applicable minimum wage; November 15, 1943.

Higdon Cigar Co., Quincy, Florida; Cigars; 10 percent (T); Cigar machine operators and cigar packers to have learning period of 320 hours and tobacco strippers to have learning period of 160 hours at 75 percent of the applicable minimum wage; November 15, 1943.

Glove Industry

Royalknit Glove Corp., 19 W. State St., Johnstown, New York; Knit wool gloves; 5 learners (T); November 16, 1943.

Hosiery Industry

Burdwyn Hosiery Mills, King & Quinter Sts., Pottstown, Pennsylvania; Full-fashioned hosiery; 5 learners (T); November 16, 1943.

Browns Hosiery Mills, Inc., 102 E. Holt St., Burlington, North Carolina; Seamless hosiery; 5 learners (T); November 16, 1943.

Dolly Hosiery Mills, Inc., Valdese, North Carolina; Seamless hosiery; 5 learners (T); November 16, 1943.

Mayfair Hosiery Finishers, Inc., 4th & Morton Ave., Chester, Pennsylvania; Seamless hosiery; 5 learners (T); November 16, 1943.

Newnan Hosiery Mills, Inc., Berry Ave., Newnan, Georgia; Seamless hosiery; 5 percent (T); November 16, 1943.

Wilkes-Barre Hosiery Mills, Inc., 173 Gilligan St., Wilkes-Barre, Pennsylvania; 4 learners (T); November 16, 1943.

Knitted Wear Industry

Luxuray, Inc., Willet St., Fort Plain, New York; Knitted underwear; 5 percent (T); November 16, 1943.

Sakura Mills, Inc., Kane, Pennsylvania; Knitted underwear; 5 percent (T); November 16, 1943.

The Trenton Garment Co., West Rush St., Kendallville, Indiana; Rayon underwear; 5 learners (T); November 16, 1943.

Van Raalte Co., Inc., 84 Sweeney St., North Tonawanda, New York; Underwear, knitted gloves and mosquito netting; 5 percent (T); November 16, 1943.

Textile Industry

The Burrowes Mfg. Co., Inc., 3rd St. West, Hendersonville, North Carolina; Chenille bedspreads and yardage of chenille sheeting to be cut for chenille garments; 5 learners (T); November 16, 1943.

Elizabeth City Cotton Mills, Skinner Ave., Elizabeth City, North Carolina; Cotton yarns; 3 percent (T); November 16, 1943.

W. S. Libbey Co., Mill St., Lewiston, Maine; Blankets, cotton warp piece goods, mildew proofing; 3 percent (T); November 16, 1943.

Pioneer Fabric Co., Plainview St., Gadsden, Alabama; Army webbings, tapes and cord edge; 3 learners (T); November 16, 1943.

United Elastic Corp., American Mills Permoflex Plant, 158 Orange Avenue, West Haven, Connecticut; Elastic & non-elastic webs; 8 learners (T); November 16, 1943.

Signed at New York, N. Y., this 14th day of November 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42–11984; Filed, November 16, 1942; 2:37 p. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 181]

ASSETS OF OSAKA SYOSEN KAISYA

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, Osaka Syosen Kaisya, a Japanese corporation, Osaka, Japan, including, but not limited to, all of the assets of its New York branch, which corporation is a business enterprise within the United States,

is property of nationals, and said business enterprise is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on September 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–11989; Filed, November 17, 1942; 8:55 a. m.]

[Vesting Order 185]

70% OF THE CAPITAL STOCK OF OKURA & COMPANY (TRADING) LTD., AND ASSETS OF OKURA & COMPANY

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

> 140 shares (which constitute a substantial part, namely, 70%, of all outstanding shares) of $100 par value common capital stock of Okura & Company (Trading) Ltd., a New York corporation, New York, New York, which is a business enterprise within the United States, the names and last known addresses of the registered owners of which, and the number of shares owned by them respectively, are as follows:

Name and last known address	*No. of shares*
Shigeyoshi Megata, Japan (by repatriation)	100
Shinichi Akira, Japan (by repatriation)	20
Kenro Okamoto, Japan (by repatriation)	20
Total	140

is property of nationals, and represents control of said business enterprise which is a national, of a designated enemy country (Japan); and

(b) That the property described as follows:

> All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, Okura & Company, a Japanese corporation, Tokyo, Japan, including but not limited to all property of its New York branch, which corporation is a business enterprise within the United States,

is property of nationals, and the business enterprise described in this paragraph (b) is a national, of a designated enemy country (Japan);

and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said executive order.

Executed at Washington, D. C. on Sep[illegible]8, 1942.

[S[illegible]L] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–11990; Filed, November 17, 1942; 8:55 a. m.]

[Vesting Order 193]

INTERESTS OF PARTNERS IN HESCO IMPORT COMPANY

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All right, title and interest as copartners in and to Hesco Import Company, a New Jersey partnership, Closter, New Jersey, which is a business enterprise within the United States, of each of the persons whose names and last known addresses are, respectively, as follows:

Name	*Last known address*
Mrs. Luise Luhn	Remscheid, Germany.
Mrs. Elisabeth Hessenbruch	Remscheid, Germany.
Mrs. Emmy Hessenbruch	Bonn, Germany.
Mrs. Johanne Hessenbruch	Remscheid, Germany.
Estate of E. T. Tesch, deceased	Remscheid, Germany.

> the aforesaid right, title and interest of all of whom constitute in the aggregate approximately 50% of such partnership.

is property of nationals, and represents an interest in said business enterprise which is a national, of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of such designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on September 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11991; Filed, November 17, 1942; 8:55 a. m.]

[Vesting Order 195]

97.62% OF THE CAPITAL STOCK OF BANCO DI NAPOLI TRUST COMPANY OF NEW YORK

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

25,381 shares (constituting a substantial part, namely, 97.62%, of the outstanding capital stock) of $50 par value common capital stock of Banco di Napoli Trust Company of New York, a New York corporation, New York, New York, which is a business enterprise within the United States, the names and last known addresses of the registered owners of which, and the number of shares owned by them respectively, are as follows:

Name and last known address	*Number of shares*
Banco di Napoli, Naples, Italy	25,341
Vincenzo Giuliani, Brooklyn, N. Y., holding for the benefit of Banco di Napoli, Naples, Italy	20
Antonino Corigliano, Italy	20
Total	25,381

is property of nationals, and represents control of said business enterprise which is a national, of a designated enemy country (Italy), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on September 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11992; Filed, November 17, 1942; 8:55 a. m.]

[Vesting Order 213]

ASSETS OF KUNIO IZUMI & COMPANY

Under the authority of Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title and interest of Kunio Izumi, whose last known address was represented to the undersigned as being Japan (by repatriation), in and to Kunio Izumi & Company, the name under which he maintains offices and does business in New York, New York, which is a business enterprise within the United States, and all property of any nature whatsoever owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, said Kunio Izumi or Kunio Izumi & Company.

is property of, and represents ownership of said business enterprise which is, a national of a designated enemy country (Japan), and determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 3, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11993; Filed, November 17, 1942; 8:55 a. m.]

[Vesting Order 218]

ASSETS OF ASSICURAZIONI GENERALI DI TRIESTE E VENEZIA

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, Assicurazioni Generali di Trieste e Venezia, an Italian corporation, Trieste, Italy, including but not limited to all property of its United States branch known as The

General Insurance Company, Ltd., of Trieste and Venice, New York, New York, and all the property hereinafter described in paragraph (b),

is property of such corporation which is a business enterprise within the United States and which is a national of a designated enemy country (Italy); and

(b) That the property described as follows:

All property of any nature whatsoever which is being administered by Louis H. Pink, Superintendent of Insurance of the State of New York, as liquidator of such United States branch of said corporation, including but not limited to all right, title and interest of said liquidator in and to all securities of a par value of $100,000 deposited (as a statutory deposit pursuant to the Ohio General Code) with and held by the Superintendent of Insurance of the State of Ohio,

is property which is in the process of administration by a person (namely, the aforesaid Superintendent of Insurance of the State of New York) acting under judicial supervision (namely, that of the Supreme Court of the State of New York), and which is payable or deliverable to, or claimed by, a national of a designated enemy country (Italy);

and determining that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Italy), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests in the Alien Property Custodian all of the aforesaid property except the cash held by said liquidator in a reserve fund to be used for the payment of (1) claims of domestic creditors of such United States branch of said corporation which have been allowed and approved but not paid by said liquidator, (2) claims of domestic creditors of such United States branch of said corporation which are being held in suspense by said liquidator, and (3) liquidation expenses of said liquidator, such property hereby vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The property vested hereby and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such vested property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on October 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11994; Filed, November 17, 1942; 8:56 a. m.]

[Vesting Order 224]

INTERESTS OF PARTNERS IN NIPPON TRADING COMPANY

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation, finding that the property described as follows:

All right, title and interest as copartners in and to Nippon Trading Company, a California partnership, San Francisco, California, which is a business enterprise within the United States, of each of the persons whose names and last known addresses are, respectively, as follows:

Name:	*Last known address*
T. Imoto	Nagoya, Japan.
N. Ito	Nagoya, Japan.
T. Tawada	Nagoya, Japan.
S. Morita	Nagoya, Japan.
K. Harada	Nagoya, Japan.

is property of nationals, and represents ownership of said business enterprise which is a national, of a designted enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on October 9, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11995; Filed, November 17, 1942; 8:56 a. m.]

[Vesting Order 356]

ESTATE OF LEO BECKER, DECEASED

In re: estate of Leo Becker, deceased—File D-28-1530; E. T. sec. 168.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Mae Winslow, Executrix, under the supervision of the Probate Court of Cook County, Illinois;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Julius Piekarski	Berlin, Germany.
Ella Bladau	Essen, Germany.
Martha Schwartz	Essen, Germany.
Carl Piekarski	Rostock, Germany.
Barnhardt Piekarski	Rostock, Germany.

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order as Act or otherwise, and deeming it necessary in the national interest, now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Julius Piekarski, Ella Bladau, Martha Schwartz, Carl Piekarski and Barnhardt Piekarski in and to the Estate of Leo Becker, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: November 13, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11996; Filed, November 17, 1942; 8:56 a. m.]

[Vesting Order 357]

ESTATE OF ANTONIETTA BONOMI, DECEASED

In re: estate of Antonietta Bonomi, also known as Antonietta Bonomo, deceased—File D-38-285; E. T. sec. 100.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Vincent DiLorenzo, Administrator acting under the judicial supervision of Orphans Court of the State of Pennsylvania, in and for the County of Philadelphia.

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

National:	*Last known address*
Vincenza Castiglia	Italy.
Maria Prestigiovanni	Italy.
Giosippina Nantista	Italy.

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever, of Vincenza Castiglia, Maria Prestigiovanni and Giosippina Nantista in and to the Estate of Antonietta Bonomi, also known as Antonietta Bonomo, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: November 13, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11997; Filed, November 17, 1942; 8:56 a. m.]

[Vesting Order 358]

ESTATE OF HENRIETTA E. GARRETT, DECEASED

In re: Estate of Henrietta E. Garrett, deceased—File 28-1682; E. T. sec. 538 and 539.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Charles S. Starr and Frank G. Marcellus, Administrators c. t. a of the estate of Henrietta E. Garrett, deceased, acting under the judicial supervision of the Orphans Court of Philadelphia County, Pennsylvania.

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National	*Last known address*
Johann Peter Christian Schaefer I	Bad-Nauheim, Germany.

And determining that:

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Johann Peter Christian Schaefer I in and to the Estate of Henrietta E. Garrett, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: November 13, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11998; Filed, November 17, 1942; 8:56 a. m.]

[Vesting Order 359]

ESTATE OF CAMILLO GENTILLI, DECEASED

In re: estate of Camillo Gentilli, deceased—File D-38-283; E. T. sec. 50.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Max Wollner, Executor acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

National	*Last known address*
Anna Elisa Gentilli	Italy.
Dr. Mario Lauro	Italy.

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Anna Elisa Gentilli and Dr. Mario Lauro in and to the Estate of Camillo Gentilli, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit

the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: November 13, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11999; Filed, November 17, 1942; 8:57 a. m.]

[Vesting Order 360]

ESTATE OF VIKTOR HOHENLOHE

In re: estate of Viktor Hohenlohe—File F-6-812; E. T. sec. 65.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Richard H. Wilmer, Guardian of the estate of Viktor Hohenlohe, acting under the judicial supervision of the United States District Court for the District of Columbia;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National	*Last known address*
Viktor Hohenlohe	Vienna, Austria.

And determining that:

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Viktor Hohenlohe in and to his estate under guardianship of Richard H. Wilmer, Guardian,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: November 13, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12000; Filed, November 17, 1942; 8:57 a. m.]

[Vesting Order 361]

ESTATE OF WILLIAM H. SCHMOLLER

In re Estate of William H. Schmoller, deceased—File F-28-12789; E. T. sec. 404.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by The Omaha National Bank and William Metz, Administrators of the estate of William H. Schmoller, deceased, acting under the judicial supervision of the County Court of Douglas County, Nebraska;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals	*Last known address*
Christian Schmoller	Eisenach, Germany.
Anna Wippig	Eisenach, Germany.
Minna Kaiser	Eisenach, Germany.
Emma Bense	Eisenach, Germany.
Sigfried Voelker	Eisenach, Germany.
Minna Bauer	Eisenach, Germany.
Frieda Crutzbach	Eisenach, Germany.
Sigfried Voelker	Eisenach, Germany.
Irmgard Fellsberg	Eisenach, Germany.
Brunhilde Ballmeyer	Eisenach, Germany.
Gertrude Schmuck	Eisenach, Germany.
Helgarde Frost	Eisenach, Germany.
Alfred Morgenweck	Eisenach, Germany.
Frieda Schmidt	Eisenach, Germany.
Martha Weise	Eisenach, Germany.
Herman Voelker	Eisenach, Germany.

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Christian Schmoller, Anna Wippig, Minna Kaiser, Emma Banse, Sigfried Voelker, Minna Bauer, Frieds Grutzbach, Sigfried Voelker, Irmgard Fellsberg, Brunhilde Ballmeyer, Gertrude Schmuck, Helgarde Frost, Alfred Morgenweck, Frieda Schmidt, Martha Weise and Herman Voelker in and to the Estate of William H. Schmoller, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: November 13, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12001; Filed, November 17, 1942; 8:57 a. m.]

[Vesting Order 362]

4.762% OF THE CAPITAL STOCK OF SAINT-DENIS, KUHLMANN, SAINT-CLAIR DYESTUFF CORPORATION

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

One share of $500 par value common capital stock of Saint-Denis, Kuhlmann, Saint-Clair Dyestuff Corporation, a New York corporation, New York, New York, which is a business enterprise within the United States, which share is registered in the name of H. Peter Rossiger, Long Island, New York and represents 4.762% of the 21 shares of outstanding stock of said business enterprise, of which 20 shares, or 95.238%, were vested by the undersigned pursuant to Vesting Order Number 167 issued by him under date of September 24, 1942,

is property of a national of a designated enemy country (Germany), and represents an interest in and is evidence of ownership of said business enterprise which is a national of the same designated enemy country, and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 13, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12002; Filed, November 17, 1942; 8:58 a. m.]

[Vesting Order 363]

CERTAIN INDEBTEDNESS OWING BY BYK, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

(a) Finding that Byk-Guldenwerke Chemische Fabrik, A. G., Dresdner Bank and Reichs-Kredit Gesellschaft, A. G., the last known address of each of which was represented to the undersigned as being Berlin, Germany, and which therefore are nationals of a designated enemy country (Germany), were (prior to the vesting of such shares by the undersigned pursuant to Vesting Order Number 34 issued under date of June 30, 1942) the owners of 10 shares of the capital stock of Byk, Inc., a Delaware corporation, New York, New York, which is a business enterprise within the United States, and which 10 shares constitute all of the outstanding capital stock of said business enterprise and represent ownership thereof, and therefore determining that such business enterprise is a national of the aforesaid designated enemy country (Germany);

(b) Finding that all right, title, interest and claim of any name or nature whatsoever of Byk-Guldenwerke Chemische Fabrik, A. G., in and to all indebtedness, contingent or otherwise, and whether or not matured, owing to it by said Byk, Inc., including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness, is an interest in the aforesaid business enterprise held by a national of an enemy country, and also is property within the United States owned or controlled by a national of a designated enemy country (Germany);

(c) Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

(d) Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

(e) Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the indebtedness described in paragraph (b), to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 13, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12003; Filed, November 17, 1942; 8:58 a. m.]

[Vesting Order 364]

ESTATE OF THUSNELDA M. VAN VALKENBURG

In re: Estate of Thusnelda M. Van Valkenburg, deceased—File D-28-1626; E. T. sec. 384.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by the Union Trust Company of the District of Columbia, Executor and Trustee, acting under the judicial supervision of the District Court of the United States for the District of Columbia; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of designated enemy countries, Italy and Germany, namely,

National:	*Last known address*
Otto Meyn	Italy.
Elsbeth Meyn	Italy.
Eugen Meyn	Italy.
Heinrich Meyn	Italy.
Ulrich Meyn	Italy.
Ludwig Meyn	Italy.
Angela Meyn	Italy.
Clara von Falkenstein	Germany.
Frau Grete Elsner	Germany.
Alma Sonnenkalb	Germany.
Fifi Sonnenkalb	Germany.
Felix Sonnenkalb	Germany.
Frau Elise Tams	Germany.
The unknown person or persons entitled to receive the estate of Karl Meyn, deceased, formerly of Germany	Germany.

And determining that:

(3) If such nationals are persons not within any designated enemy country, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries, Italy, and Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest; now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Otto Meyn, Elsbeth Meyn, Eugen Meyn, Heinrich Meyn, Ulrich Meyn, Ludwig Meyn, Angela Meyn, Clara von Falkenstein, Frau Grete Elsner, Alma Sonnenkalb, Fifi Sonnenkalb, Felix Sonnenkalb, Frau Elise Tams and the unknown person or persons entitled to receive the estate of Karl Meyn, deceased, formerly of Germany, and each of them, in and to the Estate of Thusnelda M. Van Valkenburg, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: November 13, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12004; Filed, November 17, 1942; 8:58 a. m.]

[Vesting Order 365]

ESTATE OF PETER GUIA

In re: Estate of Peter Guia, deceased—File D-57-43; E. T. sec. 162.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation, finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Reverend John Trutza, Adminstrator, acting under the judicial supervision of the Probate Court of the State of Ohio, in and for Cuyahoga County; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of designated enemy countries, Rumania and Hungary, namely,

National:	*Last known address*
Todor Guia	Rumania.
Josif Jurca	Rumania.
Anuta Botezat	Hungary.
Gaftia Dandea	Rumania.
George Jurca	Rumania.

And determining that:

(3) If such nationals are persons not within any designated enemy country, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries, Rumania and Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, now, therefore, the Alien Property Custodian vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Todor Guia, Josif Jurca, Anuta Botezat, Gaftia Dandea and George Jurca, and each of them, in and to the Estate of Peter Guia, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: November 13, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12005; Filed, November 17, 1942; 8:58 a. m.]

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THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 7 NUMBER 227

Washington, Thursday, November 19, 1942

The President

PROCLAMATION 2572

SIXTH REGISTRATION

BY THE PRESIDENT OF THE UNITED STATES

A PROCLAMATION

WHEREAS the Selective Training and Service Act of 1940 (54 Stat. 885), as amended by the Act of December 20, 1941 (55 Stat. 844), contains, in part, the following provisions:

"SEC. 2. Except as otherwise provided in this Act, it shall be the duty of every male citizen of the United States, and of every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and sixty-five, to present himself for and submit to registration at such time or times and place or places, and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder."

* * * * *

"SEC. 5. (a) Commissioned officers, warrant officers, pay clerks, and enlisted men of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Public Health Service, the federally recognized active National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, and the Marine Corps Reserve; cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Coast Guard Academy; men who have been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as cadets, to the United States Naval Academy as midshipmen, or to the United States Coast Guard Academy as cadets, but only during the continuance of such acceptance; cadets of the advanced course, senior division, Reserve Officers' Training Corps or Naval Reserve Officers' Training Corps; and diplomatic representatives, technical attaches of foreign embassies and legations, consuls general, consuls, vice consuls, and consular agents of foreign countries, and persons in other categories to be specified by the President, residing in the United States, who are not citizens of the United States, and who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 2 and shall be relieved from liability for training and service under section 3 (b)."

* * * * *

"SEC. 10. (a) The President is authorized—

(1) to prescribe the necessary rules and regulations to carry out the provisions of this Act;"

* * * * *

(4) to utilize the services of any or all departments and any and all officers or agents of the United States and to accept the services of all officers and agents of the several States, Territories, and the District of Columbia and subdivisions thereof in the execution of this Act;"

* * * * *

"SEC. 14. (a) Every person shall be deemed to have notice of the requirements of this Act upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 2."

* * * * *

WHEREAS Section 208 of the Coast Guard Auxiliary and Reserve Act of 1941, approved February 19, 1941 (55 Stat. 9), provides, in part, as follows:

"Members of the [Coast Guard] Reserve, other than temporary members as provided for in section 207 hereof, shall receive the same exemption from registration and liability for training and service as members of the Naval Reserve * * *;"

WHEREAS the first registration under the Selective Training and Service Act of 1940 took place in the continental United States October 16, 1940, in the Territory of Hawaii on October 26, 1940, in Puerto Rico on November 20, 1940, and in the Territory of Alaska on January 22, 1941, pursuant to proclamations issued by me on September 16, 1940, October 1, 1940, October 8, 1940, and November 12, 1940, respectively;

WHEREAS the second, third, fourth, and fifth registrations under the Selective Training and Service Act of 1940 and its amendments, took place in the United States, the Territories of Alaska and Hawaii, and in Puerto Rico, on July 1, 1941, February 16, 1942, April 27, 1942, and June 30, 1942, respectively, pursuant to proclamations issued by me on May 26, 1941, January 5, 1942, March 19, 1942, and May 22, 1942, respectively;

WHEREAS a state of war exists between the United States of America and Japan, Germany, Italy, Rumania, Bulgaria, and Hungary; and

WHEREAS this and other registrations under the Selective Training and Service Act of 1940, as amended, are advisable to insure victory, final and com-

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FEDERAL REGISTER

1934

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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plete, over the enemies of the United States:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the Selective Training and Service Act of 1940, as amended, do proclaim the following:

1. The registration of male citizens of the United States and other male persons, who shall have attained the eighteenth anniversary of the day of their birth during the periods indicated below, shall take place in the United States and the Territories of Alaska and Hawaii, and in Puerto Rico, between the hours of 9:00 a. m. and 5:00 p. m. on the days hereinafter designated for their registration, as follows:

(a) Those who were born on or after July 1, 1924, but not after August 31, 1924, shall be registered on any day during the week commencing Friday, December 11, 1942, and ending Thursday, December 17, 1942;

(b) Those who were born on or after September 1, 1924, but not after October 31, 1924, shall be registered on any day during the week commencing Friday, December 18, 1942, and ending Thursday, December 24, 1942;

(c) Those who were born on or after November 1, 1924, but not after December 31, 1924, shall be registered on any day during the period commencing Saturday, December 26, 1942, and ending Thursday, December 31, 1942;

(d) During the continuance of the present war, those who were born on or after January 1, 1925, shall be registered on the day they attain the eighteenth anniversary of the day of their birth; provided, that if such anniversary falls on a Sunday or a legal holiday, their registration shall take place on the day following that is not a Sunday or a legal holiday.

2. (a) Every male citizen of the United States, and every other male person residing in the continental United States or in the Territory of Alaska or in the Territory of Hawaii or in Puerto Rico, other than persons excepted by Section 5 (a) of the Selective Training and Service Act of 1940, as amended, or by Section 208 of the Coast Guard Auxiliary and Reserve Act of 1941, is required to and shall during the time or on the day fixed herein for his registration present himself for and submit to registration before a duly designated registration official or selective service local board having jurisdiction in the area in which he has his permanent home or in which he may happen to be during that time or on that day if such male citizen or other male person has not heretofore been registered under the Selective Training and Service Act of 1940, as amended, and the regulations prescribed thereunder.

(b) The duty of any person to present himself for and submit to registration in accordance with any previous proclamation issued under said Act shall not be affected by this proclamation.

(c) A person subject to registration may be registered after the time or day fixed for his registration in case he is prevented from registering during that time or on that day by circumstances beyond his control. If he is unable to present himself for and submit to registration during the time or on the day fixed for his registration, he shall do so as soon as possible after the cause for such inability ceases to exist.

3. The registration under this proclamation shall be in accordance with the Selective Service Regulations governing registration. Every person subject to registration is required to familiarize himself with such regulations and to comply therewith.

4. I call upon the Governor of each of the several States and the Territories of Alaska and Hawaii, and of Puerto Rico, and the Board of Commissioners of the District of Columbia, and all officers and agents of the United States and all officers and agents of the several States, Territories, Puerto Rico, and the District of Columbia, and political subdivisions thereof, and all local boards and agents thereof appointed under the provisions of the Selective Training and Service Act of 1940, as amended, or the Selective Service Regulations prescribed thereunder, to do and perform all acts and services necessary to accomplish effective and complete registration.

5. In order that there may be full cooperation in carrying into effect the purposes of the Selective Training and Service Act of 1940, as amended, I urge all employers and Government agencies of all kinds—Federal, State, territorial, and local—to give those under their charge sufficient time in which to fulfill the obligations of registration incumbent upon them under the said Act and this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 17th day of November in the year of our Lord nineteen hundred and [SEAL] forty-two, and of the Independence of the United States of America the one hundred and sixty-seventh.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[F. R. Doc. 42-12078; Filed, November 18, 1942; 12:43 p. m.]

PROCLAMATION 2573

ESTABLISHING THE SAN DIEGO MARITIME CONTROL AREA AND PRESCRIBING REGULATIONS FOR THE CONTROL THEREOF

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the United States is now at war, and the establishment of the maritime control area hereinafter described is necessary in the interests of national defense:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, by virtue of the authority vested in me as President of the United States, and as Commander in Chief of the Army and Navy of the United States, and in accordance with the principle of self-defense of the Law of Nations, do hereby establish and proclaim the following-described area as a Maritime Control Area, and prescribe the following regulations for the control thereof:

SAN DIEGO MARITIME CONTROL AREA

That sea area lying within the following boundaries:

From Point La Jolla, California, on a line approximately 249° true to a point Latitude 32°45′ North, Longitude 117°35′ West;

thence along a line approximately 160° true to a point Latitude 32°32′ North, Longitude 117°29′20″ West;

thence Easterly to the United States-Mexico border.

REGULATIONS FOR THE CONTROL OF THE SAN DIEGO MARITIME CONTROL AREA

1. No vessel not proceeding under United States naval or other United States authorized supervision shall enter or navigate the waters of the said Maritime Control Area except during daylight, when good visibility conditions prevail, and then only after specific permission has been obtained. Advance arrangements for entry into or navigation through or within the said Area must be made, preferably by application at a United States Naval District Headquarters in advance of sailing, or by radio or visual communication on approaching the seaward limits of the Area. If radio telegraphy is used, the call "NQO" shall be made on a frequency of 500 kcs, and permission to enter the port requested. The name of the vessel, purpose of entry, and name of master must be given in the request. If visual communications are used, the procedure shall be essentially the same.

2. Even though permission has been obtained, it is incumbent upon a vessel entering the said Area to obey any further instructions received from the United States Navy, or other United States authority.

3. A vessel may expect supervision of its movements within the said Area, either through surface craft or aircraft. Such controlling surface craft and aircraft shall be identified by a prominent display of the Union Jack.

4. These regulations may be supplemented by regulations of the local United States naval authority as necessary to meet local circumstances and conditions.

5. Should any vessel or person within the said Area disregard these regulations, or regulations issued pursuant hereto, or fail to obey an order of the United States naval authority, or perform any act threatening the efficiency of mine or other defenses, or take any action therein inimical to the defense of the United States, such vessel or person may be subjected to the force necessary to require compliance, and may be liable to detention or arrest, or penalties or forfeiture, in accordance with law.

The Secretary of the Navy is charged with the enforcement of these regulations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 17th day of November in the year of our Lord nineteen hundred and [SEAL] forty-two, and of the Independence of the United States of America the one hundred and sixty-seventh.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[F. R. Doc. 42-12077; Filed, November 18, 1942; 12:43 p. m.]

EXECUTIVE ORDER 9272

EXTENSION OF TRUST PERIODS ON INDIAN LANDS EXPIRING DURING CALENDAR YEAR 1943

By virtue of and pursuant to the authority vested in me by section 5 of the Act of February 8, 1887 (24 Stat. 388, 389), by the Act of June 21, 1906 (34 Stat. 325, 326), and by the Act of March 2, 1917 (39 Stat. 969, 976), and other applicable provisions of law, it is hereby ordered that the periods of trust applying to Indian lands, whether of a tribal or individual status, which, unless extended, will expire during the calendar year 1943, be, and the same are hereby, extended for a further period of twenty-five years from the date on which any such trust would otherwise expire.

This order is not intended to apply to any case in which the Congress has specifically reserved to itself authority to extend the period of trust on tribal or individual Indian lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 17, 1942.

[F. R. Doc. 42-12060; Filed, November 18, 1942; 11:22 a. m.]

Regulations

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary

[Amendment 2 to Temporary Rationing Order B[1]]

PART 2—RATIONING OF FARM MACHINERY AND EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT

Schedule II is amended to read as follows:

SCHEDULE II

PLANTING, SEEDING AND FERTILIZING MACHINERY

Planters, horse and tractor drawn:
- One row, one horse corn planters.
- One row, one horse corn and cotton planters.
- One row, two horse corn and cotton planters.

Broadcast Seeders:
- Endgate.

Garden Planters:
- Horse or tractor drawn.

PLOW AND LISTERS

Moldboard Plows, horse drawn:
- Walking, one horse, steel bottom.
- Walking, one horse, chilled bottom.
- Walking, two horse and larger.

ROLLERS AND STALK CUTTERS

Stalk Cutters.

CULTIVATORS AND WEEDERS

Cultivators, horse drawn:
- One horse, all types.
- One row, walking, two horse.
- One row, riding, two horse.
- Two row and over, riding.

§ 2.112 *Effective dates of amendments to Temporary Rationg Order B.* * * *

(b) Amendment No. 2 (Schedule II) to Temporary Rationing Order B, shall become effective November 17, 1942. (Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. 1-K, 7 F.R. 562, 7280; OPA Order No. 28, 7 F.R. 7326, 8672)

Done at Washington, D. C., this 17th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-12049; Filed, November 17, 1942; 5:29 p. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property Custodian

PART 503—GENERAL ORDERS

PROHIBITING CERTAIN TRANSACTIONS RESPECTING PATENTS AND TRADEMARKS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned hereby issues the following regulation:

§ 503.11 *General Order No. 11.* (a) The following transactions are hereby prohibited, except as authorized by the Alien Property Custodian by means of regulations, rulings, instructions, orders, licenses, or otherwise, if such transactions are by, or on behalf of, or pursuant to the direction of any foreign country designated in section 3 of Executive Order No. 8389, as amended, or any national thereof, or such transactions involve property in which any foreign country designated in section 3 of Executive Order No. 8389, as amended, or any national thereof, has at any time on or since the effective date of Executive Order No. 8389, as amended, had any interest of any nature whatsoever, direct, or indirect:

---

[1] 7 F.R. 8723, 9067.

(1) The filing and prosecution in the United States Patent Office of applications for Letters Patent or for the registration of Trademarks;

(2) The receipt of Letters Patent or Trademark Registrations issued by the United States Patent Office;

(3) The execution of, or the recording of, any assignment, grant, encumbrance, license, or other agreement of, under, or with respect to any invention, or any patent, trademark, or application therefor, issued by, or filed in or intended for filing in, the United States Patent Office.

(b) The terms "foreign country" and "national" shall have the meanings defined in sections 5D and 5E, respectively, of Executive Order No. 8389, as amended.

(40 Stat. 411; 55 Stat. 839; E.O. 9193, 7 F.R. 5205)

Executed at Washington, D. C., on November 17, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12068; Filed, November 18, 1942; 11:56 a. m.]

PART 503—GENERAL ORDERS

REPORTING OF UNFILED PATENT APPLICATIONS AND DISCLOSURES OF ENEMY NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned hereby issues the following regulation:

§ 503.12 *General Order No. 12.* (a) It is ordered that every person in the United States who has custody, control or possession of any models, blueprints, drawings, sketches, correspondence, memoranda of invention, reports or other written information received in the United States on or after January 1, 1939, and prior to the date of this order, for the purpose of preparing an application for United States Letters Patent which has not been filed in the United States Patent Office for an invention or inventions disclosed in any of the above-mentioned models or papers, and in which the consignor or the inventor or any of them is an enemy national; and that every person in the United States who has custody, control or possession of any documents constituting an unfiled application for U. S. Letters Patent, whether complete or not, received or substantially prepared in the United States on or after January 1, 1939, and prior to the date of this order, and in which the consignor or the inventor or any of them is an enemy national shall, on or before December 31, 1942, either

(1) Report the same to the Alien Property Custodian giving an enumeration of the above-mentioned models, papers or documents sufficient to identify the same, including the name, residence and nationality of the inventor, the date of execution of any papers or documents, the title of the invention and its field of use, the number and name of any corresponding foreign patent or application if known to the reporter, and the name and nationality of the person or organization from whom the papers were received (if received from an attorney, state for whom he is acting); or

(2) File such application in the United States Patent Office upon the terms and conditions set forth in Regulation 2 under Alien Property Custodian General Order No. 11; or

(3) Submit such models, papers or documents to the Alien Property Custodian.

(b) It is ordered that every person in the United States receiving, directly or indirectly, from an enemy national on or after the date of this order an application for United States Letters Patent or Trademark Registration or any models, blueprints, drawings, sketches, correspondence, memoranda of invention, reports, or other written information for the purpose of preparing an application for United States Letters Patent, shall within thirty days of the receipt thereof, or within such further time as may be allowed by the Alien Property Custodian, submit such models, papers or documents to the Alien Property Custodian.

(c) If a report is filed or models, papers or documents submitted under paragraph (a), (1) or (3) or paragraph (b) hereof and any claim of right with respect to such models, papers or documents is asserted by the reporter or is known to the reporter to exist on the part of any person other than the inventor, such claim shall be set forth and the basis for such claim of right briefly explained.

(d) It is ordered that any person presenting for recording in the United States Patent Office any instrument which constitutes an assignment, grant, encumbrance, license or other agreement of, under or with respect to any invention, or any patent, trademark, or application therefor issued by, or filed in or intended to be filed in the United States Patent Office, if:

(1) Such instrument was executed prior to the effective date of Executive Order No. 8389, as amended, and

(2) Any of the parties to such instrument is a national of a foreign country designated in section 3 of Executive Order No. 8389, as amended, and not within the categories of Regulation No. 1 under General Order No. 11,

shall file with such instrument a report on Form APC-14P for patents or APC-14T for trademarks, setting forth under oath the information called for therein.

(e) The term "enemy national" shall have the meaning defined in Treasury General Ruling No. 11, under Executive Order No. 8389, as amended.

(f) The terms "foreign country" and "national" shall have the meanings defined in sections 5D and 5E, respectively, of Executive Order No. 8389, as amended.

(40 Stat. 411; 55 Stat. 839; E.O. 9193, 7 F.R. 5205)

Executed at Washington, D. C., on November 17, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12071; Filed, November 18, 1942; 11:56 a. m.]

PART 503—GENERAL ORDERS

PROHIBITING CERTAIN TRANSACTIONS RESPECTING INTEREST IN WORKS SUBJECT TO COPYRIGHT

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned hereby issues the following regulation:

§ 503.13 *General Order No. 13.* (a) The following transactions are hereby prohibited, except as authorized by the Alien Property Custodian by means of regulations, rulings, instructions, orders, licenses, or otherwise, if such transactions are by, or on behalf of, or pursuant to the direction of, or are entered into with any foreign country designated in section 3 of Executive Order No. 8389, as amended, or any national thereof:

(1) The execution of, or the recording of, any application for copyright or renewal thereof under the copyright laws of the United States;

(2) The execution of, or the recording of, any assignment, grant, encumbrance, license or other agreement with respect to any interest in any work subject to copyright in the United States.

(b) For the purposes of this order:

(1) The term "foreign country" shall have the meaning defined in section 5D of Executive Order No. 8389, as amended;

(2) The term "national" shall have the meaning defined in section 5E of Executive Order No. 8389, as amended;

(3) "Interest" in a work subject to copyright shall mean ownership, part ownership, or claim of ownership, in whole or in part, of any subsisting copyright or claim of copyright, and any right, license, privilege or property in or to or with respect to such work; and any right, title or interest in, to or under any contract or other instrument, and any royalty, share of profits, license fees, or other emolument or compensation reserved with respect thereto. Such interest shall also include but not by way of limitation, any interest as hereinbefore described which is held or claimed as trustee, agent, representative or nominal proprietor.

(40 Stat. 411; 55 Stat. 839; E.O. 9193, 7 F.R. 5205)

Executed at Washington, D. C., on November 17, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12072; Filed, November 18, 1942; 11:57 a. m.]

PART 504—REGULATIONS ISSUED UNDER GENERAL ORDER NO. 11

EXEMPTING CERTAIN PERSONS FROM THE PROHIBITIONS OF GENERAL ORDER NO. 11

§ 504.1 *Regulation No. 1 under General Order No. 11.* Any person within the following categories shall be regarded, for the purposes of General Order No. 11, as a person within the United States who is not a national of any foreign country designated in section 3 of Executive Order No. 8389, as amended, except as such person shall be specifically excluded by the Alien Property Custodian from the effect of this regulation:

(a) Any individual who was a resident of the United States on December 7, 1941 and who is a national of a foreign country designated in section 3 of Executive Order No. 8389, as amended, solely by reason of the fact that such individual has been domiciled in, or a subject, citizen or resident of a foreign country designated in section 3 of Executive Order No. 8389, as amended, at any time on or since the effective date of that order.

(b) Any partnership, association, corporation or other organization which is a national of a foreign country designated in section 3 of Executive Order No. 8389, as amended, solely by reason of the interest therein of a person or persons described in paragraph (a) hereof.

(40 Stat. 411; 55 Stat. 839; E.O. 9193, 7 F.R. 5205)

Executed at Washington, D. C., on November 17, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12069; Filed, November 18, 1942; 11:56 a. m.]

PART 504—REGULATIONS ISSUED UNDER GENERAL ORDER NO. 11

LICENSING TRANSACTIONS INVOLVING PATENTS AND TRADEMARKS

§ 504.2 *Regulation No. 2 under General Order No. 11.* (a) A general license is hereby granted authorizing the following transactions:

(1) The filing in the United States Patent Office of applications for Letters Patent and for Trademark Registration (except such applications received directly or indirectly from enemy nationals on or after the date of this regulation), and the prosecution of such applications, in which a designated foreign country or a national thereof has on or since the effective date of Executive Order No. 8389, as amended, had any interest, and the receipt of Letters Patent or Trademark Registration certificate granted pursuant to any such applications: *Provided:*

(i) That the person filing or prosecuting any such application, or acting as attorney or agent in connection therewith, shall attach to the application or to the first paper filed therein after the date of this regulation a report on Form APC-13P for patents or APC-13T for trademarks, setting forth under oath, the information called for therein; and

(ii) That such filing or prosecution involves no communication, direct or indirect, to an enemy national.

(2) (i) The execution and recording in the United States Patent Office of any instrument recordable therein which affects title to or grants any interest in, including licenses under, any United States Letters Patent, Trademark Registration, or application therefor, in which a designated foreign country or a national thereof has on or since the effective date of Executive Order No. 8389, as amended, had any interest, *Provided:*

(a) That such instrument be recorded in the United States Patent Office within ninety days of the date of execution thereof, or within such further time as may be allowed by the Alien Property Custodian;

(b) That the person presenting such instrument for recording shall attach thereto and record therewith a copy of Form APC-15, and shall file therewith a report on Form APC-14P for patents or APC-14T for trademarks, setting forth under oath the information called for therein; and

(c) That the transaction involves no trade or communication with an enemy national nor is carried out as the result of such trade or communication.

(ii) The authorizations of paragraph (a) (2) (i) are further subject to the condition that such instrument may be set aside by the Alien Property Custodian upon notice mailed to the person recording the instrument at the address given on the form filed with the instrument and the patents, trademarks, applications, or rights thereunder so transferred may be vested by the Alien Property Custodian at any time within a period of three years from the date of recording, except that the Alien Property Custodian may in his discretion reduce such period of time with respect to any such instrument after the recording thereof.

(3) The recording of instruments executed on or since the effective date of Executive Order No. 8389, as amended, and before the date of this regulation, under the terms and conditions set forth in paragraph (a) (2) within ninety days from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

(b) Applications, Letters Patent and Trademark Registrations, filed or prosecuted under paragraph (a) (1) will be subject to the power of the Alien Property Custodian to take such action as he deems necessary in the national interest, including, but not limited to, the power to direct, manage, supervise, control or vest, with respect thereto.

(c) This general license does not authorize:

(1) Any transactions not specifically enumerated herein, such transactions being permitted only upon specific authorization from the Alien Property Custodian; or

(2) The receipt of any funds or credits with respect to the transactions licensed herein except as such receipt may be permitted by the Treasury Department; or

(3) The payment of any funds or credits to any party to an instrument recorded hereunder with respect to the property affected by such instrument as long as such instrument is subject to being set aside in accordance with the conditions of paragraph (a) (2) (ii) hereof, except into a special account from which withdrawals can be made only upon the approval of the Alien Property Custodian; or

(4) The filing of applications for Letters Patent or Trademark Registrations received from an enemy national after the effective date of this regulation, such applications being governed by General Order No. 12.

(d) Attention is directed to Treasury General License No. 72, as amended.

(e) Nothing contained in this regulation shall be deemed to limit the authority of the Office of Censorship to cause to be censored in its absolute discretion, any communications by mail, cable, radio, or other means of transmission, passing between the United States and any foreign country.

(f) The term "designated foreign country" shall mean foreign country designated in section 3 of Executive Order No. 8389, as amended; and the terms "person" and "national" shall have the meanings defined in sections 5C and 5E, respectively, of such order.

(g) The terms "enemy national" and "trade or communication with an enemy national" shall have the meanings defined in Treasury General Ruling No. 11 under Executive Order No. 8389, as amended.

(40 Stat. 411; 55 Stat. 839; E.O. 9193, 7 F.R. 5205)

Executed at Washington, D. C., on November 17, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12070; Filed, November 18, 1942; 11:56 a. m.]

PART 505—REGULATIONS ISSUED UNDER GENERAL ORDER NO. 13

EXEMPTING CERTAIN PERSONS FROM THE PROHIBITION OF GENERAL ORDER NO. 13

§ 505.1 *Regulation No. 1 under General Order No. 13.* Any person within the following categories shall be regarded, for the purposes of General Order No. 13, as a person within the United States who is not a national of any foreign country designated in section 3 of Executive Order No. 8389, as amended, except as such person shall be specifically excluded by the Alien Property Custodian from the effect of this regulation:

(a) Any individual who was a resident of the United States on December 7, 1941 and who is a national of a foreign country designated in section 3 of Executive Order No. 8389, as amended, solely by reason of the fact that such individual has been domiciled in, or a subject, citizen or resident of a foreign country designated in section 3 of Executive Order No. 8389, as amended, at any time on or since the effective date of that order.

(b) Any partnership, association, corporation or other organization which is a national of a foreign country designated in section 3 of Executive Order No. 8389, as amended, solely by reason of the interest therein of a person or persons described in paragraph (a) hereof.

(40 Stat. 411; 55 Stat. 839; E.O. 9193, 7 F.R. 5205)

Executed at Washington, D. C., on November 17, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12073; Filed, November 18, 1942; 11:56 a. m.]

PART 505—REGULATIONS ISSUED UNDER GENERAL ORDER NO. 13

EXEMPTING CERTAIN TRANSACTIONS FROM THE PROHIBITIONS OF GENERAL ORDER NO. 13

§ 505.2 *Regulation No. 2 under General Order No. 13.* A general license is hereby granted authorizing the filing in the Copyright Office, pursuant to the Copyright Act and the Rules of such Office, of applications for renewals of copyrights in which the time for renewal expires before January 1, 1943, and in which a foreign country or a national thereof, as defined in General Order No. 13, has on or since the effective date of Executive Order No. 8389, as amended, had any interest, *Provided,* That the obtaining of authority to make such filing involves no communication, direct or indirect, to an enemy national.

(40 Stat. 411; 55 Stat. 839; E.O. 9193, 7 F.R. 5205)

Executed at Washington, D. C., on November 17, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12074; Filed, November 18, 1942; 11:56 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T.D. 50763]

PART 27—REGULATIONS UNDER TRADING WITH THE ENEMY ACT

COMMUNICATIONS OUTSIDE THE MAILS[1]

Modification of procedure for administering the duties imposed upon the Secretary of the Treasury by Articles XI and XIII of Executive Order No. 2729–A, dated October 12, 1917, under the Trading with the enemy Act, Act of October 6, 1917.

T.D. 50536 (6 F.R. 6807), dated December 24, 1941, is hereby modified as follows:

Amend subparagraph (2) to read as follows:

(2) I hereby designate the Bureau of Customs in the Department of the Treasury to administer and to issue licenses (except licenses to send, take, or transmit out of the United States any letter, writing, or tangible form of communication intended for or to be delivered, directly or indirectly, to an enemy or ally of enemy) in respect of the authority vested in the Secretary of the Treasury under Article XI of said Executive Order relative to sending, or taking out of, or bringing into, or attempting to send, take out of, or bring into, the United States (except land or water within the jurisdiction of the United States or occupied by the military or naval forces thereof but in which the Bureau of Customs in the Department of the Treasury does not exercise jurisdiction) any letter or other writing or tangible form of communication except in the regular course of the mail.

Add two new subparagraphs numbered (3) and (4) to read as follows:

(3) I hereby designate the Governor of the Panama Canal to act as the agency of the Secretary of the Treasury to administer and to issue licenses (except licenses to send, take, or transmit out of the United States any letter, writing or tangible form of communication intended for or to be delivered, directly or indirectly, to an enemy or ally of enemy) in respect of the authority vested in the Secretary of the Treasury under Article XI of said Executive Order relative to sending, or taking out of, or bringing into, or attempting to send, take out of, or bring into, the Canal Zone any letter or other writing or tangible form of communication except in the regular course of the mail. The authority conferred by this subparagraph (3) may, in the discretion of the Governor of the Panama Canal and by his direction, be exercised also by and through any official or officials of the Canal Zone designated by the Governor of the Panama Canal for that purpose, and the Governor of the Panama Canal may from time to time revoke any designation previously made by him and make any new designation.

(4) Except as otherwise specifically limited herein, the words "United States" whenever used herein in a geographical sense shall mean "United States" as those words are defined by section 2 of the Trading with the enemy Act, approved October 6, 1917.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

Approved: August 14, 1942.

THE WHITE HOUSE,
FRANKLIN D ROOSEVELT

[F. R. Doc. 42-12048; Filed, November 17, 1942; 3:25 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter E—Administrative Provisions Common to Various Taxes

[T.D. 5181]

PART 471—ACCEPTANCE OF TREASURY NOTES IN PAYMENT OF INCOME, ESTATE, AND GIFT TAXES

REGULATIONS GOVERNING ACCEPTANCE OF TREASURY NOTES

Regulations governing the acceptance of Treasury Notes of Tax Series A–1943, B–1943, A–1944, B–1944, A–1945, and Tax Series C in payment of income (including excess-profits), estate, and gift taxes.

§ 471.1 *Acceptance of Treasury notes of Tax Series A–1943, B–1943, A–1944, B–1944, A–1945 and Tax Series C, in payment of income (including excess-profits), estate and gift taxes.* Notes of the United States designated as Treasury Notes of Tax Series A–1943, B–1943, A–1944, B–1944, A–1945, and Treasury Notes of Tax Series C may be accepted in payment of income taxes (current and back personal and corporation taxes, and excess-profits taxes) and estate and gift taxes (current and back), at par and interest accrued to the month, inclusive, in which presented (but no accrual beyond the maturity date). Collectors of internal revenue are authorized and directed to accept the notes during and after the second calendar month after the month of purchase (as shown by the issuing agent's dating stamp on each note). For example, a note of Tax Series A–1945 purchased in September 1942 may be accepted in November 1942 but such a note purchased in October 1942 may not be accepted until December 1942. The notes may be accepted only in payment of income (including excess-profits), estate, and gift taxes (current and back) due from the original purchaser thereof or his estate. The notes shall be in the name of the taxpayer (individual, corporation, or other entity) and may be presented for tax payment by only the taxpayer, his agent, or his estate. There is no limit upon the amount of notes of Tax Series B–1943, Tax Series B–1944, or Tax Series C, which may be accepted in payment of income (including excess-profits), estate, or gift taxes. However, not more than $5,000 in principal amount of notes of Tax Series A–1943, or of Tax Series A–1944, or of Tax Series A–1945, or of any of them in combination, plus the amount of the accrued interest thereon, may be accepted on account of any one taxpayer's liability for income taxes (including excess-profits taxes), or gift taxes, for any taxable year or on account of any one taxpayer's liability for estate tax; but in the case of the income tax this limitation shall apply separately to husband and wife on a joint return and also to an owner before death and to his estate for the balance of the same year. For example, A is liable for income taxes for the calendar year 1942 in the amount of $24,000 and for gift taxes for the calendar year 1942 in the amount of $7,000. In March 1943, A presents two notes of Tax Series A–1945 purchased in October 1942 in principal amount of $5,000 each in payment of 1942 income and gift taxes. The notes may be accepted on account of A's liability for both the income and gift taxes, provided one note be applied to the income tax and the other to the gift tax.

Notes of Tax Series B–1943, Tax Series B–1944, or Tax Series C, inscribed in the name of a taxpayer, may be accepted in payment of income tax withheld at the source by such taxpayer, and such notes inscribed in the name of a taxpayer may be accepted in payment of transferee liability assessed against such taxpayer for income (including excess-profits), estate or gift taxes; but notes of Tax Series A–1943, Tax Series A–1944, or Tax Series A–1945 shall not be accepted in payment of income tax withheld at the source or of transferee liability.

Collectors of internal revenue shall not in any case allow credit to a taxpayer on account of notes, or accept notes, for an amount greater than their principal amount plus accrued interest, nor shall notes be accepted in an amount (including accrued interest) greater than the unpaid liability of the taxpayer. The notes shall be forwarded to the collector of internal revenue with whom the tax return is filed, at the risk and expense of the taxpayer, and, for the taxpayer's protection, should be forwarded by registered mail, if not presented in person. (Secs. 3657 and 3791 of the Internal Revenue Code (53 Stat. 447, 467, 26 U.S.C. 1940 ed., 3657, 3791) and sec. 18 of the Second Liberty Bond Act of 1917, as amended (40 Stat. 1309, 31 U.S.C. 1940 ed., 753))

§ 471.2 *Procedure with respect to Treasury Notes of Tax Series A–1943, B–1943, A–1944, B–1944, A–1945 and Tax Series C.* Deposits of Treasury Notes of Tax Series A–1943, B–1943, A–1944, B–1944, A–1945, and Treasury Notes of Tax Series C, received in payment of taxes shall be made by the collector of internal revenue in a Federal Reserve Bank or a branch Federal Reserve Bank. Prior to deposit the collector of internal revenue will certify on the reverse side of the notes that they were received in payment of income (including excess-profits), estate, or gift tax, as the case may be, and will show in the endorsement stamp the date of deposit. (Secs. 3657 and 3791 of the Internal Revenue Code (53 Stat. 447, 467, 26 U.S.C. 1940 ed., 3657, 3791) and sec. 18 of the Second Liberty Bond Act of 1917, as amended (40 Stat. 1309, 31 U.S.C. 1940 ed., 753).)

§ 471.3 *Prior Treasury decision superseded.* Treasury Decision 5109 is hereby superseded. (Secs. 3657 and 3791 of the Internal Revenue Code (53 Stat. 447, 467, 26 U.S.C. 1940 ed., 3657, 3791) and sec. 18 of the Second Liberty Bond Act of 1917, as amended (40 Stat. 1309, 31 U.S.C. 1940 ed., 753))

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: November 17, 1942.

D. W. BELL,
Acting Secretary of the Treasury.

[F. D. Doc. 42-12055; Filed, November 18, 1942; 10:55 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1684]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 3 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R–II, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto Supplement R–III, § 323.7 (*General prices*) is amended by adding thereto Supplements R–IV and R–V, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, ~~which supplements are~~ hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the schedules attached are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached schedules do not differ, except in this regard, from the minimum prices proposed by petitioner.

Dated: November 7, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
453	Consolidation Coal Co.	Consol. #21-A(S)	Pittsburgh	Gypsy, W. Va.	B&O	61	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
454	Consolidation Coal Co.	Consol. #21-B(S)	Pittsburgh	Gypsy, W. Va.	B&O	61	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
446	Fairpoint Construction Company	Bridgeport (S)	Pittsburgh	Meadowbrook, W. Va.	B&O	61	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
455	Richwood Coal Mining Co.	Richwood #2	Sewell	Fenwick, W. Va.	B&O	10	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
456	Starford, W. E. (Eureka Coal Co.)	Webster #2 (S)	Pittsburgh	Webster, W. Va.	B&O	60	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
457	Stout, H. V. (Hilltop Coal Co.)	Hilltop (S)	Pittsburgh	Clarksburg, W. Va.	B&O	60	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no classification effective for this Size Group.

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[1] 6 F.R. 6404, 6453; 7 F.R. 616, 1973.

§ 323.8 *Special prices—*(b) *Railroad fuel prices for all movements except via lakes*—Supplement R–II. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule Group No. 1: 446, 453, 454, 456, 457. Group No. 5: 455.

§ 323.8 *Special prices—*(c) *Railroad fuel prices for movement via all lakes; all ports*—Supplement R–III. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule Group No. 1: 446, 453, 454, 456, 457. Group No. 5: 455.

§ 323.7 *General prices*—Supplement R–IV. In § 323.7 "To: Market Areas Tidewater 1, 2, 6, 8, 100" reading "Freight Origin Group Nos. 70, 71" should be changed to read as follows: From: Freight Origin Group Nos. 70, 71, 72. Classification D: 270, 270, 270, 270, 258, 258, 238, 238, 228, 228; Classification G: 255, 255, 255, 255, 243, 243, 223, 223, 213, 213; Classification H: 250, 250, 250, 250, 238, 238, 218, 218, 208, 208; Classification J: 245, 245, 245, 245, 233, 233, 213, 213, 203, 203.

§ 323.7 *General prices*—Supplement R–V. In § 323.7 "To: Market Area 3" reading "Freight Origin Group Nos. 70, 71" should be changed to read as follows: From: Freight Origin Group Nos. 70, 71, 72. Classification D: 270, 270, 270, 270, 245, 245, 235, 235, 225, 225; Classification G: 255, 255, 255, 255, 230, 230, 220, 220, 210, 210; Classification H: 250, 250, 250, 250, 225, 225, 215, 215, 205, 205; Classification J: 245, 245, 245, 245, 220, 220, 210, 210, 200, 200.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups						
					Lump over 2", egg over 2", bottom size 1	Lump 2", egg 2", bottom size but over 1¼" 2	Lump 1¼" & under, egg 1¼" & under, bottom size 3	All nut and pea 2" and under 4	Run of mine resultant over 2" 5	1¼" and 2" slack 6	¾" slack 7
Consolidation Coal Co.	453	Consol. #21-A (S)	Pittsburgh	Harrison	243	238	238	213	213	198	188
Consolidation Coal Co.	454	Consol. #21-B (S)	Pittsburgh	Harrison	243	238	238	213	213	198	188
Fairpoint Construction Company.	446	Bridgeport (S)	Pittsburgh	Harrison	243	238	238	213	213	198	188
Jones, I. W	450	Marks #1	Pittsburgh	Gilmer	243	238	238	213	213	198	188
Richwood Coal Mining Co.	455	Richwood #2	Sewell	Nicholas	273	268	268	243	243	233	213
Smith, A. W	451	Smith	M. V. Freeport	Preston	245	245	245	220	220	210	200
Starford, W. E. (Eureka Coal Co.).	456	Webster #2 (S)	Pittsburgh	Taylor	243	238	238	213	213	198	188
Stout, H. V. (Hilltop Coal Co.).	457	Hilltop (S)	Pittsburgh	Harrison	243	238	238	213	213	198	188
Weddell, James C. (Black Diamond Coal Co.).	452	Clelland #1	Pittsburgh	Harrison	243	238	238	213	213	198	198

[F. R. Doc. 42–12011; Filed, November 17, 1942; 10:37 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

[General License No. 72 as Amended]

NOVEMBER 17, 1942.

General License No. 72, as amended, under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to Foreign Funds Control.[1]

General License No. 72, as amended, is hereby amended to read as follows:

§ 131.72 *General License No. 72.* (a) A general license is hereby granted authorizing the following transactions, in which a blocked country or any national thereof has, on or since the effective date of the order, had an interest:

(1) The filing and prosecution in the United States Patent Office of applications for letters patent for inventions and designs and for the registration of trademarks and the receipt of letters patent and trademark registration certificates issued pursuant to any such application;

(2) The securing and registration of United States copyrights and the registration of claims to United States copyrights in prints and labels and the receipt of copyright certificates therefor;

(3) The payment from blocked accounts or otherwise, except from accounts in which an enemy national has an interest, of fees currently due to the United States Government in connection with any transactions authorized herein;

(4) The payment from blocked accounts or otherwise, except from accounts in which an enemy national has an interest, of the reasonable and customary fees and charges currently due to attorneys or representatives within the United States in connection with the transactions referred to in subparagraphs (1), (2), and (3) of this paragraph, provided that such payment shall not exceed

(i) $100 for the preparation, filing, and prosecution of any application for letters patent; or

(ii) $50 for the preparation, filing, and prosecution of any application for a trademark registration; or

(iii) $25 for the securing and registration of any copyright; or

(iv) $35 for the preparation and filing of any amendment to a pending application for letters patent or for a trademark registration; and

(5) The execution of, or the recording of, any assignment, grant, encumbrance, license, or other agreement or arrangement of, under, or with respect to, any United States patent, trademark, or copyright, or application therefor.

(b) Notwithstanding the provisions of General Ruling No. 11, the transactions specified in paragraph (a) hereof may be effected even though they involve a communication from an enemy national after March 18, 1942. No other transaction which, directly or indirectly, involves any trade or communication with an enemy national is authorized by this general license.

(c) Attention is directed to Public Circular No. 5, as amended November 17, 1942, issued by the Treasury Department, and to General Order No. 11[2] issued by the Alien Property Custodian on November 17, 1942.

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 42–12056; Filed, November 18, 1942; 10:55 a. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

[General License No. 72A]

NOVEMBER 17, 1942.

General License No. 72A under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading with the enemy Act, as amended by the First War Powers Act, 1941, relating to Foreign Funds Control.[1]

§ 131.72a *General License 72A.* (a) A general license is hereby granted authorizing the following transactions by any person who is not a national of any blocked country:

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[1] Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. No. 354, 77th Cong., 55 Stat. 838; E.O. 8389, Apr. 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regs., Apr. 10, 1940, as amended June 14, 1941, and July 26, 1941.

[1] Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. No. 354, 77th Cong., 55 Stat. 838; E.O. 8389, Apr. 10, 1940, as amended by E.O. 8785, June 14, 1941; E.O. 8832, July 26, 1941; E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, Apr. 10, 1940, as amended June 14, 1941, and July 26, 1941.

[2] *Supra.*

(1) The filing and prosecution of any application for a blocked foreign patent, trademark, or copyright;

(2) The receipt of any blocked foreign patent, trademark, or copyright;

(3) The payment of fees currently due to the government of any foreign country, either directly or through an attorney or representative in connection with any of the transactions authorized by subparagraphs (1) and (2) of this paragraph or for the maintenance of any blocked foreign patent, trademark, or copyright; and

(4) The payment of reasonable and customary fees currently due to attorneys or representatives in any foreign country incurred in connection with any of the transactions authorized by subparagraphs (1), (2), and (3) of this paragraph: *Provided,* That any payments to a national of any blocked country shall not exceed:

(i) $75 for the preparation, filing, and prosecution of any application for a blocked foreign patent, trademark, or copyright;

(ii) $25 for the preparation and filing of any amendment to a pending application for a blocked foreign patent, trademark, or copyright; or

(iii) $10 for services in connection with the payment of any government tax or annuity or effecting a constructive working of any blocked foreign patent, trademark, or copyright.

(b) Payments effected pursuant to the terms of subparagraphs (3) and (4) of paragraph (a) hereof may not be made from any blocked account. Such payments shall be made in the manner and under the conditions specified in paragraph (b) of General License No. 33, as amended.

(c) With respect to each payment authorized by subparagraphs (3) and (4) of paragraph (a) hereof, reports on Form TFR–132 shall be executed and filed in the manner and form and under the conditions prescribed in General License No. 32, as amended, except that Item No. 6 of such form shall be left blank, and the purpose for which the payment is made shall be indicated on the reverse side of such form.

(d) As used herein the term "blocked foreign patent, trademark, or copyright" shall mean any patent, petty patent, design patent, trademark or copyright issued by any foreign country, in which a blocked country or national thereof has an interest, including any patent, petty patent, design patent, trademark, or copyright issued by a blocked country: *Provided,* That the term "blocked foreign patent, trademark or copyright" shall not be deemed to include any patent, petty patent, design patent, trademark, or copyright in which an enemy national has an interest.

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 42–12057; Filed, November 18, 1942; 10:55 a. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO.

[Public Circular No. 5 as Amended]

NOVEMBER 17, 1942.

Public Circular No. 5, as amended under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading with the enemy Act, as amended by the First War Powers Act, 1941, relating to Foreign Funds Control.[1]

Public Circular No. 5 is hereby amended to read as follows:

(1) Reference is made to General Licenses Nos. 72 and 72A issued by the Treasury Department, and to General Orders Nos. 11, 12 and 13, and the regulations issued thereunder, issued by the Alien Property Custodian.

(2) Pursuant to section 2 (d) of Executive Order No. 9095, as amended July 6, 1942, the Alien Property Custodian has assumed full power and authority over the filing and prosecution of applications for United States patents, trademarks and copyrights, and transfers and other dealings with respect thereto, in which a blocked country or national thereof has, on or since the effective date of Executive Order No. 8389, as amended, had an interest. This action was taken through the issuance by the Alien Property Custodian of General Orders Nos. 11, 12 and 13 and regulations thereunder. At the same time, the Treasury Department amended General License No. 72 so that, to the extent that the Alien Property Custodian has assumed jurisdiction, the Treasury Department relinquishes it under Executive Order No. 8389, as amended.

(3) In addition, General License No. 72 has been amended to authorize the payment of fees to the United States Government and, with limitations, the customary fees and charges of attorneys in the United States arising in connection with the filing and prosecution in the United States of patent, trademark and copyright applications. Payment is not permitted from an account in which an enemy national has an interest. These provisions will facilitate the administration of General Orders Nos. 11, 12 and 13 and regulations issued thereunder by the Alien Property Custodian.

(4) It is to be noted, in connection with General License No. 72, that transactions relating to United States patents, trademarks and copyrights, which involve communication from an enemy national have been authorized notwithstanding General Ruling No. 11. This action was taken by the Treasury Department at the request of the Alien Property Custodian.

(5) Jurisdiction over patents, trademarks or copyrights in which a blocked interest exists and which are issued by any foreign country remains in the Treasury Department and dealings therein are subject to Executive Order No. 8389, as amended.

(6) General License No. 72A authorizes transactions relating to the filing and prosecution of applications for patents, trademarks or copyrights in any foreign country, the receipt of documents issued in connection therewith, the payment of fees currently due to the government of any foreign country not within enemy territory, and, within limitations, the payment of reasonable and customary attorneys' fees, in which a blocked country or national, except an enemy national, has an interest.

(7) General License No. 72A does not authorize any transaction involving trade or communication with an enemy national and the Treasury Department will continue to observe its general policy of denying applications to effect such transactions.

(8) Public Circular No. 5A is hereby revoked.

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 42–12058; Filed, November 18, 1942; 10:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S–144]

CHROME IRON AND STEEL COMPANY

Harry G. Fingerote, doing business as the Chrome Iron and Steel Company, Philadelphia, Pennsylvania, is an individual engaged in the scrap metals, demolition, and steel warehouse business. For the second and third quarters of 1942, he established a quota under Supplementary Order No. M–21–b with respect to iron and steel products listed in Schedule A thereof. Notwithstanding, during the second and third quarters of 1942 he accepted delivery of plate ends and rejects substantially in excess of his established quota.

The acceptance by Harry G. Fingerote of iron and steel products in excess of quotas established for the second and third quarters of 1942 constituted wilful violations of Supplementary Order No. M–21–b, which have hampered and impeded the war effort of the United States. In view of the foregoing facts: *It is hereby ordered:*

§ 1010.144 *Suspension Order No. S–144.* (a) During the calendar quarter beginning January 1, 1943, and ending

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[1] Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. No. 354, 77th Cong., 55 Stat. 838; E.O. 8389, Apr. 10, 1940, as amended by E.O. 8785, June 14, 1941; E.O. 8832, July 26, 1941; E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, Apr. 10, 1940, as amended June 14, 1941, and July 26, 1941.

March 31, 1943, Harry G. Fingerote, individually or doing business as the Chrome Iron and Steel Company, Philadelphia, Pennsylvania, his succesors and assigns, shall not accept delivery of any Schedule A steel products as the same are defined in Supplementary Order No. M–21–b; and during the same quarter nó steel mill or warehouse shall deliver to Harry G. Fingerote, individually or doing business as the Chrome Iron and Steel Company, his successors or assigns, any Schedule A steel products.

(b) During the calendar quarter beginning April 1, 1943 and ending June 30, 1943, the amount of Schedule A steel products which Harry G. Fingerote, individually or doing business as the Chrome Iron and Steel Company, would be entitled to receive under the quota established by the provisions of Supplementary Order No. M–21–b, as amended, will be reduced by 50% for that quarter, and Harry G. Fingerote, individually or doing business as the Chrome Iron and Steel Company, his successors and assigns, shall not accept deliveries of more than 50% of his quota of Schedule A steel products unless specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve Harry G. Fingerote, individually or doing business as the Chrome Iron and Steel Company, from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on January 1, 1943, and shall expire June 30, 1943.

(P. D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12043; Filed, November 17, 1942; 2:51 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–145]

AERO-CRAFT COMPANY

Alex R. Tigerman and Mrs. Alex R. Tigerman, doing business as Aero-Craft Company, 5254 North Broadway, Chicago, Illinois, are engaged in the manufacture, fabrication, and assembly of coin-operated airplane amusement machines containing, among other materials, copper and copper base alloy. During the period from February 1, 1942, to September 1, 1942, Aero-Craft Company manufactured, fabricated and assembled approximately 64 coin-operated airplane amusement devices containing copper and copper base alloy.

During the period from February 1, 1942 to March 16, 1942, the manufacture, fabrication and assembly of such machines was limited to 25 per cent of the monthly average of such type equipment produced by said company during the twelve months ending June 30, 1941. This company did not produce any such machines during the twelve months period ending June 30, 1941, and therefore, the manufacture, assembly and fabrication of such machines by this company during the period February 1 to March 16, 1942 constituted a wilful violation of Limitation Order L–21 and L–21–a. During the period from March 16, 1942 to May 1, 1942 the use of copper in the manufacture of such machines was prohibited, and after May 1, 1942 the manufacture, fabrication and assembly of such machines was prohibited entirely. The use of copper in the manufacture of these machines after March 16, 1942, and the manufacture, fabrication and assembly of said machines after May 1, 1942, constituted a violation of Limitation Order L–21–a.

The foregoing violations of War Production Board orders have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing facts: *It is hereby ordered,* That:

§ 1010.145 *Suspension Order No. S–145.* (a) Neither Alex R. Tigerman, Mrs. Alex R. Tigerman, nor Aero-Craft Company, their successors and assigns, shall, subsequent to the effective date of this order, deliver, transfer or in any manner dispose of any or all coin-operated amusement machines now owned by them, except for the purpose of delivering the same to storage for their own account.

(b) For a period of six months subsequent to the effective date of this order, deliveries of material to Alex R. Tigerman, Mrs. Alex R. Tigerman and Aero-Craft Company, their successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the Director of the Industry Operations or the Director General for Operations.

(c) For a period of six months subsequent to the effective date of this order, no allocation shall be made to Alex R. Tigerman, Mrs. Alex R. Tigerman, or Aero-Craft Company, their successors or assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(d) Neither Alex R. Tigerman, Mrs. Alex R. Tigerman, nor Aero-Craft Company shall, subsequent to the effective date of this order, sell, transfer, assign, use, process, fabricate, or in any wise change the form or dispose of any or all of the materials now owned by them, which were purchased or obtained for the purpose of incorporating the same into coin-operated amusement machines, except as specifically authorized by the Director General for Operations. The provisions of this paragraph shall not apply to the removal of said materials to a place of storage for their account.

(e) Nothing contained in this order shall be deemed to relieve Alex R. Tigerman, Mrs. Alex R. Tigerman and Aero-Craft Company from any restriction, prohibition, or provision contained in any order or regulation of the Director of Industry Operations or the Director General for Operations, whether now in force or hereafter issued, except in so far as the same may be inconsistent with the provisions hereof.

(f) This order shall take effect on November 20, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12044; Filed, November 17, 1942; 2:51 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–146]

N. L. TRAUB AND WASHINGTON LANE CORPORATION

N. L. Traub is engaged in the construction and development of residential housing accommodations with offices at 6701 North Broad Street, Philadelphia, Pennsylvania.

The Washington Lane Corporation is a corporation wholly owned by said N. L. Traub, its president, and is engaged in the construction of a large defense housing project at Washington Lane and Morton Street, Germantown, Philadelphia, Pennsylvania, of which it is the owner.

Subsequent to June 22, 1942, N. L. Traub and the Washington Lane Corporation, working in concert and in conjunction with each other accepted delivery of, and installed in and connected to various houses in the defense housing project mentioned in the preceding paragraph hereof, approximately 4,800 pounds of copper or copper base alloy tubing for plumbing and heating purposes, notwithstanding the fact that they had actual knowledge that such acts were prohibited by the provisions of Supplementary Order M–9–c–4. The aforesaid acts, therefore, constituted wilful violations of Supplementary Order M–9–c–4.

These violations have impeded and hampered the war effort of the United States by diverting scarce material to uses not authorized by the War Production Board. In view of the foregoing facts: *It is hereby ordered:*

§ 1010.146 *Suspension Order No. S–146.* (a) N. L. Traub and the Washington Lane Corporation, their successors and assigns, shall not, subsequent to the effective date of this order, sell, transfer, assign, use, process, fabricate, or otherwise change the form or dispose of the copper tubing and copper base alloy products now owned by either or both of them, or in their possession, except upon the specific direction of the Director General for Operations. The provisions of this paragraph (a) do not apply to the removal of said materials to a place of storage for their account.

(b) For a period of eight months from the effective date of this order deliveries of materials to N. L. Traub and the Washington Lane Corporation, his or its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating, certificates, preference rating orders, general preference orders, or any other order or regulation of the Director of Industry Operations or the Director General for Operations, except as hereafter specifically authorized by the Director General for Operations. The provisions of this paragraph (b) shall not be applicable to deliveries of materials for completion of the housing project at Washington Lane and Morton Street, Germantown, Philadelphia, Pennsylvania, to which preference ratings are extended under Preference Rating Order P–55, Serial No. 77–034–000–496–531–Philadelphia or any other preference rating certificate.

(c) For a period of eight months from the effective date of this order, no allocation shall be made to N. L. Taub or the Washington Lane Corporation, his and its successors and assigns, of any material, the supply, or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as hereafter specifically authorized by the Director General for Operations.

(d) Nothing contained in this order shall be deemed to relieve N. L. Traub or the Washington Lane Corporation from any restrictions, prohibition or provision contained in any order or regulation of the Director of Industry Operations or the Director General for Operations, whether now in force or hereafter issued, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect upon November 19, 1942, and shall terminate on July 19, 1943, after which latter date it shall be of no further force and effect.

(P. D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12045; Filed, November 17, 1942; 2:51 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–147]

ROBERT M. MORFORD

Robert M. Morford, 7500 Walnut Lane, Philadelphia, Pennsylvania, is an individual engaged in plumbing contracting. Subsequent to July 22, 1942, Robert M. Morford delivered to, installed in and connected to various houses in the defense housing project at Washington Lane and Morton Street, Germantown, Philadelphia, Pennsylvania, approximately 4,800 pounds of copper or copper base alloy tubing for plumbing and heating purposes, notwithstanding the fact that he had actual knowledge that such act was prohibited by the provisions of Supplementary Order M–9–c–4. The aforesaid act therefore constituted a wilful violation of Supplementary Order M–9–c–4.

This violation has impeded and hampered the war effort of the United States by diverting scarce material to uses not authorized by the War Production Board. In view of the foregoing facts: *It is hereby ordered:*

§ 1010.147 *Suspension Order No. S–147.* (a) Robert M. Morford shall not, subsequent to the effective date of this order, sell, transfer, assign, use, process, fabricate, or otherwise change the form or dispose of the copper tubing and copper base alloy products now owned by him, or in his possession, except upon the specific direction of the Director General for Operations. The provisions of this paragraph (a) do not apply to the removal of said material to a place of storage for his own account.

(b) For a period of eight months from the effective date of this order deliveries of material to Robert M. Morford, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the Director of Industry Operations or the Director General for Operations, except as hereafter specifically authorized by the Director General for Operations. The provisions of this paragraph (b) shall not apply to deliveries of materials for completion of the housing project at Washington Lane and Morton Street, Germantown, Philadelphia, Pennsylvania, to which preference ratings are extended under P–55, Serial No. 77–034–000–496–531–Philadelphia or any other preference rating certificate.

(c) For a period of eight months from the effective date of this order, no allocation shall be made to Robert M. Morford, of any material, the supply, or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as hereafter specifically authorized by the Director General for Operations.

(d) Nothing contained in this order shall be deemed to relieve Robert M. Morford from any restrictions, prohibition or provision contained in any order or regulation of the Director of Industry Operations or the Director General for Operations, whether now in force or hereafter issued, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect upon November 19, 1942, and shall terminate on July 19, 1943, after which latter date it shall be of no further force and effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of November, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12046; Filed, November 17, 1942; 2:51 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–149]

RAY OIL BURNER COMPANY

Ray Oil Burner Company, of San Francisco, California, is a corporation engaged in the manufacture of oil burners. Under Limitation Order L–74, the company was permitted to produce only 365 Class B Oil Burners during the months of April and May, 1942. Despite this limitation, the company produced 865 Class B Oil Burners during that period. Furthermore, during the month of June, 1942, the company produced 333 Class B Oil Burners, although the manufacture of all of such oil burners during such period was prohibited by Limitation Order L–74.

These violations of Limitation Order L–74 were wilful, and hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing facts: *It is hereby ordered,* That:

§ 1010.149 *Suspension Order No. S–149.* (a) Ray Oil Burner Company, its successors and assigns, shall not produce, fabricate or assemble any Class A Oil Burners, as the same are defined in Limitation Order No. L–74, as amended, to fill any order which bears a preference rating of A–10 or better, except as specifically authorized by the Regional Compliance Chief of the San Francisco Regional Office of the War Production Board.

(b) Ray Oil Burner Company, its successors and assigns, shall not produce, fabricate or assemble any Class B Oil Burners, as the same are defined in Limitation Order No. L–74, as amended, except as specifically authorized by the Director General for Operations: *Provided, however,* That this paragraph shall not prohibit the production, fabrication or assembling of any Class B Oil Burner which Ray Oil Burner Company has heretofore been authorized by the Director General for Operations to produce, fabricate or assemble.

(c) Nothing contained in this order shall be deemed to relieve Ray Oil Burner Company from any other restriction, prohibition or provision contained in Limitation Order No. L–74, or from any restriction, prohibition or provision in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on December 2, 1942, and shall expire on March 2, 1943.

(P.D. Reg. 1, as amended 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12047; Filed, November 17, 1942; 2:51 p. m.]

PART 933—COPPER

[Amendment 1 to Supplementary Conservation Order M-9-c-4 As Amended Oct. 27, 1942]

Section 933.15 *Supplementary Conservation Order M-9-c-4*[1] is hereby amended in the following respects: Subparagraph (9) of paragraph (a) is hereby amended to be and read as follows:

(9) "To install in or connect to a structure or system" means to attach or build material to or into a building or other structure or to or into a cooling tower or water tower, water supply or water distribution system or installation; but does not mean to attach or build material to or into a machine such as a heater, refrigerator or other device (except a cooling tower or water tower) which itself has been or may be attached to or built into the structure or to or into an industrial processing system.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12050; Filed, November 18, 1942; 10:35 a. m.]

PART 962—IRON AND STEEL

[Supplementary Order M-21-d, as amended Nov. 18, 1942]

CORROSION AND HEAT RESISTANT CHROME STEEL

Section 962.5 *Supplementary Order M-21-d*[2] is hereby amended to read as follows:

§ 962.5 *Supplementary Order M-21-d*—(a) *Restrictions on deliveries, use, etc.* Except pursuant to specific authorization or direction of the Director General for Operations, no person shall consume, use, process, fabricate, or deliver corrosion or heat resistant alloy iron or alloy steel containing 4 per cent or more of chromium except in accordance with the following:

(1) The above prohibition shall not apply to material to be delivered by the holder on a preference rating of AA-5 or higher, or to material acquired on a preference rating of AA-5 or higher.

(2) The above prohibition shall not apply to material acquired prior to November 18, 1942 on a preference rating of A-1-k or higher.

(3) The above prohibition shall not apply to fully fabricated articles. It shall apply to raw steel stock in the form received, or cut to size for further processing or fabrication.

(b) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(c) *Appeal.* Any appeal fom the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(d) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Iron and Steel Branch, Washington, D. C. Ref.: M-21-d.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12051; Filed, November 18, 1942; 10:35 a. m.]

PART 1053—FATS AND OILS

[Interpretation 1 of General Preference Order M-71, As Amended Sept. 22, 1942]

The following official interpretation is hereby issued by the Director General for Operations with respect to § 1053.1, General Preference Order M-71, as amended September 22, 1942:[1]

> The term "principal ingredient" used in paragraph (a) (4) (vi) of the order means the largest single ingredient by weight, subject to the qualification that shortening, mayonnaise and salad dressing (edible products specifically listed in Schedule A annexed to said order) are to be considered products of which a fat or oil is the principal ingredient regardless of the fat or oil composition thereof in the particular case.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12052; Filed, November 18, 1942; 10:35 a. m.]

PART 1178—FISHING TACKLE

[General Limitation Order L-92, as amended Nov. 18, 1942]

§ 1178.1 *General Limitation Order L-92*—(a) *Definitions.* For the purposes of this order:

(1) "Fishing tackle product" means any manufactured product designed primarily for use in non-commercial fishing, including, but not limited to, the following: rods, rod fittings, and rod accessories; reels, reel equipment and reel accessories; lines, leaders, sinkers, swivels, fish hooks, bait boxes, tackle boxes, fly boxes, creels artificial lures, baits and flies.

(2) "Repair and replacement part" means any part for a fishing tackle product which is not produced for or used in a new fishing tackle product.

(3) "Manufacturer" means any person engaged in the business of producing any fishing tackle product or any parts therefor, including repair and replacement parts.

(4) "Critical material" means plastics, cork and any metal other than iron and steel.

(b) *General restrictions.* (1) Except as provided in subparagraph (2) of this paragraph (b), no manufacturer shall process, fabricate, work on, assemble or repair any fishing tackle product or part therefor, including repair and replacement parts, containing any critical material or iron and steel.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph (b), a manufacturer may:

(i) Produce fish hooks containing iron or steel, *Provided*, That during the period of three months beginning October 1, 1942, and during each succeeding period of three months, he does not produce for non-commercial fishing purposes more than 12½% of the number of fish hooks produced by him for such purposes in the year 1941;

(ii) Convert fish hooks containing iron or steel into lures, baits or flies, *Provided*, That no critical material and no iron or steel (other than that contained in the fish hooks) is contained in such lures, baits or flies;

(iii) Use in the repair of fishing tackle products any repair and replacement parts which were fully fabricated on or before November 18, 1942; and

(iv) Use in the repair of fishing tackle products and in the production of repair and replacement parts any iron and steel which, on or before November 18, 1942 was:

(*a*) In his inventory or in the inventory of another manufacturer, and

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[1] 7 F.R. 8691.

[2] 7 F.R. 2383, 7141.

[1] 7 F.R. 7485, 8692.

(*b*) So fabricated or processed that it could not be used for any purpose except in fishing tackle products.

(3) None of the provisions of this order shall be deemed to limit in any way the production or repair of products designed primarily for use in the commercial fishing industry, or of parts, including repair and replacement parts for such products.

(c) *Inventory restrictions.* (1) No manufacturer shall receive, or accept delivery of, for use in the production or repair of fishing tackle products or of parts therefor, including repair and replacement parts, any critical material or iron and steel, except material and parts in the form which he may use in the repair of fishing tackle products and in the production of repair and replacement parts under subdivisions (iii) and (iv) of paragraph (b) (2).

(2) A manufacturer may sell materials in his inventory only in accordance with the provisions of Priorities Regulation 13 (Part 944) and all other applicable Orders and Regulations, except that he may sell to another manufacturer materials and parts which such other manufacturer may use in the repair of fishing tackle products and in the production of repair and replacement parts under subdivisions (iii) and (iv) of paragraph (b) (2), and any such sale shall be deemed a sale expressly permitted within the terms of paragraph (c) (3) of Priorities Regulation 13.

(d) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* Each manufacturer to whom this order applies shall file with the War Production Board such reports and questionnaires as said Board shall from time to time prescribe.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(h) *Appeal.* Any appeal from the provisions of this order must be made on Form PD-500 and must be filed with the field office of the War Production Board of the district in which is located the plant to which the appeal relates.

(i) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the Director of Priorities, the Director of Industry Operations or the Director General for Operations limits the use of any material in the production or repair of fishing tackle products or parts therefor, including repair and replacement parts, to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(j) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(k) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Washington, D. C., Consumers' Durable Goods Branch, Ref: L-92.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12054; Filed, November 18, 1942; 10:35 a. m.]

PART 3104—PHENOLIC RESINS AND PHENOLIC RESIN MOLDING COMPOUNDS

[Amendment 1 to General Preference Order M-246]

Section 3104.1 *General Preference Order M-246*[1] is hereby amended by adding a new subparagraph to paragraph (d) of said section, designated subparagraph (7) as follows:

(7) Delivery or acceptance of delivery during the month of December 1942, or use, of phenolic resins or phenolic resin molding compounds produced from phenol delivered to the producer pursuant to allocations made under General Preference Order M-27 for the month of November 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12053; Filed, November 18, 1942; 10:35 a. m.]

Chapter XI—Office of Price Administration

PART 1334—SUGAR, CONFECTIONERY AND SOFT DRINKS

[Order 2 Under RPS 16[2]]

J. D. AND A. B. SPRECKELS CO.

Order No. 2 Under Revised Price Schedule No. 16—Raw Cane Sugar.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1334.102 *Granting approval under § 1334.9 (a) (6).* (a) J. D. & A. B. Spreckels Company (doing business as to one of its departments under the name and style of "Western Sugar Refinery"), a corporation organized and existing under the laws of the State of California and with its principal place of business in the City and County of San Francisco, California, as buyer, and the following named plantation companies engaged in the business of growing sugar cane and producing raw sugar therefrom in the Territory of Hawaii, as sellers, may employ the method of averaging prices for such raw sugar specified in the respective contracts between said buyer and said sellers as of January 1, 1943 (copies of which have been submitted to the Office of Price Administration) for the "contract year" January 1, 1943 to December 31, 1943. The seller plantation companies follow:

Hilo Sugar Company, Honolulu, T. H., a corporation organized and existing under the laws of the Territory of Hawaii.

Hakalau Plantation Company, 2 Pine Street, San Francisco, California, a corporation organized and existing under the laws of the State of California.

Hutchinson Sugar Plantation Company, 2 Pine Street, San Francisco, California, a corporation organized and existing under the laws of the State of California.

Kilauea Sugar Plantation Company, 2 Pine Street, San Francisco, California, a corporation organized and existing under the laws of the State of California.

Kaeleku Sugar Company, Limited, Honolulu, T. H., a corporation organized and existing under the laws of the Territory of Hawaii.

Gay and Robinson, Makaweli, Kauai, T. H., a co-partnership consisting of Mrs. Alice Robinson, Sinclair Robinson, Alymer F. Robinson, Selwyn A. Robinson, Eleanor Robinson, and Lester B. Robinson.

Wailea Milling Company, Ltd., Honolulu, T. H., a corporation organized and existing under the laws of the Territory of Hawaii.

Olokele Sugar Company, Limited, Kauai, T. H., a corporation organized and existing under the laws of the Territory of Hawaii.

Paauhau Sugar Plantation Company, 2 Pine Street, San Francisco, California, a corporation organized and existing under the laws of the State of California.

(b) The following deductions specified in Article 9 of each of said contracts are approved.

First: A deduction of twenty hundredths (.20) of one cent per pound delivered net weight before conversion on all sugars polarizing ninety-three degrees (93°) or more, if sugars are delivered in bags; or

Second: A deduction of twenty-six hundred and twenty-five ten thousandths (.2625) of one cent per pound delivered net weight before conversion on all sugars polarizing ninety-three degrees (93°) or more, if sugars are delivered in bulk; and

Third: An additional deduction of one-half (.5) of one per cent of the applicable average market price per pound;

Fourth: An additional deduction in respect of sugar delivered at the port of San Francisco of one-tenth (1/10) of one cent per pound delivered net weight before conversion on all sugars damaged by salt water;

Fifth: An additional deduction in respect of sugars delivered at the port of San Francisco of one-tenth (1/10) of one cent per pound delivered net weight before conversion on all sugars damaged by fresh water or affected by sweat, provided such damaged sugar shows deterioration of two degrees (2°) or more from the average polarization of the sound sugar of the same Mark or the same bulk shipment as the case may be;

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[1] 7 F.R. 8993.

[2] 7 F.R. 1239, 1836, 2133, 2132, 8948.

Sixth: An additional deduction, in respect of Eastern shipments, of an amount equal to all charges of every character which would have been incurred by Seller had such delivery been made at the port of San Francisco, as herein provided, including (without limiting the general nature of the foregoing charges) charges on account of freight, insurance, weighing, sampling, polarizing, supervising, and territorial tolls (if any);

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 2 (§ 1334.102) may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1334.7 of Revised Price Schedule No. 16 shall apply to the terms used herein.

(f) This Order No. 2 (§ 1334.102) shall become effective as of January 1, 1943, and shall, unless earlier revoked, expire 12 o'clock midnight December 31, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12033; Filed, November 17, 1942; 12:14 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RPS 53 [1] Amendment 19]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Inferior subdivision (*h*) is added to § 1351.151 (b) (12) (v) to read as set forth below:

§ 1351.151 *Maximum prices for fats and oils.* * * *

(b) * * *

(12) * * *

(v) * * *

(*h*) The usual or normal differentials for type of purchaser shall continue to apply.

§ 1351.159 *Effective dates of amendments.* * * *

(s) Amendment No. 19 (§1351.151 (b) (12) (v) (*h*)) to Revised Price Schedule No. 53 shall become effective November 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12027; Filed, November 17, 1942; 12:18 p. m.]

PART 1346—BUILDING MATERIALS

[MPR 272]

CAST-IRON BOILERS AND CAST-IRON RADIATION

In the judgment of the Price Administrator the prices of cast-iron boilers and cast-iron radiation have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. The Price Administrator has ascertained and given due consideration to the prices of cast-iron boilers and cast-iron radiation prevailing between October 1 and 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry who will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 272 is hereby issued.

Sec.
1346.251 Purpose of this regulation.
1346.252 General Maximum Price Regulation and Maximum Price Regulation No. 188, superseded.
1346.253 Prohibitions.
1346.254 Less than maximum prices.
1346.255 Federal and State taxes.
1346.256 Adjustable pricing.
1346.257 Evasion.
1346.258 Notification of purchasers of existence of regulation.
1346.259 Records and reports.
1346.260 Filing of price lists by manufacturers.
1346.261 Licensing.
1346.262 Enforcement.
1346.263 Petitions for amendment or adjustment.
1346.264 Definitions.
1346.265 Geographical applicability.
1346.266 Revised Maximum Export Price Regulation applicable.
1346.267 Effective date.
1346.268 Appendix A: Maximum prices for cast-iron boilers and cast-iron radiation.

AUTHORITY: §§ 1346.251 to 1346.268, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1346.251 *Purpose of this regulation.* (a) It is the purpose of this Maximum Price Regulation No. 272 to establish maximum prices for sales and deliveries of cast-iron boilers and cast-iron radiation. The maximum prices for sales and deliveries covered by this Maximum Price Regulation No. 272 are set forth in Appendix A (§ 1346.268).

(b) In those cases in which the seller furnishes such articles and, in consideration for the total price paid by the purchaser, also performs the service of connecting the cast-iron boiler or cast-iron radiation to the heating system, the sales and deliveries are not covered by this Maximum Price Regulation No. 272, but are covered by Maximum Price Regulation No. 251.

§ 1346.252 *General Maximum Price Regulation and Maximum Price Regulation No. 188, superseded.* The provisions of the General Maximum Price Regulation and Maximum Price Regulation No. 188 are superseded by this Maximum Price Regulation No. 272 with respect to sales or deliveries of cast-iron boilers and cast-iron radiation for which maximum prices are in effect pursuant to this Maximum Price Regulation No. 272: *Provided,* That the provisions of Maximum Price Regulation No. 188 shall be applicable in the manner indicated in § 1346.268 (a) (5) of this Maximum Price Regulation No. 272.

§ 1346.253 *Prohibition against sales of cast-iron boilers or cast-iron radiation at higher than maximum prices.* (a) On and after November 23, 1942, regardless of any contract, lease, or other obligation:

(1) No person shall sell or deliver any cast-iron boilers or cast-iron radiation at a price higher than the maximum price permitted by this Maximum Price Regulation No. 272.

(2) No person in the course of trade or business shall buy or receive any cast-iron boilers or cast-iron radiation at a price higher than that permitted by this Maximum Price Regulation No. 272.

(3) No person shall agree, offer, solicit, or attempt to do any of the acts prohibited in subparagraphs (1) and (2) of this paragraph (a).

(b) No war procurement agency, nor any contracting or paying finance officer thereof, shall be subject to any liability, civil or criminal, imposed by this Maximum Price Regulation No. 272 or the Emergency Price Control Act of 1942.

§ 1346.254 *Less than maximum prices.* Lower prices than those set forth in § 1346.268 may be charged, demanded, paid, or offered.

§ 1346.255 *Federal and State taxes.* As to any tax upon, or incidental to, the sale or delivery of cast-iron boilers or cast-iron radiation, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, if the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1346.256 *Adjustable pricing.* Any person may offer or agree to adjust prices to or at prices not in excess of the maximum prices in effect at the time of delivery.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1309, 2132, 3430, 3821, 4229, 4294, 4484, 5605, 7665, 7666, 7977, 8204, 8653, 8702 8948, 9130, 9189.

[1] 7 F.R. 8961.

§ 1346.257 *Evasion.* The provisions of this Maximum Price Regulation No. 272 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to cast-iron boilers or cast-iron radiation, alone, together, or in conjunction with any other commodity, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1346.258 *Notification of purchaser of existence of regulation.* Every person making sales subject to this Maximum Price Regulation No. 272 shall, before entering into a contract or making a sale, notify the purchaser of the existence of this Maximum Price Regulation No. 272, and, upon request of the purchaser, make available a copy of this Maximum Price Regulation No. 272 at the seller's principal place of business and at every branch office for examination by the purchaser.

§ 1346.259 *Filing of price lists by manufacturers.* On or before December 10, 1942, every manufacturer of cast-iron boilers and/or cast-iron radiation shall file with the Office of Price Administration, Washington, D. C., one hundred (100) copies of its price sheets issued on the date set forth in paragraph (e) of Appendix A (§ 1346.268), together with a certificate to the effect that such price sheets are true copies of the price sheets issued on the date in question.

§ 1346.260 *Records and reports.* (a) On and after November 23, 1942, every person making purchases or sales of cast-iron boilers or cast-iron radiation in the course of trade shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect complete and accurate records and copies of invoices of each such purchase or sale, showing the date thereof, the name and address of the buyer and seller, the price paid or received, the freight or surcharge paid or received, the quantity of each type and size of cast-iron boiler and any cast-iron radiation purchased or sold, and the manufacturer's name and plate number for each boiler purchased or sold.

(b) Persons affected by this Maximum Price Regulation No. 272 shall submit such reports to the Office of Price Administration as it may from time to time require.

§ 1346.261 *Licensing.* The provisions of Supplementary Order No. 18 (§ 1305.22), Licensing Persons Selling Lumber, Lumber Products or Building Materials, are applicable to every person (except manufacturers) making sales of cast-iron boilers and cast-iron radiation for which maximum prices are established by this regulation.

§ 1346.262 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 272 are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and license suspension proceedings provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 272, or any price schedule, regulation, or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation are urged to communicate with the nearest state, district, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1346.263 *Petitions for amendment or adjustment*—(a) *Government contracts or subcontracts.* Any person who has entered into or proposes to enter into a Government contract or a subcontract under any such contract, who believes that the maximum price impedes or threatens to impede production of cast-iron radiation or cast-iron boilers which are essential to the war program and which are or will be the subject of such contract or subcontract, may file an application for adjustment of the maximum prices established by this Maximum Price Regulation No. 272, in accordance with Procedural Regulation No. 6 [2] issued by the Office of Price Administration.

(b) *Petitions for amendment.* Any person seeking an amendment of this Maximum Price Regulation No. 272 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1346.264 *Definitions.* (a) When used in this Maximum Price Regulation No. 272, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" means any person engaged in the fabrication or production of cast-iron boilers and/or cast-iron radiation. Except for the purposes of the records' requirements of § 1346.260, the term includes, without restricting the generality of the foregoing, any manufacturer's representative, factory commission, salesman, or other manufacturer's agent.

(3) "Jobber" means any person, other than a manufacturer, who purchases cast-iron boilers and/or cast-iron radiation for purposes of resale other than on an installed basis.

(4) "Installed basis," when used in reference to a sale or delivery, means a transaction in which the seller furnishes a cast-iron boiler and/or cast-iron radiation and in consideration of the total price paid by the purchaser, performs the service of connecting the cast-iron boiler and/or cast-iron radiation to the heating system.

(5) "Manufacturer's warehouse" means a warehouse situated at a point other than the location of a foundry operated by the manufacturer where a stock of cast-iron boilers or cast-iron radiation delivered from the owner's foundry is normally maintained for sale and delivery to jobbers or others.

(6) "Cast-iron radiation" means a tubular or hollow device constructed of cast iron which, by means of internal circulation of high temperature vapor or liquid, emits heat from its external surface by means of conduction, radiation, and convection. The term includes, without limiting the generality of the foregoing, radiators (whether a unit or a combination of sections), and radiator sections, and all of the items set forth in Appendix A (§ 1346.268 (d)).

(7) "Cast-iron boiler" means any closed cast-iron pressure vessel designed to burn solid or liquid fuels for the purpose of generating steam or hot water for use in a heating system, whether actually so used or not. Without limiting the foregoing, the term includes jackets, grate bars, boiler trim, and other attachments or accessories commonly sold with the boiler as a unit, but does not include parts of boilers sold as repair parts, or oil burners and automatic controls, or stokers and automatic controls, sold as a part of a unit.

(8) "Government contract" means any contract with the United States or any agency thereof or with the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States" or with any agency of any such Government.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1346.265 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 272 shall be applicable to the 48 states of the United States and the District of Columbia.

§ 1346.266 *Revised Maximum Export Price Regulation applicable.*[3] The maximum price at which a person may export any cast-iron boiler or cast-iron radiation shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration.

§ 1346.267 *Effective date.* Maximum Price Regulation No. 272 (§§ 1346.251 to 1346.268, inclusive) shall become effective November 23, 1942.

§ 1346.268 *Appendix A: Maximum prices for cast-iron boilers and cast-iron radiation*—(a) *Sales by or purchases from manufacturers*—(1) *Functional discounts.* The maximum prices for sales by manufacturers or purchases from them shall be ascertained by applying the following discounts to the sheet prices set forth or referred to in paragraphs (d) and (e) below:

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[2] 7 F.R. 5087, 5664.

[3] 7 F.R. 5059, 7242, 8829, 9000.

	Boilers	Radiation
Sales by manufacturers:		
(i) To jobbers or manufacturers.	20% and 5%	15% and 5%.
(ii) To others	Sheet prices	Sheet prices.

There are some exceptions to these discounts with respect to certain manufacturers. These exceptions are set forth in paragraph (e) (2), below.

(2) *Transportation provisions.* The maximum prices for sales by manufacturers, calculated in accordance with subparagraph (1), above, are prices at the point of delivery, except as provided in subdivision (i), (ii), and (iii) of this subparagraph (2). If shipment is by rail, water, or by rail and water, the point of delivery is the railroad siding or unloading dock nearest the point designated by the purchaser. In case of shipment by common or contract motor carrier, the point of delivery is the point designated by the purchaser. If the purchaser picks up his purchase at the manufacturer's warehouse, the warehouse platform shall be the point of delivery.

(i) When shipments of 200 pounds or more are made by manufacturers from the point of manufacture, the maximum price, calculated in accordance with subparagraph (1), above, shall include freight charges actually incurred by the manufacturer at not more than the minimum railroad carload rate of freight, regardless of the type of carrier actually employed. Freight charges on a shipment in excess of the charges which would have been incurred at the minimum railroad carload rate of freight may be added to the maximum prices calculated in accordance with subparagraph (1), above, if the manufacturer shows such additional charges as a separate item on the invoice.

(ii) When shipments of less than 200 pounds are made by manufacturers from the point of manufacture, the maximum price, calculated in accordance with subparagraph (1), above, is the price f. o. b. the point of manufacture.

(iii) When shipments are made from or deliveries are made at the manufacturers' warehouses located at the points designated below, the maximum price, calculated in accordance with subparagraph (1), above, may be increased by the applicable surcharge set forth below: *Provided, however,* That if it was the practice of the seller, on October 1, 1941, to make free delivery from the warehouse within a definite area, the seller shall deliver in that area without charge. No surcharges other than those designated may be made for shipments from or deliveries at any manufacturers' warehouses; nor may such surcharges be made unless they are shown on the invoice as a separate item.

AMERICAN RADIATOR & STANDARD SANITARY CORPORATION

Warehouse	Added charge for boilers in cents per hundred pounds	Added charge for radiators in cents per square foot			
		Corto	Arco	Sunrad	Wall
Denver, Colo	$0.65	$0.0375	$0.0325	$0.0425	$0.0450
Kansas City, Mo	0.35	0.0175	0.0150	0.0200	0.0225
Richmond, Va	0.20	0.0150	0.0125	0.0175	0.0200
St. Paul, Minn	0.20	0.0100	0.0100	0.0100	0.0125
San Francisco, Calif	1.00	0.0300	0.0300	0.0300	0.0350
Seattle, Wash	1.00	0.0300	0.0300	0.0300	0.0350

THE NATIONAL RADIATOR COMPANY

Warehouse	Added charge for boilers in cents per hundred pounds	Added charge for radiators in cents per square foot		
		Aero	Art	Wall
Richmond, Va	$0.20	$0.0150	$0.0125	$0.0200

PIERCE BUTLER RADIATOR CORPORATION

Warehouse	Added charge for boilers in cents per hundred pounds	Added charge for radiators in cents per square foot		
		Eastwood	Little Giant	Wall
Portland, Maine	$0.15	$0.0100	$0.0100	$0.0125
Richmond, Va	0.20	0.0150	0.0125	0.0200

UNITED STATES RADIATOR CORPORATION

Warehouse	Added charge for boilers in cents per hundred pounds	Added charge for radiators in cents per square foot			
		Capitol	Thintube	Sunray	Wall
Birmingham, Ala	$0.35	$0.0200	$0.0200	$0.0200	$0.0250
Denver, Colo	0.65	0.0375	0.0325	0.0425	0.0450
Kansas City, Mo	0.35	0.0175	0.0150	0.0200	0.0225
Minneapolis, Minn	0.20	0.0100	0.0100	0.0100	0.0125
Portland, Maine	0.15	0.0100	0.0100	0.0125	0.0125
Portland, Oreg	1.00	0.0300	0.0300	0.0300	0.0350
San Francisco, Calif	1.00	0.0300	0.0300	0.0300	0.0350
Seattle, Wash	1.00	0.0300	0.0300	0.0300	0.0350

(3) *Unlisted items.* The maximum price for any model or type of cast-iron boiler sold or offered for sale by a manufacturer prior to August 1, 1942, which is not listed in the sheet prices set forth or referred to in paragraph (e) of this section, shall be an amount not more than 95% of the net price which was charged or which would have been charged by the manufacturer on a sale made on February 18, 1942, to the same purchaser or class of purchaser for like quantities, types, and sizes of cast-iron boilers.

(i) *Reporting.* Every manufacturer shall, prior to November 30, 1942, file with the Office of Price Administration, Washington, D. C., a list of all models or types of cast-iron boilers not set forth or referred to in paragraph (e) of this section, which he has sold or offered for sale during the year prior to August 1, 1942, together with a complete description of such articles, including their performance, their maximum selling prices as determined above, and the names of all purchasers of each such model, and the name or designation given to such models by each re-seller.

(4) *Services, cash and quantity discounts.* The maximum prices for sales by manufacturers or purchasers from them shall include at least the same rendition of services and at least the same extension of quantity and cash discounts as were or would have been rendered or extended by the seller on comparable sales to a purchaser of the same class on October 1, 1941.

(5) *New models or types.* The maximum sheet price for any model or type of cast-iron boiler or cast-iron radiation first offered for sale subsequent to August 1, 1942, and for which no sheet price is established by this Maximum Price Regulation No. 272, shall be determined in accordance with the provisions of § 1499.154 of Maximum Price Regulation No. 188.[4]

(b) *Sales by or purchases from jobbers*—(1) *Listed items.* The maximum prices for sales by jobbers or purchases from them shall be the sheet prices set forth or referred to in paragraphs (d) and (e) of this section: *Provided,* That the maximum prices for sales by jobbers of cast-iron boilers produced by Pierce-Butler Radiator Company shall be sheet prices less a discount of 38%: *And provided further,* That the maximum prices for sales by jobbers of cast-iron boilers produced by Freed Heater and Manufacturing Company shall be the sheet prices plus 5%.

(2) *Unlisted items.* The maximum prices for sales by jobbers or purchases from them of any model or type of cast-iron boiler, which is not set forth or referred to in paragraph (e) of this section, shall be 95% of the highest sheet price published by the jobber during February 1942, or, if the jobber had no published sheet price for any model or type of cast-iron boiler which is not set forth or referred to in paragraph (e) of this section, shall be the cost of such cast-iron boiler to the jobber plus a percentage mark-up on the cost not in excess of the percentage mark-up over cost, similarly calculated, which the jobber received on the greatest portion of his sales of cast-iron boilers during February 1942.

(3) *Delivery charges.* All sales from the warehouses of jobbers may be made f. o. b. warehouse: *Provided, however,* That if it was the practice of the seller on October 1, 1941, to make free delivery within a definite area, the seller shall deliver in that area without charge.

(4) *Services, cash and quantity discounts.* The maximum prices for sales by jobbers shall include at least the same absorption of transportation costs, and other charges, at least the same rendition of services, and at least the same extension of quantity and cash discounts as were or would have been absorbed, rendered, or extended by the seller on comparable sales to a purchaser of the same class on October 1, 1941.

(c) *Sales to all other persons*—(1) *Listed items.* Without limiting or altering the foregoing, no person shall sell cast-iron boilers or cast-iron radiation to any other person at prices higher than the sheets prices set forth or referred to in paragraphs (d) and (e) of this section, except on an installed basis.

(2) *Unlisted items.* Without limiting or altering the foregoing, no person shall sell any cast-iron boilers or cast-iron radiation not listed or referred to in paragraphs (d) and (e) of this section to any other person at prices higher than the cost of such cast-iron boiler or cast-iron radiation to the person, plus a percentage mark-up on the cost not more than the percentage mark-up over cost, similarly calculated, which the person received on the greatest portion of his sales of cast-iron boilers or cast-iron radiation during February 1942.

(d) *Sheet prices for cast-iron radiators*—(1) *Direct cast-iron radiation:*

(i) *Large tube:*

No. of tubes	Height in inches	Sheet price per sq. foot
3, 4, 5, or 6	36, 37, or 38	31½¢
3, 4, 5, or 6	30 or 32	32½¢
3, 4, 5, 6, or 7	26	34¢
3, 4, 5, 6, or 7	22 or 23	36½¢
3, 4, 5, 6, or 7	20 or 21½	37½¢
3, 4, 5, 6, or 7	16½, 17, or 18½	38½¢
3, 4, 5, 6, or 7	13, 13½, 14, 15, or 15½	41½¢

(ii) *Small tube:*

No. of tubes	Height in inches	Sheet price per sq. foot
3, 5, or 6	32 or 33	33½¢
2, 3, 4, 5, or 6	25 or 26	35¢
3, 4, 5, or 6	22 or 23	37½¢
3, 4, 5, or 6	19 or 20	38½¢
6	17	39½¢
5	17	40¢
6	14	42½¢

(2) *Direct cast-iron wall radiation:*

Size in sq. feet	Type	Sheet price per sq. foot
11	A	35¢
11	B	34¢
8	A	39½¢
8	B	38½¢
6	A	39½¢
Crane Co. Assembled Wall Radiation.	2 sq. ft. sections	34¢
	1½ sq. ft. sections	38½¢
Columbia Assembled Wall Radiation.	3 sq. ft. 38″	39½¢
	2½ sq. ft. 32″	40½¢
	2 sq. ft. 26″	41½¢
	1½ sq. ft. 20″	42½¢

(3) *Direct cast-iron hospital radiation:*

Height in inches:	*Sheet price Per sq. foot*
36, 37, or 38	37½¢
30 or 32	38½¢
26	40¢
23	42½¢
20	43½¢

(4) *Other cast-iron radiation:*

Manufacturers	Style	Size of section in inches	Sq. feet per section	Sheet price per sq. foot
American Radiator & Standard Sanitary Corp	Sunrad	23 x 7½	3	42½¢
Do	Sunrad	20 x 5	2	42½¢
Burnham Boiler Corp	Radiant	23 x 7½	3⁴⁄₁₀	42½¢
Do	Radiant	20 x 5	2¼	42½¢
Columbia Radiator Co	Comfort Panel	20 x 7½	3	40½¢
Do	Comfort Panel	20 x 5	2¹⁵⁄₁₀₀	40½¢
Richmond Radiator Co	Richvar	20 x 7½	3	40½¢
Do	Richvar	20 x 5	2¹⁵⁄₁₀₀	40½¢
United States Radiator Corp	Sunray #6		2³⁄₁₀	42½¢
Do	Sunray #5		1⁸⁄₁₀	42½¢

(e) *Sheet prices for cast-iron boilers.* (1) The sheet prices for cast-iron boilers shall be 95% of the prices set forth in the manufacturers' price list which bears the date of issuance designated below:

Manufacturers:	*Date of Issuance*
American Radiator & Standard Sanitary Corp	January 23, 1942
Burnham Boiler Corp	January 24, 1942
Columbia Radiator Co	February 18, 1942
Crane Company	January 26, 1942
The Eastern Foundry Co	February 2, 1942
International Heater Co	January 20, 1942
Kohler Co	February 12, 1942
The National Radiator Co	January 22, 1942
Thatcher Furnace Co	January 27, 1942

Manufacturers—Con.	*Date of Issuance*
United States Radiator Corp	January 15, 1942
Utica Radiator Corp	January 20, 1942
Weil-McLain Co	January 24, 1942

The sheet prices for certain manufacturers are not included in this list but are set forth in the next paragraph.

(2) The provisions of paragraphs (a) (1) and (e) (1) of this Appendix A shall not be applicable to sales of cast-iron boilers by the manufacturers named below: *Provided, however,* That all other parts of this regulation shall be applied with equal force and effect to said companies.

The maximum prices for sales by or purchases from the following companies shall be ascertained as follows:

Hart & Crouse Corporation

Date of issuance of applicable price sheet	July 14, 1941.
Discounts:	
Carload shipments to jobbers	20% and 5% off sheet prices.
Less than carload shipments to jobbers	20% off sheet prices.
All other shipments	sheet prices.

The Ideal Furnace Co.

Date of issuance of applicable price sheet	January 1, 1942.
Discounts:	
Shipments to jobbers from foundry	20% off sheet prices.
Shipments to jobbers from warehouse	17½% off sheet prices.
All other shipments	sheet prices.

The H. B. Smith Company, Inc.

Date of issuance of applicable price sheet	October 1, 1941.
Discounts:	
Shipments to jobbers	20% and 5% off sheet prices.
All other shipments	sheet prices.

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[4] 7 F.R. 5872, 7967, 8943, 8948.

Pierce-Butler Radiator Co.

Date of issuance of applicable price sheet	October 11, 1941.
Discounts:	
All shipments to jobbers	38% and 20% and 5% off sheet prices.
All other shipments	38% off sheet prices.

Frank Prox Company, Inc.

Date of issuance of applicable price sheet	November 21, 1941.
Discounts:	
Carload shipments to jobbers	20% and 5% off sheet prices.
Less than carload shipments to jobbers	20% off sheet prices.
All other shipments	sheet prices.

The Putnam Co.

Date of issuance of applicable price sheet for "General Boilers"	August 28, 1941.
Date of issuance of applicable price sheet for all other boilers	May 1, 1938.
Discounts:	
Shipments to jobbers	20% and 5% off sheet prices.
Shipments to heating trade	5% off sheet prices.
All other shipments	sheet prices.

Spencer Heater Division of the Aviation Corp.

Date of issuance of applicable price sheet	February 2, 1942.
Discounts:	
Carload shipments to jobbers	15% and 5% off sheet prices.
Less than carload shipments to jobbers	15% off sheet prices.
All other shipments	sheet prices.

Freed Heater and Manufacturing Co.

Date of issuance of applicable price sheet	June 6, 1941.
Discounts:	
Shipments to jobbers	15% and 5% off sheet prices.
All other shipments	sheet prices plus 5%.

Issued this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12031; Filed, November 17, 1942; 12:13 p. m.]

PART 1376—FLUORITE

[MPR 126,[1] as Amended]

FLUORSPAR

In the judgment of the Price Administrator it is necessary and proper in so far as practicable, to establish a uniform system of determining maximum prices for metallurgical and acid grades of fluorspar.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator the maximum prices established by this Maximum Price Regulation No. 126, as amended, are and will be generally fair and equitable, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. So far as practicable, the Price Administrator had advised and consulted with members of the industry which will be affected by this regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1[2] issued by the Office of Price Administration, it is hereby directed that:

Sections 1376.1 to 1376.15 inclusive, of Maximum Price Regulation No. 126 are renumbered and amended to read as set forth herein:

Sec.

1376.1 Maximum prices for fluorspar.
1376.2 Less than maximum prices.
1376.3 Adjustable pricing.
1376.4 Evasion.
1376.5 Records and reports.
1376.6 Enforcement.
1376.7 Applications for adjustment and petitions for amendment.
1376.8 Definitions.
1376.9 Discount and credit provisions.
1376.10 Transportation costs.
1376.11 Export sales.
1376.12 Agreements with Office of Price Administration.
1376.13 Idle or frozen materials.
1376.14 Effective date.

AUTHORITY: §§ 1376.1 to 1376.14 inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; and E.O. 9250, 7 F.R. 7871.

§ 1376.1 *Maximum prices for fluorspar.* On and after November 1, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver any commercial grade of fluorspar, and no person shall buy or receive any commercial grade of fluorspar in the course of trade or business, at a price higher than the following, and no person shall agree, offer, solicit or attempt to do any of the foregoing prohibited acts:

(a) *Metallurgical grade.* (1) The maximum price f. o. b. a consumer's plant on any shipment shall be the price for the effective CaF_2 content as listed in the following table, plus either (i) railroad freight on such shipment from the producer's shipping point to the consumer's plant, or (ii) railroad freight on such a shipment from Rosiclare, Illinois, to the consumer's plant, whichever is lower.

Effective CaF_2 content	*Base price per short ton*
70% or more	$28.00
65% but less than 70%	27.00
60% but less than 65%	26.00
Less than 60%	25.00

(2) The maximum price f. o. b. a producer's railroad or waterway shipping point shall be his maximum delivered price as determined under subparagraph (1) less freight from such shipping point to the consumer's plant.

(3) The effective CaF_2 content shall be determined by deducting 2½ times the SiO_2 content from the CaF_2 content (Example: The effective CaF_2 content of fluorspar with the specifications of 85% CaF_2 and 5% SiO_2 is determined as follows: 85—2½×5=72½).

(4) Examples: The maximum price per ton f. o. b. shipping point at Marion, Kentucky, on a carload sale of metallurgical grade fluorspar with an 84% CaF_2 and 5% SiO_2 content to a consumer at Pittsburgh would be $28.00. This price is obtained by first calculating the effective CaF_2 content which is 84−2½×5, or 71½%, for which the above table establishes a maximum base price of $28.00. Next, to this should be added the lower of the railroad freights from Marion to Pittsburgh and from Rosiclare to Pittsburgh respectively. Since these are both $6.13, the delivered price is $28.00 plus $6.13, or $34.13. To obtain the f. o. b. shipping point price, the freight of $6.13 from Marion to Pittsburgh is deducted from the delivered price of $34.13 which results in a maximum f. o. b. shipping point price of $28.00.

If this shipment were made from Salida, Colorado, to Pittsburgh, the maximum price f. o. b. the buyer's plant would be $34.13, since the freight of $6.13 from Rosiclare to Pittsburgh is less than the freight of $11.89 from Salida to Pittsburgh. The maximum price f. o. b. the seller's shipping point would be $22.24; that is, $34.13 minus $11.89.

Similarly, if the shipment were made from Salida to Longview, Washington, the maximum delivered price would be $39.60, representing $28.00 plus freight of $11.60 from Salida to Longview, which is less than the freight of $20.00 from Rosiclare to Longview. The maximum price f. o. b. the seller's shipping point would be $28.00; that is, $39.60 minus $11.60.

(b) *Acid grade fluorspar produced outside the Illinois-Kentucky fluorspar district.* (1) The maximum price f. o. b. a consumer's plant for any shipment of acid grade fluorspar with a minimum of 97½% CaF_2 and a maximum of 1½% SiO_2 shall be $32.00 per ton, plus either (i) railroad freight on such shipment from the seller's shipping point to the consumer's plant or (ii) railroad freight on such a shipment from Rosiclare, Illinois, to the consumer's plant, whichever is lower.

(2) The maximum price f. o. b. a producer's railroad or waterway shipping point for such acid grade fluorspar shall be his maximum delivered price as determined under subparagraph (1) less freight from such shipping point to the consumer's plant.

(3) Customary premiums allowed by the buyer for higher CaF_2 or lower SiO_2 content, and customary penalties imposed by the buyer for lower CaF_2 or higher SiO_2 content may be applied to such maximum prices: *Provided,* That each seller shall file with the Office of Price Administration all such premiums and penalties to which he is subject within 30 days of the effective date of these amendments and thereafter within 10 days after he becomes subject to any different premiums or penalties.

(c) *Acid grade fluorspar produced in the Illinois-Kentucky fluorspar district and all Ceramic grade fluorspar.* (1) The maximum price shall be the highest price which the seller had in effect for that grade of fluorspar on January 2, 1942, f. o. b. the railroad or waterway shipping point from which such seller customarily ships from the mine or mill from which the sale or delivery is made: *Provided, however,* That if such January 2, 1942, price was on a basis other than f. o. b. such shipping point, such price shall be adjusted in such manner by the addition or deduction of shipping costs as to be converted into a price f. o. b. such shipping point; or

(2) The maximum price shall be the maximum price heretofore established by the Office of Price Administration in accordance with § 1376.1 (c) (3) (formerly § 1376.1 (a) (3)) of this Maximum Price Regulation No. 126, as amended or

(3) If the seller claims that a maximum price cannot be determined under (1) and (2) of this paragraph, then the maximum price shall be a price determined by the Office of Price Administration to be in line with the level of maximum prices established by this section. This price will be determined by said Office upon written application to the Office of Price Administration, Washington, D. C., by any seller, setting forth the location of his mine or mill from which the fluorspar is to be shipped, and the grade or grades of fluorspar for which prices are desired. In making the determination, consideration will be given to the geographical location of the mine or mill, and to freight differentials between that location and the location of other mines or mills, in shipments to points at which fluorspar is consumed.

(d) *Packing charges and L. C. L. handling charges.* Each seller may add to the maximum prices established above his customary charges for fluorspar when packed in bags, or otherwise specially packaged, or when shipped in less than carload lots: *Provided,* That he shall file such customary charges with the Office of Price Administration, Washington, D. C., on or before December 1, 1942.

§ 1376.2 *Less than maximum prices.* Lower prices than those set forth in § 1376.1 may be charged, demanded, paid or offered.

§ 1376.3 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1376.4 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 126, as amended shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to fluorspar, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1376.5 *Records and reports.* (a) Every person making sales or deliveries of fluorspar, and every person making purchases or accepting delivery of fluorspar in the course of trade or business, shall keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale, purchase, or delivery showing the date thereof, the name of the purchaser or seller, the quantity and grade of fluorspar sold, purchased, or delivered, and the price received or paid therefor.

(b) Such persons shall submit such reports to the Office of Price Administration, and keep such other records in addition to or in place of the records required in paragraph (a) of this section, as the Office of Price Administration may from time to time require.

§ 1376.6 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 126 as amended are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 126 as amended, or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1376.7 *Applications for adjustment and petitions for amendment*—(a) *Applications for adjustment.* Whenever it appears that a producer of metallurgical or acid grade fluorspar is unable to maintain or expand his production at his maximum price or prices, the Office of Price Administration may, either on application for adjustment in accordance with the provisions of Revised Procedural Regulation No. 1 or on its own motion, adjust his maximum price by an amount necessary to insure the maintenance or expansion of such production upon a reasonable operating margin. In determining such margin, consideration will be given to such factors as:

(1) Revenue from sales of metallurgical or acid grades of fluorspar and from all other sources, and

(2) Mining, development, milling, and transportation costs, administrative and sales expenses, depreciation and depletion charges, taxes (excluding Federal and State income taxes), and capital investment.

Before filing an application for adjustment, it is suggested that each applicant obtain from the Office of Price Administration, Washington, D. C., a statement of the specific information that will be necessary in order that his application may receive prompt action.

(b) *Petitions for amendment.* Any person seeking amendment of any provision of this Maximum Price Regulation No. 126 as amended may file a petition for an amendment in accordance with the provisions of Revised Procedural Regulation No. 1[1] issued by the Office of Price Administration.

§ 1376.8 *Definitions.* (a) Unless the context otherwise requires, when used in this Maximum Price Regulation No. 126, as amended, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Producer" includes persons who mine, or otherwise remove fluorspar from the place where it is naturally found, and persons who purchase fluorspar, mill the same, and resell it.

(3) A price "in effect" as referred to in §§ 1376.1 and 1376.3 hereof means the price at which the product in question was sold, or under contract to be sold, or at which a bona fide offer to sell the product was made to any individual, or individuals, or the public by means of price lists, discount lists, or any other customary method of making offers.

(4) "Fluorspar" includes only commercial grades of fluorspar and shall not include any extremely fine grades sometimes referred to as the "optical grades."

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 as amended shall apply to other terms used herein.

§ 1376.9 *Discount and credit provisions.* In determining the maximum price as provided in § 1376.1, "maximum price" shall be construed to mean "net price", i. e. subject to all discounts for cash payments and other credit provisions applicable to January 2, 1942. Such discounts and credit provisions may be altered or abolished if the purchaser is not thereby compelled to pay more than such maximum price.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3189, 8948.

[2] 7 F.R. 971, 3663, 6967, 8520, 8961.

[1] 7 F.R. 8961.

§ 1376.10 *Transportation costs.* Maximum prices fixed in § 1376.1 (c) hereof, are on the basis of f. o. b. the railroad or waterway shipping point from which the producer customarily ships from the mine or mill from which the sale is made. Sales may be made upon a different delivery basis, in which case an appropriate adjustment (upward or downward, as the case may be) of the maximum prices herein authorized shall be made. The amount of the adjustment shall be the cost of the transportation and delivery, as to which the adjustment is being made, by the most economical and practicable medium.

§ 1376.11 *Export sales.* Export sales of fluorspar shall be subject to the provisions of the Revised Maximum Export Price Regulation[3] issued by the Office of Price Administration.

§ 1376.12 *Agreements with Office of Price Administration.* This Maximum Price Regulation No. 126, as amended, supersedes any agreements previously made and any orders or regulations previously issued by the Office of Price Administration with regard to fluorspar prices.

§ 1376.13 *Idle or frozen materials.* The maximum price at which any person may sell or deliver idle or frozen fluorspar shall be determined in accordance with the provisions of Maximum Price Regulation No. 204[4] on Idle or Frozen Materials Sold Under Priorities Regulation No. 13.

§ 1376.14 *Effective date.* This Maximum Price Regulation No. 126, as amended, (§§ 1376.1 to 1376.14, inclusive) shall become effective November 23, 1942.

Issued this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12032; Filed, November 17, 1942; 12:15 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,[1] Amendment 5]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The phrase "heating contractor," is inserted between the word "qualified" and the word "plumber" in paragraph (b) of § 1394.5260, paragraph (b) of § 1394.5302, and paragraph (d) of § 1394.5459; the word "contractor," is inserted between the words "engineer" and "architect" in paragraph (b) § 1394.5260; a new paragraph (c) is added to § 1394.5701; the title to § 1394.5723 is corrected to read "Exchange of Coupons, Other Evidences, and Delivery Receipts"; in paragraph (a) of § 1394.5731 the words "* * * commencing with the twenty-fifth day of November, 1942. * * *" are deleted, and a new paragraph (c) is added to said section; and a new paragraph (e) is added to § 1394.5902; as set forth below:

REPLENISHMENT AND AUDIT

Registration

§ 1394.5701 *Registration of suppliers and dealers.* * * *

(c) Dealers and suppliers who commingle fuel oil in stationary storage facilities shall be registered in accordance with the following provisions:

(1) Such dealers and suppliers shall apply for registration of such facilities with a board (on Form OPA R-1116, in duplicate) jointly and on the same application.

(2) Such dealers or suppliers shall furnish, together with such other information as may be required by such form, their names and addresses, the total fuel oil capacity of such facilities, and their total combined inventory of fuel oil on hand in such facilities as of 12:01 a. m. on October 1, 1942.

(3) Dealers or secondary suppliers shall designate a person who may receive inventory coupons on their behalf. The board shall, at the time of granting such application for registration, issue inventory coupons in the amount of the difference between the total registered fuel oil storage capacity and their total amount of fuel oil on hand at the facility so registered.

(4) Each dealer and supplier shall (in addition to any records required to be kept pursuant to Ration Order No. 11) keep a record showing the date and amount of each delivery into such facilities to him, and each withdrawal therefrom by him.

(5) Where each dealer or supplier is entitled to use a fixed portion of the capacity of such facilities, and the sum of such portions does not exceed the total capacity of such facilities, such dealer and supplier shall not register in accordance with this paragraph but shall register his portion as a separate establishment, in accordance with paragraph (a) or (b) of this section, as the case may be.

(6) No primary supplier may commingle fuel oil in, or register with respect to, stationary storage facilities registered or required to be registered, by a dealer or secondary supplier.

(7) Dealers and suppliers who commingle fuel oil pursuant to Directive No. 59 of the Office of the Petroleum Coordinator for War shall not register in accordance with this paragraph but shall register in accordance with paragraphs (a) and (b) of this section.

(8) Upon receipt of an application for registration pursuant to this paragraph, the Board shall immediately forward a copy of such application to the Control and Audit Unit, Fuel Oil Rationing Branch, Office of Price Administration, Washington, D. C. Registration certificates shall be issued in accordance with § 1394.5704.

Records, Audits and Inspections

§ 1394.5731 *Reports by primary suppliers.* * * *

(c) Notwithstanding the provisions of paragraph (a) of this section, the time within which reports for the month of October, 1942, shall be forwarded, pursuant to such paragraph, is extended to midnight of December 10, 1942.

Effective Date

§ 1394.5902 *Effective date of corrections and amendments.* * * *

(e) Amendment No. 5 (§§ 1394.5260 (b), 1394.5302 (b), 1394.5459 (d), 1394.5701 (c), 1394.5723, 1394.5731 (a) and (b)) to Ration Order No. 11 shall become effective on November 23, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562 Supp. Dir. I-O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 17th day of November, 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12034; Filed, November 17, 1942; 12:14 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order No. 11,[1] Amendment 6]

FUEL OIL RATIONING REGULATIONS

Section 1394.5751 is amended; §§ 1394.5752 to 1394.5757, inclusive, are revoked; and a new paragraph (f) is added to § 1394.5902; as set forth below:

Appeals

§ 1394.5751 *Who may appeal.* Except as provided in § 1394.5508, any person directly affected by the action of a Board, State Director, or Regional Administrator taken with reference to any application, petition, or other matter before such Board, State Director, or Regional Administrator under Ration Order No. 11, may appeal from such action pursuant to the provisions of Procedural Regulation No. 9.[5]

Effective Date

§ 1394.5902 *Effective dates of corrections and amendments.* * * *

(f) Amendment No. 6 (§§ 1394.5751 to 1394.5757, inclusive) shall become effective November 23, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12035; Filed, November 17, 1942; 12:14 p. m.]

PART 1401—SYNTHETIC TEXTILE PRODUCTS

[MPR 95,[6] Amendment 1]

WOMEN'S NYLON HOSIERY

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1401.2 is amended, in § 1401.5, the words "§ 1401.4 (b)" are deleted and "§ 1401.5 (b)" is substituted, in paragraph (b) the text preceding subparagraph (1), and subparagraphs (1) and (2) are amended, subparagraph (3) is redesignated subparagraph (4) and a new subparagraph (3) is added, in paragraph (b) of § 1401.11, subparagraphs (4) and (6) are amended and subparagraph (7) is revoked as set forth below.

§ 1401.2 *Maximum prices for nylon hosiery*—(a) *Nylon hosiery made of continuous filament nylon yarn*—(1) *Sales at retail.* The maximum prices for which nylon hosiery made of continuous filament nylon yarn may be sold, delivered, or offered for sale at retail are the prices per pair set forth below in Table No. 1:

TABLE NO. 1

Construction	First quality	Substandard quality			
		Irregulars	Seconds	Thirds	Fourths
A. Circular knit hosiery: All types	$1.55	$1.40	$1.15	$0.80	$0.40
B. Full-fashioned hosiery:					
1. 48 gauge and lower:					
All deniers:					
(a) Nylon leg	1.65	1.50	1.25	.85	.40
(b) All nylon	1.85	1.65	1.40	95	.50
2. 51 gauge and 54 gauge:					
(a) 30 denier and coarser:					
(1) Nylon leg	1.85	1.65	1.40	.95	.50
(2) All nylon	1.95	1.75	1.45	1.00	.50
(b) Finer than 30 denier:					
(1) Nylon leg	2.15	1.95	1.60	1.10	.55
(2) All nylon	2.25	2.00	1.70	1.15	.60
3. 57 gauge and higher:					
All deniers:					
(a) Nylon leg	2.50	2.25	1.90	1.25	.65
(b) All nylon	2.50	2.25	1.90	1.25	.65
C. Cut and sewn lace hosiery: All types	1.95	1.75	1.45	1.00	.50

(2) *Sales at wholesale.* The maximum prices for which nylon hosiery made of continuous filament nylon yarn may be sold, delivered, or offered for sale at wholesale are the prices per dozen, f. o. b. point of shipment, set forth below in Table No. 2:

TABLE NO. 2

Construction	First quality	Substandard quality			
		Irregulars	Seconds	Thirds	Fourths
A. Circular knit hosiery: All types	$11.55	$10.40	$8.65	$5.80	$2.90
B. Full fashioned hosiery:					
1. 48 gauge and lower:					
All deniers:					
(a) Nylon leg	13.20	11.90	9.90	6.60	3.30
(b) All nylon	14.30	12.85	10.75	7.15	3.60
2. 51 gauge and 54 gauge:					
(a) 30 denier and coarser:					
(1) Nylon leg	14.30	12.85	10.75	7.15	3.60
(2) All nylon	15.40	13.85	11.55	7.70	3.85
(b) Finer than 30 denier:					
(1) Nylon leg	17.05	15.35	12.80	8.55	4.25
(2) All nylon	18.15	16.35	13.65	9.10	4.55
3. 57 gauge and higher:					
All deniers:					
(a) Nylon leg	19.80	17.80	14.85	9.90	4.95
(b) All nylon	19.80	17.80	14.85	9.90	4.95
C. Cut and sewn lace hosiery: All types	15.40	13.85	11.55	7.70	3.85

(3) *Sales by manufacturers.* The maximum prices for which nylon hosiery made of continuous filament nylon yarn may be sold, delivered, or offered for sale by manufacturers thereof, other than at retail, are the prices per dozen, f. o. b. point of shipment, set forth below in Table No. 3:

TABLE NO. 3

Construction	First quality	Substandard quality			
		Irregulars	Seconds	Thirds	Fourths
A. Circular knit hosiery: All types	$10.50	$9.45	$7.85	$5.25	$2.60
B. Full fashioned hosiery:					
1. 48 gauge and lower:					
All deniers:					
(a) Nylon leg	12.00	10.80	9.00	6.00	3.00
(b) All nylon	13.00	11.70	9.75	6.50	3.25
2. 51 gauge and 54 gauge:					
(a) 30 denier and coarser:					
(1) Nylon leg	13.00	11.70	9.75	6.50	3.25
(2) All nylon	14.00	12.60	10.50	7.00	3.50
(b) Finer than 30 denier:					
(1) Nylon leg	15.50	13.95	11.65	7.75	3.85
(2) All nylon	16.50	14.85	12.40	8.25	4.15
3. 57 gauge and higher.					
All deniers:					
(a) Nylon leg	18.00	16.20	13.50	9.00	4.50
(b) All nylon	18.00	16.20	13.50	9.00	4.50
C. Cut and sewn lace hosiery: All types	14.00	12.60	10.50	7.00	3.50

(4) *Explanation of above tables*—(i) *Gauges.* (*a*) "Gauges" are based upon use of the full needle bar within a tolerance of four needles, in accordance with accepted trade practice.

(*b*) "48 gauge or lower" includes all gauges which are lower than 51 gauge.

(*c*) "51 and 54 gauge" include 51 gauge and gauges which are higher than 51 gauge but lower than 57 gauge.

(ii) *Yarn composition.* These tables of prices apply only to nylon hosiery made of continuous filament nylon yarn.

(iii) *"All nylon" and "nylon leg".* (*a*) "All nylon" means hosiery knitted entirely of nylon yarn.

(*b*) "Nylon leg" means hosiery in which the leg is knitted entirely of nylon whereas some other portion of the stocking is made of other material.

(iv) *Sizes, lengths and dimensions.* Maximum prices for all lengths and dimensions including "out-sizes" and "proportioned" hosiery of each classification are the same.

(v) *"Lace", "non-run", "mesh" and other special constructions,* are included in these tables, and the maximum prices are the same for these constructions, as for other constructions in each classification.

(b) *Nylon hosiery made of combination, spun or blended nylon yarns*—(1) *Sales at retail.* The maximum price for which any nylon hosiery made of combination, spun or blended nylon yarns may be sold, delivered, or offered for sale at retail shall be the maximum price determined in accordance with the provisions of § 1499.2 of the General Maximum Price Regulation,[2] or the price per pair set forth in Table No. 4, whichever is lower.

TABLE NO. 4

Construction	First quality	Substandard quality	
		Irregulars	Seconds
A. Hosiery made from 100% spun nylon (except for reinforcements and decorations): All types	$1.85	$1.15	$0.79
B. Combination and blended nylon hosiery: All types	1.50	1.00	.75

(2) *Sales at wholesale.* The maximum price for which any nylon hosiery made of combination, spun or blended nylon yarns may be sold, delivered, or offered for sale at wholesale shall be the maximum price determined in accordance with the provisions of § 1499.2 of the General Maximum Price Regulation, or the price per dozen (f. o. b. point of shipment) set forth in Table No. 5, whichever is lower.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8480, 8708, 8808, 8897.

[3] 7 F.R. 3096, 3824, 4294, 4541, 5059, 7242, 8829, 9000.

[4] 7 F.R. 6479, 7366, 8948.

[5] 7 F.R. 8796.

[6] 7 F.R. 8521, 8948.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5665, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 8322, 7454, 7758, 7913, 8431, 8881, 9004, 8942.

¹7 F.R. 8480, 8708, 8808, 8897.
²7 F.R. 3096, 3824, 4294, 4541, 5059, 7242, 8829, 9000.
³7 F.R. 6479, 7366, 8948.

(c) Notwithstanding the provisions of paragraph (a) of this section, the time within which reports for the month of

⁵7 F.R. 8796.
⁶7 F.R. 8521, 8948.

TABLE NO. 5

Construction	First quality	Substandard quality	
		Irregulars	Seconds
A. Hosiery made from 100% spun nylon (Except for reinforcements and decorations): All types	$13.50	$8.75	$6.25
B. Combination and blended nylon hosiery: All types	11.50	7.25	5.25

(3) *Sales by manufacturers.* The maximum price for which any nylon hosiery made of combination, spun or blended nylon yarns may be sold, delivered, or offered for sale by manufacturers thereof, other than at retail, shall be the maximum price determined in accordance with the provisions of § 1499.2 of the General Maximum Price Regulation, or the price per dozen (f. o. b. point of shipment) set forth in Table No. 6, whichever is lower.

TABLE NO. 6

Construction	First quality	Substandard quality	
		Irregulars	Seconds
A. Hosiery made from 100% spun nylon (Except for reinforcements and decorations): All types	$11.50	$7.25	$5.25
B. Combination and blended nylon hosiery: All types	10.50	6.75	5.00

(4) *Sizes, lengths, dimensions, constructions and types.* The maximum prices provided in subparagraphs (1), (2) and (3) of this paragraph (b) shall apply to all sizes, lengths, dimensions, constructions and types of nylon hosiery made of combination, spun or blended nylon yarns.

(5) *Combination nylon yarn* is yarn composed of nylon yarn combined and twisted with any yarn other than nylon.

(6) *Blended nylon yarn* is yarn spun from blends or mixtures of nylon staple fibers and any other staple fibers.

(7) *Spun nylon yarn* is yarn spun from 100 per cent nylon staple fiber.

§ 1401.5 *Information which must be furnished to ultimate consumers*—(a) *By posting.* On and after October 22, 1942, every person who sells or offers for sale nylon hosiery at retail shall post in a conspicuous place and in a manner plainly visible to the purchasing public in each department or portion of the premises where nylon hosiery is sold or offered for sale, the seller's maximum prices for nylon hosiery as established in this regulation, and each type of hosiery shall be clearly identified therein with the same degree of detail as is required for marking such hosiery by § 1401.5 (b).

(b) *By marking.* On and after October 22, 1942, no person shall sell, deliver or offer for sale nylon hosiery at retail unless there is firmly attached to each pair of such hosiery a stamp, tag, or other marking which truthfully and clearly states in writing, identifying information as to the construction and price of the hosiery as follows:

(1) *In the case of full fashioned hosiery made of continuous filament nylon yarn.* * * *

(v) The word "irregulars" on all irregulars, the word "seconds" on all seconds, the word "thirds" on all thirds, and the word "fourths" on all fourths.

(2) *In the case of circular knit hosiery made of continuous filament nylon yarn.* * * *

(iv) The word "irregulars" on all irregulars, the word "seconds" on seconds, the word "thirds" on all thirds, and the word "fourths" on all fourths.

(3) *In the case of hosiery made of combination, spun, or blended, nylon yarns.* (i) Fiber content and description in accordance with Trade Practice Rules of the Federal Trade Commission.

(ii) *Ceiling price.* The words "ceiling price" or "our ceiling" accompanied by the seller's maximum price under this regulation (for example, Ceiling price, $1.65).

(iii) The seller's price, if different than the ceiling price.

(iv) The word "irregulars" on all irregulars, and the word "seconds" on all seconds.

(4) *Abbreviations permitted.* * * *

§ 1401.11 *Definitions.* * * *

(b) *Other definitions.* * * *

(4) "Ultimate consumer" means a person (i) who buys nylon hosiery for a purpose other than that of reselling it and (ii) who did not sell or offer for sale nylon hosiery in any quantity on or after February 5, 1942; and

* * * * *

(6) "Substandard quality hosiery" means any nylon hosiery not of first quality. The term "substandard quality" includes:

(i) *Irregulars.* Irregulars are substandard quality hosiery containing one or more imperfections which are limited to irregularities in dimensions, size, color, knit or weave, without the presence in the hosiery of any obvious mends, runs, tears, or breaks in the fabric, or any substantial damage to the yarn or fabric itself.

(ii) *Seconds.* Seconds are substandard quality hosiery containing defects or imperfections which are not so limited as to constitute the hosiery irregulars and are of such character as to be seconds according to the manufacturer's standards of grading on the effective date of this regulation.

(iii) *Thirds.* Thirds are substandard quality hosiery containing defects or imperfections which are not so limited as to constitute the hosiery irregulars or seconds and are of such character as to be thirds according to the manufacturer's standards of grading on the effective date of this regulation, and

(iv) *Fourths.* Fourths are substandard quality hosiery containing defects or imperfections which are not so limited as to constitute the hosiery irregulars, seconds, or thirds and are of such character as to be fourths according to the manufacturer's standards of grading on the effective date of this regulation.

§ 1401.15 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1401.2, 1401.5, 1401.11 (b) (4) and (6), and 1401.15) shall become effective November 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12036; Filed, November 17, 1942; 12:13 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 140 Under § 1499.3 (b) of GMPR]

RIGO MANUFACTURING COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1156 *Authorization of a maximum price for sales of "Sher-Van" Brand Imitation Flavors in 2 ounce and 4 ounce bottles manufactured by the Rigo Manufacturing Company, Nashville, Tennessee.* (a) On and after November 18, 1942, the maximum selling prices for "Sher-Van" Brand Imitation Flavors for sale by the Rigo Manufacturing Company, having its principal place of business in Nashville, Tennessee, shall be:

2 ounce bottles—all flavors—$9.63 per gross.

4 ounce bottles—all flavors—$16.79 per gross.

The above prices shall include all transportation charges to buyers customary station of destination.

(b) The same discounts, allowances, and price differentials applying to sales of "Big 4" and "Big 8" brand Imitation Flavors also sold by Rigo Manufacturing Company shall apply to the sale of "Sher-Van" Brand Imitation Flavors sold by Rigo Manufacturing Company.

(c) Sellers at wholesale shall use as their maximum delivered selling prices, the same prices authorized for the Rigo Manufacturing Company, it having been determined that allowances, discounts and price differentials applicable to sellers at wholesale permit a satisfactory and customary profit margin for such sellers at wholesale. No drayage, local trucking, loading or unloading shall be added to the maximum delivered selling prices established for wholesalers. Sellers at wholesale shall apply the same discounts, allowances, and price differentials to sales of "Sher-Van" Brand Imitation Flavors as are applicable to sales of "Big 4" or "Big 8" Brand Imitation Flavors, or the most comparable commodity thereto.

(d) Sellers at retail shall determine their maximum delivered selling prices per bottle for "Sher-Van" Brand Imitation Flavors by adding to their net cost per gross for each size a maximum profit margin of 35% to this net cost and dividing the figure so obtained by 144. If the per bottle selling price so determined results in a fraction of one cent, the price shall be increased to the next highest

cent if the fraction is one-half cent or more, and the price shall be decreased to the next lower cent if the fraction is less than one-half cent. Maximum delivered selling prices at retail shall not exceed the following:

2 ounce size	.09¢ per bottle.
4 ounce size	.16¢ per bottle.

"Net cost" to a retailer shall mean the invoice price paid for a purchase of a customary quantity of this type of commodity from the customary supplier and by the customary mode of transportation if any, less all discounts and allowances allowed except the discount for prompt payment. No charge for local drayage, hauling, loading or unloading shall be included in "net cost".

(e) Rigo Manufacturing Company shall, before or at the time of the first delivery to each buyer, supply a written statement to each buyer of "Sher-Van" Brand Imitation Flavors from it for resale as follows:

> The Office of Price Administration by Order No. 140 effective November 18, 1942, pursuant to Section 3 of the General Maximum Price Regulation has authorized us to charge the following prices for "Sher-Van" Brand Imitation Flavors:
>
> | | Per gross |
> |---|---|
> | 2 ounce bottles, all flavors | $9.63 |
> | 4 ounce bottles, all flavors | 16.79 |
>
> subject to all discounts, allowances, price differentials and trade practices which we had in effect during March 1942 with respect to sales of "Big 4" and "Big 8" Brand Imitation Flavors.
>
> To establish your maximum delivered selling prices per bottle for "Sher-Van" Brand Imitation Flavors you are permitted to add to your "net cost" per gross for each size a maximum profit margin of 35% of this net cost for each size and dividing the resulting figure by 144. "Net cost" per gross shall be the invoice price paid less all discounts and allowances for prompt payment. No charges for drayage, loading, or unloading shall be included in determining "net cost". When maximum delivered selling prices determined by this computation result in fractions of one cent, the selling price may be increased to the next highest cent if the fraction is one-half cent or more and shall be decreased to the next lower cent if the fraction is less than one-half cent: *Provided*, That in no event shall the retail price exceed 9¢ per bottle for the two ounce size and 16¢ per bottle for the four ounce size.
>
> You are required to keep this notice for examination.

(f) The identical notice as specified, in paragraph (e) shall be placed by Rigo Manufacturing Company in or on the smallest packing and sales unit of each size of "Sher-Van" Brand Imitation Flavors for a period of three months after the initial offering of the commodity.

(g) This Order No. 140 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 140, § 1499.1156 shall become effective as of November 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12029; Filed, November 17, 1942; 12:12 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 102 Under § 1499.18 (b) of GMPR]

DANNER VENEER COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1003 *Adjustment of maximum prices for commercial veneer produced and sold by the Danner Veneer Company, Mobile Alabama.* (a) The Danner Veneer Company, Mobile, Albama, may sell, and any person may buy from that company, crossbanding grade of gum and poplar commercial veneer (which does not satisfy the requirements for aeronautical stock) at prices not in excess of the following prices, f. o. b. Mobile, Alabama.

Thickness	*Price per M feet surface measure*
1/40	$6.92
1/32	8.50
1/28	7.50
1/24	7.75
1/20	8.00
1/16	10.00
1/10	16.50
1/8	19.00
3/16	27.00

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 102 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 102 (§ 1499.1003) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 102 (§ 1499.1003) shall become effective November 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12030; Filed, November 17, 1942; 12:12 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14[1] of GMPR,[2] Amendment 62]

FAT-BEARING AND OIL-BEARING ANIMAL WASTE MATERIALS

Subdivision (ii) of subparagraph (3) of § 1499.73 (a) of Supplementary Regulation No. 14 to General Maximum Price Regulation is amended to read as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) * * *

(3) * * *

(ii) The maximum prices of grease collected under the War Production Board salvage campaign shall be:

(*a*) Four cents per pound on sales by the housewife or similar person to a butcher or grocer.

(*b*) Four cents per pound on sales by a group of housewives or similar persons to a renderer or independent collector. If the grease is not picked up by the renderer or independent collector but is shipped to the renderer or independent collector with the cost of transportation being paid by the group of housewives or similar persons, the actual cost of transportation may be added to the maximum price of four cents per pound

(*c*) Five cents per pound on sales by a butcher or grocer to a renderer or independent collector. If the grease is not picked up by the renderer or independent collector at the place of business of the butcher or grocer but is shipped to the renderer or independent collector with the cost of transportation being paid by the butcher or grocer, the actual cost of transportation may be added to the maximum price of five cents per pound.

(*d*) Seven cents per pound on sales by an independent collector to a renderer. If the grease is not picked up by the renderer at the place of business of the independent collector but is shipped to the renderer with the cost of transportation being paid by the independent collector, the actual cost of transportation may be added to the maximum price of seven cents per pound.

(b) *Effective dates.* * * *

(63) Amendment No. 62 (§ 1499.73 (a) (3) (ii)) to Supplementary Regulation No. 14 shall become effective November 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12028; Filed, November 17, 1942; 12:12 p. m.]

PART 1346—BUILDING MATERIALS

[MPR 224, Amendment 2]

CEMENT

Correction

In § 1346.114 appearing on page 8944 in the issue of Wednesday, November 4, 1942, the subparagraph designation should be (8) instead of (5).

PART 1420—BREWERY AND DISTILLERY PRODUCTS

[MPR 259]

DOMESTIC MALT BEVERAGES

Correction

In Table 2 appearing on page 8952 in the issue of Wednesday, November 4, 1942, the last figure in the "Per bottle" column should be ¼ cent.

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[1] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 8950, 8953, 8954, 8955, 8959, 9043, 9196.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5484, 5565, 5775, 5784, 5783, 6058, 6081, 6001, 6007, 6216, 6215, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942.

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14 to GMPR, Amendment 54]

CALIFORNIA GRAPE WINE, ETC.

Correction

In subparagraph (40) appearing on page 8955 in the issue of Wednesday, November 4, 1942, the price for dessert wine should be 39 instead of 30. The title "California Table Wine" was omitted from Table 2, page 8957.

PART 1499—COMMODITIES AND SERVICES

[Amendment 63 to Supp. Reg. 14,[1] GMPR [2]]

FLUID MILK AND CREAM

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new inferior subdivision (*j*) is added to subdivision (i) of § 1499.73 (a) (1); a new inferior subdivision (*j*) is added to subdivision (ii) of § 1499.73 (a) (1); and a new inferior subdivision (*l*) is added to subdivision (v) of § 1499.73 (a) (1), as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services, and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided:

(1) *Fluid milk and cream*—(i) *Maximum prices for fluid milk sold at retail in specified localities.* * * *

Locality	Special types	Grade	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)
*	*	*	*	*	*	*
(*j*) Jackson, Mississippi area.		Approved.	Out of Store or to the Home.	Quart	Glass	15
		Approved.	Out of Store or to the Home.	Pint	Glass	8½
	Vitamin D	Approved.	Out of Store or to the Home.	Quart	Glass	16
	Vitamin D	Approved.	Out of Store or to the Home.	Pint	Glass	9½

(ii) *Maximum prices for fluid milk sold at wholesale in specified localities.* * * *

Locality	Special types	Grade	Container size	Type of container	Adjusted maximum price (cents)
*	*	*	*	*	*
(*j*) Jackson, Mississippi area		Approved	Quart	Glass	13
		Approved	Pint	Glass	6½
		Approved	½ Pint	Glass	3¼
		Approved	⅓ Quart	Glass	4¼
	Vitamin D	Approved	Quart	Glass	13½
	Vitamin D	Approved	Pint	Glass	7½
	Vitamin D	Approved	½ Pint	Glass	3¾

(v) *Definitions.* For purposes of this subparagraph (1): * * *

(*l*) "Jackson, Mississippi area" means the territory lying within a radius of fifteen miles of the State Capitol Building in Jackson, Mississippi; Yazoo City and the towns located along U. S. Highway No. 49 between Jackson and Yazoo City, including the Tinsley Oil fields; Canton and the towns located along U. S. Highway No. 31 between Jackson and Canton, including the United States Army Air Base in Jackson, Mississippi and the Mississippi ordnance plant, all in the State of Mississippi.

(b) *Effective dates.* * * *

(64) Amendment No. 63 (§ 1499.73 (a) (1) to Supplementary Regulation No. 14 shall become effective November 24, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 18th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12062; Filed; November 18, 1942; 11:32 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 142 Under § 1499.3 (b) of GMPR]

KITS, INC.

On October 2, 1942, Kits, Inc., of Miamisburg, Ohio, filed application with the Office of Price Administration seeking specific authorization pursuant to § 1499.3 (b) of the General Maximum Price Regulation to determine maximum prices for "Pak-it-Kit" and for instructions as to the method to be used in determining such prices. Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with § 1499.3 (b) of the General Maximum Price Regulation issued by the Office of Price Administration, *It is hereby ordered:*

§ 1499.1158 *Authorization for Kits, Incorporated, to determine maximum prices for "Pak-it-Kit".* (a) The maximum price which may be charged for "Pak-it-Kit" by Kits, Inc., hereinafter called the "manufacturer", shall be determined in accordance with the following instructions:

(1) The cost of raw materials shall be computed at a rate not in excess of the maximum price for each of the component parts, as established by the Office of Price Administration, or the actual acquisition cost, whichever is lower.

(2) All charges for hand or machine operations involved in the manufacture, collation, or other assembly of the product shall be computed at a rate not to exceed the hourly rate at which such hand or machine operations were computed during the month of March 1942, and the time allowance, or the resulting piece rates, for the operations shall not be in excess of those estimated or used during the month of March 1942.

(3) The percentage margin, or difference between total manufacturing costs and selling price, f. o. b. manufacturer's plant, shall not exceed that percentage margin used in determining a selling price for that item, sold by the manufacturer during March 1942 which most closely resembled the "Pak-it-Kit" in manufacturing cost, quantities of raw materials per unit, converting operations required and quantity of production.

(i) The manufacturer shall continue to grant its customary discounts, differentials and allowances to the different classes of purchasers in accordance with its accepted practice.

(ii) If the manufacturer's customary practice during March 1942 was to sell on a delivered price basis, such practice shall be continued.

(b) Within ten days after a maximum price has been determined in accordance with this order, Kits, Inc. shall report to the Office of Price Administration, Washington, D. C., the maximum price as computed by it. The report shall set forth in detail the computation of direct costs and of the maximum price.

(c) Any selling price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 142 may be revoked or amended by the Office of Price Administration at any time.

(e) This Order No. 142 (§ 1499.1158) shall become effective November 19, 1942.

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* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12063; Filed, November 18, 1942; 11:31 a. m.]

TITLE 46—SHIPPING

Chapter I—Bureau of Customs

[T. D. 50766]

Subchapter A—Documentation, Entrance, and Clearance of Vessels, Etc.

WAIVER OF CERTAIN SECTIONS OF THE TARIFF ACT OF 1930, AS AMENDED

MANIFESTS COVERING RESIDUE CARGO FOR FOREIGN PORTS

NOVEMBER 16, 1942.

Sections 434 and 435 of the Tariff Act of 1930, as amended, waived to extent necessary to permit filing a pro forma manifest covering residue cargo destined for foreign ports under certain conditions.

By virtue of the authority vested in me by section 501 of the Second War Powers Act, 1942 (Public Law 507, 77th Congress), I hereby waive compliance with the provisions of sections 434 and 435 of the Tariff Act of 1930, as amended (19 U.S.C. 1434, 1435), to the extent necessary to permit the master of an American or foreign vessel to make entry of such vessel without producing and depositing with the collector of customs a manifest in the form prescribed by section 431, Tariff Act of 1930 (19 U.S.C. 1431), and without making oath that the manifest was made out in that form, if all the following conditions exist:

(a) The vessel, while at sea, was ordered to a port in the United States by a duly authorized representative of the government of one of the United Nations;

(b) The voyage from which the vessel was diverted was intended to be from a foreign port or place directly to another foreign port or place;

(c) No cargo or passengers are landed or discharged from the vessel in the port of arrival in the United States; and

(d) The master produces and deposits with the collector within the time prescribed by sections 434 and 435 of the Tariff Act of 1930, as amended, a manifest which contains the particulars required by the second subdivision of section 431 of the Tariff Act of 1930, together with an account of the quantity and general description of all the cargo on board and its ultimate destination.

I deem that such action is necessary in the conduct of the war.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-12061; Filed, November 18, 1942; 11:26 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

[Public Land Order 56]

ARIZONA

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS AN AERIAL GUNNERY AND BOMBING RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, and to section 1 of the act of June 28, 1934, as amended, c. 865, 48 Stat. 1269 (U.S.C., title 43, sec. 315), and also to section 3 of the act of June 17, 1902, c. 1093, 32 Stat. 388 (U.S.C., title 43, sec. 416), it is ordered as follows:

Subject to valid existing rights, the public lands in the following-described areas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws, and reserved for the use of the War Department as an aerial gunnery and bombing range:

GILA AND SALT RIVER MERIDIAN

Tps. 13 to 16 S., R. 11 W., unsurveyed.
Tps. 10 to 15 S., R. 12 W., partly unsurveyed.
Tps. 10 to 15 S., R. 13 W., partly unsurveyed.
Tps. 10 to 15 S., R. 14 W., partly unsurveyed.
Tps. 10 to 14 S., R. 15 W., partly unsurveyed.
Tps. 10 to 14 S., R. 16 W., partly unsurveyed.
Tps. 10 to 14 S., R. 17 W., partly unsurveyed.
Tps. 10 to 13 S., R. 18 W., partly unsurveyed.
Tps. 10 to 13 S., R. 19 W., unsurveyed.
Tps. 11 to 13 S., R. 20 W., unsurveyed.

The areas described aggregate approximately 949,000 acres.

This order shall be subject to the reservation made by the Proclamation of May 27, 1907, reserving all public lands within 60 feet of the international boundary between the United States and the Republic of Mexico, so far as such Proclamation affects any of the above-described lands.

This order shall take precedence over, but shall not rescind or revoke (1) the temporary withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended, (2) the withdrawal made by Executive Order No. 8038 of January 25, 1939, establishing the Cabeza Prieta Game Range, (3) the order of the Secretary of the Interior of March 14, 1929, withdrawing certain lands for reclamation purposes, and (4) the order of the Secretary of the Interior of July 14, 1938, establishing Arizona Grazing District No. 3, so far as such orders affect any of the above-described lands. After the present national emergency has been officially terminated, this order, so far as it affects lands heretofore withdrawn for reclamation purposes, shall be ineffective upon notice to the War Department by the Secretary of the Interior that such lands are needed for reclamation purposes; and it is intended that all of the above-described lands shall be returned to the administration of the Department of the Interior, when they are no longer needed for the purpose for which they are reserved.

The Commanding Officer, Yuma Aerial Gunnery Range, will, after consultation with the local representatives of the Fish and Wildlife Service, Department of the Interior, designate at least two days each month on which there will be no firing affecting the lands in Tps. 13 to 16 S., R. 11 W., Tps. 12 to 15 S., Rs. 12 to 14 W., and Tps. 12 to 14 S., Rs. 15 and 16 W., to enable the field personnel of the Fish and Wildlife Service to carry out normal patrol and maintenance activities.

On the lands in Tps. 13 to 16 S., R. 11 W., Tps. 12 to 15 S., Rs. 12 to 14 W., and Tps. 12 to 14 S., Rs. 15 and 16 W., bombing shall be confined by the War Department to the valley floors, and shall not be permitted in the mountain areas, which are the important mountain sheep habitats, nor within a one-mile radius of all water holes, springs, wells, or tanks, including the Tule Well, Cabeza Prieta Tanks, and the Tinajas Altas Tanks.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 6, 1942.

[F. R. Doc. 42-12076; Filed, November 18, 1942; 12:32 p. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3 Revised—4]

YELLOW TRUCK LINES, INC., AND NORTHERN TRANSPORTATION COMPANY

COORDINATION OF SERVICE

Upon consideration of the application for authority to coordinate common carrier motor vehicle collection and delivery service within the City of Milwaukee, Wisconsin, filed with the Office of Defense Transportation by Yellow Truck Lines, Inc., Madison, Wisconsin, and Northern Transportation Company, Green Bay, Wisconsin, as governed by § 501.9 of General Order ODT 3, Revised, as amended,[1] and good cause appearing therefor, *It is hereby ordered*, That:

1. Yellow Truck Lines, Inc. and Northern Transportation Company (hereinafter called the carriers) in the performance of collection and delivery transportation of property as common carriers by motor vehicle within the City of Milwaukee, Wisconsin, shall make such joint or common use of motor vehicles owned or used by them in such collection and delivery service as will result in increasing the loads of such motor

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[1] 7 F.R. 5445, 6689, 7694.

vehicles and in eliminating so far as feasible the movemnet of empty or partially laden vehicles, and upon such terms between the carriers as they may agree upon, or, in the event of their disagreement, as the Office of Defense Transportation shall find to be just and reasonable.

2. The lawfully published and effective rates, rules and regulations of the carrier issuing the bill of lading shall govern in such collection and delivery service.

3. The records of the carriers in respect of such collection and delivery service shall be available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

4. The provisions of this order shall not be so construed or applied as to require or permit either carrier to perform any transportation service, the perfomance of which by it is not authorized or sanctioned by law, or to render any service beyond its transportation capacity, or to alter its legal liability to any shipper.

5. Each of the carriers shall file forthwith with the appropriate regulatory body or bodies having jurisdiction over the operations affected by this order, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in fares, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order, together with a copy of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.

6. Communications concerning this order should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Supplementary Order ODT 3 Revised—4."

This order shall become effective on the 1st day of December 1942, and shall remain in full force and effect until further order of the Office of Defense Transportation.

Issued at Washington, D. C., this 18th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-12059; Filed, November 18, 1942; 11:12 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Revised Administrative Order 15]

DIRECTOR, RETAIL TRADE AND SERVICES DIVISION

DELEGATION OF AUTHORITY TO ACT FOR THE PRICE ADMINISTRATOR

The title, preamble and text of Administrative Order No. 15 are hereby amended to read as set forth herein:

Pursuant to the authority conferred upon the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, the following order is prescribed:

(a) The Director of the Retail Trade and Services Division, Office of Price Administration, is hereby authorized to exercise the functions, duties, powers and authority conferred upon the Price Administrator, for the purpose of acting upon such applications for adjustment of maximum prices, issuing such orders adjusting maximum prices, and making such determinations of or affecting maximum prices as are set forth herein.

(1) With respect to maximum retail prices for commodities:

(i) Applications for adjustment of maximum prices pursuant to §§ 1499.18 (a) or 1499.18 (d) of the General Maximum Price Regulation, or § 1340.89 of Maximum Price Regulation No. 137, as amended, (Petroleum Products Sold at Retail) or § 1372.3 (c) of Maximum Price Regulation No. 142, as amended, (Retail Prices for Summer Seasonal Commodities) or § 1389.4 of Maximum Price Regulation No. 153, as amended, (Women's, Girls' and Children's Outerwear Garments) or §§ 1393.8 (a) or 1393.8 (b) of Maximum Price Regulation No. 154, as amended, (Ice) or § 1389.118 of Maximum Price Regulation No. 177, as amended, (Men's and Boys' Tailored Clothing) or § 1389.158 (b) of Maximum Price Regulation No. 178, as amended, (Women's Fur Garments) or § 1372.106 (a) (6) of Maximum Price Regulation No. 210, as amended (Retail and Wholesale Prices for Fall and Winter Seasonal Commodities).

(ii) Orders of adjustment of the maximum prices reported by sellers pursuant to §§ 1499.3 (a) or 1499.4b of the General Maximum Price Regulation, or §§ 1389.103 (a) (3) or 1389.103 (a) (4) or 1389.103 (b) (3) of Maximum Price Regulation No. 177, as amended (Men's and Boys' Tailored Clothing).

(iii) Determinations of maximum prices pursuant to § 1499.3 (c) of the General Maximum Price Regulation, or § 1499.4a of the General Maximum Price Regulation and § 1305.17 of Supplementary Order No. 13, or § 1389.3 (a) (4) (ii) of Maximum Price Regulation No. 153, as amended (Women's, Girls' and Children's Outerwear Garments) or § 1389.106 of Maximum Price Regulation No. 177, as amended (Men's and Boys' Tailored Clothing), or §§ 1389.154 (a) or 1389.154 (d) of Maximum Price Regulation No. 178, as amended (Women's Fur Garments).

(2) With respect to maximum prices for services:

(i) Applications for adjustment of maximum prices pursuant to § 1499.18 of the General Maximum Price Regulation or § 1499.114 of Maximum Price Regulation No. 165, as amended (Services).

(ii) Orders of adjustment of the maximum prices reported by sellers pursuant to § 1499.3 (a) of the General Maximum Price Regulation, or §§ 1499.102 (c) or 1499.102 (d) or 1499.103 (d) of Maximum Price Regulation No. 165, as amended (Services).

(iii) Determinations of maximum prices pursuant to § 1499.102 (d) of Maximum Price Regulation No. 165, as amended (Services).

(c) Any order issued or other action taken by such Director pursuant to this delegation of authority shall have the same force and effect as if issued or taken by the Price Administrator.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued and effective this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12025; Filed, November 17, 1942; 12:18 p. m]

[Administrative Order 22]

MERLE FAINSOD

REVOCATION OF AUTHORIZATION TO ACT FOR ADMINISTRATOR

Pursuant to the authority conferred upon the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, Administrative Order No. 22, paragraphs (a) and (b), inclusive, are hereby revoked.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued and effective this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12023; Filed, November 17, 1942; 12:18 p. m.]

[Administrative Order 25, Amendment 3]

REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY TO ACT FOR THE PRICE ADMINISTRATOR

Subparagraphs (1) and (2) of paragraph (a) and subparagraphs (1) and (2) of paragraph (b) of Administrative Order No. 25 are hereby amended to read as set forth below:

(a) * * *

(1) Applications for adjustment of maximum prices pursuant to § 1499.18 (a) of the General Maximum Price Regulation, or any identical provision of any maximum price regulation, or § 1499.18 (d) of the General Maximum Price Regulation, or §§ 1393.8 (a) or 1393.8 (b) of Maximum Price Regulation No. 154, as amended, (Ice) or § 1499.114 of Maximum Price Regulation No. 165, as amended, (Services) or with respect to sales at retail under § 1389.118 (c) of Maximum Price Regulation No. 177, as amended (Men's and Boys' Tailored Clothing).

(2) Orders of adjustment of the maximum prices reported by sellers pursuant to § 1499.3 (a) of the General Maximum Price Regulation, or any identical provision of any maximum price regulation, or § 1499.4b of the General Maximum Price Regulation, or §§ 1499.102 (c) or 1499.102 (d) or 1499.103 (d) of Maximum Price Regulation No. 165, as amended, (Services) or §§ 1389.103 (a) (3) or 1389.103 (a) (4) or 1389.103 (b) (3) of Maximum Price Regulation No. 177, as amended, (Men's and Boys' Tailored Clothing) or

§§ 1389.154 (b) or 1389.154 (c) of Maximum Price Regulation No. 178, as amended (Women's Fur Garments).

* * * * *

(b) * * *

(1) Applications for adjustment of maximum prices pursuant to § 1499.18 (a) of the General Maximum Price Regulation, or any identical provision of any maximum price regulation, or § 1499.18 (d) of the General Maximum Price Regulation, or §§ 1393.8 (a) or 1393.8 (b) of Maximum Price Regulation No. 154, as amended, (Ice) or § 1499.114 of Maximum Price Regulation No. 165, as amended, (Services) or with respect to sales at retail under § 1389.118 (c) of Maximum Price Regulation No. 177, as amended (Men's and Boys' Tailored Clothing).

(2) Orders of adjustment of the maximum prices reported by sellers pursuant to § 1499.3 (a) of the General Maximum Price Regulation, or any identical provision of any maximum price regulation, or § 1499.4b of the General Maximum Price Regulation, or §§ 1499.102 (c) or 1499.102 (d) or 1499.103 (d) of Maximum Price Regulation No. 165, as amended, (Services) or §§ 1389.103 (a) (3) or 1389.103 (a) (4) or 1389.103 (b) (3) of Maximum Price Regulation No. 177, as amended, (Men's and Boys' Tailored Clothing) or §§ 1389.154 (b) or 1389.154 (c) of Maximum Price Regulation No. 178, as amended (Women's Fur Garments).

* * * * *

This Amendment No. 3 to Administrative Order No. 25 shall be effective November 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12026; Filed, November 17, 1942; 12:19 p. m.]

[Order 61 Under MPR 188[1]]

B. P. JOHN FURNITURE COMPANY

ORDER APPROVING MAXIMUM PRICE

Order No. 61 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and by virtue of the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) The B. P. John Furniture Corporation of Portland, Oregon, may sell the rebuilt border staple cotton felt mattress with an inner casing, described in application dated August 6, 1942, at prices no higher than $20.00 f. o. b. factory, subject to discounts, allowances, rebates, and terms no less favorable than these in effect during March 1942, for sofa beds in the same price line made by the applicant.

(b) This Order No. 61 may be revoked or amended by the Office of Price Administration at any time.

(c) Unless the context otherwise requires the definitions set forth in § 1499.163 of Maximum Price Regulation No. 188 shall apply to terms used herein.

(d) This Order No. 61 shall become effective on the 18th day of November 1942.

Issued this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12024; Filed, November 17, 1942; 12:18 p. m.]

[Order 62 Under MPR 188[1]]

W. B. CHATHAM ASSOCIATES

APPROVAL OF MAXIMUM PRICE

Order No. 62 under § 1499.158 of Maximum Price Regulation No. 188[1]—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of a maximum price for sales by W. B. Chatham Associates of a new toy gun.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) W. B. Chatham Associates, 2250 Webb Avenue, Detroit, Michigan, is authorized to sell and deliver to retailers, the new toy gun, designated as "Commando Gun", manufactured by them, at a price no higher than $.355 per gun, f. o. b. Detroit, Michigan.

(b) This Order No. 62 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 62 shall become effective on the 18th day of November 1942.

Issued this 17th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12022; Filed, November 17, 1942; 12:14 p. m.]

[Order 82 Under MPR 120]

PEABODY COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 82 under Maximum Price Regulation No. 120[2]—Bituminous Coal Delivered From Mine or Preparation Plant—Docket Nos. 3120-128 and 3120-185.

For the reasons set forth in the opinion issued simultaneously herewith and pursuant to authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Peabody Coal Company, Chicago, Illinois, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraphs (b) (1) and (b) (2) below, at prices not to exceed the respective prices stated therein.

(b) (1) Rail shipments of coals in Size Groups 13, 14, 26, and 27, produced at the Westville No. 24 Mine (Mine Index No. 186), District No. 10, of the Peabody Coal Company, may be sold at not more than $2.05, $1.95, $2.15 and $2.05, respectively, per net ton, f. o. b. the mine.

(2) Truck or wagon shipments of coals in Size Groups 8, 14, 24 and 27, produced at the Westville No. 24 Mine (Mine Index No. 186), District No. 10, of the Peabody Coal Company, may be sold at not more than $2.65, $1.95, $2.50, and $2.05, respectively, per net ton, f. o. b. the mine.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 82 may be revoked or amended by the Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(f) This Order No. 82 shall become effective November 19, 1942.

Issued this 18th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12067; Filed, November 18, 1942; 11:32 a. m.]

[Order 2 Under MPR 157]

GREGORY AND READ COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 2 under Maximum Price Regulation No. 157—Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes—Docket No. 3157-35.)

Gregory & Read Company, 685 Washington Street, Lynn, Massachusetts, has filed an application under Maximum Price Regulation No. 157 for adjustment of its maximum prices for haversacks and dismounted canteen covers. Due consideration has been given to the application and an opinion in support of the Order No. 2 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1 and Procedural Regulation No. 6 issued by the Office of Price Administration, *It is hereby ordered:*

(a) The Gregory & Read Company, 685 Washington Street, Lynn, Massachusetts, may sell, deliver and agree, offer, solicit and attempt to sell and deliver to any war procurement agency the commodities described in paragraph (b) at prices not in excess of the prices stated therein. Any war procurement agency may buy and receive such commodities at such prices from the Gregory & Read Company.

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[1] 7 F.R. 5872, 7967, 8943, 8948.

[2] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6896, 7777, 7670, 8650, 8948.

(b) The maximum prices referred to in paragraph (a) are as follows:

(1) The maximum price for haversacks M-1928 fabricated in accordance with the specifications of Jeffersonville Quartermaster Depot, Jeffersonville, Indiana, 6-176-B (Stock No. 74-H-93) shall be $1.06 net per unit.

(2) The maximum price for dismounted canteen covers M-1910 fabricated in accordance with specifications of United States Army, dated February 23, 1942, No. 6-220 B, shall be 12½ cents per unit.

(c) All prayers of the application not granted herein are denied.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1378.10 of Maximum Price Regulation No. 157 shall apply to the terms used herein.

(f) This order shall become effective November 19, 1942.

Issued this 18th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12064; Filed, November 18, 1942; 11:31 a. m.]

[Order 3 Under MPR 157]

SCHAEFER TENT AND AWNING COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 3 under Maximum Price Regulation No. 157—Sales and Fabrication of Textiles, Apparel, and Related Articles for Military Purposes.—Docket No. 3157-36.

The Schaefer Tent and Awning Company, 1541 Arapahoe Street, Denver, Colorado, has filed an application under Maximum Price Regulation No. 157 for adjustment of its maximum prices for pyrâmidal tents. Due consideration has been given to the application, and an opinion in support of this Order No. 3 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1 and Procedural Regulation No. 6 issued by the Office of Price Administration, *It is hereby ordered:*

(a) The Schaefer Tent and Awning Company, 1541 Arapahoe Street, Denver, Colorado, may sell, deliver and agree, offer, solicit and attempt to sell and deliver to any war procurement agency the commodity described in paragraph (b) at a price not in excess of the price stated therein. Any war procurement agency may buy and receive such commodity at such price from the Schaefer Tent and Awning Company.

(b) The maximum price referred to in paragraph (a) is $11.50 for pyramidal tents conforming to specifications of Jeffersonville Quartermaster Depot, Jeffersonville, Indiana, No. 59, dated January 26, 1942, (Stock No. 24-T-320).

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1378.10 of Maximum Price Regulation No. 157 shall apply to the terms used herein.

(f) This Order No. 3, shall become effective November 19, 1942.

Issued this 18th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12065; Filed, November 18, 1942; 11:31 a. m.]

[Order 4 Under MPR 157]

M. SLOANE COMPANY, INC.

ORDER GRANTING ADJUSTMENT

Order No. 4 under Maximum Price Regulation No. 157—Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes—Docket No. 3157-33.

M. Sloane Company, Inc., 282 Sixth Street, St. Paul, Minnesota, has filed an application under Maximum Price Regulation No. 157 for adjustment of its maximum prices for tent flies. Due consideration has been given to the application and an opinion in support of this Order No. 4 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1 and Procedural Regulation No. 6 issued by the Office of Price Administration, *It is hereby ordered:*

(a) The M. Sloane Company, Inc., 282 Sixth Street, St. Paul, Minnesota, may sell, deliver and agree, offer, solicit and attempt to sell and deliver to any war procurement agency the commodity described in paragraph (b) at a price not in excess of the price stated therein. Any war procurement agency may buy and receive such commodity at such price from the M. Sloane Company, Inc.

(b) The maximum price referred to in paragraph (a) is $1.60 each for tent flies conforming to specifications of Jeffersonville Quartermaster Depot, Jeffersonville, Indiana, No. 63.

(c) All prayers of the application not granted herein are denied.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1378.10 of Maximum Price Regulation No. 157 shall apply to the terms used herein.

(f) This order shall become effective November 19, 1942.

Issued this 18th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12066; Filed, November 18, 1942; 11:31 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 30-166]

JOSEPH B. ELY, ET AL.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 16th day of November, 1942.

In the matter of Joseph B. Ely, C. Brooks Stevens and Henry G. Wells, as trustees under a trust agreement dated January 31, 1939.

Notice is hereby given that an application has been filed by Joseph B. Ely, C. Brooks Stevens and Henry G. Wells, as Trustees under a Trust Agreement dated January 31, 1939, a registered holding company, pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 for an order of this Commission declaring that said Trustees have ceased to be a holding company.

Applicants allege that they no longer directly or indirectly own, control or hold with power to vote, ten percentum or more of the outstanding voting securities of a public utility company or public utility holding company, as defined in said Act. All interested persons are referred to said application, which is on file in the offices of this Commission for a statement of the facts upon which said Trustees rely as the basis for the order requested.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matter, and that said application shall not be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matter, under the applicable provisions of said Act and the rules and regulations of the Commission, be held on November 24, 1942, at 9:45 A. M., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on that day by the hearing room clerk in Room 318;

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commisison's Rules of Practice;

It is further ordered, That any person desiring to be heard in connection with the proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission on or before November 20, 1942, his request or application therefor, as provided by Rule XVII of the Rules of Practice of this Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12037; Filed, November 17, 1942; 2.42 p. m.]

[File No. 812-293]

LEHMAN CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa. on the 16th day of November A. D., 1942.

An application having been duly filed by The Lehman Corporation pursuant to section 23 (c) (3) of the Investment Company Act of 1940 for an order permitting applicant to purchase 2,500 shares of applicant's capital stock at a price of $22.50 per share under an agreement, dated November 6, 1942, between applicant and Julius Rosenwald, 2nd, trustee;

It is ordered, That a hearing on the aforesaid application be held on November 23, 1942 at ten o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held;

It is further ordered, That Robert P. Reeder, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12042; Filed, November 17, 1942; 2:42 p. m.]

[File No. 70-623]

NY PA NJ UTILITIES CO. AND ASSOCIATED UTILITIES CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 14th day of November 1942.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by NY PA NJ Utilities Company, a registered holding company, and Associated Utilities Corporation, a registered holding company, both of said companies being subsidiaries of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

NY PA NJ Utilities Company proposes to acquire from Associated Utilities Corporation $1,000,000 principal amount of The Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1961, for a cash consideration of 100% of the face amount thereof, plus accrued interest thereon at the date of closing. Said bonds were issued by The Mohawk Valley Company, which company was consolidated with certain other companies to form the Metropolitan Edison Corporation, and the name of the latter company was changed to NY PA NJ Utilities Company.

Associated Utilities Corporation proposes to pay $1,000,000 to the Trustees of Associated Gas and Electric Corporation as a payment on account of principal on the convertible obligations due March 1, 1963, of Associated Utilities Corporation held by the Trustees of Associated Gas and Electric Corporation.

The $1,000,000 to be received by the Trustees of Associated Gas and Electric Corporation is to be used to pay to Guaranty Trust Company of New York, an installment due December 18, 1942, of $1,000,000 of the principal amount of the $5,000,000 Trustee's Certificates of the Trustees dated December 18, 1941, held by Guaranty Trust Company of New York.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters, that said declarations shall not become effective, nor said applications be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on December 8, 1942, at 10:00 a. m., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa. On such day the hearing room clerk in room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declarations or applications (or both) shall become effective or shall be granted.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The offices so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the said Act, and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said declarations or applications (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the consideration to be paid by NY PA NJ Utilities Company and to be received by Associated Utilities Corporation, with respect to The Mohawk Valley Company bonds, is fair and reasonable.
2. Whether the assets of Associated Utilities Corporation after the sale by it of $1,000,000 principal amount of The Mohawk Valley Company bonds will be sufficient to satisfy contingent claims against the assets of Associated Utilities Corporation.
3. Whether terms and conditions are necessary to be imposed to insure compliance with the requirements of the Public Utility Holding Company Act of 1935, or any rules, regulations, or orders promulgated thereunder;
4. Generally, whether all actions proposed to be taken comply with the requirements of such Act and rules and regulations or orders promulgated thereunder.

Notice is hereby given of said hearing to the above-named declarants and applicants, and to all interested persons; said notice to be given to said declarants and applicants by registered mail, and to all other persons by publication in the FEDERAL REGISTER. It is requested that any person desiring to be heard in this proceeding shall file with the Secretary of this Commission on or before December 3, 1942, an appropriate request or application to be heard as provided by Rule XVII of the Commission's Rules of Practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12040; Filed, November 17, 1942; 2:42 p. m.]

[File No. 31-485]

ROCHESTER TRANSIT CORPORATION

ORDER GRANTING WITHDRAWAL OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 14th day of November 1942.

Order consenting to withdrawal of application pursuant to request of applicant.

Rochester Transit Corporation having filed an application pursuant to section 2 (a) (8) of the Public Utility Holding Company Act of 1935 for an order declaring it and all of its subsidiaries not to be subsidiary companies of Associated Gas and Electric Company and Associated Gas and Electric Corporation, registered holding companies, and of Shinn and Co., a subsidiary of the latter two companies; and

Rochester Transit Corporation having filed a request for permission to withdraw the application, without prejudice, however, to its right to file a new application in the future if changed facts warrant it; and

The Commission having considered the request and deeming it appropriate that it should be granted:

It is ordered, That the application be and hereby is permitted to be withdrawn, without prejudice, however, to the right of Rochester Transit Corporation to file an appropriate application for exemption in the future if changed facts warrant it.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-12033; Filed, November 17, 1942; 2:42 p. m.]

[File No. 70-579]

TRI-CITY UTILITIES CO. AND ASSOCIATED ELECTRIC CO.

ORDER GRANTING WITHDRAWAL OF PETITIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of November, 1942.

Declarations having been filed with this Commission, pursuant to section 12 of the Public Utility Holding Company Act of 1935, and Rules U-42 and U-43 of the General Rules and Regulations promulgated thereunder, by Associated Electric Company, a registered holding company, and Tri-City Utilities Company, a wholly-owned subsidiary thereof, with respect to the reduction by Tri-City Utilities Company of its capital stock from time to time through the purchase and retirement of its common stock, at its par value, in amounts equal to the cash available for such purposes; and

The Tennessee Railroad and Public Utilities Commission having filed a request for hearing and for leave to intervene, and the City of Jellico, Tennessee, and certain residents thereof, having filed a petition requesting that a hearing be held in this matter, and said petitions requesting the Commission to impound sufficient funds of Tri-City Utilities Company to satisfy certain claims against the assets of Tri-City Utilities Company; and the said petitioners having subsequently requested the Commission for permission to withdraw such petions; and

A public hearing on said declarations having been duly held, and the Commission having issued and filed its Memorandum Opinion herein;

It is ordered, That the petitions of the Tennessee Railroad and Public Utilities Commission, and the City of Jellico, Tennessee, and certain residents thereof, be, and hereby are, permitted to be withdrawn.

It is further ordered, That pursuant to the applicable provisions of said Act, the aforesaid declarations be, and hereby are, permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and to the following additional conditions:

That Tri-City Utilities Company shall purchase at this time the common stock held by Associated Electric Company only to the extent of the cash Tri-City Utilities Company now holds as proceeds from sales of its water systems located in Mayfield and Murray, Kentucky, such cash totaling $582,000.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-12039; Filed, November 17, 1942; 2:42 p. m.]

[File No. 70-624]

UNITED GAS CORP., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of November, A. D. 1942.

In the matter of United Gas Corporation, Houston Gas Securities Company, United Gas Pipe Line Company and Union Producing Company.

Notice is hereby given that a joint declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by United Gas Corporation ("United"), Houston Gas Securities Company ("Houston Gas"), United Gas Pipe Line Company ("Pipe Line") and Union Producing Company ("Union"). The applicants and declarants have designated sections 9 (a) and 12 (c) of the Act and Rule U-42 of the rules and regulations promulgated thereunder as applicable to the transactions proposed. All interested persons are referred to said document, which is on file in the office of this Commission for a statement of such proposed transactions which are summarized as follows:

A. United proposes to redeem at face amount plus accrued interest $3,800,000 principal amount of Twenty Year 6% Gold Debentures, due March 1, 1952, (issued by United Gas Public Service Company, and later assumed upon the merger of United Gas Public Service Company into United), owned by Houston Gas, a wholly owned subsidiary of United. All such debentures acquired will be cancelled. The funds to be applied toward said proposed redemption are to be obtained by United:

(1) By redemption at face amount plus accrued interest by Pipe Line, a wholly owned subsidiary of United, of $1,000,000 principal amount of 6% Debentures due March 1, 1952 (part of a total issue of $23,000,000 all of which are owned by United).

(2) By redemption at face amount plus accrued interest by Union, a wholly owned subsidiary of United, of $3,000,000 principal amount of its 6% Debentures due March 1, 1952 (part of a total issue of $40,000,000 all of which are owned by United).

B. Houston Gas proposes to use the funds received by it as a result of the redemption of the debentures above described together with other moneys in its treasury for the purpose of redeeming $3,900,000 principal amount of its 5% Collateral Trust Gold Bonds due March 1, 1952, $440,000 principal amount of which are owned by Electric Bond and Share Company ("Bond and Share"), a registered parent holding company of United and its subsidiaries. Houston Gas is then to be merged into United. As a result of such merger United will acquire all of the remaining net assets of Houston Gas, consisting of cash and obligations of United, which obligations will be cancelled.

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on November 21, 1942 at 10:00 A. M., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the Hearing Room Clerk. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That any person desiring to be heard in connection with the proceeding or proposing to intervene herein shall file with the Secretary of the Commission on or before November 19, 1942 his request or application therefor as provided by Rule XVII of the Rules of Practice of this Commission.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above mentioned. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the proposed transactions will impair the financial integrity or working capital of United or its subsidiaries or will result in the circumvention of the provisions of the Act or the rules, regulations or orders thereunder.

(2) Whether in particular the proposed redemption by Houston Gas insofar as it concerns the bonds held by Bond and Share will result in the circumvention of any of the provisions of the Act or the rules, regulations or orders thereunder in view of the pendency of a prior proceeding involving the status and the extent of the claims of Bond and Share against United and its subsidiaries.

(3) Whether it is necessary or appropriate in the public interest or the interest of investors or consumers to impose terms and conditions to safeguard the financial integrity or working capital of United or any of its subsidiaries or to prevent the circumvention of the provisions of the Act or the rules, regulations or orders thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-12041; Filed, November 17, 1942; 2:43 p. m.]

Reference

NOV 2 2 1942

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

VOLUME 7 NUMBER 228

Washington, Friday, November 20, 1942

Regulations

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Administration

[O-65]

PART 965—MILK IN THE CINCINNATI, OHIO, MARKETING AREA

ORDER REGULATING THE HANDLING OF MILK IN THE CINCINNATI, OHIO, MARKETING AREA

It is provided in Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities (including milk and its products) as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities.

Sec.
965.1 Findings.
965.2 Order relative to handling.
965.3 Definitions.
965.4 Market administrator.
965.5 Reports of handlers.
965.6 Classification of milk.
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965.8 Computation and announcement of uniform prices.
965.9 Payment for milk.
965.10 Payments from producer-settlement fund.
965.11 Expenses of administration.
965.12 Marketing services.
965.13 Effective time, suspension, or termination of order.

AUTHORITY: §§ 965.1 to 965.13 inclusive, issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U.S.C. 601 et seq.

§ 965.1 *Findings and determinations*—(a) *Findings upon the basis of hearing record.* Pursuant to the act and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR 900.1 to 900.17; 6 F.R. 6570; 7 F.R. 3350), a public hearing was held upon a proposed marketing agreement and order regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The issuance of this order and all of the terms and conditions hereof will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the Cincinnati, Ohio, marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8 (e) of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices set forth in this order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) All milk sold or disposed of by handlers under this order is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products; and

(4) This order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is hereby found and proclaimed that, in connection with the execution of a marketing agreement and the issuance of an order regulating the handling of milk in the Cincinnati, Ohio, marketing area, the purchasing power of such milk during the pre-war period, August 1909–July 1914, cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such milk can be satisfactorily determined from available statistics of the Department of Agriculture for the post-war period, August 1919–July 1929; and the post-war period, August 1919–July 1929, is the base period to be used in connection with any such marketing agreement and this order in determining the purchasing power of such milk.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Telephone information: DIstrict 0525.

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(2) It is hereby found that the necessary expenses of the market administrator, during any 12-month period of time, for the maintenance and functioning of such agency, will amount to approximately $45,000; and the prorata share of such expenses to be paid by each handler is hereby approved in the maximum amount of 2 cents per hundredweight on all milk received from producers, or an association of producers, or produced by them during each delivery period.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order) of at least 50 percent of the volume of milk covered by this order, which is marketed within the Cincinnati, Ohio, marketing area, refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the Cincinnati, Ohio, marketing area; and it is further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the Cincinnati, Ohio, marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of the approval of the order and who, during the determined representative period, were engaged in the production of milk for sale in the said marketing area.

§ 965.2 *Order relative to handling.* From and after the effective date hereof, the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of this order.

§ 965.3 *Definitions*—(a) *Terms.* The following terms shall have the following meanings:

(1) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

(2) "Cincinnati, Ohio, marketing area," hereinafter called the "marketing area," means the city of Cincinnati, Ohio, and the territory included within the boundary lines of Hamilton County, Ohio.

(3) "Person" means any individual, partnership, corporation, association, or any other business unit.

(4) "Producer" means any person who produces milk which is received at a plant from which, under approval of the proper health authorities, milk is disposed of as milk in the marketing area, or milk handled by a cooperative association under the conditions set forth in (5) of this paragraph: *Provided,* That if such producer did not regularly sell milk on his own distribution routes or through other persons during a period of 30 days next preceding the effective date hereof for consumption in the marketing area, but begins the regular delivery of milk to a handler, he shall be known as a "new producer" for a period beginning with the date of his first regular delivery of milk and continuing until the end of 2 full calendar months of regular delivery following the first day of the next succeeding calendar month, after which he shall be known as a producer.

(5) "Handler" means any person, irrespective of whether such person is a producer or a cooperative association, who engages in such handling of milk, all or a portion of which is disposed of as milk in the marketing area, as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce in milk and its products. "Such handling of milk" as used in this definition, shall include the milk of any producer or new producer whose milk has been received previously at a plant described in (4) of this paragraph, which milk has been caused to be delivered by a cooperative association, during the delivery periods of April, May, and June to a plant from which no milk is disposed of in the marketing area, if payment therefor has been collected by such cooperative association; and such milk shall be deemed to have been received from producers by such cooperative association. "Handler" shall not include any person from whom emergency milk is received or any person who handles only milk of his own production.

(6) "Delivery period" means any calendar month, except that the first delivery period shall mean the period from the effective date hereof and until the end of the calendar month in which such effective date occurs.

(7) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937), 7 U.S.C. 1940 ed. 601 et seq.), as amended.

(8) "Market administrator" means the agency which is described in § 965.4 for the administration hereof.

(9) "Emergency milk" means milk or skim milk received by a handler from sources other than producers or new producers under a permit to receive such milk which has been issued to him by the proper health authorities: *Provided,* That the total quantity of milk and skim milk so received shall be in excess of the total quantity of milk diverted on the same day by a cooperative association under the conditions set forth in (5) of this paragraph.

§ 965.4 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof; and

(2) Report to the Secretary complaints of violations of the provisions hereof.

(c) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(3) Pay, out of the funds provided by § 965.11, the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(4) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate;

(5) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not made reports pursuant to § 965.5 or has not made payments pursuant to §§ 965.9 and 965.11;

(6) Promptly verify the information contained in the reports submitted by handlers; and

(7) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times.

§ 965.5 *Reports*—(a) *Reports of handlers to market administrator.* Each handler, under his own signature or under that of a person certified by such handler to the market administrator as being authorized to sign the reports required by this section, shall report to the market administrator, in the detail and on forms prescribed by him, as follows:

(1) On or before the 10th day after the end of each delivery period, each handler who receives milk from producers or new producers shall report with respect to all milk, skim milk, and cream received by him during the delivery period:

(i) The receipts of milk at each plant from producers, from new producers, from his own production, and from other handlers;

(ii) The receipts of emergency milk, the date or dates upon which such milk was received during the delivery period, the plant from which such milk was shipped, the price per hundredweight paid or to be paid for such milk, and the utilization of such milk;

(iii) The milk, skim milk, and cream, with its butterfat content, received from any other source;

(iv) The utilization of all receipts of milk, skim milk, and cream during the delivery period;

(v) The name and address of each new producer; and

(vi) His producer pay roll, which shall show for each producer and new producer the total receipts of milk with the average butterfat test thereof, the amount of the advance payment to such producer or new producer made pursuant to § 965.9 (a), and the deductions and charges made by the handler;

(2) On or before the 5th day after the end of each delivery period, each handler who receives milk from producers or new producers shall report, with respect to Class I milk disposed of outside the marketing area during the delivery period, the amount and the utilization of such milk, the butterfat test thereof, the date and place of such sale or disposition, and the plant from which such milk was shipped;

(3) On or before the day each handler who receives milk from producers or new producers receives emergency milk, he shall report his intention to receive such emergency milk;

(4) On or before the 10th day after each delivery period, a cooperative association causing delivery of milk under the conditions set forth in § 965.3 (a) (5) shall report the amount of such milk, the date or dates of such delivery during the delivery period, the plant to which such milk was delivered, and the utilization of such milk;

(5) Within 10 days after the market administrator's request each handler who receives milk from producers or new producers shall report, with respect to each of his producers or new producers for whom such information is not in the files of the market administrator and with respect to a period or periods of time designated by the market administrator, the name and address, the total pounds of milk received, the average butterfat test of milk received, and the number of days upon which milk was received; and

(6) Each handler who receives no milk from producers or new producers shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) *Verification of handler reports.* Each handler shall make available to the market administrator or to his agent, or to such other person as the Secretary may designate, those records which are necessary for the verification of the information contained in the reports submitted pursuant to this section, and those facilities which are necessary for the sampling, weighing, and testing of the milk of each producer and new producer.

(c) *Reports of market administrator to cooperative associations.* On or before the 13th day after the end of each delivery period, the market administrator shall report to each cooperative association the amount and class utilization of milk caused to be delivered by such association, either directly or from producers or new producers who have authorized such association to receive payments for them under § 965.10 (b), to each handler to whom the cooperative sells milk. For the purpose of this report the milk so received shall be prorated to each class in the proportions that the total receipts of milk from producers and new producers by such handler were used in each class.

§ 965.6 *Classification of milk*—(a) *Basis of classification.* Milk received by each handler, including milk produced by him, shall be classified by the market administrator in the classes set forth in (b) of this section, subject to the provisions of (c), (d), and (e) of this section.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of milk and milk drinks, whether plain or flavored, and all milk not accounted for as Class II milk or Class III milk.

(2) Class II milk shall be all milk used to produce cream (for consumption as cream), creamed buttermilk, and creamed cottage cheese.

(3) Class III milk shall be all milk accounted for (i) as actual plant shrinkage but not to exceed $2\frac{1}{2}$ percent of total receipts of milk from producers and new producers (including the handler's own production) and (ii) as used to produce a milk product other than those specified in Class II milk.

(c) *Interhandler and nonhandler sales.* Milk or skim milk disposed of by a handler to another handler or to a person who is not a handler, but who distributes milk or manufactures milk products, shall be Class I milk; and cream so disposed of shall be Class II milk: *Provided,* That if the selling handler on or before the 10th day after the end of the delivery period furnishes to the market administrator a statement, which is signed by the buyer and the seller, that such milk, skim milk, or cream was used as Class III milk, such milk, skim milk, or cream shall be classified accordingly, subject to verification by the market administrator.

(d) *Computation of milk in each class.* For each delivery period, the market administrator shall compute for each handler the amount of his milk in each class, as defined in (b) of this section, as follows:

(1) Determine the total pounds of milk received (i) from producers and new producers, including milk of the handler's own production, (ii) from other handlers, (iii) as emergency milk, (iv) from any other source (including cream converted to 4.0 percent milk equivalent), and (v) add together the resulting amounts.

(2) Determine the total pounds of butterfat received, as follows: (i) multiply the weight of milk received from producers and new producers, including the handler's own production, by its average butterfat test; (ii) multiply the weight of milk received from other handlers by its average butterfat test; (iii) multiply the weight of emergency milk by its average butterfat test; (iv) multiply the weight of milk and cream received from any other source by its average butterfat test; and (v) add together the resulting amounts.

(3) Determine the total pounds of milk in Class I, as follows: (i) convert to half pints the quantity of milk disposed of in the form of milk and milk drinks, whether plain or flavored, and multiply by 0.5375; (ii) multiply the result by the average butterfat test of such milk; and (iii) if the quantity of butterfat so computed, when added to the pounds of butterfat in Class II milk and Class III milk computed pursuant to (4) (ii) and (5) (iv) of this paragraph, is less than the total pounds of butterfat computed in accordance with (2) of this paragraph, an amount equal to the difference shall be divided by 4.0 percent and the resulting amount shall be added to the quantity of milk determined pursuant to (i) of this subparagraph.

(4) Determine the total pounds of milk in Class II, as follows: (i) multiply the actual weight of each of the several products of Class II milk by its respective average butterfat test; (ii) add together the resulting amounts; and (iii) divide such sum by 4.0 percent.

(5) Determine the total pounds of milk in Class III, as follows: (i) multiply the actual weight of each of the several products of Class III milk by its average butterfat test; (ii) add together the resulting amounts; (iii) subtract the total pounds of butterfat in Class I milk and Class II milk, computed pursuant to (3) (ii) and (4) (ii) of this paragraph, and the total pounds of butterfat computed pursuant to (ii) of this subparagraph from the total pounds of butterfat computed pursuant to (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 2½ percent of the total receipts of butterfat by the handler from producers and new producers, including that of the handler's own production); (iv) add together the results obtained in (ii) and (iii) of this subparagraph; and (v) divide the sum obtained in (iv) of this subparagraph by 4.0 percent.

(6) Determine the classification of milk of producers and new producers, as follows: (i) subtract from the total pounds of milk in each class the total pounds of milk received from other handlers and used in such class; (ii) subtract pro rata out of the remaining milk in each class the total pounds of emergency milk; (iii) subtract from the remaining milk in each class the total pounds of milk (and milk equivalent of cream converted to 4.0 percent milk), except emergency milk, received from sources other than producers, new producers, or handlers and used in such class.

(e) *Reconciliation of utilization of milk by classes with receipts of milk from producers.* (1) If the total utilization of milk in the various classes for any handler, as computed pursuant to (d) of this section, is less than the quantity of milk received from producers and new producers, the market administrator shall increase the total pounds of milk in Class III for such handler by an amount equal to the difference between the quantity of milk received from producers and new producers and the total utilization of milk by classes for such handler.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to (d) of this section, is greater than the quantity of milk received from producers and new producers, the market administrator shall decrease the total pounds of milk in Class III for such handler by an amount equal to the difference between the quantity of milk received from producers and new producers and the total utilization of milk by classes for such handler.

§ 965.7 *Prices*—(a) *Class prices.* Except as set forth in (b), (c), and (d) of this paragraph, each handler shall pay, at the time and in the manner set forth in § 965.9, not less than the following prices per hundredweight, on the basis of milk of 4.0 percent butterfat content, for the respective quantities of milk in each class computed pursuant to § 965.6 (d) and (e):

(1) *Class I milk.* $3.55.

(2) *Class II milk.* $2.65.

(3) *Class III milk.* The price resulting from the following computation by the market administrator: Determine the arithmetical average of the basic, or field, prices per hundredweight ascertained to have been paid, without deductions for hauling or other charges to be paid by the farm shipper, for milk of 4.0 percent butterfat content received during the delivery period at the following plants:

Concern	*Location of plants*
M. & R. Dietetic Laboratories, Inc	Chillicothe, Ohio.
Carnation Milk Company	Hillsboro, Ohio.
Nestle's Milk Products, Inc	Greenville, Ohio.
Osgood Milk Company	Osgood, Ind.
Carnation Milk Company	Maysville, Ky.

Provided, That if the price so determined is less than the price computed by the market administrator in accordance with the following formula, such formula price shall be the price for Class III milk for the delivery period: multiply by 4 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, add 20 percent thereof, and add or subtract 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption is above or below, respectively, 5½ cents per pound. The price per pound of dry skim milk to be used in this subparagraph shall be the arithmetical average of the carlot prices for both spray and roller process dry skim milk for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture for the Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period. In the event the United States Department of Agriculture does not publish carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, the arithmetical average of the carlot prices for both spray and roller process dry skim milk for human consumption, delivered at Chicago, shall be used, and the figure "7½" shall be substituted for "5½" in the formula set forth above in this proviso.

(b) *Price of Class I milk disposed of outside the marketing area.* (1) The price to be paid by each handler for Class I milk disposed of outside the marketing area, in lieu of the price otherwise applicable pursuant to this section and except as provided in (2) of this paragraph, shall be, as ascertained by the market administrator, such price as is being paid to farmers for milk of equivalent use in the market where such milk is disposed of, subject to a reasonable adjustment on account of transportation with respect to Class I milk moved from the handler's plant in the marketing area to the plant outside the marketing area where such milk was loaded on wholesale and retail routes: *Provided,* That such Class I price minus the adjustment for transportation shall not be lower than the price for Class I milk set forth pursuant to (a) (1) of this section, less 35 cents.

(2) The price to be paid by such handler for Class I milk disposed of outside the marketing area for which no price can be ascertained on the basis provided for in (1) of this paragraph, including Class I milk disposed of to Government institutions and establishments, shall be the price for Class I milk set forth pursuant to (a) (1) of this section.

(c) *Price of Class I milk disposed of for relief distribution.* The price to be paid by such handler for Class I milk disposed of through a recognized relief agency or under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, shall be the price for Class I milk determined under (a) (1) of this section, less 65 cents.

(d) *Butterfat differential to handlers.* If the weighted average butterfat content of milk received by a handler from producers and new producers is other than 4 percent, there shall be added to or subtracted from, as the case may be, the class prices set forth in this section, for each one-tenth of 1 percent of average butterfat content above or below 4 percent, an amount computed as follows: to the average price per pound of 92-score butter in the Chicago wholesale market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, add 20 percent thereof, and divide the result by 10.

(e) *Computation of value of milk for each handler.* (1) For each delivery period the market administrator shall compute the value of milk for each handler, as follows:

(i) For each handler who receives milk from producers or new producers, multiply the hundredweight of milk in each class, computed in accordance with §§ 965.6 (d) and 965.6 (e), by the respective class prices for 4 percent milk, subject to the butterfat differential provided by (d) of this section: *Provided,* That if any such handler has received milk or cream, except emergency milk, from sources other than producers, new producers, or handlers, as referred to in § 965.6 (d) (6) (iii), and has disposed of such milk or cream other than as Class III milk, there shall be added to the value of milk thus far determined an additional amount computed as follows: multiply the hundredweight of such milk or milk equivalent of cream by the difference between the Class III price and the price applicable to the class in which it was disposed.

(ii) For the hundredweight of milk involved in any adjustment made pursuant to § 965.6 (e) the handler shall be debited or credited, as the case may be, at the Class III price.

(iii) For each handler who receives no milk from producers or new producers but who individually disposes of milk or cream, except emergency milk, in the marketing area other than as Class III milk, multiply the hundredweight of such milk, or milk equivalent of cream, by the difference between the Class III price and the price applicable to the class in which it was disposed.

(iv) Add together the resulting amounts.

(v) If, in the verification of reports submitted by a handler, the market administrator discovers errors in such reports which result in payments due the producer-settlement fund or the handler for any previous delivery period, there shall be added or subtracted, as the case may be, the amount necessary to correct such errors.

(f) *Notification to each handler of the value of his milk.* On or before the 13th day after the end of each delivery period, the market administrator shall bill each handler for the value of milk computed for him in accordance with (e) of this section.

§ 965.8 *Computation and announcement of uniform price*—(a) *Computation of uniform price.* For each delivery period, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from producers, as follows:

(1) Add together the values of milk as computed in § 965.7 (e) for handlers who made the payments to the producer-settlement fund as required by § 965.9 (b);

(2) Subtract the amounts computed pursuant to § 965.10 (a) (2);

(3) Subtract, if the weighted average butterfat test of all milk received from producers by handlers whose milk is represented in the sum computed under (1) of the paragraph, is greater than 4.0 percent, or add, if the weighted average butterfat test of such milk is less than 4.0 percent, an amount computed as follows: multiply the hundredweight of such milk by the variance of its weighted average butterfat test from 4.0 percent, and multiply the resulting amount by 50 cents if the average price of butter sold at wholesale in the Chicago market during the delivery period, as reported by the United States Department of Agriculture, was more than 40 cents; or by 40 cents if such average price of butter was more than 30 cents but not more than 40 cents; or by 30 cents if such average price of butter was 30 cents or less;

(4) Add the cash balance in the producer-settlement fund;

(5) Divide by the total hundredweight of milk of producers represented in the sum computed pursuant to (1) of this paragraph; and

(6) Subtract from the figure obtained in (5) of this paragraph not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining a cash balance to provide against errors in reports and in payments by handlers. The result shall be known as the uniform price per hundredweight for such delivery period for milk of producers which contains 4.0 percent of butterfat.

(b) *Announcement of prices and transportation rates.* On or before the first day of the following delivery period, the market administrator shall notify each handler of the uniform price for milk and of the price for Class III milk, and shall make public announcement of the uniform price computation. From time to time, the market administrator shall also publicly announce the amounts per hundredweight deducted by each handler from the payments made to producers and new producers pursuant to § 965.10, an the amounts actually paid to haulers for the transportation of milk from the farms of producers and new producers to such handler's plant or plants, as ascertained from reports submitted pursuant to § 965.5 (a).

§ 965.9 *Payment for milk*—(a) *Payment to producers and new producers.* On or before the 5th day after the end of each delivery period, each handler shall pay, with respect to all milk received during the delivery period, $1.00 per hundredweight of milk to each producer and $0.50 per hundredweight of milk to each new producer: *Provided,* That in the event the total amount of the deductions and charges authorized by any producer or new producer against payments due such producer or new producer for the delivery period next preceding is greater than the payment computed for such producer or new producer pursuant to § 965.10 (a) with respect to the milk received from such producer or new producer during such preceding delivery period, the handler may deduct from the payment required by this paragraph a sum equal to the difference between such amounts.

(b) *Payment to producer-settlement fund.* On or before the 17th day after the end of each delivery period, each handler shall pay to the market administrator the amount of money which represents the value of milk billed to him for such delivery period, pursuant to § 965.7 (f), less the amount paid out to each producer and new producer in accordance with (a) of this section, and less the amount of the deductions and charges authorized by such producer or new producer which are itemized on the handler's producer pay roll: *Provided,* That in the calculation of the total amount of such deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer or new producer shall not be greater than an amount which, when added to the payment made to such producer or new producer in accordance with (a) of this section (inclusive of the deductions and charges authorized by (a) of this section), will not exceed the total value of the milk received from such producer or new producer. The market administrator shall maintain a separate fund, known as the producer-settlement fund, in which he shall deposit all payments of handlers received pursuant to this paragraph.

§ 965.10 *Payments from producer-settlement fund*—(a) *Calculation of payments for each producer and new producer.* For each delivery period, the market administrator shall calculate the payment due each producer and new producer from whom milk was received during such delivery period by a handler who paid into the producer-settlement fund in accordance with § 965.9, as follows:

(1) Multiply the hundredweight of milk received from each producer by the uniform price computed in accordance with § 965.8 (a): *Provided,* That if the milk of such producer was of a weighted average butterfat content other than 4.0 percent, there shall be added or subtracted for each one-tenth of 1 percent variance above or below 4 percent, 5 cents if the average price of butter described in § 965.8 (a) (3) was more than 40 cents; 4 cents if such average price of butter was more than 30 cents but not more than 40 cents; or 3 cents if such average price of butter was 30 cents or less.

(2) Multiply the hundredweight of milk received from each new producer by the price for Class III milk: *Provided,*

That if such milk was of a weighted average butterfat content other than 4.0 percent, there shall be added or subtracted for each one-tenth of 1 percent of variance in butterfat content above or below 4 percent, an amount equal to $\frac{1}{10}$ of such price for Class III milk.

(3) Subtract in each case, the amount of the payment made pursuant to § 965.9 (a), and the charges and the deductions, if any, which are made pursuant to § 965.9 (b).

(b) *Payments.* (1) On or before the 20th day after the end of each delivery period, the market administrator shall pay, subject to the provisions of § 965.12, to each cooperative association authorized to receive payments due producers or new producers who market their milk through such cooperative association, the aggregate of payments calculated pursuant to (a) of this section, for all producers and new producers certified to the market administrator by such cooperative association as having authorized such cooperative association to receive such payments.

(2) On or before the 20th day after the end of each delivery period, the market administrator shall pay, subject to the provisions of § 965.12, direct to each producer and new producer who has not authorized a cooperative association to receive payments for such producer or new producer the amount of the payment calculated for such producer or new producer pursuant to (a) of this section.

§ 965.11 *Expense of administration*—(a) *Payment by handler.* As his prorata share of the expenses which will be necessarily incurred in the maintenance and functioning of the office of the market administrator and in the performance of the duties of the market administrator, each handler, with respect to all milk received from producers, new producers, and produced by him during the delivery period, shall pay to the market administrator, on or before the 17th day after the end of each delivery period, that amount per hundredweight, not to exceed 2 cents, which is announced by the market administrator on or before the 13th day after the end of the delivery period: *Provided,* That any cooperative association which has handled milk during the delivery period under the conditions set forth in § 965.3 (a) (5) shall pay such prorata share of expense of administration on only that quantity of milk so handled.

§ 965.12 *Marketing services*—(a) *Deductions.* The market administrator shall deduct an amount not exceeding 4 cents per hundredweight (the exact amount to be determined by the market administrator) from the payments made pursuant to § 965.10 (b), with respect to the milk of those producers and new producers for whom the marketing services set forth in (b) of this section are not being performed by a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," for the purpose of performing the services set forth in (b) of this section.

(b) *Marketing services to be rendered.* The moneys received by the market administrator pursuant to (a) of this section shall be expended by the market administrator for market information to, and for the verification of weights, samples, and tests of milk of, producers for whom a cooperative association, as described in (a) of this section, is not performing the same services on a comparable basis, as determined by the market administrator, subject to the review of the Secretary.

§ 965.13 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

(b) *Suspension or termination.* Any or all provisions hereof, or amendments hereto, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall, (i) continue in such capacity until removed by the Secretary; (ii) account from time to time for all receipts and disbursements and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator or such other person to such person as the Secretary shall direct; and (iii) execute, if so directed by the Secretary, such assignments or other instruments necessary or appropriate to vest in such person full title of all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 965.14 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

Issued at Washington, D. C., this 14th day of November 1942, to be effective on and after the 23d day of November 1942. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary.

Approved: November 16, 1942.

FRANKLIN D ROOSEVELT,
President of the United States.

[F. R. Doc. 42-12075; Filed, November 18, 1942; 11:59 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

[Amendment No. 19]

DESIGNATION OF CONTROL AIRPORT

NOVEMBER 13, 1942.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation of the Civil Aeronautics Board, Serial No. 197, I hereby amend Part 601 of the regulations of the Administrator of Civil Aeronautics, which became effective January 15, 1942, to read as follows:

By amending § 601.3 so as to include in the proper alphabetical order the designation of the following airport as a control airport:

City:	*Name of airport*
Evansville, Ind-------	Municipal Airport.

This amendment will become effective 0001 EWT), November 30, 1942.

C. I. STANTON,
Administrator.

[F. R. Doc. 42-12115; Filed, November 19, 1942; 9:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4608]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

THE GENERAL TIRE & RUBBER COMPANY

Sec. 3.6 (a 10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.6 (ff 10) *Advertising falsely or misleadingly—Unique nature or advantages.* In connection with offer, etc., in commerce, of respondent's automobile tires, and among other things, as in order set forth, representing, directly or indirectly, that an automobile equipped with respondent's "General Dual 8" or "General Dual 10" tires can be brought to a stop quicker when traveling in rain at a speed of sixty miles an hour than an automobile equipped with any other make or brand of tires traveling in dry weather at fifty miles an hour; that said automobile tires will stop a car fifty per cent quicker than all other makes or brands of tires without skid, swerve, or tail spin; or that said tires are America's quickest stopping tires, regardless of road or weather conditions, that they afford year-round protection against skidding, or that they will stop straight every time; and from making any other representations respecting the quality or performance ability of said automobile tires which are not in fact true; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, The General Tire & Rubber Company, Docket 4608, November 13, 1942]

§ 3.6 (m 10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.96 (a) *Using misleading name—Goods—Manufacture.* In connection with offer, etc., in commerce, of respondent's automobile tires, and among other things, as in order set forth, (1) using a phrase "Dual 8" or "Dual 10" in any manner to describe or refer to respondent's said tires without clearly disclosing, in connection with such use, the actual number of plies used in the construction of the particular automobile tire referred to; and (2) representing, directly or through implication, that any of respondent's automobile tires contain more plies than is actually the fact; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, The General Tire & Rubber Company, Docket 4608, November 13, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of November, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in the complaint and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, The General Tire & Rubber Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its automobile tires in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, that an automobile equipped with respondent's "General Dual 8" or "General Dual 10" tires can be brought to a stop quicker when traveling in rain at a speed of sixty miles an hour than an automobile equipped with any other make or brand of tires traveling in dry weather at fifty miles an hour; that said automobile tires will stop a car fifty per-cent quicker than all other makes or brands of tires without skid, swerve, or tail spin; or that said tires are America's quickest stopping tires, regardless of road or weather conditions, that they afford year-round protection against skidding, or that they will stop straight every time; and from making any other representations respecting the quality or performance ability of said automobile tires which are not in fact true.

2. Using a phrase "Dual 8" or "Dual 10" in any manner to describe or refer to respondent's said tires without clearly disclosing, in connection with such use, the actual number of plies used in the construction of the particular automobile tire referred to.

3. Representing, directly or through implication, that any of respondent's automobile tires contain more plies than is actually the fact.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 42-12129; Filed, November 19, 1942; 11:40 a. m.]

[Docket No. 4656]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

STERLING SALES COMPANY, ETC.

Sec. 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of cameras, radios, comforters, bedspreads, lamps, pens, pencils, electric clocks or other electrical appliances, billfolds, tableware, kitchenware, men's or women's wearing apparel, or any other merchandise, (1) supplying, etc., agents, distributors, dealers, members of the public, or others, with push cards, pull cards, punch boards, or any other devices which are to be used or may be used in the sale or distribution of respondent's merchandise or any merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; and (2) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Sterling Sales Company, etc., Docket 4656, November 13, 1942]

In the Matter of Eugene Russell Jaffe, Alias E. J. Russell, an Individual Trading as Sterling Sales Company and Craftsman Sales Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of November, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and the exceptions to such report, briefs in support of and in opposition to the complaint, and oral argument; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Eugene Russell Jaffe, alias E. J. Russell, individually and trading as Sterling Sales Company and as Craftsman Sales Company, or trading under any other name, and his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of cameras, radios, comforters, bedspreads, lamps, pens, pencils, electric clocks or other electrical appliances, billfolds, tableware, kitchenware, men's or women's wearing apparel, or any other merchandise, do forthwith cease and desist from:

1. Supplying to or placing in the hands of agents, distributors, dealers, members of the public, or others, push cards, pull cards, punch boards, or any other devices which are to be used or may be used in the sale or distribution of respondent's merchandise or any merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

2. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 42-12128; Filed, November 19, 1942; 11:40 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Proclaimed List of Certain Blocked Nationals

REVISION IV, NOVEMBER 12, 1942

ADMINISTRATIVE ORDER

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Board of Economic Warfare, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), The Proclaimed List of Certain Blocked Nationals, Revision III of August 10, 1942 and Supplements 1, 2, 3, and 4 thereto (7 F.R. 6282, 6847, 7422, 8165, 8845), are superseded by the following Revision IV of the List, which is hereby promulgated.

By direction of the President:

CORDELL HULL,
Secretary of State.
H. MORGENTHAU, Jr.,
Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
JESSE H. JONES,
Secretary of Commerce.
MILO PERKINS,
Executive Director,
Board of Economic Warfare.
NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

NOVEMBER 12, 1942.

GENERAL NOTES: (1) The Proclaimed List is divided into two parts; Part I relates to listings in the American republics; Part II relates to listings outside the American republics. The List as herein consolidated and revised supersedes Revision III and Supplements 1, 2, 3, and 4 thereto.

(2) No additions or deletions are made in this revision; however, changes of address, minor changes in spelling of names listed, alternative listings for names previously included, etc., are made and are indicated by footnotes.

(3) In Part I titles are listed in their letter-address form, word for word as written in that form, with the following exceptions:

If the title includes a full personal name, that is, a given name or initial and surname, the title is listed under the *surname*.

Personal-name prefixes such as *de, la, von,* etc., are considered as part of the surname and are the basis for listing.

The listing is made under the next word of the title when the initial word or phrase, or abbreviation thereof, is one of the following Spanish forms or similar equivalent forms in any other language:

Compañia; Cía.; Comp.
Compañía Anónima; C. A.; Comp Anón.
Sociedad; Soc.
Sociedad Anónima; S. A.; Soc. Anón.

(4) Addresses appearing after names on the List are not intended to exclude other addresses of the same firms or individuals. A listed name refers to all branches of the business in the country.

(5) Subsequent supplements will contain additions, deletions, and amendments. Following this revision, supplements will be cumulative. Each supplement will contain all additions, deletions, and amendments which have been made since the previous revision. Thus, to determine the status of a given name, it will be necessary to consult only two issues of the List: namely, the previous revision and the current supplement.

(6) For the convenience of users, symbols are placed after each name on the List to indicate, by reference to the table below, the dates of the supplements or revisions in which the name first appeared or was amended. It has not been found practicable, however, to indicate here the dates of listings made between July 17, 1941, the date of the original list, and Revision I, dated February 7, 1942. Accordingly, names appearing previous to Revision I, and retained in that revision, are followed only by the symbol "I". Roman numerals refer to revisions, arabic numerals to supplements.

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PART I—LISTINGS IN AMERICAN REPUBLICS

ARGENTINA [1]

A.E.G., Compañia Argentina de Electricidad S.A.[2]—Bernardo de Irigoyen 330, Buenos Aires, and all branches in Argentina. I; II–4.

Aachen y Munich, Compañia de Seguros.—Corrientes 330, Buenos Aires. I.

Abate, Ricardo.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 501, Buenos Aires. I–2; IV.

Accumulatoren-Fabrik A.G.—Cangallo 2629, Buenos Aires. I.

Aceros Poldi S. de R.L.—Jujuy 1926–42, Buenos Aires. I.

Aceros Roechling-Buderus S. A.—Bulnes 2593, Buenos Aires. I.

Aceros Schoeller-Bleckmann S. de R. L.—Defensa 324, Buenos Aires. I.

Aceros "Styria" S. de R. L.—Esparza 43, Buenos Aires. I.

Afa-Tudor-Varta S. A., Fábricas Reunidas de Acumuladores.—Cangallo 2629, Buenos Aires. I.

Agencia Burgos.—La Quiaca, Jujuy. I–4.

Agfa Argentina.—Dr. Kurt Oppenheim y Cía.— Bernardo de Irigoyen 653, Buenos Aires. I.

Aiello de J. Carlos Armagnague, Casa J. Juan.—Bolívar 1828, Buenos Aires. I.

Air France.—Buenos Aires, and all branches in Argentina. I.

Almagro (tug owned by Delfino y Cía., Sociedad en Comandita Exclusividad de los Aceros "Boehler").—III–1.

Altschul, Mauricio Walter.—Bartolomé Mitre 367, Buenos Aires. III–1.

Amann, Eugenio.—Pampa 2975, Buenos Aires. I–1.

Ambrosini y Cía., F.—Cangallo 315, Buenos Aires. III–1.

Amme, Giesecke y Konegen S. de R. L.—25 de Mayo 252, Buenos Aires, I.

Ando y Cía., S.—Defensa 540, Buenos Aires. I.

Anilina "Colibri".—Avenida Alvarez Thomas 1340, Buenos Aires. I.

Anilinas Alemanas S. A.—Salta 323–25, Buenos Aires, and all branches in Argentina. I.

Arai, Takao Soto.—I.

Arbolito, S. de R. L.—Chacabuco 430, Buenos Aires. II–4.

Argentina Comercial e Industrial de Pesquería, Cía.—Defensa 1597, Buenos Aires. I.

Argentina de Cereales y Algodón S. A., Cía.—Moreno 970, Buenos Aires. I.

Argentina de Comercio S. A, Cía.—Moreno 970, Buenos Aires. I.

Argentina de Fiscalizaciones y Mandatos, Cía.—Reconquista 336, Buenos Aires. I.

Argentina de Importación y Exportación S. A., Cía.—25 de Mayo 11, Buenos Aires. I.

Argentina de Mandatos, Cía.—Reconquista 134, Buenos Aires. I.

Argentina de Máquinas S. de R. L., Cia.—Reconquista 336 y Moreno 986, Buenos Aires. I.

Argentina de Motores "Deutz Otto" Legítimo S. A., Cía.—Pueyrredón 602, Buenos Aires, and all branches in Argentina. I.

Argentina de Navegación de Ultramar, Cía.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 616, Buenos Aires, III–4; IV.

Argentina de Navegación, "Lloyd Argentina", S. A., Cía.—Florida 440, Buenos Aires. III–2.

Argentina Exportadora de Cereales S. A., Cía.—Corrintes 424, Buenos Aires. I.

"Argentina" Nueva Compañía General de Navegación S. A.—% A. M. Delfino y Cía., Florida 439, Buenos Aires. I; III–1.

Argentine Sanitary Corporation.—25 de Mayo 158, Buenos Aires. I.

Argento, Mario.—Buenos Aires. I.

Armagnague, Casa J. Juan Aiello de J. Carlos.—Bolívar 1828, Buenos Aires. I.

"ARSACO" Argentine Sanitary Corporation.—25 de Mayo 158, Buenos Aires. I.

Asaya, Sukeye.—Bartolomé Mitre 559, Buenos Aires. II–1.

Aseguradora Argentina, Cía. — San Martín 233, Buenos Aires. I.

Asociación de Comerciantes, Japoneses.—Corrientes 222, Buenos Aires. I.

Atlantis Sociedad Anómima de Préstamos y Edificación.—San Martín 195, Buenos Aires. III–2.

Atleta (tug owned by "La Porteña" Empresa de Remolcadores). III–1.

Aversa y Cía., Carlos.—Beazley 3651, Buenos Aires. II–3.

Baehne, Paul.—Cangallo 541 y Quesada 1919, Buenos Aires. II–1.

Baltzer, Werner.—Monroe 1378, Buenos Aires. I–1.

Banco Alemán Transatlántico.—Buenos Aires, and all branches in Argentina. I.

Banco di Nápoli.—Cangallo 332, Buenos Aires. I.

Banco Francés e Italiano para la América del Sud S. A.—Buenos Aires, and all branches in Argentina. I; III–1.

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[1] For listings in Argentina the address, Avenida Presidente Roque Sáenz Peña, has been amended with this revision to read: Avenida Presidente Roque Sáenz Peña (Diagonal Norte).

[2] Not to be confused with C. A. D. E., Compañía Argentina de Electricidad S. A., Balcarce 184, Buenos Aires.

Banco Germánico de la América del Sud.—Buenos Aires. I.

Barahona, Julio G.—Ayacucho 134, Buenos Aires. I–1.

Barbero, Luis.—Buenos Aires. I.

Barletta, Amadeo.—Buenos Aires. II–2.

Barral, Andrés.—Cabildo 607 esquina Pasaje Indio 2070, Avellaneda. III–1; III–2.

Barrionuevo, Carlos.—Santa Fe 5149, Lanús, F. C. S.; and Almafuerte 443, Avellaneda, F. C. S., B. A. III–4.

Bauckhage y Cía.—José Uriburú 259, Buenos Aires. I.

Bayer, S. A., La Quimica.—Cerviño 3101, Buenos Aires, and all branches in Argentina. I.

Baylon, Olindo.—Guido 1982, Buenos Aires. II–1.

Beiersdorf S. de R. L.—Rioja 1767, Buenos Aires. I.

Bein, Georg.—Leandro N. Alem 168, Buenos Aires. III–1.

Bekker, Werner.—Sarmiento 212, Buenos Aires. I.

Beltrame Ltda, S. A., Antenor.—Cañada de Gómez, Provincia de Santa Fe. III–3.

Berg-Boulin, Peter.—Buenos Aires. I.

Bergdolt, Alberto.—Avenida de Mayo 1437, Buenos Aires. II–4; III–2.

Berger y Cía., S. de R. L., Curt.—25 de Mayo 386, Buenos Aires. I.

Bernezzo, Victorio Asinari di.—San Martin 232, Buenos Aires. III–2.

Bernhardt, Hans.—Azcuenaga 1360, Vicente López, F. C. C. A. I–4.

Beutelspacher, Ernesto.—Sarmiento 815, Buenos Aires. I–1.

Bianchi, Armando.—Lafuente 184, Buenos Aires. II–5.

Biester, Hans.—Lavalle 2057, Buenos Aires. I.

Bini, J. Carlos.—Carlos Calvo 2526, Buenos Aires. III–2.

Bisleri Argentina, S. de R. L.—Avenida de Mayo 1402, Buenos Aires. I–3.

Blasco, Ramón.—Moreno 1353, Buenos Aires. III–4.

Bobbio & Castiglioni.—Sáenz Peña 105, Buenos Aires. I–3.

Bocklenberg, Paul.—Pampa 2975, Buenos Aires. I.

Boker y Cía., S. de R. L.—Moreno 437, Buenos Aires. I.

Bonacina y Cía.—Moreno 1423, Buenos Aires. I–3.

Bonacossa, Segundo.—Santa María 641, Buenos Aires. III–1.

Bonnetti, Andrés.—Pringles 1327, Buenos Aires. II–5.

Bonomo, Francisco.—Lavalle 1977, Buenos Aires. II–5.

Bonomo Film.—Lavalle 1977, Buenos Aires. II–5.

Borchardt y Cía., S. de R. L.—Moreno 369, Buenos Aires. I–4.

Borelli, Oscar Ricardo.—Génova 669, Ciudadela, F. C. O., B. A. II–1.

Bosch, S. A., Robert.—Río Bamba 340–50, Buenos Aires. I.

Bose, Walter.—Sarmiento 459, Buenos Aires. I.

Bosenberg, Rodolfo.—Rivadavia 633, Buenos Aires. II–5.

Brandt, Gottfried (Dr.).—Obligado 1720, Belgrano, Buenos Aires. I–1.

Brandt y Cía., G. (Dr.).—Victoria 3101, Buenos Aires. I.

Brauhardt & Lützeler.—Tacuari 591, Buenos Aires. I.

Brennecke, Carlos. — General Mitre 588, Rosario. III–3.

Bromberg y Cía., S. A. C.—Moreno 970, Buenos Aires, and all branches in Argentina. I.

Bruggemann, Heinrich.—Aguero 1549, Buenos Aires. II–4.

Brugger, Fernando G.—Arcos 2070, Buenos Aires. I.

Brugues, Antonio.—Cerrito 330, Buenos Aires. I–4.

Brunner, Francisco. — Avenida de Mayo 1035, Buenos Aires. I.

Buchlein, Gerardo. — Florida 1065, Buenos Aires. I.

Buessau, Carlos.—Alsina 890, Buenos Aires. I.

Bunge, O. F.—Casilla 1458, Buenos Aires. I.

Burgos, F. Isaías.—La Quiaca, Jujuy. I–4.

Busso Hermanos.—Avenida Pellegrini 398, Rosario. I–3.

"CADECA" Compañía Argentina de Cereales y Algodón S. A.—Moreno 970, Buenos Aires. I.

"CADECIN" Compañía Argentina de Comercio S. A.—Moreno 970, Buenos Aires. I.

"CADEFIMA" compañía Argentina de Fiscalizaciones y Mandatos. — Reconquista 336, Buenos Aires. I.

"CADEMA" Compañía Argentina de Máquinas S. de R. L.—Reconquista 336 y Moreno 986, Buenos Aires. I.

Cafici y Cía., R.—Reconquista 542 y Rivadavia 3440, Buenos Aires. II–2.

Caille, Jorge.—Sarmiento 1401, Buenos Aires. I–2.

Caimi y Pozzi.—Rincón 226, Buenos Aires. I–1.

Calera Avellaneda S. A.—Bartolomé Mitre 226, Buenos Aires. I.

Camacho, Cristóbal.—Avenida de Mayo, 869, Buenos Aires. I–2.

Camps, Nicolás.—Reconquista 46, Buenos Aires. III–4.

Cantiello, Alfredo.—Bolívar 643, Buenos Aires. III–1.

Capello, Marcos Osvaldo.—San Juan 4790, Lanús, F. C. S.; and Perrault 1166 y Moreno 970, Buenos Aires. III–3.

Caraffa, González Molina, Krommel y Cía.—San Juan 3344, Buenos Aires. III–4.

Carballo, Manuel.—Avenida Leandro N. Alem 1474 y 1510, Buenos Aires. II–2.

Carbonera Buenos Aires S. de R. L.—Belgrano 752, Buenos Aires. I.

"CARDIMEX" Compañía Argentina de Importacíon y Exportacíon S. A.—25 de Mayo 11, Buenos Aires. I.

Carozzo Rolleri, Mario.—Callao 53–61 y Serrano 1818, Buenos Aires. II–5.

Cartonería e Imprenta "Oefinger".—Córdoba 5653, Buenos Aires. I–1.

Casa Artus.—Bolívar 853, Buenos Aires. II–3.

Casa Denk-Aceros "Boehler", S. de R. L.—Belgrano 550, Buenos Aires. I.

Casa "Don Juan".—Segurola 1101, Buenos Aires. I–1.

Casa Fehling.—Avenida Alvear 3154, Buenos Aires. I–1.

Casa Itoh.—San Martín 66, Buenos Aires. I.

Casa Mika S. de R. L.—Directorio 192–194, Buenos Aires. I.

"Casa Pareja".—Chiclana 3360, Buenos Aires. II–2.

"Casa Pass".—Carlos Pellegrini 61, Buenos Aires. II–2.

Casa Pavese.—Cangallo 315, Buenos Aires. III–1.

Casa Petromax.—Perú 139, Buenos Aires. III–1.

Casa Stolzenberg.—Reconquista 358, Buenos Aires. I–4.

Causa, José María.—Avenida de Mayo 580, Buenos Aires. I–3.

Cayani, Hugo Paoletti.—Bartolomé Mitre 311, Buenos Aires. I.

Cebral, Antonio.—Congreso 2287, Buenos Aires. II–4.

Chiesa, Elio.—Esmeralda 320, Buenos Aires. II–4.

Chingotto, Julio Raúl.—Casilla 878, Buenos Aires; and Avenida Teniente General Uriburú 618, Lanús. I.

Christiani, Hans.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 637, Buenos Aires. I; IV.

Ciarlo, Agustín.—25 de Mayo 375, Buenos Aires. I.

Ciclope (tug owned by "La Porteña" Empresa da Remolcadores).—III–1.

Cilander, Augusto.—Simbrón 3328, Buenos Aires. I–1.

Cine Alvear.—Buenos Aires. I.

Cine Germania.—El Dorado, Gobernación de Misiones. III–1.

Cine Ideal Monroe.—Monroe 3245, Buenos Aires. II–4.

Cine Sociedad Italiana.—Resistencia, Gobernación de Chaco. III–1.

Cine Villa Allende.—Villa Allende, Provincia de Córdoba. III–1.

Clarfeld y Cía. Ltda., S. A., Federico.—Paseo Colón 746, Buenos Aires. I.

"Clarinada".—25 de Mayo 171, Buenos Aires. III–4.

Clemens, Pedro.—Bartolomé Mitre 559, Buenos Aires. I.

Clerici, Angelo.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 555, Buenos Aires. III–2; IV.

Club del Libro A. L. A., Amigos del Libro Americano.—Carlos Pellegrini 1536, Buenos Aires. I.

Cochico Sociedad Anónima Agrícola Ganadera. — Guamini, Provincia de Buenos Aires; and Cangallo 456, Buenos Aires. III–2.

Combescot, Jean. — Sarmiento 354, Buenos Aires. II–4.

Comercial de Ascensores Italianos Stigler Ltda., Cía.—San Martín 195, Buenos Aires. I.

Comino y Cía., Pablo.—Callao 35, Buenos Aires. I–4.

Comodoro Rivadavia (steamship owned by "Argentina" Nueva Compañía General de Navegación S.A.).— III–1.

"COMPAREX" Compañía Argentina Exportadora de Cereales S. A.—Corrientes 424, Buenos Aires. I.

Comunetti Hermanos.—Balcarce 851, Rosario. III–1.

Cóndor Ltda., Sindicato.—Corrientes 330–332, Buenos Aires. I.

"Continental" Compañía Transatlántica de Caoutchouc S. A.—25 de Mayo 145, Buenos Aires. I; III–1.

Correo Periodístico Sudamericano.—Buenos Aires. II–1.

Coutinho, Caro y Cía.—San Martín 232, Buenos Aires. I.

CPS (Correo Periodístico Sudamericano).—Buenos Aires. II–1.

Crefin, Sociedad Anónima Creditos y Financiaciones.—Bartolomé Mitre 311, Buenos Aires. III–2.

Crivelli, Carlos D.—Vieytes 226, Buenos Aires. III–4.

Crocitto, Geremías. — Bahía Blanca. III–4.

Daarnhouwer, J. F.—Defensa 320, Buenos Aires. I.

Daido Balki Kaisya Ltda.— I.

Dainesi, Julio.—Rosario, F. C. C. A. II–5.

Dainesi Hermanos.—Méjico 3240, Buenos Aires. II–5.

Danela, Hugo.—Carlos Pelligrini 1100, Avellaneda, F. C. S., B. A. II–1; III.

Daponte y Cía., José (hijo).—Uspallata 2741, Buenos Aires. II–1.

De Alarcón y Cía., Francisco.—Salcedo 490 y Mitre 5958, Wilde, F. C. S. III–2.

De Azevedo, Horacio V.—Rivadavia 1757, Buenos Aires. I–2.

De Con, Elías.—Santiago del Estero 949, Buenos Aires. III–1.

Delfino y Cía., A. M.—Florida 439, Buenos Aires. I; III–1.

Delta Compañía Forestal Argentina S. A.—Bernardo de Irigoyen 330, Buenos Aires. III–3.

Denk, G., y Cía., Sociedad en Comandita Exclusividad de los Aceros "Boehler".—Belgrano 550, Buenos Aires. I.

Deutsche La Plata Zeitung.—Corrientes 672, Buenos Aires. I.

Deutsche Lufthansa A. G.—All branches in Argentina. I.

Deutsches Nachrichtenbüro.—Buenos Aires. II–1.

"Deutz Otto" Legítimo, S. A., Compañía Argentina de Motores.—Pueyrredón 602, Buenos Aires, and all branches in Argentina. I.

Dieringer, Otto.—Alsina 531, Buenos Aires. I–4.

Dietz, Guillermo F.—Buenos Aires. III–3.

Di Fiore, Nicholás Eduardo. — Corrientes 565, Buenos Aires. I–1.

Dillenius y Cía.—Libertad 40, Buenos Aires. I.

Di Toma, Nicolás.—Bernardo de Irigoyen 584, Buenos Aires. II–2; III–2.

DNB (Deutsches Nachrichtenbüro).—Buenos Aires. II–1.

Dornfeld, Guillermo F.—Corrientes 424, Buenos Aires. I.

Droguería Retienne.—Sarmiento 1127, Buenos Aires. I.

Droguería y Farmacia "Internacional". — Rivadavia 70–74, Córdoba. III–1.

Ducati Argentina S. de R. L.—Lavalle 1675, Buenos Aires. I.

Duranona y Cía.—Alsina 1367, Buenos Aires. I.

Dyckerhoff y Widmann S. A.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 700, Buenos Aires. I; IV.

Ecke, Rodolfo Federico Francisco.—14 de Julio 636–48, Buenos Aires. III–3.

Ecke y Cía.—14 de Julio 636–48, Buenos Aires. III–3.

Edén La Falda S. A. La Falda, F. C. C. N. A., Córdoba. I–2.

Eder, José.—Corrientes 923, Buenos Aires. III–2.

Edificio Germánico Compañía Inmobiliaria S. A.—Leandro N. Alem 150, Buenos Aires. III–2.

Editora Italo Argentina, S. A.—Tucumán 439, Buenos Aires. I–1.

Editorial Argentina S. de R. L.—Rivadavia 655, Buenos Aires. I.

Editorial La Mazorca.—Piedras 338, Buenos Aires. I–4.

Eisenwerk, Wuelfel S. de R. L.—Alsina 971, Buenos Aires. I.

"El Argentino".—Uspallata 981, Buenos Aires. III–2.

"El Censor".—Bahía Blanca. III–1.

"El Crisantemo".—Cerrito 1168, Buenos Aires. I–2.

"El Fénix Sudamericano" Compañía de Reaseguros.—Bartolomé Mitre 226, Buenos Aires. I.

"El Pampero".—Piedras 338, Buenos Aires. I.

Electra Ltda., Compañía de Representaciones de Responsabilidad Ltda.—5 de Julio 494, Buenos Aires. I.

Electro Metalúrgica Argentina S. A., Soc.—Camino a la Plata y Carlos Fiorito, Avellaneda; Belgrano 857, Buenos Aires; and all branches in Argentina. I–1.

Elfers, Enrique.—Lavalle 749, Rosario. III–3.

Elkan, Américo Imre.—San Martín 235, Buenos Aires. III–4.

Ellerhorst, Fernando.—Reconquista 336, Buenos Aires. II–5.

Endler, Walter.—25 de Mayo 347, Buenos Aires. I.

Engels y Cía., S. de R. L.—Chacabuco 430, Buenos Aires. I.

Erb, Emilio.—Vera 1034, Buenos Aires. I–1.

Erba S. A., Agencia Carlos.—Paseo Colón 329, Buenos Aires. I.

Establecimientos Iguazú, S. de R. L.—Herrera 2097–2111, Buenos Aires. I–4.

Establecimientos Klöckner Sociedad Anónima Industrial Argentina.—Belgrano 931, Buenos Aires. I.

Establecimientos Sicar, S. de R. L.—Defensa 502 y Palpa 3543, Buenos Aires. III–3.

"EXANOR" Exportadora Argentina Norteña S. de R. L.—Levalle 754, Avellaneda, F. C. S., B. A.; and Carlos Pellegrini 1100, Salta, F. C. C. N. A., B. A. II–5.

Exportadora Argentina Norteña S. de R. L.—Levalle 754, Avellaneda; F. C. S., B. A.; and Carlos Pellegrini 1100, Salta, F. C. C. N. A., B. A. II–5.

F. I. R. C. A., Fábrica e Instaladora para Refrigeración y Calefacción Argentina Sociedad de Responsabilidad Ltda.—Rivadavia 719–23, Buenos Aires. I–4; III.

Faber "Lápices dos Martillos", Johann.—Victoria 1951, Buenos Aires. I.

Fábrica Argentina de Cierres Automáticos "De-Pe".—Marcos Sastre 3021, Buenos Aires. I–2.

Fábrica Argentina de Pólvora y Explosivos Dieterle S. de R. L.—Avenida del Carril 4435, Buenos Aires; and Sierras Bayas, F. C. S. II–3.

Fábrica de Acumuladores S.A.—Cangallo 2629, Buenos Aires. I.

Fábrica de Jabones y Productos Químicos "El Puma".—Estados Unidos 176, Bahía Blanca. II–4.

Fábrica e Instaladora para Refrigeración y Calefacción Argentina Sociedad de Responsabilidad Ltda.—Rivadavia 719–23, Buenos Aires. I–4.

Fábricas Reunidas de Utiles Sanitarios S. A.—Callao 1063, Buenos Aires. II–4.

Falhetty, Horacio.—Ovidio Lagos 1087, Rosario. I–1.

Fanal, S. de R. L.—Perú 139, Buenos Aires. I–2.

Fantoni, Mario.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 555, Buenos Aires. III–2; IV.

"FAPRO" Soc. de Resp. Ltda.—Reconquista 46, Buenos Aires. I.

Farma Platense S. de R. L.—Cavia 3333, Buenos Aires. I.

Farmacia Murray Florida.—Florida 501, Buenos Aires. I–2.

Farmacia Sarmiento.—Sarmiento 799, Buenos Aires. III–4.

Federación de las Asociaciones de Exportadores e Importadores del Japón para la América del Sud.—Corrientes 330, Buenos Aires. I–1.

Fehling, Guillermo E.—Avenida Alvear 3154, Buenos Aires. I–1.

Feise, Herman.—Sarmiento 212, Buenos Aires. I.

Feldrape, Ernst.—Hotel Argentino, Río Gallegos. II–2.

Fenner-Achenbach, Rodolfo Arturo.—Buenos Aires. I.

Ferloni y Montés.—Bernardo de Irigoyen 645, Buenos Aires. III–3

Fernández, Juan Antonio.—Rojas 1047, Buenos Aires. III–2.

Fernández Prado, Manuel.—Comodoro Rivadavia. II–4.

Ferretería Germania.—Perú 169, Buenos Aires. II–1; II–5.

Ferrocal S. de R. L.—San Lorenzo 1338 y Boulevard 27 de Febrero 799, Rosario; and Perú 79, Buenos Aires, III–3.

Ferrostaal S. A.—25 de Mayo 145, Buenos Aires. I.

Fiat Argentina S. A.—Buenos Aires. I.

Financiera y Comercial Fuhrmann, S. A.—Herrera 2272, Buenos Aires. I.

Finger, Pablo.—Perú 374, Buenos Aires. I.

Fiocchi, José.—San Martin 195, Buenos Aires. I–3.

Fiocchi & Co.—San Martín 195, Buenos Aires. I–3.

First Pan American Mercantile Corporation, Argentina, S. de R. L.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 917, Buenos Aires. I; IV.

Fischer, Carlos M.—La Rural 158, Buenos Aires. I–2.

Fischer, Guillermo.—Independencia 980, Buenos Aires. I.

Fischer, Máximo.[3] — Venezuela 2047, Buenos Aires. III–2; III–4.

Fleischner, Erwin.—25 de Mayo y Sarmiento (Casilla 1062), Buenos Aires. I.

Fontán, Marcos José.—El Hornero 265, Buenos Aires. I–1.

Fouquet, Paul.—Buenos Aires. III–2.

Frasca, Felice (Dr.).—Bartolomé Mitre 311, Buenos Aires. II–4.

Fratelli Branca S. de R. L.—Independencia 2838, Buenos Aires. III–2.

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[3] Not to be confused with Máximo Fischer, Cevallos 258 y Artayeta Castex 571, Olivos.

Frers, Pablo.—Reconquista 336, Buenos Aires. I.

Frers y Cía.—Segurola 1101, Buenos Aires. I–1.

Freund, Arturo.—Avenida San Martín 7161, Buenos Aires. II–4.

Freytag, Felix.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 651, Buenos Aires. I; IV.

Freytag, Werner.—Cerviño 3101 y Arenales 1987, Buenos Aires. I–3.

Friedrich, Alberto.—Bolívar 218, Buenos Aires. I.

Frohwein, Federico A.—Rivadavia 532 y Obligado 1720 (Casilla 883), Buenos Aires. I.

Frommhold, Humberto.[4]—San Martín 66, Buenos Aires. I–4; III–3.

Fuhrmann, Sociedad Anónima Financiera y Comercial.—Herrera 2272, Buenos Aires. I.

Fukushima, Iwao.—Cerrito 1168, Buenos Aires. I–2.

Gainza W., Luis.—La Quiaca. II–3.

Gamm E Hijo, J. E.—Sarmiento 385, Buenos Aires. I.

Gando, Pedro.—Yerbal 2186, Buenos Aires. I–1.

Gangler, Camilio M. F.—Paseo Colón 285, Buenos Aires. I.

García. Germán.—French 2859, Buenos Aires. I–1.

García, Sánchez y Cía.—Belgrano 1441, Buenos Aires. I–4.

Garling y Cía.—Perú 375, Buenos Aires. I.

Gartner, Eberhard.—Tabaré 1040, Buenos Aires. III–2.

Gassauer, Emilio.—Melián 2050 (Casilla 1676), Buenos Aires. I–2.

Gavatelli, Renzo.—Río Bamba 905, Buenos Aires. I.

Gebauer, Frederick Henry.—Lavalle 442, Buenos Aires. I–2.

"Geco" Compañía Industrial y Comercial S. A.—Balcarce 615–21, Buenos Aires. I.

Gehrls y Cía., Otto.—Carlos Pellegrini 61, Buenos Aires. II–2.

Geisenhof, Arturo.—Lavalle 1530, Buenos Aires. I.

General de Construcciones S. A., Cía.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 933, Buenos Aires. I; IV.

General de Financiaciones S. A., Cía.—San Martín 66, Buenos Aires. II–3.

General de Obras Públicas S. A., Cia.—Bernardo de Irigoyen 330, Buenos Aires. I.

General Mármoles y Piedras de Italia S. A., Soc.—Brasil 71–73, Buenos Aires. I.

"GEOPE" Compañía General de Obras Públicas S. A.—Bernardo de Irigoyen 330, Buenos Aires. I.

Ghiringhelli, Celestino.—Buenos Aires. I.

Giacompol, José.—Cangallo 1570, Buenos Aires. I–2.

Gigante (tug owned by "La Porteña" Empresa de Remolcadores).— III–1.

Giovanelli, Aquiles.—Salta 935, Buenos Aires. I.

Gleichentheil Aloisio.—Callao 53–61 y Serrano 1818, Buenos Aires. II–5.

Goliat (tug and salvage steamer owned by "La Porteña" Empresa de Remolcadores.—III–1.

Gómez, Antonio.—Salta 323 y Patagones 2756, Buenos Aires. III–2.

Gonçalves, Antonio.—Sarmiento 320, Buenos Aires. I–4.

González y Cía.[5]—Florida 501, Buenos Aires. I–2; I–4.

Gramm, Herbert.—Avenida de Mayo 1229, Buenos Aires. I–1.

Gran Cine Mitre.—Bartolomé Mitre 1332, Buenos Aires. II–2.

Gran Cine Teatro San Martín.—Buenos Aires. I.

Gran Edén Hotel.—La Falda, F. C. C. N. A., Córdoba. I–2.

Gran Farmacia Constitución.—Garay 1100, Buenos Aires. III–4.

Grieco, José Andrés.—Esmeralda 320, Buenos Aires. II–4.

Grimm, R.—Juncal 1980, Buenos Aires. I.

Grote, Arturo.—San Martín 361, Paraná, Entre Ríos. I–2.

Gruen & Bilfinger S. de R. L.—San Martín 235, Buenos Aires. I.

Gual, Manuel Angel.—Piedras de Gales 2565, Remedios de Escalada, F. C. S. II–3.

Guerra, Virgilio.—Chile 424, Buenos Aires. III–2.

Günther y Cía., Alfredo.—Balcarce 627 (Casilla 936), Buenos Aires. I.

Guthmann, Juan. — Callao 1984, Buenos Aires. I; II.

Haase, Alfonso.—Cochabamba 760, Buenos Aires. I–1.

Hamburg S. A. "La Plata" Line.—Florida 439, Buenos Aires. I.

Hara y Cía., N.—Belgrano 1470, Buenos Aires. I.

Hardt y Cía., Engelbert.—Corrientes 378, Buenos Aires. I.

Hartenstein, Wolf.—General Rodríguez 110, Lomas de Zamora. I–1.

Hartrodt y Cía., S. de R. L.—Lavalle 341, Buenos Aires. I.

Hasenclever y Cía.—Belgrano 673, Buenos Aires. I.

Hattori, Sadao.—Independencia 2650, Buenos Aires. I–1.

Hausner y Cía.—Perú 84, Buenos Aires. I.

Havero Trading Co. Ltda.—San Martín 296, Buenos Aires. I.

Hayd y Cía.—Carlos Calvo 708, Buenos Aires. I.

"Hechos".—25 de Mayo 171, Buenos Aires. III–3.

Heines, Sixta.—Bartolomé Mitre 3925, Buenos Aires. II–4.

Heinrich, Hans Werner.—Humberto I 2031 y Malabia 2561, Buenos Aires. III–4.

Heinze, Carlos.—Posadas 1575, Buenos Aires. III–3.

Hellen y Cía.—Moreno 1259, Buenos Aires. I.

Hellmuth, Max.—Reconquista 390 y Corrientes 424, Buenos Aires. I–1.

Henschel e Hijos S. A.—25 de Mayo, 145, Buenos Aires. I.

Herbener, Carlos O.—Cabildo 1268, Buenos Aires. I–1.

Hercules (tug owned by "La Porteña" Empresa de Remolcadores).—III–1.

Herder, F. A. (sohn).—Viamonte 750, Buenos Aires. I.

Herrero, Samuel de Dios.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte), Buenos Aires. III–2; IV.

Herrero y Cía.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 1119, Buenos Aires. III–2; IV.

Hilandería Florida, S. de R. L.—Gerardo V. Romano 560, Villa Martelli, Florida, F. C. C. A. III–3.

Hilandería Platense S. A.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 680, Buenos Aires. III–1; IV.

Hilb, Roberto (Dr.).—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 457, Buenos Aires. I–3; IV.

Hilger, Herman.—Corrientes 378, Buenos Aires. III–4.

Hillekamps, C. H. (Dr.)—Aristóbulo del Valle 556 Martínez, F. C. C. A., B. A. III–1.

Hirota, Ichiro.—Chile 1029, Buenos Aires. I–1.

Hohner, M., Sociedad Anónima Comercial e Importadora.[6]—Alsina 1156, Buenos Aires. I.

Holste y Cía., Juan J.—Sarmiento 212, Buenos Aires. I.

Holzmann Monaco, Michel.—Avenida Quintana 386, Buenos Aires. I.

Homann, Heinrich. — San Isidro, F. C. C. A. I–1.

Honda y Cía, Jiro.—Moreno 1320, Buenos Aires. I

Horn, Francisco L.—Progreso 1436, San Martín, F. C. C. A. II–3.

Hosmann y Cía. — Corrientes 330, Buenos Aires. I.

Hoter, Guillermo. — J. Penna 929, Olivos, F. C. C. A. I; II–5.

I. L. S. A., Importazione Lane S. A.—San Martín 195, Buenos Aires. I.

Iida y Cía. Ltda., Takashimaya.—Balcarce 260, Buenos Aires. I; III–3.

Il Mattino D'Italia.—Tucumán 439, Buenos Aires. I–1.

"IMAP" Soc. de Resp. Ltda.—Sarmiento 212, Buenos Aires. I.

Importazione Lane (Biella), S. A.—Universidad 1025, Buenos Aires. I.

Importazione Lane S. A.—San Martín 195, Buenos Aires. I.

Imprenta Beu.—Moreno 369, Buenos Aires. I–4.

Imprenta El Argentino. — Uspallata 981, Buenos Aires. III–2.

Imprenta Kuper.—Buenos Aires. II–5.

Imprenta "La Comercial". — Reconquista 1010, Buenos Aires. III–4.

Imprenta Mercur.—Paseo Colón 389, Buenos Aires. III–1.

Imprenta Optimus. — Bolívar 643, Buenos Aires. III–1.

"Inag" Fábricas Reunidas de Utiles Sanitarios S. A.—Callao 1063, Buenos Aires. I.

"INDUNIDAS" Sociedad Anónima Mercantil de Industrias Unidas.—Azopardo 858, Buenos Aires. I.

Industrial Textil Algodonera Argentina, S. A.—Moreno 1423, Buenos Aires. III–1.

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[4] Not to be confused with P. J. Fromhold, 25 de Mayo 347, Buenos Aires.

[5] Not to be confused with R. H. González & Co., Cangallo 315, Buenos Aires.

[6] Formerly M. Hohner Ltda., S. de R. L.

Industrial y Mercantil Thyssen Ltda., Cía., "Thyssen-Lametal".—Belgrano 752, Buenos Aires, and all branches in Argentina. I.

Industrias Rurales en el Río Negro, S. A. de.—Paseo Colón 317, Buenos Aires. II-2.

Instituto Behring de Terapéutica Experimental, S. de R. L.—Intendente Tomkinson s/sn. San Isidro, F. C. C. A. I-1.

Instituto Médico Veterinario Argentino.—San Juan 3344, Buenos Aires, III-4.

Insua, Carlos.—Bartolomé Mitre 311, Buenos Aires. III-2.

Intercambio Comercial Americano.—Tucumán 536, Buenos Aires. I.

"Intergrafic".—Avenida Presidente Roque Sáenz Peña (Diagonal Norte). 651 Buenos Aires. I; IV.

Isawa, Hiroshi.—Bartolomé Mitre 559, Buenos Aires. II-1.

Ishiy, Carlos C.—Bartolomé Mitre 341, Buenos Aires. I.

Itakura, Iwao.—Independencia 3693, Buenos Aires. II-3.

"ITALAR" Sociedad Anónima Industrial Téxtil Algodonera Argentina.—Moreno 1423, Buenos Aires. III-1.

"Italcable" Compañía Italiana dei Cavi Telegrafici Sottomarini S. A.—San Martín 318, Buenos Aires. I.

Italia-América, Sociedad Argentina de Empresas Marítimas.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 680, Buenos Aires. III-3; IV.

Italiana dei Cavi Telegrafici Sottomarini S. A., "Italcable" Cía.—San Martín 318, Buenos Aires. I.

Italiana Lanera S. A., Cía.—San Martín 478, Buenos Aires. I.

"Italmar" Sociedad Anónima de Empresas Marítimas.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 680, Buenos Aires. I; IV.

"Italéptica".[7]—Corrientes 571, Buenos Aires. I; III-2.

Iwai Argentina, S. de R. L.—Bartolomé Mitre 559, Buenos Aires. I-1; II-1.

Jobke, Alfredo.—Lafayette 1735, Buenos Aires. III-2.

Jobke & Neidig.—Lafayette 1735, Buenos Aires. III-2.

Jurado, Pedro A.—Avenida Ing. Luis A. Huergo 729, Buenos Aires. I-3.

Kade, Federico. — Jaramillo 4141, Buenos Aires. I.

Kaiser, Juan Pablo.—Buenos Aires. III-3.

Kanematsu Rioplatense, S. de R. L.—Piedras 113, Buenos Aires. I; II-1.

Kast y Ehinger S. de R. L.—Metán 4146, Buenos Aires. I.

Kato, K.—Viamonte 624, Buenos Aires. I.

Kato Bussan Kaisha Ltda.—Sarmiento 643, Buenos Aires. I-1.

Katsuda y Cía.—Méjico 1474, Buenos Aires. I.

Kawai, Kingo.— I.

Kellerhoff, Carlos. — Santa Fe 1364, Rosario. I.

Kemmler, Carlos.—Villas Iris, F. C. S. III-1.

Kemper, Hubert. — Arenales, 843, Buenos Aires. II-3.

Kern y Cía., Hugo.—Leandro N. Alen 643, Buenos Aires. II-5.

Kerndt, Otto. — Bolívar 144, Buenos Aires. III-1.

Kerstan, Werner Korth. — Venezuela 663 y Martínez 1934, Buenos Aires. II-1.

Ketelhohn Hermanos. — Bartolomé Mitre 311, Buenos Aires. I.

Kirchner, Erico. — Bartolomé Mitre 858, Buenos Aires. I-2; I-4.

Kirschbaum y Cía., S. en C.—Independencia 401, Buenos Aires, and all branches in Argentina. I.

Kirschen, Armand.—Diagonal Sud. 570, Buenos Aires. II-2.

Klapproth, Augusto.—Belgrano 263, Buenos Aires. III-2.

Klein, Otto.—25 de Mayo 158, Buenos Aires. I.

Knospe, Germán Carlos.—Buenos Aires. III-3.

Kobilinsky, Mauricio.—Avenida de Mayo 1370, Buenos Aires. III-1.

Koelble, Andrés.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 788, Buenos Aires. III-1; IV.

Koelble y Avery.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 788, Buenos Aires. III-1; IV.

Konig, Juan.—Sarmiento 459, Buenos Aires: I.

Konrad, Alberto.—Corrientes 424 y Reconquista 390, Buenos Aires. I-3.

"Kores" Soc. de Resp. Ltda.—Bolívar 825, Buenos Aires. I.

Korner, Carlos.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 651, Buenos Aires. I; IV.

Korth y Cía., Juan.—Venezuela 663, Buenos Aires. I.

Krapf, José.—Libertad 565, Buenos Aires. I-2.

Krapf, Otto.—Libertad 565, Buenos Aires. I-2.

Krapf y Cía.—Libertad 565, Buenos Aires. I-2.

Kreuz, Carlos.—25 de Mayo 158, Buenos Aires. I.

Kreuz y Cía.—25 de Mayo 158, Buenos Aires. I.

Krommes, Hertha Niebuhr de.—Malabia 1754, Buenos Aires. III-1.

Krommes, Roberto.—Malabia 1754, Buenos Aires. III-1.

Kropp, Sociedad Colectiva, R. & H.—Venezuela 1782, Buenos Aires. I-3.

Kruger, Luis.—Estancia San Juan, Estación Tres Sargentos, F. C. C. G., B. A. I.

"Krupp" Sociedad Metalúrgica Argentina S. A.—Sarmiento 329, Buenos Aires. I.

Kumasaka, Seishiro.—Guayaquil 87, Buenos Aires. I-1.

Künstler e Hijos, Carlos.—Sarmiento 1411, Buenos Aires. I.

Kuperschmid, Guillermo.—Bolívar 1268, Buenos Aires. II-5.

Kuribayashi, Yohiji.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 832, Buenos Aires. II-3; IV.

Kuwahara, Kiyozo.—Buenos Aires. I.

Kyburg, Bernardo L.—Perú 375, Buenos Aires. I.

Kyburg, Luis. Perú 375, Buenos Aires. I.

L. A. T. I., Linhas Aéreas Transcontinentaes Italiana S. A.—Buenos Aires. I.

L. S. 2 Radio Prieto Broadcasting.—Bolívar 1356, Buenos Aires. III-4.

La Agencia Domei.—Buenos Aires. II-1.

La Agencia Euroamérica.—Buenos Aires. II-1.

La Agencia Stefani.—Buenos Aires. II-1.

La Ferretería Alemana.—Sarmiento 1401, Buenos Aires, and all branches in Argentina. I; III.

"La Flexible" S. de R. L.—Malabia 1754, Buenos Aires. III-1.

"La Germano-Argentina" Compañía de Seguros.—Maipú 262, Buenos Aires. I.

"La Gran China".—Sarmiento 740, Buenos Aires. I.

"La Holandesa".—Cangallo 868, Buenos Aires. II-5.

"La Internacional" Compañía de Seguros.—Corrientes 330, piso 6°, Buenos Aires. II-3.

"La Maison Satuma".—Juncal 776, Buenos Aires. I-2.

La Mannheim, Compañía de Seguros.—Corrientes 330, Buenos Aires. I.

La Plata Ozalid, S. de R. L.—Piedras 825, Buenos Aires. I-3.

La Plata Post.—Corrientes 672, Buenos Aires. I-1.

"La Porteña" Empresa de Remolcadores.—c/o A. M. Delfino y Cía., Florida 439, Buenos Aires. I; III-1.

"La Protectora", Compañía de Seguros.—Corrientes 330, Buenos Aires. I-4.

"La Querencia" S. A., Compañía Immobiliaria y Financiera.—Bernardo de Irigoyen 330, Buenos Aires. I-1.

La Química Bayer S. A.—Cerviño 3101, Buenos Aires, and all branches in Argentina. I.

La Serica Platense, S. de R. L.—Moreno 1423, Buenos Aires. I-3.

La Unión Bulonera Argentina, S. de R. L.—Almafuerte 475, Avellaneda. I-3.

"La Varesina".—Balcarce 851, Rosario. III-1.

Laboratorio Químico Biológico S. A.—Monroe 1378, Buenos Aires. I.

Laboratorios Apice.—Humberto I 1739, Buenos Aires. III-4.

Laborda, Manuel J.—Lavalle 900, Buenos Aires. I-1.

Lacasia, José Pablo.—Cangallo 1570, Buenos Aires. I-2.

Lahusen y Cía., Ltda.—Paseo Colón 317, Buenos Aires. I.

Lamota, José.—Avenida Montes de Oca 2211, Buenos Aires. III-3.

Lange, Otto.—Bolívar 218, Buenos Aires. I.

Lanz, Werner.—Gazcón 352, Buenos Aires. II-1.

Lapaco, Arcadio.—Castillo 1533, Buenos Aires. I.

Larssen, H. W.—Bolívar 218, Buenos Aires. I.

Larssen, Henry Gualterio.—Bolívar 218, Buenos Aires. I.

Lechner, Walter.—Piedras 881, Buenos Aires. III-1.

Leeb, Curt H.—Callao 53-61 y Serrano 1818, Buenos Aires. II-5.

Leineweber y Cía.—Sarmiento 740, Buenos Aires. I.

Leisse y Cía.—Chacabuco 390, Buenos Aires. I.

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[7] Owned by Santos Zaghi.

Lemm Bustos, Jorge.—Buenos Aires. III-4.

Lenger, Ferdinand.—Bartolomé Mitre 1265 y Cevallos 411, Buenos Aires. I.

Lentz, G.—Quilmes. I.

Lentz, Wolf.—Sarmiento 459, Buenos Aires. I.

Leonardini Hermanos.—Garay 1058, Buenos Aires. III-4.

Leporace, Julio.—Soler 288, Bahía Blanca. III-1.

"Librería Alemana".—Sarmiento 328, Buenos Aires. I-3.

Librería Goethe.—Corrientes 366, Buenos Aires. III-2.

Libreria "La Cultura".—San Martin 361, Paraná, Entre Rios. I-2.

Liebl, José.—Marcos Sastre 3021, Buenos Aires. I-2.

Lima, Luis.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 1119, Buenos Aires. III-2; IV.

Linder, Severino.—Santiago del Estero 466, Buenos Aires. III-3.

Linhas Aéreas Transcontinentaes Italiana S. A.—Buenos Aires. I.

Linificio e Canapificio Nazionale S. A.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 825, Buenos Aires. I; IV.

Lloyd Norte Alemán.—25 de Mayo 267, Buenos Aires. I.

Lohmann, Otto W.—Alsina 2478 y Córdoba 5653, Buenos Aires. I; II-5.

Lohmann & Walther.—Córdoba 5653, Buenos Aires. I-1.

López, Félix.—Casilla 2434, Buenos Aires. I.

López, I. Mario.—25 de Mayo 140, Buenos Aires. I-1; III-4.

López Rojas, Juan.—Corrientes 565, Buenos Aires. II-1.

Loray, José.—Lavalle 416, Buenos Aires. II-5.

Lowengard, Enrique Guido.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 1119, Buenos Aires. III-2; IV.

Ludorf, Pablo.—Pasteur 1302, Vicente López, B. A. III-4.

Lynen, Gustavo.—Estados Unidos 176, Bahía Blanca. II-4.

Mackenzie Ltda., S. de R. L.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 547, Buenos Aires. I-3; IV.

Madryn (steamship owned by "Argentina" Nueva Compañía General de Navegación, S. A.). III-1.

Malagamba, Francisco.—Cangallo 315, Buenos Aires. I-2.

Maldonado y Cía.—Callao 1553, Rosario. III-3.

Malvar, José.—Defensa 119, Buenos Aires. I-1.

Mammes, Bernhard.—Alsina 2196, Buenos Aires. I-4.

Mampoy, Julio.—Lavalle 341, Buenos Aires. I.

Mancasola, Teodoro.—Juncal 3453, Buenos Aires. I-3.

Mang, Erwin.—25 de Mayo 347, Buenos Aires. I-1.

Mannesmann Ltda., Sociedad Tubos.—Belgrano 327, Buenos Aires, and all branches in Argentina. I.

Manuello y Cía.—Callao 1553, Rosario. II-3.

Marelli Motores S. A.—Callao 353, Buenos Aires, and all branches in Argentina. I.

Markstahler, Carlos Federico.—Avenida Leandro N. Alem 1474 y 1510, Buenos Aires. II-2.

Marra y Cía., Mario.—Santa Fe 3170, Buenos Aires. III-1.

Marsan S. A., Guido Ajmone.—Herrera 2272, Buenos Aires. I.

Martens, Thilo.—25 de Malo 267, Buenos Aires. I.

Martens y Cía. S. de R. L.—25 de Mavo 267, Buenos Aires. I.

Martínez, Manuel.—Corrientes 330, Buenos Aires. I-1.

Maubach, Guillermo.—Sarmiento 381, Buenos Aires. I.

Mayer & Magnus S. de R. L.—Leandro N. Alem 168, Buenos Aires. I.

Mayrhofer y Cía., S. de R. L., Ludóvico.—Pueyrredón 930, Buenos Aires. I.

Mazzoni, Guido.—José P. Varela 5451, Buenos Aires. III-1.

Mehr, Hugo.—Sarmiento 459, Buenos Aires. I.

Meldon Export Corporation.—San Martin 50, Buenos Aires. I.

Mercantil Argentina S. A. C., Cía.—Bartolomé Mitre 430, Buenos Aires. III-2.

"Mercedes-Benz" Automóviles.—Avenida General Alvear 2620, Buenos Aires. I.

Merck Química Argentina S. A.—Roseti 1084, Buenos Aires. I.

Mérida, Juan.—Alsina 1328, Buenos Aires. III-3.

Mertig, Roberto.—Serrano 1818 y Callao 45-61, Buenos Aires. I.

Mesquera, Pascual Pino.—O'Higgins 1577, Buenos Aires. I.

Metzinger & Schinkel.—Alsina 1367, Buenos Aires. I.

Meyer, Raúl Federico Carlos.—Corrientes 330, Buenos Aires; Avenida San Martín 222, Bahía Blanca; Puerto Madryn and Trelew. III-4.

Meyer y Cía. Ltda., L. D.—Paseo Colón 301, Buenos Aires. I.

Meyer y Cía, S. A. C., Diego.—Corrientes 330, Buenos Aires; Avenida San Martín 222, Bahía Blanca; and all branches in Argentina. II-1.

Mezger, Alberto.—Chacabuco 430, Buenos Aires. II-4.

Michelizzi, Natalio. — Piedras 1073, Buenos Aires. III-3.

"Midos" Compañía Argentina Financiera y Fideicomisaria S. de R. L.—25 de Mayo 145, Buenos Aires. III-4.

Midzuno, T.—Uspallata 981, Buenos Aires. III-2.

Mieth, Germán.—Bartolomé Mitre 2224, Buenos Aires; and Constitución 750, Haedo. I-4.

Milani, Tomaso.—Buenos Aires. II-1.

Millinghausen, Guillermo.—5 de Julio 489, Buenos Aires. I.

Mimoto, S.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 616, Buenos Aires. I-1; IV.

Miniño, Juan.—Chacabuco 1553, Buenos Aires. I.

Miramatsu, T.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 995, Buenos Aires. I; IV.

Mitsubishi Argentina S. de R. L.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 832, Buenos Aires. I; IV.

Mitsui Bussan Kaishi.— I.

Molinos Fénix S. A.—Córdoba 1411, Rosario, and 25 de Mayo 347, Buenos Aires. III-3.

"Monopol" Ltda., S. de R. L.—Médanos 1328-30 y Maturín 2666, Buenos Aires. I.

Montagna, Luis.—Bolívar 535, Buenos Aires. I.

Moreda, Juan.—Bolívar 238, Buenos Aires. II-5.

Moreira, Alberto.—Reconquista 134, Buenos Aires. III-2.

Moreira, Enrique.—Reconquista 134, Buenos Aires. III-2.

Moreira, Juan Carlos.[8]—Cangallo 559, Buenos Aires. II-4; III-1.

Morikawa, Jojuro.—Chile 332, Buenos Aires. II-3.

Morishita, Harunoshin.—Piedras 611, Buenos Aires. II-5.

Morisita, Juan.—Piedras 611, Buenos Aires. II-5.

Moro Sociedad Anónima Comercial, Industrial y Financiera.—Avenida Alvear 4476, Buenos Aires. III-1; III-3.

Morseletto S. A., Establecimientos Metalúrgicos. — Helguera 1481, Buenos Aires. I-1.

Mosqueda, Obdulio. — Cochabamba 2362, Buenos Aires. III-2.

Mostachi, Juan.—25 de Mayo 87, Paraná, Provincia de Entre Ríos. III-2.

Motores Diesel Modaag Sendling S. de R. L.—Perú 707, Buenos Aires. I.

Motte, Otto.—Buenos Aires. I-1.

Motte y Cía. Ltda., Sociedad Anónima Comercial e Importadora, Otto.—Córdoba 1467, Buenos Aires. I.

Mourgues, Armando.—Belgrano 263, Buenos Aires. III-2.

Mourgues & Klapproth.—Belgrano 263, Buenos Aires. III-2.

Muchall, Juan.—Victoria 561, Buenos Aires. I-1.

Mühlenberg, F.—Lavalle 350, Temperley, F. C. S. I.

Muller, Juan Pablo Eberhard.—Alberti 374 y Metán 4176, Buenos Aires. II-5.

Murai, Taro.—Maipú 463, Buenos Aires. I.

"Naaki" Soc. de Resp. Ltda.—Sarmiento 212, Buenos Aires. I.

Nagrassus, Federico A.—Lavalle 428, Buenos Aires. I.

Nagrassus y Cía., Emilio.—Reconquista 358, Buenos Aires. I-4.

Nambei, Yokobori.—Larrea 1287, Buenos Aires. III-4.

"Nambei" Compañía de Importación y Exportación S. A.—San Martín 379, Buenos Aires. I.

"Naumann".—Independencia 401, Buenos Aires. III-4.

Nebiolo, S. A.—Paseo Colón 542, Buenos Aires. I.

Neddermann, Rodolfo.—Ramón B. Castro 601 (Casilla 499), Buenos Aires. II-2.

Nehab & Winter.—Santiago del Estero 386, Buenos Aires. I-4.

Neidig, Carlos.—Lafayette 1735, Buenos Aires. III-2.

Nellen y Cía.—Azopardo 1271, Buenos Aires. I-1.

Neuberger, Roberto.—Venezuela 632, Buenos Aires. III-1.

Niebuhr, C. Ernesto (Dr.).—Reconquista 336, Buenos Aires. I-1.

Nishizawa, Takeo.—Buenos Aires. I.

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[8] Not to be confused with Carlos Moreira, Isabel la Católica 110-116, Buenos Aires.

Nobel y Naumann.—25 de Mayo 145, Buenos Aires. I.

Noss, Augusto.—Alsina 531, Buenos Aires. I.

Novaro, Francisco.—Corrientes 330, Buenos Aires; Avenida San Martín 222, Bahía Blanca; Puerto Madryn and Trelew. III–4.

Nueva Lubecka, Sociedad Anónima Comercial Rural y Mercantil.—Reconquista 336, Buenos Aires. III–3.

Oberst, Herman.—Rodríguez Peña 530, Buenos Aires. I.

Oberst, Pedro.—Rodríguez Peña 530, Buenos Aires. I.

Oberst Hnos.—Rodríguez Peña 530, Buenos Aires. I.

"Obimare" Soc. de Resp. Ltda.—25 de Mayo 11, Buenos Aires. I.

"OCA" Organización Cinematográfica Argentina.—Rodriguez Peña 190 y Cangallo 439, Buenos Aires. II–5.

Oehley, Max.—Alsina 971, Buenos Aires. II–4.

Oficina Científica Knoll.—Alsina 2196, Buenos Aires. III–4.

Oficina de Turismo del Japón.—Florida 746, Buenos Aires. I–1.

Ogawa, I.—Jujuy 136, Buenos Aires. I–1.

Ohmstede, Emilio.—General Mitre 588, Rosario. III–3.

Ohno, K.— I–1.

Okamoto, Hidenosuke.— I.

Olivetti Argentina Sociedad Anónima Comercial e Industrial.—Florida 677, Buenos Aires. I.

Omura, M.—San Martín 235, Buenos Aires. I.

Operaciones, Inmobiliarias y Mutuos "La Sureña", S. A. de.—Bahía Blanca. III–4.

Oppenheim y Cía., Dr. Kurt-Agfa Argentina.—Bernardo de Irigoyen 653, Buenos Aires. I.

Orbis, Sociedad Anónima Industrial Metalúrgica.—Callao 53–61 y Serrano 1818, Buenos Aires. II–5.

Orduvini, Augusto H.—Bernardo de Irigoyen 330 y Santa Fe 3936, Buenos Aires. I.

Orenstein & Koppel S. A.—San Martín 66 Buenos Aires. I.

Organización Cinematográfica Argentina.—Rodríguez Peña 190 y Cangallo 439, Buenos Aires. II–5.

Ortkras, Germán.—Avenida Alvarez Thomas 1340, Buenos Aires. I.

Osaka Syosen Kabusiki Kaisya-Compañía Japonesa de Navegación.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 616, Buenos Aires. I; IV.

Oses, Enrique.—Buenos Aires. I.

"Osram" Compañía Argentina de Lámparas Eléctricas S. A.—Luca 2251, Buenos Aires, and all branches in Argentina. I.

Ottonello y Cía.[9]—Corrientes 4757, Buenos Aires. I–4.

Oubiña y Cía.—Corrientes 424, Buenos Aires. I–1; I–2.

Pabstmann, Teodoro.—Paseo Colón 520, Buenos Aires. I.

Pairolat y Bianchi.—25 de Mayo 11, Buenos Aires. III–2.

Palanza, Augusto (Dr.).—Cangallo 1570, Buenos Aires. I–2.

Pallavicini y Cía., S. A. C., E.—Moreno 970, Buenos Aires. I.

Palombelli, Juan. — Suipacha 644, Buenos Aires. III–1.

Pando, Gonzalo.—Moreno 970, Buenos Aires; and Villa Angela, F. C. Santa Fe. II–3; III–3.

Pappier, F.—Bahía Blanca. I.

Pareja, Compañía Argentina de Hierros y Aceros, Sucesión de José.—Chiclana 3360, Buenos Aires. II–2.

Patow y Cía.—Venezuela 131, Buenos Aires. I.

Pawlowski, Juan.—Bartolomé Mitre 1265, Buenos Aires. I.

Pazcazzi, Antonio. — Laprida 888, Rosario. I–1.

Pazcazzi, Joaquín.—Laprida 888, Rosario. I–1.

Pellegrini y Cía., Clemente.—Carlos Pellegrini 1536, Buenos Aires. I.

Pereira, Manuel.—Casilla 355, Buenos Aires. I; II–5.

Pérez Martín, Julián.—Chiclana 420, Bahía Blanca. III–4.

Perfumerias Tosca, S. A.[10]—Blanco Encalada 3145, Buenos Aires. II–5; III–2.

Perimar S. de R. L.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 1119, Buenos Aires. II–5; IV.

Pesci, Remo.—Juan de Garat 2260, Olivos. I.

Pfeifer & Huber.—José E. Uriburú 746, Buenos Aires. I–2.

Pfeiffer Sáenz, Christian Edmundo.—San Martín 235, Buenos Aires. III–2.

Phoenix Shipping Co., Argentina, S. de R. L.—25 de Mayo 158, Buenos Aires. I.

Pieper & Otto.—Moreno 451, Buenos Aires. I–4.

Pierini, Américo.—Ayacucho 134, Buenos Aires. I–1.

Pino, Pascual.—O'Higgins 1577, Buenos Aires. I.

Pinturería Leidi.—Libertad 565, Buenos Aires. I–2.

Platense de Electricidad Siemens-Schuckert S. A., Cía.—Avenida de Mayo 869, Buenos Aires, and all branches in Argentina. I.

Polito, Rosario.—Cerrito 792, Buenos Aires. III–4.

Potrykus, Wladislaus.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 615, Buenos Aires. I–1; IV.

Pouldji, Miguel Eduardo.—Chile 1477, Buenos Aires. I.

Pozzi, Caimi.—Rincón 226, Buenos Aires. III–3.

Prescher, Carlos.—Humberto I 1739, Buenos Aires. I–2.

Produmet Argentina.—Avenida Quintana 386, Buenos Aires. I.

Pucci, Lorenzo.—Bahía Blanca. III–4.

Química Importadora y Exportadora, Sociedad Comercial y Industrial de Responsabilidad Ltda.—Gazcón 352, Buenos Aires. II–1.

Química Schering S. A.—Monroe 1378, Buenos Aires. I.

Racca, Edgardo.—Rosario. I–1.

Rademacher y Cía., W.—25 de Mayo 145, Buenos Aires. I.

"Radio Corporación Italo Americana".—Méjico 936, Buenos Aires. II–2.

Radio Prieto Broadcasting L. S. 2.—Bolívar 1356, Buenos Aires. III–4.

Rahe, Guillermo. — Corrientes 330, Buenos Aires; Avenida San Martín 222, Bahía Blanca; Puerto Madryn and Trelew. III–4.

Ranger, Jacobo.—Puerto Monte Carlo, Misiones. I–4.

Ranieri, Amilcar.—Lavalle 1977, Buenos Aires. II–5.

Rappard, Gustavo A.—San Martín 232, Buenos Aires. I.

Reinhold, F.—Casilla 2034, Buenos Aires. I.

Reinke, Gustavo.—Bolívar 144, Buenos Aires. I.

Reiser, Engelbert.—Avenida Alcorta 3733, Buenos Aires. II–2.

Retienne S. en C., Eduardo.—Sarmiento 1127, Buenos Aires. I.

Rheinmetall-Borsig Compañía Argentina de Máquinas S. de R. L.—25 de Mayo 375, Buenos Aires. I.

"Rhenania" Sociedad Anónima Comercial y Financiera.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 933, Buenos Aires. III–2; IV.

"Rhodius" Sociedad Anónima Comercial y Financiera.—Reconquista 336, Buenos Aires. I.

Rhodius y Cía.—Avenida de Mayo 560, Buenos Aires. I.

"Ribereña del Plata" Compañía Sudamericana de Comercio S. A.—Avenida de Mayo 869, Buenos Aires, and all branches in Argentina. I.

Ricordi Americana, Sociedad Anónima Editorial y Comercial.—Cangallo 1570, Buenos Aires. 1–2.

Riecke, Juan. — Paseo Colón 389, Buenos Aires. III–1.

Riedel y Lavalle S. de R. L.—Lavalle 2666–68, Buenos Aires. I.

Rihaco, S. de R. L.—Belgrano 1470, Buenos Aires. I–4.

Rimpler, Félix Máximo.—Avenida Leandro N. Alem 1474 y 1510, Buenos Aires. II–2.

Rocamora, Guillermo Ricardo.—Santa Fe 3934, Buenos Aires. III–4.

Rocco, Domingo.—Avenida de Mayo 1035, Buenos Aires. III–1.

Rodríguez y Cía.—Nicasio Orono 691–93, Buenos Aires. III–2.

Roediger, Rodolfo.—Perú 707, Buenos Aires. I.

Roemmers y Cía., Alberto, J.—Antequera 1165, Buenos Aires. I.

Rola y Cía.—Villa Mercedes, San Luis; and Cañada Verde, Córdoba. III–3.

"Rolaf".—Avenida San Martín 7161, Buenos Aires. II–4.

Rosenberg Hillegaart, Julio.—Florida 229, Buenos Aires. III–3.

Rosmino, Atilio.—Corrientes 424, Buenos Aires. III–4.

Roth, Juan Arnoldo.—San Martín 113, Buenos Aires. III–4.

Runze, Artur.—Chile 1477, Buenos Aires. I.

Ruppert, Helmuth.—Bebedero 2712, Buenos Aires. III–4.

Rural Los Cerros de San Juan y Cochicó S. A., Cía.—Cangallo 546, Buenos Aires; and Calle No. 7, La Plata, F. C. S. II–2.

Rustom y Hnos., Rachid A.—Reconquista 1010, Buenos Aires. III–4.

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[9] Not to be confused with Ottonello Hermanos y Cía., Perú 330, Buenos Aires.

[10] Distributors of eau de cologne "No. 4711".

S. A. T. I., Sociedad Anónima Tabacchi Italiani.—Alberti 40, Buenos Aires. I.

S. E. B. A., Servicios Envios Buenos Aires, Compañía Argentina de Representaciones.—Cangallo 541, Buenos Aires. I.

S. E. M. A., Sociedad Electro Metalúrgica Argentina S. A.—Camino a la Plata y Carlos Fiorito, Avellaneda; Belgrano 857, Buenos Aires; and all branches in Argentina. I–1.

Saibene, Miguel Etchegaray.—Cangallo 460, Buenos Aires. III–2.

Salado, Luis.—General Lavalle 754–56, Avellaneda; and Carlos Pellegrini 1100, Salta. I–3.

Salado y Cía.—General Lavalle 754–56, Avellaneda; and Carlos Pellegrini 1100, Salta. I–3.

Salbach & Landoni.—Sarmiento 2580, Buenos Aires. III–2.

Salerno Hermanos.—Matheu 1553, Buenos Aires. I–3.

Salgado, José Manuel.—Díaz Vélez 4912, Buenos Aires. III–2.

Salsa, Hijos de Bernardo.—Belgrano 510, Buenos Aires; F. Amegino 330, Evellaneda, B. A.; and General Pico, Gobernación de La Pampa. III–3.

Samson (salvage steamer owned by "La Porteña" Empresa de Remolcadores).—III–1.

San Martín (tug owned by Delfino y Cía., Sociedad en Comandita Exclusividad de los Aceros "Boehler").— III–1.

Sandmann, Kurt.—Avenida de Mayo 1370, Buenos Aires. I.

Savelsbergh y Cía., José.—Buenos Aires. I.

Schaack, Luis R.—Victoria 1951, Buenos Aires. I.

Scharf & Velten S. de R. L.—Alsina 1871, Buenos Aires. I.

Schering S. A., Química.—Monroe 1378, Buenos Aires. I.

Schinkel, John.—Alsina 1367, Buenos Aires. II–3.

Schmidt, C. A. D.—Pino 3502, Buenos Aires. I.

Schmidt, Neithold.—Libertad 1358, Buenos Aires. I.

Schmidt, Ricardo.—Adrogué, F. C. S., B. A. II–5.

Schneider, Herbert Luis.—Paraguay 110, Alta Gracia, Provincia de Córdoba. III–3.

Schnitzler, Ricardo.—Corrientes 923, Buenos Aires. III–2.

Schnitzler y Eder.—Corrientes 923, Buenos Aires. III–2.

Schoeller, Carlos J.—Rioja 1584, Rosario. III–2.

Schreiterer, Julio.—Paseo Coló 317, Buenos Aires. II–2.

Schriefer, Erwin.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 760, Buenos Aires. III–4; IV.

Schubert, Victor.—Bernardo de Irigoyen 330, Buenos Aires. I.

Schulz Pablo.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 651, Buenos Aires. I; IV.

Schulze, Otto.—Sarmiento 459, Buenos Aires. I.

Schuhmann y Schrenk.—Victoria 1922, Buenos Aires. III–2.

Schumann, Ella Emma Kaufmann de.—Avenida Leandro N. Alem 1474 y 1510, Buenos Aires. II–2.

Schumann Walter.—Avenida Leandro N. Alem 1474 y 1510, Buenos Aires, II–2.

Schumann y Cía. S. de R.L., W.—Avenida Leandro N. Alem 1474 y 1510, Buenos Aires. II–2.

Schweizer & Malvar.—Defensa 119, Buenos Aires. I–1.

Schwippert, Casa Arturo.—Bolívar 853, Buenos Aires. II–3.

Seculi & Gahn.—General Mitre 1563, Rosario. II–3; III–2.

Sedas Gutermann S. A.—Gutiérrez 3972, Buenos Aires. I.

Seifert & Co.—25 de Mayo 145, Buenos Aires. I.

Servicio Aéreos Cóndor, Ltda.—Corrientes 330–336, Buenos Aires. I–2.

Servicios Envios Buenos Aires, Compañía Argentina de Representaciones.—Cangallo 541, Buenos Aires. I.

Seufer, Emilio.—Corrientes 550, Buenos Aires. I–1.

Shimazu, S.—Piedras 113, Buenos Aires. I.

Shimozato, Minosuke.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 616, Buenos Aires. I–1; II–1; IV.

Shore, León.—Bartolomé Mitre 3927, Buenos Aires. I–4.

Shore y Hermano, L.—Rivadavia 70–74, Córdoba. III–1.

Siderúrgica Panamérica Inc., Cía.—Paseo Colón 285, Buenos Aires. I.

Siemens y Halske A. G.—Buenos Aires. I.

Siemens-Bauunión Compañía Platense de Construcciones S. A.—Avenida de Mayo 869, Buenos Aires. I.

Siemens-Schuckert S. A., Compañía Platense de Electricidad.—Avenida de Mayo 869, Buenos Aires, and all branches in Argentina. I.

Sigmaringo, Eduardo F.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 501, Buenos Aires. II–4; IV.

Silva, Alberto P.—Pedro Mendoza 1635, Buenos Aires. III–4.

Sindermann, Hans.—Alsina 675, Buenos Aires. II–5.

Sindicato Cóndor Ltda.—Corrientes 330–332, Buenos Aires. I.

Sommer, Rodolfo Carlos.—San Martín 66, Buenos Aires. II–3.

Sommer, E. R. & R. C.—San Martín 66, Buenos Aires. II–3.

Soquel, Heriberto C.—25 de Mayo 347, Buenos Aires. III–3.

Soteras y Cía., S. de R. L., Camilo.—Avenida Castañares 1435, Buenos Aires. II–2.

Soucek, Adalberto.—25 de Mayo 347, Buenos Aires. I; II.

Spahr, Carlos.—Buenos Aires. I–1.

Speratti Romanelli.—Victoria 3274, Buenos Aires. III–3.

Springer, C. W.—Avenida Montes de Oca 1015, Buenos Aires. I.

Springer y Möller S. A.—Zepita 3177, Buenos Aires. I.

Starke, E. G.—Rincón 477, Buenos Aires. I.

Staudt y Cía., S. A. C.—Bernardo de Irigoyen 330, Buenos Aires, and all branches in Argentina. I.

Steenhus y Cía., C.—Reconquista 336, Buenos Aires. I.

Steiger y Cía.—Reconquista 491, Buenos Aires. III–4.

Steinhorst, George.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 530, Buenos Aires. I; IV.

Stinnes, Ltda., Sociedad Anónima Comercial e Industrial, Hugo.—25 de Mayo 145, Buenos Aires. I.

Stinnes, Marítima S. A., Hugo.—25 de Mayo 145, Buenos Aires. I.

Storch, Guillermo.—Corrientes 366, Buenos Aires. III–2.

Storz, Carlos W.—Tucumán 839, Buenos Aires. I.

Storz y Cía., S. de R. L., C. W.—Tucumán 839, Buenos Aires. III–3.

Stover Argentina S. A.—Perú 347, Buenos Aires. III–3.

Strohschnitter y Cía.—Cangallo 315, Buenos Aires. I.

Suárez, Fernando A.—25 de Mayo 11, Buenos Aires. III–3.

Suárez, Víctor.—Juncal 3453, Buenos Aires. I–3.

Sucesores Muchall y Cía.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 530, Buenos Aires. I; IV.

Suda, Kenkichi.—Bartolomé Mitre 559, Buenos Aires. I–1; II–1.

Suematsu, Daizaburo. — Bartolomé Mitre 559, Buenos Aires. II–1.

T. A. E. M., Talleres Argentinos Electro-Mecánicos.—Belgrano 752, Buenos Aires. I–3.

Taacks, Walter.—25 de Mayo 140 (Casilla 1326), Buenos Aires. I–2.

Tabacchi Italiani, S. A.—Alberti 40, Buenos Aires. I.

Takashimaya, Iida y Cía., Ltda.—Balcarce 260, Buenos Aires. I; III–3.

Takeuchi, Y.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 995, Buenos Aires. I; IV.

Takinami, B.—Victoria 2702, Buenos Aires. I.

Talleres Argentinos Electro-Mecánicos.—Belgrano 752, Buenos Aires. I–3.

Talleres Fotograbado "El Lucero" S. de R. L.—Piedras 346, Buenos Aires. II–3.

Talleres Gráficos Bodonia S. A.—Tucumán 439, Buenos Aires. II–1.

Talleres Gráficos La Aurora.—Chile 424, Buenos Aires. III–2.

Talleres Mecánicos "JONE".—Lafayette 1735, Buenos Aires. III–2.

Tanke, C. G.—Leandro N. Alem 2160, Buenos Aires. I.

Taufer, Willy.—Perú 169, Buenos Aires. II–1.

Taufer Hermanos.—Perú 169 Buenos Aires. II–1.

Tausch Máximo.—Callao 53–61 y Serrano 1818, Buenos Aires. II–5.

Teatro American Palace.—Córdoba 1785, Buenos Aires. II–1.

Teatro Asociación Patriótica Italiana.—Blandenguez 225, Bahía Blanca, F. C. S. III–1.

Teatro Belgrano.—Calles San Martín y San Juan, Rosario. I–1.

Teatro Cineac.—Corrientes 565, Buenos Aires. II–1.

Teatro El Dorado.—El Dorado, Gobernación de Misiones. III–1.

Teatro Marconi.—Rivadavia 2330, Buenos Aires. III–1.

Teloni, Gaetano.[11]—San Martín 66, Buenos Aires. II–1; III–3.

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[11] Representative in Argentina for Banca Nazionale del Lavoro of Rome, Italy.

Territorial, Rural y Mercantil Sudamericana, S. A.—Corrientes 378, Buenos Aires. III–4.

Thenee, José.—Belgrano 774 y Ramella 127, Bernal, Provincia de Buenos Aires. III–2.

Thomae, Frederico Otto Heinrich.—Belgrano 530, Buenos Aires. I

Thorhauer y Cía.—Martín Rodríguez 1140, Buenos Aires. I.

"Thyssen-Lametal" Compañía Industrial y Mercantil Thyssen Ltda.—Belgrano 752, Buenos Aires, and all branches in Argentina. I.

Tiberia Film.—Lavalle 1977, Buenos Aires. II–5.

Titan (tug owned by "La Porteña" Empresa de Remolcadorés).— III–1.

Tjarks & Co., Hermann.—Corrientos 672, Buenos Aires. I.

TO (Transocean).—Buenos Aires. II–1.

Tobías, Julius.—Corrientes 4910, Buenos Aires. I–1.

Tolentino, Gino.—San Martín 195, Buenos Aires. II–1.

Tonetti, Andrés.—City Hotel, Buenos Aires. I–2.

Trabanco, Aquilino.—Bernordo de Irigoyen 15, Buenos Aires. I.

Trabanco, Casa A. Bernardo de Irigoyen 15, Buenos Aires. I.

Transatlántica de Caoutchouc S. A., "Continental" Cía.—Lavalle 1681, Buenos Aires. I.

"Transocean" Agencia Noticiosa.—Buenes Aires. I.

Treuhand Sociedad de Administración y Mandatos.—Leandro N. Alem 150, Buenos Aires. III–4.

Treusch, Alberto.—Bolívar 218, Buenos Aires. II–5.

Trombauer, Alberto.—Reconquista 336, Buenos Aires. I.

Trombino, Guillermo C.—Esmeralda 191, Buenos Aires. I.

Tsuda, Masao.—Junín 1479, Buenos Aires. III–2.

Tsuji, S.—Chile 299, Buenos Aires. I.

Tsukamoto, T.—Sarmiento 643, Buenos Aires. I–1.

Tubos Mannesmann Ltda., Soc.—Belgrano 327, Buenos Aires, and all branches in Argentina. I.

U. F. A. Universans Film Aktiengesellschaft.—Lavalle 2057, Buenos Aires. I.

Uhlitzsch y Cia.—Cramer 1376, Buenos Aires. I–1.

Unión Alemana de Gremios.—Buenos Aires. III–4.

"Unitas" Compañía Financiera Argentina S. A.—Bernardo de Irigoyen 330, Buenos Aires. I–1.

Valcarenghi, Guido.—Cangallo 1570, Buenos Aires. I–2.

Valdani, Víctor.—Tucumán 439, Buenos Aires. I–1.

Van der Velde, Otto.—Sarmiento 459, Buenos Aires. I.

Van der Velde y Cía., Otto.—San Martín 235, Buenos Aires. I.

Van der Velde y Wraage S. de R. L.—Sarmiento 459, Buenos Aires. I.

Van Rossum, Ernesto.—Santiago del Estero 532, Buenos Aires. I–4.

Van Rossum, Juan M.—Santiago del Estero 532, Buenos Aires. I–4.

Velden Ltda., S. de R. L.—Florida 229, Buenos Aires. III–3.

Vendemiati, Pablo.—Lavalle 1118, Buenos Aires. II–4.

Vicum y Cia. S. de R. L., Carlos.—Cangallo 362, Buenos Aires; and General Martín Rodríguez 324–36, Adrogué, F. C. S. III–3; III–4.

Vigo, Luis Gerónimo.—Cangallo 868, Buenos Aires. II–5.

Vilallonga, Fermin.—Solís 206 y Cangallo 362, Buenos Aires. II–5.

Viscosa Platense, S. A.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 825, Buenos Aires. I–3; IV.

Vlasov, Alexander.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 616, Buenos Aires. III–4; IV.

Vogel, Ernesto.—Perú 707, Buenos Aires. II–2.

Volberg, Enrique.—Leandro N. Alem 168, Buenos Aires. I.

Von Borries, Kurt.—25 de Mayo 195, Buenos Aires. I–1.

Von Borries & Bubach.—25 de Mayo 195, Buenos Aires. I–1.

Von Buch, Max.—O'Higgins 1347, Buenos Aires. II–3.

Von den Velden, Reinhard Alexander.—Florida 229, Buenos Aires. III–3.

Von Ehrenstein, H. S.—5 de Julio 1289, Vicente López. I–1.

Von Engels, José.—Avenida de Mayo 981, Buenos Aires. I.

Von Schulz-Hausmann, F.—Bernardo de Irigoyen 330, Buenos Aires. I.

Von Seidlitz, Eitel Fritz.—Florida 439, Buenos Aires. III–1.

Von Seidlitz, Wilhelm.—Florida 439, Buenos Aires. III–1.

Von Simons, Walter.—Avenida de Mayo 833, Buenos Aires. III–1.

Von Tyszka, Enrique.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 547, Buenos Aires. I–3; IV.

Vsetecka, Miroslav.—Perú 457, Buenos Aires. I.

Wachter, Jorge.—Pozos 67, Buenos Aires. I–3.

Wagenpfeil, Enrique.—Monroe 3245, Buenos Aires. II–4.

Wagner S. de R. L., Gunther.—Humberto I 2031, Buenos Aires. I.

Waii y Cía.—Bartolomé Mitre 531, Buenos Aires. I.

Walser, Wald y Cía.—Florida 486, Buenos Aires. I.

Walther, Emilio.—Pichincha 68 y Córdoba 5653, Buenos Aires. I–1; II–5.

Wasser, Rudolfo.—Buenos Aires. I–1.

Wayss & Freytag S. A.—Leandro N. Alem 168, Buenos Aires. I.

Wechsberg, Alberto.—Avenida Mitre 4827, Villa Dominico, F. C. S. III–3.

Wechsberg, Ricardo.—Avenida Mitre 4827, Villa Dominico, F. C. S. III–3.

Weco y Cía.—Avenida Mitre 4827, Villa Dominico, F. C. S. III–3.

Weinschenk, Martín.—Moreno 970, Buenos Aires. I–3.

Wella-Sudamerica, S. A.—General Paz 1891–99 y Sucre 2500, Buenos Aires. I–1.

Wendel, Rodolfo.—Bernardo de Irigoyen 440, Buenos Aires. I–1.

Wendler, Ernst.—Avenida de Mayo 580, Buenos Aires. II–3.

Wenkebach, Georg.—San Isidro, F. C. C. A. I–1.

Wenzel, Francisco.—Kilómetro 7, Gerli, Avellaneda. I.

Werner, Enríque Roberto.—Córdoba 1411, Rosario. III–3.

Werner, F. R.—Córdoba 1411, Rosario. III–3.

Werners, Juan Gerardo.—Conesa 2757, Buenos Aires. I.

Weygand, Ernesto.—Florida 229, Buenos Aires. I–4.

Wilckens Hermanos.—Carlos Tejedor 1742, Lanús. I.

Wilkening, Harry.—Sarmiento 329, Buenos Aires. I–3.

Wilkening, Walter.—Sarmiento 329, Buenos Aires. I–3.

Winkler y Cía.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 636, Buenos Aires. I; IV.

Witte, Max.—Avenida La Plata 31, Buenos Aires. I.

Wolff, Bruno.—Tabaré 1040, Buenos Aires. III–2.

Wolff, Eckard.—Tabaré 1040, Buenos Aires. III–2.

Wolff, S. de R. L., Bruno.—Tabaré 1040, Buenos Aires. III–2.

Wollanke, Federico.—25 de Mayo 347, Buenos Aires. I–1.

Wolters, Juan.—Moreno 970, Buenos Aires. II–4.

Wraage, Bernardo.—Sarmiento 459, Buenos Aires. I.

Yamada y Cía. S. de R. L., S.—Moreno 2033–39, Buenos Aires. I.

Yamamoto Hnos.—Talcahuano 487, Buenos Aires. I.

Yamashita Kisen Kaisha, Ltda.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 616, Buenos Aires. I–1; II–1; IV.

Yokohama, Kenkichi. — Esmeralda 1080, Buenos Aires. I–1.

Yokohama Specie Bank Limited.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 825, Buenos Aires. I; IV.

Zaghi, Santos.—Corrientes 571, Buenos Aires. I.

Zarazaga, José M.—25 de Mayo 158, Buenos Aires. II–5.

Zbrojovka Ceskolovenska S. A.—25 de Buenos Aires. I.

Zeising, Herman.—Moreno 550, Buenos Aires. II–5.

Zeiss, Carl.—Bernardo de Irigoyen 330, Buenos Aires. I.

Zimmermann, Eduardo.—25 de Mayo 158, Buenos Aires. 1–3.

BOLIVIA

Abel, Helmouth.—Trinidad. II–5.

Adad, Selín.—Yanacocha 354, La Paz. I–1; III.

Albert, Fritz.—Sucre 134, Cochabamba. II–1; III.

Albert y Cía., F.—Casilla 124, Cochabamba. II–5.

Almacén "El Sol".—Socabaya 250 (Casilla 297), La Paz. I–3; III.

Almacenes Ono.—Comercio 436, La Paz. I.

Alvarado, Julián.—La Paz. I.

Aoki, Kanji.—Colón 120 (Casilla 212), La Paz. I; III.

Aoki, Raúl K.—Sagárnaga y Avenida Santa Cruz, La Paz. I.

Ashton & Schulz "El Condor".—Mercado esquina Colón (Casilla 205), La Paz. I–1; II–2; III.

Baer, H.—Mercado esquina Yanacocha, La Paz. I–1; III.

Bar Comercio.—Cochabamba. II–1.

Barber, Alfredo O.—España 39–43, Cochabamba. I–1; III.

Barber, Harold.—Tarija. II–3.

Barraca Ferdinandt.—Avenida 6 de Agosto (Casilla 324), Oruro. I; III.

Barrientos, Emilio.—Mercado esquina Yanacocha, La Paz. I; III.

Bazar Fuji.—Mercado 216 (Casilla 527), La Paz. I; III.

Bazar Fukuya.—La Plata 1446, Oruro. I; III.

Bazar Japonés.—Potosí 323 (Casilla 53), La Paz. I; III.

Bazar Matsuya.—Mercado 1–7, La Paz. I.

Bazar Tokyo.—Yanacocha 362 (Casilla 436), La Paz. I; III.

Bazar Unión.—Comercio 322 (Casilla 720), La Paz. I; II; III.

Bazar Yokohama.—J. Samjinés 273, La Paz. I.

Becerra, Alberto.—La Paz. III–3.

Beckmann, Fritz.—Calle Ladislao Cabrera, Cochabamba. II–1; III.

Beckmann, Hans.—Calle Ladislao Cabrera, Cochabamba. II–1; III.

Bedregal Vela, Daniel.[1]—Mercado esquina Yanacocha, La Paz. I; III.

Benavides, I. A.[2]—Calle Ayacucho (Casilla 7), La Paz. I; II–1; III.

Bendel y Cía.[3]—Ayacucho 279, La Paz. I; III.

Benthin, Max.—Cochabamba. III–2.

Biggemann, Antonio.—Socabaya 274 (Casilla 573), La Paz. I–1; III.

Biggemann Company, Antonio.—Socabaya 274 (Casilla 573), La Paz. I–1; III.

Bock, Rudolf.—Esteban Arce 193, Cochabamba. II–5.

Bollweg, L.—La Plata esquina Adolfo Mier, Oruro. I; III.

Borda Vicenio, José.—España 501, Cochabamba. I; III; III–4.

Borgolte, Rudolph.—Plaza San Francisco, La Paz; and Nataniel Aguirre 144, Cochabamba. I; III.

Botica, Germania.—6 de Octubre esquina Bolivar, Oruro. I; III.

Brandes, Robert.—Sucre 170, Cochabamba. II–1; III.

Brito, Octavio Peña.—Avenida Camacho esquina Colón, La Paz. I; II–1; III.

Brocker, Bruno.—Cochabamba. I.

Buck Sucrs., Joyería y Relojería F.—Mercado 126 (Casillo 397), La Paz. II–2.

Burgos, F. Isaías.—Villazón. I.

Capdevila, José.—Santa Cruz de la Sierra. I.

Carpintero, Juan A.—La Paz. II–4.

Casa Bernardo.—Avenida Camacho esquina Colón (Casilla 685), La Paz. I; III.

Casa Gundlach.—Reyes Ortiz 73 (Casilla 15), La Paz, and all branches in Bolivia. I; III.

Casa Komori.—Comercio 495 (Casilla 682), La Paz. I; III.

Casa "Marmo".—Bolívar 646, Oruro. II–4.

Casa Ochiay.—Socabaya 250 y Potosí 345 (Casilla 281), La Paz. I; III.

Casa Oishi.—Mercado 55 (Casilla 178), La Paz. I; III.

Casa Orión.—Sagárnaga y Avenida Santa Cruz, La Paz. I.

Casa Sahashi.—Yanacocha 488, La Paz. I.

Casa Satsuma.—Comercio 396, La Paz. I.

Casa Sawaya.—Comercio 505 (Casilla 53), La Paz. I; III.

Casa Showa.—Comercio 468 (Casilla 844), La Paz. I; III.

Casa Universal.—Loayza 88 (Casilla 478), La Paz. III–2.

Cattoretti y Cía., V.—Loayza 49 (Casilla 1313), La Paz. I.

Cazorla, Miguel.[4]—Plaza San Francisco, La Paz. I–1; III.

Chávez F., Humberto.—Riberalta. II–5.

Chávez y Cía., Humberto.—Riberalta. II–5.

Christiansen, Walter.—Cochabamba. II–4.

Conzelman, Oscar.—Tarija. I.

Conzelman y Cía.—Tarija. I.

Dauelsberg, Flard.—Avenida Montés 702 (Casilla 68), La Paz., and all branches in Bolivia. II–1.

Dauelsberg, Percy.—Avenida Montés 702 (Casilla 68), La Paz. II–1

Dauelsberg y Cía. — Avenida Montés 702 (Casilla 68), La Paz, and all branches in Bolivia. I.

Daut, Beatrice Denz de.—Murguía 1645, Oruro. I–1; I–3; III.

De Fujiike, Takeko.—Mercado 216 (Casilla 527), La Paz. I–1; III.

Delius, Antonio.—La Paz. II–4.

De Loaiza, Carlos.—Avenida Camacho esquina Colón, La Paz. I; II–2; III.

Deutsche Lufthansa A. G.—All branches in Bolivia. I.

Díaz, Adalid.—Mercado esquina Yanacocha, La Paz. I; II–2; III.

Dillmann, Ricardo.—Cochabamba. I–1.

Doelger, Hermann.—Perú 60, Cochabamba. II–1; III.

Donoso, Humberto.—Yacuiba. II–3.

Dorado, Manuel.—La Paz. I–1.

Droguería Albrecht.—Colón 402 (Casilla 432), La Paz. I; III.

Droguería Hamburgo.—Socabaya 126 (Casilla 262), La Paz. I.

Durán A., Miguel.—Riberalta. II–5.

Edenhofer, M.—Mercado 126 (Casilla 397), La Paz. II–2.

Edenhofer, R.—Mercado 126 (Casilla 397), La Paz. II–2.

"El Cóndor".[5]—Mercado esquina Colón (Casilla 205), La Paz. I–1; III.

"El Fénix".[6]—Potosí 225 (Casilla 167), La Paz. I–2; III.

"El Louvre".—Potosí 393 (Casilla 26), La Paz. III–2.

"El Sol".—La Plata esquina Adolfo Mier, Oruro. I; III.

Elsner y Cía., Bernardo.—Avenida Camacho esquina Colón (Casilla 685), La Paz. I; III.

Elsner y Cía., Juan.—Mercado esquina Socabaya (Casilla 454), La Paz, and all branches in Bolivia. I; II–4; III.

Encinas, Gerardo.—Mercado esquina Socabaya (Casilla 454), La Paz. I; III.

Endo, Mario.—Calles J. Sanjinés y Potosí, La Paz. II–3.

Ernst, Rotmann & Co.—Yanacocha esquina Ingavi (Casilla 422), La Paz. I; III.

Escher, Leo—Sucre. I.

Excelsior, The.—Calle Belisario Salinas (Casilla 629), La Paz. I–1; III.

Fábrica de Camisas.—Calle Fernando Guachalla, La Paz. I.

Fábrica de Fideos "La María".—Tarija. II–3.

Fábrica de Jabones y Velas.—Bolívar 95–97, Potosí. I–3.

Fábrica de Salchichas Tunari.—Cochabamba. II–1.

Farmacia Nueva.—La Paz. I.

Ferdinandt, Kurt.—Calle Bolívar, Oruro. I; III.

Ferretería Findel.—Adolfo Mier esquina Pagador (Casilla 50), Oruro. I; III.

Ferretería Mueller.—Plaza 14 de Septiembre, Cochabamba. II–1.

Ferrostaal A. G. Essen.—Yanacocha 368 (Casilla 514), La Paz. I.

Flores, Pedro M.—Avenida Montés 740, La Paz. II–2.

Flossbach, Walter.—La Paz. II–1.

Forns Samso, Francisco.—Potosí 490 (Casilla 476), La Paz. I.

Foto Jensen.—Colón 64, La Paz. II–3.

Fujiike, Tomaste.—Mercado 216 (Casilla 527), La Paz. I; III.

Fujiike y Cía.—Mercado 216 (Casilla 527), La Paz. I–1; III.

Gainza W., Luis.—Villazón. II–3.

Garage Beckmann.—Calle Ladislao Cabrera, Cochabamba. II–1; III.

Gasser, Gebhard.—Calle Bolívar, Cochabamba. II–1; III.

Gasser e Hijos.—Calle Bolívar, Cochabamba. I; III.

Gitschtaler, José.—Calle Colón, La Paz. I–1; III.

Glaeser, Arnold.—6 de Octubre esquina Bolívar, Oruro. I; III.

Goto, Masayoshi.—Mercado 216, La Paz. I–1.

Gross, Hans.—Bolívar 95–97, Potosí. I–3.

Gross, Margarita Vladislavić de.—Bolívar 95–97, Potosí. II–4.

Guardia, Darío.—Avenida Camacho esquina Colón, La Paz. I; III.

Guidi, Armando.—Plaza 25 de Mayo 15 (Casilla 189), Sucre. I–1; III.

Guidi Hermanos.—Plaza 25 de Mayo 15 (Casilla 189), Sucre. I–1; III.

Gumuchio, Juan.—Cochabamba. I.

Gumucio, Juan.—Cochabamba. I.

Gundlach & Co., Cornelius F.—Calle Reyes Ortiz (Casilla 15), La Paz, and all branches in Bolivia. I; III.

Gushi, José.—Riberalta. III–3.

Gushi, Juan.—Riberalta. III–3.

Hagen y Cía., S. en C.—Calle La Plata, Oruro. I–1.

Hardt, E. & W.—La Paz. I; II–1.

Harjes, H.—Colón 168 (Casilla 526), La Paz. I.

Hayakawa, Torajiro.—Loayza 192 (Casilla 19), La Paz. I; II; III.

Hayashida, Angel.—Riberalta. **III–3.**

Heinrich, Pablo.—Trinidad. **II–5.**

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[1] Not to be confused with Daniel Bedregal Urquizo, La Paz.

[2] Not to be confused with Alberto Benavides.

[3] Not to be confused with Baender y Cía., La Paz.

[4] Not to be confused with Cazorla Hermanos, Casilla 69, La Paz; Mollendo (Peru); and Arica (Chile).

[5] Not to be confused with Radio "El Cóndor" (CP 15 and CP 20), La Paz.

[6] Not to be confused with Editorial "El Fénix" de Rafael Quiroga, Comercio 66, La Paz.

Hero S. A., Compañía de Representaciones y Comercio en General.[7]—Avenida Montés 660 (Casilla 422), La Paz. I; III.

Hertzog, Carlos.—La Paz. I–4.

Higa, Rioki.—Comercio 362, La Paz; and Hoyas 13, Potosí. I; III.

Higa, Rioko.—La Paz. I.

Higa, Rosita.—Riveralta. II–5.

Higa Hermanos.—Riberalta. II–5.

Higa Hnos.—México 358, La Paz. I.

Higa y Cía.—Bolívar 526, Oruro. I; III.

Higa y Cía., Ryoko K.—Linares 29, Potosí. I; III.

Higa y Hno., Rioko.—16 de Julio 45, La Paz. I; I–2.

Hinojosa, Jorge.—La Paz. III–3.

Hiramatsu, M.—Mercado 1–7, Edificio Ultima Hora (Casilla 475), La Paz. I; III.

Hochstätter, Francisco.—Aniceto Arce 21–23, Sucre; and Potosí. II–1; III; III–4.

Hochstätter, Juan.—Aniceto Arce 21–23, Sucre; and Potosí. II–1; III; III–4.

Hochstätter Hnos.—Aniceto Arce 21–23, Sucre; and Potosí. II–1; III; III–4.

Hubert y Cía.—La Paz and Cochabamba. II–4.

"IBUSA" Industrias Bolivianas Unidas S. A.—Casilla 215, La Paz. II–4.

Imon, Yutaka.—Sagárnaga 227, La Paz. I; III–4.

Imprenta Antoniana.—Tarija. II–3.

Imprenta y Editorial Eléctrica.—Calle Colón, La Paz. I–1; III.

Imprenta y Librería "La Escolar".—Potosí 490 (Casilla 476), La Paz. I.

Industrias Bolivianas Unidas, S. A.—Vásquez 246 (Casilla 215), La Paz. I; III.

Inoue, Koichiro.—Comercio 468 (Casilla 844), La Paz. I–1; III.

Ismael Akileh, Emilio.—Oruro. I–4.

Ismael Akileh, Hach.—Oruro. I–4.

Ismael Akileh, Moussa.—Oruro. I–4.

Ismael y Cía., H.—Oruro. I–4.

Jacobsen, Haye.—Viacha and La Paz. I.

James, Eduardo.—Tarija. I.

Japonesa, Cía.—Riberalta. II–5.

Jensen, Otto.—Colón 64, La Paz. II–3.

Joyería y Relojería F. Buck, Sucrs.—Mercado 126 (Casilla 397), La Paz. II–2.

Katura, Alberto.—Trinidad. II–5.

Kawamura, Isaac.—Comercio 322 (Casilla 270), La Paz. I; I–4.

Kawamura, Y.—Comercio 322 (Casilla 270), La Paz. I; I–4; III.

Kawamura y Cía., Y.—Comercio 322 (Casilla 270), La Paz. I; II; III.

Kayaki, J.— I.

Keidel y Cía.—Potosí. I.

Kernkamp, George.—Cochabamba. II–1.

Kina, Julio.—Evaristo Valle 95–97, La Paz. I.

Kishimoto, Kiyugo.—Riberalta. III–3.

Kiyonari, Enrique N.—Loayza s/n, La Paz. I.

Kiyoto, Miguel K.—Camacho y Colón, La Paz; and Nataniel Aguirre 70, Cochabamba. I; III.

Koester, Germán.—Avenida 20 de Octubre 557, La Paz. I; III.

Kohlberg, Julius.—Tarija. I.

Kollros, Paul.—Cochabamba. II–1.

Komori, Santiago T.—Fernando Guachalla s/n (Casilla 693), La Paz. I; III.

Komori y Cía., T.—Comercio 495 (Casilla 682), La Paz. I; III.

Kremser, Luis.—Guayaramerín. II–5.

Kuguimiya, Guillermo.—Oruro. I.

Kuhne, Werner.—Calle Esteban Arce, Cochabamba. II–1; III.

Kummel, Beatriz Denz viuda de.—Murguía 1645, Oruro. I; III.

Kusćević, Juan.—Oruro and Cochabamba. II–2.

Kyllmann, Bauer y Cía.—Mercado esquina Yanacocha, La Paz, and all branches in Bolivia. I; III.

Laguna, Martinić y Cía.—Calvo 23–25 (Casilla 70), Sucre. II–4.

Linale, Nícola.—La Paz. III–3.

Linale & Weiss.—Avenida Montés 786–794 (Casilla 216), La Paz, and all branches in Bolivia. III–3.

Loeffler, Erick.—Potosí. II–1.

López, Alberto.—La Paz. I–1.

Luján, Macedonio.—La Paz. I–4.

Lutsch, Sigmar.—Casilla 199, Cochabamba. I.

Machiduke, Emilio.—San Andrés, Beni. II–5.

Maeshiro, R. K.—Bolívar 536, Oruro. I; III.

Maimura, Antonio.—Trinidad. II–5.

Mansmann, Hans.—Plaza 10 de Febrero (Casilla 45), Oruro. I; III.

Marmo, Kimimichi.—Bolívar 646, Oruro. II–4.

Masmann, H.—Plaza 10 de Febrero (Casilla 45), Oruro. I; III.

Matsuya.—Mercado 1–7, La Paz; and Cochabamba. I.

Medina Santa Cruz, Hugo.—Bolívar 60 (Casilla 167), Potosí; and Sucre. II–1; III.

Medina Santa Cruz, Almacenes "El Globo" de Hugo.[8]—Bolívar 60, Potosí; and Sucre. II–1; III; IV.

Methfessel, Gerhard.—Tarija. I.

Michimata, Miguel.—Comercio 481, La Paz. I.

Minakawa, K.—Loayza 161 (Casilla 16), La Paz. I; III.

Mitsui & Co.—La Paz. I.

Mohanna, Nassib.—Socabaya 250 (Casilla 297), La Paz. I–3; III.

Moll, José O.—La Paz. II–1.

Montaño, Teófilo.—Avenida 6 de Agosto esquina Bolívar, Oruro. I; III.

Mori, Luis T.—Bolívar 525, Oruro. I; III.

Mueller, Karl.—Plaza 14 de Septiembre, Cochabamba. II–1.

Murakami, Sebastián.—Trinidad. II–5.

Nachtmann, Anna K.[9]—La Paz. II–3; II–4.

Nagao, Jacinto.—Trinidad. II–5.

Nakamura, Kokiguro. — Riberalta. III–3.

Nakazano y Cía.—Colón 120, La Paz. I.

Nishi, Lucio D.—Comercio 468 (Casilla 844), La Paz. I; III.

Noda, Carlos T.—Bolívar esquina 6 de Octubre, Oruro. I; III.

Noda, Domingo.—Trinidad. II–5.

Oberlis, Alfredo.—Jordán 69, Cochabamba. II–1; III.

Oberlin y Cía.—Jordán 69, Cochabamba. II–1; III.

Ochiay, Vicente R.—Socabaya 250 y Potosí 345 (Casilla 281), La Paz. I; III.

Ochiay y Cía.—Socabaya 250 y Potosí 345 (Casilla 281), La Paz. I; III.

"Ocularium" Instituto de Optica Moderna.—Género Sanjinés 429, La Paz. I–1.

Oishi, Alberto.—Mercado 55 (Casilla 178), La Paz. I; III.

Oizumi, Alejandro.—Yanacocha 328, La Paz. I.

Oizumi, Roberto K.—La Paz. III–1.

Oizumi y Miranda.—J. Sanjinés 273, La Paz. I.

Ojara, Luis.—Trinidad. II–5.

Oku, Carlos K.—Comercio 396, La Paz. I.

Olmos, Emilio M.—La Paz. I.

Omote, Hiroji.—Cochabamba 62, La Paz. I; II.

Omoya, Tomás.—Bolívar 439, Oruro. I; III.

Ono, Armando H.—Comercio 436, La Paz. I.

Ortiz, Isaac.—Casilla 354, La Paz. III–3.

Osaki, Pedro.—Yanacocha 344, La Paz. I.

Paulsen, Christian.—Oruro. II–1.

Pedregal Vela, Daniel.—Mercado esquina Yanacocha, La Paz. I; II–1; III.

Peñalosa, Celestino.—La Paz. II–1.

Piccardo, Carlos.—Tarija. II–3.

Plattner Sucrs., A. & M.—Colón 402 (Casilla 432), La Paz. I; III.

Quidde & Co., George.—Avenida Montés 740 (Casilla 671), La Paz. I; III.

Radio Electra.— I–2.

Rauthmann, Otto.—Cochabamba. III–1.

Representaciones y Comercio en General Hero S. A., Cía. de.[10]—Avenida Montés 660 (Casilla 422), La Paz. I; III.

Reye, Ulrich.—Yanacocha 243–247 (Casilla 525), La Paz. II–5.

Rivas Guzmán, Blanca T. de.—Casilla 354 La Paz. I; III.

Rivero y Cía., T.—General Achá 129, Cochabamba; Santa Cruz; and Oruro. II–1; III.

Rodríguez, Francisco.—Mercado esquina Yanacocha, La Paz. I–1; III.

Rossell, E.—Mercado esquina Yanacocha, La Paz. I; III.

Rossetti, Antonio.—La Paz. II–2.

Rude, Ernest.—Adolfo Mier esquina Pagador, Oruro. I; III.

Ruecker, Hans.—Esteban Arce 173, Cochabamba. II–5.

Sahashi, Chuji.—Yanacocha 448, La Paz. I.

Sakihama, Hugo.—La Paz. I.

Salchichería y Fábrica de Conservas Cochabamba.—Cochabamba. I–1.

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[7] Not to be confused with Hero, Sociedad Anónima Comercial, Buenos Aires, Argentina; and Hero, Sociedade Anonyma Commercial, São Paulo, Brazil.

[8] Name changed with this revision from Almacenes "El Globo" de Hugo Medina Santa Cruz.

[9] Not to be confused with A. Nachmann & Company, Comercio 407 (Casilla 950), La Paz.

[10] Not to be confused with Hero, Sociedad Anónima Comercial, Buenos Aires, Argentina; and Hero, Sociedade Anonyma Commercial, São Paulo, Brazil.

Sánchez, Augusto.—Calle Bolívar, Cochabamba. I; III.

Sasaki, Guillermo.—Comercio 427, La Paz. I.

Sato, Hiroaki.—Eucaliptus and Oruro. II–4.

Sato, Juan.—Rurrenabaque. II–5.

Schilling, Ernst.—Socabaya 126 (Casilla 262), La Paz. I; III.

Schmidt, John.—Adolfo Mier esquina Pagador, Oruro. I; III.

Schmidt, Willy.—Casilla 102, Oruro. I–1; II–4.

Schmidt y Cía., Sucrs., Otto.—Esteban Arce 173, Cochabamba. II–5.

Schomann & Co., Gustavo.—Yanacocha 354, La Paz. I; III.

Schuchard, Werner.—Mercado esquina Yanacocha, La Paz. I; III.

Schuett, Nicholas Jurgen.[11]—Matos 4–6, Potosí; and Sucre. I, III.

Schuett Urdininea, Nicolás Alberto.—Potosí. I–3.

Schuett Sucr., Nicolás Jurgen.—Matos 4–6, Potosí; and Cucre. I–3; II; III.

Schulze, Erich M.—Sánchez Lima 596, La Paz. III–2.

Schweitzer y Cía.—Santa Cruz, and all branches in Bolivia. I; III.

Seidel, Carlos.—Tarija. II–3.

Seuchi, José.—Cobija. II–5.

Shimoida, Nobuo.—Jordán 20, Cochabamba. III–3.

Shimosi, Pedro.—Riberalta. III–3.

Shintani, Nicholás.—Loayza 186, La Paz. II–3.

Shiosaki, Juan.—Riberalta. III–3.

Sickinger y Cía., Sucrs.—Plaza San Francisco 4–20 (Casilla 661), La Paz. I.

Siebels, Gerardo.—Calle Mercado (Casilla 914), La Paz. III–2.

Siebels, Fiambrería Alemana de Gerardo.—Mercado 74, La Paz. III–2.

Siles, A.—Mercado esquina Yanacocha, La Paz. I; III.

Simamoto, Julio.—Trinidad. II–5.

Snitovsky, Szalem.—Loayza 88 (Casilla 478), La Paz. III–2.

Spreckels, Teodoro.—Potosí 393 (Casilla 26), La Paz. III–2.

Stege, Karl Reinhard.—La Paz. II–3.

Stege, Fábrica de Conservas de Jorge.—La Paz. II–3.

Steiner, Robert.—Cochabamba. III–2.

Suemito, Alfredo.—Trinidad. II–5.

Sugiura y Cía.—Yanacocha 336, La Paz. I.

Sukekawa, Masaji. — La Plata 1446, Oruro. I; III.

Sunahashi & Co.—Jordán 34, Cochabamba. I; III.

Taenzer, Frank.—La Paz. II–2.

Taenzer, Herman.—Avenida Saavedra, La Paz. I–1; I–3; III.

Takagaki & Co., B.—Nataniel Aguirre 54, Cochabamba. I; III.

Takaki, Setaro.—Loayza 192, La Paz. I.

Takamori, Jorge K.—Yanacocha 362 (Casilla 436), La Paz. I; III.

Takaoka, Alberto S.—Comercio 303–307, La Paz. I.

Takeuchi, Ernesto.—Esteban Arce 68–88, Cochabamba. I; III.

Takiguchi, Nicasio.—Comercio 422, La Paz. I.

Tamaki, José.—Avenida Saavedra 408, La Paz. I–1.

Tamashiro, Eisio.—Tumusla 305, La Paz. I.

Tames, César.—Plaza San Francisco, La Paz. I; III.

Tanaka, Claudio.—Trinidad. II–5.

Tanaka & Co., H.—Mercado 1–7, La Paz. I.

Tanaka Hnos.—Trinidad. I.

Teresawa, Kaiji.—Potosí 323 y Comercio 505 (Casilla 53), La Paz. I; II; III.

Teruya, Koki.—Riberalta. III–3.

Thames, José.—La Paz. II–4.

Tienda El Blanco y Negro.—Oruro. I–4.

Tienda "El Sol".—Tarija. II–3.

Torres Ballivián, B.—Yanacocha, 354, La Paz. I; I–4; III.

"TOYO".—Riberalta. III–3.

"Transocean".—La Paz. I.

Trigo Arce, Luis.—Potosí. II–1.

Vaca Guzmán, Roberto.—Santa Cruz. III–4.

Valdivia, Miguel.—Potosí; and Casilla 876, La Paz. I–3; III–3.

Vargas Bozo, Jorge.—Avenida Ecuador 696, La Paz. III–4.

Vargas Martínez, Hugo.—Villazón. II–3.

Velasco S., Guillermo.—Mercado esquina Socabaya, La Paz. I; III.

Vergara, Max.—Mercado esquina Yanacocha, La Paz. I; III.

Vilaseca Ríos, Antonio.—Potosí. II–4.

Virreira, Renato. Tarija and Tupiza. I.

Vladislavic, J.—Bolívar 95–97, Potosí. I–3.

Vogel y Cía.—Bolívar 60 (Casilla 167), Potosí, and all branches in Bolivia. I; III.

Von Bergen, "La Papelera" de J.[12]—Plaza Murillo esquina París (Casilla 614), La Paz. I–4; III; IV.

Von Bergen y Cía., J.—La Plaza Murillo esquina París (Casilla 629), La Paz. I; III.

Von Gartzen, Curt.—La Paz. I–1.

Von Landwust, Hans.—Potosí and Sucre. I.

Wagener, Guillermo.—Calle Potosí, Oruro. I–1; III.

Wakabayashi, Tomio.—Yanacocha 368, La Paz. I.

Weichert, Wolfgang.—General Achá 129, Cochabamba; Santa Cruz; Sucre; and Oruro. I; III.

Weiss, Federico.—La Paz. III–3.

Wintruff, Casa "El Fénix" de F.—Potosí 225 (Casilla 167), La Paz. I; III.

Witt, Rudolfo.—Comercio 420 (Casilla 899), La Paz. I–1; III.

Yamada y Hermano, S.—Yanacocha 391, La Paz. I; I–1.

Yamamoto, Victor K.—Calle La Plata, Oruro. I.

Yamane, Y.—Mercado 216, La Paz. I–1.

Yamashita, Jorge.—Calle Sagárnaga, La Paz. I.

Yokota, Tomás.—Riberalta. II–5.

Yoshida, E. W.—Almirante Grau 46 (Casilla 871), La Paz. I; III.

Yoshizaki, Kozo.—Alonso de Mendoza 214 (Casilla 684), La Paz. I–1; III.

Yoshizaki, Ricardo J.—Potosí 356 (Casilla 437), La Paz. I; III.

Yshihara, Y.—Oruro. I–2.

Yshiy, Ernesto.—Riberalta. III–3.

Zehl, Albert.—Plaza 14 de Septiembre, Cochabamba. II–1; III; III–2.

Zehl y Cía., Albert.—Plaza 14 de Septiembre, Cochabamba. II–1; III; III–2.

Zeller, Mozer y Cía.—Avenida Recreo 295 (Casilla 705), La Paz, and all branches in Bolivia. I; III.

Zetsche, Heinz G.—Yanacocha 263, La Paz. I; II.

Zetsche & Co., Herbert.—Colón 168, La Paz. I.

Ziegler y Cía., Alfredo.—Avenida Uruguay 4, La Paz. I; III.

Zieriacks, Becker y Cía.—Casilla 354, La Paz. I; III.

Ziesenitz, F.—All branches in Bolivia. I.

Zippel, Herbert.—Sucre. I–3.

Zobernig, Otto.—La Paz. II–1.

Zugel, Paul.—Tarija. I.

BRAZIL

A. E. G., Companhia Sul Americana de Electricidade.—Avenida Rio Branco 47, Rio de Janeiro, and all branches in Brazil. I.

A Chimica Bayer, Ltda.—Rua Dom Gerardo 42, Rio de Janeiro, and all branches in Brazil. I.

A Ultraferramenta, Ltda.—Rua Newton Prado 406, São Paulo. I; II.

"Aachener & Muenchener" Feuer-Versicherungs—Gesellschaft.[1]— Avenida Rio Branco 47, Rio de Janeiro, and all branches in Brazil. IV.

Acidos S. A., Cia. de.—Avenida Rio Branco 128, Rio de Janeiro. II–2.

Aços Marathon do Brasil, Ltda.—Avenida Visconde de Inhauma 38, Rio de Janeiro, and all branches in Brazil. I.

*Aços Phenix, Ltda.—Rua São Pedro 120, Rio de Janeiro; and Rua Florencio de Abreu 421 (Caixa Postal 4438), São Paulo. I; IV.

Aços Roechling-Buderus do Brasil de Electricidade.—São Paulo. I.

Aços Roechling-Buderus do Brasil, Ltda.—Travéssa Bom Jesús 6–8, Rio de Janeiro, and all branches in Brazil. I.

Aços Styria, Ltda.—Rua Teófilo Ottoni 66, Rio de Janeiro. I.

Acumuladores Varta do Brasil, Ltda.—Avenida Nilo Peçanha 38, Rio de Janeiro. I; I–1.

Adriatica de Seguros, Cia.—Rua Uruguayana 87, Rio Janeiro. I.

Agencia Brasileira S. A.—Rosário 136, Rio de Janeiro; and Xavier Toledo 46, São Paulo. I.

Agencia Commercial do Japão.—Avenida Rio Branco 193, Recife, Pernambuco. I.

Agencia Marítima Lagunense Ltda.—Laguna, Santa Catharina. I.

Agencia "O. K."—Rua Torquato Bahia 3, Edificio Magalhães, São Salvador, Bahia. III–4.

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[11] Not to be confused with firm of same name in La Paz.

[12] Name changed with this revision from "La Papelera" de J. von Bergen.

[1] Alternative listing appearing in this revision for Seguros Aachen & Munich, Cia., first included in Supplement 3 to Revision III.

*Address added or changed with this revision.

Agencia Will: Deutsche Buchhandlung.—Rua da Alfândega 69, Rio de Janeiro. I.

Agfa Photo, A. Chimica Bayer, Ltda.—Rua Dom Gerardo 42, Rio de Janeiro, and all branches in Brazil. I; I–4.

Agro Chimica, Ltda.—Rua Libero Badaró 73, São Paulo. I.

Aichinger, M. E.—Rua Tamoyos 438, Bello-Horizonte. I.

Air France.—Rua da Gloria 32, Rio de Janeiro, and all branches in Brazil. I; II.

"Albingia" Versicherungs-Aktien-Gesellschaft.[2]—Avenida Rio Branco 47, Rio de Janeiro, and all branches in Brazil. IV.

Albrecht, Emil Erich.—Rua São Pedro 28, Rio de Janeiro. I–1.

Algodoeira Bratac, Ltda.—Praça da Sé 81, São Paulo. I.

Algodoeira do Sul, Ltda.—Rua Dr. Falcão Filho 56, São Paulo. I.

Alliança Cinematographica, Ltda.—Praça Getulio Vargas 2, Rio de Janeiro, and all branches in Brazil. I.

Alliança Commercial de Anilinas, Ltda.—Avenida Almirante Barroso 81, Rio de Janeiro, and all branches in Brazil. I.

Alm & Heinritz.—Rua Javorau 380, São Paulo. I.

Almeida, Lins e Cia.—Rua Nova 260, Recife. II–2; II–5.

"Alnorma", Soc. de Machinas Ltda.—Rua São Pedro 89, Rio de Janeiro. I; II–4.

Amado, Amandio Silva.—Rua Conselheiro Saraiva 41, Rio de Janeiro. I; I–4.

Ando e Cia., Ltda.—Rua Bôa Vista 15, São Paulo. I.

Anna.[3]—Florianópolis. II 5.

Aoki & Irmãos, Sukeo.—Lins, São Paulo. II–2.

Appel, Kurt.—Fortaleza, Ceará. III–4.

Appel e Cia., Ltda.—Fortaleza, Ceará. III–4.

Arai, Toyozo.—Bandeirantes, Paraná. III–1.

Aranda e Regnier.—Rua Candelária 92, Rio de Janeiro. I.

Arens & Langen.—Avenida Capichaba 10, Victoria, Espirito Santo. I.

Armazem Kaiko, Ltda.— I.

Artigos Dentarcos Poladon, Ltda.—Rio de Janeiro. I.

Assicurazioni Generali di Trieste e Venezia.—Avenida Rio Branco 128, Rio de Janeiro. I.

Associação Central Nipo-Brasileira.—Praça Getulio Vargas 2, Rio de Janeiro, I.

Associação Economica Nippo-Brasileira.—Rua México 174, Rio de Janeiro, I.

Assurances Générales, Compagnie d'.—Rua Buenos Aires 70, Rio de Janeiro, and all branches in Brazil. III–1.

Auto Distribuidora, Ltda., Soc.—Rua Senador Euzebio 180–182, Rio de Janeiro. I; II–1.

Auto-Radio, Ltda.—Rua Barão de Itapetininga 288, São Paulo. I.

*Auto-Union Brasil, Ltda.—Rua André Cavalcanti 71–73, Rio de Janeiro. I; IV.

Awazu, Kicroku.—São Paulo. I.

Banco Allemão Transatlântico.—Rio de Janeiro, and all branches in Brazil. I.

Banco America do Sul, Ltda.—Praça da Sé 393, São Paulo. I.

Banco Germanico da America do Sul.—Rio de Janeiro, and all branches in Brazil. I.

Banque Française et Italiènne pour l'Amérique du Sud, S. A.—Rio de Janeiro, and all branches in Brazil. I.

Bast, Jorge.—Rua Capote Valente 116, São Paulo. III–1.

Bastos Eléctrica Ltda.—Fazenda Bastos, São Paulo. I–1.

Bata, Jan.—São Paulo. I.

Bayer, Ltda., A Chimica.—Rua Dom Gerardo 42, Rio de Janeiro, and all branches in Brazil. I.

Bebion, Wilhelm.—Rua General Câmara 129, Rio de Janeiro. I–1.

Becker, Ernst.—Rua do Ouvidor 169, Rio de Janeiro. I.

Beneficiadora Paulista de Algodão.—Rua São Bento 405, São Paulo. III–4.

Beneficiamento de Arroz de Alecrim Ltda., Soc.—Pedro de Toledo, São Paulo. I–1.

Bennack, Sociedade Anonyma Metalúrgica, Otto.—Ruo 7 de Septembro 149, Joinville, Santa Catharina. II–2.

Berringer e Cia.—Boulevard Castilhos Franca 59, Pará; and Rua Marechal Deodóro 63, Manáos. I.

Berude, Dan H.—Rua Saddock de Sá 305, Rio de Janeiro, I–1.

Bicker, Harald.—Rio de Janeiro. I.

Biekarck e Cia., C.—Rua São Pedro 28 (Caixa Postal 767), Rio de Paneiro. I.

Biermann, Nicolau.—Rua 3 de Dezembro 17 (Caixa Postal 1831, São Paulo. I.

Biermann & Co.—São Caetano. I.

Billington, Reidar.—Rua Min Godoy 628, São Paulo. I.

Blanco Prior e Cia., F.—Rua Amador Bueno 101, Santos. III–2.

Bluhm, Henrique.—Fortaleza, Ceará, and all branches in Brazil. III–4.

Bluhm, Paulo.—Rua da Bahia 1022, e Edificio Lutetia, Avenida Amazonas, Bello-Horizonte, Minas Geraes. I.

Bluhm, Escritorios Guilherme.—Fortaleza, Ceará, and all branches in Brazil. III–4.

Bockmann, Paul L.—Rua Libero Badaró 641 (Caixa Postal 515), São Paulo. I; II.

Boelsums, Boelsum Johannes.—Rio de Janeiro. I.

Borges, Hugo Macuco.—Rua do Commercia 98, Santos. III–4.

Borghoff e Cia., Willy.—Rua Evaristo da Veiga 130 (Caixa Postal 619), Rio de Janeiro. I.

Borstelmann e Cia.—Rua do Bom Jesús 230, Recife, Pernambuco; and Rua Sá e Albuquerque 90, Jaragúa, Maceió. I.

Bozzi, Luciano.—Rua São Bento 405, São Paulo; and Rua do Commercio 25, Santos. I–1.

Branco, Alfrain Vidal.—Florianópolis, Santa Catharina; and all branches in Brazil. II–2; II–4.

*Brand, Herbert.[4]—Rua da Laranjeiras 102, Rio de Janeiro. II–2; IV.

Brasileira de Electricidade Siemens-Schuckert S. A., Cia.—Rua General Câmara 78, Rio de Janeiro, and all branches in Brazil. I.

Brasunido, S. A.—Rua Teófilo Ottoni 74 (Caixa Postal 1015), Rio de Janeiro. I.

Braun, Otto.—Caixa Postal 3360, São Paulo. II–5.

Brautigam, José.—Rua General Câmara 67, Rio de Janeiro. I.

Brazcot, Ltda.—Rua Bôa Vista 116, São Paulo. I.

Bredenick, Frederico.—Nossa Senhora Aparecida 7, Villa Conceição, Porto Alegre, Rio Grando do Sul. I–1.

Breithaupt, João.—Rua General Câmara 242, Santos, São Paulo. III–1.

Bremensis, Ltda, Sociedade Technica.—Caixa Postal 1548, Rio de Janeiro, and all branches in Brazil. I.

Bremer, Paul J. C.—Praça 15 de Novembro 20, Rio de Janeiro. I.

Brito, Antonio O.—Rio de Janeiro. I.

Bromberg e Cia.—Avenida Tiradentes 34 (Caixa Postal 756), São Paulo; and Rua General Câmara 64, Rio de Janeiro. I.

Buchheister, Alfredo.—Rua da Quitanda 47 (Caixa Postal 1421), Rio de Janeiro. I.

Buckup e Cia., P.—Avenida Celso Garcia 409 (Caixa Postal 2903), São Paulo. I.

Buechler, Carlos Heinz.—Florianópolis, Santa Catharina. II–2.

Buehler, Eugenio.—Rua Uruguayana 22, Rio de Janeiro. III–4.

Buerkle, Erwin.—Rua Buenos Aires 78, Rio de Janeiro. I.

Bûrgers, Richard.—Caixa Postal 92, Natal, R. G. do Norte. I–1.

Burgos, José Filiu.—Rua São Pedro 30, Rio de Janeiro. I.

Buttel, Walter.—Avenida Nilo Peçanha 155, Rio de Janeiro. III–4.

Buuck e Cia., Ltda. — Rua Senador Feijó 318, Santos. I.

Câmara de Commercio Nippo-Brasileira.—Rua da Alfândega 107, Rio de Janeiro. I.

Cappuccini e Cia.—Rua da Alfândega 172, Rio de Janeiro. I.

Cardoso, Emidio (Emilio) (Jr.).—Florianópolis, Santa Catharina, and all branches in Brazil. II–2; II–4.

Carl Hoepcke.[5] Florianópolis. II–5.

Casa Allemã.—Rua Direita 176, São Paulo, and all branches in Brazil. I.

Casa Allemã, Tecidos, Modas, Moveis, Tapeçarias, S. A.—Rua do Ouvidor 158, Rio de Janeiro. III–2; III–3.

Casa Bancaria Bratac.—Praça da Sé 77, São Paulo. I.

Casa Bancaria Brazcot, Ltda. — Rua Bôa Vista 116, São Paulo. I.

Casa Bancaria Immigratoria, Ltda.—Rua 15 de Novembro 155, Santos. I.

Casa Bancaria Tozan.—Rua Florencio Abreu 318, São Paulo. I.

Casa Bratac, Ltda.—Praça da Sé 399, São Paulo; Avenida Graça Aranha 39–A, Rio de Janeiro; and all branches in Brazil. I.

Casa de Despachos Almeida, Ltda.—Rua José Bonifacio 278, São Paulo. I.

Casa de Electricidade Electron Ltda.—Rua da Quitanda 60, Rio de Janeiro. III–3.

Casa Kamada.—Taquaratinga, São Paulo. III–1.

Casa Kuniy.—Baurú, São Paulo. II–2.

*Casa Lohner, Sociedade Anonima Médico-Técnica.[6]—Avenida Rio Branco 133, Rio de Janerio, and all branches in Brazil. I; IV.

Casa Paulotto, Ltda.—Rua Senador Queiroz 513, São Paulo. III–4.

Casa Pfaff.—Avenida 7 de Setembro 38, Bahia. I.

Casa Pfaff.—Rua da Carioca 46, Rio de Janeiro. I.

Casa Systema Ltda.—Rua Carijos 226, Bello-Horizonte, Minas Geraes. I–1.

Casa Técnica Mineira.—Rua Tamoyos 487, Bello-Horizonte. III–4.

Casa Tokio.—Rua Santa Ephigenia 37, São Paulo. I–1.

Casa Tozan, Ltda.—Rua Florencio de Abreu 318 São Paulo. I.

Casa Trommel.—Avenida Celso Garcia 409 (Caixa Postal 2903), São Paulo. I.

Casa Vencedora.—Lins, São Paulo. II–2.

Casa Wagner.—Rua Libero Badaró 388 São Paulo. II–2.

Casa Yashima.—Garça, São Paulo. I–1.

Cekace Farmacêutica, Ltda.—Rua da Alfândega 144 (Caixa Postal 1912), Rio de Janeiro. I; II.

Central Discount Company.—Avenida Atlântica 124, Rio de Janeiro. II–5.

Centro de Mel.—Porto Alegre. 1–2.

Chá Ribeira.—Registro, São Paulo; Rua Galvão Bueno 351, São Paulo; Rua Braz Cubas 378, Santos; and all branches in Brazil. III–1.

Chá Tupi, Ltda., Soc.—Rua Felipe de Oliveira 1, São Paulo; and Estrada de Ferro Sorocabana, Ramal Juquiá, São Paulo. I; III.

Charutos Dannemann, Cia. de.—Rua Portugal 1, Bahia; and Rio de Janeiro. I.

Chaves e Cia.—Fortaleza, Ceará. II–2.

Chiba, Saburo. Rio de Janeiro. I.

Chikasawa, Yoshio (N.).—São Paulo. I.

Chimica "Merck" do Brasil S. A., Cia.—Avenida Nilo Peçanha 155, Rio de Janeiro, and all branches in Brazil. I.

"CIMA" S. A., Companhia Industrial Mercantil e Agrícola.—Rua Libero Badaró 137, São Paulo. II–4.

Cindric, Erich.—Caixa Postal 3747, São Paulo. I–1.

Cinema, Bastos. Fazenda Bastos, São Paulo. I.

Cintra, Eulalio Ulhoa (Dr.).—Rua Martinico Prado 417. III–1.

Citra-Mina, Ltda.—Praça Mauá 7 (Caixa Postal 285), Rio de Janeiro. I.

Cohen, Moyses.—Rua da Alfândega 82, Rio de Janeiro. II–2.

Cohnitz, Franz. Praça 15 de Novembro 20, e Avenida Francisco Bicalho, Rio de Janeiro. I.

Cohnitz e Cia.—Rio de Janeiro, and all branches in Brazil. I.

Colombelli, Ernesto.—Rua Bella Cintra 1631, São Paulo. I

Colonia de Pescadores Z–1 José Bonifacio.—Santos, São Paulo. I–1.

Colonização Tres Rios, Ltda.—Praça João Mendes 154, Sala 27, São Paulo. III–1.

Colonizadora do Brasil, Ltd., Soc.—Praça da Sé 399, São Paulo. I.

Colonizadora Hanseatica, Cia.—Hamônia, Santa Catharina. III–4.

Combescot, Jean.—Praia do Flamengo 284, Rio de Janeiro. II–1.

Comercial Industrial de Marília Ltda., Soc.—Marília, São Paulo. II–2.

Comercio e Industria Malburg, Cia.—Itajaí, Santa Catharina, and all branches in Brazil. III–4.

Commercial Alto Paraná, Cia.—Rua Libero Badaró 137, São Paulo, and all branches in Brazil. I.

Commercial de Tintas Ltda., Soc.—Rua da Candelária 83, Rio de Janeiro. II–2.

Commercial Nippo-Brasileira, Ltda., Soc.—Rua Dr. Falcão Filho 56, São Paulo; and Avenida Nilo Peçanha 151, Rio de Janerio. I.

Commercial "Waco" Ltda., Soc.—Caixa Postal 2331, São Paulo. I

Commissaria Italo-Brasileira, Ltda.—Rua General Câmara 35, Rio de Janeiro. I.

Condor, Ltda., Serviços Aéreos.—Avenida Rio Branco 128, Rio de Janeiro. I.

Constructora Federal S. A., Cia.—Avenida Rio Branco 108, Rio de Janeiro. II–2.

Constructora Nacional S. A., Cia.—Rua México 168, Rio de Janeiro, and all branches in Brazil. I

Coóperativa Agrícola de Avaré.—São Paulo. I–1.

Coóperativa Agrícola de Bastos.—Fazenda Bastos, São Paulo. I–1.

*Coóperativa Agrícola de Cotia.—Rua Cardeal Arcoverde 2539, São Paulo; and Praça 15 de Novembro 38—A, Sala 25, Rio de Janeiro. I; IV.

Coóperativa Agrícola Mista de Biriguí.—Biriguí, São Paulo. II–2.

Coóperativa Agrícola Mista de Mesquita.—Mesquita, São Paulo. II–2.

Coóperativa Agrícola Mista de Pompeia.—Pompeia, São Paulo. II–2.

Coóperativa Agrícola Mista de Rinópolis.—Rinópolis (Tupã), São Paulo. II–2.

Coóperativa Agrícola Nippo Bandeirante.—Rua Antonio Pais 101, São Paulo. I.

Coóperativa Agrícola Três Barras.—Assaí via Jataí, Paraná. I–1; II–1.

Coóperativa Bastos Ltda.—Fazenda Bastos, São Paulo. I–1.

Coóperativa Central Nippo Brasileira.—Praça João Mendes 154, São Paulo. I.

Coóperativa da Fazenda Aliança.—Com. Arbues, São Paulo. I–1.

Coóperativa dos Plantadores de Banana Juquiá.—Santos, São Paulo. II–2.

Coóperativa Mixta Agrícola de Presidente Prudente.—Presidente Prudente, São Paulo. III–1.

Coóperativa Nippo Brasileira.—Praça João Mendes 154, São Paulo. I.

Corneta, Ltda.—Rua Turiassú 309, São Paulo. I.

Corrêa da Costa, Antonio.—Rue General Câmara 106, Rio de Janeiro. I.

Costa Carvalho e Cia.—Rua do Bom Jesús, Recife. I.

Couderc, Jean.—Rua Ronald de Carvalho 5, Rio de Janeiro. II–2.

Couderc Export Company.—Rua Ronald de Carvalho 5, Rio de Janeiro, II–2.

Cunha, A. R. (Jr.).—Rua Araujo, Porto Alegre 70, Rio de Janeiro. I.

Cunha, Orlando Ferreira.—Florianópolis, Santa Catharina, and all branches in Brazil. II–2; II–4.

Cunto, Ernesto.—Fortaleza, Ceará. III–4.

Cunto, Vicente. — Fortaleza, Ceará. III–4.

Cunto e Cia.—Praça do Ferreira 635, Fortaleza, Ceará. III–4.

Czerna e Cia., Ltda.—Rua Conselheiro Dantas 2, Bahia; and Santa Cruz Cabralia, Estado do Bahia. II–2.

Dannemann, Eduardo (Dr.).—Rua do Ouvidor 75, Rio de Janeiro. III–1.

Dannemann, Companhia de Charutos.—Rua Portugal 1, Bahia; and Rio de Janeiro. II–4.

De Almeida e Cia., Furtado.—Rua 3 de Dezembro 17, São Paulo. I.

De Almeida e Cia., Ltda., Barreira.—Rua José Bonifacio 278, São Paulo. I.

Dedkind, Martin.—Rua Augusta 598, São Paulo. I.

De Oliveira Brito, Antonio.—Rio de Janeiro. I.

De Saboia e Cia., J. Thomé.—Rua Major Facundo 126, Fortaleza, Ceará. II–2.

Deutsche Lufthansa A. G.—All branches in Brazil. I.

"Deutz Otto" Legitimo, Ltda., Sociedade de Motores.—Rio de Janeiro. I.

Diamants et Carbones, S. A.—Rua 1° de Março, Rio de Janeiro. I.

"Dibraco" Ltda., Distribuidora Brasileira de Aços e Metaes.—Rua José Bonifacio 278, São Paulo. I.

Diedrichsen, Ernesto.—Rua Libero Badaró 137, São Paulo. III–1.

Dima S. A., Distribuidora de Máquinas Brasileiras.—São Paulo. III–2.

Distribuidora Brasileira de Aços e Metaes "Dibraco" Ltda.—Ruo José Bonifacio 278, São Paulo. I.

Doi e Cia., N.—Rua Amador Bueno 132, Santos; Biguá, and Registro, São Paulo. I–1; III.

Domschke e Cia.—Rua Portugal 10, Bahia. I.

dos Reis, Arturo.—Ruo São Bento 24, Rio de Janeiro. III–4.

Douglas Trading Company.—Caixa Postal 1795, Rio de Janeiro. I–1.

Draeger Ltda., Soc.—Rua Mayrink Veiga 4, Rio de Janeiro. I.

Dralle do Brasil Ltda., Perfumaria.—Rua Duque de Caxias, Joinville, Santa Catharina. II–2.

Dubois e Cia., W.—Rua da Alfândega 74, Rio de Janeiro. I; I–4.

E. N. I. T., Ente Nazionale Industrie Turistiche.—Avenida Rio Branco 104, Rio de Janeiro. I.

Eckert, Carl.—Rua Mauá 1079, Porto Alegre. I.

Ehlermann e Cia., Ltda.—Rua Teófilo Ottoni 17, Rio de Janeiro. II–2.

Eickhoff, Wilhelm.—Rua Santa Christina 104, Rio de Janeiro. II–2.

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[2] Alternative listing appearing in this revision for Seguros Albingia, Cia., first included in Supplement 3 to Revision III.

[3] Vessel owned by Empreza Nacional de Navegação Hoepcke.

*Address added or changed with this revision.

[4] Name changed with this revision from Brandt, Herbert.

[5] Vessel owned by Empreza Nacional de Navegação Hoepcke.

*Address added or changed with this revision.

[6] Name changed with this revision from Casa Lohner, S. A.

Eifler e Cia., Bernhard.—Rua Duque de Caxias 340-1°, Recife, Pernambuco. I-1.

El Fenix Sudamerico-Companhia Argentina de Seguros.[7]—Rua da Alfândega 48, Rio de Janeiro, and all branches in Brazil. IV.

Eléctrica Importadora Ltda.—Rua Florencio de Abreu 150, São Paulo. II-2.

Electro-Chimica Fluminense, Cia.—Avenida Almirante Barroso 81, Rio de Janeiro. I; II-1.

Empresa Bahiana de Mineráes, Ltda.—Rua Torquato Bahia 3 (Caixa Postal 434), Bahia. I.

Empresa Brasileira de Mineração, Ltda.—São Paulo. I.

Empresa Constructora Brasileira Gruenbilf, Ltda.—Rua João Briccola 10, São Paulo. I.

Empresa Constructora Bratac, Ltda.—Praça da Sé 399, São Paulo. I.

Empresa Constructora Siemens Bauunion do Brasil, S.A.—Rio de Janeiro. II-1.

Empresa Gráfica Catarinense, S.A.—Blumenau. III-4.

Empresa Transportadora Hollmann.—São Paulo, and all branches in Brazil. III-4.

Empreza Commercial Bandeirante Ltda.—Rua Dr. Falção Filho 56, São Paulo. III-1.

Empreza da Pesca Ltda.—Paranaguá, Paraná. I-1.

Empreza de Propaganda "Productos Knoll".—Rua Alvaro Alvim 27, Rio de Janeiro. II-2.

Empreza Gráfica Leuzinger S.A.—Rua do Lavradio 162, Rio de Janeiro. I-1.

Empreza Japoneza de Pesca Ltda.—Paranaguá, Paraná. I-1.

Empreza Nacional de Navegação Hoepcke.—Florianópolis, and all branches in Brazil. I-4.

Empreza Theatral Nichiyama.—Londrina and Cornelio Procopio, Paraná. I-1.

Energia Eléctrica Hamburgueza Ltda.—Nôvo Hamburgo, Rio Grande do Sul. III-1.

Engel, Carlos.—Rua Vigario José Ignacio 58, Porto Alegre. II-2.

Engelbrecht e Cia.—Rua Augusto de Queiroz 158, São Paulo. I-1.

Engenheiros, Industriaes Regnier, S. A.—Rua 1° de Março 141, Rio de Janeiro. I.

Ente Nazionale Industrie Turistiche.—Avenida Rio Branco 104, Rio de Janeiro. I.

Esperança, Francisco.—Rua Visconde Rio Branco 39, Teófilo Ottoni, Minas Geraes. III-4.

Espindola, Bruno.—Florianópolis, Santa Catharina. III-4.

Estaleiro Arataca.—Florianópolis. I-4.

Exportação Rubiac Ltda.—Rua São Bento 405, São Paulo. III-4.

Exportadora de Madeira do Brasil Ltda., Soc.—Passo Fundo, Rio Grande do Sul. II-2.

Exportadora e Marítima Ltda., Soc.—Praça Mauá 7, Rio de Janeiro; and Rua Dom Pedro 11-16, Santos. I.

Faber Bleistift Fabrik, Johann.—Rua do Ouvidor 164, Rio de Janeiro. I.

Faber Lapis, Ltda., Johann.—Epitácio Pessôa 201-9, São Paulo. I.

Fábrica de Adubos Esperança.—São Paulo. I.

Fábrica de Ferramentas de Precisão.—Rua Javorau 380, São Paulo. I.

Fábrica de Gelo "Rita María".—Florianópolis. I-1.

Fãbrica de Machinas Raimann, Ltda.—Joinville, Santa Catharina. I.

Fábrica de Maquinas "Helo" S. A.—Rua Turiassú 1687 (Caixa Postal 3399), São Paulo. III-1.

Fábrica de Parafusos São Paulo Ltda.—Rua Dr. João Ribeiro 521, São Paulo. III-4.

Fábrica de Pontas "Rita María".—Florianópolis. I-1.

Fábrica de Rendas e Bordados Hoepcke S. A.—Florianópolis. I-1; II.

Fábrica Metalúrgica Diana Ltda.—Rua Teófilo Ottoni 35, Rio de Janeiro; and Rua Lilazes 20, Jacarepaguá, D. F. III-4.

Fábrica Nacional de Tambores, Ltda.—Rua Clelia 93, São Paulo; and Rio de Janeiro. I.

Fábrica Rio Grandense de Adubos e Productos Chimicos, S. A.—Pelótas, Rio Grande do Sul. I.

*Fábrica Tupy.—Rua General Bruce 146, Rio de Janeiro. I-1; IV.

Farmacia Central.—Araçatuba, São Paulo. II-2.

Farmacia Fructal.—Guararapes, São Paulo. II-2.

Farmaco, Ltda.—Rua São Bento 22, Rio de Janeiro. I.

Fatio, Jacques M.—Rua Libero Badaró 346 (Caixa Postal 2485), São Paulo; and Rua Miguel Couto 111, Rio de Janeiro. I.

Fatio, Norberto.—Rua São Bento 290 (Caixa Postal 3635), São Paulo. I.

Fazenda Barra Mansa.[8]—Avanhandava, São Paulo. III-1; III-3.

Fazenda "Bastos".—Rancharia, São Paulo. I.

Fazenda "Monte D'Este", Ltda.—Campinas, São Paulo. I.

Fazenda "Tiete".—Lussanvira, São Paulo. I.

Fazenda "Três Barras".—Jatahy, Paraná. I.

Fazenda Três Barras.—Municipio de Porto Murtinho, Matto Grosso. III-4.

Federal de Fundição, Cia.—Rua Nery Pinheiro 70, Rio de Janeiro. I.

Ferreira, A.[9]—Avenida Augusto Severo 58, Rio de Janeiro. I.

Ferrostaal A. G. Essen.—Rio de Janeiro. I.

Fiação de Seda Bratac, Ltda.—Praça da Sé 399, São Paulo. I.

Fiat Brasileira S. A.—Praça 15 de Novembro 20, Rio de Janeiro. I.

Fiduciaria Brasileira, Cia.—Avenida Graça Aranha 26, Rio de Janeiro. I; II-1.

Filippone e Cia., G.—Rua Senador Dantas 35-A, Rio de Janeiro. I.

Fillios, Henri Albert.—Rio de Janeiro. II-5.

Financeira Barros-Handley, Ltda., Soc.—Largo do Café 14, São Paulo. I.

Fink, L. J.—Avenida Rodriguez Alves 161 (Caixa Postal 2866), Rio de Janeiro. I.

Fink e Cia., Carlos.—Rua do Bom Jesús 227 (Caixa Postal 478), Pernambuco. I.

Fischer, Carl.—Praça Mauá 7, Rio de Janeiro; and Rua Dom Pedro 11-16, Santos. I.

Fischer, Friedrich J.—Blumenau, Santo Catharina. II-2.

Fogões Junker e Ruh, Ltda.—Avenida Jurucé 2, São Paulo. I.

Foto Otica Adro.—Rua 15 de Novembro 357, Curitiba. III-2; III-3.

Fouquet, Paul.—Rua 1° de Março, Rio de Janeiro. I.

Franck, Franklin Chaves.—Fortaleza, Ceará. II-2.

Franck, Germano Paulo.—Fortaleza, Ceará. II-2.

Frey, Frederico Paulo Adolfo.—Rua Thiers 136, São Paulo. II-2.

Frey, Oficina Fred.—Rua Thiers 136, São Paulo. III-2.

Fujihira e Cia., Ltda.—Largo do Ouvidor 5, São Paulo. I-1.

Fujiwara, Hisato.—Cafelandia, São Paulo. II-2.

Fujiwara & Takeuchi.—Cafelandia, São Paulo. II-2.

Fukuda e Cia.—Pompéia, São Paulo. I-1.

Funtymod Fundição de Typos Modernos, Ltda.—Rua Ribeiro da Lima 282, São Paulo. I.

Galeria Carioca de Modas S. A.—Rua do Ouvidor 158, Rio de Janeiro. III-1.

Galeria Paulista de Modas.—Rua Direita 176, São Paulo. II-2.

Geco Ltda., Soc.—Rua Teófilo Ottoni 35-44, Rio de Janeiro. I.

"GEOBRA" Companhia Geral de Obras e Construcções S.A.—Praça Mauá 7, Rio de Janeiro. I; II-3.

Geral de Obras e Construcções S. A., Cia.—Praça Mauá 7, Rio de Janeiro. I; II-3.

Germania Agencia Importadora, Ltda.—Praça Antenor Navarro 36-50, João Pessôa, and all branches in Brazil. I.

Gieseler, Wilhelm Adolf Paul.—Rua Pero Correia 33, São Vicente, Santos. I.

Giesseler, Guilherme.—Rua Pero Correia 33, São Vicente, Santos. I.

Gilbert, Horst Tassilio.—Rua República do Perú 83 e Rua da Candelária 53, Rio de Janeiro. I.

Gins, Adolpho.—Avenida Alberto Bins 357, Porto Alegre, Rio Grande do Sul. II-2.

Goichbum, Chuno.—Rua São Pedro 30, 1° andar, Rio de Janeiro. I.

Gomes de Oliveira e Silva, João.—Rua Paraízo 325, São Paulo. III-4.

Gomes e Cia., João.—Rua Paraízo 325, São Paulo. III-4.

Gonzales, Celso R.—Rua General Câmara 90, Rio de Janeiro. I.

Goto, Riyti.—Bastos, São Paulo. III-1.

Gottmann e Cia., Carlos J.—Rua João Adolpho 2-A (Caixa Postal 2376), São Paulo. I.

Graphicor Concentra Hartmann Irmãos S. A.—Praça do São Christovão 249, Rio de Janeiro. I.

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[7] Alternative listing appearing in this revision for Seguros El Fenix Sudamericano, Cia., first included in Supplement 3 to Revision III.

*Address added or changed with this revision.

[8] Not to be confused with other fazendas of the same name at other places in Brazil.

[9] Owner of Laboratório Veritas, Ltda.

Grasmuck, Albert.—Rua da Alfândega 171, Rio de Janeiro. I-1.

Guimarães e Cia., Ernesto.—Rua Cidade de Toledo 23, Santos. I.

Gunze Silk Corporation.—Rua Alvares Penteado 24-6, São Paulo. I.

Hachiya, Gosuke.—Rua Teófilo Ottoni 85, Rio de Janeiro. I.

Hachiya, Kazuo.—Rio de Janeiro. I.

Hachiya, Kenkuro.—Rio de Janeiro. I.

Hachiya, Senichi.—Rio de Janeiro. I.

Hachiya, Andrade e Cia., Ltda.—Rio de Janeiro. I-1.

Hachiya Irmãos e Cia.—Rua Teófilo Ottoni 85, e Rua Barão de Mesquita 781-A, Rio de Janeiro, and all branches in Brazil. I.

Hackradt e Cia., Fernando.—Rua São Bento 217, São Paulo. I-1.

Hafers, Ernesto Magalhães (Dr.).—Santos. I.

Halboth, Armin. — Rua Buenos Aires 152, Rio de Janeiro. I.

Hama e Companhia. — Rua Paula Sousa 290, São Paulo. I; II.

Hamaoka, Kasuto.—Rua Carlos Garcia 103, São Paulo. III-1.

Hamaoka, Kenyto.—São Paulo. I.

Hamburgueza Sul Americana, Cia.—Andradas 1290, Porto Alegre, and all branches in Brazil. I.

Hamers, Maximilian. — Travéssa Braz Barros 19, Rio de Janeiro; and 25 de Março 1215, São Paulo. I.

Hamers, M., S. A., Companhia de Productos Quimicos e Industriaes. — Travéssa Braz Barros 19, Rio de Janeiro. I; II.

Hamers, S. A., M.—25 de Março 1215, São Paulo. I.

Handley e Cia., Ltda., Godofredo.—Largo do Café 14, São Paulo. I.

Hanseatische Kolonisations Gesellschaft.—Hamônia, Santa Catharina. III-4.

Hansen e Cia., Alfred.—Rua da Alfândega 107, Rio de Janeiro. I.

Hanstein, Wolfgang. — Rua Mayrink Veiga 8, Rio de Janeiro. I.

Hara e Companhia, Ltda.—Praça da Sé 54, São Paulo. I.

Harada, Tatsunosuke.—São Paulo. I.

Hase, Sakuro.—Rua Irmã Simpliciana 102, São Paulo. I.

Hasenclever e Cia.—Avenida Rio Branco 69-77, Rio de Janerio, and all branches in Brazil. I.

Hasenclever e Cia., Ltda., Alexandre.—Rua Mayrink Veiga 4-3°, s-4, Rio de Janeiro. I.

Hatanaka, Senjiro.—São Paulo. I.

Haupt & Co.—Rua São Pedro 50, Rio de Janeiro; and Rua 1° de Março 25, São Paulo. I.

Heidelmann e Cia., E. A.—Praça Antenor Navarro 36-50, João Pessôa, Parahyba. I; I-4.

Heinzerling & Lock, Ltda.—Rua Turiassú 1687, São Paulo. I.

Hennig, Adolfo.—Julio de Castilhos 220, Santa Cruz Rio Grande do Sul. I.

Hennig, Arnaldo.—Julio de Castilhos 220, Santa Cruz, Rio Grande do Sul. I.

Hennig, Ervino.—Julio de Castilhos 220, Santa Cruz, Rio Grande do Sul. I.

Hennig, Irmãos. — Julio de Castilhos 220, Santa Cruz, Rio Grande do Sul. I.

Hercules Waste Co.—Caixa Postal 1795, Rio de Janerio. III-1.

Hey, Willi.—Praça Argollo, Teófilo Ottoni Minas Geraes. I.

Higashi, Johachi.—Rua Alfândega 110, Rio de Janeiro. I.

Hirokawa, Casa Kanematsu de I.—Rio de Janeiro. I.

Hirth, Georg.—Rua do Ouvidor 86, e Rue Riachuélo 81-87, Rio de Janeiro. III-1.

Hirth, Laubisch e Cia., Georg.—Rua do Ouvidor 86, Rio de Janeiro. I-1.

Hoepcke S. A., Commercio e Industria, Carlos.—Florianópolis, and all branches in Brazil. I.

Hoepcke, S. A., Fábrica de Gelo Carlos.—Florianópolis. I-1.

Hollmann, Henrique.—São Paulo, and all branches in Brazil. III-4.

Holzgrefe e Cia.—Rua Portugal 27, Bahia. I.

Hoos, George Kurt.—Fortaleza, Ceará. I.

Horn, Karl.—Pensão Jensen, Avenida 7 de Setembro 276, e Rua Portugal 27, Bahia. I.

Hotel Lutecia.—Rua das Larangeiras 486, Rio de Janeiro. I-1.

Huland e Cia., Ltda., Oscar.—Rua Major Facunde 173, Fortaleza, Ceará. I.

Hunsche e Cia.—Rua Dr. Flôres 119, Porto Alegre, and all branches in Brazil. I.

Imaizumi, Misao.—Rua Bôa Vista 116, São Paulo. I.

Imaki, M.—Rio de Janeiro. I.

Imaki, Masuo.—Avenida Nilo Peçanha 151, Rio de Janeiro. I.

Imbras Limitada.—Rua Bella Cintra 1541, São Paulo. I; II.

Importadora Brasil, Ltda.—Rua Cristovão Colombo 3, São Paulo. II-2.

Importadora Nipo-Brasileira, Ltda., Soc.—Rua Bendito Hipólito 10, Rio de Janeiro. I.

Importadores, Fornecedores e Constructores Brasunido, S. A.—Rua Teófilo Ottoni 74, Rio de Janeiro. II-5.

Impressora Paranáense.—Rua Commendador Araujo 731-747, Curitiba, Paraná. I.

*Industria Agrícola Campineira Ltda.—Carlos Gomes, Campinas, São Paulo. II-2; IV.

Industria Brasileira de Caseina.—Rua Newton Prado 46, Barra do Pirahy, Rio de Janeiro. III-4.

Industria de Electro Aços Plangg, Ltda.—Nôvo Hamburgo, Rio Grande do Sul. I; II.

Industria Typográphia Italiana.—Avenida Apparicio Borges 131, Rio de Janeiro. I.

Industrial Amazonense S. A., Cia.—Manáos, Amazonas. I.

Industrial e Commercial Schmuziger, Ltda., Soc.—São Paulo and Rio de Janeiro. I.

Industrial, Mercantil e Agrícola.—Rua Libero Badaró 137, São Paulo. I.

Industrias Brasileiras Textis-Químicas Ltda.—Rua Catharina Braida 71-79, São Paulo. III-4.

Industrias Chimicas Geronazzo, Ltda.—Rua Catharina Braida 9, São Paulo, and all branches in Brazil. I.

Industrias de Adubos Kanakao, S. A.—Rua Theodóro Sampaio 2756, e Rua Itapura Miranda 17, São Paulo. I; II.

Industrias Rodolpho, S. A.—Fortaleza, Ceará. I.

Informadora Rapida, Ltda.—Praça Mauá 7, Rio de Janeiro. I.

Instaladora Geral.—Rua Rangel 162, Recife. II-2.

Instituto Behring de Therapêutica Experimental, Ltda.—Rua Dom Gerardo 42, e Estrada Cafunda 1290, Rio de Janeiro. I.

Interam Exportadora, Ltda., Soc.—Rua São Pedro 39-1°, Rio de Janeiro. I.

Intercontinental Sociedade Exportadora e Importadora.—Rua da Alfândega 84, Rio de Janeiro. I.

Internacional de Commercio, Ltda., Soc.—Rua Uruguayana 104, Rio de Janeiro. I.

Internacional de Seguros, Cia.—Rua da Alfândega 48, Rio de Janeiro, and all branches in Brazil. III-1.

Inui, Shigeru.—Rua Dr. João Ribeiro 521, São Paulo. III-4.

"Italcable" Companhia Italiana dei Cavi Telegrafici Sottomarini S.A.—Rua Buenos Aires 44, Rio de Janeiro, and all branches in Brazil. I.

"Italfilm", Ltda.—Rua Helvetia 647, São Paulo. I.

Italiana dei Cavi Telegrafici Sottomarini S.A., "Italcable" Cia. — Rua Buenos Aires 44, Rio de Janeiro, and all branches in Brazil. I.

"Italmar".—Avenida Rio Branco 2-6, Rio de Janeiro, and all branches in Brazil. I.

Italo Brasileira de Industria e Commercio S.A., Cia.—Rua Deocleciana 15, São Paulo. I.

Itinoze, R.—Araçatuba, São Paulo. II-2.

Ito, Yozo.—São Paulo. I.

Ito e Cia., Ltda., Yozo.—Rua Irmã Simpliciana 78, São Paulo. I.

Iwasaki, Hikoyata.—São Paulo. I.

Iwasaki, Takaya.—São Paulo. I.

Iwasaki, Tsuneya.—São Paulo. I.

Jacobi e Cia.—Porto Alegre, Rio Grande do Sul. II-2.

Jenner, Ernst.—João Pessôa, Parahyba. I.

Jenner e Cia., Ernesto.—João Pessôa, Parahyba, and all branches in Brazil. I.

Jimmi, Ltda., Soc.—Rua Irmã Simpliciana 78, São Paulo. I.

Joest, Pedro.—Santos, São Paulo. I-1.

Jopila Exportadora, Ltda.—Recife, Pernambuco. I.

Kaehler, Otto J.—Rua Torquato Bahia 3, Edificio Magalhães, São Salvador, Bahia. III-4.

Kaigai Kogyo Kabushiki Kaisha.—Praça da Sé 54, São Paulo; Ruo Barão de Paranapiacaba 139, Santos; and all other branches in Brazil. I.

Kamada, R.—Taquaratinga, São Paulo. III-1.

Kanakao, S. A.—Rua Theodóro Sampaio 2756, e Rua Itapura Miranda 17, São Paulo. I; II.

Kanegae, Waziro.—Birguí, São Paulo. II-2.

Kanne, Ryoji.—São Paulo. I.

Kanzaki, Shota.—São Paulo. I.

Kato, Carlos Y.—São Paulo. I.

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*Address added or changed with this revision.

Katsura Ltda., Soc. de.—São Paulo. I-1.

Kaucher, Walter.—Santa María de Itabira. I.

Keetman, Wilhelm.—Rua Saccadura Cabra 109, Rio de Janeiro. III-3.

Keetman e Cia., W.—Rua Saccadura Cabra 109, Rio de Janeiro. III-3.

Kehl, Albert.—Rua Barros 221, Niterói, Estado do Rio de Janeiro. II-2.

Keppler, Alfredo.—Caixa Postal 186, São Paulo. II-2.

Kern e Cia., Ltda., Carlos.—Rua da Alfândega 144, Rio de Janeiro. I.

Kiefer, Otto.—Rua João Briccola 10 e Avenida Atlântica 5 (Caixa Postal 3285), São Paulo. I.

Kiener & Kay.—Rua Senador Queiroz 185, São Paulo. II-2.

Kimitsuka, Shin.—São Paulo. I.

Kimura, Yoshikichi.—São Paulo. I.

Kiokawa, João.—Guararapes, São Paulo. II-2.

Kircher, Hillmann e Cia.—Praça Ruy Barbosa 188, Porto Alegre. I.

Kirsten, Carlos (Successor of Kirsten & Weber).—Rua Lopes Cardoso 16, Bahia. I.

Koboyashi, Kohei.—Santo Anastacio (Piquerobi), São Paulo. III-1.

Koehler e Cia., Ernest.—Guajará-Mirim, Matto Grosso, and all branches in Brazil. I-1.

Koga, Genzabro.—Fazenda Bastos, São Paulo. I.

Konishi e Companhia, Ltda.—Rua Senador Feijó 177, São Paulo. I.

Kozuki e Cia.—Pres. Prudente, São Paulo. I-1.

Krappe, Leo G. Sezefredo.—Florianópolis, Santa Catharina, and all branches in Brazil. II-2; II-4.

Kraus, Franz.—Rua General Câmara 41, Rio de Janeiro. I.

Krebs, Fonseca e Cia., Ltda., W.—Rua da Alfândega 189, Rio de Janeiro. I; II-1.

Kremer, Kurt.—Manáos, Amazonas. III-4.

Krizai, Estefano A. A.—Rua José Bonifacio 278, São Paulo. II-2.

Kuhn, Carlos Guilherme.—Santa Cruz, Rio Grande do Sul. III-3.

Kume, Taneaka.—Paraguassú, São Paulo. III-1.

Kuny, G.—São Paulo. II-2.

Kuroiwa, Hidechiki.—Paraguassú, São Paulo. III-1.

Kwakura, Zinozuki.—Ourinhos, São Paulo. III-1.

L. A. T. I., Linhas Aéreas Transcontinentaes Italiana S. A.—Rua México 90, Rio de Janeiro, and all branches in Brazil. I.

La Fonciere-Companhia Franceza de Seguros Contra Fogo.[10]—Avenida Rio Branco 128, Rio de Janeiro, and all branches in Brazil. IV.

Laboratório Esculapio, Ltda.—Rua da Alfândega 144 (Caixa Postal 1912), Rio de Janeiro. I.

Laboratório Veritas, Ltda.—Avenida Augusto Severo 58, Rio de Janeiro. I.

Laboratório Zambeletti, Ltda.—Rua Albuquerque Lima 480, São Paulo. I-1.

Laboratórios Novotherapica Ltda.—São Paulo. II-2.

Landgraf, Ricardo.—Rua 7 de Setembro 816, Porto Alegre. II-2.

Lang e Cia., Ltda.—Rua Commendador Manoel Pereira 177, Porto Alegre. I.

Lange e Cia., Ltda., H.—Rua México 90, Rio de Janeiro, and all branches in Brazil. I.

Laubisch, Carlos.—Rua do Ouvidor 86, e Rua Riachuélo 81-87, Rio de Janeiro. III-1.

Laubisch & Hirth, Carlos.—Rua Riachuelo 81-87, Rio de Janeiro. I-1.

Lecoultre e Cia., Ltda.—Rua Libero Badaró 173, São Paulo. I.

Lehr, Robert.—Rua Fernando Mendes 25, 8°, e Rua Alvaro Alvim 24, 5°, Rio de Janeiro. III-1.

Lettieri, G.—Rua Chile 65-67 e 103-106, Natal. I.

Leutzgen, Guilherme.—Rua Luiz Góes 122 (Caixa Postal 2027), São Paulo. I.

Leuzinger, S. A.—Rua do Lavradio 162, Rio de Janeiro. I.

Levier, Leo E.—Candelária 74, Rio de Janeiro. I.

Linhas Aéreas Transcontinentaes Italiana S. A.—Rua México 90, Rio de Janeiro, and all branches in Brazil. I.

Litográfica Blumenau, Cia.—Blumenau, Santa Catharina. II-2.

Livraria Allemã.—Rua da Bahia 1022, e Edificio Lutetia, Avenida Amazonas, Bello-Horizonte, Minas Geraes. I.

Livraria Herrmann.—Rua dos Andradas, Porto Alegre, Rio Grande do Sul. II-2.

Livraria Paraná. Rua Barão do Rio Branco 23, Curitiba, Paraná. II-2.

Lobo e Cia., Manoel.—Três Casas, Rio Madeira, Amazonas. II-2.

Lodders, Ricardo.—Avenida Rio Branco 69-77, Rio de Janeiro. I.

Lohmann e Cia.—Rua Miguel Couto 51 (Caixa Postal 947), Rio de Janeiro. I.

Lohmann e Cia., Ernst.—Travessa Padre Eutychio 59, Pará. I.

Loja Kiito.—Rua Direita 255, São Paulo. I.

"Loja Telefunken".—Rua Tamoyos 438, Bello-Horizonte. I.

Lombardi, Angelina.—Rua José Antonio Coelho 439, São Paulo. III-1.

Lück e Cia., Gurgel.—Rua do Commercio 161-165, Natal. I.

Lüdemann, Ernest Wilhelm.—Recife, Pernambuco. III-4.

Lüdemann e Cia., W.—Avenida Marques de Olinda 85, 2°, Recife, Pernambuco. III-4.

Luik, Paul.—Rua Teófilo Ottoni 89, Rio de Janeiro. I.

Luik e Kleiner, Ltda.—Rua Teófilo Ottoni 89, Rio de Janeiro. I.

Machado, José.—Rua da Praia, Paranaguá, Paraná. III-4.

Machinas Excelsior.—Rua Capitão Salomão 87, São Paulo. II-2.

Machinas Ferri Ltda. Rua dos Alpes 101-109, São Paulo. II-2.

Machinas & Ferrovias Ltda.—Avenida Rio Branco 52, Rio de Janeiro. II-2.

Machinas Metro, Ltda.—São Paulo. I.

Machinas para Escriptorio Mercedes do Brasil, Ltda.—Rua da Quitanda 65, Rio de Janeiro; and São Paulo. I.

Machinas Ypiranga.—Rua Cavour 38, Villa Prudente, São Paulo. II-2.

Madeiras Compensadas Ltda.—Rua 24 de Maio 594, Curitiba, Paraná. II-2.

Maebata & Ohira.—Garça, São Paulo. I-1.

Maecklenburg, Kurt.—Rua Barão do Rio Branco 23, Curitiba, Paraná. II-2.

Mahlmann, Emil.—Andradas 1290, Porto Alegre. I.

Makota Trading Co., Ltd.—All branches in Brazil. I.

Malheiro, Menici.—Avenida Rio Branco 69-77, Rio de Janeiro. I.

Mangels & Kreutzberg, Ltda.—Avenida Presidente Wilson 1866, São Paulo. I.

Mannesmann S. A., Tubos.—Rua General Câmara 90, Rio de Janeiro. I.

Mannheimer Versicherungs - Gesellschaft.—Rua da Alfândega 48, Rio de Janeiro, and all branches in Brazil. III-1.

Marconi, Umberto.—Alamêda Barão de Limeira 331, São Paulo. II-3.

Margutti, Stefano.—Rua da Quitanda 96, São Paulo. I.

Marquardt, Julius. — Avenida Almirante Barroso 81, Rio de Janeiro. III-2.

Marschner, Francisco.—Avenida Amazonas 308, Bello-Horizonte, Minas Geraes. I.

Martini, Aldo.—São Paulo. III-4.

Marubayashi, Shigueta.—Paraguassú, São Paulo. III-1.

Marx, Fritz.[11]—Rua José Maria Lisboa 1008, São Paulo. III-1; III-3.

Masaki, Iyda Ltda.—Promissão, São Paulo. II-2.

Maselli, Arthur.—Praça Mauá 7, s-1510, Rio de Janeiro. I.

Matsubara, Koshi.—Ourinhos, São Paulo. III-1.

Matsumoto, Kasuhiro.—São Paulo. I.

Matsushita, Aikiti.—Vera Cruz, São Paulo. II-2.

Max.[12]—Florianópolis. II-5.

Melching, A. O. H.—Rua São Bento 405 (Caixa Postal 2505), São Paulo. I.

Melzer, Winrich.—Rua Senador Queiroz 96, São Paulo. I.

Meng, Hermann.—Rua Buenos Aires 85, Rio de Janeiro. I.

"Merck" do Brasil S. A., Companhia Chimica.—Avenida Nilo Peçanha 155, Rio de Janeiro, and all branches in Brazil. I.

Meridional Tintas e Composicões, Ltda.—Rua da Candelária 9, Rio de Janeiro. I.

Merten, Wilhelm Holland.—Avenida Graça Aranha 43, Rio de Janeiro. II-2.

Messner, Franz (Dr.).—Rua General Câmara 19, Rio de Janeiro. I.

Metallurgica Mar.—São Paulo. I.

Metz, Carl.—Rio de Janeiro. II-4.

Metzner, Kurt.—Rio de Janeiro. I.

Meyer, Alwin.—Rua Mayrink Veiga 4, Rio de Janeiro. I.

Meyer, João.—Rua Teófilo Ottoni 104, Rio de Janeiro. II-2.

Meyer e Cia., Oswald.—Rua Coronel Vicente 384, Porto Alegre, Rio Grande do Sul. II-2.

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[10] Alternative listing appearing in this revision for Seguros La Fonciere Incendie, Cia., first included in Supplement 3 to Revision III.

[11] Not to be confused with Fritz Marx, owner of "Foto Preuss", Praça Getulio Vargas 2, Rio de Janeiro.

[12] Vessel owned by Empreza Nacional de Navegacão Hoepcke.

Michahelles e Cia., Ltda.[13]—Rua Mayrink Veiga 8 (Caixa Postal 759), Rio de Janeiro; São Paulo; and all branches in Brazil. I.

Mimósa Photo.[14]—Rua General Câmara 106, Rio de Janeiro. I; II-4.

Minas Brasilmica, Ltda.—Rua Lino Coutinho 1718, São Paulo. I.

Mineração Oldenburg Ltda.—Rio de Janeiro. I-1.

Misukami, Fujio.—São Paulo. I; I-2.

Mitsubishi & Co.—All branches in Brazil. I.

Mitsui & Co.—All branches in Brazil. I.

Miyasaka, Kunito.—São Paulo. I.

Miyasaki e Cia., Ltda.—Pompeia, São Paulo. II-2.

Moeller, Guilhermo.—Rua do Carmo 9 (Caixa Postal 2039), São Paulo; and Rio de Janeiro. I.

Moeller, Henrique.—Rua da Conceição 134, São Paulo. II-2.

Mogi, Seigo.—Praça Antonio, Prado 9, São Paulo. I.

Molinari e Cia., Hans.—Rua Luiz de Camões 75A, Rio de Janeiro. II-2.

Molize, Anse.—Araçatuba, São Paulo, and all branches in Brazil. II-2.

Moraes, A. R.—Rua Cortume 196, São Paulo. III-4.

Moreira e Gomes.—Rua Visconde Vergueiro 22, Santos. III-4.

Mori, Goro.—São Paulo. I.

Motores "Deutz Otto" Legitimo, Ltda., Soc. de.—Rua da Alfândega 116, Rio de Janeiro. I.

Motores Marelli S. A.—Rua Camerino 91-93, Rio de Janeiro. I; II-4.

Muegge, Carlos.—Rua Barão de Jaguaribe 377, Rio de Janeiro. III-4.

Mueller Guilherme.—Rio de Janeiro. II-2.

Müller, Alfredo.—Florianópolis, Santa Catharina. III-4.

Muller, Peter.—Rua Floriano Peixôto 6, Pernambuco. I.

Murai, Yo.— I.

Murakami e Cia.—Duartina, São Paulo. I-1.

Myamoto, Hirosi.—Cornelio Procopio, Paraná. III-1.

Nakamura, Joaquim.—Guararapes, São Paulo. II-2.

Nakano Iwao.—Rua Anhangabahu 911, São Paulo. I.

Napp, Scherer e Cia., Ltda. — Rio Grande do Sul. I.

"National" Allgemeine Versicherungs-Aktien-Gessellschaft.[15] — Avenida Rio Branco 47, Rio de Janeiro, and all branches in Brazil. IV.

Navarini, Alexandre Aguillar.—Avenida Delphim Moreira 1120, Rio de Janeiro. II-2.

Nebiolo, S. A.—Rua Buenos Aires 263, Rio de Janeiro; São Paulo; and all branches in Brazil. I.

Neme, Tuffic.—Avenida Beira Mar 220, Rio de Janeiro. II-2.

Neugebauer e Cia., Ernesto.—Avenida Germania 230, Porto Alegre. I.

Nichikida Ltda., F. T.—Assaí, São Paulo. I-1.

Nieckele, Palmeira e Cia.—Rua Marechal Floriano 14-16, Pelotas, Rio Grande do Sul. II-2.

Niemer e Cia.—Rua Julio Adolpho 10, Bahia. II-2.

Niponica de Plantação do Brasil S. A., Cia.—Praça Frei Caetano Brandão 37, Pará. I.

Nishihara, Sakae.—São Paulo. I.

Nishio, Hagemu.—Rua Rosário 113-A, Rio de Janeiro. I.

Nishitani, Kazuo.—Rio de Janeiro. I.

Nishitani, Shoichi.—Rio de Janeiro. I.

Nishitani e Cia., Ltda.—Rua São Pedro 208, Rio de Janeiro; and Rua do Carmo 400, São Paulo. I.

Nishiyma e Cia., Irmãos.—Londrina and Cornelio Procopio, Paraná. I.

Nitihaku Takushoku Kaisha.—São Paulo. I-1.

Nitsche-Guenther-Busch do Brasil, Ltda.—Avenida Rio Branco, 122, Rio de Janeiro. I.

Noethlich, Herbert.—Avenida Rio Branco 52, Rio de Janeiro. I.

Noetzlin, Hans.—Rua Portugal 9, Bahia. I.

Noguchi e Cia.—Mercado Municipal, Rio de Janeiro. I.

Nord-Deutsche Versicherungs Gesellschaft.—Avenida Rio Branco 79-81, Rio de Janeiro, and all branches in Brazil. III-1.

Nygaard, Christiano (filho).—Rua Commendador Cominha 48, Porto Alegre. I.

O Japão Em São Paulo.—Rua Libero Badaró 472, São Paulo. I.

Officina Mechanica Tozan.—Avenida Celso Garcia 1248, São Paulo. I.

Officinas Mechanicas Aeronáuticas do Brazil, Ltda.—Rua México 90, Rio de Janeiro. I.

Ohara, Irmão & Co.—Rua Paula Souza 224, São Paulo. I-1.

Ohno, Mochisa.—Rio de Janeiro. I.

Okada, Shiguezo.—São Paulo. I.

Okamoto, Hidenosuke.— I.

Okamoto, Torazo.—Registro, São Paulo; Rua Galvão Bueno 351, São Paulo; Rua Braz Cubas 378, Santos; and all branches in Brazil. III-1.

Okamoto e Cia., Haruichi.—Marília, São Paulo. I-1.

Okano, Tsumematsu.—Bandeirantes, Paraná. III-1.

Okomoto, Haruishi.—Marília, São Paulo. II-2.

Okomoto, Sentaro.—Marília, São Paulo. II-2.

Oldendorf, E.—Rua Senador Queiroz 192, São Paulo. I.

Olivetti do Brasil, S. A.—Rua Florencio de Abreu 37, São Paulo; and Rua Buenos Aires 17, Rio de Janeiro. I.

Olympia, Machinas de Escrever Ltda.—Rua Teófilo Ottoni 86 (Caixa Postal 2754), Rio de Janeiro. I; II-4.

Omnipol Brasileira S. A.—Rua General Câmara 139 (Caixa Postal 2734), Rio de Janeiro. I.

Onishi e Cia.—Presidente Prudente, São Paulo. III-1.

Organização Carsel Ltda.—Rua Portugal 9, Bahia. I-4.

Osaka do Brasil Ltda., Sociedade de Navegação.—Avenida Rio Branco 37, Rio de Janeiro; Rua Cidade de Toledo 31, Santos; Rua Alvares Penteado 200, São Paulo; and all branches in Brazil. I.

Osaka Syosen Kaisya "OSK." Line.—Rio de Janeiro. I.

Osaki, Takahashi e Cia., Ltda.—Rua Visconde de São Vicente 83, Rio de Janeiro. I.

Osborne, Herbert. — Avenida Pessôa Anta 73, Fortaleza, Ceará. I.

Outta & Kawano.—São Paulo. II-2.

Ozaki, Tsugio.—Rio de Janeiro. I.

Pallavicini, Helmuth Csaky.—Rua da Alfândega 104, Rio de Janeiro. II-2.

Palmeira e Cia., Nieckele.—Rua Marechal Floriano 14-16, Pelotas, Rio Grande do Sul. II-2.

Palmeira & Meyer Ltda.—Rua Capitão Salomão 89, São Paulo. III-4.

Paschen e Cia.——Caixa Postal 44, Fortaleza, Ceará. I.

Peres, Sabbá e Cia.—Rua Guilherme Moreira 221, Manáos, Amazonas. II-2; II-4.

Perfumaria Claco, Ltda.—Fortaleza, Ceará. I.

Perfumaria Dralle do Brasil Ltda.—Rua Duque de Caxias, Joinville, Santa Catharina. II-2.

Petersen e Cia., Ltda.—Caixa Postal 1046, São Paulo. I.

Petersen, Michahelles e Cia., Ltda.—Rio de Janeiro, and all branches in Brazil. I.

Petsch, Willy.—Porto Alegre. I.

Pfluegger e Cia., Ernesto.—Manáos. I; II.

Pharmacia Allemã.—Rua da Alfândega 74, Rio de Janeiro. I.

Photo Halifax.—Rua Buenos Aires 120, Rio de Janeiro. II-2.

Photo Mimósa.[16]—Rua General Câmara 106, Rio de Janeiro. II-4.

"Piam" Farmacêutica e Commercial do Brasil Ltda.—Rua do Ouvidor 15, Rio de Janeiro. I-1.

Picard, Ernesto. — Rua Brigadeiro Tobias 673 (Caixa Postal 4226), São Paulo. I.

Pietrocolla, Akiyoshi e Cia.—Rua Cardeal Arcoverde 2544, São Paulo. I-1.

Pinto da Luz e Silva, Heitor.—Ruo São Bento 22, Rio de Janeiro. III-4.

Pneumaticos Continental do Brasil, Ltda.—Rio de Janeiro. I.

Prado e Cia., Ltda., A.—Rua Luiz Teixeira 18, São Paulo. I.

*Productos Agrícolas Ltda.—Rua Libero Badaró 641, São Paulo; and Praça 15 de Novembro 38-A, Sala 25, Rio de Janeiro. III-1; IV.

Productos Bisleri Ltda.—Rua da Alfândega 201 e Rua Dias da Costa 12, Rio de Janeiro. II-2.

Productos Bruschettini.—Rua Senador Dantas 55, Rio de Janeiro. I.

Productos Chimicios "Elekeiroz" S. A.—São Paulo. II-2.

Productos de Lavoura, Ltda.—Rua Libero Badaró 73, São Paulo. I.

"Productos Knoll".—Rua Alvaro Alvim 27, Rio de Janeiro. II-2.

Quebracho Brasil S. A.—Avenida Almirante Barroso 81, Rio de Janeiro, and all branches in Brazil. III-4.

Raacke, C. H.—Avenida Graça Aranha 40 (Caixa Postal 261), Rio de Janeiro. I.

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[13] Formerly Petersen, Michahelles e Cia., Ltda.

[14] Owned by J. G. Stuebing.

[15] Alternative listing appearing in this revision for Seguros Gerais "National" S. A., Cia., first included in Supplement 3 to Revision III.

[16] Owned by J. G. Stuebing.

*Address added or changed with this revision.

Raimann e Cia.—Rua Florencio de Abreu 123, São Paulo, and all branches in Brazil. I.

Ranniger e Cia.—Boulevard Castihos Franca 73, Pará. I.

Rantex, Ltda.—Rua Libero Badaró 346, Sao Paulo. I.

Regnier & Anachoreta.—Rua Candelária 92, Rio de Janeiro. I.

Regnier de Maquinas e Baterias Electricas, S. A.—Rua Candelária 92, Rio de Janeiro. I.

Regnier e Cia., Ltda.—Rua Candelária 92, Rio de Janeiro. I.

Regnier, S. A.—Rua Candelária 92, Rio de Janeiro. I.

Rehbock, Joachim Ferdinand.—Rio de Janeiro. III–4.

Rehder, Raul.—José María Lisbôa 1163, São Paulo. I.

Reis, Arthur.—Rua São Bento 24, Rio de Janeiro. III–4.

Reis, Wilhelm.—Avenida Almirante Barroso 81, Rio de Janeiro. I.

Representações Union, Ltda.—Rua 1° de Março 118 (Caixa Postal 590), Rio de Janeiro. I.

Reprex Ltda.—Blumenau, Santa Catharina. II–2.

Residuos Algodõeira, Ltda.—Rua São Bento 290, São Paulo. I.

Ribeiro dos Santos, Antonio.—São Paulo. I.

Ribeiro e Cia., Ltda., J. A.[17]—Rua Costa Pereira 128, Victoria, and all branches in Brazil. I; II–5.

Ricordi e Cia., G.—Alameda Barão de Limeira 331, São Paulo. I.

Ricotti, Attilio.—Avenida Rangel Pestana 1086–88, São Paulo. I.

Riedel, J. D.-E. de Haen e Cia., Ltda.—Travéssa Santa Rita 24, Rio de Janeiro; and São Paulo. I; I–4.

Rix, Richard.—Rua Conselheiro Moreira Barros 213, São Paulo. I; III–3.

Robertson, Herbert.—Rua Ministro Ferreira Alves 593, São Paulo. II–2.

Roenn, Wilhelm.—Rua Libero Badaró 346, São Paulo. I.

Romano, Adolpho.—Praça Coronel Eneas 38 e Rua 15 de Novembro 357, Curitiba. II–2; II–5; III–2.

Rossi, Evaristo.—Rua São Bento 405, São Paulo; Rua do Commercio 25, Santos. I–1.

Rossi, Humberto.—Campos, Rio de Janeiro. III–4.

Roth e Cia., G.—Avenida 17 de Agosto 189, Pernambuco. I.

Rouviere, Edmundo.—Rua Duvivier 43, Rio de Janeiro. I.

Rudert, H.—Rio de Janeiro. I.

Russo, Francisco Giunta.—Rua Libero Badaró 388, São Paulo. II–2.

Sá, Antonio.—Avenida Epitácio Pessôa 157, Santos. III–4.

Sakamoto, Masaharu.—São Paulo. I.

Sampaio e Sad.—Rua Buenos Aires 140, Rio de Janeiro. III–4.

Sapaco para Commercio e Industria, Cia.—Batatuba, São Paulo; Avenida Agua Branca 524, São Paulo; and all branches in Brazil. I; II–4.

Sarnelli, Alberto.—Praça Visconde Cayrú 19, Bahia. II–2.

Sasano, Fukusi.—Rua Goiaz Piedade 564, Rio de Janeiro. I.

Satoh, Sei.—Rua Rosário 69, Rio de Janeiro. I.

Sawamura, K.—Rua General Câmara 104, Rio de Janeiro. I.

Schadlich, Obert e Cia.—Rua Direita 160, São Paulo, and all branches in Brazil. I.

Schaeffer e Cia.—Rua Voluntários da Pátria 294–304, Porto Alegre. I.

Scheidt e Cia., Ltda., F. W.—Rua Domingos Lima 322, São Paulo. I.

Schendel, W.—Rua 7 de Setembro 790 (Caixa Postal 424), Porto Alegre, Rio Grande do Sul. II–2.

Schering, S. A.—Rua Moráes Silva 43, Rio de Janerio; and São Paulo. I.

Scheurer, Hans Peter (Dr.).—Rua Teófilo Ottoni 17, Rio de Janeiro. II–2.

Schiefferdecker, Henrique.—São Paulo. I.

Schlemm e Cia., E.—Rua 15 de Novembro 387 (Caixa Postal 550), Curitiba, Paraná. I.

Schluepmann, Werner.—Avenida Presidente Getulio Vargas 12, Parnahyba, Piauhy. I.

Schlupmann e Cia.—Parnahyba, Piauhy. I.

Schmarje, William.—Hotel Russell, Praia do Russell 64, Rio de Janeiro. I–2.

Schmid, A.—Rua do Ouvidor 164, Rio de Janeiro. I.

Schmidlin, Hugo.—Rua Tamoyos 487, Bello-Horizonte, Minas Geraes. I.

Schmidlin e Cia. Rua Tamoyos 487, Bello-Horizonte, Minas Geraes. I.

Schmidt e Cia.—Rua Julio Adolfo 14, Bahia. I.

Schmidt S. A. Comercio e Industria, Walter.—Rua 15 de Novembro 1495, Blumenau, Santa Catharino. II–2.

Schmitt & Alberto.—Rua Evaristo da Veiga 142–4, Rio de Janeiro. I.

Schmitt e Cia., Ltda.—Rua 24 de Maio 207, São Paulo. I.

Schmuziger, Ltda., Sociedade Industrial e Commercial.—Rua Benjamin Constant 147, São Paulo; and Rua da Candelária 78, Rio de Janeiro. I.

Schnitzer, Franz.—Rua Alvaro Alvim 27, Rio de Janeiro. II–2.

Schrappe, Max.—Rua Commendador Araujo 731–747, Curitiba, Paraná; and Blumenau, Santa Catharina. I; III–3.

Schreurs e Cía., Ltda., H.—Rua Voluntários da Pátria 140, Porto Alegre. I

Schupp e Cia., Emilio.—Rua Miguel Couto 42–4, Rio de Janeiro. I.

Schutte e Cia., Ltda., Alfred H.—Rua São Pedro MM, Rio de Janeiro, and all branches in Brazil. I.

Schwab, Filho e Cia., Adolpho.—Rua Dr. José Montauri 72, Porto Alegre. II–2.

*Schwalbe, Franz.—Rua Genera' Bruce 146, Rio de Janeiro. I–2; IV.

Schwerdtner, Friedrich.—Rua Professor Saldanha 125, Rio de Janeiro. II–2.

Segui, Tetsueiri.—Marília, São Paulo. II–2.

Seguros Aachen & Munich, Cia.—Avenida Rio Branco 47, Rio de Janeiro, and all branches in Brazil. III–1.

Seguros Albingia, Cia.—Avenida Rio Branco 47, Rio de Janeiro, and all branches in Brazil. III–1.

Seguros El Fenix Sudamericano, Cia.—Rua da Alfândega 48, Rio de Janeiro, and all branches in Brazil. III–1.

Seguros Gerais "National" S. A., Cia.—Avenida Rio Branco 47, Rio de Janeiro. III–1.

Seguros La Fonciere Incendie, Cia.—Avenida Rio Branco 128, Rio de Janeiro, and all branches in Brazil. III–1.

Seguros L'Union, Cia.—Rua Uruguayana 87, Rio de Janeiro, and all branches in Brazil. III–1.

Seibel e Cia.—Rua Voluntários da Pátria 608, Porto Alegre. I.

Sekkel, Jacques.—Avenida Calogéras 6, Rio de Janeiro. I.

Selinke, Otto Max. — Florianópolis, Santa Catharina. II–2.

Selmi e Cia., Ltda.—Rua Portugal 9, Bahia. I.

Semper e Cia.—Rua Marechal Deodóro 172, Manáos, and all branches in Brazil. I.

Serviços Aéreos Condor, Ltda.—Avenida Rio Branco 128, Rio de Janeiro, and all branches in Brazil. I.

Shiino, Yutaka.—Rua Teófilo Ottoni 113, Rio de Janeiro. I.

Shimizú e Cia.—Paranaguá, Paraná. I–1.

Shirato, Kanji.—Rio de Janeiro. I.

"SIDAPAR" Usina Siderurgica e Laminadora Nossa Senhora Aparecida, S. A.—Rua da Quinta 71, São Paulo. I.

Siemens Bauunion do Brasil S. A., Empresa Constructora.—Rio de Janeiro. I; II–1.

Siemens-Schuckert, S. A., Companhia Brasileira de Electricidade.—Rua General Câmara 78, Rio de Janeiro, and all branches in Brazil. I.

Silva e Cía.—Rua Portugal 26, Bahia. I.

Sinner e Cia.—Avenida Venezuela 43, Rio de Janeiro. I.

Siqueira, Fortunato.—Manáos, Amazonas. II–2.

Siqueira, J. R.—Manáos, Amazonas. II–2.

Siqueira e. Cia., J. R.—Manáos, Amazonas. II–2.

Soejima, Arthur. — Guarantan (Pirajú), São Paulo. II–2.

"SOINC" Sociedade Internacional de Commercio, Ltda.—Rua Uruguayana 104, Rio de Janeiro. I.

Spredtke, Johannes Hans Paul.—Rua Portugal 27, Bahia. I.

Sswao, Isositi.—Baurú, São Paulo. II–2.

Stahlunion, Ltda.—Rua Candelária 53, Rio de Janeiro; and Rua Senador Queiroz 76, São Paulo. I.

Stark e Cia. (Successor of Hans Riepery Cia.).—Rua Portugal 24, Bahia. I; II.

Steffen e Cia., Ltda., Arnoldo.—Rua Portugal 9, Bahia. I.

Steinbach e Cia.—Rua Miguel Calmon 36, Bahia. I.

Stoltz e Cia., Hermann.—Avenida Rio Branco 66–74, Rio de Janeiro, and all branches in Brazil. I.

Stuebing, J. G.—Rua General Câmara 106, Rio de Janeiro. I; II–1.

Stummel, Joseph.—Rua São Pedro 89, Rio de Janeiro. II–2.

Suematsu, Midori.—Marília, São Paulo. II–2.

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[17] Not to be confused with A. Ribeiro e Cia., Rua Florencio de Abreu 285, São Paulo, nor with J. A. Ribeiro e Cia., Fortaleza, Ceará.

*Address added or changed with this revision.

Sugayama, Terukiti.—Lins, São Paulo. II–2.

Sugimoto, Yosinosuke.—Rua Santa Ephigenia 37, São Paulo. I–1.

Sumbeck, Fritz.—Praça Mauá 7, Rio de Janeiro; and Rua Dom Pedro 11–16, Santos. I.

Suzuki, Rinkuro.—Ourinhos, São Paulo. III–1.

Syndicato Condor, Ltda.—Avenida Rio Branco 128, Rio de Janeiro, and all branches in Brazil. I.

Tagawa, Seiichi.—Rua Dr. Falcão Filho 56, São Paulo. I.

Takaima, Sampey.—Rio de Janeiro. I.

Takeda, Kanichi.—Rio de Janeiro. I.

Takeda Irmão e Cia.—Baurú, São Paulo. II–2.

Tamanouchi, Hideo.—São Paulo. I.

Tarrago & Lang.—Uruguayana, Rio Grande do Sul. II–2.

Taruma, Soiti.—Londrina, Paraná. III–1.

Tecelagem de Seda Paulicea, Ltda.—Avenida Alvaro Ramos 35, São Paulo. I.

Technica Bremensis, Ltda., Soc.—Caixa Postal 1548, Rio de Janeiro, and all branches in Brazil. I.

Tecidos Japonezes S. A.—Rua Direita 255, São Paulo. I.

Thewico de Armazens Geraes S. A., Cia.—Avenida Rodrigues Alves e Avenida Rio Branco 79–81, Rio de Janeiro. I.

Tigges e Cia.—Rua 15 de Novembro 595, Curitiba. III–4.

Tintas Sprimo, S. A.—Rua Coronel Pedro Alves 100 (Caixa Postal 1839), Rio de Janeiro. I.

Tintas Victoria, Ltda.—Rua Conde Leopoldina 644, Rio de Janeiro; and Duque de Caxias 555, São Paulo. I.

"Tok and Niwa".—Rio de Janeiro. I.

Tokuya, Koseki.—São Paulo. I.

Tone e Cia.—Ourinhos, São Paulo. I–1.

Toshio Saito, Antonio.—Sta. Cruz do Rio Pardo, São Paulo. III–1.

"Transocean" G. m. b. H.—Rosário 136, Rio de Janeiro. I.

Transportadora Hollmann. — São Paulo, and all branches in Brazil. III–4.

Trepper e Cia., Ltda.—Rua 12 de Março 39, Rio de Janeiro. I; I–4.

Truppel e Cia.—Caixa Postal 29, São Francisco do Sul, Santa Catharina. I–4.

Truppel e Cia., B.—São Francisco do Sul (Caixa Postal 29), Santa Catharina. I.

Tsukamoto, Takeshi.—Rio de Janeiro. I.

Ttuzu, Rikiti.—Araçatuba, São Paulo. II–2.

Tubos Mannesmann S. A.—Rua General Câmara 90, Rio de Janeiro. I.

Tuji, Kotaro.—Pará. I.

Uebele, Hans Ulrich.—Santos. III–4.

Uebele, Otto.—Santos. III–4.

Uehara, Ushi.—Paraguassú, São Paulo. III–1.

Ueno, Yonezo.—Ourinhos, São Paulo. III–1.

Ulrichs, Friedrich Wilhelm Victor Albert.—Fortaleza, Ceará. III–4.

Ulrichs e Cia., Ltda., F.—Edificio Diogo, Sala 63, Fortaleza, Ceará. III–4.

União de Ferros.—Rua Voluntários da Pária 294–304, Porto Alegre. I.

Urbach, Joseph.—Avenida São João 239, São Paulo. I.

Usina Eléctrica de Bastos.—Bastos, São Paulo. II–2.

Usina Porongaba.—Fortaleza, Ceará. II–2.

Usina Siderurgica e laminadora Nossa Senhora Aparecida S. A.—Rua da Quinta 71, São Paulo. I.

Uyetsuka, Tsukasa.—Pará. I.

Valente, Agostino Cesare.—Rua Senador Dantas 55, Rio de Janeiro. I.

Van Rees do Brasil, Ltda.—Rua Libero Badaró 92, São Paulo. I.

Vaz, Cyro.—Rua da Quitanda 163, sala 202, Rio de Janeiro. I.

Viação São Paulo-Mato Grosso, Cia.—Rua Libero Badaró 137, São Paulo. I.

Vianna, Braga e Cia.—Rua Conselheiro Dantas 35, São Salvador, Bahia; and Joazeiro, Bahia. I.

Von Dellingshausen, Nicolaus Eduard.—Rua Teófilo Ottoni 96, Rio de Janeiro. II–2.

Von Densteinen, Carlos.—Recife, Pernambuco. I.

Von Klobusitsky, Dionisio M. (Dr.).—Rua Voluntários da Pátria 132, Rio de Janeiro. I.

Von Wangenheim, Dietrich (Baron).—Florianópolis, Santa Catharina. III–4.

Von Zimmermann, Horst.—Rua Tamoyos 487, Bello-Horizonte, Minas Geraes. I; III–3.

Voos, Leo.—Rua São Pedro 106, Rio de Janeiro. III–4.

Wagner, Ltda., Fábrica Gunther.—Rua Mello Souza 86, Rio de Janeiro. I.

Waste Export, Ltda.—Rua São Bento 290, São Paulo I.

Weishuhn, Rudolf.—Avenida Rio Branco 69–77, Rio de Janeiro. III–4.

Weiszflog Irmãos.—Rua Libero Badaró 443, São Paulo; and Rua Gonçalves Dias 9, Rio de Janeiro. I.

Werner, Hilmar Bernhard.—Rio de Janeiro. III–4.

Westphal, João.—Avenida São João 578, São Paulo. II–2.

Westphalen, Bach, Krohn e Cia.—Rua Miguel Calmon 36, Bahia. I.

*Westphalen e Cia.—Rua Miguel Calmon 36, Bahia. I–4; IV.

Will, Frederico.—Rua da Alfândega 69, Rio de Janeiro. I.

Wille Cia., Ltda., Theodor.—Avenida Rio Branco 79–81, Rio de Janeiro, and all branches in Brazil. I.

Willner e Cia., Ltda., E.—Rua da Quitanda 60, Rio de Janeiro. II–2; III.

Winkelmann, Walter.—Rua Alvaro Alvim 33–7, Rio de Janeiro. I.

Winterstein, Gertrude.—Rua Conselheiro Saraiva 14, Rio de Janeiro. III–4.

Winterstein, Herbert.—Rio de Janeiro. III–4.

Wirtzbiki, Franz.—Porongaba, Fortaleza, Ceará. III–4.

Woebcken, Adolfo (Jr.).—Rua Teófilo Ottoni 83, Rio de Janeiro. III–4.

Wolff, Harald H.—Rua dos Benedictinos 21–22A, Rio de Janeiro. II–2.

Wolffmetal, Ltda.—Rua Hypodromo 1200, São Paulo. I.

Yamada, Tadashi.— I.

Yamagata, Faro e Cia., Ltda.—Niterói, Rio de Janeiro. I.

Yamamoto, Kioshi.—São Paulo. I.

Yamashita Kisen Kabushiki Kaisha "Yamashita" Line.—Praça da República 22, Santos; and Rua Libero Badaró 92, São Paulo. I.

Yasumi & Shimisu.—Paranaguá, Paraná. II–5.

Yokohama Specie Bank, Ltda.—Rua da Candelária 23, Rio de Janeiro. I; II.

Yonedo, H.—Sta. Cruz do Rio Pardo, Sáo Paulo. III–1.

Yoshio e Cia.—Pres. Prudente, São Paulo. I–1.

Zaki, Shirato e Cia.—Rua Rosário 69, Rio de Janeiro. I.

Zeiss Sociedade Optica Ltda., Carl.—Rua dos Benedictinos 21, Rio de Janeiro, and all branches in Brazil. I; I–4.

Ziemer, Otto.—Rua H. Barros 197, Rio de Janeiro. I; II.

Ziemer e Cia.—Rua General Câmara 78, Rio de Janeiro; and Teófilo Ottoni, Minas Geraes. I; II.

CHILE

A. E. G., Compañía Sudamerikana de Electricidad. — Bandera 581 (Casilla 9393), Santiago. I.

Acción Chilena.—Huérfanos 1039, Santiago. II–4.

Ackermann Lochmann, Luis.—San Felipe 181 (Casilla 227), Puerto Montt. II–3.

Adura, José.—Avenida Independencia esquina Talca, Punta Arenas. II–1.

Agelindus, Sociedad Industrial Wenz y Cía.—Agustinas 1122 (Casilla 2522), Santiago. I–1.

Agencia Sanzolini.—Bandera 575, Segundo Piso, oficina 5, Santiago. III–1.

Agencia Stefani.—Avenida Colón 796 y Agustinas 571, Santiago. I–1.

Agrícola "Porvenir", Soc.—Independencia 601, Valdivia. II–4.

Agricultura e Industria San Pedro, Ltda., Soc. de—Agustinas 975, Santiago. II–3.

Air France.—Santiago, and all branches in Chile. I.

Akita Araki, Yosokichi.—Aldunate 1130, Coquimbo. I–2.

Albertz, G. y R.—Lautaro 866, Saniago. III–2.

Albingia Versicherungs Aktiengesellschaft.—Urriola 332 (Casilla 2060), Valparaiso. I–4.

Alemana de Vapores Kosmos, Cía.—Valparaiso. I.

Alert, Anselmo.—Avenida General Korner 582, Santiago. I.

Allianz und Stuttgarter Verein Versicherungs A. G.—Esmeralda 1013, Valparaiso. I–4.

Almacén de Pinturas "La Paloma".—Avenida B. O'Higgins 1162 (Casilla 9566), Santiago. I–2; III.

Alvarez, Adolfo.—Estado 378, Santiago. I–2.

Alvarez R., Osvaldo.—Errázuriz 845, Punta Arenas. I.

Amano, Yoshitaro.—Fundo Andalien, Concepción. I; II.

American Bar.—Cochrane 301, Valparaiso. III–3.

Andersen Leibbrandt, Pablo.—Prat 340, piso 2, Antofagasta. I–4.

Andreani Destefani, Silvio.—Atacama 302, Copiapó. II–3.

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*Address added or changed with this revision.

Andresen Koch, Hans.—Ahumada 54, Santiago. I–2.

Andresen T., Hans.—Agustinas 1139, Santiago. I–2.

Andriola P. Nicholás.—Prat 437, Antofagasta. I–1.

Aninat, Armando.—Quilpué. II–4.

Ankelen H., Juan.—Pedro Montt 1895, Valparaiso. III–2.

Apey Méndez, Carlos.—Cochrane 238 (Recreo), Viña del Mar. I–4.

Aragón, Fermín.—Ramírez 818, Osorno. III–2.

Arrau, Raúl.—Santiago. I.

Arriagada, Jorge Orellana.—Casilla 1894, Santiago. I.

Artuffo, Esteban.—Huérfanos 2566, Santiago. II–4.

Arzic, Nicolás.—Hotel Cervantes, Punta Arenas. III–1.

Asai, K.—Avenida Bernardo O'Higgins 2740, Santiago. I; I–2.

Asmundsen, Juan Nicholas.—Covadonga 668, Iquique. I–1.

Asociación de Amigos de Alemania é Italia.—Santo Domingo 714, Santiago; and Prat 846, Valparaiso. III–4.

Atala, Abraham.—Las Rosas 1055 (Casilla 488), Santiago. I–1.

Aubel Renz, Jorge.—Calle República, Osorno. III–2.

Aubel Sangmeister, Maquinaria y Merceria, Arnoldo.—Urmeneta 529 (Casilla 24), Puerto Montt. III–1.

Backenberg, Julio.—Blanco 1303 (Casilla 480), Valparaiso. I.

Baehr & Mueller, Ltda.—Santo Domingo 1025 (Casilla 1941), Santiago. I.

Bahamondes y Cía., Ltda.—Huérfanos 1180, Santiago. I–1.

Banco Alemán Transatlántico.—Valparaiso, and all branches in Chile. I.

Banco Germánico de la América del Sud.—Santiago and Valparaiso. I.

Banque Française et Italiènne pour l'Amérique du Sud S. A.—Santiago, and all branches in Chile. I.

Bar La Playa.—Errázuriz 642, Valparaiso. III–3.

Bar Martini.—Plaza Sotomayor 160, Valparaiso. III–3.

Bar Munich.—Plaza Aníbal Pinto 1189, Valparaiso. III–4.

Bardina C., Juan.—Argentina 373, Valparaiso. II–3.

Barends, Barend.—José Infante 120 (Casilla 1393), Santiago. II–5.

Barra, Juan.—Casilla 389, Concepción. II–5.

Barreau, Eduardo.—Picarte 382 (Casilla 540), Valdivia. II–1.

Barreau y Cía. Ltda., Eduardo.—Picarte 382 (Casilla 540), Valdivia. II–1.

Barria, Elías.—Calle Guillermo Aguilar, Valdivia. III–3.

Barria, Nicolás.—Picarte 568, Valdivia. III–3.

Barrio, Basilio.—Ramírez 818, Osorno. III–2.

Barz., Dietrich.—Morandé 291, oficina 50, Santiago. I–1.

Barz y Cía., D. (Sucrs. de Erick Schiele).—Morandé 291, oficina 50, Santiago. I–1.

Baum Hoffmann, Erich.—Catedral 1280 (Casilla 447), Santiago. II–3.

Bayer-Weskott y Cía., La Química.—Catedral 1312, Sanitago. I.

Bazar Japonés.—B. O'Higgins 2370, Santiago. III–1.

Becker y Cía. Ltda., A.—Santo Domingo 1158, Santiago. III–2.

Bekker von Tietzen, Werner.—Catedral 1151 (Casilla 4086), Santiago. I–1.

Bekker & Feise.—Catedral 1151 (Casilla 4086), Santiago. I–1.

Benheim, Robert (Dr.)—Bandera 575, Santiago. I.

Benheim & Schwartz, Ltda.—Bandera 575, Santiago. II–3.

Benites S., Armando H.—Echaurren 35, Santiago. III–4.

Benkel y Cía.—Catedral 1151 (Casilla 3421), Sandiago. I.

Berg-Boulin, Peter.—Nueva York 52, Santiago. I.

Berkhoff, Ernesto.—Picarte 319 (Casilla 401), Valdivia. II–5.

Bertolotto, Bernardo.—Barros Arana 333, Temuco. III–3.

Bevilacqua C., Juan.—Quilpué. I–4.

Bey, Edwin.—Avenida Concepción 155, Santiago. III–4.

Binder, Alfredo.—Casilla 44, Puerto Varas. II–3.

Binder, Fernando.—Casilla 44, Puerto Varas. II–3.

Binder Hermanos.—Casilla 44, Puerto Varas. II–3.

Bischoffshausen y Fuchslocher Ltda.—Ramirez 641, Osorno. III–2.

Bizama Merino, Hedilberto.—Gálvez 152, Santiago. II–1.

Block, Enrique.—Bandera 547 (Casilla 457), Santiago. I.

Blunck, Gualterio.—Huérfanos 972, Santiago. II–4.

Bobillier B., Guillermo.—Gay 2040 y Bandera 60, Santiago. I–4.

Boccardo A., José.—Quilpué. I–4.

Bodelón Sanz, Amando.—Gran Bretaña 118, Valparaiso. III–4.

Bodelón Sanz y Cía.—Blanco 1466, Valparaiso. III–4.

Böker, Carlos.—Serrano 498, Valparaiso. III–2.

Bolland, Augusto.—Avenida Brasil 2136, Valparaiso. I–1.

Bolland y Cía.—Avenida Brasil 2136, Valparaiso. I–1.

Bonohr, Harry.—Aníbal Pinto 270, Concepción. III–4.

Börger B., Max.—Calle General Cruz (Casilla 53–V), Valparaiso. II–1.

Boric, Tomislov.—Talca 1143, Punta Arenas. III–1.

Boric & Arzic.—Talca 1143, Punta Arenas. I–1.

Bornoldt, Max.—Constitución 664 Chillán. III–1.

Bosco Hermanos.—Esmeralda 1132, Valparaiso. II–4.

Bostelmann, Juan.—Prat 834, Valparaiso. III–1.

Botica Alemana.—Arturo Prat 850 (Casilla 26), Vallenar. III–2.

Botica Central.—Calle Ramírez, Osorno. III–2.

Botica Matthei.—Calle Ramírez esquina Bulnes, Osorno. III–2.

Botica Unión.—Condell 1205, Valparaiso. I–2.

Botica Victoria.—Victoria 2698, Valparaiso. I–2.

Brain, Demartini, Ltda.—San Antonio 579 (Casilla 1740), Santiago. III–2.

Branchi S., Gustavo.—Blanco 1053, Valparaiso. II–5.

Branchi & Mutis.—Blanco 1053 (Casilla 567), Valparaiso. II–5.

Brandeis, Enrique.—Huérfanos 1372, Santiago. I–3.

Brautigan Luhr, Alberto.—Aysen. I–2.

Bravo Hermanos.—21 de Mayo 583, Arica. II–5.

Brien G., Otto.—Pucón. II–3.

Brüchert y Cía.—Condell 1205, Valparaiso. I–2.

Bruhn H., Boie.—Gral. Alessandri 23 (Casilla 957), Santiago. I.

Bruhn, Johennes.—Nueva York 17, Santiago. I.

Buchholz, Gustavo.—Higuera 133, Cerro Alegre, Valparaiso. II–4.

Buchholz, Otto.—Cochrane 552, (Casilla 1407), Valparaiso. II–2.

Bueckner, Hans.—Bustos 2640, Santiago. III–1.

Burgemeister y Frey, Ltda.—Picarte 321 (Casilla 69–D); Valdivia. I–2.

Burkhardt Steinborn, Alfredo.—Yungay 744, Valdivia. I–3.

Busch, Adolfo.—Corlas Anwandter 820, Valdivia. III–3.

Busch D., Hans.—Casilla 27-D y Trizaro s/n, Temuco. III–1.

Busch, E. W. de (Suc. de. C. Wiedmaier).—Blanco 957, Valparaiso. II–3.

CB 93 Radio Maipo.[1]—Huérfanos 1055, Santiago. II–1; III–2.

CB 134 Radio Cervantes.—Avenida Bernardo O'Higgins 924 (Casilla 4650), Santiago. II–5.

CE 1174 Radio Maipo.[1]—Huérfanos 1055, Santiago. II–1; III–2.

Café "Olimpia".—Casilla 123, Puerto Montt. III–1.

Café Rio de Janeiro.—Puente 548, Santiago. III–3.

Calderón, Emilio.—San Ignacio 1295, Santiago. I.

Campodonico R., Pedro.—Errázuriz 1028 y Blanco 1041, Valparaiso. I–1.

Campos Araya, Carlos.—Arauco 350, Santiago. III–2.

Campos Franco, Fausto.—Avenida Buzeta 290, Santiago. I.

Canales B., Mathilde.—Catedral 1361, Santiago. II–2.

Cañas Flores, Ramiro.—Dardignac 170, Santiago. III–4.

Canepa Vaccarezza, José.—Juana Ross 181 (Casilla 4336), Valparaiso. II–5.

Caramello, Gerónimo.—Antofagasta. II–3.

Casa Alemana de Automóbiles "Mercedes-Benz".—República 47–55 y García Reyes 81, Santiago. I; III–3.

Casa Antofagasta.—Condell 631, Antofagasta. III–3.

"Casa Bata".—Condell 1250, Valparaiso. I.

"Casa Cotroneo".—Ecuador 133, Viña del Mar. II–4.

Casa Ehni.—Estado 378, Santiago. I–2.

Casa Escocesa.—Serrano 498, Valparaiso. III–2.

Casa Hargo.—Esmeralda 970, Valparaiso. I–1.

Casa Hombo.—Pasaje Matte 49, Santiago. I.

Casa Itoh Ltda. (Chile).—Nueva York 52, piso 7, Santiago. I; II.

Casa Japonesa.—Avenida Pedro Montt 2139, Valparaiso. I.

Casa Japonesa.—Condell 625–631, Antofagasta. III–3.

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[1] Formerly known as Radio Hucke.

Casa Picasso.—Bulnes esquina M. Montt, Temuco. III–4.

Casa Yamato.—Avenida Bernardo O'Higgins 2488, Santiago. I; II.

Casamitjana Cirera, Elías.—Guillermo Rawson 308 (Casilla 4200), Valparaiso. II–5.

Casaro, Carlos.—Valdivia 551, Punta Arenas. I.

Casaro, Julio.—Chiloe 839, Punta Arenas. I.

Casaro e Hijo.—Punta Arenas. I.

Cataneo, Domingo.—Bories 858, Punta Arenas. III–3.

Catecú S. A.—Peñaflor. I.

Celedón, Pedro.—Casilla 251, Valparaiso. II–3.

Central de Homeopatía Hahnemann.—Santo Domingo 1022, Santiago. II–4.

Cerutti y Cía., Ltda.—Lautaro esquina Prat, Angol. I–1.

Cervecería Stange y Cía., Ltda.—Puerto Montt. I–2.

Chenevey, Roberto.—General Salvo 348, Santiago. II–1.

Chiappe, Juan.—Casilla 66, Iquique. I–2.

Chilena de Artículos para Calzado, Soc.—Teatinos 975 (Clasificador 117), Santiago. I–1.

Chilena de Comerico Ltda., Soc.[2]—Prat 647 (Casilla 1804), Valparaiso. I–4; II–3.

Chilena de Lubricantes S. A., Cía.—San Joaquín 3103, Santiago. III–4.

Cigarrería Delicias.—Calle Bulnes, Temuco. III–2.

Cigarrería Richter.—Camilo Henríquez 524, Valdivia. II–4.

Club Alemán Plaza.—Camilo Henríquez 540, Valdivia. II–4.

Club Alemán Unión.—Independencia 451, Valdivia. II–4.

Colombo Bagnara, Aldo.—Avenida Brasil 2296, Valparaiso. III–1.

Colombo Bagnara, Hugo.—Avenida Brasil 2296, Valparaiso. III–1.

Colombo Caro, Enrique.—Avenida Brasil 2296, Valparaiso. III–1.

Comercial Chileno-Oriental Ltda., Soc.—Ramón Nieto 920, piso 5, Santiago. I; II.

Comercial Mitsubishi-Chile, S. A.—Agustinas 972, oficina 613, Santiago. I; II.

Comercial Taibo S. A., Cía.—Huérfanos 972, oficina 512, Santiago. I; II.

Condor.[3]—Santiago. III–1.

Cóndor, Ltda., Sindicato.—All branches in Chile. I.

Cordero, Manuel J.—Catedral 1404–12 (Casilla 1716), Santiago. I.

Cornejo Tagle, Héctor.—Casilla 1826, Santiago. I–3.

Cornejo y Cía.—Huérfanos 1180, Santiago. I–3.

Cornelius, Jan.—Picarte 1223, Valdivia. II–2.

Coronato, Italo.—Barros Arana 709, Concepción. III–3.

Coronata, Nino.—Matta esquina Maipú, Antofagasta. III–4.

Coronata y Cía., Juan.—Casilla 72, Iquique. I.

Corporación Chilena de Films.—Estado 91, Santiago. I–1.

Correa Lagos, Alfonso.—Calle 8 Norte 803, Viña del Mar. I–4.

Costa, Gustavo.—Prat 790, Valparaiso. III–4.

Costa V., Enrique.—Quilpué. I–4.

Costa y Cía., G.—Prat 790, Valparaiso. III–4.

Croxatto S., David.—Manuel Montt esquina Bulnes, Temuco. III–4.

Curtex Ltda.—Agustinas 1215, Santiago. I.

Curti Ruggiani, Arnaldo.—Yungay 2730–2732, Valparaiso. III–4.

Curti Ruggiani, Tulio.—Yungay 2730–2732, Valparaiso. III–4.

Curti y Cía., Ltda., Fratelli[4]—Yungay 2730–2732, Valparaiso. III–4; IV.

Da Forno Baldovino, Osvaldo.—Picarte 343, Valdivia. III–1.

Da Forno Baldovino, Sebastián.—Picarte 343, Valdivia. III–1.

Da Forno, Ltda., S. y O.—Picarte 343, Valdivia; and General Lagos 1701, Valdivia. III–1.

Daikubara, Akira.—Huérfanos, 587, Santiago. II–3.

D'Assurances Générales, Cie.—Prat 221, Santiago. II–4.

Dauelsberg y Cía.—Antofagasta and Arica. I.

De Garbado, Antonio.—Oficina Ingenio Hércules, Estación Catalina, Taltal. II–1.

De la Ruelle, Jean Marie.—Santiago. I

Dell'Orto y Cía., Ltda., "Vidriería Italiana".—Estado 149 (Casilla 558), Santiago. I–1; II.

Delpiano & Scheucher.—Bustamente 580, Santiago; and Arturo Prat 647, Valparaiso. I.

Demelt von Bach, Guillermo.—San Francisco esquina San José (Casilla 1697), Puerto Varas. II–4.

Denecke y Cía.—Avenida Argentina 411 (Casilla 79), Concepción. I–2.

Denger, Helmut.—Casilla 168–D, Santiago. III–1.

Deutsche Lufthansa A. G.—All branches in Chile. I.

Deutsche Zeitung für Chile.—Merced 673, Santiago. I–4.

Deutscher Verein Plaza.—Camilo Henríquez 540, Valdivia. II–4.

Deutscher Verein Unión.—Independencia 451, Valdivia. II–4.

Diario L'Italia.—O'Higgins 1266, Valparaiso. II–3.

Díaz Berguecio, Guillermo.—Catedral 1312, Santiago. I–1.

Díaz Gonzales, Alicia.—Madrid 944, Santiago. I.

Distribuidora Chilena La Tejedora, Ltda., Soc.—Huérfanos 858 (Casilla 6056), Santiago. I–3.

Dittmann, Bruno.—Prat 828, Valparaiso. II–5.

Doebbel, Federico.—Bandera 227 (Casilla 3671), Santiago. I.

Dominguez, Ricardo.—Libertad 173, Valdivia. III–2.

Dorbach, Kruckel y Cía., Ltda.—San Joaquín 3103, Santiago. III–4.

Droppelmann Krebs, Carlos.—Rosas 1274, Santiago. I–3.

Droppelmann Krebs, Luis.—Rosas 1274, Santiago. I–3.

Droppelmann Hnos.—Rosas 1274 (Casilla 28–D), Santiago, and all branches in Chile. I–3.

Dubrock, Adolfo.—Roca 843, Punta Arenas. II–5.

Dubrock, Carlos.—Roca 843, Punta Arenas. II–5.

Dubrock Hermanos.—Roca 843, Punta Arenas. II–5.

Dufour, Emile.—Agustinas 711, Santiago. II–4.

Ebel B., Ignacio.—Varas 870 (Casilla 160), Puerto Montt. III–1.

Ebel B., José.—Varas 870 (Casilla 160), Puerto Montt. III–1.

Ebel B., Luis.—Varas 870 (Casilla 160), Puerto Montt. III–1.

Ebel Hermanos, Ltda.—Veras 870 (Casilla 160), Puerto Montt. III–1.

Eberbach Vogel, Germán.—Vicuña Mackenna 788, Temuco. III–4.

Eberhardt, Hermann.—Estancia Puerto Consuelo, Ultima Esperanza (near Natales), Magallanes. II–5.

Eberhardt Hermanos.—Estancia Puerto Consuelo, Ultima Esperanza (near Natales), Magallanes. II–5.

Eckermann, Hans.—San Diego 224 (Casilla 929), Santiago. I.

Edición de la Tarde del Diario L'Italia.—O'Higgins 1266, Valparaiso. II–3.

Editora Italiana, Soc.—O'Higgins 1266, Valparaiso. II–3.

Eggers G., Bruno.—Prat 732 (Casilla 1505), Valparaiso; and Huérfanos 972, oficina 603, Santiago. I–1.

Eggers G., Otto.—Prat 732 (Casilla 1505), Valparaiso; and Huérfanos 972, oficina 603, Santiago.—I–1.

Ehni y Cía., G.—Estado 378, Santiago. I–2.

"El Danubio Azul".—Prat 466, Antofagasta. III–2.

El Diario Relámpago.—Santiago. I–4.

"El Japón".—Barros Arana 409, Concepción. I.

El Jote Grande.—Varas 529 (Casilla 314), Puerto Montt. III–1.

"El Radio Expreso".—Huérfanos 2566, Santiago. II–4.

El Suplemento del Diario Alemán.—Merced 673, Santiago. I–4.

"El Vaticano".—Matta esquina Maipú, Antofagasta. III–4.

Eller Kittner, Roberto.—A. Varas 854 (Casilla 107), Temuco. III–3.

Elórtegui Armendaris, Carlos.—Valparaiso. III–3.

Elórtegui Armendaris, Domingo.—Valparaiso. III–3.

Elórtegui Armendaris, Juan.—Valparaiso. III–3.

Elórtegui Armendaris, Pedro.—Valparaiso. III–3.

Elórtegui Bilbao, Carlos.—Valparaiso. III–3.

Elórtegui Bilbao, José.—Valparaiso. III–3.

Elórtegui Bazar.—Valdivia 269, Valparaiso. III–3.

Elten y Schaale Ltda.—Errázuriz 845 (Casilla 338), Punta Arenas. I.

Emck, Gisberto.—Bandera 620 (Casilla 2961), Santiago. I.

"Emporio Alemán".—Arturo Prat. 560, Temuco. I.

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[2] Not to be confused with Compañía Chilena Comercial S. A., Blanco 669 (Casilla 1573), Valparaiso.

[3] Magazine published by Talleres Gráficos del Diario Alemán.

[4] Name changed with this revision from Fratelli Curti y Cía., Ltda.

"Emporio El Japón".—M. Montt esquina V. Mackenna, Temuco. III–1.

Engel, Alberto.—Santo Domingo 1025, Santiago. I.

Engel y Cía.—Santo Domingo 1025, Santiago. I.

Engelhardt Fischer, Eduardo.—Avenida Brasil 653, Santiago. I–3.

Erdmannsdorffer, B.—Casilla 3177, Santiago. I.

Espinosa, Arsenio.—Claro Solar 965, Temuco. III–4.

Establecimientos Pelikan, Soc Ltda.—Rosas 1490, Santiago. I.

"Estación de Servicio Londres".—San Ignacio 224, Valparaiso. II–4.

Estancia Río Zamora.— III–1.

Explotadora de Manganeso, Soc. Ltda.—Nueva York 52 (Casilla 1137), Santiago; and Coquimbo. I; II–1.

Exportadora del Vinos del Llano de Maipo Ltda., Soc.—Santiago. I.

Exss, Gustavo.—San José de la Mariquina. II–4.

Fábrica Calzado Weiss.—Pérez Rosales 1390. Valdivia. II–4.

Fábrica de Betún "Royal".—San Martín 36, Concepción. III–4.

Fábrica de Conservas "Oso".—Casilla 1–A, Los Andes. II–3.

Fábrica de Pasteles "Fancy".—Carmen 93, Santiago. III–3.

Fábrica de Tejidos Tres Coronas.—Avenida Argentina 411 (Casilla 79), Concepción. I–2.

Fábrica-Nacional de Carrocerias S. A.—Casilla 11–D, Viña del Mar. I–1.

Falciola, Carl Osborne.—Lira 856 (Casilla 2874), Santiago. I.

Fantuzzi P., Angel.—Avenida Salvador 774, Santiago. I–2.

Fantuzzi e Hijos, Angel.—Avenida Salvador 774, Santiago. I–2.

Farmacia Colón.—Avenida Argentina 318, Valparaiso. II–5.

Farmacia Germania.—Ahumada 199, Santiago. I–2.

Farmacia Germania.—Pedro Montt 1895, Valparaiso. III–2.

Farmacia Hoppe y Laboratorio "Etos".—Avenida Francia 698 (Casilla 1020), Valparaiso. III–1.

Farmacía Vienesa.—Colón 2763, Valparaiso. III–3.

Fasching Stadlhuber, Carlos.—Colón 2763, Valparaiso. III–3.

Feise Washnschaffer, Hermann.—Catedral 1151 (Casilla 4086), Santiago. I–1.

Feldrape, Ernst.—Hotel Cosmos, Magallanes. I; I–4.

Fennekohl, Franz.—Napoleón 480 y Bandera 191, Santiago. I–2.

Ferrero C., Santiago.—Chacabuco 2621, Valparaiso. II–4.

Ferrostaal, A. G.—Santiago. I.

Ferrostaal G. m. b. H.—Santiago. I.

Fiedler, Conrado (Dr.).—Santa Victorina 366 (Casilla 736), Valparaiso. II–5.

Figueroa, Felicia.—Calle Bulnes, Temuco. III–2.

Firmani y Cía., Ezio.—Ahumada 376, 21 de Mayo 825–865, y 21 de Mayo 801, Santiago. III–1.

Fischer, Germán.—Valdivia 367, Santiago. II–1.

Fischer, Herene, Juan.—La Unión. III–1.

Fischer, Ottmar.—Picarte 1129, Valdivia. II–4.

Floegel, Josef.—Errázuriz 845, Punta Arenas. I–4.

Flores y Kersting.—Morandé 350 (Casilla 3161), Santiago. I–3.

Flugel Deming, Guillermo.—Bandera 620, piso 3 (Casilla 1120), Santiago. II–2.

Fonck Sieveking, Oscar.—Nueva York 80, oficina 57, Santiago. III–1.

Fonck y Cía.—Avenida Brasil 1753, Valparaiso. III–1.

Fosfato Germania Ltda., Soc.—Calle Regimiento s/n, Coquimbo. II–1.

Foto Ziegele.—Manuel Montt 791, Temuco. III–4.

Fotografía Japonesa.—Avenida Bernardo O'Higgins 2740, Santiago. I; II.

Fotografía Tunekawa.—San Antonio 39, Santiago. I; II.

Fracchia Ottone, Libero. — General Salvo 317, Santiago. II–5.

Framm, Eduardo.—Roberto del Rio 1644, Santiago. II–2.

Framm y Cía., Eduardo.—Agustinas 1111, oficina 715, Santiago. II–2.

Frammknecht, Juan.—Catedral 1361 (Casilla 1130), Santiago. I.

Franz Thill, Rudolf.—San Francisco s/n (Casilla 145), Puerto Varas. II–3.

Franz, Werner.—Carrera 863, Osorno. III–2.

Franz y Cía., Ltda.—Calle Del Salvador esquina San Francisco, Puerto Varas. III–1.

Fratelli Curti y Cía., Ltda.—Yungay 2730–2732, Valparaiso. III–4.

Frey, Casa Hans.[5]—Independencia 500 (Casilla 322), Valdivia. I–3.

Frey, Casa Hans.[6]—Manuel Montt 815, Temuco. I–3.

Friederichs, Ernest.—Esmeralda 1149, Valparaiso; and Agustinas 629, Santiago. I.

Friederichs, Herman.—Bernardo O'Higgins 1260, Valparaiso; and Agustinas 629, Santiago. I.

Friederichs, Kurt.—Esmeralda 1149, Valparaiso; and Agustinas 629, Santiago. I.

Friederichs Yung, Gustavo.—Bernardo O'Higgins 1260, Valparaiso; and Agustinas 629, Santiago. I.

Friederichs y Cía.—Bernardo O'Higgins 1260, Valparaiso; and Agustinas 629, Santiago. I.

Fritis Manzo, Román.—Casilla 50–V, Valparaiso; and Casilla 1848, Santiago. II–1.

Froech Ebner, Miguel.—Bandera 443, Santiago. III–1.

Fritzsche F., Rudolf.—Villanelo Alto 505, Viña del Mar. III–3.

Fuchslocher, Egon.—Prat 780, Osorno. III–2.

Fugiike Fugiike, Yohei.—J. Santos Ossa 563, Antofagasta. III–3.

Fuhrmann y Jüllich.—Blanco 1033 (Casilla 1478), Valparaiso. I.

Fundición Grajales.—Grajales 2548, Santiago. III–1.

Fundición Volcán.—Freire 359, Osorno. III–2.

Galli Curti, Mario Aimone.—Yungay 2730–2732, Valparaiso. III–4.

Gamm, Hermann.—Antonio Varas 2143, Santiago. I–1.

Gandulfo Baumann, Salvador.—Cochrane 819, Valparaiso. II–4.

Gantz S., Guillermo.—Casilla 17, La Unión. II–4.

Garage Italia.—Chacabuco 2052, Valparaiso. III–4.

Garbaccio, Savino.—Luis Barros B. 61, Santiago. II–1.

Garces Gana, Agustín.—Nueva York 52 (Casilla 2998), Santiago. I.

García, Félix.—Santo Domingo 1231, Santiago. I.

García García, Teodoro.—Victorio 2704, Valparaiso. III–3.

García, Nicolás Yus.—Exposición 1044, Santiago. I.

García Serdio, Arsenio.—Puente 676, Santiago. III–2.

Gardeweg Villegas, Enrique.—Nuble 1168, Santiago. II–5.

Gardeweg V. y Hnos., Enrique.—Avenida Portales 1314, Valparaiso. I.

Garimani Valdata, Miguel.—8 Norte 1137, Viña del Mar. II–5.

Geco Ltda., Cía.—Zañartu 1052 (Casilla 346), Santiago. I.

General de Anilinas y Productos Químicos Soc. Ltda., Cía.—Huérfanos 1372 (Casilla 607), Santiago, and all branches in Chile. I.

General de Construcciones del Perú S. A., Cía.—Bandera 575, Santiago. I.

Gerhard y Cía., Ltda.—Catedral 1404–12 (Casilla 1716), Santiago. I.

Gerlach Straube, Hans.—Bolívar 352, Iquique. I–4.

Gerlach y Cía., Ltda.—Bolívar 352 (Casilla 9–D), Iquique, and Arica. I–4.

"Germania y Araucania", Compañia de Seguros.—Esmeralda 1015, Valparaiso. I–4.

Geschkat, Ernesto.—Aldunate 402, Coquimbo. II–1.

Gevert & Neeb.—Amunátegui 480, Santiago. I–1.

Giacaman, Musa Jiries.—Prat 466, Antofagasta. III–2.

Giemza Steel, Federico.—Prat 743, Valparaiso. I–2.

Giemza y Cía.—8 Norte 1137, Viña del Mar. I–2.

Gili Hermanos.—Bandera 643 (Casilla 3820), Santiago. III–1.

Gleisner, Lorenz.—Barros Arana 402, Concepción; and Avenida Bernardo O'Higgins 1395, Santiago. II–3.

Gleisner, Wolrad Moritz.—Barros Arana 402, Concepción; and Avenida Bernardo O'Higgins 1395, Santiago. II–3.

Gleisner y Cía., Ltda., M.—Barros Arana 402; Concepción; and Avenida Bernardo O'Higgins 1395, Santiago. I.

Gnadt, Walter.—Avenida Portugal 8, Santiago. II–2.

Goehring Schunider, Helmuth. Valdivia. II–2.

Goldmann, Janssen.—Blanco 1121 y Plaza A. Pinto 1179 (Casilla 1566), Valparaiso. I–2.

Goldmann Schaub, Erich A.—Avenida Brasil 1727 (Casilla 1378), Valparaiso; and Huérfanos 930 (Casilla 456), Santiago. I–2.

Goldmann Schaub, Kurt.—Blanco 1121 y Plaza A. Pinto 1179 (Casilla 1566), Valparaiso. I–2.

Gómez, Henríquez, Alfredo.—García Reyes 37, Santiago. III–3.

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[5] Owned by Adolfo Meyer.

[6] Owned by Hugo Rasmussen.

Gómez - Marañón, Nicolás. — Avenida Argentina 328, Valparaiso. III–4.

González Jamett, Eduardo.—Esmeralda 970, Valparaiso. I–1.

González, José M.—Casilla 278, Talca. II–5.

González, y Cía., Ltda.—Esmeralda 970, Valparaiso. I–1.

Göpfert y Cía., Ltda., Pablo.—Bandera 575 (Casilla 1957), Santiago. I.

Greiner y Cía., Ltda.—Avenida Brasil 653, Santiago. I–3.

Greve, Carlos.—J. V. Lastarria 158, Santiago. III–4.

Grisar, Max.—Casilla 42–V, Valparaiso. II–3.

Grob, Arturo.—La Unión. III–1.

Groeger, Walter.—Santo Domingo 831, Santiago. I–1.

Groeger y Cía., Ltda.—Santo Domingo 831, Santiago. I–1.

Gross, Federico.—Estado 378, Santiago. I–4.

Gross y Cía., Ltda.—Catedral 1151, Santiago. III–1.

Grote, Pablo.—Matta esquina Carrera, Osorno. III–2.

Grunwaldt B., Guillermo.—Merced 673, Santiago. I–4.

Gubernatis, Germán. — Antofagasta. I–1.

Gutiérrez, B.—Casilla 1698, Valparaiso. II–3.

Guzmán Palacios, Jorge.—Estado 91, Santiago. I–1.

Haardt, Carlos.—Avenida Brasil 2136, Valparaiso. I–1.

Haas, José.—Prat 643 (Casilla 1161), Valparaiso. II–5.

Haenel Rabenau, Arturo.—Estado 260, Santiago. III–2.

Haenel, Ricardo Pablo.—Bandera 575 (Casilla 185), Santiago. II–3.

Haeusler, Luis.—Compañía 1288, Santiago. I.

Hagemann, Walter.—República 47–55 y García Reyes 81, Santiago. I; III–3.

Hagiwara, Yonosuke.—Ramón Nieto 920, Santiago. I.

Hahn B., Reinaldo.—Agustinas 972, oficina 339, y Avenida Larrain 6478, Santiago. II–4.

Hall Victor.—Ahumada 54, Santiago. I–2.

Hamburg-Amerika Linie.—Agustinas 1086, Santiago; and Valparaiso. I.

Hamdorf y Cía.—Arturo Prat 692, esquina Ant. Varas (Casilla 27–D). Temuco, and all branches in Chile. I.

Hammersley, Antonio.—Ahumada 215 y Constanza 618, Santiago. III–1.

Hammersley, Victor.—Esmeralda 1118, Valparaiso; and Callao 146, Viña del Mar. III–1.

Hammersley Hnos.—Esmeralda 1118, Valparaiso; and Ahumada 215, Santiago. III–1.

Hampel y Kosiel, Ltda.—Santo Domingo 1031, Santiago. I–4.

Hannig, Max.—A. Pinto (Casilla 54), Traiguen. III–4.

Haramoto, S.—Santiago. I.

Hardt y Cía., E.—Valparaiso. I.

Harries, Ltda., H. W.—Cochrane 843 (Casilla 955), Valparaiso. I–1.

Harries & Weinborn.—Casilla 244. Arica. I–1.

Hartung, Alfredo J.—Esmeralda 970, Valparaiso. I–1.

Hartung Drechsler, Enrique.—Aguirre 1203, Santiago. III–3.

Hattori Itinoze, Motoso.—Avenida Vicuña Mackenna 4, Santiago. I–2.

Hauser, Carlos.—Chacabuco 142, Concepción. III–3.

Hausner y Cía.—Nueva York 52, Santiago. I.

"Havastele" Agencia Noticiosa.—Agustinas 711, Santiago. II–4.

Heck Munzenmeyer, Gustavo A.—Varas 529 (Casilla 314), Puerto Montt. III–1.

Hegeler, Walter.—Ramón Carnicer 5 (Casilla 9394), Santiago. I–1.

Heise, Alberto.—Estado 91 (Casilla 1567), Santiago. I–1.

Heissen, Emilio.—Avenida Manuel Rodríguez 799 (Casilla 2), San Fernando. II–5.

Heitmann L., Augusto.—Prat 647 (Casilla 1416), Valparaiso. II–3.

Helle, Augusto.—Picarte 486 (Casilla 661), Valdivia. I–2.

Helmke, Fritz.—Nueva York 52, Santiago. I.

Hengel y Rau.—Morandé 617, Santiago. I.

Henseleit, Julio.—Nueva York 62, Santiago. II–5.

Hilgers y Weis.—Carrera esquina Colón, Osorno. III–2.

Hinze y Bostelmann.—Bandera 419, Santiago. I.

Hirsch K., Martín.—Huérfanos 880, oficina 9, Santiago. I–1.

Hochstetter y Cía., Ltda.—Santo Domingo 1022, Santiago. II–4.

Hoffman Bernd, Pablo.—Calle Guillermo Gallardo esquina Urmeneta, Puerto Montt. III–3.

Hoffman Provisiones.—Calle Guillermo Gallardo esquina Urmeneta, Puerto Montt. III–3.

Hoffmann Thater, Otto.—Pérez Rosales 786, Valdivia. II–4.

Hoffmann Thater, Pablo.—Portal Fernández Concha 960, dept. 218, Santiago. II–4.

Hoffmeister, Werner.—Pedro Montt 249 (Recreo), Valparaiso. II–5.

Hoffmeister y Cía., Ltda.—Avenida Errázuriz 1356 (Casilla 2106), Valparaiso. II–5.

Hollstein, Arnaldo.—Osorno. III–4.

Holtheuer V., Germán.—Casilla 4650, Santiago. II–5.

Holtz Lehnhoff, Carlos.—Tongoy 57, Casa 3, Viña del Mar. III–4.

Holtz y Cía., Ltda., Carlos.—Valparaiso. III–1.

Holzapfel, Clemente.—Casilla 33, Valdivia. II–4.

Hombo Hombo, Takayasu.—Pasaje Matte 49, Santiago. I.

Honiuchi Honiuchi, Sadao.—Avenida Ecuador 4126, Santiago. I–3.

Hoppe B., Arnoldo.—Avenida Francia 698 (Casilla 1020), Valparaiso. III–1.

Hoppe, Walterio.—Calle Riquelme, La Unión. III–4.

Hortal, José.—Plaza de Armas 416, Santiago. II–3.

Hotel Herzog.—Blanco 395, Valparaiso. III–4.

Hotel Pelz.—Chacabuco 394, Valdivia. II–1.

Hotel Reina Victoria.—Plaza Sotomayor 160, Valparaiso. III–3.

Hotel Schild.—Camilo Henríquez 522, Valdivia. II–3.

Hotel Unión.—Letelier 477 (Casilla 91), La Unión. II–1.

Houber Schneider, Emilio. — García Reyes 37, Santiago. III–3.

Houber y Cía., Ltda., Emilio.—Romero 2455, Santiago. III–3.

Houber y Gómez Ltda.—García Reyes 37, Santiago. III–3.

Hubach, Fernando.—Osorno and Riachuélo. III–2.

Hübner, George.—Berger 2076, Chorrillos, Viña del Mar. II–4.

Hucke Hnos., S. A. C.—Avenida el Bosque 101, Santiago; and Valparaiso. I.

Hucke y Fischer Ltda.—Freire 799, Concepción. I.

Hühnemann, Hugo.—Blanco 395, Valparaiso. III–4.

Hurtado, Aurelio.—Valparaiso. II–5.

Ibáñez, Zamudie.—Santiago. II–5.

Ibar, Antonio.—Valparaiso. I.

Imperatore, Cayetano.—Errázuriz 675, Punta Arenas. III–3.

Imperatore, Esteban. — Bories 970, Punta Arenas. III–3.

Imperatore y Cía., Cayetano.—Errázuriz 675, Punta Arenas. III–3.

Imprenta "Artuffo".—Huérfanos 2566, Santiago. II–4.

Imprenta Atlantis.—Esperanza 1568, Santiago. III–4.

Imprenta Central.—Yungay 235, Valdivia. II–3.

Imprenta Comercial.—Claro Solar 965, Temuco. III–4.

Imprenta El Rayo.—O'Higgins 509, Osorno. III–1.

Imprenta Moderna.—Picarte 568, Valdivia. III–3.

Imprenta Valdivia.—Calle Guillermo Aguilar, Valdivia. III–3.

Indoo, Zonji. I.

Indunación Wagner-Beckers y Cía., Ltda.—R. Philippi 341 (Casilla 125), Valparaiso. III–2.

Industrial Kunstmann S. A., Soc.—Picarte 449, Valdivia. II–4.

Industrial y Comercial Hoffmann, S. A.—Valdivia. II–4.

Irazabal, Perpetuo.—Aníbal Pinto 848, Concepción. I–2.

Iriarte Hnos.—San Joaquín 3525, Santiago. I.

Islah (La Reforma).—Bellavista 263, Santiago. III–1.

"Italcable".—Santiago. I.

"Italmar" Sociedad Anónima de Empresas Marítimas.—Valparaiso and Santiago. I.

Italradio Ltda.—Chacabuco 2052, Valparaiso. III–4.

Jacob y Cía., A.—Ahumada 23, Santiago, and all branches in Chile. II–1.

Jacobsen G., Ernesto.—Huérfanos 972 y Carmen Silva 2345, Santiago. II–5.

Jahn Radmann, Rodolfo.—Blanco 1041, Valparaiso. III–1.

Jahn y Cía., R.—Blanco 1041, Valparaiso. III–1.

Janssen Denneberg, Werner.—Blanco 1121 y Plaza A. Pinto 1179 (Casilla 1566), Valparaiso. I–2.

Kadelbach, Conrado.—Padre Mariano 267, Santiago; and Coquimbo. I; II.

Kahl, Alfredo.—Calle San Francisco, Puerto Varas. III–1.

Kähni B., Enrique.—Ahumada 285, Santiago. III–1.

Kaiser Richter, Federico.—Esperanza 1568, Santiago. III–4.

Kamae Kamae, Yasuji.—Condell 620, Antofagasta. III–3.

Kanamori Kanamori, Koishe.—Blanco 1041, Valparaiso. I–2.

Kanda, Karamatsu.—Barros Arana 409, Concepción. I.

Kanda, Watanabe y Cía.—Barros Arana 409, Concepción. I.

Kanematsu & Co.—Avenida Bernardo O'Higgins 2334, piso 2, departamento D, Santiago. I; II.

Karcher Richter, Erich.—Valdivia. II–2.

Karlsruher, Herbert.—Condell 1436, Valparaiso. I–3.

Kawaguchi, K.—Huérfanos 972, oficina 512, Santiago. I; II.

Kawamura, K.—Huérfanos 972, oficina 512, Santiago. I; II.

Kehl y Cía.—Constitución 664, Chillán. III–1.

Keller R., Carlos.—Morandé 720, Santiago. II–4.

Kelter, Hans Harald.—Neuva York 54, Santiago. I.

Kido Kido, Masasi.—Portal Edwards 2732, Santiago. III–4.

Kirschke & Co., A.—San Diego 133, Santiago. I.

Kirsten, Enrique.—Ramírez 919, Osorno. III–3.

Kito Kito, Nikki.—Santo Domingo 1079 Santiago. I–2.

Kito, Shigemitsu.—Avenida Pedro Montt 2139, Valparaiso. I; III–3.

Kitzing, Ricardo.—Coronel Dávila 103 (Casilla 2649), Santiago. III–1.

Knop Niederhoff, Pablo.—San Martín 324, Valparaiso. I–1.

Knop Niederhoff, Reinaldo.—San Martín 324, Valparaiso. I–1.

Knop y Cía., R.—San Martín 324, Valparaiso. I–1.

Koch, Carlos.—Arica. I.

Koch, Hermann.—Casilla 19–D, Punta Arenas. I.

Kohler Flohr, Erwin.—Antonio Varas 325, Santiago. I–2.

Kohnenkamp, Merino y Cía., Ltda.—Ahumada 346, Santiago. III–1.

Koike, Tsuneo.—Santiago. I.

Koller, Walter.—Cosilla 309, Valdivia. II–3.

Kommer, Lothar.—Agustinas 972, oficina 419, Santiago. II–5.

Koreska y Cía., W.—San Isidro 41, Santiago. I.

Korff Hahn, Francisco.—Estación Llanquihue. III–1.

Kosmos Agencia Marítima.—Agustinas 1086, Santiago; and Valparaiso. I.

Kowald y Meissner, Ltda.—Arturo Prat 441 (Casilla 117), Temuco. III–4.

Kraemer y Cía., Ltda., Robert.—Agustinas 975 (Casilla 1194), Santiago. I–1.

Krause, Heriberto.—Salvador Donoso 1739, Valparaiso. II–3.

Krebs Schwetter, Luis.—Rosas 1274, Santiago. I–3.

Kristl, Peter J.—Bernardo O'Higgins 625, Antofagasta. I.

Kristl y Cía., P. J.—Bernardo O'Higgins 625, Antofagasta. I.

Kroeger M., Alberto.—Valparaiso. III–1.

Krueger G., Walter.—Avenida Bernardo O'Higgins 1162 (Casilla 9566), Santiago. II–3; III.

Krueger y Cía., Ltda.—Avenida Bernardo O'Higgins 1162 (Casilla 9566), Santiago. I; III.

Kubo Takaray, Guillermo.—21 de Mayo 435, Arica. II–3.

Kulenkampff, Knoop & Co.—Agustinas 1220 (Casilla 8027), Santiago, and all branches in Chile. I.

Kunstmann Munninch, Victor.—Picarte 449, Valdivia. II–4.

Kunstmann Ribbeck, Erico.—Calle Arturo Prat esquina Libertad (Casilla 175), Valdivia. III–2.

Kyonen T., Carlos.—Camino a Serena, Coquimbo. II–3.

"La Araucania", Compañía de Seguros.—Esmeralda 1015, Valparaiso. I–4.

"La Confianza", Compañía de Seguros.—Blanco 1002, Valparaiso; and Huérfanos 1151, Santiago. I–4.

"La Germania", Compañía de Seguros.—Esmeralda 1015, Valparaiso. I–4.

"La Gran Via".—Aníbal Pinto 540, Concepción. II–3.

La Nueva Edad.—Casilla 9373, Santiago. II–1.

La Química Bayer-Weskott y Cía.—Catedral 1312, Santiago. I.

La Reforma (Islah).—Bellavista 263, Santiago. III–1.

"La Reina de las Medias".—Ahumada 360, Santiago. I.

"La Riojana".—Ramírez 818, Osorno. III–2.

La Semana Internacional.—Argentina 373, Valparaiso. II–3.

Laboratorio Boston.—General Korner 1282, Santiago. II–3.

Lacassie, P.—Bandera 765, Santiago. I.

Lacquaniti, G., Alberto.—Ecuador 133 (Casilla 233), Viña del Mar. II–4.

Lampe, Emilio.—Blanco 1395 (Casilla 933), Valparaiso. I–4.

Lampert, Enrique.—Yungay 235, Valdivia. II–3.

Lanera, Ltda., Soc.—Calle 15 Norte 960, Viña del Mar. I–1.

Langhaus, Guillermo.—Puerto Natales. II–5.

Langhaus, Jorge.—Puerto Natales. II–5.

Laroche P., Edmundo.—Agustinas 972 (Clasificador D–538), Santiago. I–1.

Lauezzari, Ricardo.—Punta Arenas. II–3.

Lavanchy C., Cornelio.—Freire 200, Concepción. III–3.

Lehmann, Alberto.—Egaña 807–847, Puerto Montt. III–2.

Leist, Cristóbal.—Almagro 248 (Casilla 4148), Santiago. I.

Lejeune, Storm y Cía.—Cochrane 557, Valparaiso. I–1.

Lemm Bustos, Jorge.—Matías Cousiño 150, Santiago. III–4.

Leser, Hans.—Amunátegui 137 (Casilla 3321), Santiago. II–1.

Lettura, Ernesto.—Serrano esquina Atacama, Taltal. II–1.

Librería Corona.—San Antonio 226 (Casilla 2851), Santiago. I–3.

Librería Médica Universal.—Huérfanos 972, Santiago. II–4.

Lindemann Aust, Relojería y Joyería, Jorge.—Varas 634 (Casilla 174), Puerto Montt. III–1.

Lingua Buzzetti, Theo.—Chacabuco 481 (Casilla 135), Copiapó. II–2.

Litografía Marinetti, S. A.—Santa María 0298, Santiago. III–1.

Lobenstein, Roberto.—Agustinas 1153, Santiago. I–1.

Loch P., Sibylla.—Grajales 2548, Santiago. III–1.

Loch & Co., P.—Morandé 584 (Casilla 1286), Santiago. I.

Lodtmann K., Hans.—Nueva York 52 y Villaseca 353, Santiago. I–2.

Loguerio Padulo, Miguel.—Puerto Varas. III–1.

López, Félix A.—Esmeralda 968, Valparaiso. III–1.

"Lucelys".—Ramírez 1013, Osorno. III–2.

Luck, Guillermo (Willy).—Quilpué. III–1.

Luco, Braumuller, Lorca y Cía., Ltda.—All branches in Chile. I.

Luco, Braumuller y Cía., Ltda.—All branches in Chile. I.

Lüders y Cía., Ltda.—Santo Domingo 1223, Santiago. I.

Ludorf, Enrique.—Amunátegui esquina Agustinas, Santiago. II–3.

Ludwig, Carlos (Dr.).—Casilla 227, Puerto Montt. II–4.

Lutz, Gustavo.—Nueva York 62, Santiago. II–5.

Luvecce G., Carlos Guillermo.—Ramón Nieto 940, Santiago. II–5.

Machino Igarashi, Taro.—Paicavi 1190, Concepción. III–3.

"Madame Ginette".—Barros Arana 709, Concepción. III–3.

Maderera "Valdivia" S. A., Cía.—Arauco 22, Valdivia. II–4.

Mahn, Otto N.—Sotomayor 347, Santiago. III–4.

Makatsuka, Sueyuke.—Ramón Nieto 920, Santiago. I.

Maldini G., Luis.—O'Higgins 110, Copiapó. II–5.

Mamiya Fuhara, Yei.—Bulnes 80, Santiago. I–2.

Manfé Gaggero, Juan.—Avenida Pedro Montt 2555, Valparaiso. III–1.

Mannesmann, Ltda., Sociedad Tubos.—Santiago. I.

Manns, Fernando Luis.—San José de Mariquina. III–1.

Manufacturera de Caucho Tejidos y Cueros Catecú Ltda., Soc.—Condell 1250, Valparaiso. I.

Marini Monteverde, Silvio.—Avenida Pedro Montt 1844, Valparaiso. III–2.

Martens B., Ernesto.—Independencia 623, Valdivia. II–4.

Martín, Cristóbal (Dr.).—Caupolicán 307 y Pedro de Valdivia 787, Concepción. III–4.

Martínez, Carlos Alberto.—Huérfanos 1112, Departmento 20, Santiago. III–1.

Martínez Hnos. y Cía.—Aníbal Pinto 540, Concepción. II–3.

Martínez y Cía., Jesús.—Bandera 843, Santiago. I.

Martini y Rossi (Chile) Ltda.—Viña del Mar. I; II–3.

Matas Andreucić, Mateo.—Taltal. III–3.

Mathiesen y Cía.—Amunátegui 163, Santiago. II–3.

Matsukawa, S.—Huérfanos 972, oficina 512, Santiago. I; II.

Matsumoto Itoh, Kanji.—Avenida Argentina 380, Valparaiso. I–2.

Matsumoto Josie, Julio.—Avenida Bernardo O'Higgins 2488, Santiago. I.

Matsumoto Matsumoto, Jiro.—Agustinas 972, Santiago. I–2.

Matsumoto y Yamamoto.—Avenida Bernardo O'Higgins 2488, Santiago. I; II.

Matthei, Eduardo.—Ramírez 754, Osorno. III–2.

Mattil, Enrique—Temuco. I.

Mayenberger, Alfonso. Huérfanos 972, Santiago. II–4.

Mayenberger, Hermann.—Huérfanos 972, Santiago. II–4.

Mayenberger Hnos., Ltda.—Huérfanos 972 (Casilla 146–D), Santiago. I.

Mayer N., Walter.—Casilla 271, Osorno. I–4.

Mercería Central.—Picarte 321 (Casilla 279), Valdivia. II–1.

Mercería Chile, Ltda., Soc.—Esmeralda 1149, Valparaiso; and Agustinas 629, Santiago. I.

Mercería "El Candado".—Guillermo Rawson 308 (Casilla 4200), Valparaiso. II–5.

Mercería García.—Victoria 2704, Valparaiso. III–3.

Mercería Libertad.—Alameda 3023 (Casilla 4583), Santiago. II–5.

Mercería Puente.—Puenta 676, Santiago. III–2.

Mercería Scholtbach.—Varas 949, Puerto Montt. II–3.

Merck, Química Chilena, Soc. Ltda.—Compañía 2464, Santiago. I.

Mett, H. P.—Residencial Extrangera, L. Saint Jean, Pasaje Cousiño 4, Viña del Mar. II–5.

Meyer, Adolfo.—Independencia 500 (Casilla 322), Valdivia. I–3.

Meyer, Heriberto.—Avenida Manuel Montt 1660 (Casilla 13006), Santiago. III–1.

Minte, Roberto.—Puerto Varas. III–1.

Miramoto, I.—Huérfanos 972, oficina 512, Santiago. I; II.

Mirando al Oriente.—Huérfanos 1165, Santiago. I–4.

Mitsubishi-Chile, Sociedad Anónima Comercial.—Agustinas 972, oficina 512, Santiago. I; II.

Mitsubishi, S. K.—Coquimbo. I.

Mitsui & Co.—All branches in Chile. I.

Miyake, J.—Ramón Nieto 920, piso 5, Santiago. I; II.

Miyake, Temo.—Santiago. I.

Miyake, Teruo.—Agustinas 972, oficina 613–4 (Casilla 69–D), Santiago. I.

Miyasaki, Goro.—Ramón Nieto 920, piso 5, Santiago. I; II.

*Miyoshi, Sozan.—Lira 90, Santiago. I–3; IV.

Mizokoshi, Tatsuo.—Nueva York 52, piso 7, oficina 11, Santiago. I.

Mizumuma Sotome, Hisashi.—Condell 631, Antofagasta. III–3.

Mizushima, Sigeru.—Biarritz 1920, Santiago. I–3.

Molinera de Villarica, Cía.—Villarica. III–1.

Molino Frutillar.—Frutillar. III–3.

Molino Rahue.—República 272, Osorno. III–2.

Molinos y Fideos Carozzi, Cía.—Quilpué. I–4.

Moll, José O.—Casilla 224, Arica. II–1.

Möller, Arturo.—Río Bueno. III–4.

Moller y Fenner, Ltda.—San Antonio 429, Santiago. II–3.

Monguillo, Domingo.—Iquique. I.

Montalbetti Macchi, Ambrogio.—Chacabuco 2052, Valparaiso. III–4.

Montalbetti Tabaletti, Ricardo.—Chacabuco 2052, Valparaiso. III–4.

Montalbetti e Hijos, R.—Chacabuco 2052, Valparaiso. III–4.

Monti y Cía.—All branches in Chile. I.

Montt, A.—Augustinas 1070, Santiago. I.

Morales Domínguez, Carlos.—Manuel Montt 2481, Santiago. II–5.

Morán Acevedo, Sergio.—Santo Domingo 3669, Santiago. I–4.

Morawitz, Max.—Freire 314, Osorno. III–2.

Moreno, Armando.—San Luis de Francia 1776 (Casilla 4232), Santiago. I.

Morey C., Antonio.—Casilla 212, Coquimbo. II–1.

Morimoto Jimbo, Kanji.—Huérfanos 972, oficina 512, Santiago. I; II.

Mücke Hoffmann, Francisco.—Casilla 18, Ancud. II–4.

Mueschen, Walter B.—Nueva York 80, Santiago. I.

Muffeler, Peter.—Iquique and Arica. I.

Mugalsky, Otto.—Errázuriz 928, Punta Arenas. III–1.

Muggli, José.—Casilla 345, Santiago. I.

Mulach, Pablo.—21 de Mayo 1155, Punta Arenas. III–1.

Müller y Cía., Ltda., Herbert J. E.—Huérfanos 972 (Casilla 3757), Santiago. I.

Munzel, Kurt.—Santo Doming‿ 1074, Santiago. I.

Musso y Cía., Fernando.—Santa Rosa 3996, Santiago. I.

Mutzembecher, Juan.—21 de Mayo 1262, Punta Arenas. I.

Nachtmann, Anna K.—"Kanka Huasi", Panguipulli. II–3.

Nakayama Nakayama, Kaname.—Ramón Nieto 920, Santiago. I–2

Nanyo, K.—Catedral 1111, Santiago. I–2.

Nanyo, Fotografía K.—Catedral 1111, Santiago. I–2.

Nazal R., Juan.[7]—Avenida Prado 1853, Santiago. I–3.

Nazal & Co.[7]—Avenida Prado 1853, Santiago. I–3.

Neeb & Kirchgaessener Ltda.—General Korner 1282, Santiago. I–1.

Neef & Irritier.—Edificio Caja Nacional de Ahorros (Casilla 1246), Valparaiso. I.

Neef Rave, Arturo.—Prat 769 y Balmaceda s/n, Valparaiso. II4.

Neff Vollmer, Bruno.—Amunátegui 163, Santiago. II–3.

Nehls Heinrich, Jorge.—O'Higgins 1211, Valparaiso. III–3.

Neitzel y Orthmann.—Compañia 1264 (Casilla 1894), Santiago. I.

Nevermann, Herman.—Arica. I–1.

Nevermann, Kurt.—Arica. I–1.

Nevermann y Cía.—Arica. I–1.

Niemeyer, Carlos.—Esmeralda 973, Valparaiso. I–1.

Nippon Trade Agency.—Agustinas 972, Santiago. I–2.

Nippon Yusen Kaisha, "N. Y. K." Line.—Valparaiso. I.

Nishimura, T.—Avenida Bernardo O'Higgins 2334, piso 2, departmento D, Santiago. I–2; II.

Nissen, Teodoro.—21 de Mayo 1262, Punta Arenas. I–3.

Nocera, Cosme.—Bories 663, Punta Arenas. III–3.

Nolff, Max.—Arturo Prat 850 (Casilla 26), Vallenar. III–2.

Nomura, Fukunosuke.—Nueva York 52, piso 7, oficina 11, Santiago. I.

Nord-Deutsche Versicherungs Gesellschaft.—Alm. Gómez C. 150, Valparaiso. I–4.

Norddeutscher Lloyd.—Prat 828, Valparaiso; and Bandera 191, Santiago. II–3.

Noria del Campo Hnos.—Avenida Pedro Montt, Valparaiso. I–2.

Notoy, Torao.—Esquina 21 de Mayo y Baquedaño, Arica. I–2.

Oberpaur, Casa Ricardo.—Estado-Huérfanos (Casilla 2007), Santiago; and Valparaiso. I.

Oelbrich, Antonio.—Varas 880 (Casilla 6), Puerto Montt. II–3.

Oestemer, Franz Bickirt.—Arturo Prat 1120 (Casilla 3447), Santiago. I.

Oestreich y Cía., Ltda., P. (Dr.).—Merced 673, Santiago. III–3.

Oettinger Stegmaier, Adolfo.—Picarte 449, Valdivia. II–4.

Oetzmann, Friedrich.—Bandera 75, Santiago. I–2.

Oficina Grob Ltda.—Varas 880 (Casilla 6), Puerto Montt. II–3.

Okayama, M.—Huérfanos 972, oficina 512, Santiago. I; II.

Olivares Pérez, Miguel.—Barros Arana 402, Concepción; and Avenida Bernardo O'Higgins 1395, Santiago. II–3.

Ono, Siro.—Paulino Alfonso 37, Casa B, Santiago. I–3.

Optica López.—Esmeralda 968, Valparaiso. III–1.

Optica Tschumi.—Aníbal Pinto 470, Concepción. III–4.

Orlandini, Aldo.—Lastra 1436, Santiago. I.

Orlandini, Natalio.—Providencia 1022, Santiago. I.

Orlandini y Cía., Natalio.—Santiago. I.

Orlandini y Raggio, Ltda.—Providencia 1022, Santiago. I.

Orrego y Cía., Ltda., Carlos.—Avenida Bernardo O'Higgins 1799, Santiago. I.

Orth, Rodolfo.—Miguel Claro 1314, Santiago. I.

Osram, Fábrica de Ampolletas Eléctricas Ltda.—Avenida Vicuña Mackenna 1680, Santiago. II–1.

Osterloh, O.—Arturo Prat 834 (Casilla 526), Valparaiso; and Bandera 75, Santiago. I.

Osterloh y Cía., O.—Prat 834, Valparaiso. II–4.

Otsu Naka, Jorge.—Matta 734, Antofagasta. III–3.

Ott, Francisco.—San Martín 36, Concepción. III–4.

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* Address added or changed with this revision.

[7] Not to be confused with J. Nazal Hermanos, Temuco; and Mac-Iver 418 (Casilla 9457), Santiago.

Ottens, Rudolf.—El Vergel 2367, Santiago. I; II.

Pabst Rudloff, Carlos.—Diego Portales 857, Temuco. III–3.

"PACH".—Bandera 60, Santiago. I–4.

Paetz Zaengler, Juan.—Colo-Colo 467, Concepción. III–3.

Panadería Viale.—Valparaíso 498, Viña del Mar. III–4.

Pannes, Werner.—Bandera 575, Santiago. I.

Parnow, Juan.—Punta Arenas. I.

Pastelería Viale.—Valparaíso 613, Viña del Mar. III–4.

Paulsen y Cía.—Huérfanos 1284 (Casilla 1035), Santiago. I.

Pensión Alemana.—Bernardo O'Higgins 625, Antofagasta. I.

Pentzke Brandes, Alberto.—Avenida de las Delicias 310 (Casilla 27), San Felipe. II–5.

Pérez Gazitua, Jorge.—Bandera 71, Santiago. I–2.

Pfennings Hohmann, Edgar.—Alameda 3023 (Casilla 4583), Santiago. II–5.

Piazza G., Juan Pedro.—5 Oriente 294, Viña del Mar. II–1.

Piazza Gariboldi, Andres.—Avenida Brasil 1472, Valparaiso. II–5.

Piazza, Borghi y Cía., Ltda.—Subida Esperanza 9, Matadero, Valparaiso. II–1.

Piazza y Bertucci Ltda.—Avenida Brasil 1601 (Casilla 1855), Valparaiso. II–1.

Piazza y Cía., Ltda.—Teatinos 273 (Casilla 1527), Santiago; and Avenida Brasil 1472, Valparaiso. II–1.

Picasso y Cía., C.—Bulnes equina M. Montt, Temuco. III–4.

Pieber & Boek.—Galería Alessandri 7 (Casilla 13102), Santiago. I–1.

Pieper, Franz.—Bandera 242 (Casilla 1982), Sanitago. I–1.

Pinochet V., Augusto.—Blanco 889 (oficina 3), Valparaiso. III–1.

Pitto, Solari y Cía., Ltda.—Avenida Uruguay 152 (Casilla 4070), Valparaiso. II–4.

Plesch y Cía., Julio.—Barros Arana 71 (Casilla 24–C), Concepción. I.

Poblete Pérez, Florentín.—McIver 144 (Casilla 2367), Santiago. II–3.

Pohl y Cía., Alberto.—Villarica s/n, Loncoche. II–4.

Prensa Asociada Chile.—Bandera 60, Santiago. I–4.

"Propaganda Fonck"—Nueva York 80, officina 57, Santiago. III–1.

Purcell Hnos., Ltda.—Blanco 1131 (Casilla 2087), Valparaiso. II–2.

Purrucker, Otto.—Agustinas 111, Santiago. III–1.

Química Bayer, Cía., Ltda.—Santiago. I–2.

Química Industrial, Ltda., Cía.—Santa Rosa 3440, Santiago. II–2.

Quirch, Herbert.—Bandera (Casilla 1084), Santiago. I.

Raddatz Raddatz, Otto.—Salvador 19 (Casilla 5D), Puerta Varas. II–4..

Radio Cervantes CB 134.—Avenida Bernardo O'Higgins 924 (Casilla 4650), Santiago. II–5.

Radio Maipo.[8]—Huérfanos 1055, Santiago. III–2.

Radio Relámpago.—Valdivia. II–3; III–1.

Radios Telefunken.[9]—Agustinas 1139, Santiago. I; I–2.

Raggio, Juan.—Providencia 1022, Santiago. I.

Raible W., Otto.—Luis Beltrán 1832, Santiago. II–4.

Rasmussen, Hugo.—Manuel Montt 815, Temuco. I–3.

Rathje, Ricardo.—Yungay 251, Valdivia. II–4.

Reble, Oscar.—Moneda 873, Santiago. I–1.

Reccius, Bruno.—Ahumada 199, Santiago. I–2.

Redlich Repe, Enrique.—Cochrane 1064, Concepción. III–4.

Reichmann, Wilhelm.—Bandera 172 (Casilla 3124), Santiago. I.

Reimers, A. Hugo.—Madrid 944, Santiago. I.

Reiners, H. B.—Prat 773 (Casilla 874), Valparaiso. I–2.

Relojeria Barreau.—Picarte 382(Casilla 540), Valdivia. II–1.

Relojería Suiza.—Roca 843, Punta Arenas. II–5.

Remmele, Guillermo.—Calle Manuel Montt (Casilla 283), Temuco. III–4.

Remmele Schmidt, Germán.—Calle Ramírez s/n, Osorno. III–1.

Remmele y Koepfer, Ltda.—Calle Ramírez s/n, Osorno. III–1.

Rendel, Erich.—Arturo Prat 560, Temuco. I.

Renftel, Kurt.—Nueva York 80, Santiago. II–4.

Rensinghoff Hohdahl, Guillermo.—Puerto Montt. I–2.

Rensinghoff, Wilhelm y Cía.—Varas 350, Puerto Montt; and Del Salvador (Casilla 16), Puerto Varas. I; I–4; II–3.

Renz, Germán.—Blanco 1205 (Casilla 1097), Valparaiso. I.

Restaurant Bar y Hotel Berlín.—La Serena. II–3; III–4.

Reutter, Juan.—Catedral 1361 (Casilla 1130), Santiago. I.

Reyes Baez, Carlos.—Cochrane 557, Valparaiso. III–1.

Riccomini C., Renato.—Copiapó 474, Santiago. II–3.

Richter, Alfredo.—Calera. I–2.

Richter, Curt.—Frutillar. III–1.

Richter, Erich.—Vicuña Mackenna 6703 (La Florida), Santiago. I–1.

Richter, Hellmuth.—Camilo Henríquez 524, Valvidia. II–4.

Richter y Cía., E.—Vicuña Mackenna 6703 (La Florida), Santiago. I–1.

Richter y Cía. Ltda.—Frutillar. III–3.

Riegel y Cía.—Avenida Brasil 1373 (Casilla 77–V), Valparaiso. I.

Robba O., Julio.—Quilpué. I–4.

Robinovitch, Gregorio.—Agustinas 972 (Casilla 2553), Santiago. III–4.

Roeschmann, Bruno.—Arturo Prat 782, Temuco. I–2.

Roeschmann, Carlos.—Arturo Prat 782, Temuco. I–2.

Roeschmann, Guillermo.—Roble 735, Chillán; and Calle 5 Oriente 1½ Norte, Talca. I–4.

Roeschmann, Jorge.—Roble 735, Chillán; and Calle 5 Oriente 1½ Norte, Talca. I–2.

Roeschmann, Walter.—Arturo Prat 782, Temuco. I–2.

Roeschmann Hermanos y Cía.—Arturo Prat 782, Temuco. I–2.

Roeschmann & Wagner Ltda.—Morandé 862, Santiago. II–5.

Roeschmann y Cía., Jorge.—Roble 735, Chillán; and Calle 5 Oriente 1½ Norte, Talca. I–2.

Rometsch, Emilio.—Ahumada 302, Santiago. I–2.

Rosende S., Germán.—Huérfanos 1294, Santiago. II–4.

Rossi Porta, Carlos.—Edificio Estación Puerto, oficina 86, Valparaiso. III–1.

Rossi Hermanos y Cía., Ltda.—Viña del Mar. II–3.

Roth, Carlos.—Freire. III–4.

Ruff, Willy.—Estado 91 (Casilla 85–D), Santiago. I–3.

Ruff y Cía., Ltda.—Estado 91 (Casilla 85–D), Santiago. I–3.

Sabaj Zurob, Jorge.—Bellavista 263, Santiago. III–1.

Saelzer Boettinger, Jorge.—Valdivia. II–4.

Saelzer, Hermann.—Valdivia. II–4.

Saffer, Carlos.—Ahumada 360, Santiago. I.

Saip Dreher, Francisco.—Lincoyán 244, Concepción. III–3.

Saip Dreher, Pablo.—Lincoyán 244, Concepción. III–3.

Saip Müller, Pablo.—Lincoyán 244, Concepción. III–3.

Saip y Cía. Ltda., P.—Lincoyán 244, Concepción. III–3.

Saito, Nagasi.—Barros Arana 409, Concepción. I.

Salón de Ostras.—Varas 529 (Casilla 314), Puerto Montt. III–1.

Samhaber, Helmut.—California 2351, Santiago. I–2.

Samhaber y Cía.—Bascuñán 178, Santiago; and Avenida Latorre 20, Calera. I–2.

Sandoval de la Barra, Ernesto.—Pudeto 342, Valparaiso. II–5.

Sanguinetti Cioino, Enrique.—Yungay 2730–2732, Valparaiso. III–4.

Sanguinetti Cioino, Victor.—Yungay 2730–2732, Valparaiso. III–4.

Santes, Primitivo.—Calera. II–5.

Sanzolini Pallottini, Oreste.—Bandera 575, Segundo Piso, oficina 5, Santiago. III–1.

"Sastrería Alemán".—Calle Ramírez s/n, Osorno. III–1.

Sawabe Sawabe, Goro.—Monjitas esquina Andrés Bello, Santiago. II–3.

Scassi-Buffa, Odoardo.—Arlegui 155, Viña del Mar, and all branches in Chile. II–4.

Schadenberg, Enrique.—Roca 960, Punta Arenas. I.

Schaetz, Conrado Paul.—Bandera 521, Santiago. I–4.

Schauenburg, August.—Margarita 2320, Santiago. I.

Schering-Chile Ltda.—Santiago. I.

Scheuch Fritz, Augusto.—Calle República, Osorno. III–2.

Scheucher, Arnold.—Cochrane 580 (Casilla 1804), Valparaiso. I.

Schiappacasse, Benedetto.—21 de Mayo 1254, Tocopilla. II–4.

Schiesewitz Reichel, Pablo.—Casilla 123 Puerto Montt. III–1.

Schilling Hermanos.—Carrera 783, Osorno. III–4.

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[8] Formerly known as Radio Hucke.

[9] Managed by Hans Andresen T.

Schlephack, August.—Puente 548 (Casilla 2921), Santiago. III–3.

Schmidt, Joseph A.—Calle Talca, Punta Arenas. III–1.

Schmidt Méndez, Max.—La Serena. III–4.

Schmidt Romforth, Heriberto.—Errázuriz 391, piso 1°, Valparaiso. II–4.

Schmoll, Federico.—La Unión. III–1.

Schmöltzer, Gottfried.—Prat 790, Valparaiso. III–4.

Schoveling Niessing, Olaf.—Agustinas 972, oficina 401, Santiago. II–3.

Schreiterer, Julio.—Hotel Cosmos, Punta Arenas. I.

Schroeder, Francisco.—Estación Llanquihue. III–1.

Schuch, Rodolfo.—General Boonen Rivera 1995, Santiago. I.

Schuchard y Cía., Ltda., E.—Agustinas 1070 (Casilla 3809), Santiago. I.

Schuck, Ricardo.—Carrera 979, Osorno. III–2.

Schülbe Reinicke, Walter.—Santa Victorina 344, Valparaiso. II–5.

Schüler, Carlos.—Libertad 9, Valdivia. II–4.

Schüler, Pablo.—Valdivia. II–4.

Schuller Flaig, Otto.—General Lagos 1356, Valdivia. III–2.

Schulte, Siegfried.—Agustinas 1185, Santiago. I.

Schulz, Max.—Prat 790, Valparaiso. III–4.

Schulze, Guillermo.—San Antonio 226 (Casilla 2851), Santiago. I–3.

Schulze, Otto.—Baquedaño 111, Antofagasta. I.

Schumacher "Demag" Ing., Carl. Nueva York 52 (Casilla 1093), Santiago. I.

Schutz y Cía., Ltda., A.—Maipú esquina M. Pérez, Valdivia, and all branches in Chile. II–4.

Schutze, Fritz.—Bandera 22 y M. A. Maira 1265, Santiago. I–2.

Schwartz, Guillermo.—Bandera 575, Santiago. II–3.

Schwarzenberg, Adolfo.—Picarte 321 (Casilla 279), Valdivia. II–1.

Schwencke, Armando.—Calle Esmeralda, La Unión. III–3.

Schwerer Kick, Jorge.—Pedro Valdivia 1376, Concepción. III–1.

Sedat, Albert.—Santo Domingo 831, Santiago. I–1.

Sederias Timmermann, Ltda.—Avenida Tocornal 3247, Santiago. III–1.

Sedylan, Fábrico de Tejidos Ltda.—Avenida Vicuña Mackenna 3150, Santiago. I; II–4.

Seeger, Alberto.—Calle Ramírez, Osorno. III–2.

Seguros Aachen y Munich, Cía. de.—Agustinas 1111, Santiago. I–4; III.

Seguros Generales "La Genovesa", Cía. de.—Morandé 348, Santiago. III–3.

Seguros La Mannheimer, Cía. de.—Alm. Gómez C. 150, Valparaiso. I–4.

Seguros "La Previsora", Cía. de.—Almirante Gómez C. 150, Valparaiso; Huérfanos 1055, Santiago; and all branches in Chile. I–2.

Senda Senda, Toyohe.—Barros Arana 299, Quilpué. I–2.

Sepulveda, Aurelio.—Agustinas 972, Santiago. I.

Seran, Vicente Félix. Errázuriz 632, Punta Arenas. II–5.

Serio, Vicenzo (Vicencio).—Errázuriz 401, Valparaiso. II–3.

Serrano Fernández, Miguel.—Vicuña Mackenna 116, Santiago. II–1.

Shimizu, T.—Huérfanos 972, oficina 512, Santiago. I; II.

Shinya Shinya, Kichimatsu.—Agustinas 972, Santiago. I–2.

Shinya Shinya, Sakichi.—Pedro de Oña 42, Santiago. I–3.

Shiozaki, Kanzo.—I.

Shirakata, M.—Santiago. I; II.

Siebel Jenssen, Walter.—Agustinas 972, oficina 401, Santiago. II–3.

Siemens-Schuckert Ltda.—Valparaiso, and all branches in Chile. I.

Siering, Werner.—Catedral 1312, Santiago. I.

Sievert Meyer, Hans.—Avenida O'Higgins 1385 (Casilla 9501), Santago. III–1.

Silva Adriazola, Alberto.—Sucre 442, Antofagasta. I–3.

Sindicato Cóndor Ltda.—All branches in Chile. I.

Smid, Gerhard.—Santo Domingo 1231 (Casilla 2181), Santiago. I.

"SOCAPAC" Sociedad Chilena de Articulos para Calzado.—Teatinos 975 (Clasificador 117), Santiago. I–1.

Solimano, Chiappe y Cía.—Casilla 66, Iquique. I–2.

Soto Carrasco, Heriberto.—Dieciocho 346 (Casilla 1084), Santiago. II–4.

Spann, Herman.—Quinta "El Progreso", La Cruz; and Independencia 2085 (Casilla 3157), Valparaiso. II–4.

Specht y Cía., Ltda., Hugo.—J. R. Gutiérrez 282, Santiago. II–4.

Spoerke, L., Arturo.—Portal Alcaldesa 1842, Santiago. I–1.

Springmüller, Hans.—Yungay 649, Valdivia. II–3.

Stagno Dell'Orto, Hugo.—Carmen 93, Santiago. III–3.

Stange Ditzel, Heriberto.—Puerto Montt. I–2.

Stange Ditzel, Osvaldo.—Puerto Montt. I–2.

Stanke Wegner, Alberto.—San Antonio 186, Santiago. I–3.

Stark Schropp, Otto.—Valparaíso 421, Viña del Mar. III–3.

Stark y Cía., Otto.—Valparaíso 421, Viña del Mar. III–3.

Staudt y Cía., Ltda.—Morandé 672 (Casilla 1848), Santiago, and all branches in Chile. I.

Steffens K., Kurt.—Santo Domingo 819, Santiago. II–3.

Steuckrath, Franz.—La Unión. III–1.

Steuckrath y Grob.—Calle Comercio esquina Esmeralda, La Unión. III–1.

Steudel, Rolando.—Magallanes. I.

Stoltze Witt, Alfredo O.—Yungay 1874 (Casilla 3575), Valparaiso. I–3.

Stoltze & Serra, Ltda.—Yungay 1874 (Casilla 3575), Valparaiso. I–3.

Stolzenbach, Bernardo.—Picarte 476, Valdivia; and Collico. III–1.

Stolzenbach, Otto.—Picarte 476, Valdivia; and Callico. III–1.

Stolzenbach Hermanos.—Picarte 476, Valdivia; and Collico. III–1.

Storandt, Erwin.—All branches in Chile. I.

Storm, Teodoro.—Cochrane 557, Valparaiso. I–1.

Stubenrauch y Cía.—Casilla 19–D, Punta Arenas; and Natales. I; II.

Stuck y Cía., Ltda., J.—Pedro Valdivia 1123, Concepción. II–5.

Sucesión Reichert.—Freire. III–4.

Sucesión Schleyer.—Freire. III–4.

Sugawara, Yoshitaro Amano.—Fundo Andalien, Concepción. I; II.

Suplemento Ilustrado del Diario "El Radio Expreso".—Huérfanos 2566, Santiago. II–4.

Tagle Cerda, José.—Agustinas 975, oficina 608, Santiago. I–1.

Takada, Itsuka.—Hotel Carrera, Santiago. I–2; II.

Takasaki Higo, Tadao.—Avenida Bernardo O'Higgins 2370, Santiago. I–2.

Takenaka, Takeshi.—Valparaiso. I.

Talleres Gráficos del Diario Alemán.—Unión Literaria 1925, Santiago. II–4.

Tapia, Manuel Aníbal.—Bandera 75, Santiago. II–2.

Tashiro, Shintaro.—4 Oriente 745, Talca. I–3.

Taucher, Max.—Martínez de Rosas 3770, Santiago. III–1.

Taucher y Cía., Ltda.—Santos Dumont 936, Santiago. III–1.

Teatro Comedia.—Huérfanos 1180, Santiago. I–1.

Teatro Mundial.—Argentina 163, Valparaiso. III–4.

Thomas, Eugenio.—Avenida C. Colón (Casilla 2961), Santiago. II–2.

Thomas Gerard, León Eduardo.—Ahumada 236, Santiago. II–5.

Tienda "La Mundial".—Bories 663, Punta Arenas. III–3.

Tilmanns Cerereu, Reinaldo.—Recova 640 (Casilla 12), Vallenar. III–1.

Timmermann, Bernardo.—Monjitas 831, Santiago. I–2.

Timmermann y Cía., B.—Monjitas 831, Santiago; and Barros Arana 171, Concepción. I–2.

Tintorería New York.—Pedro de Valdivia 47, Santiago. II–3.

TO (Transocean).—Seminario 506, Santiago. II–1.

"Toyo" Servicio Noticioso.— I.

"Trabajo".—Rosas 1281, Santiago. II–4.

"Transocean" Agencia Noticiosa.—Moneda 1054, Santiago. I; II.

Transportes Fluviales S. A.—Yungay 231, Valdivia. II–4.

Transportes Marítimos S. A., Cía. de.—Valparaiso and Santiago. I.

Tredinick Ponce, Enrique.—Blanco 1041, Valparaiso. III–1.

Troeger, Kurt.—Cochrane 843, Piso 3, Valparaiso. III–2.

Truffello Hnos., Ltda.—Blanco 1041, Valparaiso; and Agustinas 975, Santiago. I–1.

Tschumi, Berta Erikson viuda de.—Aníbal Pinto 470, Concepción. III–4.

Tsukame, Alejandro.—Sazie 1860 y Pedro de Valdivia 47, Santiago. I; II.

Tubos Mannesmann, Ltda., Soc.—Santiago. I.

Tunekawa, Guillermo.—San Antonio 39, Santiago. I; II.

20 (Twenty) Naciones.—Huérfanos 1165, Santiago. I–4.

Ulriksen, Ivar.—Sargento Aldea s/n, Chillán. III–1.

Unitas Chilena S. A. C.—Morandé 672, Santiago. I; II.

Utgennant, Robert.—Casilla 4232, Santiago. I.

Valck, Carlos.—Coronel. I–2.

Valenzuela Aguilera, Leonidas.—Avenida Argentina 318, Valparaiso. II–5.

Valle Hermanos y Cía., Ltda.—Avenida Matta 524, Santiago. III–1.

Vatter & Hirsch Ltda.—Huérfanos 880, oficina 9, Santiago. I–1.

Vega Blantlot, Roberto.—Huérfanos 1039, Santiago. II–4.

Vega y Cía., Ltda., José.—Vicuña Mackenna 801, Santiago. III–2.

20 (Veinte) Naciones.—Huérfanos 1165, Santiago. I–4.

Veloz Santa Cruz, Alberto.—Huérfanos 1165, Santiago. I–4.

Venezian de Sanctis, Sergio.—Errázuriz 401, Valparaiso. II–4 .

Verdugo Blanco, Enrique.—Teatinos 273, Santiago; and Avenida Brasil 1472, Valparaiso. II–3.

Vergara, E.—Santo Domingo 1216, Santiago. III–1.

Vergara y Cía., E.—Santo Domingo 1216, Santiago. III–1.

Vernal y Cia., L.—Lira 759, Santiago. I.

Viale, Agustin.—Viña del Mar. III–4.

Viale, Dante.—Casilla 369, Viña del Mar. III–4.

Viale y Cía.—Casilla 369, Viña del Mar, III–4.

Vierling, Gustavo.—Avenida Holanda 390, Santiago. II–3.

Voelker & Kuhnt.—Ahumada 236, Santiago. I.

Von Bischoffshausen, Ernesto.—Ramírez 643, Osorno. III–2.

Von Johnn Marteville, H.—Agustinas 972, oficina 645 (Casilla 2824), Santiago. I–1.

Von Mühlenbrock L., Julio.—Yungay 760, Valdivia. II–3.

Von Schulz-Hausmann, F.—Valparaiso. I.

Von Wnuck, Emilio.—Amunátegui 280, Santiago. I–2.

Vorwerk & Co.—Casilla 42–V, Valparaiso; and Santiago. I.

Vuillemin, Rémy.—Prat 221, Santiago. II–4.

Vuillemin & Eberhard Ltda.—Prat 221, Santiago. II–4.

Vyhmeister Binder, Felix.—Puerto Varas. III–1.

Wachtel y Cía.—Casilla 87, Loncoche. I–1.

Wagner, Carlos.—Picarte 453, Valdivia. III–2.

Wagner, Ernesto.—Estanque 1875, Santiago. II–3.

Wagner, Germán.—Temuco. I.

Wagner, Gunther.—Rosas 1490, Santiago. II–5.

Wagner, Chadwick y Cía., Ltda.—Agustinas 975 (Casilla 2607), Santiago, and all branches in Chile. I.

Watanabe, Moyosuke.—Barros Arana 409, Concepción. I.

Watanabe Watanabe, Hideto.—Avenida Bernardo O'Higgins 2740, Santiago. I–2.

Weber, Carlos.—Villarica. III–1.

Weber Hey, Pablo.—Independencia 475, Valdivia. II–5.

Weber y Cía., Ltda., P.—Independencia 475, Valdivia. II–5.

Weil Hube, Carlos.[10]—Varas 880, Puerto Montt. III–2; IV.

Weiler Fluyth, Hans.—Plaza Bulnes 31, departmento 56, Santiago. I–4.

Weiler y Cía., Ltda.—Augustinas 958, Santiago. I–4.

Weinrich, Erwin.—Nogales 716 (Casilla 927), Santiago. II–5.

Weiss, Alfredo.—General Lagos 1394, Valdivia. II–4.

Weiss e Hijos, Alfredo.—Picarte 398, Valdivia. II–4.

Weller, Bruno.—Aldunate 635, Coquimbo. I–1.

Wendler, Otto.—Picarte 483, Valdivia. II–4.

Weppelmann Koehne, Alberto.—Bandera 620, Santiago. I.

Werkmeister, Enrique 2°.—C. Henríquez 705 y General Lagos 965, Valdivia. II–3.

Werkmeister, Federico.—Avenida Prat 470, Valdivia. II–4.

Werkmeister, Otto.—Avenida Prat 470, Valdivia. II–5.

Werkmeister y Cía.—Avenida Prat 370, (Casilla 97), Valdivia. II–4.

Werner Held, Alfredo.—Estación Llanquihua. II–2.

Werner Kretschmar, Jorge.—Estación Llanquihua. II–2.

Werner Raddatz, Erardo.—Estación Llanquihua. II–2.

Werner y Cía., A.—Estación Llanquihua. II–2.

Westkusten Beobachter.—Neuva York 80, Santiago. II–4.

Wevar M., Miguel.—O'Higgins 509, Osorno. III–1.

Wiegand O., Augusto.—Valparaiso. III–3.

Wiese y Cía., Ltda.—Romero 2460, Santiago. I–1; II.

Wilhelm Berner, Jorge.—Puerto Montt. I–2.

Willumsen, Hening K.—Roca 858, Punta Arenas. I.

Wistuba, José Luis.—Puerto Montt. 1–2.

Witt, K.—Estancia "Cameron", Tierra del Fuego. III–1.

Witt, Marton (Mrs.).—Punta Arenas. I–4.

Wittmann M., Guillermo.—Pasaje Matte 81, Santiago. III–1.

Worthmann y Cía., Ltda.—Huérfanos 930, Oficina 62, Santiago. I; II.

Wulle Krapht Juan.—Quinta "El Progreso", La Cruz; and Independencia 2085 (Casilla 3157), Valparaiso. II–4.

Wurth Meckes, Hermann.—Valparaiso 421, Viña del Mar. III–3.

Yamamoto Oyama, Jorge. — Avenida Bernardo O'Higgins 2488, Santiago. I.

Yasmura K., Carlos.—San Jorge 104 (Casilla 1118), Concepción. I–3.

Yasuda Yasuda, Masac.—Moneda 973, Santiago. I–3.

Yatabe, Tadaichi.—Temuco. 1–3.

Yokobori, Rynichi.— I.

Yoshinaga Motonao, Segundo.—Condell 625–631, Antofagasta. III–3.

Yunis García, Nicolás.—Santiago. I.

Yus García, Nicolás.—Santiago. I.

Zampetti Conrado.—Paulino Alfonso 378 (Casilla 1872), Santiago. III–1.

Zapatería "La Europa".—Valdivia. II–3.

Zárate Martínez, Luis.—San Ignacio 224, Valparaiso. II–4.

Zeisler, Hans.—Los Choros, La Higuera, Coquimbo. II–3.

Zeisler, Roberto.—Los Choros, La Higuera, Coquimbo. II–3.

Zelenka, Guillermo (Dr.).—Casilla 4190, Santiago. II–1.

Zeller B., Guillermo (Willy).—Esmeralda 1068 y Avenida Alemania 5508, Valparaiso. III–1.

Ziegele, Pablo.—Manuel Montt 791, Temuco. III–4.

Ziegele y Cía., A.—Picarte 46 (Casilla 59–D), Valdivia. II–4.

Zieleniewicz, Felix.—Casilla 1–A, Los Andes. II–3.

Ziener, Eric.—Casilla 2998, Santiago. II–1.

Zimmer y Cía., A.—Bandera 172 y Agustinas 1126, Santiago. I.

COLOMBIA

A. E. G., Electrotécnica.—Apartado 203, Bogotá, and all branches in Colombia. I.

Abuchaibe, Antonio.—Ríohacha. I–4.

Abuchaibe, Nicolás D.—Ríohacha. I; I–3.

Acme Continental S. A. (in liquidation).—Barranquilla. I.

Adamy, Fritz.—Carrera 7 No. 17–51 (Apartado Nacional 2724 y Apartado Aéreo 3920), Bogotá. I.

Adamy, Kurt.—Carrera 7 No. 17–51 (Apartado Nacional 2724 y Apartado Aéreo 3920), Bogotá. I.

Adamy Hermanos.—Carrera 7 No. 17–51 (Apartado Nacional 2724 y Apartado Aéreo 3920), Bogotá. I.

Agencias de Ultramar, S. A.—Bogotá. I.

Agencias Internacionales.[1]—Medellín. I; II–1.

Agrícola Exportadora S. A., Cía.—Bogotá. I–1.

Agueta, Tokuso Aguena.—Cali. III–4.

Ahrens, Guillermo.—Cali. I.

Ahrens, Heinrich.—Bogotá. I.

Albingia, Versicherungs A. G. I.

Almacén Bradford.—Carrera 8 No. 12–04, Bogotá. II–1.

Almacén Bremen.—Pereira. I; II–4.

Almacén Cali.—Cali. I–1.

Almacén Flandes.—Girardot, Cundinamarca. I.

Almacén Fux.—Barranquilla. I.

Almacén Gina.—Carrera 6–A No. 14–33, Bogotá. II–3.

Almacén Kruko.—Apartado 175, Cali. I.

Almacén Mil Novedades.—Bogotá. I.

Almacén Musical.—San Blas 12 (Apartado Nacional 138 y Apartado Aéreo 95), Barranquilla. I.

Almacén Palma.—Barranquilla. I–1.

Almacén Romano.—Carrera 8 No. 10–47, Bogotá. II–1; II–3.

Almacén Sánitas S. A.—Bogotá. I.

Almacén Stanford.—Calle 13 No. 7–20, Bogotá. I–4.

Almacenes Helda, Soc. Ltda.—Barranquilla. I.

Almacenes Sidea.—Medellín. I.

Alwers, Kurt B.—Cali. I.

Anilinas Alemanas, Cía. Ltda.—Calle 13 No. 12–82, Bogotá. I.

Annicchiarico, Oscar.—Ríohacha. I–3.

"Arbia" Finanza Ktieselskab.— I.

Ariyoshi, Toshiro.—I–1.

Ariza V., Gabriel.—Barranquilla. I.

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[10] Name changed with this revision from Weil Gardeweg, Carlos.

[1] Not to be confused with Agencias Internacionales, San Blas, Cuartel, Barranquilla.

Arnhold, K. E.—Carrera 7 No. 12–62, Bogotá. I.

Asano Bussan.—Bogotá. I.

Aserradero Cabica.—Soledad. I–2.

Assicurazioni Generali.—Bogotá. I; I–3.

Awakon, Masaharu.—Pradera. III–4.

Backhaus, Werner.—Barranquilla. I–3.

Baedecker, T. R.—Bucaramanga. III–4.

Baer, Carmen Ruiz de.—Barranquilla. II–5.

Baer, Walter.—Barranquilla. II–5.

Balg, W. D.—Barranquilla. I.

Banco Francés e Italiano para la América del Sur.—Bogotá, and all branches in Colombia. I.

Bandoh, I.—Edificio de la Bolsa, Bogotá. I.

Bandoh, K.—Barranquilla. I.

Barletta, Blas.—Boyacá, La Paz y Progreso, Barranquilla. I–1.

Barrios, José María.—Bogotá. I.

Barth, Erich.—Cali. I.

Barth, Theodore.—Cali. I.

Barthel y Cía., S. en C., Walter.—Apartado 34, Barranquilla. I.

Barthels, Herbert.—Cartagena. I.

Bayer-Weskott y Cía., La Química.—Apartado 301, Bogotá. I.

Beck, Alfred.—Calle 54 No. 4–71 (Apartado 1304), Bogotá. I–1.

Berendt, Carl Friederich.—Bogotá. I.

Berlit, Helmut Clason.—Barranquilla. III–4.

Bermit, Wilhelm, Bogotá. I.

Bermúdez L., Manuel.—Barranquilla. I.

*Beschiroff, Boris D.—Medellín; and Calle 45, No. 19–21, Bogotá. I; IV.

Biancardi, Giovanni.—Bogotá. I–1.

Bickel, Emil Werner.—Bucaramanga. III–3.

Bieler, Kurt.—Calle 13 No. 5–56, Cali. I.

Bieler, Werner.—Medellín. II–4.

Bilhuber, Otto.—Carrera 6 entre Calles 11 y 12, Cali. I.

Birkigt, F.—Bogotá. I.

Bizzarri, Enrique.—Bogotá. I.

Blass, Fritz (Dr.).—Medellín. I.

Blell, Walter.—Bogotá. I.

Bock, Alfredo.—Manizales. I.

Böhmer, Harold.—Cali. I.

Böhmer, Herman S.—Cali. I.

Böhmer y Cía., S. A.—Cerrera 5a No. 12–65 (Apartado 317), Cali; and Pasto Nariño. I.

Boll, Karl Anton.—Edificio Teodosio Moreno, Medellín. I.

Borchers, Adolfo.—Girardot, Cundinamarca. I.

Borné y Cía., S. A., A.—Cali. III–1.

Bothe, Helmuth.—Apartado 1124, Bogotá. I–1.

Brandt, Ludwig (Luis).—Pasto, Nariño. I–3.

Brauer, Carlos.—Carrera 4, Calles 13 y 14, Cali. I; III–1.

Brauer, Klemens.—Cali. III–1.

Braun, Heriberto.—c/o Almacenes Helda, Cali. II–2.

Breuer, Möller & Co., Sucrs.—Barranquilla, and all branches in Colombia. I.

Brill, Herbert.—Medellín. I.

Bruckmann, Erich.—Belalcazar 50–44, Medellín. I–1.

Buecking, Peter Martin.—Zapatoca. III–3.

Buff, Clemens.—Medellín. I.

Burckhardt, Luis A.—Apartado 195, Cali. I.

Cabrera, Leónidas.—Bogotá. I–1.

Caiafa, Miguel.—Barranquilla. I–2.

Calle, Ricardo.—Andes, Antioquia. II–3.

Capasso, Miguel.—Bogotá. I–1.

Capasso e Hijos, Ltda., Nicolás.—Apartado Nacional 745, Bogotá. I–1.

Caputo, Jorge.—Comercio, 20 de Julio y Cuartel, Barranquilla. I–1.

Caputo y Cía.—Comercia, 20 de Julio y Cuartel, Barranquilla. I–1.

Casa Alemana.—Cali. I.

Casa Alemana.—Florencia. III–4.

Casa América.—Calle 53 No. 17–48, Medellín. I–3.

Casa Nicar, S. A.—Bogotá. I.

Casa Olympia.—Bogotá. I.

"Casa Telefunken".—Carrera 7 No. 21–46, Bogotá. I.

Castelli, Antonio.—Bogotá. I–1.

Castelli Gallo, Antonio.—Carrera 8 No. 12–04, Bogotá. II–1.

Castelli y Biancardi.—Bogotá. I–1.

Castillo, Jesús.—Sonsón. III–3.

Cavazzoni, Silvio.—Carrera 6–A No. 14–33, Bogotá. II–3.

Celia, Antonio.—Boyacá, La Paz y Progresco, Barranquilla. I–1.

Celia & Barletta.—Boyacá, La Paz y Progreso, Barranquilla. I–1.

Centro Internacional de Información Comercial.—Apartado Nacional 307, Bogotá. I–2.

Cervecería Alemana.—Pasto, Nariño. I.

Cervecería Baviera.—Pasto, Nariño. I.

Chavarriaga, Carlos.—Medellín. II–3.

Christoph, Hans.—Armero. I–1.

"CIDIC" Centro Internacional de Información Comercial.—Apartado Nacional 307, Bogotá. I–2.

Claussen, Hermann.—Bogotá. I–1; II–1.

Club de Ventas de Artículos "Delta".—Medellín. II–4.

"COFEX" Compañía Agrícola Exportadora S. A.—Bogotá. I–1.

Colombiana de Colorantes y Productos Quimicos, Ltda., Cía.—Bogotá. I.

Colombiana de Inmuebles S. A., Cía.—Cartagena. I–1.

Colombiana de Máquinas Pfaff Ltda., Cía.—Carrera 8 No. 17–60, Bogotá, and all branches in Colombia. I.

Colombiana Manufacturera Ltda., Soc.—Calle 24 No. 5–31, Bogotá. I–2.

Colonia Agrícola Japonesa.—Calle 10 No. 11–47. Cali. III–4.

Comisariato.—Apartado Aéreo 45 y Apartado Nacional 54, Barranquilla. I.

Consonni, Egidio.—Apartado 307, Cali. I–2.

Consorcio Comercial.—Cali. I.

Construcciones e Inversiones, Ltda.—Cartagena. I–2.

Cozza, José.—Comercia, 20 de Julio y Cuartel, Barranquilla. I–1.

Cristalería Zapp.—Calle 12 No. 7–66, Bogotá. I.

Croce, Giovanni Roberto.—Carretera del Sur (Charquito), Bogotá. II–4.

Croce, Fábrica de Materiales de Construcción de Giovanni Roberto.—Carretera del Sur (Charquito), Bogotá. II–4.

Crocker, Wilhelm.—Bogotá. I.

Cromográficas.—Bogotá. I–1.

Da Deppo, Gino. Carrera 8a No. 13–37, Bogotá. I–1.

Delle Donne, Ottavio.—Bogotá. I.

Deneke, Heinz.—Bogotá. I–1.

Deneke & Gerberth.—Bogotá and Barranquilla. I–1.

Denk, Hans.—Bogotá. I.

Dicoa.—Meddellín. I–1.

Di Domenico, Giovanni.—Calle 54 No. 50–52, Medellín. I

Di Domenico, José.—Riohacha, Magdalena. I.

Di Napoli, Aquiles.—Santander, República y Olaya Herrera, Barranquilla. I–1.

Di Napoli, Blas.—Santander, República y Olaya Herrera, Barranquilla. I–1.

Distribuidora Colombo-Americana, Ltda., Cía.—Medellín. I–1.

Doku, J.—20 de Julio, Barranquilla. I.

Doyle, William.—Apartado 678, Barranquilla. I.

Doyle & Co.—Barranquilla. I.

Drago, Emilio.—Apartado Nacional 762 y Apartado Aéreo 3889, Bogotá. I–2.

Duque R., Hernando.—Calle 51 No. 51–12, Medellín. II–1.

Duque R. y Cía., Hernando.—Calle 51 No. 51–12, Medellín. II–1.

Eckhoff, Rudolf.—Apartado Nacional 216 y Apeartado Aéreo 4119, Bogotá. II–5.

Eggers, Christian.—Bogotá. II–4.

Ehlers, Walter.—Cartagena. I.

Eickworth, Gustav Walter.—Barranquilla. II–3.

Eikhof, Guillermo.—Ríohacha. I.

El Gran Expreso. Cali. I.

"El Serrucho".—Calle 13 No. 5–56, Cali. I–1.

Elger, Otto.—Manizales. I–1.

Empacadora Nacional de Consumos Alimenticios Standard Ltda.—Medellín. I.

Empresa Hanseática.—Barranquilla. I.

Empresa Molinera de Caldas, S. A.—Pereira. I.

Empresa Nacional de Productos de Magnesio.—Bogotá. I.

Emura, Kunie Kikutake.—Florida. III–4.

Emura, Masasuke.—Florida. III–4.

Emura, Norio.—Florida. III–4.

Emura, Tane.—Florida. III–4.

Emura, Tomeo.—Florida. III–4.

"ENCA" Standard Ltda., Empacadora Nacional de Consumos Alimenticios Standard Ltda.—Medellín. I.

Estornaiolo, Hipólito.—Pasto, Nariño. I.

Exportadora y Comercial del Atlántico, Ltda., Cía.—Real, 20 de Julio, Cuartel (Apartado 882), Barranquilla. I.

Faber, Ernesto Otto.—Cúcuta. I–3.

Faber, Georg.—Calle 22 No. 4–59, Bogotá. I–3.

Fábrica "Consonni's Hats".—Apartado 307, Cali. I–2.

Fábrica de Jabones Téxtiles.—Apartado 286, Medellín. II–2.

Fábrica de Pinturas y Productos Luqui S. A.—Apartado 437, Barranquilla. I–1.

Fábrica de Sombreros "Colombia".—Barranquilla. I–1.

Fábrica Italiana de Calzado.—Boyacá, La Paz y Progreso, Barranquilla. I–1.

Fábrica Nacional de Carteras "El León".—Buccamanga. III–3.

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*Address added or changed with this revision.

"Faitalá".—Boyacá, La Paz y Progreso, Barranquilla. I–1.

Feinauer, Heinrich.—Edificio Medina, oficina 36, Bogotá. II–2.

Ferretería Alemana.—Progreso, Real, Comercio, Barranquilla. I–3.

Ferreteria Central.[2]—Bucaramanga. III–4.

Ferretería "El Serrucho".—Calle 13 No. 5–56, Cali. I–1.

Ferretería "El Yunque".—Plaza de San Nicolás, Barranquilla. I.

Ferretería Girardot.—Carrera 9, Girardot, Cundinamarca. I–1.

Ferretería Industrial.—Bogotá. I–2.

Field Echenique, F. A.—Edificio Monsalve, Barranquilla. II–1.

Financiera Mercantil, S. A., Cía.— I–3.

Fiorini, Albert Lorenzo.—Carrera 8 No. 16–43, Bogotá. II–1.

Fischer, F.—Bucaramanga. I.

Fluehr, Walter.—Medellín and Frontino. I–2.

Foto Agfa.—Medellín. I.

Foto Alemán.—Pasto, Nariño. I.

Foto Heumann.—Barranquilla. I.

Foto-Almacén Faber.—Cúcuta, Santander del Norte. I–3.

Foto-Almacén Lindner.—Bogotá. I.

Francke, Heinrich.—Apartado 852, Barranquilla. I–2.

Francois, Xavier.—Bogotá. I.

Freitag, Walter.—Avenida 2a de Bellavista entre Calles 10 y 11, Barranquilla. I.

Freitag, Werner.—Avenida 2a de Bellavista entre Calles 10 y 11, Barranquilla. I.

Friedrich, Walter.—Medellín. I–1.

Friedrichs, Kurt.—Manizales. I–2.

Fuch, Emil.—Apartado 428, Barranquilla. I–1.

Fuchs, Erich.—Calle 12 No. 6–90, Bogotá. I–1.

Fuchs & Baumann Ltd.—Barranquilla. I.

Fuhrop, Fritz.—Barranquilla. I.

Fuhrop y Cía., Fritz.—Apartado 639, Barranquilla. I.

Fujino, Kaneko Konosuke.—Florida. III–4.

Gallenmuller, Anton.—Medellín. III–3.

Gallo, Vicente (Jr.).—Apartado Nacional 306, Cartagena. II–1.

Galla V., Vicente (Sr.).—Apartado Nacional 306, Cartagena. II–1.

Gallo y Cía., S. en C., Vicente (Jr.).—Apartado Nacional 306, Cartagena. I–1.

Ganadería de Saldaña S. C. Rocha y Cia.—Bogotá. I.

Garage Central.—Carrera 52 No. 54–52, Medellín. II–1.

Garage del Comercio.—Comercio, Ribón Barranquilla. III–1.

Garbade, Günther.—Real, 20 de Julio, Cuartel (Apartado 882), Barranquilla. I.

Gast, Hans Otto.—Edificio Banco Alemán-Antioqueño 305, Bogotá. I.

Gaviria, Octavio.—Apartado 286, Medellín. II–2.

Gazzera, Giuseppe.—Calle 33 No. 6–37, Bogotá. II–3.

Gebhardt, Taller do Fotograbado Gustavo.—Barranquilla. I.

Geisler, Juan (Hans).—Carrera 10 No. 12–75, Bogotá. I–3.

Geithner, Herbert.—Medellín. I.

Gerberth, Guillermo.—Bogotá. I.

Gerding, Guillermo.—Bogotá and Cali. I.

Gerding, Otto.—Bogotá and Cali. I.

Gerding Hermanos.—Calle 13, Carreras 7 y 8, Cali; and Bogotá. I.

Gethe, Juan. Pasto, Nariño. I–1.

Goebel, Hans Joaquín.—Calle 25 No. 8–51, Bogotá. II–5.

Goerbert, R.—Bogotá. I.

Gómez, Germán.—Junin 53–68, Medellín. II–1.

Gómez, Horacio.—Yarumal. II–1.

González, Marco Tulio.—Bogotá. I.

González, Pablo.—Bogotá. I.

González-Cotes, Luis C.—Barranquilla. I.

González-Cotes & Reignier.—Barranquilla. I.

Grossart, Erich.—Barranquilla. I; I–3.

Grünwaldt, Alfredo.—Barranquilla. I.

Gundlach, Reinhard.—Medellín. I.

Gunter, Emil.—Pasto, Nariño. I–1.

Gutiérrez Portocarrero, Daniel.—Bogotá. I.

Gutiérrez Portocarrero, Henrique.—Carrera 8a No. 15–93, Bogotá. I–1.

Haas, Federico.—Apartado 1696, Bogotá. I.

Haase, Friederich Wilhelm.—Progreso, Boyacá, San Roque (Apartado 479), Barranquilla. I.

Hacienda Berlín.—Río Negro. I.

Haderer, Luis.—Calle 14 No. 6–85, Bogotá. I–2.

Haeberlin, Francisco.—Pasto, Nariño. I.

Haertel, Robert.—Banco Alemán Antioqueño, oficina 403–404, Bogotá. III–3.

Hagelstein, H. (Dr.).—Barranquilla and Bogotá. I.

Hagino, Tsumeo.—Florida. III–4.

Hamburg Amerika Linie.—All branches in Colombia. I.

Hapag Lloyd.—All branches in Colombia. I.

Harada, Chiyono.—Corinto. III–4.

Harada, Ichietezu.—Corinto. III–4.

Harada, Kimiko.—Corinto. III–4.

Harders, Hans Joachim.—Calle 12 No. 10–68, Bogotá. I–1.

Hautmann, Max W.—Apartado 324, Barranquilla. II–2.

Hayashi, Fumiyo.—Corinto. III–4.

Hayashi, Katsumasa.—Corinto. III–4.

Hayashi, Morisuke.—Corinto. III–4.

Hayashi, Moritzuka.—Corinto. III–4.

Hayashi, Shikano Makayama.—Corinto. III–4.

Hayashi, Tumiyo.—Corinto. III–4.

Heidmann, Wilhelm.—Camino Arriba 10 (Apartado 144), Cartagena. I.

Held, Adolfo K.—Barranquilla. I.

Held, Walter.—Bogotá. I.

Henjes, Alfred.—Bogotá. I.

Henning, Karl.—Cartagena. I.

Hergett, Gustavo.—Bogotá. I.

Hering, Juan.—Bogotá. I.

Hernández A., Sucesores, J. M.—Amargura 2, Cartagena. I–1.

Herrera S., Cesáreo.—Calle 13 No. 5–56, Cali. I–1.

Herrmann, Karl E.—Barranquilla. I–3.

Herwig, Carl Wilhelm.—Bogotá. I; I–4.

Heumann, Erwin.—Barranquilla. I.

Hiroto, O.—Bogotá. I.

Hodapp, Vicente.—Barranquilla. I.

Hof, Walter Karl.—Medellín. I–3.

Hoffman, Hans.—Barranquilla. I–4.

Hohaly, Seykiche.—Corinto. III–4.

Hohmann, C. E.—Calle 22 No. 4–20, Cali. III–1.

Holzmann A. G., Phillipp.—Apartado 114, Bogotá. I.

Hoppner, Hans.—Calle 6 No. 10–26, Bucaramanga; and Bogotá. I.

Horal, Susumu.—Corinto. III–4.

Horia, Susuma.—Corinto. III–4.

Horn, José.—Bogotá. I.

Hoshino, Jorge Enrique.—Bogotá. I–1.

Hosie, Stuart.—Carrera 6 No. 14–50, Bogotá. I.

Hossfeld & Hamm.—Apartado 290, Cali. I.

Hotel Pacífico.—Carrera 4 No. 13–101, Cali. I–2.

Hotel Tivoli-Natili.—Paseo Bolívar, 20 de Julio, Progreso, Barranquilla. II–4.

Hugenbach, Francisco.—Medellín. I–2; III–1.

Iannini Buraglia, Genaro.[3]—Calle 13 No. 7–20, Bogotá. I–2; III–2.

Iannini y Cía.[3]—Calle 13 No. 7–20, Bogotá. I–2; III–2.

Ibler, Guillermo.—Carrera 13A No. 27–66, Bogotá. II–5.

Ibler, Taller de Vidrio Guillermo.—Carrera 13A No. 27–66, Bogotá. II–5.

Igarashi, Shiro.—Calle 13 No. 13–93, Bogotá. I.

Importadora El Faro Ltda., Cía.—Bogotá. I.

"Induquímica" La Unión Nacional de Química Industrial Ltda.—Apartado 917, Medellín. I.

Industria Cauchera Hércules, Cía. Ltda.—Cartagena. I.

Industria de Perfumes.—Comercio, Policarpa, Mercado, Barranquilla. I–4.

Industria de Sombreros Italo-Colombiana.—Calle Obando, Carrera Alondra, Barranquilla. II–4.

Industria Metalurgica Columbiana, Ltda., Nucci Hermanos.—Boyacá, Vesubío, Barranquilla. II–3.

Industria Química Colombiana S. A.—Medellín. I.

Industrial Manufacturera Imperial Ltda., Soc.—Calle 24 No. 5–31, Bogotá. I–1.

Ingenieros Lignarolo.—Apartado 318, Cali. I.

Instituto Behring de Terapéutica Experimental, Cía. Ltda.—Bogotá. I.

Ishi Yoshio.—I.

Ishibashi, Chiyomatsu. — Corinto. III–4.

Ishibashi, Momoyo Teshima.—Corinto. III–4.

"ISIC" Industria de Sombreros Italo-Colombiana. — Calle Obando, Carrera Alondra, Barranquilla. II–4.

Ittelberger, Carlos.—Barranquilla. I.

Jacob, Hans.—Medellín. I–3.

Jansky, Siegfried Fred. — Medellín. I–2.

Jaspersen Carrasco, Adolfo. — Bogotá. I–4.

Jesse, Federico.—Cali. I.

Jost, Alfredo.—Barranquilla. I.

Joyería Alemana.—Carrera 7 No. 12–47, Bogotá. I–1.

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[2] Owned by T. R. Baedecker, Bucaramanga.

[3] Not to be confused with Genaro Iannini & Hnos., Carrera 7 No. 16–28, Bogotá.

Joyería Fux.—Calle 12 No. 6–90, Bogotá. I–1.

Joyería "La Diadema".—Calle 12 No. 7–58, Bogotá. I–1.

Joyería "La Esmeralda".—Carrera 6 entre Calles 11 y 12, Cali. I.

Joyería Paris.[4]—Calle Junín Medellín. I–4; II–1.

Kagawa, Kisihei.—Miranda. III–4.

Kailab, Herman.—Apartado 2736, Bogotá. I.

Kaiser, Hans.—Tumaco, Nariño. I.

Kalbfleisch, Karl.—Medellín. I.

Kallab, Hermann.—Apartado 2736, Bogotá. I.

Kanterreith, Karl.—Medellín. I.

Karch, Rudolf.—Florencia. III–4.

Karch & Straub.—Florencia. III–4.

Karpf, Eugen.—Bucaramanga. III–3.

Kato, Ume.—Corinto. III–4.

Kato, Yosohiro.—Corinto. III–4.

Kausel y Cía., Enrique.—Medellin and Cali. I.

Kiehn, Max.—Pasto, Nariño. I.

Kikutaka, Kagao.—Florida. III–4.

Kikutake, Alkino.—Florida. III–4.

Kirschke & Co., A.—Apartado 1369, Bogotá. I.

Kitamikado, Arata.—Corinto. III–4.

Kitamikado, Sakiyo.—Corinto. III–4.

Klotz, Hans.—Bogotá. I.

Kniess, Erwin.—Edificio Medina, oficina 36, Bogotá. II–2.

Kniess y Cía., Ltda., Erwin.—Edificio Medina, oficina 36, Bogotá. II–2.

Koch, Adolf.—Barranquilla. I.

Koch, Alfredo.—Pasto, Nariño. I–1.

Koenig, Ludwig.—Bogotá. I.

Koestner, George.—Pasto, Nariño. I.

Koga, Minobu.—Corinto. III–4.

Koltz, Helmuth.—Bogotá. I.

Kores, S. A.—Calle 17 No. 9–40 (Apartado 869), Bogotá. I.

Koreska.—Calle 17 No. 9–40 (Apartado 869), Bogotá. I.

Krackow, Felix.—Medellín. I.

Krause, Egon A.—Bogotá. I.

Kreie, H.—Bogotá. I.

Kreutz, Albert.—Pasto, Nariño. I.

Krick, Martín.—Carrera 7 No. 12–47, Bogotá. I–1.

Kruse & Co., C. Enrique.—Apartado 175, Cali. I.

Kubart, Johann.—Calle 17 No. 9–40, Bogotá. I.

Kubo-Kubo, Hiroshi.—Cali. III–4.

Kuboyama, Ake.—Florida. III–4.

Kuboyama, Tokuji.—Florida. III–4.

Kuebler, Ruperto.—Edificio del Banco de Bogotá, Cali. I.

Kuhlmann, Gustavo.—Apartado 119, Cali. I.

Kukat, Willi.—Apartado 175, Cali. I.

Kuratomi, Hatsuka.—Corinto. III–4.

Kuratomi, Hiyoshi.—Corinto. III–4.

Kuratomi, Isoji.—Corinto. III–4.

Kuratomi, Sadami.—Corinto. III–4.

Kuratomi, Tokio.—Corinto. III–4.

Kurk, Karl Theodor.—Medellin. I.

"La Blanca".—Carrera 4, Calles 13 y 14, Cali. I.

"La Bodega".—Barranquilla. II–3.

"La Cascada".—Barranquilla. I–3.

"La Luz X".—Barranquilla. I–3.

"La Niña María.—Territorio Nacional de Caquetá. III–4.

La Proveedora.—San Blas y 20 de Julio, Barranquilla. I–1.

La Química Bayer-Weskott y Cía.—Apartado 301, Bogotá. I.

"La Riohachera".—Ríohacha. I–3.

La Unión Nacional de Química Industrial Ltda., "Induquímica", Medellín. I.

Laboratorios Enka Standard.—Medellín. I.

Laboratorios Román, S. A.—Universidad 108 (Apartado Nacional 84 y Apartado Aéreo 150), Cartagena. I.

Lacorazza, José.—Plaza de San Nicolás, Barranquilla. II–4.

Lacorazza, Romualdo.—Plaza de San Nicolás, Barranquilla. II–4.

Lacorazza Hermanos.—Plaza de San Nicolás, Barranquilla. II–4.

Lange, Fritz.—Pasto, Nariño. I.

Lange, Hans.—Cali. I.

Larsen, Fritz.—Carrera 5 No. 89 Cúcuta. II–2.

Larsen, H. H.—Barranquilla. I–1.

Laumayer, Alfredo.—Edificio Teodosio Moreno, Medellín, and all branches in Colombia. I.

Laumayer, Fritz.—Edificio Teodosio Moreno, Medellín, and all branches in Colombia. I.

Laumayer y Cía., A.—Medellín. I.

Lehmann, Karl.—Popayán. I.

Lehmann, Otto.—Barranquilla. I.

Leib, Carlos.—Cali. I.

Leibbrand, Erwin.—Cali. I.

Leidner, Carlos.—Joyería París, Calle Junín, Medellín. I–4.

Lemcke, Herber.—Barranca Bermeja. I; I–4.

Lennings, Otto.—Bogotá. I.

Lennings & Hergett.—Bogotá. I.

Librería Cervantes.—San Blas y 20 de Julio (Apartado 233), Barranquilla. I.

Liebisch, Herbert.—Bogotá. I.

Liemann, Rudolf.—Ríohacha. I–2.

Lignarolo, Giovani.—Buenaventura. I.

Lignarolo y Cía., Gaetano.—Apartado 318, Cali. I.

Lindemeyer, Hans.—Barranquilla. I.

Lindemeyer, Heinrich.—Barranquilla. I.

Litografía Italo-Francesa.—Bogotá. I–1.

Lloyd Colombiano.—All branches in Colombia. I.

Lubinus, Gustavo.—Bucaramanga. I.

Lubisch, R.—Bogotá. I.

Luchau, Karl.—Manizales. I.

Luchau, Margarita.—Pereira. I.

Luers, Han W.—Medellín. I.

Luisi y Cía., U.—Calle de los Santos de Piedra (Apartado Nacional 102 y Apartado Aéreo 151), Cartagena. II–1.

Lulleman, Oswaldo. Apartado 818, Bogotá. I.

Lullemann, Walter.—Cali. I–1.

Lundi, Alberto.—Carrera 11 Sur 510, Bucaramanga. I.

Lupke, Franz.—Medellín. I.

Luth, Hanz.—Bogotá. I.

Luth & Liebisch.—Carrera 8 No. 15–88, Bogotá. I.

Madero París, Manuel.—Bogotá. I.

Mainero, Manual.—Cartagena. I–1.

Maldonado, José Alberto.—Bogotá. I.

Mangels, Otto.—Barranquilla. I.

Mangels y Cía., Otto.—Barranquilla. I.

Manjarrés, José Manuel.—Bogotá. I.

Manufacturas Delta, Ltda.—Copacabaña. I.

Manzuoli, Italo Gino.—Carrera 4 No. 15–42, Bogotá. II–3.

Marent, Otto Francisco.—Calle 8 entre Bulevard Norte y Avenida E., Barranquilla. III–1.

Marggraff, Joachim.—Bogotá. I.

Marocco, Florindo.—Bucaramanga. I; II–1.

Martín L., Jorge.—Carrera 9 No. 12–49, Bogotá. I.

Massazza, Giametto.—Calle 59 No. 52–53, Medellín. II–4.

Mazzanti, Spartaco.—Barranquilla. I.

Mazzei, Gino.—Calle de los Santos de Piedra (Apartado Nacional 102 y Apartado Aéreo 151), Cartagena. II–1.

Medina, Luis A.—Bogotá. I.

Mei, Bartolino.—Mercado, Banco, Barranquilla. I–3.

Mei e Hijo, G.—Mercado, Banco, Barranquilla. I–3.

Menotti, Pierantonio.—Medellín. I.

Merck Colombia, S. A.—Bogotá. I.

Merino C., R.—Barranquilla. I.

Mesa Medina, Alfredo.—Carrera 36a No. 45–47, Medellín. II–5; III–3.

Meyer, Carlos.—Bucaramanga. I.

Meyer, Heinz.—Manizales. I.

"Miami".—Baranquilla. II–3.

Miani, Alfredo.—Manizales. I.

Mishi, Tamura.—Cali. III–4.

Mitsubishi & Co.—Bogotá. I.

Mitsui & Co.—Bogotá. I.

Miyoko, Sakamoto Miso.—Miranda. III–4.

Möller, Hans.—Barranquilla. I.

Monti, Ferrugio.—Comercio, Ribón, Barranquilla. III–1.

Monti, Nullo.—Comercio, Ribón, Barranquilla. III–1.

Morimitsu, Isugui.—Pradera. III–4.

Morimitsu, Isukisuki.—Miranda. III–4.

Morimitsu, Kakodo.—Corinto. III–4.

Morimitsu, Kaname.—Corinto. III–4.

Morimitsu, Kikue.—Corinto. III–4.

Morimitsu, Kunaji.—Miranda. III–4.

Morimitsu, Nojoda.—Corinto. III–4.

Morimitsu, Shozo.—Corinto. III–4.

Morimitsu, Tomoe.—Miranda. III–4.

Morín, Mario.—Medellín. I.

Morita, Marsumi.—Corinto. III–4.

Morita, Mumeno.—Corinto. III–4.

Morita, Sadakatsu.—Corinto. III–4.

Mortler, Alejandro.—Medellín. I.

Müller, Herbert.—Riohacha. I.

Munch, Ernesto.—Pasto, Nariño. I.

Mundt, Carl.—Bogotá and Medellín. I.

Munevar, Bernardo.—Bogotá. I.

Nakamura, Akira.—Miranda. III–4.

Nakamura, Nasumi.—Miranda. III–4.

Nakamura, Sadae.—Miranda. III–4.

Nakamura, Suejiro.—Miranda. III–4.

Nakamura, Takeo.—Miranda. III–4.

Nakata, Jitsuza.—Corinto. III–4.

Nakata, Kaneko.—Corinto. III–4.

Nakata, Osada.—Corinto. III–4.

Nakayama, Tadashi.—Corinto. III–4.

Nasi, Vicente.—Apartado 1311, Bogotá. I–1.

Natili, Antimo.—Barranquilla. II–4.

Nebiolo Torino, Societá.—Calle 12 No. 4–88 (Apartado Nacional 1157 y Apartado Aéreo 3762), Bogotá; and Barranquilla. I.

Neumann, Hellmut.—Cali. I–4.

Neumann, Roberto.—Cali. I–4.

Neumueller, Hans Inesberger (Dr.).—Cartagena. I–1.

Nichikuni, Kenichi.—Cali. I–1.

Niewerth, Walter.—Cali. I–2.

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[4] Owned by Carlos Leidner.

Nikaido, Jutaru.—Corinto. III–4.

Nikaido, Yai.—Corinto. III–4.

Nikko Boyeki Shokai.—Barranquilla. I.

Nippon Trade Agency.—Edificio de la Bolsa, Bogotá. I.

Nishi, Kenichi.—Corinto. III–4.

Nishi, Nui.—Corinto. III–4.

Nishikuni, Antonio.—Cali. III–4.

Nishizawa, Takeo.—Barranquilla or Cartagena. I.

Noach, Erich.—Cali. I.

Noyore, Minoru.—Corinto. III–4.

Nucci, Quinto.—Boyacá, Vesubio, Barranquilla. II–3.

Nucci, Tulio.—Boyacá, Vesubio, Barranquilla. II–3.

Núñez Vargas, Emilio.[5]—Apartado Nacional 648, Barranquilla. I; II–1; III–1; III–2.

Ochoa U., Luis Carlos.[6]—Carrera 52 No. 54–52, Medellín. II–1.

Oesterreich, Richard.—Progreso, San Roque, Boyacá, Barranquilla. II–1.

Oesterreich, Rudolf.—Medellín. 1–3.

Oesterreich Sucrs., Richard.—Barranquilla. I.

Oficina de Ingeniería Moderna.—Bucaramanga. I.

Oficina Técnica Industrial Comercial.[7]—Medellín. I–1; II–4.

Ogata, Soishiro.—Miranda. III–4.

Ogawa, K.—Barranquilla. I.

Cgawa, Michi.— I.

Ohelert, Max.—Pasto. III–4.

Oka, S.—Edificio de la Bolsa, Bogotá. I.

Omuku, Masao.—Miranda. III–4.

Optica Alemana.—Calle 12, Carreras 5a y 6a, Cali. I.

Optica Moderna.—Bogotá. I.

Ordóñez & Lullemann.—Calle 13 No. 6–32, Cali. I.

Orthmueller, Adolf.—Bucaramanga. I.

Osaka Shosen Kaisha.—Barranquilla. I.

Ospina Gaviría, Julio.—Bucaramanga. I.

"OTICO" Oficina Técnica Industrial Comercial.[7]—Medellín. I–1; II–4.

Otte, Ernest.—Manizales. I.

Otto, Hans (Juan).—Carrera 4 No. 13–101, Cali. I–2.

Otto, Werner.—Carrera 4 No. 13–101, Cali. I–2.

Palmer, Kurt.—20 de Julio, Real, Comercio, Barranquilla. I.

Páramo, Manuel Guillermo de.—Apartado Aéreo 3844, Bogotá. II–1.

Pardo, Jesús.—Bogotá. III–2.

Pardo y Cía.—Carrera 8 No. 15–88, Bogotá. I.

Parra, Saul.—Calle 12 No. 4–88, Bogotá. III–2.

Paschke, Rheinhold.—Plaza de la Aduana 6, Cartagena. I.

Pattern, Max.—Pasto, Nariño. I.

Pelaez, Gonzalo.—Medellín. III–1.

Perico García, Pascual.—Barranquilla. II–3.

Pernigotti, Carlo.—Bogotá. I.

Pfeil-Schneider, Götz.—Manizales, Caldas. I–1.

Pilgrim, Walter.—Carrera 7 No. 21–46, Bogotá. I.

Pilgrim, Almacén de Radios y Discos Walter.—Carrera 7 No. 21–46, Bogotá. I.

Plantex, S. A.—Fusagasaga and Bogotá. I.

Poensgen, Oskar.—Cali. III–1.

Pohn, A.—Barranquilla. I.

Prodema, Sociedad.—Bogotá. I.

Productos Metálicos Ltda.—Barranquilla. I–1.

Pruefert, Emil.—Barranquilla. I.

Prussmann, Gunther.—Medellín. I.

Pruter, Heinz.—Cali. I.

Puccini, Alberto L.—20 de Julio, San Blas, San Juan, Barranquilla. II–1.

Puccini V., Alberto.—San Blas y 20 de Julio, Barranquilla. I–1.

Puccini y Cía., Alberto.—San Blas y 20 de Julio, Barranquilla. I–1.

Puccini y Compañía, Vicente.—Apartado Aéreo 45 y Apartado Nacional 54, Barranquilla. I.

Puente B., Angel.—Bucaramanga and Cúcuta. I; II.

Pugliese, Donato.—Ríohacha, Departamento de Magdalena. I–2.

Puttfarcken y Cía., Juan.—Cali. I.

Química Schering Colombiana S. A.—Bogotá. I.

Ramírez, Beltrán, Manuel J.—Bogotá. I.

Rankin, James.—Old Providence Island. I–1.

Rasmussen, Ferdinand.—Cali. I.

Reber, Hans Barth.—Medellín. I–3.

Redeker, Kurt.—Buenaventura, Valle. I–1.

Reger & Co., Carlos.—Barranca Bermeja. I.

Rehbein, Peralta, Alfredo.—Barranquilla. I.

Reignier, Bernard.— I.

Reinberg, Alfred.—Cartagena. I–2.

Reisner, Harman.—Bogotá. I; II–1.

Reissner, Paul.—Barranquilla. I.

Reitze, Alfred.—Medellín. I.

Restaurante Bavaria.—Calle Palace y Avenida Primero de Mayo, Medellín. I–2.

Ringle, Antonio.—Cartagena. I.

Ringwelski, Arturo.—Frontíno and Medellín. I–2.

Rinkel, Heinrich.—Barranquilla. I–1.

Ritter, Adelbert.—Apartado 286, Medellín. II–2.

Ritzel, Walter.—Barranquilla. I–3.

Rodríguez H., José M.—Barranquilla. I–3.

Rodríguez H. y Cía., Sucr.—Progreso, Boyacá, San Roque, Barranquilla. I.

Roesler, Herbert E.—Medellín. I.

Romberg, Wilhelm A.—Bogotá. I.

Romero, Manuel Guillermo (Dr.)—Apartado 4004, Bogotá. II–3.

Röper, Hans.—Cali. I.

Rossin, Hans.—Barranquilla. I.

Roters, Alberto D.—Calle 12 No. 4–96, Bogotá. I–3.

Roters & Thielkuhl.—Calle 12 No. 4–96, Bogotá. I–3.

Royo, Emilio.—San Blas y 20 de Julio (Apartado 233), Barranquilla. I.

Rozo E., Santiago (Dr.).—Barranquilla. I–1.

Ruehle, Wilhelm.—Calle 50 No. 49–55, Medellín. III–2; III–4.

Rullhusen, Heinz.—Bogotá. I–1.

Rummle, Max.—Cali. I.

Sakamoto, Ayako.—Florida. III–4.

Sakamoto, Isayo.—Florida. III–4.

Sakamoto, Iwao.—Florida. III–4.

Sakamoto, Niyoshi.—Pradera. III–4.

Sakamoto, Shigetoschi.—Florida. III–4.

Sakamoto, Tassu.—Pradera. III–4.

Sakamoto, Tokishige.—Pradera. III–4.

Salazar, Gonzalo.—Manizales. II–3.

Salchichería Alemana.—20 de Julio, San Blas, San Juan, Barranquilla. I–3.

Salgueiro, Antonio.—Comercio, Policarpa, Mercado, Barranquilla. I–4.

Salmon, Heinz.—Bogotá. I.

Salvino y Cía., Alejandro.—Cúcuta, Santander del Norte. I–1.

Samek, Amelia de la Espriella de.—San Blas, Progreso, Edificio Napolitana, Barranquilla. II–2.

Samek, Erwin Anton.—San Blas, Progreso, Edificio Napolitana, Barranquilla. II–2.

Samek y Cía., E.—San Blas, Progreso, Edificio Napolitana, Barranquilla. II–2.

Sánchez, Alberto.—Medellín. II–3.

Sanders, Helmuth.—Medellín. III–1.

Saravalle, Augusto.—Apartado Nacional 24 y Apartado Aéreo 658, Barranquilla. II–1.

Saravalle, Cesare.—Apartado Nacional 24 y Apartado Aéreo 658, Barranquilla. II–1.

Schaefer, Nikolaus.—Bogotá. I.

Scharz, Georg.—Barranquilla. I.

Schatz, Joseph.—Barranquilla. I.

Scheuplein, Rudolf.—Medellín. I.

Schlenker, Harold.—Bogotá. I.

Schleubach, Henrich Edward.—Bogotá. I.

Schleubach, John Roddrick.—Bogotá. I.

Schleubach, Berendt y Cía.—Bogotá and Pereira. I.

Schmeltzer, C.—Barranquilla. I.

Schmidt, Walter.—Calle 12, Carreras 5a y 6a, Cali. I.

Schmitt, T.—Cartagena. I.

Schnieder, Wilhelm.—Bogotá. I; II–1.

Schnurbusch, William.— I.

Schomacker, Karl.—Cúcuta. II–2.

Schrimpff de Martens, Sophía.—Bogotá. I.

Schrimpff, Elizabeth.—Bogotá. I.

Schrimpff, Julius.—Bogotá. I.

Schrimpff, Phillip.—Bogotá. I.

Schrimpff, Rudolf.—Bogotá. I.

Schrimpff, Wilhelm.—Bogotá. I.

Schröder, Johannes Ludwig.—Medellín, I; II.

Schröder, Otto E.—Apartado 121, Cali. I.

Schultze, Erich.—Carrera 37 No. 26–01, Bogotá. II–4.

Schumacher, Hermann.—Calle 12 No. 7–58, Bogotá. I–1.

Schwabe, Albrecht.—Hotel Royal (Apartado Aéreo 8), Barranquilla. III–1.

Schwanhaeuser, Heinz.—Bogotá. I.

Schwanhauser, Fred.—Apartado Nacional 307, Bogotá. I–2.

Schwartau, Juan.—Armero, Tolima. III–1.

Schwartau & Co., S. A., Juan.—Armero. I.

Schwartz, Joseph.—Barranquilla. I.

Schwarzbach, Federico.—Medellín and Santa Helena. I–2.

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[5] Not to be confused with Emigdio Núñez Valle, or his firm E. Núñez V. y Cía., Barranquilla.

[6] Not to be confused with Ochoa O., Luis Carlos.

[7] Not to be confused with Oficina Técnica Industrial, Alberto Walliser, Medellín.

Schwerttfeger, Hans L.—Medellín. I.

Sealman, Heinz.—Bogotá. I.

Segre, Gabriel (Dr.).—Calle 12 No. 4–88 (Apartado Nacional 1157), Bogotá. III–1.

Seguros Albingia, Cía. de.—Bogotá. I.

Selbstaedt, Hans D.—Barranquilla. I–1.

Seni, Ivo.—Calle del Cuartel 100, Cartagena. III–1.

Senning, N.—Barranquilla. I.

Senning & Co.—Barranquilla. I.

Serrano Vargas, Pedro.—Botogá. I.

Serventi, Emilio.—Manizales. I.

Serventi, Giovanni.—Bogotá. I.

Shegematsu, Haruko.—Corinto. III–4.

Shegematsu, Isumi.—Corinto. III–4.

Shegematsu, Shime.—Corinto. III–4.

Shegematsu, Tunagoro.—Corinto. III–4.

Shima, Ameo.—Cerrito. III–4.

Shima, Miso Kime.—Cerrito. III–4.

Shire, Miso Kime.—III–4.

Shiwa, Toshiharu.—Corinto. III–4.

Siegler, Otto.—Ríohacha. I–1.

Siemens Bauunion Ltda.—Bogotá. I.

Siemens & Halske A. G.—Bogotá. I.

Siemens Reiniger Werke.—Bogotá. I.

Siemens-Schuckert A. G.—Bogotá. I.

Silva Ortiz, Carlos.—Carrera 8 No. 15–35, Bogotá. II–3.

"SIMI" Sociedad Industrial Manfacturera Imperial Ltda.—Calle 24 No. 5–31, Bogotá. I–1.

Skowronski, Martin.—Cali. I.

Soehlmann, Hans.—Manizales. I.

Sohm, Teodoro.—Medellín. I.

Sperling, Ed. Victor.—Cartagena, and all branches in Colombia. I.

Sperling, George (Jorge).— I–2.

Sperling, Ltda., Ed. Victor.—Cartagena. I–2.

Sperling, S. A., Ed. Victor.—Cartagena, and all branches in Colombia. I.

Spitta, Arnold.—Bogotá. I.

Springer, Walther.—Medellín. I.

Stadtlaender, Karl A.—Bogotá. I.

Standard Agencies de Colombia.—Barranquilla. I.

Stangel, Otto T.—Pasto, Nariño. I.

Stapff, Adolfo.—Medellín. I.

Stapff y Cía., A.—Medellín. I.

Starke, Fred.—Pasto, Nariño. I.

Stiefken, Paul.—Bogotá. II–2.

Stober, Adolf.—Medellín. I.

Stoehr, Egon L.—Pereira. I.

Straub, Hans.—Florencia. III–4.

Strauss, Hans.—Apartado 104, Barranquilla. I–1.

Striepke, Wilhelm F.—Cartagena. I–1.

Striepke & Husfeldt.—Cartagena. I.

Stubbs, Edgar.—Bogotá. I.

Stumpf, Wilhelm.—Cali. I.

Suganami, Shimichi.—Bogotá. I.

Taddei, Renato.—Barranquilla. I.

Takaoki, Iwao.—Cerrito. III–4.

Takegami, Hideo.—Corinto. III–4.

Takeshima, Yuzo.—Calle 12 No. 9–58, Cali. I.

Taller Universal.—Calle 22 No. 4–20, Cali. III–1.

Tamura, Koichi.—Cali. III–4.

Tamura, Miyono Tokinaga.—Cali. III–4.

Tamura, Momi.—Cali. III–4.

Tamura, Naki.—Cali. I–3.

Tanaka, Charlotte F.—Cali. III–4.

Tanaka, Geshiro.—Cali. III–4.

Tanaka, Kurao.—Bogotá. III–4.

Tanaka, Masao.—Corinto. III–4.

Tanaka, Masue. Corinto. III–4.

Tanaka, Masuru.—Miranda. III–4.

Tanaka, Shikakichi.—Corinto. III–4.

Tanaka, Takayoshi.—Corinto. III–4.

Tanaka Teshima, Masumi.—Corinto. III–4.

Tanaka, Tsuno.—Corinto. III–4.

Tanaka, Yukio.—Corinto. III–4.

Tanaka, Yutaka.—Corinto. III–4.

Taschiro, Oruro.—Cali. I–3.

Tauber, Miguel.—Calle 53 No. 47–48, Medellín. I–3.

Taura, Michi.—Cali. I–1.

Tedesco, Andrea.—Cali. II–1.

Tedesco, Filippo.—Cali. II–1.

Tedesco, Gaspare.—Cali. II–1.

Tedesco, S. A.—Calle 14 No. 5–48, Cali. II–1.

Tejiro, Kato.—Corinto. III–4.

Tekagami, Kiyoshige.—Miranda. III–4.

Tekagami, Masayoshi.—Corinto. III–4.

Tekagami, Michi.—Miranda. III–4.

Tekagami, Mitsuri.—Corinto. III–4.

Tekagami, Miyako.—Corinto. III–4.

Teshima, Daikichi.—Corinto. III–4.

Teshima, Kanama.—Corinto. III–4.

Teshima, Kannosuke.—Corinto. III–4.

Teshima, Kumiko.—Corinto. III–4.

Teshima, Tama.—Corinto. III–4.

Teshima, Tenuenmon.—Corinto. III–4.

Thiel, Otto (Dr.)—Medellín. I–1.

Thierl, Richard.—Cartagena. I.

Tieck, Hans (Dr.).—Barranquilla. I.

Tietbohl, Walter W. A.—Barranquilla, I.

Tietjen, Albert.—Baranquilla. I.

Timm, H.—Bogotá. I.

Tipografía Mercurio.—Calle 14 No. 6–85, Bogotá. I–2.

Tipografía Olympia.—Calle 54 No. 50–52, Medellín. I.

Tokunaga, Tesuneyoshi.—Florida. III–4.

Tokunaga, Uhei.—Corinto. III–4.

Tokunaga, Yasayu.—Corinto. III–4.

Tokunaga, Yokino.—Corinto. III–4.

"Tokyo Merchants".— I.

Transmares S. A.—Cali. I.

"Transocean" G. m. b. H.—Bogotá. I.

Trilladoras Deco, S. A.—Bogotá. I.

Troll, B. Richard.—Cali. I.

Trumpke, B. F.—Apartado 818, Bogotá. I–1.

Tutzer, Franz.—Bucaramanga. I.

Uejara, Jutaro.—Cali. III–4.

Umbreit, Fritz.—Bogotá. I.

Unión Industrial S. A.—Barranquilla. I.

Varani, Atilio.—Paseo Bolívar, 20 de Julio, Progreso, Barranquilla. II–4.

Varani, Ernesto.—Paseo Bolívar, 20 de Julio, Progreso, Barranquilla. II–4.

Vellage, Enrique.—Cali. I.

Vieten, Hans H.—Medellín. I.

Vogel, Max.—Edificio Sadi, Calle 12 No. 10–74, Bogotá. III–1.

Volpe, Emilio.—Barranquilla. I–1.

Volpe, Vicente.—Barranquilla. I–1.

Volpe y Cía., S. A., Antonio.—Plaza de San Nicolás, Barranquilla. I.

Von Bauer, Peter Paul (Dr.).—Barranquilla. I–1.

Von Bockelmann, Carlos Fernando.—Cali. I.

Von der Heide, Gunter.—Apartado 402, Cali. I.

Von Dewitz, Achim.—Bogotá. I.

Von Dewitz, Curt.—Bogotá. I.

Von Dewitz, Oswald.—Bogotá. I.

Von Dewitz, Ruth.—Bogotá. I.

Von Graefe, Hans.—Pereira. I; I–4.

Von Griesheim, Werner.—Barranquilla. I.

Von Mellenthin, Hans.—Bogotá. I.

Von Mellenthin y Cía.—Bogotá. I.

Von Wahlert, Karl August.—Bogotá. I.

Von Wussow, Ernest Gunther.—Cali. I.

Wahlen, Enrique.—Pasaje Cadena 21–23, Bucaramanga. I.

Watanabe, Koichi.—El Bolo. III–4.

Watanabe, Rokuro.—El Bolo. III–4.

Weber, Hans.—Progreso y San Blas, Edificio Napolitana, Barranquilla. I.

Weisbach, Everhard.—Bogotá. I–1.

Weitlich, Gustave.—Calle Maracaibo, Medellín. I–2.

Wernher, Hans.—Apartado Aéreo 4230 y Apartado Nacional 468, Bogotá. I.

Wessels, Bernhard.—Bucaramanga. I; I–3.

Westendarp, Rodolfo.—Manizales. I.

Wiese, H.—Cartagena. I.

Wiese & Starck.—Barranquilla. I.

Wild, Leonardo.—Bogotá. II–1.

Willich, — .—Barranquilla. I.

Winz, Carlos (Jr.).—Carrera 8 No. 15–35, Bogotá. I–3.

Winz, Carlos (Sr.).—Carrera 8 No. 15–35; Bogotá. I; I–3.

Wirz y Cía., Sucrs. de C.—Barranquilla. I.

Wolf, Herman.—Tumaco. I.

Wolff, Herbert R.—Medellín. I; II–5.

Wunderlich & Co., Gerhard.—20 de Julio, Real, Comercio (Apartado 174), Barranquilla. I.

Yamanaka, Shosaku.—Corínto. III–4.

Yamanaka, Sinuiko.—Barranquilla. I; I–1.

Yasuma, Seo Keizo.—Corinto. III–4.

Yoshida, Roberto.—Bogotá. I–1.

Yoshino, C.—Bolsa de Comercio, oficina 701, Bogotá. I.

Yoshioka, Hiyoto.—Corinto. III–4.

Yoshioka, Isuchizo.—Corinto. III–4.

Yoshioka, Kirie.—Corinto. III–4.

Yoshioka, Sadakuni.—Corinto. III–4.

Yuzo.—Cali. I.

Zapateiro, Manuel.—Apartado 84, Cartagena. I.

Zapp y Cía.—Calle 12 No. 7–66, Bogotá. I.

Zollia, Giordano.—Bogotá. I–4.

Zúñiga, Antonio R.—Ríohacha. I.

COSTA RICA

Acosta G., Alfonso (Dr.).—San José. I.

Agencia Internacional de Comercio e Industria, S. A.—San José. I.

Agencias Mundo, S. A.—San José. I.

Agencias Wiessel.—San José. I.

"Agfa".—San José. I.

Agrícola de Turrialba, Cía.—San José. I.

Almacén Feoli, S. A.—San José. II–4.

Almacén Romelus.[1]—San José. II–2; II–4.

"Almacén Unión".—San José. I.

Alvarado G., A.—San José. I–1.

Alvarez Iraeta, Manuel (Dr.).—San José. I–1.

"Amano".—Puntarenas. I.

Amano, Yoshitaro.—San José. I.

Amano Cía.—Puntarenas. I.

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[1] Not to be confused with Rómulo Artavia, Apartado 653, San José, or his shipping mark "Romulo".

Amrhein, Franz.—San José. I.

André, Arnoldo.—San José. I.

André, Otto.—San José and Cartago. I.

Angulo Marin, Guillermo.—San José. I.

Appel, Willy.—San José. I-1.

Arend, Walter.—Puntarenas. I-1.

Aronne Filomena, Luis. — San José. III-2.

Assmann, Theodore. — Calle A. V., Avenidas 1 y 3, San José. I.

Automotriz, S. A., Cía.—Calle 1, Avenidas 1 y 3 (Apartado 327), San José. I.

Bartorelli, Gabriello.—San José. I-1.

Bartorelli, Gastone.—San José. I-1.

Baumgartner Lehmann, Adolfo. — Apartado 1712, San José. I.

Bayer-Meister-Lucius.—San José. I.

Becker, Kuno.—San José. I.

Behnke, Walter.—Calle 1, Avenidas F. G. y 2, San José. I.

Benedetti Gregorio, Otello.—San José. II-1.

Botica de la Catedral.—San José. I.

Botica Quirós.—San José. III-2.

Brammer, Eric.—San José. I-1.

Brenes Díaz-Granados, Mario.—Apartado 1166, San José. I-1.

Brenes Gutiérrez, Ramiro (Dr.).[2]—San José. I; III-3.

Brenes Torres, Rodolfo.—San José. II-4.

Bruce, Starr Pait.—Apartado 219, San José. I-3.

Bruno Mainieri, José.—San José. III-2.

Bruno Mainieri, Nicolás.—San José. III-2.

Campabadal, Roberto.—San José. I.

Cantero, Juana viuda de.—San José. I.

Capra Roveri, Vittorio.—San José. II-1.

Casa de Agencias y Comisiones "Delcohijo" S. A.—Apartado 1042, San José. I.

Casalvolone Fait, Juan.[3]—Puntarenas. I.

Casalvolone Rivolta, Luis.—San José and Puntarenas. I.

Castillo, Rigoberto.—San José. II-2; II-3.

Cersósimo Gugliotta, Francisco.—San José. III-2.

Cersósimo Gugliotta, José.—San José. III-2.

Cersósimo Gugliotta, Juan.—San José. III-2.

Classen & Co.—Apartado 281, San José. I.

Club Alemán.—San José. I.

Corvetti, José (Dr.).—San José. I.

Costarricense de Tejidos S. A., Cía.—Apartado 1467, San José. I-2.

Croceri Pelaconi, Constantino.—San José. II-1.

Croceri y Cía.—San José. III-2.

Czaska Strasibka, Alfred William.—San José. III-3.

Deipholz, Sophie.—San José. I-1.

"Delcohijo" S. A., Casa de Agencias y Comisiones.—Apartado 1042, San José. I.

Delcore Eelluci, Amadeo.—Puntarenas. I.

Delcore Belucci, Domingo.—San José. III-2.

Delcore Belucci, Nicolás.—San José. III-2.

Delcore, Rafael.—Apartado 1042, San José. I.

Delcore & Aronne.—San José. III-2.

Delcore e Hijo, S. A.—Apartado 1042, San José. I.

Domínguez F., Germán.—Aserrí. II-4.

Dondoli Burgazzi, César.—San José. II-1.

Dorsam, Emilio.—Calles 2 y 4, Avenida 3 (Apartado 1303), San José. I.

Dyes & Co., H. O.—Pasaje Dent, San José. I.

East Pacific Fishery Co., Ltd.—Puntarenas. I.

Eckstein, Fritz.—San José. I.

Efinger, Max.—San José. I.

Ehrenberg, Paul.—San José. I.

Fabián, Carlos.—Apartado P., San José. I.

Fabián y Cía., Victor.—Apartado P., San José. I.

Fábrica de Café "La Económica".—San José. II-1.

Federation of Japanese Importers & Exporters.—Chaguite. I.

Feoli D' Agostino, Nicolás.—San José. II-1.

Feoli y Cía., S. A.[4]—San José. II-1; II-4.

Fernández P., C.[5]—San José. I; I-1.

Fernández Palma, Claudio.—San José. I.

Finca San Miguel.—Barranca. II-3.

Fischbeck, Gerhard.—Puerto Limón. I.

"Foto Sport".—Apartado 846, San José. I.

Fuscaldo Cosenza, Pedro.—San José. III-3.

Gambassi, Guido.—San José. II-1.

Gambassi, José.—San José. I-3.

Garage del Correo.—San José. II-4.

German Club.—San José. I.

German School.—San José. I.

Giegler, Carl.—Puerto Limón. I.

Gran Hotel Plaza.—San José. I-4.

Grebien, Ferdinand.— I.

Grosser, Erwin.—San José. I.

Guettler, Paul.—San José. II-5.

Guidi Santarelli, Corrado.—San José. III-2.

Gurcke, Karl Oskar.—Tilarán. I-1.

Gurcke, Starr Pait Bruce (Mrs.).—Apartada 219, San José. I-3.

Gurcke, Werner.—San José. I-1.

Gurcke y Cía., Werner.—Apartado 219, San José. I.

Gutman, Jacobo.—San José. I-1.

Hapag-Lloyd Steamship Lines.—San José. I.

Hauke, Emil.— I.

Henkel, Juan.—Apartado 959, San José. I.

Hering & Schoenfeld. San José. I.

Hernández, Luis.—Apartado 1294, San José. I.

Hernández Mosquero, Pedro.—San José and Puerto Limón. I-1.

Herrera G., Hernán.—San José. I.

Holdinghausen, Gertrude.—Apartado 1015, San José. II-5.

Hubbe Hijos.—San José. I.

Huehne, G., M. E.—San José. III-3.

Iezzi, Alfredo.—San José. II-4.

Iezzi, Guerino.—San José. II-2.

Iezzi, Nicola.—San José. I.

Italiana di Mutuo Soccorso, Societá.—San José. III-3.

Kawakubo, Daizo Jyoho.—San José. I; I-4.

Kitzing, Karl.—San José. I.

Kitzing & Steinvorth.—San José. I.

Kliefoth, Richard.—San José. I.

Kloss, Walter.—San José. I.

Knöhr, Erwin.—Apartado 48, San José. II-3.

Knöhr, Herbert.—San José. I.

Kött, Werner.—Hacienda Lindora, Santa Ana. II-5.

Krogmann, O. W.—San José. I.

Kruse, Alfredo.—Puntarenas. I.

La Casa Ursus.—San José. II-4.

"La Epoca".—San José. I.

Lachner, Rafael (Dr.).—Cartago. I-1.

Lapeira C., Nicolás (Sucesor de Lapeira y Aguilar).—Apartado 616, San José. I; I-4.

Lehmann & Co.—Apartado 147, San José. I.

Librería Lehmann y Cía.—Apartado 147, San José. I.

Lindgens, Rudolf.—Puntarenas. I.

Lohrengel, C. W.—Apartado XIX, San José; and Tres Ríos. I-1.

Lohrengel, Ernest.—Tres Ríos. III-1.

Lorenzen, Detlef.—San José. I.

Luisi y Cía, Marmolería, U.—San José. III-2.

Manhartsberger, Carlos.—San José. I-1.

Marczzi Bernini, Angel.—Cartago. II-1.

Marzal, P. C.—Apartado 1326, San José. I-2.

Mata Meneses, Roberto.—San José. I-1.

Matsui, Seijiro.—Puntarenas. I.

Méndez, Haydeé Zeledón Barrantes, vda. de Roís.—San José. I-1.

Méndez & Co., H. Z. de R.—San José. I-1.

Merlein, Max.—San José. I.

Metger, Gabriela.—San Juan Poas. I; I-4.

Miller, Bruno.—Tres Ríos. I-1.

Miller, Kurt.—San José and Tres Ríos. I-1.

Miller, Otto.—Tres Ríos. I-1.

Miller Hermanos.—Apartado 100, San José. I.

Montuoro, Aristides.—San José. II-1.

Morelli Cosenza, Eugenio.—San José. II-1.

Musmanni Hermanos.—San José. I.

N. I. C. S. A., National Importing Company S. A.—Apartado 785, San José. I.

Naranjo Prida, Sebastián.—San José. II-3.

National Importing Company S. A.—Apartaro 785, San José. I.

Navarette, Juan.—San José. I.

Neumann, Richard.— I.

Neurohr, Julio.—San José. III-2.

Neurohr, Aserradero Julio.—San José. III-2.

Niehaus, Guillermo.—San José. I-1.

Niehaus, Hans.—San José. I-1.

Niehaus, Walter.—San José. I-2.

Niehaus, Willie.—Apartado 167, San José. I-1.

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[2] Not to be confused with Roberto Brenes Gudiño.

[3] Not to be confused with Juan Fait Casalvolone.

[4] Not to be confused with Feoli e Hijos, Nicolás.

[5] Not to be confused with P. C. Fernandez & Co., 727 Atlantic Avenue, Boston, Massachusetts, nor its subsidiary, P. C. Fernandez & Co., Avenida Ancón 72, Panamá.

Niehaus & Co., Guillermo.—San José and Puerto Limón. I.

Pan American Agencies Co., S. A.[6]—Apartado 785, San José. I.

Panadería Musmanni.—Calle 12, Avenidas F. G. y 2, San José. I.

Pandolfi, Antonio.—Calles A. V. y 2, Avenida F. G., San José. I-1.

Pandolfi, Pascuale.—Calles A. V. y 2, Avenida F. G., San José. I-1.

Pandolfi Hermanos.—Calles A. V. y 2, Avenida F. G., San José. I-1.

Paschka, Kurt.—Cartago. I-1.

Paschka, M. E. Huehne de.—San José. III-3.

Paschka, Max.—San José. I.

Pensión Alemana.—San José. I.

Pensión Germania.—San José. I.

"Pensión Italiana".—San José. I-1.

Pérez Solano, Andrés.—San José. I-1.

Peters, Rudolf.—San José and Sarchi. I.

Peters, Werner.—San José. I.

Peters, Wilhelm (Jr.).—San José. I.

Peters, Wilhelm (Sr.).—San José. I.

Piva Cugola, Alfio.—Guadalupe, San José. II-1.

Platería Alemana.—Apartado 1015, San José. II-5.

Prado Pérez, Edgardo.—Apartado 1830, San José. II-2; II-4.

Preinfalk, Friedrich.—San José. I.

Prince Segismund of Prussia.—Barranca. II-3.

Quijano, Rodolfo.—San José. I.

Química Bayer, S. A.—San José. I-1.

Química Schering S. A.—San José. I.

Quirós Madrigal, Fernando (Dr.).—I-3.

Quirós, Marta viuda de.—San José. III-2.

Reimers, Fritz.—San José. I-1.

Reimers & Co., Fritz.—San José. I.

Richter, Erhard.—Apartado 854, San José. I.

Richter, Heinz.—Apartado 854, San José. I.

Rímolo D'Agostino, Fidel.—San José. III-2.

Rímolo D'Agostino, José.—San José. III-2.

Rímolo D'Agostino, Leonardo. — San José. III-2.

Rímolo D'Agostino, Luis. — San José. III-2.

Rímolo Rocco, José B. — San José. II-1.

Rímolo Hermanos.—San José. III-2.

Rojas Matamoras, Rafael.—San José. I-4; II-4.

Rothe, Fernando H.—San José I; I-4.

Royo, Emilio.—28 Miles and Puerto Limón. II-4.

Sanabria, Hernán.—Apartado 928, San José. I.

Sastrería y Tienda Scaglietti y Sobrinos.—Calle 2, Avenidas F. G. y 1 (Apartado 478), San José. I.

Sauter, Federico.—San José. I-1.

Sauter, Josef.—San José. I-1.

Scaglietti, Hugo.—Apartado 478, San José. I.

Scaglietti, Mario.—Apartado 478, San José. I.

Scaglietti y Sobrinos.—Calle 2, Avenidas F. G. y 1 (Apartado 478), San José. I.

Schell, Albert.—San José. I.

Scherer, Stephan.—Puerto Limón. I.

Schering, S. A., Química.—San José. I.

Schlager, Arturo.—Puntarenas. I.

Schlager Quesada, Guillermo. — San José I.

Schlager y Hermano, A.—Puntarenas. I.

Scholz, E.—Puerto Limón. I-2.

Scholz, Erich.—Puerto Limón. I-2.

Scholz, Werner.—San José. I-2.

Schroeder, Ricardo.—Puerto Limón. II-4.

Seevers, Georg (Jr.).—Santa Bárbara. I.

Seevers, Georg (Sr.).—Santa Bárbara. I.

Siebe, Luis O.[7]—Calles A. V. y. 2, Avenida F. G., San José. I; I-1.

Sottanis, Giuseppe.—San José. I.

Spesny, Christina Betik de.—San José. I-3.

Spesny, Roberto. San José. I-3.

Spesny, Wilhelm (Guillermo).—Apartado 1600, San José. II-1.

Spoerl, Pablo.—Apartado 13, San José. I.

Staufer, José. San José. I-1.

Staufer & Co., José.—Avenida F. G. y Calle 3 (Apartado 1294), San José. I.

Steinvorth, Botho.—San José. I-1.

Steinvorth, Eberhard.—San José. I.

Steinvorth, Gerardo.—San José. I-1.

Steinvorth, Ricardo.—San José. I-1.

Steinvorth y Hermano, W.—Avenida F. G. y Calle 1, San José. I.

Sugawara.—San José. I.

Surroca, Pedro.—San José. I; I-4.

Tienda El Buen Gusto.—San José. I-3.

Tradt, Dora (Victoria).—San José. III-1.

Trejos González, Marta.—San José. II-5.

Tsunemoto, Hajimi.—Chaguite. I.

"UFFRA" Union Financière Française, S. A.—San José. III-3.

Ulloa Z., Miguel Angel.—San José. III-2.

Union Agency Co., S. A.—Apartado 1712, San José. I.

Union Financière Française, S. A.—San José. III-3.

Vedoua, Franz Ferdinand. — San José. I.

Von Breymann, Guillermo.—Apartado 93, San José. I.

Von Breymann-Figueroa, Guillermo.—Apartado 93, San José. I.

Von Heymann & Co., Hans.—San José. I.

Von Schroter, Guido.—San José. I.

Walter, Pablo.—Calles A. V. y 2, Avenida F. G. (Apartado 1081), San José. I.

Wiessel, Carlos M.—San José.

Wiessel, Federico B.—San José. I.

Wiessel y Cía., Federico.—Apartado 1790, San José. I.

Wimmer, Frank.—Puerto Limón. I.

Wimmer, Otto.—Puerto Limón. I.

Wunder, Kurt (Wunder-Nordhausen).—San José. I.

Zapatería La Renaciente.—San José. III-2.

Zeuner, Fritz.—San José.

Ziegler, Paul—San José.

CUBA

Ackermann, Gerardo.—Ricla 98 (Apartado 1343), Habana. I.

Adrián, Ignacio. — Consulado 107 (Apartado 1094), Habana. I.

Adrián y Cía., S. L.—Consulado 107 (Apartado 1094), Habana. I.

Ahrens, Carlos.—Marina 217, Habana. I.

Aldrey García, C.—Avenida de la Paz 17, Reparto Kohly, Marianao, Habana. I-2.

Alvarez Rodríguez, José.—Los Maceo esquina a Narciso López, Guantánamo. I-2.

Andrade & Company, M. T.—República del Brasil 15 (Apartado 1064), Habana. II-1.

Barletta, Amadeo.— I.

Berndes, René.—Edificio La Metropolitana, Habana. II-1.

Berndes y Compañía, Charles E.—República del Brasil 112, Habana. I.

Biederlack, Eberhard.—Habana. I.

Biederlack, Hans.—Habana. I.

Bona, Alejandro.—Empedrado 4, Habana. I-1.

Bona y Cía., A.—Empedrado 4, Habana. I-1.

Buffa Rosbock, Federico (Dr.)—Baños 409, Vedado, Habana. I-2.

Chojnowski, Clemens.—Muralla 415, Habana. I.

"Cifesa".—Habana. I; II-5.

Cine Cinecito.—Habana. I-2.

Cinematográfica Corporation San Rafael, S. A.—Habana. I-2.

Clasing, Lionel.—Prado 303, Habana. II-3.

Clasing Luis.—Hotel Plaza, Habana. I.

Colegio Alemán.—Calle 19 No. 907, Vedado, Habana. I.

Costa Marcote, Juan.—Habana. I; I-3.

Deutsche Lufthansa A. G.—All branches in Cuba. I.

Díaz Baliño, Joaquín.—San Rafael 263, Habana. I-1; I-4.

Di Bianco, Alfonso.—J. A. Saco 352, Santiago de Cuba. I.

Diehl, Hermann.—Obrapia 23 (Apartado 1765), Habana. I.

Durán, R. M.—Cristo 22, Habana. I-4.

Eisner, Srecko W.—Habana. III-1.

"El Sol Naciente".—Obispo y Villegas, Habana. I.

El Zafiro.—San Carlos 104, Cienfuegos. III-3.

Eppinger, Albert.—Avenida de Bélgica 568, Habana. I.

Evertz, Guillermo.—Avenida de Bélgica 568, Habana. I.

Exclusivas Berndes.—Consulado 164, Habana. I.

Fábrica de Cuchillas "Aevos".—Regla. Habana. I-1.

Fischer, Philip.—Habana. I.

Friederich, George H.—Aguiar 609, Habana. I-3.

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[6] Not to be confused with Pan American Agencies operated by Roberto Sutherland Polsen.

[7] Not to be confused with Luis Olle Seuba, San José.

Friederich, Roberto.—Teniente Rey 113, Habana. I.

Fritsche, Otto Walter.—Aguiar 132 (Apartado 2404), Habana. I.

Gómez Varela, Manuel.—10 de Octubre 13, Habana. I–1.

Gómez Varela, Ramón.—10 de Octubre 13 (bajos), Habana. II–4.

Hachez, Emil.—Edificio Abreu 302, Habana. I.

Halpern, David.—Calle 21 No. 609, Apartamento 3, Habana. III–4.

Hamburg-Amerika, Compañía de Vapores.—Prado 303, Habana. I.

Heckl, Luis.—Gertrudes 109, Habana. I–1.

Heisinger, A. C.—Santiago de Cuba. I.

Herrmann, Hans G.—Habana. I.

Hoppe, Eugene.—Marti 73, Regla, Habana. I–1.

Hoppman, Willi.—Concordia 755, Habana. I.

Huber & Co.—San José 98, Habana. I.

Inversiones Sadomoco S. A., Cía. de.—Habana. I–1.

Juedicke, Ernst Fr.—Lonja del Comercio 430, Habana. I.

Kaupp, Arturo.—Neptuno 204, Habana. I.

Kelly Auto School.—Marina 217, Habana. I.

Koch, Adolfo.—Apartado 2114, Habana. I–2.

Koch, Fritz Arthur.—Nuevitas. I.

Kohl, Erich.—Neptuno 755 Altos, Habana. I–1.

Kubli, Hans Erich.— III–1.

"La Euterápica".—Baños 409, Vedado, Habana. I–2.

Landes, Richard E.—Calle 27 No. 1458, Habana. I.

Ludtke, Paul C.—Obispo 61 y Calle E 381, Habana. I.

Luettich, Herman.—Apartado 722, Habana. I.

Luhn, Enrique.—Ricla 98 (Apartado 2077), Habana. I.

Machinery & Chemical Supply Company.—Habana. I.

Munch, Hans.—Calle 10 entré 12 y 13, Ampliación de Almenderes, Habana. I–3.

Navíera y Comercial S. A., Cía.—Aguiar 411, Edificio La Cubana (Apartado 1986), Habana. I.

Nuevas Industrias, S. A.—Callejón de Aspurú y Chucoyola, Luyano. I.

Ohira, Hugo.—Villegas 115, Habana. I–1.

Ohira, Keitaro.—Habana. I.

Ohira, Todao.—Habana. I.

Orth, Guilleramo.—Mercaderes 160 (Apartado 1645), Habana. I.

Pfeiffer, Michael.—Edificio Banco de Nova Scotía 304–305, Habana. I.

Pinks, Anton.—Habana. I.

Pinks, Ernst Gerhard.[1]—Calle D No. 5, Habana. I; III–2.

Productos Nacionales "REL" S. A.—Calle 27 No. 1458, Habana. I.

Proveedora Marítima S. A., Cía.—Teniente Rey 113 (Apartado 1905), Habana. I.

Reichel, René.—Egido 658, Habana. I; I–2.

Roemer & Co., Hans.—Aguiar 126, Habana. I.

Rosbock, Pierre.—Perseverancia 111, Habana. I.

Sakakibara, R.—O'Reilly 522, Habana. I.

Soliño, Norberto.—Habana. I.

Stein, Max.—República del Brasil 15 (Apartado 1064), Habana. II–1.

Steindler, Rudolph R.—Habana. I.

Suáz, Camilo.—San Carlos 104, Cienfuegos. III–3.

Sulmanis, Morduchs.—Hotel Plaza, Habana. III–1.

Suministradora de Maquinarias y Productos Químicos, Cía.—Habana. I.

Thol, Hans.—Habana. I.

Uhlinger, Louise.—Habana. I.

"Vanity".—San Rafael 263, Habana. I–1.

Vogt, Carl.—Arbol Seco 308, Habana. I.

Wagner, Aurelio.—Habana 560, Habana. I–4.

Wehle, Adolfo.—Avenida de Bélgica 568, Habana. I–2.

Will S. en C., R. A.—República del Brasil 112, Habana. I.

Yama, Ramón.—San Rafael 1816, Habana. I.

Zeiss, Anton.—Avenida del Brasil 405 (Apartado 2566), Habana. I.

Zimmerman, Enrique.—Calle A No. 13 (Apartado 874), Vedado, Habana.

DOMINICAN REPUBLIC

Agencia Antillana.—Apartado 211, Ciudad Trujillo. I; II–1.

Barkhausen, Hermann.—Apartado 211, Ciudad Trujillo. I; II–1.

Barletta, Antonio.—Ciudad Trujillo. I.

Barletta & Co. C. por A., Antonio.—Ciudad Trujillo. I; II–1.

Bodden, César A.—Isabel la Católica 40, Ciudad Trujillo. I–1.

Casa Palamara C. por A.—El Conde 35, Ciudad Trújillo. I.

Cibao Comercial.—Santiago. I.

Cobián, Salustiano.—Ciudad Trujillo. I.

Cobián & Co.—Avenida Mella 102, Ciudad Trujillo. I.

Comercial C. por A., Cía.—Monte Cristi. I.

"Diario del Comercio".—Ciudad Trujillo. I.

Dohse, Ernst Heinrich.—Ciudad Trujillo. I–1.

Dohse Jorge, Ernesto.—Ciudad Trujillo. I–1.

Dominican Soap Co. C. por A.—Ciudad Trujillo. I; II–1.

Dominican Tobacco Company.—Ciudad Trujillo. I.

Escovar Hurtado, Rafael.—Santiago. I–4.

Gerard, Georges O.—Arzobispo Nouel 9, Ciudad Trujillo. I.

Grossart, Friedrich Rudolf.—Monte Cristi. I–1; II.

Hartmann, Frederick Wilhelm.—Santiago. I.

Hertel, Carl.—Ciudad Trujillo. I.

Importadora Dominicana, Cía.—Arzobispo Nouel 9, Ciudad Trujillo. I.

Indorf, Jost Walter.—Ciudad Trujillo. I.

Jurgens, Kurt.—Santiago. I–1.

Knebol, Martín.—Ciudad Trujillo. I–1.

Lefeld Martínez, F.—Ciudad Trujillo. I; I–2.

Mallorga, Fernando.—Ciudad Trujillo. I.

Oppenheim-Gerard, Georges.—Arzobispo Nouel 9, Ciudad Trujillo. I.

Palamara, Battesimo.—El Conde 35, Ciudad Trujillo. I.

Pérez, Brígido Fernando.—Azua 30 Apartado 573), Ciudad Trujillo. I; II–1.

Pérez & Co.—Azua 30 (Apartado 573), Ciudad Trujillo. I; II–1.

Pogson Sucrs., Charles A.—Ciudad Trujillo. I; I–4.

Prieto, Esteban (Jr.).—19 de Marzo 50, Ciudad Trujillo. I–1.

Ron Suárez, Eduardo.—Ciudad Trujillo. I–2.

Rua García, Antonio.—Ciudad Trujillo. I–2.

Rua y Cía., Antonio.—Mercedes 2, Ciudad Trujillo. I–1; II.

Santo Domingo Motors Co. C. por A.—José Dolores Alfonseca 20, Ciudad Trujillo. I.

Ultramar Comercial C. por A.—Ciudad Trujillo. I.

Weisgerber, Erwin. Edificio Baquero 610, Ciudad Trujillo. I.

ECUADOR

Aachen & Munchner Feuer-Versicherungs-Gesellschaft.—Apartado 486, Guayaquil. I–3.

Acunzo, Francisco.—Guayaquil. I–2.

Agencia Italo-Ecuatoriana.—Casilla 205, Guayaquil. I–1.

Agencias Internacionales C. A.—Junin 216 (Casilla 1264), Guayaquil. I.

Aguirre & Co.—10 de Agosto 326, Guayaquil. I.

Alemana de Agencias, Cía.—Casilla 787, Guayaquil. I; III–3.

Almacén "La Fortuna".—Guayaquil. I–2.

Almerini, Giovanni.—Casilla 345, Guayaquil. I–1.

Almerini, Fossati y Cía.—Casilla 345, Guayaquil. I–1.

Altgelt, Hagen Ernesto Gerardo.—Quito. I–2; II.

Andretta, Romolo.—Quito. I–2.

Anselmi, Anselmo.—Guayaquil. I–2.

Babinsky, Walter.—Ambato. I–2.

Baldus, Otto.—Calacalí. I–2.

Baquerizo, Clemente G.—18 de Setiembre 179 y Estrada (Casilla 480), Quito. I.

Bazaar "Idolo".—Aguirre 304, Guayaquil. II–5.

Beate, Bío.—Quito. I–2.

Beckmann, G.—Quito. I–2.

Beltrani, Agostini.—Guayaquil. I–2.

Berge, Wolf.—Ríobamba. I–2.

Bergholz, Klaus.—P. Icaza 507, Guayaquil. I–2.

Besecke, Herbert.—Pedro Moncayo 718, Guayaquil. I–2.

Bittner, Rudolfo.—Avenida Nueve de Octubre, Guayaquil. I–1.

Bittner & Voegli.—Guayaquil. I–4.

Bloenken, Heinrich. — Bolívar 725, Guayaquil. I–2.

Boche, Ernst K. Henry.—Guayaquil. I–2.

Bockeman, Hans.—Casilla 405, Guayaquil. I–1; II.

Boettger, Waldemar.—Ibarra and Otavalo. I–2.

Bolte, Hugo.—Rumichaca 520, Guayaquil. I–2.

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[1] Not to be confused with Dr. Gerhard Paul Pink, Calle F No. 507, Vedado, Habana.

Bonzi, Giacomo.—Casilla 205, Guayaquil. I–1.

Boschetti, Tulio T.—Casilla 492, Quito. I–1.

Bossareck, Anton.—I–2.

Botica Eloy Alfaro.—Casilla 1050, Guayaquil. I–1.

Brachetti, Theodore.—Casilla 860, Quito; and Casilla 53, Guayaquil. I.

Brauer Gehin, Alfredo.—Guayaquil 60 (Casilla 687), Quito. I–2; II–5.

Brauer Gehin, Leopoldo M. (Jr.).—Guayaquil 60 (Casilla 687), Quito. I–2; II–5.

Brauer, Leopoldo M.—Casilla 687, Quito. I.

Brill, Alfred.—Quito. I–2.

Brill, Charles.—Quito. I–2.

Brill, Max.—Zambrano 7 (Casilla 92), Quito. I–2; II–5.

Bruckmann, Ludwig E.—Calle Carrión, Guayaquil. I–2.

Bruckmann, Luis Edward.—Vivero 501, Guayaquil. I–2.

Bruckmann & Co., L. E.—Guayaquil and Manta. I.

Bruzone, Domingo.—Quito. 1–2; II.

Burbano Zúñiga, Enrique.—Neuve de Octubre 913, Guayaquil. II–1.

Cañarte, Alvaro.—Guayaquil. II–1.

Carmigniani, César.—Guayaquil. I–2; II.

Carstanjen, Otto Heinrich.—Avenidas 18 de Septiembre y Colón, Quito. I–2.

Casa Alemana.—García Moreno 69 (Casilla 394), Quito. I; II–5.

Casa Tagua S. A.—Manta, and all branches in Ecuador. I.

Cedeño, Guido.—Malecón Simón Bolívar 2014, Guayaquil. II–5.

Chanange, Gustavo L.—Casillas 103 y 77, Guayaquil. I–2; II–3.

"CIALDA" Compañía Alemana de Agencias.—Casilla 787, Guayaquil. I.

Cibelli, Gaetano.—Hacienda San Pablo, Naranjal. I–2.

Clementina Plantagen Gesellschaft.—Babahoyo (Casilla 1291), Guayaquil. II–5.

Constructora Técnica S. A., Soc.—Casilla 584, Guayaquil. I–1.

Contag, Arturo.—Tomás Martínez 305 (Casilla 200), Guayaquil. I–1.

Contag, Ernesto.—Pasaje Pérez, Quito. I–1.

Continental, Sociedad. — Casilla 409, Guayaquil. I.

Costa, Guido.—Guayaquil. III–2.

Cuhne, Alfredo.—Maldonado. I–2.

Darr, Erwin.—Guayaquil. I–2.

De Agostini, Carlo. — Roca y 9 de Octubre, Quito. I–2.

Deckert, Hans.— I–2.

Degetau, Pablo.— I–2.

Detken, Herman.—Quito. I–2.

Deutsche Lufthansa A. G. — All branches in Ecuador. I.

Diebler, Hans.— I–2.

Diener, Walter.—12 de Octubre, Quito. I–2.

Diesemreiter, María.—Quito. I–2.

Dingendroff, Hans. — Mourgeón 12, Quito. I–2.

Dirani B., Humberto.—Chile 8 (Apartado III), Quito. H–4.

Dirani M., Franco.—Oriente 152, Quito. I–2; III.

Dorn, Helmut.—Guayaquil. I–2.

Dreher, Benjamin.—Chimborazo 1508 (Casilla 731), Guayaquil. I–1.

Dreier, Hermann.[1]—García Moreno 69 (Casilla 394), Quito. I; II–5; IV.

Duffer, Enrique.—Esmeraldas. I; I–4.

Ebert, Fritz.—Casilla 1256, Guayaquil. I.

"Ecuapetrol" Compañía Petrolera y Comercial S. A.—Guayaquil, and all branches in Ecuador. I.

Ecuatoriana de Transportes Aéreos, Soc.—Quito. I.

Ehmig, Anton.—Quito. I–2.

Einicke Spring, Heriberto P.—Guayaquil. I–2.

"El Nido".—Ambato. I–2.

Ell, George.—República 3, Quito. I–2.

Endemann, Hans.—Casilla 584, Guayaquil. I–1.

Erdelen, Rudolf.—P. Icaza, Guayaquil. I–2.

Espinosa Tamayo, Luis.—Casilla 1050, Guayaquil. I–1.

Ferrari, Herederos de Luis.—Casilla 126, Guayaquil. I–1.

Ferrostaal A. G.—Quito and Guayaquil. I.

Fossati, Luigi.—Casilla 345, Guayaquil. I–1.

Fukumoto, Makoto.—Ríobamba. I–2.

Funke, Richard (Walter)—Guayaquil. I–2.

Galeotti, Piero.—Casilla 1157, Guayaquil. I–1.

Gertlich, Conrad Otto.—Quito. I–2.

Giese, Erna.—Quito. I–2.

Giesel, Enrique.—Baños. I–2.

Giesel, Luis Enrique.—Ambato. I–2.

González, Antonio.—Casilla 1150, Guayaquil. II–5.

González, Florentino.—Casilla 1150, Guayaquil. II–5.

González y Cía., Florentino.[2]—Casilla 1150, Guayaquil. I–1.

Griesbach & Roehl.—Pasaje Royal (Casilla 326), Quito. I; II–5.

Grob, Ernest.—Ambato. I–2.

Grosse, Kurt.—Guayaquil. I–2.

Grunner, Justis.—Guayaquil. I–2.

Gubitz & Schwark.—Guayaquil 66 (Casilla 433), Quito. I; II–5.

Guevara, Segundo.—Guayaquil. III–4.

Guzmán D. Bolívar A.—Casilla 426, Guayaquil. III–4.

Hacienda Clementina. — Babahoyo (Casilla 1291), Guayaquil. II–5.

Hahlbaum, Hans.—Chimborazo 408, Quito. I–2.

Haller, Paul.—Avenida Olmedo y Eloy Alfaro, Guayaquil. I–2.

Haller, Paul (Mrs.).—Avenida Olmeda y Eloy Alfaro, Guayaquil. I–2.

Harms, Siegfried.—Chile 309, Guayaquil. I.

Hartsch, Carlos.—Colegio Alemán, Quito. I–2.

Haus, H. A.— I–2.

Heed, Ernest.—Guayaquil. I–2.

Heintze, Señora de.—Colegio Alemán, Quito. I–2.

Herzogg, Hans Dietrich.—Quito. I–2.

Hille, Otto (Dr.).—Ambato. I–2.

Hirasawa, Shigetane. — Ríobamba. I–2.

Hirtz, Carlos.—Pasaje Royal, Quito. I–2.

Hoelldorfer, Kurt.—Panamá y Junín, Guayaquil. I–2.

Hotel Majestic.—Salinas. I–1.

Huttner, Johann Karl.— I–2.

Industrial Beco C. A., Soc.—Casilla 8, Manta. I.

Industrial Corozo Ecuador, S. A.—Manta. I.

Industrias Téxtiles S. A., Soc.—Ascasubi 14 (Casilla 337), Quito. I; II–5.

Inoue, Zyuichi.—Ríobamba. I–2.

Isenberg, Irma Schnoor.—Ambato. I–2; II.

Janssen, Ludwig.—Quito. I–2; II–5.

Jeremías, Siegfried.—Casilla 112, Guayaquil. I–1.

Jeremías, Herederos de L.—Guayaquil. I–1.

Jeremías y Robinson.—Guayaquil. I–1.

Joyería "El Brillante".—Guayaquil. I–1.

Joyería "Queirola".—Guayaquil. I–1.

Jungnickel, Paula.—Avenida Colón 458, Quito. I–2.

Juris, Carlos.—Mercado Central o Mourgeón 24, Quito. I–2.

Kakabadze, Ivan.— I–2.

Kehrer, Wilhelm.—Salinas. I–1.

Kiederle, Frederico.— I–2.

Kiederle, George.—Mera. I–2.

Kiefel, Gottlieb.—Casilla "B", Guayaquil. I–1.

Klaere, Adolfo.—Salinas. I–1.

Kläschen, C.—Manta. I.

Klein, Arturo.—Quito. I–2.

Kolb, Herman.— I–2.

Kontizer, Willy.—I–2.

Kruger, Lottie (Mrs. J. H.).—Guayaquil. II–1.

Kruger, Viuda y Herederos de J. H.—Guayaquil. I.

Kudajewsky, Paul.— I–2.

Kunze, Albert Julius Robert.— I–2.

La Casa Wiking S. A.—Venezuela 97 (Casilla 556), Quito. I; II–5.

Lafontaine, Dan Hans.— I–2.

Langpap, Walter Paul.—Batán Road, Quito. I–2.

Levinsohn, Max.— I–2.

Lindner, Erich.—Quito. I–2.

Linz, Alfredo.—Quito. I–2.

Linz, Juan.—Quito. I–2.

Lisken, Gunter Otto.—Pedro Moncayo 910, Guayaquil. 1–2.

Loeschner, Heinrich.—Pasaje Royal, Quito. I–2.

Lorentzen, Walther.—Miraflores Road, Ambato. I–2; II.

Luciano, Stefano.—Pasaje Royal y Venezuela, Quito. I–2.

Makisima, Masao.—Ríobamba. I–2.

Marotzke, Hans. — Calicuchima 319, Guayaquil. 1–2.

Matéju, Eugenia.—Mejía 27, Quito. I–2.

Mauer, Oscar Max.— I–2.

Melli, Ettori.—Guayaquil. I–2.

Merello G., Alberto. — Casilla 788, Quito. I.

Merino Leteche, Silvano.—Guayaquil. III–4.

Mestichelli, Leo.—Salinas. I–1.

Meyer, Franz.—Guayaquil. I–2.

Meyer, Willy.—Guayaquil. I–2.

Miranda, Pietro.—Casilla 252, Quito. I–1.

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[1] Not to be confused with the Hermann Drier [previously carried in footnote as Drier], Casilla 577, Quito, who was associated with Jacobo Vorbeck.

[2] Not to be confused with González Hermanos y Cía., 108 Malecón Simón Bolívar (Casilla 372), Guayaquil.

Missale, Angelina Warnock de.—Casilla 1058, Guayaquil. III–4.

Missale, Emilio.—Casilla 1058, Guayaquil. I–1.

Moebius, Gunther Rudolf.—Colegio Alemán, Quito. I–2.

Moller, Gustavo.—Casilla 930, Guayaquil; and Calles Bolivia y Venezuela, Quito. I.

Moller, Hermann.—Casilla 930, Guayaquil; and Calles Bolivia y Venezuela, Quito. I.

Moller, Wilhelm.—Casilla 930, Guayaquil; and Calles Bolivia y Venezuela, Quito. I.

Muller, Alexander.—Quito. I–2.

Muller, Olek.—Quito. I–2.

Naritoma, Michio.—Ríobamba. I–2.

Neira, Alberto.—Ayacucho 202, Quayaquil. III–2.

Nickel, Gurte August Hans Ernst.—Esmeraldas. I–2.

Nickelsen, Albert.—Machachi. I–2; II.

Nielsen, Alfredo.— I–2.

Núñez, Nicolás.—Esquina Calles Colón y Quito, y Pedro Carbo, Guayaquil. III–4.

Orrantia González, Joaquín.—Quayaquil. III–2.

Paffrath, George.—Carrión 7 y 9 de Octubre, Quito. I–2.

Pankratz, Will.—Guayaquil. I–2

Panse, Arnold.—Guayaquil. I; I–4.

Panse, Eduardo.—Guayaquil. I–2.

Panse, Ernesto.—Malecón Simón Bolívar 307 (Apartado 787), Guayaquil. I.

Panzer, Ferdinand.— I–2.

Partmuss, Frederico Pablo.—Quito. I–2.

Penke, Anton.— I–2.

Penke, Werner.—I–2.

Pensión Sibarita.—Quito. I–2.

Pensión Suiza-Alemana.—Baños. I–2.

Pernigotti, Blanca Avellán Ordónez de.—Casilla 1100, Guayaquil. III–4.

Pernigotti, Ernesto.—Casilla 1100, Guayaquil. I–1.

Pernigotti, Gabriel.—Casilla 1100, Guayaquil. I–1.

Pernigotti y Cía.—Casilla 1100, Guayaquil. I–1.

Peters, Erich Christian.—Guayaquil. I–2; II–5.

Petruska, Juan.—Ambato. II–5.

Piana, Elio.—Manabí 24, Quito. I–2; II–5.

Piepetz, Maxililian Franz C.—Carrión 26, Quito. I–2.

Pierrottet, Tulio.—Clemente Ballén 424 (Casilla 1228), Guayaquil. I.

Plantaciones Clementina, Cía. de.—Casilla 1291, Guayaquil. II–5.

Ponto, B.—Bahía de Caraquez. I.

Química Schering Ecuatoriana S. A.—Chile 309, Guayaquil. I.

Rabascall, Severo (Dr.).—Hotel Majestic, Salinas. II–5.

Radiotécnica Ecuatoriana, Soc.—Quito. I–1.

Rap y Galeotti.—Casilla 1157, Guayaquil. I–1.

Razzini, Enrico.—Quito. I–2.

Reimers, Hans Ferdinand Eduard.—Guayaquil. I–2.

Ridder, Augusto Ernesto.—Núñez de Vela, Quito. I–2.

Ridder, Heddy.—Quito. I–2.

Roehl, Paul.—Avenida 12 de Octubre, Quito. I–2.

Roeseler, Fritz.—Quito. I–2; II.

Rota, Luigi.—Casilla 414, Quito; and Chimborazo 205, Guayaquil. I.

Rothenback, Kaspar.—Avenida 18 de Setiembre y Tarqui, Quito. I–2; II–5.

Rueff, Gertrudis de.— I–2.

Rueff, Max.— I–2.

Ruffilli, Aldo.—Guayaquil. I–2.

Ruperti, Arturo. — Calle Garaicoa, Guayaquil. I–2.

S. E. D. T. A., Sociedad Ecuatoriana de Transportes Aéreos.—Quito. I.

Saalmann y Cía.—Casilla 1130, Guayaquil. I.

Sachs, Herbert.—Guayaquil. I.

Sacklowski, Wilhelm.—Colegio Alemán, Quito. I–2; II.

Sacklowski, Wilhelm (Mrs.).—Quito. I–2; II.

Salón "La Cita".—9 de Octubre, Guayaquil. I–2.

Salón "Victoria".—Quito. I–2.

Salón "Viena".—García Moreno 47, Quito. III–2.

Salvestroni, Pietro.—Calle Roca, Quito. I–2.

Sato, Tadeo.—Guayaquil. I.

Sawatari, Mititaka.—Ríobamba. I–2.

Schering Ecuatoriana S. A., Química.—Chile 309, Guayaquil. I.

Schiersand, Carlos.—Ambato. I–2.

Schiller, Friedrich.—Guayaquil. I–2.

Schilling, J. E.—Baños. I–2.

Schlundt, Friedrich.—Ambato. I–2.

Schmidt, Hagius.—Guayaquil. I–2.

Schmidt, Hermann Willi.— I–2.

Schneider, Gustavo.—Quito. I–2.

Schneider, Lillian (Mrs.).—Guayaquil. I–2.

Schroeder, Otto.—Simón Bolivar 401, Guayaquil. I.

Schulte, Eugen.—Quito. I–2.

Schulte, Heinz.—El Batán Grande, Quito. I–1.

Schulz, Wilhelm.—Calle Pablo Herrera y Baquerizo, Quito. I–1; II.

Schwalbe, Enrique.—Quito. I–2.

Schwalbe, Katarina.—Quito. I–2.

Schwalbe, Reinaldo.—Quito. I–2.

Schwark, Carl Max.—Calle Galicia, Quito. I–2.

Schwarmann, Heinrich.—Guayaquil. I–2.

Schwartz, María Klaschen de.—Guayaquil. III–4.

Schwartz, Otto.—Casilla 564, Guayaquil. I.

Scotoni, Edwin.—Quito. I–2.

Scotoni, Eugen.—Quito. I–2.

Scotoni, Hilda María.—Quito. I–2.

Sebelefsky, W.—Casilla 1101, Guayaquil. I–1.

Shoemaker, Peter.—Guayaquil. I–2.

Slaviero, Aldo.—Calle Gonzalo Pizarro, Quito. I–2.

Slaviero, Mario.—Calle Gonzalo Pizarro, Quito. I–2.

Sojos, Benjamín (Dr.).—Cuenca. II–5.

Sonnenholzner, Georg. — Guayaquil. I–2; II.

Stagg, Leonardo.—Casilla 645, Guayaquil. I.

Stamer, Emilio.—Guayaquil. I–2.

Stamer & Co.—Guayaquil. I.

Steher, Minna.—Guayaquil. I–2.

Steyer, Florian.—Ríobamba. II–5

Steyer, Luis.—Ríobamba. II–5.

Stornaiolo, Cosimo.—Palacio de Comercio, Carrera Venezuela 60, Quito. I–1.

Stuis, Anton.— I–2.

Suzuki, Toshitake.—Calles Bolívar y Coronel, Guayaquil. I.

Takahashi, Hiroji. Ríobamba. I–2.

Tettke, Edgar.—Hurtado y Tungurahua 1000, Guayaquil. I–2.

Thom, Kurt.— I–2.

Timmer, Helmut.—Casilla 584, Guayaquil. I–1.

Timpe, Teodoro.—Riofrío, Casilla 342, Quito. I.

Tobar, Luis A.—Casilla 1076, Guayaquil. I–2.

"Transocean" Servicio Noticioso.—Quito. I.

Uchida, Kanji.—Ríobamba. I–2.

Ultramares Trading Co., S. A.—Casilla 1328, Guayaquil. I.

Von Baumbach, Horst Dietrich.—Quito. I–2.

Von Gizitzky, Bernardo.—Manta. III–2.

Von Gizycki, Bernardo.—Manta. III–2.

Von Hartrodt, Martha viuda de.—Quito. I–2.

"Voz Obrera".—Quito. I.

Walker, Werner.—Guayaquil. I–2.

Walle, Gerhard.—Noguchi, Quayaquil. I–2.

Weber, Ludwig.—Ríobamba. I–2.

Weber, Walter.—Malecón 814, Guayaquil. I–1.

Weinelt, Emilio.—Quito. I–2.

Wickenhauser, Julio.—Castilla 346, Guayaquil. I–1.

Wiesner, Señora. de.—Colegio Alemán, Quito. 1–2.

Winkler, Hans.—Colegio Alemán, Quito. I–2.

Witte, Fritz.—Manta. III–2.

Woehlermann, Walter (Jr.).—Casilla 788, Quito. I; I–4.

Wolff, Otto.—Guayaquil, and all branches in Ecuador. I.

Wosadtka, Juan.—Quito. I–2.

Wosadtka, María.—Legación Alemana, Quito. I–2.

Yamamoto, Hikaru.—Guayaquil. I.

Yanaguida, Bunji.—Ríobamba. I–2.

Yannuzzelli, Donato.—Esmeraldas. I–2.

Yannuzzelli, Leticia Ortiz de.—Guayaquil. III–4.

Yannuzzelli Ortiz, Donato.—Guayaquil. III–4.

Yannuzzelli Ortiz, Tonio.—Guayaquil. III–4.

Yannuzzelli Ortiz, Vidal.—Guayaquil. II–4.

Zang, Carlos E.—Casilla 692, Quito. I.

Zeller, Alfredo.—Quito. I–2.

Zimmerman, Otto.—Quito. I–2.

Zohrer Tama, Adolf E.—Pedro Carbo 707–715 (Casilla 277), Guayaquil. II–5; III–2.

Zweigert, Hans Hugo.—Quito. I–2; II.

EL SALVADOR

"Agfa".—San Salvador. I.

Almacén "El Fénix".—2a Calle Oriente y 2a Avenida Sur, San Salvador. I.

Almacén "El Nippon".—Frente Punto Camionetas, San Salvador. I.

Almacén Littoria.—Frente Teatro Nacional, San Salvador. I.

Annicchiarico, José.—Jucuapa. I.

Annicchiarico, Victor.—Jucuapa. I.

Annicchiarico y Sessa.—Jucuapa. I.

Annicchiarico y Cía.—Jucuapa. I.

Annichiarico, Víctor.—San Salvador. I.

Béndix, Alberto.—Ahuachapán. I.

Beneficio "El Amate".—San Salvador-San Marcos. III–3.

Beneficio "Giessler".—Chinameca. I–1.

Beneficia "Los Ausoles".—Ahuachapán. I–1.

Beneficio "San Guillermo".—Tepecoyo. I–1.

Beneficio "San Jacinto".—San Salvador. I–1.

Bodewig, Joseph.—3a Avenida Norte 52, San Salvador. I.

Boef, Federico.—San Salvador. I.

Boef & Co.—San Salvador. I.

Boellersen, Heinrich.—San Salvador. I.

Borghwardt, Enrique.—Santa Ana. I–1.

Bruch, Carlos H.—Santa Ana. I–2.

Buchner, Augusto.—Avenida España (Apartado 392), San Salvador. I.

"Carnicería Modelo".—4a Calle Poniente 4, San Salvador. I–1.

Carozzi, Enea.—Apartado 540, San Salvador. I.

Caruso, Alfonso.—San Salvador. I–1.

Caruso, Pascual.—San Salvador. I–4.

Caruso, Vittorio.—San Salvador. I–4.

Caruso Hermanos. — Apartado 122, San Salvador. I.

Caruso, Pascual y Rizziero.—Frente Teatro Nacional, San Salvador. I.

Castelli, Antonio.—San Salvador. I–1.

Castelli, Fantini & Co.—Apartado 434, San Salvador. I.

Castelli y Cía., Antonio.—Apartado 248, San Salvador. I.

Clar, Carlos.—Santa Ana. I–1.

Crisonino, Virgilio.—San Salvador. I–1.

Crisonino y Cía., Virgilio.—Delgado 21, San Salvador. I.

Cristiani, Alfredo.—San Vicente. I–1.

Cristiani, Juan.—1a Avenida Norte y la Calle Poniente, San Salvador. I.

Custode, Juan.—San Salvador. I–1.

Deutsche Lufthansa A. G.—All branches in El Salvador. I.

Dreiss, Ernesto.—Santa Ana. I–1.

Droguería "Astra".—San Salvador. I–2.

Fábrica de Jabón y Velas "La Salvadoreña".—San Salvador. I–1.

Falconio, Aristides.—Delgado 3, San Salvador. I.

Fantini, Conrado.—Apartado 434, San Salvador. I.

Farmacia "Normal".—1a Avenida Sur y 4a Calle Poniente, San Salvador. I–3.

Farmacia "Santa Lucía".—1a Avenida Norte y la Calle Poniente, San Salvador. I.

Fax, Paul.—San Salvador. I.

Ferracuti, Alberto.—San Salvador. I–1.

Ferracuti, Antonio. — San Salvador. I–1.

Ferracuti, Piero.—San Salvador. I–1.

Ferracuti & Co., A.—Gerardo Barrios 87, San Salvador. I.

Ferretera, Cía.—Calle Arce, esquina Avenida España (Apartado 266), San Salvador. I–4.

Finca "Coatepeque".—Santa Ana. III–3.

Finca "El Paraíso".—Santa Ana. I–1.

Finca "Santa Bárbara".—Santa Ana. I–1.

Fisher, Ricardo.—Finca "Coatepeque", Santa Ana. III–3.

Foerstenberg, Wilhelm.—4a Calle Oriente 16, San Salvador. I.

Freese, Carlos.—Chinameca. I–2.

Giessler, Federico.—Apartado 72, San Salvador. I.

Gossman y Cía.—2a Calle Oriente y 2a Avenida Sur, San Salvador. I.

Groskorth, Ernesto.—San Salvador. I–1.

Groskorth y Cía.—San Salvador. I.

Hamburg-Amerika Linie.—San Salvador. I.

Hentzen, Erhart.—Avenida España, Edificio Sol, San Salvador. I.

Hepperle, Werner.—Avenida España, Edificio Sol, San Salvador. I.

"Italia" Sociedad Anónima di Navigazione.—San Salvador. I.

Jokisch, Juan.—Apartado 539, San Salvador. I.

Kaneshige, Alfonso H.—Frente Punto Camionetas, San Salvador. I.

Kleipel, Francisco.—Ciudad Barrios, San Miguel. I–1.

Koch, Carlos.—Apartado 312, San Salvador. I.

Koessler, Willi.—Arce 37, San Salvador. III–1.

Kreutz, José.—Santa Ana. I–1; I–4.

"La Alpina".—Calle Delgado, Edificio Letona, San Salvador. I.

Lassally, Teodoro.—la Avenida Norte 14, San Salvador. III–3.

Lassally, Reich & Co.—la Avenida Norte 14, San Salvador. III–3.

Luders y Cía., Sucrs., Juan.—2a Calle Oriente y 2a Avenida Sur, San Salvador. I.

Mathies, Gustavo.—Santa Ana. I–1.

Mathies, Luis Federico.—Santa Ana. I–1.

Mathies, Salvador.—Santa Ana. I–1.

Michiels, Augusto.—San Salvador. I–2.

Mitsui Bussan Kaisha.—San Salvador. I.

Moritz, Friedrich.—San Salvador. I.

Muller, Guillermo.—Santa Ana. I–1.

Norddeutscher Lloyd. — San Salvador. I.

Nottebohm Trading Co. — 4a Calle Oriente 17, San Salvador. I.

Oertel, Elia Lainez de.—Delgado 23, San Salvador. III–1.

Oertel, Erich.—Delgado 23, San Salvador. III–1.

Oertel, Pablo.—San Salvador. I–1.

Oertel y Cía., Pablo.—Delgado 31, San Salvador. I.

Oertel y Cía., Sociedad Colectiva.—Delgado 23, San Salvador. III–1.

"Optica Científica".—4a Calle Oriente 16, San Salvador. I.

Panadería Alemana "La Corona".—San Salvador. I–2.

Puschmann, Frederico.—San Salvador. I.

Raubusch, Wilfred.—Avenida España, Edificio Sol, San Salvador. I.

Reich, Ernesto.—la Avenida Norte 14, San Salvador. III–3.

Reiss, Anton.—Apartado 85, San Salvador. I.

Relojería "El Tiempo".—Avenida Españ, Edificio Sol, San Salvador. I.

Relojería "La Princesa".—San Salvador. I.

Restaurante "Ben Tanabe".—La Ceiba. I; II.

Roeder, Otto.—Calle Delgado, Edificio Letona, San Salvador. I.

Roverso, Patuzzo y Cía.—1a Calle Oriente 102, San Salvador. I.

Salandra Hermanos.—4a Avenida Norte 2, San Salvador. I–1.

Salón de Belleza.[1]—Delgado 22, San Salvador. I–3.

Santimone y Cía., Generoso.—1a Calle Poniente 7, San Salvador. I–1.

Santimone y Cía., José.—Ahuachapán. I–1.

Schafer, Felix.—San Salvador. I–4.

Schmidt, Arthur Max.—Delgado 26, San Salvador. III–2.

Schmidt, Guillermo.—Tepecoyo. I.

Schmidt & Co., Carlos A.—Calle Arce, esquina Avenida España (Apartado 266), San Salvador. I.

Sessa, Gaetano.—Jucuapa. I.

Sessa, José.—Jucuapa. I.

Shiraki, Antonio T.—Frente Punto Camionetas, Sal Salvador. I.

Shiraki, José T.—Frente Punto Camionetas, San Salvador. I.

Shiraki y Cía, José T.—Frente Punto Camionetas, San Salvador. I.

Standard Photo Supply Company.—San Salvador. I–1.

Szaratta, Otto.—3a Calle Poniente 18, San Salvador. I; I–4.

Tanabe, Benjamín.—La Ceiba. I–2.

Tillino, Juan.—4a Calle Poniente 4, San Salvador. I–1.

Unión Agrícola Industrial, Soc.—San Salvador. I.

Wilmes, Heriberto W.—San Salvador. I–1.

Wilmes y Cía., H.—4a Calle Poniente 3, San Salvador. I.

Woerner, Elsa de.—San Salvador. I–3.

Woerner, Hans F.—Calle, Delgado y 6a Avenida Sur, San Salvador. I.

Wurst, Herbert.—San Salvador. I.

Zelaya, Salvador (Dr.).—1a Avenida Sur y 4a Calle Poniente, San Salvador. I–3.

Zelaya & Co.—1a Avenida Sur y 4a Calle Poniente, San Salvador. I–3.

GUATEMALA

A. E. G., Almacén Eléctrico General.—7a Avenida Sur 12, Guatemala, Guatemala. I.

Administración General Fincas "La Aurora", "El Edén", "Nuevo Edén", and "Camelias".—Candelaria-Xolhuitz, Retalhuleu. I.

Administración Giesemann & Co.—Reforma and Nuevo Progreso, San Marcos, and Guatemala, Guatemala. I.

Administradora "Cecilia" Ltda., Cía.—Quezaltenango, and all branches in Guatemala. I.

Agrícola Viñas Zapote, Soc.—13a Calle Oriente 7, Guatemala, Guatemala, and all branches in Guatemala. I.

Ahrens, Edgar.—7a Avenida Sur 97, Guatemala, Guatemala. I.

Albingia Versicherungs A. G.—Guatemala, Guatemala. I–1.

Albrecht, Jorge y Fritz.—San Felipe Retalhuleu. II–4.

Allgemeine Elektricitaets Gesellschaft.—7a Avenida Sur 10, Guatemala, Guatemala. I.

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[1] Owned by Elsa de Woerner, San Salvador.

Almacén "Colibri".—7a Avenida Sur 12 (Apartado 19), Guatemala, Guatemala. I.

Almacén Eléctrico General.—7a Avenida Sur 10, Guatemala, Guatemala. I.

Almacén "La Oriental".—12a Avenida Sur 25–27, Guatemala, Guatemala. I–1.

Almacén La Perla.—Quezaltenango. I–1.

Almacén "La Retalteca"—6a Calle Oriente 11, Guatemala, Guatemala; and Retalhuleu. I; II.

Alte Leipziger.—9a Calle Poniente 1, Guatemala, Guatemala. I–3.

Altuve, Blanca E.—4a Avenida Sur 4, Guatemala, Guatemala. I.

Asseburg, Adolf.—Quezaltenango, and Malacatán, San Marcos. I.

Asseburg, Wilhelm.—Quezaltenango, and Malacatán, San Marcos. I.

Asseburg & Company.—Quezaltenango, and Malacatán, San Marcos. I.

Asseburg Hermanos.—Quezaltenango, and Malacatán, San Marcos. I.

Augustynski, Max.—7a Calle Poniente 36, Guatemala, Guatemala; and San Vicente Pacaya. I.

"Auto Salón".—5a Avenida Sur 35, Guatemala, Guatemala. I.

Bar, Hans J.— 11a Calle Oriente, Contiguo al Salón Granada. I; II.

Beyer, Pablo.—Ingenio "Palo Gordo", San Antonio Suchitepequez, Suchitepequez. I–2.

Biener y Cía., Adolfo.—6a Avenida Sur 3, Guatemala, Guatemala. I.

Boehm, Jorge.—Cobán, Alta Verapaz. I.

Bohnenberger, Otto.—Quezaltenango. I.

Bollmann, Jorge.—Chicacao, Suchitepequez. I.

Bornholt e Hijos, Claudio.—8a Avenida Sur 5, Guatemala, Guatemala. I.

Brackman y Cía., M.—Guatemala, Guatemala. I.

Brackmann e Hijos, Juan.—6a Avenida Sur 12–E, Guatemala, Guatemala. I.

Brackmann Hijos y Cía., Sucrs., Juan.—6a Avenida Sur 12–E, Guatemala, Guatemala. II–2.

Braeuner y Cía., R. O.—19a Calle Oriente 10, Guatemala, Guatemala. I–1.

Brandenburg, Juan.—Quezaltenango. I–2.

Bregartner, Máximo.—San Andrés Villa Seca, Retalhuleu. I.

Brueckner, George.—Guatemala, Guatemala. II–3.

Buechsel, Gerhard.—San Pedro Carcha, Alta Verapaz. I.

Buechsel & Co.—San Pedro Carcha, Alta Verapaz. I.

Buhl, Carlotta viuda de.—Tumbador, San Marcos. I.

Buhl & Co., Sucrs.—Tumbador, and all branches in Guatemala. I.

Bunge, Rodolfo.—Livingston. I.

Camisería "España".—8a Avenida Sur 13, Guatemala, Guatemala. I–1.

Central American Trading Company.—Guatemala, Guatemala. I–4.

Christ, Alfredo.—Cobán, Alta Verapaz. I.

Christ, José.—Cobán, Alta Verapaz. I.

Comerical y Agrícola de Guatemala, Cía.[1]—Guatemala, Guatemala. I–4.

Daetz, Arnoldo.—Cobán. I.

Deutsche Lufthansa A. G.—All branches in Guatemala. I.

Deutsche Zeitung Guatemala.—Edificio París, 6a Avenida Sur, Guatemala, Guatemala. I.

Dieseldorff y Cía., Sucrs.[2]—Cobán. I.

Diestel, Eberhardt.—10a Calle Poniente 3, Guatemala, Guatemala. I–1.

Diestel, Hastedt & Co.—10a Calle Poniente 3, Guatemala, Guatemala. I.

Dietz, José.—Quezaltenango. I.

Dietz, José (Jr.).—Quezaltenango. I–1.

Döscher, Paul.—Livingston. I.

Droege, Hugo.—San Pedro Carcha, Alta Verapaz. I.

El Fénix Sudamerícano.—Guatemala, Guatemala. I–1.

Fábrica de Sombreros "Atlas".—Guatemala, Guatemala. I.

Farmacia Alemana.—Cobán. I

Farmacia Verapaz.—Cobán. I.

Feddersen, Teodoro.—Senahú, Alta Verapaz. II–4.

Felsmann, Erica Niederer Bornholdt de.—Guatemala, Guatemala. I.

Felsmann, Kurt.—Guatemala, Guatemala. I.

Felsmann y Cía., Kurt.—Guatemala, Guatemala. I.

Fernández García, Rafael.—12a Avenida Sur 25–27, Guatemala, Guatemala. I–1.

Fernández y Cía., Rafael.—12a Avenida Sur 27, Guatemala, Guatemala. I.

Ferretería "La Guatemalteca".—Quezaltenango. I.

Fickert Först, Emma viuda de.—Senáhú, Alta Verapaz. I.

Finca "Actelá".—La Tinta, Alta Verapaz. I.

Finca "Alabama Grande".—Tumbador, San Marcos. I.

Finca "Alicia".—Reforma, San Marcos. I.

Finca "Alsacia".—San Rafael Pie de la Cuesta, San Marcos. I.

Finca "Aquil".—Cobán, Alta Verapaz. I.

Finca "Argentina".—San Rafael Pie de la Cuesta, San Marcos. I.

Finca "Armenia".—Panzos, Alta Verapaz. I.

Finca "Armenia" y Anexos.—San Rafael Pie de la Cuesta, San Marcos. I.

Finca "Asunción".—Colomba, Quezaltenango. II–2.

Finca "Bola de Oro".—Tumbador, San Marcos. I.

Finca "Cafetal Hamburgo".—San Felipe, Retalhuleu. I.

Finca "Camelias". — Candelaria-Xolhuitz, Retalhuleu. I.

Finca "Campur".—San Pedro Carcha, Alta Verapaz. I.

Finca "Candelaria-Xolhuitz".—Quezaltenango. I.

Finca "Castaños".—Chicacao. I.

Finca "Cecilia" y Anexos.—San Francisco Zapotitlán. I.

Finca "Ceniza".—Zacapa. I.

Finca "Cerro Redondo".—Barberena, Santa Rosa. I.

Finca "Chiacán".—San Pedro Carcha, Alta Verapaz. I.

Finca "Chicoj".—Cobán, Alta Verapaz. I.

Finca "Chicoyonito".—Cobán, Alta Verapaz. I.

Finca "Chilte".—San Pedro Carcha, Alta Verapaz. I.

Finca "Chimax".—Cobán, Alta Verapaz. I.

Finca "Chimo".—San Pedro Carcha, Alta Verapaz. I.

Finca "Chimote".—Cóban, Alta Verapaz. I.

Finca "Chinama".—Lanquín, Alta Verapaz. I.

Finca "Chinán".—Chicacao, Suchitepequez. I.

Finca "Chinasajub".—Cobán, Alta Verapaz. I.

Finca "Chipemech".—Cahabón, Alta Verapaz. I.

Finca "Chiquihuite".—Colomba, Quezaltenango. I.

Finca "Chirrepec".—Cobán, Alta Verapaz. I.

Finca "Chulac".—Senahú, Alta Verapaz. I.

Finca "Cocoyán".—San Pedro Carcha, Alta Verapaz. I.

Finca "Concepción".—Escuintla. I.

Finca "Coyocte".—Tucurú, Alta Verapaz. I.

Finca "Dolores".—Mazatenango, Suchitepequez. I.

Finca "El Baluarte".—Reforma, San Marcos. I.

Finca "El Capucal".—Gualán, Zacapa. I.

Finca "El Carmen".[3]—San Andrés Villa Seca, Retalhuleu. I.

Finca "El Carmen".[4]—Tajumulco, San Marcos. I–1.

Finca "El Corozo".—Samayac-Suchitepequez. I.

Finca "El Edén". — Candelaria-Xolhuitz, Retalhuleu. I.

Finca "El Encanto".—Nuevo San Carlos, Quezaltenango. I.

Finca "El Jocote".—Santa Cruz Naranjo, Santa Rosa. I.

Finca "El León".—Colomba, Quezaltenango. III–4.

Finca "El Paraíso" y Anexos.—Pochuta, Chimaltenango. I.

Finca "El Perú".—San Antonio, Suchitepequez; and Tumbador, San Marcos. I.

Finca "El Pino".—San José Pinula, Guatemala. I–2.

Finca "El Potosí".—Pochuta, Chimaltenango. I.

Finca "El Recuerdo".—Pochuta, Chimaltenango. I–1.

Finca "El Rosario".—Tumbador, San Marcos. I.

Finca "El Rosario Bola de Oro."—Colomba, Quezaltenango. I; II.

Finca "El Salto".—Tucurú, Alta Verapaz. I.

Finca "El Tránsito".—Colomba, Quezaltenango. I.

Finca "El Zapote".—San Rafael Pie de la Cuesta, San Marcos. II–4.

Finca "Escobillo".—El Rodeo, San Marcos. I.

Finca "Esmeralda"[5]—Colomba, Quezaltenango. I.

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[1] Not to be confused wit. Compañia Agricola de Guatemala.

[2] Not to be confused with W. E. Dieseldorff of Cobán.

[3] Owned by Máximo Bregartner.

[4] Owned by Alberto Hartleben.

[5] Owned by Enrique Hermann.

Finca "Esmeralda".[6]—Tucurú, Alta Verapaz. I.

Finca "Florida".—Pochuta, Chimaltenango. I.

Finca "Guaxpom". — Tucurú, Alta Verapaz. I.

Finca "Jalaute".—Purulha, Baja, Verapaz. I.

Finca "Joya Grande".—Pueblo Nuevo Viñas. I.

Finca "La Aurora".—Candelaria-Xolhuitz, Retalhuleu. I.

Finca "La Concha".—Acatenango, Chimaltenango. I.

Finca "La Esperancita".—Asintal, Retalhuleu. I.

Finca "La Esperanza".—Tucurú, Alta Verapaz. I.

Finca "La Fama".—Colomba, Quezaltenango. I.

Finca "La Fe".—San Antonio, Suchitepequez. I.

Finca "La Florida".—Tucurú, Alta Verapaz. I.

Finca "La Fuente".—Retalhuleu. I.

Finca "La Igualdad".—La Reforma, San Marcos. I.

Finca "La Independencia".—Retalhuleu. I.

Finca "La Perla".—Chicacao, Suchitepequez. I.

Finca "La Providencia".—San Cristóbal, Alta Verapaz. I.

Finca "La Suiza".[7]—La Reforma, San Marcos. I.

Finca "La Suiza".[8]—San Vicente Pacaya. I.

Finca "La Unión".—Nuevo Progreso, San Marcos. I.

Finca "Las Animas".—Santo Domingo, Suchitepequez. I.

Finca "Las Camelias".—San Pedro Carcha, Alta Verapaz. I.

Finca "Las Carolinas".—San Martín Zapotitlán, Retalhuleu. I.

Finca "Las Mercedes". — Colomba, Quezaltenango. I.

Finca "Las Sabanetas".—Barberena, Santa Rosa. I.

Finca "Las Viñas".—Barberena, Santa Rosa. I.

Finca "Lorena".—San Rafael Pie de la Cuesta, San Marcos. I.

Finca "Los Brillantes".—Mulua, Retalhuleu. I.

Finca "Los Castaños".—Chicacao, Suchitepequez. I.

Finca "Los Laureles".—Nuevo San Carlos, Quezaltenango. I.

Finca "Lucita Linda".—Tumbador, San Marcos. I–1.

Finca "Magdalena".—Cobán, Ala Verapaz. I.

Finca "Medio Día".—San Antonio, Suchitepequez. I.

Finca "Medio Día, Filipinas y Monte Cristo".—Tumbador, San Marcos. I; I–2.

Finca "Milán".—Chicacao, Suchitepequez. I.

Finca "Monte Blanco".—Purulha, Baja Verapaz. I.

Finca "Monte Limar".—Malacatán, San Marcos. I.

Finca "Mundo Nuevo".—Malacatán, San Marcos. I.

Finca "Nueva Granada".—Tumbador, San Marcos. I.

Finca "Nuevo Edén".—Candelaria-Xolhuitz, Retalhuleu. I.

Finca "Pachilha".—Tucurú, Alta Verapaz. I.

Finca "Pancuz".—Purulha, Baja Verapaz. I.

Finca "Pantic".—Senahú, Alta Verapaz. I.

Finca "Pavón".—Santa Catarina Pinula, Guatemala. I–2.

Finca "Pena Plata".—Acatenango, Chimaltenango. I.

Finca "Piedras Blancas".—Gualán, Zacapa. I; II.

Finca "Providencia".—Baja Verapaz. I.

Finca "Sabana Grande".—Siquinalá, Escuintla. I.

Finca "Sacham".—Alta Verapaz. I.

Finca "Sacoyou".—Cobán, Alta Verapaz. I–2.

Finca "Sacsamani".—Purulha, Baja Verapaz. I.

Finca "Salitrillo".—Barberena, Santa Rosa. I.

Finca "San Basilio".—Santa Bárbara, Suchitepequez. I.

Finca "San Carlos Chucul".—San Antonio Suchitepequez. I; I–2.

Finca "San Dionisio".—San Felipe, Retalhuleu. I.

Finca "San Francisco Pecul".—San Felipe, Retalhuleu. I.

Finca "San Javier".—Lanquin, Alta Verapaz. I.

Finca "San Juan".—Senahú, Alta Verapaz. I.

Finca "San Julián".—Patulul, Suchitepequez. I.

Finca "San Rafael Panán".—Santa Bárbara, Suchitepequez. I.

Finca "San Vicente".—San Pedro Carcha, Alta Verapaz. I.

Finca "Santa Augustina".—Candelaria-Xolhuitz, Quezaltenango. I.

Finca "Santa Clara".—Chicacao, Suchitepequez. I.

Finca "Santa Isabel".—Pueblo Nuevo Viñas, Santa Rosa. I.

Finca "Santiago".—Senahú, Alta Verapaz. I.

Finca "Secoyocte".—Senahú, Alta Verapaz. I.

Finca "Serilquiche".—Senahú, Alta Verapaz. I.

Finca "Sibaja".—Yepocapa, Chimaltenango. I.

Finca "Sola".—El Quetzal, San Marcos. I.

Finca "Soledad".—Santa Bárbara, Suchitepequez. I.

Finca "Trece Aguas".—Senahú, Alta Verapaz. I.

Finca "Venecia".[9]—Nuevo Progreso, San Marcos. I; I–2.

Finca "Venecia".[10]—Villa Canales. I–2.

Finca "Westfalia".—Purulha, Baja Verapaz. I.

Finca "Xicacao".—San Pedro Carcha, Alta Verapaz. I.

Fleck, Arturo.—Senahú, Alta Verapaz. I.

Franke, Conrado.—Quezaltenango. I–1.

Franke y Cía., Conrado.—Calle Morazán, Quezaltenango. I.

Fresse & Rubien.—Candelaria-Xolhuitz, Retalhuleu. I–1.

Frey, Martin.—Cobán. I–1.

Freyler, Erwin.—San Lucas, Sacatepequez. II–1.

Ganzauge, Herbert.—Quezaltenango. I–1.

Gees, Hans (Dr.).—Colomba, Quezaltenango. I.

Gerlach & Co., Sucrs.—5a Avenida Sur 4, Guatemala, Guatemala. I.

Gieseler, Carlos.—5a Avenida Sur 8 (Apartado 24), Guatemala, Guatemala. I.

Giesemann Hermanos.—Reforma and Nuevo Progreso, San Marcos; and Guatemala, Guatemala. I.

Graf, Máximo.—10a Calle Oriente y 7a Avenida Sur, Guatemala, Guatemala. I–2.

Graf Weichert, Enrique.—Tumbador, San Marcos. I–2.

Graf & Có., Máximo.—7a Avenida Sur y 10a Calle Oriente, Guatemala, Guatemala. I.

Greite, Wilhelm.—La Reforma, San Marcos. I.

Gross, Augusto. Livingston. I.

Gross, Francisco.—Avenida La Reforma y 5a Calle de Santa Clara, Guatemala, Guatemala, and all branches in Guatemala. I.

Grote, Wilhelm.—Guatemala, Guatemala. I–1.

Grunau, Alberto.—6a Avenida Sur 14, Guatemala, Guatemala. I; II.

Hachmeister & Co., Sucrs.—Tumbador and El Rodeo, San Marcos. I.

Haese, Wilhelm.—7a Avenida Sur y 9a Calle Oriente, Guatemala, Guatemala. II–1.

Hahmann, Bruno.—Quezaltenango, I–1.

Hapag-Lloyd Agency.—12a Calle Oriente 5, Guatemala, Guatemala. I.

Hartleben, Alberto.—Finca "El Carmen", Tajumulco, San Marcos. I–1.

Hartleben, Federico.—Malacatán, San Marcos. I.

Hastedt, Herbert W.—10a Calle Poniente 3, Guatemala, Guatemala. I–1.

Hastedt Sucrs. y Cía., J. Francisco.—Ciudad Vieja, and all branches in Guatemala. I.

Hauber, Hugo.—Livingston. I.

Hegel, Carlos.—5a Avenida Sur 24a, Guatemala, Guatemala, and all branches in Guatemala. I.

Hegel, Carlos (Jr.).—Guatemala, Guatemala. I–2.

Hegel, E. Enrique.—Guatemala, Guatemala. I–2.

Hemmerling, Oswaldo.—Retalhuleu, Retalhuleu. I.

Henequenera La Isla.—Alta Verapaz. I.

Hermann, Enrique.—Colomba, Quezaltenango. I.

Hermann, Lotty.—Colomba, Quezaltenango. I.

Hermann, Rudolph.—Colomba, Quezaltenango. II–2.

Hermann y Hnos., Herbert.—Colomba, Quezaltenango. I.

Hermanos Daetz Villela.—Cobán. I.

Herring, Alfonso.—San Cristóbal, Alta Verapaz; and 8a Calle Oriente, frente al Mercado Central, Guatemala, Guatemala. I.

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[6] Owned by Matilde de and Máx mo Quirín.

[7] Owned by Wilhelm Greite.

[8] Owned by Max Augustynski.

[9] Owned by Pablo Jelkmann.

[10] Owned by Rodolfo Reiffen.

Hertzsch, Enrique.—6a Avenida Sur y 17a Calle, Guatemala, Guatemala; and San Antonio, Suchitepequez. I.

Hoepfner Sucrs., Hermann.—Pochuta, Chimaltenango; and Santa Bárbara, Suchitepequez. I.

Hoepker, Henry.—Apartado 350, Guatemala, Guatemala, and all branches in Guatemala. I.

Hotel Europa.—Coatepeque. I.

Hotel Européo.—Quezaltenango. I.

Hotel Mänchen.—Antigua, Sacatepequez. I.

Hotel San Rafel.—Mixco. I.

Hotel Weymann.—Panajachel, Solola. I.

Huber, Francisco, Antigua. I–4.

Hussmann, Carlos.—Senahú, Alta Verapaz. I.

Hussmann, Netty viuda de.—Villa de Guadalupe, Guatemala, Guatemala; and Baja Verapaz. I.

Hussmann, Otto.—Purulha, Baja, Verapaz. I.

Hussmann Herederos.—Purulha, Baja Verapaz. I.

"Imprenta Electra".—10a Calle Oriente y Pasaje Coloma, Guatemala, Guatemala. I.

Industria Mate Guatemala.—Real Ciudad Vieja 55, Guatemala, Guatemala. I.

Ingenio Concepción.—Escuintla. I–1.

Jaeger, Augusto L.—7a Avenida Sur 12a, Guatemala, Guatemala. I.

Jauch, Otto.—San Rafael Pie de la Cuesta, San Marcos. I.

Jelkmann, Pablo.—Nuevo Progreso, San Marcos. I.

Johansen y Cía., Sucrs.—Quezaltenango. I.

Jordens, Friederich.—Guatemala, Guatemala. I–2.

Kaffee & Import, Ges.—All branches in Guatemala. I.

Kaltwasser, Hermann.—Guatemala, Guatemala. I–2.

Kaltwasser y Cía., Hermann.—4a Avenida Sur 4, Guatemala, Guatemala. I.

Kaufmann & Co., Berta de.—Gualán, Zacapa. I.

Keller, Herederos de Federico.—Pueblo Nuevo Viñas, Santa Rosa, and Oriente. I.

Knoetzch, Martin.—5a Avenida Sur y 10a Calle Ponente, Guatemala, Guatemala. I.

Koegler, Enrique.—Guatemala, Guatemala. I–2.

Köper, Federico (hijo).—Acatenango and Yepocapa, Chimaltenango. I.

Köper, Lottmann & Co.—8a Avenida Sur 23, Guatemala, Guatemala. I; II.

Kownatzki, Gustavo.—Guatemala, Guatemala. I–4.

Krause, Hans.—8a Avenida Sur 3, Guatemala, Guatemala. I.

Krische Hermanos.—La Reforma, San Marcos. I.

"La Bodega".—San Lucas, Sacatepequez. I.

"La Diadema".—10a Calle Oriente y 7a Avenida y 7a Avenida Sur, Guatemala, Guatemala. I.

"La Duquesa".—Pasaje Rubio y 6a Avenida Sur 2, Guatemala, Guatemala. I.

"La Femina".—6a Avenida Sur 16, Guatemala, Guatemala. I.

La Perla S. A.—6a Avenida Sur y 9a Calle (Apartado 135), Guatemala, Guatemala. I.

Laeisz y Cía., Sucrs.—Quezaltenango, and all branches in Guatemala. I.

Lange, Oscar.—Finca "El León", Colomba, Quezaltenango. III–4.

Leber, Joseph.—11a Calle Oriente 9, Guatemala, Guatemala. I.

Leber & Co.—11a Calle Oriente 9, Guatemala, Guatemala. I.

Lehnhoff, Juan.—2a Avenida Sur 52–A, Guatemala, Guatemala. I.

Lewald, Willy.—1a Avenida Sur 23 Guatemala, Guatemala. I; II.

Librería Cosmos.—6a Avenida Sur, Edificio Aguirre, Guatemala, Guatemala. I.

Lindener, Kurt.—La Tinta, Alta Verapaz. I.

Lindener & Co.—% Gerlach & Co., Sucrs., 5a Avenida Sur 4, Guatemala, Guatemala, and all branches in Guatemala. I.

Liscutín, Antonio.—6a Avenida Sur 18, Guatemala, Guatemala. I.

Lottmann, Guillermo.—8a Avenida Sur 23, Guatemala, Guatemala. I–2.

Lütjens, Ingrid Renate.—4a Avenida Sur 67, Guatemala, Guatemala. I.

Lütjens, Juan A.—4a Avenida Sur 67, Guatemala, Guatemala. I.

Luttmann, Guillermo.—Pochuta, Chimaltenango; Tumbador, and Reforma, San Marcos. I.

Luttmann, Rodolfo. Finca "Lucita Linda", Tumbador, San Marcos. I–1.

"Luz".—11a Calle Oriente 24, Guatemala, Guatemala. I.

Mahler, Herederos de Max.—San Rafael Pie de la Cuesta, San Marcos. II–4.

Mann, Jorge.—Antigua. I–2.

Martín S., Juan.—Finca "San Rafael Panán", Santa Bárbara, Suchitepequez. I.

Mazariegos, Julián.—c/o Laeisz y Cia., Sucrs., Quezaltenango. I.

Meissner, Hans Fritz.—3a Avenida Sur 3, Guatemala, Guatemala. I.

Mersiovsky, Juan.—Finca "San Rafael Panán", Santa Bárbara, Suchitepequez. I.

Methe, Knedel & Co.—7a Avenida Sur y 10a Calle Oriente, Guatemala, Guatemala. I.

Moeschler, Enrique.—Cobán, San Pedro Carcha; and Tucurú, Alta Verapaz. I.

Moeschler, Oscar.—Cobán, San Pedro Carcha; and Tucurú, Alta Verapaz. I.

Moll, Rodolfo.—Apartado 336, Guatemala, Guatemala. III–4.

Montenegro, Emilio.—Calle 13 No. 50, Guatemala, Guatemala. I.

Morjan, Conrado.—Siquinalá, Escuintla. I.

Muenschmeyer, Roberto.—Mazatenango, Suchitepequez. I.

Müller, Kurt.—7a Avenida, Sur, Pasaje Aguirre, Guatemala, Guatemala. I.

Nehlsen, Harold—12a Calle Oriente 5, Guatemala, Guatemala. I.

Neutze, Guillermo G.—9a Avenida Sur 2, Guatemala, Guatemala. I.

Noack, Guillermo.—Senahú, Alta Verapaz. I.

Noack, Otto.—Cobán, Alta Verapaz. I.

Noltenius, Wilhelm.—8a Avenida Sur y 8a Calle Oriente, Guatemala, Guatemala. I–2.

Noltenius & Jordens.—8a Avenida Sur y 8a Calle Oriente, Guatemala, Guatemala. I.

Nottebohm, Federico.—Guatemala, Guatemala. I–4.

Nottebohm, Karl Heinz.—Guatemala, Gutemala. I–4.

Nottebohm, Kurt.—6a Avenida 5, Guatemala, Guatemala. I–2.

Nottebohm, Mary Stolz de.—Guatemala, Guatemala. I–4.

Nottebohm Banking Corporation.—Guatemala, Guatemala. I.

Nottebohm & Co., Kurt.—5a Avenida Sur y 2a Calle Poniente, Guatemala, Guatemala, and all branches in Guatemala. I.

Nottebohm Hermanos.—All branches in Guatemala. I.

Ockelmann, Carl.—San Felipe, Retalhuleu. I.

Ockelmann, Celina de.—San Felipe, Retalhuleu. I.

Overdick Kern, Hans.—Guatemala, Guatemala. I–1.

Paetau, Max.—Guatemala, Guatemala. I–1.

Paetau, Max (hijo).—Guatemala, Guatemala. I–1.

Paetau & Co., Max.—9a Avenida Sur 10, Guatemala, Guatemala. I.

"Palacio de Cristal".—7a Avenida Sur y 9a Calle Oriente, Guatemala, Guatemala. I.

Panadería y Pastelería "Viena".—5a Avenida Sur 20, Guatemala, Guatemala. I; I–4.

Peitzner, Guillermo (hijo).—Patulul, Suchitepequez. I.

Peitzner, Gustavo.—Finca "El Recuerdo", Pochuta, Chimaltenango. I–1.

Pensión Moeller.—9a Calle Poniente 11, Guatemala, Guatemala. I.

Petersdorf Mahler, Federico.—Tumbador, San Marcos, I–2.

Petersen, Teodoro.—Malacatán, San Marcos. I–1.

Pfister, W.—La Tinta, Alta Verapaz. I.

Plantaciones "Concepción" de Guatemala, Cía. de.—8a Avenida Sur 47, Guatemala, Guatemala. I.

Plantaciones "Santa Augustina".—Candelaria-Xolhuitz, Quezaltenango. I.

Prem., Sucrs., Juan.[11]—4a Avenida Sur 67, Guatemala, Guatemala. I.

"Pro-Salud".—12a Calle Poniente 1–D, Guatemala, Guatemala. I–2.

Quirín, Matilde de and Máximo.—Cobán and Tucurú, Alta Verapaz. I.

"Radios Grunau".—6a Avenida Sur 14, Guatemala, Guatemala. I; II.

Rausch, Enrique.—Pochuta, Chimaltenango. I.

Rauscher, Hans.—12a Calle Poniente 3, Guatemala, Guatemala. I.

Rehbach, Teodoro.—San Rafael Pie de la Cuesta, San Marcos. I.

Reiffen, Rodolfo.—7a Avenida Sur 12 (Apartado 19), Guatemala, Guatemala. I.

Restaurante "El Quetzal".—4a Avenida Sur 30, Guatemala, Guatemala. I.

Riege & Co.—6a Calle Oriente 11, Guatemala, Guatemala; and Retalhuleu. I; II.

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[11] Juan Prem, the individual, is no longer connected with this firm.

Sak, Max.—7a Avenida Sur y 10a Calle Oriente, Guatemala, Guatemala. I.

Salchichonería Germania.—Guatemala, Guatemala. I.

Sánchez, Alberto.—6a Calle Oriente 11, Guatemala, Guatemala. I.

Sapper, David E.—Callejón Dolores 2, Guatemala, Guatemala. I.

Sapper & Co., Ltda.—Cobán, Alta Verapaz, and all branches in Guatemala. I.

Sauerbrey, Otto.—Mazatenango. I.

Sauerbrey & Co., Carlos (Herederos de Carlos Sauerbrey).—8a Avenida Sur 8, Guatemala, Guatemala, and all branches in Guatemala. I.

Sauerbrey, Herederos de Carlos.[12]—8a Avenida Sur 8, Guatemala, Guatemala, and all branches in Guatemala. I; IV.

Schellenberg, Walter.—Apartado 101, Guatemala, Guatemala. I.

Scheuffler, Max.—5a Avenida Sur 32, Guatemala, Guatemala. I.

Schieber, Eugenio.—2a Avenida Sur 26 y Pasaje Providencia, Tivoli, Guatemala, Guatemala. I–1.

Schilling, Alberto H.—All branches in Guatemala. I.

Schlatermund, Hans.—10a Calle Oriente 6, Guatemala, Guatemala. I; II.

Schleehauf, F.—Cobán and Tucurú, Alta Verapaz. I.

Shoenstedt, W. E.—6a Avenida Sur, Edificio Aguirre, Guatemala, Guatemala. I.

Scholz, Juan.—Finca "Morelia-Santa Sofía", Yepocapa, Chimaltenango. I–2.

Schreckenbach, Hans M.—Finca "San Rafael Panán", Santa Bárbara, Suchitepequez. I.

Schuster, Lisy.—Guatemala, Guatemala. I–1.

Schwoercke, Reinaldo.—Tumbador, San Marcos. I.

Seguros Albingia, Cía. de.—Guatemala, Guatemala. I–1.

Singer, Ernesto.—Malacatán, San Marcos. I–1.

Stäbler, Gottlieb M.—10a Calle Oriente y Pasaje, Coloma, Guatemala, Guatemala. I; I–4.

Stäbler, Hermanos.—10a Calle Oriente y Pasaje Coloma, Guatemala, Guatemala. I.

Steckmeister, Hans Detlef.—Finca "San Luis", Malacatán, San Marcos. I–2.

Steffens, Alfredo C.—Colombia, Quezaltenango. I.

Stellreiter, José.—10a Calle Oriente y 7a Avenida Sur, Guatemala, Guatemala. I–2.

Sterkel, Emilio.—Tucurú, Alta Verapaz. I.

Sterkel, Julio.—Tucurú, Alta Verapaz. I.

Sterkel, Rodolfo.—Tucurú, Alta Verapaz. I.

Stümpel, Hertha.—c/o Central American Plantations Corporation, 3a Avenida Sur 3, Guatemala, Guatemala. I–2.

Sundfeld, Antonio.—6a Avenida Sur 3, Guatemala, Guatemala. I.

Suse, Edmund T.—Guatemala, Guatemala. I.

Tenería Moll.—19a Calle Oriente final, Guatemala, Guatemala. I.

Thiemer, Waldemar.—San Cristóbal, Alta Verapaz. I.

Thiemer y Cía., Sucrs.—Livingston. I.

Thomae, Fernando.—Guatemala, Guatemala. I–2.

Thomae & Koegler.—9a Avenida Sur 5 y 7, Guatemala, Guatemala. I.

"Thuringia" Salchichonería y Carnicería.—5a Avenida Sur 32, Guatemala, Guatemala. I.

Tienda "La Famosa".—4a Avenida Sur 67, Guatemala, Guatemala. I.

Tintorería Alemana.—14a Calle Poniente 13, Guatemala, Guatemala. I.

Tischler, Otto.—6a Avenida Sur 16, Guatemala, Guatemala. I.

"Transocean" Servicio Noticioso.—6a Avenida Sur 10, Guatemala, Guatemala. I.

Transportes Diesel M. A. N.—2a Avenida Sur 26, Guatemala, Guatemala. I–1.

Trennert, Gustav.—6a Calle Oriente 11, Guatemala, Guatemala. I.

Vialardi, Francisco.—Pasaje Rubio (Apartado 371), Guatemala, Guatemala. I.

Von Scheven, Lother Peter Emil.—Apartado 416, or c/o Hotel Astoria, Guatemala, Guatemala. I.

Voss, Walter.—10a Calle Poniente (Apartado 122), Guatemala, Guatemala. I.

Wagner, E. R.—Patulul, Suchitepequez. I.

Wagner, Reginaldo.—9a Calle Poniente 1–a, Guatemala, Guatemala. I.

Wagner Hermanos.—5a Avenida Sur 20, Guatemala, Guatemala. I.

Wahl, Eugenio.—Real Ciudad Vieja 55, Guatemala, Guatemala. I.

Walch, Hermann.—San Cristóbal, Alta Verapaz. II–5.

Wehner, Kurt C.—14a Calle Poniente 13, Guatemala, Guatemala. I.

Weller, Felipe.—Guatemala, Guatemala. I–4.

Weller & Babczynsky.—9a Calle Oriente 2, Guatemala, Guatemala. I.

Widmann, Walter.—8a Avenida Sur 47, Guatemala, Guatemala. I.

Wietfeldt, Hans.—Finca "Candelaria-Xolhuitz", Nuevo San Carlos, Quezaltenango. I–1.

Wöhlers, Máximo.—Senahú and Cahabón, Alta Verapaz. I.

Wulff, Federico.—Pasaje Rubio y 6a Avenida Sur 2, Guatemala, Guatemala. I.

Wulff, Kurt.—Callejon de Córdova 8, Guatemala, Guatemala. I.

Zieseness, Otto.—5a Avenida Sur 35, Guatemala, Guatemala. I.

Zoller, Enrique.—Ayutla. I–1.

Zuckau, Guillermo.—Colombia, Quezaltenango. I.

Zurhellen, B.—Livingston. I.

HAITI

Andersen, Gunther E.—Pétionville. I.

Bata Shoe Co., Inc.—Port-au-Prince. I.

Beck, Kuno.—Cap Haitien. I.

Beck, Kurt.—Cap Haitien. I.

Beck, Vera Teuchler (Mme.)— I.

Buch, Wilhelm (Jr.).—Pétionville. I.

Caprio, Raphael.—Port-au-Prince. III–2.

Casale, Sylvio.—Avenue Président Trujillo, Port-au-Prince. III–4.

Casale & Fils, G.—Avenue Président Trujillo, Port-au-Prince. III–4.

Chaussures Bata Haiti, S. A.—Avenue Président Trujillo (Boite Postale A–144), Port-au-Prince. I.

Cianciulli et Cie.—Cap Haitien. I.

Commerciale et Industrielle d'Haiti, Soc.—Port-au-Prince. I.

De Matteis, Attilio.—Rue du Peuple, Port-au-Prince. III–2.

De Matteis & Co., A. (Sucr. Arthur de Matteis).—Boite Postale 122, Port-au-Prince. I; II–1.

Farber, Alfred.—Pétionville. III–2.

Gaetjens, Raoul.—Port-au-Prince. III–2.

Grohl, Arthur Karl.—Port-au-Prince. I.

Hackenbruck, Hans.—Port-au-Prince. I.

Haehner, George.—Rue Roux, Port-au-Prince. I–1.

Haitienne de Banque et de Placement, Soc.—Port-au-Prince. I.

Haitienne de Produits Pharmaceutiques, Soc.—Port-au-Prince. I.

Hamburg America S. S. Line.—Port-au-Prince. I.

Hirsch & Lemke.—Port-au-Prince. I.

Horn S. S. Line.—Port-au-Prince. I.

Kahl, Wilhelm.—Pétionville. I.

Kahl's Hotel.—Pétionville. I.

Lajat, Louis.—Rue des Cesars (Boite Postale 111), Port-au-Prince. III–2.

Lajat & Co.—Rue des Cesars (Boite Postale 111), Port-au-Prince. III–2.

Leonhardt, Martin.—Port-au-Prince. III–2.

Loffredo, María C.—Cap Haitien. I.

Luciani & Co., Jean.—Cap Haitien. I.

Lüders, Ernst.—Port-au-Prince. I.

Maglio, Joseph (Giuseppe).—Avenue Président Trujillo, Port-au-Prince. III–2.

Maglio, Joseph (Mme.).—Avenue Président Trujillo, Port-au-Prince, III–2.

Maimone, Louis (Luigi).—Rue Roux, Port-au-Prince. III–2.

Maimone & Fils, François.—Rue Roux, Port-au-Prince. III–2.

Marra, Alphonse.—Cap Haitien. I.

Marra & Co., A.—Cap Haitien. I.

Masucci, Héctor.—Cap Haitien. I–4.

Otte, Richard William.—Aux Cayes. I.

Petersen, Johannes.—Port-au-Prince. I.

Petoia, Hermano.—Avenue Président Trujillo, Port-au-Prince. III–4.

Pharmacie Buch.—Port-au-Prince. I.

Plesch, Arpad.—Port-au-Prince. I.

Reinbold, Georges.—Port-au-Prince. I.

Reinbold & Co.—Port-au-Prince, and all branches in Haiti. I.

Rieper, Joachim.— I–1.

Rode, George.—St. Marc. I.

Rohlsen, Gustave.—Port-au-Prince. I.

Rosenthal, Albert.—Cap Haitien. I.

Salimbene, Edouard.—Port-au-Prince. III–2.

Salimbene Frères.—Port-au-Prince. III–2.

Schettini, Jean (Mrs.).—Cap Haitien. I.

Schmid, Jacob Fredrich.—Port-au-Prince. I.

Schmid, Louis Ferdinand.—Port-au-Prince. III–2.

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[12] Name changed with this revision from Herederos de Carlos Sauerbrey.

Schutt & Co., Otto.—Cap Haitien, and all branches in Haiti. I.

Seidel & Company, Karl.—Aux Cayes. I.

Seims, Alexander.—St. Marc. I.

Sigel, Franz.—Port-au-Prince. I.

Sonn, Kurt.—Port-au-Prince. I.

Stompf, Johannes.—Port-au-Prince. I.

Streitwolf, Gunther.—Gonaïves. I.

Teuchler, René.—Cap Haitien. I.

Theophile, Max Heinrich.—Petit Goâve. I.

Vitiello, Antoine.—Cap Haitien. I.

Wahl, H. C.—Port-au-Prince. I; I–4.

Wehrle, Laurent.—Port-au-Prince. I.

HONDURAS

Acorda, Raymond.—San Pedro Sula. III–1.

Appenzeller, Richard.—San Pedro Sula. I–1.

Ariza, Vicente Alfredo (Dr.).—Tegucigalpa. I–1.

Bastel & Co., W.—Apartado 10, San Pedro Sula; and Tegucigalpa. I.

Bazar Unión.—Tela.. I.

Boehm & Faasch.—San Pedro Sula and Tegucigalpa. I.

Bove, Cayetano (Gaetano).—Tegucigalpa. II–1.

Brito, Jorge.—San Pedro Sula. I.

Casa Konke, S. A.—Tegucigalpa. I.

Casa Rossner, S. A.—Tegucigalpa. I.

Cornelsen, Heinz.—Tegucigalpa. I–1.

Cornelsen Sucrs., N.—Tegucigalpa. I.

Doborow, Juan.—San Pedro Sula and Tegucigalpa. I.

Doborow, Fábrica de Tejidos de Juan.[1]—Tegucigalpa. II–1; IV.

Drawert, Max.—Marcala. II–1.

Droguería Alemana.—Tegucigalpa. I.

Droguería Bayer.—Tegucigalpa. I.

Droguería Rischbieth.—Tegucigalpa. I–1.

Engelhardt, Erich.—Tela. I.

Fábrica Dayton.—Tegucigalpa. II–1.

Fábrica de Camisas "Duxor".—Calle Real, Comayaguela. II–1.

Gough, Admiral.—Roatan. II–5.

Gough, George.—Roatan. II–5.

Gough, James.—Roatan. II–5.

Gough, Joseph.—Roatan. II–5.

"Gough Brothers".—Roatan. II–5.

Hupp, Alfonso.—Tegucigalpa. I–1.

Imprenta Aristón.—Tegucigalpa. I.

Januschek, Federico.—San Pedro Sula. I–2.

Jardín de Italia.—Avenida Paz Barahona, Tegucigalpa. I–1.

Kabel & Schwenn.—Puerto Cortés, and all branches in Honduras. I.

Koster, Karl.—Tegucigalpa. I–1.

Krone, Teodoro.—Tegucigalpa. II–1.

McNab, Winfield.—Roatan. III–1.

Merz, Ernesto.—Tegucigalpa. I.

Meyer, Albert.—Apartado 108, Tegucigalpa. I–1.

Motz, José R.—Choluteca. II–1.

Paysen, Detlef.—Amapala. I–1.

Paysen, Erich George Wilhelm.—Tegucigalpa. I–1.

Paz & Co., J.—San Pedro Sula. I.

Rauscher, Hugo.—Tegucigalpa. I–2.

Reese y Cía., J.—Tegucigalpa. I.

Rischbieth & Co., Werner.—Tegucigalpa. I.

Rizzo, Carmelo.—Avenida Paz Barahona, Tegucigalpa. I–1.

Rossner, Roberto.—Tegucigalpa. II–1.

Rossner y Cía., J.—Tegucigalpa. I–1.

Schutte, Willi.—Tegucigalpa. I–1.

Schweinfurth, Werner.—Tegucigalpa. I–4.

Schwenn, Gerhard.—Tegucigalpa. I–1.

Seidel, Guillermo.—La Ceiba. I.

Siercke, Ernesto.—Choluteca. I.

Siercke, Francisco.—Tegucigalpa, and all branches in Honduras. I.

Siercke, Victor.—Tegucigalpa. I–1.

Tostmann, Willi.—Tegucigalpa. I–1.

Vairo, Luis.—Comayaguela. II–1.

Vives Monjil, Enrique (Dr.).—Tegucigalpa. II–4.

Weiss, Harry.—Tegucigalpa. II–1.

MEXICO

A. F. G., Compañía Mexicana de Electricidad S. A.—Avenida 5 de Mayo 10, México, D. F. I.

Abastecedora de Impresos, S. A.—J. M. Izázaga (San Miguel) 29, México, D. F. II–1.

Abbe, Shoji (Luis).—I–1; III–2.

Adachi, Mutsumi.—Manzanillo. I–1.

Administración Giesemann & Co.—La Violetta, Correro Argovia, Chiapas. I.

Afirmación.—México, D. F. I.

Agencia Bayer.—Edificia I. Garza, despacho 214, Monterrey. I.

Agencia Comercial de Puebla, S. A.—Esquina 3a Poniente y 23 Sur, Puebla. 1–2.

Agencia Comercial y Marítima.—Edificio Boker, 16 de Septiembre 58, México, D. F., and all branches in Mexico. I; II–4.

Agencia Internacional de Librería y Publicaciones.—Avenida Uruguay 10, México, D. F. I.

Agencia Mexicana de Representaciones.—Avenida 16 de Septiembre 52 (Apartado 40), México, D. F. I.

Agencia Química y Mercantil, S. de R. L.—Apartado 1119, México, D. F. I.

Agencias Unidas de México.—Avenida 5 de Mayo, Pasaje América, México, D. F. I.

Agfa Foto S. A.—Avenida Juárez 76, México, D. F. I.

Aguilar, Carlos.—5 de Febrero 30, México, D. F. I–1.

Ahnert, Alfred.—Victoria 203 Oriente, Ciudad Lerdo. I–1.

Ahns, Gottfried.—Paseo de la Reforma 36, México, D. F. I–2.

Albert y Cía., Sucrs., Julio.—Avenida 16 de Septiembre 83 y Avenida 5 de Febrero 3, México, D. F. I.

Almex, Soc. de Resp. Ltda.—México, D. F. I.

Amano, J. K. (Dr.).—Cristerna 19, Rosario, Sinaloa. I–1.

Amtmann, Karl R.—Avenida Uruguay 66 y Insurgentes 320–24 (Apartado 267), México, D. F. I.

Ando, Sadao Nioki.—Calle 63, Ciudad Obregón. I–3.

Antigua Botica de Tacuba.—Tacuba 80, México, D. F. I–1.

Aoyama, Lic. M.—Edificio Banco Mexicano, México, D. F. I–3.

Arceo R., David.—Calle 58 No. 501–A, Mérida, Yucatán. II–1.

Arikado, Crescencio P.—Chihauhua. I.

Arimori, Yoshikivo.— I.

Arita, Leonardo T.—Rosales 24 B. P. Culiacán, Sinaloa. I–1.

Artefactos Metálicos Monterrey, S. A.—Calzada Victoria y Cuauhtémoc (Apartado 79), Monterrey. I.

Artículos de Papelería, S. A.—Motolinía 31, México, D. F. II–1.

Artículos para Farmacias y Hospitales, S. de R. L.—Zuazua Sur 933, Monterrey. I–4.

Arvide, Manuel.—I–1; III–1.

Asato, K.—López 34, México, D. F. I–3.

Asay, J.—San Juan de Letrán 21, México, D. F. I–3.

Ashida, Federico.—Sihuatlán, Manzanillo; and Pedro Moreno 1751, Guadalajara. I; II.

Ashihara, Luis.—San Luis Potosí. I.

Ashihira, Frank.—Nacozari. I.

Asseburg y Compañía. — Tapachula. I–2.

Atzumi, Kanski (Dr.).—Avenida Madero 34, México, D. F. II–3.

Aztlán, S. A.—República del Salvador 31–3, México, D. F. I–1; II–1.

Babatz, Guillermo E.—Abasolo 954, Monterrey. I–4.

Bach y Dorsch, Sucrs.—Motolinía 20 (Apartado 412), México, D. F. I.

Baez, Raul.—Obrero Mundial 29, México, D. F. II–1.

Bahnsen, Johann Heinrich.—Jiménez 145 Norte, Monterrey. I.

Baldi, Franco (Dr.).—c/o Carlo Erba S. A., Barcelona 27, México, D. F. I.

Banco Germánico de la América del Sud.—México, D. F. I.

Bando, Roberto.—Mazatlán, Sinaloa. I–1.

Baring, Curt.—Apartado 991, México, D. F. I–2.

Baumgartner, Juan.—Avenida Uruguay 10, México, D. F. I.

Bayer, Agencia.—Edificio I. Garza, despacho 214, Monterrey. I.

Bayer, S. A., Casa.—San Juan de Letrán 24, México, D. F. I.

Beick, Guillermo.—Patzcuaro 125, Lomas de Chapultepec, México, D. F. II–1; II–3.

Beick, Félix y Cía., S. en C.—Avenida Francisco Madero 39, México, D. F., and all branches in Mexico. I; I–3.

Biagi Hermanos.—Avenida Hidalgo 1302, Tampico. I.

Black Horse Tobacco Company.—Avenida Piño Suárez 314 Norte, Monterrey. I.

Boehm, Federico.—Venustiano Carranza 40, México, D. F. I.

Boesch Sucs. S. en C., Guillermo.[1]—Orizaba. I–2; II–2.

Bolbrugge, Christopher.—1a Venustiano Carranza 27 (Apartado 865), México, D. F. I.

Boletín Noticioso Semanal.—Balderas 72 y 78, México, D. F. I–2.

Bona & Co., A.—Apartado 967, México, D. F. I.

Bopp, Juan José (Dr.).—Uruguay 77, México, D. F. I.

Bork, Ewald.—Sierra Madre 265, México, D. F. II–1.

Bosse, Agustin.—Navojoa. I–3.

Boston, S. A.—Uruguay 76, México, D. F. I.

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[1] Name changed with this revision from Fábrica de Tejidos de Juan Doborow

[1] Formerly known as G. Boesch y Cía.

"Botica Japonesa".—Mandero 111, Orizaba. II–3.

Botica Japonesa.—Manzanillo. I.

Botica Japonesa.—Tampico. I.

Botica Japonesa.—Tapachula, Chiapas. I–1.

Botica "La Palma", S. A.—Avenida Hidalgo 1518 Poniente, Torreón. I–2.

Botica Moderna.—Chihuahua. I–1.

Brehme, Arno Hugo.—Avenida Francisco I. Madero 8, México, D. F. II–1; II–3.

Breidsprecher, Kurt.—México, D. F. I–1.

Bremer, Eduardo.—Avenida Hidalgo 1745 Poniente (Apartado 4). Monterrey. I.

Bremer, Elsa (Mrs.).—Apartado 116, Monterrey. I–4.

Brunssen, Guillermo. — Avenida Dr. Pasteur 13, México, D. F. I.

Buchenau y Cía., Sucrs.—Torreón. I–1.

Burmex, Soc. de Resp. Ltda.—Juárez 56 y Sierra Nevada 415a, Lomas de Chapultepec (Apartado 2872), México, D. F. I.

Busch, Juan.—Avenida Uruguay 42–1°, México, D. F. I.

Bustillos Hijos, J. E.—Tacuba 80, México, D. F. I–1.

Bustos Mejía, Tomás.—México, D. F. I–3.

Buto, Luis.—Chihuahua. I.

Cabezut y Cía. S. de R. L., Alberto M.—Madero 405 Oriente, Tampico. I.

Cajiga Estrada, Hipólito (Dr.).—México, D. F. I.

Campanella Hermanos. — Gante 15, México, D. F. II–1.

Canseco, Casa de Arturo.—La Paz. I.

Cantú Gracia, Manuel T.—Saltillo, Coahuila. I–4; II–3.

Carillo, Miguel.—Tacuba 14, México, D. F. I–1.

Carrero, G. A.—Pasaje América, despacho 408, México, D. F. I–1.

Carvajal, Antonio.—Bajio 52, México, D. F. I–1.

Casa Alemana.—Calle Quebrada, Acapulco. I–2.

Casa Astra.—Venustiano Carranza 40, México, D. F. I.

Casa Bayer, S. A.—San Juan de Letrán 24, México, D. F. I.

Casa Boker.—Avenida 16 de Septiembre 60, México, D. F. I.

Casa Brunssen, S. A.—Avenida Dr. Pasteur 13, México, D. F. I.

Casa Cram.—Calzada Victoria y Cuauhtémoc (Apartado 79), Monterrey. I.

Casa Dental Japonesa.—Avenida Hidalgo 19, México, D. F. I.

Casa Eléctrica de Torreón.—Valdez Carrillo 415 Sur, Torreón. I–1.

Casa "Emy".—Manzanillo. I.

Casa Henkel.—Tapachula. I–2.

Casa Holck S. A.—Matamoros 409 Oeste, Monterrey. I.

Casa Kanibo.—Uruguay 94, México, D. F. I.

Casa Lammers, S. A.—Revillagigedo 83, México, D. F. I.

Casa May.—México, D. F. I.

Casa Plate, S. de R. L.—Apartado 955, México, D. F. I.

Casa Sekiguchi.—México, D. F. I.

Casa Shibakura.—México, D. F. I–3.

Casa Veerkamp S. A.—Mesones 21 (Apartado 851), México, D. F. I.

Casa Wagner.—Venustiano Carranza 21 (Apartado 396), México, D. F. I.

Casa Wettstein, S. A.—Avenida Uruguay 5, México, D. F. I.

Casino Alemán.—México, D. F. I.

Castro, Antonio.—Sullivan 15–2, México, D. F. I–3; II–4.

Central Radio Musical.—Gante 7, México, D. F. I–2.

Centro Alemán de México.—México, D. F. I.

Cerritos Comercial, S. A.—Cerritos, San Luis Potosí. I–3.

Chávez, Salomón.—5 de Febrero 144, México, D. F. I–2.

Clever y Lassman.—Avenida Uruguay 44, México, D. F. I.

Club Alemán.—Matamoros 405 Oriente, Monterrey. I.

Club Alemán.—Tapachula. I–2.

Club Hípico Alemán, S. A.—México, D. F. I.

"CODIPA" S. A., Compañía Distribuidora de Pape' y Maquinaria para las Artes Gráficas.—República del Salvador 59, México, D. F. I–1.

Coello, Jaime H.—Tuxtla Gutiérrez, Chiapas. I; I–1.

Colegio Alemán.—Villagrán y A. Nervo, Monterrey. I.

Comercial Dahlhaus, S. de R. L., Cía.—México, D. F. I–1.

Comercial de Mazatlán S. A., Cía.—5 de Mayo 166, Mazatlán, Sinaloa. I–1.

Comercial Sankyo, S. de R. L., Cía.—México, D. F. I.

Comisiones S. A.—Apartado 429, México, D. F. I.

Cram, Hans.—Calzada Victoria 7, Cuauhtémoc, Monterrey. I–3.

Culin y Cía.—Salina Cruz. I–2.

Dahlhaus y Cía.—Apartado 862, México, D. F. I.

Deeke, Nicolás.—Jesús Carranza 127, México, D. F. I–2.

De la Parra, Jorge O.—Uruguay 10, despacho 9, México, D. F. I–2.

Delmar, Eduardo.—Pasaje América, despacho 408, México, D. F. I–1.

Delmar G., Eduardo.—Pasaje América, despacho 408, México, D. F. I–1.

Denigris Hermanos.—Juárez 203 Poniente (Apartado 46), Saltillo, Coahuila. I.

Deportes del Noroeste.—21 de Marzo 202, Mazatlán, Sinaloa. I–1.

Deutsche, Lufthansa A. G.—All branches in Mexico. I.

Deutsche Schule.—México, D. F. I.

Deutsche Volksgemeinschaft.—México, D. F. I.

Deutsche Zeitung von Mexico.—México, D. F. II–1.

"Deutz Otto" Legítimo, S. A., Compañía Mexicana de Motores.[2]—All branches in Mexico. I; II–3.

Díaz, Manuel.—Apartado 225, México, D. F. I–3.

Diederichsen, Walter.—Isabel la Católica 78, México, D. F. I–2.

Diener Hermanos Sucrs.—Avenida Madero 38, México, D. F. I–2.

Distribuidora de Aceros Escudo, S. A.—Isabel la Católica 51, México, D. F. I.

Distribuidora de Papel y Maquiparia para las Artes Gráficas, Cía.—República del Salvador 59, México, D. F. I–1.

Distribuidora de Radios Telefunken, S. A.—Avenida Madero 56, México, D. F. II–3.

Distribuidora e Importadora Mexicana, S. A.—Piño Suárez 34 y Avenida Venustiapo Carranza 13, México, D. F. I.

Distribuidora Mexicana de Radios.—Calle Padre Mier 411 Oriente (Apartado 871), Monterrey. I.

Dittmer y Cía., Carlos.—Avenida República del Salvador 47 (Apartado 464), México, D. F. I.

Dode, M.—Pirámide 29, Col. Clavería, México, D. F. I–3.

Dohrman, Herman.—Minatitlán. I–2.

"Domei" Japanese Press Service.—México, D. F. I.

Dorenberg, Petersen y Cía., Sucrs., S. en C.—Puebla. I.

Dorner, Hermann.—Apartado 1036, México, D. F. I.

Drateln y Holste, Sucr.—Venustiano Carranza 45, despacho 302, México, D. F. I.

Droguería Cosmopólita S. A.—Esquina Avenida Piño Suárez y Plaza Constitución, México, D. F. I.

Droguería de la Palma.—Corregidora 7–A y Avenida Madero 28, México, D. F. I.

Droguería del Refugio S. A.—5 de Febrero 1, México, D. F. I.

Droguería Regina S. A.—5 de Febrero 7, México, D. F. I.

Droguería, Stein, S. A.—Mazatlán. I.

Droguería y Farmacia "Panamericana".—Morelos y Zaragoza, Monterrey. I.

Dygula, Martín. Guadalajara. I–2.

Ebitsuka, M.— I.

Edelman, H.—Huixtla. I–2.

"Edificio Boker".—16 de Septiembre y Isabel la Católica, México, D. F. I.

Ehni Strauss, George.—Avenida Madero 37, México, D. F. I–2.

El Ancla.—Tlaxcla 427, Ciudad Juárez. I.

"El Celuloide."—México, D. F. I–3.

El Centro Mercantil.[3]—Avenida Madero y Mejía, Ciudad Juárez. I; II–4.

El Gallo.—Avenida Hidalgo 50, Oaxaca. I.

"El Globo", S. A.—Avenida Hidalgo 127, Zacatecas. I.

El Mayoreo, S. A. Puebla. I–3.

"El Nuevo Japón" S. A.—20 de Noviembre y República del Salvador, México, D. F. I.

"El Nuevo Tokio".—México, D. F. I–3.

El Pikko, S. de R. I.—San Antonio Abad 321, México, D. F. I–3.

El Sol Naciente.—Avenida Juárez 347, Guadalajara. I; II.

El Sol Naciente.—Edificio Royal, Calle A. Flores, Mazatlán, Sinaloa. I–1.

Elizondo, Fleutrio.—Sabinas. I–2.

Emesco, S. A.—Avenida Uruguay 26, México, D. F. I.

Empacadora Meenan, S. A., Cía.—Jesús Carranza 127, México, D. F. I–2.

Empacadora Rico, S. de R. L. y C. V.—Mayorazgo 1219 (Apartado 8807), México, D. F. II–3.

Endo, Tetsu.—Mejía 332 Oeste, Ciudad Juárez. I.

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[2] Not to be confused with Deutz Hermanos, S. A., Avenida V. Carranza 25 (Apartado 98), San Luis Potosí.

[3] Not to be confused with El Centro Mercantil, S. A., Plaza de la Constitución y Avenida 16 de Septiembre (Apartado 902), México, D. F.

Enkerlin, Ernesto.—San Juan de Letrán 81, México, D. F. II–3.

Equipos para Oficinas, S. A.[4]—Avenida Juárez 56, México, D. F. I.

Erba, S. A., Carlo.—Barcelona 27, México, D. F. I.

Estambres y Artiselas, S. A.—República del Salvador 78, México, D. F. I–1.

Eversbusch, Ricardo.—Tintoreto 39, Mixcoac, D. F. II–1.

Ewald, Albert.—Mezones 44, México, D. F. I.

Explotadora de Riquezas Naturales de México, S. de R. L.—I.

Exportadora e Importadora Soc. de Resp. Ltda., Cía.[5]—Dr. Mora 9–22 y Avenida Juárez 56, México, D. F. I.

Fábrica de Acidos "La Viga".—México, D. F. I.

Fábrica de Lactosa Shill.—Colonia Dublán, Chihuahua. II–3.

Fábrica de Loza "El Anfora", S. A.—Parque Oriental de la Penitenciera China (Apartado 508), México, D. F. I.

Fábrica de Productos Químicos y Farmacéuticos.—Carpio 105, México, D. F. I–1.

Farmacéutica Nacional, S. A.—Uruguay 45, México, D. F. I–2.

Farmacia Apolo.—Piño Suárez y G. O. Salazar, Monterrey. I.

Farmacia Central.—Tapachula, Chiapas. I–1.

Farmacia Continental (en liquidación).—Guadalajara. I.

Farmacia Juárez.—Chihuahua. I.

Farmacia Lux.—Calle V y Avenida Dos, Agua Prieta. I–2.

Farmacia Mexicana, S. de R. L.—Esquina Insurgentes y Coahuila, México, D. F. I–2.

Farmacia Mexicana Tsurumi.—Avenida Juárez 35, Cannea. I.

Farmacia Moderna.—Chihuahua. I.

Farmacia Nacional.—Tapachula. I–1.

Farmacia Plaza.—Zuazua y Morelos, or Zuazua 943 Sur, Monterrey. I.

Farmacia Salvador.—Avenida Hidalgo 1320 Poniente, Torreón. I–2.

Farmacia y Droguería Principal.—Avenida 16 de Septiembre 3, México, D. F. I.

"Farmamex" Productos Farmacéuticos, S. A.—Isabel la Católica 15, México, D. F. I.

Feixas, Francisco.—Avenida 5 de Mayo 43, México, D. F. II–3.

Ferretería "La Palma".—Uruapán, Michoacán. I–3.

Ferretería "La Palma", S. A.—Morelia, Michoacán. I–3; III.

Ferretería La Palma, S. A. de C. V.—Avenida Colón y López Cotilla, Guadalajara. I; I–4.

Ferretería Langstroth, S. A.—Avenida Escobedo y Calle Padre Mier (Apartado 18), Monterrey. I.

Ferretería Mexicana, S. A., Cía.—Avenida 16 de Septiembre 60, México, D. F. I.

Ferrum, S. A.—Apartado 2918, México, D. F. I.

Fibra Comercial Mexicana S. A.—Insurgentes 785 (Apartado 8810), México, D. F. I.

Fiehn, Ulrich.—Chihuahua. I.

Finca "Argovia".—Chicharras. I–2.

Finca "Chinenze".—Chicharras. I–2.

Finca "El Retiro".—Chicharras. I–2; II.

Finca "Germania".—Huixtla. I–2.

Finca "Hannover".—Huixtla. I–2.

Finca "La Granja".—Pueblo Nuevo. I–2.

Finca "La Libertad".—Chicharras. I–2.

Finca "La Paz".—Pueblo Nuevo. I–2.

Finca "Laguna".—Chicharras. I–2.

Finca "Prusia".—Huixtla. I–2.

Finca "San Cristóbal".—Huixtla. I–2.

Finca "San José".—Chicharras. I–2.

Finca "San Nicolás".—Chicharras. I–2.

Finca "San Vicente".—Cacahuatan. I–2.

Finca "Violetas".—Chicharras. I–2.

Fischer, Johann Martin.[6]—Colonia Los Alamos, México, D. F. II–1; IV.

Fischer, Martin.—Uruguay 76, México, D. F. I.

Forbriger, Lothar.—Belisario Domínguez 1779, Monterrey. I.

Foto Gante, S. A.—Gante 3–B, México, D. F. II–1.

Foto Laboratorios, S. de R. L.—Avenida Venustiano Carranza 11, México, D. F. II–1.

Foto Mantel, S. A.—Venustiano Carranza 11, México, D. F.; Hotel Comercial, Tijuana, Baja California; Morelos 557 Oriente, Monterrey, Nuevo León; Avenida Colón 224, Guadalajara, Jalisco; and all other branches in Mexico. I; II–1.

Foto Principal.—Avenida 16 de Septiembre 3, México, D. F. I.

Foto Productos, S. A.—Revillagigedo 25, México, D. F. I.

Friese, Bruno.—Edificio Condesa V. 7, México, D. F. I.

Frisch, Herbert.—Alvarez 253 Sur, Monterrey. I.

Fucumura, Kiyoso.—Coatzacoalcos, Veracruz. I–1.

Fujisawa, T.—Ayuntamiento 89, México, D. F. I–3.

Fujiyoshi, Y.—Bucareli 65, México, D. F. I–3.

Funatsu, U.—Netzahualcoyotl 140, México, D. F. I–3.

Fundidora de Minerales Dos Banderas, Cía.—Mesones 44, México, D. F. I–2.

Furukawa, Fernando.—Tapachula, Chiapas. I–1.

Furukawa, José María.—Corona 835 Norte, Monterrey. I.

Furuya Ishida, Choji.—Calle 4a y Avenida 4a, Agua Prieta. I; I–2.

Furuzawa, Tokuhei Murakami.—Callejón Durazno 225, Ciudad Obregón. I–3.

Gaehd, César.—Zuazua Sur 933, Monterrey. I–4.

Gaehd Garza, Ramón.—Zuazua Sur 933, Monterrey. I–4.

Gagstatter, Herman.—Salina Cruz. I–2.

Galván, Alberto R.—Obregón 52–A, México, D. F. I; I–2.

García, Enrique W.—Pedro Loza 19, Guadalajara. I–3.

García Hermanos.—Colón 467 Poniente, Monterrey. I.

General de Anilinas, S. A., Cía.—Avenida Uruguay 54, México, D. F. I.

Gerber, G.—Guadalajara. I.

German Photo & Movie Supply, S. de R. L.—Gante 3–B, México, D. F. I–4; II.

German School.—Mêxico, D. F. I.

Gertz, José Cornelio.—Apartado 100, Veracruz. I–1.

Goerling, Dora Lehmann de.—Bolivar 23, México, D. F. I–1.

Goerling A. G., A.—Bolívar 23, despacho 302, México, D. F. I.

Goldhammer, Arno.—Avenida 15 de Mayo 1745 Poniente, Monterrey. I.

Gómez, Miguel.—Avenida Uruguay 54 (Apartado 2882), México, D. F. I–2.

Gómez Portugal, José.—Zamora 132, México, D. F. I–3.

González, Ignacio G.—Avenida Juárez 76, México, D. F. I–2.

Goto, Masanori.— I.

Grebe, Federico.—Esquina Aduana y Francisco Madero, Tampico. I.

Grossman Escalante, Heriberto.—Ignacio Zuazua 10, México, D. F. I–2.

Grossman, Pablo.—Zuazua 10 (Apartado 8702), México, D. F. I.

Groth & Kuhlmann.—Apartado 662, México, D. F. I.

Guasco, Javier.—Apartado 1253, México, D. F. I–2.

Guitrón, Manuel V.—Ciudad Juárez. I–1.

Guldner, Ricardo.—Gante 3–B, México, D. F. I–4; II.

Gulf Shipping Company.—San Juan de Letrán 13, México, D. F. I–4.

Gumler, Jorge.—General Prim 57, México, D. F. I.

Gutiérrez O., M.—Revillagigedo 83 (Apartado 459), México, D. F. II–2.

Gutiérrez y Cía., S. en C. por A., Eduardo.—Isabel la Católica 85, México, D. F. I–1.

Haas, Carlos.—Avenida Juárez 30, Edificio Siemens (Apartado 2008), México, D. F. I.

Hackmack, Roberto.—Avenida Hidalgo 50, Oaxaca. I.

Hagmeier, Carlos.—Calle 13 No. 201, Colonia García Ginerés (Apartado 399), Mérida. I–2.

Hahne, Albert.—Mesones 41, México, D. F. I–1.

Hajen, Ernesto.—Avenida Morelos 546 Oriente, Monterrey. I.

Hama, Choji Sio.—El Pozo de Morelos, Agua Prieta. I–1.

Hammer y Cía.—Tapachula. I–2.

Hanami, Y.—Orizaba 36, México, D. F. I–3.

Haranda, Masatsura.— I.

Hasegawa, Tseneburo.—Avenida Juárez 313, Ciudad Juárez. I.

Hasutaro y Hermanos, Luis.—Calles Mejia y Constitución, Cuidad Juárez. I.

Hata y Miyata.—Reforma 360, Mexicali. I.

Hausmann, Reinhold.—Avenida Uruguay 73 (Apartado 7365), México, D. F. I.

Hausmann, Walter.—Avenida Uruguay 74, México, D. F. II–3.

Hayakawa, Y.—B. Badillo 13, México, D. F. I–3.

Hayasaka, Kieya.—Madero 480, Mexicali. I.

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[4] No to be confused with Equipos para Oficinas, S. de R. L., Calle Juan A. de la Fuente 320 Sur, Torreón, Coahuila.

[5] Formerly Compañía Exportadora de Productos Mexicanos. Not to be confused with Compañía Exportadora e Importadora Mexicana, S. A., Gante 15, México, D. F.

[6] Name changed with this revision from Fischer, Juan M.

Hayasaka, Masakichi.—Madero 492, Mexicali. I.

Hayashi, José.—Chihuahua. I.

Hayashida, S.—República del Salvador 75, México, D. F. I–3.

Heinrichsen, H. (Dr.).—Calzada de la Viga 54, México, D. F. I–4.

Hellig, Waldemar.—Alvarez 109 Norte, Monterrey. I.

Hentza, Willi.—México, D. F. I.

Herfurth, Ricardo.—Serapia Rendón 57, México, D. F. I–1.

Hering, Carlos.—Guadalajara and México, D. F. I.

Hering y Cía., Carlos.—Pedro Moreno 770, Guadalajara; and México, D. F. I; II.

Herlinda.[7]— I–4.

Hermann, Julio.—Avenida 16 de Septiembre 52 (Apartado 831), México, D. F. I.

Hermkes, Joseph.—México, D. F. I.

Hernández, Julián.—Apartado 318, México, D. F. I–2.

"Heromex".—México, D. F. I.

Herrasti Amaya, Adolfo.—Apartado 2110, México, D. F. I–1.

Herrasti & Co., Adolfo.—México, D. F. I–1.

Herzer, Hans (Dr.)—Venustiano Carranza 35–7, México, D. F. I.

Hesselmann y Cía., S. de R. L.—Uruguay 26 (Apartado 567), México. D. F. I–2; IV.*

Heuer, Adolf.—Revillagigedo 8, México, D. F. I.

Heynen, Eversbusch & Co.—Edificio Boker, 16 de Septiembre 58, México, D. F., and all branches in Mexico. I; II–4.

Higashida, T.—Isabel le Católica 129, México, D. F. I–3.

Hintze & Wenzel, S. de R. L.—Tapachula. I–4.

Hintze y Cía.—Tapachula. I–2.

Hirata, Alfonso.—Avenida Juárez 35, Cananea. I–1.

Hirata, Kanosuke.—Sonora 207, Ciudad Obregón. I–3.

Hirata, Natzuyo.—Cananea. I–1.

Hirata, Pablo.—Agua Prieta. I–1.

Hirata, Pablo.—Nacozari, Sonora. I–1.

Hirata, Sakae.—Cananea. I–1.

Hirugami, Manuel.—Acapulco. I.

Hispanidad.—Artículo 123–97, México, D. F. I.

Hofmann y Cía.—Pueblo Nuevo. I–2.

Hojyo, Takaichi.—Nogales. I; II.

Holste, Alejandro.—Puebla 258 (Apartado 438), México, D. F. I–2.

Homberg, Martha Lehman de.—Apartado 2672, México, D. F. I–1.

Homberg, W.—Apartado 2672, México, D. F. I–1.

Honda, Kiyoji.—Tlaxcla 427, Ciudad Juárez. I.

Honda, Yoshio.—Avenida Madero y 16 Septiembre, Ciudad Juárez. I; II.

Hori, Mario D.—Minatitlán, Veracruz. I–3.

Hornik, Ignacio (Dr.).—Isabel la Católica 40, México, D. F. I–2.

Hoshi y Sakaguchi en Compañia.—Madero 390, Mexicali. I.

Hoshiko, Gohachi.—Reforma 332, Mexicali. I.

Hoshiko, Akira, y T. Hoshiko.—Reforma 377, Mexicali. I.

Hoshiko y Hoshiko.—Madero 494, Mexicali. I.

Hotel Central.—Manzanillo. I.

Hotel Isabel.—Isabel la Católica 78, México, D. F. I–2.

Hotzen Hermanos.—Tapachula. I–2.

Humboldt, Alexandro.—Edificio Banco de México, México, D. F. I–2.

Ichizu, H.—Avenida Reforma 530, Mexicali. I–1.

Ieda, K. (Dr.).—Apartado 76, Navojoa, Sonora. I–3; II–5.

Iijima, Ricardo S.—Guadalajara, Jalisco. I; I–4.

Iijima, Ricardo S. (Jr.).—Guadalajara, Jalisco. I; I–4.

Imada, Sosho.—Avenida Reforma 210, Mexicali. I–1.

"IMCO".—General Prim 57, México, D. F. I.

Imhausser, Walter (Dr.).—Motolinía 33, despacho 315, México, D. F. I.

Importaciones Andrade, S. de R. L.—Avenida Uruguay 19, México, D. F. I.

Importadora de Maquinaria, Cía.—San Juan de Letrán 24 (Apartado 756), México, D. F. I.

Importadora Mercantil Japonesa, S. de R. L., Cía.—República del Salvador 73, México, D. F. I–3.

Imprenta El Sobre Azul.—J. M. Izázaga (San Miguel) 29, México, D. F. I–2; I–3; II.

Imuta, Eduardo K.—Callejón Durazno 225, Ciudad Obregón. I–3.

Industria Lanera, S. A.—Mayorazgo 1439, Colonia del Valle, México, D. F. II–1.

Instituto Behring de Terapéutica Experimental S. de R. L.—Calzada Tecoyotitla, Villa Obregon. I; II–5.

Internacional de Comercio S. A., Cía.—Isabel la Católica 85, México, D. F. I.

Internacional de Drogas, S. A., Cía.—Isabel la Católica 85, México, D. F. I.

International Supply Company, The.—Avenida Juárez 88, despacho 213, México, D. F. I.

Inukai, T.—Navojoa. I.

Ishino, Francisco.—Avenida Revolución y Calle 6a, Tijuana. I.

Ishitaki, E.—Uruguay 94, México, D. F. I–3.

Itoh, K.—Camelia 9, México, D. F. I–3.

Itoh Chu Shoji, K. K.—Isabel la Católica 85, México, D. F. I–3.

Iwadare, Luis.—Cerritos, San Luis Potosí. I; I–3.

Iwadare, Teikichi.—Cerritos, San Luis Potisí. I–3.

Iwahashi, Shozabulo.—Huixtla, Chiapas. II–3.

Iwamoto, Giro.—México, D. F. I.

Iwasaki, Ricardo.—Minatitlán, Veracruz. I–3.

Jaffre, Melanie (Melly) Moebius de.—Zuazua Sur 933, Monterrey. I–4.

Japonesa de Monterrey, N. L., Soc.—Monterrey. I.

Jaquet, Julio.—Luis González Obregón 17, despacho 301, México, D. F. I–3.

Jayasi, Pablo.—Agua Prieta. I.

Jayasi, Pablo (Sr.).—Colonia Morelos. I.

Jemura, Alberto C.—Avenida Lerdo Interior 400, Ciudad Juárez. I.

Jesús y Kunitaki.—Agua Prieta. I.

Jori, Hector (Dr.).—Colima. I.

Joyería La Perla.—Esquina Aduana y Francisco Madero, Tampico. I.

Kagazima, José.—Chihuahua. I.

Kahle, Guillermo.—Tapachula. I–2.

Kahle, Walter.—Huixtla. I–2.

Kajiwara, Manuel.—Tapachula, Chiapas. I–1.

Kajiyama, M.—San Cosme 12, México, D. F. I–3.

Kamisima, Mariano.—Rayón y Carona, Saltillo. I.

Kane, Hasashi.—México, D. F. I–3; II–5.

Karai, R.—Agua Prieta. I.

Kasai Furuya, Reikichi.—Calle 4a y Avenida 4a, Agua Prieta. I–1; II–4.

Kasai Uychala, Moriji.—Colonia Morelos, Agua Prieta. I; I–2.

Kasbech, Oscar.—Tapachula. I–2.

Kataura, Jorge.—San Lorenzo y Plaza Juárez, Gustavo Madero, D. F. I–1.

Kato, Gengi.—Uruguay 94, México, D. F. I.

Kato, Heiji.—20 de Noviembre y República del Salvador, México, D. F. I.

Kato, Hideo.—Coatzacoalcos, Veracruz. I–1.

Kato Shoji Kabushiki Kaisha.—20 de Noviembre 66, México, D. F. I–3.

Katsubo, Antonio.—Naco. I.

Kaufmann, Luis.—Tapachula. I–1.

Kawabe, Shigezo.—Tijuana. I.

Kawamoto, Ramón.—Calzada Gabriel Leyva s/n, Mazatlán, Sinaloa. I–1.

Kawasaki Kisen Kaisha, Ltd.— I.

Kawata, Luis Yoshini.—Nacozari, Sonora. I–1.

Kazuza, Octavio T. (Dr.).—Chihuahua. I.

Kido, José.—Puebla 74, México, D. F. I–2.

Kido, K.—Puebla 74, México, D. F. I–3.

Kiel, Horst.—Avenida 16 de Septiembre 52 (Apartado 40), México, D. F. I.

Kientzle, R. T.—Torreón. I–1.

Kiessler P., Fritz.—Apartado 2009, México, D. F. I–1.

Kimura, Pablo S.—Veracruz, and México, D. F. I–3; IV.*

Kimura, Toshimasa.—Aquiles Serdán 70, Veracruz. II–3.

Kinoshita, M.—Peralvillo 130, México, D. F. I–3.

Kiyota, Kiyoshi.—Avenida Madero 226, Mexicali. I–1.

Klaeger, F. G.—Morelos 420 Oriente, Monterrey. I.

Klein, Guillermo.—Argovia. I–2.

Klett, Federico.—Nilo 52, México, D. F. II–3.

Klingbeil, Hans.—Puebla 241 (Apartado 1063), México, D. F. I–3.

Klinkisch y Cía., Pablo.—Palma 38, México, D. F. I–1.

Knoichi, Ichinosuke.—S. Díaz Mirón 42 Oriente, Tampico. I.

Knolle, Federico E.—Apartado 2004, México, D. F. I.

Kobayoshi, T.—Avenida Madero 496, Mexicali. I–1.

Koch, Arturo.—Edificio La Nacional, Monterrey. I–4.

Koehler, Jorge Ernesto.—Avenida Centenario 10, Tampico. I–1.

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[7] Boat, owned by Gulf Shipping Company, San Juan de Letrán 13, México, D. F.

*Address added or changed with this revision.

*Address added or changed with this revision.

Koga, Alfonso.—Uruguay 104, México, D. F. I–3.

Koga, K.—Uruguay 104, México, D. F. I–3.

Koga Koga, Chiyoko.—Calle 3a No. 13, Agua Prieta. I–1.

Koga, Rusaku.—Calle 3a No. 13, Agua Prieta. I; I–2.

Kohashi, Enrique.—Ixtepec, Oaxaca. I–3.

Koizumi, K.—Díaz Mirón 108, México, D. F. I–3.

Komaba, José.—Chihuahua. I.

Komikado, Luis.—Nacozari. I.

Konigs Decker, Mathías.—Edificio Moderno, Calle 4a, Agua Prieta. I–2.

Kores, Soc. de Resp. Ltda.—Motolinía 9, México, D. F. I.

Körting-Motores, S. A.—Avenida del Ejido 37 (Apartado 1882), México, D. F. I.

Kosonoy, J. Jesús.—Manzanillo and Sihuatlán. I.

Kotake, Martín.—Nacozari. I.

Koyama, Yubi.—Rosales 64 Poniente, Culiacán, Sinaloa. I–1.

Kramer, Juan.—Tuxtla Gutiérrez. I–2.

Kramer, Theodore.—Avenida Uruguay 51, México, D. F. II–1.

Krieger y Cía.—Uruguay 50 (Apartado 2344), México, D. F. I.

Kritzler, Hans J.—Chimalpopoca 20, México, D. F. II–1.

Krumbholz, F. (Dr.).—Apartado 2008, México, D. F. I–2.

Kruse, Ernesto L.—Venustiano Carranza 94, México, D. F. I–3.

Kruse, Guy P.—Venustiano Carranza 94, México, D. F. I–4.

Kumagai, Víctor.—Huixtla, Chiapas. I–1; II–3.

Kunitaki, Jesús Y.—Avenida 3a, Agua Prieta. I–1.

Kurachi, Antonio Y.—San Luis Potosí. I.

Kushida, Luis N.—Tapia 540 Poniente, Monterrey. I.

Kutugata, José.—Piño Suárez 457 Norte, Monterrey. I.

Kyushu Soda Company.—México, D. F. I.

La Alianza.—Avenida Madero y 16 de Septiembre, Ciudad Juárez. I.

La Antigua Ferretería de la Palma, S. A.—Palma 38, México, D. F. I–1.

La Aurora.—Mina 130, Ciudad Juárez. I.

"La Barmenia" S. A.—Dr. Lucio 181, México, D. F. I–1.

"La Campana".—Pasteur 303 Norte, Durango. I–2.

"La Casa Japonesa".—Orizaba. II–3.

"La Ciudad de Tokío".—Pedro Loza 19, Guadalajara. I; I–4.

"La Cosmopólita".—Veracruz. I–3.

La Crisantema.—Morelos 346 Oriente, Monterrey. I.

La Distribuidora de Cerveza S. A.—Navojoa. I–3.

"La Equitativa" S. A., Compañía Mexicana de Seguros.—16 de Septiembre 58, México, D. F. I–1.

"La Estrella".—Juárez 403 Sur, Durango. I–2.

"La Gran Sedería".—16 de Septiembre 83 y 5 de Febrero 3, México, D. F. I.

"La Internacional" S. A.—Avenida Juárez 105, México, D. F. I.

"La Japonesa".[8]—Aquiles Serdán 70, Veracruz. II–3; III.

"La Japonesa".[9]—Hidalgo 435, Guadalajara. I; II.

"La Japonesa".[10]—3a Zaragoza y Fuente (Apartado 115), San Luis Potosí. I–4; II.

La Japonesa.—Torreón. I.

La Joya de México.—Calle 58 No. 522, Mérida, Yucatán. I.

"La Marsellesa".—México, D. F. I.

La Opinión.—Culiacán. II–1.

"La Paloma" Negociación en Ferretería y Maquinaria, S. A.—Isabel la Católica 59 (Apartado 2761), México, D. F. I.

"La Peletera" S. A.—Mesones 41, México, D. F. I–1.

La Perla.—Avenida Madero 38, México, D. F. I–2.

La Popular.—Calles Mejía y Constitución, Ciudad Juárez. I.

"La Providencia".—Orizaba. II–3.

La Química Industrial Bayer-Meister-Lucius.—México, D. F. I.

La Reacción.—Avenida Uruguay 56, despachos 207–208, México, D. F. II–1.

La Sirena, S. A.—Avenida 16 de Septiembre 71, México, D. F. I.

"La Suiza".—5 de Febrero 403 Poniente, Durango. I; II–3.

La Suministradora S. A.—Isabel la Católica 24, México, D. F. I–1.

La Unión Química, S. A.—Avenida Juárez 76, México, D. F. I.

La Veneedora.—Calle Mejía y Callejón Progreso, Ciudad Juárez. I.

La Violeta.—Mejía 332 Oeste, Ciudad Juárez. I.

La Violeta, S. A.—Avenida Madero 37, México, D. F. I–2.

"La Voz del Pueblo".—Mazatlán. I.

Laboratorios Biológicos Nacionales.—Avenida Guatemala 44, México, D. F. I–1.

Laboratorios Carbo Hnos., S. A.—Ciprés 259, México, D. F. I.

Laboratorios Codex.—Esquina Calles Nardo y Fresno, México, D. F. I.

Laboratorios Madame Clare S. de R. L.—Havre 35, México, D. F. I.

Laboratorios Quimofarma.—Carpio 105, México, D. F. I–1.

Laguna y Mitsui, Cía.— I.

Lamprecht, S. en C., E.—López Cotilla 4 Altos, Guadalajara. I.

Lápiz Nacional S. A.—San Juan de Letrán y Popocatepetl, México, D. F. I.

Lara, José Weneslao.—Luis Moya 73, México, D. F. I–3.

Las Fábricas Apolo.—Avenida Uruguay 42, México, D. F.; and Monterrey. I.

Lehmann, Franz.—Venustiano Carranza 552 Sur, Monterrey. I.

León Export Company, S. de R. L.—México, D. F. I.

Lepori, Luigi.—Venustiano Carranza 69–208, México, D. F. I.

Linga, Carlos.—México, D. F. I–1.

Llorens, Antonio.—Apartado 92, Manzanillo. I.

López Calderón, Heberto.—Avenida Uruguay 74, México, D. F. I–1.

López Calderón, I.—Avenida Uruguay 74, México, D. F. I–1.

López Cortina, A.—México, D. F. II–3.

Lozano, E.—México, D. F. I–1.

Lozano, José.—Juárez 210 Norte, Monterrey. I.

Macheleidt, Francisco E.—Coatzacoalcos. I–2.

Mafisa, S. A.—Avenida Uruguay 76, México, D. F. I.

Magneto Service.—Artículo 123–130–B, México, D. F. I.

Maier, Walter Robert.—Pirineos 540, México, D. F. I–2.

Maigler, S. en C., Alberto.—Balderas 140, México, D. F. I.

Malakowski, Erich.—Monterrey. I.

Manufacturera da Hilados y Tejidos de Lana Boston, S. A.—Uruguay 76, México, D. F. I.

Máquinas para Organizaciones Comerciales.—Bolívar 23, México, D. F. I–1.

Máquinas Pfaff, S. A.—Avenida Uruguay 44–5 (Apartado 549), México, D. F. I.

Marentes, Severo H.—Versalles 43, México, D. F. I–2.

Marquet y Cía., Guillermo.—Artículo 123 No. 9, México, D. F. I.

Martínez R., Francisco.—Cerritos, San Luis Potosí. I–3.

Martiniani & Perina, A. en P.—Venustiano Carranza 69, México, D. F. I.

Masuoko, Hatsumi.—Tijuana. I.

Matoo, Masaru.—Ciudad Guzmán, Jalisco. I; II.

Matsubara, Juan.—Los Mochis, Sinaloa. I.

Matsui, Namisaburo.—Ensenada. I.

Matsumiya, Kise Siegal.—Avenida Serdán, Guaymas. I–3.

Matsumoto, Shigemasa.—Zaragoza y Arista, Veracruz. II–3.

Matsumoto, Tomás T.—Mina 130, Ciudad Juárez. I.

Matsumoto, Yasutaro.—Tijuana. I.

Matsumoto, S. A.—Colima 92, México, D. F. I.

Matsuo, S.—San Juan de Letrán 21, México, D. F. I–3.

Matsusaka, Keiji.—Acacias 710, Ciudad Juárez. I.

Mattes, Hans.—Puebla. I.

Matzuo, Kin.—Altamirano 198, Mexicali. I–1.

Mayer, Werner.—Tapachula. I–2.

Medicinas y Drogas S. A.—Avenida Hidalgo 1320 Poniente, Torreón. I–2.

Mega, Italo.—Caleana 724 Sur, Monterrey. I.

Meguro, Benito.—Tapachula, Chiapas, I–1.

Méndez, Tito.—San Martín Tecualtitlán, Puebla. II–1.

Mendoza Becerril, Francisco—Barcelona 26, México, D. F. I.

Mercantil Impex de México, S. de R. L.—Palma 335, México, D. F. I–2.

Mercería La Universal.—Torreón. I.

Mercería Nueva S. de R. L.—Apartado 232, Guadalajara, Jalisco. I–2.

Merck México S. A.—México, F. D. I.

Messtorff, Heinz.—México, D. F. I.

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[8] Owned by Toshimasa Kimura.

[9] Owned by Wakida y Tsubuki.

[10] Operated by Umaba Baba, Tokichi.

Mexicana de Motores "Deutz Otto" Legítimo, S. A., Cía.[11]—All branches in Mexico. I; II–3.

Mexicana de Petroleo, Laguna, S. A., Cía.—México, D. F. I.

Mexicana de Productores Químicos, S. A., Cía.—Versalles 43, México, D. F. I.

México Alemana, Sociedad.—Edificio Banco de México, México, D. F. I–2.

México Shigen Kailhatsu Goshi Kaisha.— I.

Meyer & Co., G. H.—Avenida Uruguay 79–7, México, D. F. I.

Miami, P. R. (Dr.).—Chihuahua. I.

Mich, Birk Sucrs., S. en C.—Avenida Uruguay 74 (Apartado 7305), México, D. F. I.

Michel, S. A., Christian.—Avenida Uruguay 37, México, D. F. I.

Minakata, Enrique G.—Guadalcazar. I.

Minakata y Cía., S. A.—Avenida Inglaterra 1, Guadalajara. I; I–4.

Minera 'El Talismán" S. A., Cía.—Ciudad Lerdo. I–1.

Minera "La Purísima", Cía.—Torreón. I–1.

Mirahka, Yojino.— I.

Misawa, Ryo.—Aquiles Serdán 309, Mazatlán. I–1.

Misawa, S. J. (Dr.).—Aquiles Serdán 309, Mazatlán. I–1.

Mitoma, Francisco J.—Manzanillo. I.

Mitre, Héctor H.—Palma Norte 330–E, México, D. F. I–2.

Mitre, María L. de.—Palma Norte 330–E, México, D. F. II–1.

Mitsubishi Shoji Kaisha Ltd.—Insurgentes 469, México, D. F. I.

Mitsui & Co.—Basilio Badillo 13, México, D. F. I.

Miyagusuku, Yasu Miyagi Oshibo.—Reforma 320, Mexicali. I.

Miyazawa, Jiro.—Mexicali. I.

Moebius, Guido (Jr.).—Avenida Piño Súarez 838 Norte, Monterrey. I.

Moeller, Eitel Fritz.—Apartado 1813, México, D. F. I.

Moeller, Hans.—Pablo Ocello 8 (Apartado 252), México, D. F. I.

Mohimura, Tetsuo.— I.

Mohr & Schimpf.—Mapastepeo. I–2.

Moreno, Víctor.[12]—Avenida Colón 224, Guadalajara, Jalisco. II–1; III.

Morimoto, Federico S.—Navojoa. I–3.

Morino, Seigi.— I.

Morishita, Shinichi.—Avenida Gastelum 198, Ensenada. I.

Moriyama, Eduardo (Dr.).—Rosales 24 Poniente, Culiacán, Sinaloa. I–1.

Mueller, Victor H.—Colonia Guadalupe Inn, D. F. II–1.

Murakami, Masanobu.—Avenida Madero 456, Mexicali. I–1.

Murakami, Ysao.—Hidalgo 323, Veracruz. II–3.

Murakani, Teizaburo.—Calle Ira. No. 311, Tijuana. I; I–2.

Muray, Benito K.—Colón 38, Orizaba. II–3.

Mutsumi, Adachi.—Manzanillo. I–1.

Nacional Droga-Express S. A.—Abraham González 64, México, D. F. I.

Nagabuchi, S.—Bucareli 8, México, D. F. I.

Nagamatsu, Yukio.— I.

Naito, Ben.—Ensenada. I.

Naitoh, Hachiro.—Pihuamo, Jalisco. I; I–4.

Nakagawa, Juan S.—Ixtepec, Oaxaca. I–3.

Nakagosuke, Kameichi U.—Manzanillo. I.

Nakakawa, Jesús.—Mazatlán, Sinaloa. I–1.

Nakakawa, Matilde.—Mazatlán, Sinaloa. I–1.

Nakakawa y Cía.—Avenida Juárez 347, Guadalajara. I; II.

Nakamura, Carlos.—Bajos del Hotel Carillo, Mexicali. I–1.

Nokamura, María Gómez.—Manzanillo. I; I–4.

Nakanishi, Dionisio S.—Madero 111, Orizaba. II–3.

Nakano, Yoshiro.—Manzanillo. I.

Nakashimada, M.—Avenida Reforma 305, Mexicali. I.

Nakasima, Luis.—Aldama 507 Poniente, Saltillo. I; II.

Nakasono Hermanos.—Avenida Guerrero, Nuevo Laredo. I–1.

Nakazano, Eduardo H. (Dr.).—Rosales 3, Navolato, Sinaloa. I–1.

Narihiro, N. (Dr.).—Nacozari, Sonora. I–1.

Naviera de Cabotaje S. A., Cía.—Veracruz. II–3.

Negayama, J.—Uruguay 89, México, D. F. I–3.

Negociación Comercial Mexicana S. A.—Uruguay 77, México, D. F. I.

Neicoechea, Fernando.—Puebela. I–3.

Neicoechea, Hermanos.—Puebla. I–3.

Nevería Central.—Avenida 3a, Agua Prieta. I.

Niederschuck, Walter.—Apartado 2749, México, D. F. I–1.

Nii, Sanjiro.—México, D. F. I.

Nipon Suisan Kabushiki Kaisha.—20 de Noviembre 66, México, D. F. I–3.

Nippon Soda Company.—México, D. F. I.

Nippon Yusen Kaisha, "N. Y. K.".—México, D. F. I.

Nisch, Antonio.—Huixtla. I–2.

Nisch y Cía.—Huixtla. I–2.

Nishi, Y.—Insurgentes 586, México, D. F. I–3.

Nishiyama, Jesús.—Avenida Guerrero 303, Nuevo Laredo. I–1.

Nitanda, K.—Ensenada. I.

Niwa, Carlos.—Chihuahua. I.

Niwa, Shuichi.—Altamirano 256, Mexicali. I.

Nobara, R.—Jesús María 49, México, D. F. I–3.

Noeh, Walter.—López 35, México, D. F. I.

Noguchi, J. C.—Salina Cruz, Oaxaca. I–1.

Nonaka, Yanosuke.—Ensenada. I.

Oetling, Fritz F.—Apartado 928, México, D. F. I.

Ogane, K.—Mexicali. I.

Ogata.— I.

Ogatachayo, Keijiro.—Tampico. I.

Oguita, Mario.—Tehuantepec, Oaxaca. I–3.

Ohtomo, Ricardo.—Torreón. I.

Oikawa, Jiro.—República del Salvador 60 (Apartado 1084), México, D. F. I–3.

Oka, Ichisei (Dr.).—Tampico. I.

Okamura, Francisco Z.—Cananea. I–1.

Okamura, José S. (Dr.).—Calles Rosales e Independencia, Culiacán, Sinaloa. I–1.

Okuno, Ejiro.—Calzada 5 Febrero 1101, Ciudad Juárez. I.

Olbrich, Erich (Dr.).—Havre 35, México, D. F. I–4.

Olguín Ruiz, Antonio.—Lauro Aguirre 127, México, D. F. I–1.

Olympia, S. A.—Isabel la Católica 40 (Apartado 1933), México, D. F. I; I–4.

"Omega".[13]—Jardín de San Fernando 5, México, D. F. I.

Omori, Takeo.—Manzanillo. I.

Orenstein & Koppel S. A.—Motolinía 20, México, D. F. I.

Oshino, Justo.—Juchitán, Oaxaca. I–3.

Otahal, Joseph (Dr.).—Isabel la Católica 24, México, D. F. I–3.

Otani, Y.—5 de Febrero 39–6, México, D. F. I–3.

Ozawa, Kainoshin O.—Avenida Ruiz y Calle 13, Ensenada. I.

P. A. L. M. A., S. A.—Humboldt 42, México, D. F. I–3.

Pablo Corn Mill.—Nacozari. I.

Pabst, F. W.—Zaragoza 24, México, D. F. I.

Papelería Lada.—Apartado 9981, México, D. F. I–2.

Paredes, Enrique M.—Tlalpam, D. F. I–1.

Partes Aéreas, A. en P.—General Prim 57, México, D. F. I.

Pertack, Imprenta R.—Regina 85, México, D. F. I–2.

Peters y Cía.—5 de Febrero 403 Poniente, Durango. I.

Peters y Cía., Sucrs., Guillermo.—Avenida Hidalgo 1407 Poniente, Torreón. I.

Petersen, Carlos (Dr.).—2 Oriente 15, Puebla. I–2.

Petleonsa Company.—México, D. F. I.

Petroleos-León, S. A., Cía.—Isabel la Católica 33, México, D. F. I.

Petrolera Veracruzana S. A., Cía.—Tampico and México, D. F. I; I–2.

Petzold, Kurt H.—V. Carranza 548 Sur, and c/o Casa Holck, S. A., Apartado 1, Monterrey. II–1.

Phillips, Abraham Z.—Isabel la Católica 33, México, D. F. I.

Piening, Pablo.—Francisco Madero 43, México, D. F. I.

Pigelheim, Heda.—Chicharras. I–2.

Pipper, Josef R.—Avenida Cap. Carranza 412 Poniente, Tampico. I–2.

Pirsch, Ernesto.—Manzanillo. I.

Plasencia G., Guillermo.—Morelos 557 Oriente, Monterrey, Nuevo León. II–1.

Pohlenz y Cía.—Tapachula. I–2.

Popp, Nicolás.—Igualá 38, México, D. F. I–3.

Posta Mex, S. de R. L.—Díaz Mirón 146, México, D. F. II–1.

Productos Abrasivos, S. A.—Apartado 255, México, D. F. I.

Productos Noeh.—López 35, México, D. F. I–4.

Productos Químico-Farmacéuticos S. A.—Pasaje América, despacho 408, México, D. F. I–1.

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[11] Not be confused with Deutz Hermanos, S. A., Avenida V. Carranza 25 (Apartado 98), San Luis Potosi.

[12] Not to be confused with Victor Moreno Caveda, Avenida Uruguay 119 (Apartado 7741), México, D. F.

[13] Not to be confused with La Omega, S. A., México, D. F.

Productos Químicos Fletcher, S. A.—Morelia 15, México, D. F. I.

Propulsora Minera, S. A.—México, D. F. I–4.

Proveedora de Artículos para Laboratorio y Material de Análisis, S. A.—Humboldt 42, México, D. F. I–3.

Química Schering Mexicana S. A.—Versalles 43, México, D. F. I.

Quinta "Crisantema Japonesa".—Piño Suárez 457 Norte, Monterrey. I–2.

Quinta Cuitláhuac.—Cuitláhuac 16 Norte, Saltillo. I–2.

Quinta Japonesa.—Piño Suárez y Espinosa, Monterrey. I.

Rademacher, O.—Apartado 131, Guadalajara. I.

Radio Popular.—Palma Norte 330–E, México, D. F. I–2.

Ramírez de Arellano y Cía.—Veracruz. I.

Rancho Rusballo.—Colonia Morelos, Agua Prieta. I–1.

Rebora y Cía.—Tapachula. I–2.

"Relojería Alemana".—Avenida Morelos 546 Oriente, Monterrey. I.

"Relojería y Joyería Italiana".—Juárez 203 Poniente (Apartado 46), Saltillo, Coahuila. I.

Repertorio Wagner, S. A.—Venustiano Carranza 21 (Apartado 396), México, D. F. I.

Reyes Núñez, Armando.—Hermosillo 19, México, D. F. I–2.

Richter, Wilhelm.—Gante 7, México, D. F. I.

Richter y Cía.—Mesones 29, México, D. F. I–2.

Rimex, Soc. de Resp. Ltda.—Motolinía 20, México, D. F., and all branches in Mexico. I.

Ritter, Otto (Dr.).—Avenida 16 de Septiembre, México, D. F. I.

Rivas, Alfonso.—Mesones 21, México, D. F. I–3.

Rodríguez, Luz H.—Calle 23 Sur 302, Puebla. I–2.

Rodríguez, Roberto.—c/o Alberto M. Cabezut y Cía., S. de R. L., Edificio Alijadores, or Avenida Colón 18–A Norte, Tampico. I–1.

Rodríguez y Cía., S. de R. L., Francisco.—Madero 101 Oriente, Tampico, Tamaulipas. I–3.

Roemer y Cía.—5 de Mayo 50, México, D. F. I–3.

Roentsch S. A., Pablo.—Avenida Uruguay 19 (Apartado 38), México, D. F. I.

Rohde, Kurt V.—Palma 38, México, D. F. I–1.

Rombold, Ingeniero Luis.—México, D. F. I.

Rubiel, Ricardo.—La Montiel 2, Colonia Gustavo A. Madero, México, D. F. I–1.

Rudiger, Rudolph.—Avenida Venustiano Carranza 11, México, D. F. I.

Sagner, Gustav.—Andalucía 165, México, D. F. I.

Saito, Alejandro.—21 de Marzo 205 (Apartado 85), Mazatlán. I.

Saito, Satie.—Manzanillo. I.

Saito, T.—México, D. F. I.

Sakaguchi, U.—Unión 31, Calzada Balbuena, México, D. F. I–3.

Sakurai, Angel K.—Avenidas Madero y Mejía, Cuidad Juárez. I.

Salas, Antonio.—México, D. F. I–1.

Salchichonería "Rex".—Morelos 125 Poniente, Monterrey. I–1.

Samaguchi.—Insurgentes 469, México, D. F. I.

Sánchez, Pedro.—Independencia 41, México, D. F. I-3.

Sara, Fumiko M.—Calle Mejía y Callejón Progreso, Ciudad Juárez. I.

Sato, Félix.—Avenidas 6a y 7a, Agua Prieta; and Rancho Rusballo, Colonia Morelos, Augua Prieta. I–1.

Sato Gasirro, Saburo.—Avenidas 6a y 7a, Agua Prieta; and Rancho Rusballo, Colonia Morelos, Agua Prieta. I–1.

Sato, H.— I.

Sato, K.—Amsterdan 79, México, D. F. I–3.

Sato, S.—Amsterdan 162, México, D. F. I–3.

Sato y Hayasaka, Hashi.—Reforma 322, Mexicali. I.

Sato, Yoshio.—Avenida Juárez 338–N, Ciudad Juárez. I.

Sato Trading Co.—República del Salvador 82, México, D. F. I–3.

Schalch, Willy.—Guadalajara. I.

Scharff, Felix.—Calle Quebrada, Acapulco. I–2.

Schauer, R. (Dr.).—Murcia 17, Colonia Insurgentes, México, D. F. I–3.

Schering, S. A.—México, D. F. I.

Schiemann, Wilhelm.—Independencia 10, México, D. F. I.

Schmidt, Manuel.—Londres 14, México, D. F. II–1.

Schmidt, Max.—Avenida Uruguay 26, México, D. F. I.

Schmiedehaus, Walter.—Chihuahua. I.

Schrieber, L.—Apartado 2535, México, D. F. I–3.

Schroeder, Federico.—Juárez 403 Sur, Durango. I–2.

Schuchard, Otto.—Tapachula. I–2.

Schultz, Alfredo (Jr.).—Monteblanco 1175, Lomas de Chapultepec, México, D. F. I.

Schultz, Guillermo.—Huixtla. I–2.

Schwarz, Fritz.—Armijo 46 bis (Apartado 7), San Luis Potosí. II–1.

Schwarz & Georgi.—Armijo 46 bis (Apartado 7), San Luis Potosí. II–1.

Seidel, Artur.—Motolinia 25 (Apartado 1614) México, D. F. I.

Seippel e Hijo, Carlos.—Tuxtla Gutiérrez. I–2.

Sem, Zuzuki.—Avenida Reforma 256, Mexicali. I–1.

Servicios para Oficinas, S. A.—Luis Moya 19, México, D. F. I.

Shiba, Motosuke.—Madero 304, Mexicali. I.

Shibata, Masahide.—Avenida 3a No. 27, Agua Prieta. I–1.

Shibayama, Oscar K.—Juchitán, Oaxaca. I–3; III.

Shill, Alois.—Casas Grandes. I–1.

Shimabuku e Hijos, Tomás.—Minatitlán, Veracruz. I–3.

Shimanuki, S. I.—Tapachula, Chiapas. I–1.

Shimizu, Luis K.—Mazatlán, Sinaloa. I–1.

Shimizu, P. P.—5 de Febrero 39–6, México, D. F. I–3.

Shimizu, Roberto.—21 de Marzo 205 (Apartado 85), Mazatlán. I.

Shimizu, Toshio K. (Dr.).—3 de Mayo 152 Mazatlán, Sinaloa. I–1.

Shimizu y Saito.—21 de Marzo 205 (Apartado 85), Mazatlán. I.

Shinmon, K.—San Antonio Abad 92, México, D. F. I–3.

Shiraki, Asa.—Cortés 70, Veracruz. II–3.

Shirata, Shin.—Tijuana. I; I–2.

Shiromaru, T.—Peralvillo 76, México, D. F. I–3.

Shiyami, Mitori.—Coatzacoalcos, Veracruz. I–1.

Shizuru, H.—Guerrero 176, México, D. F. I–3.

Siebert, Alfred.—Dr. Lucio 37, Colonia Doctores. I–1.

Siemens-México, S. A.—Avenida Juárez 30, México, D. F. I.

"Sodería Guay Mense".—Avenida Serdán, Guaymas. I–3.

Solana, Felipe.—J. M. Izázaga (San Miguel) 29, México, D. F. I–2; II; II–1.

Sommer, Hermann y Cía., Sucrs., S. A.—Palma 33 (Apartado 299), México, D. F., and all branches in Mexico. I.

Sommer, S. A., Gustavo.—Isabel la Católica 51, México, D. F. I.

Southern Cross.— I–2.

Speisseger & Co., R. F.—Avenida 16 de Septiembre 52, México, D. F. I.

Stallforth, Alberto.—Parral. I.

Stallforth, Hermann.—García Conde 20, México, D. F. I–1.

Stein y Cía., Carlos.—5 de Febrero 174, México, D. F. I.

Stein y Schuetze.—Edificio Lutecia 220, Guadalajara. I.

Stubbe, George.—Sierra Madre 265, Chapultepec Heights, México, D. F. I-2.

Sugawara, Chuzo.—Santo Degollado 28 (Apartado 799), México, D. F. I–3.

Sugihara, Shigeyoshi.—Isabel la Católica 85 (Apartado 7119), México, D. F. I.

Supertex Mexicana S. A.—Avenida Uruguay 55, México, D. F. I.

Susumo, Tomeo.—Coatzacoalcos, Veracruz. I–1.

Taiheiyo Sekiyu K. Kaisha Co.—México, D. F. I.

Takaki, José M.—Cananea. I–1.

Takeda, Julio.—Hidalgo 2, Navolato, Sinalao. I–1.

Takeguchi, J. M.—Avenida Revolución y Calle 6a, Tijuana. I.

Takemura, S.—Uruguay 75, México, D. F. I–3.

Tamaura, S. A.—M. Ocampo 321, Mazatlán. I–1.

Tamm y Cía.—Avenida Uruguay 68 (Apartado 1541) México, D. F. I.

Tanabe, K.—Héroes 73, México, D. F. I–3.

Tanabe Kodai, Jesús.—Calle 5a No. 37, Agua Prieta. I–1.

Tanabe Restaurant.—Calle 5a, Agua Prieta. I.

Tanaka, Alberto.—Avenida Corona 575, Guadalajara. I; II.

Tanaka, Luis.—Torreón. I.

Tanaka, Tukumi.—5 de Febrero 40, México, D. F. I–3.

Taniguichi, Saichi.—Sonora 324, Ciudad Obregón. I–3.

Tauchert, Max.—Apartado 2569, México, D. F. I–3.

Tautimer, María Jesús Vásquez viuda de.—Avenidas 6a y 7a, Agua Prieta; and Rancho Rusballo, Colonia Morelos, Agua Prieta. II–1.

Técnica Comercial, Cía.[14]—Revillagigedo 8, México, D. F. I.

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[14] Not to be confused with Técnica y Mercantil, S. A.

Telefunken S. A.—Avenida Madero 56, México, D. F. I; II–3.

Tenería Huasteca.—Tacubaya, D. F. II–1.

Terreños y Casas, S. A.—Edificio La Nacional, Monterrey. I–4.

Terui, Heriberto.—Matias Romero, Oaxaca. I–3.

Téxtiles Artificiales S. A.—Mesones 34, México, D. F. I.

Theiss, Fritz—Colegio Alemán, Puebla. I–2.

Tintas Rex, S. A.—Isabel la Católica 750, México, D. F. I.

Tlapalería "El Unfo".—Juárez 210 Norte, Monterrey. I.

Togava, Francisco.—Nacozari. I; I–2.

Tolteca.[15]— I–4; II–3.

Torres, Hilario.—Monterrey. I–1.

Toyota, Jorge.—Mazatlán, Sinaloa. I–1.

Trampe, Carlos.—Tapachula. I–2.

Trampe, Felipe.—Tapachula. I–2.

Trampe y Cía.—Pueblo Nuevo. I–2.

"Transocean" Servicio Internacional de Informaciones de Prensa.—Avenida Juárez 60, México, D. F. I.

Trapeha S. A.—Revillagigedo 6 (Apartado 2298), México, D. F. I.

Trotter, Edmund.—México, D. F. I–2.

Tsubuki, Guillermo T. (Dr.).—Pedro Moreno 739, Guadalajara. I; II.

Tsubuki, Risaburo.—Hidalgo 435, Guadalajara. I; II.

Tsuji, Aya.—Morelos 346 Oriente, Monterrey. I–2.

Tsuji, T.—Apartado 7812, México, D. F. I–3.

Tsuru, Kiso (Dr.).—Isabel la Católica 85, México, D. F. I

Tsurumi, Masakichi.—Avenida Juárez 35, Cananea. I–1.

Tsutsumi, Jukichi.—Mexical. I.

Tsutsumi y Hermanos.—Reforma 254, Mexicali. I.

Tsuyi, T.—Apartado 7812, México, D. F. I–3.

Tucán S. A., Cía.—Tonala 73 (Apartado 7078), México, D. F. I.

Tugamoto Sigeno, Tisakichi.—El Pozo de Morelos, Agua Prieta. I–1.

Turu Mining Co.—Isabel la Católica 85, México, D. F. I.

Ueji, Kintaro.—Tijuana. I.

Ueji, Kunihei.—Ensenada. I.

Ughiyama, K.—I.

Ulrich, Fritz.—Villagrán y A. Nervo, Monterrey. I.

Umaba Baba, Tokichi.—3a Zaragoza y Fuente (Apartado 115), San Luis Potosí. I; I–4; II–1.

Umezawa, Sabas.—Cuitláhuac 16 Norte, Saltillo. I.

Unión Mercantil S. A.—Serapia Rendón 57, México, D. F. I–1.

Unión Química S. A.—Avenida Juárez 76, México, D. F. I.

Urias, César.—República Argentina 17, México, D. F. II–3.

Uyeno, Inosaku.—Coatzacoalcos, Veracruz. I–1.

Vanguardia.—México, D. F. I–1.

Vásquez viuda de Tautimer, María Jesús.—Avenidas 6a y 7a, Agua Prieta; and Rancho Rusballo, Colonia Morelos, Agua Prieta. II–1.

Veerkamp y Cía., Alfredo.—2a Mesones 21, México, D. F. I.

Vegeler, Guillermo.—Matamoros 1526 Poniente, Monterrey. I–1.

Veraza y Cía., J. J.—Artículo 123, México, D. F. I.

Viesca, Carlos (Jr.).—J. A. de la Fuente 116, Torreón. II–1.

Voigt, Hans Carl.—Monte Himalaya 510, México, D. F. I–3.

Volnie, Bernard.—República del Salvador 59, México, D. F. I–1.

Von Anderten, Bernardo.—Tapachula. I–2.

Von Bertrab, Othon.—Pasteur 303 Norte, Durango. I–2.

Von Humboldt, Baron W.—Gante 15, México, D. F. I.

Von Imhoff, Rupert.—Dr. Mora 9, México, D. F. I; I–4.

Von Richter, Hermann.—Avenida Uruguay 37, México, D. F. I.

Von Riegen, Arend.—13 Poniente 311, Puebla. I–1.

Von Riegen, Hans.—23 Sur 302, Puebla. I–1.

Von Rosendal, Bruno.—Isabel la Católica 40, México, D. F. I.

Von Schlebrugge, Franz.—Motolinía 20, México, D. F. I–1.

Von Tuerckheim, O. G.—Tapachula. I–2.

Von Watzdorff, Baron.—México, D. F. I.

Wabst, Alberto.—Avenida Morelos 125 Poniente, Monterrey. I–1.

Wakasugi, Kaname.—México, D. F. I.

Wakatsuki, Tuyoshi.—Manzanillo. I.

Wakida, Tosho.—Hidalgo 435, Guadalajara. I; II.

Wakida y Tsubuki.—Hidalgo 435, Guadalajara. I; II.

Wakido, T.—5 de Mayo 166, Mazatlán, Sinaloa. I–1.

Watanabe, Francisco.—Pedro Loza 19, Guadalajara. I.

Watanabe, G.—México, D. F. I–3.

Watanabe, Pablo Ch.—Matias Romero, Oaxaca. I–3.

Watanabe, Sinta.— I–1.

Wega, S. A.—México, D. F. I–2.

Wenner-Gren, Axel.— I.

Wenzel, Arthur.—Avenida Alvarado Obregón 178, México, D. F. I–2.

Weskott y Cía.—San Juan de Letrán 24, México, D. F. I.

Westphal, Hermann.—Uruguay 45, México, D. F. I–4.

Wettstein, Oscar.—Avenida Uruguay 5, México, D. F. I.

Widmaier Hermanos (en liquidación)—Huixtla. I–2.

Willms, Paul Otto.—México, D. F. I.

Woehler Bartning Sucrs.—Mazatlán. I.

Wolff, Guillermo.—Avenida Uruguay 51 (Apartado 1381), México, D. F.; and Guadalajara. I; II.

Wolff, Walter.—Torreón. I–4.

Wülfrath, Arturo.—Durango 138, México, D. F. I.

Xukuguachi, Santiago.—Chihuahua. I.

Yabuta, Kunio.—Madero 438, Mexicali. I.

Yabuta, R. K.—Mexicali. I.

Yakajama, Antonio.—Mexicali. I.

Yamada, Hector Y.—Galeana 221, Guadalajara. I; I–4.

Yamado, Mazato.—Navojoa. I–3.

Yamaguchi, Alameda F.—México, D. F. I.

Yamane, Antonio K.—Piño Suárez y Espinosa, Monterrey. I.

Yamasaki, Felipe.—Tapachula. I.

Yamashita, Teriyo Sinchara Tanaka.—Avenida 3a No. 110, Agua Prieta. I–1.

Yamashita Yanagi, Rikita.—Avenida 3a No. 110, Agua Prieta. I–1.

Yamate, Antonio K.—Monterrey. I.

Yamazi, Hiroko.—Manzanillo. I.

Yamazi, Kazuyuki.—Manzanillo. I.

Yamazi, Mazako.—Manzanillo. I.

Yamazi, Yoshimo.—Manzanillo. I.

Yanajara, H.—Navojoa. I–3.

Yanome, Ernesto M.—Guadalajara, Jalisco. I; II.

Yasuhara, S.—Tijuana. I.

Ychizu, Masahichi.—México 210, Ensenada. I–1.

Yesaki, Mario.—I. Garza 409 Poniente, Monterrey. I.

Yida, M. M. (Dr.).—Cananea. I–1.

Ykeo, H.—Cananea. I–1.

Ykeo, Shizuco viuda de.—Colonia Morelos, Agua Prieta. I–1.

Yokohashe, Enrique.—Ixtepec, Oaxaca, II–3.

Yokota, Shintaro Kotaki.—Minatitlán, Veracruz. I–3.

Yokoyama, Antonio.—Madero 369, Mexicali. I.

Yokoyama, José N.—Madero 436, Mexicali. I.

Yoshida, Josefina de.—Navolato, Sinaloa. I–1.

"Zapatería Lucerna".—Pedro Loza 19, Guadalajara. I–3.

Zawadski, Kurt.—México, D. F. I–1.

Zenzes, Alexander Montamus (Dr.).—Mayorazgo 1219 (Apartado 8807), México, D. F. II–3.

Zenzes, Ernesto.—Mayorazgo 1219 (Apartado 8807), México, D. F. II–3.

Zepeda y Calderón, S. de R. L.—México, D. F. I–3.

Zuber, Carlos Lessee.—Manzanillo. I–1.

Zuzuki, J. K.—Navolato, Sinaloa. I–1.

NICARAGUA

Agencia Bayer.—Apartado 359, Managua. I.

Agencia Merck.[1]—Apartado 364, Managua. I.

Almacén de 5 a 95 cts.—Managua. I.

Almacén "La Ganga".—Managua. I.

Arceyut y Cía., Ltda., Mercedes.—Managua. I.

Arnold, Otto.—Managua. I.

Bahlcke, Julio C.—Managua. I.

Bayer, Agencia.—Apartado 359, Managua. I.

Berewinkel, Kurt Gerhard.—Managua. I.

Bermúdez V., Manuel.—Managua. I.

Boehmer, Immo.—Apartado 114, Managua. I.

Brachtl, Karl (Carlos).—Managua. I; III–4.

Brigneti y Cía., Piero.—Managua. I.

Brockman y Cía., Ltda., F.—Managua. I.

Bunge, Rolf (Rudolf).—Managua. I–3.

Capena, Felicísimo.—Managua. II–1.

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[15] Boat, owned by Compañía Naviera de Cabotaje S. A., Veracruz.

[1] Agents for E. Merck G. m. b. H., Darmstadt, Germany.

Casa Geerz.—Managua. I.

Central American Trading Co.—Managua. I.

Comercial Nicaraguense Geerz Ltda., Cía.—Managua. I.

Danckers, Hugo.—Managua. I.

Deutsche Lufthansa A. G.—All branches in Nicaragua. I.

Eitzen, Ulrico.—Managua. I.

Eitzen y Arnold.—Managua. I.

Eyl, Carl Hermann.—Managua. I.

Fiedler, Jorge.—León and Managua. I.

Fischer, Arthur.—Managua. I.

Fischer, Klaus.—Managua. I.

Geerz, Ltda., Compañía Comercial Nicaraguense.—Managura. I.

Geier, Ana.—Granada. I.

Grimm, Eugenio José.—Managua. I.

Haaschke, ------.—Managua. I.

Hammer, Ernesto.—Managua. I.

Harder, Richard.—Managua. I.

Hüper, Guillermo.—Matagalpa. I.

Hüper, Guillermo (hijo).—Matagalpa. I–1.

Kunze, Louis.—Managua. I.

"La Estrella de Nicaragua".—Managua. I.

"La Joya Alemana" (Sucesores de F. Beeger & Co.).—Managua. I.

Lang, Guillermo.—Managua. I.

Lang & Co., Ltd., Eugenio.—Managua. I.

Langschwager & Co., Hans.—Apartado 372, Managua. I.

Librería Hispano Americana.—Managua. I.

Librería Rubén Darío.—Managua. III–4.

Möller, Pablo.—Jinotega. I–1.

Morlock, Fritz.—Managua. I.

Palazio, Alfredo.—Corinto. I–1.

Palazio, Carlos.—Corinto. I–1.

Palazio, Enrique.—Corinto. I–1.

Palazio, Luis.—Managua. I–1; I–3.

Palazio y Cía., Ltda., E.—Corinto. I–1.

Pérez Alonso, Carlos Manuel.—Managua. I.

Pérez Valle, Francisco.—Managua. III–4.

Pérez Valle y Cía., Ltda., Francisco.—Managua. III–4.

Peter, Albert William.—Managua. I.

Peter, Oscar.—Managua. I.

Puschendorf, Eric.—Managua. I–1.

Puschendorf, Walter.—Managua. I–1.

Puschendorf y Cía., Ltda., M.—Managua. I.

Raven, Hans B.—Managua. I.

Recalde, Víctor.—Managua. III–4.

Recalde y Cía., Víctor.—Managua. I.

Reese, Hugo.—Matagalpa. I.

Reuter, Arthur.—Managua. I.

Reuter y Cía., Ltda., Arthur.—Managua. I.

Riedel, Willy.—Managua. I.

Siercke, Ernesto.—León.— I.

Solorzano, Carlos.—Managua. I.

Souza & Co., Víctor S.—Apartado 22, Managua. I.

Stein, Hans.—Managua. I.

"Tienda Alemana".—León and Managua. I.

Tintorería Mexicana.—Managua. III–4.

Uberseiszig, María de.—Managua. I.

Veit, Friederich.—Managua. I.

Vogts, William.—Managua. I.

Von Breymann, Guillermo.—Managua. I.

Wettstein, Hans Rudolf.—Managua. I.

Wilms, Oscar.—Managua. I.

PANAMA

Almacén "Miyako".—Avenida Central 108, Panamá. I.

Amano, Y.—Panamá. I.

Amano & Co., Ltd., Y.—Avenida Central 102, Panamá. I.

Atlantis, S. A.—Panamá. I.

Bata Shoe Co., Inc.—Apartado 1347, Panamá. I.

Bazaar "Tokyo".—Panamá. I; III–4.

Casa "Japonesa".—Avenida Central 102, Panamá. I.

Central American Trading Co.—Avenida Central 47, Panamá; and Apartado 453, Ancón, Canal Zone. I.

Cerjack-Boyna, Eric O.—Calle 6 No. 17, Panamá. I.

Cunquero, Manuel.—Colón. II–5.

De Azevedo, Horacio V.—Panamá. I–1.

Dolphin & Co., Inc.—Panamá. III–4.

Dziuk, Augusto.—Ramón Valdés 1 (Apartado 599), Panamá. I.

Fotografía Laurenza.—Avenida Central 56 (Apartado 404), Panamá. I.

Goldstein, Erwin.—Calle 10 No. 2.003, Colón. III–1.

Grebien & Hauke.—Avenida Federico Boyd 6158, Colón. I.

Guerrero, Manuel.—Colón. II–5.

Hapag-Lloyd.—Colón. I.

Hara, Takeshi. Panamá. I.

Hata, Hiromi.—Panamá. I.

Heidelk, Hans.—Panamá. I.

Hellinger Sucrs., M.—Calle "A" 3 (Apartado 31), Panamá. I.

Jabs, Herbert.—Calle "I" 4, Panamá. I.

Japanese Barbers' Association.—Panamá. I.

Kaufmann, Arno Wilhelm August.—Colón. I; III–3.

Kirchner, Walter.—Ramón Valdés 1 (Apartado 755), Panamá. I.

Kohpcke & Neumann, Inc.—Avenida Norte 54, Panamá. I.

La Favorita.—Calle 10 No. 2.003, Colón. III–1.

Lage-Schulte, H.—Colón. I; III–4.

Laurenza, Giuseppe.—Panamá. I–3.

Lloyd-Triestino "Italian" Line.—Cristóbal. I.

Nagao, N.—Panamá. I.

Nagao & Co., Inc.—Avenida Central 108, Panamá. I.

Nippon Trade Agency.—Panamá. I.

Papio, Angelo.—Calle 6 No. 7.025, Colón. I.

Papio, Miguel (Dr.).—Calle del Frente, Colón. I.

Sadahiro, Y.—Avenida Central 102, Panamá. I.

Schell, Albert.—Calle 18 No. 9.074, Colón. I.

Schering Kahlbaum, A. G.—Panamá. I.

Schmidt, Walter,—c/o Hapag-Lloyd Agency, Colón. I.

Shiraishi, Miyuki.—Panamá. I; III–4.

Snotomi, K.—c/o Y. Amano & Co., Ltd., Avenida Central 102, Panamá. I.

Toepser, George.—Calle 8 No. 6, Panamá. I.

Trute, Bernard (Sucesor de Trute Hermanos).—Avenida Norte 46, Panamá. I.

Trute Hermanos.—Avenida Norte 46, Panamá. I.

Universal Drug Store.—Bolívar 4062, Colón. I.

Vargas, Eugenio.—Colón. III–2.

Wegener, Sigfrido.—Panamá. I; III–4.

Yoshida, M. T.—Panamá. I.

Yoshida & Co., M. T.—Panamá. I; III–4.

PARAGUAY

Bader, Teófilo G.—15 de Agosto 432, Asunción. I.

Ballasch, Enrique.—25 de Noviembre 130, Asunción. I–1.

Banco Germánico de la América del Sud.—Asunción. I.

Bernardes, Manuel.—Asunción. II–4.

Bodega Alemana.—Presidente Franco 160, Asunción. II–4.

Casa Lange.—Presidente Eligio Ayala 200, Asunción. III–3.

Casa Nobilis.—Palma 158, Asunción. II–4.

Claude, José W.—Palma 531 y 14 de Julio 315, Asunción. I–1.

Confitería y Fiambería "Felsina".—Palma 190, Asunción. I–1.

Cramer, Curt.—Presidente Franco 151, Asunción. I–2.

Deutsche Lufthansa A. G.—all branches in Paraguay. I.

Dohmen, Federico.—Presidente E. Ayala esquina Méjico, Asunción. III–1.

Doljak, Antonio.—Palma 158, Asunción. II–4.

Doljak y Cía.—Palma 158, Asunción. II–4.

Egusquiza, J.—Asunción. II–4.

El Nacionalista.—Asunción. II–4.

Electro Técnica Alemana.—Palma 351, Asunción. II–4.

Exportadora e Importadora del Paraguay S. A., Cía.—Presidente E. Ayala esquina Méjico, Asunción. III–1.

Farmacia la Catedral.—Palma 10, Asunción. I.

Ferretería Alemana, S. A.—Calle Catorce, Asunción. I.

Ferretería Universal, S. A.—Palma y Ayolas, Asunción, and all branches in Paraguay. I.

Fukuoka, Shortaro.—14 de Mayo 261, Asunción. I–1.

Grabow, Federico.—Asunción. . I.

Grabow & Muller.—Estrella 288, Asunción. I.

Gran Hotel del Paraguay.—Mazzini y Domingo F. Sarmiento, Asunción. I–2.

Hahlweg, Arno.—General Díaz 258, Asunción. I–1.

Hotel del Lago.—San Bernadino. I–2.

"IPA" Sociedad Anónima.—Palma 349, Asunción, and all branches in Paraguay. I.

Jardín Japonés.—14 de Mayo 261, Asunción. I–1.

Jessen, Franz.—Palma 351, Asunción. I–1.

Klug y Cía.—Alberdi 120, Asunción. I–1.

Krauch y Cía. S. A., Federico.—Asunción, and all branches in Paraguay. I.

Kraus, Talleres Nacionales H.—Presidente Franco esquina 15 de Agosto, Asunción. III–1.

Lange, Walter.—Presidente Eligio Ayala 200, Asunción. I–2.

Lange y Aguilar.—Presidente Eligio Ayala 200, Asunción. I–2.

Laug, Otto.—Presidente Franco 160, Asunción. II–4.

Muller, Werner.—Asunción. I–1.

Pane, Juan (hijo).—Perú esquina 25 de Mayo, Asunción. I–1.

Porzio Hermanos.—Asunción. I.

Reider y Cía., F.—Calle Palma, Asunción. I.

Remmele y Cía.—Presidente Ayala 20, Asunción. I.

Roehrig, Juan Federico.—Asunción. I.

Salsa, Hijos de Bernardo.—Buenos Aires 425, General Artigas y General Santos, Asunción. III–4.

Scavone Hermanos, S. A.—Palma 10, Asunción. I.

Schorkau, Juan.—Asunción. I–1

Staudt y Cía.—Asunción. I.

Stefani Agency, The.—Asunción. I–1.

Tintorería Tokio.—Colón y Gral, Díaz, Asunción. I–2.

"Transocean" Agency, The.—Asunción. I–1.

Tubos Mannesmann Soc. Ltda., S. A.—Benjamín Constant 215, Asunción. I.

Ueda, Teruichi—Colón y Gral, Díaz, Asunción. I–2.

Vollrath, Guillermo.—4a Nueva 42, Asunción. I–2.

Von Stroeher, José.—Benjamín Constant 215, Asunción. I.

Weiler e Hijos.—Mazzini y Domingo F. Sarmiento, Asunción. I–2.

Wiske & Co., Juan.—Asunción. I.

Zanotti, Cavazzoni, Billi y Cía.—Presidente Franco 420, Asunción. I–2.

PERU

Aba, Sangoro.—Cuzco 787, Lima. I–2.

Abe y Hnos.—Hoyos 889, Lima. I–2.

Abey, T.—Carabaya 312, Lima. I.

Abiko, Y.—Lima 443, Miraflores, Lima. I–2.

Abratani, Y.—Palacio 204, Lima. I–2.

Adaniya, S.—Hualgayoc 352, Lima. I–3.

Adler, Richard.—Lima. I.

Agencia Marítima Kosmos.—Daniel Nieto 155 (Casilla 32), Callao. I–2.

Agencia Nacional de Representaciones S. A.—Lampa 680–A, Lima. II–3.

Agencias Unidas de Aduanas S. A.—Ucayali (San Pedro) 399, Lima; and Avenida República de Panamá 282, Callao. I.

Agrícola La Colmena S. A., La Cía.—Banco del Herrador 569, Lima; Ica; and Nazca. II–1; II–4.

Agrícola "Retes" Ltda., Soc.—Edificio Minería 420, Lima. I.

Agrícola San Bartolo, S. A., Soc.—Santa, Chimbote. II–3.

Agrícola Tanguche, Ltda., Soc.—Trujillo. II–4.

Agro-Química Peruana Ltda., Cía.—Junín 312, Lima; and Tingo María, Departamento de Huanuco. II–4.

Agua Mineral Chuquitanta.—Avenida Progreso 965, Lima. II–1.

Aguino, Yoshiter.—General Garzón 840, Jesús María, Lima. I–2.

Aida & Co., A.—Lima. II–3.

Aimoto, Richard.—Motupe, Chiclayo. I–4.

Akagui, M.—Doña Elvira 872, Lima. I–4.

Akao, Jorge.—Arequipa. II–3.

Akarei, Shinki.—Lima. I–2.

Alalu, Nissim.—Judíos 246, Lima. I–2; II.

Albrecht, Heinz.—Arequipa and Cuzco. I–2.

Albrecht, Rotmann y Cía., S. A.—Carabaya (Filipinas) 587 (Casilla 1778), Lima. I.

Alemana de Vapores Hapag Kosmos, Cía.—Lima, and all branches in Peru. I–2.

Alisch, Berkeld.—José Gonzales 671, Miraflores, Lima. I–2.

Allemant, Santiago.—Lima. I–2; II.

Alvarez, Víctor M.—Copacabaña 510, Lima. II–4.

Amano, Yoshitaro.—Apartado 1310, Lima. I–2.

Amemiya, A. N.—S. Roca 1625, Lima. I; III.

Amemiya, Entoshi.—Lima. I–2.

Amemiya, K.—Lampa 587, Lima. I.

Amemiya, Pedro Toshio.—Santa Catalina 640, Lima. III–2.

Amemiya & Co., A. N.—Jirón Sincni Roca 1625, Lima. II–3.

Ameniya, Siguenobu.—Lima. I–2.

American Representations S. A., Sucesores de F. S. Cockburn.—Lampa 663, Lima. II–3.

Amino, T.—Puno 1009, Lima. I–2.

Andrade, Jorge.—Lima. II–3.

Andress, Hans E.—Avenida Arequipa 3610, San Isidro, Lima. I.

Antigua Casa Holtig.—Carabaya 559, Lima. I–2.

Antigua Vidriería Santa Apolonia S. A.—Lampa 337, Lima. I–2.

Aoki, T.—San Vicente de Cañete. I–4.

Arai, J.—Hacienda Chúcupe, Chiclayo. I–4.

Arakaki, Juan.—Huacho. II–3.

Arakaki y Cía., Luis.—Santa. I–4.

Arakawa, Sempu.—Recuay 218, Lima. III–2.

Araki, G.—Cuzco 751, Lima. I.

Araki, Takeshi.—Francisco Pizarro 404, Lima. III–2.

Arana, Eduardo.—República 598, Miraflores (Casilla 1353), Lima. I.

Arashiro, S.—Sáenz Peña 512, Callao. I–2.

Aray, K. & S.—Ascope and Trujillo. I–4.

Aray, N.—Edificio Minería 420, Lima. I.

Arens, Ernesto.—Piura. I–2.

Arens, José.—Piura. I–2.

Arens & Lessel, S. A., Ltda.—Calle Libertad Piura, and all branches in Peru. I.

Arias, Rodrigo.—Chiclayo. I.

Arima, Carlos.—Lima. I–4.

Arima & Co., K.—Trujillo. I.

Asano Bussan & Co., Ltd.—Máximo Abril 513, Lima. I.

Asay, K.—Zamudio 699, Lima. III–2.

Asca, Armando.—Iquitos 1129, Lima. II–4.

Azaida, C.—Huaral. II–3.

Azama, K.—Barranca. I–4.

Azuma, Rei.— I–2.

Baba, M.—Lima. I–1.

Balarezo Delta, Glicerio.—Camaná 459, Lima. I; II.

Banco Alemán Transatlántico.—Carabaya (Coca) 429, Lima; and Arequipa. I.

Bank, Friedrich (Dr.).—José Gonzales 539, Miraflores, Lima. I–2.

Baños y Hotel de Churin.—Churin. II–3.

Bar Tokio.—Teatro 618, Chiclayo. I.

Barberis S. A., Hugo.—Cuzco. II–3.

Bauer, Fritz.— I–2.

Bayer S. A., La Química.—Avenida Brasil 198, Lima. I.

Bazaar de Novedades Ohmura.—Calle Marquez, Cuzco. II–3.

Bazaar Mishiyawa.—Calle Mantas, Cuzco. II–3.

Bazar Tokio.—Miraflores. II–3.

Becerra, Otilia.—Carabaya 1005, Lima. I–2.

Beck, Konrad.—Lima. I–2.

Benavides Gonzales, Augusto.—Bodegones 330, Lima. I.

Benavides & Co., Inc.—Bodegones 330, Lima. I.

Berenguer, Raul.—Cuzco 1053, Lima. II–1.

Berry, G. Harold.—Lampa 836, Lima. II–4.

Blume y Heiler.—Huancavelica 246, Lima. I–2.

Bodechtel, George.—Arequipa (San Marcelo) 325 (Casillà 82), Lima. I.

Bolívar S. A., Cía.—Inquisición 525, Lima. I–2.

Brandes y Cía., S. A., Guillermo.—Unión (Mercaderes) 529, Lima. I.

Brinckmann, Erich.—Pacasmayo. III–4.

Bruning, Kurt.—Lima. I–2.

Brunke, Walter.—Avenida Grau 412, Miraflores, Lima. I–2.

Bullitta, Salvador Enologo.—Puno 364, Lima. II–3.

Burga Canales, R.—Camaná 574, Lima. I–2.

Burger, Hans.—Arequipa. I–2.

Burghardt, Alois.—Plateros de San Agustín 140, Lima. I–2.

Burghardt, Hans.—Pileta de la Merced 130 y Santa Cruz 773, Lima. I–2; II.

Buschmann, Federico.—Lampa 680–A, Lima. II–3.

Calderón, Julio O.—Judíos 254, Lima. II–1.

Calmet & Coloma.—Huanta 1008, Lima. II–3.

Cámara de Comercio Alemana.—Hotel Bolívar 610, Lima. I–2; II.

Campos y Cía.—Jirón Junín 569, Lima. II–1.

Candela y Candela, Constantino.—Ayacucho (Antonio Miró Quesada) 396, Lima. I; II; III.

Casa Asahi.—Carabaya 312, Lima. I.

Casa Elva.—Camaná 505, Lima. II–3.

Casa Olympia, S. A.—Hotel Bolívar, Lima. I.

Casa Oshima.—Huaral. I–3.

"Casa Rayo Lux".—Lima. I–1.

Casa Rehder.—Unión (Mercaderes) 483, Lima. I.

Casa Welsch.—Unión (Mercaderes) 498, Lima. I.

Castillo, Jorge.—Mercaderes 498, Lima. I–2.

Central American Trading Co.—Edificio Wiese 504 (Casilla 1582), Lima. I.

Central Japonesa del Perú, Soc.—Abancay 570, Lima. I–2.

Chávez, Pedro.—Junín 442, Lima. I–1.

Chinen, M.—Huaral. I–4.

Chinen Co., H.—Manco Capac 900, Lima. III–2.

Cockburn, F. S.—Iquique 459 y Lampa 663, Lima. II–3.

Cockburn, Otto.—Lima. II–3.

Cockburn Hnos.—Lampa 663, Lima. II–3.

Colegio Japonés Mixto.—Huancayo. I–3.

Colibrí, S. A.—Unión (Espaderos) 586, Lima. I.

Comercial "Meta" S. A., Cía.—Carabaya 364, Lima. I.

Comercial Santa Rosa S. A., Cía.—Edificio Chiarella (oficina 24), Plaza San Martín 186, Lima. I–2.

Cooperativa Colonizadora del Perú, Soc.—Colinda con la Hacienda San Juan de Perené Puñitas, San Luis, Chanchamayo. I–2; II.

Cornejo, Guillermo R.—Avenida 2 de Mayo 945, San Isidro, Lima. I.

Cuadros, Neptalí.—Arequipa. I–2.

Daiko, T.—Ayacucho 309, Lima. I.

De Azevedo, Horacio V.— I–2.

Dedering, Carl.—Edificio Belén 3, Avenida Uruguay y Avenida de Los Incas 295, San Isidro, Lima. I.

De Freitas, Carlos.—Iquitos. I–4.

De la Cadena, Raquel.—J. Gonzales 280, Miraflores, Lima. II–1.

De Lambarri, Isidoro.—Arequipa. III–4.

Demen, Guillermo.—Motupe, Chiclayo. I–4.

Deneumostier, Julio.—Camaná 505, Lima. II–3.

Desmotadora e Industrial de Huaral, Soc.—Edificio Minería 424, Lima. I.

Detgen, Paul.—Arequipa. I–2.

Detgen, Walter.—Cuzco. I–2.

Detgen & Barten, S. A.—La Merced 112, Arequipa, and all branches in Peru. I.

Deutsche Lufthansa A. G. Perú.—Lampa (Banco del Herrador) 587, Lima, and all branches in Peru. I.

Deutz-Diesel.—Aparicio 173, Lima. II–1; III.

Diers, Wilhelm.—Lima. I–2.

Dohme, Alfred.—Lima. I–2.

Dohme, Walter.—Lima. I–2.

Dohme y Cía.—Lampa (Santa Apolonia) 318 (Casilla 162), Lima; and Miraflores, Lima. I.

Doy, N.—Hoyos 806, Lima. III–2.

Doy, Yoshiro.—Avenida Grau 485, Barranco, Lima. I–2.

Droguería Kato.—Paz Soldán 488, Lima. I.

Ehler, Hans.—Arequipa. III–4.

Ehni y Cía., G.—Unión (Mercaderes) 498, Lima. I.

Einfeldt, Hans.—La Paz 608, Miraflores, Lima. I–2.

El Costurero, S. A.—Ucayali (Plateros de San Pedro) 105, Lima. I.

Emmel, Federico.—Arequipa. I–2.

Emmel, Walter.—Arequipa and Cuzco. I–2.

Emmel Hnos. S. A.—Mercaderes 410, Arequipa. I.

Emmel S. A. Ltda., Fernando.—Puente Bolognesi 126, Arequipa; and San Juan de Díos, Cuzco. I; III.

Endo, Francisco.—Chimbote. I–4.

Endo, Kiyoshi.—Huallaga 677, Lima. I–2.

Endo, S.—Trujillo. I–2; II–4.

Endo, Toshio.—Lima. I–2.

Endo y Cía., N.—Ayacucho 1201, Lima. I.

Erba, Carlo.—Lima. II–1.

Erlenbusch, Heinrich.—Trípoli 263, Miraflores, Lima. I–2.

Fábrica de Aguas Gaseosas "La Perricholi".—Virrey Toledo 152, Lima. III–1.

Fábrica de Anteojos.—Hoyos (Paruro) 870, Lima. I–2.

Fábrica de Artículos de Jebe.—Avenida Iquitos 1100, Lima. I.

Fábrica de Calzado Peruano S. A.—Casilla 65, Lima. I.

Fábrica de Chocolates Bernina.—Olmedo 455, Lima. II–3.

Fábrica de Embutidos.—Carabaya 581, Lima; and Lima 554, Miraflores, Lima. II–3.

Fábrica de Jabón Pacocha.—Cajamarca 664, Lima. I.

Fábrica de Jabón Rosalinda.—Chávez 1341, Lima. I–1.

Fábrica de Jabón Unión.—Avenida Unión 214, Lima. I–2; II.

Fábrica de Metal Desplegado S. A.—Avenida de los Incas 584, Lima. III–4.

Fábrica de Tejidos de Punto Rex.—Lima. I–4.

Fábrica de Tejidos La Textilia S. A.—Avenida Iquitos 930 y 946, Lima. I; II.

Fábrica de Tejidos "Moll".—General Orbegoso 291 y Santa Apolonia 316, Lima. I; II.

Fábrica de Vidrios La Perricholi S. A.—Juan Castilla 186, Lima. I–2.

Fábrica Nacional de Lámparas Eléctricas "Diha", S. A.—Loreto 430, Lima. I.

Fábrica Nacional de Medias "El Inca", S. A.—Iquique 476, Lima. I.

Fábrica Nacional de Sombreros La Unión.—Caquetá 322, Lima. I–2.

Factoría Nacional S. A.—Avenida Grau 242–260, Lima. I.

Factoría Sakata.—Manco Capac 500, Callao. II–3.

Famco Trading Company S. A.—Cailloma 840, Lima. III–3.

Fernández, Alfredo.—Camaná 364, Lima. II–1.

Fernández Hnos. de R., Ltda.—Arequipa. II–3.

Ferretería y Vidriería Cuzco-Emmel Hnos. y Cía.—Cuzco. I–4.

Ferrostaal A. G. Essen.—Edificio Royal 403, Lima. I.

Fetzer, Emilio.—Lima. I–2.

Fleischer, Herbert.—Porta 419, Miraflores, Lima. I–2.

"Foto Agfa".—Carabaya (Coca) 409, Lima. I.

Frank, W.—Casilla 177, Arequipa. I.

Fuchiyama, M. K.—Huacho. I–4.

Fuji Trading Co.—Junín 429, Lima. I.

Fujii, H.—Pasco 781, Lima. I–2.

Fujii, S.—Pasco 781, Lima. I–2.

Fujimoto, Y.—Imperial. I–4.

Fujishin, H.—San Diego 738, Lima. III–2.

Fujita, U.—San Luis de Cañete. I–4.

Fujiy, K.—Unión 518, Trujillo. I–2.

Fukuda, Victoria.—Huaral. II–3.

Fukunaga, Manuel.—Trujillo. 1–3.

Fukuzawa, Marke G.—Tarma. I–3.

Fullimoto, Juan.—Imperial de Cañete. I–2.

Fullimoto, Y.—San Vicente de Cañete and Imperial de Cañete. I–4.

Furuzawa, Carlos.—Huacho. II–3; III–1.

Furuya, Angel K.—Mercaderes 136, Arequipa. I.

Furuya, Luis Y.—Mercaderes 136, Arequipa. I–2.

Furuya, Nicholás.—Mercaderes 136, Arequipa. I.

Furuya Tarabe, Miguel.—Mercaderes 136, Arequipa. I–2.

Furuya & Co., N. K.—Mercaderes 136, Arequipa. I.

Furuya y Cía., S. A., Ltda.—Huanta 1008, Lima. I.

Furuya y Cía., S. A., N. K.—Mercaderes 136, Arequipa. I–2.

Fusumada, Manuel.—Lima. I–4.

Fuyita, U.—San Luis de Cañete. I–2.

Ganter, J. Gerson.—Zela 155, San Isidro, Lima. I–2.

General de Anilinas S. A., Cía.—Edificio Minería (Casilla 1572), Lima. I; II.

General de Construcciones del Perú S. A., Cía.—Azángaro (Aldabas) 235, Edificio Gildemeister, Lima. I.

Gerberding, Bruno.—Avenida Uruguay 490, Lima. II–3.

Gerbolini, Flavio.—Unión (Mercaderes) 416, Lima. I.

Gerdt, Heinz.—Arequipa. I–2.

Ginocchio & Co., J.—Paita. III–2.

Giurato, Toto (Dr.).—Puno 297, Lima. I–2.

Gnamm, Fritz.—Arequipa. III–2.

Goda, Kumakichi.—Huacho. III–1.

Gondo, Yoshi.—Imperial de Cañete. I–2.

Gorbitz, Max.—Real 51, Chiclayo. II–3.

Goto, Juan.—Avenida Iquitos 601, Lima. II–3.

Goto, T.—Junín y Grau, Trujillo. I–2.

Gottschalk, Heinrich.—Francia 687, Miraflores, Lima. I–2.

Grau, Hugo E.—Plaza de la Inquisición 569, Lima. I.

Grosse, Erich.—Lima. I–2.

Grosspietsch, Wolf.—Pasaje Sucre 151, Miraflores, Lima. I–2.

Gubbins, Reynaldo.—Lima. I–2.

Gubbins & Co.—Ayacucho (Antonio Miró Quesada) 341, Lima. I.

Gulda & Hillmann, S.A.—Ucayali (Estudios) 425–431 (Casilla 2792), Lima; and Arequipa. I; II.

Gunther, Adolf.—Arequipa. I–2.

Gushiken, K.—Lima. I–4.

Hachimine, S.—Lima. I–4.

Hachiya, Juan H.—Huancayo. I–3.

Hacienda Palpa.—Chancay. I.

Haedke, Curt.—Coronel Odriozola 125, San Isidro, Lima. I–2.

Hagestedt, H.—Unión (Mercaderes) 483, Lima. I.

Hagiwara, S.—Plaza de la Inquisición 569, Lima. I.

Hamamura & S. Ishii.—Real, Huancayo. I.

Hamamura y Cía.—Hunancayo. I–3; II.

Hamann, A. C.[1]—Abancay (Compás de la Concepción) 358 (Casilla 370), Lima. I; III–4.

Hamburg Amerika Linie.—Lima, and all branches in Peru. I–2.

Hapag Kosmos.—Lima, and all branches in Peru. I–2.

Haraba, Isabel T.—Ayacucho 839, Lima. III–2.

Haraba, S.—Ayacucho 839, Lima. III–2.

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[1] Not to be confused with Carlos Hamann, Edificio Jesús Nazareno, Ayacucho 113, Oficina 101, Lima.

Harada, Sioyi.—Mercado Central, Lima. I–2.

Harbeck, Karl.—Lima. I.

Hardt, Engelbert.—Lima. I–2.

Hardt y Cía., E.—Ayacucho (Antonio Miró Quesada) 396, Lima, and all branches in Peru. I; I–4.

Hasegawa, D.—Lima. I.

Hasegawa, Kumataru.—San Pedro 52, Chiclayo. II–3.

Hasegawa, Y.—Jirón Trujillo 363, Lima. I–2.

Hashikawa.—San Pedro 52, Chiclayo. I.

Hashima, F.—Mercado Central, Nos. 43 y 57, Lima. I–2.

Hata, M.—Carabaya 415 y Arequipa 238, Lima. I.

Hatada, S.—Gamarra 423, Trujillo. I–2.

Hayákawa, Shotaro.—Avenida S. L. González 420, Chiclayo. II–2.

Hayashi, H.—Cuzco 787, Lima. I–2.

Hayashi, K. F.—Lima. I.

Hayashi, Kishiro.—Cuzco 787, Lima. I–2.

Hayashi, S.—Mercaderes 141, Arequipa. I–3.

Hayashi, Seichi.—Cuzco 787, Lima. I–2.

Hayashi & Co., E.—Cuzco 787, Lima. I.

Hayashida, Luis.—Juan Cuglievan 619, Chiclayo. I; II.

Hayashida, Tazuhiro.—7 de Enero 663, Chiclayo. II–3.

Hayasida, Toriki.—San José 614, Chiclayo. II–3.

Haybara, Tadashi.—Parque Central 295, Miraflores, Lima. I; II.

Haybara, Tanomu.—Callao 214, Lima. I; II.

Henriod, Carlos.—Lima. I.

Hernández, Alejandro.—Avenida 2 de Mayo 455, San Isidro, Lima. I.

Heydtmann, Adolf.—Lima. I.

Hidaka, S.—Trujillo. I–2.

Higa, Gempo.—Chávez 1341, Lima. I-1.

Higa, Gitoko.—Teatro 711 Chiclayo. I.

Higa, J.—Camaná 849, Lima. III–2.

Higa, Reisuke.—Lima. I–2.

Higa, Ryosei.—Ortiz 305, Lima. I; II.

Higa, Seise.—Ayacucho 1200, Lima. I-4.

Higa, Y.—Miraflores. I–4.

Higa e Hijo, M.—Jequetepeque, Pacasmayo. I–4.

Higa Hnos., José.—Huaral. II–3.

Higashida, K.—Lima. I–4.

Higashide, S.—Ica. I.

Higuchi, M.—Pativilca. I–4; III.

Hilbeck, Kuntze y Cía., S. A.—Pacasmayo. I; III.

Hirakawa, T.—La Oroya. I–4.

Hiraoka, K.—Esquina Ayacucho y Camarra, Trujillo. II–3.

Hirata, T.—Ayacucho 510, Trujillo. I–2.

Hirata, T.—Cajamarca 523, Lima. III–2.

Hirata Hnos., K.—Salaverry. I.

Hironaka, I.—Abancay 1099, Lima. I.

Hirose y Omura.—Arequipa. II–3.

Hishikawa, M.—Avenida Merino 2098, Lima. I–4.

Hishikawa, Vicente.—Juliaca. II–3.

Hojata, Juan.—Hoyos y Capón, Lima. III–2.

Holle, Walter.—Lima. I–2.

Holle, Schrader & Co., S. A.—Huallaga (Concepción) 533 (Casilla 1857), Lima. I.

Horiba, Juan K.—Vitarte. III–2.

Horita, R.—Puno. II–3.

Horiuchi, Enrique.—Mercaderes 136, Arequipa. I.

Hotel Comercio.—Trujillo. I–2.

Hotel Europa.—Chiclayo. II–3.

Hotel International.—Trujillo. I–2.

Hubiaki, Pedro R.—Huaura. II–3.

Huchiyama, Asaichi.—San Pedro 50, Chiclayo. II–3.

Huchiyama, Muneichi.—Teatro 722, Chiclayo. II–3.

Huchiyama, Rafael.—Chiclayo. I–3.

Huchiyama, Tekeaki.—San Pedro 50, Chiclayo. II–3.

Huchiyawa, Soichi.—Teatro 722, Chiclayo. I.

Hutmacher, Wilhelm F.—Schell 634, Miraflores, Lima. I–2.

Ichikawa & Co., T.—Divorciadas 605, Lima. III–2.

Ichikawa, Manuel.—Trujillo. I–4.

Ichino, R.—Pasaje Olaya 139, Lima. I.

Ide, Masatoshi.—Teatro 704, Chiclayo. II–3.

Ikeda, Julio.—Lima. I–4.

Ikeda, Pedro.—Libertad 301, Lima. III–2.

Ikeda, Victor.—Arequipa. I–4.

Ikehara, Santos.—7 de Enero 1107, Chiclayo. II–3.

Ikenaga, Víctor.—Jauja. I–4.

Imafuku, Dairoki.—Lima. I.

Importadora, S. A.—Edificio Royal 404 (Casilla 2464), Lima. I.

Inafuko, Manuel.—Huaral. II–3.

Inamine y Hno.—Junín 460, Lima. I–2.

Inayoshi, Alejandro.—Colón 598, Callao. I–4.

Industrial Cauchifera Ltda., S. A., Cía.—Pacasmayo 276, Lima. II–I.

Inouye, Kuichi.—Ancash 556, Lima. I.

Inouye & Co., K.—Ancash 556, Lima. I.

Isayama y Cía., S.—Supe. I–3.

Isenbeck, Hans.—Avenida Arequipa 385, Miraflores, Lima. I–2.

Ishibashi, Kinzo.—Callao 540, Lima. I–2.

Ishibashi, M.—Callao. I–4.

Ishihara & Co.—Huacho. II–3.

Ishii, Augusto Ch.—Zavala 565, Lima. III–2.

Ishii, T.—Ayacucho 786, Lima. I.

Ishii Hnos. y Cía., Y.—Ayacucho 786, Lima. I.

Ishikawa, Luis T.—Ayacucho. I.

Ishimura, Santos.—Pisco. II–3.

Ishizawa, Julio.—Lima. I–2.

Isuji, Kizabro.—Lima. I–4.

Italia-Societá Anonima di Navigazione.—Lima. I–2.

Iwai Co.—General Garzón 1147, Lima. I.

Iwanaga, Carlos.—Arequipa. II–3.

Iwasaki, S.—Pueblo Supe. II–3.

Jaeger, Wil H.—Lampa 669 (Edificio El Porvenir 231–233), Lima. I–1.

Jardín Tokio.—Miraflores, Lima. I–3.

Jayama, Alberto.—San Vicente de Cañete. I–2.

Jensen, Hans-Juergen.—Lima. I–2.

Jinguji, Keiguen.—Santo Domingo 707, Chiclayo. II–3.

Jiramatsu, T.—Lima. I–4.

Jitsukata, Tsuneyoshi.—Paruro 1053, Lima. I.

Jonda, S.—Andahuasi. I–4.

Jonda y Kasano.—Huacho. II–3.

Joyería Welsch.—Unión 498, Lima. I–1.

Kadena, Chigin.—Colmena 280, Lima. I–2.

Kadena, Chiko.—Colmena 280, Lima. I–2.

Kadena, Chitsu.—Colmena 280, Lima. I–2.

Kadena Hermanos y Cía., C.—Colmena 280, Lima. I.

Kaigai Kogyo Kabushiki Kaisha.—Callao 202, Lima. III–2.

Kajilla, Jorge.—Huacho. III–1.

Kakuda, Sogo.—Oroya. I–2.

Kakutani, S.—Tacna. I–3.

Kamichi Hnos., M.—Lima. I–4.

Kamita.—Ascope. I–2.

Kamiya, K.—Jirón Abancay 964, Lima. I–4.

Kanamori, Eduardo.—Lima. I–4.

Kanamori, S.—Lima. I–4.

Kanashiro, Antonio.—Santa. I–4.

Kanashiro, Eiko.—Teatro 719, Chiclayo. II–3.

Kanashiro, Kotaro.—Santa. I–4.

Kanashiro, S.—Junín 1800, Lima. I–2.

Kaneko, Jimatsu.—Andahuaylas 1110, Lima. III–2.

Kaneko, Kakuaki.—Huallaga 439, Lima. I.

Kanno, Unshiro.—Parque Central, 349, Miraflores, Lima.. I–2.

Kano, Naogiro.—Ascope. I–4.

Kasay, S.—Los Angeles. II–3.

Kasay, Takujei.—Huacho. I–3; III.

Kato.—Cajabamba. I–2.

Kato, Carlos M.—Lima. III–1.

Kato, Chuhei.—Paz Soldán 488, Lima. I.

Kato, K.—Lima. I–4.

Kato Uchida & Co., Ltda., C. M.—Hualgayoc 296, Lima. III–1.

Kato y Cía., S. A.—Avenida Los Incas 599, Lima.—III1.

Katsuki, Yukiji.—Lima. I–4.

Kawahara, Carlos.—Ferreñafe. I–3.

Kawahara, Tamekichi.—Avenida Uruguay 189, Lima. I.

Kawahara Electric Co.—Avenida Uruguay 189, Lima. I.

Kawai y Hno., M.—Avenida Iquitos 1100, Lima. I.

Kawaii, Sogoro.— I.

Kawahama, S.—Pasco 781, Lima. I–2.

Kawamoto B., Asahi.—Cuzco 132, Lima. II–3.

Kawamoto y Cía.—Supe. I–3.

Kawamoto y Cía., S. C., S.—Ucayali 706, Lima. I.

Kawanishi, Antonio.—La Huaca. I–4.

Kawasaki Kisen Kaisha "K" Line.—Lima. I.

Kawata, Luis.—Ica. I–4.

Kaway, Manuel.—Huancayo. II–3.

Kaway Hnos., M.—Avenida Iquitos 1100, Lima. I–4.

Kcomt, Eduardo N.—Lima 153, Chepen. III–4.

Kibune, Y.—Mercaderes 123, Arequipa. I.

Kichikawa, Katuji.—Teatro 613, Chiclayo. II–3.

Kichikawa, Takeo.—Sáenz Peña 233, Chiclayo. II–3.

Kigoshi, Alfredo.—Nepeña, Chimbote. I–4.

Kihara, Tomás.—Conquistadores 317, San Isidro, Lima. I–2.

Kikawa, Jorge.—Teatro 613, Chiclayo. I.

Kikigawa, D.—Juliaca. I–4.

Kikue de Eto.—Piura. I–3; I–4.

Kimata, G.—Cuzco 679, Lima. I.

Kimura, Sine.—San Pedro 95, Chiclayo. I.

Kishi, Hagime.—Lima. I–2.

Kishimoto, Kenjun. Pachitea 388, Lima. III–2.

Kitsuta Hermanos.—Trinitarias 701, Lima. I–2.

Kiyan, José.—Cuzco 159, Callao. I–2.

Kiyohara y Cía., Enrique.—Lima. II–3.

Klinge, Fritz H.—Carabaya 301, Lima. I–2.

Klinge, Kurt.—Lima. I–2.

Klinge y Cía., S. A., Ltda., F.[2]—Carabaya (Bodegones) 301 y Parque Central 341, Miraflores, Lima. I; I–2.

Klingenberger, H. W. — Carabaya (Coca) 409, Lima. I.

Kobayashi, H.—Cañete. II–3.

Kobayashi, M. Yosio.— I.

Koda, Minoru.—Trujillo 805, Lima III–2.

Kodata, I.—Casma. II–3.

Koepff y Cía., Wilhelm H.—Lima. I.

Kohatsu, Nirva.—Pasco 500, Lima. I–2.

Kohler, Hans.—Edificio Italia 302, Lima. I.

Koide, Juan Saburo.—Junín 642, Trujillo. I; III–1.

Koike, Tsuneo.—Edificio Wiese 310, Lima. I.

Koisume.—Cajabamba. I–2.

Koisumi, Tomiji.—Casa Grande, Trujillo. I–4.

Komiya, Gentaro. — Marañón 279, Lima. III–4.

Kondo, K.—Arequipa 736, Lima. III–2.

Konno, J.—Plaza Buenos Aires 873, Lima. I–4.

Konno, Pedro S.—Siete Jeringas 801, Lima. I–4.

Konno, Terakatsu.—Hoyos 899, Lima. III–2.

Koster, Juan J.—Mollendo. II–1.

Krefft, Ernst.—Lampa (Banco del Herrador) 587, Lima. I.

Krefft, Erwin.—Lima. II–3.

Krefft, Richard.—Lima. I–2.

Kricke, Hans.—Unión (La Merced) 628, Lima. I.

Krisch, Albert Karl.—c/o Cía. Aurífera Nazca, Nazca. I–2.

Krumdiek, Oscar.—Hacienda Huacara, San Ramón-Tarma. I–2.

Kudo, José.—Candelaria. II–3.

Kudo, M.—Padre Jerónimo 401, Lima. I–2; II.

Kudo, Rokuichi.—Unión 522, Lima. I.

Kudo & Company, K.—Unión 522, Lima. I.

Kuhn, Paul.—Carabaya 581, Lima; and Lima 554, Miraflores, Lima. II–3.

Kuhn, Fábrica de Salchichas Paul.—Yungar 285, Lima. II–3.

Kuhn, Grifo Paul.—Pista Chosica primera cuadra, No. 228. II–3.

Kunckel, Erwin.—Los Fresnos 237, Orrantia, Lima. I–2.

Kuriaki, Tomás.—Chimbote. II–3.

Kurihara, Sazo.—7 de Enero 627, Chiclayo. II–3.

Kuriwara, K.—Huaral. I–4.

Kuroiwa, Juan.—San Luis de Cañete. I–2.

Kuroki, Jorge. — Chulucanas, Piura. I–4.

Kurotobi, T.—Ucayali 640, Lima. I.

Kurotobi y Cía., T.—Ucayali 640, Lima. I.

Kutsuma, José.—Conquistadores 200, San Isidro. I–4.

La Interamericana.—Casilla 868, Lima. II–3.

"La Mariposa".—Carabaya 312, Lima. II–3.

La Mercantil Ayacucho. — Ayacucho. I–2.

"La Papelera"[3]—Junín (Zárate) 442 (Casilla 337), Lima. I; II; III–2.

La Pluma de Oro.—Huallaga 488, Lima. I.

La Química Bayer S. A.—Avenida Brasil 198, Lima. I.

La Rosa, Luis.—Esquivel. II–3.

"La Victoria", Fábrica de Jebe.—Avenida Iquitos 1100, Lima. II–3.

Labarthe y Durand, Luis A.—Ayacucho (Antonio Miró Quesada) 396, Lima. I.

Lahrius, Otto F.—Lima. I–2.

Lau, Julio.—Gamarra 519, Trujillo. III–1.

Leemhuis, Wert.—Pasaje Ronald, oficina 111, Callao. I; III–1.

Lessel, C.—Piura. I–2.

Lessel, Karl.—Piura and Sullana. I–2.

Lima Nippo.—Lima. I.

Linder, Konrad.—Lima. I–2.

Linder y Hno. S. A., Konrad.—Puno (Bejarano) 250, Lima. I.

Llata, N.—Sullana. I–2.

Longo, Quinto M.—Unión 486, Lima. I–2.

Longo y Cía., S. A.—Colmena 323, Lima. I–2.

Lorenz, Willmar.—Alcanfores 1070, Miraflores, Lima. I–2; II.

Lucioni V. Sucesores, Carlos.—Arequipa. II–3.

Maderera Tulumayo, S. A., Cía.—Tingo María and Lima. III–2.

Maeda, Akira.—Teatro 627, Chiclayo. II–3.

Maeda, J.—Huaral. II–3.

Maeda & Co., G.—Esperanza 269 y La Paz 306, Miraflores, Lima. I–2.

Maisch, Carlos.—Unión 1151, Lima. II–1.

Makimoto, José.—Pisco. I–4.

Makino, Kenzo.—Elías Aguirre 128, Chiclayo. II–3.

Makino, S.—Chicherias 432, Lima. I–4.

Malaspina, Alberto.—Lima. I–2.

Maoki, U.—Balta 119, Chiclayo. I.

Maoki y Cía., U.—Chiclayo. I–3; I–4.

Maruno, Manuel.—Caraz. II–3.

Masagi, Hatta.—Pisco. II–3.

Masaichi Tanaka, Francisco.—Virrey Toledo 152, Lima. III–1.

Masamoto, Eduardo.—Sullana. I–2.

Masuda, S.—Capón 702, Lima. I–2.

Matayoshi, J.—Ica. I–4.

Matayoshi, K.—Constitución 794, Callao. I–4.

Matayoshi, Yoshiyuki.—Teatro, Chiclayo. II–3.

Matsubayashi, S., & F. Ikeda.—Lima. I.

Matsuda, Carlos.—Pueblo Libre, Hacienda Cueva. III–2.

Matsufiji, Julio.—José Gálvez 551, Lima. III–2.

Matsukawa, D.—Huaral. I–3.

Matsukawa, S.—Mercado 419, Callao. I–4.

Matsumoto, M.—Huaral. II–3.

Matsumoto, P. M.—Huacho. II–3.

Matsuoka, N. O.—Huaral. II–3.

Matsuura, H.—Mercado Central, puesto 66, Lima. I–4.

Matsuura, M.—Concepción 513, Lima. I–4.

Matuda, Víctor F.—Jauja. I–4.

Matusita, José. — Ayacucho 913, Lima. I.

Matuy, Sigueso.—7 de Enero 918, Chiclayo. II–3.

Matzumoto, Pedro M.—Huacho. I–4.

Mayshiro, G.—F. Pizarro 471, Lima. I–4.

Meneses Vásquez, L.—Alfonso Ugarte 1426 (Apartado 2433), Lima. III–3.

Menozzi, Víctor.—Junín 329, Lima. I–2.

Mercaderias Peruanas S. A.—Inquisición 527, Lima. I–2.

Mercuriale, A.—Unión 486, Lima. II–1.

Mevius, Fritz.—Buenos Aires 185, Miraflores, Lima; and Jirón Carabaya 569, Lima. I.

Michelsen, Carlos.—Lima. I–2.

Michelsen, Luise.—Lima. I–2.

Michelsen y Cía., S. A.—Lima. I–2.

Miguita, Sando.—Puerto Supe. I–2.

Minagawa, U.—Huancayo. I–4.

Minami, Antonio.—Huacho. I–4.

Minera Cinco Cruces, Soc.—Ica. I–2.

Mirakami, Y.—Chimbote. I–4.

Mishima, T.—San Vicente de Cañete. I–2.

Mishima y Cía., Juan T.—San Vicente de Cañete. I–3; III.

Mishina, Shoichi.—Lima. I–2.

Mishina & Co., S.—Azángaro 1017, Lima. I.

Mitsubishi Shoji Kaisha.—Edificio Wiese 310, Lima. I.

Mitsui Bussan Kaisha.—Lima. I.

Mitsui & Co., Ltd.—Plaza de la Inquisición 569, Lima. I.

Mitsumatsu y Hnos., V.—Cuzco 633, Lima. I–4.

Miura, J.—San Nicolás. I–4.

Miyagosuku, Enroku.—7 de Enero 1107, Chiclayo. II–3.

Miyagui, G.—Miraflores. I–4.

Miyakawa, H.—Zavala 594, Lima. I.

Miyakawa, Sadeshi.—Washington 476, Lima. I–4.

Miyake, Manuel.—Trujillo. I–4.

Miyamoto. — Ascope, near Trujillo. I–2; II.

Miyamoto, Jacinto C.—Paita. I–4.

Miyamoto, Juan.—Pisco. I–4.

Miyano, A. R.—Callao. I–4.

Miyasato, Antonio.—Callao. I–4.

Miyasato, T.—Angamos 1000, Lima. I–4.

Miyasato, Ushi.—Minas 200, Lima. I–4.

Miyasawa, Santiago.—La Oroya. I–3.

Miyashiro, Julio.—Huaral. II–3.

Miyashiro, R. S.—Lima. I–4.

Miyata, Luis G.—Chimbote. I–4.

Miyazawa, T.—La Oroya. I–3.

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[2] Not to be confused with Franko Klinge y Cía., S. A., Puno 268 (Apartado 452), Lima.

[3] Not to be confused with La Papelera Peruana S. A., Huallaga 489, Lima.

Mizuarai, Kumaki.—Balta 62, Chiclayo. II–3.

Mizuta, N.—Lima. I–1.

Mizuta & Co.—Manoa 248, Lima, and all branches in Peru. I–1.

Mochizaki, José.—Ica. II–3.

Mochizu, Tombo.—Washington 402, Lima. I–4.

Mochizuki, Eduardo T.—Washington 402, Lima. I–2.

Mochizuki, F.—Urubamba 494, Lima. I–2.

Moebius, Luis Herbert.—Ica 258, Lima. I–2.

Molina, Máximo.—Chámbara. II–3.

Moll, F. G.—General Orbegoso 291 y Santa Apolonia 316, Lima. I; II.

Momiy, R.—Huacho. I–3.

Momojara y Hno., J.—Huacho. I–4.

Morante, Carlos A.—Judíos 254 y Callao 607–D, Lima. III–4.

Moreno Vélez, Rafael.—Lampa 569, Depto. 229, Lima. I–1.

Morimoto, R.—Carabaya 415 y Arequipa 238, Lima. I.

Morimoto y Cía. S. A., I.—Carabaya 415 y Arequipa 238, Lima. I.

Morisaki, K.—Arequipa. I–2.

Morishigue, M.—Gamarra 621, Trujillo. I–2.

Moromisato, Ansey.—Lima. I–4.

Mosaka, M.—Huacho. I–4.

Moser, Hans Joachim.—Lima. I–2.

Mukakami, I.—Chimbote. I–4.

Munakata, K.—Chincha Alta. I–2.

Murakami, B.—Mercado de la Aurora 307, Lima. I–4.

Murakami, Eduardo.—Pativilca. I–4.

Murakami, Kitchitaro.—Huallaga 230, Lima. I–2.

Murakami Hermanos, S.—Esperanza 323, Miraflores, Lima. I–1.

Murakami & Hno., M. T.—Abancay 910, Lima. I–2.

Muraki, Pedro.—Tarma. I–3.

Muranaka e Hija, Fumi.—Tarma. I–4.

Murata, T.—Lima. I–4.

Murayama, Francisco.—Lima. I–4.

Murayama, R.—Máximo Abril 513, Lima. I.

Murayama, S.—Lima. I–4.

Murono, Gino.—Huallaga 488, Lima. I.

Murono, Monsuke. — Huallaga 488, Lima. I.

Murono y Cía., N.—Huallaga 488, Lima. I; II–5.

Muroy y Hnos., Y.—Ica 135, Lima. I–1.

Muta, Kanji.—Teatro 610, Chiclayo. II–3.

Muta, Mango.—Teatro 610, Chiclayo. I.

Muto, Yoshihisa.—Arequipa. I.

Nabeta, Alberto.—Lima 401, Lima. I–2.

Nabeta, Pedro.—Lima 401, Lima. I–2.

Nabeta, Tomio.—Lima 401, Lima. I–2.

Nacional de Papeles, S. A., Cía.—Junín 442, Lima. II–3.

Nagahama, Seshin.—Pisco. I–4.

Nagahata, José.—Lima. II–3.

Nagahata, T.—Huallaga 677, Camaná 244, Unión 110 y Caquetá 322, Lima. I–2.

Nagai, Chiri.—Lima. I–4.

Nagatami, T.—Huancago. I–3.

Nagatani Hermanos.—Lima. I–1.

Nagatomi, T.—Luzuriaga 532, Lima. I–2.

Nagatsuna, Hideo.—Junín 312 y Montero Rosas 1154–B, Lima. II–4.

Naito, T.—Brasil 2058, Lima. I–2.

Nakaganeko, Shinei.—Teatro 719, Chiclayo. I.

Nakagawa, Masao.—Colón 648, Chiclayo. I–13.

Nakagawa, Yoshiro.—San Pedro 817, Chiclayo. II–3.

Nakagawa y Cía., T.—Callao. I.

Nakahara, S.—Sáenz Peña 542, Callao. I–2.

Nakajima, T.—Avenida Buenaventura Aguirre 399, Lima. I–2; II.

Nakamura, Ch.—Mercado Central, No. 80, Lima. I–2.

Nakamura, H.—Mercado 409, Callao. I–2.

Nakamura, Isuko.—Lima. I–3.

Nakamura, Manuel.—Jauja. I–3.

Nakamura, R.—Lima. I.

Nakamura, S.—Chiclayo. I–4.

Nakaneku, Sinei.—Teatro 719, Chiclayo. II–3.

Nakanichi, M.—Colmena 256, Lima. III–2.

Nakao, H.—Callao. I–4.

Nakasaki, Roberto.—Ferreñafe, Chiclayo. I–4.

Nakashima, K.—Mercado 533, Callao. I–2.

Nakawa.—Colón, Chiclayo. I.

Nakayama, Juan.—Jauja. I–3.

Nakazone, Roberto.—Jirón Trujillo 798, Lima. I–4.

Nakoyoshi, Choki.—José Olaya 181, Chorrillos. I–2.

Nebiolo Torino, Societá. — Camaná (Plumereros) 364, Lima. I.

Negociación Agrícola.—Huaral. I.

Negociación Comercial Chuquitanta, S. A.—Avenida Progreso 965, Lima. I–2.

Nellen, Heinrich.—José Gonzales 665, Miraflores, Lima. I–2.

Neugebauer, Wilhelm.—c/o Emmel Hnos., S. A., Mercaderes 410, Arequipa. I.

Nippon Menka K. K.—Lima. I.

Nippon Yusen Kaisha, "N. Y. K." Line.—Lampa 587, Lima. I.

Nishi, Tadiemon.—20 de Setiembre 101, Lima. III–2.

Nishii & Co.—Pasco 781, Lima. I.

Nishimura, Tomekichi.—Andahuaylas 1057, Lima. III–2.

Nishino, Y.—Barranco. I–4.

Nishiyama, Antonio.—Caraz. II–3.

Nishizawa, Kimiwo.—La Oroya. I–2; III.

Nochi, Takechi.—Pachitea 347, Lima. I–4.

Noeth, Hans.—Ccollacalle, Cuzco. I–2.

Nogumi, K.—Pativilca. I–4.

Nohara, Julio K.—Callao. I–4.

Nonegawa, José.—Supe. I–4.

Nonogawa, Pedro.—Puerto Supe. I–2.

Nonomiya, Genzo.—Lima. I–2.

Nonomiya, Motozo.—San José 306, Lima. I.

Nonomiya Shoten, S. A.—Junín 312, Lima. I.

Norddeutscher Lloyd.—Lima, and all branches in Peru. I–2.

Nose, M.—Pativilca. I–4.

Nottebohm, Claus.—Carabaya (Coca) 478, y Espinar 219, Miraflores, Lima. I.

Nottebohm Hermanos.—Lima. I.

Novata, H. & M.—Huacho. I–4.

Obara, N.—Barranca. I–4.

Oberrauch, Gustavo.—Hotel Bolívar, Lima. I.

Oda, Manuel.—Puno. I–4.

Oda, Yoshii.—Cuzco 724, Lima. I–2.

Ogata, Carlos.—Sandia 277, Lima. II–3.

Ogata, José H.—Jauja. I–4.

Ogata, M. T.—Supe. I–4.

Ogata, T.—Lima. I–4.

Ogata, Zenegaro.—Guadalupe. I–4.

Ogata y Cía., Alberto K.—Sandia 254–278, Lima. II–3.

Ogawa, Kenho.—7 de Enero 500, Chiclayo. II–3.

Ogawa & Co., Jorge.—Parque Russo, Santa Inés, Chiclayo. I; II.

Ogura, Juan C.—Paruro 870, Lima. I.

Ogura Hermanos.—Paruro 883, Lima. II–4.

Ohashi, Taro.—Miraflores, Lima. I–2.

Ohmuro, M.—Cuzco. II–3.

Ojasi, José.—Jauja. I–3.

Okabe, Miguel.—Ica. I–4.

Okada, N.—Huaral. I.

Okada, S.—Paita 204, Lima. I–4.

Okada & Tanimoto.—Sinchi Roca 459, Lima. III–2.

Okamoto, Seijiro.—Carabaya 102–719, Lima. I.

Okashi, Yasuiko.—Huallaga 488, Lima. I.

Okihiro, Víctor M.—Tarma. I–3.

Okinaka, Angel N.—Arequipa. I–3.

Okinaka, Miguel.—Piérola 312, Arequipa. I–2.

Okinaka y Cía., Angel N.—Piérola 312. Arequipa. I.

Okugawa, T.—Cuzco 665, Lima. I.

Okugawa, Y.—Huancayo. I–3.

Okugawa & Company.—Cuzco 665, Lima. I.

Okura & Co.— I.

Okuyama, Julio K.—Urubamba 455, Lima. I.

Olivos, Waldo.—Cuzco 225, Lima. II–1; III.

Ollanta (auxiliary motor vessel owned by Wert Leemhuis).— III–1.

Omori, Carlos K.—Almirante Guisse 840, Lima. I–4.

Omura, Z.—San Nicolás. II–3.

Onaga, M.—Avenida Progreso 857, Lima. I–4.

Onaga Hno., R.—Huallaga 794, Lima. I–4.

Onari, Alberto K.—San Ramón. I–3.

Optica Moderna. — Hoyos 854, Lima. I–3.

Orihashi, Samuel.—Morococha. I–4.

Orihuela, M.—Puno 250, Lima. I–1, II; III–3.

Oshima y Cía., J.—Huaral. I–4.

Oshiro, Eduardo Y.—Mercado 436, Callao. I–2.

Oshiro, M.—Mercado 407, Callao. I–2.

Oshiro, Magosei. — Manco Capac 944, Lima. III–2.

Oshiro, R. S.—Callao. I–4.

Oshita, Saichi.—Huacho. I–3.

Osokawa, A.—Pasco 781, Lima. I–2.

Ostendorff, C. A.—Piura. I–2.

Ostendorff, Walter.—Piura. I–2.

Ostern, Franz Ludwig.—Lima. I–2.

Ostern & Co., S. A.—Lampa (Banco del Herrador) 587, Lima. I.

Ota, Enrique E.—Puno. I–4.

Otani y Cía., T.—Unión 441, Lima. I.

Otten, Ernesto.—Avenida Arequipa 399, Lima. I–2.

Otten y Cía., S. A.—Plaza San Martín 130, Lima. I.

Ouchi, K.—Huallaga 419, Lima. I.

Oyakawa Hnos., Y.—Avenida Alfonso Ugarte 1374, Lima. I–2.

Oyama, F. K.—Chiclayo. I.

Pacific Trading Company.—Lima. I.

Paez, Federico E.—Arequipa 263, Lima. II–3.

Palacios, Gerardo.—c/o La Química Bayer S. A., Lima. I–4.

Panadería "La Higiénica".—Huacho. III–1.

Penzhorn, Adolf.—Carabaya (Coca) 478, Lima. I.

Perazzo & Cañedo.—Ocoña 242, Lima. I–1.

Perú Jiho.—Lima. 1.

Perú Kyoikukai.—Francia 100, Lima. I–2.

Perú Menka Kabushiki Kaisha.—Pasaje Olaya 139, Lima. I.

Peruana de Comercio Intercontinental S. A., Ltda., Cía.—Plaza San Martín 181, Edificio Talleri 308 (Casilla 2137), Lima. I.

Ponce de León, Oscar.—Lima. I–4.

Radio Distribuidora Telefunken Unión, S. A.—Unión 790, Lima. I.

Raschig, Fritz Paul.—Lima. I–2.

Rasuri, Ramón.—Marañón 279, Lima. III–4.

"Retes" Ltda., Sociedad Agrícola.—Edificio Minería 420, Lima. I.

Rhonhof, H. Schultze.—Libertadores 310, San Isidro, Lima. I.

Richter, Adolfo.—Chiclayo. II–3.

Riedner, Tobías.—Banco Alemán Transatlántico, Lima; and Cantuarias 374, Miraflores, Lima. I–2; II.

Rittermann, S. A., Hans G.—Azángaro (Aldabas) 235, Lima. I.

Rivera O., Manuel.—Arequipa. I–2.

Rodríguez, Manuel.—Arequipa. I–2.

Roedenbeck, Ernesto J.—Avenida Arequipa 4160, Lima. I–1.

Roedinger, H.—Ica. I–2.

Roedinger y Cía., S. A., H.—La Mar 272, Ica, and all branches in Peru. I.

Rohde, Walther.—Avenida de los Incas 584, Lima.—III–4.

Rojas Gallo, Alejandro.—Sáenz Peña 185 (Casilla 145), Callao. I.

Rosell de Cárdenas, Wenceslao.—Hotel Bolívar 684 y Carabaya 1005, Lima. I–2.

Rosell y Cía.—Carabaya 1005, Lima. I–2.

Rotmann, Franz.—Carabaya (Filipinas) 587, Lima. I.

Ruiz de Beracoechea, Pablo.—Lima. I–2.

Ruiz de Somocurcio, Torcuato.—Mercaderes 136, Arequipa. I–2.

Ruiz Eldredge, Godofredo.—Avenida Petit Thouars 1033, Lima. II–1.

Rushimito, Pedro.—Chimbote. II–3.

Sachs, William E.—Lima. I–2.

Saiki, F. S.—Mollendo. I.

Saiki, Masao.—Apartado 13, Tacna. I–2.

Saiki Hnos.—Casilla 354, Arequipa; and Mollendo. I–2.

Saisho, S. Avenida Olaya 217, Chorrillos. I–4.

Saito, Isami. I–2.

Saito, Y.—Portal de Botoneros 118, Lima. I.

Sakaguchi, Antonio.—Cuzco 774, Lima. I–2.

Sakaguchi, S.—Pativilca. I–4.

Sakai, Santiago.—Gálvez 323, Callao. I.

Sakamoto, K.—Hoyos 855, Lima. I–2.

Sakanishi, Takiji.—Teatro 608, Chiclayo. I.

Sakata, F. K.—Azángaro 1017, Avenida Uruguay 135 y Abancay 1051, Lima. I; I–2.

Sakata, Faustino T.—Sáenz Peña 327, Callao. I.

Sakata, S.—Lima. I–2.

Sakay, Toshiichiro.—Cuzco 787, Lima. I–2.

Salazar, Juan Andrés.—Casilla 67, Lima. I–1.

Salinas, Augusto.—Piérola 415, Arequipa. II–1.

Salón Tokio.—Camarra 508, Trujillo. II–3.

Sampei, U.—Huacho. I–4.

Sano, Misao.—Morona 381, Lima. III–1.

Sano, Takeo.—A Marquez 1756, Lima. III–1.

Sano Hermanos.—La Merced 620, Iima. III–1.

Sasaki, E.—Gamarra 625, Trujillo. I–2.

Sasaki, Pablo T.—Esperanza 150, Miraflores. III–2.

Sasaki, S.—Huancavelica 141, Lima. I–1.

Sato, A. D.—Teatro 611, Chiclayo. I.

Sato, Ch.—Barranca. I–2.

Sato, K.—Petit Thouars 2111, Lima. III–2.

Sato, Naokichi.—Siete Jeringas 870, Lima. I–4.

Sato, T.—Angamos 1514, Lima. I.

Sato, T.—Luna Pizarro 320, Lima. III–2.

Sato, Y.—Cuzco 773, Lima. III–2.

Sato & Co., José H.—Junín 273, Lima.—I.

Sato & Company, Roberto M.—Urubamba 590, Lima. I.

Sauter, Werner.—Junín 442, Lima; and Larco 768, Miraflores, Lima. I–2.

Sauter & Lahrius.—Junín (Zárate) 442 (Casilla 337), Lima. I; II.

Sawao, Y.—Samanco, Chimbote, and all branches in Peru. I; II; II–3.

Saxonia Import Co., S. A.—Ica (San Agustín) 258 (Casilla 161), Lima. I.

Schaller, August.—Lima. I–2.

Schriever, Hans.—Lima. I–2.

Schriever, Paul.—Lima. I–2.

Schroder, Willy.—Ica. I–2.

Schroeder, C. M.—Avenida Unión 214, Lima. I–2.

Schultze-Rhonhof, H.—Libertadores 310, San Isidro, Lima. I.

Seeger, Albrecht.—San Martín 583, Miraflores, Lima. I–2.

Seo y Cía., M.—Nazarenas 598, Lima. I–3.

Shibata, T.—Esquivel. II–3.

Shibayama, Yuzo.—Puno 623, Lima. I.

Shiga, Y.—Jauja. I–4.

Shigueta, M.—Pativilca. I–4.

Shigyo, E.—Abancay 1091, Lima. II–3.

Shijara, Masaki.—Amazonas 299, Lima. III–2.

Shijo, Miguel.—Jauja. I–4.

Shikima, S.—Jirón Sucre 299, Callao. I–4.

Shima, M.—Virú. I–2.

Shima Hnos.—Virú, Trujillo. I.

Shimabuko, Julio.—Huaral. II–3.

Shimabuku, K.—Mercado 242, Callao. I–4.

Shimbo, Adoriano.—Casapalca. I–4.

Shimiya, Y.—Cuzco 630, Lima. III–2.

Shimizu, M. Y.—Arequipa. I.

Shimizu, N.—Lima. I–1.

Shimizu, S.—Lima. I–1.

Shimizu, T.—Lima. I–1.

Shimooda, Carolina C. viuda de.—Chimbote. I–4.

Shimooka y Cía., Harso.—Trujillo 439, Lima. I–4.

Shimura & Co., T.—Callao 214, Lima. I.

Shingaki, T.—Huaral. I–4.

Shinkawa, Yashiro.—Abancay 1191, Lima. I.

Shinkawa, Agencias Llantas.—Abancay 1191, Lima. I–2.

Shinke, S.—Huaral. I–4.

Shinke, T.—Ucayali 706, Lima. I–2.

Shintani, K.—Puno 650, Lima. I–1.

Shinya, K.—San Luis de Cañete. I–4.

Shinzato, Roberto C.—Avenida Sáenz Peña 532, Callao. I–2.

Shinzato, S.—Mercado 435, Callao. I–4.

Showa Tsusho Kaisha.— I.

Shumabuko, K.—Callao. I–4.

Sindicato Explotador de Sayapullo.—Departamento de Cajamarca. I–1.

Singelmann, Martin S.—Mollendo. I–2.

Singelmann y Cía.—Arequipa 17–19 (Casilla 46), Mollendo. I.

Sironoshita, K.—San Nicolás. II–3.

Sivata, H.—Trujillo. I–4.

Snotomi y Cía., K.—Lima. I.

Soken, C.—Callao. I–4.

Soken, M.—Mercado 467, Callao. I–2.

Southern Cotton Company, S. A.—Ayacucho 309, Lima. I.

Spickernagel, Willy (Dr.).—Colmena 550, Lima; and Avenida 28 de Julio 639, Miraflores, Lima. I–2.

Sprinenmoller, Fritz A.—Avenida Goyeneche 312, Arequipa. I–2.

Stammer, Alfredo.—Junín 331, Lima; and Manco Capac 648 y Trípoli 345, Miraflores, Lima. I–2.

Standke, Guillermo.—Lampa 337, Lima. I–2.

Steindl, Armin.—Cuzco. I–2.

Strassberger, Emil.—Iquitos. I–2.

Strassberger & Co., E.—Malecón Tarapacá, Iquitos. I.

Stromsdorfer, Georg.—Casilla 665, Lima. III–1.

Sturmann, H. Jirón Callao 326 y Juan Fanning 561, Miraflores, Lima. II–3.

Suárez Sauri, F.—Callao 327, Lima. I–1.

Suchiro, José.—Lima. I–4.

Suenaga, José H.—Canta 735, La Victoria, Lima. II–3.

Suetomi, K. T.—Lima. I–2.

Suetomi y Cía., K. T.—Camaná 224, Lima. I.

Sueyoshi, K. M.—Avenida Grau 388, Barranco, Lima. I–2.

Sugano, Y.—Huacho. I–4.

Suguimoto, Ch.—Mercado 416, Callao. I–2.

Suguiyama y Cía., Siguero.—Pachitea 345, Lima. I–4.

Sunohara, K.—La Orova. I–3.

Susuki, S.—Abancay 1062, Lima. I.

Susuki & Co., Y.—Virreyna 415, Lima. III–2.

Susuki y Cía., I.—Abancay 1062, Lima. I–4.

Suva, Jorge K.—28 de Julio 499, Huacho. I; III.

Suzuki, Y. F.—Manco Capac 155, Lima. I–3.

Suzuki Hermanos.—Huancayo. I.

Tabata, S.—Ayacucho 786, Lima. I.

"Taibo", Sociedad Anónima.—Edificio Royal 210, Lima. I.

Taisho & Company.—Pasco 321, Lima. I.

Tajara, Antonio.—Pisco. I–4.

Takahashi, H.—La Oroya. I–3.

Takahashi, K.—La Oroya. I–3.

Takahashi, S.—Lima. I; III.

Takahashi, Tuzin.—San Pedro 160, Chiclayo. II–3.

Takahashi y Hnos., Ricardo.—Abancay 554, Lima. I.

Takajara, J.—Arequipa. I–4.

Takano, K.—Lima. I–4.

Takano, Manuel.—Mendocita 139, Lima. III–1.

Takano y Hnos., Augusto H.—Jirón Abancay 902, Lima. I–2.

Takata, Víctor.—Cuzco 777, Lima. I–4.

Takayanagui, J.—Lima. 1–4.

Takei, Shizuko.—Cuzco 724, Lima. I.

Takei, Turaken.—Cuzco 724, Lima. I–2.

Takeshi, Gasaku.—Cotabambas 299, Lima. III–2.

Takizawa, Sadao.—La Oroya. I–4; III.

Takuma, Masaki.—Ucayali 699, Lima. I.

Tamashiro, Kohe.—Santa Ana 901, Lima. III–2.

Tamura y Cía., S.—San Camilo 227, Arequipa. I.

Tanabe, Regi.—Pacasmayo. I–4.

Tanabe, Reikichi.—Unión 522, Lima. I–2.

Tanaka, Carlos.—Chepen, Pacasmayo I–4.

Tanaka, F.—Lima. I–4.

Tanaka, Guillermo.—Canta 1195, Lima. I.

Tanaka, Koko.—Lima. I–3.

Tanaka, R.—7 de Enero 1001, Chiclayo. I.

Tanaka, S.—Paruro 372, Lima. I–2.

Tanaka, Shigetaro.—General Garzón 1147, Lima. I–2.

Tanaka, Yoshida.—Puno. I–4.

Tanaka y Cía., K.—Huacho. I–3.

Taniguchi, Keido.—Casma. I–3.

Taniguchi, Nabuo.— I.

Taniguchi, Tadao.—Lima. I.

Taniguchi Tanino y Cía.—Judíos 276, Lima. III–2.

Taniguchi y Cía., T.—Huallaga 230, Lima. I.

Tanji, Luis.—Huacho. II–3.

Tanoue, José.—Ica. II–3.

Tao, Julio.—Ancash 781, Lima; and Pizarro 706, Trujillo. I; I–2.

Tao, Segundo.—Cascas. I–2.

Tatejita, Ituji.—7 de Enero 918, Chiclayo. II–3.

Tchiki, Yoshitaro.—Casa Dall'Orso, Chiclayo. II–3.

Tealdo, H. L.—Unión 1151, Lima. II–1.

Técnica Ibero-Americana S A., Cía.—Ayacucho (Antonio Miró Quesada) 396, Lima. I.

Telefunken Unión S. A., Radio Distribuidora.—Unión (Baquijano) 790, Lima. I.

Teruya, S.—Lima. I–4.

Teuber, Heinrich.—Lima. I–2.

Thomsen, Fritz.—Unión (La Merced) 636, Lima. I.

Tidow, Juan.—Malecón Reserva 121, Miraflores, Lima. I.

Tidow y Cía., S. A., Ltda., Juan.—Cajamarca (Arco) 664 y Camaná (Plumereros) 341, Lima, and all branches in Peru. I.

Tiendas Americanas.—Unión (La Merced) 628, Lima. I.

Tochiu, Octavio.—Arequípa. I–3.

Todohuara, José.—Lima. I.

Toghashi, Goro.—Pativilca. I–4.

Toguita, H.—Ancash 510, Lima. I.

Tokutake & Kawakami.—San Vicente de Cañete. I.

Tomijama, S. A.—Huacho. II–3.

Tomiji, Nishio.—Lima. I–2.

Tominaga, Roberto.—Huacho. II–3.

Tomioka, Antonio.—La Oroya. I–4.

Tomita y Cía., I.—Guadalupe 1027, Lima. II–3.

Toriu, Turukichi.—Colegio Japonés, Chiclayo. II–3.

Tosa, Alberto.—Hacienda Vilcahuaura, Huacho. I.

Toum, Hans.—Pasaje Olaya 104, Lima. I–2.

Toyomura, Tomokichi.—Balta 157, Chiclayo. II–3.

"Transocean".—Lima. I.

Tschischke, Federico.—Mercaderes 121, Arequipa. I–2.

Tsuboyama, Carlo Y.—Arequipa 695–699 y 501–505, Lima. I–4.

Tsuchida, Yoshitaro.—Paruro 1101, Lima. I.

Tsuchikame, J. T.—Hoyos 848, Lima. I–4.

Tsuchiya Hnos.—Unión 10, Lima. I–4.

Tsuchiya Hnos., S.—Cuzco 400, Lima. I.

Tsukayama, T.—Huaral. I–4.

Tsushio & Co.—Pasco 321, Lima. I.

Tsuyama, K.—Plateros de San Agustín 187, Lima. I–3.

Tudela, Rosa.—Arequipa. II–3.

Uchida, K.—Lima. I–3.

Uchimi, S.—Doña Elvira 1100, "La Confianza", Lima. I–4.

Uchiyama, H.—San Pedro, 50, Chiclayo. I.

Uchiyama, Juan.—Huancayo. II–3.

Uchiyama, Rafael.—Chiclayo. I–4.

Uda, M.—Aumente 425, Lima. III–2.

Ueda, A. K.—Jauja. I–4.

Ueda, Ysabro.—7 de Enero 1119, Chiclayo. II–3.

Uesu, Ysuhiro.—Avenida Grau 99, Barranco. I–4.

Uesugi, A.—Huallaga 307, Lima. I.

Ugamoto, K.—Concepción 535, Lima. I–2.

Ujike, S.—Abancay 700, Lima. I–4.

Umetzu, Miguel Z.—Avenida Manco Capac 598, Lima. I–4.

Unión Comercial Peruana-Alemana S. A.—Pasaje Olaya 104, Lima. I.

Uruma, Yasuji.—Huanta 541, Lima. I.

Usauro, Maoki.—7 de Enero 918, Chiclayo. I.

Ushida, Jorge.—Teatro 627 y 701, Chiclayo. I.

Ushida & Company, Jorge.—Chiclayo. I.

Utsunomiya, Augusto A.— I–2.

Uyehara, Eizo.—Teatro 618, Chiclayo. I.

Vargas, Ambrosio.—Arequipa. I–2.

Vásquez, Virgilio.—Lima. I.

Verein Germania.—Ucayali 224, Lima; Bolívar 488, Miraflores, Lima; and all branches in Peru. I–2.

Vetter, Arthur.—Camaná (General La Fuente) 574, Lima. I.

Vier, Erich.—Ayacucho 410, Lima. I–2.

Vier y Galván S. A. Ltda.—Ayacucho (Botica de San Pedro) 410, Lima. I.

Vinícula Primor S. A., Cía.—Jirón Sinchi Roca 1625, Lima. II–3.

Vogler & Rieckhof.—Iquitos. II–1.

Voisin, Max.—Cailloma 840, Lima. III–3.

Von Berswordt, Udo.—Lima. III–4.

Von Breymann, Eduardo.—Atahualpa 448, Miraflores, Lima. I–2.

Von Buch, Hans Chr.—Edificio Wiese 428 (Apartado 715), Lima. I.

Von Massenbach, G. W.—San Agustín 301, Surquillo, Lima. I–2.

Von Oldershausen, Eberhard.—José Gonzales 675, Miraflores, Lima. I–2.

Von Siemens, Walther.— I–2.

Von Steinitz, Kurt.—Lima. I.

Wada, Francisco.—Arequipa. I–3.

Wakamatzu, Ichisi.—La Viña, Chiclayo. I–4.

Wakao, S.—Avenida Manco Capac 317, Lima. I–2.

Walther, René Marcel.—Cailloma 840, Lima. III–3.

Watanabe, Chesabure.—Sayán. I–3.

Watanabe, E.—Cascas. I–2.

Watanabe, José M.—El Alto. I–4.

Watanabe, Ricardo.—La Huaca, Piura. I–4.

Watanabe, Roberto.—Callao. I.

Watanabe & Co., K.—Esperanza 156, Lima. III–2.

Watanabe y Cía., Kenzo.—San Vicente de Cañete. I–2.

Watano, Y.—Lima. I.

Wehner, Ernst.—La Mar 170, Miraflores, Lima. I.

Weisaki, Alfredó.—Ferreñafe, Chiclayo. I–4.

Weiss, Karl.—Chiclayo. II–3.

Wenner-Gren, Axel.— I.

Wenzel, F.—Sáenz Peña 550, Balneario La Perla, Callao. I.

Westermann, Karl Richard (Dr.).—Jorge Chávez 699, Miraflores, Lima; and Ayacucho 113, Depto. 214, Lima. I–2.

Woyke, Carlos.—Chiclayo. I–2.

Woyke y Cía., Sociedad Anónima Comercial e Industrial.—Elías Aguirre 102, Chiclayo. I.

Wuest, Willy.—Lima. I–2.

Wust, Hermann.—Lima. I–2.

Yabiku, M.—Junín 582 y Pasco 568, Lima. I–2.

Yabuki, T.—Casilla 316, Trujillo. I.

Yagihashi, Carlos U.—Huaral. I–4.

Yagihashi & Okada.—Plaza de Armas 117, Huaral. I–2.

Yagui Masanori.—Nazca 252, Lima. III–2.

Yagui, S.—Independencia 485, Lima. III–2.

Yagui, Seizon.—Huacho. I–4.

Yakabi, S.—Huacho. II–3.

Yaki, M.—Zárate 489, Lima. I–2.

Yamada, Hisbaski.—Avenida Manco Capac 251, Lima. II–3.

Yamada, Koso.—7 de Enero 1601, Chiclayo. II–3.

Yamada, N.—Supe. I–2.

Yamaguchi, Sinkichi.—7 de Enero 1107, Chiclayo. II–3.

Yamakawa, S.—Huanta 1232, Lima. III–2.

Yamakawa Hermanos.—Moquegua 811, Lima. I–2.

Yamamoto, Jitsuo.—Huallaga 278, Lima. I.

Yamamoto, Juan.—Elías Aguirre 238, Chiclayo. I.

Yamamoto, Juan.—Pisco. I–4.

Yamamoto, Kaichi.—Abancay 1062, Lima. I.

Yamamoto, T.—Lima. I–4.

Yamamoto & Susuki.—Abancay 1062, Lima. I.

Yamanaka, S.—Ayacucho 867, Lima. I.

Yamanaka y Cía., Y.—Ayacucho 867, Lima. I–4.

Yamasaki Hnos, T. F.—Avenida Manco Capac 141, Lima. I–2.

Yamashiro, Hanjiu.—Zárate 460, Lima. III–2.

Yamashiro, Kotoku.—Balta 310, Chiclayo. II–3.

Yamazato Hnos.—Avenida Arica 330, Lima. I–4.

Yanagui, Carlos.—Chiclayo. I–4.

Yanakowa, M.—Zamudio 661, Lima. III–2.

Yanay, Y.—Chimbote. I–4.

Yáñez, Víctor.—Caridad 670, Lima. II–1.

Yano, S.—Mercado 6, Barranco. I–4.

Yasaki, Jorge.— I–2.

Yashiro, Daniel.—Chongoyape, Chiclayo. I–4.

Yasuda, Y.—Trujillo. I–4.

Yata, Francisco K.—Sullana. I–4.

Ychikawa, Y. S.—Huallaga 677, Camaná 244, Unión 110, y Caquetá 322, Lima. I.

Ychikawa & Company, K.—Lima 401, Lima. I.

Ychikawa & Co., S. A., Y. S.—Huallaga 677, Camaná 244, Unión 110, y Caquetá 322, Lima. I.

Ydogawa, Yesada.—San Pedro 108, Chiclayo. II–3.

Yogui Hno., Jitsusei.—Lima. I–4.

Yokota, Francisco S.—Lima. I–4.

Yonamine, H.—Mercado 420, Callao. I–2.

Yonamine, S.—Mercado 406, Callao. I–2.

Yonekure, Antonio R.—Imperial de Cañete. I–2.

Yoneyama, K.—Jirón Azángaro 974, Lima. I–4.

Yoshida, Ishitaro.—Elías Aguirre 128–130, Chiclayo. I–2.

Yoshida, Juan.—San Vicente de Cañete. I–2.

Yoshida, Kakuo.—Elías Aguirre 128–130, Chiclayo. I–2.

Yoshida, Tatuki.—Teatro 627, Chiclayo. II–3.

Yoshida, Yojio.—Elías Aguirre 128–130, Chiclayo. I–2; II–3.

Yoshida, Ota & Co.—Jirón Trujillo 401 y 405, Lima. I–2.

Yoshida, Tanaka y Cía.—Puno. I–4.

Yoshida y Cía., Y. S.—Elías Aguirre 128–130, Chiclayo. I.

Yoshika, Rikimatu.—Sullana. I–2.

Yoshika, Uichi.—Teatro 627, Chiclayo. II–3.

Yoshimoto, Francisco.—Tarma. I–4.

Yoshimoto, Hiroshi.—Pulpitos 944, Lima. II–3.

Yoshimoto, Pedro.—Huiracocha 1824, Lima. III–2.

Yoshimura, Masatazzi.—Teatro 704, Chiclayo. I.

Yoshinaga, E.—Lima. I–4.

Yoshio, Gondo.—Cañete. I–4.

Yoshioka, Tamakio.—Ayacucho 844, Lima. I–2.

Yoshioka & Co., Y. & T.—Ayacucho 844, Lima. I.

Yrey, T.—Arzobispo 205, Lima. I–4.

Ysayama, S.—San Nicolás. I–2.

Ysono, Tamatu.—Manuel María Izaga 249, Chiclayo. I; III.

Ysuchida, Y.—Lima. I–2.

Yumoto, Tojiro (Sadajiro).—Lima. I–2.

Yusa, D.—Mercado Central 81, Lima. I–4.

Yusa, S.—Ancash 739, Lima. I.

Ywanami, Maryama.—Surquillo, San Diego 124, Lima. III–2.

Ywasaki, S.—Supe. I–4.

Zacharias, Helmuth.—Chiclayo. II–3.

Zettel, José.—Lima 475, Miraflores, Lima. I–2; III–3.

Ziener, Eric.— I.

Zuiko, Santiago.—Huacho. I–3.

Zuiko, Teodoro.—Vilcahuaura. II–3.

Zukeran, Manuel.—Andahuasi. II–3.

Zuzuki, H.—Ayacucho 539, Trujillo. I–2.

Zuzuki, Matute.—Motupe, Chiclayo. I–4.

URUGUAY

Aceros "Styria", S. de R. L.—Piedras 579, Montevideo. I.

Agencia Merck.—Canelones 1325, Montevideo. I.

Ahlig, Curt.—E. Valdenegro 4105 (Casilla 545), Montevideo. I; II.

Albacete, Juan.—Paraguay 1263, Montevideo. I–1.

Albers, Dirk.—Avenida Brasil 3105, piso 7, Apt. 31, Montevideo. II–2.

"Albingia" S. A.—Sarandí 444, Montevideo. I.

Albingia Versicherungs A. G.—Sarandí 444, Montevideo. I.

Alonso Freire, Rafael.—25 de Agosto 376, Montevideo. I; I–3.

Amari, Itaro.—25 de Mayo 470, Montevideo. I.

Antola, Fortunato.—Balta Ojeda 3843, Montevideo. III–3.

Andrés, Tomás Arribas.—Larravide 2414, Montevideo. I–2.

Anilinas Alemanas S. A.—Florida 1450, Montevideo. I.

Arquati, Juan A.—Arenal Grande 1641, Montevideo. I–1.

Arribas Andrés, Tomás.—Larravide 2414, Montevideo. I–2.

Asiya, Koichi.—Montevideo. I; I–3.

Avenatti, Constante.—Faustino Carámbula 1186, Rivera. I–4.

Avenatti, Vittorio.—Rivera. II–4.

Balverde, José.—Río Branco 1575, Montevideo. I–1.

Banco Alemán Transatlántico.—Zabala 1463, Montevideo. I; II.

Banque Française et Italiènne pour l'Amérique du Sud S. A.—25 de Mayo 471, Montevideo. I; II.

Barth y Cía. Sucrs., Eugenio.—25 de Mayo 731–7, Montevideo. I.

Bayer, La Química.—Uruguay 1016, Montevideo. I; II.

Bayer y Cía.—Piedras 437 y Venezuela 1211, Montevideo. I; II.

Bazar "La Sensación".—Andes 1256, Montevideo. I–3; II–1.

Bergengruen, Paul Rudolf.—21 de Setiembre 3077, Montevideo. II–4.

Berger, Enrique.—Cerro Largo 800 y Vilardebó 1243, Montevideo. III–3.

Berger, Francisco (Franz).—Camino Tokinson 2459, Montevideo. I–4.

Berger y Cía., S. de R. L., Curt.—Cerrito 677, Montevideo. I.

Bernitt, R.—Misiones 1472 y Laguna Merín 12, Montevideo. I–1.

Bernitt y Cía.—Misiones 1472, Montevideo. I.

Bianchi, Erminia Locotelli de.—Carmelo 1424, Montevideo. III–2.

Bonamico, Cándido.—Mercedes. I–4.

Bongoll, Guillermo.—Bequeló 2332, Montevideo. II–4.

Bonino & Kahl.—Montevideo. I; II.

Brehmer y Cía.—Misiones 1434, Montevideo. I.

Buch y Basso.—Paysandú 935, Montevideo. I; III–1.

Buch y Cía.—Mercedes 967, Montevideo. I.

Buchard, Rodolfo.—Juan Carlos Gómez 1267, Montevideo. I–1; II.

Bucksath, Carlos.—Palacio Salvo, piso 7, Montevideo. I; II.

Bujard, Rodolfo.—Juan Carlos Gómez 1267, Montevideo. I–1; II.

Butor Ltda.—Camino Propios 2857, Montevideo. I.

Butron, Sergio.—Camino Maldonado 5278, Montevideo. I–2.

CX 22 Radio Universal.—Soriano 1217, Montevideo. III–3.

Cafaro, José.—Cerro Largo 1001, Montevideo. I.

Cámara de Comercio Alemana.—25 de Mayo 470, Montevideo. I.

Cámara de Comercio Italiana.—Rincón 454, Montevideo. I.

Cambre, E. G.—Colombia 1308 (Casilla 281), Montevideo. I; II.

Cánepa y Cía., A.—Avenida Millán 2370, Montevideo. I–4.

Cappellin, Domingo.—Juan Carlos Gómez 1483, Montevideo. III–3.

Carbone Battaini de Horler, A.—Laguna Merín 4347, Montevideo. I–2; II–1.

Carnevali, Natalio.—Montevideo. I.

Carrocería Feuerstein,—Cerro Largo 791, Montevideo. II–2.

Casa Skoda.—25 de Mayo 477, Montevideo. I.

Casa Suiza.—25 de Mayo 635–639, Montevideo. I.

Casaretto, Sucesores de Luis.—Galicia 1084, Montevideo. I–3.

Cayani, Hugo Paoletti.—Palacio Salvo, piso 5, Montevideo. I; II.

Cine Teatro de Verano.—Mercedes. I–4.

Clarfeld y Cía., Ltda., Federico.—Juncal 1461, Montevideo. I.

Club Alemán.—Buenos Aires 488, Montevideo. I–3.

Cogorno, Gerónimo.—Bartolomé Mitre 1339, Montevideo. I–3.

Cogorno Hermanos.—Bartolomé Mitre 1339, Montevideo. I–3.

Cominotti, Pietro.—Carmelo. II–4.

Cóndor, Ltda., Sindicato.—All branches in Uruguay. I.

Confitería Oro del Rhin.—Colonia esquina Convención y 21 de Setiembre 2847 (Pocitos), Montevideo. I; II; II–3.

Crawford Montés, Leslie.—Miñones 460, Montevideo. I–2.

Dalldorf, Ernesto.—Paysandú 958, Montevideo. I.

Delfino y Espinosa, Eduardo.—25 de Mayo 477 y Durazno 1818, Montevideo. I–1; III–1.

Dellepiane, Guido A.—Dr. Luis P. Lenguas 1551, Montevideo. III–1.

Dellepiane, Luis.—Tala 2258 (bis), Montevideo. III–1.

De los Santos, Luis M.—P. Vázquez y Vega 1095, Montevideo. I–2.

De Loy Mones, Ltda., F.—Rincón 733, Montevideo. I–3.

De Santis, Doménico.—Paysandú. II–4.

Deutsche Lufthansa A. G.—All branches in Uruguay. I.

Diez Abella, Wellington.[1]—Yí 1227 y Segundo Vázquez 1134, Montevideo. I; II–4.

Dürnhofer, O. M.—Zabala 1463 y L. B. Cavia 2873, Montevideo. I–1.

Dyckerhoff y Widemann S. A.—Paysandú 935, Montevideo. I; II.

Echague, Julio.—Camino Santos 4232, Montevideo. I–1.

Ehemann, Willy W.—Mateo Vidal 3242, Montevideo. III–1.

El Paraíso de los Niños.—Sarandí 620, Montevideo. I–3.

El Riverista.—Faustino Carámbula 1186, Rivera. I–4.

Empresa Nacional de Radiofusión, Soc. Ltda.—Ibicuy 1285, Montevideo. II–3.

Endler, Walter.—25 de Mayo 477 (Casilla 347), Montevideo. I.

English Transcontinental Co.[2]—Cerrito 558, Montevideo, and all branches in Uruguay. III–3.

Establecimientos Skoda S. A.—25 de Mayo 477, Montevideo. I.

Eymer, Carlos.—25 de Mayo 477, Montevideo. I.

Farmacia "Del Inca".—Yí 1214, Montevideo. III–1.

Fernández Fraga, Germán.—Avenida Lezica 6007, Montevideo. I–3; II.

Fernández, Nicolás.—Larrañaga 4517, Montevideo. I.

Ferrer Llull, Franciso.—Ellauri 1061, Montevideo. I–3.

Fils, Armin.—Camino Castro 595, Montevideo. III–2.

Finsterwald, Carlos.—25 de Mayo 635–639, Montevideo. I.

Finsterwald & Schaich.—25 de Mayo 635–639, Montevideo. II–2.

Fontana y Cía.—Cerrito 372, Montevideo. III–3.

Forker, Werner.—Montevideo. I–4; II.

Franke, Oscar.—Carlos María Maggiolo 456, Montevideo. II–5.

Frick, Carlos.—Durazno. II–4.

Frick-Davie, Carlos (Dr.).—Plaza Libertad 1356, Montevideo. II–4.

Fuhrmann, Sociedad Anónima Financiera y Comercial.—Paraguay 2434, Montevideo. I; I–4; II.

Gabriel, Eugenio.—Uruguay 910, Montevideo. III–1.

Garagorry, Fernando.—25 de Mayo 417, Montevideo. I.

"GEOPE" Compañia General de Obras Públicas S. A.—Palacio Salvo, piso 9, Montevideo. I.

Giacummo, Federico.—República Dominicana 2935, Montevideo. I; II.

Giffoni, Blás (Biagie).—Uruguay 820, Montevideo. I–4.

Gil, Luis G.—Avenida Sarandí 873, Rivera. I–4.

Goldstein, Willy.—Montevideo. III–1.

Göller, Alfredo.—Cerrito 740, Montevideo. I–2.

Gorlero Hermanos.—Migulete 1700, Montevideo. I.

Grimm, Oscar.—Paraguay 2434, Montevideo. I–3.

Gsaller, José.—Tuyuti 2797, Montevideo. III–1.

Guthmann, Arturo R.—Montevideo. I; II.

Harispuru, Juan José.—Obligado 1207, Montevideo. III–3.

Harispuru Hermanos.—Paraguay 1337, Montevideo. III–3.

Heinze, Carlos.—Juan Carlos Gómez 1388 (Casilla 596), Montevideo. I.

Himoto, Yozaku.—25 de Agosto 532, Montevideo. I.

Hoffmeister y Bremer.—Juan Paullier 2368, Montevideo. I.

Hollweck, Federico.—Asamblea 4598, Montevideo. III–1.

Horler, Rodolfo.—Montevideo. I; II.

Hotel Maas.—18 de Julio 937, Montevideo. I–1.

Hotel Neptuno.—Grito de Gloria 1380, Montevideo. III–4.

Hotel Planeta.—Atlántida, Departamento de Canelones. III–3.

Hüners, Wilhelm.—Montevideo. I–2; II.

I. L. S. A., Importazione Lane S. A.—25 de Mayo 555, Montevideo. I.

Iida y Cía. Ltda., Takashimaya.—Montevideo. I.

Importazione Lane S. A.—25 de Mayo 555, Montevideo. I.

Imprenta Germano-Uruguaya.—Cerrito 740, Montevideo. I.

Imprenta Teutonia.—Bartolomé Mitre 1413, Montevideo. I–2.

Ishiy, Carlos C.—Montevideo. I.

"Italcable".—25 de Mayo 400 y Zabala 1441, Montevideo. I.

Italiana Importazione Lane (Biella), S. A.—Avenida General Rondeau 2024, Montevideo. I.

Italiana Lanera (Lane) S. A., Cía.—Avenida General Rondeau 2298, Montevideo. I.

"Italmar" S. A.—Juan Carlos Gómez 1306, Montevideo. I.

Ito, Saburo.—25 de Mayo 555, Montevideo. I.

Jaeger, Martín.—25 de Mayo 456, Montevideo. I.

Jones, C. A.—Sarandí 444, Montevideo. I.

"KABO" Katwinkel & Bocksberger.—Juncal 1375, Colonia 883, Montevideo. I–3.

Kahl, Henry.—Ituzaingó 1467, sala 32, Montevideo. I–1.

Katwinkel & Bocksberger.—Juncal 1375, Colonia 883, Montevideo. I–3.

Klimesch, Erico.—Miguel Barreiro 3323 (Casilla 583), Montevideo. I–1; II.

Klimesch, Guillermo.—Colonia 1268 (Casilla 470), Montevideo. I–1.

Koch, Juan.—Avenida General Rondeau 2126 (Casilla 35), Montevideo. I–1.

Kohler, Máximo J.—Carlos Berg 2606, Montevideo. I; II.

Krawehl, Guillermo.—25 de Mayo 477, Montevideo. I–2.

Kubota, Shigeto.—Juan Carlos Gómez 1537, Montevideo. I.

"La Germano-Argentina" Compañía de Seguros.—Mercedes 959, Montevideo. I.

La Hora Oficial.—Convención 1309, Montevideo. III–3.

"La Internacional" Compañía de Seguros.—Juan Carlos Gómez 1518, Montevideo. I.

"La Mannheim" Compañía de Seguros.—Juan Carlos Gómez 1518, Montevideo. I.

La Química Bayer.—Uruguay 1016, Montevideo. I; II.

Lahusen y Cía. Ltda.—Galicia 927, Montevideo. I.

Lamenza, Emilio.—San José. II–4.

Larsen, Herbert.—25 de Mayo 731–7 y Pedro F. Berro 1091, Montevideo. I–1.

Laureiro, Omar H.—Barros Arana 5007, Montevideo. I–2.

Lebrato Suárez, Recadero.—Cololó 2605, Montevideo. I–2.

Leemann, Enrique.—Juan Carlos Gómez 1513, Montevideo. I–4.

Leemann y Cía., Roberto.—Juan Carlos Gómez 1513, Montevideo. I–4.

Lendle, Fritz.—Grito de Gloria 1380, Montevideo. III–4.

Leopold y Cía., Carlos.—Uruguay 786, Montevideo. I–4.

Librería Kabo, Katwinkel y Bocksberger.—Juncal 1375, Montevideo. I.

Lichtenberger, Hans.—Montevideo. I–1; II.

Lois, Fructuoso A.—Gonzalo Ramírez 1731, Montevideo. III–3.

Luedeke, Bruno.—Garibaldi 2929, Montevideo. III–3.

Luedeke, Ricardo.—Piedras 326 y C. María de Pena 4086, Montevideo. III–3.

Luttich, H.—Misiones 1380 y Boulevard España 2418, Montevideo. I–1.

Maas, Carlos F.—18 de Julio 937, Montevideo. I–1.

Magerl, Arturo.—Estancia "La Estiria", Trinidad, Departamento de Flores. II–4.

Magnone, Oscar A.—Leyenda Patria 2924, Montevideo. I.

Mangino y Cía., Alberto.—25 de Mayo 477, esc. 29, Montevideo. I–1; II.

Mannesmann, Sociedad Tubos.—Colombia 1308 (Casilla 281), Montevideo. I; II.

Mannheimer Versicherungs A. G.—Juan Carlos Gómez 1518, Montevideo. I.

Marelli Motores S. A.—Uruguay 1117–19, Montevideo. I.

Marsan S. A., Guido Ajmone.—Avenida General Rondeau 2126, Montevideo. I.

Martinetto, Domingo.—Montevideo. I.

Martinetto y Compañía "Fibratex".—Calle Martín Berinduague, esquina Concordia, Montevideo. I.

Martínez, Homero A.—José Hernández 2481, Montevideo. I–2; II; II–1.

Martínez, Rogelio.—José M. Montero 2794, Montevideo. I–2; II.

Meerhoff, Walter (Dr.).—Paraguay 1281, Montevideo. I–1.

Menge, Kurt.—Avenida Tokinson 968, Montevideo. I–2.

Metzen y Cía., Vincenti.—Misiones 1526, Montevideo. I.

Michelizzi, Natalio.—Montevideo. III–3.

Migliaro, Orestes.—Salto. I.

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[1] Distributor for Schering, Productos Farmacéuticos, in Uruguay.

[2] Not to be confused with English Transcontinental Ltd., London, England.

Montaldi, Marco.—Avenida General Rondeau 2298, Montevideo. I; I–3.

Moreno, Humberto.—Garibaldi 2379, Montevideo. I–1.

Morganti, Carlos.—Lavalleja 969, Durazno. I–3.

Nantillo, Alfonso.—Cerrito 558 y Ellauri 1034 (Casilla 108), Montevideo. I–1; III–1.

Nazari, Vincente.—18 de Julio 1485, Montevideo. I.

Nazari & Carnevali.—18 de Julio 1485, Montevideo. I.

Neri, Roberto.—Canelones 2535, Montevideo. I.

Nier, Walter.—Canelones 1325, Montevideo. I.

Omnipol Trading Co., Ltda.—25 de Mayo 477, Montevideo. I.

Omura, Matsutaro.—Soriana 1190, Montevideo. I.

Osten y Cía.—Bernardo Susviela 4174, Montevideo. II–1.

Ostendorf, Juan.—Colonia Suiza, Nueva Helvecia, Departamento de Colonia. I–3.

Paoletti Cayani, Hugo.—Palacio Salvo, piso 5, Montevideo. I–2.

Paredes, Jacinto.—Montevideo. I; II.

Pascual, Pablo M.—Convención 1263, Montevideo. I–1.

Pérez, León.—Sarandí 319, Montevideo. I.

Pfahler y Cía., Ernesto P.—Acevedo Díaz 2387, Montevideo. I; II.

Pfeiffer, J.—Mariano Soler 3260, Montevideo. I–1.

Piccinino, Carminantonio Donato.—Florida. II–4.

Pies, Eugenio.—Cuareim 1436 y Costa Rica 2018, Montevideo. I; II; IV.

Planells, Juan Carlos.—Blvd. España 2275, Apt. 3, Montevideo. III–3.

Popelka, Victor.—Salto. II–4.

Pumarega, José.—Nueva York 1190, Montevideo. I–3.

Putti, Guido.—Mercedes. II–4.

Quincke, Erich.—Cerro Largo 851 y Ciaguá 1300, Montevideo. I–1.

Quincke S. A., Ernesto.—Cerro Largo 851, Montevideo. I.

Rabe, Fritz A.—Misiones 1487, Montevideo. I–4.

Rabe y Cía., Otto.—25 de Mayo 694–700, Montevideo. I.

Racine y Schmidt.—Juan Carlos Gómez 1431, Montevideo. I–4.

Radio Artigas CX 34.—Avenida Millán 2370, Montevideo. I–4.

Radio Continental CXA 2.—Camino Carrasco 5151, Montevideo. I–4.

Radio Nativa CX 50.—Avenida Simón Martínez 6080 (Kilómetro 11), Montevideo. II–3.

Radio Universal CX 22.—Soriano 1217, Montevideo. III–3.

Radio Uruguay CX 26.—Avenida Millán 2370, Montevideo. I–4.

Rainusso, Emilio.—La Paz. II–4.

Rauhut, Herman.—Siracusa 2412, Montevideo. II–5.

Rauhut, Rodolfo.—Camino Propios 2499, Montevideo. II–4.

Rein, Oscar.—Plaza Zabala 306, Montevideo. I–1.

Reinbacher, Rodolfo.—Constituyente 1663, piso 3, Apto. 6, Montevideo. III–1.

Restaurant "Al Franciscano".—Juan Carlos Gómez 1435, Montevideo. I–1.

Rey, Ricardo.—Río Branco 1575, Montevideo. I–1.

Rhodius y Cía.—25 de Agosto 709, Montevideo. I.

"Riberena del Plata" Compañía Sudamericana de Comercio S. A.— Piedras 350, Montevideo. I.

Ricca, Sergio Nantillo.—Rincón 472, Montevideo. I–4.

Richter, Ernesto G.—Lavalleja 1843 y Camino Cuchilla Grande 8118, Montevideo. III–4.

Roosen, Herbert.—25 de Mayo 477 (Ap. 29) y Hidalgos 469, Montevideo. I–1.

Rossati y Cía.—San José 1080, Montevideo. I.

Sagara, Shukichi.—Simón Bolívar 1436, Montevideo. II–2.

Schaeffer, R.—Uruguay 1016 y Palacio Salvo, piso 7, Montevideo. I–1.

Schaich, Adolfo.—25 de Mayo 635–639, Montevideo. I.

Scharnweber, Walter. — Piedras 419, Montevideo. I.

Schering, Productos Farmacéuticos.—Yí 1227, Montevideo. II–4.

Schicke, Hermann.—Juan P. Laguna 3444, Montevideo. III–1.

Schmidt, Guillermo.—Paysandú 935, piso 3, Montevideo. II–4.

Schneider, Ernst.—Colonia 2277, Montevideo. I–2.

Schuler, Hermann.—José L. Terra 3427–29, Montevideo. I–1.

Sciutto, Luis A.—Octavio Lapido 1125, Montevideo. I–2.

Seidlitz, Walter.—Montevideo. I–2; II.

Sickinger, Reinardo.—25 de Mayo 477 (Ap. 5A), y Avenida Sarmiento, Montevideo. I–1.

Siemens Bauunion. — Palacio Salvo, piso 9, Montevideo, and all branches in Uruguay. I.

Siemens y Cía.—Montevideo. I.

Sindicato Cóndor, Ltda.—All branches in Uruguay. I.

Skoda, S. A., Establecimientos.—25 de Mayo 477, Montevideo. I, II–2.

Solaro, Stéfano.—Salto. II–4.

Somba, Ltda.—Galicia 1026–30, Montevideo. I.

Sommersguter, Leonardo. — Galicia 1026, Montevideo. I.

Sosa, Artigas F.—Cerrito 580, Montevideo. II–1.

South American Trading Company.—Cerrito 558, Montevideo, and all branches in Uruguay. III–1.

Spitz, Walter.—Tristan Narvaja 1724–28, Montevideo. I; II.

Sprengler, Otto. — Bartolomé Mitre 1413, Montevideo. I-2.

Stahl, Hermann. — Convención 1403, Montevideo. I.

Staudt y Cía., S. A. C.—Paysandú 935, Montevideo. I.

Sturzenegger & Co.—Cerro Largo 777 (Casilla 553), Montevideo. I.

Sudamericana de Comercio S. A. "Riberena del Plata", Cía.—Piedras 350, Montevideo. I.

Taboas, Manuel.—25 de Mayo 555, Montevideo. I.

Takashimaya, Iida y Cía., Ltda.—Montevideo. I.

Takinami, B.—Juan Carlos Gómez 1426, Montevideo. I.

Talleres Gráficos "El Riverista".—Faustino Carámbula 1186, Rivera. I–4.

Tidemann, Hugo.—Estancia "Tidemann", Trinidad, Depto. de Flores. II–2.

Tienda "El Guipur".—Bartolomé Mitre 1339, Montevideo. I–3.

Tintorería Franco Española.—Boulevard General Artigas 3269, Montevideo. I.

"Transocean" Agencia Noticiosa.—Juncal 1380, Montevideo. I.

Troullier Crespi, Gayetano.—Yaguarón 1416, Montevideo. I–1; II.

Tubos Mannesmann, Soc.—Colombia 1308 (Casilla 281), Montevideo. I; II.

Tucci, Homero Miguel.—Uruguay 989, Montevideo. I–1.

Tucci e Hijo, Francisco.—Uruguay 989, Montevideo. I–1.

Turcatti, Félix.[3]—Lavelleja 2112, Montevideo. III–2.

Turri, Lodovico.—Burgues 3217, Montevideo. III–4.

Turri, Zino.—Burgues 3217, Montevideo. III–4.

Turri Hermanos.—Burgues 3217, Montevideo. III–2.

Valcada, Juan L.—Waterloo 889, Montevideo. I.

Valcada y Cía.—Waterloo 889, Montevideo. I.

Vallendor, Hermann.—Durazno 1362, Montevideo. I.

Vanoni, David.—Lucas Obes 1275 (Apartado 1), Montevideo. I–2.

Velazco, Oscar Otto.—Piedras 437, Montevideo. I; II.

Vitale Manfredi, Félix.—Camino Ariel 4760, Montevideo. III–1.

Von Buch, Max.—Montevideo. II–3.

Von Metzen, Alfredo.—Estancia "La Favorita", Estación Quebracho F. C. M., Departamento de Paysandú. I–4.

Von Metzen, Carlos (hijo).—Fábrica de Azulejos, Empalme Olmos. I–4.

Von Pieverling, Pablo F. G.—Puerto del Sauce, Departamento de Colonia. III–1.

Von Seidlitz, Eitel Fritz.—Montevideo. III–3.

Von Seidlitz, Wilhelm.—Montevideo. III–3.

Wedekind, Willy.—Juan Carlos Gómez 1435, Montevideo. I–1.

Weskott y Cía.—Uruguay 1016, Montevideo. I; II.

Wild, Augusto.—25 de Mayo 667, Montevideo. I–1.

Wild, Rodolfo.—Colonia 2242, Montevideo. I–1.

Wolf, Jorge.—Convención 1309, Montevideo. III–3.

Yamada y Cía.—Uruguay 1184, Montevideo. I; II.

Zambra, Domingo.—Pando 2664–2668, Montevideo. II–1.

Zambra, D. & B.—Pando 2664–2668, Montevideo. II–1.

VENEZUELA

Adler, Ernst.—Apartado 1941, Caracas. III–1.

Agencia Caballito.—Padre Sierra a Múñoz 9 (Apartado 1082), Caracas. III–3.

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*Address added or changed with this revision.

[3] Not to be confused with Turcatti & Casalia.

Agencia Meteor.—Apartado 1406, Caracas. III–1.

Agencia Metropolitana.—Reducto a Miracielos 21 (Apartado 1981), Caracas. I–2.

Agencias Interamericanas.—Apartado 440, Maracaibo. III–3.

Albingia Versicherungs A. G.—Apartado 1282, Caracas. I–3.

Almacén Littorio.—Monjas a Padre Sierra 6, Caracas. I–2.

Amado, Enrique.—Viveres, Avenida Sucre 89 Oeste, Maracaibo. II–3.

Ametani, Seiichi.—Caracas. I.

Anez y Cía., Julio A.—Comercio 10, Maracaibo. I.

Aue & Co., Ernesto.—Pajaritos a Palma, 30, Caracas. I.

Bayer-Weskott y Cía., La Química.—Mijares a Mercedes 38, Caracas. I.

Becker, Alfredo.—Pyrineo a Brisas, Caracas. I–1.

Beckmann y Cía., Sucrs.—Apartado 364, Maracaibo. I.

Bello & Co.—La Guaira. I–4.

Blaschitz, Carlos.—Apartado 106, Caracas. III–3.

Bloemer, Hugo.—Apartado 552, Caracas. II–2.

Blohm, Henrique (Heinz).—Caracas. I–2.

Blohm & Company.—Caracas, and all branches in Venezuela. I–2.

Boede, Ernesto.—Apartado 553, Caracas. I–2.

Borghi, Rag. Atilio.—Altagracia a Salas 39 (Apartado 1071), Caracas. I–2; II.

Borghi, Cía. Anón.—Altagracia a Salas 39 (Apartado 1071), Caracas. I–2.

Bornhorst, Carlos.—Maracaibo. I.

Breuer, Möller & Co., Sucrs.—Comercio 17, Maracaibo. I.

Bruhns, Friedrich Paul.—Comercio 2 (Apartado 412), Maracaibo. I.

Burkle, Willy.—Esquina de Mercaderes (altos), Caracas. III–3.

Büsing, Guillermo (Jr.).—Caracas. I–3.

Büsing, Wilhelm.—Caracas. I–3.

Café Henningsmeyer.—Los Palos Grandes, Estado Miranda. I–3.

Calloso, Benito.—Caracas. I–2.

Carrieri, Sucrs., V.—Palma a Municipal 3, Caracas. I.

Casa de Abasto La Campiña.—Urbanización La Campiña, Distrito Federal. I–3.

Casa Ganar.—Reducto a Miracielos 21, Caracas. I–1.

Casa Nippon.—Caracas. I.

Colegio Alemán.—Urbanización San Antonio, Sabana Grande, Distrito Federal. I–3.

Colegio Humboldt.—Urbanización San Antonio, Sabana Grande, Distrito Federal. I–3.

Comercial de Crédito, Cía. Anón.—Apartado 69, Caracas. II–4.

Constructora Industrial, Comp. Anón.—Apartado 106, Caracas. III–3.

Dauer, Greta.—Municipal a Reducto 57, Caracas. III–3.

Debis, Emilia.—Avenida Libertador 50 Oeste, Maracaibo. III–2.

De Egilegor, Manuel.—Punceres a Escalinatas 15 y 19 (Apartados 447 y 474), Caracas. II–4.

De Stefano, Rafael F.—Gradillas a Sociedad 4, Caracas. I–1.

Deutsche Lufthansa A. G.—All branches in Venezuela. I.

Deyhle, Otto.—Apartado 1173, Caracas. I–3.

Domus.—Gradillas a Sociedad 4, Caracas. II–4.

Dorn, Franz.—Piñango a Camino Nuevo 30, Caracas. III–3.

Droguería Nacional.—Camejo a Pajaritos 7, Caracas. I.

Dürr, Fritz.—Caracas. II–2.

Eickmann, Paul Hugo.—Reducto a Miracielos 21, Caracas. I–2.

El Autoradio.—Barquisimeto. I–2.

"El León", Comp. Anón.—Caracas. III–4.

Erba S. A. (Milan), Carlo.—Caracas. I.

Essig, Julius.—Torre a Veroes 11, Caracas. II–4.

Estaba A., Luis.—Apartado 1912, Caracas. III–3.

Fábrica de Hielo.[1]—Nueva Caracas, Caracas. III–4.

Fábrica de Sombreros.—Valencia. I–4.

Factorias A. B. C.—Valencia. I–2.

Falkenhagen, Ernesto.—Apartado 602, Caracas. I.

Feltner, Kurt.—Valencia. I–2.

Fernández, Luis Guillermo. — c/o Breuer, Möller & Co., Sucrs., Comercio 17, Maracaibo. I.

Flores y Cía., Juan Francisco.—Pajaritos a la Palma 26, Caracas. I.

Frey, Hans.—Puerto Cabello. I–2.

Frey, Lother.—Puerto Cabello. I–2.

Frey y Cía.—Puerto Cabello and Valencia. I–2.

Friedel, Wilhelm.— I–2.

Fujinacka, C. Sucamu.—Caracas. I–1.

Furuya, Yoshitomi.—Oeste 3, No. 100–1 (Apartado 1652), Caracas. I.

García, A. (Argimiro).—Apartado 1941, Caracas. I–3; II; II–5.

García, Cipriano.—Comercio 10 (Apartado 17), Maracaibo. I–2.

García Morales, Clemente.—Esquina de la Pólvora 71, La Guaira. I–2.

García, Roger E.—Maracaibo. I.

Gathmann Hnos.—Bolsa a Mercaderes 36 y 48, Caracas. I.

Gautier, Enrique.—Norte 4 No. 28, Caracas. I.

Gehrenbeck, Ernst A.—Gesto 10 No. 71–9, Caracas. I.

Giugni, Angel E.—Valencia. II–1.

Giugni y Cía. Sucrs.—Constitución 300–2, Valencia. II–1.

Goeke, H. G.[2]— I–2; II; II–3; IV.

Gómez Luigi, Domingo (Dr.).—Candelaria a Miquelacho 16, Caracas. I–4.

Gorrín, Emilio.—Caracas. I–2.

Gottlieb, Gerhard.—Edificio Washington 42, Caracas. III–1.

Gottlieb, Helmuth.—Apartado 1492, Caracas. III–1.

Govea, Rómulo.[3]—Comercio 37, Maracaibo. I–2; III.

Gramcko, Carlos Augusto.—Puerto Cabello. I–3.

Gramcko, Carlos H.—Puerto Cabello. I–3.

Groschel, Gottfried.—Puerto Cabello and Valencia. I–2.

Gudel, Gregorio.—Maracaibo and Caracas. II–2.

Guevara Reyes, Juan M.—Apartado 1412, Caracas. I–3; I–4.

Gutiérrez, Lindorfo.—Maracaibo. I.

Hachija Hermanos, Kabushiki Kaisha.—Caracas. I.

Hacienda "El Negrito".—San Casimiro. III–1.

Hadamovsky, Walter.—Caracas. I.

Hadamovsky & Co.—Caracas. I.

Hamburg Amerika Linie.—Caracas, and all branches in Venezuela. I.

Hartkopf, Erich Friedrich.—Padre Sierra a Múñoz 9 (Apartado 1082), Caracas. I.

Hauck & Co., Sucesores de Ludwig.—Dr. Díaz a Zamuro 57, Caracas. I.

"Hauck" S. A. (Sucesores de Ludwig Hauck & Co.).—Dr. Díaz a Zamuro 57, Caracas. I.

Hauenschild y Cía.—Reducto a Miracielos 21 (Apartado 1606), Caracas. I; II.

Hauselmann, Carlos.—Pasaje Capitolio 11 (Apartado 1086), Caracas. I; II.

Heemson, Enrique. — Puerto Cabello and Valencia. I–2.

Hegedus y Cía., Imre.—Colón a Dr. Díaz 28, Caracas. I–2.

Heimerdinger, P.—Gradillas a Sociedad 15–1 Altos, Caracas. I.

Hellmund W. y Cía., C.—Torre a Veroes 25, Caracas. II–1.

Henningsmeyer, Willy.—Los Palos Grandes, Estado Miranda. I–3.

Herbertz, Reinhard.—Conde a Piñango 7, Caracas. II–2.

Hermann, Emil.—Maracaibo. III–2.

Hermanos Nakata.—Esquina San Vicente, Parroquia la Pastora, Caracas. I–1.

Hernández Rojas, Carlos. — Caracas. I–3.

Hildebrand, Karl.—Camejo a Pajaritos 5, Caracas. I–3.

Hinterlach, Carl.—Avenida Este 17 Altas (Apartado 588), Caracas. I–3.

Hollweg, Arthur.—Sociedad a Traposos 1 Altos (Apartado 241), Caracas. I.

Horie, Matuo.—Paradero a Venus 236, Caracas. I–3.

Horie Hermanos, Matuo.—Paradero a Venus 236, Caracas. I–3.

Hormann, Werner.—Mercaderes a La Gorda 26, Caracas. III–3.

Horn, Lotte Schirmer de.—Valencia. I–4.

Horn Linie.—Principal a Conde 16,
Horn, Otto.—Valencia. I–4.
Caracas, and all branches in Venezuela. I.

Hotel "Casa Domke".—Punceres a Escalinatas 15–19 (Apartados 447 y 474), Caracas. I–3.

Hotel Cervantes.—Punceres a Escalinatas 15–19 (Apartados 447 y 474), Caracas. II–4.

Hotel Plaza.—Plaza Bolívar, Valencia. III–3.

Hotel Spiess.—Los Caobos, Caracas. I–3.

Hupfer, Joseph.—Madrices a Ibarras 6 (Apartado 746), Caracas. I.

Industrias del Hierro.—Puerto Cabello. II–4.

Instituto Químico Biológico, S. A.—Caracas. I.

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[1] Owned by T. Werner.

[2] Name changed with this revision from Goeke, H. C.

[3] Not to be confused with J. R. y E. Govea, Maracaibo.

Instrumentos Científicos "Urania", C. A. de.—Oeste 6–5 (Apartado 959), Caracas. I.

Jagenberg, Adolf Harry Adalbert.—Caracas. I–1.

Jagenberg, Klaus.—c/o Otto Deyhle, Apartado 1173, Caracas. I–3.

Jagenburg, Kurt.—Caracas. I–3.

Jancquel, Oscar H.—Palma a Municipal 11 (Apartado 1787), Caracas. I.

Joyería Florencia.—Torre a Veroes 11, Caracas. II–4.

Kirschke, A.—Maracaibo. I.

Kirschke y Cía., A.—Maracaibo and Caracas. I.

Klaus, Hermann.—Apartado 1468, Caracas. II–1.

Kraemer, Hans.—Plaza Bolívar, Valencia. III–3.

Krafft & Co.—Norte 9–32 (Apartados 426 y 1861), Caracas. I.

Krogmann, Alfred.—Caracas. I–3; II.

"La Albingia".—Apartado 1282, Caracas. I–3.

La Casa Confort.—Coro. I–2.

La Casa de Abasto "La Popular".—Calle Real, Parroquia El Recreo, Caracas. I–1.

La Casa de las Grandes Marcas.—Altagracia a Salas 39 (Apartado 1071), Caracas. I–2.

La Casa Fénix.—Valencia, Puerto Cabello, and Maracay. I–2.

"La Casa Japonesa".—Sociedad a Camejo 27, Caracas. I.

La Diadema.—Caracas. I.

La Joya.—Caracas. I.

La Moda al Día.—Puerto Cabello. I–2.

La Química Bayer-Weskott y Cía.—Mijares a Mercedes 38, Caracas. I.

La Rosa de Oro.—Avenida Sur 27, Caracas. I–3.

Laboratorio Meyer, C. A.—Avenida Principal, San Augustín del Sur, Caracas. I.

Lang, Máximo.—Apartado 1486, Caracas. I.

Larsen, Hans E.—Comercio 2 (Apartado 412), Maracaibo. I.

Leberl, W.—Punceres a Escalinatas 15–19 (Apartados 447 y 474), Caracas. I–3.

Leberl, W. (Mrs.).—Punceres a Escalinatas 15–19 (Apartados 447 y 474), Caracas. I–3.

Lehrmann, Antonio.—Caracas. III–4.

Lehrmann & Franceschi.—Caracas. III–4.

Leisse, J.—Avenida Oeste 16, Caracas; and La Guaira. I.

Lemke, Gunther.—Reducto a Miranda 67, Caracas. I–3.

León V., Angel Eduardo.—Apartado 587, Maracaibo. III–3.

Lomer, K. H.—Calle de Comercio 24, Puerto Cabello; and Valencia. I–3.

Luning, Willy.—Apartado 1632, Caracas. I–3.

Maelzner, Walter.—Torre a Madrices 17, Caracas. I.

Mantovani, Walter.—Calle Sur 9 No. 44–3, Caracas. I.

Marmolería la Nueva Industria.—Caracas. I–1.

Marquez, César A.—Apartado 827, Caracas. II–4.

Martens, Philip.—Apartado 573, Maracaibo. I–4.

Martínez, José.—Maracaibo. I.

Mata, Ramón.—Puerto Cabello. III–1.

Matthies, Roland.—Caracas. III–1.

Melchert, Sucr., A.—Calle Bolívar, La Guaira. I–3.

Mestern y Cía.—Puerto Cabello and Valencia. I–1.

Mett, H. P.—Principal a Conde 16, Edificio España 18–19 (Apartado 711), Caracas. I.

Muller Karger, Edgar A. (Dr.).—Apartado 365, Caracas. II–1.

Nakata, Kizazi.—Caracas. I–1.

Nakata, Shigeo.—Caracas. I–1.

Neigert, Luitpold.—Bolsa a Mercaderes 48, Caracas. I.

Neigert, L., "Ocularium" Instituto Optico de.—Bolsa a Mercaderes 48, Caracas. I.

Niemtschik y Cía., Carlos.—Avenida Este 16, Caracas. I–3.

Nieves, M. de.—Reducto a Miracielos 21, Caracas. I–2.

Novaro, Luis.—Ciencias 7, Maracaibo. I–3; III–4.

Oficina Alemana de Representaciones.—Apartado 602, Caracas. I.

Oficina Científica Merck.—Apartado 1486, Caracas. I.

Oficina Lemke.—Reducto a Miranda 67, Caracas. I–3.

Oficina Técnica Industrial.—Apartado 1086, Caracas. I.

Optica Alemana.—Valencia. I–2.

Osorio Reyes, Gustavo.—Maracaibo. I.

Paúl H., Otto (Dr.).—Avenida del Trabajo, El Paraíso, Caracas. III–1.

Pennacchiotti, A.—Veroes a Santos (Apartado 1), Caracas. I.

Pennacchiotti & Salmoiraghi.—Veroes a Santos (Apartado 1), Caracas. I.

Perfumería Rococo, S. A.—Caracas. I.

Perrone y Cía., J.—Múñoz a Pedrera 17 (Apartado 1201), Caracas. I.

Pesci Feltri, Carlos.—Urbanización Mis Encantos, Chacad, Estado Miranda. I–1.

Peters, W. H.—Maracaibo. I–1.

Pigna, José.—Guayabal a Puente de Hierro, Caracas. I–1.

Pigna Sucrs., Francisco.—Caracas. I–1.

Pina, Miguel.—Apartado 374, Caracas. I.

Pohrt, Federico (Dr.).—El Paraíso, Caracas. III–1.

Preuss, Rudolf.—Hacienda "El Negrito", San Casimiro. III–1.

Productos Agrícolas.—Pirineo a Brisas 140, Caracas. I–2; II.

Pruchtnow, Werner.—Maracaibo and Boconó. I–2.

Pruchtnow & Co., Werner.—Comercio 13, Maracaibo. I.

Publicidad Cinematográfica.—Veroes a Santa Capilla 1 Altos, Caracas. I–2.

Publicidad Unida.—Veroes a Santa Capilla 1 Altos, Caracas. I–2.

Química Schering S. A.—Plaza de Candelaria, Caracas. I.

Rappard, Erich.—Oeste 10 No. 63 (Apartado 1406), Caracas. I–2.

Rayhrer & Willson.—Gradillas a Sociedad 15–1, Caracas. I–4.

Restaurant Vienna.—Mercaderes a La Gorda 26, Caracas. III–3.

Restaurant-Café Dorn.—Piñango a Camino Nuevo 30, Caracas. III–3.

Riese y Cía. Sucrs.—Camejo a Pajaritos 7 (Apartado 372), Caracas. I–1.

Roversi J., Sucrs.—Avenida Sur 55 (Apartado 2012), Caracas. I–1.

Roversi Monaco, Franco.—Avenida Sur 55 (Apartado 2012), Caracas. I–1.

Rupertus, Heinrich.—Pasaje Benzo 22 Caracas. I–1.

Sakakibara, Tatuzo.—Caracas. I–1.

Sakakibara y Cía., Tatuzo.—Esquina la Esmeralda, Parroquia Candelaria, Caracas. I–1.

Salón Greta's.—Municipal a Reducto 57, Caracas. III–3.

Sánchez, Jesús A.—Maracaibo. I–3.

Sandmann, Margarete.—Caracas. I–2.

Sass y Cía., F.—Veroes Jesuitas 20, Caracas. I.

Schering S. A., Química.—Plaza de Candelaria, Caracas. I.

Schirmer, Otto.—Valencia. I–4.

Schirmer, Sucrs., Otto.—Valencia. I–4.

Schlick, Walter.—Urbanización Castellana, Estado Miranda. I–3.

Schnell y Cía.—Palma a Municipal 9, Caracas. I.

Schroeder, Federico.—Bolsa a Pedrera 15 (Apartado 149), Caracas. I.

Schubert, Carlos.—Gradillas a Sociedad 10 (Apartado 1452), Caracas. I.

Schüler, Josef.—Apartado 827, Caracas. I–2; I–3.

Selle, Rudolf.—Bolsa a Pedrera 12, Caracas. I.

Serizawa, Isamu.—Caracas. I–1.

Sittel, Hermann.—Municipal a Reducto 57, Caracas. III–3.

Soriano, Antonio.—Apartado 1183, Caracas. III–3.

Spiess, Rudolf.—Los Caobos, Caracas. I–3.

Spitzer, Isodoro.—Apartado 1705, Caracas. II–4.

Stampff, Karl.—Caracas. I–3.

Stegemann & Co.—Avenida Sur 15 Altos (Apartado 847), Caracas. I.

Steinvorth y Cía.—San Cristóbal and Caracas. I–1.

Stornaiuolo Hnos.—Monjas a Padre Sierra 6, Caracas. I–2.

Susuki, Kunihei.—Caracas. I–1.

Takaji, Sigeji.—Caracas. I.

Telares de San Agustín, Cía. Anón.—Caracas. I–2.

Thedans, John.—Caracas. I–2.

Tillich, Georg.—Apartado 645, Caracas. II–4.

Uchida, Umekiche.—Caracas. I–1.

Ulivi y Cía., Sucr., Ilio.—Gradillas a San Jacinto (Apartado 1146), Caracas. I–3.

"Urania" Compañía Anónima de Instrumentos Científicos.—Oeste 6–5 (Apartado 959), Caracas. I.

Urdaneta y Cía., Sucrs., A.[4]—La Rosa de Oro, Dr. Paul a Salvador de León No. 57, Caracas. I–3; I–4; III.

Valentiner & Co.—Camejo a Pajaritos 7, Caracas. I.

Van Dissel, Rode y Cía. Sucrs.—Calle Comercio, Maracaibo. I.

Venezuelan Agencies.—Reducto a Miracielos 21, Caracas. I–2.

Voerg, Hermann.—Valencia. I–2.

Vogel, Johann.—Apartado 1712, Caracas. I–4.

Vogel y Cía.—Apartado 1712, Caracas. I–4.

Von Einem, Karl.—Reducto a Miracielos 21 (Apartado 1606), Caracas. I–1.

Von Jess, Hartwig.—Maracaibo. I.

Waldeck, Paul.—Caracas. III–1.

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[4] Not to be confused with L. Urdaneta y Cia., Maracaibo.

Watay y Cía., Sakae.—Caracas. I.

Werner, C. R.—Caracas. I–2.

Werner, Kurt.—Caracas. I–2.

Werner, T.—Nueva Caracas, Caracas. III–4.

Wiese, Gertrud.—Esquina Mercaderes 27, Caracas. III–3.

Winberg, Federico.—Caracas. III–1.

Woltz & Co., Hermann.—Palma a Municipal 9, Caracas. I.

Yawasaki, Kikuye.—Caracas. I–1.

Yawasski, Shigeo.—Caracas. I–I.

Yazawa y Cía., Sucr.—Sociedad a Camejo 27, Caracas. I.

Yakoy, Hiroe.—Caracas. I–1.

Yonekura, Yozo.—Caracas. I.

Yonekura, Yuzo.—Oeste 3 No. 100–1 (Apartado 1652), Caracas. I.

Yonekura y Cía., Y.—Oeste 3 No. 100–1 (Apartado 1652), Caracas. I.

Zimlich, Ricardo.—Apartado 552, Caracas. II–2.

Zingg y Cía, Gustavo.—Sociedad a Traposas, Caracas, and all branches in Venezuela. I.

Zittlosen, Hans (Jr.).—Maracaibo. III–1.

Zittlosen, Hans (Sr.).—Maracaibo. III–1.

Zschaeck & Co., Sucr., W.—Altagracia a Mijares 8 (Apartado 945), Caracas. I.

Zumfelde, Herman.—Caracas. III–1.

Part II—Listings Outside American Republics

ANDORRA

"Interco" Cia. Internacional de Industria y Comercio de Andorra.—Andorra la Vieja. II–3.

Internacional de Industria y Comercio de Andorra, Cia. "Interco".—Andorra la Vieja. II–3.

IRAN

A. E. G.—Tehran, and all branches in Iran. II–3.

Akhavan, Ahmed.—Tehran. III–3.

Akhavan, Habib.—Tehran. III–3.

Akhavan, Hadji Mohammed Hussein Kashani (Kashani, Hadji Mohammed Hussein Akhavan).—Tehran. III–3.

Akhavan, Jafa.—Tehran. III–4.

Akhavan, Morteza Kashani (Kashani, Morteza Akhavan).—Tehran. III–3.

Akhavan, Sherkat Nesbi.—Khiabanc Boozarjomehri, Tehran. III–4.

Akhavan, Sherkat Tazamoni Mohammed Hussein Kashani & Sons (Kashani, Sherkat Tazamoni Mohammed Hussein Akhavan & Sons).—Serai, Hadji Hassan, Tehran. III–4.

Atlas Transport.—Ave. Lalezar, Tehran. II–3.

Austria Export.—Ave. Ferdowsi, Tehran. II–3.

Barbieri, Guiseppe.—Ave. Chah 773, Tehran. II–3.

Bayer & Co.—Tehran. II–3.

Daneshvar, Abdul Rassoul.—Ave. Boozarjomehri, Seray Omid, Tehran. III–1.

Darudi (Darroudi), Aghai Ali.—Meshed. II–3.

Darudi (Darroudi), Mehdi.—Meshed. II–3.

Fasting, Ernst.—Ave. Ferdowsi, Tehran. 11–3.

Ferrostahl & Co.—Tehran. II–3.

Formenton, Luigi.—Tehran. II–3.

Freitze, Hans.—Tabriz. II–3.

Habachian, H. M. Ismail.—Tabriz. II–4.

Hansa Line, D. D. G.—Tehran, and all branches in Iran. II–3.

Hochtief S. A. Iranienne.—Rue Hedayat, Tehran. II–3.

Holzmann, Philipp.—Ave. Seyyum Esfand, Tehran. II–3.

Ibtag.—Ave. Pahlevi, Tehran. II–3.

Impresse Italiane All'estero-Oriente (Moasesseyeh Italiani Dar Kharedjeh-Chargh).—Ave. Shah, Tehran. II–3.

Iran-Japan Trading Co. Ltd.—Tehran. II–3.

Janowsky, Georges.—Ave. Seyyum Esfand, Tehran. II–3.

Krupp & Co.—Tehran. II–3.

Kuehnreich, Nico.—Tehran. II–3.

Lendle, H.—Ave. Ferdowsi, Tehran. II–3.

Leschan, Konstantin.—Ave. Ferdowsi, Tehran. II–3.

Lloyd Triestino.—Tehran. II–3.

Lubel, Sherkat Sahami.—Tehran. II–3.

M. A. N.—Tehran. II–3.

Miskerzadeh & Bros., Haji Ali.—Tabriz. III–2.

Miskerzadeh, Haji Ali.—Tabriz. III–2.

Mitsui Bussan Kaisha Ltd.—Tehran. II–3.

Monberg, Axel.—Tehran. II–3.

Nouvel Iran-Express (Iran Expressi Nov).—Ave. Ferdowsi, Tehran, and all branches in Iran. II–3.

Oertel, R.—Ave. Tewfighi, Tehran. II–3.

Rust, Heinrich.—Ave. Raphael, Tehran. II–3.

Schaefer, Henry.—Ave. Ferdowsi, Tehran. II–3.

Schifffahrtskontor Fuer Iran G. m. b. H.—Tehran, and all branches in Iran. II–3.

Schlüter, Edward.—Tehran. II–3.

Schnell, Willy.—Tehran. II–3.

Schunemann.—Isfahan. II–3.

Sherkat Industria Ba Massooliat Mahdood.—Khiaban Ferdowci, Tehran. II–3.

Shirgat Irani Barbari Saheli.—Tehran, and Ahwaz. II–3.

Siemens & Co.—Tehran. II–3.

Spiegel, Erwin.—Tehran. II–3.

Tabriztchi, Djaffer.—Sarayi Mehdi, Tabriz, and Boozarjomehri St., Tehran. II–5; III–2.

Telefunken.—Tehran. II–3.

Terdjimanian, V. K.—Timcheh Sadr Azam, Tehran. II–4.

Thorsen, Ejnar.—Tehran. II–3.

Touba, Feredj.—Jahan Ara St. 6, Isfahan, and all branches in Iran. III–1.

Tubino, Ricardo.—Ave. Chah 773, Tehran. II–3.

Undeutsch, F. & Co.—Tehran, and all branches in Iran. II–3.

Weinzinger, Dr. Erich.—Tehran. II–3.

Wolfinger, Carl.—Tabriz. II–3.

Zendjandji, Hadji Mohammed.—Serai Amir, Tabriz. II–4.

IRAQ

Abdeni, Ernest.—Samawal St., 2–33 Khan Astarabadi, Rewaq St., Baghdad. II–3; III–1.

Abdeni, Gabriel.—Samawal St., 2–33 Khan Astarabadi, Rewaq St., Baghdad. II–3; III–1.

Abdeni, G. G. & Co., Ltd.—Samawal St., 2–33 Khan Astarabadi, Rewaq St., Baghdad. II–3; III–1.

Apánai, Amin.—13A–23, Rewak Lane, Baghdad. II–3.

Assouad, Cesar.—Khan Hayawi, Rewaq, Baghdad. II–3.

Aziz Ephraim.—228–1, Al Rashid St., Baghdad. II–3.

Baladi, Edgar Habib.—5–33, Rewaq St., Baghdad. II–3.

Banco di Roma.—Al Rashid St., Baghdad. II–3.

Daud Abdul Ahad.—Al Rashid St., Baghdad. II–3.

De Kelaita, R. M.—158 Shorja, P. O. Box 78, Baghdad. II–3.

Ezra E. Brothers.—228–1, Al Rashid St., Baghdad. II–3.

Farraj, Artine J.—5A–176, Ras-el-Karya, and 6–11, Karrada Sabba Ksoor, Baghdad. II–3.

Ferrostahl A. G.—Bab-al-agha, Baghdad. II–3.

Gabbay, E. H.—228–1, Al Rashid St., Baghdad. II–3.

Gabbay, Ezra Ephriam.—228–1, Al Rashid St., Baghdad. II–3.

Gabbay, N. S.—228–1, Al Rashid St., Baghdad. II–3.

Habba, Sadiq.—Baghdad. II–4.

Hobayashii & Suma, Kenji.—Mustansir St., Baghdad. II–3.

Iraq Trading Co.—228–1, Al Rashid St., Baghdad. II–3.

Menger, Ahmet Veli.—13A–23, Rewak Lane, Baghdad. II–3.

Orient Optical Co.—Al Rashid St., Baghdad. II–3.

Saad, Sami ud Din.—104–27, Ma' Mun St., Baghdad. II–3.

Samhery, Antoine.—Baghdad. II–3.

Sami Drug Store.—Ras al Qassah, Baghdad. II–3.

Sanawi, Tariq al.—Al Rashid St., Baghdad. II–3.

Shammas, Jean.—8–33 Khan Hayawi, Rewaq, Baghdad. II–3.

Varga, Victor.—King Faisal Ave., Baghdad. II–3.

Zebouni, Selim.—Rewaq, Baghdad. II–3.

LIECHTENSTEIN

Bock, Dr. Paul Friedrich.—Vaduz. II–3.

Credit Commercial et Industriel Trust.—Vaduz. II–3.

Etepha, A. G.—Eschen. II–3.

Export Transithandels A. G.—Triesen. II–3.

Gasina Trust A. G.—P. O. Box 444–72, Vaduz. II–3.

Hanauer & Schmidt A. G.—Muhleholz, Vaduz. II–3.

Papier und Bureaubedarfsartikel, A. G. für.—Vaduz. II–3.

"Ramco" A. G., Zahnfabrik (The Ramco Tooth Mfg. Co. Ltd.).—Schaan. II–3.

Sprenger Corpn.—Vaduz. II–3.

Uebersee Trust.—Vaduz. II–5.

MOROCCO

Spanish Morocco

Agricola del Lukus Cia.—Larache. III–1.

Almadraba Marroqui (owner of S. T. "Paco").—Larache. III–2; III–3.

Alwin, Georg.—Ave. Las Palmeras, "Chalet Latorre," Tetuan. III–1; IV.*

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*Address added or changed with this revision.

Amselem, Mesod.—Larache. III–1.

Ayuso, Sanchez Aranda y Cia. Ltda.—Ave. Reyes 6, Melilla, and at Tetuan. III–1.

Benaim Hatchuel, Alfonso.—Tetuan. III–1.

Carranza, Jose Leon.—Larache. III–1.

Carranza, Ramon.—Larache. III–1.

Carranza & Bernhardt, S. A.—Tetuan. III–1.

Colombo, Ettore.—Tetuan. III–1.

Diaz Olalla, Enrique.—Larache. III–1.

Gomendio, Jose.—Larache. III–1.

"Hisma" Ltda.—Tetuan. III–1.

Hispano-Marroqui de Transportes, Soc. Ltda.—Tetuan. III–1.

Industrias del Cuero S. A.—Tetuan. III–1.

Kraemer, Eugen.—Melilla. III–1.

"La Tecnica".—Calle General Prim 12, Tetuan. III–1.

Lukus Cia., Agricola del.—Larache. III–1.

Lupo, Andrea.—Larache. III–1.

Mawick Schieff, Franciso.—Calle Cardinal Cisneros 9, Tetuan. III–1.

Mawick, Lupo & Co. Ltd. (Unitas Ltd.).—Calle Cardinal Cisneros 9, Tetuan. III–1.

Minera Mauretania S. A., Cia.—Tetuan. III–1.

Paege Sandau, Fred.—Apartado 98, Tetuan. III–1.

Renschhausen, A. & Co.—Tetuan and Larache. III–1.

Rödelheimer, H.—Kaa-el-Hafa, Tetuan. III–1.

Rudt, E. "La Tecnica".—Calle General Prim 12, Tetuan. III–1.

Schultz y Cia., Soc. Ltda., Wilhelm.—Calle Falange de Marruccos 19, Tetuan. III–1.

Stettler, Hans.—Tetuan. III–1.

Wilmer, H. & O. (Sucrs. to H. Toennies).—Calle O'Donnell 12, Tetuan. III–1.

Tangier International Zone

Accarias, Paul.—Calle de Belgica 3, Tangier. III–1.

Agence Industrielle Marocaine.—Bvd. Pasteur 82, Tangier. III–1.

Agricola del Lukus Cia.—Tangier. III–1 .

Alling, Franz.—Riff Hotel, Tangier. III–1.

Almadraba del Cabo Spartel.—Ave. de Espana, Tangier. III–2.

Ayuso, Sanchez Aranda y Cía., Ltda.—Bvd. Pasteur 2, Tangier. III–1.

Ballweg, Dr. Ernst.—Rif Hotel, Tangier. III–3.

Banca di Tangeri.—Calle America del Sur 5, Tangier. III–1.

Banque Commercial du Maroc S. A.—Tangier. III–1.

Barrada, Abdelkader ben Omar.—Wad Ahardan 84, Tangier. III–1.

Bata, Calzados S. A.—Rue de Foucauld 18, Tangier, and all branches in Tangier. III–1; III–3.

Benadiba, Hola.—Legazpi 50, Tangier. III–3.

Bendahan, Albert (Jacob Abraham Bendahan).—Legazpi 50, Tangier. III–3.

Bendahan & Benadiba.—Legazpi 50, Tangier. III–3.

Bendelac, Salomon.—Calle Esperanza Orellana 51, Tangier. III–1.

Boland, Georges.—Calle Sidi Amar 42, Tangier. III–1.

Botbol, A. J.—La Mascota, Calle Siaguins 11, and Paseo Cenarro, Tangier. III–1; III–4.

Brahim, Hassan Hadj.—Rue Moses Pariente 28, Tangier. III–1.

Cabanita, Antonio Coelho.—Hotel Becerra, Tangier. III–1.

Carranza, Jose Leon (owner of S. T. "Turquesa").—Tangier. III–1.

Carranza, Ramon (owner of S. T. "Blanca de C", "Punta Alcazar", "Punta Azamor", "Punta Paloma", "Punta Sabinal", "Ramon de Carranza", and "Reina Victoria").—Tangier. III–1; III–3.

Cirrito, Giuseppe.—Rue de Fez 29, Tangier. III–1.

Cominex S. A.—Rue du Dr. Fumey 46, Tangier. III–1.

Comptoir Commercial Marocain.—Rue Tannerie 7, Tangier. III–1.

Corrocheano, Armando.—Bvd. Pasteur 35, Tangier. III–1.

Dalamal, H. & Sons (H. Dalamal).—Calle Cristianos 6, Tangier. III–1.

Delmar, Jaime.—Bvd. Pasteur 31B, Tangier. III–1.

Depeche Marocaine.—Rue Goya 13, Tangier. III–1.

Di Dio—S. T. I. E.—Rue Velazquez 16, Tangier. III–1.

El Comercio de Marruecos.—Calle Cristianos 6, Tangier. III–1.

Erola, Francisco.—Calle Nueva 11–15, Tangier. III–1.

Flavia, La Maison.—Bvd. Pasteur 36, Tangier. III–1.

Furlan, Louis.—Rue d'Italie (Entrada Fondak del Trigo), Tangier. III–1.

Gomendio, Jose.—Tangier. III–1.

Grange, Bernard de la.—Rue Rembrandt 4, Tangier. III–1.

Grebler, Albert.—Bvd. Antee 11, Tangier. III–1.

Guessus, Abdelghani.—Wad Ahardan 84, Tangier. III–1.

Hafner, Ernesto.—Rue Delacroix 13, Tangier. III–1.

Haggenmacher, Paul.—Rue Tannerie 7, Tangier. III–1.

Hollander, Emanuel.—Rue Goya 43, Tangier. III–1.

Jangl, Josef ("Jas" Export & Import).—Immeuble Moya, Rue du Dr. Fumey, Tangier. III–1.

"Jas" Export & Import—Josef Jangl.—Immeuble Moya, Rue du Dr. Fumey, Tangier. III–1.

Jimenez Beltran, Diego. — Tangier. III–1.

Kabadj, Sid el Hassan.—Calle Comercio 47, Tangier. III–1.

L. U. C. I. A.—L'Union Commerciale Indochinoise & Africaine.—Rue Rembrandt 4, Tangier. III–1.

La Mercantil Ultramarina.—Rue du Statut 79, Tangier. III–1.

Lemoigne, Emile.—Rue Rembrandt, Immeuble Chene, Tangier. III–1.

Likatscheff, Elena.—Calla Buonni 24, Tangier. III–1.

Losbichler, Ludwig.—Apartado 54, Tangier. III–1.

Lukus Cia., Agricola del.—Tangier. III–1.

L'Union Commerciale Indochinoise & Africaine (L. U. C. I. A.).—Rue Rembrandt 4, Tangier. III–1.

Mairati, Nino.—Italian School, Tangier. III–1.

Maman, David.—Rue du Statut 43, Tangier. III–1.

Maman, Judah A.—Rue du Statut 43 Tangier. III–1.

Marco, Rodolfo.—Cassas Mellado 21, Tangier. III–1.

Martin, Paul V.—Hotel Lutetia, Tangier. III–1.

Mas, Pierre.—Rue Goya 13, Tangier. III–1.

Masi Guiolia, Miguel.—Hotel Lutetia, Tangier. III–1.

Mencarelli Santirelli, Amadeo.—Hotel Minzah, Tangier. III–1.

Munoz Massa, Juan J.—Rue Semmarin 26, Tangier. III–1.

Oesch, Ernst.—Tangier. III–1.

Oswald, R.—Hotel Lutetia, Tangier. III–1.

Paganetto, Antonio.—Hotel Lutetia, Tangier. III–1.

Pelissa, Jacques.—Marshan, Tangier. III–1.

Perez, Jacques M.—Hotel Lutetia, Tangier. III–1.

Petri, Ditta Achille.—Ave. d'Espagne 24, Tangier. III–1.

Pinto, Aaron M.—Rue Raphael 5, Tangier. III–1.

Prata, U. M. da Costa.—Tangier. III–1.

Ravella, Lorenzo.—Rue du Statut 56, Tangier. III–2.

Renschhausen, A. & Co.—Tangier. III–1.

Rolny, S. A. Marocaine des Vetements.—Rue du Statut 69, Tangier. III–1.

S. T. I. E. (Di Dio).—Rue Velazquez 16, Tangier. III–1.

Schnitzer, Rudolfo.—Riff Hotel, Tangier. III–1.

Sciuto, Humberto.—Bvd. Pasteur 36, Tangier. III–1.

Sociedad General de Pesquerias y Conservas de Marueccos.—Plage, Tangier. III–2.

Société Générale d'Entreprise et de Commerce.—Rue Wagner 1, Tangier. III–1.

Societe Generale de Pecheries et Conserves au Maroc.—Plage, Tangier. III–2.

Tanger S. A.—Calle Rusia 10, Tangier. III–1.

Union Co-operative Marocaine.—Rue de la Plage 88, Tangier. III–1.

PORTUGAL AND POSSESSIONS

Portugal

A. E. G. Lusitana de Electricidade.—Rua dos Fanqueiros 12, Lisbon; and Rua Sa da Bandeira 211, Oporto. I.

A. L. M. A. Ltda. Soc., Editorial.—Rua do Alecrim 65, Lisbon. I.

A. Transportadora Ltda. (Owners of S. S. *Transportador* ex *Trevo Segundo*).—Rua Augusta 188, Lisbon. I–4; II–3.

Abreu, Augusto Vieira Lopes de (Agencia Abreu).—Rua do Loureiro 40, Oporto. I.

Abrunhosa, Cesar Augusto. — Margueira, Lisbon. I.

Acos Finos Roechling S. A.—Lisbon, and all branches in Portugal. I.

Adragna, Francesco.—Olhao. I.

Afincao, Domingos do O.—Largo Prainhas 92, Olhao. I.

Africana Ltda., Soc. Geral.—Lisbon. I.

Agencia Comercial Portuguesa Ltda.—Rua da Prata 59, Lisbon. I; III–4.

Agencia Comerciale Francesa—A. Vincent Ltda.—Rua Ivens 56, Lisbon. II–4.

Agencia de Representacoes Agricolas, Ltda.—Rua Jose Falcao 185, Oporto. I.

Agro-Pecuaria Ltda., Soc.—Rua Augusta 280, Lisbon. I–4.

Aguiar, Adriano Lopes de.—Rua Tomaz Ribeiro 32, Lisbon. III–1.

Aguiar & Cia. Ltda., Marques de.—Ave. dos Aliados 22, Oporto. I.

Ala Littoria.—Lisbon. I.

Alberto, Andrea Strazzera.—Olhao. I; I–2.

Albuquerque, Dr. Augusto Lima.—Lisbon and Caldas da Rainha. III–3.

Alcobia, José.—Ave. Antonio Augusto de Aguiar 191, Lisbon. I.

Aldag, Otto.—Avenida Palace Hotel, Lisbon. I.

Alegria, Francisco Marques.—Campo 24 de Agosto 208, Oporto. I.

Alexandrino Ltda.—Ave. dos Aliados 22, Oporto. I.

Alianca Agricola e Comercial Ltda.—C. do Duque 3, Lisbon. I.

Alianca Fabril Lacobrigense Ltda.—Lagos. I.

Almada e Lencastre, Nuno Miguel de.—Praca Duque da Terceira 24, and Rua Primo de Maio, Lisbon. II–3.

Almeida, Fernando de.—Travessa dos Fieis de Deus 128, Lisbon.—II–4.

Almeida, Francisco Teixeira de.—Logar de Gervide (Quinta de S. Joao), Oliveira do Douro. III–4.

Almeida, Joaquim Ribeiro de.—Lisbon. III–4.

Almeida, Jose Cardoso de.—Rua Nova da Alfandega 77, Oporto. II–3.

Almeida, Luiz Fernandes Serzedelo de.—Praca dos Restauradores 13, Lisbon. III–3.

Alonso Lamberte, Leopoldo.—Cais das Pedras 18, Massarelos, Oporto. I.

Altisent, Antonio.—Hotel Universao, Rua do Carmo 102, Lisbon. I–3.

Alves, Fernando.—Ave. Almirante Reis 28, Lisbon; and "Alfaiateria Lisbonense", Montemor-o-Novo. II–3.

Amaral, Adolfo do.—Rua do Bomjardin 374–76, Oporto. I–2.

Amaral, Jose A. do.—Rua Formosa 333, Oporto; and Rua Dr. Jose Falcao 54, Ovar. I.

America, Carlo.—Rua Dr. Alves da Veiga 634, Matozinhos, Oporto. I.

America, Giuseppe.—Rua da Nova Alfandega 27, Oporto. I.

Amram, Joshua.—Praca do Municipio 32, Lisbon. I.

Amram, S. & Filhos Ltda.—Praca do Municipio 32, Lisbon. I.

Andrade, Cordeiro & Mesquita Ltda.—Travessa do Forno do Torel 1, Lisbon. I.

Anilinas Ltda., Soc. de.—Travessa das Pedras Negres, Lisbon, and all branches in Portugal. I.

Antunes, Fernando.—Rua Guilherme Braga 2, Lisbon. II–3.

Aragao, Jose Trigueiros Coelho de.—Bolsa de Mercadorias, Praca do Commercio, and Ave. Berne 10, Lisbon. I–1.

Araujo, Eduardo Caldeira Borja de.—Calcada do Sacramento 14, Lisbon. I.

Araujo & Bastos Ltda.—Calcada do Sacramento 14, Lisbon. I.

Astoria Ltda., Soc.—Regueirao dos Anjos 68, Lisbon. I.

Aurino, Giacomo.—Rua Sampaio Pina 50, Lisbon. I.

Auto-Material Ltda.—Calcada do Carmo 25, Lisbon. I.

Automobilista Ltda.—Rua Alves Correia 160, Lisbon. I–3.

Avadic, Solly.—Hotel Victoria, Lisbon. III–4.

Avelar, Manuel.—Margueira, and Rua da Prata 40, Lisbon. I.

Azevedo, M. Sequeira.—Rua de Traz 10, Oporto. I.

Azinhais, Eurico.—Largo da Graca 63, and Rua da Penha de Franca 246, Lisbon. II–4.

Bacelar, Luiz Ribeiro Pinto.—Rua dos Douradores 100, Lisbon. III–2.

Back, Paul.—Avenida Palace Hotel, Lisbon. II–5.

Baierbach, Wilhelm.—Rua Poeta Milton 3, Lisbon. I–3.

Barabino, Emanuele.—Avenida Palace Hotel, Lisbon. I.

Barata, Alberto Cortez.—Rua do Ferregial 46–48, and Rua das Lusiadas 5, Lisbon. I.

Barbosa, Eduardo F. (Casa das Loucas).—Rua Formosa 331–333, Oporto. I.

Barbosa, Joaquim Alves.—Rua Alexandre Braga 28–38, Oporto. I.

Barros, Arnoldo Dias Monteiro de.—Largo Dr. Alfonso Pena 14, Lisbon. I.

Barros, Pedro Amor Monteiro de.—Rua Infantaria Dezasseis 77, Lisbon. I.

Barrosa, Armando Barcelos da Silva.—Rua Mousinho da Silveira 287, Oporto. II–3.

Bartosch, Eduardo Rudolfo.—Rua Fernandes Tomaz 571, Oporto. III–3.

Bartosch Ltda., Eduardo.—Rua Fernandes Tomaz 571, Oporto. III–3.

Bastos, Joao Burnay.—Rua de Mocambique 30, Lisbon. I.

Bayao, Francisco Ferreira.—Rua Augusta 219, Lisbon. III–3.

Bayer, Ltda.—Lisbon and Oporto. I.

Beaumont, Count Antoine W. R. G. M. J. A. de.—Rua da Palma 40, and Rua das Fabrica das Sedas 24, Lisbon. I–1.

Beck, Op der, Werner.—Hotel das Duas Nacoes, Lisbon. III–1.

Beja, Jose dos Santos.—Rua da Barroca 109, Lisbon. II–4.

Beja, Palmira Martins.—Rua da Barroca 109, Lisbon. II–4.

Beken, Wolfgang.—Vila Edith, Monte Estoril, and Rua dos Douredores 7, Lisbon. I.

Belard, Arthur Mantero.—Rua de S. Nicolau 26, Lisbon. I.

Belard, Carlos Mantero.—Rua de S. Nicolau 26, Lisbon. I.

Belard, Francisco Mantero.—Rua de S. Nicolau 26, and at Ave. Joao Crisostomo 6, Lisbon. I.

Belard, Henrique Mantero.—Rua de S. Nicolau 26, Lisbon. I.

Benarroya, Henrique.—Hotel Metropole, Lisbon. III–1.

Bensabat Saragga, Carlos.—Rua de S. Francisco Sales 2, and Praca Luiz de Camoes 4, Lisbon. III–3.

Benzinho Ltda.—Estrada de Vizo, Caixa Postal 14, Setubal. I.

Berghaeger, Erwin.—Praca Luiz de Camoes 36, Lisbon. I.

Best, Emil.—Avenida Palace Hotel, Lisbon. III–3.

Bianca, Edoardo Giuseppe.—Rua das Pedras Negras 3, Lisbon, and at Matozinhos, Oporto. III–1.

Biener Ltda., Hermann.—Rua Ferreira Borges 175, Coimbra. I.

Bitetti, Olindo.—Frankfurt Hotel, Lisbon. I.

Blohm, Carl Werner.—Rua Ives I, Alges, Lisbon. II–5.

Bock, August.—Largo 13 de Fevereiro 4, Oporto. I.

Bodoni, Ladislau Winter.—Rua Dr. Silva Teles 11, Lisbon. I.

Boloto, Domingos Lourenco.—Rua da Vitoria, Viseu. II–3.

Bordan, Dr. Octave.—Hotel Miramar, Monte Estoril, Lisbon. I.

Borges, Bernardino Jose.—Rua Maury 5, Lisbon. I–2.

Borges, Joao Antunes Moura.—Rua da Prata 59, Lisbon. III–4.

Borges, Mario Pinto.—Rua da Palma 40, and Rua Coelho da Rocha 22, Lisbon. I–1.

Borges & Pacheco Ltda.—Rua da Prata 98, Lisbon. I–1.

Bornhöft, Rudolf.—Calcada do Combro 129, Lisbon. I.

Botelho, Joaquim Serrano de Sousa.—Rua Alexandre Herculano 111, Lisbon. I; III–2.

Bracinhas & Silva Ltda.—Rua dos Douradores 80, Lisbon. I.

Brand, Leo.—Palacio Hotel, Estoril. I–2.

Brandao, Alfredo de Sousa.—Colmeias, Leiria. I.

Braz & Braz Irmaos, Ltda.—Silves. III–1.

Brehm, Hans.—Ave. Antonio Augusto Aguiar 122, Lisbon. I.

Brinett, Ltda.—Praca Duque da Terceira 24, Lisbon. I.

Brito, Antonio Batista.—Travessa do Carvalho 15, Lisbon. I.

Broedersdorf, Hans (Joao) Erich.—Rua Marques Sa da Bandeira 124, Lisbon; and Alhos Vedros, Moita. II–3.

Brucker Traus, Germain.—Rua da Prata 80, Lisbon. I–3.

Brucker-Traus, G. Ltda.—Rua da Prata 80, Lisbon, and all branches in Portugal. I–3.

Brumm, Johann Heinrich Erwin.—Rua da Prata 51 and 59, Lisbon. I–4.

Bruno, Augusto.—Olhao. I.

Burmester & Cia. Ltda.—Rua da Reboleira 49, Oporto. I.

Burmester, J. W. & Cia. Ltda.—Rua de Belomonte 39, Oporto. I.

Burmester Ltda., Vasco.—Rua dos Sapateiros 219, Lisbon; and Rua de Belomonte 39, Oporto. I.

C. I. D. I. E. (Comercio Internacional de Importacao e Exportacao Ltda.).—Rua da Madalena 66, Lisbon. I.

Cabral, Antonio Roque de Costa.—Rua Gilberto Rola 10, and Rua de Fabrica de Polvora 145, Lisbon. I.

Caiado, Andre Martins.—Rua da Prata 198, Lisbon; and at Faro. I.

Caldeira, Manuel Goncalves.—Rua da Prata 59, and Rua Tenente Ferreira Durao 2, Lisbon. III–4.

Calderia, Luiz Correia.—Sobral da Lourinha. I.

Calderoni, Renato.—Hotel Tivoli, Ave. da Liberdade 179, Lisbon. I.

Camara, Joao Gago da.—Calcada da Estrella 29, Lisbon. I.

Camilo, Heitor Luiz.—Rua Augusta 176, Lisbon. II–3.

Camponovo, Alberto.—Rua da Angola 5, Lisbon. I.

Camponovo & Camara Ltda.—Rua Gomes Freire 136, Lisbon. I.

Cappanari, Silvio.—Praca dos Restauradores 13 and Ave. da Liberdade 164, Lisbon. II–I; III–1.

Carbonati, Viuva de Angelo.—Rua da Prata 145, Lisbon. I.

Cardoso, Guedes & Cia. Ltda.—Rua Dr. Alexandre Brag 88, Oporto. II–3.

Carp, Maurice.—Rua Bartolomeu Dias 120, Lisbon. III–3.

Carp, M., Ltda.—Rua Bartolomeu Dias 120, Lisbon, and all branches in Portugal. II–4.

Carpalhosa, Manuel de Sousa.—Colmeias, Leiria. I.

Carpalhosa & Filhos, Manuel de Sousa.—Rua da Madalena 133, Lisbon; and at Colmeias, Leiria. I.

Carvalho, Antonio de.—Rua do Arco do Cego 21, Lisbon. I.

Carvalho, E. C.—Praca dos Restauradores 65, and Ave. Almirante dos Reis 2, Lisbon. I–2.

Casimiro, J.—Rua Heliodoro Salgado 5, Lisbon. I.

Casimiro & Nascimento, Sucrs.—Largo Antonio Joaquim Correira, Setubal. I.

Castelos Ltda., Soc. dos.—Ave. dos Aliados 64, Oporto. I.

Castilho, Augusto Correia Pereira.—Rua Bernardim Ribeiro 57, Lisbon. III–4.

Castro, Amadeu de.—Ave. Rodriques de Freitas 100, Oporto. I–3.

Castro, Augusto de.—Ave. da Liberdade 144, Lisbon. III–1.

Cavaglio, Michele.—Rua do Açúcar 36–48, Lisbon. I.

Cazalis, Pierre (Herdeiro).—Rua de S. Nicolau 26, Lisbon. I.

Centeio, Francisco Xavier.—Travessa das Salgadeiras 7, Lisbon. III–2.

Centro Cafeeiro Ltda.—Rua Ivens 10–10A, Lisbon. III–1.

Cereais e Farinhas Ltda., Soc. de.—Travessa da Fabrica 2, Oporto; and Campo das Cebolas 33, Lisbon. I; I–4.

Chain (Sain), Aristide.—Rua Bernardim Ribeiro 57, Lisbon. III–4.

Chiarpotto, Nino.—Olhao. I.

Ciclame, Agencia-Porfirio & Ferreira Ltda.—Rua Garrett 74, and Estrada do Calharez de Benfica, Lisbon. I–4.

Civil do Sobralinho Ltda., Soc.—S. Pedro de Alverca, Vila Franca de Xira. II–4.

Clarfeld & Preussner Ltda.—Largo do Caldas 8, Lisbon. I.

Classen, Wilhelm G.—Avenida Palace Hotel, Lisbon. II–5.

Claussen, Julius.—Rua Joaquim Antonio de Aguiar 19, and Rua Sampaio Pina, M. F. C., Lisbon. I.

Cobo Ltda., Antonio.—Travessa do Corpo Santo 29, Caixa Postal 294, Lisbon. I.

Cocco di Michele, Francisco.—Rua Roberto Ivens 66, Matozinhos, Oporto. I.

Cocco, Dr. Michele.—Rua Garrett 17, Lisbon. I.

Cocco, Francesco.—Olhao. I.

Cocco, Francisco & Paolo.—Rua Andrade 4, Lisbon; and Rua Sousa Aroso 24, Matozinhos, Oporto. I.

Cocco fu Giuseppe, Francisco.—Rua Sousa Aroso 24, Matozinhos, Oporto. I.

Cocco, Paolo.—Rua Andrade 4, Lisbon. I.

Cocco, Salvatore.—Olhao. I.

Coelho, A. Filho.—Viana do Castelo, and Praca da Republica, Oporto. II–3.

Coelho, Antonio Pinto.—Rua dos Sapateiros 219, Lisbon. I.

Coelho, A. & Cia—Viana do Castelo, and Praca da Republica, Oporto. II–3.

Coelho, A. Ltda.—Viana do Castelo, and Praca da Republica, Oporto. II–3.

Cohen, Werner A.—Rua da Madalena 215, Lisbon. I.

Colombo, E., Ltda.—Rua dos Sapateiros 219, Lisbon. I.

Comercial de Resinas Ltda., Soc.—Rua do Ouro 140, Lisbon. I.

Comercio Ibero-Ultramar Ltda.—Rua Eugenio dos Santos 25–31, Lisbon. II–5.

Comercio Internacional de Importacao e Exportacao Ltda.-C. I. D. I. E.—Rua da Madalena 66, Lisbon. I.

Comercio Tejo Ltda., Soc.—Rua de Sao Juliao 67, Lisbon; and at Trafaria. I.

Conceicao, Jose E. R.—Vila Real de Santo Antonio. I–1.

Conciato, Mario.—Rua Renato Batista 92, Lisbon. I.

Conservas Alimenticias a Boa Nova, Fabrica de-Jose Rodrigues Serrano & Filhos Ltda.—Rua Conselheiro Costa Braga 279, Matozinhos, Oporto. I.

Conservas Belamar Ltda., Soc. de.—Largo Prainhas 92, Olhao. I.

Consignacoes e Representacoes Ltda., Soc. de.—Praca dos Restauradores 13, Lisbon. II–1.

Consorcio Tecnico Industrial Ltda.—Rua S. Nicolau 42, Lisbon, and all branches in Portugal. I.

Construtora e Comercial Ltda., Soc.—Ave. Almirante Reis 1, Lisbon. I.

Continental Metalurgica Ltda., Soc. ("Socomet").—Rua das Pedras Negras 3, Lisbon. III–1.

Cordeiro, J., & Cia., Ltda.—Doca do Alcantara, Lisbon. I.

Correia, J. M.—Rua Filipe Folque 42, and Praca D. Pedro IV (or Rossio) 59, Lisbon. II–4.

Correia, Joaquim Mendes.—Rua Filipe Folque 42, and Praca D. Pedro IV (or Rossio) 59, Lisbon. I; II–4.

Correia Ltda., Antonio.—Rua Alexandre Herculane 59, Lisbon. II–3.

Corticas de Portugal Ltda.—Travessa da Praia da Mutela Caramujo, Almada; and Rua do Ouro 226, Lisbon. I.

Cosp & Co. Ltda., Antonio.—Faro. I.

Costa, José Luiz.—Caixa Postal 238, Lisbon. I.

Costanzo, Dr. Giovanni.—Rua da Emenda 30, Lisbon. II–3.

Couto, Ltda., Oliveira.—Rua Firmeaza 312, Oporto. I.

Coveiro, Jose Martins Mendes.—Rua dos Espingardeiros, Moura. I–4.

Craveiro Jnr., Jose.—Tortozendo. II–5.

Cristovao, J. Ltda.—Rua da Boa Vista 18, Lisbon. I.

Cruz, Francisco Nabaes da.—Rua Aurea 265, Lisbon. I.

Cruz, Manoel Freire da.—Rua de D. Estafania 7, Lisbon, and all branches in Portugal. I–1.

Cruz & Cia. Ltda., Lopes do (Fabrica Oceano).—Rua Brito e Cunha 541, Matozinhos, Oporto. I.

Cruz, M. F. Ltda.—Rua de D. Estefania 7, Lisbon, and all branches in Portugal. I–1.

Cuadrado Vila, Eduardo de Pablo.—Rua Joaquim Antonio de Aguiar 70, Lisbon. I–3.

Cudell, Roberto.—Largo do Directorio 14, Lisbon; and Rua Passos Manuel 41, Oporto. I.

Cudell Ltda., Roberto, Escritorio Tecnico.—Rua Passos Manuel 41, Oporto. I.

Cudell & Weltzien Ltda.—Rua de S. Paulo 117–121, Lisbon. I.

Cunha, Elisio M. da.—Rua Cecilia de Sousa 23, Lisbon. III–2.

Cunha, Manuel.—Rua Aurea 265, Lisbon. I.

Cunze Ltda., August.—Rua dos Fanqueiros 44, Lisbon. I.

Cupertino de Miranda & Cia.—Rua Sa da Bandeira 56, Oporto, and all branches in Portugal. I.

Curto, Joaquim Joao.—Sobral da Lourinha. I.

Curtumes de Ponte de Pedra, Fabrica de—Carneiro & Filho.—Ponte de Pedra, Sao Mamede de Infesta, Oporto. I.

Custodio & Cia., Ltda.—Rua Miguel Bombarda 7, Cacilhas, Lisbon; and at Setubal. I.

Da Costa, Afredo Jose.—Rua Miguel Paes, Barreiro. I.

Daehnhardt, Hans Wilhelm.—Rua da Victoria 42, Lisbon. I.

Da Fonseca, Jose Antonio.—Rua da Sociedade Farmaceutica 50, Lisbon, and all branches in Portugal. I.

Dahl, Karl.—Rua Formosa 400, Oporto. I–2.

Da Palma, Jose Afonso.—Ave. Almirante Reis 230, and Rua Carvalho Araujo 159 Lisbon. I.

Da Silva, E. Torres Pinto.—Faro. I.

De Brito, Eduardo Faria.—Campo 28 de Maio 180, Lisbon; and Rua Herois de Chaves 806, Oporto. I.

De Magalhaes, Antonio Neves Raposo.—Alcobaca. I–2.

Dias, Jose Candido.—Rua das Flores 282, Oporto. III–4.

Dias, Manuel.—Oporto. II–5.

Dias, Narciso.—Encarnacao, nr. Santarem. I.

Diederichs, Carl.—Chalet Castim, Paco d'Arcos; and at Lisbon. I.

Diego Curto, Gregorio.—Rua Fernanda Palha 47, and Rua Rodrigo da Fonseca 149, Caixa Postal 514, Lisbon; and at Guarda. I; I–3.

Dionisio, Joao.—Praca dos Restauradores 13, Lisbon. III–3.

Dionisio & Rosados Ltda.—Praca dos Restauradores 13, Lisbon. III–3.

Dithmer, Kurt.—Rua Pinto Bessa 306, Oporto. III–4.

Dobler, Herbert.—Rua Santa Marta 232, Lisbon. I.

Dobling, Heinz.—Calcada do Carmo 25, Lisbon. I.

D'Oliveira, Francisco Henriques.—Calcada do Carmo 25, and Rua Antero do Quintal 37, Lisbon. I.

D'Oliveira, F., Ltda.—Rua Arco do Bandeira 112, Lisbon. I.

Droil, Mario.—Lisbon. I–2.

Drolhe, Mario.—Lisbon. I–2.

Duarte, Americo Hasse.—Rua S. Nicolau 42, Lisbon. I.

Duerholt, Hans R.—Rua da Madalena 119, Lisbon. III–3.

Durao, Antonio d'Oliveira.—Calcada Duque Lafoes, Lisbon. I–2.

Eberhard, Dr. Richard.—Hotel Tivoli, Lisbon. II–1.

"Editorial do Foro Ltda."—Rua do Crucifixo 50–2, Lisbon. I.

Efel—Empresa Fabril e Exportadora Ltda.—Rua Herois de Franca 315, Matozinhos, Oporto, and all branches in Portugal. III–1.

Ehrenfest, Frederic.—Rua da Victoria 53, and Ave. Trouville Villa das Acacias, Monte Estoril, Lisbon. I.

Einhart, Hubert.—Rua dos Douradores 83, Lisbon. III–1.

Einhart Ltda.—Rua dos Douradores 83, Lisbon. III–1.

Electrificadora Alentejana Ltda., Soc.—Rua de Lisboa 19, Beja (Alentejo). I–2.

"Electro-Rayd," Pedro Aires Gomes.—Rua da Trindade 13–15, Oporto. I.

Ell, Josef.—Rua da Prata 184, Lisbon. I.

Elmo Ltda.—Rua da Victoria 53, Lisbon. I.

Empresa Comercial de Maquinas e Electricidade Ltda.—Rua da Palma 225, Lisbon. I.

Empresa Comercial Jurgens Ltda.—Travessa da Fabrica 2, Oporto. I.

Empresa de Conservas Sagrada Familia (Jose da Silva Torres).—Rua Brito Capelo 960–970, Matozinhos, Oporto. I.

Empresa Fabril e Exportadora Ltda. (Efel).—Rua Herois de Franca 315, Matozinhos, Oporto, and all branches in Portugal. III–1.

Empresa Fornecedora de Mantimentos, Safari Ltda.—Rua Cais de Santarem 24, Lisbon. I.

Empresa Mercantil de Importacao e Exportacao Ltda.—Rua des Douradores 100, Lisbon. III–2.

Empresa Mineira de Sabrosa Ltda.—Rua Trindade Coelho 1, Oporto. II–3.

Empresa Mineira Viriato Ltda.—Praca dos Restauradores 13, Lisbon. II–5.

Empresa Nacional de Pesca-Enape Ltda.—Rua Serpa Pinto 122, Matozinhos, Oporto. II–3.

Empresa Resineira do Centro do Portugal Ltda.—Rua da Madalena 133, Lisbon; and at Colmeias, Leiria. I.

Enape Ltda. (Empresa Nacional de Pesca).—Rua Serpa Pinto 122, Matozinhos, Oporto. II–3.

"Escol", Escritorio de Comercio Geral Ltda.—Rua Sa da Bandeira 510, Oporto. I.

Estaleiros de Sao Jacinto.—Aveiro. I–2.

Eter Ltda.—Rua da Victoria 53, Lisbon. I.

Exploracoes Florestaes Ltda., Soc. de.—Rua dos Fanqueiros 234, Lisbon. I.

Exploradora de Transportes Ltda., Soc.—Praca Duque da Terceira 24, Lisbon. II–3.

Exportadora de Corticas Ltda., Soc.—S. Pedro de Alverca, Vila Franca de Xiva. I.

Fabrica de Conserva Leixoes Ltda. ("Facole").—Rua Guerra Jungeiro 209, Matozinhos, Oporto. III–2.

Fabrica do Casal-Artur Goncalves da Silva.—Rua 14 de Outubro 241–249, Vila Nova de Gaia. III–4.

Fabrica S. Francisco (Viuva e Herdeiros de Francisco Feria Tenorio).—Vila Real de Santo Antonio. I–1.

Fabricius, Hans Joachim.—Rua da Imprensa Nacional 40, Lisbon. I.

"Facole"—Fabrica de Conservas Leixoes Ltda.—Rua Guerra Jungeiro 209, Matozinhos, Oporto. III–2.

Fahrmeir, Adolf.—Rua do Crucifixo 76, Lisbon. II–3.

Fahrmeir, A. Ltda.—Rua do Crucifixo 76, Lisbon. II–3.

Faria, Jose Serrao de.—Rua Brito e Cunha, Matozinhos, Oporto; and Ave. Barbosa du Bocage 126, Lisbon. II–1.

Faria & Cia., Serrao de.—Rua Nova do Almada 59, Lisbon. II–1.

Fenollar, Fernando M.—Rua da Misericordia 20, Lisbon. I.

Feria, Manuel de Mora.—Alhos Vedros. II–1.

Fernandes, Abel.—Rua Augusta 176, Lisbon. II–3.

Fernandes, Antonio Jose.—Travessa de Cima 300, Oporto. I.

Fernandes & Cia. Ltda., Abel.—Rua Augusta 176, Lisbon. I.

Ferrao, (Dr.) Fernando de Oliveira Abranches.—Rua do Crucifixo 50–2, Lisbon. I.

Ferraz & Alcada.—Guarda. II–3.

Ferreira, Fernando Simoes.—Rua Garrett 74, and Rua Luz Soriano 90, Lisbon. I–4.

Ferreira, Francisco.—Rua Aurea 165, Lisbon. I.

Ferreira Filipe Ltda.—Rua da Madalena 18, Lisbon; and Quinta da Maceda, Barreiro. I.

Ferreira Ltda., Ernesto.—Rua da Madalena 40–44, Lisbon, and all branches in Portugal. I.

Ferreira, Manuel Mendes "Casa Ferreira".—Rua da Rosa 185, Lisbon. I–4.

Ferrero, Egon Giulio.—Avenida Palace Hotel, Lisbon. I.

Fiat Portuguesa S. A.—Rua Santa Catarina 122, Oporto, and all branches in Portugal. I.

Fibra Comercial Lusitana Ltda.—Ave. da Bóa Vista 1904, Oporto. I.

Figueiredo, Carlos de.—Rua das Pretas 23, and Rua da Conceicao da Gloria 9, Lisbon. II–1.

Figueiredo, Fernando.—Rua de Passos Manuel 99, Lisbon. I–4.

Fidrmuc, Paul.—Hotel do Parque, Parque Estoril, Lisbon. I.

Filacchioni, Bruno.—Avenida Palace Hotel, Lisbon. I.

Finlandia, Casa da.—Rua da Palma, Lisbon. I–4.

Fischer, Karl.—Rua S. Joao da Mata 117, Lisbon. I.

Flecha, Doroteo.—Beja (Alentejo). I–4.

Florentino, Joaquim Abelha.—Rua Barao de Sao Cosmo 28, Oporto. I.

Fonseca, Emidio Macedo da.—Rua Tomaz Ribeiro 83, Lisbon. III–4.

Fontes, M. Ltda.—Rua Elisio de Melo 28, Oporto. III–4.

Fontoura, Armindo.—Ave. da Liberdade 53, Lisbon. III–3.

Fragoso, Antonio R.—Rua dos Fanqueiros 65, Lisbon. I.

Franchi, Alcino.—Rua Nova do Desterro 34, Lisbon. I.

Franchi, Claudio.—c/o Soc. Com. Luso-Italiana, Travessa das Salgadeiras 7, and Rua S. Antonio des Caputcs 2, Lisbon. I–3.

Franco, Matilde Helena Queiroz.—Praca D. Filipa de Lencastre 14, Oporto, and at Lisbon. III–1.

Franco, Virgilio Lino.—Rua Ramalho Ortigao 16, Lisbon. III–2.

Franco & Cia. Ltda.—Rua do Almada 501, Oporto. II–1.

Franco Ltda., Virgilio.—Rua Ramalho Ortigao 16, Lisbon. III–2.

Frank, Camillo.—Rua da Boa Vista 7, Alges, nr. Lisbon. I–3.

Frazao, Fernando.—Largo Tito Fontes 672, Oporto. I–4.

Frederico, Firmino Goncalves.—Rua 31 de Janeiro 57, Oporto. III–4.

Frederico, Manuel (Manuel Goncalves Frederico Sequeira Cesar).—Rua 31 de Janeiro 57, Oporto. III–4.

Frederico, C. Ltda.—Rua dos Douradores 32, Lisbon. I.

Freitas, Antonio.—Rua dos Clerigos 82, Oporto. III–3.

Freitas, J. (Jose de Freitas Sampaio e Castro).—Rua dos Clerigos 82, Oporto. III–3.

Freitas, Jaime Lancastre de.—Rua Padre Antonio Vieira 6, Lisbon. I.

Freitas Ltda., de.—Rua da Prata 8, Lisbon. I.

Freitas Sucrs. Ltda., Jose Augusto de.—Rua Cais de Monchique 22, Oporto. II–3.

Friebel, Werner.—Hotel das Duas Nacoes, Rua da Victoria, Lisbon. I.

Fritzsche, Volkmar.—Rua Rosa Damasceno, and Rua do Comercio 8, Lisbon. II–5.

Funghini, Goffredo.—Hotel Tivoli, Ave. da Liberdade 179, Lisbon. I.

Gallicani, Dino.—Rua Arco do Bandeira 219, Lisbon. I.

Galuppo, Giuseppe (fu Carlo).—Estrada da Circunvalacao, Olhao. I.

Garagem Dafundo.—Rua Policarpo Anjos 70, Dafundo, Lisbon. I.

Garagem Grandela Soc. de Recolhas, Ltda.—Rua Tomaz Ribeiro 83, Lisbon. I; II–4; III–4.

Garcia, David Benito.—Rua do Comercio 8, Lisbon. I.

Garcia, Martin Munoz.—Avenida Palace Hotel, Lisbon. I–2.

Garcia, Natalio.—Rua do Comercio 8, Lisbon. I.

Garcia Ltda., Benito.—Rua do Comercio 8, Lisbon. I.

Garrochinho & Cia. Ltda., Bernardo.—Estrada do Cemiterio, Silves. III–1.

Gasper, Georg.—Avenida Palace Hotel, Lisbon. III–3.

Gawrisch, Heinz.—Rua Goncalo Cristovao 68, Oporto. I.

Gellweiler, Joao Jose Vierira.—Travessa do Alecrim 3, Lisbon. I.

Gellweiler, Joseph.—Travessa do Alecrim 3, Lisbon. I.

Georgieff, Ansen.—Hotel Tivoli, Lisbon. I.

Geral Comercial Ltda.—Rua Ivens 56, Lisbon. III-1.

Geral de Çomercio Imperio, Soc.—Rua Bernardim Ribeiro 57, Lisbon. III-4.

Geral Mercantil do Atlantico Ltda., Cia.—Rua das Pedras Negras 3, Lisbon. III-1.

Godinho, Joao Pedro.—Figueiro dos Vinhos. I.

Goeben, Gustav F.—Rua dos Correeiros 134, Lisbon. I.

Gomes de Sa, Henrique Alberto.—Praca D. Filipa de Lencastre 14, Oporto, and at Lisbon. III-1.

Gomes, Pedro Aires "Electro-Rayd".—Rua da Trindade 13-15, Oporto. I.

Goni, Andres.—Rua do Comercio 95-107, Lisbon. I.

Gonzales, Artur.—Ginjal 41, Almada. I.

Gonzales & Nascimento Ltda.—Ginjal 41, Almada. I.

Goti, Alfredo.—Avenida Palace Hotel, Lisbon. I-4.

Gourdel, G.—Palace Hotel, Estoril, Lisbon. II-3.

Graef, Max.—Rua da Prata 51 and 59, Lisbon. I-4.

Grebler, Albert.—Lisbon. II-4.

Greiner Ltda.—Faro. I.

Grimeisen, Herman.—Rua do Ouro 110-116, Lisbon. I.

Grimm, Hans.—Rua de Montepio Geral 30, Lisbon. II-5.

Gruen & Bilfinger S. A.—Rua da Madalena 163, Lisbon. I.

Guerin, Carlos.—Rua do Arsenal 108, Lisbon. I.

Guerin Ltda., Carlos (Transportes Internacionas).—Rua do Arsenal 108, Lisbon; and Rua Santa Catarina 304-308, Oporto. I.

Guerreiro, Bernardo. — Santiago do Cacem. III-1.

Guerreiro, Feliciano.—Rua Poeta Milton 3, Lisbon. I-3.

Guimaraes, Antonio Henrique de Sousa.—Rua Mousinho de Albuquerque 349, Matozinhos, Oporto. I.

Guimaraes, Eduardo de Sousa.—Rua Mousinho de Albuquerque 349, Matozinhos, Oporto. I.

Guimaraes, Fernando Vasconcelos.—Praca dos Restauradores 13, Lisbon, and Rua da Fabrica 45, Oporto. III-2.

Guimaraes, Joaquim de Oliveira.—Praca D. Filipa de Lencastre 14, Oporto, and Rua dos Correeiros 184, Lisbon. III-1.

Guimaraes, Olivio d'Almeida Antao.—Vivenda Guimaraes, Ave. Central 40, Telheiras de Cima. I.

Guimaraes & Co., Ltda., F. Vasconcelos.—Praca dos Restauradores 13, Lisbon, and Rua da Fabrica 45, Oporto. III-2.

Guimaraes & Franco Ltda., Oliveira.—Praca D. Filipa de Lencastre 14, Oporto, and Ruas dos Correeiros 184, Lisbon. III-1.

Guimaraes, Furtado & Co. Ltda.—Praca D. Filipa de Lencastre 14, Oporto. III-1.

Halpern, Samy.—Rua Aurea 280, Lisbon. II-3.

Hamann, Frederico Willy.—Rua Jose de Carvalho 68, Foz; and Rua da Alegria 617, Oporto. I.

Hansa Ltda.—Praca Luis de Camoes 36, Lisbon. I.

Hartmann, Henri.—Pensao Colonial, Rossio 59, Lisbon. III-1.

Haut, Vladimir Eugen.—Rua Aurea 200, and Rua da Madalena 85, Lisbon, and at Oporto. I-3.

Heim, Willi.—c/o J. Wimmer & Co., Ave. 24 de Julho 34, and Estrada de Bemfica 71, Lisbon. II-1.

Heine, Edgar.—Rua Ramalho Ortigao 16, Lisbon. III-2.

Henriques, Artur.—Rua do Arsenal 94, Lisbon. I.

Henriques Irmaos Ltda.—Rua do Arsenal 94, Lisbon. I.

Hentze, Richard.—c/o Schuette & Cia. Ltda., Praca Luiz de Camoes 36, Lisbon. II-4.

Henzler, Fritz.—Faro. I.

Herold, Henrique Jerosch.—Rua da Vitoria 53, Lisbon. II-5.

Hingste, Hermann zum.—Rua da Madalena 18, Lisbon. I.

Hipolito, Antonio.—Lisbon. I.

Hipolito, Casa.—Rua Serpa Pinto, Torres-Vedras, Lisbon. I.

Hitzemann & Cia. Ltda.—Rua Sa da Bandeira 520-6, Oporto. I.

Hofle, Adolfo & Queiroz.—Rua Sa da Bandeira 257A, Oporto. I.

Hollmueller, Alfred.—℅ J. Wimmer & Co., Ave. 24 de Julho 34, Lisbon. I.

Holst, Otto.—Rua dos Sapateiros 139, Lisbon. I; III-4.

Hombravella, Gerardo.—Lisbon. I-2.

Hora, Virgilio Felisberto Martins da.—Rua de Andaluz 17, Lisbon. II-3.

Hübert, Alberto.—Caxias, Caixa Postal 321, Lisbon. I.

Hungria, Antonio.—Rua Bernardino Costa 50, Lisbon. I.

I. C. A. Portuguesa Ltda.—Largo do Conde Barao 27, Lisbon. I.

Ilari, Carlos.—Olhao. I.

Imperial Ltda.—Rua Aurea 265, Lisbon. I.

Imprensa Barreiro.—Rua Victor Bastos 51, Lisbon. I.

Inacio, Antonio Francisco.—Alcanena. II-3.

Induca-Industria e Comercio Ltda.—Rua Ivens 56, Lisbon. III-1.

Industria e Comercio Ltda. (Induca).—Rua Ivens 56, Lisbon. III-1.

Industrial e Mercantil dos Olivais Ltda., Soc., "SIMOL".—Rua Augusta 280, Lisbon. I.

Industrial Tejo, Soc.—Praca do Municipio 20, Lisbon. II-4.

Insulana de Transportes Maritimos Ltda., Soc.—Praca Duque da Terceira 24, Lisbon. I.

Interco Ltda.—Rua Rodrigues Sampaio 4, Lisbon. I.

Intermundo Ltda.—Rua Miguel Pais 40, Barreiro, and Rua do Cruzeiro a Ajuda 10, Lisbon. I-3.

Issel, Fritz.—Rua das Pedras Negras 30, Lisbon. I.

Italcable, Comp. Italiana Deicavi-Telegrafici Sottomarini.—Rua da Conceicao 124-130, Lisbon; and at Oporto. I.

Jacinto, Jose Viegas.—Faro. I.

Jacinto Jnr., Manuel Viegas.—Estrada da Senhora da Saude, Faro. I.

Jacob, Karl Heinrich.—Rua do Comercio 8, and Rua Heliodoro Salgado 11, Lisbon. II-5.

Jahncke, Bernard.—Rua do Cais de Santarem 24, Lisbon. II-4.

Jerosch Herold, Heinrich.—Rua da Vitoria 53, Lisbon. II-5.

Jordao, Joaquim Magalhaes.—Rua Arco do Bandeira, Lisbon; and at Valado, Alcobaca. I.

Jurgens, Heinrich.—Travessa de Fabrica 2, Oporto. I.

Kalmar, Hugo.—Avenida Palace Hotel, Lisbon. I.

Kantor, Samuel.—Ave. Santos Dumont 67, Lisbon. I-4.

Karastoyanoff, Gheorghi.—Hotel Tivoli, Lisbon. I-2.

Karl, Ltda., Walther.—Rua do Comercio 42, Lisbon. I.

Katzenstein, Eduardo.—Travessa da Amoreira 20, Pampulha, Lisbon. I.

Kirschen, Henry.—Rua Bernardim Ribeiro 57, Lisbon. III-4.

Knapp, Max.—Palacio Hotel, Estoril. I-2.

Knigge, Baron Otal.—Rua Joaquim Antonio de Aguiar 73, Lisbon. I.

Kohlhoff, Erich.—Rua Jardim do Regedor 2, Lisbon. I.

Kores Ltda.—Rua de S. Nicolau 13, Lisbon. I.

Kozaroff, Dr. Theodor.—Hotel Tivoli, Lisbon. I.

Kraft, Julio.—Rua Aurea 200, Lisbon, and at Carnaxide. I-3.

Kramer Ltda. (Farmac).—Galeria de Paris 102, Oporto. I.

Krebs, Karl Heinrich.—Rua do Cativo 22, Oporto. I.

Kulenkampff, Helmut. — Rua Joao Anastacio Rosa 12, Lisbon. I.

Lacasta, Manuel Jose Stichaner.—Largo Prainhas 92, Olhao. I.

Lacasta Ltda.—Olhao. II-3.

Lafoes Industrial Ltda.—S. Pedro do Sul. III-4.

Lanz, Humberto.—Hotel Tivoli, Lisbon. I.

Lanzani, Miguel.—Hotel Universo, Lisbon. I.

Lassen & Cia., Ltda.—Rua da Prata 59, Lisbon; and at Oporto. I.

Lauterbach, Paulo Kunst. — Largo do Conde Barao 27, Lisbon. I.

Lavandeira, Alvaro.—Rua Rodrigues Sampaio 4, Lisbon. I.

Lazzara, Carlo.—Olhao. I.

Lazzara, Niccolo.—Olhao. I.

Lazzari, Emmanuele.—Rua dos Sapateiros 219, Lisbon. I.

Leal, Antonio do Carmo.—Lagos. I.

Leal, Antonio Firmino.—Rua de Arroios 77, Lisbon. III-2.

Leal, Joaquim do Carmo.—Lagos. I.

Ledo, Mario. — Parque Escolas, Setubal. I.

Leichsenring, Erich.—Rua do Almada 539, Oporto. I.

Leichsenring Ltda.—Rua de Belomonte 59, Oporto. I.

Leitao, Miguel Teixeira. — Praca dos Restauradores 13, Lisbon. III-2.

Leopardi, Conde Corrado.—Rua das Pedras Negras 3, Lisbon. III-1; III-2.

Lepori, Luigi.—Rua Victor Cordon I-E & I-G, Lisbon. I.

Lesser, Bruno.—Rua Cais de Santarem 32, Lisbon. I.

Lima, Manoel Lobo d'Avila.—Rua da Vitoria 53, and Ave. Joao Crisostomo 13, Lisbon. III-1.

Lima, Paulo Pinto.—Praca Duque da Terceira 24, Lisbon. I.

Lisboa Filme Ltda.—Quinta dos Ulmeiros, Al. das Linhas de Torres, Lumiar, Lisbon. I.

Litographia Lusitania. — Matozinhos, Oporto. III-2.

Lobar-Grupo Portuguese Importador e Exportador Ltda.—Rua do Ouro 191, Caixa Postal 366, Lisbon. I.

Lobe & Cia., Albrecht.—Rua Antonio Barroso 299, Oporto. I.

Loesch, Hermann.—Rua do Comercio 42, Lisbon. I.

Loewenthal, Fritz.—Travessa Larga 11, and Rua Barros Queiros 39, Lisbon. III-1.

Lopes & Cia. Ltda., Joao Manuel.—Galeria de Paris 102, Oporto. I.

Lopez, Valeiras Hnos.—Rua Camilo Castelo Branco, Setubal. I.

Loucas, Casa das-Eduardo F. Barbosa.—Rua Formosa 331-333, Oporto. I.

Lourenco & Charneca Ltda.—Faro. I.

Lovioz, Carlo Guiseppe.—Avenida Palace Hotel, Lisbon. I.

Loy, Karl.—Rua de Cedofeita 103, Oporto. I.

Lucas & Cia. Ltda.—Rua Herois de Franca 223, Matozinhos, Oporto. II-3.

Lucas & Filhos, Joaquim Ferreira Pedro.—Rua Serpa Pinto 227, Matozinhos, Oporto. II-3.

Lucas & Filhos Ltda., Antonio.—Ave. Meneres 853, Matozinhos, Oporto. II-3.

Lueddeke, Juan.—Hotel Atlantico, Estoril, Lisbon. I-4.

Lusitana de Exportacoes Ltda., Soc.—Rua Augusta 219, Lisbon. III-3.

Luso-Exportadora Ltda.—Praca dos Restauradores 13, Lisbon. I.

Luso-Hungara Ltda., Soc.—Rua Serpa Pinto 14, Lisbon. I.

Luso-Italiana Ltda., Soc. Comercial.—Travessa das Salgadeiras 7, Lisbon. I.

M. O. T. O. P.—Motores a Oleos Pesados.—88 Rua da Victoria 30, Lisbon. I.

Macedo e Conto, Joaquim.—Calcada dos Barbadinhos 15, Lisbon. I-1.

Macedo, Joao Maria da Costa Cabral de.—Rua da Victoria 53, Lisbon; and Quinta de Santa Sofia Cruz, Quebrada. I.

Machado & Nunes Ltda.—Rua dos Fanqueiros 38, Lisbon. I.

Madureira e Rego Ltda. (Owners of A. S. V. *Nina* [ex *Dina*]).—Rua da Conceicao 125, Lisbon. I.

Magalhaes, Mario Ferreira.—Vila Mea. II-3.

Mainto, Riccardo.—Avenida Palace Hotel, Lisbon. I.

Maissa, Elio Francisco.—Rua do Ouro 87, and Ave. Alias Garcia 31, Lisbon. II-4.

Malato, Vittorio Emmanuele.—Rua Policarpo Anjos 70, Dafundo, Lisbon. I.

Malheiro, Antonio.—Viana do Castelo, and Praca da Republica, Oporto. II-3.

Malheiro, Antonio Coelho de Castro Vilas-Boas.—Viana do Castelo, and Praca da Republica, Oporto. II-3.

Mallet, Claude George Coventry.—Vila Marie Christine, Praia da Roche, and Quinta do Serpa Vilalonga, Povoa de Santa Iria. II-5.

Mantero, Ltda., Francisco.—Rua de S. Nicolau 26, Lisbon. I.

Marcomina Ltda.—Rua da Assuncao 57, Lisbon. I.

Marcus y Harting Ltda.—Rocio 50, Lisbon. I.

Marimon, Henrique.—Rua do Cruzeiro a Ajuda 10, Lisbon. III-4.

Marin, José Olivares.—Rua de S. Nicolau 26, Lisbon. I.

"Mariposa, Alfaratarìa" — Jose Dos Santos Jnr.—Rua dos Fanqueiros 87-91, and Ave. Barbosa dos Bocage 21, Lisbon. II-5.

Marques, Afonso de Oliveira.—Rua Camilo Castelo Branco, Setubal. I.

Marques Jnr., Afonso de Oliveira.—Rua Camilo Castelo Branco, Setubal. I.

Marques, Jose de Oliveira.—Rua Camilo Castelo Branco, Setubal. I.

Marques, Marcial.—Lisbon. I-2.

Marques, Norberto.—Rua Augusta 188, Lisbon. I-4.

Marques, Neves & Cia. Ltda.—Rua Camilo Castelo Branco, Setubal; and at Matozinhos, Oporto. I.

Martenson, Colonel Bertel.—Lisbon. II-5.

Martinez de Prado, Frederico.—Hotel das Duas Nacoes, Rua da Victoria, Lisbon. I.

Martino, Mario de.—Rua Capitao Nobre, Olhao. I.

Martins, Augusto.—Rua Almirante Barroso 1, Lisbon. I.

Martins, Vasco Burmester.—Rua Jose Falcao 185, Oporto. I.

Martins & Filhos Ltda., Antonio Gomes.—Lordelo do Ouro, Oporto. II-4.

Mascarenhas, Jose Thomas de.—Ave. Antonio Augusto de Aguiar 191, Lisbon. I-3.

Matos, Dr. Leontino Jose de.—Ave. Todi 156, Setubal. I.

Matos Jnr., Joaquim Ferreira Silva.—Rua da Alegria 617, Oporto. I.

Matos, M. Pereira de.—Largo do Carmo 18, Lisbon. I.

Mauler, Josef.—Rua de S. Nicolau 13, Lisbon. I.

Mayer, Bruno.—Avenida Palace Hotel, Lisbon. I-2.

Mazzoni, Giacomo.—Travessa das Andrezas 90, Oporto. III-1.

Medeiros e Camara, Segesmundo Pereira de.—Rua Gomes Freire 136, Lisbon. I.

Mederos Gil, Luis.—Lisbon. II-3.

Mediterranea de Permutas Ltda.—Ave. Antonio Augusta d'Aguiar 138, Lisbon. II-5.

Meiners, Jorge. — Rua da Prata 198, Lisbon. II-4.

Mendes, J., & Co.—Olhao. II-4.

Mendes Ltda.—Praca D. Pedro IV (or Rossio) 59, Lisbon. I; II-4.

Mendonca & Cia., Ltda., "Metalurgica Alentejana".—Rua do Arsenal 126, Lisbon; and at Beja (Alentejo). I-2.

Menegani, Giovanni.—Ave. da Liberdade 234, Lisbon. I.

Menendez, Fernando.—Rua de S. Juliao 50, Lisbon. I.

Meneres Sucrs. Ltda., Antonio Ferreira.—Cais da Fontinha, Vila Nova de Gaia, Oporto. I-2.

Metallum, Ltda.—Rua das Pedras Negras 3, Lisbon. III-1.

"Metalurgica Alentejana" Mendonca & Cia. Ltda.—Rua do Arsenal 126, Lisbon; and at Beja (Alentejo). I-2.

Metalurgica de Bemfica.—Estrada das Garridas, Lisbon. I.

Metropolitana e Colonial de Construcoes, Ltda., Soc. (S. O. M. E. C.).—Rua da Madalena 163, Lisbon. I.

Meyer, Hans.—Rua Dr. Silva Teles 9, Lisbon. I.

Meyer, Herbert.—Rua Dr. Silva Teles 9, Lisbon. I.

Meyer, Ltda.—Rua dos Fanqueiros 267, Caixa Postal 32, Lisbon. I.

Meyer Ltda., Fritz W.—Rua Vasco da Gáma 1-5, Esquina de Praca D. Luiz 27, Lisbon. I.

Mickley, Ewald.—Praca Luiz de Camoes 36, Lisbon. I.

Midoes, Alberto Emidio.—Central Hotel, Rua Brito Capelo 161, Matozinhos, Oporto. II-3.

Mineira do Norte de Portugal, Cia.—Rua 31 de Janeiro 109, Oporto. III-4.

Mineira Lisbonense S. A. R. L.—Rua do Comercio 8, Lisbon. II-5.

Minero Silvicola, Ltda.—Rua do Comercio 8, Lisbon; and Rua Santa Catarina 377; Oporto; and all branches in Portugal. I; II-1.

Ministro, Tenente Joaquim Figueiredo.—Rua da Madalena 215, Lisbon. I.

Minnemann, W. (Wolfram Anthime Ludwig Marques Minnemann).—Rua Cimo de Vila 5, Oporto. I.

Miranda, Jose Pereira.—S. Pedro de Alverca, Vila Franca de Xiva. I.

Moita, F.—Rossio 3, Lisbon. I.

Moniz, Mario de Sousa Botelho.—Rua de S. Francisco Sales 2, and Praca Luiz de Camoes 4, Lisbon. III-4.

Monteflor Ltda.—Rua do Ferregial 46-48, Lisbon. I.

Monteiro, Antonio de Sousa.—Rua Almeida e Sousa 13, and Chalet Noemia Estoril, Lisbon. I.

Monteiro, Jose M. Alves.—Travessa do Ameal 330, Oporto. I-2.

Monteiro, Luiz Maia.—Rua Coelho da Rocha 44, Lisbon. I-3.

Monteiro & Cia., Ltda., Manuel J.—Rua dos Correeiros 134, Lisbon. I.

Moraes, Francisco.—Rua Tomaz Ribeiro 83, Lisbon. III-4.

Moraes, Jnr., Eduardo Victorino de.—Rua Santana a Lapa, Lisbon, and all branches in Portugal. I.

Moraes Ltda., Eduardo de.—Calcada do Sacramento 14, Lisbon. II-4.

Moreira, Manuel A. C.—Rua da Madalena 215, Lisbon. I.

Mota, Jose S. M.—c/o J. Wimmer & Co., Ave. 24 de Julho 34, Lisbon. I.

Motores a Oleos Pesados (M. O. T. O. P.).—88 Rua da Victoria 30, Lisbon. I.

Moura & Leitao Ltda.—Rua da Assuncao 99, Lisbon. II-4.

Mouths, Fernando.—Rua do Mundo 36, Caixa Postal 558, Lisbon. I-3.

Mugica Maiztégui, Angel.—Rua dos Sapateiros 62, Lisbon. I-3.

Munoz Garcia, Martin.—Avenida Palace Hotel, Lisbon. I-2.

Nacional da Industria Mineira Ltda., Soc.-Sonimi.—Azinhaga dos Ameixfais, Lisbon. I.

Nagy, Bartolomeu de.—Alto Estroil, Lisbon. I.

Nascimento, Alvaro do.—Estrada de Vizo, Caixa Postal 14, Setubal. I.

Nascimento, Americo do.—Estrada de Vizo, Caixa Postal 14, Setubal. I.

Nascimento, Joao.—Ginjal 41, Almada. I.

Nascimento, Joao Manuel.—Ginjal 41, Almada. I.

Nascimento, Manoel do.—Largo Antonio Joaquim Correira, Setubal. I.

Nascimento, Mario do.—Estrada de Vizo, Caixa Postal 14, Setubal. I.

Navas, Manuel Fernandez.—Rua Rodrigues Sampaio 50, Lisbon. II–1.

Neto, Abel de Olivieira.—Rua Viriato 11, Lisbon. II–4.

Neumann, Hans.—Rua do Arsenal 108, Lisbon. I.

Oceano, Fabrica - Lopes do Cruz & Cia. Ltda.—Rua Brito e Cunha 541, Matozinhos, Oporto. I.

Oleos Lubrificantes Ltda., Soc. de—Ave. Joao Crisostomo 72, Lisbon; and Rua Santa Catarina 253, Oporto. II–3.

Oliu, Americo.—Rua dos Fanqueiros 257, and Travessa da Trabuqueta 28, Lisbon. II–3.

Oliveira, Jose Belmonte Pereira de.—Rua do Ferregial 46–48, and Rua da Polvora 12, Lisbon. I.

Oliveira, Manoel.—Rua Dr. Julio de Matos 430, Oporto. I.

Oliveira Guimaraes & Franco Ltda.—Praca D. Filipa de Lencastre 14, Oporto, and Rua dos Correiros 184, Lisbon. III–1.

Olpe, Fritz.—Avenida Palace Hotel, Lisbon. III–3.

Optica Medica Ltda.—Rua do Bomjardin 374–76, Oporto. I–2.

Optica Técnica Optec Ltda., Soc.—Rua 1st de Dezembro 101, Lisbon. I.

Ornelas e Oliveira, M. A.—Rua da Victoria 38, Lisbon. I.

Osswald, Ernst.—Rua Herois de Chaves 892, Oporto. I.

Palau, Luis.—English Bar, Monte Estoril, Caixa Postal 521, Lisbon. I.

Palha, Carlos Vanzeller Pereira.—Quinta das Areias, Vila Franca de Xira. I.

Palha, Francisco Vanzeller Pereira.—Quinta das Areias, Vila Franca de Xira. I.

Palma & Viana Ltda.—Rua dos Correiros 92–3, Lisbon. II–1; IV.

Pankow, Werner.—Ave. de Berne 120, Lisbon. I.

Parodi, Angelo.—Vilareai, and all branches in Portugal. I.

Parreira, Joaquim Varandas.—Travessa de Carvalho 15, Lisbon. III–1.

Parreira, Vasco.—Rua Serpa Pinto, Torres Vedras, Lisbon. I.

Patatel, Artur.—Lisbon and Oporto. I.

Peixoto, Antonio "Uniao Mecanica".—Rua de Santo Andre, Braga. II–3.

Peixoto, Joao.—Rua Elisio de Melo 28, Oporto. III–4.

Peixoto, Nuno Miguel.—Lisbon. II–3.

Pena, Joaquim.—Lisbon. I.

Pereira, Alexandre Marques.—Rua Sampaio Bruno 49, and Largo da Anunciada 9, Lisbon. I.

Pereira, Augusto Paulo.—Ave. Almirante Reis 70, Lisbon. I.

Pereira, Diamantino Nunes.—Rua Arco do Bandeira 38, Lisbon. I.

Pereira, Francisco Miguel.—Mora-Setubal. II–3.

Pereira, Guilherme.—Ave. de Berne, Lisbon; and Quinta de Grilo, Carnaxide. II–3.

Pereira, Jose Ruide Matos (owner of S. S. "Alvaiazere").—Praca de Alegria 12, Lisbon. I–3; I–4.

Pereira Jnr., Guilherme.—Rua Tomaz Ribeiro 83, Lisbon. I; II–4.

Pereira, Maria Theresa.—Rua Sampaio Bruno 49, and Largo da Anunciada 9, Lisbon. I.

Pereira & Cia. Ltda., Guilherme.—Ave. de Berne, Lisbon. II–3.

Pereira & Martins Ltda.—Rua da Barroca 109, and Praca dos Restauradores 13, Lisbon. II–4.

Perianes Palma Ltda., Soc. Comercial.—Ave. da Liberdade 21, Lisbon. III–3.

Perlo, Alessandro.—Hotel Americano, Lisbon. III–1.

Perola do Rocio Ltda.—Rocio 105, Lisbon. I.

Pescoller, Heinrich.—Lisbon. I.

Pestana, Victor Rodrigues.—Ave. Sacadura Cabral 21, Lisbon; and at Alpiarca. I.

Peter, Martin.—Rua da Prata 54, and Ave. da Republica 87, Lisbon. III–1.

"Pfaff" Maquinas de Costura—Santos & Araujo Ltda.—Rua Garrett 49–51. Lisbon. I.

Piano, Alvaro A. C.—Rua Aurea 103–105, Lisbon. I.

Piano Jnr., Jose.—Lisbon. I.

Piano Jnr., A. & Co.—Lisbon. I.

Picao, Antonio da Silveira.—Praca D. Joao da Camara 19, Lisbon. I.

Pimenta, Francisco Bethencourt.—Calcada do Desterro 11, and Rua Rodrigues Sampaio 76, Lisbon. I.

Pimenta, Vicente Bethencourt.—Rua Saudade 23, Lisbon. I.

Pinto & Cia., Ltda., Alvaro.—Rua das Arameiros 11, Lisbon. I.

Pinto Marques & Cia.—Vila Mea, Amarante. I.

Pires, Carmolino Ferreira.—Rua da Madalena 91 and 113, Lisbon. I.

Poehner, Egon.—Avenida Palace Hotel, Lisbon. I.

Polonia, Adao Pacheco (owner of Trawlers *Carlos Alberto Primeiro, Gaivina, Goncalves Zarco Segundo,* and *Sa Da Bandeira*).—Ria Brito Capelo 1104–1200, and Rua Serpa Pinto 122, Matozinhos, Oporto. II–3; III–1; III–3.

Polonia & Cia, Ltda., Adao.—Rua Brito Capelo 1104–1200, Matozinhos, Oporto. II–3.

Pontes Ltda., Jose Correia.—Rua Nova de Levante 87–89, and Rua Manuel Tome Viegas Vaz 2–4. Olhao. I–4.

Popescu, Giorgi.—Hotel Metropole, Lisbon. II–4.

Popescu, Pascal.—Hotel Metropole, Lisbon. II–4.

Porfirio & Ferreira Ltda. (Agencia Ciclame).—Rua Garrett 74, and Estrada do Calharez de Benfica, Lisbon. I–4.

Porst, Kurt.—Rua da Prata 59, Lisbon. I.

Porst Ltda, Kurt.—Rua da Prata 51 and 59, Lisbon. I–4.

Portugal Previdente.—Rua do Alecrim 10, Lisbon; and at Oporto. I.

Portuguesa Bodoni Ltda., Soc.—Rua de S. Nicolau 23–4, and Travessa Nova de S. Domingo 9, Lisbon. I.

Portuguesa de Comercio Internacional Ltda. Soc. ((Sopocil").—Rua Ivens 44, Lisbon. III–3.

Potthoff, Francisco.—Rua da Luta 26, Lisbon. I.

Prata, U. M. da Costa.—Oporto. III–2.

Productora Algarvia Ltda.—Olhao. II–4.

Products Exchange Co.—Travessa Larga 11, and Rua Barros Queiroz 39, Lisbon. III–1.

Produtos Africanos, Soc. de.—Rua de S. Nicolau 26, Lisbon. I.

Puls, Helmuth.—Lisbon. I.

Quimico-Farmaceutica Ltda.—Rua Gomez Freire 96, Lisbon. I.

Quinta de Alegria.—Carregado, Alenquer. I–4.

Rabenau, Walter.—Rua dos Fanqueiros 136, Lisbon. I.

Ramos, Manoel.—Carcavellos. II–3.

Ramos Ltda., Jose.—Rua Aurea 280, Lisbon. II–3.

Ratfisch, Werner.—Chalet Boby, St. Joao do Estoril, Nr. Lisbon, and Rua do Comercia 8, Lisbon. II–5.

Razzini, Giovanni.—Olhao. I.

Rebelo, Jose Carlos Amador.—Rua Lusiano Cordeiro 54, Lisbon. III–4.

Recolhas Ltda., Soc. de (Garagem Grandela).—Rua Tomaz Ribeiro 83, Lisbon. III–4.

Reich, Bruno.—Ave. Ressano Garcia 37, Lisbon. I.

Reich, Ernesto.—Rua Damasceno Monteiro 67A, Lisbon. I–4.

Reima S. A.—Lisbon. I–2.

Reinelt, Bruno C.—Rua Sampaio e Pina 64, Lisbon. I–3.

Reis, Antonio da Cunha.—Rua dos Douradores 83, Lisbon. III–1.

Rezende, Jorge Gomes de.—Rua Elisio de Melo 28, Oporto. II–5.

Ribatejo Ltda., Soc. do.—Praca do Municipio 13, Lisbon; and at Fontes de Reguengo, Pontevel. II–3.

Ribeiro, Carlos Augusto.—Rua de Mocambique 42, Lisbon. III–2.

Ribeiro, Dr. Joao Correia.—Rua Nova do Almada 53, Lisbon. I.

Ribeiro, Estevao Augusto.—Rua de Mocambique 42, Lisbon. III–2.

Ribeiro, Porfirio Marques.—Rua Garrett 74, Lisbon; and at Santarem. I–4.

Ribeiro & Lopes Ltda.—Rua Aurea 103–105, Lisbon. I.

Richter, Erich.—Palacio Hotel, Estoril, Lisbon. I–4.

Rimoldi, Angelo.—Avenida Palace Hotel, Lisbon. I–4.

Rizzetti, Italo.—Rua Victor Cordon 14, Lisbon. III–1.

Rober, Wilhelm.—Ave. Elias Gracia 172, Lisbon. I.

Rocha, Celestino Malo.—Rua dos Fanqueiros 221, Lisbon. I.

Rodrigues, Albino Casimiro.—Castro Daire, Folgosa. II–3.

Rodrigues, Antonio Fraga.—Rua dos Pedroucas 75A, Lisbon. I–4.

Rodrigues, Candido Fraga.—Rua dos Pedroucas 75A, Lisbon. I; I–3.

Rodrigues, Diego d'Oliveira.—Ave. Almirante Reis 50, Lisbon. I.

Rodrigues, Joao Gomes.—Rua da Betesga 57, and Rua do Comercio 8, Lisbon. II–5.

Rodrigues, Luciano.—Vila Verde, Paranhos, Seia. I–2.

Rodrigues, Maria Piedade.—Rua de D. Estefania 105, Lisbon. I.

Rodrigues & Cia. Ltda., J. Oliveira.—Ave. Julio Graca, Vila do Conde. Oporto. I.

Rodriguez & Mira Ltda.—Rua Centieira, Olivais, Lisbon. I.

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*Address added or changed with this revision.

Roeder, Carlos Alberto.—Lisbon and Beja (Alentejo). I–2.

Roesner, Gustav Emil.—Lisbon. I–2.

Rohde, Walter.—Rua dos Correiros 15, Lisbon. I–3.

Rosa, Jose.—Olhao. II–5.

Rosado Jnr., Joaquim Antonio.—Praca dos Restauradores 13, Lisbon. III–3.

Rosado, Joao Paulo.—Praca dos Restauradores 13, Lisbon. III–3.

Rosario, Julio Ferreira do.—Rua dos Fanqueiros 262, Lisbon. II–1.

Rosenstein, Martin (Mojzesk).—Rua de Palma 126, and Rua Zaire 5, Lisbon. II–3.

Rothes, Fancisco Lopes.—Rua Val Formosa 210, Oporto. I.

Roubau, Nicollaus.—Club Alemao, Carcavelos, Casais. I.

Russia, Casa da.—Rua Augusta 142, Lisbon. I–4.

Russo, Enrico.—Ave. Elias Garcia 153, Lisbon. II–4.

Ryck, Clemens.—Rua da Guine 8, Lisbon. II–5.

Ryck & Warncke Ltda.—Praca do Municipio 19, Lisbon. I.

S. E. T. E. L. I.—Soc. de Transportes e Empreendimentos Ltda. — Travessa do Abarracamento de Peniche 7, Lisbon. III–4.

Sa, Henrique de (Henrique Alberto Gomes de Sa).—Praca D. Filipa de Lencastre 14, Oporto, and at Lisbon. III–1.

Sain (Chain), Aristide.—Rua Bernardim Ribeiro 57, Lisbon. III–4.

Sàla & Irmao.—Galeria de Paris 97–99, Oporto. I.

Salinas, Jose Maria.—Rua dos Fanqueiros 250, Lisbon. III–1.

Salsicharia Favorita Ltda. Soc.—Rua do Ouro 283, Lisbon. III–1.

Sancho, Rafael Dias.—Faro. I.

Santos, Alberto da Silva.—Rua Dr. R. Sousa Martins 6, Lisbon. I.

Santos, Eladio dos.—Rua Bernardo Lima 27, Lisbon. III–1.

Santos, Jnr., Jose dos, "Alfaiataria Mariposa".—Rua dos Fanqueiros 87–91, and Ave. Barbosa dos Bocage 21, Lisbon. I.

Santos & Araujo Ltda. (Maquinas de Costura "Pfaff").—Rua Garrett 49–51, Lisbon. I.

Saragga, Carlos Bensabet.—Rua de S. Francisco Sales 2, and Praca Luiz de Camoes 4, Lisbon. III–3.

Sardinha Ltda., Antonio.—Rua Santa Catarina 253, Oporto. II–3.

Sartorio, Ennio.—Ave. da Liberdade 232, Lisbon. II–3.

Saul, Gustav.—Hotel Victoria, and Atlantic Hotel, Monte Estoril, Lisbon. I.

Schaub, Friedrich.—Lisbon. II–4.

Schering S. A. Portuguesa S. A. R. L.—Largo da Anunciada 9, Lisbon. I.

Schick, Alfredo.—Calcado do Lavro 22, and Rua Braam Camp 10, Lisbon. III–1.

Schinkel, Herbert.—Rua do Arsenal 108, and Ave. Antonio Augusto de Aginar 187, Lisbon. I.

Schloesser, Luiz Thoratier.—Rua dos Sapateiros 76, Lisbon, and Ave. Miguel Bombarda, Cacias. I–3.

Schmidt, August.—Praca dos Restauradores 13, Lisbon. I.

Schneider, Walter.—Rua Fialho d'Almeida 26, Lisbon. I.

Schodt, Wolfgang.—Praca Duque da Terceira 24, Lisbon. I.

Schoeppen, Alfred.—Rua Sampaio Bruno 12, Oporto. I.

Schoeppen, Alfredo Jose Maria.—Rua Sampaio Bruno 12, Oporto. I.

Scholz, Hans.—Rua da Victoria 41, Lisbon, and all branches in Portugal. I.

Schrader, Julius.—Rua de Santa Marta 141–143, Lisbon. I.

Schuebel, Georg W.—Lisbon. I.

Schuette & Cia. Ltda.—Praca Luiz de Camoes 36, Lisbon. I.

Schuldt, Carl.—Rua da Prata 59, Lisbon. I.

Schultz, Wilma.—Rua do Carvalhido 153, Oporto. III–2.

Schunck, Karl.—Rua de S. Juliao 72, Lisbon. III–1.

Schwair, Max.—Rua da Agra 435, Oporto. I.

Schwarz, Hans.—Rua dos Fanqueiros 15, Lisbon. I.

Schwarz & Co.—Rua dos Fanqueiros 15, Lisbon. I.

Sciunnach, Angel.—Lisbon. I–3.

Seguradora International Ltda.—Rua da Prata 81, Lisbon. I.

Seixas & Co. Ltda., Fernando Coimbra.—Praca D. Filipa de Lencastre 14, and Rua de Fabrica 67, Oporto. III–1.

Sepulveda, Affonso Carlos.—Ave. Almirante Reis 199, Lisbon. I.

Sequeira, F. J. Armando.—Rua Novo do Loureiro 37, Lisbon. I.

Serra, Eduardo da Silva.—Rua Mousinho da Silveira 283 and Rua Miguel Bombarda 456, Oporto. I; III–2.

Serrador, Antonio dos Santos.—Rua da Madalena 133, Lisbon. I.

Serrano & Filhos Ltda., Jose Rodrigues (Fabrica de Conservas Alimenticias a Boa Nova).—Rua Conselheiro Costa Braga 279, Matozinhos, Oporto. I.

Siegel, Wilhelm Hörske.—Largo do Conde Barao 27, Lisbon. I.

Siemens, Cia. de Electricidade.—Rua Augusta 118, Lisbon; and Rua das Carmelitas 12, Oporto. I.

Siemens Reiniger S. A. R. L.—Rua de Santa Marta 141–143, Lisbon; and Rua Candido dos Reis 120, Oporto. I.

Silva, A. Ferreira da (Antonio Ferreira da Silva).—Rua Alexandre Braga 82, Oporto, and at Vila Nova de Gaia. I–3.

Silva, Alexandre Marques da.—Bodiosa, Vizeu. III–4.

Silva, Artur Gonĉalves da (Fabrica do Casal).—Rua 14 de Outubro 241–249, Vila Nova de Gaia. III–4.

Silva, Artur Rodrigues da.—Rua Luciano Cordeiro 98, Lisbon. I.

Silva, Dr. Joao Andre Duarte.—Rua Teofilo Braga 1, Lisbon. III–4.

Silva, Joao Rodrigues da.—Rua Sao Miguel 47, Oporto. I–3.

Silva, Jose Santos.—Rua das Muzas 110, Oporto. I.

Silva, Laurentino Martins da.—Travessa da Fabrica 2, Oporto. I.

Silva, Luciano Rodrigues da.—Vila Verde, Paranhos, Seia. I; I–2.

Silva, Mario (Transportes Mecanicos).—Rua Coelho da Rocha 44, Lisbon. II–1.

Silva, Virgilio Filipe Pereira da.—Rua Tomaz Ribeiro 83, Lisbon. III–4.

Silva, J. & Ledo Ltda.—Parque Escolas, Setubal. I.

Simoes, Virgilio Duque.—Rua do Ataide 9, Lisbon. I–1; III–4.

"SIMOL" Sociedade Industrial e Mercantil dos Olivais Ltda.—Rua Augusta 280, Lisbon. I.

Sinapius, Otto Herman Gustav.—Largo de S. Domingos 17, Lisbon. I–3.

Sinapius Ltda., Otto.—Largo de S. Domingos 17, Lisbon. I–3.

Siragusa, Giuseppe.—Olhao. I.

Sobralense Ltda.—Sobral da Lourinha. I.

Sociedade de Engenharia Michaelis de Vasconcelos.—Ave. dos Aliados 6, Oporto, and Rua Fialho de Almeida 1, Lisbon. I–1.

Sociedade de Importacao-Enrique Thumann.—Rua Formosa 400, Oporto. I–2.

Sociedade de Peles e Artigos de Viagem Ltda.—Rua Augusta 142, Lisbon. I–4.

Sociedade Financiera Industriale-Sofindus.—Rua Augusta 47, Lisbon. I.

"Socomet"—Soc. Continental Metalurgica Ltda.—Rua das Pedras Negras 3, Lisbon. III–1.

Sofindus (Sociedade Financiera Industriale).—Rua Augusta 47, Lisbon. I.

Solacolu, Mircea.—Hotel Metropole, Lisbon. II–4.

Sonimi (Soc. Nacional da Industria Mineira Ltda.).—Azinhaga dos Ameixiais, Lisbon. I.

"Sopocil"-Soc. Portuguesa de Comercio Internacional Ltda.—Rua Ivens 44, Lisbon. III–3.

Soriano, Jose Jorge Alves.—Rua da Junqueira 29, Lisbon. I.

Sousa, Francisco Sales Pereira de.—Belmonte. II–3.

Sousa, Pedro Joao de (owner of *Guadiana 4°*, S.T. *Maria 3°*, S.T. *Maria 5°* and M. T. *Maria Manuela*).—Vila Real de Santo Antonio. II–4; III–1.

Sousa, Virgilio Pereira de.—Belmonte. II–3.

Sousa Gomes, Ltda.—Calcada do Carmo 6, Lisbon. I.

Spinola Guadalupi, Ugo.—Lisbon. I.

Stamer, Roberto Sloman.—Vila Arriaga, Rua Pinheiro, Monte Estoril, Lisbon. I–3.

Steglich, A. W.—Rua do Crucifixo 76, and Rua Augusta 280, Lisbon. I–3.

Steglich, Fritz R.—Rua Augusta 280, Lisbon. I–3.

Stehn, Kuno.—Rua dos Fanqueiros 15, Lisbon. I.

Stone, Humberto da Camara Pereira.—Rua de D. Estafania 7, Lisbon. I–1.

Strzellewicz, H.—Rua da Conceicáo 67, Oporto. I.

Stuhlmacher, Hans.—Ave. Antonio Augusto de Aguiar 66, Lisbon. I–3.

Stuhlmacher Ltda., Friedrich.—Rua do Ouro 124, Lisbon. I–3.

Stuve, W. & Co.—Rua de S. Francisco 4, Oporto. I.

Suppan, Vilmos.—Palacio Hotel, Estoril. I–2.

Swiss Watch Trust —Trust Relojoeiro Suisso Ltda.—Rua Aurea 280, Lisbon. II–3.

Targioni, Eduardo.—Avenida Palace Hotel, Lisbon. II–5.

Tavares, Arnaldo Martins.—Rua dos Fanqueiros 221, Lisbon. I.

Tavares, Ernesto Eduardo.—Rua dos Fanqueiros 221, Lisbon. I.

Tavares, Manoel Rodrigues.—Rua 31 de Janeiro, Guarda. II–5.

Tavares & Rocha Ltda.—Rua dos Fanqueiros 221, Lisbon. I.

Tenorio, Viuva e Herdeiros de Francisco Feria-Fabrica S. Francisco.—Vila Real de Santo Antonio. I–1.

Terol Miralles, Antonio.—Rua dos Fanqueiros 250, Lisbon. III–1.

Teutonia Ltda.—Ave. Ressano Garcia 21, Lisbon. II–5.

Textil Artificial do Porto Ltda.—Travessa das Andrezas 90, Oporto. I.

Thobe, Walter (Hans Carl Walter Thobe).—Ave. da Boa Vista, Oporto. I; I–4.

Thoratier, Luiz.—Rua dos Sapateiros 76, Lisbon. I–3.

Thumann, Enrique.—Rua Formosa 400, Oporto. I–2.

Thumann, Enfique (Sociedade de Importacao).—Rua Formosa 400, Oporto. I–2.

Tobis Portuguesa.—Alameda das Linhas de Torres 156, Lisbon. II–4.

Tocci, Luciano.—Lisbon. I–3.

Toesca, Chiaffredo.—Ave. da Liberdade 253, Lisbon. I.

Torres, Benedito.—Lisbon and Viana de Castelo. II–1.

Torres, Jose da Silva-Empresa de Conservas Sagrada Familia.—Rua Brito Capelo 960–970, Matozinhos, Oporto. I.

Tortella Figueras S.A.—Lisbon. I–2.

Transportadora Ltda., A.—Rua Augusta 188, Lisbon. I–4.

Transportes Batista Carvalho Ltda.—Rua de Sao Juliao 52, Lisbon. III–3.

Transportes e Empreendimentos Ltda., Soc. de (S. E. T. E. L. I.).—Travessa do Abarracamento de Peniche 7, Lisbon. III–4.

Transportes Internacionas—Carlos Guerin Ltda.—Rua do Arsenal 108, Lisbon; and Rua Santa Catarina 304–308, Oporto. I.

Transportes Mecanicos Mario Silva (owners of A. S. V. *Pescador*).—Rua Coelho da Rocha 44, Lisbon. I; I–2; I–4.

Trevisan, Giuseppe.—Rua Joaquim Antonio de Aguiar 46, Oporto. I.

Trevisani, Giovanni.—Rua Miguel Bombarda, Ermezinde. III–4.

Trombetta, Fabrisio.—Lisbon. I.

Trust Relojoeiro Suisso Ltda. (Swiss Watch Trust).—Rua Aurea 280, Lisbon. II–3.

Tungstenia Ltda.—Rua Elisio de Melo 28, Oporto. III–4.

Turci, Captain Edmondo.—Lisbon. II–4.

Uebele, Christian.—Lisbon. I.

Uhfelder, Fritz.—Rua Duque de Loule 112, Oporto. I.

Ulrich, Huller.—Lisbon. I.

"Uniao Mecanica" Antonio Peixoto.—Rua de Santo Andre, Braga. II–3.

Universal de Transportes Ltda., Soc.—Rua dos Fanqueiros 250, Lisbon. I–4.

Uva, Domingos Sancho de Sousa.—Rua Serpa Pinto 122, and Rua Guerra Jungueiro, Matozinhos, Oporto. III–2.

Varela, Joaquim dos Santos.—Ave. de Berne, and Alameda das Linhas de Torres 261, Lisbon. III–4.

Vasconcellos & Vasconcellos, Ltda.—Rua do Cura 24, Lisbon. I.

Vasques, Jose Mesquita.—Travessa do Formo do Torel 1, Lisbon. I.

Vaz Ribeiro, Figueiredo & Co. Ltda.—Praca D. Filipa de Lencastre 14, Oporto. III–1.

Veiga, Vasco Soares da.—Rua da Madalena 133, Lisbon. I.

Veith, August.—Rua da Palma 146, Lisbon. I.

Viale, Mario.—Rua Duarte Galvao 44, Lisbon. I.

Viana, A. Rocha.—Rua dos Correiros 92–3, and Rua da Condessa 80, Lisbon. I.

Viana, Luiz.—Rua Dr. Jose Ventura 133, Matozinhos, Oporto. II–5.

Viegas, Carlos Bernardino.—Ave. 5 de Outubro 23, Setubal. I.

Viegas, Francisco.—Ave. Antonio Serpa 38, Lisbon. I.

Viegas, Jose.—Setubal. I.

Viegas, Dias & Cia. Ltda.—Calcada do Sacramento 14, Lisbon; and Estrada Graca 256, Fontainhas, Setubal. I.

Viegas & Colombo Ltda.—Setubal. I.

Viegas & Lopes.—Ave. 5 de Outubro 23, Setubal. I.

Viegas Irmaos Ltda.—Rua dos Fanqueiros 38, Lisbon. I.

Vieira, Antonio Alves.—Rua do Arsenal 108, Lisbon. I.

Vila, Eduardo de Pablo Cuadrado.—Rua Joaquim Antonio de Aguiar 70, Lisbon. I–3.

Vila Ltda., Eduardo.—Rua Joaquim Antonio de Aguiar 70, Lisbon. I–3.

Vilaca, Jose Julio.—Rua Dr. Sousa Viterbo 87, Oporto. I.

Vincent, Fernand.—Rua Ivens 56, Lisbon. I–3.

Vincent, A. Ltda. (Agencia Comerciale Francesa).—Rua Ivens 56, Lisbon. I–1; II–4.

Vogel, Elka.—Rua da Palma 40, Lisbon. I–1.

Volz, Kurt.—Vila Carlos Costa 9, Santa Amaro de Oeiras. I.

Von Ratibor, Prince Ernst.—Estoril. II–4.

Von Ratibor, Princess Ernst.—Estoril. II–4.

Wagner, Ludwig.—Rua Candido dos Reis 74, Oporto. I.

Waldhausen, C. Herbert.—Rua do Ouro 191, Lisbon. I.

Waldsachs, Emil.—Rua Nova do Almada 81, Lisbon. II–3.

Warncke de Vasconcelos, Goncalo.—Ave. Ressano Garcia 21, Lisbon. II–5.

Warren, William.—Travessa do Navegantes 10, Cascaes. II–4.

Weber & Cia.—Galeria de Paris 82, Oporto. I.

Wehr, Paul.—Vivenda Rodrigues 5, Santo Amaro de Oeiras. I–3.

Weigel, Kurt.—Rua de Santa Marta 141–143, Lisbon. I.

Wendt & Bydekarken Ltda.—Rua dos Sapateiros 70, Lisbon. I.

Wiedau, Arend.—Rua da Palma 219, Lisbon. I.

Wieprecht, Horst.—Praca Luiz de Camoes 36, Lisbon. I.

Wieprecht Ltda., Horst.—Praca Luiz de Camoes 36, Lisbon. I.

Wilhelm, Carl.—Rua da Boa Vista 56, Lisbon. I.

Wilhelm & Cia., Carl.—Rua da Boa Vista 56, Lisbon. I.

Wilms, Willy.—Rua do Castanheiro 25, Oporto. I.

Wimmer, J. & Co.—Ave. 24 de Julho 34, Lisbon; and Rua Mousinho da Silveira 18, Oporto. I.

Winkler, Ludwig.—Regueirao dos Anjos 68, Lisbon. I.

Wirges, Wilhelm.—Rua Victor Cordon 34, Lisbon. I.

Wirges & Simoes Ltda.—Rua Victor Cordon 34, Lisbon. I.

Wischmann, Otto.—Rua de Santa Marta 169, and Ave. Luiz Bivar 12, Lisbon. I; I–2.

Wittenburg, Helmut.—Calcada do Carmo 25, Lisbon. I.

Wollmer, Theodor.—Rua Luciano Cordeiro 77, and Rua do Comercio 8, Lisbon. II–5.

Wuensche, Alex.—Rua da Prata 51, Lisbon. I.

Wuthenow, Ernst.—Lisbon. II–5.

Zickermann Soc. S. A. R. L.—Rossio 3, Caixa Postal 115, Lisbon; and Ave. dos Aliados 64, Oporto. I.

Angola

Agricola Kiskerhof Ltda., Soc.—Cubal. I.

Aguiar, Jose.—Dondo and Porto Amboim. I.

Ahlefeldt, Kai Von.—Dembos. III–4.

Alves, Jose.—Mossamedes. I.

Bagdahn, Herbert.—Nova Sintra, Bie. I.

Becker, Emil - Fazenda Canjonja.—Cambunze. I–2.

Boebs, Carl Ludwig - Plantation Boebs.—Catumbela. I–2.

Brock, Arnold.—Loanda. I.

Comercio Geral Ltda., Soc. de.—Caixa Postal 74, Nova Lisboa. I.

Conjo Ltda.—Vila General Machado. I–2.

Dieken, Edmund.—Loanda. III–4.

Fazenda Agricola Lundungo - Ernst March.—Caixa Postal 33, Vila Machado Ganda. I.

Fazenda Canata.—Andulo. I.

Fazenda Canjonjo (Emil Becker).—Cambunze. I–2.

Fazenda Cantana.—Nova Sintra, Bie. I.

Fazenda Coporolo.—Ganda, Benguela. III–1.

Fazenda Entre-Rios.—Catamba, Vila Mariano Machado, Lobito. I.

Fazenda Franconia.—Chicuma, Benguela. I.

Fazenda Kalubunda.—Golungo Alto. I.

Fazenda Lombongo.—Dala Cachibo, Libolo, Cuanza-Sul. I.

Fazenda Longwe.—Longwe. I.

Fazenda Lucipa.—Chicuma, Benguela. I.

Fazenda Lunda.—Chicuma, Benguela. I.

Fazenda Moxixe.—Munenga, Libolo. III–4.

Fazenda N'Danga.—Dala Cachibo, Libolo, Cuanza-Sul. I.

Fazenda Quiemba Ltda. (Gruessel).—Dembos. I–2.

Fazenda Tuma Samba.—Calulo, Libolo. I.

Fazenda Vumba.—Libolo. I–4.

Gaertner, Klaus.—Caixa Postal 74, Nova Lisboa. I–3.

Gaertner, Leopold (Luzogaert Ltda.).—Caixa Postal 74, Nova Lisboa. I.

Gaertner, Nina Austerlitz.—Caixa Postal 74, Nova Lisboa. I–3.

Gartner, Margarethe.—Chicuma, Benguela. I.

Goedecke, Ernst.—Vila General Machado. I–2.

Goldschmidt, Louis.—Rua Farinha Leitas, Caixa Postal 366, Loanda. I.

Gomes, Jaime Martins.—Caixa Postal 22, Nova Lisboa. I.

Gruessel—Fazenda Quiemba Ltda.—Dembos. I–2.

Guttzeit, Harald.—Catamba, Vila Mariano Machado, Lobito. I.

Hachmeister, Richard.—Caixa Postal 33, Mossamedes; and Caixa Postal 131, Benguela. I.

Hachmeister & Milewski.—Caixa Postal 33, Mossamedes; and Caixa Postal 131, Benguela. I.

Hey, Eibe Dittmar.—Fazenda Coporolo, Ganda, Benguela. III–1.

Hildebrandt, Gunther.—c/o Plantacoes de Pamba Ltda., Lucala, Cazengo, Cuanza-Norte. I–4.

Holman, Werner.—Gamba, Alto Andulo, Bie. I.

Industrial do Chinguar Ltda., Soc.—Chinguar, Bie. I.

Kath, Alfred Hugo Walter.—Dembos. I.

Kisker, Alexander.—Cubal. I.

Kisker, Hans Oscar.—Cubal. I.

Klein, Hans.—Loanda. I.

Klinker, Ernest Karl.—Quiculungo, Calandula, Malange. I.

Kroel, Dr. Franz Ludwig.—Libolo. I.

Krueck, Elsa.—Munenga, Libolo. III–4.

Krueck, Erwin.—Munenga, Libolo. III–4.

Krueger, Georg.—Dondo and Porto Amboim. I.

Kuhn, Auri.—Roca Montes Herminios, Dembos, Loanda. I.

Lanaro, Tina Maria.—Chinguar, Bie. I.

Lange, M. G. & Cia. Ltda.—Rue Pereira Forjaz, Caixa Postal 211, Loanda; and Caixa Postal 33, Benguela. I.

Longa Agricola Ltda.—Cachibo, Libolo, Cuanza-Sul. I.

Luckner, Graf Ulrich Ferdinand.—Lunge, Dala Cachibo. I.

Luzo-Alema Ltda., Soc.—Caixa Postal 1222, Loanda. I.

Luzogaert Ltda.—Leopold Gaertner.—Caixa Postal 74, Nova Lisboa. I.

March, Ernst (Fazenda Agricola Lundungo).—Caixa Postal 33, Vila Machado Ganda. I.

Massano, Carlo Lodovico.—Chinguar, Bie. I.

Milewski, Hans.—Caixa Postal 33, Mossamedes; and Caixa Postal 131, Benguela. I.

Moessner, Anton.—Fazenda Vumba, Libolo. I–4.

Monteiro, Jose M. Alves.—Ave. 5 de Outubro, Nova Lisboa. I–2.

Monteiro, Serafin.—Ave. 5 de Outubro. Nova Lisboa. I.

Mundt, Herbert.—Fazenda Vumba, Libolo. I–4.

N'Hia Agricola Ltda.—Caixa Postal 33, Gabela. I.

Oesterlen, Richard.—Dala Cachibo, Libolo, Cuanza-Sul. I.

Plantacao Alto Cubal Ltda.—Alto Cubal. I.

Plantacao Cahombo.—Rampa, nr. Lucala. I.

Plantacoes da Pamba Ltda.—Lucala, Cazengo, Cuanza-Norte. I.

Plantacoes de Angola Ltda.—Roca Montes Herminios, Dembos, Loanda. I.

Plantacoes de Mucozo Ltda.—Dondo, Cambambe, Cuanza-Norte. I.

Plantacoes de Quisocolo Ltda.—Pango-Aluquem, Dembos. I.

Plantation Boebs (Carl Ludwig Boebs).—Catumbela. I–2.

Porto-Huambo Commercial Ltda.—Ave. 5 de Outubro, Nova Lisboa, and at Huambo. I–2.

Reich, Hellmutt.—Catamba, Vila Mariano Machado, Lobito. I.

Reiss, Bruno.—Caixa Postal 5, Nova Lisboa. I.

Riehle, Emil.—Angola. I.

Roca Bango.—Quiculungo. I.

Roca Canzele Ltda.—Quiculungo. Calandula, Malange. I.

Roca Novo Minho.—Dembos. III–4.

Roca Vale de Loma.—Dembos. I.

Rouselle, Oscar.—Dala Cachibo, Libolo, Cuanza-Sul. I.

Santos, Carlos.—Rua Pereira Forjaz, Loanda. I.

Sauer, Friedrich Wilhelm Albert.—Loanda. I.

Schoen, Fritz.—Gabela, Amboim. I.

Schreiber, Emil.—Lobito. I.

Smidt, Reinier.—Luati, Libolo, Cuanza-Sul. I.

Stevenson, Dr. Maximo. — Chinguar, Bie. I.

Stiehl, Werner.—Fazenda Canata, Andulo. I.

Tappe, Franz.—Catamba, Vila Mariano Machado, Lobito. I.

Thieleke, Leo.—Calulo. I–4.

Toscano, Mario.—Caixa Postal 88, Nova Lisboa. I.

Ullerich, Otto.—Pango-Aluquem, Dembos. I.

Van Linde Siden, H.—Dondo and Porto Amboim. I.

Von Krosighk, Volrat.—Libolo, Cuanza-Sul. I.

Von Larisch, Nicolaus. — Quiculungo. I.

Von Loen, Baron.—Libolo, Cuanza-Sul. I.

Von Rischtofen, Baron Gerhardt.—, Dala Cachibo, Libolo, Cuanza-Sul. I.

Woermann, Brock & Co.—Ambrizette and Loanda. I.

Woermann Linie.—Lobito. I.

Zilger, Wilhelm.—Caixa Postal 3, Salombinga, Vila Mariano Machado. I.

Azores

Auto-Electrigia de Tavares & Cia. Ltda.—Rua Joao Chagas 56–8, Ponta Delgada, São Miguel. I.

Azevedo & Cia., Sucrs.—Ponta Delgada, São Miguel. I.

Camara, Dr. Antonio da.—Rua Tavares Rezende, Ponta Delgada, São Miguel. III–2.

Camponovo & Cia. Ltda.—Rua Dr. Caetano de Andrade, Ponta Delgada, São Miguel. I.

Corsepius, Gustav A. S.—Horta, Fayal. III–3.

Exportadora Ltda.—Ponta Delgada, São Miguel. III–2.

Italcable.—Horta, Fayal Is. I.

Majerviez, Johann.—Horta, Fayal. III–3.

Neppach, Oscar.—Caixa Postal 20, Ponta Delgada, São Miguel. I.

Schroeder, Otto.—Horta, Fayal. III–3.

Soares, Cristovao da Mota.—Capellas, São Miguel. III–2.

Cape Verde Islands

Ferro, Henrique da Silva Pinto (owner of S. V. *Carvalho*).—Paul, São Antao. I–1.

Italcable.—St. Vincent. I.

Kiel, Heinrich.—Praia (Ilha de Santiago). I–2.

Santos, Jose dos.—Caixa Postal 27, Mindello, St. Vincent. I.

Santos Ltda., Albino dos.—Caixa Postal 27, Mindello, St. Vincent. I.

Goa

Desai, Venctexa.—Panjim. I.

Dias, Dr. Victor.—Nova Goa. I.

Drogaria Luso-Indiana (Venctexa Desai).—Panjim. I.

Koch, Robert.—Mesquito Hotel, Campbel, Panjim. I.

Pereira & Sons, Elesbao.—Marmagao. I.

Madeira

Corte, Joao da.—Rua das Murcas, Funchal. III–2.

Dantas, Francisco.—Camara de Lobos. III–2.

Dantas & Dantas.—Funchal. III–3.

Empresa Forneced D'Agua a Navegacao.—Funchal. I.

Fernandes, Joao.—Caminho de S. Martinho, Funchal. III–2.

Franca, Manuel de Jesus.—Funchal. I.

Gesche, Emil.—Rua Dr. Costa Ferreira 37, Fuichal. I.

Goncalves, Luciano Anselmo de Jesus.—Casa Coimbra, Rua 31 de Janeiro, Funchal. III–2.

Gouveia, Renato.—Rua Serpa Pinto 23–25, Funchal. III–2.

Hoffmann, Wilhelm.—Funchal. I.

Insulana de Transportes Maritimos Ltda., Soc.—Funchal. I.

Jesus, Antonio Martins de.—Casa Coimbra, Rua 31 de Janeiro, Funchal. III–2.

Kickeben, Max.—Rua do Conselheiro 39, Funchal. I.

Moreira, Joao.—Machico. III–2.

Moro e Figli, Tomaso.—Funchal. I.

Pastelaria, Iris.—Funchal. III–4.

Pereira, Alberto Faria.—Casa Coimbra, Rua 31 de Janeiro, Funchal. III–2.

Rier, Maria Helena.—Rua do Conselheiro 39, Funchal. I.

Sacco, Ferdinando.—Funchal. III–4.

Sacco, Pierino.—Funchal. III–4.

Soares, Antonio.—Camara de Lobos. III–2.

Souza, Agostinho.—Camara de Lobos, and Casa Coimbra, Rua 31 de Janeiro, Funchal. III–2.

Souza, Joao.—Camara de Lobos, and Casa Coimbra, Rua 31 de Janeiro, Funchal. III–2.

Souza, Tome.—Camara de Lobos, and Casa Coimbra, Rua 31 de Janeiro, Funchal. III–2.

Teixeira, Jose.—Rua Serpa Pinto 23–25, Funchal. III–2.

Viana Luiz.—Rua Serpa Pinto 23–25, Funchal. III–2.

Mozambique

Africana Ltda., Soc. Geral.—Caixa Postal 47, Lourenço Marques; and Caixa Postal 291, Beira. I.

Agricola de Muaguide Ltda., Cia.—Porto Amelia. I.

Agricola de Nametoria Ltda., Soc.—Angoche Is. I.

Arndt & Cohn Ltda.—Lourenço Marques. I.

Baumann, Adolf.—Porto Amelia. I.

Berg, Karl Heinrich.—Bellavista Farm, Machipanda. I–1.

Buccellato, Giuseppe Buffa.—Lourenço Marques. I.

Buccellato, Ignacio.—Lourenço Marques. I.

Buccellato & Miguel Soc.—Metalurgica Portuguesa.—Lourenço Marques. I.

Buccellato & Valentim & Cia.—Lourenço Marques. I.

Carvalho, Francisco Nobre de.—Caixa Postal 130, Mozambique. I.

Colonial de Nangororo, Cia.—Caixa Postal 24, Porto Amelia. I.

Dahlmann, Georg.—Mehegane-Ancuabe, and Macarara, Porto Amelia, Niassa. III–2.

Derfuss, Hans.—Lourenço Marques. I.

Deutsche Ost Afrika Linie (Beira) Ltda.—Beira. I.

Dieckman, Ernst.—Lourenço Marques and Beira. I.

"Eadom" Monapo.—Monapo, Mozambique. I.

East African Trading Co. Ltd.—Caixa Postal 487, Lourenço Marques; and Caixa Postal 291, Beira. I; II–4.

East African Trading Society.—Caixa Postal 487, Lourenço Marques; and Caixa Postal 291, Beira. I–3; II–4.

Empresa Agricola de Mezerepane.—Mozambique. I.

Emprêsa Agricola do Monapo Ltda.—Monapo, Mozambique. I.

Empresa Grafica de Mozambique Ltda.—Mozambique. I.

Exploracoes Mineiras (Niassa) Ltda.—Caixa Postal 18, Porto Amelia. I.

Freier, Karl von.—Mareja-Metuge, Porto Amelia, Niassa. III–2.

Garlipp & Bene.—Beira. I.

Goertz, Helmuth.—Mozambique. I.

Gomann, Irene.—Mozambique. I.

Gomann, H. & Co.—Mozambique. I.

Gouveia, Jose Luzia Fernandes.—Caixa Postal 103, Mozambique. I.

Hieronymus, Hermann.—Mozambique. I.

Huttig, Emil O.—Negolen-Ancuabe, Porto Amelia, Niassa. III–2.

Janssen, John Henri Gustav.—Caixa Postal 316, Biera. I.

Junge, Heinrich.—Porto Amelia. I.

Koencke, Rudolfo.—c/o Cia. Agricola de Muaguide Ltda., Porto Amelia. I.

Kohl, Jacob.—Lourenço Marques. I.

Lair (Laia), Manóel Ribeiro.—Mozambique. II–1; III–2.

Leidenberg, Justus.—Caixa Postal 505, Lourenço Marques. I.

Lobo, Braz Xavier.—Ave. Paiva Manso, Lourenço Marques. II–4.

Lohr, Justus Robert.—Narrussa-Ancuabe, Porto Amelia, Niassa. III–2.

Manna, Alfredo M.—Rua Consigliere, Lourenço Marques. II–3.

Marunga Ltda., Soc.—Metuge, Porto Amelia. I.

Mascarenhas, Santana Piedade.—Caixa Postal 279, Beira. II–3.

Metalurgica Portuguesa, Soc. (Buccellato & Miguel).—Lourenço Marques. I.

Moura, A. Ribeiro de Castro e.—Rua Gouveia 8 and 10, Caixa Postal 1037, Lourenço Marques. II–5.

Moura, Abel Ribeiro de Castro e.—Rua Gouveia 8–10, Caixa Postal 1037, Lourenço Marques. III–3.

Moura, Amadeu Ribeiro de Castro e.—Lourenço Marques. III–3.

Pagan, Carlos.—Rua Consigliere, Lourenço Marques. II–3.

Pagan, Umberto.—Rua Consigliere, Lourenco Marques. II–3.

Pechner, Erna.—Lourenço Marques and Beira. I.

Pechner Ltda.—Caixa Postal 47, Lourenço Marques; and Caixa Postal 291, Beira. I.

*Philippi & Co., Wilhelm.—Caixa Postal 109, Mozambique, and all branches in Mozambique. I; IV.

Plantacao Namanje.—Porto Amelia. I.

Raabe, H.—Beira. I.

Requadt, August.—Chanculo, nr. Lourenço Marques. II–4.

Requadt, Herbert.—Chanculo nr. Lourenço Marques. II–5.

Requadt, Wilhelm.—Chanculo nr. Lourenço Marques. II–4.

Ridi Sisal Ltda.—Quelimaquito, Porto Amelia. I.

Roessler, Friedrich.—Porto Amelia. I.

Rufijya Pflanzungs G. m. b. H.—Porto Amelia. I.

Schroeder, Georg and Leidenberg.—Lourenço Marques. I.

Siemers, Fritz.—Mericue and Secubir, Antonio Enes, Niassa. III–2.

Siemers, Hans.—Mericue and Secubir, Antonio Enes, Niassa. III–2.

Sisal A. G.—Porto Amelia. I.

Sisal S. A.—Porto Amelia. I.

Steegmann, Rudolph.—Pebane. I.

Stefani e Radio Roma, Agencias.—Rua Consigliere, Lourenço Marques. II–3.

Stockigt, Arthur.—Ave. 5 de Outubre 41, Caixa Postal 373 and 826, Lourenço Marques. I.

Tepper, Johannes.—Memba-Ancuabe, Porto Amelia, Niassa. III–2.

Toennies, Gustav.—Caixa Postal 505, and % Wilhelm Philippi & Co., Caixa Postal 109, Mozambique. I–4; III–1.

Trepte, Max Kurt.—Joga-Ancuabe and Mihali, Porto Amelia, Niassa. III–2.

Von Burchard, Joachim.—Metuge, Porto Amelia. I.

Von Hirschfeld, Alexander Wilhelm Adolf Ludwig.—Elvas Siding, and Chimezi Estate, Macequece, Zambezia. I.

Webendorfer, Kurt.—Lourenço Marques and Beira. I.

Woermann, Hans.—Monapo, Mozambique. I.

Zimmermann, Kurt.—Lourenço Marques. I; I–3.

Zipfel, Albert.—Muguia-Muaguide, Quissanga, Niassa. III–2.

Portuguese China

Waibel & Cia.—Macao. I.

Portuguese Guinea

Agricola e Fabril da Guiné, Cia.—Bubaque, Bissagos Islands. I.

Assad, Aly.—Bissau. III–3.

Brandao, Manuel de Pinho.—Bolama. I.

Cadillac, Henri.—Bissau. III–3.

Carbou, Henri.—Bissau. III–3.

Courrent, Paul.—Bissau. III–3.

Elawar & Co. Mahmud.—Bafata, Bissau, and all branches in Portuguese Guinea. II–5.

Heneni, Jamil.—Bafata. III–3.

Jabre, Hussein.—Bolama. II–5.

Joseph & Irmao, Aly.—Farim. III–3.

Loehndorf, August.—Geba. I.

Nienhaber, Paul.—Caixa Postal 79, Bissau. I.

Oliveira, Henrique de.—Bissau. III–3.

Peyrissac & Cie., Anc. Etab. Charles.—Bissau. II–1.

Ringel Ltda., Soc. Comercial.—Caixa Postal 79, Bissau. I.

Seifert, Paul.—Caixa Postal 79, Bissau. I.

Souleiman, Alatrach.—Bafata, Bissau, and all branches in Portuguese Guinea. II–5.

SPAIN AND POSSESSIONS

Spain

A. E. G. Iberica de Electricidad S. A.—Madrid, and all branches in Spain. I.

Abello Oxigeno Linde S. A.—Barcelona. I.

Aceros Boehler.—Rodriguez Arias 6, Bilbao. I.

Aceros Finos Phoenix.—Rodriguez Arias 8, Bilbao. I.

Aceros Finos Roechling.—Barcelona, and all branches in Spain. I.

Aceros Marathon, S. A.—Henao 64, Bilbao. I.

Adriatica de Seguros, Cia.—Via Layetana 47, Barcelona, and all branches in Spain. I.

Adriatica, S. A. de Navigacione.—Alcala 45, Madrid, and all branches in Spain. I.

Aduanas & Consignaciones Maritimas S. A., Cia. General de (formerly Agencia Maritima P. Pannocchia).—Pasaje Comercio I–3, Barcelona. I.

Aduanas y Transportes Internacionales, Jose Herrero S. A.—Rambia Santa Monica 29, Barcelona. III–2; III–3.

Afeian, Narciso Bagos.—Mallorca 217, Barcelona. I–1.

Agencia Alemana de Prensa, D. N. B.—Al. Urquijo 74, Bilbao. I.

Agfa Foto S. A.—Rambla Cataluna 347, Barcelona, and all branches in Spain. I.

Agro S. A.—Gravina 53, Seville. I.

Aguilar, M.—La Comercial Maritima S. A.—Ancha 13, Barcelona. I.

Ala Littoria.—Paseo Gracia 13, Barcelona, and all branches in Spain. I.

Alemanes, Almacenes—Editorial Perello S. A.—Pelayo 20, Barcelona. I–2.

Alimbau Codina, M.—San Lorenzo 36, Reus. I.

Alimbau Minguell, Hijo de Miguel.—San Carlos y San Jose 50, Reus. I.

Aller, Eyl y Stiegler.—Casanova 30, Barcelona. I.

"Alvacork"—Francisco Alvarez y Alvarez.—Hernando Colon 24–26, and Jupiter 6, Seville. III–3.

Alvarez Gonzales, Francisco.—Jupiter 6, and Hernando Colon 24–26, Seville. I–1; III–3.

Alvarez Tome, Manuel.—Pablo Murillo 4, Vigo. I.

Alvarez y Alvarez, Francisco ("Alvacork").—Hernando Colon 24–26, and Jupiter 6, Seville. III–3.

Alvargonzalez, Erhardt y Cia.—Instituto 25, Gijon. I.

Amann, Jose Maria.—Ave. Generalisimo 13, Madrid. I.

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*Address added or changed with this revision.

Amann, Juan.—Borrell 128, Barcelona, and Mira Cruz 4, San Sebastian. I.

Amann, Victor.—Borrell 128, Barcelona, and Mira Cruz 4, San Sebastian. I.

Ambrosolli.—Plaza Cataluna 9, Barcelona. II–1.

Amerex Soc. Ltda.—Via Layetana 13, Barcelona. I.

Andreani, Attilio.—Ave. Jose Antonio 65, Madrid. II–4.

Anilinas S. A.—Ausias March 16–18, Barcelona. I.

Anso y Cia.—Pasajes. I.

Aparatos de Radio Telefonia.—Hernan Cortes 13, Madrid. I–4.

Aralar S. A., Cia de Explotaciones Mineras.[1]—Calle Zumalcarequi, Tolosa (Guipuzcoa). III–2; IV.

Arana, Domingo.—Espartero 3, Bilbao. I.

Areizaga, Adolfo.—Urazurrutia 1, Bilbao. I.

Arp, Dr. Enrique (Heinz).—Rodriguez Arias 32, Apartado 200, Bilbao. I–1.

Arrancudiaga, Rafael.—Ave. Generalisimo 1, Madrid. I.

Assicurazioni Generali.—Ave. Jose Antonio 16, Madrid, and all branches in Spain. III–2.

Astigarraga, Hijos de.—Bertendona 4–1, Bilbao. III–4.

"Autogasogenos".—Marques de Cuba 23, Madrid. II–1.

Avadic, Solly.—Hotel California, Jose Antonio 38, Madrid. III–4.

Bachia, Cia. Nav. (Owners of S. S. *Bachi, Bartolo, Juan de Astigarraga, Kauldi, Manuchu,* and *Tom*).—Bertendona 4–1, Bilbao. III–4.

Bachmann, Leon.—Via Augusta 151, Barcelona. III–3.

Bachmann, Max.—Via Augusta 151, Barcelona. III–3.

Bachmann, Max.—Palamos, Palafrugell. III–4.

Bakumar, Agencia de Viajes.—Plaza Queipo de Llano 1, Malaga, and all branches in Spain. I.

Baldacci, Especialidades Farmaceuticas.—Provenza 427, Barcelona; and Arturio Soria 430, Madrid. I–3.

Banca Nazionale del Lavoro (Delegation de).—Alcala 62, Madrid, and all branches in Spain. I.

Banco Aleman Transatlantico (Deutsche Uberseeische Bank).—Madrid, and all branches in Spain. I.

Banco di Roma (España).—Madrid. I.

Banco Germanico de la America del Sud S. A.—Madrid. I.

Banco Vitalicio de Espana.—Rambla Cataluna 18, Barcelona. I.

Baquera Segalerva, Rafael.—Plaza de las Cortes 3, Madrid, and at Malaga. III–2.

Baquera Kusche & Martin S. A. ("Bakumar").—Plaza de las Cortes 3. Madrid, and all branches in Spain. I.

Barabino, Emanuele.—Palace Hotel, Madrid. I.

Barale y Bergese.—Serrano 25, Madrid. I.

Barletti, Paolo.—Ave. Generalisimo 51, Ave. Jose Antonio 27, and Castellana 51, Madrid. I.

Barreras, Masso Gaspar.—Colon 6, Vigo. I; III–4.

Bassas, Ferando Ernesto.—Via Layetana 45, Barcelona. I.

Bastian, Dr. Walter.—Serrano 135, Madrid. III–1.

Baum, Carlos.—Rambla Cataluna 66, Barcelona, and all branches in Spain. I–1.

Baum, Mrs. Carlos.—Rambla Cataluna 66, Barcelona, and all branches in Spain. I–1.

Bavastro & Raimondi.—Junqueras 2, Barcelona. I.

Bayarri, Jose.—Barcelona. I.

Bayer, La Quimica Com. Farm.—Lepanto 2, Vigo. I.

Bayo, José Luis.—Ave. Generalisimo 13, Madrid. I.

Beck, Op der, Werner.—Ibiza 28, Madrid. III–1.

Becker Wolf, Juan.—Provenza 379–381, Barcelona. III–1.

Bela, Jorge.—Castello 93, Madrid. I.

Benavent y Marx, Soc. Ltda.—Valencia 277, Barcelona. III–1.

Benito, Tomas.—Plaza Alfonso el Magnanimo 1, and Pintor Sorolla 29, Valencia. I; III–4.

Berkenbusch, Antonio.—Antonio Maura 10, Madrid. I–2.

Bernhardt, Johann.—Gran Via 62, Bilbao. I.

Beselin, Val H.—Plaza de las Cortes 3, Madrid. III–2.

Best, Emil.—Palace Hotel, Madrid. III–3.

Biermann, Rudolf.—Lagasca 121, Madrid. I.

Bilbaina de Minerales y Metales, Soc.—Buenos Aires 4, Bilbao. I.

Bilbao Industrial S. A.—Rodriguez Arias 8, Bilbao. I.

Biro, Albin.—Marques de Cuba 25, Madrid. I–1.

Bjorge, Bjorn Rock.—Paseo de Colon 16, Seville. I.

Blass S. A.—Núnez de Balboa 25, Madrid. I.

Bleckmann y Cia. Ltda.—Plaza Cataluna 9, Barcelona; and Rodriguez Arias 3, Bilbao. III–1.

Bodegas Levantinas Espanolas S. A.—Valencia. I.

Boehme, Franz.—Felipe Sanchez 24, Vigo. I.

Boehringer Productos Quimicos-Farmaceuticos S. A.—Copernico 6, Barcelona. I.

Bofill Gelpi, Jaime.—San Feliu de Guixols, Gerona. I–4.

Bofill, Juan.—Ave. Jose Antonio 752, Barcelona. I.

Bofill, Ramiro.—Santa Paula 28, Seville. I.

Boggio Marzet, Anselmo.—Gijon. II–5.

Bozung, Pedro.—Provenza 197, Barcelona. II–5.

Bracker, Ernesto Heinrich.—Rambla Cataluna 66, Barcelona. II–3.

Brana y Boggio.—Gijon. II–5.

Brauns Ltda., Especialidades Domesticas.—Barcelona. I.

Brendle, Juan.—Calabria 31, Barcelona. I.

Broemme, Anton.—Pavillon Citreon, Ave. de Francia, Irun. I.

Buch, Carlos.—Cuarte 138, Valencia. I.

Buch, Maximo.—Cuarte 138, Valencia. I.

Buckau, Wolf.—Barquillo 47, Madrid. I.

Buettner, Arno Richard.—Diego de Leon 28, Madrid. I–2.

Busseti, Pier.—Velasquez 71, Madrid. I.

Bustamente, Luis Crovetto.—Jardines 18, Granada. I.

C. E. R. I. (Consignaciones Exportacion Representacion Importacion Soc. Ltda.).—Plaza Cataluna 9, Barcelona. II–1; II–3.

C. I. D. S. A.,–Comercial Ibero Danesa S. A.—Sarria 7, Barcelona; and Moreto 15, Madrid. I.

C. I. E. R.–Cia. de Importaciones Exportaciones y Representaciones.—Ave. Jose Antonio 27, Madrid. II–3.

C. I. M. S. A.,–Comercial Industrial Mediterranea S. A.—Almagro 26, Madrid. I; II–4.

C. I. S. A.,–Construcciones Industriales S. A.—General Mola 9, Madrid. I–4.

Cabella, Alexandro.—Principe 14, Madrid. I.

Cabezon Bergasa, Fernando.—Valencia 300, Barcelona. I.

Cabre Pibernat, Andres.—Albareda 13, and Luna 10, Barcelona. I.

Cagliero, Enrique.—Quintana 11, Madrid. I–3.

Caja de Prevision y Socorro.—Rambla Cataluna 19–21, Barcelona. II–5.

Calvet, Juan.—Ave. Jose Antonio 31, Madrid. II–5.

Calza Bini, Gino.—Madrid. III–2.

Campi y Jove.—Ave. Jose Antonio 671, Barcelona. I.

Candina, Jose Maria.—Berastegui 2, Bilbao. I.

Canizal Alonso, Jesus.—San Pablo 68, Salamanca. III–4.

Capilla Hurtado, Jose.—Sagunto 37, Valencia, and Arquitecto, Grao-Valencia. II–4.

Carandini, Carlos.—Ronda Universidad 31, Barcelona. II–4.

Carandini, Emilio.—Via Layetana 7, Barcelona, and all branches in Spain. I.

Carandini, C. y G. Ltda.—Ronda Universidad 31, Barcelona. II–4.

Carey Hnos. y Cia.—Tarragona. I.

Carranza, Fernando.—Ave. Generalisimo 13, Madrid. I.

Carrion, Rafael.—Talavera de la Reina. I–2.

Caruncho, H.—Lagasca 66, Madrid. II–3.

Casas Narciso.—Via Layetana 36, Barcelona. II–3.

Ceramica de las Cies S. L.—Calvario, Vigo. III–3.

Chiner, Patricio.—Torrente, Valencia. I–3.

Cilus-Comercial Ibero-Lusitana.—Ave. Jose Antonio 49, Madrid. II–5.

"Cites"—Casa Italiana Transporti e Spedizioni.—Alcala 61, Madrid. III–2.

Classen, Wilhelm G.—Madrid. II–5.

Clauss, Luis.—Huelva. I.

Climent, Gonzalo Simo.—Carreteria 54, Malaga. I–2.

Clols, Pablo.—Ali-Bey 138, Barcelona. I.

Coll, Javier.—Corcega 269, Barcelona. I–4.

Coll & Soriano S. L.—Rambla Santa Monica 8–12, Barcelona. I.

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[1] Name changed with this revision from Aralai S. A.

Collado, Julio.—Tres Cruces 7, Madrid. I–2.

Colombin, Bruno. — Seville, and other addresses in Spain. II–3.

"Colonsa".—Plaza de Colon 3, Madrid. III–2.

Comatra (Cia. Comercial Maritima de Transportes S. A.).—Ave. Generalisimo 1, and Moratim 52, Madrid. I; I–2.

Combalia Sagrera S. A., Comercial.—Via Layetana 15, Barcelona, and all branches in Spain. I–1.

Comercial Andaluza Extremena S. A.—Peligros 9, Apartado 240, Madrid; and Santiago 25, Seville. I.

Comercial Centro Iberica S. A.—Via Layetana 45, Barcelona. I.

Comercial Hispano-Neerlandesa Cia. (Nedespana S. A. E.).—Ayala 10, Madrid. II–3.

Comercial Iberica S. A., Soc.—Nicolas Maria Rivero 9, Madrid. III–3.

Comercial Ibero Danesa S. A. (C. I. D. S. A.).—Sarria 7, Barcelona; and Moreto 15, Madrid. I.

Comercial Ibero-Lusitana (Cilus).—Ave. Jose Antonio 49, Madrid. II–5.

Comercial Industrial Mediterranea S. A. (C. I. M. S. A.). — Almagro 26, Madrid. I; II–4.

Comercial Italo Espanola S. A.—Via Layetana 45, Barcelona. I.

Comercial Maritima de Transportes S. A., Cia. (owners of S. S. *Adeje, Ellen* (ex *Nere Ametza*), *Isora, José Trujillo, Maria Amalia, San Eduardo, San Isidro Labrador, San Juan II, Sebastian,* and *Tercio Montejurra;* and *M. V. Maribel*).—Ave. Generalisimo 1, and Moratim 52, Madrid. I; I–2; II–1; II–3; II–4; III–4.

Comercial Quimico Metalurgica S. A.—Alameda de Mazarredo 8, Bilbao. I–2.

Comptoir D'Espana.—Via Layetana 52, Barcelona. I–3.

Conservas Sacco S. A.—Coya, Vigo. III–1.

Consignaciones Exportacion Representacion Importacion Soc. Ltda.—C. E. R. I.—Plaza Cataluna 9, Barcelona. II–3.

Consorcio Hispano-Italiano S. L.—Conde Aranda 22, Madrid. I.

Construcciones Agricolas Soc. Anon. de (S. A. C. A.).—Jovellanos 8, Seville. III–1; III–4.

Construcciones Industriales S. A. (C. I. S. A.).—General Mola 9, Madrid. I–4.

Continental Fabrica Espanola del Caucho. — Segasta 15, Madrid, and all branches in Spain. I.

Corchos de Andalucia S. A.—Castelar 22, Seville. I.

Corchos zum Hingste, S. A.—Castelar 22, Seville. I.

Corradi, Felipe.—Alcala 61, Madrid. III–2.

Coto, Jose.—Ave. Queipo de Llano 44, Seville. II–5.

Coto Lafuente y Cia.—Ave. Queipo de Llano 44, Seville. II–5.

Covadonga S. A. de Seguros.—Alarcón 7, Madrid; and Vitoria 16, Burgos. I.

Cristobal Colon, S. A. (Owners of Aux *Industrial,* and *Marina,* and S. S. *Suevia*).—Genova 7, Madrid. I; I–3.

Crosigani, Renato.—Angli 8, Barcelona. II–5.

Cuartero, Arturo.—Madrid. III–2.

Cupini, Luigi.—Ave. Generalisimo 51, and Ave. Jose Antonio 27, Madrid. I.

D. K. W. Espanola Soc. Ltda.—Barcelona. I–1.

Dach, Hugo.—Paseo de Gracia 50, Apartado 5039, Barcelona. I–4.

Dahlman, Erik.—Valparaiso 5, Seville. III–4.

Dalmaso, Tito.—Granada. I.

Defries, S. A. E.—Ave. Jose Antonio 547, Barcelona, and all branches in Spain. II–5.

Delleani, Guido.—Malaga. I.

Del Manzano y Parody, Antonio.—Ausiliadora 15, Seville. I; III–1.

Demag, Maquinaria Soc. Ltda.—Iparraguire 2, Bilbao. I.

Deposito de Carbones de Tenerife S. A.—Fernanflor 8, Madrid, and all branches in Spain. I.

Deposito Dental Paradentum.—Jose Antonio 59, Vigo. II–5.

Deromedis, Carlo.—Ave. Jose Antonio 27, Madrid. I.

D'Errico, Enrico.—Ave. Generalisimo 51, Ave. Jose Antonio 27, and Castellana 51, Madrid. I.

Deutsche Luft-Hansa A. G.—Fernanflor 6, Madrid, and all branches in Spain. I.

Deutz, Otto–Cia. Espanola de Motores Deutz S. A.—Serrano 16, Madrid. I.

Diana Gil, Luis.—Maestro Chapi 16, Carcagente, Valencia. III–1.

Diego Curto, Gregorio.—Pozo Amarillo 24, Salamanca; and Ave. Jose Antonio 38, Madrid. I; I–3.

Diego Pallido, Maximiliano.—San Pablo 68, Salamanca. III–4.

Diego S. A., Gregorio.—San Pablo 68, Salamanca. III–4.

Dietze, Max.—Cornet y Mas 6, Barcelona. I.

Direnzo, Francisco.—Marques de Cuba 25, Madrid. I–1.

Dominguez Sierra, Carlos.—Velazquez 98, Madrid; and Costa 11, Apartado 11, Zaragoza. I.

Dondit, Juan.—Madrazo 105, Barcelona. I–1.

Draeger, Gustavo.—Seville. III–2.

Droil, Mario.—Palencia and Madrid. I–2.

Drolhe, Mario.—Palencia and Madrid. I–2.

Drumen, S. A.—Rue de l'Universite 17, Barcelona. I.

Editorial Perello S. A. (Almacenes Alemanes).—Pelayo 20, Barcelona. I–2.

Eger, Alberto.—Galileo 83, Madrid. I–1.

Eggenberger, Urbano.—Paz 5, Bilbao. I.

Ehlis, Hans.—Paseo de Gracia 105, and Pintor Fortuny 4, Barcelona, and at San Cugat del Valles, Barcelona. II–4.

Eickhoff, Guillermo.—Plaza M. Ensanche 9, Bilbao. I.

Einhart & Co.—Ave. Jose Antonio 31, Madrid. I.

Electro-Quimica de Flix, S. A.—Flix, Tarragona. I.

El Salvador.—Murcia 20, Apartado 7070, Madrid. I–2.

Emproma S. A.—Fuenterrabia 42, San Sebastian. I–2.

Encarnacion R. Arias.—Ave. Jose Antonio 30, Madrid. II–1.

Endres, Jacobo.—Provenza 197, Barcelona. II–5.

Endres & Bozung.—Provenza 197, Barcelona, and at Elda, Alicante. II–5.

Equipo Bosch S. A.—Mallorca 281, Barcelona. I; I–2.

Erhardt, Eugenio.—Plaza M. Ensanche 9, Bilbao. I.

Erhardt, Otto.—Plaza M. Ensanche 9, Bilbao. I.

Erhardt y Cia., Ltda.—Plaza M. Ensanche 9, Bilbao, and all branches in Spain. I.

Errausqui, Victoria.—Irun. III–2.

Escalante, Enrique.—Primo de Rivera 7, Irun. III–2.

Espanola de Comercio con el Extranjero, S. A.—Plaza de Colon 3, Madrid. III–2.

Espanola de Exportaciones y Importaciones S. A., Soc.—Salvatierra 20, Valencia. I.

Espanola de Motores Deutz S. A., Cia. (Otto Deutz).—Serrano 16, Madrid. I–1.

Espanola de Talcos S. A., Soc.—Alcazar de Toledo 8, Leon. I.

Especialidades Terapeuticas, S. A. (S. A. E. T.).—Provenza 427, Barcelona. II–4.

Esteva Girbau, Francisco.—Jose Antonio 11, Palafrugell. III–4.

Esteva, Joaquin.—Sena y Avelli, Palafrugell. III–4.

Esteva & Cia., S. L.—Palamos, Palafrugell. III–4.

Estudios y Exploraciones Mineras Santa Tecla, S. A. de.—Policarpo Sanz 35, Vigo. I.

Estudios y Exploraciones Mineros Montana.—Gran Via 62, Bilbao. I.

Europa Comercial Espanola S. A.—Reina 33, Madrid. II–5.

Euwens, Joseph.—Rue de l'Universite 17, Barcelona. I.

Exportadora de Pieles S. A. Soc.—Pozo Amarillo 24, Salamanca; and Ave. Jose Antonio 38, Madrid. I.

F. E. M. S. A.–Fabrica Espanola de Magnetos S. A.—Ave. Jose Antonio 27, Apartado 678, Madrid. I–2.

F. I. S. A.–Fomento Immobiliaro S. A.—Genova 7, and Ave. Jose Antonio 27, Madrid. I–1.

Fabregat Cabre, Antonio.—Barcelona. III–4.

Fabregat Cabre, Enrique.—Barcelona. III–4.

Fabrica Espanola de Magnetos S. A.—(F. E. M. S. A.).—Ave. Jose Antonio 27, Apartado 678, Madrid. I–2.

Fabricacion Nacional de Colorantes y Explosivos S. A.—Rambla Cataluna 102 bis, Barcelona. I.

Fabricaciones y Repuestos Aeronauticas S. A. (S. A. F. I. R. A.).—Marques de Riscal 10, Madrid. III–2.

Faust y Kamman S. A.—Paseo de Gracia 45, Barcelona. I.

Feliu, Fernandez y Cia.—Alcala 61, Madrid, and all branches in Spain. I–2.

Fernandez, Jacinto.—Tetuan 25, Santander. I–2.

Ferrari, Vicente.—Balmes 32, Barcelona. III–1.

Ferrero, Cecilia.—Hotel New York, Madrid. II–4.

Fiat Hispania, S. A.—Paseo Ramon y Cajal 23, Madrid, and all branches in Spain. I.

Fibra Comercial de Espana, S. A.—Via Layetana 23, Barcelona. I.

Fiebig, Friedrich Wilhelm.—c/o Hierro Esmaltes, Maliano, nr. Santander. I–2.

Filipo, C. de.—Rambla Cataluna 95, Barcelona. II–5; III–1.

Finanzauto S. A.—Plaza de las Cortes 8, Madrid, and Urgel 112, Barcelona. I–1.

Foerschler, Pablo.—Mantalban 10, Juan Padillo 8, Madrid. I.

Foerster, Federico.—Consejo de Ciento 335, Barcelona. II–3.

Fomento Imobiliaro S. A. (F. I. S. A.).—Genova 7 and Ave. Jose Antonio 27, Madrid. I.

Franqueza, Jesus.—Barcelona. I–4.

Fricke, Enrique.—Carros 6, Malaga, and at Cartagena. I.

Frischkorn, Johann.—Hotel Nacional, and Morejon 2, Madrid. II–4.

Frommer, Geza.—Palace Hotel, Madrid. II–5.

Frutos Secos, S. A.—Reus, Tarragona. I.

Fuchs Medam, Ewald.—Almargo 46, Apartado 6074, Madrid. I.

Funghini, Goffredo.—Jose Anselmo Clave 9, Barcelona. I.

Gaertner Zavala y Cia., Ltda.—Plaza Centenario 6, San Sebastian. I.

Gaggero, Attilio.—M. Rios, Bueu, Pontevedra. III–1.

Gairoli.—Alcazar de Toledo 8, Leon. I.

Gandolfo, Pietro.—Castelar 2, Vigo. III–1.

Gante, Francisco Perez.—Al. Mazarredo 17, Bilbao. I.

Ganz Iberica S. A. E.—Almirante 15, Madrid. I.

Garcia Blay, Marcelino.—Apodaca 13, Tarragona. I.

Garcia Carcel, Francisco.—Tamarit 185, Barcelona. I–2.

Garcia Cazana, Jacinto.—Ramon y Cajal 1, San Sebastian; and Francos Rodriguez 100, Madrid. I.

Garcia, Manuel.—Paseo de la Industria 14, Barcelona, Goya 46, Madrid, and all branches in Spain. III–3.

Garcia y Garcia, Jose.—Cadiz. I–3.

Gassol Camprecios, Manuel.—Balmes 109, Barcelona. I–1.

Geathom, AEG–ALS–THOM–I.G.E. Co., S. A.—Paseo de Recoletos 17, Madrid, and all branches in Spain. I.

Gebhard Reina, Hermann.—Ave. Jose Antonio 11, Madrid. I.

Gebhard y Cia.—Ave. Jose Antonio 11, Madrid. I.

Gehe y Cia., A. G.—Moncada 21, Barcelona. I.

General de Lanas, S. A., Cia.—Ayala 10, Madrid. I.

General Mercantil del Atlantico S. A., Cia.—Jose Antonio 27, Madrid. III–3.

Georgi, Curt.—Aragon 92, Barcelona. I.

Gerdtzen, Otto.—Urzaiz 16, Vigo. I.

Gerzon S. A., Jules.—Bigay 4, Barcelona, and Prado 29, Madrid. III–4.

Giannini, Fausto.—Madrid. II–3.

Giebel Ltda., Herbert.—Ave. Queipo de Llano 44, Apartado 12, Seville; and Ave. Jose Antonio 31, Apartado 288, Madrid. I.

Giner, Pascual.—Gerona 22, Barcelona. I.

Giordani, Gustavo.—Provenza 243, Barcelona. III–1.

Goetz, Hanelise.—Muntaner 183, Barcelona. I–2.

Gomes de Sa, Henrique Alberto.—Madrid. III–2.

Gomes Monche, Jose.—Genova 7, Madrid. I.

Gonzalez Blanco, J.—San Jeronimo 36, Madrid. I.

Goti, Alfredo.—Ave. Jose Antonio 27, Madrid. I–4.

Granell Peris, Fernando.—Costanilla de los Angeles 18, Madrid. III–3.

Greiner, J. A.—Pecher y Santa Magdalena, San Feliu de Guixols. I; III–3.

Greiner, C. A. y Hijos S. A.—Pecher y Santa Magdalena, San Feliu de Guixols. I; III–3.

Grilli, D. Renato (Owner of S. T. *"Primer Enrique"* and S. T. *"Segundo Enrique"*).—Irun. III–2.

Grollero, Anselmo.—Pintor Fortuny 3, Barcelona. I–4.

Grollero, Eugenio.—Pintor Fortuny 3, Barcelona. I–4.

Grollero, Jeronimo.—Pintor Fortuny 3, Barcelona. I–4.

Grosse, Joaquin A.—Bruch 148, Barcelona. III–4.

Guerrero de las Penas, Hijo de Diego.—Cisneros 55, Malaga. I–2.

Guilliet Hijos y Cia.—Fernando VI. 23, Madrid, and all branches in Spain. I.

Guzman, Domingo.—Al. Mazarredo 8, Bilbao. I.

Hafner, Ernesto.—Ave. Gen. Franco 7, Malaga. III–1.

Hamburg-Amerika Line.—Alcalá 43, Madrid. I.

Hammer, Johan.—Ribera 1, Valencia. I–4.

Hansa y Cia., Ricardo C.—Serrano 17, Madrid. I.

Heine, George.—Rue de l'Universite 17, Barcelona. I.

Heller, H.—San Feliu de Guixols, Gerona. I–4.

Hengstenberg, Hermann.—Hermanos Orozco 7, Madrid. II–3.

Hentze, Richard.—Angel Guimara 3, Barcelona. II–4.

Herbeck, J. Mv.—Ave. Generalisimo 13, Madrid. I.

Hernandez, Juan Francisco.—San Pablo 68, Salamanca. III–4.

Herranz y Lipperheide.—Gran Via 36, Bilbao. I.

Herrero S. A., Jose—Aduanas y Transportes Internacionales.—Rambla Santa Monica 29, Barcelona. III–2; III–3.

Heydt, Hermann.—Murcia 20, Apartado 7070, Madrid. I–2.

Hielscher, Adolf.—San Augustin 2, and Sebastian Herrera 8, Madrid. I.

"Hierro Esmaltes".—Maliano, nr. Santander. I–2.

Hiller, Carlos.—Pasajes. I.

Hinderer y Cia., S. L., Carlos.—Piamonte 10, Madrid. I.

Hingste, Hermann zum.—Castelar 22, Seville. I.

Hisma.—Madrid, and all branches in Spain. I.

Hispana—Africana de Reconocimentos Atlanticos, S. A. (owners of S. S. *"Sidi Ifni"*).—Sagasta 27, Madrid. I–4; II–1.

Hispania Tobis S. A.—Marques de Valdeiglesias 8, Madrid, and all branches in Spain. I.

Hispano, Alemana S. L.—Ribera 1, Valencia. I–4.

Hoffman, Andres Martin.—Ave. Jose Antonio 27, Madrid. I.

Holzhausen, Karl F.—Ciscar 27, Valencia. I.

Hombravella, Jacinto.—Ave. Jose Antonio 31, Madrid. I–2.

Hoppe, Alfredo.—Al. Mazarredo 17, Bilbao. I.

Hoppe, Herman.—Al. Mazarredo 17, Bilbao; and Paseo de Pereda 29, Santander. I.

Hoppe y Cia., Ltda.—Al. Mazarredo 17, Bilbao; and Paseo de Pereda 29, Santander. I.

Huber, Dr. Hans.—Paseo de Gracia 51, Barcelona; and Grijalva 1, Madrid. I.

"Ibero Caribiana".—Ave. Jose Antonio 31, Madrid. I.

Ibero-Levantina S. A. "Ileva".—Huertas Altas 11, Valez-Malaga. I–4.

Iglesias, Eloy.—Martires de Guadalupe 19, Irun. I.

"Ileva" Ibero-Levantina S. A.—Huertas Altas 11, Valez-Malaga. I–4.

Importaciones Exportaciones y Representaciones, Cia. de (C. I. E. R.).—Ave. Jose Antonio 27, Madrid. II–3.

Incompex Ltda.—Gran Via de Germanias 47–49, Valencia. I–4.

Industria y Comercio del Automobil, Ltda.—Manuel Silvela 1, Madrid; and all branches in Spain. I; III–1.

Industrial Corchera S. A.—Apartado 14, Seville. I–4.

Industrias Electroliticas Jose Capilla Hurtado.—Arquitecto Alfaro, Grao-Valencia. II–4.

Industrias Sanitarias S. A.—Paseo Gracia 48, Barcelona. III–3.

"Infarma"—Laboratorio de Industrias Farmaceuticas S. L.—Entenza 65, Barcelona. II–5.

Instituto Nazionale delle Assicurazioni.—Montera 53, Madrid; and Calle Navarra 1, Bilbao. III–2.

Intercambio Comercial Espanol.—Pintor Sorolla 29, Valencia. I; III–4.

Intercambio Comercial Iberico.—Alarcon 7, Madrid. I.

"Interco." Cia, Internacional de Industria y Comercio de Andorra.—Antonio Maura 7, Madrid; and Fontanella 15, Barcelona. I.

Internacional de Industria y Comercio de Andorra, Cia. "Interco."—Antonio Maura 7, Madrid; and Fontanella 15, Barcelona. I.

Italcable.—Ave. Jose Antonio 5, Madrid, and all branches in Spain. I.

Italia, S. A. de Navigacion.—Alcalá 45, Madrid, and all branches in Spain. I.

Italia Seguros Maritimas.—Plaza Cataluna 7, Barcelona; and Martin 8, Seville. I.

Italiana di Turismo, Cia.—Paseo Gracia 13, Barcelona, and all branches in Spin. I.

Italiana Transporti e Spedizioni, Casa ("Cites").—Alcala 61, Madrid. III–2.

Jaenicke, Alexander.—Covadonga 24, Gijon. II–5.

Jannone, Armando.—Pajes del Corro 108, Seville. I.

Jimenez Beltran, Diego.—Huerta de Almanzor, Alcalá de Guadaira, Seville. I–4.

Jobal, Angel Finestres.—Vilamari 53, Barcelona. I.

Jover, Eduardo.—Gerona 24, Barcelona. III–3.

Kaehler, Kurt.—Valencia. I–3.

Kahl, J. A.—Plaza del Caudillo 26, Ed. Equitativa, Valencia. I.

Karastoyanoff, Georges.—Don Ramon de la Cruz 45, Madrid. I–2; II–1.

Kaufmann, Harold F. N.—Salvador 10, Valladolid. I.

Keusses, A. J.—Pasco de Colon 3, Barcelona. I.

Kindling, Richard.—Felipe Sanchez 24, Apartado 43, Vigo. I.

Kirkegaard, Erling Visse.—Ave. Jose Antonio 49, Madrid. I–2.

Klaebisch, Alfredo. — Via Layetana 149–151, and Ave. del Generalisimo 520, Barcelona. III–1.

Kopp, Luis.—Aragon 266, Barcelona. III–1.

Kopp, Exclusivas.—Aragon 266, Barcelona. I.

Koreska, W.—Encina 6, Barcelona, and all branches in Spain. I.

Krabbe Knudesen, Federico.—Alfonso XII 7, Madrid. I.

Kretschmar, Kurt. — Mallorca 330, Barcelona. I–2.

Kroebel, Karl.—c/o Hierro Esmaltes, Maliano, nr. Santander. I–2.

Kromschroeder, S. A.—Industria 278, Barcelona. II–5.

Kruckenberg, Gustavo.—Lepanto 2, Vigo. I.

Krusse, Ewald.—Pozo Amarillo 24, Salamanca; and Ave. Jose Antonió 38, Madrid. I.

Krutwing, Federico.—Rodriguez Arias 1, Bilbao. I.

Kuenne, Hermann.—Ave. Jose Antonio 27, Madrid. I–2.

Kurztisch, Federico.—Paris 127, Barcelona. III–4.

Kusche, Ernest.—Plaza Queipo de Llano 1, Malaga. I.

Kustner, Emilio.—Casas de Campos 27, Malaga. I–3.

L. A. T. I. (Linea Aerea Transcontinental Italiana).—Seville. I.

La Anonima de Accidentes.—Rambla Cataluna 19–21, Barcelona. II–5.

La Comercial Maritima S. A. (M. Aguilar).—Ancha 13, Barcelona. I.

La Constancia Cia., An. de Seguros.—Universidad 4, Barcelona. I.

La Electrica Industrial. S. A.—San Isidro, 56, Tarrasa. I.

La Fodina S. A.—Sallent. I–1.

La Hispanense Industrial y Comercial S. A.—Paseo de Recoletos 21, Madrid; and Bruch 42, Barcelona. I.

La Minera S. A.—Muntaner 6, and Paseo de Gracia 93. Barcelona. I–1.

La Quimica Comercial y Farmaceutica S. A. (Bayer).—Barcelona, and Madrid. I.

La Radiologia.—Barquillo 22, Madrid. I.

Laboratorio de Industrias Farmaceuticas S. L. ("Infarma").—Entenza 65, Barcelona. II–5.

Laboratorios E. F. E.—Menendez Pelayo 10, Seville. I.

Labourdette, Juan Batista.—Ave. Salis, Irun. III–2.

Lafuente Garcia, Luis.—Ave. Queipo de Llano 44, Seville. II–5.

Lamaignere, J. & A.—Ave. Queipo de Llano 44, Seville, and all branches in Spain. I.

Lambarter, Eugenio.—Santa Ana 9, Seville. III–3.

Lancia, Automoviles S. A. E.—Ave. Gen. Franco 437, Barcelona. I.

Lanzani, Miguel.—San Jeronimo 36, Madrid. I.

Larrinaga, viuda de (Benito de Valle y Hnos.—Sucrs. de la viuda de Larrinaga).—Bailen 5 and 7, Bilbao. III–4.

L'Assicuratrice Italiana.—Via Layetana, 47, Barcelona, and all branches in Spain. I.

Lazard, Agustin.—Irun and Pasajes. I–4.

Lazzarovich, Jorge.—Hotel Valencia, Madrid. III–2.

Le Assicurazioni d'Italia.—Montera 53, Madrid; and Navarra 1, Bilbao. III–2.

Lemmel S. A.—Ave. Generalisimo 309, Barcelona, and all branches in Spain. I.

Lenhardi Pastore, Domingo.—Genova 8, Madrid. III–4.

Leonhardt, Dr. Ernesto.—Rambla Cataluna 66, and Monasterio G. Sarria, Barcelona. I–2.

Leonori, Marcelo.—Diagonal 435, Barcelona. II–5.

Leopardi, Conde Corrado.—Lagasca 95, Madrid. III–2.

Leopold, Hijo de Guillermo.—Ave. Jose Antonio 642, Barcelona. I.

Leopold, Walter.—Ave. Jose Antonio 642, Barcelona. I–3.

Lepori, Luigi.—Cardenal Vives y Tuto G. & H., Barcelona. I.

Lettieri, Gino.—Quintana 5, Madrid. II–4.

Lettieri, Marcelo.—Quintana 5, Madrid. II–4.

Leuthold, Pablo.—Conde Xiquena 6, Apartado 44, Madrid. I.

"Levant", Comp. Italiana de Seguros y Reaseguros.—Via Layetana 69, Barcelona. I–3.

Libreria Herder.—Balmes 22, Barcelona. I–3.

Liesau, Oficina Tecnica Francisco.—Alcalá 60, Madrid, and all branches in Spain. I.

Lindemann, Ricardo.—Ave. Gen. Franco 600, Barcelona. I.

Lipperheide y Guzman, S. A.—Al. Mazarredo 7, Bilbao. I.

Lis Rausell, Federico.—Jorge Juan 8, Valencia. I–4.

Llaudes, viuda de Salvador.—Ave. Puerto 291, Grao-Valencia. I–3.

Llorca.—Plaza Cataluna 9, Barcelona. II–1.

Llorente y von Jess Ltda.—G. Olloqui 19, Vigo. I.

Lloyd Norte Aleman Viajes.—Al. Mazarredo 17, Bilbao. I.

Loeck y Cia. Ltda.—Gardoqui 9, Bilbao. I.

Lohse, Edgar.—Al. Mazarredo 17, Bilbao. I.

Lohse, Juan.—Via Layetana 53, Barcelona; and Fuenterrabia 42, San Sebastian. I; II–4.

Lopez Uribe, Luis.—General Mola 50, Saragossa. III–2.

Lopez Vinals, Vicente.—Burjasot, Valencia. I–4.

Lowe, F.—Tarragona. I.

Luca de Tena, Eduardo.—Ave. Queipo de Llano 44, Seville. I.

Luca de Tena, S. en C., Hijos de.—Almirante Espinosa 1, Apartado 12, Seville. I.

Luca de Tena y Ita, Fernando.—Ave. Jose Antonio 27, Madrid. I–2.

Lueddeke, Juan.—Madrid. I–4.

Madert, Bruno.—Cucurulla 2, Barcelona. I.

Madruga, Esteban.—San Pablo 68, Salamanca. III–4.

Maissa, Elio Francisco.—Madrid. III–2.

Mallet, Wilhelm F. (Formerly "Pahama", S. A.).—Alarcon 7, Madrid. I.

Mampel, Gaspar.—Consejo de Ciento 221, Barcelona. III–2.

Mamut, Bujias.—Galileo 28, Madrid. I–1.

Mannos S. A., Cuchilleria.—Muntaner 178, Barcelona. I.

Manufacturas Espanolas de Vidrio Al Soplete S. A.—Badalona. II–5.

Maquineria y Aparatos de Electricidad.—Hernan Cortes 13, Madrid. I–4.

Marelli, Soc. Espanola de Maquinera.—Prim 5, Madrid, and all branches in Spain. I.

Margareto Vazquez, Dr. Jose.—Fuencarrel 88, Madrid. III–2.

Maristany Jnr., Amadeo.—Via Layetana 15, Barcelona. I–1.

Maristany Snr., Amadeo.—Via Layetana 15, Barcelona. I–1.

Marogna, Guido.—Ave. Jose Antonio 38, and Fuencarral 137, Madrid. I–4.

Marques, Marcial.—Talavera de la Reina. I–2.

Marten, Guillermo.—Ave. Jose Antonio 604, Barcelona. III–3.

Marten, Martin.—Ave. Jose Antonio 604, Barcelona. III–3.

Martinengo Zaveifel, Alberto.—Zurbano 61, Madrid. I–1.

Martinez Almeida, Pablo.— Genova 7, Madrid. I.

Martinez Ruiz, J.—Barcelo 15, Madrid. II–1.

Martini & Rossi S. A.—Reina 27, Madrid, and all branches in Spain. I.

Masi Guiolia, Miguel.—Prado 14, Madrid. II–1.

Mato, Pedro.—Alba 49, San Juan de Palamos. III–2.

Matz, Marianne.—Madrid and Valencia. I–2.

Maus, Lothar.—Pozo Amarillo 24, Salamanca; and Ave. José Antonio 38, Madrid. I.

Mayer, Bruno.—Hotel New York, Ave. José Antonio, Madrid. I.

Mayer, Enrique (Heinrich).—Madrid. I–4.

Mayer von Wittgenstein, Heinrich.—Madrid. I–4.

Meessen, Nicolas.—Ayala 112, Madrid, and Puerto 10, Malaga. II–4.

Melia Ballester, Jose.—Mar 75, Valencia. I.

Melia Sinisterra, Jose.—Mar 75, Valencia. I.

Melia y Cia., José.—La Paz 41, and Mar 76, Valencia. I.

Mencarelli Santirelli, Amadeo.—Madrid. II–3.

Mengel, Willy.—Plaza del Caudillo 7, Valencia. I.

Merello Cosmelli, Vittorio.—Alcalá 62, Madrid. I.

Mey, Reinhard A.—Sagunto 37, Valencia. II–4.

Meyer, Conrado F.—Carrero 11, and Pi y Margall 64, Vigo. I.

Meyer, Pablo Juan.—Montesa 27, Madrid. I–1.

Meyrin, Federico.—Valverde 49, Madrid. I–1.

Minas del Carpio Soc. Ltda.—Huelva. I.

Minerales de Espana, S. A.—Gran Via 62, Bilbao. I.

Minerva, S. A.—Mendivil 5, Apartado 119, Malaga. I.

Mittelstrasse, Carlo Otto.—Mariano Cubi 85, Barcelona. I–2.

Mittrach, Walter.—Ave. Gen. Franco 368, Barcelona. III–1.

Mojedano, Juan.—Prim 34, San Sebastian. I.

Mompo Soriano, Luis.—Pintor Sorolla 29, Valencia; and Hotel Capitol, Madrid. I; III–4.

Mompo, S. A., Hijo de J. Antonio.—Pintor Sorolla 29, Valencia. I; III–4.

Monguio y Scharlau Sucr.—Aragon 219, and Balmes 65, Barcelona; and Ave. Jose Antonio 25, Madrid. II–3.

Montanas del Sur S. A.—Seville. I.

Montero Cermeno, Ricardo.—Plaza de los Bandos 3, Salamanca. I–2.

Montes Milla, Jose.—Gran Via de Germanias 36, and 47–49, Valencia; and at Madrid. I–4.

Montes de Galicia, Explotadora de Minas S. A.—Policarpo Sanz 35, Vigo, and at Orense. III–2.

Monzo Mompo, V., Hijos de.—Mayor 26, Montaberner, Valencia, and all branches in Spain. I–3.

Morera, José Maria.—Via Layetana 13, Barcelona. I.

Moritz, W. A.—Via Layetana 28, Barcelona. I–1.

"Moro" S. A., Etablecimientos.—Paseo Tilos, Apartado 186, Malaga. I.

Motores Deutsche Werke S. A.—Provenza 314, Barcelona. I.

Mouths, Fernando.—Alfonso XII 24, Madrid. I–3.

Mugica, Hermenegildo.—Elcano 5, Bilbao. I–3.

Mugica Maiztegui, Angel.—Elcano 5, Bilbao. I–3.

Muller Bergh, Alfredo. — Aguirre 12, Bilbao. III–1.

Muller, Carlos E. A. (Karl Heinrich Anton Muller).—Urgel 45, and Nueva de San Francisco 27, Barcelona. I.

Muller de Goupille, J.—Tarragona. I.

Munoz Garcia, Martin.—Alarcon 7, Madrid. I–2.

Nacional Suiza de Seguros.—Via Layetana 21–23, Barcelona, and Hernando Colon 13, Seville. II–4.

Naruva S. A.—Plaza del Caudillo 26, Ed. Equitativa, Valencia. I.

Navarrete del Pino.—Rafael de la Viesca 5, Cadiz. I.

Navarro Pardo, Justo.—Real 21, Coruna, and at Gijon. III–3.

Navarro, viuda de Justo.—Real 21, Coruna. III–3.

Naviera Levantina, Ltda., Cia (Owners of S. S. *Vicente*).—Mar. 75, Valencia. I; II–3.

Nedespana S. A. E.—Cia. Comercial Hispano-Neerlandesa. — Ayala 10, Madrid. II–3.

Neumaticos-Continental S. A. — Segasta 15, Madrid, and all branches in Spain. I.

Niemeyer, Dr.—Plaza Canalejas 3, Madrid. I.

Niessen, Guillermo. — Renteria, Guipuzcoa. III–4.

Norddeutscher Lloyd Bremen.—Carrera San Jeronimo 33, Madrid. I.

Noresco–Cia. Noruega Espanola de Comercio Ltda.—Ave. de la Republica Argentina 13, Barcelona. I.

Norsk Spansk Handelskompani.—Ave. de la Republica Argentina 13, Barcelona. I.

Nortes Macanes, Jose.—Rosario 2, Seville. III–2; III–3.

Noruega Espanola de Comercio Ltda., Cia. (Noresco).—Ave. de la Republica Argentina 13, Barcelona. I.

Nova S. A.—Ave. Generalisimo 13, Madrid; and Gral Concha 12, Bilbao. I.

Nuzzo & Cia., Guillermo.—Ave. Jose Antonio 27, Madrid; and Plaza Uribitarte 3, Bilbao. I.

Ocimex (Oficina Comercial Importadora y Exportadora).—Ave. Jose Antonio 27, Apartado 701, Madrid. I.

Oggerin, Helmuth.—Madrid. II–4.

Omnipol Barcelona–Alberto Suess.—Diputacion 320, Barcelona. I.

Ordinas Carrascosa, Juan.—Serrano 91, Madrid; and Trafalgar 25, Barcelona. I–3.

Orenstein & Koppel S. A.—Carrera San Jeronimo 36, Madrid. I.

Orenstein y Koppel, Arthur Koppel S. A.—Rambla Cataluna 66, Barcelona, and all branches in Spain. I.

Orphanides N. G.—Reus, Tarragona. I.

Orsolini, Alberto.—Bailen 149, Barcelona. III–2.

Osram.—Madrid. I.

Paganini, Antonio.—El Forte, Cangas de Morrazo, Pontevedra. III–1.

Paganini, Guido.—Ed. Sanchon, Policarpo Sanz, Vigo. III–1.

Palazzolo, Domenico.—Ave. de Molo, Laredo, Santander, and all branches in Spain. II–5.

Palmieri, Adolfo.—Duque de la Victoria, Barcelona. I.

Pannocchia, P.—Pasaje Comercio 1–3, Barcelona. I.

Pareras, P. & Cia.—Palafrugell. I.

Pares y Cia. S. en C.—Ave. Marques Argentine (Ave. Eduard Maristany) 15, Barcelona, and all branches in Spain. II–5; III–2.

Parvis, Taurino—"Vez de Espana" S. A.—Ave. Tibidabo 18, Barcelona. I.

Pasch, Guillermo.—Gran Via 62, and Plaza Galdor 4, Bilboa. I.

Pasch, G. y Hnos.—Al. Recalde 36, Bilboa. I.

Pastor Fernandez, Eusebio.—Coya, Vigo. III–1.

Pavesio, Cesare.—Ave. Gen. Franco 407, Barcelona. I.

Pavon Isern, Miguel.—Velazquez 110, Madrid. II–3.

Peche, Ernesto.—Ave. Marques de Sotelo 5, Valencia. I–3.

Pena, Joaquin.—Alfredo Calderon 10, Valencia. I.

Perez Munoz, Joaquin.—Puerto del Mar 24, Malaga. III–1.

Perez Wosswinkel, Enrique.—Madrid. I–4.

Pernigotti, Ernesto.—Hotel Gaylords, Madrid. I.

Petricca, Annibale.—La Montera 53, Madrid. I; I–4.

Pfeiffer, Adolfo.—San Agustin 2, Madrid. I–3.

Pfeiffer, Ernesto.—Pintor Fortuny 4, Barcelona; and Ave. José Antonio 29, Madrid. I–3.

Piastra, Attila Augusto.—Ave. Jose Antonio 65, Madrid. I; II–3.

Pimentel, Francisco.—Carreteria 139, and Pasillo de Santo Domingo 28, Malaga. II–5.

Pinna, Niceo.—Conde Aranda 22, Madrid. I.

Plass, Hermann.—Escuelas Pias 19, Barcelona. II–5.

Platte, Federico.—Al. Recalde 45, Bilbao. I.

Plus Ultra Cia. An. de Seguros Generales.—Place de las Cortes 8, Madrid. I.

Poehner, Egon.—Madrid. I.

Poldi Fundiciones de Acero S. A.—Barcelona, and all branches in Spain. I.

Polonoli, Giovanni.—Ave. Jose Antonio 63, Madrid. III–1.

Portillo & Co.—Rafael de la Viesca 5, Cadiz. I.

Prager, Hans.—c/o Banco Germanico de la America del Sud, Madrid. III–2.

Prinz, Hugo.—Almeria. I.

Prinz, Bohlmann & Remmers.—Almeria. I.

Productos Agricolas S. A.—Plaza del Caudillo 5, Valencia, and all branches in Spain. I.

Productos Carlen.—Genova 8, and Gil Baus, Prosperidad, Madrid. III–4.

Productos Ideal Patent Contact S. A.—Elisa 7, Torre, Barcelona. III–4.

Productos Quimico Farmaceuticos S. A.—Pasco Pujadas 9, Barcelona, and all branches in Spain. I.

Productos Quimicos Gehe.—Moncada 21, Barcelona. II–3.

Pujol Xicoy, E. y J.—Via Layetana 167, Barcelona. I.

Querchfeld, George.—Ciscar 28, Valencia. III–4.

Quimica Farmaceutica Industrial, S. A.—Miguel Moya 4, Madrid. II–3.

R. I. C. S. A.—Representaciones de Industria y Comercio S. A.—Ave. Jose Antonio 27, Apartado 678, Madrid. I–2.

Raab, Francisco.—Ave. Pearson 9, Pedralbes, Barcelona. I.

Radeke, Alfred E.—Maestro Gonzalvo 18, Valencia. I.

Radiotecnica Iberica S. A.—Carretera de Madrid 101, Getafe, Madrid. I–1.

Ranken, Guillermo.—Huelva. I–4.

Raskop, Juan.—Gran Via 62, Bilbao. II–3.

Rava, Oscar.—Ave. Gen. Franco 437, Barcelona; and Palace Hotel, Madrid. I.

Reali, Hijo de Camilo.—De la Reina 7, Grao-Valencia. I.

Reboredo Isla, Alejandro Garcia.—Garcia Olloqui 2, Vigo, and at Villagarcia. III–3.

Reboredo Isla, Jose Garcia.—Garcia Olloqui 2, Vigo. III–3.

Reboredo Isla, Ramon Garcia.—Garcia Olloqui 2, Vigo, and at Villagarcia. III–3.

Reboredo Hnos., Garcia.—Garcia Olloqui 2, Vigo, and at Villagarcia. III–3.

Reder, Gustavo.—Zorilla 17, Madrid. I.

Reder, Juan.—Zorilla 17, Madrid. I.

Reima S. A.—Tres Cruces 7, Madrid. I–2.

Reimann, Juan.—Castellana 13, Madrid. III–3.

Reimex.—Principe 14 and Victor Hugo 1, Madrid. I; I–4.

Reinicke, . Heinrich Volkmer.—Espartero 25, and Las Arenas, Bilbao. III–1.

Representaciones de Industria y Comercio S. A. (R. I. C. S. A.).—Ave. Jose Antonio 27, Apartado 678, Madrid. I–2.

Resch, Karl.—Santa Marina 17, Zarauz. I.

Resinas Sinteticas Espanolas, S. A.—Buenos Aires 4, Bilbao. I.

Restegui Solar, Jose.—Trinidad 37, and Instituto 16, Gijon. II–3.

Reuss, Otto Pablo.—Alarcon 7, Madrid. III–2.

Rewir, Luis.—Al. Mazarredo 17, Bilbao. I.

Rheinmetall Aceros y Metales, S. A.—Valencia 372, Barcelona. I.

Rhone-Poulenc, Importador de los Productos de la Societe des Usines Chimiques.—Corcega 269, Barcelona. I–4.

Rimoldi, Angelo.—Via Layetana 45, Barcelona. I.

Ripoll, Guillermo.—Genova 7, Madrid. I.

Rischak, Luis.—Maria Molina 16, Madrid. III–4.

Riveras de la Portilla, Angel.—Goya 67, Madrid. III–2.

Riveras de la Portilla, Erika Hegin.—Gova 67, Madrid. III–2; III–4.

Riveras Soc. Ltda.—Goya 67, Madrid. III–2.

Roca Miro, Enrique.—Rosellon 255, Barcelona. I–4.

Roesner, Gustave Emil.—Tres Cruces 7, Madrid. I–2.

Roessner, Federico.—Ave. Generalisimo 30, Madrid. I.

Rohm, Alfredo.—Cerdena 70, Barcelona. I–2.

Ron Rubio, Juan.—Tomas Heredia, Malaga. I–2.

Rosell, Antonio.—Tarragona. III–2.

Rosell y Herrero.—Rambla Cataluna 1, Barcelona. III–2.

Roth, Ricardo.—Pasaje de Vila 10, Seville, and at Madrid. I–3.

Rubinos, Antonio.—Alcalá 104, Madrid. I.

Rubira, Boehme y Cia. Ltda.—Felipe Sanchez 24, Vigo. I.

Rueckauer, Juan.—Rodrigues Arias 8, Bilbao. I.

Rueda Blanco, Fernando.—Lauria 118, Barcelona. III–3.

S. A. C. A.—Soc. Anon. de Construcciones Agricolas.—Jovellanos 8, Seville. III–1; III–4.

S. A. E. M. A. R. (S. A. Esp de Empresas Maritimes).—Alcalá 45, Madrid. I.

S. A. E. T.—S. A. Especialidades Terapeuticas.—Provenza 427, Barcelona. II–4.

S. A. F. I. R. A.—Fabricaciones y Repuestos Aeronauticas S. A.—Marques de Riscal 10, Madrid. III–2.

S. A. F. N. I., S. A. Fertilizzanti Nazionali Italiani.—Marques del Riscal 10, Madrid. I.

S. N. I. A. C. E.—Sociedad Nacional de Industrias y Aplicaciones de Celulosa Espanola.—Alcala 23, Madrid; and at Torrelavega, Santander. I.

S. U. P. R. E.—S. A. Suministros para Relojeria.—Cururulla 2, Barcelona. II–4.

Sa, Henrique de (Henrique Alberto Gomes de Sa).—Madrid. III–2.

Sagrera Ferran, Eduardo.—Via Layetana 15, Barcelona. I–1.

Sagrera Ferran, Pablo.—Via Layetana 15, Barcelona. I–1.

Sainz de Inchaustegui (Marques del Real Socorro).—Madrid. I–1.

Salvador, Juan.—Rambla Santa Monica 2, Barcelona; and Apodaca 23, Tarragona. III–2; III–4.

Sama Laporta, Augustin.—Paseo de Santa Maria de la Cabeza 17, Madrid. I–2.

Samstag, Ernesto.—Balmes 336, Barcelona. III–1.

Sanchez Saugar, F.—Goya 77, Madrid. I.

Sans Magin.—Ave. Gen. Franco 51, Tarragona. III–3.

Santos, Hijos de Sabino.—Ayala 10, Madrid, and Mansilla de Las Mulas, Leon. II–4.

Sastre Alba, Jose.—Marques de Cuba 23, Madrid. II–1.

Schad, Ernesto.—Concha 28, Bilbao. I–1.

Scharlau, Pablo.—Aragon 219, and Balmes 65, Barcelona; and Ave. Jose Antonio 25, Madrid. II–1.

Scherer, Huber, Adolfo.—Mallorca 193, Barcelona. II–4.

Schering S. A., Productos Quimicos.—Lope de Rueda 16, and General Mola 9, Madrid; and Via Layetana 12, Barcelona. I; II–1; III–4.

Schilling, Ricardo.—Galileo 28, Madrid. III–1.

Schmidt, H.—Tarragona. I.

Schmidt, Herman.—Rue de l'Université 17, Barcelona. I.

Schmitz, Rodolfo.—Ave. de Recalde 7, Bilbao. I.

Schneegluth, Hans Meyer.—Camps y Fabres 7, Barcelona. II–3.

Schneider de Duve, Federico.—Paseo de Las Acacias, Malaga. I.

Scholtz Hnos., S. A.—Don Christian 9, Malaga. I.

Schott, Carlos.—Via Layetana 47, Barcelona. III–4.

Schuebel, Georg W.—Plaza Cataluna 22, Apartado 380, Barcelona. I.

Schuenemann, Otto Louis.—Plaza de Compostela 24–25, Vigo. III–2.

Schul, Guillermo.—Jose Antonio Primo de Rivera 733, Madrid. III–2.

Schulz, Carlos.—Huertas Altas 11, Velez-Malaga. I–4.

Schumacher, Jose.—Rambla Cataluna 66, Barcelona. II–5.

Schutte y Cia. S. L., Alfred H.—Lauria 18, Barcelona, and all branches in Spain. I.

Sciunnach, Angel.—Legazpi 11, San Sebastian. I.

Semmler, Juan.—Mejico 11, Madrid. III–4.

Serrats, Jose.—Capitan Zubiaur, Bermeo, Vizcaya. II–3.

Serrats, J. e Hijos.—Capitan Zubiaur, and Portal San Francisco 12, Bermeo, Vizcaya. II–3.

Servicio de Publicidad.—Fernanflor 6, Madrid. I.

Siemens Industria Electrica S. A.—Barquilla 38, Madrid, and all branches in Spain. I.

Siemens Reineger Veifa S. A.—Paseo de Gracia 48, Barcelona. I.

Siemens-Halske S. A.—Barquilla 38, Madrid. I.

Siemens-Schuckert S. A.—Barquilla 38, Madrid. I.

Sierra de Gredos S. A., Cia. Minera.—Ave. Generalisimo 1, Madrid; and Gran Via 62, Bilbao. I–4.

Simo Climent, Gonzalo.—Carreteria 54, Malaga. III–1.

Simo Perez, Manuel.—Carreteria 54, Malaga. III–1.

Skala, Jaroslav.—Alcala 32, Madrid. I.

Skotecky, Dr.—Plaza de Bilbao 8, Madrid. I.

Sociedad Financiera Industrial S. A.—Sofindus.—Ave. Generalisimo, Madrid. I.

Sociedad Nacional de Industrias y Aplicaciones de Celulosa Espanola (S. N. I. A. C. E.).—Alcalá 23, Madrid, and at Torrelavega, Santander. I.

Socorro, Marques del Real (Sainz de Inchaustegui).—Madrid. I–1.

Soderi, Remo.—Travesera 51, Barcelona. III–1.

Sofindus (Sociedad Financiera Industrial S. A.).—Ave. Generalisimo, Madrid. I.

Soler Canet, Miguel.—Albareda 13, Barcelona. I.

Soler Duran, Antonio.—Carmen 38, Barcelona. I.

Soler Ferrer, Jose.—Bailen 68, Barcelona; and Ave. Conde Oliveto 4, Pamplona. I; I–3.

Soler, Miralles, J.—Albareda 13, Barcelona. I.

Somma, Vincenzo.—Ritz Hotel, Barcelona. II–1.

Soriano, Eduardo.—Manso 70, Barcelona. I.

Spagnolo de Luciano, Alfonso.—Balmes 145, Barcelona. I.

"Specia", Importador de los Productos de la Societe Parisienne d'Expansion Chimique.—Corcega 269, Barcelona. I–4.

Spieler, Erwin.—Al. Urquijo 20, Bilbao. I.

Spinola Guadalupi, Ugo.—Serrano 106, Madrid. I.

Stabile, Nicolas.—Serreria 9, Grao-Valencia. I.

Stamer, Theodore.—Instituto 25, Gijon. I.

Stiegler, Manfred.—Melchor de Palau 30–36, Barcelona. II–1.

Stinchi Zacco, Augusto.—Sagasta 34, Madrid. I–4.

Struth, Pablo.—Balmes 60, Barcelona. II–5.

Sturm, Juan Federico.—Fernanflor 8, Madrid. I.

Stussel Schuts, Alfred.—Via Layetana 128, Barcelona. I–1.

Suess, Alberto (Omnipol Barcelona).—Diputacion 320, Barcelona. I.

Suministros para Relojeria S. A. (S. U. P. R. E.).—Cucurulla 2, Barcelona. II–4.

Talasac, Ramon.—Loteria 2, Bilbao. I–2.

Talleres Zugasti.—Madrid. I–4.

Tamburini, Luigi.—Nicolas Maria Rivero 4, Madrid. I.

Targioni, Eduardo.—Palace Hotel, and Reina 33, Madrid, and at Barcelona. II–5.

Tarnow, Arriaga & Cia.—Espartero 11–13, Bilbao. I.

Tarnow y Cia. Ltda.—Espartero 11–13, Bilbao. I.

"Tarsia" S. A.—General Mola 9, Madrid. I–4.

Technofarma S. A.—Ave. Generalisimo 309, Barcelona. II–5.

Tenbergen, G.—Penota 9, Santurce, Bilbao. I.

Terol Miralles, Antonio.—Alicante. III–1.

Teschendorff y Cia.—Peana 11, Grao-Valencia. I.

Tetzlaff y Wenzel.—Via Layetana 128, Barcelona. I–1.

Textilma S. A.—Via Layetana 23, Barcelona. I.

Thim, Cenek.—Hermanos Becquer 10, Madrid. I.

Tiedra Maroto, A.—Plaza de Nicolas Salmeron 10, Madrid. I–3.

Tocci, Luciano.—Madrid and Barcelona. I–3.

Török, Andres.—Balmes 205, Barcelona. I–4.

Tortella Figueras S. A.—Ave. Jose Antonio 31, Madrid, and all branches in Spain. I–2.

Tovani, Camilo.—Plaza Nueva 5, Seville. III–2.

Transcomar (Cia. Comercial Maritima de Transportes S. A.).—Ave. Generalisimo 1, and Moratim 52, Madrid. I; I–2.

Transmar S. A.—Via Layetana 7, Barcelona. I.

"Transocean".—Serrano 135, Madrid. III–1.

Transportes Marion S. A.—Van Dyck 6, Salamança, and all branches in Spain. I.

Trautwein, Hans Otto.—Ayala 10, Madrid. II–3.

Travalloni (Trabaglioni), Attilio.—Ave. Jose Antonio 27, Madrid. II–3.

Tresmafil S. A.—Bilbao. II–3.

Triunfo Soc.—Alcalá 4, Madrid. I–2.

Tungsram S. L.—Ave. Jose Antonio 27, Madrid; and Caspe 12, Barcelona. I.

Turci, Captain Edmondo.—Madrid. II–4; II–5.

Uebele, Christian.—Bailen 150, and Consejo de Ciento 263, Barcelona. I.

Unicolor S. A.—Corcega 348, Barcelona, and all branches in Spain. I; I–4.

Union Quimica del Norte de Espana, S. A.—Buenos Aires 4, Bilbao. I.

Usai, Mario.—Placentines 20, Apartado 431, Seville; and at Madrid. II–1.

Valle y Hnos., Benito de (Sucrs. de la viuda de Larrinaga).—Bailen 5 and 7, Bilbao. III–4.

Varvaro, Francisco.—Ave. Puerto 291, Grao-Valencia. I–3.

Vasquez, Alberto.—Guzman el Beno 19, Madrid. I.

Ventura, Carlos.—Balmes 178, Barcelona. I–1.

Viale, Mario.—Provenza 427, Barcelona. I–3.

Vilardell Puig, Jose L.—Ave. Jose Antonio 31, Madrid. I–2.

Vinicola Iberica, S. A.—Tarragona. I.

Virzi, Francisco.—Teis, nr. Vigo. II–3.

Virzi, Juan.—Teis, nr. Vigo. II–3.

Von Appen, Gunther.—Sagasta 15, Madrid. I–1.

Von Boddien, Joaquim.—Madrazo 51, Barcelona. I.

Von Jess, E. E.—Colon 8, Vigo. I.

Vorkauf, Carlos A.—Cmdte. Felipe Sanchez 9, Calvario, Vigo. I.

"Voz de Espana", S. A. Taurino Parvis.—Ave. Tibidabo 18, Barcelona. I.

Wagener, Walter.—Alcala 28, and Nunez de Balboa 72, Madrid. III–4.

Wagner, Gunther Productos Pelikan S. A.—Padre Claret 264, Barcelona. I.

Walter, Kurt.—Alba 49, San Juan de Palamos. III–2.

Weickert, Bruno.—Huelva. I–4.

Wetzig, Bruno.—Huelva. I–4.

Wetzig, Weickert y Cia.—Huelva. I–4.

Wicke, Alberto.—Alameda de Mazarredo 8, Bilbao. I–2.

Wilmer, H. & O. (Sucrs. to H. Toennies).—Peligros 24, Madrid, and all branches in Spain. I.

Wirsing, Federico.—Pecher y Santa Magdalena, San Feliu de Guixols. I; III–3.

Wirth Svalina, Roberto.— Antonio Maura 8, Madrid. III–1.

Wirz, Francisco Javier W.—Tres Cruces 7, Madrid. I–2.

Woessner, Carlos.—Mallorca 330, and Ave. Generalisimo 335, Barcelona. I–2.

Woessner, Otto.—Mallorca 330, Barcelona. I–2.

Wuthenow, Ernst.—Madrid. II–5.

Ylpland, Jeronimo.—Ave. Republica Argentina 70, Barcelona. I–4.

Zamalloa, Juan.—Irun. I–2.

Zanquito, Hijo de Miguel de.—Al. Urquijo 82, Bilbao. I.

Zeiss, Carl.—Plaza Canalejas 3, Madrid. I.

Zenker, Heredos de Pablo.—Sebastian Elcano 3, and Mariana Pineda 5, Madrid. I; II–3.

Ziegler, Wolfgang.—Ave. Jose Antonio 27, Madrid. II–3.

Ziesler, Carlos.—Fernanflor 8, Madrid. I.

Zillmann, G.—Ave. Gen. Franco 580, Barcelona. I.

Zimmer, Enrique.—Jupiter 6, Seville. I–1.

Zugasti Gil, Mariano.—Hernan Cortes 13, Madrid. I–4.

Zugasti Pellejero, Mariano.—Hernan Cortes 13, Madrid. I–4.

Zugasti S. L., Almacenes Mariano.—Hernan Cortes 13, Madrid. I–4.

Zupan, Emilio Jose.—Via Layetana 13, Barcelona. I.

Balearic Islands

Alzina, Lorenzo.—Hotel Royal, Palma Majorca. II–1.

Ferrer, Jose.—Paseo General Franco 44, Palma Majorca. I–2.

"Foto Balear".—Palma Majorca. II–1.

Geathom, AFG-ALS-THOM-I. G. E., Co. S. A.—Palma Majorca. I.

Haussmann, Enrique.—Palma Majorca. II–1.

Matz, Marianne. — Palma Majorca. I–2.

Naviera Mallorquina (owned by Damian Ramis) (owners of Aux *Cala Antio, Cala Contesa, Cala Falco, Cala Fornells, Cala Galiota, Cala Llamp, Cala Llonga, Cala Marsal, Cala Mondrago, Cala Morlanda, Cala Murta, Cala Pi, Cala Gat, Cala Tuent, Juanot Colom, Manuel Guasp, Piedad, Cala Virgili, Cala Bona, Cala Mitjana, Cala Castell,* and Aux *Eduardo Weibel*).—Ave. Antonio Maura 50, Palma Majorca. I; I–2; I–3.

Orzingers, Emilio.—Palma Majorca. II–1.

Ramis, Damian (owner of Naviera Mallorquina).—Ave. Antonio Maura 50, Palma Majorca. I.

Roma S. A.—Palma Majorca. II–1.

Trasportes Ferrer. — Paseo General Franco 44, Palma Majorca. I–2.

Canary Islands

Ahlers, Jacob.—San José, Santa Cruz, Tenerife. I.

Bata S. A. Tanger.—Castillo 21, Santa Cruz, Tenerife; and Triana 89, Las Palmas, Grand Canary. I.

Bossi, Jose Jess.—Alvareda 10, Puerto de la Luz, Las Palmas, Grand Canary. I.

Castellano, Jose Maria. — Plazoleta Peroja 49, Las Palmas, Grand Canary. I.

Chicote, Manuel de Luque.—San José 10, Santa Cruz, Tenerife. I.

Cruz Gomez Sucrs., Santiago.—San José 27, Santa Cruz, Tenerife. I–2.

Deposito de Carbones de Tenerife, S. A.—Las Palmas, and all branches in Canary Islands. I.

Diaz Navarro, Maximiliano.—San José 20, Santa Cruz, Tenerife. I.

Doreste Morales, Manuel.—Triana 40, Las Palmas, Grand Canary. III–4.

"Electro Moderno" Walter Jablonowski.—Las Palmas, Grand Canary. I–1.

Espinosa, Antonio.—San Francisco 1, Santa Cruz, Tenerife. II–4.

Fiess, Alberto.—General Moscardo 3, Santa Cruz, Tenerife. I.

Gonzalez, Martin Julio (owner of M. V. "Delfin" and "Maria Bonmatti").—Las Palmas, Grand Canary. I.

Grimm, Karl.—Grau Basas 27, Las Palmas, Grand Canary. I.

Guanarteme, Almacenes.—Chile Road 81, Puerto de la Luz, Las Palmas, Grand Canary. I.

Henning, Paul V. (Pablo).—Arena 24, Apartado 248, Las Palmas, Grand Canary. I.

Hisma Ltda.—Pi y Margall 15, Santa Cruz, Tenerife; and Alvareda 153, Las Palmas, Grand Canary. I.

Hispania Tobis S. A.—Las Palmas, Grand Canary. I.

Isasi Castresana, Maximo.—Quintana 4, Las Palmas, Grand Canary. I.

"Italcable".—Parque, Sta. Catalina, Las Palmas, Grand Canary. I.

Jablonowski, Walter, "Electro Moderno".—Triana 126, Apartado 236, Las Palmas, Grand Canary. I.

Jaen Diaz, Domingo.—La Puntilla 21, San Cristobal, Las Palmas. III–4.

Kaehler C. H. E.-H. K. Schmidt Sucrs.—Perdomo 16, Las Palmas, Grand Canary. I.

Kahl, J. A.—Las Palmas, Grand Canary. I.

Kamphoff, Arthur.—Apartado 295, Las Palmas. III–4.

La Quimica Comercial y Farmaceutica S. A.—Canalejas 16, Las Palmas, Grand Canary, and at Tenerife. I.

Lindemann, Ricardo.—V. y Clavijo 15, Las Palmas, Grand Canary. I.

Mayer, Bruno.—Las Palmas, Grand Canary. I.

Mederos Gil, Luis.—Las Palmas, Grand Canary. II–3.

Molowny Gomez, Andres Eugenio.—Seris 8, Santa Cruz, Tenerife. I.

Molowny Perez, Andres.—Seris 8, Santa Cruz, Tenerife. I.

Paukner, A.—Marina 9, Santa Cruz, Tenerife. I.

Rodriguez, Manuel (owner of S. V. "Fermina Concepcion").—Arrecife, Lanzarote. I-1.

Sauermann, Walther.—Albareda 153, Las Palmas, Grand Canary. I.

Schmidt, H. K. Sucrs. (C. H. E. Kaehler).—Perdomo 16, Las Palmas, Grand Canary. I.

Siemens, Enrique.—Pta. Canseco 55, Santa Cruz, Tenerife; and Buenos Aires 7, Las Palmas, Grand Canary. I.

Siemens Industria Electrica S. A.—San Francisco 25, Santa Cruz, Tenerife. I.

Vannucci Ciomei, Saverio.—Via Bethencour 4, Santa Cruz, Tenerife. I.

Woermann Linie.—Las Palmas, Grand Canary. I.

Fernando Po and Spanish Guinea

Betancor Bermudez, Enriquez.—Fernando Po. I.

Comag S. A.—Calatrava, Kogo. I-3.

Dekage Colonial Cia.—Bata, and all branches in Spanish Guinea. I.

Drumen, S. A.—Fernando Po, and all branches in Spanish Guinea. I.

Fortuny, Juan.—Fernando Po and Spanish Guinea. I.

Franco, Jacin Navarro.—Bata. I.

Gonzalez Pena, Pedro.—Fernando Po. I-1.

Heid, Rudolf.—Rio Benito. I.

Intercambio Comercial Iberico.—Bata. I.

Janssen, Holmer.—c/o Woermann & Co. Kogo. I-2.

Klaess.—Calatrava, Kogo. I-3.

Luhr, Heinrich (Casa Lua).—Apartado 73, Santa Isabel, Fernando Po. I.

Macias, Antonio.—San Carlos. I.

Martinez, Francisco.—Fernando Po. I.

Moritz, W. A.—Fernando Po and Spanish Guinea. I.

Perez, Villanueva, Lisardo.—Fernando Po, and all branches in Spanish Guinea. I.

Sempere, R.—Fernando Po and Spanish Guinea. I.

Serra, Jose Rius.—Bata. I.

Vasquez, Lola.—Santa Isabel, Fernando Po. I.

Von Boddien, Joaquim.—Kogo. I.

Woermann & Co.—Bata, and all branches in Spanish Guinea. I.

SWEDEN

A.E.G. Elektriska A/B.—Sveavägen 21-23, Stockholm. I.

Agfa Foto A/B.—Malmtorgsgatan 5, Stockholm. I.

Albrecht, Dr. F. W.—Furusundsgatan 16, Stockholm. I.

Allasko A/B.—Blasieholmstorg 9, Stockholm. I-2.

Anilinkompaniet A/B.—Göteborg, and all branches in Sweden. I.

Appelquist Kolimport A. R., A/B.—Regeringsgatan 5, Stockholm. I.

Arafart A/B.—Regeringsgatan 5, Stockholm. I.

Arania Rederi A/B.—Stureplan 19, Stockholm. I.

Arto A/B.—Sodra Forstadsgatan 2, Malmö, and all branches in Sweden. I.

Autoropa A/B.—Exercisgatan 12, Malmö. I.

Axelsson & Co., Torsten.—Kungsgatan 37, Stockholm. II-5; III-3.

Axelsson, Gussich & Co.—Majorsgatan 12, Stockholm. II-5.

B. M. W.—Argenturen, A/B.—Artillerigatan 6, Stockholm. I-1.

Bahner, Ludwig.—Lund. II-4.

Bata Handels A/B.—Klarabgsgatan 40, Stockholm, and all branches in Sweden. I.

Becker, Eitel.—Nybrokajen 7, Stockholm. I.

Behm, Kare.—Norrmalmstorg 1, Stockholm. I.

Belgo Baltic Co. A/B.—Norrmalmstorg 1, Stockholm. I.

Berania, Rederi A/B.—Stureplan 19, Stockholm. III-1.

Berg A/B, Victor.—Kungsgatan 4, Stockholm. I.

Bergslagsvarden A/B.—Drottninggatan 11, Stockholm. III-2.

Bore, Omsesidigt, Forsakringsbolaget.—Kungsgatan 48, Stockholm. II-4.

Bornemann, Herman.—Jörgen Kocksgatan 4, Malmö, and Slussplan 5, Stockholm. I-2.

Branslecentral.—Sannegardshammen, Göteborg. I.

Bris, Rederi A/B.—Stureplan 4, Stockholm. II-3.

Broderna Sjunneson, A/B.—Drottninggatan 30, Stockholm. I.

Carlberg, C. E.—Odengatan 42, Stockholm. II-3.

Coal and Oil Trading Co. A/B.—Jörgen, Kocksgatan 2, Malmö. I.

Continental-Caoutchouc Compagnie A/B.—Torsgatan 41, Stockholm. I.

Dahllöf, Linné & Co. A/B.—Kanaltorget 1, Tga Dahloo, Göteborg. I.

Däumichen, Max.—Karlevägen 48, Stockholm. I.

Deutsche Lufthansa A. G.—Alviksgvagen 121, Appelviken. III-2.

Deutsches Nachrichtenburo Vertretung.—Birger Jarlsgatan 53, Stockholm. III-2.

Digestor A/B.—Birger Jarlsgatan 38, Stockholm. III-4.

Dralle, Parfumeriè Georg.—Karlav 83, Stockholm. I.

Durkopp A/B.—Göteborg. I.

Enhornings Kemisk-Tekniska A/B.—Kungsgatan 4B, Stockholm. II-4.

Ericsson, Eric Siegfried.—Norrmalmstorg 1, Stockholm. I.

Fabbricotti & Co. A/B, Carlo.—St. Eriksgatan 81, Stockholm. II-1.

Fallai A/B.—Birger Jarlsgatan 38, Stockholm. I.

Ferrania S. A. Milano.—Vasagatan 48, Stockholm. I.

Fiat Svenska A/B.—Nybrokajen 7, Stockholm. I.

Garvamnes Weibull A/B.—Landskrona. I.

Gevaerts Skandinaviska Generalagentur.—Hamngatan 24, Stockholm. III-3.

Gratenau, H. & A. A/B.—Smalandsgatan 4, Stockholm. I-1.

Haksbergs Nya Gruf A/B.—Haksberg-Grasberg, nr. Ludvika. I.

Helios Kemish Tekniska Fabrika A/B.—Nybrokajen 7, Stockholm. I.

Helmstrand, Karl A.—David Bagaresgatan 3, Stockholm. II-3.

Henkel Kemiskt Teknist A/B.—Nybrokajen 7, Stockholm. I.

Henzel, Dr. Carl Heinz.—Banergatan 44, Stockholm. I.

Heumann, L. & Co. A/B.—Lindhagensgatan 132, Stockholm. I.

Hoffmeister, Wilhelm.—Abacksgatan 8, Molndal, Göteborg. I.

Hogman, A. W.—Kungstradgardsgatan 18, Stockholm. I-2.

Hogman, A. W., Bankirfirman.—Kungstradgardsgatan, 18, Stockholm. I-2.

Hydraulisk Paltryckning A/B.—Folkungagatan 3, and Sodra Vulkan 1 and 8, Göteborg. I.

Igefa Svenska A/B.—Norrlandsgatan 18, Stockholm. I.

Internat A/B.—Lund. II-4.

Jacobsson, David Sturet Albert.—Stureplan 19, Stockholm. III-1.

Jacobsson, Mrs. Karin Matilda.—Stureplan 19, Stockholm. III-1.

Jansson, P. & Co. A/B.—N Stromsgatan 15, Norrköping. I.

Jönköpings Kol A/B.—Ostra Storgatan 3, Jönköping. I.

Knieriem, Baron Ottokar Von.—Kungstradgardsgatan 10, Stockholm. III-2.

Knorre, Dr. Werner Von.—Brahevagen 3, Stockholm. III-2.

Koch, Dr. Carl Fabian Richert Von.—Smedsbacksgatan 14, Stockholm. III-2.

Koerfer, Walter.—Ostermalmsgatan 7, Stockholm. I-2.

Kontors & Skrivmaskiner A/B.—Regeringsgatan 20, Stockholm. I.

Kores A/B.—Nybrokajen 3, Stockholm. I.

Kullager, F. A. G. A/B.—Upplandsgatan 33, Stockholm. I.

Landsverk, A/B.—Landskrona. I.

Larssons Rederi A/B.—Stureplan 4, Stockholm. II-3.

Larssons Skeppsmakleri A/B.—Stureplan 4, Stockholm. II-3.

Larssons Skeppsmakleri, Oxelosunds Kontoret A/B.—Oxelosund. II-3.

Latex A/B.—Birger Jarlsgatan 22, Stockholm. I.

Lauer, Dr. Koloman.—Valhallavagen 174, Stockholm. I-2.

Lavens Kolimport A/B.—Kungsgatan 4, Stockholm. I.

Lekomberg Gruf A/B.—Sorvik, nr. Ludvika. I.

Lickfett, Dr. Herbert.—Bost. Djursholm 376, Stockholm. I.

Malmo Skeppsfargfabrik A/B.—Norra Vallgatan 70, Malmö. III-1.

Mattsson, Harriet.—Kungsgatan 30, Stockholm. III-4.

Mattsson, H. Handels & Agenturfirma.—Kungsgatan 30, Stockholm. II-3.

Meyer, Arno Felix.—Hamngatan 26, Stockholm. I-3.

Midby, Tage.—Sandgatan 13, Falkenberg. I-2.

Moll, August.—Stuartsgatan 6, Göteborg. II-4.

Mülhens, Eau de Cologne & Parfymerifabriks (i Köhn) fils., Ferd.—Sundybyberg. I.

Norddeutscher Lloyd Svenska A/B.—Jakobstorg 1, Stockholm. I.

Nordenstein, Oscar.—Stockholm. II-3.

Nordiska Ror A/B.—Kungsgatan 16-18, Stockholm. I.

Nordiska Travaruagenturen, Ake Wettergren.—Regeringsgatan 22, Stockholm. I-2; II-4.

Nordiske Skinnauktioner, A/B.—Kungsgatan 16-18, Stockholm. I-4.

Nordring A/B.—Birger Jarlsgatan 55, Stockholm. I; III-4.

Norrkopings Bransle A/B.—N. Stromsgatan 15, Norrköping. I.

Nya Noragruvorna A/B.—Nora. I.

Nyander & Jeinsen A/B.—Parmateregatan 9, Stockholm. I-4.

Ohlsens Enke, J. E. A/B.—Norra Vallgatan 16, Malmö, and all branches in Sweden. I-2.

Olympia Skrivmaskiner A/B.—Kungsgatan 16-18, Stockholm. I-1.

Omnipol, Svenska A/B.—Strandvagen 7B, Stockholm. I-2.

Osram Elektraverken A/B.—Stockholm, and all branches in Sweden. I.

Pennco, Bensin A/B.—Drottninggatan 1, Norrköping. I.

Pennco, Bilkol A/B.—Stockholmsvagan 22, Norrköping. I-1.

Pennco, Cistern A/B.—Drottninggatan 1, Norrköping. I-1.

Pennco, Garage A/B.—Stockholmsvagan 22, Norrköping. I-1.

Philipsons Automobil A/B.—St. Eriksgatan 117, Stockholm. III-4.

Philipsons Forsaljnings A/B.—St. Eriksgatan 117, Stockholm. III-4.

Riso Textil A/B.—Sveavagen 28-30, Stockholm. I-2.

Ronstrom, Snr. & Co. A/B., William.—Strandvagen 3, Stockholm. II-3.

Rugaard, P. A/B.—Kungsgatan 27, Stockholm. I-4.

Rylander & Asplund A/B.—Kungsgatan 34, Stockholm. I.

Savabini, Anatolio.—Birger Jarlsgatan 38, Stockholm. III-4.

Scana A/B.—Jörgen, Kocksgatan 2, Malmö. I.

Schaffer & Budenberg A/B.—Klara Sodra Kyrkogatan 18, Stockholm. II-4.

Schau, R. L. M. Georg.—Wollmar Yxkullsgatan 50, Stockholm. I.

Schaufensterkunst, Firma (Ernst Sindahl).—Olofsgatan 6, Stockholm. I-2.

Schering Nordiska A/B.—Wahrendorffsgatan 6, Stockholm. I.

Schimmelpfeng W., Auskunftei.—Drottninggatan 86, Stockholm. I-1.

Schmiterlow, Bertram.—Blasieholmstorg 9, Stockholm. II-3.

Schuchardt & Schütte A/B.—Drottninggatan 11, Stockholm. I.

Seestedt, Adolf.—Erik Dahlbergsgatan 33, Stockholm. II-3.

Semda A/B.—Kyrkogatan 20. Göteborg; and Svartensgatan 12, Stockholm. I.

Siemens, Elektriska A/B.—Kungsgatan 36, Stockholm, and all branches in Sweden. I.

Sindahl, Ernst—Firma Schaufensterkunst.—Olofsgatan 6, Stockholm. I-2.

Sjofart & Kol A/B.—Tradgardsgatan 17, Stockholm. I.

Skandinaviska Montanindustri A/B.—Striberg, Nora. I.

Skandinaviska Travaruagenturen Ake Wettergren.—Kungstradgardsgatan 20, Stockholm. II-4.

Smalands Taberg A/B.—Stockholm, and at Smalands Taberg. I.

Sodra Vaxelkontoret.—Hornsgatan 78, Stockholm. III-1.

Stahlunion A/B.—Kungsgatan 33, Stockholm. I.

Stenciler & Farg.—Uplandsgatan 22, Stockholm. I-2.

Stollbergs Grufvor och Anrikningsverk A/B.—Haksberg. I.

Stora Langviks Gruv A/B.—Hedemora. I.

Strafoder A/B.—Karlavagen 43, Stockholm. II-4.

Stromdahl, Axel Rudolf.—Karlavagen 43, Stockholm. II-4.

Svea Rike Forlag.—Odengatan 42, Stockholm. I-2.

Svecia Exportkompaniet A/B.—Kungsgatan 30, Stockholm. I.

Svenska Instrument A/B.—Sveavagen 21-23, Stockholm. I.

Svenska Lyxstrumpfabriken A/B.—Lund. II-4.

Svenska Orion Forsaljnings A/B.—Svarvarg 14, Stockholm. I-3; II-4.

Svenska Strebelverken A/B.—Vastervik. I.

Svenska Torrelement A/B.—Vollmar Yxkullsgatan 15A, Stockholm. II-4.

Svenska Tradlos Telegrafi A/B.—Sveavagen 21, Stockholm. I.

Sydsvenska Farg & Ferniss Fabriken A/B.—Karl Krooksgatan 86, Halsingborg. III-1.

Tenconi A/B., Angelo.—Hertzia Packhuspltsn 2, Göteborg. I-1.

Tobis Film A/B.—Kungsgatan 15, Stockholm. I-2; III-3.

"Tudor" Ackumulatorfabriks A/B.—Bibliotekgatan 3, Stockholm. I.

Tyska Turistbyran.—Kungsgatan 16-18, Stockholm. I-2.

Ufafilm A/B.—Kungsgatan 44, Stockholm. I.

Uhlhorn, H.—Igelkottsvager 53, Appelviken, Stockholm. I-2.

Unic A/B.—Birger Jarlsgatan 5, Stockholm. III-1.

Von Jeinson, Carlo.—Parmateregatan 9, Stockholm. I-4.

Von Knieriem, Baron Ottokar.—Kungstradgardsgatan 10, Stockholm. III-2.

Von Knorre, Dr. Werner.—Brahevagen 3, Stockholm. III-2.

Von Koch, Dr. Carl Fabian Richert.—Smedsbacksgatan 4, Stockholm. III-2.

Vulcanus Bergverks A/B.—Blotberget, nr. Ludvika. I.

Wagner's Nederiag, Guenther.—Stockholm. I.

Weibull, John G. E.—Landskrona. I.

Weist & Co. A/B, Fritz.—Regeringsgatan 32, Stockholm. I.

Wennberg, Eric T. G. E.—Hornsgatan 78, Stockholm. III-1.

Werner & Pfleiderer A/B.—Kungsgatan 33, Stockholm. I.

Wettergren. Ake (Nordiska Travaruagenturen).—Regeringsgatan 22, Stockholm. I-2; II-5.

Widlund, Baltzar.—Hornsgatan 78, Stockholm. III-1.

Witte & Co., Export A/B, Franz.—Bararegatan 14, Göteborg. I.

Zeiss, Svenska A/B.—Kungsgatan 33, Stockholm. I.

Zeuthen & Aagaard A/B.—Kungsgatan 44, Stockholm, and all branches in Sweden. I-1; I-2.

Zieglers Kol & Koks A/B.—Karlstad. I.

Zieglers Speditions A/B.—Sannegardshamnen, Göteborg. I.

SWITZERLAND

A. E. G. Elektrizitaets A. G.—Stamfenbachstr. 1 Zürich. I.

A. G. T. Maschinenbau A. G.—Uetlibergstr. 113, Zürich. I.

Aarewerke A. G.—Obere Vorstadt 37, Brugg. I.

Abt-Türler & Co., A. G.—Bettingerstr. 112, Richen. II-3.

Adler, Max Erich.—Sihlstr. 1, and Doufourstr. 49, Zürich. III-2.

Adrema, A. G.—Talstr. 11, Zürich. I.

Aero-Metall A. G.—Theaterstr. 20, Zürich. I.

Agfa Photo A. G.—Bleicherweg 10, Zürich. I.

Ahag Handelsaktiengesellschaft.—Bolinhofstr. 80 Zürich. III-4.

Akomfina A. G.—Gotthardstr. 61, Zürich. I; III-4.

Aktiengesellschaft für aetherische Oele.—Glarus. I.

Albert, Mariann.—Stampfenbachstr. 67, Zürich. I.

Albiswerk Zurich A. G.—Albisriederstr. 245, Zürich. I.

Albula Verwaltungs und Beteiligungs A. G.—Chur. I-3.

Alfa Romeo, S. A., per il Commercio dei Prodotti.—Via Nassa 29, Lugano. I.

Alfermann, Clemens.—Lausanne. I.

Allgemeine Depositen A. G.—Talstr. 11, Zürich. I.

Alliance Aluminium Cie.—Aeschengraben 22, Basel. I.

Aluminium Rolling & Press Works Ltd.—Tramstr. 56, Münchenstein, Basel. I.

Aluminium-Verkaufsstelle Münchenstein A. G.—Tramstr. 56, Münchenstein, Basel. I.

"Amag" Automobil & Mortoren A. G.—Kreuzstr. 4, Zürich. I.

Amann, Alois, in Hohenems Filiale St. Gallen.—Webergasse 5, St. Gallen. I.

Ammann, August.—Au, St. Gallen. I.

Ammann, Carl Ludwig.—Zürich. II-3.

Ammonia Casale S. A.—Massagno. I.

Amor Skin Corpn. A. G. Zurich.—Werdmuhlestr. 5, Zürich. I.

Appareillage Gardy S. A.—La Jonction, Geneva. I.

Arbitrium Handels A. G.—Alpenstr. 9, Zug. I.

"Aria" Automobil-Reifen-Import A. G.—Limmatstr. 214, Zürich. III-1.

Association Allemande pour l'Etude des Problems pour la Societe des Nations.—Rue Toepfer 21, Geneva. I-3.

"Astra" Beteiligungs und Verwaltungs G. m. b. H.—Bondastr., Chur. I.

Atlantis, S. A.—Aeschenvorstadt 1, P. O. Box 17350, Basel. I.

"Atlas", Speditions & Transport-Kontor.—Eulerstr. 59, Basel. I.

Attenberger H. Hapag-Reisebureau A. G.—Bahnofstr. 90, Zürich. I.

Augsbourg & Co., Maurice.—Kannenfeldstr. 36, Basel. I.

Aussenhandel A. G., Gessellschaft für.—Elisabethenstr. 2, Basel. I.

Autex, A. G.—Zürich. II-1.

Autol A. G.—Neuhausstr. 15, Basel. I.

Autoservizi, S. A.—Lugano. I.

Babaeff, Ervand.—Ave. Bertrand 7, Geneva. III-2.

Badel, Leon E.—Rue Diday 8, Geneva. I.

Baeumlin, Jakob.—Oberergraben 32, St. Gallen. III–1.

Baeumlin, Ernst & Cie.—Oberergraben 32, St. Gallen. III–1; III–2.

Bally, Alfred.—St. Alban-Anlage 2A, Aeschenplatz, Basel. I.

Bally-Rochling, Alfred.—St. Alban-Anlage 2A, Aeschenplatz, Basel. I.

Balmer, E.—Dufourstr. 42, Basel. I–2.

Balmer, H.—Wabernstr. 24, Bern. II–3.

Bama G. m. b. H.—Muehlengraben 7, Basel. II–1.

Banca della Svizzera Italiana.—Lugano, and all branches in Switzerland. I.

Banco di Roma.—Lugano. I.

Banque de Paris et des Pays-Bas S. A., Succursale de Geneve.—Rue de Hollande 6, Geneva. III–3.

Barberot, R., S. A., Etablissements.—Rue de la Navigation 11–13, Geneva. I.

Baszanger, Lucien.—Rue du Rhone 6, Geneva. I.

Bat'a-Schuh-A. G.—Möhlin, and all branches in Switzerland. I.

Baumwoll-Industrie A. G.—Dietikon, Zürich. I.

Baumwollspinnerei & Wirkwaren A. G.—Bahnhofstr. 32, Zürich. I.

Beatus A. G. Zurich (Beatus S. A. Zurich).—Stampfenbachstr. 69, and Todistr. 36, Zürich. II–4.

Benninger, R.—Oberer Graben 35, St. Gallen. I.

Berchtold, Hans.—Bahnhofstr. 10 and Borsenstr. 18, Zürich. I.

Berndorfer Kruppmetallwerke A. G.—Murbachstr. 3, Lucerne. I.

Bestgen, Frederic Henry Joseph.—Ch. de Contamines 11, Geneva. I.

Beyer, Max.—Neubrunnenstr. 41, Zürich. II–3; III–3.

Bianca & Co.—Hafnerstr. 10, Zürich. I.

Bianca Freres (Bianca Gebrueder).—Hafnerstr. 10, Zürich. III–1.

Bianchi, Carlo.—Gartenstr. 12, Zürich. I.

Bianchi, John.—Zwischenweg 3, Zollikon, Zürich. III–2.

Billian, L. & Co. A. G.—Limmatquai 104, Zürich. I.

Biscuits Pernot, S. A.—Rue do Mole 2, Geneva. III–1.

Bishoff, Joseph.—Lausanne. II–1.

Blatter, Josef.—Au, St. Gallen. I.

Bodmer, Albert.—Goldach, St. Gallen. II–1.

Boehringer, A. G., Robert.—Oetenbachgasse 28, Zürich. I.

Boehringer, C. & Cie. A. G.—Spitalstr. 40, Basel. II–1.

Boehringer, C. F. & Sohne A. G.—Zollikofen, nr. Bern. I.

Bohler Gebr. & Co., A. G.—Bahnofstr. 45, Zürich. I.

Bohn, Andre.—Rue de la Servette 96, Geneva. I.

Bohnenberger, Friedrich, Verlag Stuttgart Filiale Zurich.—Tödistr. 67, Zürich. I.

Bohny-Hinrichsen, Gustav.—Chrischonastr. 41, Basel, and at Bern. I–3.

Boismines S. A.—Via Canova 7, Lugano. I.

Boller, Hans.—Gossau, Zürich. II–3.

Boller-Benz, H.—Albisriederstr. 184, Zürich. II–3.

Bolter-Fütter A. G.—Buchs, St. Gallen. III–4.

Bosch A. G., Robert.—Badenstr. 329, Zürich, and at Geneva. I.

Bosshard & de Vries.—Wila, Zürich. I.

Boy, A. G.—Bahnhofstr. 57c, Zürich. I.

Brandenberger Sohne, Carl.—Limmatplatz 7, Zürich. II–5.

Brandt vorm. Apotheker Rich A. G.—Finsterwaldstr. 95, Schaffhausen. I.

Braus-Riggenbach (vorm. Henning Oppermann).—Baumleingasse 18, Basel. I.

Brevette Scott A. G.—Birchstr. 155, Zürich. I.

Bronner & Cie. A. G.—Aeschengraben 33, Basel. I.

Brugge, Rodolphe.—Ave. de Beau Sejour, Geneva. I; II–1.

Bruhin, Karl.—Sternenstr. 16, Zürich. I.

Bucher A. G., Haus der.—Baeumleingasse 18, Basel. II–5.

Buchhandlung Zum Elsässer A. G.—Limmatquai 18, Zürich. I.

Buchwalter, Emanuel.—Bogenschuetzenstr. 6, Bern. II–3.

Bührle, Emil Georg.—Birchstr. 155, Zürich. I.

Bulgari, Sotirio.—Via Pretoria 2, Lugano. I.

Bumann, Hans.—Freistr. 16, Basel. III–4.

Burckhardt A. G., Maschinenfabrik.—Dornacherstr. 192, Basel. I–2.

Buser, J. C.—Spalenvorstadt 15, Basel. I–2.

Buser, E. & F.—Tiergartenstr. 5, Liestal, and Butzenweg 476, Sissach, Baselland. III–4.

Buser, Gebr.—Hemmiken, Baselland. III–4.

Buser-Kobler, Jaques Carl.—Spalenvorstadt 15, Basel. I–2.

Buss A. G.—Aeschengraben 24, Basel. I; III–3.

C. I. T., Cia. Italiana di Turismo.—Bahnhofstr. 74, Zürich. I.

Caesar u Loretz, Halle a S. Zweigniederlassung Zurich.—Limmatstr. 45, Zürich. I.

Campari, Davide, Lugano.—Via Vincenso D'Alberti 12, Lugano. I.

Casino-Gesellschaft.—Steinenberg 14, Basel. I–2.

Cassani, Karl.—Bern. II–1.

Castelletti S. A., Angelo.—Via Pasteur 1, Chiasso. II–1.

Cece-Graphit Werke A. G.—Wehntalerstr. 600, Zürich. I.

Celluloidwarenfabrik Zollikofen A. G.—Zollikofen, Bern. I.

Cementia Holding A. G.—Pelikanstr. 6, Zürich. I.

"Chepha", A. G. Fuer Chemische und Pharmaceutische Unternehmungen.—Lausanne. I.

Christoff, Sava.—Stockerstr. 54, Zürich. III–1.

Cinzano, Soc. pour L'Importation et la Vente des Produits.—Place St. François 2, Lausanne. I–4.

"Cipa" Compagnie D'Importaton de Produits Alimentaires.—Rue de la Cite 22, and Rue de la Corraterie 14, Geneva. II–5; III–1.

Coffee Trading Company Kaiser Ltd.—Guterstr. 311, Basel, and all branches in Switzerland. I.

Cofinco, Compagnie Financière Commerciale S. A.—Muri. I.

Cohen, Gabriele.—Vacallo, Chiasso. II–1.

Cohen, Gabriele, Nachfolger Federico Lupi.—Vacallo, Chiasso. II–1.

Columeta A. G.—Steinenring 51, Basel. II–5.

Commissia, S. A.—Rue de la Tour de l'Ile 1, Geneva. I.

Commissionaria di Esportazione e di Importazione, Soc. "S. C. E. I." (Kommissiongesellschaft für Aus-und-Einfuhr., K. A. E.).—Nueschelerstr. 30, Zürich. I.

Commissionaria S. A. (Sacom).—Via Nassa 29, Lugano. I.

Compagnie D'Importation de Produits Alimentaires "Cipa".—Rue de la Cite 22, and Rue de la Corraterie 14, Geneva. II–5; III–1.

Comptoir Commerciale S. A. (Handels Kontor A. G.).—Bogenschuetzenstr. 6, Bern. II–3.

Comptoir de Specialties Pharmaceutiques S. A. (formerly Andre Junod S. A.).—Rue de la Scie 4–6, Geneva. I.

Comptoir de Vente et D'Achat.—Rue de Bourg 27, Lausanne. I–1.

Connstein, Dr. Wilhelm.—Rue de l'Athenee 8, Geneva. I.

Continental Caoutchouc Co. A. G.—Talstr. 15, Zürich, and all branches in Switzerland. I.

Continentale Elektrizitaets-Union A. G.—Freiesir, 90, Basel. III–3.

Contraves A. G.—Bahnhofstr. 92, and Dreikonigstr. 18, Zürich. I.

Corti & Co. Dr. Ch., Agostino.—Lugano. I.

Cotonniere du Tonkin, Soc.—Rue Ph. Plantamour 16, Geneva. II–5.

Crastis Verwaltungs A. G., Soc.—Bahnhofstr., Zürich. III–1.

Credit Commercial et Industriel Trust.—Via Al Forte 2, Lugano. I.

Cuprum A. G.—Glarus. I.

Curti, Figli di Virginio.—Taverne-Torricelli (Tessin). II–5.

Daeschner, A. C.—Villa Roccolo, Viganello, Lugano. I.

Daetwyler, Otto.—Giesshuebelstr. 62, and Limmatstr. 214.—Zürich. 1–4.

De Bac, Andre.—Rue de la Tour de l'Ile 1, Geneva. I.

Degele.—Hofwiesenstr. 96, Zürich. I.

Del Bianco, Mario.—St. Jakobstr., Basel. I–1.

Delorme, Leon Luis.—Rue de la Cite 22, Geneva. II–5.

Deutsche Buch-Gemeinschaft C. A. Koch's Verlag Nachf, Berlin, Filiale Zürich.—Stampfenbachstr. 67, Zürich. I.

Deutsche Hilfsvereins-Stiftung.—Alban-Vorstadt 12, Basel. II–4.

Deutsche Kolonie in der Schweiz.—Muristr. 53, Basel. I–3.

Deutsche Luftfahrt-Industrie Kommission.—Restelbergstr, 49, Zürich. I–3.

Deutsche Zeitung in der Schweiz.—Bahnhofplatz 3, Bern. II–3.

Diamants et Carbones S. A.—Thonex, Geneva. I.

Diamantschleiferei Vogeli & Wirz, A. G.—Gurzelenstr. 7, Biel, Bern. I.

Diamantwerkzeuge, A. G.—Gurzelenstr. 7, Biel, Bern. I.

*Diener, R. W.—Mullerstr. 33, and Widmerstr. 72, Zürich. II–3; IV.

Dixi S. A. Machines.—Cote 29, and Rue des Billodes 18A, Le Locle, Neuchâtel. I–2.

Dornier Werke A. G.—Altenrhein, St. Gallen. I.

Dorsch, Paul.—Clarastr. 30, Basel. I–2.

Dralle A. G., Georg.—Basel. I.

Drholec, Franz.—Seefeldstr. 14, and Uraniastr. 35, Zürich. I.

Drott, Max Raimund.—Feldeggstr. 43, Zürich. I.

Du Bois, Dr. Georges Charles.—Peseux. II–1.

Duerkoppwerke, A. G.—Albisstr. 28, Zürich. I.

Duncan, Bart., Sir Oliver.—Grand Hotel Dolder, Zürich. I.

Eberhard, Dr. Richard.—Zürich. II–1.

Egli, Jean Martin.—Wil, St. Gallen. II–3.

Ehni & Co., Geo.—Pelikanstr. 2, and Fraumünsterstr. 15, Zürich. I.

Ehninger & Co., Dr. (St. Leonhards-Apotheke).—Leimenstr. 27, Basel. I–2.

Eichenberger, S. A., Paul.—Rue de Geneve 7, Lausanne, and Liebefeld, Bern. III–4.

Eilers, Jr., Wilhelm, Bielefeld, Zweigniederlassung Zurich.—Sternhaldenstr. 63, Zürich. I.

Eisen und Metall A. G.—Utoquai 29, Zürich. I.

Electrische und Industrielle Unternehmungen im Orient, A. G. für.—Bahnhofstr. 28A, Zürich. I.

Elex A. G.—Seefeldstr. 8, Zürich. I–2.

"Elfa" Elektro - Chemische, Fabrik Francke.—Rohrerstr. 84, Aarau. I.

Elna S. A.—Rue de la Tour de l'Ile 1, Geneva. I.

Engel, C. & Co.—Egnacherweg. I.

Entreprises et Travaux de Construction S. A.—Bahnhofstr. 89, Zürich. I.

Etana, A. G.—Bremgartnerstr. 71, P. O. Box 51, Zürich. I–2.

Eurasia G.m.b.H.—Bahnhofplatz 5, Bern. I–2.

Europa Press.—Lausanne. I.

Europaische Holding Intercito A. G. (Holding Europeene Intercito S. A.).—c/o Pilatus Flugzeugwerke A. G., Stans, Nidwalden. I–2.

Ewel & Co.—Brandschenkestr. 20, Zürich. I.

Export Transithandels A. G.—Sihlstr. 34, Zürich. I.

Extraktion A. G.—Hirzbrunnenallee 28, Basel. I.

Fanto-Benzin Import A. G.—Bahnhofstr. 44, Zürich. I.

Fayaud, W. Adriano.—Chiasso. I.

Feinweberei Murg-Baden (Deutschland) A. G. für.—Flawil, St. Gallen. I.

Feisst, Walter O.—Casa Ville 1184, Lausanne. I.

Fer-Ulrich, Henri.—Rue du Pont 16, La Chaux-de-Fonds; and at Cheserex-Sur-Nyon, Vaud. II–1.

Fiat Automobil—Handels A. G. Verkaufsstelle Zurich.—Wiesenstr. 7–9, Zürich. I.

Fibroplast, A. G.—Fronwagplatz 7, Schaffhausen. I.

Financiere de Banque et de Change a Geneva Soc. S. A.—Rue de l. Tour de l'Ile 1, Geneva. I.

Finanziaria Assicurativa Milano, Succursale di Zurigo Soc.—Stadthausquai 7, Zürich. I.

"Finelectra" Finanzgesellschaft für Elektrizitats-Beteiligungen A. G.—Bahnhofstr. 70, Aarau. I.

Fink. Theo.—Bahnhofplatz 5, Bern. I–3.

Fischer & Rechsteiner Sucr.—Chiasso. I.

Flamenot, Edmee.—Rue du Grand Chene 5, Lausanne. I–1.

Flamenot-Rouvenaz.—Rue du Grand Chene 5, Lausanne. I–1.

Fonda A. G.—Industriestr. 25, Arlesheim, and at Münchenstein. I.

Foresta Romena Holding, S. A.—Jenatschstr. 1, Zürich. I.

"Forinvent" Gesellschaft für auswärtige Anlagen und Erfindungen A. G.—Aëschenvortstadt 1. Basel. I.

Fornaciarini, Enea.—Via Soldini 25, Chiasso. III–1.

Fruchtzucker und Getranke A. G.—Hohlstr. 507, Zürich. III–4.

Fuchs, A.—Bahnhofstr. 5, Zürich. I–3.

Fuog, Paul.—Thiersteinerallee 23, Basel. I–4.

Furrer, Heinrich.—Bahnhofstr. 17, Zürich. II–1.

Galvanocor A. G.—Lucerne. I–3; II–1.

Ganz & Co.—Bahnhofstr. 40, Zürich. I.

Ganzoni, Werner.—Gruzenstr. 44, Winterthur. I–3.

Ganzoni & Cie.—Gruzenstr. 44, Winterthur. I–3.

Gas und Wassermesserfabrik A. G. in Lucerne.—Krienserstr. 527, Lucerne. I.

Gas-Industrie, A. G. für.—Loewenstr. 2, Zürich. I.

Gassner-Zauli, Erwin.—St. Gallen. I.

Gastpar, Paul.—Amthausquai 11, Olten. I–2.

Gefuag, A. G.—Monbijoustr. 10, Bern. I–1.

Gelbert, Heinrich—Pfaff Nahmaschinenfabrik.—Bahnhofstr. 100, Zürich. I.

Georgi, Curt.—Stampfenbachplatz 2, Zürich. I.

Gerber, Otto.—Hasenrainstr. 67, Binningen. I–2.

Germann, August.—Schaffhausen. II–1.

Gestion Industrielle et Financiere, Soc. de.—St. Alban Anlage 1, Basel. III–3.

Getreide Import A. G.—Bleicherweg 47, Zürich. I.

Giussani, Luigi.—Via Soldini 25, Chiasso. III–1.

Giussani & Fornaciarini.—Via Soldini 25, Chiasso. III–1.

Globag A. G.—Schaffhausen. I.

Glühlampenfabrik Winterthur A. G.—Burglistr. 33, Winterthur. II–3.

Goedecke, Cedric.—Aeschengraben 13, Basel. I–4.

Goedecke, H. A.—Aeschengraben 13, Basel. I–4.

Goedecke, Haimo Alex.—Aeschengraben 13, Basel. I–4.

Golay et Fils, Louis.—Rue du Rhone 57, Geneva. I.

Goldray S. A.—Rue de la Cite 22, Geneva. I–4.

Golvag A. G. Goliath-Vertrieb.—Oberdorfstr. 3, Zürich. I.

Gotthardwerke A. G. fuer Elektrochemische Industrie.—Bodio, Tessin. III–4.

Graf, Theo.—Fraumünsterstr. 14, Zürich. I.

Grebler, Albert.—La Chaux-de-Fonds. II–4.

Gremminger, Ferdinand.—Schaffhausen. II–3.

Gretener, Th.—Bahnhofstr. 16, Dietikon. II–4.

Grodtmann, Johann.—La Tour de Peilz, Vevey. I.

Grunauer, A. & Co. A. G.—Basel. I.

Guhag A. G. (Gummihandels A. G.).—Roveredo, Grisons. III–1.

Guindani, Mario.—Klingenstr. 34, Zürich. II–3.

Gunzburger, S. & Cie. A. G.—St. Johannesvorstadt 90, Basel. I.

Gütermanns Nähseiden A. G.—Stampfenbachstr. 12, Zürich. I.

Gyr-Kalin, Mrs. Pia.—Peterstr. 11, Zürich. III–3.

Haas'sche Schriftgiesserei A. G.—Münchenstein. I.

Haegler, Dr. Harry.—Nueschelerstr. 44, Zürich. I–4.

Haff Gebr. C., H. & F., A. G. Handel in Reisszeugen und Mathematischen Instrumenten.—Bahnhofplatz 5, Zürich. I.

Hagmann & Co.—Loewenstr. 20, Zürich. I.

Hamel, Spinn- & Zwirnereimaschinen A. G., Carl.—Arbon. I.

Handels und Industriewerke A. G für.—Glarus. III–4.

Handelgesellschaft Intercambio G. m. b. H.—Unterstadt, Zofingen, and Marktgasse 24, Bern. III–4.

Hangartner, Willy (Verkaufsbureau Pronto).—Zürich. I–2; III–1.

Haniel A. G., Franz.—Zentralbahnstr. 9, Basel, and all branches in Switzerland. III–2; III–3.

Hartman A. G. Gebr.—Neubrunnenstr. 41, Oerlikon, Zürich. II–3.

Haubensack, Emanuel.—Nürensdorf, Zürich. I.

Hauff-Fabrikate-Verkaufs A. G.—Loewenstr. 19, Zürich. I.

Hauff-Photo-Vertretung.—Loewenstr. 19, Zürich. I.

Hauser, Paul.—Rümelstr. 10, Neuallschwil. III–4.

Haymann, J. Konstanz Filiale Kreuzlingen.—Hafenstr. 111, Kreuzlingen. I.

Heer & Co. A. G.—Oberuzwil. I.

Heimoz, Marcel.—Place Centrale 25, Lausanne. II–4.

Hellmuth, Fritz.—Mattenstr. 76, Basel. I.

Hellmuth, Hans.—Mattenstr. 76, Basel. I.

Hellmuth & Cie., Loerrach, Filiale Basel.—Mattenstr. 76, Basel. I.

Henkel & Co. A. G.—Kirschgartenstr. 12, Basel. I.

Henkels Persilwerke A. G.—Pratteln, Basel. I.

Hentsch et Cie.—Rue de la Corraterie 15, Geneva. I–1.

Hepp Gebr.—Bahnhofstr. 79, Zürich. I.

Hering-Bad A. G.—Blumlisalpstr. 18, Zürich. I.

Hermann, Dr. Alois.—Peterstr. 11, Zürich. III–3.

Hevaloid A. G.—Talstr. 15, Zürich. I.

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*Address added or changed with this revision.

Hilb, Siegfried Konstanz Filiale Kreuzlingen.—Bahnhofstr. 31, Kreuzlingen. I.

Hispano Suiza, S. A.—Rue du Rhone 29, Geneva. I.

Hochrhein Lagerrungs A. G.—Rheinhafen 70, Birsfelden, Basel. I–1.

Hochstrasser & Co.—Hornweg 20, Kusnacht, Zürich. I.

Hoff, B. (late of Riga).—Schweizerhof Hotel, Zürich. I.

Hoffmann, G. (Frankfurt-am-Main, Filiale Basel).—Aeschengraben 13, Basel. III–1.

"Holbeinstube".—Dufourstr. 42, Basel. I–2.

Holding Europeene Intercito S. A.—Europaische Holding Intercito A. G.—c/o Pilatus Flugzeugwerke A. G., Stans, Nidwalden. I–2.

Holzveredlung A. G. für.—Loewenstr. 11, Zürich. I.

Homann, Franz, Bregenz Zweigniederlassung St. Margrethen.—St. Margrethen St. Gallen. I.

Hösli & Co., Georg.—Bahnhofstr. 79, Zürich. I.

Hostmann-Steinberg Farben A. G. Chr.—Bederstr. 103A. Zürich. I.

Huber, August (Internationale Transporte und Inkasse).—Salmsasacherstr. 1–717, Romanshorn, Thurgau. III–4.

Hunziker, Ernst.—Gutenbergstr. 10, and Altstetterstr. 194, Zürich. III–2.

Hurzeler, Willy.—Freistr. 16, Basel. III–4.

Igepha, A. G.—Loewenstr. 3, Zürich. II–1.

"Illy-Cafe".—Hohlstr. 86, Zürich. III–1.

"Imbert-Gas" A. G.—Rohrerstr. 76, Aarau. I.

Imperium S. A.—Zürich. III–3.

Importations Coloniales S. A.—Rue Bonivard 8, Geneva. I.

Importations de Combustibles S. A., Soc. Generale de (Sogico).—Rue de Chantepoulet 4, Geneva. III–4.

Imprese Elettriche dell' America Latina (Latinalux).—Mesocco. I.

Incosa A. G.—Winterthur. I.

Industrie Bank A. G.—Bahnhofstr. 17, Zürich. II–1.

Industriegerate G. m. b. H.—Dufourstr. 57, Zürich. I.

Industrielle de Mecanique Horlogere S. A. a Puteaux (Seine) Succursale de Mountier, Cie.—Ave. Belle Vue 12, Moutier. II–4.

Intercambio G. m. b. H., Handelsgesellschaft.—Unterstadt. Zofingen, and Martkgasse 24, Bern. III–4.

Intermundo S. A.—Schuetzengasse 9, St. Gallen; and Rue du Mont Blanc 14, Geneva. I–3.

Internationale Gesellschaft der Stickstoff Industrie A. G.—St. Jakobstr. 22, Basel. I.

Internationale Gesellschaft für Chemische Unternehmungen A. G. (I. G. Chemie) (Soc. Internationale pour Entreprises Chimiques S. A., I. G. Chemie).—Peter Merianstr. 19, Basel. I.

Interradio G. m. b. H.—Limmattalstr. 209, Zürich. I.

Intestinum A. G.—Schmidholzstr. 56, Neuewelt, Basel. I–4.

In-Und Auslandische-Werte A. G. für.—Am Platz 13, Schaffhausen. II–4.

Ipsa A. G. für Petroleum-Industrie.—Rothkreuz. Zug. I.

Iselin, Dr. Felix.—Aeschenvorstadt 38, and Rittergasse 17, Basel. II–1; III–4.

Isiaseide.—Breganzona. I.

"Italelvetica" di Partecipazione Finanziarie ed Industrialzi S. A.—Chur. I.

Jenschik Reisedienst Urania.—Heimatweg 1, Lucerne. I.

Jucker, Henri.—Rue Petitot 1, Geneva, and at Winterthur. I–3.

Justa, S. A.—Lugano. I.

Kadus-Werk.—Molkenstr. 8, Zürich. I.

Kagann, Salomon.—Ave. W-Favre 24, Geneva. I.

Kahl, Siegfried Hermann.—Bvd. du Theatre 12, Geneva. I.

Kaiser, T., A. G.—Liestal, Basel. I.

Kaiser's Kaffee-Geschaft A. G.—Guterstr. 311, Basel, and all branches in Switzerland. I.

Kanderner Tonwarenfabrik, Ernest Kammueller, Kandern, Filiale Basel.—Drahtzugstr. 14, Basel. I.

Karlsruher Parfumerie & Toiletteseifenfabrik (F. Wolff & Sohn, G. m. b. H.).—Grenzacherstr. 63, Basel. I.

Kartro A. G.—Bahnhofstr. 86, Zürich. I.

Kast & Ehinger G. m. b. H.—Hornergasse 12, Zürich. I.

Keller, Dr. Gottfried.—Aarau. II–1.

Keramische Rohstoff A. G.—Bahnhofstr. 46, Zürich. I.

Keramische Werte A. G.—Seefeldstr. 8, Zürich. I–2.

Klaiber, Richard.—Birsigstr. 58, Basel. I.

Klement & Spaeth, Parfumerie & Seifenfabriken Ravensburg Zweigniederlassung Romanshorn.—Romanshorn. I.

Klepper-Sporterzeugnisse, A. G. für.—Uraniastr. 14, Zürich. I.

Klingelnberg Sohne, W. Ferd. Remscheid, Zweigniederlassung Zurich.—Hotzestr. 45, Zürich. I.

Koechlin, F.—Binningen. III–2.

Kohlen & Briketwerke A. G.—Nauenstr. 63A, Basel. I–3.

Königer & Sohn, Karl, G. m. b. H. Kattowitz Zweigniederlassung Zurich.—Torgasse 2, Zürich. I.

Kores-Bureaubedarf A. G.—Todistr. 68, Zürich. I.

Kosmos A. G. für Internationale Transporte.—Basel. I.

Kotva-Export-Import A. G.—Bahnhofquai 7, Zürich. I.

Kraeutli Auto Electric Parts Bruxelles, Succursale de Zurich.—Zürich. I–2.

Krebs, Dr., Strebel-Kessel & Radiatoren.—Fluelastr. 18, Zürich. I.

Kristallglaswerk A. G. (formerly A. Pfeiffer & Co.).—Schuetzenstr. 191, Feuerthalen, Schaffhausen. I.

Krupp, Dr. Arthur.—Lucerne. I.

Kuendig, R., A. G.—Bahnhofstr. 80, Zürich. I–2.

Kugellagerfabrik Arbon A. G.—Arbon. II–5.

Kuisel, G. & Co.—Bahnhofstr. 89, Zürich. I.

"La Metallurgie".—Mainaustr. 17, Zürich. II–1.

La Soudiere Suisse.—Zurzach and Albangraben. Basel. I–4; II–4.

Lackfarben A. G., Berlin Filiale Kreuzlingen.—Unterseestr. 32, Kreuzlingen. I.

Lacour, J. T.—Ave. Ermitage 59, Geneva. I.

Lambercier, Georges.—Rue des Bains 11, Geneva. I.

Landesprodukte A. G.—Erlenstr. 15, Basel. I.

Lang, Eugen.—Peterstr. 11, Zürich. III–3.

Langbein Pfanhauser Werke A. G., Schweizerische Filiale der.—Schaffhauserstr. 228, Zürich. I.

Latinalux.—Imprese Elettriche dell' America Latina.—Mesocco. I.

Leader, A. G.—Arenstr., St. Moritz. I.

Leder & Schuh A. G.—Talstr. 11, Zürich. I.

Lengweiler, Walter.—St. Gallen. I.

Leukon A. G.—Freigutstr. 7, Zürich. I.

Liguna S. A.—Pelikanstr. 1, Zürich. I.

"Limmat" Industrie und Handels A. G.—Talstr. 11, Zürich. I.

Lindt, Otto.—Bahnhofstr. 74, Zürich. III–1.

Lista A. G., Tabakextrakt-und-Nikotinfabrik.—Liestal. II–4.

Lloyd-Reiseburo R. Kündig A. G.—Bahnhofstr. 80, Zürich. I.

Lonza Elektrizitatswerke und Chemische Fabriken A. G.—Aeschenvorstadt 72, Basel; and at Gampel. I; 1–2.

Lorenz, C., A. G. Berlin, Zweigniederlassung Bern.—Bubenbergplatz 10, Bern. I.

Lorenzoni, Valeriano Ditta in Verona Filiale di Chiasso.—Chiasso. I.

Luebbert, Gunther.—Apartmenthaus St. Jakob, St. Jakobstr. 39, Zürich. II–5.

Luzi, Hermann.—Stampfenbachplatz 2, Zürich. I.

Maegerle Gebr. G. m. b. H.—Effretikon. I; III–4.

Mannhart, J. C., Konstanz Filiale Kreuzlingen.—Hauptstr. 61A, Kreuzlingen. I.

Manometer A. G.—Andreasstr. 9, Zürich. I.

Marabuwerke A. G. Tamm, Zweigniederlassung Seebach.—Andreasstr. 7-9, Zürich. I.

Marathon Edelstahl A. G.—Klaustr. 19, Zürich. I.

Marelli, S. A. Aeromeccanica.—Rue de la Fontaine 7, Geneva. I.

Marelli, S. A. Machines.—Rue du Rhone 59. Geneva. I.

Martenson, Colonel Bertel.—Arveyes, Villars-Sur-Ollon, Vaud. III–1.

Marti, Fritz.—Ryffligaesschen 6, Bern. II–3.

Martini & Rossi.—Rue de Montchoisi 42, Geneva. II–4.

Mas, Michael.—Bleicherweg 20, Zürich. I–2.

Massie Verlag G. m. b. H.—Feldeggstr. 12, Zürich. I–4.

Masstabfabrik A. G.—Gewerberstr. 6, Schaffhausen. I.

Mayor, Louis.—Ave. du Simplon 13, Chene-Bourg, Geneva. I–1.

Meckes-Dreher, Wilhelm.—Grenzacherweg 77, Riehen. I.

Medilabor G. m. b. H.—Peterstr. 11, Zürich. III–3.

Meier, Karl Arnold.—Kusnacht-Tugermoos, nr. Zürich. I.

Meiss A. G., Hans.—Bahnhofplatz, and Loewenstr. 71, Zürich. I–2.

Meiss, Gio, Corr Milano Succursale di Chiasso.—Chiasso. II–5.

Meisser, Em.—Steinenberg 14, Basel. I–2.

Melitta A. G.—Waldmannstr. 12, Zürich. I.

Mencarelli Santirelli, Amadeo.—Zürich. II–3.

Menetrey, Frau.—Villa Duboschet 14, Clarens (Vaud). III–2.

Mercedes-Benz-Automobil A. G.—Badenerstr. 119, Zürich. I.

Merck Produkten A. G. für den Handel in.—Bahnhofstr. 23, Zug. I.

Merck-Unternehmungen, Holding A. G. für.—Bahnhofstr. 23, Zug. I.

Merk, Jean.—Bahnhofstr. 57B, Zürich. I.

Merk, Max Roh-Produkten-Kontor.—Stampfenbachstr. 70, Zürich. I.

Merk & Co., Max.—Linteschergasse 13, Zürich. I; III–1.

Merz & Co., Chemische Fabrik.—Dufourstr. 176 and Froehlichstr. 28, Zürich. I.

Meta, S. A.—Leimenstr. 51, Basel. I.

Metallgiesserei und Armaturenfabrik A. G.—Lyss, Bern. I–2.

Metallverwertung A. G. für.—Talstr. 15, Zürich. I–4.

Metallwerke A. G.—Dornach. I.

Metallwerke Refonda A. G.—Zürich. I.

Metzger & Cie., Robert, Location de Wagons-Reservoirs S. A.—Place et Rue des Grottes 1, Geneva. I.

Meyer, Hellmuth G. (Zoppot Zweiniederlassung Zurich).—Zürich. II–1.

Meyerhofer & Co.—Seefeldstr. 8, Zürich. I–2.

Miglietti, Remo.—Rue de la Terrassiere 9, Geneva. III–1.

Milliquet, Malinot.—Mainaustr. 17, Zürich. II–1.

Mineral & Metall A. G. (Mineral & Metal S. A.).—Bahnhofplatz 225, Chur, and Talstr. 15, Zürich. I.

Minerva-Auto-Mobilen, A. G. für den Verkauf in der Schweiz von.—Utoquai 29, Zürich. I.

Miniere S. A., Cia.—Place des Alpes 1, Geneva. III–2.

Minimax, A. G.—Muhlenbachstr. 28, Zürich. I.

Mobiliare Verkehrs A. G.—Pelikanstr. 8, Zürich. I.

Modiano, S. A. "Universum".—Chiasso. II–1.

Moebius, H. & Sohn.—Neuhausstr. 15, Basel. I.

Moeckli & Co., Otto.—Uraniastr. 35, Zürich. I–4.

Moje, Heinrich.—Todistr. 16, Zürich. I.

Mollwo, Carlo.—Plan Fleuri, Prilly, nr. Lausanne. II–1.

Moneta, Annibale.—Badstr. 9, Baden. II–1.

Montaner, Juan.—Rue du vieux College, Geneva.—I.

Moor, Dr. Hans.—Steinenvorstadt 25, and Im Sesselacker 15, Basel. II–5; III–4.

Moos, Gebr. & Söhne.—Kreuzlingen. I.

Morf, Ernst.—Nuerensdorf. I.

Movag Editions de Mode.—Stadtelhoferstr. 42, Zürich. I.

Mueller, Albert F.—Monbijoustr. 91, Bern. I.

Mueller, Friedrich.—Rosentalstr. 71, Basel. II–5.

Muller, Friedrich Peter.—Zofingen. III–4.

Mummenthaler, Max.—Bahnhofstr. 61, Zürich. III–2.

Mummenthaler, Walter.—Bahnofquai 7, Zürich. III–2.

Mutter, Albert (Loerrach, Filiale Basel).—Rosentalstr. 71, Basel. II–5.

Naruva S. A.—Place de Cornavin, Geneva and Bahnhofstr. 77, Zürich. I; III–2.

Nasoni, Figli di Luigi.—Via Emilio Bossi 11, Lugano. II–1.

Neuss, Johann.—Seefeldstr. 14, and Uraniastr. 35, Zürich. I.

Nied, Dr. Willibald.—Bahnhofplatz 3, Bern. II–3.

Nielsen-Bohny & Co. A. G.—Chrischonastr. 41, Basel. I–3.

Noerpel C. E., Friedrichshafen, Filiale St. Gallen.—Postr. 22, St. Gallen. I.

"Non Ferrum" Gesellschaft zur Finanzierung von Unternehmungen des Bergbaues und der Industrie der Nichteisenmetalle A. G.—Bahnhofstr. 45, Zürich. I.

Nord Transport A. G.—Elisabethenstr. 2, Basel. III–4.

Nordisk Films Co. S. A.—Uraniastr. 33, Zürich. I.

Nordstern Allgemeine Versicherungs A. G.—Laupenstr. 2, Bern, and Weinbergstr. 11, Zürich. I–3.

Nord-Sud, Reiseburo.—Clarastr. 30, Basel. I–2.

Nouvelles Usinages, S. A.—Rue du Pont 16, La Chaux-de-Fonds. I–3.

Nova Vita A. G.—Gutenbergstr. 10, Zürich. I–3.

Nur, Mahomet Thabit Abdul.—Zürich and Geneva. I.

Oberrhein Reederei & Kohlenhandels A. G.—Nauenstr. 63A, Basel. I.

Ocean Stamp Ltd.-Ozean Briefmarken A. G.—Stadlhausstr. 3, Lucerne. III–2.

Oerlikon (Werkzeugmaschinenfabrik Oerlikon Bührle & Co.).—Birchstr. 155, Zürich. II–4.

Officine del Gottardo S. A. per L'Industria Elettro-Chimica.—Bodio, Tessin. I; III–4.

Olivieri, S. A., Giuseppe.—Chiasso. I.

Orbis, S. A.—Feldeggweg 1, Bern. I.

Orenstein & Koppel, A. G. für Feld und Kleinbahnen Bedarf.—Weinbergstr. 15, Zürich. I.

Orion - Automobil - Werkstatten. —Hardturmstr. 185, Zürich. I.

"Osa" Industrielle Beteiligungen A. G.—Fasenstaubstr. 30, Schaffhausen. I.

Oski A. G.—Seefeldstr. 8, Zürich. I–2.

Osmon, A. G.—Schaffhausen. I–2.

Osram, A. G.—Limmatquai 3, Zürich, and all branches in Switzerland. I.

Ozean Briefmarken A. G. (Ocean Stamp Ltd.).—Stadlhausstr. 3, Lucerne. III–2.

Pagani, Butti e Basilico Trasporti Internazionali Globus, Succ. ad Oscar Negri et Cie.—Via Internazionale 8, Chiasso. I.

Parisi, Francesco.—Paradeplatz 5, Zürich. I.

Paukner, Emil.—Repfergasse 13, Schaffhausen. I.

Pauly Jnr., Walther.—Oberrieden, Zürich. I.

Pauly, Walther.—Gotthardstr. 61, Zürich. I.

Pediglob-Fusstutzen, Dr. Keller & Gyr, G. m. b. H.—Peterstr. 11, Zürich. III–3.

Pelikan A. G.—Bachofnerstr. 8, Zürich. I.

Pesch, Friedrich W.—Talstr. 20, Zürich. I–2.

"Petrowag" Petroleumwerke A. G.—Poststr. 2, Chur. I.

Pfaff Nahmaschinenfabrik (Heinrich Gelbert).—Bahnhofstr. 100, Zürich. I.

Pfeiffer, A. & Co.—Feuerthalen, Schaffhausen. I.

Pfister, A.—Gessnerallee 34, Zürich. I.

Pfister, Carl.—Wohlen. I.

Pfrunder, Oscar.—Loewenstr. 59, Zürich. I.

Picard, Roger Gaston.—Rue de Hesse 8–10, Geneva. I.

"Pila" A. G.—Bahnhofstr., Zürich. I.

Pilatus Flugzeugwerke A. G.—Stans, Nidwalden. I; I–2.

Platter, Hans.—Rutlistr. 15, Winterthur. I.

Plesch, Arpad.—Ave. Victor-Ruffey 2, Lausanne. I.

Plus Accumulatorenfabrik.—Muehlengraben 3, Basel. II–1.

Poldi, Prague, Aciéres (Poldihütte Prag. Zweigniederlassung Genf.).—Rue des Terreaux du Temple 3–7, Geneva. I.

Poldihütte Prag. Zweigniederlassung Zurich.—Limmatstr. 23, Zürich. I.

Poli, Sergio.—Ruelle du Grand Pont 6, Lausanne. II–4.

Polizza Immobili S. A.—Via Pretorio 2, Lugano. I.

Ponti, Gennari et Cie.—Rue des Vieux Grenadiers 7, Geneva. I.

Prager, Hans.—Geneva. III–2.

"Pragma" A. G.—Bankstr., Glarus. I.

Primeurs S. A.—Gare C. F. F., Neuchatel. III–4.

Privee de Gestion S. A. Soc.—Rue St. Pierre 12, Fribourg. III–4.

Processi Palazzo S. A.—Mesocco. I.

Proditti Biroschi S. A.—Balerna. I.

Produits Cirio, S. A.—Rue de la Tour de l'Ile 1, Geneva. I.

Produits Magnesiens S. A., des.—Viaduktstr. 60, Basel. I.

Raab, M.—Sihlstr. 34, and Nuschelerstr. 24, Zürich, and Rue Contamines 17, Geneva. I; I–2.

Raviola, Adolphe.—Rue de la Scie 4–6, Geneva. I.

Reclam & Cie.—Im Eisenen Zeit 8, Zürich. I.

Recta Watch Co. Ltd. (Fabrique d'Horlogerie Recta S. A.).—Rue du Viaduc 3, Bienne. III–3.

Reishauer Werkzeuge A. G.—Limmatstr. 87, Zürich. I–4.

Resinelli, Dionigi.—Bellinzona. I.

Ressort A. G., für Patentverwertung.—Bahnhofstr. 23, Zug. I.

Rhein und See Transport A. G.—Reihenstr. 145, Basel. I.

"Rhenus" A. G. für Schiffahrt & Spedition ("Rhenus" S. A. de navigation et d'expédition).—Hafenstr. 13, Basel. I.

Rhone-Poulenc, Soc. des Usines Chimiques.—Dardagny, nr. Geneva. I.

*Richter, Otto.—Milchbuckstr. 1, Zürich. I–3; IV.

Rickli, I.—Ilkir Versand, P. O. Box 28, Lucerne. I–2.

Riedweg, Dr. Albert.—Schwanenplatz 8, Lucerne. III–3.

Risso, Oddone-Roberto, Dott.—Tobelhofstr. 227, Zürich. I.

Ritschard, H. et Cie.—Place Cornavin 18, Geneva. II–5.

Ritz Tours.—Bern and Bienne. I–4.

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*Address added or changed with this revision.

Rivoire e Milano C. A. Succursale di Chiasso.—Chiasso. I.

"Roba" Schiffahrtsagentur und Lagerhaus A. G.—Münchenstein and Basel. I.

Roch, Karl.—Spluegenstr. 4, Zürich. I.

Röchling & Co., Bank.—St. Alban-Anlage 2A, Aeschenplatz, Basel. I.

Rod & Co.—Corseaux S/Vevey, and Rue du College, Vevey. II–3.

Rodopia, Societe de Gestion.—Geneva. I.

Roechling & Cie. A. G.—Seevogelstr. 1, Basel. I.

Roechling Stahl A. G.—Hardstr. 225, Zürich, and at Basel. I.

Rognon, Alfred.—Ave. Vinet 13, Lausanne. I–1.

Röhren-Handels-Gesselschaft Zurich.—Limmatquai 72, Zürich. I.

Rotopulsor A. G.—Fronwagplatz 9, Schaffhausen. I.

Rouvenaz, Blanche.—Rue du Grand Chene 5, Lausanne. I–1.

Rubber Investment A. G.—Bahnhofstr. 55, Zürich. I.

Ruhr-und-Saar Kohle A. G.—Basel. I.

Rupp & Co., Chs.—Talstr. 11, Zürich, and Bahnhofstr. 22, Erlenbach. I.

S. A. I. M. A. Societe Anonima Innocente Mangili Adriatica.—Palazzo Bankverein, via Internazionale, Chiasso. I.

"S. C. E. I." Soc. Commissionaria di Esportazione e di Importazione (Kommissiongesellschaft für Aus-und-Einfuhr. K. A. E.).—Nueschelerstr. 30, Zürich. I.

S. Serumwerk A. G.—Mittlerestr. 19, Basel. I.

Sacaf (S. A. pour le commerce des Automobiles Fiat en Suisse).—Route de Lyon 100, Geneva, and all branches in Switzerland. I.

Sacom-Commissionaria S. A. — Via Nassa 29, Lugano. I.

Sacova.—Ave. Vinet 13, Lausanne. I–1.

St. Leonhards-Apotheke-Dr. Ehninger & Co.—Leimenstr. 27, Basel. I–2.

Salamander Schuh A. G. Zurich.—Bahnhofstr. 72, Zürich. I.

Sander, A. G., Ernst.—Freigutstr. 7, Zürich. I.

Sapal S. A., des Plieuses Automatiques.—Ave. Dapples 54, Lausanne. III–4.

Saprochi S. A.—Rue la Navigation 13, Geneva. I.

Sapt A. G.—Bahnhofstr. 57a, Zürich. I–4.

Sarasin-Vonder Muhll, Rudolf.—Chrischonastr. 41, Basel, and at Bern. I–3.

"Saten", S. A. Tessuti Novita.—Corso San Gottardo, Chiasso. I.

Sauerstoff und Wasserstoffwerk A. G.—Lucerne. I.

Saurenhaus & Co., Max.—Gundeldingerstr. 190, Basel. I.

Schaer, Wilhelm.—Rue Toepfer 21, Geneva. I–3.

Schaerer, M., A. G.—Wallgasse 2, Bern, and all branches in Switzerland. I.

Schaffner, Emil A.—Stampfenbachstr. 67, Zürich. I.

Schairer, Gottlieb.—Liestal. I.

Scheller, Henry.—Sihlstr. 34, Zürich. III–4.

Schenker & Co. A. G.—Buchs, St. Gallen. I.

Schenker—Unternehmungen, Holding A. G.—Mythenquai 20, Zürich. I.

Scheyer, F. J. M.—Leonhardster. 1, Zürich. III–1.

Schlaraffiawerk A. G.—Gueterstr. 133, Basel. III–1.

Schmalfilm A. G. — Spiegelhofstr. 28, Zürich. III–4.

Schmucki, Max Alfred. — Elizabethenstr. 1, Basel. I; II–3.

Schmucki-Schlageter, Max. — Elizabethenstr. 1, Basel. I.

Schneider, Alexander.—Via Nassa 29, Lugano. I.

Schneider, Ernst, Photographische Kunstanstalt Berlin, Zweigniederlassung Zurich.—Möhrlistr. 101, Zürich. I.

Schneider, Ines.—Lugano. II–3.

Schoeller, Bleckmann, & Cie. Stahlhaus.—Limmatstr. 183, Zürich. I.

Schoellkopf A. G., Hermann.—Beethovenstr. 38, Zürich. I.

Schoetensack, O.—Silvahof, Jubilaeomsstr. 97, Bern. II–1.

Schriesheimers Sohn, Max. — Bahnhofstr. 31, Kreuzlingen. I.

Schroder, Dr. Hans.—Habsburgstr. 19, Bern, and at Muri. I.

Schulte Kommanditgesellschaft Schlossfabrik, Wilhelm.—Schaenis, St. Gallen. I–2.

Schultz-Peltzer, Fritz.—Konkordiastr. 22, Zürich. I–3.

Schunke, Commendatore Professor Gerhard.—Villa Voltadone, Breganzona. III–3.

Schurter, Max.—Oberwilerstr. 124, Basel. I–2.

Schwabenland & Co. A. G. Zurich.—Nueschelerstr. 44, Zürich. I

Schweiz, Italien A. G.—Bahnhofstr. 80, Zürich. I.

Schweizerische Filiale der Langbein Pfanhauser Werke, A. G.—Schaffhauserstr. 228, Zürich. I.

Schweizerische Industriegas Gesellschaft A. G.—Brunigstr. 24, Lucerne. I–2.

Schweizerische National Versicherungs Gesellschaft.—Steinengraben 39–41, and Leimenstr. 30, Basel. I.

Schweizerischer Verband Creditreform.—Walchestr. 21, Zürich, and all branches in Switzerland. II–5.

Scientia A. G.—Feldeggstr. 12, Zürich. I–2.

Seiden Textile A. G.—Talstr. 14, Zürich. I.

Seligman, Schurch & Co., Hans. — Kaufhausgasse 7, Basel. I.

"Semperit" Central Agentur für Gummiwaren A. G.—Hirschgasse 6, Basel. I.

Senking, A., A. G.—Walchestr. 34, and Stampfenbachstr. 69, Zürich. I.

Serumwerk A. G., S.—Mittlerstr. 19, Basel. I–2.

Siemens Elektrizitats Erzeugnisse A. G.—Loewenstr. 35, Zürich, and at Bern I.

Siemens & Halske.—Zürich. I.

Siemens S. A. des Produits Electrotechniques.—Place de la Gare 12, Lausanne. I.

Sigolin A. G.—Reinacherstr. 131, Basel. I.

Sisal A. G. ("Sisal" S. A.).—Platz 13, Schaffhausen. I.

Sitos A. G.—Schifflande 2, Basel. I–4.

Societe Auxiliaire de Participations et de Depots S. A.—Rue d'Etraz 2, Lausanne. II–1.

Societe de Credits Internationaux S. A.—Rue de la Tour de l'Ile 1, Geneva. I.

"Socoder" Societe pour le Commerce des Combustibles et de leurs Derives.—Rue de la Corraterie 7, Geneva. I–3.

Soennecken, F. Bonn Zweigniederlassung Zurich.—Loewenstr. 17, Zürich. I.

"Sofitec", Soc. Financière et Technique.—Basel. I.

"SOGICO" Soc. Generale de Importations de Combustibles S. A.—Rue de Chantepoulet 4, Geneva. III–4.

Sola S. A.—Chemin de Ruth 41, Cologny, Geneva. I.

Somatra Umschlags-und-Transport A. G.—St. Jakobstr. 1, Basel. I.

Sosico A. G.—Konkordiastr. 22, Zürich. I.

"Sotag" Automobil Handels A. G.—Kreuzstr. 4, Zürich. I.

South American Investment Co. Ltd.—Sudamerikanische Beteiligungsgesellschaft A. G.—Stadthausquai 7, Zürich. III–4.

Spagnoli, Jacques.—Mousquines 2, Lausanne. II–4.

Spahn, Dr. Carl Alfred.—Bahnhofstr. 1, Zürich. I.

Spiesshofer & Braun.—Zurzach. I.

Springer & Möller A. G.—Neugasse 55 & 61, Zürich. I.

Stadler, Theodor.—Dornach, and Industriestr. 25, Arlesheim. I.

Stafl, Richard.—Hardstr. 162, and Hebelstr. 92, Basel. III–4.

Stahl-Holding Co. A. G.—Schanzengraben 27, Zürich. I.

Staiger, Franz.—Sihlstr. 1, and Bahnhofstr. 67, Zürich. III–2.

Stallmann Gebr.—Heiden. I.

Stauffenegger, R. C.—Spluegenstr. 13, St. Gallen. III–2.

Steckborn Kuntseide A. G.—Steckborn. I.

Steyr Solothurn Waffen A. G.—Bahnhofstr. 89, Zürich. I.

Steyr-Automobile A. G. Generalvertretung für.—Albisriederplatz 3, Zürich. I.

Steyr-Daimler-Puch A. G. Vertriebsaktiengesellschaft der.—Albisriederplatz 3, Zürich. I.

Stocker, Ernst.—Splugenstr. 9, Zürich. II–4.

Stockwerkzeuge und Maschinen Verkaufs A. G.—Güterstr. 88, Basel. I.

Storz, Hans.—St. Moritzstr. 21, Zürich. I.

Straehl & Co., Friedrich.—Nationalstr. 19, Kreuzlingen. I.

Straehli, K. F., G. m. b. H.—Rebberg, Zofingen. III–4.

Strassberger, Paul.—Via Canova 7, Lugano. I.

Straub, Ernst, Konstanz Filiale Zurich.—Limmatstr. 45, Zürich. I.

Straub, F. & Meier, C.—Schwarzwaldalle 29, Basel. II–4.

Stromeyer, L. & Cie.—Poststr. 50, Kreuzlingen. I.

Stromeyer M., Kohlenhandel A. G.—Nauenstr. 63, Basel, and all branches in Switzerland. I.

Studer, Paul.—Bahnhofplatz 5, Bern. I–3.

Sturzenegger, Dr. Hans.—Schaffhausen. II–1.

Sturzenegger, H. & Co.—St. Jakobstr. 22, Basel. I.

Styria Stahl A. G.—Ausstellungstr. 104, Zürich. I.

Sudamerikanische Beteiligungsgesellschaft A. G. (South American Investment Co. Ltd.).—Stadthausquai 7, Zürich. III–4.

Suter-Oes, Walter.—Thiersteineralle 13, Basel. III–4.

Tabacchi, Soc. Commerciale di.—Lugano. I.

Tanner, Ernesto.—Viganello. II–3.

Tarex S. A.—La Jonction, Geneva. I.

Tavaro S. A.—Ave. d'Aire 44, Geneva. I.

Technica A/G.—Schutzengasse 32, Grenchen. III–1.

Technik & Finanz A. G.—St. Jakobstr. 22, Basel. I.

Teerfarben A. G.—Bahnhofstr. 55, Zürich. I.

Telefunken Gesellschaft fuer Drahtlose Telegraphie G. m. b. H. Berlin.—Stampfenbachstr. 12, Zürich. I.

Telefunken Zurich A. G.—Stampfenbachstr. 13, Zürich. I.

Tepro A. G.—Gotthardstr. 21, Zürich. I–3.

Tessuti Novita S. A. "Saten".—Corso San Gottardo, Chiasso. I.

Textil A. G. vormals J. Paravicini.—Schwanden, Glarus. I–3.

Themis Finanz-Gesellschaft.—Bahnhofstr. 23, Zug. I.

Thomas, Albert.—Rue de la Corraterie 26, Geneva. III–3.

Tillmanns-Schmidt Riloga-Werk.—Wängi. I.

"Tobis" Film-Verleih A. G.—Talstr. 15, Zürich. I.

Togal A. G.—Stradelhoferstr. 40, Zürich. I.

Togalwerk Gerhard F. Schmidt A. G.—Via Morella 2, Massagno. I.

Traber, Werner.—Blauenstr. 26, and St. Albantal 34–5, Basel. III–3.

Transit Transportgesellschaft m. b. H. Singen a. H. Filiale Schaffhausen.—Bahnhofstr. 54, Schaffhausen, and all branches in Switzerland. I; I–2.

Travaux Publics et Constructions en Generale.—Bahnhofstr. 89, Zürich. I.

Trudel, A. G.—Fraumunsterstr. 13, Zürich. I–3.

"Tungsram" Elektrizitats, A. G.—Bederstr. 1, Zürich. I.

Uhren A. G. vormals Mauthe Uhren A. G.—Uraniabrucke 6, Zürich. I.

Ultramar A. G.—Schwanden, Glarus. I.

Uma A. G.—Poststr. 2 (Bureau Dr. Mettier), Chur. I.

Union Rückversicherungs Gesellschaft (L'Union Societe de Reassurances).—Alpenquai 8, Zürich. I.

Union Suisse Compagnie Generale D'Assurances.—Rue de Rive 1, Geneva. II–5.

Universale Rückversicherungs A. G.—Bahnhofstr. 1, Zürich. I.

Valmobil S. A.—Rue de la Tour de l'Ile 1, Geneva. I.

Vannay & Fils S. A., Paul.—Rue du vieux College, Geneva. I.

Vapor, A. G.—Alpenstr. 14, Zug. I.

Vaucher, Andre.—Rue du Viaduc 3, Bienne. III–3.

Vaucher, Maurice.—Rue du Viaduc 3, Bienne. III–3.

Verkaufsbuero Pronto.—Neumuehlequai 30–32, and Bahnhofstr. 79, Zürich. I–2.

Verkaufsgesellschaft der Mielewerke A. G., in Zürich.—Schaffhauserstr. 472, Zürich. I.

Verlags G. m. b. H.—Thunstr. 11, Bern. II–3.

Verwaltungs Gesellschaft der Werkzeugmaschinenfabric Oerlikon.—Birchstr. 155, Zürich. II–3.

Vetterli, Julius J.—Scheuchzerstr. 210, Zürich. III–2.

Vieli, Joseph.—Zürich. I–2.

Vieli, Joseph Balthasar.—Elisabethenstr. 2, Basel. I–2.

Vinci & Bischler.—Ave. de Champel 19, Geneva. I.

Viscose Suisse A. G., Soc. de la.—Emmenbruecke. I.

Vlasov, Alexander.—Lausanne. I.

Volker, Willi.—Restelbergstr. 49, Zürich. I–3.

"Volkerbund".—Rue Toepfer 21, Geneva. I–3.

Voser, Josef.—Riedmattstr. 4, Zürich. III–1.

"Vulkan" Kohlenhandels A. G.—Peterstr. 1, Zürich. I.

Waffenfabrik Solothurn A. G.—Solothurn. I.

Wagner, Alfred.—Loewenstr. 11, Zürich. I.

Wagner, A. G., Gunther.—Bachofnerstr. 8, Zürich. I.

Webendoerfer Gebr., Hamburg Zweigniederlassung.—Zürich. I.

Weidenmann, Hermann.—Bahnhofplatz 225, Chur, and Talstr. 15, Zürich. I–4.

Weil, Sophia.—Via Clemente Marain 9, Lugano. III–2.

Weiss, Walther.—Freistr. 16, P. O. Box 1817, Basel. I–3.

Weiss & Co., Walther.—Freistr. 16, P. O. Box 1817, Basel. III–4.

Weiss, Gebr.—Buchs, St. Gallen, and all branches in Switzerland. I; II.

Weiss-Mullerleile, Karl.—Freistr. 16, Basel. III–4.

Wellner Sohne, A. G., August.—Ave. Zweigniederlassung, Zürich. I; III–4.

Werkzeugmaschinenfabrik Oerlikon, Bührle & Co.—Birchstr. 155, Zürich. I.

Werkzeug-Union G. m. b. H.—Mythenstr. 1, Zürich. I; II–5.

Widmer, Jakob.—Wohlen, Aargau. III–4.

Wiegering, Gottfried.—Dolderstr. 111, Zürich. I.

Wiesinger, Max.—Morgantenring 159, Basel. II–3.

Willach & Söhne, Hugo—Konstanzerstr. 40, Kreuzlingen. I.

Winterstein & Co.—Zürich. I.

Wiskemann, Otto & Albin.—Seefeldstr. 222, Zürich. I.

Wittkop & Co.—Beckenried. I.

Wolfensperger, Theodor.—Monchaltorf. II–1.

Wolff, F. and Son, G. m. b. H.—Karlsruher Parfumerie & Toiletteseifenfabrik.—Grenzacherstr. 63, Basel. I.

Wolff, P. W. W.—Thunstr. 11, Bern. II–3.

Wys Müller & Co., Amsterdam Zweigniederlassung Zurich.—Paradeplatz 5, Zürich. I.

Xamax A. G.—Birchstr. 210, Zürich. I–2.

Zapp, A. G. Robert.—Konradstr. 78, and Schanzengraben 27, Zürich. I.

Zeitungs A. G.—Thiersteinerallee 23, Basel. I; II–3.

Zeller, Emil.—Dolderstr. 96, Dolderburg, Zürich. I.

Zennaro-Venezia, A.—Lugano. I–4.

Ziegler & Cie.—St. Gallerstr. 152, Winterthur. I.

Zimmermann, Niklaus J.—Mythenquai 26, Zürich. II–5; III–2.

Zingg. A. E.—Schaffhauserstr. 474, Glattbrugg, and Siewerdstr. 4, Zürich. III–4.

Zloczower, Justinius.—Neuengasse 39, Bern. II–1.

Zuest & Bachmeier S. A.—Chiasso. I.

Zumstein & Co.—Marktgasse 50, Bern. III–2.

Zürcher Lagerhaus A. G.—Giesshubelstr. 62, Zürich. I–4.

TURKEY

A. E. G. (A. E. G. Turk A. Elektrik S. Umumiyesi).—Galata, Istanbul. I.

Aachener & Munchener Feuer V. A. G.—Ahen-Munih Han, Istanbul. I.

Abeniacar, Abramo Vittorio.—P. O. Box 110, Istanbul. III–3.

Aboressi, Bohor M.—Yusufyan Han 28, Fincancilar Cad., Istanbul. I.

Adler Dikis Makineleri K. ve A. Valasakis.—Rizapasa Yokusu 48, Istanbul. I.

Adriatica S. Vapur Agentasi.—Galata, Istanbul. I.

Agit Kollektif Sirketi, Konstantino Milovic ve Mario Pari.—Eski Sarap Iskelesi 15, Galata, Istanbul; and Ikinci Kordon 72, Izmir. I–4.

Akhavan, Habib.—Istanbul. III–4.

Akhavan, Morteza Kashani (Kashani, Morteza Akhavan).—Istanbul. III–4.

Albohor, M.—Agopyan Han 5, Voyvoda Cad., Istanbul. II–4.

Aliotti Biraderler E. K. Sti.—Kazim Dirik Cad., Izmir. I.

Allianz und Stuttgarter Verein V. A. G.—Anadolu Han, P. O. Box 79, Istanbul. I.

Alliotti, Enrico.—Izmir. III–1.

Aperio, Pol J.—Ataturk Cad. 92, Izmir. I.

Arev, Mamigon V.—Aslan Han 4–5, Persembepazar, Istanbul. I.

Aslan, Albert.—Havyar Han 89, Dahili 2, Galata, Istanbul. II–3.

Aslan Figli Pietro—Piyer Aslan Mahdumlari.—Havyar Han 89, Dahili 2, Galata, Istanbul. II–3.

Aslan, Joseph.—Havyar Han 89, Dahili 2, Galata, Istanbul. II–3.

Aslan Mahdumlari, Piyer (Pietro Aslan Figli).—Havyar Han 89, Dahili 2, Galata, Istanbul. II–3.

Assicurazioni Generali.—Sigorta Han, Galata, Istanbul, and all branches in Turkey. I.

Assouad, Victor.—P. O. Box 9, Iskenderum (Alexandretta). II–4.

Atlas, Abdullah.—Assicurazione Generali Han, Galata, Istanbul. I–3.

Austro-Turk, Tutun Sirketi.—Corakkapi 1264, Izmir. I.

Azer, Abdullah Teknik Buro.—Yenishehir Konur Sok, 20, Ankara. I.

Azer, Muhendis Abdullah.—Yenishehir Konur Sok, 20, Ankara. I.

Badetti, Emilio A.—Ismailpasa Han, Sirkeci, P. O. Box 357, Istanbul. I.

Badetti, Umberto.—Ismailpasa Han, Sirkeci, P. O. Box 357, Istanbul. I.

Badische Assekuranz Ges. A. G.—Hudavendigar Han, Istanbul. I.

Balhause, Fritz.—Kerasund. I.

Banca Commerciale Italiana.—Istanbul and Izmir. I.

Banco di Roma S. A.—Istanbul and Izmir. I.

Bayrakdaroglu, Fikret.—Germania Han 28–9, Istanbul. III–2.

Bayrakdaroglu ve Seriki, Fikret.—Germania Han 28–9, Istanbul. III–2.

Behr, Werner.—Izmir. I.

Beitlich, Franz.—Rihtim Cad. Kefezi Huseyin Han 33, P. O. Box 1136, Galata, Istanbul. II–1.

Benardut (Benardouth) Misel.—Germanya Han 13, Istanbul. III–4.

Bennahmias, Isakino.—Vakif Han 2, Istanbul. II–3.

Bennahmias, M. L. Halefi.—Vakif Han 2, Istanbul. II–3.

Berghaus, Walter (H. H[illegible]tel).—Yusufides Han, Istanbul. I.

Bertamini, Edward.—Mersin. I.

Biller, Carol.—Yogurtcu Sok, 19, Bebek and Eski Gumruk 40, Istanbul. I.

Blaupunkt Radyolari (Nejad Serven).—Karakoy Palas 16, Galata, Istanbul. I–3.

Bonaldi, Natale.—Persembe Pazar, Arslan Han 5–6, Galata, Istanbul. I–3.

Bonaldi, Natale, Leonardi Grolo ve Panayoti Hiotaki.—Persembe Pazar, Arslan Han, 5–6, Galata, Istanbul. I–3.

Boriou, A. Servas.—Istanbul. III–4.

Buchtele, Alfred.—Unyon Han 64, Istanbul. I.

Burghard, P.—Divanyolu Emin Vafi Evi Yaninda Yeni, Istanbul. I.

C. I. T., Cia. Italiana di Turismo.—Quais de Galata 157–159, Hudavendigar Han, P. O. Box 1030, Istanbul, and all branches in Turkey. I.

Cangopulo, Nikola & A. Tewfik.—Istiklal Cad, 116, Beyoglu. I–3.

"Cay Is" Tecim Evi (Ed. Bertamini).—Mersin. I.

"Cemberlitas Sinemasi, Isman Ilkbasan".—Cemberlitas, Karisinda, Istanbul. I–3.

Comptoir de Representations.—Birinci Kordon, Izmir. I.

Corpi (Korpi), Angelo.—Samil Sokak 3, Beyoglu, Galata, Istanbul. I–4.

Coskun, J. A.—Mersin. III–3.

D. K. W.—Istiklal Cad. 28, Istanbul. I.

Dabkovic ve Sur.—Frekyan Han 3, Galata, Istanbul. I.

Dabkovich (Dabkovic), Christoph.—P. O. Box 1360, Istanbul. III–4.

Dabkovich, Mrs. Bekky.—P. O. Box 1360, Istanbul. III–4.

Dandria, John—Tepebasi, Istanbul. II–1.

Danielsen, P. P.—Trebizond, and all branches in Turkey. I.

Danon Fils, Heskia.—Asirefendi Cad. 37, Imar Han 4, Istanbul. I.

Danon & Co., David.—Istanbul. III–1.

"Der Naehe Osten".—Galibdede Cad. 56, Beyoglu, P. O. Box 1269, Istanbul. I–2.

"Detert".—Kara Mustafa Cad. 141, Istanbul. III–4.

Deutsche Bank.—Istanbul. I.

Deutsche Levante Linie.—Havagimyan Han 3, Galata, Istanbul, and all branches in Turkey. I.

Deutsche Lufthansa A. G., Berlin.—Kefeli Huseyin Han, Istanbul. I.

Deutsche Orientbank (Filiale der Dresdner Bank).—Istanbul and Izmir. I.

Deutscher Lloyd V. A. G. — Istanbul. I.

Donau Allgemeine V. A. G.—Danub-Sigorta Han, Galata, Istanbul. I.

Dumani, Edward B.—Mersin. I.

Egolf, J.—Buyuk Kardicali Han 21–22, Izmir. I.

Ehrengruber, Richard.—Yogurcu Han 6, Persembepazar, Galata, Istanbul. I.

Ekrem, Ural.—Sultanhamam, Yesilderek, Setyan Han 25, Istanbul. I.

Elektron T. A. S.—Voyvoda Cad. 58–62, Galata, Istanbul. I.

Erses, Necip. — Cemberlitas, Istanbul. I.

Fantasia, Jacques.—Izmir. III–2.

Faraggi, Leon (Faraci). — Nisantasiyan Han, Galata, Istanbul. I.

Felemenk Turk Anon, Tutun S.—P. O. Box 1296, Galata, Istanbul; and at Izmir. I.

Feustel, Hans Walter.—Kefeli Han alt. 45, Galata, Istanbul. I.

Fiat Otomobil Sirketi Istanbul Subesi.—Taksim, Koatebek S., Istanbul. I.

Filipucci, Eduar.—Kurtulus 854, Ncu S 35, Izmir. III–2.

Fink, Otto.—Izmir. I.

Flottmann.—Vis-à-Vis, Karakoy Palas, Istanbul. I.

Fonzi, Carlo.—Trebizond. I.

Frank, Hans ve Seriki.—Agopyan Han 5, Voyvoda Cad., Istanbul. II–4.

Franko, Rahamin J.—Kurtulus 854, ncu Sokak, Izmir. I–3.

"Fratelli Aliotti".—Kazim Dirik Cad., Izmir. I.

Frey, Adolf.—Istanbul. I.

Froehlich C., Halefi Dr. Ernest Ruff ve Sirketi y Topuzoglu.—Manhayim Han, Galata, Istanbul. I.

Frohlich, C.—Kendros Han 6, Istanbul. I.

Fukiyama Nakamura, Japon Magazasi.—Istiklal Cad. 150, Beyoglu, Istanbul. II–1.

Galadini, Commandant E. Bucci.—Galata, Istanbul. I.

Gallerini, Vittorio.—Katircioglu Han, Istanbul. I.

Ganz Turk Sirketi Ltd.—Karakoy Palas, Galata, Istanbul. I–2.

Gassner, Hans G.—Kuto Han 12, Galata, Istanbul. I.

Gioskun, Joseph.—Mersin. III–2.

Giras, Giorgio.—Taptas Han 16–20, Galata, Istanbul. III–3.

Giras, Giorgio ve Osman Nebioglu.—Taptas Han 16–20, Galata, Istanbul, and all branches in Turkey. III–3.

Giudici, Umberto.—Bornova Sok. 86, Alsancak, Izmir. I.

Gless, Gerhalt. — Birinci Kordon 124, Izmir. III–2.

Grolo, Leonardi. — Persembe Pazar, Arslan Han 5–6, Galata, Istanbul. I–3.

Grunstein, L.—Nisantasiyan Han, Galata, Istanbul. I.

Guilani, M. S.—Abdulhamit Cad. 32, Istanbul. I–2; I–4; II–3.

Haendel, Arnold-Sabri Bey.—Deutsche Orientbank, Galata, Istanbul. II–1.

Hamburger, Dr. Wilhelm. — Minerva Han, Galata, Istanbul. I–2.

Haniotis, T. H.—Persembepazar 45, Hakki Bey Han, Galata, Istanbul. III–2.

Hannig, Dr. Gerhard.—Galibdede Cad. 56, Beyoglu, P. O. Box 1269, Istanbul. I–2.

Hausmann, Kurt.—Ortakoy, Divanyolu 105, Emin Vafikkosku, Istanbul. I.

Hermann, Hugo.—Kredi Liyone Han, Istanbul. I.

Hiotaki, Panayoti.—Persembe Pazar, Arslan Han 5–6, Galata, Istanbul. I–3.

Hohstrasser ve Ssi (Hochstrasser & Co.).—Istanbul, and all branches in Turkey. I; II–1.

Hohtif A. G. (Hoch & Tiefbauten).—Istiklal Cad. 209, Galata, Istanbul. I.

Hollenbach, G. (Hollenbach-Boeck).—Abdulhakhamit Cad. 72, Taksim, P. O. Box 1481, Istanbul. I; II–3.

"Holtab" Hollandsche Tabak Mij.—P. O. Box 1296, Galata, Istanbul; and at Izmir. I.

Holzmann, A. G. Philipp.—Galata, Istanbul. I.

Ilkbasan, Osman.—Cemberlitas, Istanbul. I.

Inderau, Dimitri.—Voyvoda Cad. 32, Galata, Istanbul. I.

Inderau, Friederich.—Voyvoda Cad. 32, Galata, Istanbul. I.

Inderau, F. & D.—Voyvoda Cad. 32, Galata, Istanbul. I.

Instituto Nazionale Delle Assicurazioni.—Karakoy Palas, Galata, Istanbul. I.

Issakides, Aristides.—Sultanhamam, Ihsaniye Han 5–6, Istanbul. II–4.

Jansen, Helmuth.—Ayazpasa, Kunt Palace 8, Beyoglu, P. O. Box 2222, Istanbul. I.

Japon Magazasi, Fukiyama Nakamura.—Istiklal Cad. 150, Beyoglu, Istanbul. II–1.

Jogna, Emilio.—Rihtimi Kefeli Han 13, Galata, Istanbul. I.

Kapps, Andreas.—Istiklal Cad. 390, Istanbul. I.

Kapps & Livadari (Antonio Livadari & Heinrich Koelle Sucr.).—Sultanhamam, Messadet Han, Istanbul. II–3.

Kaslowski, Luigi.—Asirefendi Cad., Basiret Han, Istanbul. I.

Kertes, Dr. Stephan.—P. O. Box 2017, Istanbul. II–1.

Kimya ve Ecza Maddeleri, T., Sirketi Ltd.—Imar Han, Istanbul. I.

Kocman, Sitki Muhendis.—Hamidiye Turbe Sokak, Ugurlu Han 3, Istanbul. II–5.

Kocman, Sitki, ve Ortaklari Turk Ltd.—Hamidiye Turbe Sokak, Ugurlu Han 3, Istanbul. II–5.

Koelle, Heinrich.—Sultanhaman, Messadet Han, Istanbul. II–3.

Köves de Kövezhazs, Lothar.—Kara Mustafa Cad. 141. Istanbul. III–4.

Kraft, Fred W.—Marmara Han, Galata, Istanbul. I.

Kraft ve Ostrowsky (Fred W. Kraft).—Marmara Han, Galata, Istanbul. I.

Krupp Germanya Verft A. G. (Fried Krupp A. G. Essen).—Kasimpasa, Istanbul. I.

Ksantopulo, A.—Canakkale. I.

Kumbaracilar, Dr. Sedad.—Erenkoy Etem Efendi Cad. 23, Istanbul. I.

Lastik, Oto.—Abdulhak Hamid Cad. 2, Taksim, Istanbul. II–1.

Leonardi, Ulisse.—Tahtakale Cedid Han, Istanbul. I.

Levant Marine Insurance & Reinsurance Co. (Levant Soc. Italiana di Assicurazioni e Riassicurazioni).—Istanbul. I.

Levante, Emilo.—Mersin. I.

Levante & Co.—Iskenderun. I.

Lipovatz, Constantine.—P. O. Box 283, Izmir. I.

Livadari, Antonio.—Sultanhamam, Messadet Han, Istanbul. II–3.

Livadari & Heinrich Koelle Sucr., Antonio—Kapps & Livadari.—Sultanhamam, Messadet Han, Istanbul. II–3.

Lochner, Heinrich.—Izmir. I.

Londra, Oteli.—Tepebasi, Istanbul. II–1.

L'Orient d'Assurances S. A.—Sark Sigorta Anonim Sirketi.—Sark Han, Galata, Istanbul. I.

Macar Kirayi Duna Tengernayozasi Resveni Taraasag.—Kara Mustafa Cad. 141, Istanbul. III–4.

Macar Kraliyeti Deniz ve Nehir Seyrisefain A. S.—Kara Mustafa Cad. 141, Istanbul. III–4.

Madenoff, Nicholas.—Tepebasi, Istanbul. II–1.

Magdeburger Feuer V. G.—Bahtiyar Han, Voyvoda Cad., Galata, Istanbul; and at Izmir. I.

Maier, M. U.—Alyanak Han 11–18, Istanbul. II–3.

Maier, Norbert.—Sultanhamam, Vakif Han, and Alyanak Han 11–18, Istanbul. II–3.

Mainetti, Maurice.—Ataturk Cad. 62, Izmir. I.

Mannheimer V. G.—Rue Kurekciler, Manhaym Han, Istanbul. I.

Marinelli, Giuino.—Izmir. I.

Mayer, Evald.—Istanbul. I.

Mecdi, Eren.—Hamidiye Turbe Sokak, Ugurlu Han 3, Istanbul. II–5.

Medina, Cav. Giulio de.—Hacopulo Han 42–43, Istanbul. I.

Medina do Ogüst (August de Medina).—Hacopulo Han 42–43, Istanbul. I.

Meissner, Heinrich.—Bosfor Han, Galata, Istanbul. I.

Menapir ve Seriki Komandit Sir, Yusuf.—Kara Mustafa Cad. 141, Istanbul. III–4.

Menger, Ahmet Veli.—Assikurazione Generali Han, Galata, Istanbul. I.

Mercedes.—Voyvoda Cad., Istanbul. I.

Meyer, Y.—Tunel Cad. 29, Galata, Istanbul. II–1.

Meyer & Fils, Emil.—Tunel Cad. 29, Galata, Istanbul. II–1.

Milovic, Konstantino.—Eski Sarap Iskelesi 15, Galata, Istanbul. I–4.

Missir, Albert.—Izmir. III–2.

Missir, Emil.—Cumhuriyet Medani, P. O. Box 219, Izmir. I.

Momm, Eberhard Ernst.—Germania Han 28–9, Istanbul. III–2.

Moscovitz, Rubin.—Nisantasiyan Han, Galata, Istanbul. I.

Motola, Yusuf.—Menase Han 37, Tahtakale, Istanbul. I.

Muhendis Tarnopol (Tarnopol Muhendis).—Hezaren Cad. 69, Galata, Istanbul, and all branches in Turkey. II–4.

Müller, C. A. ve Sür.—Minerva Han 2, Galata, Istanbul. I.

Musacco, Domenico.—Izmir. I.

Naumann Makineleri Satis Turk Ltd. S.—Hezeran Sok. 132–143, Galata, Istanbul. I.

Navon, M.—Abdulhak Hamid Cad. 2, Taksim, Istanbul. II–1.

Nebioglu, Osman.—Taptas Han 16–20, Galata, Istanbul. III–3.

Nigri, Francisco (Sucr. R. Casaretto & Figli).—Sark Han, Galata, Istanbul. I.

Nord Deutsche V. G.—Vitol Han 8, P. O. Box 282, Istanbul; and at Izmir. I.

Nordstern Allgemeine V. A. G.—Voyvoda Cad., Danub-Sigorta Han, Galata, Istanbul. I.

Omnipol Turk Sirketi Ltd. (formerly Omnipol Mahmut Mesuliyetli, Ticaret Sirketi).—Guven Han 55, Galata, Istanbul, and all branches in Turkey. I.

Orak, Suha Fazli.—Bozkurt Han, Istanbul; and at Ankara. I.

Orenstein und Koppel A. G. (Berlin).—Sazmas S. Bahcekapi Tas Han, Istanbul. I.

Orient Export Ltd. — Sultanhamam, Vakif Han, Istanbul. I.

"Pak Is".—Mersin. III–2.

Papagno, A. & Co.—Izmir. I.

Pari, Mario.—Eski Sarap Iskelesi 15, Galata, Istanbul. I–4.

Parisi, Francesco (Representative Ermanno Rappaport).—Taksim, Lamartin Cad. 9, P. O. Box 1304, Istanbul; and at Izmir. I.

Parma, A. — Sultanhamam, Selvelli Han 9–11, Istanbul; and Kardicali Han 57, Izmir. I.

Passarge, Paul.—Istanbul. II–1.

Paykuric, H.—Frenkyan Han, Galata, Istanbul. I.

Pekyar (Pekiar), Ylyas.—Nazli Han 10, Galata, Istanbul. II–5.

Perpignani, Carlo. — Persembepazar, Arslan Han 4, Galata, Istanbul. I.

Perpinyani, Karlos. — Persembepazar, Arslan Han 4, Galata, Istanbul. I.

Pesah, Ilya I. Levi & Y. Zevulum.—Emniyet Ticaret Evi, Cicek Pazar, Altiparmak Han 10, Istanbul. I.

Petrini, Michel.—Erler 895, nci Sokak 25, Izmir. I.

Pinarsoy, Haydar.—Cemberlitas, Istanbul. I.

Pinarsoy, Haydar ve Necip Erses.—Cemberlitas, Istanbul. I.

Pisani, K. Aleksandr.—Anadolu Han 23, Istanbul. I.

Platner, Otto.—Nordstern Han, Galata, Istanbul. I.

Praga Eksport Mühendis Abdullah Azer ve Ortak, Kollek.—Unyon Han 64, Istanbul. I.

Rappaport, Ermanno (Francesco Parisi).—Taksim, Lamartin Cad. 9, P. O. Box 1304, Istanbul; and at Izmir. I.

Raymond, Raoul.—Istiklal Cad. 150, Beyoglu, Istanbul. II–1; II–3.

"Reemtsma".—Galata, Istanbul, and all branches in Turkey. I.

Reggio & Musacco, D.—Izmir. I.

Reppen, Theodore.—Frenkyan Han, Galata, Istanbul. I.

Rheydt, Kablwerk.—Vis-à-Vis Karakoy Palas, Istanbul. I.

Reforzo, Umberto.—Cituri Han, Galata, Istanbul. II–3.

Reggio, Christian.—Londra Hotel, Tepebasi, Istanbul. II–5.

Ricci, J. (Josef Ricci).—Hilal Elektrik Magazasi, Voyvoda Cad. 10, Galata, Istanbul. III–2.

Riunione Adriatica di Sicurta.—Sark Han, Galata, Istanbul; and at Izmir. I.

Riza Dervis ve Ortagi.—Imar Han, Istanbul. I.

Rocchi, Gaetano de (Gaytano di Roki).—Tahmisonu Trifonidis Han 20, Tacir, Istanbul. I.

Romano, G.—Atatürk Cad. 144, Izmir. I.

Rosenfeldt, Charles.—Alasa Appt., Ayas Pasa, Istanbul. I.

Ruff, Dr. Ernest.—Manhayim Han, Galata, Istanbul. I.

Ruff, Edmund.—Manhayim Han, Galata, Istanbul. I.

Ruff, Heda.—Manhayim Han, Galata, Istanbul. I.

Russo, Salamia.—Canakkale. I.

Sabri Bey (Arnold Haendel).—Deutsche Orientbank, Galata, Istanbul. II–1.

Sadikoglu, Aslan ve Mahdumu (owners of S. S. "Galatasaray").—Kucu Han, Galata, Istanbul. I; I–4.

Sark (Ekler) Sinemasi.—Istiklal Cad. 116, Beyoglu. I–3.

Sark Sigorta Anonim Sirketi (L'Orient d'Assurances S. A.).—Sark Han, Galata, Istanbul. I.

Sark Ticaret Aristides Issakides.—Sultanhamam, Ihsaniye Han 5–6, Istanbul. II–4.

Schaefer, Dr. Eduard.—Istanbul. I–2.

Schenker & Co., A. G.—Turkye Milli Han, Galata, Istanbul. I.

Schering Kahlbaum A. G. (Berlin).—Imar Han, Istanbul. I.

Schnur, Livio.—Cicek Pazar, Altiparmak Han 15, Istanbul. I.

Schoenmann, Dr. Leo.—Hudavendigar Han 51, Galata, Istanbul. I–3.

Serven, Nejad.—Karakoy Palas 16, Galata, Istanbul. I–2.

Serven, Silvia Nejad.—Karakoy Palas 16, Galata, Istanbul. I–2.

Ses Film.—Beyoglu, Istanbul. II–1.

Silberman, S.—Nisantasiyan Han, Galata, Istanbul. I.

Simeonides, Constantin. — Degirmen Han, Hasircillar Cad. 43, Istanbul. I–1.

Sixtus, A.—Abdulhak Hamid Cad. 2, Taksim, Istanbul. II–1.

Solari, F., Ltd.—Atatürk Cad. 2, Izmir, and all branches in Turkey. I.

Sonmez, Sadeddin ve Logotheti, Mihal.—Sirkeci, Korasancyan Han 35, Istanbul. I.

Sovelli, Alfredo.—Mumbane, Muradiye Han, Galata, Istanbul. I.

Sperco, R. J.—Izmir. I.

Sperco, Fratelli (Sucrs. of Enrico Sperco Figli).—Hudavendigar Han, P. O. Box 1030, Galata, Istanbul; and at Izmir. I.

Stinnes Rederay A. G., Hugo.—Vakif Han 6 ci, Galata, Istanbul. I.

Strakosch, Francesco. — Hovagimyan Han, Galata, Istanbul. I.

Sud-Ost Spedition G. m. b. H.—Istanbul. I.

Sudosteuropa Turk Sirketi Ltd.—Abdulhamit Cad. 32, Istanbul. I–2.

Tadihan, Rifat.—Birinci Kordon 124, Izmir. 1–2.

Tarnopol, Alexander (Isak).—Hezaren Cad. 69, Galata, Istanbul. II–4.

Tarnopol, Muhendis (Muhendis Tarnopol).—Hezaren Cad. 69, Galata, Istanbul, and all branches in Turkey. II–4.

Telefonbeau & Normalzeit.—Vis a Vis, Karakoy Palas, Istanbul. I.

Telefunken Radyolari.—Voyvoda Cad. 58–62, Galata, Istanbul. I.

Theodorides (Teadoridi ve Sirketi).—Frenkyan Han, Galata, Istanbul. I.

Thilmany, R.—Agopyan Han 5, Voyvoda Cad., Istanbul. II–4.

Trakas, Francesco.—Ankara. I.

Treves, Joseph.—Nisantasiyan Han, Galata, Istanbul. I.

Tselepides.—Istanbul. I.

Tubino, Ricardo.—Istanbul. II–4.

"Turk Isi" (Ed. Bertamini).—Mersin. I.

Türk Klöckner-Humboldt Deutz Ltd. S.—Cinar Han, Galata, Istanbul. I.

Turk Macar Nakliyat Sti. Yusuf Menapir ve Seriki Komandit Sirketi.—Kara Mustafa Cad. 141, Istanbul. III–4.

Turk Macar Ticaret Sirketi (Turkish Hungarian Commercial Co.).—Yeni Sehir Cad., Ankara. I.

"Turkanil", Sabri Atayolu ve Sirketi.—Minerva Han, Galata, Istanbul. I.

"Turkische Post".—Galibdede Cad. 56, Beyoglu, P. O. Box 1269, Istanbul. I–2.

Turkkan (formerly Michel Ioannides).—Bosfor Apartameni 5, Ayaz Pasa, Istanbul. II–1.

U. M. N. A. K.–Umumi Nakliyat ve Komisyon Ltd.—Vakif Han 6, Galata, Istanbul. II–1.

Uc Halka Turk Ltd., Sirketi.—Ankara. III–1.

Umumi Nakliyat ve Komisyon Ltd. (U. M. N. A. K.).—Vakif Han 6, Galata, Istanbul. II–1.

Universum Matbaacilik Sirketi Ltd.—Galibdede Cad. 56, Beyoglu, P. O. Box 1269, Istanbul. I–2.

Unz, Eugen.—Dr. Mustafabey Cad. 16, Izmir. I.

Unz, Max.—Ahen-Munih Han, Galata, Istanbul; and Izmir. I.

Vadasz, E.—P. O. Box 1047, Galata; Istanbul. I.

Vesco (Vesko), G.—Mumhane Cad. Yildiz Han 1, Galata, Istanbul. I.

Victoria zu Berlin Allgemeine V. A. G.—Kurekdjiler-Sok, Manhaym Han, Galata, Istanbul. I.

Visentini, P.—Minar Kemalettin Cad. 3, Izmir. III–1.

Viyana Oteli, Lokanta ve Birahanesi.—Buyuk Kabristan Sokak 113, Tepebasi, Istanbul. II–1.

Voigtlander, u Sohn A. G. (Braunschweig).—Asirefendi Cad. Iman Han, Istanbul. I.

Wagner, Wilhelm.—Hudavendigar Han 51, Galata, Istanbul. I–3.

Webber, Dr. Hans.—Ahen Munih Han 2, Galata, Istanbul. I–4.

Weidemann, Dr. Hans.—Ahen Munih Han 2, Galata, Istanbul. I–4.

Weidemann, Dr. Hans ve Webber, Dr. Hans.—Ahen Munih Han 2, Galata, Istanbul. I–4.

Weinberg.—Buyuk Kabristan Sokak 113, Tepebasi. II–1.

Weiss & Freitag A. G.—Sirkeci Palas 3, Istanbul. I.

Weisshaeupl, Ernst Rudolf.—Besiktas, Cihannuma, Tekselvi Sok 3, Istanbul. I.

Wertheim.—Minerva Han, Istanbul. I.

Westdeutsche Seil Indust.—Vis a Vis, Karakoy Palas, Istanbul. I.

Widmann, Marius.—Mithatpasa Han, Istanbul. I.

Widmann ve Seriki.—Mithatpasa Han, Istanbul, and all branches in Turkey. I.

Winterhalter, Alfred.—Kara Mustafa Cad. 141, Istanbul. III–4.

Zandonati de R.—Bornova Kurtulus Cad. 1, and Kurtulus 854 ncu S. 35, Izmir. I; II–4.

Zeckser, Heinrich.—Ahen-Munih Han, Galata, Istanbul. I.

[F. R. Doc. 42–11955; Filed, November 14, 1942; 12:41 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A–1698]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 11 for the establishment of price classifications and minimum prices for certain mines.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the attached Schedule marked Supplement T are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and reflect the changes, if any, made in minimum prices by the Acting Director's order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21.

Dated: November 10, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.															
				1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16
CLAY-SULLIVAN COUNTIES																	
Turley, William A.	1366	Turley	5	255	250	245	235	230	225	185	190	175	170	140	130	75	45
GREENE COUNTY																	
Browning, Charles	1362	Browning	6	280	275	270	235	230	225	185	190	180	175	140	130	75	45
SPENCER COUNTY																	
Cotton, Earl	1365	Cotton No. 3	5	255	250	245	235	230	225	185	190	180	175	155	145	90	60
SULLIVAN COUNTY																	
Hi Grade Coal Company, Inc.	1351	Hi Grade	6	280	275	270	235	230	225	185	190	180	175	140	130	75	45

[F. R. Doc. 42–12089; Filed, November 18, 1942; 3:03 p. m.]

[Docket No. A–1714]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 11 for the establishment of price classifications and minimum prices for coals of the Panhandle No. 2 Mine of the Bicknell Coal Company.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Panhandle No. 2 Mine, Mine Index No. 1355, of the Bicknell Coal Company, in Price Group 7 in District No. 11; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: November 10, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members*—Supplement R

Mine index No.	Code member	Mine	Seam	Sub-dist.	Freight origin group	Price group	Shipping point	Railroad
1355	Bicknell Coal Company	Pan Handle No. 2	VI	LS	63	7	Bicknell	PRR

Mine assigned Mine Index No. 1355 shall be included in Price Group 7 and shall take the same f. o. b. mine prices as other mines in Price Group 7 in Price Schedule No. 1, District No. 11, For all Shipments Except Truck. It shall also take the same adjustments in f. o. b. mine prices on account of differences in freight rates as other mines in Freight Origin Group 63 of the Linton Sullivan Subdistrict having the same freight rate.

Mine assigned Mine Index No. 1355 shall be accorded the same prices for railroad locomotive fuel as shown in §331.10 in minimum Price Schedule No. 1, District No. 11, For All Shipments Except Truck as are shown for mines assigned Mine Index Nos. 48, 49 and 69.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*— Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																								
				1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29
KNOX COUNTY																												
Bicknell Coal Co.	1355	Pan Handle No. 2	6	255	250	245	235	230	225	185	190	175	170	140	130	75	45	190	185	190	180	180	170	140	150	140	110

[F. R. Doc. 42–12090; Filed, November 18, 1942; 3:03 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter III—Bureau of Mines

Part 301—Control of Explosives and Their Ingredients in Time of War or National Emergency

AMENDING REGULATIONS UNDER THE FEDERAL EXPLOSIVES ACT

Pursuant to the authority conferred by section 18 of the act of December 26, 1941 (55 Stat. 863), the regulations under the Federal Explosives Act heretofore promulgated[1] are hereby amended as follows:

Section 301.3 (c) is amended by changing subparagraphs (1) and (4) to read as follows:

§ 301.3 *Application of act and regulations; exceptions.* * * *

(c) *Explosives and ingredients excepted*—(1) *Ingredients in small quantities.* Ingredients in small quantities and not used or intended to be used in the manufacture of explosives. The term "small quantities" as used in this section, means quantities of four ounces or less.

* * * * *

(4) *Fireworks not excepted.* On and after January 1, 1943, all fireworks of whatever kind and in whatever quantities shall be included within the term "explosive" or "explosives" as defined in the act and in these regulations.

R. R. Sayers,
Director.

Approved: November 11, 1942.

Oscar L. Chapman,
Assistant Secretary of the Interior.

[F. R. Doc. 42-12117; Filed, November 19, 1942; 9:52 a. m.]

Chapter VI—Selective Service System

[Amendment 84, 2d Ed.]

Part 611—Duty and Responsibility to Register

MEMBERS OF COAST GUARD RESERVE

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (c) of § 611.1[2] to read as follows:

§ 611.1 *Duty to be registered.* * * *

(c) The Coast Guard Auxiliary and Reserve Act of 1941, as amended, added a group of men to those not required to be registered so long as they have a certain status. The applicable portions of that act read:

> 208. Members of the (Coast Guard) Reserve, other than temporary members as provided for in section 207 hereof, shall receive the same exemption from registration and liability for training and service as members of the Naval Reserve * * *.
>
> 207. The Commandant, with the approval of the Secretary of the Treasury or of the Secretary of the Navy, while the Coast Guard is operating as a part of the Navy, is hereby authorized to enroll as temporary members of the Reserve, for duty under such conditions as he may prescribe, including but not limited to part-time and intermittent active duty with or without pay, and without regard to age, members of the Auxiliary, such officers and members of the crew of any motorboat or yacht placed at the disposal of the Coast Guard, and such men who by reason of their special training and experience are deemed by the Commandant to be qualified for such duty, as are citizens of the United States or of its Territories or possessions, except the Philippine Islands * * *.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

Lewis B. Hershey,
Director.

November 16, 1942.

[F. R. Doc. 42-12105; Filed, November 18, 1942; 3:50 p. m.]

[Amendment 85, 2d Ed.]

Part 622—Classification

MEMBERS OF U. S. LAND OR NAVAL FORCES

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (a) of § 622.15[1] to read as follows:

§ 622.15 *Class I-C: Member of land or naval forces of United States.* (a) In Class I-C shall be placed every registrant who is, or who by induction, enlistment, or appointment becomes, a commissioned officer, warrant officer, field clerk, pay clerk, or enlisted man of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Federally recognized active National Guard, the Officers' Reserve Corps, the Army of the United States, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, or the Coast Guard Reserve (other than temporary); or a cadet of the United States Military Academy; or a midshipman of the United States Naval Academy; or a cadet of the United States Coast Guard Academy; or a man who has been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as a cadet, or to the United States Naval Academy as a midshipman, or to the United States Coast Guard Academy as a cadet, but only during the continuance of such acceptance.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

Lewis B. Hershey,
Director.

November 16, 1942.

[F. R. Doc. 42-12106; Filed, November 18, 1942; 3:50 p. m.]

[Amendment 92, 2d Ed.]

Part 622—Classification

CERTAIN CLASSES OF DEFERMENT

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend the regulations by deleting § 622.16[1] in its entirety.

2. Amend the regulations by adding a new section to be known as § 622.25 to read as follows:

§ 622.25 *Class II-C: Man deferred by reason of his agricultural occupation or endeavor.* (a) In Class II-C shall be placed any registrant who is found to be necessary to and regularly engaged in an agricultural occupation or an agricultural endeavor essential to the war effort.

(b) A registrant placed in Class II-C shall be retained in that class so long as he is necessary to and regularly engaged in an agricultural occupation or an agricultural endeavor essential to the war effort and until a satisfactory replacement in such agricultural occupation or agricultural endeavor can be obtained.

(c) When a registrant in Class II-C leaves an agricultural occupation or an agricultural endeavor essential to the war effort he shall be reclassified in Class I-A, Class I-A-O, or Class IV-E unless before leaving such agricultural occupation or agricultural endeavor he requests a determination and a determination is made that it is in the best interest of the war effort for him to leave such agricultural occupation or agricultural endeavor for other work.

(d) Any registrant in Class II-C may file with his local board a written request for a determination required under paragraph (c) of this section. When the registrant's board has made a determination upon such request, it shall advise him thereof in writing.

3. Amend the regulations by adding a new section to be known as § 622.31-2 to read as follows:

§ 622.31-2 *Class III-C: Man deferred both by reason of dependency and agricultural occupation or endeavor.* (a) In Class III-C shall be placed any registrant who is deferred by reason of dependency and who is found to be necessary to and regularly engaged in an agricultural occupation or an agricultural endeavor essential to the war effort.

(b) A registrant placed in Class III-C shall be retained in that class so long as he is necessary to and regularly engaged in an agricultural occupation or an agricultural endeavor essential to the war effort and until a satisfactory replacement in such agricultural occupation or agricultural endeavor can be obtained: *Provided,* That he continues to be entitled to deferment by reason of dependency.

(c) When a registrant in Class III-C leaves an agricultural occupation or an agricultural endeavor essential to the war effort he shall be reclassified in Class I-A, Class I-A-O, or Class IV-E unless before leaving such agricultural occupation or agricultural endeavor he requests a determination and a determination is made that it is in the best interest of the war effort for him to leave such agricultural occupation or agricultural endeavor for other work.

(d) Any registrant in Class III-C may file with his local board a written request for a determination required under paragraph (c) of this section. When his local board has made a determination upon such request, it shall advise the registrant thereof in writing.

4. Amend § 622.41 to read as follows:

§ 622.41 *Class IV-A: Man deferred by reason of age.* In Class IV-A shall be placed every registrant liable for training and service who has attained the 45th anniversary of the day of his birth without having been inducted into the armed forces for training and service under the provisions of the Selective Training and Service Act of 1940, as amended; provided that any such registrant may file with his local board a written request that he be inducted, and if he does so, but not otherwise, he may be inducted.

5. Amend the regulations by deleting § 622.53 in its entirety.

6 The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

Lewis B. Hershey,
Director.

November 18, 1942.

[F. R. Doc. 42-12112; Filed, November 18, 1942; 3:51 p. m.]

[Amendment 86, 2d Ed]

Part 623—Classification Procedure

INFORMATION CONSIDERED FOR CLASSIFICATION

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 623.2 to read as follows:

§ 623.2 *Information considered for classification.* The registrant's classification shall be made solely on the basis of the Selective Service Questionnaire (Form 40), Affidavit of Dependent Over 18 Years of Age (Form 40A), Affidavit—Occupational Classification (General) (Form 42), or Affidavit—Occupational Classification (Industrial) (Form 42A), and such other written information as may be contained in his file. Oral information should not be considered unless it is summarized in writing and the summary placed in the registrant's file. Under no circumstances should the local board rely upon information received by a member personally unless such information is reduced to writing and placed in the registrant's file.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

Lewis B. Hershey,
Director.

November 16, 1942.

[F. R. Doc. 42-12107; Filed, November 18, 1942; 3:50 p. m.]

[Amendment 87, 2d Ed.]

Part 623—Classification Procedure

CLASSIFICATION AND CHANGE OF CLASSIFICATION

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraphs (a) and (d) of § 623.61[1] to read as follows:

§ 623.61 *Classification and change of classification.* (a) As soon as practicable after the local board has classified or changed the classification of a registrant, it shall mail a notice thereof on a Notice of Classification (Form 57) to the registrant. (The date on which the deferment of the registrant terminates will be shown if he is classified in Class II-A or Class II-B). At the same time, it shall mail a Classification Advice (Form 59) to the following:

(1) Every person whose signed Affidavit-Occupational Classification (General) (Form 42) or Affidavit-Occupational Classification (Industrial) (Form 42A) is on file in the registrant's Cover Sheet (Form 53);

(2) Every person whose signed Affidavit of Dependent Over 18 Years of Age (Form 40A) is on file in the registrant's Cover Sheet (Form 53); and

(3) Any other person authorized to request the reopening of the registrant's classification under the provisions of § 626.2 and whose request that the registrant's classification be reopened is on file in the registrant's Cover Sheet (Form 53).

* * * * *

(d) When the Notice of Classification (Form 57) or Classification Advice (Form 59) is mailed, the date of mailing such notice shall be entered on the Classification Record (Form 100), and, in addition, the date of mailing such notice or advice and the persons to whom they are mailed shall be entered on the Selective Service Questionnaire (Form 40).

2. The foregoing amendment to Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

Lewis B. Hershey,
Director.

November 16, 1942.

[F. R. Doc. 42-12108; Filed, November 18, 1942; 3:50 p. m.]

[Amendment 88, 2d Ed.]

Part 625—Appearance Before Local Board

APPEARANCE BEFORE LOCAL BOARD

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (d) of § 625.2[1] to read as follows:

§ 625.2 *Appearance before local board.* * * *

(d) After the registrant has appeared before the member or members of the local board designated for the purpose, the local board, as soon as practicable after it again classifies the registrant, shall mail notice thereof on the Notice of Classification (Form 57) to the registrant and on Classification Advice (Form 59) to the persons entitled to receive such notice or advice on an original classification under the provisions of § 623.61.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

Lewis B. Hershey,
Director.

November 16, 1942.

F. R. Doc 42-12109; Filed, November 18, 1942; 3:50 p. m.]

[Amendment 89, 2d Ed.]

Part 626—Reopening and Considering Anew Registrant's Classification

NOTICE OF RECLASSIFICATION

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 626.12 to read as follows:

§ 626.12 *Notice of action when classification considered anew.* When the local board reopens the registrant's classification, it, as soon as practicable after it again classifies the registrant, shall mail notice thereof on the Notice of Classification (Form 57) to the registrant and on the Classification Advice (Form 59) to the persons entitled to receive such notice or advice on an original classification under the provisions of § 623.61.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

Lewis B. Hershey,
Director.

November 16, 1942.

[F. R. Doc. 42-12110; Filed, November 18, 1942; 3:51 p. m.]

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[1] 7 F.R. 305, 1103, 1976, 3876, 4758, 5901, 8175.

[2] 7 F.R. 6841.

[1] 6 F.R. 6608.

[1] 6 F.R. 6766.

[1] 7 F.R. 6517.

[1] 6 F.R. 6843; 7 F.R. 653.

[Amendment 90, 2d Ed.]

PART 627—APPEAL TO BOARD OF APPEAL

LOCAL BOARD ACTION IN RECLASSIFICATIONS BY BOARD OF APPEAL

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 627.31 to read as follows:

§ 627.31 *Action of local board if board of appeal does not change classification.* If the board of appeal affirms the local board's classification, the local board, upon receiving the file from the board of appeal, shall proceed as follows:

(a) Mail a Notice of Continuance of Classification (Form 58) to the registrant and a Classification Advice (Form 59) to the person who made the appeal, if other than the registrant.

(b) If one or more members of the board of appeal dissented from the determination of that board, the local board shall indicate on such notice and advice the numerical division of the board of appeal.

2. Amend § 627.32 to read as follows:

§ 627.32 *Action of local board if board of appeal changes classification.* If the board of appeal does not affirm the local board's classification, the local board, upon receiving the file from the board of appeal, shall proceed as follows:

(a) Mail a Notice of Classification (Form 57) to the registrant and a Classification Advice (Form 59) to the person who made the appeal, if other than the registrant.

(b) Enter on the Classification Record (Form 100) the date of mailing such notice and advice.

(3) Enter on the Classification Record (Form 100) the board of appeal classification and, with red ink, draw a line through the local board classification.

3. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

NOVEMBER 16, 1942.

[F. R. Doc. 42–12111; Filed, November 18, 1942; 3:51 p. m.]

[Amendment 93, 2d Ed.]

PART 627—APPEAL FROM DETERMINATION IN AGRICULTURAL CASES

APPEAL BY REGISTRANT

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C. Sup. 301–318, inclusive: E.O. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend the regulations by adding a new section to be known as § 627.51 to read as follows:

§ 627.51 *Appeal may be made by registrant from local board's determination in agricultural cases.* (a) When, under the provisions of §§ 622.25 and 622.31–2, a registrant has requested his local board to determine that it is in the best interest of the war effort for him to leave his agricultural occupation or agricultural endeavor essential to the war effort for other work, he may file a written notice of appeal from his local board's determination thereon within ten days from the date the local board mailed notice of such determination.

(b) Immediately upon such an appeal being filed, the local board shall transmit the registrant's file directly to the board of appeal.

(c) When the board of appeal receives the registrant's file, it shall give preference to such appeal, shall make a determination, and shall immediately return the file directly to the local board.

(d) When the local board receives the registrant's file from the board of appeal, it shall notify the registrant of the board of appeal's determination.

2. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

NOVEMBER 18, 1942.

[F. R. Doc. 42–12104; Filed, November 18, 1942; 3:51 p. m.]

[Amendment 91, 2d Ed.]

PART 628—APPEAL TO THE PRESIDENT

RETURN OF APPEAL

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 628.6 to read as follows:

§ 628.6 *Procedure of local board when appeal to the President is returned.* When the file of the registrant is received by the local board, it shall:

(a) If the classification of the registrant by the board of appeal has been affirmed, mail a Notice of Continuance of Classification (Form 58) to the registrant and a Classification Advice (Form 59) to the person making the appeal, if other than the registrant;

(b) If the classification of the registrant by the board of appeal has been changed and the registrant has been placed in a different class, mail a Notice of Classification (Form 57) to the registrant and a Classification Advice (Form 59) to the person making the appeal, if other than the registrant;

(c) Enter in the Classification Record (Form 100) the date of the mailing of such notice and advice; and

(d) If the classification of the registrant by the board of appeal has been changed, enter the new clasisfication in the Classification Record (Form 100) and, with red ink, draw a line through the board of appeal classification.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

NOVEMBER 16, 1942.

[F. R. Doc. 42–12103; Filed, November 18, 1942; 3:51 p. m.]

[No. 140]

CERTIFICATE OF APPRECIATION

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885), and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 36,[1] entitled "Certificate of Appreciation," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing addition shall become a part of the Selective Service Regulations, effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

NOVEMBER 16, 1942.

[F. R. Doc. 42–12101; Filed, November 18, 1942; 3:52 p. m.]

[No. 141]

CERTIFICATE OF APPRECIATION

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885), and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 32–A,[1] entitled "Certificate of Appreciation," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing addition shall become a part of the Selective Service Regulations, effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

OCTOBER 12, 1942.

[F. R. Doc. 42–12102; Filed, November 18, 1942; 3:51 p. m.]

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[1] Filed as part of the original document.

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment LXXI]

PART 808—PROCEDURE TO SECURE SHIPPING SPACE TO THE OTHER AMERICAN REPUBLICS

APPLICATION PROCEDURE

Paragraph (e) of § 808.6 *Application procedure* [1] is hereby amended by adding the following new subparagraph:

(7) When a commodity which can be exported under a general license does not have an assigned shipping rating, a rider in quintuplicate is to be attached to the application setting forth the end-use of the commodity in detail as required by B. E. W. commodity license application.

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

Dated: November 18, 1942.

A. N. ZIEGLER,
Acting Chief, Export Control Branch, Office of Exports.

[F. R. Doc. 42–12114; Filed, November 19, 1942; 9:40 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 965—IRON AND STEEL SCRAP

[General Preference Order M–24, as Amended Nov. 19, 1942]

Whereas the national defense requirements have created a shortage of iron and steel scrap for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States to conserve the supply and direct the distribution thereof.

Now, therefore, it is hereby ordered:

§ 965.1 *General Preference Order M–24*—(a) *Definitions.* For the purposes of this order:

(1) "Scrap" means all ferrous materials, either alloyed or unalloyed, of which iron or steel is a principal component, which are the waste of industrial fabrication, or objects that have been discarded on account of obsolescence, failure or other reason.

(2) "Producer" means any person who produces scrap in the conduct of a business or other enterprise.

(3) "Dealer" and/or "broker" means any person who, as principal or as agent, buys and sells scrap in the regular course of his business.

(4) "Consumer" means any person who uses scrap in the production of iron, steel, or ferroalloy material or products.

(b) *Special instructions.* The Director General for Operations may from time to time issue specific directions to any person as to the source, destination, or amount of scrap to be delivered or acquired by such person.

(c) *Inventory restrictions suspended.* Subject to the provisions of paragraph (b), delivery of scrap to, or acceptance of such delivery by a consumer is specifically authorized until further order of the Director General for Operations, without regard to the restrictions set forth in § 944.14 of Priorities Regulation No. 1, as amended.

(d) *Reports.* Producers, dealers, brokers, and consumers, shall file such reports as may be prescribed by the Director General for Operations. Until further notice such reports shall be filed on or before the 10th day of each month, by producers on form PD–149, by brokers and dealers on form PD–151, and by consumers on form PD–150.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(f) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12126; Filed, November 19, 1942; 11:06 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

[Limitation Order L–1–g as Amended Nov. 19, 1942]

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of rubber, steel, chromium, nickel and other critical materials required for the production of truck-trailers for defense, for private account and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 976.17 *Supplementary Limitation Order L–1–g*—(a) *Definitions.* For the purposes of this order:

(1) "Truck trailer" means a complete semi-trailer or full trailer designed for the transportation of property or persons, or the chassis therefor, but does not include attachment third-axles, whether dead or power-driven. This paragraph (a) (1) shall take effect December 1, 1942.

(2) "Passenger carrier" means a complete motor or electrical coach for passenger transportation, having a seating capacity of eleven (11) or more persons, or the chassis or body therefor.

(3) "Producer" means any individual, partnership, association, corporation or other form of business enterprise engaged in the manufacture of truck-trailers.

(b) *Prohibition of production of truck-trailers after June 30, 1942.* Except to the extent that production is permitted under paragraph (c) below, effective July 1, 1942, producers of truck-trailers shall not manufacture any such vehicles, irrespective of the provisions of any order heretofore issued by the War Production Board or of the terms of any contract heretofore or hereafter entered into by any such producers.

(c) *Exceptions in favor of War Agencies.* Nothing in this order shall prevent any producer from manufacturing and delivering truck-trailers pursuant to contracts or orders for delivery to or for the account of the following:

(1) The Army or Navy of the United States or the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(2) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies and protectorates, and Yugoslavia;

(3) Any agency of the United States Government, for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." (Lend-Lease Act)

(d) *Passenger carrier production under Limitation Order L–101.* As of the date of issue of this order the production of passenger carriers shall in no way be regulated by this order, but shall in all respects be regulated and controlled by General Limitation Order L–101, issued May 21, 1942.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(f) *Reports.* All persons affected by this order, shall execute and file with the War Production Board such report and questionnaires as the Board shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the War Production Board.

(g) *Audit and inspection.* All records required to be kept by this order shall upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

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[1] 7 F.R. 5267, 6932.

(i) *Appeals.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal for relief by addressing a letter to the Director General for Operations, Ref.: L–1–g, Washington, D. C., setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(j) *Communications.* All communications concerning this order shall unless otherwise directed, be addressed to: War Production Board, Automotive Branch, Washington, D. C. Ref.: L–1–g.

(PD. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued November 19, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12123; Filed, November 19, 1942; 11:05 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

[Limitation Order L–1–h as Amended Nov. 19, 1942]

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of heavy motor trucks for defense, for private account and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 976.18 *Supplementary Limitation Order L–1–h*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to the provisions of applicable priorities regulations, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern

(1) *Protection of production schedules.* Producers under the terms of this order may, notwithstanding the provisions of Priorities Regulation No. 1 (Part 944), schedule production of heavy trucks (including off-the-highway motor vehicles when produced under this order) without regard to purchase orders or contracts placed with them for other materials on ratings lower than AA–4.

(b) *Definitions.* For the purposes of this order:

(1) "Heavy truck" means a complete motor truck or truck-tractor with a gross vehicle weight rating of 16,000 pounds or more, as authorized by the manufacturer thereof, or the chassis therefor, including off-the-highway motor vehicles.

(2) "Off-the-highway motor vehicle" means a motor truck, truck-tractor and/or trailer, operating off the public highway, normally on rubber tires and specially designed to transport materials, property or equipment on mining, construction, logging or petroleum development projects.

(3) "Producer" means any individual, partnership, association, corporation or other form of business enterprise engaged in the manufacture of heavy trucks and off-the-highway motor vehicles.

(4) "G. V. W. group" means gross vehicle weight classification, as authorized by the producer.

(c) *Production of 4,000 heavy trucks authorized.* Irrespective of the terms of Supplementary General Limitation Order L–1–e, issued April 11, 1942, and in order to replace four thousand (4,000) heavy trucks heretofore or hereafter withdrawn for use by the Army, Navy and Lend-Lease Administration since June 1, 1942, from stocks intended for rationing to civilians under General Conservation Order M–100, the producers named below are hereby authorized to produce during the period from August 1, 1942, to March 31, 1943, an aggregate of four thousand (4,000) heavy trucks according to the following schedules:

Producer	G. V. W. groups (by thousand pounds)	Number of units
Autocar Co., Ardmore, Pa	16 to but not including 20	60
	20 to but not including 25	115
	25 to but not including 30	75
	35 to but not including 40	25
	40 to but not including 45	25
	50 to but not including 60	25
		325
Brockway Motor Co., Inc., Cortland, N. Y	16 to but not including 20	80
		80
Dart Truck Co., Kansas City, Mo	16 to but not including 20	11
	20 to but not including 25	12
	25 to but not including 30	8
	40 to but not including 45	2
	60 to but not including 70	11
	70 to but not including 100	1
		45
Duplex Truck Co., Lansing, Mich	16 to but not including 20	1
	25 to but not including 30	3
		4
Euclid Road Machinery Co., Cleveland, Ohio	50 to but not including 70	80
	70 to but not including 100	50
		130
Four Wheel Drive Auto Co., Clintonville, Wis	16 to but not including 20	60
	20 to but not including 25	25
	25 to but not including 30	14
	40 to but not including 45	6
		105
Hendrickson Motor Truck Co., Chicago, Ill	20 to but not including 25	2
	25 to but not including 30	1
	30 to but not including 35	6
		9
International Harvester Co., Chicago, Ill	16 to but not including 20	727
	20 to but not including 25	350
		1,077
Kenworth Motor Truck Corp., Seattle, Wash	35 to but not including 40	10
	40 to but not including 45	10
	50 to but not including 60	10
		30
Mack Manufacturing Corp., Long Island City, N. Y	25 to but not including 30	90
	30 to but not including 35	200
		290
Peterbilt Motors Co., Oakland, Calif	35 to but not including 40	6
	40 to but not including 45	10
	50 to but not including 60	4
		20
Reo Motors, Inc., Lansing, Mich	20 to but not including 25	17
	25 to but not including 30	7
	30 to but not including 35	16
		40
Sterling Motor Truck Co., Milwaukee, Wis	16 to but not including 20	3
	20 to but not including 25	7
	35 to but not including 40	12
	40 to but not including 45	7
	45 to but not including 50	2
		31
Walter Motor Truck Co., Ridgewood, N. Y	20 to but not including 25	90
	30 to but not including 35	50
	40 to but not including 45	60
	60 to but not including 70	50
		250
The White Motor Co., Cleveland, Ohio	16 to but not including 20	776
	20 to but not including 25	591
	25 to but not including 30	77
	30 to but not including 35	120
		1,564
		4,000

(d) Commencing September 1, 1942, producers shall report to the Automotive Branch, War Production Board, on the first day of each month the number of units produced in the preceding thirty (30) days on Form PD–571.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(f) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as the Board shall from time to time require.

(g) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Violations.* Any person who wilfully violates any provisions of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(i) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from nondefense work, may apply for relief by addressing a letter to the War Production Board, setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action, if any, as is deemed appropriate.

(j) *Communications.* All communications concerning this order shall be addressed to, War Production Board, Automotive Branch, Washington, D. C., Ref.: Order L–1–h. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of November, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12124; Filed, November 19, 1942; 11:05 a. m.]

PART 3062—CONSERVATION OF NEW AUTOMOTIVE VEHICLES SUBJECT TO RATIONING BY FEDERAL AGENCIES

[Conservation Order M–216 as Amended Nov. 19, 1942]

§ 3062.1 *Conservation Order M–216*—(a) *Findings of fact with respect to reserve vehicles.* Approximately 393,000 new passenger automobiles and 130,000 new commercial motor vehicles are in the possession of or under the control of producers, distributors, dealers, sales agencies and finance agencies throughout the United States. These vehicles, hereinafter referred to as "reserve vehicles," are now held for ultimate use in the prosecution of the war through rationing procedures, established as to passenger automobiles by General Conservation Order M–130, effective June 8, 1942, and by Office of Price Administration New Passenger Automobile Rationing Regulations, Order No. 2A, effective March 2, 1942, and as to new commercial motor vehicles by General Conservation Order M–100, effective March 9, 1942. In view of the discontinuance of production, the stock of reserve vehicles herein referred to constitutes the total available supply of such vehicles in the United States. They are urgently needed for war purposes and for the maintenance of the industrial economy of the nation. The maintenance of these vehicles in prime mechanical condition is indispensable to their full utilization for the war purposes for which they are being reserved. These reserve vehicles can be maintained in prime mechanical condition provided conservation operations are performed upon them as set out in the Standards for Maintenance of New Automotive Vehicles, incorporated herein as Schedule 1.

(b) *Statement of policy with respect to requisitioning reserve vehicles.* The standards for maintenance of new automotive vehicles set out as Schedule 1 to this order and made part thereof, are hereby adopted for the maintenance of reserve vehicles in storage in the possession of or under the control of producers, distributors, dealers, sales agencies and finance agencies. It is declared to be the policy of the War Production Board to require that all reserve vehicles be maintained in accordance with the said standards for maintenance. In order to effectuate this policy and to render all reserve vehicles available for war purposes and for the maintenance of the essential industrial economy, it is further declared to be the policy of the War Production Board to exercise its powers of requisition under existing law, and to seize reserve vehicles in the possession of producers, distributors, dealers, sales agencies and finance agencies, wherever it is found by the War Production Board or any federal agency acting in its behalf, that the mechanical condition of such vehicles has been impaired, or is threatened with impairment, due to failure on the part of the person in possession or control to comply with the Standards for Maintenance.

(c) *Reports on reserve vehicles required.* Every person in possession of reserve vehicles shall file with the Automotive Branch, War Production Board, Washington, D. C., Ref: Order M–216, a report of the condition of such vehicles on Form PD–641. The initial report shall be as of November 1, 1942, and shall be filed not later than November 10, 1942. Subsequent reports shall be filed thereafter at intervals of six months.

(d) *Definitions.* For the purposes of this order:

(1) "Reserve vehicle" means any of the following vehicles which have not been sold or otherwise disposed of under the rationing procedures of the War Production Board or the Office of Price Administration referred to in paragraph (a) above, and which are in storage in the possession of or under the control of producers, distributors, dealers, sales agencies and finance agencies throughout the United States:

(i) Any 1942 model passenger automobile, built upon a standard or lengthened passenger car chassis, having a seating capacity of not more than ten (10) persons, irrespective of the number of miles it has been driven, or any other such passenger automobile of an earlier model which has been driven less than 1,000 miles, including taxis, but not including ambulances, hearses and station wagons.

(ii) Any new commercial motor vehicle, including any light, medium or heavy motor truck, truck tractor or trailer, or the chassis therefor, or any chassis on which a bus body is to be mounted, and which was manufactured subsequently to July 31, 1941; was designed to be propelled or drawn by mechanical power for use on or off the highways for transportation of property, or persons; was manufactured otherwise than under specifications of the United States Army or Navy; has not been transferred to any person other than a sales agency for the purpose of resale; including vehicles of the following types: trucks, truck chassis, truck tractors, off-the-highway motor vehicles, full-trailers, semi-trailers, dollies, attachment third axles, ambulances, hearses, bus chassis, station wagons, carry-all suburbans, sedan deliveries, utility sedans, coupes fitted with pickup boxes, and cab pickups, but not including taxicabs and integral type buses.

(2) "Producer" means any person who manufactures, or has in the past manufactured, any reserve vehicles and now or hereafter has any such reserve vehicles in his possession or under his control.

(3) "Distributor" means any person other than the manufacturer regularly engaged in the business of selling reserve vehicles to dealers.

(4) "Dealer" means any person regularly engaged in the business of offering reserve vehicles for sale at retail to the public.

(5) "Sales agency" means any distributor or dealer and includes any agency or branch of a producer which sells reserve vehicles.

(6) "Finance agency" means any person regularly engaged in the business of financing or making loans, on the security of reserve vehicles, to producers, distributors, dealers or sales agencies, and who on August 29, 1942, or thereafter has any lien or any claim against any such reserve vehicle as security for a loan or other financing arrangement.

(7) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(e) *Records.* All records required to be kept and reports required to be made under this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Communications.* All reports required by this order and all communications concerning this order shall be addressed to: War Production Board, Automotive Branch, Washington, D. C., Ref: Order M–216.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE I[1]

Standards for Maintenance of New Automotive Vehicles

The following standards for maintenance are established for the preservation and care of new passenger automobiles and new commercial motor vehicles while in storage in the possession of or under the control of producers, distributors, dealers, sales agencies, and finance agencies. These vehicles, as defined below, are termed for convenience "reserve vehicles." While set up primarily for the servicing of reserve vehicles, the standards for maintenance are equally appropriate for the preservation of similar vehicles whenever the same are to be kept in storage.

Vehicles to Which Standards Are Applicable

The reserve vehicles to which these standards for maintenance apply are those new passenger automobiles and new commercial motor vehicles held subject to rationing under orders of the War Production Board and the Office of Price Administration, as to passenger automobiles by General Conservation Order M–130, effective June 8, 1942, and by Office of Price Administration New Passenger Automobile Rationing Regulations, Order No. 2A, effective March 2, 1942, and as to new commercial motor vehicles by General Conservation Order M–100, effective March 9, 1942, while in storage, in the possession of or under the control of producers, distributors, dealers, sales agencies or finance agencies. They are defined as follows:

1. *Any 1942 model passenger automobile,* built upon a standard or lengthened passenger car chassis having a seating capacity of not more than ten (10) persons, irrespective of the number of miles it has been driven, or any other such passenger automobile of earlier model which has been driven less than 1,000 miles, including taxis, but not including ambulances, hearses and station-wagons.

2. *Any new commercial motor vehicle,* including any light, medium or heavy motor truck, truck tractor or trailer, or the chassis therefor, or any chassis on which a bus body is to be mounted, and which was manufactured subsequently to July 31, 1941; was designed to be propelled or drawn by mechanical power for use on or off the highways for transportation of property, or persons; was manufactured otherwise than under specifications of the United States Army or Navy; has not been transferred to any person other than a sales agency for the purpose of resale; including vehicles of the following types:

Trucks, truck chassis, truck tractors, off-the-highway motor vehicles, full-trailers, semi-trailers, dollies, attachment third axles, ambulances, hearses, bus chassis, station wagons, carry-all suburbans, sedan deliveries, utility sedans, coupes fitted with pickup boxes, and cab pick-ups, but not including taxicabs and integral type buses.

Standards for Maintenance New Passenger Automobiles and Commercial Motor Vehicles

(These standards for maintenance correspond with those of the Revised Price Schedule #85 issued by the Office of Price Administration.)

General Instructions

1. All reserve vehicles, other than full-trailers and semi-trailers, must be stored indoors. Select a clean, dry building suitable for the storage of new passenger automobiles and commercial vehicles. Cover all openings through which animals and birds may enter storage space. Prevent water leakage. Remove loose dirt and whitewash lime.

2. Allow sufficient space between vehicles for accessibility to perform all specified maintenance operations.

3. The operations specified under the heading "Maintenance Operations" are of two categories: "Initial" operations, which if not already performed, are to be performed, and "Repeat" operations, which must be performed at intervals of six months, or when necessary, as indicated below.

No.	When to be done	Item	Maintenance operations
#*1	Initial and whenever necessary.	Vehicle	(a) Thoroughly wash vehicle; remove all foreign substances, mud, dirt, grease spots, oil, tar. (b) Check paint, touch up all exposed metal surfaces to prevent rust.
*2	Initial	Windshield wiper	Remove blades; store in glove compartment.
*3	Initial and every six months.	Upholstery and floor coverings.	(a) Clean and moth-proof all upholstery, including seat cushions, seat backs, side walls, headlinings, floor mats and carpets.
	Initial		(b) After moth-proofing upholstery, protect it from direct sunlight, except when on display in customary display room, by one of the following methods: (1) Cover all openings through which light may enter storage space. (2) Cover the inside of all car windows and windshields with paper, using masking tape. (3) Cover the car with a paper or cloth cover. (4) Completely cover all upholstery with paper, using masking tape.
	Initial		(c) Place floor mats in their normal position on floor, not rolled up.
#*4	Initial and whenever necessary.	Chrome plated surfaces	Thoroughly wash and clean all chrome plated surfaces with clear water; when dry, apply a coating of light oil, liquid wax, or special preparations; wipe off until no excess oil or wax appears on the surface of the chrome.
5	Initial	Convertible tops	With respect to convertibles, see that the tops are up and leave the shipping cover over the top, or cover it with paper, using masking tape.
*6	Initial	Engine	(a) Drain engine oil and refill crank case with at least ½ charge of rust-inhibiting oil. (b) Run engine for 5 minutes at idle speed or about 1,000 R. P. M. Leave this oil in engine.
*7	Initial	Fuel system and carburetor.	(a) Drain gasoline tank completely and replace filler cap to exclude dust. (b) Run engine until all gasoline is consumed.
*8	Initial	Spark plugs	Remove spark plugs. Inject 2 ounces of rust-inhibiting oil into each cylinder when piston is on the power stroke. Slowly turn engine over a few revolutions with starter. Replace spark plugs.
*9	Initial	Valve compartment (overhead valve engines).	Remove cover. Spray rust-preventive compound or S. A. E. 10–W on mechanism and inside cover, or pack with oil soaked rags. Replace cover.
*10	Initial	Seal engine	Seal the engine. This can be done in the following manner: Remove engine oil filler tube cover and crank case breather cover, if there is one, and seal the openings. Also seal the air cleaner, tail pipe, and any other openings into the engine. Tubes or pipes can be sealed satisfactorily by covering with a small piece of oiled or waxed paper, gathering the edges of the paper around the tube and tying them with a cord. The air cleaner can be sealed conveniently by covering with a paper bag and tying a cord around it at the solid part on the engine side of the air intake openings. Sealing the engine to a large extent prevents air moisture from entering the engine. NOTE.—Since no provision has been made for turning the engine over at regular intervals, it is absolutely essential that the recommended procedure for conserving the engine be followed carefully.
*11	Initial	Battery removal	(a) Remove the battery and store it in a cool place near recharging equipment, to facilitate servicing. Clean battery connections and wipe with light grease. (b) If dealer has portable battery charging equipment, he may elect to leave battery in car. In either case battery must be maintained as per Item 12 below.
*12	Initial and as specified under Maintenance operations.	Battery maintenance	(a) Check the specific gravity at regular intervals of six weeks, except in extremely hot weather when inspection periods should be cut to three weeks. (b) Check and correct water level at each inspection and recharge batteries as necessary to bring gravity reading to 1.280 or above. In no case should the specific gravity be allowed to fall below 1.220. These specific gravity readings are given for batteries at 60° F. air temperature.
*13	Initial	Cooling system	Completely drain cooling system including radiator, cylinder block, pump, heater, hose and all water connections. Leave system dry. NOTE: If coolant contains anti-freeze and rust-inhibiting solution, it may be left in the cooling system.
#*14	Initial	Brakes	Leave all brakes in released position.
*15	Initial	Clutch	Block the pedal of dry clutches in partially disengaged position. It is not necessary to disengage other type clutches.
#*16	Initial and as specified under maintenance operations.	Tires	(a) *Indoor storage.* Jack up vehicle in storage location taking weight off the tires. Maintain the air in tires between ⅓ and ⅔ operating pressure so that vehicles can be pushed or towed out quickly if necessary in an emergency. Tension in cords will be relieved by lowered pressure. (b) *Outdoor storage in the case of trailers.* Jack up vehicles in storage space. Remove tires from wheels. Leave wheels mounted on axle spindles. Lower weight of trailer to rest upon wheels. Store tires in a dark cool place protected from direct sunlight, in a horizontal position, with separators.
#*17	Initial and, if necessary, every six months where applicable.	Latches, hinges, brake connections, vertical supporting mechanisms, and fifth wheels.	Lubricate with light oil all latches, hinges, brake connections, vertical supporting mechanisms, and fifth wheels.
#*18	Initial where applicable	Doors, windows, and vents.	(a) Close all doors, windows, and vents tightly. (b) Close all venti-panes. (c) Leave cowl ventilator open (if screened).

NOTE: (1) All maintenance operations and storage requirements are applicable to new passenger automobiles. (2) Symbol (*) indicates maintenance operations applicable to new commercial motor vehicles except trailers, third axles and dollies. (3) Symbol (#) indicates maintenance operations applicable to trailers, third axles and dollies.

NOTE.—Materials called for in the performance of these maintenance operations such as oils, wax and rust inhibitor, should be of a grade recommended by the vehicle manufacturer.

[F. R. Doc. 42–12127; Filed, November 19, 1942; 11:06 a. m.]

PART 3093—GOLD MINING

[Limitation Order L–208 as Amended Nov. 19, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of critical materials for defense, for private account and for export which are used in the maintenance and operation of gold mines; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3093.1 *Limitation Order L–208*—(a) *Definitions.* For the purposes of this order

(1) "Nonessential mine" means any mining enterprise in which gold is produced, whether lode or placer, located in the United States, its territories or possessions, unless the operator of such mining enterprise is the holder of a serial number for such enterprise which has been issued under Preference Rating Order P–56.

(2) With respect to any nonessential mine, "effective date" means October 8, 1942, or the date of cancellation by the Director General for Operations of the serial number for such mining enterprise, whichever is the later.

(b) *Restrictions upon production.* (1) On and after the effective date, each operator of a nonessential mine shall immediately take all such steps as may be necessary to close down, and shall close down, in the shortest possible time, the operations of such mine.

(2) In no event on or after seven days from the effective date shall any operator of a nonessential mine acquire, consume, or use any material, facility, or equipment to break any new ore or to proceed with any development work or any new operations in or about such mine.

(3) In no event on or after sixty days from the effective date shall any operator of a nonessential mine acquire, consume, or use any material, facility, or equipment to remove any ore or waste from such mine, either above or below ground, or to conduct any other operations in or about such mine, except to the minimum amount necessary to maintain its buildings, machinery, and equipment in repair and its access and development workings safe and accessible.

(4) The provisions of this order shall not apply to any lode mine which produced 1200 tons or less of commercial ore in the year 1941, provided the rate of production of such mine, after the effective date, shall not exceed 100 tons per month, nor to any placer mine which treated less than 1000 cubic yards of material in the year 1941, provided that the rate of treatment of such placer mine, after the effective date, shall not exceed 100 cubic yards per month.

(5) Nothing contained in this order shall limit or prohibit the use or operation of the mill, machine shop, or other facilities of a nonessential mine in the manufacture of articles to be delivered pursuant to orders bearing a preference rating of A–1–k or higher, or in milling ores for the holder of a serial number under Preference Rating Order P–56.

(6) Nothing contained in this order shall prohibit any owner of a mining claim from performing not more than the minimum assessment work required by the provisions of section 2324 of the Revised Statutes of the United States and by Public No. 542, 77th Congress, 2d Session.

(c) *Restrictions on application of preference ratings.* No person shall apply any preference rating, whether heretofore or hereafter assigned, to acquire any material or equipment for consumption or use in the operation, maintenance, or repair of a nonessential mine, except with the express permission of the Director General for Operations issued after application made to the Mining Branch, War Production Board.

(d) *Assignment of preference ratings.* The Director General for Operations, upon receiving an application in accordance with paragraph (c) above, may assign such preference ratings as may be required to obtain the minimum amount of material necessary to maintain such nonessential mine on the basis set forth in paragraph (b) (3) above.

(e) *Restrictions on disposition of machinery and equipment.* No person shall sell or otherwise dispose of any machinery or equipment of the types listed in Schedule A to Preference Rating Order P–56, which has been used in a nonessential mine, and no person shall accept delivery thereof, except with specific permission of the Director General for Operations. On or before November 19, 1942, or within sixty days after the effective date, whichever is later, each operator of a nonessential mine shall file with the War Production Board, Washington, D. C., Reference: L–208, an itemized list of such machinery and equipment, signed by such operator or an authorized official, indicating each item available for sale or rental. Upon receipt of such itemized list, the War Production Board will furnish to the operator appropriate forms to be filled out for each item which the operator desires to dispose of.

(f) *Records and reports.* All persons affected by this order shall keep and preserve, for not less than two years, accurate and complete records concerning inventory, acquisition, consumption, and use of materials, and production of ore, and shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time prescribe.

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[1] Items 4, 16, 17, and 18 of the table are amended.

(g) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Communications.* All reports to be filed, appeals, and other communications concerning this order should be addressed to: War Production Board, Mining Branch, Washington, D. C., Ref.: L–208.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by a fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board, by letter, in triplicate, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(k) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12125; Filed, November 19, 1942; 11:05 a. m.]

Chapter XI—Office of Price Administration

Part 1314—Raw Materials for Shoes and Leather Products

[RPS 61, As Amended,[1] Amendment 1]

LEATHER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1314.51 (d) and § 1314.52 are amended as set forth below:

§ 1314.51 *Maximum prices for leather.*
* * *

(d) The maximum price at which a person may export leather shall be determined in accordance with the provisions of the Maximum Export Price Regulation issued by the Office of Price Administration.

§ 1314.52 *Premiums to cover increase in war risk and marine insurance costs.* (a) The seller shall determine (1) the invoice cost of each class[2] of hides and skins, including rough tanned unfinished hides and skins, whether imported or domestic, received at his tanneries and warehouses during the three months ending on the 25th day of the month preceding the date the sale or contract of sale is made and (2) the percentage of such amount actually paid[3] for war risk and marine insurance on each such class. For each 2 percent of the total invoice cost so paid for war risk and marine insurance over 2 percent of the total invoice cost of such class of hides and skins received during said preceding three months, an amount equal to 1 percent of the maximum price may be added: *Provided,* That (i) in calculating such charges for all shipments made after November 23, 1942, the cost of war risk insurance shall not exceed the cost of war risk insurance, including extended transshipment coverage, written by the War Shipping Administration on an identical shipment, and (ii) where a seller's maximum price is so increased, the invoice or similar document delivered to the purchaser shall show separately the amount of such increases.

§ 1314.63 *Effective dates of amendments.* * * *

(c) Amendment No. 1 (§§ 1314.51 (d) and 1314.52) to Revised Price Schedule No. 61, as amended, shall become effective November 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–12079; Filed, November 18, 1942; 12:53 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1321, 1837, 2000, 2132, 2631, 8948.

[2] The term class includes any type of hides or skins which are separately identified in the finished leather sold.

[3] Subject to the limitation with respect to war risk insurance contained in this section: (a) If the hides or skins are already covered by war risk and marine insurance when purchased, the amount actually paid therefor by the insured may be used by the tanner in computing the maximum prices: *Provided,* That the tanner obtains from the insured and keeps in his permanent records a sworn statement of such amount actually paid on the hides or skins so purchased. (b) If the hides and skins are insured by the tanner, rather than by a licensed marine insurance company, the amount of cost attributed to such self insurance may be used.

Part 1372—Seasonal Commodities

[MPR 210,[1] Amendment 7]

RETAIL AND WHOLESALE PRICES FOR FALL AND WINTER SEASONAL COMMODITIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1372.112 (i) is amended and a new paragraph (g) is added to § 1372.111a as set forth below:

§ 1372.112 *Appendix A: List of fall and winter seasonal commodities.* Any commodity which falls within any of the following classifications is designated as a fall and winter seasonal commodity.

* * * * *

(i) The following designated types of knitted fall and winter underwear and sleeping garments:

(1) Men's cotton knitted underwear including union suits, 9 pounds and over per dozen (weight calculated on size 42) and shirts and drawers, 7 pounds and over per dozen (weight calculated on size 42 shirts).

* * * * *

(4) Boys' cotton knitted union suits weighing 6 pounds and over per dozen (weight calculated on size 34).

(5) Women's knitted union suits, 6 pounds and over per dozen (weight calculated on size 38).

* * * * *

(9) Children's knitted union suits, waist suits and combination suits, 5 pounds and over per dozen (weight calculated on size 12).

(10) Men's, women's, children's and infants' heavyweight knitted sleeping garments, excluding men's, boys' and infants' brushed rayon sleeping garments.

* * * * *

Meaning of winter-weight and heavy-weight. "Winter-weight" and "heavy-weight" each means that type of knitted underwear garment or knitted sleeping garment which is regularly and customarily produced by manufacturers thereof for use during the fall and winter season, and of which type of garment the manufacturer delivered at least 65% of his 1941 production from June 1, 1941 to December 31, 1941.

§ 1372.111a *Effective dates of amendments* * * *

(g) Amendment No. 7 (§ 1372.112 (i)) to Maximum Price Regulation No. 210, shall become effective the 23d day of November 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–12080; Filed, November 18, 1942; 12:53 p. m.]

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[1] 7 F.R. 6789, 7318, 7173, 7912, 8651.

Part 1389—Apparel

[MPR 221,[1] Amendment 1]

MANUFACTURERS' PRICES FOR FALL AND WINTER KNITTED UNDERWEAR

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1389.302 (a) (1) and (2), (c), and (d) (2), that portion of § 1389.307 preceding subparagraph (2), § 1389.307 (b) and § 1389.314 are amended, and a new § 1389.313a, is added, as set forth below:

§ 1389.302 *Maximum prices for manufacturers of fall and winter knitted underwear—*(a) *How a manufacturer establishes his maximum price.* * * *

(1) The manufacturer's maximum price shall be the highest price at which the manufacturer sold by written order or contract for the fall and winter season of 1942, the same garment of fall and winter knitted underwear after November 30, 1941 and before February 10, 1942; or

(2) If the manufacturer did not sell by written order or contract for the fall and winter season of 1942, after November 30, 1941 and before February 10, 1942, the same garment of fall and winter knitted underwear, the maximum price for such garment shall be the price at which the same garment was first offered in the manufacturer's written or printed price list for the fall and winter season of 1942 which was distributed generally to the customers or prospective customers of the manufacturer on or before February 10, 1942; or * * *

(c) *Adjustment to nearest multiple of 2½ cents.* The maximum prices established by § 1389.302 (a) (3) of this Maximum Price Regulation No. 221 shall be adjusted to the nearest multiple of 2½ cents per dozen garments.

(d) *Meaning of terms.* * * *

(2) *Manufacturer.* A manufacturer of any garment means a person who sells, delivers or offers for sale otherwise than at retail, that garment in a form substantially changed from the form in which he bought it, or the materials from which it was made.

§ 1389.307 *Statements and reports required to be filed.* Every person engaged in the business of manufacturing or producing any garment of fall and winter knitted underwear for which maximum prices are established by this regulation shall file with the office of Price Administration, Washington, D. C., on or before December 15, 1942 (a) a statement which shall contain the following:

(1) The maximum price established under this Maximum Price Regulation No. 221 for each garment of fall and winter knitted underwear included in this regulation and a description of each garment.

* * * * *

(b) A report on forms 321.1 and 321.2 prescribed by the Office of Price Administration containing information with respect to all of the styles of knitted underwear, knitted sleeping garments, and knitted sweatshirts manufactured by such person, setting forth prices, garment description, method of construction, yarn content, assembly, finish, distribution and costs relating to the foregoing, in such detail as is required by the said forms.

§ 1389.314 *Appendix A: What is meant by fall and winter knitted underwear.* * * *

(a) Men's cotton knitted underwear including union suits, 9 pounds and over per dozen (weight calculated on size 42) and shirts and drawers, 7 pounds and over per dozen (weight calculated on size 42 shirts).

* * * * *

(d) Boys' cotton knitted union suits weighing 6 pounds and over per dozen (weight calculated on size 34).

(e) Women's knitted union suits, 6 pounds and over per dozen (weight calculated on size 38).

* * * * *

(i) Children's knitted union suits, waist suits and combination suits, 5 pounds and over per dozen (weight calculated on size 12).

(j) Men's, women's, children's and infants' heavy-weight knitted sleeping garments, excluding brushed rayon sleeping garments.

* * * * *

(l) * * * *Meaning of winter-weight and heavy-weight.* "Winter-weight" and "heavy-weight" each means that type of knitted underwear garment or knitted sleeping garment which is regularly and customarily produced by manufacturers thereof for use during the fall and winter season, and of which type of garment the manufacturer delivered at least 65% of his 1941 production from June 1, 1941 to December 31, 1941.

§ 1389.313a *Effective dates of amendments.* (a) Amendment No. 1 §§ 1389.302 (a) (1) and (2), (c), and (d) (2), 1389.307, 1389.314 and 1389.313 (a) shall become effective the 23d day of November 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–12081; Filed, November 18, 1942; 12:52 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7381, 8937.

Part 1499—Commodities and Services

[Amendment 35 to GMPR[1]]

MARKING OR POSTING OF PRICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1499.13 (a) (1) and (2) is amended to read as set forth below:

§ 1499.13 *Maximum prices of cost-of-living commodities; statement, marking or posting.* * * *

(a) * * *

(1) Every seller making retail sales on the basis of orders received by mail shall post or mark his maximum prices in all catalogs, flyers, leaflets, circulars, booklets, lists or other printed or similar matter issued and distributed by him after the effective date of this amendment for the purpose of obtaining mail orders. One of the following methods of posting or marking shall be used:

(i) State the maximum price for each cost-of-living commodity listed in each of the publications described above at the place in the publication where such commodity is listed. The maximum price shall be stated substantially as follows: "Ceiling price $______;" or "Our ceiling price $______;" or,

(ii) Print on the front cover of all catalogs, flyers, leaflets, circulars or booklets, or the front page of all lists or publications not having a cover, at the time they are issued, substantially the following statement signed with the name of the seller:

NOTICE TO CUSTOMERS

No price for any article listed or described herein exceeds the ceiling price for that article as determined under the applicable maximum price regulation issued by the Office of Price Administration. As required by that Office, we will, upon request, furnish you with a statement of our maximum prices on any of the commodities listed about which you inquire.

(Signed) ____________________________

Any seller using this method, shall upon request, furnish a statement of the maximum prices for any commodities listed or described in the publication and about which the customer inquires.

(2) Any seller making retail sales by mail may apply to the Office of Price Administration for permission to deviate from the requirements in subparagraph (1). The application shall state why such requirements are inequitable or inappropriate as applied to the applicant's business, and shall show that the requested method of posting is substantially in line with the requirements of posting for mail order sellers set forth in subparagraph (1).

§ 1499.23a *Effective date of amendment.*

(jj) Amendment No. 35 (§ 1499.13 (a) (1) and (2)) to the General Maximum Price Regulation shall become effective November 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–12085; Filed, November 18, 1942; 12:52 p. m.]

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[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942.

PART 1499—COMMODITIES AND SERVICES

[Amendment 36 to GMPR[1]]

BLISTER COPPER, LEAD BULLION, ETC.

A statement of the considerations involved in the issuance of this Amendment No. 36 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1499.9, subparagraph (10) of paragraph (a) is amended to read as set forth below:

§ 1499.9 *Commodities excepted from this General Maximum Price Regulation.* (a) * * *

(10) Blister copper, lead bullion, ores and ore concentrates.

* * * * *

§ 1499.23a *Effective date of amendments.* * * *

(kk) Amendment No. 36 (§ 1499.9 (a) (10)) to this General Maximum Price Regulation shall become effective November 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12083; Filed, November 18, 1942; 12:52 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 1,[2] Amendment 40, GMPR[1]]

COMMODITIES MANUFACTURED IN HOME

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1499.26 is amended by adding a new subparagraph (11) to paragraph (b) as set forth below:

§ 1499.26 *Exceptions for certain commodities, certain sales and deliveries.* * * *

(b) The General Maximum Price Regulation shall not apply to the following sales or deliveries: * * *

(11) Retail sales or deliveries of commodities made or produced by the seller at his home, solely for his own account, without the assistance of hired employees, if the total of such sales or deliveries does not exceed $75 in any one calendar month.

* * * * *

(e) *Effective dates.* * * *

(41) Amendment No. 40 (§ 1499.26 (b) (11)) to Supplementary Regulation No. 1 shall become effective November 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of November 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-12082; Filed, November 18, 1942; 12:53 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 141 Under § 1499.3 (b) of GMPR]

METALS RESERVE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.1157 *Authorization of maximum prices for sales of non-strategic domestic mica to consumers by the Metals Reserve Company.* (a) The Metals Reserve Company may sell and deliver and agree, offer, solicit and attempt to sell and deliver non-strategic domestic mica to consumers at prices no higher than the maximum prices set forth in the following table:

Maximum prices per pound, packed, ex warehouses of Colonial Mica Corporation

Sizes:	*No. III (BS) ½ KT*
Punch	$.12
1″ x 1½″	.18
1½″ x 2″	.25
2″ x 2″	.45
2″ x 3″	.60
3″ x 3″	.75
3″ x 4″	1.00
3″ x 5″	1.30
4″ x 6″	1.60
6″ x 8″	2.00

(b) When used in this order, the term "Consumers" includes but is not limited to manufacturers of electrical and radio equipment.

(c) This Order No. 141 may be revoked or amended at any time by the Price Administrator.

(d) This Order No. 141 (§ 1499.1157) shall become effective November 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12084; Filed, November 18, 1942; 12:52 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 107 Under § 1499.18 (b) of GMPR]

KIEFER-STEWART COMPANY

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1008 *Adjustment of maximum price for sales of "Galatest" by Kiefer-Stewart Company, Indianapolis, Indiana.* (a) Kiefer-Stewart Company of Indianapolis, Indiana, may sell and deliver, and any person may buy and receive from that company, a drug known as "Galatest" manufactured by Denver Chemical Manufacturing Company, New York City, at a price no higher than $7.04 per dozen 3½ dram bottles.

(b) All discounts, allowances, and trade practices in effect during March 1942 with respect to sales of "Galatest" by Kiefer-Stewart Company, shall remain in effect under this Order No. 107.

(c) Kiefer-Stewart Company shall until November 30, 1942 send to each person purchasing "Galatest" a copy of the following notice:

> The Office of Price Administration has permitted us to raise our maximum price for the sale to you of "Galatest," manufactured by the Denver Chemical Manufacturing Company of New York City, from $4.00 to $7.04 per dozen 3½ dram bottles. This amount represents only that part of cost increases which we are unable to absorb and it was granted with the understanding that retail prices generally would not be raised. If, however, you feel that you are suffering substantial hardship and your maximum prices are abnormally low in relation to the maximum prices established for your most competitive sellers of "Galatest", you may apply to the Office of Price Administration in Washington, D. C. under the provisions of section 18 (a) of the General Maximum Price Regulation prior to November 30, 1942.

(d) All prayers of the applicant not granted herein are denied.

(e) This Order No. 107 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 107 (§ 1499.1008) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 107 (§ 1499.1008) shall become effective November 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12091; Filed, November 18, 1942; 3:12 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 108 Under § 1499.18 (b) of GMPR]

UNITED WHOLESALE DRUGGISTS OF CHICAGO, INC.

Order No. 108 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-2336.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1009 *Adjustment of maximum prices for Kaba, Arsenate of Lead, Jaynes Carminative, #1 Cubeb Cigarettes sold by the United Wholesale Druggists of Chicago, Incorporated.* (a) United Wholesale Druggists of Chicago, Incorporated may sell and deliver, and any person may buy and receive from that concern the following products at the prices hereinafter set forth:

Kaba, 11 ounce	$9.35 per dozen.
Arsenate of Lead, 4 lb. bag	$13.20 per cwt.
Jaynes Carminative	$3.73 per dozen.
#1 Cubeb Cigarettes	$0.83 per dozen.

(b) All discounts, allowances, and trade practices in effect with respect to sales of the products specified in paragraph (a) above by United Wholesale Druggists of Chicago, Incorporated, during March 1942 shall remain in effect under this Order No. 108.

(c) At the time of the first delivery of the products specified in paragraph (a) above to each purchaser at the prices specified in this Order, United Wholesale Druggists of Chicago, Incorporated, shall deliver the following notice to such purchaser:

> The Office of Price Administration has permitted us to raise our maximum prices to you for Kaba, 11 ounce, from $8.00 per dozen to $9.35 per dozen; for Arsenate of Lead, 4 lb. bag, from $11.50 to $13.20 per cwt.; for Jaynes Carminative from $2.80 per dozen to $3.73 per dozen; and for #1 Cubeb Cigarettes from $0.75 per dozen to $0.83 per dozen. You or any other sellers are not permitted to raise your maximum prices for the sales of such products. If, however, you feel that you are suffering substantial hardship and that your maximum prices are abnormally low in relation to the maximum prices established for your most competitive sellers of such products you may apply to the Office of Price Administration in Washington, D. C. under the provisions of section 18 (a) of the General Maximum Price Regulation prior to November 30, 1942.

The last sentence of the above notice shall be omitted on deliveries subsequent to November 30, 1942.

(d) All prayers of the applicant not granted herein are denied.

(e) This Order No. 108 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 108 (§ 1499.1009) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 108 (§ 1499.1009) shall become effective November 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12092; Filed, November 18, 1942; 3:12 p. m.]

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[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5484, 5565, 5775, 5784, 5783, 6053, 6007 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004.

[2] 7 F.R. 3158, 3488, 3892, 4183, 4410, 4428, 4487, 4488, 4493, 4669, 5066, 5192, 5276, 5366, 5484, 5607, 5717, 5942, 6082, 6473, 6685, 7011, 7250, 7317, 7598, 7604, 7739, 8336, 8652, 8798, 8930, 8833, 9082, 9131.

* Copies may be obtained from the Office of Price Administration.

PART 1499—COMMODITIES AND SERVICES

[Order 109 Under § 1499.18 (b) of GMPR]

KRULL WHOLESALE DRUG COMPANY

Order No. 109 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-2395.

For the reasons set forth in the opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1010 *Adjustment of maximum prices for Sabia Antiseptic Powder in 8-ounce packages manufactured by Sabia Products Company, of Philadelphia, Pennsylvania, and sold by Krull Wholesale Drug Company of Philadelphia, Pennsylvania.* (a) Krull Wholesale Drug Company, of Philadelphia, Pennsylvania, may sell and deliver and any person may buy and receive from that concern Sabia Antiseptic Powder in 8-ounce packages at the following maximum prices:

	Per dozen
In dozen lots	$9.45
In less than dozen lots	9.85

(b) All discounts, allowances, and trade practices in effect with respect to sales of the product specified in paragraph (a) above by Krull Wholesale Drug Company, during March 1942 shall remain in effect under this Order No. 109.

(c) At the time of the first delivery of the product specified in paragraph (a) above to each purchaser at the prices specified in this Order, Krull Wholesale Drug Company shall deliver the following notice to such purchaser:

> The Office of Price Administration has permitted us to raise our maximum prices to you for 8-ounce packages of Sabin Antiseptic Powder from $8.00 per dozen to $9.45 per dozen when sold in dozen lots and to $.82 each when sold in less than dozen lots. You or any other sellers are not permitted to raise your maximum prices for the sales of such product. If, however, you feel that you are suffering substantial hardship and that your maximum prices are abnormally low in relation to the maximum prices established for your most competitive sellers of such product you may apply to the Office of Price Administration in Washington, D. C. under the provisions of section 18 (a) of the General Maximum Price Regulation prior to November 30, 1942.

The last sentence of the above notice shall be omitted on deliveries subsequent to November 30, 1942.

(d) All prayers of the applicant not granted herein are denied.

(e) This Order No. 109 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 109 (§ 1499.1010) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 109 (§ 1499.1010) shall become effective November 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12093; Filed, November 18, 1942; 3:12 p. m.]

PART 1499—COMMODITIES & SERVICES

[Order 110 Under § 1499.18 (b) of GMPR]

DES MOINES DRUG COMPANY

Order No. 110 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-1822.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1111 *Adjustment of maximum prices for sales of Excelsior Solution Citrate Magnesia manufactured by Excelsior Magnesia Company of Illinois, and sold by Des Moines Drug Company.* (a) Des Moines Drug Company may sell and deliver and any person may buy and receive from that concern Excelsior Solution Citrate Magnesia at prices not in excess of those hereinafter set forth:

$2.31 per case of 2 dozen.
$1.16 per dozen.

(b) All discounts, trade and freight practices upon the sale by Des Moines Drug Company on the product referred to in paragraph (a) above in March, 1942, shall apply to the maximum prices set forth in paragraph (a).

(c) Des Moines Drug Company, of Des Moines, Iowa, shall until November 30, 1942, send to each retailer purchasing Excelsior Solution Citrate Magnesia in dozen and two dozen case lots, a copy of the following notice:

> The Office of Price Administration has permitted us to raise our maximum price for the sale to you of Excelsior Solution Citrate Magnesia from $2.00 to $2.31 per case of two dozen and from $1.10 to $1.16 per dozen. You or any other sellers are not permitted by such order to raise your maximum price for the sale of such Excelsior Solution Citrate Magnesia. If, however, you feel that you are suffering substantial hardship and your maximum prices are abnormally low in relation to the maximum prices established for your most competitive sellers of such product, you may apply to the Office of Price Administration in Washington, D. C., under the provisions of section 18 (a) prior to November 30, 1942.

(d) This Order No. 110 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 110 (§ 1499.1111) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 110 (§ 1499.1111) shall become effective November 18, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 18th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12094; Filed, November 18, 1942; 3:13 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 111 Under § 1499.18 (b) of GMPR]

UNITED WHOLESALE DRUGGISTS OF PORTLAND, OREGON, INC.

Order No. 111 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-1454.

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1112 *Adjustment of maximum prices for United Wholesale Druggists of Portland, Oregon, Incorporated.* (a) United Wholesale Druggists of Portland, Oregon, Incorporated, of Portland, Oregon, may sell and deliver, and any purchaser may buy and receive the following products at prices not in excess of those hereinafter set forth:

Kaba, 11 ounces at $9.35 per dozen.
Wheat Germ, 8 ounce tin at $1.97 per dozen.

Wheat Germ, 16 ounce tin at $3.15 per dozen.

(b) All discounts, allowances, practices with regard to charges for transportation and other trade practices in effect with respect to the above listed commodities during March 1942, by the seller, shall remain in effect under this order.

(c) United Wholesale Druggists of Portland, Oregon, Inc., shall, until November 30, 1942, send to each retailer purchasing the following products a copy of the following notice:

> The Office of Price Administration has permitted us to raise our maximum prices for the sale to you of the following products in the amount specified:
>
> Kaba, 11 ounces from $8.00 to $9.35 per doz.
> Wheat Germ, 8 ounce tin from $1.70 to $1.97 per doz.
> Wheat Germ, 16 ounce tin from $2.94 to $3.15 per doz.
>
> You or any other sellers are not permitted by such Order to raise your maximum prices for the sale of such products. If, however, you feel that you are suffering substantial hardship and your maximum prices are abnormally low in relation to the maximum prices established for your most competitive sellers of such products, you may apply to the Office of Price Administration in Washington, D. C., under the provisions of section 18 (a) of the General Maximum Price Regulation prior to November 30, 1942.

(d) This Order No. 111 may be revoked or amended by the Price Administrator at any time.

(e) All prayers of the applicant not granted herein are denied.

(f) This Order No. 111 (§ 1499.1112) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 111 (§ 1499.1112) shall become effective November 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. No. 9250, 7 F.R. 7871)

Issued this 18th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12095; Filed, November 18, 1942; 3:13 p. m.]

Part 1499—Commodities & Services

[Order 112 Under § 1499.18 (b) of GMPR]

LOS ANGELES DRUG COMPANY

Order No. 112 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-1520.

For the reasons set forth in and opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1113 *Adjustment of maximum prices for certain drug products sold by Los Angeles Drug Company, of Los Angeles, California.* (a) Los Angeles Drug Company of Los Angeles, California, may sell and deliver, and any person may buy and receive the drug products hereinafter set forth at prices not in excess of those designated:

Messengill C. Z. O. Lotion (one pint)	62 cents each.
Lloyds Adonis (four ounces)	83 cents each.
Lloyds Bryonia (four ounces)	83 cents each.
Lloyds Gentiania (four ounces)	83 cents each.
Pinozyme (one pint)	$9.54 per dozen
Grandma's Witch Hazel Salve (one ounce)	2.24 per dozen.
Manhattan Eye Salve No. 24 (one dram)	1.88 per dozen.
Lobidine (one pint)	1.56 each.

(b) All discounts, allowances, practices with regard to charges for transportation and other trade practices in effect with respect to the above listed commodities during March, 1942, by the seller, shall remain in effect under this order.

(c) Los Angeles Drug Company, of Los Angeles, California, shall until November 30, 1942, send to each retailer purchasing the commodities listed in paragraph (a) above a notice in the following form:

> The Office of Price Administration has permitted us to raise our prices for the sale to you of ------, from $------ to $------ (insert name of commodity and correct figure). You or any other sellers are not permitted by such Order to raise your maximum price for the sale of such product(s). If, however, you feel that you are suffering substantial hardship and your maximum price is abnormally low in relation to the maximum prices for such product(s), you may apply to the Office of Price Administration in Washington, D C., under the provisions of section 18 (a) of the General Maximum Price Regulation, prior to November 30, 1942.

(d) This Order No. 112 may be revoked or amended by the Price Administrator at any time.

(e) All prayers of the application not granted herein are denied.

(f) This Order No. 112 (§ 1499.1113) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 112 (§ 1499.1113) shall become effective November 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. No. 9250, 7 F.R. 7871)

Issued this 18th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12096; Filed, November 18, 1942; 3:13 p. m.]

Part 1499—Commodities and Services

[Order 113 Under § 1499.18 (b) of GMPR]

MCKESSON & ROBBINS, INC.

For reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.1114 *Adjustment of maximum price for sales of Sphinx Herb Tea purchased from Argyle Laboratories of New York and sold by McKesson & Robbins, Inc., of Yonkers, New York.* (a) McKesson & Robbins, Inc., may sell and deliver and any person may buy and receive from that concern Sphinx Herb Tea at a price not in excess of that set forth:

Sphinx Herb Tea at $2.46 per dozen.

(b) All discounts, trade and freight practices upon the sale by McKesson & Robbins, Inc., on the product referred to in paragraph (a) above in March 1942, shall apply to the maximum prices set forth in paragraph (a).

(c) McKesson & Robbins, Inc., of Yonkers, New York, shall until November 30, 1942 send to each retailer purchasing Sphinx Herb Tea a copy of the following notice:

> The Office of Price Administration has permitted us to raise our maximum price for the sale to you of Sphinx Herb Tea from $2.00 to $2.46 per dozen. You or any other sellers are not permitted by such order to raise your maximum price for the sale of such commodity. If, however, you feel that you are suffering substantial hardship and your maximum price is abnormally low in relation to the maximum prices established for your most competitive sellers of Sphinx Herb Tea, you may apply to the Office of Price Administration in Washington, D. C., under the provisions of section 18 (a) of the General Maximum Price Regulation prior to November 30, 1942.

(d) This Order No. 113 may be revoked or amended by the Price Administrator at any time.

(e) All prayers of the application not granted herein are denied.

(f) This Order No. 113 (§ 1499.1114) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 113 (§ 1499.1114) shall become effective November 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12097; Filed, November 18, 1942; 3:13 p. m.]

Part 1499—Commodities and Services

[Order 114 Under § 1499.18 (b) of GMPR]

DURR DRUG COMPANY

Order No. 114 under § 1499.18 (b) of the General Maximum Price Regulation—Docket Nos. GF3-595 and GF3-2331.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.1115 *Adjustment of maximum prices for Durr Drug Company.* (a) Durr Drug Company of Montgomery, Alabama, may sell and deliver, and any purchaser may buy and receive White Wonder Salve at a price not in excess of that hereinafter set forth:

White Wonder Salve at $2.24 per dozen.

(b) All discounts, allowances, practices with regard to charges for transportation and other trade practices in effect with respect to the above listed commodity during March, 1942, by the seller, shall remain in effect under this order.

(c) Durr Drug Company, of Montgomery, Alabama, shall until November 30, 1942, send to each retailer purchasing White Wonder Salve, a copy of the following notice:

> The Office of Price Administration has permitted us to raise our maximum price for the sale to you of White Wonder Salve from $2.00 per dozen to $2.24 per dozen. You or any other sellers are not permitted by such order to raise your maximum price for the sale of such White Wonder Salve. If, however, you feel that you are suffering substantial hardship and your maximum price is abnormally low in relation to the maximum prices for your most competitive sellers of such White Wonder Salve, you may apply to the Office of Price Administration, in Washington, D. C., under the provisions of section 18 (a), prior to November 30, 1942.

(d) This Order No. 114 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 114 (§ 1499.1115) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 114 (§ 1499.1115) shall become effective November 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. No. 9250, 7 F.R. 7871)

Issued this 18th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12098; Filed, November 18, 1942; 3:14 p. m.]

Part 1499—Commodities and Services

[Order 115 Under § 1499.18 (b) of GMPR]

BECK & GREGG HARDWARE COMPANY

Order No. 115 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-712.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1116 *Adjustment of maximum prices for sales of plain denatured alcohol by Beck & Gregg Hardware Company.* (a) The maximum prices for the sale of plain denatured alcohol by Beck & Gregg Hardware Company, of Atlanta, Georgia, shall be the prices set forth below:

	Per gallon
5 gallon cans	$ .97
1 gallon cans	1.04

(b) All discounts, trade practices, and practices relating to the payment of shipping charges in effect in March, 1942, on the sale by Beck & Gregg Hardware Company of plain denatured alcohol shall apply to the maximum prices set forth in paragraph (a).

(c) Beck & Gregg Hardware Company, of Atlanta, Georgia, shall until November 30, 1942, send to each retailer purchasing plain denatured alcohol in the quantities specified in paragraph (a) above a copy of the following notice:

> The Office of Price Administration has permitted us to raise our maximum price for the sale to you of plain denatured alcohol from $.90 to $1.04 per gallon in one gallon cans and from $.85 to $.97 per gallon in five gallon cans. You or any other sellers are not permitted by such order to raise your maximum prices for sale of such plain denatured alcohol. If, however, you feel that you are suffering substantial hardship and your maximum prices are abnormally low in relation to the maximum prices established for your most competitive sellers of such plain denatured alcohol, you may apply to the Office of Price Administration in Washington, D. C., under the provisions of Section 18 (a) of the General Maximum Price Regulation prior to November 30, 1942.

(d) All prayers of the applicant not granted herein are denied.

(e) This Order No. 115 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 115 (§ 1499.1116) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 115 (§ 1499.1116) shall become effective November 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12099; Filed, November 18, 1942; 3:14 p. m.]

Part 1305—Administration

[Supplementary Order 28]

APPLICATIONS FOR ADJUSTMENT AND PETITIONS FOR AMENDMENT BASED ON A WAGE OR SALARY INCREASE REQUIRING THE APPROVAL OF THE NATIONAL WAR LABOR BOARD

A statement of the reasons involved in the issuance of this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.* *It is hereby ordered:*

§ 1305.33 *Applications for adjustment and petitions for amendment based on a wage or salary increase requiring the approval of the National War Labor Board*—(a) *Purpose of this supplementary order.* Executive Order No. 9250, issued by the President on October 3, 1942, provides that no wage increase requiring the approval of the National War Labor Board shall become effective without also being approved by the Economic Stabilization Director in any case in which the Price Administrator "shall have reason to believe that the proposed wage increase will require a change in the price ceiling of the commodity or service involved." To enable the Price Administrator to determine whether a proposed wage or salary increase will require a change in the price ceiling of any commodity or service, and in order to expedite proceedings before the National War Labor Board for wage or salary increases, this supplementary order makes provision for the filing of applications for adjustment or petitions for amendment before the wage or salary increase becomes effective.

(b) *Request for price increase may be filed before wage increase becomes effective.* Any employer may file an application for adjustment of his maximum prices or a petition for amendment of the price regulation establishing those prices based on a wage or salary increase requiring the approval of the National War Labor Board before any such increase becomes effective, in accordance with the provisions of this supplementary order.

(c) *Requirement for filing request for price increase before wage increase becomes effective.* The office of Price Administration will not consider any request for a change in the employer's prices which is based on a wage or salary increase requiring the approval of the National War Labor Board, unless, before the wage or salary increase becomes effective, the employer files with the Office of Price Administration an application for adjustment of his maximum prices or a petition for amendment of the regulation establishing those prices. The fact that an employer has not filed such an application or petition will not preclude recognition by the Office of Price Administration of the increased cost resulting from the wage or salary increase in considering any later application for adjustment or petition for amendment based on subsequent changes in circumstances.

(d) *Time within which request for price increase must be filed.* An application for adustment or petition for amendment which is filed by authority of this supplementary order should be filed within fifteen (15) days after an application for a wage or salary adustment has been filed with the National War Labor Board, or, in a disputed wage proceeding within fifteen (15) days after the employer receives notification that the National War Labor Board has taken jurisdiction of the dispute. Any request filed after that time will be considered by the Office of Price Administration only if good reasons are shown for the delay. If a request for a change in the employer's prices is based on an application for wage or salary adjustment filed with the Wage Adjustment Board for the Building Construction Industry, an application for adjustment or petition for amendment should be filed within fifteen (15) days after the application has been filed with the Wage Adjustment Board and if filed after that time will be considered by the Office of Price Administration only if good reasons are shown for the delay.

(e) *Procedure for filing request for price increases.* (1) An application for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1[1] except that in cases of Government contracts or sub-contracts for certain war commodities or services specified in Procedural Regulation No. 6[2] an application for adjustment shall be filed in accordance with that procedural regulation. An application for adjustment will be granted only if the regulation to which the employer is subject contains a specific provision for the granting of an adjustment and if the employer is eligible for an adjustment under that provision. In the absence of such an adjustment provision under which he can qualify for an adjustment, the employer's only recourse is to file a petition for amendment.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8961.

[2] 7 F.R. 5087, 5664.

(2) A petition for amendment shall be filed in accordance with Revised Procedural Regulation No. 1. A petition for amendment is required to propose a definite change of general applicability in the terms of the applicable price regulation. A petition for amendment should propose either a specific change in the maximum prices established for an entire industry or substantial portion of it, or the addition of an adjustment provision to the price regulation. The maximum prices established by a price regulation will generally not be changed unless such change is required for an entire industry or substantial portion of it. An adjustment provision will generally not be included in a price regulation unless such a provision will further the prosecution of the war or is essential to a standard of living consistent with the prosecution of the war.

(f) *Place of filing request for price increase.* (1) An application for adjustment may be filed with a District, State or Regional Office of the Office of Price Administration or with the Office of Price Administration, Washington, D. C. If the office with which the application is filed is not authorized to consider such an application it will forward it to the authorized office and notify the employer of such forwarding. If an adjustment provision in a price regulation indicates which office of the Office of Price Administration is authorized to consider applications for adjustment, action on an application will be expedited if it is filed with the nearest office authorized to consider it.

(2) A petition for amendment shall be filed with the Secretary, Office of Price Administration, Washington, D. C.

(g) *Additional information required in request for price increase.* An application for adjustment or petition, for amendment which is filed by authority of this supplementary order shall set forth the following information, in addition to such information as is required by the applicable price and procedural regulations issued by the Office of Price Administration: (1) Whether the proceeding before the National War Labor Board is a proceeding for a voluntary wage or salary increase or is a disputed wage or salary case (if the proceeding is before the Wage Adjustment Board for the Building Construction Industry, that fact should be indicated); (2) if it is a proceeding for a voluntary wage or salary increase when and where the application for approval of the wage or salary increase was filed; (3) if it is a disputed wage or salary case, when the National War Labor Board assumed jurisdiction of the dispute; (4) in the case of an application for adjustment, a clear and concise statement of the facts upon which the employer relies to qualify him for an adjustment under an applicable adjustment provision, including (i) a copy of the employer's latest balance sheet, (ii) a copy of his profit and loss statement for the last quarterly period, or the most recent period for which figures are available, (iii) a statement for the same period for which figures are submitted under (ii) limited to the commodities or services affected by the wage and salary increase, showing total sales and detailed costs, specifying particularly the wage and the salary costs, and (iv) a statement for the same period for which figures are submitted under (ii), showing the amount of the wages and the salaries paid by the employer to the employees to be affected by the wage or the salary increase and the amount of the increase in such wages and salaries on which the application for adjustment is based, and (5) in the case of a petition for amendment, a specific statement of the particular amendment desired and the facts which make that amendment necessary or appropriate.

(h) *Protest of denial of request for price increase.* (1) If a wage increase is approved by the National War Labor Board and an order is issued denying in whole or in part an application for adjustment filed by authority of this supplementary order, the employer may, after the wage increase becomes effective, file a protest against such order in accordance with Revised Procedural Regulation No. 1. Such a protest may not be based upon grounds not raised in the application for adjustment. A protest will not be considered if the wage increase is not approved by the National War Labor Board.

(2) The denial of a petition for amendment is not subject to protest.

(i) *Definitions.* "Price regulation," as used in this supplementary order means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any amendment or supplement thereto or order issued thereunder.

(j) *Effective dates.* This Supplementary Order No. 28 (§ 1305.33) shall become effective November 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12113; Filed, November 18, 1942; 4:19 p. m.]

Part 1429—Poultry and Eggs

[MPR 269,[1] Amendment 1]

POULTRY AND EGGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Sections 1429.3a and 1429.23 are added, and § 1429.7 (a) is amended to read as set forth below:

§ 1429.3a *Maximum prices for sales of live and dressed turkeys by farmers, growers, or processors to ultimate consumers.* The maximum prices for the sales and deliveries of the live and dressed turkey items listed in Appendices A, B, and C, § 1429.19 to 1429.21, inclusive, of Maximum Price Regulation No. 269, by the farmer, grower, or processor directly to any ultimate consumer other than a commercial, governmental, and institutional user[1] shall be the highest legal maximum price on the day such sale is made for any sale of the same dressed or live turkey item by any retailer in the city, town, village, or hamlet closest to the seller's farm or place of production: *Provided,* That in cases of mail order sales, the seller may add to such highest price his actual express or mailing expense to the buyer's address.

§ 1429.7 *Exempt sales.* * * *

(a) *All sales at retail.* All sales at retail other than those provided for in § 1429.3a of this Maximum Price Regulation No. 269 shall be determined in accordance with the provisions of Maximum Price Regulation No. 268, entitled "Certain Perishable Food Products at Retail".

§ 1429.23 *Effective dates of amendments.* (a) This Amendment No. 1 (§§ 1429.3a, 1429.7 (a) and 1429.23) to Maximum Price Regulation No. 269 shall become effective November 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of November 1942.

LEON HENDERSON,
Administrator.

Approved:

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-12100; Filed, November 18, 1942; 4:17 p. m.]

Part 1340—Fuel

[RPS 88,[2] Amendment 46]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1340.159 (c) (6), a new subdivision (vii) is added as set forth below:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(c) *Specific prices.* * * *

(6) *Residual fuel oils.* * * *

(vii) *Mobile, Alabama.* The maximum price for Bunker C and No. 6 fuel oils, ships bunkers (ex lighterage) and f. o. b. refineries and terminals at Mobile, Alabama, shall be $1.10 a barrel.

§ 1340.158a *Effective dates of amendments.* * * *

(tt) Amendment No. 46 (§ 1340.159 (c) (6) (vii)) to Revised Price Schedule No. 88 shall become effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12134; Filed, November 19, 1942; 11:45 a. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9202.

[1] 7 F.R. 1107, 1371, 1798, 1799, 2132, 2304, 2352, 2634, 2945, 3116, 3166, 3482, 3524, 3552, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 5988, 5983, 6057, 6167, 6471, 6680, 7242, 7838, 8433, 8478, 8586, 8701, 8741, 8829.

[2] Maximum prices for sales of live and dressed turkeys by farmers, growers, or processors to commercial, governmental, and institutional users shall be calculated as provided for in § 1429.2 of this Maximum Price Regulation No. 269.

Part 1340—Fuel

[RPS 88,[1] Amendment 47]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1340.159 (c) (3), a new subdivision (x) is added and in § 1340.159 (c) (6), a new subdivision (viii) is added, as set forth below:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(c) *Specific prices.* * * *

(3) *Distillate fuel oils.* * * *

(x) *Louisiana and Texas Gulf Coast.* The maximum price for distillate Diesel Oil of 28° A. P. I. gravity and above, ships' bunkers (ex lighterage) on the Louisiana and Texas Gulf Coast shall be $1.65 per barrel.

* * * * *

(6) *Residual fuel oils.* * * *

(viii) *Louisiana and Texas Gulf Coast.* The maximum price for residual Diesel Oil of below 28° A. P. I. gravity ship's bunkers (ex lighterage) on the Louisiana and Texas Gulf Coast shall be $1.35 per barrel.

§ 1340.158a *Effective dates of amendments.* * * *

(uu) Amendment No. 47 (§ 1340.159 (c) (3) (x) and (c) (6) (viii)) to Revised Price Schedule No. 88 shall become effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12136; Filed, November 19, 1942; 11:45 a. m.]

Part 1394—Rationing of Fuel and Fuel Products

[Ration Order 11,[2] Amendment 9]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1394.5253 is renumbered § 1394.5253 (a), and a new paragraph (b) is added thereto; and a new paragraph (i) is added to § 1394.5902; as set forth below:

Heat and Hot Water Rations

§ 1394.5253 *Same; Establishment of consumption during base period; certifications as to purchases.* (a) * * *

(b) Each dealer or supplier who furnishes certifications specified in paragraph (a) of this section shall (in addition to any records required to be kept pursuant to Ration Order No. 11) retain at his place of business, for a period of at least one (1) year from the date of such certifications, all records on the basis of which such certifications were made.

Effective Date

§ 1394.5902 *Effective dates of corrections and amendments.* * * *

(i) Amendment No. 9 (§ 1394.5253) to Ration Order No. 11 shall become effective November 25, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, and 507, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562; Supp. Directive 1-O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 19th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12133; Filed, November 19, 1942; 11:44 a. m.]

Part 1420—Brewery and Distillery Products

[MPR 259,[1] Amendment 1]

DOMESTIC MALT BEVERAGES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1420.59 the term "§ 1420.66 (f)" is amended to read "§ 1420.66 (h)," in § 1420.66 (c) (1) the term "34 ounce bottles" is amended to read "32 ounce bottles", and in § 1420.66 (c) (2) the term "10 cents" in the last line is amended to read "9 cents", and paragraph (a), paragraph (b) (1) and paragraph (f) of § 1420.66 are amended and a new § 1420.65a is added, as set forth below:

§ 1420.66 *Appendix A*—(a) *For manufacturers and wholesalers.* The maximum price which a manufacturer may charge for a domestic malt beverage, except in 32 ounce containers (See § 1420.66 (f)) and the maximum price which a wholesaler may charge for a domestic malt beverage shall be the highest price charged by him for such domestic malt beverage during the period October 1 to 15, 1941 inclusive, plus the "permitted increase" set forth in the schedule of permitted increases in paragraph (c) (1) of this section, or the maximum price now established by such manufacturer or wholesaler under the pricing provisions of the General Maximum Price Regulation, plus the "permitted increase" for excise taxes only as specified in paragraph (c) (2) of this section.

(b) *For retailers.* (1) The maximum price which a retailer may charge for any domestic malt beverage, except "to be sold on draught", shall be the highest price charged by him for such domestic malt beverage during the period October 1 to 15, 1941 inclusive, plus the "permitted increase" set forth in the schedule of permitted increases in paragraph (c) (1) of this section, or the maximum price now established by such retailer under the pricing provisions of the General Maximum Price Regulation plus the "permitted increase" for excise taxes only as specified in paragraph (c) (2) of this section.

* * * * *

(f) *Method of determining manufacturer's maximum price for domestic malt beverages in 32 ounce containers.* The manufacturer's maximum price per case for domestic malt beverages in 32 ounce containers shall be

(1) The highest price per case charged by him for 12 ounce containers (after deducting any States taxes) during the period October 1 to 15, 1941, inclusive, multiplied by 1.22: *Provided,* That if, in accordance with (i) the pricing provisions of the General Maximum Price Regulation or (ii) any order heretofore issued by the Office of Price Administration, the percentage spread between the seller's maximum price per case for 32 ounce containers and the seller's maximum price per case for 12 ounce containers (determined by dividing the 32 ounce maximum price per case by the 12 ounce maximum price per case, after deducting any State taxes from both prices) is more or less than 1.22, the manufacturer's maximum price per case for 32 ounce containers shall be the maximum price per case for 12 ounce containers (after deducting any State taxes) during the period October 1 to October 15, 1941, inclusive, multiplied by such percentage spread instead of by 1.22. If the seller did not sell 12 ounce bottles, he shall use the nearest smaller size of container for the purposes of this subparagraph. The permitted increase specified in paragraph (c) (1) of this section and any State taxes may then be added to the result obtained; or

(2) The manufacturer's maximum price per case for 32 ounce containers established under the pricing provisions of the General Maximum Price Regulation plus the permitted increase specified in paragraph (c) (2) of this section.

* * * * *

§ 1420.65a *Effective dates of amendments.* (a) Amendment No. 1 (§ 1420.59, § 1420.66 (a), (b), (c) and (f) and § 1420.65a) of Maximum Price Regulation No. 259 shall become effective November 25, 1942.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1107, 1371, 1798, 1799, 2132, 2304, 2352, 2634, 2945, 3116, 3482, 3524, 3552, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 5983, 6057, 6167, 6471, 6680, 7242, 7838, 8433, 8478, 8586, 8701, 8741, 8829.

[2] 7 F.R. 8480, 8708, 8809, 8897, 9316.

[1] 7 F.R. 8950.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871).

Issued this 19th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12135; Filed, November 19, 1942; 11:45 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 143 Under § 1499.3 (b) of GMPR[1]]

RAMSEY PACKAGE COMPANY

The Ramsey Package Company, Suffolk, Virginia, made application under § 1499.3 (b) of the General Maximum Price Regulation for determination of maximum prices for a new product designated as "Ramsey's Victory Tub." Due consideration has been given to the application, and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration *It is ordered:*

§ 1499.1159 *Temporary approval of maximum prices for sale by Ramsey Package Company of "Ramsey's Victory Tub".* (a) On November 20, 1942, and for a period of 120 days thereafter, the Ramsey Package Company, Suffolk, Virginia, may sell and deliver, and any person may purchase from said company, the "Ramsey's Victory Tub", in any quantity, constructed according to the specifications set forth herein, at a price not higher than $2.32 per dozen, f. o. b. factory, free delivery by truck within 50 miles of the factory. The specifications of the "Ramsey's Victory Tub" are as follows:

> A one bushel export tub, made of solid fiber, with five piece stitched veneer bottom or solid wooden bottom, two wooden hoops and two fiber hoops and a flat or crown cover consisting of a solid fiber base with two double crossed veneer slats and a veneer hoop.

(b) If before the expiration of the 120 day period specified in paragraph (a), the Ramsey Package Company submits to the Office of Price Administration complete reports on costs and profits in connection with the manufacture and sale of "Ramsey's Victory Tub", the price set forth in paragraph (a) shall continue to be applicable until such time as the Office of Price Administration withdraws its approval or establishes a different price.

(c) This Order No. 143 may be revoked or amended at any time.

(d) This Order No. 143 (§ 1499.1159) shall become effective November 20, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12130; Filed, November 19, 1942; 11:44 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 103 Under § 1499.18 (b) of GMPR]

COCA-COLA BOTTLING COMPANY OF NEW YORK, INC.

Order No. 103 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-1974.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1004 *Adjustment of the maximum price for cases of Coca-Cola in bottles sold by The Coca-Cola Bottling Company of New York, Inc.* (a) The Coca-Cola Bottling Company of New York, Inc. (a Delaware corporation) 60 East 42nd Street, New York City, New York, authorized to do business in the State of New York may sell and deliver and the Union News Company and the Interborough News Company may buy and receive from the Applicant cases of Coca-Cola in bottles at a price not higher than eighty cents per case and otherwise in accordance with the terms of two contracts both dated April 27, 1942 between the petitioner and the respective news companies.

(b) The adjustment granted in paragraph (a) to the Coca-Cola Bottling Company of New York, Inc., is subject to the condition that the Coca-Cola Bottling Company of New York, Inc. shall notify in writing the Union News Company and Interborough News Company of this order within three days of the effective date thereof, enclosing copies of same. Copies of these letters shall be filed within fifteen days of the effective date of this order with the Office of Price Administration, Washington, D. C.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 103 (§ 1499.1004) may be revoked or amended by the Price Administrator, at any time.

(e) This Order No. 103 (§ 1499.1004) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 103 (§ 1499.1004) shall become effective November 20, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12131; Filed, November 19, 1942; 11:44 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 1,[1] Amendment 41, GMPR[2]]

UNFINISHED GRAPE WINE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1499.26 is amended by adding a new subparagraph (38) to paragraph (a) as set forth below:

§ 1499.26 *Exceptions for certain commodities, certain sales or deliveries and certain services.* (a) General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

* * * * *

(38) Unfinished grape wine produced in accordance with sections 3032, 3036, and 3044 of the Internal Revenue Code when sold or delivered to any Federal bonded winery within the state of production for further cellar treatment and finishing.

(e) *Effective date.* * * *

(42) Amendment No. 41 (§ 1499.26 (a) (38)) shall become effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12132; Filed, November 19, 1942; 11:44 a. m.]

Chapter XV—Board of War Communications

[Order No. 25-A,[3] Rev. 1]

PART 1720—TELEGRAPH SERVICE

SPEED OF SERVICE FOR FULL-RATE MESSAGES, ETC.

Whereas, The Board of War Communications on July 3, 1942, requested the Federal Communications Commission to investigate the service being rendered in the telegraph field; and

Whereas, The Commission by its Order No. 103[4] dated July 7, 1942, undertook such an investigation into telegraph service and has forwarded its report together with its recommendations; and

Whereas, The Board of War Communications has determined that the national defense and security and the successful conduct of the war demand that immediate steps be taken to the end that the domestic telegraph industry shall be more closely geared to the war effort;

Now, therefore, by virtue of the authority vested in the Board by Executive Order No. 9089 of March 6, 1942, prescribing regulations governing the use, control, supervision and closing of stations and facilities for wire communications; *It is hereby ordered as follows:*

Sec.
1720.1 Speed of service for full-rate messages; office drag; routing time.
1720.2 Priorities for the handling of traffic.
1720.3 Standard for minimum use to control installation of teleprinter equipment.
1720.4 Leasing of telegraph circuits.
1720.5 Elimination of unnecessary circuits, facilities, and offices.
1720.6 Discontinuance of non-telegraphic services.
1720.7 Discontinuance of holiday greeting and congratulatory messages.
1720.8 Franks, deadhead and free service messages.
1720.9 Periodic reports of current state of telegraph service.

AUTHORITY: §§ 1720.1 to 1720.9, inclusive, issued under E.O. 9089, 7 F. R. 1777.

§ 1720.1 *Speed of service for full-rate messages; office drag; routing time.* The domestic telegraph carriers should strive to attain the following service objectives in the handling of full-rate messages:

(a) In each office the office drag (the interval between the time a message first reaches the operating room [digit time] and the completion of transmission at that operating room) shall average no more than seven minutes for at least 95 percent of the messages received in such office each hour and the office drag shall not exceed 15 minutes for any message in such 95 percent.

(b) Present routing times for business messages to be delivered by messenger shall be reduced 33⅓ percent.

§ 1720.2 *Priorities for the handling of traffic.* The Federal Communications Commission is requested and authorized to develop a plan for revising the present system of priorities for the handling of urgent essential traffic, both governmental and non-governmental, and to report its specific recommendations to the board.

§ 1720.3 *Standards for minimum use to control installation of teleprinter equipment.* The Federal Communications Commission is requested and authorized to prepare standards of minimum use to control present and future installations of teleprinter equipment for telegraph users including exemptions for equipment which serves a military necessity or a vital public need which cannot otherwise be met, and to report such standards to the board together with its specific recommendations for regulation of such installations.

§ 1720.4 *Leasing of telegraph circuits.* The Federal Communications Commission is requested and authorized to formulate basic principles for regulating the present and future leasing of telegraph circuits to the end that no needed facilities shall be used for non-essential purposes, and to report such principles to the board together with its specific recommendations for regulation of such leasing.

§ 1720.5 *Elimination of unnecessary circuits, facilities, and offices.* The Federal Communications Commission is requested to study the possibilities for the elimination of unnecessary circuits, facilities and offices and to report to the board its recommendations for closure of any such specific circuits, facilities or offices.

§ 1720.6 *Discontinuance of non-telegraphic services.* Effective December 15, 1942, domestic telegraph carriers shall discontinue all non-telegraphic services including but not limited to, messenger, errand, distribution, remittance, installment payments, and shopping service, sale of traveler's checks, sale of mail money orders, and acceptance of express packages: *Provided, however,* That at any time prior to November 25, 1942, the Board will receive objections to discontinuance of any such non-telegraphic service together with a statement of reasons and upon the filing of any such objections the board may give further consideration to the requirements of this paragraph.

§ 1720.7 *Discontinuance of holiday greeting and congratulatory messages.* Effective December 15, 1942, no domestic telegraph carrier shall accept for transmission any message both originating at and addressed to points within the continental United States of felicitation or congratulation, including but not limited to, greetings for Christmas, New Year, Easter, Father's Day, Jewish New Year, Mother's Day, Thanksgiving, Valentine's Day, congratulations on the birth of a child, graduations, weddings, anniversaries and birthdays: *Provided, however,* That at any time prior to November 25, 1942, the Board will receive objections to the provisions of this paragraph and upon the filing of any such objections the board may give further consideration to the requirements of this paragraph.

§ 1720.8 *Franks, deadhead and free service messages.* The Federal Communications Commission is requested and authorized to develop a plan for the curtailment of the use of franks and deadhead messages and the elimination of "free service" messages and to report its specific recommendations to the board.

§ 1720.9 *Periodic reports of current state of telegraph service.* Three months after the date of this Order and periodically each three months thereafter the Commission is requested to report to the Board the current state of service being rendered by the telegraph industry together with any recommendations for improvement of such service in the interest of the war effort.

Subject to such further order as the board may deem appropriate.

BOARD OF WAR COMMUNICATIONS,
JAMES LAWRENCE FLY, *Chairman.*

Attest: November 12, 1942.

HERBERT E. GASTON,
Secretary.

[F. R. Doc. 42-12118; Filed, November 19, 1942; 10:13 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Order ODT 17, Amendment 2]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART K—MOTOR CARRIERS OF PROPERTY

Pursuant to Executive Order No. 8989 and Executive Order No. 9156, subparagraph (1), paragraph (a), § 501.70, and § 501.72, General Order ODT 17, as amended,[1] are hereby amended to read as follows:

§ 501.70 *Exemptions.* (a) * * *

(1) Any motor truck while actually transporting exclusively any explosive listed in Part 2 of "Regulations for Transportation of Explosives and Other Dangerous Articles"[2] promulgated and published by the Interstate Commerce Commission by order of August 16, 1940, effective January 7, 1941, in Docket No. 3666, as amended, pursuant to the provisions of Title 18, section 383, U. S. Code, including explosives, materials and accessories, such as ammunition, black powder, low explosives, liquid nitroglycerine, fireworks, smokeless powder, cordeau detonant, fuzes, igniters or primers, and in addition blasting agents and blasting accessories necessary for the use of any of said explosives; *Provided, however,* That nothing contained in this subparagraph shall be so construed as to relieve any motor carrier from any rule, regulation or order of the Interstate Commerce Commission or other requirement of law pertaining to the transportation exempted hereby;

* * * * *

§ 501.72 *Submission of plans for joint action.* (a) All joint and collective action taken by motor carriers with respect to local delivery service, and all joint and collective action taken by private carriers by motor truck with respect to over-the-road service, in compliance with this subpart shall be in conformity with the terms and provisions of the joint statement issued by the Office of Defense Transportation and the Department of Justice, dated March 12, 1942, relative to local delivery service by motor vehicle. In accordance with such statement, proposed plans for pooled or cooperative deliveries, for curtailing services, or for entering into other arrangements involving joint action may, if desired, be submitted to the Office of Defense Transportation for consideration and approval, but action taken in furtherance of such plans shall not require the prior approval of the Office of Defense Transportation by order or otherwise. In order, however, that the Office of Defense Transportation may be informed concerning plans which have been or hereafter are placed in operation, a copy of each such plan shall be filed with the Office of Defense Transportation, Washington, D. C.

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[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3158, 3488, 3892, 4183, 4410, 4428, 4487, 4488, 4493, 4669, 5066, 5192, 5276, 5366, 5484, 5984, 5606, 5717, 5942, 6082, 6473, 6685, 7011, 7250, 7317, 7598, 7604, 7739, 8336, 8652, 8798, 8930, 8833, 9082, 9131.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942.

[3] 7 F.R. 9256.

[4] 7 F.R. 5255.

[1] 7 F.R 5678, 7694.

[2] 5 F.R. 4905.

(b) Whenever joint action between two or more motor carriers, other than private carriers by motor truck, is contemplated with respect to over-the-road service in order to accomplish any of the purposes of this subpart, such carriers may formulate and submit to the Office of Defense Transportation for consideration a plan or plans designed to accomplish such purposes. No action, however, shall be taken in furtherance of such plan or plans except in compliance with a specific order or orders issued by the Office of Defense Transportation.

This amendment shall become effective on November 20, 1942.

(E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349)

Issued at Washington, D. C., this 19th day of November 1942.

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 42-12122; Filed, November 19, 1942; 11:03 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-339]

CALLAHAN MINING COMPANY

NOTICE OF AND ORDER FOR HEARING

In the matter of Homer W. Callahan and Elizabeth Sheen Callahan, individually and as co-partners, doing business under the name and style of Callahan Mining Company, Code Member.

A complaint dated October 12, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on October 15, 1942, by Bituminous Coal Producers Board for District No. 4, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Homer W. Callahan and Elizabeth Sheen Callahan, individually and as co-partners doing business under the name and style of Callahan Mining Company, (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 14, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Stark County Court House, Canton, Ohio.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that Homer W. Callahan and Elizabeth Sheen Callahan, individually and as co-partners doing business under the name and style of Callahan Mining Company, Code Member, of R. F. D. No. 5, Salem, Ohio, operating the Callahan Mine, Mine Index No. 1368, located in Columbiana County, Ohio, District No. 4, has violated the Act, the Code and rules and regulations thereunder by failing and refusing to file with the Statistical Bureau for District No. 4 at Cleveland, Ohio, within five days after the end of each month, for each month commencing with January 1941 to, and including, October 12, 1942, either a copy of all truck tickets, sales slips or invoices for each sale of coal produced at the above-named mine and shipped therefrom to various purchasers giving the information required by section III (b) of Order No. 307 dated December 11, 1940, or a listing of each of such sales giving the information required by section III (b) of said Order No. 307, resulting in violations of Order No. 309, dated January 14, 1941, and section 4 II (a) of the Act and Part II (a) of the Code.

Dated: November 17, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12088; Filed, November 18, 1942; 3:03 p. m.]

[Docket No. B-340]

HILTON AND SONS

NOTICE OF AND ORDER FOR HEARING

In the matter of Robert Hilton, Robert Hilton, Jr., Walter T. Hilton and Alfred Hilton, individually and as co-partners, doing business under the name and style of Hilton and Sons, Code Member.

A complaint dated October 12, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on October 15, 1942, by Bituminous Coal Producers Board for District No. 4, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Robert Hilton, Robert Hilton, Jr., Walter T. Hilton and Alfred Hilton, doing business under the name of Hilton and Sons, (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 14, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Stark County Court House, Canton, Ohio.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other

duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical Bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that Robert Hilton, Robert Hilton, Jr., Walter T. Hilton and Alfred Hilton, individually and as co-partners doing business under the name and style of Hilton and Sons, a Code Member, whose address is Box 52, New Philadelphia, Ohio, operating the Hilton Mine, Mine Index No. 1813, located in Dover Township, Tuscarawas County, Ohio, in Subdistrict No. 4 of District No. 4, has violated section 4 II (e) of the Act and Part II (e) of the Code, promulgated thereunder, by selling and delivering coal produced at said mine to the City Coal Company of Akron, Ohio, f. o. b. the mine, for Truck Shipment, during the period of October 20, 1941 to February 21, 1942, both dates inclusive, as follows:

Approximately 35.525 net tons of 2'' nut and slack coal (Size Group 7) at $1.40 per net ton f. o. b. the mine; 24.05 net tons of 2'' nut and slack coal (Size Group 7) at $1.50 per net ton f. o. b. the mine; 51.84 net tons of 2'' lump coal (Size Group 3) at $2.35 per net ton f. o. b. the mine; 21.46 net tons of nut coal (Size Group 6) at $1.75 per net ton f. o. b. the mine; and 56.575 net tons of mine run coal (Size Group 6) at $1.90 per net ton f. o. b. the mine, whereas the effective minimum prices f. o. b. said mine were $1.90 per net ton for 2'' nut and slack coal (Size Group 7), $2.50 per net ton for 2'' lump coal (Size Group 3), and $2.20 per net ton for 2'' nut and mine run coal (Size Group 6), as set forth in the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipment.

Dated: November 17, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12087; Filed, November 18, 1942; 3:03 p. m.]

Bureau of Mines.

F. N. MILLER

PROCEEDING FOR REVOCATION OF LICENSE

To: F. N. Miller, Greenville, Plumas County, California; order revoking license and directing its surrender.

Based upon the records in this matter, I, R. R. Sayers, Director of the Bureau of Mines, make the following findings of fact:

1. On October 16, 1942, a specification of charges against you, setting forth a violation of the regulations issued pursuant to the Federal Explosives Act (55 Stat. 863) of which you were accused, was mailed to you at the above named, your last known, address, giving you notice to mail an answer within 15 days if you wished to be heard on the charge against you.

2. More than 25 days have elapsed since the giving of said notice. The length of time required for mail to be delivered to the office of the Bureau of Mines, Washington, D. C., from Greenville, California, does not exceed 6 days. You have failed to answer the charge against you.

3. The charge against you is true.

Now, therefore, by virtue of the authority vested in me by sections 8 and 18 of the Federal Explosives Act (55 Stat. 863) and § 301.22 of the regulations thereunder (7 F.R. 5901):

It is hereby ordered, That the vendor's license heretofore issued to you under the Federal Explosives Act (55 Stat. 863), be and it is hereby revoked;

And it is further ordered, That you shall immediately surrender said license and all certified or photostatic copies thereof, if any, by delivering or mailing the same to the Director of the Bureau of Mines, Interior Department, Washington, D. C.

This order is effective on and after its date, except that you will be allowed 10 days thereafter within which to sell or otherwise dispose of explosives or ingredients thereof now on hand to persons licensed under the Federal Explosives Act and in accordance with the provisions of the act and the regulations thereunder. This exception does not authorize you to use explosives or ingredients thereof on hand, nor does it authorize you to purchase or otherwise acquire explosives or ingredients thereof.

Failure to comply with any of the provisions of this order will constitute a violation of the Federal Explosives Act, punishable by a fine of not more than $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

Dated: November 13, 1942.

R. R. SAYERS,
Director.

[F. R. Doc. 42-12116; Filed, November 19, 1942; 9:52 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of Special Certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27 ,1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective November 19, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Brownstown Mfg. Co., Brownstown, Pennsylvania; Ladies' slips; 10 percent (T); November 19, 1943.

Fawn Grove Mfg. Co., Fawn Grove, Pennsylvania; Men's work shirts, overalls and work pants; 5 learners (T); November 19, 1943.

The Fessenden Shirt Co., Inc., 9–11 Field Court, Kingston, New York; Army officer's shirts, civilian shirts—men's; 11 learners (T); November 19, 1943.

Goldstein & Levin, 232 Levergood St., Johnstown, Pennsylvania; Dresses and skirts; 10 percent (T); November 19, 1943.

Hickory Overall Co., 902 Federal St., Hickory, North Carolina; Work clothing, trousers for army; 10 learners (T); November 18, 1943. (This certificate became effective November 18, 1942).

Irwin Mfg. Co., Highland St., New Albany, Mississippi; Civilian sport and work shirts and navy work shirts; 10 percent (T); November 19, 1943.

Jacobs Brothers, 103 Jefferson St., Hoboken, New Jersey; Children's shirt and jacket sets, playsuits, children's coats; 9 learners (T); May 11, 1943. (This certificate replaces the one bearing the expiration date of May 11, 1943).

Knothe Brothers Co., Inc., 3605 Hickory Ave., Baltimore, Maryland; Men's pajamas and night shirts; 10 percent (T); November 19, 1943.

S. Liebovitz & Sons, Inc., Mechanicsburg, Pennsylvania; Men's & boys' pajamas; 10 percent (T); November 19, 1943.

Manny-Rielly Co., Inc., River St., Valatie, New York; Inexpensive boys' knit shirts & inexpensive women's knit underwear; 5 learners (T); November 19, 1943.

Newport Dress Factory (Morris R. Smarr), 28 South 3rd St., Newport, Pennsylvania; Children's wash dresses and blouses; 10 learners (T); November 19, 1943. (This certificate replaces the one for 10 percent bearing the expiration date of November 2, 1943).

Nuckasee Mfg. Co., 121 W. Broad St., Greenville, South Carolina; Dress shirts, sport shirts, underwear and army shirts; 10 percent (T); November 19, 1943.

Oberman & Co., Fayetteville, Arkansas; Men's & boys' separate pants and shirts; 10 percent (T); November 19, 1943.

Robinson & Co., 410 E. Main St., Patchogue, New York; Juvenile garments; 10 learners (T); November 19, 1943.

Rutherford Garment Co., Rutherford, Tennessee; Wool jackets and mackinaws; 10 percent (T); November 19, 1943.

Slatington Dress Co., Inc., Cherry St., Slatington, Pennsylvania; Misses' & Ladies' dresses; 10 learners (T); November 19, 1943.

Sterling Garment Corp., 301 W. Wallace St., Sterling, Illinois; Men's cotton work pants; 10 percent (T); November 19, 1943.

Sun Mfg. Co., 12th & Penn Sts., St. Joseph, Missouri; U. S. Army shirts and civilian work shirts; 10 percent (T); November 19, 1943.

Superior Sewing Co., 239 N. George St., York, Pennsylvania; Dress shirts and khaki shirts; 5 learners (T); November 19, 1943.

The Van Wert Mfg. Co., 201 E. Main St., Van Wert, Ohio; Men's pants (work, dress and slacks), overalls, coversuits, utility jackets, work shirts; 10 percent (T); November 19, 1943.

Watson Shirt Co., Barclay St., Salisbury, Maryland; Men's dress shirts; 10 percent (T); November 19, 1943.

Weaver Pants Corp., Foote & Polk Sts., Corinth, Mississippi; Men's single pants; 10 percent (T); November 19, 1943.

Glove Industry

Chippewa Glove Co., Chippewa Falls, Wisconsin; Work gloves; 10 percent (T); November 19, 1943.

Hosiery Industry

Alabama Hosiery Mills, Inc., 6th Ave. & 11th St., Decatur, Alabama; Full-fashioned hosiery; 5 percent (T); November 19, 1943.

Baker-Cammack Hosiery Mills, Inc., Webb Ave., Burlington, North Carolina; Seamless hosiery; 5 percent (T); November 19, 1943.

Bales Hosiery Corp., 2562 English St., High Point, North Carolina; Seamless hosiery; 5 learners (T); November 19, 1943.

Barber Hosiery Mills, Inc., South Main St., Mt. Airy, North Carolina; Seamless hosiery; 5 percent (T); November 19, 1943.

D S & W Hosiery Co., 1130 Moss St., Reading, Pennsylvania; Seamless hosiery; 5 percent (T); November 19, 1943.

Galax Knitting Co., Inc., Virginia St., Galax Virginia; Seamless hosiery; 5 percent (T); November 19, 1943.

Hub Hosiery Mills, Perkins St., Lowell, Massachusetts; Seamless hosiery; 5 percent (T); November 19, 1943.

W. E. Isle Co., 1121 Grand Ave., Kansas City, Missouri; Seamless hosiery; 3 learners (T); November 19, 1943.

Jackson Hosiery Mills, Inc., English St., High Point, North Carolina; Seamless hosiery; 5 learners (T); November 19, 1943.

Melrose Hosiery Mills, Inc., English St., High Point, North Carolina; Seamless and full-fashioned hosiery; 5 percent (T); November 19, 1943.

Knitted Wear Industry

Belle Knitting Corp., 703 S. Elmer St., Sayre, Pennsylvania; Knitted underwear and commercial knitting; 5 percent (T); November 19, 1943.

Kingston Knitting Mills, Inc., 141 Cornell St., Kingston, New York; Knitted outerwear; 5 percent (T); November 19, 1943.

Textile Industry

Bonita Ribbon Mills, 502 Mill St., Brewton, Alabama; Cotton and rayon; 3 percent (T); November 19, 1943.

Darlington Mfg. Co., Pearl St., Darlington, South Carolina; Cotton; 3 percent (T); November 19. 1943.

Duplan Corp., Mulberry St., Berwick, Pennsylvania; Yarn and thread; 3 percent (T); November 19, 1943.

The Duplan Corp., Washington St., Nanticoke, Pennsylvania; Yarn & thread; 3 percent (T); November 19, 1943.

The Duplan Corp., Diamond Ave., Hazelton, Pennsylvania; Thread; 3 percent (T); November 19, 1943.

The Duplan Corp., Eley St., Kingston, Pennsylvania; Thread; 3 percent (T); November 19, 1943.

Duplan Silk Corp., Grottoes, Virginia; Thread; 3 percent (T); November 19, 1943.

Hofmann & Leavy, Inc., 826 Broadway, New York, New York; Rayon covered wooden moulds; 3 learners (T); May 19, 1943.

The Kendall Co., Wateree Plant, Camden, South Carolina; Cotton; 3 percent (T); November 19, 1943.

Wauregan-Quinebaug Mills, Inc.; South Walnut St., Wauregan, Connecticut; Spinning and weaving yarns; 3 percent (T), November 19, 1943.

Signed at New York, N. Y., this 17th day of November 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42–12121; Filed, November 19, 1942; 11:08 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–617]

MINNESOTA UTILITIES CO. AND AMERICAN UTILITIES SERVICE CORP.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 16th day of November, A. D. 1942.

American Utilities Service Corporation, a registered holding company, and its subsidiary, Minnesota Utilities Company, having filed declarations pursuant to sections 12 (c) and 12 (d) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-44 and U-62 promulgated thereunder, regarding the following transactions:

Minnesota Utilities Company proposes to enter into an agreement for the sale of the electric properties comprising its Root River Division, located in the counties of Fillmore and Huston in the State of Minnesota, to Tri-County Electric Cooperative and Dairyland Power Cooperative for the sum of $386,000 in cash, subject to certain adjustments. It is contemplated that said sale and purchase will be consummated on or before December 1, 1942, but in no event later than December 31, 1942. The proceeds of said sale will be used by Minnesota Utilities Company in the partial payment of its note indebtedness to its parent, American Utilities Service Corporation. American Utilities Service Corporation will deposit the sum received from Minnesota Utilities Company, estimated to be approximately $386,000, with Continental Illinois National Bank and Trust Company of Chicago, Trustee under the Indenture securing its Collateral Trust 6% Bonds, Series A. American Utilities Service Corporation plans to use $36,000 of said $386,000 for investment in additional securities of operating companies remaining in the system and will request the Trustee to advertise for tenders of $350,000 of said Collateral Trust 6% Bonds, Series A, to be purchased at the option of American Utilities Service Corporation with the "release moneys" so held by the Trustee. It is contemplated that publication and mailing of notices will be completed prior to December 31, 1942, but in no event later than February 1, 1943.

Said declarations having been filed on October 24, 1942, and notice of said filing having been duly given in the form and manner prescribed in Rule U–23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declarations within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declarations to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U–24 that the aforesaid declarations be, and hereby are, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–12086; Filed, November 18, 1942; 2:37 p. m.]

NOV 2 2 1942

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

VOLUME 7 NUMBER 229

Washington, Saturday, November 21, 1942

The President

EXECUTIVE ORDER 9273

AMENDMENT OF EXECUTIVE ORDER NO. 8910 OF SEPTEMBER 27, 1941, AND EXECUTIVE ORDER NO. 9160 OF MAY 11, 1942, TRANSFERRING JURISDICTION OVER CERTAIN LANDS FROM THE SECRETARY OF AGRICULTURE TO THE SECRETARY OF THE NAVY

INDIANA

WHEREAS by Executive Order No. 8910 of September 27, 1941,[1] and Executive Order No. 9160 of May 11, 1942,[2] certain lands in the Martin County and White River Land Utilization Projects in Indiana of the Department of Agriculture, upon recommendation of the Secretary of Agriculture, were transferred to the Secretary of the Navy for national defense purposes; and

WHEREAS it is deemed desirable to amend the aforesaid Executive Orders by adding to the lands transferred thereunder certain other lands acquired or in process of acquisition by the United States in connection with the aforesaid projects:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 32 of Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 525), and upon the recommendation of the Secretary of Agriculture, it is ordered that the aforesaid Executive Orders No. 8910 and No. 9160, be, and the same are hereby amended by adding to the lands transferred thereunder all lands within the following-described areas which have been acquired or are in process of acquisition by the United States under the provisions of the Emergency Relief Appropriation Act, approved April 8, 1935 (49 Stat. 115), and Title III of the said Bankhead-Jones Farm Tenant Act:

T. 4 N., R. 4 W.,
  sec. 32, NW¼SW¼.
T. 4 N., R. 5 W.,
  sec. 1, That portion of SE¼SE¼, beginning at the SE Corner thereof and running West 15 rods, North 30 rods, thence East 15 rods, and South 30 rods to place of beginning;
  sec. 12, That portion of NE¼NE¼ beginning at the NE Corner thereof, running South 24 rods, West 15 rods, North 24 rods, and East 15 rods to the place of beginning.
T. 5 N., R. 3 W.,
  sec. 21, NE¼, NE¼NW¼, and E½SE¼;
  secs. 22, 23, 24, 27 and 28, All.

Provided, however, That the Secretary of Agriculture shall retain such jurisdiction over the said lands now in the process of acquisition by the United States as may be necessary to enable him to complete their acquisition.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 18, 1942.

[F. R. Doc. 42-12138; Filed, November 19, 1942; 2:32 p. m.]

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[1] 6 F.R. 4963.

[2] 7 F.R. 3541.

Regulations

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

PART 411—1942 COTTON CROP INSURANCE CONTRACT REGULATIONS

CERTIFICATES OF INDEMNITY

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, approved February 16, 1938, as amended, the 1942 Cotton Crop Insurance Contract Regulations are amended to read as follows:

Section 411.13[1] (e) of said regulations is amended to read as follows:

(e) The expiration date of the certificate of indemnity shall be July 15 of the year following the year in which the cotton is planted, or ninety days after the date of issuance of the certificate, whichever is later. If any of these dates falls on other than a business day, the next following business day shall apply. (Secs. 506 (e) and 516 (b), 52 Stat. 73, 77; 7 U.S.C. 1506 (e), 1516 (b))

(Continued on next page)

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[1] 6 F.R. 6441.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Adopted by the Board of Directors on July 3, 1942.

[SEAL] FRED WALLACE,
Acting Chairman of the Board.

Approved: November 20, 1942.

GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-12152; Filed, November 20, 1942; 11:17 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 246]

ADMISSION OF ARMY PERSONNEL TO PILOT'S COMPARTMENT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of November 1942.

It appearing that:

(a) Certain pilot personnel of the United States Army have been assigned to the air carriers for training in multi-engine aircraft and operational procedures; and

(b) While such personnel were assigned for training in cargo operation, such operations are insufficient to permit the training of the personnel so assigned; the Board finds that:

Its action is desirable in the public interest and is necessary for the furtherance of the war effort;

Now therefore, the Civil Aeronautics Board acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, makes and promulgates the following special regulation, effective immediately:

Notwithstanding any provision of the Civil Air Regulations to the contrary, personnel of the Armed Forces holding a rating as pilot or naval aviator, assigned to an air carrier for training, may be admitted to the pilot's compartment of air carrier aircraft in scheduled or nonscheduled flight and may manipulate the controls: *Provided*, That a regularly assigned crew, holding the proper certificates and ratings, is aboard: *And provided further*, That such operations shall not interfere with the carriage of air carrier inspection personnel of the Administrator in the performance of their official duties.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-12143; Filed, November 20, 1942; 10:42 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter C—Miscellaneous Excise Taxes

[T.D. 5182]

PART 190—RECTIFICATION OF SPIRITS AND WINES [1]

BOTTLING AND LABELING

Pursuant to sections 2801 (e) (1) and 3176 Internal Revenue Code, Regulations 15 (26 CFR, Part 190) is amended as follows:

Section 190.451 is amended to read as follows:

§ 190.451 *Marking, branding, and labeling.* Except as provided in Articles XVa and XLIVa the spirits will be marked, branded, and labeled under the individual or corporate name or trade name or style in which the rectifying plant is being operated.*

And by adding the following additional articles:

Article XVa—Requirements Governing the Bottling and Labeling of Spirits and Wines Under a Trade Name

§ 190.117a *General.* The proprietor of a rectifying plant must bottle and label spirits and wines under the real name or the trade name in which the rectifying plant is operated: *Provided*, That the proprietor may bottle and label spirits or wines under names other than the real or trade name in which the rectifying plant is operated, upon compliance with the following requirements:

(a) *Permit.* The rectifier must be in possession of a Federal Alcohol Administration Act basic permit or permits authorizing the bottling and labeling of spirits or wines under the name or names in which he desires to so label the bottled spirits or wines.

(b) *Notice Form 27-B.* Submit to the District Supervisor an amended notice on Form 27-B, in triplicate, reciting on a rider the name or names which will be used on labels for the bottled spirits or wines. The rider will be entitled "Names under which spirits or wines will be bottled and labeled" and will be attached to the bottom of page 3 of Form 27-B. Such amended notice must be submitted to the Commissioner before the spirits may be bottled and labeled under such name or names.*

Article XLIVa—Bottling and Labeling of Spirits and Wines Under an Approved Name or Names

§ 190.466a *Qualifications of rectifier.* Whenever the rectifier desires to bottle and label spirits or wines under a name or names other than the real name or trade name in which the rectifying plant is operated, he must procure approval of such names in the manner prescribed in Article XVa, prior to bottling and labeling spirits or wines under such name or names. The storekeeper-gauger will not authorize the bottling and labeling of spirits or wines under a name or names which are not listed on a notice, Form 27-B, the original of which has been received by the Commissioner.*

§ 190.466b *Notice, Form 27-B, to Commissioner.* Upon procurement of permit and filing of notice on Form 27-B and receipt thereof by the Commissioner showing the name or names under which spirits or wines will be bottled and labeled, such name or names may be used by the rectifier, and he may so bottle and label the particular lot of spirits or wines covered by Form 230 or Form 237, as the case may be, in accordance with § 190.466c, without filing an amended notice on Form 27-B or changing the name under which the rectifying plant is then qualified and operated.*

§ 190.466c *Bottling.* Before bottling spirits or wines under a name or names other than the real name or trade name in which the rectifying plant is operated, the rectifier shall state on Form 230 or Form 237, as the case may be, his desire to bottle and label the particular lot of spirits or wines covered by the form under such name or style, and upon approval of the form in the usual manner, he may so bottle and label the particular spirits covered by Form 230 or Form 237, as the case may be.*

---

[1] The asterisk at the end of sections refers to sections 2801 (e) (1) and 3176 of the Internal Revenue Code.

§ 190.466d *Marking, branding, and labeling.* The spirits or wines which are bottled and labeled under a name or names other than the real name or trade name in which the rectifying plant is operated will be marked, branded, and labeled, as otherwise prescribed by the provisions of these regulations: *Provided*, That if the rectifier is bottling and labeling spirits or wines under a name other than the one in which the plant is operated, he may not use such terms as "Blended by," "Produced by," etc., on the labels.*

§ 190.466e *Records.* Separate records on Forms 39, 45, and 182, and on Record 64 will not be required for the bottling and labeling of spirits or wines under a name other than the real name or trade name in which the rectifying plant is operated.

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: November 18, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-12139; Filed, November 19, 1942; 3:44 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1712]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT No. 10

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 10 for the establishment of price classifications and minimum prices for certain mines in District No. 10.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 10.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: November 10, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.														
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
SECTION No. 4																		
FULTON COUNTY																		
Williams, Fred F., & Son (Fred F. Williams)	1608	Fred Williams	....	260	255	250	240	235	230	190	170	165	160	160	160	130	120	65
SECTION No. 5																		
GREENE COUNTY																		
Bateman, Clem	1609	Bateman	2	260	255	250	240	235	230	175	170	165	160	160	160	130	120	65
SCHUYLER COUNTY																		
Cox, Aris R	1602	Cox	2	260	255	250	240	235	230	175	170	165	160	160	160	130	120	65
Knight, Troy	1610	Knight's Strip	2	260	255	250	240	235	230	175	170	165	160	160	160	130	120	65

[F. R. Doc. 42-12119; Filed, November 19, 1942; 10:18 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Order No. 68]

NORWICH STATE HOSPITAL PROJECT

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Norwich State Hospital Project to be work of national importance, to be known as Civilian Public Service Camp No. 68. Said project, located at Norwich, New London County, Connecticut, will be the base of operations for work at the Norwich State Hospital, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Norwich State Hospital Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Norwich State Hospital, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Norwich State Hospital. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

NOVEMBER 18, 1942.

[F. R. Doc. 42-12153; Filed, November 20, 1942; 11:19 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-148]

H. E. ADAMS

H. E. Adams of Hayward, California, operates a tourist camp and owns a tract of land in Hayward. After September 7, 1942, without the authorization of the Director General for Operations, H. E. Adams sold and caused to be delivered material which he knew would be used in order to begin construction of fourteen residential buildings in Hayward, California, having an estimated cost of more than $200.00 each. Such material was used by other persons in order to begin construction of such residential buildings. The sale and delivery of this material by H. E. Adams constituted violations of Conservation Order L-41.

These violations of Conservation Order L-41 have hampered and impeded the war effort of the United States by diverting scarce materials to uses prohibited by the War Porduction Board. In view of the foregoing facts; *It is hereby ordered*, That:

§ 1010.148 *Suspension Order No. S–148.* (a) Deliveries of material to H. E. Adams, his successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocations shall be made to H. E. Adams, his successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) No application for authorization to begin construction of any house, building, structure or project filed by H. E. Adams shall be granted by the War Production Board, except in connection with the fifteen houses located at Hayward, California, in the block bounded by Twelfth Street, Thirteenth Street, Niles Road and Tennyson Road, on which construction has heretofore been begun.

(d) This order shall take effect on November 24, 1942, and shall expire on May 24, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12137; Filed, November 19, 1942; 1:52 p. m.]

PART 921—ALUMINUM

[Supplementary Order M-1-i as Amended November 20, 1942]

Whereas, national defense requirements have created a shortage of aluminum; and

Whereas, the restrictions and requirements relating to the use of aluminum hereinafter set forth are necessary to conserve the supply and direct the distribution thereof in the interest of national defense;

Now, therefore, it is ordered, That:

§ 921.11 *Supplementary Order M–1–i*—(a) *Certain orders superseded.* This supplementary order supersedes § 921.7 *Supplementary Order M–1–e* and § 921.8 *Supplementary Order M–1–f* and all amendments to said orders.

(b) *Definitions.* For the purposes of this order:

(1) "Aluminum" means any material the principal individual ingredient of which by either weight or volume is metallic aluminum, in ingot or similar raw form or drosses or in the form of finished or semifinished parts, assemblies, or products of any kind; but not including aluminum scrap as defined in Supplementary Order M–1–d, or aluminum pigment or aluminum paint as defined in Supplementary Order M–1–g.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(3) "Producer" means the Aluminum Company of America, the Reynolds Metal Company, the Olin Corporation, and any other person who may be so designated by the Director.

(4) "Fabricator" means any person who manufactures basic aluminum products, such as, but not limited to, sheet, plate, wire, rod, bar, rolled shapes, extruded shapes, tubing, tube blooms, redraw tubing, pipe, rivets, forgings, castings, impact extrusions, foil or powder.

(5) "Use aluminum in manufacture" means to melt, roll, forge, cast, extrude, draw, turn spin, fabricate, produce or process in any other way to assemble, to incorporate in assemblies, or to consume or otherwise use in the course of manufacture, any aluminum; but does not include the installation of a finished product or repair part for the ultimate consumer.

(6) "Low grade aluminum" means aluminum which contains copper in excess of 4% by weight, and either iron or zinc in excess of 1% by weight.

(7) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armanent and weapons, ships, tanks, and vehicles), and prescribed for field or combat use by the Army or Navy of the United States; also parts, assemblies, and materials to be physically incorporated in any of the foregoing items. This term does not include facilities or equipment used to manufacture the foregoing items, nor does it include any other equipment required by the armed forces, whether or not used in combat and field operations, which is not declared to be essential to the successful prosecution of the war, by the Army and Navy Munitions Board.

(8) "Director" means Director General for Operations.

(c) *Allocation of aluminum.* Allocation of aluminum will be made by the Director in the interest of war production by approval of an application on the applicable Form of the PD–26 Series (hereinafter referred to as Form PD–26).

(d) *Delivery and use.* Except as authorized, subsequent to October 31, 1941, pursuant to an allocation on Form PD–26 or other specific authorization of the Director, (1) no producer, smelter or fabricator shall deliver any aluminum, and (2) no person shall accept the delivery of any aluminum from any producer, smelter or fabricator or use any aluminum in manufacture.

(e) *Application for allocation of aluminum.* Each producer, smelter, fabricator, or such other person as the Director may designate, seeking an authorization required by this order for any month shall file a Form PD–26 for such month, on or before the 15th day of the second preceding month. Except where the customer is required to file an application on Form PD–26, no item shall be included unless the customer, on or before the 5th day of the second preceding month (1) shall have definitely requested the delivery thereof in such month, and (2) shall have filed with his purchase order, information as to the exact part to be made from the aluminum, the product in which such part is to be incorporated or assembled, and the end use to be made of such product, also, any further information which may be necessary to enable the supplier to fill out his Form PD–26. Where the customer is a fabricator or producer or smelter, he need only indicate to the supplier that he has filed such information on his own Form PD–26. The Director will issue specific allocations authorizing the deliveries which may be made, or the aluminum which may be used in manufacture during that month. A supplementary schedule permitting delivery for emergency items may be filed at any date, on Form PD–26.

(f) *Requirements relating to placement of orders with, and acceptance of orders by, producers, smelters, and fabricators.* Only eligible items (as set forth in paragraph (g) below) shall be included on a Form PD–26 except when specific written approval has been secured from the Director for inclusion of certain other items. Request for inclusion of other than eligible items shall be made to the Aluminum and Magnesium Branch, War Production Board, giving the information specified in paragraph (e) (2) above. In the event such an application is denied, appeal for relief may be made to the War Production Board, Washington, D. C., on Form PD–500.

(g) *Eligible items.* Within the limits of available aluminum and fabricating facilities, the Director will authorize the essential requirements for the manufacture of the following eligible items:

(1) Implements of war as defined above which are being produced for any foreign country pursuant to the Act of March 11, 1941, "An Act to Promote the Defense of the United States" (Lease-Lend Act), or for the Army or Navy of the United States, the United States Maritime Commission, War Shipping Administration, or the Coast Guard, where the use of aluminum in the grade and to the extent employed is required by the latest issue of specifications of the respective government agencies applicable to the contract.

(2) Alloys, other than zinc base alloys. The amount permitted in any month will not exceed 12% by weight of the amount of such alloys produced during such month, and the aluminum content of any alloy produced will not be permitted to exceed 15% by weight.

(3) Carbometer wire.

(4) Cathodes for the electrolytic refining of zinc.

(5) Chemical processing equipment for use in manufacturing plants: *Provided*, That the customer certifies in writing to the manufacturers at the

time of placing his order that the use of alternate material is impracticable, indicating reasons therefor, and the manufacturer causes a copy of such certification to be submitted to the War Production Board with the PD–26 Application.

(6) Commercial aircraft.

(7) Containers for intravenous solutions.

(8) Fixed electrolytic and paper condensers: *Provided*, That the person using the aluminum has filed required report with War Production Board for the preceding month, on Form PD–97.

(9) Orthopedic equipment: *Provided*, That lightweight is vital to the operation of the equipment.

(10) Repair and maintenance parts for mechanical or electrical equipment used domestically or in industry: *Provided*, That the manufacturer certifies in writing to the War Production Board that the use of other material is impracticable, stating the specific reasons therefor, and that an equivalent weight of similar defective aluminum parts has been returned by the manufacturer or his customers as evidenced by certificates obtained from waste material dealers or smelters. In the event that the manufacturer operates his own foundry, the certificates of scrap parts disposed of should be attached to his PD–26 Proposed Shipping Schedule. In all other cases, the scrap certificates should support the manufacturer's application.

(11) Thermit reaction. For use in the manufacture of thermit powders and ferroalloys where and to the extent that the use of any other material is not possible.

(12) Welding rod and metallizing wire.

(13) X-ray tube housings.

Only low-grade aluminum will be allocated for the following items:

(14) Anhydrous aluminum chloride: *Provided*, That the customer certifies in writing to the manufacturer at the time of placing his order that such chloride will be used in the production of dyes for textiles, or in the production of synthetic rubber, high-octane gasoline, tear gas, nylon, or pharmaceuticals. Drosses or grindings may be authorized for this purpose.

(15) Match plates, patterns, core boxes, core dryers, and snap flasks; *Provided*, That the customer certifies in writing to the manufacturer that their use is essential to the fulfillment of quantity production orders bearing priority ratings higher than A–2. However, a manufacturer may use aluminum to make new pattern equipment, provided that the customer certifies that the new equipment will be used to fulfill quantity production orders bearing A–10 or higher priority ratings, and that he will supply an equivalent weight of defective or obsolete aluminum equipment, and upon approval on Form PD–26 the manufacturer may melt such scrap notwithstanding the provisions of Supplementary Order M–1–d.

(16) Pistons for engines of trucks (1½ tons or over), heavy duty tractors, Diesel engines, and engines in portable fire-fighting equipment.

(17) Steel deoxidizer. The total amount of aluminum used by any person for deoxidizing steel during any month may not average more than 0.6 pound of aluminum per ton of carbon steel ingot (except for cartridge cases and cartridge boxes, and 2.0 pounds of aluminum per ton of alloy steel ingot, produced by him during such month. The total amount of aluminum used by any person for deoxidizing steel for plate, sheet and strip for cartridge cases and cartridge boxes may not exceed 4.0 pounds of aluminum in each ton of such steel produced by him. The total amount of aluminum used by any person for deoxidizing steel for steel castings during any month may not average more than 2.5 pounds of aluminum per ton of metal charged into the furnace by him during such month.

(18) Tools. Portable electric and pneumatic:

(i) In pneumatic and high cycle electric tools, except grinders: (a) net weight—eight pounds or under—any parts; (b) net weight over eight pounds and up to and including twenty-three pounds—motor housings and gear housings only; (c) net weight over twenty-three pounds—motor housings only.

(ii) In universal electric drills, screw drivers, nut runners, and tappers: (a) net weight ten pounds or under—any parts; (b) net weight over ten pounds and up to and including twenty-three pounds—motor housings and gear housings only; (c) net weight over twenty-three pounds—motor housings only.

Net weight shall be the net weight specified in each producer's latest catalog issued prior to April 18, 1942.

(iii) In all other universal electric tools and in pneumatic and high cycle electric grinders—any parts.

(iv) In handles cast integrally with motor housings.

(19) Zinc base alloys.

(h) *Temporary exception for military orders.* For a period of ninety days after August 18, 1942, the prohibitions and restrictions contained in paragraph (f) of this order shall not apply to any application filed on Form PD–26, insofar as such application relates to the use of aluminum, or to the delivery of aluminum for use, in the manufacture of any item (or the necessary material therefor) which is being produced under a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, Coast Guard, Civil Aeronautics Authority, National Advisory Committee for Aeronautics, the Office for Scientific Research and Development, or any foreign country pursuant to the Act of March 11, 1941, "An Act to Promote the Defense of the United States" (Lease-Lend Act) if, but only if, in any such case, the use of aluminum to the extent employed is required by the specifications of the prime contract.

(i) *Report of inventory.* Any person who, in any calendar quarter has had any ingot, similar raw forms of aluminum, or aluminum basic products as defined in paragraph (b) (4) or has used aluminum in manufacture shall, on or before the 20th of the month succeeding the end of the quarter, file an inventory report on Form PD–40A or such other form as may be prescribed for this purpose.

(j) *Dead stock.* Notwithstanding paragraph (d) above, all aluminum, which is not being used in, or which is in excess of reasonable needs for the manufacture of items approved on Form PD–26, shall be promptly disposed of pursuant either to Priorities Regulation No. 13, or where such regulation does not apply, pursuant to Supplementary Order M–1–d.

(k) *Tolling.* Except as the Director may specifically authorize on Form PD–114, no aluminum shall be delivered or received for melting under any toll, repurchase or similar arrangement.

(l) *Operations of same person in different capacities.* Any person who, in the use of aluminum in manufacture, operates in more than one capacity (for example, both as a producer and fabricator) shall, in each such capacity, be subject to the applicable obligations and restrictions imposed by this order. The initial putting into fabrication or other use of raw aluminum by a producer or smelter who produced the same shall be deemed a delivery thereof hereunder.

(m) *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the Director in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries or from processing or using material under priority control and may be deprived of priorities assistance.

(n) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of priorities regulations of the War Production Board, as amended from time to time.

(P.D. Reg. 1, amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued November 20, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12155; Filed, November 20, 1942; 11:25 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 11, as Amended Nov. 16, 1942[1]]

PRODUCTION REQUIREMENTS PLAN

§ 944.32 *Priorities Regulation No. 11*—(a) *Purpose.* It is the purpose of this regulation to provide for the integration of the system of distributing scarce materials in the interest of the war and the maintenance of the essential civilian economy by requiring principal industrial users of scarce materials to qualify under the production requirements plan and to obtain preference rating assistance primarily under that plan.

(b) *Definitions.* For the purposes of this regulation:

(1) "person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(3) "PRP application" means an application for priority assistance under the production requirements plan on Form PD–25A or any other prescribed form.

(4) "PRP certificate" means the copy of a PRP application which has been returned to the applicant by the Director General for Operations with an assignment of preference ratings or other priority action endorsed thereon, and includes any supplementary or advance quarter ("bob-tail") certificate which may be issued from time to time.

(5) "PRP unit" means any person who is qualified under the production requirements plan by the issuance to such person of a PRP certificate. In case the certificate is issued to a branch, plant, department, or other division of a corporation or business, "PRP unit" refers only to the portion of the business to which the certificate is issued.

(6) "Production material" means material (including fabricated parts and subassemblies) which will be delivered by a PRP unit as its product, or will be physically incorporated into such product, and includes the portion of such material normally consumed or converted into scrap or by-products in the course of processing. It does not include any supplies or manufacturing equipment.

(7) "Supplies" means maintenance and repair materials and operating supplies. It also includes minor items of productive capital equipment (such as jigs and fixtures, dies and die blocks, portable pneumatic or portable electric tools, and material required for minor relocations of plant machinery and equipment). It does not include any production material or any office machinery or office equipment (whether purchased or leased) or materials for plant expansion or plant construction.

(8) "Listed material" means, with respect to any quarter, any material listed and given an item number on the Materials List No. 1, Revised, appearing on the form of PRP application for that quarter or required to be separately listed by supplementary instructions from the War Production Board.

(9) "Listed fabricated item" means, with respect to any quarter, any part, assembly or other item listed and given an item number on the Fabricated Items List No. 2 appearing on the form of PRP applications for that quarter. The first quarter for which such a list will be in effect will be the first quarter of 1943. "Listed fabricated item" also includes any item required to be listed separately by supplementary instructions from the War Production Board.

(10) "Class I producer" means any person (or any branch, plant, department, or other division of a corporation or business which operates as a separate entity and maintains a separate inventory) whose receipts or withdrawals from inventory during the most recent calendar quarter, or whose anticipated receipts or withdrawals from inventory during the current or next succeeding calendar quarter, of metals in the forms included on the attached metals list aggregate five thousand dollars or more in value, except:

(i) Any agency of the United States, of any foreign government, of any state or territory, or of any subdivision thereof except when and to the extent that any such agency is engaged in the manufacture of commodities or other materials or the furnishing of repair facilities (such as Navy yards, arsenals, prison factories, etc.);

(ii) Any person to the extent that he is engaged in the business of:

(*a*) Transportation by any means;

(*b*) Furnishing of heat, light, power, electricity, gas or water to others;

(*c*) Quarrying;

(*d*) Production, refining, transportation, distribution or marketing of petroleum or associated hydrocarbons;

(*e*) Communications;

(*f*) Sewage or drainage;

(*g*) The sale of material which he has not manufactured, processed, fabricated, assembled, or otherwise physically changed, including sales as a distributor, wholesaler, retailer, warehouse, industrial or mill supply house or scrap dealer;

(*h*) Construction at the site, of buildings, structures, or projects; and

(iii) Any producer located in Alaska, Panama Canal Zone, or in any territory or possession of the United States outside of the continental United States.

(11) "Assignment" of a preference rating means the granting to any person, by order or certificate issued by or under authority of the Director General for Operations, of the right to use such rating.

(12) "Application" of a preference rating means the use of the rating by the person to whom it is initially assigned by or under the authority of the Director General for Operations, and includes the initial issuance by any governmental agency, under authority of the Director General for Operations, of a preference rating certificate rating a delivery to be made directly to such agency.

(13) "Extension" of a preference rating means the use of the rating by any person to whom it is applied or extended by another person.

(c) *Persons required to qualify under PRP.* Every Class I producer shall file a PRP application. For the first quarter of 1943, this application shall be filed not later than October 25, 1942. Any person who becomes a Class I producer shall file such application as promptly as possible after becoming a Class I producer. The Director General for Operations may specifically require other persons to file such applications from time to time, and may also exempt particular Class I producers from the requirements of this paragraph or extend or advance their time for filing PRP applications. Any other processors of materials desiring priority assistance on a quarterly basis may also, with the consent of the Director General for Operations, qualify under the Production Requirements Plan, although not required to do so by this regulation.

(d) *Restrictions on application and extension of ratings by PRP units.* No PRP unit shall apply or extend any rating to the delivery of any material during any quarter other than the ratings authorized on its PRP certificates for that quarter; and the deliveries to which such ratings are so applied shall be limited in amount as specified on such certificates, with the following exceptions:

(1) A PRP Unit may apply ratings specifically assigned to it for acquisition of items of capital equipment or materials for authorized plant expansion or plant construction.

(2) During the fourth quarter of 1942, but not thereafter, a PRP unit may extend any preference rating which it receives, in order to obtain delivery during any quarter of production materials (but not supplies) other than listed materials, provided that the PRP unit has elected to make use of extensions of ratings exclusively for this purpose in lieu of applying the ratings assigned by its PRP certificate. Such election shall be made as follows: Not later than the seventh business day after the day on which the PRP certificate for the fourth quarter is received, the PRP unit shall, if it determines to make the election, endorse the following statement, duly signed by an authorized official, upon the copy of its PRP certificate received by it, under the heading of section F on the certificate:

> The undersigned PRP unit hereby elects to rate deliveries to it during the balance

> of the fourth quarter of 1942 of production materials other than listed materials, as defined in Priorities Regulation No. 11, exclusively by the extension of ratings applied or extended to the undersigned by other persons, and, with respect to such materials to make no use of any ratings assigned by its PRP certificates for the fourth quarter of 1942.

Date

Name of PRP unit

By -------------------

Such election may not be made in any other manner. A PRP unit which makes such election shall not make any use of the preference rating assistance granted on its PRP certificate for the fourth quarter for the delivery of any production materials other than listed materials. Such election must be made as to all such materials or none. Such election may not be made with respect to supplies, which may be rated only in accordance with ratings assigned on the PRP certificates.

(3) In addition a PRP unit which receives a rated purchase order requiring the processing by another person of material owned and supplied by the PRP unit may extend the rating, for processing only and not for acquisition of material, to the person who is to do such processing for it.

(4) Any PRP unit may, until the receipt of its fourth quarter PRP certificate, but not thereafter, apply ratings to the extent permitted under the interim procedure specified in paragraph (i) of this regulation.

(5) In case preference rating assistance for a material is denied on the PRP certificate on the express ground that such assistance is unnecessary or that ratings for such material are not currently being assigned on PRP certificates, the provisions of this paragraph (d) shall not apply to such material.

(6) A PRP Unit may extend an AAA rating it receives, where necessary to obtain material which it will deliver or which will be physically incorporated into material which it will deliver on the AAA rating, subject to the following restrictions:

(i) The AAA rating may not be extended for quantities of material in excess of those required to be delivered by it or to be physically incorporated into materials to be delivered by it on the AAA rating;

(ii) The rating may not be extended to obtain any material to the extent that it has such material on hand which it would be required to divert for the purpose of supplying the material to be delivered on the AAA rating in accordance with the provisions of Priorities Regulation No. 1;

(iii) The rating may not be extended to replace inventory;

(iv) The quantity of any material obtained with the assistance of the AAA rating must, to the extent possible, be deducted from any quantity of such material authorized for receipt on its PRP certificates and not yet received; and

(v) In case it is necessary to extend the rating for materials other than those, or in excess of the quantities, authorized on its PRP certificates, a PD–25F form must be filed within three days after such extension reporting the excess quantity or the other materials to which the AAA rating was extended.

(e) *Restrictions on receipt of listed materials and fabricated items.* No PRP unit shall in any quarter accept deliveries (whether rated, unrated or allocated) of any listed material or any listed fabricated item, whether as production material, supplies or for any other use, in excess of the amounts specifically rated or otherwise authorized on its PRP certificates for such quarter, plus any balance of such materials or items authorized by its PRP certificates for delivery in the previous quarter which is in transit to the PRP unit at the end of the previous quarter or within three days thereafter, with the following exceptions:

(1) A PRP unit may accept deliveries of any balance of listed fabricated items specifically rated or otherwise authorized for the preceding quarter but not yet received.

(2) A PRP unit may in addition, subject to the applicable regulations and orders of the War Production Board, accept delivery of any such materials and items which consist of items of capital equipment or material for authorized plant expansion or plant construction.

(3) Any PRP unit which has applied ratings under the interim procedure specified in paragraph (i) of this regulation based on a particular PRP application may, until receipt of that particular PRP certificate, accept deliveries of the quantities of the materials to which it is authorized to apply ratings under the interim procedure. After receipt of such PRP certificate it may accept deliveries of listed materials and listed fabricated items in excess of the quantities authorized on such certificate only if the same were in transit to the PRP unit at the time its supplier received notice of postponement or cancellation of delivery pursuant to the provisions of paragraph (j) of this regulation and even then may not accept delivery of such materials or items unless shipment was made within ten days (including Sundays) after receipt by the PRP unit of the PRP certificate which necessitated such postponement or cancellation.

(4) A PRP unit may accept delivery of material to which it extends an AAA rating in accordance with the provisions of paragraph (d) (6) of this regulation.

(5) A PRP unit may accept delivery of listed materials or listed fabricated items in excess of the quantities authorized on its PRP certificates, to the extent that cancellation or postponement of such delivery is waived by the provisions of paragraph (j) (3) of this regulation.

(f) *Restrictions on use of material.* Each PRP unit shall also comply with any additional restrictions which may be contained in its PRP certificate, including (without limitation) restrictions on the amount of material to be put into production, the use of any material, apportionment of quantities of material between different products, or on the sale of or delivery of specified products.

(g) *Prohibition against placing duplicate orders.* No PRP unit shall duplicate, in whole or in part, purchase orders which it has placed with one or more suppliers for delivery of any material (whether rated, unrated, or allocated) in such manner that the amount of such material ordered exceeds the amount actually required for delivery (not exceeding the amount authorized), even though the PRP unit intends to cancel or reduce its purchase orders prior to completion of delivery, to the amount of actual requirements as rated or otherwise authorized on its PRP certificate.

(h) *Scheduling of deliveries.* Each PRP unit shall, so far as practicable, place its purchase orders for the production material and supplies rated or otherwise authorized on its PRP certificate so as to call for substantially equal deliveries during each of the three months of the quarter, and shall in no event, unless absolutely necessary to maintain its delivery schedule or to obtain the minimum quantities practicably procurable, order for delivery during the first month of the quarter more than 40%, or during the first two months of the quarter more than 80%, of the total quantity of any production material authorized for delivery during the quarter.

(i) *Interim procedure.* During the interim between filing a PRP application for a particular quarter and receipt of the PRP certificate for such quarter a person may apply or extend preference ratings for delivery during such quarter, and, in case he shall have submitted advance quarter applications, may apply or extend preference ratings for delivery during only the first advance quarter, as follows:

(1) If he has been operating under the Production Requirements plan, he may apply the same preference ratings he was authorized to apply by his PRP certificates for the preceding quarter, to orders calling for delivery of not more than 40% during the first month of the quarter and 70% during the entire quarter, of the quantities of the materials indicated as his anticipated requirements on his PD–25A and on any PD–25F application for the quarter, submitted prior to receipt by him of the first PRP certificate received by him for the quarter.

(2) If he has not been operating under the Production Requirements Plan, he may continue to apply and extend ratings under any applicable preference rating orders or preference rating certificates in the same manner as permitted prior to the beginning of the particular quarter; and, notwithstanding the termination of

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[1] This document is a restatement of Amendment 2 to Priorities Regulation No. 11 as amended October 3, 1942, which appeared in the FEDERAL REGISTER of November 17, 1942, pages 9424 and 9425, and reflects the order in its completed form as of November 16, 1942.

any preference rating order on or after the end of the preceding quarter, the same shall be deemed to continue in effect as to any such person until he receives his PRP certificate: *Provided, however,* That he shall not apply or extend ratings to the delivery in the particular quarter of any material in an aggregate quantity greater than 40% during the first month of the quarter, nor greater than 70% during the entire quarter, of the amount of such material which he has indicated as his anticipated requirements on his PRP application for the quarter, subject to any further restrictions contained in the preference rating certificates or orders assigning the ratings which he is applying or extending.

(3) After a person has received an advance quarter authorization, he may not thereafter apply ratings under the interim procedure to deliveries in that advance quarter of any materials included in the authorization for that quarter, until he files a complete PD-25A application for such quarter, but must use only the ratings authorized on advance quarter authorizations for such materials in that quarter. Upon the filing of a complete PD-25A application for a quarter a PRP unit may then rate purchase orders in accordance wth the interim procedure even if this permits rating quantities in excess of those authorized by a previous advance quarter authorization for that quarter.

(4) A person who applies or extends any preference rating pursuant to this paragraph (i) shall deduct the amount of any material which he has received or to which he has applied or extended such rating from the amount rated or otherwise authorized by his corresponding PRP certificate (on Form PD-25A or PD-25F, as the case may be) when issued to him.

(j) *Rerating on receipt of PRP certificates.* (1) Each PRP unit, not later than the seventh day (including Sundays) after the receipt of any PRP certificate for a quarter, shall adjust its outstanding purchase orders so that they shall not exceed, either in quantities or in grades of preference rating, those authorized for the quarter and for any advance quarters covered by the PRP certificates in accordance with the provisions of this regulation; but this provision shall not require the adjustment of orders duly placed under paragraph (i) of this regulation for materials covered by a PD-25F application filed before receipt of a PD-25A certificate, until the return of such PD-25F certificate.

(2) This adjustment may be made by cancellation, postponement of deliveries, or by rerating. To the extent that authorized ratings are higher than those already applied to outstanding orders, rating adjustment shall be optional, and, with respect to any material, the balance of any authorized rating not used may be added to the authorized amount of any lower authorized rating.

(3) No person shall be required by the provisions of this paragraph (j), however, to cancel any order or portion thereof calling for delivery on or before November 21, 1942, or during the first twenty-one days of the first month of any subsequent quarter, of any listed material, if the producer thereof certifies in writing to such person (i) that substitution of other orders, or diversion of the material to fill other orders, (even if such other orders call for later delivery or carry a lower rating) is impossible, and (ii) that the production of such material has been completed or that cancellation would disrupt the producer's production schedules and result in substantially diminished production. Nothing herein contained, however, shall relieve a PRP unit from the obligation of cancelling or postponing delivery under other orders calling for delivery of similar material during the quarter, as to which no certification is received, to the extent necessary to bring the total receipts of such material during the quarter within the quantities authorized on its PRP certificates.

(k) *Restrictions on Class I producers who have not filed PRP applications.* Any Class I producer who has not filed his PRP application by the time required by this regulation or by any specific direction of the Director General for Operations may not extend or apply any rating, other than AAA ratings, until he has mailed or personally submitted his PRP application to the War Production Board: *Provided, however,* That these restrictions do not apply to ratings specifically assigned to a Class I producer for the purpose of acquisition of items of capital equipment, or materials for authorized plant expansion or plant construction.

(l) *Effect on existing orders and certificates.* (1) The provisions of this regulation do not terminate any other existing order or certificate granting preference rating assistance, but limit and prohibit the use of such orders or certificates by specified persons in the manner set forth above.

(2) The provisions of this regulation do not relieve PRP unit from compliance with the terms of any order of the War Production Board controlling the distribution or restricting the use of any specific material, including requirements for the filling or supplying of applications or other documents in connection with the purchase, sale, delivery, or use of any such material.

(m) *Special provisions with respect to metal mills.* Notwithstanding the foregoing provisions of this regulation, the following provisions shall govern with respect to any person (hereinafter in this paragraph (m) referred to as a "metal mill") to the extent that he is engaged in producing metals in any of the forms included on the attached metals list:

(1) A metal mill, in determining whether it is a Class I producer within the meaning of paragraph (b) (10) of this regulation, may exclude all receipts or withdrawals from inventory of metals which will be processed by the metal mill to produce any of the forms listed on the attached metals list. However, there must be included any metals in the forms listed, which will be used by it for maintenance, repair, or operating supplies, or will be fabricated by it beyond the forms listed.

(2) A metal mill need not include in its PRP application materials which will be processed by it to produce metals in any of the forms listed on the attached metals list, but it must include any material, including metals in the forms listed, which will be used by it for maintenance, repair, or operating supplies, or will be fabricated by it beyond the forms listed, and for which it requires priority assistance.

(3) A metal mill may extend and apply preference ratings assigned by a preference rating order or certificate, in the manner heretofore permitted, for delivery to it of material which has been excluded from its PRP application pursuant to the provisions of subparagraph (2) of this paragraph (m) and may accept delivery of such material.

(4) A metal mill, to the extent that it is engaged in producing any of the following:

(i) Pig iron and ferroalloys;

(ii) The following iron and steel products, including alloys: Ingots, blooms (including forged), billets (including forged), slabs (including forged), tube rounds, sheet and tin bars, structural shapes, piling, plates (universal and sheared), rails, tie plates, track spikes, splice bars, rail joints, hot rolled bars (including hoops and bands and concrete reinforcing bars), cold finished bars, pipe and tubes (except conduit), wire rods, wire as drawn (not including further fabrications therefrom), black plate, tin and terne plate, sheets, strip, tool steel bars (including high speed), steel wheels and axles (for railroad use only), railroad locomotive tires, armor plate, ordnance forgings, steel castings (rough as cast), skelp, rolling mill rolls, ingot molds;

(iii) Coke for use in the production of pig iron and ferroalloys; may accept deliveries of supplies in any quarter without regard to the limitations of paragraph (e) hereof of this regulation and, notwithstanding the limitations of paragraph (d) hereof, may apply the ratings assigned on its PRP certificate to deliveries of supplies in the amounts essential for proper operation, subject, however, in every case to the restrictions of § 944.14

of Priorities Regulation No. 1 and to all other applicable regulations and orders.

(n) *Reporting of excess receipts.* Any PRP unit which receives during a quarter any listed material other than, or in excess of, quantities of such material authorized by its PRP certificates for such quarter, or by specific authorization of the Director General for Operations, shall promptly report to the Production Requirements Branch, War Production Board, Washington, D. C., the quantities and kinds of materials so received, together with a statement of the reasons why such receipt was necessary, referring to the provisions of this regulation under which such receipt is permitted, and giving the name and serial number of the PRP unit which received the material.

(o) *Exceptions or exemptions.* The Director General for Operations may grant exceptions or exemptions with respect to any or all provisions of this regulation. Any such action shall be in writing over the signature of the Director General for Operations and shall refer specifically to the fact that it is an exemption from or an exception to this regulation.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

METALS LIST[1]

(a) Any of the metals listed in subparagraph (1) below in any of the forms listed in subparagraph (2) below:

(1) Metals:

Iron	Zinc
Carbon steel	Nickel
Alloy steel	Tin
Stainless steel	Cupro-nickel
Aluminum	Monel
Magnesium	Nickel-silver
Copper	Chrome nickel
Brass	Cadmium
Bronze	Silver
Lead (including antimonial)	Tantalum metal
	Tungsten carbide

(2) *Forms of metal.* Annodes, bars, billets, blooms, blocks, castings (including die castings), cones, dust, extruded shapes, fabricated shapes, foil, forgings, ingots, pigs, pipe, plates, powder, rails, refinery shapes, rings, rivets, rods, scrap, sheets, shot, skelp, slabs, strip, structural shapes and piling, tie plates and track accessories, tube and tubing, tube rounds, wheels and axles, wire and wire rods, wire products (including barbed and twisted fencing, bale ties, nails, staples, rope and strand but not including insect wire screen cloth).

[F. R. Doc. 42-12154; Filed, November 20, 1942; 11:25 a. m.]

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[1] The list in subparagraph (1) was amended.

Chapter XI—Office of Price Administration

PART 1389—APPAREL

[MPR 273]

CERTAIN ARTICLES OF APPAREL IN WHICH MATERIALS HAVE BEEN REPLACED

In the judgment of the Price Administrator it is deemed necessary and proper to establish maximum prices for the sale of certain articles of apparel in which materials have been replaced and which were not generally sold in their replaced form in March, 1942.

The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 273 is hereby issued.

Sec.	
1389.251	Scope of regulation.
1389.252	Transactions in apparel which are prohibited by this regulation.
1389.253	Knitted underwear, knitted sleeping garments, and knitted sweatshirts, in which combed yarn has been replaced by carded yarn: Maximum prices and informational requirements.
1389.254	Disclosure of maximum prices.
1389.255	Sales for less than maximum prices.
1389.256	Relation between Maximum Price Regulation No. 273 and the General Maximum Price Regulation.
1389.257	Relation of this regulation to other maximum price regulations.
1389.258	Evasion.
1389.259	How this regulation may be amended.
1389.260	Enforcement.
1389.261	Definitions.
1389.262	Effective date.

AUTHORITY: §§ 1389.251 to 1389.262, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1389.251 *Scope of the regulation.* This regulation establishes maximum prices for sales by manufacturers of certain articles of apparel in which materials have been replaced.

Section 1389.253 of the regulation provides manufacturers' maximum prices for knitted underwear, knitted sleeping garments and knitted sweatshirts in which combed yarn has been replaced by carded yarn. Reductions provided by this section will be reflected in wholesale and retail prices although maximum prices for retailers and wholesalers are not provided herein. Maximum prices for sales at wholesale and at retail are governed by the General Maximum Price Regulation or Maximum Price Regulation No. 210, depending on whether the particular garment is fall and winter knitted underwear as defined in Maximum Price Regulation No. 210. The informational requirements of this section which relate to labeling, the use of the symbol "R" to indicate articles of apparel in which materials have been replaced, and notices to purchasers for resale apply to sellers at wholesale as well as to manufacturers. The prohibition, in this section, against selling garments for which prices are provided by the regulation unless they are properly marked, applies equally to manufacturers, wholesalers and retailers.

§ 1389.252 *Transactions in apparel which are prohibited by this regulation.* On and after November 25, 1942, regardless of any contract or other obligation, no person shall:

(a) Sell or deliver any article of apparel at a price higher than the maximum price established by this regulation; or

(b) Require a purchaser to buy or agree to buy any other apparel, or any other article, service, wrapper, or package in connection with a sale or delivery of any article of apparel for which a maximum price is established by this regulation; or

(c) Buy or receive any article of apparel in the course of trade or business at a price higher than the maximum price established by this regulation; or

(d) Do any other act which directly or indirectly increases above the maximum price the consideration paid by the purchaser for an article of apparel for which a maximum price is established by this regulation; or

(e) Offer, attempt or agree to do any of the acts prohibited by this regulation.

§ 1389.253 *Knitted underwear, knitted sleeping garments, and knitted sweatshirts, in which combed yarn has been replaced by carded yarn: Maximum prices and informational requirements*—(a) *Sales by manufacturers.* In any sale by a manufacturer of a knitted undergarment, a knitted sleeping garment, or a knitted sweatshirt which is the same as a garment for which a maximum price has been established by the manufacturer, except that combed yarn has been replaced by carded yarn, the maximum price is the manufacturer's present maximum price for the combed yarn garment less the manufacturer's "price reduction" for that garment.

(b) *How a manufacturer computes his "price reduction."* A manufacturer's "price reduction." is computed by multiplying the gross knitting weight of the carded yarn in the garment by the difference between the present ceiling price for the count and kind of carded yarn used in the garment and the present ceiling price for the count and kind of the combed yarn which is replaced. The product of this multiplication adjusted to the nearest multiple of 2½¢ is the "cost reduction." The manufacturer's

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*Copies may be obtained from the Office of Price Administration.

"price reduction" for any garment is the figure in Column II of Schedule A in paragraph (d) of this section, which is set down opposite the amount of "cost reduction" for that garment. If the "cost reduction" is less than 10¢ per dozen, no "price reduction" is made.

(c) *Maximum prices for garments which cannot be priced under § 1389.253.* The manufacturer's maximum price for any knitted undergarment, knitted sleeping garment, or knitted sweatshirt which is the same as a garment for which a maximum price has been established by the seller, except that combed yarn has been replaced by carded yarn and which cannot be priced under paragraph (a) of this section shall be a maximum price in line with the level of maximum prices established by this Maximum Price Regulation. This maximum price shall be determined by the seller after specific authorization from the Office of Price Administration. No person shall sell, deliver, or offer for sale any garment until authorization to determine a maximum price is issued by the Office of Price Administration. A seller who seeks authorization to determine a maximum price under the provisions of this paragraph shall file with the Office of Price Administration, Washington, D. C., in triplicate, a statement of containing:

(1) A description in detail of the garment for which a maximum price is sought.

(2) A statement of the facts which prevent the seller from pricing the garment under paragraph (a) of this section, and

(3) Such other information as may be required by the Office of Price Administration.

(d) *Schedule of price reductions for knitted underwear, knitted sleeping garments, and knitted sweatshirts, in which combed yarn is replaced by carded yarn.*

SCHEDULE A—SALES BY MANUFACTURERS

[Prices are in cents per dozen]

Cost reduction (per dozen) Col. I	*Price reduction (per dozen) Col. II*
10	12.5
12.5	15
15	17.5
17.5	20
20	25
22.5	27.5
25	30
27.5	32.5
30	35
32.5	40
35	42.5
37.5	45
40	47.5
42.5	50
45	55
47.5	57.5
50	60
52.5	62.5
55	65
57.5	70
60	72.5
62.5	75
65	77.5
67.5	80
70	85
72.5	87.5
75	90
77.5	92.5
80	95
82.5	100
85	102.5
87.5	105
90	107.5
92.5	110
95	115
97.5	117.5
100	120

(e) *Explanation of terms.* (1) "Same garments." A garment is the same as another garment with which it is compared if both have all of the following common characteristics:

(i) They are of the same specific classification and size as provided by the United States Department of Commerce, Commercial Standard CS 33–32;

(ii) They have the same average finished weight for comparable size, within a tolerance of 3%;

(iii) They are knitted from the same kinds of yarn (for example, carded, combed, blended or processed staple fiber yarns), and with the same percentage of fibers (for example, cotton, wool or other fibers and mixtures thereof);

(iv) They have a substantially equal number of courses and needles per inch;

(v) They have construction and trimmings of substantially equal quality and serviceability; and

(vi) They are constructed and finished with substantially equal standards of workmanship.

(f) *Identification of garment in which combed yarn has been replaced by carded yarn*—(1) *Labeling and marking.* No garment for which a maximum price has been established by or pursuant to this regulation may be sold unless a label, hanger, or other marker is attached thereto which shall bear the symbol "R" and clearly indicate that the garment is made with carded yarn.

(2) *Bills, invoices, catalogs, and statements.* In every invoice, bill, catalog, and statement in which a manufacturer or a seller at wholesale describes or designates a garment for which a maximum price is established by this regulation, he shall identify such garment by adding the symbol "R" to the style or catalog number which he presently uses, or most recently used for the combed yarn garment which was otherwise the same.

(g) *Statement of maximum prices to be furnished to purchasers for resale.* Unless the specific information shall have been previously furnished to the purchaser, every person who sells or delivers to a purchaser for resale any garment for which a manufacturer's maximum price has been established by this regulation, shall at the time of delivery of such garment furnish to the purchaser thereof, a statement in the following form concerning the seller's maximum price for the garment delivered:

The following information is sent you as required by the Office of Price Administration in order to:

(a) Explain the reduction in our maximum prices for the garments listed below, and

(b) Assist you in establishing a reduction in your maximum prices for these same garments.

Each of the styles listed below is identified by the symbol "R". This means that the garment is *the same as* our previous garment bearing the same style number *except* that the new garment is made of *carded* yarn *in place of combed* yarn previously used. You will find listed below both our new maximum prices for the garments in this and any future shipment and our maximum prices for the combed yarn garments previously made.

(List as follows the garments in which combed yarn has been replaced by carded yarn, and indicate items to be priced under Maximum Price Regulation No. 210 by an asterisk).

Style No. --------; Description --------; Our maximum price --------; Our selling price --------; Our maximum price for same garment in combed yarn --------.

HOW TO COMPUTE YOUR MAXIMUM PRICES FOR THESE NEW GARMENTS OF CARDED YARN.

1. If the garment *is a fall and winter* garment as defined by Maximum Price Regulation No. 210 (indicated by an asterisk), then you establish your maximum price under Maximum Price Regulation No. 210.
2. If the garment *is not a fall and winter* garment as defined by Maximum Price Regulation No. 210, then you establish your maximum price under the *General Maximum Price Regulation*. (For full details of pricing under the General Maximum Price Regulation, consult the regulation itself, or the nearest State or District OPA Office).

WARNING: O. P. A. has ruled that inasmuch as a garment made of *carded* yarn cannot be considered to be "the same as" or "similar to" a garment made of *combed* yarn, all maximum prices for such garments must be adjusted to reflect the appropriate reduction in costs.

§ 1389.254 *Disclosure of maximum prices.* Every person selling or offering for sale any article of apparel for which a maximum price has been established by this regulation shall, within ten days after receipt of a written request from any person to whom the seller has sold such article of apparel, disclose in writing to such person the seller's maximum price for the article of apparel.

§ 1389.255 *Sales for less than maximum prices.* Lower prices than the maximum prices established by this Maximum Price Regulation No. 273 may be charged, demanded, paid or offered.

§ 1389.256 *Relation between Maximum Price Regulation No. 273 and the General Maximum Price Regulation.*[1] (a) The General Maximum Price Regulation shall not apply and this Maximum Price Regulation No. 273 shall apply to sales of articles of apparel in which materials have been replaced and for which maximum prices have been provided in this regulation. However, the following sections of the General Maximum Price Regulation are made a part of this regulation and each seller must comply with them:

(1) Transfers of business or stock in trade (§ 1499.5).

(2) Federal and state taxes (§ 1499.7).

(3) Current records (§ 1499.12).

(4) Sales slips and receipts (§ 1499.14).

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[1] 7 F.R. 3153, 3330, 3666, 3991, 4339, 4387, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5665, 5775, 5783, 5784, 6007, 6058, 6031, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942.

§ 1389.257 *Relation of this regulation to other maximum price regulations*—(a) *Maximum Price Regulation No. 157.*[2] Maximum Price Regulation No. 157—Sales and fabrication of textiles, apparel and related articles for military purposes—shall apply, and this Maximum Price Regulation No. 273 shall not apply to sales and deliveries for which maximum prices are established by Maximum Price Regulation No. 157.

(b) *Maximum Price Regulation No. 172.*[3] Maximum Price Regulation No. 172—Charges of Contractors in Apparel Industry—shall apply, and this Maximum Price Regulation No. 273 shall not apply to transactions for which maximum prices are established by Maximum Price Regulation No. 172.

(c) *Revised Maximum Export Price Regulation.*[4] Revised Maximum Export Price Regulation shall apply and this Maximum Price Regulation No. 273 shall not apply to sales and deliveries for which maximum prices are established by Revised Maximum Export Regulation issued by the Office of Price Administration.

§ 1389.258 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 273 shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any article of apparel alone or in conjunction with any other commodity, or by way of commission, service, transportation, or any other charge, or discount, premium, or other privilege, or by tying agreement or other trade understanding, or otherwise.

§ 1389.259 *How this regulation may be amended.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1389.260 *Enforcement.* Persons violating any provisions of this Maximum Price Regulation No. 273 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

§ 1389.261 *Definitions*—(a) *Definitions incorporated by reference.* Unless the context otherwise requires or unless otherwise specifically provided herein the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(b) *Other definitions.* When used in this Maximum Price Regulation No. 273 the following terms shall have the meanings set forth below:

(1) "Manufacturer" means a person who sells, delivers, or offers for sale an article of apparel in a form substantially changed from the form in which he bought that article or the materials from which it was made.

(2) "Seller at wholesale" means a person who sells, delivers or offers for sale an article of apparel in a form substantially unchanged from the form in which he bought that article.

§ 1389.262 *Effective date.* This Maximum Price Regulation No. 273 (§§ 1389.251 to 1389.262, inclusive) shall become effective November 25, 1942.

Issued this 19th day of November, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12141; Filed, November 19, 1942; 4:03 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 1,[1] Amendment 5]

MEAT RESTRICTION

A rationale for this amendment has been issued simultaneously herewith and has been filed with the FEDERAL REGISTER.*

In paragraph (b) of § 1407.914, the word "slaughterer" appearing between the words "No" and "who" is amended to read "person"; a new sentence is added at the end of paragraph (a) of § 1407.914 to read as set forth below; and a new paragraph (e) is added to § 1407.925 to read as set forth below:

§ 1407.914 *Registration of slaughterers*—(a) * * *

The Director of the Food Rationing Division of the Office of Price Administration may, for good cause shown, extend the time for filing a registration statement pursuant to the provisions of this paragraph.

§ 1407.925 *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§§ 1407.914 (a) and (b), and 1407.925 (e) to Restriction Order No. 1 shall be effective as of November 25, 1942.

(Pub. Law 671, 76th Cong., 3rd sess., as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; W.P.B. Directive No. 1, Supp. Dir. No. 1–M, 7 F.R. 562, 7234)

Issued this 19th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12140; Filed, November 19, 1942; 4:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14 to GMPR, Amendment 55]

IMPORTED DISTILLED SPIRITS, ETC.

Correction

In subparagraph (41) appearing on page 8959 in the issue of Wednesday, November 4, 1942, the reference to March 31, 1943, should read March 31, 1942.

PART 1499—COMMODITIES AND SERVICES

[Order 76 Under § 1499.18 (b) of GMPR]

SWAN ICE CREAM CO.

Correction

In the table in paragraph (a) appearing on page 9045 in the issue of Friday, November 6, 1942, under the heading "Service with seller's equipment in part and customer's equipment in part" "Bulk," the second figure should be .90 instead of 1.90.

PART 1499—COMMODITIES AND SERVICES

[Order 149 Under § 1499.18 (c) of GMPR]

THE AMERICAN IMPORT COMPANY

Correction

In paragraph (g) appearing on page 9051 in the issue of Friday, November 6, 1942, the reference to § 1499.2 should read § 1499.22.

PART 1499—COMMODITIES AND SERVICES

[Order 104 Under § 1499.18 (b) of GMPR]

NOVOCOL CHEMICAL MFG. COMPANY, INC.

Order No. 104 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3–342.

For the reasons set forth in an opinion issued simultaneously herewith, *it is ordered:*

§ 1499.1005 *Adjustment of maximum prices for sales of platinum-ruthenium anestube (cartridge type) needles*—(a) *Sales by the Novocol Chemical Manufacturing Company, Inc.* The maximum prices for the sale of the following platinum-ruthenium anestube (cartridge type) needles to distributors by the Novocol Chemical Manufacturing Company, Inc., 2911 Atlantic Avenue, Brooklyn, New York, shall be the prices set forth below:

1″ x 25 Gauge	$0.96
1″ x 23 Gauge	1.14
1¼″ x 25 Gauge	1.02
1¼″ x 23 Gauge	1.20
1⅝″ x 25 Gauge	1.02
1⅝″ x 23 Gauge	1.38
1⅞″ x 25 Gauge	1.18
1⅞″ x 23 Gauge	1.44

(b) *Sales at retail.* The maximum prices for sales at retail of the following platinum-ruthenium anestube (cartridge type) needles sold by the Novocol Chemical Manufacturing Company, Inc., shall be the prices set forth below:

1″ x 25 Gauge	$1.60
1″ x 23 Gauge	1.90
1¼″ x 25 Gauge	1.70
1¼″ x 23 Gauge	2.00
1⅝″ x 25 Gauge	1.70
1⅝″ x 23 Gauge	2.30
1⅞″ x 25 Gauge	1.95
1⅞″ x 23 Gauge	2.40

(c) All discounts, trade practices, and practices relating to the payment of shipping charges in effect during March 1942 on the sale by the Novocol Chemical Manufacturing Company, Inc., of the needles referred to in paragraph (a) shall apply to the maximum prices set forth in that paragraph.

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[2] 7 F.R. 4273, 4541, 4618, 5180, 5716, 6004, 6424, 8948.

[3] 7 F.R. 4882, 6684, 8351, 8948.

[4] 7 F.R. 5059, 7242, 8829, 9000.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7829, 8217, 8524, 9247, 9250.

(d) The Novocol Chemical Manufacturing Company, Inc., upon the first sale to each distributor of any of the needles listed in paragraph (a) after the effective date of this order, shall send a written notification to such purchaser in the following form:

> The Office of Price Administration has permitted us to raise our maximum price for sales to you of (insert description of needle) from $______ to $______ (insert the amounts applicable to that particular needle). Your new ceiling price for (insert description of needle) is $______ (insert the applicable maximum retail price as specified in paragraph (b)).

(d) All prayers of the applicant not granted herein are denied.

(e) This Order No. 104 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 104 (§ 1499.1005) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 104 (§ 1499.1005) shall become effective November 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12145; Filed, November 20, 1942; 10:49 a. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS; APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4426, 4488, 4491, as amended, 49 Stat. 1544 (46 U.S.C. 375, 391a, 404, 481, 489, 367) and Executive Order No. 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the inspection and navigation regulations and approval of miscellaneous items of equipment for the better security of life at sea are prescribed:

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES; REGULATIONS DURING EMERGENCY

Section 153.6 (e) is amended to read as follows:

§ 153.6 *Additional equipment for lifeboats on ocean and coastwise vessels.* * * *

(e) *First-aid kit.* One first-aid kit consisting of the equipment as listed below, packed in a substantial metal or otherwise suitable container. The container shall be watertight when closed and of substantial construction not easily damaged or rendered non-watertight. It shall maintain its watertightness when submerged at least one foot deep in water maintained at approximately 70° F. for a period of two hours. Items of equipment in the first-aid kit provided for boats certified to carry 40 persons or less shall be as follows:

2 units, 1″ adhesive compress, each containing 16 compresses.
1 unit, ammonia inhalant, 4 tubes, each 2 cc per tube, and 4 drinking cups.
1 scissors, blunt.
1 unit, gauze compress 24″ x 72″.
2 units, 3 oz. tannic acid jelly in not less than 2 tubes (10% tannic acid with 5% sulphadiazine).
1 unit, 3 eye pads, adhesive strips, 3 tubes eye dressing not less than ⅛ oz. each.
1 unit, 3 vials of iodine 10 cc each.
1 unit, 4″ bandage compress.
2 units, 4 each, 2″ bandage compress.
1 unit, triangular bandage, 40″.
1 unit, gauze bandage, 4″ x 6 yards.
2 units, containing tourniquet and forceps.
1 unit, splint-wire, or equivalent.
1 dozen safety pins.

Where one unit is specified above, it shall be contained in a single carton of the dimensions set forth below. Where two units are specified, they shall be contained in two single cartons or one double carton of the dimensions set forth below:

	Length	Width	Depth
	Inch	*Inch*	*Inch*
Single carton	4	2⅛	⅝
Double carton	4	2⅛	1¼

Section 153.7 (h) is amended to read as follows:

§ 153.7 *Additional equipment for life rafts on ocean and coastwise vessels.* * * *

(h) *First-aid kit.* One first-aid kit consisting of the equipment as listed below, packed in a substantial metal or otherwise suitable container. The container shall be watertight when closed and of substantial construction not easily damaged or rendered non-watertight. It shall maintain its watertightness when submerged at least one foot deep in water maintained at approximately 70° F. for a period of two hours. Items of equipment in the first-aid kit provided for life rafts shall be as follows:

1 unit, 2″ bandage compress, 4 per unit.
1 unit. 1″ adhesive compress, each containing 16 compresses.
1 unit, 3 eye pads, adhesive strips, 3 tubes eye dressing not less than ⅛ oz. each.
1 unit, ammonia inhalant, 4 tubes, each 2 cc per tube, and 4 drinking cups.
1 unit, 3 vials of iodine, 10 cc each.
2 units, containing tournique and forceps.
2 units, 3 oz. tannic acid jelly in not less than 2 tubes (10% tannic acid with 5% sulphadiazine).
1 unit, triangular bandage.

Where one unit is specified above, it shall be contained in a single carton of the dimensions set forth below. Where two units are specified, they shall be contained in two single cartons or one double carton of the dimensions set forth below:

	Length	Width	Depth
	Inch	*Inch*	*Inch*
Single carton	4	2⅛	⅝
Double carton	4	2⅛	1¼

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

Hand Distress Signals

Ship Signal Flare hand distress signals, 1¼-inch diameter, manufactured by Samuel Jackson, Jr., Laurel Springs, N. J.

Thread for Life Preservers

No. 10/3, Arcola brand, silk finish cotton thread, manufactured by Franklin Thread Co., New York, N. Y.

R. R. WAESCHE,
Commandant.

NOVEMBER 20, 1942.

[F. R. Doc. 42-12144; Filed, November 20, 1942; 10:41 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-941]

DISTRICT BOARD 11

ORDER GRANTING MOTION TO REOPEN HEARING AND NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 11 for the establishment of minimum prices for raw or washed coals which are crushed, pulverized or reduced by any method down to the size dimensions prescribed for Size Groups 13 and 16, inclusive, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

District No. 11, the original petitioner in the above-entitled matter, filed a motion requesting that the hearing in this matter, which was terminated on November 18, 1941, be reopened for the purposes of amending and supplementing the effective minimum prices for raw and washed coals, produced in District No. 11, which are crushed, pulverized or reduced by any method down to the size dimensions prescribed for Size Groups 13 through 16, inclusive, and amending the price instructions and exceptions pertaining to the invoicing of such coals which were established by the order of the Acting Director dated August 15, 1942, in the above-entitled matter. The District Board also requests that temporary relief be granted pending final disposition of this matter.

In support of its motion, District Board No. 11 states that minimum prices have not been established for certain preparations of crushed coal, and resultant sizes thereof, either loaded directly into railroad cars or mixed with other coals, which were being made prior to the establishment of minimum prices for certain crushed coals by the aforesaid order; that the original petition in this matter did not include various size groups for which relief is now sought; and that the requirements imposed by the order of August 15, 1942 with respect to the invoicing of coals for which minimum prices were established by said order are not necessary in certain instances.

Temporary relief, which is also requested by the District Board, is granted in a Memorandum Opinion and Order Granting Temporary Relief issued concurrently herewith.

Now, therefore, it is ordered, That the motion of District Board No. 11 for the reopening of and further hearing in the above-entitled proceeding be and the same hereby is granted.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on December 8, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section at the Offices of the Division, Washington, D. C., will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the Rules and Regulations of the Bituminous Coal Division for Proceedings Instituted Pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 3, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to motion of District Board No. 11 to amend Supplement R attached to and made a part of the order dated August 15, 1942, in the above-entitled matter in the following respects:

I. Add thereto the following matter:

Type of preparation	Price group Nos.	Minimum prices
Crushed coal, made from raw or mechanically cleaned coal, from which 50 per cent of ⅜ inch minus is removed, or which is dedusted through the use of standard dedusters equipped with screens with openings smaller than 8 mesh, and which is loaded direct into railroad cars, or is mixed with washed screenings (Size Groups Nos. 23-24).	5-6	20 cents per ton over prices for group No. 14, except that for Size Group 13 coals the amount shall be 30 cents, instead of 20 cents, over prices for Size Group 14.
	8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20.	25 cents per ton over prices for Size Group No. 14, except that for Size Group 13 coals the amount shall be 35 cents, instead of 25 cents over prices for Size Group 14.
	1, 2, 3, 4, 7, 18, 19	40 cents per ton over prices for Size Group No. 14, except that for Size Group 13 coals the amount shall be 50 cents, instead of 40 cents, over prices for Size Group 14.

II. Add to Items Nos. 3 and 4 thereof the following note: Coals in Size Groups 26–29, inclusive, and Size Groups 30–32, inclusive, which contain crushed coal of the preparation described in this item shall be subject to the effective minimum prices for Size Groups 26–29, inclusive, and Size Groups 30–32, inclusive, as the case may be.

III. Add to Item No. 5 thereof the following note: Coals in Size Groups 26–29, inclusive, and Size Groups 30–32, inclusive, which contain crushed coal of the preparation described in this item shall be priced 10 cents per ton higher than the effective minimum prices for Size Groups 26–29, inclusive, and Size Groups 30–32, inclusive, as the case may be.

IV. Delete Item No. 6 thereof.

V. Add the following matters thereto:

Type of preparation	Price group Nos.	Minimum prices
Stoker coals of the size dimensions prescribed for Size Groups 9, 10, 11, 12, which are made from rescreening crushed raw or mechanically cleaned coal, and which are loaded directly into railroad cars. Stoker coals (Size Groups 9, 10, 11, 12) made from rescreening crushed raw or mechanically cleaned coal and which are mixed with raw stoker coals (Size Groups 9, 10, 11, 12) or with washed stoker coals (Size Groups 17, 18, 19, 20) made from the total concurrent production of screenings, Provided, however, in no case shall the allotment of the crushed coal in a mixture exceed 50 percent of the aggregate.	1, 2, 3, 4, 13, 14	15 cents per ton over the prices for Size Groups 9, 10, 11, or 12, as the case may be.
	5, 6, 7, 8, 9, 10, 11, 12, 16, 17, 18, 19, 20.	10 cents per ton over the prices for Size Groups 9, 10, 11, or 12, as the case may be.
	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.	Prices for Size Groups 9, 10, 11, or 12, or Size Groups 17, 18, 19, or 20, as the case may be.
Resultant carbon or dust (Size Groups 15-16) made from the preparation of crushed stoker coals or from dedusting crushed coal, and which is loaded direct into railroad cars.	1, 2, 3, 4, 7, 18, 19	30 cents per ton over the prices for Size Group 15.
	14	25 cents per ton over the prices for Size Group 15.
	13, 15, 16, 17	20 cents per ton over the prices for Size Group 15.
	5, 6, 8, 9, 10, 11, 12, 20	15 cents per ton over prices for Size Group 15.
Resultant carbon or dust (Size Groups 15-16) made from the preparation of crushed screenings nut or stoker coal, which is mixed with the total concurrent production of raw carbon or dust (Size Groups 15-16) or with washed carbon (Size Group 25), provided, however, in no case shall the allotment of the resultant carbon or dust in the mixture exceed 50 percent of the aggregate.	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.	Prices for Size Groups 15, 16, or 25, as the case may be.

VI. Restrict the application of the price instruction and exception pertaining to invoices covering the shipment of the crushed coals involved in this proceeding.

Dated: November 18, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12120; Filed, November 19, 1942; 10:18 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6448]

ROY L. ALBERTSON (WBNY)

NOTICE OF HEARING

In re application of Roy L. Albertson (WBNY), dated June 26, 1942, for modification of license; class of service, broadcast; class of station, broadcast; location, Buffalo, New York; operating assignment specified: Frequency, 680 kc; power, 250 w; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942, as supplemented September 22, 1942.

2. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of Station WBNY operating as proposed.

3. To determine the extent of any interference which would result from the

simultaneous operation of Station WBNY as proposed and Stations WLAW, WPTF and WISR.

4. To determine the areas and populations which would be deprived of primary service, particularly from Stations WLAW, WPTF and WISR, should Station WBNY operate as proposed, and what other broadcast services are available to those areas and populations.

5. To determine the areas and populations which may be expected to gain primary service should Station WBNY operate as proposed and what other broadcast services are available to those areas and populations.

6. To determine the areas and populations which may be expected to lose primary service should Station WBNY operate as proposed and what other broadcast services are available to those areas and populations.

7. To determine whether the proposed radiating system complies with the Standards of Good Engineering Practice, particularly as to the minimum height requirements.

8. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice and proposed allocation of broadcast facilities (footnote 4, page 3, Standards of Good Engineering Practice).

9. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience or necessity would be served by a grant of the instant application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Roy L. Albertson, Radio Station WBNY, 485 Main Street, Buffalo, New York.

Dated at Washington, D. C., November 19, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42–12149; Filed, November 20, 1942; 10:54 a. m.]

[Docket No. 6449]

DAVID ASHTON BROWN

NOTICE OF HEARING

In re application of David Ashton Brown (New), dated December 29, 1941, for Construction Permit; class of service, class II experimental; class of station, class II experimental; locatior, Marion, Ohio; operating assignment specified: Frequency, 310,000 kc; emission, A3; power, 1.35 w night; 1.35 w day; hours of operation, sections 5.15 and 5.18.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether the applicant has an organized plan of research leading to a specific objective in the experimental field.

2. To determine whether the applicant has a program of research and development that has reached the stage in the laboratory where actual transmission by radio is essential to the further progress of the experimental program.

3. To determine whether the applicant has a program of research which possesses reasonable promise of substantial contribution to the development or extension of the radio art or is along lines not previously investigated.

4. To determine whether the program of research and experimentation will be conducted by qualified personnel.

5. To determine whether the applicant is legally, technically, financially and otherwise qualified, and possesses adequate facilities, to carry forward the program proposed.

6. To determine whether the applicant is primarily interested in reseach and experimentation in radio, directed toward the development of a new or proposed radio service or some phase of an established radio service.

7. To determine whether the operation as proposed, will cause interference with established stations or services.

8. To determine the use which will be made of the proposed station and the type and character of service which will be rendered.

9. To determine whether the requirements set out under the rules of the Commission, for experimental operation, governing the services involved, will be met.

10. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience or necessity will be served by a grant of the application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: David Ashton Brown, 135 East Church Street, Marion, Ohio.

Dated at Washington, D. C., November 19, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42–12150; Filed, November 20, 1942; 10:54 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G–423, G–424 and G–425]

ALLEGANY GAS COMPANY

ORDER POSTPONING DATE OF HEARINGS

NOVEMBER 18, 1942.

It appearing to the Commission that:

(a) By orders of October 13, 1942, the Commission directed that hearings in the above-entitled matters be held on November 25, 1942;

(b) On November 10, 1942, Allegany Gas Company filed a request for a postponement of the date fixed for the hearings;

(c) Good cause has been shown for the postponement of the hearings;

The Commission *orders*, That:

The hearings in these matters heretofore ordered to be held on November 25, 1942, be and they hereby are postponed to January 11, 1943, at the same place and hour.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42–12142; Filed, November 20, 1942; 10:13 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 17–1]

ALLISBAUGH TRUCKING CO., ET AL.

COORDINATION OF MOTOR VEHICLE SERVICE

R. D. Allisbaugh, doing business as Allisbaugh Trucking Company; O. Brown, doing business as Brown Trucking Company; Harry Urschel, doing business as Urschel Trucking Company; R. E. Dieckbrader; Vera Carter, doing business as M. C. Trucking Company; Fred E. and F. Alvan Sohn, doing business as Sohn and Son; and Zimmerman Trucking Service, Inc.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of specified commodities as contract carriers by motor vehicle, filed with the Office of Defense Transportation by R. D. Allisbaugh, doing business as Allisbaugh Trucking Company, Wabash, Indiana; O. Brown, doing business as Brown Trucking Company, Wabash Indiana; Harry Urschel, doing business as Urschel Trucking Company, Wabash, Indiana; R. E. Dieckbrader, Cincinnati, Ohio; Vera Carter, doing business as M. C. Trucking Company, Anderson, Indiana; Fred E. and F. Alvan Sohn, doing business as Sohn and Son, Carthage, Indiana; and Zimmerman Trucking Service, Inc., Knightstown, Indiana, as governed by § 501.72 (b) of General Order ODT 17, as amended,[1] and good cause appearing therefor; *It is hereby ordered*, That:

1. R. D. Allisbaugh, doing business as Allisbaugh Trucking Company; O. Brown, doing business as Brown Trucking Company; Harry Urschel, doing business as Urschel Trucking Company; R. E. Dieckbrader; Vera Carter, doing business as M. C. Trucking Company; Fred E. and F. Alvan Sohn, doing business as Sohn

and Son; and Zimmerman Trucking Service, Inc. (hereinafter collectively called "carriers"), respectively, in the transportation of pulpboard, woodpulp, scrap paper, wooden skids and cores, paper boxes, lime, straw, paper mill equipment, supplies and dye, as contract carriers by motor vehicle, for the Container Corporation of America, in order to facilitate the movement of shipments of such described commodities by such carriers within the limitations, restrictions, and requirements of General Order ODT 17, as amended, shall establish an office at Carthage, Indiana, and appoint a manager thereof, and

(a) Shall register with such office shipments of the Container Corporation of America which any of the carriers may be unable to transport by reason of the limitations, restrictions, or requirements of General Order ODT 17, as amended;

(b) Shall register with such office all motor vehicles and facilities for which the carriers have no shipments available.

(c) Such manager shall receive such information and shall arrange with the respective carriers for the acquisition and utilization of such available motor vehicle equipment and facilities of such other carriers for the transportation of such shipments so as to eliminate empty mileage wherever feasible.

(d) Such office shall prepare and maintain a record of all such shipments, available motor vehicle equipment and facilities, and arrangements made in respect of its utilization by such other carriers and shall keep such other records and make such reports as may be prescribed or required by the Office of Defense Transportation. All records of such office shall be available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

(e) The cost of maintaining such office shall be divided among the carriers in accordance with such plan of division as they may agree upon: *Provided*, That if such cariers are unable to agree upon a division of the costs, such costs may be apportioned in such manner as may be determined by the Office of Defense Transportation to be just and equitable.

2. When such a carrier utilizes in the performance of authorized transportation service for the Container Corporation of America the motor vehicle of another such carrier together with the services of the driver and helper, or either, regularly employed by such other carrier in connection therewith, it shall not be necessary for such carrier to transfer such driver or such helper to its payroll: *Provided*, That during such period of utilization of such motor vehicle such operating carrier shall assume direction and control of such motor vehicle and facilities, and in respect of its operation, assume full responsibility to the general public and to the Container Corporation of America: *Provided further*, That the name, address, and permit or certificate number of such operating carrier is prominently displayed on both sides of the vehicle and, if the name of such other carrier or the name of any other person also appears on the motor vehicle, the name of the operating carrier shall be preceded by the words "operated by."

3. Unless the interested carriers agree upon the amount of compensation payable for the use of any such motor vehicle and facilities so utilized, the amount of such compensation shall be such amount as may be determined by the Office of Defense Transportation to be just and equitable, subject to any applicable maximum price established by any competent governmental authority.

4. Any contract carrier by motor vehicle duly authorized to engage in interstate or foreign commerce or intrastate commerce in the transportation of said described commodities, or some of them, and engaged as such by the Container Corporation of America, shall be entitled to participate in the plan of action and arrangement contemplated by this Supplementary Order ODT 17–1 if, upon application filed with the Office of Defense Transportation, a copy of which application shall be served upon each member carrier to this plan, the Director of the Office of Defense Transportation shall have determined that the facilities of such carrier are suitable for participation in such plan and arrangement.

5. This Supplementary Order ODT 17–1 shall not be construed so as to permit or require any contract carrier to perform any transportation service, the performance of which by it is not authorized or sanctioned by law, or to render any service beyond its transportation capacity, nor shall it be construed so as to relieve any such carrier from inquiring at and registering with a Joint Information Office established pursuant to General Order ODT 13, as amended,[2] available motor vehicle equipment not utilized under the terms of this Supplementary Order ODT 17–1.

6. Each carrier named herein shall file a copy of this supplementary order with the Interstate Commerce Commission and with each appropriate State regulatory body.

7. Communications concerning this order should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C. and should refer to "Supplementary Order ODT 17–1."

This order shall become effective on November 30, 1942, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 20th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42–12157; Filed, November 20, 1942; 11:46 a. m.]

[Special Order ODT B–32]

NEW ENGLAND TRANSPORTATION CO., ET AL.

COORDINATION OF MOTOR VEHICLE PASSENGER SERVICE

Directing coordinated operation of New England Transportation Company; Union Street Railway Company; and Milton Schoenberg, operating as I. C. T. Bus Company; between Providence, Rhode Island, and New Bedford, Massachusetts.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers, filed with the Office of Defense Transportation by New England Transportation Company, Boston, Massachusetts, Union Street Railway Company, New Bedford, Massachusetts, and Milton Schoenberg, operating as I. C. T. Bus Company, East Providence, Rhode Island, pursuant to § 501.49 of General Order ODT 11,[1] and in order to assure maximum utilization of the facilities, services, and equipment of common carriers of passengers by motor vehicle, and to conserve and providently utilize vital equipment, material, and supplies, including rubber, the attainment of which purposes is essential to the successful prosecution of the war: *It is hereby ordered*, That:

1. New England Transportation Company, Union Street Railway Company, and Milton Schoenberg, operating as I. C. T. Bus Company, (hereinafter collectively called "carriers"), respectively, in the transportation of passengers, express, newspapers, and mail on the routes served by them between Providence, Rhode Island, and New Bedford, Massachusetts, as common carriers by motor vehicle shall:

(a) Honor each other's interstate tickets and waybills between all points common to their lines where equal fares or charges apply, and divert to each other traffic routed between such points for the purpose of relieving overloads and reducing the operation of additional equipment in extra sections;

(b) Adjust and establish interstate schedules to eliminate duplication of times of departure of the respective carriers and provide reasonable frequency of service throughout the day;

(c) Wherever practicable, except at Providence, Rhode Island, and Fall River, Massachusetts, eliminate duplicate depot facilities and commission ticket agencies and in lieu thereof, utilize joint depot facilities and joint commission agencies. Contracts, agreements, and arrangements for any such joint facilities and agencies shall not extend beyond the effective period of this order. At depot facilities and commission ticket agencies used jointly by the carriers, service, travel information, and ticket sales shall be impartial, without preference or discrimination for or against either of such carriers;

(d) Publish consolidated time tables.

2. On the routes served by the carriers between Providence, Rhode Island, and Fall River, Massachusetts:

(a) The carriers shall operate a combined service of not to exceed forty-one (41) round trips daily;

(b) Milton Schoenberg and New England Transportation Company shall honor each other's intrastate tickets and waybills between all points common to their lines where equal fares or charges apply, and divert to each other traffic routed between such points for the purpose of relieving overloads and reducing the operation of additional equipment in extra sections;

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[1] 7 F.R. 5678, 7694.

[2] 7 F.R. 5066, 5678.

[1] 7 F.R. 4389.

(c) The carriers shall adjust and establish intrastate schedules to eliminate duplication of times of departure of the respective carriers and provide reasonable frequency of service throughout the day;

(d) New England Transportation Company and Union Street Railway Company shall operate, as nearly as practicable, sixty-four and one-half (64½) per cent of the combined vehicle mileage of the carriers, and Milton Schoenberg shall operate, as nearly as practicable, thirty-five and one-half (35½) per cent of such mileage;

(e) New England Transportation Company shall pay to Milton Schoenberg ninety (90) per cent of the amount of revenue collected by it and Union Street Railway Company from transportation that is in excess of sixty-four and one-half (64½) per cent of the combined gross revenue of the carriers from transportation, and Milton Schoenberg shall pay to New England Transportation Company ninety (90) per cent of the amount of revenue collected by him from transportation that is in excess of thirty-five and one-half (35½) per cent of such combined gross revenue.

3. Through service between Providence, Rhode Island, and New Bedford, Massachusetts, shall not exceed eighteen (18) round trips daily by New England Transportation Company and Union Street Railway Company, and seven (7) round trips on Saturdays, Sundays, and legal holidays, six (6) round trips on days preceding legal holidays, and four (4) round trips on other days by Milton Schoenberg.

4. Union Street Railway Company shall operate such intrastate service between Fall River and New Bedford, Massachusetts, as the volume of traffic may require.

5. The carriers forthwith shall file with the Interstate Commerce Commission, in respect of transportation in interstate or foreign commerce, and with each appropriate State regulatory body, in respect of transportation in intrastate commerce, and publish, in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the fares, charges, operations, rules, regulations, and practices of each carrier which may be necessary to accord with the provisions of this order, together with a copy of this order; and forthwith shall apply to said Commission and each such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

6. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT B-32."

This order shall become effective on December 4th, 1942, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 20th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-12156; Filed, November 20, 1942; 11:46 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 12 Under MPR 161]

JERRY AARTS LOGGING COMPANY, ET AL.

OVERTIME ADDITIONS

Order No. 12 under § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs.

Pursuant to the provisions of § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs, each of the following persons has filed with the Office of Price Administration, Washington, D. C., a certified statement that the following hours per week are maintained in its logging operations. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1381.160 (e) of Maximum Price Regulation 161, *It is hereby ordered:*

(a) The following persons being on a 48-hour week may add to the maximum prices of all logs produced by them $1.00 per 1,000 ft., log scale:

Jerry Aarts Logging Company, Sumner, Washington.
Lerback Logging Co., Seaside, Oregon.
Dye Logging Co., Tillamook, Oregon.
M. C. Willie, Olympia, Washington.
Duffy Bros., Clallam Bay, Washington.
Southard & Tobin, Olympia, Washington.
Sun Down Logging Co., Yelm, Washington.
Halverson & Deeter Logging Co., Everson, Washington.
Grays River Logging Co., Rosburg, Washington.
A. J. Bartley, Raymond, Washington.
Siler Logging Company, Seattle, Washington.
Mt. Baker Timber Company, Bellingham, Washington.
F. E. Langer, Port Orchard, Washington.
Manthe Logging Co., Longview, Washington.

(b) The following company, having changed its status as an overtime company from a 54-hour basis to a 48-hour basis as of September 14, 1942, may add to the maximum prices of all logs produced by it $1.00 per 1,000 ft. log scale, instead of $1.50 as has been authorized by prior order of the Office of Price Administration:

Puget Sound Pulp & Timber Co., Bellingham, Washington.

This change of status shall be effective as of September 14, 1942, and the prior authorization of $1.50 per 1,000 ft. log scale is hereby revoked for this company.

(c) The following person being on a 54-hour week may add to the maximum prices of all logs produced by it $1.50 per 1,000 ft., log scale:

H. L. Crippen Logging Company, Hoquiam, Washington.

(d) The following persons being on a 60-hour week may add to the maximum prices of all logs produced by them $2.00 per 1,000 ft., log scale:

Lee Martin, Quilcene, Washington.
Camp Creek Timber Co., Gardiner, Oregon.

(e) The additions to maximum prices specified in paragraphs (a), (b), (c) and (d) hereof may be made subject to the condition that the persons named comply with all provisions of § 1381.160 (e) of Maximum Price Regulation 161.

(f) This Order No. 12 may be revoked or amended by the Price Administrator at any time by similar publication in the FEDERAL REGISTER for change of status of any of the persons named herein as an overtime company.

(g) This Order No. 12 shall become effective November 21, 1942.

Issued this 20th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12148; Filed, November 20, 1942; 10:49 a. m.]

[Order 13 Under MPR 161]

CONSOLIDATED TIMBER CO.

APPROVAL OF MAXIMUM PRICE

Order No. 13 under Maximum Price Regulation 161—West Coast Logs.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, and in accordance with Procedural Regulation No. 6, *It is ordered:*

(a) Consolidated Timber Company, Glenwood, Oregon, may sell and deliver to Alfred A. Loeb, Portland, Oregon, the following sizes and grade of Douglas fir logs:

Species	Top diameter	Length	Grade	Maximum price per 1,000 feet log scale
Old Growth Douglas fir----	30" and over------	Random------	No. 1 log, Suitable for peeling------	$50.00

The above logs are to be sold f. o. b. cars Glenwood, Oregon, and the grade and scale is to be based upon the grade and scale of the Columbia River Log Scaling & Grading Bureau. Such logs must also meet the following specifications: No twist, close grained, slow growth, no pitch seams, a minimum of pitch pockets, no knots which might interfere with a productive yield, and with as little butt flare as possible.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 13 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in

§ 1381.158 of Maximum Price Regulation 161 shall apply to the terms used herein.

(e) This Order No. 13 shall become effective November 21, 1942.

Issued this 20th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1214[illegible]; Filed, November 20, 1942; 10:49 a. m.]

[Order 63 Under MPR 188]

PHILIP CAREY MANUFACTURING CO.

DETERMINATION OF MAXIMUM PRICE

Order No. 63 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

On October 6, 1942, The Philip Carey Manufacturing Company of Cincinnati, Ohio, filed an application with the Office of Price Administration seeking a specific authorization pursuant to § 1499.158 of Maximum Price Regulation No. 188 to determine maximum prices for Industrial and Steam Railroad Asbestos Smoke Jacks (as defined in paragraph (b) below) and for instructions as to the method to be used in determining maximum prices for such Asbestos Smoke Jacks to be manufactured by them.

Authorization for The Philip Carey Manufacturing Company to determine maximum prices for Industrial and Steam Railroad Asbestos Smoke Jacks. (a) The maximum prices which may be charged by The Philip Carey Manufacturing Company for Industrial and Steam Railroad Asbestos Smoke Jacks shall be determined in each case in accordance with the following formula:

(1) Determine the unit cost of the direct labor involved in the production of the Asbestos Smoke Jack based upon the highest wage rates in effect in the company for any substantial portion of March 1942, for each class of labor involved in the production of the product.

(2) Add to this sum the selling price of the Asbestos Cement Sheathing required, as stated in The Philip Carey Manufacturing Company's Price Schedule No. Y1B, effective February 25, 1942 for railroads, industrials and others, taking a discount of 45% on this stated price.

(3) Add to the total reached in (2) above the cost to the company of all other materials and accessories of all kinds used in the production of the Asbestos Smoke Jack.

(4) Add to the total reached in (3) above a sum equal to 35% of itself.

(5) The price so determined shall be the maximum price for the Asbestos Smoke Jack being priced, including crating.

(6) Where the Asbestos Smoke Jack is being sold uncrated, the same procedure shall be followed as in paragraphs (a) (1) through (a) (5) above: *Provided, however,* That in this case the discount specified in paragraph (a) (2) shall be 50% instead of 45%.

(7) All freight equalization practices and allowances and all trade or cash discounts applicable to the sale of any Asbestos Smoke Jack, whether based on quantity, class of purchaser, or any other cause, shall be applicable to the sale of any Asbestos Smoke Jack in accordance with the specific provisions of the company's Price Schedule Y1B, referred to above, and with the general practices of the company.

(b) The term "Asbestos Smoke Jack" as used in this Order No. 63 shall include all Smoke Jacks constructed of Asbestos Cement Sheathing and metal and other accessories of varying kinds, manufactured by The Philip Carey Manufacturing Company for use in engine houses to carry out smoke from the stack of the engine, or for related uses, built in each case to the dimensions and specifications shown by the customer.

(c) Within ten days after a maximum price has been determined in accordance with this order, The Philip Carey Manufacturing Company shall report that price to the Office of Price Administration, stating that the price was determined in accordance with the formula set forth in paragraph (a) hereof and setting forth in detail the calculations made in determining that price, including a description of the product and the labor and materials used. This report shall be filed in triplicate.

(d) This order shall be subject to adjustment at any time by the Office of Price Administration.

(e) This Order No. 63 may be revoked or amended by the Office of Price Administration at any time.

(f) This Order No. 63 shall become effective November 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12147; Filed, November 20, 1942; 10:49 a. m.]

DEC 3 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 230

Washington, Tuesday, November 24, 1942

The President

EXECUTIVE ORDER 9274

AUTHORIZING AN INCREASE IN THE NUMBER OF UNITS AND MEMBERS OF THE WOMEN'S ARMY AUXILIARY CORPS

By virtue of and pursuant to the authority vested in me by the act entitled "An Act to establish a Women's Army Auxiliary Corps for service with the Army of the United States", approved May 14, 1942 (Public Law 554, 77th Congress), as amended by the act approved October 26, 1942 (Public Law 761, 77th Congress), and in order further to accomplish the purpose of said act, as amended, I do hereby authorize and direct the Secretary of War to establish units of the Women's Army Auxiliary Corps, heretofore established by Executive Order No. 9163 of May 15, 1942,[1] of such character and in such numbers as he may determine from time to time to be necessary to meet the requirements of the Army, subject to the limitation that the total number of women enrolled or appointed in such Corps shall not exceed one hundred fifty thousand.

Executive Order No. 9163 of May 15, 1942, is hereby amended to the extent necessary to carry out the purposes of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 19, 1942.

[F. R. Doc. 42-12173; Filed, November 20, 1942; 2:22 p. m.]

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[1] 7 F.R. 3695.

Regulations

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary

[Rationing Order C]

PART 2—RATIONING OF FARM MACHINERY AND EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT

In view of the drastic limitation of production of new farm machinery and equipment, it is necessary in the general public interest that the distribution and use of new farm machinery and equipment be so controlled as best to promote the war effort. Accordingly, this Rationing Order C, which establishes a procedure for effectuating that purpose, is issued.

New farm machinery and equipment listed in Schedule I or Schedule II of this order may not be transferred until the Secretary of Agriculture or the Special War Board Assistant to the Secretary of Agriculture takes action pursuant to §§ 2.206, 2.207 and 2.212 of this order, except that new farm machinery and equipment listed on Schedule II which is in the hands of dealers may be transferred on and after the effective date of this order.

Pursuant to the authority vested in the Secretary of Agriculture by Administrative Orders 28[1] and 30[2] of the Office of Price Administration, issued September 15, 1942, and November 11, 1942, respectively: *It is hereby ordered*, That:

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[1] 7 F.R. 7326, 8672.
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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Telephone information: DIstrict 0525.

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AUTHORITY: §§ 2.201 to 2.242, inclusive, issued under Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and Pub. Laws 507 and 421, 77th Cong., War Production Board Directive 1, Supplementary Directive 1-K, Supplementary Directive 1-P, 7 F.R. 562, 7280, 8856, Office of Price Administration Administrative Orders 28 and 30, 7 F.R. 7326, 8672, 9368.

DEFINITIONS

§ 2.201 *Definitions.* When used in Rationing Order C:

(a) "Secretary" means the Secretary of Agriculture.

(b) "County farm rationing committee" means the county rationing committee heretofore established pursuant to § 2.4 of Temporary Rationing Order A, as amended (which committees are to remain in full force and effect), or the committee established pursuant to § 2.204 hereof.

(c) "State board" means the State U. S. D. A. War Board.

(d) "Special War Board Assistant" means the Special War Board Assistant to the Secretary of Agriculture.

(e) "Application" means an application for the purchase of Schedule I equipment.

(f) "Purchase certificate" means a certificate authorizing the purchase of Schedule I equipment.

(g) "Applicant" means a person who has filed an application with a county farm rationing committee or with a State board.

(h) "Manufacturer" means any person engaged to whatever extent in the business of making or assembling new farm machinery and equipment.

(i) "Distributor" means any person who accepts transfers of new farm machinery and equipment to the extent that such transfers are accepted for the purpose of making further transfers other than for use.

(j) "Dealer" means any person, whether principal or agent, engaged to whatever extent in the transferring of new farm machinery and equipment for use.

(k) "Type of equipment" means any general class of equipment, such as tractors, combines, grain drills, etc.

(l) "Person" means any individual, partnership, corporation, association, or any other organized group of "persons" and shall include any agent, agency, or any "person" acting for or on behalf of any of the foregoing. The term "person" shall also include the United States or any agency thereof, and a State or any political subdivision or agency thereof.

(m) "Transfer" means any actual or purported act or transaction, whether or not evidenced by writing, the purpose, intent, or effect of which is to create, surrender, release, change, or alter, directly or indirectly, any right, title, interest, or possession with respect to any new farm machinery and equipment and, without limitation upon the foregoing, shall include the making, execution, or delivery of any bill of sale, chattel mortgage, receipt, agreement, contract, certificate, gift, loan, lease, sale, barter, or exchange, the creation or transfer of any lien, the issuance, docketing, filing, or the levy of or under any judgment, decree, attachment, execution, or other judicial process or order. The use by a dealer or manufacturer of new farm machinery and equipment in farming operations shall be deemed a transfer. "Transfer" shall also include delivery of any new farm machinery and equipment from any person to any agent or agency of such person or the delivery thereof to any person acting on behalf of such person.

(1) Notwithstanding the foregoing, the following shall not be deemed to be transfers:

(i) The delivery of new farm machinery and equipment to a repairman, or to any other person, for the sole purpose of making repairs or adjustments.

(ii) The creation, surrender, release or alteration of any right, title or interest in new farm machinery and equipment which is done solely for the purpose of securing or releasing any obligation of the transferor: *Provided, however,* That the transferee may not acquire such new farm machinery and equipment except for purposes of making a transfer thereof pursuant to the provisions of this order.

(2) Notwithstanding the foregoing, the delivery of new farm machinery and equipment to a carrier for shipment or the delivery of new farm machinery and equipment by a carrier to a consignee shall not be deemed to be transfers to or by a carrier.

(n) "Farm machinery and equipment" means agricultural machinery, mechanical equipment and implements (including all attachments used in conjunction therewith) used for the production or care of crops, livestock, livestock products, or other produce on a farm (or elsewhere in the case of poultry), including farm fencing, fluid milk shipping containers and covers (no matter where used), irrigation and drainage equipment (excluding tile), horseshoes (including mule-shoes), horseshoe nails, harness hardware and water well casing: but excluding repair parts and also excluding all of the following: track-laying type tractors, equipment ordered by the United States Department of Agriculture or other United States Government agencies, buildings and repairs thereto, bale ties or straps, oil well casing and water pipe, nails (other than horseshoe nails) and sundry hardware.

(o) "Attachment" for farm machinery and equipment means a supplementary appliance which may be added to an otherwise complete machine to extend the utility of such machine. No item listed in Schedule I or Schedule II shall be considered an attachment.

(p) "New farm machinery and equipment" means all farm machinery and equipment except farm machinery and equipment transferred for use prior to the effective date of this order, or except farm machinery and equipment transferred for use pursuant to the provisions of this order. Farm machinery and equipment transferred or used in violation of this order shall be deemed to be new farm machinery and equipment.

(q) "Schedule I equipment" means new farm machinery and equipment listed in Schedule I attached hereto and made a part hereof.

(r) "Schedule II equipment" means new farm machinery and equipment listed in Schedule II attached hereto and made a part hereof.

(s) "Notification" means the depositing of any notice in the United States mail addressed to the last known address of the person being notified, or the delivery in any other manner of written notice to such person, and whenever this order requires the computation of time after notification, such time shall be computed from the date on which such notice was so deposited in the United States mail or was so delivered to such person.

(t) "Mail order house" means any person engaged in the business of transferring farm machinery and equipment for use directly to transferees upon orders therefor received, primarily by mail, from such transferees.

ADMINISTRATION AND PERSONNEL

§ 2.202 *Personnel.* The administration of the farm machinery and equipment rationing program established by this order and the powers conferred upon the Secretary by the Office of Price Administration Administrative Orders 28 and 30, are hereby delegated to the Special War Board Assistant. The Special War Board Assistant shall be assisted in the administration of the farm machinery and equipment rationing program by the State boards, the county farm rationing committees, and by such employees of the Department of Agriculture as he may designate.

§ 2.203 *Duties.* The county farm rationing committee, the State boards, the Office for Agricultural War Relations, and the Special War Board Assistant shall have the duties and responsibilities prescribed in this order and such further duties and responsibilities as the Secretary or the Special War Board Assistant may designate.

§ 2.204 *County farm rationing committee.* (a) The county farm rationing committee shall consist of three regular members and two alternate members, none of whom shall be dealers. One of the regular members shall be the chairman of the county agricultural conservation committee, who shall be chairman of the county farm rationing committee. If the chairman of the county agricultural conservation committee is a dealer, the county U.S.D.A. war board shall select, as a member and chairman of the county farm rationing committee, a regular or alternate member of the county agricultural conservation committee who is not a dealer. The other two regular members and the two alternate members of the county farm rationing committee shall be appointed by the county U.S.D.A. war board, shall be farmers resident in the county, and shall not be members of the county agricultural conservation committee. The regular and alternate members of the county farm rationing committees shall serve without compensation.

(b) An alternate member of the county farm rationing committee shall serve in case of illness or other indisposition of a regular member. No member of a county farm rationing committee shall take part in any committee action which involves the application of, or in any way affects, himself, any member of his immediate family, or other near relative, or his landlord, tenant, or business associate. An alternate member of the committee, not so disqualified, shall serve in such cases only if the distinterested members of the committee do not agree on the action to be taken.

(c) Any member of the county farm rationing committee may be removed after hearing by the State board. In case of such removal, the county U.S.D.A. war board shall fill such vacancy by appointment pursuant to the provisions of paragraph (a) hereof. If the member removed is a member or chairman of the county agricultural conservation committee, the vacancy shall be filled by the appointment of a qualified regular or alternate member of the county agricultural conservation committee.

(d) If a county farm rationing committee determines that for any reason it cannot satisfactory perform its duties and functions under this order and that such duties and functions could be more satisfactorily performed with the assistance of a subcommittee controlling a smaller geographical area, it may apply to the State board for permission to establish a county farm rationing subcommittee. If the State board determines under all the circumstances that such action would be in the best interest of the new farm machinery and equipment rationing program, it may authorize the county U.S.D.A. war board for such county to appoint a sub-committee consisting of two regular and two alternate members, all of whom shall be farmers, and a third member who shall be a member of the county agricultural conservation committee. All of such regular and alternate members shall be qualified under paragraph (a) hereof. The member of the county agricultural conservation committee shall be the chairman of such sub-committee. The State board shall designate the area in such county to be served by the county farm rationing committee and the area to be served by the sub-committee. The county farm rationing committee shall allocate from its quotas of each type of Schedule I equipment the numbers of units which shall be available for rationing by the sub-committee. Any subcommittee appointed under this paragraph shall act as if it were the county farm rationing committee within the area designated and the procedures in this order applicable to the county farm rationing committee shall be applicable to any such sub-committee. Appeals from any action of such sub-committee shall be made pursuant to this order and shall, after reconsideration by such subcommittee, be made directly to the State board.

(e) If the State board determines for any reason that it is desirable in the best interests of the farm machinery and equipment rationing program that a county farm rationing committee for a particular county be given jurisdiction over one or more other counties in the administration of this order, the State board may designate such county farm rationing committee to administer the provisions of this order for such other county or counties, and it shall abolish any county farm rationing committee heretofore established for such other county or counties. Before a State board takes any action authorized by this paragraph, it shall obtain the approval of the Special War Board Assistant.

(f) The county farm rationing committee for Montgomery County, State of Maryland, shall administer the provisions of this order for the District of Columbia.

RESTRICTIONS

§ 2.205 *Restrictions of transfers.* Regardless of the terms of any contract of sale or purchase, or other commitment, whenever made, no person shall transfer or accept a transfer of any Schedule I equipment or Schedule II equipment except pursuant to the provisions of this order.

SCHEDULE I: EQUIPMENT QUOTAS AND ALLOCATIONS

§ 2.206 *Establishment of quotas.* (a) The Office for Agricultural War Relations and the Special War Board Assistant may, from time to time, establish State quotas providing for the maximum number of units of each type of Schedule I equipment for the transfer of which purchase certificates may be issued. State and county quotas and State reserves, if any, may be altered or revoked in the discretion of the Special War Board Assistant.

(b) The Special War Board Assistant may withhold a portion of each State quota of Schedule I equipment as a national reserve to be administered by him for the making of such adjustments as he may deem necessary pursuant to § 2.210. The State boards may also withhold a portion of each State quota of Schedule I equipment as a State reserve to be administered by the State board of each such State for the purpose of making necessary adjustments of Schedule I equipment quotas for the counties within the State.

§ 2.207 *Allotment of quotas to county farm rationing committees.* The Special War Board Assistant shall forward to each State board the Schedule I equipment quotas applicable to each such State. The State board shall then establish and forward to each county farm rationing committee the Schedule I equipment quotas, if any, applicable to each such county. No county farm rationing committee shall issue a purchase certificate for the transfer of any type of Schedule I equipment in excess of its quotas of such Schedule I equipment. Prior to the establishment of a county quota of any type of new farm machinery and equipment in Schedule I, the county farm rationing committee shall not issue any purchase certificates for such type of Schedule I equipment unless the Special War Board Assistant has announced that no quotas will be presently established for such type of Schedule I equipment: *Provided, however,* That if the Special War Board Assistant thereafter establishes State quotas for any such type of Schedule I equipment, no county farm rationing committee shall, thereafter, issue purchase certificates for transfers of such equipment in excess of its quota.

§ 2.208—*Request for adjustment of quotas to cover special situations.* Where a county farm rationing committee believes that the current agricultural need requires that it issue a purchase certificate for the transfer of any Schedule I equipment, but is unable to issue such a purchase certificate because its quota for such Schedule I equipment has been exhausted, the county farm rationing committee may make a request to the State board to increase the county quota of such Schedule I equipment by filing a written request with the State board setting forth the full facts of the case. The State board in its discretion may draw upon its State reserve, if any, to augment such quota for the county as it deems necessary.

§ 2.209 *General authority of State boards over quotas.* A State board itself shall not issue purchase certificates except as provided in § 2.213 or except pursuant to instructions or regulations issued by the Special War Board Assistant, but may add a specific number of units of Schedule I equipment to the quota of a county for which the county farm rationing committee may then issue purchase certificates. However, a State board shall not increase a county quota in excess of the then existing reserve for such State nor shall the State board grant authority to a county farm rationing committee to exceed that county's then existing quota.

§ 2.210 *Adjustment of State quotas by the Special War Board Assistant.* The Special War Board Assistant may draw upon the national reserve, if any such reserve is established pursuant to paragraph (b) of § 2.206, to adjust the quotas of the different States. A State board may request an allotment from any such national reserve withheld by the Special War Board Assistant to augment a State reserve, if any, held under such board's control. Any such request shall be accompanied by a statement setting forth in full the facts giving rise to such request.

SCHEDULE II: EQUIPMENT

§ 2.211 *Purchase certificates not required.* A purchase certificate is not necessary for the transfer of Schedule II equipment.

DISTRIBUTION ORDERS AND REGULATIONS

§ 2.212 *Shipment of new farm machinery and equipment.* No manufacturer, distributor, mail order house, dealer or other person shall transfer or physically move (unless for purposes of storage within the county in which such equipment is located) any Schedule I or Schedule II equipment except pursuant to orders or regulations issued by the Secretary or the Special War Board Assistant: *Provided, however,* That a dealer, from stocks which he has on hand, may transfer any Schedule II equipment, or may transfer any Schedule I equipment pursuant to a purchase certificate. Orders or regulations issued under this section shall be designed, insofar as practicable, to effectuate the proper distribution of farm machinery and equipment in accordance with quotas and allocations established pursuant to this order.

FLUID MILK SHIPPING CONTAINERS AND COVERS

§ 2.213 *Special provisions for fluid milk shipping containers and covers.* (a) Each State board shall reserve an appropriate number of units of the State quota of new fluid milk shipping containers and covers, if any such quota is established, to ration to dairies and farmers' cooperatives which do business in two or more counties or in a county in which there is no county farm rationing committee established.

(b) The State boards shall act as the county farm rationing committees in the rationing of new fluid milk shipping containers and covers to dairies and farmers' cooperatives which operate in two or more counties or in a county in which there is no county farm rationing committee established. Applications for the above shall be received by the State boards and the State boards shall act upon such applications as if they were the county farm rationing committees and follow the procedures established in this order for county farm rationing committees. Pursuant to such applications the State boards may issue purchase certificates. The State boards shall not issue purchase certificates in any other cases.

(c) The procedure established by this order for appeals from the county farm rationing committees shall be followed in appealing from the action of the State boards acting pursuant to this section, except that requests for reconsideration shall be made to the State board and the appeal from the State board's action shall be taken directly to the Special War Board Assistant.

(d) Any State board acting pursuant to this section shall keep the same records required of a county farm rationing committee.

(e) Any State board may designate one or more areas within its State and may appoint a committee to be responsible for the execution of the provisions of this section in each such area. If such committees are designated, they shall consist of three regular members and three alternate members, all to be appointed by the State board. One member, who shall be chairman, shall be a representative of the Agricultural Marketing Administration, preferably the market administrator, within the designated area; one member shall be a member of a farmers' milk cooperative association within the designated area; and one member shall be affiliated with a dairy company within the designated area. Each alternate shall be qualified in the same manner as the member for whom he is alternate. If any of the above interests are not represented within the designated area, then in lieu of a representative of such interest the State board shall appoint a person resident within the designated area who does not represent any of such interests. Both regular and alternate members shall serve without compensation. Any committee appointed under this subsection shall, in rationing new fluid milk shipping containers and covers, operate in accordance with the provisions of this section relating to State boards, except that appeals from the action of such committees upon applications for reconsideration shall be first made to the State board.

PERSONS AUTHORIZED BY THE WAR PRODUCTION BOARD TO ACQUIRE NEW FARM MACHINERY AND EQUIPMENT

§ 2.214 *Government agencies; exports; non-farm use.* Any Federal agency desiring any new farm machinery and equipment, any person desiring to acquire new farm machinery and equipment for export to and consumption or use in any foreign country, and any person desiring to acquire for non-farm use any new farm machinery and equipment, except fluid milk shipping containers and covers, may acquire such new farm machinery and equipment without purchase certificates provided there is compliance with any and all applicable regulations of the War Production Board.

TRANSFERS OF SCHEDULE I EQUIPMENT WITHOUT PURCHASE CERTIFICATES

§ 2.215 *Persons eligible to transfer Schedule I equipment only for purposes of resale.* The following persons are eligible to transfer or to accept a transfer, pursuant to orders or regulations issued under § 2.212, of Schedule I equipment without purchase certificates for the purpose only of making further transfers in accordance with this order: dealers, mail order houses, distributors, or manufacturers, or their legal successors in interest (including but not limited to heirs, devisees, successors, assigns, trustees in bankruptcy, receivers, persons distraining, levying by execution, attachment, or similar forms of judicial process, or persons repossessing or taking by default).

STANDARDS OF USE

§ 2.216 *Establishment of standards of use.* The Special War Board Assistant may, from time to time, establish standards of use for each type of Schedule I equipment. Such standards may differ from State to State and from county to county. The county farm rationing committees and all persons concerned in the administration of this order shall, in any action on applications for purchase certificates, be guided by such standards of use as may be prescribed for the various types of Schedule I equipment for the State and county in which such applications for purchase certificates are made.

PERSONS ELIGIBLE TO ACQUIRE NEW FARM MACHINERY AND EQUIPMENT IN SCHEDULE I

§ 2.217 *Proof of necessity.* A person may obtain a purchase certificate and a county farm rationing committee may issue such a purchase certificate only if such person:

(a) Establishes the following facts to the satisfaction of the county farm rationing committee:

(1) That such person's present machinery and equipment cannot handle the production or increased or new production planned and required as a contribution to the current agricultural need;

(2) That such person cannot meet his machinery and equipment needs by re-

pairing his old machines and equipment, by purchasing or renting used machinery and equipment, by custom work, by exchange of work or machinery and equipment, or by any other means;

(3) That failure to approve the application would result in a substantial reduction in the production of crops or commodities essential to the war effort;

(4) That the machinery and equipment to be purchased will, where possible, perform services considerably in excess of the average services performed by the same kind of machinery and equipment in use in the community;

(5) That, if such person desires to change from horse-power or mule-power to motor power, he has a good and sufficient reason for making such change;

(6) That, if such person desires to change from hand labor to machinery, he has a good and sufficient reason for making such change; and

(b) Satisfies the county farm rationing committee that the following agreements have been or will be executed in good faith;

(1) An agreement to turn in to the dealer, or to whomever the county farm rationing committee may designate, for rebuilding or for salvage of all usable parts, or for scrap, the machinery and equipment which he proposes to replace, unless such person furnishes the county farm rationing committee with satisfactory evidence that some other disposition of the worn-out machinery and equipment would better serve the national interest, or that no such disposition thereof is possible;

(2) An agreement with the United States to rent, or do custom work with, or let others use the new farm machinery and equipment on such terms and conditions as the county farm rationing committee may deem necessary;

(3) An agreement with the United States to use the new farm machinery and equipment in accordance with the agreements and statements made in his application for such new farm machinery and equipment, and to comply with or conform to any other agreements and statements made in his application; and the further agreement that, if the county farm rationing committee determines after a hearing that he has failed, without regard to existence of fault on his part, to comply with or conform to such agreements and statements, or that he has made a false statement in preparing his said application or has not made in good faith any statement or agreement signed by him in said application, (i) he will not object to the entry of a judgment or decree compelling him to comply with or conform to such agreements and statements, (ii) he will rent or sell such farm machinery and equipment to such person or persons as the county farm rationing committee may designate, upon such terms and at such rental or sales prices as such applicant and such county farm rationing committee may agree upon, or in case of disagreement, upon such terms and at such rental or sales price as may be agreed upon by a majority of arbiters, one to be appointed by the applicant, one to be appointed by the county farm rationing committee and a third to be appointed by such two arbiters; if such applicant refuses to appoint an arbiter, the rental or sales price shall be that fixed by the arbiter appointed by the county farm rationing committee.

(4) An agreement with the transferor of the new farm machinery and equipment that all right, title, and interest therein acquired by such applicant as transferee shall immediately vest in the United States upon the happening of the following conditions: namely; (i) (*a*) that there has been a determination by the county farm rationing committee in writing that such applicant is not complying with or conforming to or has failed to comply with or conform to the uses to which said applicant stated in his application he would put his machinery and equipment, or to the agreements which said applicant signed in said application or to any other statements set forth by said applicant in said application; (*b*) or that the county farm rationing committee has made a determination in writing that said applicant has made a false statement in preparing his said application or has not made in good faith any statement or agreement signed by him in said application, and (ii) that there has been a determination by the State board in writing that such vesting is necessary to promote the best interests of the United States.

APPLICATIONS BY PERSONS FOR SCHEDULE I EQUIPMENT AND NOTIFICATIONS

§ 2.218 *Applications for certificates to purchase Schedule I equipment.* (a) Any person who believes that he is entitled under this order to Schedule I equipment may file with the county farm rationing committee for the county in which such Schedule I equipment is to be principally used an application for a certificate to purchase such Schedule I equipment. Such application shall be filed on Form MR–20. The applications for the Schedule I equipment referred to in § 2.213 shall be filed on Form MR–20 with the State board for the State in which such Schedule I equipment is to be principally used.

(b) If, pursuant to § 2.207, the Special War Board Assistant has announced that no quotas will be presently established for any type of Schedule I equipment, an applicant for such type of Schedule I equipment shall, in addition to filing the application mentioned in paragraph (a) hereof, certify in writing to the county farm rationing committee that he has located in the hands of a dealer or a mail order house the Schedule I equipment for which application is made and that to his best knowledge such Schedule I equipment so located will be transferred to him if he is granted a purchase certificate.

§ 2.219 *Preparation of application*—(a) *Forms.* Copies of Form MR–20 may be obtained from any State board, from any county farm rationing committee or from any dealer.

(b) *Contents*—(1) *Name of applicant.* The applicant shall state his name as provided in the instructions on Form MR–20.

(2) *Addresses.* The applicant shall state the mailing address of his residence or principal place of business or office and the telephone number thereof, if any.

(3) *Separate applications.* A separate application shall be filed for each type of Schedule I equipment.

(4) *Agreements.* The agreements specified in § 2.217 (b) (1), (2), and (3) shall be incorporated in each application and the applicant's execution of the application shall also constitute his execution of such agreements.

(5) *Execution by applicant.* The applicant shall certify the facts stated in the application and shall sign the agreements contained therein in the manner and form provided therefor on Form MR–20.

§ 2.220 *Action by the county farm rationing committee on application.* Before granting an application for a purchase certificate for Schedule I equipment, the county farm rationing committee shall satisfy itself that the applicant has properly executed his application, that all the facts stated in the application are true, and that the applicant has satisfied all the pertinent requirements and conditions specified by this order.

§ 2.221 *Basis for county farm rationing committee determinations.* (a) The county farm rationing committee shall at all times serve the objectives sought by the new farm machinery and equipment rationing program and allocate Schedule I equipment only for uses essential to the war effort and then in the order that such uses are most vital. The determination of facts in each case shall be made by the county farm rationing committee upon the basis of the application and all other information which comes to its knowledge. In acting upon applications, it shall observe all pertinent provisions of this order as originally issued and as subsequently amended. The county farm rationing committee may in its discretion request the applicant, or his authorized representative, to appear in person at a designated time and place to answer pertinent questions. If an applicant shall refuse to permit the county farm rationing committee or its authorized representatives to make such inspection of his farm and farm machinery and equipment as it deems necessary, his application shall be denied forthwith. The county farm rationing committee should attempt, insofar as practicable, to have before it all applications for each type of Schedule I equipment before it issues any purchase certificates for each such type of Schedule I equipment.

(b) No purchase certificate shall be issued to any applicant for any type of Schedule I equipment for which the Special War Board Assistant has announced that no quotas will be presently established, unless such applicant has filed with the county farm rationing committee the certification required by § 2.218 (b) and unless the county farm rationing committee is convinced that said certification has been made in good faith.

§ 2.222 *Notation of action.* When the county farm rationing committee determines that an application shall be granted, at least two members thereof shall place their initials after the word "Approved" on Form MR–20. If the county farm rationing committee determines that an application should be granted in part only, a notation showing the part granted, initialed by at least two members of the county farm rationing committee, shall be made on Form MR–20. If the county farm rationing committee determines an application should be denied, at least two members thereof shall place their initials after the word "Disapproved" on Form MR–20.

§ 2.223 *Notification.* After acting upon an application, the county farm rationing committee shall notify the applicant of its decision. If the application is denied, in whole or part, the reasons therefor shall be set forth on Form MR–21. The original of such form shall be given or mailed to the applicant, and a copy shall be attached to the application, which shall be filed in alphabetical order in the office of the county farm rationing committee.

CERTIFICATES FOR PURCHASE OF SCHEDULE I EQUIPMENT

§ 2.224 *Form of certificate.* (a) In cases where the county farm rationing committee authorizes an applicant to purchase Schedule I equipment, it shall immediately issue to the applicant a purchase certificate for the transfer of such Schedule I equipment. The certificate shall be issued on Form MR–22. All purchase certificates shall be nontransferable. Such certificates, which shall be prepared in triplicate, shall be numbered serially and all numbers shall be accounted for and the serial number of each certificate shall be placed upon the appropriate application. The original and one copy of the certificate shall be given or mailed to the applicant and the remaining copy shall be attached to the application. Each purchase certificate shall show the date of its issuance and expiration, or any extension thereof. Each purchase certificate shall contain the agreement to be entered into between the transferor and the transferee of the Schedule I equipment described therein.

(b) A county farm rationing committee may, before delivery to the applicant of Schedule I equipment described in a purchase certificate issued by it, cancel such purchase certificate if such committee determines that the applicant had made a misrepresentation in his application or in any other matter properly before said committee, or that the applicant will be unable to fulfill the statements and agreements made by him in his application or purchase certificate.

§ 2.225 *Execution by issuing county farm rationing committee.* It shall be the responsibility of the county farm rationing committee, prior to the issuance of a purchase certificate, to insert on the original and each copy thereof the information designated thereon to be filled in by the county farm rationing committee. No certificate shall be valid unless signed by at least one member of the county farm rationing committee.

§ 2.226 *Action by purchaser.* (a) Upon receiving the purchase certificate executed as provided in § 2.225, the applicant shall sign the purchase certificate and copy thereof, thereby executing the agreements contained therein. The applicant may then purchase the Schedule I equipment specified in the purchase certificate, at a price not in excess of the maximum price therefor established by the Office of Price Administration.

(b) The applicant shall at the time of purchase present to the dealer the original purchase certificate and copy thereof in the form in which they were given to him by the county farm rationing committee except for the addition of his signature.

§ 2.227 *Expiration of purchase certificates.* Transfer (including but not limited to delivery) of any Schedule I equipment authorized by a purchase certificate must be made on or before the 60th day after the date of issuance of such purchase certificate. Such date shall be known as the expiration date. Such purchase certificate shall be void if transfer (including but not limited to delivery) is not made before the expiration date and any transfer (including but not limited to delivery) made after such expiration date shall be invalid. Any person who has been granted a purchase certificate pursuant to this order may, before the expiration date, apply to the county farm rationing committee for an extension of such date. If, under all the circumstances, the county farm rationing committee determines that the expiration date should be extended, the county farm rationing committee shall extend the expiration date. An extension shall not be granted for more than 30-day period at any one time. The original and the copy of the purchase certificate must be presented to the county farm rationing committee in order that the extended expiration date may be noted thereon before any transfer (including but not limited to delivery) is made. If, after 5 days from the expiration date of any purchase certificate, the original of such purchase certificate has not been returned to the issuing county farm rationing committee, such issuing county farm rationing committee shall make inquiry of the applicant and determine whether or not transfer (including but not limited to delivery) was made pursuant to such purchase certificate before the expiration date thereof. If such transfer (including but not limited to delivery) has not been so made, the issuing county farm rationing committee shall require the applicant or the dealer, if he has possession of such purchase certificate, to return the original and copy thereof to the issuing county farm rationing committee. It shall be the duty of the county farm rationing committee, at the end of 5 days after the expiration date of a purchase certificate, to cancel upon its books such purchase certificate if the Schedule I equipment covered by such purchase certificate has not been delivered to the transferee before such expiration date. The county farm rationing committee shall make such cancellation regardless of the return of the outstanding original and copy of said purchase certificate.

§ 2.228 *Action by dealer.* Upon the surrender to him of a purchase certificate and copy thereof, the dealer shall ascertain that the original and copy have been properly signed by the purchaser and shall not honor such certificate unless it and the copy are so signed. Immediately upon delivering Schedule I equipment pursuant to a purchase certificate surrendered to him, the dealer shall sign and date the certificate and copy thereof in the space provided, thereby executing the agreement contained therein, and shall thereupon mail the original of such purchase certificate to the issuing county farm rationing committee or the issuing State board. If delivery of the Schedule I equipment specified in any such purchase certificate is not made before the expiration date specified on such purchase certificate, the dealer shall, immediately following such expiration date, return the original and the copy of such purchase certificate to the issuing county farm rationing committee or the issuing State board.

APPEALS BY APPLICANTS

§ 2.229 *Application for reconsideration by the county farm rationing committee.* Any applicant whose application for new Schedule I equipment has been denied in whole or in part by the county farm rationing committee may, within 15 calendar days after notification of such action, request such committee, in writing, to reconsider its action on his application. Notification of the county farm rationing committee's ruling shall be given to such person within 15 calendar days after receipt of his written request for reconsideration.

§ 2.230 *Appeal to State board.* (a) Any applicant for Schedule I equipment who has good reason to believe that the ruling of the county farm rationing committee on his request for reconsideration is not in accordance with the provisions of this order may, within 15 calendar days after written notification of such ruling, file with the county farm rationing committee a written appeal to the State board from such ruling. The county farm rationing committee shall promptly transmit such appeal to the State board.

(b) The applicant shall include in such appeal a statement in writing, setting forth the specific reasons why he believes the action taken by the county farm rationing committee was not in accordance with this order, stating the portion or portions of this order upon which he relies, and stating in full the facts upon which his appeal is based.

§ 2.231 *Action by the State board.* (a) The State board may require the county farm rationing committee or the applicant to furnish pertinent information in addition to that furnished before the county farm rationing committee with respect to the appeal pending before such board. The State board may affirm, reverse, or modify the ruling of the county farm rationing committee. The action of the State board shall in all respects be in accordance with the provisions of this order.

(b) The State board's decision shall be made as soon as is reasonably possible (in any event not later than 30 calendar days after the State board has received such appeal), shall be in writing, and notification thereof shall be given to the applicant and to the county farm rationing committee. If the State board reverses or modifies the ruling of the county farm rationing committee, it shall promptly mail a copy of its decision to the Special War Board Assistant, Room 3095, South Building, Department of Agriculture, Washington, D. C.

§ 2.232 *Review of State board action.* If an applicant has good reason to believe that the decision of the State board on his appeal is not in accordance with the provisions of this order, he may, within 15 calendar days after notification thereof, file with the State board a written petition for review by the Special War Board Assistant. The State board shall promptly transmit such petition to the Special War Board Assistant at the address set forth in § 2.231 (b) hereof. Such written petition shall be dated and signed by the applicant, shall be made under oath, and shall set forth the specific reasons why he believes the decision of the State board is not in accordance with the provisions of this order, and the portion or portions of this order upon which he relies. The Special War Board Assistant may require the furnishing of pertinent information by the applicant, the county farm rationing committee, or the State board. He may affirm, reverse, or modify the decision of the State board, and he may remand the matter to the county farm rationing committee. The decision of the Special War Board Assistant shall be in writing and shall be communicated to the applicant, to the county farm rationing committee, and to the State board, and shall be final and conclusive.

RECORDS

§ 2.233 *Records to be kept by the county farm rationing committee.* (a) All applications for Schedule I equipment, and papers relating thereto, received by the county farm rationing committee, shall be systematically filed in its office. Records shall be kept by the committee of such pertinent and material data as may be necessary to carry out this order or as may be required by the Special War Board Assistant. The purchase certificates returned by dealers shall be attached to the respective applications.

(b) Lists containing the names and addresses of applicants who have been granted purchase certificates and the Schedule I equipment covered by each respective certificate shall be kept freely available for public inspection in the office of the county farm rationing committee and shall be made available for publication in local newspapers.

(c) Data from all purchase certificates issued by the county farm rationing committee shall be kept for each type of Schedule I equipment on Form MR-23, Register of Nontransferable Certificates for Purchase of New Farm Machinery and Equipment.

§ 2.234 *Records to be kept by dealers.* (a) Each dealer shall prepare a copy of the itemized invoice required by § 1361.5 of Maximum Price Regulation No. 133[3] of the Office of Price Administration and shall forward such copy of said invoice or sales check to the issuing county farm rationing committee or issuing State board, along with the original of the purchase certificate. Such invoice or sales check shall contain a separate statement of the following items:

(1) The manufacturer's suggested retail price, f. o. b., factory.

(2) The charge for freight and manufacturer's handling, if any.

(3) The charge for dealer's handling, or the charge for special installation, if any.

(4) The charge for delivery beyond the 30-mile zone, if any.

(5) The amount of excise tax, if any, billed separately to the dealer by the manufacturer.

(6) The amount of sales, use, or gross receipts tax, if any, required or permitted to be paid.

In addition such invoice or sales check shall disclose a complete description of the farm machinery and equipment, transferred pursuant to the purchase certificate, including the name of the manufacturer and the manufacturer's model number.

(b) Each dealer shall maintain a file containing the copies of all purchase certificates which are accepted by such dealer and which are issued on Form MR-22.

(c) Each dealer shall make such reports, including inventories, and furnish such information as may be required from time to time by the Secretary, the Special War Board Assistant, or other persons or agencies designated herein to assist in the administration of this order.

ENFORCEMENT

§ 2.235 *Criminal prosecution.* (a) Any person who knowingly falsifies an application, purchase certificate, certification, or any other record included within the terms of Rationing Order C, or any amendments or supplements thereto, or who otherwise knowingly furnishes false information with regard to any matter covered by this order to a county farm rationing committee, State board or to any other agent, agency, employee, or officer of the Department of Agriculture, may, upon conviction, be fined not more than $10,000 or be imprisoned for not more than 10 years, or both, and shall in addition be subject to the penalties therefor under any and all applicable laws.

(b) Any person who wilfully commits any act prohibited, or who wilfully fails to perform any act required. by any provision of Rationing Order C, or any amendments or supplements thereto, may, upon conviction, be fined not more than $10,000 or be imprisoned for not more than one year, or both, and shall in addition be subject to the penalties therefor under any and all applicable laws.

(c) Any person who conspires with another person to perform any of the acts described in paragraphs (a) and (b) of this section may, upon conviction, be fined not more than $10,000, or imprisoned for not more than two years, or both, and shall in addition be subject to the penalties therefor under any and all applicable laws.

§ 2.236 *Suspension orders.* (a) Any person who violates any provision of Rationing Order C, or any amendment or supplement thereto, or any agreement thereunder, may by administrative suspension order be prohibited from receiving any deliveries of or selling or otherwise disposing of or using any materials now or hereafter authorized to be rationed or allocated by the Secretary, including farm machinery and equipment rationed under this order. Such suspension orders shall be issued by the Secretary, or by such persons as he may designate, and shall be effective for such period as is deemed necessary or appropriate in the public interest and to promote the security of the United States.

(b) The Special War Board Assistant may recommend to the Office of Price Administration or to the War Production Board that any person who violates any provision of Rationing Order C, or any amendment or supplement thereto, or any agreement thereunder, be denied the right to receive, use, sell, or otherwise dispose of any other materials which now or in the future may be under allocation.

§ 2.237 *Other methods of enforcement.* The Special War Board Assistant may also take such other action for enforcement of the provision of this order, or any amendment or supplement thereto, as he may deem necessary, including application to courts and to appropriate agencies of local, State, and Federal governments in order to invoke such powers as may be available and appropriate in connection therewith, including the power to requisition.

§ 2.238 *Publicity.* In the event of a refusal or failure to abide by any provision of this order, or any amendment or supplement thereto, or in the event of any evasion or attempt to evade any provisions of this order, or any amendment or supplement thereto, the Special War Board Assistant, in addition to the foregoing, will make every effort to insure that complete information concerning the same is given to the public and to the appropriate officials of local, State and Federal governments.

§ 2.239 *Complaints of violations.* Any person having knowledge of a violation of any provision of this order, or any amendment or supplement thereto, shall report the same to the county farm rationing committee, the State board, the Special War Board Assistant, or the Secretary. An official or employee of the office to which the report is made shall take such information as is given, securing the signature of the person so reporting, if possible, and transmit the report, together with such pertinent information as may be then available, to the Special War Board Assistant through the State boards.

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[3] 7 F.R. 3185.

SCOPE AND APPLICATION OF RATIONING ORDER C

§ 2.240 *Territorial limitation.* Rationing Order C shall apply only within the limits of the continental United States.

TEMPORARY RATIONING ORDERS A AND B

§ 2.241 *Effect on Temporary Rationing Orders A and B.* Temporary Rationing Order A,[4] as amended, and Temporary Rationing Order B,[5] as amended, are modified and superseded by this order to the extent that any of the provisions of those orders are inconsistent with any provision of this order.

EFFECTIVE DATES

§ 2.242 *Effective date of Rationing Order C.* This Rationing Order C (§§ 2.201 to 2.242, inclusive) shall become effective November 28, 1942.

Done at Washington, D. C., this 21st day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

SCHEDULE I

PLANTING, SEEDING AND FERTILIZING MACHINERY

- Planters, horse and tractor drawn:
  - Two row, corn planters.
  - Two row, corn and cotton planters.
  - Three row and over, corn planters.
- Planters, tractor mounted:
  - One row, corn planters.
  - One row, corn and cotton planters.
  - Two row, corn planters.
  - Two row, corn and cotton planters.
  - Three row and over, corn planters.
  - Three row and over, corn and cotton planters.
- Potato planters, horse or tractor drawn.
- Transplanters, horse or tractor drawn.
- Listers with planting attachments, horse or tractor drawn:
  - One row.
  - Two row.
  - Three row and over.
- Listers with planting attachments, tractor mounted:
  - One row.
  - Two row.
  - Three row and over.
- Beet drills, horse or tractor drawn.
- Grain drills:
  - One horse, 3 or 5 disc drills.
  - Fertilizer drills, horse or tractor drawn.
  - Plain drills, horse or tractor drawn.
- Fertilizer distributors, horse or tractor drawn.
- Lime spreaders (sowers):
  - Wheeled type, horse or tractor drawn.
  - Endgate type.
  - Truck body type.
- Manure spreaders:
  - Four wheeled, horse or tractor drawn.
  - Two wheeled, tractor drawn.

PLOW AND LISTERS

- Moldboard plows, tractor drawn or mounted:
  - One bottom, tractor drawn.
  - Two bottom, tractor drawn .
  - Three bottom, tractor drawn.
  - Four bottom, tractor drawn.
  - One bottom, tractor mounted.
  - Two bottom, tractor mounted.
- Disc plows, tractor drawn or mounted:
  - One disc, tractor drawn.
  - Two disc, tractor drawn.
  - Three disc, tractor drawn.
  - One disc, tractor mounted.
  - Two disc, tractor mounted.
- One way disc plows or tillers.
- Listers, horse or tractor drawn (Middlebusters without planting attachment):
  - One row, horse or tractor drawn.
  - Two row, horse or tractor drawn.
  - Three row and larger, horse or tractor drawn.
- Listers, tractor mounted (Middlebusters without planting attachment):
  - One row, tractor mounted.
  - Two row, tractor mounted.
  - Three row and larger, tractor mounted.

HARROWS, ROLLERS, PULVERIZERS

- Harrows:
  - Spike tooth harrow sections, horse or tractor drawn.
  - Spring tooth harrow sections, horse or tractor drawn.
  - Disc harrows, horse or tractor drawn.
  - Disc harrows, tractor mounted.
- Soil pulverizers and packers.
- Ridge busters:
  - Ridge busters, horse or tractor drawn.
  - Ridge busters, tractor mounted.

CULTIVATORS AND WEEDERS

- Cultivators, horse and tractor drawn:
  - Beet cultivator.
  - Field cultivator.
- Cultivators, tractor mounted:
  - One row.
  - Two row.
  - Three and four row.
  - Five row and over.
- Rotary hoes, horse or tractor drawn.
- Weeders:
  - Rod weeders, horse or tractor drawn.
  - Tooth weeders, horse or tractor drawn.

SPRAYERS, DUSTERS AND ORCHARD HEATERS

- Power sprayers, not including engines: Traction sprayers.
- Spray pumps, power.
- Dusters:
  - Power dusters with tractor mounted dusters.
  - Traction dusters.

HARVESTING MACHINERY

- Combines, harvester-threshers:
  - Width of cut, 8 feet and under.
  - Width of cut, over 6 feet, including 10 feet.
  - Width of cut, over 10 feet.
- Grain and rice binders:
  - Grain binders, ground drive.
  - Grain binders, power take-off drive.
  - Rice binders.
- Corn binders (row binder), horse or tractor
- Corn Pickers:
  - drawn.
  - One row, mounted type.
  - Two row, mounted type.
  - One row, pull type.
  - Two row, pull type.
- Field ensilage harvesters, row type.
- Potato diggers:
  - Walking plow type.
  - Horse or tractor.
- Pea and bean harvesters, row type, horse or tractor.
- Beet lifters, horse or tractor.

HAYING MACHINERY

- Mowers, ground drive, horse or tractor drawn.
- Mowers, power take-off drive: Tractor mtd. or semi-mtd.
- Rakes:
  - Sulky, dump.
  - Side delivery, incl. comb. side rakes and tedders.
  - Sweep.
- Hay loaders.
- Stackers (incl. comb. sweep stackers)
- Pick-up hay balers.

MACHINES FOR PREPARING CROPS FOR MARKET OR USE

- Stationary threshers (grain, rice and alfalfa):
  - Threshers, width of cylinder under 28 inches.
  - Threshers, width of cylinder 28 inches and over.
- Stationary pea and bean threshers.
- Peanut pickers.
- Ensilage Cutters (silo fillers).
- Feed cutters, power.
- Corn Shellers:
  - Power corn shellers, cylinder (150 bu. and under).
  - Power corn shellers, cylinder (over 150 bu.).
- Corn huskers and shredders:
  - Combination corn husker-shredders.
  - Corn huskers.
  - Corn shredders.
- Stationary hay balers:
  - Horse.
  - Engine or belt power.
- Feed grinders and crushers:
  - Power, burr type.
  - Hammer and roughage mills.
- Cleaners and graders, corn and grain.
- Potato sorters and graders.

FARM ELEVATORS AND BLOWERS

- Elevators (portable).
- Elevators (stationary).
- Blowers (grain and forage).

TRACTORS

- Tractors, wheel type:
  - Tractors, wheel, special purpose, under 30 h. p.
  - Tractors, wheel, special purpose 30 and over h. p.
  - Tractors, wheel, all purpose, under 30 h. p.
  - Tractors, wheel, all purpose, 30 and over h. p.
- Garden tractors (including motor tillers).

ENGINES

- Engines, one or more but under 5 h. p.:
  - Air cooled.
  - Water cooled.
- Engines (five or more but under 10 h. p.):
  - Air cooled.
  - Water cooled.

FARM WAGONS AND TRUCKS

- Wagons, farm without boxes.
- Trucks, farm (not motortrucks).

DOMESTIC WATER SYSTEMS

- Deep well:
  - Deep well, reciprocal.
  - Deep well, jet pumps.
- Shallow well:
  - 250–499 gals. per hour.
  - 500 gals. per hour and over.
- Power pumps: Horizontal type, up to and including 75 gals. per minute, 100 lb. pressure.

FARM PUMPS AND WINDMILLS

- Windmill heads.
- Windmill pumps.
- Windmill towers.
- Pump jacks.

IRRIGATION EQUIPMENT

- Irrigation pumps:
  - Turbine pumps, 0 to 1,200 GPM.
  - Turbine pumps, 1,200 GPM and up, belt driven.
  - Centrifugal pumps.
  - Hydraulic rams.
- Distribution equipment:
  - Land-leveling equipment, ditchers, corrugators and scrapers (excluding power ditchers, draglines and other self-powered machines).
  - Portable pipe, extensions, and sprinklers.

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[4] 7 F.R. 7301, 7768, 8575, 8819.

[5] 7 F.R. 8724, 9067, 9475.

DAIRY FARM MACHINES AND EQUIPMENT

Milking machines.
Farm cream separators capacity, 250 lbs. per hr. or less.
Farm cream separators, capacity 251 lbs. to 800 lbs. per hour.
Farm milk coolers:
  Immersion type.
  Surface or tubular type.
Metal milk cans and covers.

FARM FENCING

Barbed wire.
Poultry netting.
Poultry flooring.
Woven or welded wire fence:
  Hog and cattle fence.
  Poultry fence.

SCHEDULE II

PLANTING, SEEDING AND FERTILIZING MACHINERY

Planters, horse and tractor drawn:
  One row, one horse corn planters.
  One row, one horse corn and cotton planters.
  One row, two horse corn and cotton planters.
Broadcast Seeders: Endgate.
Garden Planters: Horse or tractor drawn.

PLOW AND LISTERS

Moldboard Plows, horse drawn:
  Walking, one horse, steel bottom.
  Walking, one horse, chilled bottom.
  Walking, two horse and larger.

ROLLERS AND STALK CUTTERS

Stalk cutters.

CULTIVATORS AND WEEDERS

Cultivators, horse drawn:
  One horse, all types.
  One row, walking, two horse.
  One row, riding, two horse.
  Two row and over, riding.

[F. R. Doc. 42-12279; Filed, November 23, 1942; 10:52 a. m.]

Chapter I—Agricultural Marketing Administration

PART 31—WOOL STANDARDS

DISTRIBUTION OF PRACTICAL FORMS FOR WOOL STANDARDS

By virtue of the authority vested in the Secretary of Agriculture by law (Sec. 19, 39 Stat. 489, 45 Stat. 593, 55 Stat. 408; 7 U.S.C. 1940 ed. 257, 415a–415d), the following amendments to Title 7, Chapter I, Part 31, Code of Federal Regulations (7 CFR and 1939 Supp., Chapter I, Part 31, as amended by 7 F.R. 6802) are promulgated, effective immediately.

Section 31.51 is amended to read:

§ 31.51 *Practical forms; method of obtaining; conditions.* (a) Practical forms of the official standards of the United States for grades of wool, namely:

Complete set: Grades 80's, or Fine, to 36's, or Braid, inclusive, mounted, 12 specimens,

Partial set: Grades Fine to Braid, inclusive, mounted, 7 specimens;

certified under the seal of the United States Department of Agriculture and signed by the Administrator of the Agricultural Marketing Administration or other official duly authorized by him, will be furnished, subject to the other conditions of this Section, upon filing of an approved application and prepayment of costs thereof as fixed by § 31.52.

(b) Each application for practical forms of the official wool standards shall be upon a blank furnished or approved by the Agricultural Marketing Administration, shall be signed by the applicant, and shall be accompanied by certified check, draft, post office money order, or express money order, payable to the "Treasurer of the United States," in an amount to cover the cost of the forms requested, and shall incorporate the following conditions:

(1) That no practical form of the official wool standards shall be considered or used as representing such standards after cancellation in accordance with this section, or after the expiration of 3 years following date of certification unless the Administrator of the Agricultural Marketing Administration has extended said period with respect to the practical forms furnished under such application, or after any subsequent revision of such standards.

(2) That the said practical forms shall be subject to inspection on any business day, between the hours of 9 a. m. and 4 p. m., by the Secretary or by any duly authorized officer or agent of the Department of Agriculture.

(3) That the certificate covering any practical form may be revoked and canceled if it is found upon such inspection that the said practical form is not representative of the official standards.

Section 31.52 is amended to read:

§ 31.52 *Cost of practical forms:*

Complete set: $10.00 each, f. o. b. Washington, D. C., for shipment within the continental United States, and $12.00 each, delivered to destination, for shipment outside the continental United States.

Partial set: $5.00 each, f. o. b. Washington, D. C., for shipment within the continental United States, and $7.00 each, delivered to destination, for shipment outside the continental United States.

Section 31.53 is amended to read:

§ 31.53 *Loaning of practical forms.* In the discretion of the Administrator of the Agricultural Marketing Administration, limited numbers of copies of the practical forms of the official standards or samples or specially prepared exhibits illustrating such standards, may be loaned to governmental agencies for official purposes or to educational and other institutions or organizations for demonstration purposes.

The Rules and Regulations for the distribution of practical forms of wool standards are further amended by adding the following new section:

§ 31.54 *Determination of grade.* The determination of the grade of wool according to the Official Standards of the United States for Grades of Wool shall be by (1) inspection, for grades 80's, or fine, to 36's, or braid, inclusive, or (2) measurement, for grades 80's to 50's, inclusive, in accordance with methods prescribed by the Administrator of the Agricultural Marketing Administration.

Done at Washington, D. C., this 20th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-12277; Filed, November 23, 1942; 10:53 a. m.]

PART 31—WOOL STANDARDS

DISTRIBUTION OF PRACTICAL FORMS FOR WOOL TOP STANDARDS

By virtue of the authority vested in the Secretary of Agriculture by law (Sec. 19, 39 Stat. 489, 45 Stat. 593, 55 Stat. 408; 7 U.S.C. 1940 ed. 257; 415a–415d), the following amendments to Title 7, Chapter I, Part 31, Code of Federal Regulations (7 CFR and 1939 Supp., Chapter I, Part 31, as amended by 7 F.R. 6802) are promulgated, effective immediately.

Section 31.151 (a) is amended by striking out the words "under the signature of the Secretary of Agriculture, thereto affixed by himself or by some other official or employee of the Department thereunto duly authorized by him, will be furnished to any person, upon prepayment of the cost thereof as determined by the Secretary, subject to other conditions of this section" and inserting in lieu thereof the words "signed by the Administrator of the Agricultural Marketing Administration or other official duly authorized by him, will be furnished, subject to the other conditions of this section, upon filing of an approved application and prepayment of costs thereof as fixed by § 31.152".

Section 31.151 (b) (1) is amended by inserting after the word "certification" the words "unless the Administrator of the Agricultural Marketing Administration has extended said period with respect to the practical forms furnished under such application".

Done at Washington, D. C., this 20th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-12278; Filed, November 23, 1942; 10:53 a. m.]

Chapter VII—Agricultural Adjustment Agency

[Bulletin NSCP—701]

PART 706—NAVAL STORES CONSERVATION PROGRAM[1]

SURPART E—1943

Sec.
706.401 Authority and availability of funds.
706.402 Definition of terms.
706.403 Duration of program.
706.404 Kind of payments.
706.405 Conditions of payment; performance required.
706.406 Excess cotton acreage.
706.407 Rates of payment and further conditions.
706.408 Application and eligibility for payment.
706.409 Administration.

AUTHORITY: §§706.401 to 706.409 issued under the authority contained in sections 7 to 17, as amended, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205, 746; 53 Stat. 550, 573; 16 U. S. C. 590g–490q.

§ 706.401 *Authority and availability of funds.* Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of section 7 (a) of said Act in 1943, payments will be made for participation in the 1943 Naval Stores Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1943 Naval Stores Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will be finally determined by such appropriation and by the extent of participation in the program. Any increase or decrease in the rates of payments and deduction set forth herein because of the extent of participation in the program will not be in excess of 10 percent.

706.402 *Definition of terms*—(a) *Turpentine farm.* The land and turpentine timber owned or leased, or operated on a sharecrop basis, and under one management and in one general locality, which is being operated for the production of gum naval stores.

(b) *Gum naval stores.* Crude gum (oleoresin), gum turpentine, and gum rosin produced from living trees. Gum naval stores does not include naval stores produced from dead timber, stumps, knots, etc.

(c) *Producer.* Any person or persons, firm, partnership, corporation, or other business enterprise, doing business as a single legal entity and producing gum naval stores from timber controlled for turpentine purposes through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(d) *Face.* The whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin), hereinafter referred to as gum.

(e) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(f) *Tins.* The gutters or aprons, made of sheet metal or other material, used to aid in conducting the gum from a face into a cup.

(g) *Crop.* 10,000 faces.

(h) *Drift or tract.* A portion or subdivision of a crop set apart for convenience of operation.

(i) *D. b. h.* Diameter breast height; i. e., diameter of tree measured at 4½ feet from the ground.

(j) *Turpentine season.* The entire calendar year or, if a turpentine farm is operated less than the full calendar year, that period within the calendar year during which a producer is operating his farm for the production of gum naval stores.

(k) *Application.* The prescribed form of application for payment for cooperating in the 1943 Naval Stores Conservation Program (hereinafter referred to as this program).

§ 706.403 *Duration of program.* The period during which this program is to be in effect is the period January 1 to December 31, 1943, inclusive.

§ 706.404 *Kind of payments.* Payment will be made, at the rates and subject to the conditions set forth in § 706.407, to producers who in 1943 carry out the approved practices set forth in § 706.405 with respect to turpentine farms currently being worked in 1943, beginning such cooperation within time limits to be established by the Forest Service of the United States Department of Agriculture (hereinafter referred to as the Forest Service) as appropriate and practicable time limits necessary to afford full opportunity to producers to cooperate in this program and to obtain a full measure of compliance with the objectives of this program.

§ 706.405 *Conditions of payment; performance required.* In order to qualify for payment, producers shall meet the following requirements:

(a) *Working small trees prohibited.* No face (either old or new) shall be worked during the 1943 turpentine season on any tree less than 9 inches d.b.h. on any turpentine farm or farms owned, leased, or worked by the applicant producer.

(b) *Only one face permitted on trees under 14 inches diameter.* No trees that is less than 14 inches d.b.h. shall have more than one face worked during the 1943 turpentine season on any turpentine farm or farms owned, leased, or worked by the applicant producer.

(c) *Virgin faces on trees 9 inches or larger eligible for payment.* Payment will be made on all virgin faces worked, either owned or leased, by the applicant producer if all such virgin faces are on trees 9 inches d. b. h. or larger.

(d) *Working quotas.* For this program there will be no recognition of "base" as it was used in any previous program; and therefore no limitation resulting from "base" provisions as to the number of faces a producer may work. A producer may work any number of faces under this program, provided that all faces so worked conform to the performance requirements outlined in the other paragraphs of this section.

(e) *Written evidence of leases required.* Any producer who acquires faces through a new lease or the renewal of an expiring lease must present to the Forest Service satisfactory proof in writing of such a transaction.

(f) *Restrictions concerning non-participating operations.* Any producer otherwise participating in this program who permits his labor to operate timber which he owns or controls and cannot operate and remain eligible for participation under the terms of this program, or who assists in any manner in the operation of such timber or the sale or processing of the gum therefrom, either directly or through a relative or employee or through any member, officer, or employee of any partnership, corporation, or other business enterprise in which he has any interest or with which he has any connection, or in any other manner whatsoever, shall not be eligible to receive any benefit payment under this program.

(g) *Faces installed on small trees in 1941 and 1942 not eligible for payment.* As in previous programs, participants in this program will be paid for the removal of faces on trees under 9 inches d. b. h. and on trees between 9 and 14 inches d. b. h. as required by paragraphs (a) and (b) of this section, if the cups on such trees were installed during the 1939 or 1940 turpentine season. As announced in the 1941 and 1942 bulletins, no payment will be made for the removal of faces that were installed during the 1941 and 1942 seasons on trees under 9 inches d. b. h. and on trees between 9 and 14 inches d. b. h.; and in the event of a Naval Stores Conservation Program for 1944 no payment will be made on such faces installed in 1943.

(h) *Payment on discontinued faces limited to small trees.* Payment on discontinued faces shall be limited to those removed from small trees as required by paragraphs (a) and (b) of this section, provided such removed faces are located in drifts that contain working faces which are continued in operation.

(i) *Cups and tins must be detached from small trees.* Cups and tins must be detached from those faces removed from operation on trees under 9 inches d. b. h. or between 9 and 14 inches d. b. h., but need not be removed from the area.

(j) *Limitation of working area on faces.* Total streaks per face made during the period of this program, averaged by drifts or tracts, shall not exceed 24 inches in vertical measurement between shoulders of first streak and shoulders of last streak.

(k) *Minimum number of streaks required.* Payment shall not be made on faces in production which do not average, by drifts or tracts, at least 12 streaks for the 1943 turpentine season, which streaks shall have been made at no greater frequency than two streaks per week.

(l) *Over 90-inch faces not eligible for payment.* Payment shall not be made on working faces or on faces required to be removed by paragraphs (a) and (b) of this section in any drift or tract where the average height of faces exceeds 90 inches at the beginning of the 1943 turpentine season, in vertical measurement between shoulders of first streak and shoulders of last streak, including jump streaks.

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[1] For the information of producers of gum naval stores in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas. This bulletin explains the procedure to be followed in order to qualify for payments under the Naval Stores Conservation Program for 1943.

(m) *Repayment for faces removed from small trees.* Payment shall not be made on faces taken out, or remaining out, of production pursuant to the provisions of paragraphs (a), (b), and (g) of this section in any drift or tract unless (1) such faces were discontinued under the 1940 program or a later program and have been kept out of production continuously since removal from production and (2) also the cups on all such faces were installed during the 1939 or 1940 turpentine season and such faces are under the producer's control for turpentine purposes throughout this program.

(n) *Chemical application to faces on experimental tracts.* Additional benefit payments, intended to partly compensate for extra supervision and records and to induce cooperation, will be made to a few participating producers (selected in advance by the Forest Service from volunteer applicants in areas where frequent observation is economical) for the experimental application of chemical stimulants to a portion (not in excess of approximately one crop) of the faces worked by the producer if the experiment is carried out in accordance with conditions prescribed by the Forest Service.

(o) *Bark-bar requirement.* No tree shall have any new (first-year) back face unless a bark-bar on each side of the back face is provided and maintained throughout the 1943 turpentine season, the total of the two being not less than 7 inches in width, measured horizontally along the bark surface: *Provided, however,* That the restriction with respect to the width of the bark-bar shall not apply to any tree which has on it two or more old faces.

(p) *Consolidation of farms.* Any person having part ownership and control of more than one turpentine farm shall have the right and privilege of consolidating two or more such farms for the purpose of carrying into effect the provisions of this program.

(q) *Only participants eligible for loans.* In the event of a loan program being set up for producers during 1943, only those producers who are participating in this program will be eligible for loans except as provided in paragraph (r) of this section.

(r) *Operators on public domain not eligible for payments.* The provisions of this program are not applicable to producers on such portion of their operations as may be within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes or which are to be retained permanently under Government ownership (such lands include, but are not limited to, lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture, or by the Division of Grazing or the Bureau of Biological Survey of the United States Department of the Interior): *Provided, however,* That such producers shall have the privilege of borrowing under any loan program for naval stores producers which may be in operation during 1943.

This program is applicable to lands owned by corporations which are only partly owned by the United States, such as Federal Land Banks and Production Credit Associations.

This program is also applicable to land owned by the United States or by corporations wholly owned by the United States which is farmed by private persons if such land is to be temporarily under such Government or corporation ownership and was not acquired or reserved for conservation purposes. Such land shall include only that administered by the Farm Security Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, or the Federal Farm Mortgage Corporation, unless the Forest Service finds that land administered by any other agency complies with all of the foregoing provisions for eligibility.

(s) *Fire protection requirements.* The applicant producer shall to the best of his ability protect from fire all forest land of any kind within each turpentine farm owned, leased, or otherwise controlled by him for the duration of this program, and in doing so shall cooperate with the State and Federal Governments in any cooperative forest fire protective system that exists contiguous to his turpentine farm or within the area within which such farm is situated: *Provided,* That the producer shall not be required to pay the cost of fire protection on land not owned by him unless so stipulated in the terms of his lease. He shall, however, conduct his operations in all cases in such manner as will prevent fire escaping to adjoining forest lands, whether protected or not.

(t) *Timber cutting requirements.* The applicant producer, in order to provide for restocking and to promote continued production of timber upon which the naval stores, pulp and paper, lumber, and other wood-using industries are dependent, shall, in any and all cutting of timber during the calendar year 1943, which is owned by him or is on land owned by him, meet or exceed the following minimum requirements:

(1) In cutting operations within turpentine stands, all worked-out turpentine, defective turpentine, and non-turpentine trees may be cut, provided at least 6 thrifty seed trees of turpentine species per acre, 8 inches or more in diameter, outside bark, at the stump (12 inches above the ground), are left uncut and undamaged, or provided sufficient young growth of turpentine species (at least 150 trees per acre not less than 6 to 8 feet high) is left uncut and undamaged; no round turpentine trees, except such as are defective or where thinnings are needed, shall be cut; necessary thinnings may be made, but in such case there shall be left uncut and undamaged not less than 50 trees of turpentine species per acre at least 6 to 9 inches in diameter, outside bark, at the stump (12 inches above the ground). A turpentine stand is a stand of predominantly longleaf and/or slash pine, containing sufficient trees of these species to justify use for the production of gum.

(2) In pine timber cutting operations on non-turpentine stands, at least 4 thrifty seed trees per acre, 8 inches or more in diameter, outside bark, at the stump (12 inches above the ground) shall be left uncut and undamaged unless sufficient young growth (at least 150 trees per acre not less than 6 to 8 feet high) is left uncut and undamaged. A non-turpentine stand is a stand of predominantly non-turpentine species containing too few longleaf and/or slash pines to justify gum production.

Payment on working faces or removed faces shall not be made if the tree having such face or faces is cut or removed prior to the expiration of this program; *Provided, however,* That trees having faces which attain a height in excess of 90 inches during the 1943 season may be cut after October 15, 1943, and payment will be made for such faces if written permission to cut is given by a District Supervisor of the Forest Service.

(u) *Records required to facilitate administration of program.* Each applicant producer in measuring his trees to determine those to be worked under this program shall make an accurate count, by drifts, lots, or other suitable units, of all such faces and shall separately account for those located on fee land and those on leased lands; and he shall make and keep a written record thereof and furnish such record to the Forest Service, together with a description of the lands. Each producer who files a work sheet shall assist the representatives of the Forest Service in the administration of this program by giving them free access to his turpentine farm, indicating the location of trees and faces recorded on the work sheet, furnishing competent labor to assist the inspector in counting trees, and otherwise facilitating the work of the inspectors in checking compliance with the terms and conditions of this program. All drifts or tracts must be clearly marked either by paint or non-injurious blazes, so that drift or tract lines can be traced in the field without a guide. Any producer participating in this program is required to notify the Forest Service promptly in writing after the work sheet has been filed (1) if there is any change in ownership or control, (2) if there is any transfer, expiration, or sale of lease, and (3) at least 10 days in advance if any timber on the turpentine farm is to be cut.

§ 706.406 *Excess cotton acreage.* (a) Any person who makes application for payment with respect to any turpentine farm located in a county in which cotton is planted in 1943 shall certify in his Certificate of Performance and Application for Payment that he has not knowingly planted cotton, or caused cotton to be planted, during 1943, on land in any farm wherever situated, in which he has an interest, in excess of the cotton acreage allotment for the farm for 1943, and that if cotton was planted in excess of such allotment it was done without his authority or consent and, if he had knowledge thereof, he made every reasonable effort to prevent such overplanting.

(b) Any person who knowingly plants cotton, or causes cotton to be planted, on his farm in 1943 on acreage in excess of the cotton acreage allotment for the farm for 1943 shall not be eligible for any payment whatsoever, on that farm, on his turpentine farm, or any other farm, for the year 1943 under this program or the Agricultural Conservation Program. For further details, see the 1943 Agricultural Conservation Program Bulletin and the instructions issued thereunder.

§ 706.407 *Rates of payment and further conditions*—(a) *Rates of payment.* In connection with the utilization, during the period of this program, of land devoted to growing trees suitable for or used in the production of gum naval stores, on all turpentine farms operated in accordance with the conditions set forth in this bulletin, payment will be made to each participating producer at the following rates:

(1) 1¾ cents per face for each face in continuous operation during the 1943 turpentine season, except faces in drifts or tracts which, by drifts or tracts, average more than 90 inches in height at the beginning of the 1943 turpentine season.

(2) 3 cents additional per face for each face in the selected areas on which chemical stimulation experiments are conducted as prescribed under § 706.405 (n).

(3) 5 cents per face for any one face of one or more faces on trees less than 9 inches d. b. h. and for any one face of two or more faces on trees 9 to 14 inches d. b. h., which are removed from operation during the 1943 turpentine season, or which were taken out of operation during the 1940 or a later program and kept out of operation during succeeding programs, including this program, for which payment was made in a previous program, and which were first installed during or after the 1939 turpentine season.

(b) *Payments limited to $10,000.* The total of all payments made in connection with all programs for 1943 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate, with respect to turpentine places, farms, and ranching units, situated within a single State, Territory, or possession, shall not exceed the sum of $10,000, prior to deduction for association or other administrative expenses in the county or counties or other areas with respect to which the particular payments are made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate, with respect to turpentine places, farms, and ranching units situated in the United States (including Alaska, Hawaii, and Puerto Rico), shall not exceed the sum of $10,000 prior to the aforesaid deduction.

(c) *Payment restricted to effectuation of purposes of this program.* All or any part of any payment which has been or otherwise would be made to any person under this program may be withheld or required to be returned if he adopts or has adopted any practice which tends to defeat any of the purposes of this or any previous program, including the loan program, if any, or if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or if, with respect to grazing land, forest land, or woodland owned or controlled by him, he adopts or has adopted any practice which is contrary to sound conservation practices.

Any person who, for any part or all of the 1943 turpentine season, leases any turpentine timber owned or controlled by him, or transfers his lease on any turpentine timber, or sells his turpentine timber, to another person who he knows or has good reason to believe will not carry out all sound conservation practices throughout the 1943 turpentine season on such turpentine timber shall not be eligible to receive any payment whatsoever under this program or to receive under the 1943 Agricultural Conservation Program any payment with respect to the farm in which such turpentine timber was embraced.

(d) *Increase in small payments.* The total payment computed for any producer with respect to his turpentine farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to $1.00;

(2) Any payment amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent;

(3) Any payment amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment
$1.00 to $1.99	$0.40
$2.00 to $2.99	0.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	$12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	(1)
$200.00 and over	(2)

[1] Increase to $200.

[2] No increase.

(e) *Administrative expenses.* There shall be deducted from the payments to each applicant producer his pro rata share of all or such part as the Secretary of Agriculture may prescribe of the estimated expenses incurred or to be incurred in the administration of this program.

§ 706.408 *Application and eligibility for payment*—(a) *Filing of work sheet and application.* Payments will be made upon the basis of facts established in an application for payment properly executed on Form NSCP-703 and filed with a district or regional office of the Forest Service. Each person filing an application for payment will be required to show that a work sheet has been properly executed and timely filed covering each turpentine farm owned, leased, or otherwise controlled, and being operated by him, with respect to which an application for payment is filed.

An application for payment may be made by any producer who is actively engaged in the production of gum naval stores during the 1943 turpentine season.

(b) *Time limit for filing work sheets and applications.* Work sheets and applications shall be filed in the manner prescribed and within time limits established by the Forest Service as affording reasonable opportunity to producers to participate in the benefits of this program and keeping the administrative costs within the budget and as low as reasonably may be reached.

(c) *Producer eligible for payments.* Payment will be made to the producer who operates the turpentine farm and who executes the application for payment. In the event one producer conducts the operation of a turpentine farm during a portion of the 1943 turpentine season and another producer conducts the operation of the turpentine farm during the remainder of the season, payment will be made to the producer who last conducts the operation of the turpentine farm during the season: *Provided, however,* That, in the event of a mutual agreement between the original producer and the successor-producer, payments shall be divided between such producers on the basis of such mutual agreement as evidenced by their joint application.

(d) *Time of payment.* Payment will be made as soon as practicable after a final field inspection of the turpentine farm on which a work sheet has been filed and after an application for payment has been filed with respect to such farm.

(e) *Assignments.* In order to carry out the provisions of section 8 (g) of the Soil Conservation and Domestic Allotment Act, as amended, and as modified by the last proviso to the item entitled "Conservation and Use of Agricultural Land Resources, Department of Agriculture" contained in the Department of Agriculture Appropriation Act, 1939:

Any producer who may be entitled to any payment in connection with the 1943 Naval Stores Conservation Program may assign his interest in such payment, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1943. No such assignment will be recognized unless the assignment is made in writing on Form ACP–69—Revised in accordance with the instructions (ACP–70 as amended), witnessed, however, by a district supervisor or an inspector of the Forest Service and filed with the Regional Office of the Forest Service, Atlanta, Georgia, or with the office of the appropriate district supervisor of the Forest Service located at Jacksonville, Florida; Savannah, Georgia; or Pensacola, Florida; nor unless such assignment is entitled to priority as determined under the instructions governing the recording of such assignments issued by the Agricultural Adjustment Agency.

The foregoing provisions shall not be construed to give an assignee a right to any payment other than that to which the producer is entitled, and the statute provides that the Secretary of Agriculture and any disbursing agent shall not be subject to any suit or liability if the payment is made to the producer without regard to the existence of any assignment.

§ 706.409 *Administration.* The Forest Service shall have charge of the administration of this program and is hereby authorized to make such determinations and to prepare and issue such bulletins, instructions, and forms as may be required to administer this program pursuant to the provisions hereof; and the field work shall be administered by the Forest Service through the office of the Regional Forester, United States Forest Service, Glenn Building, Atlanta, Georgia.

Done at Washington, D. C., this 20th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42–12247; Filed, November 21, 1942; 11:57 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 55—MOTION PICTURE SERVICE

Section 55.8 (a) (1) (2) and (3)[1] is rescinded and the following substituted therefor:

§ 55.8 *Coupon books*—(a) *Sale.* Coupon books will be sold at the theater or at such other places on the post as the commanding officer may designate, at the price announced by the War Department. Coupon books are sold at a considerable discount which is warranted only under certain conditions surrounding their use as outlined in these regulations with the provisions of which prospective purchasers should be made acquainted. Coupon books will be sold with a clear understanding that they are not transferable and are subject to confiscation if presented by other than the person to whom they were sold. The intent of this requirement is to prevent the purchase of books for the sole purpose of their resale and not to prevent the use by members of a family of a coupon book purchased by one member thereof. (R.S. 161; 5 U.S.C. 22) [Par. 25*b*. AR 210–390, July 10, 1942, as amended by C3, Nov. 1, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–12170; Filed, November 20, 1942; 1:31 p. m.]

Chapter VII—Personnel

PART 79—PRESCRIBED SERVICE UNIFORM

CONTRACT SURGEONS

Section 79.25 (a) (11) is hereby added as follows:

§ 79.25 *Insignia of grade*—(a) *Officers.* * * *

(11) *Contract surgeons.* Same as for first lieutenants. (R.S. 1296; 10 U.S.C. 1391) [Par. 25*a*, AR 600–35, Nov. 10, 1941, as amended by C5, Nov. 6, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F.R. Doc. 42–12171; Filed, November 20, 1942; 1:31 p. m.]

PART 79b—WOMEN'S ARMY AUXILIARY CORPS

ORDERS AUTHORIZING ASSIGNMENT TO DUTY, ETC.

Section 79b.4[1] is hereby amended to read as follows:

§ 79b.4 *Orders.* Orders authorizing assignment to duty, transfer, or other changes in status of individuals of the WAAC, except for detached service as set forth in WAAC regulations, will be issued by the Adjutant General upon request of the Director. Orders for detached service will be issued by the headquarters authorized to issue such orders for Army personnel at stations where WAAC personnel are assigned. (Act of May 14, 1942, Public Law 554, 77th Congress) [Par. 10, Women's Army Auxiliary Corps Regulations (Tentative) May 28, 1942, as amended by WAAC Cir. 14, Nov. 4, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F.R. Doc. 42–12168; Filed, November 20, 1942; 1:30 p. m.]

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

The following sections of War Department Procurement Regulations dated September 5, 1942, as amended, published in the FEDERAL REGISTER, October 13, 1942, 7 F.R. 8082, and November 13, 1942, 7 F.R. 9268, are hereby further amended as follows:

Sections 81.105, 81.202, 81.204, 81.205c, 81.206, 81.324 (a) and (b), 81.342 (a) and (b) are amended; §§ 81.202 (b) and (c), 81.205 (d), 81.207, 81.208, 81.324 (c), 81.905 (f), 81.968–81.974, and 81.1401–81.1428 are added; § 81.967 (d) is rescinded, and §§ 81.205 (d), (e), and (f) are redesignated (e), (f), and (g) respectively, the redesignated paragraph (f) being amended.

Figures to the right of the decimal point in section numbers correspond with paragraph numbers in procurement regulations.

AUTHORITY: Sec. 5a, National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1225; 10 U. S. C. 1193–1195, and the First War Powers Act, 1941, 55 Stat. 836; 50 U. S. C. Sup. 601–622.

§ 81.105 *Contents.* The following is a list of the current procurement regulations:

PR No. 1. General Instructions [¶ 101–119] (§§ 81.101–81.119)

PR No. 2. Negotiated Purchases [¶ 201–208.2] (§§ 81.201–81.208)

PR No. 3. Contracts. [¶ 301–360] (§§ 81.301–81.360)

PR No. 4. Bonds and Insurance [¶ 401–427] (§§ 81.401–81.427)

PR No. 5. Foreign Purchases [¶ 501–508.2] (§§ 81.501–81.508)

PR No. 6. Procurement and Purchase of Supplies [¶ 601–612] (§§ 81.601–81.612)

PR No. 7. Disposition of Personal Property [¶ 701–717.4] (§§ 81.701–81.717)

PR No. 8. Federal, State and Local Taxes [¶ 801–817.3] (§§81.801–81.817)

PR No. 9. Labor [¶ 901–974] (§§81.901–81.974)

PR No. 10. Emergency Plant Facilities [¶ 1001–1017] (§§ 81.1001–81.1017)

PD No. 11. Miscellaneous Purchase Instructions [¶ 1101–1107] (§§ 81.1101–81.1107)

PR No. 12. Renegotiation and Price Adjustment [¶ 1201–1213] (§§ 81.1201–81.1213)

PR No. 13. Forms of Contracts [¶ 1301–1312; 1321–1326] (§§ 81.1301–81.1312; §§ 81.1321–81.1326)

PR No. 14. Requisitioning of Personal Property [¶ 1401–1428] (§§ 81.1401–81.1428)

Appendix I Assignment of Procurement Responsibility and Purchase Responsibility.

NEGOTIATED PURCHASES

§ 81.202 *Definitions.* (a) The term "negotiated purchases" as used in these procurement regulations includes all purchases which are not made as a result of formal advertising in accordance with section 3709, Revised Statutes. Negotiated purchases may be made not only by face to face dealings, but also

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[1] 7 F.R. 7959.

[1] 7 F.R. 4819.

by securing informal written bids or telephone quotations. However, where such bids or quotations are requested, the request therefor should clearly indicate that the service is proceeding under the negotiating power of Public No. 354, First War Powers Act, 1941.

(b) A purchase action is any transaction (including all types of awards) obligating government funds. A transaction, in this case, includes transactions with any individual, firm, corporation or governmental agency outside of the jurisdiction of the War Department. The execution of a letter of intent is to be regarded as a purchase action unless the undertaking contained therein is conditioned upon funds becoming available, and hence does not obligate government funds (See for example, the letter of intent which was the subject of the decision of the Comptroller General issued under date of December 22, 1941; B–21673).

(c) The term "service" as used in this procurement regulation, includes all Supply Services, Services of Supply; the Matériel Command, Army Air Forces; all Service Commands, Services of Supply; Special Services, Services of Supply; Administrative Services, Services of Supply.

§ 81.204 *General policy.* (a) Except as indicated in paragraph (b) below, all contracts will be placed by negotiation. The methods of negotiation to be followed will be determined by the chief of the service concerned. Any method which will result in the most efficient award of contracts and will, in the judgment of the chief of the service concerned, protect the interests of the Government, is hereby authorized.

(b) When authorized by the Director of the Procurement Policy Division of the War Production Board or his designated representative, contracts may be placed by formal advertising instead of by negotiations if deemed necessary in the interests of the Government. Requests for such authority will be submitted to the Director, Purchases Division, Headquarters, Services of Supply, by the chief of the service concerned.

§ 81.205 *Special instructions*—(a) *Decentralization.* The chiefs of the services will decentralize to their field agencies the actual work of negotiating contracts to the greatest extent consistent with efficiency and proper safeguarding of the public interest.

(b) Where consistent with the required speed of war procurement, notification of the proposed procurement will be given to a reasonable number of qualified contractors, and quotations secured from them. A qualified contractor is one who:

(1) Qualifies as such under the laws and lawful regulations governing the purchase of the supplies in question,

(2) Can comply with all the terms and conditions governing the purchase,

(3) Is a manufacturer of or a regular dealer in the supplies or services to be purchased, and

(4) In the judgment of the chief of the service is responsible.

(c) *Considerations relative to procurement as set forth in War Production Board directive.* Under date of October 10, 1942, the Chairman of the War Production Board issued Directive No. 2, amended (7 F. R. 8179) which, in part, provides as follows:

> (b) (1) In negotiating contracts relating to war procurement the following considerations shall govern:
>
> (i) Primary emphasis shall be upon securing deliveries or performance at the times required by the war program.
>
> (ii) Subject to the considerations stated in subdivision (i) contracts shall be placed with concerns needing to acquire the least amounts of additional new machinery, equipment, or facilities for performance of the contracts.
>
> (iii) Subject to the considerations stated in subdivisions (i) and (ii), it shall be the policy of all war procurement departments and agencies to avoid contracting for the production of items or materials in communities or areas in which acute labor shortages are known to exist whenever it is practical to procure the needed items or materials elsewhere. The War Manpower Commission shall be relied upon to certify to the war procurement agencies communities and areas in which acute labor shortages exist to such a degree that the policy stated in this subdivision is applicable.
>
> (iv) Subject to the considerations stated in subdivisions (i), (ii), and (iii), such contracts shall be placed so as to conserve, for the more difficult war production problems, the resources of concerns best able, by reason of engineering, managerial, and physical resources, to handle them. Accordingly, contracts for items which involve relatively simple production problems shall be placed with concerns normally the smaller ones, which are less able to handle the more difficult war production problems.
>
> (v) Subject to the considerations stated in subdivisions (i), (ii), (iii), and (iv), and also subject to the provisions of the Production Concentration Programs, which have been or may in the future be instituted by the War Production Board, such contracts shall be placed so as to spread production among as many firms as is reasonable and feasible.
>
> (c) War procurement departments and agencies are hereby authorized and directed to pay higher prices than would otherwise be required if such action is stated in subdivisions (i) through (v), inclusive. If all the considerations set forth in subdivisions (i) through (v) have been met and there is still need for selection among contractors, contracts shall be so placed as to obtain the lowest price for the Government.
>
> (d) Authority to depart from these policies may, upon specific request, be granted by the Director of the Procurement Policy Division of the War Production Board, or by such person or persons as he may designate for this purpose.

(d) *Additional considerations.* In addition to the considerations set forth in paragraph (c) of this section, regard should be paid to the following considerations in negotiating contracts:

(1) An effort should be made to have, for each item of supplies or equipment, a minimum of two producers so located as not to be subject to the same hazard.

(2) Whenever land-grant railroads or water routes can be utilized for the transportation of military supplies, requests for quotations should specify delivery f. o. b. point of origin in preference to f. o. b. point of destination. This applies to both carload and less-than-carload shipments.

Paragraphs (d), (e) and (f) are redesignated as follows, the redesignated paragraph (f) being amended:

(e) *Authority to make awards.* * * *

(f) *Applicability of labor statutes to negotiated contracts.* The Walsh-Healey Public Contracts Act, as amended, the Davis-Bacon Act, as amended, the Copeland "Kick-back" Act, as amended, and the Eight Hour Law, as amended, are applicable to contracts made and performed under the authority of Executive Order No. 9001 to the same extent as if said contracts had been made and performed under the provisions of section 3709, Revised Statutes.

(g) *Commanders in theaters of operations.* * * *

PURCHASE ACTION REPORTS

§ 81.206 *General*—(a) *Statistics and Progress Branch.* Under General Orders No. 14, Headquarters, Services of Supply, dated June 12, 1942, the Statistics and Progress Branch, Control Division, Headquarters, Services of Supply, was established. This branch is responsible for preparation and submission of all procurement reports required by law to be submitted by the War Department to the President and to the Congress, as well as to other Federal agencies authorized to receive such reports. Effective July 1, 1942, it will be the responsibility of every station, except those in theaters of operations, to make reports of purchase actions as outlined in the succeeding paragraphs. The reports will cover all purchase actions for all types and kinds of things and services, supply contracts (including purchase actions for engineering or architectural services, maintenance of real estate and procurement of abstracts of titles) and purchase actions for the acquisition and leasing of real estate; also purchase actions for construction services, contracts with Defense Plant Corporation and purchase actions for utilities.

(b) *Reports required to be filed.* The reports required to be filed with the Statistics and Progress Branch, Control Division, Headquarters, Services of Supply, are those specified in $ 81.207 (a), (c), (d) and § 81.208. All other initial reports of purchase actions are abolished effective July 1, 1942. When supplementary data is required for operating purposes of a service, the chief of that service may direct supplementary data to be submitted to him.

(c) *Service required to file reports.* When reallocation or suballotment of funds is involved, the service to which funds are assigned is responsible for making the reports required to be filed under § 81.207 (a), (c), (d) and § 81.208.

(d) *Signing of reports.* Reports will be signed by the officer in charge. At procurement stations on the exempted list, it will be the Commanding Officer; at posts, camps, or stations on the non-exempted list, it will be the supply officer in charge of procurement covered by the report.

(e) *Procedure for forwarding reports.* The reports will be forwarded by each station to the chief of its respective service so as to be received, in the case of reports filed under § 81.207 (a), (c) and (d) by the fifth calendar day following the purchase action (see § 81.202 (b)), or, in the case of monthly reports by the fifth calendar day following the close of the month. The chief of the service will forward the required copy to Commanding General, Services of Supply, attention Control Division, Statistics and Progress Branch, to arrive by the eighth calendar day following the purchase action or the month involved. They will be transmitted in duplicate (unless additional copies are directed by chief of the particular service for stations or contracting officers under his jurisdiction) through the office of the chief of the particular service. One copy will be retained by the office of the chief of the service involved, and the original forwarded from said office to the Statistics and Progress Branch as provided above. Chiefs of services will be responsible for complete, accurate and proper submission of reports from stations under their respective jurisdictions. Stations on the exempted list will report through the chief of the respective services. Contracting officers at posts, camps or stations not on the exempted list will submit for their particular stations reports of their actions through the Chiefs of their respective Service Commands, Services of Supply, regardless of the Supply Service indication incorporated as part of the contract number on the purchase action report. In such cases where one contracting officer at an exempted station has been appointed contracting officer by more than one service, even at posts, camps and stations, separate reports (both monthly and individual purchase action) will be submitted for each service individually. The channels through which both individual purchase action and monthly summary reports will be submitted is determined by the station and the higher echelon to which the reallocation or suballotment (under which the purchase action was undertaken) had been made. The respective Supply Services will render advice to these stations as directed by AR 170–10.[1]

(f) *Reports not to be duplicated.* When a "final type" contract is executed covering a previously reported purchase action, no additional purchase action report will be filed. Likewise, a purchase order is to be reported only when it is the original purchase action on the item in question; and a purchase order is not to be reported when it is an order placed against an existing transaction previously reported as a purchase action.

(g) *Matters not to be reported.* Pay of individuals, shipping and travel expenses, etc., are not to be included in the reports required to be filed under § 81.207 (a), (c), (d) and § 81.208. The items involved in this category are stated in War Department Circular No. 206, 1942. Pay of individuals included in architectural, engineering, professional, administrative or management services will not be reported separately, but will be included in the estimated value of the service performed.

§ 81.207 *Reports of purchase actions exceeding $10,000.* (a) A report of every original purchase action which exceeds $10,000 (actual or estimated) in amount will be made on an 8″ x 10½″ sheet and forwarded through the offices of the chiefs of the various services in accordance with the time schedule (the fifth calendar day following the purchase action) and procedure stated in § 81.206 (e). Notwithstanding the provisions of the note under § 81.201, reports made on and after November 1, 1942, should be made on the following form:

WAR DEPARTMENT

------------------ (Station) Date --------
------------------ (Address)
(3) --------------- (Station No.)
Reported through (2) ------------------

SUBJECT: PURCHASE ACTION REPORT OF CONTRACT IN EXCESS OF $10,000

(1) Purchase Action Report Serial No. ------

Station	Supply service	Number	Date of award

(6) Contract ------------------------------
(4) Contractor ----------------------------
Address -------------------------------
(5) Work Performed at Plant
(Name) ------------------------------
(Location) ---------------------------
(7) Type of Purchase Action ---------------
(8) Delivery Date: To Start ---------------
To be Completed --------

(9, 11)

Description of item	No. of units	Unit cost	Total cost (if estimated, so indicate)

(10) Preference Rating ------ Indentification Symbol ---------------------------
(12) If Escalator Clause is included in Contract, state whether such clause is for Labor, Materials, or both --------
(13) The minimum wage determination of Secretary of Labor which was made part of this Contract is ------------

* * * * *

If the estimated initial value of the contract is in excess of $150,000 the following information must also be submitted:

(14) (a) Negotiators for Government ------ ---------------------------
(b) Negotiators for Contractor ------- ---------------------------
(c) Reasons for selecting Contractor (if no competition was obtained) ---------------------------

(d) Name of Person approving specification (where Federal, Army, Supply Service, Navy, or other bureau specification is used, a statement to that effect is sufficient) ------ ---------------------------

(e) In reporting purchases of land, the following information must be submitted:

(1) Location ------------------------
(2) Area ----------------------------
(3) Intended Use --------------------
(4) Price ---------------------------
(5) Assessed Value ------------------
(Signature)
(Name) ------------------------
(Rank) ------------------------

Copy distribution:
2—Chief, Supply Service
1—C. G. SOS, Statistics and Progress Branch
1—Your File.

(b) *Explanation of report form for purchase actions exceeding $10,000.* The following notes apply to the report form set forth in paragraph (a) of this section. It will be noted that the report form contains cross references to these notes.

(1) Each station will begin with serial No. 1 for the new fiscal year and continue in exact sequence (based on the date of award as established in subparagraph (8) of this paragraph) to the end of the fiscal year. Purchase action reports made in the new fiscal year for awards made in the previous fiscal year should have a serial number in the series of the previous fiscal year.

(2) Under the heading "Reported Through", the command or service through which the report is made should be indicated. Only one command or service should be shown.

(3) Include name of station, location and station number.

(4) Name and address of contractor. If more than one, list each one as a split award on separate purchase action reports.

(5) Name and location of establishment or plant or location where work will be performed. If more than one, list each one. If this is same as contractor, so indicate.

(6) Under the headings "Station", "Supply Service" and "Number" indicate the contract (purchase action) number in accordance with the system specified in § 81.305 (b) of these procurement regulations. When purchase orders are required to be reported (see § 81.206 (f)), the number thereof will be shown under this item of the form.

The date shown will be the date of the original formal agreement as established by the transmittal of the document from the contracting officer to the contractor, which is the date of award and not necessarily the date of agreement.

(7) Indicate whether lump sum, unit price, cost-plus-a-fixed-fee, etc.

(8) For construction, this means work to begin, etc. For real estate, this means date of possession. The starting date may be the same as the completion date; and the starting date or both the starting date and completion date may be the same as the date of award. Where dates are dependent upon receipt of material estimated dates are permissible but will be so indicated.

(9) Complete description of product, service, facilities, project or property. Long lists of items attached to Purchase Action Reports are not required for centralized reporting unless specifically directed by the chief of the service responsible for procurement of the item involved. Where assorted items of like nature are reported, indicate group headings such as: various engine parts, various knit clothing, etc. If item or service is classified state description but so label whole report, and transmit according to regulations covering classified information.

(10) For the preference rating, the W.P.B. priority rating (AAA, AA-1, A-1-a, etc.) will be shown. For the identification symbol, the appropriate allocation classification symbol (as established by W.P.B. in Priority Regulation No. 10, issued June 1, 1942, and known as the "end use code"), should for the time being be used. These are recorded as U.S.A. 6.20. U.S.A. 11.30. LL 1.00, etc. Use the LL symbol for Lend Lease or International Aid. It is anticipated that some time in the future, this note will be amended to require the use of the Federal Standard Stock Catalog number instead of the allocation classification symbol.

(11) Number of units, unit cost and total cost. If cost is estimated, write "estimated" after amount. For purchase actions involving architect-engineer or similar services only indicate as the total cost the amount payable to the individual contractor and chargeable against a War Department appropriation. This applies primarily to cost-plus-a-fixed-fee contracts. In cases where a varied group of items are shown in the description section of the report and not detailed, indicate the various unit prices in the same manner. Indicate this assortment either as a price range, i. e. $4.37 to $4.69 ea., or show the word "various" for a wide range of unit prices such as on tools. In all cases a total cost (actual or estimated) will be shown. This includes purchase actions for utilities or other "open-end" contracts.

(12) State when an escalator clause is included in the contract and whether such clause is for labor, materials or both.

(13) The minimum wage determination of the Secretary of Labor which was made part of this purchase action will be shown.

(14) Where total value of purchase action is in excess of $150,000.00 additional data is required as shown on form. (paragraph (a) of this section)

(c) *Reports of increased purchase actions not originally reported.* When a purchase action, which originally was not reported because it involved a total cost of not more than $10,000, is increased to an amount in excess of $10,000, a purchase action report will be made on the form set forth in paragraph (a) of this section, showing the purchase action, as increased, with a notation that the original purchase action did not exceed $10,000. See subparagraph (8) of § 81.208 (b) for method of treating such purchase actions in monthly summary reports.

(d) *Supplemental reports.* If a purchase action report has been submitted under either paragraph (a) or paragraph (c) of this section, and subsequently there is a change affecting the quantity or value of the original report, a supplemental report will be submitted. Such a supplemental report (clearly marked "Supplemental report") will be forwarded for each such change. The report will be submitted in accordance with the time schedule (5 calendar days after the purchase action) and procedure stated in § 81.206 (e) and will be made on the form specified in paragraph (a) of this section, except that the heading "Total cost" contained in the form will be changed to read, "Net change". The supplemental report will contain the same serial number as the original report followed by a letter of the alphabet in parentheses, the first change being followed by the letter "a" in parentheses (a); the second change by the letter "b" in parentheses (b), and so on. It is to be noted that this letter will suffix the serial number and not the station number. The report will be on the basis of the net increase or decrease (state which) and such net increase or decrease will be shown and not the revised total cost of the purchase action. A different color paper (blue), will be used for reporting such changes in order to differentiate supplemental reports from original reports. Cancellations will be treated as changes for the purposes of supplemental reports, the estimated amount cancelled being shown as a decrease.

§ 81.208 *Monthly summary of purchase actions.* (a) A summary of all purchase actions will be rendered for each calendar month as of the last day thereof and submitted on an 8″ x 10½″ sheet through the offices of the chiefs of the various services in accordance with the time schedule (5 calendar days after the close of the month) and procedure stated in § 81.206 (e) (on the basis of net obligations undertaken during the month and not appropriations authorized). The following form should be used for all reports filed subsequent to December 1, 1942, including the report for the month of November:

MONTHLY SUMMARY OF PURCHASE ACTIONS

(1) Reported through ---------------------
(2) Month of --------------------, 19---
(3) Office (including Station number) and location.
(4) Amount of negotiated purchase actions—
a. $10,000 and less—awarded this month ------------ $------
$10,000 and less—changes this month $------
$10,000 and less—Total -------- $------
b. In excess of $10,000—awarded this month $------
In excess of $10,000—changes this month $------
In excess of $10,000—Total ----- $------
Includes purchase action serial number -------- to --------
(5) Amount of all other purchases awarded this month --------- $------
Amount of all other purchases — changes this month --------- $------
Amount of all other purchases—Total -------------------- $------
(6) Total amount of purchases made (Sum of Total entries 4 and 5) $------
(7) Number of purchases made. (Original Purchase Action Reports, as submitted, only)
a. Negotiated $10,000 and less ----- ------
b. Negotiated in excess of $10,000 -- ------
c. All other --------------------- ------
d. Total ------------------------- ------
(Signature) ---------------
(Name) -------------------
(Rank) -------------------

(b) *Explanation of monthly report form.* The following comments are applicable to the report form set forth in paragraph (a) of this section:

(1) In item (1) of the form there should be shown the command or service through which the report is submitted.

(2) Care should be taken not to include figures for the same purchase action in more than one monthly report.

(3) The definition of negotiated purchases contained in § 81.202 (a) should be used in answering item (4) of the form.

(4) The net increase or decrease in the amount of purchase actions resulting from changes occurring in any given month are to be reported under "a" and "b" of item (4) of the form. See § 81.207 (d) for method of treating cancellations.

(5) The net value of all changes or supplements is to be shown as one figure within its proper group (that is, under "a" of item (4) if $10,000 or less; under "b" of item (4) if in excess of $10,000; and under item (5) if other than a negotiated purchase action). This will be done regardless of the month in which the original purchase action was reported.

(6) Only original purchase actions are to be shown in the number of purchases made under item (7). At no time will changes or supplements be included in the number of purchases reported under item (7).

(7) Under item (5) of the form will be included purchases made under the general schedule of supplies, purchase notice agreements, contract bulletins, and purchases under all contracts entered into by a Purchasing Officer other than the office making the report (regardless of whether the other purchasing office entered into the contract by negotiation or otherwise).

(8) The revised net amount of all purchase actions which have been supplemented to exceed $10,000 and for which reports have been accordingly filed under § 81.207 (c) will be included in the first figure under (4) b of the form. The amounts shown under (4) a of the forms filed in previous months in respect to such purchase actions will be shown as a decrease in the second figure under (4) a of the form filed for the month in which the change occurred. Thus a balance can be maintained.

(9) Under (4) b indicate the opening purchase actions used to arrive at the first amount shown in (4) b.

(c) In cases where no activity is shown for a particular month by a station, negative or null reports will be submitted by the stations to their respective higher echelon, but no report need be forwarded for such action from the Chief of Service to the Commanding General, Services of Supply, attention Control Division, Statistics and Progress Branch. Where a station has been terminated a report will be submitted indicating that such report is final.

§ 81.324 *Termination for convenience of the Government.* The following reference is added at the end of paragraphs (a) and (b) as published in the FEDERAL REGISTER October 13, 1942:

(a) * * *

(See paragraph (c) of this section.)

(b) * * *

(See paragraph (c) of this section.)

(c) On rare occasions, in connection with an initial contract with a contractor for a particular product or type of construction, involving a long period of preparation for the performance of the contract or unusually large development and planning costs, unusual circumstances may give rise to the request that the contractor be given special protection against loss through termination for the convenience of the Government at an early stage of the performance of the contract. In such cases, a full statement of the facts and a draft of any special contract provisions recommended will be submitted through the Chief of the Supply Service negotiating the contract, to the Director, Purchases Division, Headquarters, Services of Supply, for approval.

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[1] Administrative regulations of the War Department relating to the administration of Service Commands and Departments.

§ 81.342 *Renegotiation of price clause.* The following price renegotiation clauses will be used in accordance with Procurement Regulation No. 12 (§ 81.1201 et seq.):

(a) [*Form I*] *Renegotiation pursuant to section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended.* (1) Upon the written demand of the Secretary, at such period or periods when, in the judgment of the Secretary, the profits accruing to the contractor under this contract can be determined with reasonable certainty, the contract price will be renegotiated to eliminate therefrom any amount found as a result of such renegotiation to represent excessive profits. The demand of the Secretary shall fix a place for renegotiation and a time for commencement thereof not later than one year after the close of the fiscal year of the contractor within which completion or termination of the contract, as determined by the Secretary, occurs.

(2) The contractor will furnish to the Secretary such statements of actual costs of production and such other financial statements, at such times and in such form and detail, as the Secretary may prescribe, and will permit such audits and inspections of its books and records as the Secretary may request.

(3) The Government shall retain from amounts otherwise due the contractor, or the contractor shall repay to the Government if paid to him, any amount of the contract price found as a result of such renegotiation to represent excessive profits and not eliminated through reductions in contract price or otherwise, as the Secretary may direct.

(4) The contractor will include in each subcontract made by it under this contract for an amount in excess of $100,000, the following provisions:

ARTICLE ------------ *Renegotiation Pursuant to Section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended.*

(1) Upon the written demand of the Secretary, at such period or periods when, in the judgment of the Secretary, the profits accruing to ------------------ (subcontractor) under this contract can be determined and reasonable certainty, the Secretary and ------------------ (subcontractor) will renegotiate the contract price to eliminate therefrom any amount found as a result of such renegotiation to represent excessive profits. The demand of the Secretary shall fix a place for renegotiation and a time for the commencement thereof not later than one year after the close of the fiscal year of the subcontractor within which completion or termination of the contract, as determined by the Secretary, occurs.

(2) ------------------ will furnish to the Secretary such statements of actual costs of production and such other financial statements, at such times and in such form and detail, as the Secretary may prescribe, and will permit such audits and inspections of its books and records as the Secretary may request.

(3) Any amount of the contract price found as a result of such renegotiation to represent excessive profits shall, as directed by the Secretary,

(A) Be deducted by ------------------ (contractor) from payments otherwise due to ------------------ (subcontractor) under this contract; or

(B) Be paid by ------------------ (subcontractor) directly to the Government, if paid to him; or

(C) Be eliminated through reductions in the contract price or otherwise.

(4) ------------------ (subcontractor) agrees that ------------------ (contractor) shall not be liable to ------------------ (subcontractor) for or on account of any amount paid to the Government by ------------------ (subcontractor) or deducted by ------------------ (contractor) from payments otherwise due under this contract, pursuant to directions from the Secretary in accordance with the provisions of this Article. Under its contract with the Government, ------------------ (contractor) is obligated to pay or credit to the Government all amounts withheld by it from ------------------ (subcontractor) hereunder.

(5) ------------------ (subcontractor) agrees (a) upon direction of the Secretary, to include in any subcontract hereunder sections (1) to (6) inclusive of this Article, and (b) to make no subdivisions of any contract or subcontract for the purpose of evading the provisions of this section, and (c) to repay to the Government the amount of any reduction in the contract price of any such subcontract which results from renegotiation thereof by the Secretary, and which the Secretary directs ------------------ (subcontractor) to withold from payments otherwise due under such subcontract and actually unpaid at the time ------------------ (subcontractor) receives such direction.

(6) As used in this Article.

(a) The term "Secretary" means the Secretary of War or any duly authorized representative of the Secretary including the Contracting Officer.

(b) The term "subcontract" means any purchase order or agreement to perform all or any part of the work, or to make or furnish any material, part, assembly, machinery, equipment or other personal property, required for the performance of this contract, unless exempt under or exempted pursuant to Section 403 (i) of the Sixth Supplemental National Defense Appropriation Act of 1942 as amended by Section 801 of the Revenue Act of 1942.

(c) The terms "renegotiate" and "renegotiation" have the same meaning as in section 403 (b) of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended.

(d) The term "this contract" means this contract as modified from time to time.

(5) (i) The contractor agrees to make no subdivisions of any contract or subcontract for the purpose of evading the provisions of this article.

(ii) If any renegotiation between the Secretary and any subcontractor pursuant to the provisions required by paragraph (d) hereof results in a reduction of the contract price of the subcontract, the Government shall retain from payments otherwise due to the contractor, or the contractor shall repay to the Government, as the Secretary may direct, the amount of such reduction which the Secretary directs the contractor to withhold from payments otherwise due to the subcontractor under the subcontract and actually unpaid at the time the contractor receives such direction.

(6) As used in this article:

(i) The term "Secretary" means the Secretary of War or any duly authorized representative of the Secretary, including the Contracting Officer.

(ii) The term "subcontract" means any purchase order or agreement to perform all or any part of the work, or to make or furnish any material, part, assembly, machinery, equipment or other personal property, required for the performance of this contract, unless exempt under or exempted pursuant to section 403 (i) of the Sixth Supplemental National Defense Appropriation Act of 1942 as amended by section 801 of the Revenue Act of 1942.

(iii) The terms "renegotiate" and "renegotiation" have the same meaning as in section 403 (b) of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended.

(iv) The term "this contract" means this contract as modified from time to time.

(b) [*Form II*] *Renegotiation pursuant to section 403 of the Sixth Supplemental National Defense Appropriation Act as amended, 1942.* (1) The contractor will include in each subcontract made by it under this contract for an amount in excess of $100,000, the following provisions:

ARTICLE ------------ *Renegotiation Pursuant to Section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended.*

(1) Upon the written demand of the Secretary, at such period or periods when, in the judgment of the Secretary, the profits accruing to ------------------ (subcontractor) under this contract can be determined with reasonable certainty, the Secretary and ------------------ (subcontractor) will renegotiate the contract price to eliminate therefrom any amount found as a result of such renegotiation to represent excessive profits. The demand of the Secretary shall fix a place for renegotiation and a time for the commencement thereof not later than one year after the close of the fiscal year of the subcontractor within which completion or termination of the contract, as determined by the Secretary, occurs.

(2) ------------------ (subcontractor) will furnish to the Secretary such statements of actual costs of production and such other financial statements, at such times and in such form and detail, as the Secretary may prescribe, and will permit such audits and inspections of its books and records as the Secretary may request.

(3) Any amount of the contract price found as a result of such renegotiation to represent excessive profits shall, as directed by the Secretary,

(A) Be deducted by ------------------ (contractor) from payments otherwise due to ------------------ (subcontractor) under this contract; or

(B) Be paid by ------------------ (subcontractor) directly to the Government, if paid to him; or

(C) Be eliminated through reductions in the contract price or otherwise.

(4) ------------------ (subcontractor) agreees that ------------------ (contractor) shall not be liable to ------------------ (subcontractor) for or on account of any amount paid to the Government by ------------------ (subcontractor) or deducted by ------------------ (contractor) from payments otherwise due under this contract, pursuant to directions from the Secretary in accordance with the provisions of this Article. Under its contract with the Government, ------------------ (contractor) is obligated to pay or credit to the Government all amounts withheld by it from ------------------ (subcontractor) hereunder.

(5) ------------------ (subcontractor) agrees (a) upon direction of the Secretary, to include in any subcontract hereunder section (1) to (6) inclusive of this Article, and (b) to make no subdivisions of any contract or subcontract for the purpose of evading the provisions of this section, and (c) to repay to the Government the amount of any reduction in the contract price of any such subcontract which results from renegotiation thereof by the Secretary, and which the Secretary directs ------------------ (subcontractor) to withhold from payments otherwise due under such subcontract and actually unpaid at the time ------------------ (subcontractor) receives such direction.

(6) As used in this Article,

(a) The term "Secretary" means the Secretary of War or any duly authorized representative of the Secretary, including the Contracting officer.

(b) The term "subcontract" means any purchase order or agreement to perform all or any part of the work, or to make or furnish any material, part, assembly, machinery, equipment or other personal property, required for the performance of this contract, unless exempt under or exempted pursuant to section 403 (i) of the Sixth Supplemental National Defense Appropriation Act of 1942 as amended by section 801 of the Revenue Act of 1942.

(c) The terms "renegotiate" and "renegotiation" have the same meaning as in section 403 (b) of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended.

(d) The term "this contract" means this contract as modified from time to time.

(2) (i) The contractor agrees to make no subdivision of any contract or subcontract for the purpose of evading the provisions of this article.

(ii) If any renegotiation between the Secretary and any subcontractor pursuant to the provisions required by section (a) hereof results in a reduction of the contract price of the subcontract, the Government shall retain from payments otherwise due to the contractor, or the contractor shall repay to the Government, as the Secretary may direct, the amount of such reduction which the Secretary directs the contractor to withhold from payments otherwise due to the subcontractor under the subcontract and atcually unpaid at the time the contractor receives such direction.

(3) As used in this article:

(i) The term "Secretary" means the Secretary of War or any duly authorized representative of the Secretary, including the Contracting Officer.

(ii) The term "subcontract" means any purchase order or agreement to perform all or any part of the work, or to make or furnish any material, part, assembly, machinery, equipment or other personal property, required for the performance of this contract, unless exempt under or exempted pursuant to section 403 (i) of the Sixth Supplemental National Defense Appropriation Act of 1942 as amended by section 801 of the Revenue Act of 1942.

(iii) The terms "renegotiate" and "renegotiation" have the same meaning as in section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended.

(iv) The term "this contract" means this contract as modified from time to time.

§ 81.905 *Applicability of eight hour law.* * * *

(f) *Qualification of exceptions.* The exceptions contained in paragraphs (a) to (e) of this section (but not the exception for Walsh-Healey contracts) are subject to the qualification contained in the Act that the basic law shall apply to "all classes of work which have been, are now, or may hereafter be performed by the Government * * *." The meaning of this qualification is not clear. Under one literal interpretation, it would nullify the exceptions (See 29 Op. A.G. 505 (1912)). The preferable construction is that the exceptions apply on a given date unless the work is of a class which has been or is then being performed by the Government.

WAGE AND SALARY STABILIZATION

§ 81.968 *General orders.* From time to time the National War Labor Board issues general orders establishing procedures and regulations for the administration and interpretations of Executive Order No. 9250 as well as interpretations of such general orders. The full text of such general orders and interpretations is set forth in the succeeding paragraphs of this procurement regulation.

§ 81.969 *General Order No. 1.* All increases in wage rates which have been directed by the War Labor Board prior to October 3, 1942, shall be put into effect in accordance with the terms of the directive order in each particular case.

§ 81.970 *General Order No. 2.* The procedures in the National War Labor Board for the adjustment of labor disputes affecting wages established under Executive Order No. 9017, dated January 12, 1942, shall remain in full force and operation, and in all present or future cases in which the jurisdiction of the Board has attached or shall attach by certification or otherwise, the parties shall be deemed to have given notice within the terms of Title II, section 1, of Executive Order No. 9250, dated October 3, 1942.

§ 81.971 *General Order No. 3.* (a) The National War Labor Board hereby approves all increases in wage rates which were put into effect on or before October 3, 1942, *Provided, however,* That the Board reserves the power under the provisions of Title III, section 3 of the Executive Order to disapprove any such wage rate which it may find to be inconsistent with the policy enunciated in the said Executive Order or hereafter formulated by the Economic Stabilization Director and in case of such disapproval to order the discontinuance of further payment of such wages.

(b) *Intepretation No. 1 of General Order No. 3.* In General Order No. 3 the words "increases in wage rates which were put into effect on or before October 3" include increases in wage rates which by written agreement entered into on or before October 3, 1942, or by the formal action communicated to the employees on or before October 3, 1942, notwithstanding such increases were first reflected in a payroll subsequent to October 3, 1942.

(c) *Interpretation No. 2 of General Order No. 3.* Any change in wage rates, regardless of its effective date, which results from the award or decision of an arbitrator or referee made after October 3, 1942, is subject to the provisions of Executive Order No. 9250, dated October 3, 1942, notwithstanding the agreement or order for arbitration or reference was made on or before October 3, 1942.

(d) *Interpretation No. 3 of General Order No. 3.* Unless otherwise expressly exempted, any change in wage rates provided for in any existing agreement to take effect at some future date or on the happening of some future event, is subject to the provisions of Executive Order No. 9250, dated October 3, 1942, regardless of when the agreement was made.

§ 81.972 *General Order No. 4.* (a) Wage adjustments made by employers who employ not more than eight (8) individuals are exempted from the provisions of the Executive Order No. 9250 of October 3, 1942.

(b) *Interpretation No. 1 of General Order No. 4.* The exemption granted by General Order No. 4 to employers who employ not more than eight individuals does not apply to employers who own or operate more than one plant or unit where the aggregate of employees in such plants or units exceeds eight.

(c) *Interpretation No. 2 of General Order No. 4.* The exemption provided for by General Order No. 4 shall not apply to employers whose employees' wages, hours or working conditions have been established or negotiated on an industry, association, area or other similar basis, whether by master contract or by separate but similar or identical contracts.

§ 81.973 *General Order No. 5.* (a) Wage adjustments may be made in the rates of individual employees, without approval of the National War Labor Board, if they are incident to the application of the terms of an established wage agreement or to established wage rate schedules covering the work assignments of employees and are made as a result of:

(1) Individual promotions or reclassifications.

(2) Individual merit increases within established rate ranges.

(3) Operation of an established plan of wage increases based upon length of service.

(4) Increased productivity under piece-work or incentive plans.

(5) Operation of an apprentice or trainee system.

The Board further finds that adjustments of wages made under this order should not result in any substantial increase of the level of costs and shall not furnish a basis either to increase price ceilings of the commodity or service involved or to resist otherwise justifiable reductions in such price ceilings.

(b) *Interpretation No. 1 of General Order No. 5.* The fixing of a piece-rate which was theretofore set only tentatively for trial purposes, and the resetting of a piece-rate which was found to have been set in the first instance so as to yield less than the regularly established or normal amount prevailing in the plant for that type of job, are each "wage adjustments . . . incident to the application of the terms of an established wage agreement or to established wage rate schedules" within the meaning of General Order No. 5, and may therefore be made without approval of the National War Labor Board.

§ 81.974 *General Order No. 6.* (a) The hiring of an individual at a wage rate in excess of the rate previously established in the plant for employees of similar skill and productive ability within the classification in which the individual is employed is a "wage increase" within the meaning of Executive Order No. 9250.

(b) If a wage rate for a job classification has not theretofore been established by the employer for the plant involved, the rate shall be fixed at a level not exceeding that which prevails for similar classifications within the area, unless a higher rate is approved by the National War Labor Board.

REQUISITIONING OF PERSONAL PROPERTY

GENERAL

§ 81.1401 *Authority to requisition.* Authority to requisition personal property is conferred under (1) the Act of October 10, 1940 (54 Stat. 1090) as amended by the Act of July 2, 1942 (Pub. Law 643, 77th Congress, 2nd Session), (2) the Act of October 16, 1941 (55 Stat. 742) as amended by the Act of March 27, 1942 (Pub. Law 507, 77th Congress, 2nd Session) and (3) Executive Order No. 8942, dated November 19, 1941 (6 F.R. 5909) as amended by Executive Order No. 9138, April 17, 1942 (7 F.R. 2919). The procedure outlined in this procurement regulation is confined to authority exercised pursuant to the above statutes and executive orders and does not apply to other forms of requisitioning or commandeering which may be available to officers in theaters of operations.

§ 81.1402 *Definitions*—(a) *Property.* The term "property", as used in this procurement regulation includes all items which may be or have been requisitioned under the authorities referred to under § 81.1401 (see § 81.1403).

(b) *Requisition officer.* The term "requisition officer", as used in this procurement regulation, means any contracting officer, as defined in Procurement Regulation No. 3, (§§ 81.301–81.360) or any commanding officer of service commands, armies, arsenals, depots, posts, fields and camps.

(c) *Requisition.* The term "requisition", as used in this procurement regulation, refers to a document consisting of two parts (part 1 "proposal to requisition" and part 2 "requisition order") as set forth in § 81.1417 below.

(d) *Notice of requisition.* The term "notice of requisition", as used in this procurement regulation, refers to the form set forth in § 81.1418 below.

(e) *Serving Officer.* The term "serving officer", as used in this procurement regulation, refers to an officer, agent, or employee of the United States at or near the location of the property to be requisitioned, designated by the requisition officer as the proper person to make personal service of the requisition and of the notice of requisition.

(f) *Report concerning value, condition and use of requisitioned property.* The term "report concerning value, condition, and use of requisitioned property", as used in this procurement regulation, refers to a written statement in the form prescribed by § 81.1419 below.

ACQUISITION OF PROPERTY BY REQUISITION

§ 81.1403 *Selection of proposal forms.* (a) When a requisition is initated under the Act of October 10, 1940, as amended, the requisition officer will first determine that:

(1) The property should be taken over for the use or operation by the United States or in its interest;

(2) The property is military or naval equipment or munitions, or component parts thereof, or machinery, tools or materials or supplies necessary for the manufacturing, servicing or operation thereof; and

(3) The property was ordered, manufactured, procured or possessed for export purposes, and that the exportation thereof has been prohibited or curtailed in accordance with the Act of July 2, 1940. (Pub. Law 703, 76th Congress; 54 Stat. 714)

(b) When a requisition is initiated under the Act of October 16, 1941, as amended, the requisition officer will first determine that:

(1) The use of the property is needed for the defense of the United States;

(2) Such need is immediate and impending and such that will not admit of delay or resort to any other source of supply;

(3) All other means of obtaining use of such property for the defense of the United States upon fair and reasonable terms have been exhausted;

(4) The property is military or naval equipment, supplies or munitions, or component parts thereof, or machinery, tools, or materials necessary for the manufacture, servicing, or operation of such equipment, supplies or munitions; and

(5) The property to be requisitioned is not a firearm possessed by an individual for his personal protection or sport, possession of which is not prohibited by existing law.

§ 81.1404 *Duties of the requisition officer.* Having satisfied himself as to the existence of the above-mentioned conditions, the requisition officer will execute the appropriate form of proposal and will forward the proposal and one copy thereof to the chief of the supply service concerned and five copies thereof direct to the Legal Branch, Purchases Division, Headquarters, Services of Supply.

§ 81.1405 *Duties of the Legal Branch, Purchases Division, Headquarters, Service of Supply.* The Legal Branch will accomplish all clearances and obtain the recommendation of the chief of the supply service concerned. After all necessary clearances and signatures are obtained, the Legal Branch will promptly transmit the requisition directly to the serving officer.

§ 81.1406 *Duties of the serving officer.* (a) The serving officer will personally serve the requisition upon the possessor or custodian of the property, but will not leave the requisition with such possessor or custodian of the property. He will also serve a notice of requisition upon the possessor or custodian of the property leaving the same in the possession of such possessor or custodian to serve as a receipt for the property. He will also serve a notice of requisition upon any persons known or believed to have, or to assert, a claim or interest in the property. In the event that it shall be impossible to accomplish personal service of a notice of requisition upon any person or persons believed to have, or to assert, a claim in the property, service of a notice of requisition will be made upon such persons or persons by the serving officer by registered letter mail, return receipt requested, at the last known address of such persons entitled to notice.

(b) Promptly upon serving the requisition upon the possessor or custodian of the property, the serving officer may take the property and the possession thereof for the purposes specified in the requisition and will promptly execute the Receipt for the property and the Return. The requisition itself will then be returned by the serving officer to the requisitioning officer together with a report of any service made pursuant to § 81.1406 (a) above and a report concerning value, condition, and use of requisitioned property in the form prescribed by § 81.1419 below. Simultaneously therewith copies of the instruments referred to will be transmitted to the chief of the supply service concerned, and a copy of the requisition showing the receipt and the return as executed will be transmitted to the Legal Branch, Purchases Division, Headquarters, Services of Supply.

§ 81.1407 *Proof of claim; disclaimer.* The requisitioning office will immediately, after return of service, upon receiving the report from the serving officer distribute a form of disclaimer or a form of proof of claim, accompanied by appropriate form of verification (individual, corporate, or foreign government as the case may be), together with power of attorney, if necessary, to every person known or believed to assert any claim or interest in the property, together with instructions for the preparation of the proposal and submission of the proof of claim or disclaimer, as the case may be. The requisitioning office will furnish the chief of the supply service concerned and Legal Branch, Purchases Division, Headquarters, Services of Supply, with two copies of each proof of claim or disclaimer with the attached verification and power of attorney. The required forms of proof of claim, verifications, power of attorney, disclaimer, and accompanying instructions are set forth in §§ 81.1420–81.1424 below.

DETERMINATION AND PAYMENT OF FAIR AND JUST COMPENSATION FOR PROPERTY REQUISITIONED

§ 81.1408 *Definitions*—(a) *Certificate of fair and just compensation.* The term "certificate of fair and just compensation", as used in this procurement regulation, refers to a written statement in the form prescribed by § 81.1425 below.

(b) *Acceptance of award and release.* The term "acceptance of award and release", as used in this procurement regulation, refers to a written statement in the form prescribed by § 81.1426 below.

(c) *Stipulation as to amount of fair and just compensation.* The term "stipulation as to amount of fair and just compensation", as used in this procurement regulation, refers to a written statement in the form prescribed by § 81.1427 below.

(d) *Disbursing officer.* The term "disbursing officer", as used in this procurement regulation, refers to the officer who has been designated to make payments for the property in the Proposal to Requisition (Part I of form set forth in § 81.1417.)

(e) *Award where owner is alien enemy or national of a state or territory occupied by enemy.* Where an owner of the requisitioned property is an alien enemy or a national of a state or territory occupied by the enemy, award will be made in the manner prescribed in this section III, (§§ 81.1408–81.1416) except that the payment shall be made into a blocked account for the benefit of such alien enemy or national of a state or territory occupied by the enemy.

INITIAL PROCEDURE IN DETERMINING THE AMOUNT OF COMPENSATION

§ 81.1410 *Preliminary determination.* (a) Promptly after the requisitioning of the property and after consultation with all available persons claiming an interest therein, the requisition officer will make the preliminary determination of the fair and just compensation to be paid for such property. The requisition officer will determine the place of consultation giving due regard to the place of residence or whereabout of the claimants.

(b) In making the preliminary determination of compensation the requisition officer will fix an amount believed to be the fair market value of the property requisitioned (i. e., of the actual materials) as of the time and place of taking: *Provided, however,* That in no instances will the amount of compensation exceed the ceiling price, if any, established by the Office of Price Administration or otherwise established by law, if such ceiling price was in effect at the time of taking. Such determination shall be made in accordance with the provision contained in the fifth amendment of the Constitution of the United States that "private property [shall not] be taken for public use, without just compensation."

(c) The requisition officer will, to the extent practicable, give notice of such determination to all persons known or believed to assert a claim or interest in the property requisitioned. Such notice will be given by personal service where possible, and, where not possible, by registered mail, return receipt requested.

(d) Within thirty (30) days after date of receipt of notice of preliminary determination, any claimant may file written objections thereto with the chief of the supply service concerned, specifying in reasonable detail the grounds for his objection. The preliminary determination may be modified on the basis of such objection.

§ 81.1411 *Final determination of fair and just compensation.* (a) Within ninety (90) days after the taking of the property, the requisition officer will either affirm the preliminary determination or make a new determination of the amount constituting fair and just compensation for the requisitioned property, taking account of any new factors brought to light by any objections filed to the preliminary determination, pursuant to the provisions of § 81.1410 (b) and (d) above.

(b) The requisition officer will then execute, in triplicate, a certificate of fair and just compensation in the form prescribed by § 81.1425 below and will request the owner to accept, by signing an acceptance of award and release in the form prescribed by § 81.1426 below, the amount named in the certificate as fair and just compensation. If the owner cannot be determined with certainty, the procedure set forth in § 81.1413 will govern.

SUBSEQUENT PROCEDURE WHERE CLAIMANTS DISAGREE AS TO AMOUNT OF COMPENSATION

§ 81.1412 *Where ownership is established with certainty.* (a) After obtaining the owner's acceptance of the determination of the amount constituting fair and just compensation, the requisition officer will forward the executed acceptance of award and release of the chief of the supply service concerned for approval and simultaneously a copy will be furnished the Legal Branch, Purchases Division, Headquarters, Services of Supply.

(b) Upon approval of the executed acceptance of award and release, recommendation will be made by the chief of the supply service concerned that the Under Secretary of War make an award in the amount set forth in such acceptance. Such recommendation will be forwarded to the Legal Branch, Purchases Division, Headquarters, Service of Supply, which will prepare an award and forward it to the Under Secretary of War for action.

(c) If the Under Secretary of War signs the award, the Legal Branch will transmit the same to the chief of the supply service concerned. Notice of the signing of the Award shall be transmitted promptly to the claimants by the chief of the supply service.

(d) Upon receipt of payment the payee will be required by the disbursing officer to execute a receipt in final form and such receipt will be returned promptly to the requisition officer who will forward the same to the chief of the supply service concerned, and simultaneously will furnish a copy of such final receipt to the Legal Branch, Purchases Division, Headquarters, Services of Supply.

§ 81.1413 *Where ownership cannot be determined with certainty.* (a) Upon receipt from the chief of the supply service concerned of an approved certificate of fair and just compensation, the requisition officer will request all persons claiming to be entitled to any share in the award to execute a stipulation in the form prescribed in § 81.1427, agreeing to the amount of fair and just compensation as determined in such certificate. Such stipulation, when executed, will be forwarded by the requisition officer to the chief of the supply service concerned, and simultaneously a copy will be furnished the Legal Branch, Purchases Division, Headquarters, Services of Supply.

(b) Cases in which the owner of the property cannot be determined with certainty will be referred to the War Department Board of Contract Appeals in the Office of the Under Secretary of War which shall make a determination of ownership; if possible, obtaining from the owner the prescribed acceptance of award and release. In those cases where the Board finds it imposisble to determine the ownership, the Board will advise the chief of the supply service as to what disposition may be made of the claim.

SUBSEQUENT PROCEDURE WHERE CLAIMANTS AGREE AS TO AMOUNT OF COMPENSATION

§ 81.1414 *Where ownership is established with certainty.* (a) If the owner refuses to execute an acceptance of award and release, the requisition officer will furnish to the chief of the supply service concerned a copy of the certificate of fair and just compensation, and, in addition thereto, a report concerning value, condition and use of requisitioned property in the form prescribed by § 81.1419 below.

(b) All claimants shall be entitled to a hearing before the War Department Board of Contract Appeals according to the rules of procedure prescribed by the Board. A stenographic transcript of the proceedings before the board and copies of all written evidence submitted will be preserved.

(c) After hearing and the presentation of all claims, the War Department Board of Contract Appeals will make a determination of fair and just compensation for the requisitioned property and will request the Under Secretary of War to make an award in the amount determined.

(d) Upon signature of the award by the Under Secretary of War, proceedings will be had in accordance with § 81.1412 (c) and (d) above.

§ 81.1415 *Refusal of award.* In the event that the award of compensation fixed by the Under Secretary of War is refused by the owner of the property requisitioned, the chief of the supply service will direct payment to such owner of fifty per cent (50%) of the amount of the award, as provided in the Act of October 10, 1940 (54 Stat. 1090), as amended, and the Act of October 16, 1941 (55 Stat. 742), as amended.

§ 81.1416 *Where ownership cannot be determined with certainty.* Where the ownership of the requisitioned property cannot be determined with certainty and any person claiming an interest therein declines to execute a stipulation as provided in § 81.1413 (a) above, such case shall be referred to the War Department Board of Contract Appeals, which shall determine fair and just compensation in the manner provided for by § 81.1414 (b) and (c) above, and shall thereupon proceed in accordance with § 81.1413 (b) above.

FORMS

§ 81.1417 *Form of requisition.*

REQUISITION

I. PROPOSAL TO REQUISITION PROPERTY

War Dept. No. ---------- Date ----------

The War Department herewith submits to the Chairman of the War Production Board the following proposal for the requisitioning and disposal, under the Act of------------, of the property described below for determination as to whether it is consistent with the priorities and allocations program and the general production and supply plan of said Chairman, the head of the department or agency submitting this proposal having heretofore determined that:

A. In the event this proposal is submitted pursuant to the Act of October 10, 1940 as amended, that:

(1) Such property is of the type which may be requisitioned under said Act; and

(2) There exists a necessity for requisitioning the property in accordance with the provisions of section 1 of said Act.

B. In the event this proposal is submitted pursuant to the Act of October 16, 1941, as amended, that:

(1) Such property is of the type which may be requisitioned under said Act; and

(2) (a) The use of such property is needed for the defense of the United States,

(b) Such need is immediate and impending and such as will not admit of delay or resort to any other source of supply,

(c) All other means of obtaining use of such property for the defense of the United States upon fair and reasonable terms have been exhausted, and

(d) The property to be requisitioned is not a firearm possessed by an individual for his personal protection or sport, the possession of which is not prohibited by existing law.

1. Description of property: (In as great detail as possible, specifying quantity, quality, shapes, sizes, etc. The specifications may be set forth in an attached statement.)

2. Present location:

Name of holder----- *Address*------------

3. Beneficial owner (if known):

Name-------------- *Address*-----------

4. All other persons known to have or claim an interest in property:

Name-------------- *Address*-----------
Name-------------- *Address*-----------
Name-------------- *Address*-----------
Name-------------- *Address*-----------
Name-------------- *Address*-----------

5. Intended use or disposition of property by present owners:

6. Persons to whom the Requisitioning Authority proposes to sell or otherwise dispose of property:

Name ----------- *Address* -----------

7. Use to be made of property by persons described in 6:

8. Was this property ordered, manufactured, procured or possessed for export purposes? (Set forth additional data in statement of facts.)

9. When this material has been requisitioned, shipping instructions should be as follows:

10. Payment for this material will be made by the United States from the allotment, appropriation or fund ------------------

------------------------------------ the available balance of which is sufficient to cover the cost of the same. The allotment, appropriation or fund indicated has been obligated in the amount of $----------

11. Cost and charges incurred subsequent to the execution of this requisition, and relating to the requisitioned property should be referred for payment to:

Office ----------- *Address* -----------

12. Name and address of office to which approved award of compensation should be sent for payment:

Office ----------- *Address* -----------

13. The following officers, agents, or employees of the United States are available to serve requisitions at the location of this property:

Name, Title *Street Address* *City, State*

STATEMENT OF FACTS

(Additional Sheets May Be Attached)

The undersigned hereby declares and certifies that all the facts herein set forth are true to the best of his knowledge and belief; and

A. In the event this proposal is submitted pursuant to the Act of October 10, 1940 as amended, that:

1. Such property is of the type which may be requisitioned under said Act; and

2. There exists a necessity for requisitioning the property in accordance with the provisions of Section 1 of said Act.

B. In the event this proposal is submitted pursuant to the Act of October 16, 1941 as amended, that:

1. The property herein described is needed for the defense of the United States.

2. The need for such property is immediate and impending and such as will not admit of delay or resort to any other source of supply.

3. All other means of obtaining the use of such property for the defense of the United States upon fair and reasonable terms have been exhausted.

4. The property to be requisitioned is not a firearm possessed by an individual for his personal protection or sport, the possession of which is not prohibited by existing law.

5. As a part of this request there is attached hereto a written memorandum setting forth all of the facts relating to the attempted acquisition of said property together with all correspondence between the interested parties upon which the undersigned predicates the statement made by him in paragraph 3 above.

This certificate is executed by a duly authorized officer of (Department)------------ ----------- this ----------- day of ------ ------, 1942.

This Requisition is approved on behalf of (Chief of Supply Service)-----------------

----

(Authorized Officer)

The determination of the War Production Board should be sent to the legal Branch, Purchases Division, Headquarters, Services of Supply, War Department, Washington, D. C.

(Authorized Officer)

Concurred in by the
Army and Navy Munitions Board.

Requisition Committee.

DETERMINATION OF CHAIRMAN OF WAR PRODUCTION BOARD

The Chairman of the War Production Board hereby certifies that he has determined that the requisitioning and disposal herein proposed is/is not consistent with the priorities and allocations program and the general production and supply plan of the Chairman of the War Production Board.

Dated -----------, 194----.

Chairman of War Production Board
By -----------------------

II. REQUISITION ORDER

Requisition
by
The United States of America

War Department No. ---------------

To: It having been determined in the manner provided for in the Act of------------- ---------------,* and the Executive Orders thereunder that it is necessary in the interest of national defense to requisition and take over for the use or operation by the United States or in its interest, the following articles or materials: ------------------------

----

You are therefore authorized and commanded to take said articles or materials and the possession thereof for the purposes above specified; to receipt for the same in the name of the United States; and, to the end that, among other things, just and fair compensation therefor may be ascertained, to make return to----------------------------

------------------------------------ and copy thereof to the Legal Branch, Purchases Division, Headquarters Services of Supply, War Department, Washington, D. C., of all things done and proceedings had in the execution of this requisition.

All persons having any claim to or interest in any of the above-described articles or materials are directed to give notice of their claims at once to------------------- which will prescribe the form and manner of filing such claims.

Washington, D. C.,----------------, 194---

III. THE RECEIPT

Received from-------------------------
at -----------------------------------
on the -------------day of-------------,
194----, in---------------------------
condition, the articles or materials covered by the requisition on the reverse hereof, except as indicated below.

THE UNITED STATES OF AMERICA,
By---------------------------
Title------------------------

THE RETURN

The requisition on the reverse hereof was served by me by showing the Original thereof to, and leaving a copy with------------- ----------- at -------------------- this ---------------- day of ---------------, 194----

And in the name of the United States I also give to-------------------- a receipt for the articles or materials, taking possession of the same.

Title------------------------

EXCEPTIONS AND REMARKS

----

§ 81.1418 *Form of notice of requisition.*

NOTICE OF REQUISITION

To all persons known to have or claim an interest in the property described below:

Please take notice that the property described below was on --------------------, 194----, requisitioned and taken over for the defense of the United States:

If you had or claimed any interest in such property you are required to file a claim at once. Proof of Claim in the attached form must be filed in triplicate.

If you did not have or claim any interest in such property you are required to file a disclaimer in the form attached. Such disclaimer must be filed in triplicate.

All claims and correspondence in connection with this requisition should be addressed to ----------------------------------:

Notice of this requisition is being given to

If you know of any other person, firm or corporation which had or claimed any interest in the requisitioned property you should so advise at once, specifying in detail the name and address of such person, firm or corporation and the nature of such interest.

Date ---------------, 194---- .

§ 81.1419 *Form of report concerning value, condition, and use of requisitioned property.*

Req. W. D. No. -----------
War Production Board Case No-------------

Report Concerning Value, Condition, and Use
of
Requisitioned Property

1. The Proposal for requisitioning and disposal of property (hereinatfer called the Proposal) was executed under date of---------- -----------------.

2. A description of the property as set forth in the Proposal is as follows:

3. The Requisition for the property was executed by Robert P. Patterson, Under Secretary of War, under date of ---------------.

4. Pursuant to the Requisition, the property was taken over by --------------------- as evidenced upon receipt endorsed upon the Requisition executed by the Under Secretary of War under date of --------------------.

5. The name and address of the owner of the property is:

Name-------------- *Address*-----------

(The information requested in paragraph 6 to 12, inclusive, should be given in as full and complete detail as possible.)

6. Before requisitioning, the property was used for the following purposes:

7. Present use of the property.

8. Information as to age of property.

9. Information as to any allowances for depreciation on the owner's books.

10. Information as to the price most recently paid for similar property at the situs of this property.

11. Information as to earnings realized from this property by its owner.

12. What effect will the requisitioning of this property have upon the business of its owner.

Title -----------------------

§ 81.1420 *Form of proof of claim.*

In the matter of the claim of-------------

(Here insert the name of the person, firm or corporation on whose behalf this claim is filed.)

Requisition W. D. No-----------

PROOF OF CLAIM

The proof of claim (Here insert full name and address of claimant and, if a corporation, its principal place of business and state of incorporation) avers:

1. That claimant is entitled to fair and just compensation from the United States in the amount of $----------- for personal propery taken by the United States on the ----------- day of -----------, 194----, under War Department Requisition No. -------- as follows: (itemize)

2. That claimant had, on the date of said requisition, the right, title or interest hereinafter set forth in and to said requisitioned property; viz:

3. That on the date of said requisition no other person or persons had or claimed, to the best of claimant's knowledge and belief, any right, title or interest in and to said requisitioned property except as follows: (If no exceptions, so state).

4. That claimant makes the following averments in support of the right, title or interest asserted in Paragraph 2 hereof, that is to say: (Set forth fully all facts, attaching copies of all documents evidencing claimant's title.)

5. That claimant is the present owner of this claim, and that neither this claim nor any interest in it has been transferred, sold, pledged, or assigned except as follows: (If no exceptions, so state.)

6. Wherefore, claimant requests that the amount of just compensation due herein be determined according to law.

Dated at ---------------------, State of --------------- This ----------- day of -----------, 194----.

(Name of claimant and, if a corporation or partnership or other entity, name of person authorized to sign, with the designation of his title.)

Address ------------------------------
Name and Address of attorney, if any:
----

§ 81.1421 *Forms of verification*—(a) *Forms of verification by an individual.*

State of --------------
County of --------------
City of --------------

(Insert here name of claimant), being first duly sworn, deposes and says that he is the claimant in the above entitled proceeding; that he has read the foregoing Proof of Claim and knows the contents thereof, and that the averments in said Proof of Claim are true of his own knowledge, except as to matters which are therein stated on information or belief, and that as to those matters, he believes the averments to be true.

Subscribed and sworn to before me this ----------- day of -----------, 194----.

Notary Public in and for the ------------ of -----------, State of -----------.

(b) *Form of verification by a corporation.*

State of --------------
County of ------------
City of --------------

(Insert here name of officer or director of the corporation), being first duly sworn, deposes and says that he is the (insert title) of the (insert name of corporation), claimant in the above entitled proceeding; that he is authorized to, and does make this affidavit in its behalf; that he has read the foregoing Proof of Claim and knows the contents thereof, and that the averments in said Proof of Claim are true of his own knowledge, except as to matters which are therein stated on information or belief, and that as to those matters, he believes the averments to be true.

Subscribed and sworn to before me this ----------- day of -----------, 194----.

Notary Public in and for the ------------ of -----------, State of -----------.

(c) *Form of verification by, or on behalf of a foreign government.*

State of --------------
County of ------------
City of --------------

------------------, being first duly sworn, deposes and says that he is the duly constituted and authorized representative of ------------------, a foreign government, that he has read the foregoing Proof of Claim and knows the contents thereof and that the averments in said Proof of Claim are true of his own knowledge except as to the matters therein stated on information and belief, and that as to those matters he believes the averments to be true.

Official Title---------------------------

Subscribed and sworn to before me this ----------- day of -----------, 194----.

Notary Public in and for the ------------ of -----------, State of -----------.

§ 81.1422 *Form of power of attorney.*

POWER OF ATTORNEY

Know all men by these presents that------ ------------------------------------
(Name of claimant, address and legal status;
----
and, if a corporation, the principal place of
----
business and State of incorporation)
hereinafter called "Claimant", (in pursuance of a resolution passed by its Board of Directors, a certified copy of which is attached hereto*) does hereby make, constitute and appoint ------------------------------
(Name of attorney-in-fact)
claimant's true and lawful attorney for claimant and in claimant's name and behalf, and with the same force and effect as if done by Claimant (through its duly authorized officers*):

To represent and act for Claimant before the War Department or any other department or agency of the United States Government in any and all matters concerning the determination of compensation for property taken by the United States of America on ------------------------------, 194----, by Requisition W. D. No-------- with power to execute in Claimant's name any and all Proofs of Claim or amendments or supplements thereto, any and all stipulations of fact, statements and declarations as to ownership, and any and all other instruments of every kind and nature which may be required in communications therewith; and to present, prosecute, compromise, or settle any claim or claims arising out of the above requisition, which Claimant has or may have, against the United States Government, or any official, department, or agency thereof, and to execute on behalf of Claimant one or more receipts and/or releases for any award of compensation made by the United States in connection with the above requisition and/or one or more agreements to indemnify and hold harmless the United States, its officers, agents, and employees, in an amount not exceeding the sum awarded to Claimant, from any and all loss resulting from the establishment of a valid claim by any other person or persons against requisitioned property for which compensation has been awarded to Claimant; and to receive, on behalf of Claimant, any check or checks issued in payment of the award;

---

*If the property was "ordered, manufactured, procured or possessed for export purposes, the exportation of which has been denied," insert the following: "October 10, 1940 (54 Stat. 1090) as amended."

If the property was *not* "ordered, manufactured, procured or possessed for export purposes, the exportation of which has been denied," insert the following: "October 16, 1941 (55 Stat. 742) as amended."

With full power to substitute or employ an attorney or attorneys at law or in fact with the same powers enumerated herein.

WITNESS the due execution hereof this -----------day of---------------, 194----

------------------------------ (Name of Claimant—indicate whether an individual, corporation, partnership or other entity)

By ------------------------------ President

[CORPORATE SEAL]*

ATTEST:*

------------------------------ Secretary*

§ 81.1423 *Form of disclaimer.*

Requisition W. D. No-----------

DISCLAIMER

------------------------------ having received due notice of the service of Requisition W. D. --------, dated ----------, we hereby disclaim any right, title or interest in the articles or materials taken under such requisition and any claim for compensation thereunder.

By------------------------------

Sworn and subscribed this ------------ day of ------ ------ before me -------- ----------------

§ 81.1424 *Instructions for the preparation and submission of documents.*

1. An original and two conformed copies of each Proof of Claim which shall be filed in the appropriate office as directed.

2. Proof of Claim and all other papers filed shall be typewritten on one side of the page only with a margin of 1½″ at the top and on the left side of the page.

3. A good quality of white paper stock 8″ x 10½″ shall be used.

4. Each page shall be numbered at the bottom and each paragraph numbered at the left side.

5. Every document having more than one page shall be secured with a fastener at the top of the page.

6. Proofs of Claim shall be in the form prescribed, contain all the averments indicated in the prescribed form and should be executed and verified as therein prescribed.

7. The Proof of Claim of a foreign government may be executed and verified by its duly authorized representative.

8. The following papers should be attached to the Proof of Claim:

a. Copies of all documents evidencing claimant's right, title or interest in or to the requisitioned property including evidence of actual payments for the articles or materials.

b. Executed Power of Attorney in the form prescribed.

§ 81.1425 *Form of certificate of fair and just compensation.*

Requisition, War Department No--------
War Production Board Case No--------

CERTIFICATE OF FAIR AND JUST COMPENSATION

The undersigned hereby declares and certifies as follows:

1. The proposal for requisitioning and disposal of property (hereinafter called the proposal) was executed under date of-----------

2. A description of the property as set forth in the proposal is as follows:

3. The requisition for the property was executed by Robert P. Patterson, Under Secretary of War, under date of-----------------

4. Pursuant to the requisition, the property was taken over by------------------------ as evidenced by the receipt endorsed upon the requisition executed by the Under Secretary of War under date of------------------------

5. The name and address of the owner of the property is:

Name-------------- *Address*-----------

6. The owner of the property has executed, in triplicate, the Acceptance of Award and Release and the three counterparts are attached hereto. Such release is conditioned upon payment by the United States to the -- of the amount stated in such acceptance.

7. The only other persons known to have claims or interest in the property have executed disclaimers and such disclaimers and two photostat copies thereof, are hereto annexed. The names and addresses of such parties are as follows:

Name-------------- *Address*-----------

8. Payment for the property is to be made by the United States from Allotment------- -------------------- which was stated in the proposal as having available for the payment of the property a balance of ----------. Such balance is sufficient to cover the payment for the property.

9. Fair and just compensation for the property requisitioned and taken over as of the date and place thereof is --------------.

10. The compensation should be paid to: *Name* --------------, *Address* -----------.

11. This certificate and the enclosures referred to herein, are forwarded to ---------- ---------------------- (copies to the Legal Branch, Purchases Division, Headquarters, Services of Supply, Pentagon Building, Washington, D. C.), with the request that fair and just compensation for the property be determined as provided in the Act authorizing the requisitioning and the determination of the compensation and in the Executive Orders applicable thereto.

This certificate is executed, in triplicate, by a duly authorized officer of ----------- this ----------- day of -----------, 194----.

------------------------------ (Duly Authorized Officer)

Approved: ----------------------
(Chief of Supply Service)
Date ---------------------------

§ 81.1426 *Form of acceptance of award and release.*

In the Matter of the Claim of-------------
Requisition, War Department No. ----------
War Production Board Case No. -----------

ACCEPTANCE OF AWARD AND RELEASE

-- hereby agrees to accept the sum of -------- ---------- without interest in full and complete settlement of its claim arising out of the requisitioning of the following property or materials:

It is warranted by the claimant that the ownership and interest in the above-described property and materials, at the time of the requisition thereof was as follows:

Beneficial owner: ----------------------
Other Claimants: ----------------------

And further, in consideration of the payment by the United States to------------- ---------- of the sum of ----------------- hereby releases the United States, its officers, agents, and employees from any and all claims arising from or in connection with the requisitioning and taking over by the United States of said property or materials, and hereby warrants that at the time of taking over by the United States of said property or materials said---------------------------- -- (free of all liens and encumbrances) had valid title to said property------------- -- (subject to the following liens) and said -------------------------------- hereby absolves the United States, its officers, agents, and employees from any and all further claims in connection with said property or materials and the proceeds of this award.

Provided, That this release is conditioned upon the payment by the United States to -------------------------- of the sum of -------------------without interest.

Signed------------------------------
By------------------------------

RECEIPT

Received this------------ day of -------- --------, 194----, the sum of-------------- without interest, as specified in the above release.

Signed------------------------------
By------------------------------

§ 81.1427 *Form of stipulation as to amount of fair and just compensation.*

In the Matter of the Claim of -------------
Requisition, War Department No.-----------
War Production Case No.------------------

Stipulation as to Amount of Fair and Just Compensation

It is stipulated and agreed by between -- and the United States of America: that pursuant to and in conformity with the provisions of the Act of---------------------- --------------------, there was issued on --------------------, Requisition, War Department No. --------, covering the following described property: ---------------------- -- -- --

That War Department Requisition No. ---- was served by ---------------- on ---------

*Omit if not a corporation.

-------------, 194----, and a receipt given for the property covered by the subject requisition by the United States as of that date:

That all of the property shown on--------- and no other property was taken by the United States under the subject requisition.

That -------------------- agrees to accept the sum of $-------- as full settlement of its claim.

That fair and just compensation for the property is $--------

----
By------------------------------

----

§ 81.1428 *Form of award of fair and just compensation.*

AWARD OF FAIR AND JUST COMPENSATION

In the matter of--------------------------
War Department Requisition No------------
War Production Board Case No------------

Pursuant to authority vested in the President of the United States by Act of Congress approved ---------------------------- and delegated to me, I do hereby determine that, under the above-numbered requisition of the War Department the compensation in the sum of -------------- is fair and just and is to be charged against allotment or appropriation ---------------------, and do hereby direct that payment be made, as provided in the Proposal to Requisition, by

Payee:
Amount:

ROBERT P. PATTERSON,
Under Secretary of War.

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-12169; Filed, November 20, 1942; 1:30 p. m.]

Chapter VII—Personnel

PART 70—THE ARMY NURSE CORPS

WAIVER OF CERTAIN REQUIREMENTS

§ 70.3 *Appointment and promotion.*[1] So much of paragraph (b) (2) of this section as requires an applicant for original appointment in the Army Nurse Corps to be unmarried will be waived for the duration of the war and 6 months thereafter. (40 Stat. 879, 41 Stat. 767; 10 U.S.C. 161, 164) [Sec. I, Cir. 365, W.D. Nov. 5, 1942]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-12259; Filed, November 21, 1942; 12:25 p. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

PART 58—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

AMERICAN CITIZENS AND NATIONALS

Pursuant to the authority vested in me by section 1 of Proclamation 2523 of the President, issued on November 14, 1941 (6 F.R. 5821) under authority of section 1 of the act of Congress approved May 22, 1918 (40 Stat. 559; 22 U.S.C. 223), as amended by the act of Congress of June 21, 1941 (55 Stat. 252; 22 U.S.C. 223, Sup. I), § 58.3 (d) of the regulations issued on November 25, 1941 (6 F.R. 6069), as amended, is hereby cancelled effective after 6 o'clock in the forenoon of December 1, 1942.

[SEAL]

CORDELL HULL,
Secretary of State.

NOVEMBER 18, 1942.

[F. R. Doc. 42-12196; Filed, November 20, 1942; 5:04 p. m.]

Chapter III—Proclaimed List of Certain Blocked Nationals

SUPPLEMENT I TO REVISION IV

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Board of Economic Warfare, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), the following Supplement 1 containing certain additions to, amendments to, and deletions from The Proclaimed List of Certain Blocked Nationals, Revision IV of November 12, 1942 (7 F.R. 9510), is hereby promulgated.

By direction of the President:

CORDELL HULL,
Secretary of State.
RANDOLPH PAUL,
Acting Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
JESSE H. JONES,
Secretary of Commerce.
MILO PERKINS,
Executive Director,
Board of Economic Warfare.
NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

NOVEMBER 20, 1942.

GENERAL NOTES

(REVISED AS OF CUMULATIVE SUPPLEMENT NO. 1 TO REVISION IV)

(1) The Proclaimed List is divided into two parts: part I relates to listings in the American republics; part II relates to listings outside the American republics.

(2) In part I titles are listed in their letter-address form, word for word as written in that form, with the following exceptions:

If the title includes a full personal name, that is, a given name or initial and surname, the title is listed under the *surname*.

Personal-name prefixes such as *de, la, von*, etc., are considered as part of the surname and are the basis for listing.

The listing is made under the next word of the title when the initial word or phrase, or abbreviation thereof, is one of the following Spanish forms or similar equivalent forms in any other language:

Compañía; Cía.; Comp.
Compañía Anónima; C. A.; Comp. Anón.
Sociedad; Soc.
Sociedad Anónima; S. A.; Soc. Anón.

(3) Addresses appearing after names on the List are not intended to exclude other addresses of the same firms or individuals. A listed name refers to all branches of the business in the country.

(4) Revision IV of the Proclaimed List, of which this is a supplement, supersedes all previous lists published prior to November 12, 1942. The present series of supplements is cumulative, and each succeeding supplement supersedes all previous supplements to the List. Accordingly, the current Cumulative Supplement and Revision IV together constitute the effective List.

(5) For the convenience of users, symbols are placed after each name on the List to indicate, by reference to the table below, the dates of the supplements or revisions in which the name first appeared, or was amended or deleted. It has not been found practicable, however, to indicate here the dates of listings made between July 17, 1941, the date of the original list, and Revision I, dated February 7, 1942. Accordingly, names appearing prior to Revision I and retained in that revision are followed only by the symbol "I". Roman numerals refer to revisions, arabic numerals to supplements. For example, a name followed by the symbols III-1, III, IV-1 signifies that the listing first appeared in Revision II, Supplement 1; was *amended* in Revision III; and was *amended or deleted* in Revision IV, Supplement 1. Since in the Cumulative Supplements deletions as well as amendments are carried in each succeeding supplement, the last of two or more symbols may reflect either an amendment or a deletion, depending on the action heading under which the listing currently appears.

I	2-7-42	II-4	7-17-42
I-1	2-28-42	II-5	7-31-42
I-2	3-27-42	III	8-10-42
I-3	4-11-42	III-1	8-28-42
I-4	5-1-42	III-2	9-18-42
II	5-12-42	III-3	10-10-42
II-1	5-22-42	III-4	10-30-42
II-2	6-2-42	IV	11-12-42
II-3	6-19-42	IV-1	11-20-42

PART I—LISTINGS IN AMERICAN REPUBLICS

ARGENTINA

Additions and Amendments

Asmus, Hans.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 616, Buenos Aires. IV-1.

Barraca Dana.—Fitz Roy 1355, Bahía Blanca. IV-1.

Barraca Justesen.—España 1336, Buenos Aires. IV-1.

Barraca Nueva.—Monte de Oca 585-89, Avellaneda. IV-1.

Bernasconi, Angel.—San Juan 3765, Buenos Aires. IV-I.

Biasotti y Cía.—Buenos Aires. IV-1.

Canever, Antonio.—Colón 561, Posadas, Misiones. IV-1.

Ellinger, Adolfo F. C.—Viamonte 680, Buenos Aires. IV-1.

Ellinger, Julio P. E.—Viamonte 680, Buenos Aires. IV-1.

Ellinger y Cía., S. de R. L.—Viamonte 680, Buenos Aires. IV-1.

Establecimientos América.—Avenida de Mayo 1370, Buenos Aires. IV-1.

Establecimientos Fábriles Rodi.—Victoria 850, Buenos Aires; and Kilómetro 11, Wilde, F. C. S. IV-1.

Explotación Maderera y Anexos, S. A.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 933, Buenos Aires. IV-1.

Fonticelli, Juan Carlos.—Perú 347, Buenos Aires. IV-1.

---

[1] 7 F.R. 7877.

Fuehrer y Becker.—Otamendi 249, Buenos Aires. IV–1.

García Auladell, Manuel.—Perú 1746, Buenos Aires. IV–1.

García y Cía, M.—Perú 1746, Buenos Aires. IV–1.

Justesen, Asger.—España 1336, Buenos Aires, and Fitz Roy 1355, Bahía Blanca. IV–1.

Katayama, Ryohel.—Balcarce 1471, Buenos Aires. IV–1.

Laboratorios Cinematográficos Biasotti.—Campichuelo 553, Buenos Aires. IV–1.

Lavadero de Lanas.—Camino a La Plata, Kilómetro 12. IV–1.

Libregule Sociédad Anónima de Mandatos, y Finanzas.—25 de Mayo 145, Buenos Aires. IV–1.

Linne, Walter.—Maipú 231, Buenos Aires. IV–1.

Nord Sud Argentina Sociédad Anónima Comercial Importadora y Exportadora.—25 de Mayo 294, Buenos Aires. IV–1.

Paetsch, Heriberto Gustavo.—Bolivia 3103, Buenos Aires. IV–1.

Peladero Bahía.—Manuel Molina 1525, Bahía Blanca. IV–1.

Peladero Córdoba, S. de R. L.—Camino a La Plata, Kilómetro 12. IV–1.

Peladero Danes.—Córdoba 651, Sarandí. IV–1.

Pirovano, Speranza y Cía.—Senador Morón 1450, Bella Vista, F. C. P., B. A. IV–1.

"Prodinar" Producción Industrial Argentina S. de R. L.—Honduras 3750 y Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 1119, Buenos Aires. IV–1.

Publiventas.—Maipú 231, Buenos Aires. IV–1.

S. A. E. M. A., Sociedad Anónima Explotación Maderera y Anexos.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 933, Buenos Aires. IV–1.

Sternstein, Alfredo.—Libertad 745, Buenos Aires. IV–1.

Strauss, Alfredo Juan.—Defensa 320, Buenos Aires. IV–1.

Tam, Hubmann y Cía.—Piedras 133, Buenos Aires. IV–1.

"Unibras".—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 616, Buenos Aires. IV–1.

Deletions

Cine Ideal Monroe.—Monroe 3245, Buenos Aires. II–4; IV–1.

BOLIVIA

Additions and Amendments

Fischer, Ewaldo.—Santa Cruz de la Sierra. IV–1.

Forns Samsó, Francisco.—Ingavi 473 (Casilla 476), La Paz. I; IV–1. *Address amended from* Potosí 490 (Casilla 476), La Paz.

Granier & Rodríguez.—Oruro. IV–1.

Villarroel, Ambrosio.—Santa Cruz de la Sierra. IV–1.

Deletions

Barrientos, Emilio.—Mercado esquina Yanacocha, La Paz. I; III; IV–1.

Brito, Octavio Peña.—Avenida Camacho esquina Colón, La Paz. I; II–1; III; IV–1.

Kusćević, Juan.—Oruro and Cochabamba. II–2; IV–1.

BRAZIL

Additions and Amendments

Copiadora Brasileira Ltda.—Rua São José 65, Rio de Janeiro. IV–1.

Distribuidora Brasileira de Ferro S. A.—Rua General Câmara 90, Rio de Janeiro. IV–1.

Dobler, Adolf.—São Paulo. IV–1.

Dobler, Margot.—São Paulo. IV–1.

Fábrica Nacional de Papeis Heliográphicos Ltda.—Ozalid Brazil.—Rua Barra Funda 444, São Paulo. IV–1.

Gonzalez, Celso Ramón.—Rua General Câmara 90, Rio de Janeiro. I; IV–1. *Name amended from* Gonzales, Celso R.

Hermann, Alfred Friedrich.—Rua General Câmara 90, Rio de Janeiro. IV–1.

Noguchi, Motozo.—Mercado Municipal, Lado Externo 100–102, Rio de Janeiro. IV–1.

Ozalid Brazil—Fábrica Nacional de Papeis Heliográphicos Ltda.—Rua Barra Funda 444, São Paulo. IV–1.

Petersen e Cia., Ltda.—Rua Libero Badaró 306 (Caixa Postal 1046), São Paulo. I; IV–1. *Address amended from* Caixa Postal 1046, São Paulo.

Sanches e Cia., J.—Rua Campos Salles 105, Rio de Janeiro. IV–1.

Serralheria Artistica.—Rua Campos Salles 105, Rio de Janeiro. IV–1.

Urata, Tokio.—Rua Marechal Deodóro 230, Juiz de Fora, Minas Geraes. IV–1.

Deletions

Assurances Générales, Compagnie d'.—Rua Buenos Aires 70, Rio de Janeiro, and all branches in Brazil. III–1; IV–1.

Colonia de Pescadores Z–1 José Bonifacio.—Santos, São Paulo. I–1; IV–1.

Condor, Ltda., Serviços Aéreos.—Avenida Rio Branco 128, Rio de Janeiro. I; IV–1.

Regnier & Anachoreta.—Rua Candelária 92, Rio de Janeiro. I; IV–1.

Seguros L'Union, Cia.—Rua Uruguayana 87, Rio de Janeiro, and all branches in Brazil. III–1; IV–1.

Serviços Aéreos Condor, Ltda.—Avenida Rio Branco 128, Rio de Janeiro, and all branches in Brazil. I; IV–1.

Syndicato Condor, Ltda.—Avenida Rio Branco 128, Rio de Janeiro, and all branches in Brazil. I; IV–1.

CHILE

Additions and Amendments

Almacén Eléctrico "Weiler".—Barros Arana 775, Concepción. IV–1.

Anker von Manstein, Fridleif.—Constitución 25, San Francisco 1801 y Maria Auxiliadora 998, Santiago. IV–1.

Aste Demartini, Domingo.—Chacabuco 2812 y Yungay 2803, Valparaiso. IV–1.

Aste Hnos. y Cía.—Chacabuco 2812 y Yungay 2803, Valparaiso. IV–1.

Avendaño, Domingo.—Tomé. IV–1.

"Balthasar Bruna".—Santiago. IV–1.

Bodega San José.—Calle Libertad esquina Yungay, Valdivia. IV–1.

Burgemeister, Luis.—Picarte 321, Valdivia. IV–1.

CB 116 Radio Caupolicán.[1]—Prat 773 (Casilla 506), Valparaiso. IV–1.

"Camisería Americana".—Avenida Argentina 328, Valparaiso. IV–1.

"Casa Imperio".—Chillán. IV–1.

Danker, Federico.—Santiago. IV–1.

Díaz Brantes, Humberto.—Serrano 591, oficina 70, Valparaiso. IV–1.

Di Nocera, Baltazar.—Errázuriz 664, Punta Arenas. IV–1.

Dreyer, Max.—Talcahuano and Concepción. IV–1.

Edwards Linares, Patricio.—Prat 773 (Casilla 506), Valparaiso. IV–1.

"El Mercado".—Yungay 2803, Valparaiso. IV–1.

"El Pobre Diablo".—Diego Portales 1001, Temuco; and 5 de Abril 798, Chillán. IV–1.

Empresa Arte-Film.—Serrano 591, oficina 70 (Casilla 1731), Valparaiso; and Huérfanos 1153, oficina 2, Santiago. IV–1.

Estébanez Blanco, David.—Diego Portales 1001, Temuco; and 5 de Abril 798, Chillán. IV–1.

Estébanez Blanco, Emilio.—Diego Portales 1001, Temuco; and 5 de Abril 798, Chillán. IV–1.

Estébanez Blanco, Senador.—Diego Portales 1001, Temuco. IV–1.

Estébanez Hnos. y Cía., Ltda.—Diego Portales 1001, Temuco; and 5 de Abril 798, Chillán. IV–1.

Fabres, Manuel A.—Rosas 1490, Santiago. IV–1.

Fellmer, Walter.—Victoria 1057, Santiago. IV–1.

Ferrari, Josefina Aveggio de.—Simón Bolívar 440, Valparaiso. IV–1.

Ferrari, Plinio.—Simón Bolívar 440, Valparaiso. IV–1.

Ferraz P., José.—Calle Libertad esquina Yungay, Valdivia. IV–1.

Frank Peitler, Alberto.—Victoria 1057, Santiago. IV–1.

Frank y Cía., Ltda.—Victoria 1057, Santiago. IV–1.

Frindt Weldt, Osvaldo.—Prat esquina Balmaceda, Nueva Imperial. IV–1.

Frindt y Cia., Ltda.—Carahue. IV–1.

Fritz Ewertz, Augusto.—Agustinas 988, Santiago. IV–1.

Fundición "Rocomaco" Soc. Ltda.—Avenida Portugal 950, Santiago. IV–1.

Gesche Lichtenberg, Hermann.—Barros Arana 775, Concepción. IV–1.

Gómez-Marañón y Cía.—Avenida Argentina 328, Valparaiso. IV–1.

Grau, Erich F.—Avenida Constanza 947, Santiago. IV–1.

Hauser Venegas, Tito.—Bulnes 635, Temuco. IV–1.

Hebel Haubrich, Rodolfo.—Frutillar. IV–1.

Heinrich, Osvaldo.—Río Buenos. IV–1.

Heinrich, Waldemar.—Río Bueno. IV–1.

Henzi O., Teodoro.—Picarte esquina Henríquez, Valdivia; and Eleuterio Ramírez, Osorno. IV–1.

Herrera Lira, Ricardo.—Amunátegui 661, Santiago. IV–1.

Hoeck L., Javier.—Plaza Aníbal Pinto 1179, Valparaiso. IV–1.

Hoeck & Warda Ltda.—Plaza Aníbal Pinto 1179, Valparaiso. IV–1.

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[1] Formerly known as Radio Valparaiso.

Holtz, Willy.—Blanco 1041, oficina 57, Valparaiso; and Thompson 205, Quilpé. IV–1.

Hotel Plaza.—Río Bueno. IV–1.

Hulse, Herbert.—Serrano 479, Valparaiso. IV–1.

Hulse y Cía., Ltda., Herbert.—Serrano 479, Valparaiso. IV–1.

Kertscher y Cía., Ltda.—Colo-Colo 366, Concepción. IV–1.

Kramer, Reinaldo.—Río Bueno. IV–1.

Kratzer, Hans.—Santa Victorina 369, Valparaiso. IV–1.

"La Sevillana".—Condell 1269, Valparaiso. IV–1.

"Leche Delicias".[2]—IV–1.

Limann, Walter.—Avenida Pedro de Valdivia 160, Santiago. IV–1.

Maison Gentil.—Calle Picarte, Valdivia. IV–1.

Maldini Tornini, Atilio.—O'Higgins esquina Rancagua, Copiapó. IV–1.

Maldini Tornini, Eduardo.—O'Higgins esquina Rancagua, Copiapó. IV–1.

Maldini Tornini, Norberto.—O'Higgins 110, Copiapó. IV–1.

Maldini e Hijos, Luis.—O'Higgins esquina Rancagua, Copiapó. IV–1.

Maratuca M., Kotaro.—O'Higgins 436, Copiapó. IV–1.

Michaelis, Guillermo.—Calle Picarte, Valdivia. IV–1.

Molinera y Comercial "Koster Ltda.", Soc.—Lincoyán 475, Concepción; and Villa Mora, Coronel. IV–1.

Molino "Americano".—Calera. IV–1.

Molina "San Pedro".—Rancagua. IV–1.

Múñoz Morales, Leovigildo.—Condell 1269, Valparaiso. IV–1.

Múñoz y Cía.—Condell 1269, Valparaiso. IV–1.

Okmoto, Masao.—Independencia 526, Rancagua. IV–1.

Praetorius, Federico.—Geywitz 2, Santiago. IV–1.

Radio Caupolicán CB 116.[3]—Prat 773 (Casilla 506), Valparaiso. IV–1.

Ramos, Emilio.—Huérfanos 920, oficina 1, Santiago. IV–1.

Restaurant Yokohama.—Independencia 526, Rancagua. IV–1.

Santo Santo, Heuki.—Sucre 1796, Tocopilla. IV–1.

Schacht Gerken, Guillermo.—Arlyon 48, Santiago. IV–1.

Schacht Troeger, Guillermo.—Avenida Pedro de Valdivia 133, Santiago. IV–1.

Schacht y Cía.—Augustinas 925, Santiago; Calera and Rancagua. IV–1.

Schacht y Cía., Ltda., G.—Bernardo O'Higgins 3724, Santiago. IV–I.

Schmeider, Arturo.—Lincoyán 475, Concepción; and Villa Mora, Coronel. IV–1.

Simon, Werner.—Eleuterio Ramírez, Osorno. IV–1.

Testa S., Dante.—Berstein 12, Viña del Mar. IV–1.

Testa y Cía. Ltda., Ernesto.—Avenida Brasil 2314, Valparaiso. IV–1.

Testa y Otero Ltda.—Condell 1575. Valparaiso. IV–1.

"Tienda Mirador."—Condell 1575, Valparaíso. IV–1.

Vidrierias Unidas.—Simón Bolívar 440, Valparaiso. IV–1.

Vogt Weber, Federico.—Calle Bilbao, Lautaro. IV–1.

Von Bennewitz, Otto.—Claro Solar 598, Temuco. IV–1.

Warda W., Martín.—Plaza Aníbal Pinto 1179, Valparaiso. IV–1.

Weil Hube, Ernesto.—Frutillar. IV–1.

Williams, Gladis Melita.—Antofagasta. IV–1.

Witt L., Max W.—Lautaro Navarro 1186, Punta Arenas. IV–1.

Wittich, Horst.—Moneda 1118, piso 2, oficina 8, Santiago. IV–1.

Zehnoff, Juan.—Río Bueno. IV–1.

Ziegler Weidner, Emilio.—Río Bueno. IV–1.

Deletions

Branchi S., Gustavo.—Blanco 1053, Valparaiso. II–5; IV–1.

Branchi & Mutis.—Blanco 1053 (Casilla 567), Valparaiso. II–5; IV–1.

Falciola, Carl Osborne.—Lira 856 (Casilla 2874), Santiago. I; IV–1.

Fischer, Germán.—Valdivia 367, Santiago. II–1; IV–1.

Hirsch K., Martín.—Huérfanos 880, oficina 9, Santiago. I–1; IV–1.

Hoffmann Thater, Otto.—Pérez, Rosales 786, Valdivia. II–4; IV–1.

Hoffmann Thater, Pablo.—Portal Fernández Concha 960, dept. 218, Santiago. II–4; IV–1.

Industrial y Comercial Hoffmann, S. A.—Valdivia. II–4; IV–1.

Maderera "Valdivia" S. A., Cía.—Aranco 22, Valdivia. II–4; IV–1.

Transportes Fluviales S. A.—Yungay 231, Valdivia. II–4; IV–1.

Vatter & Hirsch Ltda.—Huérfanos 880, oficina 9, Santiago. I–1; IV–1.

COLOMBIA

Additions and Amendments

Bar Gambrinus.—Carrera 5a No. 12–21, Cali. IV–1.

Bonfanti, Angelo.—Puerto Colombia. VI–1.

Castro Senior, Rafael.—Barranquilla. IV–1.

Clason Berlit, José Helmuth.—San Blas, Cuartel, 20 de Julio, Barranquilla. IV–1.

Clason, José Helmuth.—San Blas, Cuartel, 20 de Julio, Barranquilla. IV–1.

Cohrs, Albert Edward.—"Quinta Thuringia", Avenida A. 6 y 8, Barranquilla. IV–1.

Lara, Alberto.—Fundación. IV–1.

Pieper, Luisa viuda de.—Carrera 5a No. 12–21, Cali. IV–1.

Prada, Luis Fernando.—Avenida Colombia, Barranquilla. IV–1.

Salchichería Boston.—Calle Sucre, Aduana y Sabanillas, Barranquilla. IV–1.

Scheuermann, Joseph.—Calle Sucre, Aduana y Sabanillas, Barranquilla. IV–1.

Deletions

Gazzera, Giuseppe.—Calle 33 No. 6–37, Bogotá. II–3; IV–1.

Productos Metálicos Ltda.—Barranquilla. I–1; IV–1.

COSTA RICA

Deletions

André Arnoldo.—San José. I; IV–1.

Marzal, P. C.—Apartado 1326, San José. I–2; IV–1.

Rojas Matamoras, Rafael.—San José. I–4; II–4; IV–1.

ECUADOR

Additions and Amendments

"Almacén de Musica".—Nueve de Octubre 507 (Casilla 856), Guayaquil. IV–1.

Bazar Dirani.—Chile 18, Quito. IV–1.

Cibelli, Clemencia Parodi de.—Hacienda San Pablo, Naranjal. IV–1.

Feraud Guzmán, J. D.—Nueve de Octubre 507 (Casilla 856), Guayaquil. IV–1.

Hacienda San Pablo.—Naranjal. IV–1.

Kakabadze Inc., Dimitri.—Casilla 162, Quito. IV–1.

Sánchez Z., Víctor.—Clemente Ballén 204, Guayaquil. IV–1.

EL SALVADOR

Additions and Amendments

Bienroth, Carl.—San Salvador. IV–1.

Mehltretter, Hans.—San Salvador. IV–1.

Wenglein, Fritz.—San Salvador. IV–1.

HONDURAS

Additions and Amendments

Agencias Asociadas S. A.—San Pedro Sula. IV–1.

Fertsch, Werner.—San Pedro Sula. IV–1.

Fertsch & Co., Werner.—San Pedro Sula. IV–1.

Deletions

Gough, Admiral.—Roatan. II–5; IV–1.

Gough, James.—Roatan. II–5; IV–1.

Gough, Joseph.—Roatan. II–5; IV–1.

"Gough Brothers".—Roatan. II–5; IV–1.

McNab, Winfield.—Roatan. III–1; IV–1.

MEXICO

Deletions

Southern Cross.—I–2; IV–1.

NICARAGUA

Additions and Amendments

Cuadra, Adán (Dr.).—Granada. IV–1.

Cuadra, Adán (hijo).—Granada. IV–1.

Medina Morales, Raimundo.—Managua. IV–1.

PANAMA

Additions and Amendments

Almacén "Miyako".—Panamá. I; IV–1. *Address amended from* Avenida Central 108, Panamá.

Central American Trading Co.—Panamá. I; IV–1. *Address amended from* Avenida Central 47, Panamá; and Apartado 453, Ancón, Canal Zone.

Nagao & Co., Inc.—Panamá. I; IV–1. *Address amended from* Avenida Central 108, Panamá.

Prada, Luis Fernando.—Colón. IV–1.

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[2] Trade name for the product of G. Schacht y Cía., Ltda.

[3] Formerly known as Radio Valparaiso.

PARAGUAY

Deletions

El Nacionalista.—Asunción. II–4; IV–1.

PERU

Additions and Amendments

Banchero, Angel.—Minería 189, oficina 6, Lima. IV–1.

Correa & Co.—Talara, Sullana. IV–1.

Dávila & Co.—Sullana. IV–1.

Duda, Hans.—Andahuaylas. IV–1.

"El Brillante".—Unión 534, Lima. IV–1.

Fábrica Nacional de Levadura "Arriba".—Lima. IV–1.

Fischer, Hans.—Abancay. IV–1.

González, Emilio.—Sullana. IV–1.

Hacienda San Gabriel.—Abancay. IV–1.

Industrial y Comercial Europa-Sud-América S. A., Cía.—Lima. IV–1.

Lacherbauer, José.—Abancay. IV–1.

Luehr, Heinrich.—Andahuaylas. IV–1.

Mediavilla y Carrete.—Sullana. IV–1.

Modenesi, Fernando.—Cailloma 451, Lima. IV–1.

Treichel, Werner.—Cuzco. IV–1.

Trelles, Cirilio.—Abancay. IV–1.

Zeballos, Ladislao.—Minería 189, oficina 6, Lima. IV–1.

Deletions

Yáñez, Victor.—Caridad 670, Lima. II–1; IV–1.

URUGUAY

Additions and Amendments

CX 26 Radio Uruguay.—Avenida Millán 2370, Montevideo. IV–1.

CX 34 Radio Artigas.—Avenida Millán 2370, Montevideo. IV–1.

CX 50 Radio Nativa.—Avenida Simón Martínex 6080 (Kilómetro 11), Montevideo. IV–1.

CXA 2 Radio Continental.—Camino Carrasco 5151, Montevideo. IV–1.

Farmacia La Bolsa.—Uruguay 852, Montevideo. IV–1.

Fischer, Johann.—Avenida Sayago 965, Montevideo. IV–1.

Levratto y Compañía.—Uruguay 852, Montevideo. IV–1.

Schwartz, Walter Siegfried.—Joaquín Requena 1204 y 25 de Mayo 731, Montevideo. IV–1.

Zeck y Cía., Talleres Unidos.—Galicia 788, Montevideo. IV–1.

VENEZUELA

Additions and Amendments

Criollo, Octavio Luis.—Obispo Lazo 21 Sur, Maracaibo. IV–1.

Dubois Serrano y Cía., Carmelo.—Ceiba a Poleo 38, Caracas. IV–1.

"El Remate".—Sociedad a Traposos 10, Caracas. IV–1.

Geyer, Helmuth.—Bocono, Estado Trujillo. IV–1.

"Kraco".—Veroes a Jesuitas 26–Biz, Caracas. IV–1.

Perozo, José Nieves.—Edificio Chiquinquira, Maracaibo. IV–1.

Romano y Compañía.—Sociedad a Traposos 10, Caracas. IV–1.

Tipografía Criollo.—Obispo Lazo 21 Sur, Maracaibo. IV–1.

Wolf, F.—Veroes a Jesuitas 26–Biz, Caracas. IV–1.

Wolf y Cía., F.—Veroes a Jesuitas 26–Biz, Caracas. IV–1.

Deletions

De Egilegor, Manuel.—Punceres a Escalinatas 15 y 19 (Apartados 447 y 474), Caracas. II–4; IV–1.

Hinterlach, Carl.—Avenida Este 17 Altas (Apartado 588), Caracas. I–3; IV–1.

Hotel "Casa Domke".—Punceres a Escalinatas 15 y 19 (Apartados 447 y 474), Caracas. I–3; IV–1.

Hotel Cervantes.—Punceres a Escalinatas 15 y 19 (Apartados 447 y 474), Caracas. II–4; IV–1.

Spitzer, Isodoro.—Apartado 1705, Caracas. II–4; IV–1.

PART II—LISTINGS OUTSIDE AMERICAN REPUBLICS

IRAN

Additions and Amendments

Storch-Nielsen, H. V. E.—P. O. Box 49, Tehran. IV–1.

Storch-Nielsen, Mrs. Helge.—Isfahan. IV–1.

MOROCCO

Spanish Morocco

Deletions

Rödelheimer, H.—Kaa-el-Hafa, Tetuan. III–1; IV–1.

Tangier International Zone

Additions and Amendments

Ribeiro, Eduardo da Mota.—Hotel Fuentes, Apartado 54, Tangier. IV–1.

PORTUGAL AND POSSESSIONS

Portugal

Additions and Amendments

Barreto, Joaquim Pereira.—Rua Jardim do Regedor 5, Lisbon. IV–1.

Bostanian, Sapag (Sacha).—Hotel Atlantico, Lisbon. IV–1.

Cardigos, Antonio Fernandes.—Calcada de S. Francisco 15, Lisbon. IV–1.

Comercio Ibero-Ultramarino Ltda.—Rua Eugenio dos Santos 25–31, Lisbon. II–5; IV–1. *Name amended from* Comercio Ibero-Ultramar Ltda.

Continental de comissoes Ltda. Soc.—Rua Jardim do Regedor 5, Lisbon. IV–1.

Falcao Telles Ltda.—Rua dos Douradores 83, Lisbon. IV–1.

Guimares, Maria Jose da Silva Leite.—Praca D. Filipa de Lencastre 14, Oporto; and Rua dos Correeiros 184, Lisbon. IV–1.

Guimares & Queiroz Ltda.—Rua dos Correeiros 184, Lisbon. IV–1.

Heinzelmann, Albert Herman Greiner.—Largo Afonso 13, Faro, Algarve. IV–1.

Heinzelmann, Carl Theodor Greiner.—Largo Afonso 13, Faro, Algarve. IV–1.

Heinzelmann, Julius Adolf Greiner.—Largo Afonso 13, Faro, Algarve. IV–1.

Heinzelmann, Reinhold Greiner.—Largo Afonso 13, Faro, Algarve. IV–1.

"Ibex"–Iberica Exportadora Ltda.—Rua Garrett 62, Lisbon. IV–1.

Lentz, Dr. O. H. Waldemar.—Rua da Emenda 79, Lisbon. IV–1.

Lerider, Helmuth.—Lisbon. IV–1.

Neves, Carlos da Silva.—Rua Jardim do Regedor 5, Lisbon. IV–1.

Ribeiro, Eduardo da Mota.—Rua Garrett 62, Lisbon. IV–1.

Sa, Matilda Helena Queiroz Franco.—Praca D. Filipa de Lencastre 14, Oporto, and at Lisbon. IV–1.

Uva, Francisco de Sousa.—Rua de Sao Paulo 117–121, and Rua da Boavista 110–112, Lisbon. IV–1.

Uva & Weltzien Ltda.-Agencia Krupp.—Rua da Sao Paulo 117–121, and Rua da Boavista 110–112, Lisbon. IV–1.

Weltzien, Kuno.—Rua de Sao Paulo 117–121, and Rua da Boavista 110–112, Lisbon. IV–1.

Deletions

D'Oliveira, F., Ltda.—Rua Arco do Bandeira 112, Lisbon. I; IV–1.

Rosario, Julio Ferreira do.—Rua dos Fanqueiros 262, Lisbon. II–1; IV–1.

PORTUGUESE GUINEA

Deletions

Brandao, Manuel de Pinho.—Bolama. I; IV–1.

Elawar & Co., Mahmud.—Bafata, Bissau, and all branches in Portuguese Guinea. II–5; IV–1.

Souleiman, Alatrach.—Bafata, Bissau, and all branches in Portuguese Guinea. II–5; IV–1.

SPAIN AND POSSESSIONS

Spain

Additions and Amendments

Areizasa, Anastasio de.—Mazarredo 7, Bilbao. IV–1.

Aresti, Jose.—Mazarredo 7, Bilbao. IV–1.

Arisqueta, Lino.—Mazarredo 7, Bilbao. IV–1.

Astigarraga, Hijos de—Cia. Nav. Bachi.—Bertendona 4–1, Bilbao. III–4; IV–1. *Name amended from* Astigarraga, Hijos de.

Bachi, Cia. Nav. (Hijos de Astigarraga) (Owners of S. S. "Bachi", "Bartolo", "Juan de Astigarraga", "Kauldi", "Manuchu", and "Tom").—Bertendona 4–1, Bilbao. III–4; IV–1. *Name amended from* Bachia, Cia. Nav. (Owners of S. S. "Bachi", "Bartolo", "Juan de Astigarraga", "Kauldi", "Manuchu", and "Tom").

Benito del Valle y Hnos. (Sucrs. de la Viuda de Larrinaga).—Bailen 5 and 7, Bilbao. III–4; IV–1. *Name amended from* Valle y Hnos., Benito de (Sucrs. de la Viuda de Larrinaga).

Buergi, Martin.—Via Layetana 23, Barcelona. IV–1.

Cabrera, Angel.—Ave. Reina Victoria 28, Madrid. IV–1.

Churruca, Alfonso de.—Mazarredo 7, Bilbao. IV–1.

Dana S. A. (Fabrica de Perfumeria).—Napoles 166, Barcelona, and at Madrid. IV–1.

Filmes Espanoles Soc. Anon. (S. A. F. E.).—Marques de Riscal 10, Madrid. IV–1.

Forster, Max E.—Gandia. IV–1.

Frutal, S. L.—Gandia. IV–1.

Gallart Girbal, Jose.—Palafrugell. IV–1.

Genover, Guillermo.—Palafrugell. IV–1.

Ghiata, Jon.—Hotel Urbis, Barcelona. IV–1.

Gomez Monche, Jose.—Genova 7, Madrid. I; IV–1. *Name amended from* Gomes Monche, Jose.

Grilli, D. Renato.—Irun. III–2; IV–1. *Name amended from* Grilli, D. Renato (Owner of S. T. "Primer Enrique" and S. T. "Segundo Enrique").

Grizalba, Ruiz de.—Ave. Reina Victoria 28, Madrid. IV–1.

Guardiola Sangenis, Joaquin.—Plaza de las Cortes 4, Madrid; and Plaza Tetuan 2, Barcelona. IV–1.

Guzman Martinez, Enrique.—Mazarredo 7, Bilbao. IV–1.

Hegin, Erika (Sra. Riveras de la Portilla).—Goya 67, Madrid. IV–1.

Iglesias, Simon Felix.—Jimenez Quesada 2, Madrid; and Ribera 1, Bilbao. IV–1.

Iglesias S. L., Hijos de Felix.—Ribera 1, Bilbao. IV–1.

Industrias Sanitarias S. A.—Ave. Jose Antonio Primo de Rivera, Barcelona, and all branches in Spain. III–3; IV–1. *Address amended from* Paseo Gracia 48, Barcelona.

Labourdette, Juan Bautista.—Ave. Salis Irun. III–2; IV–1. *Name amended from* Labourdette, Juan Batista.

Lipperheide, Francisco.—Norte 8, Valencia; and Via Layetana 15, Barcelona, and other addresses in Barcelona. IV–1.

Lipperheide, Jose.—Mazarredo 7, Bilbao. IV–1.

Manufacturas Espanolas de Vidrio al Soplete S. A.—Rambla Cataluna 97, and Aribau 153, Barcelona. II–5; IV–1. *Address amended from* Badalona.

Marotta y d'Errico Construcciones S. L.—Caballero de Gracia 15, Madrid. IV–1.

Marotta, Miguel.—Caballero de Gracia 15, Madrid. IV–1.

Palau, Emanuele.—Hotel Granvia, Madrid; and Hotel Oriente, Barcelona. IV–1.

Platte, Federico.—Al. Recalde 45, Bilbao; and Ronda Universidad 33, Barcelona. I; IV–1. *Address amended from* Al. Recalde 45, Bilbao.

Productos Aromaticos Espanoles.—Consejo de Ciento 469, Barcelona. IV–1.

Rating, Otto.—Via Layetana 128, Barcelona. IV–1.

Schultz, Jose.—Elcano 22, Bilbao. IV–1.

Sena, Gregorio.—Mazarredo 7, Bilbao. IV–1.

Deletions

Mannos S. A., Cuchilleria.—Muntaner 178, Barcelona. I; IV–1.

Ordinas Carrascosa, Juan.—Serrano 91, Madrid; and Trafalgar 25, Barcelona. I–3; IV–1.

FERNANDO PO AND SPANISH GUINEA

Additions and Amendments

Elgorriaga Ayesteran, Francisco.—Santa Isabel. IV–1.

Sendros Roig, Salvador.—San Carlos and Santa Isabel. IV–1.

SWEDEN

Additions and Amendments

Bahner, Ludwig.—Kilian Zollsgatan 7, Malmo. II–4; IV–1. *Address amended from* Lund.

Internat A/B.—Malmo. II–4; IV–1. *Address amended from* Lund.

Jakobsson, David Sture Albert.—Stureplan 19, Stockholm. III–1; IV–1. *Name amended from* Jacobsson, David Sturet Albert.

Jakobsson, Mrs. Karin Matilda.—Stureplan 19, Stockholm. III–1; IV–1. *Name amended from* Jacobsson, Mrs. Karin Matilda.

Tripasin A/B.—Industrigatan 19, Malmo. IV–1.

Unic A/B.—Norrlandsgatan 31–33, Stockholm. III–1; IV–1. *Address amended from* Birger Jarlsgatan 5, Stockholm.

Vaxjo Mekaniska Verkstad Nya A/B.—Vaxjo. IV–1.

SWITZERLAND

Additions and Amendments

Aubert, Jacques.—Bvd. du Theatre 5, Geneva. IV–1.

"Bafinag" Bau-Finanzierungs A. G.—Postgasse (Bureau Dr. Kubli), Glarus. IV–1.

Bertrams A. G., Heinrich.—Vogesenstr. 101, Basel. IV–1.

Briket-Umschlags und Transport A. G.—Muttenz. IV–1.

Brupbacher, C. G.—Seefeldstr. 77, Zürich. IV–1.

Cattoretti & Frei.—Lugano. IV–1.

Christoff, Sava.—Winterthurerstr. 304, Zürich. III–1; IV–1. *Address amended from* Stockerstr. 54, Zürich.

Faserstoffe A. G.—Untere Hennebuehlestr. 6, Zug; and Talstr. 83, Zürich. IV–1.

Fleig, A. G.—Burgfeldstr. 8, Basel. IV–1.

Ghiata, Jon.—Hotel Schweizerhof, Zürich. IV–1.

Giusfor S. A.—Via Soldini 25, Chiasso. IV–1.

Gleerup, Peter.—Zollikon. IV–1.

Lentz, Dr. O. H. Waldemar.—Hotel Baur au Lac, Zürich. IV–1.

Lerider, Helmuth.—Zürich. IV–1.

Lin, Louis.—Rue du Belvedere 2, Geneva. IV–1.

Maegerle A. G. Gebr., Uster Fabrik für Werkzeugmaschinen und Vorrichtungsbau.—Uster, Zürich. IV–1.

Magnesium, S. A., pour la Fabrication du.—Ave. de la Gare 12, Lausanne. IV–1.

Mandel, Josef.—Hotel Schweizerhof, Zürich. IV–1.

Martin-Achard, Edmond.—Rue Diday 10, Geneva. IV–1.

Mercedes Buromaschinen A. G.—Talstr. 11, Zürich. IV–1.

Mumenthaler, Max.—Bahnhofstr. 61, Zürich. III–2; IV–1. *Name amended from* Mummenthaler, Max.

Mumenthaler, Walter.—Bahnofquai 7, Zürich. III–2; IV–1. *Name amended from* Mummenthaler, Walter.

Naef, Albert.—Neugasse 49, St. Gallen. IV–1.

"Neptun" Transport und Schiffahrts A. G. ("Neptun" Societe de Transport de Navigation).—Hafenstr. 19, Basel. IV–1.

Odermatt, Frl. Gerta L.—P. O. Box 47, Zürich-Neumunster, and Florastr. 21, Zürich. IV–1.

"Orient" Handels G. m. b. H. Bratislava Zweigniederlassung Zurich.—Loewenstr, 2, Zürich. IV–1.

Oxyda A. G.—Talstr. 83, Zürich. IV–1.

"Transorient" S. A.—Loewenstr. 2, Zürich. IV–1.

Ultimo, A. G.—Borsenstr. 18, Zürich. IV–1.

Unternehmungen und Bauarbeiten A. G.—Bahnhofstr. 89, Zürich. IV–1.

Weltmode A. G.—Seidengasse 17, Zürich. IV–1.

Deletions

Kartro A. G.—Bahnhofstr. 86, Zürich. I; IV–1.

Tarex S. A.—La Jonction, Geneva. I; IV–1.

Vlasov, Alexander.—Lausanne. I; IV–1.

TURKEY

Additions and Amendments

Nikitits, J. Erben, Sucr. Richard Nikitits.—Nur Han, Sirkeci, Istanbul. IV–1.

[F. R. Doc. 42–12246; Filed, November 20, 1942; 11:52 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owner's Loan Corporation

[Bulletin No. 131]

PART 403—PROPERTY MANAGEMENT DIVISION BULLETIN

DISPOSITION OF DEPOSIT

Section 403.10–15 is amended to read as follows:

§ 403.10–15 *Disposition of deposit.* Deposits of prospective purchasers received by the Property Management Division shall be properly identified and promptly turned over for safekeeping to the Regional Treasurer who shall receipt for same. Upon advice from the Regional Manager that the agreement for sale has been executed on behalf of the Corporation, the Regional Treasurer shall promptly deposit such item; upon advice from the Regional Manager that the agreement for sale has been rejected by the Corporation, the Regional Treasurer shall promptly transmit such safekeeping item to the Property Management Division which shall thereupon promptly return such deposit to the party entitled thereto, either directly or through the contract sales broker, and advise the broker and all other interested parties of such rejection.

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, as amended by sec. 13, 48 Stat. 647; 12 U.S.C. 1463 (a), (k); E.O. 9070, 7 F.R. 1529)

Effective November 1, 1942.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 42–12205; Filed, November 21, 1942; 9:29 a. m.]

[Bulletin No. 128]

PART 407—TREASURY DIVISION

RECEIPTS, ETC.

Sections 407.21–6 and 407.21–15 of the Code of Federal Regulations are revoked.

The second paragraph of § 407.33–40 is amended to read as follows:

§ 407.33–40 *Receipts.* When authorized by the Regional Manager to complete a transaction involving the sale of non-expendable or expendable property (including waste paper), the collector shall issue Form 107 in exchange for the moneys received. The receipt must show the name and address of the purchaser, the sale number and a notation as to the type of material sold. The original shall be given to the purchaser and the accounting copy must accompany the payment to the collection office, where Form 18–B–1 shall be prepared in quintuplicate and the original and two copies thereof included in the transmittal to the Regional Treasurer, and one copy to the accountable Regional Manager.

The first and third paragraphs of § 407.52 are amended, respectively, to read as follows:

§ 407.52 *Requests to review abstracts and other documents.* Where a mortgagor or the owner of the property on which the Corporation has a loan desires to examine the abstract of title to his property or any other document in the file which he may be entitled to examine, he shall make his request to the Regional Treasurer who shall permit the borrower or owner or his duly authorized agent to examine such abstract or other document in the regional office.

Where the Regional Counsel determines that it is necessary or desirable in connection with a contract of sale of the Corporation's property to deliver for examination or continuation any abstract, title policy or other evidence of title, survey, plat or other documents in the file to the contract purchaser or his attorney, title company or abstract company, he shall obtain such documents from the Regional Treasurer, and may deliver the same or forward by mail or express to the contract purchaser or his attorney, title company or abstract company. Said transmittal may be through a fee attorney, title or abstract company representing the Corporation. Such documents may likewise be forwarded by the Regional Counsel to a fee attorney, title or abstract company representing or acting for the Corporation for the purpose of examination, continuation or any other purpose in connection with a sale of property. The expenses of any such transmittal and return expenses may be paid by the Corporation as a Corporation expense. Receipts containing an agreement to return as and when required shall be taken.

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, as amended by sec. 13, 48 Stat. 647; 12 U.S.C. 1463 (a), (k); E.O. 9070, 7 F.R. 1529)

Effective November 2, 1942.

[SEAL] J. Francis Moore,
Secretary.

[F. R. Doc. 42–12203; Filed, November 21, 1942; 9:29 a. m.]

[Bulletin No. 127]

Part 410—Purchase and Supply Section Bulletin

EMERGENCY PURCHASES, ETC.

Section 410.03 is amended to read as follows:

§ 410.03 *Emergency purchases.* Purchase of supplies and equipment not exceeding $25.00 in any one instance may be made by Regional Managers, under limitations and procedure prescribed by the General Manager with the approval of the General Counsel, or as may be hereafter prescribed under the regulations of the Corporation.

The first paragraph of § 410.03–1 is amended to read as follows:

§ 410.03–1 *Purchases by Regional and State Managers.* Regional Managers may purchase supplies in amounts not to exceed $25.00 in any one instance without prior approval from the Home Office Purchase and Supply Section: *Provided, however,* That such authority shall not extend to typewriter repair charges exceeding $10.00 or to the purchase of nonexpendable equipment. Prior authority must be obtained from the Home Office where the amount involved will exceed $25.00.

The first paragraph of § 410.06–1 is amended to read as follows:

§ 410.06–1 *Sales of non-expendable and expendable property.* Except as otherwise provided, no sales of non-expendable property, and no sales or other disposition of expendable property (including waste paper) may be made by any officer or employee without obtaining the prior written approval of the General Manager, and requests for authority to sell non-expendable property or to sell or otherwise dispose of expendable property (including waste paper) shall be submitted to the Purchase and Supply Section in the home office on Form 741, on which the accountable Regional Manager shall indicate the justification for sale or other disposition.

The third paragraph of § 410.06–2 is amended to read as follows:

§ 410.06–2 *Remittance by purchaser.*

* * *

Where a sale of such property located at a field station is authorized and approved, the purchaser shall make payment therefor to the collection office if such an office is maintained at that place; if there is no such collection office, the purchaser shall make payment to any loan service representative, property management representative, field supervisor or other employee of the Loan Service or Property Management Division who has been specially authorized to make collections from borrowers or from tenants or purchasers of real property and who is designated by the accountable office manager to receive the purchaser's payment in a particular case; and such persons may execute receipts therefor on the appropriate form to the purchaser. Such payments made to a collection office or to such other authorized person shall be handled, accounted for and reported to and by the Regional Treasurer as provided in Part 407 of this Chapter and Chapter VII of the Consolidated Manual.

The second paragraph of § 410.07b is amended to read as follows:

§ 410.07b *Authorization to incur expense.* * * *

The authority herein conferred upon the Director of the Purchase and Supply Section to certify as to receipt of and administratively approve vouchers for purchases and services may be exercised also by the Regional Managers, under procedure and limitations prescribed by the General Manager and the General Counsel, or as may be hereafter prescribed under the regulations of the Corporation.

The third, fourth, and sixth paragraphs of § 410.07–1 are amended, respectively, to read as follows:

§ 410.07–1 *Authorization to pay expense.* * * *

Payment for the purchase of such supplies, equipment and services as well as for such recurring services, shall be made on a properly prepared voucher certified as to delivery and administratively approved by the Director of the Purchase and Supply Section, when for the home office and by the Regional Manager, when for field offices, for purchases previously authorized as provided in § 410.07, and when duly certified for payment by the Auditor.

Payment for the purchase of law books, law periodicals, law publications and like material for law libraries, as provided in § 406.17 of Part 406, for the home office, shall be made on properly prepared vouchers certified as to delivery and administratively approved by the General Counsel, and when duly certified for payment by the Auditor. For field offices, such vouchers shall be signed by the Regional Counsel, as receiving officer, and forwarded to the General Counsel in the home office for approval.

Where it is to the definite advantage of the Corporation, a 10 percent over or under delivery, in quantity only, may be accepted at the discretion of the Director of the Purchase and Supply Section, when for the home office and by the Regional Manager, when for field offices, on deliveries of supplies and forms only. Properly approved vouchers, including this variation in quantity, shall be paid when certified for payment by the Auditor.

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, as amended by sec. 13, 48 Stat. 647; 12 U.S.C. 1463 (a), (k); E.O. 9070, 7 F.R. 1529)

Effective November 2, 1942.

[SEAL] J. Francis Moore,
Secretary.

[F. R. Doc. 42–12207; Filed, November 21, 1942; 9:30 a. m.]

[Bulletin No. 129]

Part 411—Personnel Department

FEES AND COMMISSIONS

Section 411.13 is amended to read as follows:

§ 411.13 *Fees and commissions.* Employees of the Corporation are prohibited from receiving, directly or indirectly, fees, commissions or other incidental compensation in connection with the sale or management of property securing a mortgage or other lien held by the Corporation, or in connection with its real or personal property, or any other compensation or fees in connection with the business of the Corporation not authorized or provided by the Regulations of the Corporation.

Effective November 1, 1942.

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, as amended by sec. 13, 48 Stat. 647; 12 U.S.C. 1463 (a), (k), E.O. 9070; 7 F.R. 1529)

[SEAL] J. Francis Moore,
Secretary.

[F. R. Doc. 42–12204; Filed, November 21, 1942; 9:29 a. m.]

[Bulletin No. 139]

Part 412—Travel Regulations; Per Diem Allowance

SECTION RENUMBERED

Section 412.01–3 of the Code of Federal Regulations is renumbered § 412.02–19.

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, as amended by sec. 13, 48 Stat. 647; 12 U.S.C. 1463 (a), (k), E.O. 9070; 7 F.R. 1529)

Effective November 15, 1942.

[SEAL] J. Francis Moore,
Secretary.

[F. R. Doc. 42–12206; Filed, November 21, 1942; 9:30 a. m.]

[Bulletin No. 133]

Part 413—Rental and Contracts

FUNCTIONS, APPROVAL OF LEASE, ETC.

Section 413.00 is amended to read as follows:

§ 413.00 *Functions.* The Treasurer of the Corporation is responsible for the safekeeping of all leases and contracts made in behalf of the Corporation for office space and electric and telephone service used in connection with office space of the Corporation, while same are in his custody; and the Rental and Contracts Section, under his control and direction, shall maintain necessary records in connection therewith. The Treasurer is authorized to transmit to the General Accounting Office any and all papers and documents requested by that office pursuant to law.

All leases or contracts for the rental of office space shall be approved by the General Manager with the advice of the General Counsel.

Prior to the execution of any contract for electric service, except where payment for such service in accordance with the lease is included in the monthly rental or is to be made to the lessor based on meter readings (at approved rates of the Public Utilities Commission of the State), the approval of the General Manager, with the advice of the General Counsel, is required.

Contracts for telephone service may be executed by the General Manager with the advice of the General Counsel; such contracts for service for regional offices and field stations may be executed by the Regional Manager with the advice of the Regional Counsel.

Section 413.00–2 is amended to read as follows:

§ 413.00–2 *Approval of lease.* Managers in field offices shall make all reasonable effort to obtain space in a Federal, State, municipal or other public building, free of charge. When free space is not obtainable, requests for authority to lease office space shall be forwarded to the Treasurer in the home office who, after obtaining approval of the General Counsel as to the form of lease, shall submit the request and lease to the General Manager for approval. When necessary approvals have been obtained, the Treasurer will notify the Manager who requested authority to lease office space, and upon receipt of such notification the Manager is authorized to execute the lease on behalf of the Corporation.

Section 413.00–3 is amended to read as follows:

§ 413.00–3 *Payment of rent.* The standard Corporation form of lease provides that payment for rent shall be made at the end of each monthly period. Vouchers for the payment of rent shall be prepared monthly on Standard Government Form 1034, approved by the Regional Manager having jurisdiction and forwarded to the Auditor. Upon administrative certification of the vouchers by the Auditor, payment will be made direct to the payees by the Treasurer of the Corporation.

Section 413.00–5 is amended to read as follows:

§ 413.00–5 *Telephone service.* Contracts for monthly telephone service in the regional offices and field stations shall be prepared in quadruplicate on HOLC Form 706 (Standard Government Form 40, Revised), in accordance with instructions for the use of that form. Such contracts when executed shall be forwarded to the Treasurer in the home office.

The Regional Manager is authorized to approve vouchers covering telephone services rendered the offices within his jurisdiction under properly approved contract.

Section 413.00–6 is amended to read as follows:

§ 413.00–6 *Contracts for electric service.* In those cases where the lease of office space does not provide for the payment of electric service to the lessor, either in the form of rental, or on the basis of meter readings as stipulated in the rental agreement, and it is necessary to contract for such service with a person or company other than the lessor, the request to execute such contract shall be forwarded to the Treasurer in the home office. The contract for electric service shall not be executed by the Regional Manager until receipt of notice from the Treasurer that the General Manager has approved the request.

Contracts for electric service shall be prepared in quadruplicate on U. S. Standard Government Form 33, Revised, and forwarded to the Treasurer in the home office.

The Regional Managers are authorized to approve vouchers covering electric service rendered the offices within their respective jurisdictions under properly approved contracts.

Section 413.03 is amended to read as follows:

§ 413.03 *Cancelation of rental agreements.* When the rented office space for a regional office, field station or collection office is released in whole or in part, written notice on forms provided therefor as required under the terms of the lease shall be given by the official directly supervising such office or station to the lessor or his agent, identifying the space to be released and designating the effective date for the operation of the release. The Treasurer shall submit a statement of the space to be released and the space to be retained and the cost thereof to the General Manager, who is authorized to approve the same.

Section 413.03–1 is amended to read as follows:

§ 413.03–1 *Notice of cancelation.* Three copies of the notice of the cancelation, Form 74–A, of lease or rental contracts, whether in whole or in part, showing the acceptance in writing by the lessor shall be forwarded through the Regional Manager to the Treasurer in the home office.

Section 413.03–2 is amended to read as follows:

§ 413.03–2 *Forms used.* On the effective date for the release of space, in whole or in part, the manager of the office concerned shall cause to be executed by the lessor Form 147, 147–A, 147–B or 147–C for space to be released in whole or in part, and forward the original and two copies thereof to the Treasurer in the home office.

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, as amended by sec. 13, 48 Stat. 647; 12 U.S.C. 1463 (a), (k); E.O. 9070, 7 F.R. 1529)

Effective November 1, 1942.

[SEAL] J. Francis Moore,
Secretary.

[F. R. Doc. 42–12202; Filed, November 21, 1942; 9:29 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs

Subchapter V—Trading With Indians

Part 277—Traders on Navajo, Zuni, and Hopi Reservations[1]

RECORDS, REPORTS, ETC.

Sections 277.7, 277.16, 277.21 are amended to read as follows:

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[1] 3 F.R. 1690.

§ 277.7 *Records, reports and obligations of traders.* Each trader shall keep in a form approved by the Commissioner of Indian Affairs accurate records of his business activities and render annually not later than March 1 a report to the superintendent showing capital investment, increases and withdrawals, whether in the form of cash, merchandise, or other property; the value of buildings and improvements, furnishings and fixtures, miscellaneous assets such as automobiles, trucks, or other property essential to the business; a complete record of all liabilities, including accounts, bills and notes payable, and the amount of cash received and disbursed, balances, whether on hand, on deposit, or due the store; the accounts, and notes receivable, and the pawns or pledges taken. The names and respective interests of all persons participating in the business shall be furnished.

The price of all articles of merchandise placed on sale shall be plainly and visibly marked by the trader. (Sec. 5, 19 Stat. 200, 31 Stat. 1066; Sec. 10, 32 Stat. 1009; 25 U.S.C. 261, 262)

§ 277.16 *Security.* Traders may accept pawns or pledges of personal property for security of accounts due to them by Indians. Traders shall be liable for the market value of all pawns or pledges held by them. The market value shall be settled by agreement between the Indian and the trader at the time of the transaction. In all cases where pawns or pledges are accepted by the trader a written receipt shall be given the Indian showing (a) the date of the transaction, (b) the nature of the pawn or pledge, (c) the amount loaned thereon, and (d) its market value as agreed upon between the Indian and the trader. A pawn or pledge not redeemed within 11 months shall be displayed in a conspicuous place in the trader's store for a period of 30 days together with a notice stating that unless the amount due, which shall be specified, is paid before the expiration of the 30 days, such pawn or pledge will be forfeited. At the expiration of 12 months from the date of the original loan, a pawn or pledge not redeemed shall become the property of the trader, in which event the amount due shall be cancelled on the trader's books. Notice of such cancellation shall be given in writing to the interested Indian.

On the Navajo Reservation the period for the redemption of a pawn or pledge shall be 6 months unless at least 30 days prior to the expiration of such period not less than 25% of the amount due has been paid, in which case the redemption period shall be 8 months; an additional period of two months shall be added to the redemption period for every additional 25% of the amount due that may be paid. The provisions of the first paragraph of this section with respect to display, forfeiture, and payment within any 30 days period of grace, shall be applicable also to pawns or pledges taken on the Navajo Reservation. (Sec. 5, 19 Stat 200, 31 Stat. 1066; Sec. 10, 32 Stat. 1009; 25 U.S.C. 261, 262)

§ 277.21 *License fee.* Every licensed trader shall pay in advance a license fee of $25.00 a year for the privilege of trading with the Indians. The fee when received shall be deposited to the credit of the account "Indian Moneys, Proceeds of Labor, Navajo Agency (or Hopi or United Pueblos Agency)" and placed at the disposal of the superintendent to be expended by him in the enforcement of the regulations in this part.

On the Navajo Reservation, this license fee shall be paid on the basis of a calendar year regardless of any change in management or ownership of the business covered by the license unless the license be cancelled for cause. When a license is issued following the cancellation of a license for cause or when a new business is established after the beginning of a calendar year, the license fee shall be determined on a quarterly basis, but the quarterly fee of $6.25 shall be charged also for a fraction of any quarter of a year. A transfer fee of $5.00 shall be collected whenever a still unexpired license is transferred or assigned during a calendar year to a new owner or manager of a trader's business.

Deposits made by a temporary licensee under this part as provided by § 277.12 shall be refunded in the event a license is not issued unless the temporary licensee conducts a trading business during the period of temporary operation in which event the temporary licensee shall be charged a fee on the quarterly basis for the period during which the business was conducted and the balance of the deposit shall be refunded. (Sec. 5, 19 Stat. 200, 31 Stat. 1066; Sec. 10, 32 Stat. 1009; 25 U.S.C. 261, 262)

OSCAR L. CHAPMAN,
Assistant Secretary.

NOVEMBER 5, 1942.

[F. R. Doc. 42-12222; Filed, November 21, 1942; 10:20 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amendment 94, 2d Ed.]

PART 614—GROUPING AND SERIAL NUMBERING REGISTRATION CARDS

MISCELLANEOUS AMENDMENTS[1]

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (b) of § 614.6 to read as follows:

§ 614.6 *Registrants residing within the local board area; grouping of Registration Cards.* * * *

(b) The local board shall place in Group 1 the Registration Card (Form 1) of each registrant whose date of birth as given on line 5 of such card shows that he is within the age group required to be registered by the first proclamation of the President. Each succeeding proclamation added a new age group. The local board shall place in Group 2 the Registration Card (Form 1) of each registrant in the new age group added by the second proclamation of the President, shall place in Group 3 the Registration Card (Form 1) of each registrant in the new age group added by the third proclamation of the President, shall place in Group 4 the Registration Card (Form 1) of each registrant in the new age group added by the fourth proclamation of the President, shall place in Group 5 the Registration Card (Form 1) of each registrant in the new age group added by the fifth proclamation of the President, and shall place in Group 6 the Registration Card (Form 1) of each registrant in the new age group added by the sixth proclamation of the President. After carefully checking the date of birth of the registrant as set out in answer to question 5 on the face of the Registration Card (Form 1), the local board shall place each card in the group in which it belongs. The following table will assist the local board to determine the group in which each Registration Card (Form 1) should be placed:

TABLE OF AGE GROUPS

Group 1. Registrants born on or after October 17, 1904, and born on or before October 16, 1919.

Group 2. Registrants born on or after October 17, 1919, and born on or before July 1, 1920.

Group 3. Registrants born on or after July 2, 1920, and born on or before December 31, 1921; and registrants born on or after February 17, 1897, and born on or before October 16, 1904.

Group 4. Registrants born on or after April 28, 1877, and born on or before February 16, 1897.

Group 5. Registrants born on or after January 1, 1922, and born on or before June 30, 1924.

Group 6. Registrants born on or after July 1, 1924, and born on or before December 31, 1924; and those reaching the eighteenth anniversary of the day of their birth on or after January 1, 1943.

These regulations will hereinafter refer to Registration Cards (Form 1) or registrants as being in "Group 1," "Group 2," "Group 3," "Group 4," "Group 5," or "Group 6." Whenever such reference is made, it is intended that the determination of the group in which a particular Registration Card (Form 1) or registrant belongs will be made by using the foregoing table.

2. Amend § 614.21 to read as follows:

§ 614.21 *Chairman to call meeting.* The chairman of the local board shall convene a meeting of his local board some time during the week of January 4, 1943. At this meeting, the local board shall complete the steps set forth in §§ 614.22 to 614.27, inclusive.

3. Amend the regulations by adding a new section to be known as § 614.24-3 to read as follows:

§ 614.24-3 *Disposition of Registration Cards in Group 5.* (a) A strip shall be cut from an unused gray-colored Registration Card (Form 1) and pasted across the top of the face of each Registration Card (Form 1) in Group 5.

(b) The Registration Cards (Form 1) in Group 5 shall then be given late-registrant serial numbers in the manner provided in Part 616.

4. Amend § 614.25 to read as follows:

§ 614.25 *Serial numbering Registration Cards in Group 6.* (a) The local board shall arrange the Registration Cards (Form 1) of registrants in Group 6 in a pile according to their respective dates of birth so that the cards of registrants born on July 1, 1924, will be on the top, the cards of registrants born on July 2, 1924, will follow the cards of those born on July 1, 1924, the cards of registrants born on July 3, 1924, will follow the cards of those born on July 2, 1924, and so on to the bottom of the pile where the cards of those born on December 31, 1924, will be located. Thereafter the cards of registrants born on or after January 1, 1925, will be placed on the bottom of the pile, chronologically, according to their birth dates. When the local board has cards for two or more registrants born on the same date, such cards shall be arranged in alphabetical order.

(b) If a Registration Card (Form 1) of a registrant in Group 6 is received from another local board before the commencement of serial numbering of registration Cards (Form 1) in Group 6 and the other local board has erroneously entered a serial number thereon, such serial number shall be crossed out and the card shall be arranged in the pile of Registration Cards (Form 1) of registrants in Group 6 in the manner provided in paragraph (a) of this section and shall be given a new serial number in the manner provided in paragraph (c) of this section.

(c) The local board shall then place on each Registration Card (Form 1) in Group 6 a serial number. Each serial number in Group 6 shall be preceded by the letter "W." The top card in the pile shall be numbered "W-1," the card next to the top shall be numbered "W-2," and so on until all cards are numbered consecutively. No serial number should be skipped or used more than once. It is of vital importance that great care be used in arranging the cards according to the birth dates of the registrants (and alphabetically as to the registrants born on the same date). If any card, not in its proper place, is given an erroneous serial number, such serial number shall be canceled and the card shall be treated as if it were the card of a late registrant and shall be given a serial number in the manner provided in Part 616. No card received after the serial numbering is commenced shall be included, but such card shall be treated as the card of a late registrant and shall be serial numbered in the manner provided in Part 616.

5. Amend § 614.26 to read as follows:

§ 614.26 *Preparing lists of registrants in Group 6.* When the serial numbering of Registration Cards (Form 1) in Group 6 for registrants who became 18 years of age on or before December 31, 1942, has been completed and carefully checked, the local board shall make up at least four copies of List of Registrants (Form 3B) for such group which shall be disposed of in the manner provided in § 615.41. Registrants will be listed in the order of their serial numbers with the name of the registrant having "W-1" at the top of the list. As each page of the List of Registrants (Form 3B) is completed, a check should be made of the column containing the dates of birth of the registrants to be sure that all registrants listed on the page have received their serial numbers in the proper order. All serial numbers from "W-1" to the largest "W" serial number used shall be listed. At the time serial numbers are being placed on the List of Registrants (Form 3B), order numbers may also be entered thereon in the manner provided in paragraph (b) of § 615.41.

6. Amend § 614.27 to read as follows:

§ 614.27 *Report of serial numbering.* (a) As soon as possible after completing serial numbering of Registration Cards (Form 1), the local board shall make the following report to the State Director of Selective Service:

> Registration Cards (Form 1) for the sixth registration serial numbered. Largest serial number assigned to registrant born on or after July 1, 1924, and on or before December 31, 1924, is W______.

(b) As soon as possible, the State Director of Selective Service shall advise the Director of Selective Service the total number of registrants in his State born on or after July 1, 1924, and on or before December 31, 1924, who were assigned "W" serial numbers in the sixth registration.

7. Amend § 614.41 to read as follows:

§ 614.41 *Putting serial numbers on Registration Cards.* The serial numbers shall be placed on the Registration Cards (Form 1) in black ink, either in pen and ink or by rubber stamp. Each Registration Card (Form 1) shall have one, and only one, whole serial number, such as "W-267." Each serial number shall be used only once. If either the serial number or the Registration Card (Form 1) bearing the serial number is canceled for any reason, the serial number shall not be used again.

8. Amend paragraph (b) of § 614.44 to read as follows:

§ 614.44 *Registration cards with two serial numbers.* * * *

(b) When a Registration Card (Form 1) of a registrant in Group 5 or Group 6 has been erroneously given two serial numbers and either of the serial numbers is the correct serial number for such registrant, the other serial number shall be canceled by drawing a line through it. If neither of the serial numbers is the correct serial number for such registrant, both serial numbers shall be canceled by drawing lines through them, the card shall then be treated as if it were the card of a late registrant, and a serial number shall be assigned to it in the manner provided in Part 616.

9. Amend paragraph (b) of § 614.45 to read as follows:

§ 614.45 *Registration Cards of two registrants with same serial number.* * * *

(b) If the Registration Card (Form 1) of two different registrants in Group 5 or Group 6 have the same serial number, the correct serial number of each registrant shall be ascertained. If either of the cards has the correct serial number, such card shall retain such serial number. The number on the other card shall be canceled and the card treated as if it were that of a late registrant and a serial number assigned to it in the manner provided in Part 616. If neither of the cards has the correct serial number, the numbers on each card shall be canceled and each card shall be treated as if it were that of a late registrant and a serial number assigned to it in the manner provided in Part 616.

10. Amend paragraph (b) of § 614.46 to read as follows:

§ 614.46 *Serial numbering when local board has two Registration Cards for the same registrant.* * * *

(b) When a local board has two cards in the same group for the same registrant:

(1) If the registrant belongs to Group 4, Group 5, or Group 6, the local board shall select one card and cancel the other card by marking it "Canceled—Duplicate."

(2) If the registrant belongs to Group 1, Group 2, or Group 3, the local board shall treat the cards just as if they were the cards of two different registrants so far as serial numbering is concerned. The card having the serial number which comes first in the applicable national master list shall be given its proper order number and the other card shall be marked "Canceled—Duplicate."

11. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

NOVEMBER 20, 1942.

[F. R. Doc. 42-12179; Filed, November 20, 1942; 3:11 p. m.]

[Amendment 95, 2d Ed.]

PART 615—ASSIGNMENT OF ORDER NUMBERS

MISCELLANEOUS AMENDMENTS[1]

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U. S. C., Sup. 301-318, inclusive; E. O. 8545, 5 F. R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 615.35 to read as follows:

§ 615.35 *Procedure.* The regulations which governed the assignment of order numbers to registrants properly registered on gray-colored Registration Cards (Form 1), i. e., registrants in Group 5: *Provided,* That when the assignment of serial numbers has been completed and carefully checked, registrants in Group 5 shall be assigned order numbers in the following manner:

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[1] See issues of January 20 and June 20, 1942.

[1] See issues of April 8 and June 20, 1942.

The registrant in Group 5 having the Registration Card (Form 1) bearing serial number "N–1" shall be given the order number immediately following the highest order number assigned by the local board to a registrant in Group 3. Consecutive order numbers shall then be assigned to the remaining registrants in Group 5. Example: Assume that in a local board the highest order number which has been assigned to a registrant in Group 3 is 11,123, then the registrant with serial number "N–1" in Group 5 shall receive Order Number 11,124, the registrant in Group 5 with serial number "N–2" shall receive Order Number 11,125, the registrant in Group 5 with serial number "N–3" shall receive Order Number 11,126, and so on until all of the registrants in Group 5 have received an order number.

2. Amend the regulations by adding a new section to be known as § 615.36 to read as follows:

§ 615.36 *Procedure.* When the assignment of serial numbers has been completed and carefully checked, registrants in Group 6 shall be assigned order numbers in the following manner:

The registrant in Group 6 having the Registration Card (Form 1) bearing serial number "W–1" shall be given the order number immediately following the highest order number assigned by the local board to a registrant in Group 5. Consecutive order numbers shall then be assigned to the remaining registrants in Group 6. Example: Assume that in a local board the highest order number which has been assigned to a registrant in Group 5 is 12,111, then the registrant with serial number "W–1" in Group 6 shall receive Order Number 12,112. the registrant in Group 6 with serial number "W–2" shall receive Order Number 12,113, the registrant in Group 6 with serial number "W–3" shall receive Order Number 12,114 and so on until all of the registrants in Group 6 have received an order number.

3. Amend § 615.41 to read as follows:

§ 615.41 *Preparation, posting, and distribution of List of Registrants.* (a) During or immediately after completing the order numbering of Registration Cards (Form 1) in Group 6 for registrants who became 18 years of age on or before December 31, 1942, the order numbers shall be entered upon the List of Registrants (Form 3B). (*See* § 614.26.)

(b) As soon as all registrants in Group 6 who became 18 years of age on or before December 31, 1942, have been placed upon the List of Registrants (Form 3B) and their serial and order numbers have been entered in the proper columns, one copy shall be posted in a public place in the office of the local board; one copy shall be maintained at all times in the files of the local board; and two copies shall be forwarded to the State Director of Selective Service, one to be filed in his records and one to be forwarded to the Director of Selective Service, at the Gimbel Building, Philadelphia, Pennsylvania. The local board should also furnish as many copies as possible of the List of Registrants (Form 3B) to the press, radio, and other mediums of publication.

(c) After the List of Registrants (Form 3B) has been prepared for the registrants in Group 6, as set forth in paragraph (a) of this section, a List of Registrants (Form 3B) shall be prepared once each month on the last day thereof. All registrants who have registered during the month, regardless of the group to which they belong, shall be listed on such monthly list of registrants and they shall be distributed as provided in § 616.41.

4. Amend § 615.42 to read as follows:

§ 615.42 *Placing registrants' names and order numbers in Classification Record.* (a) The Classification Record (Form 100) was started at the time order numbers were assigned to registrants in Group 1 following the first national lottery. The names and order numbers of registrants in Group 1 commenced on page 1 of the Classification Record (Form 100). When order numbers were assigned to registrants in Group 2 immediately following the second national lottery, the names and order numbers of such registrants were placed in the Classification Record (Form 100) commencing on a new page numbered 2.001. This was done in order to keep the list of registrants in Group 2 separated from the list of registrants in Group 1 in the Classification Record (Form 100). In a similar manner, when the registrants in Group 3 were listed in the Classification Record (Form 100) numerically, according to their order numbers, with Order Number 10,001 at the top, such list was commenced upon a new page numbered 3,001. Registrants in Group 4 were not listed in the Classification Record (Form 100). The names and order numbers of registrants in Group 5 were listed in the Classification Record (Form 100) numerically, according to their order numbers, immediately following the name and order number of the registrant in Group 3 to whom the local board had assigned the highest order number in Group 3.

(b) The names and order numbers of registrants in Group 6 shall be listed in the Classification Record (Form 100) numerically, according to their order numbers, immediately following the name and order number of the registrant in Group 5 to whom the local board has assigned the highest order number in Group 5. In the example given in § 615.36, the registrant in Group 5 to whom the local board assigned the highest order number in Group 5 was 12,111 and the name and order number would appear in the Classification Record (Form 100) as the last registrant of Group 5. The registrant in Group 6 who had serial number "W–1" would be given Order Number 12,112, and his name and order number would be entered in the Classification Record (Form 100) on the line immediately following the name of the registrant in Group 5 having Order Number 12,111.

5. Amend § 615.43 to read as follows:

§ 615.43 *Preparation of cover sheets and filing folders.* (a) After each registrant in Group 1, Group 2, Group 3, Group 5, or Group 6 is listed in the Classification Record (Form 100), the local board shall open an individual file for him by preparing a Cover Sheet (Form 53). These Cover Sheets (Form 53) shall be maintained in a file in the local board. Every paper pertaining to the registrant except his Registration Card (Form 1) shall be filed in his Cover Sheet (Form 53).

(b) The local board shall also open an individual file for each registrant in Group 4 by preparing a Filing Folder (Form 54). No Cover Sheet (Form 53) shall be made for registrants in Group 4. Filing Folders (Form 54) for registrants in Group 4 shall be maintained in a file separate and apart from the file of Cover Sheets (Form 53) of the registrants in Group 1, Group 2, Group 3, Group 5, and Group 6. Every paper pertaining to the registrant in Group 4 except his Registration Card (Form 1) shall be filed in his Filing Folder (Form 54).

6. Amend § 615.44 to read as follows:

§ 615.44 *Registration Cards to be filed alphabetically.* (a) After entering the name and order number of a registrant in Group 1, Group 2, Group 3, Group 5, or Group 6 in the Classification Record (Form 100), the local board shall file his Registration Card (Form 1) in an alphabetical file of Registration Cards (Form 1) of such registrants.

(b) The local board shall file the Registration Card (Form 1) of each registrant in Group 4 in an alphabetical file of Registration Cards (Form 1) of such registrants which shall be maintained separate and distinct from the alphabetical file of Registration Cards (Form 1) for registrants in Group 1, Group 2, Group 3, Group 5, and Group 6.

7. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

NOVEMBER 20, 1942.

[F. R. Doc. 42–12180; Filed, November 20, 1942; 3:11 p. m.]

[Amendment 96, 2d Ed.]

PART 616—LATE REGISTRATION

MISCELLANEOUS AMENDMENTS[1]

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779. Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend the regulations by adding a new section to be known as § 616.7 to read as follows:

§ 616.7 *Registration of late registrants in Group 6.* Any person in the age group required to be registered for the first time from December 11 to December 31, 1942, inclusive, the days fixed by the President for the sixth registration (registrants in Group 6), who has not heretofore registered, may present himself for and submit to registration before any local board. Each such person shall be registered on a revised gray-colored Registration Card (Form 1) and shall be issued a Registration Certificate (Form 2).

2. Amend the regulations by adding a new section to be known as § 616.25 to read as follows:

§ 616.25 *Serial numbering; late registrants in Group 6.* When the local board is satisfied that it has jurisdiction over a late registrant in Group 6, a serial number shall be placed on his Registration Card (Form 1) in the following manner: The local board shall determine the serial number which would have been placed upon his Registration Card (Form 1) had it been received by the local board prior to the commencement of serial numbering of Registration Cards (Form 1) of registrants in Group 6. This shall be done by referring to the date of birth on his Registration Card (Form 1) and to the List of Registrants (Form 3B) for registrants in Group 6, ascertaining therefrom the place his card would have been located had his card been received by the local board before it started to assign serial numbers to registrants in Group 6. The local board shall then place on his Registration Card (Form 1) the serial number preceding the one which he would have had and shall add a letter after such number. For example: If he would have received "W–217" as his serial number had his card been received by the local board before the commencement of serial numbering of Registration Cards (Form 1) of registrants in Group 6, he will be given serial number "W–216A."

3. Amend the regulations by adding a new section to be known as § 616.36 to read as follows:

§ 616.36 *Assigning order numbers to Group 6 registrants whose Registration Cards are received late.* When a late Registration Card (Form 1) in Group 6 has been given a serial number under the provisions of this part, the local board shall refer to the List of Registrants (Form 3B) for registrants in Group 6 to determine the order number the registrant would have been given had his Registration Card (Form 1) been received by the local board prior to the time it commenced to serial number Registration Cards (Form 1) of registrants in Group 6 and shall assign to the registrant the order number preceding the one he would have been assigned with a letter added to it. For example: If the registrant would have received "W–217" as his serial number had his card been received before the commencement of serial numbering of Registration Cards (Form 1) of registrants in Group 6, he would, under the provisions of section 616.25 be given serial number "W–216A." Therefore, if the registrant with serial number "W–217" (the serial number which the late registrant would have been given had his card been received on time) was given order number "15,254," the late registrant would be given order number "15,253A."

4. Amend § 616.41 to read as follows:

§ 616.41 *Entries on and disposition of List of Registrants.* (a) When the Registration Card (Form 1) of a registrant is received late, the local board shall add the name, serial number, and (except in the case of a registrant in Group 4) the order number of such registrant to the office file copy and the publicly posted copy of the List of Registrants (Form 3B).

(b) At the end of each month when the names of the registrants who registered during that month are added to the office file copy and the publicly posted copy of the List of Registrants (Form 3B), the same information shall be placed upon two copies of a List of Registrants (Form 3B), both of which shall be forwarded to the State Director of Selective Service. The State Director of Selective Service shall file one such List of Registrants (Form 3B) and shall forward to the Director of Selective Service, Gimbel Building, Philadelphia, Pennsylvania, the other copy of such List of Registrants (Form 3B).

5. Amend § 616.42 to read as follows:

§ 616.42 *Entries in Classification Record.* The local board shall enter the name, serial number, and order number of each registrant in Group 1, Group 2, Group 3, Group 5, or Group 6 whose Registration Card (Form 1) is received late in the Classification Record (Form 100) following the names, serial numbers, and order numbers of the registrants in the age group to which such registrant belongs. To make certain that the case of such registrant is handled in its proper turn, the local board shall insert an "R," followed by the page on which his name appears in the Classification Record (Form 100), in the column of order numbers in the Classification Record (Form 100) at the place where the order number of such registrant would have appeared in the Classification Record (Form 100) had his Registration Card (Form 1) been received on time. For example: If the registrant is in Group 1, his order number is 83A, and his name appears on page 30 of the Classification Record (Form 100), print "R page 30" between Order Numbers 83 and 84.

6. Amend § 616.43 to read as follows:

§ 616.43 *Preparation of cover sheets and filing folders.* For each registrant in Group 1, Group 2, Group 3, Group 5, or Group 6 whose Registration Card (Form 1) is received late, the local board shall prepare a Cover Sheet (Form 53) and place it in the appropriate file. For each registrant in Group 4 whose Registration Card (Form 1) is received late, the local board shall prepare a Filing Folder (Form 54) and place it in the appropriate file.

7. Amend § 616.45 to read as follows:

§ 616.45 *When Selective Service Questionnaire is mailed immediately.* If Selective Service Questionnaires (Form 40) have been mailed to registrants in Group 1, Group 2, Group 3, Group 5, or Group 6 who have larger order numbers than the registrant whose Registration Card (Form 1) is received late, the local board shall immediately mail to the registrant whose Registration Card (Form 1) is received late his Selective Service Questionnaire (Form 40).

8. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

NOVEMBER 20, 1942.

[F. R. Doc. 42–12181; Filed, November 20, 1942; 3:11 p. m.]

[Amendment 97, 2d Ed.]

PART 621—QUESTIONNAIRE AND OTHER INFORMATION TO BE USED IN CLASSIFYING REGISTRANTS

MAILING OCCUPATIONAL QUESTIONNAIRE

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (b) of § 621.11[1] to read as follows:

§ 621.11 *Mailing occupational questionnaire.* * * *

(b) When a Selective Service Occupational Questionnaire (Form 311) is mailed to a registrant prior to his being listed in the Classification Record (Form 100) the date of mailing shall be noted on the List or Registrants (Form 3B). After the Classification Record (Form 100) has been prepared, the date of mailing shall be noted thereon in one of the blank columns of the Classification Record C (Form 100A).

2. The foregoing amendment to the Selective Service Regulations shall be

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[1] See issue of June 20, 1942.

[1] See issue of March 17, 1942.

effective immediately upon the filing hereof with the Division of the Federal Register.

Lewis B. Hershey,
Director.

November 20, 1942.

[F. R. Doc. 42-12182; Filed, November 20, 1942; 3:11 p. m.]

[Amendment 98, 2d Ed.]

Part 623—Classification Procedure

CLASSES NOT REQUIRING PHYSICAL EXAMINATION,[1] ETC.

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U. S. C., Sup. 301–318, inclusive; E. O. No. 8545, 5 F. R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 623.21 to read as follows:

§ 623.21 *Consideration of classes not requiring physical examination.* (a) Upon undertaking to classify any registrant, it should first be determined whether he should be classified in Class I–C. If the registrant is not classified in Class I–C, it should next be determined whether he should be classified in Class IV–A.

(b) If the registrant is not classified in Class I–C or Class IV–A under paragraph (a) of this section, the local board shall next determine whether he should be classified in Class IV–C on the ground that he is a neutral alien who has filed DSS Form 301 or on the ground that there is no possibility of him being accepted for training and service because of his nationality or ancestry. Otherwise no consideration will be given to Class IV–C at this time.

(c) If the registrant is not classified in Class I–C or Class IV–A under paragraph (a) of this section and is not classified in Class IV–C under paragraph (b) of this section, consideration shall next be given to the following classes in the order listed and the registrant shall be classified in the first class for which grounds are established:

Class IV–D
Class IV–B
Class III–C
Class III–B
Class III–A
Class II–C
Class II–B
Class II–A

(d) If the registrant is not classified in one of the classes set forth in paragraphs (a), (b), or (c) of this section, and, under the provisions of § 622.61, he is completely disqualified morally and there is no possibility that a waiver of such moral disqualification can be secured, he shall be classified in Class IV–F (moral). Otherwise no consideration will be given to Class IV–F at this time.

2. Amend paragraph (a) of § 623.31 to read as follows:

§ 623.31 *Notice to registrant to appear for physical examination.* (a) If a registrant has not been placed in one of the classes set forth in § 623.21 the local board, as soon as practicable after the determination of that fact, shall mail to him a Notice to Registrant to Appear for Physical Examination (Form 201). This notice shall fix the date, time, and place for the registrant to report for such physical examination, normally 5 days after the date of mailing of such notice.

3. Amend the regulations by adding a new section to be known as § 623.52 to read as follows:

623.52 *Procedure when moral standards for military service require waiver.* (a) If the moral standards for military service require that a registrant who has been classified in Class I–A or Class I–A–C, under the provisions of § 623.51, must secure a waiver or an order terminating or suspending civil custody before he can be inducted, the local board shall make a request for such waiver or order.

(b) If the necessary waiver or order is granted, it shall be forwarded to the induction station at the time the registrant is mailed an Order to Report for Induction (Form 150).

(c) If the necessary waiver or order is not granted, the classification of the registrant shall be reopened and he shall be classified in Class IV–F.

4. Amend the regulations by adding a new section to be known as § 623.53 to read as follows:

§ 623.53 *Procedure when moral standards for work of national importance require waiver.* (a) If a registrant who is in Class IV–E would not meet the moral standards for military service, the local board shall request the Director of Selective Service to issue a waiver of moral disqualification. If any such registrant is in civil custody, the local board will request an order terminating or suspending civil custody during the period of assignment to work of national importance under civilian direction.

(b) If the necessary waiver or order is granted, it shall be forwarded to the camp director at the time the registrant is mailed an Order to Report for Work of National Importance (Form 50).

(c) If the necessary waiver or order is not granted, the classification of the registrant shall be reopened and he shall be classified in Class IV–F.

5. Amend the regulations by adding a new section to be known as § 623.54 to read as follows:

§ 623.54 *Procedure when acceptability must be determined.* If the registrant is classified in Class I–A, Class I–A–O, or Class IV–E and is a citizen or subject of a country whose acceptability must be determined before it is forwarded for induction or assigned to work of national importance under civilian direction, the local board will follow the procedure set forth in §§ 623.71 to 623.77, inclusive.

6. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

Lewis B. Hershey,
Director.

November 20, 1942.

[F. R. Doc. 42-12183; Filed, November 20, 1942; 3:12 p. m.]

[Amendment 99, 2d Ed.]

Part 628—Appeal to the President

MISCELLANEOUS AMENDMENTS [1]

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 628.1 to read as follows:

§ 628.1 *Reconsideration of board of appeal determination.* (a) When either the Director of Selective Service or the State Director of Selective Service deems it to be in the national interest or necessary to avoid an injustice, he may, at any time, request a board of appeal to reconsider any determination made by it, stating his reasons for requesting such reconsideration. Upon receiving such a request or on its own motion, a board of appeal may reconsider its determination in any case.

(b) Any time before an Order to Report for Induction (Form 150) has been mailed to a registrant, the government appeal agent, if he deems it to be in the national interest or necessary to avoid an injustice, may prepare and place in the registrant's file a recommendation that the State Director of Selective Service request the board of appeal to reconsider its decision. The registrant's file shall then be forwarded to the State Director of Selective Service. As soon as the State Director of Selective Service has acted upon the government appeal agent's request he shall advise the local board and, if he determines not to request the board of appeal to reconsider its decision, he shall return the file to the local board.

2. Amend § 628.2 to read as follows:

§ 628.2 *Appeal to the President.* (a) The Director of Selective Service, if he deems it to be in the national interest or necessary to avoid an injustice, may appeal to the President at any time from any determination of a board of appeal.

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[1] See issues of March 17, June 2 and 11, August 19, and September 15, 1942.

[1] See issues of August 11 and September 1, 1942.

(b) When the board of appeal upon receiving a request from the State Director of Selective Service has reconsidered or declined to reconsider its determination in any case, the State Director of Selective Service, if he deems it to be in the national interest or necessary to avoid an injustice, may request the Director of Selective Service to appeal the determination of the board of appeal to the President.

(c) The registrant or any person who claims to be a dependent of the registrant, at any time within 10 days after the mailing by the local board of the Notice of Classification (Form 57) or the Notice of Continuance of Classification (Form 58), may appeal from the classification of the registrant by the board of appeal provided (1) the appeal is made upon the grounds of dependency only; (2) the registrant was classified by the board of appeal in either Class I–A, Class I–A–O, or Class IV–E; and (3) one or more members of the board of appeal dissented from such classification. The local board may permit any person who is entitled to appeal under this paragraph to do so, even though the 10-day period herein provided for appeal has elapsed, if it is satisfied that the failure of such person to appeal within the 10-day period was due to a lack of understanding of the right of appeal or to some cause beyond the control of such person. Unless the local board permits such an appeal, the right of such persons to appeal shall terminate at the end of the 10-day period herein provided.

3. Amend paragraph (c) of § 628.4 to read as follows:

§ 628.4 *Procedure on appeal to the President.* * * *

(c) When the State Director of Selective Service has complied with the provisions of paragraph (b) of this section, he shall, unless the file is returned to the local board, forward the file to the Director of Selective Service. The State Director of Selective Service, unless he himself requests the appeal, shall not place in the file any statement or expression of opinion concerning the information in the registrant's file.

4. Amend § 628.7 to read as follows:

§ 628.7 *Stay of registrant's induction.* A registrant shall not be inducted during the time when, under the provisions of this part, his file is being forwarded to or considered by the board of appeal, the State Director of Selective Service, the Director of Selective Service, or the President.

5. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

Lewis B. Hershey,
Director.

November 20, 1942.

[F. R. Doc. 42-12184; Filed, November 20, 1942; 3:12 p. m.]

[No. 142]

Duplicate List of Registrants, etc.

ORDER DISCONTINUING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885), and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Discontinuance of DSS Form 3, entitled "List of Registrants," and DSS Form 3–A, entitled "Duplicate List of Registrants," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing discontinuance shall become a part of the Selective Service Regulations, effective immediately upon the filing hereof with the Division of the Federal Register.

Lewis B. Hershey,
Director.

November 20, 1942.

[F. R. Doc. 42-12185; Filed, November 20, 1942; 3:12 p. m.]

[Amendment 100, 2d Ed.]

Part 615—Assignment of Order Numbers

REGISTRANTS IN GROUP 6

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend the regulations by adding a new section to be known as § 615.6 to read as follows:

§ 615.6 *No national lottery for Group 6.* Registrants in Group 6 will be assigned order numbers in the manner provided in § 615.36; therefore, no national lottery was or will be held for registrants in Group 6.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

Lewis B. Hershey,
Director.

November 21, 1942.

[F. R. Doc. 42-12270; Filed, November 23, 1942; 8:55 a. m.]

[Amendment 101, 2d Ed.]

Part 617—Registration Certificates

EFFECT OF FAILURE TO HAVE CERTIFICATE IN PERSONAL POSSESSION, ETC.

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 617.1 to read as follows:

§ 617.1 *Effect of failure to have registration certificate in personal possession.*[1] Every person required to present himself for and submit to registration must have a registration certificate (Form 2) in his personal possession at all times and, upon request, must exhibit it to any law-enforcement officer, any representative of the Secretary of State, any representative of the Secretary of the Treasury, any representative of the Attorney General, any official of National Headquarters for Selective Service, any official of a State Headquarters for Selective Service, any member of a local board or board of appeal, any government appeal agent, and any other official designated by the Director of Selective Service. The failure of any such person to have such registration certificate (Form 2) in his personal possession shall be prima facie evidence of his failure to register. Such person upon becoming a member of the armed forces shall surrender such registration certificate (Form 2), to his commanding officer who will dispose of it in accordance with the current orders of his service.

2. Amend § 617.2 to read as follows:

§ 617.2 *Wrongful possession of, or making, altering, forging or counterfeiting, registration certificates prohibited.*[2] It shall be a violation of these regulations for any person to have in his possession a registration certificate (Form 2) issued to some other person, or to permit a registration certificate (Form 2) issued to him to be in the possession of any other person, except as provided in the instructions upon such form; or to falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or to willingly aid or assist another to falsely make, alter, forge, or counterfeit, any registration certificate (Form 2); or to utter or publish as true, or cause to be uttered or published as true, or have in his possession with the intent to utter or publish as true, any such false, altered, forged, or counterfeited registration certificate (Form 2); or to exhibit or present to any person any such false, altered, forged, or counterfeited registration certificate (Form 2), knowing the same to be false, forged, altered, or counterfeited.

3. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

Lewis B. Hershey,
Director.

November 23, 1942.

[F. R. Doc. 42-12283; Filed, November 23, 1942; 11:14 a. m.]

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[1] Filed as part of the original document.

[1] 7 F.R. 395, 652.
[2] 7 F.R. 395, 2086.

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment No. LXXII]

PART 802—GENERAL LICENSES

EXPORTATIONS FROM CANAL ZONE TO PANAMA

Part 802, General Licenses, is hereby amended by adding the following new section:

§ 802.18 *Exportations from Canal Zone to Republic of Panama for repair or processing and return.* A general license is hereby issued permitting exportation from the Panama Canal Zone to the Republic of Panama of all articles and materials: *Provided,* That such articles and materials are exported for the purpose of being repaired or processed and then returned to the Canal Zone.

(Sec. 6, 54 Stat. 714; Pub. Laws 75 and 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

Dated: November 5, 1942.

A. N. ZIEGLER,
Acting Chief, Export Control Branch, Office of Exports.

[F. R. Doc. 42-12219; Filed, November 21, 1942; 10:22 a. m.]

[Amendment No. LXXIII]

PART 809—SHIPPING PRIORITY RATINGS

APPEALS FOR HIGHER RATINGS

Section 809.8 is hereby amended in its entirety and reads as follows:

§ 809.8 *Appeals for higher ratings.* (a) Exporters may appeal for a higher rating than that assigned under an individual license, or for a higher rating than those prescribed under § 809.6. (a) for articles and materials under general license, by submitting in triplicate an "Appeal for Higher Shipping Priority Rating." Such appeal shall supply the following information relative to the articles or materials to be exported:

1. Name and address of the applicant.
2. Name and address of the consignee, ultimate consignee, and purchaser.
3. Individual or general license number.
4. Portion of the shipment which is at point of exit from the United States ready to be exported.
5. Location of goods at point of exit: in railroad cars, in railroad storage, etc.
6. Portion of the shipment which remains to be forwarded to point of exit.
7. Where information is available, the stage of manufacture of such portions: completed, in process, not started.
8. Whether the material or article is manufactured to specifications not normally used in the United States.
9. Rating originally assigned to the commodity to be exported.
10. Description of the commodity as it appears on the export license. (If under general license, give brief description and the Department of Commerce Schedule B number.)
11. Specific reasons why the applicant believes that a higher rating is justified, with particular reference to proposed end-use.
12. If an application for freight space has been filed, the serial number and status of that application.
13. If an application for freight space has not been filed and the shipment is in excess of 2,240 pounds, an application for freight space with an acknowledgment card.

(b) When articles and materials are to be exported under an export program or export project license (S. P.) an exporter who desires a higher rating than that which has been assigned, may apply in writing for a reconsideration, attaching to his request the original document upon which the rating has been affixed.

(c) Only one appeal for a higher shipping priority rating for any particular shipment will be entertained, unless there has been a substantial change of facts with respect to the shipment subsequent to the date that the first appeal was filed.

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

Dated: November 14, 1942.

A. N. ZIEGLER,
Acting Chief, Export Control Branch, Office of Exports.

[F. R. Doc. 42-12220; Filed, November 21, 1942; 10:22 a. m.]

[Amendment No. LXXIV]

PART 803—UNLIMITED LICENSES

BRITISH "NAVY ARMY AIR FORCE INSTITUTE"

Part 803, Unlimited Licenses, is hereby amended by adding the following new section:

§ 803.3 *British "Navy Army Air Force Institute".* An unlimited license is hereby issued to the British "Navy Army Air Force Institute" permitting exportation of the articles and materials listed below to any destination when consigned from the British "Navy Army Air Force Institute" to the British "Navy Army Air Force Institute"; *Provided,* That such articles and materials have been procured through the United States Army Exchange Service:

- Stationery:
  - Fountain pens
  - Nibs
  - Pen holders
  - Pencils
  - Pins
  - Clips
  - Ink
- Soaps:
  - Household
  - Toilet
- Crockery:
  - Cups & saucers
  - Drinking glasses
  - Plates
  - Condiment pots
- Cutlery:
  - Tinware
  - Baking dishes
  - Pie dishes
  - Saucepans
  - Kettles
- Clothing & haberdashery:
  - Elastic belts
  - Trouser braces
  - Sock suspenders
  - Handkerchiefs
  - Needles & thread
- Clothing & haberdashery—Con.
  - Underwear
  - Shirts
  - Kitchen cloths
  - Dusters
  - Towels
  - Boot & shoe polishes
- Pharmaceutical products:
  - Aspirin
  - Liver salts
  - Fruit salts
- Miscellaneous foods:
  - Pickles
  - Sardines
  - Gelatine
  - Packet jellies
  - Marmite (Vegex)
  - Salad oil
  - Spices
  - Tapicoa
  - Salad cream
  - Fruit juices (canned)
- Sundries:
  - Gramophones & records
  - Wrist watches
  - Thermos flasks
  - Tennis balls
- Sundries—Con.
  - Razor blades
  - Razors
  - Back and front studs
  - Nail files
  - Bachelor and bulldog buttons
  - Tobacco pouches
- Sundries—Con.
  - Combs
  - Mirrors
  - Padlocks
  - Scales & weights
  - Reading books
  - Alarm clocks
  - Golf balls
  - Table tennis balls

No release certificate need be presented for shipment under this unlimited license.

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

Dated: November 18, 1942.

A. N. ZIEGLER,
Acting Chief, Export Control Branch, Office of Exports.

[F. R. Doc. 42-12221; Filed, November 21, 1942; 10:22 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 903—DELEGATIONS OF AUTHORITY

[Supplementary Directive 1R]

RATIONING OF COFFEE

§ 903.23 *Supplementary Directive 1R.* (a) In order to permit the efficient rationing of coffee, the authority delegated to the Office of Price Administration in § 903.1 (Directive 1) is hereby extended to include the exercise of control over the sale, transfer, delivery or other disposition of coffee by or to any person, and over the use of coffee by any person: *Provided,* That such authority shall not include the power to:

(1) Limit or restrict the quantity or use of coffee obtainable by the Army, Navy, Marine Corps, and Coast Guard, of the United States, or by any agency of the United States to the extent to which it may acquire coffee for export to and consumption or use in any foreign country;

(2) Authorize the importation of green coffee by any person or allocate arrivals of green coffee imported by any agency of the United States Government pursuant to directive from the War Production Board.

(b) As used in this supplementary directive, the term "coffee" means green coffee and roasted coffee in any form—bean or ground, soluble, compounded, or otherwise processed or prepared.

(c) The authority of the Office of Price Administration under this supplementary directive shall include the power to regulate or prohibit the sale, transfer, delivery or other disposition of coffee to, or requisition or use of coffee by any person who has acted in violation of any rationing regulation or order prescribed by the Office of Price Administration.

(d) Notwithstanding the authority delegated hereunder, the War Production Board reserves the power to restrict, by suspension or other similar order, the amount of coffee which may be delivered or accepted by any person heretofore or hereafter found to be in violation of War Production Board Conservation Order M-135, and amendments and supplements thereto.

(e) The War Production Board reserves the right to determine, at its option, the amount of coffee available for rationing or other distribution hereunder.

(E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12158; Filed, November 20, 1942; 12:37 p. m.]

PART 1191—COFFEE

[Revocation of Conservation Order M-135 and Amendments and Supplementary Orders thereto]

Sec.	
1191.1	Conservation Order M-135.
1191.1	Amendment 1.
1191.1	Amendment 2.
1191.1	Amendment 3.
1191.1	Amendment 4.
1191.1	Amendment 5.
1191.2	Supplementary Order M-135-a.
1191.3	Supplementary Order M-135-b.
1191.4	Supplementary Order M-135-c.
1191.4	Amendment 1.

(a) The above order, amendments, and supplementary orders are hereby revoked as of midnight November 21, 1942. Notwithstanding such revocation, any formal suspension ("S") orders heretofore issued and any suspension or other disciplinary orders hereafter issued in connection with violations of the above orders shall remain in effect until they expire by their own terms.

(b) Quota-exempt deliveries made by any roaster or accepted by any wholesale receiver during the period November 1-21, 1942, shall be reported to the War Production Board, as provided for in paragraph (h) of Order M-135, by December 3, 1942. No report on Form PD-533 is required for the period commencing November 16, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527, E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12160; Filed, November 20, 1942; 12:38 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-150]

COLDEN MANUFACTURING CO.

Colden Manufacturing Company, 1333 Broadway, New York, New York, is a New Jersey corporation engaged in the manufacture of spring mattresses. Limitation Order No. L-49 places certain restrictions upon the use of steel wire in the manufacture of mattresses, among other items. The company violated this order by using, during the months of July and August, 1942, 6000 pounds of steel wire in excess of the quantity which it was permitted to use during these months pursuant to the restrictions contained in the order.

These violations of Limitation Order No. L-49 have impeded and hampered the war effort of the United States by diverting steel wire to uses unauthorized by the War Production Board. In view of the foregoing facts: *It is hereby ordered,* That:

§ 1010.150 *Suspension Order S-150.* (a) Deliveries of material to Colden Manufacturing Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to Colden Manufacturing Company, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Colden Manufacturing Company, its successors and assigns, shall not sell, transfer or deliver its inventory or any part of such inventory of steel wire regardless of the form or condition thereof, except in accordance with Priorities Regulation No. 13.

(d) Nothing contained herein shall be deemed to relieve Colden Manufacturing Company, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on November 23, 1942, and shall expire on February 23, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12197; Filed, November 20, 1942; 5:09 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-154]

GUARANTEE SILK COMPANY, INC.

Guarantee Silk Company, Inc., 1441 Broadway, New York, New York, is a New Jersey corporation and a former manufacturer of silk products. After restrictions were placed upon the use of silk, the company applied for and received allocations of reserved rayon yarn pursuant to the provisions of Supplementary Order M-37-a, and after the revocation thereof, pursuant to the provisions of Supplementary Order M-37-c. Despite the fact that the company knew that these orders prohibited the unauthorized exchange of reserved rayon yarn, during the period of December, 1941, through May, 1942, it, in conjunction with Judy Textile Corporation, of the same address, caused quantities of reserved acetate rayon yarn in excess of a total of 38,000 pounds, allocated to it for processing in its mill, to be exchanged with the Malina Company of New Jersey, Paterson, New Jersey, for viscose rayon yarn, despite the fact that no authorization had been obtained from the War Production Board.

These violations of Supplementary Order M-37-a and M-37-c have impeded and hampered the war effort of the United States by diverting reserved rayon yarn to uses unauthorized by the War Production Board. In view of the foregoing facts: *It is hereby ordered,* That:

§ 1010.154 *Suspension Order S-154.* (a) Guarantee Silk Company, its successors and assigns, shall not order or accept delivery of reserved rayon yarn, as the same is defined in Supplementary Order M-37-c, except as specifically authorized by the Director General for Operations.

(b) Nothing contained in this order shall be deemed to relieve Guarantee Silk Company from any restriction, prohibition, or provision contained in any order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on November 23, 1942, and shall expire on March 23, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12198; Filed, November 20, 1942; 5:09 p. m.]

PART 1012—DOMESTIC VACUUM CLEANERS

[Supplementary Limitation Order L-18-c, as Amended Nov. 20, 1942]

Section 1012.4 *Supplementary Limitation Order L-18-c* is hereby amended to read as follows:

§ 1012.4 *Supplementary Limitation Order L-18-c*—(a) *Definitions.* For the purpose of this order:

(1) "Domestic vacuum cleaner" means any vacuum cleaner designed primarily for household use.

(2) "New domestic vacuum cleaner" means any domestic vacuum cleaner which has never been used by an ultimate consumer, including but not limited to, any domestic vacuum cleaner which has been used merely for demonstration purposes.

(3) "Manufacturer" means any person who has produced any domestic vacuum cleaner since October 1, 1941. "Manufacturer" shall include all subsidiaries, affiliates or other companies or enterprises under common ownership or control with such person.

(4) "Private brand seller" means any person, other than a manufacturer, engaged in the business of selling new domestic vacuum cleaners under his own trade mark or brand name, and includes all subsidiaries, affiliates, or other companies or enterprises under common ownership or control with such person.

(5) "Restricted private brand seller" means any private brand seller who held more than 500 new domestic vacuum cleaners on October 24, 1942, whether in his own or other persons' warehouses or on consignment to wholesalers or dealers.

(6) "Transfer" means to sell, lease, lend, ship, trade, deliver or otherwise transfer a new domestic vacuum cleaner. "Transfer" does not include any delivery to or by a carrier, or the delivery to its immediate destination of any new domestic vacuum cleaner which was in transit on October 24, 1942.

(b) *Restrictions on transfer of new domestic vacuum cleaners.* No manufacturer or restricted private brand seller shall transfer any new domestic vacuum cleaner, except:

(1) To the Army or Navy of the United States (excluding transfers to post exchanges, ships' stores, ships' service stores or commissaries for resale by them).

(2) To the government of any country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(3) To any person outside the United States pursuant to an export license issued by the Board of Economic Warfare for the new domestic vacuum cleaners being transferred.

(4) With specific authorization of the Director General for Operations granted on Form PD–556, pursuant to an application filed on Form PD–556.

(c) *Reports.* (1) On or before November 9, 1942, each manufacturer and each restricted private brand seller shall file with the War Production Board, a report on Form PD–655 of all new domestic vacuum cleaners which were in his stock on October 24, 1942.

(2) Each manufacturer and each restricted private brand seller shall file with the War Production Board on or before the tenth day of each calendar month, beginning with December 10, 1942, a report on Form PD–655, of all the new domestic vacuum cleaners which he shipped or delivered pursuant to this order during the preceding calendar month.

(3) Each person affected by this order shall file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(d) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(e) *Records.* Each person affected by this order shall keep and preserve, for not less than two years, accurate and complete records of all sales of new domestic vacuum cleaners. Such records shall be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(g) *Communications.* All reports required to be filed hereunder, and all other communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers' Durable Goods Division, Washington, D. C., Ref.: L–18–c.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12200; Filed, November 20, 1942; 5:09 p. m.]

PART 3134—DAIRY PRODUCTS

[Conservation Order M–267]

BUTTER

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of butter for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3134.3 *Conservation Order M–267*—(a) *Definitions.* For the purposes of this order:

(1) "Butter" means butter as defined in the Act of March 4, 1923, Chapter 268, 42 Stat. 1500, U. S. C. Tit. 21, sec. 6.

(2) "Warehouses in the 35 cities" mean the cold storage warehouses which reported their weekly butter stocks from October 30, 1942 through November 20, 1942, to the Agricultural Marketing Administration of the United States Department of Agriculture, which warehouses are located in or near the following cities: New York Metropolitan Area; Chicago, Illinois; Philadelphia, Pennsylvania; Boston, Massachusetts; Buffalo, New York; Lowville, New York; Pittsburgh Pennsylvania; Detroit, Michigan; Cleveland, Ohio; Milwaukee, Wisconsin; Plymouth, Wisconsin; Marshfield, Wisconsin; Green Bay, Wisconsin; St. Paul, Minnesota; Minneapolis, Minnesota; Kansas City, Missouri; Omaha, Nebraska; St. Louis, Missouri; Denver, Colorado; Seattle, Washington; Portland, Oregon; Los Angeles, California; San Francisco, California; Springfield, Massachusetts; Cincinnati, Ohio; Duluth, Minnesota; Ft. Worth, Texas; Dallas, Texas; Petaluma, California; Santa Rosa, California; Oakland, California; San Diego, California; Providence, Rhode Island; Cuba, New York; Syracuse, New York.

(b) *Restrictions on delivery.* Every person who on November 6, 1942, at the close of business or at any time thereafter, until the close of business on November 20, 1942 had any butter in his possession or under his control physically located in any warehouse in the 35 cities, shall set aside for the requirements of government agencies 50% of his holdings of such butter at the close of business on November 6, 1942, or 50% of his holdings at the close of business on November 20, 1942, whichever shall be the greater. Without regard to previously existing contracts, and until March 6, 1943, butter so set aside may not be delivered except on specific permission of the Director General for Operations, or to or for the account of the Army and Navy of the United States, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the War Shipping Administration, the Agricultural Marketing Administration, and any agency of the United States for supplies to be delivered to or for the account of the government of any foreign country pursuant to the Act of March 11, 1941 (Lend-Lease Act). Each person shall set aside the amount of butter required by this order from that part of holdings which score 89 or higher according to the official grades prescribed in Code of Federal Regulations (1938 Supplement) Title 7, Part 55, §§ 55.42–55.48, as amended. So far as compliance with the above grade standards permit, butter in wooden boxes shall first be selected for setting aside pursuant to this order, and butter in wooden tubs shall be selected as a second preference to the extent that butter in wooden boxes is not available. Butter packed in other containers shall be set aside to the extent that butter in boxes and tubs is not available to meet the requirements of this order. Any person who prior to November 20, 1942, has delivered so much of his holdings on November 6, 1942 that he is unable to set aside the percentage required by this order, shall set aside all his remaining holdings. Persons having holdings in more than one warehouse in the 35 cities shall charge any such deficiency in his holdings in one warehouse against his holdings in other warehouses, but, subject to this requirement, percentages shall be charged against holdings in different warehouses as equally as possible.

(c) *Inspection.* Butter set aside and held pursuant to this order, and all books and records in the possession of any warehouse in the 35 cities pertaining to such butter, are subject to inspection by the Director General for Operations, and any person or government agency thereto duly authorized by him. The agencies to which delivery is authorized in paragraph (b) of this order are hereby designated as agencies authorized to inspect pursuant to this paragraph as agents of the Director General for Operations.

(d) *Certificates.* No person other than those designated in paragraph (b) shall remove butter from a warehouse in the 35 cities unless he files with the warehouseman a certificate in duplicate in substantially the following language:

> This is to certify that the following quantity of butter ---------------- removed by me on ---------------- from --------------, is not included within the percentage of my holdings or the holdings of my predecessor in title, which were required to be set aside by Conservation Order M–267, with the terms of which I am familiar.
>
> ------------------------
> (Signature)
> By ------------------------
> (Duly authorized official)

(e) *Restrictions on warehouseman.* No warehouseman in the 35 cities may release or deliver any butter from his custody and control with knowledge or reason to believe that such butter is being delivered or removed in violation of the terms of this order. Unless such delivery is to a government agency he shall not make such delivery without obtaining a certificate as prescribed by paragraph (d). He shall retain all such certificates in his files for six months.

(f) *Reports.* Persons to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board may from time to time request.

(g) *Records.* Every person to whom this order applies shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(h) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(j) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall unless otherwise directed, be addressed to: "War Production Board, Food Division, Washington, D. C. Ref: M–267.

(l) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024; 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12199; Filed, November 20, 1942; 5:09 p.m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–160]

LONG ISLAND MAT CO.

Long Island Mat Company, Lynbrook, Long Island, New York, is a New York corporation engaged in the manufacture of rubber mats. Amendment No. 6 to Supplementary Order M–15–b prohibited the consumption of scrap rubber in the manufacture of rubber mats, among other items, except to fill War Orders, as defined therein. During the months of April through July, 1942, the Company violated Amendment No. 6 to Supplementary Order M–15–b by consuming sufficient scrap rubber to manufacture approximately 3500 rubber mats to fill civilian orders.

These violations of Supplementary Order M–15–b have impeded and hampered the war effort of the United States by diverting rubber to uses unauthorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered,* That:

§ 1010.160 *Suspension Order S–160.* (a) Long Island Mat Company, its successors and assigns, shall accept no deliveries from any source of rubber, scrap rubber, or reclaimed rubber, as defined in Supplementary Order M–15–b, except as specifically authorized by the Director General for Operations.

(b) Long Island Mat Company, its successors and assigns, shall not consume or in any way use any rubber, scrap rubber, or reclaimed rubber, as defined in Supplementary Order M–15–b, except as specifically authorized by the Director General for Operations.

(c) Long Island Mat Company, its successors and assigns, shall make no deliveries of rubber, scrap rubber, or reclaimed rubber, as defined in Supplementary Order M–15–b, except as specifically authorized by the Director General for Operations.

(d) Deliveries of material to Long Island Mat Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(e) No allocation shall be made to Long Island Mat Company, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(f) Nothing contained herein shall be deemed to relieve Long Island Mat Company from any restriction, prohibition or provision contained in any order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(g) This order shall take effect on November 23, 1942, and shall expire on May 23, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12253; Filed, November 21, 1942; 12:22 p. m.]

PART 1157—CONSTRUCTION MACHINERY AND EQUIPMENT

[Limitation Order L–192, as Amended Nov. 17, 1942[1]]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of rubber and other materials used in the production of construction machinery and equipment and repair parts for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1157.10 *Limitation Order L–192*—(a) *Revocation of Limitation Orders L–82 and L–82–a.* This order, as of November 30, 1942, supersedes Limitation Orders Nos. L–82 and L–82–a. Notwithstanding the revocation of Orders L–82 and L–82–a issued November 7, 1942, every person subject to the terms thereof immediately prior to such date shall abide by the terms of such orders until November 30, 1942, as though their text were fully incorporated in this order. All releases on equipment granted by the Director General for Operations pursuant to Limitation Orders Nos. L–82 and L–82–a not shipped by November 30, 1942 shall be deemed cancelled as of that date.

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[1] This document is a restatement of Amendment 1 of Limitation Order L–192 which appeared in the FEDERAL REGISTER of November 18, 1942, page 9459, and reflects the order in its completed form as of November 17, 1942.

(b) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(c) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, government corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Producer" means any person engaged in the manufacture of equipment as hereafter defined.

(3 "Equipment" means that construction machinery and equipment listed in Schedules A, B, and C attached hereto, but shall not include any rubber tired chassis or running gear built for or useable for the transportation of commodities or persons.

(4) "New", when applied to equipment, means any equipment which has never been received or accepted by any person acquiring it for use.

(5) "Repair part" means any part manufactured for use in the repair and maintenance of equipment.

(6) "Lend-Lease government" means the government of any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States".

(7) "Essential project" means a construction project undertaken by, or contracted by or for the account of the Army, Navy, Maritime Commission, War Shipping Administration or Defense Plant Corporation, or any other construction project granted a preference rating of A–1–k or higher under any order in the P–19 series.

(8) "Rubber" means all kinds of natural, reclaimed and synthetic rubber.

(9) "Government corporation" means any corporation which is beneficially owned by the United States Government or any of its agencies.

(d) *Procedure for placing and receiving orders.* (1) Any person desiring to place an order for new equipment listed in Schedule A attached hereto shall apply for authorization to purchase as follows:

(i) Such person, except the Army, Navy, Maritime Commission, War Shipping Administration or a Lend-Lease government, shall file an application on Form PD–556 in quadruplicate with the War Production Board Regional Office in the region in which such person desires to use such equipment. Such application when approved by the Director General for Operations shall establish all conditions under which such order may be placed with the supplier including the assignment of preference ratings if not previously granted.

(ii) No person, except the Army, Navy, Maritime Commission, War Shipping Administration or Lend-Lease government, may file application on Form PD–556 for any items listed in Schedule A which appear in Schedule C hereof.

(iii) The Army, Navy, Maritime Commission, War Shipping Administration or Lend-Lease government shall furnish the Construction Machinery Branch, War Production Board, Washington, D. C., with Form PD–556 made out in quadruplicate.

(2) No person shall accept an order for such equipment, except from the Army, Navy, Maritime Commission, War Shipping Administration and Lend-Lease government, unless accompanied by such authorization.

(e) *Restrictions on production of equipment.* (1) On and after November 30, 1942, no producer shall produce any equipment except in accordance with such production schedules as may be approved by the Director General for Operations as provided in paragraph (f) hereof.

(2) On and after November 30, 1942 no producer shall produce any equipment designed for or requiring rubber tires unless the authorization on Form PD–556 required by paragraph (d) specifically so provides.

(3) No producer shall manufacture more parts for assembly into new equipment than required by approved production schedules.

(4) On and after November 30, 1942, no producer shall put into process or assemble any materials in the manufacture of any equipment listed in Schedule C, except to fill an order placed by the Army, Navy, Maritime Commission, War Shipping Administration or Lend-Lease Government or for the use by a prime contractor on a construction project for any of the foregoing, and then only if authorized by the Director General for Operations on Form PD–556.

(f) *Production schedules.* On or before November 25, 1942 and on or before the 15th day of each succeeding calendar month, every producer shall file in triplicate on Form PD–697 proposed production schedule of new equipment projected for such period as production may be planned. Except as limited in paragraph (e) (2) hereof, the production schedules of all new equipment for the three calendar months succeeding such filing or for such shorter time as production scheduling may be planned shall be deemed to be approved as of the first of the calendar month following receipt of such Form PD–697 by the War Production Board, unless the Director General for Operations shall otherwise direct. No producer shall change his production schedule as approved or changed by the Director General for Operations without specific authorization of the Director General for Operations.

(g) *Inventory reports.* On or before November 25, 1942 and on or before the 15th day of each succeeding calendar month every producer shall file in triplicate on Form PD–697 a statement of finished unsold inventory, as of the last day of the preceding calendar month, of new equipment including that in the possession of their dealers and distributors. Dealers and distributors, on the fifth day of each month, shall report their inventories of new equipment as of the last day of the preceding calendar month to the producer from whom such equipment was purchased or, if not purchased, to the producer for whom the distributor or dealer is acting as agent.

(h) *Prohibiting transfer and use of equipment.* On and after November 30, 1942 no producer shall use for other than experimental or demonstration purposes, or sell, lease, trade, lend, deliver, ship or transfer, any new equipment and no person shall accept the same unless:

(1) Such equipment is then in transit to such person, or

(2) Such use, sale, lease, trade, loan, delivery, shipment or transfer is specifically approved by the Director General for Operations as follows:

(i) On or before November 25, 1942, and on or before the fifteenth (15) day of each succeeding calendar month, each producer shall file in triplicate on Form PD–697 showing his proposed delivery schedule of all unfilled orders of new equipment, shipments made during the calendar month previous to filing and the current month to date of filing. The delivery of all such new equipment scheduled for the calendar month following the date of filing shall be deemed to be authorized by the Director General for Operations on the first day of such calendar month unless the Director General for Operations shall otherwise direct.

(ii) The delivery of all new equipment as scheduled for delivery on or before November 30, 1942, and previously authorized under Limitation Order L–82 and L–82–a, shall be deemed to be

authorized, unless the Director General for Operations shall direct otherwise.

(iii) The Director General for Operations, at any time, may revoke delivery authorization provided for in paragraphs (h) (2) (i) and (h) (2) (ii) as to any or all new equipment, direct or change the schedule for deliveries, allocate any order listed on Form PD–697 to any other producer, or direct the delivery of any new equipment to any other person, at regularly established prices and terms.

(iv) No producer shall change the schedule of deliveries as listed on said form, or as directed or changed by the Director General for Operations, without specific authorization of the Director General for Operations.

(i) *Restriction on resale, rental and use.* (1) On and after November 30, 1942, all persons except a Government corporation, the Army, Navy, Maritime Commission, War Shipping Administration or Lend-Lease government to whom delivery of any new equipment listed in Schedule A has been authorized pursuant to paragraph (d) must use such equipment on the project described in the authorization to purchase and will be subject to the provisions of paragraphs (i) (2) and (i) (3) hereof.

(2) All persons except a Government corporation, the Army, Navy, Maritime Commission, War Shipping Administration or Lend-Lease Government, thirty days prior to the sale, lease or use on any other project of such equipment, shall complete, sign and return Form WPB–1159 to the Used Construction Machinery Regional Specialist in the War Production Board Regional Office in the region in which such equipment is located.

(3) The Director General for Operations, at any time on two weeks' written notice, may require such person who owns such equipment to sell, lease or use such equipment as directed.

(4) Nothing in this order shall restrict application of Limitation Order L–196 in regard to the filing of Form WPB–1333.

(j) *Restrictions on sale and delivery of repair parts.* (1) All orders for repair parts for equipment in use on essential projects in the United States or Canada shall not be individually rated but shall carry the highest preference rating of the project and shall be subject to the following limitations:

(i) No person shall purchase repair parts during the calendar quarter commencing October 1, 1942 or any calendar quarter thereafter, in excess of 5% of the original purchase price of the equipment for which the repair parts are ordered unless authorized by the Director General for Operations on Form PD–556.

(ii) No producer, dealer or distributor shall sell or deliver repair parts to any person unless such person has furnished the information and certification called for below in a writing signed by such person and in substantially the following form.

Repair Parts for Maintenance and Repair—Rating ________ Contract Number ______ in accordance with Limitation Order L–192 with the terms of which I am familiar.

________________ ______________________
Date Purchaser
By:

Such certification shall constitute a representation to the Director General for Operations that such repair parts are required for the purpose of repair of actual or impending breakdown or proper maintenance of the equipment and that the applicant does not have such parts available for this purpose.

(2) Orders for spare parts for new equipment listed in Schedule A shall be placed at the same time as the order for new equipment and must be authorized on Form PD–556 by the Director General for Operations.

(3) Any conditions in regard to purchase or delivery of repair parts not covered herein shall be in accordance with current regulations and orders of the War Production Board.

(k) *Substitution and conservation of critical materials.* In the manufacture of any item of equipment or repair parts, no producer shall use any alloy steel, stainless steel, aluminum, magnesium, copper, brass, bronze, zinc, nickel, tin, cadmium or fabricated rubber products where the use of other less critical materials will not impair the efficiency of operation of such item.

(l) *Records.* All persons affected by this order shall keep and preserve for not less than two (2) years accurate and complete records concerning inventories, purchases, production and sale.

(m) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(n) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(o) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the Construction Machinery Branch, War Production Board, Washington, D. C., setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action, if any, as he deems appropriate by the amendment of this order or otherwise.

(p) *Communications.* All communications concerning this order except where specific reference is made herein to the contrary shall be addressed to Construction Machinery Branch, War Production Board, Washington, D. C., Ref: L–192.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

The items of construction machinery and equipment appearing in Schedule A are subject to all the paragraphs of this order.

Items which appear in both Schedules A and C may be ordered and produced only for military purposes as stated in paragraph (d) (1) (ii) and (e) (4).

Angledozers and modifications thereof.
Batchers, construction material.
Batching plants, construction type.
Bins, construction material, portable.
Bins, construction material, stationary.
Brooms, contractors rotary.
Bulldozers and modifications thereof.
Cranes, crawler mounted power.
Cranes, tractor mounted power.
Cranes, rubber tired mounted power.
Crushers jaw and roll, portable type.
Crushing plants, portable type.
Derricks, guy.
Derricks, stiff leg.
Distributors, bituminous.
Ditchers, ladder.
Ditchers, wheel.

Draglines, see cranes.
Draglines, slack line.
Draglines, walking.
Dredges, and dredge equipment.
Drilling machines, blast hole drills.
Drilling machines, core drills.
Drilling machines, rock portable mounted.
Dryers, construction aggregate.
Earth boring machines.
Excavators, see power shovels.
Finegraders and subgraders, self-propelled.
Finishers, concrete.
Finishers, bituminous paving.
Forms, concrete road.
Graders, blade or pull type earth moving.
Graders, elevating earth moving.
Graders, self-propelled earth moving.
Grapples.
Hammers, pile.
Heaters, and circulators, tank car.
Hoists, contractors.
Loaders, portable bucket (other than coal).
Maintainers, road.
Maintainers, shoulder.
Mixers, bituminous cold mix type—10 tons per hour capacity or more.
Mixers, agitator concrete truck type.
Mixers, concrete truck mounted with elevating towers.
Mixers, concrete construction—above 10 cu. ft. size.
Pavers, concrete.
Plants, stabilizing.
Plants, asphalt.
Plows, snow-V and blade type, truck, tractor or grader mounted.
Plows, snow rotary type.
Power control units for tractors—both cable and hydraulic.
Pumps, portable engine or electric motor driven pumping units mounted on skids, with or without handles, or trailer mounted, larger than 90 M gallons per hour self-priming centrifugal pumps, horizontal or vertical triplex piston road pumps, ordinarily used for contractors' purposes or by contractors for dewatering and supply, as defined and approved in Contractors Pumps Standards by the Associated General Contractors of America, Inc. (A. G. C.), February 21, 1941.
Rippers, road.
Rollers, road pneumatic tired.
Rollers, road portable.
Rollers, tamping and sheepsfoot.
Rollers, road tandem.
Rollers, road three wheeled.
Scrapers, carrying and hauling, both drawn and self-propelled.
Screening plants, portable type.
Shovels, crawler mounted power.
Shovels, rubber tired mounted power.
Shovels, tractor mounted power.
Spreaders, concrete.
Sweepers, street.
Sweepers, street, motor pick-up.
Wagons, contractors crawler.
Washing and screening plants, portable type.
Winches, tractor mounted.

SCHEDULE B

The items of construction machinery and equipment appearing in Schedule B are subject to all the paragraphs of this order except:

1. Paragraph (d), controlling the procedure for placing and receiving orders.

2. Paragraph (i)[1], restricting resale, rental and use of equipment.

Blade bits.
Blades, grader.
Breakers, paving.
Buckets, clamshell.
Buckets, concrete.
Buckets, dragline.
Buckets, orange peel.
Buckets, scraper (bottomless) for dragline operation.
Buggies and carts, concrete hand operated.
Buggies and carts, concrete power propelled.
Centerline markers.
Chutes, concrete handling.
Concrete, surfacing machines.
Conveyors, construction material.
Crushers, gyratory and cone (portable type).
Disc, road.
Distributors, water.
Ditchers, blade.
Drills, jack hammer.
Drills, rock except portable mounted.
Filling machines, joint and crack.
Finegraders and subgraders, drawn type.
Finishers, floor other than wood.
Form tamping machines.
Graders, under truck type.
Heaters, asphalt surface.
Heaters, concrete mixer.
Hoppers, portable concrete.
Jacks, mud.
Joint levellers.
Kettles, bituminous heating.
Loaders, portable snow.
Mixers, aggregate pulverizers.
Mixers, bituminous, cold mix type, under 10 ton per hour capacity.
Mixers, concrete construction, 10 cu. ft. and smaller.
Mixers, plaster and mortar.
Paving breakers.
Plows, cable laying.
Pumps, concrete.
Pumps, portable engine or electric motor driven pumping units, mounted on skids with or without handles, or trailer mounted, 90,000 gallons per hour and smaller self-priming, centrifugal pumps, plunger pumps, or diaphragm pumps ordinarily used for contractors purposes or by contractors for dewatering and supply as defined and approved by the Associated General Contractors of America, Inc. (A. G. C.), February 21, 1941, excluding farm type, industral type and Underwriters approved fire fighting pumps.
Scarifiers.
Scrapers, drag, fresno and rotary.
Screens, rotary, vibrator and gravity types, other than coal and industrial.
Sprayers, bituminous material.
Spreaders, aggregate.
Towers, concrete placing.
Towers, material elevating.
Vibrators, concrete.
Winches, contractor.

SCHEDULE C

The items appearing in-Schedule C may be ordered and produced only for military purposes as provided in paragraphs (d) (1) (ii) and (e) (4).

Batchers, construction material.
Batching plants, construction type.
Bins, construction material, portable.
Bins, construction material, stationary.
Brooms, contractors rotary.
Buckets, scraper (bottomless) for dragline operation.
Buggies and carts, concrete hand operated.
Buggies and carts, concrete power propelled.
Centerline markers.
Chutes, concrete handling.
Concrete surfacing machines.
Conveyors, construction material—except when a part of a portable crushing plant.
Derricks, guy.
Derricks, stiff leg.
Disc, road.
Ditchers, blade.
Dredges, and dredge equipment.
Drilling machines, core drills.
Drilling machines, portable well.
Dryers, construction aggregate, except portable type.
Filling machines, joint and crack.
Finishers, floor other than wood.
Form tamping machines.
Graders, blade or pull type earth moving.
Graders, elevating earth moving.
Graders, self-propelled earth moving.
Graders, under truck type.
Grapples.
Heaters, asphalt surface.
Hoists, contractors.
Hoppers, portable concrete.
Jacks, mud.
Joint levellers.
Maintainers, road.
Maintainers, shoulder.
Plants, asphalt except portable travel-mix type.
Plows, cable laying.
Plows, snow—V and blade type, truck, tractor or grader mounted.
Rollers, road pneumatic tired.
Rollers, road tandem.
Rollers, road three wheeled.
Scrapers, drag, fresno and rotary.
Screening plants, portable type.
Sweepers, street.
Sweepers, street, motor pick-up.
Towers, concrete placing.
Towers, material elevating.
Washing and screening plants, portable type.

[F. R. Doc. 42-12255; Filed, November 21, 1942; 12:22 p. m.]

PART 1176—IRON AND STEEL CONSERVATION

[Conservation Order M-126 as Amended Nov. 21, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1176.1 *General Conservation Order M-126*—(a) *Definitions.* For the purpose of this order:

(1) "Governing date", with respect to any item on List A or List S, or part

thereof, means the date set forth opposite such item.

(2) "Army - Navy - Maritime order" means an order for material to be purchased (or physically incorporated into material to be purchased) by or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration, where with respect to any item on List A, or part thereof, the use of iron or steel, or with respect to any item on List S, or part thereof, the use of stainless steel, is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration, applicable to the contract, subcontract or purchase order.

(3) The terms "iron" and "steel" shall not be deemed to include screws, nails, rivets, bolts, or wire, strapping or small hardware for joining or other similar essential purposes.

(4) The term "stainless steel" means corrosion or heat resistant alloy iron or alloy steel containing 10 per cent or more of chromium with or without nickel and/or other alloying elements.

(5) "Process" means cut, draw, machine, stamp, melt, cast, forge, roll, turn, spin or otherwise shape.

(6) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(7) The term "assemble" shall not be deemed to include the putting together of an article after delivery to a sales outlet or consumer in knockdown form pursuant to an established custom. The term "assemble" shall also not be deemed to include adding finished parts to an otherwise finished article when the placing of one or more finished parts or the size or type of one or more finished parts is determined by the use to which the ultimate consumer is to put the article.

(b) *Restrictions with respect to List A products.* Except as provided in paragraph (d):

(1) *Raw material deliveries.* From and after the applicable governing date of any item on List A, no person shall deliver or accept delivery of any iron or steel which he knows or has reason to know will be used to make such item, or any part thereof.

(2) *Fabrication*—(i) *Limitation.* During the 30 days next following the applicable governing date of any item on List A, no person shall put into process any iron or steel to make such item, or any part thereof, in an aggregate weight greater than 75 per cent of the average monthly weight of all metals put into process by him during 1941 in the making of such item and parts, and no person shall put into process any iron or steel in the making of any such item or part unless processing thereof will be completed within such 30 day period.

(ii) *Prohibition.* From and after the date 30 days after the applicable governing date of any item on List A, no person shall process any iron or steel to make such item, or any part thereof.

(3) *Assembly.* From and after the date 60 days after the applicable governing date of any item on List A, no person shall assemble such item, or any part thereof, containing any iron or steel.

(4) *List A products without governing dates.* With respect to any item on List A without a governing date, (i) no person shall deliver or accept delivery of any iron or steel which he knows or has reason to know will be used to make such item, or any part thereof, (ii) no person shall put into process or process any iron or steel to make such item, or any part thereof, and (iii) no person shall assemble such item, or any part thereof, containing any iron or steel.

(5) *Finished item deliveries.* No person shall deliver or accept delivery of any item on List A, or part thereof, which he knows or has reason to know was fabricated, assembled or delivered in violation of any applicable provision of this order as amended from time to time.

(c) *Restrictions with respect to List S products.* Except as provided in paragraph (d):

(1) *Raw material deliveries.* From and after the applicable governing date of any item on List S, no person shall deliver or accept delivery of any stainless steel which he knows or has reason to know will be used to make such item, or any part thereof.

(2) *Fabrication*—(i) *Limitation.* During the 30 days next following the applicable governing date of any item on List S, no person shall put into process any stainless steel to make such item, or any part thereof, in an aggregate weight greater than 50% of the average monthly weight of stainless steel put into process by him during 1941 in the making of such item and parts, and no person shall put into process any stainless steel in the making of any such item or part unless processing thereof will be completed within such 30 day period.

(ii) *Prohibition.* From and after the date 30 days after the applicable governing date of any item on List S, no person shall process any stainless steel to make such item, or any part thereof.

(3) *Assembly.* From and after the date 45 days after the applicable governing date of any item on List S, no person shall assemble such item, or any part thereof, containing any stainless steel.

(4) *Finished item deliveries.* No person shall deliver or accept delivery of any item on List S or part thereof, which he knows or has reason to know was fabricated, assembled, or delivered in violation of any applicable provision of this order as amended from time to time.

(d) *Exemption for Army-Navy-Maritime orders.* (1) The provisions of paragraph (b) with respect to items on List A with governing dates shall not apply to Army-Navy-Maritime orders for such items, or any parts thereof, for a period of 60 days after the applicable governing date. From and after the expiration of the applicable exemption period, no person shall deliver, accept delivery of, put into process, process or assemble any iron or steel for the making of any item on List A, or part thereof, unless such item or part is on List C. The provisions of paragraph (b) shall not apply to Army-Navy-Maritime orders for any item on List C, or part thereof, except that stainless steel shall not be used to make such item and parts, unless permitted by paragraph (d) (3).

(2) The provisions of paragraph (c) shall not apply to Army-Navy-Maritime orders for any item on List S, or part thereof, for a period of 60 days after its governing date. From and after the expiration of the applicable exemption period, no person shall deliver, accept delivery of, put into process, process or assemble any stainless steel for the making of any item on List S, or part thereof, unless such item or part is on List C.

(3) Except as otherwise specified on List C as to any item, or part thereof, stainless steel may be used to make any item on List C, or part thereof, for Army-Navy-Maritime orders until December 31, 1942. Except as provided in paragraph (d) (4), on and after December 31, 1942, no person shall use any stainless steel to make any item on List C, or part thereof, unless, and then only to the extent that, the use of stainless steel is expressly permitted for such item.

(4) Where the use of stainless steel or a type of stainless steel in the making of any item on List C, or part thereof, for Army-Navy-Maritime orders is prohibited by the provisions of this order, and the person making any such item or part is unable to secure permitted materials, a further exemption period is hereby granted for the minimum period of time necessary to obtain such permitted materials, but in no event later than April 30, 1943.

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[1] Formerly paragraph (j).

(e) *Restrictions with respect to other products*—(1) *Roofing and siding.* No person shall manufacture any iron or steel into roofing and siding except:

(i) For delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, The War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development; or

(ii) For delivery on a preference rating of AA-5 or higher assigned by a PD-3A preference rating certificate or by a preference rating order in the P-19 series; or

(iii) For defense housing, to the extent specified in the Defense Housing Critical List; or

(iv) For the manufacture, maintenance and repair of railroad freight cars, street cars, or busses; or

(v) For deliveries on preference ratings assigned by the Board of Economic Warfare or for deliveries on Lend-Lease orders; or

(vi) For delivery to an ultimate purchaser for maintenance and repair purposes regardless of rating. With respect to this paragraph (e) (1) (vi), no person may manufacture from May 5, 1942 to December 31, 1942, more than 20 percent of the roofing and siding made by him from iron or steel during the calendar year 1940; or in the calendar year 1943 or any subsequent calendar year, more than 25 percent of the roofing and siding made by him from iron or steel, during the calendar year 1940.

Any person manufacturing or selling any such roofing or siding may rely on the certificate of his customer that such roofing or siding will only be sold or used as permitted by this paragraph (e) (1).

(2) *Other products.* No person shall use any iron or steel to make any article not prohibited on List A, or any part thereof, where and to the extent that the use of other material (excluding material on List D) is practicable. Alloy steel shall not be used when the use of carbon steel is practicable, and no more iron or steel shall be used in connection with the manufacture of any such article than is essential. The provisions of this paragraph (e) (2) shall not apply in the case of articles or parts to be purchased by or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, or to be physically incorporated into products to be so purchased to the extent that the use of iron or steel is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration applicable to the contract, subcontract or purchase order.

(f) *Restrictions with respect to other scarce materials.* No person whose use of iron or steel is restricted by paragraphs (b), (d) or (e) shall use as a substitute therefor any material on List D.

(g) *Disposition of frozen and excessive inventories.* The disposition of frozen and excessive inventories containing iron or steel shall be subject to the applicable provisions of Priorities Regulation No. 13 (§ 944.34).

(h) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(2) *Appeal.* Any appeal from the provisions of this order must be made on Form PD-500 and must be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(3) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply whether the items are ordered or manufactured pursuant to a contract made prior to, on, or subsequent to May 5, 1942, or pursuant to a contract supported by a preference rating. Insofar as any other order of the Director General for Operations may have the effect of limiting or curtailing to a greater extent than herein provided the use of any material in the production of any item, the limitations of such order shall be observed.

(4) *Intra-company deliveries.* The restrictions of this order with respect to deliveries prohibit or restrict deliveries not only to other persons, including affiliates or subsidiaries, but also from one branch, division, or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(6) *Installation.* The restrictions of this order with respect to putting into process, processing, and assembling shall not apply to the installation of an item or part for the ultimate consumer on his premises when any putting into process, processing or assembling of such item or part is incidental to such installation and is done on such premises.

(7) *Repair.* The restrictions of this order (other than those contained in paragraph (e) (2)) shall not apply to a person repairing a used article on or off the premises of the owner, if the person making the repair does not use iron or steel weighing in the aggregate more than 25 pounds and if any putting into process, processing or assembling done by such person is for the purpose of making the specific repair. The limitations in this paragraph (h) (7) on repairing a used article shall not apply to any item on List A or List S, or part thereof, to the extent that maintenance and repair of such item is specifically excepted on List A or List S.

Issued this 21st day of November, 1942.

ERNEST KANZLER,
Director General for Operations.

LIST A

NOTE: Additions and deletions have been made in List A.

Item	*Governing date*
"A" Frames and booms for lighters, 25 tons capacity and under.	Nov. 5, 1942
Access panels—except as required by Underwriters Code.	None
Accessories, soda fountain [1]	July 15, 1942
Acoustical ceilings	None
Adhesive tape sleeves	July 15, 1942
Advertising novelties	None
Air-conditioning systems [1]—except for hospital operating rooms and industrial plants.	None
Ampule scorers	Nov. 5, 1942
Amusement park devices and roller coasters.[1]	None
Area walls	None
Ash sieves	None
Asparagus tongs	None
Atomizers, perfume-boudoir	None
Attic fans	None
Automobile accessories—except as required by law.	None
Automobile heaters [1]—except for passenger carriers, as defined in L-158, police cars, ambulances, trucks and fire wagons.	July 15, 1942
Awning frames and supports	None
Bag, purse, and pocketbook frames.	None
Balers, paper for household use	July 15, 1942

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[1] Maintenance and repair excepted.

Item	*Governing date*
Ball park equipment including but not limited to:	July 15, 1942
Cages.[1]	
Fences.	
Lighting systems — except lamp bulbs.	
Metal bases.	
Protective netting.[1]	
Railings.	
Rollers.	
Score boards.	
Screens.[1]	
Seats.[1]	
Tampers.	
Banks, personal, toy, miniature.	None
Barber and beauty shop furniture.	None
Barber and beauty shop supplies, machines and equipment [1]	July 15, 1942
Barn pushers and scrapers	July 15, 1942
Barware and bar accessories	July 15, 1942
Bases on refrigerating machines below one H. P.	Nov. 5, 1942
Baskets—except for commercial cooking and manufacturing uses.	None
Baths, steam, all types	Nov. 5, 1942
Bath tubs	None
B-B shot for air rifles.	None
Beach umbrellas	July 15, 1942
Beds—except hospital	None
Bed spring frames—except for hospital link fabric spring type bed.	None
Beer kegs—except hoop and fittings for wooden kegs.	None
Beer mugs	None
Beer stands	None
Beer steins	None
Bench legs—except industrial	None
Beverage bottle cases, including but not limited to beer and all soft drinks.	July 15, 1942
Bicycle racks	Nov. 5, 1942
Binding, linoleum	Nov. 5, 1942
Binoculars—except U. S. Government Agencies.	None
Bird cages and stands	None
Bird houses and feeders	None
Biscuit boxes	None
Blackboards	None
Blade stroppers, mechanical	None
Bleachers and grandstands [1]	None
Blocks, hat	July 15, 1942
Boards, sounding	Nov. 5, 1942
Boat hooks	Nov. 5, 1942
Book ends	None
Boot jacks	Nov. 5, 1942
Bottle holders—except hospital	None
Bowling alleys, bowling pins and accessories.[1]	July 15, 1942
Boxes and trays for jewelry, cutlery, combs, toilet sets.	None
Boxes, meter and covers—except industrial.	Nov. 5, 1942
Braces, extensible steel trench	Nov. 5, 1942
Bread and cake boxes, household	July 15, 1942
Bread slicers for home use—except knives.	July 15, 1942
Bridge splash guards	None
Brushes and brush-backs—except industrial.	July 15, 1942
Buckles, for clothing—except overalls, overall suits, dungarees.	July 15, 1942
Buckles for	July 15, 1942
Pocketbooks.	
Shoes—except for waterproof shoes.	
Building ornaments	None
Buildings, portable	Nov. 5, 1942
Burial lowering devices	Nov. 5, 1942
Butter chips	None
Butter knives	None
Buttons for clothing—except for overalls, overall suits and dungarees.	July 15, 1942
Buttons for work clothing—except 22 line fly button of plain design and 27 line button with wreath design for remainder of garment, and except open top button of not more than two pieces exclusive of the tack or fastener.	Nov. 5, 1942
Cabinets—except	None
Hospital operating and examining rooms.	
As permitted in Limitation Orders L-13-a and L-62.	
Cake cutters	None
Cake icing equipment	July 15, 1942
Cake tongs	None
Calendar and memo pad stands	July 15, 1942
Calliopes or steam organs	July 15, 1942
Candy display dishes	None
Canes	July 15, 1942
Canopies, hoods and supports	None
Cans, containers, closers and closures:	
Cans or containers for	None
Anti-freeze (under 5 gal. size).	
Artist supplies.	
Tobacco products.	
Bouillon cubes.	
Candy.	
Caviar.	
Chalk.	
Coffee.	
Gloves.	
Incense.	
Lawn seed.	
Nuts.	
Pencils.	
Phonograph needles.	
Playing cards.	
Razor blades—except metal holders which are integral parts of the mechanism for inserting blades into safety razors.	
Sponges.	
Staples.	
Tennis balls.	
Toilet water.	
Yarn.	
Cosmetics and toiletries	July 15, 1942
Closers for paper and cellophane bags—except bags for 25 lb. content or more.	Nov. 5, 1942
Closures for glass coffee containers—except that such closures may be processed until December 1, 1942 from distressed stocks of black plate lithographed on or before September 3, 1942.	None
Closures for cosmetics and toiletries.	July 15, 1942
Car washing machines	Nov. 5, 1942
Carillons	July 15, 1942
Carpet rods	None
Carriers, casket [1]	July 15, 1942
Carrousels (Merry-go-rounds) [1]	July 15, 1942
Carving set holders	None
Cases, vanity	July 15, 1942
Cash boxes	None
Cash registers [1]	None
Casket hardware	None
Casket trucks, undertaker's—except wheels.	Nov. 5, 1942
Ceilings	None
Chafing dishes	Nov. 5, 1942
Chamber pots	July 15, 1942
Cheese dishes	None
Chicken crates	None
Chicken house scrapers	July 15, 1942
Christmas tree holders	None
Christmas tree ornaments	None
Cigar and cigarette holders and cases.	None
Cigar clippers	None
Cigarette lighters	None.
Cigarette package holders	Nov. 5, 1942
Cigarette making machines, hand.	Nov. 5, 1942
Circus and carnival apparatus, equipment [1] and devices, including but not limited to:	July 15, 1942
Animal cages.[1]	
Animal stands.	
Tent standers.	
Trailers.[1]	
Trapeze bars.	
Clamps, hair, including barrettes, decorative clips and fasteners, but not including common bob and hair pins and clamps for hair curling or waving.	Nov. 5, 1942
Clips for attaching baggage tags.	Nov. 5, 1942
Clock cases—except on recording and controlling industrial instruments.	None
Clothes lines	Nov. 5, 1942
Clothes line pulleys	None
Clothes line reels	None
Clothes racks and dryers	None
Clothes trees	None
Clothing trim and dress ornaments.	July 15, 1942
Coal chute and door, household.	None
Coal pans	None
Coasters and trivets for glass and hot containers.	July 15, 1942
Cocktail glasses	None
Cocktail sets	None
Cocktail shakers	None
Coin changers—except for public transportation.	July 15, 1942
Combs, hair—except curry combs.	July 15, 1942
Compacts	None
Concrete and cement hardeners.	Nov. 5, 1942
Cooking stoves, commercial electric.[1]	None
Copy holders	None
Corn poppers and machines	None
Counter tops and edgings	None
Covers for automotive leaf-type springs.	Nov. 5, 1942
Covers, manhole—except reinforcing and bending.	Nov. 5, 1942
Covers, meter frame—except industrial.	Nov. 5, 1942
Crochet hooks	July 15, 1942
Croquet sets	None
Crumb trays	None
Crutches	Nov. 5, 1942
Culverts, including conduits, corrugated pipe, and corrugated plates for pipe and arches for culverts—except:	None
Reinforcing for concrete.	
Nestable culverts for use outside continental limits of U. S.	
Culverts, reinforced concrete—except:	Nov. 5, 1942
Interior installations.	
Outside continental limits of U. S.	
Under access roads.	
Under airport runways.	
Under railroad rights of way.	

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[1] Maintenance and repair excepted.

Item	*Governing date*
Cups of all kinds, drinking	None
Curb guards	None
Curler, hair, non-electric	None
Curling irons	Nov 5, 1942
Curtain stretchers	July 15, 1942
Darners, sock	Nov. 5, 1942
Decorative iron products	None
Desk equipment, including but not limited to:	July 15, 1942
Desk sets.	
Desk pads.	
Fountain pen and pencil stands.	
Letter openers.	
Name plates.	
Paper weights.	
Diaper cans, containers, or receptacles.	Nov. 5, 1942
Dictaphone racks	None
Dinner bells	None
Dishwashing machines [1]—except hospitals.	None
Dishwashing racks, household	July 15, 1942
Dispensers, hand, for	None
Hand lotions	
Paper products	
Soap	
Straws	
Display forms	July 15, 1942
Document stands	None
Door chimes	None
Door closers [1]—except for hospitals, public toilet doors, exterior doors on public buildings, and where required to meet fire regulations.	None
Door handles—except shipboard use.	None
Door knockers	None
Door mats	July 15, 1942
Door stops	None
Drain boards and tub covers, household.	None
Drawer pulls	None
Dress forms	None
Dummy police	None
Dust collecting systems and equipment [1]—except on AA-5 or higher.	None
Dust covers and enclosures [1]—except industrial.	July 15, 1942
Easels, all types	July 15, 1942
Edging, furniture and linoleum	Nov. 5, 1942
Ediphone racks	None
Egg slicers	None
Electric drinking water coolers—except for use in war plants.	None
Embalming tables [1]	July 15, 1942
Enameled tile sheets and squares.	Nov. 5, 1942
Enamel store fronts	None
Erasing knives	None
Erasing shields	Nov. 5, 1942
Escalators [1]	None
Exercise and reducing machines.[1]	July 15, 1942
Exhibition and fair apparatus and equipment,[1] including but not limited to:	July 15, 1942
Lighting equipment.	
Racks.	
Stands.	
Fan stands, all types	Nov. 5, 1942
Feed troughs	None
Fences, chain link—except on A-2 or higher.	None
Fences, chain link—A-2 or higher.	July 15, 1942
Fence posts—except on A-2 or higher.	None
Fence posts—A-2 or higher	Nov. 5, 1942
Fences, ornamental	None
Ferneries, metal	Nov. 5, 1942
Finger bowls	None
Fireplace equipment, including but not limited to grates, clean out doors and ash dumps—except dampers.	None
Fireplace dampers	Sept. 3, 1942
Fireplace screens	None
First aid kits	Nov. 5, 1942
Fish aquariums	None
Flag holders	Nov. 5, 1942
Flagpoles	None
Flashlight tubes	None
Flatware—except cooking and eating utensils.	July 15, 1942
Floats for pageants, parades, advertising, etc.—except trucks.	July 15, 1942
Floor and ceiling plates for piping.	None
Floor and counter covering trim.	None
Floor polishing machines	None
Floor scrapers—except power-driven.	July 15, 1942
Floral tools and floral hoes	July 15, 1942
Florist supplies	Nov. 5, 1942
Flour, salt and pepper shakers	None
Flower boxes, pot holders and vases.	None
Flower shears	None
Fly traps	None
Food vending machines, including automats.	Nov. 5, 1942
Foot baths—except hospitals	None
Foot scrapers	None
Forms and accessories for residential and commercial concrete construction.	Nov. 5, 1942
Fountain pens—except functional parts.	None
Fountains, ornamental	None
Frames, catch basin and grater, all types	Nov. 5, 1942
Frames, clothes drying	July 15, 1942
Frames for artists' canvas, darning and needlework	July 15, 1942
Frames, steel blocking	Nov. 5, 1942
Fruit juice extractors, household.[1]	July 15, 1942
Furniture [1]—except:	None
Wood furniture.	
As permitted in Limitation Orders L-13-a and L-62.	
Hospital operating and examining rooms	
Hospital beds and cots.	
Game and gambling devices	July 15, 1942
Garage hoists, car lifts, and racks.	None
Garbage grinders, household [1]	July 15, 1942
Garden trowels	July 15, 1942
Garment hangers	July 15, 1942
Gas toasters, household	July 15, 1942
Gates for fences	Nov. 5, 1942
Gates, railroad crossing, except mechanism.	Nov. 5, 1942
Glassware holders and trim—except on cooking utensils.	July 15, 1942
Golf bag supports	None
Grass shears	None
Grass whips	July 15, 1942
Grave markers	Nov 5, 1942
Grilles	None
Ornamental.	
Sewers—except on AA-5 or higher and reinforcing for concrete sewers.	
Grills, outdoor	July 15, 1942
Guards for guy wires	Nov. 5, 1942
Gutters, spouting, conductor pipe, and fittings for single family dwellings.[1]	None
Gutters, spouting, conductor pipe and fittings for dwellings two stories or less in height (2 family or more).[1]	Nov. 5, 1942
H-Bar units	Nov. 5, 1942
Hair combs, except curry combs	July 15, 1942
Hair dryers	None
Hand seals for documents	July 15, 1942
Hand weeders	July 15, 1942
Handles, broom and mop	July 15, 1942
Hangers and track for garage doors for private use.	None
Hanger rings on brushes, brooms, etc.	None
Harness and saddlery fittings [1]—except for draft, work and ranch animals.	July 15, 1942
Hat frames	None
Hat-making machinery [1]	None
Heat resisting pads for household use.	Nov. 5, 1942
Hedge shears	None
Helmets—except on AA-5 or higher.	None
Highway railroad flasher lights [1]—except lamp bulbs.	July 15, 1942
Highway guard rail, wire, strip and posts.[1]	July 15, 1942
Highway guard rail reflectors [1]	July 15, 1942
Hitching posts	July 15, 1942
Holders, wire, all types	Nov. 5, 1942
Hoops, galvanized wire, for flower garden trim.	July 15, 1942
Hose reels—except:	None
Fire fighting equipment.	
Industrial uses in direct fire hazard areas.	
Hospital, medical, dental and related equipment.[1]	July 15, 1942
Anesthesia tables—except for use in operating rooms.	
Arm immersion stands.	
Back rests.	
Bassinets—except for frame and basket and isolation cabinet type.	
Bath cabinets—except hospital use.	
Bed feeding and reading trays.	
Bed trays.	
Bedside panel screens.	
Blanket warming cabinets.	
Book trucks—except wheel tires.	
Bowl stands—except for use in operating rooms.	
Cabinets for diathermy, sinusoidal and galvanic apparatus	
Chairs, other than examining or specialist chairs or dental chairs.	
Chart holders—except necessary hardware.	
Chiropractic adjustment tables.	
Clothes hampers.	
Commodes—except receptacle.	
Couch tables.	
Dental cabinets.	
Dish trucks—except wheel tires.	
Dressing stands.	
Dressing carriages—except frame and necessary hardware.	
Examining tables, non-adjustable	
Ice trucks—except wheel tires.	
Instrument cabinets—except for use in operating rooms.	
Instrument tables—except for use in operating rooms.	

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[1] Maintenance and repair excepted.

Item	*Governing date*
Hospital, medical, dental—Con.	July 15, 1942
Laundry trucks—except wheel tires.	
Linen hampers—except for frames.	
Linen trucks—except wheel tires.	
Needle cabinets—except for use in operating rooms.	
Nurses' work tables.	
Orthopedic and fracture carts—except wheel tires and frames.	
Overbed and swing overbed tables.	
Record and chart desks and racks.	
Shelf trucks—except wheel tires and frame (not food).	
Stands and racks for colonic irrigation apparatus.	
Sterilizer stands—except frame and top.	
Stools—except for use in operating rooms and except mechanism for adjustable stools.	
Stretchers, wheel type—except wheel tires and frames.	
Supply and treatment cabinets—except for operating rooms.	
Tables, examining, adjustable—except frame and operating mechanism.	
Thermometer baskets.	
Utensil racks.	
Vasoscillator—oscillating beds.	
Wall shelf stands—except for use in operating rooms.	
Wheel chairs—except essential hardware.	
Hospital, medical, dental and related equipment.[1]	Nov. 5, 1942
Chiropody chairs.	
Nose and throat chairs, hydraulic.	
Optical chairs, hydraulic.	
Osteopathic tables.	
House numerals	None
Houses	Nov. 5, 1942
Tool.	
Hog.	
Poultry—except wire netting.	
Humidification devices—except industrial and hospital use.	Nov. 5, 1942
Humidors	July 15, 1942
Ice box exteriors—except portable blood banks.	None
Ice cream freezers, household	None
Ice cream molds	Nov. 5, 1942
Ice cube trays	None
Incinerators—except industrial, commercial and to the extent specified in Defense Housing Critical List.	None
Ink well holders	None
Inlets, gutter, all types	Nov. 5, 1942
Inlets, sewer, all types	Nov. 5, 1942
Insulation, metal reflecting type.	None
Ironing boards and stands	July 15, 1942
Jam boxes	None
Jelly molds	None
Jewelry	None
Jewelry cases	None
Jugs, picnic, all types	Nov. 5, 1942
Kaleidoscopes	July 15, 1942
Key chains, cases and rings	July 15, 1942
Keys for opening cans	July 15, 1942
Knitting needles	None
Ladders, step	Nov. 5, 1942
Lanterns, magic	July 15, 1942
Lard or vegetable oil tubs—except 5 lbs. and over, and straps for wood containers.	None
Laundry chutes	None
Laundry trays—except reinforcing mesh.	None
Lavatories—except hangers	None
Lawn and landscaping equipment, all types.	Nov. 5, 1942
Lawn brooms	July 15, 1942
Lawn edgers	July 15, 1942
Lawn rakes	July 15, 1942
Lawn rollers [1]	July 15, 1942
Lawn tampers	July 15, 1942
Lawn seeders [1]	July 15, 1942
Lawn sprinklers	None
Letter chutes	None
Letter openers	None
Letter trays	None
Lighting poles and standards [1]	None
Lipstick holders	None
Lobster forks	None
Lobster tongs	None
Lockers—except	None
Oil refinery use.	
As permitted by Limitation Order L-13-a.	
Logs, artificial, for gas and electric fireplace.	July 15, 1942
Luggage, except locks [1]	July 15, 1942
Lunch boxes	Nov. 5, 1942
Mail boxes—except as required by U. S. postal regulations.	None
Mailing tubes or cases—except for transportation of bacteria, cultures, serums, plasma, and biological specimens.	None
Marine hardware for pleasure boats.	None
Marquees	None
Match boxes	None
Material for housing, not otherwise specified in this order—except to the extent specified in the Defense Housing Critical List.	None
Measuring pumps and dispensers [1] for gasoline station, garage and household use, including but not limited to:	None
Air pumps.	
Grease guns.	
Grease pumps.	
Gasoline dispensing pumps.	
Kerosene pumps.	
Oil pumps—except barrel pumps and lubesters.	
Meat molds	Nov. 5, 1942
Mechanical book binding	None
Memorial tablets	July 15, 1942
Menu holders	None
Metal cloths, except for industrial processing.	Nov. 5, 1942
Metal dust covers and enclosures—except industrial.	July 15, 1942
Milk bottle cases—except that a total of 4½ lbs. of iron and steel per case (including joining and essential hardware) may be used.	None
Millinery wire and gimps	None
Mirrors, hand	None
Monograms and initials	July 15, 1942
Mop wringers	None
Motion picture cameras [1]	Nov. 5, 1942
Motion picture projectors [1]	Nov. 5, 1942
Motion picture screen stands [1]	Nov. 5, 1942
Mud scrapers	Nov. 5, 1942
Music stands	None
Napkin rings	None
Necktie racks	None
Newspaper boxes or holders	None
Novelties and souvenirs of all kinds—except that the assembling of artificial leaves, fruit, flowers, and of feather ornaments shall be permitted when any iron or steel wire to be used was drawn on or before June 19, 1942 or was sold to the manufacturer of the artificial leaves, fruit, flowers or feather ornaments as scrap	None
Oil well pumping units [1]—except:	Nov. 5, 1942
Brackets.	
Cranks.	
Equalizers.	
Pitmans.	
Reduction gears and case.	
Saddle bearings.	
Steel pin connections.	
Washers.	
Ornamental hardware and moldings.	None
Outdoor fireplace parts	None
Outing spades	July 15, 1942
Packing twine holders	None
Pads, inking and stamping	July 15, 1942
Pail clasps	None
Paint spray outfits—except industrial.	None
Paper rollers, household	None
Parasols, shafts and handles	July 15, 1942
Park and recreational benches.	None
Parking meters	None
Partitions	Sept. 3, 1942
Partition studs	Nov. 5, 1942
Pegs, tent	Nov. 5, 1942
Pen holders	None
Pencil holders	Nov. 5, 1942
Pencils, mechanical or automatic.	None
Permanent wave machines	None
Pet beds	None
Pet cages	None
Pet dishes	None
Pet equipment (except license tags) including but not limited to:	July 15, 1942
Carriers.	
Chains.	
Collars.	
Feeders.	
Houses.	
Leashes.	
Muzzles.	
Phonograph motors, hand wound	None
Phonograph record blanks	None
Photographic accessories	None
Photographic equipment [1]—except microfilm.	Nov. 5, 1942
Physical reducing machines	None
Picnic and outing boxes and accessories.	July 15, 1942
Picture and mirror hardware	None
Pie plates—except commercial or institutional.	None
Pipe cases	None

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[1] Maintenance and repair excepted.

Item	*Governing date*
Pipe cleaner knives	None
Pipe posts	Nov. 5, 1942
Pitchers—except for hospital use.	July 15, 1942
Plant and flower supports	None
Plates, light switch—except for cast conduit bodies.	Nov. 5, 1942
Playground equipment	Sept. 3, 1942
Play pens, boxes and enclosures, children's.	July 15, 1942
Pleasure boats	None
Pleasure boat equipment and accessories.	Nov. 5, 1942
Plumbing and heating equipment.[1]	Nov. 5, 1942
Gas conversion burners.	
Gas fired boiler-burner units.	
Gas fired furnace-burner units.	
Oil fired boiler-burner units.	
Oil fired furnace-burner units.	
Registers, cold air.	
Registers and grilles.	
Steel heating boilers of 129 sq. ft. or less of heating surface.	
Pneumatic tube delivery systems [1]—except industrial.	None
Pocketbook ornaments	July 15, 1942
Polishing-wax applicators	None
Polishing-wax sprayers	None
Portable bath tubs	None
Poultry incubator cabinets	None
Pulp, paper, paper products and converter machinery and equipment [1]—except:	Nov. 5, 1942
Automatic paper packaging machines.	
Paper bag machinery.	
Paper corrugating machinery.	
Paper cup machinery.	
Paper cutting machinery.	
Paper parafining machinery.	
Paper pasting machinery.	
Paper slitting machinery.	
Paper tube machinery.	
Slitters and winders.	
Waxing machines.	
Push carts	None
Push plates and kick plates, door.	None
Race track apparatus and equipment,[1] including but not limited to:	July 15, 1942
Mutuel ticket machines.	
Pari-mutuel boards.	
Race finish photographic equipment.	
Starting gates.	
Racks, display	Nov. 5, 1942
Racquets	None
Radiator enclosures	None
Radio antenna poles[1]—except on ratings of AA–5 or higher.	None
Railings, barriers and fences—except for livestock and poultry enclosures and essential industrial use.	July 15, 1942
Railings, barriers, and fences for industrial use.	Nov. 5, 1942
Railroad rail joint angle bars over 24″ in length [1]—except for replacement on used rails.	July 15, 1942
Reading stands	July 15, 1942
Reels, cable and rope	Nov. 5, 1942
Reflectors, street and highway	Nov. 5, 1942
Refrigerator boxes, walk-in	Nov. 5, 1942
Refrigerator containers and trays, household.	None
Regalia	July 15, 1942
Registers, hand tally	Nov. 5, 1942
Rodeo equipment, including but not limited to:	July 15, 1942
Animal trappings.	
Fences.	
Gates [1].	
Rolling boardwalk chairs [1]	July 15, 1942
Rolling pins	July 15, 1942
Rotary door bells	None
Rug scrubbing and shampooing machines.	Nov. 5, 1942
Safety zone posts, rails, cables and platforms.	Nov. 5, 1942
Salesmen's display cases and sales kits.	None
Salt and pepper holders	None
Sample boxes	None
Sand boats	Nov. 5, 1942
Sash weights for windows	Nov. 5, 1942
Scaffolding	None
Scales, coin operated	July 15, 1942
Scenery and stage hardware equipment,[1] for dramatic theatrical and operatic use, except lamp bulbs, including but not limited to:	July 15, 1942
Battens.	
Cables.	
Lights.	
Reflectors.	
Stage drops.	
Score boards	July 15, 1942
Screen frames—except industrial processing.	None
Scrubbing boards	None
Semaphores, traffic signal—except railroad.	Nov. 5, 1942
Service food trays	None
Sewer pipe, exterior installations [1]—except for vents and within 5 feet of buildings.	None
Shades, window and roller type—except roller mechanism.	Nov. 5, 1942
Sheet iron or hoop iron packings for cookies and sweet goods.	None
Shirt and stocking dryers	None
Shoe cleaning kits	None
Shoe ornaments	July 15, 1942
Show window lighting and display equipment.	None
Shower recepters—except frames.	None
Shower stalls—except frames	None
Shutters, window,[1] except where required in industrial use by Underwriters.	July 15, 1942
Sidewalk scrapers	July 15, 1942
Sign hanger frames	None
Sign posts	None
Signets	None
Silos [1]—except strapping and reinforcing.	None
Sink aprons and legs	None
Sink drainboards, both integral and removable.	None
Siphon chargers	July 15, 1942
Sitz baths	None
Skates, roller and ice	None
Skating rink apparatus and equipment.[1]	July 15, 1942
Skewers, all types	Nov. 5, 1942
Ski racks	None
Slides, loops and slide-loops for work clothing—except:	Nov. 5, 1942
One size not exceeding 1⅞″ for men's work clothing.	
One size not exceeding 1¾″ for boys' work clothing.	
Sleds—except runners	July 15, 1942
Sleighs—except runners	July 15, 1942
Slide fasteners	None
Smokers' accessories	July 15, 1942
Snow shovels and pushers, hand	None
Sod lifters	July 15, 1942
Spading forks, children's	July 15, 1942
Special industrial machinery	Nov. 5, 1942
Cement making machinery.[1]	
Ceramic making machinery [1]—except refractory making machinery	
Collapsible tube filling machines.[1]	
Cosmetic machinery.	
Coupon inserting machines.	
Cut and monumental stone machinery.	
Fertilizer machinery.[1]	
Lamp manufacturing machinery,[1] including incandescent, fluorescent and electric discharge type.	
Milk can machinery.[1]	
Paint processing and manufacturing machinery.[1]	
Soap making machinery.[1]	
Steel drum machinery [1]—except for export purposes.	
Tobacco machinery.[1]	
Wire-bound box making machinery.	
Spittoons	None
Spools for cord, ribbon, tape	Nov. 5, 1942
Spools for wire—except traverse	Nov. 5, 1942
Sporting and athletic goods—except:	None
Fully fabricated skates, cleats, and similar items may be attached to athletic shoes without restriction.	
Fishing tackle as permitted by Limitation Order L–92.	
Spray containers, household	None
Sprinkling cans, garden	July 15, 1942
Stadiums [1]	None
Stair and threshold treads [1], household, institutional and commercial buildings—except for fire escape and essential industrial use.	July 15, 1942
Stamped bakery equipment—except pie plates for commercial or institutional use.	None
Stands, all types—except:	Nov. 5, 1942
Essential industrial use.	
Hospital use where not otherwise specifically prohibited in this order.	
Staple removers	Nov. 5, 1942
Starter shingle strips	None.
Statues	None
Steel wool for household use made from other than waste.	None
Stencils	Nov. 5, 1942
Store display equipment and show cases.	None
Stretchers, carpet	Nov. 5, 1942
Stretchers, glove, sock and sweater.	July 15, 1942
Structural steel home construction.	None
Subway turnstiles [1]	None
Sugar cube dryer trays	None
Sugar holders	None
Sun dials	July 15, 1942
Sun lamps and infra-red lamps—except:	July 15, 1942
For professional and hospital use.	
Where lamps and reflectors are used for drying and baking.	
Swimming pool equipment [1], including but not limited to:	July 15, 1942
Diving boards.	
Diving stands.	
Ladders.	
Slides.	
Swivel chairs	None
Table name-card holders	None

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[1] Maintenance and repair excepted.

Item	*Governing date*
Table tops for household use	None
Tablets	None
Tags, key; name; price; identification—except:	None
Personnel identification tags or badges where metal tags or badges are required for protection of government agencies.	
Personnel identification tags or badges containing not more than ¾ ounce of iron and steel where metal tags or badges are required for protection of industrial plants.	
Metal tags required for identification of livestock and poultry and products made therefrom.	
Pin attached or wire attached tickets for price marking soft goods.	
Metal tags for marking and identification of metal in its production and export shipment.	
Tanks (strapping excluded)	None
Dipping—for animals.	
Watering—for animals.	
Feeding—for animals.	
Storage, beer.	
Storage, water [1]—except:	
In tropical climates.	
Heights in excess of 100 feet	
Range boilers and hot water storage.	
Pneumatic pressure tanks 82 gallon size and 31 gallon or smaller size.	
Tank towers under 50 feet in height.	Nov. 5, 1942
Teapots	None
Telephone bell boxes—except bases and where required for safety.	None
Telephone booths	None
Telescopes—except U. S. Government Agencies.	None
Tent frames and supports	Nov. 5, 1942
Termite shields	Nov. 5, 1942
Terrazzo spacers and decorative strips—except hospital operating rooms.	None
Textile machinery [1]	Nov. 5, 1942
Bobbinet machines.	
Crocheting machines including scalloping machines and shell-stitching machines.	
Embroidery machines.	
Hosiery clocking machines.	
Lace machines.	
Looms:	
Axminster.	
Box	
Dobby	
Hooked.	
Jacquard.	
Wilton.	
All other machines for the manufacture of drapery and upholstery fabrics whether flat or pile weave.	
Linoleum or felt-base wall or floor covering machines.	
Thermometer bases, household	None
Thermometer cases and mountings, except industrial.	Nov. 5, 1942
Thermos jugs and bottles over 1 qt.	None
Thimbles, sewing	Nov. 5, 1942
Tickers, stock	July 15, 1942
Ticket vending machines—except for public transportation.	July 15, 1942
Tile, steel-back	None
Tongs, food handling and household use.	None
Tool boxes—except industrial	None
Tool cases—except industrial	None
Tool handles—except power driven.	None
Traffic lane markers	Nov. 5, 1942
Trailer bodies [1]—except:	July 15, 1942
Tank and dump bodies.	
Essential hardware, structural and bracing members for bodies, essentially of wood construction.	
Transplanting trowels	July 15, 1942
Trophies	July 15, 1942
Truck bodies [1]—except:	July 15, 1942
Tank and dump bodies.	
Essential hardware, structural and bracing members for bodies, essentially of wood construction.	
Trunks [1]—except locks	July 15, 1942
Turf edgers	July 15, 1942
Typewriter mechanism for pedestal and drop-head desks.	Nov. 5, 1942
Umbrellas, garden	July 15, 1942
Umbrella shafts and handles	July 15, 1942
Urinals	None
Vanity cases	July 15, 1942
Vending machines for sanitary napkins	Nov. 5, 1942
Ventilators, shutter type	Nov. 5, 1942
Vibrators, electric	Nov. 5, 1942
Voting machines	None
Wagon bodies and frames [1]—except for construction.	None
Wardrobe trunks	None
Waste paper receptacles	July 15, 1942
Watch straps	July 15, 1942
Water color paint boxes	None
Water softeners, household	Nov. 5, 1942
Water stills, household	Nov. 5, 1942
Water troughs [1]	July 15, 1942
Weather stripping	None
Weather vanes	July 15, 1942
Weed cutters and pullers, including dandelion, thistle and dock.	July 15, 1942
Wheelbarrows—except wheels, and except for use in foundries, smelters, and coke-producing plants to handle hot materials.	None
Whiskey service sets	None
Window display advertising	None
Window shade rollers—except roller mechanism.	Nov. 5, 1942
Window stools	None
Window ventilators—except industrial and hospitals.	None
Wine coolers	None
Wine service sets	None
Wire parcel handles and holders.	None
Wire racks and baskets—except:	None
Animal cages for biological work.	
Industrial.	
Scientific laboratory equipment.	
Work benches—except:	None
Shipboard.	
Industrial, where required for safety.	

LIST S—STAINLESS STEEL

Aircraft fire walls	Nov. 5, 1942
Aircraft seats	Nov. 5, 1942
Aircraft toilets	Nov. 5, 1942

Item	*Governing date*
Ammunition boxes and chutes	Nov. 5, 1942
Badges	Nov. 5, 1942
Barrel hoops and fittings	Nov. 5, 1942
Baskets, except for heat-treating, pickling and plating.	Nov. 5, 1942
Bed pans	Nov. 5, 1942
Bins, screens and strainers	Nov. 5, 1942
Blueprint machines	Nov. 5, 1942
Bobbin heads	Nov. 5, 1942
Boiler casings	Nov. 5, 1942
Bottle coolers	Nov. 5, 1942
Branding, marking and labeling devices	Nov. 5, 1942
Brewing, distilling and processing equipment for alcoholic and non-alcoholic beverages including bottling equipment.	Nov. 5, 1942
Buckets and pails	Nov. 5, 1942
Builders' supplies and hardware.	Nov. 5, 1942
Cable terminals, fittings, and turnbuckles.	Nov. 5, 1942
Cafeteria and restaurant equipment.[1]	July 15, 1942
Chains and cables—except for heat-treating, pickling and plating.	Nov. 5, 1942
Cheese vats	Nov. 5, 1942
Clocks, clock-dials and cases	Nov. 5, 1942
Coffee pots	Nov. 5, 1942
Control levers	Nov. 5, 1942
Convectors, local and unit heaters—except heat controls.	Nov. 5, 1942
Conveyors and conveyor chutes—except where subject to high temperature and corrosive action.	Nov. 5, 1942
Cups of all kinds—except industrial.	Nov. 5, 1942
Cutlery	Nov. 5, 1942
Dishes, saucers and plates	Nov. 5, 1942
Dyeing equipment [1]	Nov. 5, 1942
Elevators, including doors and trim.	Nov. 5, 1942
Fans—except industrial	Nov. 5, 1942
Farm machinery and replacement parts	Nov. 5, 1942
Fire-fighting apparatus—except pump shafts and where working parts are in contact with corrosive chemicals.	Nov. 5, 1942
Fishing tackle and equipment	Nov. 5, 1942
Floor plates and floor coverings	Nov. 5, 1942
Fountains	Nov. 5, 1942
Furniture hardware	Nov. 5, 1942
Galley and mess equipment [1]	July 15, 1942
Galley, kitchen, cafeteria and restaurant panelling.	Nov. 5, 1942
Hangers, all types	Nov. 5, 1942
Hose clamps	Nov. 5, 1942
Hot water heaters, tanks and coils.	Nov. 5, 1942
Hydrants	Nov. 5, 1942
Ice boxes	Nov. 5, 1942
Ice cream cabinets	July 15, 1942
Identification tags and badges	Nov. 5, 1942
Instrument dials and cases	Nov. 5, 1942
Kitchenware	July 15, 1942
Ladders and hoists, including fittings.	Nov. 5, 1942
Lanterns and lamps—except valves, controls and mantle-holders.	Nov. 5, 1942
Lavatory equipment	Nov. 5, 1942
Light fixtures	Nov. 5, 1942
Livestock and poultry equipment.	Nov. 5, 1942
Locks	Nov. 5, 1942
Match and pattern plates, Matrices and flasks.	Nov. 5, 1942
Meat cutters	Nov. 5, 1942
Mechanical drawing and drafting equipment.	Nov. 5, 1942

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[1] Maintenance and repair excepted.

Item	*Governing date*
Milk storage tanks, milk receiving tanks and milk weigh tanks — except that where permitted materials cannot be secured, the provisions of paragraph (d) (4) shall be deemed to apply.	Nov. 5, 1942
Mortician's supplies and equipment.	Nov. 5, 1942
Name plates	Nov. 5, 1942
Oil burners—except functional parts.	Nov. 5, 1942
Oil space heaters	Nov. 5, 1942
Pipe tube, tubing and fittings—except industrial.	Nov. 5, 1942
Pole-line hardware	Nov. 5, 1942
Powder boxes	Nov. 5, 1942
Pumps, fresh water—except industrial.	Nov. 5, 1942
Radio antenna	Nov. 5, 1942
Refrigerators and Refrigeration equipment—except essential machinery parts.	July 15, 1942
Rubber moulds	Nov. 5, 1942
Shelves	Nov. 5, 1942
Staples	Nov. 5, 1942
Stokers — except functional parts.	Nov. 5, 1942
Storage racks, cabinets or lockers.	Nov. 5, 1942
Stoves and ranges, disc stoves and hot plates—except electrical controls and units.	Nov. 5, 1942
Toilet floats, cistern and low water-floats.	Nov. 5, 1942
Tubs, washing	Nov. 5, 1942
Valve handles	Nov. 5, 1942
Ventilators	Nov. 5, 1942
Window screens and frames	Nov. 5, 1942

LIST C

Access panels—for use on board ship, on military vehicles and where climatic or safety conditions make necessary.
Accessories—soda fountain—for use on board ship.
Acoustical ceilings—for use on board ship.
Air conditioning systems—for hospital operating rooms and industrial plants (excluding offices), for use on board ship, for use outside continental limits of the U. S., for use in fortifications, for handling and storage of explosives, for storage and handling of instruments critical to temperature or humidity, for use in gas proofing installations, and for use in mobile surgical vehicles and laboratory vehicles.
Attic fans—where climatic conditions make necessary.
Automobile accessories.
Automobile heaters—where specified for military vehicles.
Awning frames and supports—for use on board ship, military repair units, hospital installations, and military construction units.
Barber shop supplies.
Baskets—for cooking and manufacturing uses and for ordnance operations.
Bath tubs—for use on board ship and in hospitals.
B-B shot—for training and shot blast cleaning purposes.
Beds—for use on board ship; beds containing not more than 5 pounds of iron or steel, excluding springs.
Bed spring frames—for use on board ship and for maintenance and repair.
Bench legs.
Binoculars.
Bird cages—for carrier pigeons.
Bird feeders—for carrier pigeons.
Biscuit boxes—for use on board ship or where climatic conditions make necessary.
Bleachers and grandstands—but only straps and necessary fasteners for demountable wooden bleachers and grandstands.
Bottle holders—for use on board ship and in hospitals.
Brushes, wire bristles only.
Buttons.
Cabinets—for mobile units such as maintenance company equipment (truck mounted), spare parts trucks and mobile reproduction units, and for electrical installations, hospital operating and examining rooms, and as permitted by L-13-a and L-62.
Canopies, hoods and supports—for use on board ship, military repair units, hospital installations, and military construction units.
Cans or containers for anti-freeze, candy, coffee, nuts—where climatic conditions make necessary.
Cash boxes.
Casket handles.
Ceilings—for use on board ship, but only where necessary.
Cigarette lighters—for use outside continental limits of U. S., for sale by Post Exchanges at ports of embarkation, and for sale by ships Service Stores on board ship.
Clock cases.
Clothing trim.
Cooking stoves—commercial electric.
Counter tops and edgings—for use on board ship.
Culverts—for airports, for use outside continental limits of the U. S., and where certified to the manufacturer or supplier as necessary by the Army or Navy Engineer in charge.
Cups of all kinds, drinking.
Dishwashing machines.
Door closers—for fire prevention, for use on board ship, and where climatic or safety conditions make necessary.
Door handles—for fire prevention, for use on board ship, for military vehicles, and where climatic or safety conditions make necessary.
Dust collecting systems and equipment.
Dust covers and enclosures—when specified for military vehicles.
Electric drinking water coolers—for use on board ship, in hospitals and in tropical climates.
Erasing knives.
Fences, chain link, weighing not more than 2 pounds per lineal foot and not more than .33 pounds per square foot.
Flag staffs and flag masts—for use on board ship, and on military vehicles.
Flashlight tubes.
Floor and ceiling plates for piping, for use on board ship, for military vehicles, and where climatic or safety conditions make necessary
Floor polishing machines—maintenance and repair only.
Furniture—for use on board ship.
Galley and mess equipment of stainless steel, but only—
  Clad stainless steel for steam tables and warming pans.
  Single clad stainless steel on inside of steam jacketed kettles.
  Clad stainless steel bottoms and solid stainless steel sides for pressure cookers.
  Non-nickel bearing stainless steel clad doors and other parts coming in direct contact with food in cold storage spaces on board ship.
  Non-nickel bearing stainless steel for coffee urns.
  Stainless steel single clad sinks and dresser tops for use on board ship.
  Non-nickel bearing stainless steel liners for portable water coolers.
Galley and mess equipment of stainless steel, but only—Continued.
  Non-nickel bearing stainless steel for tanks and hoods of dishwashing machines.
  Metal sponges from non-nickel bearing stainless steel wire.
  Compartment mess trays, but only from existing finished stocks of stainless steel, or new stainless steel only if the processing is past the melting stage on September 3, 1942.
Games.
Garage hoists and car lifts.
Grilles—sewer.
Hand seals for documents.
Harness and saddlery fittings.
Hat frames, wire and gimps.
Hat-making machinery, but only—
  Blocking machines with complete sets of blocks.
  Sets or dies for cutting parts.
Helmets.
Hose reels.
Hospital equipment—
  Arm immersion stands.
  Bed trays.
  Bedside panel screen frames—for use in operating rooms, and outside continental limits of U. S.
  Bowl stands—for use in operating rooms and on board ship.
  Cabinets—X-ray film filing.
  Cabinets for diathermy, sinusoidal and galvanic apparatus
  Chart holders.
  Commodes—for hospital use outside continental limits of U. S.
  Dish trucks—frames and wheel tires only.
  Dressing stand frames.
  Examining tables, non-adjustable—for use on board ship and in Field Hospitals.
  Instrument cabinets.
  Instrument tables.
  Nurses' work tables.
  Overbed and swing overbed tables—functional parts only.
  Stands and racks for colonic irrigation apparatus.
  Sterilizer stands.
  Supply and treatment cabinets.
  Utensil racks.
Ice box exteriors—for use on board ship, mobile type refrigerators, and for use where climatic conditions make necessary.
Ice cube trays.
Incinerators.
Keys for opening cans.
Laundry trays—for use on board ship.
Lavatories—for use on board ship and outside continental limits of U. S.
Lockers—for office equipment as limited by Limitation Order L-13-a, for use on board ship, military vehicles, outside continental limits of U. S. and in ordnance plants.
Mail boxes—for use on board ship.
Measuring pumps and dispensers for gasoline stations and garages, including but not limited to—
  Gasoline dispensing pumps.
  Grease guns.
  Grease pumps.
  Oil pumps.
  Kerosene pumps.
  Air pumps.
Mirrors, hand—for signal use.
Pads, inking and stamping.
Paint spray outfits.
Partitions—for use in hospitals and on board ship.
Pencils, mechanical or automatic, functional parts only—except for resale.
Phonograph motors, hand wound.
Phonograph record blanks.
Photographic accessories.
Pie plates.
Pitchers.
Pneumatic tube delivery systems.

Portable bathtubs.
Push carts—for ordnance and combat organizations.
Radio antennae poles.
Railings—for use on board ship.
Scaffolding—for use in shipyards, airfields and other places where use of wood scaffolding is impracticable.
Screen frames.
Sewer pipe, exterior installations—for pressure lines only.
Shirt and stocking dryers of cast iron only.
Shower receptors—for use on board ship.
Shower stalls—for use on board ship.
Sink aprons and legs—for use on board ship.
Sink drainboards, both integral and removable—for use on board ship and where required for sterilization.
Siphon chargers for life jacket inflation.
Slide fasteners.
Snow shovels and pushers, hand.
Sporting and athletic goods.
Stamped bakery equipment.
Swivel chairs—for use on board ship.
Tags—
  For marking ammunition.
  Identification (name).
Tanks, storage, water, but only for use on board ship, mobile units, range boilers and hot water storage, use outside continental limits of U. S., heights in excess of 100 feet, pneumatic pressure tanks.
Telephone bell boxes—for use on board ship or where climatic or safety conditions make necessary.
Telescopes.
Thermos jugs and bottles.
Tile, steel back—for ladder treads, step plates and use on board ship.
Tool boxes.
Tool cases—for mobile equipment.
Tool handles, where specified.
Truck and trailer units and bodies, where specifically designed for military purposes.
Urinals—for use on board ship, and outside continental limits of U. S.
Waste paper receptacles—for hospital use only.
Water troughs, frame and support only.
Wheelbarrows.
Wire racks and baskets.
Work benches where wooden benches will not stand up under ordinary use.

LIST D—OTHER SCARCE MATERIALS

Metals—all, except lead.
Rubber.

[F. R. Doc. 42-12254; Filed, November 21, 1942; 12:23 p. m.]

PART 1288—POWER, STEAM AND WATER AUXILIARY EQUIPMENT

[Schedule III to Limitation Order L-154]

FEED WATER HEATERS

§ 1288.4 *Schedule III to Limitation Order L-154*—(a) *Definitions.* For the purposes of this schedule:

(1) "Producer" means any person who produces, manufactures, processes fabricates or assembles feed water heaters.

(2) "Feed water heater" means any tubular heater or heat exchanger, used in land installations to raise the temperature of boiler feed water.

(3) "Copper base alloy" means any alloy which contains 40 per cent or more copper by weight.

(b) *Restrictions on materials.* (1) No producer shall install or incorporate tubing or tube sheets of any type or class in any feed water heater if such tubing or tube sheets contain copper, copper base alloys, or alloys containing nickel, chrome, or tin, unless such installation or incorporation is for the repair of an actual breakdown which involves the replacement of not more than 25 per cent of the tubing in a feed water heater equipped with copper base alloy tubes. No repair shall be subdivided into parts to come within these limits.

(2) No producer shall install or incorporate seamless steel tubing in any feed water heater.

(c) *Required specifications.* No producer shall deliver and no purchaser shall accept delivery of any feed water heater, manufactured in accordance with the restrictions of paragraph (b) of this schedule, which contains, or which is designed to contain, a larger heat transfer surface area than would be necessary in normal operation, under actual conditions at its proposed installation, if copper base alloy tubing were used.

(d) Nothing herein contained shall prevent the delivery or use of tubing or tube sheets which were in process or fully fabricated five days after the issuance of this schedule.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12251; Filed, November 21, 1942; 12:21 p. m.]

PART 3029—PORTABLE ELECTRIC FANS

[Interpretation 1 to General Limitation Order L-176]

The following interpretation is hereby issued by the Director General for Operations with respect to § 3029.1, General Limitation Order L-176, issued September 5, 1942:

General Limitation Order L-176 prohibits the transfer by a manufacturer of all portable electric fans except pursuant to specific authorization of the Director General for Operations. A manufacturer is defined as "any person who manufactures or assembles any portable fan." A person who makes a business of bringing all the parts of a fan together in one place in such form that it is a simple or minor operation to assemble such parts into a fan is to be considered a manufacturer even though he does not personally fasten all of the parts together. Consequently any such person who sells or delivers substantially all the parts of a portable fan as a kit or in other knock-down form, with the expectation or knowledge that the transferee or some other person will put the parts together and produce a completed fan, violates the provisions of Order L-176 unless he obtains specific authorization from the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12269; Filed, November 21, 1942; 12:44 p. m.]

PART 3032—FILM

[Limitation Order L-178 as Amended Nov. 21, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of film for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3032.1 *General Limitation Order L-178*—(a) *Definitions.* For the purposes of this order:

(1) "35 mm. film" means unexposed film 35 mm. wide with a nitrate or safety base, whether negative or positive, other than film packaged for use in 35 mm. still cameras.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons whether incorporated or not.

(3) "Transfer" means to sell, lease, trade, lend, deliver, ship or transfer 35 mm. film from one person to any other person. For the purposes of this order, the following shall not be regarded as transfers:

(i) To sell, lease, trade, lend, deliver, ship or transfer 35 mm. film from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control;

(ii) A transfer of title merely for security purposes to a person financing a conditional sale or a similar transaction made simultaneously with the transfer of 35 mm. film.

(b) *Restrictions on transfers of film on and after 11:59 P. M., Eastern War Time, August 20, 1942.* On and after 11:59 P. M., Eastern War Time, August 20, 1942, until 11:59 P. M., Eastern War Time, December 18, 1942, no person shall transfer any 35 mm. film, except:

(1) Any 35 mm. film actually in transit at the time this order takes effect may be delivered to its immediate destination, or

(2) Pursuant to specific authorization of the Director General for Operations,

(c) *Records and reports.* (1) Every person, other than the Army or Navy of the United States, who has any 35 mm. film on August 20, 1942, shall keep and preserve, for not less than two years, accurate and complete records of all such 35 mm. film and of all sales and shipments made by him pursuant to this order. Such records shall be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(2) On or before the 15th day following August 20, 1942, every person, other than the Army or Navy of the United States, who has any 35 mm. film on August 20, 1942 shall file with the War Production Board a statement of the amount in linear feet and type of 35 mm. film in stock on August 20, 1942.

(d) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(e) *Applications for specific authorization by the Director General for Operations.* Any person desiring film may apply in writing to the Director General for Operations, War Production Board, Washington, D. C., Ref.: L-178, fully setting forth the amount in linear feet by types of 35 mm. film desired, the reasons why such person deems it appropriate that he obtain such film and the use to which such film is to be put. The Director General for Operations may thereupon take such action as he deems appropriate.

(f) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall be addressed to the War Production Board, Washington, D. C., Ref.: L-178.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued November 21, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12252; Filed, November 21, 1942; 12:21 p. m.]

PART 3045—COTTON TEXTILES FOR WORK APPAREL

[Schedule III to General Preference Order M-207]

HOSPITAL CLOTHING

§ 3045.4 *Schedule III to General Preference Order M-207*—(a) *Definitions.* For the purposes of this schedule

(1) "Hospital clothing" shall mean any patients' gown, or uniforms for nurses or hospital personnel, of the type customarily sold as such, but shall not include any "male work clothing" as defined in Schedule I to General Preference Order M-207.

(2) "Hospital clothing textiles" shall mean

(i) Cotton sewing thread and the following fabrics made wholly of cotton either in the gray, original mill or regular finish, or converted state, including seconds but excluding all cuts of less than 20 yards as produced in the ordinary course of fabric manufacture.

Carded sheetings:
  36″ 48/48, 2.85 yards.
  37″ 48/48, 4.00 yards.
  40″ 48/44, 3.75 yards.
  40″ 48/44, 3.25 yards.
  40″ 48/48, 2.85 yards.
  40″ 56/60, 3.60 yards.
  40″ 64/68, 3.15 yards.
Carded print cloth:
  39″ 64/60, 4.25 yards.
  39″ 68/72, 4.75 yards.
  39″ 80/80, 4.00 yards.
  40″ 80/92, 3.50 yards.
Carded drills:
  30″ 72/48, 2.85 yards.
Carded jeans:
  38″ to 39″, 96/64, 2.85 yards.
Carded or combed poplins:
  37″ to 38″, 2.50 to 4.00 yards.
Carded or combed broadcloths:
  37″ to 38″, 3.25 to 4.20 yards.
Carded colored chambrays—plains and fancies:
  35″ to 37″, 80 to 84 Sley, 60 to 64 Pick, 3.50 to 3.80 yards.
Seersuckers (carded):
  36″ to 40″, 2.90 to 4.50 yards.
Frock cloth (carded):
  36″ to 39″, 2.00 to 2.35 yards.

(ii) Pro rata widths of like count and weight to the above constructions.

(3) "Hospital clothing processor" shall mean:

(i) A person who purchases hospital clothing textiles for manufacturing, or for the purpose of being manufactured for his account, into hospital clothing for sale.

(ii) The converter or finisher of hospital clothing textiles who purchases gray goods for bleaching or finishing for sale to a manufacturer of hospital clothing.

(4) "Inventory" shall mean the total quantity of hospital clothing textiles or of hospital clothing textiles in process of manufacture into hospital clothing or of hospital clothing owned by any hospital clothing processor and held by him in any mill, warehouse, place of storage or manufacturing plant.

(b) *Assignment of preference rating.* Purchase or manufacturing orders for hospital clothing textiles placed by hospital clothing processors are hereby assigned a preference rating of A-2.

(c) *Application of preference rating.* Any hospital clothing processor, in order to apply the preference rating assigned by paragraph (b) to deliveries of material to him, must endorse on or attach to each purchase or manufacturing order placed by him to which the rating is applied, a certificate in the following form, signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purpose:

CERTIFICATE

The undersigned purchaser hereby certifies to the seller and the War Production Board that he is entitled to apply the preference rating indicated opposite the items shown on the attached purchase order and that such application is in accordance with Priorities Regulation No. 3 as amended, with the terms of which the undersigned is familiar. Furthermore, the undersigned certifies that the fabrics hereby ordered will be used in the manufacture of hospital clothing or otherwise disposed of only as permitted in General Preference Order No. M-207 and/or Schedule III thereto

-------------------------------- ---------
(Name of hospital clothing processor) (Address)

By -------------------------------- ---------
(Signature and title of authorized officer) (Date)

Such endorsement shall constitute a representation to the War Production Board and the supplier with whom the contract or purchase order is placed that such contract or purchase order is duly rated in accordance herewith.

Such person applying ratings must maintain at his regular place of business all documents, including purchase or manufacturing orders, preference rating orders and certificates upon which he relies as entitling him to apply or extend such ratings, segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection.

(d) *Restrictions on inventory.* In addition to the restrictions on inventory contained in Priorities Regulation No. 1 (§ 944.14):

(1) No manufacturer of hospital clothing shall after November 21, 1942, hold in his inventory a total quantity of hospital clothing textiles for such garments, such textiles in process of manufacture into such garments, and such completed garments in excess of such a total quantity as will be delivered out of his inventory within ninety days.

(2) No converter or finisher of hospital clothing textiles who purchases gray goods for bleaching, finishing, or processing into hospital clothing textiles for sale to a hospital clothing manufacturer shall after November 21, 1942, hold in his inventory any hospital clothing textiles in excess of the total quantity of such textiles, including such textiles in process, which will be delivered out of his inventory within ninety (90) days.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12256; Filed, November 21, 1942; 12:22 p. m.]

PART 3045—COTTON TEXTILES FOR WORK APPAREL

[Schedule IV to General Preference Order M-207]

WOMEN'S WORK CLOTHING

§ 3045.5. *Schedule IV to General Preference Order M-207.* (a) *Definitions.* For the purposes of this schedule

(1) "Women's work clothing" shall mean any garments designed for and to be sold as female workers' wear while engaged in industrial or agricultural occupations and of the following types:

Overalls.
Coveralls.
Work slacks.
Work shirts or blouses.
Work jackets.
Work dresses.
Work aprons.

(2) "Women's work clothing textiles" shall mean:

(i) Cotton sewing thread, and the following fabrics made wholly of carded cotton, except when otherwise expressly provided, either in the gray, original mill, regular finish, or converted state, including seconds but excluding cuts of less than 20 yards as produced in the ordinary course of fabric manufacture:

Denims:
  White back, 28″ to 29″ width basis.

Regular finish weight basis:	*Shrunk weight basis*
2.00 yard	9 ounce.
2.20 yard	8 ounce.
2.45 yard	2.20 yard.
3.00 yard	2.70 yard.

  Stripes, 28″ to 29″ width basis.
    Regular finish weight basis:
      2.20 yard ---------------- 8 ounce.
Denims:
  Light weight, 35″ to 36″, 2.50 to 3.00 yards.
Coverts:
  35″ to 36″, 2.70 to 3.90 yards.
Pinchecks:
  38″ to 40″, 2.40 to 2.90 yards.
Frock cloth:
  36″ to 39″, 2.00 to 2.35 yards.
Seersuckers:
  36″ to 40″, 2.90 to 4.20 yards.
Corduroy:
  36″ pin wale, 7 to 8½ ounces finished weight, 13 to 16 ribs to inch, 36″ thickset, 10½ to 11½ ounces finished weight, 10 to 12 ribs to inch.
Suitings:
  All cotton, or cotton and rayon, 35″ to 36″, 2.00 to 3.40 yards.
Sheetings:
  36″ 48 x 48, 2.85 yards.
  37″ 48 x 48, 4.00 yards.
  40″ 48 x 48, 2.85 yards.
  40″ 48 x 44, 3.25 yards.
  40″ 48 x 44, 3.75 yards.
Print cloth:
  39″ 80/80, 4.00 yards.
  39″ 64/60, 4.25 yards.
  39″ 68/72, 4.75 yards.
  38½″ 64/60, 5.35 yards.
Broadcloth:
  36″ to 37″, 3.60 to 4.20 yards.
Poplins:
  37″ to 39″, 2.50 to 3.90 yards.
Jeans:
  38″ 96 x 64, 2.85 yards.
Twills:
  37″ to 42″, 1.75 to 3.35 yards.

(ii) Any fabric made entirely of rayon and containing not less than 50% of spun viscose or acetate fiber, in weights of 25 to 50 lbs. per one hundred yards, in standard 40″ widths.

(iii) Pro rata widths of same count and weight to above constructions.

(3) "Women's work clothing processor" shall mean:

(i) A person who purchases women's work clothing textiles for manufacturing, or for the purpose of having manufactured for his account, into women's work clothing for industrial and agricultural purposes for sale.

(ii) The converter or processor of women's work clothing textiles who purchases gray goods for bleaching, finishing or processing into women's work clothing textiles for sale to a manufacturer of women's work clothing.

(4) "Inventory" shall mean the total quantity of women's work clothing textiles or of women's work clothing textiles in process of manufacture into women's work clothing or of women's work clothing owned by any women's work clothing processor and held by him in any mill, warehouse, place of storage, or manufacturing plant.

(b) *Assignment of preference rating.* Purchase or manufacturing orders for women's work clothing textiles placed by women's work clothing processors are hereby assigned a preference rating of A-2.

(c) *Restrictions on the use of women's work clothing textiles.* Notwithstanding the provisions of paragraph (c) (1) of General Preference Order M-207, no women's work clothing processor shall use any women's work clothing textiles secured by him pursuant to the application of the rating assigned by paragraph (b).

(1) In the manufacture of any women's work clothing which is not visibly designated as such by label or other marking thereon, or

(2) In the manufacture of any work dress, any model other than those generally known as wrap-around or coat styles, or

(3) In the manufacture in the twelve calendar months period beginning December 1, 1942, of more than four models of each of the types of such women's work clothing set out in paragraph (a) (1), or in the manufacture at any one time of more than two models of each such type, unless such other model is made and sold to conform with state, county, or municipal safety laws or plant safety regulations.

(d) *Application of preference rating.* Any women's work clothing processor in order to apply the preference rating assigned by paragraph (b) to deliveries of material to him, must endorse on or attach to each purchase order placed by him to which the rating is applied, a certificate in the following form, signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an officer duly authorized for such purpose:

CERTIFICATION

The undersigned purchaser hereby certifies to the seller and the War Production Board that he is entitled to apply the preference rating indicated opposite the items shown on the attached purchase order and that such application is in accordance with Priorities Regulation No. 3, as amended, with the terms of which the undersigned is familiar. Furthermore, the undersigned certifies that the fabrics hereby ordered will be used in the manufacture of women's work clothing or otherwise disposed of only as permitted in General Preference Order M-207 and/or Schedule IV thereto.

(Name of purchaser)

By--------------------------------------
(Signature and title of officer)

(Address)

(Date)

(e) *Restrictions on inventory.* (1) No manufacturer of women's work clothing shall after November 21, 1942, hold in his inventory a total quantity of women's work clothing textiles, such textiles in process of manufacture into women's work clothing and women's work clothing in excess of such a total quantity as will be delivered out of his inventory within 90 days.

(2) No converter or finisher of women's work clothing textiles shall after November 21, 1942, hold in his inventory any women's work clothing textiles in excess of the total quantity of such textiles, including such textiles in process, which will be delivered out of his inventory within 90 days.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12257; Filed, November 21, 1942; 12:22 p. m.]

PART 3056—PETROLEUM COKE

[Conservation Order M-212, as Amended Nov. 21, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of petroleum coke for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3056.1 *Conservation Order M-212*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Petroleum" means petroleum, petroleum products and associated hydrocarbons, including but not limited to natural gas.

(3) "Raw petroleum coke" means any solid, infusible, carbonaceous residue produced by the destructive distillation of petroleum, when the residue equals or exceeds 5 pounds for every barrel (of 42 gallons) of petroleum processed by destructive distillation.

(4) "Calcined petroleum coke" means raw petroleum coke after being calcined or graphitized.

(5) "Petroleum coke" means raw petroleum coke or calcined petroleum coke.

(c) *Limitations on delivery and use of petroleum coke within the United States.* Subject to the exceptions in paragraph (d) of this order, no person shall deliver within the United States, and no person shall accept delivery of or use within the United States, petroleum coke except where (1) it is to be incorporated within the United States into the following materials and articles:

Anodes
Arc carbons
Bearings
Blocks (for other than fuel purposes)
Bricks (for other than fuel purposes)
Bushings
Cathodes
Diffusers
Dry battery electrodes
Dry battery mixes
Electrical contacts
Electrodes
Extruded specialties
Filters
Fittings
Generator brushes
Joint compounds
Machined specialties
Motor brushes
Moulded specialties
Packing rings
Pipes
Powder
Raschig rings
Resistance and resistor elements[1]
Structural material
Telephone specialties
Tower sections
Tubes
Welding plates
Welding rods, or

(2) It is to be incorporated within the United States into silicon carbide abrasives, or

(3) It is to be used (otherwise than as fuel) within the United States in the treating of metals or ores after receipt of the written authorization of the Director General for Operations authorizing the specific use. Applications for such authorization should be made by the prospective user by letter filed in quadruplicate addressed to the War Production Board, Aluminum and Magnesium Branch, Washington, D. C., Ref.: M-212, which letter should state:

(i) His name and address,

(ii) The quantity and specifications of petroleum coke he proposes to use in the ensuing three months,

(iii) Why he believes no other material may be used instead of petroleum coke,

(iv) The quantity of petroleum coke in his inventory on the date of the letter,

(v) The quantity, if any, of petroleum coke he desires permission to acquire, and

(vi) The name and address of the supplier, if any, from whom he wishes to acquire the petroleum coke.

(4) It is to be used in packing electrodes for gas baking and graphitizing purposes during manufacture.

(d) *Exceptions.* (1) Any person who had in his possession or under his control not in excess of 100 short tons of petroleum coke (exclusive of briquets) on October 10, 1942, may deliver or use within the United States, free from the restrictions of paragraph (c) hereof, any petroleum coke from such stocks; and any person may accept delivery of any petroleum coke from such stocks and thereafter such petroleum coke shall be free from the restrictions of paragraph (c) hereof if used within the United States.

(2) Any person may deliver or use within the United States free from the restrictions of paragraph (c) hereof and any person may accept delivery of or use within the United States free from the restrictions of paragraph (c) hereof, petroleum coke already manufactured into briquets for fuel purposes on October 10, 1942.

(e) *Limitations on delivery of petroleum coke for export.* No person shall deliver petroleum coke for export outside of the United States unless and until he has received the written authorization of the Director General for Operations authorizing the specific delivery. Applications for such authorization should be made by the person making delivery by letter filed in quadruplicate addressed to the War Production Board, Aluminum and Magnesium Branch, Washington, D. C., Reference: M-212, which letter should state:

(1) His name and address,

(2) The name and address of the prospective user,

(3) The quantity and specifications of petroleum coke he proposes to deliver for export to the prospective user and the period in which he proposes to make delivery, and

(4) The proposed use of the petroleum coke.

(f) *Special directions.* The Director General for Operations may from time to time issue specific directions or prohibitions with respect to the production and qualities of petroleum coke.

(g) *Reports.* Reports shall be made at such times and on such forms as may be prescribed therefor by the Director General for Operations, War Production Board.

(h) *Appeals.* Any person affected by this order (otherwise than by the failure of the Director General for Operations to grant an authorization under paragraph (c) (3) hereof) who considers that compliance therewith would interfere with the war effort, may appeal to the Director General for Operations, setting forth the pertinent facts, and the reasons he considers that he is entitled to relief. Such appeal should be made by letter in quadruplicate and shall be addressed to: War Production Board, Aluminum and Magnesium Branch, Washington, D. C., Ref.: M-212. The Director General for Operations may thereupon take such action as he deems appropriate.

(i) *Communications.* All statements and reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be in duplicate and addressed to: War Production Board, Aluminum and Magnesium Branch, Washington, D. C., Ref.: M-212.

(j) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and, upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control, and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12258; Filed, November 21, 1942; 12:22 p. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[Amendment 8 of General Imports Order M-63, as Amended June 2, 1942]

(a) Section 1042.1 (General Imports Order M-63,[1] as amended June 2, 1942) is hereby amended by making the following changes in List I, List II, and List III:

Change	Material	Commerce import class number
Add to List I	Coir fiber	3409.0
	Coir yarn	3420.0
	Coir manufactures	[1] N. S. C.
Move from List I to List II.	Metallic mineral substances in crude form, not otherwise classified (such as drosses, skimmings, residues, brass foundry ash, and flue dust).	674.19
	Castor oil	226.02
	Glycerine, crude and refined.	8290.0 8291.1
Move from List I to List III.	Muru muru nuts and kernels.	2239.63 2239.64
	Tucum nuts and kernels	2239.65 2239.66
Move from List II to List I.	Pig and hog bristles	0917.0 0979.1
Removed from List II.	Combed SAK cotton yarns single or plied, in counts of 60's and finer.	[1] N. S. C.
Add to List II	Cotton yarns and fabrics as follows:	
	English spun combed cotton yarn, single or plied, in counts of 58's and finer.	[1] N. S. C.
	Cotton rope for spinning mules.	[1] N. S. C.
	Grey tracing cloth fabric.	[1] N. S. C.
	Filter cloth	[1] N. S. C.
	Decating apron fabric	[1] N. S. C.
	Lithograph moleskin cloth.	[1] N. S. C.
	Printers molleton	[1] N. S. C.
Add to List II	Talc, steatite (magnesium silicate) containing not to exceed 1½% lime and 1½% ferric oxide:	
	Crude and unground	[1] N. S. C.
	Ground, washed, powdered, or pulverized	[1] N. S. C.
	Istle or Tampico fiber manufactures (including all istle products).	[1] N. S. C.
Add to List III	Broomcorn	2936.0
	Shoddy and wool extract	3553.8
	Mungo	3553.9
	Wood rags	3554.0
Move from List III to List II.	Wool (apparel, finer than 40's, but not finer than 44's).	3513.0 3514.1 3514.2 3514.3 3524.0 3525.1 3525.2 3525.3

Footnote at end of table.

[1] N. S. C., no separate class. Commodity number has not yet been assigned by the Department of Commerce Statistical Classification of Imports.

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[1] Added.

[1] 7 F.R. 4168, 4199, 4404, 4878, 5638, 6521, 6737, 7089, 7773, 8250, 8422.

(b) This amendment shall take effect on November 23, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 20th day of November, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12201; Filed, November 20, 1942; 5:09 p. m.]

PART 1052—KITCHEN, HOUSEHOLD AND OTHER MISCELLANEOUS ARTICLES

[Interpretation 1 to Supplementary General Limitation Order L-30-b]

ENAMELED WARE

The following interpretation is hereby issued by the Director General for Operations with respect to § 1052.3, *Supplementary Limitation Order L-30-b*, issued October 24, 1942:

Paragraph (b) (3) of Order L-30-b provides that the restrictions on the sizes and types of enameled ware articles which may be produced do not apply to articles produced for the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration for use in the field or on ship board pursuant to a contract or subcontract specifying "an article which may not be produced within the limitations of subparagraph (1) of this paragraph (b)." Paragraph (b) (1) in many instances permits a manufacturer to produce only one size of an enameled article within a specified size range; for example, only one size of water pail may be produced within the 10 to 12½ quart range. A question has arisen as to whether a manufacturer may produce under paragraph (b) (3) an article within such a range, such as a 12 quart pail, for United States Army field use after he has chosen to produce that article for civilian and general military purposes in the 10 quart size, which is within the same range. The answer is that he may produce such a 12 quart pail for military use in the field or on shipboard, though only for such use, just as he may produce for such use a 14 quart enameled pail, which is not within the range of sizes permitted for general use.

Paragraphs (b) (5) and (b) (6) set quotas on "the use of iron and steel" in the "production of enameled ware." In a case where one manufacturer fabricates steel into a black shape and then ships the black shape to a second manufacturer who coats it with vitreous enamel, the question has arisen as to whose quota of iron and steel is involved. Paragraph (a) (5) defines "iron and steel use" as "the aggregate weight of iron and steel when first put into production by a manufacturer whether in the form of raw materials or as purchased parts." Under this provision both the manufacturer who fabricates the steel into black shapes and the manufacturer who coats the black shapes with vitreous enamel are considered to be "using" iron and steel within the meaning of the order. Consequently, such use must conform to the quota limitations of each manufacturer. In computing his quota, however, each manufacturer is entitled to include in his base period "use" of iron and steel, both the raw material which he fabricated into black shapes and the black shapes which he purchased and to which he applied a vitreous enamel coating.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12288; Filed, November 23, 1942; 11:39 a. m.]

PART 3051—SCALES, BALANCES AND WEIGHTS

[Interpretation 1 of Limitation Order L-190]

The following official interpretation is hereby issued by the Director General for Operations with respect to § 3051.1 *Limitation Order L-190:*

Paragraph (a) (7) of § 3051.1, *Limitation Order L-190,* defines "Class One scales" to include "commercial scales for use in retail trade." The phrase "commercial scales for use in retail trade" means only cylinder-type scales, fan-type scales, hanging scales and even-balance scales of the kinds, sizes and models commonly used in making sales of merchandise direct to ultimate consumers.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12286; Filed, November 23, 1942; 11:38 a. m.]

PART 1055—WOOL

[Conservation Order M-73, as Amended November 23, 1942 for the period August 3, 1942, to January 31, 1943]

Whereas the fulfillment of requirements for the defense of the United States has created a shortage of wool for the combined needs of defense, private account, and export; and the supply is, and may continue to be, insufficient for defense and essential civilian requirements, unless its use is curtailed or prohibited as hereinafter provided; and it is necessary in the public interest and to promote the national defense to allocate wool in the manner hereinafter in this order provided;

Now, therefore, it is hereby ordered, That:

§ 1055.1 *Conservation Order M-73—* (a) *Curtailment of use of wool for nondefense orders for period August 3, 1942, through January 31, 1943.* During the period from August 3, 1942, to January 31, 1943, both dates inclusive, no person shall put into process, or cause to be put into process by others for his account, for nondefense orders, any wool except as follows:

(1) *On worsted system.* Any person having a basic quarterly poundage on the worsted system shall be entitled to put into process, or cause to be put into process by others for his account:

(i) An amount of wool owned by him not in excess of 20% of such basic quarterly poundage, for the manufacture of fabrics or yarns containing not less than 20% wool, wool waste, noils, reprocessed and reused wool, and

(ii) An additional amount of wool owned by him not in excess of 25% of such basic quarterly poundage for the manufacture of fabrics or yarns containing not more than 65% wool and not less than 20% wool, wool waste, noils, reused and reprocessed wool.

(2) *On woolen, cotton, felt or other system.* Any person having a basic quarterly poundage on the woolen, cotton, felt, or any other system shall be entitled to put into process or cause to be put into process by others for his account:

(i) An amount of wool owned by him not in excess of 5% of such basic quarterly poundage, for the manufacture of fabrics or yarns containing not less than 20% wool, wool waste, noils, reused and reprocessed wool, and

(ii) An additional amount of wool owned by him not in excess of 25% of such basic quarterly poundage for the manufacture of fabrics or yarns containing not more than 65% wool and not less than 20% wool, wool waste, noils, reused and reprocessed wool.

Provided, however, That notwithstanding the provisions of subparagraphs (1) and (2) above any person who made and sold prior to June 1, 1942, fabrics or yarns containing less than 20% wool, wool waste, noils, reused and reprocessed wool shall be entitled to put into process wool for the manufacture of these same fabrics and yarns within the limitations herein prescribed. Nothing herein contained shall be construed to prohibit the manufacture of fabrics or yarns containing less than 20% of wool waste, noils, reused and reprocessed wool.

(3) *On manufacture of floor covering.* Notwithstanding the provisions of subparagraph (1) and (2) above, any person whose basic quarterly poundage is calculated from wool put into process for

the manufacture of floor covering shall only be entitled to put into process, or cause to be put into process by others for his account:

(i) Amounts of wool of grades 44s and lower, fine carpet wools, coarse carpet wools, coarse alpaca fleece, alpaca seconds or short fleece (unless from Arequipa), Huarizo (unless from Arequipa), llama (unless from Arequipa), or pieces or locks of alpaca or llama, owned by such person, for the manufacture of wool products other than floor covering, and

(ii) Amounts of coarse carpet wool for the manufacture of floor covering,

but shall be entitled to put into process a total amount of such wools for the purposes prescribed which is not in excess of 50 per cent of such basic quarterly poundage calculated from the manufacture of floor covering.

(b) *Bonus for use of certain types of wool.* Any person shall, for each pound of wool of grades 44s and lower (including carpet wool), or skin alpaca, coarse alpaca fleece, alpaca seconds, Huarizo, llama, or coarse pieces or locks of alpaca or llama, owned, or hereafter acquired by such person, put into process or cause to be put into process by others for his account, within the limits of paragraphs (a) (1) and (2), be entitled to put into process, or caused to be put into process by others for his account:

(1) On the worsted system, an additional two pounds of such material owned or hereafter acquired by him,

(2) On the woolen, cotton or felt system, an additional five pounds of such material owned or hereafter acquired by such person.

(c) *Special provision for manufacture of yarn for use in manipulated fabrics.* (1) For the purposes of paragraphs (a) (1) and (2) the putting into process of wool for the manufacture of yarns for sale to knitters or weavers to be manufactured by them into fabrics or garments containing not more than 65% wool and not less than 20% wool, wool waste, noils, reused and reprocessed wool, shall be considered as the putting into process of wool for the manufacture of such fabrics: *Provided,* That each sale of such yarn to a knitter or weaver is made only upon the receipt from such knitter or weaver of a certificate in duplicate, signed on behalf of the knitter or weaver placing such order by a duly authorized person in substantially the following form:

> The undersigned hereby certifies to his vendor and to the War Production Board that the yarn covered by this purchase order will be used by the undersigned for the manufacture of fabrics or garments containing not more than 65% wool as the term is defined in Conservation Order M–73, and not less than 20% wool, wool waste, noils, reused and reprocessed wool.

and *Provided, further,* That one of the duplicate certificates required for each such sale shall be filed with the War Production Board on or before the 15th day of the month following the month in which such sales were made.

(2) No knitter or weaver furnishing the certificate mentioned in subparagraph (1) of this paragraph for the purchase of yarn shall knit or weave such yarn into fabrics or garments which contain more than 65% wool or less than 20% wool, wool waste, noils, reused and reprocessed wool, or otherwise use or dispose of such yarn.

(d) *Restrictions on use of certain types of wool and of wool content of certain products*—(1) *Restriction on wool content of blankets for nondefense use.* No person shall manufacture for nondefense order any blanket containing more than 80 per cent of wool, wool waste, noils, or reused and reprocessed wool, in the aggregate, except blankets made solely from used or damaged paper-makers' felts and/or used processing felts.

(2) *Restrictions on use of certain wools in drapery and upholstery fabrics for nondefense use.* No person shall put into process, or cause to be put into process by others for his account for nondefense order for the manufacture of any drapery or upholstery fabrics any wool other than coarse carpet wool, coarse alpaca fleece, alpaca seconds or short fleece (unless from Arequipa), Huarizo, (unless from Arequipa), llama, (unless from Arequipa) or pieces or locks of alpaca or llama.

(3) *Restrictions on use of certain wools in floor coverings.* No person shall put into process, or cause to be put into process by others for his account any wool other than coarse carpet wool for the manufacture of floor covering.

(4) *Restrictions on use of alpaca, huarizo and llama.* No person shall put into process any No. 1 alpaca fleece from Arequipa, Callao or Tacna, No. 1 skin Alpaca fleece from Arequipa, alpaca seconds or short fleece from Arequipa, Huarizo fleece from Arequipa, or llama fleece from Arequipa, and no person shall use or process any alpaca tops, except for the manufacture of fabrics or yarn to be delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, or in the manufacture of fabrics or yarns to fill orders therefor accompanied by a certificate, signed by the purchaser, or by a person duly authorized to sign in his behalf, in substantially the following form:

> The undersigned hereby certifies to his vendor and to the War Production Board that the yarns or fabrics covered by the annexed purchase order will be used by him in the manufacture of material or equipment to be delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(e) *General exceptions.* The prohibitions and restrictions of this order shall not apply to any person to the extent that such person puts wool into process for the making of wool products entirely by hand, including the spinning, and weaving of the fabrics.

(f) *Prohibition against sales or deliveries.* No person shall hereafter sell or deliver any material to any person if he knows, or has reason to believe, such material is to be used in violation of this order.

(g) *Limitation of inventories.* No person shall receive delivery of wool or products thereof in the form of raw materials, semi-processed wool materials or finished goods containing wool, in quantities which shall result in an inventory of such material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the use of wool by this order: *Provided, however,* That nothing herein contained shall be deemed to restrict the purchase or delivery of any imported wool to the person importing the same either directly or through an agent or to the person to whom such wool may be sold prior to landing in this country.

(h) *Fair distribution of products.* In making sales or deliveries of wool yarn, fabrics, styles or patterns, no person shall make discriminatory cuts in amounts or quantities in acceptance of orders or deliveries between former customers and new customers who meet such person's regularly established prices and terms, or between former customers, new customers and his own consumption of these products, or any of them.

(i) *Additional allotment of wool for use in certain knitted wear.* (1) In addition to the amount of wool which any person may put into process, or cause to be put into process by others for his account, pursuant to paragraphs (a) and (b) hereof, such person may put wool into process, or cause wool to be put into process by others for his account, for the manufacture of machine knitting yarns suitable for making machine knitted sweaters, shawls, and underwear, *Provided,* That:

(i) All such additional wool shall not exceed 10% of such person's basic quarterly poundage,

(ii) Such person makes such yarns to fill orders placed with him after October 30, 1942, by manufacturers of machine knitted sweaters, shawls or underwear, or by jobbers who deal in machine knitting yarns, and

(iii) Each such order is accompanied by a certificate signed by the purchaser, or by a person duly authorized to sign in his behalf, in substantially the following form:

> The undersigned hereby certifies to his vendor and to the War Production Board that he is entitled under the provisions of paragraph (i) of M–73, as amended for the period August 3, 1942 to January 31, 1943 to purchase machine knitting yarns made from the special allotment of wool granted therein, and that the knitting yarns covered by the annexed purchase order will be put into process by him prior to January 15, 1943, and only in the manufacture of machine knitted sweaters, shawls or underwear, containing not more than 65% wool, or will be put into process by others for his account for such purposes before such date.

For the purpose of the above certificate "put into process" shall mean the first operation on knitting yarn performed by the knitter, such as dyeing, scouring, winding or knitting or otherwise, as the case may be.

(2) The bonus established by paragraph (b) for use of certain types of wool shall be operative with respect to amounts of wool put into process pursuant to subparagraph (1) of this paragraph (i).

(3) Persons putting wool into process for the manufacture of machine knitting yarns pursuant to the provisions of subparagraphs (1) and (2) of this paragraph (i) shall report the amount of wool so put into process in their monthly reports on Form PD–274 under the heading "Special Wool Grant, Series S."

(j) *Miscellaneous provisions*—(1) *Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of wool conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board on the form provided therefor setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(3) *Applicability of order.* The prohibitions and the restrictions contained in this order shall apply to the use of wool put into process on or after August 3, 1942 in all articles hereafter manufactured. Insofar as any other order of the Director General for Operations may have the effect of limiting or curtailing to a greater extent than herein provided the use of wool in the production of any article, the limitation of such other order shall be observed.

(4) *Violations.* Any person who wilfully violates any provisions of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) *Definitions.* For the purposes of this order:

(i) "Wool" means the fiber from the fleece of the sheep or lamb, or the hair of the Cashmere goat or camel or the alpaca, llama, vicuna, and related fibers, including fine carpet wool and coarse carpet wool, but (except for the purposes of paragraph (h)) shall not include noils, waste, reprocessed or reused wool, or yarn or cloth.

(ii) "Fine carpet wool" means wool which, under paragraph 1101 of the Tariff Act of 1930, may be imported free of duty for the manufacture of floor covering (but which under the terms of this order may only be used for the manufacture of wool products other than floor covering, and other than drapery and upholstery fabrics on nondefense orders) identifiable under the following names: Persian Gulf fleece, New Zealand fleece, Criolla, Joria, and Thibet number one white.

(iii) "Coarse carpet wool" means wool which, under paragraph 1101 of the Tariff Act of 1930, may be imported free of duty for the manufacture of floor covering, not specifically named in subparagraph (ii) above.

(iv) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(v) "Manufacture" means any and all processing on any system beyond the scouring operation, excepting only the carding and combing operations on the worsted system.

(vi) "Put into process" means:

(*a*) On the worsted system, the first process of drawing after combing.

(*b*) On any other system using tops, cut tops or broken tops, the first operation of cutting, breaking, picking or carding as the case may be.

(*c*) On the woolen, felt, or any other system not using tops, the first step after scouring, carbonizing, dusting or similar cleaning or preparatory process.

(vii) "Basic quarterly poundage" for any single system of manufacture shall mean one half of the number of pounds of wool and mohair, either kid or adult, put into process on that system by a person or for his account during the period from December 29, 1940, to June 28, 1941, both inclusive or for the period from January 1, 1941, to June 30, 1941, both inclusive, according to the method of keeping production records maintained by such person during such period. Such poundage shall be determined as follows:

(*a*) On the worsted system or any other system using tops, the weight of tops put into process at 15 percent moisture regain, 3¼ percent of oil and natural fats.

(*b*) On the woolen system, scoured wool, and mohair, either kid or adult, at 12 percent moisture.

(*c*) On the felt or any other system, the weight of wool and mohair, either kid or adult, in the stage immediately preceding putting into process.

(6) *Reports and records.* (i) Each person who puts wool into process shall file with the War Production Board, such reports or forms, setting forth the amount of wool put into process in any period, the yardage of fabrics and/or the amount of yarns produced therefrom and the fiber content of each type thereof, the amount of wool expected to be put into process in any period, the yardage of fabrics and/or the amount of yarns expected to be produced therefrom and the fiber content of each type thereof, and such other information, as the Director General for Operations may prescribe.

(ii) All persons who put wool into process shall keep and preserve such records as will clearly and adequately show their methods and amounts of consumption hereunder.

(7) *Reports and correspondence.* All applications, statements, or other communications filed pursuant to this order or concerning the subject matter hereof should be addressed to the War Production Board, Textile, Clothing and Leather Branch, Washington, D. C. Ref.: M–73.

(k) *Effective date.* This order shall take effect on August 3, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of November.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12289; Filed, November 23, 1942; 11:38 a. m.]

PART 1084—CANNED FOODS

[Supplementary Order M–86–a as Amended Nov. 23, 1942]

Section 1084.2 *Supplementary Order M–86–a* is hereby amended to read as follows:

§ 1084.2 *Supplementary Order M–86–a.* (a) Pursuant to Order M–86, which this order supplements, it is hereby ordered that each canner shall set aside to be delivered for the requirements of government agencies, pursuant to Order M–86, a quota of fruits and vegetables packed by him at any time in the calendar year 1942 or, when specified in Tables II and III, attached hereto, in 1942–3. Such quota of fruits and vegetables shall be of the kinds and in the percentages set forth in Columns A and B of Tables I, II, and III, attached hereto.

If the type, style, or variety of any such fruit or vegetable is described in Column C, such quota shall be in the type, style, and variety described, but other types, styles or varieties shall be substituted to the extent that those specified in Column C are not packed. To the extent that the canner's production of the first preference grade of such fruit or vegetables specified in Column E is sufficient, at least two-thirds of the quota, but preferably the entire quota, shall be set aside from such grade. To the extent that the quantity so set aside does not fill his quota, the canner shall set aside sufficient of his production of the second preference grade, if any, specified in Column F to complete his quota. To the extent that the quantities so set aside out of both first and second preference grades do not fill his quota, the canner shall set aside sufficient of his production of the third preference grade, if any, specified in Column G to complete his quota.

To the extent possible and insofar as compliance with the above grade requirements permits, at least two-thirds of the quota, but preferably the entire quota, shall be set aside in the largest can size specified in Column D. The balance shall be reserved in the next largest can sizes available in the order of preference specified in Column D.

Any canner who is required to set aside canned goods pursuant to this order shall provide himself with the necessary materials to pack such canned goods in export boxes, which may be nailed wooden boxes, weatherproof solid fiber boxes, or wirebound wood boxes, at his option according to specifications attached hereto, except that nailed wooden boxes and weatherproof solid fiber boxes shall not be wired or strapped except as specifically directed by the purchaser.

(b) The report prescribed by paragraph (c) (2) of Order M-86 shall be given on Form PD-343, Seasonal Pack Report. In the case of products listed in Tables II and III, of which the seasonal pack is completed in 1943, the report shall be filed within fifteen days of the completion thereof and shall not be limited to the year 1942 as indicated in the caption of said Form PD-343.

(c) The notice permitted by paragraph (c) (3) of Order M-86 may be given if any goods set aside in compliance with this order have not been purchased within sixty days after the mailing or filing of the report with respect to such goods prescribed by paragraph (c) (2) of said Order M-86.

Issued this 23d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

TABLE I—PRIMARY PRODUCTS

The quota of any product listed in Column A to be set aside by any canner for the Government shall be equal to the percentage shown in Column B applied to his total 1942 pack of that product.

A	B	C	D	E	F	G
				Grade		
Canned fruits and vegetables	Percentage of 1942 pack	Description	Can sizes preferred in order listed	First preference	Second preference	Third preference
Fruit cocktail	40		10—2½—2	Choice	Fancy.	
Peaches [2]	38	Clings, freestone; halves, sliced.	10—2½—2	Choice	Top std. clings only.[1]	Fancy.
Pears	40	Bartlett halves	10—2½—2	Choice	Top std.[1]	Standard.
Asparagus	30	Culturally bleached, all green.	10—2	Fancy cut	Fancy spear.	
Beans, Lima	35	Fresh	10—2	Ext. std	Fancy green	Std. fresh white.
Beans, string	35	Cut-green, wax: round, flat.	10—2	Ext. std	Top std.[1]	Fancy.
Corn, sweet	35	Yellow-white: cream style. Whole kernel.	#2—full inside enamel—Cream style and whole kernel; #10—full inside enamel—Whole kernel only.	Ext. std	Fancy	Standard.
Peas	35	Alaska's, 3, 4 sieve, sweets, 3 sieve and larger, ungraded.	10—2	Ext. std	Top std.[1]	Fancy.
Tomatoes	35		10—2½—2	Ext. std	Top std.[1]	Fancy.
Tomato catsup	38		10—14 oz. glass and larger.	Fancy 25% solids.	Standard.	
Tomato juice	17		10—3 cyl. (404 x 700)	Fancy.		

[1] Top Standard means 70–74 inclusive as defined in terms of U. S. Grades.
[2] Except Freestone Peaches packed in California. (See Table II.)

TABLE II—SECONDARY PRODUCTS

The use of tinplate in packing these products is restricted by Conservation Order No. M-81 as it may be amended from time to time. The quota to be set aside for the Government will be equal to the percentage shown in Column B below applied to the maximum production permitted by Order M-81. Such quota may be packed in addition to the pack permitted by Order M-81. If actual production is less than the quota, the entire pack of the particular product shall be set aside.

A	B	C	D	E	F	G
				Grade		
Canned fruits and vegetables	Percentage as defined above	Description	Can sizes preferred in order listed	First preference	Second preference	Third preference
Apples [3]	100	Heavy pack	10	Standard.		
Applesauce [3]	60	Fresh	10—2	Fancy	Standard.	
Apricots	75	Halves unpeeled	10—2½	Choice	Top Std.[1]	Fancy.
Cherries RSP	44	Red pitted (water pack).	10—2	Standard		
Cherries, sweet	50	Light, dark pitted, unpitted.	10—2½—2	Choice	Top Std.[1]	Fancy.
Peaches	26	Freestone (cal. only) halves—sliced.	10—2½—2	Choice	Fancy.	
Pineapple	34	Sliced, crushed, tidbits (except salad and cocktail tidbits), chunks	10—2½—2	Fancy	Standard.	
Pineapple juice	14		10—3 cyl. (404 x 700) 2½—2.	Fancy.		
Prunes, fresh	50	Italian	10—2½	Choice	Fancy.	
Beets	100	Cut-quartered sliced-diced.	10—2½—2	Fancy	Top Std.[2]	
Carrots	100	Diced	10—2½—2	Fancy	Top Std.[2]	
Pumpkin	72		2½	Fancy	Top Std.[2]	
Spinach	58		10—2½—2	Fancy	Top Std.[2]	

[1] Top standard means 70–74 inclusive as defined in terms of U. S. Grades.
[2] Top standard means 80–84 inclusive as defined in terms of U. S. Grades.
[3] 1942–1943 seasonal pack.

TABLE III—CANNED CITRUS PRODUCTS

The quota to be set aside for Governmental purchase from a canner's production during the quota period of any product listed in Column A shall be computed by applying the percentage in Column B against the canner's total production, by weight, of that product in the base period. The quota period shall be August 1, 1942 to July 31, 1943, in Florida, Texas and Arizona, and December 1, 1942 to November 30, 1943 in California. The base period shall be the corresponding period one year prior to the quota period.

A	B	C	D	E	F	G
				Grade		
Product	Per cent of 1941–42 pack	Type, style, variety	Can sizes (sequence denotes preference)	First preference	Second preference	Third preference
Grapefruit	19	Segments	2	Fancy	Choice	Standard.
Grapefruit juice	48	Sweetened or unsweetened.	10—3 cyl. 2	Fancy	Standard.	
Orange juice	21	Sweetened or unsweetened.	10—3 cyl. 2	Fancy	Standard.	
Orange and grapefruit juice blended.	100	Sweetened or unsweetened.	10—3 cyl. 2	Fancy	Standard.	

SPECIFICATIONS FOR BOXES

1. *Weatherproof solid fiber boxes.* Weatherproof solid fiber boxes must be of one piece regular slotted construction, metal stitched body joint; construction in accordance with the following table:

Total weight (exclusive of box)	Minimum thickness of board (inch)	Minimum bursting strength (pounds)
Not exceeding 42 lbs.	0.090	325
Over 42 lbs., but not exceeding 65 lbs.	.100	375

Boards shall further comply with the following waterproofing tests: Specimens 6″ x 10″, cut from unscored sections of boxes, shall be completely immersed in water for one hour, after which the component plies must not separate beyond 2″ from the edges of the piece; after total immersion for 2½ hours similar samples must test not less than 50% of the originally specified bursting strength, and must weigh not more than 150% of the weight before immersion.

Bottom flaps shall be metal stitched, to the extent the canner's facilities permit, otherwise bottom flaps shall be securely sealed by gluing over all areas in contact; top flaps shall be sealed by gluing over all areas in contact. The sealed boxes shall be reinforced by two flat or round steel straps each having a joint or knot breaking strength of not less than 290 lbs., applied at right angles (over sides, top, and bottom, and over ends, top, and bottom), toward centers of respective panels, but over points of contact of cans with wall of box. Boxmaker shall print or clearly mark by knurled impressions which do not impair the strength of the board, approximately ⅜″ wide, to indicate the position of the strapping, and shall print a guarantee of compliance with this specification.

2. *Wirebound wood boxes.* Shall comply with Federal Specification NN-B-631a, except as follows: Styles 1, 2, or 3 boxes, or boxes with twisted loop closures, may be used. Veneer or sawed boards, of the following thicknesses, shall be used:

Total weight (exclusive of box)	Minimum thickness of sides, top, bottom, ends, and liners		
	Group I woods (see note I) (inch)	Group II and group III woods (inch)	Group IV woods (inch)
Not exceeding 55 lbs.	3/16	1/7	1/8
Over 55 lbs, but not exceeding 85 lbs.	1/4	1/6	1/7
Over 85 lbs., but not exceeding 125 lbs.	5/16	3/16	1/6

NOTE 1: The following species of Group I may be of the same thickness permitted for Group II or III woods for sides, top, bottom, end and liners only: Cottonwood, Cypress, Magnolia, Noble Fir and Spruce.

Cleats shall not be less than 13/16″ x 13/16″ and shall be made of Group II, III or IV woods.

Binding wires shall be not less than No. 15 gauge (.072″ diameter). Girth wires shall be spaced not more than 6″ apart. End wires on Style No. 3 boxes shall be spaced not more than 6″ from cleats or from each other.

Style No. 3 boxes shall have 2 edge lines, not less than 1⅛″ wide attached to each end perpendicular to (across) the grain of the end boards.

Boxes shall be printed with the name and address of the manufacturer and a guarantee of compliance with this Specification.

3. *Nailed wooden boxes.* Boxes shall be made of new materials and of good commercial quality. All boxes shall be made of seasoned lumber having a moisture content not to exceed 18%. The pieces shall show no defects that materially weaken them, expose the contents of the box to damage or interfere with nailing. No knot or knot hole shall have a diameter exceeding one-third the width of the piece. Surfaces of box parts shall be sufficiently smooth to permit legible stenciling and shall not be splintery. Boxes for weights not exceeding 75 lbs. shall be Style 1, Federal Specification NN-B-621a. Boxes for weights exceeding 75 lbs. shall be Style 5 with triangular cleats for round or oval cans and Style 4 for square and oblong cans.

(Thickness of parts of boxes)

Total weight (exclusive of box)	Minimum finished thickness of ends		Minimum finished thickness of sides, tops, and bottoms	
	Group I or II woods (inch)	Group III or IV woods (inch)	Group I or II woods (inch)	Group III or IV woods (inch)
Not exceeding 55 lbs.	5/8	9/16	9/32	1/4
Over 55 lbs., but not exceeding 75 lbs.	3/4	11/16	11/32	5/16
Over 75 lbs., but not exceeding 100 lbs.	3/4	11/16	11/32	5/16

Each side, top and bottom shall be nailed to each end piece with not less than four six-penny cement coated box nails for Groups I and II woods, or four five-penny cement coated box nails for Groups III and IV woods, spaced not more than three inches apart.

Boxes shall be sized to allow approximately one-eighth inch over exact length, width and height of contents.

The nailed boxes shall be reinforced by two flat or round steel straps, each having a joint or knot breaking strength of not less than 290 lbs., applied over sides, top, and bottom, approximately ⅙ the distance from each end of box.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.K. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

[F. R. Doc. 42-12290; Filed, November 23, 1942; 11:38 a. m.]

PART 1084—CANNED FOODS

[Conservation Order M-237, as Amended November 23, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the available supply of canned fruits and vegetables for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1084.15 *Conservation Order M–237*—(a) *Definitions*. For the purposes of this order:

(1) "Canner" shall mean any person engaged in the business of canning foods in hermetically sealed metal or glass containers and sterilizing the same by the use of heat.

(2) "Civilian pack" shall mean the total amount by weight of all grades of all restricted canned foods in any one of the three groups listed in Exhibit A canned by any canner during the season specified, excluding any food which the canner is required to set aside by Conservation Order M–86 and orders amendatory and supplementary thereto, and which is not released from the operation of such orders by the Director General for Operations, and also excluding any canned foods actually purchased by or contracted for, or packed pursuant to duly authorized letter of intent issued by, any non-quota purchaser. This definition shall not be deemed to affect or change the meaning of the term "pack" as used in Conservation Order M–81, wherein such term refers to area of tinplate or terneplate, nor to affect or change the meaning of the term in Conservation Order M–86.

(3) "Restricted canned foods" shall mean any of the fruits and vegetables listed in Exhibit A attached hereto, packed in hermetically sealed metal or glass containers and sterilized by the use of heat, during the packing seasons indicated in said exhibit, excluding, however, liquid, strained, mashed or chopped canned foods, when packed as infant food or for invalid feeding, and excluding jams, jellies, preserves, marmalades, pickles, relishes, and soups.

(4) "Non-quota purchaser" shall mean:

(i) The Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Defense Supplies Corporation, War Shipping Administration or any agency of the United States Government for supplies to be delivered to, or for the account of the government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(ii) Any person operating an ocean-going vessel engaged in the transportation of cargo or passengers in the foreign, coastwise, or intercoastal trade, for necessary supplies for such vessels.

(iii) Any person who furnishes eating facilities for members of the armed forces pursuant to contract therefor with the United States, for necessary supplies for such purpose, if such person furnishes copies of his contract to the canner, or other adequate evidence that such restricted canned foods are required for such use.

(iv) Any person who purchases restricted canned foods for delivery in any territory or possession of the United States, if such person furnishes to the canner copies of purchase orders or other adequate proof that the restricted canned foods actually were purchased for delivery in any such territory or possession: *Provided*, That proof shall not be required of a government agency.

(v) Any person who purchases restricted canned foods for use in the commercial manufacture of food products, to the extent of his current requirements (grape juice, tomato pulp in 5 gallon cans, tomato paste in #10 cans, and peppers, only).

(vi) Any person who purchases restricted canned foods from a canner for resale to a non-quota purchaser, or to replace in his inventory material delivered to a non-quota purchaser, to the extent of his purchases for such purposes, if he furnishes to the canner copies of purchase orders or other adequate proof that such resales or deliveries were to non-quota purchasers

(5) "Wholesale receiver" means any person other than a non-quota purchaser (regardless of whether or not he is also a canner) who since June 30, 1942, bought in excess of 4,000 cases of any group of restricted canned foods for any purpose.

(b) *Restrictions on delivery*. (1) Without regard to existing contracts, and except as authorized in this paragraph and in paragraphs (b) (2), (3), (4), and (5) below, no canner shall deliver more than 35% of his civilian pack of any group of canned foods listed in Exhibit A before December 1, 1942, nor more than 70% thereof before April 1, 1943. Deliveries already made on or before September 26, 1942 shall not be deemed in violation of this paragraph, but shall be charged first against the 35% permitted before December 1, 1942, and if in excess of 35%, against subsequent delivery quotas in their chronological order. No delivery to a non-quota purchaser shall be deemed in violation of this paragraph, notwithstanding that it may reduce a canner's permitted delivery quota for any period below his prior actual deliveries during that period, but any such excess shall be charged against the canner's quota for the ensuing period. For the purpose of calculating the delivery quotas permitted by this paragraph all canning plants owned directly or indirectly by a single person may be regarded at the canner's election either separately as single units or as a whole, but such election, once made, must be adhered to for all the purposes of this order.

(2) Notwithstanding paragraph (b) (1), but subject to paragraph (b) (3), any canner may deliver, and any person (except a wholesale receiver prohibited from accepting delivery by paragraph (b) (4)) may accept delivery from a canner, of any restricted canned foods, in advance of the permitted delivery date for such foods, if the canner notifies the purchaser in writing of the permitted delivery date of such restricted canned foods, and if such purchaser certifies in writing that he will not deliver, transport, or use such restricted canned foods in advance of the permitted delivery date. Such certificate shall be provided to the canner and a copy filed with the War Production Board, and it shall be in substantially the following form:

> Pursuant to paragraph (b) (1) of Order M–237, with the terms of which order the undersigned is familiar, we have this day accepted delivery of ____________, (describe merchandise) from ________________________
>
> (canner)
>
> We understand that we are not permitted to deliver, transport, or use such merchandise until ____________, 19__, as it is part of the pack which ______________________ (canner) was required to hold until that date.
>
> ____________________
>
> (Purchaser)
>
> By ____________________
>
> (Duly authorized official)

No person who accepts delivery of any restricted canned foods with knowledge or reason to believe that such foods are delivered in advance of their permitted delivery date may deliver, transport, or use such foods in advance of such date.

(3) The restrictions on delivery in paragraph (b) (1) do not prohibit shipment for storage at the point of destination or in transit in advance of the permitted delivery date, provided that possession and control do not pass to the purchaser. The 30% which may not be delivered before April 1, 1943 must be stored at or near the canner's plant until the time when such delivery is permitted. If any canner or person accepting delivery from a canner pursuant to paragraph (b) (2) is unable to store any part of the canner's pack in a heated warehouse at or near his plant, he may so notify the War Production Board in writing and unless he receives instructions to the contrary within two weeks after the date of such notice, he shall not be required to hold such part of the pack at or near such plant.

(4) Any wholesale receiver who between August 1, 1942, and April 1, 1943, has accepted or shall have accepted delivery of restricted canned foods of any group equaling or exceeding the following percentage of his base figure

	Percent
for group I	70
for group II	80
for group III	80

shall not sell, deliver, or use such excess of such group, and shall not accept delivery of any further restricted canned foods of such group. The base figure for each wholesale receiver for each group shall be, at his option, either the total of his acceptances of delivery, or of his sales, between January 1, 1942, and August 31, 1942, of all canned foods listed in such group, whenever packed. Canned foods for resale to non-quota purchasers or to replace in the wholesale receiver's inventory material so sold are subject to the limitations of this subparagraph unless evidence is furnished to the canner as prescribed in paragraph (a) (4) (vi). Notwithstanding this subparagraph, a wholesale receiver may accept delivery from a canner in excess of his quota in advance of the canner's permitted delivery date, as permitted in paragraph (b) (2), whenever the canner's permitted delivery date is not earlier than April 1, 1943. The restrictions of this paragraph (b) (4) shall expire on April 1, 1943, unless extended by further order of the Director General for Operations.

(5) Any canner may deliver not to exceed 80% of his pack of apple juice, cranberries, pumpkin, and squash, at any time prior to April 1, 1943, notwithstanding the limitations of paragraph (b) (1), without charge against his quotas for other restricted canned foods.

(6) No wholesale receiver may deliver during the month of November, 1942, and during each of the following months more restricted canned foods of any group than monthly quotas constituting the following percentages of his base figure.

	Percent
For group I	9
For group II	10
For group III	10

The base figure shall be calculated as prescribed in paragraph (b) (4). If during November, 1942 any wholesale receiver has delivered restricted canned foods of any group in excess of his permitted monthly quota for that group, he shall charge such excess against his quotas for December and January. Not less than 50% of such excess must be charged against the December quota. Deliveries to non-quota purchasers are not required to be charged against the monthly quota percentages prescribed by this paragraph (b) (6), if in calculating his quotas the wholesale receiver deducts deliveries to non-quota purchasers during the base period from the base figure. The restrictions of this paragraph (b) (6) shall expire on April 1, 1943, unless extended by further order of the Director General for Operations.

(c) *Reports*. Canners to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board may from time to time request.

(d) *Records*. Every person to whom this order applies shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection*. All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Violations*. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(g) *Appeals*. Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may appeal in writing to the Director General for Operations setting forth the pertinent facts and the reasons he considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(h) *Communications to War Production Board*. All reports required to be filed hereunder and all communications concerning this order, shall unless otherwise directed, be addressed to: War Production Board, Food Branch, Washington, D. C., Ref: M–237.

(i) *Applicability of priorities regulations*. This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024; 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT A

Group I

Fruits	*Packing season*
Apples, including crabapples	1942–43
Applesauce, including sauce from crabapples	1942–43
Apricots	1942
Berries of all kinds	1942
Cherries, red sour pitted	1942
Cherries, sweet	1942

Group I—Continued

Fruits	*Packing season*
Combinations of oranges and grapefruit	1942–43
Cranberries, including sauce and jelly	1942–43
Figs	1942
Fruits for salads	1942–43
Fruit cocktail	1942–43
Grapefruit	1942–43
Oranges	1942–43
Peaches, including nectarines	1942
Pears	1942
Pineapples	1942–43
Plums	1942
Prunes	1942

Group II

Fruit and vegetable juices	*Packing season*
Apple	1942–43
Beet	1942–43
Carrot	1942–43
Celery	1942
Cherry	1942
Cranberry	1942–43
Berry, all	1942
Grape	1942
Grapefruit	1942–43
Grapefruit and orange combination	1942–43
Lemon	1942–43
Lime	1942–43
Orange	1942–43
Pineapple	1942–43
Prune	1942–43
Sauerkraut	1942–43
Spinach	1942
Tomato and tomato cocktail	1942
Mixed vegetables	1942
All fruit nectars	1942

Group III

Vegetables	*Packing season*
Artichokes	1942–43
Asparagus	1942
Green and wax beans	1942
Green soya beans	1942
Lima beans	1942
Shell beans	1942
Beets	1942–43
Broccoli	1942
Brussels sprouts	1942
Cabbage	1942
Carrots	1942–43
Carrots and peas	1942–43
Cauliflower	1942
Celery	1942
Corn, including corn-on-cob	1942
Spinach and other green leafy vegetables	1942
Mushrooms	1942–43
Okra	1942
Onions	1942–43
Peas	1942
Peppers and pimentos	1942
Potatoes, white	1942–43
Pumpkin and squash	1942
Succotash	1942
Sweetpotatoes and yams	1942–43
Sauerkraut	1942–43
Tomatoes, whole or parts	1942
Tomato puree and pulp	1942
Tomato paste	1942
Tomato sauce	1942
Mixed vegetables, including vegetables for salad	1942

[F. R. Doc. 42–12291; Filed, November 23, 1942; 11:38 a. m.]

Chapter XI—Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Ration Order 12]

COFFEE RATIONING REGULATIONS

Preamble. Interruptions in ocean communications and the use of available shipping space to carry materials important to the prosecution of the war have resulted in a recent sharp decline in coffee imports. The supply of coffee in the United States, which depends virtually in its entirety upon ocean-going transportation, has, therefore, suffered to such an extent that it is insufficient to satisfy normal demands. In addition, the tremendous purchases and consumption of coffee by the armed forces has depleted the coffee supply that would normally be available for civilian consumption.

Coffee has become an important drink to practically the entire adult population of this country. It is important, therefore, to take steps to insure the orderly distribution of coffee so that each person may obtain his share of the coffee available for distribution. The War Production Board has accordingly directed the Office of Price Administration to ration coffee. Ration Order No. 12 is issued pursuant to that directive.

Because the supply of coffee is inadequate to provide the entire population with coffee in amounts sufficient to satisfy normal demands and because the youngest members of the community are those who would suffer least from being deprived of coffee, no coffee ration is being provided for children fourteen years old and younger. No one will be allowed to obtain coffee with the coffee stamps contained in such children's war ration books.

In order to allow retailers and wholesalers of coffee to build up their stocks of roasted coffee, coffee cannot be sold to consumers during the period from November 22, 1942, to November 28, 1942, inclusive. Certain stamps contained in War Ration Book One will be designated as coffee stamps and will enable consumers to acquire their coffee rations. Consumers will not, however, be allowed to buy green coffee even with coffee stamps.

In order to assure that dealers will have available sufficient coffee to satisfy consumers' rations, provisions are made for allowing retailers and wholesalers working inventories which they will be able to replenish through use of the same coffee stamps.

Roasters and persons dealing in green coffee will be able to buy green coffee without the use of coffee stamps or certificates. Roasters, however, must have on hand stamps or certificates equal in weight value to the coffee roasted and sold by them.

Institutions will receive bimonthly allotment certificates at their local war price and rationing boards.

To provide information necessary to the proper administration and enforcement of this rationing program, all members of the trade are required to take an initial inventory, to keep certain records, and to make certain reports.

Accordingly, pursuant to the authority vested in the Administrator by Executive Order No. 9125, issued by the President on April 7, 1942, and Directive No. 1 and Supplementary Directive No. 1–R[1] of the War Production Board, issued on January 24 and November 20, 1942, respectively, *It is hereby ordered*, That:

SCOPE OF RATION ORDER NO. 12

Sec.	
1407.951	Territorial limitation.

DEFINITIONS

1407.952	Definitions.

JURISDICTION

1407.953	Jurisdiction of boards.

RESTRICTION OF TRANSFERS

1407.954	Restriction of transfers.
1407.955	Transfers to consumers between November 22 and 28, 1942, prohibited.
1407.956	Transfer of roasted coffee must be accompanied by surrender of coffee stamps or certificates.
1407.957	Transfer of coffee prohibited to individuals less than 15 years old.
1407.958	Restriction on transfer of green coffee.
1407.959	Transfer of green coffee to consumers prohibited.
1407.960	Restriction on transfers of roasted coffee by roasters.
1407.961	Restriction on transfers or acquisitions in excess of War Production Board suspension orders.

CONSUMERS

1407.970	Individuals not possessing war ration books.
1407.971	Consumers eating regularly at same establishment.
1407.972	Consumers handicapped by transportation difficulties.
1407.973	Army, Navy, Marine Corps, and Coast Guard personnel on furlough.
1407.974	Issuance of certificates by Army, Navy, Marine Corps, or Coast Guard.
1407.975	Restriction on use of coffee stamps.

RETAILERS AND WHOLESALERS

1407.980	Allowable inventory of coffee.
1407.981	Allowable inventory of certain single-establishment, non-roasting retailers.
1407.982	Allowable inventory of retailers not included in § 1407.981 and wholesalers.
1407.983	Compounded coffee in allowable inventory computation.
1407.984	Initial inventory.
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1407.986	Issuance of purchase warrants.
1407.987	Form of purchase warrants.
1407.988	Transfers upon purchase warrants.
1407.989	Replenishment of allowable inventory.
1407.990	Compounders of coffee; reports.
1407.991	Transfer of coffee to certain exempt persons.

INSTITUTIONAL USERS

1407.995	Registration.
1407.996	Initial inventory.
1407.997	Allowable inventory of coffee for institutional roasters.
1407.998	Roasted coffee base.
1407.999	Allotments.
1407.1000	Allotment certificates.
1407.1001	Amount for which allotment certificate is to be issued.
1407.1002	Adjustments.
1407.1003	Restriction on use.
1407.1004	Establishments which were not in operation between September 1 and November 21, 1942.
1407.1005	Definition of "meal."
1407.1006	Late registration.
1407.1007	Obtaining roasted coffee for feeding organized messes pursuant to written contract with the Army, Navy, Marine Corps, or Coast Guard.
1407.1008	Obtaining roasted coffee for troop movements.

INDUSTRIAL USERS

1407.1015	Restriction on use of coffee.
1407.1016	Inventory.
1407.1017	Industrial users—non-roasters.
1407.1018	Restriction on transfer of soluble and liquid extract coffee.

CERTIFICATES AND COFFEE STAMPS

1407.1020	Nature and validity of certificates and coffee stamps.
1407.1021	Surrender of certificates and coffee stamps.
1407.1022	Mail orders and similar transactions.
1407.1023	War ration stamp cards.
1407.1024	Sale, gift, loan, or judicial seizure of coffee stamps or certificates prohibited.
1407.1025	Destroyed, mutilated, or stolen coffee stamps or certificates.
1407.1026	Exchange of certificates.
1407.1027	Transfers not to be made upon invalid coffee stamps, certificates, or purchase warrants.
1407.1028	Notification to the Office of Price Administration of legal proceedings.
1407.1029	Authorization of transfer against coffee stamps, certificates, or purchase warrants is authorization of acquisition, and vice versa.
1407.1030	Prohibition of transfer except against coffee stamps, certificates, or purchase warrants is prohibition of acquisition, and vice versa.
1407.1031	Prohibited acts with respect to coffee stamps and certificates.

TRANSFER AND ACQUISITION OF GREEN COFFEE

1407.1040	Initial inventory.
1407.1041	Transfer and acquisition of green coffee.
1407.1042	Retention of coffee stamps and certificates by roasters.

TRANSFERS PERMITTED WITHOUT THE SURRENDER OF COFFEE STAMPS, CERTIFICATES, OR PURCHASE WARRANTS AND IRRESPECTIVE OF RESTRICTIONS ON THE ACQUISITION OF GREEN COFFEE

1407.1045	Transfer of green coffee.
1407.1046	Loans and gifts of roasted coffee.
1407.1047	Coffee included in initial inventory.
1407.1048	Exchanges.
1407.1049	Transfers to exempt persons.
1407.1050	Transfers between establishments owned by same person.
1407.1051	Green coffee transferred for roasting.
1407.1052	Transfer of coffee for carriage.
1407.1053	Transfer of coffee for storage.
1407.1054	Voluntary or involuntary transfer of establishment.
1407.1055	Liquidation of establishments.
1407.1056	Disposal of damaged coffee and undamaged coffee mingled therewith, or coffee in a package, bag, or other container damaged while in transit by common carrier.

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[1] *Supra.*

Sec.	
1407.1057	Replacement of damaged, destroyed, lost or stolen coffee or coffee in a package, bag, or other container damaged while in transit.
1407.1058	Recovery of lost or stolen coffee.
1407.1059	Surrendering certificates to the board for cancellation.
1407.1060	Acquisition of coffee by judicial process, by operation of law and for security and similar purposes; enforcement.
1407.1061	Disposal of roasted coffee acquired without coffee stamps or certificates.
1407.1062	Obtaining certificates to replace roasted coffee acquired pursuant to § 1407.1060.

PETITIONS FOR ADJUSTMENT; NEW BUSINESS

1407.1065	Petitions for adjustment of base, allotment, or allowable inventory.
1407.1066	New establishments.

REPORTS AND RECORDS

1407.1068	In general.
1407.1069	By retailers and wholesalers.
1407.1070	By institutional and industrial users.
1407.1071	By persons transferring or acquiring green coffee.
1407.1072	Miscellaneous records.
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MISCELLANEOUS

1407.1075	Administration.
1407.1076	Powers and duties.
1407.1077	Imports of roasted coffee.
1407.1078	Weight computation formulae.
1407.1079	Appeals.
1407.1080	Persons authorized to sign reports, forms, purchase warrants.
1407.1081	Communications.
1407.1082	Duties, rights, obligations of establishments and registering units.
1407.1083	Additional prohibitions.
1407.1084	Acquisition and transfer of roasted coffee by Army, Navy, Marine Corps, and Coast Guard post exchanges, commissaries, ships' service stores, and men's and officers' clubs.

ENFORCEMENT

1407.1085	Removal of coffee stamps from war ration books of individuals under 15 years old.
1407.1086	Criminal prosecutions.
1407.1087	Suspension orders.
1407.1088	Report of violations.

EFFECTIVE DATE

1407.1090	Effective date of Ration Order No. 12.

SCHEDULES

1407.1091	Designation of ration periods and of coffee stamps valid therein.
1407.1092	Allotment percentage for institutional users.

AUTHORITY: §§ 1407.951 to 1407.1092, inclusive, issued pursuant to Pub. Law 671, 76th Congress, as amended by Pub. Laws 89, 507, 421, and 729, 77th Congress; W.P.B. Dir. No. 1, Supp. Dir. No. 1–R, 7 F.R. 562, *supra*.

SCOPE OF RATION ORDER NO. 12

§ 1407.951 *Territorial limitation.* Ration Order No. 12 shall apply within the 48 States of the United States and within the District of Columbia.

DEFINITIONS

§ 1407.952 *Definitions.* When used in Ration Order No. 12 the term:

(a) "Acquire" means to accept a transfer or otherwise obtain possession of, title to, or any interest in coffee.

(b) "Beverage," unless otherwise indicated by the context, means the drink commonly known as "coffee."

(c) "Board" means a war price and rationing board or, if the context so indicates, the specific war price and rationing board having jurisdiction over specific persons or establishments.

(d) "Certificate" means a coffee purchase certificate. A coffee purchase certificate shall consist of O.P.A. Form R–306 with the word "sugar" stricken wherever it appears thereon, with the words "coffee in the amount of" inserted on the line in such form provided for insertion of amount, and with the words "Rationing Order No. 3 (Sugar)" stricken from the following line.

(e) "Coffee" means green or roasted coffee, packaged or unpackaged, bean or ground, and includes any substitute or substance, including but not limited to chicory, cereal, peas, or beans when mixed, blended, or compounded with coffee. When modified by the word "green" or "roasted," the term "coffee" shall denote only the kind of coffee indicated. "Coffee" does not include soluble or liquid extract coffee or similar products processed or manufactured in whole or in part from coffee but does include coffee from which all or part of the caffeine has been removed.

(f) "Coffee stamps" means stamps numbered 20 to 28, inclusive.

(g) "Compounder" means a person, other than a consumer, a registering unit, or an industrial user, who mixes or blends coffee with any substitute or substance including but not limited to chicory, cereal, peas, or beans for the purpose of transfer.

(h) "Consumer" means any individual acquiring or seeking to acquire coffee for personal use, who has obtained a war ration book pursuant to Rationing Order No. 3 or Ration Order No. 12, and whose age, as entered in said war ration book, is 15 years or over.

(i) "Establishment" means the business or operation subject to Ration Order No. 12, conducted at or from a particular location. Each shipping point from which one or more car, wagon, or other house-to-house routes originate shall be deemed a separate establishment.

(j) "Family unit" means a group of two or more individuals, consisting of all persons customarily living together in the same household (including persons temporarily absent therefrom) who are related by blood, marriage, or adoption.

(k) "Industrial establishment" means an establishment which uses coffee in the production, manufacture, or processing of soluble coffee or any product other than coffee. It does not include an establishment which only blends, mixes, or compounds coffee with substitutes or substances including but not limited to chicory, cereal, beans, or peas, or which brews coffee to make beverages. A person owning an industrial establishment is, with respect to the ownership and operation of such establishment, an industrial user.

(l) "Institutional establishment" means an establishment which uses roasted coffee in the preparation of a beverage.

(m) "Person" means any individual, corporation, partnership, association, or business trust, and includes the United States or any agency thereof, and any State or any political subdivision or agency thereof, and any other government or agency thereof.

(n) "Purchase warrant" means a statement prepared and signed by a retailer or wholesaler for the purpose of acquiring roasted coffee and certifying to the authority of the retailer or wholesaler to acquire, under Ration Order No. 12, roasted coffee in the amount stated thereon.

(o) "Ration period" means the period designated by the Office of Price Administration during which a coffee stamp shall be valid for use by a consumer.

(p) "Registering unit" means the institutional establishment or group of institutional establishments selected by the owner thereof to be treated as a single unit for the purposes of Ration Order No. 12 and which is so registered by him. A person owning a registering unit is, with respect to the ownership and operation thereof, an institutional user.

(q) "Retail establishment" means an establishment engaged in a business involving the transfer of roasted coffee which makes at least 50 per cent of its transfers of all merchandise to consumers. A person owning one or more retail establishments is, with respect to the ownership and operation thereof, a retailer.

(r) "Roaster" means a person who roasts green coffee owned by him or has green coffee supplied by him roasted for his account on a fee or similar basis by some other person. Whenever in Ration Order No. 12 reference is made to green coffee roasted by a person it shall include green coffee supplied by such person but roasted for his account on a fee or similar basis by some other person and shall not be included by such other person as green coffee roasted by him.

(s) "Stamp" means a war ration stamp originally contained in a war ration book.

(t) "Transfer" means sell, lease, lend, trade, give, ship, deliver, or transfer, in any way, the ownership or possession of coffee or any interest therein from one establishment or person to another establishment or person. It includes diverting to consumer use coffee held for sale or transfer whether or not a change in ownership or possession results.

(u) "War ration book" means War Ration Book One (O.P.A. Form R–302).

(v) "Weight value" means the amount of coffee authorized to be transferred by a certificate, coffee stamp, or purchase warrant.

(w) "Wholesale establishment" means an establishment engaged in a business involving the transfer of roasted coffee which makes over 50 per cent of its transfers of all merchandise to other establishments or to persons other than consumers. A person owning one or more wholesale establishments is, with respect to the ownership and operation thereof, a wholesaler.

JURISDICTION

§ 1407.953 *Jurisdiction of boards.* For the purposes of Ration Order No. 12 each board shall have jurisdiction over each consumer and registering unit registered with it, and over each retailer, wholesaler, and industrial user whose principal business office is located within the area assigned to the board.

RESTRICTION OF TRANSFERS

§ 1407.954 *Restriction of transfers.* Notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person shall on or after November 22, 1942, transfer or acquire coffee except in accordance with Ration Order No. 12.

§ 1407.955 *Transfers to consumers between November 22 and 28, 1942, prohibited.* From November 22, 1942, to November 28, 1942, inclusive, no person shall transfer coffee to a consumer.

§ 1407.956 *Transfer of roasted coffee must be accompanied by surrender of coffee stamps or certificates.* Except as otherwise provided in Ration Order No. 12, a transfer of roasted coffee shall be made only upon surrender of appropriate coffee stamps or certificates authorizing such transfer.

§ 1407.957 *Transfer of coffee prohibited to individuals less than 15 years old.* No person shall transfer coffee against or acquire coffee with a coffee stamp in or from the war ration book of an individual whose age, as entered in said war ration book, is less than 15 years.

§ 1407.958 *Restriction on transfer of green coffee.* Except as otherwise provided in Ration Order No. 12, no person shall, on or after November 22, 1942, transfer green coffee to any other person unless such other person is a roaster or is and was prior to November 22, 1942, engaged in a business or operation involving dealing in green coffee.

§ 1407.959 *Transfer of green coffee to consumers prohibited.* Notwithstanding anything contained in Ration Order No. 12, no person shall on or after November 22, 1942, transfer green coffee to a consumer.

§ 1407.960 *Restriction on transfers of roasted coffee by roasters.* (a) No roaster shall, during January 1943 or during any month thereafter, transfer more roasted coffee roasted by him than 75 per cent of the amount of such roasted coffee transferred by him during the corresponding month of 1941.

(b) In computing, for the purposes of paragraph (a) of this section, the amount of roasted coffee transferred, the weight of substitutes or substances, including but not limited to chicory, cereal, beans, or peas, mixed, compounded, or blended with such roasted coffee by the transferor, shall be deducted from the weight of such roasted coffee.

§ 1407.961 *Restriction on transfers or acquisitions in excess of War Production Board suspension orders.* No person against whom the War Production Board has issued or issues any suspension or similar order limiting the amount of coffee such person may acquire or transfer shall, on or after November 22, 1942, acquire or transfer any coffee in excess of the amount permitted by such order.

CONSUMERS

§ 1407.970 *Individuals not possessing War Ration Books.* (a) Any individual who registered as a consumer pursuant to Rationing Order No. 3, who was 15 years old or older at the time of such registration, and who either (1) did not obtain a war ration book by virtue of the provisions of Rationing Order No. 3 or (2) surrendered his war ration book thereafter to the board pursuant to Rationing Order No. 3, may, upon applying therefor to the board on or before December 15, 1942, receive a war ration book containing stamps Nos. 17 to 28, inclusive, together with any other stamps to which such individual may be entitled pursuant to Rationing Order No. 3: *Provided, however,* That coffee stamps for any ration periods which have expired shall be detached from such war ration book.

(b) Any individual 15 years old or older who has not registered and applied for a war ration book in accordance with Rationing Order No. 3 and who is entitled to register pursuant to § 1407.68 of Rationing Order No. 3 may register pursuant thereto and apply for a war ration book. The board shall issue a war ration book to such an individual containing stamps Nos. 17 to 28, inclusive, together with any other stamps to which he may be entitled pursuant to Rationing Order No. 3: *Provided,* That coffee stamps for any ration periods which have expired shall be detached from such war ration book.

(c) A consumer whose war ration book does not contain stamps other than stamps Nos. 17 to 28, and who under the provisions of Rationing Order No. 3 subsequently becomes entitled to any stamps numbered 16 or less may exchange his war ration book at the board for a new war ration book. Before issuing the new war ration book, the board shall detach all stamps required to be detached by Rationing Order No. 3, the coffee stamps for any ration periods which have expired, and the coffee stamps corresponding to any coffee stamp which had been removed from the surrendered war ration book.

§ 1407.971 *Consumers eating regularly at same establishment.* (a) A consumer who has arranged or arranges to eat 14 or more meals per week in an establishment registered as an institutional user shall, if he has not already done so pursuant to Rationing Order No. 3, surrender his war ration book to the owner or manager of the establishment at or before the time he eats the first of such meals. The owner or manager of the establishment with which such arrangement is made shall secure the surrender of the war ration book at such time. The war ration book shall be returned to the consumer when he ceases to eat 14 or more meals per week at the establishment. At the time of the return the owner or manager shall detach and destroy the coffee stamps for the ration periods that expired while such arrangement existed.

(b) Consumption by a consumer of 14 or more meals in any seven successive days at the same institutional establishment shall establish prima facie that such meals were consumed pursuant to arrangement between the consumer and such establishment.

(c) Notwithstanding the provisions of this section, the war ration book shall be returned to the consumer temporarily for use in purchasing any product other than a food product for which a stamp may have been designated as valid by the Office of Price Administration.

§ 1407.972 *Consumers handicapped by transportation difficulties.* A consumer t whom a war ration book has been issued and who, because of transportation difficulties, finds it a hardship to acquire roasted coffee at the times specified in § 1407.1091, may apply to the board for a certificate having a weight value not in excess of five pounds. The application shall be made to the board by the consumer personally, by an authorized agent, or by any other person authorized by Rationing Order No. 3 to register for him. The board, in its discretion, may grant the application in whole or in part. Before issuing a certificate in such a case, the board shall detach from the war ration book of the consumer coffee stamps having a weight value equal to the amount for which the certificate is issued.

§ 1407.973 *Army, Navy, Marine Corps, and Coast Guard personnel on furlough.* A member of the Army, Navy, Marine Corps, or Coast Guard who is on furlough for at least seven days, may apply to a board for a certificate for one pound of coffee. Not more than one such certificate may be issued to the same person in any ration period. When issuing such a certificate, the board shall enter on the leave papers its designation, a statement that it has issued a certificate, and the date of issuance.

§ 1407.974 *Issuance of certificates by Army, Navy, Marine Corps, or Coast Guard.* Whenever the Army, Navy, Marine Corps or Coast Guard shall require roasted coffee from any person, an officer authorized by the Army, Navy, Marine Corps, or Coast Guard shall issue a certificate in such weight value as may be required.

§ 1407.975 *Restriction on use of coffee stamps.* (a) A consumer who on November 28, 1942, owns or possesses more than one pound of coffee shall retain in his possession one coffee stamp for each pound of coffee he owns or possesses in excess of one pound. The consumer shall surrender such coffee stamps to the Board when so ordered by the Office of Price Administration.

(b) For the purposes of this section, a consumer shall be considered as owning and possessing his per capita share of the coffee owned or possessed by the family unit of which he is a member or by any member thereof. In determining the per capita share of a consumer who is a member of a family unit, shares shall not be computed for members of such family units whose ages, as entered in their war ration books, are below 15 years.

RETAILERS AND WHOLESALERS

§ 1407.980 *Allowable inventory of coffee.* Every retailer and wholesaler is permitted a working inventory of coffee which shall be known as his allowable inventory.

§ 1407.981 *Allowable inventory of certain single-establishment, non-roasting retailers.* (a) The allowable inventory of a person owning one retail establishment only, not engaged in roasting coffee, which commenced operations on or before September 1, 1942, and which transferred during September 1942 less than 2,000 pounds of roasted coffee, shall be one pound of roasted coffee for each ten dollars, or fraction thereof, of gross sales of all meats, groceries, fruits, vegetables, and similar products made from such establishment during September 1942. The gross sales of a person owning one retail establishment only, not engaged in roasting coffee, which commenced operations after September 1, 1942, shall be computed by multiplying by 26 its average daily gross sales of meats, groceries, fruits, vegetables, and similar products between September 2 and November 22, 1942, and the allowable inventory of such person shall be one pound of roasted coffee for each ten dollars, or fraction thereof, of gross sales so computed. If such establishment is one of two or more departments located within one building and holding themselves out to the public as a single operation, such gross sales may include the sales made by all such departments regardless of their ownership.

(b) For the purposes of this section, average daily gross sales shall be determined by dividing the total gross sales made from the establishment by the number of days on which said establishment was open for business during the period for which the average daily gross sales are being determined.

§ 1407.982 *Allowable inventory of retailers not included in § 1407.981 and wholesalers.* (a) The allowable inventory of a person owning a single retail establishment not referred to in § 1407.981 or two or more retail establishments or one or more wholesale establishments, all of which commenced operations on or before September 1, 1942, shall be an amount equal to the sum of (1) the amount of roasted coffee, acquired by such owner as roasted coffee, and transferred during September 1942 by such owner to another person; and (2) three times the amount of roasted coffee roasted by said owner, transferred during September 1942 to another person.

(b) The allowable inventory of a person owning a single retail establishment not referred to in § 1407.981 or two or more retail establishments or one or more wholesale establishments, none of which was in operation on or before September 1, 1942, shall be computed by determining for each such establishment the sum of (1) the average daily quantity of roasted coffee, acquired by the owner of such establishment as roasted coffee, and transferred by such establishment, during the period between September 2 and November 22, 1942, to any person other than the owner of the establishment, and (2) three times the average daily quantity of roasted coffee, roasted by the owner of the establishment, transferred by such establishment, during the period between September 2 and November 22, 1942, to any person other than the owner of the establishment; by adding such sums for all the establishments owned by said person; and by multiplying the figure thus obtained by 26. For the purposes of this section, average daily quantities shall be determined by dividing the amount of roasted coffee transferred by an establishment during the period between September 2 and November 22, 1942, by the number of days on which said establishment was open for business during said period.

(c) A person owning two or more retail establishments or two or more wholesale establishments, some, but not all, of which commenced operations on or before September 1, 1942, shall compute his allowable inventory by treating, for the purpose of this Section only, those establishments which commenced operation on or before September 1, 1942, as if they were owned by one person and all other establishments as if they were owned by another person and by adding the two results thus obtained.

(d) A person owning retail and wholesale establishments shall compute his allowable inventory by treating, for the purposes of paragraphs (a), (b), and (c) of this section, all his retail establishments as if they were owned by one person and all his wholesale establishments as if they were owned by another person and by adding the two results thus obtained.

§ 1407.983 *Compounded coffee in allowable inventory computation.* In computing, for the purposes of §§ 1407.981 and 1407.982, the amount of roasted coffee transferred, the weight of any substitutes or substances, including but not limited to chicory, cereal, peas, or beans, compounded, mixed, or blended with such coffee by the transferor shall be deducted from the weight of such roasted coffee.

§ 1407.984 *Initial inventory.* (a) The initial inventory of a retailer or wholesaler shall include all green and roasted coffee located within the continental United States (the 48 States of the United States and the District of Columbia) to which, at midnight, November 21, 1942, he has title or holds documents of title. He shall be deemed to have title to coffee: (1) in transit or stored for delivery to him and out of the possession of the vendor prior to November 22, 1942; (2) held by him on consignment or on any similar basis; (3) mortgaged, pledged, or otherwise used by him as security in a credit transaction; or (4) in the possession of his vendor if such coffee has been paid for and physically segregated and earmarked by the vendor for delivery to him.

(b) In computing his initial inventory, the retailer or wholesaler shall deduct from the weight of the coffee included in such inventory the weight of any substitutes or substances, including but not limited to chicory, cereal, peas, or beans, blended, compounded, or mixed by said retailer or wholesaler with said coffee.

§ 1407.985 *Excess inventory.* The amount of coffee by which the initial inventory of a retailer or wholesaler exceeds the allowable inventory, shall be known as the "excess inventory". A retailer or wholesaler who has an excess inventory of coffee shall, before he may acquire any coffee upon the surrender of coffee stamps or certificates, surrender to the board for cancellation coffee stamps or certificates in weight value equal to the amount of his excess inventory: *Provided, however,* That such retailer or wholesaler may, before surrendering such coffee stamps or certificates to the board for cancellation, acquire roasted coffee through the issuance of purchase warrants pursuant to §§ 1407.986 to 1407.988, inclusive. In no event shall a retailer or wholesaler acquire any coffee after January 31, 1943, unless he has surrendered to the board for cancellation coffee stamps or certificates in weight value equal to the amount of his excess inventory.

§ 1407.986 *Issuance of purchase warrants.* Between November 22, 1942, and December 5, 1942, inclusive, a retailer or wholesaler may, in order to acquire roasted coffee, issue purchase warrants in an aggregate weight value not in excess of any amount by which his allowable inventory exceeds his initial inventory of coffee.

§ 1407.987 *Form of purchase warrants.* Purchase warrants shall be in the following form:

Purchase warrant issued to______________
Name of Supplier

I hereby certify to the Office of Price Administration that I am authorized, pursuant to the provisions of Ration Order No. 12 (Coffee Rationing Regulations) to acquire ____________ pounds of coffee.

____
Corporation or firm name
By _________________________
____
Address
Date: ___________________, 1942.

§ 1407.988 *Transfers upon purchase warrants.* (a) Any retailer or wholesaler who, on or before December 12, 1942, receives a purchase warrant from any person authorized to issue such purchase warrant is authorized to transfer roasted coffee to such person in an amount equal to the weight value of the purchase warrant.

(b) A person receiving purchase warrants and transferring roasted coffee pursuant thereto may himself on or before December 12, 1942, in addition to purchase warrants issued by him pursuant to § 1407.986, issue purchase warrants having a weight value equal to the amount of roasted coffee transferred by him pursuant to purchase warrants received by him, for the purpose of obtaining from his suppliers roasted coffee to replace the roasted coffee thus transferred by him.

(c) After December 26, 1942, no person shall transfer roasted coffee on the authority of a purchase warrant.

(d) Every person receiving purchase warrants shall maintain a file thereof at his principal business office for delivery to the Office of Price Administration upon demand therefor. Such file shall be maintained in alphabetical order according to the names of the persons from whom the purchase warrants were received.

§ 1407.989 *Replenishment of allowable inventory.* Except as otherwise provided in Ration Order No. 12, on and after November 22, 1942, the allowable inventory of a retailer or wholesaler may be replenished with roasted coffee only upon the surrender by such person of coffee stamps or certificates.

§ 1407.990 *Compounders of coffee; reports.* (a) On and after November 22, 1942, no person, other than a consumer or an institutional user, shall blend, compound, or mix coffee with substitutes or substances, including but not limited to chicory, cereal, peas, or beans, unless he shall first notify the Office of Price Administration, Washington, D. C., of his intention to engage in such practice.

(b) Every compounder shall maintain records showing the amounts of substitutes or substances, including but not limited to chicory, cereal, peas, or beans, blended, compounded, or mixed by him with coffee transferred by him during each month and, beginning in January 1943, shall, between the first and fifth days of each month, surrender to the Office of Price Administration, Washington, D. C., coffee stamps or certificates in weight value equal to the weight of the substitutes or other substances blended, compounded, or mixed by him with the coffee transferred by him during the preceding month. Such person shall, at the same time, send to the Office of Price Administration, Washington, D. C., a report stating (1) the amount of substitutes and substances, including but not limited to chicory, cereal, peas, or beans, blended, compounded, or mixed by him with coffee transferred during the preceding month and (2) the total weight of such coffee (including the weight of the substitutes and substances referred to in (1)) transferred during the preceding month. The report made in January 1943 shall include the required information for the period from November 22 to December 31, 1942.

§ 1407.991 *Transfer of coffee to certain exempt persons.* (a) Any person who requires roasted coffee for the purpose of transfer to any person specified in paragraph (c) (1) or (c) (2) of this section pursuant to a written contract with such person may apply in writing to the board for certificates authorizing the acquisition of the quantity of roasted coffee so required. Such application shall include or be accompanied by a statement of the date of contract, the number or other designation of the contract, and the quantity of roasted coffee required in order to perform the contract. Such roasted coffee shall be used only for the purpose of performing the contract.

(b) Any retailer or wholesaler who on or after November 22, 1942, transfers roasted coffee to any of the persons and for the purposes specified in paragraph (c) of this section, without receiving coffee stamps or certificates therefor, may, if he has not obtained a certificate with respect thereto pursuant to paragraph (a) of this section, apply in writing to the board for certificates authorizing the acquisition of an equivalent amount of roasted coffee.

(c) The persons and purposes included within the provisions of this section are the following:

(1) Any agency of the United States or foreign government for export to any foreign country.

(2) The United States Maritime Commission and the War Shipping Administration.

(3) Any person for transfer to any territory or possession of the United States other than the District of Columbia.

(4) Any person operating an ocean-going vessel engaged in the transportation of cargo or passengers in foreign, coastwise, or intercoastal trade, as ships' stores for consumption aboard such vessel.

(d) Application for a certificate pursuant to paragraph (b) of this section shall include or be accompanied by:

(1) In the case of a transfer to a person specified in paragraph (c) (1) or (c) (2) of this section, a certification signed by such person or his authorized agent or employee setting forth the name and address of the person, the name and address of the transferor, the date of transfer, and the quantity of roasted coffee transferred.

(2) In the case of a transfer to a person specified in paragraph (c) (3) of this section, a copy of the bill of lading under which the roasted coffee was shipped or a shipper's export declaration bearing a notation of an authorized customs official to the effect that to the best of his knowledge and belief the amount of roasted coffee therein stated has been exported by such person.

(3) In the case of a transfer to a person specified in paragraph (c) (4) of this section, a statement signed by the Collector of Customs or his deputy, certifying that such roasted coffee was delivered as ships' stores.

(e) The certifications and statements which are referred to in paragraph (d) of this section may be in any convenient form and do not require verification or acknowledgment.

INSTITUTIONAL USERS

§ 1407.995 *Registration.* (a) Every person owning one or more institutional establishments shall on November 23, 24, or 25, 1942, or on such other date or dates as the Office of Price Administration may designate, register all such institutional establishments at the board as one or more registering units. Each such registering unit shall consist of the institutional establishment or establishments selected by the owner thereof to be treated as such single unit: *Provided, however,* That institutional establishments registered on November 22, 1942, pursuant to Rationing Order No. 3 shall be registered in identical registering units under Ration Order No. 12.

(b) The registration of institutional establishments registered under Rationing Order No. 3 shall be made on the reverse side of the O. P. A. Form R–310 filed for such institutional establishments in connection with their registration under Rationing Order No. 3. The registration of institutional establishments not registered under Rationing Order No. 3 shall be made on O. P. A. Form R–310, but only items numbered one to six, inclusive, on the front of such form shall be completed.

(c) If the registering unit is composed of more than one institutional establishment there shall be attached to the registration form a list of the institutional establishments included, with the address of each, unless such registering unit is identical with the registering unit registered under Rationing Order No. 3; *Provided, however,* That a registering unit composed of institutional establishments located on mobile conveyances, including vessels and airplanes, need not list such mobile conveyances.

(d) The registering unit shall state the following information on the registration form or, at the option of the registering unit, on a separate sheet of paper to be attached thereto and containing the name and address of the owner of the registering unit and the designation and address of the principal business office of the registering unit: (1) the amount of its initial inventory of coffee; (2) the amount of roasted coffee used by it in the preparation of beverages during the period from September 1, 1942, to October 31, 1942, inclusive; (3) in the case of a registering unit whose coffee base is determined pursuant to §§ 1407.998 (b) or 1407.999 (c), the computation of such base; (4) the names and addresses of the persons from whom coffee was acquired between September 1 and October 31, 1942, inclusive, and the amount of each such acquisition; and (5) if the registering unit roasts green coffee used by it in the preparation of beverages, the amount of such roasted coffee used by it during the month of October 1942.

(e) In computing the amount of roasted coffee used by a registering unit in the preparation of beverages, the weight of any substitutes or substances, including but not limited to chicory, cereal, peas, or beans, mixed, compounded, or blended by the registering unit with roasted coffee so used, shall be deducted from the weight of such roasted coffee.

(f) The person registering in behalf of the registering unit shall execute the following certificate on the registration form or on the separate sheet of paper filed pursuant to paragraph (d) of this section:

> I hereby certify and represent to the Office of Price Administration that the statements made above, with respect to coffee, are true.

§ 1407.996 *Initial inventory.* (a) The initial inventory of a registering unit, to be reported pursuant to § 1407.995 (d), shall include all coffee located within the continental United States (the 48 States of the United States and the District of Columbia) at midnight, November 21, 1942, in the possession of the registering unit and to which the owner of the registering unit has title. Such owner shall be deemed to have title to coffee: (1) in transit or stored for delivery to him and out of the possession of the vendor prior to November 22, 1942; (2) mortgaged, pledged, or otherwise used by him as security in a credit transaction; or (3) in the possession of his vendor if such coffee has been paid for and physically segregated and earmarked by his vendor for delivery to him.

(b) Every person who owns one or more registering units and who holds documents of title, or, pursuant to paragraph (a) of this section, is deemed to have title to any coffee not in the possession of any such registering unit, shall include such coffee in the initial inventories of such registering units, allocating such coffee among the registering units as he elects.

(c) In computing the initial inventory of a registering unit there shall be deducted from the weight of the coffee included in such inventory the weight of any substitutes or substances, including but not limited to chicory, cereal, peas, or beans, compounded, blended, or mixed by such registering unit with said coffee.

§ 1407.997 *Allowable inventory of coffee for institutional roasters.* (a) A registering unit which roasts green coffee used by it in the preparation of beverages is permitted a working inventory of coffee which shall be known as its allowable inventory.

(b) The allowable inventory of such a registering unit shall be equal to three times the amount of roasted coffee, roasted by the registering unit and used by it in the preparation of beverages in September 1942. In computing the allowable inventory there shall be deducted from the weight of the coffee included in such inventory the weight of any substitutes or substances, including but not limited to chicory, cereal, peas, or beans, compounded, blended, or mixed by such registering unit with said coffee.

§ 1407.998 *Roasted coffee base.* (a) The roasted coffee base for a registering unit of which all the component establishments were in operation during the entire period from September 1, 1942, to October 31, 1942, inclusive, shall be the amount of roasted coffee used by the registering unit in the preparation of beverages during the period from September 1, 1942, to October 31, 1942, inclusive.

(b) The roasted coffee base for a registering unit composed of establishments none of which was in operation during the entire period from September 1, 1942, to October 31, 1942, inclusive, but all of which were in operation for part of such period or during all or part of the period from November 1, 1942, to November 21, 1942, inclusive, shall be computed by (1) determining for each such establishment the average daily amount of roasted coffee used by the establishment in the preparation of beverages during the period in which such establishment was in operation; (2) multiplying the average daily usage for each such establishment by the number of days said establishment would have been open for business during September and October 1942 if it had been in business during the entire period; and (3) adding such amounts for all the establishments in the registering unit. For the purposes of this section, average daily usage shall be determined by dividing the amount of roasted coffee used by an establishment in the preparation of beverages during the period in which such establishment was in operation by the number of days that said establishment was open for business during said period.

(c) A registering unit composed of establishments some, but not all, of which were in operation during the entire period from September 1, 1942, to October 31, 1942, inclusive, shall compute its roasted coffee base, for those establishments which were in operation during the entire period from September 1, 1942, to October 31, 1942, inclusive, in accordance with paragraph (a) of this section, and, for those establishments which were not so in operation, in accordance with paragraph (b) of this section and shall add the two results thus obtained.

(d) In computing, for the purposes of this section, the amount of roasted coffee used by the registering unit in the preparation of beverages, the weight of any substitutes or substances, including but not limited to chicory, cereal, peas, or beans, mixed, blended, or compounded by the registering unit with such roasted coffee so used by the registering unit, shall be deducted from the weight of such coffee.

(e) There shall not be included in the computation of the roasted coffee base of any registering unit any coffee used for service by it of beverages to Army, Navy, Marine Corps, or Coast Guard personnel messed separately under an officer's command.

§ 1407.999 *Allotments.* (a) A registering unit which has established a roasted coffee base shall receive, as provided in Ration Order No. 12, an amount of roasted coffee which is known as an allotment.

(b) The amount of the allotment for each period shall be the applicable percentage, specified in § 1407.1092, of the roasted coffee base of the registering unit.

§ 1407.1000 *Allotment certificates*—(a) *Application.* Application for allotment certificates shall be made by a registering unit for each period, as provided in this section. The first period for which allotment certificates may be granted shall be the period from the date of registration to January 31, 1943, inclusive, and application therefor shall be made at the time of registration. All subsequent applications for allotment certificates shall be for consecutive two-month periods, the first of which shall commence on February 1, 1943. Applications shall be made not later than the fifth day of the first month of the period for which the application is being made and not earlier than the 15th day of the month preceding the period. The board, in its discretion, may permit an application to be made at any time after the time specified herein but in such case the board shall reduce the allotment by an amount which bears the same proportion to the allotment as the number of days which have elapsed bears to the total number of days in the period.

(b) *Registering unit whose initial inventory is greater than its allotment*—(1) *Non-roasters.* A registering unit which does not roast green coffee used by it in the preparation of beverages, and whose initial inventory is greater than its first allotment shall not apply for an allotment certificate for any period until such initial inventory has been reduced, by the crediting of prior allotments, below the amount of its allotment for such period.

(2) *Roasters.* A registering unit which roasts green coffee used by it in the preparation of beverages, whose initial inventory is greater than its allowable inventory plus its first allotment shall not apply for an allotment certificate for any period until such initial inventory has been reduced, by the crediting of prior allotments, below the amount of its allowable inventory plus its allotment for such period.

§ 1407.1001 *Amount for which allotment certificate is to be issued.* (a) Upon proper written application therefor a certificate shall be issued to a registering unit in a weight value equivalent to its allotment except as provided in paragraph (b) or (c) of this section and subject to any adjustments required by Ration Order No. 12.

(b) The amount of the allotment certificate issued for the first period to a registering unit which does not roast green coffee shall be the allotment for such period minus the initial inventory of roasted coffee of the registering unit: *Provided, however,* That the first certificate issued to a registering unit whose initial inventory was greater than the amount of its allotment shall be of a weight value equal to the difference between the initial inventory of such registering unit and the aggregate of its allotments including the allotment for the period for which the certificate is issued.

(c) The amount of the allotment certificate issued for the first period to a registering unit which roasts green coffee used by it in the preparation of beverages shall be the allotment for such period minus the amount, if any, by which its initial inventory exceeds its allowable inventory: *Provided, however,* That the first certificate issued to a registering unit whose initial inventory was greater than the amount of its allowable inventory plus its allotment shall be of a weight value equal to the difference between its initial inventory and the amount of its allowable inventory plus the aggregate of its allotments including the allotment for the period for which the certificate is issued.

§ 1407.1002 *Adjustments.* (a) In the computation of allotments and the issuance of certificates, corrections shall be made for any previous errors or mistakes in allotments or in the issuance of certificates.

(b) Any registering unit which acquires roasted coffee on or after November 22, 1942, without the surrender of certificates, shall have the amount thereof charged against the amounts for which subsequent certificates may be issued.

§ 1407.1003 *Restriction on use.* (a) No registering unit shall, in any allotment period, use more coffee for any purpose for which allotment certificates may be obtained than the amount of its allotment for said period plus the unused portion of any of its prior allotments; *Provided, however,* That a registering unit may use any part of an allotment at any time after a certificate for such allotment has been issued to it.

(b) No registering unit shall use roasted coffee for any purpose other than the preparation by it of a beverage.

§ 1407.1004 *Establishments which were not in operation between September 1 and November 21, 1942.* (a) An institutional establishment which commences operations on or after November 22, 1942, shall be registered on O.P.A. Form R–310 as a registering unit or as a part of a new or existing registering unit. The registration of such institutional establishment registered under Rationing Order No. 3 shall be made on the reverse side of the O.P.A. Form R–310 filed for such institutional establishment in connection with its registration under Rationing Order No. 3. The registration of such institutional establishments not registered under Rationing Order No. 3 shall be made on O.P.A. Form R–310 with the board designated to serve the area in which the principal business office of the owner is located, but only items numbered one to six, inclusive, on the front of such form shall be completed.

(b) Each of the first two allotments of roasted coffee to be granted for such an institutional establishment shall be equal to one pound of roasted coffee for every 60 meals to be served by the institutional establishment during the allotment period for which application is made, as estimated by the registering unit and approved by the board. The amount of each subsequent allotment shall be equal to one pound of roasted coffee for every 60 meals served by the institutional establishment in the preceding allotment period. In all other respects the institutional establishment shall be treated as if it had been in operation between September 1 and November 21, 1942.

§ 1407.1005 *Definition of "meal."* For the purposes of Ration Order No. 12, a "cup of coffee" shall not constitute a meal unless the service thereof is accompanied by the service of at least one other item of food exclusive of milk, cream, and sugar.

§ 1407.1006 *Late registration.* A registering unit in operation on November 21, 1942, which is not registered on November 23, 24, or 25, 1942, may thereafter be registered at the office of the board. The initial inventory of the registering unit shall, in such circumstances, be computed as of midnight November 21, 1942, and the registering unit shall not be issued any certificates for any allotment periods or partial periods that may have elapsed.

§ 1407.1007 *Obtaining roasted coffee for feeding troops pursuant to written contract with the Army, Navy, Marine Corps, or Coast Guard.* Whenever an institutional user shall, pursuant to a written contract made with the Army, Navy, Marine Corps, or Coast Guard, require roasted coffee for use in the preparation of beverages to be served by it to Army, Navy, Marine Corps, or Coast Guard personnel to be messed separately under an officer's command, an officer authorized by the Army, Navy, Marine Corps, or Coast Guard may issue a certificate in such weight value as may be required for such purpose. The institutional user may acquire roasted coffee therewith; *Provided, however,* That roasted coffee acquired with such certificate shall remain under the control of the officer commanding such personnel and shall not be used for any purpose other than service to such personnel.

§ 1407.1008 *Obtaining roasted coffee for troop movements.* (a) Whenever an institutional user shall require roasted coffee for use in the preparation of beverages to be served by it to Army, Navy, Marine Corps, or Coast Guard personnel involved in troop movements and which are to be messed separately under an officer's command, such institutional user may apply in writing to the board for a certificate in the amount required, stating on such application the address of the institutional establishment or addresses of the institutional establishments or of the commissaries or immobile service points at which such roasted coffee is needed, and that the roasted coffee applied for will be used only for such purpose. The board, upon satisfactory proof that such roasted coffee will be needed, shall grant the application. The applicant shall, within 15 days after the service of coffee to such troops, file with the board proof of the service and the amount thereof. He shall surrender to the board certificates in weight value equal to the amount, if any, by which the certificate issued to him by the board exceeds in weight value the roasted coffee so used or such difference shall be charged against the amount of his next allotment or allotments or against any subsequent certificate issued pursuant to this section.

(b) An institutional user who on or after November 22, 1942, uses roasted coffee in the preparation of beverages served by it to Army, Navy, Marine Corps, or Coast Guard personnel involved in troop movements, which were messed separately under an officer's command, may apply to the board for a certificate in a weight value equal to the weight of the roasted coffee so used, if no certificate therefor has been issued pursuant to paragraph (a) of this section. The application shall state the address of the institutional establishment or addresses of the institutional establishments or of the commissaries or immobile service points at which such troops were served and the quantity of roasted coffee used at each of such establishments, commissaries, or immobile service points, and shall be accompanied by a statement signed by the officer in charge of the troops setting forth the number of meals served to the troops, the dates upon which this service was rendered, and the quartermaster's requisition for the meals served. Upon the presentation of the evidence required by this paragraph, the board shall grant such application.

(c) In issuing a certificate pursuant to paragraph (a) or (b) of this section, the weight of any substitute or substance, including but not limited to chicory, cereal, peas, or beans, to be mixed, blended, or compounded with the roasted coffee to be served, or mixed, blended, or compounded by the applicant with the roasted coffee served, shall not be included by the board in the amount of such certificate.

INDUSTRIAL USERS

§ 1407.1015 *Restriction on use of coffee.* No industrial user shall roast any green coffee in connection with or for use in connection with the production, manufacture, or processing of any products, other than of products to be transferred to the Army, Navy, Marine Corps, or Coast Guard or to any persons specified in § 1407.991, without petitioning the Office of Price Administration, Washington, D. C., for permission to do so and obtaining such permission. The petition shall state the name and address of the petitioner; the purposes for which he intends to use the coffee he seeks permission to roast; the amount of roasted coffee so used by him in each month of 1941, and, if he was not in business during the entire year of 1941, the amount of roasted coffee so used by him in each month of 1942; the amount of green coffee the petitioner seeks permission to roast; his inventory of coffee on the date of his application; and any other facts deemed pertinent by such industrial user. The Office of Price Administration may, before acting on any such petition, require the petitioner to furnish any additional information it deems pertinent.

§ 1407.1016 *Inventory.* (a) In reporting his inventory, the industrial user shall include all coffee located within the

continental United States (the 48 States of the United States and the District of Columbia) to which said industrial user has title or holds documents of title. Said industrial user shall be deemed to have title to coffee: (1) in transit or stored for delivery to him and out of the possession of the vendor; (2) mortgaged, pledged, or otherwise used by the industrial user as security in a credit transaction; and (3) in the possession of the vendor of the industrial user if such coffee has been paid for and physically segregated and earmarked by the vendor for delivery to said industrial user.

§ 1407.1017 *Industrial users—nonroasters.* An industrial user of coffee who does not roast green coffee used by him in the production, manufacture, or processing of products may petition the Office of Price Administration, Washington, D. C., for allotments of roasted coffee. The petition shall state the name and address of the petitioner; the purposes for which roasted coffee is used or is desired to be used by him; the amount of roasted coffee so used by him in each month of 1941 and, if he was not in business during the entire year of 1941, the amount of roasted coffee so used by him in each month of 1942; the amount of allotments being sought; and any other facts deemed pertinent by such industrial user. The Office of Price Administration may, before acting on any such petition, require the petitioner to furnish any additional information it deems pertinent.

§ 1407.1018 *Restriction on transfer of soluble and liquid extract coffee.* No industrial user shall transfer any soluble or liquid extract coffee to any person, other than the Army, Navy, Marine Corps, or Coast Guard, or any person specified in § 1407.991, without petitioning the Office of Price Administration, Washington, D. C., for permission to do so and obtaining such permission. The petition shall state the name and address of the petitioner; the amount of soluble or liquid extract coffee he seeks to transfer; the person to whom he seeks to transfer such soluble or liquid extract coffee; the amount of soluble or liquid extract coffee so transferred by him in each month of 1941, and, if he was not in business during the entire year of 1941, the amount of soluble or liquid extract coffee so transferred by him in each month of 1942; his inventory of soluble and liquid extract coffee on the date of his application; and any other facts deemed pertinent by such industrial user. The Office of Price Administration may, before acting on any such petition, require the petitioner to furnish any additional information it deems pertinent.

CERTIFICATES AND COFFEE STAMPS

§ 1407.1020 *Nature and validity of certificates and coffee stamps.* (a) A certificate may be transferred by the person to whom it is issued only for the purpose of authorizing such person to acquire the amount of roasted coffee authorized by the certificate. A coffee stamp may be transferred by a consumer to a retailer or wholesaler only for the purpose of authorizing the consumer to whom the coffee stamp was issued to acquire one pound of roasted coffee. A coffee stamp is valid in the hands of a consumer only if attached to a properly issued war ration book.

(b) Each coffee stamp authorizes the transfer of one pound of roasted coffee to a consumer only during the ration period assigned to that coffee stamp in § 1407.1091. A coffee stamp received from a consumer by a retailer or wholesaler in accordance with Ration Order No. 12 and against which such retailer or wholesaler has transferred roasted coffee, authorizes such retailer or wholesaler to acquire roasted coffee therewith from another retailer or wholesaler or to receive from the board a certificate having an equal weight value: *Provided,* That such coffee stamp is surrendered to such other retailer or wholesaler or to the board within ten days of the close of the ration period assigned to such coffee stamp.

(c) Coffee stamps in or from the war ration book of an individual whose age, as entered in said war ration book, is less than 15 years, are invalid for the acquisition of coffee. Such coffee stamps shall not be detached from the war ration book.

(d) A certificate authorizes the person to whom it is issued to acquire roasted coffee therewith within 60 days of the date of issuance of the certificate. A certificate received by a person by surrender and endorsement from another person pursuant to Ration Order No. 12, authorizes the transfer of roasted coffee to such other person within 60 days of the date of issuance of the certificate or within 30 days of the date set forth in the endorsement on such certificate to such person, whichever is later.

(e) A person receiving coffee stamps or certificates from a retailer or wholesaler or from a registering unit may, if requested by the person surrendering the coffee stamps or certificates, transfer to such person a quantity of roasted coffee equal to the weight value of the coffee stamps and certificates so received, plus an additional quantity of roasted coffee equal to either: (1) an amount, not in excess of ten per cent of the weight value of the coffee stamps or certificates so received, required to make a total quantity equal to a carload or (2) an amount, not in excess of 23 pounds, required to permit a transfer in shipping packages customarily used by the transferor. The person acquiring roasted coffee in a quantity greater than the weight value of the coffee stamps and certificates surrendered by him shall be charged with such excess and shall surrender to the transferor coffee stamps or certificates in weight value equal to such excess within 15 days after such acquisition.

§ 1407.1021 *Surrender of certificates and coffee stamps.* (a) Certificates or coffee stamps must be surrendered by the person acquiring roasted coffee to the person transferring roasted coffee at or before the time of such transfer. Before a certificate is surrendered, the proper endorsement thereon shall be completed by the holder of the certificate.

(b) A coffee stamp shall not be detached from a war ration book except by the consumer or the person acting on his behalf in the presence of the person making delivery of the roasted coffee.

§ 1407.1022 *Mail orders and similar transactions.* When a consumer wishes to acquire roasted coffee by mail-order or similar transaction, he shall forward his war ration book or certificate to the seller with his order. Before transferring the roasted coffee to the consumer, the seller shall, where the consumer has forwarded his war ration book to the seller, detach therefrom the appropriate coffee stamp. Such seller shall return the consumer's war ration book to him promptly.

§ 1407.1023 *War ration stamp cards.* (a) A person to whom coffee stamps are surrendered by a consumer shall affix the coffee stamps on a war ration stamp card (O.P.A Form R–304) or upon a facsimile thereof. Only coffee stamps bearing the same number may be affixed to a card. Not all the spaces on a card need be filled. The card may be surrendered by a retailer or wholesaler, subject to paragraphs (b) and (c) of this section, to another retailer or wholesaler for the purpose of acquiring an amount of roasted coffee equivalent to the aggregate weight value of the coffee stamps affixed thereto.

(b) When a retailer or wholesaler surrenders a card for the purpose of authorizing a transfer of roasted coffee to him, he shall write across the face of the card his name and address, the date of such surrender, and the name and address of the person to whom the card is being surrendered. A retailer or wholesaler who receives cards shall surrender such cards to the board within ten days of their receipt. Such retailer or wholesaler may, at the same time, surrender any certificates received by him. At the time of such surrender the retailer or wholesaler shall complete and submit with the surrendered cards and certificates, if any, O.P.A. Form R–309. The board receiving such cards and certificates together with such form shall thereupon issue to such retailer or wholesaler a certificate or certificates in weight value equal to the surrendered coffee stamps and certificates.

(c) Coffee stamps affixed to a card shall, except as set forth in paragraph (b) of this section, have no greater period of validity than coffee stamps not so affixed and, in any event, shall have no greater value.

(d) A retailer or wholesaler may, if he desires, surrender, pursuant and subject to the provisions of paragraph (b) of this section, stamps or certificates received by any establishment owned by him to the board having jurisdiction over the area within which such establishment is located.

§ 1407.1024 *Sale, gift, loan, or judicial seizure of coffee stamps or certificates prohibited.* The transfer, sale, gift, loan, or assignment of a coffee stamp or certificate is prohibited and no coffee stamp or certificate or any interest therein may be so acquired or seized by distraint, execution, levy, attachment, or other judicial process or acquired through devise, bequest, or inheritance except that such transfer, sale, gift, loan, assignment, seizure, and acquisition is permitted when coffee stamps or certificates are transferred as part of the assets of an establishment transferred as provided in § 1407.1054, and when otherwise expressly permitted in Ration Order No. 12: *Provided, however,* That a person to whom a war ration book or certificate has been issued may institute and prosecute any proceeding for the purpose of recovering possession of said war ration book or certificate from any person wrongfully in possession thereof.

§ 1407.1025 *Destroyed, mutilated, or stolen coffee stamps or certificates.* (a) A certificate that is torn or mutilated is valid only if more than one-half thereof remains legible and only if such remaining portion clearly evidences the date of the certificate, its weight value, and the name of the person to whom the certificate was issued. A coffee stamp that has been torn or mutilated is valid for use by a consumer only if more than one-half of such coffee stamp remains undetached in the war ration book.

(b) If a certificate or coffee stamp, held by a retailer or wholesaler or by an institutional or industrial user is lost, destroyed, or stolen, or becomes invalid because of mutilation, the person entitled to such certificate or coffee stamp may apply to the board for a new certificate in weight value equal to that of the lost, stolen, destroyed, or mutilated certificate or coffee stamp. Upon the presentation of satisfactory proof, the board shall grant the application.

§ 1407.1026 *Exchange of certificates.* Any person may surrender to the board a valid certificate or valid certificates which he is entitled to use to acquire roasted coffee and obtain a certificate or certificates in different denominations in exchange therefor. The board shall issue a certificate or certificates to such person, dated as of the date of their issuance, in such reasonable denominations as he may require, but in no event shall the aggregate weight value of the newly-issued certificate or certificates exceed the weight value of the surrendered certificate or certificates.

§ 1407.1027 *Transfers not to be made upon invalid coffee stamps, certificates, or purchase warrants.* (a) No person shall transfer roasted coffee if the coffee stamp, certificate, or purchase warrant tendered therefor is mutilated or illegible.

(b) No person shall transfer roasted coffee if he knows or has reason to believe that the certificate or purchase warrant tendered therefor was not acquired or issued in accordance with Ration Order No. 12 or that the coffee stamp tendered therefor was not acquired or issued in accordance with Rationing Order No. 3 or Ration Order No. 12. In the event of a refusal to transfer roasted coffee against a coffee stamp, certificate, or purchase warrant the person refusing to make the transfer shall promptly notify the issuing board of such refusal and his reasons therefor.

§ 1407.1028 *Notification to the Office of Price Administration of legal proceedings.* Every person holding a certificate, coffee stamp, or purchase warrant shall notify the District Office of the Office of Price Administration immediately upon the commencement of any legal action or proceeding involving such certificate, coffee stamp, or purchase warrant.

§ 1407.1029 *Authorization of transfer against coffee stamps, certificates, or purchase warrants is authorization of acquisition, and vice versa.* Where in Ration Order No. 12 the transfer of roasted coffee is authorized on the surrender of coffee stamps, certificates, or purchase warrants the acquisition of such roasted coffee, as part of the same transaction, on the surrender of coffee stamps, certificates, or purchase warrants shall also be deemed to be authorized, and vice versa.

§ 1407.1030 *Prohibition of transfer except against coffee stamps, certificates, or purchase warrants is prohibition of acquisition, and vice versa.* Where in Ration Order No. 12 the transfer of roasted coffee is prohibited except on the surrender of coffee stamps, certificates, or purchase warrants the acquisition of such roasted coffee, as part of the same transaction, except on the surrender of coffee stamps, certificates, or purchase warrants shall also be deemed to be prohibited, and vice versa.

§ 1407.1031 *Prohibited acts with respect to coffee stamps and certificates.* (a) No person shall use or have in his possession any coffee stamp, certificate, or purchase warrant, whether issued as a ration or not, except the person, or the agent of the person, to whom such coffee stamp, certificate, or purchase warrant was issued or by whom it was acquired in accordance with the provisions of Ration Order No. 12.

(b) No person shall counterfeit or forge a coffee stamp, war ration book, purchase warrant, or certificate.

(c) No person shall transfer, acquire, possess, or use any forged, altered, or counterfeited coffee stamp, war ration book, purchase warrant, or certificate.

(d) No person shall transfer, surrender or assign and no person shall acquire, or receive an assignment of, any coffee stamp, war ration book, purchase warrant, or certificate, except in accordance with the provisions of Ration Order No. 12 or any other ration order of the Office of Price Administration.

TRANSFER AND ACQUISITION OF GREEN COFFEE

§ 1407.1040 *Initial inventory.* (a) Every person, other than the Army, Navy, Marine Corps, and Coast Guard and Commodity Credit Corporation, who transfers or acquires green coffee shall take an inventory of his green coffee as of 12 o'clock midnight, November 21, 1942: *Provided, however,* That this section shall not apply to persons who roast green coffee.

(b) Such inventory shall include all green coffee located within the continental United States (the 48 States of the United States and the District of Columbia) to which such person has title or holds documents of title. He shall be deemed to have title to green coffee: (1) in transit or stored for delivery to him and out of the possession of the vendor prior to November 22, 1942; (2) held by him on consignment or on any similar basis; (3) mortgaged, pledged, or otherwise used by him as security in a credit transaction; or (4) in the possession of his vendor if such green coffee has been paid for and physically segregated or earmarked by the vendor for delivery to him.

(c) Such person shall include a statement of said inventory of green coffee in the first report filed by him pursuant to § 1407.1071.

§ 1407.1041 *Transfer and acquisition of green coffee.* (a) No person shall acquire, except by import or pursuant to §§ 1407.1053, 1407.1054, 1407.1056, 1407.1058, or 1407.1060, green coffee if as the result of such acquisition his existing inventory would exceed his allowable inventory of coffee. If green coffee is acquired by any person by import or pursuant to §§ 1407.1053, 1407.1054, 1407.1056, 1407.1058, or 1407.1060, in an amount which, together with the coffee in his existing inventory, exceeds his allowable inventory of coffee, such person if he is unable to make an immediate sale of coffee in an amount equivalent to such excess shall, within 72 hours after acquiring such green coffee, offer, through established coffee dealers and brokers, an equivalent amount of coffee for sale in conformity with Ration Order No. 12. If, prior to the acceptance of such offer, such person becomes entitled, as a result of reduction of his existing inventory, to acquire green coffee, coffee in an amount equivalent to the amount which he is so entitled to acquire may be withdrawn from the amount of coffee offered for sale pursuant to this section.

(b) Any person making an offer for sale in accordance with paragraph (a) of this section shall, at the same time, forward a report to the Office of Price Administration, Washington, D. C., stating (1) the amount so offered for sale; (2) whether the coffee offered for sale is from his existing inventory; (3) a description of the coffee offered for sale; (4) the location of the coffee offered for sale; and (5) the names of the brokers or dealers through whom the offer is being made. In the event of sale of any such coffee, such person shall forward a report of such sale, within 24 hours thereafter to the Office of Price Administration, Washington, D. C., stating the name of the purchaser and the date of sale.

§ 1407.1042 *Retention of coffee stamps and certificates by roasters.* (a) Every retailer or wholesaler who roasts green coffee shall retain in his possession, until further order by the Office of Price Administration, coffee stamps, certificates, or purchase warrants equal in weight value to 84 per cent of the weight of the green coffee roasted by him and transferred by him subsequent to November 21, 1942. Stamps or certificates surrendered to the board pursuant to § 1407.985 shall be considered, for the purposes of this section, as being retained by such person.

(b) An institutional registering unit which roasts green coffee used by it in the preparation of beverages shall retain

in its possession, until further notice by the Office of Price Administration, certificates in weight value equal to 84 per cent of the weight of the green coffee roasted by it subsequent to November 21, 1942: *Provided, however,* That such a registering unit whose initial inventory was greater than the amount of its allowable inventory need not retain certificates for such excess.

TRANSFERS PERMITTED WITHOUT THE SURRENDER OF COFFEE STAMPS, CERTIFICATES, OR PURCHASE WARRANTS AND IRRESPECTIVE OF RESTRICTIONS ON THE ACQUISITION OF GREEN COFFEE

§ 1407.1045 *Transfer of green coffee.* When the transfer of green coffee is permitted by Ration Order No. 12, such transfer may be made without the surrender of coffee stamps, certificates, or purchase warrants.

§ 1407.1046 *Loans and gifts of roasted coffee.* (a) Loans of roasted coffee owned for personal use which are repaid in kind in equal quantity may be made between consumers without the surrender of coffee stamps or certificates.

(b) Gifts of roasted coffee may be made by a consumer to a charitable or religious organization without the surrender of coffee stamps or certificates.

§ 1407.1047 *Coffee included in initial inventory.* Any coffee included in the initial inventory of a person or registering unit may be transferred to said person or registering unit without the surrender of coffee stamps, certificates, or purchase warrants and irrespective of any restriction on the acquisition of green coffee imposed by Ration Order No. 12.

§ 1407.1048 *Exchanges*—(a) *Of roasted coffee.* Roasted coffee may be exchanged for other roasted coffee without the surrender of stamps or certificates: *Provided,* That the weights of the roasted coffee exchanged must be equal.

(b) *Of green coffee.* Green coffee may be exchanged for other green coffee irrespective of any restriction on the acquisition of green coffee imposed by Ration Order No. 12: *Provided,* That the weights of the green coffee exchanged must be equal.

(c) *Time limit.* Deliveries or shipments of coffee involved in an exchange made pursuant to this section must be made on the same day.

§ 1407.1049 *Transfers to exempt persons.* Any person may transfer, without the surrender of coffee stamps or certificates and irrespective of any restriction on the transfer or acquisition of coffee imposed by Ration Order No. 12, coffee to any of the persons enumerated in § 1407.991 (c), subject, however, to the provisions of § 1407.991. The Army, Navy, Marine Corps, and Coast Guard may acquire green coffee irrespective of any restriction on the transfer or acquisition of green coffee imposed by Ration Order No. 12.

§ 1407.1050 *Transfers between establishments owned by same person.* Any person may transfer coffee, without the surrender of coffee stamps or certificates, between establishments owned by him except between institutional establishments registered in different registering units.

§ 1407.1051 *Green coffee transferred for roasting.* Any person may transfer, irrespective of any restriction on the acquisition of green coffee imposed by Ration Order No. 12, green coffee owned by him to another person for roasting and may accept the return of such coffee after it is roasted, without surrendering coffee stamps or certificates.

§ 1407.1052 *Transfer of coffee for carriage.* (a) Coffee delivered before November 22, 1942, to a carrier may be delivered by the carrier to the person to whom the coffee was consigned or may be redelivered to the consignor without the surrender of certificates or coffee stamps by anyone in connection therewith and irrespective of any restriction on the acquisition of green coffee imposed by Ration Order No. 12.

(b) On or after November 22, 1942, coffee may be received by a carrier for carriage without the surrender of certificates or coffee stamps by the carrier and irrespective of any restriction on the acquisition of green coffee imposed by Ration Order No. 12. Coffee so received may thereafter be delivered, without the receipt of certificates or coffee stamps by such carrier and irrespective of any restriction on the acquisition of green coffee imposed by Ration Order No. 12, only to (1) the person from whom it was received; (2) the person to whom it was consigned; (3) the person to whom the bill of lading or similar instrument, if any, issued in connection with such carriage, has been duly transferred; or (4) connecting carriers for the purpose of such delivery.

(c) Nothing in this section shall be deemed to relieve any person who delivers roasted coffee to a carrier from the obligation to receive certificates, coffee stamps, or purchase warrants from the consignee or other person to whom a transfer is made as a result of such delivery or from any other obligation imposed by Ration Order No. 12.

§ 1407.1053 *Transfer of coffee for storage.* (a) Coffee delivered before November 22, 1942, to a public or other warehouse, not an establishment within the meaning of Ration Order No. 12, may at any time, without the surrender of certificates or coffee stamps and irrespective of any restriction on the acquisition of green coffee imposed by Ration Order No. 12, be redelivered to the person who delivered it to such warehouse, or delivered to the person to whom the warehouse receipt or other similar instrument, if any, issued in connection with such storage, has been duly transferred.

(b) On or after November 22, 1942, any public warehouse may, without surrendering certificates or coffee stamps and irrespective of any restriction on the acquisition of green coffee imposed by Ration Order No. 12, receive roasted coffee for storage and deliver such roasted coffee to the person from whom it received such roasted coffee or to the person to whom the warehouse receipt or other similar instrument, if any, issued in connection with such storage, has been duly transferred.

(c) Nothing in this section shall be deemed to relieve any person who delivers roasted coffee for storage from the obligation to receive coffee stamps, certificates, or purchase warrants from any person other than the warehouseman to whom such roasted coffee is transferred or from any other obligation imposed by Ration Order No. 12.

§ 1407.1054 *Voluntary or involuntary transfer of establishment.* (a) Coffee may be acquired by any person without the surrender of coffee stamps or certificates and irrespective of any restriction on the acquisition of green coffee imposed by Ration Order No. 12 where, as a consequence of reoganization, liquidation, merger, foreclosure, execution, assignment for the benefit of creditors, bankruptcy, death, devise, bequest, inheritance, or other voluntary or involuntary transfer or sale of an establishment, all or substantially all the assets of such establishment, including good-will, are transferred to such person.

(b) Any person acquiring roasted coffee pursuant to paragraph (a) of this section shall, with respect thereto, be subject to all obligations of the former owner of the establishment to transfer roasted coffee in exchange for certificates, coffee stamps, or purchase warrants surrendered to such former owner prior to such acquisition and against which the transfer of roasted coffee had not been completed at the time of such acquisition and be entitled to receive certificates, coffee stamps, or purchase warrants equivalent in weight value to any amount by which the quantity of roasted coffee transferred by such former owner to any person prior to such acquisition exceeds in weight value the certificates, coffee stamps, and purchase warrants surrendered by such person. The person acquiring roasted coffee pursuant to paragraph (a) of this section may continue the operation of the establishment, and, if he does so, shall be subject to all the provisions of Ration Order No. 12 applicable thereto. If a person acquiring roasted coffee pursuant to paragraph (a) of this section does not continue the operation of the establishment, such roasted coffee may be transferred by him pursuant to the provisions of § 1407.1061.

§ 1407.1055 *Liquidation of establishments.* (a) The person in charge of the liquidation of a retail, wholesale, or institutional establishment, which is the sole establishment owned by the owner thereof, and the person in charge of the liquidation of retail or wholesale establishments, which are all the establishments owned by the owner thereof, or institutional establishments, which are all the establishments in a registering unit, shall promptly after the commencement of the liquidation (1) acquire all roasted coffee for which coffee stamps, certificates, or purchase warrants had been surrendered by said owner; (2) transfer all roasted coffee for which coffee stamps, certificates, or purchase warrants had been surrendered to said owner; (3) acquire all coffee stamps, certificates, or purchase warrants to which said owner is entitled by reason of the transfer by him of roasted coffee; and (4) surrender coffee stamps, certificates, or purchase warrants for which roasted coffee has been transferred to said owner. At the completion of the liquidation the person in charge thereof shall surrender to the board for cancellation all certificates, coffee stamps, and purchase warrants held by the establishment or establishments and shall account for any difference between the coffee stamps, certificates, and purchase warrants so surrendered and the allowable inventory of such owner, or, if a registering unit is being liquidated, all certificates on hand or, if such registering unit roasts coffee, all coffee stamps or certificates required to be retained thereby pursuant to Ration Order No. 12. If at the completion of the liquidation the person in charge thereof is unable to surrender, acquire, or transfer coffee stamps, certificates, purchase warrants, or roasted coffee as required by this section, he shall file with the board a complete statement of all the facts and circumstances in connection therewith.

(b) In the event of the liquidation of an institutional establishment, the allotment made thereafter to the registering unit of which said institutional establishment was a part shall be reduced by the amount applicable to such institutional establishment.

(c) Any person who has surrendered certificates, coffee stamps, or purchase warrants to an establishment and who does not, prior to the liquidation of such establishment or within one month after the commencement of such liquidation, receive from the person in charge of such liquidation, pursuant to paragraph (a) (2) of this section, all the roasted coffee for which certificates, coffee stamps, or purchase warrants have been surrendered by such person to the establishment being liquidated may apply to the board for a certificate authorizing the acquisition of the quantity of roasted coffee he has so failed to receive. Before the board may grant any such application, the applicant shall prove, to the satisfaction of the board, the surrender by him of certificates, coffee stamps, or purchase warrants and his failure to receive roasted coffee therefor as claimed.

§ 1407.1056 *Disposal of damaged coffee and undamaged coffee mingled therewith, or coffee in a package, bag, or other container damaged while in transit by common carrier.* (a) Coffee which is damaged and undamaged coffee mingled therewith, or coffee which is in a package, bag, or other container damaged while in transit by a common carrier, may be transferred by any person in possession thereof without the surrender of coffee stamps or certificates and irrespective of any restriction on the acquisition of green coffee imposed by Ration Order No. 12 to (1) any person who has insured such coffee against loss or damage and is duly authorized by law to engage in the insurance business; (2) common or contract carriers in connection with the exercise of the right of subrogation or by virtue of the payment by them of a claim for damage to such coffee or container; and (3) persons engaged principally and primarily in the business of adjusting losses or selling or reconditioning and selling damaged commodities, who take possession of or receive such commodities on the occurrence or imminence of casualties or in connection with the adjustment of losses resulting from casualties.

(b) A person described in paragraph (a) (1), (2), or (3) of this section, acquiring coffee pursuant to said paragraph (a), shall report such fact in writing to the board having jurisdiction over the area in which its principal business office is located. The report shall also state the disposition proposed to be made of such coffee.

(c) Following such report, undamaged coffee which has been mingled with, but which can be and is separated from damaged coffee, or coffee which is in a package, bag, or other container damaged while in transit by common carrier, may be disposed of by such person, but only, if the coffee is green coffee, to a person who is a roaster or who is and was prior to November 22, 1942, a green coffee dealer, or, if the coffee is roasted coffee, as follows:

(1) It may be transferred, without the receipt of coffee stamps or certificates, in the manner provided in §§ 1407.1052, 1407.1053, or 1407.1060.

(2) It may be transferred upon receipt of coffee stamps or certificates as prescribed in Ration Order No. 12 and the coffee stamps or certificates thus received shall be surrendered to the board for cancellation within five days of receipt.

(3) An institutional user may use such roasted coffee subject to the provisions of § 1407.1002 (b).

§ 1407.1057 *Replacement of damaged, destroyed, lost or stolen coffee or coffee in a package, bag, or other container damaged while in transit.* (a) A person, other than a consumer, whose damaged roasted coffee and undamaged roasted coffee mingled therewith is transferred pursuant to § 1407.1056 (a), or whose roasted coffee is destroyed, lost, or stolen may obtain certificates in weight value equal to the original weight of such roasted coffee. A person, other than a consumer, whose roasted coffee, in a package, bag, or other container damaged while in transit by common carrier, is transferred pursuant to §1407.1056 (a) may obtain certificates in weight value equal to the amount of roasted coffee in such package, bag, or other container before it was damaged. A person, other than a consumer, whose roasted coffee, although in a package, bag, or other container damaged while in transit by common carrier, was not transferred pursuant to § 1407.1056 (a), or was in a package, bag, or other container damaged in any other manner may obtain certificates in weight value equal to the amount of roasted coffee lost from the package, bag, or other container because of such damage.

(b) Written application shall be made by such a person to the board stating facts which establish compliance with the requirements of paragraph (a) of this section and including such other information as the board may require.

§ 1407.1058 *Recovery of lost or stolen coffee.* (a) Coffee which has been lost or stolen may be recovered without the surrender of coffee stamps or certificates and irrespective of any restriction on the acquisition of green coffee imposed by Ration Order No. 12 by the person rightfully in possession of such coffee when it was lost or stolen or by a person who has insured such coffee against loss or theft and is duly authorized by law to engage in the insurance business or by a common or contract carrier in connection with the exercise of the right of subrogration or by virtue of the payment by it of a claim for such loss or theft. Such recovery may be made directly or through a Government agency or other person authorized to secure such recovery.

(b) A person recovering lost or stolen roasted coffee for which he has obtained a certificate pursuant to § 1407.1057 shall report such fact in writing to the board. The report shall also state the amount of such roasted coffee and the disposition proposed to be made of it. Such roasted coffee may thereafter be disposed of by such person but only in the manner provided by § 1407.1056 (c) (1), (2), and (3).

(c) An insurer or carrier recovering lost or stolen coffee shall report such fact in writing to the board having jurisdiction over the area in which its principal office is located. The report shall also state the amount of such coffee and the disposition proposed to be made of it. Such coffee may thereafter be disposed of by such person but only in the manner provided by paragraphs (c) (1), (2), and (3) of § 1407.1056.

§ 1407.1059 *Surrendering certificates to the board for cancellation.* Where roasted coffee which had been transferred pursuant to §§ 1407.1049 or 1407.1060 is returned to the person from whom it was acquired and such person has obtained from the board certificates authorizing the acquisition of roasted coffee to replace such roasted coffee, such person shall surrender to the board for cancellation certificates or coffee stamps in weight value equal to the weight of the roasted coffee so returned.

§ 1407.1060 *Acquisition of coffee by judicial process, by operation of law and for security and similar purposes; enforcement*—(a) *Acquisition by judicial process, by operation of law, and by the exercise of statutory rights or powers.* Coffee may be acquired by, or a lien created thereon in favor of, the following persons and in the following cases without the surrender of coffee stamps or certificates and irrespective of any restriction on the acquisition of green coffee imposed by Ration Order No. 12: (1) any person pursuant to judicial process or an order issued by a court of competent jurisdiction or by operation of law; (2) a State or political subdivision or agency thereof or by the United States or any agency thereof in the enforcement or exercise against such coffee of statutory rights or powers.

(b) *Creation of security interests and liens.* Coffee may be acquired for security purposes by, or a lien created thereon for security purposes in favor of, the following persons and in the following cases without the surrender of coffee stamps or certificates and irrespective of any restriction on the acquisition of green coffee imposed by Ration Order No. 12: (1) a State or political subdivision or agency thereof or the United States or any agency thereof or any person duly licensed to engage in the business of making loans upon collateral and regulated in conducting such business by a State or the United States; (2) any person where the security interest arises or is transferred with respect to all or substantially all the coffee of an establishment.

(c) *Assignments prohibited.* Nothing in this section shall be deemed to permit any person to acquire, without coffee stamps or certificates or irrespective of any restriction on the acquisition of green coffee imposed by Ration Order No. 12, an interest in coffee in connection with or as a consequence of an assignment of less than the entire debt secured by such coffee.

(d) *Release or return.* Except as otherwise provided in Ration Order No. 12, coffee or any interest therein or lien thereon acquired pursuant to paragraphs (a) or (b) of this section may be returned to the person from whom it was acquired or released without the surrender of coffee stamps or certificates and irrespective of any restriction on the acquisition of green coffee imposed by Ration Order No. 12 or such coffee may be used or transferred pursuant to the provisions of § 1407.1061.

(e) *Enforcement of security.* Any person who has acquired coffee or in whose favor a lien thereon has been created under the authority of this section, or who holds a lien on or security interest in coffee created prior to November 22, 1942, may enforce such security, lien, or other interest in the manner provided by applicable State or Federal laws. Transfers necessary for the enforcement thereof may be made to such person, without the surrender of coffee stamps or certificates and irrespective of any restriction on the acquisition of green coffee imposed by Ration Order No. 12, or to other persons, with respect to roasted coffee, upon receipt of appropriate coffee stamps or certificates (except as otherwise provided in Ration Order No. 12) to be disposed of as provided in § 1407.1061, or, with respect to green coffee, to persons authorized to acquire such coffee by Ration Order No. 12. Roasted coffee acquired by such person hereunder may not be used by such person and may not be transferred except pursuant to § 1407.1061.

§ 1407.1061 *Disposal of roasted coffee acquired without coffee stamps or certificates.* Any person who acquires roasted coffee without the surrender of coffee stamps or certificates, pursuant to § 1407.1060, may thereafter, if an institutional user, use such roasted coffee subject to the provisions of § 1407.1002 (b) or may transfer such roasted coffee only upon surrender to him of appropriate coffee stamps or certificates, except as otherwise expressly permitted by Ration Order No. 12. Such coffee stamps or certificates shall, within five days after each such transfer, be surrendered for cancellation to the State Director of the State in which such person resides or in which his principal business office is located.

§ 1407.1062 *Obtaining certificates to replace roasted coffee acquired pursuant to* § 1407.1060. When roasted coffee of a person who does not roast such coffee, has been acquired by another person without the surrender of coffee stamps or certificates, pursuant to § 1407.1060, the person from whom such roasted coffee has been acquired may apply to the board for a certificate in weight value equal to the weight of the roasted coffee acquired from him. Before the board may grant any such application, the applicant shall prove to the satisfaction of the board that the roasted coffee was acquired from him under the conditions described in § 1407.1060 and has not been returned to him.

PETITIONS FOR ADJUSTMENT; NEW BUSINESS

§ 1407.1065 *Petitions for adjustment of base, allotment, or allowable inventory.* (a) Any person may petition the board in writing for an adjustment of his base, allotment, or allowable inventory. Such petition shall state the name and address of the petitioner, the adjustment sought by him, the grounds on which the adjustment is sought, and any other facts deemed pertinent by such person. The board may request such additional information as it may deem pertinent, and shall, within ten days after the receipt of the petition, send it together with all relevant and material evidence and information received by the board, to the State Director. The board shall attach to the petition its recommendation concerning the action to be taken thereon.

(b) The State Director shall not act upon said petition but shall forward it, together with all other material concerning said petition received from the board, to the Office of Price Administration, Washington, D. C., for appropriate action. The petitioner may be requested to furnish further information and to appear personally.

§ 1407.1066 *New establishments*—(a) *Retail establishments.* (1) Any person desiring to obtain coffee for a retail establishment owned by him which commenced or will commence operations on or after November 22, 1942, may petition the board having jurisdiction over the area in which such person's principal business office is located for assignment to such person for such establishment of an allowable inventory.

(2) The board shall assign to the owner of such establishment an allowable inventory of coffee, not to exceed one pound of coffee for every ten dollars of the estimated gross sales, of all meats, groceries, fruits, vegetables, and similar products, to be made by said establishment in the first month of its operations, and shall issue to such owner a certificate or certificates in a weight value equal to such allowable inventory.

(3) Within ten days after the completion of its first two full months of operations the establishment shall report to the board its average monthly gross sales of all meats, groceries, fruits, vegetables, and similar products. If such report shows that the allowable inventory assigned by the board with respect to such establishment pursuant to paragraph (a) (1) of this section is greater than one pound of coffee for every ten dollars of such average monthly gross sales, the board shall reduce the allowable inventory to such amount and the establishment shall surrender to the board for cancellation coffee stamps or certificates in weight value equal to the amount of such reduction. If such report shows that the allowable inventory assigned to such establishment by the board pursuant to paragraph (a) (1) of this section is less than one pound for every ten dollars of such average monthly gross sales, the board shall increase the allowable inventory to such amount by issuing additional certificates to the establishment.

(b) *Wholesale establishments.* Any person desiring to obtain coffee for a wholesale establishment owned by him which commenced or will commence operations on or after November 22, 1942, may petition the Office of Price Administration, Washington, D. C., for assignment to him for such establishment of an allowable inventory. The petition shall state the name and address of the owner, the location or proposed location of the establishment, the value or estimated value of all meats, groceries, fruits, vegetables, and similar products on hand or to be acquired by such establishment, whether the establishment will roast coffee, the estimated transfers (in pounds) by the establishment during the first month of its operations of roasted coffee to be acquired by the establishment as roasted, and the estimated transfers (in pounds) by the establishment during the first month of its operations of roasted coffee roasted by the establishment.

REPORTS AND RECORDS

§ 1407.1068 *In general.* All persons who transfer or acquire coffee shall maintain such records and make such reports as Ration Order No. 12 requires and as the Office of Price Administration may from time to time require. Unless otherwise indicated in Ration Order No. 12, such records shall be maintained for a period of not less than two years and shall be available during such period for inspection by the Office of Price Administration.

§ 1407.1069 *By retailers and wholesalers.* (a) Every retailer and wholesaler shall maintain records of (1) all roasted and green coffee acquired by him on or after November 22, 1942, the names and addresses of the persons from whom such coffee was acquired, and the date and amount of each acquisition thereof; (2) the names and addresses of all persons, except consumers, to whom green and roasted coffee was transferred and the date and amount of each transfer; (3) the names and addresses of all persons to whom purchase warrants were surrendered and the date and amount of each purchase warrant so surrendered; (4) the names and addresses of all persons from whom purchase warrants were received and the date and amount of each purchase warrant so received; and (5) the amounts of his initial and allowable inventories of coffee. Each retailer and wholesaler shall also preserve all existing sales and other records upon which the computations of his initial and allowable inventories are based.

(b) Every retailer or wholesaler shall on or before December 31, 1942, report to the board, on such form as may be prescribed by the Office of Price Administration, the following: (1) the information contained in his records maintained pursuant to paragraphs (a) (3), (a) (4), and (a) (5) of this section; (2) the computations of his initial and allowable inventories; and (3) such other information as may be called for by such form.

§ 1407.1070 *By institutional and industrial users.* Every institutional registering unit and every industrial user shall maintain a record showing by months, the amounts of green and roasted coffee acquired by it and the names and addresses of the persons from whom such coffee was acquired, the amount of green coffee roasted by it, and, in the case of an industrial user, the amount of coffee used by him in products transferred by him.

§ 1407.1071 *By persons transferring or acquiring green coffee.* (a) Every person, not a retailer or a wholesaler, who transfers or acquires green coffee shall keep a record of the dates and amounts of such transfers and acquisitions and of the names and addresses of the persons to whom green coffee was transferred and from whom green coffee was acquired by him.

(b) Every person, other than the Army, Navy, Marine Corps, and Coast Guard, and Commodity Credit Corporation, who transfers or acquires green coffee shall monthly, beginning in January 1943, prepare a report in triplicate, showing, with respect to the previous month, (1) the names and addresses of the persons to whom green coffee was transferred and from whom green coffee was acquired, together with the dates and amounts of such transfers and acquisitions, and (2) his inventory of green and roasted coffee as of the first day of the month in which the report is prepared. Every person who roasts coffee shall, in addition, include in such report a statement of the weight value of all coffee stamps, certificates, and purchase warrants received by him against which he transferred, during the preceding month, roasted coffee which was roasted by him.

(c) The original and duplicate of each report referred to in paragraph (b) of this section shall be sent to the Office of Price Administration, Washington, D. C., not later than the tenth day of each month. The triplicate copy shall be retained by the person reporting. The report for the month of December 1942 shall include the required information for the period from November 22 to December 31, 1942, inclusive.

§ 1407.1072 *Miscellaneous records.* Any person required to make a report pursuant to § 1407.1056 or 1407.1058 shall preserve at his principal business office records of all coffee acquired or transferred by him pursuant to those sections, the persons by or to whom such transfers were made and the amounts thereof, the weight value of all coffee stamps and certificates received by him for such transfers, the serial numbers of such certificates, and the amount of roasted coffee transferred against such coffee stamps and certificates.

§ 1407.1073 *Disclosure of information.* (a) Information and documents obtained under Ration Order No. 12 will not be disclosed, in response to subpoena or otherwise, to any person other than the person furnishing such information or documents unless the Administrator or an officer or employee of the Office of Price Administration designated by the Administrator (1) determines that the requested disclosure is not contrary to any provision of law and (2) consents to such disclosure.

MISCELLANEOUS

§ 1407.1075 *Administration.* Ration Order No. 12 shall be administered by the Office of Price Administration, its Regional Administrators, State Directors, war price and rationing boards, and such other administrative personnel as it may designate.

§ 1407.1076 *Powers and duties.* The persons appointed to administer Ration Order No. 12 or to assist therein shall have such powers and duties as are herein described and as the Office of Price Administration has assigned and may from time to time assign.

§ 1407.1077 *Imports of roasted coffee.* (a) Roasted coffee may be brought to a place subject to Ration Order No. 12 from a place not subject to Ration Order No. 12, if it is delivered to the Collector of Customs at the point of entry into the United States. Such roasted coffee may be delivered to the Collector of Customs without the receipt of coffee stamps or certificates.

(b) The Collector of Customs may transfer roasted coffee thus received by him to any person importing such roasted coffee upon the receipt of coffee stamps or certificates in weight value equal to the weight of the roasted coffee transferred. When coffee stamps are surrendered to the Collector of Customs by a consumer importing the roasted coffee, the Collector of Customs shall detach from the war ration book of such consumer one coffee stamp for each pound of roasted coffee imported, in the following order: 27, 28, 25, 26, 23, 24, 21, 22, 20. Coffee stamps or certificates so received by the Collector of Customs shall be delivered, at least once each calendar month, to the State Director of the State in which such point of entry is located.

(c) Except as otherwise permitted in Ration Order No. 12, no person shall bring roasted coffee into a place subject to Ration Order No. 12 from a place not subject to Ration Order No. 12 or receive roasted coffee from the Collector of Customs.

§ 1407.1078 *Weight computation formulae*—(a) *Basis of computations.* In applying for and issuing certificates, issuing purchase warrants, and computing initial and allowable inventories, coffee bases, and allotments, all weights of coffee shall be stated in terms of roasted coffee.

(b) *Conversion*—(1) *Green coffee into terms of roasted coffee.* Whenever it is necessary, for the purpose of Ration Order No. 12, to compute the weight of green coffee in terms of weight of roasted coffee, such computation shall be made by multiplying the weight of the green coffee by .84.

(2) *Roasted coffee into terms of green coffee.* Whenever it is necessary, for the purpose of Ration Order No. 12, to compute the weight of roasted coffee in terms of weight of green coffee, such computation shall be made by multiplying the weight of the roasted coffee by 1.19.

§ 1407.1079 *Appeals.* (a) Any person directly affected by the action of a board, State Director, or Regional Administrator taken with reference to any application, petition, or other matter before such board, State Director, or Regional Administrator under Ration Order No. 12 may appeal from such action in accordance with Procedural Regulation No. 9.[8]

(b) This section shall not apply to any action taken with respect to petitions made pursuant to §§ 1407.1065 or 1407.1066, except action taken with respect to such a petition by the board, State Director, or Regional Administrator in cases where the board or official taking the action has been authorized by the Office of Price Administration to grant or deny such petition.

§ 1407.1080 *Persons authorized to sign reports, forms, purchase warrants.* Registration forms, petitions, applications, reports, purchase warrants, and any other documents required by Ration Order No. 12 to be signed by retailers, wholesalers, or industrial or institutional users may be signed by an owner, a partner (if the owner is a partnership), an officer (if the owner is a corporation, association, or similar organization), a manager of the owner, or any authorized agent of the owner.

§ 1407.1081 *Communications.* All petitions and reports required by Ration Order No. 12 to be made to the Office of Price Administration, Washington, D. C., and all other communications concerning Ration Order No. 12 sent to the Washington, D. C., office of the Office of Price Administration shall be addressed to: Office of Price Administration, Att: Food Rationing Division, Washington, D. C.

§ 1407.1082 *Duties, rights, obligations of establishments and registering units.* When the provisions of Ration Order No. 12 impose or confer duties, rights, or obligations upon an establishment or registering unit, such duties, rights, and obligations shall be considered as being conferred or imposed upon the person owning such establishment or registering unit with respect thereto.

§ 1407.1083 *Additional prohibitions.* (a) No person shall, except in accordance with Ration Order No. 12 or other ration order of the Office of Price Administration, deface, mutilate, alter, or destroy any coffee stamp, war ration book, purchase warrant, certificate, or any other document or record provided for in Ration Order No. 12.

(b) No person shall transfer, acquire, possess, or use coffee except in accordance with the provisions of Ration Order No. 12.

(c) No person shall, or shall cause another person to, solicit, attempt, or agree to do any act in violation of Ration Order No. 12.

(d) No person shall, in any application, petition, inventory, certificate, report, or other statement or record made pursuant to or required by the provisions of Ration Order No. 12, make any untrue statement of any fact, or omit to state any fact required to be stated therein or necessary to make the statements therein not misleading.

§ 1407.1084 *Acquisition and transfer of roasted coffee by Army, Navy, Marine Corps, and Coast Guard post exchanges, commissaries, ships' service stores, and men's and officers' clubs*—(a) *Acquiring roasted coffee for institutional purposes.* Army, Navy, Marine Corps, and Coast Guard post exchanges and ships' service stores, and officers' clubs, non-commissioned officers' clubs, and enlisted men's clubs maintained within the limits of Army, Navy, Marine Corps, or Coast Guard posts, camps, or bases, which use roasted coffee in the preparation of beverages, shall not register as institutional users pursuant to § 1407.995, but shall acquire roasted coffee for such purposes, without the surrender of certificates therefor, from the Army, Navy, Marine Corps, or Coast Guard commissaries or supply activities, in such amounts and in accordance with such arrangements as may be approved by the Office of Price Administration.

(b) *Acquiring roasted coffee for transfer to consumers.* Army, Navy, Marine Corps, and Coast Guard post exchanges, ships' service stores, and commissaries, which transfer roasted coffee to consumers shall, with respect to such transfers, be governed by the applicable provisions of Ration Order No. 12 concerning transfers of roasted coffee by retailers and wholesalers: *Provided, however,* That such post exchanges, ships' service stores, and commissaries may acquire roasted coffee for the purpose of transfer to consumers either from the Army, Navy, Marine Corps, or Coast Guard, without the surrender of coffee stamps or certificates, or from civilian suppliers upon the surrender to such suppliers of certificates obtained from the Army, Navy, Marine Corps, or Coast Guard. Coffee stamps and certificates received from consumers by any such post exchange, ship's service store, or commissary shall be surrendered by it at least once each week to the nearest board.

ENFORCEMENT

§ 1407.1085 *Removal of coffee stamps from war ration books of individuals under 15 years old.* (a) Upon the issuance of War Ration Book Two to an individual whose age, as entered on his War Ration Book One, is less than 15, there shall be detached from the War Ration Book One of either parent or the guardian of such individual or from the War Ration Book One of any person legally responsible for such individual two coffee stamps for each coffee stamp that is not attached to the war ration book of such individual. The board shall destroy all coffee stamps it thus detaches from war ration books pursuant to this paragraph.

(b) Any action taken by the board pursuant to this section shall be in addition to any penalties provided by law for violation of Ration Order No. 12.

§ 1407.1086 *Criminal prosecutions.* (a) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required by any provision of Ration Order No. 12, may upon conviction be fined not more than $10,000.00, or imprisoned for not more than one year, or both, and shall be subject to such other penalties as may be prescribed by law.

(b) Any person who knowingly falsifies an application, or any other record, report, purchase warrant, or certificate made pursuant to or required by the terms of Ration Order No. 12, or who otherwise knowingly furnishes false information concerning a material fact within the jurisdiction of the Office of Price Administration to any board, or any other agent, employee, or officer of the Office of Price Administration, or who attempts by the use of a trick, scheme, or device to conceal or cover up such a material fact within the jurisdiction of the Office of Price Administration, may upon conviction be fined not more than $10,000.00, or imprisoned for not more than ten years, or both, and shall be subject to such other penalties as may be prescribed by law. Any person who conspires with another person to perform any of the foregoing acts may upon conviction be fined not more than $10,000.00, or imprisoned for not more than two years, or both, and shall be subject to such other penalties as may be prescribed by law.

§ 1407.1087 *Suspension orders.* Any person who violates Ration Order No. 12 may, by administrative suspension order, be prohibited from acquiring or transferring any coffee or other rationed product for such period as in the judgment of the Administrator is necessary or appropriate in the public interest and to promote the national security.

§ 1407.1088 *Report of violations.* Any person may report a violation of Ration Order No. 12 to a war price and rationing board, a State Director, a Regional Administrator of the Office of Price Administration, or to the Office of Price Administration, Washington, D. C.

EFFECTIVE DATE

§ 1407.1090 *Effective date of Ration Order No. 12.* Ration Order No. 12 (§§ 1407.951 to 1407.1092, inclusive) shall become effective 12:00 p. m., November 21, 1942.

SCHEDULES

§ 1407.1091 *Designation of ration periods and of coffee stamps valid therein.*

Ration period	Coffee stamp valid during ration period
November 29, 1942, to January 3, 1943, inclusive.	Coffee Stamp No. 27.

§ 1407.1092 *Allotment percentage for institutional users.*

Period	Percentage of base
For period from date of registration to January 31, 1943, inclusive	100

Issued this 20th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12159; Filed, November 20, 1942; 12:38 p. m.]

PART 1305—ADMINISTRATION

[Supplementary Order 5,[1] Amendment 2]

LICENSING

A statement of the reasons for this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraphs (a), (b), (c), (d), (e) and (f) of § 1395.7 are redesignated as paragraphs (b), (c), (d), (e), (f) and (g), respectively, and a new paragraph (a) is added, to read as set forth below:

§ 1305.7 *Provisions licensing dealers selling waste, scrap and salvage materials to consumers (and in the case of iron and steel scrap to consumers or their brokers)*—(a) *License required.* A license as a condition of selling is required of every dealer selling to a consumer (and in the case of iron and steel scrap to a consumer or his broker) any waste, scrap or salvage material for which maximum prices are established by the price schedules and price regulations specified in paragraph (b) hereof. No person whose license is suspended in proceedings under section 205 (f) (2) of the Emergency Price Control Act of 1942 shall, during the period of suspension, sell any waste, scrap or salvage materials as to which his license to sell is suspended.

(b) *License granted.* * * *
(c) *Registration of licensees.* * * *
(d) *License not transferable.* * * *
(e) *Suspension of license.* * * *
(f) *Definitions.* * * *
(g) *Effective date.* * * *

(3) Amendment No. 2 (§ 1305.7) to Supplementary Order No. 5 shall become effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

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[8] 7 F.R. 8796.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3403, 6077.

Issued this 20th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12189; Filed, November 20, 1942; 3:41 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Ration Order 1A,[1] Amendment 1]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1315.1198 (a) is amended, and a new § 1315.1199 is added, to read as follows:

§ 1315.1198 *Effective date of Ration Order No. 1A.* (a) Ration Order No. 1A (§§ 1315.151 to 1315.1198 inclusive) shall become effective December 1, 1942.

* * * * *

§ 1315.1199 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1315.1198 and 1315.1199) to Ration Order No. 1A shall become effective November 22, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued Apr. 7 1942, W.P.B. Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 20th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12186; Filed, November 20, 1942; 3:41 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPERS AND PAPER PRODUCTS

[MPR 129,[2] Amendment 11]

WAXED PAPER, ETC.

Papers affected:
- Waxed paper.
- Envelopes.
- Paper cups, paper containers and liquid tight containers.
- Sanitary closures and milk bottle caps.
- Drinking straws.
- Certain sulphate and certain sulphite papers.
- Certain tissue papers.
- Rope and jute papers.
- Technical papers.
- Gummed papers.
- Tags, pin tickets and marking machine tickets.
- Glazed and fancy papers.
- Resale book matches.
- Unprinted single weight crepe paper in folds.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The words "Standard grocer's and variety bags" in the title, which hereafter reads as set forth above, paragraph (a) of § 1347.12, and subparagraph (17) of § 1347.22 (a) are hereby revoked.

§ 1347.25 *Effective dates of amendments.* * * *

(k) Amendment No. 11 (§§ 1347.12 (a), 1347.22 (a) (17)) to Maximum Price Regulation No. 129 shall become effective November 27, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12188; Filed, November 20, 1942; 3:41 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPERS AND PAPER PRODUCTS

[MPR 182,[1] Amendment 3]

KRAFT WRAPPING PAPERS AND CERTAIN BAG PAPERS AND CERTAIN BAGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* The words "Certain Bags" in the title, which hereafter reads as set forth above; §§ 1347.305 (a), 1347.306, 1347.307, 1347.308a, subparagraphs (2) and (3) of § 1347.311 (a) are amended; and three new §§ 1347.315, 1347.316 and 1347.317 are added; as set forth below:

§ 1347.305 *Records and reports.* (a) Every person making a purchase or sale in the course of trade or business of Kraft wrapping paper or Kraft bag paper after July 28, 1942, or of standard grocer's or variety bags after November 26, 1942, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each such purchase or sale showing the date thereof, the name and address of the purchaser or seller, the price paid or received, the quantity and grade bought or sold.

§ 1347.306 *Export sales.* The maximum price at which a person may export Kraft wrapping papers or Kraft bag papers or standard grocer's or variety bags shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation [2] issued by the Office of Price Administration.

§ 1347.307 *Adjustable pricing.* No person shall enter into an agreement permitting an adjustment of prices to prices in excess of the maximum prices established by §§ 1347.301 (a), (b) and (c), 1347.315 and 1347.316, in the event of this Maximum Price Regulation No. 182 being held invalid or upon any other condition, except that any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1347.308a *Licensing.* The provisions of Supplementary Order No. 19, licensing distributors of paper and paper products, are applicable to every distributor selling any of the commodities for which maximum prices are now or hereafter established by Maximum Price Regulation No. 182. The term "distributor" shall have the meaning given to it by Supplementary Order No. 19.

§ 1347.311 *Definitions.* (a) When used in this Maximum Price Regulation No. 182, the term:

* * * * *

(2) "Manufacturer" includes any person who manufactures any Kraft wrapping paper or Kraft bag paper or standard grocer's or variety bags covered by this Maximum Price Regulation No. 182, and any person who distributes or sells Kraft wrapping paper or Kraft bag paper or standard grocer's or variety bags as a del credere agent or other representative of a manufacturer.

(3) "Merchant or distributor" includes any person who buys Kraft wrapping paper or Kraft bag paper or standard grocer's or variety bags in any quantity from a manufacturer or other seller, and who resells such paper.

* * * * *

§ 1347.315 *Manufacturers' maximum prices for standard grocer's and variety bags.* On and after November 27, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver, or offer, solicit or attempt to sell or deliver standard grocer's or variety bags listed in paragraph (b) of this section, and no person shall buy or receive, or offer, solicit or attempt to buy or receive standard grocer's or variety bags listed in the aforementioned paragraph in the course of trade or business, at prices higher than the maximum prices set forth in this section and § 1347.316. The provisions of this section and § 1347.316 shall not be applicable to sales or deliveries of standard grocer's or variety bags to a purchaser, if, prior to November 27, 1942, such standard grocer's or variety bags have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(a) *Preliminary explanation.* The maximum prices as hereinafter set forth are computed on the basis of industry base price lists, which lists are included in § 1347.317. The maximum manufacturers' prices are set forth in terms of discounts of 5% each from the basic list price, then 5% off the resultant figure, and so forth, and may be ascertained by reference to the list and discount computations included in § 1347.317.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9160, 9392.

[2] 7 F.R. 3178, 3242, 3482, 3554, 4176, 4668, 5212, 5780, 5943, 7974, 8939, 8948, 9132.

[1] 7 F.R. 5712, 6048, 7974, 8997, 8948.

[2] 7 F.R. 5059, 7242, 8829, 9000.

(b) *Tabulation of maximum prices in sales by manufacturers.*

Grades	*Maximum prices in basic discounts from standard base lists* [1]
Self-opening (automatic) Kraft grocer's bags	26/5s
Square & flat Kraft grocer's bags	27/5s
Self-opening (automatic) White M. F. grocer's bags	22/5s
Square & flat white M. F. grocer's bags	23/5s
Garment and pants bags:	
30# M. F. Brown Kraft	10/5s
25# M. F. Brown Kraft	12/5s
Liquor bottle bags 35# M. F. Brown Kraft	26/5s
Millinery and notion bags:	
25# M. F. Brown stripe Kraft	25-11/5s
25# M. G. Grey stripe Kraft	25-10/5s
25# M. F. Brown Kraft	25-12/5s
25# M F. Grey Kraft	25-11/5s
30# M. F. Brown Kraft	25-10/5s
30# M. F Grey Kraft	25- 9/5s
Shopping bags [2]	18/5s
Standard, poultry, and bundle sacks [2]	27/5s
Sugar bags [2]	26/5s

[1] These discounts are from the respective industry base lists. The lists and computations of discounts are set forth in § 1347.317 herein.

[2] Brown M. F. Kraft in the basis weights as stated in the simplification report submitted to the War Production Board by Conservation Committee for the Paper Bag Industry.

(1) The maximum prices established in paragraph (b) of this section are the maximum prices per thousand bags in carload lots, Zone A,[3] f. o. b. mill, lowest available carload rate of freight allowed to destination point. The lowest available carload rate of freight means the lowest freight rate for shipment of carload quantities by the means of transportation available at the time of shipment.

(c) *Differentials applicable to sales by manufacturers.* In sales by manufacturers, there may be added to the maximum base prices established in paragraph ( ) of this section the following differentials in only such cases in which such differentials are applicable:

(1) Deliveries to zones other than A,[3] in carload lots, f. o. b. mill, lowest available rate of freight allowed to destination point:

(i) Zone B [3]—1/5 less than basic discount.

(ii) Zone C [3]—2/5s less than basic discount.

(iii) Zone D [3]—Same as Zone A.[3]

(2) For l. c. l. orders: ⅖s less than basic discount.

(3) For other grades of variety or odd bags there shall be subtracted from or there may be added to the maximum price for popular weight self-opening (automatic) Kraft grocer's bags set forth in paragraph (b) of this section, the differential between such grades and popular weight self-opening (automatic) Kraft grocer's bags actually employed by the manufacturer in sales or deliveries during the period from October 1, 1941, to October 15, 1941, inclusive, to a purchaser of the same class.

Within 10 days after the first sale involving the application of any such differential subsequent to the effective date of this Amendment, the seller shall submit to the Office of Price Administration, Washington, D. C., a report, signed under oath, setting forth the amount of such differential, to what the differential was applied, the purpose or use of the bags to which such differential was applied, and the estimated tonnage of such bags to which such differential was applied, to be manufactured during the succeeding six months. The differential so reported shall be subject to adjustment or disapproval at any time by letter of the Office of Price Administration.

(d) *Definitions.* When used in this Amendment No. 2, the term:

(1) "Standard grocer's or variety bags" includes all types of grocer's bags (squares, flats, self-opening (automatic), and sacks), millinery and notion bags, liquor bottle bags, banana bags, candy bags, doughnut bags, garment and pants bags, laundry bags, nail bags, shopping bags and sugar bags, excluding bags made of specialty papers and transparent material.

(2) "Bale" includes a shipping bundle or unit containing the number of bags specified in the standard industry net price discount tables for the particular sizes and types of standard grocer's or variety bags involved.

(3) Base list means industry list. Basic discount means discounts from the base list as used in this regulation.

(4) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for commodities or services for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(5) "Zone A"[3] includes Texas, Oklahoma, Kansas, Nebraska, the cities of Aberdeen, Watertown, Brookings, Sioux Falls, Huron and Mitchell in South Dakota, the cities of Grand Forks, Fargo and Wahpeton in North Dakota and all the continental United States east of this region.

(6) "Zone B"[3] includes New Mexico, Colorado, Wyoming and the areas of North Dakota and South Dakota not included in Zone A.

(7) "Zone C"[3] includes Montana, Utah, and all of Idaho and Nevada not included in Zone D.

(8) "Zone D"[3] includes Washington, Oregon, California, the cities of Reno and Las Vegas in Nevada and the cities of Coeur D'Alene, Wallace, Moscow, Lewiston, Weiser, Boise and Nampa in Idaho.

§ 1347.316 *Merchants' or distributors' maximum prices for standard grocer's and variety bags*—(a) *Sales to persons other than merchants or distributors.* The maximum price shall be the manufacturer's price as established in § 1347.315 (b), plus the differentials set forth in § 1347.315 (c) (1) and (2) when actually charged by the manufacturer (with the exception stated in paragraph (a) (1) below), plus the following mark-ups:

Quantity in bales:	*Mark-up (see standard industry base lists and discount tables)*
Less than 1	12/5s
1 to less than 5	6/5s
5 to less than 10	5/5s
10 to less than 75	4/5s
75 to less than 300	3/5s
300 to less than carload	2/5s
Carload	1/5

(For example, where the manufacturer's maximum price in basic discounts from the standard base list amounts to 26/5s, the mark-up is computed by deducting the appropriate number of 5s from such 26/5s; in a sale of 5 to less than 10 bales, the mark-up is determined by deducting 5/5s from such 26/5s, resulting in a maximum price which amounts to 21/5s in discounts from such base list.)

(1) On sales of standard grocer's bags and sacks the manufacturer's differentials for l. c. l. shipments as set forth in § 1347.315 (c) (2) may in no event be included in a determination of the maximum price of the merchant or distributor.

(b) *Sales to other merchants or distributors.* The maximum price shall be the manufacturer's price as set forth in § 1347.315 (b), plus the differentials set forth in § 1347.315 (c) (1) and (2) when actually charged by the manufacturer (with the exception stated in paragraph (b) (1) below), plus the following mark-ups:

Quantity in bales:	*Mark-up (see standard industry base lists and discount tables)*
Less than 1	6/5s
1 to less than 5	3/5s
5 to less than 10	2½/5s
10 or more	2/5s

(1) On sales of standard grocer's bags and sacks the manufacturer's differentials for l. c. l. shipments as set forth in § 1347.315 (c) (2) may in no event be included in a determination of the maximum price of the merchant or distributor.

(c) *Charges for delivery in sales by merchants or distributors.* (1) The maximum prices established in this section shall be f. o. b. point of delivery for shipments to points within a free delivery zone or area within which the merchant or distributor customarily shipped or would have shipped on such basis during the period from October 1 to October 15, 1941.

(2) On sales of less than carload lots to points outside the recognized free delivery zone, the merchant may add the differential which he charged during the period October 1 to October 15, 1941, or, if he made no such sale, which he would have charged on such deliveries to purchasers of the same class, or the actual freight, whichever is lower.

(d) For sales involving shipment from the manufacturer directly to a person purchasing from a merchant or distributor, the maximum prices shall be those established in paragraph (a) of this section.

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[3] Applicable in sales of standard grocer's or variety bags.

[3] *Supra.*

(e) For sales in carload lots involving shipment from the manufacturer to a person purchasing from a merchant or distributor where local delivery by the merchant or distributor from a warehouse or rail siding is required, there may be added to the maximum price established herein the actual delivery expense (except that no rail freight shall be included), which in no event shall exceed the applicable local common carrier rate; and such expense shall be separately included in the invoice or other evidence of sale.

§ 1347.317 *Base price lists and computation of discounts.* The basic manufacturers' price lists, and the computation of discounts off such lists, as referred to in this regulation, are as set forth below:

GROCERS BAGS

BASE LIST AND NET PRICE DISCOUNT TABLES

Bag size	Net cost on $100	¼	½	1	2	3	4	5	6	7	8	10	11	12	14	16	20	25	30	35
List price		1.70	1.90	2.40	2.80	3.30	3.90	5.00	5.90	6.40	6.70	7.40	7.90	8.30	10.50	11.20	12.40	13.50	15.00	18.10
1/5	95.00	1.62	1.81	2.28	2.66	3.14	3.71	4.75	5.61	6.08	6.37	7.03	7.51	7.89	9.98	10.64	11.78	12.83	14.25	17.20
2/5	90.25	1.54	1.71	2.17	2.53	2.98	3.52	4.51	5.32	5.78	6.05	6.68	7.13	7.49	9.48	10.11	11.19	12.18	13.54	16.34
3/5	85.74	1.46	1.63	2.06	2.40	2.83	3.34	4.29	5.06	5.49	5.74	6.34	6.77	7.12	9.00	9.60	10.63	11.57	12.86	15.52
4/5	81.45	1.39	1.55	1.95	2.28	2.69	3.18	4.07	4.81	5.21	5.46	6.03	6.43	6.76	8.55	9.12	10.10	11.00	12.22	14.74
5/5	77.38	1.32	1.47	1.86	2.17	2.55	3.02	3.87	4.57	4.95	5.18	5.73	6.11	6.42	8.12	8.67	9.60	10.45	11.61	14.01
6/5	73.51	1.25	1.40	1.76	2.06	2.43	2.87	3.68	4.34	4.70	4.93	5.44	5.81	6.10	7.72	8.23	9.12	9.92	11.03	13.31
7/5	69.83	1.19	1.33	1.68	1.96	2.30	2.72	3.49	4.12	4.47	4.68	5.17	5.52	5.80	7.33	7.82	8.66	9.43	10.47	12.64
8/5	66.34	1.13	1.26	1.59	1.86	2.19	2.59	3.32	3.91	4.25	4.44	4.91	5.24	5.51	6.97	7.43	8.23	8.96	9.95	12.01
9/5	63.02	1.07	1.20	1.51	1.76	2.08	2.46	3.15	3.72	4.03	4.22	4.66	4.98	5.23	6.62	7.06	7.81	8.51	9.45	11.41
10/5	59.87	1.02	1.14	1.44	1.68	1.98	2.33	2.99	3.53	3.83	4.01	4.43	4.73	4.97	6.29	6.71	7.42	8.08	8.98	10.84
11/5	56.88	.97	1.08	1.37	1.59	1.88	2.22	2.84	3.36	3.64	3.81	4.21	4.49	4.72	5.97	6.37	7.05	7.68	8.53	10.30
12/5	54.04	.92	1.03	1.30	1.51	1.78	2.11	2.70	3.19	3.46	3.62	4.00	4.27	4.48	5.67	6.05	6.70	7.30	8.11	9.78
13/5	51.33	.87	.98	1.23	1.44	1.69	2.00	2.57	3.03	3.29	3.44	3.80	4.06	4.26	5.39	5.75	6.36	6.93	7.70	9.29
14/5	48.77	.83	.93	1.17	1.37	1.61	1.90	2.44	2.88	3.12	3.27	3.61	3.85	4.05	5.12	5.46	6.05	6.58	7.32	8.83
15/5	46.33	.79	.88	1.11	1.30	1.53	1.81	2.32	2.73	2.97	3.10	3.43	3.66	3.85	4.86	5.19	5.74	6.25	6.95	8.39
16/5	44.01	.75	.84	1.06	1.23	1.45	1.72	2.20	2.60	2.82	2.95	3.26	3.48	3.65	4.62	4.93	5.46	5.94	6.60	7.97
17/5	41.81	.71	.79	1.00	1.17	1.38	1.63	2.09	2.47	2.68	2.80	3.09	3.30	3.47	4.39	4.68	5.18	5.64	6.27	7.57
18/5	39.72	.68	.75	.95	1.11	1.31	1.55	1.99	2.34	2.54	2.66	2.94	3.14	3.30	4.17	4.45	4.93	5.36	5.96	7.19
19/5	37.74	.64	.72	.91	1.06	1.25	1.47	1.89	2.23	2.42	2.53	2.79	2.98	3.13	3.96	4.23	4.68	5.09	5.66	6.83
20/5	35.85	.61	.68	.86	1.00	1.18	1.40	1.79	2.12	2.29	2.40	2.65	2.83	2.98	3.76	4.02	4.45	4.84	5.38	6.49
21/5	34.06	.58	.65	.82	.95	1.12	1.33	1.70	2.01	2.18	2.28	2.52	2.69	2.83	3.58	3.81	4.22	4.60	5.11	6.16
22/5	32.35	.55	.61	.78	.91	1.07	1.26	1.62	1.91	2.07	2.17	2.39	2.56	2.69	3.40	3.62	4.01	4.37	4.85	5.86
23/5	30.74	.52	.58	.74	.86	1.01	1.20	1.54	1.81	1.97	2.06	2.27	2.43	2.55	3.23	3.44	3.81	4.15	4.61	5.56
24/5	29.20	.50	.55	.70	.82	.96	1.14	1.46	1.72	1.87	1.96	2.16	2.31	2.42	3.07	3.27	3.62	3.94	4.38	5.28
25/5	27.74	.47	.53	.67	.78	.92	1.08	1.39	1.64	1.78	1.86	2.05	2.19	2.30	2.91	3.11	3.44	3.74	4.16	5.02
26/5	26.35	.45	.50	.63	.74	.87	1.03	1.32	1.55	1.69	1.77	1.95	2.08	2.19	2.77	2.95	3.27	3.56	3.95	4.77
27/5	25.03	.43	.48	.60	.70	.83	.98	1.25	1.48	1.60	1.68	1.85	1.98	2.08	2.63	2.80	3.10	3.38	3.75	4.53
28/5	23.78	.40	.45	.57	.67	.78	.93	1.19	1.40	1.52	1.59	1.76	1.88	1.97	2.50	2.66	2.95	3.21	3.57	4.30
29/5	22.59	.38	.43	.54	.63	.75	.88	1.13	1.33	1.45	1.51	1.67	1.78	1.87	2.37	2.53	2.80	3.05	3.39	4.09
30/5	21.46	.36	.41	.52	.60	.71	.84	1.07	1.27	1.37	1.44	1.59	1.70	1.78	2.25	2.40	2.66	2.90	3.22	3.88
31/5	20.39	.35	.39	.49	.57	.67	.80	1.02	1.20	1.30	1.37	1.51	1.61	1.69	2.14	2.28	2.53	2.75	3.06	3.69
32/5	19.37	.33	.37	.46	.54	.64	.76	.97	1.14	1.24	1.30	1.43	1.53	1.61	2.03	2.17	2.40	2.62	2.91	3.51
33/5	18.40	.31	.35	.44	.52	.61	.72	.92	1.09	1.18	1.23	1.36	1.45	1.53	1.93	2.06	2.28	2.48	2.76	3.33
34/5	17.48	.30	.33	.42	.49	.58	.68	.87	1.03	1.12	1.17	1. 9	1.38	1.45	1.84	1.96	2.17	2.36	2.62	3.16
35/5	16.61	.28	.32	.40	.47	.55	.65	.83	.98	1.06	1.11	1.23	1.31	1.38	1.74	1.86	2.06	2.24	2.49	3.01
36/5	15.78	.27	.30	.38	.44	.52	.62	.79	.93	1.01	1.06	1.17	1.25	1.31	1.66	1.77	1.96	2.13	2.37	2.86
37/5	14.99	.25	.28	.36	.42	.49	.58	.75	.88	.96	1.00	1.11	1.18	1.24	1.57	1.68	1.86	2.02	2.25	2.71
38/5	14.24	.24	.27	.34	.40	.47	.56	.71	.84	.91	.95	1.05	1.12	1.18	1.50	1.59	1.77	1.92	2.14	2.58
39/5	13.53	.23	.26	.32	.38	.45	.53	.68	.80	.87	.91	1.00	1.07	1.12	1.42	1.52	1.68	1.83	2.03	2.45
40/5	12.85	.22	.24	.31	.36	.42	.50	.64	.76	.82	.86	.95	1.02	1.07	1.35	1.44	1.59	1.73	1.93	2.33
M's per bale	------	12	10	8	6	5	4	3	3	2	2	2	2	2	1	1	1	1	1	1

BASE LIST AND NET PRICE DISCOUNT TABLE

DRY CLEANER OR GARMENT-DELIVERY BAGS								PANTS BAGS	
Bag size	Net cost on $100	30″	36″	40″	50″	54″	60″	18 x 30	18 x 32
List price		12.50	14.80	16.60	19.90	21.50	23.90	10.40	11.00
1/5	95.00	11.88	14.06	15.77	18.91	20.43	22.71	9.88	10.45
2/5	90.25	11.28	13.36	14.98	17.96	19.40	21.57	9.39	9.93
3/5	85.74	10.72	12.69	14.23	17.06	18.43	20.49	8.92	9.43
4/5	81.45	10.18	12.05	13.52	16.21	17.51	19.47	8.47	8.96
5/5	77.38	9.67	11.45	12.84	15.40	16.64	18.49	8.05	8.51
6/5	73.51	9.19	10.88	12.20	14.63	15.80	17.57	7.64	8.09
7/5	69.83	8.73	10.34	11.59	13.90	15.01	16.69	7.26	7.68
8/5	66.34	8.29	9.82	11.01	13.20	14.26	15.86	6.90	7.30
9/5	63.02	7.88	9.33	10.46	12.54	13.55	15.06	6.55	6.93
10/5	59.87	7.48	8.86	9.94	11.91	12.87	14.31	6.23	6.59
11/5	56.88	7.11	8.42	9.44	11.32	12.23	13.59	5.92	6.26
12/5	54.04	6.75	8.00	8.97	10.75	11.62	12.91	5.62	5.94
13/5	51.33	6.42	7.60	8.52	10.22	11.04	12.27	5.34	5.65
14/5	48.77	6.10	7.22	8.10	9.70	10.49	11.66	5.07	5.36
15/5	46.33	5.79	6.86	7.69	9.22	9.96	11.07	4.82	5.10
16/5	44.01	5.50	6.51	7.31	8.76	9.46	10.52	4.58	4.84
17/5	41.81	5.23	6.19	6.94	8.32	8.99	9.99	4.35	4.60
18/5	39.72	4.97	5.88	6.59	7.90	8.54	9.49	4.13	4.37
19/5	37.74	4.72	5.58	6.26	7.51	8.11	9.02	3.92	4.15
20/5	35.85	4.48	5.31	5.95	7.13	7.71	8.57	3.73	3.94
21/5	34.06	4.26	5.04	5.65	6.78	7.32	8.14	3.54	3.75
22/5	32.35	4.04	4.79	5.37	6.44	6.96	7.73	3.36	3.56
23/5	30.74	3.84	4.55	5.10	6.12	6.61	7.35	3.20	3.38
24/5	29.20	3.65	4.32	4.85	5.81	6.28	6.98	3.04	3.21
25/5	27.74	3.47	4.11	4.60	5.52	5.96	6.63	2.88	3.05

LIQUOR BOTTLE BAGS

(Brown)

Discount table

Size	½ pint	Pint	Quart
Base list	3.30	3.80	5.55
25/5	.91	1.05	1.54
26/5	.87	1.00	1.46
27/5	.83	.95	1.39
28/5	.78	.90	1.32
29/5	.74	.86	1.25
30/5	.71	.82	1.19
31/5	.68	.77	1.13
32/5	.64	.74	1.08
33/5	.62	.70	1.02
34/5	.57	.66	.97
35/5	.55	.63	.92

STANDARD MILLINERY AND NOTION BAGS

BASE LIST AND NET PRICE DISCOUNT TABLES

Bag size	Net cost on $100	4 x 6¼	5 x 7½	6¼ x 9¼	7½ x 10½	8½ x 11	10 x 13	12 x 15	15 x 18	17 x 21	21 x 24
List price		1.15	1.45	2.05	2.60	3.00	4.00	5.30	7.70	10.00	14.50
25%	75.00	.86	1.09	1.54	1.95	2.25	3.00	3.98	5.78	7.50	10.88
25-1/5	71.25	.82	1.03	1.46	1.85	2.14	2.85	3.78	5.49	7.13	10.33
25-2/5	67.69	.78	.98	1.39	1.76	2.03	2.71	3.59	5.21	6.77	9.82
25-3/5	64.30	.74	.93	1.32	1.67	1.93	2.57	3.41	4.95	6.43	9.32
25-4/5	61.09	.70	.89	1.25	1.59	1.83	2.44	3.24	4.70	6.11	8.86
25-5/5	58.03	.67	.84	1.19	1.51	1.74	2.32	3.08	4.47	5.80	8.41
25-6/5	55.13	.63	.80	1.13	1.43	1.65	2.21	2.92	4.25	5.51	7.99
25-7/5	52.37	.60	.76	1.07	1.36	1.57	2.09	2.78	4.03	5.24	7.59
25-8/5	49.75	.57	.72	1.02	1.29	1.49	1.99	2.64	3.83	4.98	7.21
25-9/5	47.26	.54	.69	.97	1.23	1.42	1.89	2.50	3.64	4.73	6.85
25-10/5	44.90	.52	.65	.92	1.17	1.35	1.80	2.38	3.46	4.49	6.51
25-11/5	42.66	.49	.62	.87	1.11	1.28	1.71	2.26	3.28	4.27	6.19
25-12/5	40.52	.47	.59	.83	1.05	1.22	1.62	2.15	3.12	4.05	5.88
25-13/5	38.50	.44	.56	.79	1.00	1.16	1.54	2.04	2.96	3.85	5.58
25-14/5	36.57	.42	.53	.75	.95	1.10	1.46	1.94	2.82	3.66	5.30
25-15/5	34.74	.40	.50	.71	.90	1.04	1.39	1.84	2.67	3.47	5.04
25-16/5	33.00	.38	.48	.68	.86	.99	1.32	1.75	2.54	3.30	4.79
25-17/5	31.35	.36	.45	.64	.82	.94	1.25	1.66	2.41	3.14	4.55
25-18/5	29.79	.34	.43	.61	.77	.89	1.19	1.58	2.29	2.98	4.32
25-19/5	28.30	.33	.41	.58	.74	.85	1.13	1.50	2.18	2.83	4.10
25-20/5	26.88	.31	.39	.55	.70	.81	1.08	1.42	2.07	2.69	3.90

LIST AND DISCOUNT TABLE FOR HANDLE SHOPPING BAGS

Size	Net cost on $100	14½ x 17¾—4¾		17 x 17¾—5⅞		17 x 20—5⅞	
Basis wgt		70	80	70	80	70	80
List per M		36.50	40.00	41.00	43.50	43.50	49.00
1/5	95.00	34.68	38.00	38.95	41.33	41.33	46.55
2/5s	90.25	32.94	36.10	37.00	39.26	39.26	44.22
3/5s	85.74	31.30	34.30	35.15	37.30	37.30	42.01
4/5s	81.45	29.73	32.58	33.39	35.43	35.43	39.91
5/5s	77.38	28.24	30.95	31.73	33.66	33.66	37.92
6/5s	73.51	26.83	29.40	30.14	31.98	31.98	36.02
7/5s	69.83	25.49	27.93	28.63	30.38	30.38	34.22
8/5s	66.34	24.21	26.54	27.20	28.86	28.86	32.51
9/5s	63.02	23.00	25.21	25.84	27.41	27.41	30.88
10/5s	59.87	21.85	23.95	24.55	26.04	26.04	29.34
11/5s	56.88	20.76	22.75	23.32	24.74	24.74	27.87
12/5s	54.04	19.72	21.62	22.16	23.51	23.51	26.48
13/5s	51.33	18.74	20.53	21.05	22.33	22.33	25.15
14/5s	48.77	17.80	19.51	20.00	21.21	21.21	23.90
15/5s	46.33	16.91	18.53	19.00	20.15	20.15	22.70
16/5s	44.01	16.06	17.60	18.04	19.14	19.14	21.56
17/5s	41.81	15.26	16.72	17.14	18.19	18.19	20.49
18/5s	39.72	14.50	15.89	16.29	17.28	17.28	19.46
19/5s	37.74	13.78	15.10	15.47	16.42	16.42	18.49
20/5s	35.85	13.09	14.34	14.70	15.59	15.59	17.57
21/5s	34.06	12.43	13.62	13.96	14.82	14.82	16.69
22/5s	32.35	11.81	12.94	13.26	14.07	14.07	15.85
23/5s	30.74	11.22	12.30	12.60	13.37	13.37	15.06
24/5s	29.20	10.66	11.68	11.97	12.70	12.70	14.31
25/5s	27.74	10.13	11.10	11.37	12.07	12.07	13.59

STANDARD SACKS

	1/16 bbl. 11 x 19¾ x 4		1/8 bbl. 13½ x 24 x 4¾			¼ bbl. 17 x 29½ x 6				
Basis weight	40#	50#	40#	50#	60#	40#	50#	60#	70#	80#
List price	14.40	17.50	20.20	23.90	28.60	31.20	37.70	42.70	50.00	56.00
1/5	13.68	16.63	19.19	22.71	27.17	29.64	35.82	40.57	47.50	53.20
2/5	13.00	15.79	18.23	21.57	25.81	28.16	34.02	38.54	45.13	50.54
3/5	12.35	15.00	17.32	20.49	24.52	26.75	32.32	36.61	42.87	48.01
4/5	11.73	14.25	16.45	19.47	23.29	25.41	30.71	34.78	40.73	45.61
5/5	11.14	13.54	15.63	18.49	22.13	24.14	29.17	33.04	38.69	43.33
6/5	10.59	12.86	14.85	17.57	21.02	22.93	27.71	31.39	36.75	41.17
7/5	10.06	12.22	14.11	16.69	19.97	21.79	26.33	29.82	34.92	39.11
8/5	9.55	11.61	13.40	15.86	18.97	20.70	25.01	28.33	33.17	37.15
9/5	9.08	11.03	12.73	15.06	18.03	19.66	23.76	26.91	31.51	35.29
10/5	8.62	10.48	12.09	14.31	17.12	18.68	22.57	25.57	29.94	33.53
11/5	8.19	9.95	11.49	13.59	16.27	17.75	21.44	24.29	28.44	31.85
12/5	7.78	9.46	10.92	12.91	15.45	16.86	20.37	23.07	27.02	30.26
13/5	7.39	8.98	10.37	12.27	14.68	16.02	19.35	21.92	25.67	28.75
14/5	7.02	8.53	9.85	11.66	13.95	15.22	18.39	20.82	24.38	27.31
15/5	6.67	8.11	9.36	11.07	13.25	14.45	17.47	19.78	23.16	25.94
16/5	6.34	7.70	8.89	10.52	12.59	13.73	16.59	18.79	22.01	24.65
17/5	6.02	7.32	8.45	9.99	11.96	13.05	15.76	17.85	20.91	23.41
18/5	5.72	6.95	8.02	9.49	11.36	12.39	14.97	16.96	19.86	22.24
19/5	5.43	6.60	7.62	9.02	10.79	11.77	14.23	16.11	18.87	21.13
20/5	5.16	6.27	7.24	8.57	10.25	11.18	13.51	15.31	17.92	20.08
21/5	4.90	5.96	6.88	8.14	9.74	10.63	12.84	14.54	17.03	19.07
22/5	4.66	5.66	6.54	7.73	9.25	10.09	12.20	13.81	16.18	18.12
23/5	4.43	5.38	6.21	7.35	8.79	9.59	11.59	13.12	15.37	17.21
24/5	4.20	5.11	5.90	6.98	8.35	9.11	11.01	12.47	14.60	16.35
25/5	3.99	4.85	5.60	6.63	7.93	8.65	10.46	11.84	13.87	15.53
26/5	3.79	4.61	5.32	6.30	7.54	8.22	9.93	11.25	13.18	14.76
27/5	3.60	4.38	5.06	5.98	7.16	7.81	9.44	10.69	12.52	14.02
28/5	3.42	4.16	4.80	5.68	6.80	7.42	8.97	10.16	11.89	13.32
29/5	3.25	3.95	4.56	5.40	6.46	7.05	8.52	9.65	11.30	12.65
30/5	3.09	3.76	4.34	5.13	6.14	6.70	8.09	9.17	10.73	12.02
31/5	2.94	3.57	4.12	4.87	5.83	6.36	7.69	8.71	10.20	11.42
32/5	2.79	3.39	3.91	4.63	5.54	6.04	7.30	8.27	9.69	10.85
33/5	2.65	3.22	3.72	4.40	5.26	5.74	6.94	7.86	9.20	10.30
34/5	2.52	3.06	3.53	4.18	5.00	5.45	6.59	7.47	8.74	9.79
35/5	2.39	2.91	3.35	3.97	4.75	5.18	6.26	7.09	8.30	9.30
36/5	2.27	2.76	3.19	3.77	4.51	4.92	5.95	6.74	7.89	8.84

POULTRY SACKS

	1/16 bbl. 12 x 19⅛ x 4½			⅛ bbl. 14½ x 21 x 4¾		
Basis weight	40#	50#	60#	40#	50#	60#
List price	14.80	18.20	21.90	18.60	22.60	26.80
1/5	14.06	17.29	20.81	17.67	21.47	25.46
2/5	13.36	16.43	19.76	16.79	20.40	24.19
3/5	12.69	15.60	18.78	15.95	19.38	22.98
4/5	12.05	14.82	17.84	15.15	18.41	21.83
5/5	11.45	14.08	16.95	14.39	17.49	20.74
6/5	10.88	13.38	16.10	13.67	16.61	19.70
7/5	10.34	12.71	15.29	12.99	15.78	18.72
8/5	9.82	12.07	14.53	12.34	14.99	17.78
9/5	9.33	11.47	13.80	11.72	14.24	16.89
10/5	8.86	10.90	13.11	11.14	13.53	16.05
11/5	8.42	10.35	12.46	10.58	12.85	15.24
12/5	8.00	9.83	11.83	10.05	12.21	14.48
13/5	7.60	9.34	11.24	9.55	11.60	13.76
14/5	7.22	8.88	10.68	9.07	11.02	13.07
15/5	6.86	8.43	10.15	8.62	10.47	12.42
16/5	6.51	8.01	9.64	8.19	9.95	11.80
17/5	6.19	7.61	9.16	7.78	9.45	11.21
18/5	5.88	7.23	8.70	7.39	8.98	10.65
19/5	5.58	6.87	8.26	7.02	8.53	10.11
20/5	5.31	6.52	7.85	6.67	8.10	9.61
21/5	5.04	6.20	7.46	6.33	7.70	9.13
22/5	4.79	5.89	7.09	6.02	7.31	8.67
23/5	4.55	5.59	6.73	5.72	6.95	8.24
24/5	4.32	5.31	6.39	5.43	6.60	7.83
25/5	4.11	5.05	6.07	5.16	6.27	7.43
26/5	3.90	4.80	5.77	4.90	5.96	7.06
27/5	3.71	4.56	5.48	4.66	5.66	6.71
28/5	3.52	4.33	5.21	4.42	5.37	6.37
29/5	3.34	4.11	4.95	4.20	5.11	6.06
30/5	3.18	3.91	4.70	3.99	4.85	5.75
31/5	3.02	3.71	4.47	.79	4.61	5.47
32/5	2.87	3.53	4.24	3.60	4.38	5.19
33/5	2.72	3.35	4.03	3.42	4.16	4.93
3 /5	2.59	3.18	3.83	3.25	3.95	4.69
35/5	2.46	3.02	3.64	3.09	3.75	4.45
36/5	2.34	2.87	3.45	2.93	3.57	4.23

BUNDLE BAGS

	1/6 bbl. 17 x 21 x 6	
Basis weight	50#	60#
List price	27.90	33.00
1/5	26.51	31.35
2/5	25.18	29.78
3/5	23.92	28.29
4/5	22.72	26.88
5/5	21.59	25.53
6/5	20.51	24.26
7/5	19.48	23.05
8/5	18.51	21.89
9/5	17.58	20.80
10/5	16.70	19.76
11/5	15.87	18.77
12/5	15.08	17.83
13/5	14.32	16.94
14/5	13.61	16.09
15/5	12.93	15.29
16/5	12.28	14.52
17/5	11.67	13.80
18/5	11.08	13.11
19/5	10.53	12.45
20/5	10.00	11.83
21/5	9.50	11.24
22/5	9.03	10.68
23/5	8.58	10.14
24/5	8.15	9.64
25/5	7.74	9.15
26/5	7.35	8.70
27/5	6.98	8.26
28/5	6.64	7.85
29/5	6.30	7.46
30/5	5.99	7.08
31/5	5.69	6.73
32/5	5.41	6.39
33/5	5.14	6.07
34/5	4.88	5.77
35/5	4.63	5.48
36/5	4.40	5.21

NAIL BAGS

Basis weight	Size 3# BW 50#	5# 50#	10# 60#	16# 60#	20# 60#	25# 60#
List price	5.55	6.70	11.95	16.85	18.00	19.45
1/5	5.27	6.37	11.35	16.01	17.10	18.48
2/5	5.01	6.05	10.78	15.21	16.25	17.55
3/5	4.76	5.74	10.25	14.45	15.43	16.68
4/5	4.52	5.46	9.73	13.72	14.66	15.84
5/5	4.29	5.18	9.25	13.04	13.93	15.05
6/5	4.08	4.93	8.78	12.39	13.23	14.30
7/5	3.88	4.68	8.35	11.77	12.57	13.58
8/5	3.68	4.44	7.93	11.18	11.94	12.90
9/5	3.50	4.22	7.53	10.62	11.34	12.26
10/5	3.32	4.01	7.15	10.09	10.78	11.65
11/5	3.16	3.81	6.80	9.58	10.24	11.06
12/5	3.00	3.62	6.46	9.11	9.73	10.51
13/5	2.85	3.44	6.13	8.65	9.24	9.98
14/5	2.71	3.27	5.83	8.22	8.78	9.49
15/5	2.57	3.10	5.54	7.81	8.34	9.01
16/5	2.44	2.95	5.26	7.42	7.92	8.56
17/5	2.32	2.80	5.00	7.05	7.53	8.13
18/5	2.20	2.66	4.75	6.69	7.15	7.73
19/5	2.09	2.53	4.51	6.36	6.79	7.34
20/5	1.99	2.40	4.28	6.04	6.45	6.97
21/5	1.89	2.28	4.07	5.74	6.13	6.62
22/5	1.80	2.17	3.87	5.45	5.82	6.29
23/5	1.71	2.06	3.67	5.18	5.53	5.98
24/5	1.62	1.96	3.49	4.92	5.26	5.68
25/5	1.54	1.86	3.31	4.67	4.99	5.40
26/5	1.46	1.77	3.15	4.44	4.74	5.13
27/5	1.39	1.68	2.99	4.22	4.51	4.87
28/5	1.32	1.59	2.84	4.01	4.28	4.63
29/5	1.25	1.51	2.70	3.81	4.07	4.39
30/5	1.19	1.44	2.56	3.62	3.86	4.17
31/5	1.13	1.37	2.44	3.44	3.67	3.97
32/5	1.08	1.30	2.32	3.26	3.49	3.77
33/5	1.02	1.23	2.20	3.10	3.31	3.58
34/5	.97	1.17	2.09	2.95	3.15	3.40
35/5	.92	1.11	1.98	2.80	2.99	3.23
36/5	.88	1.06	1.89	2.66	2.84	3.07

SUGAR BAGS

EXTRA HEAVY DUTY AUTOMATIC BAGS

Bag size	1#	2#	3#	4#	5#	6#	8#	10#	12#	14#	16#	20#	25#
Basis weight	50#	50#	50#	50#	50#	50#	60#	60#	60#	60#	60#	60#	60#
List price	3.90	5.00	6.10	6.90	8.00	9.40	12.45	14.90	16.85	19.85	21.80	23.45	25.95
1/5	3.71	4.75	5.80	6.56	7.60	8.93	11.83	14.16	16.01	18.86	20.71	22.28	24.65
2/5	3.52	4.51	5.51	6.23	7.22	8.48	11.24	13.45	15.21	17.91	19.67	21.16	23.42
3/5	3.34	4.29	5.23	5.92	6.86	8.06	10.67	12.77	14.45	17.02	18.69	20.11	22.25
4/5	3.18	4.07	4.97	5.62	6.52	7.66	10.14	12.14	13.72	16.17	17.76	19.10	21.14
5/5	3.02	3.87	4.72	5.34	6.19	7.27	9.63	11.53	13.04	15.36	16.87	18.15	20.08
6/5	2.87	3.68	4.48	5.07	5.88	6.91	9.15	10.95	12.39	14.59	16.03	17.24	19.08
7/5	2.72	3.49	4.26	4.82	5.59	6.56	8.69	10.41	11.77	13.86	15.22	16.38	18.12
8/5	2.59	3.32	4.05	4.58	5.31	6.24	8.26	9.89	11.18	13.17	14.46	15.56	17.22
9/5	2.46	3.15	3.84	4.35	5.04	5.92	7.85	9.39	10.62	12.51	13.74	14.78	16.36
10/5	2.34	2.99	3.65	4.13	4.79	5.63	7.45	8.92	10.09	11.89	13.05	14.04	15.54
11/5	2.22	2.84	3.47	3.92	4.55	5.35	7.08	8.48	9.59	11.29	12.40	13.34	14.76
12/5	2.11	2.70	3.30	3.73	4.32	5.08	6.73	8.05	9.11	10.73	11.78	12.67	14.02
13/5	2.00	2.57	3.13	3.54	4.11	4.83	6.39	7.65	8.65	10.19	11.19	12.04	13.32
14/5	1.90	2.44	2.97	3.37	3.90	4.58	6.07	7.27	8.22	9.68	10.63	11.44	12.66
15/5	1.81	2.32	2.83	3.20	3.71	4.35	5.77	6.90	7.81	9.20	10.10	10.86	12.02
16/5	1.72	2.20	2.68	3.04	3.52	4.14	5.48	6.56	7.42	8.74	9.59	10.32	11.42
17/5	1.63	2.09	2.55	2.89	3.35	3.93	5.21	6.23	7.05	8.30	9.12	9.80	10.85
18/5	1.55	1.99	2.42	2.74	3.18	3.73	4.95	5.92	6.69	7.89	8.66	9.31	10.31
19/5	1.47	1.89	2.30	2.60	3.02	3.55	4.70	5.62	6.36	7.49	8.23	8.85	9.79
20/5	1.40	1.79	2.19	2.47	2.87	3.37	4.46	5.34	6.04	7.12	7.82	8.41	9.30
21/5	1.33	1.70	2.08	2.35	2.72	3.20	4.24	5.07	5.74	6.76	7.42	7.99	8.84
22/5	1.26	1.62	1.97	2.23	2.59	3.04	4.03	4.82	5.45	6.42	7.05	7.59	8.40
23/5	1.20	1.54	1.88	2.12	2.46	2.89	3.83	4.58	5.18	6.10	6.70	7.21	7.98
24/5	1.14	1.46	1.78	2.01	2.34	2.74	3.64	4.35	4.92	5.80	6.37	6.85	7.58
25/5	1.08	1.39	1.69	1.91	2.22	2.61	3.45	4.13	4.67	5.51	6.05	6.50	7.20
26/5	1.03	1.32	1.61	1.82	2.11	2.48	3.28	3.93	4.44	5.23	5.74	6.18	6.84
27/5	.98	1.25	1.53	1.73	2.00	2.35	3.12	3.73	4.22	4.97	5.46	5.87	6.50
28/5	.93	1.19	1.45	1.64	1.90	2.24	2.96	3.54	4.01	4.72	5.18	5.58	6.17
29/5	.88	1.13	1.38	1.56	1.81	2.12	2.81	3.37	3.81	4.49	4.93	5.30	5.86
30/5	.84	1.07	1.31	1.48	1.72	2.02	2.67	3.20	3.62	4.26	4.68	5.03	5.57
31/5	.80	1.02	1.24	1.41	1.63	1.92	2.54	3.04	3.44	4.05	4.45	4.78	5.29
32/5	.76	.97	1.18	1.34	1.55	1.82	2.41	2.89	3.26	3.85	4.22	4.54	5.03
33/5	.72	.92	1.12	1.27	1.47	1.73	2.29	2.74	3.10	3.65	4.01	4.32	4.78
34/5	.68	.87	1.07	1.21	1.40	1.64	2.18	2.61	2.95	3.47	3.81	4.10	4.54
35/5	.65	.83	1.01	1.15	1.33	1.56	2.07	2.47	2.80	3.30	3.62	3.89	4.31
36/5	.62	.79	.96	1.09	1.26	1.48	1.96	2.35	2.66	3.13	3.44	3.70	4.09

* * * * *

§ 1347.314 *Effective dates of amendments.* * * *

(d) Amendment No. 3 (§§ 1347.305 (a), 1347.306, 1347.307, 1347.308a, 1347.311 (a) (2) and (3), 1347.315, 1347.316 and 1347.317) to Maximum Price Regulation No. 182 shall become effective November 27, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12193; Filed, November 20, 1942; 3:42 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136 as Amended,[1] Amendment 53]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

New subparagraph (40) is added to § 1390.25 (c) and new paragraph (bbb) is added to § 1390.31a as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(40) *Machines and parts containing silver.* Notwithstanding any other provision of this Maximum Price Regulation No. 136, as amended, the maximum price applicable to the sale and delivery of any machine or part containing silver may be increased by the sum of 9.625¢ per fine troy ounce of silver contained in such machine or part: *Provided*, That no overhead, margin or profit factor be applied to such increase: *And provided further*, That where the provisions of this Maximum Price Regulation No. 136, as amended, already permit a seller to reflect in his maximum price the increase in the cost of a machine or part containing silver (See § 1390.7 (c) (3) (i) and § 1390.10 (c)), no additional allowance may be added by such seller.

§ 1390.31a *Effective dates of amendments.* * * *

(bbb) Amendment No. 53 (§ 1390.25 (c) (40)) to Maximum Price Regulation No. 136, as amended, shall become effective November 25, 1942.

(Pub. Laws No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12191; Filed, November 20, 1942; 3:42 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136, as Amended,[1] Amendment 54]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In paragraph (a) of § 1390.7, subparagraph (4) is amended, and new subparagraph (8) is added; in paragraph (c) of § 1390.7, subdivision (i) of subparagraph (3) is amended; in § 1390.11, paragraphs (b), (c) and (d) are amended, paragraph (e) is redesignated (f), and a new paragraph (e) is added; in § 1390.16 paragraphs (a) and (b) are amended; in § 1390.26 new paragraph (c) is added; in § 1390.32 one item is amended and a new item is added in paragraph (c), one item is amended and two new items are added in paragraph (g), a new item is added in paragraph (h), two items in paragraph (i) are amended, and paragraph (j) is amended; and in § 1390.33 three items are amended in paragraph (c), all as set forth below:

§ 1390.7 *Maximum prices: sales by the manufacturer of machines or parts without list prices.* * * *

(a) *Pricing formula.* * * *

(4) To the extent that the price-determining method includes or is based on prices paid for subcontracted services, whether machinery services or otherwise, the manufacturer shall use actual prices paid or to be paid for such subcontracted services, not in excess of applicable maximum prices;

* * * * *

(8) To the extent that the price-determining method includes or is based on prices paid for perishable tools, dies, molds, patterns, or work-holding devices, the manufacturer shall use actual prices paid or to be paid for such items, not in excess of maximum prices provided by this Maximum Price Regulation No. 136, as amended, determined in accordance with paragraph (c) (4) below.

* * * * *

(c) *Material prices.* * * *

(3) * * *

(i) For any part or subassembly purchased, the manufacturer shall use the actual price for such part or subassembly paid or to be paid, not in excess of the applicable maximum price. For the purposes of this paragraph, the term "parts and subassemblies" means, in addition to products covered by Maximum Price Regulation No. 136, as amended, products covered by Revised Price Schedule No. 82—Wire, Cable and Cable Accessories, No. 105—Gears, Pinions, Sprockets and Speed Reducers, Maximum Price Regulation No. 119—Original Equipment Tires and

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362, 8433, 8479, 8520, 8652, 8707, 8897, 9001, 8948, 9040, 9041, 9042, 9053, 9054.

Tubes, No. 147—Bolts, Nuts, Screws, and Rivets, and No. 149—Mechanical Rubber Goods, and materials bought on an installed basis in the process of erection of a machine or parts sold on an erected and installed basis.

§ 1390.11 *Maximum prices: sales of second-hand machines and parts.* * * *

(b) The price for any rebuilt and guaranteed machine or part shall not be more than eighty-five percent of the highest maximum price to any class of purchasers for the nearest equivalent new machine or part f. o. b. factory, whether established by this Maximum Price Regulation No. 136, as amended, or by any other price schedule or maximum price regulation or order issued by the Office of Price Administration. A "rebuilt and guaranteed" machine or part is one in which all worn or missing components which should be replaced or repaired for satisfactory operation, if any, have been replaced or repaired, and which carries a binding guaranty of satisfactory operation for a period of not less than sixty days, and which is expressly invoiced as a rebuilt and guaranteed machine or part or its equivalent. In the event of a sale by a governmental agency, such agency may substitute for the guaranty a certification by a qualified person who is not engaged in the business of selling second-hand machines and parts and who is approved by the purchaser, to the effect that all worn or missing components which should be replaced or repaired for satisfactory operation, if any, have been replaced or repaired.

(c) The price for any other second-hand machine or part shall not be more than fifty-five percent of the highest maximum price to any class of purchasers for the nearest equivalent new machine or part f. o. b. factory, whether established by this Maximum Price Regulation No. 136, as amended, or by any other price schedule or maximum price regulation or order issued by the Office of Price Administration.

(d) In quoting, contracting, invoicing, or billing any second-hand machine or part for which a maximum price is provided in paragraphs (b) or (c), the seller may add to the maximum price the amount of any tax upon the sale or delivery of such machine or part, and shall bill any such tax separately from the price of such machine or part.

(e) In general, the maximum price for any second-hand machine or part provided in paragraph (b) or (c) of this section is the price f. o. b. the seller's place of business. In any case where a machine or part is actually sold on an "as-is where-is" basis the seller shall reimburse the buyer for the actual cost of dismantling and loading up to 10% of the maximum price determined in accordance with paragraph (c) of this section.

§ 1390.16 *Federal and state taxes.* (a) Any tax levied by any statute of the United States or statute or ordinance of any state or subdivision thereof which the seller on October 1, 1941, added to the price paid by the purchaser shall not be included in the maximum price but may be collected by the seller in addition to the maximum price if such tax is stated separately from the purchase price, except that such tax need not be stated separately if it is measured by the seller's cost of such machine or part.

(b) Any tax upon the sale or delivery of a machine or part and any compensating use tax upon a machine or part levied by any statute of the United States or statute or ordinance of any state or subdivision thereof and becoming effective on or after October 1, 1941, may also be collected by the seller making such taxable sale or delivery in addition to the maximum price if such tax is stated separately from the purchase price, unless the seller had increased his price on or before October 1, 1941, to reflect such new or increased tax, except that such tax need not be stated separately if it is measured by the seller's cost of such machine or part.

§ 1390.26 *Records and additional or substituted reports.* * * *

(c) *Reports on products brought under this Maximum Price Regulation No. 136, as amended.* Notwithstanding any other provisions of this Maximum Price Regulation No. 136, as amended, whenever the sale or rental of any products or services are brought within the scope of this Maximum Price Regulation No. 136, as amended, after the effective date thereof by amendment or otherwise, the reports required by this Maximum Price Regulation No. 136, as amended, in § 1390.5 (b) shall be filed within thirty days after the effective date of such amendment, and the reports provided for in § 139C.10 (b) may be filed within thirty days after such effective date.

§ 1390.32 *Appendix A: Machines and parts to which the October 1, 1941, date is applicable.* * * *

(c) *Processing machinery and equipment:* * * *

Chemical process machinery.

* * * * *

Electroplating and hot-dip metal coating equipment, including preparatory and finishing equipment used in connection with metal coating processes.

* * * * *

(g) *Auxiliary equipment:* * * *

Heat exchange equipment, industrial.

* * * * *

Open tanks and vessels (except field erected tanks or vessels; domestic fuel oil storage tanks; products commonly known as plumbing fixtures, such as flush tanks and laundry trays; products commonly known as pans and cans, such as pails, buckets, nonreturnable shipping containers, refuse receptacles, drip receivers, and waste receivers).

Pressure tanks (except field erected tanks; high pressure cylinders not over 1,000 lbs. water capacity for shipping or storing liquids or gases at pressures up to 3,000 lbs. per square inch; range boilers or expansion tanks not over 192 gal. capacity, made of metal not over 12 B W G gauge).

* * * * *

(h) *Miscellaneous:* * * *

Industrial power-operated devices for applying protective coatings or for the application of metals by spraying methods.

* * * * *

(i) *Miscellaneous parts and subassemblies, etc.:*

Anti-friction bearings, except automotive.

Chains, sprocket, and roller and silent, except automotive.

(j) *Parts and subassemblies of any items set forth in paragraphs* (a) *through* (i) *inclusive of this Appendix A when manufactured by the manufacturer of the complete item.* (This paragraph applies to any such part or subassembly, even when it is of a type listed in paragraph (c) of § 1390.33, and even though it may in some cases be incorporated in items other than those set forth in paragraphs (a) through (i) inclusive of this Appendix A).

§ 1390.33 *Appendix B: Machines and parts to which the March 31, 1942, date is applicable.* * * *

(c) *Miscellaneous:* * * *

* * * * *

Dies, molds, and patterns.

Gaskets and packing, except automotive.

Screw machine products (this shall not include bolts, nuts, screws, and rivets, as defined in Maximum Price Regulation No. 147. The sales of these are subject to Maximum Price Regulation No. 147 or the General Maximum Price Regulation, depending upon the type of seller).

§ 1390.31a *Effective dates of amendments.* * * *

(ccc) Amendment No. 54 (§§ 1390.7 (a) (4) (8) and (c) (3) (i), 1390.11 (b) (c) (d) and (e), 1390.16 (a) and (b), 1390.26 (c), 1390.32 (c) (g) (h) (i) and (j), 1390.33 (c)) to Maximum Price Regulation No. 136, as amended, shall become effective November 25, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12192; Filed, November 20, 1942; 3:42 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5A,[1] Amendment 17]

GASOLINE RATIONING REGULATIONS

A Rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1394.1402, and paragraph (d) of § 1394.1506, are amended; a new paragraph (e) to § 1394.1201 is added; and a new paragraph (r) has been added to § 1394.1902; as set forth below:

Renewal of Rations and Issuance of Further Rations

§ 1394.1201 *Renewal of rations.* * * *

(e) When issuing a further service ration or ration represented by Class S coupons, the Board shall allow only the mileage required for the operation of the vehicle through November 30, 1942.

* * * * *

Expiration and Revocation of Rations

§ 1394.1402 *Expiration of rations.* All basic rations shall expire at midnight July 21, 1943. All other rations shall expire at midnight of the date noted on the application therefor or on the coupon books issued therefor, except that Service ration books and coupons may continue to be used through November 30, 1942 irrespective of the expiration date fixed for such rations.

Restrictions on Transfers

§ 1394.1506 *Emergency transfer.* * * *

(d) Any Regional Administrator of the Office of Price Administration who finds that there has been such delay in the issuance of further rations as of November 22, 1942, as to jeopardize the movement of trucks, busses or other essential vehicles for which no basic ration is issuable, may by declaration designate the States within his region in which such delay has occurred and specify the types of vehicles affected thereby. Such declaration shall continue in effect until November 30, 1942 or such earlier date as he may determine. During the effective period of such declaration, the operator of a vehicle of a type specified therein, licensed in a state designated therein, may acquire gasoline in the rationed area for use in such vehicle by signing an emergency receipt on Form OPA R–555, in duplicate: *Provided,* That gasoline may be so acquired for a vehicle only during the interval between the date of application for a further ration for such vehicle and the date of receipt or denial of such ration. Any dealer who has made a transfer of gasoline in exchange for an emergency receipt pursuant to this paragraph shall transmit such receipt, in duplicate, to the Board having jurisdiction over the area in which his place of business is located and such Board shall issue inventory coupons to him, in exchange for such receipt, in accordance with the procedure specified in paragraph (c) of this section.

* * * * *

Effective Date

§ 1394.1902 *Effective dates of amendments.* * * *

(r) Amendment No. 17 (§§ 1394.1201 (e), 1394.1402, and 1394.1506 (d)) shall become effective November 20, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, and 421, 77th Cong., W.P.B. Dir. No. 1, Supp. Dir. No. 1H, 7 F.R. 562, 3478, 3877, 5216)

Issued this 20th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12195; Filed, November 20, 1942; 4:47 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5255, 5362, 5426, 5566, 5605, 5666, 5674, 5942, 6267, 6684, 6776, 7510, 7399, 7748, 7811, 7907, 8708, 8808, 9434.

TITLE 32—NATIONAL DEFENSE

Chapter XI—Office of Price Administration

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 183,[1] Amendment 10]

PUERTO RICO

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (11) is added to paragraph (a) of § 1418.1 and paragraphs (k), (l), (m), (n), (o) and (p) are added to § 1418.14.

§ 1418.1 *Maximum prices.* (a) Maximum prices are established as follows: * * *

(11) On and after November 21, 1942, regardless of any contract, agreement, lease or other obligation, or of any price regulation heretofore issued, no person shall sell or deliver, and no person shall buy corn meal, certain cereals, certain packing house products, garlic and cheese in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14 (k), Table XI; (l), Table XII; (m), Table XIII; (n), Table XIV; (o), Table XV; and no person shall offer, solicit, or attempt to do any of the foregoing.

§ 1418.14 *Tables of maximum prices.* * * *

(k) *Table XI: Specific maximum prices for corn meal.*

	Sales to wholesalers	Sales at wholesale	Sales at retail
	Price per 98-lb. bag	*Price per 98-lb. bag*	*Price per lb.*
Corn meal	$3.10	$3.35	$.04

For sales of different quantities the maximum price shall be proportionately computed.

(l) *Table XII: Specific maximum prices for certain cereals.*

	Sales to wholesalers	Sales at wholesale	Sales at retail
Rolled oats	*Price per case 36/20 oz.* $2.92	*Price per case 36/20 oz.* $3.25	*Price per 20 oz. package* $0.11
Wheat flakes	*Price per case 24/8 oz.* $2.10	*Price per case 24/8 oz.* $2.35	*Price per 8 oz. package* $0.12
Farina	*Price per case 12/28 oz.* $1.56	*Price per case 12/28 oz.* $1.75	*Price per 28 oz. package* $0.17
Corn flakes	*Price per case 36/6 oz.* $2.24	*Price per case 36/6 oz.* $2.55	*Price per 6 oz. package* $0.09

For sales of different quantities the maximum price shall be proportionately computed.

(m) *Table XIII: Specific maximum prices for certain packing house products.*

	Sales to wholesalers	Sales at wholesale	Sales at retail
	Price per 100 lbs.	*Price per 100 lbs.*	*Price per lb.*
Lard pork fat rendered	$14.50	$15.75	$0.18
Pure refined lard in tierces	16.25	17.50	.20
Pure refined lard in cases 56#	16.00	17.25	.20
Pure refined lard in 34# to 37# tins	16.50	17.75	.20
Pork pickled heads and tails	14.00	15.15	.18
Pork spare ribs	21.00	23.00	.27
Pork snouts	11.00	12.00	.15
Pickled picnic hams	30.00	33.00	.40
Beef pickled or jerked	21.25	22.75	.27

For sales of different quantities the maximum price shall be proportionately computed.

(n) *Table XIV: Specific maximum prices for garlic.*

	Sales to wholesalers	Sales at wholesale	Sales at retail
	Price per 50 lb. bag	*Price per 50 lb. bag*	*Price per lb.*
Garlic	$2.83	$3.20	$0.08

For sales of different quantities the maximum price shall be proportionately computed.

(o) *Table XV: Specific maximum prices for cheese.*

	Sales to wholesalers	Sales at wholesale	Sales at retail
	Price per 100 lbs.	*Price per 100 lbs.*	*Price per lb.*
Natural American Cheddar	$29.00	$31.25	$0.38

For sales of different quantities the maximum price shall be proportionately computed.

(p) Every person selling any of the commodities listed in paragraphs (k) to (o), inclusive, of this section, to a retailer on and after November 21, 1942, before or at the time of his first delivery to each purchaser shall supply the purchaser with a statement of the maximum retail prices set forth above for the commodity or commodities delivered.

§ 1418.13a *Effective dates of amendments.* * * *

(j) Amendment No. 10 (§§ 1418.1 (11), 1418.14 (k), (l), (m), (n), (o) and (p)) to Maximum Price Regulation No. 183 shall become effective November 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12194; Filed, November 20, 1942; 4:47 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5620, 6744, 6659, 7454, 7843, 7945, 8558, 8833, 8946, 9341.

PART 1499—COMMODITIES AND SERVICES

[Amendment 37 to GMPR[1]]

LICENSING, ETC.

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The text of § 1499.16 is designated as paragraph (b) and is titled "License granted" and a new paragraph (a) is added, to read as set forth below:

§ 1499.16 *Licensing*—(a) *License required.* A license as a condition of selling is required of every person selling at wholesale or retail any commodity or service for which a maximum price is established by the General Maximum Price Regulation or by any other price regulation of the Office of Price Administration. No person whose license is suspended in proceedings under section 205 (f) (2) of the Emergency Price Control Act of 1942 shall, during the period of suspension, sell any commodities or services as to which his license to sell is suspended.

(b) *License granted.* * * *

§ 1499.23a *Effective date of amendments.* * * *

(ll) Amendment No. 37 (§ 1499.16) to General Maximum Price Regulation shall become effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12190; Filed, November 20, 1942; 3:42 p. m.]

PART 1307—RAW MATERIALS AND COTTON TEXTILES

[RPS 7, Amendment 7[2]]

COMBED COTTON YARNS AND THE PROCESSING THEREOF

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1307.12 paragraph (d) (4) (iii) is amended; a proviso is added to inferior subdivision (*d*) of paragraph (d) (4) (vii).

§ 1307.12 *Appendix A: Maximum prices for combed yarns and mercerizing, bleaching and/or gassing thereof.* * * *

(d) Maximum prices for combed yarns not covered by contract prior to December 24, 1942, and for mercerizing, bleaching and/or gassing.

* * * * *

(4) *Premiums.* * * *

(iii) *Jobbers.* A jobber[10] may:

(*a*) (*1*) Sell to a given customer broken-case[10a] lots of combed yarn in quantities of 1,500 pounds or less per calendar month at a premium of 10 per cent and in quantities in excess of 1,500 pounds per calendar month at a premium of 5 per cent: *Provided,* That in no event shall sales of broken-case lots at a premium, irrespective of quantity per sale, exceed 15,000 pounds in any calendar month to all of the seller's customers.

(*2*) Sell combed yarn in lots of 1 to 3 unbroken cases at a premium of 5 per cent: *Provided,* That except as set forth below no jobber may avail himself of this premium on that portion of his sales in any calendar month which is in excess of 3,000 pounds to the same customer or 20,000 to all his customers.

(*b*) On lots of 1 to 3 unbroken cases, the following concerns may avail themselves of the premium set forth in (*a*) (*2*) above on that portion of their respective sales of combed yarn in any calendar month which is not in excess of the amounts set forth below:

Name	Permissible amount to any given customer	Permissible amount to all customers
	Pounds	*Pounds*
Thos. D. Toy & Co., 118 East 25th St., New York, N. Y.	5,000	60,000
Ernest W. Hayward & Co., 407 Fourth Ave., New York, N. Y.	3,000	40,000
Meyer & Rasmaussen, Inc., 221-227 Fourth Ave., New York, N. Y.	5,000	50,000

* * * * *

(vii) *Other premium yarns;* * * *

(*d*) * * *

Provided: That a producer other than the one who spins the yarn or has it spun for his account need not report those special features for which the spinner has charged a premium under (a), (b), or (c) above.

§ 1307.11 *Effective dates of amendments.* * * *

(o) Amendment No. 7 (§ 1307.12 (d) (4) (iii) and (vii)) to Revised Price Schedule No. 7 shall become effective November 27, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 21st day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12267; Filed, November 21, 1942; 12:36 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 30]

WASTEPAPER

The preamble and §§ 1347.1 to 1347.10 inclusive of Revised Price Schedule No. 30—Wastepaper—are amended, renumbered, and reissued as Maximum Price Regulation No. 30—Wastepaper.

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of wastepaper by a maximum price regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation, which apply to the sale of wastepaper, are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Emergency Price Control Act of 1942 as amended.

So far as practicable the Price Administrator has consulted with representatives of the trade and industry. He has found that the issuance of this regulation conforms to the standards of the Act.

A statement of considerations involved in the issuance of this regulation is issued simultaneously herewith and filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 this Maximum Price Regulation No. 30 is hereby issued.

Sec.
1347.1 Prohibitions.
1347.2 Less than maximum prices.
1347.3 Applicability of the General Maximum Price Regulation.
1347.4 Export sales and sales for export.
1347.5 Imports.
1347.6 Petitions for amendment.
1347.7 Licensing.
1347.8 Evasion.
1347.9 Enforcement.
1347.10 Records and reports.
1347.11 Definitions.
1347.12 Applicability.
1347.13 Effectve date.
1347.14 Appendix A: Maximum prices for wastepaper.

AUTHORITY: §§ 1347.1 to 1347.14, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E. O. 9250, 7 F.R. 7871.

§ 1347.1 *Prohibitions.* Regardless of any contract, agreement, lease or other obligation:

(a) No person shall sell or deliver any wastepaper at higher prices than the maximum prices set forth in Appendix A (§ 1347.14) of this Maximum Price Regulation No. 30.

(b) No person shall buy or receive any wastepaper at higher prices than the maximum prices set forth in Appendix A (§ 1347.14) of this Maximum Price Regulation No. 30.

(c) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

§ 1347.2 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 30 may be charged, demanded, paid or offered.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7758, 7913, 7454, 8431, 8881, 9004, 8942.

[2] 7 F.R. 1221, 2277, 2393, 2509, 2737, 3160, 3551, 3664, 5481, 8948, 2000, 2132.

[10] As used herein, "jobber" means a person at least 75 per cent of whose sales of combed yarn during the calendar month preceding any given transaction consisted of stock yarn sales. See footnote 1 for definition of "stock yarn".

[10a] As used herein the term broken case means a case from which at least 25 per cent of the contents have been removed.

§ 1347.3 *Applicability of the General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 30 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of wastepaper for which maximum prices are established by this regulation.

§ 1347.4 *Export sales and sales for export.* The maximum price at which a person may export wastepaper shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[1] issued by the Office of Price Administration. The maximum prices at which a person may make a domestic sale of wastepaper which is to be exported shall not exceed the maximum prices herein provided for domestic sales: *Provided, however,* That persons specially packaging wastepaper for export and selling the same to a purchaser who warrants in writing that the wastepaper so packed will be sold in export, may add to the maximum price an amount not in excess of the highest premium actually charged for the same or similar packing by such person during the period of January 1 through September 30, 1941. If a person made no such charge for such packing in said period, the amount of his charge for such packing shall not exceed the amount charged in said period by his nearest and most closely competitive seller in said period.

§ 1347.5 *Imports.* The maximum prices established herein shall apply to imports of wastepaper from a foreign country, f. o. b. the port or city of entry in the United States.

§ 1347.6 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 30 may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[2] issued by the Office of Price Administration.

§ 1347.7 *Licensing.* The provisions of Supplementary Order No. 5[3]—Licensing, are applicable to every dealer and broker subject to this Maximum Price Regulation No. 30, selling, offering to sell, delivering or transferring at a price wastepaper to a consumer.

§ 1347.8 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 30 shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of wastepaper, alone or in conjunction with or relating to any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege or tying agreement, or other trade understanding or otherwise.

§ 1347.9 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 30 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942 as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 30 or any price schedule, regulation or order issued by the Office of Price Administration, or any acts or practices which constitute such a violation, are urged to communicate with the nearest District, State, Field or Regional Office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1347.10 *Records and reports.* (a) Every person who has been required under Revised Price Schedule No. 30 to keep records for inspection by the Office of Price Administration shall preserve such records for so long as the Emergency Price Control Act of 1942 shall remain in effect.

(b) Every person making purchases or sales of commercially packed wastepaper shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 shall remain in effect, complete and accurate records of each purchase or sale of wastepaper showing the following:

(1) Date of purchase or sale.

(2) Name and address of the buyer or seller.

(3) Grade of wastepaper purchased or sold.

(4) Quantity of each grade purchased or sold.

(5) Prices paid or received.

(6) Warranties, if any, given or received.

Such records shall set forth separately the f. o. b. point of shipment price, the origin and destination of the shipment, the means of transportation used, the amount of the transportation charge, and any other amounts paid or received in connection with such sale.

(c) Persons required to keep records shall submit such reports to the Office of Price Administration and shall keep such other records in addition to or in place of the records required in paragraphs (a) and (b) of this § 1347.10 as the Office of Price Administration may from time to time require or permit.

§ 1347.11 *Definitions.* (a) When used in this Maximum Price Regulation No. 30, the term:

(1) "Person" means an individual, corporation, partnership, association, any other organized group of persons, the legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Wastepaper" includes papers and paper products which have been used or discarded, or which result as by-products from a manufacturing or conversion operation, or which are sold for reuse in a manufacturing or conversion operation involving repulping, shredding, or grinding.

(3) "Consumer" means a person who acquires wastepaper for use in the manufacturing process conducted by him.

(4) "Dealer" means a person who acquires wastepaper for the purpose of sale as wastepaper.

(5) "Commercially packed" means packed in machine compressed bales or by an optional method of packing where such method is allowed in the definition of a grade.

(6) "Objectionable papers" include carbon, waxed, paraffined, oil treated, greased, glazed, parchment, asphalt, tar, tympan, and used wall paper, friction board, cloth book-covers, heavy cores, pressboard, used bill board stock, paper-wrapped excelsior, felt furniture pads, paper twine, uncut printer's rolls, and paper strings.

(7) "Foreign materials" include every non-paper substance that cannot be manufactured into paper or paper products by the processes normally used for wastepaper, including, but in no way limited to cellophane, rags, rubbers, strings, vulcanized fiber, metals, and rubbish of all kinds.

(8) "Out-throw" for a given grade of wastepaper consists of all substances not suitable for the manufacture of paper or paperboard such as "Objectionable papers" and "Foreign materials", and all papermaking materials present in the packing that do not meet the requirements of the applicable definition for the grade. In the book, magazine and ledger grades "Out-throw" includes books, magazines and papers containing groundwood.

(9) "Manila", whenever used in the definitions set forth in § 1347.14 of this Maximum Price Regulation No. 30, refers to a color and finish of paper obtained by the natural undyed or very lightly tinted color of the woodpulp employed in the manufacture of the paper, such color and finish being comparable to that secured in paper manufactured from manila hemp or rope.

(10) "One cut" as applied to wastepaper means wastepaper of one color, shade, basis weight and finish resulting from one run in a process of conversion.

(11) "Broker", commonly known as a wastepaper broker, means any person who sells to consumers wastepaper not packed by such person, and purchased by such person in the condition in which it is to be delivered to the consumer.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1347.12 *Applicability.* The provisions of this Maximum Price Regulation No. 30 shall be applicable to the continental United States and the District of Columbia, but not to the territories and possessions of the United States.

§ 1347.13 *Effective date.* This Maximum Price Regulation No. 30 (§§ 1347.1 to 1347.14 inclusive) shall become effective November 27, 1942.

§ 1347.14 *Appendix A: Maximum prices for wastepaper.* (a) Grades and maximum prices per short ton f. o. b. point of shipment.

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[1] 7 F.R. 5059, 7242, 8829, 9000.

[2] 7 F.R. 8961.

[3] 7 F.R. 3403, 6077.

Grades	*Maximum prices per short ton f. o. b. point of shipment*
No. 1 mixed paper[1]	$14.00
No. 1 news[2]	15.00
Overissue news[3]	17.00
Old corrugated containers[4]	16.50
Old Kraft corrugated containers[5]	30.00
New corrugated cuttings[6]	18.00
Box board cuttings[7]	14.50
White blank news[8]	33.00
Extra manilas[9]	37.00
New manila envelope cuttings[10]	53.00
One cut new manila envelope cuttings[11]	57.50
Manila tabulating cards, free from groundwood[12]	45.00
Manila tabulating cards, groundwood[13]	27.00
No. 1 hard white shavings[14]	57.50
Hard white envelope cuttings[15]	62.50
One cut hard white envelope cuttings[16]	67.50
No. 1 soft white shavings[17]	50.00
One cut soft white shavings[18]	57.50
Miscellaneous soft white shavings[19]	43.00
No. 1 fly leaf shavings[20]	33.50
No. 1 groundwood fly leaf shavings[21]	25.00
No. 2 mixed colored groundwood shavings[22]	18.00
Mixed books[23]	17.00
No. 1 heavy books and magazines[24]	33.50
No. 1 mixed ledger (colored ledger)[25]	37.50
No. 1 white ledger[26]	43.50
No. 1 assorted Kraft (old Kraft)[27]	35.00
Triple sorted No. 1 brown soft Kraft[28]	50.00
Mixed Kraft envelope and/or bag cuttings[29]	55.00
Kraft envelope cuttings[30]	65.00
New 100% Kraft corrugated cuttings[31]	45.00
Mill wrappers[32]	17.00

[1] "No. 1 mixed paper" consists of wastepaper which does not have the uniform or distinctive qualities required for classification as any other grade.

[2] "No. 1 news" consists of waste newspapers. Optional method of packing—securely tied bundles.

[3] "Overissue news" consists of unused overrun newspapers from a newspaper office. Dealers' returns constitute a lower quality of this grade. Optional method of packing—securely tied bundles.

[4] "Old corrugated containers" consist of used corrugated or solid fiber containers.

[5] "Old Kraft corrugated containers" consist of used Kraft corrugated or solid fiber containers of 100% sulphate fiber content. A lower quality of this grade consists of corrugated containers composed of two liners which are of 100% sulphate fiber with a corrugated filler of other fiber. Unless both of the liners are 100% sulphate fiber, the material must not be sold at a price in excess of the maximum price of "Old corrugated containers."

[6] "New corrugated cuttings" consist of new corrugated or solid fiber container board cuttings.

[7] "Boxboard cuttings" consist of new cuttings of paperboard which is used in the manufacture of folding paper cartons, set-up boxes and similar boxboard products.

[8] "White blank news" consists of unprinted cuttings or sheets of white newsprint paper.

[9] "Extra manilas" of the highest quality consist of unprinted manila paper. Lower qualities may contain printing.

[10] "New manila envelope cuttings" consist of new cuttings or sheets of unprinted manila paper of the quality used in the manufacture of manila envelopes. Optional method of packing—securely tied packages.

[11] "One cut new manila envelope cuttings" consist of new one cut cuttings or sheets of unprinted manila paper of the quality used in the manufacture of manila envelopes. Optional method of packing—securely tied packages.

[12] "Manila tabulating cards, free from groundwood" consist of new or used printed manila cards, free from groundwood, which have been manufactured for use in automatic tabulating machines. Lower qualities of this grade may include tabulating cards of similar stock having colors other than manila. Optional method of packing—bags or boxes.

[13] "Manila tabulating cards, groundwood" consist of new or used printed manila cards, containing groundwood, which have been manufactured for use in automatic tabulating machines. Lower qualities of this grade may include tabulating cards of similar stock having colors other than manila. Optional method of packing—bags or boxes.

[14] "No. 1 hard white shavings" consist of new groundwood-free bond or writing paper shavings of sulphite and/or rag fiber content. The highest quality of this grade consists of all white shavings. Lower qualities may contain rulings or light colored stock.

[15] "Hard white envelope cuttings" consist of new cuttings from groundwood-free bond or writing papers of the quality used in the manufacture of envelopes. The fiber content of the stock shall be sulphite, rag, or bleached sulphate. Optional method of packing—securely tied packages.

[16] "One cut hard white envelope cuttings" consist of new one cut cuttings from groundwood-free bond or writing papers of the quality used in the manufacture of envelopes. The fiber content of the stock shall be sulphite, rag, or bleached sulphate. Optional method of packing—securely tied packages.

[17] "No. 1 soft white shavings" consist of unprinted, all white shavings from book and similar printing papers, free from groundwood, and containing not in excess of 10% of coated paper stock and/or heavily filled papers.

[18] "One cut soft white shavings" consist of unprinted, all white, one cut shavings from book and similar printing papers, free from groundwood, and containing not in excess of 10% of coated paper stock and/or heavily filled papers.

[19] "Miscellaneous soft white shavings" consist of unprinted all white shavings from book and similar printing papers, free from groundwood, but not limited with respect to coated or filled paper stock.

[20] "No. 1 fly leaf shavings" consist of the trim of magazines, catalogs and similar printed matter, free from groundwood, and may contain the bleed of cover and insert stock. Solid color printed and beater-dyed papers constitute a lower quality of this grade.

[21] "No. 1 groundwood fly leaf shavings" consist of the trim of magazines, catalogs and similar printed matter, not limited with respect to groundwood, and may contain the bleed of cover and insert stock, but shall be free from beater-dyed papers, solid or other color printing, and coated stock.

[22] "No. 2 mixed colored groundwood shavings" consist of the trim of magazines, catalogs and similar printed matter, not limited with respect to groundwood or coated stock, and may contain the bleed of cover and insert stock as well as beater-dyed papers and solid and other color printing.

[23] "Mixed books" consist of books or magazines, including outthrow not in excess of 40 per cent of the total weight of the packing. Packings which contain in excess of 40 per cent outthrow must not be sold at a price in excess of the maximum price of "No. 1 mixed paper". Packings of this grade which are sold for use in the manufacture of paperboard, regardless of outthrow percentage must not be sold at a price in excess of the maximum price of "No. 1 mixed paper".

[24] "No. 1 heavy books and magazines" consist of used and overissue books and magazines, stitchless stock, quire waste, and similar printed matter. The stock shall be free from heavily inked, deeply colored, gilt, aluminum, varnished, lithographed, rotogravure printed, and cover papers. This grade shall not contain more than 2% outthrow. Deliveries which fail to meet the requirement as to outthrow must be rejected or paid for only after adjustment to eliminate any payment for the excessive outthrow.

[25] "No. 1 mixed ledger (colored ledger)" consists of ledger sheets, bond, and writing papers, white and colored, which contain no more than 2% outthrow. Deliveries which fail to meet the requirement as to outthrow must be rejected or paid for only after adjustment to eliminate any payment for the excessive outthrow.

[26] "No. 1 white ledger" consists of ledger sheets, bond, and writing papers, all white, which contain no more than 2% outthrow. Deliveries which fail to meet the requirement as to outthrow must be rejected or paid for only after adjustment to eliminate any payment for the excessive outthrow.

[27] "No. 1 assorted Kraft (old Kraft)" consists of Kraft paper waste, free from corrugated waste of any kind.

[28] "Triple sorted No. 1 brown soft Kraft" consists of old, soft, natural color Kraft papers completely free from papers other than those containing 100% sulphate fiber.

[29] "Mixed Kraft envelope and/or bag cuttings" consist of new cuttings from 100% sulphate envelope and/or bag stock. Deliveries containing cuttings of less than 100% sulphate fiber shall be sold at a price not in excess of the maximum price of "No. 1 assorted Kraft (old Kraft)".

[30] "Kraft envelope cuttings" consist of new cuttings from 100% Northern sulphate envelope stock. Optional method of packing—securely tied packages.

[31] "New 100% Kraft corrugated cuttings" consist of cuttings from new corrugated or solid fiber container stock of 100% sulphate fiber content. A lower quality of this grade consists of cuttings from new corrugated stock composed of two liners which are 100% sulphate fiber with a corrugated filler of other fiber. Unless both of the liners are of 100% sulphate fiber, the material must not be sold at a price in excess of the maximum price of "New corrugated cuttings."

[32] "Mill wrappers" consist of paper used as outside wrappers for rolls or bundles of finished paper stock and may contain sulphite or Kraft screenings, groundwood fiber or chemical woodpulp fiber.

(b) *Grade requirements*—(1) *Differentials.* All prices established by this Maximum price Regulation No. 30 are the maximum prices for the respective grades of wastepaper. No differentials or service charges other than those specifically provided for in this Maximum Price Regulation No. 30 may be charged.

(2) *Highest qualities.* The highest qualities of each grade shall be clean, dry, and free from objectionable papers and foreign materials. Other qualities of wastepaper of each grade may be purchased or sold at or below the maximum price established for such grade: *Provided,* That such wastepaper fulfills the minimum requirements of fiber and physical characteristics as set forth in the definition of such grade, and is of merchantable quality in all respects.

(3) *Baling.* All wastepaper must be packed in machine compressed bales unless provision is made in the definition of the grade for an optional method of packing. A deduction of at least $2.00 per ton must be made from the maximum

price specified for such grade, if the packing does not comply with this requirement. Tare shall not exceed 2% of the gross weight.

(c) *Maximum prices for unlisted grades of wastepaper.* The maximum price for any grade of wastepaper not listed in paragraph (a) of this § 1347.14 shall be a price in line with the maximum price enumerated therein for the nearest related grade of wastepaper.

Any person proposing to sell to a consumer of wastepaper or any consumer proposing to buy a grade of wastepaper not listed in paragraph (a) of this § 1347.14 shall, before making such sale or purchase, submit to the Administrator in Washington, D. C. a sworn statement setting forth all of the relevant facts including the following:

(1) Name of grade.

(2) Detailed statement of fiber content and physical characteristics of said grade.

(3) Maximum price per short ton f. o. b. point of shipment for which such person proposes to buy or sell said grade.

(4) Detailed statement of prices for which petitioner has purchased or sold said grade since January 1, 1941. This statement must be set forth on a monthly basis.

(5) Detailed statement of tonnage of said grade purchased or sold by petitioner since January 1, 1941. This statement must be set forth on a monthly basis.

(6) Statement indicating the degree of uniformity of fiber content and physical characteristics of said grade in all other purchases or sales thereof which have been made by said person.

(7) All other facts requested by the Office of Price Administration.

Representative samples of the wastepaper proposed to be purchased or sold shall be submitted with the sworn statement.

The price for which such wastepaper is purchased or sold by such person shall be subject to adjustment by the Office of Price Administration, if such price is not in line with the maximum price enumerated in this schedule for the nearest related grade of wastepaper. When any person has submitted the data described above with respect to any grade of wastepaper, he shall not be required to submit such data again prior to making a purchase or sale of the identical grade of wastepaper.

If either the buyer or seller shall furnish the Administrator with all the data required under this paragraph (c), it shall not be necessary for the other party to the same transaction to furnish such data.

(d) *Maximum prices for unsorted wastepaper.* Unsorted wastepaper, which contains two or more unsorted grades, shall not be subject to the maximum prices prescribed by this Maximum Price Regulation No. 30, in the event that such paper is sold to a purchaser who warrants in writing to the seller that he will not use such paper as a consumer thereof, but will sort and grade it for resale into (1) grades listed in this Maximum Price Regulation No. 30, or (2) specialty grades described in paragraph (c) of this § 1347.14, or (3) paper which does not constitute wastepaper as defined in § 1347.11, and that he will sell such paper so sorted and graded at prices no higher than the maximum prices prescribed for such grades by this Maximum Price Regulation No. 30, or by any other applicable maximum price regulation or price schedule. If, however, such unsorted paper is sold to a consumer thereof, the price therefor shall not exceed the maximum price prescribed by this Maximum Price Regulation No. 30 for "No. 1 mixed paper". The warranties required from the purchaser must be kept in the seller's records in the manner provided in § 1347.10.

(e) *Transportation allowances.* All prices established by this Maximum Price Regulation No. 30 shall be for wastepaper f. o. b. freight cars, trucks, or barges at the point of shipment. The point of shipment is the point at which the wastepaper is first loaded on a conveyance for transportation to the buyer, except that in the case of imported wastepaper the point of shipment shall be the port or city of entry in the United States.

(1) *Delivery charges.* Sales may be made on a delivered basis, but such sales must be made at prices not in excess of the maximum f. o. b. point of shipment prices established by this Maximum Price Regulation No. 30, plus, where the costs of delivery are incurred by the seller, such of the transportation allowances set forth in this subparagraph (1) or in subparagraph (2) of this paragraph (e) as are applicable thereto.

(i) When transportation to the buyer is by public (common or contract) carrier, the lowest established transportation rate for such shipment;

(ii) When transportation to the buyer is by a vehicle owned or controlled by the seller, other than a common or contract carrier;

(*a*) An amount not in excess of $1.00 per short ton, plus actual toll charges, when the point of shipment and the buyer's premises are located in the same city, town or municipality, or at a distance of ten miles or less from each other by the shortest available public highway route.

(*b*) An amount per short ton not in excess of the lowest published rail rate for full carload shipments of wastepaper, when the point of shipment and the buyer's premises are not located in the same city, town or municipality and are at a distance of more than ten miles from each other by the shortest available public highway route.

(2) *Loading charge.* If there is no rail siding or barge dock at the point of shipment, and the wastepaper is transported to and loaded on a freight car or barge at a public track or public barge dock for transportation to the buyer at the expense of the seller, the seller may add to the shipping point price an amount not in excess of $1.00 per short ton for such transportation and loading.

No allowance may be added under any circumstances, if either the point of shipment or the public track or barge dock at which the wastepaper is loaded is within the limits of the railway switching district of Chicago, Illinois.

(f) *Invoice requirements.* All sales of wastepaper to a consumer shall be invoiced. The invoice shall state as separate items the following data:

(1) *The grade name.* This shall be (i) the applicable grade name set forth in paragraph (a) of this § 1347.14, or (ii) the grade name of a specialty with respect to which sworn statements and samples have been submitted to the Office of Price Administration in accordance with paragraph (c) of this § 1347.14.

(2) *The origin of the shipment.* This shall include the name of the city or town where the point of shipment is located. If delivery is in the seller's own truck, and if the point of shipment and the buyer's premises are located at a distance of more than ten but less than fifteen miles from each other by the shortest available highway route, the street address and city where such point of shipment is located shall be shown.

(3) *The destination of the shipment.* This shall include the name, street address and city of the consumer.

(4) Any amount charged by the seller for transportation of the wastepaper.

(g) *Brokerage.* (1) In the event that a consumer of wastepaper shall purchase wastepaper through a broker as defined in § 1347.11 (a) (11), hereof, such consumer may pay such broker not more than the maximum price herein plus a broker's allowance not to exceed the following percentages of the price per ton of the amount actually paid to the broker, exclusive of the broker's allowance:

Price per ton for grade of wastepaper purchased:	*Broker's allowance in percentage*
Up to $20.00	4
$20.01 to $30.00	5
$30.01 to $40.00	5½
$40.01 to $50.00	7
$50.01 to $60.00	8
$60.01 and up	9

(2) The maximum prices established in § 1347.14 Appendix A, can in no case be augmented by more than one brokerage allowance for each ton. In no event shall a person receive brokerage or the proceeds of brokerage on wastepaper packed by him. In no event shall a person receive brokerage on the pack of another person pursuant to any contract, agreement or understanding of any sort whatsoever between the two, whereby each is to sell, and charge brokerage on, the pack of the other. In addition to the price paid by the consumer, a broker may receive a broker's allowance only from a consumer, and only if the transaction in question fulfills all of the following requirements:

(i) The broker records the name or names of his vendor, or vendors in each transaction, the quantity and grade of wastepaper purchased, the price f. o. b. point of shipment paid by such broker, the name of his consuming purchaser, the method of shipment to such consuming purchaser, the price paid by such consuming purchaser, and the broker's allowance.

(ii) The sale is made by the broker to the consumer.

(iii) The wastepaper sold by the broker to the consumer has been completely prepared for delivery by a person other than the broker.

(iv) The broker guarantees the merchantable quality of the wastepaper.

(v) The broker's allowance in such transaction is shown as a separate item on the invoice. This invoice must contain a statement that the broker has had no part in the preparation of the wastepaper covered, prior to its delivery to the consumer, and that the charges are not in excess of those established in this Maximum Price Regulation No. 30.

(vi) The broker's allowance is not split or divided with any other person.

(vii) All pertinent provisions in this Maximum Price Regulation No. 30 are strictly complied with.

Issued this 21st day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-12260; Filed, November 21, 1942; 12:37 p. m.]

Part 1390—Machinery and Transportation Equipment

[MPR 136 as Amended,[1] Amendment 55]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph (41) is added to § 1390.25 (c) as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(41) *Sales of air conditioning and refrigerating equipment pursuant to War Production Board program.* Notwithstanding any other provisions of this Maximum Price Regulation No. 136, as amended, the maximum price applicable to the sale at the direction of the War Production Board of any industrial or commercial air conditioning or refrigerating equipment to the manufacturer of such equipment by a person using such equipment and not engaged in the business of selling such equipment, shall be the installed cost of such equipment to such user, less depreciation at the rate of 5% per year; the maximum price applicable to the resale of any such equipment by the manufacturer on a reconditioned and guaranteed basis to a new user designated by the War Production Board shall be the total cost of the equipment to the manufacturer, including the cost of inspection, dismantling, and shipment to the manufacturer's plant, estimated if necessary; plus the cost of reconditioning the equipment, of shipment to the purchaser, and of installation, estimated if necessary; plus the amount of any other out-of-pocket expenses incurred in connection with such sale, estimated if necessary; plus a reasonable charge for engineering and a reasonable profit, not upon the cost to the manufacturer, but in the light of the manufacturer's risk and responsibility: *Provided,* That the amount of such profit, together with a description of the transaction, has been submitted to the Office of Price Administration, Washington D. C., for its review and that the Office of Price Administration has approved or failed to disapprove the amount of such profit within thirty days after receipt of the information.

§ 1390.31a *Effective dates of amendments.* * * *

(ddd) Amendment No. 55 (§ 1390.25 (c) (41)) to Maximum Price Regulation No. 136, as amended, shall become effective November 27, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-12268; Filed, November 21, 1942; 12:36 p. m.]

Part 1394—Rationing of Fuel and Fuel Products

[Ration Order 5A,[1] Amendment 1 to Supp. 1]

GASOLINE RATIONING REGULATIONS

Subparagraph (1) of paragraph (a) of § 1394.2001 is amended; and a new paragraph (c) to § 1394.2001 is added; as set forth below:

§ 1394.2001 *Designation of unit value in gallons of gasoline.* (a) * * *

(1) Three (3) gallons of gasoline with respect to A book coupons, except in West Virginia, where A book coupons shall have a value of four (4) gallons, and four (4) gallons with respect to B and C book coupons.

* * * * *

(c) Amendment No. 1 (§ 1394.2001 (a) (1)) to Supplement No. 1 to Ration Order No. 5A shall become effective November 22, 1942.

(Pub. Law 671, 76th Cong., 3rd Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess., and by Pub. Law 507, 77th Cong., 2nd Sess., Pub. Law 421, 77th Cong., 2nd Sess., W.P.B. Dir. No. 1, Amendment No. 2 to Supp. Dir. No. 1 (H), 7 F.R. 562, 3478, 3877, 5216).

Issued this 21st day of November, 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-12261; Filed, November 21, 1942; 12:37 p. m.]

Part 1404—Rationing of Rubber Footwear

[Ration Order 6,[1] Amendment 5]

MEN'S RUBBER BOOTS AND RUBBER WORK SHOES RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new § 1404.37a and a new paragraph (e) to § 1404.71 are added, as set forth below:

Acquisition and Transfer by Retailer, Distributor and Manufacturer

§ 1404.37a *Obtaining Certificates to replace rubber footwear transferred by a distributor to retail and distributing establishments.* (a) Any establishment registered as a distributing establishment may, at any time between November 28 and December 5, 1942, inclusive, apply to the Board for Certificates representing the number of pairs of each type of rubber footwear transferred by it to registered retail or distributing establishments during the period from October 5 to November 28, 1942, inclusive. Application shall be made on OPA Form R-604 and shall state the number of pairs of each type of rubber footwear transferred in such period to registered retail or distributing establishments, and the number of pairs of each type for which replacement Certificates are desired. The application shall be accompanied by such evidence as the Board may require.

(b) The Board, if it is satisfied that the facts stated in the application are true, shall issue Parts I of Certificates to the applicant for the number of pairs of each type of rubber footwear for which such replacement is desired, not exceeding, for any type, the number of pairs of that type transferred by the establishment to registered retail or distributing establishments during the period from October 5 to November 28, 1942, inclusive.

(c) The number of pairs of rubber footwear represented by Parts I of Certificates issued pursuant to this section shall be reported by the applicant to the Central Inventory Unit, Office of Price Administration, Empire State Building, New York City.

* * * * *

Effective Date

§ 1404.71 *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§ 1404.37 (a)) shall become effective November 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562, and Supplementary Directive No. 1-N, 7 F.R. 7730; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-12264; Filed, November 21, 1942; 12:38 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362, 8433, 8479, 8520, 8652, 8707, 8897, 9001, 8948, 9040, 9041, 9042, 9053, 9054.

[1] 7 F.R. 5255, 5362, 5426, 5566, 5606, 5666, 5674, 5943, 6267, 6684, 6776, 7510, 7399, 7811, 7907.

[1] 7 F.R. 7748, 7967, 8363, 8809, 9084.

Part 1499—Commodities and Services

[Order 105 Under § 1499.18 (b) of GMPR]

PITTSBURGH COKE AND IRON COMPANY

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1006 *Adjustment of maximum prices for sales of 2° pyridine by the Pittsburgh Coke and Iron Company.* (a) The Pittsburgh Coke and Iron Company, of Pittsburgh, Pennsylvania, may sell, and any person may buy from such company, 2° pyridine at the following maximum prices:

(1) *In non-returnable containers,* $0.445 per gallon, plus actual invoice cost of containers to seller.

(2) *In returnable containers,* $0.445 per gallon, without additional charge for containers. Seller may require reasonable deposit for return of containers, which must be refunded to buyer on return of container. Transportation charges on return of container shall be borne by seller.

(b) All discounts, allowances, freight and trade practices of the seller, not in conflict with paragraph (a) above, in effect with respect to the sale of the above commodity during March 1942, shall apply to the maximum prices established in paragraph (a) above.

(c) This Order No. 105 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 105 (§ 1499.1006) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 105 (§ 1499.1006) shall become effective November 23, 1942.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-12262; Filed, November 21, 1942; 12:37 p. m.]

Part 1499—Commodities and Services

[Order 106 Under § 1499.18 (b) of GMPR]

THE NARRAGANSETT BREWING COMPANY

Order 106 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-1880.

For the reasons set forth in an opinion issued simultaneously herewith; *It is ordered:*

§ 1499.1007 *Adjustment of maximum prices in the State of Connecticut for sales of fermented malt beverages manufactured by Narragansett Brewing Company.* (a) The Narragansett Brewing Company of Providence, Rhode Island, its wholesalers and retailers may sell and deliver in the State of Connecticut and any person may buy and receive from the Narragansett Brewing Company or any wholesaler or retailer, in the State of Connecticut, fermented malt beverages manufactured by the Narragansett Brewing Company at prices not higher than those set forth below:

(1) *Maximum prices for Narragansett Brewing Company to sellers at wholesale.* The maximum prices established under § 1499.2 of the General Maximum Price Regulation for the Narragansett Brewing Company plus the following amounts:

4¢ per case of 24 twelve ounce bottles
10¢ per case of 12 thirty-two ounce bottles

(2) *Maximum prices which a wholesaler may charge a retailer for fermented malt beverages manufactured by the Narragansett Brewing Company.* The maximum prices established under § 1499.2 of the General Maximum Price Regulation for the particular wholesaler plus the following amounts:

4¢ per case of 24 twelve ounce bottles
10¢ per case of 12 thirty-two ounce bottles

Provided, That if the particular wholesaler raised his prices during March 1942, he may add only the excess, if any, of the adjustment permitted hereunder over the amount by which he increased his prices during March.

(3) *Maximum prices which retailers may charge for fermented malt beverages manufactured by Narragansett Brewing Company.* The maximum prices established under § 1499.2 of the General Maximum Price Regulation for the particular retailer plus 1¢ for 3 twelve ounce bottles and 1¢ for each thirty-two ounce bottle: *Provided,* That such prices as increased shall not exceed 27¢ for 3 twelve ounce bottles and 22¢ for each thirty-two ounce bottle.

(b) *Notification of adjustment.* (1) All wholesalers who purchase fermented malt beverages from the Narragansett Brewing Company shall be notified in writing by such company on or before the first delivery after the effective date of this order as follows:

> The Office of Price Administration has permitted us to raise our maximum prices for sales to you of our fermented malt beverages, 4¢ per case of 24 twelve ounce bottles and 10¢ per case of 12 thirty-two ounce bottles over our March ceiling prices. This amount represents that amount of cost increase which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would be increased only in certain cases and under certain conditions. You may add to your present maximum price 4¢ per case of 24 twelve ounce bottles and 10¢ per case of 12 thirty-two ounce bottles: *Provided,* That if you raised your price on these products during March 1942, you may now add only the excess, if any, of the adjustment above mentioned over the amount by which you increased your prices during March.

(2) All sellers at wholesale who sell fermented malt beverages manufactured by the Narragansett Brewing Company to retailers shall notify in writing such retailers on or before the first delivery after the effective date of this order as follows:

> The Office of Price Administration has permitted the Narragansett Brewing Company to add to its maximum price 4¢ per case of 24 twelve ounce bottles and 10¢ per case of 12 thirty-two ounce bottles. We are permitted to add this same increase to our March ceilings prices to you: *Provided,* That if our price was increased during March 1942 we could add only the excess, if any, of this adjustment over the increase that took place in March. Accordingly, you are permitted to add to your ceiling prices 1¢ on quantity sales of 3 twelve ounce bottles and 1¢ on each thirty-two ounce bottle: *Provided,* That such prices as increased shall not exceed 27¢ for 3 twelve ounce bottles of 22¢ for each thirty-two ounce bottle.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 106 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 106 (§ 1499.1007) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2 of the General Maximum Price Regulation.

(f) This Order No. 106 (§ 1499.1007) shall become effective November 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-12263; Filed, November 21, 1942; 12:37 p. m.]

Chapter XIII—Office of Petroleum Coordinator for War

[Recommendation 61]

Part 1504—Processing and Refining

ASPHALT AND ASPHALTIC PRODUCTS

To manufacturers and processors of asphalt and asphaltic products:

The requirements of war make necessary the efficient utilization of petroleum transportation and storage facilities. One means which will tend to accomplish this purpose is the elimination of unnecessary grades of paving asphalt which are being manufactured.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for War, I do hereby recommend that immediately and until further notice:

Sec.	
1504.112	Manufacture of asphalt.
1504.113	Grades of asphalt.
1504.114	Date of applicability.
1504.115	Area of applicability.

Authority: §§ 1504.112 to 1504.115, inclusive, issued under the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1504.112 *Manufacture of asphalt.* No asphalt or asphaltic products for paving purposes other than the grades specified in § 1504.113 of this chapter shall be manufactured after the effective date of this recommendation.

§ 1504.113 *Grades of asphalt.* The grades of asphalt and asphaltic products for paving purposes which may be manufactured after the effective date of this recommendation are:

Asphalt cements: Penetration Ranges—50-60, 85-100, 120-150, 150-200, 200-300.[1] Federal Specifications—SS-A-706a (November 26, 1940) and SS-R-406a (April 25, 1942).

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[1] Same specifications as 150-200 penetration asphalt except that the softening point shall be 90-125 degrees Fahrenheit, and penetration at 77 degrees Fahrenheit, 100 grams, 5 seconds, shall be 200-300.

Medium curing cutback asphalts: MC-1, MC-2, MC-3, MC-5. Federal Specifications—SS-A-671a (June 20, 1941) and SS-R-406a (April 25, 1942).

Rapid curing cutback asphalts: RC-1,[2] RC-2, RC-3, RC-5. Federal Specifications—SS-A-671a (June 20, 1941) and SS-R-406a (April 25, 1942).

Emulsified asphalts: Types I, II, III, V. Federal Specifications—SS-A-674 (May 7, 1935) and SS-A-674, Amendment-1 (March 1936).

§ 1504.114 *Date of applicability.* This recommendation shall become effective on November 25, 1942.

§ 1504.115 *Area of applicability.* This recommendation shall apply to the Continental United States.

RALPH K. DAVIES,
Deputy Petroleum Coordinator for War.

[F. R. Doc. 42-12281; Filed, November 23, 1942; 11:14 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

CALIFORNIA

Pursuant to the provisions of section 5 of the River and Harbor Act approved August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), paragraph (b) of the rules and regulations to govern the operation of the drawbridges crossing all navigable waters of the United States within the State of California approved March 4, 1936, as amended July 15, 1940, is hereby further amended as follows:

§ 203.710[3] *State of California; bridge regulations for all navigable waterways of the United States within California, including San Francisco Bay and connected bays and river systems tributary thereto.* * * *

(b) * * *

(4) *Sacramento River.*

BELOW CHICO LANDING

* * * * *

Highway Bridge across Sutter Slough near Courtland. The owner of, or agency controlling, the bridge will not be required to keep draw tenders in constant attendance at the above-mentioned bridge.

Whenever a vessel, unable to pass under the closed bridge desires to pass through the draw, at least 8 hours' advance notice to that effect shall be given to the Sacramento County Engineer or to the draw tender of the Sacramento River Walnut Grove Bridge.

Upon receipt of such notice, prompt opening of the draw shall be arranged for the time specified in the notice for the passage of the vessel.

The owner of, or agency controlling, the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that it can easily be read at any time, a copy of these regulations, together with notice stating exactly how the representatives specified above may be reached.

The operating machinery of the draw shall be maintained in a serviceable condition, and the draw opened and closed frequently enough to make certain that the machinery is in proper order for satisfactory operation. (28 Stat. 362; 33 U.S.C. 499) [Regs. CE 6371 (Sacramento Co. (Calif.)—Sutter Slough—½ mile So. Courtland)—SPEON)]

[SEAL]

A. J. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-12172; Filed, November 20, 1942; 1:30 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of Interior

PART 4—DELEGATION OF AUTHORITY

By virtue of the authority vested in the Secretary of the Interior to issue rules and regulations in the administration of the functions of the Department of the Interior; the authority conferred by the act of March 14, 1862 (12 Stat. 355, 369, ch. 41; secs. 438, 439 Rev. Stats.; 5 U.S.C. (1940 ed.) secs. 482, 483); the act of March 3, 1885 (23 Stat. 478, 497, ch. 360; 5 U.S.C. (1940 ed.) sec. 482); the act of May 9, 1935 (49 Stat. 176, 177, ch. 101; 5 U.S.C. (1940 ed.) sec. 481a); the act of March 28, 1918 (40 Stat. 499, ch. 29; 5 U.S.C. (1940 ed.) sec. 483); sec. 161, Rev. Stats., 5 U.S.C. (1940 ed.) sec. 22; and the general authority of the Secretary of the Interior to prescribe the functions and delegate the duties to be performed by the Under Secretary of the Interior, the First Assistant Secretary of the Interior and the Assistant Secretary of the Interior, the following delegation of authority is hereby ordered and prescribed:

§ 4.1 *Delegation of authority to the Under Secretary, First Assistant Secretary, and Assistant Secretary of the Interior.* The Under Secretary, the First Assistant Secretary and the Assistant Secretary of the Interior are hereby respectively authorized and directed, with respect to any matter, duty or function relating to, arising under, or in connection with the following bureaus, offices, officers, and functions of the Department of the Interior, to perform all the functions and duties and exercise all the powers, authority and discretion of the Secretary of the Interior, and the acts and directions of the Under Secretary, the First Assistant Secretary, or the Assistant Secretary, respectively, pursuant to the authority herein delegated, shall be deemed to be the acts and directions of the Secretary of the Interior:

(a) *Under Secretary of the Interior:*

1. National Park Service.
2. Bureau of Reclamation.
3. Grazing Service.
4. Bituminous Coal Division.
5. Petroleum Conservation Division.
6. Division of Territories and Island Possessions.

(b) *First Assistant Secretary of the Interior:*

1. General departmental administration.
2. Budget matters.
3. Organization Surveys.
4. Division of Personnel Supervision and Management.
5. Classification Division.
6. Office of Land Utilization.
7. Office of the Chief Clerk.
8. Office of the Departmental Representative of the Advisory Council, Civilian Conservation Corps.
9. Office of the Adviser on Labor Relations.

(c) *Assistant Secretary of the Interior:*

1. General Land Office.
2. Geological Survey.
3. Bureau of Mines.
4. Office of Indian Affairs.
5. Fish and Wildlife Service.
6. United States Board on Geographical Names.

§ 4.2 *Authority in absence of designated secretarial official.* In the absence of the Secretary, the Under Secretary will, as Acting Secretary, perform the duties and functions and exercise the powers, authority and discretion of the Secretary of the Interior. In the absence of the Secretary and the Under Secretary, the First Assistant Secretary, and in his absence the Assistant Secretary, will, as Acting Secretary, perform the duties and functions and exercise the powers, authority and discretion of the Secretary of the Interior. In the absence of either the Under Secretary, the First Assistant Secretary or the Assistant Secretary, the Secretary or Acting Secretary of the Interior will designate the person who shall perform the duties and functions and exercise the authority, powers and discretion of the Under Secretary, the First Assistant Secretary or the Assistant Secretary, respectively.

§ 4.3 *Offices under direct supervision of the Secretary.* The following offices and divisions shall remain under the direct supervision of the Secretary of the Interior:

1. Office of the Solicitor.
2. Division of Information.
3. Division of Power.
4. Office of Field Representatives.
5. Office of the Petroleum Coordinator for War.
6. Office of Solid Fuels Coordinator for War.
7. Office of Fishery Coordination.

§ 4.4 *Prior orders superseded.* This order supersedes Orders 1386 of May 26, 1939, and 1611 of September 23, 1941; but nothing herein shall be construed to invalidate any act heretofore performed by any of the secretarial officials pursuant to any order of delegation heretofore in force.

This order shall be published in the FEDERAL REGISTER.

Issued and effective this 20th day of November, 1942.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-12241; Filed, November 21, 1942; 11:16 a. m.]

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[2] Rapid curing cutback asphalt RC-1 may be manufactured only when this product is to be transported from a refinery to a terminal via barges.

[3] 5 F.R. 1696, 2671.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Docket No. 3666]

PARTS 73 TO 81—TRANSPORTATION OF EXPLOSIVES

PART 2—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES[1]

AUTHORITY: Issued under sec. 233, 41 Stat. 1445, sec. 204 (a) (2), 49 Stat. 546; 18 U.S.C. 383, 49 U.S.C. 304.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of October, A. D. 1942.

Superseding and amending list, order Aug. 16, 1940, or Nov. 8, 1941, as follows:

Order in the matter of regulations for transportation of explosives and other dangerous articles.

It appearing, that certain new and amended regulations for the transportation of explosives and other dangerous articles by rail in freight, express and baggage services, and by water and highway, have been proposed for our approval, pursuant to section 233 of the Criminal Code (Transportation of Explosives Act), and section 204 (a) (2) of Part II of the Interstate Commerce Act;

It further appearing, that by notice dated September 16, 1942, these proposals were circulated among all parties of record, specifying the changes proposed for our approval; and that certain emergency changes hereinafter set forth were thereafter submitted for such approval;

It further appearing, that in said notice it was stated that any party desiring to be heard upon any proposed amendment therein should advise the Commission in writing within 20 days from the date of this notice; otherwise the Commission might proceed to investigate and determine the matters involved in the applications, or might suspend action pending formal hearing;

It further appearing, that as a result of conferences on matters involved in the proposed changes set out in notice of September 16, 1942, and the proposed emergency changes thereafter submitted, agreement was reached by all parties of record with respect to the suggested requirements;

And it further appearing, that the said new and amended regulations have been considered, and the Division finds that the said new and amended regulations attached to and made a part of this order are in accord with the best-known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport:

It is ordered, That the aforesaid regulations heretofore published in orders of August 16, 1940, November 8, 1941, December 18, 1941, February 26, 1942, and July 14, 1942, be and they are hereby superseded and amended as indicated in the regulations made a part hereof, as of the effective date of this order, as follows:

Article	Classed as	Exemptions and packing (sec.)	Label	Maximum quantity, express
(Change) *Butadiene, See* Liquefied petroleum gas *or Liquefied hydrocarbon gas.*				
(Add) Butyraldehyde	Inf. L	103, 110	Red	10 gallons.
(Change) *Cyclopropane, See* Liquefied hydrocarbon gas.				
(Add) *Hydrochloric acid, anhydrous, See* Hydrogen chloride.				
(Add) Hydrogen chloride	Noninf. G	302, 303	Green	300 pounds.

PART 3—REGULATIONS APPLYING TO SHIPPERS

Superseding and amending par. (b), sec. 29, order Aug. 16, 1940, to read as follows (empty containers):

(b) They may be loaded in open or stock cars when desired. Cars should not be placarded but lighted open-flame lanterns or other open-flame lights should be kept away.

Amending sec. 60, order Aug. 16, 1940, as follows (packing black powder and low explosives) (Add (b) (3) (a)):

(a) Because of the present emergency and until further order of the Commission, black powder and low explosives may be shipped in fiber kegs, spec. 13A.

Amending pars. (b) (6), (b) (7), (b) (9), (b) (10), (b) (16), and (c) (2), sec. 62, order Aug. 16, 1940, as follows (packing blasting caps and electric blasting caps) (Add):

NOTE: Because of the present emergency and until further order of the Commission, fiberboard boxes, spec. 23F, may be used in lieu of prescribed wooden boxes, spec. 14, 15A, or 16A.

Superseding and amending par. (j) (2) sec. 65, order Aug. 16, 1940, to read as follows (packing smokeless powder):

(2) In tightly closed metal cans, or fiber containers, not exceeding one-pound each, packed in outside wooden boxes, spec. 15C. Not more than 10 one-pound cans or 10 one-pound fiber containers may be shipped in one outside box. Each outside package must be plainly marked "Smokeless Powder for Small Arms" or "Smokeless Powder for Cannon," as the case may be.

Amending sec. 68, order Aug. 16, 1940, as follows (packing cordeau detonant): Delete par. (c) reading as follows: "Weight—Gross weight of one outside box must not exceed 150 pounds."

Superseding and amending par. (e), sec. 101, order Aug. 16, 1940 to read as follows (packing inflammable liquids—outage):

(e) Inflammable liquids must not be loaded into domes of tank cars, except as follows:

Because of the present emergency and until further order of the Commission, and only for shipments made during the months of October to April, inclusive, crude petroleum oil and gasoline having a vapor pressure not exceeding 16 pounds per square inch, absolute, at 100° F. may be loaded not to exceed 98 percent of the combined shell and dome capacity of the tank car.

NOTE: The foregoing permission is granted for inflammable liquids having low coefficients of expansion, provided adequate control is exercised so that sufficient outage, and not less than 2 percent outage, are obtained.

Superseding and amending sec. 103, order Nov. 8, 1941, to read as follows (packing inflammable liquids-exemptions):

(a) *Inflammable liquids,* except *carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerin in excess of one percent by weight,* and *zinc ethyl,* in inside glass or earthenware containers not over 1 pint or 16 ounces by weight each, or inside metal containers not over 1 quart capacity each, packed in strong outside containers, except as otherwise provided, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

(b) *Inflammable liquids,* except *carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerin in excess of one percent by weight,* and *zinc ethyl,* in inside containers not over 1 pint or 16 ounces by weight each, packed in strong outside containers, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

Superseding and amending sec. 105, order Nov. 8, 1941, to read as follows (packing self-propelled vehicles-exemptions):

105. *Automobiles, motor cycles, tractors, or other self-propelled vehicles,* equipped with acetylene gas cylinders or gasoline or other fuel tanks are exempt from specification packaging, marking, and labeling requirements, provided such cylinders and tanks are securely closed, for transportation by rail freight, rail express or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements. When

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[1] Parts 2, 3, 4, and 5 in this order appear in CFR as Parts 73, 75, 80 and 81.

offered for transportation by carriers by rail freight or highway, drainage of fuel tanks is not required. When offered for transportation by rail express, fuel tanks must have been drained and securely closed.

Amending sec. 110, order Aug. 16, 1940, as follows (packing inflammable liquids): Delete par. (b) (3) reading as follows: "Spec. 5B.—Metal barrels or drums."

Amending par. (f), sec. 113, order July 14, 1942, as follows (packing paints, etc.—exemptions) (Add):

(f) (1) Because of the present emergency and until further order of the Commission, paint and varnish may be shipped under the conditions prescribed in sec. 113 (f) in containers not exceeding 1 gallon capacity with fiberboard bodies and metal tops and bottoms made leakproof in lieu of glass, earthenware, or metal containers as specified.

Superseding and amending par. (d), sec. 114, order Nov. 8, 1941, to read as follows (packing polishes, etc.—exemptions):

(d) *Polishes, metal, stove, furniture and wood, liquid,* in glass or earthenware containers of not over 1 quart capacity each, or metal containers not over 5 gallons capacity each, packed in strong outside containers are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements. (See sec. 103 (b) for rail express exemptions.)

Superseding and amending sec. 115, order Nov. 8, 1941, to read as follows (packing refrigerating machines—exemptions):

115. *Refrigerating machines* assembled for shipment and containing not over 15 pounds of an inflammable liquid for their operation are exempt from specification packaging, marking and labeling requirements for transportation by rail freight, rail express, or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

Superseding and amending par. (c), sec. 117, order Aug. 16, 1940, to read as follows (packing rubber cement):

(c) Spec. 17E. Metal barrels or drums irrespective of flash point.

Superseding and amending sec 153, order Nov. 8, 1941, to read as follows (packing inflammable solids and oxidizing materials—exemptions):

153. *Inflammable solids, and oxidizing materials* in inside containers not over 1 pound net weight each in outside containers not exceeding 25 pounds net weight each, are exempt from specification packaging, marking, and labeling requirements, unless otherwise provided, for transportation by rail freight, rail express, or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements. (See section 154 for articles not exempted and section 183 for exemptions for nitrates.)

Superseding and amending par. (a) (1), sec. 162, order Nov. 8, 1941, to read as follows (packing charcoal-exemptions):

162. (a) (1) *Charcoal* as described in this paragraph is exempt from specification packaging, marking, and labeling requirements for transportation by rail freight or highway but when for transportation by carrier by water it is exempt from specification packaging, marking other than name of contents, and labeling requirements. When offered for transportation by rail express, charcoal, except charcoal briquettes, must be packed in barrels, bags, and boxes and must bear the yellow label.

Amending sec. 173, order Aug. 16, 1940, as follows (packing potassium perchlorate) (Add):

(m) *Potassium perchlorate* must be packed in specification containers prescribed in section 173 (b) to (1), or in tight bags which will not permit sifting in transit.

Superseding and amending par. (k) (1), sec. 176, order Nov. 8, 1941, to read as follows (packing matches-exemptions):

(k) (1) *Matches, strike-on-box, book and card,* in outside fiberboard or wooden boxes, or matches, strike-on-box, book and card when packed with noninflammable articles provided they are included in a tightly closed cardboard or fiberboard container, or are securely wrapped and packed so as to prevent accidental ignition, before being packed in the outside containers, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

Superseding and amending par. (a), sec. 181, order Nov. 8, 1941, to read as follows (packing motion-picture film—exemptions):

181. (a) *Motion-picture film* as follows is exempt from specification packaging, marking, and labeling requirements for rail freight, rail express, or highway transportation, but when for transportation by carrier by water is exempt from specification packaging, marking other than name of contents, and labeling requirements:

Superseding and amending sec. 183, order Nov. 8, 1941, to read as follows (packing nitrates-exemptions):

183. *Nitrate of aluminum, nitrate of ammonia, nitrate of barium, nitrate of lead, nitrate of potash, nitrate of sodium (nitrate of soda), nitrate of strontia, nitro carbo nitrate, calcium nitrate, or other inorganic nitrates and guanidine nitrate,* are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, and highway when packed as follows: in metal cans in outside fiberboard boxes; in wooden boxes, kegs, or barrels, metal cans, metal drums or fiber drums; in glass bottles in outside fiber boxes not exceeding 25 pounds net weight; *calcium nitrate* in bags; *ammonium nitrate, or guanidine nitrate,* in bags containing not over 200 pounds, net weight, made moisture proof, tight against sifting, and of strength not less than bags made of 8-ounce burlap. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements. (See column 5 of Commodity List, Part 2, for maximum quantity that may be shipped in one outside package by express).

Amending par. (e), sec. 204, order Aug. 16, 1940, as follows (packing sodium hydrosulfite) (Add):

Note: Because of the present emergency and until further order of the Commission, the use of inside metal drums will not be required but in lieu thereof the drum must be supplied with a moisture proof liner, or it must be shipped in spec. 21A fiber drums with one added ply of asphalt laminated Kraft, 30/60/30 basis weight in side walls and heading (metal heading excluded): drums to withstand two drops from height of 4 feet in same spot or one 6-foot drop, in place of drop test as provided in specification 21A; maximum loaded capacity 250 pounds net.

Superseding and amending sec. 244, order Nov. 8, 1941, to read as follows (packing corrosive liquids-exemptions):

244. (a) *Acids and other corrosive liquids* in quantity not exceeding 1 pound bottles each inclosed in a metal can in the outside package are exempt from specification packaging, marking, and labeling requirements unless otherwise provided, for transportation by rail freight or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements, unless otherwise provided.

(b) Other exemptions from specification packaging, marking, and labeling requirements for rail freight, rail express and highway transportation and exemptions from specification packaging, marking other than name of contents, and labeling requirements for transportation by carrier by water, are shown with the packing requirements for the article.

Superseding and amending par. (a) (1), sec. 250, order Nov. 8, 1941, to read as follows (packing self-propelled vehicles-exemptions):

250 (a) (1) *Automobiles or other self-propelled vehicles* equipped with charged electric storage batteries, or with charged electric storage batteries removed from vehicles; and charged electric storage batteries when included in carload or truckload shipments of automobile parts or assembled material are exempt from specification packaging, marking, and labeling requirements as follows:

Amending sec. 253, order Aug. 16, 1940, as follows (packing chloracetyl chloride) (Add):

(e) Spec. 1A or 1C. Carboys in boxes or kegs. Use of these containers will be permitted because of the present emergency and until further order of the Commission.

Superseding and amending pars. (c) and (d), sec. 260, order Nov. 8, 1941, to read as follows (packing electric storage batteries—exemptions):

(c) *Electric storage batteries, containing electrolyte or corrosive battery fluid,* of the nonspillable type, protected against short circuits and completely and securely boxed are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, or highway, but when for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

(d) Carload or truckload shipments of electric storage batteries containing electrolyte or battery fluid, loaded or braced to prevent damage in transit and short circuits, are exempt from specification packaging, marking, and labeling requirements.

Superseding and amending par. (b) (1), sec. 261, order Nov. 8, 1941, to read as follows (packing fire-extinguisher charges-exemptions):

(b) (1) *Fire-extinguisher charges* as described in the following paragraphs are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, or highway, but when for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements:

Amending par. (h) (3), sec. 264, order Nov. 8, 1941, as follows (packing hydrofluoric acid) (Add):

Note: Because of the present emergency and until further order of the Commission, containers of not over 55-gallon capacity each, of 14-gage metal, are authorized, provided test requirements of this paragraph are maintained and provided containers are retired from service after showing a 15 percent loss of tare weight.

Superseding and amending par. (a) (5), sec. 266, order Aug. 16, 1940, to read as follows (packing hydrogen peroxide):

(a) (5) Spec. 42D. Aluminum drums with vented closure in top head; not over 30 gallons capacity. Closure must be sealed to prevent removal in transit and top head plainly marked "KEEP THIS END UP" or "KEEP PLUG UP TO PREVENT SPILLAGE". Aluminum drums already in service for the transportation of this material, manufactured prior to April 24, 1934, and of at least equal strength and efficiency thereto, may be continued in use until further order of the Commission.

Superseding and amending pars. (f) and (m), sec. 272, orders Aug. 16, 1940, and Nov. 8, 1941, to read as follows (packing sulfuric acid):

(f) Spec. 103A.—Tank cars. For acid of 1.5591 specific gravity (52°Be.) or greater strength.

(m) Spec. MC310.—Tank motor vehicles. For acid of 1.5591 specific gravity (52°Be.) or greater strength.

Superseding and amending par. (a), sec. 302, order Nov. 8, 1941, to read as follows (packing compressed gasses-exemptions):

302. (a) *Compressed gases,* except poisonous gases as defined by sec. 326(a), are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, or highway, but when for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements, as follows:

Amending table, par. (q) (1), sec. 303, order Aug. 16, 1940, as follows (compressed gases in tank cars):

Name of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
(Add) Liquefied hydrocarbon gas (butadiene) (pressure not exceeding 75 pounds per square inch at 105° Fahr.	Note 3...	Note 9: ICC-104A.

Superseding and amending title for table, Note 3 of par. (q) (1), sec. 303, order Aug. 16, 1940, to read as follows (liquefied petroleum gas or butadiene in tank cars):

Maximum Permitted Filling Density in Tank Cars Transporting Liquefied Petroleum Gas or Butadiene of Specific Gravity Shown, Taken at 60 Degrees Fahrenheit

Amending par. (q) (2), sec. 303, order Aug. 16, 1940, as follows (compressed gases in tank cars) (Add):

Note: Because of the present emergency and until further order of the Commission, ICC-107A tanks may be charged with helium to a pressure 10 percent in excess of the marked maximum gas pressure at 130° F. of each tank.

Superseding and amending subpar. 2 of Note added to par. (q) (7), sec. 303, order Dec. 18, 1941, to read as follows (compressed gases in tank cars):

2. Discharge areas of safety valves to be increased so as to be suitable for protection against damage to the larger-capacity tanks herein authorized.

Superseding and amending par. (a), sec. 338, order Nov. 8, 1941, to read as follows (packing class B poisons, liquid-exemptions):

338. (a) *Poisonous liquids, class B,* as defined in sec. 336, except hydrocyanic acid solutions, methyl bromide, motor fuel anti-knock compound, phenyldichlorarsine and tetraethyl lead, in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, or highway, but when for transportation by carrier by water are exempt from specification packaging, marking other than name of contents, and labeling requirements:

Superseding and amending pars. (h) and (i), sec. 349, order Aug. 16, 1940, to read as follows (packing poisonous liquids, class B):

(h) Spec. 12B. Fiberboard boxes with glass or earthenware inside containers not over 1 quart capacity each, or with metal inside containers not over 1 gallon capacity each. Packages containing glass or earthenware containers must not weigh over 65 pounds gross.

Superseding and amending par. (a), sec. 352, order Nov. 8, 1941, to read as follows (packing poisonous solids, class B-exemptions):

352 (a) *Poisonous solids, class B,* except cyanides, other than as specified in sec. 357 (b), in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, or highway, but when for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements:

Amending par. (b), sec. 354, order Aug. 16, 1940, as follows (packing arsenical compounds, n. o. s., etc.) (Add):

Note: Because of the present emergency and until further order of the Commission, wooden hoops as specified in par. 6 of specification 11A may be used in lieu of steel hoops required by specification 10B.

Superseding and amending par. (k), sec. 361, orders Aug. 16, 1940, and July 14, 1942, to read as follows (packing poisonous solids):

(k) Spec. 21A. *Fiber drums.* Net weight not over 115 pounds each. Or, because of the present emergency and until further order of the Commission, use of the following container will be permitted:

Spec. 21A. *Fiber drums.* Drums to withstand two drops from height of 4 feet in same spot or one 6-foot drop, in place of drop test as provided in specification 21A; maximum loaded capacity 225 pounds net.

Superseding and amending sec. 422, order Aug. 16, 1940, to read as follows (switching ticket):

422. When the initial movement is a switching operation, the switching order, switching receipt or switching ticket, and copies thereof, prepared by the shipper, must bear the placard indorsement and shipper's certificate prescribed by sec. 584 (a) and sec. 421.

Amending order Aug. 16, 1940, as follows (marking on motor vehicles):

Delete sec. 424 reading as follows: "Marking on motor vehicles. See regulations for marking on motor vehicles contained in Motor Carrier Safety Regulations, Revised, Part 7."

Appendix—Shipping Container Specifications

Amending par. 7, specification 1A, order Aug. 16, 1940, as follows (boxed carboys) (Add):

(f) *Special box*—Must comply with this specification except as follows: Bottom of box must be nailed to 4 nailing cleats which form part of the sides and ends of box.

Top of box must be reinforced by 2 cleats of ½ inch lumber 4 inches wide, extending the entire width of the top at right angles to the sides of the boards forming the top; a vacant space of 1 inch between outside edge of top and cleat should be allowed for nailing top to box; parts and dimensions must be as follows:

Carboy capacity, not over (gallons)	Minimum dimensions					Nails—sides and bottom	
	Thickness—sides, top and ends	Thickness of bottom	Thickness and width of bottom nailing cleats	Carrying cleats and shoes	Triangular vertical corner posts	Size, not less than[1]—	Spacing, average not over[2]—
	(Inch)	*(Inches)*	*(Inches)*	*(Inches)*	*(Inches)*	*(Penny)*	*(Inches)*
1 to 13	½	25/32	25/32 by 2½.	25/32 by 2½.	2½ by 2½ by 3¾.	8 10	2⅛ 2¾

[1] Screws of equal efficiency authorized.

[2] Spacing 6 inches acceptable along edge grain of bottoms.

Superseding and amending par. 9 (a), specification 4B, order Aug. 16, 1940, to read as follows (welded and brazed steel cylinders):

9. (a) *Wall thickness.* The wall stress shall not exceed 18,000 pounds per square inch for cylinders with longitudinal side seam nor 24,000 pounds per square inch for cylinders without such seam: *Provided*, That a wall stress of not over 22,800 pounds per square inch is authorized for cylinders with copper brazed seam having strength at least 3/2 times the strength of the steel wall. Minimum wall 0.090 inch for any cylinder over 5-inch outside diameter.

Superseding and amending 2d and 4th items of table, par. 7, specification 6B, order Aug. 16, 1940, to read as follows (steel barrels or drums):

7. *Parts and dimensions.* As follows:

Marked capacity (gallons)	Authorized gross weight (pounds)	Type of container	Minimum thickness in the black (gage, U. S. standard)		Rolling hoops		
						Minimum	
			Body sheet	Head sheet	Type	Size (gage or inch)	Weight (pounds per foot)
5 to 30	480	St. side	16	16	U[1]	14	
5 to 30	480	do	16	16	I-bar[1]	¾ by 1¼	1.25

[1] Rolled or swedged-in hoops permitted.

Amending specification 12B, order Aug. 16, 1940, as follows (fiberboard boxes) (Add):

31. *Special box.* Authorized only for poisonous solids, class B, in 1-gallon metal cans. Must comply with this specification except as follows: Must be 1-piece type, of double-wall corrugated fiberboard at least 400-pound test with all three facings at least 135-pound test; authorized gross weight 84 pounds.

Amending order Aug. 16, 1940, as follows (Add):

SPECIFICATION 13A—FIBER KEGS

General

1. *Compliance.* Required in all details.

Construction

2. *Side walls.* To be four or more plies of fiber, spirally wound, with a minimum total thickness of 0.100 inch, the plies being secured together by adhesive.

3. *Ends.* To be four or more plies of fiber with a minimum total thickness of 0.120 inch, the plies being secured together by adhesive.

4. *Collars.* To be four or more plies of fiber, spirally wound, with a minimum total thickness of 0.100 inch, the plies being secured together by adhesive; said collars to have a minimum overlap of 1.0 inch on the side walls and to be secured thereto by adhesive.

5. *Reinforcing rings.* To be six or more plies of fiber, spirally wound, with a minimum total thickness of 0.200 inch, and a minimum width of 0.500 inch, the plies being secured together by adhesive; said rings to be secured in place by adhesive or by adhesive and stitching.

Closures

6. *Slide type.* Metal holder, for slide, securely fastened to head; washer of suitable material 0.025 inch thick; metal drop with depression to fit into bung hole and hold washer in place; metal slide to cover the foregoing. Positive fastening required between slide and slide holder to prevent leakage in transit; friction fastening not authorized.

(a) *Cap or plug type.* Metal holder, for cap or plug, securely fastened to head; metal cap or plug, with gasket when necessary to prevent sifting. Positive fastening required between cap, or plug, and holder to prevent leakage in transit; friction fastening not authorized.

Tests

7. *Type tests.* Sample kegs taken at random, filled with fine dry sand, in weight equal to authorized net weight of shipment, closed as for use, must withstand tests without leakage or serious rupture, as follows:

(a) Keg must be able to withstand four successive drops of 4 feet onto solid concrete so as to strike squarely on the head.

(b) Keg must be able to withstand one drop from a height of 4 feet onto solid concrete so as to strike diagonally on its top chime.

NOTE: No single keg shall be expected to withstand both tests (a) and (b).

Superseding and amending headings, table in par. 2, and footnote, specification 21A, order Aug. 16, 1940, to read as follows (fiber drums):

Wooden heads[1][2] Fiber heads[1][2]

PART 4—REGULATIONS APPLYING PARTICULARLY TO CARRIERS BY RAIL FREIGHT

Superseding and amending par. (f), sec 526, order Aug. 16, 1940, to read as follows (loading in car):

(f) Wooden or fiber kegs, barrels, or drums, may be loaded on their sides or ends, as will best suit the conditions.

Superseding and amending Note, par. (g), sec. 526, order Feb. 26, 1942, to read as follows (loading in car):

NOTE: For recommended methods of blocking and bracing, see Bureau of Explosives' Pamphlets 6 and 6A.

Superseding and amending par. 4 of placard, sec. 549, order Aug. 16, 1940, to read as follows (placard for dangerous explosives, class A):

4. This car must not be placed next to placarded tank cars, wooden-frame flat or gondola cars, carloads of pipe, lumber, poles, iron, steel or similar articles liable to break through end of this car from rough handling; nor next to refrigerator cars equipped with gas burning automatic refrigeration; nor next to cars containing lighted heaters, stoves or lanterns; nor next to cars with live stock or poultry occupied by an attendant.

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[1] Joints in head must be Linderman joints, glued. A butt-jointed, glued wooden head is also authorized because of the present emergency and until further order of the Commission.

[2] Approved metal heads permitted when authorized (see paragraph 5).

Superseding and amending par. (d), sec. 561, order Aug. 16, 1940, to read as follows (tank car unloading):

(d) Caution signs must be so placed on the track or car as to give necessary warning to persons approaching car from open end or ends of siding and must be left up until after car is unloaded and disconnected from discharge connection. Signs must be of metal or other suitable material, at least 12 by 15 inches in size and bear the words, "STOP—Tank Car Connected," or "STOP—Men at Work," the word "STOP" being in letters at least 4 inches high and the other words in letters at least 2 inches high. The letters must be white on a blue background.

Superseding and amending sec. 568, order Aug. 16, 1940, to read as follows (inflammable vapors):

568. A boxcar or container car placarded "Dangerous", or known to contain inflammable liquids, gases, or vapors must not be entered with a lighted open-flame lantern, torch, or other fire, until both car doors have been opened and sufficient time allowed for ventilation and escape of any vapors. The presence of these vapors will generally be indicated by characteristic odors. When leakage is continuous, ventilation will not remove the danger. The leaking package should be located and removed, using electric lights or waiting for daylight.

Superseding and amending sec. 578, order Aug. 16, 1940, to read as follows (inflammable vapors):

578. A box car or container car placarded "Dangerous," or known to contain inflammable liquids, must not be entered with a lighted open-flame lantern, torch, or other fire, until both car doors have been opened and sufficient time allowed for ventilation and escape of any vapors. The presence of these vapors will generally be indicated by characteristic odors. When leakage is continuous, ventilation will not remove the danger. The leaking package should be located and removed, using electric lights or waiting for daylight.

Superseding and amending par. (g), Sec. 584, order Aug. 16, 1940, to read as follows (waybills, switching orders, or other billing):

(g) At stations where explosives are loaded into a properly certified and placarded car received with other shipments of explosives, or when shipments of explosives are transferred or reloaded, or carload shipments are reconsigned, a record must be kept of the car, originating point, carrier's name and date of car certificate.

Superseding and amending pars. (a), (b) and (c), sec. 588, order Aug. 16, 1940, to read as follows (disposition of damaged or astray shipments):

588. (a) Packages of explosives found injured or broken in transit may be recoopered when this is evidently practicable and not dangerous. A broken box of high explosives that can not be recoopered should be reinforced by stout wrapping paper and twine, placed in another strong box and surrounded by dry, fine sawdust or dry and clean cotton waste or elastic wads made from dry newspapers. A ruptured can or keg should be sealed with tape and should be inclosed in a grain bag of good quality and boxed. Injured packages thus protected and properly marked may be forwarded. The box and waybill should be marked to indicate that it has been repacked.

(b) Particles of explosive compositions from damaged containers possibly may be strewn on car floors or freight, and due care should be exercised in repacking such containers that no sparks may be produced by contact of metal or other hard surfaces, or otherwise. Water will prevent the explosion of practically all explosive substances except dynamite, and in such cases car floors should be thoroughly swept, and washed with a plentiful supply of water. Use of iron-wheel trucks, metal hammers or other metal tools that may produce sparks, should be avoided. This restriction does not apply to metal tools made of brass, bronze or copper.

(c) Unless they are leaking, or in a manifestly insecure condition, packages of dangerous articles other than explosives in transit must be forwarded to destination and report made of any violation observed. Leaking packages must not be forwarded until repaired or reconditioned.

Superseding and amending pars. (c), (i), and (j), sec. 589, order Aug. 16, 1940, to read as follows (handling cars):

(c) Whenever placards or car certificates become detached or lost in transit the carrier must see that they are replaced. If both car certificates are missing, proper inspection, in so far as possible, must be made and new car certificates applied.

(i) Cars placarded "Explosives" must not be placed in through or local trains next to dead engines, placarded tank cars, wooden-frame flat or gondola cars; or carloads of pipe, lumber, poles, iron, steel, or similar lading in open-top cars which may shift and break through end of car placarded "Explosives" due to rough handling; refrigerator cars equipped with automatic refrigeration of the gas-burning type; nor next to cars containing lighted heaters, stoves, or lanterns, or cars with live stock or poultry occupied by an attendant.

(j) Cars placarded "Explosives" must not be placed in through or local trains next to cars which bear "Dangerous" placards, unless the remainder of the train consists only of such cars.

PART 5—REGULATIONS APPLYING TO CARRIERS BY RAIL EXPRESS

Superseding and amending par. (h), sec. 655, order Nov. 8, 1941, to read as follows (handling packages):

(h) It is important to prevent contact of contents of packages bearing either yellow or white corrosive liquid labels with combustible substances, such as sawdust, shavings, or sweepings, that may be present in express cars. The space should be swept or cleaned.

It is further ordered, That the aforesaid regulations as further amended herein shall remain in full force and effect on and after February 1, 1943, and shall be observed until the further order of the Commission;

It is further ordered, That compliance with the aforesaid regulations, as amended, made effective by this order, is hereby authorized on and after the date of service hereof;

And it is further ordered, That copies of this order be served upon all the parties of record herein and that notice be given to the public by posting in the Office of the Secretary of the Commission at Washington, D. C.

By the Commission, division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-12151; Filed, November 20, 1942; 11:05 a. m.]

PART 97—ROUTING OF TRAFFIC

ROUTING BETWEEN MONROE AND ALEXANDRIA, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of November, A. D. 1942.

Upon consideration of a petition filed by Guy A. Thompson, Trustee, Missouri Pacific Railroad Company, requesting an order authorizing it to operate trains, locomotives and cars, southbound, over a portion of the tracks of the Louisiana & Arkansas Railway Company, the Commission is of the opinion that, due to the existing state of war, an emergency requiring immediate action exists on the line of the Missouri Pacific Railroad between Monroe and Alexandria, La

It appearing, That an agreement has been entered into between Guy A. Thompson, Trustee, Missouri Pacific Railroad Company, and the Louisiana & Arkansas Railway Company whereby such last named railway company has consented to the use of its tracks by the Missouri Pacific Railroad Company between Georgetown and Tioga, via Packton, all in the State of Louisiana, a distance of approximately 42.5 miles; and that the compensation to be paid by the Missouri Pacific Railroad Company to the Louisiana & Arkansas Railway Company for the use of the track of the latter has been agreed upon; therefore, in order to best promote the service in the interest of the public and the commerce of the people:

It is ordered, That:

§ 97.1 *Routing between Monroe and Alexandria, La.* Guy A. Thompson, Trustee, Missouri Pacific Railroad Company, is hereby authorized and directed after 12:01 a. m. November 24, 1942, and continuing until further order of the Commission, to operate trains, locomotives, and cars, southbound, over the tracks of the Louisiana & Arkansas Railway Company between Georgetown and Tioga, via Packton, all in the State of

Louisiana, an approximate distance of 42.5 miles, only at times when, in the opinion of Guy A. Thompson, Trustee, Missouri Pacific Railroad Company, such operation is necessary to prevent delay in the movement of railroad equipment, troops, and war materials and congestion of traffic on the main line of the Missouri Pacific Railroad Company between Monroe and Alexandria, La., and only during th period of the war emergency; compensation to be paid by Guy A. Thompson, Trustee, Missouri Pacific Railroad Company, to the Louisiana & Arkansas Railway Company for the use of such track as agreed upon between the parties.

It is further ordered, That copies of this order and direction be served upon Guy A. Thompson, Trustee, Missouri Pacific Railroad Company and the Louisiana & Arkansas Railway Company and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives. (40 Stat. 101, sec. 402, 41 Stat. 476–477; 49 U.S.C. 1 (15)–(17))

By the Commission, division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-12284; Filed, November 23, 1942; 11:23 a. m.]

PART 123—FREIGHT COMMODITY STATISTICS

MONTHLY REPORTS OF FREIGHT COMMODITY STATISTICS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 13th day of November, A. D. 1942.

It is ordered, That the order of this Commission dated November 22, 1927, as amended by the orders of December 14, 1938, and April 27, 1942, and the order of November 16, 1939, as amended by the orders of December 14, 1939, and April 27, 1942, in the matter of Freight Commodity Statistics of carriers by steam railway, and corresponding sections of the Code of Federal Regulations, are hereby modified as follows:

§ 123.1a *Monthly reports of freight commodity statistics.* Beginning with the month of October 194, and thereafter until further order, data relating to freight commodity statistics heretofore reported quarterly (§ 123.1) (on Form QCS) by Class I steam railways other than switching and terminal companies, shall be reported monthly and annually instead of quarterly as heretofore (§ 123.1), by such carriers on Form MCS, which is attached hereto and made a part of this order.

§ 123.6 *Date of filing.* The reports required to be filed under § 123.1a shall be forwarded in duplicate to the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before the last day of the second month succeeding the close of the period for which they are compiled.

§ 123.10 * * *

(f) *Monthly reports of freight commodity statistics by geographic areas.* Beginning with the month of October 1942, and thereafter until further order, data relating to freight commodity statistics by geographic areas heretofore reported quarterly by Class I carriers (§ 123.10 (c)) shall be reported monthly and annually instead of quarterly as heretofore (§ 123.10 (c)) by such carriers including those operating in a single geographic area (§§ 123.10 (d) and 123.13 (c)) on Form SCS, which is attached hereto and made a part of this order.[1]

§ 123.13 (h) *Date of filing.* The reports required to be filed under § 123.10 (f) shall be forwarded in duplicate to the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before the seventy-fifth day succeeding the close of the period for which they are compiled. (Sec. 20, 24 Stat. 386, sec. 7, 34 Stat. 593, 36 Stat. 649, sec. 14, 36 Stat. 556, secs. 434–436, 41 Stat. 493, 494, sec. 13, 54 Stat. 916; 49 USC. 20 (1)–(10)

By the Commission, division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-12285; Filed, November 23, 1942; 11:23 a. m.]

Chapter II—Office of Defense Transportation

[General Order O. D. T. 1, Amendment 3]

PART 500—CONSERVATION OF RAIL EQUIPMENT

SUBPART A—MERCHANDISE TRAFFIC

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, and by Executive Order No. 9156, dated May 2, 1942, General Order O. D. T. No. 1, as amended,[2] Title 49, Chapter II, Part 500, Subpart A, § 500.1, is hereby amended to read as follows:

§ 500.1 *Definitions.* As used in this subpart:

(a) The term "Carrier" includes every carrier for hire, common or contract, operating in whole or in part by railroad, by motor vehicle, by inland waterways (including coastal canals), or as a freight forwarder;

(b) The term "Merchandise" means less-than-carload and any quantity shipments which are transported, or the responsibility for the transportation of which shipments is assumed, or the transportation provided, by any carrier, except shipments transported in passenger train cars.

This amendment shall become effective on November 23, 1942.

Issued at Washington, D. C., this 23d day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-12280; Filed, November 23, 1942; 11:18 a. m.]

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[1] Filed as part of the original document.

[2] 7 F.R. 3046, 3213, 3753.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1362]

DELTA COAL MINING CO.

MEMORANDUM OPINION AND NOTICE OF AND ORDER FOR REOPENING THE HEARING

In the matter of the petition of Delta Coal Mining Company, a code member in District No. 10, for minimum f. o. b. mine prices for f. a. s. delivery from mines in District No. 10 to Minneapolis Street Railway Company, at Minneapolis, Minnesota, pursuant to section 3 (A), special river price instructions and exceptions, schedule of effective minimum prices for District No. 10 for all shipments except truck, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on March 18, 1942, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by Delta Coal Mining Company, a code member in District No. 10, requesting an order permitting Minneapolis Street Railway Company of Minneapolis, Minnesota, to purchase coals shipped via river by producers in District No. 10 at f. o. b. mine prices for free alongside delivery.

Petitions of intervention were filed by District Boards 2, 6, 7, 8, 10, and 11. The Bituminous Coal Consumers' Counsel filed a notice of appearance.

Pursuant to appropriate notice, a hearing was held before Charles O. Fowler, a duly designated Examiner of the Division, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which petitioner, Consumers' Counsel, and all interveners except District Board 10 appeared.

On September 4, 1942, the Examiner filed herein his report, proposed findings of fact, proposed conclusions of law and recommendations that the relief prayed for be granted.

On October 6, 1942, a final order was entered by the undersigned approving and adopting the Examiner's proposed findings of fact and proposed conclusions of law and granting the relief prayed for.

On October 12, 1942, interveners, District Boards Nos. 2 and 7, filed a petition for reconsideration and modification of the order granting permanent relief and for rehearing.

In comparing the respective costs of coals produced in District No. 7 when

shipped via the Great Lakes with those produced in District No. 10 when shipped by river to the Minneapolis Street Railway Company plant in Minneapolis, Minnesota, the Examiner found that the rail transportation costs for shipment of District No. 7 coals, to the lower Lake Erie ports, was $2.17 and that the dumping charge was $0.095 per net ton, aggregating $2.265 per net ton, which, together with the minimum f. o. b. mine price, vessel rate, dock handling charge and ex-dock freight rate made a delivered charge of $6.34 per net ton. The Examiner found that the delivered costs of Delta Coal Mining Company coals delivered by river was $4.7852 free alongside. It was found that there was a difference between the two coals of approximately 5,000,000 b. t. u. per net ton. In determining the relative value of the two coals, this difference was taken into account. Also, certain findings were made with respect to the costs of storing District No. 10 coal at both the power company's plant and the municipal dock.

In the petition for reconsideration and rehearing, it is alleged that the evidence on which such findings were based was inaccurate. The petition for rehearing alleges that the transportation cost of shipping District No. 7 coal via the Great Lakes aggregated $2.125 per net ton, from the mine to lower Lake Erie ports (including the dumping charge), instead of the $2.265 shown by the evidence and found by the Examiner, thus resulting in a delivered cost of only $6.20 per net ton. The petition further alleges that the determinations as to storage costs of the District No. 10 coal are erroneous. The interveners offer to make proof with respect to these allegations if given an opportunity to do so.

While no excuse is given for the failure to make such proof at the original hearing, it is important that the record in this matter be accurate. Accordingly, the intervener should be given an opportunity to make the proof it offers.

I find, therefore, that the hearing in this proceeding should be reopened for the purpose of receiving evidence with respect to the freight rates applicable to coals produced in District No. 7 moving via the Great Lakes to the power company plant at Minneapolis and with respect to the storage and storage charges for District No. 10 coals moving by river to that plant.

Since, however, there is no showing that the proof here offered could not have been offered at the prior hearing, and since there is no showing that continuance of the relief granted will injure any person, the relief should be continued.

Now, therefore, it is ordered, That the hearing in this proceeding be and the same hereby is reopened for the purpose of taking additional evidence, not cumulative of evidence already adduced, relating to the transportation costs for shipment of District No. 7 coal via the Great Lakes to the Minneapolis Street Railway Company plant at Minneapolis, Minnesota, and to the storage of and storage charges for District No. 10 coal when shipped via river to that plant of the Minneapolis Docks.

It is further ordered, That such reopened hearing be held on January 5, 1943, at 10 o'clock in the forenoon of that date before Examiner Charles O. Fowler, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section of the Division will advise as to the room where such hearing will be held.

It is further ordered, That the relief granted by the Order in this proceeding dated October 6, 1942, 7 F. R. 7960, continue until otherwise ordered.

It is further ordered, That the petition of interveners, District Boards Nos. 2 and 7, be, and the same hereby is, granted to the extent set forth herein and in all other respects denied.

The matter concerned herewith is in regard to the petition of Delta Coal Mining Company, a code member in District No. 10, for minimum f. o. b. mine prices for free alongside delivery from mines in District No. 10 to Minneapolis Street Railway Company, at Minneapolis, Minnesota, pursuant to section 3 (A), Special River Price Instructions and Exceptions, Schedule of Effective Minimum Prices for District No. 10, for all shipments except truck, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: November 20, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F.R. Doc. 42-12165; Filed, November 20, 1942; 12:42 p. m.]

[Docket Nos. A-1718 and A-1718, Part II]

DISTRICT BOARD 8

NOTICE OF AND ORDER FOR HEARING, ETC.

In the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

In the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of the No. 2 Mine, Mine Index No. 5746, of T. V. McMahan and the Poplar Lick Mine, Mine Index No. 5643, of the Garmeada Coal Company.

Memorandum opinion and order severing Docket No. A-1718 Part II from Docket No. A-1718, and granting temporary relief in Docket No. A-1718 Part II, and notice of and order for hearing.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8; and

It appearing that no final determination should be made at this time with respect to the establishment of permanent price classifications and minimum prices for the coals of the Poplar Lick Mine, Mine Index No. 5643, of the Garmeada Coal Company, and of the No. 2 Mine, Mine Index No. 5746, of T. V. McMahan as requested in the original petition heretofore filed in this matter; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That the portion of Docket No. A-1718 relating to the coals of the Poplar Lick Mine, Mine Index No. 5643, of the Garmeada Coal Company, and of the No. 2 Mine, Mine Index No. 5746, of T. V. McMahan, be, and the same hereby is, severed from said docket and designated as Docket No. A-1718, Part II.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of the Bituminous Coal Act of 1937 and the rules of the Division be held on December 16, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 10, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 8 for the establishment of permanent price classifications and minimum prices for the coals of the Poplar Lick Mine, Mine Index No. 5643, of the Garmeada Coal Company, and the No. 2 Mine, Mine Index No. 5746, of T. V. McMahan.

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments is supplemented to include the price classifications and minimum prices appearing in "Supplement T" annexed hereto and made a part hereof.

Dated: November 19, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12164; Filed, November 20, 1942; 12:41 p. m.]

[Docket No. A-1747]

DISTRICT BOARD 17

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 17 to amend the specifications for size groups Nos. 1 and 2.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 24, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, at the Plains Hotel, Cheyenne, Wyoming.

It is further ordered, That Edward J. Hayes, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice or such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division at or before the time of said hearing.

All persons are hereby notified that the hearing in the above entitled matter and any orders entered therein, may concern, in addition to the matter specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 17 to amend the specifications for Size Groups Nos. 1 and 2 on page 2 of the Schedule of Effective Minimum Prices for District No. 17 for All Shipments to read as follows:

Size group No.	Single screened sizes	Double screened sizes		
	Maximum screen opening	Maximum top screen opening	by	Maximum bottom screen opening
1	8" and over	12"	x	3"
2	6"	12"	x	[1] 1½"

[1] 1¼" applies from subdistricts 1 to 6, inclusive.

Dated: November 19, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12161; Filed, November 20, 1942; 12:41 p. m.]

[Docket No. 1708-FD]

SHEBAN MINING COMPANY

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A complaint dated June 6, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") having been duly filed on June 11, 1941, by the Bituminous Coal Producers Board for District No. 4, complainant, with the Bituminous Coal Division (the "Division") alleging that Sheban Mining Company (Karam Sheban), wilfully violated the Bituminous Coal Code (the "Code") or rules and regulations thereunder; and

An order having been issued herein on July 17, 1942, revoking and canceling the Code membership of the Applicant, effective fifteen (15) days from the date of said order, and ordering that prior to any reinstatement thereof, there shall be paid to the United States a tax of Three Thousand Five Hundred and Fifteen Dollars and Eight Cents ($3,515.08) as provided by section 5 (c) of the Act, and said order having been served on the Applicant on July 23, 1942; and

An application, dated November 6, 1942, for restoration of membership in the Code having been filed by said Applicant with the Division on November 9, 1942; and

It appearing from said application that on August 17, 1942, Applicant paid said tax of Three Thousand Five Hundred and Fifteen Dollars and Eight Cents ($3,515.08), to the Collector of Internal Revenue at Cleveland, Ohio, pursuant to said Order issued July 17, 1942, and section 5 (c) of the Act, as a condition precedent to the restoration of membership in the Code;

Now, therefore, it is ordered, That said application be, and the same hereby is, granted; and

It is further ordered, That the Code membership of Sheban Mining Company (Karam Sheban) be and the same hereby is restored as of the effective date of said revocation of Code membership.

Dated: November 19, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12163; Filed, November 20, 1942; 12:41 p. m.]

[Docket No. A-1620]

SUPERIOR COAL CO.

NOTICE OF AND ORDER FOR HEARING, ETC.

In the matter of the new Superior Coal Co. for the establishment of price classifications and minimum prices in District No. 10.

Notice of and order for hearing and order granting temporary relief and order terminating temporary relief heretofore granted.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed with the Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of its New Superior Coal Co. Mine, Mine Index No. 1202, in District No. 10 for shipment by rail from Harrisburg, Illinois.

By Order issued September 10, 1942, 7 F. R. 7382, in the above-entitled matter, temporary relief was granted and provision was made that such relief would become conditionally final in 60 days from date of the Order, unless it should be otherwise ordered. This Order established for the coals produced by the New Superior Coal Co. Mine, Mine Index No. 1202, in District No. 10, the same price classifications and minimum prices as those in effect for the coals produced at mines located in Price Group No. 5 in District No. 10 and established Harrisburg, Illinois, on the New York Central Railroad as the rail shipping point for that mine instead of the McLaren Fuel Company's preparation plant located on the Illinois Central and the Missouri Pacific Railroads at Marion, Illinois. By a "Note" contained in the schedule marked "Supplement R," which was annexed to the Order and made a part thereof, the relief granted by the Order of February 17, 1942, 7 F. R. 1538, in Docket No. A-1079 was terminated. The Order also revoked the relief previously granted the coals of Mine Index No. 1202 of the New Superior Coal Co. by the Order of February 17, 1942, in Docket No. A-1079.

Subsequent to the date of the Order granting temporary relief in the above-entitled matter, District Board No. 10 filed a motion to terminate the temporary relief granted in Docket No. A-1620 and requested a hearing in the matter. The district board alleged in its petition that the establishment of separate prices for shipment by rail from the mine of

the New Superior Coal Co. would prejudice the rights and interests of the other mines which had been granted the right to ship from the transportation facilities of the McLaren Fuel Company's preparation plant at Marion, Illinois, by Order in Docket No. A-1079. McLaren Fuel Company also filed a petition of intervention and requested that the temporary relief theretofore granted in Docket No. A-1620 be suspended pending a hearing.

Thereafter, on October 10, 1942, petitioner filed its motion for leave to file an amended petition and simultaneously filed its amended petition, requesting that the New Superior Mine be classified and priced in Price Group 2, District No. 10, rather than in Price Group 5, District No. 10 and that its shipping point be continued at Harrisburg, Illinois, and praying that temporary relief be granted pending the final disposition of the matter. In support of the relief requested in the amended petition, petitioner stated that its original petition was in error inasmuch as its coals are shipped from Harrisburg, Illinois, on the New York Central Railroad and accordingly the mine should be included in Price Group 2 in District No. 10 rather than in Price Group 5 in District No. 10. Both District Board No. 10 and the McLaren Fuel Company have filed petitions of intervention in support of the temporary relief requested in the amended petition filed by code member C. C. Stump, operator of the New Superior Coal Company Mine. Accordingly, in view of the foregoing, it appears that a reasonable showing of necessity has been made for the granting of the temporary relief requested in the amended petition filed herein pending final disposition of the above-entitled matter.

Now, therefore, it is ordered, That the relief heretofore granted in Docket No. A-1620 by Order of the Acting Director dated September 10, 1942, 7 F.R. 7382, be and it hereby is vacated and set aside.

It is further ordered, That pending final disposition of the above-entitled matter, temporary relief be and the same hereby is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck, is supplemented to include the price classifications and minimum prices set forth in the schedule marked "Temporary Supplement R" annexed hereto and made a part hereof.

It is further ordered, That the price classifications and minimum prices established for the coal of mines other than Mine Index No. 1202 of the New Superior Coal Co. Mine by Order Granting Temporary Relief and Conditionally Providing for Final Relief in Docket No. A-1079 on February 17, 1942, 7 F.R. 1538, shall remain in full force and effect.

It is further ordered, That at the hearing herein provided for the petitioner shall show the extent, if any, to which the minimum prices applicable to its truck shipments should be revised and related to any change in price classifications and minimum prices for all shipments except truck as herein requested.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of the Bituminous Coal Act of 1937 and the rules of the Division be held on January 7, 1943, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day, the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer or officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriation order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 2, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the original petition of the New Superior Coal Co. for the establishment in District No. 10 of the same price classifications and minimum prices as those in effect for the coals produced from other mines located in Price Group 5 and for the establishment of Harrisburg, Illinois, on the New York Central Railroad as the rail shipping point for all shipments except truck for the coals produced by the New Superior Coal Co. Mine, Mine Index No. 1202; and in regard to petitioner's amended petition for the establishment of price classifications and minimum prices in Price Group 2 rather than in Price Group 5 for the coals of its Mine Index No. 1202 in District No. 10. In addition the question of correct price classifications and minimum prices applicable to petitioner's truck shipments in relation to any change in price classifications and minimum prices for all shipments except truck as herein requested, shall be considered.

Dated: November 19, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12162; Filed, November 20, 1942; 12:41 p. m.]

General Land Office.

[Public Land Order 49]

NEW MEXICO

WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF JUSTICE IN CONNECTION WITH THE TRAINING OF OFFICERS FOR IMMIGRATION BORDER PATROL

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, and to section 1 of the act of June 28, 1934, as amended, c. 865, 48 Stat. 1269 (U. S. C., title 43, sec. 315), it is ordered as follows:

Subject to valid existing rights, the following-described public land is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the Department of Justice in connection with the training of officers for border patrol in the Immigration and Naturalization Service:

NEW MEXICO PRINCIPAL MERIDIAN

T. 27 S., R. 3 E., sec. 30.

The area described contains 635.54 acres.

The order of the Secretary of the Interior of July 11, 1935, establishing New Mexico Grazing District No. 3, is hereby modified to the extent necessary to permit the use of the land as herein provided.

It is intended that the land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

HAROLD L. ICKES,
Secretary of the Interior.

OCTOBER 30, 1942.

[F. R. Doc. 42-12209; Filed, November 21, 1942; 10:18 a. m.]

[Public Land Order 51]

ARIZONA

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEFENSE PLANT CORPORATION IN CONNECTION WITH THE OPERATION OF A SCHOOL FOR TRAINING ARMY AIRCRAFT PILOTS

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws, and reserved for the use of the Defense Plant Corporation in connection with the operation of a school for training army aircraft pilots.

GILA AND SALT RIVER MERIDIAN

T. 15 S., R. 11 E., sec. 12, E½ and SW¼
The areas described aggregate 480 acres.

This order shall take precedence over, but shall not rescind or revoke, the temporary withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended, so far as such order affects the above-described lands.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior, when they are no longer needed for the purpose for which they are reserved.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 3, 1942.

[F. R. Doc. 42-12210; Filed, November 21, 1942; 10:18 a. m.]

[Public Land Order 52]

NEW MEXICO

WITHDRAWING PUBLIC LAND FOR USE OF THE WAR DEPARTMENT AS A BOMBING RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, and section 1 of the act of June 28, 1934, as amended, c. 865, 48 Stat. 1269 (U. S. C., title 43, sec. 315), it is ordered as follows:

Subject to valid existing rights, the following-described public land is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as a bombing range:

NEW MEXICO PRINCIPAL MERIDIAN

T. 2 S., R. 21 E., sec. 31.
The area described contains 614.22 acres.

The order of the Secretary of the Interior of April 8, 1935, establishing New Mexico Grazing District No. 6, is hereby modified to the extent necessary to permit the use of the land as herein provided.

It is intended that the land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 3, 1942.

[F. R. Doc. 42-12211; Filed, November 21, 1942; 10:18 a. m.]

[Public Land Order 53]

NEVADA

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS A BOMBING RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, and to section 1 of the act of June 28, 1934, as amended, c. 865, 48 Stat. 1269 (U.S.C., title 43, sec. 315), it is ordered as follows:

Subject to valid existing rights, the public lands in the following-described areas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws, and reserved for the use of the War Department as a bombing range:

MOUNT DIABLO MERIDIAN

T. 33 N., R. 24 E.,
  secs. 1, 2, 11, 12, 14, 15, 22, and 28;
  secs. 13, 23, 24, 26, 27, 33, and 34, those parts northwest of the Western Pacific Railroad; unsurveyed.
T. 34 N., R. 24 E.,
  secs. 1, 12, 13, 24, 25, 26, 35, and 36, unsurveyed.
Tps. 33 and 34 N., R. 25 E.,
  those parts northwest of the Western Pacific Railroad, unsurveyed.
T. 35 N., R. 25 E., unsurveyed.
T. 36 N., R. 25 E.,
  secs. 1 and 2;
  sec. 3, E½;
  sec. 10, E½;
  secs. 11 to 14, inclusive;
  sec. 15, E½;
  sec. 22, E½;
T. 36 N., R. 25 E., (con't)
  secs. 23 to 26, inclusive;
  sec. 27, E½;
  sec. 34, E½;
  secs. 35 and 36; partly unsurveyed.
T. 37 N., R. 25 E.,
  secs. 1, 12, 13, 24, and 25;
  sec. 34, E½;
  secs. 35 and 36.
T. 38 N., R. 25 E.,
  secs. 1, 12, 13, 24, 25, and 36; partly unsurveyed.
T. 34 N., R. 26 E.,
  that part northwest of the Western Pacific Railroad, unsurveyed.
Tps. 35 to 38 N., R. 26 E., partly unsurveyed.
T. 39 N., R. 26 E.,
  sec. 22, E½;
  secs. 23 to 26, inclusive;
  sec. 27, E½;
  secs. 31 to 36, inclusive.
T. 34 N., R. 27 E.,
  that part north of the Western Pacific Railroad, unsurveyed.
Tps. 35 to 38 N., R. 27 E., unsurveyed.
T. 39 N., R. 27 E.,
  secs. 1 and 2;
  secs 11 to 15, inclusive;
  secs. 19 to 36, inclusive; partly unsurveyed.
T. 40 N., R. 27 E.,
  secs. 12, 13, 24, 25, and 36.
T. 35 N., R. 28 E.,
  that part north of the Western Pacific Railroad, unsurveyed.
Tps. 36 to 40 N., R. 28 E., partly unsurveyed.
T. 35 N., R. 29 E.,
  that part northwest of the Western Pacific Railroad, unsurveyed.
Tps. 36 to 40 N., R. 29 E., unsurveyed.
T. 36 N., R. 30 E.,
  secs. 3 to 10, inclusive;
  secs. 15 to 22, inclusive;
  secs. 29 to 32, inclusive; unsurveyed.
T. 37 N., R. 30 E.,
  secs. 3 to 10, inclusive;
  secs. 15 to 22, inclusive;
  secs. 27 to 34, inclusive.
T. 38 N., R. 30 E.,
  secs. 2 to 11, inclusive;
  secs. 14 to 22, inclusive;
  secs. 27 to 34. inclusive; partly unsurveyed.
T. 39 N., R. 30 E.,
  secs. 2 to 11, inclusive;
  secs. 14 to 23, inclusive;
  secs. 26 to 35, inclusive; partly unsurveyed.
T. 40 N., R. 30 E.,
  secs. 2 to 11, inclusive;
  secs. 14 to 23, inclusive;
  secs. 26 to 35, inclusive.
T. 41 N., R. 30 E.,
  secs. 19 to 23, inclusive;
  secs. 26 to 35, inclusive; partly unsurveyed.

The areas described, including both public and non-public lands, aggregate approximately 623,000 acres.

This order shall take precedence over, but shall not rescind or revoke (1) the withdrawal made by Executive order of April 17, 1926, creating Public Water Reserve No. 107, and (2) the temporary withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended, so far as such orders affect the above-described lands.

The orders of the Secretary of the Interior of October 18, 1935, and May 16, 1941, respectively establishing and enlarging Nevada Grazing District No. 2, are hereby modified to the extent necessary to permit the use, as herein provided, of so much of the above-described lands as are affected by such orders.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 4, 1942.

[F. R. Doc. 42-12212; Filed, November 21, 1942; 10:18 a. m.]

[Public Land Order 54]

ARIZONA

REVOKING IN PART PUBLIC LAND ORDER NO. 22 WHICH WITHDREW PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS BOMBING RANGES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, it is ordered as follows:

Public Land Order No. 22 of August 6, 1942, withdrawing public lands for use of the War Department as bombing ranges, is hereby revoked so far as it affects the following-described public lands:

GILA AND SALT RIVER MERIDIAN

T. 5 S., R. 15 E.,
  sec. 34, SE¼;
  sec. 35, SW ¼.
T. 6 S., R. 15 E.,
  sec. 3, lots 1, 2, S½NE¼.
The areas described aggregate 464.69 acres.

The lands described herein are hereby returned to the administration of the Department of the Interior.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 5, 1942.

[F. R. Doc. 42-12213; Filed, November 21, 1942; 10:18 a. m.]

[Public Land Order 55]

NEW MEXICO

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS PRACTICE BOMBING RANGES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, and to section 1 of the act of June 28, 1934, as amended, c. 865, 48 Stat. 1269 (U. S. C., title 43, sec. 315), it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws, and reserved for the use of the War Department as practice bombing ranges:

NEW MEXICO PRINCIPAL MERIDIAN

T. 22 S., R. 32 E., sec. 13.
T. 19 S., R. 33 E., sec. 4.
T. 22 S., R. 33 E., sec. 12, N½
T. 19 S., R. 34 E., sec. 29.

The areas described aggregate 2,248.52 acres.

This order shall take precedence over, but shall not rescind or revoke, the withdrawal made by the Executive order of March 11, 1926 (Potash Reserve No. 6) so far as such order affects the above-described lands.

The order of April 8, 1935, of the Secretary of the Interior establishing New Mexico Grazing District No. 6, is hereby modified to the extent necessary to permit the use of the above-described lands as herein provided.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 5, 1942.

[F. R. Doc. 42-12214; Filed, November 21, 1942; 10:19 a. m.]

[Public Land Order 57]

UTAH

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS AN ORDNANCE STORAGE DEPOT SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, and to section 1 of the act of June 28, 1934, as amended, c. 865, 48 Stat. 1269 (U. S. C., title 43, sec. 315), it is ordered as follows:

Subject to valid existing rights, the public lands in the following-described areas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws, and reserved for the use of the War Department as an ordnance storage depot site:

SALT LAKE MERIDIAN

T. 3 S., R. 4 W.,
  sec. 18, NW¼SW¼ and S½SW¼;
  sec. 19, SW¼NE¼, NW¼ and S½;
  sec. 20, SW¼SW¼;
  sec. 30, N½, SW¼, N½SE¼ and SW¼SE¼;
  sec. 31, W½E½ and W½.
T. 4 S., R. 4 W.,
  sec. 5, lots 2, 3, and 4, S½NW¼ and N½SW¼;
  sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼ and N½SE¼.
T. 3 S., R. 5 W.,
  sec. 13, NW¼NE¼, S½NE¼, W½ and SE¼;
  secs. 14 to 36, inclusive.
T. 4 S., R. 5 W.,
  secs. 1 to 6, inclusive.
T. 3 S., R. 6 W.,
  sec. 13, E½NE¼, SE¼SW¼ and SE¼;
  sec. 23, SE¼NE¼ and SE¼;
  secs 24 and 25;
T. 3, R. 6 W., (Cont.)
  sec. 26, E½ and E½W½;
  sec. 35, E½ and E½W½;
  sec. 36.
T. 4 S., R. 6 W.,
  sec. 1;
  sec. 2, E½ and E½W½.

The areas described, including both public and non-public lands, aggregate 26,161.96 acres.

This order shall be subject to (1) Power Site Classification No. 154, approved October 25, 1926, by the Secretary, of the Interior, (2) the transmission line withdrawal made by the Executive order of December 20, 1916, Power Site Reserve No. 569, and (3) the transmission line withdrawal made by the Executive order of February 25, 1919, Power Site Reserve No. 711, so far as such orders affect any of the above-described lands.

The order of April 8, 1935, of the Secretary of the Interior, establishing Utah Grazing District No. 2, is hereby modified to the extent necessary to permit the use of the lands as herein provided.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 12, 1942.

[F. R. Doc. 42-12215; Filed, November 21, 1942; 10:19 a. m.]

[Public Land Order 58]

NEVADA

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, and section 1 of the act of June 28, 1934, as amended, c. 865, 48 Stat. 1269 (U.S.C. title 43, sec. 315), it is ordered as follows:

Subject to valid existing rights, the public lands in the following-described areas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws, and reserved for the use of the War Department for military purposes:

MOUNT DIABLO MERIDIAN

T. 15 S., R. 56 E.
T. 16 S., R. 56 E.,
  secs. 1, 2, 3, 4, 5, 6;
  tracts 37, 38, 39, 40, 41, 42A, 42B, 43B.

The areas described, including both public and non-public lands, aggregate 27,006.09 acres.

The order of the Secretary of the Interior of November 3, 1936, establishing Nevada Grazing District No. 5, and Executive Order No. 7373 of May 20, 1936, establishing the Desert Game Range, are hereby modified to the extent necessary to permit the use of the land as herein provided. The modification of Executive Order No. 7373 above, is made with the understanding that patrol activities for the proper protection and maintenance of the Desert Game Range will be permitted in the areas involved one day each week, and such day will be determined jointly by the Commanding Officer of the area and the local representative of the Fish and Wildlife Service.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purposes for which they are hereby reserved.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 12, 1942.

[F. R. Doc. 42-12216; Filed, November 21, 1942; 10:20 a. m.]

[Public Land Order 59]

ARIZONA

RESERVING PUBLIC LANDS WITHIN NATIONAL FORESTS FOR THE USE OF THE WAR DEPARTMENT FOR MILITARY PURPOSES

By virtue of the authority contained in the act of June 4, 1897, c. 2, 30 Stat. 11, 36 (U.S.C., title 16, sec. 473), and pursuant to Executive Order No. 9146 of April 24, 1942, it is ordered as follows:

Subject to valid existing rights, the public lands within the following-described area in the Coconino and Kaibab National Forests, Arizona, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department for military purposes:

GILA AND SALT RIVER MERIDIAN

T. 21 N., R. 5 E.,
  secs. 1 and 2, those parts south of the Atchison, Topeka, and Santa Fe Railroad right-of-way;
  secs. 3 to 36, inclusive.
T. 22 N., R. 5 E.,
  secs. 30 to 35, inclusive, those parts south of the railroad right-of-way.
T. 21 N., R. 6 E.,
  secs. 6, 7, 8, and 17, those parts south of the railroad right-of-way;
  secs. 18, 19, 20, 29, and 30.

The areas described, including both public and non-public lands, aggregate approximately 28,400 acres.

The reservation made by this order shall be subject to the use of a portion of the land by the Department of Commerce for the maintenance of an airway beacon light, and to the right of the Department of Agriculture to occupy, operate, and maintain the fire-lookout station on Volunteer Peak, including the right of ingress and egress, for such use as may be essential to the protection and management of the adjacent national-forest lands.

The jurisdiction of the Secretary of Agriculture over the lands as part of the Coconino and Kaibab National Forests shall be subject to the jurisdiction of the Secretary of War to the extent necessary to effectuate the purposes of the reservation made by this order.

It is intended that the lands herein reserved shall be restored to the status possessed by them immediately prior to the issuance of this order, when they are no longer needed by the War Department for military purposes.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 12, 1942.

[F. R. Doc. 42-12217; Filed, November 21, 1942; 10:19 a. m.]

[Public Land Order 60]

NEW MEXICO

REVOKING IN PART EXECUTIVE ORDER NO. 6276 OF SEPTEMBER 8, 1933, AND WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS AUXILIARY LANDING FIELDS

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, and to section 1 of the act of June 28, 1934, as amended, c. 865, 48 Stat. 1269 (U.S.C., title [illegible], sec. 315), it is ordered as follows:

Subject to valid existing rights, the public lands in the following-described areas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws, and reserved for the use of the War Department as auxiliary landing fields:

NEW MEXICO PRINCIPAL MERIDIAN

T. 26 S., R. 10 W.,
  sec. 17, SE¼SW¼ and S½SE¼;
  sec. 21, W½SW¼.
T. 21 S., R. 11 W.,
  sec. 3, lots 1, 2, 3, and 4, S½N½, SW¼, and W½SE¼;
  sec. 10, N½N½NW¼ and N½NW¼NE¼.
T. 24 S., R. 13 W.,
  sec. 19, lots 3 and 4, E½SW¼, and SE¼;
  sec. 20, W½SW¼ and W½E½SW¼;
  sec. 29, NW¼NW¼;
  sec. 30, NE¼, NE¼NW¼, and N½N½SE¼.

The areas described, including both public and non-public lands, aggregate 1,606.17 acres.

The order of July 11, 1935, of the Secretary of the Interior, establishing New Mexico Grazing District No. 3, is hereby modified to the extent necessary to permit the use of the lands as herein provided.

Executive Order No. 6276 of September 8, 1933, withdrawing public lands for the purpose of aiding the State of New Mexico in making exchange selections under the act of June 15, 1926, c. 590, 44 Stat. 746, is hereby revoked so far as it affects any of the above-described lands.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior, when they are no longer needed for the purpose for which they are reserved.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 13, 1942.

[F. R. Doc. 42-12218; Filed, November 21, 1942; 10:19 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 169]

PENS AND PENCILS MANUFACTURING INDUSTRY

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE NO. 52

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I. L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignation of Mr. Robert S. Gillia from Industry Committee No. 52 for the Pens and Pencils Manufacturing Industry, and do appoint in his stead Mr. Remmie L. Arnold of Petersburg, Virginia, as representative for the employers on such committee.

Signed at New York, New York, this 19th day of November 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-12167; Filed, November 20, 1942; 12:50 p. m.]

PRINTING AND PUBLISHING INDUSTRY, ETC.

NOTICE OF CONTINUATION OF HEARING

Notice of continuation of hearing on the minimum wage recommendation of Industry Committee No. 49 for the printing and publishing and allied graphic arts industry to be held December 7, 1942.

Whereas, a public hearing was held on November 9, 1942, before the undersigned as Presiding Officer, at 10:00 a. m. in Room 1610, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, for the purpose of taking evidence on the following question:

Whether the recommendation of Industry Committee No. 49 for the Printing and Publishing and Allied Graphic Arts Industry should be approved or disapproved;

Now therefore, notice is hereby given that, pursuant to section 3 of the rules governing the above proceeding, the hearing will be continued on December 7, 1942, before the undersigned as Presiding Officer at 10:00 a. m. in Room 3229, United States Department of Labor, Washington, D. C.

Signed at Washington, D. C., this 17th day of November 1942.

ROBERT N. CAMPBELL,
Presiding Officer.

[F. R. Doc. 42-12166; Filed, November 20, 1942; 12:50 p. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 556 and 562]

BOSTON AND MAINE RAILROAD CO., ET AL.

NOTICE OF HEARING

In the matter of the applications of Boston and Maine Railroad Company and Maine Central Railroad Company for approval of their acquisition of control of Northeast Airlines, Inc., and for a determination of the Board's jurisdiction over the subject matter.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 408 and 1001 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on December 1, 1942, at 10 a. m. (eastern war time) in Conference Room C, Departmental Auditorium, Constitution Avenue, between 12th and 14th Streets NW., Washington, D. C., before an examiner of the Board.

Dated Washington, D. C., November 19, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-12276; Filed, November 23, 1942; 10:34 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Dockets Nos. 6459-67]

R. C. A. COMMUNICATIONS, INC.

NOTICE OF HEARING

In re applications of R. C. A. Communications, Inc., dated October 1, 1942, for renewal of licenses; class of service, fixed public; class of stations, point-to-point telegraph and telephone; locations, Kahuku, T. H. (telegraph and telephone); Rocky Point, N. Y.; New York, N. Y.; New Brunswick, N. J.; Tuckerton, N. J.; Marion, Mass.; Bolinas, Calif.; and San Juan, P R.

You are hereby notified that the Commission, having examined the above-described applications, and being unable to determine upon examination of such applications that public interest, convenience or necessity would be served by the granting thereof, has designated the matters for hearing for the following reasons:

1. To determine if applicant has entered into, maintained, or operated under any contracts, agreements, understandings, or arrangements, written or oral, express or implied, which have the effect of preventing the establishment by other American carriers of communication circuits, contrary to the public interest, convenience, or necessity.

2. To determine if applicant has entered into, maintained, or operated under any contracts, agreements, understandings, or arrangements, written or oral, express or implied, which have the effect of preventing the practical operation by other American carriers of additional communication circuits, contrary to the public interest, convenience, or necessity.

3. To determine if the applicant has entered into, maintained, or operated under any contracts, agreements, understandings, or arrangements, written or oral, express or implied, which result in an undue preference to applicant or an undue prejudice to other American carriers in the rendition of any communication service, contrary to the public interest, convenience or necessity.

4. To determine if the applicant has entered into, maintained, or operated under any contracts, agreements, understandings, or arrangements, written or oral, express or implied, which tend to create a monopoly of communication service, contrary to the public interest, convenience or necessity.

5. To determine if the applicant has taken any action designed to prevent, restrain, burden, or impede the establishment or successful operation by other American carriers of additional circuits or channels of communication, contrary to the public interest, convenience, or necessity.

6. To determine if the applicant has entered into, maintained, or operated under any contracts, agreements, understandings, or arrangements, written or oral, express or implied, which have the effect of hampering, delaying, obstructing, or in any manner prejudicing, contrary to the public interest, convenience or necessity, the institution of additional channels of communication desirable for purposes of national security and the successful conduct of the war.

7. To determine whether in the light of the evidence adduced on the foregoing issues, public interest, convenience or necessity would be served by a grant of the applications herein designated for hearing.

The applications involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant upon the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules and Regulations. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules and Regulations.

The applicant's address is as follows: R. C. A. Communications, Inc., 66 Broad Street, New York, N. Y.

Dated at Washington, D. C., November 20, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-12271; Filed, November 23, 1942; 10:21 a. m.]

[Docket No. 6446]

MONMOUTH BROADCASTING COMPANY (WBRB)

NOTICE OF HEARING

In re application of Monmouth Broadcasting Company (WBRB), dated, September 18, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Red Bank, New Jersey; operating assignment specified: frequency, 1,240 kc.; power, 100 w. night, 100 w. day; hours of operation, shares with WGBB and WFAS.

You are hereby notified that the Commission on October 6, 1942 denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine the qualifications of the applicant, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine whether the equipment proposed to be employed in the construction and operation of the station and the manner of installation thereof, will meet the requirements of the Rules and Regulations of the Commission and the Standards of Good Engineering Practice.

3. To determine whether the site at which applicant proposes to construct and operate the station, will comply with the Rules and Regulations of the Commission, particularly § 3.24 (e) and the Standards of Good Engineering Practice; and whether such site is available to the applicant.

4. To determine the areas and populations which would receive primary service, if applicant should operate as proposed, and what other broadcast service is available to those areas and populations.

5. To determine the type and character of program service which applicant may be expected to render and the extent to which such service is now being rendered by any other station or stations serving the proposed service area, in whole or in part.

6. To determine whether the granting of the application would be in conformity with the policy announced by the Commission in its Memorandum Opinion of April 27, 1942.

7. To determine whether, in view of the facts adduced under the foregoing issues, the granting of the application would serve public interest, convenience or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Monmouth Broadcasting Company, Radio Station WBRB, 63 Broad Street, Red Bank, New Jersey.

Dated at Washington, D. C. November 19, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-12272; Filed, November 23, 1942; 10:21 a. m.]

[Docket No. 6447]

MONMOUTH BROADCASTING COMPANY (WBRB)

NOTICE OF HEARING

In re application of Monmouth Broadcasting Company (WBRB), dated, July 30, 1941, for renewal of license; class of service, broadcast; class of station, broadcast; location, Red Bank, New Jersey; operating assignment specified: frequency, 1240 kc; power, 100 w. night; 100 w. day; hours of operation, shares time with WGBB and WFAS.

You are hereby notified that the Commission on October 6, 1942, denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the applicant, its officers, directors and stockholders, are financially, and otherwise qualified to continue the operation of the station.

2. To determine the service rendered by Station WBRB since February 16, 1941, and the service which applicant may be expected to render in the event this application is granted.

3. To determine whether the equipment proposed to be employed in the operation of the station will meet the requirements of Commission regulations and the Standards of Good Engineering Practice.

4. To determine whether, in view of the facts adduced under the foregoing issues, a grant of the application would serve public interest, convenience or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.332 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Monmouth Broadcasting Company, Radio Station WBRB, 63 Broad Street, Red Bank, New Jersey.

Dated at Washington, D. C., November 19, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-12273; Filed, November 23, 1942; 10:22 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-427]

CONSOLIDATED GAS UTILITIES CORPORATION

ORDER FIXING DATE FOR HEARING

NOVEMBER 18, 1942.

Consolidated Gas Utilities Corporation (hereinafter referred to as "Applicant"), by application filed October 29, 1942, requested that it be authorized, pursuant to section 7 (b) of the Natural Gas Act, to discontinue and abandon the sale of gas to W. S. Fees for resale to Cities Service Gas Company;

It appearing to the Commission that:

(a) Applicant is now engaged in the sale of natural gas to W. S. Fees, pursuant to Consolidated Gas Utilities Corporation Rate Schedule FPC No. 16 and Supplements Nos. 1 and 2 thereto;

(b) The natural gas purchased by W. S. Fees from Applicant is sold to Cities Service Gas Company for resale pursuant to W. S. Fees' Rate Schedule FPC No. 1;

(c) On October 29, 1942, Applicant filed an application with the Commission requesting that it be authorized to discontinue and abandon the sale of natural gas to W. S. Fees;

(d) Cities Service Gas Company advised the Commission on November 14, 1942, that it protests the termination of Applicant's service to W. S. Fees, for it would be unable to replace the gas which is now obtained from Applicant, through W. S. Fees, except at greatly increased cost; Cities Service also stated that it desired to continue to receive this gas either from W. S. Fees or directly from Applicant under the terms and conditions of the agreement between Cities Service and Fees;

The Commission orders that:

(A) A public hearing be held in the Federal Building, Kansas City, Missouri, on December 10, 1942, at 10:00 a. m., for the purpose of determining whether the present or future public convenience or necessity permits the requested abandonment of service;

(B) Interested State Commissions may participate in the hearing as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-12208; Filed, November 21, 1942; 10:12 a. m.]

[Project No. 1887]

COOPERATIVE SERVICE ASSOCIATION

ORDER CONTINUING DATE OF HEARING

NOVEMBER 18, 1942.

A public hearing having been set for November 30, 1942, on the application for Cooperative Service Association of Meredith, New Hampshire, for preliminary permit for a proposed hydroelectric development to be installed at the Franklin Falls flood control dam on the Pemigewasset River in Merrimack County, New Hampshire, and it appearing desirable to again postpone said hearing;

Upon the Commission's own motion, *It is ordered*, That:

Said hearing be postponed to January 4, 1943, beginning at 9:45 a. m. (EWT) in Room 305, Federal Building, Concord, New Hampshire.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-12275; Filed, November 23, 1942; 10:21 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 154, Amendment]

REAL PROPERTY IN NEW YORK CITY OWNED BY MRS. JOSEPHINE M. LORSCH

Vesting Order Number 154 of September 17, 1942,[1] is hereby amended as follows and not otherwise:

> By inserting the words "thence easterly along 78th Street, 16 feet 8 inches;" immediately following the words "Beginning at a point on the southerly side of 78th Street, distant 153 feet 4 inches easterly from the southeasterly corner of 78th Street and Park (formerly 4th) Avenue;" appearing in Exhibit A attached to said order and made a part thereof.

All other provisions of such Vesting Order Number 154 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 18, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12240; Filed, November 21, 1942; 10:48 a. m.]

[Vesting Order 239]

16% OF THE CAPITAL STOCK OF NICHIBEI SECURITIES CORP. OF LOS ANGELES

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation, finding:

(a) That the property described as follows:

> 200 shares (which represent 16% of all outstanding shares) of $10 par value capital stock of Nichibei Securities Corp. of Los Angeles, a California corporation, Los Angeles, California, which is a business enterprise within the United States, the names and last known addresses of the registered owners of which, and the number of shares owned by them respectively, are as follows:

Names and last known addresses	*Number of shares*
H. T. Komai (alien detention camp)	100
Yoshimori Nozawa (alien detention camp)	100
Total	200

is property of nationals, and represents an interest in said business enterprise which is a national (by reason of the fact that a substantial part of all outstanding shares are owned by nationals), of a designated enemy country (Japan); and

(b) That the property described as follows:

> All right, title, interest and claim of any name or nature whatsoever of Tokyo Nichibei Shoken, a Japanese corporation, Tokyo, Japan, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to it by said Nichibei Securities Corp. of Los Angeles, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness,

is an interest in the aforesaid business enterprise held by, and is property within the United States owned or controlled by, a national of a designated enemy country (Japan);

and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on October 15, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12223; Filed, November 21, 1942; 10:45 a. m.]

[Vesting Order 240]

25.47% OF THE CAPITAL STOCK OF NICHIBEI SECURITIES COMPANY, LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

> 1,180 shares (which constitute a substantial part, namely, 25.47%, of all outstanding shares) of $10 par value capital stock of Nichibei Securities Company, Ltd., a California corporation, San Francisco, California, which is a business enterprise within the United States, the names and last known addresses of the registered owners of which, and the number of shares owned by them respectively, are as follows:

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[1] 7 F.R. 8405.

Names and last known addresses	*Number of shares*
Mitsuo Hosaka, Japan	525
Toyosaku Komai (alien detention camp)	50
Torao Koyano, Japan	5
Kinji Nishi (alien detention camp)	50
Yoshimori Nozawa (alien detention camp)	50
Seisuke Umeki (alien detention camp)	450
Tomio Yasumitsu, Japan	50
Total	1,180

is property of nationals, and represents an interest in said business enterprise which is a national, of a designated enemy country (Japan); and

(b) That the property described as follows:

> All right, title, interest and claim of any name or nature whatsoever of Tokyo Nichibei Shoken, a Japanese corporation, Tokyo, Japan, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to it by the aforesaid Nichibei Securities Company, Ltd., including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness,

is an interest in the aforesaid business enterprise held by, and is property within the United States owned or controlled by, a national of a designated enemy country (Japan);

and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian tc return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Crder.

Executed at Washington, D. C. on October 15, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12224; Filed, November 21, 1942; 10:45 a. m.]

[Vesting Order 245]

ASSETS OF ASAHI SHINBUN

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, Asahi Shinbun, a Japanese corporation, Tokyo and Osaka, Japan, including, but not limited to, all of the assets of its United States branch known as The Asahi Shinbun, New York, New York, which corporation is a business enterprise within the United States, and an account in the National City Bank, New York, New York, in the name of Kyozo Mori, Japan (by repatriation), which account is held for the benefit of and owned by The Asahi Shinbun,

is property of said business enterprise which is a national of a designated enemy country (Japan), and determining that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12225; Filed, November 21, 1942; 10:45 a. m.]

[Vesting Order 246]

ASSETS OF SHOCHIKU COMPANY, LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

(a) Finding that Shochiku Company, Ltd., a Japanese corporation, Tokio, Japan, is a national of a designated enemy country (Japan);

(b) Finding that Shochiku Company, Ltd., Hollywood Branch, a partnership, Los Angeles, California, which is a business enterprise within the United States, is a branch or agency of the aforesaid Japanese corporation and is controlled by or acting for the benefit or on behalf of the aforesaid Japanese corporation and is therefore a national of a designated enemy country (Japan);

(c) Finding that the property described as follows:

> All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, the aforesaid Schochiku Company, Ltd., Tokio, Japan, or Schochiku Company, Ltd., Hollywood Branch, Los Angeles, California.

is property of a national of a designated enemy country (Japan);

(d) Finding that the property described as follows:

> All right, title, interest, and claim of any name or nature whatsoever in and to all accounts payable and other indebtedness, contingent or otherwise, and whether or not matured, owing to the aforesaid Japanese corporation by said Shochiku Company, Ltd., Hollywood Branch, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness,

is an interest in the aforesaid business enterprise held by a national of a designated enemy country (Japan), and also is property within the United States owned and controlled by a national of a designated enemy country (Japan);

(e) Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan);

(f) Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

(g) Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraphs (c) and (d), to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu therof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–12226; Filed, November 21, 1942; 10:45 a. m.]

[Vesting Order 256]

CERTAIN INDEBTEDNESS OWING BY YOKOHAMA SPECIE BANK, LTD., ETC.

Re: Certain indebtedness owing by Yokohama Specie Bank, Ltd. (San Francisco), and/or the Superintendent of Banks of the State of California.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Yokohama Specie Bank, Ltd., a Japanese corporation, Tokyo, Japan, and Nippon Yusen Kaisha, a Japanese corporation, Tokyo, Japan, and each of them, are nationals of a designated enemy country (Japan);

2. Finding that said Yokohama Specie Bank, Ltd., and said Nippon Yusen Kaisha, and each of them, have established branch offices at San Francisco, California, engaged in the conduct of business within the United States, and are business enterprises within the United States;

3. Finding that liquidation of said San Francisco branch of the aforesaid Yokohama Specie Bank, Ltd., is in the process of administration by a person (namely, the Superintendent of Banks of the State of California) acting under judicial supervision (namely, that of the Superior Court of the State of California, in and for the City and County of San Francisco) within the meaning of Section 2 (f) of the aforesaid Executive Order;

4. Finding that liquidation of said Nippon Yusen Kaisha, or of its assets in the United States, or of its San Francisco branch, is in the process of administration by a person (namely, a trustee in bankruptcy) acting under judicial supervision (namely, that of the United States District Court at San Francisco) within the meaning of Section 2 (f) of the aforesaid Executive Order;

5. Finding that Yoshio Muto, who was formerly Consul General of Japan in San Francisco, is a national of a designated enemy country (Japan);

6. Finding that the property described as follows:

> All right, title, interest and claim of any name or nature whatsoever of the aforesaid Yoshio Muto, Nippon Yusen Kaisha, and the latter's San Francisco branch, and each of them, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to them or any of them by the aforesaid Yokohama Specie Bank, Ltd., or by its said San Francisco branch or by the aforesaid Superintendent of Banks, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness,

is (a) an interest in a business enterprise within the United States (namely, the aforesaid Yokohama Specie Bank, Ltd., and/or its San Francisco branch) held by a national or nationals of an enemy country (Japan), and also is (b) property within the United States owned or controlled by a national or nationals of a designated enemy country (Japan), and also is (c) property which is payable or deliverable to, or claimed by, a national or nationals of a designated enemy country (Japan) and which (as hereinbefore stated in subparagraph 3) is in the process of administration by a person acting under judicial supervision;

7. Determining that to the extent that such nationals, or any of them, are persons not within a designated enemy country, the national interest of the United States requires that such persons and each of them be treated as nationals of the aforesaid designated enemy country (Japan);

8. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

9. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 6, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 27, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–12236; Filed, November 21, 1942; 10:48 a. m.]

[Vesting Order 284]

INTERESTS OF GERMAN NATIONALS IN NINE CONTRACTS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title and interest of each and all of the following:

Farbenfabriken vorm. Friedr. Bayer & Company,
Farbwerke vorm. Meister Lucius & Bruning,
Aktiengesellschaft fur Anilin-Fabrikation,
Leopold Cassella & Co., G. m. b. H.,
Chemische Fabrik Griesheim-Elektron,
Chemische Fabriken vorm. Weiler-ter Meer,
Kalle & Co., Aktiengesellschaft,
Anilinfabrik Carl Jaeger, G. m. b. H.,
Farbwerk Muehlheim vorm. A. Leonhardt & Co.,
Wuelfing, Dahl & Co., Aktiengesellschaft,
Badische Anilin-und Soda Fabrik,
I. G. Farbenindustrie, A. G., and
Dr. F. Raschig, G. m. b. H.,

(all of whom are, or if they have ceased to exist were, business enterprises organized under the laws of or having their principal places of business in Germany), and of each and all of the successors, assigns and affiliates of each and all such business enterprises, in and to certain contracts (together with all claims for money, credits, royalties or other amounts due and payable under any or all of such contracts to any or all of the aforesaid business enterprises and/or each and all of their successors, assigns and affiliates), each of which contracts and the one or more of such business enterprises relating thereto, respectively, are fully described in Exhibit A attached hereto and made a part hereof.

is property within the United States owned or controlled by nationals of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 31, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

1. All right, title and interest of:

Farbenfabriken vorm. Friedr. Bayer & Company,
Farbwerke vorm. Meister Lucius & Bruning,
Aktiengesellschaft fur Anilin-Fabrikation,
Leopold Cassella & Co., G. m. b. H.,
Chemische Fabrik Griesheim-Elektron,
Chemische Fabriken vorm. Weiler-ter Meer,
Kalle & Co., Aktiengesellschaft,
Anilinfabrik Carl Jaeger G. m. b. H.,
Farbwerk Muehleim vorm. A. Leonhardt & Co.,
Wuelfing, Dahl & Co., Aktiengesellschaft,

as well as their successors, assigns, and affiliates, including, but not by way of limitation, Badische Anilin-und Soda Fabrik, and I. G. Farbenindustrie, A. G., in and to a certain "Memorandum of Agreement" dated July 31, 1925, by and between Grasselli Chemical Company, Grasselli Dyestuff Corporation, Herman A. Metz, Farbenfabriken vorm. Meister Bayer & Company, Farbwerke vorm. Meister Lucius & Bruning, and eight German corporations called "The Manufacturers"; subject to and including all interpretations and modifications thereof, and supplements thereto, including, but not by way of limitation, the "Profit Sharing Agreement" of July 31, 1925, by and between Grasselli Chemical Company, and Farbenfabriken vorm. Friedr. Bayer & Company; a letter dated July 31, 1925, to Grasselli Chemical Company signed by C. v. Weinberg and agreed to by Grasselli Chemical Company, Farbenfabriken vorm. Friedr. Bayer & Company and Farbwerke vorm. Meister Lucius & Bruning; a letter dated July 31, 1925, from Grasselli Chemical Company to Farbenfabriken vorm. Friedr. Bayer & Company and Farbwerke vorm. Meister Lucius & Bruning signed by Fisher and agreed to by Farbenfabriken vorm. Friedr. Bayer & Company and Farbwerke vorm. Meister Lucius & Bruning; an agreement dated October 20, 1928, by and between Grasselli Chemical Company, Grasselli Dyestuff Corporation and I. G. Farbenindustrie, A. G. for itself and as successor in interest to certain German corporations; an agreement dated October 20, 1928, by and between I. G. Farbenindustrie Aktiengesellschaft and Grasselli Dyestuff Corporation; a letter from I. G. Farbenindustrie Aktiengesellschaft dated January 12, 1940 to General Aniline and Film Corporation signed by v. Schnitzler and ter Meer to which is attached a list of firms to which goods may be sold; certain cables dated September 19, 1939 (two), September 21, 1939; September 29, 1939; October 2, 1939; October 14, 1939; October 16, 1939; October 23, 1939; December 11, 1939; January 2, 1940; January 8, 1940; January 19, 1940; and January 22, 1940, together with the confirmations thereof, all between I. G. Farbenindustrie Aktiengesellschaft and General Aniline and Film Corporation; and a letter of October 28, 1939, from I. G. Farbenindustrie Aktiengesellschaft to General Aniline Works, Inc., signed by ter Meer and Schnitzler, relating to sales to parts of the British Empire and Columbia; together with all claims for money, credits, royalties or other amounts due and payable under the said contract.

2. All right, title and interest of Farbenfabriken vorm. Friedr. Bayer & Company, as well as its successors, assigns, and affiliates, including, but not by way of limitation, Badische Anilin-und Soda Fabrik, and I. G. Farbenindustrie, A. G., in and to a certain agreement dated June 17, 1924, by and between Grasselli Chemical Company, Farbenfabriken vorm. Friedr. Bayer & Company and Grasselli Dyestuff Corporation; subject to and including all interpretations and modifications thereof, and supplements thereto, including, but not by way of limitation, a certain "Memorandum of Agreement" by and between the same parties dated July 31, 1925; an agreement dated October 20, 1928, by and between Grasselli Chemical Company, Grasselli Dyestuff Corporation and I. G. Farbenindustrie, A. G., for itself and as successor in interest in certain German corporations; an agreement dated October 20, 1928, by and between I. G. Farbenindustrie Aktiengesellschaft and Grasselli Dyestuff Corporation; a letter from I. G. Farbenindustrie Aktiengesellschaft dated January 12, 1940 to General Aniline and Film Corporation signed by v. Schnitzler and ter Meer to which is attached a list of firms to which goods may be sold; certain cables dated September 19, 1939 (two), September 21, 1939; September 29, 1939; October 2, 1939; October 14, 1939; October 16, 1939; October 23, 1939; December 11, 1939; January 2, 1940; January 8, 1940; January 19, 1940; and January 22, 1940, together with the confirmations thereof, all between I. G. Farbenindustrie Aktiengesellschaft and General Aniline and Film Corporation; and a letter of October 28, 1939 from I. G. Farbenindustrie Aktiengesellschaft to General Aniline Works, Inc., signed by ter Meer and Schnitzler, relating to sales to parts of the British Empire and Colombia; together with all claims for money, credits, royalties or other amounts due and payable under the said contract.

3. All right, title and interest of I. G. Farbenindustrie Aktiengesellschaft in and to an agreement dated March 18, 1940 by and between General Aniline and Film Corporation and I. G. Farbenindustrie Aktiengesellschaft (identified as #354) relating to iron carbonyl.

4. All right, title and interest of I. G. Farbenindustrie Aktiengesellschaft in and to an agreement dated March 18, 1940 by and between General Aniline and Film Corporation and I. G. Farbenindustrie Aktiengesellschaft (identified as #353) relating to textile assistants.

5. All right, title and interest of I. G. Farbenindustrie Aktiengesellschaft in and to an agreement dated March 18, 1940 by and between General Aniline and Film Corporation and I. G. Farbenindustrie Aktiengesellschaft (identified as #355) relating to "Trilon."

6. All right, title and interest of I. G. Farbenindustrie Aktiengesellschaft in and to an agreement dated March 18, 1940 by and between General Aniline and Film Corporation and I. G. Farbenindustrie Aktiengesellschaft (identified as # 356) relating to vinyl ethers and their polymers and vinyl esters.

7. All right, title and interest of I. G. Farbenindustrie Aktiengesellschaft in and to an agreement dated March 18, 1940 by and between General Aniline and Film Corporation and I. G. Farbenindustrie Aktiengesellschaft (identified as # 357) relating to organic intermediates, organic acids, organic tanning agents, rubber chemicals, solvents, chlorinated hydrocarbons, softeners, synthetic resins, synthetic plastics, textile assistants and similar products.

8. All right, title and interest of Dr. F. Raschig, G. m. b. H., in and to a contract by and between it and Durez Plastics and Chemicals, Inc., signed by the said parties on September 24, 1937 and September 14, 1937, respectively; as modified by a letter dated December 23, 1938 from Durez Plastics and Chemicals, Inc., to Dr. F. Raschig, G. m. b. H. and accepted by Dr. F. Raschig, G. m. b. H. on January 10, 1939; together with all moneys, royalties, credits and other payments due and payable under the said contract.

9. All right, title and interest of Dr. F. Raschig, G. m. b. H., in and to a contract by and between it and Durez Plastics and Chemicals, Inc., signed by the said parties on July 17, 1939, together with all moneys, royalties, credits, notes and other payments due and payable under the said contract.

[F. R. Doc. 42–12227; Filed, November 21, 1942; 10:45 a. m.]

[Vesting Order 330]

CERTAIN INDEBTEDNESS OWING TO YAMANAKA AND COMPANY, LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All right, title, interest and claim of any name or nature whatsoever of Yamanaka and Company, Ltd., Osaka, Japan, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to it by Yamanaka and Company, Inc., Boston, Massachusetts, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness,

is property within the United States owned or controlled by a national of a designated enemy country (Japan), and determining that such property is necessary for the maintenance or safeguarding of other property (namely, that certain real property in Bar Harbor Maine which was found in Vesting Order Number 140, issued under date of September 2, 1942, to be property within the United

States owned by said national) belonging to the same national of the same designated enemy country and subject to vesting, and in fact vested by said vesting order, pursuant to Section 2 of said Executive Order, and determining that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 5, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12228; Filed, November 21, 1942; 10:48 a. m.]

[Vesting Order 372]

MORTGAGE OWNED BY MRS. JOSEPHINE M. LORSCH COVERING REAL PROPERTY IN NEW YORK CITY

Whereas, pursuant to Vesting Order Number 154 of September 17, 1942, the undersigned intended to vest a certain obligation secured by a mortgage, together with such mortgage; and

Whereas, in describing the property intended to be vested no reference was made to such obligation or mortgage;

Now, therefore, in order to cure any defect in said order arising by virtue of the failure to make reference to such obligation or mortgage, the following order is hereby issued:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All right, title, interest and claim of any name or nature whatsoever of Mrs. Josephine M. Lorsch, whose last known address was represented to the undersigned as being in Eure-et-Loire, France, in and to any and all obligations (contingent or otherwise and whether or not matured) which are secured by that certain mortgage from Amanda B. Schwab to Lawyers Trust Company dated December 27, 1928 and thereafter duly assigned by mesne assignments to Mrs. Josephine M. Lorsch, which mortgage covers certain real property together with all fixtures, improvements and appurtenances thereto located at 112 East 78th Street, New York, New York, including but not limited to all security rights in and to any and all collateral (including said mortgage) for any or all of such obligations and the right to enforce and collect such obligations,

is property within the United States owned by a national of a designated enemy country (Germany), and determining that to the extent that such national is a person not within a designated enemy country, such person is controlled by a designated enemy country (Germany), or a person within such country, and the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 18, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12237; Filed, November 21, 1942; 10:48 a. m.]

[Vesting Order 376]

CERTAIN INDEBTEDNESS OWING BY TAKAMINE CORPORATION

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All right, title, interest and claim of any name or nature whatsoever of Tatsumi Engineering Company, Ltd., whose last known address was represented to the undersigned as being Tokyo, Japan, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to it by Takamine Corporation [which was found in Vesting Order Number 194 issued under date of September 28, 1942 to be a business enterprise within the United States which is a national of a designated enemy country (Japan)] a New York corporation, New York, New York, including but not limited to all security rights in and to any and all collateral for any and all such indebtedness and the right to sue for and collect such indebtedness,

is an interest in the aforesaid business enterprise held by, and is property within the United States owned or controlled by, a national of a designated enemy country (Japan), determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Sec.
706.404 Kind of payments.
706.405 Conditions of payment; performance required.
706.406 Excess cotton acreage.
706.407 Rates of payment and further conditions.
706.408 Application and eligibility for payment.
706.409 Administration.

AUTHORITY: §§706.401 to 706.409 issued under the authority contained in sections 7 to 17, as amended, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205, 746; 53 Stat. 550, 573; 16 U. S. C. 590g–490q.

§ 706.401 *Authority and availability of funds.* Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of section 7 (a) of said Act in 1943, payments will be made for participation in the 1943 Naval Stores Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1943 Naval Stores Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will be finally determined by such appropriation and by the extent of participation in the program. Any increase or decrease in the rates of payments and deduction set forth herein because of the extent of participation in the program will not be in excess of 10 percent.

706.402 *Definition of terms*—(a) *Turpentine farm.* The land and turpentine timber owned or leased, or operated on a sharecrop basis, and under one management and in one general locality, which is being operated for the production of gum naval stores.

(b) *Gum naval stores.* Crude gum (oleoresin), gum turpentine, and gum rosin produced from living trees. Gum naval stores does not include naval stores produced from dead timber, stumps, knots, etc.

(c) *Producer.* Any person or persons, firm, partnership, corporation, or other business enterprise, doing business as a single legal entity and producing gum naval stores from timber controlled for turpentine purposes through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(d) *Face.* The whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin), hereinafter referred to as gum.

(e) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(f) *Tins.* The gutters or aprons, made of sheet metal or other material, used to aid in conducting the gum from a face into a cup.

(g) *Crop.* 10,000 faces.

(h) *Drift or tract.* A portion or subdivision of a crop set apart for convenience of operation.

(i) *D. b. h.* Diameter breast height; i. e., diameter of tree measured at 4½ feet from the ground.

(j) *Turpentine season.* The entire calendar year or, if a turpentine farm is operated less than the full calendar year, that period within the calendar year during which a producer is operating his farm for the production of gum naval stores.

(k) *Application.* The prescribed form of application for payment for cooperating in the 1943 Naval Stores Conservation Program (hereinafter referred to as this program).

§ 706.403 *Duration of program.* The period during which this program is to be in effect is the period January 1 to December 31, 1943, inclusive.

§ 706.404 *Kind of payments.* Payment will be made, at the rates and subject to the conditions set forth in § 706.407, to producers who in 1943 carry out the approved practices set forth in § 706.405 with respect to turpentine farms currently being worked in 1943, beginning such cooperation within time limits to be established by the Forest Service of the United States Department of Agriculture (hereinafter referred to as the Forest Service) as appropriate and practicable time limits necessary to afford full opportunity to producers to cooperate in this program and to obtain a full measure of compliance with the objectives of this program.

§ 706.405 *Conditions of payment; performance required.* In order to qualify for payment, producers shall meet the following requirements:

(a) *Working small trees prohibited.* No face (either old or new) shall be worked during the 1943 turpentine season on any tree less than 9 inches d.b.h. on any turpentine farm or farms owned, leased, or worked by the applicant producer.

(b) *Only one face permitted on trees under 14 inches diameter.* No trees that is less than 14 inches d.b.h. shall have more than one face worked during the 1943 turpentine season on any turpentine farm or farms owned, leased, or worked by the applicant producer.

(c) *Virgin faces on trees 9 inches or larger eligible for payment.* Payment will be made on all virgin faces worked, either owned or leased, by the applicant producer if all such virgin faces are on trees 9 inches d. b. h. or larger.

(d) *Working quotas.* For this program there will be no recognition of "base" as it was used in any previous program; and therefore no limitation resulting from "base" provisions as to the number of faces a producer may work. A producer may work any number of faces under this program, provided that all faces so worked conform to the performance requirements outlined in the other paragraphs of this section.

(e) *Written evidence of leases required.* Any producer who acquires faces through a new lease or the renewal of an expiring lease must present to the Forest Service satisfactory proof in writing of such a transaction.

(f) *Restrictions concerning non-participating operations.* Any producer otherwise participating in this program who permits his labor to operate timber which he owns or controls and cannot operate and remain eligible for participation under the terms of this program, or who assists in any manner in the operation of such timber or the sale or processing of the gum therefrom, either directly or through a relative or employee or through any member, officer, or employee of any partnership, corporation, or other business enterprise in which he has any interest or with which he has any connection, or in any other manner whatsoever, shall not be eligible to receive any benefit payment under this program.

(g) *Faces installed on small trees in 1941 and 1942 not eligible for payment.* As in previous programs, participants in this program will be paid for the removal of faces on trees under 9 inches d. b. h. and on trees between 9 and 14 inches d. b. h. as required by paragraphs (a) and (b) of this section, if the cups on such trees were installed during the 1939 or 1940 turpentine season. As announced in the 1941 and 1942 bulletins, no payment will be made for the removal of faces that were installed during the 1941 and 1942 seasons on trees under 9 inches d. b. h. and on trees between 9 and 14 inches d. b. h.; and in the event of a Naval Stores Conservation Program for 1944 no payment will be made on such faces installed in 1943.

(h) *Payment on discontinued faces limited to small trees.* Payment on discontinued faces shall be limited to those removed from small trees as required by paragraphs (a) and (b) of this section, provided such removed faces are located in drifts that contain working faces which are continued in operation.

(i) *Cups and tins must be detached from small trees.* Cups and tins must be detached from those faces removed from operation on trees under 9 inches d. b. h. or between 9 and 14 inches d. b. h., but need not be removed from the area.

(j) *Limitation of working area on faces.* Total streaks per face made during the period of this program, averaged by drifts or tracts, shall not exceed 24 inches in vertical measurement between shoulders of first streak and shoulders of last streak.

(k) *Minimum number of streaks required.* Payment shall not be made on faces in production which do not average, by drifts or tracts, at least 12 streaks for the 1943 turpentine season, which streaks shall have been made at no greater frequency than two streaks per week.

(l) *Over 90-inch faces not eligible for payment.* Payment shall not be made on working faces or on faces required to be removed by paragraphs (a) and (b) of this section in any drift or tract where the average height of faces exceeds 90 inches at the beginning of the 1943 turpentine season, in vertical measurement between shoulders of first streak and may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: November 18, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F.R. Doc. 42-12238; Filed, November 21, 1942; 10:48 a. m.]

[Vesting Order 381]

ESTATE OF MATHILDE LANKENAU, DECEASED

File D-28-1669; E. T. sec. 534.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Charles R. Wallendorf, Executor, acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Bronx County;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National	*Last known address*
Matta Hanken	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States, requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Matta Hanken in and to the Estate of Mathilde Lankenau, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: November 18, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F.R. Doc. 42-12239; Filed, November 21, 1942; 10:47 a. m.]

[Vesting Order 382]

ESTATE OF MARGARETHA HEILICH, DECEASED

File D-28-1673; E. T. sec. 547.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by A. Frederick Kempe, Executor under the last will and testament of Margaretha Heilich, deceased, acting under the judicial supervision of the Union County Surrogate's Court, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals	*Last known address*
August Baldauf	Hesse-Nassau, Germany.
Amelia Baldauf Lindenberger.	Hesse-Nassau, Germany.
Evangelican Lutheran Church of Kampfenbrunn.	Hesse-Nassau, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of August Baldauf, Amelia Baldauf Lindenberger, and the Evangelical Lutheran Church of Kempfenbrunn in and to the Estate of Margaretha Heilich, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: November 18, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12232; Filed, November 21, 1942; 10:47 a. m.]

[Vesting Order 383]

ESTATE OF CARLO CASAGRANDE, DECEASED

In re: estate of Carlo Casagrande, deceased—file D-38-352; E. T. sec. 503.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Thomas A. Grandon, Administrator, acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Elisa Casagrande	Italy.
Sadie Casagrande	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Elisa Casagrande and Sadie Casagrande in and to the Estate of Carlo Casagrande, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: November 18, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42 12233; Filed, November 21, 1942; 10:47 a. m.]

[Vesting Order 384]

ESTATE OF KATIE L. POWELL, DECEASED

In re: estate of Katie L. Powell, deceased—File D-28-1454; E. T. sec. 136.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described is property which is in the process of administration by Albion W. Knight, Administrator, acting under the judicial supervision of the County Judge's Court of Duval County, State of Florida;

(2) Such property and interest is payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Mrs. Virginia Traub, whose last known address is 120 Haupstr, Heidelberg, Germany; and

Determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Mrs. Virginia Traub, in and to the Estate of Katie L. Powell, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of the said Executive Order.

Dated: November 18, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12234; Filed, November 21, 1942; 10:47 a. m.]

[Vesting Order 385]

ESTATE OF DOROTHY EHLEBEN, DECEASED

In re: estate of Dorothy Ehleben, also known as Dora Ehleben, also known as Dorothy McCaughey, and also known as Dora McCaughey, deceased—File D-28-1469; E.T. sec. 142.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Karoline Krause, also known as Caroline Krause, Executrix, acting under the judicial supervision of Surrogate's Court of the State of New York, in and for the County of Kings;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely Adelbert Ehleben, also known as Albert Ehleben, whose last known address is Berlin, Germany, and, Kathe Engelke, whose last known address is Berlin, Germany; and

Determining that—

(3) If such nationals are persons not withing a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Adelbert Ehleben, also known as Albert Ehleben, and Kathe Engelke in and to the estate of Dorothy Ehleben, also known as Dora Ehleben, also known as Dorothy McCaughey and also known as Dora McCaughey, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: November 18, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12235; Filed November 21, 1942; 10:47 a. m.]

OFFICE OF PRICE ADMINISTRATION.

NORTHWEST REFINING COMPANY

ORDER GRANTING ADJUSTMENT

[Correction of Order 7 Under RPS 88]

Correction to Order No. 7[1] under § 1340.156 (c) of Revised Price Schedule No. 88—Petroleum and Petroleum Products.

The phrase "No. 5 fuel oil" wherever it occurs in Order No. 7 under § 1340.156 (c) of Revised Price Schedule No. 88, is corrected to read "No. 6 fuel oil".

This correction shall be effective as of November 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-.2187; Filed, November 20, 1942; 3:41 p. m.]

[Order 14 Under § 1381.160 (e) of MPR 161]

WIRKKALA AND JOHNSON LOGGING COMPANY, ET AL.

OVERTIME ADDITIONS

Order No. 14 Under § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs.

Pursuant to the provisions of § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs, each of the following persons has filed with the Office of Price Administration, Washington, D. C., a certified statement that the following hours per week are maintained in its logging operations. Therefore, under the authority vested in the Price Adminstrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1381.160 (e) of Maximum Price Regulation 161, *It is hereby ordered:*

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[1] 7 F.R. 9061.

(a) The following persons being on a 48-hour week may add to the maximum prices of all logs produced by them $1.00 per 1,000 ft., log scale:

Wirkkala and Johnson Logging Company, Naselle, Washington.
E. J. Shields Logging Company, Seaside, Oregon.
Prouty Logging Company, Warrenton, Oregon.
Owen J. McDonough, Tillamook, Oregon.
The Booth-Kelly Lumber Co., Wendling Division, Wendling, Oregon.
Ross Logging Co., Grand Ronde, Oregon.
Fagerness and Kehoe Logging Company, Centralia, Washington.
Larson Labiske Logging Co., Astoria, Oregon.
James R. Gleason, Satsop, Washington.
Jalmer Berg, Glacier, Washington.
Keiski & Silvola Logging Company, Naselle, Washington.
Pope & Talbot, Inc., Lumber Division, Puget Sound Branch, Port Gamble, Washington.
Ed Simon & Company, Sultan, Washington.
Bradley Lumber Company, Bradwood, Oregon.

(b) The additions to maximum prices specified in paragraph (a) hereof may be made subject to the condition that the persons named comply with all provisions of § 1381.160 (e) of Maximum Price Regulation 161.

(c) This Order No. 14 may be revoked or amended by the Price Administrator at any time by similar publication in the FEDERAL REGISTER for change of status of any of the persons named herein as an overtime company.

(d) This Order No. 14 shall become effective November 23, 1942.

Issued this 21st day of November, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12265; Filed, November 21, 1942; 12:36 p. m.]

[Order 65 Under MPR 188]

EASTERN POTTERIES, INC.

ORDER GRANTING ADJUSTMENT

Order No. 65 under § 1499.161 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. 3136-50.

For the reasons set forth in an opinion, which has been issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and pursuant to § 1499.161 of Maximum Price Regulation No. 188, as amended, *It is ordered:*

(a) Eastern Potteries, Inc., of 213 Bunting Avenue, Trenton, New Jersey, may sell and deliver to the Long Island Railroad Company, and the Long Island Railroad Company may buy and receive railroad hoppers from Eastern Potteries, Inc., at the unit price of $8.00, f. o. b. Trenton, New Jersey.

(b) This Order No. 65 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 65 shall become effective November 23, 1942.

Issued this 21st day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12266; Filed, November 21, 1942; 12:36 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-555]

CENTRAL MAINE POWER CO., ET AL.

AMENDMENT OF ORDER GRANTING APPLICATIONS, ETC.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of November 1942.

In the matter of Central Maine Power Company, Cumberland County Power and Light Company, New England Industries, Inc., and New England Public Service Company.

The Commission having on the 4th day of November, 1942 issued its Findings, Opinion and Order with respect to applications and declarations theretofore filed by Central Maine Power Company, Cumberland County Power and Light Company, New England Industries, Inc., and New England Public Service Company, granting the said applications and permitting said declarations to become effective subject to certain terms and conditions therein specified; and

It appearing to the Commission that the fifth condition of said Order should be amended;

It is ordered, That said fifth condition be and the same hereby is amended to read as follows:

(5) That jurisdiction be and the same hereby is reserved, pursuant to Instruction 8C to the Uniform System of Accounts for Public Utility Holding Companies to determine at what amount the new securities of Central Maine being acquired by New England Public Service Company shall be recorded on the books of New England Public Service Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12178; Filed, November 20, 1942; 3:25 p. m.]

[File No. 70-316]

KENTUCKY POWER AND LIGHT COMPANY

ORDER PERMITTING WITHDRAWAL OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of November, A. D. 1942.

Kentucky Power & Light Company, a subsidiary of United Publc Service Corporation, a registered holding company, having on the 6th day of May 1941 filed a declaration pursuant to the Public Utility Holding Company Act of 1935 regarding the issuance and sale of $1,200,000 principal amount of its First Mortgage Bonds; and

Kentucky Power & Light Company subsequent to the filing of such application having disposed of all of its assets; and

An application having been filed for leave to withdraw such declaration and the Commission finding that the granting of such application will not be detrimental to the public interest or the interest of investors or consumers:

It is ordered, That such declaration be withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12176; Filed, November 20, 1942; 3:25 p. m.]

[File No. 52-20]

O. M. MULL AND JOHN W. PERRY

ORDER GRANTING APPLICATION, ETC.

In the matter of O. M. Mull and John W. Perry, Trustees, Northwest Carolina Utilities, Incorporated.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of November, A. D. 1942.

O. M. Mull and John W. Perry, Trustees of Northwest Carolina Utilities, Incorporated, a subsidiary company of East Coast Public Service Company, which is a registered holding company, appointed by the District Court of the United States for the Western District of North Carolina, having filed with this Commission an application and amendments thereto under section 11 (f) of the Public Utility Holding Company Act of 1935 whereby approval is sought of a plan of reorganization of Northwest Carolina Utilities, Incorporated, such plan providing in effect, for the sale, for cash, of all the assets of said subsidiary company and the distribution of the proceeds of such sales to the claimants of the assets of said subsidiary company in the order of their respective legal rights;

A public hearing having been held upon said application, as amended, after appropriate notice and the Commission having examined the record and made its findings herein;

It is ordered, That said plan of reorganization, as amended, be, and the same hereby is, approved, and the said application, as amended, of said O. M. Mull and John W. Perry, Trustees, be and the same is hereby granted, subject, however, to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations promulgated under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12177; Filed, November 20, 1942; 3:26 p. m.]

[File Nos. 54-45, 59-48]

SOUTHERN UNION GAS CO., ET AL

APPROVAL OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 16th day of November, A. D. 1942.

In the matter of Southern Union Gas Company, Arkansas Western Gas Company, New Mexico Gas Company, New Mexico Eastern Gas Company, Texas Southwestern Gas Company, Quanah Water Company and Southern Union Production Company, File No. 54-45; in the matter of Southern Union Gas Company, Arkansas Western Gas Company, New Mexico Gas Company, New Mexico Eastern Gas Company, Texas Southwestern Gas Company, Quanah Water Company, Southern Union Production Company, Angels Peak Oil Company, Congress Oil Company and Summit Oil Company, File No. 59-48.

Southern Union Gas Company, a registered holding company, and its principal subsidiary companies, Arkansas Western Gas Company, New Mexico Gas Company, New Mexico Eastern Gas Company, Texas Southwestern Gas Company, Quanah Water Company and Southern Union Production Company, having filed applications and declarations and amendments thereto, pursuant to section 11 (e) and other sections of the Public Utility Holding Company Act of 1935, and the Rules and Regulations of this Commission promulgated thereunder, whereby said applicants request approval of a plan submitted pursuant to said section 11 (e) and authorization for certain particular transactions, constituting component parts of such plan, and actions incidental thereto, including among other things a merger of said Southern Union Gas Company, New Mexico Gas Company, New Mexico Eastern Gas Company and Texas Southwestern Gas Company and in connection with such proposed merger intra-system sales and acquisitions of certain properties and securities, the liquidation of certain subsidiary companies, and the refinancing of the principal surviving operating company, Texas Southwestern Gas Company; and

The Commission having, on June 4, 1942, by notice and order for hearing issued in combination with its notice and order for hearing on the plan filed pursuant to section 11 (e) of the Act, instituted proceedings under sections 11 (b) (1) and 11 (b) (2) of the Act against Southern Union Gas Company and its subsidiaries to determine what action shall be required to be taken under said Sections; and

The Commission having granted the applications, as amended, and having permitted the declarations, as amended, to become effective subject, however, to certain conditions including the terms and conditions prescribed in Rule U-24 and approval by the Commission of the definitive indentures securing Twenty-Year Sinking Fund First Mortgage 3¾% Bonds and Twenty-five Year Sinking Fund 6% Debentures to be issued and sold by Texas Southwestern Gas Company; and

The said applications having been amended subsequent to the Commission's order hereinabove referred to by the filing of definitive indentures for the above-mentioned bonds and debentures; and

It appearing to the Commission that provisions of said definitive indentures are in accord with the provisions described in the Commission's findings and opinion in connection with its order hereinabove referred to and that the indentures are not of such a nature as to make it appropriate to impose any terms or conditions other than as specified in Rule U-24; and

The applicants having requested that the said conditions be modified to the extent necessary to extend the time within which the transactions as set forth in the applications and declarations as amended may be performed to December 31, 1942;

It is ordered, That said applications, as amended, with respect to the issuance and sale by Texas Southwestern Gas Company of Twenty-Year Sinking Fund First Mortgage 3¾% Bonds and Twenty-five Year 6% Sinking Fund Debentures, be and hereby are approved subject to the terms and conditions prescribed by Rule U-24 and subject to the conditions and reservations set forth in the previous order referred to hereinabove except as to that condition relative to approval of the definitive indentures, which condition has now been satisfied;

It is further ordered, That notwithstanding the provisions of Rule U-24 (c) (1) the time within which the transactions approved and permitted by the order of September 19, 1942, may be performed is hereby extended to December 31, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12174; Filed, November 20, 1942; 3:25 p. m.]

[File No. 70-115]

UNITED PUBLIC SERVICE CORPORATION

ORDER PERMITTING WITHDRAWAL OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 17th day of November, A. D. 1942.

United Public Service Corporation, a registered holding company under the Public Utility Holding Company Act of 1935, having on July 17, 1940, filed an application pursuant to said Act and Rules and Regulations thereunder regarding its acquisition of not to exceed $100,000 principal amount of First Mortgage 5½% Gold Bonds of Maysville Public Service Corporation (Kentucky Power & Light Company by change of name), then a subsidiary company of United Public Service Corporation; and

All of the outstanding bonds of such subsidiary company having been retired subsequent to the filing of such application; and

United Public Service Corporation having now requested that the Commission permit the withdrawal of such application; and

The Commission finding that such withdrawal will not be detrimental to the public interest or the interest of investors or consumers:

It is ordered, That such application be withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12175; Filed, November 20, 1942; 3:25 p. m.]

[File No. 70-587]

POTOMAC ELECTRIC POWER COMPANY

SUPPLEMENTAL ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 19th day of November, A. D. 1942.

The Commission having heretofore on August 26, 1942 issued an order granting the application as amended of Potomac Electric Power Company, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) of said Act of the issuance and sale of $5,000,000 principal amount of First Mortgage Bonds 3¼% Series due 1977; and

It appearing that at the hearing on said application applicant made the following representation:

> That it will on or before December 31, 1942 execute an indenture supplemental to its Mortgage and Deed of Trust dated July 1, 1936, between the company and the Riggs National Bank of Washington, D. C. as trustee, pursuant to which the company will agree not to apply at any time thereafter for the authentication of additional bonds under such indenture, upon the basis of net bondable value of property additions in an aggregate principal amount in excess of 60 per cent of the net bondable value of property additions available thereafter at such time;

and

The Commission having reserved jurisdiction pursuant to the provisions of Rule U-24 (c) (3) (A) to pass upon the terms of the said supplemental indenture; and

It appearing that the applicant on November 14, 1942 amended the application after its effective date by filing as an exhibit thereto a Supplemental Indenture to be dated October 15, 1942 and that such proposed Supplemental Indenture is in accordance with the representation of the applicant previously made;

It is ordered, That jurisdiction heretofore reserved by the aforesaid order of August 26, 1942 in accordance with the provisions of Rule U-24 be and the same hereby is released.

By the Commission

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12242; Filed November 21, 1942; 11:32 a. m.]

[File No. 1-1863]

GEORGIAN INCORPORATED

WITHDRAWAL OF SECURITIES FROM REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 20th day of November, A. D. 1942.

In the matter of the Georgian Incorporated eight percent cumulative Class A Preference Stock, $20 par value.

This proceeding having been instituted by the Commission pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934 as amended, to determine whether the registration under the said Act of the eight percent cumulative Class A preference stock, $20 par value, of The Georgian Incorporated listed on the Boston Stock Exchange should be suspended for a period not exceeding 12 months or withdrawn,

A hearing having been held before a trial examiner after appropriate notice to the registrant and the Boston Stock Exchange by registered mail, and after publication of notice in the FEDERAL REGISTER, and the trial examiner having filed an advisory report, finding that the registrant has failed to comply with the provisions of section 13 of the Act and Rules X-13A-1 and X-13A-2 promulgated pursuant thereto in that it has failed to file its annual report on Form 10-K for the fiscal year ending December 31, 1941, no exceptions to the trial examiner's report having been filed by The Georgian Corporation, the Boston Stock Exchange or any holder of the stock, and upon an independent reading of the record the Commission having adopted the trial examiner's findings as being in accord with the evidence, and finding that it is necessary and appropriate for the protection of investors to withdraw the said eight percent cumulative Class A preference stock, $20 par value, from registration,

It is ordered, That the registration of the said eight percent cumulative Class A preference stock, $20 par value, of The Georgian Incorporated be, and the same hereby is, withdrawn effective ten days after the date of this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12243; Filed, November 21, 1942; 11:32 a. m.]

[File No. 1-1309]

MID-WESTERN OIL COMPANY

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of November, A. D. 1942.

In the matter of Mid-Western Oil Company—5¢ Par Value Common Stock.

The Los Angeles Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 5¢ Par Value Common Stock of Mid-Western Oil Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on November 28, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12244; Filed, November 21, 1942; 11:32 a. m.]

[File No. 70-626]

HOLBROOK LIGHT AND POWER CO. AND SOUTHWESTERN ICE CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of November, A. D. 1942.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission by The Holbrook Light and Power Company and Southwestern Ice Company, both being direct subsidiaries of Southwestern Public Service Company, which is a registered holding company; and

Notice is further given that any interested person may, not later than December 5, 1942 at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declarations or applications, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declarations or applications which are on file in the office of said Commission for a statement of the transactions therein proposed, which are summarized as follows:

The Holbrook Light and Power Company and the Southwestern Ice Company having sold their property and assets (except cash, accounts receivable, merchandise inventory and prepaid items) to the Town of Holbrook, Arizona, a municipal corporation, for the following amounts of cash respectively, $86,938.59 in the case of The Holbrook Light and Power Company, and $3,700.00 in the case of the Southwestern Ice Company, subject to certain adjustments, each proposes as rapidly as possible to pay to Southwestern Public Service Company as its sole stockholder (there being no securities of either company outstanding except Common Stock) a dividend or dividends in complete liquidation and to dissolve.

The Companies propose to convert into cash their assets (other than cash) not sold and out of such funds and the proceeds of such sales to pay all known liabilities other than accrued Federal taxes. Southwestern Public Service Company will assume all liabilities of the two companies after payment by them of all known liabilities as aforesaid, the liabilities so assumed consisting of accrued Federal taxes and consumers deposits then unclaimed.

The Southwestern Public Service Company proposes in accordance with provisions of section 7 of Article Second of its Indenture to Boatmen's National Bank of Saint Louis securing its Serial Notes, to apply the amounts received from The Holbrook Light and Power Company and the Southwestern Ice Company from time to time as such liquidating dividends, to retire its outstanding Serial Notes by purchase or redemption, such purchases being alleged to be exempt under Rules U-42 (b) (4) and (5), and such redemption (if any) being alleged to be exempt under Rule U-42 (b) (2).

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12245; Filed; November 21, 1942; 11:32 a. m.]

[File 70-628]

NORTH AMERICAN COMPANY

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of November, A. D. 1942.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The North American Company.

Notice is hereby given that any interested party may, not later than November 28, 1942, at one o'clock p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa.

All interested parties are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

The declarant, The North American Company, a registered holding company, proposes to pay on December 30, 1942, a dividend to its holders of common stock

of record on December 5, 1942. Such dividend will be payable in the capital stock of The Detroit Edison Company, owned by declarant at the rate of one share of capital stock of The Detroit Edison Company on each fifty shares of common stock of the declarant outstanding. No certificates will be issued for fractions of shares of stock of The Detroit Edison Company, but, in lieu thereof, cash will be paid at the rate of 35 cents for each $\frac{1}{50}$th of a share of stock of The Detroit Edison Company. The declarant estimates that to pay the above mentioned dividend, it will have to distribute not more than 156,000 shares of the 297,894 shares of the capital stock of The Detroit Edison Company owned by it; that the amount of cash to be distributed in lieu of fractional shares of such capital stock will not exceed $325,000; and the payment of this dividend will result in a charge to earned surplus of approximately $4,100,000.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12274; Filed, November 23, 1942; 10:21 a. m.]

WAR PRODUCTION BOARD.

TENNESSEE VALLEY AUTHORITY

REVOCATION OF PREFERENCE RATING

Preference Rating Order P-19a, Serial No. 16-A. Builder: Tennessee Valley Authority, Knoxville, Tennessee.

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals, lumber and other materials used in construction, for defense, for private account and for export, and of construction machinery and other facilities used in construction; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

It is therefore ordered: 1. *Revocation of project ratings.* Preference Rating Order P-19a, Serial No. 16-A, heretofore issued and assigned under date of July 24, 1941, to deliveries to the above-named builder and to deliveries to his suppliers, is hereby revoked, insofar as it applies to the following described part of the Defense Project described and defined in said serially numbered order (which part is hereinafter referred to as "the project"):

In Item 2 of Serial 16-A, #4 Steam Turbine Generator Unit of Watts Bar Steam Plant rated 60,000 kw. together with boilers, auxiliaries, connections, equipment and structures not necessary to deliver the power of Unit No. 3 (which is to be completed) to the main transmission system.

In Item 6 of Serial 16-A, all additional hydrogenerating units after the first and second units as provided for and as amended and issued July 29, 1942, relating to Item 6, Ft. Laudoun development and any connections, auxiliaries, equipment or structures not necessary to deliver the power of units #1 and #2 to the main transmission system.

In Item 7 of Serial 16-A, all transmission facilities except those necessary to connect the hydrogenerating equipment provided for in items 1, 3, 4, and 5 of Serial 16-A to the main transmission system.

2. *Revocation of other ratings.* All preference rating certificates of any character heretofore issued to the builder or to any of his suppliers are hereby revoked, insofar as they apply to purchase orders or contracts for materials to be incorporated in or used upon the project.

3. *Effect of revocation.* This revocation shall apply to ratings heretofore applied and extended as well as to ratings which have not yet been applied or extended, except with respect to rated orders and contracts which have been filled completely. For the purpose of extension by suppliers, as well as for the purpose of original application by the builder of any such rating, all purchase orders and contracts so rated, except orders or contracts which have been completely filled, shall have the status of unrated orders or contracts.

4. *Prohibition of construction.* The builder shall neither perform nor permit the performance of any further construction or installation on the project, except that for a period of thirty days after the issuance of this revocation, and thereafter if expressly permitted by the Director General for Operations, construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials.

5. *Prohibition of deliveries of material.* Effective immediately the builder and all suppliers shall cease delivering or accepting delivery of any materials to be used in connection with the construction of or any installation on the project. This paragraph shall not, however, prohibit the delivery to their immediate destination of any materials which are now in transit, or the acceptance of any such delivery.

6. *Notice to suppliers.* The builder shall promptly advise its suppliers of the terms of this order, and each supplier shall in turn notify his suppliers.

7. *Application for exception.* The builder or any supplier who considers that compliance with this order would work an exceptional and unreasonable hardship upon him may apply to the Director General for Operations for an exception, setting forth the pertinent facts and the reasons why he considers he is entiled to the relief requested. The Director General for Operations may thereupon take such action as he deems appropriate, including the restoration or temporary restoration of any rating herein revoked.

8. *Effect on prior orders.* This order supersedes all previous orders and directives of the War Production Board relative to the project.

9. *Communications.* All communications concerning this revocation, including applications for exception under paragraph 7, shall be addressed to the War Production Board, Ref: P-19, Washington, D. C.

Issued this 21st day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12250; Filed, November 21, 1942; 12:21 p. m.]

TENNESSEE VALLEY AUTHORITY

REVOCATION OF PREFERENCE RATING

Preference Rating Order P-19a, Serial No. 148-A. Builder: Tennessee Valley Authority, Knoxville, Tennessee.

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals, lumber and other materials used in construction, for defense, for private account and for export, and of construction machinery and other facilities used in construction; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

It is therefore ordered: 1. *Revocation of project ratings.* Preference Rating Order P-19a, Serial No. 148-A, heretofore issued and assigned under date of August 6, 1941, to deliveries to the above named builder and to deliveries to his suppliers, is hereby revoked, insofar as it applies to the following described part of the defense project described and defined in said serially numbered order (which part is hereinafter referred to as "the project"):

(1) Hydro generating Unit #4

(2) Hydro generating Unit #5

(3) Parts of hydro Unit #3 not embedded in the concrete structure and provided for in the amendment of Serial No. 148-A issued August 3, 1942.

(4) Connections, auxiliaries, and structural parts not needed to deliver the power of Units #1 and #2 to the load.

(5) That part of the transmission line not required for Units #1 and #2.

2. *Revocation of other ratings.* All preference rating certificates of any character heretofore issued to the builder or to any of his suppliers are hereby revoked, insofar as they apply to purchase orders or contracts for materials to be incorporated in or used upon the project.

3. *Effect of revocation.* This revocation shall apply to ratings heretofore applied and extended as well as to ratings which have not yet been applied or extended, except with respect to rated orders and contracts which have been filled completely. For the purpose of extension by suppliers, as well as for the purpose of original application by the builder of any such rating, all purchase orders and contracts so rated, except orders or contracts which have been completely filled, shall have the status of unrated orders or contracts.

4. *Prohibition of construction.* The builder shall neither perform nor permit the performance of any further construction or installation on the project, except that for a period of thirty days after the issuance of this revocation, and thereafter if expressly permitted by the Director General for Operations, con-

struction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials.

5. *Prohibition of deliveries of material.* Effective immediately the builder and all suppliers shall cease delivering or accepting delivery of any materials to be used in connection with the construction of or any installation on the project. This paragraph shall not, however, prohibit the delivery to their immediate destination of any materials which are now in transit, or the acceptance of any such delivery.

6. *Notice to suppliers.* The builder shall promptly advise its suppliers of the terms of this order, and each supplier shall in turn notify his suppliers.

7. *Application for exception.* The builder or any supplier who considers that compliance with this order would work an exceptional and unreasonable hardship upon him may apply to the Director General for Operations for an exception, setting forth the pertinent facts and the reasons why he considers he is entitled to the relief requested. The Director General for Operations may thereupon take such action as he deems appropriate, including the restoration or temporary restoration of any rating herein revoked.

8. *Effect on prior orders.* This order supersedes all previous orders and directives of the War Production Board relative to the project.

9. *Communications.* All communications concerning this revocation, including applications for exception under paragraph 7, shall be addressed to the War Production Board, Ref: P–19, Washington, D. C.

Issued this 21st day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12249; Filed, November 21, 1942; 12:21 p. m.]

TENNESSEE VALLEY AUTHORITY

REVOCATION OF PREFERENCE RATING

Preference Rating Order P–19–A, Serial No. 5678A. Builder: Tennessee Valley Authority, Knoxville, Tennessee. Project: Defense Project described and defined in Preference Rating Order P–19–A, Serial No. 5678A.

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals, lumber and other materials used in construction, for defense, for private account and for export, and of construction machinery and other facilities used in construction; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

It is therefore ordered:

1. *Revocation of ratings.* Preference Rating Order P–19–A Serial No. 5678A, heretofore issued and assigned under date of February 21, 1942 to deliveries to the above-named builder and to deliveries to his suppliers, is hereby revoked. All preference rating certificates of any character heretofore issued to the builder or to any of his suppliers are hereby revoked, insofar as they apply to purchase orders or contracts for materials to be incorporated in or used upon the above project described (hereinafter referred to hs "the project").

2. *Effect of revocation* This revocation shall apply to ratings heretofore applied and extended as well as to ratings which have not yet been applied or extended, except with respect to rated orders and contracts which have been filled completely. For the purpose of extension by suppliers, as well as for the purpose of original application by the builder of any such rating, all purchase orders and contracts so rated, except orders or contracts which have been completely filled, shall have the status of unrated orders or contracts.

3. *Prohibition of construction.* The builder shall neither perform nor permit the performance of any further construction or installation on the project, except that for a period of thirty days after the issuance of this revocation, and thereafter if expressly permitted by the Director General for Operations, construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials.

4. *Prohibition of deliveries of material.* Neither the builder nor any supplier, shall deliver or accept delivery of any further materials to be used in connection with the construction of or any installation on the project. This paragraph shall not, however, prohibit the delivery to their immediate destination of any materials which are now in transit, or the acceptance of any such delivery.

5. *Reports.* The builder shall file with the War Production Board, Materials Redistribution Branch, such reports as may be required by the Director General for Operations.

6. *Notice to suppliers.* The builder shall promptly advise its suppliers of the terms of this order, and each supplier shall in turn notify his suppliers.

7. *Application for exception.* The builder or any supplier who considers that compliance with this order would work an exceptional and unreasonable hardship upon him may apply to the Director General for Operations for an exception, setting forth the pertinent facts and the reasons why he considers he is entitled to the relief requested. The Director General for Operations may thereupon take such action as he deems appropriate, including the restoration or temporary restoration of any rating herein revoked. Applications for exception under this paragraph shall be addressed to the War Production Board, Ref. P–19, Washington, D. C.

8. *Effect on prior orders.* This order supersedes all previous orders and directives of the War Production Board relative to the project.

9. *Communications.* Communications concerning this revocation shall be addressed to the War Production Board, Ref. P–19, Washington, D. C.

Issued November 21, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12248; Filed, November 21, 1942; 12:21 p. m.]

RECOMMENDATION OF PETROLEUM COORDINATOR FOR WAR

[Certificate No. 22]

THE ATTORNEY GENERAL: Pursuant to the provisions of section 12 of Public Law No. 603, approved June 11, 1942, I submit Recommendation No. 61[1] of the Petroleum Coordinator for War.

I hereby approve said Recommendation for the purposes of section 12 of Public Law No. 603, approved June 11, 1942, and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such Recommendation, is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

NOVEMBER 20, 1942.

[F. R. Doc. 42–12282; Filed, November 23, 1942; 11:14 a. m.]

TENNESSEE VALLEY AUTHORITY

REVOCATION OF PREFERENCE RATING

Preference Rating Order P–19a, Serial No. 6898. Builder: Tennessee Valley Authority, Knoxville, Tennessee.

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals, lumber and other materials used in construction, for defense, for private account and for export, and of construction machinery and other facilities used in construction; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense: *It is therefore ordered:*

1. *Revocation of project ratings.* Preference Rating Order P–19a, Serial No. 6898, heretofore issued and assigned under date of February 9, 1942, to deliveries to the above-named builder, and to deliveries to his Suppliers, is hereby revoked, insofar as it applies to the following described part of the Defense project described and defined in said serially numbered order (which part is hereinafter referred to as "the project"):

(1) All additional hydro generating units after the first and second units provided for in Serial No. 6898 as amended July 30, 1942.

(2) All connections, auxiliaries, equipment, and structures not required to deliver the power generated by Units No. 1 and No. 2 to the main transmission system.

2. *Revocation of other ratings.* All preference rating certificates of any character heretofore issued to the builder or to any of his Suppliers are hereby revoked, insofar as they apply to purchase orders or contracts for materials to be incorporated in or used upon the project.

3. *Effect of revocation.* This revocation shall apply to ratings heretofore applied and extended as well as to ratings which have not yet been applied or extended, except with respect to rated orders and contracts which have been filled completely. For the purpose of extension by suppliers, as well as for the purpose of original application by the builder of any such rating, all purchase orders and contracts so rated, except orders or contracts which have been completely filled, shall have the status of unrated orders or contracts.

4. *Prohibition of construction.* The builder shall neither perform nor permit the performance of any further construction or installation on the project, except that for a period of thirty days after the issuance of this revocation, and thereafter if expressly permitted by the Director General for Operations, construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials.

5. *Prohibition of deliveries of material.* Effective immediately the builder and all suppliers shall cease delivering or accepting delivery of any materials to be used in connection with the construction of or any installation on the project. This paragraph shall not, however, prohibit the delivery to their immediate destination of any materials which are now in transit, or the acceptance of any such delivery.

6. *Notice to suppliers.* The builder shall promptly advise its suppliers of the terms of this order, and each supplier shall in turn notify his suppliers.

7. *Application for exception.* The builder or any supplier who considers that compliance with this order would work an exceptional and unreasonable hardship upon him may apply to the Director General for Operations for an exception, setting forth the pertinent facts and the reasons why he considers he is entitled to the relief requested. The Director General for Operations may thereupon take such action as he deems appropriate, including the restoration or temporary restoration of any rating herein revoked.

8. *Effect on prior orders.* This order supersedes all previous orders and directives of the War Production Board relative to the project.

9. *Communications.* All communications concerning this revocation, including applications for exception under paragraph 7, shall be addressed to the War Production Board, Ref: P–19, Washington, D. C.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23rd day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12287; Filed, November 23, 1942; 11:39 a. m.]

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[1] *Supra.*

DEC 3 1942

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

LITTERA SCRIPTA MANET

FEDERAL REGISTER

VOLUME 7 NUMBER 231

Washington, Wednesday, November 25, 1942

The President

EXECUTIVE ORDER 9275

Prescribing Additional Regulations Governing Persons and Vessels in Defensive Sea Areas

By virtue of the authority vested in me by section 44 of the United States Criminal Code, as amended (U.S.C., title 18, sec. 96), the following additional regulations are hereby prescribed to govern persons and vessels within the limits of defensive sea areas heretofore or hereafter established.

1. No person shall have in his possession within the limits of any defensive sea area, any camera or other device for taking pictures, or any film, plate or other device upon or out of which a photographic imprint, negative or positive, can be made, except in the performance of official duty or employment in connection with the national defense, or when authorized pursuant to the provisions of the act approved June 25, 1942 (Public Law 627—77th Congress), and the regulations promulgated thereunder (7 Federal Register 7307).

2. It shall be the duty of the master or officer in charge of any vessel to take custody of and safeguard all cameras or other devices for taking pictures, or film, plate or other device upon or out of which a photographic imprint, positive or negative, can be made, the possession of which is prohibited by this order, from any person, prior to the time any vessel enters any defensive sea area or upon the boarding by any person of any vessel while within a defensive sea area, and to retain custody thereof until such vessel is outside the defensive sea area or the person is about to disembark.

3. There shall be prominently displayed on board all vessels, except public war vesesls of the United States manned by personnel in the naval service, a printed notice containing the regulations herein prescribed.

4. Any person violating section 1 hereof shall be liable to prosecution as provided in section 44 of the Criminal Code, as amended.

Franklin D Roosevelt

The White House,
November 23, 1942.

[F. R. Doc. 42-12339; Filed, November 24, 1942; 11:19 a. m.]

Regulations

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4734]

Part 3—Digest of Cease and Desist Orders

CONSUMER'S RESEARCH SERVICE, ETC.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Connections or arrangements with others:* § 3.6 (j 15) *Advertising falsely or misleadingly—Identity of product:* § 3.96 (a) *Using misleading name—Goods—Identity:* § 3.96 (b) *Using misleading name—Vendor—Connections and arrangements with others.* In connection with offer, etc., in commerce, of respondent's publications "Consumer's Research Reporter" and "Consumer's Automobile Reporter", or any other similar publications, and among other things, as in order set forth, using the word "Consumer" or "Consumers" as a part of respondent's trade name or as a part of the name or title of respondent's publications, or otherwise representing, directly or by implication, that respondent has any connection with the corporation known as Consumers' Research, Inc., of Washington, New Jersey, or that respondent's publications are the publications of said corporation; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Consumer's Research Service, etc., Docket 4734, November 17, 1942]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or*

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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connections of advertiser—Personnel or staff: § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Qualifications.* In connection with offer, etc., in commerce, of respondent's publications "Consumer's Research Reporter" and "Consumer's Automobile Reporter", or any other similar publications, and among other things, as in order set forth, representing, directly or by implication, (1) that respondent is an automotive expert or engineer, or that he is qualified to render authoritative opinions on the merits of automobiles; or (2) that respondent maintains any staff of experts or engineers in connection with his business; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Consumer's Research Service, etc., Docket 4734, November 17, 1942]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Non-profit character:* § 3.6 (j 10) *Advertising falsely or misleadingly—History of product or offering:* § 3.6 (n) *Advertising falsely or misleadingly — Nature — Product:* § 3.6 (p) *Advertising falsely or misleadingly—Patent or other rights.* In connection with offer, etc., in commerce, of respondent's publications "Consumer's Research Reporter" and "Consumer's Automobile Reporter", or any other similar publications, and among other things, as in order set forth, representing directly or by implication, (1) that the information given in respondent's publications is impartial; (2) that said information is based in whole or in part upon results obtained from polls of automobile owners or users; (3) that said publications are copyrighted; or (4) that said publications are "dedicated to the service of the public", or that respondent's business is anything other than a commercial enterprise; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45 b) [Cease and desist order, Consumer's Research Service, etc., Docket 4734, November 17, 1942]

In the Matter of Nathaniel Friedman, an Individual Trading and Doing Business Under the Names Consumer's Research Service and Consumer's Report Service

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of November, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Nathaniel Friedman, individually and trading as Consumer's Research Service and as Consumer's Report Service, or trading under any other name, and his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's publications designated "Consumer's Research Reporter" and "Consumer's Automobile Reporter," or any other publication of substantially similar character, do forthwith cease and desist from:

1. Using the word "Consumer" or "Consumers" as a part of respondent's trade name or as a part of the name or title of respondent's publications, or otherwise representing, directly or by implication, that respondent has any connection with the corporation known as Consumers' Research, Inc., of Washington, New Jersey, or that respondent's publications are the publications of said corporation.

2. Representing, directly or by implication, (a) that respondent is an automotive expert or engineer, or that he is qualified to render authoritative opinions on the merits of automobiles;

(b) that respondent maintains any staff of experts or engineers in connection with his business;

(c) that the information given in respondent's publications is impartial;

(d) that said information is based in whole or in part upon results obtained from polls of automobile owners or users;

(e) that said publications are copyrighted; or

(f) that said publications are "dedicated to the service of the public," or that respondent's business is anything other than a commercial enterprise.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-12331; Filed, November 24, 1942; 10:46 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1682]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8, and for changes in shipping points; and

Petitioner having moved to amend its original petition; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now therefore it is ordered, That the motion for leave to amend the original petition be and it hereby is granted and the original petition is deemed amended in accordance with motion filed on October 27, 1942.

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

No relief is granted for the Frank Coker Mine (Mine Index No. 510) of Frank Coker as requested by petitioner for the reason set forth in an order severing that portion of Docket No. A-1682 which relates to this mine and designating such portion as Docket No. A-1682, Part II.

The correct name and index number for the mine of W. T. Harvey is the Draper Mining Co., Mine Index No. 5210.

Since the filing of the petition herein, R. D. Wagers has succeeded Floyd Wagers as operator of Mine Index No. 5690 and is accordingly listed as operator of this mine.

The Hastell Dobbs mine of Hastell Dobbs is the correct name for Mine Index No. 5725 rather than Hastle Dobbs as proposed by petitioner.

No relief is granted Mine Index No. 5709 as price classifications have been established for this mine in General Docket No. 15 under Mine Index No. 545.

The correct freight origin group number for Mine Index No. 5515 is 130; for Mine Index No. 5720 is 210; and for Mine Index No. 2645 is 140, rather than the freight origin groups proposed by petitioner for these mines.

The price classifications and minimum prices set forth in the schedules attached are based upon price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached schedules do not differ, except in this regard, from the minimum prices proposed by petition.

Dated: November 11, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE.—The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight Origin Group No.	Price classifications by size group No.																													
								For destinations other than Great Lakes																For Great Lakes cargo only														
								1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
5721	Adams, William	Adams	Hazard No. 4	3	Whitesburg, Ky	L&N	100	M	M	K	J	G	E	G	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	L	K	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5739	Auxier, Ben (Auxier Mining Company).	Auxier Elkhorn	Elkhorn No. 3	1	Pikeville, Ky	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
5683	Big Sewanee Coal Co., c/o H. B. Bonney.		Sewanee	6	Crab Orchard, Tenn.	T. C	72	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
5740	Boyd Coal Co. (J. W. Vernon).	Boyd Coal Co	Widow Kennedy.	7	Swords Creek, Va.	N&W	20	K	K	E	E	E	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	K	K	E	C	B	B	E	M	K	(†)	(†)	(†)	(†)	(†)
172	Briar Creek Black Band Coal Co.	Briar Creek	Black Band	4	Ace, W. Va.[1]	KC	124	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(*)	(*)	(*)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(†)	(*)	(*)	(*)	(†)
5697	Dan's Branch Coal Company.	Dan's Branch	Winifrede	8	Nolan, W. Va	N&W	130	G	G	G	F	G	E	G	D	F	K	(†)	(†)	(†)	(†)	(†)	(†)	G	G	G	E	E	E	G	K	K	(†)	(†)	(†)	(†)	(†)
5702	Derrick, F. A	Haley Mt. No. 3	Nelson	6	Crab Orchard, Tenn.	T. C	72	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
5725	Dobbs, Hastell	Hastell Dobbs	Paint Rock	6	Stanley Jct., Tenn.	Tenn	71	O	O	M	L	H	F	H	F	E	K	(†)	(†)	(†)	(†)	(†)	(†)	O	O	M	H	F	F	H	L	K	(†)	(†)	(†)	(†)	(†)
5072	Douglas, Jessie James	Pack	Blue Gem	6	Jellico, Tenn	L&N & Sou.	113	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)

Footnotes at end of table.

§ 328.11 *Alphabetical list of code members*—Supplement R—Continued

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight Origin Group No.	Price classifications by size group No.																													
								For destinations other than Great Lakes																For Great Lakes cargo only													
								1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
3723	F. & B. Coal Co. (W. S. Barker).	Gilley & Hillman	Blair	7	Norton, Va.	L&N & N&W.[2]	205	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(*)
5722	Foster, Ed (Ed Foster Coal Company).	Foster	Kittanning	4	Bickmore, W. Va.	MCreek	126	Q	Q	P	O	M	K	M	F	F	M	(†)	(†)	(†)	(†)	(†)	(†)	Q	Q	O	K	H	H	M	Q	M	(†)	(†)	(†)	(†)	(†)
2013	Givens, Beecher & E. V. McCollum (E. V. McCollum).	Givens & McCollum.	Sewanee	6	Crab Orchard, Tenn.	T. C.	72	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
5723	Goff Coal Company, Inc., c/o Henry Goff.	Goff No. 1	Elkhorn	1	Shelby, Ky.	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
5715	Greene, A. M.	Wilton-Jellico No. 57.	Jellico	6	Woodbine, Ky.	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5716	Greene, A, M.	Wilton-Jellico No. 58.	Jellico	6	Woodbine, Ky.	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5717	Greene, A. M.	Wilton-Jellico No. 59.	Jellico	6	Woodbine, Ky.	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
[4]5210	Harvey, W. T.	Draper Mining Co	Eagle	5	Draper Siding, Logan, W. Va.	C&O	150	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
3808	Hensley, Shelby	Hensley No. 1	Straight Creek	6	Pineville, Ky.[3]	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(*)
5661	Isoline Mining Co. (W. C. Bates).	Isoline Mining Co.	Isoline	6	Crossville, Tenn.	T. C.	72	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
5515	Junior Red Ash Coal Company (Marshall Whaley, Jr.).	Helen J	Douglas	8	Hull, W. Va.	N&W	130	H	H	D	C	A	A	A	A	A	F	(†)	(†)	(†)	(†)	(†)	(†)	H	F	E	A	A	A	A	H	F	(†)	(†)	(†)	(†)	(†)
591	Kanawha & Hocking Coal & Coke Company.	No. 106	No. 5 Block	4	Mammoth, W. Va.[6]	K.C.	129	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
275	Kelley's Creek Colliery Company.	No. 2 & 6	Lewiston	4	Ward, W. Va.[6]	KC&NW	125	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
5720	L & W Coal Company (W. H. Wall).	L & W Coal Mine	Sewanee	6	Monterey, Tenn.	T.C.	210	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
5711	Litwar Coal Company	Litwar 1A	Little Eagle	8	Panther, W. Va.	N&W	130	L	L	F	E	E	C	E	A	A	A	(†)	(†)	A	A	A	A	L	K	J	D	A	A	(†)	H	A	(†)	A	A	A	A
4069	Melva Coal Company, The	Matthias	Elkhorn No. 2	1	Drift, Ky.	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	A	A	A	A	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	A	A	A	A
5679	Miller, A. C.	Nettie Coal Co.	Whitesburg	3	Whitesburg, Ky.	L&N	100	M	M	K	J	G	E	G	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	L	K	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5695	Miller & Bowman (E. W. Miller).	No. 4	Bon Air No. 2	6	Obey City, Tenn.	T.C.	210	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
5704	Mountain State Coal Company, The, (S. E. Foote).	Osborne Branch	No. 5 Block	4	Bickmore, W. Va.	MCreek	126	Q	Q	P	O	M	K	M	F	F	M	(†)	(†)	(†)	(†)	(†)	(†)	Q	Q	O	K	H	H	M	Q	M	(†)	(†)	(†)	(†)	(†)
417	Panther Coal Company, Inc.	Rose Ann	Clintwood	8	Home Creek, Va.[7]	N&W	130	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(*)	(†)	(†)	(†)	(*)
677	Panther Coal Company, Inc.	Roseann	Splash Dam	8	Home Creek, Va.[8]	N&W	130	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
5681	Potter, John	Red Diamond	Elkhorn No. 2	1	Shelby Gap, Ky.	C&O	61	K	K	H	C	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
5239	Rowe, Roland (Levise River Coal Company).	Levise River	Upper Elkhorn.	1	Conaway, Va.[5]	N&W	130	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(*)
5379	Ruffner, John	No. 2	Sewanee	6	Crab Orchard, Tenn.	T.C.	72	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
5656	Sowards Elkhorn Coals, Incorporated.	Sowards No. 2	Elkhorn No. 3	1	Robinson Creek, Ky.	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
5757	Utilities Elkhorn Coal Company.	Boldman No. 5	Elkhorn No. 1	1	Boldman, Ky.	C&O	61	H	H	H	G	E	C	E	B	C	G	(†)	(†)	(†)	(†)	(†)	A	H	H	H	D	B	B	E	K	G	(†)	(†)	(†)	(†)	A
5713	Van Buren Coal & Lumber Company.	Rogers Creek	Sewanee	6	Crossville, Tenn.	T.C.	72	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
2645	Witherspoon, J. L. (Jordan Mining Company).	Jordan	Jellico	6	Roosevelt, Tenn.	L&N	140	E	E	D	C	C	C	E	B	C	G	(†)	(†)	(†)	(†)	(†)	(†)	E	E	D	C	B	C	E	G	G	(†)	(†)	(†)	(†)	(†)

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[1] Denotes new shipping point. Shipping point at Olcott, W. Va., shall no longer be applicable.

[2] Denotes new railroad and Freight Origin Group. Freight Origin Group No. 206 shall no longer be applicable.

[3] Denotes new shipping point. Shipping point at Hanby, Ky., shall no longer be applicable.

[4] Mine Index No. 428, originally assigned to this mine, shall no longer be applicable.

[5] Denotes change in shipping point from Conaway, Ky., shown in Docket No. A-1283.

[6] Denotes new shipping point. Shipping point at Cedar Grove, W. Va., shall no longer be applicable.

[7] Denotes new shipping point. Shipping point at Raitt Siding, Va., shall no longer be applicable.

[8] Denotes new shippine point. Shipping point at Roseann, Va. shall no longer be applicable.

*Indicates previously classified these size groups.

†Indicates no classification effective for these size groups.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2", Egg 4" x 6"	Lump 2" & Under, Egg 3" x 6"	Lump ¾" & Under	Egg 2" x 4", Egg 2" x 5"	Stove 3" & Under, Nut 2" & Under	Straight Mine Run	2" & Under Slack	¾" & Under Slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 1—BIG SANDY-ELKHORN											
LAWRENCE COUNTY, KY.											
Hinkle, Lafe S.	Hinkle	5705	Peach Orchard	285	265	230	240	225	220	170	165
McKinster, Earl	Mrs. Hayes	5684	McHenry	285	265	230	240	225	220	170	165
PIKE COUNTY, KY											
Auxier, Ben (Auxier Mining Company).	Auxier Elkhorn	5739	Elkhorn No. 3	295	275	240	250	235	230	190	185
Goff Coal Company, Inc., c/o Henry Goff.	Goff No. 1	5723	Elkhorn	295	275	240	250	235	230	190	185
Lowe, K. Y.	Lowe	5749	Elkhorn No. 3	295	275	240	250	235	230	190	185
Potter, John	Red Diamond	5681	Elkhorn No. 2	295	275	240	250	235	230	190	185
Sowards Elkhorn Coals, Incorporated.	Sowards No. 2	5656	Elkhorn No. 3	295	275	240	250	235	230	190	185
Utilities Elkhorn Coal Company.	Boldman No. 5	5757	Elkhorn No. 1	295	275	240	250	235	230	190	185
SUBDISTRICT NO. 2—HARLAN											
HARLAN COUNTY, KY.											
Day & Creech (Sol Day)	Creech	5710	Harlan	290	270	245	250	230	235	195	190
Turner, D. B.	Turner	5696	Harlan	290	270	245	250	230	235	195	190
SUBDISTRICT NO. 3—HAZARD											
LETCHER COUNTY, KY.											
Adams, William	Adams	5721	Hazard No. 4	285	265	240	240	225	230	175	170
Miller, A. C.	Nettie Coal Co.	5679	Whitesburg	285	265	240	240	225	230	175	170
WOLFE COUNTY, KY.											
Rose, Fred	Rose No. 10	5701		285	265	230	240	225	220	170	165
SUBDISTRICT NO. 4—KANAWHA											
CLAY COUNTY, W. VA.											
Foster, Ed (Ed Foster Coal Company).	Foster	5722	Kittanning	265	245	230	225	200	220	165	160
Mountain State Coal Company, The (S. E. Foote).	Osborne Branch	5704	No. 5 Block	265	245	230	225	200	220	165	160
SUBDISTRICT NO. 5—LOGAN											
LOGAN COUNTY, W. VA.											
Harvey, W. T.	Draper Mining Co	#5210	Eagle	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
Dark Ridge Fuel Co. (E. A. Ward).	Dark Ridge	5726	Barner	305	285	240	260	235	230	175	170
CLAY COUNTY, KY.											
Wagers, R. D.	No. 3	5690	Horse Creek	285	265	240	240	225	230	175	170

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2", Egg 4" x 6"	Lump 2" & Under, Egg 3" x 6"	Lump ¾" & Under	Egg 2" x 4", Egg 2" x 5"	Stove 3" & Under, Nut 2" & Under	Straight Mine Run	2" & Under Slack	¾" & Under Slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN—Con.											
KNOX COUNTY, KY.											
Greene, A. M.	Wilton-Jellico No. 57.	5715	Jellico	275	255	245	245	225	235	175	170
Greene, A. M.	Wilton-Jellico No. 59.	5717	Jellico	275	255	245	245	225	235	175	170
LAUREL COUNTY, KY.											
Bryant, Joe R.	Pine Hollow	5694	Peacock	285	265	240	240	225	230	175	170
WHITLEY COUNTY, KY.											
Greene, A. M.	Wilton-Jellico No. 58.	5716	Jellico	275	255	245	245	225	235	175	170
CUMBERLAND COUNTY, TENN.											
Big Sewanee Coal Co., c/o H. B. Bonney.		5683	Sewanee	270	250	225	230	205	215	155	150
Isoline Mining Co. (W. C. Bates).	Isoline Mining Co.	5661	Isoline	270	250	225	230	205	215	155	150
Van Buren Coal & Lumber Company.	Rogers Creek	5713	Sewanee	270	250	225	230	205	215	155	150
MORGAN COUNTY, TENN.											
Emory River Lumber Company, The.	Flat Fork	5742	Glen Mary	275	255	245	250	225	235	165	160
OVERTON COUNTY, TENN.											
L. & W. Coal Company (W. H. Wall).	L. & W. Coal Mine.	5720	Sewanee	270	250	225	230	205	215	155	150
Miller & Bowman (E. W. Miller).	No. 4	5695	Bon Air No. 2	270	250	225	230	205	215	155	150
SCOTT COUNTY, TENN.											
Dobbs, Hastell	Hastell Dobbs	5725	Paint Rock	275	255	235	230	220	225	175	170
SUBDISTRICT NO. 7—VIRGINIA											
RUSSELL COUNTY, VA.											
Boyd Coal Co. (J. W. Vernon)	Boyd Coal Co.	5740	Widow Kennedy.	295	275	240	260	245	230	175	170
SUBDISTRICT NO. 8—WILLIAMSON											
M'DOWELL COUNTY, W. VA.											
Junior Red Ash Coal Company (Marshall Whaley, Jr.).	Helen J.	5515	Douglas	305	285	255	270	245	245	195	190
Litwar Coal Company	Litwar 1A	5711	Little Eagle	290	270	255	260	235	245	220	215
MINGO COUNTY, W. VA.											
Dan's Branch Coal Company	Dan's Branch	5697	Winifrede	310	290	230	255	225	220	175	170

#Mine Index No. 428, originally assigned to this mine, shall no longer be applicable.

*Indicates previously classified these size groups.

[F. R. Doc., 42-12296; Filed, November 23, 1942; 12:37 p. m.]

[Docket No. A-1710]

PART 340—MINIMUM PRICE SCHEDULE, DISTRICT NO. 20

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 20 for the establishment of price classifications and minimum prices for the coals of the No. 1 mine of the Southern Utah Fuel Co.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the No. 1 Mine (Mine Index No. 200) of the Southern Utah Fuel Co., for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 340.4 (*Code member price index*) is amended by adding thereto Supplement T-I, and § 340.21 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T-II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the attached schedule marked Supplement T-I and T-II are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and reflect the changes, if any, made in minimum prices by the Acting Director's order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21.

Dated: November 10, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE PRICES FOR DISTRICT NO. 20

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 340, Minimum Price Schedule for District 20, and supplements thereto.

FOR TRUCK SHIPMENTS

§ 340.4 *Code member price index*—Supplement T-I. Insert the following listing in proper alphabetical order under Code Member Index:

The following price classification and minimum prices shall be inserted in Minimum Price Schedule for District No. 20:

Producer	Mine	Mine index No.	County	Subdistrict price group	Prices	
					Rail	Truck
Southern Utah Fuel Co.	No. 1	200	Sevier	1	-------	§ 340. 21

§ 340.21 *General prices in cents per net ton for shipment into all market areas*—Supplement T-II. Insert the following code member name, mine name, mine index number and county, under Subdistrict No. 1, and the following minimum f. o. b. mine prices in cents per net ton:

Code member mine	Mine index No.	County	Size groups														
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Southern Utah Fuel Co., No. 1.	200	Sevier	361	321	306	286	291	231	206	166	156	126	116	91	211	181	156

[F. R. Doc. 42-12297; Filed, November 23, 1942; 12:37 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service

Subchapter B—Bureau of the Public Debt

[1942, 1st Am. to Dept. Circ. 530]

PART 315—REGULATIONS GOVERNING UNITED STATES SAVINGS BONDS

NOVEMBER 23, 1942.

Sections 315.10, 315.29, and 315.35 of Department Circular No. 530, Fifth Revision, dated June 1, 1942 (7 F.R. 5158), are hereby revised to read as follows:[1]

§ 315.10 *Calculation of amount.* In computing the amount of savings bonds of any one series issued during any one calendar year held by any one person at any one time for the purpose of determining whether the amount is in excess of the authorized limit as set forth in the next preceding section, the following rules shall govern:

(a) The holdings of each person, as defined in the next preceding section, individually and in a fiduciary capacity, shall be computed separately.

(b) In the case of bonds of Series A, B, C, D and E, the computation shall be based upon maturity values. In the case of bonds of Series F and G, the computation shall be based upon issue prices.

(c) There must be taken into account (1) all bonds originally issued to and registered in the name of that person alone; (2) all bonds originally issued to and registered in the name of that person as a coowner or reissued to add his name as coowner under the provisions of § 315.29 (a), or to designate him as coowner instead of as a beneficiary under the provisions of § 315.35 hereof: *Provided, however*, That with respect to bonds of Series E held in coownership form, the amount thereof may be applied to the holdings of either of the coowners, but will not be applied to both, or the amount may be apportioned between them; and (3) all bonds acquired by him before March 1, 1941, upon the death of another or the happening of any other event.

(d) There need not be taken into account (1) bonds of which that person is merely the designated beneficiary; (2) those in which his interest is only that of a beneficiary under a trust; or (3) those to which he is entitled as an heir or legatee of the deceased registered owner, or by virtue of the termination of a trust or the happening of any other event unless he became entitled to any such bonds in his own right before March 1, 1941.

(e) Nothing herein contained shall be construed to invalidate any holdings within, or, except as provided in paragraph (c) above, to validate any holdings in excess of, the authorized limits, as computed under the regulations in force at the time such holdings were acquired.

§ 315.29 *Reissue for certain purposes.* A savings bond of any series registered in the name of one person in his own right, or to which one person is shown to be entitled in his own right under these regulations, may be reissued upon appropriate request for the following purposes:

(a) *Addition of coowner.* Reissue in the name of the owner with that of another natural person as coowner, provided that bonds reissued in accordance with this subsection will be considered for the purposes of computation of holdings under Subpart D of these regulations as originally issued in both names and no reissue will be effective which results in any one person holding bonds in excess of the established limitation for the series to which the bonds belong. Requests for reissue under this subsection should be made on Form PD 1762.

(b) *Addition of a beneficiary.* Reissue in the name of the owner with the name of another natural person as designated beneficiary. Applications for reissue under the provisions of this subsection should be made on Form PD 1077.

(c) *Reissue in living trust.* Reissue in the name of a trustee of a living trust created by the registered owner, after the original issue date of the bond, for his benefit in whole or in part, during his lifetime whether or not containing an absolute power of revocation in the grantor; but such reissue will be allowed only in the case of bonds of those series which may be originally issued in the name of a trustee.

§ 315.35 *Reissue during the lifetime of registered owner.* A bond registered in the name of one person payable on death to another may be reissued, on the duly certified request of the registered owner, to name a beneficiary designated on the bond as coowner subject to the same restrictions and conditions contained in § 315.29 (a). A bond may also be reissued upon the duly certified request of the registered owner, together with the duly certified consent of the designated beneficiary, to eliminate such beneficiary or to substitute another person as beneficiary, or to name another person as coowner. Requests should preferably be made upon the forms provided for such purpose.

HENRY W. MORGENTHAU,
Secretary of the Treasury.

[F. R. Doc. 42-12327; Filed, November 23, 1942; 4:26 p. m.]

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[1] The following sections, as amended, are prescribed under the authority of R.S. 161 (U.S.C. title 5, sec. 22), The Second Liberty Bond Act, as amended, and The Public Debt Act of 1941.

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

PART 623—CLASSIFICATION PROCEDURE

[Amendment 102, 2d Ed.]

FAILURE TO HAVE NOTICE OF CLASSIFICATION IN PERSONAL POSSESSION

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779, Selective Service Regulations, second edition, are hereby amended in the following respect:

1. Amend the regulations by adding a new section to be known as § 623.61-1 to read as follows:

§ 623.61-1 *Effect of failure to have Notice of Classification (Form 57) in personal possession.* Every person required to present himself for and submit to registration and who is within any age group of persons who have been liable for training and service for six months under selective service law must have in his personal possession at all times, in addition to his Registration Certificate (Form 2), a valid Notice of Classification (Form 57) issued to him showing his current classification. Upon request, such person must exhibit such Notice of Classification (Form 57) to any law-enforcement officer, any representative of the Secretary of State, any representative of the Secretary of Treasury, any representative of the Attorney General, any official of National Headquarters for Selective Service, any official of a State Headquarters for Selective Service, any member of a local board or board of appeal, any government appeal agent, and any other official designated by the Director of Selective Service, and, upon entering active service in the armed forces, such person must surrender such Notice of Classification (Form 57) to his commanding officer who will dispose of it in accordance with the current orders of his service.

2. Amend the regulations by adding a new section to be known as § 623.61-2 to read as follows:

§ 623.61-2 *Wrongful possession of, or making, altering, forging, or counterfeiting Notice of Classification prohibited.* It shall be a violation of these regulations for any person to have in his possession a Notice of Classification (Form 57) issued to some other person, or to permit a Notice of Classification (Form 57) issued to him to be in the possession of any other person, except as provided in the instructions upon such forms; or to falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or to willingly aid or assist another to falsely make, alter, forge, or counterfeit, any Notice of Classification (Form 57); or to utter or publish as true, or cause to be uttered or published as true, or have in his possession with the intent to utter or publish as true, any such false, altered, forged, or counterfeited Notice of Classification (Form 57); or to exhibit or present to any person any such false, altered, forged, or counterfeited Notice of Classification (Form 57) knowing the same to be false, forged, altered, or counterfeited.

3. Amend the regulations by adding a new section to be known as § 623.61-3 to read as follows:

§ 623.61-3 *Issuing a duplicate of a lost, mislaid, stolen, or destroyed Notice of Classification.* A duplicate Notice of Classification (Form 57) may be issued to a registrant only by the local board which mailed the original Notice of Classification (Form 57) to the registrant upon written application made on Duplicate Classification Request (Form 61) and the presentation of proof satisfactory to the local board that the Notice of Classification (Form 57) of the registrant has been lost, mislaid, stolen, or destroyed and that the registrant has made a diligent search for the Notice of Classification (Form 57), and has been unable to find it. If the local board issues a duplicate Notice of Classification (Form 57), it shall mark it "Duplicate" and note the issuance of such Notice of Classification (Form 57) upon the application, which shall be filed in the registrant's Cover Sheet (Form 53).

4. The foregoing amendments to the Selective Service Regulations shall be effective January 1, 1943.

LEWIS B. HERSHEY,
Director.

NOVEMBER 23, 1942.

[F. R. Doc. 42-12329; Filed, November 24, 1942; 10:19 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Amendment 1 to Suspension Order S-121]

COFFEE CORPORATION OF AMERICA

Section 1010.121 Suspension Order S-121, issued October 22, 1942, is hereby amended to read as follows:

(a) During each of the calendar months of December 1942, January 1943, and February 1943, deliveries of coffee by Coffee Corporation of America, its successors and assigns, shall not exceed 151,833 pounds, except as specifically authorized by the Director General for Operations.

(b) The restrictions contained in paragraph (a) hereof shall not apply to deliveries by Coffee Corporation of America, its successors and assigns, to any hospital, asylum, orphanage, prison, or other similar institution which is operated by any United States federal, state, or local governmental agency, and which received coffee during 1941 under contracts awarded upon the basis of competitive bids.

(c) Nothing contained in this order shall be deemed to relieve Coffee Corporation of America from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This amendment shall become effective December 1, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12300; Filed, November 23, 1942; 3:45 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-151]

CHARLES MANOOG, INC.

Charles Manoog, Inc., is a Massachusetts corporation, with its principal place of business at 53 Chandler Street, Worcester, Massachusetts. It is a wholesale dealer in plumbing supplies, and is a warehouse as defined in General Preference Order M–9–a.

During the period from February 24, 1942 to July 16, 1942, the company made deliveries of approximately 10,000 feet of copper tubing and of other products to fill sixty-four wholesale orders which carried no preference ratings, notwithstanding the fact that the company had actual knowledge of the prohibition placed upon such deliveries by General Preference Order M–9–a. These deliveries constituted a wilful violation of General Preference Order M–9–a.

During the course of the investigation of this corporation, it was discovered that the company had arranged to liquidate its entire stock of merchandise to a New York interest. Delivery under this arrangement was prevented by a temporary Suspension Order issued by the War Production Board.

These violations of General Preference Order M–9–a have impeded and hampered the war effort of the United States by diverting scarce materials for uses not authorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered*, That:

§ 1010.151 *Suspension Order No. S–151.* (a) Charles Manoog, Inc., its successors and assigns, shall not accept delivery of copper, copper base alloys, copper products, or copper base alloy products.

(b) Charles Manoog, Inc., its successors and assigns, shall not sell, transfer, or otherwise dispose of any material specified in the Metals List attached to Priorities Regulation No. 11, except in accordance with all of the applicable orders and regulations of the War Production Board and except upon the written authorization of the Compliance Chief of the Boston Regional Office, War Production Board.

(c) On or before December 5, 1942, Charles Manoog, Inc., shall file with the Boston Regional Office, War Production Board, a full and complete list of its entire inventory, specifying in reasonable detail the various items constituting such inventory and the quantities and amounts thereof.

(d) Nothing contained in this order shall be deemed to relieve Charles Manoog, Inc., of any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on November 26, 1942, and shall expire on December 1, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23rd day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12301; Filed, November 23, 1942; 3:45 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-155]

FARGO FOUNDRY COMPANY

Fargo Foundry Company of Fargo, North Dakota, is a general machine works dealing in structural steel. Between March 23, 1942, and May 19, 1942, Fargo Foundry Company sold and delivered steel storage tanks with capacities in excess of 65 gallons, without priority ratings, knowing that said tanks were intended for uses not permitted by the terms of Conservation Order M–68–c. These acts constituted wilful violations of Conservation Order M–68–c.

These acts have impeded and hampered the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing, *It is hereby ordered:*

§ 1010.155 *Suspension Order S–155.* (a) Deliveries of material to Fargo Foundry Co., its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to the Fargo Foundry Company, its successors and assigns, of any material the supply or distribution of which is covered by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve the Fargo Foundry Company, its successors and assigns, from any restriction, prohibition, or provision contained in any order or regulation of the Director of Industry Operations or the Director General for Operations, whether now in force or hereafter issued, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on November 25, 1942, and shall terminate on February 25, 1943, after which later date it shall have no further force and effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12302; Filed, November 23, 1942; 3:45 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-156]

HOMES OIL COMPANY

The Homes Oil Company of Washington, D. C., a single proprietorship owned and operated by Jacob and Minerva Homes, is engaged in the marketing of motor fuel. During the months of April, May and June 1942 the Homes Oil Company made deliveries of motor fuel to seven service stations owned or leased and operated by it in excess of the amounts permitted to be so delivered in accordance with the provisions of Limitation Order L–70. The total over-deliveries of motor fuel to these seven stations during the month of April 1942 was 25,990 gallons, during the month of May 1942 was 68,862 gallons and during the month of June 1942 was 124,182 gallons. The total over-deliveries of motor fuel during these three months was 219,034 gallons. Computed by percentages, the Homes Oil Company delivered to the seven service stations during the month of April 1942 thirty-eight per cent in excess of the L–70 quota, and during the month of June 1942 two hundred and twenty per cent in excess of the quota. The average of the deliveries during these three months was one hundred and nineteen per cent in excess of the L–70 quota.

While the over-deliveries of motor fuel were being made during those three months and during the month of July 1942, the Homes Oil Company was fully aware of the provisions of Limitation Order L–70 governing the amount of motor fuel which could be delivered to each of its service stations, but, nevertheless, it made no attempt to establish quotas or to correct the excess of deliveries. Furthermore, the Homes Oil Company was aware of the fact that its deliveries of motor fuel to the seven stations were increasing during those months, rather than decreasing as the deliveries should have under the terms of Limitation Order L–70. These over-deliveries of motor fuel, therefore, were made in wilful violation of the provisions of Limitation Order L–70.

These violations of Limitation Order L–70 have impeded and hampered the war effort of the United States by diverting motor fuel to uses unauthorized by the War Production Board. In view of the foregoing facts: *It is hereby ordered*, That:

§ 1010.156 *Suspension Order S–156.* (a) Jacob and Minerva Homes, doing business as the Homes Oil Company, or under any other name, jointly or separately, their lessees, successors and assigns, shall not accept delivery at the service stations listed below or at any other service station now or hereafter owned, operated, or leased by them of any motor fuel as the same is defined in Limitation Order L–70:

Station #1, 488 Maryland Ave. S.W., Washington, D. C.

Station #2, 1100 Maryland Ave. S.W., Washington, D. C.

Station #3, 1700 Benning Rd. N.E., Washington, D. C.

Station #4, 940 G Street S.W., Washington, D. C.

Station # 5, 1400 Florida Ave. N.E., Washington, D. C.

Station #6, 1161 20th Street N.W., Washington, D. C.

Station #9, 6223 Blair Rd. N.W., Washington, D. C.

(b) No person shall deliver any motor fuel as the same is defined in Limitation Order L–70 to the service stations listed in paragraph (a), or to any other service station now or hereafter owned, leased or operated by Jacob and Minerva Homes, doing business as the Homes Oil Company or under any other name, jointly or separately, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve Jacob and Minerva Homes, doing business as the Homes Oil Company, or under any other name, jointly or separately, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on November 25, 1942 and shall expire on March 25, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12303; Filed, November 23, 1942; 3:45 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-157]

ESTATES, INC., AND J. F. WADKINS CORPORATION

Estates, Inc., and J. F. Wadkins Corporation are California corporations engaged in the business of building and selling houses in the vicinity of the City of Los Angeles, State of California.

After April 9, 1942, Estates, Inc., and J. F. Wadkins Corporation began construction of thirty-six houses located in Tract No. 12582 in Gardena, California, and planned to erect an additional 44 houses. The estimated cost of construction of each of these houses was far in excess of $500.00. Such construction was begun in disregard of the provisions of Conservation Order L–41, and constituted wilful violations of that order.

These violations of Conservation Order L–41 have hampered and impeded the war effort of the United States by diverting scarce materials to uses prohibited by the War Production Board. In view of the foregoing facts, *It is hereby ordered*, That:

§ 1010.157 *Suspension Order S–157.* (a) The application heretofore filed by Estates, Inc., and J. F. Wadkins Corporation for authorization to begin construction of 80 residential buildings in Tract No. 12582 in Gardena, California, shall not be granted by the War Production Board in the case of any of said buildings other than those located on the following lots of said Tract: Lots Nos. 74, 173 to 197, inclusive, and 212 to 221, inclusive.

(b) For a period of six months from the effective date of this order, no application for authorization to begin construction of any house, building, structure or project filed by Estates, Inc., or J. F. Wadkins Corporation shall be granted by the War Production Board, except in connection with the residential buildings on the lots specified in paragraph (a) hereof.

(c) This order shall take effect on November 28, 1942, and shall continue in effect until revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024; 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12304; Filed, November 23, 1942; 3:45 p. m.]

PART 1001—TIN

[Conservation Order M-43-a as Amended Nov. 24, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Tin for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1001.2 *Conservation Order M–43–a*—(a) *Prohibitions on use of tin in items appearing on List A.* No tin shall be used in the manufacture of any item appearing on List A.

(b) *Limitations on other uses of tin*—(1) *General restrictions.* From April 1 to June 30, 1942, inclusive, no person shall use in the manufacture of any article not on List A more than 40% of the amount of tin used by him in the manufacture of such article during the corresponding calendar quarter of 1940, and beginning July 1, 1942, no person shall in any calendar quarter use in the manufacture of any article not on List A more than 30% of the amount of tin used by him in the manufacture of such article during the corresponding calendar quarter of 1940. Each person shall fill orders for repair and replacement parts for articles not on List A in preference to orders for complete articles whenever the provisions of this paragraph (b) (1) prevent him from doing both.

(2) *Special restrictions.* In addition to the limitation contained in paragraph (b) (1), hereafter no person shall, unless specifically authorized by the Director General for Operations:

(i) Use tin in the manufacture of any article where or beyond the extent to which the use of any substitute material is practicable, or use virgin tin in the manufacture of any article where or beyond the extent to which the use of secondary tin metal is practicable;

(ii) Manufacture or use any tin alloy (other than solder) having a tin content of more than 12% by weight;

(iii) Manufacture or use any solder having a tin content of more than 30% of weight provided that:

(*a*) Solder having a tin content of not more than 40% of weight may be manufactured or used for the repair of gas meters;

(*b*) Until September 1, 1942, wiping solder having a tin content of not more than 38% by weight may be manufactured or used;

(*c*) From September 1, 1942, until January 1, 1943, wiping solder having a tin content of not more than 38% by weight may be manufactured or used for the installation or repair of lead water service pipes operated by a public utility.

(iv) Manufacture any material having a tin content of more than 7½% by weight for use in collapsible tubes;

(v) Use any virgin tin in the manufacture or treating of type metal;

(vi) Manufacture any terne metal except for use as permitted by the provisions of Supplementary Order M–21–e.

(vii) Manufacture or use any tin oxide notwithstanding any provision in General Preference Order M–43, as amended.

(viii) On and after December 1, 1942, manufacture or use for coating foundry chaplets any tin alloy having a tin content of more than 5% by weight.

(3) *Restrictions on manufacturing jewelers.* No manufacturing jeweler shall for the purpose of manufacturing jewelry, emblems, insignia, personal ornaments, ornamental fittings, jewelry findings or jewelry chains, or any component parts thereof, fabricate, assemble, melt, cast, extrude, roll, turn, spin, coat or process in any other way, or in any way change the form of or add or solder any metal to, any tin metal or tin bearing material to which no other metal had been added or soldered by February 14, 1942.

(c) *Exceptions*—(1) *Exceptions to paragraph* (b) (1) *only.* Where and to the extent the use of any substitute material is impracticable, the provisions, limitations, and restrictions contained in paragraph (b) (1) shall not apply:

(i) To the manufacture of any product which is being produced with the assistance of a preference rating order or certificate issued or extended to the manufacturer, which assigns a rating of A–1–k or higher; or

(ii) To bearing metal which is being produced with the assistance of a preference rating order or certificate issued or extended to the manufacturer, which assigns a rating of A-3 or higher;

(iii) To the production of tin plate and terne plate as permitted under the provisions of Supplementary Order M-21-e.

(iv) To the use of solder (as limited in tin content by paragraph (b) (2) (iii)) for cans and containers within the provisions and limitations of Conservation Orders M-81 and M-86.

(2) *Exceptions to paragraphs* (b) (1) *and* (b) (2). The prohibitions, limitations, and restrictions contained in paragraphs (b) (1) and (b) (2) shall not apply:

(i) To the manufacture of "implements of war", as hereinafter defined, which are being produced for purchase by or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the Coast Guard, where the use of tin to the extent employed is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission or the Coast Guard applicable to the contract, sub-contract or purchase order.

"Implements of war" means:

(*a*) Combat end products, complete for tactical operations, including but not limited to, aircraft, ammunition, armament and weapons, ships, tanks, vehicles;

(*b*) Individual and organizational equipment prescribed for field or combat use by the Army or Navy of the United States, the Coast Guard, or the United States Maritime Commission;

(*c*) Parts, assemblies and materials to be physically incorporated in any of the foregoing items.

(ii) To the manufacture or use of tinned wire for the packaging of food for human consumption, where such wire will be in direct contact with the food packaged, but only to the extent that any substitute for tin is impracticable;

(iii) To the manufacture of health supplies as defined in Preference Rating Order P-29, as the same may be amended, to the extent a preference rating of A-10 or higher is assigned under said order to deliveries of tin (excluding tin collapsible tubes except as permitted by Conservation Order M-115) for the manufacture of any such supplies;

(iv) To the manufacture or use of collapsible tubes as permitted by the provisions of Conservation Order M-115.

(v) To the use of secondary tin metal in plates and type metal for the printing, publishing and related service industries: *Provided*, That beginning July 1, 1942, the amount of secondary metal so used by any person during any calendar quarter shall be limited to 75% of the amount used by him for such purposes during the corresponding calendar quarter of 1940;

(vi) To the use of solder or solder foil in the preparation and manufacture of printing plates: *Provided*, That the tin content of such solder and solder foil, respectively, shall be limited to 30% by weight: *And provided further*, That beginning July 1, 1942, no person shall use more solder or solder foil for such purposes during any calendar quarter than 75% of the quantities, respectively, so used by him during the corresponding calendar quarter of 1940;

(vii) To the use of soft babbitt foil for the preparation of industrial metallic packings: *Provided*, That the tin content of such foil shall not exceed 1.5% by weight: *And provided further*, That no person shall use more soft babbitt foil for such purposes during any calendar quarter than the quantity so used by him during the corresponding calendar quarter of 1941;

(viii) To the manufacture of measuring, recording and control instruments, systems or equipment for use in industrial processes, such as pyrometers, flow meters, pressure gauges, gas analyzers and their associated control valves, but only to the extent that the use of any substitute material is impracticable;

(ix) To the reuse of remelt bearing metal originating in the user's own plant: *Provided*, That no virgin tin or secondary tin shall be added thereto;

(x) To the manufacture of detonators and blasting caps (including electric blasting caps) and necessary parts and accessories therefor, to be used in mining, quarrying and oil drilling operations;

(xi) To the manufacture or use of babbitt for repair, maintenance or replacement purposes in existing diesel engines: *Provided*, That the design of any such engine makes the substitution of lead base babbitt impossible;

(xii) To the retinning of any of the dairy implements specified on Exhibit No. 1 annexed to this order, to the extent indicated thereon: *Provided, however*, That the quantity of tin used for such purposes by any person shall not exceed during any calendar quarter the quantity so used by him in the corresponding calendar quarter of 1940;

(xiii) To the manufacture or use of babbitt for the repair or maintenance of vessels with the assistance of a preference rating duly assigned or extended on Form PD-300.

(d) *Prohibitions against sales or deliveries.* No person shall sell or deliver any tin or tin bearing material or products thereof in the form of raw materials, semi-processed materials, finished parts or sub-assemblies to any person if he knows or has reason to believe such material or any product thereof is to be used in violation of the terms of this order.

(e) *Limitation on inventories.* No manufacturer shall receive delivery of tin, (including scrap), or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of tin products by this order.

(f) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Appeal.* Any person whose business is affected by this order, and who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of tin conserved, or that compliance with this order would disrupt or impair a program of defense work, may appeal to the War Production Board on Form PD-229, or such other form as may be from time to time prescribed by the War Production Board, Reference M-43-a, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(3) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all items or articles manufactured after June 5, 1942, irrespective of whether such items or articles are manufactured pursuant to a contract made prior or subsequent to June 5, 1942, or pursuant to a contract supported by a preference rating. Insofar as any other order may have the effect of limiting or curtailing to a greater extent than herein provided, the use of tin in the production of any item or article, the limitations of such order shall be observed.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) *Definitions.* For the purposes of this order:

(i) "Tin" means tin metal or the tin content of any tin bearing material whether or not such material is first converted into tin metal, either imported from foreign sources, or produced domestically from foreign or domestic ores, scrap or residues.

(ii) "Tin alloy" means any alloy containing 1.5% or more of tin metal by weight.

(iii) "Manufacture" means to fabricate, assemble, melt, cast, extrude, roll, turn, spin, produce, coat, or process in any other way, but does not include installation of a finished product for the ultimate consumer on the consumer's premises, or the processing of tin ore or scrap into pig or ingot metal.

(iv) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(v) An "item on List A" means as to a particular manufacturer, all products made by him and described by the same detailed classification contained on List A; and, where the manufacturer sells parts, it means all component parts of products described by the same detailed classification.

(vi) An "article" means as to a particular manufacturer, all finished products made by him which are not on List A, used by the ultimate consumer for the same purpose; and where the manufacturer sells parts, it means all component parts of products used by the ultimate consumer for the same purpose.

(vii) "Manufacturing jeweler" means any manufacturer of jewelry, emblems, insignia, personal ornaments, ornamental fittings, jewelry findings or jewelry chains or any component parts thereof.

(viii) "Use" means both (*a*) the act of putting tin into process in the manufacture of any item or article and (*b*) the act of completing the manufacture of any such item or article. (Where a person is limited to a percentage of the material used in a base period, this limitation applies respectively to (*c*) the amount of material put into process during the base period and (*d*) the total amount of material contained in a completed item or article, multiplied by the number of such items or articles, completed during the base period. Each restriction must be applied separately.)

(ix) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued November 24, 1942.

ERNEST KANZLER,
Director General for Operations.

LIST A FOR ORDER M-43-A

The use of tin in items listed below and in all component parts thereof is prohibited except to the extent permitted by the foregoing conservation order.

Advertising specialties.
Art objects.
Automobile body solder, or any material used as a filler or smoother for automobile or truck bodies or fenders.
Band and other musical instruments (except for maintenance and repair of pipe organs for religious and educational institutions).
Beverage dispensing units & parts thereof including pipe (except for maintenance and repair of existing units, and only where and to the extent that used tin pipe in an amount equal in tin content to the tin required, is returned by the customer to the supplier).
Britannia metal.
Broom wire.
Buckles.
Buttons.
Chimes and bells.
Emblems and insignia.
Fasteners: eyelets, spiral binders, office & industrial staples, book match clips, paper clips, zippers, dress hooks.
Foil—except for: (1) Electrotyping and moulding lead in printing trade, (2) X-ray supplies and (3) dental use, provided the tin content shall be limited to 30% by weight.
Galvanizing.
Household furnishings and equipment.
Jewelry.
Kitchen equipment (including cutlery and tableware), except articles for food preparation.
Novelties, souvenirs and trophies.
Ornaments and ornamental fittings.
Pewter and pewter hollow ware.
Plating or coating for decorative purposes.
Powder (decorative).
Refrigerator trays and shelves.
Seals and labels (except meat seals).
Slot, game and vending machines.
Coated paper.
Oxide in enamelware as an opacifier.
Toys and games.

EXHIBIT NO. 1—TO CONSERVATION ORDER NO. M-43-a

Pursuant to paragraph (c) (3) (xii) of the foregoing Conservation Order, tin may be used to the extent indicated below for the retinning of the following implements:

*5, 8 and 10 gallon shipping cans.
Milk can stirring rods.
Weigh cans, inside only.
Receiving tanks, inside only.
Coil vats, inside only.
Batch pasteurizers, inside only.
Surface coolers, covers and troughs (electroplating if possible and not over $1/1000$ inch coating).
Sanitary fittings and sanitary tubing.
Milk filters.
Separator discs.
*Separator bowls.
Cheese vats.
Cheese vat stirrers.
*2½ and 5 gallon ice cream cans.
Filler bowl covers.
Starter cans, inside only.
Small milk storage vats, inside only.
Milk pumps of centrifugal type.

NOTE: With the exception of those items marked with an asterisk (*), only those parts of equipment in contact with the milk or milk vapors may be retinned.

INTERPRETATION 1

The phrase "Individual and organizational equipment" appearing in the definition of implements of war, as contained in paragraph (c) (2) (i) of Conservation Order M-43-a as amended June 5, 1942, is construed to include radio and radar equipment prescribed for field or combat use by the Army or Navy of the United States, the Coast Guard, or the United States Maritime Commission. Consequently, when such radio and radar equipment (including parts, assemblies and materials to be physically incorporated therein) is being produced for purchase by or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the Coast Guard, it is, by the terms of paragraph (c) (2) (i) of Conservation Order M-43-a as amended June 5, 1942, exempt from the restrictions on the use of tin contained in paragraphs (b) (1) and (b) (2) of said order, where the use of tin to the extent employed is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission or the Coast Guard applicable to the contract, subcontract or purchase order. (Issued November 7, 1942.)

[F. R. Doc. 42-12340; Filed, November 24, 1942; 11:22 a. m.]

PART 1147—COLLAPSIBLE TUBES

[Conservation Order M-115, as Amended Nov. 24, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of tin for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1147.1 *Conservation Order M-115*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Tube" means any collapsible container in the shape of a tube, including but not limited to any such container made in whole or in part of tin, lead, or any combination thereof and includes closures, crowns and caps for such tubes.

(3) "Class I tube" means a tube used or intended to be used to pack any product listed on Table I annexed hereto within such limitations, including but not limited to tube size and end use, as may be specified with respect to any such product in said table.

(4) "Class II tube" means a tube used or intended to be used to pack any product listed on Table II, annexed hereto.

(5) "Class III tube" means a tube used or intended to be used to pack any product listed on Table III annexed hereto.

(6) "Class IV tube" means a tube used or intended to be used to pack any product listed on Table IV, annexed hereto.

(7) "Non-essential tube" means any tube other than a tube described in subparagraphs 3, 4, 5 and 6 above.

(8) "Tube user" means any person, whether or not he is also a tube manufacturer, engaged in the business of packing or filling tubes with any product of any kind for sale to others.

(9) "Retailer" means a person other than a distributor who sells or distributes tubes to the ultimate purchaser.

(10) "Distributor" means a person who sells or distributes tubes to retailers, including, but not limited to, wholesalers, jobbers, tube users, and tube manufacturers when they are engaged in such sale or distribution.

(11) "Ultimate purchaser" means a person who acquires filled tubes for the satisfaction of personal needs (with or without paying any consideration therefor), as distinguished from one acquiring tubes for industrial or other business purposes or for further distribution.

(c) *Restrictions upon the manufacture, sale and delivery of blanks and* *tubes and upon the use of tubes for packing*—(1) *Non-essential tubes.* No person shall manufacture or sell, for non-essential tubes, blanks containing any tin (but not including tin present as an impurity amounting to 0.5% or less); no tube manufacturer shall manufacture or sell non-essential tubes containing any tin (but not including tin present as an impurity amounting to 0.5% or less); and no tube user shall use any tubes containing any tin (but not including tin present as an impurity amounting to 0.5% or less) to pack any product not listed on Tables I, II, III, or IV.

(2) *Class I tubes.* Notwithstanding the provisions of Conservation Order M–43–a, as amended, and until further order by the Director General for Operations there shall be no restriction upon the percentage of tin which may be used in the manufacture of Class I tubes, nor on the number of such tubes manufactured or used for packing products listed on Table I.

(3) *Class II tubes.* No person shall manufacture or sell for Class II tubes blanks containing more than 7½% of tin by weight; no tube manufacturer shall manufacture or sell Class II tubes containing more than 7½% of tin by weight; and no tube user shall use any tube containing more than 7½% of tin by weight to pack any product listed on Table II.

(4) *Class III tubes.* No person shall manufacture or sell for Class III tubes blanks containing more than 5% of tin by weight; and no tube manufacturer shall manufacture or sell Class III tubes containing more than 5% of tin by weight; and no tube user shall use any tube containing more than 5% of tin by weight to pack any product listed on Table III.

(5) *Class IV tubes.* No person shall manufacture or sell for Class IV tubes blanks containing more than 1½% of tin by weight; no tube manufacturer shall manufacture or sell Class IV tubes containing more than 1½% of tin by weight; and no tube user shall use any tube containing more than 1½% of tin by weight to pack any product listed on Table IV.

(6) *Quota for Table III and Table IV products.* No tube user shall pack in tubes, during each of the three-month periods beginning April 1, 1942, July 1, 1942, and October 1, 1942, respectively, more than 100% of the aggregate of the products listed on Table III and Table IV which he packed in tubes during the corresponding three-month period of 1940, or at his option no more than 25% of the aggregate of the products listed on Table III and Table IV which he packed in tubes during the whole of 1940: *Provided*, That no tube user shall pack in tubes during the period between April 1, 1942, and December 31, 1942, inclusive, more than 100% of the aggregate of the products listed on Table III and Table IV which he packed in tubes during the last nine months of 1940. All percentages above mentioned shall be based upon volumetric weight. Said percentages shall be in addition to the products listed on Table III and Table IV which are packed in tubes and sold and delivered to the Army or Navy of the United States or the United States Coast Guard (including but not limited to post exchanges, ships' stores, ships' service stores, and marine exchanges), and in addition to products listed on Table III and Table IV which are packed in tubes having no greater tin content than that prescribed in paragraph (c) (1) of this order for non-essential tubes.

(d) *Further conservation of tin.* (1) All manufacturers and users of all the kinds of tubes covered by this order shall cooperate in effectuating as rapidly and as completely as possible a program of reducing the thickness of the tin coating on such tubes to the minimum thickness which will be sufficient for satisfactory packing of the particular product packed

(2) All manufacturers of all kinds of tubes permitted to be manufactured or filled by this order and all tube users packing products in such tubes are ordered to concentrate to the greatest extent practicable upon the larger-size tubes and to manufacture and to use for tube filling respectively as high a proportion of larger-size tubes (as compared with smaller-size tubes) as may be feasible and practicable. All such manufacturers and tube users are further ordered to substitute, for all tubes made in whole in part of tin, containers made of other materials to the extent that such substitution may be feasible and practicable.

(3) No retailer shall sell or deliver any filled Class III or Class IV metal tube to any ultimate purchaser (except as bona fide samples, manufactured prior to the 15th day of June, 1942, which are distributed indiscriminately and without any conditions) unless such purchaser delivers to such retailer concurrently with his purchase one used metal tube of any kind for each metal tube delivered to such purchaser. All such used tubes, together with any other used tubes held by retailers, shall be held by such retailers and shall not be disposed of by them except as follows:

(i) To the Tin Salvage Institute, 411 Wilson Avenue, Newark, New Jersey, as agent for Metals Reserve Company;

(ii) To any wholesaler of products packed in tubes, who is a duly authorized representative of the Tin Salvage Institute as agent for the Metals Reserve Company; or

(iii) To any other person who is such a representative.

Such deliveries may be made by such retailers at any time and in any manner consented to by the person to whom delivery is to be made, and shall be made, upon demand of such person and at the expense of such person, in such manner and at such time as such person may request. In no case shall any consideration be paid or received for any used tubes so delivered and no person (including, but not limited to, wholesalers of products packed in tubes and dealers in scrap metal and junk) shall, except as otherwise expressly permitted by this paragraph (d) (3), deliver any used tube of any kind to any person except those designated above. Damaged or unused tubes shall, at the option of the holder, be returned for credit to the party from whom they were purchased or delivered to the Tin Salvage Institute as agent for Metals Reserve Company.

(4) Nothing in this order shall prevent the manufacture of nonessential or other tubes from blanks already manufactured on the 1st day of April, 1942, or the sale and delivery of tubes so manufactured or the use of same for packing any products, whether or not listed on Tables I, II, III and IV of this order: *Provided, however,* That the volumetric weight of any products listed in Tables III and IV which are packed in accordance with the provisions of this subparagraph shall be subtracted from the quotas allowed to the tube user pursuant to paragraph (c) (6) of this order.

(5) Nothing in this order shall prevent the sale, delivery, purchase, acceptance of delivery and use of tubes containing no more than 7½% of tin by weight for packing products listed in Tables III and IV of this order, provided said tubes were made from blanks which had already been manufactured on the 5th day of October 1942; and provided further that the volumetric weight of any products listed in Tables III and IV which are packed in accordance with the provisions of this subparagraph shall be subtracted from the quotas allowed to the tube user pursuant to paragraph (c) (6) of this order.

(6) Notwithstanding any other provisions of this order, gift kits or combination set boxes holding multiple units, including filled Class III or Class IV tubes, the value of which comprises not over 25 percent of the total value of the package, may be disposed of without complying with the used tube exchange provision set forth in paragraph (d) (3) hereof; provided that any such boxes are delivered or sent direct by the seller to a member of the Army or Navy of the United States or of the United States Coast Guard.

(7) Compliance with the used tube exchange provision set forth in paragraph (d) (3) hereof shall not be required in connection with the sale or distribution of Class III or Class IV tubes when made by the following agencies or instrumentalities of the United States Government; namely, army exchanges, ships stores, ships service stores, and marine exchanges; if made under any of the following circumstances:

(i) Distributions or sales, made aboard ship, in the Territory of Alaska, or outside the continental limits of the United States.

(ii) Distributions or sales made at ports of embarkation, induction centers, receiving stations, receiving ships, to newly inducted selectees or enlistees or other persons designated by the commanding officer.

(iii) Sales or distributions made in hospitals under the jurisdiction of the armed forces of the United States to casualties of war.

Provided, however, That no tubes containing more than 7½% tin shall be sold or delivered pursuant to this subparagraph: *And further provided*, That the exemption provided by this subparagraph shall be subject to such conditions

as shall be prescribed by the appropriate authorities of that branch of the Government under whose jurisdiction the above named agencies or instrumentalities respectively operate.

(e) *Certificates and reports relating to all the kinds of tubes covered by this order*—(1) *Certificates of tube users.* Each tube user who purchases any tubes shall furnish to the tube manufacturer from whom he buys, a certificate, in substantially the form attached hereto as Exhibit A, that such tube user is familiar with the terms of this order (in its present form or as it may be amended from time to time) and that, during the life of this order, he will not use any tubes purchased from such tube manufacturer in violation of its terms. Only one such certificate covering all present and future purchases from a given tube manufacturer need be furnished by a tube user to that tube manufacturer (who shall retain such certificate), but no tube manufacturer shall be entitled to rely on any such certificate if he knows, or has reason to believe it to be false.

(2) *Certificates of retailers.* Each retailer who purchases any filled Class III or Class IV tubes shall furnish to the manufacturer or distributor from whom he buys a certificate, in substantially the form attached hereto as Exhibit B, that such retailer is familiar with the terms of this order (in its present form or as it may be amended from time to time) and that, during the life of this order, he will not use any tubes purchased from such manufacturer or distributor in violation of its terms. Only one such certificate covering all present and future purchases from a given manufacturer or distributor need be furnished by a re-retailer, but no manufacturer or distributor shall be entitled to rely on any such certificate if he knows, or has reason to believe, it to be false: *Provided, however,* That such certificates shall not be required in connection with the export of filled Class III or Class IV tubes from the forty-eight states of the United States of America and the District of Columbia.

(3) *Reports.* Each tube manufacturer and each tube user shall file such reports as the War Production Board may prescribe for the purpose of effective administration of the order, and no tube manufacturer or distributor shall sell any tubes except under contracts or orders validated by the certification required by this paragraph (e).

(f) *Miscellaneous provisions*—(1) Appeal. Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of tin conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense work to defense work, may appeal to the War Production Board, on such form as may be prescribed, Ref.: M–115, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Sales of tin.* No person shall hereafter sell or deliver tin to any tube manufacturer or tube user if he knows, or has reason to believe, that such tin is to be used in violation of the terms of this order.

(4) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Containers Branch, Washington, D. C., Ref.: M–115.

(5) *Effect of other orders.* Except as provided in paragraph (c) (2) above, insofar as any other order of the Director of Priorities, the Director of Industry Operations or the Director General for Operations heretofore or hereafter issued limits or curtails to a greater extent than herein provided the use of any material used in the production of tubes, the limitations of such order shall control.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E. O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT A

War Production Board

Director General for Operations

TUBE USER'S CERTIFICATE

Certificate required by paragraph (e), subparagraph (1) of Conservation Order M–115. One copy of this certificate is to be delivered to each tube manufacturer from whom the tube user purchases tubes and is to cover all purchases present and future, so long as such conservation order, in its present form or as it may be amended from time to time, remains in effect.

____

____

____________________ ____________________
(Tube user's address) (Date)

In accordance with paragraph (e), subparagraph (1) of Conservation Order M–115 of the War Production Board designed to conserve the amount of tin used in collapsible tubes, the undersigned hereby certifies—and this shall constitute a certification to the War Production Board—that the undersigned is familiar with the terms of said Conservation Order, and any and all amendments thereto, and that the undersigned will not use any tubes purchased from

____
(Name of tube manufacturer)

____
(Address of tube manufacturer)
in violation of the terms of said order and amendments.

____
(Legal name of tube user)
By ________________________
(Authorized official)

____
(Title of official reporting)

Section 35A of the U. S. Criminal Code (18 U.S.C.A. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

EXHIBIT B

War Production Board

Director General for Operations

RETAILER'S CERTIFICATE

Certificate required by paragraph (e), subparagraph (2) of Conservation Order M–115. One copy of this certificate is to be delivered to each distributor from whom the retailer purchases tubes and is to cover all purchases present and future, so long as such conservation order, in its present form or as it may be amended from time to time, remains in effect.

____

____

____________________ ____________________
(Retailer's address) (Date)

In accordance with paragraph (e), subparagraph (2) of Conservation Order M–115 of the War Production Board designed to conserve the amount of tin used in collapsible tubes, the undersigned hereby certifies—and this shall constitute a certification to the War Production Board—that the undersigned is familiar with the terms of said conservation order, and any and all amendments thereto, and that the undersigned will not use any tubes purchased from

____
(Name of tube manufacturer or distributor)

____
(Address of tube manufacturer or distributor)
in violation of the terms of said order and amendments.

____
(Legal name of retailer)
By ________________________
(Authorized official)

____
(Title of official reporting)

Section 35A of the U. S. Criminal Code (18 U.S.C.A. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

TABLE I—(CLASS I TUBES)[1]

1. Preparations compounded extemporaneously for dispensing by pharmacists on legally constituted prescriptions of physicians, dentists, or veterinarians.
2. Ointments and other preparations for ophthalmic use.
3. Sulfa drugs in ointment or jelly form.
4. Diagnostic extracts (allergens).
5. Morphine for hypodermic injection (limited to tubes containing individual doses only and sold directly to the Army or Navy of the United States).

TABLE II—(CLASS II TUBES)

1. (a) Medicinal and pharmaceutical ointments not included in Table I:

(b) Preparations which are intended for introduction into body orifices (nasal, vaginal, rectal, surgical jelly, etc.), not included in Table I.

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[1] Item 3 is amended; item 5 is added.

TABLE III—(CLASS III TUBES)

1. Dental cleansing preparations.

TABLE IV—(CLASS IV TUBES)

1. Shaving preparations.

[F. R. Doc. 42-12342; Filed, November 24, 1942;
11:22 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Limitation Order L-123 as Amended Nov. 24, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials used in the manufacture of general industrial equipment for defense, for private account and export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1226.1 *General Limitation Order L-123*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "General industrial equipment" means new equipment of the kinds listed, from time to time, in list A. General industrial equipment shall be deemed to be new when it has not been delivered to any person acquiring it for use.

(3) "Manufacturer" means any person producing general industrial equipment.

(4) "Distributor" means any person in the business of distributing general industrial equipment.

(5) "Order" means any commitment or other arrangement for the delivery of general industrial equipment, whether by purchase, lease, rental, or otherwise.

(6) "Approved order" means:

(i) Any order for general industrial equipment bearing a preference rating of A-1-c or higher.

(ii) Any order for general industrial equipment for the Army, the Navy, the Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, and the Office of Scientific Research and Development.

(iii) Any order for general industrial equipment which the Director General for Operations authorizes for delivery pursuant to paragraph (b) (2) hereof.

(b) *Restrictions on acceptance of orders for, and production and distribution of general industrial equipment*—(1) *General restrictions.* (i) No person shall accept any order for general industrial equipment or commence production of any general industrial equipment in fulfillment of any order, whether accepted or not; unless such order is an approved order.

(ii) No person shall deliver, and no person shall accept delivery of, any general industrial equipment, except pursuant to an approved order: *Provided, however,* That the provisions of this paragraph (b) (1) shall not prohibit the production and delivery, prior to October 1, 1942, of general industrial equipment in fulfillment of an order accepted prior to August 27, 1942 and bearing a preference rating of A-9 or higher; and *Provided further,* That nothing in this order shall prevent shipment of general industrial equipment from any manufacturer to any distributor to fill approved orders actually received by such distributor or to replace general industrial equipment delivered by such distributor to fill an approved order nor shall this order limit the right of a manufacturer legally to extend any preference rating certificate to secure material for the production of approved orders for general industrial equipment.

(2) *Authorization for orders on books.* Manufacturers or distributors may apply for authorization to commence production of, or to deliver, orders now on their books which are not approved orders, by filing with the War Production Board, a list in triplicate, plainly marked Ref: L-123, of all such orders, together with the name of the purchaser or lessee, the date of the order, the number of pieces of equipment or machinery, the rating assigned, the preference rating certificate number, if any (or blanket preference rating order and serial number), a description of the machinery, the value of the machinery, the specified delivery date, the extent of completion of the order, and the expected use to which the machinery will be put. The Director General for Operations may thereupon authorize the production or delivery of any such orders, or the assignment of preference ratings thereto.

(c) *Non-applicability to repair or maintenance.* (1) The provisions of paragraph (b) shall not apply to any order for, or delivery of, maintenance or repair parts, (i) in an amount not exceeding $1,000 for any single piece of general industrial equipment to be repaired or maintained; or (ii) in any amount for the repair of general industrial equipment when there is an actual breakdown or suspension of operations of such piece of equipment because of damage, wear and tear, destruction or failure of parts, or the like, and the essential repair or maintenance parts are not otherwise available.

(2) Any purchaser who shall place an order for repair or maintenance parts exempted from the provisions of paragraph (b) as above provided, shall furnish his supplier with the following certification, on the order or in a separate document:

> I hereby certify that the above (or attached) order is in compliance with paragraph (c) of General Limitation Order L-123. The order is for maintenance and repair parts as follows:
>
> --
> (state here whether order is for parts not exceeding $1,000 for each piece of equipment covered thereby, or for parts for equipment which has broken down)
>
> -------------------------------- Company
>
> By ----------------------------
> (Authorized official)

Such certification shall be signed by a duly authorized official or employee of the purchaser. No person shall make delivery of repair or maintenance parts covered by such certificate if he has reason to believe that the certificate is false; and no person shall falsely furnish the certification specified above. The above mentioned certificate shall constitute a representation to the War Production Board, as well as to the supplier, of the facts certified therein.

(d) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(e) *Applicability of other orders.* Nothing in this order shall be construed to permit any person to sell, deliver, or otherwise transfer, or any manufacturer to purchase, receive delivery of, acquire, fabricate or process in any manner, any raw materials, semi-fabricated parts, or finished parts in contravention of terms of any regulation of the War Production Board, effective at the date of any of the transactions specified in this paragraph.

(f) *Existing contracts.* Fulfillment of contracts in violation of this order is prohibited regardless of whether such contracts are entered into before or after May 26, 1942. No person shall be held liable for damages or penalties for default under any contract or order which shall result directly or indirectly from his compliance with the terms of this order.

(g) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(h) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: L-123.

(i) *Records and reports.* All manufacturers and distributors affected by this order shall keep and preserve for not less than two years accurate and complete records concerning production, deliveries, and orders for general industrial equipment. All persons affected by this order shall execute and file with the Director General for Operations, War Production Board, such reports and questionnaires as said Director shall from time to time request.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who wilfully furnishes false information to the Director General for Operations in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

The amendatory provisions of this order, as indicated above by underscoring, and including List A in its entirety, shall become effective December 1, 1942.

Issued November 24, 1942.

ERNEST KANZLER,
Director General for Operations.

LIST A

1. Conveying machinery (and any important component part thereof) used for the mechanical handling of materials; except (i) farm elevators included within the provisions of Order L-26, as amended, (ii) machinery or parts used on board ship in the operation of any vessel, or used in the operation of aircraft, tanks, ordnance, or similar combat equipment, (iii) power and hand lift trucks, (iv) cranes, hoists and platform elevators, (v) construction mixers, pavers, graders, drag lines and power shovels, and similar construction machinery, (vi) cars and car dumpers, (vii) steel mill tables, (viii), sintering conveyors, (ix) metal pig conveyors, (x) underground mining machinery (other than slope conveyors); and (xi) conveying machinery covered by any order authorized by the Director General for Operations under Order L-193.

2. Mechanical power transmission equipment (and any important component part thereof) of the following kinds (except (i) equipment or parts used in the operation of any vessel, or in the operation of aircraft, tanks, ordnance or similar combat equipment or (ii) equipment covered by any order authorized by the Director General for Operations under Order L-193):

(a) Open and enclosed gearing for transmitting more than ¼ horse power; except marine propulsion gears, gears used as an integral part of a machine, gears built into a turbine, and gears used on household manually powered, automotive, or farm machinery;

(b) Mechanical drives and parts thereof for transmitting more than ¼ horse power; except belting, drives used as an integral part of a machine and drives used on household, manually powered, automotive, or farm machinery.

3. Industrial fans and blowers, including attic-type ventilating fans regardless of blade diameter or motor size, centrifugal or squirrel-cage type fans, and propeller or axial flow type fans; except ceiling, desk, window, air circulator, and pedestal type fans of a portable nature.

4 Turbo blowers, except turbo blowers covered by the provisions of Limitation Order L-163.

5. Industrial compressors and vacuum pumps, mechanically operated, all types; except "Critical Compressors" as defined in General Limitation Order L-100, and units having a displacement of less than one cubic foot per minute.

6. Industrial pumps, mechanically operated, including centrifugal, power, reciprocating, turbine, deep well turbine, rotary, cam, screw, gear, vane and jet types; but not including (i) pumps for farm use as defined in General Limitation Order L-26, (ii) measuring and dispensing pumps, (iii) vertical submerged reciprocating or turbine type pumps used in oil wells for petroleum production, (iv) non-reciprocating vacuum pumps, condensate return pumps, and hot water circulating pumps, designed and used solely for comfort heating of building space, (v) sanitary pumps used in milk processing and egg processing plants, or (vi) portable engine driven or electric motor driven pumping units, mounted on skids, with or without handles, or trailer mounted, incorporating self-priming centrifugal pumps, horizontal or vertical piston or plunger pumps or diaphragm pumps, ordinarily used for contractors purposes or by contractors for dewatering and supply, as defined in "Contractors Pump Standards" adopted by the Associated General Contractors of America, Inc., (A. G. C.) February 21, 1941. Notwithstanding any other provision of this order, a pump shall be deemed to be "new", and therefore included within the provisions of the order, until such pump has been sold by a manufacturer or distributor to a person acquiring it for use, regardless of whether such pump may have theretofore been leased to any person or persons temporarily by such manufacturer or distributor.

7. Industrial hand trucks, including any truck or trailer, not self-power propelled, with free running wheels or casters, designed for the handling of material of any kind; except any hospital cart, or any trailer designed for use on the highway or in earth moving, mining, logging, or petroleum development.

8. Stationary steam engines, except marine engines and steam engine generator sets.

9. Air washers.

10. Heat exchangers; except (i) heat exchangers for domestic use, (ii) heat exchangers covered by the provisions of Limitation Order L-172 (iii) surface condensers, (iv) unit heaters, (v) unit ventilators, (vi) blast heating surfaces not enclosed in a pressure vessel, and (vii) convectors designed and used solely for comfort heating of building spaces or for processes requiring heat. "Surface Condenser" means any device consisting of a shell and bare tubes, including auxiliary air removal equipment when such auxiliary equipment is purchased with and used on said device, which condenses exhaust steam from a steam driven prime mover for the purpose of maintaining a minimum absolute exhaust pressure.

11. Industrial dust collectors.

12. Passenger or freight elevators (including residence elevators, home lifts, elevetees, and similar equipment), inclinators, electrically operated passenger elevating devices appurtenant to stationary stairways, and power operated dumbwaiters.

13. Portable (platform type) elevators and steel platforms. "Portable (platform type) elevator" means any device mounted on wheels or casters with either power operated or hand operated lift, used primarily to elevate and lower material for the purpose of tiering or stacking; and "steel platform" means any steel platform or skid, with or without box tops or enclosures, standing on legs or legs and wheels, designed for use in handling material in conjunction with hand or power operated lift trucks, portable (platform type) elevators, lift jacks or other similar devices.

14. Electric motors, one horse power and over; except motors for farm use covered by General Limitation Order L-26.

15. Motor-generator sets, ¾ K. W., or one horse power, and above.

16. Electric controllers, rated one horse power and over; including manual and magnetic starters, controllers and speed regulators, drum switches, thrustor and solenoid brakes, push-button stations, limit switches, master switches and pressure and float switches but not including controllers for farm use covered by Limitation Order L-26.

17. Safety switches and knife switches, single and double throw, two, three and four pole, rated 60 amperes and higher, 600 volts and below.

18. Circuit breakers, thermal and magnetic trip, manually and electrically operated, rated 50 to 575 amperes, inclusive, 600 volts and below.

19. Lifting magnets, circular type, 18 inches in diameter and larger; and lifting magnet controllers.

20. Dynamometers, electric type; and rotary converters.

INTERPRETATION 1

General industrial equipment shall be considered to be delivered, within the meaning of this order, prior to the effective date of this order, when the machinery or equipment has been placed in the hands of a common or contract carrier for shipment to the purchaser prior to May 26, 1942. (Issued June 13, 1942.)

[F. R. Doc. 42-12341; Filed, November 24, 1942;
11:22 a. m.]

PART 1056—NATURAL GAS

[Supplementary Limitation Order L-31-a]

In accordance with the provisions of § 1056.1 *Limitation Order L-31* which the following order supplements:

§ 1056.2 *Supplementary Limitation Order L-31-a.* (a) *Definitions.* (1) The definitions contained in paragraph (a) of Limitation Order L-31 shall apply to this order.

(2) Area VII means:

(i) Those areas in Wyoming and Utah served by the Mountain Fuel Supply Company.

(ii) Those areas in Kansas served by the Panhandle Eastern Pipeline Company or by any utility receiving all or any part of its gas supply from said company, except areas in Kansas included in Area II (as defined in Exhibit B of Limitation Order L-31).

(b) *Restrictions on deliveries of natural gas.* On and after December 2, 1942, no utility shall deliver to any residential consumer in Area VII and no such consumer shall accept delivery of natural gas for the operation of any space-heating equipment unless:

(1) Such equipment was installed (or if converted from some other fuel to natural gas such conversion was completed) at the same premises prior to December 2, 1942, or

(2) In the case of new construction, such equipment was specified in the construction contract and was installed prior to March 1, 1943, and the foundation under the main part of the structure in which the equipment is to be installed was completed prior to December 16, 1942, or

(3) Such equipment replaces gas-fired equipment of equal or greater capacity previously installed or operated at the same premises whether by the same or by another consumer: *Provided,* That

nothing contained in this subparagraph shall authorize the delivery of gas for the operation of central space-heating equipment which replaces non-central space-heating equipment or central space-heating equipment of a different type, or

(4) Such deliveries have been specifically approved by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12347; Filed, November 24, 1942; 11:49 a. m.]

PART 1188—RAILROAD EQUIPMENT

[Supplementary Limitation Order L-97-a-1 as Amended Nov. 24, 1942]

Section 1188.3 *Supplementary General Limitation Order L-97-a-1, as amended* is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron, steel and other materials for defense, for private account and for export; the railroad car building industry has on hand diversified inventories of materials not in balance among individual producers; it is desirable that such inventories be utilized to the best possible advantage; and the following order, supplementing General Limitation Order L-97-a, is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1188.3 *Supplementary General Limitation Order L-97-a-1*—(a) *Effect of General Limitation Order L-97-a.* This order supplements General Limitation Order L-97-a and is subject to the provisions of that order as amended from time to time.

(b) *Definitions.* For the purpose of this order:

(1) "Car parts" means any commodity, equipment, accessory, part, assembly or product manufactured for use in the construction of cars.

(2) "Cars" means all cars for use on railroads, including freight cars and passenger cars.

(3) "Supplier" means any person with whom a contract or order has been placed for delivery of car parts to a producer or another supplier.

(c) *General restrictions.* Preference ratings of A-2 or lower assigned prior to April 29, 1942, to the delivery of car parts or other material for the manufacture of cars under Preference Order P-8 (in accordance with paragraph (f) thereof), Preference Rating Order P-90 (Form PD-25A) or any certificate or order issued pursuant to PD-1 or PD-1A applications, are hereby canceled as of April 29, 1942. A purchase order to the delivery of which had been assigned a preference rating canceled by operation of this paragraph (c) shall be treated as an unrated order.

(d) Notwithstanding the provisions of § 944.11 (Use of Material Obtained Under Allocation or Preference Rating) of Priorities Regulation No. 1 as amended, or of General Preference Order M-21 as amended, any producer of cars or supplier may sell and deliver to any other such producer (including a producer of locomotives) or supplier, or to a railroad, any car parts the material in which was obtained under a preference rating for the construction of cars: *Provided,* That such material is to be used for the construction or repair of cars or locomotives, and that the purchaser endorses on the purchase order for such material the following statement signed by a duly authorized official:

> The undersigned represents to the seller and to the War Production Board that the material ordered herein will be used for the construction or repair of railroad cars or locomotives.
>
> -------------
> Date
>
> ---------------------------
> Name of purchaser
>
> ---------------------------
> Signature of authorized official
>
> ---------------------------
> Title

Such sales shall be expressly permitted within the terms of paragraph (c) (3) of Priorities Regulation No. 13, as amended. Nothing in this paragraph (d) shall impair the force and effect of § 944.2 (Compulsory Acceptance of Defense and Other Rated Orders) of said Regulation No. 1.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12348; Filed, November 24, 1942; 11:49 a. m.]

PART 3139—ASPHALT AND TARRED ROOFING PRODUCTS AND ASPHALT SHINGLES

[General Limitation Order L-228]

The fulfillment of requirements for the defense of the United States has created a situation which will result in a shortage in the supply of materials and facilities used in the manufacture of asphalt and tarred roofing products and asphalt shingles for defense, for private account and for export, unless raw material, transportation facilities and manpower are conserved through the simplification and reductions of types of these products and shingles; and for those purposes the following order is deemed necessary and appropriate in the public interest and to promote the national war effort.

§ 3139.1 *General Limitation Order L-228*—(a) *Definitions.* For the purposes of this order:

(1) "Asphalt and tarred roofing products" means dry felt made of organic fiber impregnated with bitumen, designated and constructed to be applied to the exterior surface of a building or structure for the purpose of weatherproofing such surface. Asphalt and tarred roofing products may be coated with a more viscous bitumen than that used in impregnating the dry felt and may be surfaced with granular material such as, but not limited to, crushed rock, slate or quartz.

(2) "Asphalt shingles" means dry felt manufactured from organic fiber, impregnated with asphalt, coated with a more viscous asphalt than that used in the impregnation of such felt, and may be surfaced with granular material such as, but not limited to, crushed rock, slate, or quartz, which dry felt so treated is designed and shaped for application in the form of shingles to the exterior surface of a building or structure for the purpose of weatherproofing such surface.

(b) *General restrictions.* On and after the first day of January, 1943, no person shall manufacture, fabricate, or process any asphalt and tarred roofing products or asphalt shingles except such as conform to the schedule of types, sizes and forms listed on Exhibit "A" hereto attached or as are specifically permitted by the terms of said Exhibit "A".

(c) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(d) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection, by duly authorized representatives of the War Production Board.

(e) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the War Production Board, as amended from time to time.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of appeal.

(h) *Communications.* Reports to be filed and all other communications concerning this order shall be addressed to War Production Board, Building Materials Division, Washington, D. C., Ref. L-228.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT A—TYPES, SIZES AND FORMS OF ASPHALT & TARRED ROOFING PRODUCTS AND ASPHALT SHINGLES

	Finished weight [1] (*pounds*)	Area per roofing sq.[2] (*sq. ft.*)	Dry felt weight [3] (*number*)
Smooth finish roll-roofing:			
Type 1—Grade A	65	108	58
Type 2—Grade A	55	108	48
Type 3—Grade B	45	108	34
Type 4—Grade C	35	108	21
Mineral surfaced roll-roofing: [5]			
Type 1—(Note 6)	90	108	48
Type 2—19" double-coverage, selv. edge	55	108	48
Type 3—Edge style—one pattern	105	128	48
Asphalt sidings: [5]			
Type 1—Roll form	105	111	48
Type 2—Shingle form	†230	†240	48
Built-up roofing products:			—
Type 1—Asphalt saturated felt	15	108	25
Type 2—Asphalt saturated felt	30	108	48
Type 3—Tar saturated felt	15	108	*N.L.
Type 4—Tar saturated felt	30	108	*N.L.
Type 5—Sat'd and coated felt (for coal application)	†55	108	*N.L.
Type 6—Base sheet [4]	(††)	(††)	*N.L.
Type 7—Cap-sheet [7]	68	216	21
Asphalt shingles [8] [5]:			
Type 1—Square-butt strip (12" wide)	†220	†240	48
Type 2—"Standard" Hexagonal strip [9]	†170	†200	48
Type 3—"Heavy weight" individual reroofer	†165	†175	48
Type 4—"Standard weight" individual reroofer	†140	†160	48

†Maximum.

††Optional.

*Dry felt weight not limited on this item.

[1] Represents approximate shipping weight, except where "Max." weight is stipulated, in which cases the figure designates the maximum weight permissible. The "Finished weight" includes packaging materials, also fixtures in the case of "Smooth finish roll-roofings" (all four types) and "Mineral surfaced roll-roofing" (Type 1 *only*).

[2] Represents approximate area furnished in conformity with the given "Finished weight," except where "Max." area is stipulated, in which cases the figure designates the maximum area permissible.

[3] Represents the minimum weight in pounds per 480 sq. ft. of moisture-free felt.

[4] Only one type and grade permissible; exterior finish optional.

[5] Texture, color and finish of "Mineral surfaced roll-roofings", "Asphalt sidings" and "Asphalt shingles" to be optional.

[6] May be made in any or all of the following variations: (a) no selvage edge; (b) with 2" selvage edge; (c) with 4" selvage edge with sufficient area to cover 100 sq. ft.

[7] Coated on both sides and surfaced on one side with talc or other dusting finish.

[8] The manufacture of hip and ridge shingles in the size now being produced at each plant is permitted for use as an accessory in completing application.

[9] Hexagonal strip shingle may be manufactured at each plant with either two or three tabs (but not both).

[F. R. Doc. 42-12349; Filed, November 24, 1942; 11:49 a. m.]

Chapter XI—Office of Price Administration

PART 1335—CHEMICALS

[RPS 42,[1] Amendment 4]

PARAFFIN WAX

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (b) of § 1335.460 is amended to read as set forth below:

§ 1335.460 *Appendix A: Maximum prices for paraffin wax.* * * *

(b) *Quantities of less than 10,000 pounds.* (1) The maximum prices for crude scale, semirefined and fully refined paraffin wax, except for deliveries in the states of California, Oregon, and Washington, in quantities of 1,000 pounds or more, but less than 10,000 pounds, are the prices listed in subparagraphs (1) and (2) of paragraph (a) above, plus $0.015 per pound, delivered.

(2) The maximum prices for crude scale, semirefined and fully refined paraffin wax, for deliveries in the states of California, Oregon, and Washington, in quantities of 1,000 pounds or more, but less than 10,000 pounds, are the prices listed in subparagraphs (1) and (2) of paragraph (a) above, plus $0.020 per pound, delivered.

§ 1335.460a *Effective date of amendment.* * * *

(d) Amendment No. 4 (§ 1335.460 (b)) to Revised Price Schedule No. 42 shall become effective November 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12312; Filed, November 23, 1942; 4:16 p. m.]

PART 1340—FUEL

[MPR 120,[1] Amendment 26]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1340.207 (d), a new sentence is added, as set forth below:

§ 1340.207 *Petitions for amendment and adjustment or exception.* * * *

(d) * * * No application for adjustment filed after November 25, 1942 will be granted under this paragraph (d).

§ 1340.211a *Effective dates of amendments.* * * *

(aa) Amendment No. 26 (§ 1340.207 (d)) to Maximum Price Regulation No. 120 shall be effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12313; Filed, November 23, 1942; 4:18 p. m.]

PART 1340—FUEL

[Correction to MPR 122[1]]

SOLID FUELS

Solid fuels delivered from facilities other than producing facilities—dealers.

In § 1340.261 (g) (2) the reference to "December 31, 1942" is hereby corrected to read "December 31, 1941".

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12314; Filed, November 23, 1942; 4:18 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Supplementary Amendment 5A to Maximum Rent Regulations]

HOTELS AND ROOMING HOUSES

The second sentence of the first undesignated paragraph and subparagraphs (2) and (5) of paragraph (a) of §§ 1388.1505, 1388.1555, 1388.1605, 1388.1855, 1388.1905, 1388.1955, 1388.2005, 1388.3005, 1388.4005, 1388.5005, 1388.6005, 1388.7005, 1388.8005, 1388.9005, 1388.85, 1388.185, 1388.335, and 1388.435 of Maximum Rent Regulations Nos. 21A, 22A, 23A, 29A, 30A, 31A, 32A, 34A, 36A, 38A, 40A, 42A, 44A, 46A, 48A, 50A, 54A, and 56A, respectively, are amended to read as follows:

* * * Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable rooms on ----------------[2]: *Provided, however,* That no maximum rent shall be increased because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on ----------------,[2] the difference in the rental value of the accommodations by reason of such improvement or increase: *And provided further,* That no adjustment shall be ordered because of a major capital improvement, an increase or decrease in services, furniture, furnishings or equipment, or a deterioration, where it appears that the rent during the thirty-day period determining the maximum rent was fixed in contemplation of and so as to reflect such change.

* * * * *

(2) There was, on or prior to ----------------,[2] a substantial change in the room by a major capital improvement as distinguished from ordinary repair,

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[1] 7 F.R. 1285, 1836, 2000, 2132, 3430, 4853, 8202, 8948.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6896, 7777, 7670, 8650, 7914, 7942, 8354, 8948.

[1] 7 F.R. 3239, 3666, 3856, 3940, 3941, 5024, 5567, 5835, 7809, 8996, 8949, 8948, 9426.

[2] The applicable date is to be inserted for each Maximum Rent Regulation. The respective date to be inserted for each Maximum Rent Regulation is as follows:

Nos. 21A, 29A, 40A, 42A, January 1, 1941; Nos. 22A, 30A, 34A, April 1, 1941; Nos. 23A, 31A, 38A, July 1, 1941; Nos. 48A, 56A, October 1, 1941; Nos. 32A, 36A, 44A, 46A, 50A, 54A, March 1, 1942.

replacement and maintenance, and the rent during the thirty-day period ending on ---------------,[2] was fixed by a lease or other rental agreement which was in force at the time of such change.

* * * * *

(5) There was in force on ---------------,[2] a written lease, for a term commencing on or prior to ---------------,[3] requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on ---------------.[2]

* * * * *

This Supplementary Amendment No. 5A to Maximum Rent Regulations for Hotels and Rooming Houses shall become effective November 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12315; Filed, November 23, 1942; 4:17 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Supplementary Amendment 9 to Maximum Rent Regulations]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

The second sentence of the first undesignated paragraph and subparagraphs (2) and (5) of paragraph (a) of §§ 1388.15, 1388.65, 1388.115, 1388.165, 1388.215, 1388.265, 1388.315, 1388.365, 1388.415, 1388.465, 1388.515, 1388.565, 1388.615, 1388.665, 1388.715, 1388.765, 1388.815, 1388.865, 1388.915, 1388.965, 1388.1015, 1388.1655, 1388.1705, 1388.1755, 1388.1805, 1388.2055, 1388.3055, 1388.4055, 1388.5055, 1388.6055, 1388.7055, 1388.8055, 1388.35, 1388.135, 1388.235, 1388.285, and 1388.385 of Maximum Rent Regulations Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27, 28, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, and 55, respectively, are amended to read as follows:

* * * In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services or a deterioration, the adjustment in the maximum rent shall be the amount the Administrator finds would have been on ---------------,[4] the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date determining the maximum rent was fixed in contemplation of and so as to reflect such change.

* * * * *

(2) There was, on or prior to ---------------,[4] a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent on ---------------,[4] was fixed by a lease or other rental agreement which was in force at the time of such change.

* * * * *

(5) There was in force on ---------------,[4] a written lease, for a term commencing on or prior to ---------------,[5] requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on ---------------,[4] or the housing accommodations were not rented on ---------------,[4] but were rented during the two months ending on that date and the last rent for such accommodations during that two-month period was fixed by a written lease, for a term commencing on or prior to ---------------,[5] requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on---------------.[4]

* * * * *

This Supplementary Amendment No. 9 to Maximum Rent Regulations for Housing Accommodations Other than Hotels and Rooming Houses shall become effective November 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12316; Filed, November 23, 1942; 4:17 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Supplementary Amendment 11 to Maximum Rent Regulations]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

Paragraph (b) of §§ 1388.11, 1388.61, 1388.111, 1388.161, 1388.211, 1388.261, 1388.311, 1388.361, 1388.411, 1388.461, 1388.511, 1388.561, 1388.611, 1388.661, 1388.711, 1388.761, 1388.811, 1388.861, 1388.911, 1388.961, 1388.1011, 1388.1651, 1388.1701, 1388.1751, 1388.1801, 1388.2051, 1388.3051, 1388.4051, 1388.5051, 1388.6051, 1388.7051, 1388.8051, 1388.31, 1388.131, 1388.231, 1388.281, and 1388.381 of Maximum Rent Regulations Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27 28, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, and 55, respectively, is amended by the addition to said paragraph (b) of a new subparagraph (4) as follows:

* * * * *

(4) Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, however,* That this Maximum Rent Regulation does apply to a sublease or other subrenting of such accommodations or any part thereof.

* * * * *

This Supplementary Amendment No. 11 to Maximum Rent Regulations for Housing Accommodations Other than Hotels and Rooming Houses shall become effective November 24, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12317; Filed, November 23, 1942; 4:21 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order No. 11,[1] Amendment 10]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1394.5603, the phrase "November 23, 1942" is amended to read "December 1, 1942"; in paragraph (b) of § 1394.5604, the phrase "thirty (30) days" is amended to read "forty (40) days"; in paragraph (f) of § 1394.5653, the phrase "November 23, 1942" is amended to read "November 30, 1942" and in subparagraph (4) of that paragraph the phrase "November 30, 1942" is amended to read "December 30, 1942"; in paragraph (b) of § 1394.5707, the phrase "November 23, 1942" is amended to read "November 30, 1942", in subparagraph (3) of that paragraph, the phrase "November 28, 1942" is amended to read "December 8, 1942" and in subparagraph (4) of the same paragraph, the phrase "November 30, 1942" is amended to read "December 30, 1942"; in paragraph (c) of § 1394.5731, the phrase "December 10, 1942" is amended to read "December 20, 1942"; and a new paragraph (j) is added to § 1394.5902; as set forth below:

Effective Date

§ 1394.5902 *Effective dates of amendments and corrections.* * * *

(j) Amendment No. 10 (§§ 1394.5603, 1394.5604 (b), 1394.5653 (f), 1394.5707 (b), and 1394.5731 (c)) shall become effective November 23, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub Laws 89, 507 and 421 77th Cong.; WPB Directive No. 1, 7 F.R. 562; Supp. Directive No. 1-0, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12319; Filed, November 23, 1942; 4:16 p. m.]

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[2] See footnote 2, p. 9783.

[3] The applicable date is to be inserted for each Maximum Rent Regulation. The respective date to be inserted for each Maximum Rent Regulation is as follows:

Nos. 21A, 29A, 40A, 42A, January 1, 1940; Nos. 22A, 30A, 34A, April 1, 1940; Nos. 23A, 31A, 38A, July 1, 1940; Nos. 48A, 56A, October 1, 1940; Nos. 32A, 36A, 44A, 46A, 50A, 54A, March 1, 1941.

[4] The applicable date is to be inserted for each Maximum Rent Regulation. The respective date to be inserted in each Maximum Rent Regulation is as follows:

Nos. 1, 7, 9, 25, 39, 41, January 1, 1941; Nos. 2, 3, 4, 5, 6, 8, 11, 12, 13, 14, 15, 17, 18, 19, 20, 24, 26, 33, April 1, 1941; Nos. 10, 16, 27, 37, July 1, 1941; Nos. 47, 55, October 1, 1941; Nos. 28, 35, 43, 45, 49, 51, 53, March 1, 1942.

[5] The applicable date is to be inserted for each Maximum Rent Regulation. The respective date to be inserted in each Maximum Rent Regulation is as follows:

Nos. 1, 7, 9, 25, 39, 41, January 1, 1940; Nos. 2, 3, 4, 5, 6, 8, 11, 12, 13, 14, 15, 17, 18, 19, 20, 24, 26, 33, April 1, 1940; Nos. 10, 16, 27, 37, July 1, 1940; Nos. 47, 55, October 1, 1940; Nos. 28, 35, 43, 45, 49, 51, 53, March 1, 1941.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9620.

PART 1399—CONSTRUCTION, OIL FIELD, MINING, AND RELATED MACHINERY

[MPR 134,[1] Amendment 5]

CONSTRUCTION AND ROAD MAINTENANCE EQUIPMENT RENTAL PRICES AND OPERATING OR MAINTENANCE SERVICE CHARGES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1399.15, *Appendix A,* is amended as follows:

Wherever the words, "* * * the maximum price established by any regulation issued by the Office of Price Administration for the sale of * * * to a purchaser of the same class as the lessor", appear in the printed matter following any of the headings for various types of equipment in the Table of Rates they are amended to read: "* * * the highest maximum price established by any regulation issued by the Office of Price Administration for the sale of * * * to any domestic class of purchasers".

Under the heading "Trenching Machines—Ladder Type", the word "feet" in the third and fourth columns is amended to read "inches".

After the heading, "Hose, Suction—Couplings Attached" a new heading and rates for "Hose, Discharge—Couplings Attached" are added and, under the heading "Pumps" the text is revoked and specific rates and a new text are added, as set forth below:

§ 1399.15 *Appendix A: Table of rates.*

* * * * *

HOSE, DISCHARGE
COUPLINGS ATTACHED

Diameter (inch)	Length (feet)	Per month	Per week	Per day
1½	10	$2.25	$0.75	$0.20
	12	2.65	0.90	0.25
	15	3.20	1.05	0.30
	20	4.15	1.40	0.35
2	10	2.80	0.95	0.20
	12	3.25	1.10	0.25
	15	4.00	1.35	0.30
	20	5.15	1.70	0.40
2½	10	3.50	1.15	0.30
	12	4.05	1.35	0.35
	15	4.75	1.50	0.40
	20	6.40	2.15	0.50
3	10	4.00	1.35	0.30
	12	4.65	1.55	0.40
	15	5.65	1.90	0.45
	20	7.30	2.45	0.60
4	10	5.30	1.75	0.45
	12	6.25	2.10	0.50
	15	7.50	2.50	0.60
	20	9.65	3.20	0.80
6	10	11.20	3.75	0.90
	12	14.65	4.90	1.20
	15	15.30	5.10	1.30
	20	20.00	6.65	1.65

PUMPS

CAISSON—STEAM

Suction (inch)	Discharge (inch)	Per month	Per week	Per day
3	2	$35.00	$12.00	$3.00
4	3	45.00	15.00	4.00
5	4	60.00	20.00	5.00
6	5	75.00	25.00	6.50
7	6	100.00	33.00	8.50

CENTRIFUGAL—GASOLINE ENGINE DRIVEN

[Self-priming]

	Per month	Per week	Per day
1½ inch 3 M	$35.00	$12.00	$3.00
2 inch 7 to 10 M	40.00	13.00	3.00
3 inch 15 to 20 M	50.00	17.00	4.50
4 inch 30 to 40 M	80.00	27.00	7.00
6 inch 75 to 90 M	125.00	42.00	10.50
8 inch 125 M	195.00	65.00	16.00
10 inch 175 to 225 M	240.00	80.00	20.00

CENTRIFUGAL—NO POWER

[Single stage—Standard not self-priming for belt drive or direct connection]

Discharge openings	Per month	Per week	Per day
Up to 1 inch, inclusive	$15.00	$5.00	$1.00
1¼ inch to 2 inch, inclusive	25.00	8.50	1.75
2¼ inch to 3 inch, inclusive	35.00	12.00	2.50
3½ inch to 4 inch, inclusive	50.00	17.00	3.00
5 inch to 6 inch, inclusive	65.00	21.00	4.50

For multi-stage pumps (no power) the rates shall not exceed the single stage rates plus the following percentages:

	Percent
For 2 stage	50
For 3 stage	75
For 4 stage	100

For three months or more rental no additional charge shall be made for mounting engine on pump.

DIAPHRAGM

	Per month	Per week	Per day
Hand Power	$8.00	$5.00	$1.00

DIAPHRAGM—GASOLINE ENGINE DRIVEN

[Force or open top]

Size (inch)	Action	From and not including H. P.	To and including H. P.	Per month	Per week	Per day
3	Single	------	4½	$35.00	$12.00	$5.00
		4½	9	55.00	18.00	5.00
3	Double	------	4½	50.00	17.00	5.00
		4½	9	70.00	23.00	5.75
4	Single	------	4½	40.00	13.00	5.00
		4½	9	60.00	20.00	5.00
4	Double	------	4½	60.00	20.00	5.00
		4½	9	80.00	27.00	6.50

JETTING

Two-stage, split case, volute centrifugal pump, 3 inch discharge, 4 inch suction. Direct connected to 6 cylinder 70 H. P. Gasoline engine. About 450 gallons per minute at 175 l s. pressure. Complete with 20 feet of 4 inch suction hose and foot valve and 10 feet of 3 inch high pressure discharge hose to be used between pipe line and pump. Mounted on steel base.

Size	Weight, (pounds)	Per month	Per week	Per day
Approximately as above	4,000	$300.00	$125.00	$32.50

PUMPS—Continued

PLUNGER

Size (inch)	From and not including H. P.	To and including H. P.	Per month	Per week	Per day
2	----------	5	$50.00	$17.00	$4.25
2	5	13	65.00	22.00	5.50
3	----------	5	75.00	25.00	6.25
3	5	11	85.00	28.00	7.00
3	11	20	125.00	42.00	12.00
4	----------	5	80.00	27.00	6.75
4	5	11	90.00	30.00	7.50
4	11	20	130.00	43.00	12.50

SUMP—PNEUMATIC

	Per month	Per week	Per day
Small	$45.00	$17.00	$5.00
Medium	55.00	21.00	5.50
Tandem	70.00	23.00	8.00

For any pump-unit not listed in the foregoing table, the maximum monthly rate shall not exceed 9% of the highest maximum price established by any regulation issued by the Office of Price Administration for the sale of such pump-unit to any domestic class of purchasers. The maximum rate per week for such pump-unit shall not exceed ⅓ of such maximum monthly rate; the maximum daily rate shall not exceed 1/12 of such maximum monthly rate.

* * * * *

§ 1399.14a *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§ 1399.15) shall become effective as of October 22, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12320; Filed, November 23, 1942; 4:19 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165, as Amended, Amendment 9]

SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

A new § 1499.115a is added as set forth below:

§ 1499.115a *Adjustable pricing.* Any person may offer or agree to adjust prices for services subject to this regulation to prices not in excess of the maximum prices in effect at the time the services are supplied. In an appropriate situation, where a petition for amendment or an application for adjustment has been filed and requires extended consideration, the Administrator (or his authorized representative) may, upon request, grant permission to agree to adjust prices for services supplied while the petition or application is pending, in accordance with its disposition. The Administrator (or his authorized representative) may also direct that the charges for services supplied while the petition or application is pending, be paid to the supplier or to a third party, and that they be earmarked and held until the petition or application is finally disposed of by the Administrator and the maximum price for the service is determined.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3203, 3411, 3447, 7001, 8386, 9054, 8948.

§ 1499.121a *Effective dates of amendments.* * * *

(i) Amendment No. 9 (§ 1499.115a) to Maximum Price Regulation No. 165 as amended, shall become effective November 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–12321; Filed, November 23, 1942; 4:16 p. m.]

Part 1499—Commodities and Services

[Supp. Reg. 14[1] to GMPR,[2] Amendment 64]

STORAGE, ETC., OF CERTAIN FRUITS IN OREGON AND WASHINGTON

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Subparagraph (27) of paragraph (a) of § 1499.73 is amended to read as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided:

* * * * *

(27) *Storage and warehousing of apples, pears, peaches, apricots, plums, and prunes in the States of Oregon and Washington*—(i) *Maximum prices*—(*a*) *Sellers supplying same service during 1941–42 season.* Maximum prices for the cold storage of apples, pears, peaches, apricots, plums and prunes, including handling in and out of warehouse, in the States of Oregon and Washington shall be determined, as to each seller supplying the same service during the 1941–42 season, by adding the amounts listed below to the highest prices of such seller for supplying such services to purchasers of the same class during the 1941–42 season.

Service	*Amount of increase*
Cold storage of apples and pears other than cannery pears	3¢ per box.
Cold storage of cannery pears, cannery peaches, cannery apricots, cannery plums and cannery prunes	$1.00 per ton.

Where the price of a seller during the 1941–42 season was on the basis of a single charge for the entire season or period of storage, the increase permitted above may be added to the seasonal charge of such seller. Where the price of a seller during the 1941–42 season was on the basis of a charge per month or other period shorter than the entire period of storage, the increase permitted above may be added by such seller to the charge for any particular period or may be divided among two or more periods, but the total increase for the entire period of storage may not exceed the amount specified above.

(*b*) *Sellers not supplying same service during 1941–42 season.* Maximum prices for the cold storage of apples, pears, peaches, apricots, plums, and prunes, including handling in and out of warehouse, in the States of Oregon and Washington shall be, as to each seller not supplying the same service during the 1941–42 season, the maximum prices established under inferior subdivision (i) (*a*) hereof for the most closely competitive seller of the same class who supplied such services during the 1941–42 season.

(*c*) *Effective date of increased maximum prices.* The maximum prices authorized by this subdivision (i) shall be effective as of the beginning of the 1942–43 season.

(ii) *Refund of additional amounts previously collected on a conditional basis.* Any person storing apples or pears in the State of Oregon or the State of Washington who, pursuant to Amendment No. 29 to Supplementary Regulation No. 14 to the General Maximum Price Regulation, made a conditional charge of an amount in excess of the increases authorized in subdivision (i) hereof shall immediately refund or remit such excess amount to the person to whom such charge was made.

(iii) *Definitions.* As used in this subparagraph (27), the term "season" refers to the period during which fruit maturing in a particular year remains in cold storage, the term "1941–42 season" refers to the period of storage of fruit maturing during 1941, and the term "1942–43 season" refers to the period of storage of fruit maturing during 1942.

(b) *Effective dates.* * * *

(65) Amendment No. 64 (§ 1499.73 (a) (27)) to Supplementary Regulation No. 14 shall become effective November 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–12322; Filed, November 23, 1942; 4:16 p. m.]

Part 1499—Commodities and Services

[Order 116 Under § 1499.18 (b) of GMPR]

TIDEWATER VIRGINIA AREA

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1117 *Adjustment of maximum prices for spinach baskets manufactured and delivered within the Tidewater Virginia area.* (a) Any container manufacturer located in the Tidewater Virginia area may sell and deliver to persons located in that area, and any person located in the Tidewater Virginia area may buy and receive, spinach baskets (specifications: continuous stave "improved bushel tubs", with handles and octagon covers, but without loop fasteners) in carload or truck load quantities at a delivered price not higher than the price figured as follows: Deduct 30 cents per dozen baskets from the maximum delivered price which governs local sales of carload and truck load quantities of continuous stave "improved bushel tubs" with crown covers, loop fasteners, and handles, manufactured and sold by the company which prices its spinach baskets under this paragraph. The maximum price for the bushel basket with crown cover and loop fasterens is established either by the General Maximum Price Regulation or by Maximum Price Regulation No. 160 (Seasonal Wooden Agricultural Containers).

(b) When used in this order the term "Tidewater Virginia area" shall be construed to mean the following counties in the State of Virginia: Norfolk, Princess Anne, Nansemond, Northampton, Southampton; and Hertford County, North Carolina.

(c) This Order No. 116 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 116 (§ 1499.1117) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 116 (§ 1499.1117) shall become effective November 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–12323; Filed, November 23, 1942; 4:20 p. m.]

Part 1499—Commodities and Services

[Order 117 Under § 1499.18 (b) of GMPR]

L. H. LINCOLN AND SON, INC.

Order No. 117 Under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3–2234.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1118 *Adjustment of maximum prices for sales of leather sponging and washing compounds by L. H. Lincoln and Son, Incorporated.* (a) The maximum prices for the sale of the following products by L. H. Lincoln and Son, Incorporated, Coudersport, Pennsylvania, shall be the prices set forth below:

Leather sponging compound, $.0775 per pound, f. o. b. Coudersport

Leather washing compound, $.10 per pound, f. o. b. Coudersport

(b) All discounts and trade practices in effect during March 1942 on the sale by L. H. Lincoln and Son, Incorporated, of leather sponging and washing compounds shall apply to the maximum prices set forth in paragraph (a).

(c) All prayers of the applicant not granted herein are denied.

(d) This Order No. 117 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 117 (§ 1499.1118) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 117 (§ 1499.118) shall become effective November 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–12324; Filed, November 23, 1942; 4:17 p. m.]

[Order 144 Under § 1499.3 (b) of GMPR]

Part 1499—Commodities and Services

POROCEL CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1160 *Approval of maximum prices for Isocel manufactured by Porocel Corporation.* (a) Maximum prices for the sale by the Porocel Corporation, 260 South Broad Street, Philadelphia, Pennsylvania, of Isocel manufactured by that company shall be:

$.16 per pound f. o. b. producer's plant, for sales in carload quantities

$.1625 per pound f. o. b. producer's plant, for sales in less than carload quantities

(b) The Porocel Corporation may require a reasonable deposit for the return of drums in addition to the prices set forth above for Isocel. The amount of the deposit must be refunded to the purchaser when the purchaser returns the drums in good condition freight collect.

(c) On or before July 31, 1943, the Porocel Corporation shall furnish the Office of Price Administration a statement of its costs of producing Isocel for the period November 1, 1942 to June 30, 1943. Such report shall show the following costs per pound of Isocel:

(1) Raw material costs, (2) Direct manufacturing costs, (3) Plant overhead costs, (4) Administrative costs, (5) Other costs.

Thereafter, the Porocel Corporation shall submit to the Office of Price Administration such reports of its cost of producing Isocel as the Office of Price Administration may from time to time require.

(d) This Order No. 144 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 144 (§ 1499.1160) shall become effective November 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–12325; Filed, November 23, 1942; 4:17 p. m.]

Part 1499—Commodities and Services

[Order 145 Under § 1499.3 (b) of GMPR]

CATALIN CORPORATION

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1161 *Maximum prices for sales of synthetic phenol by Catalin Corporation.* (a) The maximum price which the Catalin Corporation, a corporation incorporated under the laws of the State of Delaware, may charge for synthetic phenol produced by that corporation shall be 18.7 cents per pound, naked, f. o. b. the plant of the Catalin Corporation, Matawan, New Jersey.

(b) The maximum price set forth in paragraph (a) shall be subject to adjustment at any time by the Office of Price Administration.

(c) Catalin Corporation shall submit such reports to the Office of Price Administration as it may, from time to time, require.

(d) This Order No. 145 may be revoked or amended by the Office of Price Administration at any time.

(e) This Order No. 145 (§ 1499.1161) shall become effective November 24, 1942.

Issued this 23d day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–12326; Filed, November 23, 1942; 4:19 p. m.]

[Ration Order 5C,[1] Amendment 1]

Part 1394—Rationing of Fuel and Fuel Products

MILEAGE RATIONING GASOLINE REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

All references to "November 21, 1942" are amended to read "November 30, 1942", and all references to "November 22, 1942" are amended to read "December 1, 1942"; paragraph (d) of § 1394.8218 is revoked; subparagraph (1) of paragraph (a) of § 1394.7602, paragraphs (a) and (d) of § 1394.7653, paragraphs (a) and (b) of § 1394.7805, paragraphs (a), (b) and (c) of § 1394.7808, paragraph (d) of § 1394.8156, paragraphs (a), (c) and (d) of § 1394.8201, paragraph (c) of § 1394.8215, and § 1394.8351, are amended; and a new § 1394.8352 is added; as set forth below:

Administration, Personnel and Jurisdiction

§ 1394.7602 *Jurisdiction of boards over issuance of rations.* (a) * * *

(1) The issuance of basic rations: *Provided,* That during the period from November 9, 1942 to November 20, 1942, inclusive, such rations shall be issued only by registrars, in accordance with § 1394.7653;

* * * * *

Basic Rations

§ 1394.7653 *Application for and issuance of basic rations.* (a) Application for a basic ration book shall be made on Form OPA R–534. During the period from November 9, 1942 to November 20, 1942, inclusive, application shall be made at any application site designated by the Office of Price Administration. After November 20, application shall be made to a Board: *Provided,* That a Board may refuse to accept applications for basic rations prior to December 3, 1942 except for good cause shown for failure to apply at an application site. A separate application shall be made for each passenger automobile or motorcycle for which a basic ration is sought.

* * * * *

(d) Pursuant to such application, a basic ration shall be issued during the period from November 9, 1942, to November 20, 1942, inclusive, by any registrar appointed under paragraph (a) or (b) of § 1394.7601. After November 20, 1942, a basic ration shall be issued by a Board. The Board shall remove from any Class A book issued subsequent to December 1, 1942, all expired coupons and one currently valid coupon for each full eight days which have elapsed in the valid period during which such book is issued. In the case of a Basic D book issued after December 1, 1942, one coupon shall be removed for each full eight days which have elapsed since December 1, 1942.

* * * * *

Transport Rations

§ 1394.7805 *Issuance of transport ration.* (a) Except as provided in paragraph (c) of this section, no transport ration shall be issued unless the applicant has presented to the Board, at the time of application, a currently valid single unit certificate or, in the case of a fleet, a fleet certificate issued for the fleet for which a ration is sought. Except as provided in § 1394.7806, no transport ration may be issued which will allow the applicant to acquire gasoline in excess of the maximum allowed by such certificate for the quarterly period for which the ration is sought and no transport ration shall be issued more than thirty (30) days prior to the beginning of the quarterly period during which it is to be used: *Provided,* That transport rations issued for use prior to January 1, 1943, shall not allow an amount of gasoline (other than gasoline allowed pursuant to

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 7400, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 9391, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5775, 5784, 5783, 6058, 6081, 5484, 5565, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7135.

§ 1394.7806) in excess of the maximum number of gallons of gasoline allowed by the certificate for the first quarter of 1943 plus eighty (80) per cent of the maximum number of gallons of gasoline allowed by the certificate for the remaining portion of the year 1942: *Provided, further,* That in the issuance of any transport ration for use prior to January 1, 1943, the Board shall deduct the number of gallons which have been allowed in the issuance of any temporary transport ration for the vehicle covered by the application.

(b) The Board shall examine the single unit certificate or the fleet certificate submitted and shall insert at the appropriate place provided in the application the maximum number of gallons of gasoline allowed by such certificate for the period for which the ration is sought. The Board shall allow the maximum number of gallons of gasoline permitted under paragraph (a) of this section, or the quantity of gasoline required by the applicant during the period or periods for which the ration is sought as stated in the application, whichever is less. The Board shall issue Class T–1 or T–2 books or bulk coupons in sufficient number to provide the number of gallons of gasoline allowed by it.

* * * * *

§ 1394.7808 *Temporary transport rations.* (a) Any person requiring gasoline for the operation of a commercial motor vehicle who has made application for a certificate of war necessity but who has received no notice of any action thereon may apply between November 23, 1942, and December 31, 1942, inclusive, for a temporary transport ration pursuant to the provisions of paragraph (b) of this section, and no certificate of war necessity shall be required to be presented in connection therewith.

(b) An application for a temporary transport ration may be made, in duplicate, to any Board during the period from November 23, 1942, to December 31, 1942, inclusive. Such application shall be made on Form OPA R–536, and may be made by an agent. The applicant shall state the mileage and gallonage required for the operation of such motor vehicle from the date the ration is required to December 31, 1942, inclusive, and shall specify the address of the District Office of the Office of Defense Transportation with which the application for a certificate of war necessity has been filed, the date on which such application was filed, and the address of the Board with which his application pursuant to § 1394.7804 is to be filed. The applicant shall also state that no ration pursuant to § 1394.7805 has been issued, and that he has received no notice of any action on his application for a certificate of war necessity for the vehicle or vehicles for which a ration is sought. The word "temporary" shall be clearly noted on the application.

(c) The Board shall determine the number of gallons of gasoline required during such period for the operation of such motor vehicle. The Board shall then issue "T–1" or "T–2" books containing coupons in sufficient number to provide the gallonage needed to December 31, 1942, inclusive. Such books shall expire at 12:01 A. M. on April 1, 1943.

* * * * *

General Provisions With Respect to Transfers and Use

§ 1394.8156 *Emergency transfers.* * * *

(d) Any Regional Administrator of the Office of Price Administration who finds that there has been such delay in the issuance of rations as of December 1, 1942, as to jeopardize the movement of trucks, busses, or other essential vehicles for which no basic ration is issuable, may by declaration designate the states within his region in which such delay has occurred and specify the types of vehicles affected thereby. Such declaration shall continue in effect until December 13, 1942, or such earlier date as he may determine. During the effective period of such declaration, the operator of a vehicle of a type specified therein, licensed or operated in a state designated therein, may acquire gasoline for use in such vehicle by signing an Emergency Receipt on Form OPA R–555, in duplicate: *Provided,* That gasoline may be so acquired for a vehicle only during the interval between the date of application for a ration for such vehicle and the date of receipt or denial of such ration. Any dealer who has made a transfer of gasoline in exchange for an emergency receipt pursuant to this paragraph shall transmit such receipt, in duplicate, to the Board having jurisdiction over the area in which his place of business is located and such Board shall issue inventory coupons to him, in exchange for such receipt, in accordance with the procedure specified in paragraph (c) of this section.

* * * * *

Replenishment and Audit

§ 1394.8201 *Registration of inventory and capacity.* (a) Every dealer and intermediate distributor shall take a physical inventory of his total gasoline supplies on hand as of 12:01 a. m., December 1, 1942, and shall, on December 1 or 2, 1942, register (on Form OPA R–545) with the Board having jurisdiction of the area in which such a place of business is located, at the hours provided by the Board, the following matters, together with such other information as may be required:

(1) His name, firm name, business address and type of business.

(2) His total gasoline storage capacity.

(3) His total inventory of gasoline on hand as of 12:01 a. m., December 1, 1942.

(4) A certification as to the truth of each of the foregoing items of information.

* * * * *

(c) Every licensed distributor who operates a place of business at which functions corresponding to those of a dealer or intermediate distributor are performed, and which, under the terms of § 1394.7551 (a) (17), is deemed to be a part of his facilities as a licensed distributor, and every person who receives gasoline from a licensed distributor on consignment for purposes of sale, shall register each such place of business (on Form OPA R–545) on December 1 or 2, 1942, with the Board having jurisdiction of the area in which each such place of business is located: *Provided,* That neither the inventory of gasoline on hand nor the gasoline storage capacity shall be registered, but only the name of the licensed distributor or consignee operating such place of business, a statement that the place of business is operated by a consignee, and a certification as to the truth of this information.

(d) Notwithstanding the provisions of paragraphs (a, (b) and (c) of this section, no dealer or distributor whose place of business has been registered with a Board pursuant to the provisions of Ration Order No. 5A shall, except as provided in §§ 1394.8220, 1394.8224, 1394.8225 and 1394.8226, again register such place of business or receive inventory coupons representing the unfilled gasoline storage capacity of such place of business: *Provided,* That any licensed distributor who registered, pursuant to the provisions of Ration Order No. 5A, facilities which, under the terms of § 1394.7551 (a) (17), are deemed for purposes of Ration Order No. 5C to be a part of his facilities as a licensed distributor, and received inventory coupons for the unfilled gasoline storage capacity of such facilities, shall re-register such facilities, on December 1 or 2, 1942, as licensed distributor facilities, and surrender to the Board for cancellation inventory coupons or other evidences equal in gallonage value to the coupons originally issued to represent his unfilled gasoline storage capacity.

* * * * *

§ 1394.8215 *Transfer and surrender of expired coupons.* * * *

(c) On and after December 11, 1942, but not later than December 15, 1942, in the case of Class S ration coupons, and on and after ten (10) days but not later than fifteen (15) days after the expiration dates of Class A ration coupons, each dealer or distributor who has in his possession or control Class S or expired Class A ration coupons shall surrender such coupons, summarized on Form OPA R–541, to the Board having jurisdiction over the area in which his place of business is located. The Board shall issue to a distributor in exchange for such coupons one or more exchange certificates, in accordance with the provisions of § 1394.8214. The Board shall issue to a dealer in exchange for such coupons inventory coupons equal in gallonage value to the coupons so surrendered. After December 15, 1942, in the case of Class S ration coupons, and after fifteen (15) days from the expiration date of any Class A ration coupons, such coupons are void, and no gasoline may be transferred in exchange therefor, and no exchange certificate, inventory coupons, or other evidence may be issued to a dealer or distributor in exchange for Class S or expired Class A ration coupons.

* * * * *

Effective Dates

§ 1394.8351 *Effective dates.* (a) Ration Order No. 5C shall become effective on November 9, 1942, except that the provisions of §§ 1394.8151 to 1394.8180, inclusive, and §§ 1394.8201 to 1394.8227, inclusive, shall become effective December 1, 1942.

(b) On and after December 1, 1942, Ration Order No. 5C, §§ 1394.7501 to 1394.8351, inclusive, supersedes Ration Order No. 5A, §§ 1394.161 to 1394.2001, inclusive: *Provided, however,* That Ration Order No. 5A and all amendments thereto shall continue to remain in full force and effect for the purpose of allowing or sustaining any suit, action, prosecution or administrative or other proceeding heretofore or hereafter commenced with respect to any violation committed or right or liability incurred under or pursuant to the terms thereof prior to December 1, 1942.

§ 1394.8352 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1394.7602 (a) (1), 1394.7653 (a) and (d), 1394.7805 (a) and (b), 1394.7808 (a), (b) and (c), 1394.8156 (d), 1394.8201 (a), (c), and (d), 1394.8215 (c), 1394.8218 (d), 1394.8351, and 1394.8352) to Ration Order No. 5C shall become effective November 21, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507 and 421, 77th Cong.; W.P.B. Dir. No. 1; Supp. Dir. No. 1 Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 21st day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–12318; Filed, November 23, 1942; 4:18 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter III—Grazing Service

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

ADDITION TO WYOMING GRAZING DISTRICT NO. 2

Under and pursuant to the provisions of section 1 of the act of June 28, 1934, as amended (48 Stat. 1269; 49 Stat. 1976; 43 U.S.C. 315), known as the Taylor Grazing Act, Wyoming Grazing District No. 2 established October 31, 1936,[1] is amended to include the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 35 N., R. 95 W.,
T. 36 N., R. 95 W.

ABE FORTAS,
Acting Secretary of the Interior.

NOVEMBER 4, 1942.

[F. R. Doc. 42–12328; Filed, November 24, 1942; 9:53 a. m.]

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[1] Affects tabulations in § 502.1e.

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

PART 301—GENERAL REGULATIONS

[General Order No. 27]

SALE OR CHARTER OF CERTAIN VESSELS

Whereas under Executive Order No. 9054, dated February 7, 1942, and Executive Order No. 9244, dated September 16, 1942, the President of the United States has directed the Administrator, War Shipping Administration, to perform certain functions and duties and has granted the Administrator certain powers in connection therewith to assure the most effective utilization of the shipping of the United States for the successful prosecution of the war; and

Whereas it is essential in order to achieve the objectives of said Executive Orders that the sale and charter of certain vessels be subject to the approval of the Administrator, War Shipping Administration.

Now therefore, by virtue of the power vested in me by the aforesaid Executive Orders, *It is hereby ordered,* That:

§ 301.4 *Conditions governing sale or charter of certain vessels.* (a) The sale or charter to citizens of the United States of the following vessels is hereby prohibited unless approved by the Administrator, War Shipping Administration:

(1) All self-propelled vessels, including sailing vessels, of 200 gross tons or over documented under the laws of the United States or owned or controlled by citizens of the United States;

(2) All vessels not self-propelled of 1,000 gross tons or over including barges documented under the laws of the United States or owned or controlled by citizens of the United States.

(b) The responsibility of submitting to the Administrator for his approval the proposed sale or charter of vessels as above recited shall rest equally upon the owner and proposed purchaser or charterer. Applications for the Administrator's approval shall follow substantially the form annexed hereto.

(c) Nothing in this order shall be construed or deemed to modify, or rescind or otherwise change existing orders and regulations of the United States Maritime Commission with respect to the sale, or charter, or transfer of vessels to aliens or foreign registry.

(E.O. 9054, 9244; 7 F.R. 837, 7327)

[SEAL]

E. S. LAND,
Administrator.

NOVEMBER 23, 1942.

APPLICATION FOR APPROVAL PURSUANT TO GENERAL ORDER NO. 27

(To be submitted in triplicate)

Date ------------

To: War Shipping Administration
Washington, D. C.

I. Name of owner --------------------; Address ------------------------------

II. Name of purchaser ------------------ Charterer --------------------------; Address ------------------------------

III. Name of vessel ----------------; Official No. -------; Type -------; Age -------; Flag ------; Size (gross) ------ (d. w. t.) ------; In operation ------; Where ------; Laid up ------; Where ------; How long ------; Are any preferred mortgages recorded against vessel ------------------------

IV. If vessel to be sold:

(a) State business of purchaser ----------

(b) If not wholly owned by citizens of the United States, state percentage, names, and addresses of alien interests -----------

(c) Describe trade in which vessel to be employed by purchaser ------------------

(d) Sales price ------------------------ Terms ------------------------------------

V. If vessel to be chartered:

(a) State business of charterer ----------

(b) If not wholly owned by citizens of the United States, state percentage, names, and addresses of alien interests ----------------

(c) Form of charter ------------ Duration ------------ Charter rate ----------------

(d) Trading limits --------------------

(e) Commodities to be carried ----------

(f) Loading date ----------------------

NOTE: Applicant must submit certified copy of executed Charter Party with application, if possible. Advance approval may be obtained, however, in case of urgency, of above details submitted by telegram and later confirmed by letter with copy of Charter Party.

(Signature of applicant)

[F. R. Doc. 42–12330; Filed, November 24, 1942; 10:37 a. m.]

PART 321—DIRECTIVES

[Directive 5, Amendment 1]

FORWARDING AND TRANSPORTATION OF WATERBORNE FOREIGN COMMERCE

Amending § 321.5. The form prescribed in paragraph (a) of § 321.5 *Directive No. 5,* Forwarding and Transportation of Waterborne Foreign Commerce, is hereby amended, as follows:

1. Strike out the words "Received on board" in the first sentence and substitute in lieu thereof the words "Received for shipment";
2. Insert between the line marked "Port of Discharge from Ship" and "Particulars Furnished by Shipper of Goods" a line marked "Serial Number of Forwarding Authorization".
3. Strike out the present signature provisions and insert in lieu thereof, the following:

For The Master,
By: (*Name of agent to be inserted as required*)
As Agent for the Master
By: ----------------------

Directive No. 5 is further amended by adding the following new paragraph (d) at the end thereof:

The carrier, master of the vessel, or agent of the vessel or of the carrier at the port of shipment shall note upon such number of original bills of lading as may be required by the Forwarding Regulations of the War Shipping Administration, the name of the ship upon which the material was loaded, and the date when such loading was completed. Such notation shall be made prominently upon the face of the bill of lading by rubber stamp in the following form:

Received on Board MS/SS_______________
At ____________________ (Name of port) on
(date)__________.

The Lend-Lease Administrator concurs in these amendments.

(E.O. 9054, 9244, 7 F.R. 837, 7327)

[SEAL] E. S. LAND,
Administrator.

NOVEMBER 24, 1942.

[F. R. Doc. 42-12345; Filed, November 24, 1942; 11:31 a. m.]

Part 321—Directives

[Directive 6]

FORWARDING AND TRANSPORTATION OF WATERBORNE FOREIGN COMMERCE

Directive with respect to forwarding and transportation of waterborne foreign commerce of the United States issued by the Administrator, War Shipping Administration.

To all persons (including departments, agencies and officers of the United States) engaged in the procurement, transportation or forwarding of Lend-Lease cargo, or cargo procured, transported or forwarded for the government of any country whose defense has been deemed by the President to be vital to the defense of the United States pursuant to the Act of March 11, 1941 (which government is hereinafter referred to as a Lend-Lease government):

By virtue of the authority vested in the Administrator, War Shipping Administration, by the Act of March 14, 1942 (Public Law 498, 77th Congress), by Executive Order 9054, dated February 7, 1942, as amended; and pursuant to Directive No. 4 of November 3, 1942, of the Administrator, War Shipping Administration (7 F.R. 8967), it is hereby directed:

§ 321.6 *Directive No. 6.* (a) Upon the delivery of any of the cargo included within the scope of the aforesaid Directive No. 4 into the custody of the ocean carrier by or on behalf of the War Shipping Administration, the said carrier shall issue to, or cause to be issued to, the War Shipping Administration, or its designees, a dock receipt acknowledging that the carrier has received the merchandise for ocean carriage.

(b) The dock receipt will be a "short" form incorporating, by reference, the ocean carrier's usual form of dock receipt, in the following language:

"Received the above described merchandise for shipment as indicated hereon, subject to all conditions of the undersigned's usual form of dock receipt and bill of lading. Copies of the undersigned's usual form of dock receipt and bill of lading may be obtained from the Master of the vessel, the vessel's agent, or from the War Shipping Administration, Washington, D. C."

(c) All dock receipts shall be in nonnegotiable form, and marked: "receipt for cargo delivered to dock—not negotiable."

(d) Any form of dock receipt issued pursuant to this Directive may have imprinted upon it such marks and other data as may be prescribed for or convenient for identification of the cargo, and shall be designated as "Warshipshortdock Receipt".

(e) The dock receipt shall provide for such descriptive and identifying matter as may be required by and shall be in the form prescribed by the agencies of the War Shipping Administration engaged in the forwarding of Lend-Lease materials as defined herein.

(f) This Directive shall become effective December 1, 1942.

(E.O. 9054, 9244, 7 F.R. 837, 7327)

[SEAL] E. S. LAND,
Administrator.

NOVEMBER 24, 1942.

[F. R. Doc. 42-12346; Filed, November 24, 1942; 11:31 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-43]

WYATT, INC.

ORDER WITHDRAWING NOTICE OF AND ORDER FOR HEARING, CANCELLING HEARING, AND TERMINATING MATTER WITHOUT PREJUDICE

In the matter of Wyatt, Inc., Registered Distributor, Registration No. 9907, Respondent.

The above-entitled matter having been instituted by a Notice of and Order for Hearing dated October 24, 1941, and an answer having been filed therein by said respondent on February 19, 1942, in which it was stated that the excessive discounts referred to in such notice were accepted by the distributor as a result of an honest mistake and have been returned to the producer; and

The hearing in the above-entitled matter having been postponed by Order of the Acting Director issued December 4, 1941, to a date and place to be thereafter designated by an appropriate order; and

The Director upon the basis of said answer and other information furnished to the Division by the respondent deeming it advisable that said Notice of and Order for Hearing should be withdrawn, that the said hearing should be cancelled and that the above-entitled matter should be terminated without prejudice;

Now, therefore, It is ordered, That the said Notice of and Order for Hearing dated October 24, 1941, be and the same hereby is withdrawn; and

It is further ordered, That the hearing heretofore scheduled in the above-entitled matter be and the same hereby is cancelled; and

It is further ordered, That the above-entitled matter be and the same hereby is terminated without prejudice.

Dated: November 20, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12294; Filed, November 23, 1942; 12:37 p. m.]

[Docket No. B-344]

CARL HAFNER AND SONS

NOTICE OF AND ORDER FOR HEARING

In the matter of Carl Hafner, John Hafner and Herbert Hafner, individually and as co-partners, trading under the name and style of Carl Hafner and Sons, Code Member.

A complaint dated October 29, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on November 2, 1942, by Bituminous Coal Producers Board for District No. 2, a district board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Carl Hafner, John Hafner and Herbert Hafner, individually and as co-partners, trading under the name and style of Carl Hafner and Sons, RFD No. 2, Lake Lynn, Pennsylvania (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 12, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division at White Swan Hotel, Uniontown, Pennsylvania.

It is further ordered, That W. A. Cuff, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that said Carl Hafner, John Hafner and Herbert Hafner, individually and as copartners, trading under the name and style of Carl Hafner and Sons, a code member, R. F. D. No. 2, Lake Lynn, Pennsylvania, whose code membership became effective November 22, 1940, and who operate the Hafner Mine, Mine Index No. 1879, located in Fayette County, Pennsylvania, in Subdistrict 3 of District No. 2, wilfully violated the Act, the Code, and rules and regulations thereunder as follows:

1. By selling for truck shipment subsequent to December 11, 1940, at prices below the effective minimum price established therefor, coal for conversion into coke at beehive coke ovens in Market Area 7, including the sale for truck shipment, during the period June 4, 1941 to September 24, 1941, both dates inclusive, of approximately 1096.025 net tons of run of mine (Size Group 8) coal, produced by said code member at the said Hafner Mine, to C. Ray Wolfe, Walter Wolfe, and Ray Wolfe, individually and as copartners trading under the name and style of Ray Wolfe & Company, R. F. D. No. 1, Smithfield, Pennsylvania, a code member who operates the Williams No. 2 Mine, Mine Index No. 1806 in Fayette County, Pennsylvania, in District 2, for conversion into coke at beehive coke ovens in Market Area 7, at $1.25 per net ton, f. o. b. said Hafner Mine, whereas said coal for said conversion was priced at $2.00 per net ton, f. o. b. said Hafner Mine in the Schedule of Effective Minimum Prices for District 2 for Truck Shipments, as supplemented and amended by Order issued in Docket No. A-406, on December 30, 1940, thereby resulting in wilful violation of section 4 Part II (e) of the Act and Part II (e) of the Code:

2. By failing to file with the Statistical Bureau for District No. 2 not later than five days after the first day and the 15th day of each month, duplicate copies of each sales slip or invoice covering the sales of coal produced at said mine by said code member for shipment by truck during the period November 22, 1940 to December 30, 1940, both dates inclusive, as required by order of the Division No. 296, dated September 23, 1940;

3. By failing to maintain and keep on file for each sale, resale, consignment, shipment, or other disposal or movement of coal by truck or wagon from said mine during the period January 1, 1941 to March 31, 1941, both dates inclusive, a copy of each truck ticket, sales slip, invoice, other memoranda, or record covering such transaction, as required by order of the Division No. 307, dated December 11, 1940;

4. By failing to maintain and keep on file for each sale, resale, consignment, shipment, or other disposal or movement of coal by truck or wagon from said mine during the period April 1, 1941 to the date hereof, both dates inclusive, a copy of each truck ticket, sales slip, invoice, other memoranda, or record covering such transaction, as required by order of the Division No. 312, dated February 24, 1941.

Dated: November 20, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12295; Filed, November 23, 1942; 12:38 p. m.]

[Docket No. B-345]

BURKHARDT CONSOLIDATED CO.

NOTICE OF AND ORDER FOR HEARING

In the matter of the Burkhardt Consolidated Company, registered distributor, Registration No. 1265.

The Bituminous Coal Division (the "Division"), finds it necessary in a proper administration of the Bituminous Coal Act of 1937 (the "Act") and the Bituminous Coal Code (the "Code") promulgated thereunder to determine:

A. Whether the Burkhardt Consolidated Company, Registered Distributor, Registration No. 1265 (hereinafter sometimes referred to as the "Distributor") whose address is 918 Brown Street, Akron, Ohio, has violated any provision of the Act, the Code and Orders of the Division, including the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors, and its Distributors' Agreement (the "Agreement"), dated July 18, 1940, and filed with the Division on July 20, 1940, by said distributor pursuant to an Order of the Division, dated June 19, 1940, and more particularly whether subsequent to September 30, 1940, said distributor:

(1) Acting as a distributor, purchased from Clyde A. Wallick, code member, operator of the Wallick Mine, Mine Index No. 1841, located in Franklin Township, Tuscarawas County, Ohio, District No. 4, for resale and resold to Summit County Children's Home, Akron, Ohio, approximately 446.5 tons of 1¼'' nut, pea, and slack coal and approximately 21.875 tons of 2'' crushed mine run coal, during the period November 8, 1940 to and including June 27, 1941, at truck delivered prices of $2.65 and $2.70 per ton, respectively, and accepted and retained a discount of 17¢ per ton from the effective minimum prices thereof, which discounts were in excess of the maximum allowable discounts of 12¢ per ton, prescribed by the Division by Order of the Director issued in General Docket No. 12, on June 19, 1940; and actually delivered said coal in less than carload lots and not in a continuous flow, as a result of which, said transactions, jointly and severally, constituted violations of paragraphs (a) and (d) of its Agreement, and § 304.10 (b) of the Rules and Regulations for the Registration of Distributors.

(2) Acting as a distributor, purchased from said Clyde A. Wallick, for resale and resold to Akron Pure Milk Company, Akron, Ohio, approximately 52.17 tons of 2'' crushed mine run coal, during the period October 14, to October 20, 1941, both dates inclusive, at a truck delivered price of $2.70 per ton, and accepted and retained a discount of 12¢ per ton from the effective minimum prices therefor, and delivered said coal in less than carload lots and not in a continuous flow, as a result of which, said transactions, jointly and severally, constituted violations of § 304.10 (b) of the Rules and Regulations for the Registration of Distributors, and paragraph (d) of the Agreement.

(3) Acting as a distributor, purchased from said Clyde A. Wallick, for resale and resold to Summit County Children's Home, Akron, Ohio, approximately 159.05 tons of 1¼'' nut, pea and slack coal, during the period December 1, 1941 to January 30, 1942, both dates inclusive, at a truck delivered price of $2.75 per ton, and accepted and retained a discount of 12¢ per ton from the effective minimum prices therefor, and delivered said coal in less than carload lots and not in a continuous flow, as a result of which, said transactions, jointly and severally, constituted violations of § 304.10 (b) of the Rules and Regulations for the Registration of Distributors, and paragraph (d) of the Agreement.

(4) Acting as a distributor, purchased from said Clyde A. Wallick, for resale and resold to Summit County, Maintenance Department, Akron, Ohio, approximately 52.225 tons of mine run coal, during the period December 3, 1941 through December 31, 1941, both dates inclusive, at a truck delivered price of $3.25 per ton, and accepted and retained a discount of 12¢ per ton from the effective minimum prices therefor, and delivered said coal in less than carload lots and not in a continuous flow, as a result of which, said transactions, jointly and severally, constituted violations of § 304.10 (b) of the Rules and Regulations for the Registration of Distributors, and paragraph (d) of the Agreement.

B. Whether the registration of said Burkhardt Consolidated Company, Registered Distributor, Registration No. 1265, should be revoked or suspended or other appropriate penalties imposed.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the aforementioned Burkhardt Consolidated company has committed violations in the respects heretofore described and whether the registration of said Distributor, should be revoked or suspended, or other appropriate penalties imposed be held at Akron P. O. Bldg., Civil Service Room 207, Akron, Ohio, at 10 a. m., on January 12, 1943.

It is further ordered, That W. A. Cuff, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Distributors and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer setting forth the positions of said Distributor with reference to the matters hereinbefore described, shall be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service hereof on said Distributor, and that failure to file an answer herein within such period, unless the presiding officer shall otherwise order, shall be deemed to be an admission by said Distributor so failing of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

Notice is also hereby given that any application or applications pursuant to § 301.132 of the Rules of Practice and Procedure for the Division for the disposition of this proceeding without formal hearing must be filed not later than fifteen (15) days after receipt by said Distributor of this Notice of and Order for Hearing.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: November 23, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12350; Filed, November 24, 1942; 12:00 m.]

[Docket No. B-310]

SOUTHWESTERN ILLINOIS COAL CORPORATION

NOTICE OF FILING, ETC.

Notice of filing amended application pursuant to § 301.132 for disposition of proceeding without formal hearing.

Notice is hereby given that Southwestern Illinois Coal Corporation, a corporation and a code member in District No. 10, having its principal place of business at 1317 Fletcher Trust Building, Indianapolis, Indiana, filed with the Bituminous Coal Division (the "Division") on November 12, 1942, an amended application dated September 22, 1942, pursuant to § 301.132 of the Rules and Regulations of the Division for the disposition of this proceeding without formal hearing. Said amended application was clarified by a verified statement of the code member filed with the Division on October 19, 1942.

The complaint herein dated August 5, 1942, filed with the Division on August 7, 1942, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") by the Bituminous Coal Producers Board for District No. 10, alleges that the code member wilfully violated section 4 II (e) of the Act and Part II (e) of the Bituminous Coal Code (the "Code") (1) by selling through its sales agent, Walter Bledsoe & Co., to the National Lead Co., Carondolet, Missouri, at a price of $1.00 per net ton f. o. b. code member's Streamline Mine, Mine Index No. 165, approximately 4075.2 net tons of 1¼'' washed screenings (Size Group No. 24) produced at said mine prior to October 1, 1940, and delivered to said purchaser during the months of October and December 1940, and January and February 1941, whereas the effective minimum f. o. b. mine price for said coal was $1.40 per net ton which transactions were contrary to the Director's ruling dated September 25, 1940, to the effect that where a code member after October 1, 1940, retained an interest or control over certain coal or remained under obligation to perform a further act in order to make the coal available for use by the purchaser, the effective minimum f. o. b. mine price established for such coal is applicable to such coal, or (2) by selling through said sales agent and delivering said coal during the months of October and November 1940 and January and February 1941 to the National Lead Company at $1.00 per net ton f. o. b. mine, whereas the effective minimum price for said coal was $1.40 per net ton.

In said amended application and statement of clarification, the code member:

(a) Admits the wilful violation of section 4 II (e) of the Act and Part II (e) of the Code by the sale of 4075.2 net tons of 1¼'' washed screenings (Size Group No. 24) at $1.00 per net ton to the National Lead Company, Carondolet, Missouri, on April 1, 1939, and the concurrent execution of a lease and license agreement with said purchaser for storage of said coal on the code member's real estate, from which storage pile 2556.2 net tons were loaded by the code member into railroad cars for delivery and delivered to said purchaser during the period from October 1, 1940, to and including December 31, 1940, and the balance of 1519 net tons thereof was loaded into railroad cars by the code member for delivery and delivered to said purchaser during the period from January 1, 1941, to and including February 5, 1941, which latter period was subsequent to the termination of said lease and license agreement;

(b) Consents (1) with respect to the 2556.2 net tons of coal loaded and delivered during the period from October 1, 1940, to December 31, 1940, to the entry of a general cease and desist order which shall continue in full force and effect upon any restoration of code membership, and (2) with respect to the 1519 net tons loaded and delivered to said purchaser during the period from January 1, 1941, to and including February 5, 1941, to the entry of an order of revocation of its code membership requiring the payment of a tax in the amount of $829.37 as a condition precedent to the restoration of its code membership and agrees to pay said tax within fifteen (15) days after the entry of said order of revocation;

(c) States that to the best of its belief and knowledge it has not committed any other violations of the Act, the Code, or rules and regulations thereunder, other than those referred to in (a) above.

Interested parties may file with the Division recommendations or requests for informal conferences in respect to such amended application within fifteen (15) days from the date of this notice.

Dated: November 21, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12351; Filed, November 24, 1942; 12:00 m.]

[Docket A-1665]

DISTRICT BOARD 8

MEMORANDUM OPINION, ETC.

In the matter of the petition of District Board No. 8 for a change in mine name and seam designation for the Rennebaum Mine.

Memorandum opinion and order granting motion to amend petition, amending petition, terminating temporary relief heretofore granted, granting temporary relief and conditionally providing for final relief, and cancelling hearing.

A petition dated September 28, 1942, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed with the Division on September 29, 1942, by Bituminous Coal Producers Board for District No. 8, the petitioner in the above-entitled matter, requesting that coals produced by the Rennebaum Coal Company, a code member producer located in District 8, at its Rennebaum Mine, Mine Index No. 401, in the Sterling Seam, when loaded and mixed with coals mined by this producer at its Rennebaum Mine No. 2, Mine Index No. 3817, in the Buckeye Spring Seam, be classified in accordance with the effective classifications for Buckeye Spring Seam Coal produced at the said Rennebaum No. 2 Mine.

The relief prayed for was granted pending the final disposition of the matter and the matter was scheduled for hearing on November 24, 1942, before a duly designated Examiner of the Division, by an order issued herein on October 30, 1942.

A motion dated November 18, 1942, was filed by the petitioner with this Division on that date requesting leave to amend the petition by deleting the request for relief as outlined above and proposing, in lieu thereof, that the coals produced at Mine Index No. 401, when loaded over the tipple at Mine Index No. 3817, take the classification as currently effective for such coals when loaded at Mine Index No. 401.

Petitioner also requested that in the event its motion be granted, that temporary relief in accordance with the prayer therein contained be granted pending final disposition of the matter, that the temporary relief heretofore granted pursuant to the original petition by the order issued herein on October 30, 1942, be terminated, and that the hearing on the petition, scheduled to be held on November 24, 1942, be cancelled.

Expressed in terms of objects, the original petition requested that the coals of Rennebaum Mine, Mine Index No. 401, when loaded over the tipple of Mine Index No. 3817, should be classified as "D" in Size Groups 15–17, inclusive. The motion requested that these coals when loaded over the tipple at Mine Index 3817, should be classified as "C" in these size groups.

In support of its motion, the petitioner stated that the Sterling Seam coals produced and loaded at Mine Index No. 401, are currently classified as "G" in Size Groups 15–17, inclusive, but that the original petition proposed a "D" classification in these size groups for these coals when loaded over the tipple at Mine Index No. 3817; that the Sterling Seam coals, produced at Mine Index No. 401, have the same value irrespective of the tipple over which they may be loaded, and that the relief requested in the motion, by establishing uniform classifications for these coals would preserve this parity of value.

The petitioner also stated that Rennebaum Coal Company, the code member involved, agrees to the relief requested in the motion, and that it is the petitioner's belief that such relief will not be opposed either by code members in District 8 or any other district.

It appears from an affidavit attached to said motion that a copy thereof was mailed, postage prepaid, on November 18, 1942, by the petitioner to Bituminous Coal Consumers' Counsel, Statistical Bureau for District 8, all other District Boards and Rennebaum Coal Company, the code member involved. It also appears that no pleadings in opposition to the relief therein requested have been filed with this Division.

Upon the basis of the foregoing facts and statements, the Director is of the opinion that good cause for the granting of said motion has been shown and that said motion should be granted as hereinafter set forth.

Now, therefore, it is ordered, That the said motion be, and the same hereby is, granted and that the said petition heretofore filed herein be, and the same hereby is, amended in accordance with said motion;

It is further ordered, That the temporary relief heretofore granted in the order issued in the above-entitled matter on October 30, 1942, be, and the same hereby is, terminated;

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of the Rennebaum Mine, Mine Index No. 401, of Rennebaum Coal Company, for rail shipments, shall be applicable for shipment on the Louisville & Nashville Railroad Company and Southern Railway Company from Bryson Mountain, Tennessee; all allowances or adjustments required or permitted mines in Freight Origin Group No. 113 shall be applicable to all shipments of the coals of Rennebaum Mine, Mine Index No. 401, of Rennebaum Coal Company, from Bryson Mountain, Tennessee;

It is further ordered, That pleadings in opposition to the original petition and motion in the above-entitled matter and applications to stay, terminate, or modify the relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Act.

It is further ordered, That the hearing in the above-entitled matter scheduled to be held on November 24, 1942, be, and the same hereby is, cancelled.

It is further ordered, That the relief hereinabove granted shall become permanent sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: November 23, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12356; Filed, November 24, 1942; 12:01 p. m.]

[Docket B-333]

IRA H. BISEL

ORDER RESCHEDULING HEARING AND REDESIGNATING EXAMINER

The above-entitled matter having been heretofore scheduled for hearing at 10 a. m. on November 2, 1942, at a hearing room of the Bituminous Coal Division at Room 118, Colonial Hotel, Altoona, Pennsylvania, and said hearing having been postponed by Order dated October 29, 1942, to a time and place to be thereafter designated by appropriate order; and

The Director deeming it advisable that the place and date of such hearing should now be designated;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held on January 14, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division at Colonial Hotel, Room 118, Altoona, Pennsylvania.

It is further ordered, That Charles S. Mitchell, or any other officer of the Bituminous Coal Division that may be duly designated shall preside at said hearing vice the officer or officers heretofore designated.

It is further ordered, That the Notice of and Order for Hearing herein dated September 29, 1942, shall in all other respects remain in full force and effect.

Dated: November 21, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12353; Filed, November 24, 1942; 12:00 m.]

[Docket No. B-240]

HUDSON FUEL CO.

ORDER CANCELLING HEARING, ETC.

In the matter of Hudson Fuel Company, Registration No. 4581, Registered Distributor.

Order granting application filed pursuant to § 301.132 of the rules of practice and procedure before the division, reserving jurisdiction and cancelling hearing.

On April 27, 1942, a Notice of and Order for Hearing was issued pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors for the purposes of determining whether the Hudson Fuel Company (the "Company") had violated any provisions of the Bituminous Coal Act of 1937 (the "Act"), the Bituminous Coal Code (the "Code"), and orders, rules and regulations of the Division, including the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors and its Distributors' Agreement dated October 30, 1940, filed pursuant to an Order of the Director dated June 19, 1940, in General Docket No. 12 and more particularly those violations as more fully set forth in said Notice of and Order for Hearing; and

The above-entitled matter having been scheduled for hearing on May 27, 1942, and postponed by Order dated May 12, 1942 to June 8, 1942, and further postponed by Order dated May 29, 1942, to a date and place to be thereafter designated by an appropriate order; and

An application based upon admissions for the disposition of the above-entitled matter without formal hearing (the "Application"), pursuant to § 301.132 of the Rules of Practice and Procedure Before the Division dated July 9, 1942, having been filed by the Company with the Division on July 11, 1942; and

A Notice dated August 22, 1942 of the filing of said application having been published in the FEDERAL REGISTER on August 24, 1942 pursuant to said § 301.132 and copies thereof having been duly mailed to interested parties herein; and

Said Notice of filing having provided that interested parties desiring to do so might within fifteen (15) days from the date of said Notice file recommendations or requests for an informal conference in respect to said application and it appearing that no such recommendations or requests had been filed with the Division within said fifteen (15) day period; and

It appearing from said application that the Company admits that it wilfully committed the violations as set forth in the Notice of and Order for Hearing dated April 27, 1942; and

It further appearing from said application that the Company consents to an entry revoking the rights as represented by the certificate of registration as a registered distributor.

Now, therefore, Pursuant to the authority vested in the Division by section 4 II (h) of the Act and upon said application of the Company for disposition without formal hearing of the charges as set forth in the Notice of and Order for Hearing pursuant to § 301.132 of the Rules of Practice and Procedure, and the evidence in the possession of the Division;

It is hereby found that:

(a) The Company is a corporation organized and existing by virtue of the laws of the State of Ohio with its principal place of business at Cleveland, Ohio, and engaged in the business of purchasing and reselling bituminous coal;

(b) The Company filed with the Division its application for registration as a registered distributor dated June 30, 1940 and a certificate of registration No. 4581 dated November 13, 1940 was issued pursuant to said application and since then the Company has been engaged in the purchase and resale of bituminous coal;

(c) The Company, during the period November 13, 1940, to September 27, 1941, both dates inclusive, wilfully violated the Rules and Regulations for the Registration of Distributors and the Agreement filed by said Distributor by purchasing approximately 12,078.39 tons of various sizes of bituminous coal which it physically handled and sold in less than carload lots and upon which it accepted and retained discounts of approximately $2,281.89.

The undersigned having determined upon the basis of the above findings and the said admission and consent filed by the Hudson Fuel Company pursuant to § 301.132 of the Rules of Practice and Procedure that the distributor has violated § 304.19 (a) of the Rules and Regulations for the Registration of Distributors and paragraph (d) of the Distributor's Agreement signed by Peter Mazza, President of the Hudson Fuel Company on October 30, 1940; and

It appearing, however, that the Director has heretofore on October 2, 1942, in a proceeding known as Docket No. D–15, ordered that the registration of Hudson Fuel Company, a registered distributor, Registration No. 4581 be revoked effective fifteen (15) days thereafter; and

It appearing, therefore, unnecessary at this time to take further action in this matter, but nevertheless that jurisdiction should be reserved for the purpose of taking appropriate action should the company make application for registration at any time as a distributor or for any other purpose;

Now, therefore, it is ordered, That in the event Hudson Fuel Company at any time hereafter makes application for registration as a distributor, the Division may require as a condition precedent to the granting of such application, the repayment by the company of all distributor's discounts from the effective minimum prices unlawfully accepted and retained by the Hudson Fuel Company and that jurisdiction be, and it hereby is reserved for such purpose and for the purpose of taking such other action in this proceeding as may be appropriate.

It is further ordered, That the hearing in the above-entitled matter which has been heretofore postponed by the order issued herein on May 29, 1942, to a time and place to be hereafter designated, be, and the same hereby is, cancelled.

Dated: November 21, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42–12352; Filed, November 24, 1942; 12:00 m.]

[Docket B–239]

THOS. SNEED COAL CO.

REVOCATION OF CODE MEMBERSHIP, ETC.

In the matter of Thos. Sneed, Bill White, Terrence O'Donnell and Arkell Sneed, individually and as co-partners, doing business under the name and style of Thos. Sneed Coal Company, code member.

Order granting application filed pursuant to § 301.132 of the rules of practice and procedure before the division, cancelling hearing and revoking code membership.

A complaint dated March 24, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") having been duly filed on March 27, 1942, by the Bituminous Coal Producers Board for District No. 15, a district board (the "complainant") with the Bituminous Coal Division (the "Division") alleging that Thos. Sneed, Bill White, Terrence O'Donnell and Arkell Sneed, individually and as co-partners, doing business under the name and style of Thos. Sneed Coal Company, a Code Member (the "Code Member", which operated the Sneed Mine, Mine Index No. 386, located in Macon County, Missouri, District No. 15, wilfully violated the provisions of the Act, the Bituminous Coal Code (the "Code"), the Schedule of Effective Minimum Prices for District No. 15 for Truck Shipments (the "Schedule") for coals produced at said mine and rules and regulations promulgated by the Division pursuant to the Act, as more fully set forth in the complaint; and

The complaint and Notice of and Order for Hearing, dated April 13, 1942, having been duly served on the Code Member on April 18, 1942, and the hearing herein having been postponed, by order dated May 21, 1942, to a date and place to be thereafter designated by an appropriate order; and

An application of the Code Member for the disposition of this proceeding without formal hearing, dated August 11, 1942, pursuant to § 301.132 of the Rules of Practice and Procedure Before the Division, having been duly filed with the Division on August 13, 1942; and

Notice of the filing of said application, dated September 2, 1942, having been published in the FEDERAL REGISTER on September 4, 1942, pursuant to said § 301.132 and a conformed copy thereof having been duly mailed to the complainant herein; and

Said notice of filing having provided that interested parties desiring to do so might within fifteen days from the date of said notice, file recommendations or requests for informal conferences with respect to said application; and

It appearing that no such recommendations or requests have been filed with the Division within said fifteen day period; and

It appearing from said application that the Code Member admits wilful violations of the Act, the Code and regulations thereunder as follows:

1. Wilfully violated section 4 II (e) of the Act and Part II (e) of the Code by selling to John B. Brown during the period June 15 to October 27, 1941, both dates inclusive, 106.22 net tons of 1'' screening (Size Group No. 14) produced by the Code Member at its Sneed Mine, Mine Index No. 386, located in District No. 15 at less than the minimum price therefor established by the Division;

2. Wilfully violated Orders of the Division No. 296, dated September 23, 1940, and No. 297, dated October 22, 1940, during the period October 1 to December 31, 1940, both dates inclusive, by failing to maintain proper records and file with the Division reports of all coal sold and shipped by truck or wagon within the time and in the manner prescribed by said orders;

3. Wilfully violated Orders of the Division No. 307, dated December 11, 1940, during the period January 1 to March 31, 1941, both dates inclusive, and No. 312, dated February 24, 1941, during the period April 1 to October 27, 1941, both dates inclusive, by failing to maintain proper records of all coal sold and shipped by truck or wagon within the time and in the manner prescribed by said orders; and

It further appearing in said application that the Code Member represents that it has not, to the best of its knowledge, committed any violations of the Act, the Code or regulations thereunder other than those violations admitted and more particularly described in said application; and

It further appearing in said application that the Code Member upon the basis of the aforesaid admitted violations consents to the imposition under section 5 (b) of the Act of a tax in the amount of forty-five dollars and fifty-seven cents ($45.57), and agrees to pay said tax to the United States within ten days after the Code Member has been served with a copy of an order of the Division revoking its Code Membership; and

Now, therefore, pursuant to the authority vested in the Division by section 4 II (j) of the Act, authorizing it to adjust complaints of violations and to compose the differences of the parties

thereto, and upon the application of the Code Member dated August 11, 1942, pursuant to said § 301.132 of the Rules of Practice and Procedure, for disposition without formal hearing of the charges contained in the complaint herein which was filed with the Division on March 27, 1942, and upon evidence in the possession of the Division.

It is hereby found that:

A. The Code Member is a partnership composed of Thos. Sneed, Bill White, Terrence O'Donnell, and Arkell Sneed, and operates the Sneed Mine, Mine Index No. 386, located in Macon County, Missouri, District No. 15.

B. Said partnership filed with the Division on December 21, 1939, its Code Acceptance dated December 18, 1939. Said Code Acceptance became effective as of September 1, 1939.

C. Said Thos. Sneed, Bill White, Terrence O'Donnell and Arkell Sneed, individually and as co-partners, doing business under the name and style of Thos. Sneed Coal Company, wilfully violated the Act, the Code and rules and regulations thereunder, as follows:

1. Said Code Member wilfully violated section 4 II (e) of the Act and Part II (e) of the Code, by selling during the period June 15 to October 27, 1941, both dates inclusive, to John B. Brown 106.22 net tons of 1'' screenings coal produced at its said mine, Mine Index No. 386, at 35 cents per net ton f. o. b. the mine and that the effective minimum price for said coal was $1.10 per net ton f. o. b. the mine;

2. Said Code Member wilfully violated Orders of the Division No. 296 dated September 23, 1940, and No. 297 dated October 22, 1940, during the period October 1 to December 31, 1940, both dates inclusive, by failing to maintain proper records and file with the Division reports of all coal sold and shipped by truck or wagon within the time and in the manner prescribed by said orders;

3. Said Code Member wilfully violated Orders of the Division No. 307 dated December 11, 1940, during the period January 1 to March 31, 1941, both dates inclusive, and No. 312 dated February 24, 1941, during the period April 1 to October 27, 1941, both dates inclusive, by failing to maintain proper records of all coal sold and shipped by truck or wagon within the time and in the manner prescribed by said orders; and

D. Pursuant to the provisions of section 5 (b) of the Act, the membership of Thos. Sneed Coal Company, a partnership consisting of Thos. Sneed, Bill White, Terrence O'Donnell and Arkell Sneed, should be revoked with respect to the violations described in paragraph C above.

E. The amount of tax imposed by section 5 (b) of the Act with respect to the coal described in paragraph C 1 hereof, amounting to 106.22 net tons, and required to be paid as a condition precedent to the restoration of membership of Thos. Sneed Coal Company in the Code is $45.57, which amount is 39 per cent of the aggregate of the effective minimum prices of such coal f. o. b. said mine of $116.84.

Now, therefore, on the basis of the above findings and the said admissions and the consent filed by the Code Member, pursuant to § 301.132 of the Rules of Practice and Procedure.

It is ordered, That the aforesaid application of Thos. Sneed Coal Company be and the same hereby is granted; and

It is further ordered, That pursuant to section 5 (b) of the Act, the membership in the Code of Thos. Sneed, Bill White, Terrence O'Donnell and Arkell Sneed, individually and as co-partners, doing business under the name and style of Thos. Sneed Coal Company, a partnership, be and it hereby is revoked and cancelled as of ten (10) days from the date of service of a copy of this order upon the Code Member; and

It is further ordered, That the hearing herein, heretofore postponed by Order dated May 21, 1942, to a date and place to be thereafter designated by an appropriate order, be, and the same hereby is cancelled; and

It is further ordered, That prior to the restoration of Thos. Sneed, Bill White, Terrence O'Donnell and Arkell Sneed, individually or as co-partners, doing business under the name and style of Thos. Sneed Coal Company to membership in the Code, there shall be paid to the United States a tax in the amount of forty-five dollars and fifty-seven cents ($45.57), as provided in section 5 (c) of the Act.

Dated: November 21, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42–12354; Filed, November 24, 1942; 12:01 p. m.]

[Docket No. A–1697]

DISTRICT BOARD 2

ORDER GRANTING MOTION FOR CONTINUANCE, CONTINUING HEARING AND REDESIGNATING EXAMINER

In the matter of the petition of District Board No. 2 for a change in minimum prices established for truck shipments for the coals of certain mines in District No. 2.

The above-entitled matter having been heretofore scheduled for hearing on November 25, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C., by a Notice of and Order for Hearing issued herein on October 26, 1942; and

A motion dated November 17, 1942, having been filed with this Division on said date by Bituminous Coal Producers Board for District No. 2, the petitioner herein, requesting that said hearing be continued until immediately following the hearing set for December 9, 1942, in Docket No. A–1720, in which the above-named party is also the petitioner; and

The Director deeming that good cause has been shown for the granting of said motion to the extent as hereinafter set forth, and for the continuance of said hearing; and

No petitions of intervention having been filed herein;

Now, therefore, it is ordered, That said motion be, and the same hereby is, granted to the extent indicated herein; and

It is further ordered, That said hearing be, and the same hereby is, continued to 10 o'clock in the forenoon of December 9, 1942, at the place heretofore designated; and

It is further ordered, That Edward J. Hayes shall preside at said continued hearing vice D. C. McCurtain.

Dated: November 23, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42–12355; Filed, November 24, 1942; 12:01 p. m.]

DEPARTMENT OF AGRICULTURE.

Office of the Secretary.

[Ration Order C, Announcement 1]

RATIONING OF FARM MACHINERY AND EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT

Pursuant to § 2.207 of Rationing Order C[1] the Special War Board Assistant hereby announces that no quotas will be presently established for the following Schedule I equipment:

(a) All Schedule I equipment of any type now in the hands of dealers.

(b) The following:

MACHINES FOR PREPARING CROPS FOR MARKET OR USE

Stationary hay balers, horse.

DOMESTIC WATER SYSTEMS

- Deep well:
  - Deep well, reciprocal.
  - Deep well, jet pumps.
- Shallow well:
  - 250–499 gals. per hour.
  - 500 gals. per hour and over.
- Power pumps:
  - Horizontal type, up to and including 75 gals. per minute, 100 lb. pressure.

FARM PUMPS AND WINDMILLS

- Windmill pumps.
- Windmill heads.
- Windmill towers.
- Pump jacks.

IRRIGATION EQUIPMENT

- Irrigation pumps:
  - Hydraulic rams.
- Distribution equipment:
  - Land leveling equipment, ditchers, corrugators and scrapers (excluding power ditches, draglines and other self-powered machines).
  - Portable pipe, extensions, and sprinklers.

DAIRY FARM MACHINES AND EQUIPMENT

Metal milk cans and covers.

FARM FENCING

- Barbed wire.
- Poultry netting.
- Poultry flooring.
- Woven or welded wire fence:
  - Hog and cattle fence.
  - Poultry fence.

County farm rationing committees may, therefore, immediately commence to ration the Schedule I equipment listed above and to issue purchase certificates therefor, in accordance with the provisions of Rationing Order C. Certifications required by § 2.218 (b) of Rationing Order C must be filed for such Schedule I equipment.

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[1] 7 F.R. 9647.

This Announcement No. 1 to Rationing Order C shall become effective November 28, 1942.

Done at Washington, D. C., this 23d day of November 1942.

[SEAL] FRED S. WALLACE,
Special War Board Assistant.

[F. R. Doc. 42-12292; Filed, November 23, 1942; 12:03 p. m.]

RATIONING OF FARM MACHINERY AND EQUIPMENT

[Ration Order C, Supp. Order 1]

NEW FARM MACHINERY AND EQUIPMENT

Pursuant to § 2.212 of Rationing Order C,[1] *It is hereby ordered*, That:

A. (1) Any manufacturer of the Schedule I equipment listed in this paragraph A may transfer without a purchase certificate to other manufacturers, distributors, mail order houses, or dealers, provided such transfers are not for use, or may transfer for use by the transferee upon presentation of a purchase certificate all of the Schedule I equipment listed in this paragraph A which was manufactured prior to the effective date of or in compliance with the provisions of War Production Board Order L-26[2] and 60 percent of any such manufacturer's authorized quota of such equipment under War Production Board Order L-170.[3] No manufacturer shall physically move or transfer (unless for purposes of storage in the county in which such equipment is located) the remaining 40 percent of his quota of the Schedule I equipment listed in this paragraph A, authorized to be manufactured under War Production Board Order L-170, except pursuant to further orders of the Secretary of Agriculture or of the Special War Board Assistant to the Secretary of Agriculture.

(2) Mail order houses, distributors, or dealers may accept transfers of any of the Schedule I equipment listed in paragraph A and may transfer any of the Schedule I equipment listed in paragraph A to any other distributor, mail order house, or dealer. Such acceptances of transfers and such transfers may be made without a purchase certificate, provided such acceptances and such transfers are not for use. Such distributors, mail order houses, or dealers may transfer such equipment for use by the transferee if a proper purchase certificate is presented. Manufacturers may accept transfers of such Schedule I equipment without purchase certificates, provided such transfers to such manufacturers are not for use.

(3) Each manufacturer shall keep records disclosing the number of items of each type of the Schedule I equipment listed in this paragraph A which he has transferred pursuant to this Supplementary Order No. 1. Such records shall disclose the persons to whom said equipment was transferred and such persons' addresses.

MACHINES FOR PREPARING CROPS FOR MARKET OR USE

- Stationary hay balers, horse

DOMESTIC WATER SYSTEMS

- Deep well:
  - Deep well, reciprocal.
  - Deep well, jet pumps.
- Shallow well:
  - 250-499 gals. per hour.
  - 500 gals. per hour and over.
- Power pumps:
  - Horizontal type, up to and including 75 gals. per minute, 100 lb. pressure.

FARM PUMPS AND WINDMILLS

- Windmill pumps.
- Windmill heads.
- Windmill towers.
- Pump jacks.

IRRIGATION EQUIPMENT

- Irrigation pumps:
  - Hydraulic rams.
- Distribution equipment:
  - Land leveling equipment, ditchers, corrugators and scrapers (excluding power ditchers, draglines and other self-powered machines).
- Portable pipe, extensions, and sprinklers.

B. (1) Any manufacturer of new metal milk cans and covers may transfer without a purchase certificate to other manufacturers, distributors, mail order houses, or dealers, provided such transfers are not for use, or may transfer for use by the transferee upon presentation of a purchase certificate, all metal milk cans and covers manufactured prior to the effective date of, and 70 percent of such manufacturer's production of metal milk cans and covers authorized by, War Production Board Order M-200.[4] Each such manufacturer shall distribute such milk cans and covers to the same distributors, mail order houses, or dealers, to whom such manufacturers distributed metal milk cans and covers in the calendar year 1941, and shall prorate the distribution of such milk cans and covers, the distribution of which is authorized by this order, to such persons on the basis of the percentage which the number of metal milk cans and covers of all types and sizes distributed by such manufacturer to such person in the calendar year 1941 bore to the total number of metal milk cans and covers produced by such manufacturer in the calendar year 1941. If any distributor, dealer, or mail order house to which such manufacturer distributed metal milk cans and covers in the calendar year 1941 is no longer in the business of buying and selling metal milk cans and covers, or does not desire to purchase metal milk cans and covers from such manufacturer, such manufacturer shall distribute the number of metal milk cans and covers which he is authorized by this order to distribute to any such persons to any other distributors, mail order houses, or dealers who will assure distribution in the same area in which such person was distributing in the calendar year 1941. No manufacturer shall physically move or transfer (unless for purposes of storage in the county in which such equipment is located) the remaining 30 percent of his quota of metal milk cans and covers authorized to be manufactured under War Production Board Order M-200, except pursuant to further orders of the Secretary of Agriculture or of the Special War Board Assistant to the Secretary of Agriculture.

(2) Mail order houses, distributors, or dealers may accept transfers of metal milk cans and covers and may transfer metal milk cans and covers to any other distributor, mail order house, or dealer. Such acceptances of transfers and such transfers may be made without a purchase certificate provided such acceptances and such transfers are not for use. Such distributors, mail order houses, or dealers may transfer such milk cans and covers for use by the transferee if a proper purchase certificate is presented. Manufacturers may accept transfers of such milk cans and covers without purchase certificates provided such transfers to such manufacturers are not for use. No manufacturer, mail order house, distributor, or dealer may accept a transfer of any metal milk cans and covers, unless such milk cans and covers have been distributed to him in compliance with this order.

(3) Each manufacturer shall keep records disclosing the number of metal milk cans and covers which he has transferred pursuant to this Supplementary Order No. 1. Such records shall disclose the persons to whom such equipment was transferred, and such persons' addresses.

C. Any manufacturer, distributor, mail order house, or dealer may accept transfers of Schedule I equipment listed in this paragraph C and may transfer Schedule I equipment listed in this paragraph C to any other manufacturer, distributor, mail order house, or dealer. Such acceptances of transfers and such transfers may be made without a purchase certificate provided such acceptances and such transfers are not for use. Such manufacturers, distributors, mail order houses, or dealers may transfer such equipment for use by the transferee if a proper purchase certificate is presented. Each such manufacturer, distributor, mail order house, or dealer shall, in the distribution of the Schedule I equipment listed in this paragraph C, comply with War Production Board Order M-21-b[5] insofar as that order is applicable to any such person.

FARM FENCING

- Barbed wire.
- Poultry netting.
- Poultry flooring.
- Woven or welded wire fence:
  - Hog and cattle fence.
  - Poultry fence.

D. This Supplementary Order No. 1 shall be deemed to be a part of Rationing Order C, and any violation of this Supplementary Order No. 1 shall constitute a violation of Rationing Order C.

E. This Supplementary Order No. 1 to Rationing Order C shall become effective November 28, 1942.

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[1] 7 F.R. 9647.
[2] 7 F.R. 1795, 2940, 4331, 5396, 6148, 8460.
[3] 7 F.R. 8460.
[4] 7 F.R. 7808.
[5] 6 F.R. 4587, 5255, 5995, 6736, 7 F.R. 1626, 3324, 3881, 5661, 8825.

Done at Washington, D. C., this 23d day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] FRED S. WALLACE,
Special War Board Assistant.

[F. R. Doc. 42-12293; Filed, November 23, 1942; 12:03 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

CUSTOM HOSIERY MILLS

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective November 23, 1942.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the Regulations and as indicated on the certificate. Any person aggrieved by the issuance of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Custom Hosiery Mills, 1234 Carpenter St., Philadelphia, Pennsylvania; Seamless hosiery; 5 learners; 480 hours for any one learner; 25 cents per hour for any one learner; Merrow machine operators, sewing machine operators, menders, seamers and examiners; November 23, 1943.

Signed at New York, N. Y., this 21st day of November 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-12299; Filed, November 23, 1942; 2:34 p. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective November 23, 1942. The certificates may be cancelled in the manner provided in the Regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

Hansley Mills, Inc., 511 E. Main St., Barnesville, Ohio; Men's broadcloth shorts; 5 percent (T); November 23, 1943.

Hyde Park Clothes, Inc., 6th & Washington Sts., Newport, Kentucky; Men's clothing; 5 percent (T); November 23, 1943.

J. B. Simpson, Inc., 843 W. Adams St., Chicago, Illinois; Wool suits; 5 percent (T); November 23, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

B. C. Undergarment Co., (Catherine St., Bloomsburg, Pennsylvania; Ladies' night gowns; 4 learners (T); November 23, 1943.

B & S Mfg. Co., 4th & Cumberland Sts., Philadelphia, Pennsylvania; Boys' suits; 10 learners (T); November 23, 1943.

Bernstein & Sons Shirt Corp., Main St., Terre Hill, Pennsylvania; Boys' cotton shirts; 10 percent (T); November 23, 1943.

Brown Garment Mfg. Co., 603 W. Markham St., Little Rock, Arkansas; Men's & boys' cotton pants; 10 percent (T); November 23, 1943.

Morris Caplan Co., 1000 Broadway, Kansas City, Missouri; Slack suits, skirt suits; 5 learners (T); November 23, 1943.

Century Overall Co., 3 North Main St., Sandwich, Illinois; Overalls, jackets, coveralls, work pants; 10 percent (T); November 23, 1943.

Franklin Garment Co., North 3rd St., Chambersburg, Pennsylvania; Ladies' cotton house dresses, smocks and uniforms; 10 percent (T); November 23, 1943.

Johnson & Co., 100 S. Minnesota Ave., St. Peter, Minnesota; Work garments; 5 learners (T); November 23, 1943.

Louisville Shirt Co., 5th St., Louisville, Georgia; Men's & boys' work clothes; 10 learners (T); November 23, 1943. (This certificate replaces the one for 5 learners, bearing the expiration date of October 12, 1943).

Manchester Pants Co., Manchester, Maryland; Pants; 10 percent (T); November 23, 1943.

Marathon Underwear Corp., 958-960 S. Los Angeles St., Los Angeles, California; Ladies' lingerie, blouses; 20 learners (E); May 23, 1943.

Morgan Mfg. Co., 234 S. Montebello Blvd., Montebello, California; Ladies' slacks, skirts and blouses; 5 learners (T); November 23, 1943.

Nunnally & McCrea Co., 104 Mitchell St., S. W., Atlanta, Georgia; Overalls, coveralls, dungarees, coats and pants; 75 learners (E); May 23, 1943.

A. Oestreicher, 447 Gilligan St., Wilkes-Barre, Pennsylvania; Infants' dresses; 50 learners (E); May 23, 1943.

Portnoy Garment Co., 68 E. Elm St., Alton, Illinois; Dresses; 10 percent (T); November 23, 1943.

M. H. Raab-Meyerhoff Co., 8th & Dauphin Sts., Philadelphia, Pennsylvania; Army, Marine and Civilian shirts; 10 percent (T); November 23, 1943.

Russell-Newman Mfg. Co., Masonic Building, Denton, Texas; Ladies' & children's underwear, army undershirts; 10 learners (T); November 23, 1943. (This certificate replaces the one bearing the expiration date of January 12, 1943.)

Sherman Mfg. Co. 578 Forest St., Orange, New Jersey; Cotton dresses; 11 learners (T); November 23, 1943.

David H. Smith, Inc., 601 Washington St., Lynn, Massachusetts; Dresses; 10 percent (T); November 23, 1943.

Smith Johnson Co., Inc., Crestview, Florida; Men's & boys' cotton dress shirts and sport shirts; 10 percent (T); November 23, 1943.

Sterling Corset Corp., 713 13th Ave., Belmar, New Jersey; Corsets & bathing suits; 20 learners (T); November 23, 1943.

Valmor Undergarment Co., 118 9th St., Passaic, New Jersey; Ladies' slips and gowns; 10 learners (T); November 23, 1943.

Wayne Garment Co., Forest City, Pennsylvania; Children's outerwear; 25 learners (E); May 23, 1943.

E. Weinshel & Bro. Co., 1319 N. Third St., Milwaukee, Wisconsin; Govt. jackets and trousers, civilian jackets and trousers; 10 percent (T); November 23, 1943.

Wexler's, 725 Arch St., Philadelphia, Pennsylvania; Women's blouses; 5 learners (T); November 23, 1943.

Cigar Industry

Star Thompson Tobacco Co., 1607 17th St., Tampa, Florida; Cigars; 10 percent (T); Hand cigar rollers and cigar packers to have learning period of 320 hours at 75 percent of the applicable minimum wage; November 22, 1943.

Glove Industry

Imperial Glove Co., Inc., 35 W. 8th Ave., Gloversville, New York; Leather dress gloves; 5 learners (T); November 23, 1943.

Kaul Glove & Mfg. Co., 1431 Brooklyn Ave., Detroit, Michigan; Work gloves; 5 learners (T); November 23, 1943.

Livermore Falls Glove Co., Livermore, Maine; Work gloves; 5 learners (T); November 23, 1943.

Wells Lamont Corp., 217 E. Main St., Beardstown, Illinois; Work gloves; 5 percent (T); November 23, 1943.

Wells Lamont Corp., 800 Washington St., Burlington, Iowa; Knit fabric and work gloves; 5 percent (T); November 23, 1943.

Hosiery Industry

Larkwood Silk Hosiery Mills, Inc., 2500 N. Brevard St., Charlotte, North Carolina; Full-fashioned hosiery; 5 percent (T); November 23, 1943.

Lawler Hosiery Mills, Inc., 53 Bradley St., Carrollton, Georgia; Seamless hosiery; 5 percent (T); November 23, 1943.

McDonough Hosiery Mills, Inc., 110 Sims, McDonough, Georgia; Seamless hosiery; 5 learners (T); November 23, 1943.

Williamson Hosiery Mills, Englewood, Tennessee; Seamless hosiery; 5 learners (T); November 23, 1943.

Knitted Wear Industry

Century-Beverly Corp., Walnut St., Pottstown, Pennsylvania; Knitted underwear; 7 learners (T); November 23, 1943.

Telephone Industry

The Lincoln Telephone & Telegraph Co., 1342 M St., Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Syracuse Exchange, located at Syracuse, Nebraska; (T); November 23, 1943.

Textile Industry

The Courtenay Mfg. Co., Newry, South Carolina; Cotton and rayon piece goods (unfinished); 3 percent (T); November 23, 1943.

Culpeper Textile Mills, Inc., Culpeper, Virginia; Weaving of cotton and rayon; 3 learners (T); November 23, 1943.

Moore & Cram Webbing Co., Beharrell St., W. Concord, Massachusetts; Cotton and rayon woven non-elastic fabrics; 2 learners (T); November 23, 1943.

The Ufford Textile Co., 2nd St., Norwich, Connecticut; Cotton yarn, dish cloths; 1 learner (T); November 23, 1943.

Valdese Weaving Co., Valdese, North Carolina; Spinning coarse cotton yarns and weaving upholstery and novelty fabrics; 3 percent (T); November 23, 1943.

S. Zaleschitz & Co., Inc., East Mauch Chunk, Pennsylvania; Rayon; 3 percent (T); November 23, 1943.

Signed at New York, N. Y., this 21st day of November 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-12298; Filed, November 23, 1942; 2:34 p. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-39]

CANNED FRUIT COCKTAIL

PROPOSED ORDER AMENDING DEFINITION AND STANDARD OF IDENTITY

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act [secs. 401, 701 (e); 52 Stat. 1046, 1055; 21 U.S.C. 341, 371 (e), 1940 ed.]; the Reorganization Act of 1939 [53 Stat. 561 ff.; 5 U.S.C. 133-133r (Supp. V, 1939)]; and Reorganization Plans No. I (53 Stat. 1423) and No. IV (54 Stat. 1234); and upon the basis of evidence of record in the above-entitled proceeding and the record relating to Canned Fruit Cocktail hearing, Docket No. 27, the following order be made:

Findings of Fact

1. The regulation fixing and establishing a definition and standard of identity for fruit cocktail promulgated by order dated July 17, 1942, published in the FEDERAL REGISTER of July 21, 1942, provides for the use of the following packing media for fruit cocktail:

(1) Water;
(2) Fruit juice;
(3) Heavy sirup;
(4) Extra heavy sirup;
(5) Heavy fruit juice sirup; and
(6) Extra heavy fruit juice sirup.

2. The sweetened packing media provided for in said standard of identity are heavy sirup and heavy fruit juice sirup, which have a minimum density of 18° Brix 15 days or more after canning, and extra heavy sirup and extra heavy fruit juice sirup, which have a minimum density of 22° Brix 15 days or more after canning.

3. From the beginning most of the fruit cocktail sold to consumers has been packed in heavy sirup. About 85 percent of the 1941 pack was packed in that kind of packing medium.

4. By reason of the provisions of Rationing Order No. 3 as amended, issued by the Office of Price Administration, the quantity of sugar which may be used by any manufacturer of fruit cocktail for each common case of his total output of the product is 90 percent of the amount of sugar used per common case of his total output of the product during 1941.

5. The Federal Government purchases large quantities of fruit cocktail for lend-lease purposes and for use by the armed forces. It is anticipated that from 40 percent to 60 percent of the 1942 pack will be so purchased and, by virtue of War Production Board Orders M-86, M-86 (a), and M-237, such purchases are given priority over sales for civilian use. All the fruit cocktail so purchased is required to be packed in sirup and to comply with any applicable definition and standard of identity under the Federal Food, Drug, and Cosmetic Act.

6. The effect of these Government requirements and of O.P.A. Order No. 3 as amended is that, if said standard of identity for fruit cocktail is permitted to become effective, substantial quantities of the fruit cocktail available for civilian use after Government demands are met could only be packed in fruit juice or in water.

7. Fruit cocktail packed in fruit juice or in water is a specialty product which is used principally by persons who must restrict their consumption of sugars. Consumer demand has been relatively slight for this type of product, since most consumers prefer a sweetened product. Nor is enough fruit juice available for the purpose of packing a substantially larger quantity than heretofore of fruit cocktail in fruit juice.

8. Light sirup and light fruit juice sirup are liquid packing media for canned fruits and are of a density next lower to the density of heavy sirup and heavy fruit juice sirup. The minimum densities of such sirups vary with the variety of fruit, but such minima ordinarily are from 12° to 14° Brix 15 days after canning. Definitions and standards of identity have been prescribed by regulation for canned peaches and canned pears, which are ingredients of canned fruit cocktail. The minimum density prescribed for light sirup and for light fruit juice sirup in canned peaches and canned pears is 14° Brix 15 days after canning. Canned fruit cocktail packed in a sirup of a density of 14° Brix or more but less than 18° Brix 15 days or more after canning, would be of a substantial degree of sweetness and would be usable for customary purposes. The names "light sirup" and "light fruit juice sirup" are common or usual names for fruit canning sirups in this density range, and would be accurate and understandable designations for such sirups in fruit cocktail.

9. The use of light sirup and light fruit juice sirup in fruit cocktail would permit a substantially larger quantity of fruit cocktail to be packed in sirup than would be possible under the standard already promulgated and would tend to meet consumers' desire for a sweet product as distinguished from a product packed in water or fruit juice. Such sirups have become proper and acceptable packing media for canned fruit cocktail. A label statement indicating that fruit cocktail is packed in light sirup will adequately differentiate between such a packing medium and those heretofore used.

On the basis of the foregoing findings of fact, it is concluded that said definition and standard of identity for fruit cocktail promulgated by order dated July 17,

1942, and published in the FEDERAL REGISTER for July 21, 1942, should be amended so as to include light sirup and light fruit juice sirup as additional optional packing media for fruit cocktail and to provide that such optional packing media be named on the label; and that said definition and standard of identity, as so amended, will promote honesty and fair dealing in the interest of consumers.

Wherefore, paragraphs (c), (d) (6), (d) (7), (d) (8), and (e) (1) of § 27.040 are hereby revised and amended so as to read as follows:

Proposed Order

(c) The optional packing media referred to in paragraph (a) are as follows:

(1) Water;
(2) Fruit juice;
(3) Light sirup;
(4) Heavy sirup;
(5) Extra heavy sirup;
(6) Light fruit juice sirup;
(7) Heavy fruit juice sirup; and
(8) Extra heavy fruit juice sirup.

Each of packing media (3), (4), and (5) is prepared with water as its liquid ingredient, and each of packing media (6), (7), and (8) is prepared with fruit juice as its liquid ingredient. Except as provided in paragraph (d) (6), each of packing media (3) to (8), inclusive, is prepared with any one of the following saccharine ingredients: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which the weight of the solids of the dextrose used multiplied by 2, added to the weight of the solids of the corn sirup used multiplied by 3, is not more than the weight of the solids of the sugar used. The respective densities of packing media (3) to (8), inclusive, as measured on the Brix hydrometer 15 days or more after the fruit cocktail is canned are within the range prescribed for each in the following list:

Number of packing medium	*Brix measurement*
(3) and (6) --	14° or more but less than 18°
(4) and (7) --	18° or more but less than 22°
(5) and (8) --	22° or more but not more than 35°

(d) For the purposes of this section:

* * * * *

(6) When the optional packing medium is prepared with fruit juice and invert sugar sirup or corn sirup other than dried corn sirup, it shall be considered to be light sirup, heavy sirup, or an extra heavy sirup, as the case may be, and not a light fruit juice sirup, heavy fruit juice sirup, or an extra heavy fruit juice sirup.

(7) The term "light sirup", "heavy sirup", or "extra heavy sirup" includes a sirup which conforms in all other respects to the provisions of this section, in the preparation of which there is used the liquid drained from any fruit ingredient previously canned in a packing medium consisting wholly of the liquid and saccharine ingredients of a light sirup, heavy sirup, or extra heavy sirup.

(8) Except as provided in subparagraph (6) of this paragraph, the term "light fruit juice sirup", "heavy fruit juice sirup", or "extra heavy fruit juice sirup" includes a sirup which conforms in all other respects to the provisions of this section, in the preparation of which there is used the liquid drained from any fruit ingredient previously canned in a packing medium consisting wholly of the liquid and saccharine ingredients of light fruit juice sirup, heavy fruit juice sirup, or extra heavy fruit juice sirup.

* * * * *

(e) (1) The optional ingredients specified in paragraphs (b) (5) (ii) and (iii) and (c) (1) to (8), inclusive, are hereby designated as optional ingredients which, when used, shall be named on the label by the name whereby each is so specified.

Said regulations fixing and establishing a definition and standard of identity for fruit cocktail as hereby amended shall become effective on the ninetieth day after the date of publication of this order in the FEDERAL REGISTER except that the provisions of paragraph (e) (1) as they apply to the optional packing media specified in paragraph (c) (3) to (8), inclusive, shall become effective on August 1, 1943.

Any interested person whose appearance was filed at the hearing may, within 5 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the Assistant General Counsel, Room 2242, South Building, 14th Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof.

Dated: November 21, 1942.

[SEAL] WATSON B. MILLER,
Acting Federal Security Administrator.

[F. R. Doc. 42-12343; Filed, November 24, 1942; 11:07 a. m.]

INTERSTATE COMMERCE COMMISSION.

COMMON CARRIERS

FILING OF GENERAL INCREASES IN RATES

NOVEMBER 21, 1942.

To all common carriers subject to Parts I, II and III of the Interstate Commerce Act:

The act approved October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes," contains the following provision:

> That no common carrier or other public utility shall make any general increase in its rates or charges which were in effect on September 15, 1942, unless it first gives thirty days' notice to the President, or such agency as he may designate and consents to the timely intervention by such agency before the Federal, State or municipal authority having jurisdiction to consider such increase.

Order No. 1, issued by Director of Economics Stabilization James F. Byrnes on October 14, 1942,[1] designates the Price Administrator of the Office of Price Administration to receive notices of such increases in common carrier rates and charges. In turn the Office of Price Administration has provided that two copies of such notices shall be addressed to: Transportation and Public Utilities Division of the Office of Price Administration, Washington, D. C.

For the information of the Commission and for the purpose of cooperating with the Office of Price Administration common carriers and their agents are requested, when filing with the Commission tariff publications which contain general increases as provided in the Price Control Act, to either (a) send to the Commission with the letter of transmittal accompanying such publications a copy of the notice to the Office of Price Administration of such increases; or (b) show on the letter of transmittal (or on a separate sheet accompanying such letter of transmittal) a statement indicating whether such publications contain any general increases in rates or charges and whether and on what date notice in accordance with the provisions of law has been sent to the Transportation and Public Utilities Division of the O.P.A.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-12344; Filed, November 24, 1942; 11:08 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Amendment of Vesting Order 249[1]]

AMERICAN POTASH & CHEMICAL CORPORATION

Vesting Order Number 249 of October 20, 1942, is hereby amended as follows and not otherwise:

(1) By striking from paragraph (a) thereof the words "the names of the registered owners of which, and the number of shares owned by them respectively, are as follows:" and by substituting therefor the words "which shares are registered in the following names:";

(2) By striking from paragraph (a) thereof the words "held for the benefit of" and substituting therefor the words "beneficially owned by".

All other provisions of such Vesting Order No. 249 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12338; Filed, November 24, 1942; 11:01 a. m.]

[Vesting Order 350]

CERTAIN INDEBTEDNESS OWING BY AMBER MINES, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

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[1] 7 F.R. 8758.

[1] 7 F.R. 8757.

(a) Finding that Preussische Bernstein Manufactur, whose last known address was represented to the undersigned as being Koenigsberg, Germany, is a national of a designated enemy country (Germany);

(b) Finding that the Preussische Bergwerks und Huetten, A. G., whose last known address was represented to the undersigned as being Berlin, Germany, and which therefore is a national of a designated enemy country (Germany), was (prior to the vesting of such shares by the undersigned pursuant to Vesting Order Number 43 issued under date of July 1, 1942) the owner of 1,000 shares of the capital stock of Amber Mines, Inc., a New York Corporation, New York, New York, which is a business enterprise within the United States and which 1,000 shares constitute all the outstanding capital stock of said business enterprise and represent ownership thereof, and therefore determining that such business enterprise is a national of the aforesaid designated enemy country (Germany);

(c) Finding that all right, title, interest and claim of any name or nature whatsoever of Preussische Bernstein Manufactur in and to all indebtedness, contingent or otherwise, and whether or not matured, owing to it by said Amber Mines, Inc., including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness, is an interest in the aforesaid business enterprise held by a national of an enemy country, and also is property within the United States owned or controlled by a national of a designated enemy country (Germany);

(d) Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

(e) Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

(f) Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the indebtedness described in subparagraph (c), to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 11, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12332; Filed, November 24, 1942; 11:00 a. m.]

[Vesting Order 366]

INTERESTS OF JOHN JACOB NORTZ, ET AL.

Interests of John Jacob Nortz, Louise Barbara Graue and Lilian Mary Wolz, Their Spouses and Issue, in the John Jacob Nortz Trust, Louise Barbara Graue Trust, and Lilian Mary Wolz Trust.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

(1) All right, title, interest and estate, both legal and equitable, of John Jacob Nortz, whose last known address was 5 Siebert, Munich, Germany, and that of his spouse and his issue, in and to the John Jacob Nortz trust, the Louise Barbara Graue trust, and the Lilian Mary Wolz trust, of which Paul Nortz is substitute trustee;

(2 All right, title, interest and estate, both legal and equitable, of Louise Barbara Graue, whose last known address was 34 Osterdeich, Bremen, Germany, and that of her spouse and her issue, in and to the John Jacob Nortz trust, the Louise Barbara Graue trust, and the Lilian Mary Wolz trust, of which Paul Nortz is substitute trustee;

(3) All right, title, interest and estate, both legal and equitable, of Lilian Mary Wolz, whose last known address was 36 Troger, Munich, Germany, and that of her spouse and her issue, in and to the John Jacob Nortz trust, the Louise Barbara Graue trust, and the Lilian Mary Wolz trust, of which Paul Nortz is substitute trustee.

is property within the United States owned by nationals of a designated enemy country (Germany), and determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 14, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12333; Filed, November 24, 1942; 11:00 a. m.]

[Vesting Order 387]

TAIYO TRADING COMPANY, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

635 shares (which, together with the 217 shares of similar stock vested by the undersigned in Vesting Order Number 147 issued under date of September 17, 1942, constitute a substantial part, namely, 71.12% of all outstanding shares) of $50.00 par value capital stock of Taiyo Trading Company, Inc., a New York corporation, New York, New York, which is a business enterprise within the United States and was found in Vesting Order No. 147 to be a national of a designated enemy country (Japan), the names and last known addresses of the owners of which, and the number of shares owned by them respectively, are as follows:

Names and last known addresses	*Number of shares*
Hiroshi Kondo, Japan (by repatriation)	506
Roku Kondo, Japan (by repatriation)	4
Jioji Kato, Japan (by repatriation)	95
Shigeru Sassa, Japan (by repatriation)	15
Magejiro Yamada, Japan (by repatriation)	15
Total	635

is property of nationals, and represents control of said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12334; Filed November 24, 1942; 11:00 a. m.]

[Vesting Order 394]

CERTAIN INDEBTEDNESS OWING BY SOUTHERN COTTON CO., LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of Y. Shinohara (alien detention camp) and S. Takobe (alien detention camp), citizens of Japan, and of H. Yamanouchi, J. Arakawa, E. Fujise, J. Inouye, T. Okamoto, S. Nakamura, K. Ito, K. Otani and K. Kuzutani, and each of them, the last known address of each of whom was represented to the undersigned as being Japan, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to them or any of them by Southern Cotton Co., Ltd. [which was found in Vesting Orders Number 59 of July 24, 1942, and Number 145 of September 15, 1942, to be a business enterprise within the United States which is a national of a designated enemy country (Japan)], a Texas partnership, Dallas, Texas, including but not limited to all security rights in and to any and all collateral for any or all such indebtedness and the right to sue for and collect such indebtedness,

is an interest in the aforesaid business enterprise held by, and is property within the United States owned or controlled by, nationals of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12335; Filed, November 24, 1942; 11:00 a. m.]

[Vesting Order 403]

INTERESTS OF CERTAIN GERMAN NATIONALS IN THE ROBERT W. POMMER TRUST

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, interest and estate, both legal and equitable, of Carlo Pommer, Essen, Germany, Wilhelm Pommer, Hiddesen, Germany, Helena Pommer Salentien, Duisburg, Germany, and Alfred Pommer (alien detention camp), and each of them, in and to the Robert W. Pommer Trust Fund, of which Carl Robert Pommer is trustee, and all accrued and unpaid income and distributory shares therein,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12336; Filed, November 24, 1942; 11:00 a. m.]

[Vesting Order 405]

CERTAIN INDEBTEDNESS OWING BY BUFFALO ELECTRO-CHEMICAL COMPANY, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of Holding A. G. Fuer Merck-Unternehmungen (also known as Merck Holding Co.), the last known address of which was represented to the undersigned as being Zug, Switzerland, and which is listed on The Proclaimed List of Certain Blocked Nationals promulgated pursuant to Proclamation 2497 of the President of the

United States of America of July 17, 1941, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to it by Buffalo Electro-Chemical Company, Inc., a New York corporation, Buffalo, New York, which is a business enterprise within the United States, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness, and including all indebtedness owing to said Holding A. G. fuer Merck-Unternehmungen by said business enterprise on account of dividends declared (and not yet paid) by the aforesaid business enterprise on or about September 3, 1942, and payable to stockholders of record as of September 5, 1942,

is an interest in said Buffalo Electro-Chemical Company, Inc. [which was found in Vesting Order Number 191 issued under date of September 28, 1942, to be a national of a designated enemy country (Germany)] held by, and is property within the United States owned by, a national of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12337; Filed, November 24, 1942; 11:01 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 4 Under MPR 225]

PORTLAND PRINTING HOUSE, INC.

ORDER GRANTING ADJUSTMENT

Order No. 4 Under Maximum Price Regulation No. 225—Printing and Printed Paper Commodities.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with § 1347.469 (b) of Maximum Price Regulation No. 225, *It is hereby ordered:*

(a) Portland Printing House, Inc. may sell and deliver to the Portland Gas and Coke Company and the Northwestern Electric Company single and double merchandise and customer monthly statements at prices not in excess of the following:

Single Statements	$2.18 per M
Double Statements	$4.49 per M

This permission shall be retroactive to September 21, 1942.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1347.472 of Maximum Price Regulation No. 225 shall apply to the terms used herein.

(e) This Order No. 4 shall become effective November 24, 1942.

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12305; Filed, November 23, 1942; 4:19 p. m.]

[Order 83 Under MPR 120]

THREE COUNTIES COAL CORPORATION

ORDER GRANTING ADJUSTMENT

Order No. 83 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-110.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Three Counties Coal Corporation, Augusta, Illinois, may sell and deliver and any person may buy and receive the bituminous coal described in paragraph (b) at prices not in excess of the respective prices stated therein, for shipment by truck or wagon;

(b) Coals in Size Groups 1 and 8 produced by the Three Counties Coal Corporation at its Augusta Mine (Mine Index No. 1343), in District No. 10, may be sold for shipment by truck or wagon at a price not to exceed $3.50 and $2.50 per net ton respectively, f. o. b. the mine;

(c) This Order No. 83 may be revoked or amended by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein;

(e) This Order No. 83 shall become effective this 24th day of November 1942.

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12306; Filed, November 23, 1942; 4:20 p. m.]

[Order 84 Under MPR 120]

JOHN T. FALLON

ORDER GRANTING ADJUSTMENT AND DENYING PROTESTS, ETC.

Order No. 84 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 1120-92-P.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) *Granting adjustment.* (1) Rail shipments of run-of-mine coal (Size Group 6), produced by John T. Fallon at his Junior Mine (Mine Index No. 82), District No. 3, in Barbour County, West Virginia may be sold and purchased for railroad fuel use at prices not exceeding $2.25 per net ton f. o. b. the mine, and for other uses may be sold and purchased at prices not exceeding $2.30 per net ton f. o. b. the mine;

(2) Paragraph (a) of this Order No. 84 may be revoked or amended by the Price Administrator at any time;

(3) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(b) *Denial of protest except insofar as relief is granted by this Order No. 84.* The protest filed by John T. Fallon against the provisions of Maximum Price Regulation No. 120 and assigned Docket No. 1120-92-P is hereby denied except insofar as relief is granted in paragraph (a) of this Order No. 84.

(c) This Order No. 84 shall become effective November 24, 1942.

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12307; Filed, November 23, 1942; 4:20 p. m.]

[Order 85 Under MPR 120]

SHOCKLEY CREEK COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 85 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-211.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) The Shockley Creek Coal Company, Beckley, West Virginia, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not in excess of those stated therein, for shipment by rail and via tidewater.

(b) The coal produced by the Shockley Creek Coal Company at its Semoco Mine, Mine Index No. 165, in District No. 7, may be sold for shipment by rail and via tidewater at prices not to exceed $3.00 per net ton in Size Group 7 and $2.75 per net ton in Size Group 8, f. o. b. the mine.

(c) This Order No. 85 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(e) This Order No. 85 shall become effective November 24, 1942.

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12308; Filed, November 23, 1942; 4:20 p. m.]

[Order 86 Under MPR 120]

WHITE ASH COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 86 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-188.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) White Ash Coal Company, Peoria, Illinois, may sell and deliver, and any person may buy and receive the bituminous coal described in paragraph (b) for shipment by truck or wagon at prices not in excess of the respective prices stated therein.

(b) Coals produced by White Ash Coal Company at its Middle Road Mine (Mine Index No. 788), in District No. 10, may be sold for shipments by truck or wagon at prices not to exceed the following prices per net ton f. o. b. the mine:

Size groups	*Maxima established herein*
8	$2.85
10	2.85
12	2.60

(c) Within thirty (30) days from the effective date of this order, said White Ash Coal Company shall notify all persons purchasing its coals of the adjustments granted by this order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted by this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122.

(d) This Order No. 86 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(f) This Order No. 86 shall become effective November 24, 1942.

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12309; Filed, November 23, 1942; 4:20 p. m.]

[Order 87 Under MPR 120]

FIRE CREEK COAL AND COKE COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 87 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-109.

For the reasons set forth in the opinion issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in acordance with § 1340.207 (d) of Maximum Price Regulation No. 120, *It is ordered:*

(a) The Fire Creek Coal and Coke Company, Fire Creek, West Virginia, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not to exceed the price stated therein;

(b) Smithing coal produced at the Fire Creek Mine (Mine Index No. 69), District No. 7, and the Mason No. 1 Mine (Mine Index No. 116), District No. 7, of the Fire Creek Coal and Coke Company, may be sold at prices not to exceed $3.25 per net ton, f. o. b. the mine;

(c) This Order No. 87 may be revoked or amended by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein;

(e) This Order No. 87 shall become effective November 24, 1942.

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12310; Filed, November 23, 1942; 4:16 p. m.]

[Order 88 Under MPR 120]

PEKIN COAL MINING COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 88 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-89.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Adminstrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) The Pekin Coal Mining Company, Pekin, Illinois, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not to exceed the respective prices stated therein;

(b) Coal in Size Groups 1, 3 and 11 produced at the Pekin Mine (Mine Index No. 819), District No. 10, of the Pekin Coal Mining Company, may be sold for shipment by truck or wagon at prices per net ton, f. o. b. the mine, not to exceed $3.40, $3.25, and $2.75, respectively;

(c) This Order No. 88 may be revoked or amended by the Price Administrator at any time;

(d) All prayers of the petition not granted herein are denied;

(e) Within thirty days from the effective date of this order, the said Pekin Coal Mining Company shall notify all persons purchasing its coals of the adjustments granted in the Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted by the order do not authorize an increase in the purchaser's re-sale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122.

(f) Unless the context otherwise requires, the definitions set forth in § 1340.208 shall apply to the terms used herein;

(g) This Order No. 88 shall become effective November 24, 1942.

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12311; Filed, November 23, 1942; 4:19 p. m.]

Reference

NOV 3 [illegible] 942

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

LITTERA SCRIPTA MANET

FEDERAL REGISTER

VOLUME 7 NUMBER 232

Washington, Thursday, November 26, 1942

Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 34—MILITARY COURT FEES

CIVILIAN WITNESSES

Section 34.3 (a) (1) is hereby amended to read as follows:

§ 34.3 *Witnesses*—(a) ***Civilians.*** (1) * * *

(i) Persons not subject to military law when called as witnesses are entitled to the fees and mileage allowed to witnesses attending courts of the United States.

(ii) When the court is sitting in a foreign country the commander of the theater of operations, defense command, department, base, service command, or task force within whose command the court is convened shall fix fees and allowances to be paid to witnesses, not in excess of the maximum rates permitted to witnesses attending the courts of the United States or the courts of the foreign country, whichever rates may be the higher. MS Comp. Gen. B 28803, September 15, 1942, October 21, 1942.

(R.S. 161; 5 U.S.C. 22) [Par. 3*b*, AR 35-4120, March 18, 1942, as amended by C1, October 31, 1942]

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-12380; Filed, November 24, 1942; 2:48 p. m.]

Chapter IX—Transport

PART 91—GENERAL TRANSPORT REGULATIONS

BAGGAGE AND EFFECTS, WARTIME ALLOWANCE, ETC.

Paragraph (a) of § 91.20[1] is rescinded, paragraph (b) is redesignated paragraph (a) and amended, and paragraph (c) is redesignated paragraph (b) as follows:

§ 91.20 *Baggage and effects*—(a) *Wartime allowance and classification.* (1) In wartime the baggage allowances on transports will be as follows:

* * * * *

(b) *Articles of an explosive or highly combustible nature excluded from baggage.* * * *

(R.S. 161; 5 U.S.C. 22) [Pars. 2 and 7, AR 55-410, October 6, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-12381; Filed, November 24, 1942; 2:48 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment No. LXXV]

SUBSTITUTION OF "OFFICE OF EXPORTS" FOR "EXPORT CONTROL BRANCH", ETC.

Part 801, General Regulations, is hereby amended in the following particulars:

1. Wherever the words "Export Control Branch" or "Chief of the Export Control Branch" appear in Part 801, they are deleted and the words "Office of Exports" are substituted therefor.

2. Paragraph (d) of § 801.1 *Definitions*[1] is hereby amended to read as follows:

(d) "Office of Exports" means the Office of Exports of the Board of Economic Warfare.

Part 802, General Licenses; Part 803, Unlimited Licenses; Part 804, Individual Licenses; Part 805, Selected Destinations Clearance Procedure; and Part 806, Technical Data, inclusive, are hereby amended by deleting the words "Export Control Branch" and "Chief of the Export Control Branch" wherever they appear and substituting therefor the words "Office of Exports".

Part 807, Denial of Licensing Privileges, is hereby amended in the following particulars:

1. Wherever the words "Chief of the Export Control Branch" appear in Part

(Continued on next page)

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[1] 6 F.R. 2458.

[1] 7 F.R. 4952.

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FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Telephone information: DIstrict 0525.

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807 of these regulations, they are hereby deleted and the words "Chief of Office, Office of Exports" are substituted therefor.

2. Section 807.3[2] *Institution of proceedings* is amended to read as follows:

§ 807.3 *Institution of proceedings.* The Chief of the Trade Intelligence Division of the Country Program Branch, Office of Exports, may, with the approval of the Office of General Counsel, initiate proceedings to deny the privilege of any person to obtain export licenses in any case where the Trade Intelligence Division has reason to believe that such person has violated any provisions of the statutes, proclamations, executive orders or regulations relating to export control.

Part 808, Procedure to Secure Shipping Space to the Other American Republics and Part 809, Shipping Priority ratings, are hereby amended by deleting the words "Export Control Branch" and "Chief of the Export Control Branch" wherever they appear and substituting therefor the words "Office of Exports."

(Sec. 6, 54 Stat. 714, Pub. Law 75, 77th Cong., Pub. Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31)

Dated: November 24, 1942.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 42-12393; Filed, November 25, 1942; 9:33 a. m.]

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[2] 7 F.R. 5018.

Subchapter A—General

PART 800—ORDERS AND DELEGATIONS OF AUTHORITY

[Delegation of Authority 31]

TO CHIEF OF OFFICE, OFFICE OF EXPORTS

Delegation of Authority No. 26[1] dated June 30, 1942, is hereby revoked.

§ 800.61 *Delegation of Authority No. 31.* By virtue of the authority vested in me, as Assistant Director in charge of the Office of Exports, by Delegation of Authority No. 25,[1] issued by the Executive Director on June 30, 1942, authority is hereby delegated to the Chief of Office, Office of Exports or, in his absence, to the officer designated by the Chief of Office to act for him, to issue such rules and regulations as may be necessary or proper to carry out the provisions of section 6 of the Act of July 2, 1940, 54 Stat. 714, 50 U.S.C. (1940 Ed.) 701 as amended.

Dated: November 21, 1942.

HECTOR LAZO,
Assistant Director.

[F. R. Doc. 42-12357; Filed, November 24, 1942; 12:46 p. m.]

PART 800—ORDERS AND DELEGATIONS OF AUTHORITY

[Delegation of Authority 34]

TO ASSISTANT DIRECTOR, OFFICE OF EXPORTS

§ 800.64 *Delegation of Authority No. 34.* By virtue of the authority vested in me as Executive Director of the Board of Economic Warfare by Executive Order No. 8942,[2] dated November 19, 1941, Delegation of Authority No. 21, 7 F.R. 3415, is hereby revoked, and authority is hereby delegated to the Assistant Director in charge of the Office of Exports or, in his absence, to the officer designated by said Assistant Director to act for him:

(a) To exercise and perform all powers and functions vested in me by said Executive Order, except the power to sign and issue subpoenas; and

(b) To delegate and provide for the redelegation of such of these powers and functions as may from time to time be required.

Dated: November 23, 1942.

MILO PERKINS,
Executive Director.

[F. R. Doc. 42-12358; Filed, November 24, 1942; 12:46 p. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1053—FATS AND OILS

[General Preference Order M-71,[3] as Amended Nov. 24, 1942]

§ 1053.1 *General Preference Order M-71*—(a) *Definitions.* (1) "Fats and oils" means all the raw, crude, refined and pressed fats and oils, whether vegetable, animal, fish or other marine animal, their by-products and derivatives, including grease (lard) oil, sulfonated and similarly processed fats and oils, fatty acids, and lard and rendered pork fat, but not including cocoa butter, butter, wool greases, essential oils, tall oil, mineral oils, and vitamin-bearing oils derived from fish or other marine animal livers or viscera

(2) "Manufacturer" means any person who uses any fats or oils in the manufacture of any finished product, and shall include all other persons directly controlling or controlled by such person, and all persons under direct or indirect common control with such person. The term shall not include any crusher, renderer, refiner or other processor except as and to the extent that his operations result in the production of a finished product, and shall also not include any person who uses fats and oils in the home in the preparation of food for household consumption.

(3) The "inventory" of a manufacturer at any time shall include all fats and oils held or controlled by him and all fats and oils purchased by him for future delivery.

(4) "Finished product" means any product of a manufacturer produced for sale as his finished product and carried on his books as his finished product. Except for the purposes of paragraph (d) hereof, "finished product" shall not include: (i) grease (lard) oil; (ii) sulphonated or similarly processed fat or oil; (iii) fatty acids; (iv) lard or rendered pork fat; (v) any fat or oil product intended for sale to another manufacturer for further processing in the manufacture of, or for inclusion in, any product (excepting a product falling within paragraph (a) (4) (vi) hereof); (vi) any edible product of which a fat or oil is not the principal ingredient; (vii) any edible product produced by any hotel or restaurant for consumption on the premises; (viii) any medicinal preparation other than medicated soap.

(5) "Crusher" means any person who presses, expels, or extracts oils from any seed, bean, nut or corn or other oil-bearing materials.

(6) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armaments, weapons, merchant and naval ships, tanks and vehicles) and any parts, assemblies, and material to be incorporated in any of the foregoing items. This term does not include facilities or equipment used to manufacture the foregoing items.

(b) Restrictions on manufacture. (1) [Revoked Nov. 24, 1942.]

(2) No manufacturer, except as provided in paragraph (b) (6) hereof, shall in any calendar quarter beginning with the last quarter of 1942, use or consume any fat or oil in any class of use listed in Schedule A annexed hereto in a quantity in excess of the percentage specified in such Schedule A of his average quarterly use or consumption of fats and oils in such class of use during the corresponding quarters of the two years, 1940 and 1941.

(3) If any manufacturer shall not in any quarter use or consume the quantity of fat or oil permitted by paragraph (b) (2) hereof, the unused part of his quota for such quarter shall for the purposes of such paragraph (b) (2) be carried forward and added to his permitted quota for the succeeding quarters; provided, however, that any unused part of his permitted quota for any prior quarter shall not be carried forward beyond June 30, 1943 and beyond the 30th day of June of each year thereafter.

(4) For the purpose of determining the quantity of raw foots which may be used or consumed, use or consumption shall be calculated on the basis of total fatty acid content.

(5) The restrictions on fats and oils hereby imposed are imposed with respect to fats and oils in the aggregate, and such restrictions are not to be construed to limit a manufacturer to the same fat or oil used or consumed by him in the base period.

(6) Nothing in paragraph (b) (2) hereof shall restrict:

(i) The use of fats and oils in any period or quarter by any manufacturer whose aggregate use or consumption of fats and oils in such period is less than 6,000 lbs.;

(ii) The use of fats and oils in the manufacture of any edible product delivered or to be delivered to the Army or Navy of the United States, or delivered or to be delivered pursuant to the Act of March 11, 1941, entitled "An act to promote the defense of the United States" (Lend-Lease Act), or the processing of fats and oils for delivery to another manufacturer for use in the manufacture of any such edible product: *Provided, however,* That this paragraph shall not exempt the use of fats and oils by any person other than the person having the prime contract with the Army or Navy or with the administrator of such Lend-Lease Act, unless the Quartermaster General of the Army or the Chief of the Bureau of Supplies and Accounts of the Navy, or the administrator of the Agricultural Marketing Administration (as the procurement agency for the administrator of such Lend-Lease Act), or the duly authorized representative of any of them, shall have issued to the manufacturer (whether prime contractor or subcontractor) who uses the fat or oil in the manufacture of the edible product contracted for, a certificate setting forth that such product is for direct Army or Navy issue or for delivery pursuant to such Lend-Lease Act and that the manufacture of such product will require a stated quantity of fats or oils, and designating the supplier or suppliers of such fats or oils to be exempted under the terms of this paragraph of this order.

(iii) The use of fats and oils in the manufacture of soap, including soap made from foots derived from domestic vegetable oils or their fatty acids, where such soap is delivered to the Army or Navy of the United States by the manufacturer or is delivered by such manufacturer, as a prime contractor, pursuant to such Lend-Lease Act.

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[1] 7 F.R. 4951.
[2] 7 F.R. 5909.
[3] 7 F.R. 7485, 8692, 9484.

(iv) The use of fats and oils in the manufacture, preparation or finishing of implements of war.

(7) For the purposes of determining a manufacturer's permissible use or consumption under paragraph (b) (2) hereof, there shall be excluded from the period or quarter during which use or consumption is hereby limited, any fat or oil used in the manufacture of the products referred to in subdivisions (ii), (iii) and (iv) of paragraph (b) (6) hereof, and there shall be excluded from the base period any fat or oil used by such manufacturer in such base period in the manufacture of any edible product or soap delivered by him to the Army or Navy of the United States or delivered by him, as a prime contractor, pursuant to such Lend-Lease Act, and there also shall be excluded from such base period any fat or oil used in the manufacture, preparation or finishing of implements of war.

(c) *Restrictions on deliveries of linseed oil.* (1) No person engaged in the business of selling linseed oil at wholesale (whether crushed or processed by him or purchased for resale) shall deliver in the aggregate to persons other than manufacturers during any calendar quarter, beginning with the fourth quarter of 1942, more linseed oil (whether raw or processed) than 70% of the average quarterly amount of linseed oil so delivered by him during the corresponding quarters of the two years, 1940 and 1941.

(2) In reducing deliveries pursuant to paragraph (c) (1) hereof, no person shall make discriminatory cuts as between customers, whether new or old.

(3) This order shall not restrict the delivery by any person of linseed oil to the Army or Navy of the United States or pursuant to such Lend-Lease Act, and any amount so delivered by him shall be excluded both from the base period on which his quota is based and from the period or quarter during which future deliveries are hereby limited.

(d) *Restrictions on processing and inventories.* (1) No manufacturer shall hereafter change the condition of any fat or oil in his raw materials inventory, or add any additional materials thereto, except to the extent necessary to store any such fat or oil in his raw materials inventory in a form necessary to prevent deterioration thereof, or except to put such fats or oils into process for the manufacture of his finished products subject to the limitations of paragraph (d) (2). Nothing contained in this paragraph shall be construed to limit the amount of fats and oils which may be held by any manufacturer in his raw materials inventory.

(2) No manufacturer shall hereafter increase the rate at which fats and oils are put into process by him, except to the extent necessary to meet the required deliveries of his finished products within the limitations established by this order, and to maintain only a practicable minimum working inventory of such finished products. The term "practicable minimum working inventory" is to be strictly construed. The mere fact that the turn-over has increased, or that materials are difficult to obtain, does not justify maintaining inventories above the minimum at which his operations can be continued.

(e) *Reports.* Every manufacturer and every other person affected by this order shall file such reports giving such information at such times and upon such form or forms as the Director General for Operations may from time to time prescribe.

(f) *Effect of other orders.* Insofar as any other order of the Director of Priorities, the Director of Industry Operations or the Director General for Operations, heretofore or hereafter issued, limits or curtails to a greater extent than herein provided the use, acquisition or disposition of any fat or oil, the limitations of such other order shall control.

(g) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Appeals.* Any persons affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, whether because of the absence of use during the two-year base period, or otherwise, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of fats or oils conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Director General for Operations by addressing a letter to this War Production Board, Chemicals Branch, Washington, D. C., Ref: M-71, setting forth the pertinent facts and the reasons he considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(3) *Violations.* Any person who wilfully violates any provisions of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C., Ref: M-71.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued November 24, 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

Class of use	*Permitted percentage*
Manufacture of margarine	110
Manufacture of other edible finished products, including shortening, mayonnaise and salad dressing	88
Manufacture of soap, exclusive of soap made from domestic vegetable oil foots or their fatty acids	88
Manufacture of soap from foots made from domestic vegetable oils or their fatty acids	150
Manufacture of paints, varnishes, lacquers and all other protective coatings	70
Manufacture of linoleum, oilcloth, and oil or oleo-resinous coated fabrics and pyroxylin coated fabrics	70
Manufacture of printing inks, including lithographying, offset, silk screen and other processing inks	90

[F. R. Doc. 42-12378; Filed, November 24, 1942; 2:39 p. m.]

PART 1156—TOYS AND GAMES

[Limitation Order L-81[1] as Amended Nov. 24, 1942]

Section 1156.1 *General Limitation Order L-81* is hereby amended to read as follows:

§ 1156.1 *General Limitation Order L-81*—(a) *Definitions.* For the purposes of this order:

(1) "Toy or game" means any device, plaything, article or material commonly referred to as a toy or game, or any part made specifically for incorporation into such a toy or game, including but not limited to dolls, doll accessories, stuffed animals, adults' and children's games, (including but not limited to playing cards, dice, poker chips, mahjong and ouija boards), juvenile art sets and materials, juvenile craft sets and materials, juvenile science sets and materials, masquerade costumes or accessories, tricks, puzzles, puzzle sets, magic sets, children's play vehicles, Christmas lighting decorations (including but not limited to series circuit strings, parallel circuit strings, candles, wreaths, etc., for decorative purposes), non-illuminated Christmas tree ornaments or stands, sleds, models, model building parts, model airplanes, accessories or kits, toy furniture, and juvenile playground and gymnasium equipment (other than that used by clubs, schools, and institutions), but not including sporting goods or athletic equipment.

(2) "Class A product" means any toy, game or any part made specifically for incorporation into such a toy or game, containing iron or steel equal to more than 7% by weight of the toy, game or part. (Containers, fillers, wrappers and other packaging materials are not to be considered as part of the product for the purposes of determining its weight.)

(3) "Prohibited material" means:

(i) Alloy steels (as defined in Order M-21-a).

(ii) Chromium plating. (Composite coating of chromium plus undercoating of another metal.)

(iii) Copper whether or not used for the conduction of electricity.

(iv) Cork.

(v) Silk.

(vi) Urea plastics.

(vii) Antimony.

(viii) Phenolic plastics.

(ix) Tin.

(x) Zinc.

(xi) Rubber.

(xii) Silver.

(xiii) Iron and steel.

(4) "Repair or replacement part" means any part made specifically for incorporation into a toy or game which is not produced for or used in a new toy or game.

(5) "Joining hardware" means the minimum amount of iron and steel required for nails, nuts, bolts, screws, clasps, rivets and similar joining purposes.

(6) "Manufacturer" means any person who processes, fabricates, works on or assembles any materials for use in the production of toys, games or parts made specifically for incorporation into toys or games.

(b) *General restrictions.* (1) On and after November 24, 1942, no manufacturer shall process, fabricate, work on or assemble any toys, games or repair or replacement parts containing any prohibited materials other than joining hardware.

(2) During the month of December, 1942, no manufacturer shall use more joining hardware in his aggregate production of toys, games and repair or replacement parts than 100% of the average monthly weight of joining hardware used by such manufacturer in his aggregate production of toys, games and repair or replacement parts other than Class A products during 1941.

(3) During the three months period beginning January 1, 1943 and during each three months period thereafter, no manufacturer shall use more joining hardware in his aggregate production of toys, games and repair or replacement parts than 25% of the weight of joining hardware used by such manufacturer in his aggregate production of toys, games and repair or replacement parts other than Class A products during 1941.

(c) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(d) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(e) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(g) *Appeal.* Any appeal from the provisions of this order shall be filed on Form PD-500 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(h) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(i) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the Director of Priorities, the Director of Industry Operations, or the Director General for Operations limits the use of any material in the production of toys or games to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed be addressed to the War Production Board, Consumers' Durable Goods Branch, Washington, D. C., Ref: L-81.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12379; Filed, November 24, 1942; 2:39 p. m.]

PART 1072—SOLE LEATHER

[Supplementary Order M-80-e]

§ 1072.6 *Supplementary Order M-80-e.* Pursuant to paragraph (b) (1) of Order M-80 as amended to August 5, 1942, which this order supplements, each person tanning sole leather for his own account or causing sole leather to be tanned for his account by others shall set aside during the period from December 1, 1942 to December 31, 1942, inclusive, at least 20% of the quantity of manufacturers bends produced by him for his own account, or produced for his account by others, during that period. The weight and quality of said portion set aside shall be proportionately equal, as nearly as can be, to those of the manufacturers bends not so set aside.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 25th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12448; Filed, November 25, 1942; 11:31 a. m.]

PART 1290—SHIRTS (EXCLUSIVE OF WORK SHIRTS) AND PAJAMAS

[General Limitation Order L-169]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of wool, silk, rayon, cotton and linen for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1290.1 *General Limitation Order L-169*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* (1) "Put into process" means the first cutting operation of material in the manufacture of shirts or pajamas.

(2) "Shirts" means all men's and boy's shirts except shirts customarily graded as work shirts.

(3) "Pajamas" means any garment of the type customarily used by men and boys for sleeping, including garments consisting of a coat and pants, nightgowns, sleep coats, sleep slacks, sleep shirts, and lounging pajamas and suits.

(4) Measurements set forth in this order shall refer to finished measurements after all manufacturing operations have been completed and the garment is ready for shipment.

(5) "Preshrunk fabrics" means fabrics which have a residual shrinkage of not more than 2% as determined by test methods for shrinkage given in "Woven Textile Fabrics, Testing and Reporting, Commercial Standard CS59-41" issued by the National Bureau of Standards, U. S. Department of Commerce.

(6) "Unshrunk fabrics" means fabrics which have a residual shrinkage of more than 2% as determined by test methods for shrinkage given in "Woven Textile Fabrics, Testing and Reporting, Commercial Standard CS59-41" issued by the National Bureau of Standards, U. S. Department of Commerce.

(7) Unless otherwise expressly defined, all trade terms shall have their usual and customary trade meanings.

(c) *General provision with respect to finished garments.* The prohibitions and restrictions of this order shall not apply to articles of apparel, the cloth for which was put into process prior to December 15, 1942, or to articles of apparel in existence on that date, or to sales of second-hand garments.

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[1] 7 F.R. 2471, 2679, 3444, 6206.

(d) *General exceptions.* The prohibitions and restrictions of this order shall not apply to:

(1) Apparel for persons of heights of over 6 feet 2 inches, of abnormal size, or with physical deformities, but only to the extent that it is necessary to use in such apparel additional material for proportionate lengths or other dimensions.

(2) Historical costumes for theatrical productions, *Provided, however,* That no apparel manufactured or sold pursuant to this subparagraph shall be used for any purposes other than those for which it was so manufactured or sold unless altered to conform to the provisions of this order applicable to such other use.

(3) Apparel manufactured from knitted fabrics.

(4) Any apparel manufactured for, and to be delivered to, or for the account of the Army or Navy of the United States.

(5) Military apparel to be delivered to or for the account of any agency of the United States Government to be delivered by it to the government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(6) Apparel forming part of "officers uniforms" as defined in Preference Rating Order P–131, as amended from time to time.

(7) Shirts or pajamas manufactured in the home except when made for sale or for a contractor or jobber or other person who sells shirts.

(e) *Curtailments on shirts.* No person shall, after December 15, 1942, put into process, or cause to be put into process by others for his account, any cloth for the manufacture of, and no person shall sell or deliver any:

(1) Shirts with a bi-swing or box-pleated back or a back of any design or pattern which increases the use of piece goods beyond that used by a regular standard back.

(2) Shirts exceeding in length 30 inches for shrunk fabrics and 31½ inches for unshrunk fabrics.

(3) Shirts with a demi- or pleated bosom.

(f) *Curtailments on pajamas.* No person shall, after December 15, 1942, put into process or cause to be put into process by others for his account, any cloth for the manufacture of, and no person shall sell or deliver any:

(1) Pajamas with cuffs on the trousers or sleeves.

(2) Pajamas with sashes, other than a drawstring.

(3) Pajamas with frogs, decorations or pipings.

(4) Pajamas in any styles other than: collarless coat, collarless middy, nightgowns and sleep coats, sleep slacks, sleep shorts, and half sleeve knee length versions of any of the above styles.

(5) Men's pajamas, other than nightgowns and sleep coats, with coat lengths exceeding 29 inches or trouser out seam measurements exceeding 43 inches for a size C, with other sizes in normal proportion.

(g) *Restriction on packing.* No manufacturer shall, after December 15, 1942, pack or fold any shirt:

(1) With a standing or set-up collar.

(2) Except in a flat fold.

(h) *Records and reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be required by said Board from time to time.

(i) *Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(j) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington, D. C. Reference L–169.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(l) *Effective date.* This order shall take effect on December 15, 1942, at 12:01 a. m.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 25th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12446; Filed, November 25, 1942; 11:31 a. m.]

PART 3093—GOLD MINING

[Limitation Order L–208 as Amended Nov. 25, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of critical materials for defense, for private account and for export which are used in the maintenance and operation of gold mines; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3093.1 *Limitation Order L–208*—(a) *Definitions.* For the purposes of this order

(1) "Nonessential mine" means any mining enterprise in which gold is produced, whether lode or placer, located in the United States, its territories or possessions, unless the operator of such mining enterprise is the holder of a serial number for such enterprise which has been issued under Preference Rating Order P–56.

(2) With respect to any nonessential mine, "effective date" means October 8, 1942, or the date of cancellation by the Director General for Operations of the serial number for such mining enterprise, whichever is the later.

(b) *Restrictions upon production.* (1) On and after the effective date, each operator of a nonessential mine shall immediately take all such steps as may be necessary to close down, and shall close down, in the shortest possible time, the operations of such mine.

(2) In no event on or after seven days from the effective date shall any operator of a nonessential mine acquire, consume, or use any material, facility, or equipment to break any new ore or to proceed with any development work or any new operations in or about such mine.

(3) In no event on or after sixty days from the effective date shall any operator of a nonessential mine acquire, consume, or use any material, facility, or equipment to remove any ore or waste from such mine, either above or below ground, or to conduct any other operations in or about such mine, except to the minimum amount necessary to maintain its buildings, machinery, and equipment in repair and its access and development workings safe and accessible.

(4) The provisions of this order shall not apply to any lode mine which produced 1200 tons or less of commercial ore in the year 1941, provided the rate of production of such mine, after the effective date, shall not exceed 100 tons per month, nor to any placer mine which treated less than 1000 cubic yards of material in the year 1941, provided that the rate of treatment of such placer mine, after the effective date, shall not exceed 100 cubic yards per month.

(5) Nothing contained in this order shall limit or prohibit the use or operation of the mill, machine shop, or other facilities of a nonessential mine in the manufacture of articles to be delivered pursuant to orders bearing a preference rating of A–1–k or higher, or in milling ores for the holder of a serial number under Preference Rating Order P–56.

(6) Nothing contained in this order shall prohibit any owner of a mining claim from performing not more than the minimum assessment work required by the provisions of section 2324 of the Revised Statutes of the United States and by Public No. 542, 77th Congress, 2d Session.

(c) *Restrictions on application of preference ratings.* No person shall apply any preference rating, whether heretofore or hereafter assigned, to acquire any material or equipment for consumption or use in the operation, maintenance, or repair of a nonessential mine, except with the express permission of the Director General for Operations issued after application made to the Mining Branch, War Production Board.

(d) *Assignment of preference ratings.* The Director General for Operations, upon receiving an application in accordance with paragraph (c) above, may assign such preference ratings as may be required to obtain the minimum amount of material necessary to maintain such nonessential mine on the basis set forth in paragraph (b) (3) above.

(e) *Restrictions on disposition of machinery and equipment.* No person shall sell or otherwise dispose of any machinery or equipment of the types listed in Schedule A to Preference Rating Order P–56, which has been used in a nonessential mine, and no person shall accept delivery thereof, except with specific permission of the Director General for Operations. On or before January 18, 1943, or within sixty days after the effective date, whichever is later, each operator of a nonessential mine shall file with the War Production Board, Washington, D. C., Reference: L–208, an itemized list of such machinery and equipment, signed by such operator or an authorized official, indicating each item available for sale or rental. Upon receipt of such itemized list, the War Production Board will furnish to the operator appropriate forms to be filled out for each item which the operator desires to dispose of.

(f) *Records and reports.* All persons affected by this order shall keep and preserve, for not less than two years, accurate and complete records concerning inventory, acquisition, consumption, and use of materials, and production of ore, and shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time prescribe.

(g) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Communications.* All reports to be filed, appeals, and other communications concerning this order should be addressed to: War Production Board, Mining Branch, Washington, D. C., Ref.: L–208.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by a fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board, by letter, in triplicate, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(k) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 25th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12447; Filed, November 25, 1942; 11:31 a. m.]

PART 3134—DAIRY PRODUCTS

[Conservation Order M–259]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of milk and milk products for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3134.1 *Conservation Order M–259*—(a) *Definitions.* For the purposes of this order:

(1) "Producer" shall mean any person who is engaged in the business of:

(i) Pasteurizing milk or cream,

(ii) Producing dairy products, for sale, by processing milk or cream in a plant not located on a farm where the milk was produced,

(iii) Bottling raw or pasteurized cream in glass or paper containers, or

(iv) Selling cream in bulk containers to hotels, institutions, or restaurants;

Provided, however, That a farmer or ranch or herd owner who delivered an average of less than one gallon of cream per day in the three calendar months next preceding November 25, 1942, shall not be deemed a producer within the meaning of this order, until his deliveries of cream exceed one gallon per day in any calendar month.

(2) "Milk" means the liquid milk of cows.

(3) "Cream" is the class of foods defined by Federal Security Agency in Title 21, Code of Federal Regulations, §§ 18.500–18.515; 5 F.R. 2443. The term "cream" includes cream by whatever name known, including light cream, coffee cream, table cream, whipping cream, and heavy cream.

(4) "Milk fat content" shall be determined as prescribed by the Federal Security Agency in Title 21, Code of Federal Regulations, § 18.500; 5 F.R. 2443.

(b) *Restrictions on producers.* No producer may deliver cream having a milk fat content in excess of 19% except to another producer.

(c) *Exceptions.* Notwithstanding paragraph (b) hereof, in any state where by law or administrative regulation in force on November 25, 1942, the milk fat content of cream of minimum milk fat content is required to exceed 18%, a producer may deliver to any person cream having a milk fat content not exceeding by more than 1% the minimum so required by such state law or administrative regulation on November 25, 1942.

(d) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds for the appeal.

(e) *Reports.* Any person affected by this order shall file such reports and questionnaires as the War Production Board may request from time to time.

(f) *Records.* Every person to whom this order applies shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(g) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(i) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: "War Production Board, Food Branch, Washington, D. C. Ref: M–259."

(j) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 25th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12449; Filed, November 25, 1942; 11:31 a. m.]

Chapter XI—Office of Price Administration

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

[MPR 141,[1] Amendment 1]

RAW SHEARLINGS AND TANNED SHEARLINGS FOR THE ARMED FORCES

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The title of this regulation is amended by the deletion therefrom the word "domestic." Section 1314.101 is amended, in § 1314.109 (a) new subparagraph (4) is added, and new §§ 1314.113 and 1314.110a are added as set forth below:

§ 1314.101 (a) *Maximum prices for domestic raw shearlings.* On and after May 13, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver domestic raw shearlings, and no person shall buy or receive domestic raw shearlings in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1314.111; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of domestic raw shearlings to a purchaser if prior to May 13, 1942 such domestic raw shearlings had been received by a carrier other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) *Maximum prices of raw shearlings for import.* On and after November 25, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall buy or receive raw shearlings for import into the United States at prices higher than the maximum prices set forth in Appendix C hereof, incorporated herein as § 1314.113; and no person shall agree, offer, solicit or attempt to do any of the foregoing. This paragraph (b) shall not apply to sales of raw shearlings after their arrival in the United States.

§ 1314.109 *Definitions* (a) * * *

(4) "Raw shearling for import" means the untanned skin of a sheep or lamb, with a wool length of two inches or less, slaughtered outside the continental United States, the importation of which is sought as a shearling under General Import Order M-63[2] issued by the War Production Board.

§ 1314.113 *Appendix C: Maximum prices of raw shearlings for import*—(a) *Method of determining maximum prices.* The maximum price of raw shearlings for import into the United States shall be the applicable base price set forth in paragraph (b) below increased or decreased by an amount not in excess of 10% of such base price. The amount of such increase or decrease in each case shall be determined by the Office of Price Administration in accordance with the standards of adjustment set forth in paragraph (c) of this section. Such determination shall be made upon consideration of the facts set forth in the importer's application to the War Production Board for an import license pursuant to the provisions of General Import Order M-63 issued by the War Production Board.

The maximum prices are f. o. b. port of shipment before deduction of any discount. These prices include any commission paid to the seller or his agent or to a foreign agent of the importer or his agent, except that in the case of shearlings imported from Australia, a commission of not more than 3% may be paid to the seller or his agent or to the foreign agent of the importer in addition to the applicable maximum price.

(b) *Base prices:*

TABLE 1—RAW SHEARLINGS PRODUCED IN SOUTH AMERICA

District	Type	Produced from—	Cents per pound
Patagonia	Frigorificos	Sheep	24
Puntas Arenas	Frigorificos	Sheep	24
Buenos Aires	Frigorificos	Sheep	24
Entre Rios	Consumo's	Sheep	21
Corrientes	Consumo's	Sheep	21
Buenos Aires	Consumo's	Sheep	21
Patagonia	Consumo's	Sheep	21
Puntas Arenas	Consumo's	Sheep	21
Chubut	Consumo's	Sheep	19
Cordilleras	Consumo's	Sheep	19
Uruguay	Frigorificos	Sheep	24
Uruguay	Consumo's	Sheep	21
All Districts	Campo's	Sheep	17
All Districts	Frigorificos	Lamb	22

TABLE 2—RAW SHEARLINGS PRODUCED IN AFRICA[1]

District	Abattoir[2]	Country[3]
	Cents per pound	*Cents per pound*
Capetown	17½	15½
Mossel Bay	17½	15½
Port Elizabeth	16	14
East London	15	13
Durban	17	15
Johannesburg	16½	14½

[1] Each pound or fraction thereof of excessive weight per dozen skins shall reduce the base prices herein provided by one cent. "Excessive weight per dozen skins," as that term is used herein, means weight per dozen skins in excess of 55 pounds for wool lengths of ⅛" to ¼", 65 pounds for wool lengths of ¼" to ½", or 85 pounds for wool lengths of ½" to 1¼".

[2] The base prices for second quality Abattoir Shearlings (free of sun dried skins but containing "patchy" skins with not over one cut) shall be the base price of first quality Abattoir Shearlings reduced by 1½ cents per pound.

[3] The base price for second quality Country Shearlings (free of sun dried skins) shall be the base price of first quality Country Shearlings reduced by 1½ cents per pound.

TABLE 3—RAW SHEARLINGS PRODUCED IN AUSTRALIA

Type	Description	Wool length	Cents per pound		
			Sound	Light Ribby Seedy	Heavy Ribby
7	Super, 64's and up	1"-1½"	16	14¾	14½
7B	Ordinary, 64's and up	1"-1½"	12	10½	10¼
8A	Ordinary, Merino	½"-1"	8¾	7¾	6¾
14A	Good, 60/64's	1"-1½"	14	12¾	12¼
19	Super, 58/60's	1"-1½"	15¼	14	13¼
24A	Good, 56/58's	1"-1½"	13½	12¾	12
28B	Ordinary, 50/56's	1"-2"	14½	12¼	10½
29A	Good, 50/58's	½"-1"	12¼	10¾	8
34	Super and good, 46/50's and under	½"-1"	12	9¾	7¼
47B	Ordinary, 60/64's	1"-1½"	13	12	10½
49	Super and good, 58/60's	½"-2"	13½	12¼	10½
47X	Super and good, 60/64's	½"-1"	11	10¼	8½
51	Super, 50/58's	½"-2"	16	14	12¾
54A	Ordinary, 46/50's	½"-2"	14½	12¼	10½
61	Super, 50/58's	1"-1½"	17	14½	13¼
62A	Ordinary, 50/58's	½"-1"	10¼	8¾	6¾
65A	Ordinary, 46/50's	½"-2"	14½	12¾	11
69	Super and good, 44's and under	½"-2"	15¼	13½	12
60A	Good, 50/58's	1½"-2"	17	14¾	13¼

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3520, 8949.

[2] 7 F.R. 4198.

(c) *Standards of adjustment.* The applicable base price set forth in paragraph (b) above shall be increased or decreased by an amount not in excess of 10% of such base price upon consideration of the following factors: the origin of the shearlings; the source of their production, collection or assortment; the fineness, length and density of the wool; the weight and size of the shearlings; the presence or absence of patches or other imperfections; and any other demonstrable physical characteristics affecting the quality of such shearlings and their suitability for use by the armed forces.

§ 1314.110a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1314.101, 1314.109 (a) (4), 1314.113) to Maximum Price Regulation No. 141 shall become effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12360; Filed, November 24, 1942; 1:13 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 118 Under § 1499.18 (b) of GMPR]

UNITED WHOLESALE DRUGGISTS OF CHICAGO, INC.

Order No. 118 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-2290.

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1019 *Adjustment of maximum price for sales of Harriet Hubbard Ayer #316A Pink Clover Cologne with atomizer by the United Wholesale Druggists of Chicago, Incorporated.* (a) The maximum price for sales of Harriet Hubbard Ayer #316A Pink Clover Cologne with atomizer by the United Wholesale Druggists of Chicago, Incorporated, 2321 W. Pershing Road, Chicago, Illinois, shall be $13.09 per dozen.

(b) All discounts, allowances, and trade practices with respect to sales of this product by the above seller during March 1942, shall remain in effect under this Order No. 118.

(c) At the time of the first delivery to each purchaser of the above product by the above seller at the price determined under this Order No. 118, seller shall furnish each such purchaser with a notice reading as follows:

> The Office of Price Administration has permitted us to raise our maximum price for sales to you of Harriet Hubbard Ayer #316A Pink Clover Cologne with atomizer from $11.76 to $13.09 per dozen. This amount represents only that part of cost increases which we were unable to absorb, and it was granted with the understanding that retail prices would not be raised.
>
> The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of Harriet Hubbard Ayer #316A Pink Clover Cologne with atomizer.

(d) All prayers of the applicant not granted herein are denied.

(e) This Order No. 118 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 118 (§ 1499.1019) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 118 (§ 1499.1019) shall become effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12362; Filed, November 24, 1942; 1:14 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 5 Under § 1499.29 of GMPR]

LAC CHEMICALS, INCORPORATED

Granting price adjustment to Lac Chemicals, Incorporated—Docket Nos. 3028-5 and GF3-891.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.405 *Adjustment of maximum prices for sales of undenatured ethyl alcohol by Lac Chemicals, Incorporated, to any governmental agency.* (a) Notwithstanding anything to the contrary contained in the General Maximum Price Regulation, Lac Chemicals, Incorporated, Culver City, California, may sell and deliver undenatured ethyl alcohol of 188-190 proof to any governmental agency, and any governmental agency may buy and receive such ethyl alcohol from that company, at prices not in excess of $0.4675 per wine gallon, in tank cars, f. o. b. refinery, and $0.5475 per wine gallon, in drums, f. o. b. refinery.

(b) All prayers of the applicant not granted herein are denied.

(c) This Order No. 5 may be revoked or amended by the Price Administrator at any time.

(d) Lac Chemicals, Incorporated, shall submit such report to the Office of Price Administration as shall from time to time be required in writing.

(e) This Order No. 5 (§ 1499.405) is hereby incorporated as a section of Supplementary Regulation No. 4.

(f) This Order No. 5 (§ 1499.405) shall become effective November 25, and shall operate retroactively from May 25, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12361; Filed, November 24, 1942; 1:14 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 6 Under § 1499.29 of GMPR]

COMMERCIAL SOLVENTS CORPORATION

Granting price adjustment to Commercial Solvents Corporation—Docket Number GF3-1905.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.406 *Adjustment of maximum prices for sales of undenatured ethyl alcohol by Commercial Solvents Corporation to any governmental agency.* (a) Notwithstanding anything to the contrary contained in the General Maximum Price Regulation, Commercial Solvents Corporation, New York City, may sell and deliver undenatured ethyl alcohol of 188-190 proof produced at its plant located at Agnew, California, to any governmental agency, and any governmental agency may buy and receive such ethyl alcohol from Commercial Solvents Corporation, at prices not in excess of $0.415 per wine gallon, in tank cars, f. o. b. works, and $0.495 per wine gallon, in drums, f. o. b. works.

(b) All prayers of the applicant not granted herein are denied.

(c) This Order No. 6 may be revoked or amended by the Price Administrator at any time.

(d) Commercial Solvents Corporation shall submit such reports to the Office of Price Administration as shall from time to time be required in writing.

(e) This Order No. 6 (§ 1499.406) is hereby incorporated as a section of Supplementary Regulation No. 4.

(f) This Order No. 6 (§ 1499.406) shall become effective November 25, 1942, and shall operate retroactively from August 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12359; Filed, November 24, 1942; 1:12 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 146 Under § 1499.3 (b) of GMPR]

PLASTIC SCREENING

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.1162 *Authorization to manufacturers of plastic screening.* (a) Specific authorization is hereby given to any manufacturer of plastic screening to determine the maximum price for any such screening sold by him and for which the maximum price cannot be established under § 1499.2 of the General Maximum Price Regulation, by the following formula:

(1) The price-determining method which was in use on March 31, 1942, for the product sold or offered for sale by the manufacturer on March 31, 1942,

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*Copies may be obtained from the Office of Price Administration.

most comparable to plastic screening, applying the overhead rate, machine hour rates, if any, or other bases of computation which were in use on that date.

(2) To the extent that the price-determining method includes or is based on direct labor costs, the manufacturer shall use labor rates in effect on March 31, 1942.

(3) To the extent that the price-determining method includes or is based on prices paid for materials, the manufacturer shall use material prices determined in accordance with subdivisions (i) and (ii) below. The term "material prices" includes the prices for raw materials and for materials or products which have been processed or fabricated to any degree, including parts and subassemblies.

(i) Except as provided in subdivision (ii) below, the manufacturer shall use the lower of the following two prices: the price for the material which was or would have been paid by him on March 31, 1942 or the actual price for such material paid or to be paid, not in excess of the applicable maximum price.

(ii) For any processed or fabricated part or subassembly purchased, the manufacturer shall use the actual price of such part or subassembly paid or to be paid, not in excess of the applicable maximum price as established by this order or by any other order or Maximum Price Regulation issued by the Office of Price Administration.

(4) To the extent that the price-determining method includes freight rates paid, the manufacturer shall use freight rates in effect on March 31, 1942, for out-bound shipments for the mode of transportation actually used and for in-bound shipments for the mode of transportation actually used and from the actual point of origin.

(5) All applicable extra charges, discounts, or other allowances in use on March 31, 1942.

(b) Within ten days after the maximum price has been determined in accordance with this order, each manufacturer shall report its price to the Office of Price Administration, stating that the price was determined in accordance with the formula set forth in paragraph (a) and setting forth in detail the calculations made in determining that price.

(c) The maximum prices determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 146 may be revoked or amended by the Office of Price Administration at any time.

(e) This Order No. 146 (§ 1499.1162) shall become effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12363; Filed, November 24, 1942; 1:15 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 147 Under § 1499.3 (b) of GMPR]

GOODYEAR TIRE AND RUBBER COMPANY

For reasons set forth in the opinion issued simultaneously herewith, *It is hereby ordered:*

§ 1499.1163 *Approval of maximum prices for sales of "Victory Film" by The Goodyear Tire and Rubber Company.* (a) The maximum prices for sales by The Goodyear Tire and Rubber Company of "Victory Film," a thermoplastic sheeting, shall be the following, f. o. b. point of production:

Quantity	*Gauge*			
	120	140	170	225
500 pounds and over	$1.42	$1.50	$1.67	$2.23
100 pounds to 500 pounds	1.52	1.60	1.77	2.33
Less than 100 pounds	1.62	1.70	1.87	2.43

(b) All discounts, trade practices, and practices relating to the payment of shipping charges in effect during March 1942 upon sales by The Goodyear Tire and Rubber Company of comparable products shall apply to the maximum prices set forth in paragraph (a).

(c) This Order No. 147 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 147 (§ 1499.1163) shall become effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 24th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12364; Filed, November 24, 1942; 1:14 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 148 Under § 1499.3 (b) of GMPR]

DOW CHEMICAL COMPANY

For reasons set forth in the opinion issued simultaneously herewith, *It is hereby ordered:*

§ 1499.1164 *Approval of maximum prices for sales by The Dow Chemical Company of Polystyrene Solution produced by it.* (a) The maximum prices for sales by The Dow Chemical Company of Polystyrene Solution, shall be the following, f. o. b. Midland, Michigan:

Quantity	*Maximum price per gallon*
5 gallon drum	$3.05
10 gallon drum	3.02
Single 55 gallon drum	2.90
Two or more 55 gallon drums	2.85

(b) All discounts, trade practices, and practices relating to the payment of shipping charges in effect during March 1942 upon sales by The Dow Chemical Company of comparable products shall apply to the maximum prices set forth in paragraph (a).

(c) This Order No. 148 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 148 (§ 1499.1164) shall become effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong. E.O. 9250, 7 F.R. 7671)

Issued this 24th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12371; Filed, November 24, 1942; 1:14 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 149 Under 1499.3 (b) of GMPR]

BELL CHEMICAL COMPANY, INC.

The Bell Chemical Co., Inc., of Chicago, Illinois, has made application under § 1499.3 (b) of the General Maximum Price Regulation for specific authorization to determine the maximum prices for Bell's Cleaning Fluid. Due consideration has been given to the application, and an opinion has been issued simultaneously herewith, and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is ordered:*

§ 1499.1165 *Approval of maximum prices for Bell's Cleaning Fluid.* (a) On and after November 25, 1942, Bell Chemical Company may sell and deliver Bell's Cleaning Fluid to wholesalers at prices not in excess of those hereinafter set forth:

8 ounce bottles at $18.36 per gross, delivered (one dozen free with each gross).
16 ounce bottles at $29.92 per gross, delivered (one dozen free with each gross).

(b) Any person may sell and deliver Bell's Cleaning Fluid to retailers at prices not in excess of those hereinafter set forth:

8 ounce bottles at $21.60 per gross, delivered (one dozen free with each gross).
16 ounce bottles at $35.20 per gross, delivered (one dozen free with each gross).

(c) Any person may sell and deliver Bell's Cleaning Fluid at retail at prices not in excess of the following:

8 ounce bottles at 22 cents each.
16 ounce bottles at 37 cents each.

(d) The prices set forth above shall be subject to terms by each seller thereof which are no less favorable than those which were in effect during March 1942, with respect to sales of 10 and 24 ounce cans of Bell's Cleaning Fluid.

(e) Bell Chemical Company shall accompany each first sale of Bell's Cleaning Fluid in bottles to each wholesaler with a notice as follows:

> Ceiling price on Bell's Cleaning Fluid to wholesalers pursuant to Order No. 149 issued the 24th day of November 1942, under § 1499.3 (b) of the General Maximum Price Regulation in 8 ounce bottles is $18.36 per gross delivered (one dozen free with each gross); and on 16 ounce bottles it is $29.92 per gross delivered (one dozen free with each gross).
>
> Wholesaler's ceiling price to retailers on 8 ounce bottles of Bell's Cleaning Fluid is $21.60 per gross, delivered; and on 16 ounce bottles it is $35.20 per gross, delivered.

On each 8 ounce bottle the following words must be plainly stamped or printed by Bell Chemical Company: "O.P.A. retail ceiling price 22 cents each;" and on each 16 ounce bottle the following words must be plainly stamped or printed by Bell Chemical Company: "O.P.A. retail ceiling price 37 cents each."

(f) This Order No. 149 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 149 (§ 1499.1165) shall become effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12368; Filed, November 24, 1942; 1:12 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 150 Under § 1499.3 (b) of GMPR]

IRVINGTON VARNISH AND INSULATOR CO.

For the reasons set forth in an Opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1166 *Approval of maximum prices for sales of two new resin products by Irvington Varnish and Insulator Company.* (a) The maximum prices for sales of the products listed below by Irvington Varnish and Insulator Company, Irvington, New Jersey, shall be the following, f. o. b. point of production:

Quantity	*Price per pound*	
	Resin No. 6342	*Resin No. 7142*
Carload lots	$0.21	$0.22
1-ton lots	0.22	0.23
55-gallon drums	0.24	0.25
5-gallon pails	0.26	0.27

(b) All discounts, allowances, and trade practices in effect with respect to sales of Resin No. 543 by Irvington Varnish and Insulator Company during March 1942 shall apply to the maximum prices established by this Order No. 150.

(c) This Order No. 150 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 150 (§ 1499.1166) shall become effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong. E.O. 9250, 7 F.R. 7871)

Issued this 24th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12366; Filed, November 24, 1942; 1:12 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 151 Under § 1499.3 (b) of GMPR]

CURVLITE PRODUCTS, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1167 *Approval of maximum prices for sales of certain plastic health supply articles manufactured by Curvlite Products, Inc.*—(a) *Sales by Curvlite Products, Inc.*—(1) *Maximum prices.* The maximum prices for sales of the plastic health supply articles listed below by Curvlite Products, Inc., are established as set forth below:

Catalogue No.	Description	Maximum price
D-75	"Andrews Type" tongue depressor	*Each* $1.05
D-75-H	"Modified Andrews Type" tongue depressor	1.05
D-88	"Modified Wieder Type" tongue depressor	1.35
D-88-H	"Wider Type" tongue depressor	1.35
25	Rectal dilator, small size	.60
26	Rectal dilator, medium size	.75
27	Rectal dilator, large size	.90
28	Rectal dilator, extra large size	1.05
250	Set of four rectal dilators consisting of one each #25, 26, 27, and 28	*Per set* 2.70
80-U	"Parker Type" tissue retractor (double-end mouth retractor) U-shaped, 1" wide	*Each* 1.20
81-U	"Parker Type" tissue retractor (double-end mouth retractor) U-shaped, ¾" wide	1.05
82-U	"Parker Type" tissue retractor (double-end mouth retractor) U-shaped, ⅝" wide	.90
--------	Set of three "Parker Type" tissue retractors (double-end mouth retractor) U shaped, consisting of one each #80-U, 81-U, and U82-	*Per set* 2.85
70-S	"Parker Type" tissue retractor (double-end mouth retractor) S shaped, 1" wide	*Each* 1.20
71-S	"Parker Type" tissue retractor (double-end mouth retractor) S shaped, ¾" wide	1.05
72-S	"Parker Type" tissue retractor (double-end mouth retractor) S shaped, ⅝" wide	.90
--------	Set of three "Parker Type" tissue retractors (double-end mouth retractors) S shaped, consisting of one each 70-S, 71-S, and 72-S	*Per set* 2.85
C-58	Dental cheek retractor ¾" wide	*Each* .90
C-75	Dental cheek retractor ⅝" wide	.75

(2) *Discounts, allowances, and price differentials.* Curvlite Products, Inc., shall apply to the maximum prices set forth in subparagraph (1) of this paragraph for its sales of the plastic health supply articles listed in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of transportation costs, and any other customary discounts or allowances which were in effect in March, 1942, on its sales of comparable health supply articles.

(b) *Sales by resellers*—(1) *Maximum prices.* The maximum prices for sales of the plastic health supply articles listed below by resellers are established as set forth below:

Catalogue No.	Description	Maximum price
D-75	Andrews Type" tongue depressor	*Each* $1.75
D-75-H	"Modified Andrews Type" tongue depressor	1.75
D-88	"Modified Wieder Type" tongue depressor	2.25
D-88-H	"Wieder Type" tongue depressor	2.25
25	Rectal dilator, small size	1.00
26	Rectal dilator, medium size	1.25
27	Rectal dilator, large size	1.50
28	Rectal dilator, extra large size	1.75
250	Set of four rectal dilators consisting of one each #25, 26, 27, and 28	*Per set* 4.50
80-U	"Parker Type" tissue retractor (double-end mouth retractor) U-shaped, 1" wide	*Each* 2.00
81-U	"Parker Type" tissue retractor (double-end mouth retractor) U-shaped, ¾" wide	1.75
82-U	"Parker Type" tissue retractor (double-end mouth retractor) U-shaped, ⅝" wide	1.50
--------	Set of three "Parker Type" tissue retractors (double-and mouth retractor) U shaped, consisting of one each #80-U, 81-U, and 82-U	*Per set* 4.75
70-S	"Parker Type" tissue retractor (double-end mouth retractor) S-shaped, 1" wide	*Each* 2.00
71-S	"Parker Type" tissue retractor (double-end mouth retractor) S-shaped, ¾" wide	1.75
72-S	"Parker Type" tissue retractor (double-end mouth retractor) S-shaped, ⅝" wide	1.50
--------	Set of three "Parker Type" tissue retractors (double-end mouth retractors) S shaped, consisting of one each 70-S, 71-S, and 72-S	*Per set* 4.75
C-58	Dental cheek retractor, ¾" wide	*Each* 1.50
C-75	Dental cheek retractor, ⅝" wide	1.25

(2) *Discounts, allowances, and price differentials.* Any reseller making sales of the health supply articles listed in subparagraph (1) of this paragraph shall apply to the maximum prices set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March, 1942, on sales by the reseller of comparable health supply articles.

(c) *Notification of maximum prices.* Curvlite Products, Inc., shall accompany the first delivery of any one of the plastic health supply articles listed in subparagraph (1) of paragraph (a) to each reseller with a notification of the maximum prices for sales by resellers which are established by this Order No. 151. Such notification shall be effected by accompanying the first delivery of any one of the health supply articles listed in subparagraph (1) of paragraph (a) to each reseller with a copy of paragraphs (a) and (b) of this Order No. 151 together with a statement that these maximum prices are established by Order No. 151 issued under § 1499.3 (b) of the General Maximum Price Regulation.

(d) *Definitions.* When used in this order the term "reseller" means any person other than the manufacturer, Curvlite Products, Inc., who buys any of the plastic health supply articles listed in paragraph (a) of this Order No. 151 and resells such health supply article.

(e) This Order No. 151 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 151 (§ 1499.1167) shall become effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-12370; Filed, November 24, 1942; 1:13 p. m.]

Part 1499—Commodities and Services

[Order 152 Under § 1499.3 (b) of GMPR]

CARDOX CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1168 *Approval of maximum price for potassium perchlorate for sale by the Cardox Corporation.* (a) The Cardox Corporation, a corporation having its principal place of business in Chicago, Illinois, may sell and deliver potassium perchlorate produced in its Claremore, Oklahoma, plant, and any person may buy from the Claremore, Oklahoma, plant of the Cardox Corporation potassium perchlorate produced at its Claremore, Oklahoma, plant at prices no higher than 18 cents per pound, f. o. b. Claremore, Oklahoma.

(b) On or before March 15, 1943, the Cardox Corporation shall furnish the Office of Price Administration with a sworn statement reporting in detail its costs of producing potassium perchlorate per 1000 pounds for each month during the period from November 1, 1942 to February 28, 1943.

(c) The maximum prices established in this order shall include all charges for containers.

(d) This Order No. 152 shall terminate on February 28, 1943, unless it is previously revoked by the Price Administrator.

(e) This Order No. 152 may be amended by the Price Administrator at any time.

(f) This Order No. 152 (§ 1499.1168) shall become effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-12369; Filed, November 24, 1942; 1:13 p. m.]

Part 1499—Commodities and Services

[Order 153 Under § 1499.3 (b) of GMPR]

SELLERS OF USED CALCIUM CARBIDE DRUMS

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.1169 *Authorization to sellers of 100 pound used calcium carbide drums.* (a) Whenever a person selling or contracting to sell used 100 pound calcium carbide drums is unable to determine his maximum price for such drums under § 1499.2 of the General Maximum Price Regulation, specific authorization is hereby given to any such person to sell such drums at a price not to exceed 10 cents per drum, delivered to the purchaser. Any person may purchase or contract to purchase such drums at the price herein established.

(b) This Order No. 153 may be revoked or amended by the Office of Price Administration at any time.

(c) This Order No. 153 (§ 1499.1169) shall become effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871).

Issued this 24th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-12367; Filed, November 24, 1942; 1:12 p. m.]

Part 1305—Administration

[General Order 2,[1] Amendment 1]

FURTHER DELEGATION TO REGIONAL ADMINISTRATORS OF CERTAIN FUNCTIONS AND POWERS RELATED TO RATIONING

Paragraph (b) of § 1305.11 is hereby amended to read as set forth below:

(b) Any power, authority, or discretion conferred by this General Order No. 2 (§ 1305.11) upon any Regional Administrator may be exercised by said Regional Administrator through such officer or employee of the Office of Price Administration or such other officer of the United States as said Regional Administrator may designate for that purpose.

(c) * * *

(1) This Amendment No. 1 (§ 1305.11 (b)) to General Order No. 2 shall become effective this 24th day of November 1942.

(Pub. Law 507, 77th Cong.; E.O. 9125; W.P.B. Directive No. 1; Pub. Law 421, 77th Cong.)

Issued this 24th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-12385; Filed, November 24, 1942; 4:29 p. m.]

Part 1305—Administration

[Supp. Order 29]

RETAIL ECONOMY

The retail sale of consumer goods is an essential function which must be maintained during the war emergency. Some of the special services customarily offered by retailers in connection with the sale of articles are essential in wartime. Others can be dispensed with.

The Office of Price Administration is recommending that retailers adhere to certain "Standards of Retail Practice." The observance of these standards will enable retailers to achieve substantial economies, conserve material and existing facilities, and free labor for more direct participation in the war effort.

Questions have arisen and will arise as to whether the curtailment or discontinuance of certain services customarily offered by retailers in connection with the sale of articles is in violation of the Office of Price Administration's price regulations. Certain changes in services connected with the offer of articles for sale at retail cannot be made without a compensating reduction in the ceiling price. It is the purpose of this Supplementary Order No. 29 to state clearly and authoritatively what retail economies are permissible without any reduction in ceiling prices. As to any service or practice connected with the retail sale of articles which is not specifically dealt with herein, an interpretation may be secured from the Office of Price Administration pursuant to § 1300.52 of Revised Procedural Regulation No. 1.[1]

A statement of the reasons for issuing this Supplementary Order No. 29 has been issued simultaneously herewith and filed with the Division of the Federal Register.* Pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250: *It is hereby ordered:*

§ 1305.34 *Permitted and prohibited curtailment, change or discontinuance of certain retail services without a compensating reduction in ceiling price*—(a) *Application of order.* This order shall apply to (and only to) all sales of articles at retail regardless of any applicable "price regulation", except to the extent that any such regulation expressly requires a different result.

(b) *Effect of order.* Any retailer may, without reducing his ceiling price, curtail, change or discontinue services as described in paragraph (c). He may not, however, begin to charge for those services which he "customarily" supplied without extra charge, nor may he increase any service charges which he is permitted to make under any applicable price regulation.

(c) *Services which can be curtailed, changed or discontinued*—(1) *Deliveries.* (i) Deliveries which must be curtailed, changed or discontinued so that the retailer can comply with any order of the Office of Defense Transportation;

(ii) Deliveries of purchases made at any one time by a customer if those purchases are of a total size and weight which it is reasonable for an average person to carry away. But this does not permit the discontinuance of deliveries which the retailer has customarily made in cases of emergency, regardless of size and weight (for example, emergency purchases of prescriptions or doctors' supplies);

(iii) Deliveries of purchases which cannot be discontinued under subdivision (ii) may be reasonably curtailed as to frequency or otherwise reasonably changed. A retailer who customarily charged extra for deliveries may discontinue them entirely if he discontinues the extra charge. A retailer who customarily delivered without extra charge may discontinue deliveries which do not fall under subdivisions (i) and (ii) only if he reduces his ceiling prices by the amount which it costs the customer to have the articles delivered by the most usual and reasonable method.

(iv) In cases of doubt the Office of Price Administration will, upon request, inform retailers whether the standards or practices adopted by them under this subparagraph (1) are reasonable.

(2) Sales on approval.

(3) Acceptance of articles returned by customers. But this Supplementary Order does not affect a retailer's obligations under an applicable law to accept the return of articles which were not as represented or ordered or are returnable for other reasons.

(4) Gift wrapping; gift packaging.

(5) Lay-away or will call privileges.

(6) Free telephone calls.

(7) Services and conveniences supplied without relation to any specific sale or transaction; for example, free parking, instruction classes, style shows, store decorations, free concerts, free refreshments, air-conditioning, etc.

(d) *Services which cannot be curtailed or discontinued without a reduction of price.* No retailer who has customarily offered the following services without extra charge shall curtail, change or discontinue such services without reducing his ceiling price by an amount which will compensate the customer for such curtailment, change or discontinuance;

(1) Alteration or remodelling services; but where shortages resulting from the war make it impossible to continue such services, other services substantially filling the same need may be substituted.

(2) Repair, maintenance or installation services customarily sold with an article by way of guarantee, warranty or other agreement; but this order does not affect a retailer's obligations under a contract or an applicable law to continue to perform such services with relation to an article already sold.

(e) *Definitions.* (1) "Custom," "customary" and "customarily" refer to any practice of offering a service in connection with sales of articles at retail which a retailer had in effect (i) at the time a commodity became subject to a price regulation, or (ii) in the case of a commodity subject to a price regulation having a base period, during the base period of such regulation. Where such services were only offered during a particular selling season which next preceded the base period or the time of price control, that offer shall be deemed, in the absence of specific action to the contrary between such last selling season and the end of the base period or the time of price control, to have been in effect during the base period or at the time of price control.

(2) "Price regulation" means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, as amended, a maximum price regulation, temporary maximum price regulation or order issued by the Office of Price Administration.

(3) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and § 1499.20 of the General Maximum Price Regulation[2] shall apply to the terms used herein.

(f) *Effective date.* This supplementary Order No. 29 (§ 1305.34) shall become effective November 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of November, 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-12386; Filed, November 24, 1942; 4:28 p. m.]

Part 1340—Fuel

[RPS 88,[1] Amendment 48]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1340.159 (c) (5), two areas are added to subdivision (i), to read as follows:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(c) *Specific prices.* * * *

(5) Paving and cut-back asphalts, asphalt emulsions, road oils, roofing asphalt and roofing flux.

(i) Maximum prices for roofing flux f.o.b. refinery.

	Price per ton
* * * *	*
For refineries in Mt. Pleasant, Texas, and within a 50 mile radius of the corporate limits of Mt. Pleasant, Texas	$8.00
For refineries in El Dorado, Arkansas, and within an 85 mile radius of the corporate limits of El Dorado, Arkansas	8.00
* * * *	*

§ 1340.158a *Effective dates of amendments.* * * *

(vv) Amendment No. 48 (§ 1340.159 (c) (5) (i)) to Revised Price Schedule No. 88) shall become effective the 30th day of November 1942.

(Pub. Law 421 and 729, 77th Cong.; E.O. 9252, 7 F.R. 7871)

Issued this 24th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-12387; Filed, November 24, 1942; 4:27 p. m.]

Part 1351—Foods and Food Products

[Temporary MPR 22,[1] Amendment 6]

FLUID MILK AND CREAM

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Two new subparagraphs (4) (*i*) and (*ii*) and (5) (*i*) and (*ii*) are added to § 1351.810 (a), as set forth below:

§ 1351.810 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 22, the term: * * *

(4) "Fluid milk" means (*i*) sales of fluid milk at retail; and (*ii*) sales of fluid milk at wholesale in bottles or paper containers.

(5) "Fluid cream" means (*i*) sales of fluid cream at retail; and (*ii*) sales of fluid cream at wholesale in bottles or paper containers.

* * * * *

§ 1351.814 *Effective dates of amendments.* * * *

(f) Amendment No. 6 (§ 1351.810 (a)) to Temporary Maximum Price Regulation No. 22 shall become effective November 30, 1942.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250; 7 F.R. 7871)

Issued this 24th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-12388; Filed, November 24, 1942; 4:27 p. m.]

Part 1394—Rationing of Fuel and Fuel Products

[Ration Order 5B,[2] Amendment 10]

GASOLINE RATIONING REGULATIONS FOR PUERTO RICO

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1394.2407 and paragraphs (b) and (c) of § 1394.2907 are hereby revoked. A new § 1394.2400 is added. Subparagraph (26) of paragraph (a) of § 1394.2101, § 1394.2401, § 1394.2403,

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5361.

[1] 7 F.R. 8961.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1371, 1798, 1799, 2132, 2304, 2352, 2634, 2945, 3116, 3482, 3524, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867 5868, 5988, 6057, 6167, 6471, 6680, 7242, 7838, 8433, 8478, 3166, 3552, 8586, 8701, 8741, 8829.

[2] 7 F.R. 8153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435.

[1] 7 F.R. 7914, 8023, 8197, 8358, 8595, 8948, 9315.

[2] 7 F.R. 5607, 6389, 6390, 6871, 7400, 7908, 8385, 8335, 9134, 9431.

§ 1394.2405, the last sentence of § 1394.2451 (a), § 1394.2601 (a), § 1394.2907 (a), § 1394.2908, § 1394.2909, § 1394.2910, § 1394.2912, and § 1394.2913 are amended. In the first sentence of paragraph (a) of § 1394.2406 the word "S-4" is substituted for the word "S-1".

§ 1394.2101 *Definitions*. * * *

(26) "Public car" or "publico" means any passenger motor vehicle licensed by the Department of the Interior of the Insular Government of Puerto Rico as a public car authorized to carry passengers for hire, and which is actually used for such purpose.

* * * * *

§ 1394.2400 *Revocation of S1 and S2 Ration Books issued prior to November 9, 1942*. (a) All S1 and S2 rations books issued prior to November 9, 1942 are hereby revoked, and all coupons contained therein are hereby declared invalid as of November 15, 1942 for transfers of gasoline.

(b) Each holder of an invalidated S1 or S2 ration book shall attach such book together with all unused coupons therein to his application for the appropriate class of service ration book to be issued beginning November 9, 1942.

(c) In the event that a government agency returns an S1 ration book, invalidated as provided in this section, which had been issued for a valid period beyond November 15, 1942, and containing fewer coupons than such book should contain when prorated over the intended valid period, the Board, upon issuing the new appropriate service ration book, shall remove coupons therefrom based upon a valuation of one gallon for each invalidated coupon used in excess of the number which should have been used on such prorated basis.

(d) In the event that the holder of an S2 ration book, invalidated as provided in this section, which had been issued for a valid period beyond November 15, 1942 and containing fewer coupons than such book should contain when prorated over the intended valid period, the Board, upon issuing the new appropriate service ration book, shall remove coupons therefrom based upon a valuation of one gallon for each invalidated coupon used in excess of the number which should have been used on such prorated basis.

(e) Each Board, in removing coupons from the new service ration books pursuant to paragraphs (c) and (d) of this section, should, as far as possible, consult the convenience of the applicant as to the valid periods during which such coupons shall be removed.

(f) Each applicant shall have the right to prove that the excessive use of coupons of S1 and S2 ration books, now invalidated, was because of having rendered essential service connected with the war effort. Such proof shall be specific. Upon proof satisfactory to the Board, it shall restore coupons removed from the new book to the extent that such excessive use shall have been proved to have been essential to the war effort.

§ 1394.2401 *Service rations*. (a) Service rations shall be issued by the Boards to provide the total mileage allowed in accordance with § 1394.2403, providing the necessary gallonage of the classes of S ration books for the purposes specified for each class.

(1) *S1 Ration Books* for public cars or públicos, which on February 1, 1942, were licensed by the Department of the Interior of the Insular Government of Puerto Rico to carry passengers for hire and which are actually used for such purpose, and for which such Department shall have issued either a Special Permit or a Special Certificate.

(i) The Board may issue S1 ration coupons for such vehicle, although so licensed after February 1, 1942, if it is satisfied that such license was obtained in good faith and that the vehicle has been or will actually be used for the purpose for which it is licensed.

(ii) Any person obtaining an S1 ration book for the purpose of obtaining gasoline for use in such vehicle not intending to use such vehicle exclusively for the purpose for which such ration book shall have been obtained, or having obtained such ration book and not using the gasoline obtained thereby for the purpose or purposes for which such ration book was issued, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than $10,000, or imprisoned for not more than one year, or both, and shall be subject to such other penalties as may be prescribed by law.

(2) *S2 Ration Books* for heavy trucks.

(3) *S3 Ration Books* for busses. S3 ration books shall be issued for the operation of a bus for which the Public Service Commission of the Insular Government of Puerto Rico has issued a Certificate of Necessity and Convenience, or for the continued operation of a bus as one of a fleet of busses which has been in continuous operation since November 1, 1941, over regular routes and for which no Certificate of Necessity and Convenience has been obtained.

(4) *S4 Ration Books* for light trucks, including ambulances and hearses.

(5) *S5 Ration Books* for motor vehicles, other than motorcycles, owned, leased, or operated by a Federal, Insular, municipal, or foreign government or government agency and used exclusively for the official business of such government or government agency. S5 ration books containing green (verde) coupons shall be issued for government passenger automobiles; S5 ration books containing gold (oro) coupons shall be issued for government light trucks; S5 ration books containing white (blanco) coupons shall be issued for government heavy trucks.

(6) *D Ration Books* marked "Service" for the operation of motorcycles.

§ 1394.2403 *Service Ration Books*. (a) The ration period for service rations and the number of coupons in each book shall be as follows:

(1) D ration books marked "Service" shall be six (6) months in length, shall commence on August 1, 1942, and shall end on January 31, 1943. Each book shall contain forty-eight (48) coupons, valid for transfer of gasoline during the valid period.

(2) Each S1 and S2 ration book shall contain eight (8) pages, each S3 and S4 ration book shall contain ten (10) pages, and each S5 ration book with green coupons shall contain fourteen (14) pages. Each page shall consist of eight (8) coupons. Each coupon shall have imprinted on its face the number of the S class of ration for which it is issued. All coupons on each page shall bear the consecutive number of the page in the ration book. Each S5 ration book with gold coupons shall contain twenty-eight (28) pages of coupons, coupons of the first two pages being numbered S5-1, the coupons on the next two pages being numbered S5-2, etc., so that there will be twice the number of S5 gold coupons valid for the same periods as contained in the S5 ration book with green coupons. Each S5 ration book with white coupons shall contain forty-two (42) pages of coupons, the coupons of the first three pages being numbered S5-1, coupons of the next three pages being numbered S5-2, etc., so that there will be three times the number of S5 white coupons valid for the same periods as contained in the S5 ration book with green coupons.

(3) Each coupon in each S class of ration book shall have imprinted on its face the serial number which appears on the cover of the book, and all coupons without such number printed thereon, and all S1 and S2 ration books issued prior to November 9, 1942, shall be invalid after November 14, 1942.

(4) The valid period of each coupon of each type of service ration shall be as follows:

Types of service ration	Coupons bearing number—	Valid periods
All	1	Nov. 15 to Nov. 21, 1942.
All	2	Nov. 22 to Nov. 28, 1942.
All	3	Nov. 29 to Dec. 5, 1942.
All	4	Dec. 6 to Dec. 12, 1942.
All	5	Dec. 13 to Dec. 19, 1942.
All	6	Dec. 20 to Dec. 26, 1942.
All	7	Dec. 27, 1942 to Jan. 2, 1943.
All	8	Jan. 3 to Jan. 9, 1943.
S3, S4, S5	9	Jan. 10 to Jan. 16, 1943.
S3, S4, S5	10	Jan. 17 to Jan. 23, 1943.
S5	11	Jan. 24 to Jan. 30, 1943.
S5	12	Jan. 31 to Feb. 6, 1943.
S5	13	Feb. 7 to Feb. 13, 1943.
S5	14	Feb. 14 to Feb. 20, 1943.

§ 1394.2405 *Issuance of service rations*. (a) The various classes of S ration books as defined in § 1394.2401, and, in the case of motorcycles, Class D ration books marked "Service", shall be issued on November 8, 1942 as service rations as follows:

(1) Service rations shall be issued by each Board for the unexpired pro rata weekly portions of the periods for which the respective service ration books shall be valid.

(2) Each person shall state his weekly requirements of gasoline computed on the following basis:

(i) Passenger automobiles, twelve (12) miles per gallon.

(ii) Light trucks, ten (10) miles per gallon.

(iii) Heavy trucks, eight (8) miles per gallon.

(iv) Busses, eight (8) miles per gallon.

(v) Motorcycles, thirty-five (35) miles per gallon.

(3) The Board shall compute the gallonage necessary for the mileage allowed by dividing the mileage allowed by the number of miles obtained per gallon, as set forth in subparagraph (2) hereof, except that the Boards shall, in the cases of busses and heavy trucks, give the gallonage, if so requested, on the basis of the average actual number of miles obtained per gallon, if it is satisfied beyond all reasonable doubt that such figure represents the average actual minimum mileage obtained per gallon by the most efficient possible operation of the bus or heavy truck.

(4) Each Board, in computing the requirements of an applicant for service rations, shall use the following gallonage values for each class, regardless of the values which the respective classes of coupons may have for the acquisition of gas at any time:

	Gallons
S1 coupon	3
S2 coupon	4
S3 coupon	8
S4 coupon	2
S5 coupon (any color)	2

(5) Each Board, in computing the requirements of an applicant for service rations, shall use the maximum number of books for each class of service rations, as set forth in paragraph (b) of this section.

(b) The maximum number of service ration books which may be issued by a Board on behalf of each vehicle during the valid period of each class of service ration book is as follows:

(1) *S1 Ration Book*. Not more than one (1) book, to provide the gallonage necessary for the minimum mileage required for the valid period, unless the Board is satisfied beyond a reasonable doubt that public necessity requires the issuance of an additional book, but in no event more than two (2) books.

(2) *S2 Ration Book*. Not more than one (1) book, to provide the gallonage necessary for the minimum mileage required for the valid period, unless for essential service rations, as provided for in § 1394.2406.

(3) *S3 Ration Book*. Sufficient S3 ration books to provide the gallonage necessary for the minimum mileage required for the valid period for the operation of each bus on the route, or according to the schedules prescribed for it by the Public Service Commission of the Insular Government, or for the continued operation of a bus as one of a fleet of busses which has been in continuous operation since November 1, 1941, over regular routes, and for which no Certificate of Necessity and Convenience has been obtained.

(4) *S4 Ration Book*. Not more than one (1) book, to provide the gallonage necessary for the minimum mileage required for the valid period, unless for essential service rations, as provided for in § 1394.2406.

(5) *S5 Ration Book*. Not more than one (1) S5 ration book, to provide the gallonage necessary for the minimum mileage required for the valid period. Each Board may receive applications for more than one S5 book. If the Board recommends that such application be granted, it may issue such additional book only after it shall have obtained the written authority in advance in each instance from the Director of the Office of Price Administration for Puerto Rico.

§ 1394.2451 *Application for special rations*. (a) * * * A special ration may be issued for any period not exceeding the current valid period of the appropriate class of ration book.

* * * * *

§ 1394.2601 *Value of coupons*. (a) Each gasoline ration coupon of the class hereinafter designated shall have the following value in gallons of gasoline:

Class:	Gallons
A	½
B	½
C	1½
D	½
E	1½
R	5
S1	3
S2	4
S3	8
S4	2
S5 (any color)	2
Gallon bulk	⅓
100-gallon bulk	33⅓

§ 1394.2907 *Restriction on transfers*. (a) Except as provided for in § 1394.2908 and in § 1394.2913, no dealer, intermediate distributor, or oil company shall transfer or offer to transfer to or shall receive a transfer of gasoline from any other dealer, intermediate distributor or oil company, except in exchange for a quantity of valid Exchange Certificates on Form OPA R-548, issued by Local Boards, at or before the time of actual delivery of the gasoline, equal in gallonage value to the amount of gasoline so transferred.

§ 1394.2908 *Night deliveries: third party deliveries*. (a) Where an oil company or intermediate distributor elects to make delivery of gasoline to a dealer when the dealer is not open for business, the dealer shall, when the exact amount of the delivery is known in advance, or immediately upon determining the exact amount of the delivery, mail or deliver to the transferor Exchange Certificates on Form OPA R-548, in an equal gallonage value.

§ 1394.2909 *Upstream transfers*. Any oil company or intermediate distributor who receives a transfer or return of gasoline from a dealer or intermediate distributor in Puerto Rico other than in connection with a transfer of the place of business of such dealer or intermediate distributor, shall deliver to such dealer or intermediate distributor a quantity of accumulated Exchange Certificates on Form OPA R-548 equal in gallonage value to the amount of gasoline so transferred or returned.

§ 1394.2910 *Preservation of coupons; coupon sheets*. (a) Each dealer shall affix the coupons received by him directly from consumers to a Coupon Sheet (Form OPA R-542) in the manner indicated thereon. Only coupons of one class shall be attached to any one sheet.

§ 1394.2912 *Summary of coupons*. (a) Each dealer shall, prior to every delivery by him of coupons and all other evidences to the Boards, in accordance with § 1394.2913, prepare, in duplicate on Form OPA R-541, a Summary of Coupons and the Acknowledgments, in the manner directed thereon, certifying the number of each type of coupon and the number of evidences to be delivered. The original of this summary shall be delivered to the Local Board by him, attached to the coupons and other evidences. The copy shall be retained by him at his place of business for a period of not less than one year.

§ 1394.2913 *Exchange of coupons for exchange certificates*. (a) Each dealer shall, from time to time, deliver to any Board all coupons or other evidences in his possession, together with a summary thereof on Form OPA R-541, as set forth in § 1394.2912, and shall receive in place thereof an Exchange Certificate (Form OPA R-548), of which a duplicate shall be retained by the Board for its files, which shall specify the total gallonage value of the coupons or other evidences and the total number of each class of coupons or other evidences.

(b) Each dealer shall, in accordance with paragraph (a) hereof, turn in all coupons or other evidences of any class or type, by not later than noon of the first Monday following the expiration of the valid period of any class of coupons or other evidences.

(c) No dealer shall deliver coupons or other evidences to any person other than to a Local Board.

(d) No Exchange Certificate shall be transferred at any time without an endorsement on the back thereof showing the date of the transfer, the names of the transferor and transferee, and the reason for the transfer.

§ 1394.3052 *Effective dates of amendments*. * * *

(j) Amendment No. 10 (§§ 1394.2400, 1394.2101 (a) (26), 1394.2401, 1394.2403, 1394.2405, 1394.2406 (a), 1394.2451 (a), 1394.2601 (a), 1394.2907 (a), 1394.2908, 1394.2909, 1394.2910, 1394.2912, 1394.2913) to Ration Order No. 5B shall become effective at 6:00 P. M. on November 9, 1942.

(Pub. No. 617, 76th Cong., 3rd sess., as amended by Pub. No. 89, 77th Cong., 1st sess., and by Pub. No. 507, 77th Cong., 2nd sess., Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, W.P.B. Dir. No. 1, Supp. Dir. No. 1J, 7 F.R. 562.)

Issued this 24th day of November 1942.

NELSON H. EDDY,
Acting Director,
Office of Price Administration for Puerto Rico.

[F.R. Doc. 42-12389; Filed, November 24, 1942; 4:28 p.m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 15[1] to GMPR,[2] Amendment 1]

FLUID MILK

A statement of the considerations involved in the issuance of this amendment

has been issued simultaneously herewith and filed with the Division of the Federal Register.*

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[1] 7 F.R. 8959.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435.

Subparagraph (2) of § 1499.75 (a) is revoked.

(b) *Effective dates.* * * *

(2) Amendment No. 1 (§ 1499.75 (a) (2)) to Supplementary Regulation No. 15 shall become effective November 30, 1942.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250; 7 F.R. 7871)

Issued this 24th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12390; Filed, November 24, 1942; 4:28 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 58[1] Under § 1499.18 (c) of GMPR, Amendment 1]

JOHNSON & JOHNSON

Amendment No. 1 to Order No. 58 Under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3-284.

Paragraph (c) of § 1499.908 is amended and a new paragraph (g) is added as follows:

§ 1499.908 *Adjustment of maximum prices for private label surgical dressings sold by Johnson & Johnson to Montgomery Ward.* * * *

(c) On or before January 31 and July 31 of each year hereafter, Johnson & Johnson shall submit to the Office of Price Administration a report containing a complete breakdown of cost data with respect to the production and sale of the above products during the preceding period from July 1 to December 31 or January 1 to June 30, as the case may be.

* * * * *

(g) This Amendment No. 1 to Order No. 58 (§ 1499.908) shall become effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12392; Filed, November 24, 1942; 4:27 p. m.]

PART 1305—ADMINISTRATION

[Supplementary Order No. 30]

SHORT FORMS FOR APPLICATIONS FOR ADJUSTMENT OF MAXIMUM PRICES FOR SERVICES

Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended: *It is hereby ordered:*

§ 1305.35 *Short forms for applications for adjustment of certain maximum prices of services.* (a) Form OPA 2PR3 (a) may be used for applications for the adjustment of maximum prices of services pursuant to § 1499.114 (a) of Maximum Price Regulation No. 165 as amended and pursuant to § 1499.18 (a) of the General Maximum Price Regulation, where the application is filed by an establishment the annual gross income of which does not exceed $25,000.00 and which is not a unit in a chain of establishments.

(b) Form OPA 2PR3 (b) may be used for applications for the adjustment of maximum prices of services pursuant to § 1499.114 (b) of Maximum Price Regulation No. 165 as amended, where the application is filed by an establishment the annual gross income of which does not exceed $25,000.00 and which is not a unit in a chain of establishments.

(c) This Supplementary Order No. 30 shall become effective November 30, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12454; Filed, November 25, 1942; 11:56 a. m.]

PART 1340—FUEL

[RPS 88,[1] Amendment 49]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subdivision (ii) of § 1340.159 (c) (3) is amended to read as set forth below:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(c) *Specific prices.* * * *

(3) *Distillate fuel oils.* * * *

(ii) Maximum tank wagon prices for No. 2 fuel oil:

Tank wagon area:	*Cents per gallon*
Connersville, Indiana	7.8
Minneapolis, Minnesota, 1-99 gals	8.8
100 gals. and over	7.8
Washington, D. C	9.1

§ 1340.158a *Effective dates of amendments.* * * *

(ww) Amendment No. 49 (§ 1340.159 (c) (3) (ii)) to Revised Price Schedule No. 88 shall become effective the 1st day of December, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12455; Filed, November 25, 1942; 11:59 a. m.]

PART 1363—FEEDING STUFFS

[MPR 74,[1] as Amended, Correction to Amendment 2]

ANIMAL PRODUCT FEEDING STUFFS

For the reasons set forth in the statement of considerations issued simultaneously herewith and pursuant to authority vested in the Price Administrator by the Emergency Price Control Act of 1942: *It is ordered,* That § 1363.61 (b) of Amendment No. 2 to Maximum Price Regulation No. 74, as amended, be corrected by changing the reference to "Maximum Price Regulation No. 72, as amended" to read "Maximum Price Regulation No. 74, as amended."

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12453; Filed, November 25, 1942; 11:58 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulations, Supp. Amendment 6A]

HOTELS AND ROOMING HOUSES

Sections 1388.1503, 1388.1553, 1388.1603, 1388.1853, 1388.1903, 1388.1953, 1388.2003, 1388.3003, 1388.4003, 1388.5003, 1388.6003, 1388.7003, 1388.8003, 1388.9003, 1388.83, 1388.183, 1388.333, and 1388.433 of Maximum Rent Regulations Nos. 21A, 22A, 23A, 29A, 30A, 31A, 32A, 34A, 36A, 38A, 40A, 42A, 44A, 46A, 48A, 50A, 54A, and 56A, respectively, are amended to read as follows:

Minimum services, furniture, furnishings and equipment. Except as set forth in section —,[2] every landlord shall, as a minimum, provide with a room the same essential services, furniture, furnishings and equipment as those provided on the date or during the thirty-day period determining the maximum rent, and as to other services, furniture, furnishings and equipment not substantially less than those provided on such date or during such period: *Provided, however,* That where fuel oil is used to supply heat or hot water for a room, and the landlord provided heat or hot water on the date or during the thirty-day period determining the maximum rent, the heat and hot water which the landlord is required to supply shall not be in excess of the amount which he can supply under any statute, regulation or order of the United States or any agency thereof which rations or limits the use of fuel oil.

Paragraph (b) and subparagraph (3) of paragraph (c) of §§ 1388.1505, 1388.1555, 1388.1605, 1388.1855, 1388.1905, 1388.1955, 1388.2005, 1388.3005, 1388.4005, 1388.5005, 1388.6005, 1388.7005, 1388.8005, 1388.9005, 1388.85, 1388.185, 1388.335, and 1388.435 of Maximum Rent Regulations Nos. 21A, 22A, 23A, 29A, 30A, 31A, 32A, 34A, 36A, 38A, 40A, 42A, 44A, 46A, 48A, 50A, 54A, and 56A, respectively, are amended to read as follows:

* * * * *

(b) (1) If, on the effective date of this Maximum Rent Regulation, the services provided for a room are less than the minimum services required by section —[8], the landlord shall either restore and maintain such minimum services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. If, on December 1, 1942, the furniture, furnishings or equipment provided with a room are less than the minimum required by section —[3], the landlord shall, within 30 days after such date, file a written report showing the decrease in furniture, furnishings or equipment: *Provided,* That this requirement shall not apply where a proceeding to decrease the rent on account of such decrease in furniture, furnishings or equipment is pending before the Administrator on that date or has been theretofore disposed of.

(2) Except as above provided, the landlord shall, until the room becomes vacant, maintain the minimum services, furniture, furnishings and equipment unless and until he has filed a petition to decrease the services, furniture, furnishings or equipment and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, furniture, furnishings or equipment he shall file a petition within 10 days after the change occurs. When the room becomes vacant the landlord may, on renting to a new tenant, decrease the services, furniture, furnishings or equipment below the minimum; within 10 days after so renting the landlord shall file a written report showing such decrease.

(3) The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph may be decreased in accordance with the provisions of section —.[4] If the landlord fails to file the petition or report required by this paragraph within the time specified, or decreases the services, furniture, furnishings or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or December 1, 1942, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by any order decreasing the maximum rent on account of such decrease in services, furniture, furnishings or equipment. In such case, any order decreasing the maximum rent shall be effective to decrease such rent from the beginning of the first rental period after the decrease in services, furniture, furnishings or equipment or after December 1, 1942, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the act for failure to comply with any requirement of this paragraph.

* * * * *

(c) * * *

(3) There has been a decrease in the minimum services, furniture, furnishings or equipment required by section —[5] since the date or order determining the maximum rent.

* * * * *

This Supplementary Amendment No. 6A to Maximum Rent Regulations for Hotels and Rooming Houses shall become effective December 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 25th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12456; Filed, November 25, 1942; 11:57 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulations, Supp. Amendment 10]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

Sections 1388.13, 1388.63, 1388.113, 1388.163, 1388.213, 1388.263, 1388.313, 1388.363, 1388.413, 1388.463, 1388.513, 1388.563, 1388.613, 1388.663, 1388.713, 1388.763, 1388.813, 1388.863, 1388.913, 1388.963, 1388.1013, 1388.1653, 1388.1703, 1388.1753, 1388.1803, 1388.2053, 1388.3053, 1388.4053, 1388.5053, 1388.6053, 1388.7053, 1388.8053, 1388.33, 1388.133, 1388.233, 1388.283, and 1388.383 of Maximum Rent Regulations Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27, 28, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, and 55, respectively, are amended to read as follows:

Minimum services, furniture, furnishings and equipment. Except as set forth in section ------[1], every landlord shall, as a minimum, provide with housing accommodations the same essential services, furniture, furnishings and equipment as those provided on the date determining the maximum rent, and as to other services, furniture, furnishings and equipment not substantially less than those provided on such date: *Provided, however,* That where fuel oil is used to supply heat or hot water for housing accommodations, and the landlord provided heat or hot water on the date determining the maximum rent, the heat and hot water which the landlord is required to supply shall not be in excess of the amount which he can supply under any statute, regulation or order of the United States or any agency thereof which rations or limits the use of fuel oil.

Subparagraph (3) of paragraph (a), paragraph (b), and subparagraph (3) of paragraph (c) of §§ 1388.15, 1388.65, 1388.115, 1388.165, 1388.215, 1388.265, 1388.315, 1388.365, 1388.415, 1388.465, 1388.515, 1388.565, 1388.615, 1388.665, 1388.715, 1388.765, 1388.815, 1388.865, 1388.915, 1388.965, 1388.1015, 1388.1655, 1388.1705, 1388.1755, 1388.1805, 1388.2055, 1388.3055, 1388.4055, 1388.5055, 1388.6055, 1388.7055, 1388,8055, 1388.35, 1388.135,

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7909.

[1] 7 F.R. 1107, 1371, 1798, 1799, 1886, 2132, 2304, 2352, 2634, 2945, 3463, 3482, 3524, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 5988, 5983, 6057, 6067, 6471, 6680, 7242, 7838, 8433, 8478, 9130, 9134, 9335, 9425, 9460.

[1] 7 F.R. 4177, 4762, 4884, 8214, 8832, 8948.

[2] The applicable section number is to be inserted for each Maximum Rent Regulation. The respective section number to be inserted for each Maximum Rent Regulation is as follows: 1388.1505 (b), No. 21A; 1388.1555 (b), No. 22A; 1388.1605 (b), No. 23A; 1388.1855 (b), No. 29A; 1388.1905 (b), No. 30A; 1388.1955 (b), No. 31A; 1388.2005 (b), No. 32A; 1388.3005 (b), No. 34A; 1388.4005 (b), No. 36A; 1388.5005 (b), No. 38A; 1388.6005 (b), No. 40A; 1388.7005 (b), No. 42A; 1388.8005 (b), No. 44A; 1388.9005 (b), No. 46A; 1388.85 (b), No. 48A; 1388.185 (b), No. 50A; 1388.335 (b), No. 54A; and 1388.435 (b), No. 56A.

[3] The applicable section number is to be inserted for each Maximum Rent Regulation. The respective section number to be inserted for each Maximum Rent Regulation is as follows: 1388.1503, No. 21A; 1388.1553, No. 22A; 1388.1603, No. 23A; 1388.1853, No. 29A; 1388.1903, No. 30A; 1388.1953, No. 31A; 1388.2003, No. 32A; 1388.3003, No. 34A; 1388.4003, No. 36A; 1388.5003, No. 38A, 1388.6003, No. 40A; 1388.7003, No. 42A; 1388.8003, No. 44A; 1388.9003, No. 46A; 1388.83, No. 48A; 1388.183, No. 50A; 1388.333, No. 54A and 1388.433, No. 56A.

[4] The applicable section number is to be inserted for each Maximum Rent Regulation. The respective section number to be inserted for each Maximum Rent Regulation is as follows: 1388.1505 (c) (3), No. 21A; 1388.1555 (c) (3), No. 22A; 1388.1605 (c) (3), No. 23A; 1388.1855 (c) (3), No. 29A; 1388.1905 (c) (3), No. 30A; 1388.1955 (c) (3), No. 31A; 1388.2005 (c) (3), No. 32A; 1388.3005 (c) (3), No. 34A; 1388.4005 (c) (3), No. 36A; 1388.5005 (c) (3), No. 38A, 1388.6005 (c) (3), No. 40A; 1388.7005 (c) (3), No. 42A; 1388.8005 (c) (3), No. 44A; 1388.9005 (c) (3), No. 46A; 1388.85 (c) (3), No. 48A; 1388.185 (c) (3), No. 50A; 1388.335 (c) (3), No. 54A and 1388.435 (c) (3), No. 56A.

[5] The applicable section number is to be inserted for each Maximum Rent Regulation. The respective section number to be inserted for each Maximum Rent Regulation is as follows: 1388.1503, No. 21A; 1388.1553, No. 22A; 1388.1603, No. 23A; 1388.1853, No. 29A; 1388.1903, No. 30A; 1388.1953, No. 31A; 1388.2003, No. 32A; 1388.3003, No. 34A; 1388.4003, No. 36A; 1388.5003, No. 38A; 1388.6003, No. 40A; 1388.7003, No. 42A; 1388.8003, No. 44A; 1388.9003, No. 46A; 1388.83, No. 48A; 1388.183, No. 50A; 1388.333, No. 54A and 1388.433, No. 56A.

[1] The applicable section number is to be inserted for each Maximum Rent Regulation. The respective section number to be inserted for each Maximum Rent Regulation is as follows: 1388.15 (b), No. 1; 1388.65 (b), No. 2; 1388.115 (b), No. 3; 1388.165 (b), No. 4; 1388.215 (b), No. 5; 1388.265 (b), No. 6; 1388.315 (b), No. 7; 1388.365 (b), No. 8; 1388.415 (b), No. 9; 1388.465 (b), No. 10; 1388.515 (b), No. 11; 1388.565 (b), No. 12; 1388.615 (b), No. 13; 1388.665 (b), No. 14; 1388.715 (b), No. 15; 1388.765 (b), No. 16; 1388.815 (b), No. 17; 1388.865 (b), No. 18; 1388.915 (b), No. 19; 1388.965 (b), No. 20; 1388.1015 (b), No. 24; 1388.1655 (b), No. 25; 1388.1705 (b), No. 26; 1388.1755 (b), No. 27; 1388.1805 (b), No. 28; 1388.2055 (b), No. 33; 1388.3055 (b), No. 35; 1388.4055 (b), No. 37; 1388.5055 (b), No. 39; 1388.6055 (b), No. 41; 1388.7055 (b), No. 43; 1388.8055 (b), No. 45; 1388.35, No. 47; 1388.135 (b), No. 49; 1388.235 (b), Nos. 51; 1388.285 (b), No. 53; and 1388.385 (b), No. 55.

1388.235, 1388.285, and 1388.385 of Maximum Rent Regulations Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27, 28, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, and 55, respectively, are amended to read as follows:

(a) * * *

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent. No increase in the maximum rent shall be ordered on the ground set forth in this paragraph (a) (3) unless the increase in services, furniture, furnishings or equipment occurred with the consent of the tenant or while the accommodations were vacant: *Provided*, That an adjustment may be ordered, although the tenant refuses to consent to the increase in services, furniture, furnishings or equipment, if the Administrator finds that such increase (i) is reasonably required for the operation of a multiple dwelling structure or other structure of which the accommodations are a part or (ii) is necessary for the preservation or maintenance of the accommodations.

* * * * *

(b) (1) If, on the effective date of this Maximum Rent Regulation, the services provided for housing accommodations are less than the minimum services required by section —[2], the landlord shall either restore and maintain such minimum services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. If, on December 1, 1942, the furniture, furnishings or equipment provided with housing accommodations are less than the minimum required by section —[2], the landlord shall, within 30 days after such date, file a written report showing the decrease in furniture, furnishings or equipment: *Provided*, That this requirement shall not apply where a proceeding to decrease the rent on account of such decrease in furniture, furnishings or equipment is pending before the Administrator on that date or has been theretofore disposed of.

(2) Except as above provided, the landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings and equipment unless and until he has filed a petition to decrease the services, furniture, furnishings or equipment and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, furniture, furnishings or equipment he shall file a petition within 10 days after the change occurs. When the accommodations become vacant the landlord may, on renting to a new tenant, decrease the services, furniture, furnishings or equipment below the minimum; within 10 days after so renting the landlord shall file a written report showing such decrease.

(3) The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph may be decreased in accordance with the provisions of section —.[3] If the landlord fails to file the petition or report required by this paragraph within the time specified, or decreases the services, furniture, furnishings or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or December 1, 1942, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by any order decreasing the maximum rent on account of such decrease in services, furniture, furnishings or equipment. In such case, any order decreasing the maximum rent shall be effective to decrease such rent from the beginning of the first rental period after the decrease in services, furniture, furnishings or equipment or after December 1, 1942, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph.

(c) * * *

(3) There has been a decrease in the minimum services, furniture, furnishings or equipment required by section —[4] since the date or order determining the maximum rent.

* * * * *

This Supplementary Amendment No. 10 to Maximum Rent Regulations for Housing Accommodations Other than Hotels and Rooming Houses shall become effective December 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 25th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12457; Filed, November 25, 1942; 11:57 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136,[1] as Amended, Amendment 56]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1390.5, paragraph (b) is amended to read as set forth below:

§ 1390.5 *Maximum prices: published or confidential price lists.* * * *

(b) *Reports.* On or before August 1, 1942, every manufacturer, seller, and lessor subject to this Maximum Price Regulation No. 136, as amended, shall file with the Office of Price Administration, Washington, D. C., if he has not already done so, all his published and confidential price, rental, and discount sheets in effect on October 1, 1941, for machines and parts. However, the manufacturer of any machine or other mechanical device shall not be required under this Maximum Price Regulation No. 136, as amended, to file list prices in effect on October 1, 1941, for repair parts for such machines or mechanical devices or for tools used in the maintenance and repair of such machines or mechanical devices, unless such filing is specifically required by the Office of Price Administration. Any person who on October 1, 1941, sold, leased, or delivered machines or parts at prices based upon price sheets published by any other person subject hereto need not file such other person's published price sheets but shall file instead a statement identifying the particular price sheets he used on that date, together with his own discount sheets, if any, and a statement of any prices which constitute exceptions to such practice.

§ 1390.31a *Effective dates of amendments.* * * *

(eee) Amendment No. 56 (§ 1390.5 (b)) to Maximum Price Regulation No. 136, as amended, shall become effective July 22, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12460; Filed, November 25, 1942; 12:00 m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136,[1] as Amended, Amendment 57]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (b) (1) of § 1390.25 is hereby revoked.

§ 1390.31a *Effective dates of amendments.* * * *

(fff) Amendment No. 57 (§ 1390.25 (b) (1)) to Maximum Price Regulation No. 136, as amended, shall become effective December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12458; Filed, November 25, 1942; 11:59 a. m.]

PART 1391—BICYCLES AND BICYCLE EQUIPMENT

[Rev. Ration Order 7,[2] Amendment 4]

NEW ADULT BICYCLE RATION REGULATIONS

A rationale for the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1391.7 (a) (1) (xvi) is added, and the first paragraph of § 1391.7 (a) (2), § 1391.7 (a) (2) (ii), and § 1391.7 (a) (2) (iii) are amended to read as set forth below:

Transfers for Use or Salvage

§ 1391.7 *Eligibility for certificates.* * * *

(a) * * *

(1) * * *

(xvi) Person attending school who performs work of a productive nature on a farm during the school term.

(2) That he needs a bicycle to travel to and from, or in the performance of, the work, services or activity listed in paragraph (1) of subsection (a) of this section, and that he will use the bicycle principally and not less than four days a week in traveling to and from or in the performance of such work, services or activity.

* * * * *

(ii) Without a bicycle and using the most convenient public transportation facilities, he would have to walk a total of at least three miles in going to and coming from his work, occupation, or activity; or

(iii) He would have to spend a total of at least 1½ hours, including necessary walking and waiting time, in going to and coming from his work, occupation or activity, by the use of public transportation facilities, which time could be reduced at least 30 minutes through the use of a bicycle; or

* * * * *

Effective Dates

§ 1391.37 *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§§ 1391.7 (a) (1) (xvi), (a) (2), (a) (2) (ii), (a) (2) (iii)) to Revised Ration Order 7 shall become effective December 1, 1942.

(Pub. Law 421, 77th Cong.; W.P.B. Directive No. 1, Supplementary Directive No. 1G, 7 F.R. 562, 3546)

Issued this 25th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12461; Filed, November 25, 1942; 11:59 a. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 127,[1] Amendment 9]

FINISHED PIECE GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1400.78 subparagraph (42) of paragraph (c) is amended, and a new subparagraph (45) is added; in § 1400.81 subparagraph (14) of paragraph (a) is amended and a new subpagraph (21) is added; in paragraph (g) of § 1400.82 a new subdivision (v) is added to subparagraph (1), a new subdivision (ii) is added to subparagraph (2) and a new Table Ia is added, subdivision (vi) of subparagraph (2) of paragraph (i) is amended, paragraph (r) is amended, and a new paragraph (s) is added, as set forth below:

§ 1400.78 *Exempt sales.* The provisions of this Maximum Price Regulation No. 127 shall not apply to:

* * * * *

(c) Sales or purchases of:

* * * * *

(42) Woven or printed decorative pattern fabrics composed in an amount of 75% or more by weight of synthetic yarn, and sold exclusively for use by necktie manufacturers: *Provided*, That any person selling such fabrics shall, on or before August 31, 1942, file his name and address with the Office of Price Administration, Washington, D. C., certifying that only such fabrics as are sold exclusively for use by necktie manufacturers will be sold hereunder: and *Provided further*, That any such person shall also file with the Office of Price Administration, before the 10th day of each month, a report showing the total yards per pattern of finished piece goods delivered under such exemption during the preceding month.

* * * * *

(45) Fabrics coated or impregnated with paraffin wax or similar substance and used as a substitute for glass, when sold by wholesalers or jobbers.

§ 1400.81 *Definitions.* (a) When used in this Maximum Price Regulation No. 127, the term:

* * * * *

(14) "Loom-finished fabrics" means yarn-dyed or warp-printed piece goods which (i) are woven on a non-automatic loom; (ii) are made from warps of 800 yards or less; (iii) are woven on the basis of 6 looms or less per weaver; (iv) are produced in quantities of 5000 yards or less per warp design per month; (v) require no finishing other than calendering or framing after leaving the loom; and (vi) constitute a type not commercially traded in as grey goods.

* * * * *

(21) "Producer" means the person in whose mill grey or colored-yarn goods are woven, and includes any agent of the producer and any person controlling, controlled by, or under common control with the producer.

§ 1400.82 *Appendix A: Maximum prices for finished piece goods.* * * *

(g) *Tables of division factors*—(1) *In general.* * * *

(v) A converter whose production of finished piece goods during the years 1939, 1940 and 1941 consisted predominantly of better cotton wash fabrics which (*a*) are composed 100% of cotton, (*b*) are sold to manufacturers of women's and children's dresses, suits and sportswear and to retail outlets, and (*c*) are of a type that, during the period from August 1, 1941, to September 30, 1941, inclusive, were sold at a price of 27½ cents or more per yard, net after discount, may use Table Ia set forth below with respect to such fabrics: *Provided*, That no converter shall use Table Ia unless, on or before December 15, 1942, he shall have filed his name and address with the Office of Price Administration, Washington, D. C., certifying that he meets the above qualifications, and shall have received written acknowledgment of that fact.

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[2] The applicable section number is to be inserted for each Maximum Rent Regulation. The respective section number to be inserted for each Maximum Rent Regulation is as follows: 1388.13, No. 1; 1388.63, No. 2; 1388.113, No. 3; 1388.163, No. 4; 1388.213, No. 5; 1388.263, No. 6; 1388.313, No. 7; 1388.363, No. 8; 1388.413, No. 9; 1388.463, No. 10; 1388.513, No. 11; 1388.563, No. 12; 1388.613, No. 13; 1388.663, No. 14; 1388.713, No. 15; 1388.763, No. 16; 1388.813, No. 17; 1388.863, No. 18; 1388.913, No. 19; 1388.963, No. 20; 1388.1013, No. 24; 1388.1653, No. 25; 1388.1703, No. 26; 1388.1753, No. 27; 1388.1803, No. 28; 1388.2053, No. 33; 1388.3053, No. 35; 1388.4053, No. 37; 1388.5053, No. 39, 1388.6053, No. 41; 1388.7053, No. 43; 1388.8053, No. 45; 1388.33, No. 47; 1388.133, No. 49; 1388.233, No. 51; 1388.283, No. 53; and 1388.383, No. 55.

[3] The applicable section number is to be inserted for each Maximum Rent Regulation. The respective section number to be inserted for each Maximum Rent Regulation is as follows: 1388.15 (c) (3), No. 1; 1388.65 (c) (3), No. 2; 1388.115 (c) (3), No. 3; 1388.165 (c) (3), No. 4; 1388.215 ((c) (3), No. 5; 1388.265 (c) (3), No. 6; 1388.315 (c) (3), No. 7; 1388.365 (c) (3), No. 8; 1388.415 (c) (3), No. 9; 1388.465 (c) (3), No. 10; 1388.515 (c) (3), No. 11; 1388.565 (c) (3), No. 12; 1388.615 (c) (3), No. 13; 1388.665 (c) (3), No. 14; 1388.715 (c) (3), No. 15; 1388.765 (c) (3), No. 16; 1388.815 (c) (3), No. 17; 1388.865 (c) (3), No. 18; 1388.915 (c) (3), No. 19; 1388.965 (c) (3), No. 20; 1388.1015 (c) (3), No. 24; 1388.1655 (c) (3), No. 25; 1388.1705 (c) (3), No. 26; 1388.1755 (c) (3), No. 27; 1388.1805 (c) (3), No. 28; 1388.2055 (c) (3), No. 33; 1388.3055 (c) (3), No. 35; 1388.4055 (c) (3), No. 37; 1388.5055 (c) (3), No. 39; 1388.6055 (c) (3), No. 41; 1388.7055 (c) (3), No. 43; 1388.8055 (c) (3), No. 45; 1388.35 (c) (3), No. 47; 1388.135 (c) (3), No. 49; 1388.235 (c) (3), No. 51; 1388.285 (c) (3), No. 53; and 1388.385 (c) (3), No. 55.

[4] The applicable section number is to be inserted for each Maximum Rent Regulation. The respective section number to be inserted for each Maximum Rent Regulation is as follows: 1388.13, No. 1; 1388.63, No. 2; 1388.113, No. 3; 1388.163, No. 4; 1388.213, No. 5; 1388.263, No. 6; 1388.313, No. 7; 1388.363, No. 8; 1388.413, No. 9; 1388.463, No. 10; 1388.513, No. 11; 1388.563, No. 12; 1388.613, No. 13; 1388.663, No. 14; 1388.713, No. 15; 1388.763, No. 16; 1388.813, No. 17; 1388.863, No. 18; 1388.913, No. 19; 1388.963, No. 20; 1388.1013, No. 24; 1388.1653, No. 25; 1388.1703, No. 26; 1388.1753, No. 27; 1388.1803, No. 28; 1388.2053, No. 33; 1388.3053, No. 35; 1388.4053, No. 37; 1388.5053, No. 39; 1388.6053, No. 41; 1388.7053, No. 43; 1388.8053, No. 45; 1388.33, No. 47; 1388.133, No. 49; 1388.233, No. 51; 1388.283, No. 53; and 1388.383, No. 55.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744,, 7907, 7912, 7945, 7944, 8198, 8362, 8433, 8479, 8520, 8652, 8707, 8897, 9001, 8948, 9040, 9041, 9042, 9053, 9054.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362, 8433, 8479, 8520, 8652, 8707, 8897, 9001, 8948, 9040, 9041, 9042, 9053, 9054.

[2] 7 F.R. 5062, 5871, 8808.

[1] 7 F.R. 3119, 3242, 4180, 4454, 4587, 4762, 5364, 5675, 6653, 8948.

* * * * *

(2) *Cotton finished piece goods*—(i) *General.* * * *

(ii) *Fine cotton wash fabrics.* This Table Ia is to be used by converters who meet the qualifications of subparagraph (1) (v) above.

TABLE Ia. DIVISION FACTORS FOR CERTAIN BETTER COTTON WASH FABRICS

White and plain dyed		Printed and yarn dyed	
Sales to Class I purchaser	Sales to Class II purchaser	Sales to Class I purchaser	Sales to Class II purchaser
0.80	0.76	0.74	0.74

* * * * *

(i) *Wholesalers and jobbers.* * * *

(2) *Restrictions on jobbers' and wholesalers' mark-up.* No part of the mark-up provided for in subparagraph (1) of this paragraph may be charged:

* * * * *

(vi) On a resale of finished piece goods by a cutter or manufacturer: *Provided,* That this restriction shall not apply (*a*) where such a resale is made in pursuance of an established trade practice by which the cutter or manufacturer is required, as a necessary part of making sales of his cut or manufactured articles, to furnish to his buyers an additional quantity of piece goods identical with or similar to the goods from which such articles are cut or manufactured; or, (*b*) where a cutter or manufacturer who, as a separate and substantial portion of his business has regularly been engaged in wholesaling or jobbing, resells finished piece goods purchased exclusively for the purpose of resale and not for use in connection with his cutting or manufacturing operations. Every cutter or manufacturer falling within the category defined in (*b*) above shall, on or before December 15, 1942, file his name and address with the Office of Price Administration, Washington, D. C.

* * * * *

(r) *Specific prices for private sales of certain Government-specification goods.* (1) Notwithstanding any of the provisions of §§ 1400.77 and 1400.78 and any other provision of this § 1400.82 of this Maximum Price Regulation No. 127, and regardless of any contract, agreement, lease or other obligation, the maximum prices for finished piece goods of the types and made with reference to the specifications (in their present form or as hereafter amended) listed below, when such goods are sold to any person other than a war procurement agency, shall be as set forth in Table X hereof. The maximum prices so set forth are based on the widths therein indicated, and shall be reduced or increased in proportion to any reduction or increase in such widths which may be authorized or required by such specifications.

(s) *Restrictions on sales of finished piece goods by producers.* (1) After November 30, 1942, the percentage of the total business of any producer which is represented by sales of finished piece goods to persons other than cutters, manufacturers or retailers shall be no greater than the average percentage of such sales by the producer during the years 1939, 1940 and 1941, or during such part thereof as such sales were regularly made.

(2) The restrictions contained in subparagraph (1) of this paragraph shall not apply to sales of finished piece goods by a producer which are made in fulfilment of

(i) Firm commitments for the sale of such goods entered into prior to December 1, 1942; or

(ii) The requirements of a war procurement agency for such goods, or of a person under contract to supply such goods to a war procurement agency.

(3) Every producer selling finished piece goods shall, on or before December 31, 1942, file his name and address with the Office of Price Administration, Washington, D. C., together with a statement showing the total yardage of goods produced, and the total yardage of finished piece goods sold by him to persons other than cutters, manufacturers and retailers, during each of the years 1939, 1940 and 1941.

§ 1400.85 *Effective dates of amendments.* * * *

(i) Amendment No. 9 (§ 1400.78 (c) (42), (c) (45), § 1400.81 (a) (14), (a) (21), § 1400.82 (b) (2), (i) (2) (vi), (r) and (s)) to Maximum Price Regulation No. 127 shall become effective December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12462; Filed, November 25, 1942; 11:56 a. m.]

TABLE X

Description	Specification	Width (inch basis)	Maximum price (cents per yd.)
8.2 combed uniform twill, khaki color	P. Q. D. No. 33-A		
Type I		36	66
Type II		36	63
Type III		36	56
Type IV		36	43.75
Type V		36	60.87
Bleached and shrunk twill, white	27 T 25		
Type C, 29″ wide		29	40.96
Type D, 32″ wide		32	41.59
Shrunk khaki suiting, 40″ wide	Marine Corps Specification November 22, 1937.	40	56.90
6 oz. combed twill, khaki, 36″ wide	P. Q. D. No. 95	36	43.75
Wind resistant cloth, olive drab	P. Q. D. No. 1		
Type II, poplin		36	62.00
Lining twill, olive drab	6-100B		
Albert twill		32	31.50
Mosquito netting, olive drab	P. Q. D. No. 17A		
35″ wide		35	14.37
47″ wide		47	19.28
Balloon cloth	27 C 13 (INT)		
Type BB		(*)	(*)
Type HH		(*)	(*)
Type MM		(*)	(*)
Type RR		(*)	(*)
Balloon cloth	6-39-G		
Type BB		(*)	(*)
Type HH		(*)	(*)
Type KK		(*)	(*)
Type MM		(*)	(*)
Type RR		(*)	(*)
Type SS		(*)	(*)
Airplane cloth	AN-CCC-C-399	(*)	(*)
Marine shirting, olive drab	Marine Corps Specification April 18, 1934, revised to March 10, 1942.		
Oxford 35½″ wide		35½	30
Rubberized fabric	M 54	(*)	(*)
Black lining twill	27 L 6	(*)	(*)
Balloon cloth substitute	Specifications described in invitation Neg. 336.	(*)	(*)
8½ oz. carded herringbone twill 36″ standard 72 x 46	6-261 and amendment No. 1 thereto	36	39.50

*The maximum prices and width bases for goods so marked shall be those established by the most recent of (1) the last contract therefor awarded to the particular seller prior to August 26, 1942, by a war procurement agency, as defined in § 1400.81 (a) (16) of this Maximum Price Regulation No. 127, or (2) the last subcontract therefor awarded to the particular seller prior to August 26, 1942, by a person other than a war procurement agency for use in connection with the performance of a prime contract with such an agency. If the particular seller was not awarded any such contract or subcontract prior to August 26, 1942, then his maximum prices and width bases shall be those established by the earlier of (1) the first contract therefor awarded to the particular seller on or subsequent to August 26, 1942, by a war procurement agency, or (2) the first subcontract therefor awarded to the particular seller on or subsequent to August 26, 1942, by a person other than a war procurement agency for use in connection with the performance of a prime contract with such an agency.

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[Rev. MPR 218[1]]

CENTRAL APPALACHIAN WOODEN MINE MATERIALS AND INDUSTRIAL BLOCKING

The title and preamble are amended and §§ 1426.51 to 1426.62 inclusive, are renumbered and amended to read as set forth herein:

In the judgment of the Price Administrator all mine timber and industrial blocking produced in the Central Appalachian region should be placed under one specific dollars and cents maximum price regulation. In issuing this Revised Maximum Price Regulation No. 218 the Price Administrator has ascertained and given due consideration to the prices of Central Appalachian wooden mine materials and industrial blocking prevailing between October 1 and October 15, 1941 and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability.

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[1] 7 F.R. 7149, 7367, 8948.

So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, Revised Maximum Price Regulation No. 218—Central Appalachian Wooden Mine Materials and Industrial Blocking, is hereby issued.

Sec.
1426.51 Sales of Central Appalachian wooden mine materials and industrial blocking at higher than maximum prices prohibited.
1426.52 To what transactions, products, and persons this regulation applies.
1426.53 Maximum prices.
1426.54 How to figure delivered prices.
1426.55 What the invoice must contain.
1426.56 Prohibited practices.
1426.57 Grades, specifications, and extras not specifically priced.
1426.58 Petitions for adjustment or amendment.
1426.59 Records and reports.
1426.60 Enforcement and licensing.
1426.61 Relation to other regulations.
1426.62 Effective date.

AUTHORITY: §§ 1426.51 to 1426.62, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1426.51 *Sales of Central Appalachian wooden mine materials and industrial blocking at higher than maximum prices prohibited.* (a) On and after December 1, 1942, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any Central Appalachian wooden mine materials or industrial blocking at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

§ 1426.52 *To what transactions, products, and persons this regulation applies*—(a) *What transactions are covered.* This regulation covers all sales and deliveries of Central Appalachian wooden mine materials and industrial blocking whether made by mills or producers, by wholesalers or commission men, or by any other persons.

(b) *What products are covered.*—This regulation covers all wooden mine materials and industrial blocking produced in the states of Ohio, West Virginia, Virginia, Maryland, Pennsylvania and New York, whether treated or untreated.

"Wooden mine materials" means any ties, switch ties, cross bars, cribbing blocks, post caps, wedges, car lumber, or pit posts used in mines.

"Industrial blocking" means mixed hardwoods that are sawn to specified sizes, and that are of a grade meeting the requirements of steel mills and other users, for blocking and bracing their products in shipment.

(c) *What persons are covered.* Any person selling Central Appalachian wooden mine materials or industrial blocking as defined above is subject to the regulation The term "person" includes any individual, corporation, partnership, association, or any other organized group; their legal successors or representatives; the United States, any government, or any of its political subdivisions; or any agency of the foregoing.

§ 1426.53 *Maximum prices.* The maximum prices for untreated material, except for pit posts, are f. o. b. the railroad loading-out point nearest to the mill in the direction of the normal route of shipment to destination. The maximum prices for pit posts are delivered to the buyer's mine.

The maximum prices for treated mine material are f. o. b. the treating plant, unless the material is brought in and shipped out on a treating-in-transit rate, in which case the prices are f. o. b. the loading-out point for the untreated ties which were brought in.

The maximum prices are as follows:

(a) *Mine ties and mine switch ties* (mixed oak and hardwoods).

	Per M'BM
All sizes up to and including 6″ x 7″	$29.00
All sizes 6″ x 8″ and larger	31.00

(b) *Cross bars* (mixed oak and hardwoods).

	Per M'BM
All sizes up to and including 6″ x 7″	$29.00
All sizes 6″ x 8″ and larger	31.00

(c) *Short mine material* (mixed oak and hardwoods).

	Per M'BM
Cribbing blocks, all sizes up to and including 6″ x 7″	$32.00
Post caps, all sizes up to and including 6″ x 7″	32.00
Wedges, to specifications	40.00

(d) *Mine car lumber* (white oak and/or red oak).

	Per M'BM
All sizes	$35.00
For surfacing and working to pattern add	6.00

(e) *Industrial blocking* (mixed oak and hardwoods).

	Per M'BM
All sizes up to and including 6″ x 7″	$29.00
All sizes 6″ x 8″ and larger	31.00
When buyer specifies shorter than 3′ add	3.00

(f) *Pit posts* (delivered prices). (1) *Round.*

	Each
7 ft. 4″ top diameter	$0.26
7 ft. 4½″ top diameter	.31
7 ft. 5″ top diameter	.38
7½ ft. 5″ top diameter	.41
7½ ft. 6″ top diameter	.53
8 ft. 4″ top diameter	.32
8 ft. 4½″ top diameter	.37
8 ft. 5″ top diameter	.44
8 ft. 5½″ top diameter	.47
8 ft. 6″ top diameter	$0.575
9 ft. 4½″ top diameter	.43
9 ft. 5″ top diameter	.47
9 ft. 5½″ top diameter	.56
9½ ft. 5″ top diameter	.54
10 ft. 4″ top diameter	.44
10 ft. 4½″ top diameter	.50
10 ft. 5″ top diameter	.595
10 ft. 6″ top diameter	.71
11 ft. 5″ top diameter	.625
11 ft. 6″ top diameter	.75
11½ ft. 5″ top diameter	.655
11½ ft. 6″ top diameter	.81
12 ft. 5″ top diameter	.685
12 ft. 6″ top diameter	.84
14 ft. 5″ top diameter	.935
14 ft. 6″ top diameter	1.10
15 ft. 5″ top diameter	1.02
15 ft. 6″ top diameter	1.12
16 ft. 6″ top diameter	1.56

(2) *Standard.*

5 ft	$0.155
5½ ft	.17
6 ft	.20
6½ ft	.21
7 ft	.235
7½ ft	.26
8 ft	.28
9 ft	.35

(g) *Treated mine material.* The maximum price for treated mine material is the maximum price for the untreated material as set forth above, plus a charge for treating calculated in accordance with the pricing formula in use by the treating plant in March, 1942. The use of this addition is conditional on the filing of the pricing formula with the Office of Price Administration, Washington, D. C., within fifteen days after the first use of a price based on the formula.

§ 1426.54 *How to figure delivered prices*—(a) *General.* The transportation additions set forth below may be added to the maximum f. o. b. rail loading-out point prices in the preceding section. Of course, no addition for transportation may be made to the prices on pit posts, since they are already on a delivered basis.

(b) *Transportation addition.* (1) No matter how delivery is made, whether by rail, private trucking, contract or common carrier trucking, or any combination of these, the only permissible addition for delivery is the weight of the material times the applicable carload freight rate from the nearest rail loading-out point in the direction of shipment to destination.

(2) The final delivered price may be evened out to the nearest quarter of a dollar per M'BM.

(3) The following estimated weights may be used; higher estimated weights may not be used:

	Green	Dry
	Lbs. per M'BM.	*Lbs. per M'BM.*
Mixed hardwoods mine material	5,400	3,900
White oak and/or red oak mine car lumber	5,500	4,000
Mixed hardwoods industrial blocking	5,400	3,900

§ 1426.55 *What the invoice must contain*—(a) *Basic price.* All invoices must show a complete description of the material sold, the quantity and the price.

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*Copies may be obtained from the Office of Price Administration.

subsequent to August 26, 1942, by a person other than a war procurement agency for use in connection with the performance of a prime contract with such an agency.

[7] 7 F.R. 7149, 7367, 8948.

(b) *Delivered price.* In the case of sales on a delivered basis, the invoice must show the name of the nearest railroad loading-out point in the direction of the normal route of shipment, the destination, the weight of the material, and the applicable carload freight rate. The amount added for delivery must be shown separately.

(c) *Treated material.* When treated material is sold, the invoice must show separately the charge added for treating.

§ 1426.56 *Prohibited practices* — (a) *General.* Any practice which is a device to obtain the effect of a higher-than-ceiling price without actually raising the price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings, and the like.

(b) *Specific practices.* The following are among the specific practices prohibited:

(1) Obtaining the effect of a higher price by changing credit practices or cash discounts from what they were in October 1941. This includes reducing the cash discount period, decreasing credit periods, or making greater charges for extension of credit.

(2) Grading as a special grade material which is normally graded by the seller as a standard grade; or wrongly grading or invoicing in any other way.

(3) Refusing to sell on an f. o. b. loading-out point basis, and insisting on selling on a delivered basis.

(4) Quoting a gross price above the maximum price even if accompanied by a discount the effect of which is to bring the net price below the maximum price.

(c) *Purchasing commissions.* No purchasing commission based on the quantity or value of material purchased may be charged or paid, if the commission plus the purchase price is an amount over the maximum price.

(d) *Adjustable pricing.* A price may not be made adjustable to the maximum price which will be in effect after delivery has been completed. But the price may be adjustable to the maximum price in effect at the time of delivery.

§ 1426.57 *Grades, specifications, and extras not specifically priced.* All grades and specifications of ties, switch ties, cross bars, cribbing blocks, post caps, wedges, car lumber, or pit posts, used in mines, or of industrial blocking are subject to this regulation, whether they are specifically priced or not.

The maximum price for grades, specifications, and extras not specifically priced is a price which bears the October 1941 relation to the price of the appropriate "yardstick" grade. The yardstick for mine materials is 3'' x 5'' mine ties, and for industrial blocking is 4'' x 4'' industrial blocking. The seller should find the difference between the price received for the grade being priced and the yardstick grade in October 1941, or the first month before that in which he had sales of both grades. This difference is then added to or subtracted from the maximum price for the yardstick grade. The result is the seller's maximum price. This price, with a complete description of the grade and the way the price was computed must be reported to the Office of Price Administration, Washington, D. C. The price may be ordered reduced, if it is found excessive. But if the price is not disapproved within 30 days of the receipt of the report, it is approved. If the seller cannot figure a maximum price under this paragraph, or if he wants to make an addition for a working, specification, service, or other extra which is not specifically provided for, he should write to the Lumber Branch of the Office of Price Administration, Washington, D. C., giving a complete description of the thing to be priced, and his requested price, and any facts supporting the request. The Office of Price Administration will then by letter give him either a specific maximum price or instructions on how to compute it.

A seller using this pricing paragraph can go ahead with delivery of the material and collection of the price he has computed or requested. But he must tell the buyer that the price is subject to revision within the thirty-day period, and, if the price is ordered reduced, must refund any excess over the final approved price.

§ 1426.58 *Petitions for adjustment or amendment*—(a) *Government contracts.* (1) The term "government contract" is here used to include any contract with the United States or any of its agencies, or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 1, 1941, entitled "An Act to promote the defense of the United States". It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "government contract" and who thinks that a maximum price in this regulation is impeding or threatens to impede production of material which is essential to the war program and which is or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6, issued by the Office of Price Administration.

(3) As soon as the application is filed, contracts, deliveries, and payments may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must tell the buyer that the delivery is made subject to this refund.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[2] issued by the Office of Price Administration.

§ 1426.59 *Records and reports*—(a) *Records.* All sellers of Central Appalachian wooden mine materials or industrial blocking must keep records which will show a complete description of the item sold, the name and address of the buyer, the date of the sale, and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for any month in which the seller or buyer sold or bought one thousand dollars worth, or more, of Central Appalachian wooden mine materials or industrial blocking. They must be kept for two years, for inspection by the Office of Price Administration. Any records which the Office of Price Administration later requires must also be kept.

(b) *Reports.* Any reports that the Office of Price Administration requires must be submitted.

§ 1426.60 *Enforcement and Licensing.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this regulation or of any other regulation or order issued by the Office of Price Administration are urged to communicate with the nearest field, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

(c) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. "War procurement agencies" include the War Department, the Department of the Navy, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

(d) All sellers of Central Appalachian wooden mine materials and industrial blocking covered by this regulation, except mills, have been licensed by Supplementary Order No. 18 A "mill" means a person the major part of whose business consists of producing lumber or lumber products, including wooden mine materials or industrial blocking. This order, in brief, provides that a license is necessary, except for mills, to make sales under this regulation. A license is automatically granted to all sellers required to be licensed. It is not necessary to apply specially for the license, but a registration may later be required. The Emergency Price Control Act of 1942 and Supplementary Order 18 explain the circumstances under which licenses may be suspended. A license cannot be transferred.

§ 1426.61 *Relation to other regulations*—(a) *General Maximum Price Regulation.*[3] Any sale or delivery covered by this Revised Maximum Price Regulation 218 is not subject to the General Maximum Price Regulation.

(b) *Specific hardwood lumber maximum price regulations.* The provisions of this Revised Maximum Price Regulation 218 supersede the provisions of Maximum Price Regulation 155[4] Central Hardwood Lumber, Maximum Price Regulation 146[5]—Appalachian Hardwood Lumber and Maximum Price Regulation 97[6]—Southern Hardwood Lumber as to sales of Central Appalachian wooden mine materials and industrial blocking produced in regions covered by those regulations. All specific prices for Central Appalachian wooden mine materials and industrial blocking authorized for particular mills under the special grade provisions of Maximum Price Regulation 155, Maximum Price Regulation 146, or Maximum Price Regulation 97, are hereby revoked, and are superseded by the maximum price established by this Revised Maximum Price Regulation 218.

(c) *Maximum Export Price Regulation.*[7] The maximum prices for export sales of Central Appalachian wooden mine materials and industrial blocking are governed by the Maximum Export Price Regulation.

§ 1426.62 *Effective date.* (a) Revised Maximum Price Regulation No. 218 (§§ 1426.51 to 1426.62 inclusive) shall become effective December 1, 1942.

(b) If Central Appalachian wooden mine materials or industrial blocking has been received before December 1, 1942, by a carrier, other than one owned or controlled by the seller, for shipment to a buyer, that shipment is not subject to this Revised Maximum Price Regulation No. 218. It remains subject to the terms of any regulation (whether the General Maximum Price Regulation, a specific hardwood regulation, or the earlier version of this regulation) which covered it at the time the material was turned over to the carrier.

Issued this 25th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12463; Filed, November 25, 1942; 11:59 a. m.]

PART 1499—COMMODITIES AND SERVICES

[GMPR, Amendment 12 to Rev. Supp. Reg. 4[1]]

EXCEPTION FOR CERTAIN SALES TO UNITED STATES, ETC.

A statement of considerations involved in the issuance of this Amendment No. 12 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1499.29 (a) (8) (iv) is hereby amended to read as follows:

§ 1499.29 *Exceptions for sales and deliveries to the United States or any agency thereof of certain commodities and in certain transactions and for certain other commodities, sales and deliveries.* (a) General Maximum Price Regulation shall not apply to sales or deliveries of the following commodities or in the following transactions:

* * * * *

(8) Prior to January 1, 1943, to sales or deliveries to the United States or any agency thereof, or to the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States", or any agency of any such Government, of the following commodities:

* * * * *

(iv) Canteens, canteen cups, and meat cans, models M-1942 and M-1910 (Quartermaster Corps):

* * * * *

(d) *Effective date.* * * *

(13) Amendment No. 12 (§ 1499.29 (a) (8) (iv)) to Revised Supplementary Regulation No. 4 shall become effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12465; Filed, November 25, 1942; 11:56 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 2 Under Supp. Reg. 15 of GMPR]

UNITED PARCEL SERVICE OF NEW YORK, ET AL.

Order No. 2 under § 1499.75 (a) (3) of Supplementary Regulation No. 15, of the General Maximum Price Regulation—Docket No. GF1-346-P.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1302 *Adjustment of maximum prices for contract carrier services sold by United Parcel Service of New York, Inc., United Parcel Service of Pennsylvania, Inc., United Parcel Service of Illinois, Inc., United Parcel Service of Milwaukee, United Parcel Service of Cincinnati, Inc., United Parcel Service of Los Angeles, Inc., United Parcel Service of San Francisco, United Parcel Service Bay District, United Parcel Service of Portland, United Parcel Service of Seattle.* (a) United Parcel Service of New York, Inc., United Parcel Service of Pennsylvania, Inc., United Parcel Service of Illinois, Inc., United Parcel Service, of Milwaukee, United Parcel Service of Cincinnati, Inc., United Parcel Service of Los Angeles, Inc., United Parcel Service of San Francisco, United Parcel Service Bay District, United Parcel Service of Portland, United Parcel Service of Seattle, hereinafter called petitioners, may sell and deliver, and any department store or specialty shop may buy and receive from any of said petitioners, contract carrier services at prices not higher than those resulting from the application of the appropriate pricing method set forth below:

(1) *Where charges are determined by formula* — (i) *Department stores* — (*a*) *Furniture delivery service.* The charges by any petitioner for furniture delivery service to any department store for any contract year shall not exceed the highest charges which would be produced by application, on a quarterly basis, of any formula in effect during March, 1942, for furniture delivery service for a department store served by the particular petitioner.

(*b*) *Package delivery and other contract carrier services.* The charges by any petitioner for package delivery and other contract carrier service to any department store for any contract year shall not exceed the highest charges which would be produced by application, on a quarterly basis, of a formula in effect during March, 1942, for package delivery and other contract carrier service for a department store served by the particular petitioner.

(ii) *Specialty shops.* The charges by any petitioner for contract carrier service to any specialty shop for any contract year shall not exceed the highest charges which would be produced by application, on a quarterly basis, of any formula in effect during March, 1942, for a specialty shop served by the particular petitioner.

(2) *Where charges are determined by fixed price per unit.* The price per unit charged to any department store or specialty shop for contract carrier service for any contract year shall not exceed the price per unit for such service for such department store or specialty shop during March, 1942, as increased by a percentage computed as follows: the price per unit resulting from application of the ceiling formula provided in (1) (i) (*b*) above to the deliveries of such department store or specialty shop during the quarter immediately preceding the beginning of the contract year in question shall be compared with the price per unit resulting from application of such formula to the deliveries of such department store or specialty shop during the quarter immediately preceding the effective date of the contract in effect during March, 1942, and the percentage of increase, if any, shall be determined. However, in no event shall the price per unit charged to such department store or specialty shop exceed the highest price per unit in effect during March, 1942, for any department store or specialty shop served by the particular petitioner.

(b) In the event of renewal or modification after August 1, 1942, of any contract for contract carrier service between any of the petitioners and any department store or specialty shop, the aggregate charges for contract carrier service for any future contract year shall not exceed the aggregate charges for all such service rendered to such department store or specialty shop during the twelve-month period ending March 31, 1942: *Provided, however,* That the provisions of this paragraph shall not apply where there has been substantial expansion or change in the character of the contract carrier service required by such department store or specialty shop of the particular petitioner.

(c) The maximum prices authorized herein shall apply as of August 1, 1942.

(d) Beginning with the quarter ending on December 31, 1942, petitioners shall submit quarterly to the Chief of the Transportation Branch, Transportation and Public Utilities Division, Office of Price Administration, Washington, D. C., the following financial data:

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[2] 7 F.R. 8961.

[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4457, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5056, 5089, 5566, 6082, 6084, 6426, 6793, 7175, 7538, 8021.

[4] 7 F.R. 4108, 4231, 7202, 7780, 8385, 8949.

[5] 7 F.R. 3776, 4179, 4852, 5520, 6053, 6998, 7600, 7747, 8198, 8350, 8384, 8948.

[6] 7 F.R. 5667, 6681, 7149, 7966, 8385, 8948.

[7] 7 F.R. 5059, 7242, 8829, 9000.

(1) Individual profit and loss statement of each of the petitioners.

(2) Consolidated profit and loss statement of United Parcel Service of America, Inc., and subsidiary companies.

(3) Analysis of consolidated surplus account of United Parcel Service of America, Inc., and subsidiary companies.

(e) *Definitions.* (1) When used in this order, the term:

(i) "Department store" means a retail store having 25 or more selling departments.

(ii) "Specialty shop" means a retail store having less than 25 selling departments.

(2) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used in this order.

(f) All requests of the application not granted herein are denied.

(g) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 2 (§ 1499.1302) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(i) This Order No. 2 (§ 1499.1302) shall become effective November 27, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 25th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12459; Filed, November 25, 1942; 12:00 m.]

PART 1499—COMMODITIES AND SERVICES

[Correction to Order 90 Under § 1499.18 (b) of GMPR]

M. BROWN AND SONS, SOUTH BEND, INDIANA

Correction to Order No. 90 Under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-1833.

By reason of a typographical error the docket no. GF3-1833 of the above order appeared in the official copy thereof as GF3-1187. Such order is therefore corrected to read Docket No. GF3-1833 in the place of Docket No. GF3-1187.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 25th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12464; Filed, November 25, 1942; 11:57 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter E—Administrative Provisions Common to Various Taxes

PART 455—REWARDS FOR INFORMATION LEADING TO THE DETECTION AND PUNISHMENT OF PERSONS VIOLATING INTERNAL REVENUE LAWS

§ 455.1 *Rewards for information.* Under and by virtue of the provisions of section 3792 of the Internal Revenue Code (formerly section 3463 of the Revised Statutes of the United States), which authorize the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to pay such sums as he may deem necessary, not exceeding in the aggregate the sum appropriated therefor, for detecting and bringing to trial and punishment persons guilty of violating the internal revenue laws, or conniving at violations of the same, in cases where such expenses are not otherwise provided for by law, the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, does hereby offer for information given by persons other than officers of internal revenue, or persons appointed or employed in, or acting in connection with, the Internal Revenue Service, that shall lead to the detection and punishment of persons guilty of violating the internal revenue laws, or conniving at the same, such reward as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall deem suitable, but in no case exceeding 10 per cent of the net amount of tâxes, penalties, fines and forfeitures which, by reason of said information, shall be paid irrecoverably to the United States through suit or otherwise.

The rewards hereby offered are limited in their aggregate to the sum appropriated therefor and shall be paid only in cases not otherwise provided for by law.

Claims for reward under the provisions hereof shall be made on Form 211, which may be obtained from Collectors of Internal Revenue or from the Bureau at Washington, D. C.

Treasury decision 4663, approved July 6, 1936, is hereby revoked.

(Sec. 3792 of the Internal Revenue Code; 53 Stat. 467)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: November 24, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-12444; Filed, November 25, 1942; 11:18 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

PART 301—DOMESTIC QUARANTINE NOTICES

[B. E. P. Q. 386, 7th Revision]

GYPSY MOTH AND BROWN-TAIL MOTH QUARANTINE REGULATIONS MODIFIED

This revision of circular B. E. P. Q. 386 adds to the list of articles exempted from certification requirements, exfoliated or expanded vermiculite when packaged in closed containers, salal (known to the trade as lemon) cuttings, for ornamental use, and sawdust and shavings produced under certain prescribed conditions and so identified.

Wintergreen cuttings have been more specifically classified as to species.

§ 301.45a[1] *Administrative instructions; articles exempted from restrictions.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by the second proviso of § 301.45, Chapter III, Title 7, Code of Federal Regulations (Notice of Quarantine No. 45, on account of the gypsy moth and brown-tail moth), the following articles, the interstate movement of which is not considered to constitute a risk of moth dissemination, are exempted from the restrictions of the regulations of this quarantine, effective November 20, 1942.

Acacia cuttings for ornamental use (*Acacia* spp.).

Banana stalks, when crushed, dried, and shredded.

Birch slabs for use as post cards.

Birch bark when waxed, polished, or otherwise treated to adequately eliminate all risk of transmitting infestation and when used in the manufacture of novelties.

Box shooks, when newly manufactured and planed on four sides.

Boxwood cuttings and branches for ornamental use (*Buxus sempervirens*).

Cable reels, when newly manufactured and empty.

California peppertree cuttings and branches for ornamental use (*Schinus molle*).

Clubmoss (sometimes called "ground pine") (*Lycopodium* spp.).

Cuttings of woody plants that have been grown in the greenhouse throughout the year, when labeled on the outside of the container to show that the contents were greenhouse grown.

Eucalyptus cuttings and branches for ornamental use (*Eucalyptus globulus*).

Evergreen smilax (*Smilax lanceolata*).

Fuchsia (*Fuchsia* spp.).

Galax (*Galax aphylla*).

Geranium (*Pelargonium* spp.).

Heather cuttings for ornamental use (*Erica* spp., *Calluna* spp.).

Heliotrope (*Heliotropium* spp.).

Herbarium specimens, when dried, pressed, and treated, and when so labeled on the outside of each container.

Jerusalem-cherry (*Solanum capsicastrum, S. pseudocapsicum, S. hendersoni*).

Leaves of deciduous or evergreen trees that have been treated or dyed.

Mistletoe (*Phoradendron flavescens, Viscum album,* etc.).

Oregon huckleberry (*Vaccinium ovatum*).

Partridgeberry (*Mitchella repens*).

Salal, known to the trade as lemon cuttings, for ornamental use (*Gaultheria shallon*).

Sawdust that has been (1) produced in established, nonportable, commercial sawmills from boards or other timber previously sawed four sides, (2) subsequently blown through an air-blast conveyor line having a minimum length of 50 feet and at least one 45° or sharper angle, (3) protected from infestation prior to shipment, and (4) identified as specified below.

Shavings that have been either (1) produced by planers having 6 or more blades, or (2) blown through an air-blast conveyor line having a minimum length of 50 feet and at least one 45° or sharper angle; and in either case protected from infestation prior to shipment, and identified as specified below.

Invoices and waybills covering bulk carload or less-than-carload shipments of sawdust or shavings meeting these conditions for exemption shall bear thereon a notation to the effect that:

"The consignor guarantees that the contents of this shipment have been produced under conditions which entitle the material to exemption as specified in the Federal gypsy moth quarantine regulations or administrative instructions thereto."

Strawberry plants (*Fragaria* spp.).

Trailing arbutus (*Epigaea repens*).

Verbena (*Verbena* spp.).

Vermiculite (variously termed zonolite or mica-gro) when exfoliated or expanded and when packaged in closed containers.

Wintergreen for ornamental use (*Gaultheria procumbens, Pyrola* spp.). See also Salal.

Wood flour, pulverized wood, or ground wood sawdust, when processed by screening or sifting through a screen of at least 30 meshes per inch.

These instructions supersede the list of exempted articles contained in B. E. P. Q. 386, 6th revision, which became effective October 10, 1941.

(7 CFR § 301.45; sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161.)

Done at Washington, this 17th day of November 1942.

AVERY S. HOYT,
Acting Chief.

[F. R. Doc. 42-12443; Filed, November 25, 1942; 11:00 a. m.]

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[1] 6 F.R. 5131.

Chapter VII—Agricultural Adjustment Agency

[MQ-650, Supp. 1]

PART 717—REGULATIONS GOVERNING THE HOLDING OF REFERENDA ON MARKETING QUOTAS

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938; 52 Stat. 38, 7 U.S.C. 1301 et seq.), as amended, public notice is hereby given of the following amendments to MQ-650, "Regulations Governing the Holding of Referenda on Marketing Quotas," as published in the FEDERAL REGISTER on November 5, 1941, (6 F.R. 5616):

1. § 717.9 *Issuing ballots to voters* is hereby amended as follows: The first sentence thereof is amended so as to read: "The community referendum committee, or at least one member thereof in case there are two or more polling places in the community, shall open the polling place for the issuance of ballot forms and the casting of ballots at the time designated by the county committee and shall thereafter, until the time when the polls are required to be closed and the casting of ballots discontinued, issue a ballot to each person who is eligible to vote and applies for a ballot and to each person who claims to be eligible to vote and insists upon voting even though his eligibility to vote is challenged by the committee." The last sentence thereof is amended so as to read: "Ballot forms[1] shall be issued and ballots placed in the ballot box only while at least one member serving on the community referendum committee is physically present in the polling place and in position to see each ballot form as it is issued and each ballot as it is placed in the ballot box."

2. § 717.12 *State committee's record of the result of the referendum* is hereby amended by changing the third sentence to read as follows: "The State summary shall be prepared in triplicate and certified to by at least a majority of the members of the State committee, or by the administrative officer in charge of the State office if so instructed by the Regional Director.

Done at Washington, D. C., this 24th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-12383; Filed, November 24, 1942; 3:38 p. m.]

Chapter IX—Agricultural Marketing Administration

PART 945—MILK IN THE WASHINGTON, D. C., MARKETING AREA

ORDER TERMINATING CERTAIN PROVISIONS

Order terminating certain provisions of §§ 945.1 (a) (5)[2] and 945.7 (a)[3] of the order, as amended, regulating the handling of milk in the Washington, D. C., marketing area.

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 1940 ed. 601 et seq.), hereinafter referred to as the "act", and the provisions of the order, as amended, regulating the handling of milk in the Washington, D. C., marketing area, it is hereby determined that the provisions of such order which provide that farmers delivering milk to plants outside the marketing area, from which milk is shipped into the marketing area, shall be considered producers, and the provisions which require handlers under the said marketing order to pay the difference between the Class I and Class II prices on the milk equivalent of cream received from plants outside the marketing area, are provisions which obstruct and do not tend to effectuate the declared policy of the act with respect to the producers of milk under such marketing order.

It is, therefore, ordered, That effective as of 12:01 a. m., e. w. t., November 25, 1942, the following provisions of the order, as amended, regulating the handling of milk in the Washington, D. C., marketing area are hereby suspended:

1. The words "from which no milk was shipped to the marketing area as milk during the preceding year," which are included in the proviso in § 945.1 (a) (5) of the said order; and

2. The provision "add the hundredweight of milk equivalent (at the average test of milk received from producers) of the butterfat contained in cream received from plants at which no milk is received from producers, which is allocated to Class I, times the Class I price, less the Class II price, computed pursuant to § 945.5", which appears in § 945.7 (a) of the said order.

Done at Washington, D. C., this 25th day of November, 1942. Witness my hand and the Seal of the United States Department of Agriculture.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary of Agriculture.[4]

[F. R. Doc. 42-12450; Filed, November 25, 1942; 11:48 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Office of the Secretary.

[Memorandum No. 1052]

DELEGATION OF AUTHORITY TO ACQUIRE, AND DISPOSE OF CERTAIN PROPERTY

NOVEMBER 21, 1942.

Delegation of authority to acquire, use, and dispose of property under Title II of the Second War Powers Act, 1942.

By virtue of the authority vested in me by Executive Order No. 9249, dated October 1, 1942 (7 Fed. Reg. No. 196, page 7874), I hereby delegate to the Administrator or Acting Administrator, Agricultural Marketing Administration, and the President or Acting President, Commodity Credit Corporation, the authority to acquire, use, and dispose of any real property, temporary use thereof, or other interest therein, together with any personal property located thereon, or used therewith, that shall be deemed necessary for war purposes in connection with the storing and warehousing of agricultural commodities or products in accordance with the provisions of Title II of the Second War Powers Act, 1942, approved March 27, 1942.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-12442; Filed, November 25, 1942; 11:00 a. m.]

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[1] Filed as part of the original document.

[2] 6 F.R. 4554; 7 F.R. 3147.

[3] 6 F.R. 4556; 7 F.R. 3147.

[4] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2656).

DEPARTMENT OF LABOR.

Wage and Hour Division.

EUREKA PIPE LINE COMPANY

GRANTING OF EXCEPTION

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, issued under authority contained in the Fair Labor Standards Act of 1938, the Administrator of the Wage and Hour Division has granted to the Eureka Pipe Line Company of Parkersburg, West Virginia, an exception to § 516.6 of the Record Keeping Regulations relieving this company from the requirement of maintaining records of the hours worked each workday, and the total hours worked each workweek for any employee who is totally exempt from the provisions of section 7 of the Fair Labor Standards Act, in any workweek when such an employee does not work over 56 hours: *Provided*, That the wage or salary paid to the employee for the workweek is sufficient to compensate him for at least 56 hours at not less than the minimum hourly rate required by the Fair Labor Standards Act or any order issued thereunder.

This exception is not applicable to any employee under 16 years of age.

This authority is granted on the representations of the petitioner and is subject to revocation for cause.

Signed at New York, New York this 23d day of November 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-12394; Filed, November 25, 1942; 9:57 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the determination and order or regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective November 26, 1942. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

Acme Pad Company, 516 W. Baltimore Street, Baltimore, Maryland; Shoulder pads for ladies' & men's garments; five learners (T); November 26, 1943.

Sunneytown Clothing Mfg. Co., Sunneytown, Pennsylvania; Pants, 5 learners (T); November 26, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheeplined Garments Divisions of the Apparel Industry

Big Jack Mfg. Co., Inc., 4th St., Bristol, Tennessee; Overalls, coats, dungarees, twill pants; 10 percent (T); November 26, 1943.

Big Jack Mfg. Co. Inc., 121 Lee St., Bristol, Virginia; Work pants, shirts and twill pants; 10 percent (T); November 26, 1943.

Mr. George Krauss, #52 So. River St., Coxsackie, New York; Ladies' dresses; 7 learners (T); November 26, 1943.

R. Lowenbaum Mfg. Co., 2225 Locust St., St. Louis, Missouri; Dresses; 10 percent (T); November 26, 1943.

Jacob Nathanson & Co., 412 S. Wells St., Chicago, Illinois; Cotton & rayon wash dresses; 10 learners (T); November 26, 1943.

United Cotton Goods Co., Inc., Corner Hill & Broadway Sts., Griffin, Georgia; Washable uniforms, towels, table cloths, napkins, cooks garments; 10 learners (T); November 26, 1943.

Welch-Cook-Beals Co., 321-329 Third St., S. E., Cedar Rapids, Iowa; Work shirts, overalls, herringbone trousers, work jackets; 3 learners (T); November 26, 1943.

Wilmer Fashion, 7th & Bridge, Lehigton, Pennsylvania; Ladies' dresses; 10 percent (T); November 26, 1943.

Glove Industry

Hanover Glove Co., Inc., 2-6 Exchange Place, Hanover, Pennsylvania; Leather dress gloves and work gloves; 4 learners (T); November 26, 1943.

Hosiery Industry

Cherokee Hosiery Co., Edwards St., Cleveland, Tennessee; Seamless; 5 percent (T); November 26, 1943.

The House of Byer, Inc., 18 Ames St., Cambridge, Massachusetts; seamless; 5 percent (T); November 26, 1943.

Infants Socks, Inc., Brown & Catherine Sts., Middletown, Pennsylvania; seamless; 5 learners (T); November 26, 1943.

Lynne Hosiery Mills, Inc., N. South St., Mt. Airy, North Carolina; seamless; 5 learners (E); July 23, 1943.

Knitted Wear Industry

Clark Brothers, 20 Elm St., Glens Falls, New York; outerwear and underwear; 5 learners (T); November 26, 1943.

Sprite Mfg. Co., Broad & Peterson Sts., Tamaqua, Pennsylvania; knitted underwear; 5 percent (T); November 26, 1943.

Textile Industry

Alabama Bedspread Company, Scottsboro, Alabama; cotton chenille bedspreads; 5 percent (T); November 26, 1943.

Cherokee Candlewick, Inc., Calhoun, Georgia; Chenille bedspreads; 5 percent (T); November 26, 1943.

Santee Mills #1, 97 S. Blvd., Orangeburg, South Carolina; cotton sheetings; 3 percent (T); November 26, 1943.

Signed at New York, N. Y., this 24th day of November 1942.

MERLE D. VINCENT,
*Authorized Representative
of the Administrator.*

[F. R. Doc. 42-12395; Filed, November 25, 1942; 9:57 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. SA-76]

INVESTIGATION OF AIRCRAFT ACCIDENT OCCURRING NEAR SYRACUSE

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 29882 and NC 36352 which occurred near Syracuse, New York on November 18, 1942.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on the first day of December, 1942, at 9:30 AM (EWT) in the East Federal Building, Syracuse, New York.

Dated at Washington, D. C., November 24, 1942.

[SEAL] ALLEN P. BOURDON,
Presiding Officer.

[F. R. Doc. 42-12445; Filed, November 25, 1942; 11:33 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6456]

CHATTAHOOCHEE BROADCASTING CO.

NOTICE OF HEARING

In re application of Chattahoochee Broadcasting Company (New); dated November 14, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Columbus, Georgia; operating assignment specified; frequency, 1450 kc. (Class IV); power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission on October 27, 1942, denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of this application will be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942.

2. To determine whether, in view of the facts adduced under the foregoing issue, public interest, convenience and necessity would be served by the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Chattahoochee Broadcasting Company, c/o Arthur Lucas, P. O. Box 1241, Atlanta, Georgia.

Dated at Washington, D. C., November 23, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-12439; Filed, November 25, 1942; 10:57 a. m.]

[Docket No. 6457]

FORT HAMILTON BROADCASTING CO.

NOTICE OF HEARING

In re application of The Fort Hamilton Broadcasting Co. (New); dated, March 5, 1942; for, construction permit; class of service, broadcast; class of station, broadcast; location, Hamilton, Ohio. Operating assignment specified: frequency, 1450 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission on November 6, 1942, denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of the application would be in conformity with the policy announced by the Commission in its Memorandum Opinion of April 27, 1942.

2. To determine whether, in view of the facts adduced under the foregoing issue, public interest, convenience and necessity would be served by the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: The Fort Hamilton Broadcasting Company, 602 First National Bank Building, Hamilton, Ohio.

Dated at Washington, D. C., November 23, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-12440; Filed, November 25, 1942; 10:57 a. m.]

[Docket No. 6458]

EASTERN BROADCASTING CO.

NOTICE OF HEARING

In re application of Eastern Broadcasting Company, Inc., (New); dated August 1, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Long Island, New York; operating assignment specified: Frequency, 1520 kc.; power, 1 kw.; hours of operation, Limited to WKBW, Buffalo, New York.

You are hereby notified that the Commission on November 6, 1942, denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of the application would be in conformity with the policy announced by the Commission in its Memorandum Opinion of April 27, 1942.

2. To determine whether, in view of the facts adduced under the foregoing issue, public interest, convenience or necessity would be served by the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Eastern Broadcasting Company, Incorporated, c/o Charles G. Guyer, Resident Agent, 901 Market Street, Wilmington, Delaware.

Dated at Washington, D. C., November 23, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-12441; Filed, November 25, 1942; 10:57 a. m.]

OFFICE OF THE ALIEN PROPERTY CUSTODIAN.

All or part of Vesting Orders 376, 377, 379, and 380 should have appeared on page 9757 of the issue for Tuesday, November 24, 1942. A duplicate of page 9657 was printed in lieu of the proper page 9757.

[Vesting Order 376]

CERTAIN INDEBTEDNESS OWING BY TAKAMINE CORPORATION

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All right, title, interest and claim of any name or nature whatsoever of Tatsumi Engineering Company, Ltd., whose last known address was represented to the undersigned as being Tokyo, Japan, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to it by Takamine Corporation [which was found in Vesting Order Number 194 issued under date of September 28, 1942 to be a business enterprise within the United States which is a national of a designated enemy country (Japan)] a New York corporation, New York, New York, including but not limited to all security rights in and to any and all collateral for any and all such indebtedness and the right to sue for and collect such indebtedness,

is an interest in the aforesaid business enterprise held by, and is property within the United States owned or controlled by, a national of a designated enemy country (Japan), determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt within the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington D. C. on November 18, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12229; Filed, November 21, 1942; 10:46 a. m.]

[Vesting Order 377]

AFRICAN-ASIATIC TRADING COMPANY, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of H. N. Capelluto, whose last known address was represented to the undersigned as being Kobe, Japan, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to it by African-Asiatic Trading Company, Inc. [which was found in Vesting Order Number 88, issued under date of July 31, 1942 to be a business enterprise within the United States which is a national of a designated enemy country (Japan)] a New York corporation, New York, New York, including but not limited to all security rights in and to any and all collateral for any and all such indebtedness and the right to sue for and collect such indebtedness.

is an interest in the aforesaid business enterprise held by, and is property within the United States owned or controlled by, a national of a designated enemy country (Japan), determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 18, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F.R. Doc. 42-12230; Filed, November 21, 1942; 10:46 a. m.]

[Vesting Order 379]

MEITO CHINA CORPORATION

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

10 shares (which together with the 390 shares of similar stock vested by the undersigned pursuant to Vesting Order Number 176 issued under date of September 28, 1942, constitute all of the outstanding shares) of $100 par value common capital stock of Meito China Corporation, a New York corporation, New York, New York, which is a business enterprise within the United States, which 10 shares are owned by Seiichi Wakymoto, whose last known address was represented to the undersigned as being Japan (by repatriation),

is property of, and represents an interest in said business interprise which was found in the aforesaid Vesting Order Number 176 to be, a national of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby (i) vests such 10 shares in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 18, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

F. R. Doc. 42-12231; Filed, November 21, 1942; 10:46 a. m.]

[Vesting Order 380]

ESTATE OF FREDERICK HERBENER, DECEASED

In re: estate of Frederick Herbener, deceased—file D. 28-1477; E. T. sec. 185.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Frank F. Barthmaier, Executor, acting under the judicial supervision of the Orphans Court of the State of Pennsylvania, in and for Philadelphia County;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Elizabeth Herbener	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Elizabeth Herbener in and to the Estate of Frederick Herbener, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: November 18, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12238; Filed, November 21, 1942; 10:48 a. m.]

[Vesting Order 290]

K. SCHLEGEL, ET AL.

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent applications listed and described in Exhibit A attached hereto and made a part hereof,

is property in which nationals of a foreign country (Denmark) have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patent applications in the United States Patent Office which are identified as follows:

Serial No.	Filing date	Inventor	Title
220, 101	7/19/38	K. Schlegel	Method and apparatus for producing photographic sound records.
241, 833	11/22/38	J. Hertz	Dishwashing machines, primarily for household use.
245, 782	12/14/38	J. Petersen	Production of grits or groats.
263, 484	3/22/39	P. Klein	Wind shield cleaner mechanism for vehicles or vessels.
268, 485	4/18/39	K. Heshe	Packing for eggs and other brittle articles.
270, 845	4/29/39	A. Herlow	Emulsifiers and the production of emulsions.
277, 299	6/3/39	N. Steensen	Process of molding concrete structures.
280, 189	6/20/39	N. Haustrup	Key-opening can.
290, 146	8/15/39	R. Nielsen	Wood cutting machines.
291, 095	8/19/39	O. Brun	Apparatus for measuring heat consumption.
293, 586	9/6/39	E. Hinnerfeldt	Permutation and alarm locks.
294, 402	9/11/39	P. Beer et al	Sound recording apparatus.
296, 157	9/22/39	A. Herlow	Edible ice, and the production thereof.
297, 010	9/28/39	N. Kjaergaard-Jensen et al	Method of filling butter into receptacles.
298, 723	10/9/39	O. Hansen	Preservation of fodder.
307, 337	12/2/39	J. Nyrop	Process for the production of gluten powder.
309, 291	12/14/39	B. Spur	Soft-curd milk.
309, 917	12/18/39	J. Petersen	Coin-actuated device.
310, 291	12/21/39	M. Christian	Signs.
312, 254	1/3/40	E. Philipson	Processes for the supply of moisture to products of fibrous substances with a bituminous coating.
313, 395	1/11/40	W. Haubroe	Sighting device for air-target guns.
313, 396	1/11/40	W. Haubroe	Device for transmitting the lateral rotation of a gun to a predictor (calculating box).
315, 627	1/25/40	H. Jorgensen	Extraction of gelatine from ossein.
317, 139	2/3/40	P. Tholstrup	Snow screens.
322, 481	3/6/40	A. Christiansen	Process for the purification of phosphatides.
325, 389	3/22/40	V. Jorgensen	Electrostatic separation of cement raw materials.
328, 165	4/5/40	H. Nielsen	Manufacturing of base exchange material and the like.
329, 542	4/13/40	J. Mollerhoj	Electric power cable.
330, 072	4/17/40	N. Munthesen	Electric line switch.
331, 131	4/23/40	P. Jacobsen	Process and apparatus for the manufacture of cardboard boxes for packing of eggs, fruit and the like.
339, 827	6/10/40	H. Jorgensen	Preserves or canned foods, etc.
339, 828	6/10/40	H. Jorgensen	Cheese and the production thereof.
345, 866	7/16/40	J. Jacobsen	Electromotor-driven mechanical stokers.
352, 164	8/10/40	K. Aasted	Conveyor mechanism for use in connection with machines for casting chocolate and the like.
352, 165	8/10/40	K. Aasted	Casting apparatus for use in machines for casting chocolate and the like.
359, 780	10/4/40	B. Palle-Finn	Apparatus for projecting picture or sound films.
360, 777	10/11/40	T. Heilmann	Separation of minerals.
368, 731	12/5/40	A. Fischer	Wound healing preparations and the production thereof.
369, 283	12/9/40	B. Martins	Spring shackle devices.
373, 486	1/7/41	A. Gruhn	Methods and machines for making an artificial ice product.
384, 985	3/24/41	C. Sorsensen	Binding clamp to hold a line wound on to a roll.
386, 189	3/31/41	J. Nyrop	Method of preparing cocoa, etc.
386, 708	4/3/41	S. Fleischer et al	Thread isolating device.
390, 013	4/23/41	K. Schlegel	Electrical circuit control devices.
390, 200	4/24/41	O. Petersen et al	Method of operating internal combustion engines with supercharge and arrangement for internal combustion engines for carrying out the method.
390, 995	4/29/41	A. Blichfeldt-Petersen	Wood impregnating plants.
399, 875	6/26/41	T. Mohl	Plough share.
409, 384	9/3/41	P. Morland et al	Apparatus for treatment of nerves and muscles by means of electric impulses.
409, 385	9/3/41	P. Morland et al	Apparatus for treatment of nerves and muscles by means of electric impulses.
415, 485	10/17/41	C. Andreasen	Method of treating wood.
419, 661	11/18/41	O. Brun	Heat consumption meters.
426, 254	1/9/42	L. Madsen	Process for laundering with hard water and soap or other laundering agents, and means for performing said process.
428, 778	1/29/42	O. Petersen et al	Internal combustion engines with crosshead.
434, 266	3/11/42	H. Christensen	Process for sterilization, etc.
439, 293	4/16/42	A. Gernow	Method of preserving vegetables, etc.
440, 704	4/27/42	C. Rasmussen	Laundering machine.
442, 096	5/7/42	P. Pedersen et al	Safety-razors with a comb member cooperating with one or more cutters.

[F. R. Doc. 42-12399; Filed, November 25, 1942; 10:26 a. m.]

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[1] 7 F.R. 5205.

[Vesting Order 291]

W. VAN DIJCK, ET AL.

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent applications listed and described in Exhibit A attached hereto and made a part hereof,

is property in which nationals of a foreign country (Netherlands) have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patent applications in the United States Patent Office which are identified as follows:

Serial No.	Filing date	Inventor	Title
46, 912	10/26/35	W. Van Dijck	Extraction process.
126, 525	2/18/37	K. David	Biologically active substances.
144, 097	5/21/37	R. Oppenauer	Process of Oxidising unsaturated. Polycyclic alcohols.
150, 544	6/26/37	G. Visser	Branched-chain paraffin hydrocarbons and process for their production.
157, 223	8/3/37	N. Van Reesema	Soil improvers.
164, 989	9/21/37	G. Van Der Lee	Stable mixtures containing laevo-ascorbic acid or the like.
202, 126	4/14/38	E. Laqueur et al	Production of male sexual hormone.
205, 726	5/3/38	M. Driessen	Separation of solid materials.
210, 540	5/27/38	W. Bolk	Method of filling a compression matrix with a pulverulent material.
211, 563	6/3/38	J. Aken	Production of ammonium sulfate.
219, 087	7/13/38	C. Mulder	Power transmission system.
232, 010	9/27/38	S. Bertram	Process for preventing rubber objects from sticking together and improving the quality and durability of raw rubber in a divided state.
235, 640	10/18/38	H. Van Den Bussche	Boundary layer control in aerofoils.
237, 319	10/27/38	A. Salomon	Derivatives of P-aminobenzenesulfonamide.
242, 591	11/26/38	A. Mauser	Closure for containers.
243, 050	11/29/38	R. Arnold	Method of converting liquid hydro-carbons into highly compressible dry gas.
244, 582	12/8/38	G. Van Kooy	Device for the continuous dialysis in counter-current of liquids containing substances in a colloidal state.
246, 198	12/16/38	A. Oosterhuis	Process and apparatus in the preparation of halogenamines.
248, 047	12/28/38	J. Van Rijswijk	Furnaces and stoking installations therefor.
253, 230	1/27/39	J. Van Den Bergh et al	Process of manufacturing filaments, films, and the like from keratinous materials.
254, 575	2/4/39	P. Herrmann	Cigarette rod making machine.
254, 576	2/4/39	P. Herrmann	Device for the forming of a tobacco rod in cigarette machines.
257, 028	2/17/39	G. de Kadt	Process for hardening fibrous protein material.
257, 029	2/17/39	G. de Kadt	Treatment of wet spun protein products.
257, 030	2/17/39	G. de Kadt	Process for spinning proteins.
257, 717	2/21/39	M. Groen	Method of producing foodstuffs.
261, 049	3/10/39	J. Lande	Tobacco products and process of making same.
261, 525	7/13/39	P. Herrmann	Distribution of tobacco rod forming machines.
263, 056	3/20/39	J. Van Nelsen	Reaction of non-conjugated olefinic compounds with LB unsaturated carbonylic compounds.
265, 334	3/31/39	H. Lewin	Method of attaching closure caps.
265, 745	4/3/39	H. Waterman et al	Production of extrusion products from diene hydrocarbons.
270, 017	4/25/39	J. Wouters	Process for the production of solid milk products.
270, 210	4/26/39	G. Holst et al	Electrical connection and method of making same.
272, 628	5/9/39	A. Van Peski	Anti-knock motor fuel.
273, 885	5/16/39	J. Goudsmit	Process of producing a floor covering.
278, 013	6/8/39	A. Bargeboer	Liquid spraying device for liquid fuel burners.
279, 647	6/17/39	M. Johanns	Window structure.
281, 264	6/26/39	H. Braak	Process for the preparation of purified latex, etc.
281, 603	6/28/39	G. Heyning	Road surfaces, road foundations and similar layers.
283, 273	7/7/39	H. Nijland	Circuit-Breakers for high voltage.
285, 086	7/18/39	A. Kleijn	Process for producing a gas current carrying a predetermined quantity of nitrogen trichloride.
285, 264	7/19/39	C. Rober et al	Cigar and filler transfer device.
285, 437	7/19/39	P. Maltha	Process for the manufacture of an improving agent, etc.
286, 296	7/24/39	A. Van Peski et al	Capillary-active agents.
287, 416	7/29/39	B. Schreuder	Warning system and apparatus for use with automobiles, motor cycles and similar motor vehicles.
287, 618	7/31/39	W. Van Dijck et al	Manufacture of capillary-active compounds.
288, 226	8/3/39	C. Stoete	Light Advertising device.
288, 954	8/8/39	M. Driessen	Separation of suspensions in coal or ore preparation plants.
290, 077	8/14/39	G. Visser	Production of Olefine Oxides.
291, 280	8/21/39	R. Wechsberg	Materials Resistant to Poisonous Gases.
293, 631	9/6/39	C. Mulder	Epicyclic gear.
293, 709	9/7/39	W. Buskes	Processes for the production of screen reflex copies.
295, 140	9/15/39	A. Ter Linden	Centrifugal dust separators.
295, 991	1/14/42	C. Hollhorst	Drum presses.
298, 490	10/7/39	J. Hoekstra	Insulated conductor and method of making same.
298, 508	10/7/39	J. Hoekstra et al	Method of making insulated wire.
298, 594	10/9/39	A. Van Peski	Process for isomerizing hydrocarbons.
302, 585	11/2/39	M. Feuerstein	Dosing arrangements.
303, 314	11/7/39	A. Van Peski et al	Isomerization of hydrocarbons.
303, 816	11/10/39	E. Verweij et al	Production of magnetic material.
304, 843	11/16/39	J. Van Heutsz	Process for dehydrating vegetable produce.
306, 583	11/28/39	P. Kruyff	Method for preparing condensation products of the type of the furylmethane derivatives.
308, 426	12/9/39	F. Van Der Plas	Extraction process.
309, 483	12/15/39	M. Rozenbroek	Process for rpeparing starch products.
309, 484	12/15/39	M. Rozenbroek	Process for preparing starch products.
309, 485	12/15/39	M. Rozenbroek	Process for preparing starch products.
309, 936	12/19/39	L. De Langen	A filter for separating solids from a fluid.
310, 261	12/20/39	M. Jansen	Process for the separation of yeast from yeast suspensions.
310, 722	12/23/39	J. Lubberhuizen	Electro-motor driven vertical centrifugal machine.
312, 186	1/2/40	A. Van Peski	Alkylation process.
312, 306	1/3/40	O. Van Lin et al	Insulated electrical conductor.
314, 551	1/18/40	J. Loder	Motor driven fluid measuring apparatus.
314, 552	1/18/40	J. Loder	Price computing and indicating mechanism.
314, 880	1/20/40	M. Ter Horst	Process for the manufacture of fibres, filaments, threads, films and the like from solutions of proteins, particularly casein.
315, 073	1/22/40	A. Schat	Ship's lifeboats.
315, 426	1/24/40	C. Schouten	Processes and apparatus for separating loose masses.
318, 179	2/9/40	J. Berge	Composition of matter.
320, 427	2/23/40	G. Van Leeuwen	Process of impermeabilizing, tightening or consolidating grounds, etc.
320, 428	2/23/40	G. Van Leeuwen	Process of impermeabilizing, tightening or consolidating grounds, etc.
320, 429	2/23/40	G. Van Leeuwen	Process of impermeabilizing, tightening, or consolidating grounds and other eartny and stony masses and structures.
321, 131	2/27/40	J. Hoekstra	Insulated electric conductor and method of making the same.
321, 318	2/28/40	J. Hoekstra	Method of producing rigid electrical windings.
322, 170	3/4/40	J. Hoeffelmann	Process for producing sulphonium compounds.
323, 408	3/11/40	H. Hoog	Treatment of hydrocarbons.
323, 409	3/11/40	A. Van Peski et al	Isomerization of naphthenic hydrocarbons.
323, 410	3/11/40	A. Van Peski	Process for treating naphthenic hydrocarbon distillates.
326, 088	3/26/40	C. Campfens et al	Device for expelling the contents of collapsible tubes.
326, 496	3/28/40	J. Zeehuisen	Process of treating fibrous materials, more particularly bast fibres.
326, 497	3/28/40	M. Groen	Method of producing starch esters.
326, 773	3/29/40	W. Van Dranen	Filter card.
327, 931	4/4/40	A. Schaafsma	Process for dehydration.
328, 697	4/9/40	A. Van Peski	Isomerization of hydrocarbons.
329, 472	4/13/40	A. Van Peski et al	Paraffin alkylation process.
330, 189	4/17/40	J. Giljam	Combustion engines.
332, 417	4/29/40	A. Dekker	Crude oil burners.
332, 583	4/30/40	J. Dombach	Cereal product and process for obtaining same.
332, 822	5/1/40	W. Reppmann	Filter.
332, 850	5/1/40	H. Neijer	Adhesives.
333, 012	5/1/40	R. Oppenauer	Manufacture of hydroxy-keto compounds having a cyclopentanopolyhydrophenanthrene nucleus.
334, 586	5/11/40	A. Van Peski	Process for the production of hydroaromatic hydrocarbons.
334, 656	5/11/40	L. Van Bergen	Process for producing filaments, threads, fibres, bands, films and the like from proteins.
335, 078	5/14/40	K. Tromp	Apparatus for separating solid materials having different specific gravities by means of a suspension.
335, 629	5/16/40	A. Schat	Ships' davits of the gravity type.
337, 199	5/25/40	J. Overhoff	Silver catalyst and method of making same.
337, 324	5/25/40	J. Hoeffelman et al	Organic sulfur compounds and a process for their preparation.
338, 794	6/4/40	K. Tromp	Apparatus for continuously determining &, if desired, adjusting the specific gravity of a suspension
340, 193	6/12/40	A. Lambeek	Cartridge case and method of making same.
340, 373	6/13/40	J. Hoekstra et al	Flexible electric conductor.
346, 851	7/22/40	C. Schouten	Jigs for treating ore-bearing and like materials.
348, 032	7/27/40	W. Mazee	Non-aqueous drilling fluid.
348, 940	7/31/40	B. Zweers	Process and means for lowering a construction with a comparatively large base into the soil.
352, 310	8/12/40	J. Hessels	Process for improving the properties of rubber latex.
353, 788	8/23/40	A. Brugma	Process and device for fractional distillation of liquid mixtures, more particularly petroleum.
356, 176	9/10/40	G. Van Den Broek	Apparatus for the manufacture of photographic prints.
356, 770	9/14/40	L. De Kadt	Package for fluids.
356, 883	9/14/40	L. TeStrake	Fabric-simulating material.
357, 662	9/20/40	A. Wildschut	Process for the vulcanization of rubber, baltata, gutta percha, synthetic rubber and the like, mixtures thereof and latices of these materials.
358, 093	9/24/40	A. Bargeboer	Foodstuffs—preserving in bottles, etc.
359, 575	10/3/40	P. Smit	Purification of sugar containing liquids.
359, 978	10/5/40	H. Waterman et al	Process for the activation of normally liqui fatty materials containing unsaturated compounds.
360, 381	10/9/40	G. Hilgers	Implements for driving in screws, wire nails, etc.
362, 682	10/24/40	R. Priester	Making drying oils.
363, 778	10/31/40	J. Nauta	Mixing apparatus, especially adapted for mixing pulverized materials.
363, 911	11/1/40	J. Hoeffelman	Mineral oil.
367, 293	11/26/40	H. Van Tongeren	Cyclones.
369, 346	12/9/40	A. Story	Resilient seat or back.
369, 351	12/9/40	G. Hannot	Frost resistent micro-porous product.
370, 501	12/17/40	T. Hoek	Process of preparing mixed acid.
372, 886	1/2/41	W. Van Zwet et al	Luminescent material.
373, 585	1/8/41	G. Hepp	Electronic generator.
373, 612	1/8/41	J. Kok	Process for the preparation of durable aqueous solutions particularly of pharmaceutical nature.
374, 054	1/11/41	N. Voorhoeve et al	Carbon microphone.
374, 066	1/11/41	J. Haantjes	Negative feed-back circuit arrangement.
374, 552	1/15/41	J. Joosten	Protector for boots and shoes.
374, 560	1/15/41	G. Holst et al	Electrical apparatus.
374, 566	1/15/41	G. Hepp et al	Arrangement for synchronizing oscillations.
374, 581	1/15/41	A. Bouwers	X-Ray Tube.
374, 582	1/15/41	A. Bouwers	X-Ray tube.
374, 583	1/15/41	J. Boeke	Method and device for detecting traces of foreign gases, vapours, or mists in the atmosphere.
374, 590	1/15/41	J. Went et al	Soldering iron.
374, 592	1/15/41	J. Van Liempt et al	Flash lamp.
374, 597	1/15/41	H. Rinia	Optical element.
374, 598	1/15/41	H. Rinia	Optical element.
374, 712	1/16/41	M. Strutt et al	Circuit for the transmission of electrical oscillation
374, 765	1/16/41	H. Rinia	Optical system.
374, 780	1/16/41	A. Cramwinckel	Method and device for mechanical recording.
374, 783	1/16/41	G. Hepp	Circuit arrangement.
374, 804	1/17/41	M. Strutt et al	High frequency amplifier circuits.
374, 805	1/17/41	M. Strutt et al	High frequency amplifier circuits.
374, 956	1/18/41	F. Stumpers et al	Modulator and demodulator systems.
374, 960	1/18/41	A. Van Der Ziel et al	High frequency amplifier circuits.
376, 456	1/29/41	M. Strutt et al	High frequency amplifier circuits.
377, 745	2/6/41	A. Bikkers	Absorption machines containing an inert auxiliary gas.
379, 672	2/19/41	G. De Kadt	Treatment of wet spun protein products.
380, 562	2/25/41	J. Lolkema	Method of producing ethers, etc.
380, 728	2/26/41	F. Fenning	Electric device and method for heating materials.
380, 735	2/26/41	J. De Groot	Cutter mechanism.
380, 736	2/26/41	J. De Groot	Dry-shaving apparatus.
380, 744	2/26/41	C. Dorsman et al	Device for oscillographing electrical or mechanical processes
380, 745	2/26/41	M. Reynst et al	Pressure observer.
380, 952	2/27/41	G. Holst et al	Method of treating carriers for optically-reproducible film records.
381, 116	2/28/41	A. Schat	Luffing davit.
383, 524	3/15/41	J. Van Lammeren et al	Remote motor control.
383, 860	3/17/41	N. Sluyter	Rubber cushioning device and rubber cushioning elements adapted for use therein.
383, 863	3/17/41	W. Krijger	Pile fabric and method of manufacturing such a fabric.
385, 792	3/29/41	M. Strutt et al	Electron discharge tube circuit.
386, 748	4/3/41	D. Van Gelder	Process of purifying sulfuric acid solutions.
387, 504	4/8/41	J. Geldermans et al	Process of separating shells and meats of crustacea.
387, 507	4/8/41	J. Van Liempt	Flashlight lamp.
387, 508	4/8/41	O. Van Lin et al	Insulated electric conductor.
387, 514	4/8/41	E. Reerink et al	Method of separating shell and flesh of crustacea.
387, 762	4/9/41	J. Mulder	Incandescent cathode.
387, 768	4/9/41	H. Klinkhamer et al	Device suitable for charging batteries.
378, 780	4/9/41	P. Dijksterhuis	Device for converting variations of a mechanical quantity in variations of an electric voltage.
388, 250	4/12/41	K. Knol et al	Electromagnetic device.
390, 176	4/24/41	M. Van Overeen	Device for driving the turntable of a gramophone with a constant velocity of the sound groove and a constant number of revolutions.
390, 422	4/25/41	H. Reerink et al	Method of preparing valuable materials with the aid of invertebrates.
391, 008	4/29/41	J. Van Der Heem	Electric vacuum cleaner.
391, 620	5/3/41	J. Snoek et al	Magnetic system.
392, 202	5/7/41	A. Van Der Ziel et al	Circuits for amplifying electric oscillations.
392, 514	5/8/41	J. Kuperus	Magnetic circuit comprising a laminated coiled core.
392, 632	5/9/41	A. Van Der Ziel et al	Amplifying-circuit for ultra-short waves.
392, 633	5/9/41	G. Alma et al	Circuits for the Amplification and/or frequency-transformation of electrical oscillations of ultra-high frequency.
392, 634	5/9/41	A. Van Der Ziel et al	Push-pull amplifying systems for ultra-high frequencies.
393, 301	5/13/41	M. Betting	Composition and method for controlling noxious organisms.
394, 218	5/19/41	J. Van Der Heem	Electric vacuum cleaner having a suction set which is movable over the surface to be cleaned.
394, 766	5/23/41	A. Van Der Ziel et al	High-frequency amplifying circuits.
395, 671	5/28/41	M. Caron	Processes for seperating nickel and cobalt in a solution.
395, 872	5/29/41	N. Addink et al	Method of connecting an electric connecting line, by means of a conductive advesive, to an electrode of a blocking-layer rectifier which consists of low-melting material.
395, 874	5/29/41	C. De Lange et al	Blocking-layer rectifier comprising a cooling plate.
395, 875	5/29/41	C. De Lange et al	Blocking layer cell.
395, 880	5/29/41	J. Snoek	Methods of manufacturing magnetic materials.
395, 888	5/29/41	M. Kuipers	Discharge tube.
395, 892	5/29/41	M. Van Der Meulen	Method of recording and reproducing stereophonic sound vibrations.
395, 897	5/28/41	M. Riejnst	Device for ascertaining the output or input of a reciprocating engine.
397, 805	6/12/41	J. Nelis	High-tension insulator.
397, 867	6/13/41	F. Moller	Nutrient materials.
398, 922	6/20/41	A. De Jong	Wheel with spring spokes.
398, 968	6/20/41	C. Proos	Joints for cables for high tension with oil insulation.
399, 443	6/24/41	J. Jacobson	Projection of images.
400, 274	6/28/41	H. Knoop	Machine for making helically wound barrel-shaped springs.
400, 852	7/2/41	L. Esseling et al	Blocking layer cell.
400, 853	7/2/41	C. De Lange et al	Blocking layer cell.
400, 858	7/2/41	H. Lemmens et al	Electric insulator.
400, 859	7/2/41	J. Derksen	Process of moulding objects.
400, 861	7/2/41	W. Van Zwet	Method of producing ceramic bodies.
401, 026	7/3/41	A. Cramwinckel et al	Film apparatus.
401, 123	7/5/41	F. Van Den Bergh	Bandage for women.
401, 518	7/8/41	C. De Lange et al	Blocking layer cell unit.
401, 528	7/8/41	K. De Boer et al	Device for the stereophonic registration, transmission and reproduction of sounds.
401, 532	7/8/41	G. Hepp	Circuit-Arrangement.
404, 619	7/30/41	E. Den Herder	Preserved foodstuffs.
405, 274	8/2/41	J. Van Aken	Method for manufacturing an improved granular fertilizer containing ammonium nitrate and calcium carbonate.
406, 566	8/12/41	M. Van Den Akker	Method for producing a control sheet, etc.
407, 661	8/20/41	A. De Nachtegaal	Bed settees or chairs.
407, 735	8/21/41	A. Van Overbeek	Secondary electron amplifiers.
407, 738	8/21/41	J. Jonker	Electron discharge device.
409, 905	9/6/41	H. Van Tongeren	Centrifugal dust separators.
412, 181	9/24/41	A. Van Akkeren	Joint nail or clip.
413, 022	9/30/41	B. Van Den Dool	Pill boxes.
413, 450	10/3/41	M. Hustinx	Washing and cleansing agent which remains homogeneous and a process for the preparation of such agent.
413, 700	10/4/41	J. De Konign	Maintaining of unstable suspensions during the separation of coal and rock.
419, 788	11/19/41	H. De Bruijn et al	Process for the production of substantially anhydrous calciumnitrate.
421, 298	12/2/41	K. Posthumus et al	Election discharge devices.
421, 310	12/2/41	J. DeGier	Cathode ray tube system.
421, 393	12/2/41	J. Wolff	Method of improving artificial sausage skins.
421, 394	12/2/41	J. Wolff	Method of drying artificial sausage skins.
421, 395	12/2/41	J. Wolff	Method of and a device for the manufacture of artificial sausage skins.

Serial No.	Filing date	Inventor	Title
421, 396	12/2/41	J. Wolff	Method of and an apparatus for producing artificial sausage skins.
421, 397	12/2/41	J. Wolff	Manufacture of artificial sausage skins made of tubular fabrics impregnated.
421, 398	12/2/41	J. Wolff	Device for the manufacture of artificial sausage skins.
421, 399	12/2/41	J. Wolff	Method of and an apparatus for drying and hardening impregnated artificial sausage skins.
421, 940	12/6/41	W. Kool et al	Heat producing and consuming systems.
422, 869	12/13/41	J. Van Aken	Production of ammonium sulfate.
426, 648	1/13/42	A. Van Es et al	Processes for extracting aluminum from coal mine products.
427, 554	1/21/42	A. Van Weel	Transmitting or receiving device comprising a dipole antenna.
427, 599	1/21/42	T. Douma	Aerial systems.
429, 226	2/2/42	G. Hepp et al	Cathode ray tube devices.
429, 340	2/2/42	J. Ter Berg	Slag-forming material for an arc-welding rod and method for the manufacture thereof.
430, 602	2/12/42	F. Coeterier	Electric discharge tubes.
436, 340	3/26/42	E. Hijams	Tool posts for accommodation of loose tool holders.
443, 971	5/21/42	J. Kluis et al	Rose.

[F. R. Doc. 42-12400; Filed, November 25, 1942; 10:26 a. m.]

[Vesting Order 292]

R. HENRY, ET AL.

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent applications listed and described in Exhibit A attached hereto and made a part hereof,

is property in which nationals of a foreign country (Belgium) have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patent applications in the United States Patent Office which are identified as follows:

Serial No.	Filing date	Inventor	Title
39, 987	10/10/35	R. Henry	Process for the biological and simultaneous purification of waste liquors and their slimes.
167, 311	10/4/37	A. Dewandre	Gun mounting with shock absorber.
242, 290	11/25/38	A. Schuller et al	Process for stabilizing cellulose esters.
247, 961	12/27/38	A. Dewandre	Hydraulically and pneumatically controlled mount for automatic guns.
268, 357	4/17/39	F. Vranken	Heating ovens, particularly those for hardening glass plates.
268, 616	4/18/39	F. Vranken	Heating ovens, particularly those for hardening glass plates.
269, 255	4/21/39	L. Robin et al	Free wheels.
270, 689	4/28/39	D. Kushman	Process of manufacturing alkaline silicates in powder form.
278, 768	6/12/39	R. Mautsch	Process and installation for the manufacture of shaped metal products.
287, 300	7/29/39	J. Persoons et al	Cream separators.
287, 630	7/31/39	M. Demeulenaere	Computing mechanism for cash register and the like.
298, 141	10/5/39	T. Rival	Automatic weighing device.
302, 452	11/1/39	E. Frankignoul	Method and device for constructing concrete moulded in the ground.
304, 632	11/15/39	R. Tritsmans et al	Manufacture of flexible sheet material.
307, 707	12/5/39	A. Lambiotte	Process of continuous carbonization of cellulosic materials.
309, 100	12/13/39	L. Robin et al	Transmission devices.
312, 133	1/2/40	J. Henricot	Lining for tube mills or crushing mills containing balls or similar crushing bodies.
317, 942	2/8/40	A. Bailly	Centrifugal hydro-extractor.
318, 403	2/12/40	P. Mols	Process of and means for grinding glass plates.
323, 719	3/13/40	G. Delchef	Phonograph records automatic changing devices.
323, 807	3/13/40	F. Dumont	Apparatus for shifting a vehicle.
326, 732	3/29/40	A. Claudot et al	Photographic apparatus in detached parts.
327, 816	4/4/40	V. De Samsonow	Processes for producing compressed laminated wood.
330, 197	4/17/40	V. Remus	Valve.
330, 410	4/18/40	H. Duesberg	Method of and arrangement for extracting metal bodies from webs of textiles materials.
331, 265	4/23/40	L. Sturbelle et al	Leaching method and apparatus.
331, 471	4/24/40	H. Duesberg	Carding machines with direct drive.
333, 593	5/6/40	A. Claessens	Composite paint and the method of manufacturing the same.
339, 015	6/5/40	D. Kissman	Process of manufacturing sodium cyanide.
369, 359	12/9/40	J. Doms	Processes for sterlizing milk, etc.
382, 396	3/8/41	M. Rumpf	Devices for the protection of the guiding surfaces of the slides of machine tools.
382, 419	3/8/41	A. Georges	Speed varying devices.
389, 222	4/18/41	H. Verkinderen et al	Colour couplers for photographic colour development.
391, 003	4/29/41	M. Bouffart	Process and device for the production of gases at high pressure and motor fed with these gases.
394, 287	5/20/41	W. Mees	Intermediates for dyestuffs.
394, 288	5/20/41	P. DeSmet et al	Intermediates for dyestuffs.
394, 290	5/20/41	P. Bruylants et al	Color couplers for color development.
395, 359½	5/27/42	M. Hendrikx et al	Food composition.
399, 921	6/26/41	A. Liesken	Swing front face drawer for vertical filing cabinets.
409, 279	9/2/41	M. Caro et al	Racquet stringing machine.
442, 130	5/7/42	A. Adrianoff	Hearth for burning solid fuels leaving ashes having any melting point.

[F. R. Doc. 42-12401; Filed, November 25, 1942; 10:26 a. m.]

[Vesting Order 293]

J. REGNIER, ET AL.

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent applications listed and described in Exhibit A attached hereto and made a part hereof,

is property in which nationals of a foreign country (France) have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patent applications in the United States Patent Office which are identified as follows:

SERIES OF 1925

Serial No.	Filing date	Inventor	Title
738, 375	8/3/34	J. Regnier	Local anaesthetics.

SERIES OF 1935

Serial No.	Filing date	Inventor	Title
17, 398	4/20/35	L. Jumau	Lead electric accumulators.
71, 309	3/27/36	J. Regnier	Alkaloid salts and the manufacture thereof.
108, 062	10/28/36	P. Toulon	Picture transmission systems.
109, 507	11/6/36	R. Barthelemy	Synchronising apparatus for cathode ray oscillographs.
118, 258	12/30/36	P. Goissedet et al	Process for the preparation of new soluble aromatic amido compounds of therapeutic value.
120, 900	1/16/37	P. Chevallier	Amplifier with secondary electronic emission.
121, 898	1/22/37	H. Andre	Accumulators.
122, 332	1/26/37	H. Gutton	Radio apparatus for locating obstructions.
140, 767	5/4/37	J. Le Rouge	Process for removing the substances condensed in cold accumulators in the cooling of gases.
147, 610	6/11/37	W. De Fligue	Separator.
161, 690	8/30/37	E. Desroches	Purification of water.
176, 740	11/26/37	R. Dufour et al	Methods and apparatus for heating and vulcanizing rubber and similar matter.
177, 226	11/30/37	F. Salomon	Oscillation damping means.
187, 514	1/28/38	R. Weitzel	Construction of walls.
187, 733	1/29/38	J. DeTailly et al	Wire glass.
191, 142	2/18/38	A. Delaplace	Combined electric motor and speed reducer units.
197, 725	3/23/38	R. Perrin	Process and apparatus for effecting metallurgical reactions regularly and rapidly.
202, 571	4/16/38	J. Bernard	Magnetic distributors.
203, 849	4/23/38	J. Mercier	Control of two or more concomitant devices.
206, 498	5/6/38	C. Nicolle	Plastic material wrappers.
207, 114	5/10/38	M. Perrey	Apparatus for measuring the maximum energy and force of an impact member or tup for testing any articles and in particular rails.
207, 115	5/10/38	C. Waseige	Mounting of accessories on an aircraft.
208, 303	5/16/38	M. Mennesson	Operative fluid delivery-control devices.
209, 832	5/24/38	F. Mezger	Device for electrical calculation.
209, 869	5/25/38	G. Cantacuzene	Processes and devices for storing liquids sheltered from air.
211, 060	5/31/38	F. Hornain	Safety switch.
213, 267	6/11/38	G. Lefort Des Ylouses	High-frequency electric furnace for the production of oxides of nitrogen.
213, 689	6/14/38	E. Desroches	Process and means of purifying water.
214, 146	6/16/38	J. Cathala	Process for the manufacture of sulfur trioxide.
214, 490	6/18/38	B. Fernier	Electric circuit breaker with compressed fluid blow out.
214, 496	6/18/38	P. Bary	Process for the preparation and use of anticryptogamic colloidal solutions, bactericides and insecticides.
216, 105	6/27/38	H. Guinot	Process of separating olefines from gaseous mixtures.
219, 102	7/13/38	M. Julien et al	Resilient suspension particularly for bodies driven with a rotary motion.
220, 590	7/21/38	R. Anxionnaz et al	Gas turbine plants.

SERIES OF 1935—Continued

Serial No.	Filing date	Inventor	Title
222, 943	8/3/38	J. Lepetit	Electric wires and method of making the same.
228, 364	9/3/38	A. Ruegger	Tiltable seat.
229, 220	9/9/38	P. Petitcolas et al	Process for the manufacture of polyazoic dyestuffs, of lacs derived therefrom, and the new products obtained.
229, 641	9/13/38	J. Mercier	Deformable or elastic accumulators.
234, 731	10/12/38	J. Bethenod	System for controlling the temperature in the interior of vehicles.
235, 224	10/15/38	H. Carroll	Plastic composition, etc.
240, 370	11/14/38	J. Capelle	Method and a machine for the progressive cutting by generation of involute teeth.
240, 593	11/15/38	H. Guinot	Hydration of olefines.
241, 068	11/17/38	R. Boyer et al	Elastic wheels.
242, 072	11/23/38	M. Julien	Suspension devices.
242, 540	11/26/38	R. Malherbe	Electric discharge tubes and lamps and their manufacture.
242, 616	11/26/38	J. Gratzmuller et al	Packing devices.
244, 063	12/5/38	M. Wintrebert	Articulation means for artificial dentures.
244, 382	12/7/38	F. Salomon	Devices adapted to eliminate oscillations.
245, 523	12/13/38	I. Kitroser	Photographic apparatus.
245, 780	12/14/38	J. Frasch	Process for protecting articles made of light metals.
245, 949	12/15/38	T. Volochine	Method and apparatus for the measurement of radiant energy.
246, 223	12/16/38	E. Roirant	Automatic machine for the manufacture of bottles and the like articles.
246, 720	12/19/38	G. Fontaine	Devices for operating land mines and the like by the passage of tanks or other heavy vehicles.
247, 957	12/27/38	G. Garnier	Enciphering apparatus.
248, 645	12/30/38	R. Girche	Process for varnishing supports mainly comprising rubber.
248, 646	12/30/38	L. Bille	Cement and asbestos base mixtures used as plaster work covering layers or walls.
250, 452	1/11/39	M. Julien	Resilient transmission joints.
250, 826	1/13/39	C. Korytko	Piston.
251, 004	1/14/39	G. Valensi	System of television in colours.
251, 638	1/18/39	M. Casse	Machines for treating textile material.
253, 839	1/31/39	P. Beuchon	Photo-electric tube.
254, 376	2/3/39	P. Salles	Process for the electrolytic production of neutral hypochlorinated solutions, means and apparatus used and new products obtained.
254, 743	2/4/39	R. Maillet	Method and apparatus for seismic underground prospecting.
255, 816	2/11/39	J. Savary	Safety razors having adjustable guards.
257, 539	2/20/39	H. Guinot	Separation of mixtures of olefines and paraffins.
257, 762	2/21/39	J. Frasch	Process for the protection of magnesium-base metals.
258, 313	2/24/39	P. Blanchard	Mechanical atomizing burners.
258, 571	2/25/39	J. Lepetit	Electric conductors.
259, 357	3/2/39	R. Rouat	Electric bath.
260, 226	3/6/39	P. Eichinger	Electric conductors.
260, 434	3/7/39	P. Woog	Polymerization of olefins.
261, 068	3/10/39	S. Fiedler et al	Process for the removal of silica from water.
261, 152	3/10/39	J. Fieux	Powder catapult.
261, 154	3/10/39	G. Vulliet-Durand	Plastic materials and the manufacturing process of same.
261, 155	3/10/39	G. Vulliet-Durand	Process for manufacturing homogenous plastic material by impregnation.
261, 491	3/13/39	R. De Lavaud	Propellers.
262, 509	3/17/39	R. Laraque	Shock absorbing means for aircraft landing gear.
262, 567	3/17/39	M. Percheron	Process of artificial digestion of albuminoid and fatty substance
263, 042	3/20/39	C. Bazille	Regulating the operation of a gas producer.
263, 139	3/21/39	A. Samuel	Powder box having a hermetic and inviolable closure.
263, 258	3/21/39	A. Durr et al	Manufacture of plastic materials, etc.
263, 577	3/22/39	G. Vulliet-Durand	Artificial product imitating skins and leather and process for making same.
263, 996	3/24/39	A. Genies	Colour films.
264, 004	3/24/39	P. Richard	Stabilizers for aircrafts.
264, 265	3/25/39	R. Hauguel	Device for the control of the fuel supply of engines.
265, 577	4/1/39	L. Audubert	Volumetic compressors.
265, 602	4/1/39	J. Blumenfeld	Process for the preparation of compounds of cerium.
265, 786	4/3/39	J. Bethenod et al	Apparatus for transforming oscillations.
265, 886	4/4/39	B. Long	Reinforced sponge glass article.
266, 692	4/ 7/39	J. Muller	Fluid handling mechanism.
266, 832	4/ 8/39	Y. Peyches	Salt bath furnace.
267, 203	4/10/39	B. Maisant	Cocoa nut retting methods.
268, 442	4/17/39	C. Nicolle	Packing machine.
268, 499	4/18/39	H. Boutillon	Volumetric liquid meters.
269, 265	4/21/39	F. Mezger	Electrical calculating apparatus.
270, 679	4/28/39	J. Garric	Manufacture of stockings.
270, 788	4/29/39	M. Latour	Instructive and demonstration apparatus or toy for the construction of various electric machines and devices.
270, 928	4/29/39	M. Paquet	Opaquing agent for enamels and process for manufacturing same.
270, 935	4/29/39	P. Latrobe	Manufacture of decorated products permeable to the luminious rays and products obtained therefrom.
271, 343	5/ 2/39	G. Jaubert	Production of bodies which absorb gases and vapors.

SERIES OF 1935—Continued

Serial No.	Filing date	Inventor	Title
271, 524	5/ 3/39	M. Schlumberger	Coring tool.
272, 073	5/ 6/39	A. Paumier	Electronic scanning devices for television.
272, 281	5/ 6/39	F. Amiot	Methods and devices for shaping pieces.
272, 665	5/ 9/39	A. Sobek	Differential pump.
272, 666	5/ 9/39	A. Sobek	Rotary vane-pumps capable of operating as a vacuum pump or as a compressor.
272, 716	5/9/39	L. Gardelle et al	Method of manufacturing hollow valves.
272, 791	5/10/39	J. Mercier	Storage-devices.
272, 848	5/10/39	E. Firon et al	Bow-tie clasps.
272, 880	5/10/39	M. Goudard	Auxiliary carburetion devices for supercharged internal combustion engines.
273, 151	5/11/39	H. Potez	Two-speed driving mechanism for centrifugal compressors.
273, 401	5/13/39	A. Darche	Guns and firearms.
275, 565	5/24/39	G. Fontaine	Fuse setting apparatus for artillery projectiles.
275, 566	5/24/39	M. Paquet et al	Opacifying agents mainly comprising zirconia and process for preparing same.
275, 989	5/26/39	A. Kirchheim	Process for manufacturing glass articles.
276, 022	5/26/39	M. Paquet	Vitreous enamels containing zirconium and process for preparing same.
276, 030	5/27/39	J. Mercier	Propellers with variable pitch.
276, 093	5/27/39	M. Schlumberger	Projectile for perforating bore hole casings.
277, 306	6/3/39	J. Persin	Press-button closure band.
277, 870	6/7/39	J. Boucher	Process and installation for the transverse reinforcement of pipes and other pieces.
278, 770	6/12/39	P. Furth	Process for manufacturing sliding clasp fasteners and in automatic machines for carrying out said process.
278, 945	6/13/39	E. Prat	Dust separators.
280, 012	6/19/39	H. Tailleferre	Marine power plants.
280, 863	6/23/39	P. Lemoigne	Motor propelling units.
281, 751	6/28/39	A. Saheurs	Process and apparatus for the treatment of a fluid.
281, 861	6/29/39	J. Mercier	Pumps.
281, 862	6/29/39	J. Mercier	Distributors for fluid operated apparatus.
282, 338	7/1/39	J. Kirschhof	Locomotive valve actuating mechanism.
282, 756	7/4/39	C. Villard	Galvanometer coil supports.
282, 958	7/5/39	E. Freyssinet	Packing devices.
283, 118	7/6/39	E. Schueller	Compositions for rendering inoffensive the dyeings of the so-called oxidation type.
283, 283	7/7/39	J. Leclabart	Heater for permanent waving.
284, 945	7/17/39	R. Sarazin	Impulse neutralizer.
285, 111	7/18/39	J. LeCorguillier	Device for starting and feeding electric discharge tubes under low pressure.
285, 112	7/18/39	J. LeCorguillier	Device for starting and feeding electric discharge tubes.
285, 256	7/19/39	J. Vancoppenolle	Device for the suspension of vehicles.
285, 266	7/19/39	J. Motte et al	Process for the protection of insecticides.
285, 464	7/19/39	J. Lautrette	Treatment of crankcase oil.
286, 126	7/24/39	P. Gonon et al	Manufacture of artificial tooth.
287, 396	7/29/39	M. Decalion	High efficiency reflectors or searchlights.
287, 893	8/2/39	P. Mesnel	Guideways for sliding windows.
288, 461	8/4/39	C. Waseige	Retractable wheel mounting for aircraft.
288, 462	8/4/39	C. Waseige	Retractable landing gear for aircraft.
288, 463	8/4/39	C. Waseige	Operating mechanisms for retractable members on board aircraft.
288, 679	8/5/39	F. Amiot	Piloting systems for aircrafts.
288, 683	8/5/39	F. Amiot	Construction of fuselages.
288, 972	8/8/39	M. Julien et al	Resilient suspension of vibrating bodies.
289, 301	8/9/39	J. Languepin	Resistance electric welding machines.
289, 326	8/9/39	A. Garbarini	Multiple divergence reflecting devices.
289, 682	8/11/39	H. DeBellescize	Method of telegraphic communication.
290, 317	8/15/39	H. Guinot	Recovery of alcohols from olefine hydration products.
290, 433	8/16/39	F. Salomon	Oscillation reducing device.
290, 868	8/18/39	A. Wormser	Call-dials utilised, in particular, in automatic telephony.
292, 640	8/30/39	J. Mercier	Automatic locking device for undercarriage.
293, 095	9/1/39	H. Thaon	Equalization device.
293, 149	9/2/39	P. Boissou	Pipe joint packing means.
293, 418	9/5/39	P. Boissou	Piping elements and process and outfit for manufacturing same.
293, 601	9/6/39	C. Nicolle	Impervious packings and receptacles.
293, 848	9/7/39	F. Walckenaer	Control devices for steam locomotives.
294, 523	9/12/39	J. Morelle	Collimators.
295, 028	9/15/39	Y. Peyches	Method and means for manufacturing glass.
295, 029	9/15/39	Y. Peyches	Means for manufacturing glass.
297, 182	9/29/39	L. Lejeune	Method for manufacturing balls for games.
297, 183	9/29/39	B. Long	Method of and apparatus for tempering glass sheets.
297, 191	9/29/39	J. Frasch	Process for the protection of magnesium and its alloys.
297, 764	10/3/39	H. De Poix	Process for preserving perishable foodstuffs.
297, 931	10/4/39	M. Mennesson	Control devices for variable pitch propellers.
299, 877	10/17/39	R. Laraque	Winch, etc.
299, 907	10/17/39	R. Perrin	Process for economically and rapidly obtaining high quality steels.
300, 233	10/19/39	E. Tassel	Synthetic tannins.
300, 234	10/19/39	A. Durr et al	Process for the manufacture of colours for printing, products resulting therefrom and their industrial applications.
302, 568	11/2/39	J. Labour	Processes and apparatus for the extraction of liquids such as petrol and all other hydrocarbons contained in jellies or like products.
304, 633	11/15/39	M. Julien	Resilient supports.
304, 834	11/16/39	G. Boulet	Aircraft power plants for high altitude flight.
304, 837	11/16/39	J. Brasseur	Assembly of metallic elements or the like.
304, 867	11/16/39	E. Lejeune	Process and device for the manufacture of gas masks.
304, 884	11/17/39	G. Valensi	Communication system.
305, 029	11/17/39	L. Cheneau	Automotive vehicles.
305, 040	11/17/39	E. Barde	Process which enables the reproduction of images by means of diazonic compounds to be obtained.
305, 042	11/17/39	L. Pagnon	Process of manufacture of cellular rubber having fluid-tight cells.
305, 384	11/20/39	R. Marais	Pump for injection engines.
305, 404	11/20/39	R. Hirsch	Process for sizing of fibrous materials.
305, 481	11/21/39	J. Seailles	Manufacturing sulphurous anhydride alumina and cements starting from sulphates of calcium.
305, 564	11/21/39	G. Kopp et al	Novel chromiferous dyestuffs and processes for making the same.
306, 197	11/25/39	L. Pagnon	Process for the manufacture of cellular rubber having fluid tight cells.
306, 501	11/28/39	B. Long	Manufacture of multicellular glass.
306, 564	11/28/39	C. Waseige	Variable pitch aerial propellers.
308, 738	12/11/39	C. Franchini	Method and device for increasing, on alternating current supply systems, the efficiency of electric lighting installations and for supplying electrical apparatus operating at very low tension.
309, 051	12/19/39	J. Lobstein	Electric heating apparatus for all applications.
309, 506	12/15/39	G. Chausson	Cooling devices for engines.
309, 655	12/16/39	L. Bechereau	Supporting surfaces for aircrafts.
309, 656	12/16/39	F. Amiot	Devices for shaping pieces.
310, 182	12/20/39	J. Seailles	Process for extraction of magnesia from water containing convertible magnesium salts, such as sea water.
310, 427	12/21/39	P. Richard	Fuselages of aircrafts.
310, 626	12/22/39	M. Dalotel	Diaphragm control device for motion and still picture cameras.
311, 434	12/28/39	R. Marais	Windscreen wiper having a wide sweeping action.
311, 678	12/29/39	J. Fieux	Catapult devices for launching aerial machines.
311, 869	12/30/39	M. Elie et al	System for object detection and distance measurement.
312, 220	1/3/40	J. Reutter	Dynamic compass.
312, 371	1/4/40	M. Pegard	Machine-tool and especially radial drilling machine.
313, 124	1/9/40	M. Mennesson	Carburation devices for internal combustion engines.
313, 281	1/10/40	A. Saheurs	Processes and apparatuses for the regeneration of a liquid or other applications.
313, 336	1/11/40	J. Nougarou	Mechanism for the automatic control of a speed change transmission of motor vehicles.
313, 441	1/11/40	A. Bailly	Drive for the spindles of machine tools.
314, 347	1/17/40	M. Ricard	Process and device for the manufacture of moulded objects of a cellular, rubber-like substance having closed gas-tight cells, etc.
314, 406	1/18/40	J. Mercier	Deformable systems.
314, 407	1/18/40	J. Mersier	Stamping and marking machine.
314, 811	1/20/40	F. Mathieu	Driving mechanism.
315, 012	1/22/40	J. Abadie	Luminescent lamp bulbs.
315, 013	1/22/40	J. Abadie	Low tension lamp bulbs.
315, 014	1/22/40	J. Abadie	Low voltage luminescent tubes.
315, 015	1/22/40	J. Abadie	Fluorescent and phosphorescent tubes.
315, 016	1/22/40	J. Abadie	Auxiliary equipment for luminescent tubes.
315, 017	1/22/40	J. Abadie	Luminescent lamp with turbulent discharge.
315, 018	1/22/40	J. Abadie	Carbureted emissive electrodes.
315, 157	1/23/40	M. Schlumberger	Gun perforator.
316, 681	1/31/40	F. Boinot	Process for the treatment of worts, etc.
316, 824	2/1/40	F. Pappe	Calculating machine.
318, 343	2/10/40	R. Tauty	Devices for airchutes.
318, 344	2/10/40	A. St. Genies	Devices for making exposures on lenticular films.
318, 782	2/13/40	R. Leboime	Pliable envelope or balloon bag for inflammable gases.
318, 888	2/14/40	P. Ratie et al	Assembly for the blades of variable pitch airscrews.
318, 932	2/14/40	P. Bollee et al	Means for testing hardness of materials.
318, 940	2/14/40	O. Archaouloff	Automatic pump for fuel injection actuated by the compression of gas in the cylinder of an internal combustion engine.
319, 762	2/19/40	H. Guinot	Treatment of acetic acid.
319, 988	2/21/40	R. Rouanet et al	Control limitating devices on aircraft.
320, 608	2/24/40	Y. Rocard	Magnetic apparatus and particularly to magnetostriction microphones.
320, 728	2/24/40	J. Herail at el	Buoyancy system.
320, 909	2/26/40	C. Waseige	Mounting of accessories on an aircraft.
320, 937	2/26/40	J. Rabourdin	Control system and method especially for railway car classification yards.
321, 103	2/27/40	L. Corset	Remote reading electric indicator gauge.
321, 161	2/28/40	G. Vieillard	Record card for card controlled machines.
321, 349	2/28/40	G. Lequerler	Porous partitions for storage batteries and electric cells.
322, 257	3/4/40	B. Carnauh	Disinfecting product, etc.
322, 623	3/6/40	G. Kopp	Metalliferous substantive dyestuffs.

SERIES OF 1935—Continued

Serial No.	Filing date	Inventor	Title
323, 201	3/9/40	E. Dewoitine	Aeroplanes and hydroplanes having folding wings.
323, 229	3/9/40	J. Semet	Fluid measuring device.
323, 475	3/11/40	G. Croulard	Soaps.
323, 570	3/12/40	J. Seailles	Improvements in methods for solving raw aluminates of lime in water and eventually recovering alumina.
323, 624	3/12/40	G. Jaubert	Plant for the preparation of hydrogen under pressure.
325, 899	3/25/40	A. Mazuir	Process and apparatus of fractional recovery with solid absorbents.
326, 494	3/28/40	J. Frasch	Process for the treatment of metals by means of galvanic current in which the metal to be protected serves as cathode.
326, 495	3/28/40	J. Frasch	Processes for the protection of metals and alloys.
326, 529	3/28/40	R. Tauty	Devices for absorbing shocks especially for parachute.
326, 558	3/29/40	M. De Milleville	Method & apparatus for filling containers.
326, 650	3/29/40	A. Dauvillier et al	Fire-alarm systems and in detectors of radio active materials.
326, 724	/29/40	C. De Rohden	Magnesium-base alloys containing metals of the cerium group of rare earth, substantially free from cerium.
326, 801	3/29/40	C. Andre	Process for causing luminescent substances to adhere to glass walls.
326, 804	3/29/40	J. Zeltner et al	Process for manufacturing carbinols having an acetylenic function.
328, 115	4/5/40	M. Mennesson	Compressor-supercharged carburation devices for internal combustion engines.
328, 152	4/5/40	G. Kopp et al	Dyestuffs derived from the 2-amino-3-naphtoic acid their method of manufacture and their applications.
328, 160	4/5/40	J. Joliot et al	Device for the production of energy.
328,372	4/6/40	J. Joliot et al	Method of stabilizing a device producing energy.
328, 538	4/8/40	P. Bollee et al	Expanding devices for piston rings.
328, 683	4/9/40	F. Mathieu	Safety device against fire for cinematographic projectors.
328, 795	4/9/40	A. Michel	Methods and apparatus for spinning kapok yarns.
328, 824	4/10/40	E. Dewoitine	Machines for milling the flanges of airplane wing spars.
328, 949	4/10/40	A. Magis	Singleaction high speed multi-cylinder pumps
330, 007	4/17/40	P. Mercier	Landing gears with dirigible landing wheel.
330, 112	4/17/40	J. Andreau	Free wheels device.
330, 219	4/17/40	J. Sertin	Oar actuating apparatus.
330, 226	4/17/40	R. Anxionnaz et al	Mechanical liquid fuel atomizing burner of variable discharge.
330, 429	4/18/40	G. Boulet	Systems for cooling a fluid charged with thermic energy.
330, 613	4/19/40	P. Woog	Treatment of hydrocarbons.
331, 281	4/24/40	A. Zuckermann	Signalling or advertising devices.
332, 307	4/29/40	L. Poillevey	Apparatus for transmitting the response of weighing scales to recording mechanism.
332, 308	4/29/40	L. Poillevey	Apparatus for transmitting the response of weighing scales to recording mechanism.
333, 242	5/3/40	J. Languepin	Resistance electric welding machines.
333, 312	5/4/40	G. Bastard et al	Sewing machine and needle.
333, 335	5/4/40	R. Guichard	Device for filing documents.
333, 410	5/4/40	L. Boudin	Process and apparatus for the continuous production of corrugated glass sheets.
333, 561	5/6/40	F. Salomon	Oscillations reducing device.
333, 698	5/6/40	G. Jaubert	Drying plant for gas.
333, 847	5/7/40	G. De Ram	Shock absorbers.
333, 867	5/7/40	J. Languepin	Mercury switch.
334, 059	5/8/40	J. Tessier	Photographic englargers.
334, 633	5/11/40	E. Jung	Devices for regulating the temperature of electric furnaces of the resistant type.
335, 081	5/14/40	F. Salomon	Oscillations reducing device.
335, 122	5/14/40	P. de Gavardie	Aeroplane provided with a firing turret mounted on a universal joint.
335, 199	5/15/40	R. Behin	Process and means for the construction of houses with standard panelling.
335, 356	5/15/40	A. Chomette et al	Method of manufacturing products from rubber, etc.
335, 383	5/15/40	J. Mercier	Emergency devices for hydraulic control systems.
335, 384	5/15/40	J. Mercier	Hydraulic control systems.
335, 386	5/15/40	J. Mercier	Pumps.
335, 387	5/15/40	J. Mercier	Manufacture of carpets, linings or the like.
335, 573	5/16/40	L. Arsandaux	Supporting elements for aircrafts.
335, 599	5/16/40	R. Tauty	Devices for airchutes.
335, 627	5/16/40	M. Paquet	Manufacture of enamels.
336, 416	5/21/40	P. Petitcolas et al	Intermediary products for the production of dyestuffs, process for making the same, and applications thereof.
336, 786	5/23/40	M. Abribat	Method for treating materials.
337, 743	5/29/40	E. Lehwess	Device for fastening the shank of a propeller blade.
337, 934	5/29/40	O. Herbin	Gas mask for horses.
338, 266	5/31/40	J. Cotal	Methods and devices for grinding cooperating faces of friction members.
338, 620	6/3/40	H. Pelce	Change-over device for circular weaving looms.
338, 695	6/4/40	C. Rodanet	Apparatus for recording the speed of a vehicle.
338, 719	6/4/40	A. Huet	Desuperheater for locomotive application.
338, 767	6/4/40	A. Claude	Electric discharge lamp.
338, 782	6/4/40	J. Kienzle	Condensation products, etc.
339, 025	6/5/40	L. Guichard	Diaphragm pumps for feeding fuel to explosion engines.
339, 389	6/7/40	R. Perrin	Purifying metals.
339, 812	6/10/40	A. St. Genies	Colour films.
339, 981	6/11/40	L. Saives	Arrangements for controlling brakes with interposition of a servo-brake.
340, 167	6/12/40	A. Etienne	Process of production of mixtures of gases hard to liquefy.
340, 856	6/15/40	A. Barbier	Apparatus for the electronic treatment of liquids.
341, 578	6/20/40	H. Pelce	Circular weaving looms.
341, 967	6/22/40	R. Perrin	Process for simultaneously dephosphorizing and deoxidizing steel.
342, 318	6/25/40	R. Villem	Phase compensator for groups of microphones or transmitters in particular for submarine transmissions by ultra sounds.
342, 563	6/26/40	J. Hamon	Folding trunks and the like.
342, 756	6/27/40	J. Mercier	Airplane landing gear.
343, 177	6/29/40	A. St. Hilaire	Method of manufacturing phonographic discs.
343, 178	6/29/40	A. St. Hilaire	Apparatus for manufacturing phonographic discs.
343, 283	6/29/40	J. Bernard	Ignition magneto provided with a rotary cylindrical magnet.
343, 284	6/29/40	J. Bernard	Multiple field magnet ignition magneto.
343, 285	6/29/40	J. Bernard	Multi-armature ignition magneto.
343, 303	6/29/40	C. Waseige	Fly-wheel starters for aircraft engines.
344, 220	7/6/40	D. Seiaky	Method and apparatus for electric resistance welding of tubes.
344, 647	7/10/40	R. Villem	Microphonic transmitter devices in particular for submarine transmission by ultra sounds.
344, 826	7/10/40	A. Kegresse	Automatic variable speed transmission.
347, 271	7/24/40	E. Torcheux	Carrying system.
348, 896	7/31/40	A. Dauphin	Electromagnetic transport device.
352, 622	8/14/40	E. Lizeray	Method and apparatus for the fermentationless conservation of fruit-grape-and greens-juices.
355, 846	9/7/40	R. Perrin	Manufacture of low-carbon ferro-alloys.
360, 939	10/12/40	R. Seligman	Means and method of radiating heat.
362, 229	10/22/40	C. Rodanet	Device for exerting a constant returning torque on a rotatively movable unit.
362, 230	10/22/40	C. Rodanet	Automatic device for creating and maintaining in an enclosure a predetermined partial vacuum, and application of said device to the control of altimetric and barometric apparatus.
362, 231	10/22/40	C. Rodanet	Gauges indicating the level of a liquid of the gaseous bubbling type.
365, 862	11/16/40	A. Delloye	Vitreous insulators.
367, 236	11/26/40	D. Sciaky	Process and machine for welding by electro-magnetic storage of energy.
367, 666	11/28/40	R. Anxionnaz et al	Reaction propelling device for aircrafts.
367, 667	11/28/40	R. Anxionnaz et al	Reaction propelling device with supercharged engine.
367, 866	11/29/40	A. Glorie	Device for measuring voltages or intensities in very low power circuits.
368, 458	12/4/40	J. Seailles	Process for extracting magnesia from aqueous solutions containing convertible magnesium salts, such as sea-water, etc.
368, 537	12/4/40	L. Guyard	Processes for extracting and concentrating sulphur dioxide.
368, 873	12/6/40	R. Seligman	Stamping die.
369, 500	12/10/40	G. Cantacuzene	Demountable hangar for airplanes and seaplanes.
372, 968	1/3/41	C. Rodanet	Magnetic tachometers.
373, 689	1/8/41	H. Guinot	Dehydration of acetic acid by azeotropic distillation.
373, 690	1/8/41	H. Guinot	Hydration of olefines.
373, 691	1/8/41	H. Guinot	Hydration of olefines.
373, 714	1/9/41	R. Fonck	Fighter planes.
374, 007	1/10/41	G. Allec	Fire-control apparatus for direct-aiming anti-aircraft fire-arms.
374, 425	1/15/41	P. Mercier	Exhaust manifold.
374, 627	1/16/41	P. Carpentier	Coil windings.
374, 742	1/16/41	P. Whitechurch	Hinged connections, more particularly for binocular optical instruments.
375, 866	1/24/41	C. Waseige	Control mechanisms for lowering flaps and lifting increasing for aircraft.
375, 868	1/24/41	E. Cudraz	Apparatuses for manufacturing hollow glass articles.
376, 930	1/31/41	A. Peycelon et al	Device for dissociating the electric charges of a gas or of a gaseous mixture.
377, 041	2/1/41	E. Freyssinet	Process and device for the tensioning and anchoring of cables, etc.
377, 047	2/1/41	G. Gauthier	Aluminum alloys.
377, 048	2/1/41	G. Gauthier	Process for protecting aluminum alloys.
377, 049	2/1/41	G. Gauthier	Process for protecting aluminum alloys.
378, 061	2/8/41	M. Grunfeld	Manufacture of primary amines.
378, 638	2/12/41	P. Brissonnet et al	Transmissions.
378, 640	2/12/41	E. Loison et al	Lubrication devices.
379, 694	2/19/41	M. Lyon et al	Method and apparatus for fabricating objects from plywood and products thereof.
381, 226	3/1/41	G. Valensi	System of television.

SERIES OF 1935—Continued

Serial No.	Filing date	Inventor	Title
381, 764	3/4/41	J. Claudin	Process for manufacture of isothiocyanates.
382, 037	3/6/41	H. Pittet	Electric device for distant indication.
382, 094	3/6/41	J. Loiseleur	Metallic coating.
382, 100	3/6/41	G. Passelecq et al	Agglomerated bodies of carbonaceous material and process for making the same.
382, 101	3/6/41	G. Passelecq et al	Refractory products.
382, 105	3/6/41	C. Waseige	Pressure control valves.
382, 106	3/6/41	C. Waseige	Plants for distributing air under pressure and in constituting parts thereof.
382, 146	3/7/41	R. Leboime et al	Manufacture of flexible envelopes or the like.
383, 014	3/12/41	P. Cuvier	Preparation of phenol-urea-formaldehyde resins.
383, 056	3/12/41	A. Bidaud	Process for isolating pentaerythrite from its solutions.
385, 019	3/24/41	H. Guinot	Manufacture of aliphatic acids.
385, 563	3/27/41	C. Waseige	Screw propeller pitch adjusting devices.
385, 760	3/28/41	G. Jeudi et al	Method of manufacturing hollow poppet valves.
386, 191	3/31/41	G. Vignal	Films for the teaching of languages.
386, 196	3/31/41	R. Sarazin	Apparatus for checking the work of arc welders.
386, 560	4/2/41	C. Herbline	Smoke producing means.
386, 742	4/3/41	R. Bretagne	Process for the preparation of dyestuffs of the anthtracene series.
387, 794	4/10/41	L. Herkert	Tubular remote control devices.
388, 039	4/11/41	M. Gianoli	Automatic piloting of marine or aerial vehicles.
388, 128	4/11/41	R. Ratie	Apparatus for controlling, with pitch indicator.
388, 131	4/11/41	J. Boucher	Centrifugated tubular bodies and processes and apparatuses for their manufacture.
388, 877	4/16/41	C. Waseige	Purifier and oil separating apparatus.
389, 810	4/22/41	P. Coiffu	Process and apparatus for manufacturing burnt, molten or clinkerized materials and particularly cements.
390, 242	4/25/41	B. Long	Projectiles particularly intended for small calibre fire-arms of very flat firing.
390, 857	4/28/41	J. Goiot	Starting device for internal combustion engines.
391, 968	5/5/41	M. Mennesson	Carburetters of the fuel injection type.
392, 169	5/6/41	C. Waseige	Hydraulic shock absorber and landing gear embodying same.
392, 571	5/8/41	J. Gratzmuller	Valve systems.
392, 578	5/8/41	J. Mercier	Pumps and compressors.
392, 579	5/8/41	J. Mercier	Injection pump.
392, 580	5/8/41	J. Mercier	Fluid mixing apparatus.
392, 581	5/8/41	J. Mercier	Hydraulic motors.
395, 485	5/27/41	H. Porsin	Therapeutical uses of organic peroxides.
395, 893	5/29/41	G. Maillat	Portable stereoscopic device for checking electric meters.
396, 457	6/3/41	A. Poelman	Manufacture of air filters.
396, 458	6/3/41	P. Richard	Aircrafts.
396, 530	6/4/41	A. De Saint-Exupery	Method of position findings by electro-magnetic waves.
396, 778	6/5/41	A. Morton	Hydraulic damping and stabilizing device.
396, 779	6/5/41	A. Morton	Device for the supply of hydraulic control apparatus for motor vehicles.
397, 308	6/9/41	M. Tiberghien	Rubber-covered paving blocks.
397, 647	6/11/41	P. Toulon	Orientation systems.
397, 812	6/12/41	M. Mennesson	Auxiliary motor devices for driving light vehicles.
403, 628	7/23/41	B. Leger et al	Tabulating machines or the like.
403, 856	7/24/41	E. Laffly	Coupling devices for the assembly of tubular elements.
406, 071	8/8/41	J. Gobin (Dit Daude)	Riveted joints.
406, 072	8/8/41	J. Gobin (Dit Daude)	Riveted joints.
409, 751	9/5/41	L. Guyard	Method for purifying bismuth.
412, 194	9/24/41	J. Meyer	Feeding of motors.
412, 345	9/25/41	M. Descarsin	Electrical heating of articles made of glass or other vitreous material.
412, 524	9/26/41	J. Lautrette	Regenerating devices for the lubricating oil for motors and the like.
414, 192	10/8/41	J. Gobin (Dit Daude)	Snap fastener sockets.
414, 756	10/13/41	B. Long	Processes and devices for welding glass to metal and articles obtained thereby.
414, 866	10/13/41	B. Long	Methods eliminating the coloration of glass obtained by electric melting.
415, 230	10/16/41	C. Berthiez	Device making it possible to ensure the horizontality and locking of an overhanding arm moving vertically along a column.
415, 360	10/17/41	P. Carpentier	Device for pointing in a variable altitude an optical apparatus.
416, 126	10/22/41	S. Clave et al	Multiple focus lenses and method of making same.
416, 269	10/23/41	J. Gobin (Dit Daude)	Fasteners for detachably assembling two parts.
416, 566	10/25/41	C. Waseige	Pneumatic drive of the gyroscopes on the board aircraft.
418, 491	11/10/41	J. Routin	Process and devices for the use of the phonograph in teaching.
419, 783	11/19/41	E. Claveau	Two-stroke engines.
420, 292	11/24/41	L. Lejeune	Tennis ball.
424, 624	12/27/41	L. Lejeune	Process for making tennis balls.
425, 186	12/31/41	J. Bary	Processes for machining light metals and alloys.
425, 448	1/2/42	E. Bedunea	Semi-automatic machine intended for finishing the grooves of ball bearing rings.
426, 212	1/9/42	R. Lambert	Electric furnace for the manufacture of condensable products.
427, 649	1/21/42	A. Poncet	Mercury amperehourmeters.
427, 956	1/23/42	F. Savoye	Equipments for the projection of stereoscopic views and films.
428, 304	1/26/42	L. Hermitte	Gas turbine motor plants.
428, 305	1/26/42	L. Hermitte	Devices for starting gas turbine motor plants.
429, 428	2/3/42	E. Laffly	Coupling devices.
430, 304	2/10/42	H. Bernat	Product for overcoming the cryptogamic diseases of plants and its manufacturing process.
430, 821	2/13/42	R. Saulnier	Construction of retractable landing gear.
430, 822	2/13/42	R. Saulnier	Construction of welded tanks and other structures.
430, 823	2/13/42	R. Saulnier	Methods of assembly of tanks and the like.
430, 970	2/14/42	C. Waseige	Retractable tail landing gears for aircraft.
431, 207	2/17/42	M. Durand	Balanced control for cycle brakes.
432, 484	2/26/42	L. Kientz	Varnish, etc.
433, 206	3/3/42	P. Gonon	Process for increasing the retention capacity of the sealing surface of artificial porcelain teeth.
434, 148	3/10/42	E. Kolb	Method and products for treating plants or plant parts.
434, 985	3/16/42	M. Sedille	System and devices for controlling thermal gas turbine motive units.
434, 986	3/16/42	M. Sedille	Gas turbine installations operating on gaseous fuels.
435, 196	3/18/42	C. Garnier	Hand pieces or holding devices for rotary tools as used by dentists.
436, 355	3/26/42	C. Bonnier	Explosion or combustion engines.
436, 535	3/27/42	P. Gamet	Multiple strand aerials.
437, 428	4/2/42	P. Decourtis	Piston and cylinder systems.
437, 449	4/2/42	M. Richou	Apparatus of the kind of the diving suits.
437, 596	4/3/42	J. LeBras et al	Processes for the amelioration of rubber.
437, 597	4/3/42	P. Compagnon et al	Process for the amelioration of rubber.
438, 045	4/7/42	J. Frejacques	Fuel for motor vehicles.
439, 203	4/16/42	L. Parnet	Adjustable spanners.
439, 320	4/17/42	G. Mozzanini et al	Device for insuring a proper distribution of the loads among direct current electric machines.
439, 604	4/18/42	F. Boinot	Method for saccharifying cellulosic materials by means of diluted mineral acids.
439, 904	4/21/42	P. Bricout	Method and appliance for curve distortion of alternating currents.
440, 037	4/22/42	P. Thomas	Pressing devices with an endless strip.
440, 103	4/22/42	J. Marette	Incandescent projection lamps with reflector.
441, 859	5/5/42	C. Bonnier	Carburetors.
441, 860	5/5/42	A. Couturier	Air tubes for pneumatic tires.
442, 373	5/9/42	P. Gamet	Coupling systems for loading devices such as aerials.
442, 374	5/9/42	P. Gamet	Aerial systems for radiobeacons.
443, 629	5/19/42	M. Crouet	Compressed foliated wood.
443, 791	5/20/42	H. Perrot	Brakes.
443, 954	5/21/42	H. Perrot	Pressed metal sole for shoes and shoe embodying said sole.
443, 965	5/21/42	C. Waseige	Multi-drive gear box.
443, 966	5/21/42	C. Waseige	Production of compressed air on board aircraft.
446, 374	6/9/42	P. DeGiacomoni	Method of transition for passing from a connection to another in couplings of direct current motors.
447, 988	5/21/42	J. Bernard	Ignition systems for multi-cylinder engines.
450, 937	7/14/42	C. Waseige	Devices for starting aircraft engines.
454, 870	8/14/42	G. Courcy et al	Mechanical-electrical sound reproducer.
454, 871	8/14/42	G. Courcy et al	Mechanical-electrical sound reproducer.

[F. R. Doc. 42-12402; Filed, November 25, 1942; 10:25 a. m.]

[Vesting Order 294]

H. JOHNSEN, ET AL.

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> Patent applications listed and described in Exhibit A attached hereto and made a part hereof,

is property in which nationals of a foreign country (Norway) have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patent applications in the United States Patent Office which are identified as follows:

SERIES OF 1925

Serial No.	Filing date	Inventor	Title
727, 852	5/26/34	H. Johnsen	Process for the production of salts by base-exchanging substances.

SERIES OF 1935

Serial No.	Filing date	Inventor	Title
197, 114	3/21/38	G. Whist	Wire twisting machine.
249, 074	1/3/39	T. Loftheim	Separator.
253, 223	1/27/39	A. Aasen	Thermoplastic material, etc.
258, 310	2/24/39	B. Aas	Method for the cutting of the bevel on hull planks in carvel built vessels.
260, 152	3/6/39	I. Alnaes	Electric counting device.
260, 643	3/8/39	R. Johansen	Carrying-fixtures.
285, 200	7/18/39	M. Aamodt	Card index systems, filing systems and the like.
285, 397	7/19/39	R. Tanberg	Cooling glass ribbon in Fourcault machines.
295, 147	9/15/39	F. Jeremiassen	Treatment of solutions to obtain solid matter therefrom.
302, 919	11/4/39	O. Imset	Screen for paper stock and the like.
308, 484	12/9/39	H. Brudal	Method of and apparatus for producing of aqueous suspensions of clay.
312, 146	1/2/40	H. Sandholt	Scythes.
313, 298	1/10/40	A. Foss et al	Method for the utilization of potash containing minerals as fertilizers.
317, 610	2/6/40	G. Mossin	Electrical heating devices.
319, 965	2/20/40	A. Olsen	Preparation containing B-vitamins and process for the manufacture of same.
325, 811	3/25/40	H. Johnson	Manufacture of nitrates of metals of the alkaline metal group.
328, 090	4/5/40	R. Hofgaard	Type for typewriting machines perforation or printing as well as interpretation system for characters.
340, 606	6/14/40	B. With	Means for fastening shoes on skis.
342, 112	6/24/40	K. Stenvik	Highly refractory building material and method of making same.
353, 906	8/23/40	V. Goldschmidt	Bonded refractories and method of making same.
358, 039	9/23/40	N. Mathiesen	Card filing compartments.
359, 788	10/4/40	H. Andresen	Sheet arrangements for the stretching of surfaces.
361, 254	10/15/40	V. Goldschmidt, et al	Heat resistive material, especially building material, and method of making same.
362, 468	10/23/40	J. Een	Reinforced door of wood and/or insulation material.
370, 077	12/13/40	C. Dybberg	Life-saving suit.
372, 654	12/31/40	F. Juell	Method and device for separating solid substances from suspensions.
373, 033	1/3/41	B. Johnsen	Opening tins and other containers.
373, 038	1/3/41	F. Hurum	Internal combustion engines.
388, 276	4/12/41	O. Moeklebust et al	Iron oxides and method of producing them.
388, 698	4/15/41	E. Rotheim	Valves for liquids under gas pressure.
388, 699	4/15/41	E. Rotheim	Liquid spraying apparatus.
391, 416	5/1/41	T. Ellefsen	Process for the production of carbides and ferro-alloys.
392, 754	5/9/41	F. Hurum	Internal combustion engines.
393, 133	5/12/41	J. Kielland	Method and apparatus for counting blood corpuscles.
393, 492	5/14/41	R. Hofgaard	Device for operating a machine from a control tape.
399, 397	6/23/41	A. Foss	Method for carrying out base exchange processes.
409, 742	9/5/41	M. Sem et al	Arrangement in self-baking electrodes.
414, 040	10/7/41	I. Issachsen	Crystallizers.
414, 869	10/13/41	G. Pettersen	Central lock systems.
416, 884	10/28/41	T. Schrder-Nielsen	Protecting and launching device for life boats.
419, 794	11/19/41	D. Naerbo	Automatic signalling apparatus for street-crossing, etc.
420, 411	11/25/41	G. Pettersen	Door closers with oil brake.
445, 426	6/2/42	T. Eek	Means for driving an electric generator on board a ship.

[F. R. Doc. 42-12403; Filed, November 25, 1942; 10:25 a. m.]

[Vesting Order 295]

R. RUIZ, ET AL.

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> Patent applications listed and described in Exhibit A attached hereto and made a part hereof,

is property in which nationals of a foreign country (Philippines) have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

Exhibit A

Patent applications in the United States Patent Office which are identified as follows:

Serial No.	Filing date	Inventor	Title
231, 430	9/23/38	R. Ruiz	Submarine depth torpedoes.
281, 413	6/27/39	L. Rebano	Ice-bags and hot-water-bottles.
352, 814	8/15/40	H. Henares	Wood preservative and process of preparing the same.
378, 652	2/12/41	C. Alvizo	Auto-winding-aero machine.
383, 888	3/17/41	E. Hawk	Process of treating chromite ores, particularly masinloc ore to obtain therefrom aluminum, ferrochromium, and other products.
387, 517	4/8/41	N. Capay	Turn-plates for cane sugar mills.
400, 520	6/30/41	N. Maramba	Methods and apparatus for producing gaseous motor fuels.
403, 030	7/18/41	V. Aldaba	Fiber spinning apparatus.
410, 217	9/9/41	H. Henares	Method and apparatus for extracting fibers from fibrous husks.
413, 551	10/3/41	M. Roxas	Processes for treating bagasse.
417, 194	10/30/41	R. Oriol	Stereoscopic motion picture device.
D-95, 880	10/16/40	F. Berry	Cake of soap.
D-95, 881	10/16/40	F. Berry	Cake of soap.
D-95, 882	10/16/40	F. Berry	Cake of soap.
D-95, 883	10/16/40	F. Berry	Cake of soap.
D-95, 884	10/16/40	F. Berry	Cake of soap.
D-96, 297	11/4/40	F. Berry	Cake of soap.

[F. R. Doc. 42-12404; Filed, November 25, 1942; 10:24 a. m.]

[Vesting Order Number 296]

E. Muller, et al.

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent applications listed and described in Exhibit A attached hereto and made a part hereof,

is property in which nationals of a foreign country (Luxembourg), have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] **Leo T. Crowley,**
Alien Property Custodian.

Exhibit A

Patent applications in the United States Patent Office which are identified as follows:

Serial No.	Filing date	Inventor	Title
85, 166	6/13/36	E. Muller	Automatic selectivity control for radio receivers.
165, 369	9/23/37	A. Lamesch	Fibre or filament of glass.
165, 371	9/23/37	A. Lamesch	Method of and apparatus for producing filaments or the like of glass and structures thereof.
250, 910	1/14/39	F. Salomon	Device for preventing speed oscillations and vibrations of the rotary members of machines.
276, 250	5/17/39	R. Esnault-Pelterie	Apparatus for controlling land, marine and aerial vehicles.
283, 844	7/11/39	A. De Muyser	Retractable landing gear for airplanes.
286, 278	7/24/39	J. Wauters	Vaned projectiles.
286, 279	7/24/39	J. Wauters	Illuminating shells.
286, 280	7/24/39	J. Wauters	Ordnance.
287, 297	7/29/39	R. Moineau	Mechanisms for the propulsion of watercraft.
291, 636	8/24/39	A. De Muyser	Construction of airplanes.
298, 570	10/9/39	R. Esnault-Pelterie	Heating and refrigerating process and apparatus for carrying it into effect.
313, 114	1/9/40	A. Baagoe	Weighing machines with digit indication of the weighing value.
322, 930	3/8/40	W. Kroll	Electrical resistance elements.
322, 931	3/8/40	W. Kroll	Bimetallic elements and alloys useful therein.
369, 033	12/7/40	R. Esnault-Pelterie	Means and methods for heating and cooling.

[F. R. Doc. 42-12405; Filed, November 25, 1942; 10:24 a. m.]

[Vesting Order 297]

J. Grabec, et al.

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent applications listed and described in Exhibit A attached hereto and made a part hereof,

is property in which nationals of a foreign country (Czechoslovakia) have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] **Leo T. Crowley,**
Alien Property Custodian.

Exhibit A

Patent applications in the United States Patent Office which are identified as follows:

Serial No.	Filing date	Inventor:	Title
163, 602	9/13/37	J. Grabec	Method and apparatus for molding perforated elastic material.
176, 335	11/24/37	J. Vesely	Cartridge belts.
181, 966	12/27/37	M. Tischer	Method of forming a bright metallic deposit on the surface of objects.
196, 790	3/18/38	V. Holek et al	Devices for filling and emptying cartridge belts.
198, 970	3/30/38	V. Havlicek et al	Methods of interrupting alternating electric current.
223, 474	8/6/38	J. Grabec	Stretchable laminated fabric and manufacture of same.
241, 134	11/18/38	J. Hoza	Machine for milling and burnishing heels.
246, 756	12/19/38	P. Kubelka et al	Manufacture of calcium sulphate.
250, 208	1/10/39	F. Janecek et al	Firearms.
250, 209	1/10/39	F. Janecek et al	Armour piercing projectiles.
257, 361	2/20/39	O. Back	Chimney or ventialtion cowl.
258, 276	2/24/39	A. Fudem	Coin-operated ink vending apparatus for fountain pens.
259, 169	3/1/39	A. Feldmann	Felt sheet machine.
266, 716	4/8/39	O. Wahle	Method for producing fabrics having weft threads.
272, 835	5/10/39	J. Schwarzbart	Shaped bricks.
273, 194	5/12/39	J. Robitschek	Calculator.
274, 832	5/20/39	A. Netalova et al	Bottle closure.
275, 121	5/22/39	B. Weiner	Method of producing insulating materia lfrom glass.
281, 713	6/28/39	E. Orlik	Constructional Toys.
281, 718	6/28/39	E. Konigstein	Process and apparatus for obtaining glycerine from distillery slops or spent wash.
286, 002	7/22/39	V. Eckhardt et al	Gas mask filters and the like.
286, 688	7/26/39	O. Ployer	Air raid and like shelters.
286, 705	7/26/39	J. Koucky	Stoppers for the gas cylinders of gas-pressure loaders in firearms.
290, 983	8/19/39	V. Ehrenhaft	Handbag.
290, 985	8/19/39	V. Ehrenhaft	Process for the manufacture of hollow bodies.
300, 195	10/19/39	J. Koucky	Automatic firearms.
307, 807	12/6/39	J. Koucky	Automatic and semi-automatic firearms.
308, 290	12/8/39	F. Kanhauser et al	Preparation of nourishing solutions for the production of citric acid by the fermentation method.
309, 379	12/15/39	V. Popov	Packaging machines.
315, 260	1/23/40	V. Popov	Means for conveying material from one machine to another.
315, 773	1/26/40	J. Steklik	Range finder.
316, 577	1/31/40	R. Fuchs	Vehicles moving on rails.
335, 344	5/15/40	V. Puc	Sliding clasp fasteners.
336, 461	5/21/40	V. Vurbs	Method of making sign panels.
340, 675	6/15/40	V. Havlicek	Bushing insulators.
345, 670	7/15/40	H. Gottlieb	Appliances for mechanical cosmetic treatment.
353, 148	8/17/40	R. Roudnicky	Rate-of-climb indicator or the like for aircraft.
354, 090	8/24/40	C. Bednar	Process for the production of artificial skins for sausages, in particular, salame.
362, 652	10/24/40	V. Smejkal	Bright optical system for colour photography.
363, 234	10/28/40	J. Just et al	Method for enabling knitted fabrics to be mechanically printed in ordinary textile printing machines.
373, 283	1/6/41	J. Grabec	Method of manufacturing composite sheet material.
374, 882	1/17/41	R. Fuchs	Clutch for automobiles.
377, 339	2/4/41	J. Cermak	Slag cooling and granulation device.
377, 340	2/4/41	J. Cermak	Slag outflow openings for furnaces.
382, 429	3/8/41	J. Koucky	Breech device for firearms.
386, 957	4/5/41	V. Popov	Weighing apparatus.
395, 688	5/28/41	F. Grundel	Manufacture of articles of plastic material having projecting pattern or ornamentation in the surface thereof.
398, 440	6/17/41	J. Pekar	Protective railings.
407, 672	8/20/41	S. Landa	Process for the production of chloro-2-butadiene, 1,3 (chloropren).
414, 927	10/14/41	J. Rosicky	Solid addition compounds.
415, 981	10/21/41	V. Popov	Automatic weighing machines.
416, 732	10/27/41	C. Kallusch	Photographic roll film cameras.
421, 996	12/6/41	V. Havlicek et al	Apparatus for interrupting alternating current.

[F. R. Doc. 42-12406; Filed, November 25, 1942; 10:24 a. m.]

[Vesting Order 298]

J. Van Dalfsen et al.

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent applications listed and described in Exhibit A attached hereto and made a part hereof,

is property in which nationals of a foreign country (Netherland East Indies) have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] **Leo T. Crowley,**
Alien Property Custodian.

Exhibit A

Patent applications in the United States Patent Office which are identified as follows:

Serial number	Filing date	Inventor	Title
247, 986	12/27/38	J. Van Dalfsen	Manufacture of rubber powders, etc.
306, 443	11/28/39	T. Oey	Cooking utensil.
307, 509	12/4/39	F. Van Der Plas	Coin watermeter.
326, 300	3/27/40	A. D'Angremond et al	Process for concentrating aqueous dispersions.
327, 519	4/2/40	G. Van Gils	Process for the production of latex with low protein content.
361, 006	10/12/40	B. Boulogne et al	Means for preventing wabbling of vehicles provided with pneumatic shock absorbers.
361, 007	10/12/40	B. Boulogne et al	Pneumatic shock absorbers.
361, 008	10/12/40	B. Boulogne et al	Means for reducing the slanting to a side of pneumatically supported vehicles.
373, 481	1/7/41	A. Glaser	Turbine for steam, water and air.
378, 942	2/14/41	G. Van Der Bie	Process for the removal of noxious metal compounds from rubber, etc.
400, 880	7/2/41	J. Selles et al	Self repairing pneumatic vehicle tire and the like.
406, 557	8/12/41	G. Van Der Bie	Method of concentrating latex.
407, 230	8/16/41	G. Van Der Die	Manufacture of purified rubber.
412, 522	9/26/41	K. Limm	Packing in tins.
415, 634	10/18/41	J. Deinema	Method for the concentration of crude sugarcane-sap.
415, 835	10/20/41	F. Bierlee	Inflation apparatus.
430, 168	2/9/42	J. De Kroes	Method for the transmutation in the composition of matter.
443, 390	5/18/42	D. Fuld	Art of decorating and preparing for spinning the supple fibre of fibrous plants.

[F. R. Doc. 42-12407; Filed, November 25, 1942; 10:24 a. m.]

[Vesting Order 299]

D. Apostolou

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent application identified as follows:

Serial No.	Filing date	Inventor	Title
404, 951	7/31/41	D. Apostolou	Device for neutralizing the inertia of a vehicle body.

is property in which nationals of a foreign country (Greece) have interests, and having made all determinations and taken all action, after apporpriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12408; Filed, November 25, 1942; 10:24 a. m.]

[Vesting Order 300]

H. SHAW ET AL.

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent applications identified as follows:

Serial No.	Filing date	Inventor	Title
356, 070	9/9/40	H. Shaw	Match and cigarette holder.
401, 485	7/8/41	B. Louie	Drawing mechanisms for spinning frames and the like.
421, 166	12/1/41	C. Ku	Reading stands.

is property in which nationals of a foreign country (China) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12409; Filed, November 25, 1942; 10:23 a. m.]

[Vesting Order 301]

W. UFNOWSKI ET AL.

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent applications identified as follows:

Serial No.	Filing date	Inventor	Title
189, 410	2/8/38	W. Ufnowski	Apparatus for recovering carbon bisulphide and sulphurated hydrogen during the finishing process of the manufacture of viscose staple fibre.
262, 847	3/20/39	A. Crossfeld	Pad, note-book or calendar.
264, 995	3/30/39	R. Witkiewicz	Apparatus for performing endo-thermic catalytic reactions in the gas-phase.
283, 510	7/8/39	W. Stefan	Method of and apparatus for effecting smokeless combustion.

is property in which nationals of a foreign country (Poland) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12410; Filed, November 25, 1942; 10:23 a. m.]

[Vesting Order 302]

N. ZITKEVIC, ET AL

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent applications identified as follows:

Serial No.	Filing date	Inventor	Title
256, 875	2/14/39	Zitkevic, N	Process for the strengthening of shelter covers.
342, 325	6/25/40	Dobrosavljevitch, S. M	Aero-engine sparking plug with a solid insulator.
343, 175	6/29/40	Davitcho, Samuel I	Water bag.

is property in which nationals of a foreign country (Jugoslavia) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12411; Filed, November 25, 1942; 10:23 a. m.]

[Vesting Order 303]

K. KNUTSEN AND K. THORSEN

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent applications identified as follows:

Serial No.	Filing date	Inventor	Title
282, 870	7/5/39	K. Knutsen	Perforated cards in connection with tabulating machines.
312, 989	1/8/40	K. Thorsen	Device for the distribution of stock on the wire part of a paper-making machine.

is property in which nationals of foreign countries (France and Norway) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12412; Filed, November 25, 1942; 10:23 a. m.]

[Vesting Order 304]

H. LEPP

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent application identified as follows:

Serial No.	Filing date	Inventor	Title
387, 769	4/9/41	H. Lepp	Light metals and their alloys.

is property in which nationals of foreign countries (France and Netherlands) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12413; Filed, November 25, 1942; 10:23 a. m.]

[Vesting Order 305]

G. GUTERMAN

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent application identified as follows:

Serial No.	Filing date	Inventor	Title
387, 252	4/7/41	G. Guterman	Process for attacking aluminum for increasing its working surface and apparatus therefor.

is property in which nationals of foreign countries (France and Poland) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12414; Filed, November 25, 1942; 10:22 a. m.]

[Vesting Order 306]

L. GABRILOVITCH

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent application identified as follows:

Serial No.	Filing date	Inventor	Title
287, 100	7/28/39	L. Gabrilovitch	Selection of waves having superposed frequencies.

is property in which nationals of foreign countries (France and Russia) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12415; Filed, November 25, 1942; 10:22 a. m.]

[Vesting Order 307]

A. POLGAR, ET AL.

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent application identified as follows:

Serial No.	Filing date	Inventor	Title
309, 482	12/15/39	A. Polgar, et al	Process for stabilizing prints obtained by photographic bleaching.

is property in which nationals of foreign countries (France and Hungary) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F.R. Doc. 42-12416; Filed, November 25, 1942; 10: 22 a. m.]

[Vesting Order 308]

G. PASSELECQ ET AL.

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent applications identified as follows:

Serial No.	Filing date	Inventor	Title
436, 541	3/27/42	G. Passelecq	Manufacture of molded products.
432, 515	2/26/42	J. Paulsen	Elastic connecting members.
436, 540	3/27/42	G. Passelecq	Molds and in particular to foundry cores and to their manufacture.
439, 950	4/21/42	L. Van Den Kieboom	Performing gauging and reproducing operations.

is property in which nationals of foreign countries (France and Belgium) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12417; Filed, November 25, 1942; 10:22 a. m.]

[Vesting Order 309]

Z. VOLPERTAS

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent applications identified as follows:

Serial No.	Filing date	Inventor	Title
234, 261	10/10/38	Z. Volpertas	Process and device for reducing vegetables containing starch to dry powder.
254, 739	2/4/39	Z. Volpertas	Process for reducing vegetables containing starch to dry powder.

is property in which nationals of foreign countries (France and Lithuania) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12418; Filed, November 25, 1942; 10:22 a. m.]

[Vesting Order 310]

A. WOLFNER

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent application identified as follows:

Serial No.	Filing date	Inventor	Title
380, 914	2/27/41	A. Wolfner	Process for controlling fractionation.

is property in which nationals of foreign countries (France and Czechoslovakia) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12419; Filed, November 25, 1942; 10:21 a. m.]

[Vesting Order 311]

L. PETROVITCH

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent application identified as follows:

Serial No.	Filing date	Inventor	Title
320,976	2/26/40	L. Petrovitch	Aspirator devices for smoke and airing conduits.

is property in which nationals of foreign countries (France and Yugoslavia) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12420; Filed, November 25, 1942; 10:21 a. m.]

[Vesting Order 312]

J. MARETTE, ET AL.

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent application identified as follows:

Serial No.	Filing date	Inventor	Title
440,102	4/22/42	J. Marette, et al	Sound reproducing units for sound-films.

is property in which nationals of foreign countries (France and Switzerland) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should b: paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12421; Filed, November 25, 1942; 10:21 a. m.]

[Vesting Order 313]

J. MERCIER

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading With the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent applications identified as follows:

Serial No.	Filing Date	Inventor	Title
268,094	4/15/39	J. Mercier	Brake mechanism.
268,095	4/15/39	J. Mercier	Wheels.

is property in which nationals of foreign countries (France and Luxemburg) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F.R. Doc. 42-12422; Filed, November 25, 1942; 10:21 a. m.]

[Vesting Order 314]

V. HARMS

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent application identified as follows:

Serial No.	Filing date	Inventor	Title
243,687	12/3/38	V. Harms	Sedimentation apparatus.

is property in which nationals of foreign countries (Netherlands and Denmark) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12423; Filed, November 25, 1942; 10:21 a. m.]

[Vesting Order 315]

C. CITO

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent applications identified as follows:

Serial No.	Filing date	Inventor	Title
377,251	2/3/41	C. Cito	Process of producing metal fibres.
377,252	2/3/41	C. Cito	Process for the manufacture of shaped metal products.
377,905	2/7/41	C. Cito	Welding rod, and in particular electrode for electric arc welding.
384,768	3/22/41	C. Cito	Mechanism for shearing machine.

is property in which nationals of foreign countries (Belgium and Luxembourg) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12424; Filed, November 25, 1942; 10:21 a. m.]

[Vesting Order 316]

W. WUNSCH, ET AL.

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent applications identified as follows:

Serial No.	Filing date	Inventor	Title
166,034	9/28/37	W. Wunsch, et al	Carburetor for obtaining a gaseous mixture for internal combustion engines.
371,834	12/26/40	J. Komeda	Process for increasing the efficiency of insect etc.

is property in which nationals of foreign countries (Belgium and Czechoslovakia) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12425; Filed, November 25, 1942; 10:19 a. m.]

[Vesting Order 317]

L. PECHIN, ET AL.

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent applications identified as follows:

Serial No.	Filing date	Inventor	Title
255, 866	2/11/39	L. Pechin	Process for production of plastic plywood.
323, 695	3/13/40	D. Jules	Plated articles and method of producing same.
323, 707	3/13/40	E. Lauffer	Compensating device for steam or like pipings.

is property in which nationals of foreign countries (Belgium and France) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such returns should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12426; Filed, November 25, 1942; 10:19 a. m.]

[Vesting Order 318]

G. WEBER

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent application identified as follows:

Serial No.	Filing date	Inventor	Title
257, 008	2/17/39	G. Weber	Explosive loads for mines.

is property in which nationals of foreign countries (Luxembourg and France) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12427; Filed, November 25, 1942; 10:19 a. m.]

[Vesting Order 319]

C. DIPPEL, ET AL.

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent application identified as follows:

Serial No.	Filing date	Inventor	Title
387, 974	4/10/41	C. Dippel, et al	Copyfilms for lenticular sound tracks.

is property in which nationals of foreign countries (Netherlands and Belgium) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12428; Filed, November 25, 1942; 10:18 a. m.]

[Vesting Order 320]

J. DENOOIJ, ET AL.

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent application identified as follows:

Serial No.	Filing date	Inventor	Title
183, 202	1/3/38	J. DeNooij, et al	Process and apparatus of continuously forming cellulose films, transparent paper, staple fibres and artificial silk.

is property in which nationals of foreign countries (Belgium, Netherlands, and Switzerland) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12429; Filed, November 25, 1942; 10:18 a. m.]

[Vesting Order 321]

W. HERMSEN, ET AL.

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent application identified as follows:

Serial No.	Filing	Inventor	Title
292, 748	8/30/39	W. Hermsen, et al	Light reflector.

is property in which nationals of foreign countries (France, Netherlands and Great Britain) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12430; Filed, November 25, 1942; 10:18 a. m.]

[Vesting Order 322]

S. BRUNO, ET AL.

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent applications identified as follows:

Serial No.	Filing date	Inventor	Title
283, 225	7/7/39	S. Bruno	Dental cement composition.
257, 613	2/21/39	M. Martinka	Power engine plant.
419, 560	11/18/41	V. Sykora	Method and apparatus for cropping hops.
203, 714	4/22/38	E. Hoyer	Method of producing armoured concrete.

is property in which nationals of foreign countries (Germany and Czechoslovakia) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12431; Filed, November 25, 1942; 10:18 a. m.]

[Vesting Order 323]

E. MAYER

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and

Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follow:

Patent application identified as follows:

Serial No.	Filing date	Inventor	Title
387, 531	4/8/41	E. Mayer	Molds.

is property in which nationals of foreign countries (Germany and Belgium) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowances of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] **Leo T. Crowley,**
Alien Property Custodian.

[F. R. Doc. 42-12432; Filed, November 25, 1942; 10:18 a. m.]

[Vesting Order 324]

W. Smits and H. Linthout

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent applications identified as follows:

Serial No.	Filing date	Inventor	Title
324, 224	3/15/40	W. Smits	Sparking plug with spark guidance for internal combustion engines.
387, 749	6/9/41	H. Linthout	Stretching apparatus.

is property in which nationals of foreign countries (Germany and Netherlands) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country," as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] **Leo T. Crowley,**
Alien Property Custodian.

[F. R. Doc. 42-12433; Filed, November 25, 1942; 10:17 a. m.]

[Vesting Order 325]

G. Zotos, et al.

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent application identified as follows:

Serial No.	Filing date	Inventor	Title
113, 559½	12/1/36	G. Zotos	Method of and plant for melting refractory minerals in revolving-tube furnaces.

is property in which nationals of foreign countries (Germany and Greece) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] **Leo T. Crowley,**
Alien Property Custodian.

[F.R. Doc. 42-12434; Filed, November 25, 1942; 10:17 a. m.]

[Vesting Order 326]

T. Bronee

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent application identified as follows:

Serial No.	Filing date	Inventor	Title
297, 360	9/30/39	T. Bronee	Apparatus for indicating at a distance the danger of slippery ice being formed on roads.

is property in which nationals of foreign countries (Germany and Denmark) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] **Leo T. Crowley,**
Alien Property Custodian.

[F. R. Doc. 42-12435; Filed, November 25, 1942; 10:17 a. m.]

[Vesting Order 327]

H. Werner, et al.

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent application identified as follows:

Serial No.	Filing date	Inventor	Title
369, 610	12/11/40	H. Werner, et al	Refining aluminum.

is property in which nationals of foreign countries (Germany and Norway) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] **Leo T. Crowley,**
Alien Property Custodian.

[F. R. Doc. 42-12436; Filed, November 25, 1942; 10:17 a. m.]

[Vesting Order 328]

J. Biermann, et al.

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent application identified as follows:

Ser. No.	Filing date	Inventor	Title
303, 284	11/7/39	J. Biermann, et al	Oil well tubing couplings.

is property in which nationals of foreign countries (Rumania and Netherlands) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] **Leo T. Crowley,**
Alien Property Custodian.

[F. R. Doc. 42-12437; Filed, November 25, 1942; 10:17 a. m.]

[Vesting Order 329]

M. Szatrow

PATENT APPLICATIONS OF FOREIGN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and

Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

Patent application identified as follows:

Serial No.	Filing date	Inventor	Title
356, 529	9/12/40	M. Szatrow	Games.

is property in which nationals of foreign countries (Philippines and Poland) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–12438; Filed, November 25, 1942; 10:17 a.m.]

OFFICE OF THE ADMINISTRATOR OF CIVIL AERONAUTICS.

[Order No. 4]

SHADY REST AND SUNNY SOUTH AIRPORTS

CANCELLATION OF DESIGNATION AS LANDING AREA

NOVEMBER 20, 1942.

It appearing that: 1. The Shady Rest Airport and the Sunny South Airport, Miami, Florida, have each been designated as a "Designated Landing Area" into and out of which civil aircraft may operate pursuant to the provisions of the Civil Air Regulations;

2. These airports are located within a short distance of the Miami Thirty-Sixth Street Airport and the Miami International Airport at which airports Naval Air Stations are located;

3. The operations of Naval aircraft from the Naval Air Stations together with the operations of civil aircraft from the Shady Rest and Sunny South Airports create a hazardous traffic condition;

4. The Interdepartmental Air Traffic Control Board at its meeting of October 14, 1942, considered the problem presented by this hazardous traffic condition and recommended that the designations granted to the Shady Rest and Sunny South Airports be cancelled;

5. The recommendation of the Interdepartmental Air Traffic Control Board that the designations granted to Shady Rest and Sunny South Airports be cancelled was approved by the War Aviation Committee on October 21, 1942.

Now, therefore, acting pursuant to the authority vested in me by § 60.953 (c) of the Civil Air Regulations and finding that this action is necessary to the public safety and in the interest of national defense: *It is ordered:*

That the designation as a "Designated Landing Area" issued to the Shady Rest Airport, Miami Springs, Florida, dated May 15, 1942, is cancelled and the designation as a "Designated Landing Area" issued to the Sunny South Airport, Miami, Florida, dated April 27, 1942, is cancelled.

This order shall become effective 0001 E. W. T., December 1, 1942.

C. I. STANTON,
Administrator.

[F. R. Doc. 42–12382; Filed, November 24, 1942; 2:53 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 7 Under RPS 53]

HUMKO COMPANY

FATS AND OILS

Establishing maximum prices for the Humko Company, Memphis, Tennessee, on hydrogenated shortening.

On September 29, 1942 the Humko Company, Memphis, Tennessee, filed an application for adjustment of its maximum prices on hydrogenated shortening pursuant to § 1351.151 (b) (12) (vii) of Revised Price Schedule No. 53.

Due consideration has been given to the application, and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended and in accordance with § 1351.151 (b) (12) (vii) of Revised Price Schedule No. 53, *It is hereby ordered:*

(a) *Hydrogenated shortening.* The maximum delivered prices of Humko's hydrogenated airtight can shortening shall be the following prices:

	North	*South*	*Pacific Coast*
12/3 lbs. (per case)	$7.20	$7.20	$7.20

(b) The provisions of § 1351.151 (b) (12) (v) and (viii) of Revised Price Schedule No. 53 shall apply to the maximum prices established by this order for hydrogenated airtight can shortening sold by the Humko Company of Memphis, Tennessee.

(c) This Order No. 7 shall become effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–12365; Filed, November 24, 1942; 1:14 p. m.]

[Administrative Order 25, Amendment 4]

REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY TO ACT FOR THE PRICE ADMINISTRATOR

A new subparagraph 4 is added to paragraph (a) of Administrative Order No. 25 as follows:

(a) * * *

(4) Particular applications. (i) Applications for adjustment of maximum prices established by the General Maximum Price Regulation filed by Clearing Industrial District, Inc., Chicago, Illinois.

This Amendment No. 4 to Administrative Order No. 25 shall be effective November 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–12391; Filed, November 24, 1942; 4:27 p. m.]

UTAH FUEL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 2 Under Maximum Price Regulation No. 121—Miscellaneous Solid Fuels Delivered from Producing Facilities—Docket No. 3121–2.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.247a (b) of Maximum Price Regulation No. 121, *It is hereby ordered:*

(a) The Utah Fuel Company, Salt Lake City, Utah, may sell and deliver, and any person may buy and receive, the product described in paragraph (b) below at prices not in excess of the prices stated therein;

(b) First grade coke produced at its beehive ovens located at Sunnyside, Carbon County, Utah, and manufactured from the coal size groups customarily used, at prices not to exceed $7.50 per ton f. o. b. Sunnyside.

(c) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of the petition not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.248 of Maximum Price Regulation No. 121 shall apply to the terms used herein.

(f) This Order No. 2 shall become effective November 25, 1942.

Issued this 25th day of November 1942.

LEON HENDERSON,
Administrator.

[F R. Doc. 42–12452; Filed, November 25, 1942; 11:56 a. m.]

CREST PACIFIC COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 64, under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and by virtue of the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, *It is hereby ordered:*

(a) The Crest Pacific Company of Los Angeles, California, may sell the mattress foundation possessing the same general outward appearance of a conventional box spring, described in application dated September 30, 1942, at prices no higher than $11.40 f. o. b. factory, subject to discounts, allowances, rebates, and terms no less favorable than those in effect during March 1942, for divans, Monterey ensembles, and studio couches in the same price line made by the applicant.

(b) This Order No. 64 may be revoked or amended by the Office of Price Administration at any time.

(c) Unless the context otherwise requires the definitions set forth in § 1499.163 of Maximum Price Regulation No. 188 shall apply to terms used herein.

(d) This Order No. 64 shall become effective on the 27th day of November, 1942.

Issued this 25th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–12451; Filed, November 25, 1942; 11:58 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1–793]

THE CHESAPEAKE CORPORATION

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of November A. D. 1942.

The New York Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X–12D2–1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, No Par Value of The Chesapeake Corporation; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on November 30, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

F. R. Doc. 42–12375; Filed, November 24, 1942; 2:49 p. m.]

[File No. 70–622]

EASTON TRANSIT CO., ET AL.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of November, A. D., 1942.

In the matter of Easton Transit Company, Lehigh Valley Transit Company and National Power & Light Company.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than December 1, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

National Power & Light Company ("National") owns 43,000 shares (par value $50 per share) of the capital stock of Easton Transit Company ("Easton") constituting all of the outstanding capital stock of that company. National proposes to surrender for cancellation to Easton 41,000 shares of Easton's capital stock as a capital contribution. Easton will accept the surrender of said 41,000 shares for cancellation and credit capital surplus with the aggregate par value thereof ($2,050,000); against the capital surplus thus created Easton will write off on earned surplus deficit ($2,046,511.52) on its books at August 31, 1942. National will then sell to Lehigh Valley Transit Company ("Lehigh") the remaining 2,000 shares of the capital stock of Easton for a consideration of $10,000 in cash. The proposed transactions are stated to be part of a general program for the liquidation of National.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–12372; Filed, November 24, 1942; 2:48 p. m.]

[Application 1, File No. 54–51]

NATIONAL POWER & LIGHT COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 21st day of November, A. D., 1942.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by National Power & Light Company ("National"); and

Notice is further given that any interested person may, not later than December 2, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such requests should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

South Texas Utilities Company ("South Texas") is a wholly-owned subsidiary of National, organized in 1925 to acquire and operate, pending disposition, ice and water properties in Texas. All properties so acquired have now been disposed of, and the present assets of South Texas consist of approximately $1,700 in cash against which there are outstanding a note payable to National in the principal amount of $89,000 as well as 14,500 shares of common stock without par value. National owns 14,495 shares thereof and each of the Directors of South Texas holds one of the remaining 5 shares.

National proposes to liquidate South Texas and to apply any cash remaining after expenses of liquidation against the aforesaid note indebtedness held by National. The transaction is stated to be part of a general program providing for the dissolution of National.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12373; Filed, November 24, 1942; 2:48 p. m.]

[File No. 1-2698]

PEARSON COMPANY, INC.

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of November A. D. 1942.

In the matter of Pearson Company, Incorporated, $1 Par Common Stock.

The Pearson Company, Incorporated, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its $1 Par Common Stock from listing and registration on the Chicago Board of Trade; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on November 30, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12374; Filed, November 24, 1942; 2:49 p. m.]

SEYBOLT AND SEYBOLT, INC.

FINDINGS AND ORDER REVOKING REGISTRATION AS BROKER AND DEALER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 23rd day of November, 1942.

In the matter of Seybolt & Seybolt, Inc., Springfield, Massachusetts.

1. Seybolt and Seybolt, Inc., a Massachusetts corporation, hereinafter referred to as the registrant, is registered with this Commission as an over-the-counter broker and dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934. We instituted this proceeding under section 15 (b) to determine whether or not registrant's registration as a broker and dealer should be revoked.

2. Our order of October 10, 1942, instituting proceedings, stated that the commission's public official files disclose that the registrant is permanently enjoined by a decree of the United States District Court for the District of Massachusetts, entered on or about November 19, 1941, from engaging in and continuing certain acts and practices in connection with the purchase and sale of securities.

3. At the hearing held before the Trial Examiner on October 26, 1942, the registrant did not appear, but, in an answer and stipulation which it had filed the registrant acknowledged, among other things, receipt and service of adequate notice, waived the opportunity to be heard, and admitted the allegations of the Commission's order of October 10, 1942. The record shows, and we find, that by judgment of the United States District Court for the District of Massachusetts, entered on consent of the registrant on November 19, 1941, the registrant is enjoined from directly or indirectly: "Making use of the mails or of any means or instrumentalities of interstate commerce, when as a part of a regular business it is engaged as a broker or a dealer in securities to effect any transaction in, or to induce the purchase or sale of, any security (other than commercial paper, bankers' acceptances, and commercial bills) otherwise than on a national securities exchange, by means of any manipulative, deceptive, or other fraudulent device or contrivance, more particularly:

(1) Engaging in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person, relating to:

(a) The safekeeping of securities sold to customers;

(b) The nature of payments made to customers;

(c) The use of funds received from customers for the purchase of securities;

or engaging in any other act, practice, or course of business of similar purport or object which operates or would operate as a fraud or deceit upon any person."

4. We find that revocation of registrant's registration as a broker and dealer is in the public interest.

Accordingly, *It is ordered*, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of Seybolt & Seybolt, Inc., as a broker and dealer be, and it hereby is, revoked.

By the Commission (Commissioners Healy, Pike, Burke, and O'Brien), Chairman Purcell being absent and not participating.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12377; Filed, November 24, 1942; 2:50 p. m.]

WIGHT AND COMPANY

FINDINGS AND ORDER REVOKING REGISTRATION AS BROKER AND DEALER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 23rd day of November, 1942.

In the matter of Wight & Company, Asbury Park, New Jersey.

1. Wight & Company, a partnership composed of Jasper Wight and Lester W. Wight, hereinafter called the registrant, is registered with this Commission as a broker and dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934. We instituted this proceeding under section 15 (b) to determine whether or not registrant's registration as a broker and dealer should be revoked.

2. Our order of September 21, 1942, instituting proceedings, stated that members of its staff had reported to the Commission information obtained as a result of an investigation which tended to show that Jasper Wight and Lester Wight individually, and as Wight and Company, are permanently enjoined by a decree of the Chancery Court of the State of New Jersey, entered on or about March 12, 1942, from engaging in or continuing certain conduct and practices in connection with the purchase and sale of securities.

3. Pursuant to the above order, notice was served upon the registrant and the hearing in the matter was held before a Trial Examiner in New York City on October 1, 1942. The registrant did not appear either in person or by counsel.

4. The record shows, and we find, that by judgment of the Chancery Court of the State of New Jersey, entered on March 12, 1942, Jasper Wight and Lester W. Wight, individually, and as co-partners trading as Wight & Company, are permanently enjoined "from the issuance, offering for sale, sale, promotion, negotiation, advertisement and distribution, within or from this State, of any securities whatsoever, ----------------". The Court's order also appointed a receiver to take over all the assets of Jasper Wight and Lester W. Wight, individually, and as Wight & Company, derived by them "by means of any practice declared to be illegal and prohibited by the New Jersey Securities Law".

5. We find that revocation of the registrant's registration as a broker and dealer is in the public interest.

Accordingly, *It is ordered*, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of Wight & Company as a broker and dealer be, and it hereby is, revoked.

By the Commission (Commissioners Healy, Pike, Burke, and O'Brien), Chairman Purcell being absent and not participating.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12376; Filed, November 24, 1942; 2:49 p. m.]

[File No. 70-627]

THE MIDDLE WEST CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of November 1942.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Middle West Corporation, a registered holding company; and

Notice is further given that any interested person may, not later than December 8, 1942 at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of

his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application as filed or as amended may be granted as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said application, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

The Middle West Corporation proposes to sell to The Atlantic Company of Atlanta, Georgia, for the consideration of $708,200 in cash, all of the securities and interests held by The Middle West Corporation in (a) City Ice Company of Kansas City, (b) Southern United Ice Company, and (c) Western Ice Service Company. Before such sale is consummated it is proposed that The Middle West Corporation will acquire from Western Ice Service Company all of the outstanding capital stock of Southern-Henke Ice & Storage Company, a non-utility subsidiary of Western Ice Service Company. The Middle West Corporation proposes to acquire such securities for the consideration of $27,705.68, and to pay therefor by reducing by such amount the indebtedness on open account owed The Middle West Corporation by Western Ice Service Company amounting to $41,666.67 at September 30, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12396; Filed, November 25, 1942; 10:02 a. m.]

[File No. 59-56]

NEW ENGLAND GAS AND ELECTRIC ASSOCIATION

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 24th day of November 1942.

The Commission having issued on September 26, 1942, a Notice of and Order for Hearing pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, with respect to New England Gas and Electric Association; and said order having designated November 30, 1942, as the date for public hearing in the matter embraced by said order; and

New England Gas and Electric Association having requested that the hearing in this matter be postponed for a period of 90 days; and

It appearing to the Commission that a postponement of the hearing for 90 days would unduly delay the proceedings, but that postponement of the hearing should be made to January 18, 1943;

It is ordered, That the hearing in this matter previously scheduled for November 30, 1942, be, and hereby is, postponed to January 18, 1943, at the same time and place, and before the same trial examiner as heretofore designated.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12398; Filed, November 25, 1942; 10:02 a. m.]

[File No. 1-1441]

OHIO CONFECTION COMPANY

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of November, A. D. 1942.

In the matter of the Ohio Confection Company, $2.50 Capital Stock, Class "A".

The Ohio Confection Company pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its $2.50 Capital Stock, Class "A", from listing and registration on the Cleveland Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Thursday, January 7, 1943, at the office of the Securities and Exchange Commission, 1370 Ontario Street, Cleveland, Ohio, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That C. J. Odenweller, Jr., an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12397; Filed, November 25, 1942; 10:02 a. m.]

NOV 3 0 1942

Reference

FEDERAL REGISTER

VOLUME 7 NUMBER 233

Washington, Saturday, November 28, 1942

Regulations

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

PART 721—CORN

CORN ACREAGE ALLOTMENT FOR COMMERCIAL CORN-PRODUCING AREA, 1943

Whereas section 328 of the Agricultural Adjustment Act of 1938, as amended, provides in part as follows:

> The acreage allotment of corn for any calendar year shall be that acreage in the commercial corn-producing area which, on the basis of the average yield for corn in such area during the ten calendar years immediately preceding such calendar year, adjusted for abnormal weather conditions and trends in yield, will produce an amount of corn in such area which the Secretary determines will, together with corn produced in the United States outside the commercial corn-producing area, make available a supply for the marketing year beginning in such calendar year, equal to the reserve supply level. The Secretary shall proclaim such acreage allotment not later than February 1 of the calendar year for which such acreage allotment was determined * * *.

and

Whereas paragraph (c) of section 301 of said Act provides as follows:

> The latest available statistics of the Federal Government shall be used by the Secretary in making the determinations required to be made by the Secretary under this Act.

Now therefore, be it known that I, Claude R. Wickard, Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in me by the Act of Congress known as the Agricultural Adjustment Act of 1938, as amended, upon the basis of the latest available statistics of the Federal Government, do hereby ascertain, determine, and proclaim under section 328 of said Act:

§ 721.402[1] *Corn acreage allotment for the commercial corn-producing area for 1943.* That the acreage allotment of corn for the commercial corn-producing area for the calendar year 1943 shall be 43,423,000 acres. (52 Stat. 52:202)

Done at Washington, D. C., this 24th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42–12384; Filed, November 24, 1942; 3:38 p. m.]

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[1] 6 F.R. 4812; 7 F.R. 1663.

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

PART 58—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

AMERICAN CITIZENS AND NATIONALS

Pursuant to the authority vested in me by section 1 of Proclamation 2523 of the President, issued on November 14, 1941 (6 F.R. 5821), under authority of section 1 of the act of Congress approved May 22, 1918 (40 Stat. 559; 22 U.S.C. 223), as amended by the act of Congress of June 21, 1941 (55 Stat. 252; 22 U.S.C. 223, Sup. I), § 58.3 (h) of the regulations, issued on December 9, 1941 (6 F.R. 6349), is hereby cancelled effective after 6 o'clock in the forenoon of December 1, 1942.

CORDELL HULL,
Secretary of State.

NOVEMBER 24, 1942.

[F. R. Doc. 42–12481; Filed, November 25, 1942; 5:30 p. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

[General Order 4]

WAGE ADJUSTMENTS FOR SMALL BUSINESSES

Section 803.4, General Order No. 4, is amended by adding paragraphs (a) and (b) to read as follows:

§ 803.4 *General Order No. 4.*[1] * * *

(a) General Order No. 4, exempting employers who employ not more than

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[1] 7 F.R. 8379.

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[1] 6 F.R. 4812; 7 F.R. 1663.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Telephone information: DIstrict 0525.

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eight individuals from the provisions of said Executive Order, shall not apply to the employment of tool and die workers.

(b) The time as of which to determine whether an employer employs "not more than eight individuals" within the meaning of General Order No. 4 is the time when the wage or salary adjustment is agreed to, or, if it is not made by agreement, the time when it is put into effect. But an employer who, during any given year following October 3, 1942, in the case of wages, or October 27, 1942, in the case of salaries, has made adjustments affecting in the aggregate eight employees, will not, if he wishes to make any further adjustments within said year, be exempt under General Order No. 4.

(E.O. 9250, 7 F.R. 7871)

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-12495; Filed, November 26, 1942; 12:08 p. m.]

PART 803—GENERAL ORDERS

[General Order 14]

AUTHORIZATION TO THE WAR DEPARTMENT REGARDING CERTAIN CIVILIAN EMPLOYEES

§ 803.14 *General Order No. 14.* (a) The National War Labor Board hereby delegates to the Secretary of War, to be exercised on his behalf by the Wage Administration Section within the Civilian Personnel Division, Headquarters, Services of Supply (hereinafter referred to as the "War Department Agency"), the power to rule upon all applications for wage and salary adjustments (insofar as approval thereof has been made a function of the National War Labor Board) covering civilian employees within the continental limits of the United States and Alaska, employed by (1) the War Department, (2) the Army Exchange Service, and (3) government-owned, privately-operated facilities of the War Department, all in accordance with the further provisions of this order.

(b) There shall be a standing tripartite Appeals Committee, to consist of two representatives to be appointed by the War Department Agency and two representatives each of industry and labor to be appointed by the National War Labor Board. The Committee may have such assistants as the Board may designate. The Board hereby delegates to the Appeals Committee the power to pass upon appeals from rulings by the War Department Agency under category (a) (3) above, and to perform such other duties as are hereinafter prescribed.

(c) In the performance of their respective duties the War Department Agency and the Appeals Committee shall comply with the terms of Executive Order No. 9250, dated October 3, 1942,[1] and all general orders and policies of the National War Labor Board announced thereunder. The War Department Agency, without making an initial ruling thereon, may refer to the Board, through the Appeals Committee, for decision by the Board any case which in the opinion of the Agency presents doubtful or disputed questions of sufficient seriousness and import to warrant direct action by the Board.

(d) The War Department Agency and the Appeals Committee shall transmit to the Review and Analysis Division of the National War Labor Board copies of their respective rulings and rules of procedure as they are issued, and such additional data and reports as said Division or the Board may from time to time deem necessary.

(e) Any ruling by the War Department Agency hereunder shall be final, subject (1) to the National War Labor Board's ultimate power to review rulings on its own initiative, and (2) in cases under category (a) (3) above, to the right of any aggrieved party within a period of ten days after the issuance of the ruling, to file an appeal with the Appeals Committee.

(f) Any ruling by the Appeals Committee hereunder shall be final subject (1) to the National War Labor Board's ultimate power to review rulings on its own initiative, and (2) to the right of any aggrieved party, including the War Department, within a period of ten days after the issuance of the ruling, to petition the National War Labor Board for leave to appeal to the Board. The burden shall be upon the petitioner in such cases to show why the Board should be called upon to act.

(g) Any ruling by the War Department Agency hereunder shall be deemed to be the act of the National War Labor Board unless and until reversed or modified by the Appeals Committee or by the Board. Any such order of reversal or modification shall allow the War Department Agency a period of two weeks after (1) the time for appeal from the order of the Appeals Committee has elapsed, or (2) if the case has been appealed to the Board, from the date of the Board's order, within which to comply with the order.

(h) The term "government-owned, privately-operated facilities of the War Department shall include for the purposes of this order only those facilities (1) in which the War Department has contractual responsibility for the approval of pay roll costs, and (2) which are designated in lists furnished from time to time to the Board by the War Department Agency. The Board may at any time, upon at least seven days' notice to the War Department Agency, strike from the list any facility if the Board believes that the policies of Executive Order No. 9017[2] or Executive Order No. 9250 will be furthered by the Board's acting directly upon the wage and salary adjustments of such facility.

(i) Where disputes about wages or salaries arise between the private operators of said facilities and their employees, the disputes shall be referred to the War Department Agency. The Agency's rulings in such cases shall be final, subject to the same rights of appeal and review as in cases of rulings by the Agency upon applications for voluntary wage or salary adjustments. The Agency's jurisdiction over disputes shall include only those concerning wages and salaries. The National War Labor Board may in its discretion refer other disputes to the Appeals Committee for such action as the Board may specify in the particular case.

(E.O. 9250, 7 F.R. 7871)

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-12496; Filed, November 26, 1942; 12:08 p. m.]

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[1] 7 F.R. 7871.

[2] 7 F.R. 237.

PART 803—GENERAL ORDERS

[General Order 15]

DECISIONS OF ARBITRATORS, ETC.

§ 803.15 *General Order No. 15* (a) Where under the provisions of a bona fide collective agreement there has been established an impartial chairman, umpire or arbitrator whose duties include the fixing of rates for new jobs, his decisions so rendered need not be submitted for approval to the National War Labor Board: *Provided*, That:

(1) The rate for each new job shall be fixed in an amount which is directly related to and in balance with the established rates of the other jobs covered by the agreement, and shall be consistent with the Board's Wage Stabilization Policy of November 6, 1942.

(2) A bi-weekly report of rates so fixed shall be transmitted to the Division of Review, Analysis and Research of the National War Labor Board together with sufficient information to establish the aforesaid relationship and balance.

(3) Such decisions shall be subject to the Board's ultimate power review but any modification or reversal thereof will not be retroactive.

(4) The establishment of such rates should not result in any substantial increase of the level of costs and shall not furnish a basis either to increase price ceilings of the commodity or service involved or to resist otherwise justifiable reductions in such price ceilings.

(E.O. 9250, 7 F.R. 7871)

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-12497; Filed, November 26, 1942; 12:09 p. m.]

PART 803—GENERAL ORDERS

[General Order 16]

WAGES OF FEMALES

§ 803.16 *General Order No. 16* (a) Adjustments which equalize the wage or salary rates paid to females with the rates paid to males for comparable quality and quantity of work on the same or similar operations, and adjustments in accordance with this policy which recognize or are based on differences in quality or quantity of work performed, may be made without approval of the National War Labor Board: *Provided*, That:

(1) Such adjustments are reported, when made, to the Division of Review, Analysis and Research of the National War Labor Board together with sufficient information to show that they are in accordance with the policy referred to above;

(2) Such adjustments shall be subject to the Board's ultimate power of review, but any modification or reversal thereof will not be retroactive;

(3) Such adjustments shall not furnish a basis either to increase price ceilings of the commodity or service involved or to resist otherwise justified reductions in such price ceilings.

(E.O. 9250, 7 F.R. 7871)

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-12498; Filed, November 26, 1942; 12:09 p. m.]

PART 803—GENERAL ORDERS

[General Order 6, Interpretation 1]

NEW JOB CLASSIFICATIONS

An interpretation to § 803.6 is issued to read as follows:

§ 803.6 *General Order No. 6.*[1] * * *

INTERPRETATION NO. 1

Question: Paragraph (b) of General Order No. 6 provides that unless a higher rate is approved by the Board, the rate for a new job classification shall be fixed "at a level not exceeding that which prevails for similar classifications within the area." What is the meaning of the quoted phrase? Specifically, must the rate on new jobs be fixed at not exceeding the average of the rates in the area for similar classifications, if the employer is to be free to proceed without the necessity of seeking approval by the Board of what otherwise would constitute a wage increase?

Answer: The object of paragraph (b) of General Order No. 6 was to prevent an employer, upon opening a new plant or creating new job classifications in his existing plant, from paying rates which would unstabilize the rate structure in the area affected by his action. In interpreting General Order No. 6 this object should be kept in mind, and the order should be given a practical and common sense reading.

1. *The creation of a new job classification in an existing plant.* (a) Major considerations to be borne in mind in making rulings in these cases are that the rates for the new jobs should bear a direct relation to and be in balance with the existing rate structure in the plant. If comparison with other rates in these cases are that the rates for the new rates should bear the same relation to rates for similar classifications in the area as the existing rates in the plant bear to comparable rates in the area.

(b) In these cases of creating new job classifications in existing plants the local Wage and Hour offices, guided by the above considerations and with the approval of the appropriate Wage and Hour Regional Director, may make final rulings except in unusual circumstances, for exampl where it is proposed to set up in an existing plant a new department of substantial size. In such exceptional cases, the application for a ruling should be transmitted by the local Wage and Hour office to the War Labor Board Regional Director and there be processed as set out below.

2. *The establishment of a new plant.* (a) Whether in a given case it would unstabilize wages in the area to permit a particular employer to fix the rates for a new plant at any level up to the maximum being paid in the area, or whether he should be permitted to pay only the average, or less than the average, will depend on his traditional wage history in relation to the wages of the industry generally, or of the area if he has theretofore operated in the area, the nature of the work in which he is engaged, the rates being paid for comparable work in comparable establishments, and other pertinent factors.

(b) Applications in these cases should be transmitted, without a ruling by the local Wage and Hour office but with such information as said office may deem helpful, to the War Labor Board Regional Director. In his discretion the Regional Director may rule on the case or refer it for a ruling to a tri-partite panel. If the new plant is of substantial size and will employ a large proportion of skilled labor, the Regional Director should refer the case to a panel.

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[1] 7 F.R. 8981.

(c) It will be proper and sometimes necessary for the Regional Director or the panel to hold hearings relative to the proper level at which the applicant's rates for the new plant should be fixed. To such a hearing should be invited interested representatives of industry and labor.

3. In all cases the applicant should show the data on the basis of which the proposed rates were determined.

Question: Does the foregoing relate to salaries as well as wages?

Answer: Yes, under General Order No. 6-A.

(E.O. 9250; 7 F.R. 7871)

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-12541; Filed, November 27, 1942; 11:23 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

FOREIGN FUNDS CONTROL

NOVEMBER 25, 1942.

General License No. 37, Under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

General License No. 37 is hereby amended by deleting the final paragraph of such general license.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress, 55 Stat. 838; Ex. Order 8389, April 10, 1940, as amended by Ex. Order 8785, June 14, 1941; Ex. Order 8832, July 26, 1941; Ex. Order 8963, December 9, 1941, and Ex. Order 8998, December 26, 1941; Ex. Order 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 42-12489; Filed, November 26, 1942; 10:49 a. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

FOREIGN FUNDS CONTROL

NOVEMBER 25, 1942.

General License No. 84 under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

§ 131.84 *General License No. 84.* A general license is hereby granted authorizing the sending, mailing, importing or otherwise bringing into the United States, of United States Defense and War Savings Stamps and Bonds of all series and designations, and United States Treasury Notes, Tax Series A-1943, B-1943, A-1944, and B-1944, and the receiving or holding in the United States of the aforesaid securities so brought into the United States, without regard to the provisions of General Ruling No. 5, as amended.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress, 55 Stat. 838; Ex. Order 8389, April 10, 1940, as amended by Ex. Order 8785, June 14, 1941, Ex. Order 8832, July 26, 1941, Ex. Order 8963, December 9, 1941, and Ex. Order 8998, December 26, 1941; Ex. Order 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 42-12488; Filed, November 26, 1942; 10:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 143]

SPECIAL FORM FOR CONSCIENTIOUS OBJECTOR

REVISION OF FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 47, entitled "Special Form for Conscientious Objector," effective immediately upon the filing hereof with the Division of the Federal Register.[1] The supply of forms on hand will be used until exhausted.

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 13, 1942.

[F. R. Doc. 42-12480; Filed, November 25, 1942; 3:36 p. m.]

[No. 144.]

OCCUPATIONAL CERTIFICATION

REVISION OF FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the president thereunder, and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribed the following change in DSS forms:

Revision of DSS Form 42B, entitled "Occupational Certification," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing revision shall become a part of the Selective Service Regulations, effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

NOVEMBER 16, 1942.

[F. R. Doc. 42-12491; Filed, November 26, 1942; 11:04 a. m.]

[No. 145]

CONSCIENTIOUS OBJECTOR REPORT

REVISION OF FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 48, entitled "Conscientious Objector Report," effective immediately upon the filing hereof with the Division of the Federal Register.[1] The existing DSS Forms 48 now on hand and other forms corrected by overprinting will be used until exhausted.

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 1, 1942.

[F. R. Doc. 42-12492; Filed, November 26, 1942; 11:04 a. m.]

[No. 146]

REFERRAL OF REGISTRANT TO ANOTHER LOCAL BOARD FOR PHYSICAL EXAMINATION

REVISION OF FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 203, entitled "Order Referring Registrant to Another Local Board for Preliminary Physical Examination Only," effective immediately upon the filing hereof with the Division of the Federal Register.[1] The supply of forms on hand will be used until exhausted.

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

OCTOBER 13, 1942.

[F. R. Doc. 42-12493; Filed, November 26, 1942; 11:04 a. m.]

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[1] Filed as part of the original document.

[No. 147]

REPORT OF EMPLOYMENT, STATUS CHANGE, ETC.

REVISION OF FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 250, entitled "Report of Employment, Separation, or Status Change for Local Board Employee," effective immediately upon the filing hereof with the Division of the Federal Register.[1] The supply of DSS Form 250 on hand will be used until exhausted.

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 28, 1942.

[F. R. Doc. 42-12494; Filed, November 26, 1942; 11:04 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Limitation Order L-170 as Amended Nov. 25, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage of critical materials entering into the manufacture of farm machinery and equipment and attachments and repair parts therefor, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1029.10 *Limitation Order L-170*[2]—(a) *Applicability of priorities regulations.* (1) This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Protection of production schedules.* Producers of any items of farm machinery and equipment and repair parts under the terms of this order may, notwithstanding the provisions of Priorities Regulation No. 1, as amended, schedule their production of such items as if the orders therefor bore a rating of AA-3.

(b) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Producer" means any person, other than a supplier, engaged in the manufacture of farm machinery and equipment or of repair parts for farm machinery and equipment; *Provided,* That:

(i) No person who did not manufacture any farm machinery and equipment or repair parts in 1940 or 1941 shall be deemed a "producer", nor shall any such person manufacture any such products of an aggregate value exceeding $2,500 for the period November 1, 1942 to October 31, 1943, inclusive; and

(ii) No state prison institution shall engage in the manufacture of any such products until such time as it has received a specific quota from the Director General for Operations.

(3) "Class A producer" means any producer whose total net sales (including sales of all affiliates of such producer) of all products during the calendar year 1941 exceeded $10,000,000 in value (including domestic sales and exports).

(4) "Class B producer" means any producer whose total net sales (including sales of all affiliates of such producer) of all products during the calendar year 1941 exceeded $750,000 but did not exceed $10,000,000 in value (including domestic sales and exports).

(5) "Class C producer" means any producer whose total net sales (including sales of all affiliates of such producer) of all products during the calendar year 1941 did not exceed $750,000 in value (including domestic sales and exports).

(6) "Affiliate" of a producer means any subsidiary thereof, any subsidiary of such a subsidiary, any parent company, and any subsidiary of such a parent company.

(7) "Supplier" means any person engaged in the manufacture (for sale to a producer) of materials, parts, assemblies or sub-assemblies to be physically incorporated into farm machinery and equipment or repair parts manufactured by such producer, or to be resold by such producer as repair parts.

(8) "Distributor" means any person not a producer whose business consists, in whole or in part, of the sale of farm machinery and equipment or attachments and repair parts from inventory, and includes wholesalers, jobbers, retailers and other persons performing similar functions.

(9) "Farm machinery and equipment" means agricultural machinery, mechanical equipment and implements (including all attachments used in conjunction therewith) used for the production or care of crops, livestock, livestock products, or other produce on a farm (or elsewhere in the case of poultry), including irrigation and drainage equipment (excluding tile), horseshoes (including muleshoes), horseshoe nails, harness hardware and water well casing; but excluding repair parts, and also excluding all of the following: tracklaying type tractors, equipment ordered by the United States Department of Agriculture or other United States Government agencies, buildings and repairs thereto, fencing, poultry nettings and wire, wire fencing, bale ties or straps, oil well casing and water pipe, nails (other than horseshoe nails) and sundry hardware.

(10) "Attachment" for farm machinery and equipment means a supplementary appliance which may be added to an otherwise complete machine to extend the utility of such machine.

(11) "Repair parts" means all types of replacement parts considered separately or as assemblies which are manufactured for use and used in the repair and maintenance of farm machinery and equipment, and shall include plow shares and shapes.

(12) "Base production" means the weight of a producer's total production of any item of farm machinery and equipment during either the calendar year 1940 or 1941, in whichever year such weight was the greater; except that, as to items which are bracketed together in Schedule A, the base production shall be the weight of the total production of each group of items so bracketed.

(13) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind, which will be physically incorporated into any item of farm machinery and equipment or repair parts.

(14) "Weight" means the net shipping weight of any item of farm machinery and equipment which is completely manufactured, or completely fabricated and ready for shipment in knock-down form.

(15) "Schedule A" means the schedule of quota percentages attached hereto and made a part hereof, as amended from time to time. If any item of farm machinery and equipment or repair parts is not specifically listed or otherwise provided for in such schedule, the quota percentage therefor shall be deemed to be 0%.

(16) "Lend-lease order" means any order for farm machinery and equipment or repair parts placed by any agency of the United States Government in response to a requisition filed pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(c) *General restrictions on production for domestic use (including "concentration of production").* (1) Except as provided in paragraph (g) hereof, and subject to the provisions of paragraphs (c) (2), (c) (3) and (e) hereof, during the period November 1, 1942, to October 31, 1943, inclusive, no producer shall:

(i) Manufacture, for sale in the continental United States, a total quantity by weight of any item of farm machinery and equipment listed in Schedule A in excess of that quantity obtained by multiplying the applicable quota percentage (designated in the appropriate column of said Schedule A for Class A producers, Class B producers and Class C producers respectively) for such item by his base production of such item for such sale; except that wherever, in said Schedule A, two or more items are bracketed together and only one quota percentage assigned thereto, such percentage shall be applied to such producer's total base production of all such bracketed items, and the total permissible weight thus determined may be distributed among all or any one or more of such bracketed items at his election; and except that, as to silos (Item 296 of said Schedule A), the base production and items permitted to be produced shall be deemed to be in terms of units rather than weight;

(ii) Manufacture, for sale in the continental United States, a total quantity of repair parts of a value (manufacturer's current selling price at the factory) in excess of an aggregate of 130% of one-half the total value (manufacturer's selling price at the factory during 1940 and 1941) of his entire net sales of repair parts during the calendar years 1940 and 1941 combined;

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[1] Filed as part of this original document.

[2] 7 F.R. 8460.

(iii) Manufacture, for sale in the continental United States, any farm machinery and equipment requiring rubber tires;

(iv) Sell in the continental United States any quantity of farm machinery and equipment or repair parts which is in excess of the quantity thereof authorized to be manufactured for such sale by the provisions of this order.

(2) The Director General for Operations may, by specific directions issued to any one or more producers, increase or decrease any such producer's quotas as to all or any one or more items authorized to be produced by him by this paragraph (c), and may transfer any portion of such quotas between any such producers (including the transfer thereof from producers located in critical areas as the same may be designated from time to time by the War Manpower Commission).

(3) As to any portion of any such producer's quota as so established which he may decide not to produce at any time after November 1, 1942, he shall immediately notify the War Production Board, so that appropriate action can be taken to transfer such portion of his quota.

(d) *General restrictions on production for export.* (1) Except as provided in paragraph (g) hereof, and subject to the provisions of paragraphs (d) (2), (d) (3) and (e) hereof, during the period November 1, 1942, to October 31, 1943, inclusive, no producer shall manufacture for shipment, or ship:

(i) To all foreign countries within any group of countries listed respectively on Schedules B–1, B–2, B–3, B–4, B–5, and B–6, attached hereto and made a part hereof, as amended from time to time, a quantity of farm machinery and equipment and repair parts in the aggregate in excess of a designated percentage (listed respectively on each such schedule) of one-half the net shipping weight of the total quantity thereof exported by said producer during the calendar years 1940 and 1941 in the aggregate to all such countries within the particular group;

(ii) To Canada a quantity of any item of farm machinery and equipment or attachments and repair parts (as listed in Schedule B–7, attached hereto and made a part hereof, as amended from time to time) in excess of that quantity obtained by multiplying the quota percentage designated in said Schedule B–7 for such item by the quantity thereof shipped by said producer to Canada during the calendar year 1940;

(iii) To any foreign country (including Canada and territories and possessions of the United States) any farm machinery and equipment requiring rubber tires.

(2) Except as to items destined for Canada (Schedule B–7) and for territories and possessions of the United States (Schedule B–6), no producer shall fabricate or process any material to be physically incorporated into any item of farm machinery and equipment which may be authorized to be manufactured for export by paragraph (d) (1) above, unless and until he has received from the Director General for Operations specific authorization for such fabrication or processing as to any or all such items, application for which may be by letter setting forth the pertinent facts: *Provided,* That nothing in this paragraph (d) (2) shall be deemed to prevent any such producer from earmarking for export, within his export quota, any items of farm machinery and equipment or repair parts from his inventory, whether or not such items were manufactured specifically for export.

As to any portion of any such producer's export quota, as established by paragraph (d) (1) above, which he may decide not to produce at any time after November 1, 1942, he shall immediately notify the War Production Board, so that appropriate action can be taken to transfer such portion of his export quota.

(3) The Director General for Operations may, by specific directions issued to any one or more producers, increase or decrease any such producer's quotas as established by paragraph (d) (1) above, and may transfer any portion of such quotas between any such producers (including the transfer thereof from producers located in critical areas as the same may be designated from time to time by the War Manpower Commission).

(e) *Further restrictions on production*—(1) *Restrictions on production for specific periods.* The Director General for Operations may from time to time issue supplementary orders (or specific directions to any one or more producers) governing the production of all or any one or more items of farm machinery and equipment or repair parts for specified monthly, bi-monthly or quarterly periods. On and after the effective date of any such supplementary order or specific direction, no producer affected thereby shall, notwithstanding the provisions of this Order L–170, manufacture any such item during the period specified except in accordance with the terms of such supplementary order or specific direction.

(2) *Items containing iron and steel.* On and after November 1, 1942, no producer shall put into process any iron or steel (excluding screws, nails, rivets, bolts, or wire, strapping or small hardware for joining or other similar essential purpose) to make any of the following items of farm machinery and equipment:

Barnyard stock tanks.
Bee hives.
Butter churns.
Butter molds.
Canopies for electric brooders.
Cattle stalls.
Corn cribs.
Doubletrees.
Farm gates.
Grain bins.
Grit boxes.
Guide handles.
Hobbles (all types).
Hog troughs.
Laying nests.
Livestock feeders.
Marking poles.
Milk stools.
Nick yokes.
Poultry feeders.
Singletrees.
Stanchions.
Stock pens.
Thills.
Tongues.
Weaners.

(f) *Overproduction under Order L–26.* Any items of farm machinery and equipment or attachments and repair parts which have been manufactured and/or sold by any producer prior to November 1, 1942, and which are in excess of such producer's authorized quota under Limitation Order L–26 (including all amendments thereto and appeals granted thereunder), shall be deducted from such quotas as may be authorized for such producer by the provisions of this order or subsequent orders: *Provided,* That no such deduction shall constitute a condonation of any violation of any order or regulation of the War Production Board.

(g) *Exceptions*—(1) To the extent that the weight of any item or items of a producer's quota as established by paragraph (c) (1) hereof has been or will be increased by his substituting for more critical materials entering into such item or items any one or more of the following materials:

Glass or other ceramic products.
Plain concrete.
Fibre board.
Wood fibre products.
Plywood (produced with binder or adhesive not restricted by Conservation Order M–25 or any other applicable M or L order).
Gum and other hardwood lumber.
Softwood lumber (subject to the restrictions of Conservation Order M–208 or any other applicable M or L order);

such increased weight shall not operate to reduce the number of units which he could have otherwise manufactured pursuant to paragraph (c) (1) above. In addition, if any such producer has made, or shows that he can make, in any item or items of his quota as established by paragraphs (c) and (d) hereof, a substitution of any of the materials listed above for more critical materials entering into such item or items, he may apply by letter to the Director General for Operations for reconsideration of his quota, based on such substitution.

(2) Any item of farm machinery and equipment or attachments and repair parts which was manufactured for sale within the continental United States by a producer within his authorized quota under Limitation Order L–26 (including all amendments thereto and appeals granted thereunder), and which is, prior to November 1, 1942, completely manufactured, or completely fabricated and ready for shipment in knock-down form, may be sold on and after such date without reference to the provisions of this order.

(3) Nothing in paragraph (d) of this order shall be deemed to prohibit or control the shipment of any item of farm machinery and equipment or attachments and repair parts which:

(i) Was manufactured for export by a producer within his authorized quota

under paragraph (c) (1) (iii) of Limitation Order L–26 (including all amendments thereto and appeals granted thereunder), and

(ii) Is covered by either an export license issued by the Board of Economic Warfare or by a lend-lease order, dated prior to November 1, 1942, (except as to items destined for Canada and territories and possessions of the United States), and

(iii) Is, prior to such date, completely manufactured or completely fabricated and ready for shipment in knock-down form.

Any such items for export which, prior to November 1, 1942, are in production or on order but not completely manufactured or ready for shipment in knock-down form, shall be deducted from such export quotas as may be authorized for such producer by the provisions of this order or subsequent orders, and shall not be manufactured on and after such date except in accordance with the provisions of paragraph (d) above.

(h) *Restrictions on sales for domestic use.* Subject to such directions as may be issued from time to time as to rationing control, by, or pursuant to delegations from, the Director General for Operations,

(1) On and after November 1, 1942, no person shall sell any item of new farm machinery and equipment (except horseshoes, muleshoes and horseshoe nails) which he knows or has reason to know will not be used in the hands of the ultimate consumer for the production or care of crops, livestock, livestock products, or other produce on a farm (or elsewhere in the case of poultry), except to fill a contract or purchase order bearing a preference rating of A–9 or higher;

(2) On and after November 1, 1942, no distributor shall sell or deliver to a consumer any new repair part which he knows or has reason to know will not be incorporated reasonably promptly into farm machinery and equipment in the possession of such consumer.

(i) *Inventory provisions.* (1) On and after November 1, 1942, no distributor shall:

(i) Keep in his inventory, in his possession or under his control, for a period of more than thirty days, any used, traded-in, imperfect or non-usable item of farm machinery and equipment or repair parts which cannot be reconditioned, but must dispose of the same through the customary disposal or scrap channels; or

(ii) During any consecutive three months period (or four months period as to distributors not located in either the Eastern or Central War Time Zones), place regular stock orders for a quantity of any item of repair parts in excess of his estimated requirements of such item for that period, taking into consideration inventory of like parts on hand. The restrictions of this paragraph (i) (1) (ii) shall not apply to emergency orders for any item of repair parts to be used in the current three (or four) months period: *Provided,* That the distributor shall file with his order to the producer for any such emergency item a certificate in substantially the following form:

CERTIFICATE FOR EMERGENCY ORDER

I hereby certify that the repair part(s) specified in the attached order is(are) essential for the emergency repair of farm machinery and equipment.

(Signed) ----------------------------
Firm, partnership, or corporation
By: ----------------------------
Title of individual

Address of firm, partnership, or corporation

A copy of each such certificate shall be retained by the distributor as a part of his records.

(2) On and after November 1, 1942, any producer may sell to any other producer any material in his inventory which is in excess of his requirements for the items of farm machinery and equipment and repair parts permitted to be manufactured by the provisions of this order. Such sales shall be expressly permitted within the terms of paragraph (c) (3) of Priorities Regulation No. 13 as amended.

(j) *Standardization, simplification, substitution, and conservation of critical materials.* (1) In the manufacture of any item of farm machinery and equipment or repair parts, no producer shall use any alloy steel, stainless steel, aluminum, magnesium, copper, brass, bronze, zinc, nickel, tin, cadmium or fabricated rubber products for any purpose where the use of other less critical materials will not impair the efficiency of operation of such item.

No materials shall be used which are prohibited by M–Orders or other restrictions on use of critical materials as now or hereafter ordered by the Director General for Operations.

(2) The Director General for Operations may from time to time issue supplementary orders or schedules establishing required specifications with respect to the production of any item or items of farm machinery and equipment and repair parts. "Required specifications" may include requirements to standardize or simplify the types, sizes or models of, or the specifications for, any such item or items; to eliminate, reduce or conserve the use of critical materials in the production thereof; and to substitute less critical for more critical materials in the production thereof. On and after the effective date of any such supplementary order or schedule, no farm machinery and equipment and repair parts affected thereby shall be produced, fabricated, assembled, or delivered, if such production, fabrication, assembly, or delivery is prohibited by the terms thereof.

(k) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(l) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(m) *Reports.* (1) All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(2) Each producer shall file not later than thirty days after October 19, 1942, a report of his production quotas on Form PD–629.

(3) Each producer shall file by the 10th day of each month a report on Form PD–630 of his production during the preceding month, the first report to be made on or before December 10, 1942.

(4) Each producer affected by paragraph (d) hereof shall file by the 10th day of each month a report on Form PD–387 (revised) of his shipments during the preceding month (starting with November, 1942) to all foreign countries (including all countries listed on Schedules B–1, B–2, B–3, B–4, B–5, B–6, and B–7).

(n) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(o) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him in comparison with others similarly situated, may appeal to the War Production Board, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(p) *Communications.* All communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Farm Machinery and Equipment Branch, Washington, D. C. Ref.: L–170.

(q) *Inconsistent orders.* This order supersedes as of November 1, 1942, Limitation Order L–26, and Supplementary Limitation Orders L–26–a and L–26–d, and all amendments thereto and appeals granted thereunder.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 25th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A[1]

SCHEDULE OF QUOTAS COVERING THE DOMESTIC PRODUCTION OF FARM MACHINERY AND EQUIPMENT AND REPAIR PARTS THEREFOR FOR THE PERIOD NOVEMBER 1, 1942, TO OCTOBER 31, 1943

Quotas for repair parts are expressed as a percentage of the average dollar value of all repair parts sold during the years 1940 and 1941. Quotas for new machinery and equipment including attachments are expressed as a percentage of the weight of each item produced during 1940 or 1941, whichever was higher. Producers of these items must use the percentages set forth in the respective columns, depending upon whether they are Class A, Class B, or Class C producers. Production of "bracketed items" may be distributed among all or any one or more items included in the particular bracket so long as the total weight of material used does not exceed that determined by the quota percentage assigned to the particular bracket.

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[1] As amended November 25, 1942.

Any item of farm machinery and equipment not provided for in this Schedule A shall not be manufactured, unless specifically exempted by Order L–170.

GROUP 1: PLANTING, SEEDING AND FERTILIZING MACHINERY

Item		Class of producer		
		"A"	"B"	"C"
	DIVISION 1: PLANTERS (HORSE AND TRACTOR DRAWN)	*Percent*	*Percent*	*Percent*
1	One row, one horse corn planters	0	0	44
2	One row, one horse corn and cotton planters	0	0	25
3	One row, two horse corn and cotton planters	0	0	0
4	Two row, corn planters	3	75	75
5	Two row, corn and cotton planters	0	19	75
6	Three row and over, corn planters	11	75	75
7	Three row and over, corn and cotton planters	0	0	0
	DIVISION 2: PLANTERS (TRACTOR MOUNTED)			
8	One row, corn planters	15	15	15
9	One row, corn and cotton planters			
10	Two row, corn planters			
11	Two row, corn and cotton planters			
12	Three row and over, corn planters			
13	Three row and over, corn and cotton planters			
	DIVISION 3: POTATO PLANTERS			
14	Horse or tractor drawn	0	16	75
	DIVISION 4: TRANSPLANTERS			
15	Horse or tractor drawn	0	0	34
16	Hand			
	DIVISION 5: LISTERS WITH PLANTING ATTACHMENTS (HORSE OR TRACTOR DRAWN)			
17	One row	8	75	75
18	Two row			
19	Three row and over			
	DIVISION 6: LISTERS WITH PLANTING ATTACHMENTS (TRACTOR MOUNTED)			
20	One row	12	12	12
21	Two row			
22	Three row and over			
	DIVISION 7: BEET DRILLS			
23	Horse or tractor drawn	13	75	75
	DIVISION 8: GRAIN DRILL			
24	One horse, 3 or 5 disc drills	0	0	22
25	Fertilizer drills, horse or tractor drawn	3	75	75
26	Plain drills, horse or tractor drawn			
	DIVISION 9: BROADCAST SEEDERS			
27	Wheeled, horse or tractor	0	0	0
28	Endgate	0	32	75
29	Hand, wheelbarrow and other	0	0	8
	DIVISION 10: GARDEN PLANTERS			
30	Hand	0	0	14
31	Horse or tractor drawn	0	0	15
	DIVISION 11: FERTILIZER DISTRIBUTORS			
32	Horse or tractor drawn	0	0	15
	DIVISION 12: LIME SPREADERS (SOWERS)			
33	Wheeled type horse or tractor drawn	0	0	17
34	Endgate type	0	0	8
35	Truck body type	0	0	8
	DIVISION 13: MANURE SPREADERS			
36	Four wheeled, horse or tractor drawn	0	19	75
37	Two wheeled, tractor drawn			
	DIVISION 14: OTHER PLANTING, SEEDING AND FERTILIZING MACHINERY			
	Other planting, seeding and fertilizing machinery including, but not limited to, potato seed cutters, farm limestone pulverizers, manure loaders, vegetable planters. (List each item separately.)			
38		0	0	9
39		0	0	9
40		0	0	9
	DIVISION 15: ATTACHMENTS			
41	Attachments for all items in Group 1 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

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(1) Percentage quota is the same as that listed in the proper column for the machine with which the attachment is used.

GROUP 2: PLOW AND LISTERS

Item		Class of producer		
		"A"	"B"	"C"
	DIVISION 1: MOLDBOARD PLOWS (HORSE DRAWN)	*Percent*	*Percent*	*Percent*
42	Walking, one horse, steel bottom	0	0	11
43	Walking, one horse, chilled bottom	0	0	12
44	Walking, two horse and larger	0	0	28
45	Sulky	0	0	0
46	Gang, two bottom and larger	0	0	0
	DIVISION 2: MOLDBOARD PLOWS (TRACTOR DRAWN OR MOUNTED)			
47	One bottom, tractor drawn	9	75	75
48	Two bottom, tractor drawn			
49	Three bottom, tractor drawn			
50	Four bottom, tractor drawn	0	0	0
51	Five bottom, and larger, tractor drawn	13	13	13
52	One bottom, tractor mounted			
53	Two bottom, tractor mounted			
	DIVISION 3: DISC PLOWS (HORSE DRAWN)			
54	Single disc and larger	0	0	0
	DIVISION 4: DISC PLOWS (TRACTOR DRAWN OR MOUNTED)			
55	One disc, tractor drawn	0	0	17
56	Two disc, tractor drawn			
57	Three disc, tractor drawn	8	8	8
58	One disc, tractor mounted			
59	Two disc, tractor mounted	0	0	0
60	Four disc, tractor drawn			
61	Five disc, tractor drawn			
62	Six disc and larger, tractor drawn			
	DIVISION 5: ONE WAY DISC PLOWS OR TILLERS			
63	One way plows	0	5	75
	DIVISION 6: LISTERS (HORSE OR TRACTOR DRAWN) (Middlebusters without planting attach.)			
64	One row, horse or tractor drawn	0	0	19
65	Two row, horse or tractor drawn			
66	Three row and larger horse or tractor drawn			
	DIVISION 7: LISTERS (TRACTOR MOUNTED) (Middlebusters without planting attach.)			
67	One row, tractor mounted	18	18	18
68	Two row, tractor mounted			
69	Three row and larger, tractor mounted			
	DIVISION 8: SUBSOIL PLOWS			
70	Horse drawn	0	0	0
71	Tractor drawn	0	0	0
72	Tractor mounted	0	0	0
	DIVISION 9: PLOW STOCKS			
73	Single or double stocks	0	0	12
	DIVISION 10: OTHER PLOWS AND LISTERS (List each item separately)			
74		0	0	34
75		0	0	34
76		0	0	34
	DIVISION 11: ATTACHMENTS			
77	Attachments for all items in Group 2 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

GROUP 3: HARROWS, ROLLERS, PULVERIZERS AND STALK CUTTERS

	DIVISION 1: HARROWS			
78	Spike tooth harrow sections, horse or tractor drawn	0	0	24
79	Spring tooth harrow sections, horse or tractor drawn	0	34	75
80	Disc harrows, horse or tractor drawn	2	75	75
81	Disc harrows, tractor mounted	22	22	22
	DIVISION 2: SMOOTH LAND ROLLERS			
82	Smooth land rollers, not including lawn rollers	0	0	0
	DIVISION 3: SOIL PULVERIZERS AND PACKERS			
83	Soil pulverizers and packers	0	0	19
	DIVISION 4: STALK CUTTERS			
84	Stalk cutters	0	0	35
	DIVISION 5: RIDGE BUSTERS			
85	Ridge busters, horse or tractor drawn	0	0	14
86	Ridge busters, tractor mounted			

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(1) Percentage quota is the same as that listed in the proper column for the machine with which the attachment is used.

GROUP 3: HARROWS, ROLLERS, PULVERIZERS AND STALK CUTTERS—Continued

Item		Class of producer		
		"A"	"B"	"C"
	DIVISION 6: OTHER HARROW AND ROLLERS			
	(List each item separately)	*Percent*	*Percent*	*Percent*
87		0	0	14
88		0	0	14
89		0	0	14
	DIVISION 7: ATTACHMENTS			
90	Attachments for all items in Group 3 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

GROUP 4: CULTIVATORS AND WEEDERS

	DIVISION 1: CULTIVATORS (HORSE AND TRACTOR DRAWN)			
91	One horse, all types	0	0	15
92	One row, walking, two horse	0	0	65
93	One row, riding, two horse	2	75	75
94	Two row and over, riding	0	0	0
95	Beet cultivator	12	75	75
96	Field cultivator	0	0	62
97	Hand cultivator, not including blade and tined hoes, rakes and similar equipment	0	0	15
	DIVISION 2: CULTIVATORS (TRACTOR MOUNTED)			
98	One row	20	20	20
99	Two row			
100	Three and four row			
101	Five row and over			
	DIVISION 3: ROTARY HOES			
102	Rotary hoes, horse or tractor drawn	0	0	32
	DIVISION 4: WEEDERS			
103	Rod weeders, horse or tractor drawn	0	0	30
104	Tooth weeders, horse or tractor drawn	0	0	32
	DIVISION 5: OTHER CULTIVATORS AND WEEDERS			
	(List each item separately)			
105		0	0	34
106		0	0	34
	DIVISION 6: ATTACHMENTS			
107	Attachments for all items in Group 4 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

GROUP 5: SPRAYERS, DUSTERS AND ORCHARD HEATERS

	DIVISION 1: POWER SPRAYERS			
108	Power sprayers	0	0	43
109	Traction sprayers	0	0	21
	DIVISION 2: HAND SPRAYERS WITH TANK, BARREL, KNAPSACK, ETC., WITH COMPLETE EQUIPMENT (CAP. 1 QT. OR OVER BUT LESS THAN 6 GALS.)			
110	Compressed air	0	0	9
111	Knapsack, self contained			
112	Trombone, pump type			
113	Bucket pump type, single cylinder			
114	Bucket pump type, double cylinder			
115	Atomizing, single action (1 qt. and larger cap.)			
116	Atomizing, continuous (1 qt. and larger cap.)			
	DIVISION 3: SPRAYERS, WITH TANK, BARREL, KNAPSACK, ETC. WITH COMPLETE EQUIPMENT (CAP. 6 GALS. OR MORE)			
117	Barrel pump type with complete equipment	0	0	36
118	Wheelbarrow type with complete equipment			
	DIVISION 4: SPRAY PUMPS (POWER)			
119	Spray pumps, power	0	0	23
	DIVISION 5: WEED AND PEAR BURNERS			
120	Weed and pear burners	0	0	23
	DIVISION 6: DUSTERS			
121	Power dusters	0	0	19
122	Traction dusters	0	0	23
123	Hand dusters (agricultural only)	0	0	66
	DIVISION 7: ORCHARD HEATERS			
124	Orchard heaters	0	0	11
	DIVISION 8: ATTACHMENTS			
125	Attachments for all items in Group 5 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

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[1] Percentage quota is the same as that listed in the proper column for the machine with which the attachment is used.

GROUP 6: HARVESTING MACHINERY

Item		Class of producer		
		"A"	"B"	"C"
	DIVISION 1: COMBINES (HARVESTER-THRESHERS)	*Percent*	*Percent*	*Percent*
126	Width of cut, 6 feet and under	24	24	24
127	Width of cut, over 6 feet including 10 feet			
128	Width of cut, over 10 feet			
	NOTE. Out of his total quota for combines, no Class "A" producer may manufacture Items 127 and 128 in excess of 10% of his 1940-1941 average annual production of these items.			
	DIVISION 2: GRAIN AND RICE BINDERS			
129	Grain binders (ground drive)	9	75	75
130	Grain binders (power take-off drive)	43	75	75
131	Rice binders			
	DIVISION 3: CORN BINDERS			
132	Corn binders (row binder) horse or tractor drawn	13	75	75
	DIVISION 4: CORN PICKERS			
133	One row, mounted type	33	33	33
134	Two row, mounted type			
135	One row, pull type	0	71	75
136	Two row, pull type			
	DIVISION 5: FIELD ENSILAGE HARVESTERS (ROW TYPE)			
137	Field ensilage harvesters, row type	14	75	75
	DIVISION 6: POTATO DIGGERS			
138	Walking plow type	0	0	28
139	Horse or tractor	0	0	42
	DIVISION 7: PEA AND BEAN HARVESTERS (ROW TYPE)			
140	Horse or tractor, row type	0	0	32
	DIVISION 8: BEET LIFTERS			
141	Horse or tractor	16	75	75
	DIVISION 9: OTHER HARVESTING MACHINERY			
	Other harvesting machinery including, but not limited to, windrowers grain type, seed harvesters and strippers, potato pickers, cane harvesters, hop pickers, beet loaders, peanut diggers, cotton harvesters. (List each item separately.)			
142		0	0	51
143		0	0	51
144		0	0	51
	DIVISION 10: ATTACHMENTS			
145	Attachments for all items in Group 6 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

GROUP 7: HAYING MACHINERY

	DIVISION 1: MOWERS (GROUND-DRIVE)			
146	Horse or tractor drawn (ground drive)	8	75	75
	DIVISION 2: MOWERS (POWER TAKE-OFF DRIVE)			
147	Tractor mtd. or semi-mtd. (power take-off drive)	28	28	28
	DIVISION 3: RAKES			
148	Sulky, dump	9	75	75
149	Side delivery, incl. comb. side rakes and tedders	17	75	75
150	Sweep	0	0	47
	DIVISION 4: HAY LOADERS			
151	Hay loaders	9	75	75
	DIVISION 5: STACKERS			
152	Stackers (incl. comb. sweep stackers)	0	0	19
	DIVISION 6: PICK-UP BALERS			
153	Pick-up hay balers	0	45	75
	DIVISION 7: OTHER HAYING MACHINERY			
	Other haying machinery, including, but not limited to, field bale loaders, field hay choppers. (List each item separately):			
154		0	0	41
155		0	0	41
156		0	0	41
	DIVISION 8: ATTACHMENTS			
157	Attachments for all items in Group 7 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

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[1] Percentage quota is the same as that listed in the proper column for the machine with which the attachment is used.

GROUP 8: MACHINES FOR PREPARING CROPS FOR MARKET OR USE

Item		Class of producer		
		"A"	"B"	"C"
	DIVISION 1: STATIONARY THRESHERS (GRAIN, RICE AND ALFALFA)	*Percent*	*Percent*	*Percent*
158	Threshers, width of cylinder under 28 inches	0	0	48
159	Threshers, width of cylinder 28 inches and over			
	DIVISION 2: STATIONARY PEA AND BEAN THRESHERS			
160	Stationary pea and bean threshers	0	0	25
	DIVISION 3: PEANUT PICKERS			
161	Peanut pickers	0	0	75
	DIVISION 4: ENSILAGE CUTTERS (SILO FILLERS)			
162	Ensilage cutters (silo fillers)	0	0	65
	DIVISION 5: FEED CUTTERS (HAND AND POWER)			
163	Feed cutters, hand and power	0	0	30
	DIVISION 6: CORN SHELLERS			
164	Corn shellers, hand	0	0	19
165	Power corn shellers, spring (2, 4, 6 and 8 hole)	0	0	0
166	Power corn shellers, cylinder (150 bu. & under)	0	0	22
167	Power corn shellers, cylinder (over 150 bu.)	0	75	75
	DIVISION 7: CORN HUSKERS AND SHREDDERS			
168	Combination corn husker-shredders	0	0	23
169	Corn huskers	0	0	23
170	Corn shredders	0	0	23
	DIVISION 8: STATIONARY HAY BALERS			
171	Horse	0	0	0
172	Engine or belt power	0	0	75
	DIVISION 9: FEED GRINDERS AND CRUSHERS			
173	Hand	0	0	13
174	Power, burr type	0	0	51
175	Hammer and roughage mills	0	8	75
	DIVISION 10: CLEANERS AND GRADERS (CORN AND GRAIN)			
176	Cleaners and graders (corn and grain)	0	0	12
	DIVISION 11: POTATO SORTERS AND GRADERS			
177	Potato sorters and graders	0	0	23
	DIVISION 12: MAPLE SIRUP EVAPORATORS			
178	Complete sets of pans, not including furnace	0	0	53
179	Furnaces	0	0	20
	DIVISION 13: CANE SIRUP EVAPORATORS			
180	Complete sets of pans, not including furnaces	0	0	53
181	Furnaces	0	0	20
	DIVISION 14: CANE MILLS (FARM SIZE)			
182	Cane Mills (farm size)	0	0	32
	DIVISION 15: CIDER MILLS AND FRUIT PRESSES			
183	Cider mills and fruit presses	0	0	12
	DIVISION 16: OTHER MACHINES FOR PREPARING CROPS FOR MARKET OR USE			
	Other machines for preparing crops for market or use, including but not limited to, broom corn shredders, feed mixers, fruit, nut and vegetable graders sorters, washers and sackers. (List each item separately.)			
184		0	0	13
185		0	0	13
186		0	0	13
	DIVISION 17: ATTACHMENTS			
187	Attachments for all items in Group 8 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

GROUP 9: FARM ELEVATORS AND BLOWERS

Item		"A"	"B"	"C"
	DIVISION 1: ELEVATORS (PORTABLE)			
188	Elevators, portable	0	0	35
	DIVISION 2 ELEVATORS (STATIONARY)			
189	Elevators, stationary	0	0	21
	DIVISION 3: BLOWERS (GRAIN AND FORAGE)			
190	Blowers (grain and forage)	0	0	35
	DIVISION 4: ATTACHMENTS			
191	Attachments for all items in Group 9 expressed in terms of net shipping weight in pounds.	(1)	(1)	(1)

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[1] Percentage quota is the same as that listed in the proper column for the machine with which the attachment is used.

GROUP 10: TRACTORS

Item		Class of producer		
		"A"	"B"	"C"
	DIVISION 1: TRACTORS, WHEEL TYPE	*Percent*	*Percent*	*Percent*
192	Tractors, wheel, special purpose, under 30 h. p	14	14	14
193	Tractors, wheel, special purpose, 30 & over h. p			
194	Tractors, wheel, all purpose, under 30 h. p			
195	Tractors wheel, all purpose. 30 & over h. p			
	DIVISION 2: GARDEN TRACTORS (INCLUDING MOTOR TILLERS)			
196	Garden tractors (including motor tillers)	0	0	27
	DIVISION 3 ATTACHMENTS			
197	Attachments for all items in Group 10 expressed in terms of net shipping weight in pounds.	(1)	(1)	(1)

GROUP 11: ENGINES

Item		"A"	"B"	"C"
	DIVISION 1: ENGINES (UNDER 1 H. P.)			
198	Air cooled	0	0	0
	DIVISION 2: ENGINES (ONE OR MORE BUT UNDER 5 H. P.)			
199	Air cooled	0	2	75
200	Water cooled	4	75	75
	DIVISION 3: ENGINES (FIVE OR MORE BUT UNDER 10 H. P.)			
201	Air cooled	0	24	75
202	Water cooled	0	24	75
	DIVISION 4: ENGINES (TEN OR MORE BUT UNDER 20 H. P.)			
203	Water cooled	0	0	0
	DIVISION 5: ATTACHMENTS			
204	Attachments for all items in Group 11 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

GROUP 12: FARM WAGONS AND TRUCKS

Item		"A"	"B"	"C"
	DIVISION 1: WAGONS			
205	Wagons, farm without boxes	0	0	32
	DIVISION 2: TRUCKS			
206	Trucks, farm (not motortrucks)	0	30	75
	DIVISION 3: WAGON BODIES			
207	Wagon and truck boxes, farm	0	0	29
	DIVISION 4: FARM SLEIGHS			
208	Sleighs and bob-sleds	0	0	25
	DIVISION 5: TRAILERS (FARM)			
209	Trailers, farm	0	0	0
	DIVISION 6: OTHER TRANSPORTING EQUIPMENT			
	(Not motortrucks—list each item separately)			
210		0	0	25
211		0	0	25
	DIVISION 7: ATTACHMENTS			
212	Attachments for all items in Group 12 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

GROUP 13: DOMESTIC WATER SYSTEMS

Item		"A"	"B"	"C"
	DIVISION 1: DEEP WELL			
213	Deep well, reciprocal	0	0	48
214	Deep well, jet pumps	0	0	36
	DIVISION 2: SHALLOW WELL			
215	250-499 gals. per hour	0	0	53
216	500 gals. per hour and over	0	0	35
	DIVISION 3: POWER PUMPS			
217	Horizontal type, up to and including 75 gals. per minute, 100 lb. pressure	0	6	75
	DIVISION 4: WATER STORAGE TANKS			
218	Storage tanks, other than stock tanks, farm	----	----	----
	DIVISION 5: ATTACHMENTS			
219	Attachments for all items in Group 13, expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

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[1] Percentage quota is the same as that listed in the proper column for the machine with which the attachment is used.

GROUP 14: FARM PUMPS AND WINDMILLS

Item		Class of producer		
		"A"	"B"	"C"
	DIVISION 1: PUMPS, WATER	*Percent*	*Percent*	*Percent*
220	Pitcher pumps	0	18	75
221	Hand and windmill pumps	0	16	75
	DIVISION 2: WINDMILLS			
222	Windmill heads	0	0	56
223	Windmill towers	0	0	59
	DIVISION 3: PUMP JACKS			
224	Pump jacks	0	0	30
	DIVISION 4: CYLINDERS			
225	Cylinders for sale separately	0	37	75
	DIVISION 5: ATTACHMENTS			
226	Attachments for all items in Group 14 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

GROUP 15: IRRIGATION EQUIPMENT

Item		"A"	"B"	"C"
	DIVISION 1: IRRIGATION PUMPS			
227	Turbine pumps, 0 to 1,200 GPM	0	0	31
228	Turbine pumps 1,200 GPM and up, belt driven	0	0	13
229	Centrifugal pumps	0	0	26
230	Hydraulic rams	0	0	0
	DIVISION 2: DISTRIBUTION EQUIPMENT			
231	Land leveling equipment, ditchers, corrugators and scrapers (excluding power ditchers, draglines and other self-powered machines)	0	0	18
232	Portable pipe and extensions, sprinklers, valves and gates, expressed in terms of net shipping weight in pounds	0	0	18
	DIVISION 3: OTHER FARM IRRIGATION EQUIPMENT			
	(List each item separately)			
233		0	0	18
234		0	0	18
235		0	0	18
	DIVISION 4: ATTACHMENTS			
236	Attachments for all items in Group 15, expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

GROUP 16: DAIRY FARM MACHINES AND EQUIPMENT

Item		"A"	"B"	"C"
	DIVISION 1: MILKING MACHINES			
237	Milking machines	0	32	75
	DIVISION 2: FARM CREAM SEPARATORS			
238	Farm cream separators, capacity 250 lbs. per hr. or less	0	7	75
	DIVISION 3: FARM CREAM SEPARATORS			
239	Farm cream separators, capacity 251 lbs. to 800 lbs. per hour	7	75	75
	DIVISION 4: FARM CREAM SEPARATORS			
240	Farm cream separators, capacity 801 lbs. to 1500 lbs. per hour	0	0	0
	DIVISION 5: FARM MILK COOLERS			
241	Immersion type	0	0	48
242	Surface or tubular type			
	DIVISION 6: FARM BUTTER MAKING EQUIPMENT			
243	Butter churns (See Paragraph (e) (2) of L-170)	0	0	23
244	Butter molds (See Paragraph (e) (2) of L-170)			
	DIVISION 7: OTHER DAIRY FARM MACHINES AND EQUIPMENT			
	Other dairy farm machines and equipment including but not limited to milk pails, milk strainers, sterilizing tanks, washing tanks and water heaters (List each item separately.)			
245		0	0	36
246				
247				
248				
	DIVISION 8: ATTACHMENTS			
249	Attachments for all items in Group 16 expressed in terms of net shipping weight in pounds.	(1)	(1)	(1)

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[1] Percentage quota is the same as that listed in the proper column for the machine with which the attachment is used.

GROUP 17: BARN AND BARNYARD EQUIPMENT

Item		Class of producer		
		"A"	"B"	"C"
	DIVISION 1: FEED CARRIERS, LITTER CARRIERS, AND FEED TRUCKS	*Percent*	*Percent*	*Percent*
250	Feed carriers	0	0	25
251	Litter carriers	0	0	25
252	Track for feed and litter carriers	0	0	71
253	Feed trucks	0	0	33
	DIVISION 2: HAY UNLOADING EQUIPMENT			
254	Hay carriers	0	0	72
255	Track for hay carriers	0	0	71
256	Hay forks, harpoon and grapple	0	0	35
257	Pulleys and fittings	0	0	71
	DIVISION 3: CATTLE STALLS AND PEN EQUIPMENT			
258	Cattle stalls and fittings (See Paragraph (e) (2) of L-170)	0	8	75
259	Livestock pens (See Paragraph (e) (2) of L-170)	0	27	75
	DIVISION 4: CATTLE STANCHIONS			
260	Cattle stanchions and fittings (See Paragraph (e) (2) of L-170)	0	0	59
	DIVISION 5: LIVESTOCK DRINKING CUPS AND WATERING BOWLS			
261	Livestock drinking cups	0	0	49
262	Outside livestock watering bowls	0	0	16
	DIVISION 6: BARNYARD STOCK TANKS AND HOG TROUGHS			
263	Barnyard stock tanks (See Paragraph (e) (2) of L-170)	0	0	49
264	Hog troughs (See Paragraph (e) (2) of L-170)	0	0	58
	DIVISION 7: FEEDERS, FEED COOKERS, AND TANK HEATERS			
265	Livestock feeders (See Paragraph (e) (2) of L-170)	0	0	45
266	Feed cookers	0	0	15
267	Tank heaters	0	0	37
	DIVISION 8: BARN DOOR TRACK AND HANGERS			
268	Barn door track	0	9	75
269	Barn door hangers			
	DIVISION 9: OTHER BARN AND BARNYARD EQUIPMENT			
	Including but not limited to ventilating equipment, livestock dipping tanks, hog waterers, dairy scales, cattle and horse clippers, and bull staffs. (List each item separately.)			
270		0	0	22
271				
272				
	DIVISION 10: ATTACHMENTS			
273	Attachments for all items in group 17 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

GROUP 18: FARM POULTRY EQUIPMENT

Item		"A"	"B"	"C"
	DIVISION 1: INCUBATORS			
274	Incubators, 1,000-egg capacity and smaller	0	0	31
275	Incubators, over 1,000-egg capacity	0	0	36
	DIVISION 2: FLOOR BROODERS			
276	Oil	0	8	75
277	Coal	0	21	75
278	Gas	0	0	40
279	Wood	0	21	75
280	Electric	0	0	72
	DIVISION 3: BATTERY BROODERS (HEATED)			
281	Three deck and smaller (heated)	0	0	26
282	Four deck (heated)			
283	Five deck (heated)			
	DIVISION 4: GROWING AND LAYING BATTERIES			
284	Growing	0	0	21
285	Laying	0	0	0
	DIVISION 5: POULTRY FEEDERS			
286	Poultry feeders (see par. (e) (2) of L-170)	0	0	36
	DIVISION 6: POULTRY WATERERS			
287	Poultry waterers	0	0	53
	DIVISION 7: LAYING NESTS AND GRIT BOXES			
288	Laying nests (see par. (e) (2) of L-170)	0	0	38
289	Grit boxes (see par. (e) (2) of L-170)			

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[1] Percentage quota is the same as that listed in the proper column for the machine with which the attachment is used.

GROUP 18: FARM POULTRY EQUIPMENT—Continued

Item		Class of producer		
		"A"	"B"	"C"
		Percent	*Percent*	*Percent*
	DIVISION 8: OTHER FARM POULTRY EQUIPMENT			
	Including but not limited to, egg scales, egg baskets, egg graders, and leg bands. (List each item separately).			
290		0	0	18
291				
292				
	DIVISION 9: ATTACHMENTS			
293	Attachments for all items in Group 18 expressed in terms of net shipping weight in pounds	(1)	(1)	(1)

GROUP 19: MISCELLANEOUS FARM EQUIPMENT

Item		"A"	"B"	"C"
	DIVISION 1: BEEKEEPERS' SUPPLIES			
294	Beekeepers' supplies (except bee hives)	0	0	38
295	Bee hives. (See paragraph (e) (2) of L-170)	0	0	57
	DIVISION 2: SILOS			
296	Silos (in terms of units)	0	0	12
	DIVISION 3: HORSE SHOES (INCLUDING MULE SHOES)			
297	Horse shoes (including mule shoes) (NOTE.—Calks and nails are considered as repairs.)	0	45	75
	DIVISION 4: HARNESS HARDWARE			
298	Harness hardware	31	31	31
	DIVISION 5: POWER SHEEP SHEARING MACHINES			
299	Power sheep shearing machines	100	100	100
	DIVISION 6: ELECTRIC FENCE CONTROLLERS			
300	Electric fence controllers	0	0	46
301	Electric fence accessories			
	DIVISION 7: FARM HAND TOOLS, INCLUDING BUT NOT LIMITED TO HOES, RAKES, FORKS, SCYTHES, SHOVELS			
302		43	43	43
303				
304				
305				
306				
307				
308				
	DIVISION 8: FARM WOOD-SAWING MACHINES			
309	Farm wood-sawing machines	0	0	16
	DIVISION 9: FARM GATES			
310	Farm gates (See paragraph (e) (2) of L-170)	0	0	40
	DIVISION 10: FARM LIGHTING PLANTS			
311	Farm lighting plants	0	0	0
	DIVISION 11: ATTACHMENTS			
312	Attachments for all items in group 19 expressed in terms of net shipping weight in pounds.[1]	(1)	(1)	(1)

[1] Percentage quota is the same as that listed in the proper column for the machine with which the attachment is used.

EXPORT SCHEDULES

SCHEDULE OF EXPORT QUOTAS BY GROUPS OF COUNTRIES AND QUOTA PERCENTAGES COVERING THE SHIPMENT OF FARM MACHINERY AND EQUIPMENT AND REPAIR PARTS FOR THE PERIOD OF NOVEMBER 1, 1942, TO OCTOBER 31, 1943

(Quotas shown are expressed as a percentage of one half the total weight of shipments made to all the countries in the particular group during the calendar years 1940 and 1941.)

Schedule B-1

Quota Percentage=111%

United Kingdom:

Great Britain
Northern Ireland
Scotland
Wales

Schedule B-2

Quota Percentage=118%

Australia
Union of South Africa
Egypt
British India
Palestine
Liberia
Iran
Turkey
French Oceania
Free French Areas Thereof
British East Africa
Other British West Africa
New Zealand
No. & So. Rhodesia
Gold Coast
Arabia
Russia
Belgian Congo
Madagascar
French Cameroun
Ethiopia
Syria
Gozo
Ceylon
Other British So. Africa
Nigeria
Iraq
China
Iceland
British Oceania
Other French Africa
Cyprus
Malta
Falkland Islands

Schedule B-3

Quota Percentage=39%

Argentine
Chile
Dominican Republic
Guatemala
Mexico
Paraguay
Uruguay
Bolivia
Colombia
Cuba
Haiti
Nicaragua
Peru
Venezuela
Brazil
Costa Rica
Ecuador
Honduras
Panama Republic
Salvador

Schedule B-4

Quota Percentage=61%

Mozambique
Portugal
Switzerland
Newfoundland
Eire
Spain
Angola
Labrador
French West Indies
Sweden
Greenland

Schedule B-5

Quota Percentage=34%

British Guiana
Bermuda
Barbados
Trinidad
Surinam
Jamaica
Curacao
British Honduras
Bahamas
Other British W. Indies

Schedule B-6

Quota Percentage=37%

Alaska
Virgin Islands
Hawaii
Puerto Rico

Schedule B-7

SCHEDULE OF QUOTAS BY ITEMS COVERING THE SHIPMENT TO CANADA OF FARM MACHINERY AND EQUIPMENT AND REPAIR PARTS THEREFOR AND THE PERIOD NOVEMBER 1, 1942, TO OCTOBER 31, 1943

(Quotas shown are expressed as a percentage of the number of units of each item shipped to Canada during the calendar year 1940. Items not listed are not to be manufactured for shipment to Canada.)

	Quota percentage
Group I—Seeding and Fertilizing Machinery:	
Grain Drill (Plain)	22
Grain Drill (Press)	0
Corn Planter and Drill	25
Potato Planter	20
Manure Spreader	30
Other Planting and Seeding (including Beet Drills and Transplanter)	20
Group II—Plows:	
Walking Plow—1 furrow	33
Tractor Plow	22
Disc Plow	0
Harrow Plow—One Way Disc—Tiller	32
All other Plows (including Integral)	31
Group III—Tillage and Cultivating Machinery:	
Scufflers and Horse Hoes	25
Corn Cultivators	25
Field Cultivators	30
All other Cultivators (including Beet, Tobacco, and Integral)	20
Drag Harrow Sections	7
Spring Tooth Harrows	23
Disc Harrows	25
Group IV—Haying Machinery:	
Mower	30
Hayloader	35
Side Rake and Tedder	25
Dump Rake	25
Pick-up Baler and Hay	100
All other Haying Machines (including Hay forks, knives, etc.)	25
Group V—Harvesting Machinery:	
Horse Drawn Grain Binder	0
Tractor Grain Binder	0
Corn Binder	25
Combine—Reaper, Thresher	33
Swather	20
Stationary Thresher	0
Potato Digger	25
Corn Sheller	25
Corn Picker (150 units Mfgr. designated later)	
Other Harvesting Equipment, including Beet Lifters)	25
Group VI—Sundry Machines for Preparing Crops for Market or Use:	
Grinder, Feed Cutter, Roller, Pulper	50
Ensilage Cutter	35
Hammer Mill	7
Grain Loader or Elevator	25
Group VII—Farm Power:	
Wheel Tractor	24
Stationary Engine	50
Group VIII—Wagons, Trucks, Sleighs:	
Wagon Gears	60
Farm Truck	60
Group IX—Dairy Equipment:	
Milking Machine Complete	100
Cream Separator	84
Churn	100
Group X—Sprayers and Dusters:	
Potato and Orchard Sprayer and Duster	50
Sprayer Pump	54
Group XI—Domestic Water System:	
Well or Cistern Pump	50
Pump Jack	50
Windmill Head	50
Domestic Water Pressure System	25
Group XII—Barn and Barnyard Equipment	0
Group XIII—Miscellaneous Equipment:	
Incubator	40
Brooder (Floor Type)	40
Wheel Barrow (Wood Only)	53
Sheep Shearers and Animal Clippers	239
Attachments and Repair Parts	150

[F. R. Doc. 42-12468; Filed, November 25, 1942; 2:22 p. m.]

PART 937—ZINC

[Conservation Order M-11-b, as Amended Nov. 26, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of zinc for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 937.13 *Conservation Order M-11-b*—(a) *Prohibition on use of zinc in articles appearing on List A.* (1) Between July 24, 1942 and September 1, 1942, no person shall put into process in the manufacture of any item on List A more weight of zinc than 50% of the average monthly weight of zinc put into process by him during 1941 in the making of such item, and no person shall put into process any zinc in the making of such item unless processing thereof will be completed within such period.

(2) Effective September 1, 1942, no person shall process any zinc to make any item on List A.

(3) No person shall process any zinc to make any item on List A-1 after the governing date set forth opposite such item in column 2 of List A-1. No person shall at any time process any zinc to make any item now or hereafter placed on List A-1 unless the item will be completed by the governing date applicable to the item.

(4) No person shall process any metal which has a protective coating or plating (other than paint) of zinc to make any item on List A and no person shall apply a protective coating or plating (other than paint) of zinc to any item on List A, unless the item on List A has a notation to the contrary; and no person shall process any metal which has a protective coating or plating (other than paint) of zinc to make any item on List A-1 after its governing date and no person shall apply a protective coating or plating (other than paint) of zinc to any item on List A-1 after its governing date, unless the item on List A-1 has a notation to the contrary.

(b) *Limitation on other uses of zinc.* (1) No person shall put into process during any calendar quarter in the manufacture of items not on Lists A or A-1 at the beginning of such quarter more than 75% of the amount by weight of zinc of prime western grade or more than 50% of the amount by weight of zinc of any other grade, respectively, put into process by him in the manufacture of such items during the corresponding calendar quarter of 1941.

(2) No person shall put into process during any calendar quarter more than 75% of the amount by weight of zinc of prime western grade or more than 50% of the amount by weight of zinc of any other grade, respectively, put into process by him during the corresponding calendar quarter of 1941 for the purpose of applying a protective coating or plating (other than paint) of zinc.

(3) No person shall put into process in the manufacture of automotive and tractor carburetors and fuel pumps for repair, maintenance and replacement purposes during the last half of the last calendar quarter of 1942 more than 25% of the amount by weight of zinc put into process by him during the entire third calendar quarter of 1942 in the manufacture of automotive and tractor carburetors and fuel pumps for repair, maintenance and replacement purposes; and no person shall put into process for such purposes during the first calendar quarter of 1943 or any subsequent calendar quarter more than 50% of the amount by weight of zinc put into process by him for such purposes during the third calendar quarter of 1942.

(c) *General exceptions.* The prohibitions and restrictions in paragraphs (a) and (b) shall not apply to the use of zinc in any item which is being produced:

(1) Under a specific contract or subcontract covering the manufacture of any product, or any component to be physically incorporated into such product, produced by or for the account of the Army or Navy of the United States or the United States Maritime Commission, the War Shipping Administration, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to promote the Defense of the United States", (Lend-Lease Act) to the extent required by specifications, including performance specifications, applicable to the contracts, subcontracts or purchase orders of these organizations.

(2) For use to comply with safety regulations issued under governmental authority which require the use of zinc to the extent employed, or

(3) For use in chemical and industrial plants to the extent that corrosive or chemical action makes the use of any other material impractical, or

(4) For use in research laboratories where and to the extent that the physical or chemical properties make the use of any other material impractical.

(5) For health supplies as defined in Preference Rating Order P-29, as the same may be amended, to the extent a preference rating of A-10 or higher is assigned under said order to deliveries of zinc for the manufacture of any such supplies, or

(6) For precision measuring, recording and control instruments, systems or equipment for use in industrial processes, or

(7) For stamping and forming dies.

(d) *Prohibitions against sales or deliveries of zinc.* No person shall after July 24, 1942, sell or deliver zinc to any person if he knows, or has reason to believe such material is to be used in violation of the terms of this order.

(e) *Limitation of inventories.* No person shall accumulate an inventory of zinc or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies in quantities in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of zinc products by this order. Any person who has an inventory in excess of a minimum practicable working inventory is prohibited from receiving additional zinc or products thereof beyond that extent necessary to maintain a minimum practicable working inventory.

(f) *Miscellaneous provisions*—(1) *Appeal.* Any appeal from the provisions of this order must be made on Form PD-500 and must be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(2) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all items or articles hereafter manufactured irrespective of whether such items are manufactured pursuant to a contract made prior or subsequent to July 24, 1942, or pursuant to a contract supported by a preference rating. Insofar as any other order of the Director General for Operations may have the effect of limiting or curtailing to a greater extent than herein provided, the use of zinc in the production of any article, the limitation of such other order shall be observed.

(3) *Violations or false statements.* Any person who wilfully violates any provision of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(4) *Definitions.* For the purposes of this order:

(i) "Zinc" means zinc metal which has been produced by any electrolytic, electro-thermic, or fire refining process. It shall include zinc dust (for Sheradizing only), scrap zinc, zinc metal produced from scrap and any alloy in the composition of which the percentage of zinc metal by weight equals or exceeds the percentage of all other metals.

(ii) "Prime western zinc" means zinc of no higher grade than that conforming to American Society for Testing Materials specification B6–37, grade 5, and zinc dust for Sheradizing.

(iii) "Zinc of any other grade" means zinc conforming to American Society for Testing Materials specification B6–37, grades 1a, 1, 2, 3, or 4, and any alloy in the composition of which the percentage of zinc metal by weight equals or exceeds the percentage of all other metals.

(iv) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(v) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not (including, but not limited to, any trustee, receiver, assignee, or personal representative thereof):

(vi) "Item" means any article or component part thereof.

(vii) "Process" means cut, draw, machine, stamp, melt, cast, forge, roll, turn, spin or otherwise shape.

(viii) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(ix) "Sheradizing" means any process which uses zinc dust or finely divided zinc as a raw material for impregnating the surface of a ferrous material with zinc by process of cementation.

(g) *Items not controlled by order.* From and after October 2, 1942, the provisions of this order shall not apply to the processing or putting into process of zinc in the manufacture of dry cell batteries to the extent that the manufacture of such batteries is governed by General Limitation Order L–71 as amended from time to time; and from and after November 13, 1942, the provisions of this order shall not apply to the processing or putting into process of zinc printing plates to the extent that the processing and putting into process of such plates is governed by General Limitation Order M–99 as amended from time to time.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E. O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

LIST A [1]

The use of zinc in the items below and in all component parts of such items is prohibited except to the extent permitted by the foregoing Conservation Order M–11–b. Where sublistings appear under a general heading on this list, only the sublistings are to be considered as items on List A.

- Automotive:
  - Diesel engines.
  - Passenger cars.
  - Trailers.
  - Trucks.
- (Except mechanical or functional items other than locking devices for wheels, tires or gasoline tanks).
- Art craft and furnishings:
  - Andirons.
  - Bookends.
  - Candlesticks.
  - Coat hooks.
  - Door chimes.
  - Fireplace fittings.
  - Mirror frames.
  - Picture frames.
  - Statues.
- Bicycles and tricycles:
  - Bicycles, except for protective coatings on wire for spokes.
  - Tricycles.
- Binoculars.
- Beauty shop and barber shop equipment and supplies (whether for home or business uses):
  - Hair curlers.
  - Hair dryers.
  - Lotion dispensers.
  - Permanent waving machines.
- Builders' supplies and hardware, except protective coatings:
  - Casement hardware.
  - Door knockers.
  - Down spouts.
  - Flashing.
  - Gutters.
  - Lock parts, except lock cylinders and sleeves.
  - Roofing.
  - Screen door and window attachments.
- Builders' supplies and hardware, except protective coatings—Continued.
  - Siding.
  - Venetian blind hardware.
  - Weatherstripping.
- Burial equipment:
  - Caskets.
  - Casket hardware.
  - Markers.
  - Vaults.
- Clock & watch cases.
- Cosmetics:
  - Cosmetic containers, compacts and lipstick holders.
  - Lotion dispensers.
  - Perfume dispensers.
- Coin operated devices:
  - Automatic phonographs.
  - Gaming machines.
  - Vending machines.
- Cameras and photographic equipment:
  - Cameras.
  - Developing machines.
  - Enlargers.
  - Printing machines.
  - Projectors.
- Cooking appliances:
  - Electric stoves and ranges.
  - Gas-fired stoves and ranges (except items for repair or maintenance).
- Clothing accessories and other accessories:
  - Buckles.
  - Buttons.
  - Costume jewelry.
  - Handbag fittings.
  - Slide fasteners and other clothing accessories such as hooks and eyes, eyelets, snap fasteners, and grippers (except protective coatings for hooks and eyes, snap fasteners and grippers).
- Electric fans.
- Electrical household appliances.
- Electric motors, except for motor rotors and bearings.
- Kitchen, household, restaurant & soda fountain items:
  - Butter chippers.
  - Can openers.
  - Coffee urns.
  - Coffee grinders.
  - Dishwashing machines, except protective coatings.
  - Drink mixers and shakers.
  - Egg slicers.
  - Food mixers.
  - Fruit juicers.
  - Grilles.
  - Ice cream cabinets.
  - Ice crushers.
  - Meat slicers.
  - Patent medicine dispensing machines.
  - Potato slicers & mashers.
  - Sterilizers.
  - Toasters.
- Lamps, except protective coatings.
- Laundry tags and other clothing markers.
- Lawn mowers and lawn sprinklers.
- Lighting fixtures, except protective coatings.
- Luggage:
  - Fittings.
  - Hardware.
- Metal furniture.
- Musical instruments.
- Novelties:
  - Advertising novelties.
  - Jewelry cases.
  - Letter openers.
  - Novelty jewelry.
  - Souvenirs.
- Office supplies:
  - Box openers.
  - Calendar bases & holders.
  - Envelope openers.
  - Envelope sealing machines.
  - Gummed paper dispensing machines.
  - List finders.
  - Paper weights.
  - Pen bases.
  - Pencil sharpeners.
  - Stapling machines.
  - Stenciling devices.

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[1] As Amended November 26, 1942.

- Ornamental and decorative uses (whether or not the item is included in List A).
- Outboard motors, except items for repair and maintenance.
- Parking meters.
- Portable and standing lamps, except protective coatings.
- Radios and non-coin operated phonographs, except functional items for repair and maintenance.
- Refrigerators, mechanical, electric or gas (except for essential food storage, food transportation and industrial uses) except items for repair and maintenance.
- Sewing machines (except items for repair and maintenance).
- Signs:
  - Advertising specialties.
  - Name plates.
  - Billboards.
  - Merchandise displays of all kinds.
- Smokers' supplies:
  - Ash trays.
  - Cigar and cigarette lighters.
  - Smokers' accessories.
- Soap dispensers.
- Slugs and tokens of all kinds.
- Spittoons.
- Stationary gasoline and Diesel engines (except mechanical and functional items).
- Stokers (except items for repair and maintenance).
- Toys and games.
- Vacuum cleaners and sweepers (except items for repair and maintenance).
- Washing machines (except items for repair and maintenance).

LIST A–1 [1]

The use of zinc in the items below and in all component parts of such items is prohibited after the governing date indicated except to the extent permitted by the foregoing Conservation Order M–11–b. Where sublistings appear under a general heading on this list, only the sublistings are to be considered as items on List A–1.

	Governing date
Automotive:	
Locking devices for wheels, tires or gasoline tanks	Nov. 30, 1942.
Truck tractors (except mechanical or functional items other than locking devices for wheels, tires or gasoline tanks)	Nov. 30, 1942.
Barrel and drum plugs	Nov. 30, 1942.
Builders' supplies and hardware, except protective coatings:	
Mouldings	Nov. 30, 1942.
Builders' supplies and hardware:	
Grilles	Nov. 30, 1942.
Insulation	Nov. 30, 1942.
Stair treads and thresholds	Nov. 30, 1942.
Terrazzo strips	Nov. 30, 1942.
Venetian blind slats	Nov. 30, 1942.
Closures for glass containers	Oct. 10, 1942.
Metal plastering bases. See also Order L–59 and L–59–b	Nov. 26, 1942.
Paper and paper product dispensing machines and devices (other than gummed paper dispensing machines covered by List A)	Nov. 30, 1942.
Portable gasoline and Diesel engines (except mechanical or functional items)	Nov. 30, 1942.
Tractors (except mechanical or functional items other than locking devices for wheels, tires or gasoline tanks)	Nov. 30, 1942.

[F. R. Doc. 42–12484; Filed, November 26, 1942; 10:44 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 17]

POST EXCHANGES AND SHIP'S SERVICE DEPARTMENTS

§ 944.38 *Priorities Regulation 17*—(a) *Definition.* For the purposes of this regulation "orders for military exchanges or service departments" means contracts or purchase orders for material to be delivered to, or for the account of, or to be physically incorporated in material or equipment to be delivered to, or for the account of, any U. S. Army or Marine Corps Post Exchange or any U. S. Navy Ship's Service Department.

(b) *Purchases constitute defense orders.* Orders for military exchanges or service departments shall be deemed to be "Defense Orders" within the meaning of § 944.1 (b) (1) of Priorities Regulation 1 (and therefore by reason of § 944.1a of Priorities Regulation 1, shall be rated A–10, unless a higher preference rating is assigned) only when such orders are endorsed as follows:

> All the items on this Purchase Order are listed in Priorities-Allocation Instructions 12, with Amendments. Therefore, pursuant to terms of Priorities Regulation 17, this Order carries a preference rating A–10 without the issuance of a Preference Rating Certificate.

(c) *Applicability of military exemptions.* Whenever any rule, regulation or order of the War Production Board contains an exception or exemption for material or equipment to be delivered to, or for the account of, or for material to be physically incorporated in material or equipment to be delivered to, or for the account of, the Army or Navy of the United States, such exception or exemption shall not apply to orders for military exchanges or service departments except in cases where such orders bear the following endorsement:

(1) In the case of U. S. Army Post Exchanges:

> Authorized as an Army purchase pursuant to Priorities-Allocation Instructions.
>
> By ___________________
> *Army Exchange Service,*
> *War Department.*

(2) In the case of U. S. Navy Ship's Service Departments:

> Authorized as a Navy Purchase pursuant to Priorities-Allocation Instructions.
>
> By ___________________,
> *Bureau of Naval Personnel.*

(3) In the case of U. S. Marine Corps Post Exchanges:

> Authorized as a Marine Corps purchase within Army or Navy exception clause pursuant to Priorities-Allocation Instructions,
>
> By ___________________________
> *Headquarters, U. S. Marine Corps*

(d) *Effect of quota provisions.* Whenever any rule, regulation or order of the War Production Board limits the amount of any material that may be received, processed, sold or delivered by any person to a percentage of previous amounts thereof received, processed, sold or delivered by him, or otherwise expressly fixes a quota for him, and contains an exception or exemption for material or equipment to be delivered to, or for the account of, the Army or Navy of the United States, but does not expressly permit such person, in computing his quota, to exclude therefrom orders for military exchanges or service departments, such orders which are endorsed as provided in paragraph (c) hereof shall be included in such exception or exemption. Orders for military exchanges or service departments which are not endorsed at all or only endorsed as provided in paragraph (b) shall not be included in such exception or exemption and must be charged against the quota of the person filling them, but such orders need not be accepted by such person in excess of 45% of such person's quota or such other percentage as the Director General for Operations may prescribe with respect to any particular material.

(e) *Effect on other provisions.* In case any provision in any regulation or in any order of the War Production Board is inconsistent with any provision in this regulation, the provisions of this regulation shall govern unless such other provision expressly states that this regulation shall be inapplicable.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12487; Filed, November 26, 1942; 10:45 a. m.]

PART 1012—DOMESTIC VACUUM CLEANERS

[Revocation of General Limitation Order L–18 and Supplementary General Limitation Order L–18–a]

Section 1012.1 *General Limitation Order L–18* and § 1012.2 *Supplementary General Limitation Order L–18–a* are hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12482; Filed, November 26, 1942; 10:44 a. m.]

PART 1012—DOMESTIC VACUUM CLEANERS

[Supplementary Limitation Order L–18–b, as Amended Nov. 26, 1942]

Section 1012.3 *Supplementary Limitation Order L–18–b* is hereby amended to read as follows:

§ 1012.3 *Supplementary Limitation Order L–18–b*—(a) *Definitions.* For the purposes of this order:

(1) "Domestic vacuum cleaner" means any vacuum cleaner designed primarily for household use.

(2) "Attachment" means any special purpose device commonly known as an

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[1] As amended November 26, 1942.

attachment which is designed for use with a domestic vacuum cleaner.

(3) "Assembly" does not include the putting together of a vacuum cleaner after delivery to a sales outlet or consumer in knockdown form pursuant to an established shipping custom, nor does it include the adding of finished parts or attachments to an otherwise finished vacuum cleaner when the placing of one or more finished parts or attachments or the size or type thereof, is determined by the use to which the ultimate consumer is to put the article.

(b) *Prohibition on production.* No person shall produce or assemble any new domestic vacuum cleaner or attachment, whether for household, commercial, institutional, governmental or any other purpose. The provisions of this paragraph shall not be deemed to prohibit the repair or rebuilding of used domestic vacuum cleaners or attachments.

(c) *Appeal.* Any appeal from the provisions of this order must be made on Form PD–500 and must be filed with the field office of the War Production Board of the district in which is located the plant to which the appeal relates.

(d) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(e) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(f) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, and sales.

(g) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers' Durable Goods Branch, Washington, D. C., Ref: L–18–b.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12483; Filed, November 26, 1942; 10:44 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[General Imports Order M–63, as Amended November 20, 1942[1]]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain imported materials for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1042.1 *General Imports Order M–63*—(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether or not incorporated.

(2) "Owner" of any material means any person who has any property interest in such material except a person whose interest is held solely as security for the payment of money.

(3) "Consignee" means the person to whom a material is consigned at the time of importation.

(4) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States (including the Philippine Islands). It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments in bond into the continental United States for transshipment to Canada, Mexico, or any other foreign country.

(5) "Place of initial storage" means any warehouse, yard ground storage, or other place, to which the person making the entry or withdrawal from custody of the United States Bureau of Customs of material imported subject to this order directs or has directed that such material be transported from the port of entry to be held until disposed of pursuant to this order.

(6) Material shall be deemed "in transit" if either it is afloat or an on board ocean bill of lading has actually been issued with respect to it.

(b) *Restrictions on imports of materials.* (1) After the date upon which any material is first made subject to this order, no person, other than the Board of Economic Warfare, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation, and any other United States governmental department, agency or corporation, or any agent acting for such company, department, agency, or corporation, shall, except as authorized or otherwise directed in writing by the Director General for Operations, purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for the importing of, any such material. No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation of any such material unless such bank or person has received either a copy of the authorization issued by the Director General for Operations, or, if the material is one of those on List I or List II, an affidavit stating that the material is imported under a contract made before, or in existence on, the date when such material was first made subject to the provisions of this order. The materials subject to this order are those listed upon List I, List II, and List III attached hereto, and those hereafter made subject to this order by the Director General for Operations.

(2) Any person desiring such authorization, whether owner, purchaser, seller, or consignee of the material to be imported, or agent of any of them, shall make application therefor in duplicate on Form PD–222–C, addressed to the War Production Board, Ref.: M–63, Washington, D. C.

(3) Unless otherwise directed by the Director General for Operations, this prohibition shall not prevent the importing, under the restrictions hereinafter set forth, of any material on List I or List II by any person under any contract made before, or in existence on, the date when such material was first made subject to the provisions of this Order M–63.

(4) This prohibition shall apply, however, to the importing of any material on List III by any person under any contract or other arrangement whether made prior or subsequent to the date upon which such material was made subject to the order except where on such date such material was in transit to a point within continental United States.

(5) Unless otherwise directed by the Director General for Operations, the restrictions set forth in this paragraph (b) shall not apply to any material of which any United States governmental department, agency, or corporation is the owner at the time of importation or to any material which the owner at the time of importation had purchased or otherwise acquired from any United States governmental department, agency, or corporation.

(c) *Restrictions on disposition of imported material on List I.* Except as hereinafter specifically provided in paragraph (d) hereof:

(1) *Restrictions upon owners and consignees.* No owner or consignee of any material on List I which is imported after such material has become subject to this order shall in any way, directly or indirectly:

(i) Dispose of any interest in such material;

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[1] This document is a restatement of Amendment 8 to M–63 which appeared in the FEDERAL REGISTER of November 24, page 9702 and reflects the order in its completed form as of November 20, 1942.

(ii) Process or in any way change the physical condition of such material;

(iii) Transfer possession, or cause or permit a transfer of possession, of such material except to the port of entry and from the port of entry to the place of initial storage of such material; or

(iv) Change, or cause or permit a change of, the location of such material except to the port of entry and from the port of entry to the place of initial storage of such material.

Provided: That a consignee of such material may dispose of his interest in such material to the extent necessary to complete any commitment or contract made prior to the effective date of this order. The person to whom he disposes of such interest shall be subject to all restrictions imposed upon owners by this order.

(2) *Restrictions upon banks and persons similarly situated.* No bank or other person which, as agent, pledges, beneficiary under a trust receipt, or otherwise, has possession of or any interest in any written instrument evidencing any interest in any material on List I shall in any way, directly or indirectly, dispose of any such interest, or transfer possession, or cause or permit a transfer of possession, of such instrument, unless: (i) Such material was imported before it became subject to this order; or

(ii) Such person neither knows nor has reason to know that such material was imported after it became subject to this order; or

(iii) Such disposition or transfer is necessary to permit a consignee to make a permissible disposition of material in accordance with subparagraph (1) of this paragraph (c); or

(iv) Such disposition or transfer is made to the owner of the material and such owner has complied with all the provisions of this order.

(d) *Permissible disposition of imported materials on List I*—(1) *Transfer to Governmental agency.* Nothing contained in this order shall prohibit any person having any interest whether as owner, consignee, or otherwise in any material on List I imported after such material has become subject to this order from disposing of, or making any arrangement to dispose of, any interest in such material to the Board of Economic Warfare, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation, or any other United States governmental department, agency, or corporation.

(2) *Authorization by Director General for Operations.* Notwithstanding the provisions of paragraph (c), an owner of material on List I imported after such material has become subject to this order or a bank or other person having possession of or an interest in a written instrument evidencing an interest in such material, may process such material or may dispose of any interest in such material or any such written instrument, or transfer possession or change the location thereof, or cause or permit such a transfer of possession or change of location, upon written authorization by the Director General for Operations. Any such person may make application in duplicate for such an authorization on Form PD–222A, which form shall be addressed to the War Production Board, Ref.: M–63, Washington, D. C.

(3) *Exceptions.* The restrictions set forth in paragraph (c) shall not apply to any material of which any United States governmental department, agency, or corporation is the owner at the time of importation, and shall not apply to any such material after any United States governmental department, agency, or corporation becomes the owner thereof, and shall not apply to any material purchased or otherwise acquired from any United States governmental department, agency, or corporation.

(e) *Restrictions on disposition of imported material on List II or List III.* Any material on List II or List III, which is imported after such material has become subject to this order, may be sold, processed, consumed, or otherwise disposed of without restriction, subject to the provisions of paragraph (f) hereof as to reports, and subject to the provisions of Priorities Regulation No. 1 (Part 944), hereinafter mentioned, and of any general preference, conservation, or limitation order of the Director General for Operations which now or hereafter may be in effect with respect to such material.

(f) *Reports*—(1) *Reports of existing contracts to the War Production Board.* Promptly after any List I or List II material has become subject to this order, every person other than any United States governmental department, agency, or corporation, or any agent acting for any such department, agency, or corporation who has outstanding any order, contract, or other arrangement for the importing of any such material or who has heretofore acquired for import any such material which has not physically arrived at the port of entry thereof when this order becomes effective with respect thereto, shall report all relevant facts with respect to such material to the War Production Board, Ref.: M–63, Washington, D. C. Such report shall be filed in duplicate.

(2) *Reports of authorized contracts to the War Production Board.* Every person (other than any United States governmental department, agency, or corporation, or any agent acting for such department, agency, or corporation), who is authorized by the Director General for Operations under paragraph (b) hereof, to make any contract or other arrangement for the importing of any material subject to this order, shall promptly report all relevant facts with respect to any contract or other arrangement entered into pursuant to such authorization to the War Production Board, Ref.: M–63, Washington, D. C. Such report shall be filed in duplicate.

(3) *Reports to Collector of Customs.* No material which is imported after it has become subject to this order, including materials imported by or for the account of the Board of Economic Warfare, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation, or any other United States governmental department, agency, or corporation, shall be entered through the United States Bureau of Customs for any purpose, whether for consumption, for warehouse, in transit, in bond, for re-export, for appraisal, or otherwise, unless the person making the entry shall file with the entry Form PD–222–B in duplicate. No material on List I or List II which was imported prior to July 2, 1942, and which on July 2, 1942, was in a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States shall be withdrawn for consumption unless the person making the withdrawal shall file with the withdrawal Form PD–222–B in duplicate. Both copies of such forms shall be transmitted by the Collector of Customs to the War Production Board, Stockpile and Shipping Branch, Ref.: M–63, Washington, D. C.

(4) *Other reports.* All persons having any interest in, or taking any action with respect to, any material imported after it has become subject to this order, whether as owner, agent, consignee, or otherwise, shall file such other reports as may be required from time to time by the War Production Board.

(g) *Routing of communications.* All communications concerning this order shall, unless otherwise herein directed be addressed to: War Production Board, Washington, D. C., Ref.: M–63.

(h) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or who furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority assistance.

(i) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(j) *Effective date.* This order shall take effect at 12:01 a. m. on July 2, 1942, and shall continue in effect until revoked. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued November 20, 1942.

ERNEST KANZLER,
Director General for Operations.

NOTE: Changes were made in List I, List II, and List III, effective November 23, 1942.

LIST I

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1941, as supplemented January 1, 1942). Materials are included in the list to the extent that they are covered by the commodity numbers listed below.

Material	*Commerce import class No.*
Asphalt	5394.0
	5078.1
	5079.1
Beef and mutton tallow—includes oleo stock	0036.6
Beef and mutton tallow (inedible)—includes oleo stock	0815.6
Brazilian pebble (quartz crystals), unmanufactured	5120.6
Brazilian pebble (quartz crystals), manufactured and semi-manufactured in blanks, slabs, bars, etc	[1] N. S. C.
Castor beans	2231.0
Cinchona bark or other bark from which quinine may be extracted	2201.0
Cod oil	0804.0
Coir fiber	3409.0
Coir yarn	3420.0
Coir manufactures	[1] N. S. C.
Columbium ore (columbite) or concentrates	6270.3
Cottonseed oil, crude, refined	1423.1
	1423.2
Divi-divi pods	232.14
Divi-divi, hemlock, and chestnut extracts	2345.0
Flax, unmanufactured (all types)	3261.0
	3262.5
	3262.6
	3262.7
	3262.8
	3262.9
Flaxseed (linseed)	2233.0
Goose down	[1] N. S. C.
Graphite or plumbago:	
Amorphous, natural (except of Mexican origin)	5730.1
Crystalline, flake	5730.5
Crystalline, lump, chip, or dust	5730.6
Hemp (Cannabis Satiba type only) unmanufactured:	
Hackled, including "line of hemp"	[1] N. S. C.
Not hackled	[1] N. S. C.
Tow	[1] N. S. C.
Horse mane and tail hair, including switches	3694.0
	3694.1
Lac, crude, seed, button and stick	2105.0
Linseed oil, and combinations and mixtures, in chief value of such oil	2254.0
Mangrove extract	2342.0
Muru muru nut oil	[1] N. S. C.
Myrobalan fruit and extract	2304.0
	2345.8
Neatsfoot oil and animal oils known as neatsfoot stock	0808.95
Oleo oil	0036.2
Peanut (ground nut) oil	1427.0
Pig and hog bristles	0917.0
	0979.1
Pyrethrum or insect flowers	2202.0
Pyrethrum or insect flowers advanced in value or condition	222.31
Quebracho extract	2344.0
Red squill	221.65
Rotenone bearing roots (cube root timbo or barbasco, derris and tuba), crude and advanced	221.28
	221.30
	222.36
	222.37
Rubber seed	2239.5
Rubber seed oil	[1] N. S. C.
Rutile	6270.2
Sunflower oil (edible)	1421.0
Sunflower oil (denatured)	2247.0
Tantalum ore (tantalite)	6270.4
Tara	232.23
Tucum oil	[1] N. S. C.
Valonia beards and valonia extract	2307.0
	2345.1
Wattle extract	2345.5
Whale oil (other than sperm)	0803.5
Wool grease, including degras or brown wool grease (all grades)	0813.2
	0813.3
	0813.5
Zirconium ore	6270.5

LIST II

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1941, as supplemented January 1, 1942). Materials are included in the list to the extent that they are covered by the commodity numbers listed below.

Material	*Commerce import class No.*
Aluminum scrap	6302.3
Antimony	6650.0
	6651.0
	6651.1
	838.180
	838.210
Asbestos, unmanufactured (originating in Rhodesia or Union of South Africa)	5500.0
	5500.1
	5501.0
	5501.1
	5501.9
	5502.1
Babassu nuts and kernels	2239.13
	2239.15
Babassu nut oil	2257.1
Balsa wood:	
Logs	4029.1
Sawed boards, planks, deals, and sawed timber	4118.0
Beryl ore or beryllium ore	6270.0
Beryllium oxide, carbonate and other beryllium salts	838.963
Cashew nut oil and shell oil	2257.2
Castor oil	226.02
Cattle, ox, and calf tail hair including switches	3696.1
Chrome ore (chromite)	6213.0
Coconut oil	2242.5
Cohune nuts and kernels	[1] N. S. C.
Cohune nut oil	[1] N. S. C.
Copper	6401.8
	6417.1
	643.0
	6418.3
Copper and brass scrap	6401.9
	6418.1
	6453.0
	676.02
Copra	2232.0
Corn or maize oil (edible)	1422.0
Corundum and emery in grains, or ground, pulverized, or refined	547.01
Corundum ore	5460.0
Cotton linters, munitions, or chemical grades only (Grades 3–6 according to Department of Agriculture Classification)	[1] N. S. C.
Cotton yarns and fabrics as follows:	
English spun combed cotton yarn, single or plied, in counts of 58's and finer	[1] N. S. C.
Cotton rope for spinning mules	[1] N. S. C.
Grey tracing cloth fabric	[1] N. S. C.
Filter cloth	[1] N. S. C.
Decating aprong fabric	[1] N. S. C.
Lithograph moleskin cloth	[1] N. S. C.
Printers molleton	[1] N. S. C.
Tracing cloth	3970.0
Cotton yarns and fabrics as follows—Continued.	
Typewriter ribbon fabric	[1] N. S. C.
Type HH balloon fabric	[1] N. S. C.
Type SS balloon fabric	[1] N. S. C.
Type MM airplane cloth	[1] N. S. C.
Cottonseed hull fibre	[1] N. S. C.
Glycerine, crude and refined	8290.0
	8291.1
Goat and kid skin furs	0711.4
Hides and skins:	
Cattle hides, dry and wet	0201.0
	0202.0
Buffalo hides, dry and wet	0203.0
	0203.1
Kip, dry and wet	0205.0
	0206.0
Calf, dry and wet	0207.0
	0208.0
Cabretta skins or hair sheep	0235.0
Goat and kidskins, dry and wet	0241.0
	0242.0
Shearing (includes dry and green salted skins)	0231.3
Iron and steel scrap, fit only for remanufacture	6004.0
	6004.1
Istle or tampico fiber, unmanufactured	3405.0
Istle or tampico fiber manufactures (including all istle products)	[1] N. S. C.
Jute, unmanufactured	3241.0
Jute butts, unmanufactured	3242.0
Kapok	3403.0
Kyanite and sillimanite	593.95
Lead	6504.0
	6505.0
	6506.1
	6506.5
	6506.9
	6507.0
	6509.0
Lead, reclaimed, scrap, dross, etc	6505.1
Loofa (Luffa) sponges	[1] N. S. C.
Magnesium, metallic and scrap	676.31
Mahogany logs	4031.0
Mahogany, rough (not further manufactured than sawed)	4202.1
Mahogany, dressed (sawed and not further manufactured than planed, tongued, and grooved)	4204.1
Mercury-bearing ores and concentrates	[1] N. S. C.
Mercury or quicksilver (metallic)	6662.0
Meshta fiber	[1] N. S. C.
Metallic beryllium, caesium, lithium and potassium	838.870
Metallic mineral substances in crude form, not otherwise classified (such as drosses, skimmings, residues, brass foundry ash, and flue dust)	674.19
Mica	5560.7
	5560.8
	5560.9
	5561.0
	5561.8
	5561.9
	5564.0
	5564.2
Mica splittings	5561.7
Nutgalls or gall nuts	2310.0
Oiticica oil	2255.6
Ouricury (uricury) nuts and kernels	2239.61
	2239.62
Ouricury (uricury) oil	[1] N. S. C.
Palm nut kernels	2236.5
Palm kernel oil	2248.0
Palm oil	2243.0
Rapeseed oil, denatured and not denatured	2246.0
	2253.0
Shellac (unbleached and bleached)	2107.2
	2108.0
Silk:	
Partially manufactured silk, and silk noils exceeding 2 inches in length, not twisted or spun	3799.0
Raw silk in skeins, reeled from the cocoon, or re-reeled, not wound, doubled, twisted, or advanced	3702.0
Silk waste	3704.0
Cocoons	3703.0
Wild silk or tussah	3702.1
Silver:	
Ores, concentrates, and base bullion, valuable chiefly for silver content	6819.5
Bullion, refined	6819.6
Coin, foreign	6819.8
Sweepings and scrap, including silver sulphides	6819.9
Semiprocessed items, valuable chiefly for silver content	[1] N. S. C.
Compounds, mixtures, and salts, valuable chiefly for silver content	[1] N. S. C.
Sperm oil, crude, refined or otherwise processed	0803.0
	0803.1
Talc, steatite (magnesium silicate) containing not to exceed 1½% lime and 1½% ferric oxide:	
Crude and unground	[1] N. S. C.
Ground, washed, powdered, or pulverized	[1] N. S. C.
Tin bars, blocks, pigs, grain, granulated or scrap, and alloys, chief value tin	6551.0
Tin-plate scrap	674.05
Tung oil	2241.0
Tungsten ore and concentrates	6232.0
Urena lobata fiber	[1] N.S.C.
Vanadium ore	6260.0
Wool (apparel, finer than 40's but not finer than 44's)	3513.0
	3514.1
	3514.2
	3514.3
	3524.0
	3525.1
	3525.2
	3525.3
Wool, apparel, finer than 44's (except on the skin)	3520.0
	3521.1
	3521.2
	3521.3
	3522.0
	3523.1
	3523.2
	3523.3
	3526.0
	3527.1
	3527.2
	3527.3
	3528.0
	3529.1
	3529.2
	3529.3
Zinc, blocks, pigs, or slabs	6558.2

LIST III

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1941, as supplemented January 1, 1942). Materials are included in the list to the extent that they are covered by the commodity numbers listed below.

Material	*Commerce import class No.*
Alfalfa seed	2401.0
Agave carpet yarns, dyed or undyed	[1] N. S. C.
Argols, tartar and wine lees, and crude calcium tartrate	8329.0
	8330.0
	837.11
Balsams, crude, not containing alcohol	2141.0
	2141.3
	2141.4
	2141.5
	2141.9
Baskets and bags, wood, straw, etc	4221.0
	4221.2
	4221.5
	4221.6
	4221.9
Beeswax	0972.0
	0972.1
	0974.0
Blood, dried	8505.0
Bone black, bone char, and blood char	099.13
Bones, crude	0911.2
Bones, ground, ash, dust, meal, and flour	0911.3
Boxwood (logs)	4033.0
Brazil or cream nuts	1356.0
	1357.0
Broomcorn	2936.0
Butter	0044.0
Cacao butter	1420.0
Canary seed	2452.0
Candelilla wax	2252.2
Carnauba wax	2251.0
Caroa fiber	4692.8
Caroa yarn	[1] N. S. C.
Carpets and carpeting, mats, rugs, art squares, etc., of wool, n. s. p. f	3660.0–367.57 inc.
Casein or lactarene	0943.0
Cashew nuts and kernels	1377.0
Cassia buds, unground	1533.0
Cassia, cassia vera, unground	1533.1
Cassia, cassia buds and cassia vera, ground	155.07
Cheese	0045.1–0046.99 inc.
Chicle, crude and refined or advanced	2131.0
	2189.3
China clay or Kaolin	5300.0
Cinnamon and chips of, unground	1526.0
Cinnamon and chips of, ground	155.03
Cocoa beans or cacao beans	1501.3
Coconut meat, shredded and dessicated, or similarly prepared	1379.0
Coconuts, in the shell	1351.0
Coffee, raw or green; roasted or processed	1511.0
	1511.1
Combinations and mixtures of animal, vegetable, or mineral oils, or any of them, with or without other substances, not specifically provided for	226.12
Cotton linters, grades 1 and 2 (other than munitions and chemical grades)	[1] N. S. C.
Cotton, raw (all staple length)	3001.0
	3003.6
	3003.7
	3003.8
Cotton waste	3006.1
	3006.2
	3006.31
	3006.33
	3006.35
	3006.6
	323.38
	323.39
	985.902
	985.903
	985.905
Cottonseed oil fatty acids	226.22
Dog food	1190.7
	1190.8
Eggs (chicken)	0088.1
Ergot	221.33
Fabrics woven of agave fiber	[1] N. S. C.
Fatty acids and salts from animal oils	[1] N. S. C.
Fatty acids, not specifically provided for, derived from vegetable oils, animal or fish oils, animal fats and greases, not elsewhere specified:	
Linseed oil	226.21
Soybean oil	226.23
Other not elsewhere specified	226.24
Fatty alcohols and fatty acids sulphated, not elsewhere specified, and salts of fatty acids sulphated, not elsewhere specified	226.28
Fish and shellfish and their products:	
Alewives and other pickled or salted fish, n. s. p. f	0073.3–0073.9 inc.
Anchovies, canned, in oil or not in oil	0067.0
Crabs, fresh or frozen; prepared or preserved	0086.4
	0086.5
Herring, pickled or salted (all types)	0070.0–0070.9 inc.
Lobsters, canned and not canned	0083.0
	0084.0
Tuna fish, fresh or frozen	0058.0
Turtles	0086.2
Fish scrap and fish meal	0976.0, 8509.7
Floor coverings of grass or rice straw, not in chief value of cotton	3963.2
Fluorspar	5301.0
	5301.1
Fruits:	
Bananas	1301.0
Grapefruit	1302.0
Grapes, fresh (other than hothouse)	1318.5
Limes	1304.0
Melons	133.42
	133.43
Peaches, green, ripe, or in brine	133.61
Pears, green, ripe, or in brine	133.66
Ginger root, unground, not preserved or candied	1536.1
Ginger root, ground, not preserved or candied	155.08
Glue, except glue size and fish glue (value—under 40¢ lb.)	0940.1
Goat and kid hair except Angora (mohair) and Cashmere	3696.2
Grain and grain preparations:	
Barley malt	1080.0
Bran; shorts; and other wheat by-product feeds	1181.0
Corn	1031.0
Cracked corn	109.18
Oats, unground and ground	1041.0
	1041.1
Rice, broken	1059.2
Rye	1044.0
Guano	8504.0
Gum arabic or senegal (Acacia gum)	2161.0
Gum kadaya (karaya) and talka	2163.0
Gum ghatti	[1] N. S. C.
Gum tragacanth	2162.0
Hempseed	2238.0
Hempseed oil	226.03
Hibiscus canabinus or ferox	[1] N. S. C.
Hide cuttings, raw	0930.8
Hides and skins:	
Horse, colt, and ass	0211.1
	0211.3
	0212.1
	0212.2
	0212.3
	0212.5
Raw; deer, buck, or doe	0293.1

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[1] N. S. C.=No Separate Class. Commodity number has not yet been assigned by the Department of Commerce, Statistical Classification of Imports.

[1] N. S. C.=No Separate Class. Commodity number has not yet been assigned by the Department of Commerce, Statistical Classification of Imports.

Material	*Commerce import class No.*
Hides and skins—Continued.	
Sheep and lamb skins, except shearlings, cabrettas, etc.:	
Pickled skins, not split, no wool	0234.0
Pickled fleshers, split, flesh side	0234.1
Pickled skivers, split, grain side	0234.2
Slats, dry, no wool	0231.7
Other wooled, (wool on) except shearlings	0231.5
Honey	1654.8
Hydrogenated or hardened oils and fats, vegetable or animal	226.10
Ilmenite (including ilmenite sand)	6270.1
Iodine	8300.0 838.630
Iron ore	6001.0
Kola nuts	221.49
Lamb and sheep fur	0711.3
Leather	0300.1–0345.9 inc.
Lignaloe oil or Bois de Rose	228.27
Mace, unground	1540.0
Mace, ground	155.09
Mace, Bombay or wild, unground	1549.2
Mace, Bombay or wild, ground	155.10
Mandoica flour	[1] N. S. C.
Mate	221.57
Maté, Yerba, advanced in value or condition (Paraguay tea)	177.90
Matting and articles of cocoa fiber or rattan	3963.0
Meat products:	
Beef and veal, pickled or cured	0029.0
Beef, canned, including corned beef	0028.0
Meat extracts, including fluid	0096.0
Offal, edible	0023.6
Pork, hams, shoulders, bacon, sausage; prepared, cooked, boned, canned, etc	0030.9 0031.9
Sausage casings, sheep and lamb and goat only	0034.0
Sausage casings, other	0035.5
Meats canned, n. e. s., and prepared or preserved meats, n. s. p. f. (include liver paste; also include mutton)	0032.9
Milk, condensed and evaporated	0040.0 0040.1 0040.7
Molasses, edible and inedible	163.48–1640.0 inc.
Monazite sand and other thorium ore	593.30
Mungo	3553.9
Muru muru nuts and kernels	2239.63 2239.64
Nitrates, Sodium and Potassium	8506.0 8527.5 8527.9
Nutmegs, unground	1539.0
Nutmegs, ground	155.11
Oil cake and oil cake meal, made of cottonseed, peanut, hempseed, and others (except coconut or copra, soybean, and linseed)	1114.0, 1119.6–1119.9 inc.
Oleo stearin	0036.2
Ouricury (uricury) wax	[1] N. S. C.
Paper base stock:	
Rags for paper stock	4691.0
Waste bagging, gunny cloth and bags	4692.0
Grasses, fibers, waste, shavings, clippings, etc	4692.9
Piassava fiber	[1] N. S. C.
Pigeons (all types)	[1] N. S. C.
Pile mats and floor coverings of cocoa fiber	3960.1
Pile mats and floor coverings of rattan	3960.3
Pimento (allspice), unground	1543.0
Pimento (allspice), ground	155.13
Rapeseed	2237.0
Salts derived from vegetable oils, animal oils, fish oils, animal fats and greases, not elsewhere specified, or from fatty acids thereof	226.26
Sesame oil	1428.2 2249.0
Sesame seed	2234.0
Shoddy and wool extract	3553.8
Soap (except Castile) and soap powder	8712.3–8719.9 inc.
Soap bark seed or quillaya	221.82
Sugar, cane	161.75–161.00 inc.
Sunflower seed	2240.0
Tallow, vegetable	2250.0
Tankage	0975.0 8509.6
Tanning materials and coloring agents:	
Annatto and annatto extracts	232.00
Mangrove bark	232.18
Quebracho wood	2305.0
Tanning extracts (other than those listed on List I)	2345.9
Wattle bark	2309.0
Tapioca, tapioca flour, and cassava	1228.0
Tea, not specially provided for	1521.0
Textile floor coverings, other than wool, cotton, silk, rayon, etc., n. e. s	3963.6
Tobacco, unmanufactured	2601.0–2610.0 inc.
Tonka beans	1546.0
Tucum nuts and kernels	2239.65 2239.66
Vanilla beans	1545.0
Vegetable ivory or tagua nuts	2911.0
Vegetable soapstock	[1] N. S. C.
Other vegetable oil foots	[1] N. S. C.
Vegetables:	
Beans, dried	1192.0
Chickpeas and garbanzos, dried	1200.0
Garlic	1205.0
Lentils	1199.0
Lupines	1199.1
Onions, edible	1208.1
Peas, dried and split	1197.0 1198.0
Peppers	121.05
Wool, and related fibers:	
Alpaca, llama, and vicuna hair	3535.0–3535.4 inc.
Apparel wool, 44's or coarser	3506.0–3509.3 inc. 3513.0–3514.3 inc. 3524.0–3525.3 inc.
Carpet wool	3501.0–3502.3 inc.
Mohair	3530.0–3530.4 inc.
Wool noils and wastes	3550.0–3553.7 inc.
Wool rags	3554.0

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[1] N. S. C.=No Separate Class. Commodity number has not yet been assigned by the Department of Commerce, Statistical Classification of Imports.

INTERPRETATION 1

No authorization under paragraph (b) of the order is necessary for the release or withdrawal of materials on List II or List III from a free port, a free zone, or the bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States regardless of the date when such materials first entered such place. The actual importation, which is the subject of restriction under paragraph (b), is deemed to have occurred before the question of release or withdrawal arises. Also, no authorization under paragraph (d) of the order is necessary for the subsequent disposition, processing, or shipment of such released or withdrawn List II and List III materials.

As to List I materials which are similarly situated, no authorization under paragraph (b) of the order is necessary for their release or withdrawal from free port, free zone, or bonded custody, but authorization under paragraph (d) of the order is necessary for their subsequent disposition, processing, or shipment unless they are shipped in bond to Canada, Mexico, or some other foreign country, in which event the foreign destination is deemed to be the place of initial storage as such term is used in the order.

[F. R. Doc. 42-12529; Filed, November 26, 1942; 2:55 p. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[Supplemental General Imports Order M-63-a as Amended Nov. 26, 1942]

Section 1042.2 *Supplemental General Imports Order M-63-a*, as amended September 8, 1942 is hereby further amended to read as follows:

Pursuant to General Imports Order M-63, as amended June 2, 1942, which this order supplements, it is hereby ordered that:

§ 1042.2 *Supplemental General Imports Order M-63-a.* Until further order of the Director General for Operations, the provisions of General Imports Order M-63, as amended June 2, 1942, and thereafter, shall not apply to materials on List III of said order which are located in, and are the growth, production, or manufacture of, and are transported into the continental United States overland, by air, or by inland waterway from, Canada, Mexico, Guatemala, or El Salvador, except with respect to materials listed on Schedule A attached hereto.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

Material:	*Commerce import class No.*
Sesame seed	2234.0

[F. R. Doc. 42-12485; Filed, November 26, 1942; 10:45 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[Supplemental General Imports Order M-63-e]

Pursuant to General Imports Order M-63, as amended June 2, 1942, which this order supplements, it is hereby ordered that:

§ 1042.6 *Supplemental General Imports Order M-63-e.* Notwithstanding the provisions of paragraph (b) (3) of General Imports Order M-63 as amended, the prohibition set forth in paragraph (b) (1) of such order shall apply to the importing of any material listed below by any person under any contract or other arrangement, whether made prior or subsequent to October 6, 1942, except where on December 7, 1942, such material was afloat, or an on board

ocean bill of lading had actually been issued with respect to it, or it had actually been delivered to and accepted by an air carrier, for transportation to a point within the continental United States, to-wit:

List and material		*Commerce import class No.*
List I.	Brazilian pebble (quartz crystals) unmanufactured	5120.6
	Brazilian pebble (quartz crystals) manufactured and semi-manutured, in blanks, slabs, bars, etc	[1] N.S.C.

[1] N. S. C.=No Separate Class. Commodity number has not yet been assigned by the Department of Commerce, Statistical Classification of Imports.

This order shall take effect on December 7, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W. P. B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12486; Filed, November 26, 1942; 10:45 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-162]

GLIDDEN CO.

The Glidden Company, an Ohio corporation, with its principal office at Cleveland, Ohio, is engaged in the business of producing paints and vegetable oils.

Subsequent to April 9, 1942, without the authorization of the Director of Industry Operations or the Director General for Operations of the War Production Board, The Glidden Company began construction (as defined in Conservation Order L-41 [1]) of two buildings at its plant at Buena Park, California, for the storage of seed and beans, and for delinting cottonseed, respectively. The estimated cost of construction of each of these buildings was in excess of $5,000.00 and both of said buildings constitute a single project under Conservation Order L-41. Such construction was begun in disregard of the provisions of Conservation Order L-41, with which The Glidden Company was familiar, and constituted wilful violations of that order.

After May 18, 1942, The Glidden Company accepted delivery of certain delinting machinery of a value of approximately $12,465.00 not pursuant to an "approved order", as said term is defined in General Limitation Order L-83.[2] Delivery of such machinery was accepted in disregard of the provisions of General Limitation Order L-83, with which the company was familiar, and constituted wilful violations of that order.

These violations of Conservation Order L-41 and General Limitation Order L-83 have hampered and impeded the war effort of the United States by diverting scarce materials and machinery to uses prohibited by the War Production Board. In view of the foregoing facts: *It is hereby ordered*, That:

§ 1010.162 *Suspension Order S-162.* (a) Neither The Glidden Company nor any other person shall order, purchase, accept delivery of, withdraw from inventory or in any other manner secure or use material or construction plant in order to continue construction on either of the two buildings (one designed primarily for the storage of cottonseed and soya beans, the other designed primarily to house equipment necessary for delinting cottonseed) located at the plant of The Glidden Company at Buena Park, California, on which construction has been begun but not completed. For a period of one year from the effective date of this order no application for authorization to continue or complete construction of either of said buildings filed by The Glidden Company or any other person shall be granted.

(b) The Glidden Company shall not use for any purpose any of the delinting machinery which it acquired for installing in either of the buildings specified in paragraph (a) hereof, except as specifically authorized by the Director General for Operations: *Provided, however*, That nothing contained in this paragraph shall prohibit The Glidden Company from selling or otherwise disposing of any of such machinery in accordance with the restrictions of any applicable orders or regulations of the Director of Industry Operations or the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve The Glidden Company from any restriction, prohibition or other provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on November 30, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of November, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12528; Filed, November 26, 1942; 2:55 p. m.]

PART 923—TUNGSTEN

[General Preference Order M-29 as Amended Nov. 27, 1942]

Whereas, the national defense requirements have created a shortage of tungsten, as hereinafter defined, for defense, for private account, and for export and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 923.3 *General Preference Order M-29*—(a) *Definitions.* For the purposes of this order:

(1) "Tungsten" means and includes:

(i) Ores and concentrates, including beneficiated or treated forms, containing commercially recognized tungsten;

(ii) The element tungsten in pure form, in any shape into which the same may be fabricated;

(iii) Ferro-tungsten, tungsten metal powder and any other ferrous combination of the element tungsten in semi-manufactured or manufactured form, excluding alloy steel, high speed steel and tool steel.

(iv) All non-ferrous mixtures or alloys containing tungsten, prepared for any purpose requiring further processing, whether the same are manufactured by means of melting, pressing, sintering, brazing, soldering or welding, including but not limited to mixtures or alloys to be used in the production of tools and tool blanks or as hard facing materials, but not including any finished tool;

(v) All chemical compounds having tungsten as a recognizable and essential component;

(vi) All scrap or secondary material containing commercially recoverable tungsten as defined in (ii), (iii), (iv) and (v) above, excluding tungsten bearing iron and steel scrap.

(2) "Producer" means any person who mines or otherwise produces natural materials containing recoverable quantities of tungsten.

(3) "Processor" means any person who prepares ores, concentrates or any chemical or metallurgical forms of tungsten for any industrial use.

(4) "Dealer" means any person who procures tungsten either by importing or from domestic sources for sale or resale without change in form, whether or not such person receives title to or physical delivery of the material, and includes warehousemen, brokers and jobbers.

(b) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(c) *Restrictions on deliveries*—(1) *Allocations.* Except as permitted by paragraph (c) (2) of this order, no person shall make or accept delivery of tungsten without the specific authorization of the Director General for Operations.

The Director will from time to time allocate the supply of tungsten and specifically direct the manner and quantities in which deliveries to particular persons or for particular uses shall be made or withheld. The Director may also require any person seeking to place a purchase order for tungsten to place the same with one or more particular suppliers. Such allocations and directions will be made primarily to insure satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made without regard to any preference ratings assigned to particular contracts or purchase orders.

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[1] 7 F.R. 6958, 7077, 9078.
[2] 7 F.R. 3715, 4037, 4881, 6786.

(2) *Permissible deliveries.* Until further order or in the absence of a contrary direction by the Director General for Operations, the following transactions are permitted without specific authorization by the Director General for Operations:

(i) Tungsten in any form may be delivered by any person to the Metals Reserve Company or to any other Corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended (15 U.S.C., section 606 (b)), or to any duly authorized agent of any such Corporation.

(ii) Tungsten in any form (except in the form of wire, rod, sheet or metal powder) may be delivered by any person to any person in quantities of 25 pounds or less of contained tungsten, provided that the total quantity in terms of tungsten content which any person may receive pursuant to the provisions of this subparagraph during any one calendar month, beginning with the month of July, 1942, from all sources of supply shall be limited to 25 pounds.

(iii) Tungsten ores or concentrates may be delivered by any producer, dealer or processor:

(*a*) To any processor for the purpose of being concentrated, further concentrated or beneficiated by the processor receiving such delivery, or

(*b*) To any dealer, provided that no dealer shall store or otherwise hold for more than 120 days any material acquired by him under the provisions of this subparagraph.

(d) *Reports and applications.* (1) Each processor and dealer shall file with the War Production Board on or before the 20th day of each calendar month reports on form PD–9–d, or such other form as said Board may from time to time prescribe.

(2) Any person who desires an allocation of tungsten shall apply therefor to the War Production Board not later than the 20th day of the month preceding the month in which delivery of the material is desired, on Form PD–9–c, or such other form as the War Production Board may from time to time prescribe, and shall file a copy of such application with each supplier with whom he places a purchase order for tungsten. All such applications to the War Production Board must be accompanied by reports on behalf of the applicant on form PD–9–d, or on such other form as may be prescribed for this purpose from time to time by the War Production Board. Failure by any person to file an application in the manner and on the date required by this paragraph may be construed as notice to the Director General for Operations and to all suppliers of tungsten that such person does not desire an allocation of tungsten during the next succeeding month.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(f) *Effect upon other orders.* Nothing contained in this order shall be construed as altering or modifying any of the terms or provisions of General Imports Order M–63, as the same may be from time to time amended.

(g) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the Tungsten Branch, War Production Board, Washington, D. C., Reference: M–29.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12543; Filed, November 27, 1942; 11:33 a. m.]

Part 1108—Maintenance and Operation of Plants Processing Dairy Products or Eggs

[Preference Rating Order P–118, as Amended November 27, 1942]

§ 1108.1 *Preference Rating Order P–118*—(a) *Definitions.* For the purposes of this order:

(1) "Processor" means any person located in the United States, its territories and possessions, engaged in processing dairy products or eggs, or any person located in the Dominion of Canada, to whom and in whose name, a copy of this order is specifically issued.

(2) "Processing dairy products" means only the primary processing operations in connection with any of the following businesses:

(i) Pasteurizing milk,

(ii) Receiving milk from other persons for cooling preparatory to reshipment for further processing,

(iii) Producing dairy products, for sale, by processing milk or cream in a plant not located on the farm where the milk was produced or by processing ice cream mix produced in the same plant or in another plant under the same ownership as the processing plant.

(3) "Processing eggs" means only the primary processing operations in connection with any of the following businesses, performed in plants approved by the Agricultural Marketing Administration (or, in Canada, by the Special Products Board of Canada) for purposes of directly or indirectly supplying eggs or egg products to or for that agency or for the armed services:

(i) Candling and grading shell eggs,

(ii) Breaking, packaging, and freezing liquid eggs,

(iii) Dehydrating eggs.

(4) "Primary processing" means the operations commencing with the bringing of milk, cream, eggs, or ice cream mix (in the case provided for in paragraph (a) (2) (iii)) to a processor's plant and ending with the placing of the processed milk, dairy products, eggs or egg products in any packaging in that plant. Any special packaging required by contracts with the armed services or the Agricultural Marketing Administration shall also be considered primary processing.

(5) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind used for maintenance, repair, operation or replacement in plants processing dairy products or eggs, but shall not include any office or transportation supplies, machinery or equipment.

(6) "Maintenance" means minimum upkeep necessary to enable the processor's existing plant, machinery and equipment to be used at its maximum rate of operation permissible under any applicable orders, but shall not include the acquisition of additional machines or equipment.

(7) "Repair" means restoration of a processor's plant, machinery or equipment to sound working condition within a reasonable time after physical depreciation, wear and tear, damage, destruction of parts or the like have impaired its fitness for service but not to an extent involving major reconstruction or the acquisition of capital assets or of motors of 1-horsepower or more.

(8) "Material required for operation" means operating supplies to be consumed in the course of a processor's operations but not to be physically incorporated in the finished products nor used as packaging (except packaging staples, strapping, or stitching wire), fuel, or office supplies.

(9) "Replacement" means substitution of machinery or equipment for worn or damaged existing machinery or equipment which cannot be repaired without major reconstruction; *Provided,* That such substitution is made within a reasonable time after such condition develops; *And provided further,* That the replacement is not of greater productive capacity than the replaced machinery or equipment except to the minimum possible extent when a replacement of equivalent capacity is obsolete, unobtainable, or not obtainable within a reasonable time in relation to the processor's operating needs.

(10) "Supplier" means any person with whom a contract or purchase order has been placed for delivery of material to a processor or to another supplier.

(b) *Assignment of preference ratings.* Preference ratings are hereby assigned, subject to the restrictions and conditions of paragraphs (c) and (d) hereof:

(1) AA–2X to deliveries, to a processor, of material directly required for emergency maintenance or repair to avert spoilage of milk, dairy products, or eggs (shell, liquid, dehydrated) because of an actual breakdown or suspension of a processor's operations.

(2) AA–5 to deliveries, to a processor, of material required for repair, maintenance or operation.

(3) AA–3 to deliveries, to a processor, of material required for replacement.

(c) *Restrictions on application of ratings by processor.* (1) The processor shall not apply any preference rating assigned by (b) (1) above to deliveries of material to replace other material withdrawn from his inventory or stores for maintenance, repair, or operation.

(2) The processor shall not apply any preference rating assigned by (b) (2) above if, in view of the current rate of consumption of his inventory or stores for repair and maintenance or operation, the delivery of the material to be rated would increase his inventory or stores above the minimum permitted or provided in paragraph (e) below.

(3) The processor shall not apply any preference rating hereunder unless the material to be delivered cannot be secured when required without such rating.

(4) The processor may apply the rating only to those quantities and kinds of materials necessary to enable him to maintain his processing schedules up to the end of the calendar year 1943.

(d) *Application of preference rating.* (1) A processor or any supplier, in order to apply or extend the preference ratings assigned hereunder shall comply with Priorities Regulation No. 3, as it may be amended from time to time.

(2) If preference rating AA–2X is applied for emergency maintenance or repair, the processor must, immediately upon placing his order for such material, telegraph to the War Production Board the following with respect to such order:

(i) The name and address of the supplier,

(ii) Brief statement of what necessitated application of rating for emergency maintenance and repair,

(iii) A specific description of the material included in the order, and

(iv) The invoice cost of each item of such material.

(3) If the material is required for replacement, the processor shall not apply preference rating AA–3, unless he shall have communicated with the War Production Board, describing the material needed and the nature of the proposed replacement, and shall have received from the Director General for Operations a specific authorization to apply such rating, notwithstanding the fact that, prior to November 12, 1942, he may have been authorized to apply a lower rating under this order. Such application for authorization may be made by a written statement on Form PD–414 or, in any emergency, by telegram giving substantially the information called for by said Form PD–414.

(e) *Inventory provisions.* A processor shall not accept deliveries (whether rated hereunder or not) of material for repair and maintenance or operation which will increase the inventory or stores available to the processor for such purposes to an amount greater than the minimum necessary for repair and maintenance and to sustain the current level of operations of the processor, and the ratio of such inventory and stores to current operations shall in no event exceed the ratio of average inventory to average operation for the years 1938, 1939, and 1940.

(f) *Records.* In addition to the records required to be kept under Priorities Regulation 1, a processor placing any purchase order or contract rated hereunder shall retain, for a period of two years, for inspection by representatives of the War Production Board, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such a manner that they can be readily segregated for such inspection.

(g) *Reports.* Each processor who applies a preference rating hereunder shall file such reports as may be required from time to time by the War Production Board; and until further notice, any processor who applies a preference rating hereunder for "emergency maintenance or repair" under paragraph (b) (1) or for "repair, maintenance or operation" under paragraph (b) (2), shall file with the War Production Board within 10 days after the end of each quarter Form PD–413. The first such report shall be filed for the full quarter ending December 31, 1942.

(h) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Food Branch, Washington, D. C.—Ref.: P–118.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(j) *Revocation or amendment.* This order may be revoked or amended at any time as to any processor or any supplier. In the event of revocation, deliveries already rated pursuant to this order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the processor or supplier affected by such revocation.

(k) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

Interpretation 1

Order P–118, as amended, assigns high preference ratings to milk and cream "processors" to enable them to obtain deliveries of repair, maintenance, operating and replacement materials in sufficient time to avoid spoilage of milk or cream.

The order defines a "processor" as a person engaged in certain dairy businesses, to the extent that he is so engaged. Question has arisen as to what phases of such a processor's business may be supplied under the order. The order is interpreted as applying to only the primary processing operations and not to secondary processing or distribution operations. The line of demarcation between primary processing and secondary processing is at the point at which milk, cream, or dairy products have been made ready for delivery from the processor's original processing plant. Ratings under the order may be applied to materials related to any operations up to that point, subject to the restrictions in the order. Ratings under the order may not be applied to materials related to the operations beyond that point, such as delivery from the original plant, reprocessing or repackaging ice cream mix, cheese, butter or other dairy products in a plant other than the original plant, distribution of the finished product, or refrigeration maintained in customers' establishments.

Question has also arisen as to whether the ratings under the order may be applied to obtain automotive replacement parts. The War Production Board program for automotive replacement parts, as provided for in Limitation Order No. L–158 (Part 1297), is devised to develop a sufficient supply of such parts to meet reasonable needs without the use of preference ratings for their acquisition. Order P–118, in paragraph (d) (1) (iii) as amended, prohibits the use of its ratings to obtain material which can be secured without the use of those ratings. Therefore, such ratings may not be used to obtain automotive replacement parts. (Issued August 17, 1942.)

[F. R. Doc. 42–12545; Filed, November 27, 1942; 11:33 a. m.]

Part 1213—Safety Equipment

[Limitation Order L–114 as Amended Nov. 27, 1942]

The fulfillment of requirements for the defense of the United States has created shortages in the supplies for the war effort, for private account and for export, of materials entering into the production of safety equipment; and the following order is deemed necessary and appropriate in the public interest and to promote the war effort:

§ 1213.1 *General Limitation Order L–114*—(a) *Definition.* "Safety equipment" means all equipment devices, guards, shields, containers, harnesses, headgear, belts, shoes, protective clothing, protective coverings, masks, respirators, inhalators, resuscitating apparatus, measuring instruments, indicating instruments, protective creams, treads, warning signs, and all other articles, which are manufactured or used to promote safety, or to prevent or reduce accidents, injuries, occupational hazards or diseases.

(b) *Restrictions on use of scarce materials.* Except as provided in paragraph (c) below, or upon specific authorization of the Director General for Operations, no person shall incorporate in the manufacture of safety equipment, or in any component part thereof, or sell, deliver, rent, purchase, accept delivery of, or obtain any safety equipment or parts thereof, in which there is incorporated or used, any of the following materials: aluminum, asbestos cloth, chromium, copper, copper base alloys, nickel, corrosion resisting steel, alloy steel, tin, synthetic plastics, magnesium, rubber or synthetic rubber, or neoprene.

(c) *General exceptions.* Paragraph (b) shall not apply to safety equipment assembled or manufactured:

(1) Prior to May 5, 1942, or from parts which were finished and ready for assembly on said date, provided such safety equipment is delivered to fill purchase orders bearing preference ratings of A–10 or higher, or

(2) From materials to the extent permitted in Appendix A hereof, or

(3) For delivery to, or for the account of, the Army or Navy of the United States, the Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics or the government of any country entitled to deliveries under the Act of Congress of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), provided, and to the extent that the materials designated in paragraph (b) are necessary for efficient functioning and required endurance of safety equipment intended for use:

(i) In or on completed vehicles, aircraft, or ships, or

(ii) Outside of continental United States, or in Alaska, or

(iii) In the protection of military or naval personnel while not engaged in production, maintenance, or repair.

(4) Any order or contract from any agency or government mentioned in paragraph (c) (3) requiring the incorporation or use of scarce materials designated in paragraph (b) shall constitute a representation that the conditions exist under which such scarce materials may be incorporated or used within the terms of this order. Said representation may be relied on by the person with whom the purchase order or contract is placed, his sub-contractors, and suppliers.

(d) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(e) *Records.* All persons to whom this order applies shall keep and preserve for not less than two years, accurate and complete records concerning inventories, production and sales.

(f) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(h) *Violations.* Violation of this order is a criminal offense. In addition, any person who wilfully violates any provision of this order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order, may be prohibited from receiving further deliveries of materials subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(i) *Appeal.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal to the War Production Board setting forth pertinent facts and the reasons such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(j) *Communications.* All reports required to be filed hereunder, or communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Safety and Technical Equipment Branch, Industrial Safety Equipment Section, Washington, D. C. Ref.: L–114.

(k) *Effect of other orders.* With respect to the use of the materials named herein for incorporation in the products named herein, or in component parts thereof, this order shall be subject to all other orders to conserve specific raw materials (M orders), and all orders providing for a preference rating in deliveries, or for allocation, as are now or may hereafter be in effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued November 27, 1942.

ERNEST KANZLER,
Director General for Operations.

APPENDIX A

Pursuant to the provisions of paragraph (b) of the above order, the following materials may be used to the extent indicated:

(1) Asbestos cloth in protective clothing, for industrial operations involving intense heat or handling of hot objects, or for firefighting.

(2) Copper or copper base alloys when essential to the proper functioning of:

(a) Eyelets, rivets, and fasteners worn on the person and required to be non-corrosive or non-sparking.

(b) Frames, side screen binders and temples for spectacle type goggles.

(c) Lens extension rings for hot workers' goggles.

(d) Valves, unions, ferrules, tubing, connections, housings, non-sparking fittings, fastenings, gaskets, pins, probe tubes, orifices, regulators and bearings, for respirators, gas masks or hazard measuring devices through which explosive, toxic, or corrosive gases, dusts or fumes may pass.

(e) Valves, tubing, manifolds, chambers, gaskets, discs, breaker valves, unions, connections, mouthpieces, orifices and facepiece parts on safety equipment through which oxygen or air under pressure is conducted.

(f) Conductors of electricity for safety devices and appliances.

(g) Lens retaining rings and fittings on gas mask facepieces.

(h) Exhalation and inhalation valve inserts and angle tubes for gas masks, air line respirator and breathing apparatus, face and mouth pieces.

(i) Screen in safety canisters to be used as flame arrestors.

(j) Tubing and valves in safety canisters.

(k) Tubing and fittings in hazard measuring devices.

(l) Screen for mask type goggles or hoods but not including side screens on spectacle type or molded goggles.

(m) Bridge clips for molded goggles.

(n) Cylinders, valves, tubing and regulators for compressed air, mechanical guarding devices.

(3) Nickel in:

(a) Nickel silver for pad inserts for nose pads on spectacle type goggles, but not to exceed 20% in such alloy.

(b) Nickel silver for the following, but not to exceed 10% nickel in such alloy:

(i) Valve inserts for respirators.

(ii) Reducing, admission, dilution, check and safety valve pins, stems, plungers, inserts, screws, spiders, sleeves, yokes and bearings on gas masks, breathing apparatus, or hazard measuring devices.

(c) Leaded nickel silver for goggle frame screws and rivets, but not to exceed 18% nickel in such alloy.

(d) Nickel plating for spectacle type goggles until, but not after, May 31, 1943.

(e) Nickel silver for end pieces and guard arms on spectacle type goggles, but not to exceed 10% nickel in such alloy.

(4) Alloy steel in oxygen cylinders for breathing apparatus and inhalators, for which NE 8124 or 8233 steel may be applied.

(5) Tin in solder up to 30% by weight.

(6) Synthetic plastics in:

(a) Protective hats and caps.

(b) Face shields.

(c) Goggle frames.

(d) Lenses and laminated glass.

(e) Respirator and gas mask parts.

(f) Mounting panels, rheostats, connections, plugs, and insulation in cases, for hazard measuring devices when necessary for efficient operation.

(7) Rubber as permitted under Supplementary Order M–15–b, as amended from time to time.

(8) Synthetic rubber on specific authorization of the Director General for Operations.

INTERPRETATION 1

"Measuring instruments" and "indicating instruments", as used in paragraph (a) of Limitation Order No. L–114, refer to instruments manufactured or used to promote safety, or to prevent or reduce accidents, injuries, occupational hazards, or diseases. Typical measuring and indicating instruments of the kinds contemplated, are used to detect gases or dangerous substances, the unknown presence of which might lead to explosions or other hazards. "Measuring instruments" and "indicating instruments" which are "industrial instruments" as defined in Limitation Order No. L–134, are not "safety equipment". (Issued September 25, 1942.)

[F. R. Doc. 42–12542; Filed, November 27, 1942; 11:33 a. m.]

PART 3068—THEOBROMINE AND CAFFEINE

[Conservation Order M–222 as Amended Nov. 27, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supplies of theobromine and caffeine for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the war effort:

§ 3068.1 *General Conservation Order M–222*—(a) *Definitions.* For the purposes of this order:

(1) "Theobromine" means 3:7-dimethylxanthine, whether synthetic or natural, in crude or refined form. The term shall include any compound of theobromine including, but not limited to, theobromine sodium-acetate and theobromine with sodium salicylate, but shall not include standard dosage forms (tablets, capsules, ampules, solutions, etc.).

(2) "Caffeine" means 1:3:7-trimethylxanthine, whether synthetic or natural, in crude or refined form. The term shall include any compound of caffeine including, but not limited to, caffeine citrated, caffeine with sodium benzoate and caffeine with sodium salicylate, but shall not include standard dosage forms (tablets, capsules, ampules, solutions, etc.).

(3) "Producer" means any person engaged in the production or refining of theobromine or caffeine, as defined above, and includes any person who imports theobromine or caffeine or has theobromine or caffeine produced or refined for him pursuant to toll agreement.

(4) "Retailer" means any person who purchases theobromine or caffeine solely for the purpose of resale directly to the ultimate consumer for medicinal use

(5) "Wholesaler" means any person who purchases theobromine or caffeine solely for the purpose of resale directly to retailers without further processing and without changing the form thereof.

(6) "Distributor" means any person (other than a wholesaler or retailer) who purchases theobromine or caffeine from a producer solely for the purpose of resale without further processing and without changing the form thereof.

(b) *Restrictions on use and delivery of theobromine and caffeine.* (1) On and after October 1, 1942, no producer shall use any theobromine or caffeine other than stocks in his hands on said date, no producer or distributor shall deliver any theobromine or caffeine, and no person (other than a wholesaler or retailer) shall accept delivery of any theobromine or caffeine except as specifically authorized by the Director General for Operations upon application pursuant to paragraph (d) of this order or except as provided in paragraph (c) of this order.

(2) Each person who shall accept delivery of theobromine or caffeine pursuant to specific authorization of the Director General for Operations shall use such theobromine or caffeine in accordance with the representations made by him in his application for such authorization.

(3) The Director General for Operations in his discretion may at any time issue special directions to any person with respect to the use and delivery of theobromine or caffeine by such person.

(c) *Exception.* Specific authorization pursuant to paragraph (b) (1) of this order shall not be required with respect to the delivery to any person or the acceptance of delivery or use by any person of two pounds or less of theobromine and two pounds or less of caffeine during any one calendar month. Such use or delivery may be made without regard to preference ratings.

(d) *Applications and reports.* (1) Each person seeking authorization, as required by paragraph (b) (1) of this order, to accept delivery of and use theobromine or caffeine during any calendar month shall place his purchase order with his supplier on or before the 15th day of the month preceding the month for which authorization to accept delivery is requested, and shall file three copies of Form PD–600 with the War Production Board on or before such date. (Copies of this form may be obtained at the local field offices of the War Production Board.) He shall also send one copy of such form to his supplier with his purchase order. Any producer seeking authorization to use theobromine or caffeine during any calendar month shall file three copies of Form PD–600 with the War Production Board on or before such date. Each person, including a producer, filing Form PD–600 as required by this paragraph (d) (1) shall prepare such form in the manner prescribed therein, subject to the following instructions:

(i) *Heading.* Specify either "theobromine" or "caffeine" in heading, using separate set of forms for each. Specify WPB Order No. "M–222". As unit of measure, specify "pounds". A separate set of forms must be filed for each supplier with whom a purchase order is placed.

(ii) *Column 1, grade.* Specify the quality; for example, crude; refined; caffeine USP; caffeine alkaloid anhydrous; caffeine citrated USP; caffeine with sodium benzoate USP; theobromine sodium-acetate USP; etc.

(iii) *Columns 3, 20 and 22, primary products.* Purchasers must specify the exact product or products to be produced in which the theobromine or caffeine will be used or incorporated. Distributors purchasing for resale will specify "resale".

(iv) *Column 4, product use.* Specify in each case (including case where your purchase is for "resale", as indicated in Columns 3, 20 and 22) the ultimate use to be made of product; for example, "medicinal" and "beverage". If there is more than one ultimate use of product, specify approximate percentage of total within each class of use.

(2) Each producer and each distributor seeking authorization, as required by paragraph (b)(1) of this order, to make deliveries of theobromine or caffeine shall file with the War Production Board on or before September 20, 1942, and on or before the 20th day of each month thereafter three copies of Form PD-601 (copies of this form may be obtained at the local offices of the War Production Board) prepared in the manner prescribed therein, subject to the following specific instructions:

(i) *Heading:* Specify either "theobromine" or "caffeine" in heading, using separate set of forms for each. Specify WPB Order No. "M-222". As unit of measure, specify "pounds". A separate set of forms must be filed for each plant or warehouse. Check whether producer or distributor.

(ii) *Columns 3 and 8, grade:* Specify the quality, for example: crude; refined; caffeine USP; caffeine alkaloid anhydrous; caffeine citrated USP; caffeine with sodium benzoate USP; theobromine sodium-acetate USP; etc.

(3) The Director General for Operations may issue additional instructions from time to time concerning the preparation and filing of Forms PD-600 and PD-601.

(4) All persons affected by this order shall file such other reports as may be required from time to time by the War Production Board.

(e) *Production of theobromine and caffeine.* Each producer shall comply with such directions as may be given from time to time by the Director General for Operations with respect to the production of theobromine and caffeine.

(f) *Restrictions on methylation of theobromine.* (1) Unless otherwise authorized or directed by the Director General for Operations, no producer shall hereafter methylate theobromine to caffeine except (i) to fill purchase orders for caffeine which he has been specifically authorized to fill pursuant to paragraph (b) (1) of this order, and/or (ii) to maintain a practicable minimum working inventory of caffeine.

(2) No producer shall, during any calendar month, methylate any theobromine to caffeine unless and until provision has been made by such producer to make all deliveries of theobromine which have been directed by the Director General for Operations to be made by him during such month.

(g) *Notification of customers.* Producers and distributors shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any such person from the obligation of complying with the terms of this order.

(h) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(i) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of theobromine or caffeine shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Communications to War Production Board.* All reports and applications required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref: M-222.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12544; Filed, November 27, 1942; 11:33 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RPS 63,[1] Amendment 6]

RETAIL PRICES FOR NEW RUBBER TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1315.104 is amended; the text of § 1315.108 is designated paragraph (a), the existing paragraphs (a) to (g) are redesignated subparagraphs (1) to (7) respectively, a new subparagraph (8) is added to such redesignated paragraph (a), and a new paragraph (b) is added;

Paragraphs (b) and (e) (1) in § 1315.110 are amended by inserting in each table a new line in the appropriate place for the manufacturers' names to appear in alphabetical order; paragraph (d) in § 1315.110 is amended by inserting in the table three new lines in the appropriate places for the manufacturers' names to appear in alphabetical order; paragraphs (k) and (m) (2) in § 1315.110 are amended;

Paragraph (b) in § 1315.111 is amended by deleting from the table the 24th and 31st lines, in which Fordham Tire Co. and Indiana Farm Bureau Cooperative Association, Inc. are listed as the distributors, by amending the 10th, 53rd, and 55th lines in the table, in which Broadway Tire Corporation, Western Auto Supply Co. and World Tire Corporation are listed as the distributors, and by inserting eleven new lines in the table in the appropriate places for the distributors' names to appear in alphabetical order;

Paragraph (d) in § 1315.111 is amended by amending the 36th and 38th lines in the table, in which Western Auto Supply Co. and World Tire Corporation are listed as the distributors, and by inserting fourteen new lines in the table in the appropriate places for the distributors' names to appear in alphabetical order;

Paragraph (e) (1) in § 1315.111 is amended by deleting from the table the 3rd and 5th lines, in which Fordham Tire Co. and Indiana Farm Bureau Cooperative Association, Inc. are listed as the distributors, and by inserting eleven new lines in the table in the appropriate places for the distributors' names to appear in alphabetical order; paragraph (e) (2) in § 1315.111 is amended by deleting from the table the 4th and 6th lines, in which Fordham Tire Co. and Indiana Farm Bureau Cooperative Association, Inc. are listed as the distributors, and by inserting five new lines in the table in the appropriate places for the distributors' names to appear in alphabetical order;

Paragraphs (k) and (m) in § 1315.111 are amended; and a new § 1315.112 is added, as set forth below:

§ 1315.104 *Posting of prices.* (a) Every person engaged in the business of selling new rubber tires or tubes at retail, shall mark or post maximum prices for such tires or tubes in accordance with one of the following subparagraphs:

(1) Such seller shall keep posted in a conspicuous place in each retail establishment at which such tires or tubes are offered for sale, a price list setting forth the maximum retail prices applicable to such tires or tubes. Lists of maximum prices computed in compliance with the terms of Revised Price Schedule No. 63 and prepared by manufacturers of manufacturers' brands and by owners of private brands, may be used for this purpose. The list of maximum prices so posted must show separately all of the following items which are applicable to tires or tubes offered for sale by the seller:

(i) Maximum retail prices for tires or tubes other than Exhibit C passenger-car tires and tubes and passenger-car reclaimed rubber war tires, as established by Revised Price Schedule No. 63 apart from any 16% increase provided in paragraph (n) of §§ 1315.110 and 1315.111.

(ii) The amounts, in dollars and cents, of the 16% added to the maximum retail prices of passenger-car tires or tubes, as provided in paragraph (n) of §§ 1315.110 and 1315.111.

(iii) Maximum retail prices for Exhibit C passenger-car tires or tubes, as established by paragraph (o) of §§ 1315.110 and 1315.111.

(iv) Maximum retail prices for passenger-car reclaimed rubber war tires, as established by Appendix C (§ 1315.112). These maximum prices must be clearly identified as applying to tires which are marked with the words "War Tire".

(2) Or such seller shall mark or post the maximum prices of such tires or tubes in accordance with the provisions of § 1499.13 (a) of the General Maximum Price Regulation.[2]

(b) If, on November 25, 1941, the seller had special and separate charges in effect for the extension of credit, for the demounting or mounting of a tire or tube on a vehicle or rim, or for any other service, in connection with the sale of new rubber tires or tubes, and if he desires to continue such charges after January 5, 1942, such seller shall keep posted in a conspicuous place in each retail establishment at which such tires or tubes are offered for sale, a statement listing the prices in effect on November 25, 1941, for such extra service.

(c) A seller at retail shall not remove or cause to be removed from any new rubber tire or tube any tag or label that has been attached to such tire or tube pursuant to an order of the Office of Price Adminstration.

§ 1315.108 *Definitions.* (a) * * *

(8) "Passenger-car reclaimed rubber war tire" means any passenger-car tire, regardless of the brand or other name appearing thereon, which is manufactured primarily of reclaimed rubber under restrictions of the War Production Board applicable to such war tires, and which has the words "War Tire" marked on the sidewall.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1315.110 *Appendix A: Maximum retail prices for manufacturers' brands of new rubber tires and tubes.* * * *

(b) The prices set forth in paragraph (a) above apply to tires carrying brand names of manufacturers as follows:

Manufacturer	Brand of passenger-car tires	Brand of truck tires
*		*
Inland Rubber Corporation.	Heavy service	Masterpiece.
*	*	*

(d) The prices set forth in paragraph (c) above apply to tubes carrying manufacturers' brand names as follows:

Manufacturer	Brand of passenger-car tubes	Brand of truck tubes
*	*	*
Cupples Co.	Worthmore deluxe.	Worthmore deluxe extra heavy service.
*	*	*
H. B. Egan Manufacturing Co.	----------------	Camel.
*	*	*
Inland Rubber Corporation.	Heavy duty red.	Heavy duty.
*	*	*

(e) (1) The maximum retail prices for 6.00/6.25-16 passenger-car tubes carrying the brand names of certain manufacturers shall be as follows:

Manufacturer	Brand of passenger car tubes	Maximum price
*	*	*
H. B. Egan Manufacturing Co.	Camel	$2.45
*	*	*

* * * * *

(k) For manufacturers who did not use a consumer list for quoting prices on November 25, 1941, the calculations of the percentages called for in paragraphs (f), (g), (h), (i), and (j), shall be made on the basis of the manufacturer's selling price list.

* * * * *

(m) * * *

(2) United States Rubber Company: (i) Maximum prices for the "U. S. Royal Master" and Fisk "Safti-Flight" brands of passenger-car tires shall be the consumer list prices for those brands on file with the Office of Price Administration which were in effect on November 25, 1941.

(ii) Maximum prices for the "Federal Special Service" and "Gillette Special Service" brands of truck tires in the following sizes shall be:

Size	Ply	Maximum price
8.25-20	12	$83.20
9.00-20	12	100.90
10.00-20	14	125.65
11.00-20	14	154.90

§ 1315.111 *Appendix B: Maximum retail prices for private brands of new rubber tires and tubes.* * * *

(b) The prices set forth in paragraph (a) apply to tires carrying brand names of distributors as follows:

Distributor	Brand of passenger-car tires	Brand of truck tires
*	*	*
Ajax Tire and Rubber Corporation.	A-100 Safety	Custom Built "RNS" Torture Type.
Albert Tire Co.	Silver Eagle	
*	*	*
Broadway Tire Co.	Carnegie Custom-Master.	Carnegie Custom-Master.
*	*	*
Goldblatt Brothers, Inc.	Apollo Supreme	
*	*	*
Imperial Tire Co.	Lafayette Deluxe.	
*	*	*
Murray Tire and Rubber Corporation (New York).	Gear Grip Tread M-100.	Custom Built "RNS" Torture Type.
Northern Tire & Rubber Co.	Ranger	
*	*	*
Standard Tire & Battery Co.	Silver Eagle	
*	*	*
Vanderbilt Tire & Rubber Co.	Vanderbilt First Line (4 ply).	Vanderbilt Deluxe Truck-Bus.
*	*	*
Western Auto Supply Co. (Los Angeles, Calif.).	Western Giant Double Duty.	Western Giant Truck.
Western Auto Supply Co. (Kansas City, Mo.).	Super Safety	Davis High Speed
Westminster Tire Corporation.	Life Protector K-100.	Custom Built "RNS" Torture Type.
*	*	*
World Tire Corporation (St. Louis, Mo.).	Auburn Deluxe.	
World Tire Corporation (Toledo, Ohio).	Douglas Super Liner.	

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1323, 1836, 2132, 3036, 3719, 5708, 6048, 6215, 7364, 8948.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5975, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435.

* * * * *

(d) The prices set forth in paragraph (c) above apply to tubes carrying distributors' brand names as follows:

Distributor	Brand of passenger-car tubes	Brand of truck tubes
*	*	*
Ajax Tire and Rubber Corporation.	Red molded, black molded.	Black standard.
*	*	*
Auto Spring & Bearing Co., Inc.	American	American.
*	*	*
Broadway Tire Co.	Fulton black	Fulton heavy duty black.
Bruck Tire Co	Loraine heavy duty.	
* *	* *	* *
Dempsey & Sanders.	Hi-ten	
Eagle Tire Co	Vulcan heavy duty red.	
* *	* *	* *
Goldblatt Brothers, Inc.	Apollo extra duty.	
* *	* *	* *
Hoover Tire Co		Hoover heavy duty Chief.
* *	* *	* *
Imperial Tire Co	Lafayette heavy duty.	
* *	* *	* *
Murray Tire and Rubber Corporation (New York).	Red molded, black molded.	Black standard.
* *	* *	* *
Valley Oil & Tire Co.	Valtire	Valtire.
* *	* *	* *
Western Auto Supply Co. (Los Angeles, Calif.)		Jumbo Black.
Western Auto Supply Co. (Kansas City, Mo.)	Standard	Davis Truck.
Westminster Tire Corporation.	Red molded, black molded.	Black standard.
* *	* *	* *
World Tire Corporation (St. Louis, Mo.)	Defender heavy duty black.	Mainliner heavy duty red.
World Tire Corporation (Toledo, Ohio).	Mainliner red	Heavy duty red.

(e) (1) The maximum retail prices for 6.00/6.25–16 passenger-car tubes carrying the brand names of certain distributors shall be as follows:

Distributor	Brand of passenger-car tubes	Maximum price
Albert Tire Co	Silver Eagle Heavy Duty.	$2.75
*	*	*
Banner Tire Co	Kenmore	2.45
*	*	*
Hoover Tire Co	Hoover Heavy Duty Chief.	3.60
*	*	*
Philips Petroleum Co	Unique	1.44
*	*	*
Serber Rubber Co., Inc.	Superba	3.65
*	*	*
Standard Supply & Tire Corporation.	Rich-lin	2.40
Sweet & Long	Sweet & Long	2.60
Tanner Service Station	Tanner Heavy Duty.	2.91
Thompson & Ducey	Thompson & Ducey Heavy Duty.	2.80
*	*	*
Vanderbilt Tire & Rubber Co.	Vanderbilt De Luxe.	2.45
*	*	*
Western Auto Supply Co. (Los Angeles, Calif.).	Giant Brown	2.15

(2) The maximum retail prices for 8.25–20 truck tubes carrying the brand names of certain distributors shall be as follows:

Distributor	Brand of truck tubes	Maximum price
Albert Tire Co	Silver Eagle Heavy Duty.	$10.25
*	*	*
Eagle Tire Co	Vulcan	10.25
*	*	*
Serber Rubber Co., Inc.	Superba	10.25
*	*	*
Standard Supply & Tire Corporation.	Rich-lin	9.36
*	*	*
Vanderbilt Tire & Rubber Co.	Vanderbilt Truck and Bus Tube.	10.25

* * * * *

(k) For private brand distributors who did not use a consumer list for quoting prices on November 25, 1941, the calculations of the percentages called for in paragraphs (f), (g), (h), (i), and (j), shall be made on the basis of wholesale price lists.

* * * * *

(m) Notwithstanding any other provision of paragraphs (a) to (1) inclusive, the maximum retail prices for the following brands of tires and tubes owned by the following private brand distributors shall be as follows:

(1) Triplex Tire Company: Maximum prices for all brands of passenger-car and truck tires shall be the consumer price list of the company on file with the Office of Price Administration which was in effect on September 30, 1941.

(2) National Co-operatives, Inc.: Maximum prices for all brands of passenger-car and truck tires and tubes shall be those set forth on the list of maximum retail prices filed pursuant to this subparagraph with the Division of the Federal Register.[3] Such list of maximum retail prices is available at any district, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1315.112 *Appendix C: Maximum retail prices for new passenger-car reclaimed rubber war tires.* The following prices are the maximum prices that may be charged at retail for new rubber tires or tubes at the seller's place of business. The maximum prices set forth herein may not be exceeded for any such sale, even though in a particular case no used tire or tube is traded in. If a used tire or tube is traded in, the trade-in allowance shall be deducted from the maximum price. The actual dollar amount of the Federal Excise Tax paid on any tire or tube may in each case be added to the maximum price established by Revised Price Schedule No. 63.

(a) Notwithstanding any of the provisions of Appendixes A and B (§§ 1315.110 and 1315.111), the maximum retail prices for new passenger-car reclaimed rubber war tires shall be:

PASSENGER-CAR RECLAIMED RUBBER WAR TIRES

Size:	*Maximum price*
7.00—15	$17.80
6.00—16	13.25
6.25/6.50—16	16.65
7.00—16	18.25
5.25/5.50—17	12.20
5.25/5.50—18	11.10
4.75/5.00—19	9.95
4.50/4.75/5.00—20	11.05
4.40/4.50—21	9.90
30 x 3½	8.45

§ 1315.109a *Effective dates of amendments.* * * *

(g) Amendment No. 6 (§§ 1315.104; 1315.108; 1315.110 (b), (d), (c) (1), (k), (m) (2); 1315.111 (b), (d), (c) (1), (c) (2), (k), (m); 1315.112) to Revised Price Schedule No. 63 shall become effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871

Issued this 25th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12475; Filed, November 25, 1942; 3:14 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 143,[1] Amendment 2]

WHOLESALE PRICES FOR NEW RUBBER TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

The paragraph heading and the introductory text before the subparagraphs in paragraph (b) in § 1315.1501 is amended; paragraphs (d) and (e) in § 1315.1501 are redesignated (f) and (g) respectively; two new paragraphs (d) and (e) are added to § 1315.1501; and subparagraph (3) in the redesignated paragraph (g) in § 1315.1501 is amended;

Paragraph (b) in § 1315.1505 is amended, and four new paragraphs (c), (d), (e) and (f) are added;

A new subparagraph (9) is added to paragraph (a) in § 1315.1510, and a new paragraph (b) is added to § 1315.1510; as set forth below:

§ 1315.1501 *Maximum wholesale prices for new rubber tires and tubes.* * * *

(b) *Passenger-car tires and tubes other than Exhibit C tires and tubes and*

reclaimed rubber war tires. The maximum wholesale price for any new rubber passenger-car tires or tubes, except Exhibit C passenger-car tires and tubes and passenger-car reclaimed rubber war tires, shall be the first applicable price among the prices set forth in the following subparagraphs (1) to (4), inclusive:

* * * * *

(d) *Passenger-car reclaimed rubber war tires.* The maximum wholesale price for any new passenger-car reclaimed rubber war tires shall be a price determined according to whichever of the following subparagraphs (1) to (3) is applicable:

(1) *Sales on the basis of consumer price lists.* (i) For any seller who quoted wholesale prices during March, 1942, by applying discounts to a consumer price list, the maximum wholesale price for any new passenger-car reclaimed rubber war tires shall be determined by deducting from the maximum retail price of such reclaimed rubber war tires, as established by Revised Price Schedule No. 63, a percentage discount equal to the smallest discount from maximum retail prices at which the seller delivered, or if he did not deliver, at which he offered for delivery, during March, 1942, to a purchaser of the same class, the brand of passenger-car tires listed in paragraph (b) of §§ 1315.110 or 1315.111 of Revised Price Schedule No. 63 for the manufacturer or private brand distributor whose company name or brand name appears on such reclaimed rubber war tires.

(ii) If such seller did not deliver or offer for delivery during March, 1942, to a purchaser of the same class, any tires of the brand listed in paragraph (b) of §§ 1315.110 or 1315.111 of Revised Price Schedule No. 63 for the manufacturer or private brand distributor whose company name or brand name appears on the reclaimed rubber war tires, the maximum wholesale price for such reclaimed rubber war tires shall be determined by calculating the maximum wholesale price for the most comparable purchaser in accordance with the provisions of subdivision (i), and adjusting the price so calculated in accordance with the price differentials prevailing in the industry between such purchasers on March 1, 1942.

(2) *Sales on the basis of net wholesale price lists.* (i) For any seller who quoted wholesale prices during March, 1942, on the basis of a net wholesale price list, the maximum wholesale price for any new passenger-car reclaimed rubber war tires shall be determined by taking the highest net price at which the seller delivered, or if he did not deliver, at which he offered for delivery, during March, 1942, to a purchaser of the same class, the 6.00—16 size of the brand of passenger-car tires listed in paragraph (b) of §§ 1315.110 or 1315.111 of Revised Price Schedule No. 63 for the manufacturer or private brand distributor whose company name or brand name appears on such reclaimed rubber war tires, expressing that price as a percentage of the maximum retail price for the 6.00—16 size of the same brand, as established by Revised Price Schedule No. 63 apart from the 16% increase provided in paragraph (n) of §§ 1315.110 and 1315.111, and applying that percentage to the maximum retail prices for the reclaimed rubber war tires, as established by Revised Price Schedule No. 63.

(ii) If such seller did not deliver or offer for delivery during March, 1942, to a purchaser of the same class, any 6.00—16 size tires of the brand listed in paragraph (b) of §§ 1315.110 or 1315.111 of Revised Price Schedule No. 63 for the manufacturer or private brand distributor whose company name or brand name appears on the reclaimed rubber war tires, the maximum wholesale price for such reclaimed rubber war tires shall be determined by calculating the maximum wholesale price for the most comparable purchaser in accordance with the provisions of subdivision (i), and adjusting the price so calculated in accordance with the price differentials prevailing in the industry between such purchasers on March 1, 1942.

(3) *Manufacturers' sales to private brand distributors.* Notwithstanding any provision of subparagraphs (1) and (2) of this paragraph, the maximum wholesale price for any sale or delivery by a manufacturer to a private brand distributor of new passenger-car reclaimed rubber war tires bearing the distributor's company name or brand name shall be the price determined upon the manufacturer's first sale or delivery of such tires to the private brand distributor, by applying to the factory cost of the particular size of reclaimed rubber war tire, determined according to subdivision (i), the percentage mark-up applicable to the purchaser, determined according to subdivision (ii). The maximum wholesale price so established shall be the maximum wholesale price for all future deliveries of such reclaimed rubber war tires by the manufacturer to the same private brand distributor.

(i) *Computation of factory cost.* The factory cost of a reclaimed rubber war tire shall be the sum total of direct labor costs, direct materials costs including waste, and factory overhead. The direct labor costs shall be determined by multiplying the number of hours of each type of labor required in the manufacture of the tire by the wage rates determined in accordance with inferior subdivision (*a*) of this subdivision (i). The direct materials costs shall be determined by multiplying the quantity of each type of material required in the manufacture of the tire by the materials prices determined in accordance with inferior subdivision (*b*) of this subdivision (i). If any materials are supplied or paid for directly by the private brand distributor, the cost of such materials shall not be included in calculating the factory cost of the reclaimed rubber war tire. Waste shall be determined by applying the same methods as were used or would have been used by the manufacturer in similar production during March, 1942, adjusted to reflect the actual quantity of waste in the production of the reclaimed rubber war tire. The factory overhead shall include the following items: expense materials, supplies and miscellaneous expense; indirect labor and salaries; repairs and maintenance; depreciation; insurance; taxes, excluding income and excess profits taxes; power; royalties; mold depreciation if the manufacturer owns the mold; factory warehousing and shipping expenses (at location in the same town or city as the factory is located). The factory overhead shall be determined by using the bases and predetermined rates which the manufacturer had in effect on November 1, 1941, in determining the factory overhead on the brand of passenger-car tire listed in paragraph (b) of § 1315.111 of Revised Price Schedule No. 63 for the private brand distributor whose company name or brand name appears on the reclaimed rubber war tire. If the manufacturer did not manufacture during November, 1941, any tires of the brand so listed for that distributor, the factory overhead shall be determined by using the rates and bases actually used by the manufacturer during November, 1941, in determining the factory overhead on the brand of tires most comparable thereto.

(*a*) *Wage rates.* The wage rates applicable to any tire shall be the highest wage rates, in effect in the manufacturer's plant for any substantial portion of March, 1942, for each class of labor involved in the production of the tire. If the manufacturer did not employ a given class of labor in March, 1942, he shall use the highest wage rate paid for any substantial portion of March, 1942, by the nearest employer operating under comparable conditions who employed that class of labor during that month.

(*b*) *Materials prices.* The price of any materials used in the tire being priced shall be the highest price charged during March, 1942, (as defined in subdivision (iii) of this subparagraph (3)) by the manufacturer's supplier; except that if the Office of Price Administration has established a lower maximum price for the sale of that material to the manufacturer by his supplier, such lower price shall govern. If the material was not delivered or offered for delivery by the manufacturer's supplier during March, 1942, the material price shall be the first price at which the manufacturer's supplier offered to sell the material to a purchaser of the same class as the manufacturer after March 31, 1942, or the maximum price for the material established by the Office of Price Administration, whichever is the lower. The manufacturer's supplier shall be (*1*) his March, 1942, supplier of the material, or (2) lacking a March, 1942, supplier of the material, his most recent supplier of the material. If neither of these exists; it shall be his potential supplier. For the purposes of this inferior subdivision (*b*) if the manufacturer shall receive a written affirmation from the seller that the material is being sold at a price which is not in excess of the maximum price established by the Office of Price Administration, and if the manufacturer shall have no cause to doubt the accuracy of the affirmation, and if, as of the time of his determination of the price of a tire, the maximum price of which is established by this paragraph, the manufacturer shall have no reason to believe that the selling price of the material is in excess of the maximum price established by the Office of Price Administration, the price as affirmed by the seller shall be deemed to be the maximum price established by the Office of Price Administration for that material.

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[3] Filed with the Division of the Federal Register as part of the original document.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3664, 5712.

(ii) *Percentage mark-up.* The percentage mark-up to be applied to the factory cost of any size of reclaimed rubber war tire in determining its maximum price to any particular private brand distributor shall be the difference between the manufacturer's actual factory cost in November, 1941, for the 6.00–16 size tire of the brand listed for that distributor in paragraph (b) of § 1315.111 of Revised Price Schedule No. 63, and the highest net price at which such tire was delivered, or if it was not delivered, at which it was offered for delivery, by the manufacturer during November, 1941, to that private brand distributor, expressed as a percentage of such November, 1941, factory cost. In determining the actual November, 1941, factory cost on the 6.00–16 size tire of the brand specified above, the manufacturer shall consider the same elements of cost as those specified by subdivision (i) of this suparagraph (3) for determining the factory cost of a reclaimed rubber war tire. If the manufacturer did not deliver or offer for delivery to a particular private brand distributor during November, 1941, any 6.00–16 size tires of the brand listed for that distributor in paragraph (b) of § 1315.111 of Revised Price Schedule No. 63, the percentage mark-up to be applied in determining the maximum price to that distributor shall be a mark-up approved in writing by the Office of Price Administration upon application by the manufacturer as provided in subdivision (v) of this subparagraph (3).

(iii) *Definitions.* When used in subdivision (i) (*b*) of this subparagraph (3), the phrase "highest price charged during March, 1942", means:

(*a*) The highest price at which the seller delivered, or if he did not deliver, at which he offered the commodity for delivery, during March, 1942, to the same manufacturer in a quantity normal for that manufacturer.

(*b*) If the seller made no such delivery or offer for delivery during March, 1942, to the same manufacturer, the highest price at which the seller delivered, or if he did not deliver, at which he offered the commodity for delivery, during March, 1942, to a purchaser of the same class as the manufacturer in a quantity normal for that purchaser.

(*c*) If the seller made no such delivery or offer for delivery during March, 1942, to the same manufacturer or to a purchaser of the same class, the highest price charged by the seller during March, 1942, to a purchaser of a different class, in a quantity normal for that purchaser, adjusted to reflect the seller's customary differential between the two classes of purchasers.

(iv) *Report of maximum prices.* Within five days after a private brand distributor first agrees to buy tires for which a maximum price must be determined under this subparagraph (3) or within five days after the completion of the production of the tires for the first sale or delivery of such tires to such a purchaser, whichever is later, the manufacturer shall report to the Office of Price Administration, Washington, D. C., the maximum price as computed by him for each size of tire. The report shall show in detail the computation of the factory cost of each size of reclaimed rubber war tire and shall include a detailed showing of how the percentage mark-up to be applied was determined. The showing of how the percentage mark-up was determined either shall give in detail a breakdown of the November, 1941, factory cost of the 6.00—16 size tire of the brand listed for the same distributor in paragraph (b) of § 1315.111 of Revised Price Schedule No. 63 and set forth the highest net price at which such tire was delivered, or if it was not delivered, at which it was offered for delivery by the manufacturer during November, 1941, to the same private brand distributor, or it shall state that application for approval of a percentage mark-up has been made pursuant to subdivision (v) of this subparagraph (3). The report under this subdivision (iv) shall be made on Form 243:1, copies of which are available at the Office of Price Administration, Washington, D. C., and shall include in detail all the information called for on that form. The manufacturer may not accept payment for any such tires until fifteen days have elapsed after the mailing of the report. Within this fifteen day period the price so reported shall be subject to adjustment by the Office of Price Administration. If the fifteen days elapse without the Office of Price Administration making any adjustment in the price reported, that price shall be the maximum wholesale price to that purchaser and shall apply to all future deliveries of such tires until adjusted by written order of the Office of Price Administration. If within this fifteen day period the Office of Price Administration has not disapproved in writing a mark-up requested in accordance with subdivision (v) of subparagraph (3), the manufacturer may consider that mark-up as approved. Subsequent to this fifteen day period, the price reported shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration.

(v) *Application for approval of a percentage mark-up.* If the manufacturer did not deliver or offer for delivery to a particular private brand distributor during November, 1941, any 6.00–16 size tires of the brand listed for that distributor in paragraph (b) of § 1315.111 of Revised Price Schedule No. 63, the manufacturer must apply to the Office of Price Administration for approval of a percentage mark-up to be used in determining the maximum price to such distributor under this subparagraph (3). Such application for approval must set forth the mark-up requested along with a showing that it is in line with other mark-ups determined according to subdivision (ii) of this subparagraph (3) and a detailed explanation of the basis for determining such mark-up. The application must be made at the same time as or prior to the report of maximum prices under subdivision (iv) of this subparagraph (3). The Office of Price Administration will approve or disapprove in writing the percentage mark-up for which approval is requested.

(4) *Retail price labels.* On and after December 1, 1942, before the delivery of any passenger-car reclaimed rubber war tire to any purchaser, every manufacturer and private brand distributor must, for those tires which bear its own company name or brand name, attach or cause to be attached securely to each such tire or to the wrapping on the tire, so that it is clearly visible, either a tag or a label displaying the following statement, with the maximum retail price of the tire at least one inch in height: "This reclaimed rubber war tire is a Grade III tire. OPA retail ceiling price $------ plus Federal Excise Tax. This notice may not be removed until delivered to the consumer."

(e) *Other tires and tubes.* The maximum wholesale price for any new rubber tires or tubes which cannot be priced under paragraphs (a) to (d), inclusive, of this section shall be a price determined by the seller after specific authorization from the Office of Price Administration. A seller who seeks an authorization to determine a maximum price under the provisions of this paragraph shall file with the Office of Price Administration in Washington, D. C., an application setting forth (1) a description in detail of the tires or tubes for which a maximum price is sought, including the brand name, type, sizes and plies; (2) a statement of the facts which make it impossible for him to determine a maximum price under paragraphs (a) to (d), inclusive; (3) his proposed pricing method; and (4) a statement of the reasons why he believes that the use of this method will result in a maximum price which is in line with the level of maximum prices established by this Maximum Price Regulation No. 143. Such authorization will be given in the form of an order prescribing a method of determining the maximum price.

(f) *Sales for export.* * * *

(g) *Taxes.* * * *

(3) The dollar amount of the Federal Excise Tax levied in respect to tires and tubes may be added to the maximum prices established by paragraphs (c) and (d) of this section.

§ 1315.1505 *Records and reports.* * * *

(b) Any manufacturer or private brand distributor who proposes to sell for the first time any tires or tubes, except passenger-car tires or tubes, of a brand, size, or type which was not on the price list from which that brand owner quoted prices on November 25, 1941, shall report to the Office of Price Administration, Washington, D. C., at least five days before he offers any such tires or tubes for sale, the maximum wholesale prices for such tires or tubes as determined by the seller under subparagraph (3) or (4) of paragraph (a) of § 1315.1501. The report shall set forth the brand name of the tires or tubes, indicating their type, the sizes and plies in which such brand is to be manufactured, and the maximum wholesale prices for each class of purchasers. It shall also give in detail the basis used for determining the maximum wholesale prices, including the brand name, type, maximum wholesale prices, and maximum retail prices of the comparable tires or tubes which are used as the basis for the determination under subparagraph (3) or (4) of paragraph (a) of § 1315.1501, and including a detailed explanation of the differences in type, quality, size, and cost between the tires or tubes for which maximum prices are being established and such comparable tires or tubes and any other reasons supporting the adjustments made. The seller may not accept payment for the tires or tubes until fifteen days have elapsed after the mailing of the report. Within this fifteen day period the price so reported shall be subject to adjustment by the Office of Price Administration. Subsequent to this fifteen day period, such price shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration.

(c) Every manufacturer who produces passenger-car reclaimed rubber war tires shall file a report with the Office of Price Administration, Washington, D. C., stating the unit costs as of January 1, 1943, and as of the first day of every calendar quarter thereafter, for each size of passenger-car reclaimed rubber war tire it produces. The unit costs shall be reported on Form 243:2 and shall show labor costs and materials costs on the basis of wage rates and materials prices prevailing during March 1942, and factory overhead and other elements of unit cost computed by using the same rates and bases as were actually used during November 1941 for computing unit costs on the brand of passenger-car tire listed for the same manufacturer in paragraph (b) of § 1315.110 of Revised Price Schedule No. 63, giving in detail all the unit cost information called for on Form 243:2. Copies of Form 243:2 are available at the Office of Price Administration, Washington, D. C. The reports shall be filed not later than thirty days after the date as of which they must state the unit costs.

(d) On or before January 1, 1943, every manufacturer and private brand distributor shall file with the Office of Price Administration, Washington, D. C., a report covering every one of its brands, sizes, and types of tires or tubes, except reclaimed rubber war tires, which was not on the price list from which that brand owner quoted prices on November 25, 1941, but which has been sold on the market for the first time between that date and November 25, 1942. Such report shall list each brand name, indicating the type of tire or tube, show the sizes and plies in which each of those brands is manufactured, set forth the maximum wholesale prices established for such tires or tubes for each class of purchasers, and give in detail the basis which was used for determining the maximum wholesale prices, indicating the exact provision of this regulation which was applied.

(e) On or before January 1, 1943, every manufacturer and private brand distributor shall file with the Office of Price Administration, Washington, D. C., a detailed report of its complete discount structure or net selling prices which are applicable to passenger-car reclaimed rubber war tires under subparagraphs (1) and (2) of § 1315.1501 (d). Such report shall indicate the highest prices charged for the brand of passenger-car tire listed for such manufacturer or distributor in paragraph (b) of §§ 1315.110 or 1315.111 of Revised Price Schedule No. 63, to each class of purchasers during March, 1942, by showing either the maximum retail price list from which discounts were allowed and the smallest discount allowed to each class of purchasers or the highest net price charged to each class of purchasers for the 6.00–16 size. The report shall also set forth a complete list of all the classes of purchasers to whom such seller delivered or offered such tires during March, 1942, indicating in detail all the bases, such as volume of purchases or function in the trade, used by the seller in distinguishing between classes of purchasers.

(f) Such persons shall submit such other reports to the Office of Price Administration and keep such other records in addition to or in place of the records and reports required in paragraphs (a) to (d) of this section as the Office of Price Administration may from time to time require or permit.

§ 1315.1510 *Definitions.* (a) * * *

(9) "Passenger-car reclaimed rubber war tire" means any passenger-car tire, regardless of the brand or other name appearing thereon, which is manufactured primarily of reclaimed rubber under restrictions of the War Production Board applicable to such war tires, and which has the words "War Tire" marked on the sidewall.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of The Emergency Price Control Act of 1942, shall apply to other terms used herein.

§ 1315.1512 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1315.1501 (b), (d), (e), (f), (g); 1315.1505 (b), (c), (d), (e), (f); 1315.1510 (a)(9), (b)) to Maximum Price Regulation No. 143 shall become effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 25th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12477; Filed, November 25, 1942; 3:09 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 120 Under § 1499.18 (b) of GMPR]

MERCHANTS CHEMICAL COMPANY

Order No. 120 Under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF1-86-P.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1021 *Adjustment of maximum price for charcoal sold by Merchants Chemical Company.* (a) Merchants Chemical Company of Minneapolis, Minnesota, may sell and deliver and any person may buy and receive charcoal from that concern at a price no higher than that set forth below:

> $28.50 per ton, f. o. b. plant in carload quantities.

(b) All discounts, allowances and trade practices in effect with respect to the commodity named above during March, 1942 by the seller shall remain in effect under this order.

(c) At the first delivery to any purchaser of charcoal at a price authorized by this order, Merchants Chemical Company shall deliver the following notice to the purchaser:

> The Office of Price Administration has permitted us to raise our maximum price to you for carload quantities of charcoal from $28.00 per ton, freight allowed to Council Bluffs, Iowa, to $28.50 f. o. b. plant, with all discounts, allowances and trade practices in effect with respect to the price of $28.00 charged during March, 1942. You or no other seller is permitted to raise his maximum price for the sale of charcoal purchased from us. If, however, you feel that you are suffering substantial hardship and that your maximum prices are abnormally low in relation to the maximum prices established for your most competitive sellers of such products, you may apply to the Office of Price Administration in Washington, D. C., under the provisions of section 18 (a) of the General Maximum Price Regulation prior to November 30, 1942.

The last sentence of the above notice shall be omitted on deliveries subsequent to November 30, 1942.

(d) All prayers of the applicant not granted herein are denied.

(e) This Order No. 120 may be revoked at any time.

(f) This Order No. 120 (§ 1499.1021) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 120 (§ 1499.1021) shall become effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 25th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12478; Filed, November 25, 1942; 3:09 p. m.]

Part 1499—Commodities and Services

[Amendment 10 to Rev. Sup. Reg. 11[1] to GMPR[2]]

EXCEPTIONS FOR CERTAIN SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

A new subparagraph (108) to § 1499.46 is added as set forth below:

§ 1499.46 *Exceptions for certain services.* * * *

(b) The General Maximum Price Regulation shall not apply to the rates, fees, charges, or compensation for the following services:

* * * * *

(108) Services rendered in connection with the operation of aircraft for any War Procurement Agency pursuant to a contract to be performed in whole or in part outside the territorial limits of the United States.

* * * * *

(d) Effective dates. * * *

(11) Amendment No. 10 (§ 1499.46 (b) (108)) to Revised Supplementary Regulation No. 11 shall become effective November 25, 1942.

(Pub. Laws. 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7671)

Issued this 25th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12476; Filed, November 25, 1942; 3:33 p. m.]

Part 1305—Administration

[Supplementary Order 31]

TAX ON TRANSPORTATION OF PROPERTY IMPOSED BY REVENUE ACT OF 1942

A statement of the reasons for this Supplementary Order No. 31 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered,* That:

§ 1305.36 *Treatment of the tax on transportation of property imposed by the Revenue Act of 1942.* (a) Notwithstanding the provisions of any price regulation, the tax on the transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price.

(b) This Supplementary Order No. 31 shall not apply to the following price regulations:

(1) Revised Price Schedule No. 4—Iron and Steel Scrap.[1]

(2) Maximum Price Regulation No. 112—Pennsylvania Anthracite.[2]

(3) Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant.[3]

(4) Maximum Price Regulation No. 121—Miscellaneous Solid Fuels Delivered from Producing Facilities.[4]

(5) Maximum Price Regulation No. 122—Solid Fuels Delivered from Facilities other than Producing Facilities—Dealers.[5]

(6) Revised Maximum Price Regulation No. 130—Standard Newsprint Paper.[6]

(7) Revised Maximum Price Regulation No. 148—Dressed Hogs and Wholesale Pork Cuts.[7]

(8) Maximum Price Regulation No. 189—Bituminous Coal Sold for Direct Use as Bunker Fuel.[8]

(9) Maximum Price Regulation No. 236—Heating Boiler Conversion Parts.[9]

(10) Any price regulation issued after the effective date of this Supplementary Order No. 31 which specifically provides that this Supplementary Order No. 31 shall not apply.

(c) As used in this Supplementary Order No. 31:

(1) "Revenue Act of 1942" means Public Law 753—77th Congress, approved October 21, 1942.

(2) "Price regulation" means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation heretofore or hereafter issued, or any amendment or supplement thereto or order thereunder heretofore or hereafter issued.

(d) This Supplementary Order No. 31 (§ 1305.36) shall become effective December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12520; Filed, November 26, 1942; 1:15 p. m.]

Part 1335—Chemicals

[RPS 21,[1] Amendment 2]

FORMALDEHYDE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new § 1335.52a is added as set forth below:

§ 1335.52a *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1335.59a *Effective dates of amendment.* * * *

(b) Amendment No. 2 (§ 1335.52a) to Revised Price Schedule No. 21 shall become effective December 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. No. 9250, 7 F.R. 7871)

Issued this 26th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12512; Filed, November 26, 1942; 1:18 p. m.]

Part 1335—Chemicals

[RPS 31,[2] Amendment 2]

ACETIC ACID

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new § 1335.202a is added as set forth below:

§ 1335.202a *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1335.209a *Effective dates of amendment.* * * *

(b) Amendment No. 2 (§ 1335.202a) to Revised Price Schedule No. 31 shall become effective December 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12513; Filed, November 26, 1942; 1:18 p. m.]

Part 1335—Chemicals

[RPS 80,[1] Amendment 4]

LITHOPONE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new § 1335.652a is added as set forth below:

§ 1335.652a *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1335.658a *Effective dates of amendment.* * * *

(d) Amendment No. 4 (§ 1335.652a) to Revised Price Schedule No. 80 shall become effective December 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. No. 9250, 7 F.R. 7871)

Issued this 26th day of November 1942

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12514; Filed, November 26, 1942; 1:19 p. m.]

Part 1335—Chemicals

[RPS 98,[2] Amendment 3]

TITANIUM PIGMENTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new § 1335.752a is added as set forth below:

§ 1335.752a *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1335.758a *Effective dates of amendment.* * * *

(c) Amendment No. 3 (§ 1335.752a) to Revised Price Schedule No. 98 shall become effective December 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. No. 9250, 7 F.R. 7871)

Issued this 26th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12515; Filed, November 26, 1942; 1:19 p. m.]

Part 1346—Building Materials

[Revised MPR 236]

HEATING BOILER CONVERSION PARTS

The preamble and §§ 1346.151 to 1346.167, inclusive, of Maximum Price Regulation No. 236[1] are renumbered and amended as set forth below.

In the judgment of the Price Administrator it is necesary and proper, in order to effectuate the purpose of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, to replace the General Maximum Price Regulation and Maximum Price Regulation No. 188 with a separate regulation establishing maximum prices for the sale of conversion parts used in converting heating boilers from oil to hand fired solid fuels and for installation services relating thereto.

So far as practicable, the Price Administrator has consulted with representatives of the trade and industry which will be affected by this regulation. In the judgment of the Price Administrator the maximum prices established by this Regulation are generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Revised Maximum Price Regulation No. 236 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1[2] issued by the Office of Price Administration, Revised Maximum Price Regulation No. 236 is hereby issued.

Sec.

1346.151 Purpose and scope of the regulation.
1346.152 Export sales.
1346.153 Geographical applicability.
1346.154 Prohibitions.
1346.155 Maximum prices for sales by manufacturers.
1346.156 Maximum prices for sales by wholesalers.
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1346.158 Maximum prices for installation services.
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1346.167 Petitions for amendments.
1346.168 Enforcement.
1346.169 Definitions.
1346.170 Effective date.

AUTHORITY: §§ 1346.151 to 1346.170, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1346.151 *Purpose and scope of this regulation.* The purpose of this revised Maximum Price Regulation No. 236 is to establish maximum prices for sales of conversion parts for heating boilers, as defined in § 1346.169 (a) (8). The Regulation applies to sales by manufacturers, wholesalers, and retailers. However, if the total weight of conversion parts sold at one time is 10 pounds or less, the maximum prices fixed by this Regulation do not apply. The Regulation also establishes maximum prices for the installation of conversion parts for heating boilers. The Regulation is only applicable in those areas of the country indicated in § 1346.153.

Sales of conversion parts for warm air furnaces, any sale of conversion parts for heating boilers, the total weight of which is 10 pounds or less, and sales of conversion parts for heating boilers in areas not subject to this Regulation, are covered by Maximum Price Regulation No. 188, which incorporates many of the provisions of the General Maximum Price Regulation.

Maximum prices for the installation of the conversion parts for heating boilers and warm air furnaces referred to in the previous paragraph are established in Maximum Price Regulation No. 251.

Maximum prices for sales of conversion parts for marine and industrial boilers, and installation services with respect to such parts, are subject to Maximum Price Regulation No. 136.

Conversion parts, as defined in § 1346.169 (a) (8) of this Regulation, do not include manganese steel castings or manganese steel casting products as defined in, and controlled by, Maximum Price Regulation No. 235.

Maximum Price Regulation No. 244, which establishes maximum prices for gray iron castings, does not apply, but this regulation does apply to the sale of gray iron castings used for conversion parts.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 2426, 6965, 7604, 7758, 8282, 8431, 8810, 9195.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5976, 5192, 5365, 5445, 5565, 5484, 5775, 5764, 5783, 6038, 6081, 6007, 6316, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616.

[1] 7 F.R. 1207, 2132, 2155, 2507, 3087, 3550, 3889, 4488, 6217, 8190, 8948.

[2] 7 F.R. 2512, 2739, 2818, 2868, 3521, 4294, 4539, 4540, 8948.

[3] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6896, 7777, 7670, 7914, 7942, 8354, 8650, 8948.

[4] 7 F.R. 3237, 3989, 4483, 5941, 6002, 6386, 8587, 8521, 8938, 8948.

[5] 7 F.R. 3239, 3666, 3856, 3940, 3941, 5024, 5567, 5835, 7809, 8996, 8949, 8948, 9426.

[6] 7 F.R. 9251.

[7] 7 F.R. 8609, 9005, 8948.

[8] 7 F.R. 5831, 6684, 8939.

[9] 7 F.R. 8195, 8944.

[1] 7 F.R. 398, 1249, 1836, 2000, 2132, 8201.

[2] 7 F.R. 1263, 1836, 2000, 2132, 8201.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1355, 1643, 1836, 2132, 2759, 8203.

[2] 7 F.R. 1392, 1836, 2108, 2132, 8203.

[1] 7 F.R. 8195, 8944.

[2] 7 F.R. 8961.

§ 1346.152 *Revised Maximum Export Price Regulation*[3] *applicable.* The maximum price at which a person may export any conversion parts shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration.

§ 1346.153 *Geographical applicability.* (a) The provisions of this revised Maximum Price Regulation No. 236 shall be applicable to the Eastern part of the United States defined herein as the states of: Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and the District of Columbia. This Revised Maximum Price Regulation No. 236 applies to all sales of conversion parts where delivery or installation is to be made within the above described geographical area although the person making the sale or installation may be located outside the area. The regulation has a wider geographical application with respect to certain conversion parts, as indicated in the next paragraph.

(b) The maximum prices for special combination grates set forth in § 1346.159 shall be applicable to sales, deliveries, and installations made in the 48 states of the United States and the District of Columbia.

§ 1346.154 *Prohibitions against sales and the installation of conversion parts at higher than maximum prices.* On and after November 26, 1942, regardless of any contract, lease, or other obligation:

(a) No person shall sell or deliver any conversion parts and no person shall supply conversion parts installation service at a price higher than the maximum price permitted by this Revised Maximum Price Regulation No. 236, *Provided,* That the provisions of this paragraph shall not be applicable to sales and deliveries of conversion parts or the supplying of installation services relating thereto to a purchaser, if prior to November 26, 1942:

(1) Such conversion parts have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser, or

(2) If the seller has delivered the conversion parts to the site designated by the purchaser where the installation is to be made, or

(3) The service of installation has actually begun.

(b) No person in the course of trade or business shall buy or receive any conversion parts or installation services at a price higher than that permitted by this Revised Maximum Price Regulation No. 236.

(c) No person shall agree, offer, solicit, or attempt to do any of the acts prohibited in paragraphs (a) and (b) of this section.

§ 1346.155 *Maximum prices for the sale and delivery of conversion parts by manufacturers.* (a) Maximum prices for the sale of conversion parts by manufacturers shall be as follows:

Class of purchaser:	*Price, cents per pound of conversion parts*
Wholesalers	11
Retailers	15¾
Ultimate purchasers	20

(b) *Transportation charges, services, cash and quantity discounts.* (1) The maximum prices for sales by manufacturers shall include at least the same absorption of transportation costs, and other charges, at least the same rendition of services, and at least the same extension of quantity and cash discounts as were or would have been absorbed, rendered or extended by the seller on comparable sales to a purchaser of the same class on October 1, 1941.

(2) In the event the manufacturer makes a sale directly to a retailer or an ultimate purchaser, and, in accordance with his practice on October 1, 1941, he makes a charge for the cost of transporting the parts to the retailer or ultimate purchaser, he shall state the transportation costs incurred by him in making delivery as a separate item on the invoice rendered to the retailer or ultimate purchaser.

§ 1346.156 *Maximum prices for the sale and delivery of conversion parts by wholesalers.* (a) Maximum prices for the sale of conversion parts by wholesalers shall be as follows:

Class of purchaser:	*Price, cents per pound of conversion parts*
Retailers	15¾
Ultimate purchasers	20

(b) *Transportation charges.* On sales by wholesalers, where the shipment originates at a wholesaler's warehouse, or where the shipment originates at a manufacturer's foundry or plant at the request of the purchaser, the maximum prices set forth above shall be f. o. b. the wholesaler's warehouse or the manufacturer's foundry or plant, respectively. In either case, where the wholesaler makes delivery to the purchaser, he may add to the maximum prices set forth above the transportation cost actually incurred by him in making delivery. He must, however, state the transportation cost incurred by him separately on the invoice rendered to the purchaser. In the event a wholesaler makes a sale where the shipment originates at a manufacturer's foundry or plant, although not at the request of the purchaser, the shipment shall be treated, for the purpose of determining the transportation costs which may be charged to the purchaser, as though it originated at the wholesaler's warehouse.

(c) *Services, cash and quantity discounts.* The maximum prices for sales by wholesalers shall include at least the same rendition of services, and at least the same extension of cash and quantity discounts as were or would have been rendered or extended by the seller on comparable sales to a purchaser of the same class on October 1, 1941.

§ 1346.157 *Maximum prices for the sale and delivery of conversion parts by retailers.* (a) Maximum prices for the sale of conversion parts by retailers shall be as follows:

Class of purchaser:	*Price, cents per pound of conversion parts*
Ultimate purchaser	20

(b) *Transportation charges.* Retailers may add to the maximum prices established above the actual transportation costs incurred in securing conversion parts directly from either the manufacturer or the wholesaler: *Provided,* That the retailer states the transportation costs separately on the invoice rendered to the ultimate purchaser. In the event a retailer purchases a quantity of conversion parts that will be resold to different ultimate purchasers, he shall prorate the transportation costs equally on a per pound basis.

§ 1346.158 *Maximum prices for the installation of conversion parts.* The maximum price for the installation of conversion parts, but including the installation of special combination grates only when installed by a person other than the seller of the special combination grate, shall not be in excess of a sum computed in the following manner:

(a) Take the number of hours utilized in making the installation (figuring the time on the basis of the practice customarily employed by the installer on October 1, 1941).

(b) Multiply the number of hours utilized by the highest hourly price charged by the installer during the month of March 1942 for the same or similar mechanical service employing the same class of mechanics or, in the event the installer had no such established hourly price for such service or similar service during March 1942, the maximum hourly price of the nearest competitor who pays the same wage rate and employs the same class of mechanics: *Provided,* That the hourly price charged may be adjusted to reflect actual increases in wage rates paid by the installer becoming effective between March 1, 1942, and October 3, 1942, by adding to such March hourly price charged only the actual hourly increase in the wage rate during such period.

§ 1346.159 *Maximum prices for special combination grates*—(a) *Installed price.* The maximum prices for the sale of special combination grates installed in the purchaser's heating boiler are as follows:

Trade name of special combination grate	Type	Capacity	Installed price
"Konver-to-Kol."	Kit A	Up to 24″ fire pot	$34.95
	Kit B	25″ to 34″ fire pot	39.95
"Convert-O-Grates."	Kit A	Up to 24″ fire pot	34.95
	Kit B	29″ to 34″ fire pot	39.95
"Stoket"	A-14	Up to 20″ fire pot	32.95
	A-22	22″ to 26″ fire pot	39.95
	Type B	27″ to 40″ fire pot	37.95
	Type C	21″ to 27″ fire pot	34.95

(b) *Uninstalled price.* The maximum price for the sale of any special combination grate listed above shall be a price not higher than the installed price for such grate as established above less the cost to the seller of making the installation in the locality where the special combination grate is to be installed.

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[3] 7 F.R. 5059, 7242, 8829, 9000.

§ 1346.160 *Less than maximum prices.* Lower prices than those set forth in this regulation may be offered, charged, demanded, or paid.

§ 1346.161 *Federal and State taxes.* There may be added to the maximum price established by this Revised Maximum Price Regulation No. 236 the amount of tax levied by any Federal excise tax statute or any State or municipal sales, gross receipts, gross proceeds, or compensating use tax statute or ordinance, under which the tax is measured by gross proceeds or units of sale, if, but only if, (a) such statute or ordinance requires the vendor to state the tax separately from the purchase price paid by the purchaser, consumer, or user, on the bill, sales check, or evidence of sale, at the time of the transaction; or (b) such statute or ordinance requires such tax to be separately paid by the purchaser, consumer or user with tokens or other media of State or municipal tax payment; or (c) such a statute or ordinance permits the vendor to state such tax separately, and such tax is in fact stated separately, by the vendor. The amount of tax permitted to be added by this paragraph shall in no event exceed that paid by the purchaser, consumer, or user.

§ 1346.162 *Adjustable pricing.* Any person may offer or agree to adjust prices to or at prices not higher than the maximum prices in effect at the time of delivery.

§ 1346.163 *Evasion.* The price limitations set forth in this Revised Maximum Price Regulation No 236 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, supply, or delivery of, or relating to conversion parts of installation services relating thereto, either alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise. No retailer or installer shall require an ultimate purchaser to buy conversion parts not actually required to complete in good mechanical working order the conversion of his oil fired heating boiler for the use of hand fired solid fuel. No seller shall require any purchaser for resale to purchase conversion parts which he does not want as a condition of receiving conversion parts which he does want. Nor shall any seller require purchases of conversion parts to be made in quantities weighing 10 pounds or less in order to secure a higher price.

§ 1346.164 *Records and reports.* (a) Every person making sales of conversion parts, other than special combination grates, subject to this Revised Maximum Price Regulation No. 236 shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect complete and accurate records of each such sale, showing the date thereof, the name and address of the purchaser, an itemized list of conversion parts sold, their total net weight, and the total price received, with any charge made for transportation shown separately.

(b) Every person making sales of special combination grates for which maximum prices are established by this regulation shall keep for inspection complete and accurate records of each such sale, showing the date thereof, the name and address of the purchaser, the trade name, type, and capacity of the grate, the price received, and a notation as to whether the grate was sold installed or uninstalled.

(c) Every person engaged in the sale or supply of conversion parts installation services for which maximum prices are established in § 1346.158 shall preserve for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect complete and accurate records of each such sale or supply of installation services showing:

(1) The name and address of the purchaser of such service or installation;

(2) The date thereof;

(3) The actual number of hours employed for completion of the conversion;

(4) The rate charged the purchaser per hour;

(5) The type and number of unit converted.

(d) Every person engaged in the sale and supply of conversion parts installation service shall file, on or before December 21, 1942, with the War Price and Rationing Board of the Office of Price Administration having jurisdiction over the area in which the seller is located the following:

(1) The hourly prices charged for conversion parts installation services during the month of March 1942;

(2) The hourly rate of wages paid to employees performing such service or a similar service in March 1942;

(3) If there has been any increase in the hourly wage rate between the period of March 1, 1942, and October 3, 1942, the amount thereof and the effective date of such increase;

(4) If the installer of conversion parts did not have such established hourly price for such service or a similar service during March 1942, the maximum hourly price of the nearest competitor who pays the same wage rate and employs the same class of mechanics.

(e) Every person engaged in the sale and supply of conversion parts installation service shall prepare on or before December 21, 1942, to the full extent of all available information and records and thereafter keep posted in a conspicuous manner at his place of business for examination by any person during ordinary business hours a statement showing the highest prices which he may charge for installation services pursuant to the terms of § 1346.158 of this regulation.

(f) Persons affected by this Revised Maximum Price Regulation No. 236 shall submit such other reports to the Office of Price Administration as it may from time to time require.

§ 1346.165 *Details required in contract of sale and invoice.* (a) Every seller of conversion parts, other than special combination grates, shall with respect to every sale thereof deliver to the purchaser an invoice which shall contain the name and address of the purchaser and the seller; the date upon which the sale was made; an itemized list of the conversion parts sold; their total net weight; the price per net pound of such conversion parts; and the total price paid, with any charge made for transportation shown separately if required by §§ 1346.155, 1346.156, and 1346.157.

(b) Every person making sales of special combination grates for which maximum prices are established by this regulation shall with respect to every sale thereof deliver to the purchaser an invoice showing the name and address of the seller; the date upon which the sale was made; trade name, type, and capacity of the grate; the price received, and whether sold installed or uninstalled.

(c) Every person supplying conversion parts installation services for which maximum prices are established in § 1346.158 shall furnish with respect to each installation an invoice which shall contain the name and address of the purchaser and the seller; the date on which the installation was made; the total number of hours actually employed to complete the conversion; the rate per hour charged for such service; and the type and number of unit converted.

(d) Every person selling conversion parts, other than special combination grates, and supplying the services necessary for their installation shall furnish to the purchaser an invoice containing all of the information required in paragraphs (a) and (c) of this section. The invoice shall also bear the following statement signed by the seller and shall be true to the knowledge of the seller in all respects:

> The total conversion parts used do not exceed the actual requirements for the conversion of the heating boiler from oil firing to the use of solid fuels. The weight of the parts so used and listed on this invoice is accurate and the prices therefor conform with Revised Maximum Price Regulation No. 236, issued by the Office of Price Administration to the best of my knowledge and belief.

§ 1346.166 *Licensing.* The provisions of Supplementary Order No. 18 (§ 1305.22)[4] licensing persons selling lumber, lumber products or building materials are applicable to every person (except manufacturers) making a sale of conversion parts for which maximum prices are fixed by this regulation.

§ 1346.167 *Petitions for amendment.* Any person seeking an amendment of any provision of this Revised Maximum Price Regulation No. 236 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

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[4] 7 F.R. 7240.

PART 1360—MOTOR VEHICLES AND MOTOR

PART 1390—MACHINERY AND TRANSPORTA-

ing unit entitled to a provisional allow-

§ 1346.168 *Enforcement.* (a) Persons violating any provisions of this Revised Maximum Price Regulation No. 236 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Revised Maximum Price Regulation No. 236, or any price schedule, regulation, or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation are urged to communicate with the nearest state, district, or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

(c) The provisions of paragraph (a) of this section shall not be applicable to any war procurement agency or any contracting officer thereof, and any such contracting officer or any paying finance officer shall be relieved of any and every liability, civil or criminal, imposed by this Revised Maximum Price Regulation No. 236, or by the Emergency Price Control Act of 1942, as amended.

§ 1346.169 *Definitions.* (a) When used in the Revised Maximum Price Regulation No. 236, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" means a person operating a foundry or plant which produces conversion parts, but does not include a person purchasing conversion parts for purposes of resale.

(3) "Wholesaler" means a person who purchases conversion parts for purposes of resale primarily from a manufacturer or another wholesaler and sells primarily to persons who will resell to the ultimate purchaser.

(4) "Retailer" means a person who purchases conversion parts for purposes of resale to ultimate purchasers, whether or not he is an installer.

(5) "Ultimate purchaser" means a person who purchases conversion parts for use rather than resale.

(6) "Installation service" means a mechanical service necessary to convert an oil fired heating boiler and make it ready for use for hand fired solid fuels.

(7) "Installer" means a person who furnishes installation services.

(8) "Conversion parts" means the metal parts necessary to convert an oil fired heating boiler, other than an industrial or marine boiler, and make it ready for use for hand fired solid fuels, and shall include, but shall not be limited to, the following parts whether actually used for conversion, repair, or otherwise:

(i) Grate assemblies and parts.
(ii) Grate supports.
(iii) Shaker handles.
(iv) Ashpit doors and frames.
(v) Poker.
(vi) Ash hoe.
(vii) Clinker tongs.
} Domestic type—only when sold with grate assemblies.
(viii) Smokehood, with check control.
(ix) Special combination grates.

(9) "Special combination grates" means the combination units for which maximum prices are established in § 1346.159.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

§ 1346.170 *Effective date.* This Revised Maximum Price Regulation No. 236 (§§ 1346.151 to 1346.170, inclusive) shall become effective November 26, 1942.

Issued this 26th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12500; Filed, November 26, 1942; 1:06 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 249,[1] Amendment 1]

SALES OF CERTAIN SEASONAL FOOD PRODUCTS AT WHOLESALE

Mincemeat.
Plum pudding.
Fig pudding.
Date pudding.
Christmas cookies.
Fruit cake.
Holiday candy.
Chocolate covered cherries.
Sweet apple cider.
Glaced or candied fruits and peels.
Stuffed dried fruits.
Dried figs.
Pure sorghum syrup.
Pitted and macerated dates and date products.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

New §§ 1351.766 and 1351.763a are added as set forth below:

§ 1351.766 *Wholesale maximum prices for fruit cake to be and remain as specified under Supplementary Regulation No. 14[2] to the General Maximum Price Regulation until January 15, 1943.* Sellers of fruit cake at wholsale shall calculate their maximum prices under § 1499.73 (a) (2) of Supplementary Regulation No. 14 to the General Maximum Price Regulation until and including January 15, 1943. Thereafter such sellers shall calculate their maximum prices under this Maximum Price Regulation No. 249.

§ 1351.763a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1351.766 and 1351.763(a)) to Maximum Price Regulation No. 249 shall become effective December 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12508; Filed, November 26, 1942; 1:18 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 250,[1] Amendment 1]

SALES OF CERTAIN SEASONAL FOOD PRODUCTS AT RETAIL

Mincemeat.
Plum pudding.
Fig pudding.
Date pudding.
Christmas cookies.
Fruit cake.
Holiday candy.
Chocolate covered cherries.
Sweet apple cider.
Glaced or candied fruits and peels.
Stuffed dried fruits.
Dried figs.
Pure sorghum syrup.
Pitted and macerated dates and date products.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

New §§ 1351.866 and 1351.864a are added as set forth below:

§ 1351.866 *Retail maximum prices for fruit cake to be and remain as specified under Supplementary Regulation No. 14[2] to the General Maximum Price Regulation until January 15, 1943.* Sellers of fruit cake at retail shall calculate their maximum prices under § 1499.73 (a) (2) of Supplementary Regulation No. 14 to the General Maximum Price Regulation until and including January 15, 1943. Thereafter such sellers shall calculate their maximum prices under this Maximum Price Regulation No. 250.

§ 1351.864a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1351.866 and 1351.864a) to Maximum Price Regulation No. 250 shall become effective December 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12509; Filed, November 26, 1942; 1:18 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8702.

[2] 7 F.R. 5709, 5486, 6008, 5911, 6008, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397 9391.

[1] 7 F.R. 8705.

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[RPS 85,[1] Amendment 7]

NEW PASSENGER AUTOMOBILES

A statement of the considerations involved in the issuance of this Amendment has been prepared and filed with the Division of the Federal Register.* A new § 1360.52a is added as set forth below:

§ 1360.52a *Extension of time for performance of maintenance operations.* (a) Notwithstanding any other provision of § 1360.51 or § 1360.52, the time for the performance of any maintenance operation or operations set forth in § 1360.51 or §1360.52 may be extended to a date not later than December 31, 1942 when satisfactory evidence has been furnished the Office of Price Administration, in accordance with paragraph (b) below, showing that one or more of the following conditions exist:

(1) That there is, in the locality in which the new passenger automobile is to be stored, a shortage of indoor storage facilities; or

(2) That there is, in the locality in which the new passenger automobile is stored, a shortage in the supply of a commodity necessary in the performance of any of the specified maintenance operations; or

(3) That there is, in the locality in which the new passenger automobile is stored, a shortage of mechanics to perform the specified maintenance operations.

(b) If any person desires such an extension of time under the circumstances set forth in the preceding paragraph, a report shall be filed with the Office of Price Administration, Washington, D. C., containing a detailed statement of the facts making such extension of time necessary and the requested date thereof, which shall in no event be later than December 31, 1942. If the Office of Price Administration approves the extension of time, or fails to disapprove it within ten days after receiving such report, the date of the extension sought shall be substituted for October 31, 1942 throughout § 1360.51 or § 1360.52, as the case may be.

§ 1360.60a *Effective dates of amendments.* * * *

(g) Amendment No. 7 (§ 1360.52a) shall become effective December 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26 day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12506; Filed, November 26, 1942; 1:13 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136,[1] as Amended, Amendment 58]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1390.2 new paragraph (m) is added, and subparagraph (9) of paragraph (c) of § 1390.25 is amended and redesignated paragraph (n) of § 1390.2, all as set forth below:

§ 1390.2 *Exclusions.* * * *

(m) Any sale or delivery to an agency of the United States of any complete plant for the manufacture of rubber tires.

(n) Any sale by any distiller to the Defense Plant Corporation of any still or fractionating column, or part thereof, installed or held as spare operating equipment.

§ 1390.31a *Effective dates of amendments.* * *

(ggg) Amendment No. 58 (§§ 1390.2 (m) (n) and 1390.25 (c) (9)) to Maximum Price Regulation No. 136, as amended, shall become effective November 26, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12510; Filed, November 26, 1942; 1:18 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Ration Order 3,[2] Amendment 26]

SUGAR RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

New paragraphs, (d) and (e), are added to § 1407.87, and § 1407.241, Schedule A, Table VI, is amended as set forth below:

Institutional and industrial users

* * * * *

§ 1407.87 *Provisional allowance.* * * *

(d) Notwithstanding the terms of paragraph (c) of this section, a registering unit entitled to a provisional allowance for a calendar year for feeding bees may, at any time during such calendar year, make application for such provisional allowance or any part thereof.

(e) A registering unit may, during the year 1942, obtain an advance on future provisional allowances for feeding bees if: (1) it has obtained its full 1942 provisional allowance for such purpose; and (2) the unused part of such provisional allowance, in addition to the honey in each colony, will be insufficient to feed the bees in that colony until they begin to produce honey in 1943. The total amount of the advances which may be obtained by a registering unit pursuant to this paragraph shall not exceed 15 pounds for each colony. The amounts advanced shall be deducted from the registering unit's 1943 provisional allowance for feeding bees; provided, that if an amount in excess of 10 pounds per colony is advanced, such excess shall be deducted from the registering unit's 1944 provisional allowance for feeding bees. Application for an advance shall be made to the Board on OPA Form No. R-315. The application shall establish compliance with the requirements of this paragraph, state that if the application is granted with respect to any colony, the registering unit will not remove honey from that colony until the bees in that colony begin to produce honey in 1943, and include such other information as the Board may require.

Schedules

§ 1407.241 *Schedule A: Table of sugar allowance per unit of product for determination of provisional allowance.*

* * * * *

TABLE VI—BEE FEEDING

The provisional allowance for feeding bees shall be 10 pounds per calendar year for each colony of bees. For the purposes of this Table, the period from April 28 to December 31, 1942, shall be deemed to be a full calendar year.

Effective date

§ 1407.222 *Effective dates of amendments.* * * *

(aa) Amendment No. 26 (paragraphs (d) and (e) of § 1407.87, and § 1407.241, Schedule A, Table VI) shall become effective December 2, 1942.

(Pub. Law 421, 77th Cong.; W.P.B. Dir. No. 1, and Supp. Dir. No. 1E)

Issued this 26th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12517; Filed, November 26, 1942; 1:16 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 664, 1009, 1364, 1675, 2134, 2132, 6048, 6897, 7100, 7436, 7942, 8948.

[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362, 8433, 8479, 8520, 8652, 8707, 8897, 9001, 8948, 9040, 9041, 9042, 9053, 9054.

[2] 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557.

PART 1499—COMMODITIES AND SERVICES

[Amendment 65 to Supp. Reg. 14[1] to GMPR[2]]

VANILLA BEANS

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.* A new inferior subdivision (*d*) is added to § 1499.73 (a) (31) (i), as set forth below:

§1499.73 *Modification of maximum prices established by § 1499.2 of the General Maximum Price Regulation for certain commodities, services, and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

* * * * *

(31) *Vanilla beans*—(i) *Maximum prices.* * * *

(*d*) Premiums shall be allowed on small quantity sales of 50 pounds or less as follows:

(*1*) A primary dealer may add 1% to the maximum price for beans established in subdivision (*1*) of subparagraph (31) on all sales of quantities of 50 pounds or less. "Primary dealer" means a person who buys for shipment from a producing country or one who acts as consignee or agent of a foreign shipper.

(*2*) A person other than a primary dealer may add 10% to the maximum price established by subdivision (*1*) of subparagraph (31) on all sales of quantities of 50 pounds or less.

(b) *Effective dates.* * * *

(66) Amendment No. 65 (§ 1499.73 (a) (31)) to Supplementary Regulation No. 14 shall become effective December 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–12518; Filed, November 26, 1942; 1:13 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 66 to Supp. Reg. 14[1] to GMPR[2]]

FRUIT CAKE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new subdivision (iv) is added to subparagraph (2) of § 1499.73 (a) as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of the General Maximum Price Regulation for certain commodities, services, and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

* * * * *

(2) *Fruit cake.* * * *

(iv) *Termination date of subdivision (ii) of subparagraph* (2) *of § 1499.73 (a)—Sales by others than producers of fruit cake.* On January 15, 1943, sellers other than producers of fruit cake shall cease to calculate their maximum prices under Supplementary Regulation No. 14 to the General Maximum Price Regulation. Thereafter, wholesalers of fruit cake shall calculate their maximum prices under Maximum Price Regulation No. 249,[3] and retailers of fruit cake shall calculate their maximum prices under Maximum Price Regulation No. 250.[4]

(b) *Effective dates of amendments.* * * *

(67) Amendment No. (66) (§ 1499.73 (a) (2) (iv)) to Supplementary Regulation No. 14 to General Maximum Price Regulation shall become effective December 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–12519; Filed, November 26, 1942; 1:16 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 67 to Supp. Reg. 14[1] to GMPR]

NEW COMMERCIAL MOTOR VEHICLES

A statement of the considerations involved in the issuance of this Amendment has been prepared and filed with the Division of the Federal Register.*

In § 1499.73 (a) (19) subdivision (iii) is redesignated (iv) and new subdivision (iii) is added as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services, and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided:

* * * * *

(19) *New commercial motor vehicles:*

* * * * *

(iii) *Extension of time for performance of maintenance operations.* (*a*) Notwithstanding any other provision of this subparagraph (19), the time for the performance of any maintenance operation or operations set forth in the preceding subdivision (ii) may be extended to a date not later than December 31, 1942 when satisfactory evidence has been furnished the Office of Price Administration, in accordance with inferior subdivision (*b*) below, showing that one or more of the following conditions exist:

(*1*) That there is, in the locality in which the new commercial motor vehicle is to be stored, a shortage of indoor storage facilities; or

(*2*) That there is, in the locality in which the new commercial motor vehicle is stored, a shortage in the supply of a commodity necessary in the performance of any of the specified maintenance operations; or

(*3*) That there is, in the locality in which the new commercial motor vehicle is stored, a shortage of mechanics to perform the specified maintenance operations.

(*b*) *Reports.* If any person desires such an extension of time under the circumstances set forth in the preceding inferior subdivision (*a*), a report shall be filed with the Office of Price Administration, Washington, D. C., containing a detailed statement of the facts making such extension of time necessary and the requested date thereof, which shall in no event be later than December 31, 1942.

(*c*) *Approval of extension.* If the Office of Price Administration approves the requested extension of time, or fails to disapprove it within ten days after receiving such report, the date of the extension sought shall be substituted for October 31, 1942, throughout this subparagraph (19).

(b) *Effective date.* * * *

68 Amendment No. 67 (§ 1499.73 (a) (19) (iii) and (iv)) to Supplementary Regulation No. 14 to General Maximum Price Regulation shall become effective December 2, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 26th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–12507; Filed, November 26, 1942; 1:13 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5486, 5709, 5911, 6008, 6271, 6369, 6473, 6477, 6774, 6775, 6965, 6776, 6793, 6887, 6892, 6939, 7011, 7012, 7203, 7250, 7289, 7365, 7400, 7401, 7453, 7510, 7511, 7538, 7535, 7536, 7604, 7671, 7739, 7812, 7914, 7946, 8024, 8199, 8237, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 8950, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9391, 9495, 9496, 9639.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 5738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616.

[1] 7 F.R. 5486, 5709, 6008, 5911, 6008, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9391.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004, 9435.

[3] 7 F.R. 8702.

[4] 7 F.R. 8705.

[1] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358.

PART 1499—COMMODITIES AND SERVICES

[Amendment 68 to Supp. Reg. 14[1] to GMPR[2]]

SEMIFABRICATED ARTICLES OF SILVER, ETC.

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1499.73 (a) (12) (ii) (*b*) is amended as set forth below:

§ 1499.73 *Modification of maximum prices established by section 1499.2 of the General Maximum Price Regulation for certain commodities, services and transactions.* * * *

(a) * * *

(12) * * *

(ii) * * *

(*b*) The term "semifabricated article" refers to newly-mined domestic silver which has been melted, smelted or refined, and further processed, or combined with other materials, by alloying, machining, rolling, drawing, turning, blanking, slitting, cutting, spinning, remelting, recasting, or other similar process, or by being subjected to special refining processes, and which is in such state or condition that its value depends primarily upon the metallic silver content and not upon its form. The term includes, but is not restricted to, silver alloys, grain, shot, powder, wire, sheet, blanks, circles, solders, brazing alloys, sintered products, silver-clad metals, silver inlays, and bar silver in weights or degrees of fineness different from the weight and fineness of standard commercial bars; it excludes, but without limitation, standard commercial bar silver and any article, other than those specifically referred to herein, which is suitable for ultimate use without further processing or combination with other materials.

The term shall also include sheet, wire and tubing of rolled gold plate or gold-filled stock, consisting of fine or carat gold on a silver alloy base, notwithstanding the fact that the value thereof may not be primarily dependent upon the silver content.

* * * * *

(b) *Effective dates.* * * *

(69) Amendment No. 68 to Supplementary Regulation No. 14 (§ 1499.73 (a) (12) (ii) (*b*)) shall be effective as of September 3, 1942.

(Pub. Law 421, 77th Cong.; Pub. Law 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–12511; Filed, November 26, 1942; 1:18 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 119 Under § 1499.18 (b) of GMPR]

J. O. TUCK & CO.

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

§ 1499.1020 *Adjustment of maximum prices for mill run, kiln-dried, pine keg heading manufactured and sold by J. O. Tuck & Company, Mosley, Virginia.* (a) J. O. Tuck & Company may sell and deliver, and any person may buy from said company, mill run, kiln-dried, pine keg heading at prices not higher than the following prices per thousand sets of heading, f. o. b. Sparrows Point, Maryland:

9½''	Heading	$44.50
10¼''	Heading	46.50
11¼''	Heading	51.00
12''	Heading	53.00

(b) All prayers of the applicant not granted herein are denied.

(c) This Order No. 119 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 119 (§ 1499.1020) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 119 (§ 1499.1020) shall become effective November 27, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–12505; Filed, November 26, 1942; 1:15 p. m.]

TITLE 46—SHIPPING

Chapter I—Bureau of Customs

[T.D. 50773]

PART 1—DOCUMENTATION OF VESSELS

REVOCATION OF DESIGNATION OF CORDOVA, ALASKA, AS A PORT OF DOCUMENTATION

Section 1.1, Part 1, Title 46, Code of Federal Regulations, is hereby amended in the following respect: The designation of Cordova, Alaska, as a port of documentation is revoked effective December 5, 1942, and the word "Cordova" as it appears under "Alaska (31)" is deleted from the section. The port of Juneau, Alaska, will thereafter be the home port of all vessels whose home port is Cordova, Alaska, on the effective date of the revocation of the designation of that port as a port of documentation.

If the owner of any vessel desires to designate a port other than Juneau as the home port of that vessel, the approval of the Commissioner of Customs shall be obtained.

(R.S. 161, Secs. 2, 3, 23 Stat. 118, 119; 5 U.S.C. 22, 46 U.S.C. 2, 3)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: November 24, 1942.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42–12490; Filed, November 26, 1942; 10:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 11—STEAM ROADS: CONDENSED CLASSIFICATION OF OPERATION EXPENSES OF SMALL CARRIERS

CLASS II AND CLASS III STEAM ROADS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 10th day of November, A. D. 1942.

The matter of a condensed classification of operating expenses for the use of small carriers hereinafter defined, being under consideration by the Division pursuant to the authority of section 20 of the Interstate Commerce Act, and upon consideration of the matters and things involved, the Division having found that the Condensed Classification of Operating Expenses for Class II and Class III Steam Roads, Second Revised Issue, 1943, hereto attached and made a part hereof,[1] is necessary for the purposes of administration of the provisions of Part I of the Act. *It is ordered:*

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6776, 6793, 6887, 6892, 6939, 7011, 7012, 5965, 7250, 7289, 7203, 7365, 7401, 7400, 7453, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8653, 8707, 8881, 8899, 8950, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9391, 9495, 9496, 9639.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6053, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616.

[1] Filed as part of the original document.

(1) *Small carriers defined.* For the purpose of accounting for operating expenses small carriers operating steam roads shall be defined as follows:

(1) Class II having annual operating revenues of $100,000 to $1,000,000.
(2) Class III having annual operating revenues below $100,000.

(2) *Condensed classification of operating expenses prescribed.* Every small carrier as defined herein, operating a steam road subject to the provisions of the Interstate Commerce Act, and every trustee, executor, administrator, or assignee of any such carrier are hereby required to comply with the Condensed Classification of Operating Expenses for Class II and Class III Steam Roads, Second Revised Issue, 1943.

(3) *Applicability of the provisions in the classification of operating expenses embraced in the Classification of Operating Revenues and Operating Expenses of Steam Roads, Issue of 1914, prescribed under order of May 19, 1914, as amended.* All the provisions contained in the said order of May 19, 1914, as amended, and all rules prescribed by that order for the keeping and recording of operating expense accounts as expressed in the text of the primary accounts contained in said Issue of 1914 shall apply to small carriers, excepting only that small carriers are, by virtue of this order, authorized to reduce the number of primary accounts kept by them.

(4) *Effective date.* The Condensed Classification of Operating Expenses for Class II and Class III Steam Roads, Second Revised Issue, 1943, shall become effective on January 1, 1943.

(5) *Service.* A copy of this order and the Condensed Classification of Operating Expenses for Class II and Class III Steam Roads, Second Revised Issue, 1943, herein prescribed shall be served upon every such carrier subject to the act and upon every trustee, executor, administrator, or assignee of any such carrier and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C.

(6) *Cancelation of previous order.* This order cancels the order of April 7, 1936, in the matter of a Condensed Classification of Operating Expenses of Steam Roads, sometimes referred to as First Revised Issue, effective on January 1, 1936.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-12546; Filed, November 27, 1942; 11:17 a. m.]

[Ex Parte No. 147]

Subchapter C—Carriers by Water

PART 315—EXEMPTION OF CONTRACT CARRIERS

TOWAGE OF LOGS AND PILING IN RAFTS

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 16th day of November, A. D. 1942.

It appearing that by its order entered on October 29, 1941, division 4 found that numerous carriers by water are engaged, among other things, in the towing of floating objects, including logs and piling in rafts which are not designed or used for the carrying of passengers and property; that because of the inherent nature of the commodities transported, or their requirement of special equipment, such transportation is not actually and substantially competitive with transportation by any common carrier subject to part I, II or III of the Interstate Commerce Act; and that carriers engaged in such transportation under individual agreements or contracts are contract carriers by water;

It further appearing that by said order the division ordered that the transportation of the said floating objects, including logs and piling in rafts be exempted from the requirements of part III of the act until further order of the Commission;

It further appearing that upon petition filed by certain water carriers engaged in the towing of logs and piling in rafts on the lower Columbia and Willamette rivers, and their tributaries, and for good cause shown, the division by its further order dated December 3, 1941, postponed the exemption of the transportation by contract carriers by water of floating objects consisting of logs and piling in rafts until the further order of the Commission.

And it further appearing that a hearing has been held and a full investigation of the matters and things involved has been made, and said division, on the date hereof, has made and filed a report containing its findings of fact and conclusions thereon, which report is hereby referred to and made a part hereof:

It is ordered, That § 315.2 (order of October 29, 1941, as amended December 3, 1941) is vacated and set aside insofar as it applies to the towage of logs and piling in rafts, and to read as follows:

§ 315.2 *Towage of floating objects.* Transportation by contract carriers of empty vessels to and from shipyards, floating objects such as derricks, dredges, tanks, caissons, pontoons, and other floating objects, other than logs and piling in rafts, of varying shapes, sizes, and drafts which are not designed or used for the carrying of passengers and property, is hereby exempted from the requirements of part III of the Interstate Commerce Act until the further order of the Commission. (Sec. 303 (e), 54 Stat. L. 932; 49 U.S.C. 903)

And it is further ordered, That this order shall take effect and be in force from and after February 9, 1943.

By the Commission, Division 4.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-12537; Filed, November 27, 1942; 11:18 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-292]

RIDGWAY COAL COMPANY

NOTICE OF FILING OF APPLICATION FOR DISPOSITION OF COMPLIANCE PROCEEDINGS WITHOUT FORMAL HEARING

In the matter of John H. Ridgway, doing business under the name and style of Ridgway Coal Company, Code Member.

Notice is hereby given that an application, dated October 22, 1942, for formal hearing was filed with the Bituminous Coal Division (the "Division") on October 27, 1942, pursuant to § 301.132 of the Rules of Practice and Procedure Before the Bituminous Coal Division by the Ridgway Coal Company, the abovenamed Code Member (the "Code Member."

1. In said application the Code Member admits having committed violations of the Bituminous Coal Code and the effective minimum prices established thereunder, as alleged in the complaint, as follows:

(a) By failing to file with the Statistical Bureau for District No. 4, for each month from and including January 1941 to and including June 1942, a report of all sales made during each of said months of coal produced at his Buckeye Mine, Mine Index No. 1803, and Ridgway Mine, Mine Index No. 1804, both located in Tuscarawas County, Ohio, District No. 4, which coal was shipped from said mines by truck to various purchasers, and by failing to file with said Statistical Bureau for said period copies of truck tickets, sales slips, invoices and listings of said sales, as required by Division Orders Nos. 156, 307 and 309, dated January 18, 1937, December 11, 1940, and January 14, 1941, respectively.

2. In said application, the Code Member also states that to the best of its knowledge and belief it has not committed any other violation of the Act, the Code or regulations thereunder, either before or after the admitted violations referred to hereinabove.

3. In said application, Code Member consents, upon the basis of the abovementioned admitted violations, to the entry of an Order cancelling and revoking its Code membership, or of an Order directing it to cease and desist from further violations of the Act, the Code and the regulations thereunder, or to the entry of an Order revoking its Code membership and also to enjoining and restraining the Code Member from further violations of the Act, the Code and the regulations thereunder upon any restoration of his Code membership.

All interested parties desiring to do so may file with the Division within fifteen (15) days from the date of this notice recommendations or requests for informal conference in respect to such application.

Dated: November 24, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12466; Filed, November 25, 1942; 2:09 p. m.]

[Docket Nos. B-328, 1717-FD]

SHELBY COAL COMPANY

ORDER POSTPONING HEARINGS

In the matter of Shelby Coal Company, Inc., registered distributor, Registration No. 8320, and W. K. Jenne, an individual doing business under the name and style of Shelby Coal Co., registered distributor, Registration No. 4797; W. K. Jenne, an individual doing business under the name and style of Shelby Coal Co., (W. K. Jenne), registered distributor, Registration No. 4797.

The above-entitled matters having been heretofore scheduled for hearings at 10 a. m. on November 30, 1942, at a hearing room of the Bituminous Coal Division at the Cabell County Court House, Huntington, West Virginia; and

The Director deeming it advisable that said hearings would be postponed;

Now, therefore, it is ordered, That the said hearings in the above-entitled matters be, and the same hereby are, postponed to a date and place to be hereafter determined by appropriate order.

Dated: November 24, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12467; Filed, November 25, 1942; 2:09 p. m.]

[Docket No. 1620-FD]

TWIN ELM COAL COMPANY

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint having been filed herein on March 17, 1941, by the Bituminous Coal Producers Board for District No. 12 as complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by the Twin Elm Coal Company, Bussey, Iowa, code member in District No. 12, of the Bituminous Coal Act of 1937 (the "Act"), of the Bituminous Coal Code (the "Code"), and rules and regulations thereunder; and

An Order having been issued herein on August 27, 1941, revoking and cancelling the code membership of H. M. Webb, George Ethel, Sr., and George Ethel, Jr., individually and as partners doing business under the name and style of Twin Elm Coal Company, a partnership; and

Said Order of Cancellation and Revocation having been duly served on September 8, 1941, on said code member; and

H. M. Webb, individually and as a partner having duly filed with this Division, as provided in section 5 (c) of the Act, an application for restoration to code membership of H. M. Webb, George Ethel, Sr., and George Ethel, Jr., individually and as partners doing business under the name and style of Twin Elm Coal Company, to become effective simultaneously with the effective date of said cancellation and revocation of his code membership; and

It appearing from said application that said H. M. Webb, on behalf of the code member has paid to the Collector of Internal Revenue at Des Moines, Iowa, on November 19, 1941, the sum of $148.59, pursuant to said order dated August 27, 1941, as a condition precedent to the restoration of his code membership;

Now, therefore, it is ordered, That said application for restoration to code membership of H. M. Webb, George Ethel, Sr., and George Ethel, Jr., individually and as partners doing business under the name and style of Twin Elm Coal Company be, and it hereby is, granted.

It is further ordered, That the said restoration of the code membership of H. M. Webb, George Ethel, Sr., and George Ethel, Jr., individually and as partners doing business under the name and style of Twin Elm Coal Company, be effective as of the effective date of said cancellation and revocation of code membership.

Dated: November 25, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12535; Filed, November 27, 1942; 10:36 a. m.]

[Docket No. A-1758]

ATLAS ENGINEERING CO.

ORDER GRANTING RELIEF

In the matter of the petition of Atlas Engineering Company, a code member in District 6, for permission to sell 15 cars of mine run coal produced at its Roberta Mine (Mine Index No. 206) at less than the applicable minimum price.

On November 23, 1942, the Atlas Engineering Company, a code member producer in District 6, filed a petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, with this Division requesting permission to sell 15 cars of distressed mine run coal at less than the applicable minimum price therefor. It is stated that the cars were shipped on November 7, 1942, on order of the Pennsylvania Railroad, but were returned to the siding upon refusal of the Pennsylvania Railroad to accept the coal. The petition states that the coal is first cut coal and contains too much slack to meet the mine run specifications of the Pennsylvania Railroad. Petitioner further states that every effort has been made to dispose of this coal at not less than the applicable minimum price for mine run coal, but without success; that the cars are now and have been since November 7, 1942, lying on the Atlas siding of the West Virginia-Pittsburgh Coal Company at Locust Grove siding, Colliers, West Virginia; and that the delay in moving this coal has resulted in a loss of several thousand dollars in that it has prevented petitioner from shipping any coal by rail in the interim. Petitioner requests that an order be issued giving it permission to sell this coal at a price lower than the applicable minimum price for mine run coal.

In a telegram dated November 19, 1942, petitioner indicated that this coal must be offered at the effective minimum price for 2" nut and slack if it is to be sold. In a communication dated November 19, 1942, District Board No. 6 stated that the coal has been inspected and that it is equivalent to a 2" x 0 coal and recommended that this producer be given permission to dispose of it at the Size Group 10 price or at any price the producer can get.

In view of the above stated circumstances, it appears that an adequate showing of necessity has been made for the granting of the relief stated hereinafter. No petitions of intervention, other than the communication received from District Board No. 6, have been filed by any party and the following action is deemed necessary in order to effectuate the purposes of the Act.

Now, therefore, it is ordered, That the petition of Atlas Engineering Company in the above-entitled matter is granted and permission is given to petitioner to dispose of the following cars of coal now located on the tracks of the Atlas siding of the West Virginia-Pittsburgh Coal Company at Locust Grove siding, Colliers, West Virginia, at a price not less than the effective minimum price for Size Group No. 10 for rail shipment:

PRR 193455
PRR 190182
PRR 727438
PRR 747126
PRR 745280
PRR 412349
PRR 256664
PRR 186432
PRR 136031
PRR 146835
PRR 705965
PRR 167183
PRR 730019
PRR 196131
PRR 704278

It is further ordered, That the petitioner shall notify the Division and file a report indicating the name and address of the purchaser or purchasers and the price or prices at which the 15 cars of coal were sold within ten (10) days after said sale, which report shall become part of this docket.

Dated: November 25, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12536; Filed, November 27, 1942; 10:37 a. m.]

[Docket No. A-1212]

DISTRICT BOARD 11

ORDER ADVANCING RESUMPTION OF HEARING

In the matter of the petition of District Board No. 11 for revision of the schedules of minimum prices applicable to coals shipped from District No. 9 and District No. 11 to Charlestown and Speeds, Indiana, Market Area No. 31, for a recoordination of the delivered price relationships of such coals at said destinations, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

The hearing in the above-entitled matter having been heretofore scheduled to be resumed on December 10, 1942, and it appearing appropriate that the resumption of the said hearing be advanced to December 9, 1942;

Now, therefore, it is ordered, That the resumption of the hearing in the above-entitled matter be and it hereby is advanced from 10 o'clock in the forenoon of December 10, 1942, until 10 o'clock in the forenoon of December 9, 1942, at the place and before the officers heretofore designated.

Dated: November 24, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12533; Filed, November 27, 1942; 10:36 a. m.]

[Docket No. D-15]

SHELBY COAL CO., INC., AND SHELBY COAL CO.

ORDER REVOKING REGISTRATIONS

In the matter of proceedings to determine if certain registered distributors are bona fide merchants actively, regularly and continuously engaged in the business of purchasing coal for resale and actually reselling it in not less than cargo or railroad carload lots within the meaning of § 304.13 of the rules and regulations for the registration of distributors; and for the revocation of the registration of distributors who are not so engaged.

Order revoking registrations of Shelby Coal Company, Inc., and Shelby Coal Co. (W. K. Jenne).

The Bituminous Coal Division, on February 18, 1942, having issued, in the above-entitled matter, an order to show cause why the registration of the registered distributors named therein should not be revoked on the grounds that such registrants were not actively, regularly and continuously engaged in the business of purchasing coal for resale and reselling it in not less than cargo or railroad carload lots within the meaning of § 304.13 of the Rules and Regulations for the Registration of Distributors; and

Said order having provided that the failure of any such named distributor to file an answer to said order to show cause, as required by the order, may be deemed to be an admission that the person so failing to file is not actively, regularly, and continuously engaged as a distributor, and an order revoking the registration of such person may be entered; and

It appearing that Shelby Coal Company, Inc., Box 253, Pikeville, Kentucky, Registration No. 8320, and Shelby Coal Co. (W. K. Jenne), Pikeville, Kentucky, Registration No. 4797, failed to file answers to said Order to Show Cause;

Now, therefore, it is ordered, That the registrations of Shelby Coal Company, Inc., Box 253, Pikeville, Kentucky, Registration No. 8320, and Shelby Coal Co. (W. K. Jenne), Pikeville, Kentucky, Registration No. 4797, be and the same are hereby revoked.

Dated: November 25, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12534; Filed, November 27, 1942; 10:36 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

GREATER KANSAS CITY MARKETING AREA

EXTENSION OF TIME FOR FILING EXCEPTIONS

Extension of time for filing exceptions to the report of the Administrator, Agricultural Marketing Administration, with respect to a proposed marketing agreement, as amended, and marketing order, as amended, regulating the handling of milk in the Greater Kansas City Marketing Area.

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR 900.1 to 900.17; 6 F.R. 6571; 7 F.R. 3350), and upon the request of interested persons, the time for filing exceptions to the report of the Administrator, Agricultural Marketing Administration, with respect to a proposed marketing agreement, as amended, and a proposed marketing order, as amended, regulating the handling of milk in the Greater Kansas City marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), which was filed on November 10, 1942, with the hearing clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., is hereby extended from November 23, 1942, to December 3, 1942.

The aforesaid report of the Administrator, Agricultural Marketing Administration, was published in the FEDERAL REGISTER on November 13, 1942 (7 F.R. 9350). Copies of the said report may be secured from the hearing clerk, Office of the Solicitor, Room 1327 South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] C. W. KITCHEN,
Acting Administrator.

NOVEMBER 24, 1942.

[F. R. Doc. 42-12479; Filed, November 25, 1942; 3:16 p. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 335]

EASTERN AIR LINES, INC.

NOTICE OF FURTHER ARGUMENT

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, being paid to Eastern Air Lines, Inc.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that further argument is assigned to be held on December 4, 1942, 10 a. m. (eastern war time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated: Washington, D. C., November 25, 1942.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 42-12539; Filed, November 27, 1942; 11:25 a. m.]

[Docket Nos. 373 and 497]

PAN AMERICAN AIRWAYS, INC., AND AMERICAN EXPORT AIRLINES, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Pan American Airways, Inc., and American Export Airlines, Inc., for certificates of public convenience and necessity authorizing air transportation from New Orleans to Cuba and Central America.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding, that oral argument is assigned to be held on December 9, 1942, 10 a. m. (eastern standard time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated: Washington, D. C., November 25, 1942.

By the Civil Aeronautics Board.

[SEAL] F. A. TOOMBS,
Acting Secretary.

[F. R. Doc. 42-12540; Filed, November 27, 1942; 11:25 a. m.]

[Docket No. 770]

ALL AMERICAN AVIATION, INC.

NOTICE OF HEARING

In the matter of the application of All American Aviation, Inc., for amendment of its existing certificate of public convenience and necessity to include Nitro, West Virginia, as an intermediate point between Charleston, W. Va., and Hurricane, W. Va., on Route No. 49-A.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding, that hearing is assigned to be held on December 3, 1942, 10 a. m. (eastern war time) in Conference Room 1, Department of Commerce Auditorium, 14th Street and Constitution Avenue, N.W., Washington, D. C., before Examiner Ross I. Newmann.

Dated: Washington, D. C., November 25, 1942.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 42-12538; Filed, November 27, 1942; 11:25 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-433]

INDEPENDENT NATURAL GAS COMPANY

ORDER FIXING DATE FOR HEARING AND SUSPENDING SUPPLEMENTAL RATE SCHEDULE

NOVEMBER 24, 1942.

It appearing to the Commission that:

(a) Independent Natural Gas Company has on file a rate schedule designated in the files of the Commission as Independent Natural Gas Company Rate Schedule FPC No. 2 and Exhibit A thereto, providing for the sale of natural gas to Arkansas Louisiana Gas Company for resale for ultimate public consumption;

(b) On October 26, 1942, Independent Natural Gas Company filed with the Commission a rate schedule designated Supplement No. 1 to Independent Natural Gas Company Rate Schedule FPC No. 2, providing for increased rates or charges for the sale of natural gas to Arkansas Louisiana Gas Company;

(c) Unless suspended by order of the Commission, Supplement No. 1 to Independent Natural Gas Company Rate Schedule FPC No. 2 will become effective as of November 26, 1942, pursuant to the provisions of the Natural Gas Act and the Provisional Rules of Practice and Regulations thereunder;

(d) In purported justification of the proposed increased rates or charges, Independent Natural Gas Company stated that it must make a substantial additional investment and will incur additional expense in order to supply the increased volumes of natural gas provided for in the aforesaid supplemental rate schedule, and it was further stated that Independent Natural Gas Company must pay increased amounts to Phillips Petroleum Company for the purchase of the natural gas which it sells to Arkansas Louisiana Gas Company;

(e) Independent Natural Gas Company is a subsidiary of and is controlled by Phillips Petroleum Company;

(f) The schedule of increased rates or charges contained in Supplement No. 1 to Independent Natural Gas Company Rate Schedule FPC No. 2 may result in excessive rates or charges to Arkansas Louisiana Gas Company or place an undue burden upon ultimate consumers of natural gas; and the proposed increased rates or charges have not been shown to be justified;

The Commission finds that:

It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges and that said proposed increased rates or charges be suspended pending such hearing and decision thereon.

The Commission, upon its own motion, *orders* that:

(A) A public hearing be held on January 12, 1943, at 9:45 a. m. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates or charges, subject to the jurisdiction of the Commission, contained in Supplement No. 1 to Independent Natural Gas Company Rate Schedule FPC No. 2 for the sale of natural gas to Arkansas Louisiana Gas Company for resale for ultimate public consumption;

(B) Pending such hearing and decision thereon, Supplement No. 1 to Independent Natural Gas Company Rate Schedule FPC No. 2, in so far as it provides for increased rates or charges other than for the sale of natural gas for resale for industrial use only, be and it hereby is suspended until April 26, 1943, or until such time thereafter as such increased rates or charges shall be made effective in the manner prescribed by the Natural Gas Act;

(C) During the period of suspension, the rates or charges collected and received by Independent Natural Gas Company from Arkansas Louisiana Gas Company, as provided in Independent Natural Gas Company Rate Schedule FPC No. 2 and Exhibit A thereto, except in so far as they may be for the sale of natural gas for resale for industrial use only, shall remain and continue in full force and effect;

(D) At the hearing, the burden of proof to show that the proposed increased rates or charges are just and reasonable shall be upon the Independent Natural Gas Company;

(E) Interested State commissions may participate in said hearing as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-12530; Filed, November 27, 1942; 9:38 a. m.]

[Docket No. G-141]

CITIES SERVICE GAS COMPANY

ORDER AMENDING ORDER FIXING DATE OF HEARING

NOVEMBER 25, 1942.

It appearing to the Commission that:

(a) By its order dated October 13, 1942, the Commission ordered that a public hearing in the above-entitled matter be held commencing on November 30, 1942, at 10 o'clock a. m., in the Federal Building, Kansas City, Missouri;

(b) It has been found desirable to specify more particularly the place for the said hearing in the City of Kansas City, Missouri;

The Commission orders that:

(A) The public hearing in the above-entitled proceeding now set to begin on November 30, 1942, at 10 o'clock a. m., in the Federal Building, Kansas City, Missouri, be held commencing on November 30, 1942, at 10 o'clock a. m., in Room 664, United States Court House, Kansas City, Missouri;

(B) The Commission's order of October 13, 1942, be and the same is hereby amended to the extent, and only to the extent, indicated by paragraph (A) above.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-12531; Filed, November 27, 1942; 9:38 a. m.]

OFFICE OF PRICE ADMINISTRATION

[RPS 64, Order 39]

LEONARD & BAKER STOVE COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 39 to Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On October 1, 1942, Leonard & Baker Stove Company, Taunton, Massachusetts, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of the maximum price on one new model combination (dual oven) gas and coal range, designated in the application as Model 1906A.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and under Executive Order No. 9250, *It is hereby ordered:*

(a) Leonard & Baker Stove Company, may sell, offer to sell, deliver, or transfer the following model at a price no higher than that specified:

Model No. 1906A---- $101.08 f. o. b. factory to dealers.

subject to discounts, allowances and terms no less favorable than those in effect with respect to the comparable model No. 1906, as established under Revised Price Schedule No. 64.

(b) This Order No. 39 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 39 shall become effective on the 25th day of November 1942.

Issued this 25th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12473; Filed, November 25, 1942; 3:09 p. m.]

[RPS 64, Order 40]

Automatic Range Company

APPROVAL OF MAXIMUM PRICES

Order No. 40 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On August 21, 1942, Automatic Range Company, Brooklyn, N. Y., filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for a new model gas range with heat control and without heat control designated in the application as Model No. V-19.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250; *It is hereby ordered:*

(a) Automatic Range Company may sell, offer to sell or deliver the following new model gas range at a price no higher than those specified:

Model No. V-19 with heat control, $24.80 f. o. b. factory to dealers.

Model No. V-19 without heat control, $19.77 f. o. b. factory to dealers.

subject to discounts, allowances and terms no less favorable than those in effect with respect to the comparable model No. T. H.-1119.

(b) This Order No. 40 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 40 shall become effective on the 25th day of November 1942.

Issued this 25th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12474; Filed, November 25, 1942; 3:09 p. m.]

[Suspension Order 163]

Liberty Dairy Company

ORDER RESTRICTING TRANSACTIONS

Liberty Dairy Company, a corporation, 6212 Grandy Avenue, Detroit, Michigan, hereinafter called respondent, was duly served with a notice of specific charges of violations of Rationing Order No. 3, sugar rationing regulations, issued by the Office of Price Administration. Pursuant to the notice, a hearing upon the charges was held on October 14, 1942, in Detroit, Michigan. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator, It is hereby determined that:

(a) On April 29, 1942, respondent registered for the Liberty Dairy Company, an industrial user of sugar, located at 6212 Grandy Avenue, Detroit, Michigan, and established a sugar base under Rationing Order No. 3, sugar rationing regulations, for the use of sugar for the following products: ice cream, ices, sherbets, frozen custards, other dairy products, condensed milk and cheese.

(b) Respondent has violated § 1407.82 of Rationing Order No. 3, sugar rationing regulations, in that on May 6, 1942, respondent delivered two thousand pounds (2,000) of sugar to Michael S. Abrams, an industrial user, without receiving any sugar purchase certificate therefor; such delivery was not within the class of deliveries permitted to be made without the exchange of a sugar purchase certificate by Rationing Order No. 3, sugar rationing regulations.

Because of the great scarcity and critical importance of sugar in the United States, the violation of the sugar rationing regulations by respondent resulted in the diversion of the use of sugar from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to the national war effort. And it appearing to the Deputy Administrator from the evidence before him that further violations of the sugar rationing regulations by respondent are likely unless appropriate administrative action is taken.

It is therefore ordered:

(c) During the period in which this Suspension Order No. 163 shall be in effect:

(1) Respondent shall not receive any allotments of sugar for ice cream, ices, sherbets and frozen custards.

(2) Respondent shall not use sugar for ice cream, ices, sherbets or frozen custards.

(d) Respondent shall forthwith surrender for cancellation to the War Price and Ration Board which issued them all sugar purchase certificates in its possession that were issued to it for the purchase of sugar for ice cream, ices, sherbets and frozen custards.

(e) Any terms used in this Suspension Order No. 163 that are defined in Rationing Order No. 3, sugar rationing regulations, shall have the meaning therein given them.

(f) This Suspension Order No. 163 shall become effective immediately and shall remain in effect until further order of the Deputy Administrator in Charge of Rationing, but not later than December 31, 1944.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 (7 F.R. 562) and Supplementary Directive No. 1E (7 F.R. 2965))

Issued and effective this 25th day of November 1942.

PAUL M. O'LEARY,
Deputy Administrator
In Charge of Rationing.

[F. R. Doc. 42-12469; Filed, November 25, 1942; 3:08 p. m.]

[Suspension Order 164]

A and H Tire Service Corporation and Charles E. Anderson

ORDER RESTRICTING TRANSACTIONS

A and H Tire Service Corporation and Charles E. Anderson, 7035 Carnegie Avenue, Cleveland, Ohio, hereinafter called respondents, were duly served with a notice of specific charges of violations of revised tire rationing regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing upon the charges was held on September 25, 1942, in Cleveland, Ohio. There appeared a representative of the Office of Price Administration and respondents. The evidence pertaining to the charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator. It is hereby determined:

(a) Respondents have violated §1315.803 (b) (3) of revised tire rationing regulations in that between April 13, 1942, and April 23, 1942, respondents used truck type camelback as defined by specifications then established by the War Production Board to recap twenty-two (22) passenger type tires to be mounted on passenger automobiles that were not taxicabs or jitneys.

(b) Respondents have violated § 1315.1005 of revised tire rationing regulations in that between March 1, 1942, and September 1, 1942, respondents failed to take any inventory of camelback in their possession or under their control and failed to keep a record of the amount of camelback used by them in retreading and recapping during said period.

Because of the great scarcity and critical importance of rubber in the United States, violations of the revised tire rationing regulations by respondents have resulted in the diversion of rubber from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator from the evidence before him that further violations of the tire rationing regulations by respondents are likely unless appropriate administrative action is taken, *It is therefore ordered:*

(c) During the period in which this Suspension Order No. 164 shall be in effect,

(1) Respondents shall not accept any transfers or deliveries of or in any manner directly or indirectly receive from any source any new tires, new tubes, recapped tires, retreaded tires, camelback or other recapping or retreading material.

(2) No person shall in any manner, directly or indirectly, sell, transfer or deliver any new tires, new tubes, recapped tires, retreaded tires, camelback or other recapping or retreading material to respondents regardless of whether such materials have been previously purchased and completely paid for.

(3) Respondents shall not directly or indirectly sell, transfer, deliver, or otherwise deal or trade in any new tires, new tubes, recapped tires, retreaded tires, camelback or other retreading or recapping material.

(4) Respondents shall not enter into any contract or commitment for the recapping or retreading of tires or recap or retread any tires or in any way use or consume any camelback or other retreading or recapping material: *Provided, however,* That if any contracts for retreading or recapping of tires have been entered into by respondents and such tires have been prepared in any degree for retreading or recapping or have been retreaded or recapped before this Suspension Order No. 164 is served upon respondents, such recapping or retreading may be completed and the retreaded or recapped tires delivered with the prior approval and under the supervision of the Regional Administrator of the Office of Price Administration for Region III.

(d) Any term used in this Suspension Order No. 164 that is defined in revised tire rationing regulations shall have the meaning therein given it.

(e) This Suspension Order No. 164 shall become effective 12:01 a. m. November 25, 1942, and unless sooner terminated, shall expire 12:01 a. m. December 10, 1942.

(Pub. Law 421, 77th Cong., sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); WPB Directive No. 1 and Supplementary Directive No. 1B (7 F.R. 562, 925))

Issued this 25th day of November 1942.

PAUL M. O'LEARY,
Deputy Administrator
In Charge of Rationing.

[F. R. Doc. 42-12470; Filed, November 25, 1942; 3:08 p. m.]

[Suspension Order 165]

The Horn Company and S. L. Horn, Jr.

ORDER RESTRICTING TRANSACTIONS

The Horn Company, a corporation, and S. L. Horn, Jr., both of 7035 Carnegie Avenue, Cleveland, Ohio, hereinafter called respondents, were duly served with a notice of specific charges of violations of revised tire rationing regulations, issued by the Office of Price Administration. Pursuant to the notice, a hearing upon the charges was held on September 25, 1942, in Cleveland, Ohio. There appeared a representative of the Office of Price Administration and respondents. The evidence pertaining to the charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator, It is hereby determined that:

(a) Respondents are engaged in selling new rubber tires, casings, and tubes both to consumers and to persons who buy for purposes of resale.

(b) Respondents have violated § 1315.1003 of revised tire rationing regulations in that, except for an inventory taken on June 19, 1942, which was admittedly incorrect, respondents failed to take between February 28, 1942, and August 1, 1942, any inventory of new tires and tubes and retreaded and recapped tires in their possession and keep a record thereof.

(c) Respondents have violated § 1315.1003 of revised tire rationing regulations in that respondents filed an incorrect report on OPA Form R-17 which purported to set forth all the tires and tubes in their possession and control on June 30, 1942. This report was based on an inventory taken by respondents on June 19, 1942, which inventory was itself admittedly incorrect.

The foregoing violations by respondents have interfered with the effective administration and enforcement of revised tire rationing regulations in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator from the evidence before him that further violations of the tire rationing regulations by respondents are likely unless appropriate administrative action is taken. *It is therefore ordered:*

(d) During the period in which this Suspension Order No. 165 shall be in effect,

(1) Respondents shall not accept any transfers or deliveries of or in any manner directly or indirectly receive from any source any new tires, new tubes, recapped tires, retreaded tires, camelback or other recapping or retreading material.

(2) No person shall in any manner, directly or indirectly, sell, transfer or deliver any new tires, new tubes, recapped tires, retreaded tires, camelback or other recapping or retreading material to respondents regardless of whether such materials have been previously purchased and completely paid for.

(3) Respondents shall not directly or indirectly sell, transfer, deliver, or otherwise deal or trade in any new tires, new tubes, recapped tires, retreaded tires, camelback or other retreading or recapping material.

(4) Respondents shall not enter into any contract or commitment for the recapping or retreading of tires or recap or retread any tires or in any way use or consume any camelback or other retreading or recapping material: *Provided, however,* That if any contracts for retreading or recapping of tires have been entered into by respondents and such tires have been prepared in any degree for retreading or recapping or have been retreaded or recapped before this Suspension Order No. 165 is served upon respondents, such recapping or retreading may be completed and the retreaded or recapped tires delivered with the prior approval and under the supervision of the Regional Administrator of the Office of Price Administration for Region III.

(e) Any term used in this Suspension Order No. 165 that is defined in revised tire rationing regulations shall have the meaning therein given it.

(f) This Suspension Order No. 165 shall become effective 12:01 A. M. November 25, 1942, and unless sooner terminated, shall expire 12:01 A. M. December 10, 1942.

(Pub. Law 421, 77th Cong., Sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 and Supplementary Directive No. 1B (7 F.R. 562, 925)

Issued this 25th day of November 1942.

PAUL M. O'LEARY,
Deputy Administrator
In Charge of Rationing.

[F. R. Doc. 42-12471; Filed, November 25, 1942; 3:08 p. m.]

[Suspension Order 167]

M. A. Boggs

ORDER RESTRICTING TRANSACTIONS

M. A. Boggs, doing business as Barton Tire Shop, Barton, Ohio, herein called respondent, was duly served with a notice of specific charges of violations of revised tire rationing regulations issued by the Office of Price Administration. Pursuant to the notice a hearing upon the charges was held on August 31, 1942, in Youngstown, Ohio, and on September 3, 1942, in Wheeling, West Virginia. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been duly considered by the Deputy Administrator in Charge of Rationing, It is hereby determined that:

(a) Respondent has violated revised tire rationing regulations in that on or about July 1, 1942, respondent accepted delivery of 25 pounds of camelback from a dealer in camelback without delivering in exchange therefor any portion of any certificate issued pursuant to revised tire rationing regulations.

(b) Respondent has violated revised tire rationing regulations in that between March 1, and July 18, 1942, respondent transferred and delivered 457 pounds of camelback without receiving in exchange therefor any portion of any certificate issued pursuant to revised rationing regulations.

(c) The foregoing deliveries made or received by respondent were not within any of the classes of deliveries of camelback permitted by the provisions of the revised tire rationing regulations to be made without the exchange of certificates or portions of certificates.

(d) Respondent has violated revised tire rationing regulations in that between February 28, 1942, and September 1, 1942, respondent did not take any inventory of the camelback in his possession or control or keep any record of his total production of retreaded and recapped tires.

Because of the great scarcity and critical importance of rubber in the United States, respondent's violations of the tire rationing regulations issued by the Office of Price Administration have resulted in the diversion of rubber from military and essential civilian uses to non-essential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations of tire rationing regulations by respondent are likely unless appropriate administrative action is taken. *It is therefore ordered:*

(e) During the period in which Suspension Order No. 167 shall be in effect,

(1) Respondent shall not accept any transfers or deliveries of or in any manner directly or indirectly receive from any source any tires or tubes of any kind, or any camelback or other recapping or retreading material.

(2) No person shall in any manner, directly or indirectly, sell, transfer or deliver any tires or tubes of any kind, or any camelback or other recapping or retreading material to respondent.

(3) Respondent shall not directly or indirectly sell, transfer, deliver, or otherwise deal or trade in any tires or tubes of any kind, or any camelback or other retreading or recapping material.

(4) Respondent shall not enter into any contract or commitment for the recapping or retreading of tires or recap or retread any tires or in any way use or consume any camelback or other retreading or recapping material: *Provided, however,* That if any contracts for retreading or recapping of tires have been entered into by respondent and such tires have been prepared in any degree for retreading or recapping or have been retreaded or recapped before this Suspension Order No. 167 is served upon respondent, such recapping or retreading may be completed and the retreaded or recapped tires delivered with the prior approval and under the supervision of the Regional Administrator of the Office of Price Administration for Region III.

(f) Any term used in this Suspension Order No. 167 that is defined in Revised Tire Rationing Regulations shall have the meaning therein given it.

(g) This Suspension Order No. 167 shall become effective November 28, 1942, and unless sooner terminated shall expire 12:01 A. M. December 28, 1942.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 and Supplementary Directive No. 1B (7 F.R. 562, 925)

Issued this 25th day of November 1942.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 42-12472; Filed, November 25, 1942; 3:08 p. m.]

[General Order 24]

AUTHORITY TO SIGN AND ISSUE SUBPOENAS IN RATIONING INVESTIGATIONS

DELEGATION TO REGIONAL ADMINISTRATORS

This General Order No. 24 formerly appeared as Title 32, National Defense, Chapter XI, Office of Price Administration, Part 1305, Administration, General Order No. 1,[1] § 1305.9.

Pursuant to the authority conferred upon the Administrator by War Production Board Directive No. 1, as supplemented, and by paragraph 3 of Executive Order No. 9125, the following order is prescribed:

(a) *Order delegating to Regional Administrators authority to sign and issue subpoenas in rationing investigations.* (1) In connection with any investigation related to the administration or enforcement of the rationing authority of the Office of Price Administration, or of any regulation or order issued pursuant to that authority, the several Regional Administrators of the Office of Price Administration are each authorized within their respective Regions, to sign and issue subpoenas requiring any person to appear and testify, or to appear and produce books or records or any other documentary or physical evidence or both.

(2) The authority conferred upon the several Regional Administrators by paragraph (a) of this General Order No. 24 (§ 1305.9) shall be exercised in conformity with the provisions of subparagraph (4) of paragraph (a) of section 2 of the Act of June 28, 1940 (54 Stat. 676), as amended by the Act of May 31, 1941 (Public, No. 89, 77th Cong.) and by Title III of the Second War Powers Act, 1942 (Act of March 27, 1942, Public, No. 507, 77th Cong.)

(b) This General Order No. 24 shall be effective as of July 9, 1942.

(Pub. Law 507, 77th Cong.; E.O. 9125; W.P.B. Directive No. 1; Pub. Law 421, 77th Cong.)

Issued this 26th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12521; Filed, November 26, 1942; 1:14 p. m.]

[General Order 25]

FUNCTIONS AND POWERS RELATED TO RATIONING

FURTHER DELEGATION TO REGIONAL ADMINISTRATORS

This General Order No. 25 formerly appeared as Title 32, National Defense, Chapter XI, Office of Price Administration, Part 1305, Administration, General Order No. 2,[2] § 1305.11.

Pursuant to the authority conferred upon the Administrator by War Production Board Directive No. 1, as supplemented, and by paragraph 3 of Executive Order No. 9125, the following order is prescribed:

(a) *Order delegating to Regional Administrators authority to administer oaths and conduct hearings in connection with rationing administration and enforcement.* (1) In connection with the administration or enforcement of the rationing authority of the Office of Price Administration, or of any regulation or order issued pursuant to that authority, the several Regional Administrators of the Office of Price Administration are each authorized, within their respective Regions, to administer oaths and affirmations, to hold and preside over hearings, to issue notices of hearing, and to exercise any discretion necessary or appropriate to the conduct of such hearings.

(2) Any power, authority, or discretion conferred by this General Order No. 25 upon any Regional Administrator may be exercised by said Regional Administrator through such officer or employee of the Office of Price Administration as said Regional Administrator may designate for that purpose.

(b) This General Order No. 25 shall be effective as of July 11, 1942.

(Pub. Law 507, 77th Cong.; E.O. 9125; W.P.B. Directive No. 1; Pub. Law 421, 77th Cong.)

Issued this 26th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12522; Filed, November 26, 1942; 1:14 p. m.]

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[1] 7 F.R. 5273.

[2] 7 F.R. 5361.

[General Order 27]

AUTHORITY TO SEND LICENSING WARNING NOTICES

DELEGATION TO REGIONAL ADMINISTRATORS

This General Order No. 27 formerly appeared as Title 32, National Defense, Chapter XI, Office of Price Administration, Part 1305, Administration, General Order No. 3,[1] § 1305.13.

Pursuant to the authority conferred upon the Price Administrator by the Emergency Price Control Act of 1942, the following order is prescribed:

(a) *Order delegating to Regional Administrators authority to send licensing warning notices.* (1) The functions, duties, powers, authority and discretion conferred upon the Price Administrator by section 205 (f) of the Emergency Price Control Act of 1942 shall be exercised by the Price Administrator through the several Regional Administrators of the Office of Price Administration, to the following extent:

(i) Each of the several Regional Administrators of the Office of Price Administration is authorized, within his Region to send a warning notice by registered mail to any person who, in the judgment of such Regional Administrator, has violated any of the provisions of a license issued under section 205 (f) of the Emergency Price Control Act of 1942, or has violated any of the provisions of any regulation, order, or requirement under section 2 or section 202 (b) of said Act, or any of the provisions of any price schedule effective in accordance with the provisions of section 206 of said Act, which is applicable to such person.

(ii) Any warning notice sent by any Regional Administrator pursuant to the authority conferred by this General Order No. 27 shall have the same force and effect as if sent by the Price Administrator.

(b) This General Order No. 27 shall be effective as of July 18, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 26th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12524; Filed, November 26, 1942; 1:14 p. m.]

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[1] 7 F.R. 5480, 8797, 9053.

[General Order 29]

AUTHORITY TO PROCURE SWORN WRITTEN STATEMENTS

DELEGATION TO INSPECTORS

This General Order No. 29 formerly appeared as Title 32, National Defense, Chapter XI, Office of Price Administration, Part 1305, Administration, General Order No. 4,[1] § 1305.101.

Pursuant to the authority conferred upon the Administrator by the Emergency Price Control Act of 1942 and by Executive Order No. 9125, the following order is prescribed:

(a) *Order delegating to inspectors authority to procure sworn written statements.* (1) In the administration or enforcement of the price control, rent control, or rationing authority of the Office of Price Administration, or of any regulation or order issued pursuant to such authority, any person employed as an inspector or investigator by, or performing inspection or investigative functions for, the Office of Price Administration is authorized to administer oaths and affirmations for the purpose of procuring or receiving from any person a sworn written statement concerning any matter under, or appropriate for, investigation.

(b) This General Order No. 29 shall be effective as of July 24, 1942.

(Pub. Law 421, 77th Cong.; Pub. Law 507, 77th Cong.; E.O. 9125)

Issued this 26th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12525; Filed, November 26, 1942; 1:15 p. m.]

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[1] 7 F.R. 5706.

[General Order 30]

AUTHORITY TO ADMINISTER OATHS

DELEGATION TO CLERICAL EMPLOYEES OF RATIONING BOARDS AND DISTRIBUTION OFFICERS OF OFFICE OF PRICE ADMINISTRATION

This General Order No. 30 formerly appeared as Title 32, National Defense, Chapter XI, Office of Price Administration, Part 1305, Administration, Revised General Order No. 5[1], § 1305.102.

Pursuant to the authority conferred upon the Administrator by the Emergency Price Control Act of 1942, as amended, by paragraph 3 of Executive Order No. 9125, by Executive Order 9250, and by WPB Directive 1, § 1305.102 of Revised General Order No. 5, heretofore issued October 15, 1942, is amended to read as follows: (a) *Order delegating to clerical employees of War Price and Rationing Boards and to Distribution officers of the Office of Price Administration authority to administer oaths and affirmations.* (1) In the administration of the price control or rationing authority of the Office of Price Administration, or of any regulation or order issued pursuant to such authority, any clerical employee employed by a War Price and Rationing Board, who is designated by the chairman of such board as an officer to administer oaths and affirmations, or any person employed as Distribution Officer by the Office of Price Administration is authorized to administer oaths and affirmations in connection with any application, petition, statement, report, or other document, required to be sworn to by the provisions of any regulation or order pertaining to price control or rationing and required or authorized to be filed at a War Price and Rationing Board or at any office of the Office of Price Administration.

(b) This General Order No. 30 shall be effective as of October 15, 1942.

Issued this 26th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12526; Filed, November 26, 1942; 1:15 p. m.]

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[1] 7 F.R. 8383.

[General Order 38]

RENUMBERING CERTAIN ADMINISTRATIVE AND GENERAL ORDERS AND RENAMING CERTAIN ADMINISTRATIVE ORDERS

The Office of Price Administration has issued a series of orders entitled Administrative Orders Nos. A and B, a series of orders entitled Administrative Orders numbering 1 through 30 which are in substance delegation orders, and a series of orders entitled General Orders Numbers 1 through 5 which are in substance delegation orders. Most of these orders have been published in the FEDERAL REGISTER. Another series of orders relating to internal administrative matters which have not been published in the FEDERAL REGISTER and which are captioned Administrative Orders, have also been issued by the Office of Price Administration.

In order to avoid confusion and to establish a uniform caption for the various types of orders issued by the Office of Price Administration, the Administrator has determined that the caption "Administrative Orders" shall be reserved for orders relating to internal organization of the Office of Price Administration and that the caption "General Order" shall be applied to the other orders above mentioned.

Pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9125, Executive Order No. 9250, War Production Board Directive No. 1, as supplemented, War Production Board Directive No. 1-E, War Production Directive No. 1-J, War Production Board Directive No. 1-K, and War Production Board Directive No. 1-L, it is hereby ordered that said Administrative Orders A and B, Administrative Orders 1 through 30, and General Orders numbers 1 through 5 be, and are hereby, renumbered and renamed as follows:

GENERAL ORDERS

New No.	Old caption and Nos.	F.R. page[1]
1	Adm. Order No. A	6 F.R. 1965.
2	Adm. Order No. B	7 F.R. 1201.
3	Adm. Order No. 1	7 F.R. 4852, 7910.
4	Adm. Order No. 2	7 F.R. 4191.
5	Adm. Order No. 3	
6	Adm. Order No. 4	
7	Adm. Order No. 5	
8	Adm. Order No. 6	7 F.R. 4621.
9	Adm. Order No. 7	
10	Adm. Order No. 8	7 F.R. 4746.
11	Adm. Order No. 9	
12	Adm. Order No. 10	
13	Adm. Order No. 11	
14	Adm. Order No. 12	
15	Adm. Order No. 13	
16	Adm. Order No. 14	
17	Adm. Order No. 15	7 F.R. 9498.
18	Adm. Order No. 16	7 F.R. 5096.
19	Adm. Order No. 17	
20	Adm. Order No. 18	7 F.R. 6911, 8672.
21	Adm. Order No. 19	7 F.R. 6911.
22	Adm. Order No. 20	7 F.R. 5203.
23	Adm. Order No. 21	
24	Gen. Order No. 1	7 F.R. 5273.
25	Gen. Order No. 2	7 F.R. 5361.
26	Adm. Order No. 22[2]	7 F.R. 5377, 9498.
27	Gen. Order No. 3	7 F.R. 5480, 8797, 9053.
28	Adm. Order No. 23	7 F.R. 5498.
29	Gen. Order No. 4	7 F.R. 5706.
30	Gen. Order No. 5	7 F.R. 5988.
31	Adm. Order No. 24	7 F.R. 6838.
32	Adm. Order No. 25	7 F.R. 6984, 8241, 8717, 9498, 9854.
33	Adm. Order No. 26	7 F.R. 7267.
34	Adm. Order No. 28	7 F.R. 7326, 8672.
35	Adm. Order No. 29	7 F.R. 7764.
36	Adm. Order No. 27	7 F.R. 8407.
37	Adm. Order No. 30	7 F.R. 9368.

[1] Some orders, because of their limited scope have not been published, but have been filed in the Office of the Secretary.

[2] Revoked, 7 F.R. 9498.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued and effective this 26th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12523; Filed, November 26, 1942; 12:13 p. m.]

[Order 8 Under RPS 53]

THE BEST FOODS, INC.

ORDER ESTABLISHING MAXIMUM PRICES

Order No. 8 Under Revised Price Schedule No. 53—Fats and Oils.

On October 19, 1942, The Best Foods Inc., 88 Lexington Avenue, New York City, filed pursuant to § 1351.151 (b) (7) of Revised Price Schedule No. 53 an application for the determination of its maximum price on a fats and oils commodity which it proposes to manufacture. This commodity, which will be made from approximately 50% cottonseed oil and 50% palm oil, will be refined, deodorized and hydrogenated, with a melting point of approximately 106 degrees F.

Due consideration has been given to the application; and an opinion in support of this Order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the Opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended and Executive Order 9250, and in accordance with § 1351.151 (b) (7) of Revised Price Schedule No. 53, issued by the Office of Price Administration, it is hereby ordered:

(a) The maximum price of The Best Foods Inc., 88 Lexington Avenue, New York City, on the fats and oils commodity defined in paragraph (b) of this Order shall be 14.575¢ per pound delivered, tank cars, New York.

(b) The term "fats and oils commodity," as used in this Order, means a refined, deodorized and hydrogenated commodity, made from approximately 50% cotton seed oil and 50% palm oil, with a melting point of approximately 106 degrees F.

(c) The maximum price hereinbefore fixed shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 8 shall become effective November 27, 1942.

Issued this 26th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12527; Filed, November 26, 1942; 1:12 p. m.]

[Order 1 Under MPR 135]

WILSON AND TOOMER FERTILIZER COMPANY

ORDER GRANTING PERMISSION FOR ADJUSTABLE PRICES

Order No. 1 Under Maximum Price Regulation No. 135—Mixed Fertilizer, Superphosphate and Potash—Docket No. 1135-2-P.

For reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1, *It is ordered:*

(a) On and after the 27th day of November, 1942, sales of mixed fertilizers and superphosphate manufactured by Wilson and Toomer Fertilizer Company of Jacksonville, Florida, may be made at the applicable maximum prices thereof respectively, subject to agreements with the purchasers of such mixed fertilizers and superphosphate, respectively, to adjust the prices thereof in accordance with the final disposition of the protest filed by said Company on September 28, 1942 in the Office of Price Administration.

(b) This Order No. 1 may be revoked or amended by the Price Administrator at any time, and in any event, is to be effective only to the date upon which the protest is finally determined by the Price Administrator.

(c) This Order No. 1 shall become effective November 27, 1942.

Issued this 26th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12502; Filed, November 26, 1942; 1:12 p. m.]

[Order 17 Under MPR 169]

OSHER BROTHERS COMPANY

ORDER GRANTING PETITION FOR ADJUSTMENT

Order No. 17 Under Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts—Docket No. 3169-20.

On July 24, 1942 Osher Brothers Company, 3310 West Sixty-fifth Street, Cleveland, Ohio, filed a petition for adjustment pursuant to § 1364.60 of Maximum Price Regulation No. 169, as amended. Due consideration has been given to the petition and an Opinion in support of this Order No. 17 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

For the reasons set forth in the Opinion under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration: *It is hereby ordered:*

(a) Osher Brothers Company may sell and deliver and agree, offer, solicit, and attempt to sell and deliver carcass beef AA or choice grade, at a price not in excess of 22¢ per pound and any person may buy and receive from the Osher Brothers Company such carcass beef at a price not in excess of 22¢ per pound.

(b) Osher Brothers Company shall mail or cause to be mailed to all persons who purchase carcass beef AA or choice grade from it for resale a notice reading as follows:

> The Office of Price Administration by Order No. 17 effective November 27, 1942, pursuant to § 1364.60 of Maximum Price Regulation No. 169, as amended, has permitted us to raise our maximum prices for sales to you of carcass beef AA or choice grade from 20¢ per pound to 22¢ per pound.
>
> This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that resale prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise the maximum price for the sale of carcass beef AA or choice grade. In order that we may continue to provide you with carcass beef AA or choice grade it will be necessary for you to accept this reduction in your margin.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 17 may be revoked or amended by the Price Administrator at any time. Unless the context otherwise requires, the definitions set forth in § 1364.62 of Maximum Price Regulation No. 169, as amended, shall apply to the terms used herein.

(e) This Order No. 17 shall become effective November 27, 1942.

Issued this 26th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12503; Filed, November 26, 1942; 1:12 p. m.]

[Order 16 Under MPR 169]

KINGS PACKING COMPANY

ORDER GRANTING PETITION FOR ADJUSTMENT

Order No. 16 Under Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts—Docket No. 3169-11.

On July 20, 1942, Kings Packing Company, Box 970, Nampa, Idaho, filed a petition for adjustment pursuant to § 1364.60 of Maximum Price Regulation No. 169, as amended. Due consideration has been given to the petition, and an Opinion in support of this Order No. 16 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

For the reasons set forth in the Opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with revised Procedural Regulation No. 1 issued by the Office of Price Administration it is hereby ordered:

(a) Kings Packing Company may sell and deliver, agree, offer, solicit and attempt to sell and deliver steer, heifer and cow carcasses of the grades hereinafter set forth and any person may buy and receive from the Kings Packing Company such steer, heifer and cow carcasses at prices not in excess of those established as follows:

	Cents per pound
Steer and heifer carcasses, A or good grade	20¾
Steer and heifer carcasses, B or commercial grade	20
Steer and heifer carcasses, C or utility grade	18½
Heifer and cow carcasses, cutter and canner grade	16
Cow carcasses, B or commercial grade	17½
Cow carcasses, C or utility grade	16½

(b) Kings Packing Company shall mail or cause to be mailed to all persons who purchase such steer, heifer or cow carcasses or wholesale cuts derived therefrom for resale a notice reading as follows:

> The Office of Price Administration by Order No. 16 effective November 27, 1942, pursuant to § 1364.60 of Maximum Price Regulation No. 169, as amended, has permitted us to raise our maximum selling prices for sales to you of steer, heifer and cow carcasses as follows:
>
> Steer carcasses, A or good grade, from 20½¢ per lb. to 20¾¢ per lb.
>
> Heifer carcasses, A or good grade, from 19½¢ per lb. to 20¾¢ per lb.
>
> Heifer carcasses, B or commercial grade, from 19¢ per lb. to 20¢ per lb.
>
> Steer carcasses, C or utility grade, from 18¢ per lb. to 18½¢ per lb.
>
> Cow carcasses, cutter & canner grade, from 15¢ per lb. to 16¢ per lb.
>
> Cow carcasses, B or commercial grade, from 17¢ per lb. to 17½¢ per lb.
>
> Cow carcasses, C or utility grade, from 16¢ per lb. to 16½¢ per lb.
>
> This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that resale prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sale of steer, heifer or cow carcasses or wholesale cuts derived therefrom. In order that we may continue to provide you with beef products it will be necessary for you to accept this reduction in your margin.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 16 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1364.62 of Maximum Price Regulation No. 169, as amended, shall apply to terms used herein.

(f) This Order No. 16 shall become effective November 27, 1942.

Issued this 26th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12504; Filed, November 26, 1942; 1:12 p. m.]

[Order 9 Under MPR 204]

METALS RESERVE COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 9 Under Maximum Price Regulation No. 204—Idle or Frozen Materials Sold Under Priorities Regulation No. 13.

An opinion in support of this Order No. 9 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and § 1499.506 of Maximum Price Regulation No. 204 and in accordance with Revised Procedural Regulation No. 1, *It is hereby ordered,* That:

(a) *Maximum prices for stainless steel products sold or delivered to Metals Reserve Company, Steel Recovery Corporation or any agent thereof.* (1) The maximum price for any stainless steel product sold or delivered to Metals Reserve Company, Steel Recovery Corporation or any agent thereof, pursuant to the program for the acquisition thereof announced by the War Production Board on November 4, 1942 (Recovery Program NRB-13) shall be the price set forth in the "Government's Price Schedule for Purchase of Idle and Excessive Inventories of Stainless Steel Products" attached to the aforesaid program.

(b) As used in this Order No. 9:

(1) "Stainless steel" means any steel (other than those steels which are classified in the trade as tool steels) composed of a corrosion-resistant or heat-resistant alloy containing 50% or more of iron and 4% or more of chromium regardless of what other alloying elements it contains.

(2) "Stainless steel products" shall include all stainless steel products other than (i) obsolete, damaged, used or imperfect stainless steel products and (ii) trimmings, borings, clippings, rod ends and all other remnants of stainless steel materials.

(c) This Order No. 9 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 9 shall become effective as of November 4, 1942.

Issued this 26th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12501; Filed, November 26, 1942; 1:07 p. m.]

[Suspension Order 162, Amendment 1]

TREASURE ISLAND SERVICE STATION

ORDER UPON RECONSIDERATION

On November 19, 1942, Raymond DeAngelo and Hillaire E. Mark, doing business as Treasure Island Service Station, Fair and Olive Streets, New Haven, Connecticut, filed a petition for reconsideration of Suspension Order No. 162 issued against the petitioners on November 14, 1942. The matter has been duly considered by the Deputy Administrator in Charge of Rationing.

Paragraph (e) is amended to read as set forth below:

(e) This Suspension Order No. 162 shall become effective 12:01 A. M. November 18, 1942, and shall expire 12:01 A. M. November 28, 1942.

(f) Except as amended by paragraph (e) above, this Suspension Order No. 162 is affirmed.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671 76th Cong.; as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Dir. No. 1 (7 F.R. 562); Supplementary Dir. No. 1H (7 F.R. 3478, 3877, 5216))

Issued and effective this 26th day of November 1942.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 42-12516; Filed, November 26, 1942; 1:19 p. m.]

WAR SHIPPING ADMINISTRATION.

WAR FORWARDING CORPORATION, ET AL.

AUTHORIZING CERTAIN FORWARDING SERVICES

Whereas a directive with respect to forwarding and transportation of waterborne commerce of the United States has been issued on November 3, 1942 (7 F.R. 8967); and

Whereas pursuant to the aforementioned directive, Operations Regulation No. 23 has been issued on November 25, 1942; and

Whereas the aforementioned Operations Regulation No. 23 calls for the performance of certain forwarding services by the several corporations listed below;

The corporations listed below are authorized to perform forwarding services as follows:

(1) War Forwarding Corporation, 25 Broadway, New York, New York, is authorized to perform the services prescribed in instructions 2 and 10 of Operations Regulation No. 23;

(2) Commercial Dispatching Corporation, 5 Broadway, New York, New York, is authorized to perform the services prescribed in instructions 3 and 10 of Operations Regulation No. 23;

(3) Premier Forwarding Corporation, 115 Broad Street, New York, New York, is authorized to perform the services prescribed in instructions 4 and 10 of Operations Regulation No. 23;

(4) The following corporations are authorized to perform the services prescribed in instruction 13 of Operations Regulation No. 23:

Mobile Freight Brokers and Forwarders, 62½ St. Francis Street, Mobile, Alabama.

San Francisco Foreign Freight Forwarders, Inc., 311 California Street, San Francisco, California.

Southern California Foreign Freight Forwarders Corporation, 408 South Spring Street, Los Angeles, California.

Strachan Shipping Co., Barnett National Bank, Jacksonville, Florida.

Strachan Shipping Co., Savannah Bank & Trust Building, Savannah, Georgia.

New Orleans Foreign Forwarders, Inc., 404 Whitney Building, New Orleans, Louisiana.

Portland Foreign Freight Forwarders, Inc., 193 Middle Street, Portland, Maine.

Boston Foreign Freight Forwarders, Inc., 110 State Street, Boston, Massachusetts.

Baltimore Forwarding Corporation, National Marine Bank Building, Baltimore, Maryland.

Commercial Dispatching Corporation, 5 Broadway, New York, New York.

Premier Forwarding Corporation, 115 Broad Street, New York, New York.

War Forwarding Corporation, 25 Broadway, New York, New York.

Oregon Foreign Forwarders, Inc., Board of Trade Building, Portland, Oregon.

Foreign Freight Forwarders Philadelphia, Inc., 712 Lafayette Building, 501 Chestnut Street, Philadelphia, Pennsylvania.

Carolina Shipping Co., Charleston, South Carolina.

West Gulf Foreign Freight Forwarders, Inc., Cotton Exchange Building, Houston, Texas.

West Gulf Foreign Freight Forwarders, Inc., Room 707, U. S. National Bank Building, Galveston, Texas.

Hampton Roads Foreign Forwarders, Inc., 200 East Main Street, Norfolk, Virginia.

Seattle Foreign Freight Forwarders Corporation, 427 Colman Building, Seattle, Washington.

E. S. LAND,
Administrator.

NOVEMBER 25, 1942.

[F. R. Doc. 42-12499; Filed, November 26, 1942; 12:18 p. m.]

VOL 7

DEC

DEC 4 1942

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934 LITTERA SCRIPTA MANET

VOLUME 7 NUMBER 234

Washington, Tuesday, December 1, 1942

Regulations

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[ACP-1942-17]

PART 701—AGRICULTURAL CONSERVATION PROGRAM

SUBPART D—1942

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as Amended, the 1942 Agricultural Conservation Program,[1] as Amended, is further amended as follows:

Section 701.301 (i) (2) is amended by adding at the end thereof the following proviso:

§ 701.301 *Allotments, yields, grazing capacities, payments and deductions.* * * *

(i) *Minimum soil-conserving and soil-building requirements.* * * *

(2) *Minimum acreage of erosion-resisting crops.* * * * *Provided, however,* In areas recommended by the State committee and approved by the Agricultural Adjustment Agency, That on farms of less than 20 acres of cropland, the erosion-resisting acreage requirement may be met in whole or in part by growing green manure crops qualifying for soil-building payments, or by seeding, prior to October 1, 1942, winter cover crops of small grains (other than wheat), Austrian winter peas, or a similar crop commonly used in the community for winter cover, regardless of any other use of the same land during the 1942 crop year.

Done at Washington, D. C., this 28th day of November, 1942. Witness my hand and seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-12657; Filed, November 30, 1942; 11:57 a. m.]

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[1] 6 F.R. 4111, 5520, 5581, 6472; 7 F.R. 56, 57, 923, 1410, 1825, 2287, 2771, 3146, 5085, 7874, 4509, 8768, 9265.

PART 724—BURLEY TOBACCO

SUBPART F—1943

Proclamation of the national marketing quota for Burley Tobacco for the 1943-44 marketing year.

The Secretary of Agriculture, acting under and pursuant to, and by virtue of, the authority vested in him by the Agricultural Adjustment Act of 1938, as amended, does hereby find, determine, specify, and proclaim that: Authority: 52 Stat. 38, 46, 53 Stat. 1261, 1209; 7 U.S.C., 1940 ed., 1301 (b), 1312 (a), 1312 (c).

§ 724.501 *Findings and determinations with respect to the national marketing quota for Burley tobacco for the marketing year beginning October 1, 1943*[1]—(a) *Reserve supply level.* The reserve supply level for Burley tobacco is 1,070,000,000 pounds.

(b) *Total supply.* The total supply of Burley tobacco as of the beginning of the marketing year for such tobacco beginning October 1, 1942, was 1,115,000,000 pounds and exceeds the reserve supply level of such tobacco.

(c) *National marketing quota.* The amount of the national marketing quota or Burley tobacco which will make available during the marketing year beginning October 1, 1943, a supply of tobacco equal to the reserve supply level of such tobacco is 321,000,000 pounds.

Done at Washington, D. C., this 28th day of November, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-12659; Filed, November 30, 1942; 11:58 a. m.]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

SUBPART F—1943

Proclamation of the national marketing quota for fire-cured tobacco for the 1943-44 marketing year.

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[1] Rounded to the nearest 1,000,000 pounds.

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General
[illegible]

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Telephone information: DIstrict 0525.

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The Secretary of Agriculture, acting under and pursuant to, and by virtue of, the authority vested in him by the Agricultural Adjustment Act of 1938, as amended, does hereby find, determine, specify, and proclaim that: Authority: 52 Stat. 38, 46, 53 Stat. 1261, 54 Stat. 392, 1209; 7 U.S.C., 1940 ed., 1301 (b), 1312 (a), 1312 (c).

§ 726.501 *Findings and determinations with respect to the national marketing quota for fire-cured tobacco for the marketing year beginning October 1, 1943*[1]—(a) *Reserve supply level.* The reserve supply level for fire-cured tobacco is 228,000,000 pounds.

(b) *Total supply.* The total supply of fire-cured tobacco as of the beginning of the marketing year for such tobacco beginning October 1, 1942, was 261,000,000 pounds and exceeds the reserve supply level of such tobacco.

(c) *National marketing quota.* The amount of the national marketing quota for fire-cured tobacco which will make available during the marketing year beginning October 1, 1943, a supply of tobacco equal to the reserve supply level of such tobacco is 68,000,000 pounds.

Done at Washington, D. C., this 28th day of November, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42–12660; Filed, November 30, 1942; 11:58 a. m.]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

SUBPART F—1943

Proclamation of the national marketing quota for dark air-cured tobacco for the 1943–44 marketing year.

The Secretary of Agriculture, acting under and pursuant to, and by virtue of, the authority vested in him by the Agricultural Adjustment Act of 1938 as amended, does hereby find, determine, specify and proclaim that: Authority: 52 Stat. 38, 46, 53 Stat. 1261, 54 Stat. 392, 1209; 7 U.S.C., 1940 ed., 1301 (b), 1312 (a), 1312 (c).

§ 726.551 *Findings and determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1943*[1]—(a) *Reserve supply level.* The reserve supply level for dark air-cured tobacco is 89,000,000 pounds.

(b) *Total supply.* The total supply of dark air-cured tobacco as of the beginning of the marketing year for such tobacco beginning October 1, 1942 was 94,000,000 pounds and exceeds the reserve supply level of such tobacco.

(c) *National marketing quota.* The amount of the national marketing quota for dark air-cured tobacco which will make available during the marketing year beginning October 1, 1943, a supply of tobacco equal to the reserve supply level of such tobacco is 28,000,000 pounds.

Done at Washington, D. C., this 28th day of November, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42–12662; Filed, November 30, 1942; 11:58 a. m.]

PART 727—FLUE-CURED TOBACCO

SUBPART F—1943

Proclamation of the national marketing quota for flue-cured tobacco for the 1943–44 marketing year.

The Secretary of Agriculture, acting under and pursuant to, and by virtue of, the authority vested in him by the Agricultural Adjustment Act of 1938, as amended, does hereby find, determine, specify, and proclaim that: Authority: 52 Stat. 38, 46, 53 Stat. 1261, 54 Stat. 392, 1209; 7 U.S.C., 1940 ed., 1301 (b), 1312 (a), 1312 (c).

§ 727.501 *Findings and determinations with respect to the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1943*[1]—(a) *Reserve supply level.* The reserve supply level for flue-cured tobacco is 2,078,000,000 pounds.

(b) *Total supply.* The total supply of flue-cured tobacco as of the beginning of the marketing year for such tobacco beginning July 1, 1942, was 2,286,000,000 pounds and exceeds the reserve supply level of such tobacco.

(c) *National marketing quota.* The amount of the national marketing quota for flue-cured tobacco which will make available during the marketing year beginning July 1, 1943, a supply of tobacco equal to the reserve supply level of such tobacco is 625,000,000 pounds. An increase in this amount is necessary in order to meet market demands and to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level. Therefore, the amount of the national marketing quota for flue-cured tobacco, in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning July 1, 1943, as increased, is 680,000,000 pounds.

Done at Washington, D. C. this 28th day of November, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42–12661; Filed, November 30, 1942; 11:57 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 5—SAFEGUARDING TECHNICAL INFORMATION

PART 9—SECRECY SURROUNDING TROOP MOVEMENTS

MISCELLANEOUS AMENDMENTS

Sections 5.1, 5.2 (a), 5.3, 5.5 (b) and (c), 5.7, 5.8, 5.9, 5.10, 5.11 (b), 5.12, 5.17, 5.19, 5.20 (a) and (b), and 5.21 (a) and (b) (1) (2) are retained without change in revision of Army Regulations No. 380–5, September 28, 1942, and §§ 5.2 (b), 5.4, 5.5 (a), 5.6, 5.11 (a), 5.13, 5.14, 5.15, 5.16, 5.18, 5.20 (c) and 5.21 (b) (3) are amended as follows.[1]

§ 5.2 *Responsibility.* * * *

(b) Commanding officers, administrative officers, and procurement agencies are responsible that military personnel, civilian employees of the Military Establishment, and the management and employees of commercial firms engaged in classified projects or developments for the War Department are familiar with the pertinent provisions of these regulations. Clerical and technical work on secret and confidential matter, to the extent practicable, will be performed only by duly investigated and approved personnel. [Par. 8]

§ 5.4 *Dissemination of classified military information.* Except as regards information to be released to the press by authorized military public regulations agencies, when classified military information is disseminated under the provisions of these regulations to persons not subject to military law, they will be informed that it affects the national defense of the United States within the meaning of the Espionage Act and that its transmission to an unauthrized person is prohibited. [Par. 15*a*]

* * * * *

§ 5.5 *Requests for military information.* (a) Requests from private individuals or firms for classified military information will be referred through channels to the Commanding General of the Army Ground Forces, the Commanding General of the Army Air Forces, the Commanding General of the Services of Supply, the Commanding General of the army or the service command concerned, who, if unable to make reply or if another agency is interested, will refer the matter to The Adjutant General for appropriate action. [Par. 14]

* * * * *

§ 5.6 *Dissemination of restricted matter.* The information contained in restricted documents and the essential characteristics of restricted matériel may be given to any person known to be in the service of the United States and to persons of undoubted loyalty and discretion who are cooperating in Government work, but will not be communicated to the public or to the press except by authorized military public relations agencies. [Par. 5*d*]

Paragraph (e) of the agreement quoted in § 5.11 (a) is amended to read as follows:

§ 5.11 *Invitations for bids and contracts.* (a) * * *

(e) (1) The undersigned agrees to bring or cause to be brought to the attention of all persons engaged in the preparation of the bid, whether submitted or not, including subbidders and their employees, the following provisions of law:

> Espionage Act: Subparagraphs (d) and (e), sec. 1, act June 15, 1917 (40 Stat. 217); sec. 1, act March 28, 1940 (54 Stat. 79; 50 U.S.C. 31; M.L., 1939, Supp. I, sec. 2181).
>
> Sec. 1, act January 12, 1938 (52 Stat. 3; 50 U.S.C. 45; M.L., 1939, sec. 2187a), and E.O. 8381, March 22, 1940; 5 F.R. 1147; 50 U.S.C. 45; M.L., 1939, Supp. I, sec. 2187a.
>
> Second War Powers Act, 1942, sections 1402, 1403, act March 27, 1942 (Public Law 507, 77th Cong.).

(2) If the successful bidder on any project, the undersigned agrees also to bring or cause to be brought to the attention of all persons engaged in the performance of the contract, including

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[1] Rounded to the nearest 1,000,000 pounds.

[1] Rounded to the nearest 1,000,000 pounds.

[1] Sections 5.1 to 5.21, inclusive, are also contained in Army Regulations 380–5, September 28, 1942, the particular paragraphs being shown in brackets at end of sections.

persons employed on subcontracts, the provisions of the law enumerated in (1) above. [Par. 51]

* * * * *

§ 5.13 *Responsibility of Army representatives or inspectors.* (a) Army representatives or inspectors of the supply service are the local representatives of the War Department and will take the necessary measures to insure the safeguarding of classified information or projects in the hands of the contractors or in process of manufacture in their plants.

(b) Army representatives or inspectors will advise contractors as to their responsibilities and the practical measures to be taken to safeguard secret, confidential, and restricted matters and will act favorably, if practicable, on any suggestion or request of the company tending to preserve secrecy. If at any time conditions at any plant, or any action of a company or its employees, jeopardize the security of classified matter pertaining to the War Department or violate the provisions of the Espionage Act, the Army representative or inspector will request the contractor to take prompt remedial action. If adequate precautionary measures are not taken immediately, he will report promptly to the chief of the supply service concerned and, if the situation requires, to the commanding general of the service command in which the item is in process of manufacture.

(c) When Army and Navy inspectors are on duty at the same plant, the Army inspector will coordinate all security measures with the Navy inspector in order to avoid conflicting demands upon contractors. [Par. 53]

§ 5.14 *Responsibility of Government contractors.* (a) A private individual, firm, or corporation which enters into a contract to engage in technical work for the War Department becomes responsible in matters within his or its control for the safeguarding of all secret, confidential, or restricted matters that may be disclosed or that may be developed in connection therewith. A clause to this effect will be included in such a contract, but its omission will not release the contractor from his responsibility under the Espionage Act and other pertinent laws.

(b) Contractors are responsible that all classified projects allotted to subcontractors or agents are fully protected by a similar agreement.

(c) Whenever for any reason a contract agreement or subcontract has been made which does not include a security clause but later is found to involve secret, confidential, or restricted matter, the supply service concerned will take the necessary steps to insure that the project or work is properly classified and that the contractor, agent, or subcontractor is informed of the classification end of his responsibility in the matter. [Par. 54]

§ 5.15 *Public display of classified matériel.* (a) Commanding officers are responsible that all classified parts, components, or features of matériel are properly safeguarded during maneuvers, drills, parades, ceremonies, assemblages, demonstrations, or exhibitions open to the general public.

(b) (1) Photographs of equipment while in process of development or those revealing processes of manufacture are prohibited unless authorized by the chief of supply service concerned. After an article of equipment has been issued to combat units, release of photographs is permissible unless specifically prohibited by the instructions issued therewith.

(2) Requests for permission to take photographs of classified matériel, projects, or processes of manufacture will be referred to the War Department through the proper chief of supply service. If authority is granted, it will be with the understanding that the resulting photographs will be submitted to the War Department for review prior to release. [Par. 56]

§ 5.16 *Release of information or sale of matériel.* Domestic sale, divulging information in connection with negotiations for foreign sale, and foreign manufacture of items of Army and Navy matériel and equipment are not permitted unless the War and Navy Departments are agreed that military secrecy is not compromised thereby. [Par. 57*a*]

§ 5.18 *Authority for admission*—(a) *General.* Correspondence and communications relating to visits will be routed direct between the various offices concerned.

(b) *Foreign nationals.* (1) Foreign nationals (see § 5.17 (a)) will be admitted to Government or commercial manufacturing establishments and experimental laboratories engaged on classified work or projects, and to military posts, camps, and airfields only on written authority of the Assistant Chief of Staff, G–2, War Department General Staff.

(2) Application for such visits will be made through the appropriate diplomatic representatives except in the case of foreign nationals employed by citizens of the United States or by firms or corporations owned or controlled by citizens of the United States, for whom applications will be submitted by their employers, approved by the commanding officer or management of the establishment to be visited, and forwarded with the recommendation of the chief of the supply service or appropriate commanding general of the service command concerned to the Assistant Chief of Staff, G–2, War Department General Staff.

(3) Applications submitted through either of the channels described above will include the following information:

(i) Name in full.

(ii) Official title or position.

(iii) Name of plant or plants, posts, camps, or airfields to which admission is desired.

(iv) Date of visit or dates between which visits are desired.

(v) Purpose of visit.

For foreign nationals employed by citizens of the United States or by firms or corporations owned or controlled by citizens of the United States the following additional information will be required:

(vi) Nationality.

(vii) Length of service with present employer.

(4) Prior to authorizing a visit to a War Department or commercial manufacturing establishment engaged in classified work or projects, the Assistant Chief of Staff, G–2, War Department General Staff, will secure the recommendations of the Navy Department and the chief of the supply service concerned. Members of the armed forces of Canada and Mexico may, however, be admitted to Army posts, camps, and airfields near the borders of those countries for occasional visits on the authority of the commanding general of the army, defense command, or service command having jurisdiction over such posts, camps or airfields, without reference to higher authority.

(c) *United States citizens.* Subject to the approval of the commanding officer or the contractor, United States citizens, except those representing a foreign government, firm, or corporation, may be admitted to War Department or commercial manufacturing establishments engaged on classified work or projects under the following conditions:

(1) Casual visitors may be admitted provided no secret, confidential, or restricted work or project is shown or discussed.

(2) Representatives of other United States Government agencies, manufacturers, or their representatives, engineers, and inventors cooperating in War Department work and having a legitimate interest therein may be shown such works or projects as are considered necessary and desirable by the responsible chief of supply service. Authority for admission will be in writing.

(3) Accredited reporters, photographers, and other representatives of publicity agencies may be admitted to manufacturing establishments engaged on work for the War Department provided classified matters, projects, or processes of manufacture are not shown or discussed with them. News items, photographs, and motion pictures resulting from the visit must be submitted to the Assistant Chief of Staff, G–2, War Department General Staff, for release prior to publication. [Par. 59]

§ 5.20 *Responsibility of Government contractors.* * * *

(c) (1) War Department contractors will submit to the commanding general of the service command, chief of supply service, or Commanding General, Matériel Command, Army Air Forces, whichever is appropriate, to whom their plants are assigned for continuing protection, at the end of each month, and upon the completion of the work or project, a report of all visitors who have gained information concerning the classified work or projects. These reports will include the following information:

(i) Name, official position, and nationality.

(ii) Address.

(iii) Authority for visit.

(iv) Whether authorization for visit was written or oral.

(v) Whether authorization for visit was received prior to or simultaneous with the visit.

(vi) Number of authorizations received for which the corresponding visits were not made, with detailed information in each case.

(2) The commanding general of the service command, chief of supply service, or Commanding General, Matériel Command, Army Air Forces, whichever is appropriate, to whom their plants are assigned for continuing protection, will submit the reports to the Assistant Chief of Staff, G–2, War Department General Staff, through the appropriate chief of supply service. [Par. 61]

§ 5.21 *Restricted areas* * * *

(b) *Procedure in case of violation.* * * *

(3) A report will be made through military channels to the commanding general of the service command of each case brought to the attention of civil authority and will include a brief of all the facts and copies of all pertinent communications. [Par. 63b]

Sections 9.1 to 9.5, inclusive, are retained without change in revision of Army Regulations No. 380–5, September 28, 1942.

(R.S. 161; 5 U.S.C. 22)

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–12588; Filed, November 28, 1942; 11:56 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Order No. 5]

SUNNY SOUTH AIRPORT

ORDER EXTENDING EFFECTIVE DATE OF CANCELLATION AS LANDING AREA

NOVEMBER 24, 1942.

Whereas by Order No. 4,[1] dated November 20, 1942, the designation as a "Designated Landing Area" issued to the Sunny South Airport, Miami, Florida, was cancelled; and

Whereas the order was to become effective 0001 E. W. T., December 1, 1942; and

It appearing that:

The owners and operators of the Sunny South Airport, Miami, Florida, require additional time to remove equipment and facilities from said airport;

Now, therefore, acting pursuant to the authority vested in me by § 60.953 (c) of the Civil Air Regulations:

It is ordered:

That the cancellation of the designation of the Sunny South Airport, Miami, Florida, as a "Designated Landing Area" dated May 15, 1942, shall not become effective until 0001 E. W. T., December 15, 1942.

C. I. STANTON,
Administrator.

[F. R. Doc. 42–12581; Filed, November 28, 1942; 11:27 a. m.]

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[1] 7 F.R. 9854.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

RULE AND FORM RELATING TO REPORTS TO BE MADE BY CERTAIN EXCHANGE MEMBERS, BROKERS AND DEALERS UNDER THE ACT

The Securities and Exchange Commission, deeming it necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 17 and 23 (a) thereof, hereby takes the following action:

I. Adopts § 240.17A–5 [Rule X-17A–5], reading as follows:

§ 240.17A-5 *Reports to be made by certain Exchange members, brokers and dealers.* (a) *Reports to be made annually.* Every member of a national securities exchange who transacts a business in securities directly with others than members of a national securities exchange, and every broker or dealer who transacts a business in securities through the medium of any such member, and every broker or dealer registered pursuant to section 15 of the Securities Exchange Act of 1934, as amended, [Sec. 15, 48 Stat. 895; sec. 3, 49 Stat. 1377; 15 U.S.C. 78o] shall file on Form X-17A–5,[1] during each calendar year commencing January 1, 1943, a report of his financial condition as of a date not more than 45 days prior to the filing thereof: *Provided,* That reports for any two consecutive years shall not be filed within less than four months of each other. The report shall be filed in duplicate with the Regional Office of the Commission for the region in which the member, broker, or dealer has his principal place of business.

(b) *Nature and form of reports.* Each report of financial condition filed pursuant to paragraph (a) hereof shall be prepared and filed in accordance with the following requirements:

(1) The report of a member, broker, or dealer shall be certified by a certified public accountant or a public accountant who shall be in fact independent (i) if said member, broker, or dealer is required to file a certified financial statement with any agency of any state in which he does business as a condition of doing business in securities therein, or is required to file a certified financial statement with any national securities exchange of which he is a member, or (ii) if, during the year preceding the date as of which his financial condition is reported said member, broker, or dealer has made a practice of (*a*) extending credit in any form to customers (such as carrying margin accounts or selling securities on a partial payment or installment basis): *Provided,* That credit shall not be deemed to be extended by reason of a bona fide delayed delivery of any such security against full payment of the entire purchase price thereof upon such delivery within thirty-five (35) days after such purchase; (*b*) holding securities owned by customers, except as an incident to transactions with or for customers which are promptly consummated by delivery, or (*c*) carrying credit balances of customers, except as an incident to transactions with or for customers which are promptly consummated by payment;

(2) Attached to the report shall be an oath or affirmation that, to the best knowledge and belief of the person making such oath or affirmation, (i) the financial statement and supporting schedules are true and correct and (ii) neither the member, broker, or dealer, nor any partner, officer, or director, as the case may be, has any proprietary interest in any account classified solely as that of a customer. The oath or affirmation shall be made before a person duly authorized to administer such oaths or affirmations. If the member, broker, or dealer is a sole proprietorship, the oath or affirmation shall be made by the proprietor; if a partnership, by a general partner; or if a corporation, by a duly authorized officer.

(c) *Use of statements filed with state commissions and National Securities Exchanges.* Any member, broker, or dealer who is subject to the provisions of paragraph (a) hereof may file in lieu of the report required by that paragraph a copy of any financial statement which he is, or has been, required to file with any national securities exchange of which he is a member, or with any agency of any State as a condition of doing business in securities therein: *Provided,* That (1) the copy so included reflects his financial condition as of a date not more than forty-five (45) days prior to the filing thereof with the Commission; and (2) the report, as filed with this Commission, meets the requirements of this rule and Form X-17A–5 and contains the information called for by that form.

(d) *Extension of time for filing reports.* In the event any member, broker, or dealer finds that he cannot file his report for any year within the time specified in paragraphs (a) or (c) hereof without undue hardship, he may file with the Commission an application for an extension of time to a specified date which shall not be more than 90 days after the date as of which his financial condition is reported. The application shall state the reasons for the requested extension and shall contain an agreement to file the report on or before the specified date. The application shall be deemed granted unless the Commission, within ten days after receipt thereof, enters an order denying the application.

(e) *Exemptions.* Any "bank", as defined in section 3 (a) (6) of the Act, [sec. 3, 48 Stat. 882; 15 U. S. C. 78c] shall be exempt from the provisions of this rule.

(f) *Qualifications of accountants.* The Commission will not recognize any person as a certified public accountant who is not duly registered and in good standing as such under the laws of his place of residence or principal office. The Commission will not recognize any person as a public accountant who is not in good standing and entitled to practice as such under the laws of the place of his residence or principal office.

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[1] Filed as part of the original document.

(g) *Accountant's certificate* — (1) *Technical requirements.* The accountant's certificate shall be dated, shall be signed manually, and shall identify without detailed enumeration the items of the report covered by the certificate.

(2) *Representations as to audit.* The accountant's certificate (i) shall contain a reasonably comprehensive statement as to the scope of the audit made, including a statement as to whether the accountant reviewed the procedures followed for safeguarding the securities of customers, and including, if with respect to significant items in the report covered by the certificate any auditing procedures generally recognized as normal have been omitted, a specific designation of such procedures and of the reasons for their omission; (ii) shall state whether the audit was made in accordance with generally accepted auditing standards applicable in the circumstances; and (iii) shall state whether the audit made omitted any procedure deemed necessary by the accountant under the circumstances of the particular case.

(3) Nothing in this rule shall be construed to imply authority for the omission of any procedure which independent accountants would ordinarily employ in the course of an audit made for the purpose of expressing the opinions required by paragraph (h) of this rule.

(h) *Accountant's certificate—opinions to be expressed.* The accountant's certificate shall state clearly the opinion of the accountant with respect to the financial statement covered by the certificate and the accounting principles and practices reflected therein.

(1) *Accountant's certificate — exceptions.* Any matters to which the accountant takes exception shall be clearly identified; the exception thereto shall be specifically and clearly stated; and, to the extent practicable, the effect of each such exception on the related item of the report shall be given. [Rule X-17A-5, effective November 28, 1942]

(Sec. 17, 48 Stat. 897; sec. 4, 49 Stat. 1379; sec. 5, 52 Stat. 1076; 15 U.S.C. 78q; sec. 23, 48 Stat. 901; sec. 8, 49 Stat. 1379; 15 U.S.C. 78w)

II. Adopts Form X-17A-5 to be used to comply with § 240.17A-5 [Rule X-17A-5].

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12580; Filed, November 28, 1942; 11:34 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

[Docket No. FDC-36]

PART 51—CANNED VEGETABLESS DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY AND FILL OF CONTAINER

CANNED PEAS

ORDER AMENDING DEFINITION AND STANDARD OF IDENTITY

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046; 21 U.S.C., 1940 ed., 341; and sec. 701 (e), 52 Stat. 1055; 21 U.S.C., 1940 ed., 371 (e)) and on the basis of the evidence received at the above-entitled hearing duly held pursuant to notice thereof issued by the Federal Security Administrator on April 23, 1942 (7 F.R. 3066), the following order is hereby promulgated:

FINDINGS OF FACT

1. The green color of peas is due primarily to their content of chlorophyll.

2. One of the constituents of the chlorophyll molecule is magnesium.

3. When peas are picked from the vine the intensity of their green color begins to decrease. This decrease continues as peas are shelled and held, is accelerated when they are canned, and continues while they are in storage.

4. This decrease in intensity of color is due to the conversion of the chlorophyll into pheophytin through loss of the magnesium from the chlorophyll molecule. Pheophytin is not green but is olive drab in color. There is no known method applicable to peas whereby the pheophytin can be converted back into chlorophyll.

5. Under the process by which peas are ordinarily canned, they are shelled, washed, blanched in hot water, sealed in cans in a water solution of salt and sugar, and heated in a retort for 35 minutes at 240° F. when in cans of the size most frequently sold, or for a time and temperature equivalent in their destructive effect on microorganisms when in cans of other sizes.

6. When peas are so canned, the process of conversion of chlorophyll into pheophytin is sufficiently near completion within a short time after canning that the peas are no longer green but are olive drab or straw-colored.

7. Peas in their natural state are slightly on the acid side of the neutral point (pH 7) between acidity and alkalinity. A well-recognized but little understood phenomenon is that their acidity slowly but continuously increases during the canning process and subsequent storage. This is expressed chemically as a decrease of pH and the decrease continues until an equilibrium, sometimes as low as pH 5, is reached.

8. The rate of conversion of chlorophyll to pheophytin proceeds rapidly in an acid medium. In an alkaline medium the rate of conversion is greatly retarded. The time and temperature to which the peas are subjected before canning and the time and temperature during heat processing and in storage after canning also affect the rate of conversion.

9. It has recently been found that by converting the naturally acid medium surrounding the chlorophyll in peas to a state of mild alkalinity, and by regulating the times and temperatures of holding, processing, and storing, the rate of conversion of chlorophyll to pheophytin can be substantially retarded.

10. Such regulation of times and temperatures within the limits found desirable for this purpose has no material effect upon the identity of canned peas and does not conflict with the definition and standard of identity for canned peas now in effect.

11. For the conversion of the naturally acid state of the peas to one of alkalinity, certain alkalizing chemicals not permitted by the definition and standard of identity for canned peas have been found to be suitable. These chemicals are sodium carbonate, calcium hydroxide, and magnesium hydroxide.

12. Sodium carbonate must be used as such, but calcium hydroxide and magnesium hydroxide may be used as such or obtained by the use of calcium oxide and magnesium oxide which, when they come into contact with water, are promptly converted into the respective hydroxides.

13. Sodium carbonate is useful in an aqueous solution of approximately 2 percent concentration for a pre-blanch soak of about 30 minutes at room temperature for the reason that it retards the destruction of chlorophyll at the beginning of the blanch. An alkali in the blanch water does not suffice for this purpose since it does not penetrate the peas rapidly enough to raise their pH to an alkaline level before extensive destruction of chlorophyll occurs from the heat of blanching.

14. The sodium of the sodium carbonate replaces unidentified elements in the peas, according to a principle known as "the base exchange theory" whereby different basic elements in combination with other substances in solution are held to exchange positions continuously. It is a reasonable conclusion from this principle that some of the sodium carbonate enters into the composition of the finished canned peas, and there is no authoritative evidence to the contrary even though the peas are thoroughly washed after the treatment with sodium carbonate solution.

15. The proponents of the alkalizing process could have shown positively that sodium carbonate does not enter into

the composition of the peas, if such were the case, by comparative quantitative analyses for sodium of the pre-blanch and blanch solutions before and after soaking and blanching, but no such analysis was reported among the voluminous analytical data entered of record.

16. Alkaline substances other than sodium carbonate would be equally effective in controlling the pH of the peas during the holding period, but such other substances, in quantities sufficient to control the pH, make the peas tough or impair their taste or are otherwise unsuitable or impracticable.

17. Sodium carbonate has a softening effect upon the texture of peas during the pre-blanch treatment.

18. In order to restore to the peas a texture comparable to their natural texture and at the same time to maintain the pH of the peas throughout the blanching process at an alkaline level, the blanch water must be made alkaline by a substance having a hardening effect.

19. The only blanch solution which has been found suitable for this purpose, and which is employed for about the same time and at the same temperature used for blanching peas canned by the ordinary method, is an aqueous solution of approximately 0.04 percent of calcium hydroxide or approximately 0.03 percent of calcium oxide. When blanched in this solution the calcium actually enters into the composition of the peas, as shown by chemical analyses. The reaction presumably follows the principle of base exchange.

20. From their observation of such phenomena experienced chemists do not believe that there is a complete exchange of calcium for the sodium added in the pre-blanch solution.

21. When the alkalizing process is used, the blanched peas are washed to remove free calcium hydroxide and are then sealed in the container with an aqueous packing medium.

22. To offset the drift toward acidity referred to in finding 7, and thus to retard the conversion of chlorophyll to pheophytin, it is necessary to incorporate a reserve of alkali in the canned peas, since the quantity of alkalis remaining in the peas from the pre-blanch and blanching is not enough to provide such a reserve in the finished product.

23. The only substance found suitable for this purpose, by reason of the fact that it provides such a reserve without impairing the natural characteristics of peas, is magnesium hydroxide. This is added to the packing medium in a quantity of about 0.1 percent of the weight of the medium.

24. The quantity of magnesium hydroxide added, together with the effect of the constituents of peas and other ingredients of the finished product, determines the ultimate pH of the peas and liquid within the can.

25. If the canned peas are too alkaline, undesirable flavors and odors foreign to canned peas are developed.

26. It is therefore necessary to limit the alkalinity of the finished product, and the most feasible, objectively determinable method of so doing is to prescribe a limit on the pH of the contents of the can.

27. It has been determined that the maximum pH that can be reached without danger of undesirable effects on canned peas is 8.0.

28. A method regarded by experienced chemists as accurate and desirable for determining pH, from the standpoint of both the pea canning industry and enforcement officials, is the method known as the glass electrode method.

29. To avoid undue loss of chlorophyll through long heating, the heat process for alkalized peas, after they are sealed in the can, is only 7 minutes, but the temperature of processing is 260° F. when in the size of can most frequently sold. This is the equivalent, in its destructive effect on microorganisms causing spoilage, to the process of 35 minutes at 240° F. used for ordinary canned peas in cans of the same size.

30. As a final precaution against undue loss of chlorophyll before purchase by the ultimate consumer, proponents of the alkalizing process recommend that peas canned by that process be stored at a temperature not over 55° F.

31. Under the definition and standard of identity now in effect, canned peas are prepared from one of four pea ingredients, two of which are succulent and two of which are dried. The proponents of the alkalizing process advocate its use for succulent peas only, and regard it as unsuitable for use in canning dried peas since such peas, in the process of maturing, lose widely varying proportions of their chlorophyll and are of nonuniform color, and when canned by such process their already undesirable lack of uniformity in color is emphasized.

32. Extensive investigations of the effects of sodium carbonate, calcium hydroxide, and magnesium hydroxide as used in the alkalizing process have failed to show any harmful effects upon the nutritive value of canned peas.

33. Sodium carbonate, calcium hydroxide, and magnesium hydroxide, used as described in the preceding findings, are suitable optional ingredients of canned peas prepared from succulent peas.

34. Consumers are concerned to know when chemicals are added to canned peas.

35. The use of the alkalizing chemicals sodium carbonate, calcium hydroxide, and magnesium hydroxide in canned peas without informing the purchasers thereof would not promote honesty and fair dealing in the interest of consumers.

36. Sodium carbonate, calcium hydroxide, and magnesium hydroxide are the common names of the chemicals used in the alkalizing process for canned peas; such chemicals belong to a group commonly known as "alkalis."

Upon the basis of the foregoing findings of fact, it is concluded that the regulation fixing and establishing a definition and standard of identity for canned peas (5 F.R. 740) should be amended so as to permit the use as optional ingredients in succulent canned peas of sodium carbonate, calcium hydroxide, and magnesium hydroxide in the quantities specified in the following provisions of such amended regulation and to require that such substances be named on the label of canned peas in which they are used; and that such regulation as so amended will promote honesty and fair dealing in the interest of consumers.

Wherefore the regulation fixing and establishing a definition and standard of identity for canned peas is amended as follows:

Amendments to Regulation

1. Section 51.0 (c) is amended to read:

§ 51.0 *Canned peas—Identity; label statement of optional ingredients.* * * *

(c) The following optional ingredients may be used:

(1) Salt;
(2) Sugar;
(3) Dextrose;
(4) Spice;
(5) Flavoring;
(6) Artificial coloring;

and in case optional pea ingredient (1) or (2) is used,

(7) Sodium carbonate, calcium hydroxide, and magnesium hydroxide in such quantity that the hydrogen ion concentration of the finished canned peas, as determined by the glass electrode method, is not more than pH 8.

2. Section 51.0 (f) is amended by renumbering subparagraph (6) as subparagraph (7) and inserting immediately before such subparagraph a new subparagraph reading:

(6) If optional ingredient (c) (7) is used, the label shall bear the statement "Traces of sodium carbonate, calcium hydroxide, and magnesium hydroxide added"; but in lieu of such statement the label may bear the statement "Traces of alkalis added."

(52 Stat. 1046, 1055; 21 U.S.C. 341, 371 (e))

The regulations hereby promulgated shall become effective on the nineteenth day following the date of publication of this order in the FEDERAL REGISTER.

[SEAL] WATSON B. MILLER,
Acting Administrator.

NOVEMBER 25, 1942.

[F. R. Doc. 42-12634; Filed, November 30, 1942; 10:44 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[T. D. 5184]

Subchapter C—Miscellaneous Excise Taxes

PART 171—MISCELLANEOUS REGULATIONS RELATED TO LIQUOR

SUBPART I—PRODUCTION, REMOVAL, ETC. OF UNFINISHED SPIRITS FOR REDISTILLATION

Pursuant to the provisions of sections 2883 (d) and 3176, Internal Revenue Code, Treasury Decision 5132 (26 CFR, Part 171, Subpart I[1]) is amended by inserting immediately after § 171.63 the following new section designated § 171.63A:

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[1] 7 F.R. 2572.

§ 171.63A *Special Form 236.* Where it is desired to expedite the removal of unfinished spirits in tank cars or tank trucks from a registered distillery or internal revenue bonded warehouse to another registered distillery or internal revenue bonded warehouse for redistillation, as provided by these regulations, and the proprietor of the registered distillery or internal revenue bonded warehouse to which the unfinished spirits are to be shipped has on file a bond in the maximum penal sum, the removal of such spirits may be made pursuant to a special Form 236, properly modified (in lieu of the regular Form 236 specified in § 171.63), to be executed by the distiller or warehouseman making the shipment: *Provided,* That the proprietor of the registered distillery or internal revenue bonded warehouse who is to receive unfinished spirits pursuant to such special Form 236 shall file a consent of surety, Form 1533, on his distillery bond, Form 30 or Form 30½, or his transportation and warehousing bond, Form 1571, as the case may be, extending the terms thereof to cover such transfers. The consent of surety shall be in substantially the following form:

> To extend the terms of said bond to assume liability for the payment of any tax that may become due on spirits withdrawn from registered distilleries or internal revenue bonded warehouses by the principal pursuant to special Form 236 under the provisions of section 2883 (d), Internal Revenue Code, and Treasury Decision 5132, as amended.

Parts 2 and 3 of the special Form 236 will not be executed by the District Supervisor. After Part 1 of the special Form 236 has been executed by the proprietor of the shipping distillery or warehouse, he will deliver the form to the storekeeper-gauger who will execute Part 4 thereof, and attach a copy of Form 1520 covering the gauge of the unfinished spirits to each copy of special Form 236. Thereafter the forms will be disposed of in accordance with existing regulations. (Secs. 2883 (d) and 3176, I. R. C.)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: November 27, 1942

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-12548; Filed, November 27, 1942; 3:22 p. m.]

Subchapter D—Social Security and Carriers Taxes

[T.D. 5185]

PART 402—EMPLOYEES' TAX AND EMPLOYERS' TAX UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT

EMPLOYMENT TAXES

Regulations 106 amended to conform to section 701 of the Revenue Act of 1942, postponing until January 1, 1944, the increase in rates of the taxes under the Federal Insurance Contributions Act.

In order to conform Regulations 106 [Part 402, Title 26, Code of Federal Regulations, 1940 Sup.], relating to the employees' tax and the employers' tax under the Federal Insurance Contributions Act (subchapter A, chapter 9, Internal Revenue Code; 53 Stat. 175, 1381; 26 U.S.C., 1940 ed., 1400 to 1432, inclusive), to section 701 of the Revenue Act of 1942, approved October 21, 1942, (Pub. Law 753, 77th Cong.), such regulations are amended as follows:

Paragraph 1. Immediately preceding § 402.301, relating to measure of employees' tax, the following is inserted:

Section 701 (a) of the Revenue Act of 1942

Clauses (1) and (2) of section 1400 of the Federal Insurance Contributions Act (Internal Revenue Code, sec. 1400) are amended to read as follows:

(1) With respect to wages received during the calendar years 1939, 1940, 1941, 1942, and 1943, the rate shall be 1 per centum.

(2) With respect to wages received during the calendar years 1944 and 1945, the rate shall be 2 per centum.

Paragraph 2. § 402.302, relating to rates and computation of employees' tax, is amended to read as follows:

§ 402.302 *Rates and computation of employees' tax.* The rates of employees' tax applicable for the respective calendar years are as follows:

	Percent
For the calendar years 1940, 1941, 1942, and 1943	1
For the calendar years 1944 and 1945	2
For the calendar years 1946, 1947, and 1948	2½
For the calendar year 1949 and subsequent calendar years	3

The employees' tax is computed by applying to the wages received by the employee the rate in effect at the time such wages are received.

Example: During 1943 A is an employee of B and is engaged in the performance of services which constitute employment (see § 402.203). In the following year, 1944, A receives from B $1,000 as remuneration for services performed by A in the preceding year. The tax is payable at the 2 percent rate in effect for the calendar year 1944 (the year in which the wages are received), and not at the 1 percent rate which is in effect for the calendar year 1943 (the year in which the services were performed).

Paragraph 3. Immediately preceding § 402.401, relating to measure of employers' tax, the following is inserted:

Section 701 (b) of the Revenue Act of 1942

Clauses (1) and (2) of section 1410 of such Act [Federal Insurance Contributions Act] (Internal Revenue Code, sec. 1410) are amended to read as follows:

(1) With respect to wages paid during the calendar years 1939, 1940, 1941, 1942, and 1943, the rate shall be 1 per centum.

(2) With respect to wages paid during the calendar years 1944 and 1945, the rate shall be 2 per centum.

Paragraph 4. § 402.402, relating to rates and computation of employers' tax, is amended to read as follows:

§ 402.402 *Rates and computation of employers' tax.* The rates of employers' tax applicable for the respective calendar years are as follows:

	Percent
For the calendar years 1940, 1941, 1942, and 1943	1
For the calendar years 1944 and 1945	2
For the calendar years 1946, 1947, and 1948	2½
For the calendar year 1949 and subsequent calendar years	3

The employers' tax is computed by applying to the wages paid by the employer the rate in effect at the time such wages are paid.

Paragraph 5. The last paragraph of § 402.705, relating to special refunds of employees' tax on wages over $3,000, is amended by striking out "1942" and "1943" wherever they now appear therein, and by inserting in lieu thereof "1943" and "1944", respectively.

(This Treasury Decision is issued under the authority contained in section 1429 of the Internal Revenue Code (53 Stat. 178; 26 U.S.C., 1940 ed., 1429), and section 701 of the Revenue Act of 1942 (Pub. Law 753—77th Cong.))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: November 27, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-12633; Filed, November 30, 1942; 11:00 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1699]

PART 339—MINIMUM PRICE SCHEDULE, DISTRICT NO. 19

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 19 for the establishment of price classifications and minimum prices for the coals of the No. 11 Mine of the Union Pacific Coal Company.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the No. 11 Mine (Mine Index No. 243) of the Union Pacific Coal Company, for shipments by rail and for shipments by truck; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 339.4 (*Code member price index*) is amended by adding thereto Supplement R-I, § 339.5 (*General prices; minimum prices for shipment via rail transportation*) is amended by adding thereto Supplement R-II, and § 339.21 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth, and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the attached schedule marked Supplement R-I, R-II and T are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and reflect the changes, if any, made in minimum prices by the Acting Director's order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21.

Dated: November 12, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 19

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 339, Minimum Price Schedule for District No. 19, and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

The following price classification and minimum prices shall be inserted in Minimum Price Schedule for District No. 19:

§ 339.4 *Code member price index*—Supplement R-I. Insert the following listing in proper alphabetical order under Code Member Index:

Producer	Mine	Mine index No.	County	Shipping point	Subdistrict price group	Railroad	F. o. b. No.	Prices	
								Rail	Truck
Union Pacific Coal Co., The.	No. 11	243	Sweetwater	Rock Springs, Wyo.	2	UP	70	§ 339. 5	§ 339.21

§ 339.5 *General prices; minimum prices for shipment via rail transportation*—Supplement R-II. The No. 11 Mine (Mine Index No. 243) of the Union Pacific Coal Co., shall be included in Subdistrict No. 2 in District No. 19, and the coals of that mine, in the respective size groups, shall be subject to the minimum f. o. b. mine prices for shipment via rail to all market areas, for all uses, that are presently in effect for the coals of the D. O. Clark Mine (Mine Index No. 5) of the Union Pacific Coal Co., in Subdistrict No. 2 in District No. 19.

FOR TRUCK SHIPMENTS

§ 339.21 *General prices in cents per net ton for shipment into all market areas*—Supplement T. Insert the following code members name, mine name, mine index number, and county under Subdistrict No. 2, and the following prices:

Code member mine	Mine index No.	County	Size groups																
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Union Pacific Coal Co., The No. 11.	243	Sweetwater	370	370	340	340	340	340	315	295	280	230	215	245	215	...	190	190	95

[F. R. Doc. 42-12532; Filed, November 27, 1942; 10:36 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Order No. 69]

CLEVELAND STATE HOSPITAL PROJECT

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Cleveland State Hospital Project to be work of national importance, to be known as Civilian Public Service Camp No. 69. Said project, located at Cleveland, Cuyahoga County, Ohio, will be the base of operations for work at the Cleveland State Hospital, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Cleveland State Hospital Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Cleveland State Hospital, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Cleveland State Hospital. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

NOVEMBER 26, 1942.

[F. R. Doc. 42-12567; Filed, November 28, 1942; 10:51 a. m.]

[Order No. 70]

DAYTON STATE HOSPITAL PROJECT

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Dayton State Hospital Project to be work of national importance, to be known as Civilian Public Service Camp No. 70. Said project, located at Dayton, Montgomery County, Ohio, will be the base of operations for work at the Dayton State Hospital, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Dayton State Hospital Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Dayton State Hospital, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Dayton State Hospital. Administrative and directive control shall be under the Selective Service System through the Camp

Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

NOVEMBER 26, 1942.

[F. R. Doc. 42-12568; Filed, November 28, 1942; 10:51 a. m.]

[Order No. 71]

LIMA STATE HOSPITAL PROJECT

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Lima State Hospital Project to be work of national importance, to be known as Civilian Public Service Camp No. 71. Said project, located at Lima, Allen County, Ohio, will be the base of operations for work at the Lima State Hospital, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV–E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Lima State Hospital Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Lima State Hospital, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Lima State Hospital. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

NOVEMBER 26, 1942.

[F. R. Doc. 42-12569; Filed, November 28, 1942; 10:51 a. m.]

[Order No. 72]

HAWTHORNDEN STATE HOSPITAL PROJECT

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Hawthornden State Hospital Project to be work of national importance, to be known as Civilian Public Service Camp No. 72. Said project, located at Macedonia, Summit County, Ohio, will be the base of operations for work at the Hawthornden State Hospital, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV–E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Hawthornden State Hospital Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Hawthornden State Hospital, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Hawthornden State Hospital. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

NOVEMBER 26, 1942.

[F. R. Doc. 42-12570; Filed, November 28, 1942; 10:51 a. m.]

[Order No. 73]

COLUMBUS STATE HOSPITAL PROJECT

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Columbus State Hospital Project to be work of national importance, to be known as Civilian Public Service Camp No. 73. Said project, located at Columbus, Franklin County, Ohio, will be the base of operations for work at the Columbus State Hospital, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV–E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Columbus State Hospital Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Columbus State Hospital, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Columbus State Hospital. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

NOVEMBER 26, 1942.

[F. R. Doc. 42-12571; Filed, November 28, 1942; 10:51 a. m.]

[Order No. 74]

EASTERN SHORE STATE HOSPITAL PROJECT

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Eastern Shore State Hospital Project to be work of national importance, to be known as Civilian Public Service Camp No. 74. Said project, located at Cambridge, Dorchester County, Maryland, will be the base of operations for work at the Eastern Shore State Hospital, and registrants under the Selective Training and Service Act of 1940., who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV–E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Eastern Shore State Hospital Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Eastern Shore State Hospital, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Eastern Shore State Hospital. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

NOVEMBER 26, 1942.

[F. R. Doc. 42-12572; Filed, November 28, 1942; 10:52 a. m.]

[No. 148]

TURNOVER REPORT OF EMPLOYMENT

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885), and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 68–A, entitled "Turnover Report of Employment," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing addition shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

NOVEMBER 6, 1942.

[F. R. Doc. 42-12573; Filed, November 28, 1942; 10:52 a. m.]

[No. 149]

REGISTRATION CARD

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 1, entitled "Registration Card," effective immediately upon the filing hereof with the Division of the Federal Register.[1] This revision does not affect or discontinue the Registration Cards (Form 1) prescribed for the first, second, third, fourth, and fifth registrations.

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

NOVEMBER, 16, 1942.

[F. R. Doc. 42-12574; Filed, November 28, 1942; 10:52 a. m.]

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment LXXVII]

PART 804—INDIVIDUAL LICENSES

IRON AND STEEL PRODUCTS

Paragraph (h) of § 804.7 *Special provisions concerning applications to export certain commodities*[2] is hereby amended in the following particulars:

1. The title is amended to read: *Iron and steel products.*

2. The following subparagraphs are added:

(3) All applications for licenses to export pig iron; wire finer than 16 gauge; ingots, blooms and billets; forgings and castings; all alloy steels; pressure tubes and mechanical tubing; plates over 72 inches wide; rails and rail accessories; wire rope under one-half inch in diameter, must contain full specifications (or a copy of the order as it would be placed with the producing mill) setting forth the following information:

Pig iron

1. Quantity.
2. Quality.
3. Full analysis.
4. Proposed supplier.
5. Either a copy of PD–69 or the information contained therein.

Ingots, blooms, billets

1. Quantity.
2. All dimensions.
3. Analysis.
4. Sizes.
5. Quantity per size.

Wire finer than 16 guage

1. Guages or dimensions.
2. Quantity per gauges or dimensions.
3. Analysis (Chemicals and/or physicals, if other than mild steel).
4. Packing or wrapping, if any.
5. Coil weights.

Forgings and castings

1. Quantity.
2. Analysis.
3. Exact dimensions.
4. Blue prints wherever possible.

Alloy steels

1. Complete dimensions.
2. Quantity per size.
3. Analysis.
4. Permissible substitute analysis which might be used.
5. Definite and complete details as to end use.

Plates over 72" wide

1. Quality.
2. Complete sizes.
3. Quantity per size.
4. Analysis. (Chemicals and/or physicals, if other than mild or structural grades)

Pressure tubes and mechanical tubing

1. Complete dimensions. (Outside diameter, inside diameter wall thickness, length, etc.)
2. Any forming dimensions.
3. Whether hot rolled or cold drawn.
4. Specifications, if any.

Rails and rail accessories

1. Quantity.
2. Section.
3. Specifications.
4. Blue prints wherever possible.

Wire rope under ½" in diameter

1. Grade.
2. Construction.
3. Whether bright or galvanized.

(4) Each application for a license to export any iron and steel product must be accompanied by a copy of a definite commitment from a supplier to furnish such product if an export license is issued or by a statement setting forth all pertinent information as to the efforts made to secure a supplier, if the applicant has been unable to obtain such a commitment.

(Sec. 6, 54 Stat. 714, Pub. Law 75, 77th Cong., Pub. Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31, 7 F.R. 9807)

Dated: November 25, 1942.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 42-12622; Filed, November 30, 1942; 9:54 a. m.]

[Amendment LXXVI]

PART 808—PROCEDURE TO SECURE SHIPPING SPACE TO THE OTHER AMERICAN REPUBLICS

APPLICATION PROCEDURE

§ 808.6 *Application procedure*[1] is hereby amended by adding the following new paragraph:

(f) *Certain commodities—multiple consignees.* Application for freight space covering any of the commodities listed in subparagraph (4) of this paragraph may specify more than one consignee subject to the following conditions:

(1) All consignees named must be located at a single foreign port.

(2) The names and addresses of all the proposed consignees shall be listed and a copy thereof attached to each copy of the application submitted (such list is a part of the application).

(3) One or more of the proposed consignees may be rejected, the quantity reduced, or both, by the Office of Exports by noting the same thereon.

(4) List of commodities:

Flour.

The shipper is authorized to divide the approved quantity among the approved consignees, as he may elect.

(Sec. 6, 54 Stat. 714, Pub. Law 75, 77th Cong., Pub. Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31, 7 F.R.)

Dated: November 25, 1942.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 42-12621; Filed, November 30, 1942; 9:54 a. m.]

[Amendment LXXVIII]

PART 808—PROCEDURE TO SECURE SHIPPING SPACE TO THE OTHER AMERICAN REPUBLICS

INTRANSIT SHIPMENTS

§ 808.10 *Effective date*[2] is hereby amended by changing the title thereof and amending the same to read as follows:

§ 808.10 *Intransit shipments*—(a) *Additional requirement.* Whenever a freight space application is required in connection with any shipment proceeding under a general intransit license, the spaces in the application form for the name and address of the consignor shall contain the name and address of the original consignor in the foreign country and the name and address of the United States shipper or forwarder.

(b) *Under 2240 pounds—application and certificate.* (1) Notwithstanding any other provision in this Part, the provisions thereof applying to shipments weighing 2240 pounds or more shall apply fully to any shipment proceeding under a general intransit license which weighs less than 2240 pounds and originates in any country other than Canada.

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[1] Filed as part of the original document.

[2] 7 F.R. 5081, 6256, 6931.

[1] 7 F.R. 5267, 6932, 9609.

[2] 7 F.R. 5267.

(2) In connection with any shipment proceeding under a general intransit license which weighs less than 2240 pounds, the shipper shall execute the following statement upon the export declaration:

> I (we) certify that freight space for the merchandise described herein was obtained as a result of approval by the Board of Economic Warfare of my (our) application for freight space (BEW 138) Serial No. ______.

This amendment shall become effective December 10, 1942.

(Sec. 6, 54 Stat. 714, Pub. Law 75, 77th Cong., Pub. Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31, 7 F.R. 9807)

Dated: November 25, 1942.

Paul Cornell,
Chief of Office,
Office of Exports.

[F. R. Doc. 42-12620; Filed, November 30, 1942; 9:54 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

Part 1010—Suspension Orders

[Suspension Order S-158]

ALTHEN REALTY COMPANY, INC.

The Althen Realty Company, Inc., St. Louis, Missouri, is a real estate corporation engaged in the ownership and operation of various real properties in and around St. Louis, Missouri; and is the owner of two two-story buildings on Clifton Avenue, St. Louis, Missouri. On April 17, 1942, the Althen Realty Company, Inc., by its contractor, Fred Hof, St. Louis, Missouri, began construction on remodeling these two buildings into residential apartments at a cost of $12,774, without having obtained authorization from the War Production Board as required by Conservation Order L-41.

The beginning of construction without authorization by the Althen Realty Company, Inc., constituted a wilful violation of Conservation Order L-41, which has impeded and hampered the war effort of the United States. In view of the foregoing facts: *It is hereby ordered:*

§ 1010.158 *Suspension Order S-158.* (a) Deliveries of material to the Althen Realty Company, Inc., its successors and assigns shall not be accorded priority, directly or indirectly over deliveries under any other contract or order and no preference ratings shall be assigned or applied directly or indirectly to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to the Althen Realty Company, Inc., its successors or assigns, of any material the supply or distribution of which is covered by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve the Althen Realty Company, Inc., from any restrictions, prohibition, or provision contained in any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order is to take effect December 1, 1942, and is to expire on March 1, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 28th day of November 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-12582; Filed, November 28, 1942; 11:51 a. m.]

Part 1010—Suspension Orders

[Suspension Order S-159]

FRED HOF

Fred Hof, St. Louis, Missouri, is an individual engaged in the general contracting business. On April 17, 1942, Fred Hof began construction under a contract with the Althen Realty Company, Inc., on remodeling two two-story buildings located on Clifton Avenue, St. Louis, Missouri, into residential apartments at a cost of $12,774, without having obtained authorization from the War Production Board as required by Conservation Order L-41.

The beginning of this construction by Fred Hof constituted a wilful violation of Conservation Order L-41 which has impeded and hampered the war effort of the United States. In view of the foregoing facts: *It is hereby ordered:*

§ 1010.159 *Suspension Order No. S-159.* (a) Deliveries of material to Fred Hof, his successors and assigns, shall not be accorded priority directly or indirectly, over deliveries under any other contract or order and no preference rating shall be assigned or applied directly or indirectly to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to Fred Hof, his successors and assigns, of any material the supply or distribution of which is covered by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve Fred Hof from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations, or the Director General for Operations except in so far as the same may be inconsistent with the provisions hereof.

(d) This order is to take effect on December 1, 1942, and is to expire June 1, 1943, at which time restrictions contained in this order are to be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 28th day of November 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-12583; Filed, November 28, 1942; 11:51 a. m.]

Part 1010—Suspension Orders

[Suspension Order S-161]

M. E. SWING COMPANY

E. M. Swing is the sole proprietor of the wholesale and retail coffee business known as the M. E. Swing Company located at 1013 E Street NW., Washington, D. C., and is a roaster, as defined in Conservation Order M-135.

During the month of October, 1942, said E. M. Swing sold 28,250 pounds of roasted coffee in excess of the quota permitted under the terms of Supplementary Order M-135-c. This constituted a wilful violation of said order.

Prior to November 19, 1942, said E. M. Swing failed to maintain adequate and complete records concerning his inventories of and transactions in coffee. This constituted a violation of Priorities Regulation No. 1.

E. M. Swing has failed to file reports with the War Production Board on Form PD-533 as required by Conservation Order No. M-135.

These violations of Supplementary Order M-135-c and Conservation Order No. M-135 have hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered:*

§ 1010.161 *Suspension Order S-161.* (a) E. M. Swing, doing business as the M. E. Swing Company, 1013 E Street NW., Washington, D. C., his successors and assigns, shall not deliver more than 30,000 pounds of roasted coffee during any calendar month.

(b) Nothing contained in this order shall be deemed to relieve E. M. Swing, doing business as M. E. Swing Company, from any restrictions, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order is to take effect on December 1, 1942, and shall terminate on March 31, 1943, after which latter date this order shall have no further force and effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 28th day of November 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-12584; Filed, November 28, 1942; 11:51 a. m.]

Part 1010—Suspension Orders

[Suspension Order S-163]

STERLING PRODUCTS, INC.

Sterling Products, Inc., Newark, New Jersey, is a manufacturer of steel beds which are sold to domestic purchasers. Subsequent to August 3, 1942, the Company assembled a substantial number of beds from steel parts although it was aware that Conservation Order M-126 prohibited the assembling of any beds containing steel at that time.

This constituted a wilful violation of Conservation Order M-126 which has hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.163 *Suspension Order S-163.* (a) Sterling Products, Inc., its successors and assigns, shall not sell, transfer or otherwise dispose of any beds containing iron or steel, except as specifically authorized by the Director General for Operations: *Provided, however,* That Sterling Products, Inc., may deliver or transfer such beds for the purpose of storing the same for its own account.

(b) For a period of six months from the effective date of this order, deliveries of material to Sterling Products, Inc., its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to Sterling Products, Inc., by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) For a period of six months from the effective date of this order, no allocation shall be made to Sterling Products, Inc., its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(d) Nothing contained in this order shall be deemed to relieve Sterling Products, Inc., from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect November 30, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680, W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 28th day of November 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-12585; Filed, November 28, 1942; 11:51 a. m.]

Part 1010—Suspension Orders

[Suspension Order S-165]

NEW ENGLAND BRIAR PIPE COMPANY

New England Briar Pipe Company, a corporation with a principal place of business in West New York, New Jersey, and a factory at Penacook, New Hampshire, is engaged in manufacturing and selling briar pipes and nail polish brushes. It has been accustomed to manufacture its brush handles and the extensions on its pipes from aluminum. Between January 23, 1942 and May 13, 1942 it used at least 6,000 pounds of aluminum coils and strips for this purpose in violation of Supplementary Conservation Order M-1-e. During this period the official in charge of its operations was familiar with the priorities system in general and with the fact that since the spring of 1941, increasingly stringent restrictions on the use of critical materials such as aluminum were being imposed. In continuing the use of aluminum as late as May, 1942, without making any attempt to ascertain whether the use of aluminum for such obviously non-essential purposes was prohibited, it acted so recklessly that its violations must be considered as wilful.

The foregoing violations of War Production Board Orders have impeded and hampered the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing: *It is hereby ordered,* That:

§ 1010.165 *Suspension Order S-165.* (a) Deliveries of material to New England Briar Pipe Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned or applied to such deliveries by means of preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to New England Briar Pipe Company, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve New England Briar Pipe Company from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect November 30, 1942, and shall expire March 30, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 28th day of November 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-12586; Filed, November 28, 1942; 11:51 a. m.]

Part 3146—Garment Leather

[General Conservation Order M-265]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of leather for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3146.1 *General Conservation Order No. M-265*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of Priorities Regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Cattlehide" means the hide or skin of bulls, steers and cows, whether native or branded, foreign or domestic, including calf and kipskins (but excluding slunks) and shall also include buffalo hides.

(2) "Goatskin" means the skin of the goat, including an India tanned goatskin.

(3) "Kidskin" means the skin of the young goat.

(4) "Garment leather" means leather to be incorporated into jackets, jerkins, doublets, vests, coats and other similar articles of apparel.

(5) "Military order" means an order for products to be delivered to, or for the account of, the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, the Marine Corps, the War Shipping Administration, the governments of Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies and Protectorates, or Yugoslavia, or the governments of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States". (Lend-Lease Act.)

(6) "Civilian order" means any order except a military order.

(c) *Restriction on processing of garment leather.* No tanner shall put into process for garment leather, or continue to process, any cattlehides, goatskins or kidskins (other than cattlehide splits) except to the extent required to fill military orders.

This restriction shall not apply to any cattlehides, goatskins or kidskins which have reached a stage in the process on the date of this order where they cannot be made into leather suitable for any other purpose.

(d) *Restriction upon sales and deliveries of garment leather made from cattlehides, goatskins and kidskins.* No tanner or converter shall sell or deliver any leather made from cattlehides, goatskins or kidskins (other than cattlehide splits) against any civilian order for garment leather if such leather is suitable for filling any of his military orders.

(e) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(f) *Reports.* Each person affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be required by said Board from time to time.

(g) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, purchases, production and sales.

(h) *Communications to the War Production Board.* All reports, applications, forms or communications required under or referred to in this order, and all communications concerning this order, shall, unless otherwise directed, be addressed to War Production Board, Textile, Clothing and Leather Division, Washington, D. C. Ref: M-265.

(i) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or who furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority assistance.

(j) *Expiration Date.* This order shall expire on December 31, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 28th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12587; Filed, November 28, 1942; 11:51 a. m.]

PART 940—RUBBER AND BALATA AND PRODUCTS AND MATERIALS OF WHICH RUBBER OR BALATA IS A COMPONENT

[Supplementary Order M-15-b, as Amended Nov. 30, 1942]

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The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of rubber and balata for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 940.3 *General Limitation Order M-15-b*—(a) *Definitions.* For the purposes of this order:

(1) "Crude rubber" means all forms and types of crude rubber (including crepe rubber for soles or any other purpose) but does not mean or include balata, gutta-percha, gutta siak, gutta jelutong, pontianac, reclaimed rubber, scrap rubber or latex.

(2) "Latex" means the rubber solids contained in liquid latex in crude form, and in compounded liquid latex (but not the rubber solids in shoe adhesives and container sealing compounds).

(3) "Scrap rubber product" means any finished rubber product or part thereof, made in whole or in part from crude rubber, latex, synthetic rubber, scrap rubber or reclaimed rubber, which through wear, deterioration or obsolescence has served its primary purpose in its present state, but does not mean or include a repairable tire, treadable tire or any other manufactured product which is still usable for the primary purpose for which it was designed.

(4) "In-process scrap" means any material which is produced in the course of manufacture (including the repair, retreading or recapping of tires), and any defective or factory rejected materials or products which are not usable for the primary purpose for which they were designed and which contain any crude rubber, latex, synthetic rubber, scrap rubber or reclaimed rubber, including all types and grades of residues, such as cuttings, trimmings, tuber heads, flash, cut edgings, sweepings, dust, buffings, sawings, grindings, drippings and any other form of rubber whether vulcanized or unvulcanized, which results from or is incident to the processing of crude rubber, latex, synthetic rubber, scrap rubber or reclaimed rubber in the manufacture or repair of any product, but does not mean or include uncured friction scrap, reclaimed rubber or any finished rubber products.

(5) "Uncured friction scrap" means any scrap rubber which contains fabric and which is produced in the manufacture of tires, hose or belting before such products are finally vulcanized.

(6) "Scrap rubber" means and includes any scrap rubber product, in-process scrap or uncured friction scrap.

(7) "Reclaimed rubber" means any vulcanizable material derived from the processing or treatment of scrap rubber.

(8) "Repairable tire" means a pneumatic tire or tire casing which has sufficient tread design or under tread to warrant repair for use for the purpose for which it was primarily designed. For the purposes of this definition:

(i) "Repair" means a vulcanized sectional repair, or vulcanized reinforcement or vulcanized spot repair which can be accomplished in accordance with recognized commercial practice and which can be reasonably expected to render satisfactory service under limited operating conditions (speed under 40 MPH and no overload) so that the tire when repaired will be in a safe condition for service.

(ii) The tread and sidewall must not be severely weather checked or cracked to the extent that the tire has more than two radial cracks which extend through the cord body.

(iii) The cord body:

(*a*) Must not have separation between plies.

(*b*) Must not have been damaged to the extent that cords are pulled loose beyond the first inside ply.

(*c*) Must not have any fabric injuries that exceed one-half the cross-sectional diameter of the tire. Example—Injuries in 600/16 (6 inch) tires must not be more than three inches long on the inside of the tire: in 10.00/20 tires not more than five inches.

(*d*) Must not have or show evidence of having had more than three injuries requiring sectional repairs.

(*e*) Must not have injuries below any point where the top of the rim flange makes contact with the tire.

(*f*) Must not have or exhibit circumferential or flex breaks on the inside ply.

(*g*) Bead area must be sound with no broken wires.

(9) "Treadable tire" means a pneumatic tire or tire casing which warrants repair and retreading or recapping for the purpose for which it was primarily designed in accordance with recognized commercial practice, and which can reasonably be expected to render satisfactory service under limited operating conditions (speed under 40 MPH and no overload). For the purpose of this definition:

(i) The cord body:

(*a*) Must not be worn through more than one body ply for a total length of more than four inches on four ply tires.

(*b*) Must not be worn through more than two plies for a total length of more than four inches on tires of six plies or more.

(*c*) Must not have or show evidence of having had more than two injuries each not exceeding one-third the cross-sectional diameter of the tire. Example—Breaks in 600/16 (6 inch) tire must not be more than two inches long on the inside of the tire: 900/20 (9 inch) tires not more than three inches long.

(*d*) Must not have more than three radial cracks of more than one inch in length extending to the cord body.

(ii) The tire must in all other respects than specified in this paragraph (a) (9) conform to the requirements of a repairable tire.

(10) "Scrap consumer" means any person who consumes scrap rubber in the manufacture of any finished or partly finished product or material, and includes any person producing reclaimed rubber from scrap rubber, but does not include any person who separates scrap rubber or tears, splits or pulls scrap rubber apart (such as splitting tires) for the purpose of selling the component parts thereof to Rubber Reserve Company or to a scrap dealer.

(11) "Scrap dealer" means any person (other than a scrap consumer) buying, selling or collecting scrap rubber.

(12) "Synthetic rubber" means any of the varieties of compositions generally known as synthetic rubber, including, but not limited to, butadiene types, chloroprene, organic polysulfids and butyl.

(13) "Balata" means any of the gums of recognized commercial grades having a gutta hydrocarbon base and a high resin content, procured from wild forest trees of the Mimusops genus and closely related genera generally found in South and Central America from the Amazon Valley north through Panama, and includes such gums whether in crude or refined (deresinated or partly deresinated) form; but does not mean or include scrap balata or reclaimed balata.

(14) "Inventory" means crude rubber, latex, scrap rubber, reclaimed rubber or balata, or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies.

(15) "Consume" means to use, process, stamp, cut, or in any manner make any substantial change in the form, shape or chemical composition of any crude rubber, latex, scrap rubber, reclaimed rubber or balata.

(16) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(17) "War order" means:

(i) Any contract or purchase order for material or equipment to be delivered to, or for the account of, the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, or the Office of Scientific Research and Development, but not to or for the account of any post exchange, ship's store, commissary, officer's mess, officers', non-commissioned officers' or enlisted men's club, or any similar agency or organization.

(ii) Any contract or purchase order placed by any agency of the United States for material or equipment to be delivered to, or for the account of, any foreign country under the provisions of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(iii) Any contract or purchase order for material or equipment required by the person placing the same to fill his contracts or purchase orders on hand, provided such material or equipment is to be physically incorporated in material or equipment to be delivered under contracts or purchase orders included under (i) and (ii) of this paragraph (a) (17).

(b) *Restrictions on consumption of crude rubber, latex, reclaimed rubber, scrap rubber and balata*—(1) *Crude rubber.* Crude rubber may be consumed only:

(i) To fill war orders; but only in the manufacture of those products set forth in Schedule I attached to this order.

(ii) To manufacture those groups of products set forth in Schedule II-A attached to this order; but only upon receipt of authorization from the Director General for Operations:

(2) *Latex.* Latex may be consumed only:

(i) To fill war orders; but only in the manufacture of those products set forth in Schedule I attached to this order.

(ii) To manufacture those groups of products set forth in Schedule II-B attached to this order; but only upon receipt of authorization from the Director General for Operations.

(3) *Reclaimed rubber.* Reclaimed rubber may be consumed only:

(i) To fill war orders; but only in the manufacture of those products set forth in Schedule I attached to this order.

(ii) To manufacture those products set forth in Schedules II-A or II-B attached to this order and not set forth in Schedule II-C attached to this order; but only where special authorization for the consumption of crude rubber or latex to manufacture such products has been issued by the Director General for Operations.

(iii) To manufacture those groups of products set forth in Schedule II-C attached to this order which are also set forth in Schedule II-A or Schedule II-B attached to this order, whether or not mixed or compounded with crude rubber, latex or scrap rubber; but only upon receipt of authorization from the Director General for Operations for the consumption of the respective amounts of crude rubber, latex, reclaimed rubber and scrap rubber to be consumed.

(iv) To manufacture those groups of products set forth in Schedule II-C attached to this order and not set forth in Schedules II-A or II-B attached to this order; but only upon receipt of authorization from the Director General for Operations.

(4) *Scrap rubber.* Scrap rubber may be consumed only:

(i) To fill war orders; but only in the manufacture of those products set forth in Schedule I attached to this order.

(ii) To manufacture those products set forth in Schedule II-A or II-B attached to this order and not set forth in Schedule II-C attached to this order; but only where special authorization for the consumption of crude rubber or latex to manufacture such products has been issued by the Director General for Operations.

(iii) To manufacture those groups of products set forth in Schedule II-C attached to this order which are also set forth in Schedule II-A or Schedule II-B attached to this order, whether or not mixed or compounded with crude rubber, latex or reclaimed rubber; but only upon receipt of authorization from the Director General for Operations for the consumption of the respective amounts of crude rubber, latex, reclaimed rubber and scrap rubber to be consumed.

(iv) To manufacture those groups of products set forth in Schedule II-C attached to this order and not set forth in Schedule II-A or II-B attached to this order; but only upon receipt of authorization from the Director General for Operations.

(v) To manufacture reclaimed rubber.

(vi) As to in-process scrap or uncured friction scrap generated after March 31, 1942, by the person who generated such in-process scrap or uncured friction scrap; but only in the manufacture of any products of the group (as set forth in said Schedules II-A, II-B and II-C) in which is listed the product in connection with which such in-process scrap or uncured friction scrap was generated. In such case the in-process scrap or uncured friction scrap consumed shall not be charged against his quota or allotment of crude rubber, latex, reclaimed rubber or scrap rubber for making products of that group. Any person may consume in-process scrap or uncured friction scrap whether generated by him or not, in the manufacture of any products not so listed in the same group when, but only when, he has received from the Director General for Operations an authorization to consume reclaimed rubber or scrap rubber in the manufacture of such other group of products, and in such event the in-process scrap or uncured friction scrap consumed shall be within the limits of such authorization and shall be charged against his quota or allotment of reclaimed rubber or scrap rubber for manufacturing such other group of products.

(5) *Balata.* Balata shall be consumed only:

(i) To manufacture self-sealing fuel cells to fill war orders.

(ii) For such other purposes as may be permitted by special authorization of the Director General for Operations.

(c) *General provisions*—(1) *Distribution of crude rubber, latex, reclaimed rubber, scrap rubber and balata among plants.* Each company (which term when used in this subparagraph shall include any corporation together with all other corporations controlling, and all other corporations controlled by, such corporation) which is a processor of crude rubber, latex, scrap rubber, reclaimed rubber or balata and which operates plants in more than one community (all plants operated by the same company in the same community being herein collectively referred to as a "unit"), shall immediately upon distributing crude rubber, latex, scrap rubber, reclaimed rubber or balata during any calendar month among its units in proportions differing from the proportional distribution throughout such units during July, 1941, file with the Rubber and Rubber Products Branch of the War Production Board, a full report thereof showing clearly the reasons for such change in proportional distribution throughout its units. In any case in which it appears that such change in ratio was not justified or proper, the Director General for Operations may take such action as he deems appropriate.

(2) *Manufacture according to specifications.* Any of the products or materials whose manufacture is permitted by this order or by special authorization of the Director General for Operations shall be manufactured only in conformity with specifications now or hereafter set forth in lists attached to § 940.5 *Supplementary Order M–15–b–1* or such other specifications as may be issued by the Director General for Operations; provided that until specifications for particular products or groups of products are issued by the Director General for Operations, the crude rubber, latex or balata content by weight of any such products manufactured by any person shall not exceed the respective crude rubber, latex or balata content by weight of similar products manufactured by such person on the most recent date prior to September 1, 1942, on which he manufactured such products.

(3) *Limitation on consumption to fill war orders.* No person shall consume more crude rubber, latex, reclaimed rubber, scrap rubber or balata to fill any war order than is required for delivery within sixty days from the date such crude rubber, latex, reclaimed rubber, scrap rubber or balata is consumed under the delivery dates specified in the purchase order placed with him.

(4) *Limitation of inventories.* No person other than Rubber Reserve Company shall purchase, accept delivery of or otherwise acquire any crude rubber, latex, reclaimed rubber or balata or products thereof, or any products of scrap rubber, in the form of raw materials, semi-processed materials, finished products or parts or subassemblies in quantities which shall result in such person having an inventory of such material or products in excess of a minimum practicable working inventory, taking into consideration the limitations placed by this order on the production of products made of crude rubber, latex, balata, reclaimed rubber and scrap rubber. An inventory of crude rubber, latex or balata which can reasonably be expected to last more than sixty days, or of reclaimed rubber which can reasonably be expected to last more than forty-five days, shall be deemed to be in excess of a minimum practicable working inventory. The limitation on inventories imposed by this paragraph (c) (4) and by § 944.14 (Priorities Regulation No. 1) as amended, shall not apply to inventories of reclaimed rubber held or acquired by persons engaged in the business of reclaiming rubber but who are not consumers of reclaimed rubber, it being contemplated that persons engaged in the business of reclaiming rubber (but not consumers of reclaimed rubber) may accumulate such inventories of reclaimed rubber as they may deem advisable.

(5) *Restriction on the acquisition of crude rubber, latex, reclaimed rubber, scrap rubber and balata.* No person other than Rubber Reserve Company shall purchase, accept delivery of or otherwise acquire any crude rubber, latex, reclaimed rubber, scrap rubber or balata for any purpose except for the purpose of consuming the same in the manufacture of a product or products for which such material may be consumed under the provisions of this order or under special authorization of the Director General for Operations, provided that nothing in this order shall prevent any scrap dealer from acquiring scrap rubber in the usual course of his business for the purpose of selling the same to another scrap dealer or to Rubber Reserve Company.

(6) *Restriction on the sale of crude rubber, latex, reclaimed rubber and balata.* No person shall sell, trade or transfer the ownership of any crude rubber, latex, reclaimed rubber or balata, and no person shall accept any such sale, trade or transfer of ownership, except (i) as may be expressly permitted by regulations prescribed by Rubber Reserve Company, or (ii) in those cases in which special authorizations may be issued by the Director General for Operations; provided that nothing in this paragraph (c) (6) shall be deemed to prohibit the sale of unvulcanized rubber products or products made from balata which were in finished or marketable form on December 11, 1941, or which have become finished and marketable at any time after that date pursuant to processing not prohibited by any orders or other instructions heretofore or hereafter issued by the Director of Priorities, the Director of Industry Operations or the Director General for Operations.

(7) *General restrictions on the purchase and sale of scrap rubber.* Except (i) as may be expressly permitted by regulations prescribed by Rubber Reserve Company, or (ii) in those cases in which special authorizations may be issued by the Director General for Operations:

(*a*) No person other than Rubber Reserve Company shall sell, trade or transfer the ownership or possession of any scrap rubber to any scrap consumer.

(*b*) No scrap consumer shall purchase, receive or accept delivery of any scrap rubber, or the right to receive any scrap rubber, from any person other than Rubber Reserve Company.

(*c*) No scrap consumer shall sell, trade or transfer the ownership or possession of any scrap rubber to any person, including any scrap dealer.

Provided, That the prohibitions of this paragraph (c) (7) shall not apply to any transfer or delivery of scrap rubber from one location to another location controlled by the same person where no change of ownership takes place, or to any purchase or sale by any corporation from or to another corporation which is its subsidiary or of which it is a subsidiary, of any in-process scrap or uncured friction scrap generated by the corporation making such sale or transfer, and any such sale shall be expressly permitted within the terms of paragraph (c) (2) (iii) of Priorities Regulation No. 13 (Part 944). For the purposes hereof a corporation shall be deemed to be a subsidiary of another corporation if all or substantially all of its voting stock is owned by such other corporation.

(8) *Restriction on the destruction of tires and scrap rubber.* No person shall destroy, damage, cut or tear apart any tire, tire casing or tire tube or any scrap rubber, whether by burning or any other means and whether for the purpose of making or repairing products or materials from or with all or any of its constituent parts; provided that this restriction shall not apply to the following:

(i) The consumption of any scrap rubber in the manufacture of any product for which crude rubber, latex, reclaimed rubber or scrap rubber may be consumed under the provisions of this order or under special authorization of the Director General for Operations; but subject to such limitations as to quantities, specifications and other restrictions as may be imposed by this order or such special authorization.

(ii) The consumption of any scrap rubber by any person producing reclaimed rubber as a necessary incident to such reclaiming operations.

(iii) The destruction of any scrap rubber (without destroying the rubber therein) for the purpose of selling its component parts to a scrap dealer for resale by him either (*a*) to Rubber Reserve Company, or (*b*) under rules or regulations prescribed from time to time by Rubber Reserve Company.

(iv) The destruction of the following articles when through obsolescence, use or deterioration the articles have entirely served their usefulness in their present state:

(*a*) Used battery containers and separators and parts thereof.

(*b*) Rough bore (metal reinforced) oil suction and discharge hose and hose containing asbestos combined with rubber.

(*c*) Wire cord generally classed as lamp cord and similar wire cords (but not other insulated wire or rubber covered cable).

(*d*) That part of rubber bonded to metal which cannot be separated from the metal by mechanical means.

(*e*) Brake linings and clutch facings.

(*f*) Metal-inserted packing.

(*g*) Metal-inserted running boards.

(*h*) Gasoline pump hose.

(*i*) Friction tape and adhesive tape (except in-process scrap).

(*j*) Burnt rubber all of which has been exposed to open flame (but not scorched rubber compounds).

(*k*) Gasket compounds containing cork.

(*l*) Typewriter platens.

(v) Ordinary wear and tear incident to the normal use of any article for the primary purpose for which it was designed.

(9) *Restriction on regrooving tires.* No person shall regroove the tread or tread surface of any tire or tire casing, whether by cutting, scraping, grinding, burning, heating, remolding or any other means.

(10) *Restriction on splitting camelback and capping stock.* No person shall split, cut, tear or otherwise separate any camelback or capping stock in such manner that there will result camelback or capping stock of gauges other than 10/32, 12/32, 14/32, 16/32, 18/32, 20/32, 22/32 inches and larger.

(11) *Reports covering war orders.* No person shall consume any crude rubber, latex, reclaimed rubber or scrap rubber to fill any war order until he has forwarded to the Rubber and Rubber Products Division of the War Production Board a report on Form PD–330, or such other form for reporting war orders as may be prescribed by the Director General for Operations. Upon forwarding such report, such person may proceed to fill the war order covered by the report unless notified to the contrary by the Director General for Operations.

(12) *Prohibited products for other than war orders.* Except to fill war orders, no person shall consume any crude rubber, latex, reclaimed rubber or scrap rubber in the manufacture of any of the products for which the consumption of such material is prohibited by Schedule III attached to this order, even though the consumption of such material would otherwise be permitted under any of the broader provisions, classifications or groupings of this order or under any of the other schedules attached to this order.

(13) *Prohibited products for war orders.* Unless permitted by special authorization of the Director General for Operations, no person shall (i) consume any crude rubber or latex in the manufacture or assembly of any of the products or materials set forth in Groups A and B of Schedule IV attached to this order for delivery to fill any war order; or (ii) consume any reclaimed rubber or scrap rubber in the manufacture or assembly of any of the products or materials set forth in Group B of said Schedule IV for delivery to fill any war order.

(14) *Index of permitted and prohibited products.* Schedule V is attached to this order for the convenience of the industry. This schedule constitutes an index of the products for which crude rubber, latex, reclaimed rubber and scrap rubber may be consumed, and those for which these materials may not be consumed, and contains appropriate cross-references to the other schedules in which such products are mentioned.

(15) *Restriction on the importation of crude rubber, latex, reclaimed rubber, scrap rubber and balata and products thereof.* No person other than Metals Reserve Company, Defense Supplies Corporation, Rubber Reserve Company or any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act, as amended, or any agent acting for one of them, shall, except as authorized or otherwise directed in writing by the Director General for Operations, purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for the importing of, any crude rubber, latex, reclaimed rubber, scrap rubber or balata, whether in crude, partly processed or processed form, or any finished or partly finished product or material made from any of the foregoing. For the purpose hereof "import" means to transport into continental United States from any foreign country or from any territory or possession of the United States, and shall include a release from the bonded custody of the United States Bureau of Customs; and products or materials shall be deemed to be made from crude rubber, latex, reclaimed rubber, scrap rubber or balata if at least ten per cent of the weight of such products or materials was made from crude rubber, latex, reclaimed rubber, scrap rubber and balata or from any one or more of them. The restriction of this paragraph (c) (15) shall not apply to the importation by any person during any calendar month of products or materials (except tires, tire casings and tire tubes) which contain an aggregate of not more than twenty-five pounds of crude rubber, latex, reclaimed rubber, scrap rubber and balata provided such products or materials are not imported for the purpose of manufacturing, processing, sale or resale.

(16) *Restriction on consumption of rubber products and materials.* No person shall use or consume any finished or partly finished product or material containing in the aggregate more than ten per cent by weight of crude rubber, latex, reclaimed rubber and scrap rubber, to manufacture for sale to others any other products for which he has not received an authorization from the Director General for Operations to consume crude rubber, latex, reclaimed rubber or scrap rubber. In any case in which any such product or material is used pursuant to any such authorization, it shall be chargeable to such person's quota of reclaimed rubber and/or scrap rubber for the manufacture of such permitted products.

(17) *Finished item deliveries.* No person shall sell, transfer or deliver, or purchase or accept or accept transfer or delivery of, any item which he knows or has reason to know was fabricated, assembled or delivered in violation of any applicable provision of this order as amended from time to time.

(18) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(19) *Applications for authorizations to consume crude rubber, latex, reclaimed rubber and scrap rubber.* Each person who wishes to consume any crude rubber, latex, reclaimed rubber or scrap rubber at any time subsequent to October 1, 1942 to manufacture any of the products or groups of products listed in Schedules II–A, II–B and II–C attached to this order, shall file with the Rubber and Rubber Products Division of the War Production Board an application on Form PD–407. Such application shall be filed not later than the tenth day of the month preceding the calendar month during which such person wishes to consume crude rubber, latex, reclaimed rubber or scrap rubber.

(20) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board by transmitting to the Rubber and Rubber Products Division, War Production Board, Washington, D. C., an appeal on Form PD–500–b. The Director General for Operations may thereupon take such action as he deems appropriate.

(21) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other order of the Director of Priorities, the Director of Industry Operations or the Director General for Operations heretofore or hereafter issued may have the effect of limiting or cur-

tailing to a greater extent than herein provided the use of crude rubber, latex, scrap rubber, reclaimed rubber or balata in the production of any article, the limitations of such other order shall be observed.

(22) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities' assistance.

(23) *Communications.* All reports required to be filed under this order, and all communications concerning this order, shall, unless otherwise directed, be addressed to: Rubber and Rubber Products Division, War Production Board, Washington, D. C. Ref.: M–15–b.

(24) *General reports.* Any person who, during any calendar month, consumes, ships or stocks any crude rubber, latex, reclaimed rubber, scrap rubber or balata, or who, on the last day of any calendar month, has in his possession any crude rubber, latex, reclaimed rubber, scrap rubber or balata, shall, not later than the fifteenth day of the succeeding month, file with the Rubber and Rubber Products Division of the War Production Board a report on the appropriate form PD–49, PD–322 or such other form or forms as may be prescribed from time to time.

(25) *Outstanding special instructions.* No unrevoked special instruction (i. e., instruction issued by individual letter or telegram and not by general order) issued prior to September 1, 1942 by the Director of Priorities, Director of Industry Operations or Director General for Operations, which (i) authorizes the consumption of crude rubber, latex, reclaimed rubber or scrap rubber within a specified period or prior to a specified date, or (ii) forbids or restricts the consumption of crude rubber, latex, reclaimed rubber or scrap rubber, is revoked or rescinded by this revised Supplementary Order No. M–15–b.' All such unrevoked instructions shall remain in effect unless hereafter specifically rescinded or revoked by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of November 1942.

ERNEST KANZLER,
Director of Operations.

SCHEDULE I

Products for which crude rubber, latex, reclaimed rubber and scrap rubber may be consumed to fill war orders. (See paragraphs (b)(1)(i), (b)(2)(i), (b)(3)(i) and (b)(4)(i) of Revised Supplementary Order No. M–15–b)

Pending the issuance of a list of products for which crude rubber, latex, reclaimed rubber and scrap rubber may be required to fill war orders, to be set forth in a revised Schedule I, crude rubber, latex, reclaimed rubber and scrap rubber may be consumed to manufacture any product to fill any war order, unless the consumption of crude rubber, latex, reclaimed rubber and scrap rubber in the manufacture of such product is prohibited by paragraph (c)(13) of Revised Supplementary Order No. M–15–b and Schedule IV attached thereto or by special direction of the Director General for Operations.

SCHEDULE II–A

Products for which crude rubber may be consumed upon authorizations issued from time to time by the Director General for Operations. (See paragraph (b)(1)(ii) of Revised Supplementary Order No. M–15–b.)

Any authorization to consume crude rubber to manufacture any group of products set forth in this Schedule II–A also authorizes the manufacture from the quota or allotment of crude rubber for that group of cements necessary to the manufacture (but not the use or application) of such products. No crude rubber shall be consumed to manufacture cements for the use or application of products of any group set forth in this Schedule II–A unless permitted by special authorization of the Director General for Operations.

Group 1

Compounds for insulating wire and cable

Group 2

Cable splicing compound

Group 3

Belt splicing and repair material
Last puller belts
Polishing belts
Screen diaphragms designed for paper making equipment

Group 4

Conveyor and elevator belting

Group 5

Flat transmission belts
Hog beater belts

Group 6

Industrial brake lining and clutch facings

Group 7

V-belts

Group 8

Acid hose
Air drill hose
Cement handling hose, including cement grouting, concrete placing and cement and dry material hose
Chemical hose
Divers' hose
Dredging sleeves
Expansion joint hose
Flexible couplings
Flanged flexible hose
Grease gun hose
Gasoline and oil tank wagon hose (not including curb pump hose)
Hydraulic control hose
Industrial vacuum hose, including dust collector, blower or exhaust hose
Jetting and hydraulic hose, including arbor pipe forming and phosphate flexible hose
Milk conveying hose
Oil suction and discharge hose
Paint spray hose
Pinch valve hose
Pneumatic hose
Railroad hose (all types)
Rotary driller's hose
Sand blast hose
Sanitary hose
Spray hose (designed for working pressures of 300# per square inch and over)
Steam hose
Suction hose
Welding hose

Group 9

Hard rubber pipe and fittings (industrial only)
Rubber buckets, pails, dippers, funnels, measures, bottles, beakers, frames, baskets, racks, trays (designed for handling corrosive materials and explosives)
Rubber insulated fume-ducts, fans, racks, frames, trays, screens, pipe, buckets, pails, dippers, agitators, funnels and measures (designed for handling corrosive materials and explosives)
Rubber pumps
Rubber lining designed for blowers, exhausters and pumps
Rubber valves and valve parts (except tire tube valves)

Group 10

Rubber lined tanks, drums, pipes and fittings (hard and soft)

Group 11

Rubber covered rolls and roll coverings (except domestic washing machine wringer, printers', fingerprint and business machine rolls)

Group 12

Press die pads

Group 13

Loom pickers

Group 14

Storage battery parts, (including only separators, retainers, binding strips, element support rods, tie rods, and hand-built jars and hand-built containers, but not including hand-built jars and containers designed for radio, farm lighting, mine safety and automotive S. L. I.)

Group 15

Hard rubber sheets, rods and tubing (designed for dielectric purposes)
Insulated tools
Magneto parts
Molded cable connectors and terminal blocks (designed for dielectric purposes)

Group 16

Mine safety battery parts
Mine safety lamp parts, excepting insulated wire
Respirators, hose masks, gas masks, goggles, inhalators, excepting headharness (mining and industrial types)

Group 17

Sheet, strip and mechanical packings

Group 18

Oil well specialties (including only packers, testing, lining bumper and swab rubbers; blow-out preventors; drill pipe protectors; stabilizers; slush pump pistons and liners; mud and oil pump pistons, liners, valves and parts; valve cups; strippers; stuffing box rings)

Group 19

Industrial abrasive implements

Group 20

Airplane de-icer parts
Card clothing
Gas main bags
Gaskets and washers for hose
Lineman's protective devices (including only line hose, insulator hoods, blankets, cable end test caps and separators, cable bandages, lineman's sleeves and insulating stools)
Mine ventilating tubing
Molded seals for dam and lock gates

Group 21

Component parts (not elsewhere listed but not including sponge) of machinery for the processing and fabricating of raw and semi-finished materials and for the transmission of mechanical power (except as specifically prohibited in Schedule III attached to Revised Supplementary Order No. M–15–b)

Group 22

Pipe coupling rings

Group 23

Fire and mill hose

Group 24

Milk and milking machine equipment consisting of:
  Couplings for pasteurizers and milk bottle and can washers
Gaskets for milk separators and clarifiers
Milk bottle filler rubbers
Milking machine inflations and tubing

Group 25

Box die gum, rubber die gum and rubber type gum, designed for industrial marking devices only

Group 26

Engravers' rubber (excluding rubber stamps, box dies, band daters and toy stamps)

Group 27

Printing plates (excluding rubber stamps, box dies, band daters and toy stamps)

Group 28

Cutting rubbers
Finger print rolls and finger print rubber
Offset and newspaper blankets
Printers' rollers
Rubber solution for wet plate negatives
Suction cups for printers' equipment

Group 29

Automotive parts consisting of the following only:
  Air brake and vacuum brake parts, excepting boots and linings
  Air brake and vacuum brake hose
  Hydraulic brake cylinder parts, excepting boots and linings
  Hydraulic brake hose
  Hydraulic clutch and throttle controls
  Pitman arm bushings for independent suspensions
  Remote control gearshift bushings
  Sealed beam gaskets
  Shock absorber bushings
  Steering post alignment bushings
  Suspension and torque arm bushings
  Steering box-to-frame pads for independent suspensions
  Torsional vibration dampers
  Windshield wiper blades and pivot to housing gaskets
  Engine, transmission and propeller center bearing mountings

Group 30

Pneumatic, solid and cushion tires, (including tubes, flaps, airbags and valves) of the following types only:
  Passenger
  Truck and bus
  Special purpose of the following types only: low platform trailer, rock service, earthmover, road builder and road grader
  Industrial
  Motorcycle
  Airplane

Group 31

Camelback, capping stock, filler strip, stripping stock, cushion stock, lug stock, and base stock for retreading and recapping tires

Group 32

Full circle and sectional airbags designed for recapping, retreading and repairing tires

Group 33

Tire and tube repair materials (including only cushion stock, tread repair stock, cord friction, square woven fabric friction, repair patches, and tube repair gum)

Group 34

Rubber footwear designed for severe industrial use, including rubber boots, mine pacs, and work shoes all with plain or steel toes

Group 35

Rubber footwear (other than that listed in Group 34), including rubber boots, arctics, gaiters, and light and heavy rubbers

Group 36

Diaphragms designed for regulating the flow of fluids
Tank balls designed for flush valves
Bibb washers
Fuller balls
Ball cock washers

Group 37

Autopsy and mortuary gloves
Industrial all rubber gloves and industrial net-lined gloves and industrial finger cots

Group 38

Electricians' gloves

Group 39

Brain surgery caps
Colostomy outfits
Denture suctions and model formers
Dilators
Finger cots (medical, surgical, dental, veterinary, mortuary and laboratory types only)
Orthodontia bands
Parts for medical, surgical, dental, veterinary and mortuary instruments
Prostatic bags
Rubber bands and cushions designed for artificial limbs
Tubes and tubing (except fountain syringe lengths), including catheters, stopples, and rubber policemen (medical, surgical, dental, mortuary, veterinary and laboratory types only)
Urinals designed for individual wear
Vaccine caps
X-ray sheets, gloves, aprons and cooling hose

Group 40

Surgical tape, medicated footpads and plasters

Group 41

Breast pumps
Bulbs (medical, surgical, dental, veterinary, mortuary and laboratory types only)
Medicine droppers
Water bottles and combination syringes

Group 42

Ice bags
Metatarsal cushions or pads (not parts of shoes)
Pneumatic truss pads
Truss pad covers

Group 43

Acoustic aids (soft rubber parts only) designed for individual hearing instruments and audiometers

Group 44

Hard rubber pipes, connections and accessories (medical, surgical, dental, veterinary and mortuary types only)

Group 45

Tubing, fountain syringe lengths

Group 46

Blood pressure bags
Dental dam
Dental separating strips and mouth props
Denture rubber
Inhalation bags and face pieces, not including oxygen tents (medical, surgical, dental and veterinary types only)
Invalid rings, but not including sponge rubber rings
Operating cushions, but not including sponge rubber cushions
Tourniquets

Group 47

Hospital sheeting

Group 48

Feeding nipples

Group 49

Pessaries and prophylactics

Group 50

Surgeons' gloves (medical, surgical, dental and veterinary types only)

Group 51

Meteorological balloons

Group 52

Cements designed for the repair, use or application of products permitted to be manufactured from crude rubber by Revised Supplementary Order No. M–15–b, except cements for use in the manufacture of such products, except shoe adhesives

Group 53

Commercial diving equipment

Group 54

Compounds designed for seaming protective clothing other than footwear and gloves

Group 55

Abrasive sand blasting helmets and clothing

Group 56

Conductive soles, taps and heels

Group 57

Shoe cements

Group 58

Lifesaving suits

Group 59

Compounds designed for sealing cans made of tinplate, blackplate or terneplate
Rings and compounds for sealing glass containers

Group 60

Blended compounds or mixtures designed for laboratory testing

Group 61

Vacuum cleaner belts

Group 62

Airplane equipment not elsewhere listed

Group 63

Molding bags

Group 64

Street car wheel sandwich rings

Group 65

Vibration dampers

SCHEDULE II–B

Products for which latex may be consumed upon authorizations issued from time to time by the Director General for Operations. (See paragraph (b) (2) (ii) of Revised Supplementary Order No. M–15–b)

Any authorization to consume latex to manufacture any group of products set forth in this Schedule II–B also authorizes the manufacture from the quota or allotment of latex for that group of cements necessary to the manufacture (but not the use or application) of such products. No latex shall be consumed to manufacture cements for the use or application of products of any group set forth in this Schedule II–B unless permitted by special authorization of the Director General for Operations.

Group 1

Colostomy outfits
Finger cots (medical, surgical, dental, mortuary and veterinary types only)
Prostatic bags
Prosthetic devices
Tubes and tubing (except fountain syringe lengths), including catheters (medical, surgical, dental, mortuary, veterinary and laboratory types only)
Urinals designed for individual wear

Group 2

Blood pressure bags
Inhalation bags, and face pieces, not including oxygen tents (medical, surgical, dental and veterinary types only)
Veterinary sleeves

Group 3

Industrial rubberized fabric gloves designed for handling corrosive and severely abrasive materials

Group 4

Electricians' gloves

Group 5

Dental dam

Group 6

Autopsy and mortuary gloves
Industrial all rubber gloves and industrial net-lined gloves and industrial finger cots

Group 7

Meteorological balloons

Group 8

Feeding nipples

Group 9

Pessaries and prophylactics

Group 10

Surgeons' gloves (medical, surgical, dental and veterinary types only)

Group 11

Compounds designed for sealing glass containers and cans made of tinplate, blackplate or terneplate

Group 12

Shoe cements

Group 13

Latex insulation for fume ducts, fans, racks, frames, trays, screens, pipes and fittings, buckets, dippers, funnels, measures, drums, pumps, valves, baskets, concave rollers and agitators (designed for handling corrosive materials)

Group 14

Flat transmission belts
Round transmission belts
V-belts

Group 15

Mine ventilating tubing

Group 16

Industrial abrasive implements

Group 17

Blended compounds or mixtures designed for laboratory testing

Group 18

Tire cord dip

SCHEDULE II–C

Products for which reclaimed rubber and scrap rubber may be consumed upon authorizations issued from time to time by the Director General for Operations. (See paragraphs (b) (3) (iii) and (b) (4) (iii) of Revised Supplementary Order No. M–15–b)

Any authorization to consume reclaimed rubber or scrap rubber to manufacture any group of products set forth in this Schedule II–C also authorizes the manufacture from the quota or allotment of reclaimed rubber or scrap rubber for that group of cements necessary to the manufacture (but not the use or application) of such products. No reclaimed rubber or scrap rubber shall be consumed to manufacture cements for the use or application of products of any group set forth in this Schedule II–C unless permitted by special authorization of the Director General for Operations.

Group 1

Adhesives designed for fabricating steel wool, curled hair or fibre pads for surgical corrective appliances

Group 2

Adhesives for seaming bags and bagging
Gaskets and compounds for sealing jars, tumblers, cans, drums and pails

Group 3

Athletic equipment, consisting of the following only:
  Basketball bladders
  Football bladders
  Punching bag bladders
  Soccer bladders
  Volley ball bladders
  Hardballs
  Squash balls
  Tennis balls

Group 4

Automotive parts (including only spring bumpers—front and rear, tailpipe supports, battery drain tubes, brake boots, insulating forms or shapes for high tension wiring)

Group 5

Clutch facings, brake lining and brake blocks

Group 6

V-belts

Group 7

Barrel lining

Group 8

Brush setting compounds

Group 9

Molded battery containers except those designed for automotive S. L. I. batteries of S. A. E. Groups 1, 2 and 3

Group 10

Storage battery parts (except molded containers)

Group 11

Crutch tips

Group 12

Erasers and pencil plugs

Group 13

Friction tape

Group 14

Heels and heel bases (black dense composition only)

Group 15

Out soles, out soling strips, taps, top lifts and top lifting material (black dense composition only)

Group 16

Shoe bottom fillers and shoe tapes

Group 17

Insoles, midsoles and box toes

Group 18

Automotive radiator hose
Braided covered tubing
Cable covering, electric
Car heater hose
Curb line and garage air hose
Fire extinguisher tubing
Garden hose
Grease hose, low pressure, non-industrial
Pump and windshield wiper tubing
Rock wool insulation hose
Shaft covering, flexible
Spray hose (designed for working pressures under 300 pounds per square inch)
Vacuum cleaner hose
Water hose

Group 19

Parts for business machines (except platens and rolls)

Group 20

Parts for refrigerators, washing machines and motor-driven electric appliances (except hose and belts)

Group 21

Horseshoe pads

Group 22

Pressure sensitive tape

Group 23

Stamp gum

Group 24

Sponge for stamp gum cushion

Group 25

Truss pads

Group 26

Elastic fabrics and elastic webbing for:
  Artificial legs
  Gas masks
  Goggles
  Hose masks
  Inhalators and respirators
  Edging for baby pants
  Industrial shoes
  Repair web
  Sanitary belts
  Surgical bandages, stockings and supports
  Trusses (including umbilical belts)

Group 27

Spud washers
Waste and overflow washers
Float valve shank washers
Flush elbows
Flush valve washers
Force cups
Gaskets and valves designed for back flow preventors (or vacuum breakers)
Siphon washers

Group 28

Cements designed for the repair, use or application of products permitted to be manufactured from crude rubber, latex, reclaimed rubber or scrap rubber by Revised Supplementary Order No. M–15–b, except cements for use in the manufacture of such products, and except shoe adhesives.

Group 29

Tire and tube repair materials (including only cushion stock, tread repair stock, cord friction, square woven fabric friction, repair patches and tube repair gum)

Group 30

Capping stock, filler strip, stripping stock, cushion stock, lug stock and base stock for retreading and recapping tires

Group 31

Blended compounds or mixtures designed for laboratory testing

Group 32

Compounds designed for proofing fabrics, other than footwear and gloves

Group 33

Bicycle tires (including casings, tubes, flaps and valves)

Group 34

Mallets and mallet heads

SCHEDULE III

Exceptions from groups of products set forth in Schedules II–A, II–B and II–C. (See paragraph (c) (12) of Revised Supplementary Order No. M–15–b)

Unless otherwise specified in this Schedule III, no person may consume any crude rubber, latex, reclaimed rubber or scrap rubber in the manufacture or assembly of any of the products or materials listed in this Schedule III, even though the consumption of crude rubber, latex, reclaimed rubber or scrap rubber might otherwise be permitted under any of the broader provisions or classifications of products under paragraphs (b) (1) (ii), (b) (2) (ii), (b) (3) (ii) or (b) (4) (ii) of Revised Supplementary Order No. M–15–b or Schedules II–A, II–B or II–C attached to said order. (The prohibitions of this Schedule II do not apply to the manufacture of products or materials to fill war orders, as to which see Schedule IV.)

The omission of any products or materials from this Schedule III does not mean that crude rubber, latex, reclaimed rubber or scrap rubber may be consumed in their manufacture. Crude rubber, latex, reclaimed rubber and scrap rubber may be consumed in the manufacture of products or materials not listed in this Schedule III only if and to the extent permitted by Revised Supplementary Order No. M–15–b and Schedules II–A, II–B and II–C attached to said order.

Accelerator pedals (automotive)
Animal boots and shoes
Arch supports
Arm rests
Artificial leather
Basin gaskets and washers
Basin stoppers
Bath sprays
Bath tub stoppers
Battery carrier straps
Beer tubing
Blowout shoes (for tires)
Bookbinding adhesives
Bottle carriers
Bottle driers
Brake rod rattlers
Brewery hose
Brush bristles
Bumper tacks
Bunion pads
Camera bellows
Camera focusing cloth
Candy molds
Carboy pads
Casket gaskets
Chair and furniture parts
Channel filler
Christmas tree lighting devices
Chute lining
Cigar machine aprons
Cleats for athletic and sport shoes
Coated clips
Coffee maker bushings and gaskets
Concentrator belts
Contraction joint seals and concrete filler
Corn pads
Crib sheeting
Crutch pads
Cutting blocks
Cushions, upholstery and mattresses (except invalid rings and operating cushions)
Defroster parts and hose
Desk and chair protective pads
Dish drainers
Drain pipe lining
Draper aprons
Electric base plugs, plug connectors and light sockets
Elevator belt buckets and cleats
Exercise machine parts
Extension lamp handles
Fan bases and blades
Faucet caps
Faucet filters
Feeding bottle caps and covers (except nipples)
Ferrules
Filter cloth
Finger pads
Flooring, tile and tiling, and wainscoting (except conductive)
Fountain pen stock
Fly paper
Foot bath trays
Gaskets, pads and shims made from scrap tires and tubes
Gasoline curb pump hose
Gasoline tubing
Gauntlets and cuffing (except linemen's sleeves)
Gear silencers
Glue dispensers
Graphite guns and parts thereof
Grommets (except dielectric)
Handle grips (except for dielectric purposes)
Hard rubber photographic trays and development tanks (except X-Ray)
Hard rubber spatulas (except for handling explosives and corrosive materials)
Hat-forming bags
Hatters' belts
Horse shoes
Horticultural binding tape
Hose nozzles
Household gloves
Hydrometer parts
Ice cube trays
Ink wells and bottles
Instep supports
Kneeling pads
Knife handles and grips
Labels and label plasters
Lamp shades
Lawn mower tires
Leather finishes
Line tube caps
Link mats
Loom harness strapping
Lug straps, bumpers and holdups (constituting textile machinery parts)
Mallets and mallet heads (except that reclaimed rubber or scrap rubber may be used)
Marbon B (except wire and cable insulation)
Mats and matting (except conductive)
Molds for casting
Molded wheels and casters
Musical instruments and parts thereof
Oxygen tent canopies
Pacifiers
Paint brush guards
Painters' graining tools
Panelboard
Paper machine aprons
Paper padding adhesives
Pedal rubber
Photo wringers
Photographers' bulbs and tubes
Pliofilm (except for wire and cable insulation)
Plioform (except for wire and cable insulation)
Pliolite (except for wire and cable insulation)
Plywood adhesives
Post insulators
Powder bags (mining)
Pulley lagging
Recoil pads
Refrigerator freezing trays
Rock wool insulation hose (except that reclaimed rubber or scrap rubber may be used)
Rubber bands (except orthodontia bands and bands for artificial limbs)
Rubber thread
Rubberized hair and fibre (except for surgical corrective appliances)
Sand blasting stencils
Screw bumpers
Self-adhering signs
Service station signal hose
Sink and lavatory gaskets (including mack gaskets)
Sink sprays and drain stoppers
Slip joint washers
Spark plug caps
Specimen (biological) injections
Sponge applicators
Stair and step treads
Stick-on soles and taps
Stipplers
Stirrup pump hose
Stirring rods
Street sweeper belts
Street car springs
Swimming pool hose
Table tops
Tank floats
Telephone bases
Telephone cord protectors
Telephone protectors
Test tube holders

Thermometer cases
Thermos bottle parts
Thermoplastic coatings (except for wire and cable insulation)
Tire reliners
Tire and tube repair materials made from scrap tires and tubes
Toggle straps
Toilet closet outlet gaskets
Toilet closet seat bumpers
Trolley wire guard
Typewriter keys, platens, feet and covers
Typewriter and office machinery silencers
V-belt shock absorbers
Vacuum cleaner tires and bumpers
Washing machine drain hose
Weatherstripping
Wheelbarrow tires
Whiskey hose
Windlace and windlace tubing
Yarning material

SCHEDULE IV

Products for which crude rubber, latex, reclaimed rubber and scrap rubber may not be consumed to fill war orders. (See paragraph (c) (13) of Revised Supplementary Order No. M–15–b).

No person may (1) consume any crude rubber or latex in the manufacture or assembly of any of the products or materials set forth in Groups A and B of this Schedule IV for delivery to fill any war order; or (2) consume any reclaimed rubber or scrap rubber in the manufacture or assembly of any of the products or materials set forth in Group B of this Schedule IV for delivery to fill any war order; even though the consumption of crude rubber, latex, reclaimed rubber or scrap rubber might otherwise be permitted under any of the broader provisions or classifications of products under paragraphs (b) (1) (i), (b) (2) (i), (b) (3) (i) or (b) (4) (i) of Revised Supplementary Order No. M–15–b or Schedule I attached to said order.

The omission of any products or materials from this Schedule IV does not mean that crude rubber, latex, reclaimed rubber or scrap rubber may be consumed in their manufacture. Crude rubber, latex, reclaimed rubber and scrap rubber may be consumed in the manufacture of products or materials not so listed only if and to the extent permitted by Revised Supplementary Order No. M–15–b and Schedule I attached to said order.

Group A—Products and materials for which crude rubber and latex shall not be consumed

Accelerator treadle connections
Brush-setting compounds
Bumpers (automotive axle)
Bumper stripping
Cellular discs
Channel rubber (except airplane)
Combined fabrics (except flotation and lighter-than-air equipment or as otherwise specified by List 3 attached to Supplementary Order No. M–15–b–1, as amended)
Cowl vent hose
Cowl vent seals and gaskets
Dust and lever housing covers
Erasers (including typewriter)
Escalator handrails
Flyers' clothing bags (Type B 4)
Fly Paper
Foot boards (motorcycle)
Friction tape
Gym and basketball shoes (except cement and foxings)
Handle grips (except dielectric)
Labels
Mallet heads
Marbon B. (except wire and cable insulation)
Pliofilm, Plioform, and Pliolite (except moisture proof envelopes for parts for airplanes, tanks and guns and wire and cable insulation)
Recoil pads (except machine gun and eye buffers)
Rubber bands (except parts of combat equipment)
Rubberized curled hair or vegetable fibre
Sponge cushioning including seat bottoms, seat backs, armrests, handrests, parachute backs and seats and tank crash pads and linings and all other (except vision and gunsight slot pads, mask parts, ear cushions and cushioning for cameras, flight control and fire control instruments)
Toilet closet gaskets
Toilet seat bumpers
Water, garden and lawn hose (except as specified by List 1 attached to Supplementary Order No. M–15–b–1, as amended)
Weatherstrip (except airplane)

Group B—Products and materials for which crude rubber, latex, reclaimed rubber and scrap rubber shall not be consumed

Artificial leather and upholstery
Ash trays
Athletic equipment (except clothing)
Bath sprays, sponges and soap dishes
Bumper tacks
Buttons (clothing)
Canvas water bags
Cap covers
Cartridge clip boxes
Cellular pads for crash helmet cushions
Channel filler and glazing rubber (except airplane)
Chevrons
Desk and chair protection pads
Desk sets
Dishdrainers
Door checks and bumpers (reclaimed rubber and scrap rubber may be used for airplane and automotive parts)
Door knob covers
Fan bases and blades (reclaimed rubber and scrap rubber may be used for combat tank equipment)
Faucet caps
Fender protective plates
Fender welting
Flooring (except conductive)
Fly swatters
Footbath trays
Gear shift knobs
Grommets (except airplane and dielectric)
Gun grips
Hood supports and bumpers
Hospital sheeting
Inkwells and bottles
Kneeling pads
Leather finishes
Link mats (reclaimed rubber and scrap rubber may be used for airplane walkways, pilot house, bridge deck and gun platforms)
Mastic deck covering (except repair)
Mats and matting (except switchboard and conductive; reclaimed rubber and scrap rubber may be used for airplane walkways, pilot house, bridge deck and gun platforms)
Molded wheels and casters (except hospital and surgical equipment and airplane tailwheels)
Name plates
Office machine silencers
Paper padding adhesives
Paving blocks
Pedal rubbers
Picture screens
Plate wipers
Plywood adhesives
Rubber-covered lamp guards, handles, grab rails and knobs (except dielectric)
Rubber thread
Sateen gimp
Serving trays
Sewage disposal bags and paper
Shims (automotive)
Sink pads, mats, sprays and stoppers
Stair and step treads (except conductive)
Steering wheels
Step plates
Stove top pads
Table tops (except conductive)
Tank fenders and flaps
Telephone bases
Tent fabrics
Thermostat covers
Tile and tiling (except conductive)
Toilet seats
Tractor and implement tires
Typewriter keys
Valve stems for tire tubes other than airplane tire tubes
Wainscoting
Wheelbarrow and lawnmower tires
Window squeegees (but not windshield wipers)
Wrestling mat covers
Zipper tabs

SCHEDULE V

Index of products for which crude rubber, reclaimed rubber and scrap rubber may be consumed, and of products for which the consumption of these materials is prohibited. (See paragraph (c) (14) of Revised Supplementary Order No. M–15–b)

This Schedule constitutes an index of the permitted and prohibited products under Schedules I, II–A, II–B, II–C, III and IV attached to Revised Supplementary Order No. M–15–b, and is attached to such order for the convenience of the industry. Appropriate cross-references are made to such other schedules. Crude rubber, latex, reclaimed rubber and scrap rubber may not be consumed to manufacture any product or material not mentioned in this Schedule V unless otherwise authorized by the Director General for Operations.

Product	Schedule	Group	Remarks
Abrasive implements.	II-A	19	
	II-B	16	
Accelerator connections.	IV	A	
Accelerator pedals	III	-------	
Accessories, medical, etc.	II-A	44	
Acid hose	II-A	8	
Acoustic aids	II-A	43	
Adhesives, bookbinding.	III	-------	See bookbinding.
Adhesives, paper padding.	III	-------	See paper padding.
	IV	B	
Adhesives, plywood.	III	-------	See plywood.
	IV	B	See plywood.
Adhesives, seaming bags.	II-C	2	
Adhesives, surgical appliances.	II-C	1	
Agitators	II-A	9	
	II-B	13	
Air brake hose	II-A	29	
Air brake parts	II-A	29	
Air drill hose	II-A	8	
Airbags, tire	II-A	30	
	II-A	32	
Airplane bumpers	IV	B	See door checks.
Airplane channel	IV	A	See channel.
	IV	B	
Airplane de-icer parts.	II-A	20	
Airplane door checks	IV	B	See door checks.
Airplane equipment	II-A	62	
Airplane tailwheels	IV	B	See molded wheels.
Airplane tires	II-A	30	
Airplane tire valve stems.	IV	B	See valve stems.
Airplane grommets	IV	B	See grommets.
Airplane walkways	IV	B	See link mats; also mats.
Airplane weatherstrip.	IV	A	See weatherstrip.
Animal boots & shoes.	III	-------	
Appliances, surgical	II-C	1	
Applicators, sponge	III	-------	See sponge applicators.
Aprons, cigar machine.	III	-------	See cigar machine aprons.
Aprons, draper	III	-------	See draper aprons.
Aprons, paper machine.	III	-------	See paper machine aprons.
Aprons, X-ray	II-A	39	
Arbor pipe forming hose.	II-A	8	
Arch supports	III	-------	
Arctics	II-A	35	
Arm rests	III	-------	
Arm rests	IV	A	See sponge.
Artificial leather	III	-------	
	IV	B	
Artificial limbs	II-A	39	
	II-C	26	
Ash trays	IV	B	
Athletic equipment	II-C	3	
	IV	B	
Athletic shoes	III	-------	See cleats.
Audiometers	II-A	43	
Automotive accelerator pedals.	III	-------	See accelerator pedals.
Automotive axle bumpers.	IV	A	See bumpers.
Automotive parts	II-A	29	
	II-C	4	
	IV	B	See door checks.
Automotive radiator hose.	II-C	18	
Automotive shims	IV	B	See shims.
Axle, bumpers	IV	A	See bumpers.
Bags, adhesives	II-C	2	
Bags, blood pressure	II-A	46	
	II-B	2	
Bags, canvas	IV	B	See canvas.
Bags, flyers'	IV	A	See flyers'.
Bags, gas main	II-A	20	
Bags, hat-forming	III	-------	See hat-forming bags.
Bags, ice	II-A	42	
Bags, inhalation	II-A	46	
	II-B	2	
Bags, molding	II-A	63	
Bags, powder	III	-------	See powder bags.
Bags, prostatic	II-A	39	
	II-B	1	
Bags, sewage disposal.	IV	B	See sewage.
Ball cock washers	II-A	36	
Balloons, meteorological.	II-A	51	
	II-B	7	
Balls, fuller	II-A	36	
Balls, tank	II-A	26	
Band daters	II-A	26	
	II-A	27	
Bands, artificial limbs.	II-A	39	
Bands, orthodontia	II-A	39	
Bands, rubber	III	-------	See rubber bands.
	IV	A	See rubber bands.
Barrel lining	II-C	7	
Base, fan	III	-------	See fan bases.
	IV	B	See fan bases.
Base plugs, electric	III	-------	See electric base plugs.
Base stock	II-A	31	
	II-C	30	
Base, telephone	III	-------	See telephone bases.
	IV	B	See telephone bases.
Basin gaskets and washers.	III	-------	
Basin stoppers	III	-------	
Basketball shoes	IV	A	See gym shoes.
Baskets, insulation	II-B	13	
Baskets, rubber	II-A	9	
Bath sprays	III	-------	
	IV	B	
Bath trays, foot	III	-------	See foot bath trays.
Bath tub stoppers	III	-------	
Battery carrier straps	III	-------	
Battery containers	II-C	9	
Battery drain tubes	II-C	4	
Beakers	II-A	9	
Beer tubing	III	-------	
Bellows, camera	III	-------	See camera bellows.
Belt buckets, elevator.	III	-------	See elevator belt buckets.
Belt repair material	II-A	3	
Belt splicing material.	II-A	3	
Belting, conveyor	II-A	4	
Belting, elevator	II-A	4	
Belts, concentrator	III	-------	See concentrator belts.
Belts, flat transmission.	II-A	5	
	II-B	14	
Belts, hatters'	III	-------	See hatters' belts.
Belts, hog beater	II-A	5	
Belts, last puller	II-A	3	
Belts, polishing	II-A	3	
Belts, round	II-B	14	
Belts, sanitary	II-C	26	
Belts, street sweeper	III	-------	See street sweeper belts.
Belts, umbilical	II-C	26	
Belts, V	II-A	7	
	II-B	14	
	II-C	6	
Belts, vacuum cleaner.	II-A	61	
Bibb washers	II-A	36	
Bicycle tires	II-C	33	
Bladders basketball, etc.	II-C	3	
Blades, fan	III	-------	See fan bases.
	IV	B	See fan bases.
Blades, windshield wiper.	II-A	29	
Blankets, lineman's	II-A	20	
Blankets, newspaper	II-A	28	
Blankets, offset	II-A	28	
Blocks, cutting	III	-------	See cutting blocks.
Blocks, paving	IV	B	See paving blocks.
Blood pressure bags	II-A	46	
	II-B	2	
Blowers, lining	II-A	9	
Blow-out preventors, oil well.	II-A	18	
Blow-out shoes	III	-------	
Bookbinding adhesives.	III	-------	
Boots, air-brake	II-A	29	
Boots, animal	III	-------	See animal boots.
Boots, brake	II-C	4	
Bottle caps	III	-------	See feeding bottle.
Bottle carriers	III	-------	
Bottle driers	III	-------	
Bottles	II-A	9	
Bottles, ink	III	-------	See ink wells.
	IV	B	See ink wells.
Bottles, thermos	III	-------	See thermos bottle.
Bottles, water	II-A	41	
Box die gum	II-A	25	
Box dies	II-A	26	
	II-A	27	
Box toes (shoes)	II-C	17	
Boxes, cartridge clip	IV	B	See cartridge.
Braided tubing	II-C	18	
Brain surgery caps	II-A	39	
Brake block	II-C	5	
Brake boots	II-C	4	
Brake lining	II-A	6	
	II-C	5	
Brake rod rattlers	III	-------	
Breast pumps	II-A	41	
Brewery hose	III	-------	
Brush bristles	III	-------	
Brush setting compounds.	II-C	8	
	IV	A	
Buckets	II-A	9	
	II-B	13	
Bulbs, medical, etc	II-A	41	
Bulbs, photographers'.	III	-------	See photographers' bulbs.
Bumper stripping	IV	A	
Bumper tacks	III	-------	
	IV	B	
Bumpers, axle	IV	A	
Bumpers, door	IV	B	See door checks.
Bumpers, hood	IV	B	See hood.
Bumpers, lug straps	III	-------	See lug straps.
Bumpers, screw	III	-------	
Bumpers, spring	II-C	4	
Bumpers, toilet seat	III	-------	See toilet bumpers.
	IV	A	See toilet bumpers.
Bumpers, vacuum cleaner.	III	-------	See vacuum cleaner tires.
Bunion pads	III	-------	
Bus tires	II-A	30	
Bushings, coffee maker.	III	-------	See coffee maker.
Bushings, automotive.	II-A	29	
Business machine parts.	II-C	19	
Buttons	IV	B	
Cable bandages, lineman's.	II-A	20	
Cable connectors	II-A	15	
Cable covering	II-C	18	
Cable end test caps	II-A	20	
Cable insulating compounds.	II-A	1	
Cable splicing compound.	II-A	2	
Camelback	II-A	31	
Camera bellows	III		
Camera cushioning	IV	A	See sponge
Camera focusing cloth.	III		
Candy molds	III		
Canopies, oxygen tent.	III	-------	See oxygen tent.
Canvas water bags	IV	B	
Cap covers	IV	B	
Capping stock	II-A	31	
	II-C	30	
Caps, spark plug	III	-------	See spark plug.
Caps, surgery	II-A	39	
Caps, faucet	III	-------	See faucet caps.
	IV	B	See faucet caps.
Caps, line tube	III	-------	See line tube caps.
Caps, vaccine	II-A	39	
Carboy pads	III	-------	
Car heater hose	II-C	18	
Card clothing	II-A	20	
Carriers, bottle	III	-------	See bottle carriers.
Cartridge clip boxes	IV	B	
Case, thermometer	III	-------	See thermometer cases.
Casings, bicycle tire	II-C	33	
Casket gaskets	III	-------	
Caster, molded	III	-------	See molded wheels.
	IV	B	See molded wheels.
Casting, molds	III	-------	See molds for casting.
Catheters	II-A	39	
	II-B	1	
Cellular discs	IV	A	
Cements, repair	II-A	52	
	II-C	28	
Cements, shoe	II-A	57	
	II-B	12	
Chair pads	III	-------	See desk.
	IV	B	See desk.
Chair parts	III	-------	
Channel filler	III	-------	
	IV	B	
Channel rubber	IV	A	
Checks, door	IV	B	See door checks.
Chemical hose	II-A	8	
Chevrons	IV	B	
Christmas-tree devices.	III	-------	
Chute lining	III	-------	
Cigar machine aprons.	III	-------	
Cleats, athletic shoes.	III	-------	
Cleats, elevator	III	-------	See elevator belt.
Clip boxes, cartridge	IV	B	See cartridge.
Clips, coated	III	-------	See coated clips.
Cloth, filter	III	-------	See filter cloth.
Clothing, athletic	IV	B	See athletic equipment.
Clothing bags	IV	A	See flyers'.
Clothing, sand blast	II-A	55	
Clutch facings	II-A	6	
	II-C	5	
Coated clips	III	-------	
Coatings, thermoplastic.	III	-------	See thermoplastic coatings.
Coffee maker bushings.	III	-------	
Colostomy outfits	II-A	39	
	II-B	1	
Combined fabrics	IV	A	
Component parts	II-A	21	
Compound, cable splicing.	II-A	2	

Product	Schedule	Group	Remarks
Compounds, brush setting.	II-C	8	
	IV	A	See brush setting compounds.
Compounds, fabric proofing.	II-C	32	
Compounds, laboratory.	II-A	60	
	II-B	17	
	II-C	31	
Compounds, insulating.	II-A	1	
Compounds, sealing	II-A	59	
	II-B	11	
	II-C	2	
Compounds, seaming clothing.	II-A	54	
Concentrator belts	III	-------	
Concrete fillers	III	-------	See contraction joints.
Concrete hose	II-A	8	
Conductive flooring	III	-------	See flooring.
	IV	B	See flooring.
Conductive mats	III	-------	See mats.
	IV	B	See mats.
Conductive soles, taps, heels.	II-A	56	
Conductive table tops.	IV	B	See table tops.
Conductive tile	IV	B	See tile.
Conductive treads	IV	B	See stair treads.
Connections, accelerator.	IV	A	See accelerator.
Connections, medical, etc.	II-A	44	
Containers, battery	II-C	9	
Contraction joint seals.	III	-------	
Controls, hydraulic	II-A	29	
Conveyor belting	II-A	4	
Cooling hose, X-ray	II-A	39	
Cord dip, tire	II-B	18	
Cord friction	II-A	33	
	II-C	29	
Corn pads	III	-------	
Corrective appliances.	II-C	1	
Coupling rings, pipe	II-A	22	
Couplings, flexible	II-A	8	
Couplings, milk equipment.	II-A	24	
Covered rolls	II-A	11	
Covers, cap	IV	B	See cap covers.
Covers, dust and lever housing.	IV	A	See dust.
Covers, feeding	III	-------	See feeding bottle caps.
Covers, thermostat	IV	B	See thermostat covers.
Covers, truss pads	II-A	42	
Covers, typewriter	III	-------	See typewriter.
Covers, wrestling mat.	IV	B	See wrestling.
Cowl vent hose	IV	A	
Cowl vent seals & gaskets.	IV	A	
Crash helmet cushions.	IV	B	See cellular pads.
Crib sheeting	III	-------	
Crutch pads	III	-------	
Crutch tips	II-C	11	
Cuffing	III	-------	See gauntlets.
Cups, force	II-C	27	
Curb line hose	II-C	18	
Cushion stock	II-A	31	
	II-A	33	
	II-C	29	
	II-C	30	
Cushioning, camera	IV	A	See sponge.
Cushioning, sponge	IV	A	See sponge.
Cushions, artificial limbs.	II-A	39	
Cushions, ear	IV	A	See sponge.
Cushions, metatarsal.	II-A	42	
Cushions, operating	II-A	46	
Cushions, upholstery.	III	-------	
Cutting blocks	III	-------	
Cutting rubbers	II-A	28	
Dam, dental	II-A	46	
	II-B	5	
Dam gates	II-A	20	
Dampers, vibration	II-A	29	
	II-A	65	
Daters band	II-A	26	
	II-A	27	
Deck covering	IV	B	See mastic.
Defroster parts & hose.	III	-------	
De-icer parts airplane.	II-A	20	
Dental bulbs	II-A	41	
Dental dam	II-A	46	
	II-B	5	
Dental instrument parts.	II-A	39	
Dental mouth props	II-A	46	
Dental separating strips.	II-A	46	
Dental supplies	II-A	39	
Dental tubes and tubing.	II-A	39	
	II-B	1	
Denture rubber	II-A	46	
Denture suctions	II-A	39	
Desk pads	III	-------	
	IV	B	
Desk sets	IV	B	
Development tanks	III	-------	See hard rubber trays.
Diaphragms, regulating.	II-A	36	
Dielectric grommets	III	-------	See grommets.
	IV	B	See grommets.
Dielectric handle grips.	III	-------	See handle.
	IV	A	
Dielectric lamp guards.	IV	B	See rubber covered.
Dies, box	II-A	26	
	II-A	27	
Dilators	II-A	39	
Dippers	II-A	9	
	II-B	13	
Discs, cellular	IV	A	See cellular discs.
Dish drainers	III	-------	
	IV	B	
Dispensers, glue	III	-------	See glue dispensers.
Divers' hose	II-A	8	
Diving equipment	II-A	53	
Door checks	IV	B	
Door knob covers	IV	B	
Drain hose	III	-------	See washing machine.
Drain pipe lining	III	-------	
Drain stoppers	III	-------	See sink sprays.
Draper aprons	III	-------	
Dredging sleeves	II-A	8	
Driers, bottle	III	-------	See bottle driers.
Drill pipe protectors	II-A	18	
Droppers, medicine	II-A	41	
Drums, insulation	II-B	13	
Drums, lined	II-A	10	
Dust housing covers	IV	A	
Ear cushions	IV	A	See sponge.
Earthmover tires	II-A	30	
Edging, elastic	II-C	26	
Elastic fabrics	II-C	26	
Elbows, flush	II-C	27	
Electric appliance parts.	II-C	20	
Electric base plugs	III	-------	
Elevator belting	II-A	4	
Elevator buckets and cleats.	III	-------	
Engine mountings	II-A	29	
Engravers' rubber	II-A	26	
Envelopes	IV	A	See pliofilm.
Equipment, airplane	II-A	62	
Equipment hospital.	IV	B	See molded wheels.
Erasers	II-C	12	
	IV	A	
Escalator handrails	IV	A	
Exercise machine parts.	III	-------	
Exhausters, lining	II-A	9	
Expansion joint hose.	II-A	8	
Extension lamp handles.	III	-------	
Eye buffer	IV	A	See recoil pads.
Fabric, tire repair	II-A	33	
	II-C	29	
Fabrics, combined	IV	A	See combined fabrics.
Fabrics, elastic	II-C	26	
Fabrics, proofing compounds.	II-C	32	
Fabrics, tent	IV	B	See tent.
Face pieces, inhalation.	II-A	46	
	II-B	2	
Fan bases & blades	III	-------	
	IV	B	
Fans, insulation	II-A	9	
	II-B	13	
Faucet caps	III	-------	
	IV	B	
Faucet filters	III	-------	
Feeding bottle caps	III	-------	
Feeding nipples	II-A	48	
	II-B	8	
Fender protective plates.	IV	B	
Fender welting	IV	B	
Fenders, tank	IV	B	See tank fenders.
Ferrules	III	-------	
Fibre pads	II-C	1	
Fibre, rubberized	III	-------	See rubberized hair.
	IV	A	See rubberized hair.
Filler, channel	III	-------	See channel filler.
	IV	B	See channel filler.
Filler, concrete	III	-------	See contraction joint.
Filler strip	II-A	31	
	II-C	30	
Filter cloth	III	-------	
Filters, faucet	III	-------	See faucet filters.
Finger cots, industrial.	II-A	37	
	II-B	6	
Finger cots, medical, etc.	II-A	39	
	II-B	1	
Finger pads	III	-------	
Finger print rolls	II-A	28	
Finger print rubber	II-A	28	
Finishes, leather	III	-------	See leather finishes.
	IV	B	See leather finishes.
Fire control cushioning.	IV	A	See sponge.
Fire extinguisher tubing.	II-C	18	
Fire hose	II-A	23	
Fittings, hard rubber.	II-A	9	
Fittings, insulation	II-B	13	
Fittings, lined	II-A	10	
Flanged flexible hose	II-A	8	
Flaps, bicycle tire	II-C	33	
Flaps, tank	IV	B	See tank fenders.
Flaps, tire	II-A	30	
Flat transmission belts.	II-A	5	
	II-B	14	
Flexible couplings	II-A	8	
Flight control cushioning.	IV	A	See sponge.
Float valve shank washers.	II-C	27	
Floats, tank	III	-------	See tank floats.
Flooring	III	-------	
	IV	B	
Flush elbows	II-C	27	
Flush valve washers	II-C	27	
Fly paper	III	-------	
	IV	A	
Fly swatters	IV	B	
Flyers' clothing bags	IV	A	
Focusing cloth, camera.	III	-------	See camera focusing.
Foot boards (motorcycle).	IV	A	
Footbath trays	III	-------	
	IV	B	
Footpads, medicated.	II-A	40	
Footwear	II-A	34	
	II-A	35	
Force cups	II-C	27	
Fountain pen stock	III	-------	
Fountain syringe tubing.	II-A	45	
Frames	II-A	9	
	II-B	13	
Freezing trays, refrigerator.	III	-------	See refrigerator.
Friction, cord and fabric.	II-A	33	
	II-C	29	
Friction tape	II-C	13	
	IV	A	
Full circle airbags	II-A	32	
Fuller balls	II-A	36	
Fume duct, insulation.	II-A	9	
	II-B	13	
Funnels	II-A	9	
	II-B	13	
Furniture parts	III	-------	See chair.
Gaiters	II-A	35	
Garage air hose	II-C	18	
Gas main bags	II-A	20	
Gas masks	II-A	16	
	II-C	26	
Gaskets	II-C	27	
	III		
Gaskets, basin	III	-------	See basin gaskets.
Gaskets, casket	III	-------	See casket gaskets.
Gaskets, coffee maker.	III	-------	See coffee makers.
Gaskets, cowl	IV	A	See cowl vent.
Gaskets, hose	II-A	20	
Gaskets, lavatory	III	-------	See sink gaskets.

Product	Schedule	Group	Remarks
Gaskets, milk equipment.	II-A	24	
Gaskets, sealed beam.	II-A	29	
Gaskets, sealing	II-C	2	
Gaskets, sink	III	-------	See sink gaskets.
Gaskets, toilet	III	-------	See toilet closet.
	IV	A	See toilet closet.
Gaskets, windshield wiper.	II-A	29	
Gasoline hose	II-A	8	
Gasoline pump hose	III	-------	
Gasoline tubing	III	-------	
Gauntlets	III	-------	
Gear shift knobs	IV	B	
Gear silencers	III	-------	
Gimp, sateen	IV	B	See sateen gimp.
Glazing rubber	IV	B	See channel filler.
Gloves, autopsy	II-A	37	
	II-B	6	
Gloves, electricians'	II-A	38	
	II-B	4	
Gloves, household	III	-------	See household gloves.
Gloves, industrial	II-A	37	
	II-B	3	
	II-B	6	
Gloves, mortuary	II-A	37	
	II-B	6	
Gloves, net-lined	II-A	37	
Gloves, surgeons'	II-A	50	
	II-B	10	
Gloves, X-ray	II-A	39	
Glue dispensers	III	-------	
Goggles	II-A	16	
	II-C	26	
Grab rails	IV	B	See rubber covered lamp.
Graining tools, painters'.	III	-------	See painters'.
Graphite guns	III	-------	
Grease gun hose	II-A	8	
Grease tubing	II-C	18	
Grips, gun	IV	B	See gun.
Grips, handle	III	-------	See handle.
	IV	A	See handle.
Grips, knife	III	-------	See knife handles.
Grommets	III	-------	
	IV	B	
Guard, wire	III	-------	See trolley wire guards.
Guards, paint brush	III	-------	See paint brush guards.
Gum, box die	II-A	25	
Gum, rubber die	II-A	25	
Gum, rubber type	II-A	25	
Gum, stamp	II-C	23	
Gum, tube repair	II-A	33	
	II-C	29	
Gun grips	IV	B	
Gun platforms	IV	B	See link mats, also mats & matting.
Guns, graphite	III	-------	See graphite guns.
Gunsight slot pads	IV	A	See sponge.
Gym shoes	IV	A	
Hair, rubberized	III	-------	See rubberized.
	IV	A	See rubberized.
Handballs	II-C	3	
Handle grips	III	-------	
	IV	A	
Handles, extension lamp.	III	-------	See extension lamp.
Handles, knife	III	-------	See knife handles.
Handles, rubber covered.	IV	B	See rubber covered.
Hand rests	IV	A	See sponge.
Handrails, escalators	IV	A	See escalator.
Hard rubber, dielectric.	II-A	15	
Hard rubber, industrial	II-A	9	
Hard rubber, medical, etc.	II-A	44	
Hard rubber photographic trays.	III	-------	
Hard rubber spatulas.	III	-------	
Harness strapping, loom.	III	-------	See loom harness.
Hat-forming bags	III	-------	
Hatters' belts	III	-------	
Headharness	II-A	16	
Heads, mallet	II-C	34	
	IV	A	See mallet.
Hearing instruments	II-A	43	
Heel bases	II-C	14	
Heels	II-C	14	
Heels, conductive	II-A	56	
Helmet cushions, crash.	IV	B	See cellular pads.
Helmets, sand blast	II-A	55	
Hog beater belts	II-A	5	
Holders, test tube	III	-------	See test tube.
Holdups, lug straps	III	-------	See lug straps.
Hood supports	IV	B	
Horse shoes	III	-------	
Horseshoe pads	II-C	21	
Horticultural tape	III	-------	
Hose, acid	II-A	8	
Hose, air brake	II-A	29	
Hose, air drill	II-A	8	
Hose, arbor pipe forming.	II-A	8	
Hose, automotive radiator.	II-C	18	
Hose, blower	II-A	8	
Hose, brewery	III	-------	See brewery
Hose, car heater	II-C	18	
Hose, cement	II-A	8	
Hose, chemical	II-A	8	
Hose, cowl vent	IV	A	See cowl vent.
Hose, curb pump	II-A	8	
Hose, curb line	II-C	18	
Hose, defroster	III	-------	See defroster parts.
Hose, divers'	II-A	8	
Hose, dry material	II-A	8	
Hose, dust collector	II-A	8	
Hose, exhaust	II-A	8	
Hose, expansion joint.	II-A	8	
Hose, fire	II-A	23	
Hose, flanged	II-A	8	
Hose, garage air	II-C	18	
Hose, gaskets	II-A	20	
Hose, gasoline	II-A	8	
Hose, gasoline pump	III	-------	See gasoline.
Hose, grease	II-C	18	
Hose, grease gun	II-A	8	
Hose, hydraulic brake.	II-A	29	
Hose, hydraulic control.	II-A	8	
Hose, jetting	II-A	8	
Hose, lawn	IV	A	See water hose.
Hose, lineman's	II-A	20	
Hose masks	II-A	16	
	II-C	26	
Hose, milk conveying.	II-A	8	
Hose, mill	II-A	23	
Hose, nozzles	III	-------	
Hose, oil	II-A	8	
Hose, paint	II-A	8	
Hose, phosphate	II-A	8	
Hose, pinch valve	II-A	8	
Hose, pneumatic	II-A	8	
Hose, railroad	II-A	8	
Hose, rock wool insulation.	II-C	18	
Hose, rotary drillers'	II-A	8	
Hose, sand blast	II-A	8	
Hose, sanitary	II-A	8	
Hose, service station	III	-------	See service station.
Hose, spray	II-A	8	
	II-C	18	
Hose, steam	II-A	8	
Hose, stirrup pump	III	-------	See stirrup pump.
Hose, suction	II-A	8	
Hose, swimming pool.	III	-------	See swimming pool.
Hose, tank wagon	II-A	8	
Hose, vacuum	II-A	8	
Hose, vacuum brake	II-A	29	
Hose, vacuum cleaner.	II-C	18	
Hose, washers	II-A	20	
Hose, washing machine.	III	-------	See washing machine.
Hose, water	II-C	18	
	IV	A	See water hose.
Hose, welding	II-A	8	
Hose, whiskey	III	-------	See whiskey.
Hose, X-ray	II-A	39	
Hospital sheeting	II-A	47	
	IV	B	
Hospital equipment wheels and casters.	IV	B	See molded wheels.
Household gloves	III	-------	
Hydraulic brake hose.	II-A	29	
Hydraulic brake parts.	II-A	29	
Hydraulic clutch controls.	II-A	29	
Hydraulic control hose.	II-A	8	
Hydraulic throttle control.	II-A	29	
Hydrometer parts	III	-------	
Ice bags	II-A	42	
Ice cube trays	III	-------	
Implement tires	IV	B	See tractor.
Implements abrasive.	II-A	19	
	II-B	16	
Inflations, milking machine.	II-A	24	
Inhalation bags	II-A	46	
	II-B	2	
Inhalation face pieces.	II-A	46	
	II-B	2	
Inhalators	II-A	16	
	II-C	26	
Injections (biological) specimen.	III	-------	See specimen.
Inkwells	III	-------	
	IV	B	
Insoles (shoe)	II-C	17	
Instep supports	III	-------	
Instruments, cushioning.	IV	A	See sponge.
Instruments musical.	III	-------	See musical.
Insulator hoods	II-A	20	
Insulators, post	III	-------	See post insulators.
Invalid rings	II-A	46	
Jetting hose	II-A	8	
Joint seals	III	-------	See contraction joint.
Joint washers, slip	III	-------	See slip joint.
Keys, typewriter	III	-------	See typewriter keys.
	IV	B	See typewriter keys.
Kneeling pads	III	-------	
	IV	B	
Knife handles	III	-------	
Knobs, gear shift	IV	B	See gear shift knobs.
Knobs, rubber covered.	IV	B	See rubber covered.
Labels	III	-------	
	IV	A	
Laboratory bulbs	II-A	41	
Laboratory compounds.	II-A	60	
	II-B	17	
	II-C	31	
Laboratory tubes and tubing.	II-A	39	
	II-B	1	
Lagging, pulley	III	-------	See pulley lagging.
Lamp guards	IV	B	See rubber covered.
Lamp handles	III	-------	See extension lamp.
Lamp shades	III	-------	
Last puller belts	II-A	3	
Lavatory gaskets	III	-------	See sink gaskets.
Lawn hose	IV	A	See water hose.
Lawnmower tires	III	-------	
	IV	B	See wheelbarrow.
Leather, artificial	III	-------	See artificial leather.
	IV	B	See artificial leather.
Leather finishes	III	-------	
	IV	B	
Lever, housing	IV	A	See dust.
Life saving suits	II-A	58	
Light sockets	III	-------	See electric base.
Line hose	II-A	20	
Line tube caps	III	-------	
Lineman's equipment.	II-A	20	
Liners, oil well	II-A	18	
Lining, brake	II-A	6	
	II-C	5	
Lining, barrel	II-C	7	
Lining, blowers, exhausters and pumps.	II-A	9	
Lining bumper rubbers, oil well.	II-A	18	
Lining, chute	III	-------	See chute lining.
Lining, drain pipe	III	-------	See drain pipe.
Lining, industrial brake.	II-A	6	
Link mats	III	-------	
	IV	B	
Lock gates, seals	II-A	20	
Loom harness	III	-------	
Loom pickers	II-A	13	
Low platform tires	II-A	30	
Lug stock	II-A	31	
	II-C	30	
Lug straps	III	-------	
Machine gun pads	IV	A	See recoil pads.

Product	Schedule	Group	Remarks
Machine parts, exercise.	III	-------	See exercise machine.
Mack gaskets	III	-------	See sink gaskets.
Magneto parts	II-A	15	
Mallet heads	IV	A	
Mallets	II-C	34	
Marbon B	III	-------	
	IV	A	
Marking devices	II-A	25	
Mask parts	IV	A	See sponge.
Masks, gas	II-A	16	
	II-C	26	
Masks, hose	II-A	16	
	II-C	26	
Mastic deck covering.	IV	B	
Mat covers, wrestling.	IV	B	See wrestlings.
Mats and matting	III	-------	
	IV	B	
Mats, link	III	-------	See link mats.
	IV	B	See link mats.
Mattresses	III	-------	See cushions.
Measures	II-A	9	
	II-B	13	
Mechanical packings.	II-A	17	
Medical bulbs	II-A	41	
Medical instrument parts.	II-A	39	
Medical tubes and tubing.	II-A	39	
	II-B	1	
Medicine droppers	II-A	41	
Metatarsal cushions	II-A	42	
Metatarsal pads	II-A	42	
Meterological balloons.	II-A	51	
	II-B	7	
Midsoles (shoes)	II-C	17	
Milk conveying hose.	II-A	8	
Milk equipment	II-A	24	
Mill hose	II-A	23	
Mine battery parts	II-A	16	
Mine lamp parts	II-A	16	
Mine pacs	II-A	34	
Mine ventilating tubing.	II-A	20	
	II-B	15	
Mining headharness.	II-A	16	
Mixtures (laboratory testing).	II-A	60	
	II-B	17	
	II-C	31	
Molding bags	II-A	63	
Molds, candy	III	-------	See candy molds.
Molds, casting	III	-------	
Mortuary bulbs	II-A	41	
Mortuary instrument parts.	II-A	39	
Mortuary tubes and tubing.	II-A	39	
	II-B	1	
Motorcycle tires	II-A	30	
Motorcycle foot boards.	IV	A	See footboards.
Mountings, automotive.	II-A	29	
Mud pump parts, oil well.	II-A	18	
Musical instruments	III	-------	
Name plates	IV	B	
Newspaper blankets.	II-A	28	
Nipples, feeding	II-A	48	
	II-B	8	
Nozzles, hose	III	-------	See hose nozzles.
Office machine silencers.	IV	B	
Office machinery silencers.	III	-------	See typewriter.
Offset blankets	II-A	28	
Oil hose	II-A	8	
Oil well parts	II-A	18	
Operating cushions	II-A	46	
Orthodontia bands	II-A	39	
Outsoles (shoes)	II-C	15	
Outsoling strips (shoes).	II-C	15	
Outlet gaskets, closet.	III	-------	See toilet outlet gaskets.
Oxygen tent canopies.	III	-------	
Oxygen tents	II-A	46	
	II-B	2	
Pacifiers	III	-------	
Packers, oil well	II-A	18	
Packing, mechanical.	II-A	17	
Packing, sheet	II-A	17	
Packing, strip	II-A	17	
Pads	III	-------	See gaskets, pads, etc.
Pads, bunion	III	-------	See bunion pads.
Pads, carboy	III	-------	See carboy pads.
Pads, chair	III	-------	See desk.
	IV	B	See desk.
Pads, corn	III	-------	See corn pads.
Pads, crash helmet	IV	B	See cellular.
Pads, crutch	III	-------	See crutch pads.
Pads, desk	III	-------	See desk.
	IV	B	See desk.
Pads, finger	III	-------	See finger pads.
Pads, horseshoe	II-C	21	
Pads, kneeling	III	-------	See kneeling pads.
	IV	B	See kneeling pads.
Pads, metatarsal	II-A	42	
Pads, press die	II-A	12	
Pads, recoil	III	-------	See recoil pads.
	IV	A	See recoil pads.
Pads, sink	IV	B	See sink.
Pads, stove top	IV	B	See stove top pads.
Pads, surgical	II-C	1	
Pads, truss	II-A	42	
	II-C	25	
Pails	II-A	9	
Paint brush guards	III	-------	
Paint spray hose	II-A	8	
Painters' graining tools.	III	-------	
Panelboard	III	-------	
Paper, fly	III	-------	See fly paper.
	IV	A	See fly paper.
Paper machine aprons.	III	-------	
Paper making equipment.	II-A	3	
Paper padding adhesives.	III	-------	
	IV	B	
Paper, sewage disposal.	IV	B	See sewage.
Parachute backs and seats.	IV	A	See sponge.
Passenger car tires	II-A	30	
Pasteurizer couplings.	II-A	24	
Patches, repair	II-A	33	
	II-C	29	
Paving blocks	IV	B	
Pedal rubbers	III	-------	
	IV	B	
Pedals, accelerator	III	-------	See accelerator.
Pen stock, fountain	III	-------	See fountain pen.
Pencil plugs	II-C	12	
Pessaries	II-A	49	
	II-B	9	
Phosphate hose	II-A	8	
Photo wringers	III	-------	
Photographers' bulbs & tubes.	III	-------	
Photographic trays	III	-------	See hard rubber.
Pickers, loom	II-A	13	
Picture screens	IV	B	
Pinch valve hose	II-A	8	
Pipe coupling rings	II-A	22	
Pipe, hard rubber	II-A	9	
	II-A	44	
Pipe, insulation	II-A	9	
	II-B	13	
Pipe, lined	II-A	10	
Pipe lining, drain	III	-------	See drain pipe.
Pitman arm bushings.	II-A	29	
Plasters, label	III	-------	See labels.
Plasters, medicated	II-A	40	
Plate wipers	IV	B	
Platens, typewriter	III	-------	See typewriter.
Plates, fender	IV	B	See fender.
Plates, name	IV	B	See name plates.
Plates, printing	II-A	27	
Plates, step	IV	B	See step.
Pliofilm	III	-------	
	IV	A	
Plioform	III	-------	
	IV	A	
Pliolite	III	-------	
	IV	A	
Plug connectors	III	-------	See electric base plugs.
Plywood adhesives	III	-------	
	IV	B	
Pneumatic hose	II-A	8	
Pneumatic truss pads.	II-A	42	
Policemen, rubber	II-A	39	
Polishing belts	II-A	3	
Post insulators	III	-------	
Powder bags (mining).	III	-------	
Press die pads	II-A	12	
Pressure sensitive tape.	II-C	22	
Printers' equipment.	II-A	28	
Printers' rollers	II-A	28	
Printing plates	II-A	27	
Propeller bearing mountings.	II-A	29	
Prophylactics	II-A	49	
	II-B	9	
Prostatic bags	II-A	39	
	II-B	1	
Prosthetic devices	II-B	1	
Protective clothing seaming.	II-A	54	
Protective plates	IV	B	See fender.
Protectors, telephone.	III	-------	See telephone protectors.
Protectors, telephone cord.	III	-------	See telephone cord.
Pulley lagging	III	-------	
Pump hose, gasoline.	III	-------	See gasoline curb.
Pump pistons, oil well.	II-A	18	
Pumps, breast	II-A	41	
Pumps, insulation	II-B	13	
Pumps, lining	II-A	9	
Pumps, rubber	II-A	9	
Pumps, tubing	II-C	18	
Racks	II-A	9	
	II-B	13	
Railroad hose	II-A	8	
Rattlers, brake rod	III	-------	See brake rod.
Recapping materials.	II-A	31	
	II-C	30	
Recoil pads	III	-------	
	IV	A	
Refrigerator parts	II-C	20	
Refrigerator trays	III	-------	
Reliners, tires	III	-------	See tire reliners.
Repair, deck covering.	IV	B	See mastic deck.
Repair materials, tire and tube.	II-A	33	
	II-C	29	
	III	-------	See tire & tube.
Respirators	II-A	16	
	II-C	26	
Rests, arm	III	-------	See arm rests.
Retreading materials.	II-A	31	
	II-C	30	
Rings, invalid	II-A	46	
Rings, pipe coupling.	II-A	22	
Rings, sealing containers.	II-A	59	
Rings, street car wheel.	II-A	64	
Road builder tires	II-A	30	
Road grader tires	II-A	30	
Rock service tires	II-A	30	
Rock wool insulation hose.	II-C	18	
	III	-------	
Rods, stirring	III	-------	See stirring rods.
Roll coverings	II-A	11	
Rollers, insulation	II-B	13	
Rollers, printers'	II-A	28	
Rolls, finger print	II-A	28	
Rotary drillers' hose.	II-A	8	
Rubber bands	III	-------	
	IV	A	
Rubber, denture	II-A	46	
Rubber die gum	II-A	25	
Rubber, engravers'	II-A	26	
Rubber, finger print.	II-A	28	
Rubber footwear	II-A	34	
	II-A	35	
Rubber, glazing	IV	B	See channel filler.
Rubber policemen	II-A	39	
Rubber solution for wet plate negatives.	II-A	28	
Rubber stamps	II-A	26	
	II-A	27	
Rubber thread	III	-------	
	IV	B	
Rubber type gum	II-A	25	
Rubberized hair and fibre.	III	-------	
	IV	A	
Rubbers, cutting	II-A	28	
Rubbers, footwear	II-A	35	
Rubbers, milk bottle filler.	II-A	24	
Sand blast clothing	II-A	55	
Sand blast hose	II-A	8	
Sand blast stencils	III	-------	
Sanitary belts	II-C	26	
Sanitary hose	II-A	8	
Sateen gimp	IV	B	
Screen diaphragms	II-A	3	
Screens, insulation	II-A	9	
	II-B	13	
Screens, picture	IV	B	See picture.
Screw bumpers	III	-------	
Sealed beam gaskets.	II-A	29	
Sealing compounds	II-A	59	
	II-B	11	
	II-C	2	

Product	Schedule	Group	Remarks
Seals, contraction joint.	III	-------	See contraction joint.
Seals, cowl vent	IV	A	See cowl vent seals.
Seat bottoms and backs.	IV	A	See sponge.
Seats, toilet	IV	B	See toilet seats.
Sectional airbags	II-A	32	
Self-adhering signs	III	-------	
Separators, lineman's.	II-A	20	
Service station signal hose.	III	-------	
Serving trays	IV	B	
Sets, desk	IV	B	See desk sets.
Sewage disposal bags	IV	B	
Shades, lamp	III	-------	See lamp shades.
Shaft covering	II-C	18	
Shapes, automotive wiring.	II-C	4	
Sheet packings	II-C	17	
Sheeting, crib	III	-------	See crib sheeting.
Sheeting, hospital	II-A	47	
	IV	B	See hospital sheeting.
Sheets, X-ray	II-A	39	
Shims	III	-------	See gaskets, pads, etc.
Shims, automotive	IV	B	
Shock absorber bushings.	II-A	29	
Shock absorbers, V-belts.	III	-------	See V-belt.
Shoe bottom fillers	II-C	16	
Shoe cements	II-A	57	
	II-B	12	
Shoe tapes	II-C	16	
Shoes, animal	III	-------	See animal boots.
Shoes, blowout	III	-------	See blowout shoes.
Shoes, elastic fabrics.	II-C	26	
Shoes, gym	IV	A	See gym.
Signal hose, service station.	III	-------	See service station.
Signs, self-adhering	III	-------	See self-adhering signs.
Silencers, gear	III	-------	See gear silencers.
Silencers, office mamachine.	IV	B	See office machine.
Silencers, typewriter.	III	-------	See typewriter.
Sink gaskets	III	-------	
Sink pads, mats, sprays & stoppers.	IV	B	
Sink sprays and drain stoppers.	III	-------	
Siphon washers	II-C	27	
Sleeves, dredging	II-A	8	
Sleeves, lineman's	II-A	20	
Sleeves, veterinary	II-B	2	
Slip joint washers	III	-------	
Slush pump, oil well.	II-A	18	
Soap dishes	IV	B	See bath sprays.
Soles, shoes	II-C	15	
Soles, conductive	II-A	56	
Soles, stick-on	III	-------	See stick-on soles.
Soling strips, shoes	II-C	15	
Spark plug caps	III	-------	
Spatulas	III	-------	See hard rubber.
Special purpose tires.	II-A	30	
Specimen (biological) injections.	III	-------	
Splicing compound, cable.	II-A	2	
Sponge applicators	III	-------	
Sponge cushioning	IV	A	
Sponge cushions	II-A	46	
Sponge rings, invalid.	II-A	46	
Sponge, stamp gum cushion.	II-C	24	
Sponges	IV	B	See bath sprays.
Sports shoes	III	-------	See cleats.
Spray hose	II-A	8	
	II-C	18	
Sprays, bath	III	-------	See bath sprays.
	IV	B	See bath sprays.
Sprays, sink	III	-------	See sink sprays.
	IV	B	See sink sprays.
Spring bumpers	II-C	4	
Springs, street car	III	-------	See street car.
Spud washers	II-C	27	
Squash balls	II-C	3	
Squeegees, window	IV	B	See window.
Stabilizers, oil well	II-A	18	
Stair treads	III	-------	
	IV	B	
Stamp gum	II-C	23	
Stamp sponge	II-C	24	
Stamps, rubber	II-A	27	
Stamps, toy	II-A	26	
	II-A	27	
Steam hose	II-A	8	
Steel wool pads	II-C	1	
Steering box pads	II-A	29	
Steering post bushings.	II-A	29	
Steering wheels	IV	B	
Stems, valve	IV	B	See valve stems.
Stencils, sand blast	III	-------	See sand blasting.
Step plates	IV	B	
Stick-on soles and taps.	III	-------	
Stipplers	III	-------	
Stirring rods	III	-------	
Stirrup pump hose	III	-------	
Stock, fountain pen	III	-------	See fountain pen stock.
Stools, lineman's	II-A	20	
Stoppers, basin	III	-------	See basin stoppers.
Stoppers, bath tub	III	-------	See bath tub.
Stoppers, drain	III	-------	See sink sprays.
Stoppers, sink	IV	B	See sink.
Stopples, medical, etc.	II-A	39	
Storage battery parts.	II-A	14	
	II-C	10	
Stove top pads	IV	B	
Strapping, loom harness.	III	-------	See loom harness.
Straps, battery carrier.	III	-------	See battery carrier.
Straps, lug	III	-------	See lug straps.
Straps, toggle	III	-------	See toggle straps.
Streetcar springs	III	-------	
Streetcar wheel rings.	II-A	64	
Street sweeper belts.	III	-------	
Strip packings	II-A	17	
Strippers, oil well	II-A	18	
Stripping, bumper	IV	A	See bumper.
Stripping stock	II-A	31	
	II-C	30	
Stuffing box, oil well.	II-A	18	
Suction cups, printers'.	II-A	28	
Suction hose	II-A	8	
Suctions, denture	II-A	39	
Suits, life-saving	II-A	58	
Supports, arch	III	-------	See arch supports.
Supports, hood	IV	B	See hood.
Supports, instep	III	-------	See instep supports.
Supports, surgical	II-C	26	
Surgeons' gloves	II-A	50	
	II-B	10	
Surgical appliances	II-C	1	
Surgical bandage and supports.	II-C	26	
Surgical bulbs	II-A	41	
Surgical equipment.	IV	B	See molded wheels.
Surgical instrument parts.	II-A	39	
Surgical tape	II-A	40	
Surgical tubes and tubing.	II-A	39	
	II-B	1	
Swab rubbers, oil well.	II-A	18	
Swimming pool hose.	III	-------	
Switchboard mats	IV	B	See mats.
Syringe tubing	II-A	45	
Syringes, combination.	II-A	41	
Table tops	III	-------	
	IV	B	
Tabs, zipper	IV	B	See zipper tabs.
Tacks, bumper	III	-------	See bumper tacks.
	IV	B	See bumper tacks
Tail-pipe supports	II-C	4	
Tailwheels, airplane.	IV	B	See molded wheels
Tank balls	II-A	36	
Tank fenders and flaps.	IV	B	
Tank floats	III	-------	
Tank pads and linings.	IV	A	See sponge.
Tanks, lined	II-A	10	
Tanks, hard rubber.	III	-------	See hard rubber.
Tanks, X-ray	III	-------	See hard rubber.
Tape, friction	II-C	13	
	IV	A	See friction.
Tape, horticultural binding.	III	-------	See horticultural.
Tape, pressure sensitive.	II-C	22	
Tape, surgical	II-A	40	
Tapes (shoes)	II-C	16	
Taps, conductive	II-A	56	
Taps (shoes)	II-C	15	
Taps, stick-on	III	-------	See stick-on soles and taps.
Telephone bases	III	-------	
	IV	B	
Telephone cord protectors.	III	-------	
Telephone protectors.	III	-------	
Tennis balls	II-C	3	
Tent fabrics	IV	B	
Terminal blocks	II-A	15	
Testing rubbers, oil well.	II-A	18	
Test tube holders	III	-------	
Textile machinery parts.	III	-------	See lug straps, etc.
Thermometer cases	III	-------	
Thermoplastic coatings.	III	-------	
Thermos bottle parts.	III	-------	
Thermostat covers	IV	B	
Thread	III	-------	See rubber thread.
	IV	B	See rubber thread.
Tile and tiling	IV	B	
Tile flooring	III	-------	See flooring, etc.
Tire airbags	II-A	30	
Tire blowout shoes	III	-------	See blowout shoes.
Tire, cord dip	II-B	18	
Tire flaps	II-A	30	
Tire reliners	III	-------	
Tire repair materials.	II-A	33	
	II-C	29	
	III	-------	
Tire tubes	II-A	30	
Tire valve stems	IV	B	See valve stems.
Tire valves	II-A	30	
Tires, bicycle	II-C	33	
Tires, lawnmower	III	-------	
	IV	B	See wheelbarrow.
Tires, pneumatic, solid & cushion.	II-A	30	
Tires, tractor and implement.	IV	B	See tractor.
Tires, vacuum cleaner.	III	-------	See vacuum cleaner.
Tires, wheelbarrow	III	-------	
	IV	B	
Toggle straps	III	-------	
Toilet closet gaskets.	III	-------	
	IV	A	
Toilet seat bumpers.	III	-------	
	IV	A	
Toilet seats	IV	B	
Tools, insulated	II-A	15	
Tools, painters' graining.	III	-------	See painters' graining.
Top-lifts (shoes)	II-C	15	
Tourniquets	II-A	46	
Toy stamps	II-A	26	
	II-A	27	
Tractor and implement tires.	IV	B	
Transmission belts	II-A	5	
	II-B	14	
Transmission mountings.	II-A	29	
Trays, corrosive materials.	II-A	9	
Trays, explosive materials.	II-A	9	
Trays, foot bath	III	-------	See foot bath trays.
	IV	B	See foot bath trays.
Trays, hard rubber	III	-------	See hard rubber photographic trays.
Trays, ice cube	III	-------	See ice cube trays.
Trays, insulation	II-A	9	
	II-B	13	
Trays, refrigerator	III	-------	See refrigerator freezing trays.
Trays, serving	IV	B	See serving trays.
Tread repair stock	II-A	33	
	II-C	29	
Treadle connections.	IV	A	See accelerator treadle connections.
Treads, stair	III	-------	See stair and step treads.
	IV	B	See stair and step treads.
Tree lighting devices.	III	-------	See Christmas tree.
Trolley wire guard	III	-------	
Truck tires	II-A	30	
Truss pads	II-A	42	
	II-C	25	

Product	Schedule	Group	Remarks
Trusses	II-C	26	
Tube repair materials.	II-A	33	
	II-C	29	
	III	-------	See tire and tube repair materials.
Tubes and tubing, medical, etc.	II-A	39	
	II-B	1	
Tubes, bicycle	II-C	33	
Tubes, photographers'.	III	-------	See photographers' bulbs.
Tubes, tire	II-A	30	
Tubing, beer	III	-------	See beer tubing.
Tubing, braided	II-C	18	
Tubing cable covering.	II-C	18	
Tubing, fire extinguisher.	II-C	18	
Tubing, gasoline	III	-------	See gasoline tubing.
Tubing, hard rubber.	II-A	15	
Tubing, milking machine.	II-A	24	
Tubing, mine	II-B	15	
	II-A	20	
Tubing, pump	II-C	18	
Tubing, shaft covering.	II-C	18	
Tubing, syringe	II-A	45	
Tubing, windlace	III	-------	See windlace & windlace tubing.
Tubing, windshield wiper.	II-C	18	
Typewriter erasers	IV	A	See erasers.
Typewriter keys	III	-------	
	IV	B	
Typewriter silencers.	III	-------	
Umbilical belts	II-C	26	
Upholstery	III	-------	See cushions.
Upholstery, artificial.	IV	B	See artificial.
Urinals	II-A	39	
	II-B	1	
V-belt shock absorbers.	III	-------	
V-belts	II-A	7	
	II-B	14	
	II-C	6	
Vaccine caps	II-A	39	
Vacuum brake hose	II-A	29	
Vacuum brake parts.	II-A	29	
Vacuum breaker gaskets.	II-C	27	
Vacuum cleaner belts.	II-A	61	
Vacuum cleaner bumpers	III	-------	
Vacuum cleaner tires.	III	-------	
Vacuum cleaner tubing.	II-C	18	
Valve stems	IV	B	
Valves	II-A	9	
Valves, back flow	II-C	27	
Valves, bicycle tire	II-C	33	
Valves, insulation	II-B	13	
Valves, oil well	II-A	18	
Valves, tire	II-A	30	
Ventilating tubing, mine.	II-A	20	
	II-B	15	
Veterinary bulbs	II-A	41	
Veterinary instrument parts.	II-A	39	
Veterinary sleeves	II-B	2	
Veterinary tubes and tubing.	II-A	39	
	II-B	1	
Vibration dampers	II-A	29	
	II-A	65	
Wainscoting	III	-------	See flooring.
	IV	B	
Washers, ball cock	II-A	36	
Washers, basin	III	-------	See basin washers.
Washers, bibb	II-A	36	
Washers, flush valve	II-C	27	
Washers, float valve	II-C	27	
Washers, hose	II-A	20	
Washers, overflow	II-C	27	
Washers, siphon	II-C	27	
Washers, slip joint	III	-------	See slip joint washers.
Washers, spud	II-C	27	
Washers, waste	II-C	27	
Washing machine drain hose.	III	-------	
Washing machine parts.	II-C	20	
Water bags, canvas	IV	B	See canvas.
Water bottles	II-A	41	
Water, hose	II-C	18	
	IV	A	
Weatherstrip	III	-------	
	IV	A	
Webbing, elastic	II-C	26	
Welding hose	II-A	8	
Welting, fender	IV	B	See fender.
Wet plate negative solution.	II-A	28	
Wheelbarrow tires	III	-------	
	IV	B	
Wheels, molded	III	-------	See molded wheels.
	IV	B	See molded wheels.
Wheels, steering	IV	B	See steering.
Whiskey hose	III	-------	
Windlace, tubing	III	-------	
Window squeegees	IV	B	
Windshield wiper blades.	II-A	29	
Windshield wiper gaskets.	II-A	29	
Windshield wiper tubing.	II-C	18	
Windshield wipers.	IV	B	See window squeegees.
Wipers, plate	IV	B	See plate wipers.
Wire guard, trolley	III	-------	See trolley wire.
Wire, insulating compounds.	II-A	1	
Workshoes	II-A	34	
Wrestling mat covers.	IV	B	
Wringers, photo	III	-------	See photowringers.
X-ray aprons	II-A	39	
X-ray cooling hose	II-A	39	
X-ray sheets	II-A	39	
X-ray tanks	III	-------	See hard rubber.
X-ray trays	III	-------	See hard rubber.
Yarning material	III	-------	
Zipper tabs	IV	B	

[F. R. Doc. 42-12652; Filed, November 30, 1942; 11:41 a. m.]

Part 1024—Pigs' and Hogs' Bristles

[General Preference Order M-51, as Amended Nov. 30, 1942]

The uncertainty of future shipments of pigs' and hogs' bristles from abroad and national defense requirements for products of which imported pigs' and hogs' bristles are an essential component, have created a shortage of such bristles for defense, private account, and for export, and it is necessary and appropriate in the public interest and to promote the national defense to allocate such bristles in the manner and to the extent hereinafter in this order provided;

Now, therefore, it is hereby ordered, That:

§ 1024.1 *General Preference Order M-51*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to the provisions of priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Bristles" shall mean pigs' or hogs' bristles of the lengths of two inches and longer, whether new or reclaimed and whether imported or not, but not including unturned riflings imported as such.

(2) "Dealer" shall mean any person engaged in the business of purchasing and reselling bristles without changing the condition thereof.

(3) "Dresser" or "reclaimer" shall mean any person grading, sorting, dressing or reclaiming bristles and reselling to a dealer or to other dressers or reclaimers.

(c) *Restrictions on deliveries to defense orders.* No person shall sell, deliver, or transfer title to any person other than the Defense Supplies Corporation, and no person, other than the Defense Supplies Corporation, shall buy, take title to, or accept delivery of bristles except upon defense orders, unless specifically authorized by the Director General for Operations: *Provided, however,* That nothing contained in this paragraph shall prevent purchases or sales, deliveries or acceptance of deliveries, or transfers of title to fill orders in accordance with the provisions of paragraphs (d) (3) (i), (d) (3) (ii) or (d) (3) (iv).

(d) *Restrictions on use of bristles.* (1) No person shall hereafter boil, steam, sterilize, cut, trim, or mix any bristles, or otherwise commence the manufacture of any product of which bristles are a component part except upon defense orders, unless specifically authorized by the Director General for Operations.

(2) No person shall hereafter open any cases containing bristles or remove any bristles from cases, opened, broken or otherwise, except upon defense orders, unless specifically authorized by the Director General for Operations, or unless necessary to preserve such bristles from deterioration. Any action taken to prevent bristles from deterioration shall be reported at once to the War Production Board, together with a complete description of the bristles so saved from deterioration, and the location thereof after such action, together with a statement of the reasons why such action was necessary. Such bristles shall not thereafter be sold, delivered or title thereto transferred unless specifically authorized by the Director General for Operations.

(3) Notwithstanding the foregoing, nothing in this order shall prevent:

(i) Dressers or reclaimers from removing bristles from cases, performing their operations thereon, and reselling, delivering or transferring title to them upon orders placed by dealers for inventory.

(ii) Dealers from placing orders for delivery of, buying, taking title to, or accepting delivery of bristles for inventory.

(iii) The opening of cases for inspection as to quality and condition, verification of sizes and weights, and removal of the bristles of less than two inches in length.

(iv) The opening of cases, removal of bristles, deliveries and transfers of title, upon orders for shoe bristles.

(v) The manufacture, subject to the limitations of paragraph (e), of the minimum commercially practicable amounts of finished products when the manufacture of additional amounts of such products is required in order to fill defense orders: *Provided, however,* Any excess so manufactured shall be sold only on defense orders.

(vi) The manufacture, from November 30, 1942 through February 28, 1943, of shaving brushes containing bristles none of which are longer than 2⅞ inches and which were in the inventory of the manufacturer on September 7, 1942.

(vii) The manufacture, from November 30, 1942 through February 28, 1943, of tooth brushes containing bristles none of which are longer than 3⅛ inches before cutting, and which on September 7, 1942 were bleached and in the inventory of the manufacturer.

(4) Notwithstanding the foregoing, nothing in this order shall prevent any manufacturer of products containing bristles from placing purchase orders for or accepting delivery of such amounts of bristles as may be necessary to enable him to manufacture for inventory subject to the limitation in paragraph (e), an amount of his finished products not in excess of the amount of his finished products delivered by him upon defense orders in the calendar month preceding the date on which the purchase order is placed: *Provided,* That his inventory is not in excess of a practicable minimum working inventory at the time the order is placed and that to the best of his knowledge and belief, it will not become so at the time the bristles are scheduled to be delivered: *And provided further,* That delivery may not be accepted at any time when acceptance would bring his inventory above a practicable minimum working inventory. Such finished products shall be only of the kind and type suitable for delivery upon defense orders. No person shall make delivery of bristles unless each such order shall have endorsed thereon a certificate from such manufacturer, signed by an individual authorized to sign for such manufacturer, and in substantially the following form:

> The undersigned manufacturer hereby certifies to his vendor and to the War Production Board, subject to the provisions of section 35 (A) of the Criminal Code (18 U. S. C. 80) that the bristles to be delivered on this purchase order are required by the undersigned to enable the undersigned to manufacture, for inventory, an amount of the undersigned's finished products not in excess of the amount of the undersigned's finished products delivered upon defense orders in the calendar month preceding the date on which this purchase order is placed; that the undersigned's inventory is not in excess of a practicable minimum working inventory, and, to the best of his knowledge and belief, it will not become so at the time the bristles are scheduled to be delivered; and that delivery will not be accepted at any time when acceptance would bring the inventory of the undersigned above a practicable minimum working inventory.
>
> ....
> (Company)
> By ....
> (Signature of authorized individual)
> ....
> (Title)
> Date..................
>
> The undersigned hereby certifies to the above vendor and to the War Production Board, subject to the provisions of section (35) A of the United States Criminal Code, that the above certificate was signed by the undersigned on behalf of and by authority of the said manufacturer.
>
> ....
> (Individual)
> Date..................

(e) *Conservation of bristles.* No person shall use in the manufacture of any product a bristle mixture containing less than 45% of material other than pigs' or hogs' riflings or bristles of any length whatever: *Provided, however,* That this restriction shall not apply to:

(1) The manufacture of any product purchased by or for the account of the United States Army or Navy, the United States Maritime Commission or the War Shipping Administration where a contracting or inspecting officer of the department or agency concerned shall, after reviewing the applicable Emergency Alternate Federal Specification, certify in a signed certificate, furnished to the manufacturer or to the seller for transmission to the manufacturer, that a bristle mixture of a content different from that provided in this paragraph is necessary for military or naval uses.

(2) The manufacture, from November 30, 1942 through February 28, 1943, of shaving brushes containing bristles none of which are longer that 2⅞ inches and which were in the inventory of the manufacturer on September 7, 1942.

(3) The manufacture, from November 30, 1942 through February 28, 1943, of tooth brushes containing bristles none of which are longer than 3⅛ inches before cutting, and which on September 7, 1942 were bleached and in the inventory of the manufacturer.

(4) The manufacture of any product containing bristles none of which are longer than 2⅛ inches.

(f) *Restrictions on importation and disposition of bristles.* In addition to all other requirements of this order, the importation and disposition of bristles shall be made in conformity with the provisions of General Imports Order M-63, as amended from time to time.

(g) *Reports and communications.* (1) Each owner of bristles shall file with the Bureau of the Census, Department of Commerce, acting as compiling agent for the War Production Board, not later than the tenth day of the following month, a monthly report on form PD-217 showing his holdings and consumption of bristles.

(2) Each person participating in any transaction involving bristles shall execute and file such reports and questionnaires as may be requested by the War Production Board from time to time.

(3) All reports required to be filed under, and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Textile, Clothing and Leather Division, Washington, D. C. Ref.: M-51.

(h) *Records and inspection.* (1) Each person participating in any transaction involving bristles shall keep and preserve for a period of not less than two years accurate and complete records of his inventories, production, sales and transactions in bristles.

(2) All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *Appeals.* Any person affected by the order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(j) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12653; Filed, November 30, 1942; 11:41 a. m.]

Part 1176—Iron and Steel Conservation

[Conservation Order M-126 as Amended Nov. 30, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1176.1 *General Conservation Order M-126*—(a) *Definitions.* For the purpose of this order:

(1) "Governing date", with respect to any item on List A or List S, or part thereof, means the date set forth opposite such item.

(2) "Army - Navy - Maritime order" means an order for material to be purchased (or physically incorporated into material to be purchased) by or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration, where with respect to any item on List A, or part thereof, the use of iron or steel, or with respect to any item on List S, or part thereof, the use of stainless steel, is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission, or the War Ship-

ping Administration, applicable to the contract, subcontract or purchase order.

(3) The terms "iron" and "steel" shall not be deemed to include screws, nails, rivets, bolts, or wire, strapping or small hardware for joining or other similar essential purposes.

(4) The term "stainless steel" means corrosion or heat resistant alloy iron or alloy steel containing 10 per cent or more of chromium with or without nickel and/or other alloying elements.

(5) "Process" means cut, draw, machine, stamp, melt, cast, forge, roll, turn, spin or otherwise shape.

(6) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(7) The term "assemble" shall not be deemed to include the putting together of an article after delivery to a sales outlet or consumer in knockdown form pursuant to an established custom. The term "assemble" shall also not be deemed to include adding finished parts to an otherwise finished article when the placing of one or more finished parts or the size or type of one or more finished parts is determined by the use to which the ultimate consumer is to put the article.

(b) *Restrictions with respect to List A products.* Except as provided in paragraph (d):

(1) *Raw material deliveries.* From and after the applicable governing date of any item on List A, no person shall deliver or accept delivery of any iron or steel which he knows or has reason to know will be used to make such item, or any part thereof.

(2) *Fabrication*—(i) *Limitation.* During the 30 days next following the applicable governing date of any item on List A, no person shall put into process any iron or steel to make such item, or any part thereof, in an aggregate weight greater than 75 per cent of the average monthly weight of all metals put into process by him during 1941 in the making of such item and parts, and no person shall put into process any iron or steel in the making of any such item or part unless processing thereof will be completed within such 30 day period.

(ii) *Prohibition.* From and after the date 30 days after the applicable governing date of any item on List A, no person shall process any iron or steel to make such item, or any part thereof.

(3) *Assembly.* From and after the date 60 days after the applicable governing date of any item on List A, no person shall assemble such item, or any part thereof, containing any iron or steel.

(4) *List A products without governing dates.* With respect to any item on List A without a governing date, (i) no person shall deliver or accept delivery of any iron or steel which he knows or has reason to know will be used to make such item, or any part thereof, (ii) no person shall put into process or process any iron or steel to make such item, or any part thereof, and (iii) no person shall assemble such item, or any part thereof, containing any iron or steel.

(5) *Finished item deliveries.* No person shall deliver or accept delivery of any item on List A, or part thereof, which he knows or has reason to know was fabricated, assembled or delivered in violation of any applicable provision of this order as amended from time to time.

(c) *Restrictions with respect to List S products.* Except as provided in paragraph (d):

(1) *Raw material deliveries.* From and after the applicable governing date of any item on List S, no person shall deliver or accept delivery of any stainless steel which he knows or has reason to know will be used to make such item, or any part thereof.

(2) *Fabrication*—(i) *Limitation.* During the 30 days next following the applicable governing date of any item on List S, no person shall put into process any stainless steel to make such item, or any part thereof, in an aggregate weight greater than 50% of the average monthly weight of stainless steel put into process by him during 1941 in the making of such item and parts, and no person shall put into process any stainless steel in the making of any such item or part unless processing thereof will be completed within such 30 day period.

(ii) *Prohibition.* From and after the date 30 days after the applicable governing date of any item on List S, no person shall process any stainless steel to make such item, or any part thereof.

(3) *Assembly.* From and after the date 45 days after the applicable governing date of any item on List S, no person shall assemble such item, or any part thereof, containing any stainless steel.

(4) *Finished item deliveries.* No person shall deliver or accept delivery of any item on List S or part thereof, which he knows or has reason to know was fabricated, assembled, or delivered in violation of any applicable provision of this order as amended from time to time.

(d) *Exemption for Army-Navy-Maritime orders.* (1) The provisions of paragraph (b) with respect to items on List A with governing dates shall not apply to Army-Navy-Maritime orders for such items, or any parts thereof, for a period of 60 days after the applicable governing date. From and after the expiration of the applicable exemption period, no person shall deliver, accept delivery of, put into process, process or assemble any iron or steel for the making of any item on List A, or part thereof, unless such item or part is on List C. The provisions of paragraph (b) shall not apply to Army-Navy-Maritime orders for any item on List C, or part thereof, except that stainless steel shall not be used to make such item and parts, unless permitted by paragraph (d) (3).

(2) The provisions of paragraph (c) shall not apply to Army-Navy-Maritime orders for any item on List S, or part thereof, for a period of 60 days after its governing date. Except as provided in paragraph (d) (4), from and after the expiration of the applicable exemption period, no person shall deliver, accept delivery of, put into process, process or assemble any stainless steel for the making of any item on List S, or part thereof, unless such item or part is on List C.

(3) Except as otherwise specified on List C as to any item, or part thereof, stainless steel may be used to make any item on List C, or part thereof, for Army-Navy-Maritime orders until January 5, 1943. Except as provided in paragraph (d) (4), on and after January 5, 1943, no person shall use any stainless steel to make any item on List C, or part thereof, unless, and then only to the extent that, the use of stainless steel is expressly permitted for such item.

(4) The provisions of this order prohibiting the delivery, processing or assembling of stainless steel or a type of stainless steel for the making of any item, or part thereof, for Army-Navy-Maritime orders shall not apply to any order which has been approved on form PD-391 for melting during the fourth quarter of 1942 or for delivery during such quarter; or to any order which can not be filled by the manufacturer because of his inability to secure permitted materials, except that this exemption shall be only for the minimum period of time necessary to obtain such permitted materials and in no event later than April 30, 1943.

(e) *Restrictions with respect to other products*—(1) *Roofing and siding.* No person shall manufacture any iron or steel into roofing and siding except:

(i) For delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, The War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development; or

(ii) For delivery on a preference rating of AA-5 or higher assigned by a PD-3A preference rating certificate or by a preference rating order in the P-19 series; or

(iii) For defense housing, to the extent specified in the Defense Housing Critical List; or

(iv) For the manufacture, maintenance and repair of railroad freight cars, street cars, or busses; or

(v) For deliveries on preference ratings assigned by the Board of Economic Warfare or for deliveries on Lend-Lease orders; or

(vi) For delivery to an ultimate purchaser for maintenance and repair purposes regardless of rating. With respect to this paragraph (e) (1) (vi), no person may manufacture from May 5, 1942 to December 31, 1942, more than 20 percent of the roofing and siding made by him from iron or steel during the calendar year 1940; or in the calendar year 1943 or any subsequent calendar year, more

than 25 percent of the roofing and siding made by him from iron or steel, during the calendar year 1940.

Any person manufacturing or selling any such roofing or siding may rely on the certificate of his customer that such roofing or siding will only be sold or used as permitted by this paragraph (e) (1).

(2) *Other products.* No person shall use any iron or steel to make any article not prohibited on List A, or any part thereof, where and to the extent that the use of other material (excluding material on List D) is practicable. Alloy steel shall not be used when the use of carbon steel is practicable, and no more iron or steel shall be used in connection with the manufacture of any such article than is essential. The provisions of this paragraph (e) (2) shall not apply in the case of articles or parts to be purchased by or for the account of the Army or Navy of the United States the United States Maritime Commission or the War Shipping Administration, or to be physically incorporated into products to be so purchased to the extent that the use of iron or steel is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration applicable to the contract, subcontract or purchase order.

(f) *Restrictions with respect to other scarce materials.* No person whose use of iron or steel is restricted by paragraphs (b), (d) or (e) shall use as a substitute therefor any material on List D.

(g) *Disposition of frozen and excessive inventories.* The disposition of frozen and excessive inventories containing iron or steel shall be subject to the applicable provisions of Priorities Regulation No. 13 (§ 944.34).

(h) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(2) *Appeal.* Any appeal from the provisions of this order must be made on Form PD-500 and must be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(3) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply whether the items are ordered or manufactured pursuant to a contract made prior to, on, or subsequent to May 5, 1942, or pursuant to a contract supported by a preference rating. Insofar as any other order of the Director General for Operations may have the effect of limiting or curtailing to a greater extent than herein provided the use of any material in the production of any item, the limitations of such order shall be observed.

(4) *Intra-company deliveries.* The restrictions of this order with respect to deliveries prohibit or restrict deliveries not only to other persons, including affiliates or subsidiaries, but also from one branch, division, or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(6) *Installation.* The restrictions of this order with respect to putting into process, processing, and assembling shall not apply to the installation of an item or part for the ultimate consumer on his premises when any putting into process, processing or assembling of such item or part is incidental to such installation and is done on such premises.

(7) *Repair.* The restrictions of this order (other than those contained in paragraph (e) (2)) shall not apply to a person repairing a used article on or off the premises of the owner, if the person making the repair does not use iron or steel weighing in the aggregate more than 25 pounds and if any putting into process, processing or assembling done by such person is for the purpose of making the specific repair. The limitations in this paragraph (h) (7) on repairing a used article shall not apply to any item on List A or List S, or part thereof, to the extent that maintenance and repair of such item is specifically excepted on List A or List S.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of November, 1942.

ERNEST KANZLER,
Director General for Operations.

LIST A

NOTE: Additions and deletions have been made in List A.

Item	*Governing date*
"A" Frames and booms for lighters, 25 tons capacity and under.	Nov. 5, 1942
Access panels—except as required by Underwriters Code.	None
Accessories, soda fountain [1]	July 15, 1942
Acoustical ceilings	None
Adhesive tape sleeves	July 15, 1942
Advertising novelties	None
Air-conditioning systems [1]—except for hospital operating rooms and industrial plants.	None
Ampule scorers	Nov. 5, 1942
Amusement park devices and roller coasters.[1]	None
Area walls	None
Ash sieves	None
Asparagus tongs	None
Atomizers, perfume-boudoir	None
Attic fans	None
Automobile accessories—except as required by law.	None
Automobile heaters [1]—except for passenger carriers, as defined in L-158, police cars, ambulances, trucks and fire wagons.	July 15, 1942
Awning frames and supports	None
Bag, purse, and pocketbook frames.	None
Balers, paper for household use	July 15, 1942
Ball park equipment including but not limited to:	July 15, 1942
Cages.[1]	
Fences.	
Lighting systems — except lamp bulbs.	
Metal bases.	
Protective netting.[1]	
Railings.	
Rollers.	
Score boards.	
Screens.[1]	
Seats.[1]	
Tampers.	
Banks, personal, toy, miniature.	None
Barber and beauty shop furniture.	None
Barber and beauty shop supplies, machines and equipment [1]	July 15, 1942
Barn pushers and scrapers	July 15, 1942
Barware and bar accessories	July 15, 1942
Bases on refrigerating machines below one H. P.	Nov. 5, 1942
Baskets—except for commercial cooking and manufacturing uses.	None
Baths, steam, all types	Nov. 5, 1942
Bath tubs	None
B-B shot for air rifles	None
Beach umbrellas	July 15, 1942
Beds—except hospital	None
Bed spring frames—except for hospital link fabric spring type bed.	None
Beer kegs—except hoop and fittings for wooden kegs.	None
Beer mugs	None
Beer stands	None
Beer steins	None
Bench legs—except industrial	None
Beverage bottle cases, including but not limited to beer and all soft drinks.	July 15, 1942
Bicycle racks	Nov. 5, 1942
Binding, linoleum	Nov. 5, 1942
Binoculars—except U. S. Government Agencies.	None
Bird cages and stands	None
Bird houses and feeders	None
Biscuit boxes	None
Blackboards	None
Blade stroppers, mechanical	None
Bleachers and grandstands [1]	None
Blocks, hat	July 15, 1942
Boards, sounding	Nov. 5, 1942
Boat hooks	Nov. 5, 1942
Book ends	None
Boot jacks	Nov. 5, 1942
Bottle holders-except hospital	None
Bowling alleys, bowling pins and accessories.[1]	July 15, 1942
Boxes and trays for jewelry, cutlery, combs, toilet sets.	None
Boxes, meter and covers—except industrial.	Nov. 5, 1942
Braces, extensible steel trench	Nov. 5, 1942
Bread and cake boxes, household.	July 15, 1942
Bread slicers for home use—except knives.	July 15, 1942
Bridge splash guards	None
Brushes and brush-backs—except industrial.	July 15, 1942
Buckles, for clothing—except overalls, overall suits, dungarees.	July 15, 1942

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[1] Maintenance and repair excepted.

Item	Governing date
Buckles for	July 15, 1942
Pocketbooks.	
Shoes—except for waterproof shoes.	
Building ornaments	None
Buildings, portable	Nov. 5, 1942
Burial lowering devices	Nov. 5, 1942
Butter chips	None
Butter knives	None
Buttons for clothing—except for overalls, overall suits and dungarees.	July 15, 1942
Buttons for work clothing—except 22 line fly button of plain design and 27 line button with wreath design for remainder of garment, and except open top button of not more than two pieces exclusive of the tack or fastener.	Nov. 5, 1942
Cabinets—except	None
Hospital operating and examining rooms.	
As permitted in Limitation Orders L-13-a and L-62.	
Cake cutters	None
Cake icing equipment	July 15, 1942
Cake tongs	None
Calendar and memo pad stands	July 15, 1942
Calliopes or steam organs	July 15, 1942
Candy display dishes	None
Canes	July 15, 1942
Canopies, hoods and supports	None
Cans, containers, closers and closures:	
Cans or containers for	None
Anti-freeze (under 5 gal. size).	
Artist supplies.	
Tobacco products.	
Bouillon cubes.	
Candy.	
Caviar.	
Chalk.	
Coffee.	
Gloves.	
Incense.	
Lawn seed.	
Nuts.	
Pencils.	
Phonograph needles.	
Playing cards.	
Razor blades—except metal holders which are integral parts of the mechanism for inserting blades into safety razors.	
Sponges.	
Staples.	
Tennis balls.	
Toilet water.	
Yarn.	
Cosmetics and toiletries	July 15, 1942
Closers for paper and cellophane bags—except bags for 25 lb. content or more.	Nov. 5, 1942
Closures for glass coffee containers—except that such closures may be processed until December 1, 1942 from distressed stocks of black plate lithographed on or before September 3, 1942.	None
Closures for cosmetics and toiletries.	July 15, 1942
Car washing machines	Nov. 5, 1942
Carillons	July 15, 1942
Carpet rods	None
Carriers, casket [1]	July 15, 1942
Carrousels (Merry-go-rounds) [1]	July 15, 1942
Carving set holders	None
Cases, vanity	July 15, 1942
Cash boxes	None
Cash registers [1]	None
Casket hardware	None
Casket trucks, undertaker's—except wheels.	Nov. 5, 1942
Ceilings	None
Chafing dishes	Nov. 5, 1942
Chamber pots	July 15, 1942
Cheese dishes	None
Chicken crates	None
Chicken house scrapers	July 15, 1942
Christmas tree holders	None
Christmas tree ornaments	None
Cigar and cigarette holders and cases.	None
Cigar clippers	None
Cigarette lighters	None.
Cigarette package holders	Nov. 5, 1942
Cigarette making machines, hand.	Nov. 5, 1942
Circus and carnival apparatus, equipment [1] and devices, including but not limited to:	July 15, 1942
Animal cages.[1]	
Animal stands.	
Tent standers.	
Trailers.[1]	
Trapeze bars.	
Clamps, hair, including barrettes, decorative clips and fasteners, but not including common bob and hair pins and clamps for hair curling or waving.	Nov. 5, 1942
Clips for attaching baggage tags.	Nov. 5, 1942
Clock cases—except on recording and controlling industrial instruments.	None
Clothes lines	Nov. 5, 1942
Clothes line pulleys	None
Clothes line reels	None
Clothes racks and dryers	None
Clothes trees	None
Clothing trim and dress ornaments.	July 15, 1942
Coal chute and door, household.	None
Coal pans	None
Coasters and trivets for glass and hot containers.	July 15, 1942
Cocktail glasses	None
Cocktail sets	None
Cocktail shakers	None
Coin changers—except for public transportation.	July 15, 1942
Combs, hair—except curry combs.	July 15, 1942
Compacts	None
Concrete and cement hardeners.	Nov. 5, 1942
Cooking stoves, commercial electric.[1]	None
Copy holders	None
Corn poppers and machines	None
Counter tops and edgings	None
Covers for automotive leaf-type springs.	Nov. 5, 1942
Covers, manhole—except reinforcing and banding.	Nov. 5, 1942
Covers, meter frame—except industrial.	Nov. 5, 1942
Crochet hooks	July 15, 1942
Croquet sets	None
Crumb trays	None
Crutches	Nov. 5, 1942
Culverts, including conduits, corrugated pipe, and corrugated plates for pipe and arches for culverts—except:	None
Reinforcing for concrete.	
Nestable culverts for use outside continental limits of U. S.	
Culverts, reinforced concrete—except:	Nov. 5, 1942
Interior installations.	
Outside continental limits of U. S.	
Under access roads.	
Under airport runways.	
Under railroad rights of way.	
Cups of all kinds, drinking	None
Curb guards	None
Curler, hair, non-electric	None
Curling irons	Nov. 5, 1942
Curtain stretchers	July 15, 1942
Darners, sock	Nov. 5, 1942
Decorative iron products	None
Desk equipment, including but not limited to:	July 15, 1942
Desk sets.	
Desk pads.	
Fountain pen and pencil stands.	
Letter openers.	
Name plates.	
Paper weights.	
Diaper cans, containers, or receptacles.	Nov. 5, 1942
Dictaphone racks	None
Dinner bells	None
Dishwashing machines [1]—except hospitals.	None
Dishwashing racks, household	July 15, 1942
Dispensers, hand, for	None
Hand lotions	
Paper products	
Soap	
Straws	
Display forms	July 15, 1942
Document stands	None
Door chimes	None
Door closers [1]—except for hospitals, public toilet doors, exterior doors on public buildings, and where required to meet fire regulations.	None
Door handles—except shipboard use.	None
Door knockers	None
Door mats	July 15, 1942
Door stops	None
Drain boards and tub covers, household.	None
Drawer pulls	None
Dress forms	None
Dummy police	None
Dust collecting systems and equipment [1]—except on AA-5 or higher.	None
Dust covers and enclosures [1]—except industrial.	July 15, 1942
Easels, all types	July 15, 1942
Edging, furniture and linoleum	Nov. 5, 1942
Ediphone racks	None
Egg slicers	None
Electric drinking water coolers—except for use in war plants.	None
Embalming tables [1]	July 15, 1942
Enameled tile sheets and squares.	Nov. 5, 1942
Enamel store fronts	None
Erasing knives	None
Erasing shields	Nov. 5, 1942
Escalators [1]	None
Exercise and reducing machines.[1]	July 15, 1942
Exhibition and fair apparatus and equipment,[1] including but not limited to:	July 15, 1942
Lighting equipment.	
Racks.	
Stands.	
Fan stands, all types	Nov. 5, 1942
Feed troughs	None
Fences, chain link—except on A-2 or higher.	None
Fences, chain link—A-2 or higher.	July 15, 1942
Fence posts—except on A-2 or higher.	None
Fence posts—A-2 or higher	Nov. 5, 1942
Fences, ornamental	None
Ferneries, metal	Nov. 5, 1942
Finger bowls	None
Fireplace equipment, including but not limited to grates, clean out doors and ash dumps—except dampers.	None
Fireplace dampers	Sept. 3, 1942
Fireplace screens	None

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[1] Maintenance and repair excepted.

Item	Governing date
First aid kits	Nov. 5, 1942
Fish aquariums	None
Flag holders	Nov. 5, 1942
Flagpoles	None
Flashlight tubes	None
Flatware—except cooking and eating utensils.	July 15, 1942
Floats for pageants, parades, advertising, etc.—except trucks.	July 15, 1942
Floor and ceiling plates for piping.	None
Floor and counter covering trim.	None
Floor polishing machines	None
Floor scrapers—except power-driven.	July 15, 1942
Floral tools and floral hoes	July-15, 1942
Florist supplies	Nov. 5, 1942
Flour, salt and pepper shakers	None
Flower boxes, pot holders and vases.	None
Flower shears	None
Fly traps	Nov. 5, 1942
Food vending machines, including automats.	None
Foot baths—except hospitals	None
Foot scrapers	Nov. 5, 1942
Forms and accessories for residential and commercial concrete construction.	None
Fountain pens—except functional parts.	None
Fountains, ornamental	Nov. 5, 1942
Frames, catch basin and grater, all types.	July 15, 1942
Frames, clothes drying	July 15, 1942
Frames for artists' canvas, darning and needlework.	Nov. 5, 1942
Frames, steel blocking	July 15, 1942
Fruit juice extractors, household.[1]	None
Furniture [1]—except:	None
Wood furniture.	
As permitted in Limitation Orders L-13-a and L-62.	
Hospital operating and examining rooms.	
Hospital, beds and cots.	
Game and gambling devices	July 15, 1942
Garage hoists, car lifts, and racks.	None
Garbage grinders, household [1]	July 15, 1942
Garden trowels	July 15, 1942
Garment hangers	July 15, 1942
Gas toasters, household	July 15, 1942
Gates for fences	Nov. 5, 1942
Gates, railroad crossing, except mechanism.	Nov. 5, 1942
Glassware holders and trim—except on cooking utensils.	July 15, 1942
Golf bag supports	None
Grass shears	None
Grass whips	July 15, 1942
Grave markers	Nov. 5, 1942
Grilles	None
Ornamental.	
Sewers—except on AA-5 or higher and reinforcing for concrete sewers.	
Grills, outdoor	July 15, 1942
Guards for guy wires	Nov. 5, 1942
Gutters, spouting, conductor pipe, and fittings for single family dwellings.[1]	None
Gutters, spouting, conductor pipe and fittings for dwellings two stories or less in height (2 family or more).[1]	Nov. 5, 1942
H-Bar units	Nov. 5, 1942
Hair combs, except curry combs	July 15, 1942
Hair dryers	None
Hand seals for documents	July 15, 1942
Hand weeders	July 15, 1942
Handles, broom and mop	July 15, 1942
Hangers and track for garage doors for private use.	None
Hanger rings on brushes, brooms, etc.	None
Harness and saddlery fittings [1]—except for draft, work and ranch animals.	July 15, 1942
Hat frames	None
Hat-making machinery [1]	None
Heat resisting pads for household use.	Nov. 5, 1942
Hedge shears	None
Helmets—except on AA-5 or higher.	None
Highway railroad flasher lights [1]—except lamp bulbs.	July 15, 1942
Highway guard rail, wire, strip and posts [1]	July 15, 1942
Highway guard rail reflectors [1]	July 15, 1942
Hitching posts	July 15, 1942
Holders, wire, all types	Nov. 5, 1942
Hoops, galvanized wire, for flower garden trim.	July 15, 1942
Hose reels—except:	None
Fire fighting equipment.	
Industrial uses in direct fire hazard areas.	
Hospital, medical, dental and related equipment.[1]	July 15, 1942
Anesthesia tables—except for use in operating rooms.	
Arm immersion stands.	
Back rests.	
Bassinets—except for frame and basket and isolation cabinet type.	
Bath cabinets—except hospital use.	
Bed feeding and reading trays.	
Bed trays.	
Bedside panel screens.	
Blanket warming cabinets.	
Book trucks—except wheel tires.	
Bowl stands—except for use in operating rooms.	
Cabinets for diathermy, sinusoidal and galvanic apparatus.	
Chairs, other than examining or specialist chairs or dental chairs.	
Chart holders—except necessary hardware.	
Chiropractic adjustment tables.	
Clothes hampers.	
Commodes—except receptacle.	
Couch tables.	
Dental cabinets.	
Dish trucks—except wheel tires.	
Dressing stands.	
Dressing carriages—except frame and necessary hardware.	
Examining tables, non-adjustable.	
Ice trucks—except wheel tires.	
Instrument cabinets—except for use in operating rooms.	
Instrument tables—except for use in operating rooms.	
Laundry trucks—except wheel tires.	
Linen hampers—except for frames.	
Linen trucks—except wheel tires.	
Needle cabinets—except for use in operating rooms.	
Nurses' work tables.	
Orthopedic and fracture carts—except wheel tires and frames.	
Overbed and swing overbed tables.	
Hospital, medical, dental and related equipment [1]—Cont.	July 15, 1942
Record and chart desks and racks.	
Shelf trucks—except wheel tires and frame (not food).	
Stands and racks for colonic irrigation apparatus.	
Sterilizer stands—except frame and top.	
Stools—except for use in operating rooms and except mechanism for adjustable stools.	
Stretchers, wheel type—except wheel tires and frames.	
Supply and treatment cabinets—except for operating rooms.	
Tables, examining, adjustable—except frame and operating mechanism.	
Thermometer baskets.	
Utensil racks.	
Vasoscillator—oscillating beds.	
Wall shelf stands—except for use in operating rooms.	
Wheel chairs—except essential hardware.	
Hospital, medical, dental and related equipment.[1]	Nov. 5, 1942
Chiropody chairs.	
Nose and throat chairs, hydraulic.	
Optical chairs, hydraulic.	
Osteopathic tables.	
House numerals	None
Houses	Nov. 5, 1942
Tool.	
Hog.	
Poultry—except wire netting.	
Humidification devices—except industrial and hospital use.	Nov. 5, 1942
Humidors	July 15, 1942
Ice box exteriors—except portable blood banks.	None
Ice cream freezers, household	None
Ice cream molds	Nov. 5, 1942
Ice cube trays	None
Incinerators—except industrial, commercial and as specified in Defense Housing Critical List.	None
Ink well holders	None
Inlets, gutter, all types	Nov. 5, 1942
Inlets, sewer, all types	Nov. 5, 1942
Insulation, metal reflecting type.	None
Ironing boards and stands	July 15, 1942
Jam boxes	None
Jelly molds	None
Jewelry	None
Jewelry cases	None
Jugs, picnic, all types	Nov. 5, 1942
Kaleidoscopes	July 15, 1942
Key chains, cases and rings	July 15, 1942
Keys for opening cans	July 15, 1942
Knitting needles	None
Ladders, step	Nov. 5, 1942
Lanterns, magic	July 15, 1942
Lard or vegetable oil tubs—except 5 lbs. and over, and straps for wood containers.	None
Laundry chutes	None
Laundry trays—except reinforcing mesh.	None
Lavatories—except hangers	None
Lawn and landscaping equipment, all types.	Nov. 5, 1942
Lawn brooms	July 15, 1942
Lawn edgers	July 15, 1942
Lawn rakes	July 15, 1942
Lawn rollers [1]	July 15, 1942
Lawn tampers	July 15, 1942
Lawn seeders [1]	July 15, 1942
Lawn sprinklers	None
Letter chutes	None

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[1] Maintenance and repair excepted.

Item	*Governing date*
Letter openers	None
Letter trays	None
Lighting poles and standards[1]	None
Lipstick holders	None
Lobster forks	None
Lobster tongs	None
Lockers—except	None
Oil refinery use.	
As permitted by Limitation Order L–13–a.	
Logs, artificial, for gas and electric fireplace.	July 15, 1942
Luggage, except locks[1]	July 15, 1942
Lunch boxes	Nov. 5, 1942
Mail boxes—except as required by U. S. postal regulations.	None
Mailing tubes or cases—except for transportation of bacteria, cultures, serums, plasma, and biological specimens.	None
Marine hardware for pleasure boats.	None
Marquees	None
Match boxes	None
Material for housing, not otherwise specified in this order—except to the extent specified in the Defense Housing Critical List.	None
Measuring pumps and dispensers[1] for gasoline station, garage and household use, including but not limited to:	None
Air pumps.	
Grease guns.	
Grease pumps.	
Gasoline dispensing pumps.	
Kerosene pumps.	
Oil pumps — except barrel pumps and lubesters.	
Meat molds	Nov. 5, 1942
Mechanical book binding	None
Memorial tablets	July 15, 1942
Menu holders	None
Metal cloths, except for industrial processing.	Nov. 5, 1942
Metal dust covers and enclosures—except industrial.	July 15, 1942
Milk bottle cases—except that a total of 4½ lbs. of iron and steel per case (including joining and essential hardware) may be used.	None
Millinery wire and gimps	None
Mirrors, hand	None
Monograms and initials	July 15, 1942
Mop wringers	None
Motion picture cameras[1]	Nov. 5, 1942
Motion picture projectors[1]	Nov. 5, 1942
Motion picture screen stands[1]	Nov. 5, 1942
Mud scrapers	Nov. 5, 1942
Music stands	None
Napkin rings	None
Necktie racks	None
Newspaper boxes or holders	None
Novelties and souvenirs of all kinds—except that the assembling of artificial leaves, fruits, flowers, and of feather ornaments shall be permitted when any iron or steel wire to be used was drawn on or before June 19, 1942 or was sold to the manufacturer of the artificial leaves, fruit, flowers or feather ornaments as scrap.	None
Oil well pumping units[1]—except:	Nov. 5, 1942
Brackets.	
Cranks.	
Equalizers.	
Pitmans.	
Reduction gears and case.	
Saddle bearings.	
Steel pin connections.	
Washers.	
Ornamental hardware and moldings.	None
Outdoor fireplace parts	None
Outing spades	July 15, 1942
Packing twine holders	None
Pads, inking and stamping	July 15, 1942
Pail clasps	None
Paint spray outfits—except industrial.	None
Paper rollers, household	None
Parasols, shafts and handles	July 15, 1942
Park and recreational benches	None
Parking meters	None
Partitions	Sept. 3, 1942
Partition studs	Nov. 5, 1942
Pegs, tent	Nov. 5, 1942
Pen holders	None
Pencil holders	Nov. 5, 1942
Pencils, mechanical or automatic.	None
Permanent wave machines	None
Pet beds	None
Pet cages	None
Pet dishes	None
Pet equipment (except license tags) including but not limited to:	July 15, 1942
Carriers.	
Chains.	
Collars.	
Feeders.	
Houses.	
Leashes.	
Muzzles.	
Phonograph motors, hand wound	None
Phonograph record blanks	None
Photographic accessories	None
Photographic equipment[1]— except microfilm.	Nov. 5, 1942
Physical reducing machines	None
Picnic and outing boxes and accessories.	July 15, 1942
Picture and mirror hardware	None
Pie plates—except commercial or institutional.	None
Pipe cases	None
Pipe cleaner knives	None
Pipe posts	Nov. 5, 1942
Pitchers—except for hospital use.	July 15, 1942
Plant and flower supports	None
Plates, light switch—except for cast conduit bodies.	Nov. 5, 1942
Playground equipment	Sept. 3, 1942
Play pens, boxes and enclosures, children's.	July 15, 1942
Pleasure boats	None
Pleasure boat equipment and accessories.	Nov. 5, 1942
Plumbing and heating equipment.[1]	Nov. 5, 1942
Gas conversion burners.	
Gas fired boiler-burner units.	
Gas fired furnace - burner units.	
Oil fired boiler-burner units.	
Oil fired furnace-burner units.	
Registers, cold air.	
Registers and grilles.	
Steel heating boilers of 129 sq. ft. or less of heating surface.	
Pneumatic tube delivery systems[1]—except industrial.	None
Pocketbook ornaments	July 15, 1942
Polishing-wax applicators	None
Polishing-wax sprayers	None
Portable bath tubs	None
Poultry incubator cabinets	None
Pulp, paper, paper products and converter machinery and equipment[1]—except:	Nov. 5, 1942
Automatic paper packaging machines.	
Paper bag machinery.	
Paper corrugating machinery.	
Paper cup machinery.	
Paper cutting machinery.	
Paper parafining machinery.	
Paper pasting machinery.	
Paper slitting machinery.	
Pulp, paper, paper products and converter machinery and equipment[1]—except:	Nov. 5, 1942
Paper tube machinery.	
Slitters and winders.	
Waxing machines.	
Push carts	None
Push plates and kick plates, door.	None
Race track apparatus and equipment,[1] including but not limited to:	July 15, 1942
Mutuel ticket machines.	
Pari-mutuel boards.	
Race finish photographic equipment.	
Starting gates.	
Racks, display	Nov. 5, 1942
Racquets	None
Radiator enclosures	None
Radio antenna poles[1] —except on ratings of AA–5 or higher.	None
Railings, barriers and fences—except for livestock and poultry enclosures and essential industrial use.	July 15, 1942
Railings, barriers, and fences for industrial use.	Nov. 5, 1942
Railroad rail joint angle bars over 24" in length[1]—except for replacement on used rails.	July 15, 1942
Reading stands	July 15, 1942
Reels, cable and rope	Nov. 5, 1942
Reflectors, street and highway	Nov. 5, 1942
Refrigerator boxes, walk-in	Nov. 5, 1942
Refrigerator containers and trays, household.	None
Regalia	July 15, 1942
Registers, hand tally	Nov. 5, 1942
Rodeo equipment, including but not limited to:	July 15, 1942
Animal trappings.	
Fences.	
Gates[1].	
Rolling boardwalk chairs[1]	July 15, 1942
Rolling pins	July 15, 1942
Rotary door bells	None
Rug scrubbing and shampooing machines.	Nov. 5, 1942
Safety zone posts, rails, cables and platforms.	Nov. 5, 1942
Salesmen's display cases and sales kits.	None
Salt and pepper holders	None
Sample boxes	None
Sand boats	Nov. 5, 1942
Sash weights for windows	Nov. 5, 1942
Scaffolding	None
Scales, coin operated	July 15, 1942
Scenery and stage hardware equipment,[1] for dramatic theatrical and operatic use, except lamp bulbs, including but not limited to:	July 15, 1942
Battens.	
Cables.	
Lights.	
Reflectors.	
Stage drops.	
Score boards	July 15, 1942
Screen frames — except industrial processing.	None
Scrubbing boards	None
Semaphores, traffic signal—except railroad.	Nov. 5, 1942
Service food trays	None
Sewer pipe, exterior installations[1]—except for vents and within 5 feet of buildings.	None
Shades, window and roller type—except roller mechanism.	Nov. 5, 1942
Sheet iron or hoop iron packings for cookies and sweet goods.	None
Shirt and stocking dryers	None
Shoe cleaning kits	None
Shoe ornaments	July 15, 1942
Show window lighting and display equipment.	None

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[1] Maintenance and repair excepted.

Item	*Governing date*
Shower recepters — except frames.	None
Shower stalls—except frames	None
Shutters, window,[1] except where required in industrial use by Underwriters.	July 15, 1942
Sidewalk scrapers	July 15, 1942
Sign hanger frames	None
Sign posts	None
Signets	None
Silos[1]—except strapping and reinforcing.	None
Sink aprons and legs	None
Sink drainboards, both integral and removable.	None
Siphon chargers	July 15, 1942
Sitz baths	None
Skates, roller and ice	None
Skating rink apparatus and equipment.[1]	July 15, 1942
Skewers, all types	Nov. 5, 1942
Ski racks	None
Slides, loops and slide-loops for work clothing—except:	Nov. 5, 1942
One size not exceeding 1⅞" for men's work clothing.	
One size not exceeding 1¾" for boys' work clothing.	
Sleds—except runners	July 15, 1942
Sleighs—except runners	July 15, 1942
Slide fasteners	None
Smokers' accessories	July 15, 1942
Snow shovels and pushers, hand	None
Sod lifters	July 15, 1942
Spading forks, children's	July 15, 1942
Special industrial machinery	Nov. 5, 1942
Cement making machinery.[1]	
Ceramic making machinery[1]—except refractory making machinery.	
Collapsible tube filling machines.[1]	
Cosmetic machinery.	
Coupon inserting machines.	
Cut and monumental stone machinery.	
Fertilizer machinery.[1]	
Lamp manufacturing machinery,[1] including incandescent, fluorescent, and electric discharge type.	
Milk can machinery.[1]	
Paint processing and manufacturing machinery.[1]	
Soap making machinery.[1]	
Steel drum machinery[1]—except for export purposes.	
Tobacco machinery.[1]	
Wire-bound box making machinery.	
Spittoons	None
Spools for cord, ribbon, tape	Nov. 5, 1942
Spools for wire—except traverse	Nov. 5, 1942
Sporting and athletic goods—except:	None
Fully fabricated skates, cleats, and similar items may be attached to athletic shoes without restriction.	
Fishing tackle as permitted by Limitation Order L–92.	
Spray containers, household	None
Sprinkling cans, garden	July 15, 1942
Stadiums[1]	None
Stair and threshold treads[1], household, institutional and commercial buildings—except for fire escape and essential industrial use.	July 15, 1942
Stamped bakery equipment—except pie plates for commercial or institutional use.	None
Stands, all types—except:	Nov. 5, 1942
Essential industrial use.	
Hospital use where not otherwise specifically prohibited in this order.	
Staple removers	Nov. 5, 1942
Starter shingle strips	None.
Statues	None
Steel wool for household use made from other than waste.	None
Stencils	Nov. 5, 1942
Store display equipment and show cases.	None
Stretchers, carpet	Nov. 5, 1942
Stretchers, glove, sock and sweater.	July 15, 1942
Structural steel home construction.	None
Subway turnstiles[1]	None
Sugar cube dryer trays	None
Sugar holders	None
Sun dials	July 15, 1942
Sun lamps and infra-red lamps—except:	July 15, 1942
For professional and hospital use.	
Where lamps and reflectors are used for drying and baking.	
Swimming pool equipment[1], including but not limited to:	July 15, 1942
Diving boards.	
Diving stands.	
Ladders.	
Slides.	
Swivel chairs	None
Table name-card holders	None
Table tops for household use	None
Tablets	None
Tags, key; name; price; identification—except:	None
Personnel identification tags or badges where metal tags or badges are required for protection of government agencies.	
Personnel identification tags or badges containing not more than ¾ ounce of iron and steel where metal tags or badges are required for protection of industrial plants.	
Metal tags required for identification of livestock and poultry and products made therefrom.	
Pin attached or wire attached tickets for price marking soft goods.	
Metal tags for marking and identification of metal in its production and export shipment.	
Tanks (strapping excluded)	None
Dipping—for animals.	
Watering—for animals.	
Feeding—for animals.	
Storage, beer.	
Storage, water[1]—except:	
In tropical climates.	
Heights in excess of 100 feet.	
Range boilers and hot water storage.	
Pneumatic pressure tanks 82 gallon size and 31 gallon or smaller size.	
Tank towers under 50 feet in height.	Nov. 5, 1942
Teapots	None
Telephone bell boxes—except bases and where required for safety.	None
Telephone booths	None
Telescopes—except U. S. Government Agencies.	None
Tent frames and supports	Nov. 5, 1942
Termite shields	Nov. 5, 1942
Terrazzo spacers and decorative strips—except hospital operating rooms.	None
Textile machinery[1]	Nov. 5, 1942
Bobbinet machines.	
Crocheting machines including scalloping machines and shell-stitching machines.	
Embroidery machines.	
Hosiery clocking machines.	
Lace machines.	
Looms:	
Axminster.	
Box	
Dobby	
Hooked.	
Jacquard.	
Wilton.	
All other machines for the manufacture of drapery and upholstery fabrics whether flat or pile weave.	
Linoleum or felt-base wall or floor covering machines.	
Thermometer bases, household	None
Thermometer cases and mountings, except industrial.	Nov. 5, 1942
Thermos jugs and bottles over 1 qt.	None
Thimbles, sewing	Nov. 5, 1942
Tickers, stock	July 15, 1942
Ticket vending machines—except for public transportation.	July 15, 1942
Tile, steel-back	None
Tongs, food handling and household use.	None
Tool boxes—except industrial	None
Tool cases—except industrial	None
Tool handles—except power driven.	None
Traffic lane markers	Nov. 5, 1942
Trailer bodies[1]—except:	July 15, 1942
Tank and dump bodies.	
Essential hardware, structural and bracing members for bodies, essentially of wood construction.	
Transplanting trowels	July 15, 1942
Trophies	July 15, 1942
Truck bodies[1]—except:	July 15, 1942
Tank and dump bodies.	
Essential hardware, structural and bracing members for bodies, essentially of wood construction.	
Trunks[1]—except locks	July 15, 1942
Turf edgers	July 15, 1942
Typewriter mechanism for pedestal and drop-head desks.	Nov. 5, 1942
Umbrellas, garden	July 15, 1942
Umbrella shafts and handles	July 15, 1942
Urinals	None
Vanity cases	July 15, 1942
Vending machines for sanitary napkins.	Nov. 5, 1942
Ventilators, shutter type	Nov. 5, 1942
Vibrators, electric	Nov. 5, 1942
Voting machines	None
Wagon bodies and frames[1]—except for construction.	None
Wardrobe trunks	None
Waste paper receptacles	July 15, 1942
Watch straps	July 15, 1942
Water color paint boxes	None
Water softeners, household	Nov. 5, 1942
Water stills, household	Nov. 5, 1942
Water troughs[1]	July 15, 1942
Weather stripping	None
Weather vanes	July 15, 1942
Weed cutters and pullers, including dandelion, thistle and dock.	July 15, 1942
Wheelbarrows—except wheels, and except for use in foundries, smelters, and coke-producing plants to handle hot materials.	None
Whiskey service sets	None
Window display advertising	None
Window shade rollers—except roller mechanism.	Nov. 5, 1942

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[1] Maintenance and repair excepted.

Item	Governing date
Window stools	None
Window ventilators—except industrial and hospitals.	None
Wine coolers	None
Wine service sets	None
Wire parcel handles and holders.	None
Wire racks and baskets—except:	None
Animal cages for biological work.	
Industrial.	
Scientific laboratory equipment.	
Work benches—except:	None
Shipboard.	
Industrial, where required for safety.	

LIST S—STAINLESS STEEL

Item	Governing date
Aircraft fire walls	Nov. 5, 1942
Aircraft seats	Nov. 5, 1942
Aircraft toilets	Nov. 5, 1942
Ammunition boxes and chutes	Nov. 5, 1942
Badges	Nov. 5, 1942
Barrel hoops and fittings	Nov. 5, 1942
Baskets, except for heat-treating, pickling and plating.	Nov. 5, 1942
Bed pans	Nov. 5, 1942
Bins, screens and strainers	Nov. 5, 1942
Blueprint machines	Nov. 5, 1942
Bobbin heads	Nov. 5, 1942
Boiler casings	Nov. 5, 1942
Bottle coolers	Nov. 5, 1942
Branding, marking and labeling devices.	Nov. 5, 1942
Brewing, distilling and processing equipment for alcoholic and non-alcoholic beverages including bottling equipment.	Nov. 5, 1942
Buckets and pails	Nov. 5, 1942
Builders' supplies and hardware.	Nov. 5, 1942
Cable terminals, fittings, and turnbuckles.	Nov. 5, 1942
Cafeteria and restaurant equipment.[1]	July 15, 1942
Chains and cables—except for heat-treating, pickling and plating.	Nov. 5, 1942
Cheese vats	Nov. 5, 1942
Clocks, clock-dials and cases	Nov. 5, 1942
Coffee pots	Nov. 5, 1942
Control levers	Nov. 5, 1942
Convectors, local and unit heaters—except heat controls.	Nov. 5, 1942
Conveyors and conveyor chutes—except where subject to high temperature and corrosive action.	Nov. 5, 1942
Cups of all kinds—except industrial.	Nov. 5, 1942
Cutlery	Nov. 5, 1942
Dishes, saucers and plates	Nov. 5, 1942
Dyeing equipment[1]	Nov. 5, 1942
Elevators, including doors and trim.	Nov. 5, 1942
Fans—except industrial	Nov. 5, 1942
Farm machinery and replacement parts.	Nov. 5, 1942
Fire-fighting apparatus—except pump shafts and where working parts are in contact with corrosive chemicals.	Nov. 5, 1942
Fishing tackle and equipment	Nov. 5, 1942
Floor plates and floor coverings	Nov. 5, 1942
Fountains	Nov. 5, 1942
Furniture hardware	Nov. 5, 1942
Galley and mess equipment[1]	July 15, 1942
Galley, kitchen, cafeteria and restaurant panelling.	Nov. 5, 1942
Hangers, all types	Nov. 5, 1942
Hose clamps	Nov. 5, 1942
Hot water heaters, tanks and coils.	Nov. 5, 1942
Hydrants	Nov. 5, 1942
Ice boxes	Nov. 5, 1942
Ice cream cabinets	July 15, 1942
Identification tags and badges	Nov. 5, 1942
Instrument dials and cases	Nov. 5, 1942
Kitchenware	July 15, 1942
Ladders and hoists, including fittings.	Nov. 5, 1942
Lanterns and lamps — except valves, controls and mantle-holders.	Nov. 5, 1942
Lavatory equipment	Nov. 5, 1942
Light fixtures	Nov. 5, 1942
Livestock and poultry equipment.	Nov. 5, 1942
Locks	Nov. 5, 1942
Match and pattern plates, Matrices and flasks.	Nov. 5, 1942
Meat cutters	Nov. 5, 1942
Mechanical drawing and drafting equipment.	Nov. 5, 1942
Milk storage tanks, milk receiving tanks and milk weigh tanks — except that where permitted materials cannot be secured, the provisions of paragraph (d) (4) shall be deemed to apply.	Nov. 5, 1942
Mortician's supplies and equipment.	Nov. 5, 1942
Name plates	Nov. 5, 1942
Oil burners—except functional parts.	Nov. 5, 1942
Oil space heaters	Nov. 5, 1942
Pipe tube, tubing and fittings—except industrial.	Nov. 5, 1942
Pole-line hardware	Nov. 5, 1942
Powder boxes	Nov. 5, 1942
Pumps, fresh water—except industrial.	Nov. 5, 1942
Radio antenna	Nov. 5, 1942
Refrigerators and Refrigeration equipment—except essential machinery parts.	July 15, 1942
Rubber moulds	Nov. 5, 1942
Shelves	Nov. 5, 1942
Staples	Nov. 5, 1942
Stokers — except functional parts.	Nov. 5, 1942
Storage racks, cabinets or lockers.	Nov. 5, 1942
Stoves and ranges, disc stoves and hot plates—except electrical controls and units	Nov. 5, 1942
Toilet floats, cistern and low water-floats.	Nov. 5, 1942
Tubs, washing	Nov. 5, 1942
Valve handles	Nov. 5, 1942
Ventilators	Nov. 5, 1942
Window screens and frames	Nov. 5, 1942

LIST C

NOTE: List C was amended Nov. 30, 1942.

Access panels—for use on board ship, on military vehicles and where climatic or safety conditions make necessary.
Accessories—soda fountain—for use on board ship.
Acoustical ceilings—for use on board ship.
Air conditioning systems—for hospital operating rooms and industrial plants (excluding offices), for use on board ship, for use outside continental limits of the U. S., for use in fortifications, for handling and storage of explosives, for storage and handling of instruments critical to temperature or humidity, for use in gas proofing installations, and for use in mobile surgical vehicles and laboratory vehicles.
Ammunition boxes and chutes of stainless steel.
Attic fans—where climatic conditions make necessary.
Automobile accessories.
Automobile heaters—where specified for military vehicles.
Awning frames and supports—for use on board ship, military repair units, hospital installations, and military construction units.
Barber shop supplies.
Baskets—for cooking and manufacturing uses and for ordnance operations.
Bath tubs—for use on board ship and in hospitals.
B-B shot—for training and shot blast cleaning purposes.
Beds—for use on board ship; beds containing not more than 5 pounds of iron or steel, excluding springs.
Bed spring frames—for use on board ship and for maintenance and repair.
Bench legs.
Binoculars.
Bird cages—for carrier pigeons.
Bird feeders—for carrier pigeons.
Biscuit boxes—for use on board ship or where climatic conditions make necessary.
Bleachers and grandstands—but only straps and necessary fasteners for demountable wooden bleachers and grandstands.
Boiler casings of stainless steel—for use on board ship.
Bottle holders—for use on board ship and in hospitals.
Brushes, wire bristles only.
Buttons.
Cabinets—for mobile units such as maintenance company equipment (truck mounted), spare parts trucks and mobile reproduction units, and for electrical installations, hospital operating and examining rooms, and as permitted by L–13–a and L–62.
Cable terminals, fittings and turnbuckles of stainless steel.
Canopies, hoods and supports—for use on board ship, military repair units, hospital installations, and military construction units.
Cans or containers for anti-freeze, candy, coffee, nuts—where climatic conditions make necessary.
Cash boxes.
Casket handles.
Ceilings—for use on board ship, but only where necessary.
Chains and cables of stainless steel.
Cigarette lighters—for use outside continental limits of U. S., for sale by Post Exchanges at ports of embarkation, and for sale by ships Service Stores on board ship.
Clock cases.
Clothing trim.
Control levers of stainless steel.
Cooking stoves—commercial electric.
Counter tops and edgings—for use on board ship.
Culverts—for airports, for use outside continental limits of the U. S., and where certified to the manufacturer or supplier as necessary by the Army or Navy Engineer in charge.
Cups of all kinds, drinking.
Dishwashing machines.
Door closers—for fire prevention, for use on board ship, and where climatic or safety conditions make necessary.
Door handles—for fire prevention, for use on board ship, for military vehicles, and where climatic or safety conditions make necessary.
Dust collecting systems and equipment.
Dust covers and enclosures—when specified for military vehicles.
Electric drinking water coolers—for use on board ship, in hospitals and in tropical climates.
Erasing knives.
Fences, chain link, weighing not more than 2 pounds per lineal foot and not more than .33 pounds per square foot.
Flag staffs and flag masts—for use on board ship, and on military vehicles.
Flashlight tubes.
Floor and ceiling plates for piping, for use on board ship, for military vehicles, and where climatic or safety conditions make necessary.

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[1] Maintenance and repair excepted.

Floor polishing machines—maintenance and repair only.
Furniture—for use on board ship.
Galley and mess equipment of stainless steel, as follows:
  Clad stainless steel for steam tables and warming pans.
  Single clad stainless steel on inside of steam jacketed kettles.
  Single clad stainless steel for stock pots.
  Clad stainless steel bottoms and solid stainless steel sides for pressure cookers.
  Non-nickel bearing stainless steel clad doors and other parts coming in direct contact with food in cold storage spaces on board ship.
  Non-nickel bearing stainless steel for coffee urns.
  Stainless steel single clad sinks and dresser tops for use on board ship.
  Stainless steel for canteens.
  Non-nickel bearing stainless steel liners for portable water coolers.
  Non-nickel bearing stainless steel for tanks and hoods of dishwashing machines.
  Metal sponges from non-nickel bearing stainless steel wire.
  Compartment mess trays, but only from existing finished stocks of stainless steel.
Games.
Garage hoists and car lifts.
Grilles—sewer.
Hand seals for documents.
Harness and saddlery fittings.
Hat frames, wire and gimps.
Hat-making machinery, but only—
  Blocking machines with complete sets of blocks.
  Sets or dies for cutting parts.
Helmets.
Hose reels.
Hospital equipment—
  Arm immersion stands.
  Bed trays.
  Bedside panel screen frames—for use in operating rooms, and outside continental limits of U. S.
  Bowl stands—for use in operating rooms and on board ship.
  Cabinets—X-ray film filing.
  Cabinets for diathermy, sinusoidal and galvanic apparatus.
  Chart holders.
  Commodes—for hospital use outside continental limits of U. S.
  Dish trucks—frames and wheel tires only.
  Dressing stand frames.
  Examining tables, non-adjustable—for use on board ship and in Field Hospitals.
  Instrument cabinets.
  Instrument tables.
  Nurses' work tables.
  Overbed and swing overbed tables—functional parts only.
  Stands and racks for colonic irrigation apparatus.
  Sterilizer stands.
  Supply and treatment cabinets.
  Utensil racks.
Hot water heaters, tanks and coils of stainless steel—where specified for aircraft and military vehicles.
Ice box exteriors—for use on board ship, mobile type refrigerators, and for use where climatic conditions make necessary.
Ice cube trays.
Identification tags and badges of stainless steel—for personnel.
Incinerators.
Keys for opening cans.
Laundry trays—for use on board ship.
Lavatories—for use on board ship and outside continental limits of U. S.
Lockers—for office equipment as limited by Limitation Order L–13–a, for use on board ship, military vehicles, outside continental limits of U. S. and in ordnance plants.
Mail boxes—for use on board ship.
Measuring pumps and dispensers for gasoline stations and garages, including but not limited to—
  Gasoline dispensing pumps.
  Grease guns.
  Grease pumps.
  Oil pumps.
  Kerosene pumps.
  Air pumps.
Mirrors, hand—for signal use.
Pads, inking and stamping.
Paint spray outfits.
Partitions—for use in hospitals and on board ship.
Pencils, mechanical or automatic, functional parts only—except for resale.
Phonograph motors, hand wound.
Phonograph record blanks.
Photographic accessories.
Pie plates.
Pitchers.
Pneumatic tube delivery systems.
Portable bathtubs.
Powder boxes of stainless steel.
Push carts—for ordnance and combat organizations.
Radio antenna of stainless steel.
Radio antennae poles.
Railings—for use on board ship.
Scaffolding—for use in shipyards, airfields and other places where use of wood scaffolding is impracticable.
Screen frames.
Sewer pipe, exterior installations—for pressure lines only.
Shirt and stocking dryers of cast iron only.
Shower receptors—for use on board ship.
Shower stalls—for use on board ship.
Sink aprons and legs—for use on board ship.
Sink drainboards, both integral and removable—for use on board ship and where required for sterilization.
Siphon chargers for life jacket inflation.
Slide fasteners.
Snow shovels and pushers, hand.
Sporting and athletic goods.
Stamped bakery equipment.
Swivel chairs—for use on board ship.
Tags—
  For marking ammunition.
  Identification (name).
Tanks, storage, water, but only for use on board ship, mobile units, range boilers and hot water storage, use outside continental limits of U. S., heights in excess of 100 feet, pneumatic pressure tanks.
Telephone bell boxes—for use on board ship or where climatic or safety conditions make necessary.
Telescopes.
Thermos jugs and bottles.
Tile, steel back—for ladder treads, step plates and use on board ship.
Tool boxes.
Tool cases—for mobile equipment.
Tool handles, where specified.
Truck and trailer units and bodies, where specifically designed for military purposes.
Urinals—for use on board ship, and outside continental limits of U. S.
Waste paper receptacles—for hospital use only.
Water troughs, frame and support only.
Wheelbarrows.
Wire racks and baskets.
Work benches where wooden benches will not stand up under ordinary use.

LIST D—OTHER SCARCE MATERIALS

Metals—all, except lead.
Rubber.

[F. R. Doc. 42–12654; Filed, November 30, 1942; 11:42 a. m.]

PART 1223—STANDARDIZATION AND SIMPLIFICATION OF PAPER

[Schedule VI to Limitation Order L–120 as Amended Nov. 30, 1942]

ROLL TOILET TISSUE

§ 1223.7 *Schedule VI to Limitation Order L–120*—(a) *Definitions.* For the purpose of this schedule, including the Appendix:

"Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(b) *Standard ream count.* On and after the effective date of this schedule basis weights for roll toilet tissue shall be calculated by reference to a standard ream of 500 sheets 24'' x 36'', with a tolerance of 5% over or under the specified weight, instead of by reference to the ream of 480 sheets 24'' x 36'' heretofore used.

(c) *Limitations.* On and after December 7, 1942, no person shall manufacture any roll toilet tissue in any basis weight heavier than indicated in (i) under the Appendix, or in rolls containing any sheet count other than the counts specified in (iii) under the Appendix, or pack less rolls per case than indicated as the minimum for the rolls of each permitted sheet count in (iv) under the Appendix, or package, wind or prepare for loading any roll toilet tissue contrary to the provisions of (v), (vi) and (vii) under the Appendix.

This schedule shall take effect on December 7, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of November, 1942.

ERNEST KANZLER,
Director General for Operations.

APPENDIX[1] TO SCHEDULE VI

ROLL TOILET TISSUE

(i) *Standard basis weights* (in pounds per 500 sheets 24'' x 36'') no heavier than 14 lb.

(ii) *Size.* No restriction as to size of sheet.

(iii) *Count:*

400 sheet oval (notch or plain).
650 sheet roll.
1000 sheet roll.
1500 sheet roll.
2000 sheet roll.
2500 sheet roll.
3000 sheet roll.

(a) All labelled rolls are to show count and size on label.

(b) All unlabelled rolls (industrial) to show count and size on shipping cartons.

(iv) *Packing:*

400 sheet oval 100 rolls per case minimum,
650 sheet roll 96 rolls per case minimum,
1000 sheet roll 96 rolls per case minimum,
1500 sheet roll 50 rolls per case minimum,
2000 sheet roll 50 rolls per case minimum,
2500 sheet roll 50 rolls per case minimum,
3000 sheet roll 50 rolls per case minimum:

except that rolls packed for delivery to or for the account of the United States Army or

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[1] Item (iv) was amended Nov. 30, 1942.

Navy or other United States Government agencies specified in the definition of "Defense Order" appearing in Section 944.1 (b) of Priorities Regulation No. 1, as amended, may be packed in such numbers per case as such agency may require.

(v) *Packaging:*

(a) Eliminate any carton packing within shipping container.

(b) Eliminate individual wrappings in multi-roll unit put-ups within shipping container.

(vi) *Winding.* All rolls to be wound as tightly as possible, and maximum diameter on 650 and 1000 sheet rolls to be 4¾''.

(vii) *Maximum loading:*

(a) All toilet rolls, both retail and industrial type, shall be completely collapsed after being converted to save shipping space and container board.

(b) All roll toilet shipping cases shall be reduced in size to conform to the new collapsed roll size, and redesigned to make most effective the provisions of the maximum loading order No. 18 of the Office of Defense Transportation.

[F. R. Doc. 42-12651; Filed, November 30, 1942; 11:41 a. m.]

PART 3096—PAPER AND PAPERBOARD

[General Conservation Order M-241, as Amended Nov. 30, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export of various materials and facilities required in the manufacture and distribution of paper and paperboard; and the following order is deemed necessary in the public interest and to promote national defense:

§ 3096.1 *General Conservation Order M-241*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons whether incorporated or not.

(2) "Produce" includes all operations connected with the production of paper and paperboard, including operations in the finishing room and packaging, but does not include processes or operations applied to paper and paperboard, after the primary papermaking, such as printing, waxing, gumming, coating, bag manufacture, cup manufacture, and envelope manufacture, box and container manufacture, and the fabrication of paper into paper articles.

(3) "Mill" means a congregation of pulp preparation and roll and sheet finishing equipment, paper machines and subsidiary facilities located and operated together as a single producing unit for the production of paper and paperboard.

(c) *Restrictions on production of paper and paperboard.* (1) No person or persons shall produce paper or paperboard in any mill which has not produced paper or paperboard since August 1, 1942.

(2) Except as provided in paragraphs (c) (4), (5) and (6), no person or persons shall during the calendar month commencing November 1, 1942, or any calendar month thereafter, produce in any mill any greater quantity in tons of paper and/or paperboard than 100% of the average monthly quantity in tons of paper and/or paperboard produced in such mill during the six months from April 1, 1942, to September 30, 1942, inclusive, with the exception, however, that in addition any person may produce at any mill during any month not to exceed 15% of the quantity of paper and/or paperboard hereby permitted to be produced at such mill for the next month and/or not to exceed 15% of the quantity of paper and/or paperboard hereby permitted to be produced at such mill during the previous month, provided that in no event does the aggregate production at any mill during the months of November and December 1942, exceed twice the average monthly production at such mill during the six month period from April 1, 1942, to September 30, 1942, and provided further that in no event does the production at any mill during any calendar quarter after January 1, 1943, exceed three times the average monthly production during such six month period.

(3) The quantity in tons of paper and paperboard shall be measured in tonnage delivered from the paper machine, and the method and basis for determining such tonnage shall be that method and basis followed at such mill in the past, or any other practicable method and basis, provided that the same method and basis are used in determining production in future calendar months as are used in determining average production during the six months reference period from April 1, 1942 to September 30, 1942, inclusive.

(4) There shall not be included in such calculation, either for past or current production, papers and paperboard of the kinds included within the following designations on United States Department of Commerce (Census) Form WPB-514, as revised August 10, 1942:

Building papers (Code 14000, 14100, 14200, 14300, 14900)
Building boards (Code 58000, 58100, 58200, 58300, 58900)
Vulcanizing fibre stock (Code 13500)
Resin impregnating stock (Code 13600)
Sanitary napkin and hospital wadding stock (Code 11100)

(5) If one person owns only one mill, and such mill is equipped with only one machine unit for the manufacture of paper and/or paperboard, such person may, notwithstanding the provisions of paragraph (c) (2), produce at such mill during any calendar week any quantity of paper and/or paperboard required to occupy such machine 120 hours during such week.

(6) If any person owns more than one mill, and believes that the purposes of this order will be furthered by combining for production among all or several of his mills jointly the quantities of paper and/or paperboard which are permitted by this order for each separately, he may submit to the Director General for Operations, in writing, a plan for such combination, stating the quantity and kinds of paper and/or paperboard produced at each mill involved during the six month period from April 1, 1942 to September 30, 1942, inclusive, the quantity and kinds of paper expected to be produced at each such mill during each month under such plan, how long he proposes to operate under such plan, his reasons for desiring to adopt such plan, and the respects wherein he conceives that such plan will further the purposes of this order. The Director General for Operations may thereupon approve, modify, or disapprove such plan, or may impose upon the execution of any such plan such conditions as he may deem appropriate to this order. Upon receipt from the Director General for Operations of approval in writing of such a plan the proponent may, notwithstanding the provisions of paragraph (c) (2), produce at the mills designated in such plan the quantities and kinds of paper and/or paperboard provided for in such plan, subject to any modifications or conditions imposed by the Director General for Operations in his approval. No person shall undertake or attempt to carry into effect any such plan unless and until he receives such approval.

(d) *Restrictions on inventory.* No person shall knowingly make delivery of any type of paper or paperboard, and no person shall accept delivery of any type of paper or paperboard, if the inventory of such type of paper or paperboard in the hands of the person accepting delivery is, or will by virtue of such acceptance become, in excess of ninety days supply, on the basis of his current method and rate of operation. This restriction applies equally to paper and paperboard of foreign and domestic origin. It shall not, however, prevent acceptance by any person of delivery of one carload or less of any type of paper or paperboard if the inventory of such type of paper or paperboard of the person accepting such delivery is not and will not by virtue of such acceptance become in excess of two carloads.

(e) *Miscellaneous provisions* — (1) *Records.* All persons affected by this

order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(2) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(3) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(5) *Appeals.* Any person affected by the order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(6) *Communications.* All communications concerning this order shall unless otherwise directed, be addressed to, War Production Board, Pulp and Paper Branch, Washington, D. C. Ref.: M-241.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12655; Filed, November 30, 1942; 11:42 a. m.]

Chapter XI—Office of Price Administration

PART 1338—SILK AND SILK PRODUCTS

[MPR 274]

WOMEN'S SILK HOSIERY

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 274 has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250, Maximum Price Regulation No. 274 is hereby issued.

Sec.
1338.101 Transactions in silk hosiery which are prohibited by this regulation.
1338.102 Maximum prices for silk hosiery.
1338.103 Maximum prices for silk hosiery not specifically priced in § 1338.102.
1338.104 Less than maximum prices may be charged.
1338.105 Information which must be furnished to ultimate consumers.
1338.106 Information which must be furnished to purchasers other than ultimate consumers.
1338.107 Relation between Maximum Price Regulation No. 274 and the General Maximum Price Regulation.
1338.108 Relation of this regulation to other Maximum Price Regulations.
1338.109 Evasion.
1338.110 Enforcement.
1338.111 Definitions.
1338.112 How this regulation may be amended.
Sec.
1338.113 Geographical applicability of this regulation.
1338.114 Effective date.

AUTHORITY: §§ 1338.101 to 1338.114, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1338.101 *Transactions in silk hosiery which are prohibited by this regulation.* On and after December 3, 1942, regardless of any contract or other obligation, no person shall:

(a) Sell or deliver any silk hosiery at a price higher than the maximum price established by this regulation; or

(b) Sell or deliver any silk hosiery for which a maximum price is not provided in § 1338.102 unless he receives from the Office of Price Administration, Washington, D. C., a specific maximum price therefor, as provided by § 1338.103; or

(c) Require a purchaser to buy or agree to buy any other hosiery or other article, service, package or wrapper in connection with a sale or delivery of silk hosiery; or

(d) Buy or receive silk hosiery in the course of trade or business at a price higher than the maximum price established by this regulation; or

(e) Do any other act which directly or indirectly increases the consideration paid for silk hosiery above the maximum price; or

(f) Offer, attempt or agree to do any of the acts prohibited by this regulation.

§ 1338.102 *Maximum prices for silk hosiery*—(a) *Sales at retail.* The maximum prices for which silk hosiery may be sold, delivered, or offered for sale at retail are the prices per pair set forth below in Table No. 1:

TABLE NO. 1

Construction	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
A. Circular knit hosiery:				
1. 280 needles and lower, all types	$0.69	$0.60	$0.50	$0.35
2. 300 needles and higher, all types	.79	.70	.60	.40
B. Full-fashioned hosiery:				
1. 39 gauge, 6 thread or heavier	1.15	1.05	.85	.55
2. 42 to 48 gauge, inclusive, 6 thread or heavier	1.35	1.20	1.00	.65
3. 42 gauge and lower, less than 6 threads:				
(a) Silk leg	1.00	.90	.75	.50
(b) All silk	1.15	1.05	.85	.55
4. 45 and 48 gauge, less than 6 thread:				
(a) Silk leg	1.25	1.10	.95	.60
(b) All silk	1.35	1.20	1.00	.65
5. 51 and 54 gauge, all threads:				
(a) Silk leg	1.50	1.35	1.10	.75
(b) All silk	1.65	1.50	1.25	.80
6. 57 gauge and higher, all threads	1.65	1.50	1.25	.80
7. Lace, mesh, non-run, and "cut and sewn" lace hosiery, all types	1.65	1.50	1.25	.80
8. Silk combination hosiery, all types	1.00	.90	.75	.50
9. Out-sizes	([1])	([1])	([1])	([1])

[1] Maximum prices for "out-sizes" shall be the prices stated above with the addition thereto of 15¢ per pair.

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*Copies may be obtained from the Office of Price Administration.

(b) *Sales at wholesale.* The maximum prices for which silk hosiery may be sold, delivered, or offered for sale at wholesale are the prices per dozen, f. o. b. point of shipment, set forth below in Table No. 2:

TABLE NO. 2

Construction	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
A. Circular knit hosiery:				
1. 280 needles and lower, all types	$5.50	$4.95	$4.10	$2.75
2. 300 needles and higher, all types	6.60	5.95	4.95	3.30
B. Full-fashioned hosiery:				
1. 39-gauge, 6-thread or heavier	9.05	8.15	6.80	4.50
2. 42- to 48-gauge, inclusive, 6-thread or heavier	10.70	9.65	8.00	5.35
3. 42-gauge and lower, less than 6 thread:				
(a) Silk leg	8.25	7.40	6.20	4.10
(b) All silk	9.35	8.40	7.00	4.65
4. 45 and 48 gauge, less than 6 thread:				
(a) Silk leg	9.90	8.90	7.40	4.95
(b) All silk	11.00	9.90	8.25	5.50
5. 51 and 54 gauge, all threads:				
(a) Silk leg	11.55	10.40	8.65	5.75
(b) All silk	12.90	11.60	9.65	6.45
6. 57 gauge and higher, all threads	13.75	12.35	10.30	6.85
7. Lace, mesh, non-run, and "cut and sewn" lace hosiery, all types	13.20	11.90	9.90	6.60
8. Silk combination hosiery, all types	8.25	7.40	6.20	4.10
9. Out-sizes	(1)	(1)	(1)	(1)

(1) Maximum prices for "out-sizes" shall be the prices stated above with the addition thereto of $1.10 per dozen.

(c) *Sales by manufacturers.* The maximum prices for which silk hosiery may be sold, delivered, or offered for sale by manufacturers thereof, other than at retail are the prices per dozen, f. o. b., point of shipment, set forth below in Table No. 3:

TABLE NO. 3

Construction	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
A. Circular knit hosiery:				
1. 280 needles and lower, all types	$5.00	$4.50	$3.75	$2.50
2. 300 needles and higher, all types	6.00	5.40	4.50	3.00
B. Full fashioned hosiery:				
1. 30 gauge, 6 thread or heavier	8.25	7.40	6.20	4.10
2. 42 to 48 gauge, inclusive, 6 thread or heavier	9.75	8.75	7.30	4.85
3. 42 gauge and lower, less than 6 thread:				
(a) Silk leg	7.50	6.75	5.60	3.75
(b) All silk	8.50	7.65	6.35	4.25
4. 45 and 48 gauge, less than 6 thread:				
(a) Silk leg	9.00	8.10	6.75	4.50
(b) All silk	10.00	9.00	7.50	5.00
5. 51 and 54 gauge, all threads:				
(a) Silk leg	10.50	9.45	7.85	5.25
(b) All silk	11.75	10.55	8.80	5.85
6. 57 gauge and higher, all threads	12.50	11.25	9.35	6.25
7. Lace, mesh, non-run, and "cut and sewn" lace hosiery, all types	12.00	10.80	9.00	6.00
8. Silk combination hosiery, all types	7.50	6.75	5.60	3.75
9. Out-sizes	(1)	(1)	(1)	(1)

(1) Maximum prices for "out-sizes" shall be the prices stated above with the addition thereto of $1.00 per dozen.

(d) *Explanation of above tables*—(1) *Gauges.* (i) "Gauges" are based upon use of the full 14-inch needle bar within a tolerance of four needles, in accordance with accepted trade practice.

(ii) "42 gauge and lower" include all gauges which are lower than 45 gauge.

(iii) "45 and 48 gauge" include 45 gauge and gauges which are higher than 45 gauges but lower than 51 gauge.

(iv) "51 and 54 gauge" include 51 gauge and gauges which are higher than 51 gauge but lower than 57 gauge.

(2) "All silk" and "silk leg." (i) "All silk" means hosiery knitted entirely of silk yarn, except for foot reenforcement.

(ii) "Silk leg" means hosiery in which the leg is knitted entirely of silk whereas some other portion of the stocking is made of other material.

(3) "Silk combination" hosiery is hosiery made of yarn consisting of one or more ends of continuous filament silk combined and twisted with cotton or rayon.

(4) "Out-sizes" are extra-wide sizes of silk hosiery manufactured in accordance with accepted trade practice for such extra widths and boarded on out-size forms.

§ 1338.103 *Maximum prices for silk hosiery not specifically priced in § 1338.102.* A seller who seeks a specific maximum price for any type of silk hosiery for which a maximum price is not provided in § 1338.102 shall file with the Office of Price Administration in Washington, D. C., an application setting forth (a) a description in detail of the silk hosiery for which a maximum price is sought; (b) a statement of the facts which differentiate such silk hosiery from the silk hosiery for which maximum prices are established under § 1338.102 of this regulation; and (c) such other information as may be required by the Office of Price Administration. No person shall sell, deliver, or offer to sell, such hosiery unless he receives specific authorization from the Office of Price Administration.

§ 1338.104 *Less than maximum prices may be charged.* Lower prices than the maximum prices established by this Maximum Price Regulation No. 274 may be charged, demanded, paid or offered.

§ 1338.105 *Information which must be furnished to ultimate consumers*—(a) *By posting.* On and after December 3, 1942, every person who sells or offers for sale silk hosiery at retail shall post in a conspicuous place and in a manner plainly visible to the purchasing public in each department or portion of the premises where silk hosiery is sold or offered for sale, the seller's maximum prices for silk hosiery as estabilshed in this regulation, and each type of hosiery shall be clearly identified therein with the same degree of detail as is required in marking such hosiery by § 1338.105 (b).

(b) *By marking.* On and after December 3, 1942, no person shall sell, deliver or offer for sale silk hosiery at retail unless there is firmly attached to each pair of such hosiery a stamp, tag, or other marking, which truthfully and clearly states in writing, identifying information as to the construction and price of the hosiery as follows:

(1) *In the case of full fashioned hosiery.* (i) The words "full fashioned"; (ii) the gauge; (iii) the word "out-size" on all out-sizes; (iv) the words "Ceiling Price" or "Our Ceiling" accompanied by the seller's maximum price under this regulation (for example, Ceiling Price $1.15); (v) the word "irregulars" on all irregular hosiery, the word "seconds" on all seconds, and the word "thirds" on all thirds; (vi) the number of threads in all hosiery which is less than 51 gauge.

(2) *In the case of circular knit hosiery.* (i) The words "circular knit"; (ii) the needle count; (iii) the word "out-size" on all out-sizes; (iv) the words "Ceiling Price" or "Our Ceiling" accompanied by the seller's maximum price under this regulation, (for example, Ceiling Price 69¢); (v) the word "irregulars" on all irregular hosiery, the word "seconds" on all seconds, and the word "thirds" on all thirds.

(3) *In the case of silk combination hosiery.* (i) The words "full fashioned" or "circular knit"; (ii) the words "Ceiling Price" or "Our Ceiling" accompanied by the seller's maximum price under this regulation (for example, Ceiling Price $1.00); (iii) fiber content and description in accordance with Trade Practice Rules of the Federal Trade Commission; and (iv) the word "irregulars" on all irregular hosiery, the word "seconds" on all seconds, and the word "thirds" on all thirds.

(4) *Abbreviations permitted.* In marking hosiery pursuant to this paragraph, sellers are permitted to abbreviate the following words in the forms set forth opposite each respectively:

Full fashioned	f.f.
Gauge	gg.[1]
Circular knit	cir.
Needles	ndl.
Out-size	o-s.
Irregulars	ir.
Seconds	2nd
Thirds	3rd
Thread	Thd.

[1] For example, "45gg."

Abbreviation of required information is not permitted in posting.

§ 1338.106 *Information which must be furnished to purchasers other than ultimate consumers.* (a) Every person who sells silk hosiery to a purchaser other than an ultimate consumer shall, at the time of the delivery thereof, furnish to the purchaser thereof, the following:

(1) Written notification using the following words: "The specific maximum prices at which you may sell silk hosiery have been fixed by Maximum Price Regulation No. 274 issued by the Office of Price Administration on November 27, 1942. No person may sell, deliver, or offer for sale silk hosiery in the course of trade or business at prices higher than the maximum prices established by this regulation", and

(2) The text of § 1338.102 of this regulation, unless they shall have been previously furnished by the seller or his representative.

(b) Every seller shall, within five days after receipt of a written request, furnish any purchaser for resale of silk hosiery with all information with respect to the construction and quality of the hosiery which is pertinent to the marking or posting required by this regulation.

§ 1338.107 *Relation between Maximum Price Regulation No. 274 and the General Maximum Price Regulation.*[1] The General Maximum Price Regulation shall not apply and this Maximum Price Regulation No. 274 shall apply to sales, deliveries and offers to sell and to deliver silk hosiery. However, the following sections of the General Maximum Price Regulation are made a part of this regulation and each seller must comply with them.

(a) Federal and state taxes (§ 1499.7).

(b) Current records (§ 1499.12).

(c) Sales slips and receipts (§ 1499.14).

(d) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation shall apply to every person selling silk hosiery at wholesale or retail.

§ 1338.108 *Relation of this regulation to other maximum price regulations*—(a) *Maximum Price Regulation No. 172.*[2] Maximum Price Regulation No. 172—Charges of Contractors in Apparel Industry—shall apply, and this Maximum Price Regulation No. 274 shall not apply to transactions for which maximum prices are established by Maximum Price Regulation No. 172.

(b) *Revised Maximum Export Price Regulation.*[3] Revised Maximum Export Price Regulation shall apply and this Maximum Price Regulation No. 274 shall not apply to sales and deliveries for which maximum prices are established by Revised Maximum Export Price Regulation issued by the Office of Price Administration.

§ 1338.109 *Evasion.* The provisions of this regulation shall not be evaded whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any silk hosiery alone or in connection with any other commodity or by way of commission, service, transportation, or any other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1338.110 *Enforcement.* Persons violating any provisions of this Maximum Price Regulation No. 274 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942 as amended.

§ 1338.111 *Definitions*—(a) *Definitions incorporated by reference.* Unless the context otherwise requires or unless otherwise specifically provided herein, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(b) *Other definitions.* When used in this Maximum Price Regulation No. 274 the following terms shall have the meanings set forth below:

(1) "Manufacturer" means a person who sells, delivers, or offers for sale silk hosiery otherwise than at retail in a form substantially changed from the form in which he bought that silk hosiery or the materials from which it is made.

(2) "Sale at wholesale" means a sale by a person who buys silk hosiery and resells it, in any quantity, in a form substantially unchanged from the form in which he bought that silk hosiery, to any person other than the ultimate consumer.

(3) "Sale at retail" means a sale, in any quantity, to an ultimate consumer.

(4) "Ultimate consumer" means a person (i) who buys silk hosiery for a purpose other than that of reselling it and (ii) who did not sell or offer for sale silk hosiery in any quantity on or after February 5, 1942.

(5) "Silk hosiery" means any women's completely finished, full length hosiery in which (i) the leg or (ii) the leg and some other portion of the stocking in addition to the leg is made in whole or in part of silk yarn, but not including hosiery made of silk and wool.

(6) "Substandard quality" hosiery means any silk hosiery not of first quality. The term "substandard quality" includes:

(i) *Irregulars.* Irregulars are substandard hosiery containing one or more imperfections which are limited to irregularities in dimensions, size, color, knit or weave, without the presence in the hosiery of any obvious mends, runs, tears, or breaks in the fabric, or any substantial damage to the yarn or fabric itself.

(ii) *Seconds.* Seconds are substandard quality hosiery containing defects or imperfections which are not so limited as to constitute the hosiery irregulars and are of such character as to be seconds according to the manufacturer's standards of grading on the effective date of this regulation, and

(iii) *Thirds.* Thirds are substandard quality hosiery containing defects and imperfections which are not so limited as to constitute the hosiery irregulars or seconds and are of such character as to be thirds according to the manufacturer's standards of grading on the effective date of this regulation.

§ 1338.112 *How this regulation may be amended.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[4] issued by the Office of Price Administration.

§ 1338.113 *Geographical applicability of this regulation.* This regulation shall be applicable to the continental United States and to the District of Columbia, but not to the territories and possessions of the United States.

§ 1338.114 *Effective date.* This Maximum Price Regulation No. 274 (§§ 1338.101 to 1338.114, inclusive) shall become effective December 3, 1942.

Issued this 27th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–12564; Filed, November 27, 1942; 4:17 p. m.]

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[1] 7 F.R. 3153, 3330, 3666, 3991, 4339, 4387, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5665, 5775, 5783, 5784, 6007, 6058, 6031, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616.

[2] 7 F.R. 4882, 6684, 8351, 8948.

[3] 7 F.R. 5059, 7242, 8829, 9000.

[4] 7 F.R. 8961.

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 25, Amendment 8]

DESIGNATION OF 261 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

Items (92) and (128) listed in the table in § 1388.1201[1] of Designation and Rent Declaration No. 25 are amended to read as follows:

§ 1388.1201 *Designation.* * * *

Name of defense-rental area [1]	In State or States of—	Defense-rental area consists of—
* *	* *	* *
(92) Portland	Maine	Counties of Androscoggin, Cumberland and York.
* *	* *	* *
(128) Portsmouth	New Hampshire	Counties of Rockingham and Strafford.
* *	* *	* *

[1] The words "Defense-Rental Area" shall follow the name listed in the table in each case to constitute the full name of a defense-rental area, e. g., "Dothan-Ozark Defense-Rental Area," "Gadsden Defense-Rental Area."

This Amendment No. 8 (§ 1388.1201) shall become effective December 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12549; Filed, November 27, 1942; 3:28 p. m.]

PART 1388—DEFENSE-RENTAL AREA

[Maximum Rent Regulation 35, Amendment 2]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

Subparagraph (7) of paragraph (a) of § 1388.3051 of Maximum Rent Regulation No. 35[2] is amended to read as follows:

§ 1388.3051 *Scope of regulation.* (a) * * *

(7) The Portland Defense-Rental Area, consisting of the counties of Androscoggin, Cumberland, and York, in the State of Maine: *Provided, however,* That with respect to that portion of the Portland Defense-Rental Area consisting of the counties of Androscoggin and Cumberland, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean August 1, 1942, and that with respect to the remaining portion of the Portland Defense-Rental Area, consisting of the county of York, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean December 1, 1942, and also with respect to said remaining portion of the Portland Defense-Rental Area, consisting of the county of York, the words "October 20, 1942" in this Maximum Rent Regulation shall mean December 1, 1942.

* * * * *

§ 1388.3064a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1388.3051 (a)) to Maximum Rent Regulation No. 35 shall become effective December 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12550; Filed, November 27, 1942; 3:28 p. m.]

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[1] 7 F.R. 3195, 3892, 4179, 5812, 6389, 7245, 8356, 8507.

[2] 7 F.R. 5757, 7509.

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 36A, Amendment 2]

HOTELS AND ROOMING HOUSES

Subparagraph (7) of paragraph (a) of § 1388.4001 of Maximum Rent Regulation No. 36A[1] is amended to read as follows:

§ 1388.4001 *Scope of regulation.* (a) * * *

(7) The Portland Defense-Rental Area, consisting of the Counties of Androscoggin, Cumberland, and York, in the State of Maine: *Provided, however,* That with respect to that portion of the Portland Defense-Rental Area consisting of the counties of Androscoggin and Cumberland, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean August 1, 1942, and that with respect to the remaining portion of the Portland Defense-Rental Area, consisting of the county of York, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean December 1, 1942, and also with respect to the remaining portion of the Portland Defense-Rental Area, consisting of the county of York, the words "October 19, 1942" in this Maximum Rent Regulation shall mean December 1, 1942.

* * * * *

§ 1388.4014a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1388.4001 (a)) to Maximum Rent Regulation No. 36A shall become effective December 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12551; Filed, November 27, 1942; 3:28 p. m.]

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[1] 7 F.R. 5761, 7509.

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 49, Amendment 2]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

Subparagraphs (19) and (20) of paragraph (a) of § 1388.131 of Maximum Rent Regulation No. 49[1] are hereby amended to read as follows:

§ 1388.131 *Scope of regulation.* (a) * * *

(19) The Grand Rapids-Muskegon Defense-Rental Area, consisting of the counties of Kent, Muskegon, and Ottawa, in the State of Michigan: *Provided, however,* That with respect to that portion of the Grand Rapids-Muskegon Defense-Rental Area consisting of the county of Muskegon, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean October 1, 1942, and that with respect to the remaining portion of the Grand Rapids-Muskegon Defense-Rental Area, consisting of the counties of Kent and Ottawa, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean December 1, 1942, and also with respect to the remaining portion of the Grand Rapids-Muskegon Defense-Rental Area, consisting of the counties of Kent and Ottawa, the words "October 20, 1942" in this Maximum Rent Regulation shall mean December 1, 1942.

(20) The Kalamazoo-Battle Creek Defense-Rental Area, consisting of the counties of Calhoun and Kalamazoo, in the State of Michigan: *Provided, however,* That with respect to that portion of the Kalamazoo-Battle Creek Defense-Rental Area consisting of the county of Calhoun, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean October 1, 1942, and that with respect to the remaining portion of the Kalamazoo-Battle Creek Defense-Rental Area, consisting of the county of Kalamazoo, the words "effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean December 1, 1942, and also with respect to the remaining portion of the Kalamazoo-Battle Creek Defense-Rental Area, consisting of the county of Kalamazoo, the words "October 20, 1942" in this Maximum Rent Regulation shall mean December 1, 1942.

* * * * *

§ 1388.144a *Effective date of amendments.* * * *

(b) Amendment No. 2 (§ 1388.131 (a)) to Maximum Rent Regulation No. 49 shall become effective December 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12559; Filed, November 27, 1942; 3:28 p. m.]

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[1] 7 F.R. 7500, 7668.

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 50A, Amendment 2]

HOTELS AND ROOMING HOUSES

Subparagraphs (19) and (20) of paragraph (a) of § 1388.181 of Maximum Rent Regulation No. 50A[1] are hereby amended to read as follows:

§ 1388.181 *Scope of regulation.* (a) * * *

(19) The Grand Rapids-Muskegon Defense-Rental Area, consisting of the Counties of Kent, Muskegon, and Ottawa, in the State of Michigan; *Provided, however,* That with respect to that portion of the Grand Rapids-Muskegon Defense-Rental Area consisting of the County of Muskegon, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean October 1, 1942, and that with respect to the remaining portion of the Grand Rapids-Muskegon Defense-Rental Area, consisting of the Counties of Kent and Ottawa, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean December 1, 1942, and also with respect to the remaining portion of the Grand Rapids-Muskegon Defense-Rental Area, consisting of the Counties of Kent and Ottawa, the words "October 19, 1942" in this Maximum Rent Regulation shall mean December 1, 1942.

(20) The Kalamazoo-Battle Creek Defense-Rental Area, consisting of the Counties of Calhoun and Kalamazoo, in the State of Michigan; *Provided, however,* That with respect to that portion of the Kalamazoo-Battle Creek Defense-Rental Area consisting of the County of Calhoun, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean October 1, 1942, and that with respect to the remaining portion of the Kalamazoo-Battle Creek Defense-Rental Area, consisting of the County of Kalamazoo, the words "effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean December 1, 1942, and also with respect to the remaining portion of the Kalamazoo-Battle Creek Defense-Rental Area, consisting of the County of Kalamazoo, the words "October 19, 1942" in this Maximum Rent Regulation shall mean December 1, 1942.

* * * * *

§ 1388.194a *Effective date of amendments.* * * *

(b) Amendment No. 2 (§ 1388.181 (a)) to Maximum Rent Regulation No. 5A shall become effective December 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12560; Filed, November 27, 1942; 3:29 p. m.]

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[1] 7 F.R. 7505, 7668.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 275]

EXTRACTED HONEY

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of "bulk honey", and "packaged honey" by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 275 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation.

The maximum prices established herein are not below prices which reflect to producers of extracted honey prices for their product equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250.

Therefore, with the concurrence of the Secretary of Agriculture, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1[1] issued by the Office of Price Administration, Maximum Price Regulation No. 275 is hereby issued.

Sec.	
1351.1301	Prohibition against sales of "bulk and packaged honey" above maximum prices.
1351.1302	Exempt sales.
1351.1303	Maximum prices for sales of "bulk honey" and "packaged honey".
1351.1304	Applicability.
1351.1305	Less than maximum prices.
1351.1306	Customary allowances and discounts.
1351.1307	Transfers of business or stock in trade.
1351.1308	Export sales.
1351.1309	Petitions for amendment.
1351.1310	Adjustable pricing.
1351.1311	Evasion.
1351.1312	Enforcement.
1351.1313	Records and reports.
1351.1314	Notice of "permitted increase".
1351.1315	Geographical applicability.
1351.1316	Applicability of certain provisions of the General Maximum Price Regulation.
1351.1317	Definitions.
1351.1318	Effective date.
1351.1319	Appendix A: Maximum prices for "bulk honey" and "packaged honey".

AUTHORITY: §§ 1351.1301 to 1351.1319, inclusive, issued under Pub. Laws 421 and 729, 77th Cong., and E.O. 9250, 7 F.R. 7871.

§ 1351.1301 *Prohibition against sales of "bulk and packaged honey" above maximum prices.* On and after December 3, 1942, regardless of any contract, agreement, lease, or other obligation:

(a) No person shall sell or deliver any "bulk honey" or "packaged honey" at prices higher than the maximum prices set forth in § 1351.1319, Appendix A, of this Maximum Price Regulation No. 275.

(b) No person shall buy or receive any "bulk honey" or "packaged honey" in the course of trade or business at higher prices than the maximum prices set forth in § 1351.1319, Appendix A, of this Maximum Price Regulation No. 275.

(c) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

(d) The provisions of this section shall not be applicable to sales or deliveries of "bulk honey" or "packaged honey" to a purchaser if, prior to December 3, 1942, such honey, bulk or packaged, has been received by a carrier other than a carrier owned or controlled by the seller for shipment to such purchaser.

§ 1351.1302 *Exempt sales.* The provisions of this Maximum Price Regulation No. 275 shall not be applicable to sales at wholesale and sales at retail, except (a) that resales of "bulk honey" shall be covered by this regulation; and (b) sales of "packaged honey" direct to the ultimate consumer by the packager thereof shall be covered by this regulation.

§ 1351.1303 *Maximum prices for sales of "bulk honey" and "packaged honey".* The maximum prices for "bulk honey" and "packaged honey" shall be governed by the provisions of Appendix A, incorporated herein as § 1351.1319.

§ 1351.1304 *Applicability.* The provisions of this Maximum Price Regulation No. 275 supersede the provisions of the General Maximum Price Regulation[2] with respect to sales and deliveries of "bulk honey" and "packaged honey", for which maximum prices are established by this regulation.

§ 1351.1305 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 275 may be charged, demanded, paid, or offered.

§ 1351.1306 *Customary allowances and discounts.* The maximum prices established by § 1351.1319, Appendix A, shall be reduced to reflect the seller's customary allowances, discounts, and other price differentials.

§ 1351.1307 *Transfers of business or stock in trade.* If the business, assets, or stock in trade of any seller are sold or otherwise transferred on or after December 3, 1942, and the transferee carries on the business, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no transfer had taken place, and his obligation to keep records sufficient to verify those prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in this regulation.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8961.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616.

§ 1351.1308 *Export sales.* The maximum price at which a person may export "bulk honey" and "packaged honey" shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[3] issued by the Office of Price Administration.

§ 1351.1309 *Petitions for amendment.* Persons seeking a modification of this Maximum Price Regulation No. 275, may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1[4] issued by the Office of Price Administration.

§ 1351.1310 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to and at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations where a petition for amendment requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1351.1311 *Evasion.* Price limitations set forth in this Maximum Price Regulation No. 275 shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to the commodities whose prices are herein regulated alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or other trade understanding, or otherwise.

§ 1351.1312 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 275 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have any evidence of any violation of this Maximum Price Regulation No. 275 or any price schedule, regulation, or order issued by the Office of Price Administration, or any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, field or regional offices of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1351.1313 *Records and reports.* Every person who sells "packaged honey" or resells "bulk honey" covered by this Maximum Price Regulation No. 275 shall (a) preserve for examination by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, all his existing records which were the basis for computations required by § 1351.1319, Appendix A; (b) within ten days after determining his maximum prices for each kind, flavor, brand, and container type and size of "packaged honey" or "bulk honey" which is resold, execute and file with the Office of Price Administration, Washington, D. C., two copies of Forms No. 1–A, 1–B, 1–C which forms are obtainable at any district, state, field, or regional offices of the Office of Price Administration.

§ 1351.1314 *Notice of "permitted increase"*—(a) *Notice to wholesalers.* In the case of any item of "packaged honey" which is being sold to a wholesaler for the first time after the seller's new maximum price for it has been established under § 1351.1319, Appendix A, the seller shall send the wholesaler (before or at the time of delivery) a written statement which lists for each such item included in the sale, (1) the "base price" charged wholesalers, as computed under subdivision (i) of § 1351.1319 (c) (1), Appendix A, (2) the seller's new maximum price for wholesalers, called the "maximum price", and (3) the amount of difference between the "base price" and the "maximum price", called the "wholesaler's permitted increase". This "wholesaler's permitted increase" may, pursuant to and in accordance with Maximum Price Regulation No. 255 be added to the wholesaler's February ceiling on such item for the purpose of the wholesaler's determining his new maximum price.

(b) *Notice to retailers in shipping cases.* Every seller who sells any item of "packaged honey" to a wholesaler, shall include with the shipping case (or other packaged unit in which the retailer usually purchases the product) a "notice of retailer's permitted increase". This notice must be either pasted or stamped on the outside of each shipping case sold or printed on a slip and enclosed. In the latter case the seller shall place this statement on the outside: "Retailer's notice enclosed."

The seller shall calculate the retailer's permitted increase for the item which he computed for the wholesaler under paragraph (a), where necessary, to the units in which the commodity is usually sold at retail. When making this calculation, the seller shall adjust fractions of ½ cent or more to the next higher cent and fractions under ½ cent to the next lower cent. Except for the proper insertion, the notice of retailer's permitted increase shall read as follows:

NOTICE OF RETAILER'S PERMITTED INCREASE

Your new OPA ceiling price for the enclosed item is your March ceiling for such item plus ______ cents per retail container. OPA requires you to keep this information for examination.

(c) *Notice to direct buying retailers.* In the case of any item of "packaged honey" sold to a direct buying retailer after the seller's new maximum price for it has been established under § 1351.1319, Appendix A, the seller shall send the direct buying retailer (before or at the time of delivery) a written statement which lists for each such item included in the sale (1) the "base price" charged retailers, as computed under subdivision (i) of § 1351.1319 (c) (1), Appendix A; (2) the seller's new maximum price for direct buying retailers, called the "maximum price", and (3) the amount of difference between the "base price" and the "maximum price", called the "retailer's permitted increase". This "retailer's permitted increase" may, pursuant to and in accordance with Maximum Price Regulation No. 256, be added to the retailer's March ceiling on such item for the purpose of the retailer determining his new maximum price.

§ 1351.1315 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 275 shall be applicable only to the 48 states of the United States and to the District of Columbia.

§ 1351.1316 *Applicability of certain provisions of the General Maximum Price Regulation.* (a) The following sections of General Maximum Price Regulation, the amendments thereto, and Revised Supplementary Regulation Number 4[5] thereof shall be applicable to every person making sales and deliveries covered by this Maximum Price Regulation No. 275.

(1) § 1499.4b (Special deals).

(2) § 1499.14 (Sales slips and receipts).

(3) § 1499.29 (a) (5) (Developmental contracts).

(4) § 1499.29 (a) (6) (Secret contracts).

(5) § 1499.29 (a) (7) (Emergency purchases).

§ 1351.1317 *Definitions.* (a) When used in this Maximum Price Regulation No. 275, the terms:

(1) "Person" includes an individual, corporation, partnership, association, or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions or any agency of any of the foregoing.

(2) "Sale at wholesale" means a sale of "packaged honey" by a person who buys and resells it, without substantially changing its form, to any person other than the ultimate consumer, so that a resale of "bulk honey" to whomever made is not a sale at wholesale, and such resales are subject to the provision of this regulation.

(3) "Sale at retail" means a sale to an ultimate consumer other than to an industrial, commercial, institutional, or governmental user.

(b) Unless the context otherwise requires, the definitions of the General Maximum Price Regulation, as amended, and of section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other items used herein.

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[3] 7 F.R. 5059, 7242, 8829, 9000.

[4] 7 F.R. 8961.

[5] 7 F.R. 5056, 5089, 5566, 6082, 6084, 6426, 6793, 6744, 6793, 7175, 7538, 8021.

§ 1351.1318 *Effective date.* This Maximum Price Regulation No. 275 (§§ 1351.1301 to 1351.1319, inclusive) shall become effective December 3, 1942.

§ 1351.1319 *Appendix A: Maximum prices for "bulk honey" and "packaged honey"*—(a) *Definitions of terms used herein.* (1) "Honey" means extracted honey which is the nectar and saccharine exudations of plants gathered, modified, and stored in the comb of honey bees and removed from the comb by centrifugal force, gravity, or other means.

(2) "Bulk honey" means honey in a container of a capacity of more than ten pounds.

(3) "Packaged honey" means honey in a container of a capacity of not more than ten pounds.

(4) "U. S. No. 1" means a grade of honey which is (i) fairly clean, (ii) and free from damage caused by turbidity, overheating, fermentation, honeydew, objectionable flavor, odor, or other means, (iii) and well ripened, and (iv) weighing not less than 11 pounds and 12 ounces per gallon of 231 cubic inches at 68° F.

(b) *Maximum prices for "bulk honey."* (1) The maximum price per pound f. o. b. seller's shipping point for "bulk honey" which is Grade U. S. No. 1 or better shall be 12¢: *Provided,* That where a purchaser furnishes a container in which bulk honey is bought or exchanges a container for that shipped by the seller, the maximum prices herein established for "bulk honey" shall be reduced by ½¢ per pound, and the cost, if any, of transporting the empty container back to the seller shall be paid by the purchaser.

(2) The maximum price per pound f. o. b. seller's shipping point for "bulk honey" which is of a grade less than U. S. No. 1 shall be determined by reducing the maximum price established by this Maximum Price Regulation No. 275 for Grade U. S. No. 1 or better by the customary dollars and cents trade differentials which were in effect during the "base period".

(3) The maximum price per pound, c. i. f. port of entry for honey which is imported from outside of the continental United States shall be determined by reducing the maximum prices established by this Maximum Price Regulation No. 275 for Grade U. S. No. 1 or better by the customary dollars and cents trade differentials which were in effect during the "base period."

(4) The maximum prices established for "bulk honey" by this paragraph (b) shall not be applicable to resales of "bulk honey" made in the performance of a customary distributive function. The maximum prices for such resales shall be governed by the provisions of paragraph (c) below.

(c) *Maximum prices for "packaged honey" when sold to wholesalers, to retailers, and to ultimate consumers.* (1) A seller of "packaged honey" except as provided in § 1351.1302 *Exempt sales* shall determine his maximum f. o. b. shipping point price to wholesalers, to retailers and to ultimate consumers, for each kind, flavor, brand, container type and size of "packaged honey" by adding his "permitted increase" to 102% of the "base price" for such items.

(i) The "base price" shall be calculated by dividing the total dollars charged f. o. b. shipping point before customary discounts and allowances for each such item during the "base period" of September, October, and November, 1941, by the number of such items sold during this period. When computing his maximum price to wholesalers, a seller shall determine his "base price" on the basis of sales made to wholesalers during the base period; when computing his maximum price to retailers, a seller shall determine his base price on the basis of sales made to retailers during the base period, and when computing his maximum price to ultimate consumers, the seller shall determine his base price on the basis of sales made to ultimate consumers during the base period.

EXAMPLE: A packer seeks the maximum f. o. b. shipping point price for a half pound glass jar of X brand white clover honey, which he wishes to sell to a wholesaler. In determining his "base price" he ascertains that he sold a thousand jars of this particular item to wholesalers (he disregards 500 jars sold to retailers and he disregards one hundred (100) jars sold to the ultimate consumers) during the base period September, October, and November, 1941.

200 jars were sold at 6¢ (f. o. b.)	$12.00
800 jars were sold at 7¢ (f. o. b.)	56.00
Total 1,000 jars	$68.00

$68 ÷ 1,000 jars = 6.8¢ ("base price" for the half pound glass jar of X brand white clover honey.)

(ii) The "permitted increase" for each said item shall be calculated as follows:

Determine the "permitted increase" per pound by adding the following two cost increases per pound under inferior subdivisions (*a*) and (*b*).

(*a*) *Cost increase for honey.* The cost increase per pound for honey shall be the difference between 11.8¢ and the seller's "weighted average cost" per pound for honey purchased during the base period.

The "weighted average cost" means the total dollars f. o. b. beekeepers' shipping point paid for honey purchased during the "base period", divided by the number of pounds of honey purchased during the base period. In computing the "weighted average cost", that quantity of honey which was produced by the seller during the base period shall be deemed to have been purchased by him at a price of 5.6¢ per pound.

EXAMPLE: (continued) the seller of X brand honey purchased 4,000 pounds of honey of the following grades during the "base period" of September, October, and November, 1941:

Grade A—3,000 lbs. @ 5.7¢ (f. o. b. beekeeper)	$171.00
Grade B—1,000 lbs. at 5¢	50.00
1,000 lbs. at 5.6¢	56.00
Total, 5,000 lbs	277.00

$277 ÷ 5,000 lbs. = 5.54¢ ("weighted average cost" per lb.)

11.8¢ minus 5.54¢ = 6.26¢ (cost increase per pound for honey)

(*b*) *Cost increase for transportation.* The cost increase per pound for transportation shall be the difference, if any, between the figure obtained by dividing the total pounds of honey produced and purchased during the base period by the total freight dollars paid for honey purchased during the base period, and the figure obtained by dividing the total pounds of honey produced and purchased during the months of June, July, and August, 1942, by the total freight dollars, f. o. b. beekeeper, paid for honey purchased during the months of June, July, and August, 1942.

EXAMPLE: (continued) The seller's freight bill for 4,000 pounds of honey which was shipped into his plant during the base period of September, October, and November, 1941, was $25.00. This total freight bill of $25.00 must be divided by 5,000 pounds which is the total number of pounds of honey that he purchased and produced during the base period. The resulting figure is .5¢ per pound.

During June, July, and August, 1942, this seller of X brand clover honey purchased and shipped in 2,000 pounds and produced 500 pounds. His freight bill for the 2,000 pounds of honey shipped in during the period of June, July, and August, 1942, totalled $15.00. This freight bill of $15.00 must be divided by 2,500 pounds The resulting figure is .6¢.

.6¢ (freight cost in second period)
—.5¢ (freight rate cost in first period)

.1¢ per lb. (Amount allowed for increased freight cost.)

(c) The sum of the increased cost per pound obtained under (*a*) and (*b*) is the "permitted increase" per pound. To obtain the "permitted increase" for each particular item, multiply the "permitted increase" per pound by the size of the container expressed in pounds.

EXAMPLE: (continued)

6.26¢ (increase per lb. for honey) and
0.10¢ (increase per lb. for freight)

6.36¢ (Total permitted increase per lb.)

If the item to be priced is a one-half pound jar, the permitted increase on such item is obtained by multiplying 6.36¢ by one-half, which equals 3.18¢, the "permitted increase" for the half-pound jar of X brand white clover honey. Therefore, in accordance with the directions of (c) (1), the maximum price for the one-half pound glass jar of X brand white clover honey would be computed as follows:

102% x 6.8¢ (base price half pound jar)	= 6.936¢
Permitted increase on ½-lb. jar of X brand white clover honey	= 3.18
Seller's new maximum price on his ½ lb. jar of X brand white clover honey	= 10.116¢

(d) *Calculations.* In calculating maximum prices on a per pound or per item basis in this section, all calculations shall be carried to the third decimal place. Final calculation of the maximum price resulting in a fraction of a cent shall be adjusted to the nearest ¼¢.

EXAMPLE: (continued) The calculations in the preceding paragraph were carried out to the third decimal place. The final calculations of 10.116¢ is adjusted to the nearest ¼ of a cent, which is 10¢.

(e) *Maximum price for honey which is to be resold.* A seller shall determine the maximum shipping point price for "bulk honey" which is to be resold in the same manner as that provided for the seller of "packaged honey": *Provided,* (1) That he must employ his "base period" price and not 102% thereof, and (2) that in computing his "base price", he shall base his computations only upon the resales of bulk honey made during the "base period", to the particular "class of purchaser" for which he is determining his maximum price. The term "class of purchaser" refers to the practice prevailing during the base period of offering certain classes or groups of purchasers different prices on the same honey item.

(f) *Delivered prices.* The delivered price for commodities subject to the provisions of this regulation shall in no case exceed the established maximum f. o. b. price plus the actual transportation charges incurred from the seller's shipping point to the place of destination.

(g) *Maximum prices for items which cannot be priced under above paragraphs.* (1) If the maximum price for any item of honey subject to the provisions of this regulation cannot be priced under the above, the maximum price for such item shall be determined after specific authorization from the Office of Price Administration, Washington, D. C., on application setting forth (i) a detailed description of the kind, flavor, brand, container type and size of the item sought to be priced; and (ii) a statement of facts pointing out why such item cannot be priced under the applicable paragraphs of this section; (iii) a statement showing the seller's maximum prices for the kind, grade, flavor, container type and size of the item most similar to that item for which a maximum price is sought and the "factory door costs" of such most similar items and of the item for which a price is sought. The "factory door cost" shall include all direct and indirect costs and expenses chargeable to the production of the item but shall not include costs or expenses chargeable to administration, selling, advertising, or transportation.

Issued this 27th day of November 1942.

LEON HENDERSON,
Administrator.

Approved:

GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-12557; Filed, November 27, 1942; 3:31 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS

[RPS 53,[1] Amendment 20]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1351.151 (b) (8) is amended by the addition of subdivision (xiii) as set forth below:

§ 1351.151 *Maximum prices for fats and oils.* * * *

(b) * * *

(8) * * *

(xiii) Where a Chicago processor sells lard flakes to another processor who is to use such lard flakes in the manufacture of war lard and the purchasing processor's maximum selling price on base or standard commercial refined lard, as established under § 1351.151 (b) (8), is lower than the maximum price on base or standard commercial refined lard, as established for the corporate limits of Chicago under § 1351.151 (b) (8), the maximum price on such lard flakes shall be the maximum price on lard flakes, as established for the corporate limits of Chicago under § 1351.151 (b) (8), plus the actual cost of freight from the seller's plant to the buyer's plant. Where the maximum price on lard flakes is computed under this subdivision (xiii) of § 1351.151 (b) (8), the maximum selling price of the purchasing processor on war lard, in whose manufacture such lard flakes are used, shall be the maximum price on war lard, as established for the corporate limits of Chicago under § 1351.151 (b) (8), plus ⅛¢ per pound.

§ 1351.159 *Effective dates of amendments.* * * *

(t) Amendment No. 20 (§ 1351.151 (b) (8) (xiii)) to Revised Price Schedule No. 53 shall become effective December 3, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 27th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12563; Filed, November 27, 1942; 4:17 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[MPR 184,[1] Amendment 1]

SALES BY CANNERS OF MAINE SARDINES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1364.110 (a) (7) is added, and § 1364.111a is added, as set forth below:

§ 1364.110 *Definitions.* (a) When used in this Maximum Price Regulation No. 184 the term: * * *

(7) "Canner" means a person who preserves Maine sardines by processing and hermetically sealing in metal containers: *Provided,* That any person who, during the year prior to March 31, 1942, conducted canning operations and also maintained established local wholesale or retail selling branches, doing business in the same manner as other wholesalers or retailers generally in the localities where such branches were situated, shall not be deemed a canner subject to this Maximum Price Regulation No. 184, as to any sales by such branches of the same general character as those they were accustomed to make prior to March 31, 1942.

§ 1364.111a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1364.110 (a) (7) and 1364.111a) to Maximum Price Regulation No. 184 shall become effective December 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12558; Filed, November 27, 1942; 3:31 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 57]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

In the judgment of the Administrator, rents for housing accommodations within each of the Defense-Rental Areas and the portion of a Defense-Rental Area set out in § 1388.581 (a) of this Maximum Rent Regulation No. 57, as designated in the designations and rent declarations issued by the Administrator on April 28, 1942, as amended, on May 26, 1942, on June 3, 1942, and on July 29, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designations and rent declarations.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within each such Defense-Rental Area or portion of a Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within each such Defense-Rental Area or portion of a Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for housing accommodations within each such Defense-Rental Area or portion of a Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 57 is hereby issued.

AUTHORITY: §§ 1388.581 to 1388.594, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.581 *Scope of regulation.* (a) This Maximum Rent Regulation No. 57 applies to all housing accommodations within each of the following Defense-Rental Areas and the following portion of a Defense-Rental Area (each of which is referred to hereinafter in this Maximum Rent Regulation as the "Defense-Rental Area"), as designated in the designations and rent declarations (§§ 1388.1201 to 1388.1205, 1388.1251 to 1388.1255, 1388.1301 to 1388.1305, and 1388.1321 to 1388.1325, inclusive) issued by the Administrator on April 28, 1942, as amended, on May 26, 1942, on June 3, 1942, and on July 29, 1942, except as provided in paragraph (b) of this section:

(1) The Lanett Defense-Rental Area, consisting of the County of Chambers, in the State of Alabama.

(2) The Tuskegee Defense-Rental Area, consisting of the County of Macon, in the State of Alabama.

(3) The Phoenix-Salt River Valley Defense-Rental Area, consisting of the Counties of Gila and Maricopa, in the State of Arizona.

(4) The Tucson Defense-Rental Area, consisting of the County of Pima, in the State of Arizona.

(5) The Yuma Defense-Rental Area, consisting of the County of Yuma, in the State of Arizona.

(6) The Fort Smith Defense-Rental Area, consisting of the County of Sebastian, in the State of Arkansas.

(7) The Stuttgart Defense-Rental Area, consisting of the Counties of Arkansas and Prairie, in the State of Arkansas.

(8) The Chico Defense-Rental Area, consisting of the County of Butte, in the State of California.

(9) The Lemoore-Hanford Defense-Rental Area, consisting of the County of Kings, in the State of California.

(10) The Merced Defense-Rental Area, consisting of the County of Merced, in the State of California.

(11) The Modesto Defense-Rental Area, consisting of the County of Stanislaus, in the State of California.

(12) The Santa Barbara Defense-Rental Area, consisting of the County of Santa Barbara, in the State of California.

(13) The Visalia-Tulare Defense-Rental Area, consisting of the County of Tulare, in the State of California.

(14) The Leadville Defense-Rental Area, consisting of the Counties of Eagle, Lake, and Summit, in the State of Colorado.

(15) The Dover-Seaford Defense-Rental Area, consisting of the Counties of Kent and Sussex, in the State of Delaware.

(16) The Apalachicola Defense-Rental Area, consisting of the Counties of Franklin and Gulf, in the State of Florida.

(17) The Banana River Defense-Rental Area, consisting of the County of Brevard, in the State of Florida.

(18) The Marianna Defense-Rental Area, consisting of the County of Jackson, in the State of Florida.

(19) The Athens Defense-Rental Area, consisting of the County of Clarke, in the State of Georgia.

(20) The Coeur d'Alene-Rend Orielle Defense-Rental Area, consisting of the Counties of Bonner and Kootenai, in the State of Idaho.

(21) The Decatur, Indiana Defense-Rental Area, consisting of the County of Adams, in the State of Indiana.

(22) The Muncie-Anderson Defense-Rental Area, consisting of the Counties of Delaware, Grant, Howard, and Madison, in the State of Indiana.

(23) The Seymour Defense-Rental Area, consisting of the County of Jackson, in the State of Indiana.

(24) The Cedar Rapids Defense-Rental Area, consisting of the County of Linn, in the State of Iowa.

(25) The Liberal Defense-Rental Area, consisting of the County of Seward, in the State of Kansas.

(26) The Salina Defense-Rental Area, consisting of the Counties of Dickinson, McPherson, Ottawa, and Saline, in the State of Kansas.

(27) The Bangor Defense-Rental Area, consisting of the County of Penobscot, in the State of Maine.

(28) The Presque Isle Defense-Rental Area, consisting of the County of Aroostook, in the State of Maine.

(29) The Port Huron Defense-Rental Area, consisting of the County of St. Clair, in the State of Michigan.

(30) The Centreville Defense-Rental Area, consisting of the Counties of Adams, Amite, Pike, and Wilkinson, in the State of Mississippi; and the Parishes of East Feliciana and West Feliciana, in the State of Louisiana.

(31) The Greenville, Mississippi Defense-Rental Area, consisting of the County of Washington, in the State of Mississippi.

(32) The Jackson, Mississippi Defense-Rental Area, consisting of the Counties of Hinds, Madison, and Rankin, in the State of Mississippi.

(33) The Sedalia Defense-Rental Area, consisting of the Counties of Johnson and Pettis, in the State of Missouri.

(34) The Lincoln Defense - Rental Area, consisting of the County of Lancaster, in the State of Nebraska.

(35) The Omaha Defense - Rental Area, consisting of the Counties of Douglas and Sarpy, in the State of Nebraska; and the County of Pottawattamie, in the State of Iowa.

(36) The Reno Defense-Rental Area, consisting of the County of Washoe, in the State of Nevada.

(37) The Portsmouth Defense-Rental Area, consisting of the Counties of Rockingham and Strafford, in the State of New Hampshire.

(38) The Bridgeton-Millville Defense-Rental Area, consisting of the County of Cumberland, in the State of New Jersey.

(39) The Cape May Defense-Rental Area, consisting of the County of Cape May, in the State of New Jersey.

(40) The Alamogordo Defense-Rental Area, consisting of the County of Otero, in the State of New Mexico.

(41) The Albuquerque Defense-Rental Area, consisting of the County of Bernalillo, in the State of New Mexico.

(42) The Poughkeepsie Defense-Rental Area, consisting of the Counties of Dutchess, Orange, and Ulster, in the State of New York.

(43) The Durham Defense-Rental Area, consisting of the County of Durham, in the State of North Carolina.

(44) The Henderson Defense-Rental Area, consisting of the County of Vance, in the State of North Carolina.

(45) The Laurinburg Defense-Rental Area, consisting of the Counties of Richmond, Robeson, and Scotland, in the State of North Carolina; and the County of Marlboro, in the State of South Carolina.

(46) The Findlay-Fostoria Defense-Rental Area, consisting of the Counties of Hancock and Seneca, in the State of Ohio.

(47) The Mt. Vernon Defense-Rental Area, consisting of the County of Knox, in the State of Ohio.

(48) The Chickasha Defense-Rental Area, consisting of the Counties of Caddo and Grady, in the State of Oklahoma.

(49) The Enid Defense-Rental Area, consisting of the County of Garfield, in the State of Oklahoma.

(50) The Chambersburg Defense-Rental Area, consisting of the County of Franklin, in the State of Pennsylvania.

(51) The Emporium Defense-Rental Area, consisting of the County of Cameron, in the State of Pennsylvania.

(52) The Milton Defense-Rental Area, consisting of the Counties of Montour, Northumberland, Snyder, and Union, in the State of Pennsylvania.

(53) That portion of the Scranton-Wilkes Barre Defense-Rental Area, consisting of the County of Columbia, in the State of Pennsylvania.

(54) The Sumter Defense-Rental Area, consisting of the County of Sumter, in the State of North Carolina.

(55) The Copperhill-McCaysville Defense-Rental Area, consisting of the County of Polk, in the State of Tennessee; and the County of Fannin, in the State of Georgia.

(56) The Dyersburg Defense-Rental Area, consisting of the Counties of Crockett, Dyer, and Lauderdale, in the State of Tennessee.

(57) The Murfreesboro Defense-Rental Area, consisting of the County of Rutherford, in the State of Tennessee.

(58) The Nashville Defense-Rental Area, consisting of the County of Davidson, in the State of Tennessee.

(59) The Austin Defense-Rental Area, consisting of the Counties of Hays, Travis, and Williamson, in the State of Texas.

(60) The Big Spring Defense-Rental Area, consisting of the County of Howard, in the State of Texas.

(61) The Bonham Defense-Rental Area, consisting of the County of Fannin, in the State of Texas.

(62) The Childress Defense-Rental Area, consisting of the County of Childress, in the State of Texas.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1309, 1836, 2132, 3430, 3821, 4229, 4294, 4484, 5605, 7665, 7666, 7977, 8204, 8653, 8702, 8948, 9130, 9189, 9393, 9486.

[1] 7 F.R. 5715, 8948.

(63) The Daingerfield Defense-Rental Area, consisting of the Counties of Camp, Cass, Morris, Red River, and Titus, in the State of Texas.

(64) The Victoria Defense-Rental Area, consisting of the County of Victoria, in the State of Texas.

(65) The Richmond, Virginia Defense-Rental Area, consisting of the Independent City of Richmond; the County of Henrico; and in the County of Chesterfield the Magisterial Districts of Bermuda, Clover Hill, Dale, Manchester, and Midlothian, in the State of Virginia.

(66) The Island County Defense-Rental Area, consisting of the County of Island, in the State of Washington.

(67) The Charleston, West Virginia Defense-Rental Area, consisting of the County of Kanawha, in the State of West Virginia.

(68) The Oshkosh-Fond du Lac Defense-Rental Area, consisting of the Counties of Fond du Lac and Winnebago, in the State of Wisconsin.

(b) This Maximum Rent Regulation does not apply to the following:

(1) Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Dwelling space occupied by domestic servants, caretakers, managers, or others employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part;

(3) Rooms or other housing accommodations within hotels or rooming houses, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the Maximum Rent Regulation for Hotels and Rooming Houses pursuant to the provisions of that regulation: *Provided*, That this Maximum Rent Regulation does apply to entire structures or premises though used as hotels or rooming houses.

(4) Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, however*, That this Maximum Rent Regulation does apply to a sublease or other subrenting of such accommodations or any part thereof.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

§ 1388.582 *Prohibition against higher than maximum rents.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 57 of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

(b) Notwithstanding any other provision of this Maximum Rent Regulation, where housing accommodations are heated with fuel oil the landlord of such accommodations may as hereinafter provided enter into an agreement with the tenant providing for payment by the tenant of part or all of the cost of changing the heating unit to use some fuel other than oil or of installing a new heating unit using some fuel other than oil. Prior to making such agreement the landlord shall in writing report the terms of the proposed agreement to the Area Rent Office. The landlord may enter into the agreement either upon its approval by the Administrator or, unless the Administrator has disapproved the proposed agreement within 5 days after the filing of such report, upon the expiration of such 5-day period.

(c) Where a lease of housing accommodations was entered into prior to the effective date of this Maximum Rent Regulation and the tenant as a part of such lease or in connection therewith was granted an option to buy the housing accommodations which were the subject of the lease, with the further provision that some or all of the payments made under the lease should be credited toward the purchase price in the event such option is exercised, the landlord, notwithstanding any other provision of this Maximum Rent Regulation, may be authorized to receive payments made by the tenant in accordance with the provisions of such lease and in excess of the maximum rent for such housing accommodations. Such authority may be secured only by a written request of the tenant to the Area Rent Office and shall be granted by order of the Administrator if he finds that such payments in excess of the maximum rent will not be inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof. After entry of such order the landlord shall be authorized to demand, receive and retain payments provided by the lease in excess of the maximum rent for periods commencing on or after the effective date of this Maximum Rent Regulation. After entry of such order, the provisions of the lease may be enforced in accordance with law, notwithstanding any other provision of this Maximum Rent Regulation: *Provided, however*, That if at the termination of the lease the tenant shall not exercise the option to buy, the landlord may thereafter remove or evict the tenant only in accordance with the provisions of § 1388.586 of this Maximum Rent Regulation. Nothing in this paragraph shall be construed to authorize the landlord to demand or receive payments in excess of the maximum rent in the absence of an order of the Administrator as herein provided. Where a lease of housing accommodations has been entered into on or after the effective date of this Maximum Rent Regulation, and the tenant as a part of such lease or in connection therewith has been granted an option to buy the housing accommodations which are the subject of the lease, the landlord, prior to the exercise by the tenant of the option to buy, shall not demand or receive payments in excess of the maximum rent, whether or not such lease allocates some portion or portions of the periodic payments therein provided as payments on or for the option to buy.

§ 1388.583 *Minimum services, furniture, furnishings and equipment.* Except as set forth in § 1388.585 (b), every landlord shall, as a minimum, provide with housing accommodations the same essential services, furniture, furnishings and equipment as those provided on the date determining the maximum rent, and as to other services, furniture, furnishings and equipment not substantially less than those provided on such date: *Provided, however*, That where fuel oil is used to supply heat or hot water for housing accommodations, and the landlord provided heat or hot water on the date determining the maximum rent, the heat and hot water which the landlord is required to supply shall not be in excess of the amount which he can supply under any statute, regulation or order of the United States or any agency thereof which rations or limits the use of fuel oil.

§1388.584 *Maximum rents.* Maximum rents (unless and until changed by the Administrator as provided in § 1388.585) shall be:

(a) For housing accommodations rented on March 1, 1942, the rent for such accommodations on that date.

(b) For housing accommodations not rented on March 1, 1942, but rented at any time during the two months ending on that date, the last rent for such accommodations during that two-month period.

(c) For housing accommodations not rented on March 1, 1942 nor during the two months ending on that date, but rented prior to the effective date of this Maximum Rent Regulation No. 57, the first rent for such accommodations after March 1, 1942. The Administrator may order a decrease in the maximum rent as provided in §1388.585 (c).

(d) For (1) newly constructed housing accommodations without priority rating first rented after March 1, 1942 and before the effective date of this Maximum Rent Regulation, or (2) housing accommodations changed between those dates so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations changed between those dates from unfurnished to fully furnished, or from fully furnished to unfurnished, or (4) housing accommodations substantially changed between those dates by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, the first rent for such accommodations after such construction or change: *Provided, however*, That, where such first rent was fixed by a lease which was in force at the time of a major capital improvement, the maximum rent shall be the first rent after termination of such lease. The Administrator may order a decrease in the maximum rent as provided in § 1388.585 (c).

(e) For (1) newly constructed housing accommodations without priority rating first rented on or after the effective date of this Maximum Rent Regulation, or (2) housing accommodations changed on or after such effective date so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations not rented at any time between January 1, 1942 and such effective date, the first rent for such accommodations after the change or the effective date, as the case may be. Within 30 days after so renting the landlord shall register the accommodations as provided in § 1388. 587. The Administrator may order a decrease in the maximum rent as provided in § 1388.585 (c).

(f) For housing accommodations constructed with priority rating from the United States or any agency thereof for which the rent has been heretofore or is hereafter approved by the United States or any agency thereof, the rent so approved, but in no event more than the rent on March 1, 1942, or, if the accommodations were not rented on that date, more than the first rent after that date.

(g) For housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942, as determined by the owner of such accommodations: *Provided, however*, That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.585 (c).

(h) For housing accommodations rented to either Army or Navy personnel, including civilian employes of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this Maximum Rent Regulation by such rent schedule. The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this Maximum Rent Regulation.

§ 1388.585 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services or a deterioration, the adjustment in the maximum rent shall be the amount the Administrator finds would have been on March 1, 1942, the difference in the rental value of the housing accommodations by reason of such change: *Provided, however*, That no adjustment shall be ordered where it appears that the rent on the date determining the maximum rent was fixed in contemplation of and so as to reflect such change. In all other cases, except those under paragraphs (a) (7) and (c) (6) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1942. In cases under paragraphs (a) (7) and (c) (6) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on March 1, 1942.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been on or after the effective date of this Maximum Rent Regulation No. 57 a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to March 1, 1942, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent on March 1, 1942 was fixed by a lease or other rental agreement which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent. No increase in the maximum rent shall be ordered on the ground set forth in this paragraph (a) (3) unless the increase in services, furniture, furnishings or equipment occurred with the consent of the tenant or while the accommodations were vacant: *Provided*, That an adjustment may be ordered, although the tenant refuses to consent to the increase in services, furniture, furnishings or equipment, if the Administrator finds that such increase (i) is reasonably required for the operation of a multiple dwelling structure or other structure of which the accommodations are a part or (ii) is necessary for the preservation or maintenance of the accommodations.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(5) There was in force on March 1, 1942, a written lease, for a term commencing on or prior to March 1, 1941, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942; or the housing accommodations were not rented on March 1, 1942, but were rented during the two months ending on that date and the last rent for such accommodations during that two-month period was fixed by a written lease, for a term commencing on or prior to March 1, 1941, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(6) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent on the date determining the maximum rent was substantially lower than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) (1) If, on the effective date of this Maximum Rent Regulation, the services provided for housing accommodations are less than the minimum services required by § 1388.583, the landlord shall either restore and maintain such minimum services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. If, on such effective date, the furniture, furnishings or equipment provided with housing accommodations are less than the minimum required by § 1388.583, the landlord shall, within 30 days after such date, file a written report showing the decrease in furniture, furnishings or equipment.

(2) Except as above provided, the landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings and equipment unless and until he has filed a petition to decrease the services, furniture, furnishings or equipment and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, furniture, furnishings or equipment he shall file a petition within 10 days after the change occurs. When the accommodations become vacant the landlord may, on renting to a new tenant, decrease the services, furniture, furnishings or equipment below the minimum; within 10 days after so renting the landlord shall file a written report showing such decrease.

(3) The order on any petition under this paragraph may require an appro-

priate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph may be decreased in accordance with the provisions of § 1388.585 (c) (3). If the landlord fails to file the petition or report required by this paragraph within the time specified, or decreases the services, furniture, furnishings or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or the effective date of this Maximum Rent Regulation, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by any order decreasing the maximum rent on account of such decrease in services, furniture, furnishings or equipment. In such case, any order decreasing the maximum rent shall be effective to decrease such rent from the beginning of the first rental period after the decrease in services, furniture, furnishings or equipment or after the effective date of this Maximum Rent Regulation, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for housing accommodations under paragraph (c), (d), (e), or (g), of § 1388.584 is higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(2) There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a decrease in the minimum services, furniture, furnishings or equipment required by § 1388.583 since the date or order determining the maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(5) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially lower rent at other periods during the term of such lease or agreement.

(6) The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(e) Where, at the expiration or other termination of an underlying lease or other rental agreement, housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the landlord may rent the entire premises for use by similar occupancy for a rent not in excess of the aggregate maximum rents of the separate dwelling units, or may rent the separate dwelling units for rents not in excess of the maximum rents applicable to such units.

Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Administrator for leave to exercise any right he would have except for this Maximum Rent Regulation to sell his underlying lease or other rental agreement. The Administrator may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result, in the circumvention or evasion of the Act or this Maximum Rent Regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section, the Administrator may enter an interim order increasing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order upon such petition. The receipt by the landlord of any increased rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

(g) No adjustment in the maximum rent shall be ordered on the ground that the landlord, since the date or order determining the maximum rent, has, as a part of or in connection with a lease of housing accommodations, granted the tenant an option to buy the accommodations which are the subject of the lease. Where a lease of housing accommodations was in force on the date determining the maximum rent, and the landlord had on that date, as a part of or in connection with such lease, granted the tenant an option to buy the accommodations which are the subject of the lease, the Administrator may, on or after the termination of such lease, on his own initiative or on application of the tenant, enter an order fixing the maximum rent on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations not subject to an option to buy on March 1, 1942.

§ 1388.586 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, and regardless of any contract, lease, agreement or obligation heretofore or hereafter entered into which provides for entry of judgment upon the tenant's confession for breach of the covenants thereof or which otherwise provides contrary hereto, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation, or

(2) The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination

the housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons who occupied under a rental agreement with the tenant; or

(5) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) The landlord owned, or acquired an enforceable right to buy or the right to possession of, the housing accommodations prior to the effective date of this Maximum Rent Regulation, and seeks in good faith to recover possession of such accommodations for immediate use and occupancy as a dwelling for himself. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, the landlord shall file a written report on a form provided therefor before renting the accommodations or any part thereof during a period of six months after such removal or eviction.

(b) (1) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation No. 57 and would not be likely to result in the circumvention or evasion thereof.

(2) Removal or eviction of a tenant for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after the effective date of this Maximum Rent Regulation, is inconsistent with the purposes of the Act and this Maximum Rent Regulation and would be likely to result in the circumvention or evasion thereof, unless (i) the payment or payments of principal made by the purchaser, excluding any payments made from funds borrowed for the purpose of making such principal payments, aggregate 33⅓% or more of the purchase price, and (ii) a period of three months has elapsed after the issuance of a certificate by the Administrator as hereinafter provided. For the purposes of this paragraph (b) (2), the payments of principal may be made by the purchaser conditionally or in escrow to the end that they shall be returned to the purchaser in the event the Administrator denies a petition for a certificate. If the Administrator finds that the required payments of principal have been made, he shall, on petition of either the vendor or purchaser, issue a certificate authorizing the purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law at the expiration of three months after the date of issuance of such certificate. In no other case shall the Administrator issue a certificate for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after the effective date of this Maximum Rent Regulation, unless he finds that the vendor has or had a substantial necessity requiring the sale and that a reasonable sale or disposition of the accommodations could not be made without removal or eviction of the tenant, or unless he finds that other special hardship would result; under such circumstances the payment by the purchaser of 33⅓% of the purchase price shall not be a condition to the issuance of a certificate, and the certificate shall authorize the vendor or purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law.

(c) The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(d) (1) Every notice to a tenant to vacate or surrender possession of housing accommodations shall state the ground under this section upon which the landlord relies for removal or eviction of the tenant. A written copy of such notice shall be given to the Area Rent Office within 24 hours after the notice is given to the tenant.

No tenant shall be removed or evicted from housing accommodations, by court process or otherwise, unless, at least ten days prior to the time specified for surrender of possession and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the Area Rent Office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession.

Where the ground for removal or eviction of a tenant is non-payment of rent, every notice under this paragraph (d) (1) shall state the rent for the housing accommodations, the amount of rent due and the rental period or periods for which such rent is due. The provisions of this paragraph (d) (1) shall not apply where a certificate has been issued by the Administrator pursuant to the provisions of paragraph (b) of this section.

(2) At the time of commencing any action to remove or evict a tenant, including an action based upon non-payment of rent, the landlord shall give written notice thereof to the Area Rent Office stating the title of the case, the number of the case where that is possible, the court in which it is filed, the name and address of the tenant, and the ground under this section on which removal or eviction is sought.

(e) No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.587 *Registration.* Within 45 days after the effective date of this Maximum Rent Regulation, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement. The statement shall identify each dwelling unit and specify the maximum rent provided by this Maximum Rent Regulation No. 57 for such dwelling unit and shall contain such other information as the Administrator shall require. The original shall remain on file with the Administrator and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement, and shall obtain the tenant's signature and the date thereof, on the back of such statement. Within five days after renting to a new tenant, the landlord shall file a notice on the form provided therefor, on which he shall obtain the tenant's signature, stating that there has been a change in tenancy, that the stamped copy of the registration statement has been exhibited to the new tenant and that the rent for such accommodations is in conformity therewith.

No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

When the maximum rent is changed by order of the Administrator, the landlord shall deliver his stamped copy of the registration statement to the Area Rent Office for appropriate action reflecting such change.

The foregoing provisions of this section shall not apply to housing accommodations under § 1388.584 (g). The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the Defense-Rental Area and containing such other information as the Administrator shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

§ 1388.588 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

§ 1388.589 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 57 shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges or by modification of the services furnished with housing accommodations, or otherwise.

§ 1388.590 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation 57 are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.591 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation No. 57 shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).[1]

§ 1388.592 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 57 may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.593 *Definitions.* (a) When used in this Maximum Rent Regulation No. 57:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The term "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Rent Regulation.

§ 1388.594 *Effective date of the regulation.* This Maximum Rent Regulation No. 57 (§§ 1388.581 to 1388.594, inclusive) shall become effective December 1, 1942.

Issued this 27th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12561; Filed, November 27, 1942; 3:29 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 58A]

HOTELS AND ROOMING HOUSES

In the judgment of the Administrator, rents for housing accommodations within each of the Defense-Rental Areas and the portion of a Defense-Rental Area set out in § 1388.631 (a) of this Maximum Rent Regulation No. 58A, as designated in the designations and rent declarations issued by the Administrator on April 28, 1942, as amended, on May 26, 1942, on June 3, 1942, and on July 29, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designations and rent declarations.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within each such Defense-Rental Area or portion of a Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within each such Defense-Rental Area or portion of a Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for rooms in hotels and rooming houses within each such Defense-Rental Area or portion of a Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 58A is hereby issued.

AUTHORITY: §§ 1388.631 to 1388.644, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.631 *Scope of regulation.* (a) This Maximum Rent Regulation No. 58A applies to all rooms in hotels and rooming houses within each of the following Defense-Rental Areas and the following portion of a Defense-Rental Area (each of which is referred to hereinafter in this Maximum Rent Regulation as the "Defense-Rental Area"), as designated in the Designations and Rent Declarations (§§ 1388.1201 to 1388.1205, 1388.1251 to 1388.1255, 1388.1301 to 1388.1305, and 1388.1321 to 1388.1325, inclusive) issued by the Administrator on April 28, 1942, as amended, on May 26, 1942, on June 3, 1942, and on July 29, 1942, except as provided in paragraph (b) of this section:

(1) The Lanett Defense-Rental Area, consisting of the County of Chambers, in the State of Alabama.

(2) The Tuskegee Defense-Rental Area, consisting of the County of Macon, in the State of Alabama.

(3) The Phoenix-Salt River Valley Defense-Rental Area, consisting of the Counties of Gila and Maricopa, in the State of Arizona.

(4) The Tucson Defense-Rental Area, consisting of the County of Pima, in the State of Arizona.

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[1] 7 F.R. 3936, 3991, 6081, 7149.

(5) The Yuma Defense-Rental Area, consisting of the County of Yuma, in the State of Arizona.

(6) The Fort Smith Defense-Rental Area, consisting of the County of Sebastian, in the State of Arkansas.

(7) The Stuttgart Defense-Rental Area, consisting of the Counties of Arkansas and Prairie, in the State of Arkansas.

(8) The Chico Defense-Rental Area, consisting of the County of Butte, in the State of California.

(9) The Lemoore-Hanford Defense-Rental Area, consisting of the County of Kings, in the State of California.

(10) The Merced Defense-Rental Area, consisting of the County of Merced, in the State of California.

(11) The Modesto Defense-Rental Area, consisting of the County of Stanislaus, in the State of California.

(12) The Santa Barbara Defense-Rental Area, consisting of the County of Santa Barbara, in the State of California.

(13) The Visalia-Tulare Defense-Rental Area, consisting of the County of Tulare, in the State of California.

(14) The Leadville Defense-Rental Area, consisting of the Counties of Eagle, Lake, and Summit, in the State of Colorado.

(15) The Dover-Seaford Defense-Rental Area, consisting of the Counties of Kent and Sussex, in the State of Delaware.

(16) The Apalachicola Defense-Rental Area, consisting of the Counties of Franklin and Gulf, in the State of Florida.

(17) The Banana River Defense-Rental Area, consisting of the County of Brevard, in the State of Florida.

(18) The Marianna Defense-Rental Area, consisting of the County of Jackson, in the State of Florida.

(19) The Athens Defense-Rental Area, consisting of the County of Clarke, in the State of Georgia.

(20) The Coeur d'Alene-Pend Orielle Defense-Rental Area, consisting of the Counties of Bonner and Kootenai, in the State of Idaho.

(21) The Decatur, Indiana Defense-Rental Area, consisting of the County of Adams, in the State of Indiana.

(22) The Muncie-Anderson Defense-Rental Area, consisting of the Counties of Delaware, Grant, Howard, and Madison, in the State of Indiana.

(23) The Seymour Defense-Rental Area, consisting of the County of Jackson, in the State of Indiana.

(24) The Cedar Rapids Defense-Rental Area, consisting of the County of Linn, in the State of Iowa.

(25) The Liberal Defense-Rental Area, consisting of the County of Seward, in the State of Kansas.

(26) The Salina Defense-Rental Area, consisting of the Counties of Dickinson, McPherson, Ottawa, and Saline, in the State of Kansas.

(27) The Bangor Defense-Rental Area, consisting of the County of Penobscot, in the State of Maine.

(28) The Presque Isle Defense-Rental Area, consisting of the County of Aroostook, in the State of Maine.

(29) The Port Huron Defense-Rental Area, consisting of the County of St. Clair, in the State of Michigan.

(30) The Centreville Defense-Rental Area, consisting of the Counties of Adams, Amite, Pike, and Wilkinson, in the State of Mississippi; and the Parishes of East Feliciana and West Feliciana, in the State of Louisiana.

(31) The Greenville, Mississippi Defense-Rental Area, consisting of the County of Washington, in the State of Mississippi.

(32) The Jackson, Mississippi Defense-Rental Area, consisting of the Counties of Hinds, Madison, and Rankin, in the State of Mississippi.

(33) The Sedalia Defense-Rental Area, consisting of the Counties of Johnson and Pettis, in the State of Missouri.

(34) The Lincoln Defense-Rental Area, consisting of the County of Lancaster, in the State of Nebraska.

(35) The Omaha Defense-Rental Area, consisting of the Counties of Douglas and Sarpy, in the State of Nebraska; and the County of Pottawattamie, in the State of Iowa.

(36) The Reno Defense-Rental Area, consisting of the County of Washoe, in the State of Nevada.

(37) The Portsmouth Defense-Rental Area, consisting of the Counties of Rockingham and Strafford, in the State of New Hampshire.

(38) The Bridgeton-Millville Defense-Rental Area, consisting of the County of Cumberland, in the State of New Jersey.

(39) The Cape May Defense-Rental Area, consisting of the County of Cape May, in the State of New Jersey.

(40) The Alamogordo Defense-Rental Area, consisting of the County of Otero, in the State of New Mexico.

(41) The Albuquerque Defense-Rental Area, consisting of the County of Bernalillo, in the State of New Mexico.

(42) The Poughkeepsie Defense-Rental Area, consisting of the Counties of Dutchess, Orange, and Ulster, in the State of New York.

(43) The Durham Defense-Rental Area, consisting of the County of Durham, in the State of North Carolina.

(44) The Henderson Defense-Rental Area, consisting of the County of Vance, in the State of North Carolina.

(45) The Laurinburg Defense-Rental Area, consisting of the Counties of Richmond, Robeson, and Scotland, in the State of North Carolina; and the County of Marlboro, in the State of South Carolina.

(46) The Findlay-Fostoria Defense-Rental Area, consisting of the Counties of Hancock and Seneca, in the State of Ohio.

(47) The Mt. Vernon Defense-Rental Area, consisting of the County of Knox, in the State of Ohio.

(48) The Chickasha Defense-Rental Area, consisting of the Counties of Caddo and Grady, in the State of Oklahoma.

(49) The Enid Defense-Rental Area, consisting of the County of Garfield, in the State of Oklahoma.

(50) The Chambersburg Defense-Rental Area, consisting of the County of Franklin, in the State of Pennsylvania.

(51) The Emporium Defense-Rental Area, consisting of the County of Cameron, in the State of Pennsylvania.

(52) The Milton Defense-Rental Area, consisting of the Counties of Montour, Northumberland, Snyder, and Union, in the State of Pennsylvania.

(53) That portion of the Scranton-Wilkes Barre Defense-Rental Area consisting of the County of Columbia, in the State of Pennsylvania.

(54) The Sumter Defense-Rental Area, consisting of the County of Sumter, in the State of South Carolina.

(55) The Copperhill-McCaysville Defense-Rental Area, consisting of the County of Polk, in the State of Tennessee; and the County of Fannin, in the State of Georgia.

(56) The Dyersburg Defense-Rental Area, consisting of the Counties of Crockett, Dyer, and Lauderdale, in the State of Tennessee.

(57) The Murfreesboro Defense-Rental Area, consisting of the County of Rutherford, in the State of Tennessee.

(58) The Nashville Defense-Rental Area, consisting of the County of Davidson, in the State of Tennessee.

(59) The Austin Defense-Rental Area, consisting of the Counties of Hays, Travis, and Williamson, in the State of Texas.

(60) The Big Spring Defense-Rental Area, consisting of the County of Howard, in the State of Texas.

(61) The Bonham Defense-Rental Area, consisting of the County of Fannin, in the State of Texas.

(62) The Childress Defense-Rental Area, consisting of the County of Childress, in the State of Texas.

(63) The Daingerfield Defense-Rental Area, consisting of the Counties of Camp, Cass, Morris, Red River, and Titus, in the State of Texas.

(64) The Victoria Defense-Rental Area, consisting of the County of Victoria, in the State of Texas.

(65) The Richmond, Virginia, Defense-Rental Area, consisting of the Independent City of Richmond; the County of Henrico; and in the County of Chesterfield the Magisterial Districts of Bermuda, Clover Hill, Dale, Manchester, and Midlothian, in the State of Virginia.

(66) The Island County Defense-Rental Area, consisting of the County of Island, in the State of Washington.

(67) The Charleston, West Virginia, Defense-Rental Area, consisting of the County of Kanawha, in the State of West Virginia.

(68) The Oshkosh-Fond du Lac Defense-Rental Area, consisting of the Counties of Fond du Lac and Winnebago, in the State of Wisconsin.

(b) This Maximum Rent Regulation No. 58A does not apply to the following:

(1) Rooms situated on a farm and occupied by a tenant who is engaged for

a substantial portion of his time in farming operations thereon;

(2) Rooms occupied by domestic servants, caretakers, managers, or other employees to whom the rooms are provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the rooms are a part;

(3) Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes;

(4) Entire structures or premises used as hotels or rooming houses, as distinguished from the rooms within such hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

(e) Where a building or establishment which does not come within the definitions of a hotel or rooming house contains one or more furnished rooms or other furnished housing accommodations rented on a daily, weekly or monthly basis, the landlord may, with the consent of the Administrator, elect to bring all housing accommodations within such building or establishment under the control of this Maximum Rent Regulation. A landlord who so elects shall file a registration statement under this Maximum Rent Regulation for all such housing accommodations, accompanied by a written request to the Administrator to consent to such election.

If the Administrator finds that the provisions of this Maximum Rent Regulation establishing maximum rents are better adapted to the rental practices for such building or establishment than the provisions of this Maximum Rent Regulation for Housing Accommodations Other than Hotels and Rooming Houses, he shall consent to the landlord's election. Upon such consent, all housing accommodations within such building or establishment which are or hereafter may be rented or offered for rent shall become subject to the provisions of this Maximum Rent Regulation, and shall be considered rooms within a rooming house for the purposes of the provisions relating to eviction.

The landlord may at any time, with the consent of the Administrator, revoke his election, and thereby bring under the control of the Maximum Rent Regulation for Housing Accommodations Other than Hotels and Rooming Houses all housing accommodations previously brought under the Maximum Rent Regulation by such election. He shall make such revocation by filing a registration statement or statements under the Maximum Rent Regulation for Housing Accommodations Other than Hotels and Rooming Houses, including in such registration statement or statements all housing accommodations brought under this Maximum Rent Regulation by such election. Such registration statement or statements shall be accompanied by a written request to the Administrator to consent to such revocation. The Administrator may defer action on such request if he has taken or is about to take action to decrease the maximum rents of any housing accommodations within such building or establishment. If the Administrator finds that the revocation so requested will not result in substantial increases in the maximum rents of housing accommodations affected by such revocation, he shall give such consent. Upon such consent, all housing accommodations affected by such revocation shall become subject to the provisions of the Maximum Rent Regulation for Housing Accommodations Other than Hotels and Rooming Houses.

§ 1388.632 *Prohibition.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 58A of any room in a hotel or rooming house within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

(b) No tenant shall be required to change his term of occupancy if that will result in the payment of a higher amount per day than the maximum rent established for his present term of occupancy. Where, on June 15, 1942, or between that date and the effective date of this Maximum Rent Regulation, a room was regularly rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy, unless he offers another term of occupancy for a rent which results in the payment of an amount no higher per day.

§ 1388.633 *Minimum services, furniture, furnishings and equipment.* Except as set forth in § 1388.635 (b), every landlord shall, as a minimum, provide with a room the same essential services, furniture, furnishings and equipment as those provided on the date or during the thirty-day period determining the maximum rent, and as to other services, furniture, furnishings and equipment not substantially less than those provided on such date or during such period: *Provided, however,* That where fuel oil is used to supply heat or hot water for a room, and the landlord provided heat or hot water on the date or during the thirty-day period determining the maximum rent, the heat and hot water which the landlord is required to supply shall not be in excess of the amount which he can supply under any statute, regulation or order of the United States or any agency thereof which rations or limits the use of fuel oil.

§ 1388.634 *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a hotel or rooming house (unless and until changed by the Administrator as provided in § 1388.635) shall be:

(a) For a room rented or regularly offered for rent during the thirty days ending on March 1, 1942, the highest rent for each term or number of occupants for which the room was rented during that thirty-day period, or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(b) For a room neither rented nor regularly offered for rent during the thirty days ending on March 1, 1942, the highest rent for each term or number of occupants for which the room was rented during the thirty days commencing when it was first offered for rent after March 1, 1942; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(c) For a room rented for a particular term or number of occupants for which no maximum rent is established under paragraphs (a) or (b) of this section the first rent for the room after March 1, 1942, for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same hotel or rooming house.

(d) For a room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942, as determined by the owner of such rooms: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.635 (c) (1).

(e) For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Administrator at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment, if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on June 15, 1942.

(f) For a room rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this Maximum Rent Regulation by such rent schedule. The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this Maximum Rent Regulation No. 58A.

§ 1388.635 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942: *Provided, however,* That no maximum rent shall be increased because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on March 1, 1942, the difference in the rental value of the accommodations by reason of such improvement or increase: *And provided, further,* That no adjustment shall be ordered because of a major capital improvement, an increase or decrease in services, furniture, furnishings or equipment, or a deterioration, where it appears that the rent during the thirty-day period determining the maximum rent was fixed in contemplation of and so as to reflect such change. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1942. In cases under paragraphs (a) (7) and (c) (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable rooms during the year ending on March 1, 1942.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been, since the thirty-day period or the order determining the maximum rent for the room, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to March 1, 1942, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent during the thirty-day period ending on March 1, 1942, was fixed by a lease or other rental agreement which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the thirty-day period or the order determining its maximum rent.

(4) The rent during the thirty-day period determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942.

(5) There was in force on March 1, 1942, a written lease, for a term commencing on or prior to March 1, 1941, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942.

(6) The rent during the thirty-day period determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent during the thirty-day period determining the maximum rent for the room was substantially lower than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) (1) If, on the effective date of this Maximum Rent Regulation 58A, the services provided for a room are less than the minimum services required by § 1388.633, the landlord shall either restore and maintain such minimum services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. If, on such effective date, the furniture, furnishings or equipment provided with a room are less than the minimum required by § 1388.633, the landlord shall, within 30 days after such date, file a written report showing the decrease in furniture, furnishings or equipment.

(2) Except as above provided, the landlord shall, until the room becomes vacant, maintain the minimum services, furniture, furnishings and equipment unless and until he has filed a petition to decrease the services, furniture, furnishings or equipment and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, furniture, furnishings or equipment he shall file a petition within 10 days after the change occurs. When the room becomes vacant the landlord may, on renting to a new tenant, decrease the services, furniture, furnishings or equipment below the minimum; within 10 days after so renting the landlord shall file a written report showing such decrease.

(3) The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph may be decreased in accordance with the provisions of § 1388.635 (c) (3). If the landlord fails to file the petition or report required by this paragraph within the time specified, or decreases the services, furniture, furnishings or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or the effective date of this Maximum Rent Regulation, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by any order decreasing the maximum rent on account of such decrease in services, furniture, furnishings or equipment. In such case, any order decreasing the maximum rent shall be effective to decrease such rent from the beginning of the first rental period after the decrease in services, furniture, furnishings or equipment or after the effective date of this Maximum Rent Regulation, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for the room is higher than the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942.

(2) There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a decrease in the minimum services, furniture, furnishings or equipment required by § 1388.633 since the date or order determining the maximum rent.

(4) The rent on the date determining the maximum rent for the room was substantially higher than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942.

§ 1388.636 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant of a room within a hotel or rooming house shall be removed from such room, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation No. 58A; or

(2) The tenant has unreasonably refused the landlord access to the room for the purpose of inspection or of showing the room to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the room for an immoral or illegal purpose; or

(4) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(5) The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), the landlord shall file a written report on a form provided therefor before renting the room during a period of 6 months after such removal or eviction.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(c) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) The provisions of this section do not apply to:

(1) A subtenant or other person who occupied under a rental agreement with the tenant where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant; or

(2) A tenant occupying a room within a hotel on a daily or weekly basis; or a tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on a daily basis.

(3) Rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.637 *Registration and records.* (a) Within 45 days after the effective date of this Maximum Rent Regulation No. 58A every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. Any maximum rent established after the effective date of this Maximum Rent Regulation under paragraphs (b) or (c) of § 1388.634 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) Within 45 days after the effective date of this Maximum Rent Regulation, every landlord shall post and thereafter keep posted conspicuously in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Administrator the landlord shall alter the card or sign so that it states the changed rent or rents.

The foregoing provisions of this paragraph shall not apply to rooms under § 1388.634 (d). The owner of such rooms shall post a copy of the registration statement in a place where it will be available for inspection by the tenants of such rooms.

(c) No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(d) The provisions of this section shall not apply to rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(e) Every landlord of a room rented or offered for rent shall preserve, and make available for examination by the Administrator, all his existing records showing or relating to (1) the rent for each term and number of occupants for which such room was rented or regularly offered for rent during the thirty-day period determining the maximum rent for such room and (2) the rent on any date determining a maximum rent for such room for a particular term and number of occupants under § 1388.634 (c).

Every landlord of an establishment containing more than 20 rooms rented or offered for rent shall keep, preserve, and make available for examination by the Administrator, records showing the rents received for each room, the particular term and number of occupants for which such rents were charged, and the name and permanent address of each occupant; every other landlord shall keep, preserve, and make available for examination by the Administrator, records of the same kind as he has customarily kept relating to the rents received for rooms.

§ 1388.638 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Administrator as he may from time to time require.

§ 1388.639 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 58A shall not be evaded, either directly or indirectly in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or otherwise.

§ 1388.640 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation 58A are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.641 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation 58A shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).[1]

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[1] 7 F.R. 3936, 3991, 6081, 7149.

§ 1388.642 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation 58A may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.643 *Definitions.* (a) When used in this Maximum Rent Regulation No. 58A:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes), together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "room" means a room or group of rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) The term "services" includes repairs, decorating, and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

(11) The term "rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) The term "term of occupancy" means occupancy on a daily, weekly, or monthly basis.

(13) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Rent Regulation.

§ 1388.644 *Effective date of the regulation.* This Maximum Rent Regulation No. 58A (§§ 1388.631 to 1388.644, inclusive) shall become effective December 1, 1942.

Issued this 27th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12562; Filed, November 27, 1942; 3:29 p. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 118[1], Amendment 14]

COTTON PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Revoked: § 1400.118 (d) (14) (iii) (*c*).

Amended: In § 1400.118 (d) (27) (ix) (*j*), Reference No. 532 is amended to read "K-H" under the column headed "Type" and "$2.935" and "$1.6175" for pairs and singles respectively under the column headed "Base Maximum Price."

Added: In § 1400.101 (f), a comma and the words "cutting or fabrication" are inserted after the word "production"; in § 1400.104 the words "Except as specific maximum prices for sales by persons other than producers may be provided in section 1400.118," are inserted at the beginning of the section; § 1400.118 (d) (8) (iii) (*e*); and § 1400.118 (d) (31).

§ 1400.118 *Specific and formula maximum prices for certain cotton products: construction reports.* * * *

(d) * * *

(8) *Ducks (in the grey).* * * *

(iii) *Single-filling ounce duck (flat duck).* * * *

(*e*) *Sales of gem ducks by wholesalers and jobbers.* Notwithstanding the provisions of §1400.104(a), the maximum prices f. o. b. point of shipment, for sales of gem ducks by persons other than manufacturers shall be:

	Cents per yd.
8 oz	22
9 oz	25

* * * * *

(31) *Cotton seamless bags.* (i) The maximum price for cotton seamless bags, 20″ x 45″, weighing one pound, two-bushel capacity, shall be as follows:

	Carload lots: Cents per bag
Bemis Bro. Bag Co	36½
Fulton Bag & Cotton Mills	36½
Dana Warp Mills	33½
Royal River Mills, Inc	35¾
Cincinnati Bag Co	35¾

For any cotton seamless bag of a size other than that set forth above, the maximum price for each seller, for carload lots, shall be a price bearing the same percentage relationship to the above price as existed between the offering prices for the respective bags during March, 1942.

Terms of sale:

Bemis Bro. Bag Co.—Same terms as were offered to purchasers during March, 1942.

Fulton Bag & Cotton Mills—Same terms as were offered to purchasers during March, 1942.

Dana Warp Mills—Net 10 days, f. o. b. mill.

Royal River Mills, Inc.—Net 10 days, f. o. b. mill.

Cincinnati Bag Co.—Net 10 days, f. o. b. mill.

Differentials for less than carload lots: On sales of less than carload lots, each seller may add to the above maximum price the differential (in cents per bag) which he offered to purchasers during March, 1942.

§ 1400.117 *Effective dates of amendments.* * * *

(n) Amendment No. 14 (§§ 1400.101 (f), 1400.104, 1400.113 (d) (8) (iii) (*e*), (d) (14) (iii) (*c*); (d) (27) (ix) (*j*) Reference No. 532, (d) (31)) to Maximum Price Regulation No. 118 shall become effective December 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F. R. 7871)

Issued this 27th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12552; Filed, November 27, 1942; 3:31 p. .m]

PART 1499—COMMODITIES AND SERVICES

[Order 154 Under § 1499.3 (b) of GMPR]

BEEBE BROTHERS RUBBER COMPANY

On October 20, 1942, Beebe Brothers Rubber Company of Nashua, New Hampshire, filed application with the Office of Price Administration seeking specific authorization pursuant to § 1499.3 (b) of the General Maximum Price Regulation to determine the maximum price for rubber heels, other than those sold in the shoe repair trade, and for instructions as to the method to be used in determining such price. Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as Amended, and Executive Order No. 9250, and in accordance with § 1499.3 (b) of the General Maximum Price Regulation issued by the Office of Price Administration, *It is hereby ordered:*

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F. R. 3038, 3211, 3522, 3578, 3824, 3905, 4405, 5224, 5405, 5567, 5836, 6005, 6484, 7451, 8217, 8941, 9002, 8948.

§ 1499.1170 *Authorization for Beebe Brothers Rubber Company to determine maximum prices for rubber heels, other than those sold in the shoe repair trade, produced after August 15, 1942.* (a) The maximum prices which may be charged for rubber heels, other than those sold in the shoe repair trade, produced after August 15, 1942, by the Beebe Brothers Rubber Company, hereinafter called the "manufacturer", shall be: The maximum price of a rubber heel of the same type, brand, size and thickness, which was delivered or offered for delivery by the manufacturer in March 1942, adjusted by adding or substracting the increase or decrease in direct costs resulting from the changes in the physical properties of that rubber heel due to the use of a different grade of reclaimed rubber. The direct costs for the rubber heel made of the new compound and the rubber heel made of the old compound shall be determined as follows:

(1) The direct costs shall be the sum total of direct labor and direct materials costs. The direct labor costs shall be determined by multiplying the estimated number of hours of each type of labor required in the manufacture of the article by the wage rates determined in accordance with subdivision (i) of this subparagraph (1). The direct materials costs shall be determined by multiplying the estimated quantity of each type of material required in the manufacture of the article by the materials prices determined in accordance with subdivision (ii) of this subparagraph (1).

(i) The wage rates applicable to the article shall be the highest wage rates, in effect in the manufacturer's plant for any substantial portion of March, 1942, for each class of labor involved in the production of the commodity. If the manufacturer did not employ a given class of labor in March, 1942, he shall use the highest wage rate paid for any substantial portion of March, 1942, by the nearest employer operating under comparable conditions who employed that class of labor during that month.

(ii) The price of any materials used in the article being priced shall be the highest price charged during March, 1942 (as defined in subdivision (iii) of this subparagraph (1)) by the manufacturer's supplier; except that if the Office of Price Administration has established a lower maximum price for the sale of that material to the manufacturer by his supplier, such lower price shall govern. If the material was not delivered or offered for delivery by the manufacturer's supplier during March, 1942, the material price shall be the first price at which the manufacturer's supplier offered to sell the material to a purchaser of the same class as the manufacturer after March 31, 1942, or the maximum price for the material established by the Office of Price Administration, whichever is the lower. The manufacturer's supplier shall be (*a*) his March, 1942, supplier of the material, or (*b*) lacking a March, 1942, supplier of the material, his most recent supplier of the material. If neither of these exists; it shall be his potential supplier. For the purposes of this subdivision (ii), if the manufacturer shall receive a written affirmation from the seller that the material is being sold at a price which is not in excess of the maximum price established by the Office of Price Administration, and if the manufacturer shall have no cause to doubt the accuracy of the affirmation, and if, as of the time of his determination of the price of an article the maximum price of which is established by this order, the manufacturer shall have no reason to believe that the selling price of the material is in excess of the maximum price established by the Office of Price Administration, the price as affirmed by the seller shall be deemed to be the maximum price established by the Office of Price Administration for that material.

(iii) When used in subdivision (ii) of this subparagraph (1), the phrase "highest price charged during March, 1942" means:

(*a*) The highest price at which the seller delivered, or if he did not deliver, at which he offered the commodity for delivery, during March, 1942, to the same manufacturer in a quantity normal for that manufacturer.

(*b*) If the seller made no such delivery or offer for delivery during March, 1942, to the same manufacturer, the highest price at which the seller delivered, or if he did not deliver, at which he offered the commodity for delivery, during March, 1942, to a purchaser of the same class as the manufacturer in a quantity normal for that purchaser.

(*c*) If the seller made no such delivery or offer for delivery during March, 1942, to the same manufacturer or to a purchaser of the same class, the highest price charged by the seller during March, 1942, to a purchaser of a different class, in a quantity normal for that purchaser, adjusted to reflect the seller's customary differential between the two classes of purchasers.

(b) This Order No. 154 may be revoked or amended by the Office of Price Administration at any time.

(c) This Order No. 154 (§ 1499.1170) shall become effective November 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12553; Filed, November 27, 1942; 3:30 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 155 Under § 1499.3 (b) of GMPR]

MARY CHESS, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1171 *Approval of maximum prices for sales of Strategy Perfume and Strategy Toilet Water*—(a) *Sales by Mary Chess, Inc.*—(1) *Maximum prices.* The maximum prices for sales of Strategy Perfume and Strategy Toilet Water by Mary Chess, Inc., to retail establishments and to consumers are established as set forth below:

	Retail establishments	Consumers
	Each	*Each*
½ ounce knight chessman bottle of Strategy Perfume	$6.00	$10.00
¾ dram pawn chessman bottle of Strategy Perfume	.90	1.50
6-ounce star-shaped bottle of Strategy Toilet Water	3.00	5.00

(2) *Discounts, allowances, and price differentials.* Mary Chess, Inc., shall apply to the maximum prices set forth in subparagraph (1) of this paragraph for its sales of Strategy Perfume all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of transportation costs, and any other customary discounts or allowances which were in effect in March, 1942, on its sales of White Lilac Perfume.

Mary Chess, Inc., shall apply to the maximum prices set forth in subparagraph (1) of this paragraph for its sales of Strategy Toilet Water all quantity differentials, discounts for purchasers of different classes, credit terms, practices relating to the payment of transportation costs, and any other customary discounts or allowances which were in effect in March, 1942, on its sales of White Lilac Toilet Water.

(b) *Sales by retail establishments*—(1) *Maximum prices.* The maximum prices for sales by any retail establishment of Strategy Perfume and Strategy Toilet Water are established as set forth below:

	Each
½ ounce knight chessman bottle of Strategy Perfume	$10.00
¾ dram pawn chessman bottle of Strategy Perfume	1.50
6 ounce star shaped bottle of Strategy Toilet Water	5.00

When used in this order the term "retail establishment" means any person who buys the ½ ounce knight chessman bottle of Strategy Perfume, the ¾ dram pawn chessman bottle of Strategy Perfume, or the 6 ounce star shaped bottle of Strategy Toilet Water and resells it, without substantially changing its form, directly to consumers.

(2) *Discounts, allowances, and price differentials.* Any retail establishment making sales of Strategy Perfume shall apply to the maximum prices set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges and other customary discounts and allowances which were in effect in March, 1942, on sales by the retail establishment of White Lilac Perfume or on sales of the perfume most nearly comparable to Strategy Perfume if the retail establishment did not sell White Lilac Perfume in March, 1942.

Any retail establishment making sales of Strategy Toilet Water shall apply to the maximum prices set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges and other customary discounts or allowances which were in effect in March, 1942, on sales by the retail establishment of White Lilac Toilet Water or on sales of the toilet water most nearly comparable to Strategy Toilet Water if the retail establishment did not sell White Lilac Toilet Water in March, 1942.

(c) *Notification of maximum prices.* Mary Chess, Inc., shall accompany the first delivery of the ½ ounce knight chessman bottle of Strategy Perfume, the first delivery of the ¾ dram pawn chessman bottle of Strategy Perfume, and the first delivery of the 6 ounce star shaped bottle of Strategy Toilet Water to each retail establishment with a notification of the maximum prices for sales by retail establishments which are established by this Order No. 155. Such notification shall be effected by accompanying the first delivery of each type of bottle of Strategy Perfume and Strategy Toilet Water to each retail establishment with a copy of this Order No. 155.

(d) *Definitions.* When used in this order the term:

(1) "½ ounce knight chessman bottle of Strategy Perfume" means a ½ ounce glass bottle of perfume, Strategy fragrance, with a specially designed ground glass stopper simulating a knight of chess, mounted in a yellow satin rayon presentation box of stage design, manufactured and distributed by Mary Chess, Inc., under the name of Strategy Perfume.

(2) "¾ dram pawn chessman bottle of Strategy Perfume" means a ¾ dram glass bottle of perfume, Strategy fragrance, with a metal ball screw top simulating a pawn of chess, manufactured and distributed by Mary Chess, Inc., under the name of Strategy Perfume.

(3) "6 ounce star shaped bottle of Strategy Toilet Water" means a 6 fluid ounce five-pointed star shaped glass bottle of toilet water, Strategy fragrance, with a ground glass stopper, mounted in a special carton, manufactured and distributed by Mary Chess, Inc., under the name of Strategy Toilet Water.

(4) "White Lilac Perfume" means a ¾ dram glass bottle of perfume, White Lilac fragrance, with a metal ball screw top simulating a pawn of chess, manufactured and distributed by Mary Chess, Inc., under the name of White Lilac Perfume.

(5) "White Lilac Toilet Water" means a 6 fluid ounce five-pointed star shaped glass bottle of toilet water, White Lilac fragrance, with a ground glass stopper mounted in a special carton, manufactured and distributed by Mary Chess, Inc., under the name of White Lilac Toilet Water.

(e) This Order No. 155 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 155 (§ 1499.1171) shall become effective November 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12554; Filed, November 27, 1942; 3:30 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 156 Under § 1499.3 (b) of GMPR]

SMARTSTYL SHOE COMPANY

Smartstyl Shoe Company, Mayville, Wisconsin, made application pursuant to § 1499.3 (b) of the General Maximum Price Regulation for an authorization to determine maximum prices for a growing girls' shoe with a crepe sole. Due consideration has been given to the application and it appears that the new shoe cannot be priced by the seller under § 1499.2 of the General Maximum Price Regulation. For the reasons set forth in an opinion in support of this order, which has been issued simultaneously herewith and has been filed with the Division of the Federal Register and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.1172 *Approval of method of determining a maximum price of a growing girls' Goodyear Welt oxford with a crepe sole for Smartstyl Shoe Company, Mayville, Wisconsin.* (a) Smartstyl Shoe Company is hereby authorized to determine the maximum price for a new style of growing girls' shoe with a crepe sole in the following manner:

(1) From the same general classification as the new shoe it shall select as a base shoe a shoe which has the March 1942 total direct labor and material cost nearest to the calculated March 1942 total direct labor and material cost of the new shoe, which has a price established under § 1499.2 of the General Maximum Price Regulation, and of which a substantial number of units was delivered in March 1942. If there is no shoe of the same general classification, it shall select as a base shoe the shoe which is in the March 1942 total material and direct labor cost range nearest to the calculated March 1942 total material and direct labor cost of the new shoe, and of which it delivered a substantial number of units during March 1942.

(2) It shall divide the maximum price for the base shoe by the total March 1942 material and direct labor cost thereof;

(3) It shall multiply the percentage so obtained by the total material and direct labor cost of the new shoe figured on a March 1942 basis;

(4) It shall then subtract the total March 1942 material and direct labor cost of the base shoe from the maximum selling price thereof; and

(5) Add the total March 1942 material and direct labor cost of the new shoe to the figure so obtained;

(6) The lower of the two results (operation 3 or 5) is the maximum price for the new shoe to a purchaser of the same class as that to which the price of the base shoe applies;

(b) The costs to be used in computing the above mentioned formula are to be compiled by filling out Form GMPR: 6—Report of a Maximum Price for a New Shoe.

(c) All allowances, discounts, trade practices and practices relating to the payment of transportation costs in effect during March 1942, shall apply to the maximum prices determined under paragraph (a).

(d) Within ten days after the maximum selling prices have been determined as herein provided the Smartstyl Shoe Company shall submit an individual report on Form GMPR 6 for each shoe priced under this Order No. 156 to the Office of Price Administration, Washington, D. C.

(e) The maximum selling price as determined pursuant to paragraph (a) shall be subject to adjustment at any time by the Office of Price Administration.

(f) This Order No. 156 may be revoked or amended by the Office of Price Administration at any time;

(g) This Order No. 156 (§ 1499.1172) shall become effective November 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12555; Filed, November 27, 1942; 3:30 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165 as amended,[1] Amendment 10]

SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In § 1499.108, the text of paragraph (c) is amended and new paragraphs (d),

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343.

(e), and (f) are added as set forth below:

§ 1499.108 *Base-period records and reports.* * * *

(c) If a seller of a service sells any service not the same as or similar to a service sold by him in March 1942, or not priced by the same rate, or pricing method and charges as he regularly used in March 1942, the records required by paragraph (d) of this § 1499.108 shall be preserved for examination by the Office of Price Administration, and a statement identical with that required by paragraph (b) of this § 1499.108 shall be prepared, kept and filed as required by that paragraph,

(d) For all services sold after December 3, 1942, the effective date of Amendment No. 10 to Maximum Price Regulation No. 165 as amended (or sold after the effective date of the amendment which makes the service subject to Maximum Price Regulation No. 165 as amended, if that is later), the seller shall preserve for examination by the Office of Price Administration all records of the same kind as those he has customarily kept which relate to the prices which he charged for such services, the rates, or the pricing method and charges which he used, his offering prices for supply and an appropriate description and identification of those services.

(e) Where a service is made subject to Maximum Price Regulation No. 165 as amended for the first time, the seller must prepare, keep and file the statements required by paragraphs (b) and (c) of this § 1499.108 in accordance with those provisions. But the statements required by paragraphs (b) and (c) of this § 1499.108 need not be prepared nor kept available for inspection before twenty (20) days from the effective date of the amendment covering the service, and need not be filed with the Office of Price Administration before thirty (30) days from the effective date of such amendment.

(f) All statements required by this § 1499.108 must be signed by the seller personally (or if the seller is a partnership, by a partner, or if a corporation or an association, by a duly authorized officer).

§ 1499.121a *Effective dates of amendments.* * * *

(j) Amendment No. 10 (§ 1499.108 (c), (d), (e), (f)) to Maximum Price Regulation No. 165 as amended shall become effective December 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12565; Filed, November 27, 1942; 4:18 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165,[1] as Amended, Amendment 11]

SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1499.107 is amended to read as set forth below:

§ 1499.107 The provisions of this regulation shall not apply to the services excepted from the General Maximum Price Regulation by Revised Supplementary Regulation No. 4[2] or Revised Supplementary Regulation No. 11,[3] or any amendments thereto, insofar and for such time as such services are excepted by those supplementary regulations.

§ 1499.121a *Effective dates of amendments.* * * *

(k) Amendment No. 11 (§ 1499.107) to Maximum Price Regulation No. 165 as amended shall become effective December 3, 1942.

(Pub. Laws. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12566; Filed, November 27, 1942; 4:17 p. m.]

PART 1305—ADMINISTRATION

[Correction to Supp. Order 24[4]]

PACKAGED CHRISTMAS GIFTS

Reference to § 1305.28 in Supplementary Order 24 is hereby corrected to read § 1305.29.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 28th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12607; Filed, November 28, 1942; 12:29 p. m.]

PART 1306—IRON AND STEEL

[RPS 10,[5] Amendment 3]

PIG IRON

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The item "Duluth" in the table of § 1306.56 is amended, and a new paragraph (c) is added to § 1306.59, as set forth below:

§ 1306.56 *Appendix A: Basing point base prices for pig iron (per gross ton—2,240 lbs.); switching charges; certain differentials.*

	No. 2 foundry	Basic	Bessemer	Malleable	Low phosphorus
*	* *	* *	* *	* *	* *
Duluth	24. 50	24. 00	25. 00	24. 50	......
*	* *	* *	* *	* *	* *

§ 1306.590 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1306.56 and 1306.59 (c)) to Revised Price Schedule No. 10 shall become effective December 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12602; Filed, November 28, 1942; 12:34 p. m.]

PART 1346—BUILDING MATERIALS

[MPR 272,[1] Amendment 1]

CAST-IRON BOILERS AND CAST-IRON RADIATION

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Subparagraphs (a) (1), (b) (1) and the item "Pierce-Butler Radiator Company" in subparagraph (e) (2) of § 1346.268 are amended, and a new § 1346.267a is added, all as set forth below:

§ 1346.268 *Appendix A: Maximum prices for cast-iron boilers and cast-iron radiation—(a) Sales by or purchases from manufacturers—(1) Functional discounts.* The maximum prices for sales by manufacturers or purchases from them shall be ascertained by applying the following discounts to the sheet prices set forth or referred to in paragraphs (d) and (e) below:

	Boilers	Radiation
Sales by manufacturers:		
(i) To jobbers or manufacturers	20% and 5%	15% and 5%.
(ii) To others	Sheet prices	Sheet prices.

Provided, That, the maximum prices for manufacturers who maintain jobbing outlets, as distinguished from manufacturers' warehouses, from which they sell to the trade and perform all of the functions customarily performed by jobbers, shall be, on sales made from such jobbing outlets, governed by the provisions of paragraph (b) below, and shall not exceed the sheet prices set forth or referred to in paragraph (e) below.

There are some exceptions to these discounts with respect to certain manufacturers. These exceptions are set forth in paragraph (e) (2), below.

* * * * *

(b) *Sales by or purchases from jobbers—(1) Listed items.* The maximum prices for sales by jobbers or purchases from them shall be the sheet prices set forth or referred to in paragraphs (d) and (e) of this section: *Provided,* That the maximum prices for sales by jobbers of cast-iron boilers produced by Freed Heater and Manufacturing Company shall be the list prices plus 5%: *And provided further,* That the maximum prices for sales by jobbers of cast-iron boilers produced by Pierce Butler Radiator Corporation shall be the sheet prices of the particular boilers listed below less the discounts indicated:

Pierce Oil Burning Boilers—No. 01	Successive discounts of 5% and 35%
Pierce Oil Burning Boilers—No. 02	
Pierce Oil Fifty Boilers	
Pierce Popular Boiler-Burner Unit	
Pierce Popular Water Boiler	
Pierce Eastwood Oil	
Pierce Stoker Boilers—No. A25	
Pierce Eastwood	
Pierce American	
Pierce Gold Seal	Successive discounts of 5% and 32%
Pierce Pebco	

* * * * *

(e) *Sheet prices for cast-iron boilers.* * * *

(2) * * *

Pierce Butler Radiator Corporation

Date of issuance of applicable price sheet .... October 11, 1942

Discounts:

	Shipments to jobbers	All other shipments
Pierce oil burning boilers—No. 01	Successive discounts of 5% and 35% and 20% and 5% off sheet prices	Successive discounts of 5% and 35% off sheet prices.
Pierce oil burning boilers—No. 02		
Pierce oil fifty boilers		
Pierce popular boiler-burner unit		
Pierce popular water boiler		
Pierce eastwood oil		
Pierce stoker boilers—No. A25		
Pierce eastwood		
Pierce American		
Pierce gold seal	Successive discounts of 5% and 32% and 20% and 5% off sheet prices.	Successive discounts of 5% and 32% off sheet prices.
Pierce pebco		

§ 1346.267a *Effective dates of amendments.* (a) Amendment No. 1 to Maximum Price Regulation No. 272 (§§ 1346.268 (a) (1), 1346.268 (b) (1), 1346.268 (c) (2) and 1346.267a) shall become effective November 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12606; Filed, November 28, 1942; 12:35 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 237,[1] Amendment 4]

ADJUSTED AND FIXED MARKUP REGULATION FOR SALES OF CERTAIN FOOD PRODUCTS AT WHOLESALE

A statement of the considerations involved in the issuance of Amendment No. 4 to Maximum Price Regulation No. 237 has been issued and filed with the Division of the Federal Register.*

Section 1351.509a is added and § 1351.510 is amended; all to read as set forth below:

§ 1351.509a *Addition allowed service wholesalers for deliveries outside of a base zone.* (a) A service wholesaler who during March 1942 customarily (1) charged different delivered prices for the same food products because of the areas or zones in which the deliveries were made; and (2) determined his delivered prices for each of these areas or zones by adding to the delivered prices established for retailers situated in some base area or zone, an amount approximately equal to the difference between the average cost of delivery to the retailers in the base area or zone and the average cost of delivery to the retailers in such other areas or zones, may continue to receive such amounts in addition to his maximum prices, but such amounts (hereinafter called zone differentials) must be separately stated on the wholesaler's invoices.

(b) Before using such a zone differential, a service wholesaler must report it to the nearest district office or, in the absence of a district office, to the nearest state office of the Office of Price Administration, together with proof showing its customary use by him during March 1942.

(c) The Office of Price Administration reserves the right to adjust at any time any such zone differential permitted under this section.

§ 1351.510 *Adjustment of maximum prices for different classes of purchasers.* If a wholesaler had a practice during March, 1942 of giving to different classes of purchases allowances, discounts or other price differentials, he is required to reduce his maximum price calculated for any food product by the amount of such allowances, discounts or other price differentials, except as otherwise provided in § 1351.509a. No wholesaler shall change his customary allowances, discounts and price differentials if the change results in a higher net price.

* * * * *

§ 1351.517a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§§ 1351.509a and 1351.510) to Maximum Price Regulation No. 237 shall become effective on December 4, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12604; Filed, November 28, 1942; 12:35 p. m.]

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH

[MPR 277]

SALES BY CANNERS OF MACKEREL

In the judgment of the Price Administrator the prices of canned mackerel have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has ascertained and given due consideration to the prices of canned mackerel prevailing between October 1, 1941 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable, and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The maximum prices established herein are not below the average price of such commodities in the year 1941.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 277 is hereby issued.

AUTHORITY: §§ 1364.601 to 1364.614, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1364.601 *Prohibition against dealing in canned mackerel at prices above the maximum.* On or after December 4, 1942, regardless of any contract, agreement or other obligation, no canner, or agent or other person acting on behalf, or under control, of such canner shall sell or deliver any canned mackerel, and no person in the course of trade or business shall buy or receive from a canner any mackerel at prices higher than those set forth in § 1364.612; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of canned mackerel to a purchaser if prior to November 1942, such mackerel has been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343.

[2] 7 F.R. 5056, 5089, 5566, 6082, 6426, 6793, 6744, 7175, 7538, 8021.

[3] 7 F.R. 6426, 6965, 7604, 7758, 8282, 8481, 8810, 9195.

[4] 7 F.R. 8825.

[5] 7 F.R. 1230, 2841, 6474, 8948.

[1] 7 F.R. 9486.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8205, 8427, 8808.

§ 1364.602 *Conditional agreement.* No canner of mackerel shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1364.612 in the event that this Maximum Price Regulation No. 277 is amended or is determined by a court to be invalid or upon any other contingency: *Provided,* That if a petition for amendment has been duly filed, and such petition requires extensive consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment.

§ 1364.603 *Export sales.* The maximum price at which a person may export canned mackerel shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[2] issued by the Office of Price Administration.

§ 1364.604 *Less than maximum prices.* Lower prices than those set forth in § 1364.612 may be charged, demanded, paid, or offered.

§ 1364.605 *Evasion.* The price limitations set forth in Maximum Price Regulation No. 277 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to canned mackerel, alone or in conjunction with any other commodity, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by changing the selection or style of processing or the canning, wrapping or packaging of mackerel.

§ 1364.606 *Records and reports.* (a) Every person making a purchase or sale of canned mackerel in the course of trade or business, or otherwise dealing therein, after December 3, 1942, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and of the seller, the price contracted for or received, the quantity and a description of the grade or brand, style of pack, and container size of mackerel.

(b) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

§ 1364.607 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 277 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 277 or any price schedule, regulation, or order issued by the Office of Price Administration or of any act or practices which constitute such a violation are urged to communicate with the nearest district, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1364.608 *Petitions for amendment.* Any person seeking an amendment of any provision of this Regulation No. 277 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[3] issued by the Office of Price Administration.

§ 1364.609 *Applicability.* The provisions of this Maximum Price Regulation No. 277 shall be applicable to the forty-eight states of the United States and the District of Columbia.

§ 1364.610 *Applicability of General Maximum Price Regulation.*[4] The provisions of this Maximum Price Regulation No. 277 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1364.611 *Definitions.* (a) When used in this Maximum Price Regulation No. 277 the term:

(1) "Person" includes any individual corporation, partnership, association, or other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, or other government, or any of its political subdivisions, and any agency of the foregoing: *Provided,* That no punishment provided by this regulation shall apply to the United States or to any such government, political subdivision, or agency.

(2) "Canner" means a person who preserves mackerel by processing and hermetically sealing in metal containers.

(3) "Mackerel" means any fish of the genus "scomber scombus" or of the species "pneumato phorus japonicus diego" or of the species "trachurus symmepericus."

(4) "Tall" can means a can (300 x 307) packed to a net weight of 15 ounces on the West Coast for Pacific mackerel and packed to a net weight of 14 ounces on the East Coast for Atlantic mackerel.

(5) "Oval" can means a can 607 x 406 x 108 when the same is packed with Pacific mackerel to a net weight of 15 ounces.

(6) "Price per case" means the price for 48 cans of mackerel packed for shipment in the usual container.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1364.612 *Maximum Canners' prices for mackerel.* (a) The prices set forth below are maximum prices per case f. o. b. cars at the shipping point nearest cannery. The maximum prices are gross prices and the seller shall deduct therefrom his customary allowances, discounts and differentials to purchasers of different classes.

Pacific Mackerel, per case of "talls" or "ovals"	$5.00
Atlantic Mackerel, per case of "talls"	8.00

(b) For varieties, container sizes, or types and styles of pack of mackerel not listed in paragraph (a) the price shall be a price determined by the Office of Price Administration to be in line with the prices listed in paragraph (a). Such determination shall be made upon written request, addressed to the Office of Price Administration, Washington, D. C., and accompanied by sworn statements showing costs and usual differentials.

§ 1364.613 *Notification from mackerel canners to purchasers, and from wholesalers to retailers.* On and after December 4, 1942, canners and wholesalers of canned mackerel shall supply to each purchaser before or at the time of the first delivery of canned mackerel to such purchaser a written notification as follows:

> The OPA has authorized maximum canner prices on Pacific and Atlantic canned mackerel. Wholesalers and retailers are required to maintain March ceilings on these products except where the provisions of Maximum Price Regulations No. 237 and No. 238 on canned fish may be applied by such wholesalers and retailers. OPA requires that you keep this notice for examination.

§ 1364.614. *Effective date.* This Maximum Price Regulation No. 277 (§§ 1364.601 to 1364.614) shall become effective December 4, 1942.

Issued this 28th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12603; Filed, November 28, 1942; 12:35 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136[1] as Amended, Amendment 59]

ESSICK MANUFACTURING CO.

Amendment No. 59 to Maximum Price Regulation No. 136, as amended—Machines and Parts and Machinery Services.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph (42) is added to § 1390.25 (c) and new paragraph (hhh) is added to § 1390.31a as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(42) *Essick Manufacturing Company.* Notwithstanding the provisions of §§ 1390.5 and 1390.6, the maximum price applicable to the sale of any portable road roller or auto prime centrifugal pump listed below, manufactured and sold by Essick Manufacturing Company, Los Angeles, California, shall be the net price shown opposite the particular model on the following schedule:

Essick "Economy" Portable Road Roller	$735.00
Essick "Road Hog" Portable Road Roller	1,320.00
Essick 3M Auto Prime Centrifugal Pump	72.00
Essick 7M Auto Prime Centrifugal Pump	130.00
Essick 15M Auto Prime Centrifugal Pump	203.00
Essick 30M Auto Prime Centrifugal Pump	372.00

§ 1390.31a *Effective dates of amendments.* * * *

(hhh) Amendment No. 59 (§ 1390.25 (c) (42)) to Maximum Regulation No. 136, as amended, shall become effective December 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12605; Filed, November 28, 1942; 12:35 p. m.]

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[2] 7 F.R. 5059, 7242, 8829, 9000.

[3] 7 F.R. 8961.

[4] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5783, 5784, 6058, 6081, 6007, 6216, 6615, 6784, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616.

[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7865, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362, 8433, 8479, 8520, 8652, 8707, 8897, 9001, 8948.

*Copies may be obtained from the Office of Price Administration.

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 183,[1] Amendment 11]

PUERTO RICO

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (12) is added to paragraph (a) of § 1418.1 and paragraphs (q), (r), (s) and (t) are added to § 1418.14.

§ 1418.1 *Maximum prices.* (a) Maximum prices are established as follows:

* * * * *

(12) On and after December 5, 1942, regardless of any contract, agreement, lease, or other obligation, or of any price regulation heretofore issued, no person shall sell or deliver, and no person shall buy wheat flour, laundry soap or canned Vienna sausage, in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14 (q), Table XVI; (r), Table XVII; (s), Table XVIII; and no person shall offer, solicit, or attempt to do any of the foregoing.

§ 1418.14 *Tables of maximum prices.* * * *

(q) *Table XVI: Specific maximum prices for wheat flour.*

(1)	Sales to wholesalers	Sales to retailers	Sales at retail
Grade A	*Price per bale 4/24 ½ lb. bags* $3.80	*Price per bale 4/24 ½ lb. bags* $4.20	*Price per pound* $0.05
Grade A	*Price per bale 2/49 lb. bags* $3.70	*Price per bale 2/49 lb. bags* $4.10	05
Grade A	*Price per 98 lb. bag* $3.45	*Price per 98 lb. bag* $3.85	.05
Grade C	*Price per bale 4/24 ½ lb. bags* $3.60	*Price per bale 4/24 ½ lb. bags* $4.00	.05
Grade C	*Price per bale 2/49 lb. bags* $3.45	*Price per bale 2/49 lb. bags* $3.85	.05
Grade C	*Price per 98 lb. bag* $3.20	*Price per 98 lb. bag* $3.60	.05

For sales of different quantities the maximum price shall be proportionately computed.

(2)	Sales to wholesalers or industrial users	Sales by wholesalers
	Price per 200 lb. bag	*Price per 200 lb. bag*
Enriched hard wheat 14% minimum protein	$7.35	$7.95
Enriched hard wheat 12% minimum protein	7.25	7.85
Enriched hard wheat clear 14½% minimum protein	5.90	6.45
Enriched hard wheat clear 12½% protein	6.05	6.60
Grade A	6.75	7.30

For sales of different quantities the maximum price shall be proportionately computed.

(r) *Table XVII: Specific maximum prices for laundry soap.*

	Sales to wholesalers	Sales to retailers	Sales at retail
	Case of 20/5 lb. bars	*Case of 20/5 lb. bars*	*Price per pound*
Blue Splash	$6.90	$7.50	$0.09
Blue Mottle	6.90	7.50	.09
	Case of 10/5 lb. bars	*Case of 10/5 lb. bars*	
Blue Splash	$3.45	$3.75	.09
Blue Mottle	3.45	3.75	.09

For sales of different quantities the maximum price shall be proportionately computed.

(s) *Table XVIII: Specific maximum prices for canned Vienna sausage.*

	Sales to wholesalers	Sales to retailers	Sales at retail
	Case of 48/4 oz. cans	*Case of 48/4 oz. cans*	*Price per 4 oz. can*
Canned Vienna sausage	$3.35	$3.70	$0.10

For sales of different quantities the maximum price shall be proportionately computed.

(t) Every person selling any of the commodities listed in paragraphs (q) to (s), inclusive, of this section, to a retailer on and after December 5, 1942, before or at the time of his first delivery to each purchaser shall supply the purchaser with a statement of the maximum retail prices set forth above for the commodity or commodities delivered.

§ 1418.13a *Effective dates of amendments.* * * *

(k) Amendment No. 11 (§§ 1418.1 (12), 1418.14 (q), (r), (s), (t)) to Maximum Price Regulation No. 183 shall become effective December 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12609; Filed, November 28, 1942; 12:29 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 42 to Supp. Reg. 1,[1] GMPR[2]]

FLUORSPAR ORES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new subparagraph (39) is added to paragraph (a) of § 1499.26 as set forth below.

§ 1499.26 *Exceptions for certain commodities and certain sales and deliveries.* (a) The General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

* * * * *

(39) Fluorspar ores.

(e) *Effective dates.* * * *

(43) Amendment No. 42 (§ 1499.26 (a) (39)) to Supplementary Regulation No. 1 shall be effective as of November 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of November, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12591; Filed, November 28, 1942; 12:33 p. m.]

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[1] 7 F.R. 5620, 6744, 6659, 7454, 7843, 7945, 8558, 8833, 8946, 9341.

[1] 7 F.R. 3158, 3486, 3892, 4183, 4410, 4428, 4487, 4488, 4493, 4669, 5066, 5192, 5276, 5366, 5484, 5607, 5717, 5942, 6082, 6473, 6685, 7011, 7250, 7317, 7598, 7604, 7739, 8336, 8652, 8798, 8833, 9082, 9131, 8930, 8833, 9082, 9131, 9616, 9622.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616.

Part 1499—Commodities and Services

[Amendment 43 to Supp. Reg. 1[1] to GMPR[2]]

GILDING METAL CLAD STEEL SCRAP

A statement of the considerations involved in the issuance of this Amendment No. 43 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1499.26, a new subparagraph (40) is added to paragraph (a) and a new subdivision (xiii) is added to subparagraph (1) of paragraph (d), to read as set forth below:

§ 1499.26 *Exceptions for certain commodities and certain sales and deliveries.* (a) The General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

* * * * *

(40) Gilding metal clad steel scrap.

* * * * *

(d) *Definitions.* (1) * * *

(xiii) Gilding metal clad steel scrap means any steel scrap clad with gilding metal, which gilding metal analyzes approximately 90% copper and 10% zinc.

* * * * *

(e) *Effective dates.* * * *

(44) Amendment No. 43 (§ 1499.26 (a) (40) and (d) (1) (xiii)) to Supplementary Regulation No. 1 shall become effective as of November 16, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–12592; Filed, November 28, 1942; 12:34 p. m.]

Part 1499—Commodities and Services

[Order 157 Under § 1499.3 (b) of GMPR]

REVLON PRODUCTS CORP.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1173 *Approval of maximum prices for sales of Victory Lipstick*—(a) *Sales by Revlon Products Corporation.* (1) *Maximum prices.* The maximum prices for sales by Revlon Products Corporation of the Victory Lipstick to jobbers and to retail establishments are established as set forth below:

	To jobbers (each)	*To retail establishments (each)*
Victory Lipstick	$0.15	$0.24

(2) *Discounts, allowances, and price differentials.* Revlon Products Corporation shall apply to the maximum prices set forth in subparagraph (1) of this paragraph for its sales of the Victory Lipstick all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of transportation costs, and any other customary discounts or allowances which were in effect in March, 1942, on its sales of the Revlon Plastic Case Lipstick.

(b) *Sales by jobbers*—(1) *Maximum prices.* The maximum price for sales by jobbers of the Victory Lipstick is established as set forth below:

Victory Lipstick________________$0.24 each

When used in this order the term "jobber" means any barber and beauty supply jobber or other person who buys the Victory Lipstick and resells it, without substantially changing its form, to retail establishments.

(2) *Discounts, allowances, and price differentials.* Any jobber making sales of the Victory Lipstick shall apply to the maximum price set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March, 1942, on sales by the jobber of the Revlon Plastic Case Lipstick, or on his sales of the lipstick most nearly comparable to the Victory Lipstick if the jobber did not sell the Revlon Plastic Case Lipstick in March, 1942.

(c) *Sales by retail establishments*—(1) *Maximum prices.* The maximum price for sales by any retail establishment of the Victory Lipstick is established as set forth below:

Victory lipstick________________ $0.40 each

When used in this order the term "retail establishment" means any beauty shop, drug store, department store, or other person who buys the Victory Lipstick and resells it directly to consumers.

(2) *Discounts, allowances, and price differentials.* Any retail establishment making sales of the Victory Lipstick shall apply to the maximum price set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March, 1942, on sales by the retail establishment of the Revlon Plastic Case Lipstick, or the lipstick most nearly comparable to the Victory Lipstick if the retail establishment did not sell the Revlon Plastic Case Lipstick in March, 1942.

(d) *Marking lipstick with retail ceiling price.* Revlon Products Corporation shall mark each Victory Lipstick sold by it with the words "Ceiling Price 40¢." These words shall be printed or stamped in a color contrasting with the label in letters of sufficient size to be clearly legible to the consumer on the lipstick or on the package in which the Victory Lipstick is customarily sold by the retail establishment to the consumer. No retail establishment shall make sales of the Victory Lipstick unless the lipstick or the package in which the product is sold is marked with the ceiling price as required by this paragraph.

(e) *Notification of maximum prices*—(1) *By Revlon Products Corporation to direct-buying retail establishments.* On and after November 30, 1942, Revlon Products Corporation shall supply to each retail establishment before or at the time of its first delivery of Victory Lipstick to such retail establishment, a written statement as follows:

> The OPA has authorized us to charge 24 cents each for Victory Lipstick subject to all customary discounts and allowances. Your ceiling price is authorized to be 40 cents each for Victory Lipstick. OPA requires that you keep this notice for examination.

(2) *By Revlon Products Corporation to jobbers and to retail establishments via jobbers.* On and after November 30, 1942, Revlon Products Corporation shall supply to each jobber before or at the time of its first delivery of Victory Lipstick and in addition shall include with each shipping unit of such product for a period of three months a written notification. If such notification is enclosed in a shipping unit, a legend shall be affixed outside of such unit to read "Retailer's Notice Enclosed." The written notification shall read as follows:

> The OPA has authorized us to charge 15 cents each for Victory Lipstick subject to all customary discounts and allowances. Jobbers are authorized to establish a ceiling price of 24 cents each for this item subject to all customary discounts and allowances. Retail establishments are authorized to establish a ceiling price of 40 cents each for this item. A copy of this notice is included in every customary shipping unit. If the initial sale to a retail establishment is a spit-case sale, the jobber is required to provide such retail establishment with a copy of this notice. OPA requires that you keep this notice for examination.

(f) *Definitions.* When used in this order the term:

(1) "Victory Lipstick" means a cream cosmetic lipstick mass enclosed in a paper cylinder having a device for extruding the cream cosmetic lipstick mass.

(2) "Revlon Plastic Case Lipstick" means a cream cosmetic lipstick mass enclosed in a plastic cylinder having a device for extruding the cream cosmetic lipstick mass.

(g) This Order No. 157 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 157 (§ 1499.1173) shall become effective on November 30, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of November, 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–12596; Filed, November 28, 1942; 12:31 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3158, 3488, 3892, 4183, 4410, 4428, 4487, 4488, 4493, 4669, 5066, 5192, 5276, 5366, 5484, 5607, 5717, 5942, 6082, 6473, 6685, 7011, 7250, 7317, 7598, 7604, 7739, 8336, 8652, 8798, 8930, 8833, 9082, 9131, 9616, 9622.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616.

Part 1499—Commodities and Services

[Order 158 Under § 1499.3 (b) of GMPR]

GOLDEN COOKIE CO.

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation—Order No. 158—Docket No. GF3–1259.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

§ 1499.1174 *Approval of maximum prices for sales of cookies by Rudolph R. Ellingson, doing business as Golden Cookie Co.* (a) Rudolph R. Ellingson doing business as Golden Cookie Company in Watertown, Massachusetts, may sell and deliver, and any person may buy and receive from said Rudolph R. Ellingson as aforesaid, the following types of cookies:

Dixie thin.
Vanilla thin.
Molasses thin.
Raisin thin.
Oatmeal cookies.
Raisin cake.

in packages having a weight of ten ounces each at prices not exceeding $1.08 f. o. b. producer's plant per dozen packages sold at wholesale, and $1.20 f. o. b. producer's plant per dozen packages sold to super-market jobbers; and also the product of Capetown Cookies, packed in boat shaped packages, having a weight of seven ounces per package at prices not exceeding $1.08 f. o. b. producer's plant per dozen packages sold at wholesale, and $1.30 f. o. b. producer's plant per dozen packages sold to super-market jobbers.

(b) The maximum prices authorized by this order shall be subject to discounts, allowances, and terms no less favorable than those in effect during March 1942.

(c) This order may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 158 (§ 1499.1174) shall become effective November 30, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–12608; Filed, November 28, 1942; 12:29 p. m.]

Part 1499—Commodities and Services

[Amendment 1 to Order 59 Under § 1499.18 (b) of GMPR]

W. P. FULLER AND COMPANY

Amendment No. 1 to Order No. 59 under § 1499.18 (b) of the General Maximum Price Regulation—W. P. Fuller and Company—Docket No. GF3–110.

Section 1499.859 (a) of Order No. 59 under § 1499.18 (b) of the General Maximum Price Regulation is amended by the addition of three undesignated paragraphs; paragraph (d) is amended to permit compliance therewith at any time within twenty days from the effective date of this Amendment No. 1; and paragraph (j) is added, all as set forth below:

§ 1499.859 *Adjustment of maximum prices for retailers and dealers buying and selling certain paint and varnish products manufactured by W. P. Fuller and Company, a California corporation, of 301 Mission Street, San Francisco, California.* (a) * * *

To the prices shown in Appendix A, amounts may be added in accordance with the following table:

	Retailers and dealers located in zone 2	Retailers and dealers located in zone 3
Gallons	$0.05	$0.10
Halves	.03	.05
Quarts	.02	.03
Pints	.01	.02
1/16's	.00	.01
1/32's	.00	.00

For the purposes of this section, Zone 2 (Valley) shall have the same boundaries as in March 1942 and shall include the cities of Modesto, Eureka, Fresno, Bakersfield, Santa Monica, San Bernardino, Santa Ana, Santa Barbara, California; Portland, Oregon; Tacoma and Seattle, Washington.

Zone 3 (Intermountain) shall have the same boundaries as in March 1942 and shall include the cities of Walla Walla, Yakima and Spokane, Washington; Phoenix and Tucson, Arizona; Butte and Missoula, Montana; Salt Lake City and Ogden, Utah; and Boise, Idaho.

* * * * *

(j) Amendment No. 1 to Order No. 59 under § 1499.18 (b) of the General Maximum Price Regulation shall become effective on November 30, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–12594; Filed, November 28, 1942; 12:30 p. m.]

Part 1499—Commodities and Services

[Order 121 Under § 1499.18 (b) of GMPR]

GANDRUD CREAMERY CO.

Order No. 121 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF1–431P.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1022 *Adjustment of maximum prices for bulk ice cream sold at wholesale by Gandrud Creamery Company of Redwood Falls, Minnesota.* (a) Gandrud Creamery Company of Redwood Falls, Minnesota may sell and deliver at wholesale bulk ice cream at prices not to exceed the following:

	Per gallon
Vanilla and chocolate flavored	$0.85
All other flavors	0.95

(b) At least the same cash discounts, allowances, trade practices, price differentials and quantity discounts to different classes of purchasers heretofore maintained by Gandrud Creamery Company shall be continued in force and apply to sales of bulk ice cream at wholesale hereafter.

(c) Gandrud Creamery Company shall mail or cause to be mailed to all persons who purchase bulk ice cream from it for sale at retail a notice reading as follows:

> The Office of Price Administration has permitted us to raise our maximum price for sales to you of bulk ice cream from $0.80 per gallon for vanilla and chocolate flavored ice cream to $0.85 per gallon, and from $0.90 per gallon for other flavors and combinations of flavors to $0.95 per gallon, subject to at least the same cash discounts, allowances, trade practices, price differentials and quantity discounts to different classes of purchasers which we have heretofore maintained. This amount represents only that part of cost increases which we were unable to absorb, and it was granted to us with the understanding that retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum retail prices for bulk ice cream.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 121 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 121 (§ 1499.1022) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 121 (§ 1499.1022) shall become effective November 30, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–12595; Filed, November 28, 1942; 12:31 p. m.]

Part 1499—Commodities and Services

[Order 122 Under § 1499.18 (b) of GMPR]

RUYKHAVER BROTHERS

Order No. 122 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3–1838.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1023 *Adjustment of maximum price for bulk Glace Pineapple Slices sold by Ruykhaver Brothers of 182 Fifteenth Street, Jersey City, New Jersey.* (a) Ruykhaver Brothers of 182 Fifteenth Street, Jersey City, New Jersey, may sell and deliver and any person may buy and receive from Ruykhaver Brothers bulk Glace Pineapple Slices at prices no higher than 32½ cents per pound f. o. b. New York, Metropolitan area.

(b) Ruykhaver Brothers shall not change their customary allowances, discounts or other price differentials, unless such change shall result in a lower price.

(c) Ruykhaver Brothers before or at the time of each initial sale of bulk Glace Pineapple Slices after the effective date of this order shall notify their purchasers in writing of their new maximum price as follows:

> The Office of Price Administration has permitted us to raise our maximum price for sales to you of Glace Pineapple Slices from 28 cents to 32½ cents per pound, f. o. b. New York, Metropolitan area. This amount represents only that part of cost increases which we were unable to absorb, and it was granted with the understanding that wholesale and retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of bulk Glace Pineapple Slices purchased from us.
>
> You are required to keep this notice for examination.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 122 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 122 (§ 1499.1023) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 122 (§ 1499.1023) shall become effective November 30, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12610; Filed, November 28, 1942; 12:29 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 3 Under § 1499.3 (c) of GMPR]

GENERAL TIRE AND RUBBER CO., ET AL.

For reasons set forth in the opinion issued simultaneously herewith, *It is hereby ordered:*

§ 1499.803 *Approval of maximum prices for sales by the General Tire and Rubber Company and other sellers of Saf-T-Blak film, special adhesive cement, Saf-T-Glo emergency signs, Saf-T-Glo markers and guide strips, Saf-T-Glo luminous automobile blackout protectors and Saf-T-Glo luminous arm bands.* (a) The maximum prices for sales to resellers of the products listed below by the General Tire and Rubber Company of Akron, Ohio, shall be the following, f. o. b. Cleveland, Ohio:

Name of product	*Maximum price*
Saf-T-Blak film No. 501:	
14" x 20" Standard Size	$0.12 each.
Any size up to 34½" x 42", minimum quantity 100 square feet of a size.	.06 per square foot plus 5% for cutting.
Special adhesive cement for applying Saf-T-Blak to to glass, No. 1069:	
Single gallons	3.00 per gallon.
5 gallon lots	2.70 per gallon.
Saf-T-Glo luminous emergency signs No. 101–106, inclusive:	
Size 23½" x 27½"	3.00 each.
Saf-T-Glo luminous markers No. 201–214, inclusive:	
Size 23½" x 6"	.66 each.
Saf-T-Glo luminous guide strips:	
No. 301:	
Size 1" x 23½"	.12 each.
No. 302:	
Size 23½" x 27½"	3.00 each.
No. 303:	
Size 23½" x 6"	.66 each.
Saf-T-Glo luminous automobile blackout protectors:[1]	
No. 601—8 strips, size 2½" x 9" per set (installation on car, extra).	1.00 per set (dozen lots). .90 per set (gross lots).
Saf-T-Glo luminous arm bands No. 701:	
Size 3" x 12" with adjustable string clasp.	3.00 per dozen. 30.00 per gross.

(b) The maximum prices for sales to consumers of the products listed below shall be as follows, f. o. b. seller's actual shipping point:

Name of product	*Maximum price*
Saf-T-Blak film No. 501:	
14" x 20" Standard Size	$0.20 each.
Any size up to 34½" x 42", minimum quantity 100 square feet of a size.	0.10 per square foot plus 5% for cutting.
Special adhesive cement for applying Saf-T-Blak to glass No. 1069:	
Single gallons	5.00 per gallon.
5 gallon lots	4.50 per gallon.
Saf-T-Glo luminous emergency signs No. 101–106, inclusive:	
Size 23½" x 27½"	5.00 each.
Saf-T-Glo luminous markers No. 201–214, inclusive:	
Size 23½" x 6"	1.10 each.
Saf-T-Glo luminous guide strips:	
No. 301:	
Size 1" x 23½"	0.20 each.
No. 302:	
Size 23½" x 27½"	5.00 each
No. 303:	
Size 23½" x 6"	1.10 each.
Saf-T-Glo luminous automobile blackout protectors[2] No. 601—8 strips:	
Size 2½" x 9" per set (installation on car extra).	1.60 per set.
Saf-T-Glo luminous arm bands No. 701:	
Size 3" x 12" with adjustable string clasp.	0.37 each.

(c) *Notification of maximum prices.* The General Tire and Rubber Company of Akron, Ohio, shall accompany the first delivery of each of the above listed products to each purchaser thereof with a notification of the maximum prices authorized by this order for sales to consumers, such notification to include the following statement:

> The prices which are shown on this price list are the maximum prices for sales to consumers as approved by the Office of Price Administration. You are not permitted to charge more than these prices.

(d) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 3 (§ 1499.803) shall become effective November 30, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12593; Filed, November 28, 1942; 12:32 p. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order 26, Supp. 1]

PART 303—CONTRACTS FOR CARRIAGE ON VESSELS OWNED OR CHARTERED BY THE WAR SHIPPING ADMINISTRATION

UNIFORM PASSENGER TICKET

Section 303.24 *Uniform passenger ticket* of General Order No. 26 is hereby amended as follows:

1. The effective date of November 15, 1942, stated in § 303.24 of such general order is hereby amended to read "December 15, 1942."

2. Paragraph 12 of § 303.24 is amended by adding after the words "refund the fare paid" the words "subject to the provisions of Paragraph 3 hereof."

3. Paragraph 19 of § 303.24 is amended by adding after the words "in baggage rooms" appearing in the fourth sentence thereof the following words "or retained in."

(E.O. 9054, 9244; 7 F.R. 837, 7327.)

[SEAL] E. S. LAND,
Administrator,
War Shipping Administration.

NOVEMBER 28, 1942.

[F. R. Doc. 42-12619; Filed, November 30, 1942; 9:28 a. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service: Bureau of the Public Debt.

[1942 Dept. Circ. 701]

2½ PERCENT TREASURY BONDS OF 1963–68

NOVEMBER 30, 1942.

I. OFFERING OF BONDS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for bonds of the United States, designated 2½ percent Treasury Bonds of 1963–68. These bonds will not be available for subscription, for their own account, by commercial banks, which are defined for this purpose as banks accepting demand deposits. The amount of the offering is not specifically limited.

II. DESCRIPTION OF BONDS

1. The bonds will be dated December 1, 1942, and will bear interest from that date at the rate of 2½ percent per annum, payable on a semiannual basis on June 15 and December 15, 1943, and thereafter on June 15 and December 15 in each year until the principal amount becomes payable. They will mature December 15, 1968, but may be redeemed at the option of the United States on and after December 15, 1963, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds shall be subject to all Federal taxes, now or hereafter imposed. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will not be acceptable to secure deposits of public moneys before December 1, 1952; they will not bear the circulation privilege, and they will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached will be issued in denominations of $500, $1,000, $5,000, $10,000 and $100,000. Bonds registered as to principal and interest will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury, except that they may not, before December 1, 1952, be transferred to or be held by commercial banks, which are defined, for this purpose, as banks accepting demand deposits. However, the bonds may be pledged as collateral for loans, including loans by commercial banks, but any such bank acquiring such bonds before December 1, 1952 because of the failure of such loans to be paid at maturity will be required to dispose of them in the same manner as they dispose of other assets not eligible to be owned by banks.

5. Any bonds issued hereunder which upon the death of the owner constitute part of his estate, will be redeemed at the option of the duly constituted representatives of the deceased owner's estate, at par and accrued interest to date of payment,[1] *Provided:*

(a) That the bonds were actually owned by the decedent at the time of his death; and

(b) That the Secretary of the Treasury be authorized to apply the entire proceeds of redemption to the payment of Federal estate taxes.

Registered bonds submitted for redemption hereunder must be duly assigned to "The Secretary of the Treasury for redemption, the proceeds to be paid to the Collector of Internal Revenue at ______ for credit on Federal estate taxes due from estate of ___________." Owing to the periodic closing of the transfer books and the impossibility of stopping payment of interest to the registered owner during the closed period, registered bonds received after the closing of the books for payment during such closed period will be paid only at par with a deduction of interest from the date of payment to the next interest payment date;[2] bonds received during the closed period for payment at a date after the books reopen will be paid at par plus accrued interest from the reopening of the books to the date of payment. In either case checks for the full six months interest due on the last day of the closed period will be forwarded to the owner in due course. All bonds submitted must be accompanied by Form PD 1782,[3] properly completed, signed and sworn to, and by a certificate of the appointment of the personal representatives, under seal of the court, dated not more than 6 months prior to the submission of the bonds, which shall show that at the date thereof the appointment was still in force and effect. Upon payment of the bonds appropriate memorandum receipt will be forwarded to the representatives, which will be followed in due course by formal receipt from the Collector of Internal Revenue.

6. Except as provided in the preceding paragraphs, the bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions and securities dealers generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Subscriptions must be accompanied by payment in full for the amount of bonds applied for.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. PAYMENT

1. Payment at par and accrued interest, if any, for bonds allotted hereunder must be made on or before December 1, 1942, or on later allotment. One day's accrued interest is $0.068 per $1,000. Any qualified depositary will be permitted to make payment by credit for bonds allotted to its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 42-12636; Filed, November 30, 1942; 11:00 a. m.]

[1942 Dept. Circ. 702]

1¾ PERCENT TREASURY BONDS OF 1948

NOVEMBER 30, 1942.

I. OFFERING OF BONDS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for bonds of the United States, designated 1¾ percent Treasury Bonds of 1948. The amount of the offering is not specifically limited, although allotments to commercial banks, which are defined for this purpose as banks accepting demand deposits, for their own account will be limited to $2,000,000,000, or thereabouts. The books will be open today and until further notice for the receipt of subscriptions from others than commercial banks for their own account, and today, December 1 and December 2 for the receipt of subscriptions from commercial banks for their own account.

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[1] One pint can of special cement to be furnished to purchaser without additional charge with each 12 sets of Saf-T-Glo luminous automobile blackout protectors.

[2] One pint can of special cement to be furnished to purchaser without additional charge with each 12 sets of Saf-T-Glo luminous automobile blackout protectors.

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[1] An exact half-year's interest is computed for each full half-year period irrespective of the actual number of days in the half year. For a fractional part of any half year, computation is on the basis of the actual number of days in such half year.

[2] The transfer books are closed from May 16 to June 15, and from November 16 to December 15 (both dates inclusive) in each year.

[3] Copies of Form PD 1782 may be obtained from any Federal Reserve Bank or from the Treasury Department, Washington, D. C.

II. DESCRIPTION OF BONDS

1. The bonds will be dated December 1, 1942, and will bear interest from that date at the rate of $1\frac{3}{4}$ percent per annum, payable on a semiannual basis on June 15 and December 15, 1943, and thereafter on June 15 and December 15 in each year until the principal amount becomes payable. They will mature June 15, 1948, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds shall be subject to all Federal taxes, now or hereafter imposed. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege and will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached will be issued in denominations of \$500, \$1,000, \$5,000, \$10,000 and \$100,000. Bonds registered as to principal and interest will be issued in denominations of \$500, \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Subscribers must agree not to sell or otherwise dispose of their subscriptions, or of the securities which may be allotted thereon, prior to December 3, 1942. Banking institutions and securities dealers generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions and securities dealers will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be received without deposit. All other subscriptions must be accompanied by payment in full for the amount of bonds applied for.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, subscriptions for amounts up to and including \$100,000 from commercial banks, and subscriptions in any amount from all other subscribers, will be allotted in full; subscriptions for amounts over \$100,000 from commercial banks will be allotted on an equal percentage basis, to be publicly announced. Allotment notices will be sent out promptly upon allotment.

IV. PAYMENT

1. Payment at par and accrued interest, if any, for bonds allotted hereunder to or for the account of others than commercial banks must be made on or before December 1, 1942, or on later allotment. Payment at par and accrued interest to December 11, 1942, for bonds allotted hereunder to commercial banks must be made on that date. One day's accrued interest is \$0.048 per \$1,000. Any qualified depositary will be permitted to make payment by credit for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 42-12637; Filed, November 30, 1942;
11:00 a. m.]

[1942 Dept. Circ. 703]

$\frac{7}{8}$ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES E-1943

NOVEMBER 30, 1942.

I. OFFERING OF CERTIFICATES

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for certificates of indebtedness of the United States, designated $\frac{7}{8}$ percent Treasury Certificates of Indebtedness of Series E-1943. The amount of the offering is not specifically limited, although allotments to commercial banks, which are defined for this purpose as banks accepting demand deposits, for their own account will be limited to \$2,000,000,000, or thereabouts. The books will be open today and until further notice for the receipt of subscriptions from others than commercial banks for their own account, and on December 16, December 17 and December 18 for the receipt of subscriptions from commercial banks for their own account.

II. DESCRIPTION OF CERTIFICATES

1. The certificates will be dated December 1, 1942, and will bear interest from that date at the rate of $\frac{7}{8}$ percent per annum, payable semiannually on June 1 and December 1, 1943. They will mature December 1, 1943, and will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all Federal taxes, now or hereafter imposed. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes and will not bear the circulation privilege.

4. Bearer certificates with two interest coupons attached will be issued in denominations of \$1,000, \$5,000, \$10,000 and \$100,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Subscribers must agree not to sell or otherwise dispose of their subscriptions, or of the securities which may be allotted thereon, prior to December 19, 1942. Banking institutions and securities dealers generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions and securities dealers will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be received without deposit. All other subscriptions must be accompanied by payment in full for the amount of certificates applied for.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, subscriptions for amounts up to and including \$100,000 from commercial banks, and subscriptions in any amount from all other subscribers, will be allotted in full; subscriptions for amounts over \$100,000 from commercial banks will be allotted on an equal percentage basis, to be publicly announced. Allotment notices will be sent out promptly upon allotment.

IV. PAYMENT

1. Payment at par and accrued interest, if any, for certificates allotted hereunder to or for the account of others

than commercial banks must be made on or before December 1, 1942, or on later allotment. Payment at par and accrued interest to December 28, 1942, for certificates allotted hereunder to commercial banks must be made on that date. One day's accrued interest is \$0.024 per \$1,000. Any qualified depositary will be permitted to make payment by credit for certificates allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 42-12638; Filed, November 30, 1942;
11:00 a. m.]

WAR DEPARTMENT.

MAIL ADDRESS FOR MILITARY PERSONNEL

1. *Previous instructions rescinded.*[1] Section II, Circular 96, War Department, 1942, as amended by section VI, Circular No. 173, and section III, Circular No. 309, War Department, 1942, is rescinded.

2. *Addressing personal mail.* a. All envelopes will show:

(1) Sender's name and address in upper left corner.

(2) Grade, first name in full, middle initial, and last name of person addressed, followed by his Army serial number, if known.

(3) Letter or number of the company or other similar organization to which the addressee is assigned or attached.

(4) Designation of the regiment or separate battalion, if any, to which the company is assigned or attached.

(5) Sufficient space at the left of the address to permit the addition of possible forwarding addresses.

b. Envelopes addressed to men serving within the continental United States will show:

(1) When the addressee is not on maneuvers, post office address of the post, camp, or station preceded by the APO number, if assigned.

(a) Example when mail is received through an APO:

From: John R. Roe,
205 W. State St.,
Boston, Mass.

Pvt. Willard J. Roe (Army serial No.),
Company F,
167th Infantry,
APO 304,
Fort Bragg, N. C.

(b) Example when mail is not received through an APO:

From: Mrs. James L. Doe,
123 Main Street,
Joplin, Mo.

Pvt. Willard J. Roe (Army serial No.),
Battery A,
38th F. A. Bn.,
Fort Lewis, Wash.

(2) When the addressee is on maneuvers, care of postmaster designated by the Post Office Department with the concurrence of the War Department, preceded by APO number, if assigned. Example when mail is sent to personnel on maneuvers:

From: John R. Roe,
205 W. State St.,
Boston, Mass.

Pvt. Willard J. Roe (Army serial No.),
Company F,
167th Infantry,
APO 304, c/o Postmaster,
Leesville, La.

c. Envelopes addressed to men serving outside continental United States will show the APO number, care of the postmaster of the city assigned by the Army Postal Service as a mail address. Example to personnel outside the continental United States:

From: James D. Roe,
1103-29th Ave., S. W.,
Portland, Oreg.

Pvt. Harold F. Roe (Army serial No.),
2nd Bomb Squadron,
104th Bomb Group,
APO 801, c/o Postmaster,
San Francisco, Calif.

d. *Return addresses on personal mail.* Return addresses on personal mail from military personnel will appear in the upper left corner of the envelope and will conform to the forms and conditions prescribed for addressing mail outlined above.

(R.S. 161; 5 U.S.C. 22) [Sec. II, Cir. 369, W.D., November 12, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-12589; Filed, November 28, 1942;
11:56 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. D-15]

LIBERTY FUEL & ICE CO.

ORDER REINSTATING THE REGISTRATION AND NOTICE OF AND ORDER FOR HEARING

In the matter of proceedings to determine if certain registered distributors are bona fide merchants actively, regularly and continuously engaged in the business of purchasing coal for resale and actually reselling it in not less than cargo or railroad carload lots within the meaning of § 304.13 of the Rules and Regulations for the Registration of Distributors; and for the revocation of the registration of distributors who are not so engaged.

The Liberty Fuel & Ice Company, 201 S. E. Third Ave., Portland, Oregon, Registered Distributor No. 5564, having failed to file answer and show cause why its registration as a distributor should not be revoked, as provided by the order to show cause entered herein on February 18, 1942, said registration was revoked on October 2, 1942, in accordance with the provisions of the said order to show cause, and

On November 23, 1942, said registrant having requested permission to file, and having submitted a duly verified answer indicating therein that it is actively, regularly and continuously engaged in the business of purchasing coal for resale and reselling it in not less than cargo or railroad carload lots,

It is ordered, That the Registration of the Liberty Fuel & Ice Company, Registration No. 5564, be and the same hereby is reinstated as of October 2, 1942, subject, however, to such order as may hereafter be entered in these proceedings.

It is further ordered, That the matter of the eligibility of the Liberty Fuel & Ice Company for continued registration as a distributor be and it is hereby set for hearing, as part of the hearing scheduled in this Docket for December 7, 1942, for the purpose of receiving evidence with respect to whether or not said Liberty Fuel & Ice Company is actively, regularly and continuously engaged in the business of purchasing coal for resale and reselling it in not less than cargo or railroad cargo lots.

Dated: November 28, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12640; Filed, November 30, 1942;
11:15 a. m.]

[Docket No. D-15]

CONSOLIDATED TERMINAL CORP.

ORDER REINSTATING REGISTRATION AND NOTICE OF AN ORDER FOR HEARING

In the matter of proceedings to determine if certain registered distributors are bona fide merchants actively, regularly and continuously engaged in the business of purchasing coal for resale and actually reselling it in not less than cargo or railroad carload lots within the meaning of § 304.13 of the Rules and Regulations for the Registration of Distributors; and for the revocation of the registration of distributors who are not so engaged.

The Consolidated Terminal Corporation, 4th and D Streets SW., Washington, D. C., Registered Distributor No. 1799, having failed to file answer and show cause why its registration as a distributor should not be revoked, as provided by the order to show cause entered herein on February 18, 1942, said registration was revoked on October 2, 1942, in accordance with the provisions of the said order to show cause, and

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[1] 7 F.R. 2762.

On October 17, 1942, said registrant having requested permission to file, and having submitted a duly verified answer indicating therein that it is actively, regularly and continuously engaged in the business of purchasing coal for resale and reselling it in not less than cargo or railroad carload lots,

It is ordered, That the Registration of the Consolidated Terminal Corporation, Registration No. 1799 be and the same hereby is reinstated as of October 2, 1942, subject, however, to such order as may hereafter be entered in these proceedings.

It is further ordered, That the matter of the eligibility of the Consolidated Terminal Corporation for continued registration as a distributor be and it is hereby set for hearing, as part of the hearing scheduled in this Docket for December 7, 1942, for the purpose of receiving evidence with respect to whether or not said Consolidated Terminal Corporation is actively, regularly and continuously engaged in the business of purchasing coal for resale and reselling it in not less than cargo or railroad cargo lots.

Dated: November 28, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12641; Filed, November 30, 1942; 11:15 a. m.]

[Docket No. D-15]

MONTOUR & NORTHWESTERN COAL CO.

ORDER REINSTATING THE REGISTRATION AND NOTICE OF AND ORDER FOR HEARING

In the matter of proceedings to determine if certain registered distributors are bona fide merchants actively, regularly and continuously engaged in the business of purchasing coal for resale and actually reselling it in not less than cargo or railroad carload lots within the meaning of § 304.13 of the Rules and Regulations for the Registration of Distributors; and for the revocation of the registration of distributors who are not so engaged.

The Montour & Northwestern Coal Company, Union Building, Cleveland, Ohio, Registered Distributor No. 6549, having failed to file answer and show cause why its registration as a distributor should not be revoked, as provided by the order to show cause entered herein on February 18, 1942, said registration was revoked on October 2, 1942, in accordance with the provisions of the said order to show cause, and

On November 11, 1942, said registrant having requested permission to file, and having submitted an answer indicating therein that it is actively, regularly and continuously engaged in the business of purchasing coal for resale and reselling it in not less than cargo or railroad carload lots,

It is ordered, That the Registration of The Montour & Northwestern Coal Company, Registration No. 6549, be and the same hereby is reinstated as of October 2, 1942, subject, however, to such order as may hereafter be entered in these proceedings.

It is further ordered, That the matter of the eligibility of The Moutour & Northwestern Coal Company for continued registration as a distributor be and it is hereby set for hearing, as part of the hearing scheduled in this Docket for December 7, 1942, for the purpose of receiving evidence with respect to whether or not The Montour & Northwestern Coal Company is actively, regularly and continuously engaged in the business of purchasing coal for resale and reselling it in not less than cargo or railroad cargo lots.

Dated: November 28, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12642; Filed, November 30, 1942; 11:15 a. m.]

ANDREW BAILE, LTD. ET AL.

APPLICATION FOR REGISTRATION

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name and address	*Date application filed*
Andrew Baile Limited, Room 74, Sun Life Building, Montreal, Canada	Nov. 18, 1942
Arden Coal Sales, Inc., Flemington, W. Va	Nov. 12, 1942
Bess-Penn Coal Co., 3813 Greensburg Pike, Pittsburgh, Pa	Nov. 9 1942
George's Creek Coal Co., Inc., Cumberland, Md	Nov. 13, 1942

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before December 28, 1942. This information should be mailed or presented to the Bituminous Coal Division, Department of the Interior, Washington, D. C.

Dated: November 28, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12643; Filed, November 30, 1942; 11:15 a. m.]

[Docket No. C-6]

EMERALD COAL AND COKE COMPANY

ORDER POSTPONING HEARING

In the matter of the application of Emerald Coal and Coke Company for approval of a contract for the sale of coal pursuant to Rule 5 of section VI of the Marketing Rules and Regulations.

The protestants and intervenors in the above-entitled matter having moved that the hearing in said matter, heretofore scheduled for December 1, 1942, be postponed until December 14, 1942, and good cause having been shown why said motion should be granted:

Now, therefore, It is ordered, That the hearing in the above-entitled matter be postponed from December 1, 1942, until 10 o'clock in the forenoon of December 14, 1942, at the place and before the officers heretofore designated.

Dated: November 25, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12645; Filed, November 30, 1942; 11:16 a. m.]

[Docket No. A-1704]

WORDEN COAL CO.

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of Worden Coal Co. (P. H. Scanlon) for the establishment of price classifications and minimum prices for coals of the Worden Coal Co. in District No. 10.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 5, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 31, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of the Worden Coal Co. (P. H. Scanlon), a code member, to change the price classifications and increase the minimum prices applicable to the coals produced at the Worden Coal Co. Mine, Mine Index No. 1314, in District No. 10, for truck shipment to the same price classifications and minimum prices applicable to the coals of the Sunset Hill Mine, Mine Index No. 1051, and the Truck Trade Mine, Mine Index No. 1052, in District No. 10, for truck shipments.

Dated: November 25, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12646; Filed, November 30, 1942; 11:16 a. m.]

[Docket No. B-125]

J. T. DANIELS

ORDER POSTPONING HEARING

In the matter of J. T. Daniels, Code Member.

The above-entitled matter having been heretofore scheduled for hearing on December 3, 1942 at 10 a. m. at a hearing room of the Bituminous Coal division at the Cabell County Court House, Huntington, West Virginia; and

The Director deeming it advisable that said hearing be postponed:

Now, therefore, It is ordered, That the said hearing in the above-entitled matter be and it hereby is postponed from December 3, 1942 at 10 a. m. at the Cabell County Court House, Huntington, West Virginia, to a place and date to be hereafter designated by appropriate order.

Dated: November 27, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12647; Filed, November 30, 1942; 11:16 a. m.]

[Docket No. B-311]

WERNER BROTHERS

ORDER POSTPONING HEARING

In the matter of Fred J. Werner, also known as Fred Werner, Jr., and William J. Werner, individually and as partners doing business under the name and style of Werner Brothers, Code Member.

The above-entitled matter having been heretofore scheduled for hearing on December 7, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Owensboro, Kentucky; and

The Director deeming it advisable that said hearing be postponed:

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from December 7, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Owensboro, Kentucky, to a place and date to be hereafter designated by appropriate order.

Dated: November 27, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12648; Filed, November 30, 1942; 11:17 a. m.]

[Docket No. A-941]

DISTRICT BOARD NO. 11

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 11 for the establishment of minimum prices for raw or washed coals which are crushed, pulverized or reduced by any method down to the size dimensions prescribed for Size Groups 13–16, inclusive, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

This proceeding was instituted upon a petition, as amended, filed with the Bituminous Coal Division on June 27, 1941, by District Board 11, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment of minimum prices in District 11 for lump, double-screened, mine run, modified mine run and mine run resultant coals, either raw or mechanically cleaned, that have been crushed, pulverized, or reduced by any method down to the size dimensions prescribed for Size Groups 13–16, inclusive, or for coals rescreened from such crushed sizes into nut and stoker coals (Size Groups 9, 10, 11, and 12) and resultant carbon (Size Group 15).

Pursuant to orders of the Director and after due notice to all interested persons, a hearing was held in this matter on November 17, and 18, 1941, before a duly designated Examiner of the Division, and the Examiner, on May 1, 1942, submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law and upon the basis thereof recommended that the relief in this matter be granted. Thereafter, opportunity was afforded to all parties to file exceptions thereto, and on June 22, 1942, petitioner and District Board 4 filed Exceptions to the Examiner's Report. On August 15, 1942, the Acting Director issued his Memorandum Opinion and Order Modifying, and Approving and Adopting as Modified, the findings and recommendations of the Examiner.

On October 26, 1942, District Board No. 11, the original petitioner herein, filed a motion for the reopening of and further hearing in this proceeding and for immediate temporary relief pending final decision on the motion. After timely notice to all intervenors, an informal conference was held on the motion on November 4, 1942. Representatives of District Board No. 6, District Board No. 11, and the Bituminous Coal Consumers' Counsel appeared at the conference.

In substance, the motion of District Board No. 11 requests that the relief heretofore granted in this matter by the Order of the Acting Director dated August 15, 1942, be amended and broadened to accommodate certain preparations of coals produced in District No. 11 for which it is claimed minimum prices have not heretofore been established. The Order of the Acting Director dated August 15, 1942, 7 F.R. 6761, established minimum prices for lump, double-screened, mine run, and modified mine run coals and mine resultants of District No. 11, either raw or mechanically cleaned, which are crushed, pulverized, or reduced by any method, down to the size dimensions prescribed by Size Groups 13, 14, 15, and 16, or coals that are rescreened from such crushed sizes into nut and stoker coals (Size Groups 9, 10, 11, and 12) and resultant carbon (Size Group 15). For the crushed coals reduced to the size dimensions prescribed for Size Groups 13, 14, 15, and 16, prices were established when such crushed coals are loaded directly into railroad cars without subsequent screening or preparation process and without being mixed with natural screenings, or when they are returned to the flow of coal to the raw coal classification screens, or mixed with raw or washed screenings of similar size dimension. Minimum prices were also established for crushed coals reduced to the size dimensions prescribed for Size Groups 9–12, inclusive, and 15. Certain price instructions and definitions were also contained in the Order.

District Board No. 11 now requests that:

1. For crushed coal made from raw or mechanically cleaned coal from which 50 percent of the $\frac{3}{8}''$ minus coal is removed, or which is dedusted through the use of standard dedusters equipped with screens with openings smaller than 8 mesh, and which is loaded directly into railroad cars or is mixed with washed screenings, the same minimum prices applicable to washed screenings in Size Groups 23 and 24 be established. The Board states that this would maintain as between such coals and the prices established for coals crushed to the dimensions prescribed by Size Groups 13 and 14 (raw screenings) substantially the same differential which was established in General Docket No. 15 between Size Groups 13 and 14 (raw screenings) and Size Groups 26 and 27 (dry dedusted screenings).

2. The Order of the Acting Director dated August 15, 1942, be amended to provide that the minimum prices there established for coals crushed and rescreened to the size dimensions of stoker and nut be applicable only when such coals are crushed, rescreened, and loaded directly into railroad cars; that where raw or washed nut and stoker coals are mixed with crushed coals of the same size dimensions, the mixture not to exceed 50 percent crushed coal in the aggregate, take the minimum prices applicable to coals in Size Groups 9, 10, 11, 12 (raw nut and stoker), 17, 18, 19, or 20 (washed nut and stoker) as the case may be.

3. Where the carbon or dust which results from the crushing of coals to the size dimensions prescribed by Size Groups 9, 10, 11, 12, 17, 18, 19, 20 or from the de-

dusting of coals crushed to the size dimensions prescribed by Size Groups 13 and 14 is loaded direct into railroad cars or is mixed with the total concurrent production of raw carbon or dust, the carbon or dust resulting from crushing not to exceed 50 percent of the mixture, the minimum prices be the same as those applicable to coals in Size Groups 15 and 16, and where it is mixed with washed carbon, the mixture not to exceed 50 percent of the carbon resulting from crushing, the minimum prices be the same as those applicable to coals in Size Group 25.

4. Where coals are crushed to the dimensions prescribed for Size Groups 13, 14, 15, and 16, and returned to the flow of coal to the raw coal classification screen or mixed with the total concurrent production of raw screenings of these size groups, the crushed coal in such mixture not exceeding 50 percent of the aggregate, and then further mixed with coals of Size Groups 26 through 29, inclusive (dry dedusted screenings), or 30 through 32, inclusive (water dedusted screenings), the minimum prices be the same as those now applicable to uncrushed coals in these respective size groups.

The District Board also requests that for the purposes of clarification certain changes be made in the language descriptive of certain of the preparations for which minimum prices were established in the Acting Director's Order of August 15, 1942, and in the language of a price instruction established by that Order pertaining to the invoicing of coals.

Representatives of District Board No. 11 stated that, until recently, code members in District No. 11 had been of the opinion that the minimum prices applicable to coals which had not undergone secondary crushing in the preparation process were applicable to such coals when mixed with other coals which had undergone secondary crushing in the preparation process; that a recent letter from the Director of the Division to a code member producer in District No. 11 stated, however, that minimum prices had not been established for a particular mixture of such crushed coals with uncrushed coals; that it was inferred that minimum prices had not been established for other mixtures similarly prepared; and that as a consequence, code members in District No. 11 who normally produce such mixtures and have heavy outstanding commitments for their sale to industries essential to the war effort had terminated the production and sale of such mixtures pending the establishment of minimum prices therefor. It was further represented that the minimum prices proposed by the District Board were fair and equitable in that the admixture of crushed coals in a particular size of uncrushed coals of the same size would cause little deviation, if any, from the market value of uncrushed coals of the same size dimensions. With respect to the proposed revision of the Price Instruction pertaining to the invoicing of coals priced in the Order of August 15, 15, 1942, it was stated that the proposal of the District Board would promote some convenience. It appears that there is no urgency about the proposed revision of that instruction. It does appear, however, that minimum prices are urgently necessary for the preparations described by the Board and its representatives. No testimony was offered in opposition to the proposal of the Board, and accordingly it seems proper to establish the prices requested, temporarily, pending final disposition of this proceeding.

Now, therefore, It is ordered, That, until otherwise ordered, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck is amended and supplemented to include the price classifications and minimum prices set forth in the schedule marked "Supplement R", annexed hereto and hereby made a part hereof.

Dated: November 18, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12649; Filed, November 30, 1942; 11:17 a. m.]

General Land Office.

[Public Land Order 61]

COLORADO

RESERVING THE MINERALS BELONGING TO THE UNITED STATES IN LANDS IN ARAPAHO NATIONAL FOREST FOR WAR PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146[1] of April 24, 1942, it is ordered as follows:

Subject to valid existing rights, the minerals belonging to the United States in the following described lands within the exterior boundaries of the Arapaho National Forest, are hereby withdrawn from all forms of appropriation under the mining and mineral leasing laws, and reserved under the jurisdiction of the Secretary of the Interior for use in connection with the prosecution of the war:

SIXTH PRINCIPAL MERIDIAN

T. 3 S., R. 75 W.,
  Sec. 29, SW¼SW¼,
  Sec. 30, S½S½,
  Sec. 31, N½N½.

The areas described, including both National Forest lands and patented lands, aggregate 366.57 acres.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 18, 1942.

[F. R. Doc. 42-12628; Filed, November 30, 1942 10:19 a. m.]

[Public Land Order 62]

UTAH

WITHDRAWING PUBLIC LANDS FOR USE IN CONNECTION WITH THE PROSECUTION OF THE WAR

By virtue of the authority vested in the President, and pursuant to Executive Order No. 9146[1] of April 24, 1942, and section 1 of the act of June 28, 1934, as amended, c. 865, 48 Stat. 1269 (U.S.C. Title 43, sec. 315), it is ordered as follows:

Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved under the jurisdiction of the Secretary of the Interior for use in connection with the prosecution of the war:

SALT LAKE MERIDIAN

T. 14 S., R. 11 W.,
  Sec. 25, lots 3, 4, 5, 6.
  The area described aggregates 106.83 acres.

The order of the Secretary of the Interior of April 8, 1935, establishing Utah Grazing District No. 2, is hereby modified to the extent necessary to permit the use of the lands as herein provided.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 18, 1942.

[F. R. Doc. 42-12629; Filed, November 30, 1942; 10:19 a. m.]

[Public Land Order 63]

NEW MEXICO

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS PRACTICE BOMBING RANGES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146[1] of April 24, 1942, and to section 1 of the act of June 28, 1934, as amended, c. 865, 48 Stat. 1269 (U.S.C., title 43, sec. 315), and to section 4 of the act of March 3, 1927, c. 299, 44 Stat. 1347 (U.S.C., title 25, sec. 398d), it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws, and reserved for the use of the War Department as practice bombing ranges:

NEW MEXICO PRINCIPAL MERIDIAN

T. 5 N., R. 5 W., sec. 8.
T. 6 N., R. 5 W., sec. 10.
T. 5 N., R. 6 W., sec. 34.

The areas described aggregate 1,920 acres.

The order of March 27, 1936, of the Secretary of the Interior establishing New Mexico Grazing District No. 2, and the order of October 11, 1934, of the Secretary of the Interior, withdrawing certain lands in Valencia County, New Mexico, from settlement, entry, or disposition of any kind other than as specified in section 13 of the act of March 3, 1921, 41 Stat. 1239, are hereby modified to the extent necessary to permit the use of the lands as herein provided.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 18, 1942.

[F. R. Doc. 42-12630; Filed, November 30, 1942; 10:19 a. m.]

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[1] 7 F.R. 3067.

[Public Land Order 64]

ARIZONA

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS AUXILIARY LANDING FIELDS

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146[1] of April 24, 1942, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws, and reserved for the use of the War Department as auxiliary landing fields:

GILA AND SALT RIVER MERIDIAN

T. 11 S., R. 9 E.,
  Sec. 35, E½E½, SW¼NE¼, NW¼SE¼, N½SW¼SE¼.
T. 12 S., R. 9 E., sec. 1, lot 4.
T. 8 S., R. 10 E., sec. 34, E½NW¼NW¼.
T. 12 S., R. 10 E., sec. 23, NW¼NW¼.
  The areas described aggregate 359.30 acres.

This order shall take precedence over, but shall not rescind or revoke, the withdrawal made for classification and other purposes by Executive Order No. 6910 of November 26, 1934, as amended, so far as such order affects the above-described lands.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 19, 1942.

[F. R. Doc. 42-12631; Filed, November 30, 1942; 10:19 a. m.]

ENLARGING CERTAIN STOCK DRIVEWAY WITHDRAWALS IN WYOMING

Under and pursuant to the provisions of section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, it is hereby ordered that the following-described public lands within the known geologic structure of the Boone Dome gas field in Wyoming, excepting any mineral deposits therein, be, and they are hereby, withdrawn from all disposal under the public-land laws and reserved for the use of the general public as an addition to Stock Driveway Withdrawal No. 219, Wyoming No. 38, subject to valid existing rights and an existing petroleum reserve affecting the greater part of the lands: *Provided*, That the users of the driveway shall confine all animals in their charge to the designated limits of the driveway and shall prevent them from ranging on other lands within the defined limits of the Boone Dome gas field: *And provided further*, That the owner or operator of any outstanding or future lease issued under the mineral leasing laws of the United States shall incur no liability by reason of any injury to stock resulting from the construction, operation, and maintenance of any proper and lawful works, housing, or improvements needed or used in the operation of his lease.

SIXTH PRINCIPAL MERIDIAN

T. 35 N., R. 85 W.,
  sec. 9, SE¼;
  sec. 10, SW¼SE¼;
  sec. 14, W½NW¼;
  sec. 15, NE¼ and NW¼NW¼.
  The areas described aggregate 480 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

NOVEMBER 17, 1942.

[F. R. Doc. 42-12632; Filed, November 30, 1942; 10:21 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

[P. & S. Docket No. 425]

SIOUX CITY STOCK YARDS COMPANY

ORDER OF MODIFICATION

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 1940 ed. 181), the Secretary of Agriculture on December 13, 1934, issued an order prescribing reasonable rates and charges for stockyard services rendered by the respondent.

On August 15, 1935, the Secretary issued an order modifying the rates and charges prescribed in the order of December 13, 1934.

On November 6, 1937, the Secretary of Agriculture issued an order further modifying the rates and charges prescribed in the order of December 13, 1934, as modified by the order of August 15, 1935. The rates prescribed by the order of November 6, 1937, have continued in effect to the present date.

An audit and analysis have been made of respondent's books and records covering its operations for the years 1935 to 1941, both inclusive. The audit disclosed that for this period the respondent, after the payment of reasonable operating expenses, including Federal income taxes, earned an average rate of return of approximately 7.19 percent on the fair value of the used and useful property as found in the order. The audit also shows that during the four calendar years which have elapsed since the modification of November 6, 1937, became effective, the respondent, after payment of reasonable operating expenses, including Federal income taxes, earned 8.15 percent of the fair value of the used and useful property as found in the order.

In addition, an analysis of monthly reports filed by the respondent, covering its operations for the first nine months of its fiscal year, which ends October 31, 1942, shows that respondent's earnings during that period have been at the rate of approximately 9.7 percent of the fair value of the used and useful property as found in the order.

The respondent claims that effective on or about September 1, 1942, it consummated a wage agreement with certain of its employees which will result in an increase in respondent's operating expenses during its next fiscal year of approximately $25,000.

In its petition on which the order of November 6, 1937, was based, the respondent agreed that the Secretary could, without further hearing, order reductions of respondent's rates and charges for services rendered by respondent at its stockyard, from time to time, whenever the Secretary found, after such investigation as was deemed proper in the circumstances, that such reductions were warranted, with the understanding, however, that no reduction would be made below the rates and charges fixed by the order of December 13, 1934, without respondent's consent, except after a hearing, pursuant to the Packers and Stockyards Act, 1921. The respondent further agreed to submit not later than the 10th day of each month an itemized statement of revenues and expenses of the preceding month, including details as to the volume of livestock receipts handled and quantities of feed and bedding sold and agreed to notify the Secretary of any change or changes in the scale of wages and salaries paid to respondent's employees and officials.

On consideration of all the facts disclosed by the audit and analysis of respondent's books and records covering its operations for the years 1935 to 1941, both inclusive, together with a consideration and analysis of the monthly reports submitted by respondent under the provisions of the order of November 6, 1937, and of the prospective increase in wages of its employees claimed by respondent it is concluded that the rates and charges for services provided in the order of modification of November 6, 1937, are unreasonably high and, therefore, that such rates and charges should be reduced by a further order of modification.

Order

It is hereby ordered, That, at least 10 days prior to the 20th day from the date of this order, the respondent file and publish a schedule containing the following rates and charges for its services to be effective on the 20th day from the date of this order to continue in effect until further order of the Secretary:

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[1] 7 F.R. 3067.

YARDAGE

	Cattle	Calves	Hogs	Sheep and goats	Horses and mules
Received by vehicle or on foot	43¢	28¢	15¢	10¢	50¢
Received by rail	35¢	25¢	12¢	7¢	40¢
Resold or reweighed for purposes of sale	17½¢	11½¢	6¢	3½¢	------
Shipments direct to packers	17½¢	11½¢	6¢	3½¢	------

FEED AND BEDDING

Prairie hay current market price f. o. b. stockyards, plus 55¢ per cwt.

Alfalfa current market price f. o. b. stockyards, plus 55¢ per cwt.

Corn current market price f. o. b. stockyards, plus 40¢ per bu.

Oats current market price f. o. b. stockyards, plus 25¢ per bu.

Bedding (hay or straw) current market price f. o. b. stockyards, plus 35¢ per bale.

The charges made for the above by respondent shall be divisible by five and respondent shall amend said charges when the margin between the cost and sales price of feed and bedding varies $.05 from the margin as specified above.

It is further ordered, That a copy of this order be served by registered mail upon the respondent.

Done at Washington, D. C. this 27th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-12656; Filed, November 30, 1942; 11:57 a. m.]

Office of the Secretary.

ORDER DELEGATING AUTHORITY TO EXECUTE STIPULATIONS

1. By virtue of the authority vested in the Secretary of Agriculture by the Packers and Stockyards Act, 1921 (42 Stat. 159; 7 U.S.C. 181 et seq.), as amended, and in order to carry out the powers vested in the Secretary by the said act, the Administrator, the Associate Administrator of the Agricultural Marketing Administration, and such employees of the Department as may be designated by the Administrator or the Associate Administrator are hereby authorized, severally, to enter into and execute such stipulations as are authorized under § 202.5 (a) of the rules of practice governing proceedings under the Packers and Stockyards Act (9 CFR 202.5 (a); 6 F.R. 3137).

2. The authority hereby delegated shall be in addition to, and not in lieu of, any authority heretofore delegated to the Administrator or the Associate Administrator of the Agricultural Marketing Administration under the Packers and Stockyards Act.

3. This order shall become effective on issuance.

Done at Washington, D. C., this 28th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-12590; Filed, November 28, 1942; 12:27 p. m.]

NON-BASIC AGRICULTURAL COMMODITIES

EXPANSION OF PRODUCTION

Section 4 (a) of the Act approved July 1, 1941, 55 Stat. 498, as amended by Public Law 729, 77th Congress, October 2, 1942, provides as follows:

> Whenever during the existing emergency the Secretary of Agriculture finds it necessary to encourage the expansion of production of any non-basic agricultural commodity, he shall make public announcement thereof and he shall so use the funds made available under section 3 of this Act or otherwise made available to him for the disposal of agricultural commodities, through a commodity loan, purchase, or other operation, taking into account the total funds available for such purpose for all commodities, so as to support, during the continuance of the present war and until the expiration of the two year period beginning with the 1st day of January immediately following the date upon which the President by proclamation or the Congress by concurrent resolution declares that hostilities in the present war have terminated, a price for the producers of any such commodity with respect to which such announcement was made of not less than 90 per centum of the parity or comparable price therefor. The comparable price for any such commodity shall be determined and used by the Secretary for the purposes of this section if the production or consumption of such commodity has so changed in extent or character since the base period as to result in a price out of line with parity prices for basic commodities. Any such commodity loan, purchase, or other operation which is undertaken shall be continued until the Secretary has given sufficient public announcement to permit the producers of such commodity to make a readjustment in the production of the commodity. For the purposes of this section, commodities other than cotton, corn, wheat, tobacco, peanuts, and rice shall be deemed to be non-basic commodities.

Pursuant to the foregoing provisions of law, public announcement is hereby made that I have found it necessary to encourage the expansion of production of the non-basic agricultural commodities named below, and the Secretary will during the period ending June 30, 1944, for all such commodities except hogs, and for hogs for the period ending September 30, 1944, through loans, purchases or other operations, support a price for eligible producers of each of these commodities at not less than the price level stated opposite such commodity, with adjustments, where applicable, for location, type, grade, and class.

Commodity and Level at Which Price Will Be Supported

Hogs: 90 percent of the parity price; but in no event less than $13.25 per hundredweight, average for good to choice butcher hogs weighing 240 to 270 pounds, at Chicago.

Eggs, chickens (excluding broilers or chickens weighing less than three pounds live weight), and turkeys: 90 percent of the parity price; but in no event a price for eggs purchased on an offer and acceptance basis equivalent to less than 30 cents per dozen in the spring and early summer and an annual average price of 34 cents per dozen, basis U. S. average farm price.

Butter, cheese, dry skim milk, and evaporated milk: 90 percent of the parity price equivalent; but in no event less than 46 cents per pound for 92 score butter, Chicago basis, the equivalent of 27 cents per pound including subsidy for No. 1 American Cheese, Plymouth basis, 12.5 cents for roller and 14.5 cents for spray process dry skim milk, extra grade Midwest basis, and a comparable price for evaporated milk, f. o. b. plant basis, which will be announced hereafter.

The 1943 crop of dry peas of the following varietal types: Alaska, Bluebell, Scotch Green, First and Best, and White Canada; 90 percent of the comparable price calculated as of the beginning of the marketing year (August 1), but in no event less than $5.25 per hundredweight for U. S. No. 1 peas and $5.00 per hundredweight for U. S. No. 2 peas, in bags, f. o. b. cars at country shipping points. Prices for wrinkled varieties will not be supported.

The 1943 crop of dry edible beans of the following varietal types: Pea, Medium White, Great Northern, Small White, Flat Small White, Pink, Pinto, Cranberry, Light Red Kidney, Dark Red Kidney, and Western Red Kidney; 90 percent of the parity price calculated as of the beginning of the marketing year (September 1); but in no event less than $5.35 per hundredweight for U. S. No. 1 beans and $5.20 per hundredweight for U. S. No. 2 beans, in bags, f. o. b. cars at country shipping points.

The 1943 crop of soybeans for oil: 90 percent of the comparable price calculated as of the beginning of the marketing year (October 1); but, in no event, less than $1.60 to $1.75 per bushel depending on oil content, U. S. average farm price, for Yellow or Green Soybeans of high oil content.

The 1943 crop of flaxseed for oil: 90 percent of the parity price calculated as of the beginning of the marketing year (June 1); but in no event less than $2.70 per bushel, basis No. 1 Flaxseed at Minneapolis.

The 1943 crop of American-Egyptian Cotton: 90 percent of the parity price calculated as of the beginning of the marketing year (August 1); but in no event less than 45 cents per pound for No. 2, $1\frac{1}{2}$-inch American-Egyptian Cotton, or a price for such cotton which bears the same relationship to the loan rate in Arizona for $1\frac{1}{16}$-inch Middling Upland Cotton as the support price for American-Egyptian Cotton bore to the loan rate for such Upland Cotton in 1942.

The 1943 crop of potatoes: 90 percent of the parity price calculated as of the beginning of the marketing year (July 1); but in no event less than specified

prices for certain grades of potatoes in specified commercial areas, to be announced hereafter.

Inasmuch as the production and consumption of dry peas and soybeans for oil have so changed in extent and character since the base period as to result in parity prices for such commodities out of line with parity prices for basic agricultural commodities, comparable prices therefor have been used for the purpose of this announcement. Such prices will be determined by multiplying the following base prices by the index of prices paid by farmers for commodities purchased, including interest and taxes payable per acre, as published by the Department of Agriculture: Dry Peas $2.09 per hundredweight; Soybeans $0.96 per bushel. These base prices bear the same relation to the average base prices of corn, cotton, wheat, rice, tobacco, and peanuts as the actual prices of the same commodities were to the average actual prices of these six basic commodities in the sixty months, August 1935 through July 1939.

This announcement is applicable only to commodities marketed prior to June 30, 1944, or, in the case of hogs, to September 30, 1944, and, with respect to the commodities produced on an annual crop basis, is applicable only to the 1943 crop of such commodities. After the date specified above and for crops produced subsequent to the 1943 crops, the Secretary will continue to support the prices of the commodities listed above during the period prescribed by the foregoing provisions of law at not less than 90 percent of the parity or comparable prices, but the precise level of such support, to the extent that it may exceed 90 percent of parity or comparable price, and any conditions of eligibility for price support (including conditions relating to acreage or production requirements) will be covered in subsequent announcements.

The provisions of this announcement shall prevail in the event of any conflict between them and provisions of any announcement heretofore made.

Done at Washington, D. C., this 28th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-12658; Filed, November 30, 1942; 11:57 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

COOKING AND HEATING APPLIANCES MANUFACTURING INDUSTRY

NOTICE OF HEARING

Notice of hearing on the minimum wage recommendation of Industry Committee No. 51 for the Cooking and Heating Appliances Manufacturing Industry to be held December 16, 1942.

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938 on October 27, 1942, by Administrative Order No. 165, appointed Industry Committee No. 51 for the Cooking and Heating Appliances Manufacturing Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 51, on November 19, 1942, recommended a minimum wage rate for the Cooking and Heating Appliances Manufacturing Industry and duly adopted a report containing such recommendations and reasons therefor and filed such report with the Administrator on November 20, 1942, pursuant to section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 51 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing and taking into consideration the same factors as are required to be considered by the industry committee, will carry out the purposes of section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 51 is as follows:

Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Cooking and Heating Appliances Manufacturing Industry (as defined in Administrative Order No. 165) who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Cooking and Heating Appliances Manufacturing Industry as set forth in Administrative Order No. 165, issued October 27, 1942, is as follows:

(a) The manufacture of cooking and heating equipment and appliances, and parts and accessories thereof;

(b) The term "manufacture" as used herein covers all operations involved in the production of any article covered by this definition, including foundry operations required to produce iron castings, the fabrication and surface treatment (including enameling) of sheet metal and castings parts, and the mounting and assembling of the parts;

(c) *Provided, however*, That the manufacture of the following shall not be included: steam fittings and specialties such as thermostats and other temperature control devices, gauges, regulators, traps, and reducing valves; steam heating boilers using pressure in excess of 15 pounds per square inch; cooking utensils; electrical equipment and appliances; stove pipes; tanks for water heaters; or any product covered by a wage order for the Gray Iron Jobbing Foundry Industry or Enameled Utensil Industry.

The definition of the Cooking and Heating Appliances Manufacturing Industry covers all occupations in the Industry which are necessary to the production of the articles specified in the definition including clerical, maintenance, shipping, and selling occupations: *Provided, however*, That such clerical, maintenance, shipping and selling occupations when carried on in a wholesaling or selling department physically segregated from other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale, shall not be deemed to be covered by this definition: *And provided, further*, That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

III. The full text of the report and recommendation of Industry Committee No. 51 is and will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, Old South Building, 294 Washington Street.
New York, New York, 341 Ninth Avenue.
Newark, New Jersey, Essex Building, 31 Clinton Street.
Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut and Juniper Streets.
Pittsburgh, Pennsylvania, Clark Building, Liberty Avenue and Seventh Street.
Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.
Baltimore, Maryland, 201 North Calvert Street.
Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.
Columbia, South Carolina, Federal Land Bank Building, Hampton and Marion Streets.
Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street NE.
Jacksonville, Florida, 456 New Post Office Building.
Birmingham, Alabama, 1908 Comer Building, 2nd Avenue and 21st Street.
New Orleans, Louisiana, 916 Union Building.
Jackson, Mississippi, 402 Deposit Guaranty Bank Building, 102 Lamar Street.
Nashville, Tennessee, 509 Medical Arts Building, 115 Seventh Avenue N.
Cleveland, Ohio, Main Post Office, West 3rd and Prospect Avenue.
Cincinnati, Ohio, 1312 Traction Building, 5th and Walnut Streets.
Detroit, Michigan, David Scott Building, 1150 Griswold Street.
Chicago, Illinois, 1200 Merchandise Mart, 222 W. North Bank Drive.
Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.
Kansas City, Missouri, 504 Title and Trust Building, 10th and Walnut Streets.
St. Louis, Missouri, 316 Old Customs House.
Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.
Dallas, Texas, Rio Grande National Building, 1100 Main Street.

San Francisco, California, 500 Humboldt Bank Building, 785 Market Street.
Los Angeles, California, 417 H. W. Hellman Building.
Seattle, Washington, 305 Post Office Building, 3rd Avenue and Union Street.
San Juan, Puerto Rico, Post Office Box 112.
Washington, District of Columbia, Department of Labor, 1st Floor.
New York, New York, 165 West 46th Street.

Copies of the committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

IV. A public hearing will be held on December 16, 1942, before Major Robert N. Campbell, Presiding Officer, at 10:00 a. m. in Room 3229, United States Department of Labor Building, 14th Street and Constitution Avenue NW., Washington, D. C., for the purpose of taking evidence on the following question: Whether the recommendation of Industry Committee No. 51 should be approved or disapproved.

V. Any interested person supporting or opposing the recommendation of Industry Committee No. 51 may appear at the aforesaid hearing to offer evidence, either on his behalf or on behalf of any other person: *Provided*, That not later than December 9, 1942, such person shall file with the Administrator at New York, New York, a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 51.
4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 51 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Streeet, New York, New York, or by consulting with attorneys representing the Administrator who will be available for that purpose at the Office of the Solicitor, United States Department of Labor, in Washington, D. C., and New York, New York.

VII. Copies of the following document relating to the Cooking and Heating Appliances Manufacturing Industry will be made available on request for inspection by any interested person who intends to appear at the aforesaid hearing:

Report entitled, *Economic Factors Bearing on the Establishment of Minimum Wages in the Cooking and Heating Appliances Manufacturing Industry*, prepared by the Economics Branch, Wage and Hour Division, United States Department of Labor, November, 1942.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Presiding Officer as are deemed appropriate.

1. The hearings shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice, he will not be permitted to offer evidence at any other time except by special permission of the Presiding Officer.

3. At the discretion of the Presiding Officer, the hearing may be continued from day to day, or adjourned to a later date, or to a different place by announcement thereof at the hearing by the Presiding Officer, or by other appropriate notice.

4. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the Presiding Officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the Presiding Officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the Presiding Officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be put in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The Presiding Officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person insofar as is practicable, and to object to the admission or exclusion of evidence by the Presiding Officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the Presiding Officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the Presiding Officer.

12. Before the close of the hearing, the Presiding Officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the Presiding Officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing, the Presiding Officer shall forthwith file a complete record of the proceedings with the Administrator. The Presiding Officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at New York, New York, this 24th day of November 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-12547; Filed, November 27, 1942 2:04 p. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective November 30, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

The Moses-Rosenthal Co., 302–316 N. Second St., Boonville, Indiana; Men's & boys' woven underwear, woven underwear (drawers) for U. S. Navy; 5 percent (T); November 30, 1943.

Pullman Wholesale Tailors, Inc., 130–132 S. W. Temple St., Salt Lake City, Utah; Men's suits and overcoats; 5 percent (T); November 30, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

C. A. Baltz & Sons, 49 Greenkill Ave., Kingston, New York; Pajamas & sport shirts; 10 percent (T); November 30, 1943.

Berkowitz Duck Garment Mfg. Co., Porter & Swanson Sts., Philadelphia, Pennsylvania; Coats, aprons, smocks and trousers; 3 learners (T); November 30, 1943.

J. H. Bonck Co., 1100 S. Jefferson Davis Pkwy., New Orleans, Louisiana; Dress shirts, semi-dress pants and work pants; 10 percent (T); November 30, 1943.

Bucyrus Garment Co., East Mary St., Bucyrus, Ohio; Dresses and kindred items; 36 Learners (E); May 26, 1943. (This certificate became effective November 26, 1942).

Bucyrus Garment Co., East Mary St., Bucyrus, Ohio; Dresses and kindred items; 10 percent (T); November 26, 1943. (This certificate became effective November 26, 1942.)

Grinchuck Co., Main St., Braidwood, Illinois; Boys' longies and knickers; 10 percent (T); November 30, 1943.

C. F. Hathaway Co., Waterville, Maine; Men's dress shirts and army officers' shirts; 10 percent (T); November 30, 1943.

Hutchins Mfg. Co., Inc., 113–115 Conyers St., Lithonia, Georgia; Dresses; 10 learners (T); November 30, 1943. (This certificate replaces the one bearing the expiration date of March 23, 1943.)

Keystone Garment Co., Reinholds, Pennsylvania; Men's pajamas; 7 learners (T); November 30, 1943.

Kulpmont Mfg. Co., Inc., Chestnut St., Kulpmont, Pennsylvania; Corsets, brassieres and bathing suits; 10 percent (T); November 30, 1943.

La Paree Undergarment Co., Inc., 26 Exchange Place, Jersey City, New Jersey; Children's underwear; 10 percent (T); November 30, 1943.

Louisiana Pants Mfg. Co., Inc., 7800 Washington Ave., New Orleans, Louisiana; Govt. pants and shirts, commercial pants; 10 percent (T); November 30, 1943.

Lustberg, Nast & Co., Inc., 43 Smith St., Middletown, New York; Men's jackets and shirts; 10 percent (T); November 30, 1943.

Miller Mfg. Co., 10 Leonard St., Amsterdam, New York; Work pants; 5 learners (T); November 30, 1943.

Mizzie Dress, Main St., Central Valley, New York; Ladies' Dresses; 5 learners (T); November 30, 1943.

E. R. Partridge, Inc., 157½ Pryor St., SW., Atlanta, Georgia; Pants, overalls; 10 learners (T); November 30, 1943.

Pollak Bros., Inc., 227 W. Main St., Ft. Wayne, Indiana; Dresses and smocks; 10 percent (T); November 30, 1943.

R. F. Pool Mfg. Co., 104 N. Washington St., Dallas, Texas; Children's garments; 10 learners (T); November 30, 1943.

Princess Ann Dress Co., Princess Anne, Maryland; Children's dresses; 10 learners (T); November 30, 1943.

R & R Garment Co., 119 Church Ave., Ephrata, Pennsylvania; Ladies' slips (woven fabrics); 10 percent (T); November 30, 1943.

Reliable Sportswear Co., 2200 West St., Union City, New Jersey; Ladies' jackets and sportswear; 13 learners (T); November 30, 1943.

The Shirtcraft Co., Inc., 633 McKinley St., Hazelton, Pennsylvania; Army field jackets, shirts, sportswear, pajamas; 10 percent (T); November 30, 1943.

Hayman Slotnikoff, 805 Cherry St., Philadelphia, Pennsylvania; Children's overalls; 2 learners (T); November 30, 1943.

Smith Bros. Mfg. Co., Webb City, Missouri; Shirts, play suits; 19 percent (T); November 30, 1943.

Steingut Dress Co., Center & White Sts., Dupont, Pennsylvania; Dresses; 10 learners (T); November 30, 1943.

Style-Craft Lingerie Co., 127 E. 9th St., Los Angeles, California; Ladies' blouses; and lingerie; 5 learners (T); November 30, 1943.

Union Mfg. Co., 110 W. 11th St., Los Angeles, California; Men's work trousers, aprons, jackets and breeches; 10 percent (T); November 30, 1943.

H. Woolf & Co., Inc., 529 S. Franklin St., Chicago, Illinois; Washable service apparel; 5 learners (T); November 30, 1943.

Worcester Underwear Co., 72 Commercial St., Worcester, Massachusetts; Sleeping garments; 10 learners (T); November 30, 1943.

Cigar Industry

Bayuk Cigars, Inc., Mervine & Montgomery Sts., Philadelphia, Pennsylvania; Cigars; 90 learners (E); Cigar machine operators to have learning period of 320 hours at 33 cents per hour; March 18, 1943. (This certificate became effective November 26, 1942).

Glove Industry

Elite Glove Co., 7 Spring St., Middletown, New York; Leather dress gloves and work gloves; 4 learners (T); November 30, 1943.

Martins Ferry Glove Co., 4th St., Uhrichsville, Ohio; Gloves (work); 5 learners (T); November 30, 1943.

Wells Lamont Corp., New London, Iowa; Leather dress gloves; 5 learners (T); November 30, 1943.

Hosiery Industry

Amos Hosiery Mills, 328 Mangum Ave., High Point, North Carolina; Seamless hosiery; 5 percent (T); November 30, 1943.

Ashe Hosiery Mills, 642 N. Gay St., Knoxville, Tennessee; Seamless hosiery; 5 percent (T); November 30, 1943.

Belmont Hosiery Mills, Inc., Belmont, North Carolina; Seamless hosiery; 5 percent (T); November 30, 1943.

Caldwell Hosiery Mills, Inc., Granite Falls, North Carolina; Seamless hosiery; 4 learners (T); November 30, 1943.

Carpenter Hosiery Mills, Madison St., Wytheville, Virginia; Seamless hosiery; 5 learners (T); November 30, 1943.

Crown Hosiery Mills, Inc., 426 S. Hamilton St., High Point, North Carolina; Seamless hosiery; 5 percent (T); November 30, 1943.

Elizabeth James Mills, Logan St., Marion, McDowell County, North Carolina; Full-fashioned hosiery; 5 percent (T); November 30, 1943.

Grace Hosiery Mills, Inc., Tucker St., Burlington, North Carolina; Seamless hosiery; 5 learners (T); November 30, 1943.

The Locke Hosiery Mills, 4937 Mulberry St., Philadelphia, Pennsylvania; Seamless hosiery; 5 learners (T); November 30, 1943.

Miller-Smith Hosiery Mills, Delano, Tennessee; Full-fashioned hosiery; 5 percent (T); November 30, 1943.

Park Hosiery Dyeing & Finishing Co., Inc., King & Quinter Sts., Pottstown, Pennsylvania; 5 learners (T); Full-fashioned hosiery; November 30, 1943.

Robinson Mfg. Co.—Elizabeth City Hosiery Division, Elizabeth City, North Carolina; Seamless hosiery; 5 percent (T); November 30, 1943.

S & S Silk Co., Inc., 7th St., Bloomsburg, Pennsylvania; Full-fashioned hosiery; 5 learners (T); November 30, 1943.

Thompson Hosiery Mills, Webb Ave., Burlington, North Carolina; Seamless hosiery; 5 learners (T); November 30, 1943.

Tip Top Hosiery Co., 420 W. Salisbury St., Asheboro, North Carolina; Seamless hosiery; 5 percent (T); November 30, 1943.

Knitted Wear Industry

Byrne-Ross Knitting Mills, Grand & Smith Sts., Kingston, New York; Knitted outerwear; 5 learners (T); November 30, 1943.

E-Cut Knitting Mills, First Ave., Royersford, Pennsylvania; Knitted underwear and commercial knitting; 5 percent (T); November 30, 1943.

Rathgeb Knitting Mills, Highland, New York; Knitted outerwear; 5 learners (T); November 30, 1943.

Stratford Knitting Mills, Linfield, Pennsylvania; Knitted underwear; 5 learners (T); November 30, 1943.

Telephone Industry

Hamilton County Farmers Telephone Assn., 1109 K St., Aurora, Nebraska; To employ learners as commercial switchboard operators at its Aurora, Nebraska Exchange, located at 1109 K St., Aurora, Nebraska; November 30, 1943.

Textile Industry

Smithfield Mfg. Co., Smithfield, North Carolina; Cotton yarn; 3 percent (T), November 30, 1943.

Worth Mills, 3500 McCart St., Fort Worth, Texas; Automobile cord tire fabric; 3 percent (T); November 30, 1943.

Signed at New York, N. Y., this 28th day of November 1942.

MERLE D. VINCENT,
Authorized Representative.
of the Administrator.

[F. R. Doc. 42-12639; Filed, November 30, 1942; 11:19 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. SA-77]

ACCIDENT OCCURRING NEAR OKLAHOMA CITY

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 611H which occurred near Oklahoma City, Oklahoma, on November 24, 1942.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on Thursday, December 3, 1942, at 9:00 AM (CWT) in the Skirvin Hotel, Oklahoma City, Oklahoma.

Dated at Washington, D. C., November 30, 1942.

[SEAL] W. K. ANDREWS,
Presiding Officer.

[F. R. Doc. 42-12635; Filed, November 30, 1942; 11:07 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 28 Under RPS 6]

EMPIRE FINISHED STEEL CORP.

ORDER GRANTING EXCEPTION

Order No. 28 under Revised Price Schedule No. 6—Iron and Steel Products—Docket No. 3006-29.

On October 23, 1942, Empire Finished Steel Corporation, 155 East 44th Street, New York City, filed a petition for an exception to Revised Price Schedule No. 6, as amended, pursuant to § 1306.7 (c) thereof. Due consideration has been given to the petition and an opinion in support of this Order No. 28 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration: *It is hereby ordered:*

(a) Empire Finished Steel Corporation may sell and deliver, and agree, solicit and attempt to sell and deliver, cold finished steel bars at prices not in excess of those stated in paragraph (b) when such bars are shipped to points outside of the New England States from its plant at Putnam, Connecticut, and when such bars are shipped to points not located within its usual market area in the case of its Newark, New Jersey, plant where such shipments are made on or after October 23, 1942, under contracts entered into by it with the Procurement Division of the United States Treasury Department for the account of Lend-Lease Administration or under contracts entered into by it pursuant to allocations or directives of the War Production Board.

(b) The maximum prices which may be charged by Empire Finished Steel Corporation on sales of cold finished bars covered by paragraph (a) above shall be the Buffalo base price on cold finished bars plus the carload freight rate on hot rolled bars from Buffalo to its respective plants, f. o. b. such plants.

(c) All prayers of the petition not herein granted are denied.

(d) This Order No. 28 may be revoked or amended by the Price Administrator at any time.

(e) The definitions set forth in § 1306.8 of Revised Price Schedule No. 6 shall apply to the terms used herein.

(f) This Order No. 28 shall become effective November 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12556; Filed, November 27, 1942; 3:31 p. m.]

[Order 89 Under MPR 120]

PEABODY COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 89 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-127.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with § 1340.207 (d) of Maximum Price Regulation No. 120, *It is ordered:*

(a) The Peabody Coal Company, 231 South LaSalle Street, Chicago, Illinois, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) below for shipment by rail at a price not in excess of that stated therein;

(b) "DeLuxe Superior Processed Stoker" coal, composed of not less than 80 per cent of Size Group 20 and the remainder of Size Group 25, produced by the Peabody Coal Company at its Mine No. 18 (Mine Index No. 9) and Mine No. 47 (Mine Index No. 62) in the Southern Illinois subdistrict of District No. 10, may be sold for shipment by rail at a price per net ton f.o.b. the mine not in excess of $2.55;

(c) Within thirty (30) days from the effective date of this order said Peabody Coal Company shall notify all persons purchasing its stoker coal of the adjustment granted by this order and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of the coal, the adjustment granted by this order does not authorize any increase in the purchaser's resale price, except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122;

(d) This Order No. 89 may be revoked or amended by the Price Administrator at any time;

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(f) This Order No. 89 shall become effective November 30, 1942.

Issued this 28th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12614; Filed, November 28, 1942; 12:34 p. m.]

[Order 90 Under MPR 120]

PINE RUN COMPANY

ORDER GRANTING ADJUSTMENT, ETC.

Order No. 90 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 1120-61-P—Order granting adjustment and denying protest insofar as relief is not granted.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (c) of Maximum Price Regulation No. 120, *It is hereby ordered.*

(a) *Granting adjustment.* (1) Pine Run Company, of the Borough of Leechburg, Armstrong County, Pennsylvania, may sell and deliver to the Carnegie-Illinois Steel Company, and that purchaser may buy and receive the bituminous coal described in subparagraph (2) of this paragraph at prices not in excess of the price stated in said subparagraph (2);

(2) Coals in Size Group 6 produced by the Pine Run Company at its Lewis Mine, Mine Index No. 124, District No. 2, may be sold by the Pine Run Company to the Carnegie-Illinois Steel Company at a price not in excess of $2.71 per ton, f. o. b. the mine;

(3) Paragraph (a) of this Order No. 90 may be revoked or amended by the Price Administrator at any time;

(4) (Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(b) *Denial of protest except insofar as relief is granted by this Order No. 90.* The protest filed by Pine Run Company against the provisions of Maximum Price Regulation No. 120 and assigned Docket No. 1120-61-P is hereby denied except insofar as relief is granted in paragraph (a) of this Order No. 90.

(c) This Order No. 90 shall be effective as of June 19, 1942.

Issued this 28th day of November 1942.

LEON HENDERSON,
Administrator.

[F.R. Doc. 42-12616; Filed, November 28, 1942; 12:33 p. m.]

[Order 91 Under MPR 120]

MILLER BROTHERS

ORDER GRANTING ADJUSTMENT

Order No. 91 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-190.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Miller Brothers, Bozeman, Montana, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not in excess of those stated therein, for shipment by truck or wagon.

(b) Coals produced by Miller Brothers at its Miller Mine (Mine Index No. 201), in District No. 22, for shipment by truck or wagon, may be sold in Size Group 11 at prices not to exceed $2.80 per net ton f. o. b. the mine.

(c) This Order No. 91 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of the petition not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(f) This Order No. 91 shall become effective November 30, 1942.

Issued this 28th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12617; Filed, November 28, 1942; 12:32 p. m.]

[Order 5 Under MPR 157]

NATIONAL AUTOMOTIVE FIBERS, INC.

ORDER GRANTING ADJUSTMENT

Order No. 5 under Maximum Price Regulation No. 157—Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes—Docket No. 3157-34.

On June 24, 1942, National Automotive Fibers, Inc., Little Falls, New York, filed an application under Maximum Price Regulation No. 157 for adjustment of its maximum prices for pyramidal tents, without pins and poles. Due consideration has been given to the application, and an opinion in support of this Order No. 5 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1 and Procedural Regulation No. 6, *It is hereby ordered:*

(a) National Automotive Fibers, Inc. may sell and deliver, and agree, offer, solicit and attempt to sell and deliver to any war procurement agency the commodity described in paragraph (b) at a price not in excess of the price stated therein. Any war procurement agency may buy and receive, and agree, offer, solicit and attempt to buy and receive, such commodity at such price from National Automotive Fibers, Inc.

(b) The maximum price referred to in paragraph (a) is $15.00 for pyramidal tents, M-34, (without pins and poles) conforming to specifications of Jeffersonville Quartermaster Depot, Jeffersonville, Indiana, No. 59, dated January 26, 1942, (Stock No. 24-T-320).

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 5 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1378.10 of Maximum Price Regulation No. 157 shall apply to the terms used herein.

(f) This Order No. 5 shall become effective November 30, 1942.

Issued this 28th day of November 1942.

LEON HENDERSON,
Administrator.

[F.R. Doc. 42-12613; Filed, November 28, 1942; 12:34 p. m.]

[Order 7 Under MPR 163]

WOOSTER HOUSE WEAVERS

WOOLEN AND WORSTED CIVILIAN APPAREL FABRICS

For the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered:*

(a) On and after November 30, 1942, the Wooster House Weavers of Tariffville, Connecticut, may sell and deliver, and the designated classes of purchasers may buy and receive from the Wooster House Weavers its handwoven tweeds made of 100% new wool, constructed as follows:

Ends per finished inch	22/23
Picks per finished inch	17/18
Yarn size-warp	1¾
Yarn size-filling	1½ to 1¾
Finished width	58/59 inches.
Finished weight per yard	14/14½ ounces.

at prices no higher than those set forth below:

	Per yard
(1) Piece lots	$4.80
(2) Less than piece lots, except as set forth in subparagraph (3)	4.95
(3) Cut lengths to tailors	5.54

(b) The Wooster House Weavers shall continue its customary terms of sale, allowances, discounts and other price differentials to different classes of purchasers, provided that it need not allow terms of sale more favorable to a purchaser than a discount of 1% for payment within 10 days of the date of invoice, gross amount payable within 60 days of such date.

(c) This Order No. 7 may be revoked or amended by the Office of Price Administration at any time

(d) This Order No 7 shall become effective November 30, 1942

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12615; Filed, November 28, 1942; 12:33 p. m.]

[Order 18 Under MPR 169]

EARL H. SCHURR

ORDER GRANTING ADJUSTMENT

Order No. 18 under Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts—Docket No. 3169–83.

On August 8, 1942 Francis D. Ellis, Incorporated, 28–30 Delaware Avenue, Philadelphia, Pennsylvania, as attorney, filed a petition for adjustment of the maximum prices of calves sold for the account of Earl H. Schurr, pursuant to § 1364.60 of Maximum Price Regulation No. 169, as amended. Due consideration has been given to the petition and an opinion in support of this Order No. 18 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

(a) Earl H. Schurr, Carlisle Street, Green Castle, Pennsylvania, and Francis D. Ellis, Incorporated, on behalf of Earl H. Schurr, may sell and deliver and agree, offer, solicit, and attempt to sell and deliver calf carcasses of the grade hereinafter set forth and any person may buy and receive from Earl H. Schurr or from Francis D. Ellis, Incorporated, on behalf of Earl H. Schurr such veal carcasses at prices not in excess of those established as follows:

	Cents per pound
Calf carcasses, AA or choice grade	25
Calf carcasses, A or good grade	24
Calf carcasses, B or commercial grade	23

(b) Francis D. Ellis, Incorporated, shall mail or cause to be mailed to all persons who purchase veal carcasses from it for resale a notice reading as follows:

> The Office of Price Administration by Order No. 18 effective November 30, 1942, pursuant to § 1364.60 of Maximum Price Regulation No. 169, as amended, has permitted us to raise the maximum prices to you for calf carcasses slaughtered by Earl H. Schurr, as follows:
>
> Calf carcasses, AA or choice grade, from 24¢ per lb. to 25¢ per lb.
>
> Calf carcasses, A or good grade, from 23¢ per lb. to 24¢ per lb.
>
> Calf carcasses, B or commercial grade from 22¢ per lb. to 23¢ per lb.
>
> This amount represents only that part of cost increases which Earl H. Schurr was unable to absorb, and it was granted with the understanding that retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of calf carcasses. In order that we may continue to provide you with calf carcasses, it will be necessary for you to accept this reduction in your margin.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 18 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1364.62 of Maximum Price Regulation No. 169, as amended, shall apply to the terms used herein.

(f) This Order No. 18 shall become effective November 30, 1942.

Issued this 28th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–12618; Filed, November 28, 1942; 12:32 p. m.]

[Order 19 Under MPR 169]

BEST KOSHER SAUSAGE COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 19 under Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts—Docket No. 3169–78.

On August 26, 1942, Best Kosher Sausage Company, 3527–29 Roosevelt Road, Chicago, Illinois, filed a petition for adjustment pursuant to § 1364.60 of Maximum Price Regulation No. 169, as amended. Due consideration has been given to the petition and an opinion in support of this Order No. 19 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

(a) Best Kosher Sausage Company may sell and deliver and agree, offer, solicit, and attempt to sell and deliver sausage products of the types hereinafter set forth, and any person may buy and receive from Best Kosher Sausage Company such sausage products at prices not in excess of those established as follows:

	Cents per pound
Salami	28
Mortadella	28
Salami square	28
Pickled rolled beef	37
Garlic sausage	28

(b) Best Kosher Sausage Company shall mail or cause to be mailed to all persons who purchase such sausage products from it for resale a notice reading as follows:

> The Office of Price Administration by Order No. 19 effective November 30, 1942, pursuant to § 1364.60 of Maximum Price Regulation No. 169, as amended, has permitted us to raise our maximum price for sales to you of salami from 27 cents to 28 cents per pound; mortadella from 27 cents to 28 cents per pound; salami square from 27 cents to 28 cents per pound; pickled rolled beef from 35 to 37 cents per pound; garlic sausage from 27 cents to 28 cents per pound.
>
> This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of salami, mortadella, salami square, pickled rolled beef, or garlic sausage. In order that we may continue to provide you with these sausage products, it will be necessary for you to accept this reduction in your margin.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 19 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1364.62 of Maximum Price Regulation No. 169, as amended, shall apply to the terms used herein.

(f) This Order No. 19 shall become effective November 30, 1942.

Issued this 28th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–12612; Filed, November 28, 1942; 12:34 p. m.]

[Amendment 1 to Order 10 Under MPR 188]

W. P. FULLER AND COMPANY

ORDER GRANTING ADJUSTMENT

Amendment No. 1 to Order No. 10 under Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. GF3–110.

Paragraph (a) of Order No. 10 under § 1499.161 of Maximum Price Regulation No. 188 is amended by the addition of three undesignated paragraphs; paragraph (c) is amended to permit compliance therewith within twenty days from the effective date of this Amendment; and paragraph (g) is added, all as set forth below:

(a) * * *

To the prices shown in Appendix A, amounts may be added in accordance with the following table:

	On shipments to retailers and dealers in zone 2	On shipments to retailers and dealers in zone 3
Gallons	$0.05	$0.10
Halves	.03	.05
Quarts	.02	.03
Pints	.01	.02
1/16's	.00	.01
1/32's	.00	.00

For the purposes of this section, Zone 2 (Valley) shall have the same boundaries as in March, 1942, and shall include the cities of Modesto, Eureka, Fresno, Bakersfield, Santa Monica, San Bernardino, Santa Ana, Santa Barbara, California; Portland, Oregon; Takoma and Seattle, Washington.

Zone 3 (Intermountain) shall have the same boundaries as in March, 1942, and shall include the cities of Walla Walla, Yakima, and Spokane, Washington; Phoenix and Tuscon, Arizona; Butte and Missoula, Montana; Salt Lake City and Ogden, Utah; and Boise, Idaho.

* * * * *

(g) Amendment No. 1 to Order No. 10 under § 1499.161 of Maximum Price Regulation No. 188 shall become effective on November 30, 1942.

(Pub. Laws 421 and 729, 77th Cong; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–12601; Filed, November 28, 1942; 12:30 p. m.]

[Order 66 Under MPR 188]

E. R. BALDRIDGE & COMPANY, INC.

ORDER AUTHORIZING MAXIMUM PRICE

Order No. 66 under § 1499.161 (a) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. GF3–1908.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.161 (a) of Maximum Price Regulation No. 188, *It is hereby ordered,* That:

(a) E. R. Baldridge & Company, Inc. of Hollidaysburg, Pennsylvania, may sell f. o. b. cars their plant:

(1) Crude Ganister rock (unprocessed) @ $1.30 per net ton.

(2) Ganister rock processed (crushed and screened) @ $1.60 per net ton.

(b) This Order No. 66 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 66 shall become effective November 30, 1942.

Issued this 28th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–12597; Filed, November 28, 1942; 12:32 p. m.]

[Order 5 Under MPR 225]

THE STANDARD DIARY COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 5 under Maximum Price Regulation No. 225—Printing and Printed Paper Commodities.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with § 1347.469 (b) of Maximum Price Regulation No. 225 and Section 3 (b) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The Standard Diary Company may sell and deliver and any person may buy and receive from the Standard Diary Company, 1943 dated diaries manufactured by said Standard Diary Company, at prices not in excess of those computed by said Standard Diary Company in accordance with § 1347.453 of Maximum Price Regulation No. 225. This permission shall be retroactive to May 11, 1942.

(b) The Standard Diary Company shall cause written notification of this Order to be sent to all wholesalers and all retailers to whom said company has sold or shall sell its 1943 dated diaries.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 5 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1347.472 of Maximum Price Regulation No. 225 shall apply to the terms used herein.

(f) This Order No. 5 shall become effective November 30, 1942.

Issued this 28th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–12611; Filed, November 28, 1942; 12:29 p. m.]

[Suspension Order 168]

JAMES M. WHITNEY

ORDER RESTRICTING TRANSACTIONS

James M. Whitney, doing business as Hudson Bridge Service Station, 192 East Hollis Street, Nashua, New Hampshire, hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A Gasoline Rationing Regulations. Pursuant to the notice, a hearing upon the charges was held in Concord, New Hampshire, on October 21, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to such charges was presented before an authorized presiding officer. The matter having been considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a filling station at 192 East Hollis Street, Nashua, New Hampshire, known as Hudson Bridge Service Station.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, in that at divers times between July 22 and September 15, 1942, respondent sold and transferred gasoline to consumers in exchange for gasoline ration coupons Class A, No. 2.

Because of the great scarcity and critical importance of gasoline in New Hampshire, the violation by respondent of Ration Order No. 5A, Gasoline Rationing Regulations, has resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator that further violations by respondent are likely unless appropriate administrative action is taken.

It is therefore ordered:

(c) During the period in which this Suspension Order No. 168 shall be in effect,

(1) Respondent shall not sell, transfer or deliver any gasoline to any person at or from Hudson Bridge Service Station, 192 East Hollis Street, Nashua, New Hampshire.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale at said station.

(3) No person, firm or corporation shall deliver, or in any manner directly or indirectly transfer any gasoline to respondent for resale at said station.

(d) Any terms used in this Suspension Order No. 168 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(e) This Suspension Order No. 168 shall become effective 12:01 A. M. December 1, 1942, and unless sooner terminated, shall expire 12:01 A. M. December 31, 1942.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216))

Issued this 28th day of November 1942.

PAUL M. O'LEARY,
Deputy Administrator
In Charge of Rationing.

[F. R. Doc. 42–12598; Filed, November 28, 1942; 12:30 p. m.]

[Suspension Order 169]

RAY MCGRATH

ORDER RESTRICTING TRANSACTIONS

Ray McGrath, 324 Perry Street, Trenton, New Jersey, hereinafter called respondent was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations. Pursuant to said notice, a hearing upon such charges was held in Trenton, New Jersey, on September 14, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a filling station at 324 Perry Street, Trenton, New Jersey.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, in that on August 14, 1942, respondent transferred four (4) gallons of gasoline to a consumer in exchange for a gasoline ration coupon Class A, No. 3.

Because of the great scarcity and critical importance of gasoline in New Jersey violations of Ration Order No. 5A, Gasoline Rationing Regulations, have necessarily resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator that further violations by respondent are likely unless appropriate administrative action is taken.

It is therefore ordered:

(c) During the period in which this Suspension Order No. 169 shall be in effect,

(1) Respondent shall not sell, transfer or deliver any gasoline to any person.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(3) No person, firm or corporation shall deliver, or in any manner directly or indirectly transfer any gasoline to respondent for resale.

(d) Any terms used in this Suspension Order No. 169 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(e) This Suspension Order No. 169 shall become effective 12:01 A. M. December 1, 1942, and unless sooner terminated, shall expire 12:01 A. M. December 31, 1942.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216))

Issued this 28th day of November 1942.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 42-12599; Filed, November 28, 1942; 12:30 p. m.]

[Supension Order 170]

ROBERT BINDER

ORDER RESTRICTING TRANSACTIONS

Robert Binder, doing business as American Gas Station, South Warren and Market Streets, Trenton, New Jersey, hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations. Pursuant to said notice, a hearing upon such charges was held in Trenton, New Jersey, on September 14, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a filling station at South Warren and Market Streets, Trenton, New Jersey.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, in that on August 14, 1942, respondent transferred four (4) gallons of gasoline to a consumer in exchange for a gasoline ration coupon Class A, No. 3.

Because of the great scarcity and critical importance of gasoline in New Jersey, violations of Ration Order No. 5A, Gasoline Rationing Regulations, have necessarily resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator that further violations by respondent are likely unless appropriate administrative action is taken.

It is therefore ordered:

(c) During the period in which this Suspension Order No. 170 shall be in effect,

(1) Respondent shall not sell, transfer or deliver any gasoline to any person.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(3) No person, firm or corporation shall deliver, or in any manner directly or indirectly transfer any gasoline to respondent for resale.

(d) Any terms used in this Suspension Order No. 170 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(e) This Suspension Order No. 170 shall become effective 12:01 A. M. December 1, 1942, and unless sooner terminated, shall expire 12:01 A. M. December 31, 1942.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216))

Issued this 28th day of November 1942.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 42-12600; Filed, November 28, 1942; 12:30 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-632]

THE COMMONWEALTH & SOUTHERN CORPORATION

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of November 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission by The Commonwealth & Southern Corporation pursuant to sections 6 (a), 7 and 12 (e) of the Public Utility Holding Company Act of 1935 and Rule U-62 promulgated thereunder. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

The Commonwealth & Southern Corporation (Delaware), a registered holding company, proposes, subject to the approval of its stockholders, and without changing the carrying value of its assets, to reduce the stated value of its presently outstanding 1,500,000 shares of $6 Cumulative Preferred Stock from $100 per share, as presently stated, to $10 per share. It is proposed that the amount of such reduction in the stated value of the Preferred Stock aggregating $135,000,000, will be maintained in a separate account designated as "Capital Surplus Arising From Reduction of Capital of Preferred Stock from $100 Per Share to $10 Per Share" and will be unavailable for the payment of dividends on common stock or for the purpose of permitting purchase of common stock or for the purpose of extinguishing a deficit in earned surplus created by any such payment or purchase or for any other purpose which would reduce the amount of the capital surplus resulting from the reduction in the stated value of the Preferred Stock below an amount equal to $90 for each such share of Preferred Stock outstanding. The company asserts that the proposed restatement will facilitate the payment of dividends on its $6 Cumulative Preferred Stock. On September 30, 1942, dividend arrearages on the Preferred Stock aggregated $37,116,609.75 or $24.75 per share. As at the same date, the company's capital stock, per balance sheet, was stated as follows: Preferred Stock, $150,000,000. Common Stock (stated at $5 per share), $168,366,640.29. Capital Surplus was $127,782.44 and Earned Surplus was $825,998.79. The Commonwealth & Southern Corporation's corporate net income was $7,149,989.45 in 1941 and $683,555.52 for the 9 months ended September 30, 1942, per books.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission:

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on December 14, 1942 at 10:00 o'clock, A. M., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa. On such day the hearing-room clerk will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both) shall be permitted to become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarant and applicant and to all interested persons, said notice to be given to said declarant and applicant by registered mail and to all other persons by publication in the FEDERAL REGISTER. In accordance with the agreement of the applicant and declarant; *It is ordered,* That a copy of this Notice and Order be mailed to all preferred stockholders of record as of November 25, 1942.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. The purpose and appropriateness, in the public interest and in the interests of investors and consumers, of the proposed restatement;
2. The appropriateness of the accounting entries proposed to be made in connection with said restatement;
3. Whether the proposed restatement is detrimental to the carrying out of the provisions of section 11 of the Act;
4. Whether and to what extent it is appropriate, in the public interest or for the protection of investors and consumers, to impose terms and conditions with respect to the proposed restatement.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12575; Filed, November 28, 1942; 11:25 a. m.]

[File No. 70-624]

UNITED GAS CORPORATION, ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 25th day of November, A. D. 1942.

In the matter of United Gas Corporation, Houston Gas Securities Company, United Gas Pipe Line Company and Union Producing Company.

United Gas Corporation ("United"), a subsidiary of Electric Power & Light Corporation which in turn is a subsidiary of Electric Bond and Share Company ("Bond and Share") both registered holding companies, Houston Gas Securities Company ("Houston Gas"), United Gas Pipe Line Company ("Pipe Line") and Union Producing Company ("Union"), subsidiaries of United, having filed a joint application or declaration and amendment thereto under sections 9 (a) and 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42 promulgated thereunder regarding a series of proposed transactions which may be summarized as follows:

a. United proposes to redeem at face amount plus accrued interest $3,800,000 principal amount of Twenty Year 6% Gold Debentures, due March 1, 1952, (issued by United Gas Public Service Company, and later assumed upon the merger of United Gas Public Service Company into United), owned by Houston Gas. All such debentures acquired will be cancelled. The funds to be applied toward said proposed redemption are to be obtained by United:

(1) By redemption at face amount plus accrued interest by Pipe Line, a wholly owned subsidiary of United, of $1,000,000 principal amount of 6% debentures due March 1, 1952 (part of a total issue of $23,000,000 all of which are owned by United).

(2) By redemption at face amount plus accrued interest by Union, a wholly owned subsidiary of United, of $3,000,000 principal amount of its 6% Debentures due March 1, 1952 (part of a total issue of $40,000,000 all of which are owned by United.)

b. Houston Gas proposes to use the funds received by it as a result of the redemption of the debentures above described together with other moneys in its treasury for the purpose of redeeming $3,900,000 principal amount of its 5% Collateral Trust Gold Bonds due March 1, 1952, $440,000 principal amount of which are owned by Bond and Share. Houston Gas is then to be merged into United. As a result of such merger United will acquire all of the remaining net assets of Houston Gas, consisting of cash and obligations of United, which obligations will be cancelled; and

A public hearing on said application and declaration having been held after appropriate notice; the Commission having examined the record and having made and filed its findings herein;

It is ordered, That the said application as amended be and hereby is granted, and that the said declaration as amended be and hereby is permitted to become effective forthwith subject however to the transactions therein set forth being carried out in conformity with the representations made and for the purposes stated therein and in compliance with the provisions of Rule U-24 of the Rules of the Commission and the following further terms and conditions:

(1) That prior to consummation of any of the proposed transactions, appropriate provision shall be made and embodied in the record of this proceeding, in a form approved by this Commission, to insure either that the $440,000 principal amount of Houston Gas Bonds held by Bond and Share shall not be presented for redemption or that, if presented for redemption, all cash received by Bond and Share upon such redemption will be held by Bond and Share in a special fund and will be subject to all infirmities and equities, if any, and all notices and proceedings, to which such bonds are or may be presently subject; and the Commission reserves full jurisdiction to make appropriate disposition of such fund in connection with the proceedings entitled *In the Matter of United Gas Corporation et al.*, File Nos. 70-314, 70-315, 59-21 and 4-33.

(2) That the Commission reserves jurisdiction as to the entries to be recorded on the books of applicants and declarants with respect to the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12576; Filed, November 28, 1942; 11:25 a. m.]

[File No. 70-623]

NY, PA, NJ UTILITIES CO., ET AL.

ORDER DENYING REQUEST TO ACCELERATE HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of November 1942.

In the matter of NY PA NJ Utilities Company, Associated Utilities Corporation and Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation.

Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, a registered holding company, and NY PA NJ Utilities Company and Associated Utilities Corporation, subsidiaries thereof, and also registered holding companies, having filed declarations pursuant to the Public Utility Holding Company Act of 1935 with respect to the acquisition by NY PA NJ Utilities Company from Associated Utilities Corporation of $1,000,000 principal amount of The Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1981, for a cash consideration of 100% of the face amount thereof, plus accrued interest thereon at the date of closing; and the payment by Associated Utilities Corporation of $1,000,000 to the Trustees of Associated Gas and Electric Corporation as payment on account of principal on a Convertible Obligation, due March 1, 1962, of Associated Utilities Corporation held by the said Trustees of Associated Gas and Electric Corporation, said $1,000,000 to be used by the Trustees of Associated Gas and Electric Corporation to pay an installment of $1,000,000 due December 18, 1942 on the $5,000,000 Trustees' Certificates, dated December 18, 1941, held by Guaranty Trust Company of New York; and

The Commission on November 14, 1942, having ordered that a hearing on said matter be held on December 8, 1942, at 10 a. m. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania; and

The said declarants having requested that such hearing be accelerated either to December 2, 1942, or to December 4, 1942; and the Commission having considered said request and deeming it appropriate that such request be denied:

It is ordered, That the request of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, NY PA NJ Utilities Company, and Associated Utilities Corporation to accelerate the hearing in this matter be, and hereby is, denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12577; Filed, November 28, 1942; 11:25 a. m.]

[File 70-337]

National Power & Light Company

ORDER FOR HEARING, ETC.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of November, A. D. 1942.

Notice of filing of application for extension of period of exchange offer and order for hearing thereon.

The Commission having heretofore, on December 24, 1941, entered its order herein permitting to become effective a declaration or application filed by National Power & Light Company, a registered holding company, pursuant to sections 9 (a) (1), 12 (c), 12 (d), and 12 (e) of the Public Utility Holding Company Act and the applicable rules thereunder respecting a proposed offer to be made by National Power & Light Company to its preferred stockholders to exchange approximately two shares of common stock of Houston Lighting & Power Company for one share of National's preferred stock limited to 90 percent of the holdings of each preferred stockholder of National; and

The Commission having found that such declaration or application should be treated as a plan filed under section 11 (e) and 11 (g) of the Act, and having approved said plan subject to the conditions contained in said order dated December 24, 1941; and

Said exchange offer having become effective on January 30, 1942 for the period ending March 31, 1942, and National Power & Light Company having been permitted successively to extend the period of said exchange offer to and including December 15, 1942, by orders of the Commission dated June 15, 1942, August 13, 1942, and October 12, 1942;

Notice is hereby given that National Power & Light Company, on November 20, 1942, filed an application herein for permission to extend further the period of such exchange offer to and including February 15, 1943.

All interested parties are referred to said application which is on file in the office of the Commission for full details thereof.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held for the purpose of considering said application;

It is ordered, That a hearing on said application be held on December 2, 1942, at 10:00 a. m., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the Hearing Room Clerk. At said hearing attention will be particularly directed to the question whether it is necessary or appropriate in the public interest or for the protection of investors or consumers to permit an extension of the period within which exchanges may be effected under said offer, and if so, the period of such extension.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above mentioned. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That any person desiring to be heard in connection with these proceedings or proposing to intervene shall file with the Secretary of this Commission on or before December 1, 1942, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission;

It is further ordered, That the Secretary of the Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to National Power & Light Company and that notice shall be given to all other persons by publication thereof in the Federal Register.

By the Commission.

[SEAL] Orval L. DuBois, *Secretary*.

[F. R. Doc. 42-12578; Filed, November 28, 1942; 11:25 a. m.]

[File 30-166]

Joseph B. Ely, et al.

ORDER CANCELLING HOLDING COMPANY STATUS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 25th day of November 1942.

In the matter of Joseph B. Ely, C. Brooks Stevens and Henry G. Wells, as trustees under a trust agreement dated January 31, 1939.

Joseph B. Ely, C. Brooks Stevens and Henry G. Wells, as Trustees under a Trust Agreement dated January 31, 1939, a registered holding company, having filed an application pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 for an order of this Commission declaring that said Trustees have ceased to be a holding company;

A public hearing having been held after appropriate notice; the Commission having examined the record and made and filed its findings herein:

It is hereby declared by this order that said applicants have ceased to be a holding company.

By the Commission.

[SEAL] Orval L. DuBois, *Secretary*.

[F. R. Doc. 42-12579; Filed, November 28, 1942; 11:25 a. m.]

[File No. 1-524]

Laclede Gas Light Company

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of November, A. D. 1942.

In the matter of the Laclede Gas Light Company—5% refunding and extension mortgage gold bonds, due 1934, extended to 1939.

The New York Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule I-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 5% Refunding and Extension Mortgage Gold Bonds, due 1934 Extended to 1939 of The Laclede Gas Light Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on December 3, 1942.

By the Commission.

[SEAL] Orval L. DuBois, *Secretary*.

[F. R. Doc. 42-12623; Filed, November 30, 1942; 10:18 a. m.]

[File No. 54-46]

Lone Star Gas Corporation et al.

ORDER GRANTING DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 27th day of November 1942.

In the matter of Lone Star Gas Corporation, Lone Star Gas Company, Community Natural Gas Company, Texas Cities Gas Company, the Dallas Gas Company, Council Bluffs Gas Company and Lone Star Gasoline Company.

A plan having been filed by Lone Star Gas Corporation and certain of its subsidiary companies under section 11 (e) and all other applicable sections of the Public Utility Holding Company Act of 1935 proposing a reorganization of the holding-company system of Lone Star Gas Corporation; and

Such plan having included, among other things, a declaration pursuant to section 11 (g) of said Act and Rule U-62 promulgated under said Act, regarding the solicitation of consents of stockholders to the plan; and

The Commission having approved said plan on October 22, 1942 (Holding Company Act Release No. 3865), subject to certain conditions and reservations; and having as a condition to such approval reserved jurisdiction under section 11 (g) of said Act to pass upon the material to be used by the applicant companies in soliciting consents of stockholders to the plan; and

The applicant companies having submitted such solicitation material; and

The Commission deeming it appropriate in the public interest and in the interests of investors and consumers to permit the said declaration pursuant to section 11 (g) and Rule U-62 to become effective:

It is hereby ordered, That said declaration be and hereby is permitted to become effective forthwith.

By the Commission.

[SEAL] Orval L. DuBois, *Secretary*.

[F. R. Doc. 42-12625; Filed, November 30, 1942; 10:18 a. m.]

[File No. 70-601]

Federal Water and Gas Corporation and Peoples Light and Power Company

ORDER GRANTING APPLICATION AND DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of November 1942.

Peoples Light and Power Company a registered holding company having filed a declaration pursuant to section (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 promulgated under said Act with respect to the divestment by sale of all its interest in Mississippi Public Service Company for $420,000 in cash, and the application of such proceeds to the retirement of its debt; and

The Commission having considered the record in this matter and having found that the said declaration of Peoples Light and Power Company should be treated as a plan filed under section 11 (e) of the Act; and

Peoples Light and Power Company having requested that the order of the commission approving such transactions conform with the requirements of sections 371 (b) and 371 (f) of the Internal Revenue Code as amended by section 171 of the Revenue Act of 1942 and contain the findings therein specified; and

Federal Water and Gas Corporation, a registered holding company, having filed an application, and amendments thereto, pursuant to section 10 of the Act with respect to the acquisition of the securities of the afore-named company; and

The above-described application and declaration having been consolidated for the purpose of a hearing; and

A public hearing having been held after appropriate notice; and the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein; and the Commission having found that the sale of the securities of Mississippi Public Service Company by Peoples Light and Power Company, and the application of the proceeds ($420,000), to the retirement of (a) five of its serial notes payable to The Pennsylvania Company for Insurance on Lives and Granting Annuities each in the amount of $75,000 maturing on April 1, and October 1, in each year from April 1, 1943 to and including April 1, 1945, and (b) $45,000 principal amount of the $75,000 principal amount of the note maturing October 1, 1945, and the application of treasury funds of Peoples Light and Power Company to the retirement of the balance of the note maturing October 1, 1945 and to the payment of interest and premium due on the retirement of all such notes under the provisions of the agreement pursuant to which such notes were issued, are necessary or appropriate to the integration or simplification of Peoples Light and Power Company System, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935; and

The Commission deeming it appropriate in the public interest and for the interest of investors and consumers to grant the applications of said companies pursuant to the applicable sections of the Act and rules thereunder; and the Commission having found that the statutory requirements have been satisfied; *It is hereby ordered:*

(1) That the sale of the securities of Mississippi Public Service Company by Peoples Light and Power Company, and the application of the proceeds ($420,000), to the retirement of (a) five of its serial notes payable to The Pennsylvania Company for Insurance on Lives and Granting Annuities each in the amount of $75,000 maturing on April 1, and October 1, in each year from April 1, 1943, to and including April 1, 1945, and (b) $45,000 principal amount of the $75,000 principal amount of the note maturing October 1, 1945, and the application of treasury funds of Peoples Light and Power Company to the retirement of the balance of the note maturing October 1, 1945, and to the payment of interest and premium due on the retirement of all such notes under the provisions of the agreement pursuant to which such notes were issued, are necessary or appropriate to the integration or simplification of Peoples Light and Power Company Holding Company System, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935;

(2) That the applicable provisions of the Act are in other respects satisfied with respect to the proposed transaction, including the action proposed to be taken by said Peoples Light and Power Company and by said Federal Water and Gas Corporation, and that said application be, and hereby is, approved and that said declaration be, and hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24

By the Commission.

[SEAL] Orval L. DuBois, *Secretary*.

[F. R. Doc. 42-12626; Filed, November 30, 1942; 10:18 a. m.]

[File No. 70-631]

General Gas & Electric Corporation

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 28th day of November, 1942.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than December 10, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request, that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may become effective, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

General Gas & Electric Corporation, a registered holding company, which is a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, proposes to pay out of capital or unearned surplus a quarterly dividend on its $5.00 Prior Preferred stock for the quarterly period ended December 15, 1941. As proposed, the amount of the dividend on the 60,000 outstanding shares of this stock will be $75,000, of which approximately $40,125 will be paid to the public holders of 32,110.9 shs. The declaration as filed states that the remaining 27,889.1 shares outstanding are held by the Trustees of Associated Gas and Electric Corporation, a registered holding company, who are to waive their right to the receipt of the dividend which would otherwise be payable to them.

By the Commission.

[SEAL] Orval L. DuBois, *Secretary*.

[F. R. Doc. 42-12627; Filed, November 30, 1942; 10:19 a. m.]

[File No. 1-1798]

Helvetia Oil Company

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 24th day of November, A. D., 1942.

In the matter of Helvetia Oil Company—$1 par value common stock.

The Boston Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the $1 Par Value Common Stock of Helvetia Oil Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on December 3, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12624; Filed, November 30, 1942; 10:18 a. m.]

DEC 5 1942

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934
LITTERA SCRIPTA MANET

FEDERAL REGISTER

VOLUME 7 NUMBER 235

Washington, Wednesday, December 2, 1942

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Commodity Credit Corporation

[Amendment No. 1; 1942 C.C.C. Rice Form 1; Instructions]

PART 233—1942 RICE LOANS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of Title III, section 302 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U.S.C., 1940 ed., 1302), and the Act of May 26, 1941 (55 Stat. 203; 7 U.S.C., 1940 ed., Supp. I, 1330) as amended by the Act of December 26, 1941 (55 Stat. 860), and as further amended by the Act of October 2, 1942, (Pub. Law 729, 77th Congress), Commodity Credit Corporation has authorized the making of loans on, and the purchase of eligible paper secured by rice stored on farms or in approved public rice warehouses, in accordance with the regulations in this part (1942—C.C.C. Rice Form 1—Instructions). Such regulations are hereby amended as follows:

Section 233.6[1] *Farm storage* is amended by deleting "June 30, 1943" in line 16 and inserting in lieu thereof "August 31, 1943".

Section 233.6 is further amended by deleting "February 1, 1943" for Southern States and "March, 1943" for California, appearing in the computation of the storage payment to be earned by the producer, in the event he has not made any misrepresentation in connection with the loan, and by inserting in lieu thereof, "March 1, 1943" for the Southern States, and "April 1, 1943" for California.

Section 233.40[2] *Pending printing and distribution of 1942 rice forms, 1941 rice forms, with the modifications enumerated, shall be used*, is amended by adding the following language under the heading "1941 C.C.C. Rice Form C":

(1) Strike "fifty", the last word on page 1 of the Contract, and insert "twenty-five".

(2) Strike "$50,000" in line 1, page 2, of the Contract, and insert "$25,000".

(3) Strike "April 30, 1942" in line 9 of paragraph 3 of the Contract, and insert "June 30, 1943"; strike "July 31, 1942" in lines 9 and 10 of the Contract, and insert "July 31, 1943".

Section 233.40 is further amended under the heading entitled "No. 1 (10-22-41)—Instructions to the Custodian", as follows:

Item 4: Strike out last two lines ". . . which has executed a 1942 C.C.C. Rice Form C, Supplement No. 1" and insert in lieu thereof the following: ". . . and provided further that the rice cooperative association has executed a 1942 C.C.C. Rice Form C, as supplemented".

Item 7: The date "July 21, 1942" appearing in the third line should read "July 31, 1942".

Dated: September 16, 1942.

[SEAL] J. B. HUTSON,
President.

[F. R. Doc. 42-12701; Filed, December 1, 1942; 11:21 a. m.]

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[1] 7 F.R. 8009.
[2] 7 F.R. 8012.

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[MQ-703—Peanuts]

PART 729—NATIONAL MARKET QUOTA FOR PEANUTS[1]

SUBPART C—1943

Whereas the Agricultural Adjustment Act of 1938, as amended, provides:

> Sec. 358 (a). Between July 1 and December 1 of each calendar year the Secretary [of Agriculture] shall proclaim the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year in terms of the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which such

(Continued on next page)

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[1] A "Computation of National Normal Yield of Peanuts for the United States for the 1943 Marketing Quota" was filed as part of the original document.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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quota is proclaimed, adjusted for current trends and prospective demand conditions, and the quota so proclaimed shall be in effect with respect to such crop. The national marketing quota for peanuts for any year shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the five years preceding the year in which the quota is proclaimed, with such adjustments as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields in such five years: *Provided*, That the national marketing quota established for the crop produced in the calendar year 1941 shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than one million six hundred and ten thousand acres, and that the national marketing quota established for any subsequent year shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 95 per centum of that established for the crop produced in the calendar year 1941.

Whereas said Act contains the following definitions of terms here pertinent:

Sec. 301 (b) (6) (c). "Market", in the case of peanuts, means to dispose of peanuts, including farmers' stock peanuts, shelled peanuts, cleaned peanuts, or peanuts in processed form, by voluntary or involuntary sale, barter, or exchange, or by gift *inter vivos*.

Sec. 359 (d). The word "peanuts" * * * means all peanuts produced on a farm, excluding any peanuts which it is established by the producer or otherwise, in accordance with regulations of the Secretary, were not picked or threshed either before or after marketing from the farm.

Now, therefore, be it known that the Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in him by section 358 of the Agricultural Adjustment Act of 1938, as amended, proclaims that: (Authority: Sec. 358 (a), 55 Stat. 88; 7 U.S.C., 1940 ed., 1358 (a))

§ 729.201 *Proclamation and determination with respect to the national marketing quota, normal yield per acre, and national acreage allotment for peanuts for the crop produced in the calendar year 1943*—(a) *National marketing quota.* The amount of the national marketing quota for peanuts for the crop produced in the calendar year 1943 is 1,255,800,000 pounds.

(b) *Normal yield per acre.* The normal yield per acre of peanuts for the United States for the crop produced in the calendar year 1943 is 780 pounds.

(c) *National acreage allotment.* The national acreage allotment for peanuts for the crop produced in the calendar year 1943 is one million six hundred and ten thousand acres.

Done at Washington, D. C. this 30th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 42-12704; Filed, December 1, 1942; 11:21 a. m.]

Chapter IX—Agricultural Marketing Administration

PART 1101—FOOD STAMP PLAN

AMENDMENT TO FOOD STAMP PLAN REGULATIONS

The Food Stamp Plan Regulations dated April 17, 1942[1] are amended by adding § 1101.210, to read as follows:

§ 1101.210 *Price ceilings.* Prices charged for foods, including blue stamp foods, exchanged for food stamps shall not be higher than the maximum prices permitted under any maximum price regulation, or any amendments or supplements thereto, issued under the Emergency Price Control Act of 1942, as amended.

Effective date: November 30, 1942.

Done at Washington, D. C., this 30th day of November, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

[F. R. Doc. 42-12703; Filed, December 1, 1942; 11:21 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[T.D. 5187]

Subchapter A—Income and Excess Profits Taxes

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

VICTORY TAX ON INDIVIDUALS

Section 469 (c), Internal Revenue Code—Extension of time for furnishing statements to employees whose employment has terminated.

An extension of time, not exceeding thirty days, within which to furnish the statement required by section 469 (a) of the Internal Revenue Code, as added by section 172 of the Revenue Act of 1942, is granted any employer with respect to any employee whose employment is terminated during the calendar year. In the case of intermittent or interrupted employment where there is reasonable expectation on the part of both employer and employee of further employment, there is no requirement that a statement be immediately furnished the employee; but when such expectation ceases to exist, the statement must be furnished within thirty days from that time.

(This Treasury decision is issued under the authority contained in section 469 (c) of the Internal Revenue Code, added by section 172 of the Revenue Act of 1942 (Public Law 753, 77th Congress), approved October 21, 1942)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: November 30, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-12709; Filed, December 1, 1942; 11:54 a. m.]

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[1] 7 F.R. 2921.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1709]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT No. 2

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 2.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R-II, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the Schedules attached are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21.

Dated: November 10, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Sub-district No.	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2569	Bertone, Sam	Sam Bertone #1 (D)	Pittsburgh	9	Lock #3, Pa.	P&LE	73	D	D	C	C	C	C	C	C	C	(†)	A	A	A	C	E	E
2057	Byrne, E. A. & Sons (E. A. Byrne)	Null (D)	U. Freeport	9	Tarr, Pa.	PRR	31	F	F	E	E	E	E	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2566	Koskey, W. Z. (Koskey Coal Co.)	Koskey #1 (D)	Pittsburgh	9	Elrama, Pa.	PRR	74	D	D	C	C	C	C	C	C	C	(†)	A	A	A	C	E	E
2567	Lasick, Joseph	Lasick (D)	T. Freeport	8	Culmerville, Pa.	B&LE	41	E	E	D	D	D	D	D	D	D	(†)	A	B	B	E	E	E
1020	Mt. Braddock Coal & Coke Co. (P. J. Duncan)	Mt. Braddock (D)	Pittsburgh	3	Mt. Braddock, Pa.	B&O	82	E	E	C	C	B	B	B	B	B	(†)	(†)	(†)	(†)	C	C	C
2571	Principini, M. (Mrs.)	Maple Mine #2 (S)	Sewickley	3	Poland, Pa.	Mongh.	30	J	J	H	H	H	H	H	H	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2568	Strawn, A. E. (Strawn Coal Co.)	Strawn #3 (D & S)	Pittsburgh	9	Suter, Pa.	B&O	83	D	D	C	C	C	C	C	C	C	(†)	A	A	A	C	D	D
2570	Warman, Fred C.	Walters (S)	Pittsburgh	3	Rich Hill Sdg., Outcrop, Pa.	B&O	80	(†)	(†)	(†)	(†)	(†)	D	D	D	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no classification effective for this size group.

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II. In § 322.9 (c) in Minimum Price Schedule, add the mine index numbers in groups shown. Group No. 1: 2566, 2568, 2569; Group No. 6: 1020, 2057; Group No. 7: 2570; Group No. 8: 2571; Group No. 9: 2567.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes										
				Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea ¾" x 1¼"	Run of mine	2" N/S	1¼" slack	¾" slack
				1	2	3	4	5	6	7	8	9	10	11
ALLEGHENY COUNTY														
Bertone, Sam	2569	Sam Bertone #1 (D).	Pittsburgh	315	305	295	270	245	245	240	240	215	205	200
Koskey, W. Z. (Koskey Coal Co.).	2566	Koskey #1 (D)	Pittsburgh	330	320	310	280	270	255	245	265	230	220	195
Lasick, Joseph	2567	Lasick (D)	T. Freeport	305	295	285	260	240	240	240	240	210	200	190
FAYETTE COUNTY														
Hough, Leslie V	2565	Good Luck	Pittsburgh	300	290	280	265	245	230	230	230	220	215	190
Warman, Fred C	2570	Walters (S)	Pittsburgh	310	300	290	270	250	240	235	240	225	220	195
GREENE COUNTY														
Principini, M. (Mrs.)	2571	Maple Mine #2 (S).	Sewickley	285	275	265	255	235	225	225	220	200	190	170
WESTMORELAND COUNTY														
Strawn, A. E. (Strawn Coal Co.).	2568	Strawn #3 (D & S).	Pittsburgh	300	290	280	265	260	250	230	235	215	205	195

[F. R. Doc. 42-12650; Filed, November 30, 1942; 11:16 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

PART 1010—SUSPENSION ORDERS

[Suspension Order S-132]

DEAL ELECTRIC COMPANY, INC.

Deal Electric Company, Inc., New York, New York, is a manufacturer of electrical supplies and also deals in copper products. The Company maintains stocks of such products and is a warehouse as defined in General Preference Order M–9–a. This order, as amended February 6, 1942, prohibited a warehouse from delivering copper products except to fill purchase orders bearing a preference rating of A–10 or higher. On May 7, 1942, General Preference Order M–9–a was further amended to prohibit a warehouse from delivering copper products except to fill purchase orders bearing a preference rating of A–1–k or higher. Despite the fact that the Company was familiar with these restrictions, during the period from February 6 through May 6, 1942, it delivered 358,851 feet of copper wire in fulfillment of unrated orders and during the period of May 7 through August 11, 1942, it delivered 51,440 feet of copper wire in fulfillment of orders rated lower than A–1–k.

These deliveries constituted wilful violations of General Preference Order M–9–a which have hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.132 *Suspension Order S–132.* (a) Deliveries of material to Deal Electric Company, Inc., its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to Deal Electric Company, Inc., its successors and assigns, by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) Despite the provisions of paragraph (a), Deal Electric Company, Inc. may extend or apply to deliveries to it any preference rating of AA–3 or higher which it would, except for the provisions of paragraph (a), be entitled to apply or extend.

(c) No allocation shall be made to Deal Electric Company, Inc., its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(d) Nothing contained in this order shall be deemed to relieve Deal Electric Company, Inc. from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect December 2, 1942, and shall expire on April 2, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of November 1942

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12666; Filed, November 30, 1942; 4:16 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-152]

STAR PLUMBING SUPPLY CO.

The Star Plumbing Supply Company, Philadelphia, Pennsylvania, is a partnership composed of Harry Gitterman, Sidney Gitterman, and Louis Gitterman, in the business of acting as plumbing supply house for the trade and selling plumbing and heating equipment directly to the ultimate consumer and installing equipment so sold. On March 29, 1942, the Star Plumbing Supply Company entered a contract with August H. Hisler, Jr., Philadelphia, Pennsylvania, to furnish and install a hot water heating system, but deliveries were not made under this contract until the latter part of August and were made without a preference rating and without certification as required by Limitation Order L–79. On or after August 12, 1942, the Star Plumbing Supply Company sold and delivered to Mrs. Jessup Kay, Philadelphia, Pennsylvania, new metal plumbing equipment composed of more than 50% metal without a preference rating and without certification as required by Limitation Order L–79.

The delivery of new metal plumbing and heating equipment by the partnership without preference ratings and without certification constituted wilful violations of Limitation Order L–79. These violations have hampered and impeded the war effort of the United States. In view of the foregoing facts, *It is hereby ordered:*

§ 1010.152 *Suspension Order S–152.* (a) Deliveries of material to Harry Gitterman, Sidney Gitterman, and Louis Gitterman, individually or doing business as the Star Plumbing Supply Company, their or its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the Director of Industry Operations or the Director General for Operations except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to Harry Gitterman, Sidney Gitterman, and Louis Gitterman, individually or doing business as the Star Plumbing Supply Company, their or its successors and assigns, of any material, the supply or distribution of which is covered by any order of the Director of Industry Operations or the Director General for Operations except as specifically authorized by the Director General for Operations.

(c) Harry Gitterman, Sidney Gitterman, and Louis Gitterman, individually or doing business as the Star Plumbing Supply Company, their or its successors and assigns are hereby prohibited from accepting deliveries of, receiving, delivering, selling, transferring, trading, or dealing in any new metal plumbing or heating equipment as defined in Limitation Order L–79, except as specifically authorized by the Director General for Operations.

(d) Nothing contained in this order shall be deemed to relieve Harry Gitterman, Sidney Gitterman, and Louis Gitterman, individually or doing business as the Star Plumbing Supply Company from any restriction, prohibition, or provisions contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect December 2, 1942, and shall expire on March 2, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12667; Filed, November 30, 1942; 4:16 p. m.]

PART 1223—STANDARDIZATION AND SIMPLIFICATION OF PAPER

[Schedule I to Limitation Order L-120, as Amended Nov. 30, 1942]

BOOK PAPER FOR USE IN COMMERCIAL PRINTING

§ 1223.2 *Schedule I to Limitation Order L–120*—(a) *Definitions.* For the purpose of this schedule, including the Appendix:

(1) The term "book paper" means and is limited to the kinds of paper commonly described and distributed in the paper trade by the names used as captions in the Appendix below.

(2) The term "book paper for use in commercial printing" means all "book papers" commonly manufactured and distributed for use in printing, including but not limited to the printing of music, labels and posters; and excluding only those manufactured and distributed for use in printing periodicals, pamphlets published for resale, and books, or for conversion into another paper product or products otherwise than by printing.

(3) A "grade" means one particular quality within a kind of book paper, such grade having the essential properties peculiar to such kind of paper and common to all grades within such kind, but distinguished from other such grades by a difference in the degree to which one or several of those common properties are emphasized. However, a difference in the degree to which any such property is emphasized, due only to a difference in ash content, in sizing, in the quantity of adhesive in the coating formula, or in the dyes used in the paper and/or coating shall not be considered as resulting in a different grade.

(4) "Color" means any hue of the spectrum, including but not limited to ivory, india and green-white tints, and black, but not including white.

(5) The term "basis weight" means the weight of a kind of "book paper" in pounds per 500 sheets in the size indicated under the appropriate caption.

(6) An "item" means a quantity of paper all of which is of the same size, grain, basis weight, finish, color and grade.

(7) The term "standard" as applied to grade, color, basis weight, and size means, with respect to each manufacturer, a grade and color selected and a basis weight and size specified under A of the appropriate caption in the Appendix below.

(8) The term "special" as applied to grade, color, basis weight, and size means, with respect to each manufacturer, any grade, color, basis weight or size that is not standard.

(9) The term "special making order" means a single order placed by a single buyer for manufacture at one time for use by one printer or consumer.

(10) The term "manufacture" includes all making and finishing operations prior to packaging or packing.

(11) "Person" means any individual, partnership, association, or other form of enterprise, including within one "person" all affiliates, subsidiaries, individuals, corporations, partnerships, or other forms of enterprise subject to a common executive or operating management or with a common sales organization.

(b) *Identification of the papers subject to this schedule.* It shall be the duty of each person who manufactures paper to determine in the first instance, but subject to review and official classification by the Director General for Operations at any time thereafter, under which caption, if any, of the Appendix belongs each of the "book papers for use in commercial printing" manufactured by him. There shall be taken into account in such determination, and in any review and reclassification by the Director General for Operations, the designation by which the manufacturer heretofore identified or distributed the paper in question, the common designation in the paper trade of similar papers selling within the same general price range as the paper in question, and the common designation in the paper trade of papers possessing the same general physical characteristics, manufactured by the same general processes, or commonly distributed and used for the same general uses as the paper in question. If a manufacturer is uncertain as to the proper caption under which to classify a particular kind of "book paper for use in commercial printing", or whether a particular kind of paper is such a paper at all or belongs under any caption of the Appendix to this schedule, he may apply to the Director General for Operations, in writing, for an official classification of such paper, submitting with his application representative samples of the grade or grades in which he manufactures such paper, a full explanation of the processes by which he manufactures the same, the designation by which he has heretofore identified or distributed the same, the general uses for which it is intended, the general price range within which it is sold, and the types of papers with which it chiefly competes, and a full explanation of the reasons for his uncertainty. The Director General for Operations may on his own motion review a manufacturer's classification and substitute therefor an official classification. In any event, an official classification by the Director General for Operations by telegram or notice in writing sent to the manufacturer, shall, unless and until the Director General for Operations shall amend or revise the same by telegram or notice in writing sent to the manufacturer, be conclusive.

(c) *Selection of grades for regular manufacture.* Each person who manufactures any kind of "book paper for use in commercial printing", shall, with respect to each such kind he manufactures, select such "grade" or "grades" thereof, not to exceed the number specified in A (1) of the appropriate caption of the Appendix below, as he may desire to adopt for regular manufacture, and shall forthwith notify the Director General for Operations of such selection, on Form PD–589. The manufacturer may thereafter apply to the Director General for Operations for leave to amend the original selection by dropping a "grade" or "grades" and substituting another or others, but unless and until such leave is granted by the Director General for Operations in writing the original selection shall be and remain binding.

(d) *Selection of colors for regular manufacture.* If by the terms of A (2) under the appropriate caption of the Appendix below a manufacturer is permitted, with respect to a particular grade of a kind of "book paper for use in commercial printing", to select a number of colors, each person who manufactures such grade, if he desires to manufacture such grade in colors, shall immediately select therefor such particular colors, not to exceed the number indicated in A (2) of the appropriate caption, as he may desire to adopt for regular manufacture, and shall forthwith notify the Director General for Operations of such selection on Form PD–589. The manufacturer may thereafter apply to the Director General for Operations for leave to amend the original selection by dropping a color or colors and substituting another or others, but unless and until such leave is granted by the Director General for Operations in writing the original selection shall be and remain binding.

(e) *General limitations.* Except to the extent and upon the conditions indicated in paragraphs (f), (g), (h) and (i) of this revised schedule, or under B of the appropriate caption in the Appendix below, no person shall manufacture any kind of "book paper for use in commercial printing" in any grade, color, basis weight or size other than those selected or specified as standard under A of the appropriate caption of the Appendix, or contrary to any other provision under A of the appropriate caption.

(f) *Tolerances and variations.* The prohibitions and restrictions of this revised schedule are subject to the normal tolerances customary in the manufacture of "book papers" and to the normal variations in quantity manufactured customarily acceptable in the paper trade. Nothing in this revised schedule shall restrict the remaking, because of faulty manufacture or excessive underrun, of all or any part of a "special making order" accepted in good faith for manufacture in accordance with the terms of this revised schedule.

(g) *Cutting and slitting.* Nothing in this revised schedule shall restrict the cutting of any sheet size to sizes of which the parent size is a multiple, provided the parent size is manufactured in accordance with the provisions of this revised schedule, nor restrict the slitting to fractional width rolls of any parent roll size manufactured in accordance with the provisions of this revised schedule on an order for roll paper; however, a special sheet size may not be cut from a standard or special roll size except in a quantity and under the conditions applying to a "special size" under B of the appropriate caption in the Appendix below.

(h) *Jobs and seconds.* Nothing in this revised schedule shall restrict the sale of "job lots" or "seconds", resulting from faulty manufacture or overruns customarily unacceptable to the buyer, which occur during a bona fide attempt to manufacture "book paper" according to the terms of this revised schedule, provided that the manufacturer clearly informs the purchaser that such paper is a "job lot" or "seconds" and so indicates on each package.

(i) *Exception for export.* Regardless of the foregoing provisions of this revised schedule and of the provisions of Limitation Order L-120, a person may manufacture for export (but may not without permission in writing by the Director General for Operations sell in the domestic market) any kind of "book paper for use in commercial printing" in any size or basis weight required, regardless of quantity, provided all other provisions of this schedule are complied with.

(j) *Records and reports*—(1) *Standard samples.* Each person who manufactures any kind of "book paper for use in commercial printing" shall keep, readily available for inspection by the War Production Board, representative samples of each standard grade and each standard color of such grade selected by him under A (1) and A (2) of the appropriate caption.

(2) *Special making orders.* On and after November 2, 1942, each person who manufactures any "special making order" permitted under B of the appropriate caption of the Appendix below shall require from the buyer a statement to the effect that such order is purchased for use by one printer or consumer, shall keep such statement, together with a complete record of such order, readily available for inspection by the War Production Board, and shall submit reports of such orders to the Director General for Operations as he may from time to time require.

(3) *Export orders.* On and after November 2, 1942, each person who manufactures "book papers for use in commercial printing" for export shall require from the buyer a statement to the effect that such paper is purchased for export, shall keep such statement, together with a complete record of the order against which such paper is manufactured readily available for inspection by the War Production Board, and shall submit reports of such orders to the Director General for Operations as he may from time to time require.

(P.L. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

APPENDIX [1] TO REVISED SCHEDULE I

STANDARDIZATION AND SIMPLIFICATION OF BOOK PAPERS FOR USE IN COMMERCIAL PRINTING

UNCOATED ENGLISH (MACHINE) FINISH BOOK PAPERS

(Excluding Those With 25 Percent or More Rag Content)

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than two, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: In one of the grades selected under A (1), White and India only. The other grade selected may be manufactured in White, and India and five other colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Basis Weights (per 500 sheets 25'' x 38''): 30, 35, 40, 45, 50, 60.

(4) Standard Sizes (in inches):

Sheets: 25 x 38, 28 x 42, 28 x 44, 32 x 44, 35 x 45, 38 x 50.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either white or any one color, standard or special; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or white; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

(5) Basis Weights below 30 pound. No restriction on grade, basis weights or sizes in basis weights below 30 pound.

UNCOATED BOOK PAPERS, SUPERCALENDERED

(Except those with 25% or more Rag Content)

A. *Grades, Colors, Weights and Sizes for regular manufacture:*

(1) Standard Grades: Not more than two, selected according to paragraph (c) of the foregoing schedule, provided they correspond to the two selected for Uncoated English (Machine) Finish Book Papers.

(2) Standard Colors: In one of the grades selected under A (1), White and India only. The other grade selected may be manufactured in White, and India and five other colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Basis Weights (per 500 sheets 25'' x 38''): 45, 50, 60.

(4) Standard Sizes (in inches):

Sheets: 25 x 38, 28 x 42, 28 x 44, 32 x 44, 35 x 45, 38 x 50.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

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[1] Item (4), Coated One Side Book Papers, was amended Nov. 30, 1942.

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under exception (1) above; and

(b) In a standard color or White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

ANTIQUE (EGGSHELL) BOOK PAPERS

(Except those with 25% or more rag content)

A. *Grades, Colors, Weights and Sizes for regular manufacture.*

(1) Standard grades: Not more than two, selected according to paragraph (c) of the foregoing schedule, but only one may carry a watermark and/or a laid mark.

(2) Standard colors: In one of the grades selected under A (1), White and India only. The other grade selected may be manufactured in White, and India and five other colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard basis weights (per 500 sheets 25'' x 38''): 50, 60, 70.

(4) Standard sizes (in inches):

Sheets: 25 x 38, 28 x 42, 28 x 44, 32 x 44, 35 x 45, 38 x 50.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A special basis weight may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

UNCOATED OFFSET BOOK PAPERS

A. *Grades, colors, weights and sizes for regular manufacture.*

(1) Standard Grades: Not more than one, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: The grade selected under A (1) may be manufactured in White, and India and five other colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Basis Weights (per 500 sheets 25'' x 38''): 50, 60, 70, 80, 100.

(4) Standard Sizes (in inches):

Sheets: 22½ x 35, 25 x 38, 28 x 42, 28 x 44, 32 x 44, 35 x 45, 38 x 50, 41 x 54, 44 x 64.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

(5) Any fancy finish may be applied to any item conforming to the other conditions of this caption.

(6) No laid mark or other watermarks permitted.

(7) No supercalendered Offset Paper permitted.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight, in the quantities provided for under exceptions (1), (2) and (3) above.

(5) Any fancy finish may be applied to any item conforming to the other conditions of this caption.

(6) A laid mark or other watermark may be incorporated in a special making order of 5,000 pounds or more of any item conforming to the other conditions of this caption.

(7) A Supercalender Finish may be applied to fill a special making order for 2,000 pounds or more of any item conforming to the other conditions of this caption.

PROCESS (MACHINE) COATED BOOK PAPERS

A. *Grades, Colors, Weights and Sizes for regular manufacture.*

(1) Standard Grades: Not more than two, selected according to paragraph (c) of the foregoing schedule.

NOTE: A person may, upon application to and approval by the Director General for Operations, select for regular manufacture not more than 2 additional grades of Process (Machine) Coated Book Papers, each in lieu of a grade of Glossy Coated Two Sides Book Papers and, if his application is granted, may not thereafter, unless and until permitted by the Director General for Operations, regularly manufacture the grade or grades of Glossy Coated Two Sides Book Papers thus replaced.

(2) Standard Colors: White only.

(3) Standard Basis Weights (per 500 sheets 25'' x 38''): 45, 50, 60, 70, 80.

(4) Standard Sizes (in inches):

Sheets: 25 x 38, 28 x 42, 28 x 44, 32 x 44, 35 x 45, 38 x 50.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade, and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

COATED ONE SIDE BOOK PAPERS

A. *Grades, Colors, Weights and Sizes for regular manufacture.*

(1) Standard Grades: Not more than one grade of body stock to which may be applied two grades of coating, selected according to paragraph (c) of the foregoing schedule, one for general use and the other suitable for varnishing and gloss ink printing.

(2) Standard Colors: White only.

(3) Standard Basis Weights (per 500 sheets 25'' x 38''): 50, 60, 70.

(4) Standard Sizes (in inches):

Sheets: 25 x 38, 28 x 42, 28 x 44, 32 x 24, 35 x 45, 38 x 50.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

(5) Special Coating Formulae: Any glossy coated one side coating formula may be applied to the one grade of body stock permitted under A (1) to fill a special making order:

(a) In 5,000 pounds or more of one item in White only, and in any basis weight permitted under A (3); or

(b) In 10,000 pounds in White or any one color, standard or special, and in any one basis weight, standard or special, with at least 5,000 pounds of each item.

GLOSSY COATED TWO SIDES BOOK PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than three, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: In each of two of the grades selected under A (1), White and either India or Ivory but not both. The other grade selected may be manufactured in White, and India and five other colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Basis Weights (per 500 sheets 25'' x 38''): 60, 70, 80, 100.

(4) Standard Sizes (in inches):

Sheets: 25 x 38, 28 x 42, 28 x 44, 32 x 44, 35 x 45, 38 x 50.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight, or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

(5) Special Coating Formulae: Any glossy coated two sides coating formula may be applied to a grade of body stock regularly manufactured under A (1) to fill a special making order:

(a) In 5,000 pounds or more of one item in White only, and in any basis weight permitted under A (3); or

(b) In 10,000 pounds in White or any one color, standard or special, and in any one basis weight, standard or special, and with at least 5,000 pounds of each item.

(6) Glossy Coated One Side: Any body stock and coating used for a standard grade of Glossy Coated Two Sides Book Papers may be used to manufacture a similar grade coated one side to fill a special making order, provided that:

(a) The quantity of each basis weight is at least 10,000 pounds; and

(b) The quantity of each item is at least 5,000 pounds.

COATED TWO SIDES OFFSET PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than one, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: White only.

(3) Standard Basis Weights (per 500 sheets 25'' x 38''): 70, 80, and 100.

(4) Standard Sizes (in inches):

Sheets: 22½ x 35, 25 x 38, 28 x 42, 28 x 44, 32 x 44, 35 x 45, 38 x 50, 41 x 54.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

DULL COATED BOOK PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than one, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: The grade selected under A (1) may be manufactured in White, and India and five other colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Basis Weights (per 500 sheets 25'' x 38''): 70, 80 and 100.

(4) Standard Sizes (in inches):

Sheets: 25 x 38, 28 x 42, 28 x 44, 32 x 44, 35 x 45, 38 x 50.

Rolls: Any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 5,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

PLAIN COATED COVER PAPERS

A. *Grades, Colors, Weights, and Sizes for regular manufacture:*

(1) Standard Grades: Not more than one, selected according to paragraph (c) of the foregoing schedule.

(2) Standard Colors: The grade selected under A (1) may be manufactured in White, and India and five other colors, selected according to paragraph (d) of the foregoing schedule.

(3) Standard Basis Weights (per 500 sheets 20'' x 26''): 60 and 80.

(4) Standard Sizes (in inches):

Sheets: 20 x 26, 23 x 35, 26 x 40, 35 x 46.

Rolls: any dimension of a standard sheet size is a standard size for roll widths.

B. *Exceptions for "special making orders"* as defined in (a) (9) of the foregoing schedule:

(1) A Special Grade may be manufactured to fill a special making order, provided that:

(a) The quantity of such special grade is at least 20,000 pounds, all in either White or any one color, standard or special; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(2) A Special Color may be manufactured to fill a special making order, provided that:

(a) The quantity of each special color is at least 20,000 pounds in one grade; and

(b) The quantity of each basis weight is at least 10,000 pounds; and

(c) The quantity of each item is at least 5,000 pounds.

(3) A Special Basis Weight may be manufactured to fill a special making order in a quantity of at least 10,000 pounds, and in at least 5,000 pounds of each item:

(a) In a standard grade; or a special grade in the quantities provided for under Exception (1) above; and

(b) In a standard color or White; or a special color in the quantities provided for under Exception (2) above.

(4) A Special Size may be manufactured to fill a special making order in a quantity of at least 2,000 pounds of an item:

(a) In a standard grade, standard color or standard basis weight; or

(b) In a special grade, special color or special basis weight in the quantities provided for under exceptions (1), (2) and (3) above.

[F. R. Doc. 42–12665; Filed, November 30, 1942; 4:16 p. m.]

PART 960—CHLORINE

[General Preference Order M–19 as Amended Dec. 1, 1942]

Part 960 is hereby amended to read Part 960—Chlorine.

Section 960.1 (General Preference Order M–19) is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of chlorine for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 960.1 *General Preference Order M–19*—(a) *Definitions.* For the purposes of this order:

(1) "Chlorine" means gaseous and liquid chlorine.

(2) "Producer" means any person engaged in the production of chlorine and includes any person who has chlorine produced for him pursuant to toll agreement.

(3) "Distributor" means any person who has purchased or purchases chlorine for resale.

(b) *Restrictions on use and delivery of chlorine.* (1) On and after January 1, 1943, subject to the provisions of paragraph (c) hereof, no producer or distributor shall use or deliver chlorine, and no person shall accept delivery thereof from a producer or distributor, except as specifically authorized by the Director General for Operations upon application pursuant to paragraph (f) hereof.

(2) During the period commencing December 1, 1942, and ending December 31, 1942, no person shall, subject to the provisions of paragraph (c) hereof, deliver, accept delivery of or use chlorine or "products containing available chlorine" as defined in General Preference Order No. M–19 as in effect prior to the date of this amendment, except in accordance with the provisions of such order.

(3) Each person affected by this order shall comply with such directions as may be given from time to time by the Director General for Operations with respect to the use or delivery of chlorine.

(c) *Exemptions.* The restrictions provided for in paragraphs (b) (1) and (b) (2) hereof, shall not apply to the following:

(1) Use by any producer or distributor of not to exceed 2,000 pounds of chlorine during any one month.

(2) Delivery by any supplier of not to exceed 2,000 pounds of chlorine to any one person in any one month and the acceptance thereof by any such person: *Provided, however,* That each person seeking delivery of 2,000 pounds or less of chlorine during any one month shall file with his supplier at the time of placing his order a certificate in substantially the following form:

> The undersigned hereby certifies that if delivery of the quantity of chlorine covered by the accompanying order is made, the undersigned will not have received, during the month in which such delivery is to be made, in excess of 2,000 pounds of chlorine; that such chlorine is to be used for the following purpose:
>
> and that the amount of chlorine used for such purpose during the month of 1941 corresponding to the month in which such delivery is to be made was pounds.
>
> ______________________________
> (Name of customer)
> By ______________________________
> (Signature of authorized official)
> Date ______________ Title ____________

Such certificate shall constitute a representation to, but shall not be filed with, the War Production Board.

(3) Use by any person of chlorine for potable water treatment, industrial water treatment, swimming pool sanitation or sewage treatment.

(4) Delivery of chlorine by any supplier to any person for use, or for resale for use, for potable water treatment, industrial water treatment, swimming pool sanitation or sewage treatment, or to the acceptance of any such delivery by any such person: *Provided, however,* That no person shall accept delivery of any chlorine under this paragraph (c) (4) if the chlorine inventory of the deliveree is, or will by virtue of the acceptance of delivery of the chlorine ordered, become, in excess of a 30 days' supply on the basis of his current method and rate of operation, except to the extent that such excess may be occasioned by the fact that the amount ordered is the smallest practical delivery unit.

(d) *Placing of orders.* Each person ordering chlorine from any supplier, including persons ordering chlorine under paragraph (c) hereof, shall place his order for chlorine on or before the 5th day of the month preceding the month for which delivery is requested if such supplier is a distributor, or on or before the 10th day of such month if such supplier is a producer, and no supplier shall be required to fill any order for chlorine unless the person ordering the same shall have complied with the provisions of this paragraph (d).

(e) *Production of chlorine.* Each producer shall comply with such directions as may be given from time to time by the Director General for Operations with respect to the production of chlorine.

(f) *Applications and reports.* In addition to such other reports as may from time to time be required by the Director General for Operations:

(1) Each producer and each distributor seeking authorization to use, and each person seeking authorization to accept delivery of, chlorine, pursuant to paragraph (b) (1) hereof, shall apply to the War Production Board for such authorization on Form PD–190 (Rev.), which form shall be prepared and filed in the manner prescribed therein.

(2) Each producer and each distributor seeking authorization to deliver chlorine pursuant to paragraph (b) (1) hereof, shall apply to the War Production Board for such authorization on Form PD–191 (Rev.), which form shall be prepared and filed in the manner prescribed therein.

(g) *Notification of customers.* Producers and distributors shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any such person from complying with the terms hereof.

(h) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board Priorities Regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C., Ref.: M–19.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12698; Filed, December 1, 1942; 11:04 a. m.]

PART 1041—PRODUCTION, TRANSPORTATION, REFINING AND MARKETING OF PETROLEUM

[Preference Rating Order P-98-c]

§ 1041.3 *Preference Rating Order P-98-c.* For the purpose of facilitating special sales of idle or excess materials by persons engaged in the petroleum industry to other persons engaged in the petroleum industry, it is hereby ordered that persons engaged in the petroleum industry may sell such material to other persons engaged in the petroleum industry upon the terms hereinafter set forth:

(a) *Definitions.* The definitions of Preference Rating Order P-98-b shall apply in this order.

(b) *Sales of material between operators.* Any operator may sell to any other operator material from the seller's stocks or inventories, and any such sale shall be expressly permitted within the terms of paragraph (c) (3) of Priorities Regulation No. 13, as amended from time to time.

(c) *Applicability of orders and priorities regulations.* This order does not authorize receipt or use of any material by any person in violation of any inventory, quota or use restrictions imposed by any order or regulation. This order and all transactions affected thereby are subject to the applicable provisions of any priorities regulation issued by the War Production Board, as amended from time to time.

(d) *Communications.* All reports which may be required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed:

(1) By any person located in the United States, its territories or possessions to: Office of Petroleum Coordinator, South Interior Building, Washington, D. C., Ref.: P-98-c.

(2) By any person located in the Dominion of Canada to: Office of Oil Controller, Dominion of Canada, Toronto, Canada, Ref.: P-98-c.

(e) *Violations.* Any person who wilfully violates any provisions of this order or who wilfully furnishes false information to the Director General for Operations in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(f) *Effective date.* This order shall continue in effect up to but not after January 1, 1943, unless sooner revoked. (P.D. Reg. 1, as amended 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12697; Filed, December 1, 1942; 11:04 a. m.]

Chapter XI—Office of Price Administration

PART 1303—ZINC

[RPS 3,[1] Amendment 3]

ZINC SCRAP MATERIALS AND SECONDARY SLAB ZINC

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.*

A new paragraph (d) is added to § 1303.9, as set forth below:

§ 1303.9 *Appendix A: Maximum prices for zinc scrap materials.* * * *

(d) St. Joseph Lead Company of Pennsylvania, 250 Park Avenue, New York, New York, may sell and deliver a certain lot of 123 tons of unsweated zinc dross in slabs from their plant at Josephtown, Pennsylvania, to General Smelting Company, Westmoreland and Richmond Streets, Philadelphia, Pennsylvania, at an f. o. b. point of shipment price of 5.80 cents per pound, plus the actual transportation charges incurred by St. Joseph Lead Company of Pennsylvania in their original purchase of said zinc dross.

§ 1303.11 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1303.9 (d)) to Revised Price Schedule No. 3 shall become effective November 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12668; Filed, November 30, 1942; 4:57 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 200,[1] Amendment 3]

RUBBER HEELS, RUBBER HEELS ATTACHED, AND ATTACHING OF RUBBER HEELS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1315.1402 and paragraph (a) in § 1315.1406 are amended, as set forth below:

§ 1315.1402 *Federal and state taxes.* (a) Except as limited in the next paragraph, any tax upon, or incident to, the sale, delivery, or processing of rubber heels, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price: If the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor.

(b) No shoe repairman may add and after December 31, 1942, no wholesaler may add, the amount of Federal excise tax on rubber products paid by any prior vendor to the maximum prices established by this Maximum Price Regulation No. 200.

§ 1315.1406 *Marking and posting.* (a) Every manufacturer of rubber heels (except sport heels and women's scoop lifts, toplifts, toplift strips and toplift blocks) manufactured after August 31, 1942, for sale in the shoe repair trade, shall imprint prominently on the face of every such heel in the place receiving the least wear the symbol "V-1," "V-2," "V-3," or "V-4," which symbol shall represent the physical tests, as set forth in paragraph (g) (6) of § 1315.1420, which the heel in question is able to equal or exceed. Sport heels and women's scoop lifts, toplifts, toplift strips and toplift blocks manufactured after August 31, 1942, for sale in the shoe repair trade must be marked in some other manner approved by the Office of Price Administration in order to indicate the quality thereof. The marking of the unit of sale container is an approved method of marking sport heels and women's scoop lifts (1 and 3 nail hole) and died out toplifts. A paper sticker on each toplift strip or block is also an approved method of marking toplift strips and toplift blocks.

§ 1315.1419a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1315.1402, 1315.1406 (a) and 1315.1419a (c)) to Maximum Price Regulation No. 200 shall become effective December 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7891)

Issued this 30th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12682; Filed, November 30, 1942; 5:00 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1205, 2132, 3820, 5513, 8948.

[1] 7 F.R. 6259, 6936, 7835, 8948.

PART 1316—COTTON TEXTILES

[RPS 11, Amendment 6]

FINE COTTON GREY GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1316.3[1] is amended to read as follows:

§ 1316.3 *Memorandum contracts; wholesalers, jobbers and retailers.* (a) Deliveries against contracts entered into after December 1, 1942, and sales or contracts of sale made after such date, of fine cotton grey goods of the types enumerated below now subject to the maximum prices established in this Revised Price Schedule No. 11, the General Maximum Price Regulation and Maximum Price Regulation 157 may be made without specifying any price if the parties agree that the buyer's obligation will be discharged at prices not in excess of such maximum prices as shall prevail on the effective date of the revision of this Schedule under the designation Maximum Price Regulation No. 11:

(1) Broadcloth.
(2) Lawns.
(3) Dimities.
(4) Dimity checks.
(5) Pique.
(6) Pongee.
(7) Voiles.
(8) Marquisettes.
(9) Scrim.
(10) Fine combed plains.
(11) Organdie.
(12) Tracing cloth.
(13) Typewriter cloth.
(14) Umbrella cloth.
(15) Collar cloth.
(16) Poplins.
(17) Beat-up marquisettes.
(18) Sateens.
(19) Airplane cloth.

(b) The maximum prices established herein and the provisions of paragraph (a) of this section and §§ 1316.5 and 1316.6 are not applicable to sales or deliveries of fine cotton goods made by any wholesaler, jobber, or retailer in the performance of a recognized distributive function: *Provided,* (1) That sales and deliveries of fine cotton goods (i) to a domestic converter or finisher or (ii) by the manufacturer thereof or by any agent of such manufacturer, shall not be made at prices higher than the established maximum prices; and (2) that records, as required by § 1316.5, shall be kept of every sale or delivery by a wholesaler or jobber for export.

§ 1316.12a *Effective dates of amendments.* * * *

(f) Amendment No. 6 (§ 1316.3) to Revised Price Schedule No. 11 shall become effective December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12683; Filed, November 30, 1942; 4:59 p. m.]

PART 1346—BUILDING MATERIALS

[MPR 276]

ASPHALT TILE

In the judgment of the Price Administrator it is necessary and proper, in order to effect a translation of the prices established under the General Maximum Price Regulation into dollars and cents and to accomplish the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, to establish as the maximum prices for asphalt tile the prices generally prevailing with respect thereto during the period March 1 to March 31, 1942.

The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and in conformity with the general level of prices established by the General Maximum Price Regulation. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, in accordance with Revised Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 276 is hereby issued.

Sec.	
1346.301	Maximum prices for asphalt tile.
1346.302	Less than maximum prices.
1346.303	Adjustable pricing.
1346.304	Evasion.
1346.305	Records and reports.
1346.306	Enforcement.
1346.307	Petitions for adjustment.
1346.308	Petitions for amendment.
1346.309	Definitions.
1346.310	General Maximum Price Regulation and Maximum Price Regulation No. 188 superseded.
1346.311	Export sales.
1346.312	Taxes.
1346.313	Application.
1346.314	Effective date.
1346.315	Appendix A: Maximum prices for asphalt tile.

AUTHORITY: §§ 1346.301 to 1346.315, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1346.301 *Maximum prices for asphalt tile.* On and after December 5, 1942, regardless of any contract or other obligation, no manufacturer shall sell or deliver any asphalt tile, except on an installed basis, and no person shall buy or receive any asphalt tile from any manufacturer in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1346.315, and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of asphalt tile to a purchaser if prior to December 5, 1942, such asphalt tile had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

The provisions of this section shall not be applicable to any agency of the United States, or any contracting officer thereof, and any such contracting officer or any paying finance officer shall be relieved of any and every liability, civil or criminal, imposed by this Maximum Price Regulation No. 276 or by the Emergency Price Control Act of 1942, as amended.

§ 1346.302 *Less than maximum prices.* Lower prices than those determined under § 1346.301 hereof may be charged, demanded, paid, or offered.

§ 1346.303 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Price Administrator may upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1346.304 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 276 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to asphalt tile, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by lowering quality of the tile, or otherwise.

§ 1346.305 *Records and reports.* (a) Every person making purchases or sales subject to this Maximum Price Regulation No. 276 of asphalt tile shall keep for inspection by the Office of Price Administration, for a period of not less than 2 years, a complete and accurate record of each purchase, sale, or delivery showing the date thereof, the name and address of the buyer and the seller, the point of origin and the point of delivery of the shipment, the price paid or received, and the quantity of each grade and classification of the product purchased, sold, or delivered.

(b) Every person making a purchase or sale subject to this Maximum Price Regulation No. 276 of asphalt tile shall submit such reports or samples of asphalt tile to the Office of Price Administration as it may from time to time require.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1231.

[1] 7 F.R. 8961.

§ 1346.306 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 276 are subject to the criminal penalties, and civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 276 or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest district, state, field or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1346.307 *Applications for adjustment—Government contracts or subcontracts.* Any person who has entered into or proposes to enter into a Government contract or a subcontract under any such contract, who believes that a maximum price established by this Maximum Price Regulation No. 276 impedes or threatens to impede production of a commodity or supply of a service which is essential to the war program and which is, or will be, the subject of such contract or subcontract may file an application for adjustment of that maximum price in accordance with the provisions of Procedural Regulation No. 6,[2] issued by the Office of Price Administration.

§ 1346.308 *Petitions for amendment.* Any person seeking an amendment of this Maximum Price Regulation No. 276 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1346.309 *Definitions.* (a) When used in this Maximum Price Regulation No. 276, the term:

(1) A sale on an "installed basis" means a transaction in which the seller furnishes asphalt tile together with the labor or services required to incorporate such asphalt tile into a building or other structure.

(2) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(3) "Carload" means a quantity or combination of one or more sizes, gauges, and colors of asphalt tile, and all sundries, including wax, cleaner, underlayment, and crack filler, or laying equipment, the aggregate weight of which totals 36,000 lbs. shipped at one time.

(4) "Asphalt tile" means a tile composed of a thoroughly blended composition of thermoplastic binder of the asphaltic and/or resinous type, asbestos and/or raw cotton fibers, and inert materials as fillers or pigments, formed under pressure while hot, and cut to size.

(5) "Manufacturer" means a person operating an establishment which produces, fabricates or finishes asphalt tile, and any agent or subsidiary or controlled affiliate of such manufacturer.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

§ 1346.310 *General Maximum Price Regulation*[3] *and Maximum Price Regulation No. 188*[4] *superseded.* The provisions of this Maximum Price Regulation No. 276 supersede the provisions of the General Maximum Price Regulation and Maximum Price Regulation No. 188 with respect to sales and deliveries for which maximum prices are established by this Regulation.

§ 1346.311 *Export sales.* The maximum price at which a person may export asphalt tile shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation,[5] issued by the Office of Price Administration.

§ 1346.312 *Taxes.* There may be added to the maximum price established by this Maximum Price Regulation No. 276 the amount of tax levied by any Federal excise tax statute or any State or municipal sales, gross receipts, gross proceeds, or compensating use tax statute or ordinance, under which the tax is measured by gross proceeds or units of sale, if, but only if, (a) such statute or ordinance requires the vendor to state the tax separately from the purchase price paid by the purchaser, consumer, or user, on the bill, sales check, or evidence of sale, at the time of the transaction; or (b) such statute or ordinance requires such tax to be separately paid by the purchaser, consumer or user with tokens or other media of State or municipal tax payment; or (c) such a statute or ordinance permits the vendor to state such tax separately, and such tax is in fact stated separately by the vendor. The amount of tax permitted to be added by this paragraph shall in no event exceed that paid by the purchaser, consumer, or user.

§ 1346.313 *Application.* The provisions of this regulation shall be applicable to the forty-eight States of the United States and the District of Columbia, but shall not be applicable to the territories and possessions of the United States.

§ 1346.314 *Effective date.* This Maximum Price Regulation No. 276 (§§ 1346.301 to 1346.315, inclusive), shall become effective December 5, 1942.

§ 1346.315 *Appendix A: Maximum prices for asphalt tile*—(a) *List prices.* The list prices of asphalt tile shall be as shown in the following tables:

TABLE NO. I—*List prices for asphalt floor tile per square foot*

	Under 2,500 sq. ft.				2,500 sq. ft.—Up to carload				Carload or over			
	1/8"	3/16"	1/4"	3/8"	1/8"	3/16"	1/4"	3/8"	1/8"	3/16"	1/4"	3/8"
ASPHALT FLOOR TILE												
Color Group A*	$0.0600	$0.0875	$0.1200		$0.0550	$0.0800	$0.1100		$0.0450	$0.0675	$0.0950	
Color Group B	.0775	.1100	.1500		.0700	.1000	.1400		.0575	.0825	.1200	
Color Group C	.1175	.1650	.2350		.1050	.1500	.2100		.0875	.1225	.1750	
Color Group D	.1350	.1850	.2600		.1225	.1675	.2450		.1000	.1400	.2000	
ASPHALT TILE—MISCELLANEOUS												
Color Group A	.0550	.0800	.1075	$0.1600	.0500	.0725	.0950	$0.1450	.0400	.0600	.0800	$0.1200
Color Group A-1	.0540	.0800	.1100		.0500	.0720	.1000		.0420	.0600	.0850	
Color Group A-2	.0540	.0800	.1070	.1600	.0500	.0720	.9600	.1450	.0400	.0600	.0800	.1200
Color Group B	.0675	.0950	.1350	.1950	.0600	.0850	.1200	.1750	.0500	.0725	.1000	.1450
Color Group B-1	.0700	.1000	.1400		.0630	.0900	.1300		.0520	.0740	.1100	
Color Group B-2	.0670	.0960	.1340	.1950	.0600	.8600	.1200	.1750	.0500	.0720	.1000	.1450
Color Group C	.0800	.1100	.1600		.0750	.1050	.1500		.6500	.0900	.1300	
GREASEPROOF ASPHALT TILE												
Color Group A	.1300	.1800	.2300		.1200	.1700	.2200		.1100	.1600	.2100	
Color Group A-1	.1300	.1800	.2600		.1200	.1700	.2400		.1100	.1600	.2200	
Color Group B	.1600	.2100	.2600		.1500	.2000	.2500		.1400	.1900	.2400	
Color Group B-1	.1600	.2100	.3200		.1500	.2000	.3000		.1400	.1900	.2800	
Color Group C	.1850	.2800	.3700		.1800	.2700	.3600		.1700	.2600	.3400	
ACID RESISTANT ASPHALT TILE												
Color Group A	.0700	.0975	.1300		.0650	.0900	.1200		.0550	.0775	.1050	
Color Group B	.0875	.1200	.1600		.0800	.1100	.1500		.0675	.0925	.1300	
CONDUCTIVE ASPHALT TILE												
Plain Black	.1600	.2200	.3000	.4150	.1450	.1925	.2650	.3600	.1200	.1600	.2200	.3000

*The products included in each color group by manufacturer and style designation are shown in Table No. II, in subparagraph (b) hereof.

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[2] 7 F.R. 5087, 5664.

[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6031, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616.

[4] 7 F.R. 5872, 7967, 8943, 8948.

[5] 7 F.R. 5059, 7242, 8829, 9000.

(b) *Color groups.* The products included in each color group specified in Table No. I are shown by manufacturer's style designation in the following Table No. II:

TABLE NO. II—*Color groups*

	David E. Kennedy, Inc.	The Duraflex Corp.	Leitch Mfg. Co.	Uvalde Rock Asphalt Co.	Johns-Manville	The Tile-Tex Co.	Thomas Moulding Floor Mfg. Co.	Armstrong Cork Co.
ASPHALT FLOOR TILE								
Color group A	102	53	501	C-1	1	21	Black	A-200
	104	20	502	C-2	2	22	Seal	A-210
	106	23	503	C-3	3	23	Red	A-220
Color group B	163	24	504	C-13	7	24	Burgundy	B-206
	108	36	505	C-14	102	26	26	B-244
	129	41	506	C-15	104	27	45	B-250
	131	72	401	C-21	108	201	58	B-260
	203	151	402	C-22	112	202	62	B-305
	204	152	403	C-23	118	203	63	B-316
	209	153	404	C-24	119	204	601	B-323
	229	127	405	C-25		206	602	B-332
	230	128	406	C-31		207	603	B-335
	241	137	407	C-32		211	630	B-336
	242		408	C-33		212	646	B-350
	245			C-34			40	B-351
	246			C-35			48	B-370
	252						90	
							606	
							Leaf	
							Cocoa	
							Walnut	
							Taupe	
Color group C	105	25	511	C-6	11	41	Cardinal	C-203
	109	38	513	C-8	12	44	Fern	C-205
	110	44	521	C-9	14	46	Gold	C-241
	125	46	522	C-11	21	48	Pewter	C-247
	127	76	523	C-93	23	49	21	C-251
	130	78	531	C-94	24	50	32	C-257
	136	122	420	C-42	103	51	49	C-261
	138	126	421	C-44	107	52	53	C-266
	206	133	422	C-45	111	55	64	C-310
	214	134	423	C-46	121	701	65	C-315
	221	144	424	C-48	123	702	70	C-320
	222	176	425	C-49		705	72	C-321
	223			C-51		707	75	C-322
	228			C-53		708	609	C-324
	238			C-54		710	625	C-325
	239			C-63		711	648	C-330
	243					713		C-345
	244					714		
						715		
						716		
						729		
						731		
						734		
						741		
						745		
						746		
Color Group D	122	62	524	C-7	124	101	Emerald	D-231
	128	91	534	C-10	125	102	Buff	D-235
	132	145	430	C-90	126	103	Antwerp	D-248
	134	161	431	C-92	127	104	White	D-270
	225	191	432	C-47		106	16	D-300
	232		433	C-50		107	50	D-340
	234			C-61		108	51	D-342
	247			C-62		109	52	D-356
	253					110	54	
						1,001	55	
						1,004	73	
						1,007	632	
						1,009	658	
						1,010		
						1,011		
						1,013		
						1,014		
						1,015		

	David E. Kennedy, Inc.	The Duraflex Corp.	Uvalde Rock Asphalt Co.	Johns-Manville	Armstrong Cork Co.
ASPHALT TILE—MISCELLANEOUS					
Color group A	410	853			
	400	821			
	443	844			
Color group A-1			H-1	51	
			H-2	52	
			H-3	53	
Color group A-2					410
					400
					443
Color group B	705	951			
	723	952			
	733	922			
	735	942			

TABLE NO. II—*Color groups*—Continued

	David E. Kennedy, Inc.	The Duraflex Corp.	Uvalde Rock Asphalt Co.	Johns-Manville	Armstrong Cork Co.
ASPHALT TILE—MISCELLANEOUS—continued					
Color group B-1			H-21	502	
			H-23	512	
			H-25	518	
			H-31	519	
			H-32		
			H-33		
Color group B-2					705
					723
					733
					735
Color group C			H-16		
			H-17		
			H-18		

	David E. Kennedy, Inc.	The Duraflex Corp.	The Tile-Tex Co.	Thomas Moulding Floor Mfg. Co.	Armstrong Cork Co.
GREASEPROOF ASPHALT TILE					
Color group A	102	53G		Same as "Group A" asphalt floor tile.	G1-210
	104	25G			G1-205
	106	38G			G1-241
	129	44G			G1-251
	105	76G			G1-261
	109				
	110				
	138				
Color group A-1			GP-41		
			GP-42		
			GP-44		
			GP-45		
			GP-46		
			GP-49		
			GP-51		
Color group B	203	126G		Same as "Groups B and C" asphalt floor tile.	G2-315
	204	133G			G2-324
	206	144G			G2-325
	214	176G			G2-345
	223				
	238				
	242				
	245				
Color group B-1			GP-702		
			GP-708		
			GP-710		
			GP-713		
			GP-729		
			GP-734		
			GP-735		
Color group C		46G	GP-50	Same as "Group D" asphalt floor tile.	G3-247
		191G	GP-52		G3-300
			GP-106		G3-342
			GP-109		
			GP-110		
			GP-716		
			GP-741		
			GP-1009		
			GP-1013		
			GP-1015		
ACID RESISTANT TILE					
Color group A	102			Same as "Group A" asphalt floor tile.	
	104				
	106				
Color group B	204			Same as "Group B" asphalt floor tile numbers:	
	242				
				26	
				48	
				62	
				63	
				602	
				603	
				630	
				646	

(c) *Maximum prices.* (1) The maximum prices at which the following standard sizes of asphalt tile, and all sizes not listed in this subparagraph (c), may be sold shall be the list prices set forth above: 9'' x 9'', 12'' x 12'', 6'' x 12'', 9'' x 18'', 18'' x 24'', and 12'' x 24''.

(2) One cent per square foot may be added to the list prices shown above in determining the maximum prices for the following: 6'' x 6'', 6'' x 24'', 12'' Octagon, 6'' x 12'' Hexagon, 4'' x 12'', 18'' x 18''.

(3) Two cents per square foot may be added to the list prices shown above for the following sizes: 4¼'' x 4¼'', 4½'' x 9''.

(4) Three cents per square foot may be added to the list prices shown above for the following sizes: 3'' x 3'', 3'' x 6'', 4'' x 4'', 4½'' x 4½'', 3'' x 9'', 3'' x 12''.

(5) Ten cents per square foot, or fraction thereof, may be added to the list prices shown above for strips of multiples of ½'' from ½'' to 5'' wide by 18'' long.

(6) One-half cent per triangular half tile may be added to the list prices shown above for the following sizes: 6'' x 6'', 9'' x 9'', 12'' x 12''.

(7) The maximum price for any asphalt tile manufactured on special order to duplicate any asphalt tile manufactured by a competitor, the maximum price for which is specifically set forth in Table No. I, shall be an amount equal to the maximum price for such competitive item as set forth herein.

(d) *Freight charges.* Freight charges, in accordance with the following Table No. III, may be added to the maximum prices determined hereunder:

TABLE NO. III—*Freight charges*

	Armstrong Cork Co.	The Duraflex Corp.	Johns-Manville	David E. Kennedy, Inc.	Leitch Mfg. Co.	Thomas Moulding Floor Mfg. Co.	The Tile-Tex Co.	Uvalde Rock Asphalt Co.
Asphalt floor tile:								
Color Group A	(1)	(1)	(1)	(1)	(2)	(2)	(2)	(1)
Color Group B	(1)	(1)	(1)	(1)	(2)	(2)	(2)	(1)
Color Group C	(1)	(1)	(1)	(1)	(2)	(3)	(3)	(1)
Color Group D	(1)	(1)	(1)	(1)	(2)	(3)	(3)	(1)
Asphalt tile—miscellaneous:								
Color Groups A, A-1, and A-2	(1)	(1)	(1)	(4)				(5)
Color Groups B, B-1, and B-2	(1)	(1)	(1)	(4)				(5)
Color Group C								(5)
Greaseproof asphalt tile:								
Color Group A	(1)	(1)		(1)		(2)		
Color Group A-1							(3)	
Color Group B	(1)	(1)		(1)		(2)		
Color Group B-1							(3)	
Color Group C		(1)		(1)			(3)	
Acid resistant asphalt tile:								
Color Group A				(1)		(2)		
Color Group B				(1)		(2)		
Conductive asphalt tile:								
Plain black	(5)							

[1] Freight charge from the nearest shipping point may be added.

[2] Freight charge from the nearest shipping point, plus freight to the nearest shipping point in excess of 1¢ per square foot, may be added.

[3] Freight charge from the nearest shipping point, plus freight to the nearest shipping point in excess of 2¢ per square foot, may be added.

[4] Freight charge from the nearest shipping point, plus freight to the nearest shipping point in excess of ¾¢ per square foot for ⅛'' tile, 1¢ per square foot for $\frac{3}{16}$'' tile, 1½¢ per square foot for ¼'' tile, and 2¢ per square foot for ⅜'' tile may be added.

[5] Full freight may be added.

Shipping points: New York, N. Y., Lincoln, N. J., Manville, N. J., Lancaster, Pa., Chicago, Ill., Waukegan, Ill., Houston, Texas, Southgate, California.

(e) All discounts (including cash discounts) or price differentials customarily allowed by manufacturers in March 1942 shall be preserved.

(f) All services rendered by manufacturers in March 1942 shall be continued without additional charge, unless a separate charge therefor was made during said month, in which case said charge may be continued: *Provided, however,* That no charge shall be made for duplicating competitors' colors on orders of 2500 square feet or over and that the maximum price for such service on orders of under 2500 square feet shall not exceed $5.00 for each such order.

(g) No style number or designation listed herein shall be changed without approval from the Office of Price Administration in Washington, D. C.

(h) The quality of the asphalt tile as manufactured in March 1942 shall at all times be maintained or improved, and shall, except for Asphalt Tile—Miscellaneous as listed in Table No. 1, meet Federal Specification SST 306, as revised.

Issued this 30th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12670; Filed, November 30, 1942; 4:57 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 237, Amendment 5]

ADJUSTED AND FIXED MARKUP REGULATION FOR SALES OF CERTAIN FOOD PRODUCTS AT WHOLESALE

A statement of the considerations involved in the issuance of Amendment No. 5 to Maximum Price Regulation No. 237 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

The table in Appendix A, § 1351.518, is amended so that the dates opposite the food products, "fish, canned" and "vegetables, canned", under the column entitled "last date for determining new maximum prices under this regulation", shall read "December 31, 1942" instead of "November 30, 1942".

The table in Appendix A, § 1351.518, is amended so that the dates opposite the food products, "fish, canned" and "vegetables, canned", under the column entitled "last date for filing new maximum prices with appropriate OPA District or State Offices" shall read "January 10, 1943" instead of "December 10, 1942".

The table in Appendix B, § 1351.519, is amended so that the dates opposite the food products, "fruit, dried" and "dry edible beans", under the column entitled "last date for determining new maximum prices under this regulation" shall read "December 31, 1942" instead of "November 30, 1942" as it now reads for "fruits, dried", and instead of "December 30, 1942" as it now reads for "dry edible beans".

The table in Appendix B, § 1351.519, is amended so that the dates opposite the food products, "fruits, dried" and "dry edible beans", under the column entitled "Last date for filing new maximum prices with the appropriate OPA District or State Offices" shall read "January 10, 1943" instead of "December 10, 1942" as it now reads for "fruits, dried" and instead of "December 30, 1942" as it now reads for "dry edible beans".

Section 1351.511 (b) is amended to read as set forth below:

§ 1351.511 *Records.* * * *

(b) In addition to the records required in § 1499.11 of the General Maximum Price Regulation or any other applicable price regulation, every wholesaler shall keep a copy of all Forms No. 337:1 which are filed in accordance with § 1351.506 (b) hereof and all records showing how he calculated any maximum price under this regulation, which records shall be kept and made available for examination by the Office of Price Administration wherever the commodities are sold for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

§ 1351.517a *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§§ 1351.518 and 519, and 1351.511 (b)) to Maximum Price Regulation No. 237 shall become effective on November 30, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12673; Filed, November 30, 1942; 4:55 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 238, Amendment 3]

ADJUSTED AND FIXED MARKUP REGULATION FOR SALES OF CERTAIN FOOD PRODUCTS AT RETAIL

A statement of the considerations involved in the issuance of Amendment No. 4 to Maximum Price Regulation No. 238 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

The table in Appendix A, § 1351.618, is amended so that the dates opposite the food products, "fish, canned" and "vegetables, canned", under the column entitled "last date for determining new maximum prices under this regulation", shall read "January 31, 1943" instead of "December 31, 1942".

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*Copies may be obtained from the Office of Price Administration.

The table in Appendix A, § 1351.618, is amended so that the dates opposite the food products, "fish, canned" and "vegetables, canned", under the column entitled "last date for filing new maximum prices with appropriate local war price and rationing board" shall read "February 10, 1943" instead of "January 10, 1943".

The table in Appendix B, § 1351.619, is amended so that the dates opposite the food products, "fruit, dried" and "dry edible beans", under the column entitled "last date for determining new maximum prices under this regulation" shall read "January 31, 1943" instead of "December 31, 1942" as it now reads for "fruits, dried", and instead of "January 20, 1943" as it now reads for "dry edible beans".

The table in Appendix B, § 1351.619, is amended so that the dates opposite the food products, "fruits, dried" and "dry edible beans", under the column entitled "Last date for filing new maximum prices with the appropriate local war price and rationing board" shall read "February 10, 1943" instead of "January 10, 1943" as it now reads for "fruits, dried" and instead of "January 30, 1943" as it now reads for "dry edible beans".

Section 1351.611 (b) is amended to read as set forth below:

§ 1351.611 *Records.* * * *

(b) In adition to the records required in § 1499.11 of the General Maximum Price Regulation or any other applicable price regulation, every retailer shall keep a copy of all Forms No. 338.1 which are filed in accordance with § 1351.606 (b) hereof and all records showing how he calculated any maximum price under this regulation, which records shall be kept and made available for examination by the Office of Price Administration wherever the commodities are sold for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

§ 1351.617a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1351.618 and 619, and 1351.611 (b)) to Maximum Price Regulation No. 238 shall become effective on November 30, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12672; Filed, November 30, 1942; 4:55 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 249, Amendment 2]

SALES OF CERTAIN SEASONAL FOOD PRODUCTS AT WHOLESALE

Mincemeat.
Plum pudding.
Fig pudding.
Date pudding.
Christmas cookies.
Fruit cake.
Holiday candy.
Chocolate covered cherries.
Sweet apple cider.
Glazed or candied fruits and peels.
Stuffed dried fruits.
Dried figs.
Pure sorghum syrup.
Pitted and macerated dates and date products.
Bottled egg nog.
Bottled Tom and Jerry batter.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

The title to Maximum Price Regulation No. 249 is amended to read as set forth above.

Subparagraphs (11) and (12) of § 1351.762 (a)[1] and paragraphs (o) and (p) of § 1351.764 and paragraph (b) of § 1351.763a are all added to read as set forth below:

§ 1351.762 *Definitions.* (a) * * *

(11) Bottled egg nog is a specialty holiday beverage made from fresh or powdered eggs, syrup, cream and milk. It may include liquor in which event the liquor consists of one or more of the following: rum, brandy or whiskey.

(12) Bottled Tom and Jerry batter is a mixture of fresh or powdered eggs, sugar or sugar syrup, and spices beaten together. During the holiday season it is mixed with liquor and hot water to prepare a beverage known as "Tom and Jerry."

§ 1351.764 *Appendix A. List of seasonal food products.* * * *

(o) Bottled egg nog.

(p) Bottled Tom and Jerry batter.

§ 1351.763a *Effective dates of amendments.* * * *

(b) This Amendment No. 2 (§ 1351.762a (11) and (12); § 1351.764 (o) and (p) and § 1351.763a) shall become effective December 5, 1942.

(Pub. Laws 421, 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 30th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12684; Filed, November 30, 1942; 5:01 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 250, Amendment 2]

SALES OF CERTAIN SEASONAL FOOD PRODUCTS AT RETAIL

Mincemeat.
Plum pudding.
Fig pudding.
Date pudding.
Christmas cookies.
Fruit cake.
Holiday candy.
Chocolate covered cherries.
Sweet apple cider.
Glazed or candied fruits and peels.
Stuffed dried fruits.
Dried figs.
Pure sorghum syrup.
Pitted and macerated dates and date products.
Bottled egg nog.
Bottled Tom and Jerry batter.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

The title to Maximum Price Regulation No. 250 is amended to read as set forth above.

Subparagraphs (10) and (11) of § 1351.863 (a);[1] paragraphs (o) and (p) of § 1351.865 and paragraph (b) of § 1351.864a are all added to read as set forth below:

§ 1351.863 *Definitions.* (a) * * *

(10) Bottled egg nog is a specialty holiday beverage made from fresh or powdered eggs, syrup, cream and milk. It may include liquor in which event the liquor consists of one or more of the following: rum, brandy or whiskey.

(11) Bottled Tom and Jerry batter is a mixture of fresh or powdered eggs, sugar or sugar syrup and spices beaten together. During the holiday season it is mixed with liquor and hot water to prepare a beverage known as "Tom and Jerry".

§ 1351.865 *Appendix A. List of seasonal food products.* * * *

(o) Bottled egg nog.

(p) Bottled Tom and Jerry batter.

§ 1351.864a. *Effective dates of amendments.* * * *

(b) This Amendment No. 1 (§ 1351.863a (1) and (11); § 1351.865 (o) and (p); and § 1351.864a) shall become effective December 5, 1942.

(Pub. Laws 421, 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 30th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12685; Filed, November 30, 1942; 5:01 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 57, Amendment 2]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

Subparagraphs (30) and (31) of § 1388.581 (a) of Maximum Rent Regulation No. 57 are revoked.

§ 1388.594a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1388.581 (a)) to Maximum Rent Regulation No. 57 shall become effective December 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12675; Filed, November 30, 1942; 4:55 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 58A, Amendment 2]

HOTELS AND ROOMING HOUSES

Subparagraphs (30) and (31) of § 1388.631 (a) of Maximum Rent Regulation No. 58A are revoked.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8702.

[1] 7 F.R. 8705.

§ 1388.644a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1388.631 (a)) to Maximum Rent Regulation No. 58A shall become effective December 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 30th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12674; Filed, November 30, 1942; 4:55 p. m.]

PART 1389—APPAREL

[MPR 208,[1] Amendment 2]

STAPLE WORK CLOTHING

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and filed with the Division of the Federal Register.*

Amended: §§ 1389.203, 1389.210 (b), 1389.217 (b) and 1389.218 (a) (4) (vii).

Added: § 1389.206 (b) (3).

§ 1389.203 *Maximum prices of sellers other than at retail.* Except as otherwise provided in this Maximum Price Regulation 208, the maximum price of a seller other than at retail for staple work clothing shall be the base price, determined under paragraph (a), (b) or (c), less the deduction indicated in paragraph (e), or the maximum price determined under paragraph (f).

(a) *List prices.* The base price for sale of a garment to a purchaser of any class shall be the price for such a sale shown on the last issued written price list:

(1) Which was generally circulated among the seller's customers or representatives, during or before March 1942; and

(2) Pursuant to which the seller offered and delivered one or more garments of the same classification to a purchaser of the same class during or before March 1942.

(b) *Discount prices.* The base price for sale of any garment to a purchaser of a class to whom it was not offered on the last issued written price list, as limited by paragraph (a), shall be a base price for the same garment determined under that paragraph, less the seller's "average discount" (defined in paragraph (d) (1)) to this purchaser.

(c) *Formula prices.* The base price for sale of a garment which is the same as one manufactured during the twelve months preceding April 1, 1942, where the base price cannot be determined under paragraph (a) or (b), shall be a price determined under this paragraph (c).

(1) *Pricing formula.* To establish a maximum price for a garment to a purchaser of any class, the seller shall:

(i) Determine the unit direct cost of the garment being priced.

(ii) Select from garments of the same classification for which the base price to a purchaser of the same class can be determined under paragraph (a) or (b), the one which has a unit direct cost immediately higher and the one which has a unit direct cost immediately lower than the unit direct cost of the article being priced. If all such garments are either above or below, the one closest in unit direct cost shall be selected, and if any such garment has the same unit direct cost as the article being priced, it shall be selected in addition to the garments immediately above and below.

(iii) Determine the average percentage mark-up over unit direct cost included in the maximum prices of the garments selected.

(iv) Add to the unit direct cost of the article being priced this average percentage mark-up.

EXAMPLE

[Unit direct cost of garment being priced: $9.00]

(1) Unit direct costs of other garments of same classification	(2) Maximum prices of such garments	(3) Calculation of mark-up	
$10.00	$11.50	Total maximum prices (from (2))	$19.70
7.00	8.20	Total unit costs (from (1))	17.00
17.00	19.70	Total mark-up	2.70

Divide 2.70 (total mark-up) by 17.00 (total cost), and find average percentage mark-up of ______ 15.9%

Multiply $9.00 (unit direct cost of garment being priced) by 15.9 and find dollar mark-up of $1.43. Add $9.00 and find maximum price ____ $10.43

(2) *Computation of unit direct costs by a manufacturer.* To establish the unit direct cost, a manufacturer shall add costs per unit of materials and direct labor, determined as follows:

(i) Material costs shall be calculated at the maximum net prices which the manufacturer could lawfully be charged for such materials if purchased on his customary terms from the source of supply most used by him in purchasing materials of the same type during the six months ending March 31, 1942, under the terms of price schedules and maximum price regulations in effect at the time when the calculation is made.

(ii) Wage rates shall be calculated at the rates paid by the seller on March 31, 1942, plus any increase subsequent thereto made pursuant to a collective bargaining contract or other wage agreement which was entered into on or before April 27, 1942, and which provides for an unconditional increase in wage rates of a fixed amount or percent.

(iii) Amounts of labor and material used shall be calculated on the basis of the manufacturer's most recent cost records of the manufacture of each garment during the year preceding April 1, 1942, and labor costs shall be confined to labor used in cutting, sewing, assembling and inspecting the garment.

(3) *Computation of unit direct costs by a wholesaler.* A seller at wholesale shall take as the unit direct cost of any garment the maximum net price for sale by the manufacturer to him, on the terms customarily obtained by him, or if none, by purchasers of the same class.

(d) *Meaning of terms for the purposes of this section.* (1) The seller's "average discount" to any purchaser shall be the average of percentage discounts allowed to this purchaser on all orders accepted during 1941, on the same material and labor cost basis, for the garment being priced; or if data are not available for that garment, for the most closely comparable garment of the same classification for which data are available. If the discount cannot be determined on orders from the same purchaser, it shall be determined on orders from all purchasers of the same class.

(2) "Purchasers of the same class" refers to the practice adopted by the seller in setting different prices for staple work clothing for sales to different purchasers or kinds of purchasers, (for example, wholesaler, jobber, retailer, government agency, public institution, or individual consumer) or for purchasers located in different areas or for different quantities or grades, or under different conditions of sale.

(3) A garment shall be considered the "same" as another when:

(i) The garment belongs to the same classification (as defined in § 1389.217);

(ii) The garment contains body material which is the same with respect to (*a*) construction, (*b*) weight and thread count within the tolerance of the Worth Street Rules, (*c*) finish, including shrinkage treatment, and (*d*) color fastness;

(iii) The garment consumes substantially the same average yards per dozen and has substantially the same body dimensions;

(iv) The garment contains trimmings of fairly equivalent serviceability;

(v) The garment is constructed and assembled with the same standards of workmanship and inspection. Differences in color which are not ordinarily the basis of differences in price shall be disregarded.

(4) A simplified model (defined in § 1389.218) of any garment shall be considered the "same" as such garment before simplification, except when such simplified garment becomes the same, under paragraph (d) (3) of this section, as a lower priced garment in which the seller dealt during or before March 1942.

(5) A "unit" shall be a dozen articles, or any other number customarily used as a basis for calculating costs and prices.

(e) *Deductions.* The deduction to be made from the base price of any garment, as determined under paragraphs

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6649, 8940, 8948.

(a), (b) or (c) of this section, in order to determine the maximum price, shall be the product which results from multiplying the number of yards of cloth used in the garment for which such base price was determined, before simplification (if any), by the number of cents indicated in the following Table I, according to the body material of which such garment was made. This deduction shall be subject to the following exceptions:

(1) The deduction to be made in determining the maximum price for a boy's garment shall be one-half the amount indicated by the table.

(2) A seller at wholesale shall omit any part of the deduction which reduces his maximum price to a sum lower than 110% of his unit direct cost.

TABLE I

Type of cloth	Weight of cloth	Cents per yard
Denims, mill finish	3.50-2.20	1.0
	2.00-1.60	1.5
Denims, sanforized	3.15-2.00	1.0
	1.78 and heavier	1.5
Carded coarse and fine yarn shirting chambrays, mill finish and sanforized.	All weights	0.5
Carded coarse and fine yarn shirting coverts, mill finish and sanforized.	All weights	0.5
Cotton pants coverts, sanforized.	1.65	1.5
Same	2.00-2.40	1.0
Finished jeans, 36″ basis	2.85	0.5
Finished drills, 29″-28″ basis	2.50	1.0
Cottonades, sanforized and regular finish, 36″ basis.	1.45-2.00	1.5
Whipcords, sanforized and regular finish, 36″ basis.	1.45-2.00	1.5
Moleskins, plain 30″ basis	7¾-8¼ oz	1.0
Same, 30″ basis	8¾-9¼ oz	1.5
Same, 36″ basis	9½-10 oz	2.0
Moleskins, black and white, 30″ basis.	7½-8½ oz	1.0
Same	8¾-9¼ oz	1.5
Carded poplins, 35″ basis	2.50	1.0
Same	2.85-3.25	0.5
Army twills, types 1 to 5, 36″ basis.	8.2 oz	1.5
Ducks, sanforized or mill finish.	All weights	0.5
Pinchecks and pin stripes	All weights	0.5

(f) *Replacements and curtailments in body materials*—(1) *When this paragraph applies.* The maximum price for a garment shall be determined under this paragraph if the garment cannot be priced under paragraph (a), (b) or (c), and is the same as one priced under paragraph (a) or (b), except for one or both of the following characteristics:

(i) One weight, finish or construction of body material is replaced by another, or

(ii) The yardage of body material consumed is curtailed in order to comply with General Limitation Order L-181 as amended (§ 3204.1),[2] and remains within 2 percent of the maximum yardage permitted by that order.

(2) *Calculating the maximum price.* The maximum price shall be found by taking the maximum price of that garment priced under paragraph (a) or (b) which is nearest in cost, and is the "same" except for the replacement or curtailment, and subtracting (or adding, if the material cost of that garment is lower) a sum calculated as follows:

(i) Find the difference between the costs of body materials in the two garments; and

(ii) Multiply this difference by 105 percent in finding a price for sale to wholesalers and to purchasers of classes who are customarily charged the same or a lower price; and by 110 percent in calculating a price for sale to purchasers of classes who are customarily charged more than the price to wholesalers. For all prices charged by wholesalers, the difference shall be multiplied by 110 percent.

(3) *Cost of body materials.* For the purposes of paragraph (f), the cost of any body material means the price which the seller would be charged (not exceeding the applicable maximum price), at the time the calculation is made, for a purchase on his customary terms from the source of supply most used by him for materials of the same type during the six months ending March 31, 1942. Every seller shall promptly upon request inform any purchaser of the difference between the specifications of body materials in the garments compared, and the difference in their costs.

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§ 1389.206 *Evasion.* * * *

(b) * * *

(3) No seller shall reduce the size range in which a garment is offered from the size range in which it was offered during March 1942.

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§ 1389.210 *Informational requirements.* * * *

(b) *Statements to be filed*—(1) *Initial statements.* On or before December 5, 1942, every person who sells staple work clothing otherwise than at retail shall prepare and file the following documents with the Office of Price Administration, Washington. D. C.

(i) The latest price list, generally circulated among the sellers, customers and representatives, pursuant to which the seller delivered, during or before March 1942, any garment of each classification to each class of purchasers, with a statement showing the date when each list was issued, to whom it was circulated, and the name and address of a purchaser of each class to whom a garment of each classification was delivered.

(ii) A statement showing the maximum price under this regulation for each garment sold, delivered or offered from August 26, 1942 to September 30, inclusive, for each class of purchasers to whom the garment was sold, delivered or offered during that period, and disclosing the manner in which the maximum price was determined.

(iii) A description of each garment referred to in subdivision (i) and (ii), and such additional details as may be required in report forms prescribed by the Office of Price Administration.

(2) *Supplemental statements.* Every person who makes sales, deliveries or offerings of staple work clothing otherwise than at retail after September 30, 1942, for which the maximum prices and descriptions are not shown on the statements filed under subparagraph (1), shall file supplemental statements. These statements shall be filed on the tenth day of December 1942, and of each succeeding month, covering garments sold, delivered or offered prior to the month in which the statement is filed, and not covered by any previous report. They shall contain information corresponding to that required by subparagraphs (1) (ii) and (1) (iii) for initial statements.

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§ 1389.217 *Appendix A: Definition of staple work clothing.* * * *

(b) *Constructions of body materials.*

(1) Denims, including striped denims.
(2) Carded yarn shirting chambrays.
(3) Carded yarn shirting coverts.
(4) Carded yarn pants coverts.
(5) Jeans, finished and unfinished.
(6) Drills, finished and unfinished.
(7) Cottonades.
(8) Whipcords.
(9) Moleskins.
(10) Carded yarn poplins.
(11) Twills, finished and unfinished.
(12) Ducks, excepting water-repellent ducks.
(13) Pin checks and pin stripes.

§ 1389.218 *Appendix B: Simplification*—(a) *Simplification.* * * *

(4) Work pants. * * *

(vii) Elimination of cuffs on trousers made of material of the weight of 2.50 yards per pound on 30″ grey weight basis, or heavier.

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§ 1389.216a *Effective dates of amendments.* * * *

(b) Amendment 2 (§§ 1389.203, 1389.206 (b) (3), 1389.210 (b), 1389.217 (b) and 1389.218 (a) (4)) shall become effective December 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12686; Filed, November 30, 1942; 4:59 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5C,[1] Amendment 3]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraphs (a), (b) and (c) of § 1394.7808 are amended, paragraph (e) of § 1394.7808 is revoked, and a new paragraph (c) to § 1394.8352 is added, as set forth below:

Transport Rations

§ 1394.7808 *Temporary transport rations.* (a) Any person requiring gasoline for the operation of a commercial motor vehicle who has made application for a Certificate of War Necessity but who has received no certificate and no notice that his application has been denied, or any person who has received a certificate which discloses on its face that clear error has been made in stating the gallonage allowed, may apply between November 23, 1942, and December 31, 1942, inclusive, for a temporary transport ration pursuant to the provisions of paragraph (b) of this section, and no Certificate of War Necessity shall be required to be presented in connection therewith.

(b) An application for a Temporary Transport ration may be made, in duplicate, to any Board during the period from November 23, 1942, to December 31, 1942, inclusive. Such application shall be made on Form OPA R-536, and may be made by an agent. The applicant shall state the mileage and gallonage required for the operation of such motor vehicle from the date the ration is required to December 31, 1942, inclusive, and set forth the following:

(1) If no certificate and no notice of denial has been received, the applicant shall specify the address of the District Office of the Office of Defense Transportation with which the application for a Certificate of War Necessity has been filed, the date on which such application was filed, and the address of the Board with which his application pursuant to § 1394.7804 is to be filed. The applicant shall also state that no ration pursuant to § 1394.7805 has been issued, and that he has received no notice that his application for a Certificate of War Necessity has been denied.

(2) If the certificate discloses error in stating the gallonage allowed, the applicant shall state that he has applied or will apply to the District Office of the Office of Defense Transportation for correction of the error.

(c) If the Board believes that the applicant has received no certificate and no notice of denial of a certificate, or if it is evident to the Board that the statement of gallonage allowed in the certificate is a result of clerical error the Board shall determine the number of gallons of gasoline required for the operation of such motor vehicle through December 31, 1942. The Board shall then issue "T-1" or "T-2" books containing coupons in sufficient number to provide the gallonage needed to December 31, 1942, inclusive. Such books shall expire at 12:01 A. M. on April 1, 1942.

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Effective Dates

§ 1394.8352 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1394.7808) to Ration Order No. 5C shall become effective November 30, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 9121; E.O. 9125, 7 F.R. 2719)

Issued this 30th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12671; Filed, November 30, 1942; 4:57 p. m.]

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[2] 7 F.R. 6208, 6996.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9135, 9787.

PART 1405—FERRO-ALLOYS

[MPR 248,[1] Amendment 1]

MANGANESE ORES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1405.63 the figure "35%" set forth in paragraph (a) (3) is amended to read "40%"; paragraph (a) of § 1405.65 is amended by deleting the following which appears under *Penalties: "Below 40%:* 10¢, plus 2¢ for each 1% down to and including 35%"; and a new § 1405.64a is added:

§ 1405.64a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1405.63 (a) (3) and 1405.65 (a)) to Maximum Price Regulation No. 248 shall become effective December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12687; Filed, November 30, 1942; 5:01 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Ration Order 3,[2] Amendment 27]

SUGAR RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new paragraph, (c), is added to § 1407.68 as set forth below:

Consumers

§ 1407.68 *Late registration.* * * *

(c) No consumer may be registered after December 15, 1942: *Provided,* That a consumer who is born after November 15, 1942, or, on such date, is out of the country, confined in an institution, or subsisted in kind or in organized messes by the Army or Navy, may be registered, if he has not been previously registered, within a month after he is born, enters the country, is discharged from the institution, or is no longer subsisted in kind or in organized messes by the Army or Navy.

Effective Date

§ 1407.222 *Effective dates of amendments.* * * *

(ff) Amendment No. 27 (paragraph (c) of § 1407.68) shall become effective November 30, 1942.

(Pub. Law 421, 77th Cong.; W.P.B. Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965)

Issued this 30th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12688; Filed, November 30, 1942; 5:01 p. m.]

PART 1413—SOFTWOOD LUMBER PRODUCTS

[Rev. MPR 13[1]]

DOUGLAS FIR PLYWOOD

The title, the preamble, and §§ 1413.1 to 1413.16, inclusive, are renumbered and amended to read as set forth below:

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Sec.
1413.1 Sales of Douglas fir plywood at higher than maximum prices prohibited.
1413.2 To what products, transactions, and persons this regulation applies.
1413.3 Maximum prices for direct mill sales.
1413.4 Maximum prices for plywood distribution plant sales.
1413.5 Maximum prices for all other warehouse or yard sales of Douglas fir plywood.
1413.6 What the invoice must contain.
1413.7 Prohibited practices.
1413.8 Maximum prices for items not specifically priced.
1413.9 Petitions for adjustment and amendment.
1413.10 Records and reports.
1413.11 Enforcement and licensing.
1413.12 Relation to other regulations.
1413.13 Effective date.
1413.14 Appendix A. Maximum prices: Moisture resistant plywood.
1413.15 Appendix B. Maximum prices: Exterior type plywood.
1413.16 Appendix C. Estimated average weights of plywood.

AUTHORITY: §§ 1413.1 to 1413.16, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871

§ 1413.1 *Sales of Douglas fir plywood at higher than maximum prices prohibited.* (a) On and after December 5, 1942, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any Douglas fir plywood at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer or attempt to do any of these things.

(b) If, upon the purchase of Douglas fir plywood, the buyer gets from the seller a written statement that to the best of his knowledge the price does not exceed the maximum price fixed by this regulation, and if the buyer has no reason to doubt the truth of the statement, the buyer shall be deemed to have complied with this section.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8694.

[2] 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 8402, 8655, 8739, 8809, 8710, 8830, 8831, 9042, 9396, 9460.

[1] 7 F.R. 5567, 7321, 8402, 8948.

(c) Prices lower than the maximum prices may, of course, be charged and paid.

§ 1413.2 *To what products, transactions, and persons this regulation applies*—(a) *Products covered by the regulation.* This regulation covers sales of all grades and sizes of Douglas fir plywood. All the grade terms, other than "Sound 1 Side Plypanel", used in the regulation refer to the standards of the United States Department of Commerce, National Bureau of Standards, published in Commercial Standard CS45–40 (Douglas Fir Plywood, Domestic Grades), Fourth Edition, effective August 20, 1940. The grade rule for "Sound 1 Side Plypanel" is contained in a footnote to Appendix A (§ 1413.14).

(b) *Transactions covered by the regulation.* This regulation covers all sales of Douglas fir plywood. The regulation divides sales into three kinds:

(1) Direct mill sales;

(2) Plywood distribution plant sales;

(3) All other warehouse and yard sales.

(i) *"Direct mill sale".* A "direct mill sale" is a sale in which the shipment of plywood originates at a plywood mill (a factory or plant which processes Douglas fir peeler logs into plywood), no matter who the seller is, and no matter whether he usually is known as a mill operator, wholesaler, retailer, distributor, or anything else. A shipment is regarded as originating at a mill if the plywood reaches the purchaser without ever becoming an integral part of the stock of a distribution warehouse or yard. For example, if a distribution warehouse takes an order for an aircraft factory, and then obtains the plywood from a mill, puts it in the warehouse, and delivers it as needed, the sale is a direct mill sale since the plywood never became an integral part of the stock of the warehouse.

(ii) *"Plywood distribution plant sale".* A "plywood distribution plant sale" is a sale in which plywood is shipped to the purchaser out of the stock of a plywood distribution plant, whether the seller is the distribution plant, a wholesale or retail lumber yard, or anyone else. A shipment is considered to be made out of the stock of a plywood distribution plant only if the plywood was a part of the regular distribution plant stock at the time the sale was made. A plywood distribution plant is a wholesale or retail warehouse or yard which satisfies both of the following tests:

(*a*) Does not process plywood from Douglas fir peeler logs; and

(*b*) During the first six months of 1941 received more than 20 percent of its dollar income from sales of plywood or veneer of any kind.

(iii) *Sales included under "all other warehouse or yard sales.* The term "all other warehouse or yard sales" covers any sale of Douglas fir plywood which is not a direct mill sale or a plywood distribution yard sale. The term includes all sales out of the stocks of distribution warehouses and yards other than plywood distribution plants (defined in the paragraph immediately above) where the plywood is in the regular stock of the warehouse or yard at the time the sale is made.

(c) *Persons covered by this regulation.* Any person who sells or purchases (in the course of trade or business) Douglas fir plywood is subject to this regulation. The term "person" includes: an individual, corporation, or any other organized groups; their legal successors or representatives; the United States, or any government, or any of its political subdivisions; or any agency of the foregoing.

§ 1413.3 *Maximum prices for direct mill sales*—(a) *Maximum f. o. b. mill prices for direct mill sales.* The maximum prices, f. o. b. mill, for direct mill sales of Douglas fir plywood are set out in Appendices A and B (§§ 1413.14 and 1413.15) of this regulation. In determining whether a shipment takes the ceiling price for a carload shipment or for a less than carload shipment, a minimum carload is to be a total of 38,000 pounds. If either Douglas fir doors or Douglas fir millwork, or both, are included in a car with one or more grades or sizes of Douglas fir plywood, they must be included in figuring the total weight of the shipment.

(b) *Maximum delivered prices for direct mill sales.* A delivered price for a direct mill sale may be charged by the seller and paid by the buyer. The maximum delivered price for direct mill sales is the maximum f. o. b. mill price plus a charge for delivery to the purchaser figured under the rules in the next paragraph.

(c) *How to figure charges for delivery*—(1) *Common or contract carrier.* When delivery is by common or contract carrier, the actual amount paid to the carrier may be added. The estimated average weights in Appendix C (§ 1413.16) of this regulation may be applied to the appropriate freight rate in figuring the allowable charge for delivery.

(2) *Private truck.* When delivery is by truck owned or controlled by the seller, the amount added for delivery may not be more than the actual cost to the seller of delivery by truck. This "actual cost" may not be higher than the overall average trucking cost for a similar delivery, arrived at as of the 6-month period ending September 1, 1942.

(3) *Rounding out to the nearest nickel.* The charge for delivery may be evened out to the nearest nickel per 1,000 square feet.

(d) *Addition for storage in transit.* When a distribution warehouse or yard sells plywood that it does not already have in stock, and then, instead of shipping it directly from the mill to the buyer, stores it in its warehouse or yard and delivers it, in quantities less than the total order, to the buyer as he calls for it, the distributor may add $3.00 per 1,000 square feet to the maximum price of so much of the plywood as is actually stored. (Note that the sale is still a direct mill sale.) This addition may not be made when the distributor merely reloads plywood at the warehouse or yard, or handles and stores it no more than is necessary in a normal case where the distributor receives a mill shipment, reloads it, and delivers it to the buyer.

§ 1413.4 *Maximum prices for plywood distribution plant sales*—(a) *Maximum prices for plywood at the plywood distribution plant.* The maximum price, f. o. b. plywood distribution plant, for plywood distribution plant sales is the sum of the following three items:

Item I. The maximum f. o. b. mill price for direct mill sales.

Item II. The inbound transportation charge to the plywood distribution plant based on the applicable carload freight rate from Portland, Oregon, and the appropriate estimated average weights set out in Appendix C (§ 1413.16) of this regulation. The incoming transportation charge may be rounded out to the nearest nickel per 1,000 square feet.

Item III. A markup of 20 percent on the sum of Items I and II; or if the distribution plant sale involves less than $200.00 worth of Douglas fir plywood, a markup of 25 percent on the sum of Items I and II. This markup may be rounded out to the nearest nickel per 1,000 square feet.

(b) *Maximum delivered prices for plywood distribution plant sales*—(1) *Delivery within a free delivery zone.* If the buyer requests delivery within a free delivery zone which the seller recognized during March 1942, the seller cannot charge for making the delivery.

(2) *Delivery outside free delivery zones.* If the buyer requests delivery outside the free delivery zones which the seller recognized during March 1942, the seller can charge for delivery (outbound freight) according to the same rules as those applying to delivery charges on direct-mill sales. (See the preceding § 1413.3 (c) *How to figure charges for delivery.*)

(c) *Example of calculating the maximum price for a plywood distribution plant sale.* An example of the correct application of this section is as follows:

The buyer has ordered 10,000 square feet of plywall, $\frac{5}{16}$" 3 ply S2S to ¼". The plywood distribution plant is in Baltimore, Maryland, and the plywall is delivered by rail out of the regular stock of the distribution plant to a buyer located on a rail siding in Washington, D. C. Washington is outside the free delivery zones which the seller recognized in March 1942.

	Per M square feet
Item I. F. o. b. mill price for direct mill shipment of a carload (established in Appendix A)	$30.00
Item II. Inbound transportation ($1.00 rate (carload) x 790 (estimated weight)), evened to nearest 5¢	7.90
Item III. Markup (20 percent of items I and II on sales over $200.00), rounded out to the nearest 5¢	7.60
Maximum price at the Baltimore plywood distribution plant	$45.50
Item IV. L. C. L. rail freight from Baltimore to Washington (which is outside the seller's free delivery zones) (28¢ rate (L. C. L.) x 790 (estimated weight)), evened to nearest 5¢	$2.20
Maximum price delivered to purchaser in Washington	$47.70

(d) *Special added markup for retail and wholesale lumber yards.* When a retail or wholesale lumber yard that is not a plywood distribution plant sells plywood which it does not have in stock at the time of sale and which it buys out of the regular stock of a plywood distribution plant, the yard may add a markup of $2.00 per 1,000 square feet to the maximum price which is established in this section. (Note that such a sale is a plywood distribution plant sale since the retail or wholesale lumber yard did not have the plywood in stock at the time of sale.)

(e) *Special deduction for pick-up by retail and wholesale lumber yards.* When a retail or wholesale lumber yard buys plywood in a plywood distribution plant sale and picks up the plywood at the distribution plant, the maximum prices established in this section must be reduced as follows:

Thickness of plywood:	*Deduction per M sq. ft.*
¼"	$1.00
⅜" and thicker	2.00

§ 1413.5 *Maximum prices for all other warehouse or yard sales of Douglas fir plywood.* The maximum price for all other warehouse or yard sales of plywood is to be computed in the same manner as the ceiling price for plywood distribution plant sales, except that two changes are to be made in figuring the ceiling price:

(a) Inbound and outbound delivery charges are to be figured on the basis of the location of the warehouse or yard (rather than on the location of a plywood distribution plant).

(b) The mark-up on the sum of the f. o. b. mill price (for direct mill shipments) and inbound carload freight is 33 percent (instead of 20 and 25 percent).

§ 1413.6 *What the invoice must contain*—(a) *General.* Because of the number of possible additions to the basic f. o. b. mill prices, it is necessary that some of them be separately shown on the invoice. Otherwise the purchaser and the Office of Price Administration could not tell in many cases whether a price which appeared to be above the ceiling was legal or not.

Failure to invoice properly is just as much a violation of this regulation as charging an excessive price.

(b) *Basic price.* All invoices must contain a sufficiently complete description of the plywood to show whether the price is proper or not. Any specification or extra which affects the maximum price must be mentioned in the description. The amount added for extras does not have to be separately shown, except in a few special cases which are specifically mentioned later in this section.

(c) *Type of sale.* The invoice must show whether the sale is a direct mill sale, a plywood distribution plant sale, or a sale included in the class "all other warehouse or yard sales".

(d) *Transportation charges.* In delivered sales, the invoice must contain the:

(1) Point of origin of the shipment;

(2) Destination;

(3) Rail or truck rate (or, if delivery is by private truck, the amount added for transportation).

(e) *Storage charges.* Any separate charge which the seller is permitted to make for storage in transit must be shown separately on the invoice.

§ 1413.7 *Prohibited practices*—(a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars and cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(b) *Specific prohibited practices.* The following are among the specific practices prohibited:

(1) Getting the effect of a higher price by changing credit practices or cash discounts from what they were in August 1941. This includes reducing the cash discount period, decreasing credit periods, or making greater charges for extension of credit. For purposes of this paragraph, no discount over 2 percent is considered a cash discount.

(2) Unnecessarily routing plywood through a plywood distribution plant or other warehouse or yard.

(3) Refusing to sell on an f. o. b. mill basis (in the case of direct mill shipments) or on an f. o. b. warehouse or yard basis (in the case of all other sales), and insisting on selling on a delivered basis. The purchaser must be given the option of making his own transportation arrangements.

(4) Quoting a gross price above the maximum price, even if accompanied by a discount, the effect of which is to bring the net price below the maximum.

(5) Charging a purchasing commission based on quantity or value of the plywood purchased, if the commission plus the purchase price is higher than the maximum price permitted by this regulation.

(6) Breaking up an order which would normally be a single order into a series of smaller orders in order to evade the maximum price limitations set forth in this regulation.

(c) *Adjustable pricing.* A price may not be made adjustable to a maximum price which will be in effect at some time after delivery of the plywood has been completed. But the price may be adjustable to the maximum price in effect at the time of delivery.

§ 1413.8 *Maximum prices for items not specifically priced*—(a) *Scope of this section.* This section provides pricing methods for any items of Douglas fir plywood not specifically priced in Appendices A and B (§§ 1413.14 and 1413.15), including:

(1) Moisture resistant plywood shipped pursuant to a "military order" (§ 1276.1 (c) (2) of Limitation Order L–150, as amended).

(2) Moisture resistant plywood shipped pursuant to written authorization of the War Production Board (§ 1276.1 (b) of Limitation Order L–150, as amended).

(3) Moisture resistant plywood which qualifies as "work in process" (§ 1276.1 (b) of Limitation Order L–150, as amended).

(4) Exterior plywood in special grades or sizes.

(5) Cut-backs; rejects; plywood from short length veneers.

(b) *Pricing method (except for cut-backs, rejects, and plywood from short length veneers).* (1) If the item was priced in the tables in Revised Price Schedule No. 13, (that is, the tables as they stood before July 25, 1942), that price is the maximum price.

(2) In all other cases, the maximum price is a price which bears the March 1941 relation to the price of the most closely related item which is specifically priced in Appendices A or B (§§ 1413.14 and 1413.15). The producing mill must send to the Office of Price Administration, Washington, D. C., a complete description of the specifications, the purchaser's name, points of origin and delivery, the price and the way in which the price was calculated. The price may be ordered reduced, if found excessive. But if it is not disapproved within 30 days of receipt of the report, it is approved. A seller using this pricing method may go ahead with delivery and collection of the price he has computed. But he must tell the buyer that the price is subject to revision within the thirty-day period, and, if the price is ordered reduced, must refund any excess over the final approved price.

(c) *Pricing method for cut-backs, rejects, and plywood from short length veneers.* This paragraph (c) applies to plywood which has been rejected by grading process, reclaimed plywood of odd sizes developed by cutting back rejects, and plywood produced from short length veneers developed because of defects in logs. The maximum price is the lower of the following two prices:

(1) The price charged by the producing mill between October 1 and October 15, 1941, for the same kind and size; or

(2) The price per thousand feet specified in Appendices A or B for the grade and thickness in the size next lower than the developed size. Where, as in the case of plywall, plyscord, and plyform, the price tables do not carry differentials down to a 24" width, the differentials established for plypanel Sound Two Sides shall be used. For example, if a piece of $\frac{5}{16}$" plyscord in a 28" width is

developed, the price of $27.00 must be reduced by $1.00, since in 5/16″ plypanel the differential between 36″ width, which is the narrowest plyscord size, and 24″ width is $1.00. Similarly, for 5/16″ plywall in a width of 40″ the price would be $30.00 less $1.85, since that is the differential between 48″ width and 36″ width, which is the next narrower width in 5/16″ plypanel.

(d) *Sales by persons other than mills.* Maximum prices arrived at under this section apply to direct-mill sales by any seller for shipments originating at the mill which computed the price. They are also to be used as the basis on which to compute the price for plywood distribution plant, and other warehouse and yard sales of the particular item.

§ 1413.9 *Applications for adjustment and petitions for amendment*—(a) *Government contracts.* (1) The term "government contracts" is here used to include any contract with the United States or any of its agencies, or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the defense of the United States". It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "government contract" and who thinks that a maximum price established in this regulation is impeding or threatens to impede production of Douglas fir plywood which is essential to the war program and which is or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6,[2] issued by the Office of Price Administration.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[3] issued by the Office of Price Administration.

§ 1413.10 *Records and reports*—(a) *Records.* All sellers must keep records which will show a complete description of the items of plywood sold, the name and address of the buyer, the date of the sale and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for any month in which the seller or buyer sold or bought 38,000 pounds or more of Douglas fir plywood. They must be kept for two years, for inspection by the Office of Price Administration. Any records which the Office of Price Administration later requires must also be kept.

(b) *Reports.* Any reports that the Office of Price Administration has required in the past, or requires from time to time, must be submitted.

§ 1413.11 *Enforcement and licensing.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this regulation or of any other regulation or order issued by the Office of Price Administration are urged to communicate with the nearest field, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

(c) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. "War procurement agencies" include the War Department, the Department of the Navy, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

(d) All sellers under this regulation, except mills, have been licensed by Supplementary Order 18. This Order, in brief, provides that a license is necessary, except for mills, to make sales under this regulation. A license is automatically granted to all sellers making these sales. It is not necessary to apply specially for the license, but a registration may later be required. The Emergency Price Control Act of 1942 and Supplementary Order 18 tell the circumstances under which licenses may be suspended. The license cannot be transferred.

§ 1413.12 *Relation to other regulations*—(a) *General Maximum Price Regulation.* Any sale or delivery covered by this Revised Maximum Price Regulation No. 13 is not subject to the General Maximum Price Regulation.

(b) *Maximum Export Price Regulation.*[4] The maximum price for export sales of Douglas fir plywood is governed by the Maximum Export Price Regulation.

§ 1413.13 *Effective date.* (a) This regulation (§§ 1413.1 to 1413.16, inclusive) shall become effective December 5, 1942.

(b) If Douglas fir plywood has been received before December 5, 1942, by a carrier, other than one owned or controlled by the seller, for shipment to a buyer, that shipment is not subject to this regulation. It remains subject to the terms of any regulation, whether the General Maximum Price Regulation or earlier version of this regulation, which covered it at the time the plywood was turned over to the carrier.

§ 1413.14 *Appendix A: Maximum prices: Moisture resistant plywood.*

(a) *Basic prices.* The maximum prices, f. o. b. mill, for direct-mill sales of moisture-resistant type Douglas fir plywood, in grades and sizes listed in § 1276.1 (b) of Limitation Order L–150,[5] as amended, shall be as follows:

(1) PLYSCORD

(Douglas Fir Plywood Sheathing)

(i) Maximum prices for plyscord in widths of 36″ and 48″ and in lengths of 96″:

	Price per M sq. ft. f. o. b. mill	
	Straight carloads	Less than carloads
5/16″ 3 Ply, rough	$27.00	$28.10
3/8″ 3 Ply, rough	32.00	33.45
1/2″ 3 or 5 Ply at mill's option, rough	42.15	44.70
5/8″ 3 or 5 Ply at mill's option, rough	52.25	55.65

(ii) *Long standard lengths.* For panels in widths of 36″ and 48″ and in lengths of 9′, 10′, 11′, and 12′, the following additional charges may be made:

$5.25 per M sq. ft. for 9′ lengths.
$8.00 per M sq. ft. for 10′ lengths.
$13.25 per M sq. ft. for 11′ lengths.
$16.00 per M sq. ft. for 12′ lengths.

(2) PLYWALL

(Douglas Fir Plywood Wallboard)

(i) Maximum prices for plywall in widths of 48″ and in lengths of 60″, 72″, 84″, and 96″:

	Price per M sq. ft. f. o. b. mill	
	Straight carloads	Less than carloads
5/16″ 3 Ply S2S to 1/4″	$30.00	$31.20
7/16″ 3 Ply S2S to 3/8″	40.50	42.90
9/16″ 5 Ply S2S to 1/2″	54.50	58.15
1/4″ Studding strips (per M lineal feet)	5.30	5.30

(ii) *Long standard lengths.* For panels in widths of 48″ and in lengths of 9′, 10′, 11′, and 12′, the following additional charges may be made:

$5.25 per M sq. ft. for 9′ lengths.
$8.00 per M sq. ft. for 10′ lengths.
$13.25 per M sq. ft. for 11′ lengths.
$16.00 per M sq. ft. for 12′ lengths.

(3) PLYFORM

(Douglas Fir Plywood Concrete Form Panels)

(i) Maximum prices for plyform in widths of 36″ and 48″ and in lengths of 60″, 72″, 84″, and 96″:

	Price per M sq. ft. f. o. b. mill	
	Straight carloads	Less than carloads
5/16″ 3 Ply S2S to 1/4″ (Form liners)	$44.00	$47.00
9/16″ 5 Ply S2S to 1/2″	76.10	83.15
5/8″ 5 Ply S2S to 9/16″	81.40	89.00
11/16″ 5 Ply S2S to 5/8″	85.50	93.15
13/16″ 5 Ply S2S to 3/4″	94.30	103.05

(ii) *Oiled faces.* For plyform with oiled faces, a charge not to exceed $1.00 per M sq. ft. may be added.

(iii) *Wide width.* Add to the maximum price for 48″ widths:

$8.00 per M sq. ft. for 60″ widths.

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[2] 7 F.R. 5087, 5664.

[3] 7 F.R. 8961.

[4] 7 F.R. 5059, 7242, 8829, 9000.

[5] 7 F.R. 4482, 7796.

(iv) *Long lengths.* Add to the maximum price for 96″ lengths:

$5.25 per M sq. ft. for 9′ lengths.
$8.00 per M sq. ft. for 10′ lengths.
$13.25 per M sq. ft. for 11′ lengths.
$16.00 per M sq. ft. for 12′ lengths.

(4) AUTOMOBILE AND INDUSTRIAL PLYWOOD—ROUGH PANELS

(i) Maximum prices for automobile and industrial plywood—rough panels:

	Price per M sq. ft. f. o. b. mill	
	Straight carloads	Less than carloads
1/4″ rough, 3 ply, sizes up to 48″ x 96″	$29.20	$31.95
5/16″ rough, 3 ply, sizes up to 48″ x 96″	29.20	31.95
3/8″ rough, 3 ply, sizes up to 48″ x 96″	35.00	38.50
1/2″ rough, 5 ply, sizes up to 48″ x 96″	48.80	53.40
9/16″ rough, 5 ply, sizes up to 48″ x 96″	53.75	58.90
5/8″ rough, 5 ply, sizes up to 48″ x 96″	58.75	64.35
11/16″ rough, 5 ply, sizes up to 48″ x 96″	63.70	69.80
3/4″ rough, 5 ply, sizes up to 48″ x 96″	68.65	75.20
7/8″ rough, 5 ply, sizes up to 48″ x 96″	78.60	86.05
7/8″ rough, 7 ply, sizes up to 48″ x 96″	82.30	90.10

(ii) *Wide width.* Add to the maximum price for 48″ widths:

	Per M sq. ft.
Over 48″ to 60″, inclusive	$8.00

(iii) *Long lengths.* Add to the maximum price for 96″ lengths:

	Per M sq. ft.
Over 96″ to 108″, inclusive	$5.25
Over 108″ to 120″, inclusive	8.00
Over 120″ to 132″, inclusive	13.25
Over 132″ to 144″, inclusive	16.00

(5) PLYPANEL—SOUND 1 SIDE

(i) Maximum prices for plypanel—Sound 1 side[6] in widths of 24″, 30″, 36″, and 48″ and in lengths of 60″, 72″, 84″, and 96″:

	Price per M sq. ft. f. o. b. mill	
	Straight carloads	Less than carloads
3/16″ 3 ply S2S to 1/8″ or 1/4″—3 ply S2S to 3/16″:		
24″ width	$33.15	$36.35
30″ and 36″ width	34.15	37.30
48″ width	36.00	39.35
5/16″ 3 ply S2S to 1/4″:		
24″ width	29.65	32.85
30″ and 36″ width	30.65	33.80
48″ width	32.50	35.85
7/16″ 3 ply S2S to 3/8″:		
24″ width	40.75	44.95
30″ and 36″ width	41.70	45.95
48″ width	43.55	47.95
9/16″ 5 ply S2S to 1/2″:		
24″ width	56.45	62.05
30″ and 36″ width	57.35	63.00
48″ width	59.20	65.10
11/16″ 5 ply S2S to 5/8″:		
24″ width	67.45	74.15
30″ and 36″ width	68.40	75.15
48″ width	70.20	77.15
13/16″ 5 ply S2S to 3/4″:		
24″ width	76.75	84.25
30″ and 36″ width	77.60	85.20
48″ width	79.40	87.25

(ii) *Wide width.* Add to the maximum price for 48″ widths:

$8.00 per M sq. ft. for 60″ widths.

(iii) *Long lengths.* Add to the maximum price for 96″ lengths:

$5.25 per M sq. ft. for 9′ lengths.
$8.00 per M sq. ft. for 10′ lengths.
$13.25 per M sq. ft. for 11′ lengths.
$16.00 per M sq. ft. for 12′ lengths.

(6) PLYPANEL—SOUND 2 SIDES

(i) Maximum prices for plypanel—Sound 2 sides in widths of 24″, 30″, 36″, and 48″ and in lengths of 60″, 72″, 84″, and 96″:

	Price per M sq. ft. f. o. b. mill	
	Straight carloads	Less than carloads
3/16″ 3 ply S2S to 1/8″ or 1/4″—3 ply S2S to 3/16″:		
24″ width	$35.65	$38.85
30″ and 36″ width	36.65	39.80
48″ width	38.50	41.85
5/16″ 3 Ply S2S to 1/4″:		
24″ width	32.15	35.35
30″ and 36″ width	33.15	36.30
48″ width	35.00	38.35
7/16″ 3 Ply S2S to 3/8″:		
24″ width	43.25	47.45
30″ and 36″ width	44.20	48.45
48″ width	46.05	50.45
9/16″ 5 ply S2S to 1/2″:		
24″ width	58.95	64.55
30″ and 36″ width	59.85	65.50
48″ width	61.70	67.60
11/16″ 5 ply S2S to 5/8″:		
24″ width	69.95	76.65
30″ and 36″ width	70.90	77.65
48″ width	72.70	79.65
13/16″ 5 ply S2S to 3/4″:		
24″ width	79.25	86.75
30″ and 36″ width	80.10	87.70
48″ width	81.90	89.75

(ii) *Wide width.* Add to the maximum price for 48″ widths:

$8.00 per M sq. ft. for 60″ widths.

(iii) *Long lengths.* Add to the maximum price for 96″ lengths:

$5.25 per M sq. ft. for 9′ lengths.
$8.00 per M sq. ft. for 10′ lengths.
$13.25 per M sq. ft. for 11′ lengths.
$16.00 per M sq. ft. for 12′ lengths.

(7) DOOR PANELS—SOUND 2 SIDES

(i) Maximum prices for door panels—Sound 2 sides in widths of 22″, 24″, 26″, 28″, 30″, 36″ and 48″ and in lengths of 60″, 72″, 84″ and 96″: (All sizes to be figured on actual surface measure furnished)

	Price per M sq. ft. f. o. b. mill	
	Straight carloads	Less than carloads
5/16″ 3 ply S2S to 1/4″:		
22″ and 24″ width	$32.15	$35.35
26,″ 28,″ 30″ and 36″ width	33.15	36.30
48″ width	35.00	38.35

(b) *Special extras.* The following additions to the maximum price established in paragraph (a) of this section may be made for the specified special extras:

(1) *Selected sound cores and crossbands:*

$2.50 per M sq. ft. for 3 Ply.
$7.50 per M sq. ft. for 5 Ply.
$12.50 per M sq. ft. for 7 Ply.

(2) *Core stock:* (In lengths not over 48″) Add to maximum price for sound 2 sides or sound 1 side in 48″ widths:

$10.00 per M sq. ft. for widths up to 96″.
$15.00 per M sq. ft. for widths up to 108″.
$20.00 per M sq. ft. for widths up to 120″.
$25.00 per M sq. ft. for widths up to 132″.
$30.00 per M sq. ft. for widths up to 144″.

(3) *Redrying:*

$3.00 per M sq. ft. (No addition for 1/8 or 3/16″ sanded panels).

(4) *Special gluing specifications:*

$5.00 per M sq. ft. for 3 Ply.
$10.00 per M sq. ft. for 5 Ply.
$15.00 per M sq. ft. for 7 Ply.

NOTE: This shall include all special glue specifications and assembly requirements. Each panel so manufactured shall be stamped with the word "Special".

(5) *Treating panels with waterproofing agent (oiling):*

$2.50 per M sq. ft. (This addition may not be made for Plyform.)

(6) *Treating panels with edge sealer:*
$1.00 per M sq. ft. (This addition may not be made for Plyform.)

(7) *Treating panels with resin sealer (one or two sides):*
$10.50 per M sq. ft.

(8) *Bundling in paper packing:*
$0.35 per 1/16″ in thickness per M sq. ft.

(9) *Wire or twine bundling:*
$0.50 per M sq. ft. for small cut-to-size panels, 3 ply (containing less than 9 sq. ft. per panel) tied with either twine or wire.
$1.00 per M sq. ft. for small cut-to-size panels, 5 ply or heavier (containing less than 9 sq. ft. per panel) tied with either twine or wire.

(10) *Segregating and/or lot-marking on car of two or more lots:*
$2.50 per lot for each lot over one.

(c) *Deduction for unsanded stock.* The following deduction from the maximum prices for moisture resistant type Douglas fir plywood stated in paragraph (a) of this section shall be made for unsanded stock in grades other than plyscord and automobile and industrial plywood:

Deduct $1.25 per M sq. ft. from the maximum price for the thickness to which the panel would regularly be sanded.

§ 1413.15 *Appendix B: Maximum prices exterior type plywood.*

(a) *Basic prices.* The maximum prices, f. o. b. mill, for direct-mill sales of exterior type Douglas fir plywood in widths of 12″ to 48″ in even 2″ breaks and in lengths of 96″ and shorter shall be as follows:

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[6] "Sound 1 side plypanel" means a grade of moisture resistant type Douglas fir plywood which satisfies the following standards: The face shall be of one or more pieces of firm smoothly cut veneer. When of more than one piece, it shall be well joined and reasonably matched for grain and color at the joints. It shall be free from knots, splits, checks, pitch pockets and other open defects. Streaks, discolorations, sapwood, shims and neatly made patches shall be admitted. The face shall present a smooth surface suitable for painting. The back shall present a solid surface with all knots in excess of one inch patched and with the following permitted: Not more than six knotholes or borer holes 5/8 of an inch or less in greatest dimension, splits 1/8 of an inch or less in width and pitch pockets not in excess of one inch wide or three inches long or that do not penetrate through veneer to glue line. There may be any number of patches and plugs in the back.

	Per M sq. ft. in carload lots, f. o. b. mill		
	Sound 2 sides	Industrial grade	Sound 1 side
1/8" sanded 3/16" unsanded 3/16" sanded 1/4" unsanded	$47.50	$45.50	$43.50
1/4" sanded 5/16" unsanded	48.50	46.50	44.50
5/16" sanded 3/8" unsanded	55.00	53.00	51.00
3/8" sanded 7/16" unsanded	61.00	59.00	57.00
7/16" sanded 1/2" unsanded	81.50	79.00	76.50
1/2" sanded 9/16" unsanded	88.00	86.00	84.00
9/16" sanded 5/8" unsanded	95.00	93.50	91.50
5/8" sanded 11/16" unsanded	103.50	101.50	99.50
11/16 sanded 3/4" unsanded	112.00	110.00	107.50
3/4" sanded 13/16" unsanded	121.00	119.00	117.00
13/16" sanded 7/8" unsanded	143.00	140.50	138.50
7/8" sanded 15/16" unsanded	152.00	149.50	147.00
15/16" sanded 1" unsanded	160.50	158.50	156.50
1" sanded 1 1/16" unsanded	170.50	168.00	166.00
1 1/16" sanded 1 1/8" unsanded	180.00	178.00	176.00
1 1/8" sanded 1 3/16" unsanded	190.50	188.00	185.50

(b) *Special extras.* The following additions to the maximum prices established in paragraph (a) of this section may be made for the specified special extras:

(1) *Wide widths:* Add to maximum price for 48" widths:

	Per M sq. ft.
Over 48" to 60", inclusive, sanded or unsanded	$8.15
Over 60" to 72", inclusive, sanded or unsanded	10.90
Over 72" to 84", inclusive, unsanded only	16.30
Over 84" to 96", inclusive, unsanded only	24.50
Up to 96" wide where length is not more than 48"	5.45

(2) *Long lengths:* Add to the maximum price for 96" lengths:

	Per M sq. ft.
Over 96" to 108", inclusive, sanded or unsanded	$5.45
Over 108" to 120", inclusive, sanded or unsanded	8.15
Over 120" to 132", inclusive, sanded or unsanded	13.60
Over 132" to 144", inclusive, sanded or unsanded	16.30
Over 144" to 156", inclusive, sanded or unsanded	43.50
Over 156" to 168", inclusive, sanded or unsanded	54.40
Over 168" to 180", inclusive, sanded or unsanded	65.20
Over 180" to 192", inclusive, sanded or unsanded	76.10
Over 192" to 216", inclusive, sanded or unsanded	97.90
Over 216" to 288", inclusive, sanded or unsanded	108.80

(3) *Treating panels with waterproofing agent (oiling):*

$2.75 per M sq. ft.

(4) *Treating panels with resin sealer:*

$8.15 per M sq. ft.

(5) *Bundling in paper packing:*

$0.40 per 1/16" in thickness per M sq. ft.

(6) *Bundling: carton packed, steel strapped:*

$0.65 per 1/16" in thickness per M sq. ft.

(7) *Sizes containing less than one square foot:*

10 percent of the maximum price stated in paragraph (a) of this section.

§ 1413.16 Appendix C: *Estimated average weights of plywood.*

Estimated average weights no higher than the following may be used in figuring delivery charges:

	Pounds per M surface feet
1/8"	490
3/16"	640
1/4"	790
5/16"	950
3/8"	1,125
7/16"	1,300
1/2"	1,525
9/16"	1,675
5/8"	1,825
11/16"	2,000
3/4"	2,225
13/16"	2,375
7/8"	2,600
15/16"	2,800
1"	3,000
1 1/16"	3,175
1 1/8"	3,350

For thicknesses greater than 1 1/8", use 1" weight plus weight of other thicknesses necessary.

	Pounds per M lineal feet
1/4" Studding strips	150

Issued this 30th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12690; Filed, November 30, 1942; 4:58 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 44 to Supp. Reg. 1[1] to GMPR[2]]

EXCEPTIONS FOR CERTAIN MACHINES OR PARTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Subparagraph (3) of § 1499.26 (a) is amended as set forth below:

§ 1499.26 *Exceptions for certain commodities and certain sales and deliveries*—(a) * * *

(3) Any machine or part excluded from Maximum Price Regulation No. 136, as amended,[3] by § 1390.2, except that the provisions of the General Maximum Price Regulation shall apply to any machine or part excluded from Maximum Price Regulation No. 136, as amended, by paragraph (f) of § 1390.2.

* * * * *

(e) *Effective dates.* * * *

(45) Amendment No. 44 (§ 1499.26 (a) (3)) to Supplementary Regulation No. 1 shall become effective December 5, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12689; Filed, November 30, 1942; 5:01 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 13 to Rev. Supp. Reg. 4 to GMPR]

EXCEPTIONS FOR CERTAIN SALES OR DELIVERIES OF PHOSPHORUS

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new subparagraph (24) is added to § 1499.29 (a) as set forth below:

§ 1499.29 *Exceptions for sales and deliveries to the United States or any agency thereof of certain commodities and in certain transactions and for certain other commodities, sales and deliveries.* (a) General Maximum Price Regulation shall not apply to sales or deliveries of the following commodities or in the following transactions:

* * * * *

(24) Sales or deliveries of phosphorus by the Tennessee Valley Authority to the War Department.

* * * * *

(d) *Effective dates.* * * *

(14) Amendment No. 13 (§ 1499.29 (a) (24)) to Revised Supplementary Regulation No. 4 shall become effective December 5, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 30th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12691; Filed, November 30, 1942; 5:02 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 71 to Supp. Reg. 14[1] to GMPR[2]]

MAXIMUM PRICES FOR CERTAIN SALES OF OIL MEALS AND OIL CAKES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3158, 3488, 3892, 4183, 4410, 4428, 4487, 4488, 4493, 4669, 5066, 5192, 5276, 5366, 5484, 5607, 5717, 5942, 6082, 6473, 6685, 7011, 7250, 7317, 7598, 7604, 7739, 8336, 8652, 8798, 8833, 8930, 9082, 9131, 9616, 9622.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004, 9435, 9615, 9616.

[3] 7 F.R. 3198, 3370, 3447, 3723, 4176, 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6937, 6964, 6965, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7944, 7945, 8198, 8362, 8433, 8479, 8520, 8652, 8707, 8897, 8948, 9001, 9040, 9041, 9042, 9053, 9054.

[1] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9391, 9495, 9496, 9639, 9786.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616.

and filed with the Division of the Federal Register.* Subdivisions (i), (iv), and (v) (*b*) of subparagraph (44) of paragraph (a) of § 1499.73 are amended as set forth below.

§ 1499.73 *Modification of maximum prices established by § 1499.2 of the General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided.

* * * * *

(44) *Oil meals and oil cakes*—(i) *Maximum prices for certain sales of oil meals and oil cakes.* Maximum prices for sales of oil meals and oil cakes are hereby modified in the following particulars:

(*a*) *Sales by a processor in less than carload lots; differential or margin over prevailing carload price.* The maximum differential or margin that a processor may charge over his prevailing carload price at his plant for sales of oil meal or oil cake at his plant in less than carload lots shall be $1.00 per ton in the case of sales to jobbers, wholesalers and retailers and $3.00 per ton in the case of sales to persons other than jobbers, wholesalers and retailers.

(*b*) *Sales by a jobber; profit margin over cost.* A jobber may charge the maximum profit margin or markup of 50¢ per ton.

(*c*) *Sales by a wholesaler; profit margin over cost.* If a wholesaler purchases from a processor, his maximum profit margin or markup shall be $2.50 per ton. If a wholesaler purchases from a jobber, his maximum profit margin or markup shall be $2.00 per ton.

(*d*) *Sales by a retailer; profit margin over cost.* If a retailer purchases from a processor, his maximum profit margin or markup shall be $5.50 per ton. If a retailer purchases from a jobber, his maximum profit margin or markup shall be $5.00 per ton. If a retailer purchases from a wholesaler, his maximum profit margin or markup shall be $3.00 per ton.

(*e*) The maximum profit margins over cost specified in inferior subdivisions (b), (c), (d) above may be charged only once, that is to say, on sales between jobbers or between wholesalers or between retailers, the applicable markup can be added only once.

* * * * *

(iv) *Profit margin includes all charges.* The profit margins as specified in subdivision (i) hereof includes, and no increase or charges shall in any manner be made for, brokerage, commissions, storage, insurance, extension of credit, carrying charges, handling charges, or any other charges of any nature whatsoever.

(v) *Cost.* The cost to which the above specified profit margins may be added is as follows:

* * * * *

(*b*) In the case of the wholesaler, the weighted average delivered price to him on deliveries at his warehouse or place of business for the period October 1, 1942, to October 31, 1942, both inclusive, shall be his cost for the period November 1, 1942, to November 30, 1942, both inclusive. For each month succeeding November, 1942, his cost shall be the weighted average delivered price to him at his warehouse or place of business during the preceding calendar month. If no deliveries were made in any month the cost shall be determined in the manner aforesaid on the basis of deliveries during the last preceding month in which deliveries were made. The price paid by the wholesaler's buyer (the retailer) may include all applicable transportation charges from the wholesaler's warehouse or place of business to the place designated by the retailer: *Provided,* That under no circumstances shall the wholesaler's profit margin or markup exceed, if he purchased from a processor, $2.50 per ton, or, if purchased from a jobber, $2.00 per ton.

* * * * *

(b) *Effective dates.* * * *

(72) Amendment No. 71 (§ 1499.73 (a) (44) (i), (iv), and (v) (b)) to Supplementary Regulation No. 14 of the General Maximum Price Regulation shall become effective November 30, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12669; Filed, November 30, 1942; 4:57 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 123 Under § 1499.18 (b) of GMPR]

KETTERLINUS LITHOGRAPHIC MANUFACTURING COMPANY

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1024 *Adjustment of maximum prices for sales of peanut candy bar wrappers sold by Ketterlinus Lithographic Manufacturing Company to Planters Nut and Chocolate Company.* (a) Ketterlinus Lithographic Manufacturing Company of Philadelphia, Pennsylvania, may sell and deliver to Planters Nut and Chocolate Company, and Planters Nut and Chocolate Company may buy and receive from Ketterlinus Lithographic Manufacturing Company peanut candy bar wrappers at prices not in excess of those established as follows:

	Per M
Wrappers for 5¢ peanut candy bars	$1.07
Wrappers for 1¢ peanut candy bars	.28

This permission shall be retroactive to May 11, 1942.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 123 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 123 (§ 1499.1024) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 123 (§ 1499.1024) shall become effective December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12676; Filed, November 30, 1942; 4:56 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 159 Under § 1499.3 (b) of GMPR]

SPECIFIC PHARMACEUTICALS, INC.

Maximum Prices Authorized Under § 1499.3 (b) of the General Maximum Price Regulation—Order No. 159.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1175 *Approval of maximum prices for sales of heptadienecarboxylic acid bismuth by Specific Pharmaceuticals, Inc.* (a) On and after December 1, 1942, Specific Pharmaceuticals, Inc., a corporation having its principal place of business in New York, New York, may sell and deliver heptadienecarboxylic acid bismuth and any person may buy heptadienecarboxylic acid bismuth from Specific Pharmaceuticals, Inc., at prices no higher than $23.50 per pound, f. o. b. New York, New York.

(b) On or before May 15, 1943, Specific Pharmaceuticals, Inc., shall furnish the Office of Price Administration in Washington, D. C., with a statement reporting in detail its costs of producing heptadienecarboxylic acid bismuth each month during the period from November 1, 1942, to May 1, 1943.

(c) The maximum prices established in this Order No. 159 shall include all charges for containers.

(d) When used in this Order No. 159, the term "heptadienecarboxylic acid bismuth" means the bismuth salt of heptadienecarboxylic acid.

(e) This Order No. 159 shall terminate on June 1, 1943, unless it is previously revoked by the Price Administrator.

(f) This Order No. 159 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 159 (§ 1499.1175) shall become effective on December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12677; Filed, November 30, 1942; 4:56 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Correction to Orders Nos. 110, 111, 112, 113, 114, 115, 116 and 117 Under § 1499.18 (b) of GMPR]

All references to §§ 1499.1111, 1499.1112, 1499.1113, 1499.1114, 1499.1115, 1499.1116,

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*Copies may be obtained from the Office of Price Administration.

1499.1117 and 1499.1118 in Orders Nos. 110, 111, 112, 113, 114, 115, 116 and 117, respectively, are corrected to read as follows:

of the Act or any rulings, orders or regulations promulgated thereunder: *Provided, however,* That the provisions hereof shall not be construed to affect the authority of the National War Labor

the Commissioner, as the case may be," is amended to read "the Board, the Commissioner or the Secretary of Agriculture, as the case may be,".

25-, 40-, and 60-person tubular steel life floats, Type C (Dwg. No. 1709, dated 22 October 1942), manufactured by L. A. Young Spring & Wire Corp., Oakland, Calif.

Ring Life Buoys

required to comply with the Uniform System of Accounts for Freight Forwarders, issue of 1943, in keeping and recording their accounts.

§ 440.2 *Additional subdivisions; tem-*

sign a written receipt in duplicate, for such motor fuel, part, tire, or tube, and endorse on each copy of such receipt the number of the Certificate of War Necessity pertaining to the commercial motor vehicle in or upon which such motor fuel

1499.1117 and 1499.1118 in Orders Nos. 110, 111, 112, 113, 114, 115, 116 and 117, respectively, are corrected to read as follows:

Section 1499.1111 in Order No. 110 should read § 1499.1011; § 1499.1112 in Order No. 111 should read § 1499.1012; § 1499.1113 in Order No. 112 should read § 1499.1013; § 1499.1114 in Order No. 113 should read § 1499.1014; § 1499.1115 in Order No. 114 should read § 1499.1015; § 1499.1116 in Order No. 115 should read § 1499.1016; § 1499.1117 in Order No. 116 should read § 1499.1017; § 1499.1118 in Order No. 117 should read § 1499.1018.

Issued this 30th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12678; Filed, November 30, 1942; 4:56 p. m.]

Chapter XVIII—Office of Economic Stabilization

Subchapter A—Office of the Director of Economic Stabilization

PART 4001—WAGES AND SALARIES

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the President by the Constitution and the laws of the United States, and particularly by the Act of October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (Pub. Law 729, 77th Cong.), the following amendments to the regulations promulgated by the Director of Economic Stabilization, with the approval of the President, dated October 27, 1942 (7 F.R. 8748), are hereby promulgated:

1. § 4001.1 is amended by adding the following paragraphs thereto:

§ 4001.1 *Definitions.* * * *

(k) The terms "approval by the Secretary of Agriculture" and "determination by the Secretary of Agriculture" shall, except as may be provided in regulations prescribed by the Secretary, include an approval or determination by an agent or agents of the Secretary duly authorized to perform such act.

(l) The term "agricultural labor" shall mean persons working on farms and engaged in producing agricultural commodities whose salary or wage payments are not in excess of $2,400 per annum. The Secretary of Agriculture may by regulation issue such interpretations of this term as he finds necessary.

2. The following sections are added immediately following § 4001.5 and preceding § 4001.6:

§ 4001.5 *Rules and regulations of commissioners.* * * *

§ 4001.5a *Authority of the Secretary of Agriculture.* Notwithstanding the provisions of §§ 4001.2, 4001.4, 4001.6, and 4001.7, the Secretary of Agriculture shall have the authority to determine whether any salary or wage payments to agricultural labor are made in contravention of the Act or any rulings, orders or regulations promulgated thereunder: *Provided, however,* That the provisions hereof shall not be construed to affect the authority of the National War Labor Board under the provisions of Executive Order No. 9017 (7 F.R. 237) as extended by Section 1, Title III of Executive Order No. 9250 (7 F.R. 7871, 7873). Any such determination by the Secretary shall be conclusive upon all Executive Departments and agencies of the Government in determining the costs or expenses of an employer for the purpose of any law or regulations, either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942 or any maximum price regulation thereof, or for the purpose of calculating deductions under the revenue laws of the United States, or for the purpose of determining costs or expenses under any contract made by or on behalf of the United States. Any determination of the Secretary made pursuant to the authority conferred on him shall be final and shall not be subject to review by The Tax Court of the United States or by any court in any civil proceedings.

§ 4001.5b *Wage and salary increases for agricultural labor.* Considering that the general level of salaries and wages for agricultural labor is substandard, that a wide disparity now exists between salaries and wages paid labor in agriculture and salaries and wages paid labor in other essential war industries, and that the retention and recruitment of agricultural labor is of prime necessity in supplying the United Nations with needed foods and fibers, and in order to correct and adjust these gross inequities and to aid in the effective prosecution of the war, no increases in wages and salaries of agricultural labor shall, notwithstanding any other provision of any rules, orders or regulations under the Act of October 2, 1942, be deemed in violation of the Act or of any rules, orders or regulations thereunder, unless and until the Secretary of Agriculture determines and gives public notice of his determination that, with respect to areas, crops, classes of employers, or otherwise, increases in salaries or wages for agricultural labor may no longer be made without the approval of the Secretary of Agriculture.

§ 4001.5c *Wage and salary decreases for agricultural labor.* No employer shall decrease wages or salaries paid to agricultural labor below the highest salary rate or wage paid for such work between January 1, 1942, and September 15, 1942, without the approval of the Secretary of Agriculture.

§ 4001.5d *Rules, orders and regulations of the Secretary.* The Secretary of Agriculture may make such rulings and issue such orders or regulations as he deems necessary to enforce or otherwise carry out the provisions of the regulations in this part.

3. § 4001.10 (a) is amended in the following particular:

§ 4001.10 *Effect of unlawful payments.* (a) The phrase "the Board or the Commissioner, as the case may be," is amended to read "the Board, the Commissioner or the Secretary of Agriculture, as the case may be,".

4. § 4001.14 is amended in the following particular:

§ 4001.14 *Territories and possessions.* The phrase "The Board and the Commissioner" is amended to read "The Board, the Commissioner or the Secretary of Agriculture, as the case may be,".

5. Nothing herein shall be interpreted to prevent the Secretary of Agriculture from utilizing any other authority now or hereafter vested in him to insure an adequate supply of agricultural labor through salary or wage stabilization and otherwise to secure agricultural production necessary for the effective prosecution of the war through programs of procurement, transportation, distribution, housing, medical care, price support, or otherwise.

(Pub. Law 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

JAMES F. BYRNES,
Economic Stabilization Director.

Approved:

FRANKLIN D ROOSEVELT
The White House,
November 30, 1942.

[F. R. Doc. 42-12664; Filed, November 30, 1942; 3:16 p. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard Inspection and Navigation

BOATS, RAFTS, AND LIFESAVING APPLIANCES, ETC.

APPROVAL OF MISCELLANEOUS ITEMS OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4426, 4488, 4491, as amended, 49 Stat. 1544 (46 U.S.C. 375, 391a, 404, 481, 489, 367) and Executive Order No. 9083, dated February 28, 1942 (7 F.R. 1609), the following miscellaneous items of equipment for the better security of life at sea are approved:

Lifeboat

12′ x 5′ x 2.25′ metallic lifeboat, Type "OMS", (Dwg. No. 444, dated 11 June 1942), manufactured by Tregoning Boat Co., Seattle, Wash.

Life Floats

10-, 15-, 25-, and 40-person elliptical balsa wood life floats (Dwg. dated 14 September 1942), manufactured by Atlantic-Pacific Mfg. Corp., Brooklyn, N. Y.

10-person rectangular balsa wood life float, Model SK (Dwg. No. 6614, dated November 1942), and 12-person rectangular balsa wood life float, Model SK (Dwg. No. 6615, dated November 1942), manufactured by Modern Bell Co., Huntington Park, Calif.

15-person rectangular balsa wood life float, Type SK (Navy Dept. Dwg. No. SK-018309), manufactured by Modern Cabinet Co., Huntington Park, Calif.

25-, 40-, and 60-person tubular steel life floats, Type C (Dwg. No. 1709, dated 22 October 1942), manufactured by L. A. Young Spring & Wire Corp., Oakland, Calif.

Ring Life Buoys

Type "B" (Dwg. No. 2, dated 18 September 1942), Approval No. B-172, and Type "C" (Dwg. No. 3, dated 19 September 1942), Approval No. B-173, 30-inch cork ring life buoys, manufactured by Dodge Cork Co., Inc., Lancaster, Pa.

Bilge Pump for Lifeboats

No. PA202 pump for lifeboats (Dwg. dated 30 October 1942), manufactured by Blackmer Pump Co., Inc., Grand Rapids, Mich.

Parachute Cartridge Flares

Parachute cartridge flares, manufactured by Triumph Explosives, Inc., Elkton, Md.

L. T. CHALKER,
Acting Commandant.

NOVEMBER 28, 1942.

[F. R. Doc. 42-12663; Filed, November 30, 1942; 12:48 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 440—ACCOUNTS

FREIGHT FORWARDERS; UNIFORM SYSTEM OF ACCOUNTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 4th day of November, A. D. 1942.

The matter of a uniform system of accounts to be prescribed for and kept by freight forwarders being under consideration by the Division, pursuant to the authority of section 412 of the Interstate Commerce Act, and upon consideration of the matters and things involved, and the Division having found that the Uniform System of Accounts for Freight Forwarders, issue of 1943, hereto attached and made a part hereof,[1] is necessary for purposes of administration of the provisions of Part IV of the Act.

It is ordered:

Sec.
440.1 Uniform system prescribed.
440.2 Additional subdivisions; temporary or experimental accounts.
440.3 Effective date.

AUTHORITY: §§ 440.1 to 440.3, inclusive, issued pursuant to sec. 412, 56 Stat. 294; 49 U.S.C. 1012.

§ 440.1 *Uniform system prescribed.* Every freight forwarder subject to the provisions of the Interstate Commerce Act having annual operating revenues exceeding $100,000.00, and every trustee, executor, administrator, or assignee of any such freight forwarder, are hereby required to comply with the Uniform System of Accounts for Freight Forwarders, issue of 1943, in keeping and recording their accounts.

§ 440.2 *Additional subdivisions; temporary or experimental accounts.* Any such freight forwarder, and any trustee, executor, administrator, or assignee of such freight forwarder, in addition to the accounts prescribed in § 440.1, may subdivide said accounts in the manner required by any governmental body having jurisdiction, or to the extent required for reports to such governmental bodies, and may keep temporary or experimental accounts for the purpose of developing efficiency of operation, subject, however, to the requirement that such subdivisions of the accounts or such temporary or experimental accounts shall not impair the integrity of any primary account prescribed herein.

§ 440.3 *Effective date.* This issue of 1943 of the Uniform System of Accounts for Freight Forwarders shall become effective on January 1, 1943.

And it is further ordered, That a copy of this order and the Uniform System of Accounts herein prescribed shall be served upon every freight forwarder subject to the act and upon every trustee, executor, administrator, or assignee of any such freight forwarder, and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., by filing it with the Director of the Division of the Federal Register, The National Archives.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-12699; Filed, December 1, 1942; 11:24 a. m.]

Chapter II—Office of Defense Transportation

[General Order ODT 21, Amendment 3]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART M—CERTIFICATES OF WAR NECESSITY FOR AND CONTROL OF COMMERCIAL MOTOR VEHICLES

Pursuant to Executive Order No. 8989 and Executive Order No. 9156, paragraph (b), § 501.96, as amended, and § 501.98, General Order ODT 21, as amended,[1] are hereby amended to read as follows:

§ 501.96 *Motor fuel and commercial motor vehicle parts, tires, or tubes.* No person shall:

(a) * * *

(b) Transfer or deliver any motor fuel for the use of, or transfer, mount, install, or deliver any part, tire, or tube for the use of, any commercial motor vehicle, unless the operator of such commercial motor vehicle shall, at the time thereof, sign a written receipt in duplicate, for such motor fuel, part, tire, or tube, and endorse on each copy of such receipt the number of the Certificate of War Necessity pertaining to the commercial motor vehicle in or upon which such motor fuel, part, tire, or tube is to be used: *Provided,* That when existing conditions render it impracticable to issue or sign such receipt, such operator shall furnish to the person making the transfer, delivery, or installation, his name, address, and the number of the Certificate of War Necessity pertaining to such motor vehicle and such person shall endorse the operator's name, address, and number upon the invoice covering such transaction. In the event such transfer, delivery, or installation is for the use of a fleet of commercial motor vehicles, the number of the Certificate of War Necessity pertaining to such fleet shall be endorsed on each such written receipt or invoice. The original receipt or the first copy of the invoice shall be retained by the person making the transfer, delivery, or installation, and a copy of the receipt or the original of the invoice retained by the operator of such commercial motor vehicle. Such receipts and invoices shall be available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

* * * * *

§ 501.98 *Records and reports.* Any person operating a commercial motor vehicle in respect of which a Certificate of War Necessity has been issued, shall prepare and permanently maintain in the manner and form prescribed by the Office of Defense Transportation records of all operations conducted by such vehicle. A weekly record of such operations shall be maintained in accordance with the form provided on the reverse side of such Certificate of War Necessity, and shall be carried at all times in such vehicle: *Provided,* That, in respect of any vehicle covered by a fleet unit certificate (whose operations are embraced within required periodic fleet reports) such form shall contain only a record of the tire inspections of such vehicle. Such person shall keep such other records and make such reports as may be required and in the manner and form prescribed by the Office of Defense Transportation. All such records shall be available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

This amendment shall become effective on December 1, 1942. (E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349)

Issued at Washington, D. C., this 30th day of November, 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-12692; Filed, December 1, 1942; 10:08 a. m.]

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[1] Filed as a part of the original document.

[1] 7 F.R. 7100, 9006, 9437.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-346]

STEFFEY & FINDLAY, INC.

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division (the “Division”) finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the “Act”) and the Bituminous Coal Code (the “Code”) promulgated thereunder, to determine:

A. Whether Steffey & Findlay, Inc., a registered distributor, Registration No. 8671 (hereinafter sometimes referred to as the “Distributor”), whose address is 332 W. Church Street, Hagerstown, Maryland, has violated any provisions of the Act, the Code and orders and regulations of the Division, including the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors and the Distributor’s Agreement (the “Agreement”) dated October 30, 1940, and filed by Steffey & Findlay, Inc., with the Division on October 31, 1940, pursuant to an Order of the Division dated June 19, 1940, issued in General Docket No. 12, and more particularly whether subsequent to September 30, 1940, said Registered Distributor:

During the period December 27, 1940, to March 26, 1941, both dates inclusive, purchased for resale from code members located in Districts Nos. 1, 2, and 3, respectively, approximately 1547.75 net tons of various sized coals, produced by said code members at their respective mines, and resold said coal for rail shipment to the purchasers indicated below, and prepaid the freight thereon, totalling $3659.79, as follows:

(a) TROY LAUNDRY COMPANY, HAGERSTOWN, MARYLAND

Code member	Mine index No.	District No.	Date of sale	Net tons	Car No. and initia	Total freight prepaid	Date Dist. prepaid freight
Pittsburgh Coal Co	29	2	Dec. 27, 1940	62.75	NYC 426902	$150.71	Jan. 7, 1941
Jamison Coal & Coke Co	7	2	Feb. 6, 1941	62.45	B&O 334731	149.97	Feb. 17, 1941
Pittsburgh Coal Co	28	2	Mar. 14, 1941	63.35	NYC 915353	152.15	Mar. 20, 1941
Pittsburgh Coal Co	29	2	June 11, 1941	66.15	PRR 744656	158.88	June 20, 1941
Pittsburgh Coal Co	28	2	June 18, 1941	63.15	NYC 917938	151.67	June 27, 1941
Three Forks Coal Co	34	3	Sept. 22, 1941	41.85	B&O 725232	100.44	Sept. 30, 1941
Pittsburgh Coal Co	29	2	Nov. 6, 1941	65.65	PRR 188077	157.68	Nov. 13, 1941
Pittsburgh Coal Co	29	2	Nov. 18, 1941	65.30	PRR 187939	156.84	Nov. 27, 1941
Pittsburgh Coal Co	29	2	Nov. 25, 1941	66.70	MRR 3000	160.20	Dec. 9, 1941
				557.35		1,338.54	

(B) HAGERSTOWN LAUNDRY COMPANY, HAGERSTOWN, MARYLAND

Code member	Mine index No.	District No.	Date of sale	Net tons	Car No. and initia	Total freight prepaid	Date Dist. prepaid freight
Pittsburgh Coal Co	29	2	Jan. 27, 1941	52.00	MRR 17137	$124.89	Feb. 5, 1941
Pittsburgh Coal Co	28	2	Feb. 27, 1941	52.60	MRR 17027	126.33	Mar. 10, 1941
Pittsburgh Coal Co	28	2	Mar. 19, 1941	52.30	MRR 16354	125.61	Mar. 26, 1941
Pittsburgh Coal Co	28	2	May 19, 1941	51.80	MRR 17446	124.41	May 27, 1941
Koppers Coal Co	55	3	Aug. 9, 1941	49.80	NYC 827702	119.61	Aug. 18, 1941
Pittsburgh Coal Co	28	2	June 18, 1941	50.15	MRR 16006	120.45	June 27, 1941
Koppers Coal Co	55	3	Sept. 17, 1941	52.15	MRR 15294	125.22	Sept. 27, 1941
Koppers Coal Co	55	3	Nov. 3, 1941	52.85	K 62566	126.97	Nov. 13, 1941
Koppers Coal Co	55	3	Dec. 6, 1941	49.00	B&O 330773	117.69	Dec. 16, 1941
Koppers Coal Co	55	3	Jan. 12, 1942	53.10	NYC 828944	127.51	Jan 16, 1942
Koppers Coal Co	55	3	Feb. 14, 1942	48.65	PRR 708547	116.85	Feb. 23, 1942
Koppers Coal Co	55	3	Mar 19, 1942	53.05	NH 120987	130.26	Mar. 26, 1942
				617.45		1,485.80	

(c) HAMILTON HOTEL, INC., HAGERSTOWN, MARYLAND

Code member	Mine index No.	District No.	Date of sale	Net tons	Car No. and initia	Total freight prepaid	Date Dist. prepaid freight
Ralphton Coal Mining Co	407	1	Sept. 8, 1941	54.10	B&O 233068	$117.85	Sept. 16, 1941
Ralphton Coal Mining Co	407	1	Nov 12, 1941	52.00	B&O 724672	113.34	Nov. 24, 1941
Ralphton Coal Mining Co	407	1	Dec. 24, 1941	55.60	B&O 126145	121.15	Dec. 31, 1941
Ralphton Coal Mining Co	407	1	Feb. 6, 1942	55.10	B&O 330756	120.05	Feb. 18, 1942
Ralphton Coal Mining Co	407	1	Mar. 9, 1942	53.75	B&O 724945	117.12	Mar. 17, 1942
				270.55		589.51	

(d) W. H. REISNER MFG. CO., HAGERSTOWN, MD.

Code member	Mine index No.	District No.	Date of sale	Net tons	Car No. and initia	Total freight prepaid	Date Dist. prepaid freight
Pittsburgh Coal Co	28	2	July 2, 1941	50.55	MRR 17120	$121.41	July 9, 1941
Pittsburgh Coal Co	28	2	Feb. 24, 1942	51.85	MRR 17497	124.53	Mar. 11, 1942
				102.40		245.94	

as a result of which, said transactions, jointly and severally, constituted violations of Rule 1 (J) of section VII, Rules 3 and 6 of section XIII of the Marketing Rules and Regulations, section 4 Part II (i) 3 and 6 of the Act, Part II (i) 3 and 6 of the Code, and paragraphs (c) and (e) of the Agreement.

B. Whether or not the registration of said Steffey & Findlay, Inc., Registration No. 8671, should be revoked or suspended, or other appropriate order should be issued.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of Rules and Regulations for the Registration of Distributors, to determine whether or not the aforementioned Steffey & Findlay, Inc., has committed violations in the respects heretofore described and whether or not the registration of said distributor should be revoked or suspended, or other appropriate order should be issued, be held on 9th day of January, 1943, at 10 o’clock a. m., at a hearing room of the Bituminous Coal Division at the Washington County Court, Hagerstown, Maryland.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and recommendations of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Steffey & Findlay, Inc., and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer setting forth the position of the aforementioned Steffey & Findlay, Inc., with reference to the matters hereinbefore described must be filed with the Bituminous Coal Division at its Washington office or with any one of the field offices of the Division within twenty (20) days after the date of service on said Steffey & Findlay, Inc., and that failing to file an answer herein within such period, unless the presiding officer shall otherwise order, shall be deemed to be an admission by said Steffey & Findlay, Inc., of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

Notice is also given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division, for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the said distributor of the Notice of and Order for Hearing.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: November 26, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12644; Filed, November 30, 1942; 11:16 a. m.]

[Docket No. 1781-FD]

MATTHEW PHILLIPS

ORDER CONDITIONALLY RESTORING CODE MEMBERSHIP

In the matter of Matthew Phillips—Applicant.

A written complaint dated June 25, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the “Act”), having been duly filed on July 17, 1941, by the Bituminous Coal Producers Board for District No. 6, a district board, complainant, with the Bituminous Coal Division (the “Division”); and

Pursuant to Notice of and Order for Hearing dated September 2, 1941, a hearing in said matter having been held before W. A. Cuff, a duly designated Examiner of the Division, at Wheeling, West Virginia, on December 4, 5 and 6, 1941; and

An Order of the Division having been issued herein on June 13, 1942, cancelling and revoking the Code membership of Matthew Phillips (the “Applicant”), in the Bituminous Coal Code (the “Code”) effective fifteen (15) days from the date of said order, and providing for the payment to the United States of a tax in the amount of $749.41 as a condition precedent to reinstatement of Applicant to membership in the Code; and

The Applicant now having filed with the Division on November 21, 1942, an application dated November 14, 1942, (the “Application”) for conditional restoration of Code membership wherein Applicant requests that his Code membership be restored as of the effective date of revocation, upon the condition that said restored membership shall remain in effect so long as the said Matthew Phillips shall faithfully comply with the terms of an Agreement made by and between Applicant and F. Roy Yoke, Collector of Internal Revenue at Parkersburg, West Virginia, (the “Agreement”), in which it appears that said Matthew Phillips paid to said Collector of Internal Revenue, on October 22, 1942, $389.41 on account of said tax in the amount of $749.41, and has agreed to pay the balance of $360.00 in installments of $72.00 per month on the first of each and every month, beginning November 1, 1942 and ending March 1, 1943, and it appearing from the Application that the Applicant has paid to said Collector the installment due on November 1, 1942;

Now, therefore, It is ordered, That the membership of Matthew Phillips in the Code be and the same hereby is conditionally restored as of the effective date of revocation of said Code membership referred to in said order issued June 13, 1942, upon the following terms and conditions:

In the event of default in payment of any installment as provided in said Agreement between said Matthew Phillips and F. Roy Yoke, Collector of Internal Revenue, dated November 11, 1942, (a) such conditional restoration of Code membership shall become wholly ineffective, (b) the entire balance of said tax then owing shall become due and payable, and (c) the 19½% tax provided by section 3520 (b) (1) of the Internal Revenue Code shall be imposed on all coal produced by said Matthew Phillips and sold or otherwise disposed of by him on and after the original effective date of revocation of Code membership referred to above.

It is further ordered, That upon the payment of said tax in full in accordance with the terms of said Agreement, Matthew Phillips shall submit to the Division the receipt therefor issued by said Collector or a statement by said Collector that the tax has been fully paid and thereupon, an order shall be issued restoring said Matthew Phillips to full membership in the Code.

Dated: November 30, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12707; Filed, December 1, 1942; 11:51 a. m.]

[Docket No. B-98]

HARRY G. LUCAS

ORDER RESTORING CODE MEMBERSHIP

In the matter of Harry G. Lucas, also known as H. G. Lucas—Code Member.

A written complaint having been filed herein on October 16, 1941, by the Bituminous Coal Producers Board for District No. 1, as complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the “Act”), alleging wilful violation by Harry G. Lucas, Curwensville, Pennsylvania, code member in District No. 1, of the Act, of the Bituminous Coal Code (the “Code”), and rules and regulations thereunder; and

An order having been issued herein on February 20, 1942 revoking and cancelling the code membership of said Harry G. Lucas, also known as H. G. Lucas, effective fifteen (15) days from the date of said order; and

Said order of revocation and cancellation having been duly served on February 26, 1942 on said Harry G. Lucas; and

An order having been issued on July 6, 1942 conditionally restoring the membership of Harry G. Lucas in the Bituminous Coal Code as of March 7, 1942 on condition that said Harry G. Lucas pay the tax of $794.51 prescribed by said order dated February 20, 1942, as a condition precedent to restoration of code membership by monthly installments pursuant to an agreement dated May 26, 1942, and entered into between the said Harry G. Lucas and Walter L. Miller, Collector of Internal Revenue, Treasury Department of the United States, Pittsburgh, Pennsylvania; and

Said order dated July 6, 1942 having provided that upon payment of the said tax in the sum of $794.51 in full in accordance with the terms of the aforesaid agreement and upon the submission of a statement by said Collector that said tax has been fully paid, an Order will be issued restoring said Harry G. Lucas to full membership in the Code; and

It appearing by a statement from D. S. Bliss, Deputy Commissioner, Treasury Department, Washington, D. C., dated November 20, 1942, in possession of the Division that Harry G. Lucas has paid the total sum of $794.51 as a condition precedent to his restoration to code membership.

Now, therefore, It is ordered, That the said Harry G. Lucas, also known as H. G. Lucas, be, and he hereby is, restored to code membership;

It is further ordered, That said restoration of code membership of Harry G. Lucas, also known as H. G. Lucas, be, and the same hereby is, effective as of the effective date of said revocation and cancellation of his code membership.

Dated: November 30, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12708; Filed, December 1, 1942; 11:51 a. m.]

Bureau of Mines.

WILLIS DISBROW

ORDER REVOKING LICENSE AND DIRECTING ITS SURRENDER

In the matter of Willis Disbrow, Licensee. Proceeding for Revocation of License.

To: Willis Disbrow, Hartland, Illinois. Based upon the records in this matter, I, R. R. Sayers, Director of the Bureau of Mines, make the following Findings of Fact:

1. On October 29, 1942, a Specification of Charges against you, setting forth a violation of the Federal Explosives Act (55 Stat. 863) of which you were accused, was mailed to you at the above, your last known, address, giving you notice to mail an answer within 15 days demanding a hearing if you wished to be heard on the charge against you.

2. More than 20 days have elapsed since the giving of said notice. The length of time required for mail to be delivered to the office of the Bureau of Mines, Washington, D. C., from Hartland, Illinois, does not exceed 4 days. You have not demanded a hearing.

3. The charge against you is true.

Now, therefore, by virtue of the authority vested in me by sections 8 and 18 of the Federal Explosives Act (55 Stat. 863) and § 301.22 of the regulations pursuant thereto (7 F.R. 5901); *It is hereby ordered:*

That Vendor’s License No. 28266 heretofore issued to you under the Federal Explosives Act (55 Stat. 863) be and it is hereby revoked; *And it is further ordered:*

That you shall immediately surrender said license and all certified or photostatic copies thereof, if any, by delivering or mailing the same to the Director of the Bureau of Mines, Interior Department, Washington, D. C.

This Order is effective on and after its date, except that you will be allowed not to exceed 10 days thereafter within which to sell or otherwise dispose of explosives or ingredients thereof now on hand to persons licensed under the Federal Explosives Act and in accordance with the provisions of the act and regulations thereunder. This exception does not authorize you to purchase or otherwise acquire explosives or ingredients thereof.

Failure to comply with any of the provisions of this Order will constitute a violation of the Federal Explosives Act, punishable by a fine of not more than $5,000 or by imprisonment for not more than one year or by both such fine and such imprisonment.

Dated: November 23, 1942.

R. R. SAYERS,
Director, Bureau of Mines.

[F. R. Doc. 42-12694; Filed, December 1, 1942; 10:26 a. m.]

LUND BROTHERS

ORDER REVOKING LICENSE AND DIRECTING ITS SURRENDER

In the matter of Lund Brothers, Licensee. Proceeding for Revocation of License.

To: Lund Brothers, Warren, Oregon. Based upon the records in this matter, I, R. R. Sayers, Director of the Bureau of Mines, make the following Findings of Fact:

1. On October 9, 1942, a Specification of Charges against you, setting forth violations of the Federal Explosives Act (55 Stat. 863) and regulations pursuant thereto of which you were accused, was mailed to you at the above, your last known address, giving you notice to mail an answer within 15 days demanding a hearing if you wished to be heard on the charges against you.

2. More than 21 days have elapsed since the giving of said notice. The length of time required for mail to be delivered to the Office of the Bureau of Mines, Washington, D. C., from Warren, Oregon, does not exceed 6 days. You have not demanded a hearing.

3. The charges against you are true.

Now, therefore, by virtue of the authority vested in me by sections 8 and 18 of the Federal Explosives Act (55 Stat. 863) and § 301.22 of the regulations pursuant thereto (7 F.R. 5901): *It is hereby ordered:*

That Vendor's License No. 164,002 heretofore issued to you under the Federal Explosives Act (55 Stat. 863) be and it is hereby revoked: *And it is further ordered:*

That you shall immediately surrender said license and all certified or photostatic copies thereof by delivering or mailing the same to the Director of the Bureau of Mines, Interior Department, Washington, D. C.

Failure to comply with any of the provisions of this Order will constitute a violation of the Federal Explosives Act, punishable by a fine of not more than $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

Dated: November 13, 1942.

R. R. SAYERS,
Director, Bureau of Mines.

[F. R. Doc. 42-12695; Filed, December 1, 1942; 10:26 a. m.]

SANDY MARKET, INC.

ORDER REVOKING LICENSE AND DIRECTING ITS SURRENDER

In the matter of Sandy Market, Inc., Licensee, Proceeding for Revocation of License.

To: Sandy Market, Inc., Sandy, Oregon. Based upon the records in this matter, I, R. R. Sayers, Director of the Bureau of Mines, make the following Findings of Fact:

1. On October 9, 1942, a Specification of Charges against you, setting forth violations of the Federal Explosives Act (55 Stat. 863) and regulations pursuant thereto of which you were accused, was mailed to you at the above, your last known address, giving you notice to mail an answer within 15 days demanding a hearing if you wished to be heard on the charges against you.

2. More than 21 days have elapsed since the giving of said notice. The length of time required for mail to be delivered to the office of the Bureau of Mines, Washington, D. C., from Sandy, Oregon, does not exceed 6 days. You have not demanded a hearing.

3. The charges against you are true.

Now, therefore, by virtue of the authority vested in me by sections 8 and 18 of the Federal Explosives Act (55 Stat. 863) and § 301.22 of the regulations pursuant thereto (7 F.R. 5901); *It is hereby ordered:*

That Vendor's License No. 408,117 heretofore issued to you under the Federal Explosives Act (55 Stat. 863) be and it is hereby revoked; *and it is further ordered:*

That you shall immediately surrender said license and all certified or photostatic copies thereof, if any, by delivering or mailing the same to the Director of the Bureau of Mines, Interior Department, Washington, D. C.

This Order is effective on and after its date, except that you will be allowed not to exceed 10 days thereafter within which to sell or otherwise dispose of explosives or ingredients thereof now on hand to persons licensed under the Federal Explosives Act and in accordance with the provisions of the act and regulations thereunder. This exception does not authorize you to use or test explosives or ingredients thereof on hand, nor does it authorize you to manufacture or purchase or otherwise acquire explosives or ingredients thereof.

Failure to comply with any of the provisions of this Order will constitute a violation of the Federal Explosives Act, punishable by a fine of not more than $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

Dated: November 13, 1942.

R. R. SAYERS,
Director, Bureau of Mines.

[F. R. Doc. 42-12696; Filed, December 1, 1942; 10:26 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

MONROE COUNTY, ALABAMA

DESIGNATION OF LOCALITIES FOR LOANS

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by Supplement 2 of Secretary's Memorandum No. 867 issued as of July 1, 1942, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION V—ALABAMA

COUNTY—MONROE

Locality I—Consisting of Mount Pleasant Precinct, $2,538.
Locality II—Consisting of Perdue Hill Precinct, $2,494.
Locality III—Consisting of Monroeville Precinct, $1,964.
Locality IV—Consisting of Burnt Corn Precinct, $1,375.
Locality V—Consisting of Tunnel Springs Precinct, $1,240.
Locality VI—Consisting of Ridge Precinct, $2,396.
Locality VII—Consisting of Franklin Precinct, $2,660.
Locality VIII—Consisting of Bells Landing Precinct, $2,219.
Locality IX—Consisting of Buena Vista Precinct, $2,423.
Locality X—Consisting of Pineville Precinct, $2,205.
Locality XI—Consisting of Simpkinsville Precinct, $1,675.
Locality XII—Consisting of Midway Precinct, $1,420.
Locality XIII—Consisting of Jeddo Precinct, $2,951.
Locality XIV—Consisting of Jones Mill Precinct, $3,041.

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved November 28, 1942.

[SEAL] J. O. WALKER,
Acting Administrator.

[F. R. Doc. 42-12702; Filed, December 1, 1942; 11:21 a. m.]

Rural Electrification Administration.

[Administrative Order 734]

CENTRAL STATION ELECTRIC SERVICE

ALLOTMENTS TO STATE

NOVEMBER 14, 1942.

Pursuant to section 3 (c) of the Rural Electrification Act of 1936 and upon information and data in the files of the Rural Electrification Administration, I hereby determine that the number of farms not receiving central station electric service for each state and the number of such farms for the United States at the beginning of the current fiscal year are set forth in the following schedule, and I hereby allot from the sum of $5,000,000, being fifty per centum of the total sum made available for the current fiscal year, the respective sums for loans in the several States as hereinafter set forth.

	Farms without central station electric service July 1, 1942	Allotment for loans during the fiscal year ending June 30, 1943
United States	3,759,646	$5,000,000
Alabama	180,724	240,347
Arizona	10,573	14,061
Arkansas	184,863	245,852
California	21,589	28,712
Colorado	29,202	38,836
Connecticut	3,085	4,103
Delaware	4,281	5,693
Florida	45,449	60,443
Georgia	151,298	201,213
Idaho	11,737	15,609
Illinois	106,927	142,204
Indiana	67,822	90,197
Iowa	108,041	143,685
Kansas	118,255	157,269
Kentucky	202,360	269,121
Louisiana	127,452	169,500
Maine	16,452	21,880
Maryland	18,545	24,663
Massachusetts	5,906	7,855
Michigan	41,391	55,046
Minnesota	124,510	165,587
Mississippi	250,763	333,493
Missouri	199,031	264,694
Montana	31,710	42,172
Nebraska	91,434	121,599
Nevada	2,085	2,773
New Hampshire	3,348	4,453
New Jersey	4,035	5,366
New Mexico	27,313	36,324
New York	40,224	53,494
North Carolina	188,178	250,260
North Dakota	69,496	92,424
Ohio	69,453	92,336
Oklahoma	149,953	199,424
Oregon	15,820	21,039
Pennsylvania	63,148	83,981
Rhode Island	245	326
South Carolina	88,212	117,314
South Dakota	65,651	87,310
Tennessee	190,217	252,972
Texas	307,147	408,479
Utah	6,448	8,575
Vermont	9,531	12,675
Virginia	124,752	165,909
Washington	19,543	25,991
West Virginia	67,680	90,009
Wisconsin	83,634	111,226
Wyoming	10,133	13,476

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-12705; Filed, December 1, 1942; 11:21 a. m.]

FEDERAL POWER COMMISSION.

[Docket G-427]

CONSOLIDATED GAS UTILITIES CORPORATION

ORDER AMENDING ORDER FIXING DATE OF HEARING

NOVEMBER 28, 1942.

It appearing to the Commission that:

(a) By its order dated November 18, 1942, the Commission ordered that a public hearing in the above-entitled matter be held commencing on December 10, 1942, at 10 a. m., in the Federal Building, Kansas City, Missouri;

(b) It has been found desirable to specify more particularly the place for the said hearing in the City of Kansas City, Missouri;

The Commission *orders*, That:

(a) The public hearing in the above-entitled proceeding now set to begin on December 10, 1942, at 10 a. m., in the Federal Building, Kansas City, Missouri, be held commencing on December 10, 1942, at 10 a. m., in Room 664, United States Court House, Kansas City, Missouri;

(b) The Commission's order of November 18, 1942, be and the same is hereby amended to the extent, and only to the extent, indicated by paragraph (a) above.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-12693; Filed, December 1, 1942; 10:26 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 6 Under MPR 225]

KETTERLINUS LITHOGRAPHIC MANUFACTURING COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 6 under Maximum Price Regulation No. 225—Printing and Printed Paper Commodities.

For the reasons set forth in an Opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, and in accordance with § 1347.469 (b) of Maximum Price Regulation No. 225, *It is hereby ordered:*

(a) Ketterlinus Lithographic Manufacturing Company of Philadelphia, Pennsylvania, may sell and deliver to Planters Nut and Chocolate Company, and Planters Nut and Chocolate Company may buy and receive from Ketterlinus Lithographic Manufacturing Company peanut candy bar wrappers at prices not in excess of those established as follows:

	Per M
Wrappers for 5¢ peanut candy bars	$1.07
Wrappers for 1¢ peanut candy bars	.28

This permission shall be retroactive to September 29, 1942.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 6 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1347.472 of Maximum Price Regulation No. 225 shall apply to the terms used herein.

(e) This Order No. 6 shall become effective December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12679; Filed, November 30, 1942; 4:55 p. m.]

[Suspension Order 171]

C. W. DANIEL

ORDER RESTRICTING TRANSACTIONS

C. W. Daniel, 585 Memorial Drive, Atlanta, Georgia, hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, gasoline rationing regulations. Pursuant to said notice, a hearing upon such charges was held in Atlanta, Georgia, on October 14, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator in Charge of Rationing, It is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a filling station at 585 Memorial Drive, Atlanta, Georgia.

(b) Respondent has violated § 1394.1503 of Ration Order No. 5A, gasoline rationing regulations, in that on August 29, 1942, respondent transferred four gallons of gasoline to a consumer, R. C. Young, and into the fuel tank of a passenger automobile in exchange for a coupon detached, prior to the presentation of the coupon book to respondent, from a coupon book that was not issued for and did not bear the identification of the vehicle into which the transfer was made.

(c) Respondent has violated § 1394.1503 of Ration Order No. 5A, gasoline rationing regulations, in that on August 29, 1942, respondent transferred four gallons of gasoline to a consumer, John R. Mattem, and into the fuel tank of a passenger automobile upon which no sticker was displayed.

(d) The foregoing transfers by respondent were not within the classes of transfers of gasoline permitted by the provisions of Ration Order No. 5A to be made without the exchange of gasoline ration coupons.

Because of the great scarcity and critical importance of gasoline in Georgia, violations of Ration Order No. 5A, gasoline rationing regulations, have necessarily resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator that further violations by respondent are likely unless appropriate administrative action is taken, *It is therefore ordered:*

(e) During the period in which this Suspension Order No. 171 shall be in effect,

(1) Respondent shall not sell, transfer or deliver any gasoline to any person.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(3) No person, firm or corporation shall deliver, or in any manner directly or indirectly transfer any gasoline to respondent for resale.

(f) Any terms used in this Suspension Order No. 171 that are defined in Ration Order No. 5A, gasoline rationing regulations, shall have the meaning therein given them.

(g) This Suspension Order No. 171 shall become effective 12:01 A. M. December 6, 1942, and unless sooner terminated, shall expire 12:01 A. M. December 23, 1942.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216))

Issued this 30th day of November 1942.

PAUL M. O'LEARY,
Deputy Administrator in Charge of Rationing.

[F. R. Doc. 42-12680; Filed, November 30, 1942; 4:56 p. m.]

[Suspension Order 172]

WATKINS BROTHERS

ORDER RESTRICTING TRANSACTIONS

Watkins Brothers, a partnership composed of Holland Turpin Watkins and John Carter Watkins, Emporia, Virginia, and hereinafter called respondent, was duly served with a notice of specific charges of violations of Ration Order No. 5, emergency gasoline rationing regulations and Ration Order No. 5A, gasoline rationing regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing was held on October 21, 1942, in Emporia, Virginia. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been duly considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondent is a dealer in and a licensed distributor of gasoline and operates a filling station and a bulk plant in Emporia, Virginia.

(b) Respondent has violated Ration Order No. 5, emergency gasoline rationing regulations, in that on July 21, 1942, in Emporia, Virginia, respondent transferred a total of 205 gallons of gasoline in bulk to four different consumers without in any instance receiving any certificate on either OPA Form R-510 or OPA Form R-511.

(c) Respondent has violated Ration Order No. 5A, gasoline rationing regulations, in that on July 9, 1942, in its application for service rations for three tank trucks owned and used by it in its business as a dealer and distributor in gasoline, respondent greatly overstated on OPA Form R-536 the number of miles each of its trucks had been driven in its business during the thirty days preceding the date of application. By reason of these overstatements, respondent received service rations for the trucks in amounts greater than those to which it was properly entitled.

(d) Respondent has violated Ration Order No. 5A, gasoline rationing regulations, in that on September 27, 1942, respondent transferred five gallons of gasoline to a consumer and into the fuel tank of a motor vehicle in exchange for a coupon (Class S) which had been previously detached from a coupon book that was not issued for and did not bear the identification of the vehicle into which the transfer was made. Such transfer was not one of the classes of transfers permitted by Ration Order No. 5A to be made without the exchange of gasoline ration coupons.

Because of the great scarcity and critical importance of gasoline in Virginia, the violations of Ration Order No. 5, emergency gasoline rationing regulations and Ration Order No. 5A, gasoline rationing regulations, by respondent have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations by respondent are likely unless appropriate administrative action is taken. *It is therefore ordered:*

(e) During the period in which this Suspension Order No. 172 shall be in effect, respondent shall not directly or indirectly sell, transfer, or deliver any gasoline to any consumer.

(f) Any terms used in this Suspension Order No. 172 that are defined in Ration Order No. 5A, gasoline rationing regulations, shall have the meaning therein given them.

(g) This Suspension Order No. 172 shall become effective 12:01 A. M. December 5, 1942, and unless sooner terminated, shall expire 12:01 A. M. January 4, 1943.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 (7 F.R. 562) and Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216))

Issued this 30th day of November 1942.

PAUL M. O'LEARY,
Deputy Administrator in Charge of Rationing.

[F. R. Doc. 42-12681; Filed, November 30, 1942; 4:56 p. m.]

DEC 8 1942

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 7 NUMBER 236

Washington, Thursday, December 3, 1942

Regulations

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Administration

[ACP-1943]

PART 701—AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SUBPART E—1943

Payments will be made for participation in the 1943 Agricultural Conservation Program (hereinafter referred to as the 1943 program) in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made.

Sec.
701.401 Allotments, yields and grazing capacities.
701.402 War crop goals.
701.403 Production adjustment allowance and deductions.
701.404 Production practice goals, allowances, practices and rates of payment.
701.405 Division of payments and deductions.
701.406 Increase in small payments.
701.407 Payments limited to $10,000.
701.408 Deduction for association expenses.
701.409 Conservation materials.
701.410 General provisions relating to payments.
701.411 Application for payment.
701.412 Appeals.
701.413 State and regional bulletins, instructions, and forms.
701.414 Definitions.
701.415 Authority, availability of funds, and applicability.

AUTHORITY: §§ 701.401 to 701.415, inclusive, issued under secs. 7 to 17, as amended, 49 Stat. 1148, 1915, 50 Stat. 329, 52 Stat. 31, 204, 205; 53 Stat. 550, 573; 54 Stat. 216, 727; Pub. Law 121, 77th Cong.; 16 U.S.C. 590g to 590q.

§ 701.401 *Allotments, yields and grazing capacities.* National and State acreage allotments for corn, cotton, peanuts, rice, and each kind of tobacco, will be established by the Secretary. The national wheat allotment is 55,000,000 acres. The State wheat allotments shall be identical with the 1943 State wheat allotments established June 12, 1942, under Title III of the Agricultural Adjustment Act of 1938, as amended.

County allotments will be determined by the Agricultural Adjustment Agency, with the assistance of the State committee, in accordance with the provisions contained herein. Farm allotments, farm normal yields, and farm grazing capacities shall be determined by the county committee, with the assistance of the appropriate local committees in the county, in accordance with the provisions contained herein and instructions issued by the Agricultural Adjustment Agency.

(a) *Corn*—(1) *County acreage allotments.* County allotments of corn for counties in the commercial corn area shall be determined by distributing the corn allotment established for the commercial-corn area within the State among such counties in such State pro rata on the basis of the acreage seeded for the production of corn plus the acreage diverted from corn under the agricultural adjustment and conservation programs in such counties during the 10 years 1932 through 1941, with adjustments for abnormal weather conditions and trends in acreage.

(2) *Farm acreage allotments.* Corn allotments shall be determined for farms in the commercial area. The allotment for each farm shall be determined on the basis of tillable acreage and crop-rotation practices, as reflected in the usual acreage of corn for the farm, with adjustments of not to exceed 50 percent for types of soil and topography.

For those farms for which the 1942 corn allotments reflect these factors in accordance with the conditions as applicable in 1943, the 1942 allotments may be used in determining 1943 allotments. If the county committee determines that the 1942 allotment for a farm does not reflect these factors in accordance with the conditions applicable in 1943 due to a change in type of farming operations, change in farm land, change in cropland acreage, drought, flood, or any other unusual conditions, an allotment shall be determined which reflects the factors as applicable in 1943. Such allotment shall be determined on the basis of the foregoing factors or the average ratio of 1942 corn allotments to cropland for similar farms in the county.

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Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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The allotment for any farm shall compare with the allotments for other farms in the same community which are similar with respect to the foregoing factors. The corn allotments determined for the farms in a county shall not exceed the county corn allotment.

(3) *Normal yields.* For each farm for which a corn allotment is determined or a deduction with respect to corn is to be computed, a normal yield of corn shall be determined as follows:

(i) Where reliable records of the actual average yields per acre of corn for the 10 years 1932 through 1941 are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields, adjusted for trends in yields and abnormal weather conditions;

(ii) If for any year of such 10-year period reliable records of the actual average yield are not available or there was no actual yield because corn was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, including the yield in years for which data are available, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such 10-year period; and

(iii) The yields determined under subdivision (ii) of this subparagraph (3) shall be adjusted so that the weighted average of the normal yields for all farms in the county shall not exceed the county yield established by the Secretary.

(4) "Commercial corn area or commercial corn-producing area" means counties designated by the Agricultural Adjustment Agency with the approval of the Secretary. This area will include the counties which have produced an average of at least 450 bushels of corn per farm and 4 bushels of corn per acre of farm land during the past 10 years. It will also include bordering counties containing townships producing and likely to produce an average of 450 bushels of corn per farm and 4 bushels of corn per acre of farm land.

(5) "Non-corn-allotment farm" means a farm in the commercial corn area:

(i) For which no corn allotment is determined, or

(ii) For which a corn allotment of 15 acres or less is determined and the acreage planted to corn exceeds the allotment by 10 percent or more.

(6) "Acreage planted to corn" means the acreage of land on which field corn is planted (except any acreage of sown corn used as a cover crop or green manure crop and any acreage of corn used as a trap crop in connection with the control of the European corn borer) and the acreage of sweet corn used for livestock feed: *Provided*, That all or any part of any corn acreage destroyed by causes beyond the control of the operator may be replaced with an equal acreage of corn planted after such destruction and the acreage so replaced shall not be regarded as acreage planted to corn.

(b) *Cotton*—(1) *County acreage allotments.* County cotton allotments shall be determined as follows: The State cotton allotment (less not to exceed 1 percent for use in determining allotments for farms on which cotton will be planted in 1943 but on which cotton was not planted in any of the 3 years 1940 through 1942) shall be prorated among the counties in the State on the basis of the acreage planted to and diverted from cotton during the 5 years 1937 through 1941, adjusted for abnormal weather conditions and for trends in acreage: *Provided*, That there shall be added to the allotment so determined for each county the number of acres required to provide an allotment in such county of not less than 60 percent of the acreage planted to cotton in such county in 1937 plus 60 percent of the acreage diverted from cotton in the county in 1937.

In administrative areas which were treated separately for 1942 and in any additional administrative areas where the Agricultural Adjustment Agency finds that, because of differences in types, kinds, and productivity of the soil or other conditions, one or more of the administrative areas in any county should be treated separately in order to prevent discrimination, the county allotment shall be apportioned pro rata among such administrative areas on the basis of the acreage planted to cotton in 1937 plus the acreage diverted from cotton in 1937, or, if the Agricultural Adjustment Agency determines that conditions affecting the acreage planted to cotton were not reasonably uniform throughout the county in 1937, then on the basis of the cotton base acreages determined under the 1937 Cotton Price Adjustment Payment Plan. Allotments to the farms within each such administrative area shall be made in the manner provided in subparagraph (2) below for the apportionment of county cotton allotments among farms.

(2) *Farm acreage allotments*—(i) *Farms on which cotton was planted during the period 1940–42*—(*a*) *Initial farm acreage allotments.* An initial allotment shall be established for any farm on which cotton was planted in any one of the three years 1940 through 1942 equal to the highest planted plus diverted cotton acreage in any of such years, but not to exceed 5 acres.

(*b*) *Reserve for farms with allotments of 5 to 15 acres.* If the county cotton allotment is more than sufficient to make initial allotments there shall be set aside for adjustment of allotments on farms having allotments of 5 to 15 acres, an amount of not more than 3 percent of the county cotton allotment which remains after making initial allotments.

(*c*) *Apportionment on the basis of tilled acreage.* The county allotment less the acreage required for initial allotments of less than 5 acres and the acreage set aside under inferior subdivision (*b*) above shall be apportioned among farms on which the highest planted plus diverted cotton acreage in any of the three years 1940 through 1942 was 5 acres or more. The apportionment shall be made by multiplying the adjusted acreage of land tilled or in regular rotation on the farm in 1942 by the cotton percentage factor for the county or administrative area. For this purpose the acreage of land tilled or in regular rotation in 1942 shall be adjusted by subtracting therefrom the acreage devoted to the production of sugar cane for sugar; wheat, tobacco, or rice for market; or of wheat or rice for feeding to livestock for market. The cotton percentage factor for the county or administrative area shall be determined by dividing the cotton allotment available for apportionment by the adjusted 1942 acreage of land tilled or in regular rotation on farms with initial allotments of 5 acres or more.

(*d*) *Adjusting farm acreage allotments from 4 percent State reserve.* If the county cotton allotment is insufficient to provide allotments to farms in the county which are determined to be adequate and representative in view of their past production of cotton and their tilled acreage, there shall be apportioned to such farms a part of the 4 percent State reserve, so as to give such farms as adequate and as representative allotments as the State reserve will permit. The acreage apportioned from the 4 percent State reserve shall be used first to provide adequate initial allotments, and thereafter to increase other allotments which are substantially smaller than they would be except for the provision for initial allotments.

(*e*) *Increase of farm acreage allotments for past production.* After allotments have been made from the 4 percent State reserve, as provided in inferior subdivision (*d*) above, the remainder of the State reserve, if any, shall be apportioned to the farms for which the allotment otherwise determined is less than 50 percent of the planted plus diverted cotton acreage on the farm in 1937, and to farms on which the allotment is determined to be inadequate in view of past production.

(*f*) *Distribution of reserve for farms with allotments of 5 to 15 acres.* Any farm allotment of 5 acres or more, but not exceeding 15 acres, may be increased from the reserve established under inferior subdivision (*b*) above. The increase shall be made on the basis of the land, labor, and equipment available for the production of cotton, crop rotation practices and the soil and other physical facilities affecting the production of cotton.

(*g*) *Minimum and maximum farm acreage allotments.* The cotton allotment for any farm shall not exceed the highest planted plus diverted cotton acreage in any one of the three years 1940 through 1942. The cotton allotment for any farm shall not be less than 50 percent of the 1937 planted plus diverted cotton acreage on the farm except that the allotment shall not be increased thereby in excess of 40 percent of the acreage on the farm which in 1942 was tilled or in regular rotation. The allotment required to meet this minimum shall be in addition to the county cotton allotment and the 4 percent State reserve.

(*h*) *Use of 1942 allotment for 1943.* Notwithstanding any other provision of this subparagraph (2) in accordance with instructions issued by the Agricultural Adjustment Agency, the 1943 farm cotton allotment shall be the 1942 cotton allotment adjusted for changes in tilled acreage and highest planted plus diverted acreage.

(*i*) *Reducing allotments for overplantings.* In California the cotton allotment determined in accordance with the foregoing provisions shall be decreased by two-thirds for any farm for which no cotton allotment was determined for 1942 but on which cotton was planted in 1942, and by two-thirds of the amount of the increase in the cotton allotment resulting from overplanting in 1942 of the cotton allotment determined for the farm for 1942.

(*j*) *Reapportionment of unused farm acreage allotments.* After making the cotton allotments according to the foregoing provisions of this subparagraph (2), any part of the cotton allotment apportioned to any farm which the operator releases to the county committee because it will not be planted to cotton in 1943 shall be deducted from the allotment to such farm and the acreage so deducted may be apportioned to other cotton farms in the State, preference being given to farms in the same county receiving allotments which are inadequate and not representative in view of the past production of cotton on each farm. In such apportionment the county committee shall consider only the character and adaptability of the soil and other physical facilities affecting the production of cotton and the need of the operator of the farm for an additional allotment to meet the requirements of the families engaged in the production of cotton in 1943 on the farm: *Provided*, That the cotton allotment for any farm shall not be increased under this item to more than 40 percent of the acreage on such farm which is tilled annually or in regular rotation.

(ii) *Farms on which cotton was not planted during the period 1940–42.* Allotments for farms on which cotton will be planted in 1943 but on which cotton was not planted in any of the three years 1940 through 1942 will be determined on the basis of land, labor, and equipment available for the production of cotton, crop-rotation practices, and the soil and other physical facilities affecting the production of cotton, taking into consideration also the producer's farming plans. As a reflection of the several factors to be taken into consideration, the acreage on the farm which will be tilled in 1943 or was tilled in 1942 will be the basic index of the farm's capacity for cotton production: *Provided*, That the allotment shall not exceed an acreage equal to 50 percent of the county cotton factor, times the adjusted tilled acreage in the farm, except that (*a*) for any such farm with respect to which the county committee recommends an allotment of less than 3 acres such recommendation shall be the cotton allotment for the farm if the State reserve for new farms is sufficient therefor, or for any such farm with respect to which the county committee recommends an allotment of 3 acres or more the allotment for the farm shall not be less than 3 acres if the State reserve for new farms is sufficient therefor, taking into consideration also the local committee's recommendation, and (*b*) for a farm on which the operator was, in 1942, a producer of cotton on land subsequently removed from agricultural production because of acquisition by a State or Federal agency or for use in connection with the national defense program, the county cotton factor times the adjusted tilled acreage for the farm may be regarded as the basic index of the farm's capacity for cotton production. The sum of the allotments for all such farms in the State shall not exceed the State reserve therefor.

(3) *Normal yields.* For each farm for which a cotton allotment is determined or a deduction with respect to cotton is to be computed, a normal yield of cotton shall be determined as follows:

(i) Where reliable records of the actual average yield of cotton per acre for the 5 years 1937 through 1941 are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields, adjusted for abnormal weather conditions;

(ii) If for any year of such 5-year period records of the actual average yield are not available or there was no actual yield because cotton was not produced on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, including the yield in years for which data are available, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the committee determines to be the yield which was or could reasonably have been expected on the farm for such 5-year period; and

(iii) The yields determined under this subparagraph (3) shall be adjusted so that the weighted average of the normal yields determined for all farms in the county or administrative area shall not exceed the county or administrative area yield established by the Secretary.

(4) "Acreage planted to cotton" means all land seeded to cotton, except that the acreage planted to cotton on any farm shall not exceed the largest of the cotton allotment, the acreage of cotton on the farm when performance is determined, or the acreage of cotton which reaches the stage of growth at which bolls are first formed: *Provided*, That any acreage on which all of the cotton produced is determined to staple $1\frac{1}{2}$ inches or more in length will not be considered as planted to cotton. (Cotton produced from pure strains of Sea Island or American-Egyptian seed will be considered to staple $1\frac{1}{2}$ inches or more in length, provided all such cotton is ginned on a roller gin.)

(c) *Peanuts*—(1) *Farm acreage allotments.* Peanut allotments shall be determined for all farms for which a 1942 peanut allotment was or could have been determined and on which peanuts were produced during any of the 3 years 1940 through 1942, on the basis of the average acreage of peanuts grown on the farm in the 3 years 1940 through 1942, and the tillable acreage available for the production of peanuts on the farm, taking into consideration the peanut allotments determined for the farm under previous agricultural conservation programs and other crop allotments determined for the farm for 1943; *Provided, however*, That any acreage of peanuts harvested in excess of the 1941 or 1942 farm peanut allotment shall not be considered in determining the 1943 peanut allotment.

For those farms for which the 1942 peanut allotment reflects the above factors in accordance with conditions as applicable in 1943, the 1942 allotments may be used in determining 1943 allotments. The allotment for any farm shall compare with the allotments for other farms in the same community which are similar with respect to the foregoing factors. The peanut allotments determined for all farms in the State shall not exceed the State peanut allotment.

(2) *Normal yields.* For each farm for which a peanut allotment is determined a normal yield of peanuts shall be determined as follows:

(i) Where reliable records of the actual average yield of peanuts per acre for the 5 years 1937 through 1941 are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields, adjusted for abnormal weather conditions;

(ii) If for any year of such 5-year period records of the actual average yield are not available or there was no actual yield because peanuts were not produced on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, including the yield in years for which data are available, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the committee determines to be the yield which was or could reasonably have been expected on the farm for such 5-year period; and

(iii) The yields determined under this subparagraph (2) shall be adjusted so that the weighted average of the normal yields determined for all farms in the county shall not exceed the county yield established by the Secretary.

(3) "Acreage of peanuts" means the acreage of land from which peanuts are harvested for nuts on any farm on which any peanuts are picked or threshed.

(d) *Rice*—(1) *Farm acreage allotments*—(i) *Farms tilled by producers who produced rice during period 1938–42.* The allotment for a farm tilled by a producer who participated in the production of rice in one or more of the 5 years 1938 through 1942, and who will participate in the production of rice in 1943, shall be determined on the basis of his past production of rice as reflected in the average acreage of rice for the 5 years 1938 through 1942, adjusted to the acreage on the farm adapted to the production of rice, taking into consideration crop rotation practices, soil fertility, the acreage diverted under previous agricultural conservation programs and other physical factors affecting the production of rice, including the water facilities, labor, and equipment available for the production of rice on the farm.

(ii) *Farms tilled by producers who have not produced rice since 1937.* An acreage not to exceed 3 percent of the State rice allotment shall be apportioned as farm allotments among farms tilled by producers who are participating in the production of rice in 1943 for the first time since 1937, on the basis of the applicable standards of apportionment set forth in subdivision (i), except that the rise allotment for any such farm shall not exceed 75 percent of the rice allotment that would have been made for the farm had such person(s) participated in the production of rice in one or more of the 5 years 1938 through 1942.

The sum of the rice allotments in a State shall not exceed the State rice allotment.

(2) *Normal yields.* For each farm for which a rice allotment is determined a normal yield for rice shall be determined as follows:

(i) Where reliable records of the actual average yield of rice per acre for any 5 consecutive years 1937 through 1942 are presented by the farmer or are available to the committee, the normal yield of rice for the farm shall be the average of such yields.

(ii) If for any year of such 5-year period, records of the actual average yield are not available or there was no actual yield because rice was not produced on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts including the yield in the years for which data are available, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such 5-year period.

(iii) If the weighted average of the normal yields for all farms in the State exceeds the average yield per acre for the State during the 5 years 1938 through 1942 established by the Secretary, the normal yields for all such farms shall be reduced pro rata so that the weighted average of such normal yields shall not exceed such State average yield.

(e) *Tobacco*—(1) *Farm acreage allotment.* The State allotment for each kind of tobacco, except flue-cured and Burley, shall be allotted among farms in the State on which such kind of tobacco was produced in one or more of the 5 years 1938 through 1942, on the basis of the acreage allotments determined for the farms for 1942, with such adjustments as will take into account changes since 1940 in the past acreage of tobacco (harvested and diverted); land, labor, and equipment available for the production of tobacco; crop-rotation practices; the soil and other physical factors affecting the production of tobacco; and adjustments for small farms.

In the case of flue-cured and Burley tobacco, for farms on which such kind of tobacco was produced in one or more of the 5 years 1938 through 1942, the allotments for 1943 shall be determined by increasing or decreasing each 1942 farm allotment by the same percentage by which the 1943 national marketing quota for the respective kind of tobacco is increased or decreased from the 1942 national marketing quota; *Provided*, That no farm allotment shall be reduced by more than 10 percent below the 1940 farm allotment; no flue-cured allotment shall be decreased below the smaller of 2 acres or the 1940 allotment; and no Burley allotment shall be decreased below the larger of (i) the 1939 allotment if such allotment was one-half acre, or less, or (ii) the 1940 allotment, if such allotment was not over 1 acre, except that if the 1939 allotment was more than one-half acre and the 1940 allotment was less than one-half acre, the 1943 allotment shall be one-half acre.

In the case of each kind of tobacco for which marketing quotas are in effect for 1943 an acreage not in excess of 2 percent of the total acreage allotted to all farms in each State for 1940 shall be available to county committees for making adjustments in accordance with marketing quota regulations prescribed by the Secretary. The county committees may use this acreage to increase farm allotments where such increase is necessary in order to make them comparable with allotments determined for other farms which are similar with respect to past acreage of tobacco (harvested and diverted); land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco.

For any farm for which the 1942 tobacco allotment was reduced because of a marketing quota violation, the original 1942 allotment as determined before such reduction shall be used in determining the 1943 allotment.

Notwithstanding any foregoing provision, any tobacco allotment may, in the case of violation of the marketing quota regulations for the 1942–43 marketing year, be decreased by the percentage which the amount of tobacco involved in the marketing quota violation is of the farm marketing quota.

Allotments shall be determined for farms on which tobacco is produced in 1943 for the first time since 1937 insofar as acreage is available from the national reserve for such farms, on the basis of the tobacco-producing experience of the farm operators; land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco. The allotment determined for any such farm shall not exceed 75 percent of the allotment determined for a farm which is similar with respect to land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco.

(2) *Normal yields.* For each farm for which a tobacco allotment is determined or a deduction with respect to tobacco is to be computed, a normal yield for tobacco shall be determined as follows:

(i) The normal yield for any farm on which tobacco was produced in one or more of the 5 years 1938 through 1942 shall be determined on the basis of the normal yield determined for the farm for 1942, or on the basis of the yields of tobacco made on the farm in the 5 years 1937 through 1941, taking into consideration the soil and other physical factors affecting production of tobacco on the farm and the yields obtained on other farms in the locality which are similar with respect to such factors.

(ii) The normal yield for any farm on which tobacco is produced in 1943 for the first time since 1937 shall be that yield per acre which is fair and reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

(iii) The weighted average of the normal yields for all farms in each county shall not exceed the yield established for the county by the Secretary.

(f) *Wheat*—(1) *County acreage allotments.* County allotments shall be determined by distributing the State allotment, less reserves for adjustments, among the counties in the State pro rata on the basis of the acreage seeded for the production of wheat plus the acreage diverted in such counties during the 10 years 1932 through 1941, with appropriate adjustments for abnormal weather conditions and trends in acreage.

(2) *Farm acreage allotments.* Farm allotments shall be determined for farms on which wheat was planted for harvest in one or more of the 3 years 1940 through 1942 and for which the allotment is 10 acres or more, on the basis of tillable acreage and crop-rotation practices, as reflected in the usual acreages of wheat on the farms, with adjustments of not to exceed 25 percent on account of the types of soil and topography. In areas recommended by the State committee and approved by the Agricultural Adjustment Agency, a figure below 10 acres may be set as the minimum above which allotments will be determined for all farms. An allotment will be determined for any farm for which the allotment would be less than the approved minimum upon written request of the operator before a date to be specified by the regional director upon recommendation by the State committee.

The usual acreage shall be the average annual acreage of wheat seeded for harvest plus the acreage diverted from the production of wheat during three or more consecutive years of the 8 years 1935 through 1942. Years in which the acreage seeded to wheat was abnormally low due to extreme flood or drought; was not typical of the farm for 1943 due to customary crop-rotation practices, a change in such practices, or a change in the acreage of cropland on the farm; or was abnormally high due to failure of crops other than wheat, shall be eliminated in determining the usual acreage. If all the years of the period are either thus eliminated or eliminated for lack of data, the usual acreage shall be appraised by comparing the farm with other farms in the community or county which are similar with respect to crop-rotation practices, tillable acres, type of soil, and topography, and for which usual acreages have been determined, or by the ratio of wheat acreage to cropland in the community or in the county. For those farms for which the usual acreage used in determining 1942 wheat allotments satisfy the foregoing conditions, the 1942 usual wheat acreages may be used in determining 1943 wheat allotments, taking into consideration the seeded wheat acreages (adjusted for participation) in the next successive year after the last year used in determining the 1942 usual acreage, if necessary to obtain the proper relationship between farms. Usual acreages may be adjusted, if not representative for 1943, by comparison with a farm or group of farms for which the usual acreages are representative for 1943. Not less than 97 percent of the county allotment, less appropriate reserves, shall be apportioned on the basis of the usual acreages so determined.

Allotments for farms on which wheat will be seeded for harvest in 1943 but on which wheat was not seeded for harvest in any of the 3 years 1940 through 1942 will be determined on the basis of tillable acreage, crop rotation practices, and types of soil and topography taking into consideration the producer's farming plans for 1943. Not more than 3 percent of the county wheat allotment shall be apportioned to such farms in a county.

The wheat allotment for any farm shall compare with the wheat allotment determined for other farms in the same community which are similar with respect to the foregoing factors, and the wheat allotments determined for farms in a county shall not exceed their proportionate share of the county allotment.

(3) *Normal yields.* For each farm for which a wheat allotment is determined or a deduction with respect to wheat is to be computed, a normal yield shall be determined as follows:

(i) Where reliable records of the actual average yields per acre of wheat for the 10 years 1932 through 1941 are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for trends and abnormal weather conditions.

(ii) If for any year of such 10-year period reliable records of the actual average yield are not available or there was no actual yield on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, including the yield for years for which data are available, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such 10-year period.

(iii) The yields determined under subdivision (ii) of this subparagraph (3) shall be adjusted so that the weighted average of the normal yields for all farms in the county shall not exceed the county yield established by the Secretary.

(4) "Non-wheat allotment farm" means any farm:

(i) For which no wheat allotment is determined;

(ii) For which a wheat allotment of 15 acres or less is determined and the acreage planted to wheat exceeds the allotment by 10 percent or more;

(iii) From which no wheat is sold from the farm and the acreage of wheat normally harvested for any purpose after reaching maturity is not in excess of 3 acres per family living on the farm and having an interest in the wheat crop grown thereon and the county committee approves, in accordance with instructions issued by the Agricultural Adjustment Agency, the classification of such farm for the purposes of the 1943 program as a non-wheat allotment farm; or

(iv) For which a wheat allotment of more than 15 acres is determined and on which wheat is normally planted for green manure, hay, or pasture, or will be planted for such use in 1943, and the county committee approves, in accordance with instructions issued by the Agricultural Adjustment Agency, the classification of such farm for the purposes of the 1943 program as a non-wheat-allotment farm.

(5) "Acreage planted to wheat" means:

(i) Any acreage of land devoted to seeded wheat except when such crop is seeded in a mixture designated by the Agricultural Adjustment Agency upon recommendation of the State Committee as a mixture which may reasonably be expected to produce a crop containing such proportions of plants other than wheat that the crop cannot be harvested as wheat for grain or seed;

(ii) Any acreage of volunteer wheat which reaches maturity, except that on any farm on which the acreage seeded to wheat does not exceed the wheat allotment, the acreage of wheat in excess of the wheat allotment shall not be considered as acreage planted to wheat, if the wheat produced on the farm which is subject to marketing quota penalty is placed in farm storage or delivered to the Secretary pursuant to marketing quota regulations; and

(iii) Any acreage of land which is seeded to a mixture containing wheat designated under subdivision (i) above on which the crops other than wheat fail to reach maturity and the wheat reaches maturity:

Provided, That all or any part of any wheat acreage destroyed by causes beyond the control of the operator may be replaced with an equal acreage of wheat seeded after such destruction or by an equal acreage of volunteer wheat, and the acreage so replaced shall not be regarded as acreage planted to wheat.

(g) *Miscellaneous*—(1) *Correction of errors.* Notwithstanding any other provision of this section, where the Agricultural Adjustment Agency finds that an error in a county or State office resulted in an allotment or yield for a farm which is substantially less than that which would otherwise have been determined, the correction of such allotment or yield may be authorized without requiring a redetermination of other farm allotments or yields in the county, unless such error has resulted in farm allotments or yields for other farms in the county which are substantially higher than they otherwise would have been.

(2) *Errors in measurement.* Where a farmer relied solely upon the measured acreage furnished to him in writing by the county committee in planning his 1943 farming operations or in adjusting his 1943 crop acreages, such measured acreage may be used in determining compliance with the provisions of the 1943 program even though it subsequently proves to be incorrect.

(3) *Erroneous notice of acreage allotments.* Notwithstanding the deduction provisions of § 701.403, in any case where, through error in a county or State office, the producer was officially notified of an allotment for a commodity larger than the finally approved allotment for that commodity and the county and State committees find, if the notice was in writing, or the county and State committees, with the approval of the regional director, find, if the notice was not in writing, that the producer, acting in good faith upon the information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved allotment, the producer will not be considered to have exceeded the allotment for such commodity unless he planted an acreage to the commodity in excess of the acreage stated in the notice erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of that stated in the notice erroneously issued.

(4) *Reallocation of allotments due to displacement of producers.* Except as provided in the next two succeeding paragraphs, the crop allotment for any land which is removed from agricultural production because of acquisition by a State or Federal agency or for use in connection with the national war effort shall be available to the State committee for use in providing equitable allotments for farms on which the crop was grown in one or more of the three years 1940 through 1942 and which are operated by persons who were producers of such crop on the land so removed from agricultural production. Insofar as possible the allotments for farms operated by such persons shall be comparable to the allotments for other farms in the locality taking into consideration the allotments for the land removed from agricultural production.

In the case of cotton and wheat, the allotment determined, or which would have been determined, for any land acquired in 1940 or thereafter by any Federal agency for war purposes shall be placed in a State pool and shall be used only for making equitable allotments for farms owned or acquired by owners dispossessed by a Federal agency because of acquisition of the farm for war purposes. The allotment made for any such farm, including farms on which such crop was not planted during any of the three years 1940 through 1942, shall compare with the allotments for such crops established for other farms in the same area which are similar except for the past acreage of such crop, taking into consideration the character and adaptability of the soil and other physical facilities affecting the production of the crop.

In the case of tobacco, the allotment determined, or which would have been determined, for any land acquired in 1940 or thereafter by any Federal agency for war purposes shall be placed in a State pool and shall be used only for making equitable allotments for farms owned or acquired by owners dispossessed by a Federal agency because of acquisition of the farm for war purposes. Upon application to the local committee, any person so dispossessed shall be entitled to have an allotment for any one of the farms owned or acquired by him equal to an allotment which would have been made to such farm plus the allotment which would have been made to the farm acquired by the Federal agency; *Provided*, That such allotment shall not exceed 50 percent of the acreage of cropland in the farm in the case of flue-cured tobacco, and 20 percent of the acreage of cropland in the farm in the case of other kinds of tobacco: *Provided further*, That this paragraph shall not apply so long as there is any marketing quota penalty due and unpaid, or a failure to account for the disposition of tobacco produced on the farm acquired by a Federal agency, or if the allotment established for such farm in 1943 would have been reduced because of the false or improper identification of tobacco produced on or marketed from each farm.

(h) *Determination of grazing capacities.* In the North Central and Western Regions, and in Texas and Oklahoma in the Southern Region, there shall be determined a grazing capacity for range land and noncrop open pasture land in accordance with instructions issued by the Agricultural Adjustment Agency. In determining grazing capacity, consideration shall be given to the following: composition, palatability, and density of forage growth; climatic fluctuations; distribution and character of watering facilities; topographic and cultural features; presence or absence of rodents and poisonous plant infestations; and number and classes of livestock previously carried. In counties where individual grazing capacities are determined the average of the individual grazing capacities determined for all range land and noncrop open pasture land in a county shall not exceed the county average grazing capacity limit determined by the Agricultural Adjustment Agency on the basis of available statistics.

§ 701.402 *War crop goals*—(a) *National and state goals.* National and State war crop goals will be established by the Secretary. In any area war crops shall include those crops for which the Agricultural Adjustment Agency determines that the 1943 goal is substantially greater than would normally be produced in the area.

(b) *County goals.* County war crop goals shall be determined by the State Committee by distributing the State goals among counties in the State in accordance with the instructions issued by the Agricultural Adjustment Agency, on the basis of the adaptability of the soil, availability of cropland, equipment, labor, and the acreage and production of each war crop in the county during recent years and other related factors. The sum of the county goals for any war crop shall not be less than the coresponding State goal.

(c) *Farm goals.* Farm war crop goals shall be determined by the county committee with the assistance of local committees by distributing the county goals in accordance with instructions issued by the Agricultural Adjustment Agency, on the basis of adaptability of the soil, availability of cropland, equipment, labor, and the acreage and production of each war crop on the farm during recent years, and other related factors. The sum of the farm goals for each war crop shall not be less than the corresponding county goal except in counties where the Agricultural Adjustment Agency determines that the county goal is higher than it would be except for the assumption that war crops will be substituted for special crops. In such counties the sum of the farm goals for each war crop and the acreage of such war crop which it was assumed would be substituted for special crops shall not be less than the corresponding county goal.

§ 701.403 *Production adjustment allowance and deductions*—(a) *The farm production adjustment allowance.* The farm production adjustment allowance shall be the sum of the following:

(1) *Corn on a corn-allotment farm.* ---- cents per bushel of the normal yield of corn for the farm for each acre in the corn allotment.

(2) *Cotton.* ---- cents per pound of the normal yield of cotton for the farm for each acre in the cotton allotment.

(3) *Peanuts.* $---- per ton of the normal yield of peanuts for the farm for each acre in the peanut allotment.

(4) *Rice.* ---- cents per 100 pounds of the normal yield of rice for the farm for each acre in the rice allotment.

(5) *Tobacco.* The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in the tobacco allotment:

Burley	------
Flue-cured	------
Dark air-cured	------
Fire-cured	------
Virginia sun-cured	------
Cigar-filler, Type 41	------
Cigar-filler and binder (except types 41 and 45)	------
Georgia-Florida, Type 62	------

(6) *Wheat on a wheat-allotment farm.* ---- cents per bushel of the normal yield of wheat for the farm for each acre in the wheat allotment.

(b) *Deductions for failure to have acreage equal to 90 percent of allotted acreage.* Deductions for failure to have an acreage of any special crop equal to 90 percent of the allotment for such crop shall not exceed that part of the farm production adjustment allowance computed for that crop. No deduction shall be made where the county committee finds, in accordance with instructions issued by the Agricultural Adjustment Agency, that the failure to have an acreage of the crop equal to 90 percent of the allotment is due to flood, drought, hail, insects, or plant bed diseases. For the purpose of this provision any acreage of war crops in excess of 90 percent of the sum of the war crop goals may be substituted acre for acre for any special crop and in areas designated by the Agricultural Adjustment Agency any acreage of feed crops designated by the Agricultural Adjustment Agency in excess of the usual acreage may be substituted acre for acre for any acreage of wheat. If more than one special crop on a farm is subject to a deduction under this provision, any substitution of feed crop acreage for wheat acreage shall be made first. Thereafter the acreage of war crops available for substitution shall be substituted for the special crop or crops which will result in the largest payment for the farm. These deductions shall be determined as follows:

(1) *Corn on a corn-allotment farm.* Five times the payment rate for each acre by which the acreage planted to corn is less than 90 percent of the corn allotment.

(2) *Cotton.* Five times the payment rate for each acre by which the acreage planted to cotton is less than 90 percent of the cotton allotment.

(3) *Peanuts.* Five times the payment rate for each acre by which the acreage of peanuts is less than 90 percent of the peanut allotment.

(4) *Rice.* Five times the payment rate for each acre by which the acreage planted to rice is less than 90 percent of the rice allotment.

(5) *Tobacco.* Five times the payment rate for each acre by which the harvested acreage of each type of tobacco is less than 90 percent of the respective tobacco allotment.

(6) *Wheat on a wheat allotment farm.* Five times the payment rate for each acre by which the acreage planted to wheat is less than 90 percent of the wheat allotment.

(c) *Deduction for failure to achieve 90 percent of the sum of the war crop goals.* The deduction for failure to achieve 90 percent of the sum of the war crop goals shall be made only from the farm production adjustment allowance. The deduction shall be limited to that portion of the farm production adjustment allowance remaining after the deductions provided for in paragraph (b) above have been made. No deduction shall be made where the county committee finds, in accordance with instructions issued by the Agricultural Adjustment Agency, that the failure to achieve 90 percent of the sum of the war crop goals is due to flood or drought. The deduction will be $15.00 for each acre by which the sum of the acreage planted to war crops on the farm is less than 90 percent of the sum of the war crop goals for the farm.

(d) *Deductions for exceeding allotments.* Deductions for exceeding allotments shall be made from the remainder of the farm production adjustment allowance after any deductions provided for in paragraphs (b) and (c) above have been made. If the deductions for exceeding allotments are in excess of the remainder of the farm production adjustment allowance, each person's share of the excess after proration of net deductions shall be deducted from such person's share in the production adjustment payment for any other farm in the county, and may be deducted from such person's share of the production adjustment payment for any other farm in the State, if the State committee finds that the crops grown on the farm or farms with respect to which such deductions are computed substantially offset the contribution to the program made on such other farm or farms. These deductions shall be determined as follows:

(1) *Corn*—(i) *Corn on a corn allotment farm.* Ten times the payment rate for each acre planted to corn in excess of the corn allotment. The deduction for excess corn acreage shall not exceed that part of the farm production adjustment allowance computed with respect to corn plus 10 times the payment rate for each acre planted to corn in excess of ---- percent of the corn allotment.

(ii) *Corn on a non-corn-allotment farm.* Ten times the payment rate for each acre planted to corn in excess of 15 acres or ---- percent of the corn allotment, whichever is larger.

(2) *Cotton.* Ten times the payment rate for each acre planted to cotton in excess of the cotton allotment.

(3) *Tobacco.* Ten times the payment rate for each acre of tobacco harvested in excess of the applicable tobacco allotment.

(4) *Wheat*—(i) *Wheat on a wheat allotment farm.* Ten times the payment rate for each acre planted to wheat on the farm in excess of the wheat allotment.

(ii) *Wheat on a non-wheat-allotment farm.* Ten times the payment rate for each acre of wheat on the farm harvested for grain, or for any other purpose after reaching maturity, in excess of the larger of 15 acres or the wheat allotment, or in areas designated by the Agricultural Adjustment Agency in excess of the largest of 15 acres, the wheat allotment, or if no wheat is sold from the farm, three acres per family living on the farm and having an interest in the wheat crop grown thereon.

(e) *Miscellaneous deductions.* The following miscellaneous deductions shall be regarded as personal deductions and shall be made from any payment with respect to the same or any other farm determined for the person responsible therefor. These deductions shall be made after payments have been increased in accordance with the provisions of § 701.406 hereof and after deductions for county association expenses as provided in § 701.408 hereof.

(1) *Deduction for failure to prevent wind or water erosion.* $1.00 for each acre of land in any area designated by the Agricultural Adjustment Agency as subject to serious wind or water erosion hazards with respect to which there are not adopted in 1943 methods recommended by the county committee and approved by the State committee for the prevention of wind or water erosion, or both.

(2) *Deduction for breaking up permanent vegetative cover.* $3.00 for each acre of native sod, or any other land on which a permanent vegetative cover has been established, broken out during the 1943 program year in any area designated by the Agricultural Adjustment Agency as an area subject to serious wind erosion unless the acreage was broken out with the approval of the county committee for the planting of forest trees or the county committee determines in accordance with standards established by the State committee with approval of the Agricultural Adjustment Agency that the land broken out is suited to the continuing production of cultivated crops and will not become a wind erosion hazard to the community.

(3) *Deduction for failure to maintain practices under previous programs.* Where the county committee, in accordance with instructions of the State committee, determines that any terrace constructed, water development established, forest trees planted, or pasture established under any previous agricultural conservation program are not maintained in accordance with good farming practices; that any seeding of perennial legumes or grasses is destroyed contrary to good farming practice; or that the effectiveness of any soil-building practice carried out under any previous program is destroyed during the 1943 program year contrary to good farming practice, a deduction shall be made equal to the payment that would be made under the 1943 program for a similar amount of such practice.

§ 701.404 *Production practice goals, allowances, practices and rates of payment*—(a) *National goal.* The national goal is the conservation of farm and range land, the restoration, insofar as is practicable, of a permanent vegetative cover on land unsuited to the continued production of cultivated crops, the carrying out of production practices that will conserve and improve soil fertility, will promote conservation and better utilization of water, will conserve and increase range and pasture forage, will prevent wind and water erosion, and will increase production of agricultural commodities required in the war effort.

(b) *County goals.* County goals may be established for particular production practices which are most needed in the county in order to conserve and improve soil fertility, improve range and pasture land, prevent wind and water erosion, promote conservation and better utilization of water and increase the production of agricultural commodities required in the war effort. The county committee, with the approval of the State committee, may designate those practices which will be approved for payment in the county in order that the production practice allowance will be used most effectively to bring about added conservation and to secure the carrying out of production practices most needed on farms in the county.

The county committee, with the approval of the State committee, may specify for any group of farms in the county a proportion of the production practice allowance which may be earned only by carrying out designated production practices which are most needed and are not routine.

(c) *Farm goals.* Insofar as practicable, the county committee shall determine for individual farms practices to be carried out which are not routine farming practices on the farm, but which are needed on the farm in order to conserve and improve soil fertility and prevent wind and water erosion and which will tend to accomplish the goals established for the county with respect to particular production practices.

(d) *Area production practice allowance.* The production practice allowance for any area shall be the total amount which the Agricultural Adjustment Agency estimates would be earned in the area if the production practice allowance for each farm in the area were determined in accordance with the formula for determining farm soil-building allowances contained in the 1942 Agricultural Conservation Program Bulletin.

(e) *Farm production practice allowance.* The production practice allowance is the maximum amount of payment that may be made for carrying out production practices on the farm. With prior approval of the State committee, landlords, tenants or sharecroppers in any local area may combine by written agreement all or any part of the production practice allowances for their farms for the performance of any practices which the State committee determines are necessary to conserve the agricultural resources of the community and such practices must be carried out on one or more of the farms included in the agreement.

(1) *Farms in the North Central Region.* A preliminary production practice allowance shall be determined for farms in the North Central Region and shall be the sum of the following:

(i) 75 cents per acre of cropland on the farm in excess of the acreage allotments determined for the farm.

(ii) $2.00 per acre of commercial orchards on the farm.

(iii) $1.00 per acre of the normal commercial vegetable acreage on the farm.

(iv) A county flat rate per acre of noncrop open pasture land on the farm, based upon 2 cents per acre of such pasture land in the county plus 90 cents for each animal of grazing capacity but not less than 8 cents times the number of such acres, or 8 cents times 2,000 acres, whichever is smaller.

Provided, however, That the preliminary production practice allowance for any farm shall not be less than $20.00.

The county committee may increase or decrease the preliminary production practice allowance determined for the farm by not more than 30 percent on the basis of the type and degree of erosion, the topography of the land, the type of soil, the type of farm, the acreage in war crop goals, the need for maintaining and increasing soil fertility, the need for and practicability of water conservation, and the availability of labor, equipment, and material required in carrying out needed practices. The sum of the preliminary production practice allowances for all farms in the county after making these adjustments shall not exceed an amount determined by the State committee with the approval of the regional director, and for all counties in the region, shall not exceed the sum of the preliminary production practice allowances.

The final production practice allowance for any farm shall be the adjusted preliminary production practice allowance for the farm plus the smaller of the amount earned by planting trees or $15.00

(2) *Farms in the Western Region.* A preliminary production practice allowance shall be determined for farms in the Western Region and shall be the sum of the following:

(i) 75 cents per acre of cropland on the farm in excess of the acreage allotments determined for the farm.

(ii) $2.00 per acre of commercial orchards on the farm.

(iii) $1.00 per acre of commercial vegetables on the farm in 1942.

(iv) 8 cents per acre for each acre of grazing land on the farm, up to and including 2000 acres, plus 5 cents per acre for each acre of grazing land in excess of 2000 acres.

(v) 30 cents per acre of mountain meadowland (applicable only in counties designated by the regional director as counties in which erosion-control practices are necessary and effective in promoting mountain meadowland conservation).

Provided, however, That the preliminary production practice allowance for any farm shall not be less than $20.00.

In determining the final production practice allowance for any farm, the county committee may increase or decrease the preliminary production practice allowance determined for the farm in accordance with the foregoing factors by not more than 30 percent on the basis of the type and degree of erosion, the topography of the land, the type of soil, the type of farming, the acreage in war crop goals, the need for maintaining and increasing soil fertility, the need for and practicability of water conservation, and the availability of labor, equipment and material required in carrying out needed practices. The sum of the final production practice allowance for all farms in the county shall not exceed an amount determined by the State committee with the approval of the regional director, and for all counties in the region, shall not exceed the sum of the preliminary production practice allowances.

(3) *Farms in the Northeast Region.* In the Northeast Region a production practice allowance will be established only for farms on which in 1942 there are at least 5 animal units, at least 300 pullets ranged, at least 3 acres of vegetables, potatoes, tobacco, small fruits, and commercial orchards, or at least 10 acres of cropland and commercial orchards. "Animal unit," for the purpose of this subparagraph (3), means 1 dairy or beef animal over 2 years, 2 dairy or beef calves under 2 years, and 5 goats, sheep or lambs. The production practice allowance for any farm shall be the sum of the following:

(i) The allowance for liming materials, phosphate, and potash will be the sum of the following:

(*a*) The larger of $2.50 per animal unit belonging on the farm at the time of enrollment, if there are on the farm at least 5 animal units, *or* $2.50 per 100 pullets ranged in 1942, not to exceed $5.00 per acre of pullet range used on the farm in 1942, if at least 300 pullets were ranged.

(*b*) 40 cents per acre of cropland and commercial orchards in excess of 5 acres, for each unit used in computing the allowance under inferior subdivision (*a*), if there are in the farm at least 10 acres of cropland and commercial orchards.

(*c*) 80 cents per acre of vegetables, potatoes, small fruits, and commercial orchards on the farm in 1942, if there were at least 3 acres of one or more of these on the farm.

(ii) The allowance for other approved practices shall be the extent of such practices times the approved rates therefor.

(4) *Farms in the East Central Region.* The production practice allowance for farms in the East Central Region shall be the sum of the following:

(i) 75 cents per acre of cropland on the farm, exclusive of the average acreage of cropland subject to overflow in counties designated by the State committee and approved by the regional director.

(ii) 40 cents per acre of fenced noncrop open pasture land on the farm in excess of one-half the acreage of cropland. The pasture land must be capable of maintaining during the normal pasture season at least one animal unit for each 5 acres.

(iii) $2.00 per acre of commercial orchards on the farm.

(iv) $1.00 per acre of commercial vegetables grown on the farm in 1940 if the acreage grown was 3 acres or more.

Provided, however, That if the sum of the amounts determined on the basis

of the foregoing factors for any farm is less than $20.00, the county committee may adjust the production practice allowance for the farm upward to an amount not in excess of $20.00 if it determines that the farm will be operated in 1943; the practices to be performed thereon in 1943 will contribute toward sound conservation and the national war effort; and the land, labor, and equipment available on the farm are sufficient to permit the carrying out of practices in a workmanlike manner, except that in no case shall the allowance as adjusted exceed the sum of $3.00 per acre of cropland and $1.50 per acre of noncrop open pasture land.

(5) *Farms in the Southern Region.* The production practice allowance for any farm in the Southern Region shall be the sum of the items listed under the name of the State in which the farm is located: *Provided,* That for any farm with respect to which the sum of the production adjustment allowance and the amounts computed for the production practice allowance is less than $20.00, the production practice allowance shall be increased by the amount of the difference.

Alabama

(i) $1.00 per acre of cropland on the farm.

(ii) 25 cents per acre of fenced noncrop open pasture land on the farm in 1942.

(iii) $1.50 per acre of commercial orchards (excluding tung orchards) on the farm in 1942.

(iv) The smaller of $5.00 per acre of tung orchards (excluding old nonbearing orchards) or the amount earned by carrying out in tung orchards production practices designated by the regional director and approved by the Agricultural Conservation and Adjustment Administration.

Arkansas

(i) The allowance for establishing and improving permanent pasture, developing a continuous system of grazing, contour furrowing pasture land, construction of terraces and outlets, and establishing vegetative waterways, shall be the extent of such practices times the approved rates therefor.

(ii) The allowance for other practices shall be the sum of the following:

(*a*) $1.00 per acre of cropland on the farm in excess of the sum of the special crop allotments.

(*b*) $2.00 per acre of commercial orchards on the farm in 1942.

(*c*) 15 cents per acre of fenced noncrop open pasture land on the farm in 1942.

Florida

(i) The allowance for establishing a permanent vegetative cover by planting sod pieces, seeding permanent pasture, construction of terraces, and green manure and cover crops of legumes and winter nonlegumes following peanuts harvested for nuts in 1942, shall be the extent of such practices times the approved rates therefor.

(ii) The allowance for other practices shall be the sum of the following:

(*a*) $1.00 per acre of cropland on the farm in excess of the sum of the special crop allotments, the cropland in commercial orchards, the 1941 acreage of commercial vegetables, and the 1943 acreage of sugarcane for sugar.

(*b*) $2.00 per acre of commercial orchards (excluding tung orchards) on the farm in 1942.

(*c*) $1.50 per acre of commercial vegetables grown on the farm in 1941.

(*d*) 20 cents per acre of fenced noncrop open pasture land on the farm in 1942 in excess of one-half of the number of acres of cropland.

(*e*) The smaller of $5.00 per acre of tung orchards (excluding old nonbearing orchards) or the amount earned by carrying out in tung orchards production practices designated by the regional director and approved by the Agricultural Conservation and Adjustment Administration.

Georgia

(i) The allowance for establishing a stand of lespedeza sericea; establishing a permanent vegetative cover of kudzu; establishing a permanent pasture by sodding and seeding; establishing a permanent pasture by seeding; clearing, cleaning up, and preparing for the establishment of permanent pasture; and construction of standard terraces, shall be the extent of such practices times the approved rates therefor.

(ii) The allowance for other practices shall be the sum of the following:

(*a*) 70 cents per acre of cropland on the farm.

(*b*) $1.00 per acre of commercial orchards (excluding tung orchards) on the farm in 1942.

(*c*) The smaller of $5.00 per acre of tung orchards (excluding old nonbearing orchards) or the amount earned by carrying out in tung orchards production practices designated by the regional director and approved by the Agricultural Conservation and Adjustment Administration.

(*d*) 25 cents per acre of fenced noncrop open pasture land on the farm in 1942 in excess of one-half of the number of acres of cropland.

Louisiana

(i) 90 cents per acre of cropland on the farm in excess of the sum of the special crop allotments, the cropland in commercial orchards, and the 1943 acreage of sugarcane for sugar.

(ii) $2.00 per acre of commercial orchards (excluding tung orchards) on the farm in 1942.

(iii) 25 cents per acre of fenced noncrop open pasture land on the farm in 1942 in excess of one-half of the number of acres of cropland.

(iv) $1.00 per acre of commercial vegetables grown on the farm in 1942 where the acreage was 3 acres or more.

(v) The smaller of $15.00 or the amount earned by carrying out designated pasture practices.

(vi) The smaller of $5.00 per acre of tung orchards (excluding old nonbearing orchards) or the amount earned by carrying out in tung orchards production practices designated by the regional di- Conservation and Adjustment Administration.

Mississippi

(i) The allowance for establishing permanent pasture, construction of terraces, and establishing permanent waterways shall be the extent of such practices times the approved rates therefor.

(ii) The allowance for other practices shall be the sum of the folowing:

(*a*) 70 cents per acre of cropland on the farm in excess of the sum of the special crop allotments and the cropland in commercial tung orchards and young nonbearing tung orchards.

(*b*) 15 cents per acre of fenced noncrop open pasture land.

(*c*) The smaller of $5.00 per acre of tung orchards (excluding old nonbearing orchards) or the amount earned by carrying out in tung orchards production practices designated by the regional director and approved by the Agricultural Conservation and Adjustment Administration.

(*d*) The smaller of $15.00 or the amount earned by planting forest trees.

Oklahoma

(i) The allowance for construction of standard terraces and establishing a permanent pasture shall be the extent of such practices times the approved rates therefor.

(ii) The allowance for other practices shall be the sum of following:

(*a*) 70 cents per acre of cropland on the farm in excess of the sum of the special crop allotments and the cropland in commercial orchards.

(*b*) For each acre of noncrop open pasture land on the farm (or ranch):

8 cents per acre in the following counties: Beaver, Beckham, Cimarron, Ellis, Greer, Harmon, Harper, Roger Mills, Texas, and Woodward;

9 cents per acre in the following counties: Alfalfa, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Jackson, Kiowa, Major, Tillman, Washita, and Woods;

10 cents per acre in the following counties: Atoka, Canadian, Carter, Cleveland, Coal, Garfield, Garvin, Grady, Grant, Johnston, Kingfisher, Lincoln, Logan, McClain, Murray, Oklahoma, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Seminole, and Stephens;

11 cents per acre in the following counties: Adair, Bryan, Cherokee, Choctaw, Craig, Creek, Delaware, Haskell, Hughes, Jefferson, Kay, Latimer, Le Flore, Love, McCurtain, McIntosh, Marshall, Mayes, Muskogee, Noble, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Rogers, Sequoyah, Tulsa, Wagoner, and Washington.

(*c*) $2.00 per acre of commercial orchards on the farm in 1942.

(*d*) $1.00 per acre of commercial vegetables grown on the farm in 1942 where the acreage was 3 acres or more.

South Carolina

(i) 50 cents per acre of cropland on the farm.

(ii) $1.50 per acre of commercial vegetables grown on the farm in 1942 where the acreage was 3 acres or more.

(iii) $2.00 per acre of commercial orchards on the farm in 1942.

Texas

(i) The allowance for construction of terraces shall be the extent of this practice times the approved rate therefor.

(ii) The allowance for other practices shall be the sum of the following:

(*a*) 75 cents per acre of cropland on the farm in excess of the sum of the special crop allotments, the acreage of cropland in commercial orchards, including all tung orchards, and the 1943 acreage of sugar beets for sugar.

(*b*) For noncrop open pasture and range land:

(*1*) For farms on which the acreage of noncrop open pasture and range land on the farm in 1942 was 1,920 acres or less:

8 cents per acre in the following counties and in all counties lying west of the counties named: Wilbarger, Foard, Knox, Haskell, Stonewall, Fisher, Scurry, Howard, Martin, Midland, Upton, Pecos, and Terrell;

9 cents per acre in the following counties: Archer, Baylor, Brooks, Callahan, Clay, Coke, Comanche, Crockett, Dimmit, Duval, Eastland, Erath, Frio, Glasscock, Irion, Jack, Jim Hogg, Jones, Kinney, LaSalle, Maverick, McMullen, Mitchell, Nolan, Palo Pinto, Reagan, Shackelford, Starr, Sterling, Stephens, Taylor, Throckmorton, Uvalde, Val Verde, Webb, Wichita, Young, Zapata, and Zavala;

10 cents per acre in the following counties: Atascosa, Bandera, Bexar, Blanco, Bosque, Brown, Burnet, Cameron, Coleman, Concho, Coryell, Edwards, Gillespie, Hamilton, Hidalgo, Hood, Jim Wells, Kendall, Kenedy, Kerr, Kimble, Lampasas, Live Oak, Llano, Mason, McCulloch, Medina, Menard, Mills, Montague, Parker, Real, Runnels, San Saba, Schleicher, Somervell, Sutton, Tom Green, Willacy, Wilson, and Wise;

11 cents per acre in the following counties and in all counties lying east of the counties named: Cooke, Denton, Tarrant, Johnson, Hill, McLennan, Bell, Williamson, Travis, Hays, Comal, Guadalupe, Gonzales, Karnes, Lee, San Patricio, Nueces, and Kleberg.

(*2*) For farms on which the acreage of noncrop open pasture and range land on the farm in 1942 was more than 1,920 acres—2 cents per acre of noncrop open pasture and range land plus 90 cents for each animal unit of grazing capacity established: *Provided*, That the allowance shall not be on the basis of more than one animal unit for each 10 acres of noncrop open pasture and range land and the 2-cent rate on the acreage of noncrop open pasture and range land shall not apply to more than 60 acres per animal unit of grazing capacity: *Provided, further*, That the allowance so computed shall not be less than $160.00 for farms containing 2,000 acres or more of noncrop open pasture and range land nor less than 8 cents per acre of noncrop open pasture and range land for farms containing more than 1,920 acres but less than 2,000 acres.

(*c*) $2.00 per acre of commercial orchards (excluding tung orchards) on the farm in 1942.

(*d*) $1.00 per acre of commercial vegetables normally grown on the farm where the normal acreage is 3 acres or more. The 1941 acreage of commercial vegetables on the farm will be considered the normal acreage unless such acreage was reduced by flood or drought, in which case the 1941 commercial vegetable allotment will be considered the normal acreage.

(*e*) The smaller of $5.00 per acre of tung orchards (excluding old nonbearing orchards) or the amount earned by carrying out in tung orchards production practices designated by the regional director and approved by the Agricultural Conservation and Adjustment Administration.

(f) *Production practices.* In any area the production practices for which payment will be made shall be those practices which are recommended by the regional director and approved by the Agricultural Conservation and Adjustment Administration as practices best adapted to achieve sound soil conservation and production of agricultural commodities required in the war effort. In order to be approved for payment, any practice shall be one which:

(1) Will control and prevent soil erosion caused by wind or water; or will maintain or increase soil fertility; or will promote conservation and better utilization of water; or will conserve and increase range and pasture forage; or will increase the production of agricultural commodities required in the war effort; and

(2) Is not a routine practice; and

(3) Will not be carried out in desired volume unless payment is made for the practice.

If one-half or more of the total cost of carrying out any practice is represented by labor, seed, trees, or other materials furnished by any State or Federal agency other than the Agricultural Adjustment Agency, no payment will be made for such practice and if less than one-half of the total cost of carrying out any practice is represented by such items, payments shall be made for one-half of such practice except that in areas designated by the Agricultural Adjustment Agency the payment for eradication or control of perennial noxious weeds shall be reduced only by the percentage of the total cost of the practice represented by these items. Labor, seed, trees, and materials furnished to a State or political subdivision of a State or an agency thereof by an agency of the same State shall not be deemed to have been furnished by any State agency within the meaning of this paragraph.

Production practices carried out with the use of equipment furnished by the Soil Conservation Service shall not, by virtue of the use of such equipment, be deemed to have been paid for in whole or in part by a State or Federal agency.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to have been paid for in whole or in part by a State or Federal agency. No payment will be made for planting trees furnished by the Forest Service in connection with the Prairie States Forestry Project.

(g) *Rates of payment.* In any area the rate of payment for carrying out any production practice shall be the rate recommended by the regional director and approved by the Agricultural Conservation and Adjustment Administration. Approval of such rates shall be made in accordance with the following provisions:

(1) *General provisions applicable to all rates.* The rate of payment for each practice shall be determined on the basis of the estimated average cost of performing the practice; the relative need for the practice; and the familiarity of farmers with the practice.

(2) *Provisions applicable to specific types of practices.* (i) The rate of payment for practices which consist largely of the application of materials shall not exceed 85 percent of the estimated average cost of such materials determined on a farm-delivery basis.

(ii) The rate of payment for engineering and construction practices shall not exceed 75 percent of the estimated average cost of labor, materials, and use of equipment.

(iii) In the case of other practices, with the exception of those for which a higher rate of payment is justified on the basis of need for the practice in the area, or the lack of familiarity on the part of the farmers in carrying out the practice, the rates of payment shall not exceed 70 percent of the estimated average cost of performing the practice.

§ 701.405 *Division of payments and deductions*—(a) *Payments and deductions in connection with crop acreage allotments.* (1) The net payment or net deduction computed for any farm with respect to any special crop shall be divided among the landlords, tenants, and sharecroppers in the same proportion that such persons are determined by the county committee to be entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of the crop grown on the farm in 1943, or if the farm comprises two or more separately owned tracts of land, in the proportion which the county committee determines fairly reflects each person's contribution to performance with respect to the crop. This determination shall be made at the time the county committee approves the application for payment: *Provided*, That if any special crop is not grown on the farm in 1943 or the acreage of the crop is substantially reduced in 1943 because of flood, hail, draught, insects, or plantbed disease, the net payment computed for the crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the crop if the entire acreage in the acreage allotment for the crop had been planted and harvested in 1943: *Provided further*, That in cases where landlords, tenants, or sharecroppers after planting but prior to harvest, lose their interests in any special crop by reason of the acquisition of title to or lease of the farm for use in connection with the national war effort, the net payment (less any compensation for the loss of payment) or the net deduction computed with respect to the crop shall be divided among such persons in the same proportion that the county committee determines that such persons would have been entitled, as of the time of harvest, to share in the proceeds of the crop except for such acquisition of title or lease.

(2) The deduction for failure to achieve 90 percent of the sum of the war crop goals shall be made prorata from the payments for crop acreage allotments after making the deductions provided for in § 701.403 (b).

(b) *Payments in connection with production practices.* The amount of net payment earned in carrying out production practices shall be paid to the landlord, tenant, or sharecropper who carried out the practices. If more than one such person contributed to the carrying out of production practices on the farm under the 1943 program, the net payment shall be divided in the proportion that the county committee determines such persons contributed to the carrying out of the practices. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each soil-building practice on a particular acreage, assuming that each person contributed equally unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion.

In those areas where part of the production practice allowance is determined by the production practices carried out, a separate division of payment shall be determined for such practices and for other practices.

(c) *Proration of net deductions.* If the sum of the net special crop payments computed for all persons on a farm exceeds the sum of the net special crop deductions computed for all persons on the farm, the sum of the net special crop deductions computed for all persons on the farm shall be prorated among the persons on the farm for whom a net special crop payment is computed, on the basis of such computed net payments. If the sum of the net special crop deductions computed for all persons on a farm equals or exceeds the sum of the net special crop payments computed for all persons on the farm, no special crop payment will be made with respect to the farm and the amount of the net special crop deductions in excess of the net special crop payments shall be prorated among the persons on the farm for whom a net special crop deduction is computed, on the basis of such computed net deductions.

§ 701.406 *Increase in small payments.* The net payment computed under §§ 701.403, 701.404, and 701.405 exclusive of the miscellaneous deductions in § 701.403 (f) for any person with respect to any farm shall be increased as follows:

(a) Any payment amounting to 71 cents or less shall be increased to $1;

(b) Any payment amounting to more than 71 cents but less than $1 shall be increased by 40 percent;

(c) Any payment amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	*Increase in payment*
$1.00 to $1.99	$0.40
$2.00 to $2.99	.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $190.99	(1)
$200.00 and over	(2)

[1] Increase to $200.

[2] No increase.

§ 701.407 *Payments limited to $10,000.* The total of all payments made in connection with programs for 1943 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, territory, or possession shall not exceed the sum of $10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payments are made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of $10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payments are made.

All or any part of any payment which has been or otherwise would be made to any person under the 1943 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

§ 701.408 *Deduction for association expenses.* There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

§ 701.409 *Conservation materials.* Wherever it is found practicable, limestone, superphosphate, trees, seeds, terracing, and other farming materials and services may be furnished in lieu of payments by the Agricultural Adjustment Agency to be used in carrying out approved production practices on the farm and in areas designated by the Agricultural Adjustment Agency to be used in expanding the production of war crops.

These materials or services will be furnished to the producer by the Agricultural Adjustment Agency either directly or through the medium of a purchase order executed on a form prescribed by the Agricultural Adjustment Agency. When materials or services are furnished under the purchase order plan, payment will be made, in advance of determination of performance by the producer, to the vendor who, in filling the purchase order, furnished to the producer the approved conservation material or service, in accordance with instructions and specifications issued by the Agricultural Adjustment Agency, at not to exceed a fair price fixed in accordance with regulations prescribed by the Secretary.

Wherever the materials or services are furnished a deduction shall be made in an amount determined by the Agricultural Adjustment Agency on the basis approved by the Secretary. If the producer uses any such material in a manner which is not in substantial accord with the purpose for which it was furnished, an additional deduction for the material misused equal to the amount of the original deduction for the material shall be made.

The deduction for materials or services shall be made from any payment due the person who obtained the materials or services on the same or any other farm in the county. If the amount of the deduction for materials or services exceeds the amount of the payment for the producer subject to deduction, the amount of the difference shall be paid by the producer to the Secretary:

Provided, That, in any region wherein the regional director recommends and the Agricultural Adjustment Agency approves, deductions for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such materials or services were furnished.

Notwithstanding any other provisions of this bulletin, in areas designated by the Agricultural Adjustment Agency and in accordance with its instructions, conservation materials or services furnished may be in lieu of the entire payment for the farm. Conservation materials so furnished shall be limited to farms with respect to which the only payment which may be earned is for carrying out production practices; or the producer foregoes any production adjustment payment; or the sum of the production adjustment allowance and the production practice allowance is $50.00 or less.

§ 701.410 *General provisions relating to payments*—(a) *Payment restricted to effectuation of purposes of the program.* All or any part of any payment which otherwise would be computed for any person under the 1943 program may be withheld or required to be returned if he adopts or has adopted any practice which tends to defeat any of the purposes of the 1943 or previous agricultural conservation programs; if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized; or if, with respect to grazing land, forest land, or woodland owned or controlled by him, he adopts or has adopted any practice which is contrary to sound conservation practices.

Practices which tend to defeat the purposes of the 1943 program and the amount of the payment which shall be withheld or required to be refunded in each such case shall include, but shall not be limited to, the following cases:

Practices and Amounts To Be Withheld or Refunded

(1) A landlord or operator, including the landlord of a cash or standing or fixed rent tenant, either by oral or written lease or operating agreement, or by an oral or written agreement supplementary thereto, requires by coercion or induces by subterfuge his tenant or sharecropper to agree to pay to such landlord or operator all or a portion of any Government payment which the tenant or sharecropper has received or is to receive for participating in the 1943 Agricultural Conservation Program.

Amount. The entire payment for the landlord or operator with respect to the farm.

(2) A landlord or operator requires that his tenant or sharecropper pay, in addition to the rental customarily paid in the community for similar land and use, a sum of money or any thing or service of value equivalent to all or a portion of the Government payment which may be, is being, or has been earned by the tenant or sharecropper.

Amount. The entire payment for the landlord or operator with respect to the farm.

(3) A landlord or operator knowingly omits the names of one or more of his landlords, tenants, or sharecroppers on an application for payment form or other official document required to be filed in connection with the 1943 Agricultural Conservation Program, or knowingly shows incorrectly his or their acreage shares of a crop, or shares of production practices, or otherwise falsifies the record required therein to be submitted in respect to a particular farm.

Amount. The entire payment for the landlord or operator with respect to the farm.

(4) A landlord or operator requires his tenant or sharecropper to execute an assignment, ostensibly covering advances of money or supplies to make a current crop, but actually for a purpose not permitted by the assignment regulations.

Amount. The entire payment for the landlord or operator with respect to the farm.

(5) A person complies with the provisions of the program on a farm or farms operated by him as an individual, but causes or fails to prevent the substantial offsetting of such performance by the farming operations of a partnership, association, estate, corporation, trust, or other business enterprise in which he has a financial interest and the policies of which he is in a position to control.

Amount. The amount of the net deductions computed for the business enterprise.

(6) A partnership, association, estate, corporation, trust, or other business enterprise carries on its operations so as to qualify for payment, but one of the persons who is interested in and in a position to control the operations or policies of the business enterprise, substantially offsets such performance by his individual operations.

Amount. The portion of the payment for the business enterprise which the State committee finds or estimates is commensurate with the person's interest in the enterprise.

(7) A person operates farms in two or more States and substantially offsets his performance in one State by overplanting his farm in another State.

Amount. The net amount of the deduction which would be computed for such person for such overplanting if the farms were in the same State.

(8) A person rents land for cash, standing, or fixed rent to another person who he knows or has good reason to believe will offset such person's performance by substantially overplanting the acreage allotment for the farm which includes such rented land.

Amount. The net amount of the deduction which would be computed if the person were entitled to receive all the crops planted on the land so rented.

(9) A person participates in the planting, production, or harvesting of a crop on a farm other than a farm in which he admits having an interest. (A person shall be considered to be participating in the planting, production, or harvesting of a crop if the committee finds that he furnished labor, machinery, work-stock, or financial assistance for the planting, production, or harvesting of such crop and that he has a financial interest in such crop.)

Amount. The proportion of the net amount of the deduction which would be computed for the farm which the committee determines was such person's interest in the crops planted, produced, or harvested.

(10) A tenant, in settling his obligations under a written or oral contract or agreement supplemental or collateral thereto, pays or renders cash, standing rent or fixed rent, or a share of the crop, or any service or thing of value, aggregating in value in excess of the rental customarily paid in the community for similar land and use, thereby diverting to the landlord or operator the whole or any part of any Government payment which the tenant is entitled to receive. The application of this rule shall be subject to the approval of the regional director.

Amount. The entire payment for the tenant with respect to the farm and the entire payment for the landlord or operator with respect to all of his farms under the program involved: *Provided, however,* That, where a tenant is renting for a share of the crop only and the tenant's share is 60 percent or less, only the landlord's or operator's payments shall be withheld or recovered.

(11) A landlord or operator forces or causes, by coercion, subterfuge, or in any manner whatsoever, a tenant or sharecropper to abandon a crop prior to harvest for the purpose of obtaining the share of the Government payment that would otherwise be made to the tenant or sharecropper with respect to such crop.

Amount. The entire payment for the landlord or operator with respect to the farm.

(12) A person misuses or participates in the misuse of a marketing card with respect to any commodity for which marketing quotas are in effect or fails to file or knowingly falsifies any report required by or under the regulations pertaining to marketing quotas for the 1943–44 marketing year.

Amount. The entire payment for such person with respect to the farm.

(13) A person whose maximum payment computed without regard to the $10,000 limitation is in excess of $10,000 adopts practices which result in a substantial difference between the maximum payment so computed and the payment after applying all applicable deductions except the $10,000 limitation and the deduction for administrative expenses.

Amount. The net payment shall not exceed that amount which is the same percentage of $10,000 as the payment computed after applying all applicable deductions, except the $10,000 limitation and deductions for administrative expenses, is of the maximum payment computed without regard to the $10,000 limitation: *Provided,* The State committee with the approval of the regional director and the Agricultural Adjustment Agency finds that the practices adopted apart from the net performance rendered tend to defeat the purposes of the program.

No payment will be made to any person with respect to any farm which he owns or operates in a county if the county committee finds that he has been negligent and careless in his farming operations by failing to carry out approved erosion-control measures on land under his control to the extent that any part of such land has become an erosion hazard during the 1943 program year to other land in the community in which such farm is located.

(b) *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law; without deduction of claims for advances (except as provided in paragraph (d) of this section, and except for indebtedness to the United States subject to set-off under orders issued by the Secretary); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(c) *Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.* If on any farm in 1943 any change in the arrangements which existed on the farm in 1942 is made between the landlord or operator and the tenants or sharecroppers and the change would cause a greater proportion of the payments for special crops to be made to the landlord or operator under the 1943 program than would have been made to the landlord or operator for performance on the farm under the 1942 program, payments to the landlord or operator for special crops under the 1943 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1942 had been continued in 1943, unless the county committee certifies that the change is justified and approves the change.

If on any farm the number of sharecroppers or share tenants in 1943 is less than the average number on the farm during the three years 1940 to 1942 and the reduction would increase the payments for special crops that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made, unless the county committee certifies that the reduction is justified and approves the reduction.

The action of the county committee under this paragraph (c) is subject to approval or disapproval by the State committee.

If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1943 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the amount of any payment which has been or would otherwise be made to him in connection with the 1943 program.

(d) *Assignments.* Any person who may be entitled to any payment in connection with the 1943 program may assign his payment in whole or in part as security for cash loaned or advances made for the purpose of financing the making of a crop in 1943. No assignment will be recognized unless it is made in writing on Form ACP–69 in accordance with the instructions (ACP–70) issued by the Agricultural Adjustment Agency and unless the assignment is entitled to priority under instructions issued by the Agricultural Adjustment Agency.

Nothing contained in this paragraph (d) shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor (as provided in the statute) shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of the assignment.

(e) *Excess cotton acreage.* Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1943 shall file with his application a statement that he has not knowingly planted cotton or caused cotton to be planted, during 1943 on land in any farm in which he has an interest, in excess of the cotton allotment under section 344 of the Agricultural Adjustment Act of 1938 for the farm for 1943 and that if cotton was planted in excess of such allotment, it was done without his authority or consent and, if he had knowledge thereof, he made every reasonable effort to prevent such overplanting.

Any person who knowingly plants cotton, or causes cotton to be planted, on his farm in 1943 on acreage in excess of the cotton allotment under section 344 of the Agricultural Adjustment Act of 1938 for the farm for 1943 shall not be eligible for any payment whatsoever, on that farm or any other farm, under the provisions of the 1943 Agricultural Conservation Program. No person shall be deemed to have knowingly overplanted cotton on his farm if the acreage planted to cotton on the farm in 1943 does not exceed the farm cotton acreage allotment by more than the larger of 3 acres or 3 percent of the farm cotton acreage allotment. Any person having an interest in the cotton crop on a farm on which the acreage planted to cotton in 1943 exceeds the farm cotton allotment by more than the amount specified in the last preceding sentence shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1943.

§ 701.411 *Application for payment*—(a) *Persons eligible to file applications.* An application for payment with respect to a farm may be made by any person for whom, under the provisions of §701.405, a share in the payment with respect to the farm may be computed.

(b) *Time and manner of filing application and information required.* Payment will be made only upon application submitted on the prescribed form to the county office. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon or for cash or standing rent. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the county office within the time fixed by the regional director. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form or information within the period prescribed. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

(c) *Application for other farms.* If a person makes application for payment or is furnished conservation materials or services in lieu of payment with respect to a farm in a county and has the right to receive all or a portion of the crops or proceeds therefrom produced on any other farm in the county for which a deduction could be computed under the program, he must make application for payment with respect to all such farms. Upon request of the State committee, any person shall file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof or which he rents to another.

§ 701.412 *Appeals.* Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant, or sharecropper: (a) eligibility to file an application for payment; (b) any acreage allotment, war crop goal, normal or actual yield, grazing capacity, measurement, or production practice allowance; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify him of its decision in writing within 15 days after receipt of such written request for reconsideration. If he is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee.

The State committee shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the State committee, he may, within 15 days after its decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further but any person who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

§ 701.413 *State and regional bulletins, instructions, and forms.* The Agricultural Adjustment Agency is hereby authorized to make such determinations and to prepare and issue such State and regional bulletins, instructions, and forms as may be required in administering the 1943 program pursuant to the provisions hereof.

§ 701.414 *Definitions.* For the purposes of the 1943 program, unless the context otherwise requires:

(a) *Officials.* (1) "Secretary" means the Secretary of Agriculture of the United States.

(2) "Regional director" means the director of the division of the Agricultural Adjustment Agency in charge of the agricultural conservation program in the region to which that division relates.

(3) "State committee or State agricultural conservation committee" means the group of persons designated within any State to assist in the administration of the agricultural conservation programs in that State.

(4) "County committee or county agricultural conservation committee" means the group of persons elected within any county to assist in the administration of the agricultural conservation programs in that county.

(b) *Regions.* (1) "Northeast Region" means the area included in the States of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

(2) "East Central Region" means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

(3) "Southern Region" means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(4) "North Central Region" means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

(5) "Western Region" means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

(c) *Farms.* "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Agricultural Adjustment Agency, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(d) *Cropland.* (1) "Cropland" means farm land which in 1942 was tilled or was in regular rotation, excluding any land which constitutes, or will constitute if such tillage is continued, a wind-erosion hazard to the community, and excluding also, except in the Southern Region, any land in commercial orchards.

(e) *Miscellaneous.* (1) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(2) "Landlord or owner" means a person who owns land.

(3) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(4) "Tenant" means a person other than a sharecropper who rents land from another person (whether or not he rents such land or part thereof to another person), including, in the case of rice, a person furnishing water for a share of the rice.

(5) "Commercial orchards" means the acreage on the farm in planted or cultivated fruit trees, nut trees, vineyards, hops, or bush fruits (excluding nonbearing orchards and vineyards), from which the major portion of the production is normally sold.

(6) "Noncrop open pasture land" means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

(7) "Range land" means any land which produces forage grazed by range livestock without cultivation or general irrigation, in which an operator has such a legal estate or interest as to give him control thereof, except land determined by the Agricultural Adjustment Agency to be noncrop open pasture.

(8) "Animal unit" means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

(9) "Grazing capacity" of range land or noncrop open pasture land means the number of animal units which such land will sustain, on a 12-month basis, over a period of years without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree-growth, or watershed.

(10) "Special crop" means corn, cotton, wheat, tobacco, rice, or peanuts.

§ 701.415 *Authority, availability of funds, and applicability*—(a) *Authority.* This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148, 16 U.S.C. 590g to 590q), as amended. In connection with the effectuation of the purposes of section 7 (a) of said Act for 1943 the payments provided for herein will be made for participation in the 1943 program.

(b) *Availability of funds.* The provisions of the 1943 program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program. As an adjustment for participation the rates of payment and deduction with respect to any commodity or item of payment may be increased or decreased from the rates set forth herein by as much as 10 percent.

The funds provided for the 1943 program will not be available for the payment of applications filed in the county office after June 30, 1945.

(c) *Applicability.* The provisions of the 1943 program contained herein, except § 701.407 are not applicable to (1) Hawaii, Puerto Rico, and Alaska; (2) counties for which special agricultural conservation programs are approved for 1943 by the Secretary; (3) any department or bureau of the United States Government and any corporation wholly owned by the United States; and (4) grazing lands owned by the United States which were acquired or reserved for conservation purposes or which are to be retained permanently under Government ownership. Such lands include, but are not limited to, lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture or by the Bureau of Biological Survey of the United States Department of the Interior. Grazing lands administered by other bureaus of the Department of the Interior are within the scope of the program only if such lands are operated under an instrument in writing approved by the Department of the Interior, under which the holder has an interest in the grazing and forage growing on the land and a right to occupy the land in order to carry out his grazing operations.

The program is applicable to lands owned by corporations which are only partly owned by the United States, such as Federal Land Banks and Production Credit Associations.

The 1943 program is also applicable to any land which, although owned by the United States or a corporation wholly owned by it, is to be temporarily under such Government or corporation ownership and was not acquired or reserved for conservation purposes. Such land shall include that administered by the Farm Security Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, or the Federal Farm Mortgage Corporation, or by any other Government agency which the Agricultural Adjustment Agency finds complies with all the provisions of the preceding sentence. The 1943 program will also be applicable to any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it, if the Congress so provides.

Done at Washington, D. C., this 28th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-12700; Filed, December 1, 1942; 11:22 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order No. 100]

PART 260—NATURAL GAS ACT STATEMENTS AND REPORTS

ORDER PRESCRIBING FORM OF ANNUAL REPORT FOR NATURAL-GAS COMPANIES (CLASSES A AND B), FPC FORM NO. 133

NOVEMBER 24, 1942.

The Federal Power Commission, acting pursuant to authority granted by the Natural Gas Act (52 Stat. 821), particularly sections 10 (a) and 16 thereof, and finding such action necessary and appropriate for carrying out the provisions of said Act, *orders* That:

§ 260.1 *Financial and statistical report;*[1] *Form 133.* (a) The accompanying FPC Form No. 133, Annual Report for natural-gas companies, as defined in the Natural Gas Act, which are in Classes A and B, as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies, subject to the provisions of the Natural Gas Act, be and the same hereby is approved;

(b) Each natural-gas company which is in Class A or B shall file with the Commission an original and two conformed copies, duly executed, of such Annual Report, FPC Form No. 133, for the year 1942 and each year thereafter; said Annual Report is to be filed on or before the last day of the third month following the close of the calendar year, or other established fiscal year;

(c) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-12746; Filed, December 2, 1942; 9:55 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T. D. 5188]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

FIGURE TO BE USED IN DETERMINING RESERVE AND OTHER POLICY LIABILITY CREDIT FOR LIFE INSURANCE COMPANIES

By virtue of the authority vested in me by section 202 (b) of the Internal Revenue Code, as amended by section 163 of the Revenue Act of 1942 (Public Law 753, 77th Congress), approved October 21, 1942, it is hereby determined that the figure to be used in computing the "reserve and other policy liability credit" of life insurance companies for the taxable year 1942 shall be .93.

[SEAL] JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

NOVEMBER 30, 1942.

[F. R. Doc. 42-12738; Filed, December 1, 1942; 4:25 p. m.]

Subchapter C—Miscellaneous Excise Taxes

[T.D. 5190]

PART 130—TAXES ON SAFE DEPOSIT BOXES, TRANSPORTATION OF OIL BY PIPE LINE, TELEPHONE, TELEGRAPH, RADIO AND CABLE MESSAGES AND SERVICES, AND TRANSPORTATION OF PERSONS

MISCELLANEOUS AMENDMENTS

In order to conform Regulations 42 (1942 edition) [Part 130, Title 26, Code of Federal Regulations], relating to the taxes on safe deposit boxes, transportation of oil by pipe line, telephone, telegraph, radio and cable messages and services, and transportation of persons under the provisions of the Internal Revenue Code, to sections 601, 606, 609 and 616 of the Revenue Act of 1942 (Public Law 753, Seventy-seventh Congress, second session), approved October 21, 1942, such regulations are hereby amended as follows:

PARAGRAPH 1. The first paragraph of § 130.0 is amended to read as follows:

These regulations deal with the excise taxes:

(a) On the use of safe deposit boxes, imposed by Chapter 12 of the Internal Revenue Code, as amended by section 532 of the Revenue Act of 1941.

(b) On the transportation of oil by pipe line, imposed by Chapter 30, Subchapter A, of the Internal Revenue Code, as amended by sections 502 and 521 (a) (22) of the Revenue Act of 1941 and section 616 of the Revenue Act of 1942.

(c) Imposed by Chapter 30, Subchapter B, of the Internal Revenue Code, as amended by section 548 of the Revenue Act of 1941 and section 606 of the Revenue Act of 1942, with respect to:

(1) Telephone and radio telephone messages and conversations;

(2) Telegraph, cable, and radio dispatches and messages;

(3) Leased wire, teletypewriter, and talking circuit special service;

(4) Wire and equipment services (including stock quotation and information services, burglar alarm and fire alarm service, and all similar services);

(5) Local telephone service rendered to subscribers.

(d) Imposed by Chapter 30, Subchapter C, of the Internal Revenue Code, as added by section 554 (b) of the Revenue Act of 1941, and amended by section 609 of the Revenue Act of 1942, with respect to:

(1) Transportation of persons by rail, motor vehicle, water, or air;

(2) Seating or sleeping accommodations furnished in connection with transportation of persons by rail, motor vehicle, water, or air.

PAR. 2. There is inserted immediately after § 130.25 the following:

EXEMPT TRANSPORTATION

SEC. 616. EXEMPT TRANSPORTATION OF OIL BY PIPE LINE. (Revenue Act of 1942, Title VI.)

Section 3460 (relating to tax on transportation of oil by pipe line) is amended by adding at the end thereof the following new subsection:

(c) *Exempt transportation.* For the purposes of this section, the term "transportation" shall not include any movement through lines of pipe within the premises of a refinery, a bulk plant, a terminal, or a gasoline plant, if such movement is not a continuation of a taxable transportation. The crossing of rights-of-way, streets, highways, railroads, levees, or narrow bodies of water, in connection with such a movement, shall not of itself constitute such movement as being "transportation".

SEC. 601. EFFECTIVE DATE OF THIS TITLE. (Revenue Act of 1942, approved October 21, 1942, Title VI.)

This title shall take effect on the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

§ 130.26 *Exempt transportation.* The tax does not apply to the movement on and after November 1, 1942, of crude petroleum or liquid products thereof through lines of pipe within the premises of a refinery, a bulk plant, a terminal, or a gasoline plant, if such movement is not a continuation of a taxable transportation. For purposes of this exemption, a movement is regarded as being carried on within the premises of a refinery, bulk plant, terminal, or gasoline plant even though in connection with such a movement the pipe lines through which the petroleum or liquid products thereof are carried incidentally traverse rights-of-way, streets, highways, railroads, levees or narrow bodies of water (such as creeks, canals, etc.).

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[1] Filed as part of the original document. Copies may be obtained from the Federal Power Commission.

PAR. 3. There is inserted immediately preceding § 130.30 the following:

SEC. 606. TELEPHONE, TELEGRAPH, ETC. (Revenue Act of 1942, Title VI.)

(a) *Rates of tax.* Section 3465 is amended to read as follows:

SEC. 3465. IMPOSITION AND RATE OF TAX.

(a) There shall be imposed:

(1) *Telephone and telegraph, etc.* (A) On the amount paid within the United States for each telephone or radio telephone message or conversation for which the toll charge is more than 24 cents, a tax equal to 20 per centum of the amount so paid. If a bill is rendered the taxpayer for the services described in this subparagraph, the amount upon which the tax shall be based shall be the sum of all such charges included in the bill, and the tax shall not be based upon the charge for each item, separately, included in the bill.

(B) On the amount paid within the United States for each telegraph, cable, or radio dispatch or message a tax equal to 15 per centum of the amount so paid, except that in the case of each international telegraph, cable, or radio dispatch or message the rate shall be 10 per centum. If a bill is rendered the taxpayer for the services described in this subparagraph, the amount upon which the tax at each of the rates in this subparagraph shall be based shall be the sum of all such charges at that rate included in the bill, and the tax shall not be based upon the charge for each item, separately, included in the bill.

If the tax under subparagraph (A) or (B) is paid by inserting coins in coin-operated telephones, the tax shall be computed to the nearest multiple of 5 cents, except that where the tax is midway between multiples of 5 cents, the next higher multiple shall apply. Only one payment of a tax imposed by subparagraph (A) or (B) shall be required notwithstanding the lines or stations of one or more persons are used in the transmission of such dispatch, message, or conversation.

* * * * *

SEC. 601. EFFECTIVE DATE OF THIS TITLE. (Revenue Act of 1942, approved October 21, 1942, Title VI.)

This title shall take effect on the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

SEC. 606. TELEPHONE, TELEGRAPH, ETC. (Revenue Act of 1942, Title VI.)

* * * * *

(b) *Effective date of amendments.* (1) The amendments to section 3465 (a) (1) made by subsection (a) shall be applicable only with respect to the period beginning with the effective date of this title.

* * * * *

PAR. 4. Sections 130.30 and 130.31 are amended to read as follows:

§ 130.30 *Effective period.* The taxes on telegraph, telephone, cable, or radio dispatches, messages, or conversations, were imposed originally by Title V of the Revenue Act of 1932. The applicable provisions of the Revenue Act of 1932 were superseded, effective March 1, 1939, by provisions of the Internal Revenue Code. The Code provisions were amended subsequently by various Acts, including the Revenue Act of 1940, and as so amended were to remain in effect until June 30, 1945. The Code provisions were further amended by the Revenue Act of 1941 and the Revenue Act of 1942 and as the result of such amendments the rates and basis of computing these taxes were changed. The amendments made by the Revenue Act of 1941 were effective as of October 1, 1941, and the amendments made by the Revenue Act of 1942 were effective as of November 1, 1942. The taxes will continue in effect indefinitely.

§ 130.31 *Scope of tax*—(a) *Telephone and radio telephone messages, and conversations.* Paragraph (1) (A) of section 3465 (a), as amended by section 606 (a) of the Revenue Act of 1942, imposes a tax on the amount paid within the United States for each telephone or radio telephone message or conversation, for which the toll charge is more than 24 cents. Prior to November 1, 1942, the tax was on any such message or conversation which originated within the United States.

(b) *Telegraph, cable, and radio dispatches and messages.* Paragraph (1) (B) of section 3465 (a), as amended by section 606 of the Revenue Act of 1942, imposes a tax on the amount paid within the United States for each telegraph, cable, or radio dispatch or message regardless of the amount of the charge therefor. Prior to November 1, 1942, the tax was on any such dispatch or message which originated within the United States.

PAR. 5. Section 130.33 is amended to read as follows:

§ 130.33 *Rate and application of tax*—(a) *Telephone and radio telephone messages, and conversations.* In the case of each telephone or radio telephone message or conversation where the charge is more than 24 cents, the rate of tax is 20 per cent of the amount paid. Prior to November 1, 1942, the tax was at the rate of 5 cents for each 50 cents or fraction thereof of the amount paid.

Any additional charge made for "overtime" in connection with a telephone, or radio telephone, message or conversation shall be added to the basic charge for the purpose of determining the amount of tax due. A report charge amounting to more than 24 cents is subject to tax. For information with respect to charges amounting to 24 cents or less, see §§ 130.39 to 130.42.

(b) *Telegraph, cable, and radio dispatches and messages.* The amount paid for each telegraph, cable, or radio dispatch or message is subject to tax at the rate of 15 per cent, except that in the case of each international dispatch or message the rate of tax is 10 per cent. Prior to November 1, 1942, the tax on all telegraph, cable or radio dispatches or messages was 10 per cent.

A charge made for a telephone toll call used by a telegraph company in effecting delivery of a telegraph message shall be added to the basic charge for the transmission of the telegraph message for the purpose of determining the amount subject to tax. In such case, the telegraph company is not liable for tax on the amount paid by it to the telephone company for the toll call whether or not the charge therefor is in excess of 24 cents.

A charge made for a telephone toll call which is used to reach a telegraph office for the purpose of sending a telegraph message should not be added to the basic charge for the transmission of the telegraph message, as the telegraph message is considered to begin at the telegraph office. The telephone toll call in such case is considered to be a separate transaction and as such subject to tax.

(c) *General.* Where a bill is rendered to a taxpayer covering charges for (1) telephone or radio telephone messages, (2) telegraph, cable, or radio dispatches or messages, or (3) international telegraph, cable, or radio dispatches or messages the tax at the rate which is applicable in the particular case shall be based on the sum of all charges included in the bill which are subject to that rate.

Where the tax on a telephone or radio telephone message or conversation, or a telegraph, cable, or radio dispatch or message is paid by inserting coins in a coin-operated telephone, the tax shall be computed to the nearest multiple of 5 cents, and where the tax is midway between multiples of 5 cents, the next higher multiple shall apply. In other words, one-half or a greater fraction of 5 cents shall be treated as 5 cents and a smaller fraction shall be ignored.

The tax applies to all amounts paid for services rendered and facilities provided incidental to the transmission of a message or conversation. An amount paid to a telephone, telegraph, radio, or cable company for messenger service in bringing the recipient of a message to the telephone, or in delivering a dispatch or message, must be included in determining the total amount subject to tax. However, an amount paid for messenger service rendered by a hotel or similar establishment is not to be included in the total charge on which the tax is computed.

Transmission begins when the message is delivered by the sender to the carrier, or its agent, and continues until receipt by the addressee or his agent. A dispatch, message, or conversation transmitted by the combined facilities of several lines or radio links is considered to be one dispatch, message, or conversation for purposes of the tax.

All transmission services, as described herein, when rendered for hire are subject to tax whether or not the agency furnishing such services is a common carrier.

The tax is payable by the person paying the transmission charge and is to be collected by the person receiving the payment. (See § 130.70.) If a message, dispatch, or conversation is transmitted "collect", the person who pays the charge therefor is liable for the tax.

Effective as of November 1, 1942, messages which originate in the United States and are sent "collect" to a recipient outside of the United States are not taxable, while messages originating outside of the United States and sent "collect" to a recipient in the United States are taxable. With respect to messages transmitted prior to November 1, 1942, the rule is the reverse, i. e., messages which originated in the United States and which were sent "collect" to a recipient outside the United States are taxable, while messages which originated outside of the United States and were sent "collect" to a recipient in the United States are not taxable.

PAR. 6. There is inserted immediately preceding § 130.36 the following:

SEC. 606. TELEPHONE, TELEGRAPH, ETC. (Revenue Act of 1942, Title VI.)

(a) Rates of Tax.—Section 3465 is amended to read as follows:

SEC. 3465. IMPOSITION AND RATE OF TAX.

(a) There shall be imposed:

* * * * *

(2) *Leased wires, etc.* (A) A tax equivalent to 15 per centum of the amount paid for leased wire, teletypewriter, or talking circuit special service, but not including an amount paid for leased wire, teletypewriter, or talking circuit special service used exclusively in rendering a service taxable under subparagraph (B).

(B) A tax equivalent to 5 per centum of the amount paid for any wire and equipment service (including stock quotation and information services, burglar alarm or fire alarm service, and all other similar services, but not including service described in subparagraph (A)).

The tax shall apply under this paragraph whether or not the wires or services are within a local exchange area.

* * * * *

(b) This section shall not apply to the amount paid for so much of the service described in paragraph (2) of subsection (a) as is utilized in the conduct, by a common carrier or telephone or telegraph company or a radio broadcasting station or network, of its business as such.

* * * * *

SEC. 606. TELEPHONE, TELEGRAPH, ETC. (Revenue Act of 1942, Title VI.)

* * * * *

(b) *Effective date of amendments.*

* * * * *

(2) The amendments to section 3465 (a) (2) and (3) made by subsection (a) shall apply only to amounts paid pursuant to bills rendered after the effective date of this title for service for which no previous bill was rendered. Where bills rendered after the effective date of this title include charges for services previously rendered, the amendments shall not apply to such service as was rendered more than two months before the effective date of this title, and the provisions of section 3465 in effect at the time such prior service was rendered shall be applicable to the amounts paid for such service.

SEC. 601. EFFECTIVE DATE OF THIS TITLE. (Revenue Act of 1942, approved October 21, 1942, Title VI.)

This title shall take effect on the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

PAR. 7. Sections 130.36 and 130.37 are amended to read as follows:

§ 130.36 *Effective period.* The tax on leased wires and talking circuit special service was imposed originally by Title V of the Revenue Act of 1932. The applicable provisions of the Revenue Act of 1932 were superseded March 1, 1939, by the provisions of the Internal Revenue Code. The Code provisions were amended subsequently by various Acts, including the Revenue Act of 1940, and as so amended were to remain in effect until June 30, 1945. Effective as of October 1, 1941, the provisions of the Code relating to this tax were further amended by section 548 of the Revenue Act of 1941, increasing the rate of tax and imposing a tax on the amount paid for any wire and equipment service (including stock quotation and information services, and burglar alarm or fire alarm service). The Code provisions relating to these taxes were also amended by section 606 of the Revenue Act of 1942, approved October 21, 1942. The amendments made by such section apply only to amounts paid pursuant to bills rendered on and after November 2, 1942, for service furnished on or after September 1, 1942, for which no previous bill was rendered. These taxes will continue in effect indefinitely.

§ 130.37 *Scope of tax*—(a) *Leased wire, teletypewriter, or talking circuit special service.* Paragraph (2) (A) of section 3465 (a), as amended by section 606 of the Revenue Act of 1942, imposes a tax on the amount paid for leased wire, teletypewriter, or talking circuit special service, except where such service is used exclusively in rendering a service taxable under paragraph (2) (B) of such section 3465 (a).

(b) *Wire and equipment service.* Paragraph (2) (B) of section 3465 (a), as amended by section 606 of the Revenue Act of 1942, imposes a tax on the amount paid for any wire and equipment service, including stock quotation and information services, burglar and fire alarm services, and all other similar services.

PAR. 8. Section 130.38 is amended as follows:

(A) The first paragraph of the section is amended to read as follows:

In the case of leased wire, teletypewriter, or talking circuit special service, the tax is to be computed at the rate of 15 per cent of the amount paid therefor. In the case of service taxable under section 3465 (a) (2) prior to amendment by section 606 of the Revenue Act of 1942, the tax was at the rate of 10 per cent of the amount paid.

(B) By adding after the third paragraph of subsection (a) the following paragraph:

Beginning with the effective date of section 606 of the Revenue Act of 1942, as explained in § 130.36 of these regulations, amounts paid for leased wire, teletypewriter, or talking circuit special service used exclusively in rendering a service taxable under paragraph (2) (B) of section 3465 are not subject to the tax imposed by paragraph (2) (A) of such section 3465.

(C) By substituting for the last paragraph of paragraph (b) the following:

For exemption from the tax on leased wire, teletypewriter, and talking circuit special service where such service is used exclusively in rendering any of the services described in this paragraph, see paragraph (a) of this section.

PAR. 9. There is inserted immediately preceding § 130.39 the following:

SEC. 606. TELEPHONE, TELEGRAPH, ETC. (Revenue Act of 1942, Title VI.)

(a) Rates of Tax. Section 3465 is amended to read as follows:

SEC. 3465. IMPOSITION AND RATE OF TAX.

(a) There shall be imposed:

* * * * *

(3) *Local telephone service.*—A tax equivalent to 10 per centum of the amount paid by subscribers for local telephone service and for any other telephone service in respect of which a tax is not payable under paragraph (1) or (2). Amounts paid for the installation of instruments, wires, poles, switchboards, apparatus, and equipment shall not be considered amounts paid for service. Service paid for by inserting coins in coin-operated telephones available to the public shall not be subject to the tax imposed by this paragraph, except that where such coin-operated telephone service is furnished for a guaranteed amount, the amounts paid under such guarantee plus any fixed monthly or other periodic charge shall be subject to the tax.

* * * * *

SEC. 606. TELEPHONE, TELEGRAPH, ETC. (Revenue Act of 1942, Title VI.)

* * * * *

(b) *Effective date of amendments.*

* * * * *

(2) The amendments to section 3465 (a) (2) and (3) made by subsection (a) shall apply only to amounts paid pursuant to bills rendered after the effective date of this title for service for which no previous bill was rendered. Where bills rendered after the effective date of this title include charges for services previously rendered, the amendments shall not apply to such service as was rendered more than two months before the effective date of this title, and the provisions of section 3465 in effect at the time such prior service was rendered shall be applicable to the amounts paid for such service.

PAR. 10. Section 130.39 is amended to read as follows:

§ 130.39 *Effective period.* The tax on local and other telephone services was added to the provisions of section 3465 of the Internal Revenue Code by section 548 of the Revenue Act of 1941, which became effective October 1, 1941. Section 3465 was amended by section 606 of the Revenue Act of 1942. The amendment as it relates to this tax applies only to amounts paid pursuant to bills rendered on and after November 2, 1942, for service furnished on or after September 1, 1942, for which no previous bill was rendered.

PAR. 11. The first paragraph of § 130.40 is amended to read as follows:

Paragraph (3) of section 3465 (a), as amended by section 606 of the Revenue Act of 1942, imposes a tax on the amount paid by any subscriber for local telephone service and for any other telephone service in respect of which a tax is not payable under the provisions of paragraph (1) or (2) of that section.

PAR. 12. The first paragraph of § 130.41 is amended to read as follows:

The tax is imposed at the rate of 10 percent of the amount paid by any subscriber for local telephone service or for any other telephone service which is not subject to the provisions of section 3465 (a) (1) or (2) of the Code, as amended. (See §§ 130.30 to 130.38.) In the case of service taxable under section 3465 (a) (3) prior to amendment by section 606 of the Revenue Act of 1942, the tax was at the rate of 6 percent of the amount paid.

Par. 13. Section 130.42 is amended to read as follows:

§ 130.42 *Coin-operated telephones.* No tax is imposed with respect to charges of 24 cents or less paid by the insertion of coins in public coin-operated telephones for a single telephone conversation, except where the coin-operated service is furnished for a guaranteed amount. However, if the amount paid for a single telephone conversation, including additional charges for overtime service, totals more than 24 cents, the tax imposed by section 3465 (a) (1) of the Code, as amended, applies. (See §§ 130.30 to 130.35.)

Service paid for by inserting coins in coin-operated telephones where the coin-operated telephone service is furnished for a guaranteed amount is taxable. In such case, the tax attaches to the amounts paid under the guarantee plus any fixed monthly or other periodic charge.

Par. 14 There is inserted immediately preceding § 130.50 the following:

Sec. 609. Transportation of persons. (Revenue Act of 1942, Title VI.)

(a) Increase in Rate.—Section 3469 (a) (relating to tax on transportation of persons) * * * are amended by striking out "5 per centum" and inserting in lieu thereof "10 per centum."

* * * * *

Sec. 601. Effective date of this title. (Revenue Act of 1942, approved October 21, 1942, Title VI.)

This title shall take effect on the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

Par. 15. Section 130.50 is amended by adding thereto the following sentence:

The increase in the tax rate made by the amendment of section 3469 by section 609 of the Revenue Act of 1942 became effective November 1, 1942.

Par. 16. The first paragraph of § 130.52 is amended to read as follows:

The tax is 10 per cent of the amount of the taxable payment for transportation. Prior to November 1, 1942, the tax was 5 per cent of such amount.

Par. 17. There is inserted immediately preceding § 130.55 the following:

Sec. 609. Transportation of persons. (Revenue Act of 1942, Title VI.)

(a) Increase in Rate.— * * * section 3469 (c) (relating to tax on seats or berths) are amended by striking out "5 per centum" and inserting in lieu thereof "10 per centum."

* * * * *

Sec. 601. Effective date of this title. (Revenue Act of 1942, approved October 21, 1942, Title VI.)

This title shall take effect on the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

Par. 18. Section 130.55 is amended by adding thereto the following sentence:

The amendment to section 3469 made by section 609 of the Revenue Act of 1942, whereby the rate of tax was increased, became effective November 1, 1942.

Par. 19. The first paragraph of § 130.57 is amended to read as follows:

The tax is 10 per cent of the amount of the taxable payment for seating or sleeping accommodations. Prior to November 1, 1942, the tax was 5 per cent of such amount.

Par. 20. There is inserted immediately preceding § 130.63 the following:

Sec. 609. Transportation of persons. (Revenue Act of 1942, Title VI.)

* * * * *

(b) Exemption of Members of Armed Forces of United Nations From Tax on Transportation of Persons, Etc.—Section 3469 (f) (2) (relating to exemptions from the tax on transportation of persons) is amended by inserting after the words "uniform of the United States" a comma and the following: "or to members of the military or naval forces of any of the other United Nations traveling in uniform of such nation, * * *

Par. 21. Section 130.63 is amended by inserting after the words "including authorized cadets and midshipmen," the words "or to members of the military or naval forces of any of the United Nation,".

(Secs. 601, 606, 609 and 616 of the Revenue Act of 1942 (Public Law 753, 77th Cong.), and sections 1855, 3472 and 3791 of the Internal Revenue Code (53 Stat. 206, 423 and 467; 26 U.S.C., 1940 ed., 1855, 3472 and 3791))

[SEAL] Guy T. Helvering,
Commissioner of Internal Revenue.

Approved: November 30, 1942.

John L. Sullivan,
Acting Secretary of the Treasury.

[F. R. Doc. 42-12740; Filed, December 1, 1942; 4:25 p. m.]

[T.D. 5189]

Part 316—Excise Taxes on Sales to the Manufacturer

REFRIGERATION EQUIPMENT, PHOTOGRAPHIC SUPPLIES, ETC.

In order to conform Regulations 46 [Part 316, Title 26, Code of Federal Regulations, 1940 Sup.] as amended, relating to excise taxes on sales by the manufacturer under the Internal Revenue Code, to sections 601, 607, 610, 611, 614, 615, and 618 (b) of the Revenue Act of 1942 (Public Law 753, 77th Congress, 2d Session), such regulations are amended as follows:

Paragraph 1. There is inserted immediately preceding § 316.2 the following:

Sec. 601. Effective date of this title. (Revenue Act of 1942, Title VI.)

This title shall take effect on the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

Par. 2. The last two paragraphs of § 316.2, as amended by Treasury Decision 5099, approved November 28, 1941, are eliminated and the following new paragraph is inserted in lieu thereof:

Under the provisions of Title VI of the Revenue Act of 1942, effective November 1, 1942, the taxes with respect to sales of electric signs, rubber articles, washing machines and optical equipment are terminated, and certain changes are made in the taxes with respect to sales of refrigerators, etc., and photographic apparatus.

Par. 3. The last paragraph of § 316.5 is amended to read as follows:

In the case of a lease, an installment sale, a conditional sale, or a chattel mortgage arrangement, a proportionate part of the tax attaches to each payment. (See § 316.9.) In the case of use by the manufacturer (see § 316.7) the tax attaches at the time the use begins.

Par. 4. There is inserted immediately preceding § 316.8 the following:

Sec. 618. Sale under chattel mortgage. (Revenue Act of 1942, Title VI.)

* * * * *

(b) *Manufacturers' sales taxes generally.* Section 3441 (c) (1) (relating to tax where articles are sold under installment or conditional sales contracts) is amended by striking out "or (C) a conditional sale" and inserting in lieu thereof "(C) a conditional sale, or (D) a chattel mortgage arrangement wherein it is provided that the sales price shall be paid in installments".

Par. 5. Section 316.9, as amended by Treasury Decision 5099, is further amended by changing the heading to read "Basis of tax on leases, installment sales, conditional sales, and sales under chattel mortgage arrangements." and by adding the following new paragraph at the end thereof:

Where articles are sold by the manufacturer on and after November 1, 1942, under a chattel mortgage arrangement, with payments to be made in installments, a proportionate part of the total tax shall be paid upon each payment made with respect to the articles. The tax must be returned and paid to the collector during the month following that in which such payment is made.

Par. 6. There is inserted immediately preceding § 316.60 the following:

Sec. 610. Organs under contract before October 1, 1941. (Revenue Act of 1942, Title VI.)

The tax under section 3404 (d) of the Internal Revenue Code shall not apply to the sale of an organ sold under a bona fide written contract entered into before October 1, 1941, and tax paid with respect to the sale of an organ under such a contract may be refunded, subject to the provisions of section 3443 (d) of the Internal Revenue Code.

Par. 7. Section 316.63, as added by Treasury Decision 5099, is amended by adding the following new paragraph at the end thereof:

The tax does not apply to an organ sold under a bona fide written contract entered into before October 1, 1941. In any case where tax has been paid with respect to the sale of an organ under such a contract, the person who paid the tax to the United States may take a credit or be allowed a refund in the amount of the tax paid on such article in accordance with the provisions of § 316.204.

Par. 8. There is inserted immediately preceding § 316.70 the following:

Sec. 614. Refrigerators, refrigerating apparatus, and air-conditioners. (Revenue Act of 1942, Title VI.)

Section 3405 is amended to read as follows:

Sec. 3405. Tax on mechanical refrigerators and self-contained air-conditioning units. There shall be imposed on the following articles (including in each case parts or accessories therefor sold on or in connection with the sale thereof) sold by the manufacturer, producer, or importer a tax equivalent to 10 per centum of the price for which sold:

(a) *Refrigerators.*—Household type refrigerators (for single or multiple cabinet installations) having, or being primarily designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline.

(b) *Refrigerating apparatus.* Cabinets, compressors, condensers, evaporators, expansion units, absorbers, and controls for, or suitable for use as parts of or with, household type refrigerators of the kind described in subsection (a) except when sold as component parts of complete refrigerators or refrigerating or cooling aparatus.

(c) *Air-conditioners.* Self-contained air-conditioning units.

Par. 9. Section 316.70, as amended by Treasury Decision 5099, is further amended as follows:

(A) Following the title "Refrigerators, etc.—" the subtitle "(a) *For the period October 1, 1941 to October 31, 1942, inclusive.—*" is inserted.

(B) The fourth paragraph is changed to read as follows:

A manufacturer of an article taxable under section 3405 (a), as amended by section 546 of the Revenue Act of 1941, may purchase tax free for use as a component in the manufacture of such article any of the refrigerating apparatus specified in section 3405 (b), as amended by section 546 of the Revenue Act of 1941. (See § 316.71.) However, if any of the refrigerating apparatus specified in section 3405 (b) as so amended, is purchased tax paid and used as a component in the manufacture of an article taxable under such section 3405 (a) as amended, the manufacturer of the article may be allowed a credit to the extent of the tax paid on the refrigerating apparatus so used as a component. (See § 316.204.)

(C) The following paragraphs are added at the end thereof:

(b) *For the period beginning November 1, 1942.* Subsection (a) of section 3405, as amended by section 614 of the Revenue Act of 1942, imposes a tax on sales by the manufacturer of household type refrigerators (for single or multiple cabinet installations) having, or being primarily designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline, and including in each case parts or accessories therefor sold on or in connection with the sale of the article.

The term "household type refrigerator" includes refrigerators for single or multiple cabinet installations, which (1) are designed for domestic use, (2) are arranged to provide refrigerated storage space for the preservation of food products or low temperature space for making ice cubes and frozen desserts, (3) have a net storage space not exceeding 20 cubic feet, and (4) have, or are primarily designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline.

The tax applies to all household type refrigerators, if primarily designed for use with a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline; it is not necessary that such a mechanical refrigerating unit be sold on or in connection with the sale of the refrigerator.

A manufacturer of household type refrigerators taxable under section 3405 (a), as amended by section 614 of the Revenue Act of 1942, or other refrigerators, or refrigerating or cooling apparatus may purchase tax free for use as a component in the manufacture of such articles any of the refrigerating apparatus specified in section 3405 (b), as amended by section 614 of the Revenue Act of 1942. (See § 316.71.) However, if any of the refrigerating apparatus specified in such section 3405 (b) as amended, is purchased tax paid and used as a component in the manufacture of a household type refrigerator taxable under section 3405 (a) as amended, the manufacturer of such household type refrigerator may be allowed a credit to the extent of the tax paid on the refrigerating apparatus so used as a component. (See § 316.204.)

The tax does not apply to refrigerator cabinets which are primarily designed for use without a mechanical refrigerating unit.

Par. 10. Section 316.71, as amended by Treasury Decision 5099, is further amended by inserting after the title "Refrigerating Apparatus.—" the subtitle "(a) *For the period October 1, 1941 to October 31, 1942, inclusive.—*", and by adding the following new paragraph:

(b) *For the period beginning November 1, 1942.* Subsection (b) of section 3405 as amended by section 614 of the Revenue Act of 1942, imposes a tax on sales by the manufacturer of cabinets, compressors, condensers, evaporators, expansion units, absorbers and controls for, or suitable for use as parts of or with, household type refrigerators of the kind described in section 3405 (a), as amended by section 614 of the Revenue Act of 1942, including in each case parts or accessories therefor sold on or in connection with the sale of the specified refrigerating apparatus. Sales of such refrigerating apparatus as component parts of complete refrigerators, or refrigerating or cooling apparatus are not subject to the tax.

Par. 11. Section 316.72 amended by Treasury Decision 5099, is further amended by inserting after the title "Air-conditioners, and components.—" the following subtitle "(a) *For the period October 1, 1941 to October 31, 1942, inclusive.—*", and by adding the following new paragraph at the end thereof:

(b) *For the period beginning November 1, 1942.*—Subsection (c) of section 3405, as amended by section 614 of the Revenue Act of 1942, imposes a tax on sales by the manufacturer of self-contained air-conditioning units, including parts or accessories therefor sold on or in connection with the sale of such units.

Par. 12. There is inserted immediately preceding § 316.120, as added by Treasury Decision 5099, the following:

Sec. 607. Photographic apparatus. (Revenue Act of 1942, Title VI.)

Section 3406 (a) (4) is amended to read as follows:

(4) *Photographic apparatus.* Cameras (except cameras weighing more than four pounds exclusive of lens and accessories) and lenses, photographic apparatus and equipment, and any apparatus or equipment designed especially for use in the taking of photographs or motion pictures or in developing, printing, or enlarging photographs or motion pictures, 25 percentum; unexposed photographic films (including motion picture films but not including X-ray film), photographic plates and sensitized paper, 15 per centum.

Par. 13. Section 316.120, as added by Treasury Decision 5099, is amended as follows:

(A) The first paragraph is amended by adding at the end thereof the following:

Under section 3406 (a) (4), as amended by section 607 of the Revenue Act of 1942, increased rates of tax are imposed (see § 316.122), and the tax in the case of cameras is restricted to cameras weighing 4 pounds or less, exclusive of the lens and accessories. In all other respects, the scope of the tax under section 3406 (a) (4), as amended by section 607 of the Revenue Act of 1942, is identical to the scope of the tax as originally imposed under section 3406 (a) (4), as added by section 551 of the Revenue Act of 1941.

(B) The second paragraph is amended to read as follows:

The term "cameras" includes the entire assembly which is used for, or capable of use in, the taking of still or motion pictures. For the period prior to November 1, 1942, the tax applies to all cameras regardless of weight; for the period beginning with November 1, 1942, cameras weighing more than 4 pounds exclusive of lens and accessories are specifically excluded by law from the scope of the tax.

Par. 14. Section 316.122, as added by Treasury Decision 5099, is amended to read as follows:

§ 316.122 *Rates of tax.* For the period prior to November 1, 1942, the tax is payable by the manufacturer at the rate of 10 per cent of the sale price.

For the period beginning with November 1, 1942, the tax is payable by the manufacturer at the following rates:

25 per cent of the sale price. Cameras; lenses; photographic apparatus and equipment; and any apparatus or equipment designed especially for use in the taking of photographs or motion pictures, or in developing, printing, or enlarging photographs or motion pictures.

15 per cent of the sale price. Unexposed photographic films (including motion picture films but not including X-ray film); photographic plates; and sensitized paper.

In each case, the taxable sale price shall be determined in accordance with the provisions of §§ 316.8 to 316.15, inclusive.

PAR. 15. There is inserted immediately preceding § 316.130, as added by Treasury Decision 5099, the following:

SEC. 611. TERMINATION OF CERTAIN EXCISE TAXES. (Revenue Act of 1942, Title VI.)

The taxes imposed by the following provisions shall not apply to the sale, by the manufacturer, producer, or importer, after the effective date of this Title, of the articles taxable under such provisions:

(a) Section 3406 (a) (5) of the Internal Revenue Code (relating to tax on electric signs).

* * * * *

PAR. 16. There is inserted immediately following section 316.131, as added by Treasury Decision 5099, the following new section:

§ 316.132 *Termination of tax.* The tax imposed by section 3406 (a) (5) on sales of neon-tube signs, electric signs, and electric advertising devices by the manufacturer does not apply to sales made on and after November 1, 1942.

PAR. 17. There is inserted immediately preceding § 316.140, as added by Treasury Decision 5099, the following:

SEC. 615. EXEMPTION OF CERTAIN CASH REGISTERS. (Revenue Act of 1942, Title VI.)

Section 3406 (a) (6) (relating to tax on business and store machines) is amended by inserting after "cash registers" the following: ", except cash registers of the type used in registering over-the-counter retail sales".

PAR. 18. Section 316.140 as added by Treasury Decision 5099, is amended by adding a new paragraph at the end thereof, as follows:

The tax does not apply to sales on and after November 1, 1942, of cash registers of the type used in registering over-the-counter retail sales.

PAR. 19. There is inserted immediately preceding § 316.150, as added by Treasury Decision 5099, the following:

SEC. 611. TERMINATION OF CERTAIN EXCISE TAXES. (Revenue Act of 1942, Title VI.)

The taxes imposed by the following provisions shall not apply to the sale, by the manufacturer, producer, or importer, after the effective date of this Title, of the articles taxable under such provisons:

* * * * *

(b) Section 3406 (a) (7) of the Internal Revenue Code (relating to tax on rubber articles).

* * * * *

PAR. 20. There is inserted immediately following § 316.151, as added by Treasury Decision 5099, the following new section:

§ 316.152 *Termination of tax.* The tax imposed by section 3406 (a) (7) on sales of rubber articles by the manufacturer does not apply to sales made on and after November 1, 1942.

PAR. 21. There is inserted immediately preceding § 316.160, as added by Treasury Decision 5099, the following:

SEC. 611. TERMINATION OF CERTAIN EXCISE TAXES. (Revenue Act of 1942, Title VI.)

The taxes imposed by the following provisions shall not apply to the sale, by the manufacturer, producer, or importer, after the effective date of this Title, of the articles taxable under such provisions:

* * * * *

(c) Section 3406 (a) (8) of the Internal Revenue Code (relating to tax on washing machines).

* * * * *

PAR. 22. There is inserted immediately following § 316.161, as added by Treasury Decision 5099, the following new section:

§ 316.162 *Termination of tax.* The tax imposed by section 3406 (a) (8) on sales of washing machines of the kind used in commercial laundries by the manufacturer does not apply to sales made on and after November 1, 1942.

PAR. 23. There is inserted immediately preceding § 316.170, as added by Treasury Decision 5099, the following:

SEC. 611. TERMINATION OF CERTAIN EXCISE TAXES. (Revenue Act of 1942, Title VI.)

The taxes imposed by the following provisions shall not apply to the sale, by the manufacturer, producer, or importer, after the effective date of this Title, of the articles taxable under such provisions:

* * * * *

(d) Section 3406 (a) (9) of the Internal Revenue Code (relating to tax on optical equipment).

PAR. 24. There is inserted immediately following § 316.171, as added by Treasury Decision 5099, the following new section:

§ 316.172 *Termination of tax.* The tax imposed by section 3406 (a) (9) on sales of optical equipment by the manufacturer does not apply to sales made on and after November 1, 1942.

(Secs. 601, 607, 610, 611, 614, 615 and 618 (b) of the Revenue Act of 1942 (Public Law 753, 77th Congress, 2d Session), and section 3791 of the Internal Revenue Code (53 Stat., 467; 26 U.S.C., 3791).

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: November 30, 1942.

JOHN R. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-12739; Filed, December 1, 1942; 4:25 p. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary

PART 3—DETERMINATIONS RELATING TO OVERTIME, SUNDAY, AND HOLIDAY PAY

TEMPORARY STAY OF APPLICATION OF EXECUTIVE ORDER TO SHIPBUILDING AND SHIP REPAIR INDUSTRY

Upon the request of the Chairman of the Shipbuilding Stabilization Committee, it is ordered, pursuant to the authority vested in me by Executive Order 9248,[1] that the temporary stay of application of Executive Order 9240[2] entitled "Regulations Relating to Overtime Wage Compensation" to work in the Shipbuilding and Ship Repair Industry, which is subject to the Zone Standards Agreements for the Shipbuilding and Ship Repair Industry and the Pacific Coast Repair Agreements, granted by me by Order dated September 30, 1942,[3] for a period of 60 days from October 1, 1942, is further extended until January 31, 1943.

Dated: November 29, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-12742; Filed. December 1, 1942; 4:35 p. m.]

Chapter VIII—Commissioner of Internal Revenue

[T.D. 5186]

PART 1002—STABILIZATION OF SALARIES

On October 27, 1942, the President approved regulations relating to wages and salaries prescribed by the Economic Stabilization Director (7 F.R. 8748) under the Act of October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (Public No. 729, 77th Congress, 2d Session) and Executive Order No. 9250, dated October 3, 1942 (7 F.R. 7871). Those regulations conferred on the Commissioner of Internal Revenue authority to administer the provisions thereof relating to the stabilization and limitation of certain salaries. In the exercise of the authority so conferred on the Commissioner of Internal Revenue, the following regulations relating to salaries are hereby promulgated.

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[1] 7 F.R. 7419.

[2] 7 F.R. 7159.

[3] 7 F.R. 7801.

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1002.33 Services in foreign countries.
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AUTHORITY: §§ 1002.1 to 1002.34, inclusive, issued under Pub. Law 729, 77th Cong., E.O. 9250, 7 F.R. 7871; Regs. of Economic Stabilization Director, dated October 27, 1942, 7 F.R. 8748.

SUBPART A—DEFINITIONS

§ 1002.1 *General terms.* When used in these regulations, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(a) The term "Act" means the Act of October 2, 1942 (Public No. 729, 77th Congress) entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes".

(b) The term "Board" means the National War Labor Board created by Executive Order No. 9017, dated January 12, 1942 (7 F.R. 237).

(c) The term "Commissioner" means the Commissioner of Internal Revenue.

(d) The term "Code" means the Internal Revenue Code, as amended and supplemented.

(e) The term "person" has the same meaning as when used in the Code.

(f) The term "General Regulations" means regulations (relating to wages and salaries) issued by the Economic Stabilization Director, approved by the President on October 27, 1942 (7 F.R. 8748), and as amended or supplemented by subsequent regulations issued by the Economic Stabilization Director relating to wages and salaries.

(g) The term "in contravention of the Act" means in contravention of the Act of October 2, 1942 (referred to in paragraph (a) above), Executive Order No. 9250 of October 3, 1942 (7 F.R. 7871), the General Regulations, these regulations and other rulings and regulations promulgated under such Act.

§ 1002.2 *Employee and employer.* An employee, for the purposes of these regulations, is an individual who performs services for compensation where the relationship between him and the person for whom he performs the services is the legal relationship of employee and employer. An employer is any person for whom an individual performs any services, of whatever nature, as the employee of such person. The term "employer" is not limited to private persons engaged in trade or business, but includes organizations which, under section 101 of the Code, are exempt from income taxation, and also government departments and agencies. The existence of the legal relationship of employer and employee is to be ascertained in the light of the general purposes of the Act and the General Regulations.

Generally, the legal relationship of employer and employee exists when the person for whom services are performed has the right to control and direct the individual who performs the services, not only as to the result to be accomplished by the work done, but also as to the details and means by which that result is accomplished. An employee is generally subject to the will and control of the employer not only as to what shall be done but how it shall be done. In this connection it is unnecessary that the employer actually direct or control the precise manner in which the services are performed; it is sufficient that he has the right to do so. The right to discharge is also an important factor indicating that the person possessing that right is an employer.

Other factors characteristic of an employer, but not necessarily present in every case, are the furnishing of tools and the furnishing of a place to work to the individual who performs the services. In general, if an individual is subject to the control or direction of another merely as to the result to be accomplished by the work and not as to the means and methods for accomplishing the result, he is an independent contractor. An individual performing services as an independent contractor is not an employee as to such services. Physicians, lawyers, architects, contractors and others who follow an independent trade, business or profession in which they offer their services to the public are generally independent contractors and not employees. Whether the relationship of employer-employee exists will be determined upon an examination of the particular facts of each case.

If the relationship of employer and employee exists the designation or description of the relationship by the parties as anything other than that of employer and employee is immaterial. If such relationship exists, it is of no consequence that the employee is designated as a partner, co-adventurer, agent or independent contractor. The measurement, method, or designation of compensation is immaterial if the relationship of employer and employee thus in fact exists.

An officer of a corporation is an employee of the corporation but a director as such is not. A director may be an employee of the corporation, however, if he performs services for the corporation other than those required by attendance at and participation in meetings of the board of directors.

§ 1002.3 *Executive employees.* An individual "employed in a bona fide executive capacity" means any employee:

(a) Whose primary duty consists of the management of the establishment in which he is employed or of a customarily recognized department or subdivision thereof, and

(b) Who customarily and regularly directs the work of other employees, and

(c) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any change of status of other employees will be given particular weight, and

(d) Who customarily and regularly exercises discretionary powers, and

(e) Who is compensated for his services on a salary basis at not less than $30 per week (exclusive of board, lodging, or other facilities), and

(f) Whose hours of work of the same nature as that performed by employees not employed in an executive, administrative or professional capacity do not exceed 20 percent of the total number of hours worked in the workweek by the employees under his direction: *Provided,* That this subparagraph (f) shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment.

§ 1002.4 *Administrative employees.* An individual "employed in a bona fide administrative capacity" means any employee:

(a) Who is compensated for his services on a salary or fee basis at a rate of not less than $200 per month (exclusive of board, lodging, or other facilities), and

(b) (1) Who regularly and directly assists an employee employed in a bona fide executive or administrative capacity (as such terms are defined in these regulations), where such assistance is nonmanual in nature and requires the exercise of discretion and independent judgment; or

(2) Who performs under only general supervision, responsible nonmanual office or field work, directly related to management policies or general business operations, along specialized or technical lines requiring special training, experience, or knowledge, and which requires the exercise of discretion and independent judgment; or

(3) Whose work involves the execution under only general supervision of special nonmanual assignments and tasks directly related to management policies or general business operations involving the exercise of discretion and independent judgment; or

(4) Who is engaged in transporting goods or passengers for hire and who performs, under only general supervision, responsible outside work of a specialized or technical nature requiring special training, experience, or knowledge, and whose duties require the exercise of discretion and independent judgment.

§ 1002.5 *Professional employees.* Any individual "employed in a bona fide professional capacity" means any employee who is:

(a) Engaged in work—

(1) Predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work, and

(2) Requiring the consistent exercise of discretion and judgment in its performance, and

(3) Of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time, and

(4) Whose hours of work of the same nature as that performed by employees not employed in an executive, administrative or professional capacity do not exceed 20 percent of the hours worked in the workweek by such employees; provided that where such non-professional work is an essential part of and necessarily incident to work of a professional nature, this subparagraph (4) shall not apply, and

(5) (i) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes; or

(ii) Predominantly original and creative in character in a recognized field of artistic endeavor as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training, and the result of which depends primarily on the invention, imagination, or talent of the employee, and

(b) Compensated for his services on a salary or fee basis at a rate of not less than $200 per month (exclusive of board, lodging, or other facilities); provided that this paragraph (b) shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and who is actually engaged in the practice thereof.

§ 1002.6 *Salary payments.* The terms "salary" and "salary payment" mean only such salaries over which the Commissioner has jurisdiction. (See § 1002.10 of these regulations.) These terms are not used in any restricted, narrow or technical sense, but encompass all forms of direct or indirect compensation for personal services of an employee which is computed on a weekly, monthly, annual or other basis, other than wages (as defined in the General Regulations and in orders or rulings of the Board). Bonuses, gifts, loans, commissions, fees, additional compensation and any other remuneration in any form or medium whatsoever are considered as falling within the concept of "salary" or "salary payment". Any compensation which is not regarded as wages in the commonly accepted sense of the term is salary notwithstanding that it may be computed on an hourly, daily or piecework basis.

Retainer fees paid to an individual, not otherwise an employee, are not to be considered as salary. Insurance and pension benefits in a reasonable amount (see § 1002.8) are likewise excluded from the terms "salary" and "salary payment".

Although the terms "salary" and "salary payment" do not include any compensation other than for personal services of an employee, the Commissioner is not precluded from determining, after investigation, that amounts denominated, for example, as rents or royalties are in fact salary payments subject to the controls set forth in these regulations.

All amounts paid to, authorized to be paid to, or accrued to the account of any employee during a calendar year for services rendered or to be rendered are to be included as salary for such year.

§ 1002.7 *Salary rate.* The term "salary rate" means the rate or aggregate of rates or other basis at which the salary for any particular work or service is computed, either under the terms of a contract or agreement, express or implied, or in conformity with custom or usage existing in the employer's business establishment. For treatment of commissions and bonuses on a percentage basis see § 1002.14.

§ 1002.8 *Insurance and pension benefits.* Compensation may include insurance and pension benefits. In determining the amount of salary of an employee, the insurance or pension benefit inuring to such employee is not measured by what he will be entitled to receive after the happening of certain contingencies, but rather in terms of the amount of contributions or premiums paid by the employer. To the extent that an insurance and pension benefit inuring to an employee is reasonable in amount, such benefit is not considered as salary as defined in § 1002.6.

Section 165 (a) of the Code sets forth the conditions under which a trust forming part of a stock bonus, pension or profit-sharing plan of an employer for the exclusive benefit of his employees or their beneficiaries shall not be taxable for Federal income tax purposes. Contributions by an employer to an employees' trust or under an annuity plan, which trust or plan meets the exemption requirements of such section 165 (a) (as of the date the contributions are made), shall be considered as reasonable, regardless of the amount of such contributions. On the other hand, contributions by an employer to an employees' trust which is subject to Federal income taxation because it does not meet the requirements of such section 165 (a) shall be treated, for purposes of these regulations, as salary.

To the extent amounts paid by an employer on account of insurance premiums on a policy on the life of an employee are deductible by the employer in computing net income under the conditions set forth in section 23 (a) of the Code (relating to deductions for ordinary and necessary business expenses), such amounts are not considered as salary. The amount of insurance premiums that will be considered as falling outside the concept of salary cannot exceed the amount of such premiums deductible by the employer for Federal income tax purposes. If, however, such insurance premiums are includible in the gross income of the employee (for whose benefit the insurance has been taken out), as well as deductible by the employer, the amount which shall not be considered as salary in respect of such employee may not exceed 5 percent of the employee's annual salary determined without the inclusion of insurance and pension benefits.

The application of the preceding paragraph may be illustrated by the following examples. An employer having 20 salaried employees takes out life insurance policies on each of such employees in favor of beneficiaries designated by them. The premiums paid for 10 of the employees are in each instance 7 percent of the employee's annual salary (exclusive of insurance and pension benefits). As to the remaining 10 employees the premiums in each instance are 5 percent of the employee's annual salary (exclusive of insurance and pension benefits). It is assumed that with respect to each employee the premium paid would be includible in his gross income under the Code and would be deductible by the employer under section 23 (a) of the Code. As to the first 10 employees 2 percent of the premiums in each instance will be considered as salary, whereas no part of the premiums will be considered as salary in the case of the second group of employees. If, however, none of the premiums were deductible in computing the net income of the employer, then the entire amount of the premium in each instance would be considered as salary to the employee involved.

Premiums paid by an employer on policies of group life insurance without cash surrender value covering the lives of his employees, or on policies of group health or accident insurance, the beneficiaries of which are designated by such employees, do not constitute salary (regardless of the amount of salary otherwise received annually by such employees) if such premiums are deductible by the employer under section 23 (a) of the Code.

§ 1002.9 *Approval by Commissioner.* Wherever the terms "approval by the Commissioner" and "determination by the Commissioner" are used in these regulations they shall, except as otherwise provided, include an approval or determination by a regional officer of the Salary Stabilization Unit established by the Commissioner under Treasury Decision 5176, which officer is authorized to make such determination. If an approval or determination made by such regional officer is subsequently modified or reversed by the Commissioner, such approval or determination shall be deemed to have been continuously in effect from its original date until the first day of the payroll period following reversal or modification, or until such later date as the Commissioner may provide in his ruling.

To illustrate, an employer obtains the approval of a regional officer of the Salary Stabilization Unit that a proposed increase in certain salaries is permissible. The approval is given on January 2, 1943, and the salary increase is to become effective January 15, 1943. On March 15, 1943, the Commissioner determines that the salary increase was not proper and reverses the approval given by the regional officer. The Commissioner provides in his ruling that the increase in salary shall be discontinued after March 31, 1943. For purposes of

these regulations, no part of the salary for the period between January 15 and March 31 shall be considered to have been in contravention of the Act.

SUBPART B—JURISDICTION OF COMMISSIONER

§ 1002.10 *Amount of salary payment.* (a) The General Regulations provide that the Commisisoner shall have authority to determine, under regulations to be prescribed by the Commissioner with the approval of the Secretary of the Treasury, whether salary payments are made in contravention of the Act. The Commissioner's jurisdiction is confined to:

(1) Salary payments in excess of $5,000 per annum, in the case of individuals employed in any capacity whatsoever; and

(2) Salary payments of $5,000 or less per annum, in the case of individuals (i) who are employed in bona fide executive, administrative or professional capacities, and (ii) who, in their relations with their employer, are not represented by duly recognized or certified labor organizations, and (iii) whose services are not within the meaning of "agricultural labor" as defined in paragraph (l) of § 4001.1 of the General Regulations.

Other salary payments are subject either to the jurisdiction of the Board or the Secretary of Agriculture, as prescribed in the General Regulations. If, for example, a salary is to be increased from $4500 per annum to $5200 per annum (and subparagraph (2) is inapplicable), approval of such increase, if required, must be obtained from the Board.

§ 1002.11 *Conclusiveness of determination.* (a) Any determination by the Commissioner that a salary payment is in contravention of the Act is conclusive in every respect upon all executive departments and agencies of the Federal Government for the following purposes:

(1) Determining costs or expenses of any employer for the purpose of any law or regulation, either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942, or any maximum price regulation thereunder;

(2) Calculating deductions under the revenue laws of the United States; or

(3) Determining costs or expenses under any contract made by or on behalf of the United States.

(b) Any such determination of the Commissioner is final and not subject to review by The Tax Court of the United States or by any court in any civil proceedings. Nothing herein is intended, however, to deny the right of any employer or employee to contest in The Tax Court of the United States or in any court of competent jurisdiction the validity of:

(1) Any provision of these regulations, on the ground such provision is not authorized by law, or

(2) Any action taken or determination made under these regulations, on the ground that such action or determination is not authorized, or has not been taken or made in a manner required, by law.

(c) No increase in salary rate shall result in any substantial increase of the level of costs or furnish the basis either to increase price ceilings of the commodity or service involved or to resist otherwise justifiable reductions in such price ceilings.

§ 1002.12 *Geographical scope.* The provisions of these regulations shall not apply to salaries in any Territory or possession of the United States, except Alaska and Hawaii.

SUBPART C—SALARY INCREASES

§ 1002.13 *Commissioner's approval required.* Section 1 of the Act provides in effect that salaries, so far as practicable, shall be stabilized at the levels which existed on September 15, 1942. In the case of a salary rate of $5,000 or less per annum existing on October 27, 1942, or established thereafter in compliance with these regulations, and in the case of a salary rate of more than $5,000 per annum existing on October 3, 1942, or established thereafter in compliance with these regulations, no increase shall be made by the employer, except as provided in § 1002.14, without prior approval of such increase by the Commissioner. Any salary increase made before the required approval of the Commissioner is obtained is from the date of such increase in contravention of the Act. (See §§ 1002.28 and 1002.29 for the consequences of a salary payment made in contravention of the Act.) The Commissioner may, however, approve an increase in salary rate to be effective as of the date of the application for approval.

The burden of justifying an increase in salary rate shall in every instance be upon the employer seeking to make such increase. Increases in salary rates will not be approved unless necessary to correct maladjustments or inequalities, or to aid in the effective prosecution of the war. A promise made by an employer to his employees prior to October 3, 1942 that salaries would be increased in the future is generally to be ignored in determining whether an increase after that date should be approved. The same rule is applicable with respect to a promise made by an employer prior to October 27, 1942, in the case of employees whose salary rates are $5,000 or less per annum. A salary increase, however, may be approved, as to salaries below $5,000 per annum, if to deny such increase would be to force the continuation of a salary which is below the general level existing for the same or comparable work in the local area on September 15, 1942.

An employer who has established a new job classification, or who has begun business, after October 3, 1942, must obtain approval of the Commissioner for the payment of salaries for such job classification or in such new business: *Provided, however,* That if the salary rates in question are not in excess of those prevailing for similar job classifications within the local area, the approval of the Commissioner is not required. An increase in a salary rate for a job classification established after October 3, 1942, shall be subject to the limitations provided in this Subpart.

A mere change in the name, organization, or financial structure of an employer, whether such employer be an individual, partnership or corporation, will not in itself be sufficient for a finding that, for the purposes of these regulations, a new business has been begun or new job classification established after such change.

Any change in a salary rate, regardless of its effective date, which results from an award or decision of an arbitrator or referee made after October 3, 1942, in the case of salaries of more than $5,000 per annum, and after October 27, 1942 in the case of salaries of $5,000 or less per annum, is subject to the provisions of these regulations notwithstanding that the agreement or order for arbitration or reference was made on or before October 3, 1942 or October 27, 1942, as the case may be.

Unless otherwise expressly exempted, any change in a salary rate, provided for in any agreement existing as of October 3, 1942 in the case of salaries of more than $5,000 per annum, or as of October 27, 1942 in the case of salaries of $5,000 or less per annum, which is to take effect at some future date or on the happening of some future event, is subject to the provisions of these regulations regardless of when the agreement was made.

Payment for overtime will constitute an increase in salary rate, and thus will require the approval of the Commissioner, unless the customary practice of the employer has been to pay for overtime, and the rate has not been changed.

Except as may be otherwise provided from time to time by the Commissioner, an application for the approval of a salary increase shall be filed by the employer with the regional office of the Salary Stabilization Unit of the Bureau of Internal Revenue in whose territorial jurisdiction the main office or principal place of business of the employer is located. Such application shall be filed on forms prescribed by the Commissioner and shall contain such information as may be required by the Commissioner.

§ 1002.14 *Commissioner's approval not required.* The Commissioner's approval is not required where an increase in salary rate is made in accordance with the terms of a salary agreement or salary rate schedule in effect on October 3, 1942, or approved thereafter by the Commissioner, and is a result of:

(1) Individual promotions or reclassifications,

(2) Individual merit increases within established salary rate ranges,

(3) Operation of an established plan of salary increases based on length of service,

(4) Increased productivity under incentive plans,

(5) Operation of a trainee system, or

(6) Such other reasons or circumstances as may be prescribed in rulings or regulations promulgated by the Commissioner from time to time.

For purposes of this section, the term "salary agreement" or "salary rate schedule" may include a salary policy in effect on October 3, 1942, even though not evidenced by written contracts or written rate schedules. For example, a salary policy may be determined from previous payroll records or other payroll data. The existence of such policy, however, must be established to the satisfaction of the Commissioner, and the burden of proof rests upon the employer. In such cases, the employer in advance of making an increase in salary rate may reduce the salary policy to writing and secure approval thereof by the Commissioner.

A bonus or other form of additional compensation which does not exceed in amount the bonus or other additional compensation to such employee for the last bonus year ending before October 3, 1942 does not require approval by the Commissioner. In addition a bonus based upon a fixed percentage of salary where the percentage has not been changed, does not require approval by the Commissioner even though the amount may be increased due to an authorized increase in salary. Any other bonus or other form of additional compensation requires approval by the Commissioner. Where the compensation, or part thereof, is paid on a commission basis and is based upon a fixed percentage (which has not been changed) of sales made by the employee, a payment does not require approval by the Commissioner even though the amount may represent an increase due to increased sales by the employee. See, however, Subpart F of these regulations.

The provisions of this section may be illustrated as follows:

(1) The X Corporation began business in 1940. As of July 1, 1942, pursuant to a corporate resolution duly passed in January 1942, all of its salaried employees received more than $5,000 per annum. No approval of the Commissioner is required to increase the salary of an employee who is promoted in November 1942 from a salesman to general manager and who receives a salary within the salary range paid previously to individuals occupying the position of general manager.

(2) The X Corporation in December 1942 wishes to establish a new salary rate schedule raising the level of compensation of all its salaried employees. Approval by the Commissioner of such schedule is required. Assuming that such approval has been obtained, further approval by the Commissioner of any adjustment under such schedule coming within this section is not required.

(3) The Y Corporation begins business on November 1, 1942. The salaries paid by it to its employees are commensurate with salaries paid by other employers in comparable businesses in the same local area. Payment of such salaries does not require the approval of the Commissioner. Any increase in salary rates, however, requires the approval of the Commissioner.

(4) The M Corporation, which has manufactured furniture since 1925, is reorganized in November 1942 and emerges from the reorganization proceedings as the N Corporation. There is no change in the nature of the business although there is a substantial alteration in the financial structure of the company. The N Corporation is not to be treated as a new employer beginning business after October 27, 1942. Consequently, any general increase in salaries over and above those paid by the M Corporation requires the prior approval of the Commissioner.

(5) Employees of the Z Corporation have customarily received a bonus of 5 percent of their annual salary at the end of each calendar year. If, for example, one of the employees received $6,000 in 1941 but received salary of $7,000 in 1942 due to a salary increase on July 1, 1942, a bonus of $350 may be paid to him for 1942 without prior approval of the Commissioner, notwithstanding that his bonus for 1941 was only $300.

SUBPART D—SALARY DECREASES

§ 1002.15 *Salaries under $5,000.* In the case of a salary rate existing as of the close of October 3, 1942, or established thereafter in compliance with these regulations, under which an employee is paid a salary of less than $5,000 per annum for any particular work, the general rule is that no decrease can be made by the employer in such salary rate below the highest salary rate paid for such work in the local area between January 1, 1942, and September 15, 1942. A decrease is permitted, however, with the approval of the Commissioner, in order to correct a gross inequity in any case or to aid in the effective prosecution of the war. Where such decrease is permitted the salary rate may be reduced below the highest salary rate paid for the work in question between January 1, 1942 and September 15, 1942. Except as otherwise provided in this section, any decrease in such salary rate after October 3, 1942 shall be considered in contravention of the Act if it is made prior to the approval thereof by the Commissioner.

Except as may be otherwise provided from time to time by the Commissioner, an application for approval of any salary decrease shall be filed in the same manner as in the case of an application for approval of a salary increase. See § 1002.13 of these regulations.

The Commissioner's approval is not required, for example, in the following cases where salary decreases are made after October 3, 1942:

(1) The new salary rate does not fall below the highest salary rate existing between January 1, 1942 and September 15, 1942 for the particular work in question or for the same or comparable work in the local area.

(2) An employee has been demoted to a lower position than that filled by him between January 1, 1942 and September 15, 1942 and the salary rate for such lower position is not less than the highest salary rate existing for that position during the same period.

(3) An employee has been relieved of substantial duties and responsibilities.

A disparity between salaries paid by a particular employer and those paid by employers generally in the local area does not necessarily constitute justification for decrease in salary rates paid by such employer.

§ 1002.16 *Salaries over $5,000.* In the case of a salary rate existing as of the close of October 3, 1942, or established thereafter in compliance with these regulations, under which an employee is paid a salary of more than $5,000 per annum, the employer is permitted to make, without approval by the Commissioner, a decrease to a rate not less than $5,000 per annum. If, however, by virtue of a decrease the new salary paid to the employee is less than $5,000 per annum, then the decrease below $5,000 per annum is subject to the limitations of § 1002.15 of these regulations. To the extent that prior approval by the Commissioner of a decrease is not required under § 1002.15 or this section, such decrease shall not be considered as being in contravention of the Act.

SUBPART E—GOVERNMENTAL EMPLOYEES

§ 1002.17 *State and local employees.* An adjustment in salaries (not fixed by statute, see § 1002.32) may be made by a State, or any political subdivision thereof, the District of Columbia, or any agency or instrumentality of any of the foregoing, on certification to the Commissioner that such adjustment is necessary to correct maladjustments, or to correct inequalities or gross inequities. The certification procedure shall not apply to any adjustment which would not otherwise require the Commissioner's approval or which would raise salaries beyond the prevailing level of compensation for similar services in the area or community. A certificate by the official or agency authorizing the adjustment stating the nature and amount of such adjustment, and briefly setting forth the facts meeting the foregoing requirement, will be accepted by the Commissioner as sufficient evidence of the propriety of the adjustment, subject to review by the Commissioner. Modification by the Commissioner of adjustments made by a governmental official or agency acting pursuant hereto shall not be retroactive.

In exceptional cases where such an adjustment is sought, and in all cases where the agency seeks an adjustment other than by the certification procedure, application for approval shall be filed with the appropriate regional office of the Salary Stabilization Unit.

SUBPART F—LIMITATIONS ON CERTAIN SALARIES

§ 1002.18 *Basic allowance.* In addition to setting forth limitations on increases and decreases in salary rates, the General Regulations provide a ceiling on the amount of salary which may be paid to any employee during a calendar year. The general rule is that no amount of salary may be paid or authorized to be paid to or accrued to the account of any employee or received by him during the calendar year 1943, and in each succeeding calendar year, which, after reduction by the Federal income taxes on the amount of salary, computed as below without regard to other income and without regard to deductions or credits, would exceed $25,000. Additional allowances of salary which may be permitted in certain circumstances are described in §§ 1002.19 to 1002.22, inclusive.

The amount of Federal income taxes referred to in the preceding paragraph shall be determined:

(1) By applying to the total amount of salary (but not including any amounts allowable under §§ 1002.19 to 1002.22, inclusive, of these regulations) paid or accrued during the calendar year in question, undiminished by any deductions, the rates of taxes imposed by Chapter 1 of the Code (except section 466 thereof relating to withholding) as if such total amount of salary were the net income (after the allowance of the appropriate credits), the surtax net income, and the Victory tax net income, respectively; and

(2) Without further allowance of any other credits against any of such taxes.

Assume that the rates imposed under Chapter 1 of the Code, as amended by the Revenue Act of 1942, are applicable with respect to the calendar year 1943. Under the formula described in the preceding paragraph, the basic allowance of salary for 1943 (which after reduction by the Federal income taxes would yield $25,000) is $67,200. This latter amount is the maximum amount of salary which an employee would be permitted to receive for 1943, provided he is not entitled to further allowances under §§ 1002.19 to 1002.22, inclusive. If the rates of Federal income tax applicable for 1943 should be increased above those now existing in the Code for 1942, the basic allowance of salary will be an amount greater than $67,200.

The basic allowance of salary as described in this section represents an amount against which the appropriate tax rates are applied and remains the same regardless of whether the employee is married or single or of the number of his dependents, if any. It is likewise unaffected by the nature or amount of his other income (taxable or exempt) or by the extent of his deductions allowable for tax purposes generally.

For purposes of this subpart an amount of salary, in addition to the basic allowance of salary, will be permitted for any expenses paid or incurred by an employee which are ordinary and necessary for the performance of the services for which the employee is compensated. No such additional amount, however, shall be permitted for expenses which would not be deductible in computing individual Federal income taxes.

§ 1002.19 *Charitable contributions.* An amount of salary, in addition to the basic allowance of salary described in § 1002.18, will be permitted in certain circumstances to allow an employee to maintain his customary contributions to charitable, educational or other organizations described in section 23 (o) of the Code. Such additional amount of salary will be permitted if the employee establishes to the satisfaction of the Commissioner that after resorting to his other income from all sources he would suffer undue hardship in maintaining his customary contributions out of the basic allowance of salary described in the preceding section.

For purposes of this section and §§ 1002.20, 1002.21, and 1002.22, "income from all sources" includes income which is exempt under the Federal income tax laws.

What constitutes "undue hardship" for purposes of this section and §§ 1002.20, 1002.21, and 1002.22, is dependent upon all the circumstances in each case.

Contributions may be customary within the meaning of this section even though in the particular year in question the organizations to which the contributions are made are different from those to whom contributions were made in previous years.

§ 1002.20 *Insurance premiums.* An amount of salary, in addition to the basic allowance under § 1002.18 may be permitted to an employee under this section to meet certain payments during the employee's taxable year for insurance premiums. To be entitled to such extra allowance of salary the employee must establish to the satisfaction of the Commissioner that after resorting to other income from all sources (see § 1002.19) he is unable, without disposing of assets at a substantial financial loss resulting in undue hardship, to meet premium payments on policies of life insurance in force and effect on October 3, 1942 on his life.

The premium payments referred to in the preceding paragraph are those which are required to be met during the calendar year in question. No allowance for salary is permissible for payments of premiums which are due in future calendar years.

If any insurance has been permitted by an employee to lapse after October 3, 1942, no allowance for salary is permissible for payments of premiums on policies taken out after such date, even though the total annual premiums on the new policies are not in excess of the total annual premiums due on policies in effect on October 3, 1942. Renewal of policies in effect on October 3, 1942 (even though new premiums are higher) will not preclude applicability of this section to premium payments on the renewed policies. Generally, in the case of a conversion of a policy in effect on October 3, 1942 to a new policy requiring payment of higher premiums, this section is inapplicable to the annual amount by which the new premiums exceed the premiums in effect on October 3, 1942.

As used in this section, and §§ 1002.21 and 1002.22, substantial financial loss is not necessarily confined to a loss suffered on disposition of assets at depressed prices substantially below cost to the employee. The present value in use or in production of income and the potential future value are factors to be considered. For the purpose of this subpart, the provisions of the Code governing the determination of loss upon disposition of assets are not controlling.

§ 1002.21 *Fixed obligations.* An amount of salary in addition to the basic allowance under § 1002.18 may be permitted to an employee under this section to make required payments during the employee's taxable year on fixed obligations. Before any amount will be allowed under this section, the employee must establish to the satisfaction of the Commissioner that after resorting to his income from all sources (see § 1002.19), he is unable, without the necessity of disposing of assets at a substantial financial loss resulting in undue hardship, to meet required payments of fixed obligations for which he was obligated on October 3, 1942. (See § 1002.20.)

The term "fixed obligations" as used in this section means any enforceable liability of the employee the amount of which liability was fixed and determined on October 3, 1942. In no event is an allowance for salary permissable under this section for the payment of any amount due in future years.

§ 1002.22 *Federal taxes.* An amount of salary in addition to the basic allowance under § 1002.18 may be permitted to an employee, under this section, to meet payments during the employee's taxable year of certain Federal income taxes. To be entitled to such an additional allowance of salary the employee must establish to the satisfaction of the Commissioner that after resorting to his income from all sources (see § 1002.19), he is unable, without disposing of assets at a substantial financial loss resulting in undue hardship, to meet payments of certain Federal income taxes, more fully described below. (See § 1002.20.)

An allowance for additional salary is permissible in order to pay Federal income taxes owed by the employee himself for any prior taxable year, but is not permissible in order to pay any Federal income tax due on the basic allowance of salary under § 1002.18, except as this allowance is applicable for 1942. See § 1002.24. Thus, an amount for additional salary might be allowable in 1943 to meet the payment of the entire Federal income tax due on a salary received in 1942. In 1944 an amount for additional salary might be allowable to meet the payment of Federal income tax due on additional salary allowances permitted for 1943 under §§ 1002.19, 1002.20, 1002.21 and this section for 1943; but no amount, however, would be allowable to meet the payment of the Federal income tax due on the basic allowance under § 1002.18 for 1943.

§ 1002.23 *Multiple employers.* Salaries payable to an employee from more than one employer may, for purposes of Subpart F, be treated as if all such salaries were payable by a single employer, regardless of the financial or other relationship of the several employers. For example, individual A receives a salary as an employee of the X Corporation and also as an employee of its subsidiary, the Y Corporation. Both the X Corporation and the Y Corporation are required to adjust their salary arrangements with such employee to conform with the provisions of these regulations. If individual B is employed by the M Corporation and the N Corporation, both of whom are owned, directly or indirectly, by the same person or persons, the M Corporation and the N Corporation must adjust their salary arrangements with B to conform with the provisions of these regulations. If individual C is employed by the R Corporation and the S Corporation and both corporations have knowledge of that fact, they must adjust their salary arrangements with C to conform with the provisions of these regulations.

Where an individual is employed by two or more employers who, under these regulations, are required to make salary arrangements in order to conform with the provisions of Subpart F, such individual and employers will be deemed to be acting in contravention of the Act and these regulations if proper salary arrangements are not made. In any event, no employee may receive any salary in excess of that allowed under Subpart F. (See § 1002.30.)

§ 1002.24 *Limitation on 1942 salaries.* Unless payment thereof is required under a bona fide contract in effect on October 3, 1942, no amount of salary shall be paid or authorized to be paid to or accrued to the account of an employee or received by him after October 27, 1942 and before January 1, 1943, if the total salary paid, authorized, accrued or received for the calendar year 1942 exceeds the amount of salary which would otherwise be allowable under § 1002.18 (but not under §§ 1002.19 to 1002.22, inclusive) and also exceeds the total salary paid, authorized, accrued or received for the calendar year 1941. For purposes of this section, the term "bona fide contract" means a legally enforceable agreement, written or oral. Such an agreement may be evidenced by a bona fide resolution of a board of directors of a corporate employer passed on or before October 3, 1942. The amount allowable under § 1002.18 for 1942 (before reduction by any Federal income taxes) is $54.428.57.

§ 1002.25 *Community property.* The limitations on salaries provided for in §§ 1002.18 to 1002.24, inclusive, shall in nowise be affected by any community property law. For example, an employee resident in the State of R receives a salary in 1943 of $100,000. Under the laws of that State, $50,000 of that salary is deemed to be the property of the employee's wife. For purposes of these regulations, the employee's salary is $100,000, not $50,000.

§ 1002.26 *Taxable year.* For purposes of Subparts F and G of these regulations, the term "taxable year" of an employee shall mean the calendar year during which the salary in question is paid or authorized to be paid to or accrued to the account of such employee or received by him. This rule is applicable regardless of whether the employer or employee, or both, file Federal income tax returns for a fiscal year or report income, for Federal income tax purposes, on an accrual basis or on the cash receipts and disbursements basis.

§ 1002.27 *Effective date.* The provisions of this subpart, except as provided in § 1002.24, shall be applicable to all salaries paid or accrued after December 31, 1942, irrespective of when payment or accrual of such salary was authorized and irrespective, also, of any contract or agreement made prior to or after such date.

SUBPART G—EFFECT OF UNLAWFUL PAYMENTS

§ 1002.28 *Amounts disregarded.* (a) Section 5 (a) of the Act provides in effect that the President shall prescribe the extent to which any salary payment made in contravention of regulations promulgated under the Act shall be disregarded by executive departments and other governmental agencies in determining the costs or expenses of any employer for the purposes of any other law or regulation. In any case where a salary payment is determined by the Commissioner to have been made in contravention of the Act, the entire amount of such payment is to be disregarded by all executive departments and all other agencies of the Federal Government for the purposes of:

(1) Determining costs or expenses of any employer for the purpose of any law or regulation, either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942, or any maximum price regulation thereof;

(2) Calculating deductions under the revenue laws of the United States; or

(3) Determining costs or expenses under any contract made by or on behalf of the United States.

A payment in contravention of the Act may be disregarded for more than one of the foregoing purposes.

(b) In the case of salaries decreased in contravention of the Act, the amount to be disregarded, as required by paragraph (a) of this section, is the amount of the salary actually paid or accrued by the employer at the reduced rate. Thus, if, for example, on November 1, 1942, a weekly salary rate of $100 has been unjustifiably reduced to $50 for the remainder of the calendar year 1942, the amount to be disregarded under paragraph (a) of this section is the total amount of salary paid at the weekly rate of $50.

(c) In the case of salaries increased in contravention of the Act, the amount to be disregarded, as required by paragraph (a) of this section, is the amount of the salary actually paid or accrued by the employer at the increased rate and not merely an amount representing an increase in such salary. Thus, if, for example, on November 1, 1942, a weekly salary rate of $100 in unjustifiably increased to $150 for the remainder of 1942, then the amount of salary to be disregarded for purposes of paragraph (a) of this section is the total amount paid at the weekly rate of $150. Also, if, for example, on February 1, 1943, a weekly salary rate of $100 is increased to $150 without prior required approval, but is restored to $100 on June 1, 1943, after formal disapproval by the Commissioner or regional officer, then the amount of salary to be disregarded for purposes of paragraph (a) of this section is the total amount at the weekly rate of $150. Neither, in the cases described in this paragraph nor in the case described in paragraph (b) of this section are the total amounts paid at the weekly rate of $100 to be disregarded for purposes of paragraph (a) of this section. (See § 1002.31 relating to salary allowances under section 23 (a) of the Code.)

(d) In the case of a salary in excess of the amount allowable under Subpart F of these regulations which is paid to, authorized to be paid to, or accrued to the account of an employee during his taxable year (as distinguished from the taxable year of the employer) in contravention of the Act, the amount to be disregarded is the full amount of such salary and not merely the amount representing the excess over the amount allowable under such Subpart F of these regulations. Thus, if, for example, under such Subpart F an employee would be entitled to receive a total salary during his taxable year of $67,200 for services rendered in such year, but actually receives $100,000 for such services, then the entire amount of $100,000 is to be disregarded for purposes of paragraph (a) of this section.

§ 1002.29 *Criminal penalties.* Section 5 (a) of the Act provides in substance that no employer shall pay, and no employee shall receive, any salaries in contravention of the regulations promulgated by the President under the Act. Section 11 of the Act provides that any person, whether an employer or employee, who wilfully violates any provision of the Act or of any regulation promulgated thereunder, shall be subject, upon conviction, to a fine of not more than $1,000, or to imprisonment for not more than one year, or to both such fine and imprisonment.

§ 1002.30 *Salary allowances under Code.* Under section 23 (a) of the Code reasonable allowances for salaries are allowed as deductions in computing net income. The tests which determine whether an allowance for salaries paid or accrued is reasonable within the meaning of section 23 (a) of the Code are in nowise suspended by any provision of these regulations. An employer may be exempt from the operation of these regulations yet be denied deductions for purposes of section 23 (a) of the Code with respect to the salaries paid or accrued by him. Also, a basic allowance under § 1002.18 and additional allowances under §§ 1002.19 to 1002.22, inclusive, may nevertheless be disallowed in whole or in part as deductions under section 23 (a) of the Code.

SUBPART H—EXEMPTIONS

§ 1002.31 *Exempt employers.* The provisions of these regulations, except those contained in Subparts F and G thereof, shall not apply in the case of an employer who employs eight or less individuals in a single business. An employer is subject to the provisions of these regulations if at the time a salary increase is to take effect he has in his employ more than eight individuals in a single business. It is not necessary that each employee be paid a salary provided all the individuals employed receive compensation for their personal services. If it is subsequently determined that the number of employees has been temporarily reduced by the employer, or that the employer has utilized any other improper device, for the sole purpose of claiming the exemption provided in the General Regulations and these regulations, then such exemption shall be deemed to have been improperly obtained and of no force or effect.

An employer may be exempt under this section notwithstanding that shortly after the effective date of a salary increase he enlarges his personnel in good faith to more than eight employees. Any further adjustment in salary will then be subject to the provisions of these regulations.

§ 1002.32 *Statutory salaries.* The provisions of these regulations are applicable in every respect to any salary paid by the United States, any State, Territory, or possession or political subdivision thereof, the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, except where the amount of such salary is fixed by statute. The term "statute" for purposes of this section does not include a municipal ordinance or resolution enacted by a governmental unit inferior to a State, Territory, or possession. Salaries covered by the Federal Classification Act of 1923, as amended, are excluded from the operation of these regulations. Likewise, salaries, for example, of public school teachers which are paid under salary schedules fixed by a state legislature and providing for mandatory increments are excluded from the operation of these regulations. (See § 1002.17.)

§ 1002.33 *Services in foreign countries.* The provisions of these regulations shall not be applicable in the case of any individual employer, resident in the United States or any Territory or possession thereof, or of a corporate employer organized under the laws of the United States or any State, Territory or possession, with respect to salaries paid by such employers to employees for services rendered exclusively in foreign countries.

§ 1002.34 *Foreign employers.* The provisions of these regulations shall not be applicable in the case of nonresident foreign employers except that if any salary is paid to an employee residing in the United States payment of such salary is subject to all the provisions of these regulations.

[SEAL] Guy T. Helvering,
Commissioner of Internal Revenue.

Approved: December 2, 1942.

John L. Sullivan,
Acting Secretary of the Treasury.

[F. R. Doc. 42-12761; Filed, December 2, 1942; 11:40 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1705]

Part 321—Minimum Price Schedule District No. 1

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1 and for a change in shipping points.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1 and for a change in shipping points; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I and R-II, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; and, commencing forthwith, the shipping points appearing in the aforesaid Supplement R-II for Mine Index Nos. 459, 460, 212, and 2010 shall be effective in place of the shipping points heretofore established for these mines.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: November 12, 1942.

[SEAL] Dan H. Wheeler,
Director.

Temporary and Conditionally Final Effective Minimum Prices for District No. 1

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Sub. Dist. No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3815	Anderson, J. Bruce (Helen Jennings Coal Co.)	Jennings #5 (S)	34	B	Dunlo, Pa	PRR	49	(†)	(†)	A	(†)	(†)
3568	Cymbria Valley Coal Co	Cymbria #2	16	E	Barnesboro, Pa	PRR	50	E	E	E	E	E
3816	Homestead Coal Co. (H. A. Bearer)	Homestead Coal Co. #2	16	D	St. Benedict, Pa	NYC	44	(†)	(†)	E	(†)	(†)
2325	Hritz, George	George Hritz	33	B	Windber, Pa	PRR	49	(†)	(†)	A	(†)	(†)
3817	Industrial Coal Co., c/o James Jenkins	Pine Hill #2	43	Pittsburgh	Midlothian Jct., Md	C&P	66	D	D	D	D	D
3818	Industrial Coal Co., c/o James Jenkins	Pine Hill #3	43	Pittsburgh	Midland, Md	C&P	66	(†)	(†)	D	(†)	(†)
3836	Kerr, Frederick B., Receiver, Potts Run Coal Co.	Carnwath #1	13	D	Carnwath, Pa	NYC	44	(†)	(†)	D	(†)	(†)
3837	Kerr, Frederick B., Receiver, Potts Run Coal Co.	Carnwath #2	13	D	Carnwath, Pa	NYC	44	(†)	(†)	D	(†)	(†)
3819	Lantzy Brothers	Lantzy #2	24	D	St. Benedict, Pa	NYC	44	(†)	(†)	E	(†)	(†)
1679	Lilly Valley Coal Co. (Dervin W. Walter)	Lilly Valley Coal Co	27	E	Portage, Pa	PRR	49	(†)	(†)	F	(†)	(†)
3820	Little Ben Coal Co., The, c/o W. L. Sherman	Victory	43	Bluebaugh	Mt. Savage, Md	C&P	66	(†)	(†)	E	(†)	(†)
3821	McNitt Coal Co., The	McNitt #3	43	Big Vein	Midlothian Jct., Md	C&P	66	(†)	(†)	D	(†)	(†)
3822	Nugent Mining Co. (M. H. Hartzfeld)	Nugent #2	18	D	Irvona, Pa	PRR	50	(†)	(†)	F	F	F
3751	Pooler, W. H. & Andrew Doran (Andrew Doran).	Wilkes	13	B	Boardman, Pa	NYC	44	(†)	(†)	D	(†)	(†)
397	Potomac Big Vein Georges Creek Coal Co., The	Potomac #4–6	43	Big Vein	Lonaconing, Md	WM	67	D	(†)	(*)	D	D
3282	Potomac Big Vein Georges Creek Coal Co., The	Potomac B	43	Big Vein	Barton, Md	C&P	66	D	(†)	(*)	D	D
3823	Preslovich, Andy	Knox Run #3	9	D	Gillintown, Pa	NYC	44	(†)	(†)	D	(†)	(†)
3824	Walker, Ray S. (Bradford Coal Co.)	Aurora #5	8	C′	Frenchville, Pa	NYC	44	(†)	(†)	F	F	F
3825	Walker, Ray S. (Bradford Coal Co.)	Cooper Smokeless #3	8	B	Morrisdale, Pa	NYC	44	(†)	(†)	E	E	E
3730	Wilks Brother's Stripping Co. (Thomas Wilks, Jr.).	Wilks Stripping (S)	14	D	Osceola Mills, Pa	PRR	45	(†)	(†)	F	(†)	(†)
2006	Wolf, Levi	Levi Wolf	40	E	Rockwood, Pa	B&O	100	(†)	(†)	H	(†)	(†)

*Indicates coal in this size group previously classified and priced.
†Indicates no classification effective for this size group.

§ 321.7 *Alphabetical list of code members*—Supplement R–II

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
459	Morrisdale Coal Mining Co., The.	Morrisdale Shaft #1	8	B	Hawk Run, Pa	NYC	44	E	E	E	E	E
460	Morrisdale Coal Mining Co., The.	Morrisdale Shaft #3	8	B	Hawk Run, Pa	NYC	44	D	D	D	D	D
212	Morrisdale Coal Mining Co., The.	Morrisdale #4	8	D	Hawk Run, Pa	NYC	44	(†)	(†)	D	D	D
2010	Schwab, F. J. (Schwab Coal Co.	Schwab	17	C′	Patton, Pa	NYC-PRR	60	(†)	(†)	E	(†)	(†)

†Indicates no classification effective for this size group.

Note: The above prices are applicable only via the respective Freight Origin Group, Shipping Point, and Railroad shown for the respective mines. Freight Origin Groups, Shipping Points, and Railroads previously assigned to these mines are no longer applicable.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened, top size 2″ and over 1	Double screened, top size 2″ and under 2	Run of mine, modified R/M 3	2″ and under slack 4	¾″ and under slack 5
Anderson, J. Bruce (Helen Jennings Coal Co.).	3815	Jennings #5 (S)	34	Cambria	B	(†)	(†)	265	(†)	(†)
Chamberlain Bros	3595	Chamberlain #3	39	Bedford	Twin Bed	(†)	(†)	240	(†)	(†)
Cymbria Valley Coal Company.	3568	Cymbria #2	16	Cambria	E	270	245	(*)	235	225
Dutton, H. M	3687	Dutton	29	Cambria	B	(†)	(†)	240	(†)	(†)
Foltz, John	3826	Foltz #3	6	Jefferson	D	(†)	(†)	245	(†)	(†)

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§ 321.24 *General prices*—Supplement T—Continued

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened, top size 2″ and over 1	Double screened, top size 2″ and under 2	Run of mine, modified R/M 3	2″ and under slack 4	¾″ and under slack 5
Homestead Coal Co. (H. A. Bearer).	3816	Homestead Coal Co. #2.	16	Cambria	D	(†)	(†)	245	(†)	(†)
Industrial Coal Co., c/o James Jenkins.	3817	Pine Hill #2	43	Allegany	Pittsburgh	275	250	250	240	230
Industrial Coal Co., c/o James Jenkins.	3818	Pine Hill #3	43	Allegany	Pittsburgh	(†)	(†)	250	(†)	(†)
Kerr, Frederick B., Receiver, Potts Run Coal Company.	3836	Carnwath #1	13	Clearfield	D	(†)	(†)	250	(†)	(†)
Kerr, Frederick B., Receiver, Potts Run Coal Company.	3837	Carnwath #2	13	Clearfield	D	(†)	(†)	250	(†)	(†)
Lantzy Brothers	3819	Lantzy #2	24	Cambria	D	(†)	(†)	245	(†)	(†)
Little Ben Coal Company, The c/o W. L. Sherman.	3820	Victory	43	Allegany	Bluebaugh	(†)	(†)	245	(†)	(†)
McNitt Coal Company, The	3821	McNitt #3	43	Allegany	Big Vein	(†)	(†)	250	(†)	(†)
Nugent Mining Co (M. H. Hartzfeld).	3822	Nugent #2	18	Clearfield	D	(†)	(†)	240	230	220
Peters, A. G. (Mrs.)	3752	Peters #2	9	Clearfield	B	(†)	(†)	235	(†)	(†)
Pooler, W. H. & Andrew Doran (Andrew Doran).	3751	Wilkes	13	Clearfield	B	(†)	(†)	250	(†)	(†)
Potomac Big Vein Georges Creek Coal Co., The.	397	Potomac #4–6	43	Allegany	Big Vein	275	(†)	(*)	240	230
Potomac Big Vein Georges Creek Coal Co., The.	3282	Potomac B	43	Allegany	Big Vein	275	(†)	(*)	240	230
Preslovich, Andy	3823	Knox Run #3	9	Centre	D	(†)	(†)	250	(†)	(†)
Stanton, M. L. (Gunstan Coal Co.).	1459	Gunstan	43	Allegany	C′	(†)	(†)	(*)	235	(†)
Walker, Ray S. (Bradford Coal Co.).	3824	Aurora #5	8	Clearfield	C′	(†)	(†)	240	230	220
Walker, Ray S. (Bradford Coal Co.).	3825	Cooper Smokeless #3.	8	Clearfield	B	(†)	(†)	245	235	225
Wilks Brother's Stripping Company (Thomas Wilks, Jr.).	3730	Wilks Stripping (S).	14	Clearfield	D	(†)	(†)	240	(†)	(†)

†Indicates no classification effective for this size group.
*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 42-12706; Filed, December 1, 1942; 11:51 a. m.]

[Docket No. A-1482]

Part 325—Minimum Price Schedule, District No. 5

ORDER CORRECTING AMENDMENT, ETC.

Order correcting amendment to final order in the matter of the petition of District Board No. 5 for revision of size group classifications for mines in District No. 5.

In Amendment R-VI attached to order of the Director dated September 22, 1942,[1] reducing the number of size group classifications established for coals produced in District No. 5, it is stated that the effective minimum prices for coals shipped into Market Area 21 shall be "the above prices plus 35 cents in all Size Groups."

It is apparent that an error has been made and the words "minus 35 cents" should have been used instead of "plus 35 cents."

Now, therefore, it is ordered, That effective September 22, 1942, § 325.6 (*General prices*) Amendment R-VI attached to the order of the Director dated September 22, 1942, 7 F.R. 7880, in Docket No. A-1482 be and it is hereby amended so as to read:

For shipment into Market Area No. 21. The effective minimum prices shall be the above prices minus 35 cents in all Size Groups.

Dated: December 1, 1942.

[SEAL] Dan H. Wheeler,
Director.

[F. R. Doc. 42-12752; Filed, December 2, 1942; 11:04 a. m.]

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[1] 7 F.R. 7884.

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 150]

Classification Advice

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 59, formerly entitled "Notice to Employer of Right to Appeal," and its reissuance under the title "Classification Advice," effective immediately upon the filing hereof with the Division of the Federal Register.[1] Upon receipt of the revised DSS Form 59, the use of the original DSS Form 59 will be discontinued and all unused copies thereof will be destroyed.

The foregoing revision and discontinuance shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

Lewis B. Hershey,
Director.

November 13, 1942.

[F. R. Doc. 42-12725; Filed, December 1, 1942; 2:39 p. m.]

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[1] Filed as part of the original document.

[No. 151]

Duplicate Classification Request

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 61, entitled "Duplicate Classification Request," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing addition shall become a part of the Selective Service Regulations, effective immediately upon the filing hereof with the Division of the Federal Register.

Lewis B. Hershey,
Director.

November 16, 1942.

[F. R. Doc. 42-12726; Filed, December 1, 1942; 2:39 p. m.]

[No. 152]

Notice of Classification

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 57, entitled "Notice of Classification," effective immediately upon the filing hereof with the Division of the Federal Register.[1] Upon receipt of the revised DSS Form 57, the use of the original DSS Form 57 will be discontinued and all unused copies thereof will be destroyed.

The foregoing revision and discontinuance shall become a part of the Selective Service Regulations, effective immediately upon the filing hereof with the Division of the Federal Register.

Lewis B. Hershey,
Director.

November 16, 1942.

[F. R. Doc. 42-12744; Filed, December 2, 1942; 9:16 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-167]

UNITED VALVE CORP.

The United Valve Corporation is a corporation doing business at 1260 Winslow Road, Cleveland, Ohio, and is engaged in the manufacture of brass plumbing supplies, fixtures and hardware. As early as February, 1942, its principal officers were aware, or should have been aware, of the various restrictions contained in the orders and regulations of the War Production Board affecting its business.

During the period from January 1, 1942, to June 30, 1942, the Company generated by its operations in each calendar month more than 2,000 pounds of copper or copper base alloy scrap and failed to file Form PD–226 for any of said months with the War Production Board, as required by Supplementary Order M–9–b. The failure to file said forms constituted a wilful violation of Supplementary Order M–9–b.

During the month of May, 1942, the Company delivered more than 6,000 pounds of copper or copper base alloy scrap to the Cleveland Brass Works, Cleveland, Ohio, although said Cleveland Brass Works was not specifically authorized by the Director of Industry Operations to receive such scrap. The delivery of such scrap as aforesaid constituted a wilful violation of Supplementary Order M–9–b.

Subsequent to May 6, 1942, the Company used chromium as a finish on plumbing fixture fittings and plumbing fixture trim without having obtained specific authority from the Director of Industry Operations. This constituted a wilful violation of Limitation Order No. L–42.

These violations of Supplementary Order M–9–b and Limitation Order No. L–42 have impeded and hampered the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing: *It is hereby ordered:*

§ 1010.167 *Suspension Order S–167.* (a) Deliveries of material to The United Valve Corporation, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to The United Valve Corporation, its successors and assigns, of any material the supply or distribution of which is covered by any order to the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve The United Valve Corporation, its successors and assigns, from any restrictions, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, whether now in force or hereafter issued, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order is to take effect December 4, 1942, and is to expire on June 4, 1943, at which time the restrictions contained in this order are to be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12734; Filed, December 1, 1942; 3:35 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension order S-168]

CLEVELAND BRASS WORKS

Cleveland Brass Works, a partnership composed of Anthony Arth, Lawrence Arth and Mrs. Helen Arth, is a brass foundry located at 1525 East 49th Street, Cleveland, Ohio. As early as February, 1942, one or more of the aforementioned partners was aware, or should have been aware, of the various restrictions contained in the orders and regulations of the War Production Board affecting its business.

During the period from February 6, 1942, to May 7, 1942, the Cleveland Brass Works delivered 2,707 pounds of brass castings to Smolensky Valve Company on orders upon which preference ratings of A–10 or better had not been legally extended in accordance with the orders and regulations of the War Production Board. Subsequent to May 7, 1942, Cleveland Brass Works delivered 17,340 pounds of brass castings to the United Valve Corporation and the Empire Brass Company on orders which did not bear a preference rating of A–1–k or better. The deliveries of brass castings mentioned in this paragraph constituted wilful violations of General Preference Orders No. M–9–a and No. M–9–a as amended.

During the period from March 1, 1942, to June 30, 1942, Cleveland Brass Works made deliveries of approximately 263,000 pounds of brass castings to the American Brass Manufacturing Company on orders which bore no preference ratings. This constituted a wilful violation of General Preference Order No. M–9–a.

Subsequent to March 31, 1942, Cleveland Brass Works accepted deliveries of approximately 67,524 pounds of copper or copper base alloy scrap from the American Brass Manufacturing Company and the United Valve Corporation, which deliveries had not been authorized by the Director of Industry Operations. This constituted a wilful violation of Supplementary Order M–9–b.

During the period from March 31, 1942, to June 30, 1942, Cleveland Brass Works melted copper and copper base alloy scrap without having first received authority to do so from the Director of Industry Operations. This constituted a wilful violation of Supplementary Order No. M–9–b.

During the period from March 31, 1942, to June 30, 1942, Cleveland Brass Works had an inventory of copper or copper base alloy scrap and failed to file Form PD–121–b with the War Production Board for any month during said period. This constituted wilful violations of Supplementary Order No. M–9–b.

These violations of Supplementary Orders No. M–9–a and No. M–9–b have impeded and hampered the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing: *It is hereby ordered:*

§ 1010.168 *Suspension Order S–168.* (a) Deliveries of material to the Cleveland Brass Works, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to the Cleveland Brass Works, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as hereafter specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve the Cleveland Brass Works, its successors and assigns, from any restrictions, prohibitions, or provisions contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, whether now in force or hereafter issued, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order is to take effect December 4, 1942, and is to expire on June 4, 1943, at which time the restrictions contained in this order are to be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 FR 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12735; Filed, December 1, 1942; 3:35 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-169]

AMERICAN BRASS MANUFACTURING CO.

The American Brass Manufacturing Company is a corporation engaged in the manufacture of brass plumbing supplies, fixtures and hardware at 1525 East 49th Street, Cleveland, Ohio. As early as February, 1942, its principal officers were aware, or should have been aware, of the various restrictions contained in the orders and regulations of the War Production Board affecting its business.

During the period from January 1, 1942, to June 30, 1942, the Company made deliveries of copper or copper base alloy scrap to the Cleveland Brass Works, although said Cleveland Brass Works was not authorized by the Director of Industry Operations to receive such scrap. The delivery of such scrap as aforesaid constituted a wilful violation of Supplementary Order No. M–9–b.

During the period from January 1, 1942, to June 30, 1942, the Company generated by its operations in each calendar month of said period more than 2,000 pounds of copper or copper base alloy scrap and failed to file Form PD–226 with the War Production Board for each of said months. This constituted a wilful violation of Supplementary Order No. M–9–b.

Subsequent to May 6, 1942, the Company used chromium as a finish on plumbing fixture fittings and plumbing fixture trim without having specific authority from the Director of Industry Operations. This constituted a wilful violation of Limitation Order No. L–42.

During the period from April 1, 1942, to June 30, 1942, the Company used, out of inventory, materials on the critical materials list attached to Priorities Regulation No. 11, of a value in excess of $5,000. Although, under these circumstances, it was required to file a PRP application with the War Production Board on Form PD–25–a not later than June 30, 1942, it failed to do so. This constituted a wilful violation of Priorities Regulation No. 11.

These violations of Supplementary Order No. M–9–b, Limitation Order No. L–42, and Priorities Regulation No. 11 have impeded and hampered the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing: *It is hereby ordered:*

§ 1010.169 *Suspension Order S–169.* (a) Deliveries of material to the American Brass Manufacturing Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to the American Brass Manufacturing Company, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as hereafter specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve the American Brass Manufacturing Company, its successors and assigns, from any restrictions, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, whether now in force or hereafter issued, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order is to take effect December 4, 1942, and is to expire on June 4, 1943, at which time the restrictions contained in this order are to be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12736; Filed, December 1, 1942; 3:35 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-170]

EMPIRE BRASS CO.

The Empire Brass Company is a corporation operating a brass foundry and brass mill located at 10301 Berea Road, Cleveland, Ohio, engaged in the manufacture of plumbing supplies, fixtures and hardware. As early as February, 1942, its principal officers were aware, or should have been aware, of the various restrictions contained in the orders and regulations of the War Production Board affecting its business.

During the period from February 6, 1942 to May 31, 1942, the Company delivered substantial quantities of brass castings to the American Brass Manufacturing Company and the United Valve Corporation on orders which bore no preference ratings. This constituted a wilful violation of General Preference Order No. M–9–a.

During the period from January 1, 1942, to June 30, 1942, the Empire Brass Company transferred a substantial quantity of copper or copper base alloy scrap from its machine shop to its foundry without specific authorization from the War Production Board. This constituted a wilful violation of Supplementary Order No. M–9–b.

During the period from January 1, 1942, to June 30, 1942, the Empire Brass Company generated by its operations during each calendar month in said period more than 2,000 pounds of copper or copper base alloy scrap, and failed to file Form PD–226 with the War Production Board for each month, except for the month of February, 1942. This constituted a wilful violation of Supplementary Order No. M–9–b.

During the period from March 31, 1942 to June 30, 1942, the Empire Brass Company melted copper or copper base alloy scrap without specific authority from the War Production Board. This constituted a wilful violation of Supplementary Order No. M–9–b.

During the months of May and June, 1942, the Empire Brass Company had an inventory of copper or copper base alloy scrap and failed to file Form PD–121–b with the War Production Board. This constituted a wilful violation of Supplementary Order No. M–9–b.

Subsequent to May 6, 1942, the Empire Brass Company used chromium as a finish on plumbing fixture fittings and plumbing fixture trim. This constituted a wilful violation of Limitation Order No. L–42.

These violations of General Preference Order No. M–9–a, Supplementary Order No. M–9–b and Limitation Order No. L–42 have impeded and hampered the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing: *It is hereby ordered:*

§ 1010.170 *Suspension Order S–170.* (a) Deliveries of material to The Empire Brass Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the Director of Industry Operations or the Director General for Operations, except as hereafter specifically authorized by the Director General for Operations.

(b) No allocation shall be made to The Empire Brass Company, its successors and assigns, of any materials the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as hereafter specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve The Empire Brass Company, its successors and assigns, from any restrictions, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, whether now in force or hereafter issued, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order is to take effect December 4, 1942, and is to expire on June 4, 1943, at which time the restrictions contained in this order are to be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th

Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12737; Filed, December 1, 1942; 3:35 p. m.]

PART 1141—MOTOR FUEL

[Limitation Order L-70, as Amended Dec. 1, 1942]

Section 1141.1 (Limitation Order L-70) is hereby amended to read as follows:

(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to the provisions of any applicable priorities regulation issued by the War Production Board, as amended from time to time.

(b) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Motor fuel" means liquid fuel, except Diesel fuel, used for the propulsion of motor vehicles or motor boats and shall include any liquid fuel to which Federal gasoline taxes apply except liquid fuel used for the propulsion of aircraft.

(3) "Supplier" means any person, other than a service station, who delivers motor fuel, directly or indirectly, for redelivery or for consumption.

(c) *Limitation on shipment of motor fuel from certain areas.* (1) No supplier shall deliver or cause to be delivered, directly or indirectly, and no person shall accept delivery of any motor fuel from any point within the States of Oregon or Washington to any point in the United States outside such States: *Provided*, That this paragraph shall not apply to:

(i) The delivery outside the States of Oregon or Washington of any motor fuel manufactured wholly from crude oil or natural gas produced within the States of Colorado, Idaho, Montana, Utah, or Wyoming.

(ii) Deliveries from bulk plants within the States of Oregon or Washington to such points outside such States as were actually served by such bulk plants by tank truck during the period December 1, 1941-February 28, 1942, inclusive.

(2) Effective December 15, 1942, no supplier shall deliver or cause to be delivered, directly or indirectly, and no person shall accept delivery of any motor fuel from any point within the States of Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, or West Virginia, or the District of Columbia, to any point in the United States outside such States: *Provided*, That this paragraph shall not apply to deliveries from bulk plants within such States to such points outside such States as were actually served by such bulk plants by tank truck during the period December 1, 1941-February 28, 1942, inclusive.

(d) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may file an appeal setting forth the pertinent facts and reasons why he considers himself entitled to relief. All appeals shall be filed in quadruplicate.

(e) *Appeals and correspondence.* All appeals filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the District Director of Marketing, Office of Petroleum Coordinator for War at:

(1) 855 Subway Terminal Building, Los Angeles, California, if the motor fuel is to be used in the States of Oregon or Washington or states adjacent thereto.

(2) 122 East 42nd Street, New York, New York, if the motor fuel is to be used in the States of Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, or West Virginia, or the District of Columbia or states adjacent thereto.

(f) *Violations or false statements.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to any Department or Agency of the United States in connection with this order is guilty of a crime and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12743; Filed, December 1, 1942; 5:12 p. m.]

PART 1028—DOMESTIC COOKING APPLIANCES

[Limitation Order L-23-c as Amended Dec. 2, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of critical materials for defense, for private account, and for export, which are used in the production of domestic cooking appliances and domestic heating stoves; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1028.4 *Supplementary General Limitation Order L-23-c*—(a) *Definitions.* For the purposes of this order:

(1) "Domestic cooking appliances" means gas ranges, cooking stoves, and hot plates for household use; coal and wood ranges and cooking stoves (including laundry stoves) for household use; kerosene, fuel oil, and gasoline ranges, cooking stoves, table stoves, and hot plates for household use; combination ranges (including kitchen heater and bungalow types), except electric, for household use; camp and trailer stoves for cooking purposes; and fuel oil conversion range burners.

(2) "Domestic heating stoves" means any above the floor device (except electric) for the direct heating of the space in and adjacent to that in which the device is located, designed for use without heat distribution pipes or ducts as integral parts of such heating devices.

(3) "Iron and steel used" means the aggregate weight of iron and steel contained in the finished products manufactured.

(4) "Factory sales value" means the aggregate value of shipments of domestic cooking appliances and domestic heating stoves.

(5) "Class A manufacturers" means those manufacturers of domestic cooking appliances and/or domestic heating stoves whose factory sales value for the twelve months ending June 30, 1941, including both domestic sales and exports, was $2,000,000 or more.

(6) "Class B manufacturers" means those manufacturers of domestic cooking appliances and/or domestic heating stoves whose factory sales value for the twelve months ending June 30, 1941, including both domestic sales and exports, was less than $2,000,000 and who are located in labor shortage areas.

(7) "Class C manufacturers" means those manufacturers of domestic cooking appliances and/or domestic heating stoves whose factory sales value for the twelve months ending June 30, 1941, including both domestic sales and exports, was less than $2,000,000 and who are not located in labor shortage areas.

(8) "Accessories" for domestic cooking appliances means closets, shelves, aprons, clocks, cast broiler pans, thermometers, or any other instruments, attachments, or appurtenances (except thermostats, reservoirs, water backs and portable ovens), not essential to any of the following three major cooking operations: top-burner cooking, oven baking and oven broiling.

[*Preceding subparagraph in small type to be superseded by following subparagraph December 26, 1942*]

(8) "Accessories" for domestic cooking appliances means thermostats, closets, shelves, aprons, clocks, cast broiler pans, thermometers or any other instruments, attachments, or appurtenances (except reservoirs, water backs and portable ovens) not essential to any of the following three major cooking operations: top-burner cooking, oven baking and oven broiling. This paragraph (a) (8) shall become effective on the 26th day of December 1942.

(9) "Permitted type gas range" means any domestic cooking appliance using gas as fuel, and which has not more than four top-burners, one baking oven and one broiler, no storage space or accessories, and which has a total weight of metal not exceeding 100 pounds.

(10) "Permitted type gas hot plate" means any domestic cooking appliance using gas as fuel, and which has not more than three burners, and which has a total weight of metal not exceeding 15 pounds.

(11) "Permitted type coal or wood range" means any domestic cooking appliance equipped to burn either coal or wood, which has one baking oven, and which has no storage space, warming closet, or accesories.

(12) "Permitted type combination range" means any domestic cooking appliance equipped to burn gas and coal or wood, and which has one baking oven and one broiler, no storage space or accessories, and which has a total weight of metal not exceeding 350 pounds.

(13) "Permitted type kerosene and/or gasoline range" means any domestic cooking appliance equipped to burn either kerosene or gasoline, and which has not more than three top-burners, one baking oven, no storage space or accessories, and which has a total weight of metal not exceeding 90 pounds.

(14) "Permitted type kerosene and/or gasoline stove" means any domestic cooking appliance equipped to burn either kerosene or gasoline, and which has no storage space or accessories, not more than three burners, and which has a total weight of metal not exceeding 45 pounds.

(15) "Permitted type kerosene and/or gasoline table stove" means any domestic cooking appliance equipped to burn either kerosene or gasoline, and which has not more than three burners, and which has a total weight of metal not exceeding 18 pounds.

(16) "Permitted type portable oven" means a portable oven which has no acessories and which has a total weight of metal not exceeding 17 pounds.

(17) "Permitted type domestic cooking appliances" means only those domestic cooking appliances defined in paragraphs (a) (9) to (a) (16), both inclusive.

(18) "Labor shortage area" means any one of the following localities:

Alabama: Huntsville.
California: Beverly Hills, Culver City, Huntington Park, Irvington, Los Angeles, Monrovia, North Hollywood, Oakland, Petaluma, San Francisco, San Rafael, Stockton.
Connecticut: Hartford, New Britain.
Indiana: Indianapolis, South Bend.
Kansas: Wichita.
Maine: Portland.
Maryland: Baltimore, Perryville.
Michigan: Milan.
New Hampshire: Salmon Falls.
New Jersey: Cranford, Newark, West Berlin.
New York: North Tonawanda.
Ohio: Akron, Cleveland, Massillon.
Oregon: Portland.
Pennsylvania: Erie, Lansdale, Middletown, Philadelphia, Pottstown, Royersford.
Washington: Everett, Seattle.

(19) "Base period" means the twelve months' period, July 1, 1940, to June 30, 1941.

(b) *General restrictions.* (1) After July 31, 1942, no person shall manufacture any domestic cooking appliances except permitted type domestic cooking appliances.

(2) After July 31, 1942, no Class A manufacturer and no Class B manufacturer shall manufacture any domestic cooking appliances or any domestic heating stoves.

(3) During the period from January 1, 1942, to and including July 31, 1942, no Class A manufacturer and no Class B manufacturer shall use in the production of domestic cooking appliances more iron and steel than six times the average monthly amount used by him in the base period.

(4) During the period from May 15, 1942 to July 31, 1942, no Class A manufacturer and no Class B manufacturer shall use in the production of domestic heating stoves more iron and steel than three times the average monthly amount used by him in the base period.

(5) From and after June 30, 1942, no Class C manufacturer shall use in any calendar quarter in the production of domestic cooking appliances iron and steel in excess of three times 70% of the monthly average of iron and steel used by him in the manufacture of domestic cooking appliances during the base period.

(6) From and after December 31, 1942, no Class C manufacturer shall use in any calendar quarter in the production of domestic heating stoves iron and steel in excess of three times 50% of the monthly average of iron and steel used by him in the manufacture of domestic heating stoves during the base period.

(7) After July 31, 1942, the average weight of iron and steel used per unit by any manufacturer in domestic heating stoves shall not exceed 70% of the average weight of iron and steel used per unit by such manufacturer in the production of domestic heating stoves during the base period.

(8) After July 31, 1942, the average weight of iron and steel used per unit by any manufacturer in permitted type coal or wood ranges shall not exceed 70% of the average weight of iron and steel used per unit by such manufacturer in the production of coal and/or wood burning domestic cooking appliances during the base period.

(9) After July 31, 1942, no manufacturer of domestic cooking appliances shall produce more than one model of permitted type gas ranges.

(10) [Revoked]

(11) No manufacturer of domestic cooking appliances shall:

(i) Use any iron or steel in the production of cover tops or lids to cover the cooking surfaces of domestic cooking appliances when not in use, or

(ii) Produce or assemble any domestic cooking appliances equipped with such cover tops or lids containing any iron or steel.

(12) Until January 1, 1943, no Class C manufacturer, who in the base period produced any combination ranges or domestic cooking appliances using coal or wood as fuel and any domestic heating stoves using coal or wood as fuel, may produce any permitted type combination range or any permitted type coal or wood range except for delivery to or the account of the Federal Public Housing Authority. Nothing in this subparagraph, however, shall restrict the manufacture of any permitted type combination range or any permitted type coal or wood range all of the parts for which on the 9th day of November, 1942 were completed or in the process of manufacture.

(13) From October 1, 1942 through December 31, 1942, no Class C manufacturer shall use in the production of domestic heating stoves using coal or wood as fuel any iron or steel in excess of three times 50% of the monthly average of iron and steel used by him in the manufacture of domestic heating stoves during the base period plus three times 70% of the monthly average of iron and steel used by him in the manufacture of domestic cooking appliances during the base period.

(c) *Replacement parts.* Nothing in this order shall be construed to prohibit or limit the production, by any manufacturer, of replacement parts for domestic cooking appliances or domestic heating stoves.

(d) *No interference with production of war materials.* No manufacturer shall divert materials, labor, or equipment from the production of war materials to enable him to use in the production of domestic cooking appliances and domestic heating stoves the quantities of iron and steel permitted under paragraphs (b) (3) and (b) (4).

(e) *Equipment for the armed forces and the Maritime Commission.* None of the restrictions or limitations in this order shall apply to domestic cooking appliances or domestic heating stoves manufactured after July 31, 1942, by Class C manufacturers to specifications of the Army, the Navy or the Maritime Commission of the United States.

(f) *Applicability of the order.* Insofar as any other order issued, or to be issued hereafter, limits the use of any material in the production of domestic cooking appliances or domestic heating stoves to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(g) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(h) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *Reports.* Each manufacturer to whom this order applies shall file with the War Production Board such reports and questionnaires as said Board shall from time to time specify.

(j) *Provision for companies under common ownership.* For the purposes of this order, a manufacturer's classification into Class "A" or Class "B" or "C" shall depend upon the total factory sales value of that manufacturer, including in the total of such factory sales value the factory sales value of all subsidiaries, affiliates, or other companies or enterprises under common ownership or control.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(l) *Appeals.* Any manufacturer affected by this order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in his community, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may apply for relief by addressing a letter directed to the Director General for Operations, Social Security Building, Washington, D. C., setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(m) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(n) *Communications.* All communications concerning this order shall be addressed to War Production Board, Washington, D. C., Ref.: L–23–c.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Laws 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12748; Filed, December 2, 1942; 10:48 a. m.]

PART 1109—MICA

[Conservation Order M-101 as Amended Dec. 2, 1942]

Section 1109.1 *Conservation Order M–101* is hereby amended so as to read as follows:

§ 1109.1 *Conservation Order M-101—*(a) *Definitions.* (1) The term "strategic mica" means:

(i) Muscovite block mica in the rifted condition (partially or fully trimmed) usually sold by the miner or rifting shop, that is of a quality better than black or red stained, whether or not cut, stamped, split or punched to predetermined shape or dimensions, excluding scrap, or

(ii) Phlogopite (amber) block mica in the rifted condition (partially or fully trimmed) usually sold by the miner or rifting shop, that is of a quality which does not expand over 50 percent and will not calcine at 1500° F., whether or not cut, stamped, split or punched to predetermined shape or dimensions, excluding scrap, or

(iii) Phlogopite (amber) bookform splittings in grades (sizes) larger than No. 5, but not including any other form of mica splittings, either amber or muscovite, of the types used for making built-up mica products.

(2) The term "scrap" means that part of strategic mica remaining after a piece or pieces have been cut, stamped or punched therefrom if such remnant is of a grade (size) too small to permit the cutting of two pieces ½'' x ½'', as well as mine waste if no commercial grade (size) larger than No. 7 can be trimmed therefrom.

(3) The term "to fabricate or cause another to fabricate" means to punch or to change in any manner the form, shape or size of strategic mica or to cause another to punch or change in any manner the form, shape or size of strategic mica, unless such fabricating is for the purpose of making emergency repairs or emergency replacements to prevent a threatened breakdown when such repair or replacement is made on the premises of the owner of the article being repaired.

(4) The term "product containing strategic mica" means a part into which completely fabricated strategic mica is assembled, installed or inserted, such as a spark plug, condenser, or radio tube.

(5) The term "end-product" means the finished article in the form ready for delivery to the ultimate consumer, such as a tank or radio receiving set.

(6) The term "person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(b) *Restrictions on fabrication and causing of fabrication of strategic mica.* (1) On and after the effective date of this amended order, no person shall fabricate or cause another to fabricate any strategic mica for any purpose unless each person fabricating or causing another to fabricate the strategic mica has been specifically authorized by the Director General for Operations to do so in the particular manner in which it is being done pursuant to an application made under the provisions of paragraph (b) (4) of this amended order.

(2) On and after the effective date of this amended order, no manufacturer of a product containing strategic mica shall at any time or for any purpose:

(i) Fabricate or cause another to fabricate strategic mica of a quality better than is necessary for the particular purpose to which the strategic mica will be put; or

(ii) Fabricate or cause another to fabricate strategic mica for use where the substitution of non-strategic mica or other material is practicable.

(3) On and after the effective date of this amended order, no fabricator shall at any time or for any purpose fabricate strategic mica of a grade (size) larger than is required to yield the particular pattern desired. Whenever a piece or pieces of required dimensions are cut or stamped from strategic mica with a resultant remnant large enough so that two pieces ½'' x ½'' can be cut therefrom, such remnant shall be deemed and treated hereunder as strategic mica of the same quality as the original mica from which the piece or pieces are cut.

(4) Application to the Director General for Operations for specific authorization to fabricate or cause another to fabricate strategic mica shall be made by the manufacturer of the product containing strategic mica and by the person, if any, fabricating strategic mica for such manufacturer, on Form PD–480 Revised, or otherwise; and the authorization, if secured, shall apply to such manufacturer and to the person, if any, fabricating strategic mica for such manufacturer pursuant to the terms of the authorization.

(5) The Director General for Operations may at any time, either before or after authorization is granted, require satisfactory evidence from the manufacturer of any end-product into which the product containing strategic mica is to be assembled, installed or inserted, or from the manufacturer of the product containing strategic mica, that a lesser quantity or a lower quality of strategic mica could not be or could not have been used than the quantity or quality applied for, or that non-strategic mica or other materials could not be or could not have been used as a substitute for strategic mica.

(c) *Restrictions on delivery of unfabricated domestic strategic mica.* After the effective date of this amended order, no person (other than Colonial Mica Corporation, as agent of Metals Reserve Company) shall deliver any strategic mica mined in the United States which has not been cut, stamped, split or punched to predetermined shape or dimensions to any person (other than Colonial Mica Corporation, as agent of Metals Reserve Company), unless specifically authorized to do so by the Director General for Operations. Application for such an authorization shall be made by letter, which need only state the amount and grade (size) of the strategic mica which the applicant seeks permission to acquire and the name of the mine from which it is to be or has been mined. Authorization to deliver such strategic mica must be obtained not only when delivery is made by one person to another person, including an affiliate or subsidiary, but also when delivery is made from one branch, division or section of a single person to another branch, division or section of the same or any other person under common ownership or control, such as from a rifting shop or department to a fabricating shop or department owned by the same person.

(d) *Reports.* Every person fabricating strategic mica shall make a report on Form PD–325 Revised, covering any fabricating of strategic mica done by him in each month in which fabrication of such mica takes place, and every such person and every other person having in his possession strategic mica which has not been cut, stamped, split or punched to predetermined shape or dimensions shall, as of the end of each month beginning with November, 1942, make a report on Form PD–325 Revised, covering his inventory position with respect to such unfabricated strategic mica at the end of each such month. Such reports shall be filed with the War Production Board within fifteen days of the end of the month as of which the report is made. No report need be filed for a given month if the total quantity of strategic mica fabricated during the month is less than 10 pounds, unless the inventory position of the person fabricating less than 10 pounds of strategic mica or of a person not fabricating any strategic mica at all, contains more than 100 pounds of strategic mica which has not been cut, stamped, split or punched to predetermined shape or dimensions or such unfabricated strategic mica of a value in excess of $100.00.

(e) *Miscellaneous provisions*—(1) *Appeals.* Any appeal from the provisions of paragraphs (b) (2) and (3) of this amended order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(2) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of priorities regulations of the War Production Board, as amended from time to time.

(3) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to fabricating or causing another to fabricate strategic mica after the effective date of this amended order irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to such effective date. Insofar as any other order of the Director of Priorities, the Director of Industry Operations, or of the Director General for Operations may have the effect of limiting or curtailing to a greater extent than herein provided fabricating or causing another to fabricate strategic mica, the limitations of such other order shall be observed.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all appeals and other communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Mica-Graphite Division, Washington, D. C., Reference: M–101.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(6) *Effective date.* This amended order shall take effect December 10, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12750; Filed, December 2, 1942; 10:49 a. m.]

PART 3122—ELECTRICAL MOTORS AND GENERATORS

[General Conservation Order L–221]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials and facilities used in the manufacture of electric motors for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3122.1 *General Conservation Order L–221*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Motor" means any new rotating equipment or device used to transform electric energy into mechanical energy, and having a rating of one horsepower or more; except motors used in the operation of passenger automobiles, trucks, truck trailers, passenger carriers and off-the-highway motor vehicles, as defined in Order L–158, or in the operation of stationary automotive type engines.

(3) "Generator" means any new rotating equipment or device used to transform mechanical energy into electric energy, and having a rating of not less than ¾ KW and not more than 6000 KW; except generators used in the operation of passenger automobiles, trucks, truck trailers, passenger carriers and off-the-highway motor vehicles, as defined in Order L–158, or in the operation of stationary automotive type engines.

(4) "Manufacture" means the fabrication or assembly of motors or generators.

(5) "Manufacturer" means any enterprise to the extent that it is engaged in the business of manufacturing motors or generators.

(6) "Dealer" means any enterprise to the extent that it acquires motors or generators for resale.

(7) "Used motor or generator" includes reconditioned and rebuilt motors or generators.

(8) "Delivery" includes delivery of a motor or generator from one affiliate to another or from one branch, division or section of a single enterprise to another branch, division or section of the same enterprise where the recipient affiliate, branch, division or section will use the motor or generator or incorporate it into other machinery.

(9) "Order" means any commitment or other arrangement for the delivery of a new motor or generator whether by purchase, lease, rental or otherwise.

(10) "Army, Navy, Maritime Commission or War Shipping Administration" does not include any privately operated plant or shipyard financed by, or controlled by any of those organizations, or operated on a cost-plus-fixed-fee basis.

(b) *Restrictions on acceptance and delivery of orders.* (1) Except as otherwise provided in this paragraph, on and after December 10, 1942, no manufacturer or dealer shall accept any order for, or deliver, any motor or generator, and no person shall accept delivery thereof from a manufacturer or dealer unless:

(i) The purchaser shall have no idle motor or generator in his possession which is adaptable to the purpose for which the new motor or generator is sought to be purchased;

(ii) The purchaser shall have attempted to obtain, from at least three dealers, a used motor or generator for the purpose for which the new motor or generator is sought to be purchased: *Provided, however,* That the provisions of this subparagraph shall not apply to any order for 10 or more new motors of an identical kind and rating by a purchaser who fabricates or assembles machinery or equipment into which such motors will be incorporated;

(iii) The motor or generator is not purchased for replacement of existing equipment; and

(iv) The motor or generator is required for installation within the shortest practicable time after delivery and is not for standby purposes. As applied to a person who purchases motors or generators for incorporation into other machinery manufactured by him, "installation" as used above refers only to such incorporation and not to the use of the other machinery. For the purpose of this subparagraph, a motor or generator shall be deemed installed (and not standby) equipment when it is connected to the purchaser's load and electrical system, notwithstanding that the purpose of such equipment may be emergency relief service.

(2) The provisions of paragraph (b) (1) shall not apply to (i) any order for motors or generators for the use of the Army, Navy, Maritime Commission or War Shipping Administration, or for incorporation into any machinery or equipment to be used by said agencies, or (ii) any order for special motors, by a person who fabricates or assembles machinery or equipment into which such special motors are to be incorporated: *Provided,* That, as of the date of this order, such special motors were required by the function and design of such machinery or equipment. As used in this subparagraph, the term "special motor" means any motor other than a general purpose, horizontal, continuous duty, open type 40° C. rise motor.

(c) *Restrictions on types of motors.* Except as otherwise specifically provided herein or authorized by the Director General for Operations, on and after December 10, 1942 no manufacturer or dealer shall accept any order for any motor; and on and after February 1, 1943 no manufacturer or dealer shall deliver, and no person shall accept delivery from a manufacturer or dealer, of any motor; unless the motor is in compliance with the following standards and is otherwise of the simplest practicable mechanical and electrical design:

(1) *Mechanical and electrical design.* The following minimum standards shall be applied with respect to electrical and mechanical design:

(i) No motor shall have a temperature rise less than 40° C, for open type; 50° C, for splash-proof type; and 55° C for totally enclosed type motors: *Provided, however*, That the temperature rise of the motor may vary from the above standards to the extent that the manufacturer has heretofore provided tolerance therefrom in his design and manufacture of the same or a similar type motor rated 40° C, 50° C, or 55° C, as the case may be.

(ii) No motor shall include a special enclosure to make it other than open type; except that (*a*) a motor may be explosion proof type if it is to be used in a Class I hazardous location, as defined in Paragraph 5005, Article 500, Chapter 5 of the National Electrical Code approved by the American Standards Association August 7, 1940; (*b*) a motor may be totally enclosed if it is to be used in a Class II hazardous location, as defined in Paragraph 5006, Article 500, Chapter 5 of the above Code, or if it is to be used generally in an atmosphere which is corrosive or which contains such quantities of material particles, dust or fumes as to be destructive of an open type motor; (*c*) a motor may be splash-proof type in any case where the motor is to be permanently installed outdoors without other protection or where the motor will be subjected to continually falling material particles, or to drops of splashing or jet propelled liquids falling at regular intervals of not less than once a day; and that (*d*) the provisions of this paragraph (c) (1) (ii) shall not apply to any motor to be used on board any vessel owned or operated by the Army, Navy, Maritime Commission or War Shipping Administration: *Provided, however*, That in any case where the requirements of General Limitation Order L–147, or any action taken by the Director General for Operations thereunder shall be more restrictive than the requirements of this subparagraph, the former shall apply.

(iii) Where practicable, AC polyphase motors shall be single voltage.

(iv) All alternating current multi-speed motors shall be single-winding; except motors for use in metal cutting machines.

(v) No motor shall be of slip ring type, except for hoist, crane, conveyor, elevator, tow, or dragline duty.

(vi) No motor shall be direct current type; except (*a*) where only direct current is available to the user; or (*b*) for use on a metal cutting machine or on testing equipment; or (*c*) where speed matching is required.

(vii) No direct current motor shall have a lower base speed than as prescribed below:

Horsepower rating:	*Minimum base speed*
1 to 5 incl	600 r. p. m.
5.1 to 25 incl	450 r. p. m.
25.1 to 75 incl	400 r. p. m.
75.1–200	300 r. p. m.

(2) *Horsepower loading.* The following standards shall be applied in determining horsepower loads for motor ratings:

(i) Horsepower required for purposes of ascertaining load as provided herein shall be determined by test or, where test is impossible, by careful calculation or comparison with known power requirements of similar apparatus.

(ii) Where the motor rated voltage will be maintained and the ambient temperature, normally, will be below 40° C, and will only occasionally, and for short periods, equal or exceed 40° C: (*a*) in the case of alternating current motors rated 40° C open type, continuous duty, the horsepower rating shall be not more than 80% of the determined horsepower load; (*b*) in the case of alternating current or direct current motors rated 50° C semi-enclosed, or 55° C totally enclosed, continuous duty, the horsepower rating shall be not more than 91% of the determined horsepower load; and (*c*) in the case of direct current motors rated 40° C open type, continuous duty, the horsepower rating shall be not more than 87% of the determined horsepower load: *Provided, however*, That in any case where the application of any of the above formulae results in a horsepower rating, which is not a standard horsepower rating, the rating may be the standard horsepower rating next above the rating resulting from the application of the formula.

Example: Where the horsepower required as determined in subdivision (i), is 9.3 HP, of which 80% would be 7.44, a motor not exceeding 7.5 standard HP should be delivered.

(3) *Speed.* The following minimum standards shall be applied in determining motor speed:

(i) All alternating current motors, 25 horsepower and below shall have a synchronous speed of at least 1800 R. P. M. at 60 cycles (four pole winding), and corresponding speeds at other frequencies: *Provided, however*, That in any case where the purchaser deems such speed impracticable he shall endorse on the certification required by paragraph (d) below such facts as shall demonstrate such impracticability, and if the manufacturer shall likewise certify such impracticability on the order, the provisions of this subdivision (i) shall not apply.

(ii) All other motors shall be of the highest practicable speed for the purposes for which purchased.

(d) *Certification.* (1) Each person placing an order on and after December 10, 1942 with a manufacturer or dealer for delivery of a motor or generator, and each person who receives delivery of a motor or generator from a manufacturer or dealer on and after February 1, 1943, pursuant to an order placed prior to December 10, 1942, shall certify to the manufacturer or dealer, as a condition to receiving delivery, the following (in substantially the form described below) on the purchase order or in a separate document (except that there may be omitted therefrom any portion relating to provisions of this order which are inapplicable in the particular case):

The undersigned hereby certifies that:

(A) (i) He has no idle motor (or generator) in his possession, except the following which is not adaptable to his purpose for the reasons stated below:

(ii) He has been unable to obtain a used motor (or generator) for his purpose from the following dealers (at least three):

(iii) The motor (or generator) is not for purposes of replacement of existing equipment (except as otherwise authorized by the Director General for Operations, upon appeal, when copy of authorization is to be attached):

(iv) The motor (or generator) is required for installation within -------- days after delivery and is not for standby purposes.

(B) The motor or motors described in the within (or attached) order, or orders, are in compliance with paragraph (c) (1) of General Limitation Order L–221 as follows:

(Here explain how design of motor meets requirements of each subdivision of paragraph (c) (1)).

(C) Horsepower required has been carefully determined in accordance with paragraph (c) (2) (i) and the horsepower rating of the motor or motors is in accordance with paragraph (c) (2) (ii) as follows:

(Here describe method of determining horsepower rating in accordance with said paragraph)

(D) (If the motor is AC, 25 horsepower or below, and does not have a synchronous speed of at least 1800 R.P.M. at 60 cycles (4 pole winding) and corresponding speeds at other frequencies, here provide the purchaser's certification required by paragraph (c) (3) (i)).

------------------------ Company

By ------------------------
(Authorized official)

In any case where an order relates to motors or generators of the identical kind and rating covered by a certification previously furnished to the same manufacturer or dealer, any facts included in the previous certification and which have remained unchanged may be incorporated in the certification required with respect to the current order by reference to the previous certification.

(2) Such certification shall be signed by a duly authorized and responsible official, employee, or agent of the purchaser, and shall constitute a representation to the Director General for Operations, War Production Board, as well as to the supplier, of the facts certified therein.

No person shall make delivery under this order who has reason to believe that the purchaser has furnished a false certification; and no person shall falsely furnish the certification specified above.

Any manufacturer or dealer may rely upon the facts furnished in the above mentioned certification and shall not be responsible for any action taken by him under this order in reliance upon inaccurate or untrue statements therein, unless he has reason to believe that such statements are inaccurate or untrue.

(3) Each manufacturer who manufactures a motor for delivery as part of other machinery or equipment which he also manufactures shall provide and retain in his records, with respect to each such motor, a certification similar to that provided for in subparagraph (1) and (2) above, signed by a duly authorized and responsible official or employee connected with the production of such motor; but no certification shall be required by the purchaser of the machinery which includes the motor. Such certification by the manufacturer shall constitute a representation to the Director General for Operations, War Production Board, of the facts certified therein.

(e) *Authorization of Director General for Operations.* Application for the authorization of the Director General for Operations to deviate from the standards and conditions of paragraph (c) shall be made by the purchaser or proposed purchaser of the motor (or by the manufacturer in any case where the motor is to be incorporated into other machinery manufactured by the same manufacturer) by letter or telegram or other communication addressed to the General Industrial Equipment Division, War Production Board, setting forth facts sufficient to enable the Director General for Operations to determine the necessity for such authorization. If granted, the authorization shall be transmitted by the purchaser to his supplier.

(f) *Exemptions.* The limitations and restrictions of paragraphs (b), (c) and (d) of this order shall not apply (1) for 90 days following the date hereof to any motor or generator delivered to and for the direct use of the Army, the Navy, the Maritime Commission or the War Shipping Administration; (2) to any motor or generator delivered for use in any foreign country (except Canada); (3) to any motor or generator delivered to any manufacturer or dealer for resale as a motor or generator and not as part of other machinery or equipment: *Provided, however*, That all the limitations and restrictions of this order shall apply to any resale of any such motor or generator; (4) to any motor or generator to be used above deck on any vessel or to be used in the operation of combat equipment. As used herein, "combat equipment" means any combat end product (including but not limited to, ammunition and other ordnance, tanks, warships, and aircraft) prescribed for field or combat use by the Army or Navy of the United States.

(g) *Production schedules.* (1) On and after February 1, 1943, no manufacturer shall manufacture any motor or generator unless the motor or generator is included in a production schedule approved by the Director General for Operations as provided below.

(2) On or before the 20th day of December and of each succeeding calendar month, every manufacturer shall file with the Director General for Operations a report on Form PD–738 which shall include such manufacturer's proposed production schedules of motors and generators so far as then planned, and such other information as shall be required by said Form PD–738. The production schedule for the calendar month following the date of filing shall be deemed to be approved by the Director General for Operations upon receipt of the above mentioned report by the War Production Board unless and until the Director General for Operations shall otherwise direct. Regardless of the terms of any other order or rule or regulation of the War Production Board, or of any commitment by the manufacturer or any customer, the Director General for Operations may at any time change any schedule; direct the cancellation of any order held by any manufacturer whether or not included or reflected in any schedule; prescribe any other schedule for production; allocate any order theretofore received by the manufacturer to any other manufacturer; or direct the delivery of any motor or generator, in production or completed to any person, at the established price and terms. No manufacturer shall alter any approved or prescribed production schedule unless authorized or directed to do so by the Director General for Operations.

(h) *Miscellaneous provisions*—(1) *Records and reports.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, and sales.

All persons affected by this order shall execute and file with the War Production Board, such reports and questionnaires as the Director General for Operations shall from time to time request.

(2) *Other limitation orders.* Nothing in this order shall be construed to permit any person to sell, deliver, or otherwise transfer, or any manufacturer to purchase, receive delivery of or otherwise acquire any raw materials, semi-processed parts, or finished products in contravention of the terms of any L or M Order, or amendments or supplements thereto or other regulations of the War Production Board effective at the date of any such sale, delivery, or other transfer. Where the limitations imposed by any other L or M Order are applicable to the subject matter of this order, the most restrictive limitation shall apply, unless otherwise specifically provided herein.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(5) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be adressed to: War Production Board, General Industrial Equipment Division, Washington, D. C. Ref.: L–221.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12747; Filed, December 2, 1942; 10:48 a. m.]

PART 3124—HARD-FACING MATERIALS

[General Limitation Order L–223]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain alloying elements for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3124.1 *General Limitation Order L–223*—(a) *Definitions.* For the purpose of this order:

(1) "Alloying element" means manganese, silicon, chromium, nickel, molybdenum, tungsten, vanadium, cobalt, tantalum, columbium, titanium, aluminum, magnesium, sodium, calcium, boron, and copper in any metallic form or combination with carbon, boron, or another metal.

(2) "Hard-facing material" means any material in any form containing 4 per cent or more of any alloying element or combination of alloying elements or requiring more than 4 per cent of any alloying element or combination of alloying elements for its manufacture, which is normally applied by a fusion welding process, such as the oxy-acetylene, metallic-arc, atomic hydrogen, or carbon-arc process as a coating, edge, or point to a metal for the purpose of providing a surface which is resistant to abrasion, corrosion, erosion, cavitation, heat, impact, or any combination of these; except that nothing in this order shall be construed to include copper base materials, or welding rods and electrodes (as defined in General Preference Order L–146, as amended from time to time) used as a filler in joining two or more pieces of metal.

(3) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armament and weapons, merchant and naval ships, tanks and vehicles), and any parts, assemblies and materials to be physically

incorporated in any of the foregoing items.

(4) "Producer" means any person making hard-facing material, or having hard-facing material made for him which he sells under his own trade name, either after altering, applying a coating or in the condition received. It shall not be deemed to include steel mills producing rods for sale only to a hard-facing material producer.

(b) *Restrictions on delivery of hard-facing material.* Except pursuant to specific authorization or direction of the Director General for Operations no person shall deliver any hard-facing material, and no person shall accept delivery of any hard-facing material, except as follows:

(1) To fill any contract or purchase order for hard-facing material to be delivered on a preference rating of AA-5 or higher for the maintenance and repair of any of the following:

(i) Any machine or equipment used exclusively in the manufacture of any of the following: implements of war; wire and radio communication equipment; synthetic rubber; aviation gasoline; explosives; dry batteries; machine tools; cement; brick; chemicals; plastics; food processing equipment; industrial electric equipment; lumber; paper; abrasive grinding wheels; and tools to be used in mechanical fixtures for cutting, shaping, forming and blanking of material, either hot or cold, and for precision gauges.

(ii) Any machine or equipment used exclusively for any of the following: mining; excavating; dredging; quarrying; drilling, producing and refining of petroleum; harbors; highways; utility plants, including but not limited to electric light and power, gas, street railway, telephone, telegraph and cable communication, and water; railroads (including track repair); and primary metal processing (i. e. steel mills, foundries, brass mills, ferro-alloy plants, magnesium plants, etc.).

(2) To fill any contract or purchase order for hard-facing material to be delivered on a preference rating of AA-5 or higher and to be physically incorporated into any of the following, or any part thereof: implements of war; valves; lathe centers; pumps; dredges; industrial electrical control equipment; pneumatic hammers; wire and radio communication equipment; automotive replacement parts, as defined in Limitation Order L-158, as amended; chemical equipment; road machinery; diesel engines; food processing equipment; oil well drilling equipment; and tools to be used in mechanical fixtures for cutting, shaping, forming and blanking of material, either hot or cold, and for precision gauges.

(3) To fill any contract or purchase order for hard-facing material for research work or field tests in connection with any of the applications listed above, except that the total to be delivered for these purposes by any producer or to be received by any person shall not exceed 100 pounds of hard-facing material per month.

(c) *Special directions.* The Director General for Operations may from time to time issue directions, specifying as to any alloying element, the quantities and proportions which may be used in making hard-facing material, and whether and in what proportions, any such element is to be the metal, a ferro-alloy, reclaimed metal, scrap, a chemical compound or any other material containing such element.

(d) *Restrictions on inventory.* No person shall acquire hard-facing material if such acquisition will increase his supply of hard-facing material to more than a sixty-days' supply.

(e) *Existing contracts.* Fulfillment of contracts in violation of this order is prohibited regardless of whether such contracts are entered into before or after the issuance date of this order. No person shall be held liable for damages or penalties for default under any contract or order which shall result directly or indirectly from compliance with the terms of this order.

(f) *Records.* All persons affected by this order shall keep and preserve for not less than two years, accurate and complete records concerning inventories, production, deliveries, and orders for hard-facing material.

(g) *Producer's forms.* Each producer shall file monthly with the War Production Board, Ref. L-223, reports on forms PD-733, 734 and 735 and such other forms as may be from time to time prescribed.

(h) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(i) *Applicability of other orders.* Insofar as any other order of the Director General for Operations may have the effect of limiting to a greater extent than herein provided the use of any material in the production of any item, the limitation of such order shall be observed.

(j) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(l) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Steel Division, Washington, D. C., Ref.: L-223.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12749; Filed, December 2, 1942; 10:48 a. m.]

Chapter XI—Office of Price Administration

PART 1420—BREWERY AND DISTILLERY PRODUCTS

[MPR 193,[1] Amendment 3]

DOMESTIC DISTILLED SPIRITS

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Subparagraphs (1) and (2) of Paragraph (d) of § 1420.13 are revoked and the following subparagraphs (1) (i) (ii) and (2) are added:

§ 1420.13 * * *

(d) *Automatic adjustments for Monopoly States*—(1) (i) *Permitted increases.* If any seller is permitted to increase his maximum price to any Monopoly State for domestic distilled spirits under the provisions of paragraph (a) (1) (i) or (ii) or under the provisions of paragraph (a) (2) (i) of this section relating to increased costs, such Monopoly State may adjust its maximum prices for such domestic distilled spirits by applying to the gross adjusted price (exclusive of new or increased taxes) charged to it by such seller the statutory or discretionary percentage mark-up in effect in such Monopoly State on March 31, 1942.

(ii) *New or increased taxes.* If any seller is permitted to increase his maximum prices to any Monopoly State for domestic distilled spirits under the provisions of paragraph (a) (i) (iii) or under the provisions of paragraph (a) (2) (ii) relating to new or increased taxes, such Monopoly State may add to its maximum prices for such domestic distilled spirits in accordance with subparagraph (2) hereof the exact amount per case and per container which is furnished to it by its seller pursuant to subparagraph (3) of this paragraph.

(2) In increasing its maximum prices established under § 1499.2 (a) of the General Maximum Price Regulation[2] pursuant to subdivisions (i) and (ii) of subparagraph (1) hereof, any Monopoly State:

(i) May add to the amount determined from time to time pursuant to (1) (i) hereof the amount determined from time to time pursuant to (1) (ii) hereof, and

(ii) May follow its practices of March 31, 1942 with reference to the disposition of fractional and odd cents, if any, existing in the figure determined pursuant to (2) (i) hereof.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6006, 8940, 8947, 8948.

[2] 7 F.R. 3153, 3030, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5665, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616.

§ 1420.14 *Effective dates of amendment.* * * *

(c) Amendment No. 3 (§ 1420.13 (d)) to Maximum Price Regulation No. 193 as amended shall become effective December 7, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12730; Filed, December 1, 1942; 2:44 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14[1] of GMPR,[2] Amendment 69]

IMPORTED DISTILLED SPIRITS, ETC.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Subdivisions (i) and (ii) of subparagraph (41) of § 1499.73 (a) are revoked and the following subdivisions (i) (*a*) (*b*) and (ii) are added:

§ 1499.73 * * * (a). * * *

(41) *Imported distilled spirits and all wines; automatic adjustments for Monopoly States*—(i) (*a*) *Permitted increases.* In the event that any vendor of imported distilled spirits or wines, whether domestic or imported, is permitted to increase his maximum price to any Monopoly State for any imported distilled spirits or wines to cover any increased cost other than new or increased taxes, such Monopoly State may adjust its maximum prices for such imported distilled spirits or wines by applying to the gross adjusted price (exclusive of new or increased taxes) charged to it by such vendor, the statutory or discretionary percentage mark-up in effect in such Monopoly State on March 31, 1942.

(*b*) *New or increased taxes.* In the event that any vendor of imported distilled spirits or wines, whether domestic or imported, is permitted to increase his maximum price to any Monopoly State for any imported distilled spirits or wines to cover new or increased taxes, such Monopoly State may add to its maximum prices for such imported distilled spirits or wines in accordance with subdivision (ii) hereof the exact amount per case and per container which is furnished to it by its vendor pursuant to subparagraph (iii) below.

(ii) In increasing its maximum prices established under § 1499.2 of the General Maximum Price Regulation pursuant to subparagraph (i) (*a*) and (i) (*b*) hereof any Monopoly State:

(*a*) May add to the amount determined from time to time pursuant to (i) (*a*) hereof the amount determined from time to time pursuant to (i) (*b*) hereof, and

(*b*) May follow its practices of March 31, 1942 with reference to the disposition of fractional and odd cents, if any, existing in the figure determined pursuant to (ii) (*a*) hereof.

(b) *Effective dates.* * * *

(70) Amendment No. 69 (§ 1499.73 (a) (41) (i) and (ii)) to Supplementary Regulation No. 14 shall be effective as of December 7, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12731; Filed, December 1, 1942; 2:44 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 124 Under § 1499.18 (b) of GMPR].

MCKESSON & ROBBINS, INC.

ADJUSTMENT OF MAXIMUM PRICE

Order No. 124 Under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-2308.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1025 *Adjustment of maximum prices for sales of Globe Anti Swine Erysipelas Serum by McKesson and Robbins, Incorporated, Minneapolis, Minnesota.* (a) The maximum prices for sales of Globe Anti Swine Erysipelas Serum by McKesson and Robbins, Incorporated, Minneapolis, Minnesota, shall be as follows:

Size:	*Maximum price per package*
50 cc	$0.87
100 cc	1.56
250 cc	3.17

(b) All discounts, allowances and trade practices in effect with respect to sales of Globe Anti Swine Erysipelas Serum by McKesson and Robbins, Incorporated, Minneapolis, Minnesota, during March 1942 shall remain in effect under this Order No. 124.

(c) At the time of the first delivery of of Globe Anti Swine Erysipelas Serum made to each purchaser at a price determined under this Order No. 124, McKesson and Robbins, Incorporated, Minneapolis, Minnesota, shall furnish each such purchaser with the following notice:

> The Office of Price Administration has permitted us to raise our maximum price to you of Globe Anti Swine Erysipelas Serum from $0.73 to $0.87 per 50 cc package, and from $1.33 to $1.56 per 100 cc package. This increase represents only that part of cost increases which we were unable to absorb, and it was granted with the understanding that other price increases would not be caused thereby. The Office of Price Administration has not permitted you or any other purchaser of this product from us to raise any maximum price by reason of our increased price to you.

(d) All prayers of the applicant not granted herein are denied.

(e) This Order No. 124 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 124 (§ 1499.1025) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 124 (§ 1499.1025) shall become effective December 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12732; Filed, December 1, 1942; 2:44 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 125 Under § 1499.18 (b) of GMPR]

SIGNAL KNITTING MILLS

ADJUSTMENT OF MAXIMUM PRICE

Order No. 125 Under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-233.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1026 *Adjustment of maximum prices for summer underwear sold by Signal Knitting Mills to Montgomery Ward.* (a) Signal Knitting Mills, Kain Murphy Corporation, and Ilena Mills, Incorporated, may sell and deliver, and Montgomery Ward may buy and receive the following specified styles of spring and summer underwear at prices not higher than those set forth below:

Style No.	Maximum price	
	Retail	Mail order
356	4.06 with packing	4.00.
357	4.12½ with packing, button side.	4.12½ tie side, button front.
360		1.95.
361		2.12½ button side.
372		4.12½.
373	4.37½ with packing, button side.	4.37½ tie side, button front.
374	1.95 with packing	
375	2.20 with packing, button side.	
376	2.00	2.00.
377	2.20 button side	2.25 button side.
384		3.80 tie side. button front.
446		2.12½.
447		2.50 tie side, button front.
448		2.65 tie side, button front.
470	3.62½	3.62½.
494		3.00.
495		3.12½ tie side, button front.
506		4.25.
511		7.75.
512	7.75	7.75.
514		6.75.

(b) With respect to deliveries of such specified styles of spring and summer underwear on and after June 9, 1942, applicants may carry out agreements with Montgomery Ward providing for the delivery of such underwear at prices not exceeding the applicable maximum price and also providing for an adjustment in accordance with the disposition of this application.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9391, 9495, 9496, 9639.

[2] 7 F.R. 3153, 3030, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5665, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616.

(c) This adjustment shall apply only to sales by applicants to Montgomery Ward.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 125 (§ 1499.1026) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 125 (§ 1499.1026) shall become effective December 2, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 1st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12733; Filed, December 1, 1942; 2:44 p. m.]

PART 1305—ADMINISTRATION

[General Ration Order 2]

INSTITUTIONAL USERS

Pursuant to the authority vested in the Price Administrator by Executive Order No. 9125 and by War Production Board Directive No. 1, *It is hereby ordered:*

§ 1305.201 *Records to be kept by institutional users.* (a) Every person owning any establishment which is registered as an institutional establishment pursuant to the Sugar or Coffee Rationing Regulations (Rationing Order No. 3[1] and Ration Order No. 12[2]) shall keep separately for each such establishment records containing the following information for the month of December 1942:

(1) Number of persons served. (If a person eats more than once in the establishment he shall be counted separately each time.)

(2) Gross dollar revenue from service of food and non-alcoholic beverages.

(3) The amount used of each commodity listed in paragraph (b) of this section.

(4) The amount of each such commodity on hand at the close of business December 31, 1942.

(b) The commodities with respect to which such records shall be kept, and the applicable units of measurements, are as follows:

Commodity	*Unit*
Sugar	lbs.
Coffee	lbs.
Butter	lbs.
Poultry	lbs.
Meats (including canned and edible parts, such as liver, hearts, kidneys)	
Pork	lbs.
Beef	lbs.
Veal	lbs.
Lamb and mutton	lbs.
Sausage, scrapple, luncheon meats, etc	lbs.
Canned fish	lbs.
Cheese (except cottage, pot and bakers')	lbs.
Margarine	lbs.
Lard and compound shortening	lbs.
Cooking and salad oil	lbs.
Canned soup	lbs.
All canned fruits and vegetables*	lbs.
All canned fruit and vegetable juices*	lbs.
Commercially frozen fruits and vegetables	lbs.
All dried or dehydrated fruits	lbs.
All dried peas and beans	lbs.
Canned evaporated and condensed milk	lbs.
Fresh milk	gal.
Fresh cream	gal.
Ice cream	gal.

*Records with respect to canned fruits, vegetables and juices shall include all such commodities whether in tins, jars or bottles. Catsup and chili sauce shall be included, but not olives, pickles, jams, and jellies.

(c) The person required to keep the records shall retain them until January 31, 1944.

§ 1305.399 *Effective date.* This General Order No. 2 (§§ 1305.201 and 1305.399) shall become effective this 1st day of December 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; W.P.B. Dir. 1, 7 F.R. 562)

Issued this 1st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12711; Filed, December 1, 1942; 1:27 p. m.]

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

[MPR 33,[1] Amendment 1]

CARDED COTTON YARNS AND THE PROCESSING THEREOF

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

The term "greige" is substituted for the term "grey" wherever the latter term is used in subparagraphs (2), (4) and (8) of paragraph (a) of § 1307.64 and subparagraph (1) (ii) of paragraph (d) of § 1307.69. § 1307.55 is amended, in paragraph (a) of § 1307.64, subparagraph (5) (v) is amended and Table I is deleted, in § 1307.63, paragraph (c) is amended, a new § 1307.65a is added, in § 1307.67, paragraphs (f) and (g) are amended and a new paragraph (h) is added, in paragraph (b) of § 1307.68, Table V is amended and in § 1307.69, a footnote is added to subparagraph (1) (i) of paragraph (c) and a footnote is added to subparagraph (1) (i) of paragraph (d) as set forth below:

§ 1307.55 *Reports to be submitted to the Office of Price Administration, Washington, D. C., by producers of carded cotton yarns.* On or before the 10th day of each calendar month commencing with a date hereafter to be designated, each producer of carded cotton yarns for which maximum prices are established in paragraph (f) of § 1307.67 (discounted yarns) shall report to the Office of Price Administration, Washington, D. C. all sales of such yarns made during the preceding calendar month. Such reports shall contain with respect to each such sale: (a) the date; (b) the name and address of the purchaser; (c) a description of the yarns sold, including the number, ply, percentage of low-grade cotton and/or cotton waste and the other specifications of the yarn; (d) a description of the type, kind and quality of the low-grade cotton and/or cotton waste used in the yarn and the replacement cost per pound to the producer of the low-grade cotton and/or cotton waste; (e) a statement of the differences per pound in manufacturing costs which were taken into consideration by the producer in determining his maximum price under § 1307.67; (f) the amount of the discount allowed in accordance with paragraph (f) (2) of § 1307.67; (g) the quantity sold; and (h) the price per pound contracted for or received therefor.

§ 1307.63 *Exempt sales.* The provisions of this Maximum Price Regulation No. 33 shall not apply to:

* * * * *

(c) Sales of seine twine and other yarns produced by two-process twisting and of all yarns twisted on a Brownell or Haskall-Dawes type machine;

* * * * *

§ 1307.64 *Definitions of terms used.* (a) When used in this Maximum Price Regulation No. 33, the term: * * *

(5) "Base grade yarn" means clean uniform greige carded yarns of the following specifications:

* * * * *

(v) *Cotton content.* American cotton of such grade, not inferior to strict low middling (white), and such staple length as may be required by the individual producer to produce a clean uniform carded cotton yarn possessing a tensile strength sufficient for the use to which the yarn is to be put. As used herein, the term "American Cotton" means all kinds of cotton grown in the United States except Sea Island, SXP and Pima.

* * * * *

§ 1307.67 *Appendix B: Maximum prices for greige carded cotton yarns.* * * *

(f) *Discounts*—(1) *Discounts for yarns containing low-grade[2] cotton and/or cotton waste.* The maximum price for carded cotton yarn which contains low-grade cotton and/or cotton waste shall be a price in line with the maximum price set forth herein for base grade yarn of the same number and ply. As used herein, the term "in line with" means having a justifiable relation to the maximum price for the base-grade yarn of the same number and ply with a decrease in price commensurate with the decrease in his material costs[3] resulting from his use of the low-grade cotton and/or cotton waste. In determining his "in line with" price, allowance may be made by the producer for increased manufacturing costs which he may incur in producing such yarns. Solely for the purposes of computing an "in line with" price under this paragraph a producer shall employ the following maximum prices for base-grade yarns of numbers less than 6:

[Cents per pound]

Yarn No.	Single	Ply
1s	35.25	37.75
2s	35.50	38
3s	35.75	38.25
4s	36	38.5
5s	36.25	38.75

(2) *Discounts for yarns which are not clean and uniform.* The maximum price for carded cotton yarn which is not clean and uniform shall be 90% of the otherwise applicable maximum price if such yarn were clean and uniform: *Provided,* That a yarn containing cotton waste shall be subject only to the discount required by subparagraph (1) above of this § 1307.67.

(g) *Premiums for carded cotton yarns composed of long staple, high grade[4] and/or Sea Island, SXP or Pima cotton; petitions to be filed with the Office of Price Administration, Washington, D. C.* Any producer who (1) produces carded cotton yarn composed of a longer staple cotton than the applicable staple length set forth below,[5] of high grade cotton and/or of Sea Island, SXP or Pima cotton and (2) can show that the use of such cotton is reasonably related to the tensile or other specifications required in the yarn by the purchaser thereof, may file a petition for adjustment in accordance with Revised Procedural Regulation No. 1.[6] This petition shall contain or be accompanied by the following with respect to such yarn:

(i) The number, ply and other specifications of the yarn;

(ii) Evidence to show that the use of long staple or high-grade cotton is reasonably related to the tensile or other specifications required in the yarn by the purchaser;

(iii) Full size samples from both sides of at least 5 bales of the cotton to be used by the producer in producing the yarn;

(iv) Samples of such yarn and of his base-grade yarn of the same number and ply and the 10 most recent reports of breaking strength tests of both yarns prior to the filing of the petition;

(v) The highest and the lowest price for which the producer sold such yarn and the base-grade yarn of the same number and ply during each month of the calendar year of 1940;

(vi) An analysis of the costs involved in the production of such yarn as compared with the costs involved in the production of base-grade yarn of the same number and ply; and

(vii) A description of the extent to which the processes involved in the production of such yarns vary from the processes used in the production of base-grade yarns.

(h) *Premiums for double-carded yarns; petitions for adjustment to be filed with the Office of Price Administration, Washington, D. C.* Any producer who produces double-carded yarns may file a petition for adjustment of his maximum price in accordance with Revised Procedural Regulation No. 1. This petition shall contain the following: (1) the sales price of double-carded yarn on each day during the calendar year of 1940 on which a sale thereof was made and the price contracted for or quoted on each such day by the producer for single-carded yarns of the same number and ply; (2) the amount of the premium requested by the petitioner for double-carded yarns; and (3) an analysis of the costs involved in the production of double-carded yarns as compared with the costs involved in the production of single-carded yarns of the same number and ply.

§ 1307.68 *Appendix C: Maximum prices for sales of stock yarn; sales by jobbers.* * * *

(b) *Maximum prices for sales of stock yarn.* * * *

TABLE V—PREMIUMS FOR SALES OF STOCK YARN BY JOBBERS

Sales on which premiums are allowed	*Premium*
Sales of broken case[1] lots in quantities of 1500 pounds or less per calendar month to a given customer *Provided,* That no jobber shall avail himself of this premium on that portion of such sales in any calendar month which is in excess of 15,000 pounds to all of his customers.	10%
Sales of broken case lots in quantities in excess of 1500 pounds per calendar month to a given customer *Provided,* That no jobber shall avail himself of this premium on that portion of such sales in any calendar month which is in excess of 15,000 pounds to all of his customers.	5%
Sales of 1 to 3 unbroken cases *Provided,* That no jobber shall avail himself of this premium on that portion of his sales in any calendar month which is in excess of 3,000 pounds to the same customer or 20,000 pounds to all of his customers.	5%

[1] As used in this Table V, the term "broken case" means a case from which at least 25 per cent of the contents have been removed.

§ 1307.69 *Appendix D: Maximum prices for processed carded cotton yarns and the processing thereof.* * * *

(c) *Maximum prices for mercerizing, bleaching and/or gassing*—(1) *Explanation of Table VI*—(i) *Quilling, winding and handling charges.* The maximum prices set forth below include all charges for quilling, cone winding and special handling: *Provided,* That if the processor does not quill or wind, his maximum price shall be the price shown herein less his customary charge[7] for quilling or winding.

* * * * *

(d) *Maximum prices for mercerized, bleached and/or gassed yarns*—(1) *Explanation of Table VII*—(i) *Quilling, winding and handling charges.* The premiums set forth below include all charges for quilling, cone winding and special handling: *Provided,* That if the processor does not quill or wind, his maximum price shall be the price shown herein less his customary charge[8] for quilling or winding.

* * * * *

§ 1307.65a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1307.55, 1307.63 (c), 1307.64 (a) (2) (4) (5) (v) and (8), 1307.65a, 1307.67 (f), (g) and (h), 1307.68 (b), 1307.69 (c) and (d)) to Maximum Price Regulation No. 33 shall become effective as follows: September 28, 1942, insofar as it amends subparagraphs (5) (v) of § 1307.64 (a); and on December 7, 1942, insofar as it amends §§ 1307.55, 1307.63 (c), 1307.64 (a) (2) (4) and (8), 1307.67 (f), (g) and (h), 1307.68 (b) and 1307.69 (c) and (d).

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

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[1] 7 F.R. 2966, 3242, 3783, 4554, 4618, 5193, 5361, 6057, 6084, 6473, 6828, 6937, 7289, 7406, 7321, 7510, 7557, 8402, 8655, 8739, 8809, 8710, 8830, 8831, 9042, 9396, 9560.

[2] 7 F.R. 9710.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7557, 8948.

[2] For the purposes of this Maximum Price Regulation No. 33, any cotton which is quoted at a price lower than the price quoted for strict low middling (white) cotton of the same staple length in the official average quotation of the 10 designated spot cotton markets published by the Agricultural Marketing Administration of the United States Department of Agriculture is "low-grade".

[3] The producer shall determine the decrease in his material costs in the following ways: (a) when he uses low-grade cotton he shall determine the difference in selling price on the business day immediately preceding the sale of the yarn between the low-grade cotton and strict low middling (white) cotton of the same staple length set forth in the most recent official average quotation of the 10 designated spot cotton markets published by the Agricultural Marketing Administration of the United States Department of Agriculture; and (b) when he uses cotton waste, he shall use the difference between the replacement cost for such cotton waste, and the price listed for strict low middling (white) cotton of the staple length specified for the same yarn number in footnote 5 (paragraph (g) of this § 1307.67) in the official average quotation of the 10 designated spot cotton markets published by the Agricultural Marketing Administration of the United States Department of Agriculture.

[4] For the purposes of this Maximum Price Regulation No. 33, any grade of cotton higher than middling is "high grade".

[5]

Yarn number:	*Staple length*
Up to 16s	$\frac{31}{32}$''
17s to 24s	$1\frac{1}{16}$''
25s to 30s	$1\frac{3}{32}$''
31s to 40s	$1\frac{1}{8}$''
41s and up	$1\frac{5}{32}$''

[6] 7 F.R. 8961.

[7] In determining his maximum price for processing in accordance with this subparagraph, a processor who has not made a customary charge for quilling or winding shall subtract the cost which he would normally incur for the performance of these operations. A processor shall compute this "cost" by giving due consideration not only to the direct labor cost which would be involved but also to the overhead and other costs which he recognizes in his normal accounting procedure.

[8] In determining his maximum price for processed yarns in accordance with this subparagraph, a processor who has not made a customary charge for quilling or winding shall subtract the cost he would normally incur for the performance of these operations. A processor shall compute this cost by giving due consideration, not only to the direct labor cost which would be involved, but also to the overhead and other costs which he recognizes in his normal accounting procedure.

Issued this 1st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12713; Filed, December 1, 1942; 1:27 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Ration Order 1A,[1] Amendment 2]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new § 1315.511 is added, and §§ 1315.504 (a) and 1315.601 (d) are amended to read as follows:

§ 1315.504 (a) *Certificate of war necessity.* That he holds a currently valid certificate of war necessity with respect to such vehicle and that the tires have been currently inspected and passed as required by General Order ODT No. 21; and

* * * * *

§ 1315.511 *Temporary suspension of certificate of war necessity requirement.* (a) Up to and including December 31, 1942 only, no person shall be required to comply with the provisions of §§ 1315.504 (a) or 1315.601 (d) with respect to the possession or presentation of a certificate of war necessity, if he certifies in writing upon his application for tires, tubes or recapping service that he has made application to the Office of Defense Transportation for a certificate of war necessity but has received no notice of any final action thereon, and specifies the address of the Local Allocation Office of the Office of Defense Transportation with which his application for a certificate of war necessity was filed and the date on which such application was filed.

(b) Up to and including December 31, 1942, only, any person who has made application to the Office of Defense Transportation for a certificate of war necessity but has received no notice of any final action thereon, shall not be required to comply with the provisions of § 1315.802 (a) (4) with respect to the possession of a certificate of war necessity, the provisions of § 1315.901 (h) with respect to obtaining and keeping current such records of tire inspection as are required by the Office of Defense Transportation, the provisions of § 1315.901 (i) with respect to the filing of a declaration of tires as required by the Office of Defense Transportation, or the provisions of § 1315.901 (k) with respect to any of the above certificates, records or declarations.

§ 1315.601 * * *

(d) *Certificate of war necessity.* Any applicant for tires, tubes or recapping service for a commercial motor vehicle shall present to the Board a currently valid certificate of war necessity for such vehicle.

§ 1315.1199 *Effective dates of amendment.* * * *

(b) Amendment No. 2 (§§ 1315.504, 1315.511 and 1315.601) to Ration Order No. 1A shall become effective December 1, 1942.

(Pub. Law 671, 76 Cong., Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, W.P.B. Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 1st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12714; Filed, December 1, 1942; 1:28 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Ration Order 1A,[1] Amendment 3]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1315.1198 is amended as follows:

§ 1315.1198 *Effective date of Ration Order No. 1A.* (a) Ration Order No. 1A (§§ 1315.151 to 1315.1198 inclusive) shall become effective December 1, 1942, except that in the Territories and possessions of the United States it shall become effective March 1, 1943.

(b) Ration Order No. 1A (§§ 1315.151 to 1315.1198 inclusive) supersedes War Production Board Supplementary Order No. M-15-c, as amended,[2] and the Revised Tire Rationing Regulations, as amended:[3] *Provided, however,* That any violations which occurred or rights or liabilities which have arisen prior to the effective date of this Ration Order No. 1A shall be governed by the orders, regulations, and amendments thereto, in effect at the time such violations occurred or such rights or liabilities arose: *And provided, further,* That the Revised Tire Rationing Regulations, as amended,[3] shall remain in full force and effect in the Territories and possessions of the United States until March 1, 1943.

§ 1315.1199 *Effective dates of amendment.* * * *

(c) Amendment No. 3 (§ 1315.1198) to Ration Order No. 1A shall become effective December 1, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, W.P.B. Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 1st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12715; Filed, December 1, 1942; 1:28 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 52]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

In the judgment of the Administrator, rents for housing accommodations within the Santa Maria Defense-Rental Area set out in § 1388.681 (a) of this Maximum Rent Regulation, as designated in the designation and rent declaration issued by the Administrator on April 28, 1942, as amended, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designation and rent declaration.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the Santa Maria Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within the Santa Maria Defense-Rental Area on or about July 1, 1941. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for housing accommodations within the Santa Maria Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 52 is hereby issued.

AUTHORITY: §§ 1388.681 to 1388.694, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.681 *Scope of regulation.* (a) This Maximum Rent Regulation No. 52 applies to all housing accommodations within the Santa Maria Defense-Rental Area, consisting of Judicial Townships Nos. 4, 5, 6, 7, 9 and 10 in the County of Santa Barbara in the State of California (referred to hereinafter in this Maximum Rent Regulation as the "Defense-Rental Area"), as designated in the designation and rent declaration (§§ 1388.1201 to 1388.1205, inclusive) issued by the Administrator on April 28, 1942, as amended, except as provided in paragraph (b) of this section.

(b) This Maximum Rent Regulation does not apply to the following:

(1) Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part;

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9160, 9392.

[1] 7 F.R. 9160, 9392, *supra*.

[2] 6 F.R. 6792.

[3] 7 F.R. 1027.

(3) Rooms or other housing accommodations within hotels or rooming houses, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the Maximum Rent Regulation for Hotels and Rooming Houses pursuant to the provisions of that regulation: *Provided,* That this Maximum Rent Regulation does apply to entire structures or premises though used as hotels or rooming houses;

(4) Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, however,* That this Maximum Rent Regulation does apply to a sublease or other subrenting of such accommodations or any part thereof.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

§ 1388.682 *Prohibition against higher than maximum rents.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 52 of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

(b) Notwithstanding any other provision of this Maximum Rent Regulation, where housing accommodations are heated with fuel oil the landlord of such accommodations may as hereinafter provided enter into an agreement with the tenant providing for payment by the tenant of part or all of the cost of changing the heating unit to use some fuel other than oil or of installing a new heating unit using some fuel other than oil. Prior to making such agreement the landlord shall in writing report the terms of the proposed agreement to the Area Rent Office. The landlord may enter into the agreement either upon its approval by the Administrator or, unless the Administrator has disapproved the proposed agreement within 5 days after the filing of such report, upon the expiration of such 5-day period.

(c) Where a lease of housing accommodations was entered into prior to the effective date of this Maximum Rent Regulation and the tenant as a part of such lease or in connection therewith was granted an option to buy the housing accommodations which were the subject of the lease, with the further provision that some or all of the payments made under the lease should be credited toward the purchase price in the event such option is exercised, the landlord, notwithstanding any other provision of this Maximum Rent Regulation, may be authorized to receive payments made by the tenant in accordance with the provisions of such lease and in excess of the maximum rent for such housing accommodations. Such authority may be secured only by a written request of the tenant to the Area Rent Office and shall be granted by order of the Administrator if he finds that such payments in excess of the maximum rent will not be inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof. After entry of such order the landlord shall be authorized to demand, receive and retain payments provided by the lease in excess of the maximum rent for periods commencing on or after the effective date of this Maximum Rent Regulation. After entry of such order, the provisions of the lease may be enforced in accordance with law, nothwithstanding any other provision of this Maximum Rent Regulation: *Provided, however,* That if at the termination of the lease the tenant shall not exercise the option to buy, the landlord may thereafter remove or evict the tenant only in accordance with the provisions of § 1388.686 of this Maximum Rent Regulation. Nothing in this paragraph shall be construed to authorize the landlord to demand or receive payments in excess of the maximum rent in the absence of an order of the Administrator as herein provided. Where a lease of housing accommodations has been entered into on or after the effective date of this Maximum Rent Regulation, and the tenant as a part of such lease or in connection therewith has been granted an option to buy the housing accommodations which are the subject of the lease, the landlord, prior to the exercise by the tenant of the option to buy, shall not demand or receive payments in excess of the maximum rent, whether or not such lease allocates some portion or portions of the periodic payments therein provided as payments on or for the option to buy.

§ 1388.683 *Minimum services, furniture, furnishings and equipment.* Except as set forth in § 1388.685 (b), every landlord shall, as a minimum, provide with housing accommodations the same essential services, furniture, furnishings and equipment as those provided on the date determining the maximum rent, and as to other services, furniture, furnishings and equipment not substantially less than those provided on such date: *Provided, however,* That where fuel oil is used to supply heat or hot water for housing accommodations, and the landlord provided heat or hot water on the date determining the maximum rent, the heat and hot water which the landlord is required to supply shall not be in excess of the amount which he can supply under any statute, regulation, or order of the United States or any agency thereof which rations or limits the use of fuel oil.

§ 1388.684 *Maximum rents.* Maximum rents (unless and until changed by the Administrator as provided in § 1388.685 shall be:

(a) For housing accommodations rented on July 1, 1941, the rent for such accommodations on that date.

(b) For housing accommodations not rented on July 1, 1941, but rented at any time during the two months ending on that date, the last rent for such accommodations during that two-month period.

(c) For housing accommodations not rented on July 1, 1941, nor during the two months ending on that date, but rented prior to the effective date of this Maximum Rent Regulation No. 52, the first rent for such accommodations after July 1, 1941. The Administrator may order a decrease in the maximum rent as provided in § 1388.685 (c).

(d) For (1) newly constructed housing accommodations without priority rating first rented after July 1, 1941 and before the effective date of this Maximum Rent Regulation, or (2) housing accommodations changed between those dates so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations changed between those dates from unfurnished to fully furnished, or from fully furnished to unfurnished, or (4) housing accommodations substantially changed between those dates by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, the first rent for such accommodations after such construction or change: *Provided, however,* That, where such first rent was fixed by a lease which was in force at the time of a major capital improvement, the maximum rent shall be the first rent after termination of such lease. The Administrator may order a decrease in the maximum rent as provided in § 1388.685 (c).

(e) For (1) newly constructed housing accommodations without priority rating first rented on or after the effective date of this Maximum Rent Regulation, or (2) housing accommodations changed on or after such effective date so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations not rented at any time between May 1, 1941 and such effective date, the first rent for such accommodations after the change or the effective date, as the case may be. Within 30 days after so renting the landlord shall register the accommodations as provided in § 1388.687. The Administrator may order a decrease in the maximum rent as provided in § 1388.685 (c).

(f) For housing accommodations constructed with priority rating from the United States or any agency thereof for which the rent has been heretofore or is hereafter approved by the United States or any agency thereof, the rent so approved, but in no event more than the rent on July 1, 1941, or, if the accommodations were not rented on that date, more than the first rent after that date.

(g) For housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on July 1, 1941, as determined by the owner of such accommodations: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.685 (c).

(h) For housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this Maximum Rent Regulation by such rent schedule. The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this Maximum Rent Regulation.

§ 1388.685 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services or a deterioration, the adjustment in the maximum rent shall be the amount the Administrator finds would have been on July 1, 1941 the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date determining the maximum rent was fixed in contemplation of and so as to reflect such change. In all other cases, except those under paragraphs (a) (7) and (c) (6) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on July 1, 1941. In cases involving construction due consideration shall be given to increased costs of construction, if any, since July 1, 1941. In cases under paragraphs (a) (7) and (c) (6) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on July 1, 1941.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been on or after the effective date of this Maximum Rent Regulation a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to July 1, 1941, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent on July 1, 1941 was fixed by a lease or other rental agreement which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent. No increase in the maximum rent shall be ordered on the ground set forth in this paragraph (a) (3) unless the increase in services, furniture, furnishings or equipment occurred with the consent of the tenant or while the accommodations were vacant: *Provided,* That an adjustment may be ordered, although the tenant refuses to consent to the increase in services, furniture, furnishings or equipment, if the Administrator finds that such increase (i) is reasonably required for the operation of a multiple dwelling structure or other structure of which the accommodations are a part or (ii) is necessary for the preservation or maintenance of the accommodations.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on July 1, 1941.

(5) There was in force on July 1, 1941 a written lease, for a term commencing on or prior to July 1, 1940, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on July 1, 1941; or the housing accommodations were not rented on July 1, 1941, but were rented during the two months ending on that date and the last rent for such accommodations during that two-month period was fixed by a written lease, for a term commencing on or prior to July 1, 1940, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on July 1, 1941.

(6) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent on the date determining the maximum rent was substantially lower than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) (1) If, on the effective date of this Maximum Rent Regulation No. 52, the services provided for housing accommodations are less than the minimum services required by § 1388.683, the landlord shall either restore and maintain such minimum services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. If, on such effective date, the furniture, furnishings or equipment provided with housing accommodations are less than the minimum required by § 1388.683, the landlord shall, within 30 days after such date, file a written report showing the decrease in furniture, furnishings or equipment.

(2) Except as above provided, the landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings and equipment unless and until he has filed a petition to decrease the services, furniture, furnishings or equipment and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, furniture, furnishings or equipment he shall file a petition within 10 days after the change occurs. When the accommodations become vacant the landlord may, on renting to a new tenant, decrease the services, furniture, furnishings or equipment below the minimum; within 10 days after so renting the landlord shall file a written report showing such decrease.

(3) The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph may be decreased in accordance with the provisions of § 1388.685 (c) (3). If the landlord fails to file the petition or report required by this paragraph within the time specified, or decreases the services, furniture, furnishings or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or the effective date of this Maximum Rent Regulation, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by any order decreasing the maximum rent on account of such decrease in services, furniture, furnishings or equipment. In such case, any order decreasing the maximum rent shall be effective to decrease such rent from the beginning of the first rental period after the decrease in services, furniture, furnishings or equipment or after the effective date of this Maximum Rent Regulation, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for housing accommodations under paragraphs (c), (d), (e), or (g) of § 1388.684 is higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on July 1, 1941.

(2) There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a decrease in the minimum services, furniture, furnishings or equipment required by § 1388.683 since the date or order determining the maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on July 1, 1941.

(5) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially lower rent at other periods during the term of such lease or agreement.

(6) The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on July 1, 1941.

(e) Where, at the expiration or other termination of an underlying lease or other rental agreement, housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the landlord may rent the entire premises for use by similar occupancy for a rent not in excess of the aggregate maximum rents of the separate dwelling units, or may rent the separate dwelling units for rents not in excess of the maximum rents applicable to such units.

Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Administrator for leave to exercise any right he would have except for this Maximum Rent Regulation to sell his underlying lease or other rental agreement. The Administrator may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result, in the circumvention or evasion of the Act or this Maximum Rent Regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section, the Administrator may enter an interim order increasing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order upon such petition. The receipt by the landlord of any increased rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

(g) No adjustment in the maximum rent shall be ordered on the ground that the landlord, since the date or order determining the maximum rent, has, as a part of or in connection with a lease of housing accommodations, granted the tenant an option to buy the accommodations which are the subject of the lease. Where a lease of housing accommodations was in force on the date determining the maximum rent, and the landlord had on that date, as a part of or in connection with such lease, granted the tenant an option to buy the accommodations which are the subject of the lease, the Administrator may, on or after the termination of such lease, on his own initiative or on application of the tenant, enter an order fixing the maximum rent on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations not subject to an option to buy on July 1, 1941.

§ 1388.686 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, and regardless of any contract, lease, agreement or obligation heretofore or hereafter entered into which provides for entry of judgment upon the tenant's confession for breach of the covenants thereof or which otherwise provides contrary hereto, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation No. 52; or

(2) The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons who occupied under a rental agreement with the tenant; or

(5) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) The landlord owned, or acquired an enforceable right to buy or the right to possession of, the housing accommodations prior to the effective date of this Maximum Rent Regulation, and seeks in good faith to recover possession of such accommodations for immediate use and occupancy as a dwelling for himself. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, the landlord shall file a written report on a form provided therefor before renting the accommodations or any part thereof during a period of six months after such removal or eviction.

(b) (1) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(2) Removal or eviction of a tenant for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after the effective date of this Maximum Rent Regulation, is inconsistent with the purposes of the Act and this Maximum Rent Regulation and would be likely to result in the circumvention or evasion thereof, unless (i) the payment or payments of principal made by the purchaser, excluding any payments made from funds borrowed for the purpose of making such principal payments, aggregate 33⅓% or more of

the purchase price, and (ii) a period of three months has elapsed after the issuance of a certificate by the Administrator as hereinafter provided. For the purposes of this paragraph (b) (2), the payments of principal may be made by the purchaser conditionally or in escrow to the end that they shall be returned to the purchaser in the event the Administrator denies a petition for a certificate. If the Administrator finds that the required payments of principal have been made, he shall, on petition of either the vendor or purchaser, issue a certificate authorizing the purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law at the expiration of three months after the date of issuance of such certificate. In no other case shall the Administrator issue a certificate for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after the effective date of this Maximum Rent Regulation, unless he finds that the vendor has or had a substantial necessity requiring the sale and that a reasonable sale or disposition of the accommodations could not be made without removal or eviction of the tenant, or unless he finds that other special hardship would result; under such circumstances the payment by the purchaser of 33⅓% of the purchase price shall not be a condition to the issuance of a certificate, and the certificate shall authorize the vendor or purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law.

(c) The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(d) (1) Every notice to a tenant to vacate or surrender possession of housing accommodations shall state the ground under this section upon which the landlord relies for removal or eviction of the tenant. A written copy of such notice shall be given to the Area Rent Office within 24 hours after the notice is given to the tenant.

No tenant shall be removed or evicted from housing accommodations, by court process or otherwise, unless, at least ten days prior to the time specified for surrender of possession and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the Area Rent Office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession.

Where the ground for removal or eviction of a tenant is non-payment of rent, every notice under this paragraph (d) (1) shall state the rent for the housing accommodations, the amount of rent due and the rental period or periods for which such rent is due. The provisions of this paragraph (d) (1) shall not apply where a certificate has been issued by the Administrator pursuant to the provisions of paragraph (b) of this section.

(2) At the time of commencing any action to remove or evict a tenant, including an action based upon non-payment of rent, the landlord shall give written notice thereof to the Area Rent Office stating the title of the case, the number of the case where that is possible, the court in which it is filed, the name and address of the tenant, and the ground under this section on which removal or eviction is sought.

(e) No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.687 *Registration.* Within 45 days after the effective date of this Maximum Rent Regulation No. 52, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement. The statement shall identify each dwelling unit and specify the maximum rent provided by this Maximum Rent Regulation for such dwelling unit and shall contain such other information as the Administrator shall require. The original shall remain on file with the Administrator and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement, and shall obtain the tenant's signature and the date thereof, on the back of such statement. Within five days after renting to a new tenant, the landlord shall file a notice on the form provided therefor, on which he shall obtain the tenant's signature, stating that there has been a change in tenancy, that the stamped copy of the registration statement has been exhibited to the new tenant and that the rent for such accommodations is in conformity therewith.

No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

When the maximum rent is changed by order of the Administrator, the landlord shall deliver his stamped copy of the registration statement to the Area Rent Office for appropriate action reflecting such change.

The foregoing provisions of this Section shall not apply to housing accommodations under § 1388.684 (g). The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the Defense-Rental Area and containing such other information as the Administrator shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

§ 1388.688 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

§ 1388.689 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 52 shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges or by modification of the services furnished with housing accommodations, or otherwise.

§ 1388.690 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 52 are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.691 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation No. 52 shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).[1]

§ 1388.692 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 52 may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.693 *Definitions.* (a) When used in this Maximum Rent Regulation No. 52:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

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[1] 7 F.R. 3936, 3991, 6081, 7149.

(4) The term "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Rent Regulation.

§ 1388.694 *Effective date of the regulation.* This Maximum Rent Regulation No. 52 (§§1388.681 to 1388.694, inclusive) shall become effective December 1, 1942.

Issued this 1st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12719; Filed, December 1, 1942; 1:29 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 57,[1] Amendment 1]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

Subparagraph (12) of § 1388.581 (a) of Maximum Rent Regulation No. 57 is revoked, and § 1388.594a is added as set forth below:

§ 1388.594a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1388.581 (a) and 1388.594a) to Maximum Rent Regulation No. 57 shall become effective December 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12720; Filed, December 1, 1942; 1:29 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 58A,[2] Amendment 1]

HOTELS AND ROOMING HOUSES

Subparagraph (12) of § 1388.631 (a) of Maximum Rent Regulation No. 58A is revoked, the reference in § 1388.641 to "Procedural Regulation No. 3 (§§ 1300.201 to 1388.247, inclusive)" is corrected to read "Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive)," and § 1388.644a is added as set forth below:

§ 1388.644a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1388.631 (a) and 1388.644a) to Maximum Rent Regulation No. 58A shall become effective December 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12716; Filed, December 1, 1942; 1:28 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 59A]

HOTELS AND ROOMING HOUSES

In the judgment of the Administrator, rents for housing accommodations within the Santa Maria Defense-Rental Area set out in § 1388.731 (a) of this Maximum Rent Regulation, as designated in the designation and rent declaration issued by the Administrator on April 28, 1942, as amended, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designation and rent declaration.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the Santa Maria Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within the Santa Maria Defense-Rental Area on or about July 1, 1941. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for rooms in hotels and rooming houses within the Santa Maria Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 59A is hereby issued.

AUTHORITY: §§ 1388.731 to 1388.744, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.731 *Scope of regulation.* (a) This Maximum Rent Regulation No. 59A applies to all rooms in hotels and rooming houses within the Santa Maria Defense Rental Area consisting of Judicial Townships Nos. 4, 5, 6, 7, 9 and 10 in the County of Santa Barbara in the State of California (referred to hereinafter in this Maximum Rent Regulation as the "Defense-Rental Area"), as designated in the Designation and Rent Declaration (§§ 1388.1201 to 1388.1205, inclusive) issued by the Administrator on April 28, 1942, as amended, except as provided in paragraph (b) of this section.

(b) This Maximum Rent Regulation does not apply to the following:

(1) Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Rooms occupied by domestic servants, caretakers, managers, or other employees to whom the rooms are provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the rooms are a part;

(3) Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes;

(4) Entire structures or premises used as hotels or rooming houses, as distinguished from the rooms within such hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

(e) Where a building or establishment which does not come within the definitions of a hotel or rooming house contains one or more furnished rooms or other furnished housing accommodations rented on a daily, weekly or monthly basis, the landlord may, with the consent of the Administrator, elect to bring all housing accommodations within such building or establishment under the control of this Maximum Rent Regulation. A landlord who so elects shall file a registration statement under this Maximum Rent Regulation for all such housing accommodations, accompanied by a written request to the Administrator to consent to such election.

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[1] 7 F.R. 9958.
[2] 7 F.R. 9964.

If the Administrator finds that the provisions of this Maximum Rent Regulation establishing maximum rents are better adapted to the rental practices for such building or establishment than the provisions of this Maximum Rent Regulation for Housing Accommodations Other than Hotels and Rooming Houses, he shall consent to the landlord's election. Upon such consent, all housing accommodations within such building or establishment which are or hereafter may be rented or offered for rent shall become subject to the provisions of this Maximum Rent Regulation, and shall be considered rooms within a rooming house for the purposes of the provisions relating to eviction.

The landlord may at any time, with the consent of the Administrator, revoke his election, and thereby bring under the control of the Maximum Rent Regulation for Housing Accommodations Other than Hotels and Rooming Houses all housing accommodations previously brought under the Maximum Rent Regulation by such election. He shall make such revocation by filing a registration statement or statements under the Maximum Rent Regulation for Housing Accommodations Other than Hotels and Rooming Houses, including in such registration statement or statements all housing accommodations brought under this Maximum Rent Regulation by such election. Such registration statement or statements shall be accompanied by a written request to the Administrator to consent to such revocation. The Administrator may defer action on such request if he has taken or is about to take action to decrease the maximum rents of any housing accommodations within such building or establishment. If the Administrator finds that the revocation so requested will not result in substantial increases in the maximum rents of housing accommodations affected by such revocation, he shall give such consent. Upon such consent, all housing accommodations affected by such revocation shall become subject to the provisions of the Maximum Rent Regulation for Housing Accommodations Other than Hotels and Rooming Houses.

§ 1388.732 *Prohibition.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 59A of any room in a hotel or rooming house within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

(b) No tenant shall be required to change his term of occupancy if that will result in the payment of a higher amount per day than the maximum rent established for his present term of occupancy. Where, on June 15, 1942, or between that date and the effective date of this Maximum Rent Regulation, a room was regularly rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy, unless he offers another term of occupancy for a rent which results in the payment of an amount no higher per day.

§ 1388.733 *Minimum services, furniture, furnishings and equipment.* Except as set forth in § 1388.735 (b), every landlord shall, as a minimum, provide with a room the same essential services, furniture, furnishings and equipment as those provided on the date or during the thirty-day period determining the maximum rent, and as to other services, furniture, furnishings and equipment not substantially less than those provided on such date or during such period: *Provided, however,* That where fuel oil is used to supply heat or hot water for a room, and the landlord provided heat or hot water on the date or during the thirty-day period determining the maximum rent, the heat and hot water which the landlord is required to supply shall not be in excess of the amount which he can supply under any statute, regulation or order of the United States or any agency thereof which rations or limits the use of fuel oil.

§ 1388.734 *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a hotel or rooming house (unless and until changed by the Administrator as provided in § 1388.735) shall be:

(a) For a room rented or regularly offered for rent during the thirty days ending on July 1, 1941, the highest rent for each term or number of occupants for which the room was rented during that thirty-day period, or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(b) For a room neither rented nor regularly offered for rent during the thirty days ending on July 1, 1941, the highest rent for each term or number of occupants for which the room was rented during the thirty days commencing when it was first offered for rent after July 1, 1941; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(c) For a room rented for a particular term or number of occupants for which no maximum rent is established under paragraphs (a) or (b) of this section the first rent for the room after July 1, 1941, for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same hotel or rooming house.

(d) For a room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable rooms on July 1, 1941, as determined by the owner of such rooms: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.735 (c) (1).

(e) For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Administrator at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment, if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on June 15, 1942.

(f) For a room rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this Maximum Rent Regulation No. 59A by such rent schedule. The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this Maximum Rent Regulation.

§ 1388.735 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable rooms on July 1, 1941: *Provided, however,* That no maximum rent shall be increased because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on July 1, 1941, the difference in the rental value of the accommodations by reason of such improvement or increase: *And provided, further,* That no adjustment shall be ordered because of a major capital improvement, an increase or decease in services, furniture, furnishings or equipment, or a deterioration, where it appears that the rent during the thirty-day period determining the maximum rent was fixed in contemplation of and so as to reflect such change. In cases involving construction due consideration shall be given to increased costs of construction, if any, since July 1, 1941. In cases under paragraphs (a) (7) and (c) (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable rooms during the year ending on July 1, 1941.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been, since the thirty-day period or the order determining the maximum rent for the room, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to July 1, 1941, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent during the thirty-day period ending on July 1, 1941, was fixed by a lease or other rental agreement which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the thirty-day period or the order determining its maximum rent.

(4) The rent during the thirty-day period determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on July 1, 1941.

(5) There was in force on July 1, 1941, a written lease, for a term commencing on or prior to July 1, 1940, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on July 1, 1941.

(6) The rent during the thirty-day period determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent during the thirty-day period determining the maximum rent for the room was substantially lower than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) (1) If, on the effective date of this Maximum Rent Regulation No. 59A, the services provided for a room are less than the minimum services required by § 1388.733, the landlord shall either restore and maintain such minimum services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. If, on such effective date, the furniture, furnishings or equipment provided with a room are less than the minimum required by § 1388.733, the landlord shall, within 30 days after such date, file a written report showing the decrease in furniture, furnishings or equipment.

(2) Except as above provided, the landlord shall, until the room becomes vacant, maintain the minimum services, furniture, furnishings and equipment unless and until he has filed a petition to decrease the services, furniture, furnishings or equipment and on order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, furniture, furnishings or equipment he shall file a petition within 10 days after the change occurs. When the room becomes vacant the landlord may, on renting to a new tenant, decrease the services, furniture, furnishings or equipment below the minimum; within 10 days after so renting the landlord shall file a written report showing such decrease.

(3) The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph may be decreased in accordance with the provisions of § 1388.735 (c) (3). If the landlord fails to file the petition or report required by this paragraph within the time specified, or decreases the services, furniture, furnishings or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or the effective date of this Maximum Rent Regulation, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by any order decreasing the maximum rent on account of such decrease in services, furniture, furnishings or equipment. In such case, any order decreasing the maximum rent shall be effective to decrease such rent from the beginning of the first rental period after the decrease in services, furniture, furnishings or equipment or after the effective date of this Maximum Rent Regulation, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for the room is higher than the rent generally prevailing in the Defense-Rental Area for comparable rooms on July 1, 1941.

(2) There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a decrease in the minimum services, furniture, furnishings or equipment required by § 1388.733 since the date or order determining the maximum rent.

(4) The rent on the date determining the maximum rent for the room was substantially higher than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable rooms on July 1, 1941.

§ 1388.736 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant of a room within a hotel or rooming house shall be removed from such room, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation No. 59A; or

(2) The tenant has unreasonably refused the landlord access to the room for the purpose of inspection or of showing the room to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the room for an immoral or illegal purpose; or

(4) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local laws; or

(5) The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), the landlord shall file a written report on a form provided therefor before renting the room during a period of six months after such removal or eviction.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(c) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) The provisions of this section do not apply to:

(1) A subtenant or other person who occupied under a rental agreement with the tenant where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant; or

(2) A tenant occupying a room within a hotel on a daily or weekly basis; or a tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on a daily basis.

(3) Rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.737 *Registration and records.* (a) Within 45 days after the effective date of this Maximum Rent Regulation No. 59A every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. Any maximum rent established after the effective date of this Maximum Rent Regulation under paragraphs (b) or (c) of § 1388.734 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) Within 45 days after the effective date of this Maximum Rent Regulation, every landlord shall post and thereafter keep posted conspicuously in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Administrator the landlord shall alter the card or sign so that it states the changed rent or rents.

The foregoing provisions of this paragraph shall not apply to rooms under § 1388.734 (d). The owner of such rooms shall post a copy of the registration statement in a place where it will be available for inspection by the tenants of such rooms.

(c) No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(d) The provisions of this section shall not apply to rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(e) Every landlord of a room rented or offered for rent shall preserve, and make available for examination by the Administrator, all his existing records showing or relating to (1) the rent for each term and number of occupants for which such room was rented or regularly offered for rent during the thirty-day period determining the maximum rent for such room and (2) the rent on any date determining a maximum rent for such room for a particular term and number of occupants under § 1388.734(c).

Every landlord of an establishment containing more than 20 rooms rented or offered for rent shall keep, preserve, and make available for examination by the Administrator, records showing the rents received for each room, the particular term and number of occupants for which such rents were charged, and the name and permanent address of each occupant; every other landlord shall keep, preserve, and make available for examination by the Administrator, records of the same kind as he has customarily kept relating to the rents received for rooms.

§ 1388.738 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Administrator as he may from time to time require.

§ 1388.739 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 59A shall not be evaded, either directly or indirectly in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or otherwise.

§ 1388.740 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 59A are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.741 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation No. 59A shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.742 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 59A may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.743 *Definitions.* (a) When used in this Maximum Rent Regulation No. 59A:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes), together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "room" means a room or group of rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

(11) The term "rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) The term "term of occupancy" means occupancy on a daily, weekly, or monthly basis.

(13) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Rent Regulation.

§ 1388.744 *Effective date of the regulation.* This Maximum Rent Regulation No. 59A (§§ 1388.731 to 1388.744, inclusive) shall become effective December 1, 1942.

Issued this 1st day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–12718; Filed, December 1, 1942; 1:29 p. m.]

Part 1388—Defense-Rental Areas

[Correction to Supp. Amendment 4[1] to Maximum Rent Regulations and to Correction of Supp. Amendment 8[2] to Maximum Rent Regulations]

HOUSING ACCCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

Under the authority vested in the Administrator by the Emergency Price Control Act of 1942, the following corrections are issued.

The reference to "§ 1388.3507, No. 35" in footnote 2 in Supplementary Amendment 4 to Maximum Rent Regulations is replaced by a reference to "§ 1388.3057, No. 35."

The reference to "§ 1388.3506, No. 35" in footnote 2 in the Correction to Supplementary Amendment 8 is replaced by a reference to "§ 1388.3056, No. 35."

Issued and effective this 1st day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–12721; Filed, December 1, 1942; 1:30 p. m.]

Part 1389—Apparel

[MPR 153,[3] as Amended, Amendment 5]

WOMEN'S, GIRLS' AND CHILDREN'S OUTERWEAR GARMENTS

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1389.12 is amended, as set forth below:

§ 1389.12 *Termination date.* This Maximum Price Regulation No. 153 as amended, shall not be applicable to any new lines of women's, girls' and children's outerwear garments manufactured for the purpose of ultimate sale at retail during the spring 1943 season. Without limiting the generality of the aforegoing, this Maximum Price Regulation No. 153 as amended, shall become inoperative:

(a) On February 1, 1943, for sales at retail and sales at wholesale; and

(b) On December 15, 1942 for sales other than at wholesale or retail, except for sales and deliveries of new lines of women's, girls' and children's outerwear garments in stock prior to December 12, 1942, or recuts and reorders of new lines of women's, girls' and children's outerwear garments which were in stock or in process of manufacture prior to December 12, 1942.

§ 1389.11 *Effective dates of amendments.* * * *

(g) Amendment No. 5 (§ 1389.12) to Maximum Price Regulation No. 153 as amended, shall become effective December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–12710; Filed, December 1, 1942; 1:27 p. m.]

Part 1394—Rationing of Fuel and Fuel Products

[Ration Order 11,[1] Amendment 12]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1394.5603, the phrase "December 1, 1942" is amended to read "December 10, 1942"; in paragraph (b) of § 1394.5604, the phrase "forty (40) days" is amended to read "fifty (50) days"; in paragraph (f) of § 1394.5653, the phrase "November 30, 1942" is amended to read "December 9, 1942"; in paragraph (b) of § 1394.5707, the phrase "November 30, 1942" is amended to read "December 9, 1942" and in subparagraph (3) of that paragraph, the phrase "December 8, 1942" is amended to read "December 20, 1942"; and a new paragraph (l) is added to § 1394.5902; as set forth below:

Effective Date

§ 1394.5902 *Effective dates of amendments and corrections.* * * *

(l) Amendment No. 12 (§§ 1394.5603, 1394.5604, 1394.5653 and 1394.5707) shall become effective November 30, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1–O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 30th day of November 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–12712; Filed, December 1, 1942; 1:27 p. m.]

Part 1388—Defense-Rental Areas

[Designation and Rent Declaration 25,[2] Amendment 9]

DESIGNATION OF 262 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

The title and item (31) listed in the table in § 1388.1201 of Designation and

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7534.

[2] 7 F.R. 8506.

[3] 7 F.R. 4381, 5869, 7010, 7535, 8878, 8946.

[1] 7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784.

[2] 7 F.R. 3195, 3892, 4179, 5812, 6389, 7245, 8356, 8507, 9954.

Rent Declaration No. 25 are amended and item (263) is added to the table in the said section to read as follows:

Designation and Rent Declaration No. 25—Designation of (263) Defense-Rental Areas and Rent Declaration Relating to Such Areas.

* * * * *

§ 1388.1201 *Designation.* * * *

Name of defense-rental area [1]	In State or States of—	Defense-rental area consists of:
* *	*	* *
(31) Santa Barbara.	California.	Judicial Townships Nos. 1, 2, and 3 in the County of Santa Barbara.
* *	*	* *
(263) Santa Maria.	California.	Judicial Townships Nos. 4, 5, 6, 7, 9 and 10 in the County o Santa Barbara.

[1] The words "Defense-Rental Area" shall follow the name listed in the table in each case to constitute the full name of a defense-rental area, e. g., "Dothan-Ozark Defense-Rental Area," "Gadsden Defense-Rental Area."

This amendment No. 9 (§ 1388.1201) shall become effective December 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12717; Filed, December 1, 1942; 1:28 p. m.]

Chapter XIII—Office of Petroleum Coordinator for War

[Recommendation No. 58]

PART 1504—PROCESSING AND REFINING

MANUFACTURE OF LUBRICATING GREASES

To all Manufacturers of Lubricating Greases: The present shortage of glycerine referred to in General Preference Order No. M-58,[1] as amended, and Conservation Order M-193,[2] of the War Production Board can be remedied in part by the substitution of fatty acids for fatty oils in the manufacture of certain lubricating greases.

Therefore, in order to bring about that action required by the President's letter of May 28, 1941 defining the objectives and duties of the Office of Petroleum Coordinator for War and pursuant thereto, I do hereby recommend that immediately and until further notice:

Sec.
1504.91 Definitions.
1504.92 Limitation on use of fatty oils.
1504.93 Exemptions.
1504.94 Reports.
1504.95 War Production Board regulations and orders.
1504.96 Exceptions.

AUTHORITY: §§ 1504.91 to 1504.96 inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760)

§ 1504.91 *Definitions.* For the purposes of §§ 1504.91 to 1504.96 inclusive, of this chapter, the following terms shall have the following meanings:

(a) "Fatty oils" means all fats and oils (regardless of acid content) of animal or vegetable origin, except essential oils, from which no glycerine has been recovered.

(b) "Fatty acids" means all acids obtained by the hydrolysis or saponification of fatty oils or of waxes of animal or vegetable origin.

(c) "Manufacturer" means any person who processes, reprocesses or in any manner alters (including compounding and blending) petroleum or petroleum products to produce lubricating greases and who produced not less than 1000 short tons of such lubricating greases during the year beginning July 1, 1941 and ending June 30, 1942.

(d) "Lubricating greases" means all lubricants manufactured from petroleum products and a soap, organic salt or ester of any fatty oil or fatty acid. This term shall not be construed to mean any compounded mineral oil which includes, among others, marine oils and soluble and non-soluble cutting oils and compounds.

§ 1504.92 *Limitation on use of fatty oils.* Beginning with the calendar quarter-year from January to March, inclusive, 1943 and subject to the exemptions in § 1504.93 of this chapter, no manufacturer shall manufacture lubricating greases not subject to the provisions of said § 1504.93 which in the aggregate in any calendar quarter-year contain fatty oils in excess of 50% by weight of the total amount of fatty oils and fatty acids used in such manufacture in such calendar quarter-year.

Despite the maximum limitation set forth in this § 1504.92 and the exemptions set forth in § 1504.93 of this chapter, no manufacturer shall use more fatty oils than he requires for the manufacture of satisfactory lubricating greases.

§ 1504.93 *Exemptions.* The provisions of § 1504.92 of this chapter shall not apply to the manufacture of long service anti-friction bearing lubricating greases or to lubricating greases for high temperature or railroad service or to the manufacture of those amounts of other lubricating greases which are purchased by the United States Army, Navy or Office of Lend-Lease Administration or which are exported outside the territory comprising the continental United States, Canada and Alaska.

§ 1504.94 *Reports.* On the 15th day of the month immediately following the end of each calendar quarter-year, each manufacturer shall file a report for such calendar quarter-year, in the form attached hereto as Exhibit A,[3] with the Director of Refining, Office of Petroleum Coordinator for War, New Interior Building, Washington, D. C. The first such report shall be for the calendar quarter-year January to March, inclusive, 1943 and shall be due on April 15, 1943 and further reports shall be due thereafter as prescribed in this § 1504.94.

§ 1504.95 *War Production Board regulations and orders.* Nothing contained in this Recommendation shall be construed to affect or limit, in any wise, any provision of any regulation, order or direction issued by the War Production Board.

§ 1504.96 *Exceptions.* Any manufacturer affected by this Recommendation who can show that compliance therewith would work an exceptional and unreasonable hardship on him may apply in writing to the Director of Refining, Office of Petroleum Coordinator for War, for an exception, stating in full the facts upon which the application is based and the extent to which the exception is requested.

RALPH K. DAVIES,
Deputy Petroleum Coordinator for War.

NOVEMBER 26, 1942.

[F. R. Doc. 42-12758; Filed, December 2, 1942; 11:32 a. m.]

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[1] 7 F.R. 2462, 6995.

[2] 7 F.R. 9129.

[3] Filed as part of the original document.

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

AMENDMENTS RELATING TO DOCUMENTS REQUIRED OF ARRIVING VESSELS

1. Section 4.20, as amended, of Title 35, Code of Federal Regulations, relating to papers required to be delivered to the boarding party by an arriving vessel, is further amended by adding the following two Notes numbered 2 and 3, respectively, to follow the Note, which is hereby numbered 1, at the end of the regulation:

§ 4.20 *Papers required by boarding party, list of.*[1] * * *

Note 2. *Crew list; copy for American consular officer.* Under the regulations governing the control of persons entering and leaving the United States issued by the Secretary of State on November 19, 1941, pursuant to authority contained in the Act of May 22, 1918 (40 Stat. 559) as amended by the Act of June 21, 1941 (55 Stat. 252) and Proclamation No. 2523 issued by the President of the United States on November 14, 1941, no alien may enter the Canal Zone unless he is in possession of a valid unexpired permit to enter or is exempted under such regulations from presenting a "permit to enter," which term includes an immigration visa, a reentry permit, a passport visa, a transit certificate, a border crossing identification card, a crew list visa, or any other document which may be required under authority of law for entry into the United States. When it is contemplated that entrance of alien seamen into the Canal Zone is to be authorized by a crew list visa, an additional copy of the crew list should be prepared for retention by the consular official by whom the crew list is visaed.

Note 3. *Crew list to include "Z" numbers of seamen.* For purposes of additional identification of crew members, all copies of the crew list required by Regulations 12.1 (§ 4.20) and 12.4 (§ 4.20c) should include the "Z" number of each seaman to whom a certificate of identification bearing a "Z" number has been issued by the United States Department of Commerce.

(Rules 9 and 12, E.O. 4314, September 25, 1925 (§§ 4.11 and 4.19 of this chapter)) [Reg. 12.1 (§ 4.20), Governor's Regulations, August 1, 1931, as amended September 9, 1939, December 1, 1939, January 27, 1942, November 20, 1942]

2. Section 4.20c of Title 35, Code of Federal Regulations, is amended by adding the following Note at the end of the regulation:

§ 4.20c *Advance passenger and crew lists by air mail.* * * *

NOTE. *Crew list to include "Z" numbers of seamen.* For purposes of additional identification of crew members, all copies of the crew list required by Regulations 12.1 (§ 4.20) and 12.4 (§ 4.20c) should include the "Z" number of each seaman to whom a certificate of identification bearing a "Z" number has been issued by the United States Department of Commerce.

(Rules 9 and 12, E.O. 4314, September 25, 1925 (§§ 4.11 and 4.19 of this chapter)) [Reg. 12.4 (§ 4.20c), Governor's Regulations, August 1, 1931, as added January 27, 1942, November 20, 1942]

GLEN E. EDGERTON,
Governor.

[F. R. Doc. 42-12745; Filed, December 2, 1942; 9:54 a. m.]

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[1] 7 F.R. 729.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Order ODT 18, Revised, Amendment 1]

PART 500—CONSERVATION OF RAIL EQUIPMENT

SUBPART C—CARLOAD FREIGHT TRAFFIC

Pursuant to Executive Order No. 8989, § 500.24 of General Order ODT 18, Revised,[1] is hereby amended to read as follows:

§ 500.24 *Consignor's certificate.* There shall be endorsed on the shipping instructions issued with respect to any carload freight other than carload freight which is loaded in compliance with the provisions of paragraphs (a), (b), or (c) of § 500.21 of this subpart, or any special direction issued by the Director, Division of Railway Transport, Office of Defense Transportation, under the provisions of § 500.22 of this subpart, or which is covered by the provisions of paragraphs (a), (f) (g), (h), (i), or (j) of § 500.23 of this subpart, a certificate specifying the exemption applicable to such freight, the number of any special permit issued by the chief operating officer or division superintendent of a rail carrier, or the number of any special or general permit issued by the Office of Defense Transportation, authorizing the transportation of such freight in a manner other than that required hereunder. Such certificate shall be in the form prescribed by the Director, Division of Railway Transport, Office of Defense Transportation, and shall be executed by the consignor. Where freight of more than one consignor is loaded in one freight car at point of origin, the consignor who completes the loading of the car shall execute the certificate. Any agent other than a rail carrier may execute the certificate for the consignor. The failure of a consignor or his agent to endorse on the shipping instructions a certificate specifying the exemption, general permit, or special permit number applicable to the freight covered by such shipping instructions, shall constitute a representation by the consignor to the rail carrier that the car containing such freight has been loaded in compliance with the provisions of paragraphs (a), (b), or (c) of § 500.21 of this subpart, or in compliance with the provisions of a special direction issued by the Director, Division of Railway Transport, Office of Defense Transportation, or that the freight is covered by an exemption contained in paragraphs (a), (f), (g), (h), (i), or (j) of § 500.23 of this subpart. (E.O. 8989, 6 F.R. 6725)

This amendment shall become effective November 28, 1942.

Issued at Washington, D. C., this 28th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-12724; Filed, December 1, 1942; 12:57 p. m.]

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[1] 7 F.R. 8337.

[General Order ODT 26]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART P—RENTAL CARS

Pursuant to Executive Order No. 8989 and Executive Order No. 9156, and in order to conserve and providently utilize vital transportation facilities, equipment, material, and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

Sec.
501.145 Definitions.
501.146 Restrictions on new or additional operations.
501.147 Special and general permits.
501.148 Records and reports.
501.149 Communications.
501.150 Effective date.

AUTHORITY: §§ 501.145 to 501.150, inclusive, issued under E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349.

§ 501.145 *Definitions.* As used in this order (§§ 501.145–501.150) the term:

(a) "Person" means an individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, and includes any agency of the United States or of any territory, or possesion thereof, the District of Columbia, a State or any agency or political subdivision thereof, or any trustee, receiver, assignee, or personal representative.

(b) "Rental car" means any rubber-tired vehicle, propelled or drawn by mechanical power, built (or rebuilt) primarily for the purpose of transporting persons and having a seating capacity of less than ten (10) passengers, leased or rented, or held for leasing or renting, with or without driver or operator.

§ 501.146 *Restrictions on new or additional operations.* No person shall:

(a) Engage in the business of renting or leasing rental cars unless on the effective date of this order (1) there was in force with respect to such business a license, permit, or other grant of authority issued by competent governmental authority, authorizing such person, or his predecessor in interest, to engage in such business; or (2) such person, or his predecessor in interest, was bona fide engaged in the business of renting or leasing rental cars in a community where no such license, permit, or other grant of authority was required;

(b) Have under lease or rental to other persons, or have available for lease or rental to other persons, in any municipality, other governmental subdivision or community, a greater number of rental cars than such person, or his predecessor in interest, had regularly under lease or rental and available for lease or rental in such municipality or governmental subdivision on the effective date of this order.

§ 501.147 *Special and general permits.* The provisions of this order shall be subject to any special or general permit issued by the Office of Defense Transportation to meet specific needs or exceptional circumstances, or to prevent undue public hardships.

§ 501.148 *Records and reports.* (a) Any person engaged in renting or leasing rental cars to other persons shall keep a daily record in respect of each rental car leased or rented to such persons showing (1) the total number of miles and hours used in rental car service and (2) in respect of each separate rental or lease (i) the name and address of the person to whom such car is leased or rented, (ii) the purpose for which such car was leased or rented, and (iii) the actual miles operated and the elapsed time of such operation.

(b) Any person engaged in leasing or renting cars to other persons shall retain in his files all original car rental leases or car rental agreements and shall keep such other records and make such reports as may be required and in the manner and form prescribed by the Office of Defense Transportation. All such leases, rental agreements, and records shall be available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

§ 501.149 *Communications.* Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to General Order ODT 26.

§ 501.150 *Effective date.* This General Order ODT 26 shall be come effective December 1, 1942.

Issued at Washington, D. C., this 30th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-12760; Filed, December 2, 1942; 11:41 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

DISTRICT BOARD 14

[Docket No. A-1680]

MEMORANDUM OPINION AND ORDER OF THE DIRECTOR

In the matter of the petition of Bituminous Coal Producers Board for District No. 14 for the establishment of a price exception for mines located in Production Group 1 of District No. 14 on Size Group No. 16 coals for movement to the Kansas City Power and Light Company, Kansas City, Missouri, pursuant to section 4 II (d) of the act.

This matter was initiated by a petition duly filed with the Bituminous Coal Division (the "Division") on October 6, 1942, by the Bituminous Coal Producers Board for District No. 14 ("District Board 14"), pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Act"), seeking temporary relief in the form of a price exception permitting the sales, until April 1, 1943, of Size Group 16 coals produced by mines in Production Group 1 of District 14 to Kansas City Power and Light Company ("Kansas Power"), Kansas City, Missouri, at not less than $1.20 per net ton f. o. b. the mine.

Pursuant to notice given by telegram to District Boards 14 and 15 and other interested parties, and by letter to the Bituminous Coal Consumers' Counsel, an informal conference in this matter was held on October 16 and 17, 1942, presided over by a designated chairman, at Washington, D. C. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise participate in the conference. District Board 14, certain code members who opposed the relief asked in the petition, and the Bituminous Coal Consumers' Counsel appeared at the conference and participated therein. The transcript of the record made at this conference, including various exhibits, is now before me.

The petition alleges that Size Group 16 coals produced in Production Group No. 1 in District 14, which includes all mines in Pope County and all mines in the "Spadra Field" of Johnson County, Arkansas, have a very limited market which is generally confined to lead, zinc and tin smelters located in the States of Kansas, Oklahoma and Texas. A small amount of these coals are also used in the manufacture of briquettes. Practically all smelters have accumulated large stocks of the coals and, as a result of such accumulations, practically all mines producing in Production Group 1 have been compelled since July 1942 to unload and accumulate Size Group 16 coals on the ground. This accumulation of coals on the premises of these mines is so great and so extensive to the mines that they can no longer afford to operate, unless they can dispose of their Size Group 16 coals. The petition further alleges that the Kansas City Power and Light Company of Kansas City, Missouri, is the only industrial plant within a reasonable distance having facilities for burning these coals, which it is able to do by blending them with Kansas and Missouri high volatile coals. A price of $1.20 per ton has been tendered by Kansas Power for these coals. It is necessary, the petition asserts, for code member producers in Production Group No. 1 to dispose of the accumulated stock of Size Group 16 coals, as well as all such coals produced, in order to continue mining operations and produce coals used by domestic consumers. Petitioner prays for a temporary order establishing a price exception in the Schedule of Effective Minimum Prices for District No. 14, permitting code members in Production Group 1 to sell Size Group 16 coals to Kansas Power at $1.20 per ton, such exception to remain in effect until April 1, 1943. Two code members operating in this production group have opposed the granting of the relief asked herein. On the other hand District Board 15 notified the Division by telegram that it had no objections to the granting of the relief prayed.

It appeared at the conference that there are now four code members operating in Production Group 1. Two of these, the Smokeless Coal Company ("Smokeless Coal") and the West Spadra Coal Company ("West Spadra"), asked for a reduction of the prices in Size Group No. 16 screenings, while the other two producers, the Ruby Glow Mining Company ("Ruby Glow") and the Arkansas Coal Company ("Arkansas Coal") were opposed to the reduction sought by the first named. Since July 1942, Smokeless Coal has stored adjacent to its mine approximately 5200 tons of Size Group 16 screenings, and has continued to accumulate such screenings at the rate of 75 to 100 tons per day. West Spadra, as of October 1, 1942, had stored approximately 1500 tons of screenings, and is accumulating the same at the rate of 30 to 40 tons per day. It also appears that these screenings are not in demand for use as fuel in industrial plants,[1] but are quite suitable for use in large quantities in zinc, tin, and lead smelters as a reducing agent or "flux," as an element in the smelting process, not as a fuel.[2] Until about July 1942, the two producers on whose behalf the petition was filed, as well as the two who oppose the relief asked, seemed to have had no difficulty in disposing of their screenings. The latter, Ruby Glow and Arkansas, seem to have no difficulty now in the disposal of their coals. They have no Size Group 16 coals accumulated as have Smokeless Coal and West Spadra.[3]

Kansas Power has in the past used District 15 screenings in large quantities for its fuel needs,[4] though it uses screenings for only approximately one-half of its fuel requirements. For the other half it uses natural gas. Kansas Power has determined that it could use Production Group No. 1 screenings by blending them with the high volatile coal of District 15, and thus be able to take up all of the accumulated slack coal of Smokeless Coal and West Spadra. Kansas Power, however, refuses to pay more than $1.20 per ton for these screenings. It maintains that the freight rate from Production Group No. 1 to its plant is high, and that it will pay only such price for this coal as will make its delivered cost equal to the delivered cost of the screenings from District 15.

It was urged by petitioner that unless the minimum price for Size Group 16 screenings is reduced from $2.30 to $1.20 per net ton for sale to Kansas Power, Smokeless Coal and West Spadra will not be able to continue to operate their mines, but rather will be forced to abandon them. It was further urged that the large accumulation of screenings are in danger of catching fire from spontaneous combustion which would cause code members great and irreparable losses. Petitioner also sought to justify the reduction requested on the ground that Kansas Power will use the screenings for a different purpose than do the smelters and briquette plants.

On the other hand, the opposing code members insisted that such a reduction in the minimum price for these coals is unjustified and unnecessary; that the petitioning code members have not exhausted other means for disposing of the accumulated screenings; that if the relief asked herein were granted, it would degrade the present market for the other producers in Production Group No. 1, and that it would cause the smelters and briquette plant, (particularly the latter, which is presently paying the minimum price), to ask for a reduction in the price paid by it. The briquette plant, like Kansas Power, is located in Kansas City, Missouri, and is subject to the same freight rate.[5]

This petition raises a crucial question in the application and administration of the Act. The difficulty here sought to be adjusted and relieved is one which was familiar in the industry in the days before the passage of the Act. At that time, price-cutting appeared the only way an individual could meet the competition of other producers. Such price-cutting was followed by similar action on the part of competitors. Thus, in the very attempt to remedy competitive inequalities, economic hardship was spread over an ever-widening area. Such practices, as were noted by the Director in his Findings in General Docket No. 15 created "distress tonnage," and produced what was graphically characterized by Mr. Justice Cardozo as a condition in which free competition had been "degraded into anarchy."[6]

To grant the relief prayed in the petition and reduce the minimum price for Size Groups No. 16 coals in Production Group No. 1 from the present $2.30 per net ton to $1.20 per net ton for sales to Kansas Power would sanction an expedient which the Act prohibits—the cutting of prices to sell "distress tonnage." This would not only reduce the actual realization of these particular code members, but would open the door to similar requests by others in similar situations. With respect to the particular reductions requested by the petitioner, it would mean a reduction of almost 50% in minimum price on approximately 40% of the entire output in Production Group 1, at a loss of approximately 75% of the actual average cost per ton of producing coal in this production group.[7]

It has long been the policy and practice of the Division to deny relief under section 4 II (d) of the Act, if the granting of such relief, would disrupt the system of price coordination which was worked out and established with great care. Granting relief of the nature requested in this petition would not only disrupt coordination in the particular production group in District 14, but would seriously disturb price coordination in other production groups of this district and in other districts. Further, it would sanction a gross discrimination in favor of one large consumer. The relief requested is not a solution of petitioners' problems compatible with the purpose of the Act.

It is also significant that in a period of high prices, in what is now a seller's market, petitioners are asking for a reduction of approximately 50% in the established minimum price applicable to a substantial part of their tonnage, even though this would result in a minimum price approximately 75% less than the average cost of production in their production group. Clearly, relief which would not be granted in a depressed market, certainly cannot be justified at a time of steadily increasing demands for coal.

Accordingly, upon consideration of the representations made at the informal conference, I believe that the relief prayed for herein is unwarranted and inconsistent with the policies of the Division and the objectives of the Act. Of course, this opinion is not to be deemed to preclude judgment on a complete record after full hearing in this matter.

Now, therefore, it is ordered, That the temporary relief requested in the petition herein be, and it hereby is, denied.

Dated: December 1, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12755; Filed, December 2, 1942; 11:04 a. m.]

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[1] The Examiners in their Report in General Docket No. 15, described District 14 coals as "* * * low volatile * * * not well adapted to industrial uses, because of their comparatively high costs and freight rates when compared to competitive fuels." Examiners Report, General Docket No. 15, p. 1010.

[2] These smelters use natural gas for fuel.

[3] The two protesting code members produce approximately 80% of all Size Group 16 coal in Production Group No. 1.

[4] This company consumes approximately 400,000 tons of coal annually.

[5] Participant Cobb, President of Arkansas Coal, one of the opposing code members, voiced his objection thus: "Now, if you are going to grant a price of $1.20 in order to accommodate, or even make possible these two mines to continue in operation, and if the smelters or any one else, by reason of that fact can secure a less minimum price than the present minimum price, then you put our operation out of business entirely."

[6] See dissenting opinion of Mr. Justice Cardozo in *Carter v. Carter Coal Company*, 298 U.S. 238 (1936).

[7] It was shown at the informal conference that the percentage of Size Group 16 coal in Production Group 1 of the entire output is about 40%. The cost of production per ton of coal in this production group was stated at that conference to be approximately $4.00 to $4.25 per ton.

[Docket No. B-274]

EDWARDSVILLE COAL CO., INC.

MEMORANDUM OPINION AND ORDER APPROVING FINDINGS OF FACT, ETC.

In the matter of The Edwardsville Coal Co., Inc.—Code Member.

Memorandum opinion and order approving and adopting proposed findings of fact, proposed conclusions of law and recommendations of the examiner.

This proceeding was instituted upon a complaint duly filed with the Bituminous Coal Division (the "Division") on June 3, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), by District Board No. 10, alleging that code member, the Edwardsville Coal Co., Inc., operating a mine (Mine Index No. 1041) in Madison County, Illinois, had wilfully violated the Act, the Bituminous Coal Code (the "Code"), and orders, rules and regulations thereunder, and praying that an order be entered either cancelling and revoking the code membership of the Edwardsville Coal Co., Inc., or directing code member to cease and desist from such further violations.

Pursuant to appropriate orders, and after due notice to interested persons, a hearing in this matter was held on July 27, 1942, before Charles S. Mitchell, a duly designated Examiner of the Division, at a hearing room thereof in St. Louis, Missouri, at which interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witneses, and otherwise be heard, and at which time code member and District Board No. 10 appeared.

The Examiner found that code member, the Edwardsville Coal Co., Inc., operating a mine (Mine Index No. 1041), at Edwardsville, Madison County, Illinois, in District No. 10, had wilfully violated:

(1) Section 4 II (e) of the Act and Part II (e) of the Code by selling to various purchasers, during the period from October 28, 1941, to November 21, 1941, 88.8 tons of 1¼" x ½" nut coal at a price of $1.05 per net ton f. o. b. the mine, whereas the effective minimum price for such coal was $1.45 per net ton f. o. b. the mine;

(2) Sections 4 II (e) and (g) of the Act and Parts II (e) and (g) of the Code by selling to the County of Madison of the State of Illinois, during the period from October 7, 1941 to November 6, 1941, 158.4 tons of 1¼" x ½" nut coal at a price of $1.45 per net ton f. o. b. the County Jail, Edwardsville, Illinois, whereas the effective minimum price for such coal was $1.45 per net ton f. o. b. the mine, code member actually having paid 50 cents per net ton for the transportation and delivery for such coal from the mine to the point of delivery to the County;

(3) Section 4 II (e) of the Act, Part II (e) of the Code and Rule 1 of section III of the Marketing Rules and Regulations, by selling to M. J. Dickman, an independent trucker and a person not authorized by the Division to receive discounts on sales of coal, during the period from January 3, 1941, to November 10, 1941, 260.03 tons of 1¼" x ½" nut coal at a price of $1.05 per net ton f. o. b. the mine less a discount of 25 cents per net ton, whereas the effective minimum price for such coal was $1.45 per net ton f. o. b. the mine; and

(4) Section 4 II (i) 8 of the Act, Part II (i) 8 of the Code, and Rule 8 of section XIII of the Marketing Rules and Regulations by falsely invoicing and describing 1¼" x ½" coal on sales tickets as 1¼" x ⅜" coal or as 1¼" x 0 coal.

The Examiner further found that the amount of tax required to be paid by the code member as a condition to reinstatement to membership in the Code, as provided in section 5 (c) of the Act, is $286.84.

On September 26, 1942, the Examiner submitted his Proposed Findings of Fact and Proposed Conclusions of Law, and upon the basis thereof, recommended that an order be entered cancelling and revoking the code membership of the Edwardsville Coal Co., Inc., and providing that prior to any restoration of such membership, the Company should pay to the United States a tax in the amount of $286.84.

An opportunity was afforded parties to file exceptions and supporting briefs. On October 23, 1942, code member filed exceptions[1] to the Examiner's Report.

Exceptions were taken by code member to the Examiner's Report on two grounds. The first exception was addressed to the Report in its entirety on the ground that no service had been made on the duly qualified, elected, and acting President and Secretary of the Edwardsville Coal Co., Inc. There is no basis for this exception. The Examiner's Report was sent by registered mail to L. C. Davis, President of the Edwardsville Coal Co., Inc., who appeared at the above-mentioned hearing; the certificate attesting receipt of said registered mail was signed by Josephine Davis, a member of the household of L. C. Davis, on October 16, 1942. A copy of the Examiner's Report was also sent by registered mail to the Edwardsville Coal Co., Inc., and signed for by Arthur H. Grace on October 17, 1942.

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[1] These exceptions were irregularly presented in the form of a letter by D. M. Buckley, attorney for the Edwardsville Coal Co., Inc., rather than in the form prescribed by the Division. I have, nevertheless, ignored this procedural defect and considered the exceptions on the merits.

Code member also excepts to the Report on the ground that it was not represented by counsel at the hearing. Code member was duly notified of the hearing and was afforded adequate time to prepare a defense and select an attorney to represent it, had it chosen to do so. Rather, code member was represented only by its president, L. C. Davis. Having failed to avail itself of legal counsel, code member cannot now assert its neglect as a reason to invalidate the Report filed by the Examiner. It is significant that code member neither claims that its right to counsel was abridged, or limited, or that it was in any way prejudiced by its failure to be represented by counsel. Under such circumstances, the exception is baseless; due process of law does not mean that a litigant who fails zealously to protect his interests can, by such failure, obtain the right to duplicated hearings.

The undersigned having determined, after a consideration of the record and code member's exceptions, that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the exceptions of code member, the Edwardsville Coal Co., Inc., to the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation of the Examiner, be, and they hereby are, severally overruled;

It is further ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law be, and they hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That the code membership of the Edwardsville Coal Co., Inc., is hereby cancelled and revoked;

It is further ordered, That prior to the reinstatement of the Edwardsville Coal Co., Inc., to membership in the Code, there shall be paid to the United States a tax in the amount of $286.84 as provided in section 5 (c) of the Act.

Dated: December 1, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12756; Filed, December 2, 1942; 11:04 a. m.]

BOARD OF ECONOMIC WARFARE.

TOWER SALES CO., ET AL.

ORDER DISMISSING CHARGES AS TO ONE RESPONDENT AND DENYING LICENSING PRIVILEGES AS TO OTHERS

Pursuant to Part 807 of the Regulations adopted under section 6 of the Act of July 2d, 1940, as amended, the Chief of the Trade Intelligence Division of the Export Control Branch, Office of Exports, has charged the Tower Sales Company, 223 Majestic Bldg., San Antonio, Texas, and Bernard H. Sampson and M. B. Rafelson of the same address (hereinafter referred to as respondents) with violations of section 80 of Title 80 of the U. S. Code in matters relating to export control and within the jurisdiction of the Board of Economic Warfare. Respondent Bernard H. Sampson filed a written answer to the charges set forth, while respondents Tower Sales Company and M. B. Rafelson presented an oral answer on September 11, 1942, before a Compliance Commissioner duly designated under § 807.1[1] of the aforesaid regulations.

The Compliance Commissioner has reviewed the record and filed his finding of fact and recommendations in this matter. The following facts have been found:

Bernard H. Sampson until May 26, 1942, was an exporter trading under the name of the Tower Sales Company. On March 7, 1942, the Tower Sales Company issued an invoice to Representaciones Internacionales S. R. L. de C. V. of Mexico City for 220 pounds of caffeine at $11.50 a pound or a total of $2,530. On March 28, 1942, Bernard H. Sampson, trading under the name of Tower Sales Company applied for an export license to export 220 pounds of caffeine to Representaciones Internacionales calling for a net value, or selling price, of $1,320, a clear misrepresentation. An investigation of this license application was undertaken by the Customs Department prior to May 16, 1942.

On May 16, 1942, the Tower Sales Company wired the Board of Economic Warfare asking the cancellation of this license on the ground that it was impossible to secure merchandise at the price stated in the license. B. H. Sampson conveyed his business assets, including the name of Tower Sales Company to M. B. Rafelson by bill of sale dated May 26, 1942, and some time after that date accepted a commission as Lieutenant (j. g.) in the U. S. Navy, and is presently with the armed forces of the United States.

At the time of the issuance of the charging letter on August 18, 1942, Mr. Sampson was in the service of the Country and presumably unable as a practical matter to exercise his right, vouchsafed, under § 807.7 of the regulations of the Board, to elect to be heard orally. The Compliance Commissioner has ruled that, under the circumstances, the consummation of the proceedings against Mr. Sampson would be in violation of the spirit of the various acts of Congress providing for the relief of members of the armed forces from legal process.

Mr. Rafelson had no connection of any character with the misrepresentations in this license application.

On June 11, 1942, the Tower Sales Company filed with the Board of Economic Warfare export license applications to ship 50,000 pounds of lithopone and 50,000 pounds of bicarbonate of soda, respectively. Each application stated that the consignee, ultimate consignee and purchaser in foreign country would be Juan Staarthof, Monterrey, Mexico, and that an order had been accepted by the exporter on June 11th; with respect to the use of material, the applications stated simply that the material concerned would be used in the manufacture of paints and in the packing of pharmaceuticals, respectively. The Chief of the Trade Intelligence Division charged that these statements were knowingly and wilfully false or fraudulent.

On June 5, 1942, Juan Staarthof wrote to Mr. Rafelson that he was in the market for these commodities and that if Mr. Rafelson could obtain the merchandise, the letter could be considered an order. At the time the applications for licenses were filed, the respondents, Tower Sales Company and M. B. Rafelson had not accepted this order, it being their intention to accept the order provided the material and licenses therefor could be obtained. Letters attached to each of the applications stated that the materials covered were intended to be used by the "purchaser" in the manufacture of paints and the packing of pharmaceuticals, respectively. Juan Staarthof is a broker in Monterrey, Mexico, and is not engaged in the manufacture of paints or the packing of pharmaceuticals. The respondents, Tower Sales Company and Rafelson knew at the time the applications were filed that Staarthof was a broker who intended to resell the commodities for which export licenses were asked, and that the purchaser and ultimate consignee named would not use the bicarbonate of soda to package pharmaceuticals, nor the lithopone in the manufacture of paint. The Compliance Commissioner found that, with respect to the filing of these license applications, no violation had been committed in connection with the charge of falsity of the statements as to acceptance of the order. However, it was found that the respondents Tower Sales Company and M. B. Rafelson materially misrepresented the ultimate consignee of the material sought to be exported and the use to be made thereof by the ultimate consignee named.

On June 10, 1942, the Tower Sales Company filed with the Board of Economic Warfare an export license application to export 5,000 pounds of citric acid. This application stated that Cia. Rafmex S. de R. L. in Mexico City would be the consignee, ultimate consignee and purchaser in foreign country; that an order had been accepted by the exporter on June 3, 1942; and, with respect to the use of material to be exported, merely that it was to be used for the manufacture of soft drinks. The Chief of the Trade Intelligence Division charged that these statements were knowingly and wilfully false or fraudulent.

Rafmex is a sales company of which M. B. Rafelson is the sole owner. It does not manufacture soft drinks but solely buys and sells goods. The respondents, Tower Sales Company and Rafelson knew in applying for this license that Rafmex did not intend to receive the citric acid for the manufacture of soft drinks, but intended the same for resale. The Compliance Commissioner stated that no violation had been committed in connection with the charge of falsity of the statement that an order had been accepted. However, it was found that violations had occurred with respect to misrepresentations as to use of the material and ultimate consignee.

Under date of May 22, 1942, the Tower Sales Company filed a license application with the Board of Economic Warfare for the shipment of 50,000 pounds of bicarbonate of soda to Carlos de Curtis as consignee, ultimate consignee or purchaser in Mexico City. The charges of misrepresentations in this application were similar to those made with respect to the applications referred to in paragraphs 2 and 3 above. It was found that no violation had been committed in connection with these charges.

Upon consideration of the record, Findings of Fact and Recommendations, in this matter: *It is hereby ordered,* That:

(1) The charges be dismissed with respect to Bernard H. Sampson.

(2) The export licenses heretofore issued to the Tower Sales Company or M. B. Rafelson for exportations as yet not consummated are hereby revoked.

(3) The Tower Sales Company and M. B. Rafelson, and any person, association or organization acting on behalf, or for the account of the Tower Sales Company or M. B. Rafelson are denied the privilege of obtaining individual export licenses and the use of any general or unlimited export licenses for any exportation whatsoever from the United States until December 27, 1942.

The respondents may appeal in writing to the Assistant Director in charge of the Office of Exports provided the appeal is taken within ten (10) days after receipt of this order.

(Sec. 6, 54 Stat., Pub. Laws 75, and 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

Dated: November 13, 1942.

A. N. ZIEGLER,
Colonel, J. A. G. D.,
Acting Chief, Export Control Branch,
Office of Exports.

[F. R. Doc. 42-12759; Filed, December 2, 1942; 11:30 a. m.]

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[1] 7 F.R. 5018.

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 407]

FERD. MULHENS, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Paul Peter Muelhens, whose last known address was represented to the undersigned as being Cologne, Germany, is a national of a designated enemy country (Germany);

2. Finding that said Paul Peter Muelhens owns or controls Aktian-Gesellschaft für Aetherische Oele, (herein called "Aetherische"), a Swiss corporation, the last known address of which was represented to the undersigned as being Glarus, Switzerland, and which is listed on The Proclaimed List of Certain Blocked Nationals;

3. Determining that to the extent that Aetherische is a person not within a designated enemy country such person is controlled by or acting for or on behalf of or as a cloak for the aforesaid designated enemy country (Germany) or a person within such country, and finding, therefore, that such person is a national of such designated enemy country (Germany);

4. Finding that Ferd. Mulhens, Inc., a New York corporation, New York, New York, is a business enterprise within the United States whose outstanding capital stock consists of:

1,000 shares of no par value common and 3,000 shares of $100 par value preferred stock, which shares are registered in the following names:

Names	Number of shares—	
	Common	Preferred
Richard Stern	1	
Hazel McMullen	1	
Aetherische	998	3,000
Total	1,000	3,000

and that the two shares of stock registered in the names of Hazel McMullen and Richard Stern, as aforesaid, are held for the benefit of Aetherische;

5. Finding that said capital stock is property of, and represents ownership of said business enterprise which therefore is, a national of the aforesaid designated enemy country (Germany);

6. Finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of Paul Peter Muelhens and Aetherische, and each of them, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to them or either of them by said Ferd. Mulhens, Inc., including but not limited to all security rights in and to any and all collateral for any or all such indebtedness and the right to sue for and collect such indebtedness,

is an interest in the aforesaid business enterprise held by, and is also property within the United States owned or controlled by, nationals of a designated enemy country (Germany);

7. Determining that to the extent that any or all of such nationals are persons not within a designated enemy country, the national interest of the United States requires that each of such persons be treated as a national of the aforesaid designated enemy country (Germany);

8. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

9. Deeming it necessary in the national interest;

hereby (a) vests in the Alien Property Custodian the property hereinbefore described in subparagraphs 4 and 6, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (b) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12741; Filed, December 1, 1942; 4:37 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 67 Under MPR 188]

J. S. PUBLISHING CORP.

APPROVAL OF MAXIMUM PRICES

Order No. 67 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers Goods Other than Apparel.

Approval of maximum prices for sales by J. S. Publishing Corporation, 200 Fifth Avenue, New York, New York, of four new jig-saw puzzles.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) J. S. Publishing Corporation is authorized to sell and deliver, f. o. b. New York, New York, to retailers the following designated picture puzzles at prices no higher than those set forth below:

	Per gross
American Artists Series, containing 275 pieces	$8.40
American Artists Series, containing 500 pieces	21.60
Mother Goose, containing two picture puzzles	8.40
Mother Goose, containing four picture puzzles	21.60

(b) This Order No. 67 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 67 shall become effective on the 2d day of December 1942.

Issued this 1st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–12729; Filed, December 1, 1942; 2:45 p. m.]

[Order 20 Under RPS 57]

BIGELOW SANFORD CARPET COMPANY, INC.

APPROVAL OF MAXIMUM PRICE

Order No. 20 under Revised Price Schedule No. 57—Wool Floor Coverings.

On October 5, 1942, the Bigelow Sanford Carpet Company, Incorporated, New York, New York, filed an application pursuant to § 1352.4 of Revised Price Schedule No. 57 for permission to manufacture a new fabric and for approval of a maximum price thereof. The new fabric was designated in the application as "Fernfield".

Due consideration has been given to the application and an opinion issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is hereby ordered:*

(a) The Bigelow Sanford Carpet Company may sell, offer to sell, or deliver the following new fabric at prices no higher than those specified below:

"Fernfield", $2.98½ per square yard f. o. b. mill,

"Fernfield", $36.95 per 9 x 12 size f. o. b. mill,

subject to discounts, allowances, rebates, and terms no less favorable than those in effect with respect to the maximum price for "Fervak" as established by Revised Price Schedule No. 57. Other sizes and zone maximum prices of "Fernfield" shall be determined on the basis of the same differentials as established by Revised Price Schedule No. 57 between the square yard f. o. b. mill and the other sizes and zone maximum prices of "Fervak".

(b) This Order No. 20 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1352.11 of Revised Price Schedule No. 57 shall apply to terms used herein.

(d) This Order No. 20 shall become effective on the 2d day of December, 1942.

Issued this 1st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–12722; Filed, December 1, 1942; 1:29 p. m.]

[Order 21 Under RPS 57]

A. & M. KARAGHEUSIAN, INC.

APPROVAL OF MAXIMUM PRICE

Order No. 21 under Revised Price Schedule No. 57—Wool Floor Coverings.

On October 16, 1942, A. & M. Karagheusian, Inc., 295 Fifth Avenue, New York, N. Y., hereinafter called applicant, filed an application pursuant to § 1352.4 of Revised Price Schedule No. 57 for approval of maximum price of a certain fabric containing jute and cotton in the back and 50% wool and 50% rayon in the face. Applicant designated this proposed fabric as "Bentley".

Due consideration has been given to the application and the specifications of the fabric described therein and an opinion has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.

For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) A. & M. Karagheusian, Inc., may sell, offer to sell, deliver, or transfer the fabric containing cotton and jute in the back and 50% wool and 50% rayon in the face at prices no higher than those set forth below:

"Bentley" at $3.75 per square yard f. o. b. mill roll.

"Bentley" at $46.35 per 9 x 12 size f. o. b. mill.

subject to discounts, allowances, and rebates no less favorable than those in effect as to "Bufton" under § 1352.1 of Revised Price Schedule No. 57. Other sizes and zone maximum prices of "Bentley" shall be determined on the basis of the same differentials as established by Revised Price Schedule No. 57 between the square yard f. o. b. mill and the other sizes and zone maximum prices of "Bufton".

(b) This Order No. 21 may be revoked or amended by the Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1352.11 of Revised Price Schedule No. 57 shall apply to terms used herein.

(d) This Order shall become effective on the 2d day of December 1942.

Issued this 1st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–12723; Filed, December 1, 1942; 1:30 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–620]

FEDERAL WATER AND GAS CORPORATION

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of November, A. D. 1942.

Order granting application pursuant to section 10 and permitting declaration to become effective pursuant to section 12 (c) and Rule U-42.

Federal Water and Gas Corporation, a registered holding company, having filed an application and declaration pursuant to sections 10 and 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42 of the Rules and Regulations promulgated thereunder, with respect to the purchase from time to time prior to December 31, 1943, for cash, all or any part of a maximum of $500,000 principal amount of its 5½% Gold Debentures, due May 1, 1954, in the open market at current prices at the time of purchase but not to exceed the call price of said Debentures in effect at the date of each such purchase, the Debentures so acquired to be cancelled;

Said application and declaration having been filed November 5, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23, promulgated pursuant to said Act, and the Commission, not having received a request for a hearing with respect to said application or declaration within the period specified by said notice, or otherwise, and not having ordered a hearing thereon; and

Said party having requested that the effective date of said application and declaration be advanced; and

The Commission finding with respect to said application under section 10 of the Act that the requirements of section 10 (f) are satisfied, that no adverse findings are necessary under the provisions of sections 10 (b) and 10 (c) (1), and that the proposed acquisition has the tendency required by section 10 (c) (2); and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration pursuant to section 12 (c) and Rule U-42 promulgated thereunder to become effective; and

The Commission being satisfied that the effective date of said declaration and the date of granting said application should be advanced;

It is hereby ordered, Pursuant to said Rule U-23, that said application be, and it is hereby granted, and that said declaration, be and it is hereby permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and to the further condition that Federal Water and Gas Corporation file with the Commission, within ten days after the close of each calendar month, a report stating the principal amounts and dates of purchase, and the prices paid for all Debentures purchased during such calendar month pursuant to this Order, until there shall have been filed, as aforesaid, reports covering the purchase of said maximum amount of Debentures for each calendar month within which purchases pursuant to this Order may be made.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–12727; Filed, December 1, 1942; 2:40 p. m.]

[File No. 70–629]

GENERAL MANAGEMENT CORPORATION AND WALNUT ELECTRIC & GAS CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of November, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party or parties; and

Notice is further given that any interested person may, not later than December 17, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

General Management Corporation, a Delaware corporation allegedly inactive since June 30, 1942, and a direct subsidiary of Walnut Electric & Gas Corporation, a registered holding company, proposes to liquidate by the payment of all its debts in cash, and the distribution of all its assets to its sole stockholder, Walnut Electric & Gas Corporation, as a liquidating dividend. Walnut Electric & Gas Corporation will surrender for cancellation to General Management Corporation all of the outstanding capital stock of that corporation, all of which, 5,000 shares, is owned by Walnut Electric & Gas Corporation. Upon the completion of these transactions General Management Corporation will be dissolved. Walnut Electric & Gas Corporation proposes to apply the proceeds from the liquidation of General Management Corporation to the reduction of outstanding secured notes issued by Walnut Electric & Gas Corporation in the approximate amount of $28,000.

The declaration sets forth that the net assets of General Management Corporation, as of October 31, 1942, consisted of cash in the amount of $28,462.65 and other net assets totaling $197.32, and, as of the same date, its debts amounted to $41.67.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–12728; Filed, December 1, 1942; 2:40 p. m.]

WAR PRODUCTION BOARD.

[Certificate No. 24]

RECOMMENDATION OF PETROLEUM COORDINATOR FOR WAR

THE ATTORNEY GENERAL: Pursuant to the provisions of section 12 of Public Law No. 603, approved June 11, 1942, I submit Recommendation No. 58 of the Petroleum Coordinator for War.[1]

I hereby approve said Recommendation for the purposes of section 12 of Public Law No. 603, approved June 11, 1942, and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such Recommendation, is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

DECEMBER 1, 1942.

[F. R. Doc. 42–12757; Filed, December 2, 1942; 11:32 a. m.]

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[1] *Supra.*

Reference

DEC 8 1942

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 7 NUMBER 237

Washington, Friday, December 4, 1942

The President

EXECUTIVE ORDER 9276

Establishing the Petroleum Administration for War and Defining Its Functions and Duties

By virtue of the authority vested in me by the Constitution and statutes, as President of the United States and Commander in Chief of the Army and Navy, and in order to coordinate and centralize the war policies and actions of the Government relating to petroleum with a view toward providing adequate supplies of petroleum for the successful prosecution of the war and for other essential purposes, it is hereby ordered as follows:

1. Whenever used in this order:

a. The term "petroleum" means petroleum, petroleum products, and associated hydrocarbons, including but not limited to natural gas, except that natural gas which has entered into gas transmission lines from field gathering lines shall not be so included.

b. The term "petroleum industry" means the production, refining, treating, storage, shipment, receipt, or distribution within the United States, its territories and possessions, of petroleum, exclusive of: (1) the transportation of petroleum, (2) the transmission of natural gas from the point of its entry into gas transmission lines from field gathering lines, and (3) the distribution of natural gas.

c. The term "transportation" means transportation as defined in U. S. Code, Title 49, section 1 (3) (a), and in Executive Orders No. 8989 [1] and No. 9156.[2]

2. There is established a Petroleum Administration for War, at the head of which shall be a Petroleum Administrator who shall be directly responsible to the President. The Secretary of the Interior shall serve ex officio as Petroleum Administrator hereinafter referred to as the Administrator.

3. The Administrator shall:

a. Subject to the provisions of this order, establish basic policies and formulate plans and programs to assure for the prosecution of the war the conservation and most effective development and utilization of petroleum in the United States and its territories and possessions, issue necessary policy and operating directives to parties engaged in the petroleum industry, and appoint such general, regional, local, or functional petroleum industry committees or councils as the Administrator finds necessary: *Provided*, that no directive issued hereunder shall conflict with any direction which may be issued by the Chairman of the War Production Board pursuant to Paragraph 1 of Executive Order No. 9125 of April 7, 1942.[3]

b. Serve, as far as practicable, as the liaison and channel of communication between the units of the petroleum industry and the several departments and agencies of the Federal Government on matters directly involving the functions and duties of the Administrator.

c. (1) Obtain from the Departments of War and the Navy, the Office of Lend-Lease Administration, the Department of State and the Board of Economic Warfare, the several divisions and branches of the War Production Board, and such other Federal departments and agencies as may be appropriate, estimates of the amounts of petroleum which will be required from the United States, its territories and possessions, to meet direct and indirect military, and essential industrial and civilian, requirements; and compile and analyze such estimates and submit them to the War Production Board with recommendations for the allocation of petroleum to meet such requirements.

(2) Prepare and recommend to the War Production Board estimates of the quantities and kinds of material needed by the petroleum industry to produce, refine, store, distribute (excluding transportation), or otherwise make available the amount of petroleum recommended by the Administrator for allocation by the War Production Board.

d. Subject to the direction of the Chairman of the War Production Board, exercise the powers, authority, and the discretion conferred upon the Chair-

(Continued on next page)

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[1] 6 F.R. 6725.
[2] 7 F.R. 3349.
[3] 7 F.R. 2719.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Telephone information: DIstrict 0525.

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man by Paragraph 1 of Executive Order No. 9125 of April 7, 1942, by issuing, and taking appropriate action to enforce, such orders or directives to the petroleum industry as the Administrator may deem necessary, in order to:

(1) Provide adequate supplies of petroleum for military, or other essential uses; or

(2) Effect the proper distribution of such amounts of materials as the Chairman of the War Production Board may allot for the use of the petroleum industry.

e. Compile data and make continuing surveys with respect to the effect of the prices charged for petroleum upon the efficient wartime operations of the petroleum industry and the maintenance of adequate supplies of petroleum for war and essential industrial and civilian uses. On the basis of such surveys, the Petroleum Administrator shall consult with and recommend to the Administrator, Office of Price Administration, such upward or downward adjustments in the schedule of prices charged for petroleum as will, in the judgment of the Petroleum Administrator, assure the efficient wartime operation of the petroleum industry and the maintenance of adequate supplies of petroleum for war, and essential industrial and civilian uses. In order to enable the Petroleum Administrator to make appropriate recommendations, the Price Administrator shall advise with the Petroleum Administrator prior to the establishment or alteration by the Price Administrator of any schedule of prices to be charged for petroleum.

f. Be advised of all plans or proposals which deal with the civilian rationing of petroleum and consult with rationing authorities in the development of such plans or proposals; and, in those instances where rationing is for the purpose of maintaining adequate supplies of petroleum for war and essential industrial and civilian requirements, determine, after advising with the War Production Board, the areas and the times within which such rationing should be effective and the amount of petroleum available for such purpose.

g. Consult with the War Shipping Administration with respect to the assignment of tankers and the movement of petroleum, and, subject to the requirements of the Departments of War and the Navy, recommend allocations as between units of the petroleum industry of available tankers under the control of the War Shipping Administration.

h. Designate the quantity and kind of petroleum to be shipped and received by those engaged in the petroleum industry, and certify such designations to the Office of Defense Transportation for appropriate action in providing the necessary transportation.

i. Review all plans or proposals for the construction, extension, enlargement or interconnection of petroleum pipe lines; subject to the over-all responsibilities of the Office of Defense Transportation, approve such plans or proposals as are, in his judgment, necessary to provide adequate supplies of petroleum for war and other essential uses and recommend to the War Production Board programs covering the amounts and kinds of materials needed for such pipe lines. The Administrator shall direct the physical operation of petroleum pipe lines to the extent of prescribing the quantity and kind of petroleum to be transported by and the direction of flow through such pipe lines: *Provided*, that nothing herein shall be deemed to limit the functions and authority of the Office of Defense Transportation under Executive Order No. 8989 of December 18, 1941, with respect to the provision of necessary additional transportation facilities and equipment, or to coordinate and direct domestic traffic movements.

j. Advise the several Federal departments and agencies concerned with the construction, enlargement, or additional interconnection of any natural gas transmission line as to the supply and availability of natural gas at the proposed sources of production whenever such construction, enlargement, or interconnection will result in substantially altering the rate of production at such sources.

k. Perform the duties and responsibilities with relation to petroleum and the facilities used in the petroleum industry imposed by Executive Order No. 9165 of May 19, 1942,[4] upon the Department of the Interior.

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[4] 7 F.R. 3765.

l. Certify to the various State regulatory bodies having jurisdiction with respect to the production of petroleum, the amounts and kinds of petroleum which should be produced in their respective States, and collaborate with such State regulatory bodies in the coordination of their activities with the programs and policies of the Administrator.

m. Keep the President informed with respect to the progress made in carrying out this order and perform such related duties as the President may from time to time assign or delegate to him.

4. The Administrator shall collaborate with the appropriate Federal departments and agencies authorized to determine plans and policies with respect to foreign petroleum activities. The Administrator shall, in conformity with such plans and policies, issue directives concerning the physical operations of their foreign petroleum facilities to units of the American petroleum industry which directly or indirectly engage in such operations in foreign countries. The Administrator shall be the channel of communication on foreign petroleum matters between the Federal departments and agencies and such units of the American petroleum industry.

5. The Administrator shall perform the functions with respect to rubber conferred upon the Office of Petroleum Coordinator for War by Executive Order No. 9246 of September 17, 1942,[5] subject to such directives as the Rubber Director may issue pursuant to such order. Nothing in this order shall apply to or in any way limit the functions and authority, or the manner of executing the same, of the Chairman of the War Production Board or the Rubber Director in the exercise of control over and administration of the Nation's rubber program pursuant to said Executive Order No. 9246, or the functions and authority of any department, establishment or agency in the execution of such aspects of the rubber program in such manner and for such period of time as the Rubber Director may direct pursuant to said Executive Order.

6. Subject to such restrictions as may be imposed by the Departments of War and the Navy with respect to their own requirements, the several Federal departments and agencies shall supply such information and data as the Administrator may require in performing his functions and shall advise with the Administrator before undertaking any action which might affect the continuous, ready availability of petroleum for military and essential industrial and civilian needs. In order to assist him in carrying out the purposes of this order, the Administrator may establish or designate committees or groups of advisors, representing two or more departments or agencies of the Federal Government, or States. The Administrator shall meet at regular and special intervals with representatives of the various Federal departments and agencies having continuing functions directly related to petroleum or the petroleum industry.

7. The Administrator may appoint, with the approval of the President, a Deputy Administrator, who shall report directly to the Administrator, and to whom he may delegate any and all power, authority, and discretion conferred upon him by this order. The Deputy Administrator shall serve as Acting Administrator in the absence of the Administrator. The Administrator, within the limits of such funds as may be allocated or appropriated for the purpose, may employ necessary personnel and make provision for necessary supplies, facilities, travel, and services.

8. The Office of the Petroleum Coordinator for National Defense, later changed to the Office of Petroleum Coordinator for War, established by the letter of the President dated May 28, 1941, is abolished, and its personnel, records, property, and funds are transferred to the Petroleum Administration for War, effective fifteen days from the date of this order. All orders, directives, agreements, recommendations, and other documents issued or entered into under the functions, duties, and authorities of the Petroleum Coordinator for War shall remain in force as the responsibility of the Administrator until such time as he may revoke, alter, or otherwise change such documents under provisions of this Executive Order.

9. Nothing in this order shall be deemed to limit in any way the authority of the Departments of War and Navy to initiate or carry out directly, without review or approval by the Administrator, any action relating to petroleum or the petroleum industry which either Department deems to be a matter of military necessity or expediency and which arises in such areas and is of such military urgency as to require special or secret disposition; or to limit in any way the functions and authority of the Secretary of State, under the direction of the President, in the formation of the foreign policy and the conduct of the foreign relations of this Government; or to limit in any way the statutory powers of the Interstate Commerce Commission with respect to rates, charges, statistics, accounts, car service (including emergency service powers) or operating authority; or to limit in any way the exercise of the authority of the Federal Power Commission or the performance of its functions and authority under the Natural Gas Act (52 Stat. 821) as amended; or to limit the functions and authority of the Board of Economic Warfare under the Act of June 30, 1942 (56 Stat. 463); or to limit in any way the powers of the Price Administrator under the Emergency Price Control Act (56 Stat. 23) and as amended by Public Law 729—77th Congress, Second Session.

10. Any provisions of pertinent Executive Orders in conflict with the provisions of this order are hereby superseded: *Provided*, that nothing herein shall be deemed in any way to limit the functions and authority of the Chairman of the War Production Board under Executive Orders No. 9024 of January 16, 1942,[6] No. 9040 of January 24, 1942,[7] No. 9125 of April 7, 1942, and No. 9246 of September 17, 1942; or to limit in any way the functions and authority of the Federal Power Commission under Executive Order No. 8202 of July 13, 1939;[8] or to limit in any way the functions, duties, or authority of the War Shipping Administration with respect to the operation, control, purchase, requisition, charter, repair, use, or insurance of any vessel or cargo; or to limit the functions and authority of the Board of Economic Warfare under Executive Orders No. 8839 of July 30, 1941,[9] as amended, No. 8900 of September 15, 1941,[10] No. 8926 of October 28, 1941,[11] No. 8942 of November 19, 1941,[12] and No. 9128 of April 13, 1942; [13] or to limit the functions and authority of the Office of Lend-Lease Administration under Executive Order No. 8926 of October 28, 1941.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 2, 1942.

[F. R. Doc. 42-12787; Filed, December 2, 1942; 4:05 p. m.]

Regulations

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1702]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 3 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via*

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[5] 7 F.R. 7379.

[6] 7 F.R. 329.

[7] 7 F.R. 527.

[8] 4 F.R. 3243.

[9] 6 F.R. 3823.

[10] 6 F.R. 4795.

[11] 6 F.R. 5519.

[12] 6 F.R. 5909.

[13] 7 F.R. 2809.

lakes) is amended by adding thereto Supplement R–II, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto Supplement R–III, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the schedules attached are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21.

Dated: November 12, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
471	Barnes, Oral & Son (Oral Barnes)	Barnes	Pittsburgh	Everson, W. Va	B&O	61	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B
1189	Bastinia & Radcliff (Dave Radcliff)	B&C	Pittsburgh	Maidsville, W. Va	Mongh	52	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
1346	Buckeye Development Company, Inc. c/o J. W. Johnson.	Buckeye	Coalburg	Sutton, W. Va	B&O	35	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
462	Haught, Kenneth	Haught #2	Pittsburgh	Kingmont, W. Va	B&O	50	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B
#462	Haught, Kenneth	Haught #2	Pittsburgh	Kingmont, W. Va	Monon	River	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B
463	Holt, M. S. Jr	J-H	Redstone	Weston, W. Va	B&O	31	F	F	F	F	F	H	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
459	Morgan, A. V	Kester	Pittsburgh	Clarksburg, W. Va	B&O	60	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
464	Stevens, O. W. & Son (O. W. Stevens)	Thompson	Pittsburgh	Everson, W. Va	B&O	61	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B
465	West Fork Collieries, Inc. c/o W. D. Evans	Vincent #4	Pittsburgh	Everson, W. Va	B&O	61	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B

For River and Ex-River Shipments Mine Index No. 462 will take the same prices as mines with Index Numbers 42-54-100-106-113-119-121-127-130-132-1226-1233 and 1219 shown in § 323.8 (e) and § 323.8 (f) in Minimum Price Schedule for District No. 3, Docket No. A-1059, Docket No. A-1632, and adjustments thereto, with the following exceptions:

(1) When shipments of classification "D" coals are made from Mine Index No. 462 the prices in § 323.8 (e) and § 323.8 (f) in minimum Price Schedule for District No. 3 must be increased ten cents (10¢) per net ton.

(2) When shipments of classification "E" coals are made from Mine Index No. 462 the prices in § 323.8 (e) and § 323.8 (f) in minimum Price Schedule for District No. 3 must be increased five cents (5¢) per net ton.

(†) Indicates no classification effective for this Size Group.

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§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements except via lakes*—Supplement R–II.

For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule. Group No. 1: 459, 462, 464, 465, 471, 1189; Group No. 2: 463; Group No. 5: 1346.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*—Supplement R–III.

For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 459, 462, 464, 465, 471, 1189; Group No. 2: 463; Group No. 5: 1346.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size Groups						
					Lump over 2", Egg over 2", bottom size	Lump 2", egg 2", bottom size, but over 1¼"	Lump 1¼" and under, egg 1¼" and under, bottom size	All nut and pea 2" and under	Run of mine resultant over 2"	1¼" and 2" slack	¾" slack
					1	2	3	4	5	6	7
Barnes, Oral & Son (Oral Barnes).	471	Barnes	Pittsburgh	Harrison	243	238	238	213	213	198	188
Benson, Ben R	442	Benson	M. V. Freeport	Preston	245	245	245	220	220	210	200
Buckeye Development Company, Inc. c/o J. W. Johnson.	1346	Buckeye	Coalburg	Braxton	273	268	268	243	243	233	213
DeMotto, James	467	Brady #1	H. V. Kittanning	Randolph	228	223	223	198	198	188	178
Haught, Kenneth	462	Haught #2	Pittsburgh	Marion	243	238	238	213	213	198	188
Holt, M. S. Jr	463	J-H	Redstone	Lewis	243	238	238	213	203	198	188
Morgan, A. V	459	Kester	Pittsburgh	Harrison	243	238	238	213	213	198	188
Proudfoot, J. H	460	J. H. Proudfoot.	Pittsburgh	Barbour	243	238	238	213	213	198	188
Stevens, O. W. & Son (O. W. Stevens).	464	Thompson	Pittsburgh	Harrison	243	238	238	213	213	198	188
Stires & Shreves (Okey Shreves).	466	No. 1	Pittsburgh	Harrison	243	238	238	213	213	198	188
Suttle, Enos	469	Wade Rhodes	Pittsburgh	Lewis	243	238	238	213	213	198	188
West Fork Collieries, Inc. c/o W. D. Evans.	465	Vincent #4	Pittsburgh	Harrison	243	238	238	213	213	198	188

[F. R. Doc. 42-12751; Filed, December 2, 1942; 11:05 a. m.]

[Docket No. A-1718]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8, and for changes in shipping points; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

The correct name for the code member operating the Everidge & Bowen Mine, Mine Index No. 5732 is Has Bowen.

The correct name for the mine operated by R. C. Rowe, Mine Index No. 5763, is Elkhorn.

The correct names of the code members operating the Phillips Mine, Mine Index No. 5756, are Odas Phillips and A. Y. Phillips (Odas Phillips).

The correct name for the code member operating Mine No. 3, Mine Index No. 5765 is B. & C. Coal Company.

No relief is granted for the Poplar Lick Mine, Mine Index No. 5643, operated by the Garmeada Coal Company or No. 2 Mine, Mine Index No. 5746 operated by T. V. McMahan as requested by petitioner for the reasons set forth in an order severing that portion of Docket No. A-1718 which relates to these mines and designating such portion as Docket No. A-1718, Part II.

Dated: November 19, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.
5765	B. & C. Coal Co	No. 3	Bon Air No. 2	6	Wilder, Tenn	T. C	210
676	Berry, Harvey (Kilgore Coal Co.).	Kilgore No. 2	No. 7	1	Rush, Ky	C&O	61
170	Black Star Coal Corporation	Dixie Star	Kellioka	2	Wilfred, Ky	L&N	80
2632	Bowling, Rufus (Bowling Coal Company).	Bowling No. 1	Coal Creek	6	Briceville, Tenn	Sou	40
5789	Bowling, Rufus (Bowling Coal Company).	Bowling No. 2	Coal Creek	6	Briceville, Tenn	Sou	40
1892	Braden Coal Company	Braden	Wind Rock	6	Briceville, Tenn.[1]	Sou	40
5760	Comer, O. E. (O. E. Comer Coal Co.).	Short Creek	No. 2 Gas	4	Peytona, W. Va	C&O	123
3755	Derrick, F. A	Haley Mt. No. 2	Nelson	6	Crab Orchard, Tenn.	T. C	72
507	Elkhorn & Jellico Coal Company.	Wolram	Elkhorn, Hazard No. 4 & Whitesburg.[2]	3	Wolram, Ky	L&N	62
1594	Finley, Holt (Finley Coal Company).	No. 1	Horse Creek	6	Manchester, Ky.[3]	L&N	111
5643	Garmeada Coal Co	Poplar Lick	Poplar Lick	6	Murtea, Ky	L&N and Sou.	113
68	Harlan Collieries Company	Brookside	Harlan	2	Brookside, Ky	L&N	80
5791	Kentucky Hayslen Coal Company	Hayslen No. 2	Hazard No. 5-A.	3	Hayslen, Ky	L&N[1]	100
2102	Laxton, Sherman	Sherman Laxton	No. 3	6	Oneida, Tenn.[4]	CNO&TP	70
5712	Lowe, Steve	Lowe	River Gem	6	Williamsburg, Ky	L&N	111
7654	McMahan, T. V	No. 2	Sewanee	6	Crossville, Tenn	T. C	72
5627	Miller, Harvey & Jim Engle (Harvey Miller).	Miller & Engle	Jellico	6	Myrick, Ky.[5]	A & J	110
5756	Phillips, Odas & A. Y. (Odas Phillips).	Phillips	Paint Rock	6	Stanley Jct., Tenn.	Tenn	71
27	Pruden Coal & Coke Company.	Back Creek No. 2.	Mason	6	Pruden, Tenn	L & N and Sou.	113
728	Pruden Coal & Coke Company.	Back Creek No. 2.	Lower Hignite	6	Pruden, Tenn	L & N and Sou.	113
5790	Raleigh-Wyoming Mining Company.	No. 6	No. 2 Gas	4	Edwight, W. Va	C & O	123
5763	Rowe, R. C	Elkhorn	Elkhorn	1	Elkhorn City, Ky	G & O and C C & O.	63
573	Slusher, Isaac (Kentucky Bell Coal Co).	Luce	Mason	6	Luce, Ky.[6]	L & N	80
5767	Watts, Geo. R	Taylor No. 2	Glen Mary	6	Robbins, Tenn	C N O & T P.	70
5792	Webb, Alvin & Jas. L. Hammons.	Webb & Hammons No. 1.	Blue Gem	6	Wooldridge, Tenn	Sou	112
3047	Webb, Alvin & Jas. L. Hammons.	Webb & Hammons No. 2.	Blue Gem	6	Wooldridge, Tenn	Sou	112

Price classifications by size group Nos.—For destinations other than Great Lakes

Mine index No.	1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27
5765	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)
676	M	M	K	J	G	E	G	F	F	L	(†)	(†)	(†)	(†)	(†)	(†)
170	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	C	C	C	C
2632	O	O	H	G	G	E	G	E	C	K	(†)	(†)	(†)	(†)	(†)	(†)
5789	O	O	H	G	G	E	G	E	C	K	(†)	(†)	(†)	(†)	(†)	(†)
1892	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
5760	L	L	H	G	G	E	G	B	B	H	(†)	(†)	A	B	B	B
3755	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)
507	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
1594	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
5643	H	H	F	E	D	C	E	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)
68	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	L	(†)	(*)	(*)	(*)	(*)
5791	M	M	N	M	J	G	J	F	D	M	(†)	(†)	(†)	(†)	(†)	(†)
2102	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(*)	(*)	(*)
5712	K	K	H	G	E	C	E	D	D	M	(†)	(†)	(†)	(†)	(†)	(†)
7654	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)
5627	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
5756	O	O	M	L	H	F	H	F	E	K	(†)	(†)	(†)	(†)	(†)	(†)
27	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	C	C	C	C
728	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	C	C	C	C
5790	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	A	(†)	(†)	(†)	(†)	(†)	(†)	A
5763	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C
573	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
5767	O	O	M	L	H	F	H	F	E	K	(†)	(†)	(†)	(†)	(†)	(†)
5792	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)
3047	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)

Price classifications by size group Nos.—For Great Lakes cargo only

Mine index No.	1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
5765	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
676	M	M	K	G	E	E	G	N	L	(†)	(†)	(†)	(†)	(†)
170	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	C	C	C	C
2632	O	M	K	F	D	D	G	L	K	(†)	(†)	(†)	(†)	(†)
5789	O	M	K	F	D	D	G	L	K	(†)	(†)	(†)	(†)	(†)
1892	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)
5760	L	L	J	E	C	C	G	M	H	(†)	A	B	B	B
3755	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
507	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
1594	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
5643	H	H	F	C	C	D	E	M	K	(†)	(†)	(†)	(†)	(†)
68	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	L	(*)	(*)	(*)	(*)
5791	M	M	M	H	F	F	J	N	M	(†)	(†)	(†)	(†)	(†)
2102	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
5712	K	K	H	E	B	C	E	M	M	(†)	(†)	(†)	(†)	(†)
7654	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
5627	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
5756	O	O	M	H	F	F	H	N	K	(†)	(†)	(†)	(†)	(†)
27	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	C	C	C	C
728	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	C	C	C	C
5790	(†)	(†)	(†)	(†)	(†)	(†)	(†)	J	(†)	(†)	(†)	(†)	(†)	A
5763	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
573	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
5767	O	O	M	H	F	F	H	N	K	(†)	(†)	(†)	(†)	(†)
5792	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)
3047	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)

[1] Denotes new shipping point, railroad and Freight Origin Group number. Shipping point at Elijah, Tenn., on the Tenn. R. R. in Freight Origin Group No. 71 shall no longer be applicable.

[2] Indicates change in seam designation.

[3] Denotes new shipping point. Shipping point at Sibert, Kentucky, shall no longer be applicable.

[4] Denotes change in railroad and Freight Origin Group number. The Tenn. R. R. in Freight Origin Group No. 71 shall no longer be applicable.

[5] Denotes new shipping point, railroad and Freight Origin Group number. Shipping point at Woodbine, Kentucky, on the L. & N. R. R. in Freight Origin Group No. 111 shall no longer be applicable.

[6] Denotes new shipping point. Shipping point at Hulen, Kentucky, shall no longer be applicable.

*Indicates previously classified these size groups.

†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6" (1)	Lump 2" and under, egg 3" x 6" (2)	Lump ¾" and under (3)	Egg 2" x 4", egg 2" x 5" (4)	Stove 3" and under, nut 2" and under (5)	Straight mine run (6)	2" and under, slack (7)	¾" and under, slack (8)
SUBDISTRICT NO. 1—BIG SANDY-ELKHORN											
GREENUP COUNTY, KY.											
Gullett & Gard (H. G. Gullett)	Burnett	5741	No. 7	285	265	230	240	225	220	170	165
LAWRENCE COUNTY, KY.											
Hall, Daniel	Hall	5727	McHenry	285	265	230	240	225	220	170	165
Spencer, Charles	Mannie Ball	5743		285	265	230	240	225	220	170	165
LETCHER COUNTY, KY.											
Everidge & Bowen (Has Bowen)	Everidge & Bowen	5732	Elkhorn	295	275	240	240	225	230	180	175
PIKE COUNTY, KY.											
Belcher, Elmer	Belcher	2926	Auxier	270	250	(*)	225	215	(*)	160	155
Rowe, R. C	Elkhorn	5763	Elkhorn	295	275	240	250	235	230	190	185
Stewart Elkhorn Coal Co. (J. E. Bowman).	Stewart No. 1	538	Lower Elkhorn	295	275	240	250	235	(*)	190	185
SUBDISTRICT NO. 3—HAZARD											
LETCHER COUNTY, KY.											
Elkhorn & Jellico Coal Co	Wolram	507	Elkhorn, Hazard No. 4 & Whitesburg.[1]	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
PERRY COUNTY, KY.											
Kentucky Hayslen Coal Co	Hayslen No. 2	5791	Hazard No. 5-A.	285	265	240	225	215	230	165	160
SUBDISTRICT NO. 4—KANAWHA											
BOONE COUNTY, W. VA.											
Comer, O. E. (O. E. Comer Coal Co.)	Short Creek	5760	No. 2 Gas	290	270	250	250	225	240	185	180
RALEIGH COUNTY, W. VA.											
Raleigh-Wyoming Mining Co	No. 6	5790	No. 2 Gas	(†)	(†)	255	(†)	(†)	245	(†)	(†)
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
Morehead, George C	Demp's Rains	5775	Jellico	305	285	240	260	235	230	175	170

[1] Indicates change in seam designation.

*Indicates previously classified these size groups.

†Indicates no classification effective for these size groups.

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6" (1)	Lump 2" and under, egg 3" x 6" (2)	Lump ¾" and under (3)	Egg 2" x 4", egg 2" x 5" (4)	Stove 3" and under, nut 2" and under (5)	Straight mine run (6)	2" and under, slack (7)	¾" and under, slack (8)
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN—Continued											
CLAY COUNTY, KY.											
Smallwood, Eligh	Smallwood	5703	Howard	285	265	240	240	225	230	175	170
KNOX COUNTY, KY.											
Goodin, Joe	Goodin	5719	Jellico	275	255	245	245	225	235	175	170
LAUREL COUNTY, KY.											
Gilbert Bros. (Pascal Gilbert)	Jones	5773	Horse Creek	285	265	240	240	225	230	175	170
M'CREARY COUNTY, KY.											
Miller, D	Miller	5779	No. 3	275	255	235	230	220	225	175	170
WHITLEY COUNTY, KY.											
Lowe, Steve	Lowe	5712	River Gem	295	275	240	250	235	230	165	160
ANDERSON COUNTY, TENN.											
Bowling, Rufus (Bowling Coal Co.)	Bowling No. 2	5789	Coal Creek	275	255	245	250	225	235	165	160
CAMPBELL COUNTY, TENN.											
Webb, Alvin & Jas. L. Hammons.	Webb & Hammons #1.	5792	Blue Gem	355	335	255	280	245	245	165	160
FENTRESS COUNTY, TENN.											
B. & C. Coal Co	No. 3	5765	Bon Air No. 2	270	250	225	230	205	215	155	150
SCOTT COUNTY, TENN.											
Phillips, Odas & A. Y. (Odas Phillips).	Phillips	5756	Paint Rock	275	255	235	230	220	225	175	170
Watts, Geo. R	Taylor No. 2	5767	Glen Mary	275	255	235	230	220	225	175	170
SUBDISTRICT NO. 7—VIRGINIA											
DICKENSON COUNTY, VA.											
Meade & Meade (J. W. Meade)	Meade & Meade	5737	Edwards	285	265	240	240	235	230	175	170
WISE COUNTY, VA.											
Hall, Floyd	Floyd Hall	5781	Upper Banner	285	265	240	240	235	230	175	170
Mays, Chas. (Russell Creek Coal Co.)	Russell Creek Coal Co.	5738	Widow Kennedy	295	275	240	260	245	230	175	170

[F. R. Doc. 42-12753; Filed, December 2, 1942; 11:04 a. m.]

[Docket No. A-1717]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of District Board No. 15 for establishment of price classifications and minimum prices for certain mines.

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 15; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 335.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 335.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the Schedules attached hereto are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and reflect the changes, if any, made in minimum prices by the Acting Director's order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21.

Dated: November 18, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial use]

Code member	Mine Index No.	Mine name	Prod. Group No.	Shipping point	RR	Frt. Origin Group No.	Price classification by size group														
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Tucker, Sargota & Cervelli (L. L. Tucker).	1026	Tucker	7	Dow, Okla	Pitt. Co	102	A	A	A	A	(†)	A	(†)	A	A	A	(†)	(†)	(†)	A	(†)

A is Market Area list price as listed in Minimum Price Schedule.
†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 335.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Production group No.	County	3" lump	½" up	10 x 1½"	10" x 1¼"	3" x 2"	3" x 1¼"	2" x 1¼"	1¼" x 1"	Mine run	3" x 0	1¼" x ⅜"	1¼" x ¼ (R)	1¼" x 0 (W)	1¼" x 0 (R)	¼" x 0
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Goode, C. S. (C. S. Goode Coal Co.)	1651	C. S. Goode Coal	2	Linn, Kans	260	260	260	260	235	220	205	200	220	195	195	180	(†)	160	45
Kansas Coal Co., The	1653	Kansas Coal Co. #2	1	Barton, Mo	270	270	270	270	245	230	215	220	230	205	180	165	(†)	145	45
Morris Brothers (J. R. Morris)	1647	Morris #2	1	Crawford, Kans	270	270	270	270	245	230	215	220	230	205	180	165	(†)	145	45

†Indicates no classifications effective for these size groups.

[F. R. Doc. 42-12754; Filed, December 2, 1942; 11:05 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

[General License HC-1, as Amended]

PART 134—GENERAL LICENSES UNDER REGULATIONS OF THE GOVERNOR OF HAWAII RELATING TO CURRENCY

NOVEMBER 21, 1942.

General License No. HC-1 [1] is amended to read as follows:

§ 134.1 *General License HC-1.* (a) A general license is hereby granted authorizing any person who is about to leave the Territory of Hawaii to receive United States currency of other than Hawaiian Series from any bank within the Territory of Hawaii for use outside of the Territory of Hawaii, and any bank within the Territory of Hawaii is authorized to deliver such currency to any such person: *Provided,* That any person receiving currency pursuant to this general license shall, at the time such currency is received, execute and present to the bank delivering such currency a certification on Form TFR-H29.

(b) Each bank delivering currency pursuant to this general license shall, at the beginning of each calendar month, file with the Office of the Governor of Hawaii all certifications on Form TFR-H29 presented to such bank during the preceding month.

(c) This general license shall not be deemed to affect, alter, or limit General Orders No. 51, Office of the Military Governor, 9 January 1942.

[SEAL] INGRAM M. STAINBACK,
Governor of Hawaii.

[F. R. Doc. 42-12805; Filed, December 3, 1942; 11:31 a. m.]

[General License HC-5, as Amended]

PART 134—GENERAL LICENSES UNDER REGULATIONS OF THE GOVERNOR OF HAWAII RELATING TO CURRENCY

NOVEMBER 21, 1942.

General License No. HC-5 [2] is amended to read as follows:

§ 134.5 *General License HC-5.* (a) A general license is hereby granted authorizing any bank in the Territory of Hawaii to receive United States currency of other than Hawaiian Series from any person for deposit or exchange for United States currency, Hawaiian Series: *Provided,* That a duly executed certification on Form TFR-H30 is obtained from such person by the bank receiving such currency.

(b) Each bank receiving currency of other than Hawaiian Series pursuant to this general license shall, at the beginning of each calendar month, file with the Office of the Governor of Hawaii all certifications on Form TFR-H30 presented to such bank during the preceding month.

[SEAL] INGRAM M. STAINBACK,
Governor of Hawaii.

[F. R. Doc. 42-12806; Filed, December 3, 1942; 11:31 a. m.]

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[1] 7 F.R. 5900.
[2] 7 F.R. 6255.

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 971—ETHYL ALCOHOL AND RELATED COMPOUNDS

[Amendment 3 to General Preference Order M-30, as Amended Aug. 8, 1942]

Section 971.1 *General Preference Order M-30,*[1] as amended August 8, 1942 is hereby amended in the following respects:

1. Paragraph (c) (2) is amended to read:

(2) No person shall during any calendar quarter commencing January 1, 1943, accept delivery of ethyl alcohol for a purpose set forth below in excess of 50% of the quantity of alcohol which was used (distributed in the case of a distributor) for such purpose during the corresponding calendar quarter in the 12-months period ended June 30, 1941; and no person shall during the month of December, 1942 accept delivery of ethyl alcohol for a purpose set forth below in excess of 50% of the quantity of ethyl alcohol which he used (distributed in the case of a distributor) for such purpose during December, 1940; *Provided further, however,* That the quantity of ethyl alcohol used (or distributed) by such person for such purpose in the fourth quarter of 1942 shall not exceed 70% of the quantity used by him for such purpose in the corresponding quarter of 1940:

Candy glazes.
Shoe polish.
Deodorant sprays (non-body)
All toiletries and cosmetics including but not limited to:
  Hair and scalp preparations.
  Bay rum.
  Shampoos.
  Face and hand creams and lotions.
  Body deodorants.
  Toilet waters.
  Perfume and perfume materials, tinctures and fixatives.
  Toilet soaps (including shaving cream).
  Mouth washes.
  Tooth cleaning preparations.
  Witch hazel.

For the purposes of this paragraph (c) (2) all toiletry and cosmetic uses of ethyl alcohol shall be considered as a whole, and the use during the base period of ethyl alcohol in a particular toiletry or cosmetic product may be used to support the future use of ethyl alcohol (in the indicated percentage) in a different toiletry or cosmetic product. For example, ethyl alcohol used in toilet waters during the base period would support the future manufacture of after shave lotions containing ethyl alcohol.

2. Paragraph (c) (6) is amended to read:

(6) No producer or distributor shall deliver any ethyl alcohol to any person during any calendar quarter unless, prior to such delivery, the deliveree shall have submitted to the deliveror a certificate, properly filled out and manually signed by a duly authorized official, in substantially the following form:

The delivery, during the calendar quarter of -------- gallons of alcohol, which the undersigned requires for a purpose set forth, either specifically or otherwise, in paragraph (c) ( ) of General Preference Order No. M-30, as amended, and in connection with which this certificate is submitted, will not be, taking into consideration -------- alcohol received and to be received during this calendar quarter from all sources, in excess of -------- percent of the quantity of -------- alcohol which the undersigned used for the same purpose during the corresponding calendar quarter in the twelve months' period ended June 30, 1941, and will not be in excess of the quantity of -------- alcohol to which the undersigned is entitled pursuant to said order, with the terms of which the undersigned is familiar.

Dated

(Name of Deliveree)

By ------------------------------
(Duly Authorized Official)

If a delivery is for one of the purposes specified in subparagraph (c) (4) hereof, it will be sufficient to certify to that fact alone. If a delivery is for use in cutting shellac, delivery shall not be made by a producer or distributor unless the certificate of the deliveree shall set forth (in addition to the foregoing): "The quantity of ethyl alcohol received and to be received during the month for which delivery is hereby ordered will not exceed the quantity thereof required to cut and thin the quantity of shellac allocated to the undersigned for such month under Conservation Order No. M-106."

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12762; Filed, December 2, 1942; 2:08 p. m.]

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[1] 7 F.R. 6204, 8380, 9301.

PART 1028—DOMESTIC COOKING APPLIANCES

[Supplementary Limitation Order L-23-d]

In order to permit an increase in the production during the balance of 1942 and the first quarter of 1943 of domestic heating stoves using coal or wood as fuel, notwithstanding the general prohibitions of Supplementary General Limitation Order No. L-23-c,[1] the following supplementary order is hereby adopted:

§ 1028.5 *Supplementary Limitation Order L-23-d*—(a) *Production until January 31, 1943.* Until January 31, 1943, any Class C manufacturer may use in the production of domestic heating stoves using coal or wood as fuel any iron or steel without regard to the limitations of Supplementary General Limitation Order No. L-23-c, or amendments thereto, relating to total weight or weight per unit.

(b) *Quotas for February and March 1943.* During the months of February and March, 1943, any Class C manufacturer may use in the production of domestic heating stoves using coal or wood as fuel iron and steel up to, but not in excess of, three times 50% of the monthly average of iron and steel used by him in the manufacture of domestic heating stoves during the base period.

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[1] 7 F.R. 3571, 5119, 5556, 8647.

This order shall expire March 31, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12801; Filed, December 3, 1942; 10:31 a. m.]

Chapter XI—Office of Price Administration

PART 1312—LUMBER AND LUMBER PRODUCTS

[Rev. MPR 109]

AIRCRAFT LUMBER

The title, preamble, and section numbers of Maximum Price Regulation 109—Aircraft Spruce,[1] are amended and renumbered to read as set forth herein.

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for sales of aircraft lumber which differ, in certain respects, from those heretofore established by applicable maximum price regulations. The several species of this type of lumber have been incorporated into this single maximum price regulation.

The Price Administrator has ascertained and given due consideration to the prices of aircraft lumber prevailing between October 1 and 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industries which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been prepared, issued simultaneously herewith, and has been filed with the Division of the Federal Register.* Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1,[2] issued by the Office of Price Administration, Revised Maximum Price Regulation No. 109 is hereby issued.

Sec.
1312.351 Sales of aircraft lumber at higher than maximum prices prohibited.
1312.352 To what transactions, products, and persons this ceiling applies.
1312.353 Petitions for adjustment and amendment.
1312.354 Prohibited practices.
1312.355 Records and reports.
1312.356 Enforcement and licensing.
1312.357 Relation to other regulations.
1312.358 Delivered prices.
1312.359 Prices for special grades, specifications, services, and other extras not specifically priced in Appendix A.
1312.360 Effective date.
1312.361 Appendix A: Maximum prices for aircraft lumber.

AUTHORITY: §§ 1312.351 to 1312.361, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E. O. 9250, 7 F. R. 7871.

§ 1312.351 *Sales of aircraft lumber at higher than maximum prices prohibited.* (a) On and after December 7, 1942, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any aircraft lumber at prices higher than the maximum prices fixed by this Revised Maximum Price Regulation No. 109, and no person shall agree, offer or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

§ 1312.352 *To what transactions, products, and persons this ceiling applies*—(a) *What transactions are covered.* This regulation, unlike most other lumber regulations, is not limited to direct-mill sales. It covers all sales of aircraft lumber, whether sold out of a mill, remanufacturing plant, or distribution yard.

(b) *What products are covered.* This Revised Maximum Price Regulation No. 109 covers all aircraft lumber, whether the grades, sizes, and specifications are specifically named in the price tables in Appendix A or not.

Aircraft lumber means any lumber suitable for use in building aircraft, in grades equal to, or better than, the lowest grade priced in Appendix A of the following species: Sitka spruce (*Picea sitchensis*), Red spruce (*Picea rubens*), White spruce (*Picea canadensis*), Noble fir (*Abies nobilis*), Western hemlock (*Tsuga heterophylla*), Yellow poplar (*Liriodendron tulipifera*). Douglas fir (*Pseudotsuga taxifolia*).

The term "aircraft lumber" is not intended to include any lumber machined or remanufactured to the exact tolerance required for incorporation into the aircraft.

(c) *What persons are covered.* Any person who makes the kind of sale covered by this regulation is subject to it. The term "person" includes: an individual, corporation, partnership, association, or any other organized group; their legal successors or representatives; the United States, or any government or any of its political subdivisions; or any agency of any of the foregoing.

§ 1312.353 *Petitions for adjustment and amendment*—(a) *Government contracts.* (1) The term "government contracts" is here used to include any contract with the United States or any of its agencies, or with the Government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States". It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "government contract" and who thinks that a maximum price in this Revised Maximum Price Regulation 109 is impeding or threatens to impede production of lumber which is essential to the war program and which is or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6.[3] A copy can be had at any office of the Office of Price Administration.

(3) As soon as the application is filed, deliveries may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must tell the buyer that the delivery is made subject to this refund.

(b) *Petitions for amendment.* A person seeking any modification of this Regulation or any adjustment or exception not provided for in paragraph (a) of this section, may file a petition for amendment in accordance with Revised Procedural Regulation No. 1, a copy of which can be had at any office of the Office of Price Administration.

§ 1312.354 *Prohibited practices*—(a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars and cents price is as much a violation of this Revised Maximum Price Regulation No. 109 as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(b) *Specific practices.* The following are among the specific practices prohibited:

(1) Getting the effect of a higher price by changing credit practices or cash discounts from what they were in August 1941.

(2) Refusing to sell on an f. o. b. mill basis, and insisting on selling on a delivered basis.

(3) Unnecessarily routing lumber through a distribution yard.

(4) Quoting a gross price above the maximum price, even if accompanied by a discount, the effect of which is to bring the net price below the maximum.

(c) *Purchasing commissions.* No purchasing commission may be paid or received which is based on the amount or value of lumber purchased, if the purchase price plus the commission totals more than the price permitted by this regulation.

(d) *Adjustable pricing.* A price may not be made adjustable to a maximum price which will be in effect at some time after delivery of the lumber has been completed, but the price may be adjustable to the maximum price in effect at the time of delivery.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 2238, 2543, 5667, 8585, 8948.

[2] 7 F.R. 8961.

[3] 7 F.R. 5087, 5664.

§ 1312.355 *Records and reports*—(a) *Records.* All sellers of aircraft lumber must keep records which will show a complete description of the item of lumber sold, the name and address of the buyer, points of origin and destination, and the date of the sale and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for any month in which the seller or buyer sold or bought 5,000 feet or more of aircraft lumber. They must be kept for two years for inspection by the Office of Price Administration. Any records which the Office of Price Administration later requires must also be kept.

(b) *Reports.* Any reports that the Office of Price Administration requires must be submitted.

§ 1312.356 *Enforcement and licensing.* (a) Persons violating any provision of this Revised Maximum Price Regulation No. 109 are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250.

(b) Persons who have evidence of any violation of this Regulation or of any other regulation or order issued by the Office of Price Administration are urged to communicate with the nearest field, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

(c) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. "War procurement agencies" include the War Department, the Department of the Navy, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

(d) All sellers of aircraft lumber under this regulation, except mills, have been licensed by Supplementary Order 18. This order, in brief, provides that a license is necessary, except for mills, to make sales under this Regulation. A license is automatically granted to all sellers making these sales. It is not necessary to apply specially for the license, but a registration may later be required. The Emergency Price Control Act of 1942, as amended, and Supplementary Order 18 tell the circumstances under which licenses may be suspended. The license cannot, of course, be transferred.

§ 1312.357 *Relation to other regulations*—(a) *General Maximum Price Regulation.* Any sale or delivery covered by Maximum Price Regulation 109 is not subject to the General Maximum Price Regulation.[4]

(b) *Maximum Export Price Regulation.* The maximum price for export sales of aircraft lumber is governed by the Revised Maximum Export Regulation.[5]

§ 1312.358 *Delivered prices*—(a) *General.* If the seller delivers the aircraft lumber to the purchaser, he may add to the maximum prices listed in Appendix A the cost of rail transportation from the original shipping point to the purchaser. No addition may be made for transportation costs incurred in trucking the lumber to the railhead. Any trucking costs other than such a truck haul may be added.

The invoice must in all cases show (1) the origin of the shipment, (2) the destination, and (3) the applicable freight rate, or in the case of a truck haul, the amount added for transportation and the distance hauled.

(b) *How to figure transportation costs.* (1) In determining the original shipping point, the shipment shall be considered as originating at the mill from which it was originally processed from the log, even though it may be further processed or remanufactured at another mill in transit.

(2) In determining the applicable freight rate, the rate from the originating mill direct to the purchaser shall apply.

(3) For a truck haul the seller shall charge the actual cost of such transportation. If the truck is his own, the actual cost is the average actual expense of operating the truck. If the truck is hired, the cost is, of course, the amount charged and paid for the truck haul.

(4) For a rail haul, the seller may figure the cost by multiplying the applicable freight rate by either actual weights or by the following estimated weights (even if the actual weight is less):

	Pounds per thousand feet
Sitka, red, or white spruce, and noble fir:	
Rough, green, (all sizes)	3,500
Rough, dry, 1''	2,600
Rough, dry, 1¼, 1½, 1¾ and 2''	2,800
Rough, dry, 2½'' and up	2,900
Western hemlock and yellow poplar:	
Rough, green, (all sizes)	4,000
Rough, dry, (all sizes)	3,000
Douglas Fir:	
Rough, green, (all sizes)	3,500
Rough, dry, 1''	2,700
Rough, dry, 1¼, 1½, 1¾ and 2''	2,900
Rough, dry, 2½'' and up	3,000

(5) If the seller should be required to unload or otherwise handle the lumber after it has left the mill, he may include in the cost of transportation the labor expense involved, if he shows this charge separately on the invoice and states on the invoice what was done and why it was necessary.

§ 1312.359 *Prices for special grades, specifications, services, and other extras not specifically priced in Appendix A.* (a) The maximum prices for special grades, specifications, or other extras, of aircraft lumber for which dollars and cents maximum prices are not established by this Maximum Price Regulation No. 109 shall be the prices authorized by the Office of Price Administration. Authorization may be by either a letter or a telegram.

No special grades of aircraft lumber may be sold or delivered until the prospective seller has applied to the Office of Price Administration for authorization of a price. After the application has been made the seller may sell and deliver at the requested price, and may receive payment; but should the Office of Price Administration authorize a price lower than the requested price, the seller must refund the amount, if any, by which the amount paid exceeds the maximum price which is authorized.

In his application the seller shall certify the following facts to the Lumber Branch of the Office of Price Administration in Washington, D. C.:

(1) A complete description in detail of the special grade, specification, or other extra.

(2) The comparison of the special grade or specification with the grade or specification priced in the regulation which is most nearly comparable.

(3) The requested price.

(4) The price received for such special grade, specification, or other extra, on sales, if any, made prior to the effective date of this regulation.

(5 Any other facts which the seller wishes to give or which are requested by the Office of Price Administration to enable the Lumber Branch of the Office of Price Administration to determine a price on the special grade, specification, or other extra, which is in proper relation to the general level of prices established by the regulation.

(b) Any lumber yard which is located away from the producing area and near the consuming area which regularly stocks aircraft lumber in order to make quick deliveries of small quantities or which performs any other special services, and which can demonstrate that it cannot continue to perform these services at the maximum prices permitted by the regulation, and which can also demonstrate that these services are vital and necessary to aircraft production, may apply to the Lumber Branch of the Office of Price Administration in Washington, D. C., for permission to make an addition for these special services. The Lumber Branch may authorize or deny an addition by letter or telegram.

§ 1312.360 *Effective date.* (a) This Revised Maximum Price Regulation No. 109 (§§ 1381.351 to 1381.361, inclusive) shall become effective December 7, 1942.

(b) If aircraft lumber has been received before December 7, 1942, by a carrier, other than one owned or controlled by this seller, for shipment to a buyer, that shipment is not subject to this regulation. It remains subject to the terms of any regulation, whether the General Maximum Price Regulation or earlier version of this regulation, which covered it at the time the lumber was turned over to the carrier.

§ 1312.361 *Appendix A: Maximum prices for aircraft lumber per MBM.*

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[4] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8831, 8942, 9004, 8942, 9435, 9615, 9616.

[5] 7 F.R. 5059, 7242, 8829, 9000.

TABLE 1—*Maximum prices f. o. b. original shipping point rough, green, for Army-Navy aeronautical specifications for Sitka spruce (AN–S–6),*[1] *red spruce (AN–S–6),*[1] *white spruce (AN–S–6),*[1] *Noble fir (AN–F–6),*[1] *western hemlock (AN–H–4)*[1]

[See footnote 4 for Douglas Fir (AN-F-7) [1]]

	Random length groups	Random thickness 2″ and under	Random thickness over 2″	Specified thicknesses				
				1″ and under	1¼″	1½″	1¾″	2″ and thicker
Random lengths and random widths.	3′ to 5½′	$100.00	$90.00	$100.00	$110.00	$110.00	$110.00	$100.00
Random lengths and specified widths, 7 inches, or wider.	3′ to 5½′	105.00	90.00	105.00	115.00	115.00	115.00	105.00
Random lengths and random widths.	6′ to 9½′	275.00	247.50	275.00	302.50	302.50	302.50	275.00
Random lengths and specified widths, 7 inches or wider.	6′ to 9½′	288.75	247.50	288.75	316.25	316.25	316.25	288.75
Random lengths and random widths.	10′ to 13½′	375.00	337.50	375.00	412.50	412.50	412.50	375.00
Random lengths and specified widths, 7 inches or wider.	10′ to 13½′	393.75	337.50	393.75	431.25	431.25	431.25	393.75
Random lengths and random widths.	14′ to 17½′	450.00	405.00	450.00	495.00	495.00	495.00	450.00
Random lengths and specified widths, 7 inches or wider.	14′ to 17½′	472.50	405.00	472.50	517.50	517.50	517.50	472.50
Random lengths and random widths.	18′ to 22½′	500.00	450.00	500.00	550.00	550.00	550.00	500.00
Random lengths and specified widths, 7 inches or wider.	18′ to 22½′	525.00	450.00	525.00	575.00	575.00	575.00	525.00
Random lengths and random widths.	23′ to 32′	600.00	540.00	600.00	660.00	660.00	660.00	600.00
Random lengths and specified widths, 7 inches or wider.	23′ to 32′	630.00	540.00	630.00	690.00	690.00	690.00	630.00
Random lengths and random widths.	6′ to 20′ (average 13′).	425.00	382.50	425.00	467.50	467.50	467.50	425.00

NOTES:

Lengths:

1. In the case of random length groups other than those listed, the price shall be computed by determining the quantity falling into each of the named groups and pricing each such quantity at the random price listed for the group into which each such quantity falls.
2. In the case of specified lengths, the price for any length shall be the same as the random length price listed for the group other than groups 6′ to 20′, into which each such specified length falls.

Widths:

3. In the case of specified widths narrower than 7 inches the price for any width shall be the same as the random width price.

Miscellaneous:

4. Douglas Fir (AN-F-7),[1] 55% of the price of corresponding item of Sitka Spruce.
5. For kiln dried the following additions to rough green prices may be made: 2″ and thinner, add $30.00 per 1,000 ft. B. M.; for thicker than 2″ add $30.00 per 1,000 ft. B. M. plus 10% of rough green price.
6. Footage of all thicknesses shall be computed on net size, board measure.

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[1] These specifications refer to the Army-Navy Aeronautical Specifications, dated April 4, 1942, as amended.

TABLE 2—*Maximum prices, f. o. b. original shipping point, rough, green, for aero recovery grades*[1]

Aero recovery grades[1]	Sitka spruce—Noble fir—West Coast hemlock	Douglas fir
	Maximum price per M	*Maximum price per M*
No. 1	$190.00	$104.50
No. 2	130.00	71.50
No. 3	90.00	49.50
No. 4	50.00	27.50

[1] Aero Recovery Grades are grades of Lumber from which certain fixed percentages of A Cuttings and B Cuttings (as defined later in this paragraph) can be recovered by remanufacture. Set forth below are the minimum percentages of A Cuttings and B Cuttings which each piece of each grade shall contain, as determined by visual inspection:

Aero recovery grade:	*Minimum percentage of A and B cuttings*
No. 1	40% A and the total of A and B shall not be less than 70%.
No. 2	25% A and the total of A and B shall not be less than 50%.
No. 3	25% A or 33⅓% A and B, or 50% B.
No. 4	20% B.

"A Cutting" is a piece of lumber which meets American specifications for aircraft quality lumber and which is not less than 1″ thick, not less than 3″ wide, at least ¾ as long as the piece from which it is to be recovered or remanufactured, and shall not be less than 6′ long.

"B Cutting" is a piece of lumber which meets the American specifications for aircraft quality lumber and which is not less than 1″ thick, not less than 3′ long, and which has a surface area of not less than 1 square foot.

TABLE 3—*Maximum prices f. a. s. Seattle, Washington; Tacoma, Washington; Portland, Oregon; for rough, green aircraft lumber conforming to U. S. Treasury Department, Procurement Division, specifications*

Species	Grade[1]	Maximum price
Sitka spruce, Noble fir, and western hemlock	Selace; Hemace; Nobleace	$265.00
	Ace High; Hem; N. F	215.00
	FLL	165.00
	Thin aero; TA Hem [3]; TA-N. F	155.00
	FLLS	90.00
	HG	130.00
	HGS	100.00
	Laminae	(2)
	Slicing cants and slices	(2)
Douglas fir	Firace	145.00
	AS	115.00
	Y	90.00

[1] The grade terms used herein refer to the specifications established by the U. S. Treasury Department, Procurement Division, and in effect on October 1, 1942.

[2] For Laminae grades, Slicing Cants and Slices, apply for price, in accordance with Section 1312.359.

[3] For Kiln Dry T. A. Hem. add $10.00 per M.

TABLE 4—*Maximum prices, f. o. b. original shipping point, rough, green, yellow poplar*

No. 1—Aircraft grade[1]—Shall admit only pieces that will yield 100%	Random length groups	Random thickness 1″ to 2″	Specified thickness over 1″
Random lengths and random widths	3′ to 5½′	$100.00	$110.00
Random lengths and specified widths, 7 inches or wider	3′ to 5½′	105.00	115.00
Random lengths and random widths	6′ to 9½′	275.00	302.50
Random lengths and specified widths, 7 inches or wider	6′ to 9½′	288.75	316.25
Random lengths and random widths	10′ to 13½′	375.00	412.50
Random lengths and specified widths, 7 inches or wider	10′ to 13½′	393.75	431.25
Random lengths and random widths	14′ to 17½′	450.00	495.00
Random lengths and specified widths, 7 inches or wider	14′ to 17½′	472.50	517.50
Random lengths and random widths	6′ to 20′ (average 13′).	425.00	467.50

[1] The grade terms used herein refer to the specifications dated October 6, 1942 issued by N. H. L. A. and adopted by W. P. B.

Notes applicable to No. 1 aircraft grade:

Lengths:

1. In the case of random length groups other than those listed, the price shall be computed by determining the quantity falling into each of the named groups and pricing each such quantity at the random price listed for the group (other than 6′ to 20′) into which each such quantity falls.
2. In the case of specified lengths, the price for any length shall be the same as the random length price listed for the group (other than 6′ to 20′) into which each such specified length falls.

Widths:

3. Minimum width 3 inches.
4. In the case of specified widths narrower than 7 inches the price for any width shall be the same as the random width price.

Thickness:

5. Footage of all thicknesses shall be computed on net size, board measure.
6. For Specified thickness 1 inch and under the price shall be the same as "Random Thickness 1″ to 2″.
7. For Random Thickness over 2 inches, the price shall be the same as specified thickness over 1 inch.

Miscellaneous:

8. For lengths longer than 17½′, or any other specification not otherwise provided for, apply to Lumber Branch, Office of Price Administration, Washington, D. C., for a permitted addition in accordance with Section 1312.359.
9. For Kiln Dry, 1½″ and under add $7.50 per M. Over 1½″ add $15.00 per M.

TABLE 5—*Maximum price, f. o. b. original shipping point, rough, green, for aero recovery grades*[1] *yellow poplar*

No. aircraft grade	$190.00
Piece length, minimum 8 feet, multiples of 6″ shall yield 10/12 or (83⅓%) in cuttings 3″ and wider, 3′ and longer.	
No. 3 aircraft grade	$130.00
Piece length, minimum 6 feet, multiples of 6″ shall yield 8/12 or (66⅔%) in cuttings 3″ and wider, 3′ and longer.	
No 4 aircraft grade	$90.00
Piece length, minimum 6 feet, multiples of 6″ shall yield 6/12 or (50%) in cuttings 3″ and wider, 3′ and longer.	

Notes Applicable to No. 2, No. 3, and No. 4 Grades:

Widths:

1. All grades 4″ and wider.
2. Footage of all thicknesses shall be computed on net size, board measure.
3. For Kiln Dry, 1½″ thick and under add $7.50 per M. Over 1½″ thick add $15.00 per M.

[1] The grade terms used herein refer to the specifications dated October 6, 1942 issued by N. H. L. A. and adopted by W. P. B.

Issued this 2d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12771; Filed, December 2, 1942; 2:50 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 149,[1] Amendment 3]

MECHANICAL RUBBER GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1315.21 paragraph (c) is amended and two new paragraphs (f) and (g) are added; in § 1315.27 paragraphs (b) (1) and (c) are amended; in § 1315.28 paragraphs (a), (b) and (c) are amended; in § 1315.31 (a) subparagraphs (2) and (3) are amended and two new subparagraphs (7) and (8) are added; §§ 1315.23 and 1315.34 are amended; and two new sections, §§ 1315.35 and 1315.36, are added, all as set forth below:

§ 1315.21 *Maximum manufacturers' prices for mechanical rubber goods.* * * *

(c) The maximum price for all mechanical rubber goods of the types and kinds listed in Appendix B, incorporated herein as § 1315.35, shall be determined in the same manner as that stated in paragraph (b) of this § 1315.21, except that the date January 5, 1942, shall in every case be substituted for the date October 1, 1941.

* * * * *

(f) The maximum price for any mechanical rubber goods which cannot be priced under paragraphs (b) or (c) of this section shall be a price determined by the seller after specific authorization from the Office of Price Administration. A seller who seeks an authorization to determine a maximum price under the provisions of this paragraph shall file with the Office of Price Administration in Washington, D. C., an application setting forth (1) a description in detail of the mechanical rubber good for which a maximum price is sought (including the manufacturing process); (2) a statement of the facts which make it impossible for him to use the methods for determining a maximum price set forth in paragraphs (b) and (c) of this section; (3) his proposed pricing method; and (4) a statement of the reasons why he believes that the use of this method will result in prices which are in line with the level of maximum prices established by this Maximum Price Regulation No. 149. Such authorization will be given in the form of an order prescribing a method of determining the maximum price for some or all of the mechanical rubber goods manufactured by the applicant which cannot be priced under paragraphs (b) or (c) of this section.

(g) Once the manufacturer has determined his maximum price for the sale of a particular mechanical rubber good to a particular class of purchasers (as defined in paragraph (a) (4) of § 1315.31) that price is his maximum for all future sales of that mechanical rubber good to that class of purchasers. However, if the manufacturer sells that mechanical rubber good to a purchaser of a different class, he must determine his maximum price for that sale in accordance with the applicable provisions of this section. For example, if the manufacturer has determined the maximum price for 100 gaskets and he later receives an order for 10,000 gaskets, and if on October 1, 1941, it was his practice to sell 10,000 gaskets at a lower price per unit than 100 gaskets, the manufacturer must determine his maximum price for the sale of the 10,000 gaskets in accordance with the applicable provisions of this section.

§ 1315.23 *Export sales.* The maximum price at which a person may export any mechanical rubber goods shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration.

§ 1315.27 *Records.* * * *

(b) * * *

(1) Published and confidential price lists and discount sheets in effect on October 1, 1941, and all prices which the manufacturer regularly quoted in any other manner on that date.

* * * * *

(c) For all mechanical rubber goods listed in Appendix B, the same records as those required by paragraph (b) of this § 1315.27, except that the date January 5, 1942, shall in every case be substituted for the date October 1, 1941.

§ 1315.28 *Reports.* (a) Every manufacturer subject to the provisions of this Maximum Price Regulation No. 149, who has not already done so, shall file with the Office of Price Administration, Washington, D. C., on or before December 18, 1942:

(1) For all mechanical rubber goods listed in Appendix A:

(i) Published and confidential price lists and discount sheets in effect on October 1, 1941, and all other regularly quoted prices and discounts and all other deductions therefrom in effect on that date.

(ii) Price determining methods and rates used in the determination of the gross margin in effect on October 1, 1941, for those articles, the maximum prices of which are not established by this regulation by reference to a schedule or price list or some other regularly quoted price. If after December 7, 1942, the manufacturer produces any mechanical rubber goods, the gross margin for which is determined by methods and rates other than those he has already filed with the Office of Price Administration, he must file such methods and rates with the Office of Price Administration, Washington, D. C., prior to first offering such article for sale. If as of December 8,

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3889, 7173, 8699, 8948.

1942 the maximum prices of all of the mechanical rubber goods produced by the manufacturer are established by this regulation by reference to a schedule or price list or by some other regularly quoted prices, the manufacturer shall report that fact to the Office of Price Administration, Washington, D. C., on or before December 18, 1942.

(2) For all mechanical rubber goods listed in Appendix B, the same reports as those required by paragraph (a) (1) of this section, except that the date January 5, 1942, shall in every case be substituted for the date October 1, 1941.

(b) (1) If, with respect to the types and kinds of mechanical rubber goods listed in Appendix A, the schedule or price list of the manufacturer in effect on October 1, 1941, did not state a price and he did not in any other way regularly quote a price for mechanical rubber goods of the same class, kind, type, condition and grade on that date, the manufacturer shall, within ten days after the purchaser has agreed to buy such goods, file, if he has not already done so for a purchaser of that class, a report with the Office of Price Administration, Washington, D. C., stating the maximum price determined under this regulation and his net selling price, except that:

(i) The reports required under this paragraph shall not be made on orders of less than $25.00, but the number of such orders shall be reported weekly;

(ii) If any such mechanical rubber good be listed as a new standard list good, the manufacturer shall report to the Office of Price Administration, Washington, D. C., that the article is being so listed and, prior to offering such mechanical rubber good for sale, shall report a detailed description thereof (including the size), the maximum price of each such article, the calculations used in the determining of the maximum price, the proposed selling price, and the terms of sale to each class of purchaser. The manufacturer may not accept payment for the commodity until fifteen days have elapsed after the mailing of the report. Within this fifteen day period the price so reported shall be subject to adjustment by the Office of Price Administration. Subsequent to this fifteen day period, such price shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration.

(2) If the manufacturer of such mechanical rubber goods requires the use of materials, labor or equipment, the October 1, 1941, prices of which are not ascertainable, the manufacturer shall file at the same time: a description of such goods, the reasons why the October 1, 1941, prices of materials, labor or equipment, as the case may be, are not ascertainable, the first ascertainable price thereof after October 1, 1941, and the method by which such price was determined.

(c) If, with respect to the types and kinds of mechanical rubber goods listed in Appendix B, the schedule or price list of the manufacturer in effect on January 5, 1942, or the price he regularly quoted in any other manner on that date, did not state a price for mechanical rubber goods of the same class, kind, type, condition and grade, the manufacturer shall, within ten days after the purchaser has agreed to buy such goods, file the same report as that required under similar circumstances by paragraph (b) of this § 1315.28, except that in every case the date January 5, 1942, shall be substituted for the date October 1, 1941.

* * * * *

§ 1315.31 *Definitions.* (a) * * *

(2) "Manufacturer" means any person engaged in the production of mechanical rubber goods who produces any rubber portion thereof.

(3) "Mechanical rubber goods" means all the articles listed in Appendices A and B, incorporated herein as §§ 1315.34 and 1315.35, but does not include the articles listed in Appendix C, incorporated herein as § 1315.36.

* * * * *

(7) "Regularly quoted price" means a price repeatedly quoted to a purchaser or purchasers of the same class, and also refers to the practice of interpolating between the prices of two sizes of a standard list item to obtain the price of an intermediate size.

(8) "Standard list item" means an article which is offered for sale by the manufacturer at the same price to any member of a particular class through the medium of a schedule or price list.

* * * * *

§ 1315.34 *Appendix A: Mechanical rubber goods whose maximum price is established by paragraph* (b) *of § 1315.21.* Paragraph (b) of § 1315.21 establishes the maximum prices (base date, October 1, 1941) for the following kinds and types of mechanical rubber goods, when made in whole or in part of rubber (except where the rubber content is more than 50% balata by weight):

Belting.
Hose and tubing.
Jar rings and container sealing compounds.
Lined or covered tanks, pipes and fittings, and other rubber lined or rubber covered items when lined or covered with either soft rubber or hard rubber, excepting rubber covdered rolls.
Packing, sheet and strip rubber, and gaskets cut therefrom.
Plumbers' supplies and specialties.
Tape, except cable wrapping tape and surgical adhesive tape.
Thread and yarn, both bare and covered.

§ 1315.35 *Appendix B: Mechanical rubber goods whose maximum price is established by paragraph* (c) *of § 1315.21.* Paragraph (c) of § 1315.21 establishes the maximum prices (base date, January 5, 1942) for the following types and kinds of goods, when made in whole or in part of rubber (except where the rubber content is more than 50% balata by weight):

Airplane parts, of types and kinds not listed in Appendix A, including de-icers and fuel-cells.
Automotive parts, of types and kinds not listed in Appendix A.
Brake linings and clutch facings.
Equipment parts, of types and kinds not listed in Appendix A.
Flooring, mats and matting.
Foamed latex products.
Gaskets of types and kinds not listed in Appendix A.
Hard rubber goods, except when used as linings or coverings for tanks, pipes, fittings and other lined or covered items.
Machinery parts, of types and kinds not listed in Appendix A.
Molded, extruded and lathe-cut goods of types and kinds not listed in Appendix A.
Oil well specialties.
Rubber covered rolls.
Sponge rubber goods.
All other mechanical rubber goods, except those listed in Appendix A.

§ 1315.36 *Appendix C: Other rubber goods, made in whole or in part of rubber, the maximum prices of which are not established by Maximum Price Regulation No. 149:* The following list is illustrative of articles which are not mechanical rubber goods within the meaning of this Maximum Price Regulation No. 149:

Bathing apparel.
Cement.
Covered wire and cable wrapping tape.
Dental goods.
Drug sundries, including surgical adhesive tape.
Footwear.
Gloves.
Heels and soles.
Latex products, other than foamed latex products.
Paint.
Proofed goods (rubberized fabrics).
Protective clothing.
Sporting goods.
Stationer's supplies.
Tires, tubes and tire repair materials.
Toys and novelties.

§ 1315.33a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1315.21 (c), (f), (g); 1315.23; 1315.27 (b) (1), (c); 1315.28 (a), (b), (c); 1315.31 (a) (2), (a) (3), (a) (7), (a) (8); 1315.34; 1315.35; 1315.36) to Maximum Price Regulation No. 149 shall become effective December 8, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12772; Filed, December 2, 1942; 2:49 p. m.]

PART 1330—CONTAINERS

[Revised MPR 55]

SECOND HAND BAGS

The title, preamble and §§ 1330.51 to 1330.61 inclusive, of Maximum Price Regulation No. 55[1] are amended and renumbered and a new § 1330.62 is added and the above are issued as Revised Maximum Price Regulation No. 55—Second Hand Bags.

A statement of the considerations involved in the issuance of this Revised Maximum Price Regulation No. 55 has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator, the maximum prices established by this Revised Maximum Price Regulation are and will be generally fair and equitable and will

effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Revised Maximum Price Regulation No. 55 is hereby issued.

Sec.
1330.51 Maximum prices for second hand bags.
1330.52 Less than maximum prices may be charged.
1330.53 Adjustable pricing.
1330.54 Evasion.
1330.55 Records, reports and invoices.
1330.56 Enforcement.
1330.57 Petitions for amendment.
1330.58 Export sales.
1330.59 Definitions.
1330.60 Effective date.
1330.61 Appendix A: Maximum prices for second hand bags.
1330.62 Appendix B: Maximum prices for manufacturers' sales of small shipping bags manufactured from used textile materials.

AUTHORITY: §§ 1330.51 to 1330.62, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1330.51 *Maximum prices for second hand bags.* On and after December 8, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver second hand bags, and no person shall, in the course of trade or business, buy or receive second hand bags at prices higher than the maximum prices established by this Revised Maximum Price Regulation No. 55; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1330.52 *Less than maximum prices may be charged.* Lower prices than the maximum prices established by this Revised Maximum Price Regulation No. 55 may be charged, demanded, paid or offered.

§ 1330.53 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1330.54 *Evasion.* (a) The price limitations set forth in this Revised Maximum Price Regulation No. 55 shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to second hand bags, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Refusing to sell second hand bags except on a delivered basis;

(2) Refusing to sell second hand bags unless the purchaser purchases or agrees to purchase a printing, stenciling or other service in connection with the sale of second hand bags;

(3) Refusing to sell unprocessed or as rise second hand bags unless the purchaser also purchases or agrees to purchase a quantity of processed or in order second hand bags.

§ 1330.55 *Records, reports and invoices*—(a) *Records and reports.* Every person making sales of second hand bags and every person making purchases of second hand bags in the course of trade or business after December 7, 1942, shall keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale or purchase in aggregate lots of 100 bags or more, showing the date thereof, the name and address of the seller and the buyer, the price contracted for, received or paid, and the quantity of each type, size, weight and grade of second hand bags sold or purchased.

Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require or permit.

(b) *Invoices.* Every seller making a delivery of a lot of 100 or more second hand bags shall furnish the purchaser thereof with an invoice or other memorandum showing the date of delivery thereof, the price charged or paid, the quantity delivered, and a description of the second hand bags including size, kind and quality of material and whether processed or unprocessed. Such invoice or memorandum shall also separately enumerate any charges for transportation, printing or other service rendered in connection with the second hand bags delivered, and any amounts added for premiums permitted by § 1330.61 (e) or (f) of this Revised Maximum Price Regulation No. 55.

§ 1330.56 *Enforcement.* (a) Persons violating any provision of this Revised Maximum Price Regulation No. 55 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this regulation or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest District, State or Regional Office of the Office of Price Administration or its principal office in Washington, D. C.

(c) The provisions of Supplementary Order No. 5[2]—Licensing, are applicable to every dealer subject to this regulation selling second hand bags to a consumer. The term "dealer" shall have the meaning given to it by Supplementary Order No. 5.

§ 1330.57 *Petitions for Amendment.* Any person seeking an amendment of any provision of this Revised Maximum Price Regulation No. 55 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulations No. 1.[3]

§ 1330.58 *Export sales.* The maximum price at which a person may export second hand bags shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[4] issued by the Office of Price Administration.

§ 1330.59 *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 55 the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political sub-divisions, or any agency of any of the foregoing.

(2) "Second hand bag" means an empty container composed of burlap, jute, sisal, istle, cotton cloth, gunny cloth or other textile material which has either been previously used to package any commodity or is manufactured from any such textile material which material itself has been previously used to package any commodity or for any other commercial purpose. The term shall include an "unmendable" bag. It shall not include a bag containing a commodity packaged therein nor a container composed of any of the above textile materials which material has deteriorated to an extent that it is no longer sufficiently sound for reuse as a container, commonly referred to by the trade as "junk" or "waste" material.

(3) "Unmendable" bag means a second hand bag composed of sound textile material but which is cut or torn from previous use to such an extent that it cannot feasibly be mended or patched for reuse as a container.

(4) "Processed" or "in order" bag means a second hand bag of sound material which is clean and free from holes. A bag shall be considered free from holes if all holes, including trier or probe holes, have been patched or mended.

(5) "Unprocessed" or "as rise" bag means a second hand bag of sound material which is not clean or which requires patching or mending. It shall include an "unmendable" bag.

(6) "Consumer" means any person who uses second hand bags for packaging a commodity therein.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 2300, 2395, 3330, 3447, 3855, 8948.

[2] 7 F.R. 3403, 6077.

[3] 7 F.R. 8961.

[4] 7 F.R. 5059, 7242, 8829, 9000.

§ 1330.60 *Effective date.* Revised Maximum Price Regulation No. 55 (§§ 1330.51 to 1330.62, inclusive), shall become effective December 8, 1942.

§ 1330.61 *Appendix A: Maximum prices for second hand bags.* (a) Except for the second hand burlap bags for which maximum prices are established by paragraph (c) of this § 1330.61 and by § 1330.62, the following are the maximum prices for second hand burlap bags:

Made up size (in inches) all numbers inclusive		Quality of material (in ounces per yard of 40 inch width)	Processed or in order bags (price per bag f. o. b. shipping point)	Unprocessed or as rise bags (price per bag f. o. b. shipping point)
Width	Length			
20.00 to 20.99	28 to 30	7½ to 9	$0.080	$0.050
19.00 to 19.99	34 to 36	7½ to 9	.090	.060
20.00 to 20.99	34 to 36	7½ to 9	.095	.065
21.00 to 21.99	34 to 36	7½ to 9	.100	.070
22.00 to 22.99	34 to 36	7½ to 9	.105	.075
23.00 to 23.99	34 to 36	7½ to 9	.110	.080
24.00 to 24.99	34 to 36	7½ to 9	.115	.085
25.00 to 25.99	34 to 36	7½ to 9	.120	.090
26.00 to 26.99	34 to 36	7½ to 9	.125	.095
19.00 to 19.99	38 to 40	7½ to 9	.097	.067
20.00 to 20.99	38 to 40	7½ to 9	.102	.072
21.00 to 21.99	38 to 40	7½ to 9	.107	.077
22.00 to 22.99	38 to 40	7½ to 9	.112	.082
23.00 to 23.99	38 to 40	7½ to 9	.117	.087
24.00 to 24.99	38 to 40	7½ to 9	.122	.092
25.00 to 25.99	38 to 40	7½ to 9	.127	.097
26.00 to 26.99	38 to 40	7½ to 9	.132	.102
27.00 to 27.99	38 to 40	7½ to 9	.137	.107
28.00 to 28.99	38 to 40	7½ to 9	.142	.112
29.00 to 29.99	38 to 40	7½ to 9	.147	.117
30.00 to 30.99	38 to 40	7½ to 9	.152	.122
31.00 to 31.99	38 to 40	7½ to 9	.157	.127
32.00 to 32.99	38 to 40	7½ to 9	.162	.132
33.00 to 33.99	38 to 40	7½ to 9	.167	.137
34.00 to 34.99	38 to 40	7½ to 9	.172	.142
26.00 to 26.99	43 to 45	7½ to 9	.148	.118
27.00 to 27.99	43 to 45	7½ to 9	.154	.124
28.00 to 28.99	43 to 45	7½ to 9	.160	.130
29.00 to 29.99	43 to 45	7½ to 9	.166	.136
30.00 to 30.99	43 to 45	7½ to 9	.172	.142
31.00 to 31.99	43 to 45	7½ to 9	.178	.148
32.00 to 32.99	43 to 45	7½ to 9	.184	.154
33.00 to 33.99	43 to 45	7½ to 9	.190	.160
34.00 to 34.99	43 to 45	7½ to 9	.196	.166
35.00 to 35.99	43 to 45	7½ to 9	.202	.172
36.00 to 36.99	43 to 45	7½ to 9	.208	.176
30.00 to 30.99	46 to 48	7½ to 9	.185	.155
20.00 to 20.99	31 to 33	10 to 12	.114	.084
19.00 to 19.99	34 to 36	10 to 12	.118	.088
20.00 to 20.99	34 to 36	10 to 12	.124	.094
21.00 to 21.99	34 to 36	10 to 12	.130	.100
22.00 to 22.99	34 to 36	10 to 12	.136	.106
23.00 to 23.99	34 to 36	10 to 12	.142	.112
24.00 to 24.99	34 to 36	10 to 12	.148	.118
25.00 to 25.99	34 to 36	10 to 12	.154	.124
26.00 to 26.99	34 to 36	10 to 12	.160	.130
19.00 to 19.99	38 to 40	10 to 12	.132	.102
20.00 to 20.99	38 to 40	10 to 12	.138	.104
21.00 to 21.99	38 to 40	10 to 12	.144	.118
22.00 to 22.99	38 to 40	10 to 12	.150	.126
23.00 to 23.99	38 to 40	10 to 12	.156	.122
24.00 to 24.99	38 to 40	10 to 12	.162	.138
25.00 to 25.99	38 to 40	10 to 12	.168	.130
26.00 to 26.99	38 to 40	10 to 12	.174	.144
27.00 to 27.99	38 to 40	10 to 12	.180	.150
28.00 to 28.99	38 to 40	10 to 12	.186	.156
29.00 to 29.99	38 to 40	10 to 12	.192	.162
30.00 to 30.99	38 to 40	10 to 12	.198	.168
31.00 to 31.99	38 to 40	10 to 12	.204	.174
26.00 to 26.99	43 to 45	10 to 12	.199	.169
27.00 to 27.99	43 to 45	10 to 12	.206	.176
28.00 to 28.99	43 to 45	10 to 12	.213	.183
29.00 to 29.99	43 to 45	10 to 12	.220	.190
30.00 to 30.99	43 to 45	10 to 12	.227	.197
31.00 to 31.99	43 to 45	10 to 12	.234	.204
32.00 to 32.99	43 to 45	10 to 12	.241	.211
33.00 to 33.99	43 to 45	10 to 12	$0.248	$0.218
34.00 to 34.99	43 to 45	10 to 12	.255	.225
35.00 to 35.99	43 to 45	10 to 12	.262	.232
36.00 to 36.99	43 to 45	10 to 12	.269	.239
19.00 to 19.99	46 to 48	10 to 12	.156	.126
29.00 to 29.99	52 to 54	10 to 12	.265	.215

(b) Except for the second hand cotton bags for which maximum prices are established by paragraph (c) of this § 1330.61 and by § 1330.62, the following are the maximum prices for second hand cotton bags:

Made-up size (in inches) all numbers inclusive		Quality of material (in linear yards per pound) all numbers inclusive	Processed or in order bags (price per bag f. o. b. shipping point)	Unprocessed or as rise bags (price per bag f. o. b. shipping point)
Width	Length			
19.00-19.99	35-37	3.50-4.25	$0.100	$0.070
20.00-20.99	35-37	3.50-4.25	.105	.075
21.00-21.99	35-37	3.50-4.25	.110	.080
22.00-22.99	35-37	3.50-4.25	.115	.085
23.00-23.99	35-37	3.50-4.25	.120	.090
24.00-24.99	35-37	3.50-4.25	.125	.095
19.00-19.99	38-40	3.50-4.25	.110	.080
20.00-20.99	38-40	3.50-4.25	.115	.085
21.00-21.99	38-40	3.50-4.25	.120	.090
22.00-22.99	38-40	3.50-4.25	.125	.095
23.00-23.99	38-40	3.50-4.25	.130	.100
24.00-24.99	38-40	3.50-4.25	.135	.105
25.00-25.99	38-40	3.50-4.25	.140	.110
26.00-26.99	38-40	3.50-4.25	.145	.115
27.00-27.99	38-40	3.50-4.25	.150	.120
28.00-28.99	38-40	3.50-4.25	.155	.125
29.00-29.99	38-40	3.50-4.25	.160	.130
19.00-19.99	35-37	3.00-3.25	.120	.090
20.00-20.99	35-37	3.00-3.25	.125	.095
21.00-21.99	35-37	3.00-3.25	.130	.100
19.00-19.99	38-40	3.00-3.25	.125	.095
20.00-20.99	38-40	3.00-3.25	.132	.102
21.00-21.99	38-40	3.00-3.25	.138	.108
22.00-22.99	38-40	3.00-3.25	.144	.114
23.00-23.99	38-40	3.00-3.25	.150	.120
19.00-19.99	35-37	2.50-3.00	.135	.105
20.00-20.99	35-37	2.50-3.00	.140	.110
20.00-20.99	38-40	2.50-3.00	.150	.120
21.00-21.99	38-40	2.50-3.00	.155	.125
22.00-22.99	38-40	2.50-3.00	.160	.130
23.00-23.99	38-40	2.50-3.00	.165	.135
24.00-24.99	38-40	2.50-3.00	.170	.140
19.00-19.99	35-37	2.00-2.35	.139	.109
20.00-20.99	35-37	2.00-2.35	.146	.116
21.00-21.99	35-37	2.00-2.35	.153	.123
22.00-22.99	35-37	2.00-2.35	.160	.130
23.00-23.99	35-37	2.00-2.35	.167	.137
24.00-24.99	35-37	2.00-2.35	.174	.144
19.00-19.99	38-40	2.00-2.35	.153	.123
20.00-20.99	38-40	2.00-2.35	.161	.131
21.00-21.99	38-40	2.00-2.35	.169	.139
22.00-22.99	38-40	2.00-2.35	.177	.147
23.00-23.99	38-40	2.00-2.35	.185	.155
24.00-24.99	38-40	2.00-2.35	.193	.163
25.00-25.99	38-40	2.00-2.35	.201	.171
26.00-26.99	38-40	2.00-2.35	.209	.179
27.00-27.99	36-40	2.00-2.35	.217	.187
28.00-28.99	38-40	2.00-2.35	.225	.195
29.00-29.99	38-40	2.00-2.35	.233	.203
19.00-19.99	46-48	2.00-2.35	.185	.155

(c) Maximum prices for second hand bags of miscellaneous special types.

Trade description	Quality and type of material (figures in parenthesis indicate approx. weight per bag in pounds)	Approx. made up size (in inches)		Processed or in order bags (price per bag f. o. b. shipping point)	Unprocessed or as rise bags (price per bag f. o. b. shipping point)
		Width	Length		
Cuban raw sugars	Heavy gunny or jute sacking (2½ to 2¾).	28-30	48-50	$0.250	[1]$0.200
Puerto Rican raw sugars.	Heavy gunny or jute sacking (2 to 2½).	27-30	42-45	.220	[2].170
Philippine raw sugars	Jute cloth or burlap (1 to 1½)	23-25	36-40	.140	.110
Hawaiian raw sugars	Jute cloth or burlap (¾ to 1)	20-21	36-38	.130	.100
Trinidad cocoa beans	Heavy gunny or jute sacking (3¼ to 4).	28-30	48-50	.265	.215
Short heavy green coffees.	Heavy gunny or jute canvas (1¾ to 2).	26-29	36-40	.170	.140
Rio and Santos green coffees.	Jute cloth or burlap (1 to 1½)	26-28	37-40	.180	.150
Tannery extracts	Heavy gunny or jute sacking (1¼ to 1¾).	21-23	27-29	.120	.090
Wheat centals	Jute cloth or burlap (⅝ to 1)	21-23	35-37	.150	.120
Bahia cocoa beans	Jute cloth or burlap (1½ to 2)	28-30	38-42	.180	.150
Yellow mustard seeds	Heavy gunny or jute sacking (3¾ to 4¼).	28-30	54-56	.350	.300
Liverpool twill	Heavy gunny or jute sacking (2 to to 2½).	25-28	43-45	.220	.170
Heavy grass	Sisal or istle (1¾ to 2½)	23-28	36-40	.180	.150
Medium grass	Sisal or istle (1 to 1¾)	23-28	36-40	.165	.135
Light grass	Sisal or istle (¾ to 1)	23-28	36-40	.150	.120
Sisal Cuban raw sugars	Sisal (2¾ to 3½)	28-30	48-50	.250	[3].200
6 ft. wool bag	Burlap—10 to 12 oz	40	72	.450	.350
6½ ft. wool bag	Burlap—10 to 12 oz	40	78	.500	.400
7 ft. wool bag	Burlap—10 to 12 oz	40	84	.550	.450
7½ ft. wool bag	Burlap—10 to 12 oz	40	90	.600	.500
100# narrow sugars	Burlap—7½ to 9 oz	19½-20½	36	.095	.065
100# Great western or beet sugars.	Burlap—7½ to 9 oz	20½-21½	36	.100	.070
100# wide sugars	Burlap—7½ to 9 oz	21-22	36	.100	.070
100# narrow sugars	Burlap—10 to 12 oz	19½-20½	36	.124	.094
100# wide sugars	Burlap—10 to 12 oz	21-22	36	.130	.100
100# rice	Burlap—10 to 12 oz	19-20	36	.118	.088
100# bean	Burlap—10 to 12 oz	19½-20½	36	.124	.094
100# 40″ potato	Burlap—7½ to 9 oz	21½-22½	40	.112	.082
100# 36″ Idaho potato	Burlap—7½ to 9 oz	20½-21½	36	.100	.070
100# 36″ potato (other than Idaho type).	Burlap—7½ to 9 oz	21½-22½	36	.105	.075
100# shelled peanut	Burlap—10 to 12 oz	22-23	40	.150	.120
140# flour or starch jutes.	Burlap—10 to 12 oz	23½-24½	40	.162	.132
98# cotton flour	Cotton sheeting (¼)	20-21	36	.105	.075
100# cotton sugar	Cotton sheeting (⅔)	19½-20½	36	.140	.110
Peruvian refined sugars	Cotton (⅜)	27-28	27-28	.155	.125
Cotton cements	Cotton osnaburg (½)	17-18	29-30	.100	.070
Cotton sugar liners	Cotton sheeting (⅕)	19-22	35-37	.075	.055
Cotton seamless	Cotton (1)	19-21	44-46	.025	.022
Cotton seamless	Cotton (⅞)	19-21	39-41	.022	.019
Open mesh	Cotton or woven paper	19-21	34-36	.065	.045
Open mesh	Cotton or woven paper	16-18	30-32	.050	.030
Open mesh	Cotton or woven paper	13-15	24-26	.035	.020

(d) *Maximum prices for types, sizes and weights of second hand bags not specifically enumerated.* The maximum price for any type, size or weight of second hand bags not enumerated in paragraphs (a), (b), or (c) above, shall be a price in line with the maximum price enumerated therein for the nearest related type, size, and weight of second hand bags with commensurate increases or decreases to take into account differences in type, size and weight of the second hand bags involved.

(e) *Resales of second hand processed or in order bags.* Any person who purchases processed or in order bags for resale may, on such resale, add to the maximum price determined in accordance with this Revised Maximum Price Regulation No. 55, a premium of not to exceed 5 per cent thereof, plus the actual freight incurred in bringing the processed or in order bags to his plant: *Provided,* That

(1) The resale is made to a consumer of second hand bags for use by such consumer in packaging a commodity;

(2) Such premium is not divided with any other person; and

(3) An invoice is delivered to the purchaser showing the amount of such charges and the shipping points between which the freight added was incurred.

(f) *Resales of second hand unprocessed or as rise bags.* Any person who purchases unprocessed or as rise second hand bags for resale as unprocessed or as rise bags, may, on such resale, add to the maximum price for such bags determined in accordance with the other provisions of this Revised Maximum Price Regulation No. 55, a premium not to exceed three-fourths of one cent per bag: *Provided,* That in no event may more than one such premium be added to the maximum price for such unprocessed or as rise bags determined in accordance with the other provisions of this regulation.

(g) *Delivery charges.* A delivered price in excess of the applicable maximum f. o. b. shipping point prices set forth in this § 1330.61 may be charged, consisting of such maximum prices plus the actual amount paid to the carrier, if delivery is made by common or contract carrier, or, if delivery is by a vehicle owned or controlled by the seller, an amount not to exceed the lowest available commercial carrier rate for an identical shipment: *Provided,* That the invoice or other memorandum delivered to the purchaser shall show the point of origin of the shipment, the destination and the amount added for delivery charges.

(h) *Second hand bags sold in mixed lot.* When second hand bags are sold in lots containing more than one type, size, or weight of bags, for which different maximum prices are established by this Revised Maximum Price Regulation No. 55, unless the quantity of each such type or grade is determined by actual inspection and each such quantity is separately priced at not exceeding the applicable maximum, the maximum price for the lot shall be the maximum price for that type, size or weight of second hand bag included in the lot which has the lowest established maximum price.

§ 1330.62 *Appendix B: Maximum prices for manufacturers' sales of small shipping bags manufactured from used textile materials.* (a) Maximum prices for manufacturers' sales of small shipping bags manufactured from used textile materials.

Made-up size of bag (in inches)	Maximum price per bag (f. o. b. shipping point)	
	Bags manufactured from 7½ to 9 oz. burlap or from cotton or other textile material weighing less than ⅓ lb. per square yard	Bags manufactured from 10 oz. or heavier burlap or from cotton or other textile material weighing ⅓ lb. per sq. yd. or more
8″ x 12″	$0.027	$0.033
8″ x 15″	.031	.038
8″ x 18″	.038	.046
10″ x 18″	.043	.052
12″ x 18″	.049	.060
12″ x 20″	.053	.064
12″ x 24″	.060	.074
15″ x 24″	.079	.099

(b) The maximum price for any size of small shipping bag manufactured from used textile material for which a maximum price is not specifically enumerated in paragraph (a) above, shall be the maximum price of the bag enumerated therein having the nearest made-up size in square inches. Made-up size shall be determined by multiplying the made-up length by the made-up width of the bag.

(c) *Delivery charges.* A delivered price in excess of the maximum f. o. b. shipping point prices set forth in paragraph (a) of this § 1330.62 may be charged, consisting of such maximum prices plus the actual amount paid to the carrier, if delivery is made by a common or contract carrier, or, if delivery is by a vehicle owned or controlled by the manufacturer, an amount not to exceed the lowest available commercial carrier rate for an identical shipment: *Provided,* That the invoice or other memorandum of sale delivered to the purchaser shall show the point of origin of the shipment, the destination and the amount added for transportation.

(d) The provisions of this § 1330.62 shall apply only to the original sale by the manufacturer of the small shipping bags manufactured from used material. Maximum prices for other sales of such bags shall be determined pursuant to the provisions of § 1330.61 of this Revised Maximum Price Regulation No. 55.

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[1] The maximum price for second hand "unmendable" Cuban raw sugar bags shall be $0.17 each f. o. b. shipping point.

[2] The maximum price for second hand "unmendable" Puerto Rican raw sugar bags shall be $0.15 each f. o. b. shipping point.

[3] The maximum price for second hand "unmendable" sisal raw sugar bags shall be $0.17 each f. o. b. shipping point.

Issued this 2d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12773; Filed, December 2, 1942; 2:49 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 242,[1] Amendment 1]

DRIED PRUNES AND RAISINS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (c) of § 1341.502 is amended, a new paragraph (e) is added to § 1351.502 and a new § 1341.512a is added as set forth below:

§ 1341.502 *Maximum prices for dried prunes and raisins sold by producers, dehydrators or dry-yard operators.* * * *

(c) (1) The word "seller" when used in this paragraph shall mean the producer, dehydrators or dry-yard operator.

(2) Each seller shall ascertain the rail shipping point which is nearest to his ranch or place of business, the delivery point named in this section which is nearest to his ranch or place of business and the location of the purchaser's plant. The maximum price of the seller shall include delivery to the purchaser at whichever one of those three points is nearest to the ranch or place of business of the seller.

(3) In the event that the seller and purchaser desire to have shipment made to a point other than the nearest of the three points mentioned above, the transportation charges may be adjusted or allowance for transportation made as follows:

(i) If the delivery is made by a vehicle owned or controlled by the seller, the seller may charge the purchaser for the number of miles by which the distance to the point where delivery is made exceeds the distance from the seller's ranch or place of business to the nearest of the three points mentioned above, at the rate established by this section.

(ii) If the delivery is made by a vehicle owned or controlled by the purchaser, the purchaser shall deduct from the price to be paid to the grower the charge for the number of miles from the seller's ranch or place of business to the nearest of the three points mentioned above at the rate established by this section.

(iii) If the delivery is made by a carrier or vehicle not owned or controlled by either the seller or purchaser, the purchaser shall pay the carrier and shall deduct from the price to be paid to the grower, the charge for the number of miles from the seller's ranch or place of business to the nearest of the three points mentioned above at the rate established by this section.

(iv) The rates at which payments or allowances for transportation shall be made pursuant to subdivisions (i), (ii)] and (iii) of paragraph (c) (3) of this section, shall be as follows:

Miles		Rate
Over	But not over	In cents per 100 pounds
0	3	4½
3	5	5½
5	10	6
10	15	6½
15	20	7
20	25	7½
25	30	8
30	35	9
35	40	9½
40	45	10
45	50	10½
50	60	11½
60	70	13
70	80	14
80	90	15
90	100	16½
100	110	17½
110	120	18½
120	130	20
130	140	21
140	150	22
150	160	23½
160	170	24½
170	180	25½
180	190	27
190	200	28
200	220	30
220	240	31½
240	260	33½
260	280	35

* * * * *

(e) The maximum prices established by this Maximum Price Regulation No. 242, or lower prices as agreed upon by the seller and purchaser, shall be paid according to sack test or actual grader test made at the time of delivery to the purchaser's plant and payment shall not be made on estimates of grades or visual grading.

§ 1341.512a *Effective dates of amendments.* (a) Amendment No. 1 (§ 1341.502 (c) and (e) and § 1341.512a) to Maximum Price Regulation No. 242 shall become effective on December 7, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of December 1942.

LEON HENDERSON,
Administrator.

Approved:

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-12774; Filed, December 2, 1942; 2:48 p. m.]

PART 1369—METAL ORES

[MPR 113,[1] Amendment 2]

IRON ORE PRODUCED IN MINNESOTA, WISCONSIN AND MICHIGAN

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1369.1 is amended, a new paragraph (c) is added to § 1369.7, and a new paragraph (b) is added to § 1369.15, as set forth below:

§ 1369.1 *Maximum prices for iron ore produced in Minnesota, Wisconsin and Michigan.* On and after April 10, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell, offer to sell, deliver, or transfer iron ore, except as hereinafter provided, at a price higher than the weighted average spot price, based on Lower Lake ports delivery, at which such person made spot sales of the same classification of standard ore or spot sales of the same grade of special ore during the shipping season of 1941: *Provided,* That unexpired contracts for the sale of iron ore made before the close of the shipping season of 1941, and on which deliveries were made during the shipping season of 1941, shall remain in full force and effect, except that the maximum price under any such contract shall be the highest price received thereunder during the shipping season of 1941, calculated to a Lower Lake base, as herein provided in the case of spot sales: *Provided further,* That for any iron ore loaded into vessels at Upper Lake ports for shipment to Lower Lake ports during 1942 but after midnight on November 30, 1942 there may be added to the maximum prices herein established an amount not to exceed 31.25% of the applicable lake freight at the established rate for such shipment, in no event exceeding, however, the amount actually charged. When ore is sold for delivery at the mine, Upper Lake rail freight and lake freight at the established rates for the mode of transportation employed are to be deducted from the weighted average spot price for Lower Lake delivery; when ore is sold for delivery at Upper Lake ports, lake freight at established rates is to be deducted from the weighted average spot price for Lower Lake delivery; in addition, there shall be deducted in each such case the customary allowance for shrinkage, insurance and analysis if the seller made such allowance in 1941.

§ 1369.7 *Records and reports.* * * *

(c) Each person making a charge in excess of his weighted average spot price for shipments of iron ore during the shipping season of 1942 but after midnight on November 30, 1942, shall on or before January 15, 1943, file with the Office of Price Administration a statement of the tonnage of iron ore for which such charge was made, the places and dates on which it was loaded, the places where delivered, the selling price (showing separately the amount of the additional freight charge), the name, grade or classification and iron content of the ore, and the name and address of the buyer.

§ 1369.15 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1369.1, 1369.7 (c) and 1369.15 (b)) to Maximum Price Regulation No. 113 shall become effective 12:01 a. m., December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8354.

[1] 7 F.R. 2680, 2760, 4854, 8948.

Issued this 2d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12781; Filed, December 2, 1942; 4:30 p. m.]

PART 1372—SEASONAL COMMODITIES

[MPR 210, Amendment 4[1]]

RETAIL AND WHOLESALE PRICES FOR FALL AND WINTER SEASONAL COMMODITIES

Correction

In subparagraph (9) of § 1372.112 (g), the first word "Show" is corrected to read "Snow".

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12775; Filed, December 2, 1942; 2:48 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136, as Amended,[2] Amendment 60]

MACHINES AND PARTS, AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1390.35 *Solar Manufacturing Corporation,* is hereby revoked.

§ 1390.31a *Effective dates of amendments.* * * *

(iii) Amendment No. 60 (§ 1390.35) to Maximum Price Regulation No. 136, as amended, shall become effective December 8, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12776; Filed, December 2, 1942; 2:49 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Revocation of Gasoline Rationing Emergency Order 1[3]]

VIRGIN ISLANDS

It is hereby declared that in the judgment of the Director, that the supply of gasoline in the Virgin Islands is now sufficient to permit operation of Ration Order No. 8, the Gasoline Rationing Regulations for the Virgin Islands, and that the protection of health, property, and the maintenance of other necessary services for the well-being of the population will not be impaired, if general distribution of gasoline is permitted under the said order.

Pursuant to the authority vested in the Director by Ration Order No. 8, Gasoline Rationing Emergency Order No. 1 (§ 1394.6501) is hereby revoked.

(Pub. Law No. 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1–J, 7 F.R. 562)

Issued and effective this 11th day of November 1942.

JACOB A. ROBLES,
Territorial Director.

[F. R. Doc. 42-12786; Filed, December 2, 1942; 4:31 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5B,[1] Amendment 11]

GASOLINE RATIONING REGULATIONS FOR PUERTO RICO

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (34) is added to paragraph (a) of § 1394.2101; paragraphs (n) and (o) are added to § 1394.2306; subparagraph (5) is added to paragraph (b) of § 1394.2307; subparagraphs (13) and (14) are added to paragraph (a) of § 1394.2406; paragraphs (b), (c), (d), (e), and (f) are added to § 1394.2652; paragraphs (e) and (f) are added to § 1394.2757; paragraph (k) is added to § 1394.3052; subparagraph (3) of paragraph (a) of § 1394.2401, is amended as set forth below, and the last sentence in paragraph (d) of § 1394.2757 is deleted.

§ 1394.2101 *Definitions.* (a) * * *

(34) "Director" means the Director of the Office of Price Administration for Puerto Rico or any person duly authorized to act in his place.

* * * * *

§ 1394.2306 *Preferred mileage.* * * *

(n) For the operation and maintenance of the health requirements of a community.

(o) For an industrial development or commercial operation connected with the war effort, upon the approval of the Director.

§ 1394.2307 *Issuance of preferred rations (C ration books).* * * *

(b) * * *

(5) Each board may receive applications for more than one C ration book. If the board recommends that such application be granted, it may issue such additional book only after it shall have obtained the written authority in advance in each instance from the Director.

§ 1394.2401 *Service rations.* (a) * * *

(3) S3 ration books for busses

* * * * *

§ 1394.2406 *Issuance of essential service rations to trucks.* (a) * * *

(13) To operate and maintain the health requirements of a community.

(14) To develop an industry or maintain a commercial operation connected with the war effort, upon the approval of the Director.

* * * * *

§ 1394.2652 *Rations not transferable.* * * *

(b) No person shall transfer or assign any ration and no person shall accept such transfer or assignment.

(c) No person shall transfer or assign, and no person shall accept a transfer or assignment of any gasoline coupon book or any bulk, inventory or other coupon, whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book, or exchange certificate or other evidence, except in accordance with the provisions of Ration Order 5B.

(d) No person shall have in his possession any gasoline coupon book or bulk, inventory or other coupon, whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration, or exchange certificate, or other evidence, except the person, or the agent of the person, to whom such book, coupon, certificate or other evidence was issued, or by whom it was acquired, in accordance with the provisions of Ration Order 5B.

(e) The provisions of paragraphs (b), (c), and (d) of this section shall not be applicable to public officials acting in the performance of their official duties.

(f) No person shall offer, solicit, attempt or agree to do any act in violation of the provisions of this section.

§ 1394.2757 *Lost or destroyed coupons, or coupon books.* * * *

(e) Any person who finds a gasoline coupon book, coupon, exchange certificate or other evidence shall, within five (5) days, surrender such coupon book, coupon, exchange certificate or other evidence to a board.

(f) The board to which a coupon book, coupon, exchange certificate or other evidence is surrendered pursuant to paragraph (e) of this section shall forward such coupon book, coupon, exchange certificate or other evidence through the Director to the Board having jurisdiction over the issuance thereof. The board having jurisdiction shall return such coupon book, coupon, exchange certificate or other evidence to the person to whom it was originally issued, or, if a duplicate thereof has already been issued, shall destroy such coupon book, coupon, exchange certificate or other evidence.

§ 1394.3052 *Effective dates of amendments.* * * *

(k) Amendment No. 11 (§§ 1394.2101 (a) (34), 1394.2306 (n) and (o), 1394.2307 (b) (5), 1394.2401 (a) (3), 1394.2406 (a)

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8651.

[2] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362, 8433, 8479, 8520, 8652, 8707, 8897, 9001, 8948, 9040, 9041, 9042, 9053, 9054, 9729.

[3] 7 F.R. 8356.

[1] 7 F.R. 5607, 6389, 6390, 6871, 7400, 7908, 8385, 9134, 9431.

(13) and (14), 1394.2752 (b), (c), (d), (e), and (f), 1394.2757 (d), (e), and (f)) to Ration Order No. 5B shall become effective at 6:00 o'clock p. m. on November 20, 1942.

(Pub. Law, 617, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, W.P.B. Dir. No. 1, Supp. Dir. No. 1 J, 7 F.R. 562)

Issued this 19th day of November 1942.

William B. Mead,
Director, Office of Price Administration for Puerto Rico.

[F. R. Doc. 42-12785; Filed, December 2, 1942; 4:31 p. m.]

Part 1394—Rationing of Fuel and Fuel Products

[Supplement 1 to Ration Order 5C[1]]

MILEAGE RATIONING: GASOLINE REGULATIONS

§ 1394.8401 *Designation of unit value in gallons of gasoline.* (a) The value of the unit represented by coupons in Class A, B, C, D, E, R, T-1 and T-2 ration books is hereby designated and fixed as follows:

(1) Four (4) gallons of gasoline, with respect to Class A, B, and C book coupons, except that in the States of Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, and Virginia, and in the District of Columbia, the value of Class A book coupons numbered "3", "4", "5", and "6", shall be three (3) gallons of gasoline;

(2) One and five-tenths (1.5) gallons of gasoline, with respect to Class D book coupons;

(3) One (1) gallon of gasoline, with respect to Class E book coupons;

(4) Five (5) gallons of gasoline, with respect to Class R, T-1 and T-2 book coupons.

(b) Supplement No. 1 (§ 1394.8401) to Ration Order No. 5C shall become effective December 1, 1942, and shall continue in force and effect until amended by further order or direction of the Office of Price Administration.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, *supra*, E.O. 9125, 7 F.R. 2719)

Issued this 2d day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-12783; Filed, December 2, 1942; 4:30 p. m.]

Part 1394—Rationing of Fuel and Fuel Products

[Ration Order 8,[2] Amendment 2]

GASOLINE RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

A rationale of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Sections 1394.3651 (a), 1394.3652 (a), 1394.3653 (a) and 1394.3701 (b) are amended, a new subparagraph (4) is added to §§ 1394.3702 (b), 1394.3753 (b), 1394.3851, 1394.3853 (a), 1394.4202 (b) (2); the text of §§ 1394.4251 (a), 1394.-1394.4251 (a) (1), 1394.4252 (a), 1394.-4253 (a) are amended, and § 1394.4402 (b) is added as set forth below. The last sentence in § 1394.3703 (b) is deleted.

§ 1394.3651 *Persons entitled to use basic rations.* (a) The owner or the person entitled to the use of a licensed passenger automobile or a licensed motorcycle, may obtain during the period from September 1, 1942, to May 15, 1943, a basic ration for the use of such vehicle, except that no basic ration shall be issued for use with a passenger automobile or motorcycle which is:

(1) A taxicab or vehicle available for public rental;

(2) Specially built or re-built as an ambulance or hearse; or used as a hospital car;

(3) Held by a motor vehicle dealer for sale or resale.

* * * * *

§ 1394.3652 (a) * * *

The coupon stamps contained in Class A or Class B Gasoline Ration Books issued pursuant to this order shall be valid for transfer of gasoline to a consumer only during the periods indicated below:

Coupons numbered:	*Valid period*
1	Nov. 12, 1942, to Nov. 30, 1942, inclusive.
2	Dec. 1, 1942, to Dec. 15, 1942, inclusive.
3	Dec. 16, 1942, to Dec. 31, 1942, inclusive.
4	Jan. 1, 1943, to Jan. 15, 1943, inclusive.
5	Jan. 16, 1943, to Jan. 31, 1943, inclusive.
6	Feb. 1, 1943, to Feb. 15, 1943, inclusive.
7	Feb. 16, 1943, to Feb. 28, 1943, inclusive.
8	Mar. 1, 1943, to Mar. 15, 1943, inclusive.
9	Mar. 16, 1943, to Mar. 31, 1943, inclusive.
10	Apr. 1, 1943, to Apr. 15, 1943, inclusive.
11	Apr. 16, 1943, to Apr. 30, 1943, inclusive.
12	May 1, 1943, to May 15, 1943, inclusive.

§ 1394.3653 *Application for an issuance of basic ration books.* (a) During the period from September 1, 1942, to May 15, 1943, application for a ration shall be made to the board having jurisdiction on Form OPA VIR-1, by the owner or the person entitled to the use of the vehicle or by the authorized agent of either. A separate application shall be made for each passenger automobile or motorcycle for which a basic ration is sought.

§ 1394.3701 *Supplemental ration books.* * * *

(b) The ration period for which each Class A or B book shall be issued shall be six (6) months in length and shall commence on November 12, 1942.

* * * * *

§ 1394.3702 *Application for supplemental ration.* * * *

(b) * * *

(4) Transportation of essential food, fuel or for travel necessary for essential medicinal or therapeutic treatments for those residents of the Virgin Islands living at distances greater than one (1) mile from the Post Office in any district in which they reside namely, Charlotte Amalie, St. Thomas, or Christiansted, St. Croix, or Frederiksted, St. Croix.

* * * * *

§ 1394.3753 *Service ration books.* * * *

(b) The ration period for service rations shall be three months in length and shall commence on November 11, 1942, and each three-month period thereafter: *Provided, however,* That no Class C book or coupon therefrom shall be valid to exchange for a gasoline ration unless/or until such book shall have been presented to the Office of Price Administration for numbering and dating so that not more than one month's ration, as determined by the board, shall be available to the holder thereof in any thirty (30) day period.

* * * * *

§ 1394.3851 *Non-highway rations.* (a) Any person who requires gasoline for a non-highway purpose may obtain a Class R coupon book as a non-highway ration authorizing the transfer of the amount of gasoline required for such purpose during the six-month period for which such book shall be valid: *Provided, however,* That in lieu of a Class R coupon book a board may issue a Class C coupon book as a non-highway ration for a three-month period, with the words "Non-Highway" printed plainly on the outside cover of such book, and the space for authorization for transfer in bulk checked affirmatively on the inside cover. Each non-highway ration book issued with respect to a motorboat or outboard for non-occupational use shall be so designated by the board on the inside cover.

(b) The ration periods for Class R coupon books issued as non-highway rations shall be six months in length and shall commence on November 11, 1942, May 15, 1943, and each six-month period thereafter.

§ 1394.3853 *Issuance of non-highway rations.* (a) The board shall determine the amount of gasoline required for the six-month ration period and shall issue to the applicant, subject to the provisions of paragraph (b) of this section, sufficient coupons in one or more Class R coupon books to provide the number of gallons determined by the board to be needed for the six-month ration period. The board shall remove from the book and immediately destroy any coupons in excess of the number allotted, and shall note the ration period on the cover of each book issued: *Provided, however,* That no Class C book issued as a non-highway ration, or any coupon therefrom, shall be valid until and unless the same has been presented at the Office of Price Administration for numbering and dating so that not more than one month's ration, as determined by the board, shall be available to the holder thereof in any thirty (30) day period.

* * * * *

§ 1394.4202 *Transfer to consumers in exchange for coupons.* * * *

(b) * * *

(2) No transfer in exchange for coupons in a Class B book, or non-highway Class C book issued in lieu thereof, may be made into a fuel tank of, or knowingly made use in, a licensed motor vehicle or a motor vehicle held by a motor vehicle dealer for sale or resale.

* * * * *

§ 1394.4251 *Registration of inventory and capacity.* (a) No dealer having a place of business in the Virgin Islands shall make or receive any transfer of gasoline between the hours of 12 noon on November 11, 1942, and 8 a. m., November 12, 1942. During such hours every dealer shall take an actual physical inventory of his total gasoline supplies on hand and shall register, on Form OPA R-545, in duplicate, with the board having jurisdiction of the area in which he has such place of business, at the hours provided by the board, the following matters, together with such other information as may be required.

(1) His total inventory of gasoline on hand at the close of business on November 11, 1942.

* * * * *

§ 1394.4252 *What constitutes gasoline on hand.* (a) The registrant shall register all gasoline on hand whether in storage tanks, tank trucks, tank ships, tank barges, or in drums or in vessels alongside a dock or at anchor, also, all gasoline in drums or other containers, except gasoline in the fuel tank of a motor vehicle. The registrant shall not register gasoline in transit which did not arrive at his place of business prior to the close of business on November 11, 1942. Gasoline shipped to a dealer on or prior to November 11, 1942, shall be deemed to be gasoline transferred to him after November 11, 1942, and shall require an exchange therefor or coupons or other evidence.

* * * * *

§ 1394.4253 *What constitutes storage capacity.* (a) The registrant shall register the total capacity of all facilities for storage or dispensing gasoline in all premises under his control, whether in tanks with dispensing pump attached thereto, or space for the storage of drums.

§ 1394.4402 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1394.3651 (a), 1394.3652 (a), 1394.3653 (a), 1394.3701 (b), 1394.3702 (b) (4), 1394.3753 (b), 1394.3851, 1394.3853 (a), 1394.4202 (b) (2), 1394.5251 (a), 1394.4251 (a) (1), 1394.4252 (a), 1394.4253 (a), 1394.4402 (b), 1394.3703 (b)) to Ration Order No. 8 shall become effective as of November 11, 1942.

(Pub. Law 471, 76th Cong., as amended by Pub. Law 89, 421, 507 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, W.P.B. Dir. No. 1, Supp. Dir. No. 1 J, 7 F.R. 562, 5043)

Issued this 11th day of November 1942.

Jacob A. Robles,
Territorial Director.

[F. R. Doc. 42-12784; Filed, December 2, 1942; 4:30 p. m.]

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[1] 7 F.R. 9135, 9787.

[2] 7 F.R. 6871, 7100, 8356.

Part 1499—Commodities and Services

[Rev. Supp. Reg. 4 to GMPR, Amendment 14]

NICKEL OXIDE

A statement of the considerations involved in the issuance of this Amendment No. 14 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

In § 1499.29, a new subparagraph (25) is added to paragraph (a) to read as set forth below:

§ 1499.29 *Exceptions for sales and deliveries to the United States or any agency thereof of certain commodities and in certain transactions for certain other commodities, sales and deliveries.* (a) * * *

(25) Sales or deliveries of nickel oxide by the Electric Heating Equipment Company of Philadelphia, Pennsylvania, to the Metals Reserve Company or any agent of the Metals Reserve Company.

* * * * *

(d) * * *

(15) Amendment No. 14 (§ 1499.29 (a) (25)) to Revised Supplementary Regulation No. 4 shall become effective December 8, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-12768; Filed, December 2, 1942; 2:48 p. m.]

Part 1499—Commodities and Services

[Amendment 70 to Supp. Reg. 14[1] to GMPR[2]]

FERROSILICON

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.*

A new subparagraph (45) is added to § 1499.73 (a) as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

* * * * *

(45) *West Coast sales of ferrosilicon*—(i) *Allowance for freight.* The maximum prices for ferrosilicon sold by West Coast sellers shall include an allowance for railroad freight charges for transportation from the seller's shipping point to the buyer's unloading point: *Provided,* That such allowance for freight charges need not exceed railroad freight charges for the shipment of ferrosilicon from Niagara Falls, N. Y. to St. Louis, Mo., plus federal tax on such transportation charges.

(ii) *Definitions.* For the purposes of this § 1499.73 (a) (45):

(*a*) "West Coast seller" means any person selling a particular lot of ferrosilicon for shipment by him from his plant, warehouse or stockpile located in the States of California, Oregon or Washington.

(*b*) "Ferrosilicon" means any combination principally of iron and silicon containing not more than 98% or less than 20% silicon.

(*c*) "Seller's shipping point" means the point at which the seller delivers the particular lot of ferrosilicon to a public carrier for shipment.

(*d*) "Buyer's unloading point" means the point at which the buyer will receive the shipment from the railroad for use or storage or at which it will be transshipped by water or highway.

(b) *Effective dates of amendments.* * * *

(71) Amendment No. 70 (§ 1499.73 (a) (45)) to Supplementary Regulation No. 14 to the General Maximum Price Regulation shall become effective December 8, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-12769; Filed, December 2, 1942; 2:48 p. m.]

[Amendment 73 to Supp. Reg. 14[1] to GMPR[2]]

Part 1499—Commodities and Services

IRON ORE TRANSPORTED ON GREAT LAKES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8707, 8881, 8899, 8524, 8652, 9082, 8950, 9131, 8953, 8954, 8955, 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 8959, 9043, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 9196, 9397, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 9391, 9495, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 9496, 9639, 9786.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5784, 5783, 6058, 6081, 6087, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7755, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616.

A new subparagraph (46) is added to § 1499.73 (a) as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

* * * * *

(46) *Transportation of iron ore by boat on the Great Lakes.* (i) Maximum prices for the transportation of iron ore by boat from upper Lake ports to lower lake ports by carriers other than common carriers within the exemption conferred by section 302 (c) (2) of the Emergency Price Control Act of 1942, shall continue to be determined under the provisions of the General Maximum Price Regulation, except that as to all such transportation performed between the aforesaid upper lake ports and lower lake ports during the period December 1, 1942 to December 31, 1942, inclusive, such carriers may increase their November 30, 1942 maximum prices applicable to such shipments by an amount not in excess of 31.25 per cent of said November 30, 1942 maximum price.

(ii) *Definitions.* As used in this § 1499.73 (a) (46) the term:

(*a*) "Iron ore" means all classifications, grades, groups, blends, mixes, and other categories of market, merchant and non-captive iron ore, whether sold under a trade name or otherwise, produced in the State of Minnesota north of Minneapolis, or in the State of Wisconsin or Michigan, and used in the manufacture of iron or steel;

(*b*) "Lower Lake ports" means all ports on Lake Michigan, Lake Erie, Lake Huron, Lake Ontario, and their connecting waters, at which iron ore may be unloaded;

(*c*) "Upper Lake ports" means all ports on Lake Superior and Lake Michigan at which iron ore may be loaded for shipment.

(b) *Effective dates.* * * *

(74) Amendment No. 73 (§ 1499.73 (a) (46)) to Supplementary Regulation No. 14 shall become effective at 12:01 a. m. December 1, 1942, and shall, unless earlier revoked or extended, expire at twelve o'clock midnight December 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12782; Filed, December 2, 1942; 4:30 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 126 Under § 1499.18 (b) of GMPR]

40-FATHOM FISH, INC.

Order No. 126 Under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-839.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1027 *Adjustment of maximum prices for sales of canned shrimp by 40-Fathom Fish, Incorporated.* (a) 40-Fathom Fish, Incorporated, of Boston, Massachusetts, may sell and deliver, and any person may buy and receive from 40-Fathom Fish, Incorporated, canned shrimp at prices not higher than those set forth below:

WET PACK

Regular per doz. 7 oz. cans	*F. o. b. New Orleans*
1. Broken	$2.45
2. Small	2.70
3. Medium	2.82
4. Large	2.94
5. Jumbo	3.06

DRY PACK

6. Broken	2.53
7. Small	2.79
8. Medium	2.91
9. Large	3.04
10. Jumbo	3.17

(b) *Notification from the 40-Fathom Fish, Inc. to wholesalers and retailers.* On and after December 3, 1942, 40-Fathom Fish, Inc., shall supply a written notification to each purchaser before or at the time of his first delivery of canned shrimp to such purchaser. The written notification shall read as follows:

> The OPA has permitted us to raise our maximum prices of canned shrimp. Purchasers are permitted to increase their ceiling prices by the amount of the allowable addition, as provided in Amendment 28 to Supplementary Regulation No. 14 to the General Maximum Price Regulation. The amount of such allowable addition for each style and size of pack is as follows:
>
> WET PACK
>
> | | *Per doz.* |
> |---|---|
> | 1. Broken, regular 7 oz. cans | $0.45 |
> | 2. Small, regular 7 oz. cans | .50 |
> | 3. Medium, regular 7 oz. cans | .52 |
> | 4. Large, regular 7 oz. cans | .54 |
> | 5. Jumbo, regular 7 oz. cans | .56 |
>
> DRY PACK
>
> | | |
> |---|---|
> | 6. Broken, regular 7 oz. cans | .53 |
> | 7. Small, regular 7 oz. cans | .59 |
> | 8. Medium, regular 7 oz. cans | .61 |
> | 9. Large, regular 7 oz. cans | .64 |
> | 10. Jumbo, regular 7 oz. cans | .67 |
>
> Wholesalers are required to notify retailers the amounts of these allowable additions according to the provisions in § 1499.73 (b) (iv) of the above named Amendment 28. OPA requires that you keep this notice for examination.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 126 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 126 (§ 1499.1027) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 126 (§ 1499.1027) shall become effective December 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12770; Filed, December 2, 1942; 2:51 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 160 Under § 1499.3 (b) of GMPR]

BROOKLYN COOPERAGE COMPANY

The Brooklyn Cooperage Company, New York City, has made application under § 1499.3 (b) of the General Maximum Price Regulation for specific authorization to determine maximum prices for commodities which cannot be priced under § 1499.2 thereof. Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith, and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, *It is ordered:*

§ 1499.1176 *Approval of maximum prices for tight cooperage sold by the Brooklyn Cooperage Company.* (a) On and after December 2, 1942, Brooklyn Cooperage Company of New York City, may sell and deliver, offer, agree and solicit, and attempt to sell and deliver tight cooperage products manufactured by it at its Brooklyn, New York plant, which cannot be priced under section 2 of the General Maximum Price Regulation and any person may buy from said Brooklyn Cooperage Company such products at a price no higher than that established in accordance with the formula hereinafter set forth:

To the maximum price of the base barrel specified in the application, and on file with the Office of Price Administration in Washington, D. C., apply the differentials listed in the following tables:

[*Here follows tables numbered "1" through "6" which formed part of the original document as filed with the Division of the Federal Register.*]

(b) Within ten days after determining a maximum price under this order, the Brooklyn Cooperage Company shall report such price to the Lumber Branch of the Office of Price Administration in Washington, D. C. Such report shall set forth (1) a detailed description of the product for which the price is determined, (2) a statement that the maximum price reported was determined in accordance with the formula set forth in paragraph (a) of this order and (3) a detailed explanation of the application of such formula in determining the maximum price for the particular product.

(c) This Order No. 160 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 160 (§ 1499.1176) shall become effective December 2, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12777; Filed, December 2, 1942; 2:52 p. m.]

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*Copies may be obtained from the Office of Price Administration.

PART 1499—COMMODITIES AND SERVICES

[Order 161 Under § 1499.3 (b) of GMPR]

IRVINGTON VARNISH & INSULATOR CO.

On May 28, 1942, Irvington Varnish & Insulator Co., of Irvington, New Jersey, filed application with the Office of Price Administration seeking specific authorization pursuant to § 1499.3 (b) of the General Maximum Price Regulation to determine a maximum price for a newly developed cap liner and for instructions as to the method to be used in determining such price. Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with § 1499.3 (b) of the General Maximum Price Regulation, issued by the Office of Price Administration; *It is hereby ordered:*

§ 1499.1177 *Authorization for Irvington Varnish & Insulator Company to determine a maximum price for cap liner made from pulpboard, cork and special processed paper.* (a) The maximum price which may be charged for the cap liner made of pulpboard, cork and special processed paper by Irvington Varnish & Insulator Company, hereinafter called the "manufacturer", and on which the manufacturer has made application to the Office of Price Administration for authorization to determine a maximum price, shall be determined in accordance with the following instructions:

(1) The cost of raw materials shall be computed at a rate not in excess of the maximum price for each of the component parts, as established by the Office of Price Administration, or the actual acquisition cost, whichever is lower.

(2) All charges for hand or machine operations involved in the manufacture, collation, or other assembly of the product shall be computed at a rate not to exceed the hourly rate at which such hand or machine operations were computed during the month of March 1942, and the time allowance, or the resulting piece rates, for the operations shall not be in excess of those estimated or used during the month of March 1942.

(3) The percentage margin, or difference between total manufacturing costs and selling price, f. o. b. manufacturer's plant, shall not exceed that percentage margin used in determining a selling price for that item, sold by the manufacturer during March 1942 which most closely resembled the combination pulpboard, cork and special processed paper cap liner in manufacturing cost quantities of raw materials per unit, converting operations required and quantity of production.

(i) The manufacturer shall continue to grant its customary discounts, differentials and allowances to the different classes of purchasers in accordance with its accepted practice.

(ii) If the manufacturer's customary practice during March 1942 was to sell on a delivered price basis, such practice shall be continued.

(b) Within ten days after a maximum price has been determined in accordance with this order, Irvington Varnish & Insulator Co. shall report to the Office of Price Administration, Washington, D. C., the maximum price as computed by it. The report shall set forth in detail the computation of direct costs and of the maximum price.

(c) Any selling price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 161 may be revoked or amended by the Office of Price Administration at any time.

(e) This Order No. 161 (§ 1499.1177) shall become effective December 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12778; Filed, December 2, 1942; 2:52 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 162 Under § 1499.3 (b) of GMPR]

LEVIN BAG & BURLAP CO.

On September 18, 1942, Levin Bag & Burlap Co. of Philadelphia, Pa., filed application with the Office of Price Administration seeking specific authorization pursuant to § 1499.3 (b) of the General Maximum Price Regulation to determine maximum prices for special squares and bags. Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with § 1499.3 (b) of the General Maximum Price Regulation issued by the Office of Price Administration, *It is hereby ordered:*

§ 1499.1178 *Approval of maximum prices on sales of special squares and bags by Levin Bag & Burlap Co.* (a) On and after December 3, 1942, Levin Bag & Burlap Co. may sell and deliver, and agree, offer, solicit and attempt to sell and deliver the kinds and grades of special squares and bags set forth in subparagraphs (1) to (8) inclusive, at prices not in excess of those stated therein:

(1) Type No. 1, Laminated Crepe Kraft paper in 27" x 27" sheets, $37.50 per thousand sheets, f. o. b. Philadelphia, Pa.

(2) Type No. 1, Laminated Crepe Kraft paper in sheets 40" x 40", $75.00 per thousand sheets, f. o. b. Philadelphia, Pa.

(3) Type No. 2, Laminated Crepe Diamond Re-enforced Kraft paper in 27" x 27" sheets, $55.00 per thousand sheets, f. o. b. Philadelphia, Pa.

(4) Type No. 2, Laminated Crepe Diamond Re-enforced Kraft paper in sheets 40" x 40", $95.00 per thousand sheets, f. o. b. Philadelphia, Pa.

(5) 40" x 54" bags, cut from 40" x 108" Type No. 1, Laminated Crepe Kraft paper, $175.00 per thousand bags, f. o. b. Philadelphia, Pa.

(6) 40" x 54" bags, cut from 40" x 108" Type No. 2, Laminated Crepe Diamond Re-enforced paper, $270.00 per thousand bags, f. o. b. Philadelphia, Pa.

(7) Bias cut bags, cut from 30" x 112" Type No. 1, Laminated Crepe Kraft paper, $160.00 per thousand, f. o. b. Philadelphia, Pa.

(8) Bias cut bags, cut from 30" x 112" Type No. 2, Laminated Crepe Diamond Re-enforced Kraft paper, $250.00 per thousand, f. o. b. Philadelphia, Pa.

(b) The manufacturer shall continue to grant its customary discounts, differentials, and allowances to different classes of purchasers in accordance with its established practice in effect during March 1942.

(c) Within sixty days after the effective date of this order, Levin Bag & Burlap Co. shall report to the Office of Price Administration, Washington, D. C., the actual cost of manufacturing the special squares and bags. The report shall cover the complete period in which the special squares and bags have been manufactured.

(d) The maximum selling prices set forth herein shall be subject to adjustment at any time by the Office of Price Administration.

(e) This Order No. 162 may be revoked or amended by the Office of Price Administration at any time.

(f) This Order No. 162 (§ 1499.1178) shall become effective December 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12779; Filed, December 2, 1942; 2:53 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 163 Under § 1499.3 (b) of GMPR]

ARCHITECTURAL DECORATING CO.

On May 29, 1942, Architectural Decorating Co. of Chicago, Illinois, filed application with the Office of Price Administration seeking specific authorization pursuant to § 1499.3 (b) of the General Maximum Price Regulation to determine maximum prices for Cloverleaf Displayers and for instructions as to the method to be used in determining such prices. Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended and in accordance with § 1499.3 (b) of the General Maximum Price Regulation issued by the Office of Price Administration, *It is hereby ordered:*

§ 1499.1179 *Authorization for Architectural Decorating Co. to determine maximum prices for Cloverleaf Displayers.* (a) The maximum price which may be charged for Cloverleaf Displayers by Architectural Decorating Co., hereinafter called the "manufacturer", shall be determined in accordance with the following instructions:

(1) The cost of materials shall be figured at the same rate that the manufacturer used during March, 1942 for similar displayers. This will apply to the basic materials involved in the displayer, as well as supplementary materials used in the manufacture of such a displayer.

(i) Any jigs, fixtures, stencils, silk screens, and other paraphernalia used in processing the displayers, which paraphernalia is "on hand" as a result of the first run, should not be charged into the cost of the displayers on this re-run. The exception to this is where repairs or replacement to the paraphernalia is necessary.

(ii) Waste allowances, running time, and packaging time should not exceed those rates which were used on comparable items during March 1942.

(2) Labor rates, or hourly charges for direct and indirect labor, shall not exceed the rates effective for the various types of operation during March 1942.

(3) The percentage mark-up over the cost to determine the selling price shall not exceed that percentage mark-up used in determining a selling price for that item, sold by the manufacturer during March 1942, which most closely resembled the Cloverleaf Displayer in manufacturing cost, quantities of raw materials per unit, converting operations required, and quantity of production.

(i) If the manufacturer's customary practice during March 1942, was to sell on a delivered price basis, such practice shall be continued.

(ii) The manufacturer shall continue to grant its customary discounts, differentials, and allowances to different classes of purchasers in accordance with its established practice in effect during March 1942.

(b) Within ten days after a maximum price has been determined in accordance with this order, Architectural Decorating Company shall report to the Office of Price Administration, Washington, D. C., the maximum price as computed by it. The report shall set forth in detail the computation of direct costs and of the maximum price.

(c) Any selling price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 163 may be revoked or amended by the Office of Price Administration at any time.

(e) This Order No. 163 (§ 1499.1179) shall become effective December 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12780; Filed, December 2, 1942; 2:53 p. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

PART 305—INSURANCE

[General Order 6,[1] Supp. 6]

WAR RISK INSURANCE ON SHIPMENTS TO TERRITORIES

War Risk Insurance—Automatic Coverage on Import Cargoes and on Cargoes Shipped to the Territories and Possessions of the United States.

Pursuant to the authority contained in the Merchant Marine Act of 1936, as amended, the following Standard Optional Endorsement No. XIV is hereby promulgated:

Notwithstanding the provisions of General Order No. 6 Supplement No. 2 (§ 305.70) with respect to the exclusion of precious stones from any coverage provided by Warshipopencargo Policy, diamonds used for industrial purposes or rubies, or sapphires, natural or synthetic, used for instruments or watch jewels, imported to the Continental United States (excluding Alaska) may be covered by Warshipopencargo Policy in accordance with the terms of the following Standard Optional Endorsement XIV which is hereby promulgated:

§ 305.100 *Standard Optional Endorsement XIV.*

Notwithstanding anything to the contrary contained herein, shipments of ____________ to the Continental United States (excluding Alaska) are hereby covered subject to all the terms and conditions of this policy not in conflict herewith. It is warranted by the assured that War Shipping Administration shall not be liable for more than two hundred fifty thousand dollars ($250,000) in any event by loss or damage in respect to any one vessel under the terms of this endorsement. It is further warranted by the assured that no shipment will attach hereunder until a qualified officer of the overseas vessel has receipted for the goods covered by this endorsement by acknowledging deposit of the same in the safe or strong room of the carrying vessel.

All other terms and conditions remaining unchanged.

Application for Standard Optional Endorsement No. XIV must be submitted to an underwriting agent for transmission to War Shipping Administration for approval of the issuance of the said endorsement.

(E.O. 9054, 7 F.R. 837)

E. S. LAND,
Administrator.

DECEMBER 2, 1942.

[F. R. Doc. 42-12803; Filed, December 3, 1942; 11:10 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—RULES OF PRACTICE AND PROCEDURE

APPLICATIONS INVOLVING CONSTRUCTION OF WIRE TELEPHONE OR TELEGRAPH LINES

Memorandum opinion. In the matter of policy and procedure for handling applications under section 214 of the Communications Act of 1934.

In order more effectively to conserve critical material, the Board of War Communications has requested that all applications submitted to the Federal Communications Commission involving construction of wire telephone and telegraph lines be denied unless the proposed facilities will serve either (1) an essential military need or (2) a vital public need which cannot otherwise be met.

In conformity to such request the Commission, until further notice, will not grant any application for certificate or other authorization to extend or supplement wire telephone or telegraph lines by construction which involves the use of any critical material, except where it appears that the proposed facilities will serve (1) an essential military need or (2) a vital public need which cannot otherwise be met.

Any application hereafter filed for authority to construct wire telephone or telegraph lines involving the use of any critical material will be considered defective and will be returned to the applicant unless the claim of military necessity or vital public need, which cannot otherwise be met, is supported by (1) a verified copy of (a) a statement to such effect signed by or for the Chief Signal Officer, Director of Naval Communications, or Director of Communications, Coast Guard, or (b) the order or requisition, if any, for such lines signed by the authorized representative of the governmental department which the lines will serve, or (2) a full and complete verified statement of facts and circumstances to demonstrate that the proposed lines are required to meet such need.

With respect to any application now pending[1] before the Commission, or postmarked prior to the date hereof, the documents hereinbefore referred to need not be submitted unless specifically requested by the Commission. Failure to comply with such request within the time designated therein shall be deemed an abandonment of the pending application and such application will be dismissed without prejudice.

In the event the Commission is unable to determine from the application and data furnished in connection therewith that the proposed facilities will serve either an essential military need or vital public need which cannot otherwise be met, the application will be denied without a public hearing unless specific request for such hearing is made.

By the Commission.

Dated: December 1, 1942.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-12815; Filed, December 3, 1942; 10:55 a. m.]

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[1] 7 F.R. 5881, 6576, 6582, 6749, 7203, 8528, 9089.

[1] Includes all such applications filed prior to the date hereof, irrespective of present status.

Notices

TREASURY DEPARTMENT.

Fiscal Service: Bureau of the Public Debt.

[1942 Dept. Circ. 654, Rev., Amendment 1]

UNITED STATES SAVINGS BONDS—SERIES F AND G

NOVEMBER 30, 1942.

1. The inclusion of United States Savings Bonds of Series F and G in the designation United States War Savings Bonds, pursuant to Department Circular No. 654, Revised, dated June 1, 1942,[1] having been revoked, said circular is amended, effective December 1, 1942, by striking out any reference to or designation of such bonds as War Savings Bonds.

2. The sale of United States Savings Bonds of Series F and G will continue until further notice under the provisions of Department Circular No. 654, Revised, dated June 1, 1942, and this amendment. The issue of bonds of these series bearing the designation "United States War Savings Bond" will be continued until existing stocks are exhausted, after which bonds without that designation will be issued.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 42-12804; Filed, December 3, 1942; 11:31 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1750]

DISTRICT BOARD 11

ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 11 for temporary establishment of railroad locomotive fuel minimum prices for coals of Honey Creek Mine, of the Pyramid Coal Corporation.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 was filed with the Division by the above-named party, requesting the establishment for ninety (90) days of temporary minimum prices for lump and double-screened railroad locomotive fuel coal for sale to the Pennsylvania Railroad from the Honey Creek Mine, a truck mine of the Pyramid Coal Corporation, Mine Index No. 746.

In support of the requested relief petitioner alleges the Honey Creek Mine has a storage pile of approximately 8,000 tons of mine run coal, which, together with such coal as will be currently produced during the ninety (90) day period referred to herein, is to be prepared over a 1½″ bar screen at the tipple of the New Victory Mine of the Pyramid Coal Corporation, which will result in a preparation of 1½″ lump and 1½″ resultant screenings, and which is to be sold to the Pennsylvania Railroad; that the Honey Creek Mine has neither commercial nor railroad locomotive fuel prices for its coals for rail shipment and requests such temporary relief pending the completion of the loading facilities at the New Victory Mine, and does not want to designate the coal in the storage pile, or the coal to be currently produced from the Honey Creek Mine, as a product of the New Victory Mine.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth, that no petitions of intervention have been filed with the Division in the above-entitled matter, and that District Boards Nos. 1-4, 6, 7, 8, and 10 have advised the Division that they have no objection to the granting of the requested temporary relief; and the following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That temporary relief is granted herein as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck is supplemented to include the price classification set forth in "Schedule R,"[1] annexed hereto and made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the temporary relief herein granted shall continue for a period of ninety (90) days from the date of this order, unless it shall otherwise be ordered.

Dated: December 1, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12817; Filed, December 3, 1942; 11:58 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNERS EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of Special Certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective December 3, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Clark Manufacturing Company, 2322 Front St., Meridian, Mississippi; U. S. Government bags, barrack, mattress covers, etc.; 5 learners; 480 hours for any one learner; 25¢ per hour for 1st 320 hours, not less than 32½¢ per hour for the next 160 hours; Sewing machine operator; December 3, 1943.

Royal Studios, 410 N. Syndicate St., St. Paul, Minnesota; Mosquito bars; 3 learners; 480 hours for any one learner; 25¢ per hour for 1st 320 hours, not less than 32½¢ per hour for the next 160 hours; Machine operators; December 3, 1943.

Signed at New York, N. Y., this 1st day of December 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-12813; Filed, December 3, 1942; 11:45 a. m.]

LEARNERS EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of Special Certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the

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[1] 7 F.R. 4433.

[1] Not filed as part of the original document.

Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective December 3, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

Custom Canvas Front Co., 487 Atlantic Street, Stanford, Conn.; Canvas fronts for men's clothing; 3 learners; (T); December 3, 1943.

Pennsburg Clothing Manufacturing Co., 301 4th St., Pennsburg, Penn.; Men's Trousers; 5 percent (T); December 3, 1943.

Reliable Clothing Co., 510 22nd Street, Union City, New Jersey; Boys' coats and jackets; 5 leaners (T); December 3, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Aronson-Caplin Co., Inc., 659 N. 13th Street, Easton, Pennsylvania; Women's Undergarments, Slips, Nightgowns, made of woven rayon; 10 percent (T); December 3, 1943.

Bobby Dress Company, 94 Main Street, Dickson City, Pennsylvania; Ladies' Dresses; 10 learners (T); December 3, 1943.

Cornbleet Brothers, Shawneetown, Illinois; Ladies' wash dresses; 100 learners (E); June 3, 1943.

Eve-N-Form Undergarment Co., 123 N. 13th Street, Philadelphia, Pennsylvania; Ladies' slips & night gowns; 5 learners (T); December 3, 1943.

Hegins Manufacturing Co., Inc., Maple Street, Hegins, Pennsylvania; Boys' shirts; 10 percent (T); December 3, 1943.

F. Jacobson & Sons, Inc., 127 Arch St., Albany, New York; Shirts & pajamas; 10 percent (T); December 3, 1943.

F. Jacobson & Sons, Inc., Smith & Cornell St., Kingston, New York; Shirts; 10 percent (T); December 3, 1943.

F. Jacobson & Sons, Inc., Vine Street, Salisbury, Maryland; Army Officer's shirts; 10 percent (T); December 3, 1943.

F. Jacobson & Sons, Inc., River & Jay Sts., Troy, New York; Shirts and pajamas; 10 percent (T); December 3, 1943.

Kiyer Garment Co., 179 Delaware Ave., Palmerton, Pennsylvania; House Dresses; 24 learners (E); June 3, 1943.

Lustberg Nast & Co., Inc., 6th Ave. & Mifflin St., Lebanon, Pennsylvania; Army field jackets, mackinaws and flannel shirts; 5 percent (T); December 3, 1943.

Miller Mfg. Company, Inc., Cherryvale, Kansas; Work trousers; 10 percent (T); December 3, 1943.

Pioneer Manufacturing Co., Inc., 61 S. Pennsylvania Ave., Wilkes-Barre, Pa.; Infants' & children's dresses and play togs; 50 learners (E); June 3, 1943.

Salant & Salant, Inc., South First St., Union City, Tenn.; Cotton work shirts; 10 percent (T); December 3, 1943.

Glove Industry

Wells Lamont Corporation, Clarksville, Missouri; Work Gloves; 50 learners (E); June 3, 1943.

Hosiery Industry

Cohen Hosiery Company, 228 E. Sycamore Street, Greensboro, North Carolina; Seamless hosiery; 5 percent (T); December 3, 1943.

Park Hosiery Mill, Carthage, North Carolina; Seamless hosiery; 5 learners (T); December 3, 1943.

Westmont Silk Hosiery Mills, Corp., Highland Ave., Westmont, New Jersey; Full-fashioned hosiery; 5 learners (T); December 3, 1943.

Whisnant Hosiery Mills, Fourth Street, Hickory, North Carolina; Seamless hosiery; 5 percent (T); December 3, 1943.

Knitted Wear Industry

Queen Maid Underwear Co., Inc. Ford Avenue, Milltown, New Jersey; Knitted underwear; 5 percent (T); December 3, 1943.

Tamaqua Underwear Co., Inc., Rear 207 Centre St., Tamaqua, Pennsylvania; Knitted Underwear; 5 percent (T); December 3, 1943.

Signed at New York, N. Y., this 1st day of December 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-12814; Filed, December 3, 1942; 11:45 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 373 and 497]

PAN AMERICAN AIRWAYS, INC., AND AMERICAN EXPORT AIRLINES, INC.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the applications of Pan American Airways, Inc., and American Export Airlines, Inc., for certificates of public convenience and necessity authorizing air transportation from New Orleans to Cuba and Central America.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding, that oral argument now assigned for December 9, 1942, is hereby postponed to December 10, 1942, 10 a. m. (eastern war time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated Washington, D. C., December 2, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-12816; Filed, December 3, 1942; 11:58 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket Nos. 5269, 5270, 5271, 5864]

COLUMBIA BROADCASTING SYSTEM, INC. ET AL.

ORDER DENYING PETITION, ETC.

In re applications of Columbia Broadcasting System, Inc. (WBT), Charlotte, North Carolina, for construction permit; KFAB Broadcasting Company (KFAB), Lincoln, Nebraska, for construction permit; Columbia Broadcasting System, Inc. (WBBM), Chicago, Illinois, for modification of license; The Norfolk Daily News (WJAG), Norfolk, Nebraska, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of November 1942;

The Commission having under consideration the applicants' joint petition, filed on May 27, 1942, requesting grants of the above-entitled applications;

It is ordered, That said petition be, and it is hereby, denied;

It is further ordered, That the further hearing upon the above applications, heretofore ordered, be held at the Commission's offices in Washington, D. C., at 10:00 a. m. on the 25th day of January 1943; and

It is further ordered, That the issues specified in the Commission's notice, dated June 26, 1941, be, and they are hereby, supplemented by the following issues to be determined at said further hearing:

1. To determine the materials and equipment necessary for the proposed construction at Stations WBT, KFAB, and WJAG which licensees have on hand or available.

2. To determine the materials and equipment necessary for the proposed construction at Stations WBT, KFAB, and WJAG which licensees do not have on hand or available.

3. To determine whether or not the granting of the WBT, KFAB and WJAG applications would be in conformity with the Commission's policy announced by its Memorandum Opinion of April 27, 1942, as modified on September 22, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-12802; Filed, December 3, 1942; 10:55 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. DI-166]

GEORGIA POWER COMPANY

ORDER CHANGING DATE OF HEARING

DECEMBER 2, 1942.

It appearing that pursuant to previous orders, a hearing was held in the above-entitled proceeding in Atlanta, Georgia, beginning on September 21, 1942, continuing through October 7, 1942 and, pursuant to authority, was recessed to reconvene on November 16, 1942, at Washington, D. C., on which date it was further recessed to reconvene in Washington, D. C., on January 25, 1943; and

Good cause having been shown by the Declarant for a change, from January 25, 1943, of the date for reconvening the hearing; *It is ordered,* That:

The hearing in this proceeding be reconvened at 9:45 a. m. on Monday, January 18, 1943, in the hearing room, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., instead of on January 25, 1943.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-12811; Filed, December 3, 1942; 11:40 a. m.]

[Docket No. G-230]

TENNESSEE GAS AND TRANSMISSION COMPANY

AMENDMENT OF ORDER FIXING DATE AND PLACE OF HEARING

DECEMBER 2, 1942.

Upon consideration of the petitions filed by the Railroad and Public Utilities Commission of the State of Tennessee on November 23, 1942, and the Tennessee Gas and Transmission Company on November 25, 1942, for a change in the place of hearing now set for December 8, 1942, at 9:45 a. m. in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, Washington, D. C., to Nashville, Tennessee; and the petition of the Tennessee Gas and Transmission Company for a postponement of the hearing to December 15, 1942;

It appearing to the Commission that:

(a) By its order dated October 31, 1942, the Commission ordered that a public hearing in the above-entitled matter be held commencing on December 8, 1942, at 9:45 a. m. in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(b) Good cause has been shown for the granting of the said petitions for postponement and change of place of hearing; the Commission orders, That:

(a) The public hearing in the above-entitled proceeding now set to begin on December 8, 1942, at 9:45 a. m. in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., be held, instead, commencing on December 15, 1942, at 9:45 a. m. in the Hearing Room of the Railroad and Public Utilities Commission of the State of Tennessee, War Memorial Building, Nashville, Tennessee;

(b) The Commission's order of October 31, 1942, be and it is hereby amended to the extent, only, indicated by paragraph (a) above.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-12812; Filed, December 3, 1942; 11:40 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 271]

CONCRETE MIXERS OWNED BY ENTERPISES LEON BALLOT, PARIS, FRANCE

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> Five cases containing three concrete mixers stored at Pouch Terminal, Clifton, Staten Island, New York,

is property within the United States owned or controlled by Enterprises Leon Ballot, whose last known address was represented to the undersigned as being Orde P-278, Paris, France, and determining that to the extent that such French firm is a person not within a designated enemy country the national interest of the United States requires that it be treated as a national of a designated enemy country (Germany), and therefore determining that it is a national of such designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12792; Filed, December 3, 1942; 10:00 a. m.]

[Vesting Order 274]

ASSETS OF AMMINISTRAZIONE DEI MONOPOLI DI STATO OF THE KINGDOM OF ITALY

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to Administrazione dei Monopoli di Stato of the Kingdom of Italy, an agency of the government of the Kingdom of Italy, Rome, Italy, including but not limited to all property of Italian Tobacco Regie, its American branch located at New York, New York, which is a business enterprise within the United States.

is property of said business enterprise which is a national of a designated enemy country (Italy), and determining that to the extent that such national is a person not within a designated enemy country such person is controlled by or acting for or on behalf of or as a cloak for a designated enemy country (Italy) or a person within such country, and the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–12794; Filed, December 3, 1942; 10:01 a. m.]

[Vesting Order 280]

Engine Parts, Rods and Steel Tubing Owned by Steaua Romana, Bucharest, Rumania

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> One case of engine parts, three cases of rods or alloy used for welding, and 130 pieces of steel tubing, owned by Steaua Romana, whose last known address was represented to the undersigned as being B–D–1, Carol No. 17, Bucharest, Rumania, said property being presently stored at Pouch Terminal, Clifton, Staten Island, New York,

is property within the United States owned by a national of a designated enemy country (Rumania), and determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Rumania), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 31, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–12795; Filed, December 3, 1942; 10:00 a. m.]

[Vesting Order 281]

Spengler Dry Press Owned by Teplitzer Maschinenfabriks A. G. of Teplitz-Schoenau, Czechoslovakia

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> One Spengler Dry Press located at the "Royal" plant of the Metropolitan Paving Brick Company, Canton, Ohio,

is property within the United States owned or controlled by Teplitzer Maschinenfabriks A. G., whose last known address was represented to the undersigned as being Teplitz-Schoenau, Czechoslovakia, and determining that to the extent that such Czechoslovakian firm is a person not within a designated enemy country the national interest of the United States requires that it be treated as a national of a designated enemy country (Germany), and therefore determining that it is a national of such designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 31, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–12796; Filed, December 3, 1942; 10:01 a. m.]

[Vesting Order 282]

Interest of August T. Gausebeck in Robert C. Mayer and Company, a Sole Proprietorship

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All right, title and interest of August T. Gausebeck, whose last known address was represented to the undersigned as being Germany (by repatriation), in and to Robert C. Mayer and Company (a sole proprietorship), the name under which he maintains offices and does business in New York, New York, which is a business enterprise within the United States, and all property of any nature whatsoever owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, said business enterprise,

is property of, and represents ownership of said business enterprise which is, a national of a designated enemy country (Germany), and determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on October 31, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–12797; Filed, December 3, 1942; 10:01 a. m.]

[Vesting Order 283]

All of the Capital Stock of Asahi Corporation

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All of the capital stock of Asahi Corporation, a New York corporation, Brooklyn, New York, which is a business enterprise within the United States, consisting of 3,900 shares of $135 par value common stock, the names and last known addresses of the registered owners of which, and the number of shares owned by them respectively, are as follows:

Names and last known addresses	*Number of shares*
Asahi Silk Company, Ltd., a Japanese Corporation, Kobe, Japan	3, 380
Juichi Kono, a Japanese citizen (alien detention camp)	520
Total	3, 900

is property of nationals, and represents ownership of said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on October 31, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–12788; Filed, December 3, 1942; 10:01 a. m.]

[Vesting Order 355]

H. Scholler

Re: Patent applications of foreign nationals.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9096, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to United States Letters Patent identified as follows:

Number	Date of issue	Inventor	Title
2, 123, 211	7/12/38	H. Scholler	Process of saccharification of cellulose.
2, 123, 212	7/12/38	H. Scholler	Process of extraction.

Patent application identified as follows:

Seria. No.	Filing date	Inventor	Title
420, 819	11/28/41	H. Scholler	Processing of wood sugar solution.

is property in which nationals of a foreign country (Germany) have interests and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 13, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–12789; Filed, December 3, 1942; 10:00 a. m.]

[Vesting Order 396]

G. Ricordi and Company, Inc.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All of the capital stock of G. Ricordi and Company, Inc., a New York corporation, New York, New York, which is a business enterprise within the United States, consisting of 300 shares of $100 par value common capital stock, which shares are owned by G. Ricordi and Company, an Italian partnership, whose last known address was represented to the undersigned as being Milan, Italy,

is property of, and represents ownership of said business enterprise which is, a national of a designated enemy country (Italy), and determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Italy), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby (i) vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–12790; Filed, December 3, 1942; 10:00 a. m.]

[Vesting Order 397]

INTEREST OF G. RICORDI AND COMPANY, MILAN, ITALY, IN A CERTAIN CONTRACT

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All right, title and interest of G. Ricordi and Company, an Italian partnership, which has a principal place of business at Milan, Italy, in and to that certain contract by and between Dr. Renato Tasselli, New York, New York, acting as attorney-in-fact for the aforesaid G. Ricordi and Company and Broadcast Music, Inc., New York, New York, executed under date of October 7, 1940, and all income, profits, royalties and other property heretofore accrued or which may hereafter accrue to or in favor of said partnership, by virtue of the aforesaid contract,

is property payable or held with respect to copyrights or rights related thereto in which an interest is held by, and such property is itself an interest held therein by, a national of a foreign country (Italy), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–12791; Filed, December 3, 1942; 10:00 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT R–1]

CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

DISCONTINUANCE OF PASSENGER SERVICE BETWEEN EDGEMONT, SOUTH DAKOTA, AND BILLINGS, MONTANA

By virtue of the authority vested in me by Executive Order No. 8989, issued December 18, 1941, and in order to make available railway cars, motive power, and other transportation facilities and equipment for the preferential transportation of troops and material of war, as contemplated by section 6 (8) of the Interstate Commerce Act, as amended; to prevent shortages of equipment necessary for such transportation; to conserve and providently utilize railway cars, motive power, and other transportation facilities and service; and to expedite the movement of traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The Chicago, Burlington & Quincy Railroad Company shall discontinue the operation of its passenger trains numbered 41 and 44 between Edgemont, South Dakota and Billings, Montana, and forthwith shall file with the Interstate Commerce Commission in respect of transportation in interstate or foreign commerce, and with each appropriate State regulatory body in respect of transportation in intrastate commerce, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in its fares, charges, operations, rules, regulations, and practices which may be necessary to accord with the provisions of this order together with a copy of this order; and forthwith shall apply to said Commission and each such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

2. Communications concerning this order should be addressed to the Division of Railway Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT R–1".

3. This order shall become effective December 10, 1942, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 3d day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42–12807; Filed, December 3, 1942; 11:38 a. m.]

[Special Order ODT R–2]

SOUTHERN RAILWAY COMPANY

DISCONTINUANCE OF PASSENGER SERVICE BETWEEN NEW ALBANY, INDIANA, AND PRINCETON, INDIANA

By virtue of the authority vested in me by Executive Order No. 8989, issued December 18, 1941, and in order to make available railway cars, motive power, and other transportation facilities and equipment for the preferential transportation of troops and material of war, as contemplated by section 6 (8) of the Interstate Commerce Act, as amended; to prevent shortages of equipment necessary for such transportation; to conserve and providently utilize railway cars, motive power, and other transportation facilities and service; and to expedite the movement of traffic, the attainment of which purposes is essential to the successful prosecution of the war: *It is hereby ordered*, That:

1. Southern Railway Company shall discontinue the operation of its passenger trains numbered 1 and 2 between New Albany, Indiana, and Princeton, Indiana, and forthwith shall file with the Interstate Commerce Commission in respect of transportation in interstate or foreign commerce, and with each appropriate State regulatory body in respect

of transportation in intrastate commerce, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the fares, charges, operations, rules, regulations, and practices which may be necessary to accord with the provisions of this order; together with a copy of this order; and forthwith shall apply to said Commission and each such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

2. Communications concerning this order should be addressed to the Division of Railway Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT R–2".

3. This order shall become effective December 10, 1942, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 3d day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42–12808; Filed, December 3, 1942; 11:38 a. m.]

[Special Order ODT R–3]

INTERNATIONAL-GREAT NORTHERN RAILROAD AND TEXAS AND NEW ORLEANS RAILROAD CO.

ESTABLISHMENT OF SHUTTLE TRAIN PASSENGER SERVICE

Directing International-Great Northern Railroad and Texas and New Orleans Railroad Company to establish daily shuttle train scheduled passenger service between Houston, Texas, and plant of Houston Shipbuilding Corporation near Deepwater, Texas.

By virtue of the authority vested in me by Executive Order No. 8989, issued December 18, 1941, and in order to assure the orderly and expeditious movement of men to points of need and to conserve and providently utilize manpower and existing transportation facilities and service, the attainment of which purposes is essential to the successful prosecution of the war: *It is hereby ordered*, That:

1. International-Great Northern Railroad and Texas and New Orleans Railroad Company, jointly, shall establish forthwith, maintain, and continue until further order of the Office of Defense Transportation, daily shuttle train scheduled passenger service between the Congress Avenue Passenger Depot of the International-Great Northern Railroad, Houston, Texas, and the plant of the Houston Shipbuilding Corporation near Deepwater, Texas, sufficient to meet the requirements for the transportation between said points of employees of said Houston Shipbuilding Corporation; such shuttle trains shall be operated in interline road service with the minimum number of employees required to conduct such operations with safety and in accordance with the operating rules of the carriers.

2. International-Great Northern Railroad and Texas and New Orleans Railroad Company, respectively, shall file with the Interstate Commerce Commission in respect of transportation in interstate or foreign commerce, and with each appropriate State regulatory body in respect of transportation in intrastate commerce, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in fares, charges, operations, rules, regulations, and practices of each carrier which may be necessary to accord with the provisions of this order, together with a copy of this order; and forthwith shall apply to said Commission and each such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

3. This order shall become effective December 5, 1942, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 2d day of December 1942.

C. D. YOUNG,
Acting Director of Defense Transportation.

[F. R. Doc. 42–12809; Filed, December 3, 1942; 11:38 a. m.]

[Supplementary Order ODT 2–5]

CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY

SUBSTITUTION OF MOTOR VEHICLE FOR RAIL PASSENGER SERVICE

Upon consideration of the application for authority to substitute motor vehicle service for certain railroad passenger service filed with this Office by the Chicago, Burlington & Quincy Railroad Company, as contemplated by General Order ODT 2,[1] and good cause appearing therefor; *It is hereby ordered*, That:

1. Chicago, Burlington & Quincy Railroad Company is authorized to substitute bus service consisting of one round trip daily between New Castle and Sheridan, Wyoming, and two round trips daily between Edgemont, South Dakota, and Mule Creek, Wyoming, to be operated by Burlington Transportation Company, a subsidiary of Chicago, Burlington & Quincy Railroad Company, for the passenger, mail, express and baggage train service now operated as trains numbered 41 and 44 between Edgemont, South Dakota, and Billings, Montana.

2. Communications concerning this order should refer to Supplementary Order ODT 2–5 and should be addressed to Division of Local Transport, Office of Defense Transportation, Washington, D. C.

3. This order shall become effective December 10, 1942.

Issued at Washington, D. C., this 3rd day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42–12810; Filed, December 3, 1942; 11:38 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 23 Under Supp. Reg. 1 to GMPR]

UNITED STATES TESTING COMPANY

APPROVAL OF REGISTRATION

Order No. 23 Under Supplementary Regulation No. 1 of General Maximum Price Regulation—Exceptions for Certain Commodities, Certain Sales and Deliveries, and Certain Services.

An opinion in support of this order has been rendered simultaneously herewith and filed with the Division of the Federal Register.

The following company has registered with and been approved by the Office of Price Administration as engaged principally and primarily in the business of reconditioning and selling damaged commodities received in connection with the adjustment of losses from insurance companies, transportation companies, and agents of the United States Government, and whose other activities do not include the buying or selling for its own account of new, used, or otherwise sound merchandise.

United States Testing Company, Inc., 1415 Park Avenue, Hoboken, New Jersey.

Pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250 and in acordance with § 1499.26 (b) (1), as amended, of Supplementary Regulation No. 1, under the General Maximum Price Regulation, *It is hereby ordered:*

(a) That sales or deliveries by the United States Testing Company, Hoboken, New Jersey, be, and they hereby are, excepted from the General Maximum Price Regulation in accordance with § 1499.26 (b) (1) of Supplementary Regulation No. 1.

(b) This Order No. 23 shall become effective December 3, 1942.

Issued this 2d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–12763; Filed, December 2, 1942; 2:51 p. m.]

[Order 92 Under MPR 120]

JACKSON COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 92 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120–130.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (c) of Maximum Price Regulation No. 120, *It is ordered:*

(a) L. W. Richards, doing business as the Jackson Coal Company, 190 Morton

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[1] 7 F.R. 2952.

Street, Jackson, Ohio, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not to exceed the respective prices stated therein;

(b) Coal in Size Groups 5, 6 and 8, produced at the Jackson Hill Mine (Mine Index No. 1086), District No. 4, of L. W. Richards, doing business as the Jackson Coal Company, may be sold for shipment by truck or wagon at prices per net ton, f. o. b. the mine, not to exceed $3.50, $2.50 and $2.25, respectively;

(c) This Order No. 92 may be revoked or amended by the Price Administrator at any time;

(d) All prayers of the petition not granted herein are denied;

(e) Within 30 days from the effective date of this order, the said L. W. Richards shall notify all persons purchasing its coals of the adjustments granted in this order and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted by this Order do not authorize an increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122;

(f) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein;

(g) This Order No. 92 shall become effective December 3, 1942.

Issued this 2d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12765; Filed, December 2, 1942; 2:51 p. m.]

[Order 93 Under MPR 120]

NORWOOD-WHITE COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 93 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 1120-196-P.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120; *It is ordered:*

(a) Norwood-White Coal Company, Des Moines, Iowa, may sell and deliver and any person may buy and receive the bituminous coal described in paragraphs (b) and (c) at prices not in excess of those stated therein for shipment by rail and for shipment by truck.

(b) Coals produced by the Norwood-White Coal Company at its Herrold No. 8 Mine, Mine Index No. 39, in District No. 12 may be sold for shipment by rail at prices not to exceed $4.43, $4.20, $3.93 and $2.73 per net ton in Size Groups 1, 3, 6 and 8, respectively, f. o. b. the mine.

(c) Coals produced by the Norwood-White Coal Company at its Herrold No. 8 Mine, Mine Index No. 39, in District No. 12 may be sold for shipments by truck or wagon at not more than $4.95, $4.75, $4.50 and $3.05 per net ton in Size Groups 1, 3, 6 and 8, respectively, f. o. b. the mine.

(d) Within thirty (30) days from the effective date of this Order, said Norwood-White Coal Company shall notify all persons purchasing its coals of the adjustments granted by this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted by the Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122.

(e) This Order No. 93 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(g) This Order No. 93 shall become effective December 3, 1942.

Issued this 2d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12766; Filed, December 2, 1942; 2:51 p. m.]

[Order 68 Under MPR 188]

GENERAL CERAMICS COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 68 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Authorization of a Maximum Price for Certain Vitreous Glazed Earthenware Grease Interceptor Bodies for the General Ceramics Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and § 1499.158 of Maximum Price Regulation No. 188, as amended: *It is hereby ordered,* That:

(a) The General Ceramics Company of Metuchen, New Jersey, may sell and deliver, and any person may buy and receive from the General Ceramics Company, vitreous glazed earthenware grease interceptor bodies size 35'' x 24'' x 19½'' with two cast-iron spuds and a vitreous china cover plate at $28.98 each, f. o. b. plant.

(b) This Order No. 68 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 68 shall become effective December 3, 1942.

Issued this 2d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12764; Filed, December 2, 1942; 2:51 p. m.]

[Suspension Order 175]

JOSEPHINE SCOZARRO

ORDER RESTRICTING TRANSACTIONS

Josephine Scozarro, doing business as Sinclair Gasoline Station, Mifflin & Chambers Streets, Trenton, New Jersey, hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice, a hearing upon such charges was held in Trenton, New Jersey, on September 24, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a filling station at Mifflin & Chambers Streets, Trenton, New Jersey.

(b) Respondent has violated § 1394.1502 of Ration Order No. 5A, Gasoline Rationing Regulations, in that on various occasions between July 22 and September 9, 1942, respondent transferred gasoline to consumers in exchange for 10 gasoline ration coupons Class A, No. 2.

Because of the great scarcity and critical importance of gasoline in New Jersey, respondent's violations of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations by respondent are likely unless appropriate administrative action is taken: *It is therefore ordered:*

(c) That during the period in which this Suspension Order No. 175 shall be in effect,

(1) Respondent shall not sell, transfer or deliver any gasoline to any person.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source, any gasoline for resale.

(3) No person, firm or corporation shall deliver, or in any manner directly or indirectly transfer any gasoline to respondent for resale.

(d) Any terms used in this Suspension Order No. 175 that are defined in Ration Order No. 5A Gasoline Rationing Regulations, shall have the meaning therein given them.

(e) This Suspension Order No. 175 shall become effective 12:01 A. M. December 9, 1942, and unless sooner terminated, shall expire 12:01 A. M. December 24, 1942.

(Pub. Law 421, 76th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, and 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216))

Issued this 2d day of December 1942.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 42-12767; Filed, December 2, 1942; 2:52 p. m.]

WAR PRODUCTION BOARD.

[Certificate No. 23]

AGREEMENT FOR PRODUCTION OF BUTADIENE

The ATTORNEY GENERAL: I submit herewith a proposed agreement entitled Agreement Amending Substitute Agreement Regarding Exchange and Use of Technical Information and Patent Rights Under Oil Industry Processes for Production of Butadiene" dated October 12, 1942, between Rubber Reserve Company, a corporation created by the Reconstruction Finance Corporation, and Universal Oil Products Company, Standard Oil Development Company, Shell Development Company, and Phillips Petroleum Company, and to be ratified by Jasco, Incorporated, The M. W. Kellog Company and The Lummus Company.

I understand that the agreement referred to has your approval for the purposes of section 12 of Public Law No. 603, approved June 11, 1942, upon the following conditions: (1) That the agreement is not to be construed as depriving any licensee or prospective licensee of the right to obtain such licenses as may be provided for in the consent decree entered in the District Court of the United States for the District of New Jersey on March 25, 1942, in the case of *United States of America* v. *Standard Oil Company* (*N. J.*) *et al.*, nor as limiting, qualifying, or impairing in any way the right of the United States to seek and to obtain any relief from any court that may be necessary to carry out the terms of the consent decree; (2) that the limitation in the agreement of any license thereunder to operations conducted in the United States is not intended and will not be regarded as involving any limitation whatsoever on any license immunity or right in connection with any United States patent, nor as involving any agreement to limit the use, manufacture, or sale of processes or products outside of the United States; and (3) that all licensees will receive in addition to such rights as are expressly granted to them by the licenses provided for in this agreement, such further rights as they may be entitled to by law.

Accordingly, for the purposes of section 12 of Public Law No. 603, approved June 11, 1942, and subject to the same conditions attached to your approval as hereinabove set forth, I hereby approve said agreement, and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, in compliance with my approval herein expressed, by the parties to said agreement, is requisite to the prosecution of the war.

Dated: November 27, 1942.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 42-12800; Filed, December 3, 1942; 10:29 a. m.]

DEC 8 1942

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 7 NUMBER 238

Washington, Saturday, December 5, 1942

The President

EXECUTIVE ORDER 9277

AWARD OF THE PURPLE HEART TO PERSONS SERVING WITH THE NAVY, MARINE CORPS OR COAST GUARD OF THE UNITED STATES

WHEREAS the decoration of the Purple Heart is awarded, as prescribed by Army Regulations of September 4, 1942,[1] to persons serving with the Army of the United States; and

WHEREAS it is appropriate that the award of the Purple Heart be authorized to persons serving with the Navy, Marine Corps or Coast Guard of the United States:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, and as Commander in Chief of the Army and Navy of the United States, it is hereby ordered as follows:

1. The Secretary of the Navy is authorized and directed to award the Purple Heart in the name of the President of the United States to persons who, while heretofore or hereafter serving in any capacity with the Navy, Marine Corps or Coast Guard of the United States, are wounded in action against an enemy of the United States, or as a result of an act of such enemy, provided such wound necessitates treatment by a medical officer.

2. Except as authorized in paragraph three hereof, no more than one Purple Heart shall be awarded to any one person, but for each subsequent justification for such an award a Gold Star, or other suitable device shall be awarded, to be worn with the Purple Heart as prescribed by appropriate regulations.

3. The Secretary of the Navy is further authorized and directed to award the Purple Heart posthumously, in the name of the President of the United States, to any persons who, while serving in any capacity with the Navy, Marine Corps or Coast Guard of the United States, since December 6, 1941, are killed in action or who die as a direct result of wounds received in action with an enemy of the United States, or as a result of an act of such enemy. The Purple Heart will be forwarded to the nearest of kin of any person entitled to the posthumous award regardless of whether a previous award has been made to such person.

4. If so authorized by the Secretary of the Navy the award of the Purple Heart may be made by the Commander in Chief of a fleet, or by such other appropriate officers as the Secretary of the Navy may designate.

5. The Secretary of the Navy is authorized to promulgate such regulations as he may deem appropriate to effectuate the purposes hereof. The regulations of the Secretary of the Navy hereunder, and the regulations of the Secretary of War with respect to the award of the Purple Heart to persons serving in any capacity with the Army of the United States, shall, so far as practicable, be of uniform application.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 3, 1942.

[F. R. Doc. 42-12863; Filed, December 4, 1942; 11:42 a. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Commodity Credit Corporation

[Oilseed Order 4]

PART 250—CONTROL OF VEGETABLE OIL SEEDS AND PRODUCTS THEREFROM

PARTIAL RESTRICTION ON SALES OF SOYBEAN OIL MEAL

Pursuant to the authority vested in the Commodity Credit Corporation by Directive No. 7 of the War Production Board, issued August 15, 1942, *It is hereby ordered*, That:

Sec.
250.14 Restriction on sales in designated area.
250.15 Designated area.
250.16 Existing contracts; processors' duty.
250.17 Existing contracts; buyers' duty.
250.18 Records; reports; communications.
250.19 Penalties.

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[1] 7 F.R. 7477.

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Telephone information: DIstrict 0525.

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Sec.
250.20 Definitions.
250.21 Effective date.

AUTHORITY: §§ 250.14 to 250.21, inclusive, issued under W.P.B. Directive No. 7, 32 C.F.R. § 903.12, 7 F.R. 6518.

§ 250.14 *Restriction on sales in designated area.* On and after the effective date of this order, unless otherwise authorized by Commodity Credit Corporation, no soybean oil meal shall be sold for shipment into the area hereinafter designated, except soybean oil meal produced in processing plants located within such area.

§ 250.15 *Designated area.* That area including the following named cities and bounded by a line from Boston through Nashua, New Hampshire, to Keene, New Hampshire; Charlestown, New Hampshire; Arlington, Vermont; Schenectady, Cobleskill, Delhi, Hancock, New York; Carbondale, Scranton, Hazleton, Pottsville, Lancaster, Pennsylvania; Aberdeen, Chestertown, Maryland; Georgetown, Delaware.

§ 250.16 *Existing contracts; processors' duty.* Processors located outside the above designated area who have sold soybean oil meal for shipment into such area during December 1942 and January 1943, shall, to the extent available, purchase from processing mills located within the area soybean oil meal for the purpose of making deliveries on contracts of sale for shipment into such area. Such tonnage of soybean oil meal as may be made available by this action shall be offered for sale by processors to consumers in other areas, particularly in the Midwest and the Pacific Northwest.

§ 250.17 *Existing contracts; buyers' duty.* All persons who have purchased under contract for shipment during December 1942 or January 1943 into the above designated area soybean oil meal produced in processing plants located outside of such area, shall, if suitable deliveries can be obtained by their sellers from plants located within such area, accept such shipments in full satisfaction of their existing contracts to the extent of the tonnage of soybean oil meal so delivered.

§ 250.18 *Records; reports; communications.* (a) Every person subject to this order shall keep and preserve for not less than two years accurate and complete records concerning all sales, purchases, contracts for the sale or purchase, and deliveries of soybean oil meal. All such records shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Commodity Credit Corporation.

(b) Every person subject to this order shall execute and file with the Commodity Credit Corporation such reports and questionnaires as the Corporation may from time to time request.

(c) All reports required to be filed hereunder and all communications concerning this order shall be addressed to: Commodity Credit Corporation, South Agriculture Building, Washington, D. C.

§ 250.19 *Penalties.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to Commodity Credit Corporation in connection with this order may be prohibited from processing, purchasing, selling, transferring or otherwise disposing of or acquiring soybean oil meal, and, in addition, may be punished by fine and imprisonment.

§ 250.20 *Definitions.* (a) "Processor" as used herein means any "person" operating a processing plant for producing soybean oil meal.

(b) "Person" as used herein means any individual, partnership, business trust, association or corporation or any organized group of persons, whether incorporated or not.

§ 250.21 *Effective date.* This order shall become effective on and after December 5, 1942, and, subject to the provisions of Directive No. 7 of the War Production Board, shall continue in effect until revoked by the Commodity Credit Corporation.

Issued this 4th day of December 1942.

[SEAL] C. C. FARRINGTON,
Acting President.

[F. R. Doc. 42-12851; Filed, December 4, 1942; 11:19 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[ACP-1943-1, Supp. 1]

PART 701—AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SUBPART E—1943

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (47 Stat. 1148, 16 U.S.C. 590g to 590q), as amended, the 1943 Agricultural Conservation Program[1] is amended as follows:

1. Section 701.403 (a) is amended by inserting in the blank spaces provided therefor the following rates of payment:

§ 701.403 *Production adjustment allowance and deductions*—(a) *The farm production adjustment allowance.* * * *

(1) *Corn on a corn-allotment farm*	3. 6
(2) *Cotton*	1. 1
(3) *Peanuts*	1. 10
(4) *Rice*	2. 0
(5) *Tobacco.* * * *	
Burley	. 4
Flue-cured	. 4
Dark air-cured	. 7
Fire-cured	1. 2
Virginia sun-cured	. 5
Cigar-filler, type 41	. 4
Cigar-filler and binder (except types 41 and 45)	. 5
Georgia-Florida, type 62	. 7
(6) *Wheat on a wheat-allotment farm*	9. 2

2. Section 701.403 (d) (1) (i) and (ii) is amended by inserting in the blank spaces provided therefor the figure 125.

Done at Washington, D. C., this 3d day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

[F. R. Doc. 42-12819; Filed, December 3, 1942; 2:48 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 82—CONSTRUCTION CONTRACTS

Sections 82.1, 82.2, and 82.3 are hereby rescinded. The regulations contained in these sections were also contained in Army Regulations 30-1435, November 28, 1933, which has been superseded, but were not included in the superseding publication. (Sec. 9, 39 Stat. 170, sec. 9, 41 Stat. 766; 10 U.S.C. 72) [AR 100-70, November 5, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-12897; Filed, December 4, 1942; 12:06 p. m.]

PART 85—VETERINARY STATION SERVICE

MISCELLANEOUS AMENDMENTS

Sections 85.2, 85.3 and 85.4 are rescinded and the following substituted therefor:

§ 85.2 *Inspection of establishments*—(a) *Award of contracts.* (1) The award of contracts for meat and meat-food products is limited to bidders whose plants operate directly under the supervision of the Bureau of Animal Industry, United States Department of Agriculture, or to bidders handling in establishments approved by the Army Veterinary Corps, meat and meat-food products originating in plants under the supervision of the United States Bureau of Animal Industry. The award of contracts for milk, cream, or other fluid milk products (other than canned), and ice cream, will be limited to establishments which have passed an Army sanitary inspection within the calendar month preceding the opening date of the bid or which are certified to by Army Medical Department authorities as approved sources of supply.

(2) Establishments other than those mentioned in subparagraph (1) of this paragraph which supply or propose to supply foods of animal origin will be inspected by a veterinary officer as circumstances and conditions warrant.

(b) *Inspection procedure.* The inspection of establishments will be conducted by an officer of the Veterinary Corps whenever such officer is available. The inspection will be conducted so as to ascertain that the plant and the methods in use conform to recognized principles of sanitation and to such technical instructions and informative guides as may be issued by The Surgeon General. (R.S. 161; 5 U.S.C. 22) [Pars. 6 and 7, AR 40-2150, Oct. 9, 1942]

§ 85.3 *Correction of defects in establishments.* When an establishment is not properly operated or does not maintain a satisfactory standard of sanitation, and correction of these defects cannot be obtained after the matter has been brought to the attention of the proprietor or manager, written recommendation should be made by the responsible veterinary officer, through the surgeon, to the commanding officer that the establishment not be approved as a source of supply for the command. (R.S. 161; 5 U.S.C. 22) [Par. 9, AR 40-2150, Oct. 9, 1942]

§ 85.4 *Milk plant and dairy farm inspection*—(a) *Object.* (1) The object of milk plant and dairy farm inspection is to prevent the transmission of disease through the use of an unsafe milk product and to obtain the quality of product specified in the contract. Due to the highly perishable nature of milk and milk products and the fact that they are very favorable media for bacterial growth, it is essential that particular atttention and close supervision be given to the production, processing, and handling of these products.

(2) It is not intended that veterinary officers will routinely inspect all dairy farms supplying milk to milk plants having Army contracts. Ordinarily, veterinary officers will determine the character and quality of the raw milk through frequent laboratory examinations of representative samples taken at milk plants and through close contact with local health or other civilian agencies exercising supervision over the raw milk supply. However, in exceptional circumstances where it would be in the interest of the Army to do so, and in cases where milk is procured by an Army post from an individual or firm operating a dairy farm in conjunction with a milk plant, the veterinary officer will take the necessary inspection of the farm.

(b) *Scope.* A sanitary inspection of a milk plant or a dairy farm will include a complete physical examination by a veterinarian of all dairy cows in each herd from which the milk is procured; the sanitary condition and suitability of all buildings, equipment, and utensils; the methods of operation; the apparent health of employees; an investigation of the water supply and of the various ingredients used; and an examination of the various products manufactured or produced in each establishment.

(c) *Action.* Deviation from accepted practices or incorrect procedures of such a nature as to have real bearing on the actual sanitary condition or on the quality of the product must be promptly rectified or the product should be excluded from use by the Army. Since it is impracticable to state exactly at what stage an improper practice or incorrect procedure may render a milk product dangerous to the consuming troops, the decision as to the acceptability or use of these products is left to the responsible Medical Department authority. Any product of such character, or which is handled under such conditions as probably to adversely affect the health of the command will not be used. (R.S. 161; 5 U.S.C. 22) [Pars. 10, 11 and 12, AR 40-2150, Oct. 9, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-12832; Filed, December 3, 1942; 3:43 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amendment 60-3, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

PERMIT FOR JUMP

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 27th day of November 1942.

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[1] 7 F.R. 10031.

Acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective November 27, 1942, Part 60 of the Civil Air Regulations is amended as follows:

By adding a new § 60.734 to read as follows:

§ 60.734 *Permit for jump.* No pilot or person in command of civil aircraft in flight shall permit any parachute jump from such aircraft other than a jump made to abandon the aircraft in distress, unless prior thereto the person making such jump shall have obtained from the Administrator a permit which prescribes the equipment and conditions therefor, and the pilot or person in command of the aircraft shall have examined such permit. This provision is a war emergency regulation and shall terminate at the end of the war.

By the Civil Aeronautics Board.

[SEAL] F. A. TOOMBS,
Acting Secretary.

[F. R. Doc. 42-12850; Filed, December 4, 1942; 9.46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4727]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NEW YORK HANDKERCHIEF MANUFACTURING COMPANY

§ 3.66 (a 7) *Misbranding or mislabeling—Composition:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Foreign, in general:* § 3.96 (a) *Using misleading name—Goods—Composition:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Place—Foreign, in general.* In connection with offer, etc., in commerce, of respondent's handkerchiefs, (1) using the word "Erin", or any other word indicative or suggestive of the country Ireland, to designate or describe handkerchiefs which are not in fact imported from Ireland or made of materials imported from Ireland; (2) using the word "Linen", or any simulation thereof, alone or in combination with any other word or words, to designate or describe handkerchiefs which are not in fact made of linen; or (3) misrepresenting, through the use of picturizations or by any other means, the place of origin of respondent's products or the materials of which such products are made; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, New York Handkerchief Manufacturing Company, Docket 4727, November 30, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of November, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondent and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, New York Handkerchief Manufacturing Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of respondent's handkerchiefs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Erin," or any other word indicative or suggestive of the country Ireland, to designate or describe handkerchiefs which are not in fact imported from Ireland or made of materials imported from Ireland.

2. Using the word "Linen," or any simulation thereof, alone or in combination with any other word or words, to designate or describe handkerchiefs which are not in fact made of linen.

3. Misrepresenting, through the use of picturizations or by any other means, the place of origin of respondent's products or the materials of which such products are made.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-12852; Filed, December 4, 1942; 11:15 a. m.]

[Docket No. 4838]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MARVEL LABORATORIES

§ 3.6 (f) *Advertising falsely or misleadingly—Demand or business opportunities:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.80 (b) *Securing agents or representatives falsely or misleadingly—Demand or business opportunities.* In connection with offer, etc., in commerce, of respondents' "Marvel Coal-Pep" and "Economy Coal-Saver", or any other similar product, representing in any manner whatsoever that said product will aid in the combustion of coal so as to produce more heat therefrom; that it will, when added to coal, save one-third or any other appreciable amount in the cost of coal; that it will make coal burn better or create a steadier, more even heat; that it will reduce or eliminate ashes, soot, smoke, or dirt; that it will create or produce an amount of oxygen sufficient to affect the burning or heating qualities of coal; that it will save labor in handling coal or ashes; that it will purify the air of gases resulting from the combustion of coal; that it will reduce evaporation and help preserve the heating elements in coal; or that said product is the biggest money making specialty ever offered sales people; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Marvel Laboratories, Docket 4838, November 30, 1942]

In the Matter of Fred B. Peake and William H. Roose, Individually, and as Copartners Doing Business under the Trade Name of Marvel Laboratories

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of November, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent Fred B. Peake and the substitute answer of respondent William H. Roose, individually and as copartners doing business under the trade name of Marvel Laboratories, in which answers respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Fred B. Peake and William H. Roose, individually and as copartners trading under the name Marvel Laboratories, or trading under any other name, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' product designated "Marvel Coal-Pep" and "Economy Coal-Saver," or any other product of substantially similar composition, whether sold under the same names or under any other name, do forthwith cease and desist from:

Representing in any manner whatsoever that said product will aid in the combustion of coal so as to produce more heat therefrom; that it will, when added to coal, save one-third or any other appreciable amount in the cost of coal; that it will make coal burn better or create a steadier, more even heat; that it will reduce or eliminate ashes, soot, smoke, or dirt; that it will create or produce an amount of oxygen sufficient to affect the burning or heating qualities of coal; that it will save labor in handling coal or ashes; that it will purify the air of gases resulting from the combustion of coal; that it will reduce evaporation and help preserve the heating elements in coal; or that said product is the biggest money making specialty ever offered sales people.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-12853; Filed, December 4, 1942; 11:15 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5192]

PART 301—TAXES ON ADMISSIONS, DUES AND INITIATION FEES

MISCELLANEOUS AMENDMENTS

Sections 101.0, 101.1, 101.13 and 101.14 of Regulations 43 (1941 edition) amended.[1]

In order to conform Regulations 43 (1941 edition) [Part 101, Title 26, Code of Federal Regulations, 1941 Sup.], relating to taxes on admissions, dues, and initiation fees under Chapter 10 of the Internal Revenue Code, as amended, to sections 511 and 622 of the Revenue Act of 1942 (Public Law 753, Seventy-seventh Congress, second session), approved October 21, 1942, such regulations are hereby amended as follows:

PARAGRAPH 1. The words appearing in the parenthesis in the heading "Part 101" immediately preceding "Subpart A.—Introductory" are amended by adding at the end thereof "and the Revenue Act of 1942."

PAR. 2. The first sentence of § 101.0 is amended by changing the period at the end thereof to a comma and adding thereafter the following: "and section 622, Title VI, of the Revenue Act of 1942."

PAR. 3. Immediately preceding § 101.1 there is inserted the following:

SEC. 511. DEFINITION OF MILITARY OR NAVAL FORCES OF THE UNITED STATES. (Revenue Act of 1942, Title V.)

Section 3797 (a) (15) is amended to read as follows:

(15) *Military or Naval Forces of the United States.*—The term "military or naval forces of the United States" includes the Marine Corps, the Coast Guard, the Army Nurse Corps, Female, the Women's Army Auxiliary Corps, the Navy Nurse Corps, Female, and the Women's Reserve branch of the Naval Reserve.

SEC. 601. EFFECTIVE DATE OF THIS TITLE. (Revenue Act of 1942, Title VI.)

This title shall take effect on the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

PAR. 4. The last paragraph of § 101.1 is amended by adding at the end thereof the following sentence: "The amendments made by section 622 of the Revenue Act of 1942 became effective November 1, 1942."

PAR. 5. Immediately preceding § 101.13 there is inserted the following:

SEC. 622. CABARET TAX. (Revenue Act of 1942, Title VI.)

Section 1700 (e) (1) (relating to rate of cabaret tax) is amended to read as follows:

(1) *Rate.*—A tax equivalent to 5 per centum of all amounts paid for admission, refreshment, service, or merchandise, at any roof garden, cabaret, or other similar place furnishing a public performance for profit, by or for any patron or guest who is entitled to be pesent during any portion of such performance. The term "roof garden, cabaret, or other similar place" shall include any room in any hotel, restaurant, hall, or other public place where music and dancing privileges or any other entertainment, except instrumental or mechanical music alone, are afforded the patrons in connection with the serving or selling of food, refreshment, or merchandise. A performance shall be regarded as being furnished for profit for purposes of this section even though the charge made for admission, refreshment, service, or merchandise is not increased by reason of the furnishing of such performance. No tax shall be applicable under subsection (a) (1) on account of an amount paid with respect to which tax is imposed under this subsection.

PAR. 6. The first two paragraphs of § 101.13 are amended to read as follows:

The tax imposed by section 1700 (e), as amended by section 542 of the Revenue Act of 1941 and section 622 of the Revenue Act of 1942, applies to all amounts paid for admission, refreshment, service, and merchandise, at any roof garden, cabaret, or other similar place furnishing a public performance for profit, by or for any patron or guest who is entitled to be present during any portion of such performance. The tax is at the rate of 5 per cent of the total amounts so paid.

Charges collected prior to commencement of a performance are not taxable with respect to such performance, if the patron does not remain for any part of the performance.

PAR. 7. The first two paragraphs of § 101.14 are amended to read as follows:

§ 101.14 *Scope of tax.* The term "roof garden, cabaret, or other similar place" includes any room in any hotel, restaurant, hall, or other public place where music and dancing privileges or any other entertainment, except instrumental or mechanical music alone, are afforded the patrons in connection with the serving or selling of food, refreshment, or merchandise. A public performance furnished at a roof garden, cabaret or other similar place shall be regarded as being furnished for profit for purposes of this section even though the charge made for admission, refreshment, service, or merchandise is not increased by reason of the furnishing of such performance.

Where music, whether by an orchestra, a mechanical device, or otherwise, and a space in which the patrons may dance is furnished in the dining room of a hotel, or in a restaurant, bar, etc., the entertainment constitutes a public performance for profit at a roof garden, cabaret, or similar place, and the payments made for admission, refreshment, service, and merchandise are subject to the tax.

Amounts paid for refreshment, service, or merchandise in a room which is entirely separate from the room in which entertainment is furnished are not subject to tax, provided that the patrons in such separate room may not witness the entertainment and any door in the wall or partition separating the two rooms remains closed during the period of the entertainment except when persons pass from one room to the other.

(Sec. 622 of the Revenue Act of 1942 (Pub. Law 753, 77th Congress, second session), and section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U.S.C., 1940 ed., 3791))

GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: December 3, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-12864; Filed, December 4, 1942; 11:41 a. m.]

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[1] 6 F.R. 5367, 5371.

[T. D. 5191]

PART 320—RETAILERS'[1] EXCISE TAXES

MISCELLANEOUS AMENDMENTS

In order to conform Regulations 51 [Part 320, Title 26, Code of Federal Regulations, 1941 Sup.], relating to the retailers' excise taxes on sales of jewelry, furs, and toilet preparations under the Internal Revenue Code, to sections 511, 601, 613, 618 (a), and 623 of the Revenue Act of 1942 (Public Law 753—77th Congress, 2d Session), such regulations are further amended as follows:

PARAGRAPH 1. Immediately preceding the quotation of section 2404 of the Internal Revenue Code, which appears immediately before § 320.1, there is inserted the following:

SEC. 511. DEFINITION OF MILITARY OR NAVAL FORCES OF THE UNITED STATES. (Revenue Act 1942, Title V.)

Section 3797 (a) (15) is amended to read as follows:

(15) *Military or naval forces of the United States.*—The term "military or naval forces of the United States" includes the Marine Corps, the Coast Guard, the Army Nurse Corps, Female, the Women's Army Auxiliary Corps, the Navy Nurse Corps, Female, and the Women's Reserve branch of the Naval Reserve.

PAR. 2. Section 320.1 is amended by adding the following new paragraph:

(j) The term "armed forces of the United States" means the "military or naval forces of the United States" as defined by section 3797 (a) (15) of the Code, as amended by section 511 of the Revenue Act of 1942.

PAR. 3. There is inserted immediately preceding § 320.2 the following:

SEC. 601. EFFECTIVE DATE OF THIS TITLE. (Revenue Act of 1942, approved October 21, 1942; Title VI.)

This title shall take effect on the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

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[1] 6 F.R. 4965.

PAR. 4. Section 320.2 is amended by adding the following sentence at the end thereof:

The amendment by section 613 of the Revenue Act of 1942 of section 2400, relating to the tax on jewelry, etc.; the amendment by section 623 of the Revenue Act of 1942 of section 2402 (b), relating to the sale and use of toilet preparations by beauty parlors, etc., and the amendment by section 618 of the Revenue Act of 1942 of section 2405, relating to leases, conditional sales, etc., became effective in each case on November 1, 1942.

PAR. 5. There is inserted immediately preceding § 320.10 the following:

SEC. 618. SALE UNDER CHATTEL MORTGAGE. (Revenue Act of 1942, Title VI.)

(a) *Retail sales taxes.*—Section 2405 (relating to tax where article sold under installment or conditional sale contract) is amended by striking out "or (c) a conditional sale" and inserting in lieu thereof the following: "(c) a conditional sale, or (d) a chattel mortgage arrangement wherein it is provided that the sales price shall be paid in installments."

* * * * *

PAR. 6. Section 320.10 is amended to read as follows:

§ 320.10 *Basis of tax on leases, installment sales, conditional sales, and sales under chattel mortgage arrangements.* Special provision is made in the law for computing taxes due in the case of leases of articles, installment sales, so-called conditional sales and sales made on and after November 1, 1942 (see § 320.2) under chattel mortgage arrangements. The term "lease" means a continuous right to the possession or use of a particular article for a period of time. It does not include the use of an article merely as occasion demands, but the contract must give the lessee the right to possess or use the article, without interruption, for a period of time.

Where an article is (1) leased by the retailer, (2) sold under an installment-payment contract with title reserved, (3) sold under a conditional-sale contract with payments to be made in installments, or (4) sold on or after November 1, 1942 under a chattel mortgage arrangement, with payments to be made in installments, a proportionate part of the total tax shall be paid upon each payment made with respect to the article. The tax is to be returned and paid to the collector during the month following that in which the payment is made.

In the case of an article taxable under sections 2400 (relating to jewelry, etc.) and 2401 (relating to furs), the tax does not apply when (1) the lease, or installment sale, or conditional sale contract, (2) delivery of the article under the contract, and (3) payment of a part of the consideration, were made prior to October 1, 1941. In the case of an article sold prior to November 1, 1942 under a chattel mortgage arrangement, the tax is payable upon the full sales price at the time the sale was made, regardless of whether provision is made for the payment of the sales price in installments.

PAR. 7. There is inserted immediately preceding § 320.30 the following:

SEC. 613. EXEMPTION OF INSIGNIA, ETC., USED IN CONNECTION WITH UNIFORMS OF THE ARMED FORCES FROM JEWELRY TAX. (Revenue Act of 1942, Title VI.)

The second sentence of section 2400 (relating to exemption from jewelry tax) is amended to read as follows: "The tax imposed by this section shall not apply to any article used for religious purposes, to surgical instruments, to watches designed especially for use by the blind, to frames or mountings for spectacles or eye-glasses, to a fountain pen or smokers' pipe if the only parts of the pen or the pipe which consist of precious metals are essential parts not used for ornamental purposes, or to buttons, insignia, cap devices, chin straps, and other devices prescribed for use in connection with the uniforms of the armed forces of the United States."

PAR. 8. The last paragraph of § 320.33 is amended to read as follows:

Examples of other articles which become subject to the tax when ornamented, mounted or fitted with, precious metals or imitations thereof are umbrellas, walking sticks, cigarette lighters, shoe buckles, etc. If, in the case of a fountain pen sold on and after October 1, 1941, or of a smoker's pipe sold on or after November 1, 1942 (see § 320.2), the only parts which consist of precious metals are essential parts not used for ornamental purposes, such fountain pen or smoker's pipe is not subject to the tax. However, if a fountain pen or smoker's pipe is otherwise ornamented, mounted or fitted with, precious metals or imitations thereof, it will be subject to tax when sold by the retailer.

PAR. 9. The second sentence of § 320.34 is amended to read as follows:

The term "watches and clocks" includes all time-measuring devices whether actuated by weights, springs, or electrical energy, except watches sold on and after November 1, 1942 which are designed especially for use by the blind. (See § 320.2.)

PAR. 10. The first paragraph of § 320.37 is amended to read as follows:

§ 320.37 *Exemption.* Under the specific provisions of the Code the tax does not attach to the sale on and after October 1, 1941 of surgical instruments, frames or mountings for spectacles or eye-glasses, or articles used for religious purposes; nor does the tax attach to the sale on and after November 1, 1942 of buttons, insignia, cap devices, chin straps, and other devices prescribed for use in connection with the uniforms of the armed forces of the United States. (See § 320.2.) For definition of "armed forces of the United States," see § 320.1 (j). For exemptions in the case of certain kinds of fountain pens, smokers' pipes, and watches, see §§ 320.33 and 320.34.

PAR. 11. There is inserted immediately preceding § 320.52 the following:

SEC. 623. SALE AND USE OF TOILET PREPARATIONS BY BEAUTY PARLORS, ETC. (Revenue Act of 1942, Title VI.)

Section 2402 (b) is amended to read as follows:

(b) *Beauty parlors, etc.*—For the purposes of subsection (a), the sale of any article described in such subsection to any person operating a barber shop, beauty parlor, or similar establishment for use in the operation thereof and not for resale, shall be considered a sale at retail. The use in such operation of any article described in subsection (a) purchased by such person on or after the effective date of section 622 of the Revenue Act of 1942 for resale, shall be considered a sale at retail by such person at the time the article is first set apart for such use and at a price equivalent to the amount paid by him for the article.

PAR. 12. Section 320.52 is amended to read as follows:

§ 320.52 *Sales to beauty parlors, etc.*—(a) *Sales made during the period October 1, 1941 through October 31, 1942, both dates inclusive.* Any person who, during the period October 1, 1941 through October 31, 1942, both dates inclusive, sells toilet preparations taxable under Section 2402 (a) to another person operating a barber shop, beauty parlor, or similar establishment, whether for use in the operation thereof or for resale purposes, shall be deemed to have sold such articles at retail and must make a return and pay tax on all such sales as provided in §§ 320.60 and 320.61 Where the operator of a barber shop, beauty parlor, or similar establishment resells such articles at retail, he is liable on the resale for the tax imposed by section 2402 (a). However, in determining the tax to be paid by the operator on such resales before November 1, 1942, a credit may be taken in the amount of the tax paid by the operator's vendor under section 2402 (a). (See § 320.65.)

(b) *Sales made on and after November 1, 1942.* Any person who, on and after November 1, 1942 (see § 320.2, sells toilet preparations taxable under section 2402 (a) to another person operating a barber shop, beauty parlor, or similar establishment for use in the operation thereof and not for resale, shall be deemed to have sold such articles at retail and must make a return and pay tax on all such sales as provided in § 320.60. No tax attaches to the sale of such articles on and after November 1, 1942, to any person operating a barber shop, beauty parlor, or similar establishment for the express purpose of resale.

The sale of any article described in section 2402 (a) to any person operating a barber shop, beauty parlor, or similar establishment shall be presumed to be made for use in the operation thereof, unless (1) at the time of sale, the vendor is furnished by the vendee with a "certificate of purchase for resale" substantially in the form as outlined herein, or (2) (if such certificate is not furnished at that time) the vendor has written evidence at the time of sale showing that the sale is made for resale and the vendor is subsequently furnished with a "certificate of purchase for resale". Where the "certificate of purchase for resale" is not furnished at the time of sale, the evidence required to be had by the vendor is not restricted to any particular form of document, so long as such evidence is in writing and shows that the sale is made for resale and not for use in the operation of the barber shop, beauty parlor, or similar establishment.

Where a sale is made for resale purposes and the "certificate of purchase for resale" is obtained prior to the time the retailer makes his return for the month in which the sale is made, no tax on such sale should be included in his return. If the "certificate of purchase for resale" is not so obtained, the retailer must include the tax on such sale in his return for the month in which the sale is made. However, if the "certificate of purchase for resale" is later obtained, a claim for refund of the tax paid may be filed on Form 843, or a credit taken upon a subsequent return, but such action must be taken within the four-year period of limitation prescribed by section 3313 of the Internal Revenue Code.

The articles covered by the "certificate of purchase for resale" must be fully identified as to nature, quantity and date of sale.

Following is the form of "certificate of purchase for resale" which shall be adhered to in substance:

CERTIFICATE OF PURCHASE FOR RESALE

(For use by operators of barber shops, beauty parlors, or similar establishments in purchasing for resale purposes articles described in section 2402 (a) of the Internal Revenue Code).

-------------------19----
Date

The undersigned purchaser hereby certifies that he is an operator of------------------
(State business in
---------------------------- and that the
which engaged)
------------------------in the order cov-
(State article purchased)
ered by this certificate or on the reverse side hereof will be resold by him and not used in the operation of his business.

The undersigned understands that if the articles are used by him in the operation of his barber shop, beauty parlor, or similar establishment, or resold by him at retail, he will be liable for tax on such use or resale. It is understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to a fine of not more than $10,000 or to imprisonment for not more than five years or both, together with costs of prosecution. The undersigned also understands that he must be prepared to establish by competent evidence that the article was actually purchased for the purpose for which stated in this certificate.

(Name)

(Address)

If it is impracticable to furnish a separate certificate for each order or contract, a certificate covering all orders between given dates (such period not to exceed a month) will be acceptable. Such certificate and proper records of invoices, orders, etc., relative to tax-free sales must be retained as provided in § 320.62. Where, upon inspection, it is discovered that the records of a retailer with respect to any sale claimed to be tax-free do not contain a proper certificate, as outlined above, with supporting invoices and such other evidence as may be necessary to establish the exempt character of the sale, the tax shall be payable by the retailer on such sale.

In any case where the operator of a barber shop, beauty parlor, or similar establishment uses in the operation of his business any article which was purchased by him on or after November 1, 1942, for resale purposes, such use shall be considered a sale at retail by such operator at the time the article is first set apart for such use. The tax shall be computed at a price-equivalent to the amount paid by such person for the article. Where the operator of a barber shop, beauty parlor or similar establishment resells at retail on or after November 1, 1942, any article previously purchased by him, such operator will be liable for the tax imposed under section 2402 (a) on such resale irrespective of the purpose for which such article was purchased. In determining the amount of tax to be paid by the operator on such resale on or after November 1, 1942, no credit or refund will be allowable for any amount which might previously have been paid as tax to the United States with respect to any prior sale of such article.

PAR. 13. There is inserted immediately preceding § 320.64 the following:

SEC. 623. SALE AND USE OF TOILET PREPARATIONS BY BEAUTY PARLORS, ETC. (Revenue Act of 1942, Title VI.)

Section 2402 (b) is amended to read as follows:

(b) *Beauty parlors, etc.* For the purposes of subsection (a), the sale of any article described in such subsection to any person operating a barber shop, beauty parlor, or similar establishment for use in the operation thereof and not for resale, shall be considered a sale at retail. The use in such operation of any article described in subsection (a) purchased by such person on or after the effective date of section 622 of the Revenue Act of 1942 for resale, shall be considered a sale at retail by such person at the time the article is first set apart for such use and at a price equivalent to the amount paid by him for the article.

PAR. 14. Section 320.65 is amended to read as follows:

§ 320.65 *Sales by beauty parlors, etc.* Whenever any person operating a barber shop, beauty parlor, or similar establishment becomes liable for tax under section 2402 (a) by reason of his resale prior to November 1, 1942, of toilet preparations purchased by him tax-paid under such section at any time during the period October 1, 1941 through October 31, 1942, both dates inclusive, a credit against the tax due on the resale may be allowed in the amount of the tax paid by the operator's vendor under section 2402 (a), except that in no case shall the amount of the credit exceed the amount of tax payable by the operator. (For procedure in the case of articles purchased on and after November 1, 1942, see § 320.52 (b).) If an article is purchased tax-paid prior to November 1, 1942, and resold by the operator on or after that date, tax attaches to the full selling price and no credit may be taken for the tax paid on the sale to such operator.

(Secs. 511, 601, 613, 618 (a), and 623 of the Revenue Act of 1942 (Pub. Law 753, 77th Congress, 2d Session), and section 3791 of the Internal Revenue Code (53 Stat., 467; 26 U.S.C., 1940 ed., 3791))

GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: December 3, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-12865; Filed, December 4, 1942; 11:41 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Order No. 75]

MEDICAL LAKE HOSPITAL PROJECT, WASHINGTON

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Medical Lake Hospital Project to be work of national importance, to be known as Civilian Public Service Camp No. 75. Said project, located at Medical Lake, Spokane County, Washington, will be the base of operations for work at the Eastern State Hospital, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Medical Lake Hospital Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Eastern State Hospital, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Eastern State Hospital. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

DECEMBER 2, 1942.

[F. R. Doc. 42-12818; Filed, December 3, 1942; 2:26 p. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-171]

RUDOLPH KHOL

Rudolph Khol, a building contractor, 13614 Southview Avenue, Cleveland, Ohio, has been engaged in the business of building houses in the City of Cleveland and vicinity. After April 9, 1942, without the authorization of the War Production Board, he began construction of a residential house at 423 Judson Drive, Cleveland, Ohio, estimated to cost $5,600.00. Such construction was begun in disregard of the provisions of Conservation Order No. L–41, with which Rudolph Khol was familiar, and constituted wilful violation of that order. The house has now been completed and is ready for occupancy.

This violation of Conservation Order No. L–41 has hampered and impeded the war effort of the United States by diverting scarce materials to uses prohibited by the War Production Board. In view of the foregoing: *It is hereby ordered,* That:

§ 1010.171 *Suspension Order S–171.* (a) No application for authorization to begin construction of any house, building, structure or project filed by Rudolph Khol, his successors and assigns, shall be granted by the War Production Board.

(b) Deliveries of material to Rudolph Khol, his successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) No allocation shall be made to Rudolph Khol, his successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(d) No defense housing project or other construction with which Rudolph Khol is directly or indirectly connected or upon which he is employed shall be accorded priorities assistance by the issuance of any preference rating certificate, preference rating order, general preference order or any other order of the Director of Industry Operations or the Director General for Operations.

(e) Nothing contained in this order shall be deemed to relieve Rudolph Khol, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(f) This order shall take effect December 5, 1942, and shall expire on February 6, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12829; Filed, December 3, 1942; 3:15 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–172]

SINCLAIR REFINING COMPANY

The Sinclair Refining Company is a corporation engaged in the supply of petroleum products. It is a supplier within the meaning of Limitation Order L–70. During the month of May, 1942, it made deliveries of motor fuel to eleven service stations located in and near Charleston, South Carolina, substantially in excess of the quota established for those stations under the provisions of Limitation Order L–70.

The overdeliveries of motor fuel by the Sinclair Refining Company were caused by the Company's reliance upon an unjustifiable interpretation of Limitation Order L–70 and constituted a wilful violation of that order which has hampered and impeded the war effort. In view of the foregoing facts, *It is hereby ordered,* That,

§ 1010.172 *Suspension Order S–172.* (a) The Sinclair Refining Company, its successors and assigns, shall not deliver or cause to be delivered, directly or indirectly, during the months of December, 1942, and January, 1943, quantities of motor fuel to the following eleven stations located in and near Charleston, South Carolina, in excess of the amounts set forth for each station.

Names and addresses	To be delivered	
	December	January
	Gallons	*Gallons*
John Anastad, Grove & King Streets	3788	2304
R. L. Banks, Market & Meeting Sts	6427	4958
C. M. Dantzler, Cosgrove Ave & US #52	11959	10812
N. F. Douty US #40, Mt. Pleasant, S. C	8144	7645
Carl Ellington, Reynolds & US #52	7289	7459
Billy Grauer, Ashby Ave & Mills St	3625	3369
R. W. Hull, King & Herrot Sts	4261	4394
D. F. Miles, Calhoun & Cummings Sts	12688	10891
L. C. Roach, E. Bay and Market Sts	7936	8593
T. G. Slaughter, Cosgrove & Montague	14904	15311
G. A. Wulbern, New & Trodd Street	1993	1136

(b) Nothing contained in this order shall be deemed to relieve the Sinclair Refining Company, its successors and assigns, from any restriction, prohibition or provision of any order or regulation of the Director of Industry Operations or the Director General for Operations except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect December 1, 1942 and shall expire January 31, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12830; Filed, December 3, 1942; 3:15 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–174]

GILBERT S. SINCLAIR

Gilbert S. Sinclair owns and operates cocktail lounges and cafes in Buena Park, California, Wilmington, California, and Long Beach, California.

Subsequent to September 7, 1942, without the authorization of the Director General for Operations of the War Production Board, Gilbert S. Sinclair began construction (as defined in Conservation Order L–41) of a cocktail lounge and cafe located at 404–412 West Pacific Coast Highway, Long Beach, California, at an estimated cost in excess of $200.00. Such construction was begun in disregard of the provisions of Conservation Order L–41, as amended September 2, 1942, with which Gilbert S. Sinclair was familiar, and constituted a wilful violation of that order.

This violation of Conservation Order L–41 has hampered and impeded the war effort of the United States by diverting scarce materials to uses prohibited by the War Production Board. In view of the foregoing facts: *It is hereby ordered,* That:

§ 1010.174 *Suspension Order S–174.* (a) Neither Gilbert S. Sinclair nor any other person shall order, purchase, accept delivery of, withdraw from inventory, or in any other manner secure or use material or construction plant in

order to continue or complete construction of the cocktail lounge and cafe located at 404–412 West Pacific Coast Highway, Long Beach, California, except as specifically authorized by the Director General for Operations.

(b) For a period of six months from the effective date of this order no application filed by Gilbert S. Sinclair or any other person for authorization to complete the cocktail lounge and cafe located at 404–412 West Pacific Coast Highway, Long Beach, California, shall be granted.

(c) For a period of six months from the effective date of this order, deliveries of material to Gilbert S. Sinclair, his successors and assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference ratings shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(d) For a period of six months from the effective date of this order, no allocation shall be made to Gilbert S. Sinclair, his successors and assigns, or any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(e) Nothing contained in this order shall be deemed to relieve Gilbert S. Sinclair from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(f) This order shall take effect on December 7, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12831; Filed, December 3, 1942; 3:15 p. m.]

PART 3134—DAIRY PRODUCTS

[Conservation Order M–271]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of milk and milk products for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3134.2 *Conservation Order M–271*—(a) *Definitions.* For the purposes of this order:

(1) "Producer" means any person engaged in the commercial manufacture of frozen milk desserts or mix.

(2) "Frozen milk dessert" means ice cream, frozen custard, ice milk, milk sherbet and any other frozen or partially frozen combination of milk or milk products with other food products, flavors, color, or stabilizer. This includes any such dessert produced from mix.

(3) "Mix" means the liquid or dried unfrozen combination of the ingredients of a frozen milk dessert.

(b) *Restrictions on manufacture.* During each of the months of December 1942, and January 1943,

(1) No producer shall, in the manufacture of frozen milk desserts or mix, use:

(i) More than 60% of the total milk fat and 60% of the total milk solids not fat so used by him during October 1942; or

(ii) Formulas not used by him during October 1942. A change in flavors or colors shall not be considered a change in formulas.

(2) Notwithstanding the restriction of paragraph (b) (1), any producer may manufacture a combined total of 60 gallons of frozen milk desserts or mix per month.

(c) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds for the appeal.

(d) *Reports.* Any person affected by this order shall file such reports and questionnaires as the War Production Board may request from time to time.

(e) *Records.* Every person to whom this order applies shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(f) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(h) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Food Division, Washington, D. C. Ref.: M–271.

(i) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 4th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12856; Filed, December 4, 1942; 11:26 a. m.]

PART 1038—GRAPHITE

[Conservation Order M-61 as Amended Dec. 4, 1942]

Part 1038—Madagascar Flake Graphite is hereby amended to read:

Part 1038—Graphite.

Section 1038.1 *Conservation Order M–61* is hereby amended so as to read as follows:

§ 1038.1 *Conservation Order M–61*—(a) *Definitions.* For the purposes of this order:

(1) "Put into process" means the first change by a person in the form of material from that form in which it is received by him.

(2) "Strategic graphite" means crystalline graphite (in flake, lump or chip form) that will stand on a No. 50 mesh screen, U. S. Sieve Series.

(3) "Jobber" means a person in the United States who does not manufacture but regularly stocks crucibles for distribution to others.

(b) *Restrictions on use of strategic graphite.* No person shall put into process for any purpose any strategic graphite, except pursuant to the specific authorization of the Director General for Operations.

(c) *Restrictions on delivery of crucibles and other articles containing strategic graphite.* No person shall, without the specific authorization of the Director General for Operations, deliver any crucible containing strategic graphite to any person other than a jobber, and no person other than a jobber shall, without the specific authorization of the Director General for Operations, accept delivery of any such crucible; nor shall any person deliver or accept delivery of any article containing strategic graphite other than a crucible, except pursuant to the specific authorization of the Director General for Operations, unless such strategic graphite was put into process prior to February 17, 1942. On and after December 4, 1942, no preference rating shall have any force or effect with respect to deliveries of crucibles containing strategic graphite.

(d) *Restrictions on delivery of strategic graphite.* No person shall deliver and no person other than Metals Reserve Company shall accept delivery of any strategic graphite, except pursuant to the specific authorization of the Director General for Operations.

(e) *General exception.* Where and to the extent the use of any less scarce material is impracticable, the prohibitions, limitations and restrictions contained in paragraph (b) hereof shall not apply to the putting into process of strategic graphite when such graphite is to be physically incorporated into any item which is being produced for delivery under a contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, if in any such case the use of strategic graphite to the extent employed is required by the specifications of the prime contract; and the prohibitions and restrictions contained in paragraph (c) hereof shall not apply to the delivery or acceptance of delivery, pursuant to such a contract or subcontract, of any item if its manufacture was exempted under the provisions of this paragraph.

(f) *Applications for specific authorization.* (1) Any person other than a jobber seeking specific authorization from the Director General for Operations to accept delivery of any crucibles containing strategic graphite, shall apply periodically on Form PD–575 to the Director General for Operations for authority to do so and also for authority for his supplier to deliver such crucibles. This form must be filed with the War Production Board by the 20th day of the month prior to the first month in which any delivery of such crucibles is sought, except that in an emergency this form may be filed at any time.

(2) Any person seeking specific authorization from the Director General for Operations to accept delivery of any strategic graphite to be used for the purpose of making crucibles or seeking specific authorization to put any strategic graphite into process for the purpose of manufacturing crucibles, shall apply monthly on Form PD–303B to the Director General for Operations for authority to do so and also for authority for a supplier to make any deliveries of such graphite which the applicant is authorized to receive.

(3) Any person seeking specific authorization from the Director General for Operations to accept delivery of any article containing strategic graphite other than a crucible, shall apply for such authority by letter and by the same letter he shall apply for authority for the proposed manufacturer of the article to put into process such strategic graphite and, if need be, for authority for such manufacturer to acquire strategic graphite for the purpose indicated. Such letter shall state the name of the applicant, the name of the proposed manufacturer of the article, the name of the person from whom the manufacturer is to acquire strategic graphite, if any, and the use to which the article is to be put.

(g) *Reports.* All persons having in their possesion or processing strategic graphite, or crucibles or other articles manufactured with strategic graphite, shall file reports with the War Production Board at such times and in such manner and form as it may prescribe, showing inventory, purchases, sales and consumption of such graphite or articles manufactured therewith and such other information as the War Production Board may from time to time require.

(h) *Miscellaneous provisions*—(1) *Appeals.* Any person affected by this order who considers that compliance therewith would disrupt or impair war work may appeal to the War Production Board, Washington, D. C., Ref.: M–61, setting forth the pertinent facts and the reason he considers he is entitled to relief.

(2) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(3) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the putting into process of material in all articles manufactured and to deliveries of articles or material made irrespective of whether such articles are manufactured or such deliveries are made pursuant to a contract made prior or subsequent to February 17, 1942. Insofar as any other order of the Director General for Operations, Director of Industry Operations or of the Director of Priorities may have the effect of limiting or curtailing to a greater extent than herein provided the delivery or putting into process of strategic graphite or the delivery of any products made therewith, the limitations of such other order shall be observed.

(4) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Mica-Graphite Division, Washington, D. C., Ref.: M–61.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 4th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12857; Filed, December 4, 1942; 11:26 a. m.]

PART 3080—CHEMICAL FERTILIZERS

[Conservation Order M–231 as Amended December 4, 1942]

CHEMICAL NITROGEN

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of chemical nitrogen for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3080.1 *Conservation Order M–231*—(a) *Definitions.* For the purposes of this order:

(1) "Chemical fertilizer" means any material used as a plant food containing one or more of the following: nitrogen, phosphorus or potassium, excluding, however, animal manures and animal, fish and plant residues, unless mixed with a chemical fertilizer.

(2) "Grade" means the minimum guaranteed plant food content of any fertilizer expressed in percentages of its principal plant food components; namely, nitrogen, available phosphoric acid and water-soluble potash. In expressing grades the percentage of nitrogen content is stated first, the percentage of available phosphoric acid is stated second, and the percentage of water-soluble potash is stated third. For example, 2–12–6 means a fertilizer containing 2 percent nitrogen, 12 percent phosphoric acid and 6 percent potash; 0–14–7 means a fertilizer containing no nitrogen, 14 percent phosphoric acid and 7 percent potash.

(3) "Superphosphate" means any plant food product which is obtained by mixing rock phosphate with either or both sulfuric acid and phosphoric acid.

(4) "Potash" means any compound of potassium containing, or capable of releasing in the soil, any water-soluble compound of potassium including, but not limited to, muriate of potash, sulfate of potash or manure salts.

(5) "Organic nitrogen" means nitrogen derived from any plant or animal organism containing nitrogen, including, but not limited to, animal, fish and other tankages, castor pumace, tobacco stems, cotton seed meal, peanut meal, soy bean meal, sewage sludge, cocoa shell meal, peat and humus.

(6) "Chemical nitrogen" means any nitrogen, other than organic nitrogen, including, but not limited to, ammonium sulfate, sodium nitrate, calcium cyanamid, urea and nitrogen-bearing solutions.

(7) "Fertilizer manufacturer" means any person who manufactures or mixes chemical fertilizer.

(8) "Dealer" means any person, other than a fertilizer manufacturer, who purchases or has purchased chemical fertilizer for resale.

(9) "Agent" means any person, other than a fertilizer manufacturer, who receives or has received chemical fertilizer on a consignment basis for resale.

(b) *Restrictions on use and delivery of fertilizer.* (1) On and after December 4, 1942, no fertilizer manufacturer, dealer or agent, shall, subject to the exemptions provided for in paragraph (c) hereof, deliver, and no person, including fertilizer manufacturers, dealers and agents, shall use on crops, in any of the states listed in Schedule A attached hereto, any grade of chemical fertilizer other than the grades designated on such schedule as applicable to the respective states listed thereon, and where a particular grade is designated on such schedule as available only for a particular crop, such grade shall be sold or used only for the production of such crop.

(2) In addition to the restrictions provided for in paragraph (b) (1) hereof, but subject to the exemptions provided for in paragraph (c) hereof, on and after December 4, 1942:

(i) No fertilizer manufacturer, dealer or agent shall deliver any chemical fertilizer containing chemical nitrogen for use in 1942 on grain sown in the fall of 1942 to be harvested for grain, and no person, including fertilizer manufacturers, dealers and agents, shall use any chemical fertilizer containing chemical nitrogen for such purpose.

(ii) No fertilizer manufacturer, dealer or agent shall deliver any chemical fertilizer containing chemical nitrogen for use on lawns, golf courses, parks, cemeteries, roadsides or noncommercial plantings of trees, shrubs or flowers, and no person, including fertilizer manufacturers, dealers and agents, shall use any chemical fertilizer containing chemical nitrogen for any of such purposes. The restriction provided for in this paragraph (b) (2) (ii) shall apply to the use by any landscape gardener or nurseryman of any chemical fertilizer containing chemical nitrogen, on trees, shrubs or flowers planted on the premises of his customers.

(iii) No fertilizer manufacturer, dealer or agent shall deliver any chemical fertilizer containing chemical nitrogen in packages of less than one hundred (100) pounds: *Provided, however,* That any fertilizer manufacturer, dealer or agent holding stocks of chemical fertilizer containing chemical nitrogen in bags of not less than eighty (80) pounds on September 12, 1942, or having stocks of fertilizer bags of not less than eighty (80) pounds capacity on September 12, 1942, shall have the right to deliver chemical fertilizer containing chemical nitrogen in packages of not less than eighty (80) pounds until such time as his existing stock of chemical fertilizer in bags of not less than eighty (80) pounds, and of fertilizer bags of not less than eighty (80) pounds capacity, is exhausted.

(iv) No fertilizer manufacturer, dealer or agent shall, prior to December 1, 1942, deliver any chemical fertilizer containing chemical nitrogen except for use during 1942.

(v) No fertilizer manufacturer shall deliver to any consumer any superphosphate which carries less than 18% available phosphoric acid except as specifically designated on Schedule A hereof.

(3) No person shall accept delivery of any chemical fertilizer which he knows or has reason to believe is made in violation of this order.

(c) *Exemptions.* (1) The restrictions provided for in paragraph (b) (1) hereof, shall not apply to:

(i) Deliveries by dealers or agents of stocks of unapproved grades of chemical fertilizer in their hands on September 12, 1942, or to the use by any person of any chemical fertilizer delivered pursuant to this paragraph (c) (1) (i) or to the use by any person of any chemical fertilizer on hand on September 12, 1942.

(ii) Deliveries by any person of any chemical fertilizer to a fertilizer manufacturer for use in the manufacture of chemical fertilizer.

(iii) Deliveries of any chemical fertilizer containing nitrogen where the entire nitrogen content thereof consists of organic nitrogen, or to the use by any person of any chemical fertilizer delivered pursuant to this paragraph (c) (1) (iii).

(iv) Deliveries by any fertilizer manufacturer of stocks of unapproved grades of chemical fertilizer held on September 12, 1942, in any warehouse located fifty miles or more from his nearest fertilizer plant, or to the use by any person of any chemical fertilizer delivered pursuant to this paragraph (c) (1) (iv): Provided, however, That each fertilizer manufacturer desiring to make any delivery under this paragraph (c) (1) (iv) shall file with the War Production Board prior to making any such delivery, and in any event on or before December 31, 1942, a certificate in substantially the following form:

> The undersigned hereby certifies to the War Production Board that he had the following amounts of each of the grades of chemical fertilizer listed below in the warehouses indicated and that the distance between each such warehouse and the undersigned's nearest plant is fifty miles or more:
>
> *Grade* *Quantity* *Warehouse (Indicate location)*
>
> ------------------------
> Manufacturer
>
> By ------------------------
> Authorized officer
>
> Date ------ Title ------------------------

(2) The restrictions provided for in paragraphs (b) (1) and (b) (2) hereof, shall not apply to:

(i) Deliveries of chemical fertilizer for experimental purposes to educational institutions or publicly owned agricultural institutions, or to the use of chemical fertilizer by such institutions for such purposes.

(ii) Deliveries by fertilizer manufacturers, dealers or agents of any chemical fertilizer in their hands, and packaged in packages containing less than eighty (80) pounds, on September 12, 1942, or to the use by any person of any chemical fertilizer delivered pursuant to this paragraph (c) (2) (ii).

(iii) Deliveries by fertilizer manufacturers, dealers or agents of any chemical fertilizer in pressed tablet form in their hands, or manufactured from raw materials in their hands, on September 12, 1942, or to the use by any person of any chemical fertilizer delivered pursuant to this paragraph (c) (2) (iii).

(iv) Deliveries by fertilizer manufacturers, dealers or agents of any chemical fertilizer prepared exclusively for use in hydroponics, either in the form of a completely soluble powder or in the form of a liquid, in their hands, or manufactured from raw materials in their hands on September 12, 1942, or to the use by any person of any chemical fertilizer delivered pursuant to this paragraph (c) (2) (iv).

(v) Deliveries by fertilizer manufacturers, dealers or agents of any chemical fertilizer, including chemical fertilizer containing chemical nitrogen, for use on new plantings of grass on airports or air fields of the United States Army, Navy or Coast Guard or to the use by any person of any chemical fertilizer, including chemical fertilizer containing chemical nitrogen, delivered pursuant to this paragraph (c) (2) (v).

(d) *Directions.* (1) Each fertilizer manufacturer shall comply with such directions as may be issued from time to time by the Director General for Operations with respect to the manufacture or mixing of chemical fertilizer and with respect to the use or delivery of nitrogen bearing materials.

(2) Each fertilizer manufacturer, dealer and agent shall comply with such directions as may be issued from time to time by the Director General for Operations with respect to the delivery and use of chemical fertilizers.

(e) *Substitution of grades.* (1) Set forth on Schedule B attached hereto is a list of the grades (stated on a nitrogen content basis or on a crop basis) of chemical fertilizer used in each of the states designated on such schedule during the 1940–1941 season (July 1, 1940–June 30, 1941) and a list of the approved grades for each of such states for the 1942–1943 season (July 1, 1942–June 30, 1943). The 1940–1941 grades and the 1942–1943 grades are listed in groups—each group being identified by a group number. The grades listed in a particular 1942–1943 group are the grades approved for substitution during 1942–1943 for the grades of the 1940–1941 group bearing the corresponding group number. Where a grade in one of the 1940–1941 groups was used on a particular crop during the 1940–1941 season, no grade other than a grade appearing in the corresponding 1942–1943 group shall be used on such crop during the 1942–1943 season. For example, where a person used a grade carrying 2% nitrogen on a particular crop in Connecticut during the 1940–1941 season, he shall not use any grade other than a 0–14–14, 0–20–20 or a 0–9–27 grade on such crop during the 1942–1943 season.

(2) Each fertilizer manufacturer shall, during the 1942–1943 season, manufacture or mix and make available for distribution during the 1942–1943 season in each state supplied by him during the 1940–1941 season, tonnages of each group of the 1942–1943 approved grades containing chemical nitrogen in the same ratio which the tonnages of each group of the 1940–1941 grades containing chemical nitrogen delivered during the 1940–1941 season in the state involved bore to each other. For example, if the amount of chemical fertilizer with a nitrogen content of 5% supplied by a manufacturer for distribution in the State of Tennessee during the 1940–1941 season represented 25% of the total amount of chemical fertilizer containing chemical nitrogen supplied by him in Tennessee during that season, then such fertilizer manufacturer shall manufacture or mix and make available for distribution in Tennessee during the 1942–1943 season such amounts of grades 4–8–8, 4–10–4 and 4–12–4 as shall equal 25% of the amount of all chemical fertilizer containing chemical nitrogen produced by him for distribution in Tennessee during the 1942–1943 season.

(f) *Additional restrictions.* On and after December 4, 1942:

(1) No fertilizer manufacturer, dealer or agent shall deliver any mixed chemical fertilizer containing chemical nitrogen for field use, as distinguished from plant bed use, on flue-cured tobacco (designated by the U. S. Department of Agriculture as types 11, 12, 13 and 14) unless 55% of the nitrogen content of such fertilizer is in water-insoluble form, and no person, including fertilizer manufacturers, dealers and agents, shall use any mixed chemical fertilizer containing chemical nitrogen for such purpose unless 55% of the nitrogen content of such fertilizer is in water-insoluble form.

(2) No fertilizer manufacturer, dealer or agent shall deliver any chemical fertilizer containing chemical nitrogen for use on melon or cucumber crops, and no person, including fertilizer manufacturers, dealers and agents, shall use any chemical fertilizer containing chemical nitrogen for such purpose.

(3) No fertilizer manufacturer, dealer or agent shall deliver any mixed chemical fertilizer containing chemical nitrogen for use prior to July 1, 1943, on small grains to be harvested for grains, and no person, including fertilizer manufacturers, dealers and agents, shall use any mixed chemical fertilizer containing chemical nitrogen for such purpose.

(4) No fertilizer manufacturer, dealer or agent shall deliver any chemical fertilizer containing chemical nitrogen for use on victory gardens other than the grade of 3–8–7, the nitrogen content of which grade shall consist of 2½ units of organic nitrogen and ½ unit of chemical nitrogen. Such 3–8–7 grade shall be labeled "Victory Garden Fertilizer—For Food Production Only", and no person, including fertilizer manufacturers, dealers and agents, shall use any chemical fertilizer containing chemical nitrogen other than a grade so labeled, for such purpose. Notwithstanding any provision in this order to the contrary, victory garden fertilizer may be packaged in packages of 5, 10, 25, 50 and 100 pounds net weight and may be used on victory gardens regardless of the crops raised thereon. The term "victory garden" for the purposes of this paragraph (f) (4) means any garden planted primarily for the non-commercial production of vegetables and small fruits.

NOTE: Paragraphs (g), (h), (i), (j) and (k) were formerly designated (d), (e), (f), (g) and (h).

(g) *Restriction on the use of organic nitrogen.* On and after December 4, 1942, no person shall deliver any mixed fertilizer, the nitrogen content of which consists entirely of organic nitrogen, unless the nitrogen content thereof is at least three percent (3%) and the total nitrogen, available phosphoric acid and water-soluble potash content thereof, is at least fourteen percent (14%): *Provided, however,* That the restriction provided for in this paragraph (g) shall not apply to deliveries by any person of any mixed fertilizer on hand on September 12, 1942.

(h) *Exemption from intra-company delivery restriction of Priorities Regulation No. 1.* The restrictions on intra-company deliveries provided for in Priorities Regulation No. 1 (§ 944.12) shall not apply to intra-company deliveries of any material entering into and forming a part of any chemical fertilizer.

(i) *State regulations.* Nothing contained in this order shall be construed as permitting the delivery or use of any grade of chemical fertilizer in any state where the use or delivery of such grade in such state is specifically prohibited by such state.

(j) *Notification of customers.* Manufacturers, dealers and agents shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any such person from complying with the terms hereof.

(k) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref.: M–231.

(4) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 4th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

ALABAMA

0–14–10
4–10–4
[1] 4–12–4
4–10–7

[1] For commercial floricultural use only.

All grades listed below under the heading, "Grades applicable to all states."

ARIZONA

4–8–0 Manure base only
4–16–0
4–19–5
4–12–4
5–10–3
5–15–0
6–12–0
6–18–0
8–12–0
8–16–0
8–32–0
10–10–0
10–20–0
10–38–0
14–6–0

All grades listed below under the heading, "Grades applicable to all states."

ARKANSAS

0–14–7
0–10–20
3–12–6
3–12–12
3–9–18
4–12–4
4–10–7
4–8–12

All grades listed below under the heading, "Grades applicable to all states."

CALIFORNIA

0–10–12
2–10–8
3–12–5
4–6–8
4–10–10
4–12–4
4–18–18
5–10–3
5–12–5
5–14–9
5–5–20
6–10–4
6–9–6
6–12–8
8–8–4
8–6–8
8–0–12
8–10–12
8–24–8
10–10–5
10–5–10
10–12–10
10–10–0
10–5–5
10–16–8
10–20–0
12–0–14
12–6–0
14–0–8
17–7–0
18½–0–0

All grades listed below under the heading, "Grades applicable to all states."

CONNECTICUT

0–14–14
0–9–27
0–20–20
3–12–6
3–12–15
4–9–7
4–12–4
4–10–10
4–16–20
[1] 5–3–5
5–20–10
[1] 6–3–6
6–15–15

[1] For tobacco only.

All grades listed below under the heading "Grades applicable to all states."

DELAWARE

0–14–7
0–12–12
0–16–8
0–14–14
0–20–20
0–24–12
2–8–10
2–12–6
2–12–12
3–12–6
3–9–15
3–18–9
3–12–15
4–12–4
4–8–12
4–12–8
4–16–8
4–16–20
4–24–12
[1] 5–10–5
7–21–7
[2] 10–0–10
[2] 10–6–4

[1] For vegetables and potatoes only.
[2] For side and top-dressing fruits and vegetables only.

All grades listed below under the heading, "Grades applicable to all states."

FLORIDA

0–16–0 plus Mn
0–14–5
0–8–12
0–10–10
0–14–10
0–12–16
0–8–24
2–8–6
2–10–4
2–8–10
3–8–5
3–6–10
3–8–8
4–4–8
4–5–7
4–7–5
4–8–4
4–9–3
4–6–8
4–8–6
4–8–8
4–12–4
4–10–7
4–12–6
5–7–5
5–5–8
5–6–10
5–8–8
6–4–8
6–6–6
8–0–8
8–0–12
12–0–10

All grades listed below under the heading, "Grades applicable to all states."

GEORGIA

0–14–10
2–12–6
3–8–5
3–9–6
3–9–9
3–12–6
[1] 4–2–10
4–8–4
[2] 4–9–3
4–8–6
4–8–8
4–12–4
[3] 10–0–10

[1] For shade tobacco only.
[2] For tobacco plant beds only.
[3] For side-dressing only.

All grades listed below under the heading, "Grades applicable to all states."

IDAHO

0–12–20
3–10–10
3–10–20
4–12–4
4–24–0
4–24–4
5–6–8
6–30–0
9–4–6
17–4–4
17–12–0

All grades listed below under the heading, "Grades applicable to all states."

ILLINOIS

0–14–7
0–12–12
0–16–8
0–14–14
0–20–10
0–9–27
0–20–20
0–12–36
2–12–6
2–16–8
3–12–12
3–9–18
3–18–9
4–10–6
4–12–4
4–24–12
[1] 10–6–4

[1] For side or top-dressing vegetables only.

All grades listed below under the heading, "Grades applicable to all states."

INDIANA

0–14–7
0–12–12
0–16–8
0–14–14
0–10–20
0–20–10
0–9–27
0–12–24
0–20–20
0–12–36
2–12–6
2–8–16
2–16–8
3–12–12
3–9–18
3–18–9
4–10–6
4–12–4
4–24–12
[1] 10–6–4

[1] For side or top-dressing vegetables only.

All grades listed below under the heading, "Grades applicable to all states."

IOWA

0–14–7
0–12–12
0–16–8
0–14–14
0–20–10
0–9–27
0–20–20
0–12–36
2–12–6
3–12–12
3–9–18
3–18–9
4–10–6
4–12–4
4–16–4
4–24–12
[1] 10–6–4

[1] For side or top-dressing vegetables only.

All grades listed below under the heading, "Grades applicable to all states."

KENTUCKY

0–14–7
0–12–12
0–16–8
0–14–14
0–20–10
0–20–20
2–12–6
3–9–6
3–12–3
3–12–12
3–9–18
3–18–9
4–8–8
4–10–6
4–12–4
4–12–8
4–16–4
5–10–10

All grades listed below under the heading, "Grades applicable to all states."

LOUISIANA

0–14–7
0–14–14
[1] 3–15–0
3–12–6
3–12–9
3–12–12
4–12–4
4–10–7
4–8–12
[2] 9–9–0

[1] For rice only.

[2] For sugarcane only.

All grades listed below under the heading, "Grades applicable to all states."

MAINE

0–14–14
0–20–20
3–12–6
3–12–15
4–9–7
4–12–4
4–8–12
4–10–10
4–16–20
5–20–10
6–9–15
6–12–18
6–15–15

All grades listed below under the heading, "Grades applicable to all states."

MARYLAND AND DISTRICT OF COLUMBIA

0–14–7
0–12–12
0–16–8
0–14–14
0–24–12
0–20–20
2–8–10
2–12–6
2–12–12
3–12–6
3–9–15
3–12–15
3–18–9
4–8–12
4–12–8
4–16–4
4–16–8
4–16–20
4–24–12
4–12–4
[1] 5–10–5
[4] 6–6–8
7–21–7
[2] 10–0–10
[3] 10–6–4

[1] For vegetables and potatoes only.

[2] For side-dressing only.

[3] For side or top-dressing fruits and vegetables only.

[4] For tobacco plant beds only.

All grades listed below under the heading, "Grades applicable to all states."

MASSACHUSETTS

0–14–14
0–9–27
0–20–20
3–12–6
3–12–15
4–9–7
4–12–4
4–10–10
4–16–20
[1] 5–3–5
5–20–10
[1] 6–3–6
6–15–15

[1] For tobacco only.

All grades listed below under the heading, "Grades applicable to all states."

MICHIGAN

0–14–7
0–12–12
0–16–8
0–14–14
0–10–20
0–20–10
0–9–27
0–12–24
0–20–20
0–12–36
2–12–6
2–8–16
2–16–8
3–12–12
3–9–18
3–18–9
4–10–6
4–12–4
4–16–4
4–24–12
[1] 10–6–4

[1] For side or top-dressing vegetables only.

All grades listed below under the heading, "Grades applicable to all states."

MINNESOTA

0–14–7
0–12–12
0–16–8
0–14–14
0–10–20
0–20–10
0–9–27
0–12–24
0–20–20
0–12–36
2–12–6
2–16–8
3–12–12
3–9–18
3–18–9
4–10–6
4–12–4
4–24–12
8–16–12
[1] 10–6–4

[1] For side or top-dressing vegetables only.

All grades listed below under the heading, "Grades applicable to all states."

MSSISSIPPI

0–14–7
4–8–4
4–8–8

All grades listed below under the heading, "Grades applicable to all states."

MISSOURI

0–14–7
0–12–12
0–16–8
0–14–14
0–10–20
0–20–10
0–12–24
0–20–20
2–12–6
3–12–12
3–9–18
3–18–9
4–10–6
4–12–4
4–16–4
4–24–12
[1] 10–6–4

[1] For side or top-dressing vegetables only.

All grades listed below under the heading "Grades applicable to all states."

NEW HAMPSHIRE

0–14–14
0–9–27
0–20–20
3–12–6
3–12–15
4–9–7
4–12–4
4–10–10
4–16–20
[1] 5–3–5
5–20–10
[1] 6–3–6
6–15–15

[1] For tobacco only.

All grades listed below under the heading, "Grades applicable to all states."

NEW JERSEY

0–14–7
0–12–12
0–16–8
0–14–14
0–24–12
0–20–20
2–8–10
2–12–6
3–12–6
3–12–15
3–18–9
4–12–4
4–10–5
4–8–12
4–10–10
4–12–8
4–16–8

All grades listed below under the heading, "Grades applicable to all states."

NEW YORK

0–14–7
0–12–12
0–16–8
0–14–14
0–24–12
0–20–20
[1] 2–8–10
3–12–6
3–12–15
4–10–5
4–12–4
4–8–12
4–10–10
4–16–4
4–16–8

[1] For vegetables only, primarily muck soils.

All grades listed below under the heading, "Grades applicable to all states."

NORTH CAROLINA

0–10–10 (basic)
0–14–7
2–8–10 (basic)
2–10–6
2–12–6
3–8–5
3–9–6
3–9–9
3–12–6
4–8–4
[1] 4–9–3
4–8–6
4–8–8
4–10–6
4–12–4
4–12–8
[4] 5–7–5
[3] 5–5–20
[2] 10–0–10

[1] For tobacco plant beds only.

[2] For side dressing only.

[3] For side dressing tobacco only.

[4] For vegetables and potatoes only.

All grades listed below under the heading, "Grades applicable to all states."

OHIO

0–14–7
0–12–12
0–16–8
0–14–14
0–10–20
0–20–10
0–9–27
0–12–24
0–20–20
0–12–36
2–12–6
3–12–12
3–9–18
3–18–9
4–8–8
4–10–6
4–12–4
4–16–4
4–24–12
5–10–10
[1] 10–6–4

[1] For side or top-dressing vegetables only.

All grades listed below under the heading, "Grades applicable to all states."

OKLAHOMA

0–14–7
3–12–6
3–12–9
4–10–7
4–12–4

All grades listed below under the heading, "Grades applicable to all states."

OREGON

0–12–20
3–10–10
3–10–20
4–12–4
4–24–0
4–24–4
5–6–8
6–30–0
9–4–6
17–4–4
17–12–0

All grades listed below under the heading, "Grades applicable to all states."

PENNSYLVANIA

0–14–7
0–12–12
0–16–8
0–14–14
0–24–12
0–20–20
2–8–10
2–12–6
3–12–6
3–12–15
3–18–9
4–10–5
4–12–4
4–8–12
4–10–10
4–16–4
4–8–16
4–12–8
4–12–12
4–16–8
4–16–20
4–24–12
6–15–15
7–21–7
[1] 10–6–4

[1] For side or top-dressing fruits and vegetables only.

All grades listed below under the heading, "Grades applicable to all states."

RHODE ISLAND

0–9–27
0–14–14
0–20–20
3–12–6
3–12–15
4–9–7
4–12–4
4–10–10
4–16–20
5–20–10
6–15–15

All grades listed below under the heading, "Grades applicable to all states."

SOUTH CAROLINA

0–14–7
0–12–12
2–12–6
3–8–5
3–9–6
3–9–9
3–12–6
[1] 4–9–3
4–8–4
4–8–6
4–8–8
4–12–4
4–12–8
[2] 5–7–5

[1] For tobacco plant beds only.

[2] For vegetables and potatoes only.

All grades listed below under the heading, "Grades applicable to all states."

TENNESSEE

0–14–7
0–12–12
2–8–10
2–12–6
3–9–6
4–10–4
4–8–8
4–12–4
[1] 5–10–5

[1] For vegetables only.

All grades listed below under the heading, "Grades applicable to all states."

TEXAS

0–14–7
[1] 3–15–0
3–12–6
4–12–4
4–10–7
4–8–12
[2] 10–10–0
[2] 10–20–0

[1] For rice, and for vegetables in the Rio Grande Valley.

[2] For vegetables in the Rio Grande Valley only.

All grades listed below under the heading, "Grades applicable to all states."

VERMONT

0–14–14
0–20–20
3–12–6
3–12–15
4–9–7
4–12–4
4–10–10
4–16–20
[1] 5–3–5
5–20–10
[1] 6–3–6
6–15–15

[1] For tobacco only.

All grades listed below under the heading, "Grades applicable to all states."

VIRGINIA

0–14–7
0–12–12
0–16–8
0–14–14
0–24–12
0–20–20
2–8–10
2–12–6
2–12–12
3–8–5
3–9–6
3–12–6
3–9–15
3–12–15
3–18–9
4–8–4
[1] 4–9–3
4–8–6
4–12–4
4–8–12
4–12–8
4–16–4
4–16–8
[2] 5–10–5
[4] 10–0–10
[3] 10–6–4

[1] For tobacco plant beds only.

[2] For vegetables and potatoes only.

[3] For side or top-dressing fruits and vegetables only.

[4] For side-dressing only.

All grades listed below under the heading, "Grades applicable to all states."

WASHINGTON

0–12–20
3–10–10
3–10–20
4–12–4
4–24–0
4–24–4
5–6–8
6–30–0
9–4–6
17–4–4
17–12–0

All grades listed below under the heading, "Grades applicable to all states."

WEST VIRGINIA

0–14–7
0–16–8
0–24–12
2–12–6
3–18–9
4–12–4
4–12–8
[1] 10–6–4

[1] For side or top-dressing fruits and vegetables only.

All grades listed below under the heading, "Grades applicable to all states."

WISCONSIN

0–14–7
0–12–12
0–16–8
0–14–14
0–20–10
0–9–27
0–20–20
0–12–36
2–12–6
3–12–12
3–9–18
3–18–9
4–10–6
4–12–4
4–24–12
[1] 10–6–4

[1] For side or top-dressing vegetables only.

All grades listed below under the heading, "Grades applicable to all states."

GRADES APPLICABLE TO ALL STATES

Nitrate of soda	16–0–0
Nitrate of soda-potash	14–0–14

GRADES APPLICABLE TO ALL STATES—CON.

Sulphate of ammonia	20 (or higher)–0–0
Cyanamid	20 (or higher)–0–0
Uramon	42–0–0
Ammonium phosphate	11–48–0 16–20–0
Superphosphate	0–18 (or higher)–0
Muriate of potash	0–0–50 (or higher)
Sulphate of potash	0–0–48 (or higher)
Manure salts	0–0–22 (or higher)
Sulphate of potash-magnesia	0–0–18 (or higher)
Basic slag	Any grade
Ground phosphate rock	Any grade
Colloidal phosphate	Any grade
Cotton hull ash	Any grade
Wood ash	Any grade
Victory garden fertilizer	3–8–7, which must contain 2½ units of organic nitrogen and ½ unit of chemical nitrogen.

SCHEDULE B

ALABAMA

Group	1940–41 Grades	1942–43 Approved Grades	Group
(1)	Those with no N to be replaced by	0–14–10	(1)
(2)	Those with 3%, 4%, and 6% N to be replaced by.	4–10–4 4–10–7 4–12–4	(2)

ARKANSAS

Group	1940–41 Grades	1942–43 Approved Grades	Group
(1)	Those with 2% or less N to be replaced by.	0–14–7 0–10–20	(1)
(2)	Those with 3% and 4% N to be replaced by.	3–9–18 3–12–6 3–12–12	(2)
(3)	Those with 5% or more N to be replaced by.	4–10–7 4–12–4 4–8–12	(3)

CONNECTICUT

Group	1940–41 Grades	1942–43 Approved Grades	Group
(1)	Those with 2% or less N to be replaced by.	0–14–14 0–20–20 0–9–27	(1)
(2)	Those with 3% and 4% N to be replaced by.	3–12–6 3–12–15	(2)
(3)	Those with 5% or more N to be replaced by.	4–9–7 4–12–4 4–10–10 5–3–5 6–3–6	(3)
(4)	Multiple-strength grades	4–16–20 5–20–10 6–15–15	(4)

DELAWARE

Group	1940–41 Grades	1942–43 Approved Grades	Group
(1)	All grades used on small grains and those with less than 2% N used on other crops to be replaced by.	0–12–12 0–14–7 0–14–14 0–16–8 0–20–20 0–24–12	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% N to be replaced by	2–8–10 2–12–6 2–12–12	(2)
(3)	Those with 3% and 4% N to be replaced by.	3–9–15 3–12–6	(3)
(4)	Those with 5% N to be replaced by	4–8–12 4–12–4 4–12–8	(4)
(5)	Those with 6% or more N to be replaced by.	5–10–5 10–0–10 10–6–4	(5)
(6)	Multiple-strength grades	3–12–15 3–18–9 4–16–8 4–16–20 4–24–12 7–21–7	(6)

GEORGIA

Group	1940–41 Grades	1942–43 Approved Grades	Group
(1)	Those with less than 2% N to be replaced by.	0–14–10	(1)
(2)	Those with 2% N to be replaced by	2–12–6	(2)
(3)	Those with 3% N to be replaced by	2–12–6 or [1] 3–8–5 [1] 3–9–6 [1] 3–9–9 [1] 3–12–6	(3)
(4)	Those with 4% N to be replaced by	3–9–6 3–9–9 3–12–6 4–2–10 4–9–3	(4)
(5)	Those with 5% or more N to be replaced by.	4–8–4 4–8–6 4–8–8 4–12–4 10–0–10	(5)

[1] Which must carry at least one unit of organic Nitrogen.

ILLINOIS

Group	1940–41 Grades	1942–43 Approved Grades	Group
(1)	All grades used on small grains and those with less than 2% N used on other crops to be replaced by.	0–12–12 0–12–36 0–9–27 0–16–8 0–14–7 0–14–14 0–20–10 0–20–20	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% N to be replaced by	2–12–6 2–16–8	(2)
(3)	Those with 3% N to be replaced by	3–9–18 3–12–12	(3)
(4)	Those with 4% or more N to be replaced by.	4–10–6 4–12–4 10–6–4	(4)
(5)	Multiple-strength grades	3–18–9 4–24–12	(5)

INDIANA

Group	1940–41 Grades	1942–43 Approved Grades	Group
(1)	All grades used on small grains and those with less than 2% N used on other crops to be replaced by.	0–9–27 0–10–20 0–12–12 0–14–7 0–12–36 0–12–24 0–16–8 0–14–14 0–20–10 0–20–20	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% N to be replaced by	2–8–16 2–12–6 2–16–8	(2)
(3)	Those with 3% N to be replaced by	3–9–18 3–12–12	(3)
(4)	Those with 4% or more N to be replaced by.	4–10–6 4–12–4 10–6–4	(4)
(5)	Multiple-strength grades	3–18–9 4–24–12	(5)

IOWA

Group	1940–41 Grades	1942–43 Approved Grades	Group
(1)	All grades used on small grains and those with less than 2% N used on other crops to be replaced by.	0–9–27 0–12–12 0–14–7 0–12–36 0–14–14 0–16–8 0–20–20 0–20–10	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% N to be replaced by	2–12–6	(2)
(3)	Those with 3% N to be replaced by	3–9–18 3–12–12	(3)
(4)	Those with 4% or more N to be replaced by.	4–10–6 4–16–4 4–12–4 10–6–4	(4)
(5)	Multiple-strength grades	3–18–9 4–24–12	(5)

KENTUCKY

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	Those with less than 2% N to be replaced by.	0-12-12 0-14- 7 0-14-14 0-16- 8 0-20-20 0-20-10	(1)
(2)	Those with 2% and 3% N to be replaced by.	2-12- 6	(2)
(3)	Those with 4% N to be replaced by	3- 9- 6 3- 9-18 3-12- 3 3-12-12	(3)
(4)	Those with 5% or more N to be replaced by.	4- 8- 8 4-10- 6 4-12- 4	(4)
(5)	Multiple-strength grades	3-18- 9 4-12- 8 4-16- 4 5-10-10	(5)

LOUISIANA

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	Those with 2% or less N to be replaced by.	0-14- 7 0-14-14	(1)
(2)	Those with 3% and 4% N to be replaced by.	3-12- 6 3-12- 9 3-12-12 3-15- 0	(2)
(3)	Those with 5% or more N to be replaced by.	4-10- 7 4- 8-12 4-12- 4 9- 9- 0	(3)

MAINE

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	Those with 2% or less N to be replaced by.	0-14-14 0-20-20	(1)
(2)	Those with 3% and 4% N to be replaced by.	3-12- 6 3-12-15	(2)
(3)	Those with 5% or more N to be replaced by.	4- 8-12 4- 9- 7 4-12- 4 4-10-10	(3)
(4)	Multiple-strength grades	4-16-20 5-20-10 6- 9-15 6-12-18 6-15-15	(4)

MARYLAND AND DISTRICT OF COLUMBIA

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	All grades used on small grains and those with less than 2% N used on other crops to be replaced by.	0-12-12 0-14- 7 0-14-14 0-16- 8 0-20-20 0-24-12	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% and 3% N to be replaced by.	2- 8-10 2-12- 6 2-12-12	(2)
(3)	Those with 4% N to be replaced by	3- 9-15 3-12- 6	(3)
(4)	Those with 5% N to be replaced by	4- 8-12 4-12- 4 4-12- 8 4-16- 4	(4)
5)	Those with 6% or more N to be replaced by.	5-10- 5 10- 0-10 10- 6- 4 6- 6- 8	(5)
(6)	Multiple-strength grades	3-12-15 3-18- 9 4-16- 8 4-16-20 4-24-12 7-21- 7	(6)

MASSACHUSETTS

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	Those with 2% or less N to be replaced by.	0- 9-27 0-14-14 0-20-20	(1)
(2)	Those with 3% and 4% N to be replaced by.	3-12- 6 3-12-15	(2)
(3)	Those with 5% or more N to be replaced by.	4- 9- 7 4-10-10 4-12- 4 5- 3- 5 6- 3- 6	(3)
(4)	Multiple-strength grades	4-16-20 5-20-10 6-15-15	(4)

MICHIGAN

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	All grades used on small grains and those with less than 2% N used on other crops to be replaced by.	0-12-12 0-10-20 0-12-36 0-20-10 0-14-11 0-12-24 0-14- 7 0-20-20 0- 9-27 0-16- 8	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% N to be replaced by	2- 8-16 2-12- 6 2-16- 8	(2)
(3)	Those with 3% N to be replaced by	3- 9-18 3-12-12	(3)
(4)	Those with 4% or more N to be replaced by.	4-10- 6 4-12- 4 4-16- 4 10- 6- 4	(4)
(5)	Multiple-strength grades	3-18- 9 4-24-12	(5)

MINNESOTA

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	All grades used on small grains and those with less than 2% N used on other crops, to be replaced by.	0- 9-27 0-10-20 0-12-12 0-14- 7 0-12-36 0-12-24 0-14-14 0-16- 8 0-20-20 0-20-10	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% N to be replaced by.	2-12- 6 2-16- 8	(2)
(3)	Those with 3% N to be replaced by.	3- 9-18 3-12-12	(3)
(4)	Those with 4% or more N to be replaced by.	4-10- 6 4-12- 4 10- 6- 4	(4)
(5)	Multiple-strength grades	3-18- 9 4-24-12 8-16-12	(5)

MISSISSIPPI

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	Those with no N to be replaced by	0-14- 7	(1)
(2)	Those with 3%, 4%, 6% and 8% N to be replaced by.	4- 8- 4 4- 8- 8	(2)

MISSOURI

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	All grades used on small grains and those with less than 2% N used on other crops, to be replaced by.	0-12-12 0-10-20 0-14-14 0-14- 7 0-16- 8 0-20-20 0-12-24 0-20-10	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% N to be replaced by	2-12- 6	(2)
(3)	Those with 3% N to be replaced by	3- 9-18 3-12-12	(3)
(4)	Those with 4% or more N to be replaced by.	4-10- 6 4-16- 4 4-12- 4 10- 6- 4	(4)
(5)	Multiple-strength grades	3-18- 9 4-24-12	(5)

NEW HAMPSHIRE

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	Those with 2% or less N to be replaced by.	0-9-27 0-14-14 0-20-20	(1)
(2)	Those with 3% and 4% N to be replaced by.	3-12- 6 3-12-15	(2)
(3)	Those with 5% or more N to be replaced by	4- 9- 7 4-10-10 4-12- 4 5- 3- 5 6- 3- 6	(3)
(4)	Multiple-strength grades	4-16-20 5-20-10 6-15-15	(4)

NEW JERSEY

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	All grades used on small grains and those with less than 2% N used on other crops, to be replaced by.	0-12-12 0-14- 7 0-14-14 0-16- 8 0-20-20 0-24-12	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% N to be replaced by.	2- 8-10 2-12- 6	(2)
(3)	Those with 3% N to be replaced by.	3-12- 6	(3)
(4)	Those with 4% or more N to be replaced by.	4- 8-12 4-10- 5 4-10-10 4-12- 4 4-12- 8	(4)
(5)	Multiple-strength grades	3-12-15 3-18- 9 4-16- 8	(5)

NEW YORK

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	All grades used on small grains and those with less than 2% N used on other crops, to be replaced by.	0-12-12 0-14- 7 0-14-14 0-16- 8 0-20-20 0-24-12	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% N to be replaced by	2- 8-10	(2)
(3)	Those with 3% N to be replaced by	3-12- 6	(3)
(4)	Those with 4% or more N to be replaced by.	4- 8-12 4-10- 5 4-10-10 4-12- 4 4-16- 4	(4)
(5)	Multiple-strength grades	3-12-15 4-16- 8	(5)

NORTH CAROLINA

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	Those with less than 2% N to be replaced by.	[1]0-10-10 0-14- 7	(1)
(2)	Those with 2% N to be replaced by	[1]2- 8-10 2-10- 6 2-12- 6	(2)
(3)	Those with 3% N to be replaced by	[1]2- 8-10 2-10- 6 2-12- 6 or [2]3- 8- 5 [2]3- 9- 6 [2]3- 9- 9 [2]3-12- 6	(3)
(4)	Those with 4% N to be replaced by	3- 9- 6 3- 9- 9 3-12- 6 4- 9- 3	(4)
(5)	Those with 5% or more N, except those used on vegetables and potatoes to be replaced by.	4- 8- 4 4- 8- 6 4- 8- 8 4-10- 6 4-12- 4 4-12- 8 10- 0-10 5- 5-20	(5)
(6)	Those with 5% or more N used on vegetables and potatoes to be replaced by.	5- 7- 5	(6)

[1] Basic.

[2] Which must carry at least one unit of organic nitrogen

OHIO

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	All grades used on small grains and those with less than 2% N used on other crops, to be replaced by.	0-12-12 0-14-14 0-20-20 0-10-20 0-12-24 0- 9-27 0-12-36 0-14- 7 0-16- 8 0-20-10	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% N to be replaced by	2-12- 6	(2)
(3)	Those with 3% N to be replaced by	3- 9-18 3-12-12	(3)
(4)	Those with 4% or more N to be replaced by.	4- 8- 8 4-10- 6 4-12- 4 4-16- 4 10- 6- 4	(4)
(5)	Multiple-strength grades	3-18- 9 4-24-12 5-10-10	(5)

OKLAHOMA

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	Those with 2% or less N to be replaced by.	0-14- 7	(1)
(2)	Those with 3% and 4% N to be replaced by.	3-12- 6 3-12- 9	(2)
(3)	Those with 5% or more N to be replaced by.	4-10- 7 4-12- 4	(3)

PENNSYLVANIA

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	All grades used on small grains and those with less than 2% N used on other crops, to be replaced by.	0-12-12 0-14- 7 0-14-14 0-20-20 0-16- 8 0-24-12	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% N to be replaced by	2- 8-10 2-12- 6	(2)
(3)	Those with 3% N to be replaced by	3-12- 6	(3)
(4)	Those with 4% or more N to be replaced by.	4- 8-12 4- 8-16 4-10- 5 4-10-10 4-12- 4 4-12- 8 4-12-12 4-16- 4 10- 6- 4	(4)
(5)	Multiple-strength grades	3-12-15 3-18- 9 4-16-20 4-24-12 4-16- 8 6-15-15 7-21- 7	(5)

RHODE ISLAND

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	Those with 2% or less N to be replaced by.	0- 9-27 0-14-14 0-20-20	(1)
(2)	Those with 3% and 4% N to be replaced by.	3-12- 6 3-12-15	(2)
(3)	Those with 5% N or more to be replaced by.	4- 9- 7 4-10-10 4-12- 4	(3)
(4)	Multiple-strength grades	4-16-20 5-20-10 6-15-15	(4)

SOUTH CAROLINA

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	Those with less than 2% N to be replaced by.	0-12-12 0-14- 7	(1)
(2)	Those with 2% N to be replaced by	2-12- 6	(2)
(3)	Those with 3% N to be replaced by	2-12- 6 or [2]3- 8- 5 [2]3- 9- 6 [2]3- 9- 9 [2]3-12- 6	(3)
(4)	Those with 4% N to be replaced by	3- 9- 6 3- 9- 9 3-12- 6 4- 9- 3	(4)
(5)	Those with 5% or more N, except those used on vegetables and potatoes to be replaced by.	4- 8- 4 4- 8- 6 4- 8- 8 4-12- 4 4-12- 8	(5)
(6)	Those with 5% or more N used on vegetables and potatoes to be replaced by.	5- 7- 5	(6)

[2] Which must carry at least one unit of organic nitrogen.

TENNESSEE

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	Those with less than 2% N to be replaced by.	0-12-12 0-14- 7	(1)
(2)	Those with 2% and 3% N to be replaced by.	2- 8-10 2-12- 6	(2)
(3)	Those with 4% N to be replaced by	3- 9- 6	(3)
(4)	Those with 5% N to be replaced by	4- 8- 8 4-10- 4 4-12- 4	(4)
(5)	Those with 6% or more N to be replaced by.	5-10- 5	(5)

TEXAS

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	Those with 2% or less N to be replaced by.	0-14- 7	(1)
(2)	Those with 3% and 4% N to be replaced by.	3-12- 6 3-15- 0	(2)
(3)	Those with 5% or more N to be replaced by.	4- 8-12 4-10- 7 4-12- 4 10-10- 0 10-20- 0	(3)

VERMONT

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	Those with 2% or less N to be replaced by.	0-14-14 0-20-20	(1)
(2)	Those with 3% and 4% N to be replaced by.	3-12- 6 3-12-15	(2)
(3)	Those with 5% or more N to be replaced by.	4- 9- 7 4-10-10 4-12- 4 5- 3- 5 6- 3- 6	(3)
(4)	Multiple-strength grades	4-16-20 5-20-10 6-15-15	(4)

VIRGINIA

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	Those with less than 2% N to be replaced by.	0-12-12 0-14- 7 0-20-20 0-14-14 0-16- 8 0-24-12	(1)
(2)	Those with 2% N to be replaced by	2- 8-10 2-12- 6 2-12-12	(2)
(3)	Those with 3% N to be replaced by	2- 8-10 2-12- 6 2-12-12 or 3- 8- 5[2] 3- 9- 6[2] 3- 9-15[2] 3-12- 6[2]	(3)
(4)	Those with 4% N to be replaced by	3- 9- 6 3- 9-15 3-12- 6 4- 9- 3	(4)
(5)	Those with 5% N to be replaced by	4- 8- 4 4- 8- 6 4- 8-12 4-12- 4 4-16- 4	(5)
(6)	Those with 6% or more N to be replaced by.	5-10- 5 10- 0-10 10- 6- 4	(6)
(7)	Multiple-strength grades	3-12-15 3-18- 9 4-12- 8 4-16- 8	(7)

[2] Which must carry at least one unit of organic nitrogen.

WEST VIRGINIA

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	All grades used on small grains and those with less than 2% N used on other crops, to be replaced by.	0-14- 7 0-16- 8 0-24-12	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% and 3% N to be replaced by.	2-12- 6	(2)
(3)	Those with 4% or more N to be replaced by.	4-12- 4 4-12- 8 10- 6- 4	(3)
(4)	Multiple-strength grades	3-18- 9	(4)

WISCONSIN

Group	1940-41 Grades	1942-43 Approved Grades	Group
(1)	All grades used on small grains and those with less than 2% N used on other crops, to be replaced by.	0- 9-27 0-12-12 0-12-36 0-14- 7 0-14-14 0-16- 8 0-20-20 0-20-10	(1)
	For grades used on crops other than small grains:		
(2)	Those with 2% N to be replaced by.	2-12- 6	(2)
(3)	Those with 3% N to be replaced by.	3- 9-18 3-12-12	(3)
(4)	Those with 4% or more N to be replaced by.	4-10- 6 4-12- 4 10- 6- 4	(4)
(5)	Multiple-strength grades	3-18- 9 4-24-12	(5)

[F. R. Doc. 42-12855; Filed, December 4, 1942; 11:25 a. m.]

Part 3114—Simplification and Standardization of Portable Tools, Chucking Equipment, Mechanics' Hand Service Tools, Files, Hack and Band Saws, Vises, Machine Tool Accessories

[Limitation Order L-216]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of portable tools, chucking equipment, mechanics' hand service tools, files, hack and band saws, vises, machine tool accessories, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3114.1 *Limitation Order L-216*—(a) *Issuance of schedules for standardization and simplification.* The Director General for Operations may from time to time issue schedules establishing simplified practices with respect to types, sizes, models, forms, specifications, or other qualifications for any portable tools, chucking equipment, mechanics' hand service tools, files, hack and band saws, vises, machine tool accessories. No such products shall be produced by any producer except in conformity with any issued schedule and except as specifically permitted by such schedule, or except pursuant to specific permission of the Director General for Operations.

(b) *Limitation of sales.* The Director General for Operations may from time to time issue schedules prescribing the preference ratings pursuant to which sales or deliveries of portable tools, chucking equipment, mechanics' hand service tools, files, hack and band saws, vises and machine tool accessories may be made. No person shall sell or deliver, nor shall any person buy or accept delivery of, any portable tools, chucking equipment, mechanics' hand service tools, files, hack and band saws, vises, machine tool accessories with respect to which any such schedule prescribes such preference rating or ratings otherwise than pursuant to such preference rating or ratings, or pursuant to specific permission of the Director General for Operations.

(c) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(d) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(e) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: Tools Division, War Production Board, Washington, D. C., Ref.: L-216.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a) Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 4th day of December 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-12858; Filed, December 4, 1942; 11:25 a. m.]

Part 3114—Simplification and Standardization of Portable Tools, Chucking Equipment, Mechanics' Hand Service Tools, Files, Hack and Band Saws, Vises, Machine Tool Accessories

[Schedule I to Limitation Order L-216]

UNIVERSAL PORTABLE ELECTRIC TOOLS

§ 3114.2 *Schedule I to Limitation Order L-216*—(a) *Definitions.* For the purpose of this schedule, including the Appendix:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Producer" means any person engaged in the manufacture of universal portable electric tools.

(3) "Universal portable electric tools" means any tool specified in any numbered caption of the Appendix attached, with a self-contained electric motor, which is designed for operation on direct or alternating electric current of sixty cycles or less and which, in the course of normal use, is lifted, held and operated by not more than two persons.

(b) *General limitations* — (1) *Size, model, cord.* On and after January 1, 1943, except to the extent expressly permitted under the appropriate caption in the Appendix attached hereto or except pursuant to specific permission of the Director General for Operations, no person shall manufacture any universal portable electric tools:

(i) In any size other than the sizes indicated under the appropriate caption,

(ii) In any model other than the model or models indicated for such size or sizes under the appropriate caption, and, if selection be required thereunder, selected according to subparagraph (2) of this paragraph (b),

(iii) With a cord of any length other than the length specified for such size under the appropriate caption.

(2) *Selection of models for regular manufacture.* If, with respect to any universal portable electric tools, it is indicated under the appropriate caption that one or more models thereof shall be selected, each producer shall select from the models which he regularly cataloged as of May 15, 1942, such model or models as he may desire to retain for regular manufacture, not to exceed the number so indicated, and shall forthwith notify the Director General for Operations of such selection by notice in writing addressed to the Tools Division, War Production Board, Ref.: L-216 Schedule I. The producer may thereafter apply to the Director General for Operations for leave to amend the original selection but unless and until such leave is granted by the Director General for Operations in writing, the original selection shall remain binding upon such producer.

(c) *Limitation of sales.* On and after January 1, 1943, no person shall sell or deliver nor shall any person buy or accept delivery of any universal portable electric tools except pursuant to purchase orders bearing a preference rating of A-9 or higher, or except pursuant to specific permission of the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 4th day of December 1942.

Ernest Kanzler,
Director General for Operations.

Appendix to Schedule I to Limitation Order L-216—Universal Portable Electric Tools

I—*Drills*

Sizes, models and cords are permitted any one producer only to the extent regularly cataloged by the particular producer as of May 15, 1942, and only if manufactured (after January 1, 1943) with armature mounted upon two ball bearings, and then only as follows:

(a) Of a size $\frac{1}{4}$ inch, with a cord length not to exceed 7 feet;

(b) Of a size $\frac{5}{16}$ inch, of one heavy duty model, with a cord length not to exceed 7 feet;

(c) Of a size $\frac{3}{8}$ inch, of not more than one heavy duty model and any one other model selected according to paragraph (b) (2) of the foregoing Schedule, with a cord length not to exceed 7 feet;

(d) Of a size $\frac{1}{2}$ inch, of not more than one heavy duty model and any one other model selected according to paragraph (b) (2) of the foregoing Schedule, with a cord length not to exceed 7 feet;

(e) Of a size $\frac{5}{8}$ inch, of not more than one single speed heavy duty model and one two-speed model, with a cord length not to exceed 7 feet;

(f) Of a size $\frac{3}{4}$ inch, of one heavy duty model equipped with chuck and/or Morse taper, with a cord length not to exceed 7 feet;

(g) Of sizes $1\frac{1}{4}$ inches and larger, with a cord length not to exceed 7 feet; and in addition, of a size 1 inch, of one heavy duty model equipped with No. 3 Morse taper, with a cord length not to exceed 7 feet, whether or not regularly cataloged as of May 15, 1942.

II—*Grinders*

Sizes, models and cords are permitted any one producer only to the extent regularly cataloged by the particular producer as of May 15, 1942, and then only as follows:

(a) Of sizes under 3 inches, with a cord length for each size not to exceed 7 feet;

(b) Of sizes 3 inches and over, with a cord length for each size not to exceed 10 feet.

III—*Right angle buffers, sanders and polishers*

Of the universal portable electric tools covered by this caption, only abrasive disc sanders and abrasive belt sanders may be manufactured.

Sizes, models and cords are permitted any one producer only to the extent regularly cataloged by the particular producer as of May 15, 1942, and then only as follows:

(a) Abrasive disc sanders of sizes of $9\frac{1}{2}$ pounds and over (weighed with disc pad less cord), of any three models selected according to paragraph (b) (2) of the foregoing schedule, with a cord length for each size not to exceed 10 feet;

(b) Abrasive belt sanders of sizes using abrasive belts of widths three inches and over, of any three models selected according to paragraph (b) (2) of the foregoing Schedule, with a cord length for each size not to exceed 10 feet.

IV—*Saws*

Sizes, models and cords are permitted any one producer only to the extent regularly cataloged by the particular producer as of May 15, 1942, and then only of sizes 7 through $12\frac{1}{4}$ inches inclusive, with a cord length for each size not to exceed 10 feet.

V—*Screw drivers, nut runners, tappers; metal cutting shears and nibblers, routers, shapers, lock mortisers, planes and attachments; hammers; valve seat lappers*

Sizes, models and cords are permitted any one producer only to the extent regularly cataloged by the particular producer as of May 15, 1942, and then only with a cord length for each size not to exceed 10 feet.

[F. R. Doc. 42-12859; Filed, December 4, 1942; 11:26 a. m.]

Chapter XI—Office of Price Administration

Part 1303—Zinc

[MPR 124,[1] Amendment 1]

ROLLED ZINC PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1303.260, paragraph (b), is amended to read as set forth below, and a new § 1303.259a, is added as follows:

§ 1303.260 *Appendix A: Maximum prices for rolled zinc products.* * * *

(b) (1) The prices established above for sheet zinc, ribbon and strip zinc, zinc plates, zinc engravers' plates and zinc lithographers' plates, are the maximum base prices for those products. Extra charges for special gauge, special length, special width, special shapes, particular types of packing, and other items for which extras are customarily charged, and extra charges in connection with rolled zinc products in special grades or finishes or produced from alloys containing 95% or more zinc, shall not exceed those in effect by the respective producer on October 1, 1941. Extra charges for quantities of less than five hundred pounds shall not exceed those in effect by the producer on October 1, 1941; except, that for boiler and hull plates, the maximum prices established by this Regulation for sales and deliveries of five hundred pounds or less shall apply.

Within thirty days of the effective date of this Amendment No. 1 to Maximum Price Regulation No. 124, every producer of rolled zinc products shall file a statement with the Office of Price Administration, Washington, D. C., showing:

(i) The types of rolled zinc products he produced during the period October 1, 1940, to November 1, 1942;

(ii) The extra charges which he had in effect on October 1, 1941, for each type of rolled zinc product produced; and

(iii) Cash and trade discounts in effect for each class of purchaser on October 1, 1941.

(2) In the case of any rolled zinc product first offered for sale and delivery by a producer after October 1, 1941, extra charges in connection with such sales and deliveries shall be submitted for the approval of the Office of Price Administration. Pending such approval by the Price Administrator, any producer may sell and deliver, or offer to sell and deliver, and any person may buy, offer to buy, or receive any such product at the maximum price established by Maximum Price Regulation No. 124, plus the extra charges submitted for the approval of this Office. If, however, the Price Administrator disapproves the extra charges submitted, the selling price shall be revised downward to the maximum price which the Price Administrator may approve, and any payment made in excess of the price so approved shall be refunded to the buyer. Sixty days after such extra charges are submitted, in the absence of a notification to the contrary from the Office of Price Administration, the extra charges shall stand approval and shall be the maximum charges applicable.

(3) Cash and trade discounts in effect for each class of purchaser on October 1, 1941, shall not be lowered and shall be calculated as deductions from the maximum prices established by this Regulation.

(c) The minimum quantity making up a carload lot shall be the lowest minimum weight, as set forth in the established tariffs of railroad carriers, upon which a railroad carload lot rate from the point of shipment to the point of destination is based.

§ 1303.259a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1303.260 and 1303.259a) to Maximum Price Regulation No. 124 shall become effective December 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-12843; Filed, December 3, 1942; 4:20 p. m.]

Part 1315—Rubber and Products and Materials of Which Rubber Is a Component

[MPR 149,[1] Amendment 4]

MECHANICAL RUBBER GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1315.21 is redesignated § 1315.21a and in that section a sentence is inserted after the title, paragraph (a) is revoked and paragraphs (b), (c), (d), (e), (f) and (g) are redesignated paragraphs (a), (b), (c), (d), (e) and (f); § 1315.21a is redesignated § 1315.21b; and two new §§ 1315.21 and 1315.37 are added, as set forth below:

§ 1315.21 *Maximum prices for mechanical rubber goods.* (a) On and after May 27, 1942, regardless of any contract, agreement, lease or other obligation, no manufacturer shall sell or deliver mechanical rubber goods and no person shall buy or receive mechanical rubber goods from a manufacturer in the course of trade or business at prices higher than the maximum price set forth in § 1315.21a, except as provided in Appendix D, incorporated herein as § 1315.37; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this paragraph shall not be applicable to sales or deliveries of mechanical rubber goods to a purchaser if prior to May 27, 1942, such mechanical rubber goods had been received by a carrier, other than a carrier owned or controlled by the manufacturer, for shipment to such purchaser.

(b) On and after December 8, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver mechanical rubber goods of the types and kinds listed in Appendix D (§ 1315.37) at prices higher than the prices set forth therein; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1315.21a *Maximum manufacturers' prices for mechanical rubber goods.* This section establishes maximum manufacturers' prices for all mechanical rubber goods, except those for which provision is made in Appendix D (§ 1315.37).

* * * * *

§ 1315.37 *Appendix D: Maximum prices for certain mechanical rubber goods made in whole or in part of synthetic rubber*—(a) *Hose made in whole or in part of neoprene.* The maximum price of hose made in whole or in part of neoprene shall be determined as follows:

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3518, 8948.

[1] 7 F.R. 3889, 7173, 8699.

(1) *Maximum manufacturers' prices*—(i) *For types, constructions and sizes listed in Table I-D.* The manufacturer shall first find the price listed in Table I-D under the heading "List price" for the type, construction and size of hose he is pricing. From this figure he shall deduct all discounts, allowances and other price differentials which he had in effect for a purchaser of the same class on October 1, 1941. He will then find his maximum price by adding to the resultant figure the sum listed under "Differential" in Table I-D for the type, construction and size of hose he is pricing.

TABLE I-D—*Differentials to be used in determining the maximum price of neoprene hose*

Type of hose	Size (inches)	Braid	Ply	Unit of sale	List price [1]	Differential
Fuel oil and gasoline hose (not service station pump).	1	3	--	Foot..	$0.69	$0.18
	1¼	3	--	Foot..	.83	.20
	1½	3	--	Foot..	1.03	.25
Air and air tool hose—Grade 1 (Molded-braided type).	½	2	--	100 ft..	31.30	9.89
	½	3	--	100 ft..	35.80	14.24
	⅝	3	--	100 ft..	40.20	16.10
	¾	2	--	100 ft..	35.80	11.27
	¾	3	--	100 ft..	46.85	18.64
	1	3	--	100 ft..	54.20	24.19
	1¼	3	--	100 ft..	74.55	33.14
	1½	3	--	100 ft..	92.60	41.17
Air and air tool hose—Grade 1 (wrapped type).	½	--	4	Foot..	.38	.12
	¾	--	4	Foot..	.51	.20
	1	--	5	Foot..	.71	.22
	1¼	--	5	Foot..	.97	.30
	1½	--	6	Foot..	1.26	.39
	2	--	6	Foot..	1.56	.48
Oil suction and discharge hose (2 wire—Rough bore regular).	4	--	--	Foot..	9.35	1.06
	6	--	--	Foot..	15.00	2.05
	8	--	--	Foot..	19.45	2.65
	10	--	--	Foot..	24.60	3.35
Oil suction and discharge hose (2 Wire—Rough bore heavy).	4	--	--	Foot..	11.55	1.32
	6	--	--	Foot..	16.60	2.26
	8	--	--	Foot..	20.90	2.84
	10	--	--	Foot..	28.00	3.81
Oil suction and discharge hose (2 Wire—Smooth bore).	4	--	--	Foot..	11.55	1.13
	6	--	--	Foot..	16.60	1.78
	8	--	--	Foot..	20.90	2.21
	10	--	--	Foot..	28.00	2.96
	12	--	--	Foot..	34.50	3.65
Creamery hose (either braided or wrapped).	½	--	--	Foot..	[2].44	[3].04
	¾	--	--	Foot..	[2].53	[3].04
	1	--	--	Foot..	[2].74	[3].06
Hydraulic control and industrial grease hose (wire braid).	¼	2	--	100 ft..	44.80	3.98
	5/16	2	--	100 ft..	48.85	4.34
	⅜	2	--	100 ft..	51.00	5.90
	½	2	--	100 ft..	65.00	7.82
	¾	2	--	100 ft..	90.55	13.00
	1	2	--	100 ft..	116.00	16.65
Spray hose-paint—Fluid line and air line.	¼	1	--	100 ft..	16.00	2.87
	¼	2	--	100 ft..	17.30	3.10
	5/16	1	--	100 ft..	17.00	3.03
	5/16	2	--	100 ft..	18.00	3.21
	⅜	1	--	100 ft..	19.30	3.44
	⅜	2	--	100 ft..	21.10	3.78
	½	2	--	100 ft..	29.50	5.52
	⅝	2	--	100 ft..	36.00	6.73
	¾	2	--	100 ft..	42.00	7.87
Tank car and tank truck hose (hard type or soft type).	1½	--	--	Foot..	1.03	.25
	2	--	--	Foot..	1.35	.32
	2½	--	--	Foot..	2.08	.38
	3	--	--	Foot..	2.61	.43
	4	--	--	Foot..	3.75	.62

[1] With the exception of oil suction and discharge hose (smooth bore), these list prices are based on list prices in effect on October 1, 1941, for hose with a natural rubber tube and cover. The list prices for oil suction and discharge hose (smooth bore) are based on the list prices in effect on October 1, 1941, for hose with a synthetic tube and natural rubber cover.

If all the list prices a manufacturer had in effect on October 1, 1941, for corresponding types of hose differ from the list prices contained in Table I-D, such manufacturer, in determining his maximum price for neoprene hose, shall substitute his list prices in effect on October 1, 1941, for the list prices contained in the table.

[2] If the manufacturer's list prices on October 1, 1941, were different from those contained in Table I-D for creamery hose, he shall use his own list prices in effect on October 1, 1941, and the differential shown in Table I-D.

[3] The differential for creamery hose is for a neoprene cover only.

(ii) *For constructions and sizes not listed in Table I-D.* If the construction and size of hose being priced is not listed in Table I-D and the type of hose being priced is listed in Table I-D, the manufacturer shall determine the maximum price for that construction and size of hose as follows:

(*a*) The manufacturer shall first select that hose listed in Table I-D which is of the most comparable construction to the hose being priced, and he shall then select hose of that construction which is of the nearest size to the hose being priced.

(*b*) The manufacturer shall then divide the list price he had in effect on October 1, 1941, for natural rubber hose of the same type, construction and size as the hose being priced by the list price stated in Table I-D for the most comparable hose (selected in the manner set forth in the preceding inferior subdivision (*a*)). The resultant figure should then be multiplied by the differential stated in Table I-D for such most comparable hose in order to obtain the differential for the hose being priced.

(*c*) The manufacturer shall then determine his maximum price by adding the differential for the hose being priced to the net price he had in effect on October 1, 1941, for hose of the same type, construction and size as the hose being priced. This net price shall be determined by deducting from the list price the manufacturer had in effect on October 1, 1941, all discounts and allowances and other price differentials he had in effect for a purchaser of the same class on that date.

(2) *Notification by the manufacturer.* Every manufacturer of hose made in whole or in part of neoprene shall notify each person to whom he sells that commodity of (i) the provisions of this section by sending him a copy of this paragraph (a); (ii) the particular natural rubber hose to the maximum price of which a differential shall be added to determine the seller's maximum price of the hose containing neoprene; and (iii) the differential which subparagraph (3) of this paragraph (a) permits the seller to add to the maximum price of that natural rubber hose to determine the maximum price of hose containing neoprene.

(3) *Maximum prices for sales by persons other than manufacturers.* If the type, construction and size of hose being priced is listed in Table I-D, the seller shall determine his maximum price by adding the differential stated in Table I-D for the neoprene construction to the seller's maximum price for natural rubber hose of the same type, construction and size. If the construction and size of hose being priced is not listed in Table I-D and the type of hose being priced is listed in Table I-D, the seller shall determine his maximum price by adding to his maximum price for natural rubber hose of the same type, construction and size the same differential that the manufacturer is permitted to add. The manufacturer will furnish the seller with information as to both the natural rubber hose whose maximum price must be used in this determination and the differential the seller may add to that maximum price, in accordance with subparagraph (2) of paragraph (a).

§ 1315.33a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§§ 1315.21; 1315.21a; 1315.37) to Maximum Price Regulation No. 149 shall become effective December 8, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12844; Filed, December 3, 1942; 4:20 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280]

MAXIMUM PRICES FOR SPECIFIC FOOD PRODUCTS

Preamble. In the judgment of the Price Administrator it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 issued by the President on October 3, 1942 to maintain as the maximum prices for certain essential food products heretofore covered under Temporary Maximum Price Regulation No. 22 the prices prevailing with respect thereto during the period September 28, 1942 to October 2, 1942, inclusive. The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will aid in stabilizing the cost of living. The maximum prices established herein are not below prices which will reflect to the producers of the covered agricultural commodities prices for their products equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.*

Therefore, with the concurrence of the Secretary of Agriculture and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1, [7 F.R. 8961] Maximum Price Regulation No. 280 is hereby issued.

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*Copies may be obtained from the Office of Price Administration.

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AUTHORITY: §§ 1351.801 to 1351.820, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; and E.O. 9250, 7 F.R. 7871.

§ 1351.801 *Purpose of this regulation.* It is the purpose of this regulation to establish maximum prices for sales of the following specific food products:

(a) *Milk products.* Fluid milk and fluid cream sold at wholesale in containers other than bottles and paper containers, butter, cheese, condensed and evaporated milk, powdered milk, casein, malted milk powder and any other food commodity which is processed or manufactured from cow's milk and composed of milk ingredients constituting more than fifty percent by weight or volume, excluding ice cream (which is covered under the General Maximum Price Regulation[1]).

(b) *Eggs.* All shell, dried, frozen and tanner eggs.

(c) *Poultry.* All chickens, fowl, roosters, capons, ducks, geese, pigeons, squabs, and game birds including live, dressed, drawn, split, disjointed, and all other forms of the foregoing when sold for human consumption.

(d) *Canned citrus fruits and juices and other citrus products.* All canned fruits and juices made from citrus fruits (such as oranges, grapefruit, lemons and limes) and combinations or blends thereof; citrus concentrates; and all other citrus products.

(e) *Fresh citrus fruits.* All fresh citrus fruits sold at retail as provided in § 1351.806 herein including but not limited to oranges, grapefruit, lemons and limes.

(f) *Flour.* All flour produced from wheat, including bleached, bromated, enriched, phosphated and self-rising flours.

(g) *Cake mixes and flour mixes, in bulk and "packaged" in quantities greater than three pounds.* All combinations of flour with any other ingredients.

(h) *Dried peas and lentils.* All threshed and dried field or garden peas and lentils used for human consumption.

(i) *Corn meal, hominy and hominy grits, in bulk and "packaged" in quantities greater than three pounds.* All corn "ground" for human consumption with or without the removal of all or part of the bran or germ.

The food products listed above are referred to in this regulation as "listed food products."

§ 1351.802 *Prohibition against buying and selling above maximum prices.* (a) On and after December 3, 1942, regardless of any contract, agreement or other obligation, no person shall sell or deliver a listed food product, and no person in the course of trade or business shall buy or receive a listed food product at a price higher than the maximum price permitted by this Maximum Price Regulation No. 280; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

(b) However, prices lower than maximum prices may be charged, demanded, paid or offered.

§ 1351.803 *Maximum prices.* (a) The seller's maximum price for any listed food product shall be the highest price charged by the seller during the period September 28, 1942, to October 2, 1942, inclusive, for the same listed food product; or if no charge was made for the same listed food product, for the similar listed food product most nearly like it. If the seller did not sell the same or similar listed food product during the period September 28, 1942, to October 2, 1942, inclusive, his maximum price for such listed food product shall be the highest price charged during that period by his most closely competitive seller of the same class for the same listed food product; or, if no charge was made for the same listed food product, for the similar food product most nearly like it.

(b) If the seller cannot determine his maximum price for a listed food product under the foregoing, because neither he nor his most closely competitive seller of the same class delivered or offered for delivery such listed food product to a purchaser of the same class during the base period of September 28, 1942, to October 2, 1942, inclusive, he may determine his maximum price by the following procedure applied in the following order:

(1) By taking the maximum price of the same or similar listed food product most nearly like it which he charged a different class of purchaser during such base period and adjusting the price to reflect the customary differential between the two classes of purchasers.

(2) By taking the maximum price of the same or similar listed food product most nearly like it charged by his most closely competitive seller of the same class to a different class of purchaser during such base period, and adjusting that maximum price to reflect the customary differential between the price charged that different class of purchaser by such competitor, and the price for that class of purchaser for whom a maximum price is sought by the seller.

(c) If the seller cannot determine his maximum price for a listed food product under the foregoing, because neither he nor his most closely competitive seller of the same class delivered or offered for delivery the same or a similar listed food product during such base period, he may determine his maximum price by the following procedure applied in the following order:

(1) By taking the maximum price for the most nearly similar listed food product that he has delivered or offered for delivery during such base period, and adjusting the price to reflect the customary differential between the two commodities.

(2) By taking the maximum price for the most nearly similar listed food product delivered or offered for delivery by his most closely competitive seller of the same class, during such base period, and adjusting that maximum price to reflect the customary differential between the price charged by such competitive seller for such nearly similar listed food product, and the price for that listed food product for which a maximum price is sought by the seller.

§ 1351.804 *Relationship between minimum prices established by Federal marketing agreements, orders or licenses and maximum prices established herein.* If the maximum price established for any seller by this Maximum Price Regulation No. 280 is below the minimum price established for him by any marketing agreement, order or license heretofore or hereafter to be issued by the Secretary of Agriculture, pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, such minimum price shall become the seller's maximum price.

§ 1351.805 *Addition allowed sellers of bulk fluid milk or cream of price increases resulting from Federal milk marketing agreements, orders or licenses.* Any seller of bulk fluid milk or bulk fluid cream may add to his maximum selling prices established by this Maximum Price Regulation No. 280, the amount in dollars and cents of any price increase which he actually pays to his supplier because of any increases in producers' minimum prices since October 2, 1942, as the result of any marketing agreement, order or license heretofore or hereafter to be issued by the Secretary of Agriculture pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended: *Provided, however,* That no increase allowed under this § 1351.805 shall be greater than the increase allowed the producer under such marketing agreement, order or license. "Bulk fluid milk" and "bulk fluid cream" in this § 1351.805 means fluid milk and fluid cream sold in containers other than bottles or paper containers.

§ 1351.806 *Maximum prices for fresh citrus fruits at retail.* (a) The seller's maximum price at retail for fresh citrus fruits shall be established as provided in this section. Any provision of this Maximum Price Regulation No. 280 which is contrary to or inconsistent with the provisions of this section, shall not apply to sales of fresh citrus fruits at retail, but each and every provision or definition of this Maximum Price Regulation No.

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[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4457, 4659, 5027, 5192, 5276, 4736, 5363, 5445, 5454, 5665, 5775, 5738, 5784, 6007, 6055, 6081, 6216, 6515, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004, 9435, 9615, 9616.

280, which is not contrary to or inconsistent with the provisions of this section, shall remain in full force and effect and shall apply to all sales of fresh citrus fruits at retail.

(b) Sales of fresh citrus fruits by mail or express shipment to the ultimate consumer shall not be deemed sales of fresh citrus fruits at retail for the purposes of this Maximum Price Regulation No. 280.

(c) For the purposes of this section, oranges shall include tangerines and all oranges wherever grown; lemons shall include all lemons, wherever grown; and limes shall include all limes, wherever grown.

(d) The seller's maximum price at retail for all fresh citrus fruits, except grapefruit, and including but not limited to oranges, lemons and limes, shall be the highest price charged by the seller during the period September 28, 1942, to October 2, 1942, inclusive, for the same commodity. If the seller did not sell the same commodity during that period, his maximum price shall be the highest price charged during that period by his most closely competitive seller of the same class for the same commodity.

(e) The seller's maximum price at retail for California or Arizona grapefruit shall be the highest price charged by the seller during the period September 28, 1942, to October 2, 1942, inclusive, for the same commodity. If the seller did not sell California or Arizona grapefruit during that period, his maximum price shall be the highest price charged during that period by his most closely competitive seller of the same class, for the same commodity. If the seller is unable to obtain a maximum price by either of the foregoing methods, his maximum price for California or Arizona grapefruit shall be either ten cents per grapefruit, or the cost to him of each such grapefruit plus two and one-half cents, whichever results in the lower price.

(f) The seller's maximum price at retail for all grapefruit other than California or Arizona grapefruit, shall be the highest price charged by the seller during the period September 28, 1942, to October 2, 1942, inclusive, for the same commodity. If the seller did not sell such grapefruit during that period, his maximum price shall be the highest price charged during that period by his most closely competitive seller of the same class for the same commodity. If the seller is unable to obtain a maximum price for such grapefruit by either of the foregoing methods, his maximum price shall be either ten cents per grapefruit, or the cost to him of each such grapefruit plus two and one-half cents, whichever price is lower.

(g) The cost of a grapefruit to the seller shall be the actual cost delivered at the seller's place of business, less any cash discounts or allowances to the seller.

§ 1351.807 *Adjustment of maximum prices of fluid milk.* (a) The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this Maximum Price Regulation No. 280 for fluid milk sold at wholesale in containers other than bottles or paper containers in the case of any seller or group of sellers where it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of such fluid milk; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such fluid milk; and

(3) That such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

(b) Each Regional Administrator is authorized to make adjustments or act upon applications for adjustment under this § 1351.807.

(c) Applications for adjustment under this § 1351.807 shall be filed in accordance with Revised Procedural Regulation No. 1.

§ 1351.801 *Exempt sales.* This Maximum Price Regulation No. 280 shall not apply to the following:

(a) Sales and deliveries made directly by a farmer of any listed food product produced on his farm. However, this Maximum Price Regulation No. 280 shall apply to a sale or delivery by a farmers' cooperative, whether as agent or otherwise, and to a sale or delivery directly by a farmer of any listed food product to an ultimate consumer if during the preceding month the farmers' sales to ultimate consumers of all food products produced on his farm exceeded $75.00.

(b) Deliveries to the United States, or any agency thereof, under contracts entered into prior to October 5, 1942.

(c) Sales, deliveries or transactions in connection with any listed food product which may be exempt by the following sections of Revised Supplementary Regulation No. 4[3] to the General Maximum Price Regulation, as well as amendments to them, and such sections and amendments are hereby made applicable to every person selling listed food products:

(1) § 1499.29 (a) (5) (Developmental contracts)

(2) § 1499.29 (a) (6) (Secret contracts)

(3) § 1499.29 (a) (7) (Emergency purchases)

(d) Sales or deliveries by hotels, restaurants, soda fountains, bars, cafes or other similar establishments of listed food products prepared and sold for consumption on the premises.

§ 1351.809 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 280 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to a listed food product alone or in conjunction with any other commodity, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by changing a business practice relating to the price lines, grading, labeling, packaging or branding of a listed food product.

§ 1351.810 *Sales for export.* The maximum prices at which a person may export a listed food product shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[4] issued by the Office of Price Administration.

§ 1351.811 *Imports.* On and after the effective date of this Maximum Price Regulation No. 280, no person in the course of trade or business shall import or agree, offer, solicit, or attempt to import a listed food product at a price in excess of that established by this Maximum Price Regulation No. 280. "Import" means to buy, receive, or in any manner to pay for any listed food product pursuant to or in connection with any transaction, contract, agreement or other obligation whereby the listed food product is transported or is to be transported to the United States, its territories and possessions, or the District of Columbia from any place outside the United States, its territories and possessions and the District of Columbia, regardless of whether the importer deals directly with the seller, or deals through an agent, broker or other intermediary acting for either party, in or outside the United States, its territories or possessions, or the District of Columbia, and regardless of whether such importation is for use or for resale.

§ 1351.812 *Records and reports.* (a) As to all sales not specifically exempted by other sections of this Maximum Price Regulation No. 280 every person selling a listed food product shall preserve for examination by the Office of Price Administration all his existing records relating to prices which he charged for such listed food product delivered or supplied during the period from September 28, 1942, to October 2, 1942, inclusive, and his offering prices for delivery or supply of a listed food product during such period; and shall also preserve all information and records required by § 1351.807 of Temporary Maximum Price Regulation No. 22, and shall keep for examination by any person during ordinary business hours, a statement showing (1) the highest prices charged for such listed food product delivered or supplied during such period and his offering prices for delivery or supply of a listed food product during such period, together with an appropriate identification of such product and (2) all his customary allowances, discounts, and other price differentials.

(b) As to all sales not specifically exempted by other sections of this Maximum Price Regulation No. 280, every person selling a listed food product shall keep and make available for examination by the Office of Price Administration records of the same kind as he has customarily kept relating to the prices which he charged for such food product during the period from September 28, 1942, to October 2, 1942, inclusive, and, in addition, records showing, as precisely as possible, the basis upon which he determined maximum prices.

(c) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraphs (a) and (b) of this section as the Office of Price Administration may from time to time require.

§ 1351.813 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 280 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 280 or of any price schedule, regulation, or practices which constitute such a violation are urged to communicate with the nearest district, state, field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1351.814 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 280 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1351.815 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to and at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations, where a petition for amendment requires extended consideration, the Price Administrator, may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendancy of the petition in accordance with the disposition of the petition.

§ 1351.816 *Definitions.* (a) When used in this Maximum Price Regulation No. 280, the term:

(1) "Person" means individual, corporation, partnership, association or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agencies of any of the foregoing;

(2) "Highest price charged during the base period" means the highest price which the seller (except a seller of wheat flour or a seller of corn meal, hominy or hominy grits) charged for a listed food product delivered by him during the period from September 28, 1942, to October 2, 1942, inclusive, to a purchaser of the same class, or, if the seller made no such delivery during such period, his highest offering price for delivery during that period to a purchaser of the same class. In the case of a seller of wheat flour or a seller of corn meal, hominy or hominy grits in bulk and packaged in quantities greater than three pounds, "highest price charged during the base period" means the highest price at which the seller during the period from September 28, 1942, to October 2, 1942, inclusive, contracted to sell for immediate or future delivery to a purchaser of the same class, or if the seller made no such contract during such period, his highest offering price during that period to a purchaser of the same class. No seller shall change his customary allowances, discounts or other price differentials unless such change results in a lower price. No seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery or supply of any listed food product than the seller required purchasers of the same class to pay during such period on deliveries of a listed food product.

(3) "Purchaser of the same class" refers to the practice followed by the seller in the ninety-day period preceding October 2, 1942, in setting different prices for sales to different purchasers or kinds of purchasers (for example, but not limited to, manufacturer, wholesaler, jobber, retailer, government agency, public institutions, individual consumer or any ordinarily recognized subgroup or combination of the foregoing) or for purchasers located in different areas or for different quantities or under different conditions of sale.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

§ 1351.817 *Relation to other maximum price regulations.* (a) The provisions of this Maximum Price Regulation No. 280 shall not apply to any sale or delivery of a listed food product for which a maximum price is in effect on December 3, 1942, under the provisions of any other price regulation, including the General Maximum Price Regulation, issued by the Office of Price Administration.

(b) The following sections of the General Maximum Price Regulation, as well as the Amendments to them, shall be applicable to every person selling a listed food product:

(1) *Adjustment of maximum prices in cases of special deals* (§ 1499.4b).

(2) *Transfers of business or stock in trade* (§ 1499.5).

(3) *Federal and state taxes* (§ 1499.7). In applying § 1499.7 of the General Maximum Price Regulation, the base period of September 28, 1942, to October 2, 1942, inclusive, shall be substituted for the period of March, 1942 used therein, and the date October 2, 1942, shall be substituted for the date March 31, 1942, used therein.

(4) *Sales slips and receipts* (§ 1499.14).

(5) *Registration* (§ 1499.15).

(6) *Licensing* (§ 1499.16).

§ 1351.818 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 280 shall be applicable to the United States, its territories and possessions, and the District of Columbia.

§ 1351.819 *Revocation of Temporary Maximum Price Regulation No. 22.* Temporary Maximum Price Regulation No. 22 (§§ 1351.801 to 1351.814, inclusive), which was issued October 3, 1942, and which was to expire on December 3, 1942, is hereby revoked and replaced by this Maximum Price Regulation No. 280.

§ 1351.820 *Effective date.* Maximum Price Regulation No. 280 (§§ 1351.801 to 1351.820, inclusive) shall become effective on December 3, 1942.

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

Approved:

PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 42-12845; Filed, December 3, 1942; 4:21 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5C,[1] Amendment 2]

MILEAGE RATIONING: GASOLINE REGULATIONS

TEMPORARY LIMITED BANKING AMENDMENT

A rationale involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Sixteen new sections, §§ 1394.8325 through 1394.8340, are added as set forth below:

Gasoline Ration Bank Accounts

§ 1394.8325 *Meaning of terms used in §§ 1394.8325 through 1394.8340.* When used in §§ 1394.8325 through 1394.8340:

(a) "Account" means gasoline ration bank account.

(b) "Albany Ration Banking Office" means the Ration Banking Office of the Office of Price Administration, 76 State Street, Albany, New York.

(c) "Area" means introductory area.

(d) "Depositor" means a person required by § 1394.8329 to open a gasoline ration bank account.

(e) "Introductory area" means the following area of New York State: the cities of Albany, Schenectady, Troy, Cohoes, Rensselaer, Mechanicsville, and Watervliet; and the towns of Glenville, Rotterdam, Niskayuna, Guilderland, Colonie, Waterford, Schaghticoke, Brunswick, North Greenbush, East Greenbush, and Bethlehem.

(f) "Issue" when used with respect to a voucher, means the delivery of a completed voucher.

(g) "Listed bank" means one of the following banks or bank branches:

First Trust Company, Main Office, 31-37 State Street, Albany, New York.

First Trust Company, Branch, 135 South Pearl Street, Albany, New York.

First Trust Company, Branch, 252 Washington Avenue, Albany, New York.

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[3] 7 F.R. 5056, 5089, 5566, 6082, 6084, 6426, 6793, 6744, 7175, 7538, 8021.

[4] 7 F.R. 5059, 7242, 8829, 9000.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9135, 9787.

Mechanics and Farmers Bank, 63 State Street, Albany, New York.

National Commercial Bank and Trust Company, Main Office, 60 State Street, Albany, New York.

National Commercial Bank and Trust Company, Branch, 200 Washington Avenue, Albany, New York.

National Commercial Bank and Trust Company, Branch, Broadway, corner of Pleasant, Albany, New York.

National Commercial Bank and Trust Company, Altamont Branch, Altamont, New York.

National Commercial Bank and Trust Company, Delmar Branch, Delmar, New York.

State Bank of Albany, Main Office, 63 State Street, Albany, New York.

State Bank of Albany, Branch, 339 Central Avenue, Albany, New York.

State Bank of Albany, Mechanicville Branch, Mechanicville, New York.

Manufacturers Bank of Cohoes, Cohoes, New York.

National Bank of Cohoes, Cohoes, New York.

Rensselaer County Bank and Trust Company Main Office, 810 Broadway, Rensselaer, New York.

Rensselaer County Bank and Trust Company, Branch Office, 156 Broadway, Rensselaer, New York.

Citizens Trust Company, Main Office, 436 State Street, Schenectady, New York.

Citizens Trust Company, Branch Office, Broadway, corner Westinghouse Place, Schenectady, New York.

Mohawk National Bank, Main Office, 216 State Street, Schenectady, New York.

Mohawk National Bank, Branch, Albany Street, corner Hulett, Schenectady, New York.

Morris Plan Industrial Bank, 244 State Street, Schenectady, New York.

Schenectady Trust Company, Main Office, 320 State Street, Schenectady, New York.

Schnectady Trust Company, Branch, 959 Crane Street, Schenectady, New York.

Schenectady Trust Company, Branch, 1050 State Street, Schenectady, New York.

Union National Bank, 334 State Street, Schenectady, New York.

Glenville Bank, Scotia, New York.

National Bank of Watervliet, Watervliet, New York.

Bank of Waterford, Waterford, New York.

Manufacturers National Bank, Main Office, 4th and Grand Streets, Troy, New York.

Manufacturers National Bank, Branch, 604 2nd Street, Troy, New York.

Manufacturers National Bank, Branch, 31 3rd Street, Troy, New York.

National City Bank of Troy, 89 Third Street, Corner State Street, Troy, New York.

Union National Bank (of Troy), 50 Fourth Street, Troy, New York.

(h) "Listed board" means any one of the following boards:

Local board name:	*Local board No.*
Albany City and County Board	1-4-1
Cohoes City Board	1-1-2
Watervliet City Board	1-1-3
Rensselaer City Board	38-1-1
Rensselaer County Board	38-0-1
Troy City Board	38-1-2
Saratoga County Board	41-0-1
Mechanicville City Board	41-1-1
Schenectady City and County Board	42-4-1

(i) "Named transferee" means the depositor, listed board or Office of Price Administration named in a voucher as the person to whom or to whose account the amount specified thereon is to be transferred.

(j) "Person" shall have the meaning designated in § 1394.7551 (a) (32) and shall also include board.

(k) "Voucher" means a gasoline transfer voucher on Form OPA RB-30.

§ 1394.8326 *Scope of §§ 1394.8325 through 1394.8340.* The provisions of §§ 1394.8325 through 1394.8340 shall apply only in the introductory area.

§ 1394.8327 *Administration of §§ 1394.8325 through 1394.8340.* In addition to the administrative personnel provided for in § 1394.7601, §§ 1394.8325 through 1394.8340 shall be administered by the listed banks acting in the performance of such duties as agents for, and under the direction of, the Office of Price Administration, and responsible only to the Office of Price Administration.

§ 1394.8328 *Prohibition.* Notwithstanding anything to the contrary contained in Ration Order No. 50, on and after December 1, 1942, except as otherwise provided in paragraph (a) of § 1394.8331 and § 1394.8338, no evidences required to be deposited by paragraph (a) of § 1394.8331 shall be surrendered by or accepted from a depositor, but vouchers shall be issued or accepted in place thereof.

§ 1394.8329 *Persons required to open gasoline ration bank accounts.* Every intermediate distributor registered with a listed board, and every licensed distributor having a place of business within the introductory area shall open a gasoline ration bank account.

§ 1394.8330 *Application for an account.* (a) Application for an account shall be made by the intermediate or licensed distributor on or after December 1, 1942, at a listed bank at which the intermediate or licensed distributor carries a checking account. If the intermediate or licensed distributor does not carry a checking account at a listed bank application shall be made to any listed bank.

(b) Application shall be made in duplicate on Form OPA RB-10, and shall contain specimen signatures of all persons authorized to sign and issue vouchers for the depositor against such account, and shall be accompanied by proof satisfactory to the bank that the execution of the application and the designation thereon of persons authorized to sign vouchers was duly authorized. The depositor shall also submit to the bank such references and other proofs of identity or of authority to engage in business as the bank may require.

(c) The application shall be signed in the presence of an officer of the bank, who shall witness the signature and certify to the compliance by the applicant with all the requirements of paragraphs (a) and (b) of this section. The bank shall thereupon open a gasoline ration bank account in the name of the applicant, assign a number to the account and issue to the applicant a set of gasoline credit slips (Form OPA RB-31) and serially numbered vouchers. It shall retain the original of the application and forward the duplicate to the Albany Ration Banking Office. The bank shall prepare for each account a depositor's ledger card on which debits and credits shall be stated in gallons and posted in accordance with the bank's general posting practice.

(d) Notwithstanding the provisions of paragraphs (a), (b) and (c) of this section, no intermediate or licensed distributor who on November 30, 1942, had a gasoline ration bank account, established pursuant to Ration Order No. 5A, shall be required to make a new application for an account, but shall instead continue to use the gasoline ration bank account applied for and opened for him pursuant to the provisions of Ration Order No. 5A.

§ 1394.8331 *Deposits.* (a) On opening the account each depositor shall deposit all evidences on hand which were received in exchange for transfers of gasoline from a place of business within the introductory area; thereafter he shall deposit all such evidences within fifteen (15) days of their receipt. He shall also deposit all evidences on hand which were received from a listed board for gasoline used by him within New York State; thereafter he shall deposit all such evidences within fifteen (15) days of his use of such gasoline. He shall also deposit all vouchers issued to him within fifteen (15) days after the date appearing on the face thereof. *Provided, however,* That evidences which are required by § 1394.8218 to be attached in the form of an exchange certificate to a monthly State motor fuel tax report to a State motor fuel tax administration other than the New York State motor fuel tax administration shall not be deposited.

(b) On opening the account any depositor who is a licensed distributor and who maintains an office within the introductory area from which reports are regularly made to the New York State motor fuel tax administration, covering all such depositor's transfers or uses of gasoline within New York State, may deposit all evidences on hand or thereafter received except evidences which are required by § 1394.8218 to be attached, in the form of an exchange certificate, to a monthly motor fuel tax report to a State motor fuel tax administration other than the New York State motor fuel tax administration.

(c) On and after December 1, 1942, vouchers not deposited as required in paragraph (a) hereof shall be invalid.

(d) Each deposit shall be accompanied by a two-part credit slip (Form OPA RB-31) bearing the depositor's name and address and the number assigned to the account in which the deposit is made, and listing the items deposited. Coupons deposited shall be properly affixed to a coupon sheet (Form OPA R-542) as provided in § 1394.8211. Other evidences and vouchers shall be endorsed by the depositor before deposit.

(e) The bank shall acknowledge receipt of the deposit on the stub and return it to the depositor. It may, however, accept a deposit subject to verification by the end of the following business day, in which case it shall immediately notify the depositor of any errors discovered. Upon receipt of such notification, the depositor shall return his stub for correction.

(f) The account shall be credited with the gallonage value of evidences and vouchers deposited therein.

§ 1394.8332 *Issuance of vouchers; effect.* (a) A voucher shall be issued by or accepted from a depositor only for the purposes for which the surrender of evidences of equal gallonage value by, or the acceptance thereof from, a person other than a depositor is permitted. The issuance of a voucher by a depositor shall have the same effect as the surrender of evidences of equal gallonage value under like circumstances by a person other than a depositor. However, a voucher may be issued to the Office of Price Administration pursuant to § 1394.8336, to a listed board pursuant to paragraph (a) of § 1394.8333, or to a listed board to obtain an exchange certificate or inventory coupons of gallonage value equal to the voucher, for surrender pursuant to § 1394.8338. A listed board, upon issuance to it of a voucher for such purpose, shall issue an exchange certificate or inventory coupons in gallonage value equal thereto.

(b) No voucher shall be issued by or accepted from a person other than a depositor, or issued to or accepted by a person other than a depositor, a listed board, or the Office of Price Administration named thereon as transferee. Vouchers shall not be negotiable. No bank shall accept for deposit to the account of any depositor a voucher of which a person other than such depositor is the named transferee.

(c) Upon the deposit of a voucher pursuant to paragraph (a) of § 1394.8331, the bank of deposit shall return the voucher to the drawee bank, which shall debit it to the account on which it is drawn.

§ 1394.8333 *Vouchers issued to listed boards.* (a) Whenever a depositor is required to surrender evidences to a listed board, he shall issue to such board a voucher in the same gallonage value as such evidences.

(b) A voucher issued to a listed board, pursuant to paragraph (a) of this section or to paragraph (a) of § 1394.8332 shall be returned by such board to the drawee bank, which shall debit it to the account on which it is drawn.

§ 1394.8334 *Overdrafts; post-dated vouchers.* (a) No voucher shall be drawn on any account in an amount in excess of the balance on deposit therein, less the amount of outstanding vouchers drawn thereon. A drawee bank receiving for debit a voucher which is drawn in an amount in excess of the balance on deposit in the account, or which is drawn on a non-existent account, shall immediately transmit the voucher, together with a statement of the circumstances, to the Albany Ration Banking Office.

(b) No voucher shall bear a date later than the date on which it is issued.

§ 1394.8335 *Invalid and lost vouchers.* (a) Vouchers which are torn, mutilated, or incorrectly made out or on which an erasure or other alteration appears (whether initialled or not) shall be invalid.

(b) A named transferee having an invalid voucher shall return it to the depositor from whom it was received, retaining a record of the amount and the account and serial numbers of the voucher. No bank shall accept for deposit an invalid voucher. A named transferee who has lost a voucher shall immediately notify the depositor from whom it was received in writing of the loss.

(c) A depositor receiving a returned invalid voucher or advised pursuant to paragraph (b) of this section of the loss of a voucher shall replace such voucher within five (5) days if the named transferee is a listed board or a depositor who has already delivered gasoline against such voucher. If he fails to do so, the named transferee shall immediately notify the Albany Ration Banking Office.

(d) A depositor who is notified of the loss of a voucher shall immediately file with the bank from which he obtained the voucher form a Missing Voucher Statement (Form OPA RB-12). A drawee bank which receives for debit a voucher as to which it has on file a missing voucher statement shall immediately notify the Albany Ration Banking Office.

(e) A depositor shall insert the account number, mark "cancelled", and return all invalid vouchers and all vouchers made out but not issued to the bank carrying the account with respect to which the voucher forms were obtained.

(f) If a drawee bank receives for debit to the account of a depositor a voucher bearing a serial number not immediately succeeding the highest serial number of any voucher drawn on such account and theretofore received by the bank, and if the voucher or vouchers bearing the intervening serial numbers, or missing voucher statements for each intervening voucher, are not received by the drawee bank within fifteen (15) days thereafter, the drawee bank shall notify the depositor of such fact. If the depositor fails properly to account for such vouchers within five (5) days after such notification, the bank shall notify the Albany Ration Banking Office.

(g) A drawee bank receiving for debit a voucher which appears to be invalid for any reason other than that it is an overdraft or is drawn on a non-existent account shall immediately notify the depositor on whose account the voucher is drawn. The depositor shall notify the bank in writing within two (2) days whether or not the voucher is valid. If he verifies the voucher, it shall be debited to his account. If he fails to verify it, the bank shall immediately send the voucher and a report of the circumstances to the Albany Ration Banking Office.

§ 1394.8336 *Vouchers issued by licensed distributors to the Office of Price Administration.* Each licensed distributor who is a depositor shall attach to his monthly State motor fuel tax report to the New York State motor fuel tax administration a voucher drawn on his account, payable to the Office of Price Administration, and confirmed by his bank, in an amount equal to the gallonage value of evidences which he has deposits pursuant to § 1394.8331 and which he would otherwise be required by § 1394.8218 to attach to such report in the form of an exchange certificate. Such confirmation by the bank shall constitute a certification that the balance in depositor's account is sufficient to meet the voucher. The bank shall debit the depositor's account in the amount of the voucher immediately upon making the confirmation.

§ 1394.8337 *Reversal of credits; stop orders.* (a) No bank which has accepted for deposit a voucher valid on its face shall cancel the credit resulting from such deposit except upon order of the Office of Price Administration.

(b) No depositor shall issue a stop order and no stop order shall be honored as to any voucher.

(c) Upon receipt of instructions from the Office of Price Administration to debit or credit an account of a depositor, the bank shall debit or credit such account in the amount instructed and notify the depositor thereof.

§ 1394.8338 *Permitted surrender by depositors of exchange certificates or inventory coupons.* A depositor may surrender to a person other than a depositor, a listed board, or the Office of Price Administration, exchange certificates or inventory coupons received from a listed board pursuant to § 1394.8332 (a).

§ 1394.8339 *Records and duties of depositors.* (a) Each depositor shall retain, for a period of one (1) year, all depositor's stubs, voucher stubs, and statements obtained pursuant to paragraph (b) of this section.

(b) Each depositor shall obtain from his bank monthly a statement of his account. He shall check this statement against his records, and any errors or other discrepancies shall be reported to the bank within twenty (20) days after the date of issuance of the statement. Otherwise any errors shall be deemed to have been waived by the depositor. Each depositor shall be entitled to examine his cancelled vouchers at his bank on one day each month designated by the bank for that purpose.

(c) Any dispute between a depositor and his bank with respect to the amount of the balance in an account shall be referred to the Albany Ration Banking Office for decision by the Office of Price Administration.

§ 1394.8340 *Bank records and accounts confidential.* All records kept by any bank with respect to an account shall be confidential and shall be subject to inspection, removal or other disposition only as the Office of Price Administration may from time to time order.

Effective Date

§ 1394.8352 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1394.8325 through 1394.8340) to Ration Order No. 5C shall become effective December 1, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507 and 421, 77th Cong.; W.P.B. Dir. 1, Amendment 2 to Supp. Dir. 1 (H); 7 F.R. 562, 3478, 3877, 5216)

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12846; Filed, December 3, 1942; 4:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 of Order 118, Under § 1499.3 (b) of GMPR]

THE UPJOHN COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, paragraphs (c) and (e) of § 1499.982 of Order No. 118[1] are amended and a new paragraph (i) is added to § 1499.982 to read as set forth below:

§ 1499.982 *Approval of maximum prices for sales of Minicaps B and Minicaps B with C.* * * *

(c) *Sales by retail drug establishments*—(1) *Maximum prices.* The maximum prices for sales by any retail drug establishment, except for sales on prescription as provided in subparagraph (3) of this paragraph, of Minicaps B or Minicaps B with C are established as set forth below:

	Per package of 30 capsules
Minicaps B	$1.58
Minicaps B with C	1.97

When used in this paragraph the term "retail drug establishment" means any person who buys Minicaps B or Minicaps B with C either from The Upjohn Company or from a wholesale drug house and resells them, without substantially changing their form, directly to consumers.

(2) *Discounts, allowances, and price differentials.* Any retail drug establishment making sales of Minicaps B or Minicaps B with C shall apply to the maximum prices set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March, 1942, on sales by the retail drug establishment of Torulexin or on sales of the vitamin B complex product most comparable to Minicaps B or Minicaps B with C if the retail drug establishment did not sell Torulexin in March, 1942.

(3) *Sales on prescription.* The maximum prices established by subparagraph (1) of this paragraph shall not apply to sales on prescription of Minicaps B or Minicaps B with C. The maximum price for a sale on prescription of Minicaps B or Minicaps B with C shall be determined by the person making the sale on prescription in accordance with the provisions of § 1499.3 (b) of the General Maximum Price Regulation, except that no report of the maximum price so determined need be filed as required by that section.

* * * * *

(e) *Notification of maximum prices*—(1) *By The Upjohn Company to direct-buying retail drug establishments.* The Upjohn Company shall supply to each retail drug establishment before or at the time of its first delivery of each package of Minicaps B or Minicaps B with C to such retail drug establishment a written statement as follows:

> The OPA has authorized us to charge $1.05 for each package of 30 capsules of Minicaps B and $1.32 for each package of 30 capsules of Minicaps B with C, subject to all customary discounts and allowances. Your ceiling prices are authorized to be $1.58 for each package of 30 capsules of Minicaps B and $1.97 for each package of 30 capsules of Minicaps B with C, except for sales on prescription. Maximum prices for sales on prescription must be determined under section 3 (a) of the GMPR, except that no report of the maximum prices need be filed. OPA requires that you keep this notice for examination.

(2) *By The Upjohn Company to wholesale drug houses and to retail drug establishments via wholesale drug houses.* The Upjohn Company shall supply to each wholesale drug house before or at the time of its first delivery of each package of Minicaps B or Minicaps B with C and in addition shall include with each shipping unit of such products for a period of three months a written notification. If such notice is enclosed in a shipping unit a legend shall be affixed outside of such unit to read "Retailer's Notice Enclosed." The written notification shall read as follows:

> The OPA has authorized us to charge wholesale drug houses $1.05 for each package of 30 capsules of Minicaps B and $1.32 for each package of 30 capsules of Minicaps B with C, subject to all customary discounts and allowances. Wholesale drug houses are authorized to establish ceiling prices of $1.24 for each package of 30 capsules of Minicaps B and $1.55 for each package of 30 capsules of Minicaps B with C, subject to all customary discounts and allowances. Retail drug establishments are authorized to establish ceiling prices of $1.58 for each package of 30 capsules of Minicaps B and $1.97 for each package of 30 capsules of Minicaps B with C, except for sales on prescription. The maximum prices for sales on prescription shall be determined under section 3 (a) of the GMPR, except that no report of the maximum prices need be filed. If the initial sale by a wholesale drug house to a retail drug establishment is a split-case scale, the wholesale drug house is required to provide such retail drug establishment with a copy of this notice. OPA requires that you keep this notice for examination.

* * * * *

(i) Amendment No. 1 (§ 1499.982 (c), (e), and (i)) to Order No. 118 under § 1499.3 (b) of the General Maximum Price Regulation shall become effective December 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12848; Filed, December 3, 1942; 4:21 p. m.]

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[1] 7 F.R. 8931.

PART 1499—COMMODITIES AND SERVICES

[Amendment of Order 131, Under § 1499.3 (b) of GMPR]

WM. P. POYTHRESS AND CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith, paragraphs (c) and (e) of § 1499.994 of Order No. 131[1] are amended and a new paragraph (i) is added to § 1499.994 to read as set forth below:

§ 1499.994 *Approval of maximum prices for sales of Merpectogel with applicator or Merpectogel without applicator.* * * *

(c) *Sales by retail drug establishments*—(1) *Maximum prices.* The maximum prices for sales by any retail drug establishment, except for sales on prescription as provided in subparagraph (3) of this paragraph, of Merpectogle with applicator or Merpectogel without applicator are established as set forth below:

Merpectogel with applicator	$1.50
Merpectogel without applicator	1.20

When used in this paragraph the term "retail drug establishment" means any person who buys Merpectogel with applicator or Merpectogel without applicator either from Wm. P. Poythress & Co., Inc., or from a wholesale drug house and resells it, without substantially changing its form, directly to consumers.

(2) *Discounts, allowances, and price differentials.* Any retail drug establishment making sales of Merpectogel with applicator or Merpectogel without applicator shall apply to the maximum prices set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March, 1942, on sales by the retail drug establishment of P M N Ointment or on sales of the ointment most nearly comparable to Merpectogel with applicator or Merpectogel without applicator if the retail drug establishment did not sell P M N Ointment in March 1942.

(3) *Sales on prescription.* The maximum prices established by subparagraph (1) of this paragraph shall not apply to sales on prescription of Merpectogel with applicator or Merpectogel without applicator. The maximum price for a sale on prescription of Merpectogel with applicator or Merpectogel without applicator shall be determined by the person making the sale on prescription in accordance with the provisions of § 1499.3 (b) of the General Maximum Price Regulation, except that no report of the maximum price so determined need be filed as required by that section.

* * * * *

(e) *Notification of maximum prices*—(1) *By Wm. P. Poythress & Co., Inc., to direct-buying retail drug establishments.* Wm. P. Poythress & Co., Inc., shall supply to each retail drug establishment before or at the time of its first delivery of Merpectogel with applicator or Merpectogel without applicator to such retail drug establishment a written statement as follows:

> The OPA has authorized us to charge $1.00 for Merpectogel with applicator and 80 cents for Merpectogel without applicator, subject to all customary discounts and allowances. Your ceiling prices are authorized to be $1.50 for Merpectogel with applicator and $1.20 for Merpectogel without applicator, except for sales on prescription. Maximum prices for sales on prescription must be determined under section 3 (a) of the General Maximum Price Regulation, except that no report of the maximum prices need be filed. OPA requires that you keep this notice for examination.

(2) *By Wm. P. Poythress & Co., Inc., to wholesale drug houses and to retail drug establishments via wholesale drug houses.* Wm. P. Poythress & Co., Inc., shall supply to each wholesale drug house before or at the time of its first delivery of Merpectogel with applicator or Merpectogel without applicator and in addition shall include with each shipping unit of such product for a period of three months a written notification. If such notice is enclosed in a shipping unit a legend shall be affixed outside of such unit to read "Retailer's Notice Enclosed." The written notification shall read as follows:

> The OPA has authorized us to charge wholesale drug houses 84 cents for Merpectogel with applicator and 67 cents for Merpectogel without applicator, subject to all customary discounts and allowances. Wholesale drug houses are authorized to establish ceiling prices of $1.00 for Merpectogel with applicator and 80 cents for Merpectogel without applicator, subject to all customary discounts and allowances. Retail drug establishments are authorized to establish ceiling prices of $1.50 for Merpectogel with applicator and $1.20 for Merpectogel without applicator, except for sales on prescription. The maximum prices for sales on prescription shall be determined under section 3 (a) of the General Maximum Price Regulation, except that no report of the maximum prices need be filed. If the initial sale by a wholesale drug house to a retail drug establishment is a split-case sale, the wholesale drug house is required to provide such retail drug establishment with a copy of this notice. OPA requires that you keep this notice for examination.

* * * * *

(i) Amendment No. 1 (§ 1499.994 (c), (e), and (i)) to Order No. 131 under § 1499.3 (b) of the General Maximum Price Regulation shall become effective December 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12849; Filed, December 3, 1942; 4:21 p. m.]

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[1] 7 F.R. 9200.

PART 1499—COMMODITIES AND SERVICES

[Amendment 72 to Supp. Reg. 14[1] to GMPR[2]]

COAL TRANSPORTED IN BARGES ALONG ATLANTIC COAST

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Subparagraph (5) of paragraph (a) of § 1499.73 is amended to read as set forth below:

§ 1499.73 *Modification of maximum prices established by §1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

* * * * *

(5) *Transportation of coal in barges along the Atlantic Coast.* (i) Maximum prices for the transportation of coal in barges along the Atlantic Coast between the origins and destinations referred to below by carriers other than common carriers within the exemption conferred by section 302 (c) (2) of the Emergency Price Control Act of 1942 shall be as follows:

MAXIMUM RATES[1] FOR TRANSPORTATION OF COAL IN BARGES

From[2] New York[3] to:	Weight of cargo in net tons				
	600 or less	Over 600 but not over 1200	Over 1200 but not over 1800	Over 1800 but not over 2600	Over 2600
Stamford, Conn	$0.90	$0.80	$0.75	$0.70	$0.65
Norwalk, Conn	.95	.85	.80	.75	.70
Bridgeport, Conn	.95	.85	.80	.75	.70
Stratford, Conn	1.15	1.05	1.00	.95	.90
Devon, Conn	1.15	1.05	1.00	.95	.90
New Haven, Conn	.95	.85	.80	.75	.70
Branford, Conn	1.15	1.05	1.00	.95	.90
Middletown, Conn	1.35	1.25	1.20	1.15	1.10
Hartford, Conn	1.35	1.25	1.20	1.15	1.10
New London, Conn	1.35	1.25	1.15	1.05	1.00
Allyns Point, Conn	1.40	1.30	1.20	1.10	1.05
Montville, Conn	1.40	1.30	1.20	1.10	1.05
Norwich, Conn	1.45	1.35	1.25	1.15	1.10
Newport, R. I	1.90	1.75	1.60	1.45	1.35
Providence, R. I	1.90	1.75	1.60	1.45	1.35
Pawtucket, R. I	2.00	1.85	1.70	1.55	1.45
Warren, R. I	1.95	1.80	1.65	1.50	1.40
Fall River, Mass	1.90	1.75	1.60	1.45	1.35
Somerset, Mass	1.90	1.75	1.60	1.45	1.35
Woods Hole, Mass	2.15	2.00	1.85	1.70	1.60
Martha's Vineyard, Mass	2.30	2.15	2.00	1.85	1.75
Nantucket, Mass	2.50	2.35	2.20	2.05	1.95
New Bedford, Mass	2.05	1.90	1.75	1.60	1.50
Plymouth, Mass	2.45	2.30	2.10	1.85	1.75
Hull, Mass	2.50	2.35	2.15	1.90	1.80
Weymouth, Mass	2.45	2.30	2.05	1.80	1.70
Boston, Mass	2.40	2.25	2.00	1.75	1.65
Lynn, Mass	2.45	2.30	2.05	1.80	1.70
West Lynn, Mass	2.50	2.35	2.10	1.85	1.75
Marblehead, Mass	2.45	2.30	2.05	1.80	1.70
Salem, Mass	2.40	2.25	2.00	1.75	1.65
Beverly, Mass	2.45	2.30	2.05	1.80	1.70
Gloucester, Mass	2.50	2.35	2.10	1.85	1.75
Newburyport, Mass	4.15	4.00	3.75	3.50	3.40
Portsmouth, N. H	2.65	2.50	2.25	2.00	1.90
Biddeford, Maine	4.15	4.00	3.75	3.50	3.40
Saco, Maine	4.15	4.00	3.75	3.50	3.40
Portland, Maine	2.75	2.60	2.35	2.10	2.00
Portland, Maine (Fort McKinley)	3.55	3.40	3.15	2.00	2.70
Boothbay, Maine	2.90	2.75	2.50	2.25	2.15
Bath, Maine[4]	3.05	2.90	2.65	2.40	2.30
Gardner, Maine	3.55	3.40	3.15	2.90	2.80
Hallowell, Maine	3.70	3.55	3.30	3.05	2.95
Augusta, Maine	3.80	3.65	3.40	3.15	3.05
Rockland, Maine[4]	3.30	3.15	2.90	2.70	2.60
Belfast, Maine	3.90	3.75	3.50	3.25	3.05
Camden, Maine	3.90	3.75	3.50	3.25	3.05
Searsport, Maine	3.50	3.35	3.10	2.85	2.75
Sandy Point, Maine	3.50	3.35	3.10	2.85	2.75
Bucksport, Maine	3.55	3.40	3.15	2.90	2.80
Castine, Maine	4.00	3.85	3.60	3.35	3.25
N. E. Harbor, Maine	4.00	3.85	3.60	3.35	3.25
S. W. Harbor, Maine	4.00	3.85	3.60	3.35	3.25
Bar Harbor, Maine	4.00	3.85	3.60	3.35	3.25
Bangor, Maine	3.80	3.65	3.40	3.15	3.05
Brewer, Maine	4.00	3.85	3.60	3.35	3.25
Stonington, Maine	4.00	3.85	3.60	3.35	3.25

[1] Rates are stated in terms of dollars per net ton and are exclusive of expenses for loading and discharging and for cargo insurance. The trimming charge made at loading piers is for the account of the vessel and is included in the rate.

[2] From Hampton Roads to New York, the maximum rate for all cargoes shall be $2.00 per net ton. From Hampton Roads to the destinations described in this subdivision (i), the maximum rates set forth herein shall be increased by $1.25 per net ton.

[3] Rates shown apply from Lower New Jersey Piers, including South Amboy, Perth Amboy, Port Reading, and Elizabethport. Deduct five cents per net ton when transportation commences at Upper New Jersey Piers, including Jersey City, Hoboken, Weehawken, Guttenberg, and Edgewater.

[4] Add twenty-five cents per net ton when transportation is to piers with no more than fourteen feet of water.

The maximum rate applicable to any destination on the Atlantic Coast northerly from New York not specified above shall be the rate shown from the same origin to the closest destination set forth above.

(ii) The provisions of the General Maximum Price Regulation, other than § 1499.11 (a), shall not apply until August 3, 1942, to the transportation of coal in barges between the origins and destinations referred to in paragraph (i) above, when such transportation is performed by carriers other than common carriers within the exemption conferred by section 302 (c) (2) of the Emergency Price Control Act of 1942.

* * * * *

(b) *Effective dates.* * * *

(73) Amendment No. 72 (§ 1499.73 (a) (5)) to Supplementary Regulation No. 14 shall become effective on December 3, 1942.

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12847; Filed, December 3, 1942; 4:20 p. m.]

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[1] 7 F.R. 5486, 5709, 6008, 5911, 6008, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7536, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9391, 9395, 9495, 9406, 9639, 9786.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5775, 5784, 5783, 6058, 6081, 5484, 5565, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616.

*Copies may be obtained from the Office of Price Administration.

PART 1304—IRON AND STEEL SCRAP

[RPS 4,[1] Amendment 9]

IRON AND STEEL SCRAP

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subdivision (i) of § 1304.13 (c) (3), subparagraphs (1), (3) and (4) of § 1304.13 (d), paragraph (a) of § 1304.14, the last undesignated paragraph of § 1304.14 (b) (2); subparagraph (3) of § 1304.15 (b) are amended, and a new Exception 8 is added to § 1304.13 (d) (4); all to read as set forth below:

§ 1304.13 *Appendix A: Maximum prices for iron and steel scrap other than railroad scrap.* * * *

(c) *Maximum shipping point prices.* * * *

(3) *Established charges.* (i) The transportation charges or switching charges used in computing maximum shipping point prices need not reflect any rise in rates which became effective after March 14, 1942; nor need such charges reflect the amount of any tax imposed upon such charges.

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[1] 7 F. R. 1207, 2132, 2155, 2507, 3087, 3550, 3889, 4488, 6217, 8190, 8948.

(d) *Maximum prices delivered to the plant of a consumer.* * * *

(1) *Where transportation from shipping point to point of delivery is wholly or partially by rail, by vessel, or combination of rail and vessel,* the maximum delivered price shall be the shipping point price as determined in paragraph (c) of this section, plus the established charge for transporting the scrap from the shipping point to the point of delivery by the mode of transportation employed.

Where transportation from shipping point to point of delivery includes a rail-truck movement to a consumer lacking adequate facilities for receiving the scrap by rail, and the truck portion of such rail-truck movement occurs in a motor vehicle other than a public carrier, no established charges or costs incurred in unloading the scrap from the railroad car and hauling the scrap to point of delivery may be included in the delivered price. In lieu thereof, $1.00 per gross ton may be included in the delivered price. If the consumer has adequate facilities for receiving the scrap by rail, no charge may be made for the truck portion of such rail-truck movement.

Where transportation from shipping point to point of delivery includes water movement, if no established rate exists for such water movement, then the actual charge or cost incurred in such movement may be used in computing the maximum delivered price.

If transportation from shipping point to point of delivery includes water movement other than by deck scow or railroad lighter, and tariffs establishing charges at the dock are published, charges incurred at the dock, but not to exceed the published tariffs may be included in the delivered price. If no such tariffs are published, or if the scrap is shipped over a dock owned or controlled by the shipper, the actual charges incurred at the dock but not to exceed 75¢ per gross ton may be included in the delivered price: *Provided, however,* That this maximum allowance shall be 50¢ per gross ton at Memphis, Tennessee, $1.00 per gross ton at Great Lakes ports, and $1.25 per gross ton at New England ports. In the case of water movement by deck scow or railroad lighter, no established charges at the dock or any charge or cost customarily incurred at the dock may be included in the delivered price. In lieu thereof, 50¢ per gross ton may be included in the delivered price.

* * * * *

(3) In computing maximum delivered prices under this paragraph, any tax imposed upon the transportation charges from shipping point to point of delivery, and any increase in the transportation charges from shipping point to point of delivery resulting from a rise in rates which became effective after March 14, 1942 may be included only if such tax and such increase are shown as separate items on the invoice.

(4) In no case, however, shall the delivered price exceed the price listed in paragraph (a) for the basing point nearest, in terms of established transportation charges, to the consumer's plant, by more than $1.00 plus the amount of any tax imposed on the transportation charges from shipping point to point of delivery, plus any increase in the transportation charges from shipping point to point of delivery resulting from a rise in rates which became effective after March 14, 1942, with the following exceptions:

* * * * *

Exception 8. If the maximum shipping point price at any shipping point is computed by using a vessel rate, and due to seasonal factors the water movement to which the vessel rate applied is unavailable, a consumer who could ordinarily receive scrap by water movement from such shipping point to the point of delivery at a delivered price not in excess of $1.00 etc. above the price at the basing point nearest the consumer's plant, may, so long as the water movement is unavailable, absorb the all-rail transportation charges incurred in the movement from such shipping point to the point of delivery.

* * * * *

§ 1304.14 *Appendix B: Maximum prices for iron and steel scrap originating from railroads*—(a) *Scrap originating from railroads operating in a basing point named below.* (All prices given below are per gross ton.) The scrap is at its point of delivery to the consumer when it has arrived for unloading at the plant of the consumer. Where used in this Appendix, the term "transportation charges" means the established charges for transporting the scrap to the point of delivery by the mode of transportation employed. The term "transportation charges" shall include any tax imposed upon the transportation charges from shipping point to point of delivery, and any increase in transportation charges resulting from a rise in rates which became effective after March 14, 1942; and where specific amounts of allowable transportation charges are mentioned, there may be superadded thereto 6% of such allowable charge and the amount of the tax on such charge. In no case shall the maximum delivered price include any charge or cost incurred in unloading the scrap at the point of delivery or in subsequent handling.

* * * * *

(b) *Scrap originating from railroads not operating in any of the basing points named above.* * * *

(2) *For the grades not listed above either of the following, whichever is less.* * * *

Where any grade of scrap is shipped to an off-line consumer, there may be added to the maximum delivered price established under this paragraph, any increase in the foreign line proportion of the through haul resulting from a rise in rates which became effective after March 14, 1942, and any tax imposed upon such haul: *Provided, however,* That such increase and such tax shall be shown as separate items on the invoice.

* * * * *

§ 1304.15 *Appendix C: Maximum prices for cast iron scrap other than railroad scrap.* * * *

(b) *Maximum price delivered to a consumer.* * * *

(3) In computing maximum delivered prices under this paragraph, any tax imposed upon the transportation charges from shipping point to point of delivery, and any increase in transportation charges from shipping point to point of delivery resulting from a rise in rates which became effective after March 14, 1942 may be included only if such tax and such increases are shown as separate items on the invoice.

* * * * *

§ 1304.12a *Effective dates of amendments.* * * *

(i) Amendment No. 9 (§§ 1304.13 (c) (3) (i), (d) (1), (d) (3), (d) (4), 1304.14 (a), (b) (2), 1304.15 (b) (3)) to Revised Price Schedule No. 4 shall become effective December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12868; Filed, December 4, 1942; 11:55 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS

[MPR 129,[1] Amendment 12]

WAXED PAPER, ETC.

Waxed paper.
Envelopes.
Paper cups, paper containers and liquid tight containers.
Sanitary closures and milk bottle caps.
Drinking straws.
Certain sulphate and certain sulphite papers.
Certain tissue paper.
Rope and jute papers.
Technical papers.
Gummed papers.
Tags, pin tickets and marking machine tickets.
Glazed and fancy papers.
Resale book matches.
Unprinted single weight crepe paper in folds.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (a) (12) of § 1347.22 is amended to read as set forth below:

§ 1347.22 *Definitions.* (a) When used in this Maximum Price Regulation No. 129, the term: * * *

(12) "Paper cups, paper containers, and liquid tight containers" includes round, open-end, nested food and drinking cups, spirally wound liquid tight containers made of chemical and/or mechanical pulp, and conical shaped milk bottles.

* * * * *

§ 1347.25 *Effective dates of amendments.* * * *

(l) Amendment No. 12 (§ 1347.22 (a) (12)) to Maximum Price Regulation No. 129 shall become effective December 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12869; Filed, December 4, 1942; 11:55 a. m.]

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*Copies may be obtained from the Office of Price Aministration.

[1] 7 F.R. 3178, 3242, 3482, 3554, 4176, 4668, 5712, 5780, 5943, 7974, 8939, 8948, 9131, 9724.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,[1] Amendment 11]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (1) of paragraph (a) of § 1394.5001 is amended, a new subparagraph (16a) is added to such paragraph (a) and in subparagraph (23) of such paragraph (a), the phrase "structure, including a house trailer," is substituted for the word "structure"; in subdivision (iii) of subparagraph (1) of paragraph (a) of § 1394.5151, the word "or" is added after the phrase "its use"; and a new subdivision (iv) is added to subparagraph (1) of such paragraph (a); in paragraph (a) of § 1394.5253 the phrase "other than a house trailer," is inserted between the phrase "in any premises," and the phrase "or for hot water"; in paragraph (a) § 1394.5256 the phrase "other than a house trailer" is inserted between the words "private dwelling premises" and the words "during the heating year"; in paragraph (b) of such section, the phrase "private dwelling premises other than a house trailer" is substituted for the phrase "the premises"; in paragraph (c) of such section the phrase "other than a house trailer" is inserted between the words "private dwelling premises" and the words "and the amount"; a new paragraph (d) is added to such section; in § 1394.5259, the phrase "paragraphs (c) and (d)" is substituted for the phrase "paragraph (c)"; in paragraph (a) of § 1394.5403, the phrase "(other than those which are house trailers)" is inserted between the word "cars" and the word "may"; and a new paragraph (k) is added to § 1394.5902; as set forth below:

Definitions

§ 1394.5001 *Definitions.* (a) When used in this Ration Order No. 11:

(1) "Additional facilities" means any equipment designed to use fuel oil, other than internal combustion engines or equipment used for domestic cooking or lighting purposes, which was installed subsequent to July 31, 1942. The term also includes any space heater (whether or not installed) transferred subsequent to July 31, 1942.

* * * * *

(16a) "House trailer" means any vehicle (whether or not self propelled) used primarily for residential purposes. The term also includes any railroad car used for residential purposes and not for transporting persons or property.

* * * * *

Restrictions on Issuance of Rations

§ 1394.5151 *Restrictions on issuance of rations.* (a) No ration shall be issued or used:

(1) for the operation of additional facilities or converted facilities except where: * * *

(iv) the additional facility is a space heater and one of the following facts is established by the applicant;

(*a*) equipment burning an alternate fuel is not immediately available to replace such space heater. In such case a ration may be issued for the operation of such space heater until the earliest date when such replacement can be made (but not later than the end of the valid period for coupons numbered "2", specified in paragraph (b) of § 1394.5201);

(*b*) the applicant may obtain an auxiliary ration for the operation of a space heater for a purpose specified in paragraph (e) or (f) of § 1394.5303;

(*c*) such space heater is used to heat the same premises heated by it prior to July 31, 1942;

(*d*) for the purposes of increasing efficiency, such space heater replaces a space heater which is not an additional facility, or which is specified in inferior subdivision (*c*) of this subdivision (iv);

(*e*) such heater is used in a house trailer.

* * * * *

Heat and Hot Water Rations

§ 1394.5256 *Determination of allowable ration for heating private dwelling.* * * *

(d) Where application is made for a ration for the operation of a space heater in a house trailer, the allowable ration for such purpose shall be the maximum of the range established in accordance with the provisions of § 1394.5258 for the area assigned to the Board to which application is made and which has jurisdiction over the issuance of such ration pursuant to any of the subparagraphs of paragraph (b) of § 1394.5101. No ration shall be issued for the operation of a space heater for supplying domestic hot water in a house trailer.

Effective Date

§ 1394.5902 *Effective date of corrections and amendments.* * * *

(k) Amendment No. 11 (§§ 1394.5001, 1394.5151, 1394.5253, 1394.5256, 1394.5259, 1394.5403) to Ration Order No. 11 shall become effective on December 10, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 421 and 507, 77th Cong., W.P.B. Directive No. 1, 7 F.R. 562, Supp. Directive No. 1-0, 7 F.R. 8418; Executive Order No. 9125, 7 F.R. 2719)

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12870; Filed, December 4, 1942; 11:54 a. m.]

PART 1396—FINE CHEMICALS AND DRUGS

[MPR 278]

TOTAQUINA AND TOTAQUINA PRODUCTS

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of totaquina and totaquina products by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 278 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation.

Therefore under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 278 is hereby issued.

Sec.
1396.301 Prohibition against sales of totaquina and totaquina products above the maximum prices.
1396.302 Less than maximum prices.
1396.303 Export sales.
1396.304 Adjustable pricing.
1396.305 Notification.
1396.306 Marking packages with retail maximum prices.
1396.307 Maximum prices for totaquina products not listed in § 1396.317.
1396.308 Licensing.
1396.309 Petitions for amendment.
1396.310 Evasion.
1396.311 Enforcement.
1396.312 Records and reports.
1396.313 Applicability of the General Maximum Price Regulation.
1396.314 Geographical applicability.
1396.315 Definitions.
1396.316 Effective dates.
1396.317 Appendix A: Maximum prices for totaquina powder, totaquina capsules and totaquina tablets.

AUTHORITY: §§ 1396.301 to 1396.317, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1396.301 *Prohibition against sales of totaquina and totaquina products above maximum prices.* (a) On and after December 10, 1942, regardless of any contract or other obligation:

(1) No person shall sell or deliver totaquina or any totaquina product at higher prices than the maximum prices set forth in this Maximum Price Regulation No. 278.

(2) No person shall buy or receive totaquina or any totaquina product in the course of trade or business at higher prices than the maximum prices set forth in this Maximum Price Regulation No. 278.

(3) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

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* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9427, 9430, 9492, 9621, 9784.

[1] 7 F.R. 8961.

(b) This Maximum Price Regulation shall not apply to sales or deliveries of totaquina or totaquina products as follows:

(1) Totaquina or totaquina products compounded or dispensed by a registered pharmacist on a prescription.

(2) Totaquina or totaquina products administered by physicians or other authorized practitioners to their bona fide patients.

§ 1396.302 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 278 may be charged, demanded, paid or offered.

§ 1396.303 *Export sales.* The maximum prices at which a person may export totaquina or totaquina products shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[2] issued by the Office of Price Administration.

§ 1396.304 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations where a petition for amendment or for adjustment or exception requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1396.305 *Notification.* On and after December 10, 1942, every seller, other than a retailer, shall supply each purchaser before or at the time of that purchaser's first purchase of totaquina or any totaquina product, with a notification form containing a full copy of § 1396.317, maximum prices for totaquina powder, totaquina capsules, and totaquina tablets, to which is added the following statement:

> The Office of Price Administration requires that you keep this information available for examination. Copies of Maximum Price Regulation No. 278 may be obtained from the Office of Price Administration.

Such notification may be discontinued after July 1, 1943.

§ 1396.306 *Marking packages with retail maximum prices.* On and after December 10, 1942, every seller, other than a retailer, who packages totaquina powder in containers of 5 oz. or less, or totaquina capsules or tablets in containers of 100 or less, shall include on the label of each package in easily readable type the maximum retail price per container as follows: "Retail ceiling price $_____."

§ 1396.307 *Maximum prices for totaquina products not listed in § 1396.317.* Producers of totaquina products not listed in § 1396.317 shall apply to the Office of Price Administration, Washington, D. C., for authorization of maximum prices before selling or offering for sale or delivery any such totaquina products. Each such application shall contain the following information:

(a) General description of the totaquina product:

(1) One package of the product and one copy of the label.

(2) A description of the process of manufacture, including a quantitative statement of composition, a description of the controls used in manufacturing, processing and packaging, and a reference to any patents and pertinent literature.

(3) A copy of any accompanying circular describing the therapeutic usefulness of the product, with references.

(b) Cost data:

(1) Itemized cost of materials, showing quantity, cost, and name and address of supplier of each material used.

(2) Cost of direct labor, showing wage rates and hours.

(3) Itemized statement of processing costs, such as power and steam.

(4) Cost of containers and labels.

(5) Amount of by-product recovery.

(6) Itemized statement of other expenses, if any, with explanations.

(c) Estimated quantity of production.

(d) A statement of the proposed prices to various classes of purchasers, with an explanation of the method of arriving at the proposed prices and a description of how it is proposed to distribute the product.

§ 1396.308 *Licensing.* The provisions of Supplementary Order No. 11 (§ 1305.15) licensing distributors of chemicals and drugs, shall be applicable to every distributor of totaquina or totaquina products for which maximum prices are established by this Maximum Price Regulation No. 278. The term "distributor" shall have the meaning given it by such Supplementary Order No. 11.

§ 1396.309 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 278 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

§ 1396.310 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 278 shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale or delivery of, or relating to the sale of totaquina or totaquina products alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

§ 1396.311 *Enforcement.* Persons violating any provision of this Maximum Price Regulation No. 278 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

§ 1396.312 *Records and reports.* (a) Every person, other than a retailer, making a sale of totaquina or any totaquina product after December 9, 1942, for which maximum prices are established by this Maximum Price Regulation No. 278, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect complete and accurate records of each such sale showing: the date thereof, the name and address of the buyer, a description of the totaquina or the totaquina products sold, the quantity sold and the price charged.

(b) Persons affected by this Maximum Price Regulation No. 278 shall submit such reports to the Office of Price Administration as it may from time to time require.

§ 1396.313 *Applicability of the General Maximum Price Regulation.*[3] The provisions of this Maximum Price Regulation. No. 278 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1396.314 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 278 shall be applicable to the forty-eight states of the United States and the District of Columbia.

§ 1396.315 *Definitions.* (a) When used in this Maximum Price Regulation No. 278, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Totaquina" means totaquina as defined in the United States Pharmacopoeia.

(3) "Totaquina product" means any product made from totaquina U. S. P. regardless of the form of such product.

(4) "Capsules of totaquina" means gelatin capsules containing totaquina and commonly known as "dry filled."

(5) "Tablets" means pellets containing totaquina with or without diluents, binders, lubricants, etc., made by compression. They may be coated or uncoated.

(6) "Producer" means any person who manufactures totaquina or any totaquina product, except that a retailer who fills capsules with totaquina powder shall not be considered a producer.

(7) "Sale at retail" means a sale or selling to an individual ultimate consumer.

(8) "Retailer" means a seller making sales at retail.

(9) "Shipping point" means the point of distribution maintained by a seller from which actual shipment is made.

§ 1396.316 *Effective dates.* (a) This Maximum Price Regulation No. 278 shall become effective December 10, 1942.

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[2] 7 F.R. 5059, 7242, 8829. 9000.

[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9615, 9616.

§ 1396.317 *Appendix A: Maximum prices for totaquina powder, totaquina capsules and totaquina tablets.* Maximum prices are f. o. b. seller's shipping point, containers included. Maximum prices for sales in intermediate size containers or quantities shall be the price per unit applicable to the next larger size container or quantity.

Container size	*A* Sales other than sales to retailers or at retail	*B* Sales to retailers	*C* Sales at retail
(a) Totaquina powder:			
100 oz. (avd.) or more, per oz	$0.40	$0.46	--------
50 oz., per oz	.42	.48	--------
25 oz., per oz	.43	.49	--------
5 oz., per oz	.45	.59	$0.99
1 oz., per oz	.46	.60	1.00
½ oz., per oz	.52	.68	1.14
¼ oz., per oz	.64	.84	1.40
⅛ oz., per oz	.80	1.04	1.76
4 drachm	--------	--------	.65
2 drachm	--------	--------	.40
1 drachm	--------	--------	.25
30 grains	--------	--------	.15
20 grains or less	--------	--------	.10
(b) Totaquina capsules:			
(1) 5 grains:			
1,000 or more, per 1,000	7.50	9.00	15.00
500, per 500	4.00	4.80	8.00
100, per 100	.88	1.05	1.75
50, per 50	.50	.60	1.00
36, per 36	--------	--------	.75
24, per 24	--------	--------	.55
12, per 12	--------	--------	.30
6, per 6	--------	--------	.15
1, per 1	--------	--------	.03
(2) 3 grains:			
1,000 or more, per 1,000	5.50	6.60	11.00
500, per 500	3.00	3.60	6.00
100, per 100	.65	.78	1.30
50, per 50	--------	--------	.75
36, per 36	--------	--------	.55
24, per 24	--------	--------	.40
12, per 12	--------	--------	.25
6, per 6	--------	--------	.15
1, per 1	--------	--------	.03
(c) Totaquina tablets:			
(1) 5 grains:			
1,000 or more, per 1,000	6.25	7.50	12.50
500, per 500	3.38	4.05	6.75
100, per 100	.75	.90	1.50
50, per 50	.43	.51	.85
36, per 36	--------	--------	.65
24, per 24	--------	--------	.45
12, per 12	--------	--------	.25
6, per 6	--------	--------	.15
1, per 1	--------	--------	.03
(2) 3 grains:			
1,000 or more, per 1,000	4.50	5.40	9.00
500, per 500	2.50	3.00	5.00
100, per 100	.58	.69	1.15
50, per 50	--------	--------	.65
36, per 36	--------	--------	.45
24, per 24	--------	--------	.35
12, per 12	--------	--------	.20
6, per 6	--------	--------	.15
1, per 1	--------	--------	.03

(d) *Sales to physicians, nurses, hospitals and clinics.* Maximum prices for sales to physicians, nurses, hospitals and clinics shall be the maximum prices set forth in column C above, subject to customary discounts and allowances applicable to sales of comparable products to purchasers of the same classes.

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12871; Filed, December 4, 1942; 11:54 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 38 to General Maximum Price Regulation[1]]

HIGHEST PRICE CHARGED DURING MARCH 1942

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In § 1499.2 the proviso following paragraph (c) under the undesignated headnote "Highest Price Charged During March 1942" is amended to read as below:

§ 1499.2 *Maximum prices for commodities and services; General provisions.* * * *

Highest Price Charged During March 1942

* * * * *

Provided, however, that

(1) If before April 1, 1942, the seller raised his prices for a commodity or service to all his classes of purchasers (or to all his classes of purchasers except those to whom he was bound to make delivery or supply during March 1942 pursuant to a firm commitment made before the price rise) and

(2) If during March 1942 he delivered the commodity or supplied the service at the increased price to at least one class of purchasers, then, in order to allow the seller to apply the price rise to any class of purchasers to which no delivery or supply was made during that month after the price rise (except under a firm commitment made before the price rise), the highest price charged during March 1942 shall be deemed to be:

(i) The seller's increased offering price to such class of purchasers for delivery or supply during March 1942, or

(ii) If the seller had no such increased offering price to that particular class of purchasers, the highest price charged during March 1942 to a purchaser of a different class, adjusted to reflect—

(*a*) The seller's customary differential in price between the two classes of purchasers; or

(*b*) If the seller had no such customary differential, the actual percentage differential in price between the two classes of purchasers which existed at the time the seller last entered into a commitment, or, if he did not enter into such a commitment, last submitted an offering price, for delivery or supply to a purchaser of that particular class during March 1942.

* * * * *

§ 1499.23a *Effective dates of amendments.* * * *

(mm) Amendment No. 38 (§1499.2) to General Maximum Price Regulation shall become effective December 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12867; Filed, December 4, 1942; 11:55 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 188, Amendment 3]

MANUFACTURERS' MAXIMUM PRICES FOR SPECIFIED BUILDING MATERIALS AND CONSUMERS' GOODS OTHER THAN APPAREL

A statement of considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.*

In § 1499.163 (a) (2) the proviso following paragraph (iii) is amended to read as set forth below:

§1499.163 *Definitions.* (a) When used in Maximum Price Regulation No. 188, the term: * * *

(2) "Highest price charged during March, 1942" means:

* * * * *

(iii) * * *

Provided, however, That:

(*a*) If before April 1, 1942, the seller raised his prices for a commodity to all his classes of purchasers (or to all his classes of purchasers except those to which he was bound to make delivery during March 1942 under a firm commitment made before the price rise), and

(*b*) If during March 1942, he delivered the commodity at the increased price to at least one class of purchasers, then, in order to allow the seller to apply the price rise to any class of purchasers to which no delivery was made during that month after the price rise (except under a firm commitment made before the price rise), the highest price charged during March 1942 shall be deemed to be:

(*1*) The seller's increased offering price to such class of purchasers for delivery during March 1942, or

(*2*) If the seller had no such increased offering price to that particular class of purchasers, the highest price charged during March 1942 to a purchaser of a different class, adjusted to reflect

(*i*) The seller's customary differential in price between the two class of purchasers; or

(*ii*) If the seller had no such customary differential, the actual percentage differential in price between the two classes of purchasers which existed at the time the seller last entered into a commitment, or, if he did not enter into such a commitment, last submitted an offering price for delivery to a purchaser of that particular class during March 1942.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616.

* * * * *

§ 1499.165a *Effective dates of amendments.* * * *

(c) Amendment No. 3 to Maximum Price Regulation No. 188 (§ 1499.163 (a) (2)) shall become effective December 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 4th day of December, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12866; Filed, December 4, 1942; 11:56 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 7 Under § 1499.29 of GMPR]

LEAVENWORTH PACKING & STORAGE COMPANY

Order No. 7 under § 1499.29 of the General Maximum Price Regulation—Docket No. 3148–96.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.407 *Denial of application for adjustment of maximum prices for certain smoking and curing services performed by Leavenworth Packing & Storage Company of Leavenworth, Kansas.* (a) The application of Leavenworth Packing & Storage Company, Leavenworth, Kansas, filed September 8, 1942, and assigned Docket No. 3148–96, requesting an adjustment of the maximum prices for certain smoking and curing services performed by the Applicant is denied.

(b) This Order No. 7 (§ 1499.407) is hereby incorporated as a section of Supplementary Regulation No. 4 which contains modifications of maximum prices established by § 1499.2.

(c) This Order No. 7 (§ 1499.407) shall become effective December 5, 1942.

(Pub Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12876; Filed, December 4, 1942; 11:56 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 6 Under MPR 165, as Amended]

LEAVENWORTH PACKING & STORAGE COMPANY

Order No. 6 under § 1499.114 (b) of Maximum Price Regulation No. 165 as Amended—Services—Docket No. 3165–16.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.706 *Denial of application for adjustment of maximum prices for slaughtering services performed by Leavenworth Packing & Storage Company.* (a) The application of Leavenworth Packing & Storage Company, Leavenworth, Kansas, filed September 8, 1942, and assigned Docket No. 3165–16, requesting an adjustment of maximum prices for slaughtering services is denied.

(b) This Order No. 6 (§ 1499.706) shall become effective December 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of December 1942

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12875; Filed, December 4, 1942; 11:56 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 164 Under § 1499.3 (b) of GMPR]

METALS RESERVE COMPANY, ET AL.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered,* That:

§ 1499.1180 *Establishment of maximum price for certain steel billets to be sold by the Materials Redistribution Branch of the War Production Board or the Metals Reserve Company.* (a) The Materials Redistribution Branch of the War Production Board, or the Metals Reserve Company, or any agent thereof, may sell for use as scrap, and the Crucible Steel Company of New York, N. Y., may purchase from the Materials Redistribution Branch of the War Production Board, or the Metals Reserve Company, or any agent thereof, for such use, steel billets containing approximately 1.02% and 1.68% tungsten at a price not in excess of $1.25 per pound of contained tungsten, f. o. b. shipping point of material.

(b) This Order No. 164 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 164 (§ 1499.1180) shall become effective December 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12873; Filed, December 4, 1942; 11:52 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 165 Under § 1499.3 (b) of GMPR]

LYNN FOOD PRODUCTS CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1181 *Authorization of maximum prices for sales of "Mary Lynn" Vitamized Soup Mixes in 24-ounce institutional packages by Lynn Food Products Company, Division of Century Metalcraft Corporation, of Chicago, Illinois and by wholesalers.* (a) On and after December 5, 1942, the maximum prices for sale by Lynn Food Products Company, Division of Century Metalcraft Corporation, of Chicago, Illinois, of "Mary Lynn" Vitamized Soup Mixes, in 24-ounce institutional packages in the following varieties:

Chicken flavor noodles with pure chicken fat.
Vegetable-noodle with beef extract.
Southern style gumbo with chicken fat.

shall be:

$10.35 per dozen to wholesalers.
$12.00 per dozen to direct buying institutions.

delivered to purchasers' stations.

(b) A seller at wholesale shall determine his maximum selling price of "Mary Lynn" Vitamized Soup Mix in 24-ounce institutional packages by adding to his net cost of this product a margin of profit of 16% of this net cost. The maximum price so determined shall not exceed $12.00 per dozen of 24-ounce packages.

"Net cost" as used in this paragraph, shall be the wholesaler's invoice cost of "Mary Lynn" Vitamized Soup Mixes, delivered at his customary receiving point in a customary quantity of this type of item by the customary mode of transportation, less all discounts and allowances, except cash discount for prompt payment. Net cost shall not include unloading charges or charges for local cartage.

(c) No seller shall change his customary discounts or allowances applying to his sales of items of dehydrated soup mixes in making sales of "Mary Lynn" Vitamized Soup Mixes in 24-ounce packages, unless such change shall result in lower selling prices.

(d) Lynn Food Products Company, Division of Century Metalcraft Corporation, shall distribute or cause to be distributed at the time of or before the initial sale to each wholesale grocer who purchases "Mary Lynn" Vitamized Soup Mixes from this company in the 24-ounce institutional package, written notice as follows:

> The Office of Price Administration has authorized us to sell 24-ounce packages of "Mary Lynn" Vitamized Soup Mixes in the following varieties:
>
> Chicken flavor noodle with pure chicken fat.
> Vegetable-noodle with beef extract.
> Southern style gumbo with chicken fat,
>
> at a maximum selling price of $10.35 per dozen delivered to purchaser's station.
>
> As a wholesaler you are to determine your maximum selling price of this item by adding to your net cost a margin of profit of 16% of this net cost. Your maximum selling price so determined cannot exceed $12.00 per dozen packages.
>
> Your "net cost" of "Mary Lynn" Vitamized Soup Mixes is described by the Office of Price Administration as your invoice cost of "Mary Lynn" Vitamized Soup Mixes delivered at your customary receiving point in a customary quantity of this type of item by the customary mode of transportation, less all discounts and allowances except cash discount for prompt payment. Net cost shall not include unloading charges or charges for local cartage.
>
> O. P. A. requires you to keep this notice for examination.

(e) This Order No. 165 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 165 (§ 1499.1181) shall become effective December 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12874; Filed, December 4, 1942; 11:52 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 3 Under Supp. Reg. 15 to GMPR]

CAROLINA TRANSFER AND STORAGE CO.

The General Maximum Price Regulation, Order No. 3 under § 1499.75 (a) (3) of Supplementary Regulation No. 15—Docket No. GF3–2132.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1303 *Adjustment of maximum prices for warehouse services sold by Carolina Transfer and Storage Company.* (a) Carolina Transfer and Storage Company, of Charlotte, North Carolina, may sell and supply, and Rumford Chemical Works, of Rumford, Rhode Island, may buy and receive from Carolina Transfer and Storage Company, storage services at prices not higher than the following:

Description of package	*Monthly rate for package*
Carton 12's Bread Preparation	$0.005
Carton 48/4 oz. Rumford Baking Powder	0.005
Carton 24/12 oz. Rumford Baking Powder	0.007
Carton 12/1 # 8 oz. Rumford Baking Powder	0.007
Carton 6/10 # Rumford Baking Powder	0.02
Carton 48/10 oz. Health Club Baking Powder	0.011
Carton 24/1 # 8 oz. Health Club Baking Powder	0.016
Carton 6/5 # Health Club Baking Powder	0.011

Packages received during the first 15 days of a calendar month may be assessed a full month's storage charge to apply from the date of receipt to the end of that calendar month. Packages received from the 16th day to the last day of a calendar month may be assessed no more than one-half of a full month's storage charge to apply from the date of receipt to the end of that calendar month. All packages remaining on hand on the first day of succeeding calendar months may be assessed a full month's storage charge on the 1st day of each such month. The maximum prices set forth above may be applied to all packages in storage on September 1, 1942, and on all packages received for storage after that date.

Maximum prices for handling and other services incidental to storage shall continue to be determined under § 1499.2 of the General Maximum Price Regulation.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 3 (§ 1499.1303) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order 3 (§ 1499.1303) shall become effective December 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12872; Filed, December 4, 1942; 11:52 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers: War Department

PART 203—BRIDGE REGULATIONS

THAMES RIVER BRIDGES AT NEW LONDON, CONN.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), paragraph (d) of § 203.100 is hereby amended to read as follows:

§ 203.100 *Thames River, Conn.; bridges of New York, New Haven & Hartford Railroad Co., and the State of Connecticut at New London.* * * *

(d) Except as hereinafter provided, the draws of the above-named bridges shall be immediately opened, upon the prescribed signal, at all times during the day or night for the passage of foreign vessels and "vessels of the United States," as defined in section 4311 of the Revised Statutes (46 U.S.C. 251).

Exceptions. When a westbound train scheduled to cross the railroad bridge without stop has passed Midway Station, or a southbound train Groton Station, or an eastbound train New London Station, and is in motion toward the railroad bridge, the draws shall be opened for the above-named vessels as soon as the train has crossed the railroad bridge.

Closed periods when the draws of these bridges need not be opened are authorized as follows:

For all days of the week:

Between 6:45 a. m. and 7:45 a. m.
Between 2:45 p. m. and 3:45 p. m.

Vessels of the United States Army, Navy, or Coast Guard services may request opening of the draws during the above periods, in event of emergency or other extraordinary circumstances. (28 Stat. 362; 33 U.S.C. 499) [Regs. CE 823.91 (Thames R., Conn.) SPEON]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-12890; Filed, December 4, 1942; 12:06 p. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service

PART 1.13—NATIONAL HISTORIC SITES

GLORIA DEI (OLD SWEDES') CHURCH

ORDER DESIGNATING THE CHURCH A NATIONAL HISTORIC SITE

Whereas the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas the Gloria Dei (Old Swedes') Church, situated in the City of Philadelphia, Commonwealth of Pennsylvania, is recognized as possessing national significance as a splendid example of the cultural and religious aspects of Swedish colonization in North America; and

Whereas a cooperative agreement has been made between The Corporation of Gloria Dei (Old Swedes') Church and the United States of America, providing for the designation, preservation, and use of the Gloria Dei (Old Swedes') Church as a national historic site:

Now, therefore, I, Abe Fortas, Under Secretary of the Interior, by virtue of and pursuant to the authority contained in the Act of August 21, 1935 (49 Stat. 666), do hereby designate the following described lands, together with all historic structures thereon and all appurtenances connected therewith, to be a national historic site having the name "Gloria Dei (Old Swedes') Church National Historic Site":

> All those lots, pieces, or parcels of land which are now owned or may hereafter be acquired by The Corporation of Gloria Dei (Old Swedes') Church lying within the block bounded by Washington Avenue, Swanson Street, Christian Street, and Water Street, in the City of Philadelphia, Commonwealth of Pennsylvania.

The administration, protection, and development of this national historic site shall be exercised in accordance with the provisions of the above-mentioned cooperative agreement and the Act of August 21, 1935, *supra.*

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, at the City of Washington, this 17th day of November 1942.

[SEAL]

ABE FORTAS,
Under Secretary of the Interior.

[F. R. Doc. 42-12891; Filed, December 4, 1942; 12:07 p. m.]

Chapter II—Forest Service

PART 261—TRESPASS

ORDER FOR REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on land in the Cameron Division of the Cochetopa National Forest, in the State of Colorado; and

Whereas these horses are consuming forage needed for domestic livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 35, 16 U.S.C. 551), and the Act of February 1, 1905 (33 Stat. 628, 16 U.S.C. 472), the following order for the occupancy, use, protection, and administration of land in the Cameron Division of the Cochetopa National Forest is issued:

§ 261.50 *Temporary closure from livestock grazing.* (a) The Cameron Division of the Cochetopa National Forest is hereby closed for a period beginning January 1, 1943, and ending May 1, 1943, to the grazing of horses, except those horses that are lawfully grazing on or crossing land in such division pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Cochetopa National Forest is located.

Done at Washington, D. C., this 3d day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 42-12860; Filed, December 4, 1942; 11:19 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 12—INTERSTATE QUARANTINE WATER SUPPLIES

STANDARDS FOR COMMON CARRIERS IN INTERSTATE COMMERCE

Pursuant to the provisions of the Act of Congress approved Feb. 15, 1893 (ch. 114, 27 Stat. L. 450; 42 U.S.C. 92), §§ 12.43, 12.44, and 12.45, promulgated June 20, 1925, are hereby amended to read as follows:

§ 12.43 *Definition of terms.* For the purpose of these Standards the terms designated herein below shall be defined as follows:

(a) "Adequate protection by natural agencies" implies various relative degrees of protection against the effects of pollution in surface waters; dilution, storage, sedimentation, the effects of sunlight and aeration, and the associated physical and biological processes which tend to produce natural purification; and, in the case of ground waters, storage in and percolation through the water bearing material.

(b) "Artificial treatment" includes the various processes commonly used in water treatment, both separately and in combination, such as storage, aeration, sedimentation, coagulation, rapid or slow sand filtration, chlorination, and other accepted forms of disinfection. Rapid sand filtration treatment is commonly understood to include those auxiliary measures, notably coagulation and sedimentation, which are essential to its proper operation.

(c) "Adequate protection by artificial treatment" implies that the method and degree of elaboration of treatment are appropriate to the source of supply; that the works are of adequate capacity to support maximum demands, are well located, designed, and constructed, are carefully and skillfully operated and supervised by properly trained and qualified personnel, and are adequately protected against floods and other sources of pollution. The evidence that the protection thus afforded is adequate must be furnished by frequent bacteriological examinations and other appropriate analyses showing that the purified water is of good and reasonably uniform quality, a recognized principle being that irregularity in quality is an indication of potential danger. A minimum specification of good quality would be conformance to the bacteriological and chemical requirements of these Standards, as indicated in § 12.45.

(d) "Sanitary defect" means any faulty structural condition, whether of location, design or construction of water collection, treatment or distribution works, which may regularly or occasionally cause the water supply to be contaminated from an extraneous source, including dual supplies, by-passes, cross-connections, or inter-connections (back-flow connections) or fail to be satisfactorily purified.

(e) "Health hazard" means any faulty operating condition including any device or water treatment practice, which when introduced into the water supply system, creates or may create a danger to the well being of the consumer.

(f) "Water supply system" includes the works and auxiliaries for collection, treatment and distribution of the water from the source of supply to the free-flowing outlet of the ultimate consumer.

(g) The coliform group of bacteria is defined, for the purpose of this standard, as including all organisms considered in the coli aerogenes group as set forth in the Standard Methods for the Examination of Water and Sewage, Eighth Edition, (1936), prepared, approved and published jointly by the American Public Health Association and the American Water Works Association, New York City. The procedures[1] for the demonstration of bacteria of this group shall be those specified herein, for:

(1) The completed test, or

(2) The confirmed test when the liquid confirmatory medium brilliant green bile lactose broth, 2 percent is used, providing the formation of gas in any amount in this medium during 48 hours of incubation at 37° C. is considered to constitute a positive confirmed test, or

(3) The confirmed test when one of the following liquid confirmatory media are used: Crystal violet lactose broth, fuchsin lactose broth, or formate ricinoleate broth. For the purpose of this test, all are equivalent, but it is recommended that the laboratory worker base his selection of any one of these confirmatory media upon correlation of the confirmed results thus obtained with a series of completed tests, and that he select for use the liquid confirmatory medium yielding results most nearly agreeing with the results of the completed test. The incubation period for the selected liquid confirmatory medium shall be 48 hours at 37° C. and the formation of gas in any amount during this time shall be considered to constitute a positive confirmed test.

(h) The standard portion of water for the application of the bacteriological test may by either

(1) Ten milliliters (10 ml.) or

(2) One hundred milliliters (100 ml.)

(i) The standard sample for the bacteriological test shall consist of five (5) standard portions of either

(1) Ten milliliters (10 ml.) or

(2) One hundred milliliters (100 ml.) each.

In any disinfected supply the sample must be freed of any disinfecting agent within twenty (20) minutes of the time of its collection.[1]

(j) The certifying authority is the Surgeon General of the U. S. Public Health Service or his duly authorized and designated representatives and the Reporting Agency shall be understood to mean the respective State departments of health or their designated representatives. (Sec. 1, Drinking Water Standards).

NOTE: The report of the advisory committee on revision of official water standards containing Part I—Standards, and Part II, Manual of Recommended Water Sanitation Practice published by the U. S. Public Health Service in Public Health Reports, Vol. 58, No. 3, Jan. 15, 1943.

§ 12.44 *As to source and protection.* (a) The water supply shall be:

(1) Obtained from a source free from pollution; or

(2) Obtained from a source adequately purified by natural agencies; or

(3) Adequately protected by artificial treatment.

(b) The water supply system in all its parts shall be free from sanitary defects and health hazards and shall be maintained at all times in a proper sanitary condition. (Sec. 2, Drinking Water Standards.)

§ 12.45 *As to bacteriological, chemical, and physical characteristics*—(a) *Sampling.* The bacteriological examination of water considered under this section shall be of samples collected at representative points throughout the distribution system.

The frequency of sampling and the location of sampling points on the distribution system should be such as to determine properly the bacteriological quality of the water supply. The frequency of sampling and the distribution of sampling points shall be regulated by the certifying authority after investigation of the source, method of treatment, and protection of the water concerned.

The minimum number of samples to be collected from the distribution system and examined by the reporting agency or its designated representative each month should be in accordance with the number as determined from the graph presented in Fig. 1 (See Public Health Reports for Jan. 15, 1943, Vol. 58, No. 3) of these Standards[2] which is based upon the following population served—minimum number of samples per month—relationships:

Population served:	*Minimum No. of samples per month*
2,500 and under	1
10,000	7
25,000	25
100,000	100
1,000,000	300
2,000,000	390
5,000,000	500

The laboratories in which these examinations are made and the methods used in making them, shall be subject to inspection at any time by the designated representative of the certifying authority. Compliance with the specified procedures, or failure to comply therewith, and the results obtained shall be used as a basis for certification, or refusal of certification, by the certifying authority in accordance with the application given below.

(b) *Application.* Applications (1) and (2) given below shall govern when ten milliliter (10 ml.) portions are used and applications (3) and (4) shall govern when one hundred milliliter (100 ml.) portions are used.[3]

(1) Of all the standard ten milliliter (10 ml.) portions examined per month in accordance with the specified procedure, not more than ten (10) percent shall show the presence of organisms of the coliform group.

(2) Occasionally three (3) or more of the five (5) equal ten milliliter (10 ml.) portions constituting a single standard sample may show the presence of organisms of the coliform group, provided that this shall not be allowable if it occurs in consecutive samples or in more than

(i) Five (5) percent of the standard samples when twenty (20) or more samples have been examined per month.

(ii) One (1) standard sample when less than twenty (20) samples have been examined per month: *Provided further,* That when three or more of the five equal ten milliliter (10 ml.) portions constituting a single standard sample show the presence of organisms of the coliform group, daily samples from the same sampling point shall be collected promptly and examined until the results obtained from at least two consecutive samples show the water to be of satisfactory quality.[4]

(3) Of all the standard one hundred milliliter (100 ml.) portions examined per month in accordance with the specified procedure, not more than sixty (60) percent shall show the presence of organisms of the coliform group.

(4) Occasionally all of the five (5) equal one hundred milliliter (100 ml.) portions constituting a single standard sample may show the presence of organisms of the coliform group, provided that this shall not be allowable if it occurs in consecutive samples or in more than

(i) Twenty (20) percent of the standard samples when five (5) or more samples have been examined per month.

(ii) One (1) standard sample when less than five (5) samples have been examined per month. *Provided further,* That when all five of the standard one hundred milliliter (100 ml.) portions constituting a single standard sample show the presence of organisms of the coliform group, daily samples from the same sampling point shall be collected promptly and examined until the results obtained from at least two consecutive samples show the water to be of satisfactory quality.[5]

(5) The procedure given, using a standard sample composed of five standard portions, provides for an estimation of the most probable number of coliform bacteria present in the sample as set forth in the following tabulation:

Number of portions		Most probable number of coliform bacteria per 100 ml.
Negative	Positive	When 5-10 ml. portions are examined
5	0	Less than 2.2
4	1	2.2
3	2	5.1
2	3	9.2
1	4	16.0
0	5	More than 16.0

Number of portions		Most probable number of coliform bacteria per 100 ml.
Negative	Positive	When 5-100 ml. portions are examined
5	0	Less than 0.22
4	1	0.22
3	2	0.51
2	3	0.92
1	4	1.60
0	5	More than 1.60

(c) *Physical characteristics.* The turbidity of the water shall not exceed 10 p. p. m. (silica scale), nor shall the color exceed 20 (standard cobalt scale). The water shall have no objectionable taste or odor.

(d) *Chemical characteristics.* The water shall not contain an excessive amount of soluble mineral substance, nor excessive amounts of any chemicals employed in treatment. Under ordinary circumstances, the analytical evidence that the water satisfies the physical and chemical standards given in paragraph (c) of this section and in subparagraph (1) below, and simple evidence that it is acceptable for taste and odor will be sufficient for certification with respect to physical and chemical characteristics.

(1) The presence of lead (Pb) in excess of 0.1 p. p. m., of Fluoride in excess of 1.0 p. p. m., of Arsenic in excess of 0.05 p. p. m., of Selenium in excess of 0.05 p. p. m., shall constitute ground for rejection of the supply. These limits are given in parts per million by weight and a reference to the method of analysis recommended for each determination is given in paragraph (e), subparagraph (1) of this section. Salts of barium, hexavalent chromium, heavy metal glucosides, or other substances with deleterious physiological effects shall not be allowed in the water supply system.

Ordinarily analysis for these substances need be made only semiannually. If, however, there is some presumption of unfitness because of these elements periodic determination for the element in question should be made more frequently.

(2) The following chemical substances which may be present in natural or treated waters should preferably not occur in excess of the following concentrations where other more suitable supplies are available in the judgment of the certifying authority. Recommended methods of analysis are given in paragraph (e), subparagraph (2) of this section.

Copper (Cu) should not exceed 3.0 p. p. m.

Iron (Fe) and Manganese (Mn) together should not exceed 0.3 p. p. m.

Magnesium (Mg) should not exceed 125 p. p. m.

Zinc (Zn) should not exceed 15 p. p. m.

Chloride (Cl) should not exceed 250 p. p. m.

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[1] NOTE: This reference shall apply to all details of technique in the bacteriological examination, including the selection and preparation of apparatus and media, the collection and handling of samples, and the intervals and conditions of storage allowable between collection and examination of the water sample.

[1] In freeing samples of chlorine or chloramines, the procedure given on page 286 in the Standard Methods for the Examination of Water and Sewage, 8th Edition (1936), paragraph A-1—Option 1, or paragraph A-2, shall be followed.

[2] For the purposes of uniformity and simplicity in application, the numbers of samples to be examined each month for any given population served shall be determined from the graph in accordance with the following:

For populations of 25,000 and under to the nearest 1.

For populations of 25,001 to 100,000 to the nearest 5.

For populations of 100,001 to 2,000,000 to the nearest 10.

For populations of over 2,000,000 to the nearest 25.

[3] It is to be understood that in the examination of any water supply the series of samples for any one month must conform to both of the above requirements, either (1) and (2), or (3) and (4), respectively.

[4] When this occurs, and when waters of unknown quality are being examined, simultaneous tests should be made on multiple portions of a geometric series ranging from 10 ml. to 0.1 ml. or less.

[5] When this occurs, and when waters of unknown quality are being examined, simultaneous tests should be made on multiple portions of a geometric series ranging from 100 ml. to 1.0 ml. or less.

Sulphate (SO_4) should not exceed 250 p. p. m.

Phenolic compounds should not exceed 0.001 p. p. m. in terms of phenol.

Total solids should not exceed 500 p. p. m. for a water of good chemical quality. However, if such water is not available, a total solids content of 1,000 p. p. m. may be permitted. For waters softened by the lime soda process the total alkalinity produced should not exceed the hardness by more than 35 p. p. m. (Calculated as $CaCO_3$).

For chemically treated waters the phenolphthalein alkalinity (calculated as $CaCO_3$) should not be greater than 15 p. p. m. plus 0.4 times the total alkalinity. This requirement limits the permissible pH to about 10.6 at 25° C.

For chemically treated waters the normal carbonate alkalinity should not exceed 120 p. p. m. Since the normal alkalinity is a function of the hydrogen ion concentration and the total alkalinity, this requirement may be met by keeping the total alkalinity within the limits suggested when the pH of the water is within the range given. These values apply to water at 25° C.

pH Range:	*Limit for total alkalinity (p.p.m. as $CaCO_3$)*
8.0 to 9.6	400
9.7	340
9.8	300
9.9	260
10.0	230
10.1	210
10.2	190
10.3	180
10.4	170
10.5 to 10.6	160

(e) *Recommended methods of analysis.* (1) Ions with required limits of concentration.

Arsenic (As). Official and Tentative Methods of Analysis. Association of Official Agricultural Chemists, 1940, p. 390. Also "Colorimetric Microdetermination of Arsenic," Morris B. Jacobs and Jack Nagler. Industrial and Engineering Chemistry, Anal. Ed., 14, p. 442, 1942.

Fluoride (F). Standard Methods for the examination of Water and Sewage, American Public Health Association, 1936, p. 36; also Methods of Determining Fluorides, Committee Report, A. P. Black, Chairman, Journal American Water Works Association, 33, pp. 1965–2017, (1941).

Lead (Pb). Standard Methods for the Examination of Water and Sewage, American Public Health Association, 1936, p. 26.

Selenium (Se). Official and Tentative Methods of Analysis Association of Official Agricultural Chemists, 1940, pp. 11 and 417; also Robinson, W. C., Dudley, H. C., Williams, K. T., and Byers, Horace G., "The Determination of Selenium and Arsenic by Distillation," Industrial and Engineering Chemistry, Analytical Edition, Volume 6, 1934, p. 274.

(2) Ions and substances with suggested limits of concentration.

Copper (Cu). Standard Methods for the Examination of Water and Sewage,[6] American Public Health Association, 1936, p. 25.

Iron (Fe) and Manganese (Mn). Ibid, p. 74 and 82.

Magnesium (Mg). Ibid, p. 79.

Zinc (Zn). Ibid, p. 28.

Chloride (Cl). Ibid, p. 34.

Sulfate (SO_4). Ibid, p. 85.

Phenolic compounds. Ibid, p. 245. With dibromquinonechlorimide as an indicator.

Total solids. Ibid, p. 56.

Alkalinity. Ibid, pp. 59 and 64.

[SEAL] THOMAS PARRAN,
Surgeon General.

NOVEMBER 30, 1942.

Approved: December 3, 1942.

WATSON B. MILLER,
Acting Administrator,
Federal Security Agency.

[F. R. Doc. 42-12861; Filed, December 4, 1942; 11:39 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 29—PLAINS REGION NATIONAL WILDLIFE REFUGES

SAND LAKE NATIONAL WILDLIFE REFUGE

Under authority of section 84 of the act of March 4, 1909, as amended by the act of April 15, 1924, 43 Stat. 98, and in extension of § 12.9 of the regulations of December 19, 1940,[1] for the administration of national wildlife refuges, the following regulations permitting and governing the hunting of ring-necked pheasants in the Sand Lake National Wildlife Refuge, South Dakota, are made and prescribed:

§ 29.800a *Sand Lake National Wildlife Refuge, South Dakota; hunting of ring-necked pheasants.* The hunting and taking of ring-necked pheasants is permitted on certain hereinafter described lands within the Sand Lake National Wildlife Refuge, South Dakota, during the period of December 5, 1942, to January 1, 1943, inclusive, in accordance with the provisions of the regulations under date of December 19, 1940, for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service, and subject to the following provisions, conditions, restrictions and requirements:

(a) *Area open to hunting.* All of the lands of the United States except the following described areas within the Sand Lake National Wildlife Refuge, South Dakota, shall be open to the hunting of ring-necked pheasants: All Sec. 4, T. 125 N., R. 62 W.; all Sec. 16; W½SE¼ Sec. 28; all Sec. 33, T. 126 N., R. 62 W.; and NW¼NW¼ Sec. 35, T. 127 N., R. 62 W., 5th p. m.

(b) *Compliance with State laws and regulations.* Any person who hunts on the refuge shall have in his possession a valid hunting license issued by the State of South Dakota authorizing him to hunt ring-necked pheasants, and a permit issued by the officer in charge of the refuge authorizing him to enter the refuge. The license and permit must be exhibited upon the request of any representative of the South Dakota Game and Fish Commission authorized to enforce the State game laws, or of any representative of the Department of the Interior. The permittee must comply in every respect with the State laws and regulations governing the hunting of ring-necked pheasants and must, upon request of any of the aforesaid representatives, exhibit for inspection all game killed by him or in his possession.

(c) *Disorderly conduct; intoxication.* No person who is intoxicated will be permitted to enter or remain upon the refuge for the purpose of hunting, and any person who indulges in any disorderly conduct on the refuges will be removed therefrom by the officer in charge and dealt with as prescribed by law.

(d) *Entry upon refuge.* Persons entering the refuge for the purpose of hunting, as permitted by these regulations, shall use such routes of travel as may be designated by suitable posting by the officer in charge and shall not otherwise enter upon the refuge. Any person using an automobile within the refuge shall not drive off refuge roads or park such automobile except at such points designated for the purpose by suitable posting by the officer in charge of the refuge. The officer in charge may, in his discretion, prohibit entirely automobile travel within the refuge.

(e) *Limitation on firearms.* No hunter shall use or be in possession of rifled firearms or ammunition loaded with slugs or single balls or with shot larger than standard No. 5 while hunting on the refuge.

(f) *Penalties.* Failure of any person hunting upon the refuge to comply with any of the conditions, restrictions, or requirements of the regulations in this section will be sufficient cause for removing such person from the refuge and for refusing him further hunting privileges on the refuge, and further will render him liable to prosecution and fine of $500 or imprisonment for six months, or both.

(g) *State cooperation in management of the shooting area.* The provisions of the regulations in this section shall be incorporated in and deemed to be a part of any agreement between the Director of the Fish and Wildlife Service and the Commissioner of the Game and Fish Commission of South Dakota for the regulation, management, and operation of the shooting area established thereunder.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

NOVEMBER 17, 1942.

[F. R. Doc. 42-12895; Filed, December 4, 1942; 12:07 p. m.]

Notices

DEPARTMENT OF INTERIOR.

Office of the Secretary.

[Order No. 1763.]

INVENTIONS BY EMPLOYEES OF THE DEPARTMENT

1. *Purpose.* This order is issued under the authority of section 161 of the Revised Statutes (5 U.S.C. sec. 22) in order to (a) secure for the people of the United States the full benefits of Government research and investigation in the Department of the Interior, (b) make definite the rights and obligations of employees with respect to any inventions made by them during employment in the Interior Department, (c) establish a uniform procedure by which these rights and obligations may be equitably determined in each case, and (d) encourage and recognize individual and cooperative achievement in research and investigation.

2. *Relative rights of Government and employee.* (a) The Government, as the employer and as the representative of the people of the United States, should have the ownership and control of any invention developed in the course of its governmental activities. Each employee of this Department is, therefore, required to assign to the United States, represented for this purpose by the Secretary of the Interior, all rights to any invention made by the employee within the general scope of his governmental duties. An invention will be considered within the general scope of the governmental duties of an employee (1) whenever his duties include research or investigation, or the supervision of research or investigation, and the invention arose in the course of such research or investigation and is relevant to the general field of an inquiry to which the employee was assigned, or (2) whenever the invention was in substantial degree made or developed: through the use of Government facilities or financing, or on Government time, or through the aid of Government information not available to the public.

(b) The employee will be considered entitled to all rights resulting from any invention which was not made by him within the general scope of his governmental duties as defined above, and also, unless the Secretary should determine that private ownership of such rights would be contrary to public policy, to the foreign rights resulting from any invention made within the general scope of his governmental duties.

(c) If the Secretary finds that any invention of an employee of the Department, which was not made within the general scope of his governmental duties, is used or liable to be used in the public interest, the employee may if he chooses obtain under the act of March 3, 1883, as amended (35 U.S.C. sec. 45), a United States patent for such an invention without the payment of any fee, with the reservation that the invention may be manufactured and used by or for the Government for governmental purposes without the payment of any royalty thereon.

(d) The requirement of subdivision (a) as to the assignment of all rights to the United States may be waived by the Secretary of the Interior in the case of any invention as to which the Secretary finds, upon grounds to be specified by him, that the interests of the United States do not require full assignment of the patent rights involved. Whether in such instances the employee may or shall be required to proceed pursuant to the provisions of subdivision (c) will be determined by the Secretary.

3. *Report of inventions.* (a) Every invention made by an employee of the Department, and considered by him to be patentable, must be reported by such employee to the head of his bureau. The report shall describe the nature and operation of the invention, shall set forth the circumstances relevant to section 2 of this Order under which the invention was made, and shall state the opinion of the employee as to the relative rights of the Government and the employee under section 2 of this Order. If section 2 (c) of this Order may be applicable, the employee shall state whether he wishes to take advantage of the act of 1883, as amended.

(b) The head of the bureau shall examine the nature and circumstances of the invention as set forth in the employee's report and, after securing any supplemental information which he may consider necessary, shall forward the report to the Secretary of the Interior, together with his comments thereon and his conclusion as to the relative rights of the Government and the employee under section 2 of this Order. All such reports will be referred to the Solicitor for an opinion as to the relative rights of the Government and the employee under section 2 of this Order.

(c) Upon decision by the Secretary as to such rights, the Solicitor shall promptly take such steps as may be necessary to assure the submission of appropriate patent applications to the Patent Office, and the execution of any appropriate assignment or license, in any case where the invention falls within section 2 (a) or is to be filed under section 2 (c) of this Order.

4. *Policy as to inventions.* The Department undertakes to do all within its power under existing restrictions appropriately to reward its employees who through their inventive achievements advance the technological and scientific knowledge of the Nation, and will propose such legislation to the Congress as may be necessary more readily to permit this reward. The Department also will give energetic consideration to the establishment of machinery through which to further the use by industry and the public of the inventions conceived in this Department and assigned to the Government as here provided.

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[1] 5 F.R. 5284.

[6] For the chemical determinations referred to in this report ,when given, the methods of analysis recommended by the Association of Official Agricultural Chemists are satisfactory and may be substituted for those recommended by the American Public Health Association, which are specifically cited. (Sec. 3 and 4, Drinking Water Standards.)

5. *Application of order.* This Order shall be a condition of employment of all employees of the Department of the Interior and shall be effective as to all inventions made during the period of such employment after this date. It shall also be effective without regard to any existing or future contract to the contrary entered into by any employee of this Department with any party other than the Government. It shall also operate as an assignment of all rights to any invention made by any employee of this Department within the general scope of his governmental duties, as defined in section 2 (a) of this Order, which has not been reported to the Department, as required by section 3 (a) of this Order, but which may later be the subject of a patent application by the employee or any assignee.

Dated: November 17, 1942.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-12894; Filed, December 4, 1942; 12:07 p. m.]

FEDERAL SECURITY AGENCY.

United States Public Health Service.

PUBLIC HEALTH SERVICE DRINKING WATER STANDARDS

STANDARDS FOR COMMON CARRIERS IN INTERSTATE COMMERCE

In accordance with the provisions of the Interstate Quarantine Regulations, the Public Health Service must approve sources of water supplies used on common carriers engaged in interstate traffic.

The Drinking Water Standards adopted by the Treasury Department on June 20, 1925 (superseding the Standard adopted October 21, 1914) have been used to judge the acceptability of such water sources by the Public Health Service.

In order that the 1925 Standards might conform more closely with current requirements for water supplies of attainable safety and potability a special advisory committee and a technical subcommittee were appointed on February 27, 1941, to consider desirable revisions.

The Public Health Service on Septempurity for drinking water recommended by the Advisory Committee on Revision of the 1925 Drinking Water Standards,[1] appointed by the Surgeon General in February 1941.*

These Standards are adopted for use in the administration of the Interstate Quarantine Regulations as they relate to the drinking and culinary water supplied by common carriers in interstate commerce. The manual of recommended water sanitation practice, Part II of the Standards, is intended to serve as a guide to the reporting agency and not as a part of the official Standard, which must be complied with to obtain certification of the water supply.

In the future common carriers will be required to furnish drinking and culinary water for passengers and crews in interstate traffic which will conform to these standards.

Copies of these revised drinking water standards may be obtained from the U. S. Public Health Service, Washington, D. C.

[SEAL] THOMAS PARRAN,
Surgeon General.

NOVEMBER 30, 1942.

Approved: December 3, 1942.

WATSON B. MILLER,
Acting Administrator,
Federal Security Agency.

[F. R. Doc. 42-12862; Filed, December 4, 1942; 11:39 a. m.]

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*The report of the advisory committee on revision of official water standards, containing Part I—Standards, and Part II, Manual ber 25, 1942 adopted the standards of of Recommended Water Sanitation Practice, published by U. S. Public Health Service in Public Health Reports, Vol. 58, No. 3, Jan. 15, 1943.

[1] Filed as part of the original document.

FEDERAL TRADE COMMISSION.

[Docket No. 4847]

WORLD'S MEDICINE COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2d day of December, A. D. 1942.

In the matter of William J. Cooksey, an individual, also known as Ross Dyar, operating under the trade name of World's Medicine Company.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That J. Earl Cox, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered, That the taking of testimony in this proceeding begin on Friday, December 11, 1942, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 322, New Federal Building, Columbus, Ohio.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-12854; Filed, December 4, 1942; 11:15 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 272]

H. JUNKERS, ET AL.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All right, title, interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the patents, the numbers of which are listed in Exhibits A, B, and C, attached hereto and made a part hereof, and the titles to which stand of record in the United States Patent Office in the names of the persons appearing (a) in the case of the aforementioned Exhibits A and B at the respective tops thereof, and (b) in the case of said Exhibit C opposite the respective numbers listed therein,

is property in which nationals of a foreign country (Germany) have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patents the titles to which stand of record in the United States Patent Office in the name of Junkers Flugzeug-und-Motorenwerke A. G., which are identified as follows:

Patent No.	Patent date	Inventor	Title
Reissue 19,184	5/29/34	H. Junkers	Fuel injection device for internal combustion engines.
1, 605, 035	11/2/26	H. Junkers	Fuel injecting nozzle.
1, 645, 811	10/18/27	H. Junkers	Propeller.
1. 699, 194	1/15/29	H. Junkers	Liquid-fuel pump.
1. 706, 785	3/26/29	H. Junkers	Fuel pump.
1, 740, 362	12/17/29	O. Mader	Propeller-shaft support.
1, 761, 889	6/3/30	H. Junkers	Discharging insecticides from aircraft.
1, 901, 814	3/14/33	H. Junkers	Fuel injection device for internal combustion engines.
1, 943, 974	1/16/34	H. Junkers	Control mechanism for fuel pumps.
1, 992, 622	2/26/35	H. Junkers	Fuel injection device for internal combustion engines.
2, 127, 825	8/23/38	O. Mader	Engine cylinders.
2, 178, 291	10/31/39	G. Steuerlein	Gun mount for aircraft.
2, 195, 503	4/2/40	G. Steuerlein	Gun mountings in aircraft.
2, 205, 714	6/25/40	P. Von Doepp	Brakes for aircraft.
2, 231, 292	2/11/41	F. Neugebauer	Feeding compressed air to aircraft engines
2, 258, 724	10/14/41	H. Wagner, et al	Fixation of window panes in aircraft.
2, 291, 656	8/4/42	A. Scheibe	Cooling system.
2, 292, 278	8/4/42	W. Lorenz	Pressure systems.
Design 99, 864	6/2/36	G. Hegwein	Design for water heaters.

EXHIBIT B

Patents the titles to which stand of record in the United States Patent Office in the name of Mrs. Therese Junkers, which are identified as follows:

Patent No.	Patent date	Inventor	Title
1, 629, 878	5/24/27	O. Mader	Scavenging pump of internal combustion engines.
1, 636, 998	7/26/27	H. Junkers	Fuel control in internal combustion engines.
1, 682, 853	9/4/28	C. Retschy	Oil feeding device.
1, 841, 897	1/19/32	H. Junkers	Regulating device for engines.
1, 849, 490	3/15/32	H. Junkers	Fuel feed pump and method of operating same.
1, 868, 636	7/26/32	H. Junkers	Internal combustion with positive fuel feeds.
1, 899, 038	2/28/33	H. Junkers	Method and apparatus for regulating the fuel supply to internal combustion engines.
1, 950, 561	3/13/34	J. Matthew	Reversing gear for internal combustion engines.
1, 983, 612	12/11/34	H. Junkers	Member for frame work.
1, 997, 383	4/9/35	H. Junkers	Colorimeter and method of operating same.
2, 012, 998	9/3/35	H. Junkers	Fuel feed for internal combustion engines.
2, 079, 289	5/4/37	H. Janicke	Free piston engine.
2, 215, 326	9/17/40	H. Janicke	Means for starting free piston motor compressors.
2, 222, 260	11/19/40	H. Janicke	Starting of free piston engines.
2, 265, 285	12/9/41	H. Janicke	Starting of free piston engines.

EXHIBIT C

Patents which are identified as follows and the titles to which stand of record in the United States Patent Office in the names of the persons indicated, respectively:

Patent No.	Date	Record owner	Inventor	Title
Reissue 21,719	2/18/41	Deutsch-Hollerith Maschinen G. m. b. H.	M. Maul	Punching machine for records.
1, 614, 439	1/11/27	Junkers & Co. G. m. b. H.	H. Junkers	Heating furnace.
1, 652, 883	12/13/27	Didier-Werke A. G	H. Ackermann	Charger for presses.
1, 652, 884	12/13/27	Didier-Werke A. G	H. Ackermann	Presses for the manufacture of artificial stones, blocks, bricks or the like.
1, 732, 088	10/15/29	Didier-Werke A. G	J. Hochhut	Manufacturing glass-melting crucibles and similar refractory objects of clay.
1, 744, 351	1/21/30	Didier-Werke A. G	H. Ackermann et al	Process for the manufacture of refractory acid resisting and other products bonded by means of clay.
1, 744, 352	1/21/30	Didier-Werke A. G	H. Ackermann	Presses.
1, 767, 163	6/24/30	Didier-Werke A. G	H. Ackermann	Molding boxes.
1, 771, 711	7/29/30	J. M. Voith	W. Hahn	Split guide blades for centrifugal pumps.
1, 810, 964	6/23/31	J. M. Voith	W. Heller	Arrangement of wet presses on paper and board making machinery.
1, 814, 857	7/14/31	J. M. Voith	H. Rosle	Controlling appratus for conduits.
1, 825, 735	10/6/31	Junkers & Co. G. m. b. H.	H. Junkers	Heating stove.
1, 856, 613	5/3/32	Didier-Werke A. G	H. Ackermann	Processes of producing refractory acid-proof and other ceramically bonded products.
1, 917, 181	7/4/83	Didier-Werke A. G	H. Ackermann	Ceramic products and the method of manufacturing the same.
1, 924, 743	10/29/33	Didier-Werke A. G	E. Lux	Process of preparing refractory material
1, 941, 379	12/26/33	Didier-Werke A. G	H. Ackermann	Molds for artificial stones.
1, 944, 709	1/23/34	Didier-Werke A. G	K. Friedersdorff	Refractory body and process of manufacturing the same.
1, 992, 502	2/26/35	J. M. Voith	H. Palm	Method and means for regulating liquids.
2, 025, 959	12/31/35	J. M. Voith	E. Seibold et al	Rotary machines.
2, 052, 492	8/25/36	J. M. Voith	E. Seibold	Rotary engines.
2, 078, 759	4/27/37	J. M. Voith	O. Hacker et al	Hydrodynamic turbo transmission.
2, 088, 028	7/27/37	J. M. Voith	H. Mailaender	Hydraulic machine.
2, 098, 244	11/9/37	J. M. Voith	G. Hopfensberger	Rotating machines.
2, 125, 163	7/26/38	J. M. Voith	O. Hacker et al	Method of operation for motor driven vehicles with turbo-transmissions.
2, 157, 542	5/9/39	J. M. Voith	H. Kieser	Governors.
2, 158, 847	5/16/39	J. M. Voith	J. Baumann	Elastic couplings.
2, 186, 956	1/16/40	J. M. Voith	H. Canaan	Control means for fluid power transmitters.

Patent No.	Date	Record owner	Inventor	Title
2,201,165	5/21/40	J. M. Voith	K. Friedrich et al	Hydraulic circuit brake and its application in rail and road vehicles.
2,214,190	9/10/40	J. M. Voith	W. Auer	Turbo-transmission control means.
2,232,855	2/25/41	H. Hopff et al	H. Hopff et al	Process of producing adipic acids.
2,237,365	4/8/41	P. Schlack	P. Schlack	Production of oximes.
2,241,321	5/6/41	P. Schlack	P. Schlack	Process of producing polymers adapted for making fibers, films.
2,249,177	7/15/41	P. Schlack	P. Schlack	Rearrangement reaction of oximes.
2,270,204	1/13/42	P. Schlack	P. Schlack	Process of producing oximes.
2,270,223	1/13/42	P. Schlack	P. Schlack	Felted products.
2,277,152	3/27/42	P. Schlack	P. Schlack	Polyamides.
2,277,255	3/24/42	J. M. Voith	M. Rudert et al	Guide blade brake.
2,281,961	5/5/42	H. Ufer et al	H. Ufer et al	Production of superpolyamides.
2,282,448	5/12/42	H. Beck et al	H. Beck et al	Forms for printing made from superpolyamides.
2,283,150	5/12/42	P. Schlack	P. Schlack	Process of producing oximes.
2,283,155	5/12/42	J. M. Voith	R. Lang	Apparatus for regulating and delivering paper stock to paper making machines.
2,285,914	6/9/42	O. Drossbach	O. Drossbach	Oxidation of cyclohexanol.
2,288,279	6/30/42	H. Hopff et al	H. Hopff et al	Production of condensation products.
2,288,411	6/30/42	O. Lowenherz et al	O. Lowenherz et al	Folding chair.

[F. R. Doc. 42-12793; Filed, December 3, 1942; 10:01 a. m.]

[Vesting Order 273]

PATENTS AND PATENT APPLICATIONS OF CHEMICAL MARKETING COMPANY, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> All right, title, and interest, including all accrued royalties and all damages recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the patents, the numbers of which are listed in Exhibit A, attached hereto and made a part hereof, and the titles to which stand of record in the United States Patent Office in the name of the person appearing at the top thereof; and patent applications listed and described in Exhibit B, attached hereto and made a part hereof,

is property in which nationals of a foreign country (Germany) have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 29, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Patents the titles to which stand of record in the United States Patent Office in the name of Chemical Marketing Company, Inc., and which are identified as follows:

Patent No.	Patent date	Inventor	Title
1,578,139	3/23/26	W. Kirchner	Process for preparing cement.
1,605,897	11/2/26	O. Liebknecht	Process for the gaining of hydrocyanic acid from gaseous mixtures containing hydrocyanic acid.
1,616,533	2/8/27	E. Krause et al	Making formaldehyde from methylene chloride.
1,647,676	11/1/27	E. von Retze	Process for the production of concentrated acetic acid.
1,648,516	11/8/27	H. von Hochstetter	Making anhydrous salts of fatty acids.
1,651,617	12/6/27	O. Moser	Extracting of guaiacol.
1,663,350	3/20/28	K. Roka	Method of producing acetone.
1,669,384	5/8/28	H. Walter	Manufacture of addition compounds of unsaturated hydrocarbons.
1,674,486	6/19/28	H. Stark	Holder for dentists' drilling instruments.
1,677,831	7/17/28	E. Krause	Process for the chlorination of methane.
1,684,554	9/18/28	G. Riefenstahl	Protective sheath for flexible shaft.
1,685,759	9/25/28	H. Walter	Diffusion reaction.
1,704,106	3/5/29	E. Scheller	Process for arsenating organic compounds.
1,711,863	5/7/29	A. Wendt	Angled handpiece for dental purposes.
1,723,442	8/6/29	K. Roka	Process of chlorination of methane.
1,726,401	8/27/29	E. Low	Production of concentrated acetate liquors from acetic acid containing gases.
1,741,734	12/31/29	W. Pannwitz	Device for tightly clamping tools in handpieces.
1,743,975	1/14/30	F. Mik	Activated charcoal.
1,747,947	2/18/30	W. Pannwitz	Handpiece for dental purposes.
1,753,170	4/1/30	G. Kochendoerfer	Process for introduction of iodine into pyridine derivatives.
1,753,352	4/8/30	H. Stark	Hand or angle piece for dental purposes.
1,753,658	4/8/30	G. Kochendoerfer	Process for the preparation of sulphur compounds of pyridine.
1,753,984	4/8/30	G. Enssle	Method of activating charcoal.
1,755,683	4/22/30	K. Bromig	Production of glutaminic acid.
1,759,033	5/20/30	W. Beck	Smoke device.
1,759,369	5/20/30	W. Querfurth	Process for refining wood spirit oils.
1,761,376	6/3/30	H. Walter	Manufacture of santalol compounds.
1,774,733	9/2/30	H. Starck	Angle piece for dental purposes comprising a handle sleeve.
1,782,471	11/25/30	W. Kirchner	Means for and processes of accelerating the hardening of hydraulic binding means.
1,791,238	2/3/31	O. Fuchs	Process for the production of esters.
1,792,103	2/10/31	H. Lehrecke	Process for the stabilization of hydrocyanic acid.
1,804,454	5/12/31	W. Beck	Process for hardening articles made of iron or steel.
1,808,600	6/2/31	A. Gorhan	Process for concentrating volatile aliphatic acids.
1,813,760	7/7/31	J. Pfleger	Process for the manufacture of cyanogen formarylides.
1,819,145	8/18/31	W. Beck	Method for the destruction of animal pests.
1,820,394	/25/31	J. Lingler	Method of fumigating with calcium cyanide.
1,821,324	9/1/31	K. Roka	Method of producing acetone.
1,830,581	11/3/31	L. Weiss	Process for the manufacture of opacifying oxides.
1,843,941	2/9/32	O. Begerow et al	Process and apparatus for activating carbonaceous material.
1,844,663	2/9/32	W. Kirchner	Process of rendering cement, mortar, and concrete watertight.
1,844,929	2/16/32	K. Bromig	Process for obtaining betaine hydrochloride.
1,852,988	4/5/32	J. Varga	Process for the destructive hydrogenation of carbonaceous substances.
1,855,119	4/19/32	K. Vieweg	Process for the preparation of an a-chloro-pyridine.
1,858,150	5/10/32	A. Gorhan	Process for concentrating volatile aliphatic acids.
1,858,151	5/10/32	A. Gorhan	Process for concentrating volatile aliphatic acids.
1,876,007	9/6/32	R. Hupe	Process for the hydrogenation of naphthalene.
1,876,008	9/6/32	R. Hupe	Process for the hydrogenation of naphthalene.
1,878,695	9/20/32	A. Gorhan	Process for extracting concentrated volatile aliphatic acids.
1,879,847	9/27/32	A. Gorhan	Production of waterfree ethyl alcohol.
1,881,303	10/4/32	L. Weiss	Process for the manufacture of opacifiers.
1,886,449	11/8/32	F. Sommer et al	Process for the preparation of n-methyl-p-aminophenol sulphate.
1,891,593	12/20/32	A. Gorhan	Apparatus for the manufacture of water-free ethyl alcohol.
1,892,742	1/3/33	H. Walter et al	Production of acetone.
1,899,924	1/17/33	J. Varga	Hydrogenation of naphthalene.
1,894,925	1/17/33	J. Varga	Hydrogenation of naphthalene.
1,894,926	1/17/33	J. Varga	Process for the destructive hydrogenation of carbonaceous substances.
1,910,297	5/23/33	W. Kirschner	Method for improving cement and cement mortar, and product thereof.
1,913,774	6/13/33	J. Seib	Catalysts for the hydrogenation and dehydrogenation of organic compounds.
1,914,311	6/13/33	K. Vieweg	Process for the incorporation of active oxygen in organic compounds.
1,914,312	6/13/33	K. Vieweg	Process for the manufacture of compositions of hydrogen-peroxide-phosphate.
1,916,106	6/27/33	A. Gorhan	Process for extracting concentrated volatile aliphatic Acids.
1,925,317	9/5/33	O. Fuchs	Process for making unsaturated aliphatic ketones.
1,926,632	9/12/33	K. Roka	Process for the preparation of ketones from esters.
1,929,331	10/3/33	W. Querfurth	Process for the production of ketones.
1,931,798	10/24/33	W. Hundt	Container construction.
1,936,118	11/21/33	K. Roka	Catalytic apparatus.
1,936,483	11/21/33	E. Scheller	Process for the manufacture of cellulose solutions.
1,936,836	11/28/33	A. Gorhan	Manufacture of water-free ethyl alcohol.
1,938,512	12/5/33	K. Bromig	Process for the manufacture of salts of organic acids from albuminoids and the like.
1,939,116	12/12/33	O. Fuchs	Process for the continuous production of esters of ethyl alcohol.
1,942,346	1/2/34	E. Scheller	Process for the manufacture of cellulose solutions.
1,944,109	1/16/34	K. Roka	Process for the production of acetone.
1,946,020	2/6/34	A. Gorhan	Apparatus for producing anhydrous ethyl alcohol directly from mashes and the like.
1,946,231	2/6/34	L. Nowack	Process for the manufacture of alloys of precious metals which are amenable to heat treatment.
1,946,341	2/6/34	L. Von Szeszich	Destructive hydrogenation of carbonaceous materials.
1,948,069	2/20/34	O. Fuchs et al	Production of paraformaldehyde.
1,949,021	2/27/34	J. Leuser	Device for casting by centrifugal force.
1,953,381	4/3/34	K. Wiesler	Process for the continuous preparation of acetic acid from acetaldehyde.
1,953,499	4/3/34	W. Pohl	Process for the production of acetone from acetylene.
1,956,440	4/24/34	O. Fuchs	Process for preparing acetaldehyde.
1,961,912	6/5/34	W. Querfurth	Production of ketones.
1,966,371	7/10/34	W. Zisch et al	Process for the preparation of pure beryllium compounds.
1,968,152	7/31/34	W. Kirchner	Process for accelerating the hardening of hydraulic binding means.
1,969,099	8/7/34	E. Ryschkewitsch	Manufacture of highly refractory products.
1,980,152	11/6/34	W. Beck et al	Fused salt bath for carburizing iron, steel and the like.
1,982,556	11/27/34	L. Von Szeszich	Process of catalytic treatment of carbonaceous bodies.
1,982,559	11/27/34	K. Wiesler	Process for the manufacture of acetic acid from acetaldehyde.
1,982,988	12/4/34	A. Gorhan	Production of alcohol free from fusel oil.
1,982,989	12/4/34	A. Gorhan	Production of water-free alcoholic liquid mixtures.
1,992,480	2/26/35	O. Fuchs et al	Process for the production of higher alcohols, particularly butyl alcohol from ethyl alcohol.
1,992,931	3/5/35	C. Albrecht	Method of carburizing iron articles.
1,993,204	3/5/35	W. Beck et al	Method of case-hardening articles.
1,993,686	3/5/35	W. Schulenburg	Process for the manufacture of disinfecting soaps.
1,996,269	4/2/35	W. Beck et al	Method of case-hardening iron articles.
1,996,985	4/9/35	W. Truthe	Process for parting residues, sweepings, and the like containing precious metals.
2,002,621	5/28/35	K. Wiesler	Method for the generation and maintenance of constant gas pressure in closed systems.
2,002,794	5/28/35	W. Querfurth	Process for the production of ketones.
2,004,010	6/4/35	E. Naujoks	Process of producing pantaerythrite.
2,010,210	8/6/35	P. Witt	Holder for dental instruments.
2,012,465	8/27/35	W. Godecke	Thermocouple of high electromotive force.
2,014,294	9/10/35	K. Roka et al	Process for the production of acetone.
2,015,912	10/1/35	F. Sommer	Method of treating high molecular split-off products of albumin with higher fatty acid chlorides, and product of said method.
2,016,321	10/8/35	A. Erdmann et al	Heating bath for hardening of steel, especially tool steel.
2,017,295	10/15/35	H. Schultes	Photographic developer.
2,024,791	12/17/35	G. Adolph et al	Process for the manufacture of masses and articles having a porous cellular structure.
2,028,684	1/21/36	W. Pohl	Method of and an apparatus for subjecting a flowing medium in a continuous operation to a reaction.
2,030,372	2/11/36	G. Jaeger	Process for the production of practically iron-free compounds of the earth metals, alkaline earth metals, rare earth metals, earth acids, or the like.
2,033,662	3/10/36	P. Witt	Holder for dental instruments.
2,036,997	4/14/36	K. Bromig	Process for stabilizing chlorinated rubber.
2,039,176	4/28/36	G. Locker	Process of manufacturing impregnated and/or coated textiles and an apparatus therefor.
2,041,131	5/19/36	G. Jaeger	Process for the preparation of metallic beryllium by electrolysis.
2,044,511	6/16/36	E. Ryschkewitsch	Burner.
2,049,943	8/4/36	K. Bromig	Process for obtaining chlorinated rubber from its solutions.
2,050,788	8/11/36	O. Fuchs et al	Process for the production of higher alcohols from a mixture of ethyl alcohol and methyl alcohol.
2,050,789	8/11/36	O. Fuchs et al	Manufacture of condensation products from aliphatic organic compounds.
2,056,604	10/ 6/36	W. Guertler	Aluminum alloy.
2,057,442	10/13/36	F. Mik	Method of producing porous solid matter and products thereof.
2,057,451	10/13/36	H. Schultes	Photographic developer.
2,063,079	12/8/36	W. Beck et al	Process for maintaining or regulating the efficacy of cyanide melts.
2,063,811	12/8/36	G. Jaeger	Process of decomposing beryllium minerals.
2,064,254	12/15/36	O. Fuchs et al	Production of higher ketones.
2,066,454	1/5/37	K. Bonath et al	Process for the thermal treatment of light metals and light metal alloys.
2,070,761	2/16/37	L. von Szeszich	Process for the production of mercaptans.
2,079,511	5/4/37	M. Klar et al	Process for the concentration of acetic acid.
2,088,250	7/27/37	W. Truthe	Process for the separation of precious metals from gold metal containing materials.
2,092,422	9/7/37	E. Naujoks	Process for the production of solid easily soluble formaldehyde.
2,092,449	9/7/37	O. Fuchs et al	Manufacture of condensation products from aliphatic organic compounds.
2,092,450	9/7/37	O. Fuchs et al	Manufacture of condensation products from aliphatic organic compounds.
2,094,297	9/28/37	W. Joshua et al	Manufacture of condensation products from aliphatic compounds.
2,097,981	11/2/37	A. Karcher	Immersion heater for salt baths.
2,098,842	11/9/37	H. Walter	Preparation of acetaldehyde and a catalyst therefor.
2,100,090	11/23/37	F. Sommer et al	Cosmetic products.
2,102,058	12/14/37	A. Closmann	Collar.
2,103,799	12/28/37	K. Teubner	Collar.
2,110,682	3/8/38	H. Schaefer	Method of producing glossy surfaces on printed work and products thereof.
2,112,102	3/22/38	E. Klumpp	Manufacture of basic copper arsenate.
2,113,317	4/5/38	A. Closmann	Collar.
2,117,087	5/10/38	R. Formhals	Protein-carbohydrate fertilizer.
2,119,872	6/7/38	G. Wiegand	Higher molecular substituted protein cleavage products and methods for their preparation.
2,125,026	7/26/38	G. Jaeger	Process for the manufacture of alkali metal beryllium fluorides.
2,128,092	8/23/38	L. Jablonski et al	Tanning of leather or hides with mineral tanning agents.
2,128,340	8/30/38	K. Werner	Method of producing stable solutions of cellulose triacetate.
2,130,149	9/13/38	K. Nagel et al	Process for the production of cellulose ester foils or sheets.
2,137,279	11/22/38	F. Haffner et al	Process for the manufacture of phthalic di-diethylamide.
2,137,310	11/22/38	F. Sommer	Pliable and soft paper and manufacture thereof.
2,140,228	12/13/38	H. Henke	Electrically heated furnace.
2,143,217	1/10/39	W. Truthe	Process for reducing the grain in precious metals and their respective alloys.
2,144,824	1/24/39	G. Wiegand	Process of reducing the felting properties of wool or other fibrous substances of animal origin.
2,145,639	1/31/39	W. Zander	Process for the transformation of soluble mixtures containing chlorinated rubber into insoluble products.
2,148,275	2/21/39	K. Nagel	Manufacture of surface active agents.
2,148,345	2/21/39	H. Freudenberg	Preparation of metallic titanium.
2,148,664	2/28/39	A. Wille et al	Heat treatment of metals.
2,148,846	2/28/39	E. von Retze et al	Process for the separation of alcohol from the first runnings.
2,151,241	3/21/39	F. Sommer et al	Process of improving the properties of condensation products of high molecular split-off products of albumin with higher fatty acids as cosmetic products.
2,151,599	3/21/39	G. Jaeger	Electrolytic production of metals.
2,153,704	4/11/39	K. Werner	Process for the recovery of glycerin.
2,155,625	4/25/39	E. von Retze	Production of organic esters.
2,160,341	5/30/39	T. Reichert	Process for the carbonization of organic cellulosic materials of vegetable origin.
2,160,547	5/30/39	G. Jaeger et al	Process for decomposing beryllium minerals, particularly beryl.
2,162,323	6/13/39	A. Wille et al	Process for the becovery of beryllium compounds.
2,163,013	6/20/39	H. Schulz	Production of volatile fatty acid anhydrides.
2,164,687	7/4/39	M. Nassau	Photographic developer and substances added in preparing the same.
2,190,781	2/20/40	W. Guertler	Alloys resistant to burning and scaling.
2,202,231	5/28/40	T. Reichert	Process for the carbonization of wood and similar materials.
2,208,967	7/23/40	E. Elod	Tooth filling material.
2,210,595	8/6/40	M. Nassau et al	Aqueous textile, fiber impregnating composition.
2,211,087	8/13/40	M. Weimann	Method of extracting aliphatic acids from aqueous solutions.
2,212,593	8/27/40	E. Dittrich	Process for the production of acetaldehyde from acetylene.
2,216,495	10/1/40	O. Loebich	Manufacture of gold alloys.
2,217,569	10/8/40	W. Stephan	Process for the production of metallic iron powder.
2,222,544	11/19/40	J. Spanner et al	Formed piece of silver palladium alloys.
2,226,079	12/24/40	J. Spanner	Dental alloy.
2,228,543	1/14/41	H. Vollbrecht et al	Process of producing high quality carbon black.
2,232,747	2/25/41	L. von Szeszich et al	Method for producing high quality carbon black.
2,236,648	4/1/41	K. Nagel et al	Process for the production of foils or films of cellulose triacetate.
2,241,514	5/13/41	G. Jaeger et al	Process for the recovery of beryllium metal.
2,243,023	5/20/41	L. Weiss	Colored gold alloy.
2,243,059	5/20/41	H. Bernstorff	Process for the manufacture of working pieces impermeable to gas and vacuum proof.
2,243,177	5/27/41	L. Weiss	Colored gold alloy.
2,248,100	7/8/41	O. Loebich	Jewel made from golden colored alloys.
2,258,818	10/14/41	F. Sitte	Apparatus for producing activated carbon.
2,259,668	10/21/41	J. Spanner	Tarnish resistant silver alloy.
2,259,895	10/21/41	F. Koenig	Process for manufacture of aliphatic carboxylic acid anhydrides.
2,261,704	11/4/41	H. Wagner	Process for producing acrolein of high concentration.
2,268,123	12/30/41	O. Krefft	Process of manufacturing copper acetoarsenite.
2,269,272	1/6/42	O. Krefft	Insecticide.
2,270,594	1/20/42	J. Leuser	Soldering alloy.
2,270,607	1/20/42	E. Ryschkewitsch	Ceramic cutting tool.
2,270,889	1/27/42	K. Nagel et al	Manufacture of pentaerythritol-polycarboxylic acid resins.
2,271,264	1/27/42	E. Kaufmann et al	Process for the conversion of metals and metal alloys in finely divided form for the manufacture of dental amalgams.
2,273,569	2/17/42	A. Goette	Process for the recovery of silver.
2,274,237	2/24/42	G. Jaeger et al	Process for the removal of metallic magnesium from mixtures of beryllium and magnesium.

Patent No.	Patent date	Inventor	Title
2, 277, 887	3/31/42	H. Schulz et al	Condensation process of the formaldehyde-acetaldehyde type.
2, 287, 082	6/23/42	K. Bauer	Process for the production of iron powders.
2, 287, 537	6/23/42	H. Schulz	Process for the production of beta-alcoxycarboxylic acids.
2, 288, 211	6/30/42	H. Schulz	Process for the production of beta-alkoxyaldehydes.
2, 288, 306	6/30/42	H. Wagner	Production of condensation products.
2, 289, 534	7/14/42	H. Wagner	Process for producing acrolein.
2, 291, 865	8/4/42	H. Bernstorff et al	Process for the production of metal alloys.

EXHIBIT B

Patent applications which stand of record in the United States Patent Office in the name of Chemical Marketing Company, Inc., and which are identified as follows:

Serial No.	Filing date	Inventor	Title
164, 337	9/17/37	H. Holzmann	Manufacture of spinning nozzles.
234, 492	10/11/38	H. Kloepfer et al	Process for the production of rubber active so-called gas black.
248, 647	12/30/38	G. Jaeger	Cementation of metals and metal alloys with beryllium.
250, 848	1/13/39	C. Albrecht et al	Process for hardening files.
250, 850	1/13/39	H. Baier et al	Process for bleaching natural and artificial fibre and fibres of vegetable origin and free from incrustations.
265, 607	4/1/39	G. Jaeger	Utensils, apparatus, apparatus parts exposed to attacking gases.
266, 886	4/8/39	H. Kloepfer	Process for the production of carbon black.
268, 144	4/15/39	H. Backe	Process for the preparation of active so-called gas-black.
268, 381	4/17/39	E. Kaufmann	Process for the preparation of homogeneous mixed products.
269, 249	4/21/39	V. Weickel	Manufacture of dentures.
272, 786	5/10/39	H. Schulz	Process for the production of unsaturated acids and esters.
272, 852	5/10/39	H. Walter et al	Process for production of condensation products.
273, 330	5/12/39	O. Landgraf	Process and apparatus for the conversion of liquid substances into a finely divided form.
274, 857	5/20/39	A. Goette	Process for the wet mechanical separation of raw material.
274, 858	5/20/39	A. Goette	Process for the flotation of fluor spar.
275, 513	5/24/39	M. Weimann	Manufacture of extracting aliphatic acids especially acetic acid.
276, 021	5/25/39	G. Peters	Exterminating agents for animal vermins.
290, 026	8/14/39	R. Weiner	Device for supporting articles in galvanic baths and the like.
292, 740	8/30/39	H. Bernstorff et al	Process for the manufacture of compact junctions of light metals and light metal alloys with heavy metal and heavy metal alloys.
292, 742	8/30/39	W. Beck et al	Process for chemical reactions in melts.
293, 315	9/5/39	E. Ryschkewitsch	Process for the production of highly-sintered ceramic pieces.
293, 507	9/5/39	K. Nagel	Process for producing condensation products of pentacryth ritál.
293, 508	9/5/39	L. Weiss	Process for the preparation of cerium dioxide.
300, 984	10/24/39	K. Nagel et al	Manufacture of pentaerythrol.
302, 408	11/1/39	E. Scheller	Process for the bleaching of celluloses obtained by alkaline processes.
302, 463	11/1/39	A. Gotte	Process for the flotation of nonsulfidic conglomerations.
303, 912	11/10/39	E. Scheller	Process for the recovery of celluloses suitable for the manufacture of photographic papers.
303, 913	11/10/39	E. Scheller	Process for the bleaching of celluloses.
306, 913	11/10/39	H. Beier	Process for the disposal of waste cyanide solutions.
311, 682	12/29/39	A. Gotte	Method of separating slimes containing fibrous materials.
313, 412	1/11/40	H. Diehl	Black ceramic pigments and method of preparation.
321, 788	3/1/40	H. Bernstorff	Process for the manufacture of beryllium cemented metallic articles.
324, 184	3/15/40	H. Diehl	Ceramic coloring materials and process of preparing them.
331, 456	4/24/40	R. Weiner	Electroplating baths for the electro-deposition of brass, copper, zinc, cadmium.
347, 759	7/26/40	E. Scheller	Process for the manufacturing of bleached cellulose.
351, 241	8/3/40	R. Weiner	Electroplating bath.
351, 243	8/3/40	K. Vieweg	Process for the conversion of natural fibers.
352, 465	8/13/40	F. Schelling	Metal pickling.
353, 121	8/17/40	G. Jaeger	Annealing furnace.
356, 562	9/12/40	J. Leuser	Dental alloy.
357, 989	9/23/40	H. Brendlein	Process for producing of catalysts.
358, 182	9/24/40	W. Kerstan	Process for the production of white opaque enamels.
360, 650	10/10/40	O. Landgraf	Process and apparatus for the conversion of molten metals or metal alloys.
362, 154	10/21/40	H. Bernsdorff	Grinding and cutting bodies.
364, 355	11/4/40	K. Frohlich	Friction stressed solid and hollow tips.
368, 390	12/3/40	E. Czapp et al	Dentures.
368, 408	12/3/40	H. Diehl	Process for the production of chromium containing coloring agents for glasses, enamels and the like.
369, 880	12/12/40	W. Kerstan	Process for the production of boron, free enamels, glasses and the like.
375, 488	1/22/41	E. Elod	Process for the carroting of animal hairs.
375, 679	1/23/41	C. Albrecht	Process and apparatus for heat treating metallic goods in baths.
376, 225	1/27/41	M. Weimann	Extracting aliphatic acids.
376, 926	1/31/41	H. Wagner	Process for the conversion of aldehydes containing a Vinyl group into the corresponding alcohols.
381, 191	2/28/41	J. Schneider	Process for the production of porous bodies.
385, 578	3/27/41	H. Bernstorff et al	Device for stirring melts.
387, 106	4/5/41	F. Stitz	Process for the preparation of six membered N-heterocyclic compounds from acrolein or its homologues and ammonia.
388, 876	4/16/41	O. Landgraf	Process and apparatus for the comminution of fused materials.
388, 886	4/16/41	W. Truthe	Process for the conversion of metals into finely divided form.
393, 258	5/13/41	W. Beck et al	Process for chemical reactions in melts.
395, 497	5/27/41	K. Wiesler	Froth flotation process.
395, 498	5/27/41	K. Wiesler	Froth flotation process.
395, 499	5/27/41	K. Wiesler	Froth flotation process.
401, 522	7/8/41	J. Schneider	Process for the production of porous material.
401, 673	7/9/41	E. Elod	Felting property of dyed shoddy.

[F. R. Doc. 42-12799; Filed, December 3, 1942; 10:20 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 70 Under MPR 188]

MODEL AIRPLANE COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 70 Under Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other than Apparel.

Approval of maximum prices for sales by Model Airplane Company of a new game.

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Model Airplane Company is authorized to sell and deliver a new game, designated as "No. 1050 Secret Bomb-Site Game," at prices f. o. b. New York, New York, no higher than those set forth below:

To retailers	$7.20 per dozen
To jobbers	$6.00 per dozen

(b) This Order No. 70 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 70 shall become effective on the 4th day of December 1942.

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12821; Filed, December 3, 1942; 3:10 p. m.]

[Order 71 Under MPR 188]

STYLO-PLASTIC MANUFACTURING COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 71 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of a maximum price for sales by Stylo-Plastic Manufacturing Company of a new painting set.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Stylo-Plastic Manufacturing Company is authorized to sell and deliver its new "Stylo-Plastic" painting set, f. o. b. New York, New York, at prices no higher than those set forth below:

	Per unit
To jobbers	$0. 594
To department stores	. 712
To other retailers	. 75

(b) This Order No. 71 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 71 shall become effective on the 4th day of December 1942.

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12822; Filed, December 3, 1942; 3:09 p. m.]

[Order 72 Under MPR 188]

ANDORRA FOREST PRODUCTS COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 72 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of a maximum price for sales by Andorra Forest Products Company of a new table croquet game.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Andorra Forest Products Company is authorized to sell and deliver its new table croquet game f. o. b. Marlow, New Hampshire, to retailers at a price no higher than $7.20 per dozen.

(b) This Order No. 72 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 72 shall become effective on the 4th day of December 1942.

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12823; Filed, December 3, 1942; 3:08 p. m.]

[Order 73 Under MPR 188]

MASTER SLEEVE FORM COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 73 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of a maximum price for sales by Master Sleeve Form Company of a new toy helmet.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Master Sleeve Form Company is authorized to sell and deliver to retailers a new toy helmet manufactured by it, at a price, f. o. b., New York, New York, no higher than $42.00 per gross.

(b) This Order No. 73 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 73 shall become effective on the 4th day of December 1942.

Issued this 3rd day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12824; Filed, December 3, 1942; 3:10 p. m.]

[Order 74 Under MPR 188]

DUPLIGRAPH JR. COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 74 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum prices for sales by Dupligraph Jr. Company of a new toy duplicating machine.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Dupligraph Jr. Company is authorized to sell and deliver its new "Dupligraph Jr." Machine, f. o. b. Chicago, Illinois, at prices no higher than those set forth below:

	Per unit
To jobbers	$2.14
To retailers, in quantities of 72 or more	2.56½
To retailers, in quantities of 12 to 72	2.70
To retailers, in quantities of less than 12	3.00

(b) This Order No. 74 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 74 shall become effective on the 4th day of December 1942.

Issued the 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12825; Filed, December 3, 1942; 3:08 p. m.]

[Order 75 Under MPR 188]

OTIS-LAWSON CO.

APPROVAL OF MAXIMUM PRICE

Order No. 75 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of a maximum price for sales by Otis-Lawson Company of a new bombsight game.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Otis-Lawson Company is authorized to sell and deliver its new bombsight game, designated as "No. 6 Junior Bombsight", at prices f. o. b. New York, New York, no higher than those set forth *below:*

To dealers	$8. 50 per dozen
To jobbers	7. 50 per dozen

(b) This Order No. 75 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 75 shall become effective on the 4th day of December 1942.

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-128~6; Filed, December 3, 1942; 3:08 p. m.]

[Order 76 Under MPR 188]

BADGER CUTOUTS, INC.

APPROVAL OF MAXIMUM PRICE

Order No. 76 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum prices for sales by Badger Cutouts, Incorporated, of two new cardboard toy animals.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Badger Cutouts Incorporated is authorized to sell and deliver to retailers two new cardboard toys, designated as "Pup-Pet" toy animals at prices no higher for each than $9.00 per gross f. o. b. Brooklyn, New York.

(b) This Order No. 76 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 76 shall become effective on the 4th day of December 1942.

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12827; Filed, December 3, 1942; 3:08 p. m.]

[Order 77 Under MPR 188]

DUR-O-LITE PENCIL CO.

ADJUSTMENT OF MAXIMUM PRICE

Order No. 77 under § 1499.161(a) (1) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Adjustment of maximum prices for sales of mechanical pencils by Dur-O-Lite Pencil Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Dur-O-Lite Pencil Company is hereby authorized to sell and deliver to

the Western Electric Company at prices no higher than the following:

Item:	
8-B	10. 9¢
8-C	11. 4¢

[Order 1 Under MPR 208]

RICE-STIX COMPANY

ORDER ADJUSTING MAXIMUM PRICES

Order No. 1 Under § 1389.213 (b) of

[Order 42 Under RPS 64]

BOSTON STOVE FOUNDRY CO., READING, MASSACHUSETTS

APPROVAL OF MAXIMUM PRICE

Order No. 42 to Revised Price Sched-

in excess of the respective prices stated therein;

(b) (1) Coals produced by the Pennsylvania Coal and Coke Corporation at its Mine No. 8, Mine Index No. 373, District No. 1, may be sold for all shipments

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(f) This Order No. 98 shall become

[Order 94 Under MPR 120]

CARBON FUEL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 94 under Maximum Price Regulation No. 120—Bituminous Coal the Western Electric Company at prices no higher than the following:

Item:	
8-B	10.9¢
8-C	11.4¢

(b) This Order No. 77 may be revoked or amended by the Administrator at any time.

(c) This Order No. 77 shall become effective on the 4th day of December 1942.

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12828; Filed, December 3, 1942; 3:08 p. m.]

[Order 41 Under RPS 64]

ENTERPRISE FOUNDRY INC.

APPROVAL OF MAXIMUM PRICE

Order No. 41 Under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

Approval of maximum prices for sale of Model No. 4484 by Enterprise Foundry Inc., Belleville, Illinois.

On August 24, 1942, Enterprise Foundry Inc., Belleville, Ill., filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64, for approval of a proposed maximum price for two models, a coal and wood range, one made with a reservoir and one made without a reservoir, designated by the applicant as Model No. 4484.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250, *It is hereby ordered:*

(a) Enterprise Foundry Inc. may sell, offer to sell, deliver or transfer the following models at prices no higher than those specified:

Model No. 4484 Sq. (without reservoir) $44.25 f. o. b. factory to dealers.

Model No. 4484 Balanced (with reservoir) $54.29 f. o. b. factory to dealers.

subject to discounts, allowances and terms no less favorable than those in effect with respect to the respective comparable models of model No. 3484, under § 1356.1 of Revised Price Schedule No. 64.

(b) This Order No. 41 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 41 shall become effective on the 4th day of December, 1942.

Issued this 3d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12820; Filed, December 3, 1942; 3:09 p. m.]

[Order 1 Under MPR 208]

RICE-STIX COMPANY

ORDER ADJUSTING MAXIMUM PRICES

Order No. 1 Under § 1389.213 (b) of Maximum Price Regulation 208—Staple Work Clothing—Docket No. 3208-1.

An opinion in support of this Order No. 1 under § 1389.213 (b) of Maximum Price Regulation 208 is issued simultaneously herewith and filed with the Division of the Federal Register. Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, and pursuant to Revised Procedural Regulation No. 1, *It is hereby ordered:*

(a) Rice-Stix Company of St. Louis, Missouri, may sell and deliver denim overalls and overall jackets manufactured by it at prices not in excess of those stated in paragraph (b). Any person may buy and receive such garments at such prices from Rice-Stix Company.

(b) The maximum prices of Rice-Stix Company shall be the prices determined under § 1389.203 of Maximum Price Regulation 208, except that it is not required to make the deductions required of other sellers by § 1389.203 (c).

(c) Rice-Stix Company shall mail or cause to be mailed to all persons who purchase denim overalls or overall jackets from it for sale at retail a notice reading as follows:

> The Office of Price Administration has permitted us to establish as our maximum prices for sales to you of overalls and overall jackets manufactured by us the prices shown on our price list circulated under date of December 31, 1941, without making the deductions required of other sellers. This exemption was allowed because we were unable to absorb the deduction, and was granted with the understanding that retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of overalls and overall jackets manufactured by us.

(d) All prayers of the petition of Rice-Stix Company, assigned the Docket Number 3208-1, which are not granted by this order are denied.

(e) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in Maximum Price Regulation 208 shall apply to terms used herein.

(g) This Order No. 1 shall become effective December 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12883; Filed, December 4, 1942; 11:52 a. m.]

[Order 42 Under RPS 64]

BOSTON STOVE FOUNDRY CO., READING, MASSACHUSETTS

APPROVAL OF MAXIMUM PRICE

Order No. 42 to Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On September 17, 1942, Boston Stove Foundry Company, Reading, Mass., filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of a maximum price for a coal and wood range designated in the application as model V-21.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250; *It is hereby ordered:*

(a) Boston Stove Foundry Company may sell, offer to sell, or deliver the V-21 coal and wood range manufactured by it at a price no higher than $78.72, subject to discounts, allowances, and terms no less favorable than those in effect with respect to the B-921 model as established under Revised Price Schedule No. 64: *Provided,* That freight on all shipments is prepaid to all points within New England and that on all shipments outside New England a 30¢ cwt. freight allowance is made.

(b) This Order No. 42 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 42 shall become effective on the 5th day of December 1942

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12882; Filed, December 4, 1942; 11:54 a. m.]

[Order 98 Under MPR 120]

PENNSYLVANIA COAL AND COKE CORPORATION

ORDER GRANTING ADJUSTMENT

Order No. 98 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-287.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (d) of Maximum Price Regulation No. 120; *It is hereby ordered:*

(a) Pennsylvania Coal and Coke Corporation, New York, New York, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not

in excess of the respective prices stated therein;

(b) (1) Coals produced by the Pennsylvania Coal and Coke Corporation at its Mine No. 8, Mine Index No. 373, District No. 1, may be sold for all shipments and uses at prices not to exceed the maximum prices heretofore established by Maximum Price Regulation No. 120 for such coals, f. o. b. the mine, plus 5 cents per net ton;

(2) Coals produced by the Pennsylvania Coal and Coke Corporation at its Mine No. 9-E, Mine Index No. 375, District No. 1, may be sold for all shipments and uses at prices not to exceed the maximum prices heretofore established by Maximum Price Regulation No. 120 for such coals, f. o. b. the mine, plus 85 cents per net ton.

(3) Coals produced by the Pennsylvania Coal and Coke Corporation at its Mine No. 9-B, Mine Index No. 374, District No. 1, may be sold for all shipments and uses at prices not to exceed the maximum prices heretofore established by Maximum Price Regulation No. 120 for such coals, f. o. b. the mine, plus 40 cents per net ton.

(4) Coals produced by the Pennsylvania Coal and Coke Corporation at its Mine No. 10, Mine Index No. 376, District No. 1, may be sold for all shipments and uses at prices not to exceed the maximum prices heretofore established by Maximum Price Regulation No. 120 for such coals, f. o. b. the mine, plus 15 cents per net ton.

(5) Coals produced by the Pennsylvania Coal and Coke Corporation at its Mine No. 21-22, Mine Index No. 378-379, District No. 1, may be sold for all shipments and uses at prices not to exceed the maximum prices heretofore established by Maximum Price Regulation No. 120 for such coals, f. o. b. the mine, plus 45 cents per net ton.

(6) Coals produced at the Pennsylvania Coal and Coke Corporation at its Mine No. 46, Mine Index No. 381, may be sold for railroad fuel at prices not to exceed the applicable effective minimum prices established therefor by the Bituminous Coal Division, Department of the Interior, as of April 1, 1942, plus a sum not exceeding 45 cents per net ton, f. o. b. the mine, and for all other shipments and uses at prices not to exceed the maximum prices heretofore established by Maximum Price Regulation No. 120 for such coals, f. o. b. the mine, for such shipments and uses, plus 25 cents per net ton.

(c) This Order No. 98 may be revoked or amended by the Price Administrator at any time;

(d) Within 30 days from the effective date of this Order, the said Pennsylvania Coal and Coke Corporation shall inform all persons purchasing its coal of the adjustments granted in this Order and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted by this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122;

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(f) This Order No. 98 shall become effective this 5th day of December, 1942.

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12881; Filed, December 4, 1942; 11:54 a. m.]

[Order 97 Under MPR 120]

CONTINENTAL COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 97 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120-268.

For the reasons set forth in an Opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (d) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals produced by Continental Coal Company, Spokane, Washington, at its McKay Mine, Mine Index No. 19, in District No. 23, may be sold and purchased for shipment by rail at prices not to exceed the following respective prices per net ton, f. o. b. the mine:

Size group:	*Maximum price*
1	$7.75
9	6.95
14	6.00
17	5.70
18	5.70
21	5.20
22	4.95
25	3.20

(b) Within thirty (30) days from the effective date of this Order, the said Continental Coal Company shall notify all persons purchasing its coals of the adjustments granted in paragraph (a) of this order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122.

(c) This Order No. 97 may be revoked or amended by the Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(e) This Order No. 97 shall become effective December 5, 1942.

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12880; Filed, December 4, 1942; 11:56 a. m.]

[Order 94 Under MPR 120]

CARBON FUEL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 94 under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120-236.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120: *It is ordered:*

(a) James Bolde, doing business as Carbon Fuel Company, Bayne, Washington, may sell and deliver, and any person may buy and receive bituminous coal described in paragraph (b) at prices not in excess of the respective prices established therein, for shipment by rail and for shipment by truck or wagon.

(b) Coals produced by James Bolde, doing business as Carbon Fuel Company, at his Bayne No. 3 Mine, Mine Index No. 2, in District 23, may be sold for shipment by rail and by truck or wagon at prices per net ton f. o. b. the mine not to exceed the following:

Size group	9	10	12	14	21	23
Rail	$5.15	$4.65	$4.50	$4.35	$3.85	$3.85
Truck	$5.50	$5.00	$4.75	$4.60	$4.25	$4.15

(c) Within thirty (30) days from the effective date of this Order, said James Bolde, doing business as Carbon Fuel Company shall notify all purchasers of its coals of the adjustments granted by this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122.

(d) This Order No. 94 may be revoked or amended by the Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(f) This Order No. 94 shall become effective December 5, 1942.

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12877; Filed, December 4, 1942; 11:54 a. m.]

[Order 95 Under MPR 120]

CHESAPEAKE AND OHIO RAILWAY COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 95 under Maximum Price Regulation No. 120—Bituminous Coal

Delivered from Mine or Preparation Plant.

For the reasons set forth in the Opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (d) of Maximum Price Regulation No. 120, *It is ordered:*

(a) High volatile coals produced in Districts Nos. 7 and 8 and purchased by the Chesapeake and Ohio Railway Company for railroad fuel for other than locomotive use at prices not higher than the maximum prices applicable thereto, may nevertheless be used in locomotives operated by said company,

Provided, however, That the Chesapeake and Ohio Railway Company shall file with the Bituminous Coal Division of the Department of the Interior, Washington, D. C., on the twentieth day of each month a verified report setting forth for the preceding calendar month, the total tonnage of and actual sizes of coals purchased for locomotive use, and of coals purchased for other than locomotive use, indicating in each instance the tonnage used for purposes other than that for which the coal was purchased.

(b) This Order No. 95 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 122 shall apply to the terms used herein.

(d) This Order No. 95 shall be effective December 5, 1942.

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12878; Filed, December 4, 1942; 11:52 a. m.]

[Order 96 Under MPR 120]

Houck Reidler Bros. Coal Mining Co.

ORDER GRANTING ADJUSTMENT, ETC.

Order No. 96 under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 1120-84-P.

Order granting adjustment and denying protest insofar as relief is not granted.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, it is ordered:

(a) *Granting adjustment.* (1) Houck Reidler Bros. Coal Mining Company, Tunnelton, West Virginia, may sell and deliver, and any person may buy and receive the bituminous coal described in subparagraph (2) at prices not in excess of the respective prices stated therein.

(2) Coals in Size Groups 6 and 7 produced by Houck Reidler Bros. Coal Mining Company at its Louis Mine (Mine Index No. 94), District No. 3 may be sold for shipment by rail except for railroad fuel use at prices not to exceed $2.35 per net ton f. o. b. the mine; and for shipment for railroad fuel use at prices not to exceed $2.20 per net ton f. o. b. the mine.

(3) Paragraph (a) of this Order No. 96 may be revoked or amended by the Price Administrator at any time.

(4) Within thirty (30) days from the effective date of this order, Houck Reidler Bros. Coal Mining Company, Tunnelton, West Virginia, shall notify all persons purchasing its coals of the specific adjustments granted by paragraph (a) of this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122.

(5) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(b) *Denying protest insofar as relief is not granted.* The protest filed by Houck Reidler Bros. Coal Mining Company against Maximum Price Regulation No. 120, and assigned Docket No. 1120-84-P, is hereby denied insofar as relief has not been granted by paragraph (a) of this Order No. 96.

(c) This Order No. 96 shall become effective December 5, 1942.

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12879; Filed, December 4, 1942; 11:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-297]

Atlas Corporation, et al.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2d day of December, A. D., 1942.

In the matter of Atlas Corporation, Albert Pick Company, Inc., and Franklin Products Corporation.

Atlas Corporation, a registered closed-end investment company, Albert Pick Company Inc., an affiliated person of Atlas Corporation, and Franklin Products Corporation, a wholly-owned subsidiary of Albert Pick Company Inc., have filed a joint application under and pursuant to the provisions of section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) (2) of the Act a proposed purchase from the Atlas Corporation of 114,600 shares of the common stock of Albert Pick Company Inc. in manner as follows: (1) Franklin Products Corporation proposes to purchase not more than 80,000 shares at a cash price of $4.85 per share (2) Maurice Rothschild, president of Franklin Products Corporation and a director of Albert Pick Company Inc., proposes to purchase such portion of the foregoing 80,000 shares not accepted by Franklin Products Corporation and an additional 20,000 shares at a cash price of $4.85 per share and, further, Maurice Rothschild proposes to purchase the remaining 14,600 shares at $5.00 per share, the consideration for which will be represented by a collateral note.

It is ordered, That a hearing on the matter of this application be held on December 10th, 1942, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicants and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12836; Filed, December 3, 1942; 3:54 p. m.]

[File No. 70-555]

Central Maine Power Co., et al.

SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2d day of December 1942.

In the matter of Central Maine Power Company, Cumberland County Power and Light Company, New England Industries, Inc. and New England Public Service Company.

The Commission having heretofore on November 4, 1942, issued its order herein granting the application of Central Maine Power Company pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for an exemption from the provisions of section 6 (a) of said Act with respect to the issuance and sale by said Central Maine Power Company of $12,500,000 aggregate principal amount of its First and General Mortgage Bonds, Series M 3½% due 1972, and $5,000,000 aggregate principal amount of its Serial Notes dated as of December 1, 1942, and maturing serially $250,000 principal amount on June 1st and December 1st of each of the years 1943 through 1952, subject to certain terms and conditions

and reservations of jurisdictions in said order contained; and

Said application having provided that said Central Maine Power Company proposed to invite proposals for competitive bidding with respect to said bonds as provided in Rule U-50 of the General Rules and Regulations under the Public Utility Holding Company Act of 1935, and said application having further provided that the price and interest rate of said serial notes would be furnished to the Commission by amendment; and the Commission having reserved jurisdiction to pass upon the price and spread of said bonds and the price of said notes; and

Central Maine Power Company having filed an amendment to its application herein, which amendment specifies that said applicant has accepted the proposal of The First Boston Corporation and Coffin & Burr, Incorporated, as representatives and on behalf of an underwriting group to purchase said First and General Mortgage Bonds, Series M 3½% due 1972, at a price of 106.31 plus accrued interest from September 1, 1942, to date of delivery, said bonds to be offered initially to the public by said underwriters at 107.375 plus accrued interest; and

Said amendment further reporting that said serial notes are to be sold at private sale and that the notes maturing in the years 1943 through 1945 in the aggregate principal amount of $1,500,000 are to be sold to Guaranty Trust Company of New York, and the said serial notes maturing in the years 1946 through 1952 in the aggregate principal amount of $3,500,000 are to be sold to The Travelers Insurance Company; that said notes maturing in the years 1943 through 1945 will bear interest at the rate of 2¼% per annum, those maturing in the years 1946 through 1948 will bear interest at the rate of 2¾% per annum and those maturing in the years 1949 through 1952 will bear interest at the rate of 3% per annum; and that said notes will be sold at the face amount thereof; and

The Commisison having examined said amendment and having examined the record and finding no basis for imposing further terms and conditions with respect to the issue and sale of said bonds and said notes upon the terms and at the price as aforesaid:

It is ordered, That the jurisdiction heretofore reserved with respect to the price and spread of said bonds and the price of said notes be and the same hereby is released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12840; Filed, December 3, 1942; 3:53 p. m.]

[File No. 54-42]

Central States Utilities Corp., et al.

INTERIM ORDER APPROVING PORTION OF SECTION 11 (e) PLAN

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 1st day of December, A. D. 1942.

In the matter of Central States Utilities Corporation, Central States Power & Light Corporation, Missouri Electric Power Company and Ogden Corporation.

Ogden Corporation, a registered holding company, together with Central States Utilities Corporation, its subsidiary holding company, Central States Power and Light Corporation, a holding-operating company, which is in turn a subsidiary of Central States Utilities Corporation, and Missouri Electric Power Company, a subsidiary of Central States Power and Light Corporation, having filed amendments to an application under section 11 (e) of the Public Utility Holding Company Act of 1935 which requests approval by interim order of the sale of all of the assets of Missouri Electric Power Company to Sho-Me Power Cooperative, the waiver of interest by Ogden on Central States Power and Light Corporation debentures owned by it, the dissolution of Missouri Electric Power Company and the utilization of the proceeds of the sale and certain other funds of Central States Power and Light Corporation to retire a portion of, or make pro rata payments upon, the latter's outstanding First Mortgage and First Lien Gold Bonds, 5½% Series, due 1953, or both;

A public hearing having been duly held after appropriate notice and the Commission having considered the record in this matter and filed its findings herein;

It is ordered, That the transactions proposed in said amendments to the application under section 11 (e) be and the same hereby are approved forthwith, subject, however, to the following terms and conditions:

(1) The terms and conditions set forth in Rule U-24 and that applicants secure such authorizations as are required under State law;

(2) That the form of the letters or advertisements soliciting tenders be submitted to the Commission, and that no solicitation be made unless applicants shall not have been notified by the Commission of its disapproval of such letters or advertisements within three days subsequent to the filing thereof with the Commission;

(3) That the letters soliciting tenders be mailed to Central States Power and Light Corporation bondholders not less than 10 days prior to the first date upon which tenders may be accepted;

(4) That no persons be directly or indirectly employed to solicit tenders of bonds from the holders thereof unless a statement is filed with the Commission showing the names of such persons, the amount of compensation to be paid each of them, the manner in which such compensation is to be determined, and the instructions to be given them, and applicants are not notified by the Commission of its disapproval of any of the foregoing matters within three days subsequent to the filing of the said statement with the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12837; Filed, December 3, 1942; 3:52 p. m.]

[File No. 68-16]

Columbia Oil & Gasoline Corporation

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of November, A. D. 1942.

Order permitting declaration concerning solicitation of authorization with respect to section 11 (e) plan to become effective.

The Commission having previously issued its Order (Holding Company Act Release No. 3829) approving a plan filed under section 11 (e) by Columbia Oil & Gasoline Corporation and Columbia Gas & Electric Corporation, a registered holding company and parent of Columbia Oil & Gasoline Corporation; and

Columbia Oil & Gasoline Corporation having filed a declaration and an amendment thereto seeking permission to solicit authorizations from its stockholders for approval of various transactions involved in the said 11 (e) plan, and having further requested that action on such declaration be accelerated; and

It appearing to the Commission that the request for acceleration should be granted and that said declaration should be permitted to become effective:

It is hereby ordered, That said declaration be, and the same hereby is, permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12839; Filed, December 3, 1942; 3:52 p. m.]

[File No. 70-571]

Consolidated Electric and Gas Co., et al.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 27th day of November 1942.

In the matter of Consolidated Electric and Gas Company, Baraga County Light and Power Company, Central Indiana Gas Company, Citizens Gas Company, Florida Public Utilities Company, Hoosier Gas Corporation, Houghton County Electric Light Company, Lynchburg Gas Company and Maine Public Service Company.

Order granting applications pursuant to sections 6 (b) and 10, and permitting declarations pursuant to sections 7 and 12 to become effective.

Consolidated Electric and Gas Company, a registered holding company, and its subsidiary companies, Baraga County Light and Power Company, Central Indiana Gas Company, Citizens Gas Company, Florida Public Utilities Company, Hoosier Gas Corporation, Houghton County Electric Light Company, Lynchburg Gas Company and Maine Public Service Company, having filed applications and declarations, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 and particularly sections 6, 7, 10 and 12 thereof and Rules U-42, U-43, U-44, U-45, and U-50 of the rules and regulations promulgated thereunder regarding: (a) The redemption by Consolidated Gas and Electric Company (Consolidated) of Central Gas and Electric Company First Lien Collateral Trust Sinking Fund Bonds (Cengas Bonds) in the principal amount of $7,445,100 (heretofore assumed by Consolidated); which bonds are secured in part by securities of Central Indiana Gas Company (Indiana), Florida Public Utilities Company (Florida), Citizens Gas Company (Citizens), Hoosier Gas Corporation (Hoosier), Houghton County Electric Light Company (Houghton), Lynchburg Gas Company (Lynchburg), and Maine Public Service Company (Maine); (b) the issuance and sale by the seven subsidiary companies last above listed, of first mortgage bonds and application of part of the proceeds to acquire securities owned by Consolidated and pledged under the Cengas indenture; (c) as preliminary steps the acquisition of securities of Baraga County Light and Power Company (Baraga) by Houghton from Consolidated, transfer of Baraga's assets to Houghton through the liquidation of Baraga and the purchase from Consolidated by Maine of securities of the Maine and New Brunswick Electrical Power Company (New Brunswick), a subsidiary company of Consolidated. The transactions mentioned above, which are set forth in detail in the findings and opinion, are to be effected in the following manner:

1. Consolidated will sell to Houghton all of Baraga's outstanding common stock for approximately $270,000 which will be paid for with a promissory note of Houghton in the face amount of $200,000 and the issuance of 2,800 additional shares of Houghton common stock of $25 par value per share. Baraga will then declare a liquidating dividend, its assets will be acquired and liabilities assumed by Houghton.

2. Houghton proposes to issue and sell $1,300,000 principal amount of First Mortgage Bonds, 3¾% Sinking Fund Series due 1962, at 100½ and to apply the proceeds (a) to redeem and retire Baraga bonds which it will have assumed, in the principal amount of $280,000; and (b) to pay Consolidated $1,000,000 in order to redeem and retire its indebtedness of that amount evidenced by notes.

3. Consolidated proposes to sell all the outstanding securities of New Brunswick, with the exception of $7,900 of 6% Perpetual Debenture Stock which is publicly held, to Maine for $1,100,000. For the securities so to be transferred to it, Maine proposes to issue and sell to Consolidated a non-interest bearing demand note in the principal amount of $1,100,000.

4. Maine proposes to issue and sell First Mortgage and Collateral Trust Bonds, 3¾% Sinking Fund Series due 1972, in the principal amount of $2,000,000, at 101¾ and to apply the proceeds in partial satisfaction of $2,592,800 of indebtedness, evidenced by notes, owed to Consolidated. The balance of such indebtedness ($592,800) will be donated by Consolidated to Maine as a contribution to capital.

5. Indiana proposes to issue and sell $3,750,000 principal amount of First Mortgage Bonds, 4% Sinking Fund Series due 1962, at 102 and to apply the proceeds as follows: (a) $1,516,935 to redeem securities held by the public; and (b) $2,308,065 in partial satisfaction of its indebtedness, evidenced by bonds and a note, to Consolidated. Consolidated will surrender as a contribution to Indiana's capital the unpaid balance of the debt securities in the amount of $991,935 and 3,119 shares of Indiana's $100 par preferred stock.

6. Citizens proposes to issue and sell $100,000 principal amount of First Mortgage Bonds, 4% Sinking Fund Series due 1962, at 102 and to apply the proceeds in partial payment of bonds presently outstanding in the principal amount of $209,000, which bonds are owned by Consolidated. The unpaid balance of the bonds will be discharged by the issuance of 10,700 additional shares of common stock of the stated value of $10 per share.

7. Florida proposes to issue and sell $1,400,000 principal amount of First Mortgage Bonds, 4% Sinking Fund Series due 1962, at 102½ and to apply the proceeds in partial payment of its notes in the aggregate principal amount of $2,100,500, which are owned by Consolidated. The unpaid balance of the notes will be satisfied by the issuance of 66,550 shares of common stock of $10 par value. Florida proposes to issue 5,000 shares of common stock of $10 par value per share in lieu of 5,000 shares of common stock of no par value presently outstanding and owned by Consolidated.

8. Hoosier proposes to issue and sell $350,000 principal amount of First Mortgage Bonds, 4% Sinking Fund Series due 1962, at 101 and to apply the proceeds from such sale: (a) To redeem Newton Pipe Line Company Bonds (heretofore assumed by it) in the principal amount of $38,500; (b) to retire at par its First Mortgage 6% Bonds in the principal amount of $87,500, owned by Consolidated; and (c) to apply $227,500 in partial satisfaction of notes owned by Consolidated. The unpaid balance of such notes, approximately $353,532, will be satisfied by the issuance and sale to Consolidated of 14,141 shares of common stock, of the stated value of $25 per share.

9. Lynchburg proposes to issue and sell First Mortgage Bonds, 4% Sinking Series due 1962, in the principal amount of $500,000 at 101 and to apply the proceeds in partial payment of its 6% note in the face amount of $889,800, owned by Consolidated. Of the $384,800 unpaid balance of this note, $144,518 will be satisfied by the issuance and sale to Consolidated of 2,890 additional shares of common stock, having a stated value of approximately $50 per share, and the remainder, $240,282, will be contributed by Consolidated to the capital of Lynchburg.

10. Consolidated will receive from its subsidiary companies approximately $7,665,065, all of which will be deposited with the Trustee of the Cengas indenture. The funds so deposited will be applied to redemption of the Cengas bonds at 102.

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter, and having made and filed its findings and opinion herein;

It is ordered, That the said applications, as amended, be and hereby are granted, and the said declarations, as amended, be and hereby are permitted to become effective forthwith, subject, however to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12841; Filed, December 3, 1942;
3:52 p. m.]

[File No. 812-280]

KEYSTONE CUSTODIAN FUNDS, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Penna. on the 1st day of December, A. D. 1942.

In the matter of Keystone Custodian Funds, Inc. as trustee for Keystone Custodian Funds series B-1, B-2, B-3, B-4, K-1, K-2, S-1, S-2, S-3 and S-4.

Keystone Custodian Funds, Inc., as trustee for Keystone Custodian Funds, Series B-1, B-2, B-3, B-4, K-1, K-2, S-1, S-2, S-3 and S-4, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of the said Act certain transactions among the several Keystone Custodian Funds.

The cash of the several Keystone Custodian Funds is commingled in an agency account. The trust agreement and the custodian agreement permit each fund to withdraw cash from the agency account to the extent of all receivables credited to the account of the particular fund in addition to the cash held in the agency account for the account of the particular fund. Applicant seeks an order of the Commission exempting the withdrawals of cash against receivables by the various Keystone Custodian Funds from the provisions of section 17 (a) of the Act.

It is ordered, That a hearing on the aforesaid application be held on the 11th day of December, 1942 at 10 o'clock in the forenoon of that day in the hearing room of the Securities and Exchange Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commissions Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12835; Filed, December 3, 1942;
3:53 p. m.]

[File No. 70-628]

THE NORTH AMERICAN COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 1st day of December, A. D. 1942.

The North American Company, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (b) thereof and Rule U-43 thereunder regarding a proposed distribution on or about December 30, 1942, in payment of a dividend on its common stock of not more than 156,000 shares of the capital stock of The Detroit Edison Company; and

Said declaration having been filed on the 17th day of November 1942, and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 under said Act and the Commission not having received a request for hearing with respect to said declaration within the period specified within such notice or otherwise and not having ordered a hearing thereon; and The North American Company having requested that said declaration as filed become effective on or before December 1, 1942; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective pursuant to said section 12 (b) and said Rule U-43, and being satisfied that the effective date of said declaration should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declaration be and the same is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12834; Filed, December 3, 1942;
3:52 p. m.]

[File Nos. 59-47 and 54-63]

REPUBLIC SERVICE CORPORATION

NOTICE OF FILING AND ORDER FOR HEARING, ETC.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 2d day of December, A. D. 1942.

In the matter of Republic Service Corporation and its subsidiaries—Respondents.

Notice of filing and order for hearing on plan filed under section 11 (e); order consolidating proceedings with pending proceedings under section 11 (b); and order reconvening hearings.

I

Notice is hereby given that a declaration or application (or both) pursuant to the Public Utility Holding Company Act of 1935 and the Rules promulgated thereunder, has been filed by Republic Service Corporation (hereinafter referred to as Republic), a registered holding company, and its subsidiaries, Abington Electric Company, Brockway Light, Heat & Power Company, Fulton Electric Light, Heat & Power Company, Greencastle Light, Heat, Fuel & Power Company, The Mauch Chunk Heat, Power & Electric Light Company, Mercersburg, Lehmasters & Markes Electric Company, Renovo Edison Light, Heat & Power Company, Holston River Power Company, Madison Power Company, Massanutten Power Corporation, Page Power Company, Renovo Heating Company, Lehigh Ice Company, Susquehanna Ice Company (all hereinafter designated by self- and Republic Service Management Company (all hereinafter designated by self-evident abbreviations). All interested persons are referred to said document, which is on file in the office of this Commission, for a complete statement of the transactions therein proposed, which are summarized as follows:

Republic and its subsidiaries propose to consummate a plan of reorganization filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for the purpose of enabling the said companies to comply with the provisions of sections 11 (b) (1) and (2) of the Act. The main elements of the proposed plan are as follows:

1. Page, Madison, Massanutten Power, and Holston, all operating companies situated in Virginia, will be consolidated into a new operating company, designated as New Virginia Operating Company, which will also own the outstanding capital stock of Massanutten Water. New Virginia Operating Company will have a capital structure consisting of $1,400,000 of 25-year, 4% First Mortgage Bonds and 171,062 shares of $6.00 par value common stock.

2. Mercersburg, Greencastle, and Fulton, all operating companies situated in Pennsylvania, will be consolidated into a new operating company, designated as New Cumberland Valley Company, the capital structure of which will consist of $275,000 of 25-year 4% First Mortgage Bonds and 10,000 shares of $10 par value common stock.

3. The $590,000 note of Abington held by Republic will be funded by the issuance of $590,000 of 25-year, 4% First Mortgage Bonds of Abington.

4. A new holding company will be incorporated in Pennsylvania, designated as New Pennsylvania Holding Company, which will own the capital stocks of New Cumberland Valley Company and the remaining Pennsylvania subsidiaries of Republic (namely, Abington, Brockway, Mauch Chunk, Renovo Edison, Renovo Heating, Lehigh Ice, and Susquehanna Ice) and will have a capital structure consisting of 171,062 shares of $6.00 par value common stock. The plan contemplates that New Pennsylvania Holding Company will be subject to exemption from the Act as provided in section 3 (a) (1) of the Act.

5. The new securities referred to in steps 1 through 4 above will be distributed by Republic to its security holders on the following basis:

(a) Holders of Collateral Trust Bonds will receive in exchange for each $1,000 face amount thereof: (1) $500 either in cash or in equal face amount of the above mentioned 25-year, 4% First Mortgage Bonds in the following percentages: New Virginia Operating Company (61.71%), Abington (26.05%), and New Cumberland Valley Company (12.14%); and (2) 30 shares each of common stock of New Virginia Operating Company and New Pennsylvania Holding Company.

(b) Holders of preferred stock will receive in exchange for each share 2 shares each of common stock of New Virginia Operating Company and New Pennsylvania Holding Company.

(c) The plan states that there is no equity for the common stock and no provision is therefore made for its participation.

6. Upon the completion of the prior steps, Republic will be dissolved.

7. Within such time as may be prescribed by the Commission, not exceeding six months after the date fixed for distribution of the common stock of New Virginia Operating Company and New Pennsylvania Holding Company, meetings of the holders of the common stock of the two corporations will be called for the purpose of electing directors. Pending the aforesaid elections, the present directors of the Virginia subsidiaries of Republic shall be the directors of New Virginia Operating

Company, and the present directors of Republic shall be the directors of New Pennsylvania Holding Company.

8. The plan states that it is subject to the approval of the Pennsylvania Public Utility Commission or State Corporation Commission of Virginia with respect to certain transactions. It is intended that the plan, when duly approved, will be binding upon Republic and its security holders and will prevent and bar the enforcement of any rights against Republic by any of its security holders in any manner except as provided in the plan. It is further intended that Republic, if necessary, will request the Commission to apply to a court pursuant to section 11 (e) to enforce and carry out the terms and provisions of the plan.

II

By orders dated May 8, 1942 and June 17, 1942, this Commission instituted proceedings against Republic Service Corporation and its subsidiaries pursuant to sections 11 (b) (1) and (2) of the Public Utility Holding Company Act of 1935. Hearings in this proceeding have been continued subject to further order of the Commission or call of the Trial Examiner.

III

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the plan of reorganization of Republic and its subsidiaries filed pursuant to section 11 (e) of the Act; and

It further appearing to the Commission that the proceedings with respect to the section 11 (e) plan involve common questions of law and fact with the pending proceedings under sections 11 (b) (1) and (2) and should be consolidated and heard together;

It is hereby ordered, That the proceedings with respect to the plan filed pursuant to section 11 (e) and the proceedings under section 11 (b) (1) and (2) be and the same hereby are consolidated;

It is further ordered, That hearings on such matters under the applicable provisions of the Act and the Rules of the Commission thereunder be held on December 16, 1942, at 10:00 a. m., E. W. T., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa. On such day the Hearing Room Clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearings. The officer so designated to preside at such hearings is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented in the consolidated proceedings, the following matters and questions will be considered in addition to those to be considered in the proceedings under sections 11 (b) (1) and (2):

1. Whether the proposed plan filed pursuant to section 11 (e) of the Act is fair and equitable to the persons affected thereby and is necessary to effectuate the provisions of section 11 (b) of the Act.

2. Whether the proposed plan is feasible.

3. Whether the Commission shall exempt the proposed New Pennsylvania Holding Company and its subsidiaries from any provision or provisions of the Act pursuant to the provisions of section 3 (a) (1) of the Act.

4. Whether the proposed acquisitions by New Virginia Operating Company and New Pennsylvania Holding Company will serve the public interest by tending toward the economical and efficient development of an integrated public utility system, and otherwise meet the standards of section 10 of the Act.

5. Whether the debt securities proposed to be issued by New Virginia Operating Company, New Cumberland Valley Company, and Abington are to be issued solely for the purpose of financing the business of the issuers; and whether such debt securities are necessary or appriate to the economical and efficient operation of the business of the issuing companies and otherwise meet the standards of section 7 (d) of the Act.

6. What provisions, if any, should be included in the plan to insure that effective voting control and management are vested in the persons entitled to vote as a result of consummation of the plan.

7. Whether the fees and expenses and other considerations to be paid or received, directly or indirectly, in connection with the proposed plan and transactions incidental thereto are necessary, are reasonable in amount, and are properly allocated between Republic and its subsidiaries.

8. What terms and conditions, if any, may be necessary or appropriate in the public interest or the interest of investors or consumers.

It is further ordered, That all parties and persons granted the right to intervene or be heard and participate in the above-described proceedings under sections 11 (b) (1) and (2) shall be and hereby are given the same rights with respect to the present consolidated proceeding.

It is further ordered, That any other person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, on or before December 10, 1942, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That jurisdiction be and hereby is reserved to separate, either for hearing in whole or in part, or for disposition in whole or in part, any of the issues or questions which may arise in these proceedings, and to take such other action as may appear conducive to an orderly, prompt and economic disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order to Republic and its various subsidiaries, the Pennsylvania Public Utility Commission, and State Corporation Commission of Virginia, not less than seven days prior to the date hereinbefore fixed as the date of the hearing; and that notice of said hearing is hereby given to Republic and its subsidiaries, to their security holders, and to all consumers of Republic and its subsidiaries, all states, municipalities and political subdivisions of states within which is located any of the physical assets of said companies or under the laws of which any of said companies is incorporated, all state commissions, state securities commissions, and all agencies, authorities or instrumentalities of one or more states, municipalities or other political subdivisions having jurisdiction over Republic or its subsidiaries or over any of the businesses, affairs or operations of any of them; that such notice shall be given further by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER not later than seven days prior to the date hereinbefore fixed as the date of hearing.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12838; Filed, December 3, 1942; 3:53 p. m.]

[File No. 70-625]

TRI-CITY UTILITIES COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 2d day of December 1942.

Tri-City Utilities Company, a subsidiary of Associated Electric Company, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (d) thereof, and Rule U-44 thereunder, regarding the sale by it, for an aggregate base price of $195,000, in cash, of all the properties comprising its Ohio River electric division, to Meade County Rural Electric Cooperative—Corporation and Green River Rural Electric Cooperative Corporation, in accordance with the terms and provisions of an agreement dated November 6, 1942; and

Said declaration having been filed on November 10, 1942, and certain amendments having been filed thereto, and notice of said filing having been given in the form and manner prescribed by Rule U-23, promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to the said declaration within the period specified in said notice, or otherwise, and not having ordered the hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declaration, pursuant to Rule U-44, to become effective;

It is ordered, Pursuant to said Rule U-23, and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration, as amended, be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12842; Filed, December 3, 1942; 3:54 p. m.]

[File No. 70-418]

UNITED PUBLIC SERVICE CORPORATION

ORDER UPON SUPPLEMENTAL APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 30th day of November 1942.

The Commission having on the 23rd day of January, 1942 issued its opinion and order approving a plan pursuant to which United Public Service Corporation was permitted to pay to its stockholders, according to their respective rights, a liquidating dividend in the aggregate amount of $1,223,380; and

Such order further providing that sale or distribution of the remaining assets of United Public Service Corporation should not be made except upon further order of the Commission; and

United Public Service Corporation having on the 7th day of November, 1942 filed a supplemental application regarding the sale to Natural Gas and Investment Company of 4,082 shares of preferred stock, 6%, non-cumulative, par value $1 per share, of Southern United Gas Company for the sum of not less than $80,000 in cash and proposing the distribution of the proceeds of such sale together with the sum of $73,000 of available cash to its stockholders according to their respective rights as a partial liquidating dividend when and as declared by its board of directors; and

United Public Service Corporation having on the 9th day of November, 1942 filed a supplemental application regarding the sale to Atlantic Company of 217,917 shares of capital stock, par value $1 per share, of Southern United Ice Company and a 4% income note of such company dated October 1, 1935 due October 1, 1951 in the principal amount of $432,800 of which $388,840.88 principal amount is unpaid, for the sum of $91,800 in cash and proposing to distribute the proceeds of such sale to its stockholders according to their respective rights as a partial liquidating dividend when and as declared by its board of directors; and

United Public Service Corporation having proposed that such liquidating dividends be declared and paid within 60 days after the date hereof; and

Notices of such filings having been duly given and the Commission not having received a request for a hearing with respect to said supplemental applications within the period specified in such notices or otherwise and not having ordered a hearing thereon; and

The Commission finding that the sales of such securities and the disposition of the proceeds therefrom are steps in the liquidation of United Public Service Corporation which has previously been found necessary to effectuate the provisions of section 11 (b) (2) of the Act and are fair and equitable to the persons affected thereby:

It is therefore ordered, That such transactions are approved as part of a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935;

It is further ordered, That sale or distribution of the remaining assets of United Public Service Corporation shall not be made except upon further order of the Commission as to which matters the Commission reserves complete jurisdiction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12833; Filed, December 3, 1942; 3:52 p. m.]

Reference

DEC 10 1942

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

LITTERA SCRIPTA MANET

VOLUME 7 NUMBER 239

Washington, Tuesday, December 8, 1942

The President

EXECUTIVE ORDER 9279

PROVIDING FOR THE MOST EFFECTIVE MOBILIZATION AND UTILIZATION OF THE NATIONAL MANPOWER AND TRANSFERRING THE SELECTIVE SERVICE SYSTEM TO THE WAR MANPOWER COMMISSION

In order to promote the most effective mobilization and utilization of the national manpower and to eliminate so far as possible waste of manpower due to disruptive recruitment and undue migration of workers, and by virtue of the authority vested in me by the Constitution and Statutes, including the First War Powers Act, 1941, and the Selective Training and Service Act of 1940, as amended, as President of the United States, and as Commander in Chief of the Army and the Navy, it is hereby ordered as follows:

1. The War Manpower Commission (established by Section 1 of Executive Order No. 9139, dated April 18, 1942[1]) shall consist of a Chairman appointed by the President and one representative, designated subject to the approval of the Chairman, of each of the following departments and agencies: The Department of War, the Department of the Navy, the Department of Agriculture, the Department of Labor, the Federal Security Agency, the War Production Board, the United States Civil Service Commission, the National Housing Agency, and such other executive departments and agencies as the President shall determine; and a joint representative of the War Shipping Administration and the Office of Defense Transportation, designated by the Chairman of the War Manpower Commission (hereinafter referred to as the Chairman).

2. (a) The Selective Service System created and established for the purpose of carrying out the provisions of the Selective Training and Service Act of 1940, as amended, and all of its functions, powers, duties, personnel (including the Director of Selective Service), records, property, and funds (including all unexpended balances of appropriations, allocations, or other funds available for the administration of said Act, as amended) are transferred to the War Manpower Commission in the Office for Emergency Management of the Executive Office of the President, and shall be administered under the supervision and direction of the Chairman. The local boards and appeal boards of the Selective Service System shall, subject to the supervision and direction of the Chairman, continue to exercise the functions, powers, and duties vested in them by the Selective Training and Service Act of 1940, as amended.

(b) The functions, powers, and duties of the Director of Selective Service, including authority delegated to him by the President under the provisions of the Selective Training and Service Act of 1940, as amended, are transferred to the Chairman and may be exercised through the Director of Selective Service and such other officers, agents, and persons and in such manner as the Chairman may determine.

(c) The Chief of Finance, United States Army, shall act as the fiscal, disbursing, and accounting agent of the Chairman in carrying out the provisions of the Selective Training and Service Act of 1940, as amended.

3. The Secretary of War and the Secretary of the Navy shall, after consultation with the Chairman, determine the number of men required to be selected each month in order to fulfill the total respective requirements of the Army and Navy as approved by the President. The Chairman shall furnish the required number of men through the Selective Service System.

4. After the effective date of this Order no male person who has attained the eighteenth anniversary and has not attained the thirty-eighth anniversary of the day of his birth shall be inducted into the enlisted personnel of the armed forces (including reserve components), except, under provisions of the Selective Training and Service Act of 1940, as amended; but any such person who has, on or before the effective date of this Order, submitted a bona fide application for voluntary enlistment may be enlisted within ten days after said date.

5. Insofar as the effective prosecution of the war requires it, the Chairman shall take all lawful and appropriate steps to assure that (a) all hiring, rehiring, solicitation, and recruitment of workers in or

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THE PRESIDENT

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[1] 7 F.R. 2919.

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Telephone information: DIstrict 0525.

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for work in any establishment, plant, facility, occupation, or area designated by the Chairman as subject to the provisions of this section shall be conducted solely through the United States Employment Service or in accordance with such arrangements as the Chairman may approve; and (b) no employer shall retain in his employ any worker whose services are more urgently needed in any establishment, plant, facility, occupation, or area designated as more essential by the Chairman pursuant to this section.

6. The Secretary of War and the Secretary of the Navy shall take such steps as may be necessary to assure that all training programs for the armed forces (including their reserve components) and the Women's Army Auxiliary Corps, which are carried on in non-Federal educational institutions, conform with such policies or regulations as the Chairman, after consultation with the Secretary of War and the Secretary of the Navy, prescribes as necessary to insure the efficient utilization of the Nation's educational facilities and personnel for the effective prosecution of the war.

7. The Chairman shall (a) issue such policies, rules, regulations, and general or special orders as he deems necessary to carry out the provisions of this Order, (b) take steps to prevent and relieve gross inequities or undue hardships arising from the exercise of the provisions of Section 5 of this Order insofar as he finds so doing will not interfere with the effective prosecution of the war, and (c) establish such procedures (including appeals) as are necessary to assure a hearing to any person claiming that any action, taken by any local or regional agent or agency of the War Manpower Commission pursuant to Section 5 of this Order and said Executive Order No. 9139, is unfair or unreasonable as applied to him.

8. (a) The Chairman may perform the functions and duties and exercise the powers, authority, and discretion conferred upon him by this Order or any other Order of the President through such officers, agents, and persons and in such manner as he shall determine.

(b) The Chairman may avail himself of the services and facilities of such Executive departments and agencies as he determines may be of assistance in carrying out the provisions of this Order. He may accept the services and facilities of State and local agencies.

9. Subject to appeal to the President or to such agent or agency as the President may designate, each Executive department and agency shall so utilize its facilities, services, and personnel and take such action, under authority vested in it by law, as the Chairman, after consultation with such department or agency, determines necessary to promote compliance with the provisions of this Order or of policies, directives, or regulations prescribed under said Executive Order No. 9139.

10. The Chairman shall appoint a Management-Labor Policy Committee to be selected from the fields of labor, agriculture, and industrial management, and shall consult with the members thereof in carrying out his responsibilities. The Chairman may appoint such other advisory committees composed of representatives of governmental or private groups or both as he deems appropriate.

11. The Chairman shall be ex officio an additional member of the Economic Stabilization Board established by Executive Order No. 9250, dated October 3, 1942.[2]

12. All prior Executive Orders, insofar as they are in conflict herewith, are amended accordingly. All prior regulations, rulings, and other directives relating to the Selective Service System shall remain in effect, except insofar as they are in conflict with this Order or are hereafter amended by regulations, rulings, or other directives issued by or under the direction of the Chairman.

13. This Order shall take effect immediately and shall continue in force and effect until the termination of Title I of the First War Powers Act, 1941.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 5, 1942.

[F. R. Doc. 42-12939; Filed, December 7, 1942; 11:01 a. m.]

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[2] 7 F. R. 7871.

EXECUTIVE ORDER 9280

DELEGATING AUTHORITY WITH RESPECT TO THE NATION'S FOOD PROGRAM

By virtue of the authority vested in me by the Constitution and the statutes of the United States, as President of the United States and Commander in Chief of the Army and Navy, and in order to assure an adequate supply and efficient distribution of food to meet war and essential civilian needs, it is hereby ordered as follows:

1. The Secretary of Agriculture (hereinafter referred to as the "Secretary") is authorized and directed to assume full responsibility for and control over the Nation's food program. In exercising such authority, he shall:

a. Ascertain and determine the direct and indirect military, other governmental, civilian, and foreign requirements for food, both for human and animal consumption and for industrial uses.

b. Formulate and carry out a program designed to furnish a supply of food adequate to meet such requirements, including the allocation of the agricultural productive resources of the Nation for this purpose.

c. Assign food priorities and make allocations of food for human and animal consumption to governmental agencies and for private account, for direct and indirect military, other governmental, civilian, and foreign needs.

d. Take all appropriate steps to insure the efficient and proper distribution of the available supply of food.

e. Purchase and procure food for such Federal agencies, and to such extent, as he shall determine necessary or desirable, and promulgate policies to govern the purchase and procurement of food by all other Federal agencies: *Provided,* That nothing in this subsection shall limit the authority of the armed forces to purchase or procure food outside the United States or in any theater of war as such purchase and procurement shall be required by military or naval operations, or the authority of any other authorized agency to purchase or procure food outside the United States for rehabilitation or relief purposes abroad. Existing methods for the purchase and procurement of food by other Federal agencies shall continue until otherwise determined by the Secretary pursuant to this Executive Order.

2. The Secretary shall recommend to the Chairman of the War Production Board the amounts and types of non-food materials, supplies, and equipment necessary for carrying out the food program. Following consideration of these recommendations, the Chairman of the War Production Board shall allocate stated amounts of non-food materials, supplies, and equipment to the Secretary for carrying out the food program; and the War Production Board, through its priorities and allocation powers, shall direct the use of such materials, supplies, and equipment for such specific purposes as the Secretary may determine.

3. Whenever the available supply of any food is insufficient to meet both food and industrial needs, the Chairman of the War Production Board and the Secretary shall jointly determine the division to be made of the available supply of such food. In the event of any difference of view between the Chairman of the War Production Board and the Secretary, such difference shall be submitted for final determination to the President or to such agent or agency as the President may designate.

4. The Secretary, after determining the need and the amount of food available for civilian rationing, shall, through the Office of Price Administration, exercise the priorities and allocation powers conferred upon him by this Executive Order for civilian rationing, with respect to (a) the sale, transfer, or other disposition of food by any person who sells at retail to any person, and (b) the sale, transfer, or other disposition of food by any person to an ultimate consumer, as is currently provided for in War Production Board Directive No. 1, dated January 24, 1942,[1] and existing supplements thereto; and with respect to (c) the sale, transfer, or other disposition of food by any person at such other levels of distribution as he may determine; and in the administration or enforcement of any such priorities or allocation authority for civilian rationing, the Office of Price Administration, subject to the provisions of this Executive Order, is hereby authorized to exercise all the functions, duties, powers, authority, or discretion conferred upon the Price Administrator by Section 3 of Executive Order 9125 of April 7, 1942.[2] The Secretary, before determining the time, extent, and other conditions of civilian rationing, shall consult with the Price Administrator.

5. In discharging his responsibility under this Executive Order with respect to the exportation of food, the Secretary shall collaborate with the other agencies concerned with the foreign aspects of the food program in the determination of plans, policies and procedures for the feeding of the peoples in foreign countries and the production and stockpiling of food for use abroad. With respect to the issuance of the directives for the importation of food heretofore issued to the Board of Economic Warfare by the Chairman of the War Production Board under Executive Order No. 9128 of April 13, 1942,[3] the Secretary shall issue those directives which relate to the importation of food for human and animal consumption, and the Chairman of the War Production Board and the Secretary shall jointly issue those directives which relate to the importation of food for industrial uses. The Chairman of the War Production Board shall continue to issue all other directives which relate to the importation of materials, supplies, and equipment required for the war production program and the civilian economy. Schedules of priorities heretofore prepared and issued by the Chairman of the War Production Board under Executive Order 9054 of February 7, 1942[4] for the importation by overseas transportation of food for human or animal consumption and for industrial uses shall be similarly issued, and transmitted to the Administrator of War Shipping Administration for his guidance.

6. In discharging his responsibility under this Executive Order, the Secretary shall, in the event of a shortage of domestic transportation service, and after consultation with the War Production Board for the purpose of adjusting the relative demands for the movement of food for human or animal consumption and the movement of commodities for other purposes, prepare schedules of priorities for the domestic movement of food, which the Office of Defense Transportation shall take into consideration in determining traffic movements.

7. (a) To advise and consult with him in carrying out the provisions of this Executive Order, the Secretary shall appoint a committee composed of representatives of the State, War, and Navy Departments, the Office of Lend-Lease Administration, the Board of Economic Warfare, the War Production Board, and such other agencies as the Secretary may determine to be concerned with the food program. The Food Requirements Committee of the War Production Board established by the Chairman of the War Production Board by memorandum dated June 4, 1942 is abolished effective as of the date of appointment of said advisory committee. The Secretary shall receive from the members of such advisory committee estimates of food requirements, and consult with such committee prior to the making of food allocations under Section 1 (c) of this Executive Order. Such committee shall perform such other functions in connection with the food program as the Secretary may determine. The Secretary may, in his discretion, appoint such other advisory committees composed of representatives of governmental or private groups interested in the food program as he deems appropriate.

b. Section 1 of Executive Order No. 9024, dated January 16, 1942,[5] is amended to provide that the Secretary shall be a member of the War Production Board.

8. The Secretary, in carrying out the responsibilities imposed on him by this

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[1] 7 F.R. 562.

[2] 7 F.R. 2719.

[3] 7 F.R. 2809.

[4] 7 F.R. 837.

[5] 7 F.R. 329.

Executive Order, may, subject to the provisions of this Executive Order, exercise the following powers in addition to the powers heretofore vested in him.

a. The power conferred upon the Department of Agriculture with respect to contracts by Executive Order No. 9023 of January 14, 1942.[5]

b. The power conferred upon the President by Title III of the Second War Powers Act, 1942, insofar as it relates to priorities and allocations of (1) all food for human or animal consumption or for other use in connection with the food program, but excluding that food which has been determined to be available to the War Production Board for industrial purposes pursuant to Section 3 of this Executive Order; (2) those portions of non-food materials, supplies, and equipment which have been allocated by the War Production Board under Section 2 of this Order for carrying out the food program; (3) any other material or facility, when the Secretary determines that it is necessary, in order to carry out the provisions of this Executive Order, to exercise the priorities or allocation power with respect thereto: *Provided*, That in order to avoid overlapping and conflicting action, prior to taking action pursuant to item (3) hereof, the Secretary shall inform the Chairman of the War Production Board of the action proposed to be taken, and in the event that the Chairman of the War Production Board shall object, the issue shall be determined by the President or such agent or agency as he may designate. Contracts or orders, relating to the materials and facilities specified in this sub-section, made by the Secretary, or by any other officer or agency of the Government at the Secretary's direction, and subcontracts and suborders which the Secretary shall deem necessary or appropriate to the fulfilment of any such contract or order, are hereby declared to be necessary and appropriate to promote the defense of the United States. The Secretary may assign priorities with respect to deliveries under any such contract, order, subcontract or suborder, and he may require acceptance of and performance of any such contract, order, subcontract or suborder, in preference to other contracts or orders for the purpose of assuring such priority. Allocations of materials and facilities under this sub-section may be made by the Secretary in such manner, upon such conditions, and to such extent as he shall deem necessary or appropriate in the public interest, to promote the national defense, and to carry out the provisions of this Executive Order.

c. The powers under the Act of October 10, 1940 (54 Stat. 1090), as amended by the Act of July 2, 1942 (56 Stat. 467), and the Act of October 16, 1941 (55 Stat. 742), as amended by Title VI of the Second War Powers Act, 1942, heretofore vested in the War Production Board by Executive Order No. 8942 of November 19, 1941,[6] Executive Order No. 9024 of January 16, 1942, and Executive Order No. 9040 of January 24, 1942,[7] with respect to the requisitioning of food for human or animal consumption.

d. The powers of acquisition of property under the Act of July 2, 1917 (40 Stat. 241), as amended by Title II of the Second War Powers Act, 1942.

e. The powers of taking over and operating facilities under Section 120 of the National Defense Act of 1916 (39 Stat. 213) and Section 9 of the Selective Training and Service Act of 1940 (54 Stat. 892).

f. The powers with respect to anti-trust prosecutions vested in the Chairman of the War Production Board by Section 12 of the Act of June 11, 1942, Public Law 603, 77th Congress.

g. The power of inspection and audit of the war contractors (including the power of subpoena) under Title XIII of the Second War Powers Act, 1942.

9. The Secretary is authorized to delegate any or all functions, responsibilities, powers (including the power of subpoena), authorities, or discretions conferred upon him by this Executive Order to such person or persons within the Department of Agriculture as he may designate or appoint for that purpose. The Secretary may, except as otherwise provided herein, delegate to any appropriate Federal, state, or local governmental agency, officer, or employee, in such manner and for such periods of time as he shall deem advisable, the execution of any of the provisions of this Executive Order together with any powers of the Secretary under this Executive Order. To the fullest extent compatible with efficiency the Secretary shall utilize existing facilities and services of other governmental departments and agencies and may accept the services and facilities of any state or local governmental agency in carrying out his responsibilities defined hereunder.

10. As used herein, the term "food" shall mean all commodities and products, simple, mixed, or compound, or complements to such commodities or products that are or may be eaten or drunk by either humans or animals, irrespective of other uses to which such commodities or products may be put, and at all stages of processing from the raw commodity to the product thereof in a vendible form for immediate human or animal consumption, but exclusive of such commodities and products as the Secretary shall determine. For the purposes of this Executive Order, the term "food" shall also include all starches, sugars, vegetable and animal fats and oils, cotton, tobacco, wool, hemp, flax fiber, and such other agricultural commodities and products as the President may designate.

11. In the event of any difference of view arising between the Secretary and any other officer or agency of the Government, in the administration of the provisions of this Executive Order, such difference of view shall be submitted for final decision to the President or such agent or agency as the President may designate.

12. The personnel, property, records, unexpended balances of appropriations, allocations, and other funds of the War Production Board primarily concerned with and available for, as determined by the Director of the Bureau of the Budget, the discharge of any of the functions, responsibilities, powers, authorities, and discretions that are vested in the Secretary by this Executive Order are hereby transferred to the Department of Agriculture. In determining the amounts transferred hereunder, allowance shall be made for the liquidation of obligations previously incurred against such balances of appropriations, allocations, or other funds transferred.

13. To facilitate the effective discharge of the Secretary's responsibility under this Executive Order, the following changes are made within the Department of Agriculture:

a. The Agricultural Conservation and Adjustment Administration (except the Sugar Agency), the Farm Credit Administration, the Farm Security Administration, and their functions, personnel, and property; the functions, personnel, and property of the Division of Farm Management and Costs of the Bureau of Agricultural Economics concerned primarily with the planning of current agricultural production; the functions, personnel, and property of the Office of Agricultural War Relations concerned primarily with the production of food; and the functions, personnel, and property established in or transferred to the Department by this Executive Order that are concerned primarily with the production of food, are consolidated into an agency to be known as the Food Production Administration of the Department of Agriculture. The Food Production Administration shall be under the direction and supervision of a Director of Food Production appointed by the Secretary.

b. The Agricultural Marketing Administration, the Sugar Agency of the Agricultural Conservation and Adjustment Administration, and their functions, personnel, and property; the functions, personnel, and property of the Bureau of Animal Industry of the Agricultural Research Administration concerned primarily with regulatory activities; the functions, personnel, and the property of the Office of Agricultural War Relations concerned primarily with the distribution of food; and the functions, personnel, and property established in or transferred to the Department of Agriculture by this Executive Order that are concerned primarily with the distribution of food are consolidated into an agency to be known as the Food Distribution Administration of the Department of Agriculture. The Food Distribution Administration shall be under the direction and supervision of a Director of Food Distribution appointed by the Secretary.

c. So much of the unexpended balances of appropriations, allocations, or other funds available (or to be made available) for the use of any agency in the exercise of any function transferred or consolidated by subsections a. and b. of this section or for the use of the head of any agency in the exercise of any function so transferred or consolidated, as the Director of the Bureau of the Budget shall determine, shall be transferred for use in connection with the exercise of the function so transferred or consolidated. In determining the amount to be transferred, the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such balances of appropriations, allocations, or other funds prior to the transfer.

14. Any provision of any Executive Order or proclamation conflicting with this Executive Order is superseded to the extent of such conflict. All prior directives, rules, regulations, orders, and similar instruments heretofore issued by any Federal agency which affect the subject matter of this Executive Order shall continue in full force and effect unless and until withdrawn or superseded by or under the direction of the Secretary under the authority of this Order. Nothing in this Order shall be construed to limit the powers exercised by the Economic Stabilization Director under Executive Order 9250 dated October 3, 1942,[8] as amended. Nothing in this Order shall be construed to limit the power now exercised by the Price Administrator under the Emergency Price Control Act of 1942, Public Law 421, 77th Congress, as amended, or the Act of October 2, 1942, Public Law 729, 77th Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 5, 1942.

[F. R. Doc. 42-12940; Filed, December 7, 1942; 11:01 a. m.]

EXECUTIVE ORDER 9278

APPOINTMENT OF BENJAMIN W. THORON, DIRECTOR, DIVISION OF TERRITORIES AND ISLAND POSSESSIONS, DEPARTMENT OF THE INTERIOR, AS ADMINISTRATOR OF THE PUERTO RICO RECONSTRUCTION ADMINISTRATION

By virtue of the authority vested in me under the Emergency Relief Appropriation Act of 1935 (49 Stat. 115, 118) and the act entitled "An Act to provide that funds allocated to Puerto Rico under the Emergency Relief Appropriation Act of 1935 may be expended for permanent rehabilitation, and for other purposes", approved February 11, 1936 (49 Stat. 1135), I hereby appoint Benjamin W. Thoron, Director, Division of Territories and Island Possessions, Department of the Interior, as Administrator of the Puerto Rico Reconstruction Administration, vice Guy J. Swope, resigned, to serve without additional compensation, and to exercise and discharge the functions, duties, and authority conferred upon the Puerto Rico Reconstruction Administration and the Administrator by Executive Orders No. 7057 of May 28, 1935, No. 7180 of September 6, 1935, as amended by No. 7554 of February 17, 1937, and No. 7689 of August 12, 1937.

The said Executive orders are hereby amended accordingly.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 4, 1942.

[F. R. Doc. 42-12921; Filed, December 5, 1942; 11:47 a. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Commodity Credit Corporation

[Supp. 2 to 1942 C.C.C. Cotton Form 1—Instructions]

PART 232[1]—1942 COTTON LOANS

CERTIFICATE OF INDEMNITY

Instructions for making loans on cotton covered by a Certificate of Indemnity (Form FCI-274, issued by the Federal Crop Insurance Corporation).

Pursuant to the provisions of Title III, section 302 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U.S.C., 1940 ed., 1302), and the Act of May 26, 1941 (55 Stat. 203; 7 U.S.C., 1940 ed., Sup. 1, 1330) as amended by the Act of December 26, 1941 (55 Stat. 860), and as further amended by the Act of October 2, 1942 (Public No. 729, 77th Congress), Commodity Credit Corporation has authorized the making of loans to producers of 1942 cotton, in accordance with the regulations in this part (1942 C.C.C. Cotton Form 1—Instructions). Such regulations are hereby supplemented as follows:

Section 232.1 (e) *Certificate of Indemnity*, is supplemented by adding at the end thereof the following new paragraph:

(1) *Instructions for making loans on cotton covered by a Certificate of Indemnity (Form FCI-274, issued by the Federal Crop Insurance Corporation)*—(a) *Amount.* Loans on cotton covered by Certificates will be made at the base loan rate shown in the "Schedule of basic rates by cities and counties for cotton entering the 1942 loan", adjusted for the appropriate premium or discount for grade and staple length as shown in the table appearing in the 1942 Cotton Loan Instructions (1942 C.C.C. Cotton Form 1). In determining the loan rate the location and the grade and staple shown in the Certificate shall be used.

(b) *Eligible producer.* Loans on Certificates will be made only to producers determined by the county agricultural conservation committee to be "cooperators" as defined in the 1942 Cotton Loan Instructions (1942 C.C.C. Cotton Form 1).

(c) *Forms.* The following documents must be delivered in connection with every loan:

(1) 1942 Cotton Producer's Note and Loan Agreement (1942 C.C.C. Cotton Form A).

(2) Certificate of Indemnity (FCI-274, issued by the Federal Crop Insurance Corporation).

(3) Producer's Letter of Transmittal (1942 C.C.C. Cotton Form B).

(d) *Manner of obtaining loans.* Producers desiring to obtain loans on indemnity cotton should apply to their county agricultural conservation committee.

If the producer has obtained his Certificate from the Federal Crop Insurance Corporation, the county committee will prepare the note and Producer's Letter of Transmittal for the producer's signature and mail the executed documents, together with the related Certificate, direct to the Regional Office of Commodity Credit Corporation, New Orleans, Louisiana. Upon approval of the forms, Commodity Credit Corporation will make payment of the amount of the loan in accordance with the directions of the producer contained in 1942 C.C.C. Cotton Form A.

If the producer indicates his desire to obtain a loan at the time the "Statement

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[5] 7 F.R. 302.

[6] 6 F.R. 5909.

[7] 7 F.R. 527.

[8] 7 F.R. 7871.

[1] 7 F.R. 7213.

of Proof of Loss" of the Federal Crop Insurance Corporation is executed, the loan documents may be prepared by the county agricultural conservation committee and transmitted to the branch office of the Federal Crop Insurance Corporation with the "Statement of Proof of Loss." The branch office of the Federal Crop Insurance Corporation will attach the Certificate to the note and forward direct to the Regional Director of Commodity Credit Corporation at New Orleans, Louisiana.

(e) *Repayment.* If the producer desires to obtain the release of his note and return of the Certificate, he should notify the Regional Office of Commodity Credit Corporation, New Orleans, Louisiana. The note and Certificate will then be forwarded to an approved bank for release to the producer upon payment of the amount of the loan, the accrued interest, and proper charges.

If the producer desires to repay the loan from the cash equivalent of the Certificate and obtain the balance of such cash equivalent, he should notify the Federal Crop Insurance Corporation. The Federal Crop Insurance Corporation will establish the amount of the cash equivalent, make payment to Commodity Credit Corporation of the amount due on the loan, and remit any balance after repayment of the loan to the producer. Upon receipt of payment Commodity Credit Corporation will stamp the note "paid" and return it to the producer. The Certificate will be delivered to the Federal Crop Insurance Corporation.

Dated: October 10, 1942.

[SEAL] J. B. HUTSON,
President.

[F. R. Doc. 42-12949; Filed, December 7, 1942; 11:35 a. m.]

[Amendment No. 2 to 1942 C.C.C. Cotton Form 1—Instructions]

PART 232—1942 COTTON LOANS

LOANS TO PRODUCERS SECURED BY COTTON OF THE 1942 CROP STORED ON FARMS

Pursuant to the provisions of Title III, section 302 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U.S.C., 1940 ed., 1302), and the Act of May 26, 1941 (55 Stat. 203; 7 U.S.C., 1940 ed., Sup. 1, 1330) as amended by the Act of December 26, 1941 (55 Stat. 860), and as further amended by the Act of October 2, 1942 (Public No. 729, 77th Congress), Commodity Credit Corporation has authorized the making of loans to producers of 1942 cotton, in accordance with the regulations in this part (1942 C.C.C. Cotton Form 1—Instructions). Such regulations are hereby amended as follows:

Section 232.1 (f) *Lending agency,* is amended by adding at the end thereof the following new paragraphs:

§ 232.1 (f) *Lending agency.* * * *

Lending agencies which have executed Lending Agency Agreements (1942 C.C.C. Cotton Form D) are authorized to make loans in accordance with the provisions of the 1942 Cotton Loan Instructions (1942 C.C.C. Cotton Form 1, as amended) to producers on cotton of the 1942 crop upon tender by the producers of duly executed 1942 Cotton Producers' Notes (1942 C.C.C. Cotton Form E) and copies of duly executed and recorded 1942 Cotton Chattel Mortgages (1942 C.C.C. Cotton Form F) covering such cotton. This authorization is subject to the following terms and conditions:

(1) Each such note evidencing a loan made by a lending agency shall, together with the copy of the mortgage securing such note, be tendered to the Regional Office of Commodity Credit Corporation, New Orleans, Louisiana, for purchase or pooling by Commodity Credit Corporation, within fifteen days after the date of such note.

(2) Commodity Credit Corporation shall, as directed by the lending agency, purchase each such note at its face value, plus interest at the rate of 1½ per cent per annum from the date of such note to the date of payment by Commodity Credit Corporation, or place such note in a pool operated in accordance with the provisions of the Lending Agency Agreement and the Rules and Procedure Relating to the Purchase or Pooling by Commodity Credit Corporation of 1942 Cotton Producers' Notes Pursuant to a Lending Agency Agreement (Supplement 1 to 1942 C. C. C. Cotton Form 1, as amended).

Dated: October 7, 1942.

[SEAL] J. B. HUTSON,
President.

[F. R. Doc. 42-12950; Filed, December 7, 1942; 11:35 a. m.]

[Amendment No. 1—1942 C.C.C. Cotton Form 1—Instructions]

PART 232—1942 COTTON LOANS

INCREASE IN LOAN RATES ON COTTON PRODUCED IN 1942

Pursuant to the provisions of Title III, section 302 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U.S.C., 1940 ed., 1302), and the Act of May 26, 1941 (55 Stat. 203; 7 U.S.C., 1940 ed., Sup. 1, 1330) as amended by the Act of December 26, 1941 (55 Stat. 860), and as further amended by the Act of October 2, 1942 (Public No. 729, 77th Congress), Commodity Credit Corporation has authorized the making of loans to producers of 1942 cotton, in accordance with the regulations in this part (1942 C.C.C. Form 1—Instructions). Such regulations are hereby amended as follows:

Section 232.3 *Amount,* is amended by adding at the end thereof, the following language:

§ 232.3 *Amount.* * * * The loan rates on cotton produced in 1942, in accordance with the provisions of the Act approved October 2, 1942 (Public No. 729, 77th Congress), will be increased 1 cent per pound above the rates previously announced for all grades, staples, and locations. The increased loan rate is effective immediately, and additional payments will be made to producers who have already obtained loans on the 1942 crop.

Dated: October 7, 1942.

[SEAL] J. B. HUTSON,
President.

[F. R. Doc. 42-12951; Filed, December 7, 1942; 11:35 a. m.]

[Amendment No. 1 to Supplement No. 1 to 1942 C. C. C. Cotton Form 1—Instructions]

PART 232—1942 COTTON LOANS

POOLING OF 1942 COTTON PRODUCERS' NOTES

Pursuant to the provisions of Title III, section 302 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U.S.C., 1940 ed., 1302), and the Act of May 26, 1941 (55 Stat. 203; 7 U.S.C., 1940 ed., Sup. 1, 1330) as amended by the Act of December 26, 1941 (55 Stat. 860), and as further amended by the Act of October 2, 1942 (Public No. 729, 77th Congress), Commodity Credit Corporation has authorized the making of loans to producers of 1942 cotton, in accordance with the regulations in this part (1942 C.C.C. Cotton Form 1—Instructions). Such regulations are hereby supplemented as follows:

Section 232.12a[1] *Rules and procedure relating to the purchase or pooling by Commodity Credit Corporation of 1942 cotton producers' notes pursuant to a lending agency agreement,* is supplemented by adding at the end thereof the following new paragraphs:

§ 232.12a * * *

(16) 1942 Cotton Producers' Notes (1942 C. C. C. Cotton Form E) evidencing loans made by lending agencies on farm-stored cotton, which are tendered to the Regional Office of Commodity Credit Corporation, New Orleans, Louisiana, by a lending agency for pooling, and which are found to be in acceptable form by such regional office, shall be pooled in the pool established in the New Orleans Branch of the Federal Reserve Bank of Atlanta, in the same manner and on the same terms and conditions as if they were 1942 Cotton Producer's Note and Loan Agreements (1942 C.C.C. Cotton Form A), in accordance with the Lending Agency Agreement (1942 C.C.C. Cotton Form D) and the Rules and Procedure Relating to the Purchase or Pooling by Commodity Credit Corporation of 1942 Cotton Producers' Notes Pursuant to a Lending Agency Agreement (Supplement No. 1 to 1942 C.C.C. Cotton Form 1, as amended).

(17) 1942 Cotton Producers' Notes (1942 C.C.C. Cotton Form E) which are held by Commodity Credit Corporation may be pooled in the pool established in the New Orleans Branch of the Federal Reserve Bank of Atlanta, in the same manner and on the same terms and conditions as if they were 1942 Cotton Producer's Note and Loan Agreement (1942 C.C.C. Cotton Form A) held by Commodity Credit Corporation, in accordance with the Lending Agency Agreement and the Rules and Procedure Relating to the Purchase or Pooling by Commodity Credit Corporation of 1942 Cotton Producers' Notes Pursuant to a Lending Agency Agreement (Supplement No. 1 to 1942 C.C.C. Cotton Form 1, as amended).

Dated: October 7, 1942.

[SEAL] J. B. HUTSON,
President.

[F. R. Doc. 42-12952; Filed, December 7, 1942; 11:35 a. m.]

[Supplement No. 3 to 1942 C. C. C. Cotton Form 1—Instructions]

PART 232—1942 COTTON LOANS

LOANS ON 1942 FARM-STORED COTTON

Pursuant to the provisions of Title III, section 302 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U.S.C., 1940 ed., 1302), and the Act of May 26, 1941 (55 Stat. 203; 7 U.S.C., 1940 ed., Sup. 1, 1330) as amended by the Act of December 26, 1941 (55 Stat. 860), and as further amended by the Act of October 2, 1942 (Public No. 729, 77th Congress), Commodity Credit Corporation has authorized the making of loans to producers of 1942 cotton, in accordance with the regulations in this part (1942 C.C.C. Cotton Form 1—Instructions). Such regulations are supplemented by adding at the end thereof the following new section:

§ 232.16 *Loans on 1942 farm-stored cotton.* In addition to loans on warehouse-stored cotton, Commodity Credit Corporation will make available loans on farm-stored cotton of the 1942 crop. Such loans will be made available only to cooperators and will be at the full loan rate, which shall be the base loan rate shown in the Schedule of Basic Loan Rates for Farm-Stored Cotton for the county, adjusted for the appropriate premium or discount for grade and staple length as shown in the table contained in the 1942 Cotton Loan Instructions. Eligibility of a cotton producer for such a loan shall be governed by the provisions of the 1942 Cotton Loan Instructions, except that eligible cotton shall be cotton produced in 1942 by or for a producer: *Provided,* That the cotton meets the following requirements:

(a) Such cotton must be of a grade and staple specified in § 232.3 of these instructions.

(b) Such cotton must be covered by a 1942 Cotton Chattel Mortgage (1942 C.C.C. Cotton Form F) which will give the payee of the 1942 Cotton Producer's Note (1942 C.C.C. Cotton Form E) secured by such mortgage a first lien on such cotton.

(c) Such cotton must not be compressed to high density.

(d) Such cotton must be free and clear of all liens and encumbrances.

(e) Such cotton must be tendered for a loan by a person who has the legal right to mortgage it as security for a loan.

(f) The beneficial interest in the cotton must be, and must always have been, in the person tendering such cotton for a loan, or in such person and any share tenant or sharecropper having an interest in the cotton or its proceeds in case such person is a landlord, cash tenant, or standing-rent tenant and is placing under loan cotton in which both he and a share tenant or sharecropper have an interest.

(g) Such cotton must not have been received in payment of standing or fixed rent.

(h) All persons having an interest in the cotton must be entitled to loans on the cotton at the full loan rate.

Loans may be obtained either directly from Commodity Credit Corporation or through a lending agency. The procedure to be followed in obtaining loans may be found in the Instructions and Procedure for State and County Committees Pertaining to the 1942 Farm-Stored Cotton Loan Program issued by the Agricultural Adjustment Agency.

Members of county agricultural conservation committees, by approving 1942 cotton producers' notes by signing in the space provided on such notes for the approval of the note by the county agricultural conservation committee, certify on behalf of such committees:

(a) That the producer is a "cooperator" as defined in the 1942 Cotton Loan Instructions and is entitled to a loan at the rates applicable to "cooperators".

(b) That the mortgaged cotton is stored under seal in a storage facility located upon the premises described in section 2 of the chattel mortgage executed by the producer and is in good condition and free from any damage.

(c) That the storage facility in which the mortgaged cotton is stored was inspected, approved, and sealed by a representative of this committee.

(d) That the grades and staple lengths shown in the Schedule of Farm-Stored Cotton in the chattel mortgage are the same as those recorded by the Board of Cotton Examiners of the United States Department of Agriculture for such bales.

(e) That the original chattel mortgage, or a copy thereof, has been properly filed for record, in accordance with the State laws governing execution and recording of chattel mortgages and the requirements of Commodity Credit Corporation.

(f) That the original chattel mortgage or a copy thereof, bearing the fully executed receipt of the county recording official, is held by the committee.

(g) That, in the event the chattel mortgage has been signed by any person in a representative or fiduciary capacity, the committee has determined that such representative or fiduciary has proper authority to so act; and that, if the committee did not have personal knowledge of the authority of the representative or fiduciary, it has required such person to show the committee documentary evidence of his authority.

(h) That the chattel mortgage was prepared under the supervision and with the assistance of the committee, and that the fee charged the producer for all services rendered by the committee in inspecting the storage facility and the mortgaged cotton and in assisting the producer to prepare the chattel mortgage did not exceed the amount authorized to be charged for such services by Commodity Credit Corporation.

(i) That satisfactory evidence of the genuineness of the producer's signature and of the authority of all parties executing the note and chattel mortgage, lien waivers, and consents for storage, has been received, and that any documentary evidence of such authority will be held by the committee.

(j) That, to the best of the committee's knowledge and belief, all data entered on the chattel mortgage and all representations made by the producer are true and correct, and that the mortgaged cotton is "eligible cotton", as defined in this instrument.

(k) That a careful search has been made of lien records and, to the best knowledge and belief of the committee, priority of existing liens on the mortgaged cotton has been duly waived.

(l) That consents for storage, where necessary, have been executed.

Dated: October 7, 1942.

[SEAL] J. B. HUTSON,
President.

[F. R. Doc. 42-12953; Filed, December 7, 1942; 11:35 a. m.]

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[1] 7 F.R. 7220.

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS[1]

MISCELLANEOUS AMENDMENTS

In addition to changes published in the FEDERAL REGISTER October 13, 1942 (7 F.R. 8163), November 13, 1942 (7 F.R. 9268), and November 24, 1942 (7 F.R. 9660) affecting War Department Procurement Regulations as revised September 5, 1942, new §§ 81.107 (h), 81.305, 81.306, 81.307, 81.308, 81.318d, 81.318e, 81.318f, 81.976, 81.977, 81.980, and 81.1108 are added, and 81.107 (h), 81.107 (i), 81.205 (e), (f), and (g) 81.207 (a), 81.304, 81.305, 81.307, 81.308, 81.309, 81.310, 81.311, 81.314, 81.315, 81.316, 81.319, 81.320, 81.321, 81.321a, 81.321b, 81.332, 81.816, 81.817, 81.937, 81.943, 81.944, 81.948, 81.955, 81.956, 81.961, 81.964 (b), 81.964 (e), 81.964 (k), 81.967, 81.1006 (e), 81.1013, and the introductory paragraph preceding § 81.1301 are amended, redesignated or rescinded as follows:

Numbers to the right of the decimal point correspond with the respective paragraph numbers in procurement regulations.

AUTHORITY: Sec. 5a, National Defense Act as amended, 41 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193–1195, and the First War Powers Act 1941; 55 Stat. 838, 50 U.S.C. Sup. 601–622.

Paragraphs (h) and (i) of § 81.107 are redesignated (i) and (j), respectively, paragraph (i) being amended, and a new paragraph (h) is added as follows:

§ 81.107 *Authority with respect to procurement.* * * *

(h) *Delegation to Chief, Legal Branch of authority to approve contract forms.* Under date of October 7, 1942, the following memorandum was issued:

MEMORANDUM for William L. Marbury, Chief, Legal Branch, Purchases Division.

Subject: Delegation of Authority to Approve Contract Forms and Deviations from Approved Forms.

The authority delegated to me by the Commanding General, Services of Supply, dated September 15, 1942 and the authority delegated to me by the Under Secretary of War, dated September 15, 1942 (in respect of matters relating to the Army Air Forces) to act for the Secretary of War or the Under Secretary of War in approving War Department contract forms and deviations from approved forms is hereby further delegated to the Chief, Legal Branch, Purchases Division, Services of Supply, and to any person who for the time being may be acting in that capacity.

ALBERT J. BROWNING,
Colonel, A. U. S.,
Director, Purchases Division.

(i) *Authority delegated by these procurement regulations.* These regulations to the extent, and only to the extent, that they actually confer authority upon the chiefs of the supply services and other officers or civilian officials of the War Department to exercise power to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made and to make advance, progress and other payments thereon shall constitute a redelegation by the Commanding General, Services of Supply of the authority delegated to him as set forth in paragraph (e) of this section, and by the Special Representative of the Under Secretary of War of the authority delegated to him, as set forth in paragraph (g) of this section. The authority granted as provided in the preceding sentence, of course, does not dispense with the necessity of obtaining any approval expressly specified in any paragraph of these procurement regulations (see e. g. § 81.315). Authority conferred upon the chiefs of the supply services under any paragraph of these procurement regulations may be redelegated to such officer or officers or civilian official or officials as the chiefs of the supply services severally may direct, whether or not express mention of the powers of redelegation is made in any such paragraph, unless it is expressly provided in the paragraph that the power shall not be redelegated. The exercise prior to the date of these regulations of any such authority by any such officer or officers or civilian official or officials is hereby ratified and confirmed in all respects.

(j) *Instructions on procedure.* * * *

NEGOTIATED PURCHASES

Section 81.205 (e) is rescinded, paragraphs (f) and (g) are redesignated (e) and (f), respectively, as follows:

§ 81.205 *Special instructions.* * * *

(e) *Applicability of labor statutes to negotiated contracts.* * * *

(f) *Commanders in theaters of operations.* * * *

PURCHASE ACTION REPORTS

Section 81.207 (a) is amended by changing the "Copy Distribution" at the end thereof, as follows:

§ 81.207 *Reports of purchase actions exceeding $10,000—*(a) *A report of every original purchase action which exceeds $10,000.* * * *

Copy distribution:
2—Chief, Service.
1—C. G. SOS, Statistics and Progress Branch.
1—Your file.

NOTE: Because of the numerous changes involved §§ 81.304–81.321b are being republished in full with additions and changes under §§ 81.304–81.321 (n).

AUTHORITY TO MAKE AWARDS, CONTRACTS, AND MODIFICATIONS THEREOF; REQUIRED APPROVALS

§ 81.304 *Definitions* — (a) *Standard forms of contract.* The phrase "standard forms of contract", as used in this section, includes:

(1) Forms of contract which may from time to time be approved for the general use of all supply services by the Chief, Legal Branch, Purchases Division, Headquarters, Services of Supply. The following contract forms are hereby approved for such use:

(a) United States Standard forms of contract, provided they comply with the requirements of §§ 81.322–81.360.

(b) War Department Contract Form No. 1, Lump Sum Supply Contract. (See § 81.1301)

(c) War Department Contract Form No. 2, Lump Sum Construction Contract. (See § 81.1302)

(d) War Department Contract Form No. 3, Fixed-Fee Construction Contract. (See § 81.1303)

(e) War Department Contract Form No. 4, Fixed-Fee Architect-Engineer Contract. (See § 81.1304)

(f) War Department Contract Form No. 5, Short-Form Supply Contract (Negotiated). (See § 81.1305)

(g) War Department Contract Form No. 6, Offer and Acceptance. (See § 81.1306)

(h) War Department Contract Form No. 7, Letter Purchase Order. (See § 81.1307)

(i) War Department Contract Form No. 8, Letter Contract (Supplies). (See § 81.1308)

(j) War Department Contract Form No. 9, Letter Contract (Fixed-Fee Construction). (See § 81.1309)

(k) War Department Contract Form No. 10, Letter Contract (Lump Sum Construction). (See § 81.1310)

(l) War Department Contract Form No. 11, War Risk Indemnity Contract. (See § 81.1311)

(m) War Department Contract Form No. 12, Fixed-Fee Architect-Engineer-Construction-Management Services Contract. (See § 81.1312)

(2) Forms of contract, devised by a particular supply service to meet the needs of a recurrent situation of a special type, which may from time to time be approved by the Chief, Legal Branch, Purchases Division, Headquarters, Services of Supply, for the general use of that supply service. Any form of contract which was approved for the general use of a particular supply service at any time from July 1, 1942, to November 15, 1942, by the Director, Purchases Division, or the Chief, Legal Branch, Purchases Division, Headquarters, Services of Supply is hereby approved pursuant to this subparagraph, provided it complies with the requirements of §§ 81.322–81.360.

(b) *Contract.* As used in this section, the term "contract" means any contract except supplemental agreements and change orders and except those contracts referred to in § 83.707 (c), § 81.1012 and § 81.1013.

(c) *Price.* As used in this section, the term "price" means in the case of a lump-sum contract (or supplemental agreement or change order relating thereto), the stated price, and in the case of a cost-plus-a-fixed-fee contract (or supplemental agreement or change order relating thereto), the estimated cost-plus-the-fixed-fee.

(d) *Supply service.* Whenever authority is conferred by this section upon a supply service, that authority may be exercised by the chief of the supply service or by any officer or officers or civilian official or officials whom he may designate, subject to such regulations as he may prescribe.

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[1] See issues of October 10, 1942; November 13, 1942; November 24, 1942; 7 F.R. 8082, 9268, 9660.

§ 31.305 *Making and approval of awards of contracts, supplemental agreements and change orders—*(a) *Authority of supply services to make awards.* The following awards may be made by the supply service concerned without approval of higher authority:

(1) Awards of contracts (other than Architect-Engineer, Management or similar contracts) involving a price of less than $5,000,000 and awards of supplemental agreements and change orders which have the effect of increasing the price of contracts (other than Architect-Engineer, Management or similar contracts) by less than $5,000,000.

(2) Awards of Architect-Engineer, Management or similar contracts when the construction contracts to which they relate involve a price of less than $5,000,000, and awards of supplemental agreements and change orders affecting Architect-Engineer, Management or similar contracts when the changes being concurrently made in the construction contracts to which they relate have the effect of increasing the price of the construction contracts by less than $5,000,000.

(b) *Awards requiring the approval of Director, Purchases Division.* The award of all contracts, supplemental agreements and change orders other than those specified in subparagraph (1) and (2) of paragraph (a) of this section, must be submitted for approval to the Director, Purchases Division, Headquarters, Services of Supply.

(c) *Submission of contract, supplemental agreement or change order in lieu of award.* In lieu of submitting an award for approval under paragraph (b) of this section, the contract, supplemental agreement or change order may itself be submitted for approval and manual execution by the Director, Purchases Division, Headquarters, Services of Supply.

§ 81.306 *Making and approval of contracts, supplemental agreements and change orders—*(a) *Authority of supply services to make contracts.* A contract may be made by the supply service concerned without approval of higher authority (provided that approval of the Award has been obtained, if such approval is required under § 81.305 (b) and the contract substantially embodies the award as approved), if:

(1) The contract is written on a standard form of contract; or

(2) The contract (i) complies with the requirements of §§ 81.322–81.360, and (ii) does not contain any provision or involve any matter of policy which, in the opinion of the supply service, should be considered and passed upon by authority higher than the supply service.

(b) In determining whether a contract provision or matter of policy should be considered and passed upon by higher authority, consideration shall be given by the supply service to the following factors among others:

(1) Whether there is involved a conflict with a policy theretofore approved by higher authority;

(2) Whether there is involved a decision on an important question of policy which has not theretofore been passed upon by higher authority;

(3) Whether there is involved a decision on any matter in which uniformity among the several supply services appears to be desirable;

(4) Whether there is involved a decision of an important or doubtful question of law.

(c) *Authority of supply services to make supplemental agreements and change orders.* Except as provided in §§ 81.308–81.308 b, a supplemental agreement or change order modifying a contract (other than an Architect-Engineer, Management or similar contract) may be made or issued by the supply services concerned without approval of higher authority (provided that approval of the award has been obtained if such approval is required under the provisions of § 81.315 (b) and the supplemental agreement, or change order substantially embodies the award as approved), if:

(1) The supply service had authority to make the original contract pursuant to paragraph (a) of this section, or the supply service did not have such authority but obtained approval pursuant to paragraph (d) of this section; and

(2) The provisions and features of the supplemental agreement or change order are themselves such that the supply service would have authority to include them in an original contract pursuant to paragraph (a) of this section.

Changes in Architect-Engineer, Management or similar contracts may also be made by the supply service concerned, *Provided,* That the requirements of subparagraphs (1) and (2) above are satisfied *And provided,* That the change being currently made in the construction contract to which the Architect-Engineer, Management or similar contract relates does not necessitate approval.

(d) *Contracts, supplemental agreements and change orders requiring approval of Purchases Division.* The approval of the Purchases Division, Headquarters, Services of Supply shall be obtained, as herein provided, in connection with all contracts other than those specified in paragraph (a) of this section, and all supplemental agreements and change orders other than those specified in paragraph (c) of this section. Where approval is necessary solely because one or more provisions of the contract, supplemental agreement or change order fail to comply with the requirements of §§ 81.322–81.360 or present a matter or matters of policy which should be considered by authority higher than the supply service, the necessary approval may be obtained, prior to execution of the instrument on behalf of the supply service, on submission of the contract or the material provisions thereof to the Chief, Legal Branch, Purchases Division, whose approval will be signified by indorsement, memorandum, letter or telegram in response to the request for approval; or on submission of the contract, supplemental agreement or change order, after execution on behalf of the supply service, for approval and manual execution by the Director, Purchases Division. In every other instance the contract, supplemental agreement or change order must be submitted, after execution on behalf of the supply service, for approval and manual execution by the Director, Purchases Division.

§ 81.307 *Authority of supply service to reallocate awards and contracts.* It is recognized that, in order to promote the more efficient utilization of combined manufacturing facilities or to prevent interruption of work, it may become advisable to reallocate an award, contract, or modification thereof. Accordingly, when an award, contract, or modification thereof has been made with required approvals, and the supply service concerned thereafte determines that it is advisable to obtain the materials or services involved wholly or in part from another contractor or from two or more contractors, it is authorized without further approval to reallocate the award, contract or modification thereof in whole or in part to another contractor or to two or more contractors, and for this purpose to make appropriate awards and appropriate contracts: *Provided,* That the aggregate quantities, aggregate prices, and the terms of the awards and contracts resulting from the reallocation are substantially the same as those contained in the award, contract or modification thereof which was the subject of the reallocation.

§ 81.308 *Supplemental agreements and change orders not involving receipt of consideration.* Approval and manual execution by the Director, Purchases Division, Headquarters, Services of Supply, will be required for each supplemental agreement or change order which does not involve the receipt by the Government of adequate legal consideration, or which modifies or releases an accrued obligation owing directly or indirectly to the Government including accrued liquidated damages or liability under any surety or other bonds. In any case in which such modification or release is deemed desirable by the chief of the supply service, the instruments involved accompanied by a recommendation for the approval thereof and a full statement of the circumstances and necessity, should be transmitted by the supply service concerned to said Director.

§ 81.308a *Correction of mistakes.* Effecting amendment of contracts with the least possible delay to correct misunderstandings, mistakes, errors and ambiguities will facilitate the prosecution of the war by expediting the procurement program and by giving contractors proper assurance that mistakes, unavoidable in war program as large and extensive as that now in progress, will be corrected expeditiously and fairly. Accordingly, supplemental agreements to correct misunderstandings, mistakes, errors, and ambiguities in contracts submitted for the approval of the Director, Purchases Division, Headquarters, Services of Supply, in accordance with the provisions of § 81.308 will be accompanied by a full statement of the circumstances in connection therewith including copies of all relevant papers. The evidence submitted shall show that an error or mistake was made or that a misunderstanding or ambiguity exists, in what it consists and how it occurred, and where relevant the true intent of the parties. Approval of the Director, Purchases Division, will not be required in the case of any such supplemental agreement under which the Government receives adequate new legal consideration.

§ 81.308b *Contracts or supplemental agreements providing for advance payments.* The subject of advance payments is treated in §§ 81.319–81.321 (n). If a contract contains a clause authorizing the making of advance payments, the determination of whether the approval of the Purchases Division must be obtained under § 81.306 (d) should be based upon the provisions of the contract other than the clause providing for advance payments. If the making of advance payments is authorized under a supplemental agreement, the provisions of this section shall be inapplicable, and only §§ 81.319–81.321 (n) shall be considered in determining whether approval of such supplemental agreement by any authority higher than the supply service is necessary.

FORMALITIES IN CONNECTION WITH EXECUTION OF CONTRACTS AND MODIFICATIONS THEREOF

§ 81.309 *Numbering contracts*—(a) *When required.* Every contract involving the receipt or expenditure of public moneys will be numbered when:

(1) The actual or estimated amount involved is $5,000 or more, or

(2) When more than one payment (or receipt) is involved, regardless of the amount involved.

(b) *System.* Contract numbers will be placed in the upper righthand corner and will consist of the following in the order named:

(1) The capital letter "W", representing the War Department.

(2) Station number representing the station or office as published in finance circulars.

(3) The letter or letters representing the supply service. The Chief of Finance will be promptly notified of any change in the letter symbol or of the adoption of a new symbol.

(4) A serial number, separated from the above by a hyphen, commencing with the number 1 and continuing in succession indefinitely without regard to the fiscal year. When the serial number reaches the limit of five digits (99,999), a new series will be used beginning with the serial number 1 and followed by the capital letter "A". Should additional series become necessary, they will be distinguished by the capital letters "B", "C", "D", etc., as may be required.

(c) *Example.* Based on § 81.305 (b) above, the following is the number of the first numbered contract executed by the Quartermaster, Fort Bragg, North Carolina:

W-159-qm-1

(d) *Organized reserves.* The station number used for contracts pertaining to all units of the organized reserves in a service command will be that assigned to the organized reserves of that service command and the letters will be "qm". Only one series of serial numbers will be used in a service command for contracts pertaining to all units of the organized reserves in that service command. Commanding officers of service commands will assign each number required.

§ 81.310 *Fiscal procedures*—(a) *Allotments of funds not to be exceeded.* The authority to make contracts is subject to the proviso that the allotments made for the supplies will not be exceeded, and officers who are charged with making purchases will be held strictly responsible that obligations incurred by them do not exceed the amounts authorized and that such obligations include no other purpose than that indicated in the allotment.

(b) *Statements as to availability of funds.* See AR 35–840[1] for the statements which will be made on contracts and on purchase orders placed under existing contracts as to the funds chargeable and the sufficiency thereof.

§ 81.311 *Execution of contracts.*—(a) *Contracts with individuals.* A contract with an individual will be signed by the individual in his own name.

(b) *Contracts with an individual trading as a firm.* Such a contract will be signed by the individual, without further reference to the trade name.

(c) *Contracts with partnerships.* (1) The contract may be signed in the name of the partnership by one or more of the partners. Each partner who signs will sign as one of the firm.

(2) A contract with a partnership doing business through a local representative or agent may be executed in the name of the firm by such local representative or agent, in which case the contracting officer will:

(i) File with the contract a properly certified copy of the power of attorney showing the authority of such representative or agent, or

(ii) Certify on the contract that he has satisfied himself of the signer's authority to bind the firm and has waived the requirements as to furnishing evidence of such authority.

(d) *Contracts with corporations.* (1) A contract with a corporation will have the name of the corporation written in the blank space provided therefor at the end of the contract form, followed by the word "By", after which the officer or person who has been authorized to contract on behalf of the corporation will sign his name, with the designation of his official capacity.

(2) The contracting officer will, in all cases, satisfy himself that the signer has authority to bind the corporation, and will either require from him satisfactory evidence thereof and file this evidence with the contract, or will procure or make one of the alternate certificates indicated on the contract form.

(3) Evidence filed with a contract will consist of extracts from the records of the corporation showing:

(i) The election of the officers executing the contract and bond on behalf of the corporation.

(ii) The grant of authority to the officers who execute the contract and bond.

The above-mentioned copies will be certified by the custodian of such records, under the corporate seal (if there be one), to be true copies of the records of the corporation.

(e) *Contracting officer's signature.* The contracting officer will sign on behalf of the United States in the space provided for his signature, and his official title will be added.

(f) *Approval articles.* If approval and manual execution of a contract, supplemental agreement or change order by any War Department officer or official other than the contracting officer are required pursuant to these procurement regulations or the regulations of the supply service concerned, (1) an appropriate approval article will be included in the instrument, (2) all changes and deletions shall have been made before the instrument is forwarded for such approval, and (3) the instrument shall not be valid until such approval and manual execution have been obtained.

§ 81.312 *Statement and Certificate of Award (Standard Form No. 1036).* (a) When contracts are negotiated in accordance with the authority referred to in § 81.203, Standard Form No. 1036 need not be executed. (General Regulations of Comptroller General No. 51, Supp. No. 8, June 1, 1942.) However, when Standard Form No. 1036 is not executed, either:

(i) The notation "Negotiated Contract," signed by the officer negotiating the contract, should appear under or in close proximity to the contract symbol and number on the cover sheet of the contract or

(ii) The contract should show in the wording thereof that it was negotiated under the authority referred to in § 81.203 (Decision of Comptroller General dated July 11, 1942 (A–51607), rendered in response to letter of Acting Judge Advocate General of Navy dated June 27, 1942).

(b) If in exceptional cases contracts are awarded pursuant to formal advertising, Standard Form No. 1036, properly executed in accordance with instructions contained on the form, will be attached to the copy of the agreement which is furnished the General Accounting Office.

§ 81.313 *Form of supplemental agreements and change orders*—(a) *Supplemental agreements.* Supplemental agreements will be reduced to writing and signed by the contracting parties. Supplemental agreements will bear the same identification as the contract which is thereby modified or amended, and will be lettered or numbered, whichever method is authorized by the chief of the supply service concerned, in the order in which the modifications or amendments to the contract are issued. One continuous series of lettering or numbering as the case may be, will be used for each contract, even though it is modified or amended, both by supplemental agreements and by change orders. Signed numbers and copies of supplemental agreements will be distributed in the same manner as is prescribed for the contracts to which they pertain, and the contracting officer will note on his retained copy of the supplemental agreement the date on which the contractor's number was delivered or mailed to him.

(b) *Change orders.* Change orders will be in the form of letters addressed to the contractor, and will specify the number of the contract concerned, the changes to be made, the increase or decrease in price and time for performance, and such other terms as may be necessary. Change orders will bear the same identification as the contract which is thereby modified or amended and will be lettered or numbered whichever method is authorized by the chief of the supply service concerned, in the order in which the modifications or amendments to the contract are issued. One continuous series of lettering or numbering as the case may be will be used for each contract, even though it is modified or amended both by supplemental agreements and by change orders. Signed numbers and copies of change orders will be distributed in the same manner as is prescribed for the contracts to which they pertain, and the contracting officer will note on his retained copy of the change order the date on which the contractor's number was delivered or mailed to him.

§ 81.314 *Consent of sureties to modifications*—(a) *Supplemental agreements.* Subject to the provisions of paragraph (c) of this section, if payment or performance bonds have been executed in connection with a contract or if an advance payment bond has been given in connection with an advance payment made under a contract, the consent of the surety should be obtained to any supplemental agreement modifying or amending the contract.

(b) *Change orders.* Likewise, subject to the provisions of paragraph (c) of this section, the consent of such a surety should be obtained to any change order which has the effect of increasing the contract price by more than $25,000. Such consent is not necessary when the change order effects an increase in the contract price of $25,000 or less.

(c) *Exception to requirement of consent of surety.* The provisions of paragraphs (a) and (b) of this section are subject to the qualification that the consent of a surety under a bond executed prior to the execution of a supplemental agreement, or change order is not necessary if (i) an additional bond is furnished in support of the supplemental agreement or change order and (ii) such surety is also surety on the additional bond.

(d) *Examination of consents of sureties.* Each consent of surety required by paragraphs (a) and (b) of this section will be forwarded, together with a signed number of the supplemental agreement or change order to which it relates, to the Judge Advocate General for examination as to form, execution and legal sufficiency.

(e) *Form of consent of surety.* The following form of consent of surety is approved for use subject to such deviations as may be appropriate in any given case:

Consent of surety is hereby given to the foregoing supplemental agreement, and the surety agrees that its bond or bonds shall apply to and cover the due performance of the contract as modified and extended thereby.

The words "supplemental agreement" will be changed to "change order" in appropriate cases.

DISTRIBUTION OF CONTRACTS AND ORDERS THEREUNDER

§ 81.315 *General.* The following general instructions are applicable to the distribution of both numbered and unnumbered contracts:

(a) Contracts will not be distributed until properly signed by all parties, and approved, if approval is required.

(b) All instructions relating to distribution of contracts are subject to the provisions of AR 380–5[1] and all other current instructions governing the safeguarding and disclosing of information affecting the national defense of the United States.

§ 81.316 *Numbered contracts.* Subject to such special instructions as may be issued by the chief of the supply service concerned, numbered contracts will be distributed as follows:

(a) The original signed number will be forwarded to the General Accounting Office.

(b) The duplicate signed number will be filed with the contracting officer or with the chief of the supply service concerned.

(c) The triplicate signed number will be forwarded to the contractor.

(d) An authenticated copy will be forwarded to the disbursing officer for his files.

(e) Additional authenticated copies or unauthenticated copies will be distributed as directed by the chief of the supply service concerned.

§ 81.317 *Unnumbered contracts.* (a) The original signed number will be furnished the disbursing officer and will be attached to the voucher on which payment is made and will accompany such voucher to the General Accounting Office.

(b) The duplicate signed number will be forwarded to the contractor.

(c) An authenticated copy will be furnished the disbursing officer for his files.

(d) Additional copies will be prepared and distributed as directed by the chief of the supply service concerned.

§ 81.318 *Special cases*—(a) *Purchases under contracts of Procurement Division, Treasury Department; Navy Department; Post Office Department; etc.* (1) Purchase orders covering such purchases will be distributed in accordance with § 81.313.

(2) The chief of the supply service concerned will secure compliance with all special instructions of the respective agencies which make the contracts.

(b) *United States Employees' Compensation Commission.* Contracting officers will, immediately upon completion, transmit to the United States Employees' Compensation Commission, Washington, D. C., an authenticated copy of the following:

(1) Contracts in which the contractor is designated as the agent of the United States.

(2) Contracts under which, while the contractor is not specifically named as the agent of the United States, the Government may at any and all times direct and control the work in all its details and stages, not merely as to what will be done but also as to how it will be done.

MISCELLANEOUS

§ 81.318a *Assignments*—(a) *Basic statutes.* There are two statutes creating restrictions on assignments of contracts with and claims against the United States. In 1940 both of these statutes were amended by the addition thereto of a paragraph making the restrictions inapplicable in certain situations. (See § 81.320 (b))

Prior to the amendment in 1940, Revised Statutes 3737 provided as follows:

> No contract or order, or any interest therein, shall be transferred by the party to whom such contract or order is given to any other party, and any such transfer shall cause the annulment of the contract or order transferred, so far as the United States are concerned. All rights of action, however, for any breach of such contract by the contracting parties are reserved to the United States. (41 U.S.C. 15)

Prior to said amendment in 1940, Revised Statutes 3477 provided as follows:

> All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share, thereof, * * *, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. Such transfers, assignments, and powers of attorney, must recite the warrant for payment, and must be acknowledged by the person making them, before an officer having authority to take acknowledgments of deeds, and shall be certified by the officer; and it must appear by the certificate that the officer, at the time of the acknowledgment, read and fully explained the transfer, assignment, or warrant of attorney to the person acknowledging the same. The provisions of this section shall not apply to payments for rent of post-office quarters made by post-masters to duly authorized agents of the lessors. (31 U.S.C. 203)

(b) *Assignment of Claims Act of 1940.* In 1940 by the enactment of the Assignment of Claims Act (Public No. 811, 76th Congress) the restrictions created by sections 3477 and 3737 of the Revised Statutes referred to in § 81.320 (a) were, subject to certain conditions therein specified, made inapplicable to any case in which monies due or to become due under a contract providing for payments aggregating $1,000 or more, are assigned to a bank, trust company, or other financing institution including any Federal lending agency.

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[1] Administrative regulations of the War Department relating to fiscal procedure.

[1] Administrative regulations of the War Department relating to the safeguarding of military information.

(c) *Assignments by operation of law.* It has been held that the provisions of sections 3477 and 3737 of the Revised Statutes, do not apply where a contract or claim is transferred by order of a court in receivership or bankruptcy proceedings, such an assignment, being by operation of law. (See 3 Comp. Gen. 623; 5 id. 492.)

(d) *Transfer of entire business.* It has been held that where an individual or corporation having a contract with or claim against the Government sells an entire business to another individual or corporation, the transferee will be recognized by the United States as the lawful successor in interest of the contractor or claimant notwithstanding the provisions of sections 3477 and 3737 of the Revised Statutes, referred to above. (9 Comp. Gen. 72, 74)

(e) *Corporate mergers.* It has likewise been held that the provisions of section 3477 of the Revised Statutes are inapplicable to the transfer of a claim against the United States resulting from the merger of one corporation into another. (Seaboard Airline Railway v. U. S., 256 U. S. 655)

(f) *Recognition of assignments prohibited by Revised Statutes.* Assignments or transfers of contracts and claims prohibited by sections 3477 and 3737 of the Revised Statutes are merely voidable and may be validated by the Government. Authority to validate such assignments or transfers is vested in the Director, Purchases Division, Headquarters, Services of Supply. (Op. J. A. G., March 9, 1942)

(g) In connection with the assignment of claims, contracting officers will, upon request of the contractor, furnish proposed assignees information regarding the status of the contract at the time of the assignment. In so doing, the contracting officer will advise the assignee that the information is so furnished only for confidential use in connection with the assignment.

§ 81.318b *Telegraph charges in cost-plus-a-fixed-fee contracts*—(a) *General.* Under date of May 5, 1941, (Docket 6257) the Federal Communications Commission affirmed the position of the War Department that cost-plus-a-fixed-fee contractors are entitled to send official telegrams at Government rates. This order has been clarified by the Commission so as to require the telegraph companies to render separate bills covering service since May 1, 1942, for each contract and at Government rates. Government rates on telegrams are fixed annually by order of the Federal Communications Commission. The Commission Order No. 98, dated May 26, 1942, covers the fiscal year July 1, 1942 to June 30, 1943.

(b) *Cost-plus-a-fixed-fee subcontracts executed under cost-plus-a-fixed-fee prime contracts.* The principle of the ruling of the Federal Communications Commission referred to in paragraph (a) of this section is regarded as extending to cost-plus-a-fixed-fee subcontracts executed under cost-plus-a-fixed-fee prime contracts.

(c) *Procedure.* The following procedure for the handling of such messages at Government rates is prescribed for the guidance of Procurement Agencies administering cost-plus-a-fixed-fee contracts and cost-plus-a-fixed-fee subcontracts executed under cost-plus-a-fixed-fee prime contracts:

All telegrams sent by contractors and subcontractors or their representatives which are necessary in connection with such cost-plus-a-fixed-fee contracts or subcontracts will bear a certificate signed by an authorized officer, employee or agent of the United States as follows:

> I certify that this message is on official business, is necessary in the public service, and will be paid by check on the Treasury of the United States from United States Funds.

Monthly invoices for telegrams must be certified and verified by the contractor or subcontractor, as the case may be. The contracting officer or his representative will certify and verify the invoices as being proper charges under the particular contract. If in proper order and rendered in accordance with provisions of paragraphs (a) and (b) of this section, such telegrams will be paid by check on the Treasurer of the United States directly by a disbursing officer of the War Department. Such bills should not be sent to the Signal Corps for audit or payment. Invoices covering Government messages not submitted by the contractor or subcontractor at Government rates or not otherwise in proper form will be returned to the contractor or subcontractor for correction.

The Comptroller General has ruled that where direct payment is made by the Government to the telegraph companies for telegrams sent in connection with cost-plus-a-fixed-fee contracts, certified copies of such telegrams may be submitted in support of the invoices in lieu of submitting the original messages, as required by §§ 35.1–35.4 and AR 35–6100,[1] and the vendor's certificate provided for by §§ 35.17–35.21 and AR 35–1040[2] will not be required, provided that the invoices are certified and verified both by the contractor and the contracting officer or his representative as being proper charges against the contract work.

In the absence of the originals of outgoing messages in connection with such contracts, all services are directed to exercise due caution to avoid duplication of payments for such messages.

§ 81.318c *Cable and radio messages in cost-plus-a-fixed-fee contracts.* Cable and radio messages sent by cost-plus-a-fixed-fee contractors, or their representatives, pertaining to cost-plus-a-fixed-fee contracts will also be paid for directly by the Government, and the procedure outlined in § 81.318 (c) will be followed in handling and in paying for such messages when transmitted by telegraph companies.

CONTRACT APPEALS

§ 81.318d *War Department Board*—(a) *General.* By memorandum of the Secretary of War, dated August 8, 1942, there was constituted in the Office of the Under Secretary of War a board to be known as "War Department Board of Contract Appeals". The board is hereinafter referred to as "the Board". The Board consists of three members, one of whom is designated as President of the Board. There is also a recorder. The President of the Board and the recorder are required to be persons trained in the law. The Under Secretary of War recommends appointees for membership on the Board and for the position of recorder, and nominates the President of the Board. Appointments are made by the Secretary of War. If the Under Secretary of War at any time determines that additional members of the Board are necessary in order to process appeals with reasonable despatch, he may from time to time recommend for appointment such additional members of the Board as he deems necessary, and may make recommendations for the filling of any vacancies on the Board and in the office of the recorder. Upon request of the Under Secretary of War, The Judge Advocate General is authorized to assign to the Board one or more judge advocates as trial attorneys or examiners; and if and when deemed necessary by the Under Secretary of War and upon his request, The Judge Advocate General may also assign a judge advocate as general counsel.

(b) *Types of contracts, appeals from which may be taken.* In general, contracts contain two types of "disputes" clauses under which appeals may be taken. Some specifically authorize the Secretary of War to appoint as his authorized representative either individuals or "a board". (See § 81.326.) Others do not specifically authorize the appointment of "a board". Contracts containing clauses specifically authorizing the designation of "a board" are referred to in the succeeding paragraphs as "contracts containing the standard clause". Contracts containing clauses not specifically authorizing the designation of "a board" are hereinafter referred to as "contracts containing the nonstandard clause".

(c) *Appeals under contracts containing standard clause.* In the case of contracts containing the standard clause, appeals from decisions of contracting officers or other authorities (including the chiefs of the supply services) will be heard, considered and decided by the Board acting as the duly authorized representative of the Secretary of War, as fully and finally as the Secretary of War might do.

(d) *Appeals under contracts containing the nonstandard clause.* In the case of contracts containing the nonstandard clause, appeals from decisions of contracting officers or other authorities (including the chiefs of the supply services) will be heard and considered by the Board which will report its views on such appeals to the President of the Board. The President, as the authorized representative of the Secretary of War, will then make the decision, as fully and finally as the Secretary of War might do, unless he shall not be in accord with the decision of the Board, in which case he will promptly submit the case for final determination upon the record to the Under Secretary of War. The latter will then make the decision as the duly authorized representative of the Secretary of War for that purpose.

(e) *Functioning of Board.* The President of the Board from time to time may divide the Board into divisions of one or more members and assign members to such divisions. A majority of the members of the Board or of a division thereof shall constitute a quorum for the transaction of the business of the Board or of a division respectively, and the decision of a majority of the members of the Board or of a division shall be deemed to be the decision of the Board or of the division as the case may be. If a majority of the members of the division is unable to agree on a decision, or if within thirty days after a decision by a division the Board or the President thereof directs that the decision of the division be reviewed by the Board, the decision will be so reviewed; otherwise the decision of a majority of the members of the division shall become the decision of the Board. If a majority of the members of the Board is unable to agree upon a decision, the President of the Board will promptly submit the appeal to the Under Secretary of War for his decision upon the record. The Under Secretary of War is designated as the authorized representative of the Secretary of War for that purpose. A vacancy in the Board or in any division thereof shall not impair the powers nor affect the duties of the Board or division nor of the remaining members of the Board or division, respectively. The authority and procedure specified in this paragraph shall apply whether the Board be acting as the duly authorized representative of the Secretary of War under paragraph (c) of this section or in an advisory capacity under paragraph (d).

(f) *Taking testimony.* Any member of the Board or any examiner designated by the President of the Board for that purpose may hold hearings, examine witnesses, receive evidence, and report the evidence to the Board or, if the case is pending before a division, to the appropriate division.

(g) *Powers of Board.* The Board has all powers necessary and incident to the proper performance of its duties and has the power with the approval of the Under Secretary of War to adopt its own methods of procedure and rules and regulations for its conduct and for the preparation and presentation of appeals. These rules and regulations are set forth in § 81.318e (a) to (1).

(h) *Place for holding hearings.* The office of the Board is in the office of the Under Secretary of War but hearings also may be held in such other places as the Board determines to be expedient or necessary for the proper performance of its duties.

(i) *Procedure.* The Board fixes the times when and places where hearings will be held, and serves notice thereof. The parties or their representatives are entitled to be heard and introduce evidence; provided that if a transcript of the evidence taken at a hearing in the office of the chief of a supply service accompanies the record, the Board may limit the testimony before it to matters not disclosed by the transcript.

(j) *Correspondence.* All correspondence pertaining to appeals to the Secretary of War is to be referred to and conducted by the Board.

§ 81.318e *Rules and regulations of Board.* The rules and regulations promulgated by the Board, and approved by the Under Secretary of War, under date of September 25, 1942, are set forth in paragraphs (a) to (1) of this section. A form of notice of appeal is set forth in paragraph (m). As said rules and regulations of such form are amended by the Board from time to time, these paragraphs will be amended to conform.

(a) RULE I. *General matters.* 1. *Correspondence.* All correspondence with the Board shall be addressed "War Department Board of Contract Appeals, Office of the Under Secretary of War, Washington, D. C."

a. Channels of communication. The president, any member of the Board, and the recorder thereof are authorized to correspond directly, without regard to the usual channels of communication, with any officer or other person within or without the Army, the War Department, the Ground Forces, the Services of Supply, or the Army Air Forces, relative to any information desired by the Board, or in connection with any matters pertaining to the business of the Board. Any information obtained from such correspondence shall not be used as evidence at the hearing on any appeal without first having been submitted to the parties to the appeal.

b. Letters. Letters advising the appellant or other party to an appeal of the final decision of the Board on any appeal and any further correspondence regarding the appeal, including letters to the Comptroller General, may be signed by the president or recorder of the Board.

c. Transmission of papers. The president of the Board or the recorder thereof, by direction of the Board, is authorized to transmit directly to the chief of any supply service concerned, for appropriate action, any papers, documents, or other data pertaining to any appeal that may come to the Board, which the chief of such service is authorized under the terms of the contract finally to determine or to determine subject to appeal to the Secretary of War.

d. Routing of correspondence. All papers pertaining to appeals to the Secretary of War under War Department contracts, received in the War Department or any agency thereof, or any supply service, shall be transmitted directly to the War Department Board of Contract Appeals, except as provided in Rule II.

2. *Form, size and number of papers filed.* Appeals, notices, motions, applications, stipulations, briefs, depositions, and other papers, if typewritten, filed with the Board shall be typewritten on one side of the paper only, with margin of 1½ inches on the left of the page, and, as far as practicable, shall be upon paper 8½ x 11 inches in size. The papers shall be fastened on the left side without covers or backs. Six copies of each of such papers, whether typewritten or not, except stipulations and depositions, shall be filed.

3. *Number to be assigned to proceedings.* The recorder shall assign a number to each appeal coming before the Board, which number will be placed on all papers in the case.

4. *Amendments.* The Board may, in its discretion, allow any paper to be amended or corrected or any omission therein to be supplied.

5. *Service of papers.* Service of papers in all hearings, investigations, and proceedings pending before the Board may be made personally, or by mailing the same in a sealed envelope, registered, return receipt requested, with postage prepaid, adressed to the party upon whom service shall be made, and the date of the registry receipt shall be the date of service. Waiver of the service of any paper may be noted thereon or on a copy thereof, or on a separate paper, signed by the parties or their attorneys and filed with the Board. When any party has appeared by attorney, service upon the attorney will be deemed proper service upon such party.

6. *Substitution of parties.* In the event of the death of an appellant, or for other cause, including a change in the name of a corporation or other party or the succession of one party to the functions or interests of another, or in the event of a mistake in the name or title of a proper party, the Board may order substitution of the proper name or title.

7. *Motions for substitution.* All motions for substitution shall be accompanied by pertinent documentary evidence, unless the parties by stipulation filed with the Board agree to the substitution.

8. *Matériel Comand, Army Air Forces.* The term "supply services", as used in these rules, includes the Matériel Command, Army Air Services; and the term "chiefs of the supply services" includes the Commanding General, Matériel Command, Army Air Forces.

(b) RULE II. *Proceedings preliminary to hearings.* 1. *Appeals, how taken. a.* An appeal from the decision of a contracting officer and an appeal from the decision of the chief of a supply service must be in writing, filed with the officer from whose decision the appeal is taken, within the time allowed by the contract, unless for good cause shown, the board shall determine to consider the appeal on its merits, notwithstanding it was not filed within the time allowed by the contract.

b. Form of appeals. Each appeal shall state the particular provisions of the contract out of which the dispute arises; the exact nature of the dispute and the ruling of the contracting officer or other authority from which the appeal is taken, together with a statement of specific facts claimed by the appellant to sustain his position. If the appeal is insufficient in these respects it may be returned for appropriate amendment. The appeal should follow, substantially, the form annexed to these rules and must be signed and sworn to by the appellant. Six copies of the appeal should be filed.

2. *Time of filing to be endorsed.* When the appeal has been received by the contracting officer or the chief of a supply service, as the case may be, he will endorse thereon the date of filing and forward the appeal, as hereinafter provided.

3. *Findings of fact and decisions. a.* In rendering a decision on any dispute involving a question of fact, the contracting officer or the chief of a supply service, as the case may be, shall prepare and sign findings of fact, a true copy of which with his written decision, shall be promptly furnished the contractor; and in case of appeal, the officer from whose decision the appeal is taken shall forward a true copy of such findings and of the decision, as hereinafter provided.

b. Forwarding by contracting officer. When an appeal is taken from the decision of a contracting officer he shall promptly forward to the chief of service concerned, a true copy of his findings of fact and of his decision; the original written appeal and the required copies thereof; a transcript of any evidence taken by him; and all pertinent papers in the case.

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[1] Administrative regulations of the War Department relating to payments for telephone and telegraph service.

[2] Administrative regulations of the War Department relating to vouchers pertaining to money accounts.

c. Forwarding by Chiefs of Supply Services of appeals from decisions of contracting officer. (1) If the appeal from the contracting officer's decision is to the Secretary of War, the chief of the supply service receiving the appeal will exercise the utmost care to see that the record is complete as required by these rules and regulations; will add to the file, if not already in it, an original duplicate or true copy of the contract, including the plans and specifications and all changes and supplemental agreements; and shall promptly forward the complete file to the War Department Board of Contract Appeals.

(2) If for any reason the complete file cannot be so forwarded within five days from the date the appeal is received, the chief of the supply service will report to the War Department Board of Contract Appeals the date on which the appeal was received in his office and the reason for the delay in forwarding the file.

(3) It will be unnecessary, hereafter, for the chiefs of the supply services to furnish the reports required by paragraph 7, of P & C General Directive No. 72, of November 7, 1941.

4. *Forwarding appeals from chiefs of services.* The chief of a supply service, within five days after the receipt of a written appeal from his decision, will forward the original written appeal and the required copies thereof to the War Department Board of Contract Appeals, together with the following papers: a copy of his findings of fact and decision; the advisory report, if there be one, of the contract settlement board in his office; a transcript of any testimony taken during the course of the proceedings; a duplicate original or a certified copy of the contract, including the plans and specifications and all changes and supplemental agreements; the findings of fact and decision of the contracting officer; and all papers and correspondence pertaining to the contract, pertinent to the consideration of the appeal.

5. *Appeals improperly filed.* If any officer or agency of the War Department should receive a written appeal which has not been filed as provided in paragraph (1) of this rule, the recipient shall, after endorsing thereon the date of its receipt, immediately transmit the appeal to the chief of the supply service concerned:

a. For appropriate action as provided in paragraph 4, of this rule, if the appeal is from the decision of such chief; or

b. If the appeal is from the decision of a contracting officer, then for transmission to the contracting officer for action as required by paragraphs 3*a.* and 3*b.* of this rule.

6. *Calls for papers, documents and information.* After an appeal has been filed, the Board, or any member thereof, or any person designated by the Board for that purpose, may call for the production of any papers, documents, or specific information in the possession of any of the parties, relevant to the dispute out of which the appeal arises.

(c) RULE III. *Hearings.* 1. *Where held.* Hearings shall be held at the office of the Board unless otherwise directed by the Board.

2. *Notice of hearings. a.* The appellant and the representative of the Government shall be given at least 10 days notice of the time and place of hearing.

b. Continuances will not be granted except upon written motion and for good cause shown.

3. *Request for hearing at place other than office of the Board.* If the appellant shall desire that a hearing be held at a place other than the office of the Board, he shall at the time of taking his appeal, or within a reasonable time thereafter, but before service of notice of hearing, make a request therefor, showing the name of the place where he would prefer the hearing to be held, and stating fully the reason for such request. The representative of the Government may, within 10 days after an appeal has been filed in the office of the Board, file with the Board a request for hearing at a place other than the office of the Board and shall in such request state fully the reasons therefor. If neither the appellant nor the representative of the Government request a hearing at a place other than at the office of the Board, the Board may, nevertheless, on its own motion hold a hearing at another place.

4. *Stipulating facts.* The appellant and the representative of the Government may, by stipulation in writing filed with the Board, agree upon the facts or any portion thereof involved in the appeal, which stipulation shall be regarded and used as evidence at the hearing. However, the Board may, in such case, require additional evidence.

5. *Limiting testimony.* Where there is a transcript of testimony taken in the office of the chief of any supply service, the Board may, in its discretion, limit the testimony before it to testimony relative to matters not disclosed by the transcript. In all cases the Board may limit the amount of testimony, where merely cumulative.

6. *Submission on the record to the Under Secretary of War.* Where a majority of the members of the Board are unable to agree upon a decision, and the matter is submitted on the record to the Under Secretary of War for final determination, ordinarily, no further testimony will be introduced. However, the Under Secretary of War may, in his discretion, direct that additional testimony be taken before the Board, a division thereof, or before such person as he may dsignate, or he may direct a re-hearing before the Board, or reconsideration by the Board.

7. *Absence of parties or counsel.* The unexcused absence of a party or his counsel at the time and place set for the hearing of any proceeding will not be the occasion for delay, but the hearing will proceed and the case will be regarded as submitted on the part of the absent party or parties.

8. *Limitation of argument.* Oral argument before the Board or any division thereof may be limited by the Board or by the division, respectively.

9. *Briefs.* The parties may file briefs in lieu of personal appearances or in connection therewith. All briefs will be filed within 20 days after conclusion of the hearing unless otherwise directed by the Board or by the division before which the appeal is pending.

10. *Oral examination of witnesses.* Witnesses before the Board or any division thereof or before any member or examiner will be examined orally under oath, unless the facts are stipulated or the Board or division thereof shall otherwise order.

(d) RULE IV. *Evidence.* 1. *Copies of papers.* When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may, in the discretion of the Board or of the division holding the hearings, be substituted therefor.

2. *Withdrawal of exhibits.* After a decision has become final, the Board may, upon motion, permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto, or may, on its own motion, make such other disposition thereof as it deems advisable.

3. *Administration of oaths.* Any judge advocate or acting judge advocate, the president, any member or the recorder of the Board, or any officer detailed to conduct an investigation, or hold a hearing, may administer oaths to witnesses.

4. *Ex parte affidavits not evidence.* Statements in the petition, ex parte affidavits, and briefs do not constitute evidence.

(e) RULE V. *Depositions.* 1. *Before whom taken. a. Depositions to be read in evidence* before the Board or any division thereof may be taken before and authenticated, by any officer, military or civil, authorized by the laws of the United States or by the laws of place where the deposition is taken, to administer oaths.

b. Form and return of deposition to Board. Each deposition shall show the docket number and the caption of the proceeding, the place and date of taking, the name of the witness, and the party by whom called. The officer taking a deposition shall enclose the original deposition and exhibits, in a sealed packet, with postage or other transportation prepaid, and direct and forward the same to the War Department Board of Contract Appeals, Office of the Under Secretary of War, Washington, D. C.

2. *Notice to take, or stipulation for taking.* When either party desires to take a deposition, unless the parties shall stipulate as to the time when and place where the deposition is to be taken and the name of the officer before whom it is to be taken and the name and address of the witness, such party shall give to the opposite party at least 10 days notice of the time when and the place where such deposition will be taken and the name and address and official title of the officer before whom it is proposed to take the deposition, as well as the name of the witness. A deposition may be taken either upon written interrogatories or upon oral examination, as may be specified in the notice. If the deposition is to be taken upon written interrogatories, copies thereof shall accompany the notice to take depositions. If the opposite party desires to submit cross interrogatories, same must be served upon the party giving the notice within 5 days from the receipt of the notice to take the deposition, or within such further time as may be allowed by the Board. In order to avoid the taking of depositions or to avoid a continuance for the purpose of taking the testimony of any witness, the parties may stipulate what the testimony of the witness would be if present, and such stipulation shall be received in evidence by the Board.

3. *Reason for taking.* A duly authenticated deposition may be read in evidence before the Board, if such deposition be taken when the witness resides, is found, or is about to go beyond the state, territory, or district in which the Board or a division thereof is to hold a hearing, or beyond the distance of 100 miles from the place of hearing or when it appears to the satisfaction of the Board or a division thereof, that the witness by reason of age, sickness, bodily infirmity, imprisonment, or other reasonable cause is unable to appear and testify in person at the place of hearing.

4. *Deposition not considered until offered. a. Testimony taken by deposition* will not be considered until offered and received in evidence.

b. Introduction of deposition by opposite party. A deposition taken by one party may be introduced by the opposite party, but the whole deposition must be offered unless otherwise stipulated by the parties, or directed by the Board or by the division hearing the appeal.

(f) RULE VI. *Decisions and findings.* 1. *Copies to be served on parties.* Decisions and findings of the Board, including decisions of any division thereof which have become decisions of the Board, including findings on questions of fact, shall be certified under the seal of the Board and served upon the parties or their attorneys in the manner herein provided for the service of papers.

2. *Divisional opinions.* A copy of each opinion of a division shall be promptly furnished by the division to each member of the Board, and if a majority of the members of the Board, including the president, shall at any time within 30 days after the date of the decision by the division file with the recorder a statement in writing to the effect

that they do not desire a review of the decision by the Board, the recorder will make an entry in the records of the Board to that effect as of the date on which a majority of the members of the Board shall have filed such statements. Thereupon the decision of the division shall become the decision of the Board, and the recorder will promptly furnish copies of the decision to the parties concerned.

(g) RULE VII. *Representation. a. Qualifications of attorneys.* Any appellant may be represented before the Board by an attorney at law who has been admitted to practice and who is in good standing, before the Supreme Court of the United States, or before the highest court of any State, Territory, possession or the District of Columbia. The Board may, in its discretion, require any person appearing as an attorney at law, to present to the Board evidence that he or she possesses the above qualifications. The statement of the attorney may be accepted as satisfying the requirement of this rule.

b. Representation in lieu of counsel. Any individual appellant may appear for himself. Any partnership appellant may be represented by one or more partners. Any corporate appellant may be represented by a bonafide officer of the corporation.

(h) RULE VIII. *Transcript of proceedings.* 1. *Record of hearings.* A full and complete record shall be kept of all hearings before the Board or any division thereof.

2. *Testimony to be taken stenographically.* The testimony shall be stenographically reported, and transcripts thereof shall be made, if in the opinion of the Board or of the division holding the hearing, a permanent record of the testimony is deemed necessary. Transcripts shall be supplied to the parties and to the public by the official reporter at such rates as may be fixed by contract between the Board and the reporter.

(i) RULE IX. *Rehearings. a. Applications for rehearings, etc.* Either party may apply to the Board for a rehearing, or reconsideration as to any matter determined by the Board, and to a division of the Board as to any matter determined by that division. Rehearing, further hearing or reconsideration of a decision, may be had, if in the judgment of the Board or of the members of the division in which the decision was rendered, as the case may be, sufficient reason therefor be made to appear.

b. Motions for. All motions for rehearing, or reconsideration shall set forth specifically the ground or grounds relied upon to sustain the motion, and must be filed within 10 days from the date of the service of a copy of the decision of the Board or of a division, respectively, upon the party filing the motion. All such motions will be determined upon the record and briefs submitted and without oral argument or additional evidence.

(j) RULE X. *Computation of time. Sundays and legal holidays to be counted.* Whenever these rules or any order of the Board prescribe a time within which any act may be performed, Sundays and legal holidays in the District of Columbia shall count the same as other days, except that then the time prescribed for the performance of an act expires on a Sunday or a legal holiday in the District of Columbia, such time shall extend to and include the next succeeding day that is not a Sunday or such a legal holiday: *Provided,* That when the time for performing any act is prescribed by statute, nothing in these rules shall be deemed to be a limitation or extension of the statutory time period.

(k) RULE XI. *Coordination with price adjustment board.* 1. *Notice to Price Adjustment Board.* Upon the filing of an appeal with the Board, the recorder thereof will promptly advise the War Department Price Adjustment Board of the pendency of the appeal, giving the name of the contractor, the contract number, the name of the contracting officer or other authority from whose decision the appeal has been taken, together with a copy of the appeal or a brief statement of the issues involved.

2. *Information regarding renegotiation.* Prior to any hearing, the Board will ascertain from the War Department Price Adjustment Board, whether any renegotiation agreement has been accomplished relating to the contract under which the appeal is pending or whether renegotiation proceedings relative to the contract are pending. If a renegotiation agreement has been entered into such agreement will be taken into consideration by the War Department Board of Contract Appeals in reaching its decision. If renegotiation proceedings are pending the Board may, in its discretion, suspend further proceedings on the appeal until the renegotiation proceedings have been concluded. A copy of each decision rendered by the Board will be furnished the War Department Price Adjustment Board.

(1) RULE XII. *Effective date.* These rules shall become effective from the date of their approval by the Under Secretary of War, and from time to time may be amended by the Board with such approval.

(m) *Form of notice of appeal.*

Appeal of ---------------------- Under
(Contractor)
Contract No. ---------- B.C.A. No. --------
To The Secretary of War:

The undersigned contractor under the contract referred to above, hereby appeals to the Secretary of War from the decision of the --

(here insert the name and title of the contracting officer, or the name and title of the chief of the supply service, as the case may be)

rendered on the -------- day of -----------, 19--, wherein it was ruled:

(here insert the specific ruling from which the appeal is taken)

That said ruling was erroneous and that the undersigned contractor is aggrieved thereby, for the following reasons:

That the dispute arises out of the following provisions of the contract:

(here insert pertinent contract provisions)

That the facts which sustain appellant's position are as follows:

(here state specific facts upon which the claimant relies to sustain the appeal)

That the dispute out of which the appeal arises has not been disposed of by mutual agreement, although appellant has made an effort to that end.

This appeal is made pursuant to Article---- of the contract.

That the postoffice address of appellant is as follows:

Dated at ------------------ this ------- day of ----------- 19--

----
(Contractor, appellant)
By ----------------------
(Title of officer if a corporation, or the word "partner", if a partner signs for a partnership)

Form of verification where petitioner is an individual:

STATE OF------------------ }
COUNTY OF---------------- } ss.

----------------------, being first duly sworn upon his oath deposes and says that he is the appellant referred to above; that he has read the foregoing and knows the contents thereof, and that the facts therein stated are true of his own knowledge except as to matters which are therein stated on information or belief; and that as to those matters he believes the statements to be true.

Subscribed and sworn to before me this---- day of -----------, 19--.

Notary Public in and for the
county of --------------,
state of ---------------

Form of verification where appellant is a corporation:

STATE OF------------------ }
COUNTY OF---------------- } ss.

----------------------, being first duly sworn upon his oath deposes and says, that he is the --------------- of the above-named corporation, appellant; that he is authorized to make this oath for and on its behalf; that he has read the foregoing instrument, knows the contents thereof, and that the facts stated therein are true of his own knowledge, except as to matters which are therein stated on information or belief, and that as to those matters he believes the statements to be true.

Subscribed and sworn to before me this -------- day of ---------------, 19--.

Notary Public in and for the
county of --------------,
state of ---------------

Form of verification where the petitioner is a partnership:

STATE OF------------------ }
COUNTY OF---------------- } ss.

----------------------, being first duly sworn upon his oath deposes and says that he is a member of the above-named partnership, appellant; that he has read the foregoing instrument, knows the contents thereof, and that the facts therein stated are true of his own knowledge, except as to matters which are therein stated on information or belief, and that as to such matters, he believes the statements to be true.

Subscribed and sworn to before me this -------- day of ---------------, 19--.

Notary Public in and for the
county of --------------,
state of ---------------

If the appellant is represented by an attorney give his name and address.

§ 81.318f *Appeals boards within the supply services*—(a) *General.* There should exist in each supply service, a board to act as an advisor to the chiefs of the supply services with respect to appeals under contracts which authorize the chiefs of the supply services to pass upon appeals either finally or subject to further appeals by the contractor to the Secretary of War.

(b) *Organization of Boards.* Each Board should consist of at least three members. One member of the Board, preferably with legal training, should be designated as executive secretary, to maintain a calendar of such cases as may be appealed to the chief of the service; to make a preliminary analysis of each case, and if necessary, return the file for further evidence, papers or exhibits; to maintain a record of the progress of each case; and in general, to act as executive representative of the Board and of chief of the supply service with respect to such matters. The Under Secretary of War will be informed of the name and address of every such executive secretary. Unless the chief of any supply service considers the volume of such work to be sufficient to require the full-time services of such executive secretary or other board members, they should be directed to perform such services in addition to other duties.

(c) *Procedure.* In order that a uniform and orderly procedure may be followed, the following steps are prescribed in each case. The Board should:

(1) Investigate and determine the facts in each case. During each such investigation, an opportunity should be afforded to the contractor, if he desires it, to present evidence in support of his contentions.

(2) Arrive at a finding of all essential facts and prepare a statement thereof for the information of the chief of the supply service concerned, and of the Under Secretary of War in cases forwarded to him for disposition. In the latter cases the report of the Board, together with the recommendation of the chief of the supply service concerned and the complete files in the case, will be forwarded to the Under Secretary of War.

(3) Based upon these findings of fact, prepare any necessary correspondence, supplemental agreements, or other documents for the action of the persons concerned.

(d) In the determination of disputes, it will be the policy of all concerned to do complete and fair justice to the legitimate claims and contentions of every contractor, subject, however, to the limitation that in the absence of specific statutory authority no officer or official of the United States is vested with any power to surrender without consideration to the United States, any asset or right of the United States; every such officer and official must be controlled by the express terms of the contract in question and the applicable statutes and regulations.

(e) The recommendations of the boards in question will be advisory only; the chief of the supply service concerned will not be bound by any such recommendation.

GUARANTEES, LOANS AND COMMITMENTS, AND ADVANCE PAYMENTS

§ 81.319 *General—*(a) *War Department policy.* It is the policy of the War Department that, in general, guarantees of loans, not in excess of 90 per cent of the principal amount of the loan, are to be employed rather than direct loans or participations in loans; and that likewise, guarantees of loans are, in general, to be employed in preference to advance payments. It is not intended entirely to supplant advance payments, especially where the supply service concerned concludes that the negotiation or performance of a particular contract will be facilitated by the use of advance payments.

(b) *Policy in connection with prime contractors.* Guaranteed loans to a prime contractor are particularly preferable to advance payments to such a contractor in the following situations:

(1) Where a number of supply services are involved,

(2) Where the prime contractor is at the same time a subcontractor under other prime contracts,

(3) Where the prime contractor has contracts with several branches of the government,

(4) Where the prime contractor has a large number of contracts and purchase orders.

In the above situations, guaranteed loans avoid the difficulties of segregation, accounting and supervision which are inherent in advance payments.

(c) *Policy in connection with subcontractors.* Guaranteed loans to subcontractors are preferable to subadvances even though the guarantee may exceed 90 per cent of the principal amount of the loan.

(d) *Cooperation with liaison officers.* The closest cooperation should exist between contracting officers, liaison officers (see § 81.320 (d)), and the Federal Reserve Banks, from the time negotiations for an award of a prime contract commence. Only in this way can there be devised the most practical method of financing from the standpoint of maximum war production by the contractor. In a given case, the most practical method of financing may be (1) private financing, (2) a guaranteed loan, (3) advanced payments, or (4) a direct Government loan; if a guaranteed loan or a direct loan, it may or may not be policed as to expenditures by the supply service most interested. That method of financing which is most conducive to maximum production should be adopted by mutual agreement between the contracting officer and the liaison officer, and it shall be the function of the liaison officer to endeavor to insure cooperation among the several supply services and with other branches of the Government to this end.

(e) *Determination of method of financing at time of award.* In the case of prime contractors, especially those having contracts with a single supply service, the method of working capital financing most conducive to maximum production should be determined prior to the making of an award. The question of the amount of facilities necessary for such production and the method of financing such facilities should also be determined at that time. To these ends, the fiscal and production branches of procurement officer should closely cooperate both internally and, where appropriate, with the liaison officers and the Federal Reserve Banks.

§ 81.320 *Guarantees, loans and commitments under Executive Order No. 9112—*(a) *Executive Order No. 9112.* Under date of March 26, 1942, Executive Order 9112 (7 F.R. 2367) was issued. It reads in part as follows:

> (1) The War Department, Navy Department and the Maritime Commission are hereby respectively authorized, without regard to the provisions of law relating to the making, performance, amendment or modification of contracts, (a) to enter into contracts with any Federal Reserve Bank, the Reconstruction Finance Corporation, or with any other financing institution guaranteeing such Reserve Bank, Reconstruction Finance Corporation or other financing institution against loss of principal or interest on loans, discounts or advances, or on commitments in connection therewith, which may be made by such Reserve Bank, Reconstruction Finance Corporation, or other financing institution for the purpose of financing any contractor, subcontractor or others engaged in any business or operation which is deemed by the War Department, Navy Department or Maritime Commission to be necessary, appropriate or convenient for the prosecution of the war, and to pay out funds in accordance with the terms of any such contract so entered into; and (a) to enter into contracts to make or to participate with any Federal Reserve Bank, the Reconstruction Finance Corporation, or other financing institution in making loans, discounts or advances, or commitments in connection therewith, for the purpose of financing any contractor, subcontractor or others engaged in any business or operation which is deemed by the War Department, Navy Department or Maritime Commission to be necessary, appropriate or convenient for the prosecution of the war, and to pay out funds in accordance with the terms of any such contract so entered into.
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> * * * * *
>
> (5) The War Department, the Navy Department and the Maritime Commission shall make reports of all contracts entered into by them respectively pursuant to the terms of this executive order, in accordance with the provisions of paragraph 1 of the regulations prescribed in Title II of Executive Order No. 9001 dated December 27, 1941.

(b) *Administration.* The administration of the powers conferred upon the War Department by Executive Order 9112 are vested in the Advance Payment and Loan Branch, Fiscal Division, Headquarters, Services of Supply. The general policies and procedures established by that branch as well as the general contractual arrangements established by the Branch are subject to review by the Director, Purchases Division, Headquarters, Services of Supply.

(c) *Financial contracting officers.* Financial contracting officers are officers or civilian officials attached to the Fiscal Division, Headquarters, Services of Supply who have been granted authority by the director of said division to execute or approve guarantees (either in the form of guarantees to save financial institutions harmless or in the form of commitments to purchase), to make direct Government loans, to enter into other financial arrangements, and to enter into commitments therefor all pursuant to the authority conferred by Executive Order 9112; to participate in negotiations for financing; and to coordinate with the Federal Reserve Banks which act as agents of the War Department in arranging financing for businesses whose operations are necessary, appropriate or convenient for the prosecution of the war.

(d) *Liaison officers.* Liaison officers are officers or civilian officials attached to the Advance Payment and Loan Branch, Fiscal Division, Headquarters, Services of Supply, who have been detailed for duty in every city in which a Federal Reserve Bank is situated as well as in Los Angeles and Detroit. Their functions and duties are those specified in paragraphs (e) and (i) of this section, as well as in various other paragraphs of this section.

(e) *Procedure for obtaining guaranteed loans.* Contractors may make applications for guaranteed loans:

(1) Through a local bank which in turn will transmit the applications to the Federal Reserve Bank in the district where the bank is located,

(2) Directly to the Federal Reserve Bank, or

(3) To a liaison officer.

It will be the duty of the liaison officer to obtain information from the procurement officers of the supply service or services concerned and from other appropriate sources as to whether the applicant's operations (existing or prospective) are necessary, appropriate, or convenient for the prosecution of the war and as to applicant's ability to perform its contracts. When liaison officers are not actually detailed to a given Federal Reserve district, the Federal Reserve Bank will perform this duty. Upon the basis of the information so obtained, the liaison officer will issue a Statement of Necessity. If the liaison officer is not satisfied that the terms and conditions of the loan will expedite production and protect the Government's interest to the fullest extent possible, the Statement of Necessity may be withheld pending the working out of satisfactory terms and conditions.

(f) *Loans and guarantees not requiring submission to the Advance Payment and Loan Branch, Fiscal Division.* Upon the issuance of a Statement of Necessity, a direct Government loan or a guarantee on behalf of the War Department may be completed by a Federal Reserve Bank, acting as fiscal agent of the United States on such terms and conditions as to it may seem advisable, provided that such loan or guarantee must be submitted for approval to the Advance Payment and Loan Branch, Fiscal Division, if it comes within any of the categories set forth in paragraph (g) of this section.

(g) *Loans and guarantees requiring submission to the Advance Payment and Loan Branch.* Direct Government loans and guarantees coming within any of the following categories must be submitted for approval to the Advance Payment and Loan Branch, Fiscal Division, Headquarters, Services of Supply:

(1) All direct Government loans and also all guarantees when the amount thereof plus the amount of all loans and guarantees made pursuant to Executive Order No. 9112 (including Navy Department and Maritime Commission loans and guarantees), which the contractor has then outstanding, exceed $100,000.

(2) All guarantees when the liaison officer and the Federal Reserve Bank disagree as to the terms and conditions thereof.

(3) All guarantees, regardless of the principal amount of the loan, when the guarantee is for an amount in excess of 90 percent of the principal amount of the loan.

(4) All guarantees when the Federal Reserve Bank is itself participating in the loan.

(h) *Execution of loan or guarantee.* If the Federal Reserve Bank does not participate in the loan, the guarantee normally will be executed by the Federal Reserve Bank as fiscal agent of the United States. If the Federal Reserve Bank does participate in the loan, the guarantee will be executed by the financial contracting officer. Direct Government loans will be executed by a financial contracting officer.

(i) *Cooperation of procurement officers.* When it has been determined pursuant to § 81.319 (a) and (d) that a guaranteed loan is the method of financing most conducive to maximum war production, it is essential that the Federal Reserve Bank, the Advance Payment and Loan Branch, the liaison officers, and the financial contracting officers receive the fullest and speediest cooperation from the procurement officers of the various supply services. Procurement officers of the supply services will furnish such information relating to contracts awarded or executed by them, and as to subcontracts and orders under such contracts, as may be called for by the Federal Reserve Bank, the Advance Payment and Loan Branch, liaison officers or financial contracting officers. In order to expedite this cooperation, special units may be established in the district offices of the supply services, or existing Advance Payment Sections may be utilized for this purpose. Information normally required to be furnished will include:

(1) The need for the borrower's production, and

(2) The ability of the borrower to perform from the viewpoint of technical production.

Obtaining information as to the borrower's financial condition is primarily the responsibility of the liaison officer and the Federal Reserve Banks. However, procurement officers of a supply service may supply such information and may make recommendations with respect thereto which will be given due weight provided that the information as to the necessity for the production and the technical ability of the borrower to perform is not delayed.

§ 81.321 *Advance payments—*(a) *General policy.* Subject to provisions of § 81.319 (a) and (c), advance payments will be made to contractors upon their request in all cases where such action will facilitate the prosecution of the war provided that after careful scrutiny it is determined that the national interest will be promoted thereby and provided that the Government will be adequately protected.

(b) *Types of contracts.* Subject to the provisions of paragraph (a) of this section, advance payments may be made in connection with agreements of all kinds (whether contracts, letter contracts, letter purchase orders or other types of agreements).

(c) *Advance payments under contracts executed prior to December 27, 1941.* No advance payment in excess of 30 percent of the amount of the contract will be authorized upon a contract entered into prior to December 27, 1941, except under a supplemental agreement containing provisions for such an advance payment executed on or after December 27, 1941.

(d) *Security.* Advance payments shall be authorized only upon the furnishing of adequate security by the contractor. The security to be furnished will be that required under the provisions of the standard clauses or standard forms of supplemental agreements referred to in paragraph (k) of this section. A guarantee by, or bond of, a parent corporation is desirable if the subsidiary corporation has limited financial responsibility, especially in the case of a newly formed subsidiary corporation. Whether guarantees, subordination agreements or other security devices should be required, in connection with advance payments, is within the discretion of the person having authority to approve the authorization of advance payments. Advance payment bonds will be required only in the most exceptional circumstances. (See § 81.414 (a))

(e) *Definitions.* As used in paragraphs (f), (g), and (n) of this section, the following terms shall have the following meaning:

(1) *The amount of the contract.* In the case of a lump sum contract the contract price; in the case of a cost-plus-a-fixed-fee contract, the estimated cost exclusive of the fixed-fee.

(2) *Standard contract clause.* A contract clause following without substantial deviation the wording of one of the contract clauses referred to in paragraph (k) of this section.

(3) *Standard supplemental agreement.* A supplemental agreement following without substantial deviation the wording of one of the forms of supplemental agreement referred to in paragraph (k) of this section.

The determination of whether there is a substantial deviation from contract clause or from a form of supplemental agreement is within the discretion of the chiefs of the supply services. In general, the determining factor is whether the modification changes established policies with respect to advance payments.

(f) *Initial advance payments not requiring approval of Advance Payment and Loan Branch.* Chiefs of supply services are authorized without obtaining the approval of the Advance Payment and Loan Branch, Fiscal Division, Headquarters, Services of Supply, to approve the authorization and making of initial advance payments on contracts pertaining to their respective services, when:

(1) The amount of the contract is less than $5,000,000 and the amount of the advance payment is not in excess of 50 per cent of the amount of the contract, and

(2) The advance payment is authorized under a standard contract clause or a standard supplemental agreement.

(g) *Subsequent advance payments not requiring approval of Advance Payment and Loan Branch.* The chiefs of the supply services are authorized, without obtaining the approval of the Advance Payment and Loan Branch, Fiscal Division, Headquarters, Services of Supply, to approve the authorization and making of advance payments in addition to advance payments previously authorized in connection with a given contract, when:

(1) The amount of the contract on which the subsequent advance payment is based is less than $5,000,000 and the proposed advance payment does not exceed 50 per cent of such amount, and

(2) The proposed advance payment is authorized under an approved contract clause or an approved supplemental agreement. As used in this paragraph

the term "amount of the contract on which the subsequent advance payment is based" means the amount by which the amount of the contract has been increased since the date of the last authorization of an advance payment.

(h) *Advance payments requiring approval of Advance Payment and Loan Branch.* Unless an advance payment comes within the provisions of paragraph (f) or (g) of this section, the authorization of such advance payment must be submitted for approval to the Advance Payment and Loan Branch, Fiscal Division, Headquarters, Services of Supply. The submission to said Branch will consist of a recommendation of the chief of the supply service concerned, together with the following information:

(1) The amount proposed to be advanced.

(2) The amount of contract involved and the subject matter whereof.

(3) Whether the contract was awarded on a fixed price or on a cost-plus-a-fixed-fee basis.

(4) The terms of the proposed advance (including method and time of repayment or liquidation including, if possible, a schedule of deliveries).

(5) The national interest in making the advance.

(6) The security proposed to protect the Government against loss with the definite recommendation of the chief of the supply service as to the adequacy thereof.

(7) The financial position and the general character and responsibility of the contractor as well as the technical ability of the contractor to perform the contract.

(8) A copy of the contractor's letter of request and any financial and budget data submitted relating to the necessity for the advance.

(9) Copy of contracting officer's report, if any, on the advance payment request.

(10) Any other information pertinent to a proper decision in the case.

(11) The date and identifying symbol of the approval of the award together with the appropriation available.

Requests for the approval of the authorization of an advance payment may be presented either during the negotiation of a contract or at any time thereafter. If the contract is available a copy thereof together with applicable letters of intent and intermediate supplemental agreements, if any, should be forwarded together with the recommendation. If a copy of the contract is not available at the time the recommendation is forwarded, such a copy should be submitted for review and filing promptly after execution.

(i) *Special provision with respect to advance payments under open-end provisions in connection with cost-plus-a-fixed-fee contracts.* If in connection with a cost-plus-a-fixed-fee contract, it is proposed to authorize the making of an advance payment in an amount equivalent to a percentage of the estimated cost as the same may be amended from time to time, approval of the Advance Payment and Loan Branch, Fiscal Division, Headquarters, Services of Supply, need not be obtained unless the estimated cost of the contract exclusive of the fixed-fee at the time of the granting of such authorization is $5,000,000 or more (provided, of course, that the authorization is made under a standard contract clause or a standard supplemental agreement). If, however, it subsequently becomes apparent that the cost will be $5,000,000 or more, no further advances will be made under such authorization until such approval has first been obtained. If such approval has once been obtained, the making of advance payments, in addition to those made prior to or at the time of such approval, may be made without further approval of the Advance Payment and Loan Branch, regardless of the amount of such additional advance payments.

(j) *Advance payments in connection with letter contracts or letter purchase orders.* Advance payments in connection with letter contracts or letter purchase orders will be provided for by a standard supplemental agreement. There should be included in such agreement a clause relieving a subsequent performance surety of the fidelity risk involved in making advance payments in any case where it is contemplated that a performance bond will be required in connection with the more formal contract and where no advance payment bond has been required.

(k) *Forms of supplemental agreement and contract clauses.* The following is a list of contract clauses and forms of supplemental agreements for use in connection with the authorization of advance payments:

(1) The contract clause contained in § 81.347 will be used in providing for advance payments with interest on fixed-price contracts.

(2) War Department Contract Form No. 20 will be used in executing a supplemental agreement for advance payments with interest on fixed-price contracts. (See § 81.1320.)

(3) War Department Contract Form No. 21 will be used in executing a supplemental agreement for advance payments with interest on cost-plus-a-fixed-fee contracts. (See § 81.1321.)

(4) War Department Contract Form No. 22 will be used in executing a supplemental agreement for advance payments with interest on a letter purchase order. (See § 81.1322.)

(5) The contract clause contained in § 81.348, will be used in providing for advance payments without interest on fixed-price contracts.

(6) War Department Contract Form No. 23 will be used for executing a supplemental agreement for advance payments without interest on fixed-price contracts. (See § 81.1323.)

(7) War Department Contract Form No. 24 will be used for executing a supplemental agreement for advance payments without interest on cost-plus-a-fixed-fee contracts. (See § 81.1324.)

(8) War Department Contract Form No. 25 will be used for executing a supplemental agreement for advance payments without interest on letter purchase orders. (See § 81.1325.)

(l) *Interest.* Except as set forth in paragraph (m) of this section, whenever an advance payment is made to a contractor by the War Department, a charge should be made for the use of the Government money so furnished. The charge should be in the nature of an interest charge computed, at convenient accounting periods, at the rate of two and one-half per cent per annum on the unliquidated balance of advance payments outstanding from time to time. In the case of a fixed-price contract, the amount of the charge should be deducted from payments under the contract. In the case of a cost-plus-a-fixed-fee otherwise payable to the contractor, and should not be an item of reimbursable cost under the contract.

(m) *Exceptions to interest requirements.* The requirement that interest be charged on advance payments shall not be applicable to advance payments:

(1) Authorized in connection with contracts which provide that the work thereunder shall be performed at cost without profit or fee to the contractor.

(2) Authorized in connection with cost-plus-a-fixed-fee contracts on which the fee is disproportionately small compared to the amount of interest that would accrue on the advance payment;

(3) Authorized in connection with contracts entered into, or contracts the terms of which had been agreed upon, prior to June 8, 1942, to the extent that such application would be inconsistent with the terms upon which such contracts were negotiated; or those

(4) Authorized to be made without interest by specific action of the Director, Fiscal Division, Headquarters, Services of Supply.

(n) *Reports.* In connection with advance payments, the supply services will make the following reports:

(1) *Daily reports.* Each day on which an advance payment is authorized by a supply service there will be submitted by such supply service to the Advance Payment and Loan Branch, Fiscal Division, Headquarters, Services of Supply, a summary record of all advance payments authorized on that day, except those authorized with the approval of said Branch. This will insure a closer control of the financing of contractors, subcontractors and others (whether by guaranteed loans or by advance payments) and will make it possible to maintain at all times a complete record. The report should show the name of the contractor, the number of the contract, the amount of the contract and the amount of the advance authorized.

(2) *Individual advance payment report.* A complete report of each advance payment, except those approved by the Advance Payment and Loan Branch, Fiscal Division, Headquarters, Service of Supply, pursuant to paragraph (h) or (i) of this section, will be submitted to said branch, for consideration, review and file. There will be submitted with the report a copy of the contract under which the advance payment was authorized or, if the advance payment was authorized under a supplemental agreement, a copy of the contract and of such supplemental agreement. The report will contain a statement of the amount of the contract, the amount of the advance payment authorized, the national interest in making the advance payment, the proposed security and a statement as to whether prior approval of withdrawal is to be required as well as a statement of the financial responsibility of the contractor and of its ability to perform the contract. The contractor's most recent balance sheet or a Federal Reserve Bank report should also be filed.

(3) *Quarterly report.* In each year, there shall be rendered to the Advance Payment and Loan Branch, Headquarters, Services of Supply reports for the periods ending March 31, June 30, September 30, and December 31. Each such report will be rendered fifteen days after the close of the period. There will be set forth in such reports the status of all contracts on which advance payments have been authorized. The following data should be included in the report:

(i) Contract number; (ii) Name of contractor; (iii) Description of contract; (iv) Type of contract; (v) Amount of contract as it may be changed from time to time; (vi) Amount of advance payments authorized; (vii) Amount of advance payments made; (viii) Advance payments recovered; (ix) Advance payments outstanding; (x) Appropriation symbol; (xi) Project number.

A special statement should be included in the report as to any contract with respect to which the completion of the contract and liquidation of the advance payments appear to be doubtful together with a statement as to the steps being taken to protect the advance payments. A report should include data previously furnished and not merely cover the period from the last report. However the report need not include contracts upon which complete liquidation of the advance payments have been made and so reported in a previous report.

(4) *Interim reports.* If at any time between the rendering of quarterly reports it appears doubtful that a contractor to whom advance payments have been made will complete the contract, a report should be rendered to the Advance Payment and Loan Branch, Fiscal Division, Headquarters, Services of Supply, immediately. The reports should include a statement of the facts in the case and of the steps being taken to protect the advance payments.

Paragraph (b) of the Government-Owned Facilities Clause quoted in § 81.332 is amended to read as follows:

§ 81.332 *Government-Owned Facilities Clause.* * * *

(b) As each item of the facilities listed in Schedule "A" is delivered to, or manufactured by, the contractor, for the Government's account, it shall become and remain the property of the Government, and title thereto shall vest in the Government.[1] (All of the facilities listed in Schedule B are the property of the Government, and title to them is, and shall remain, in the Government.) The Government hereby grants to the contractor the right to use, without the payment of rental therefor, such facilities in connection with the work herein contracted for and, subject to the written approval of the contracting officer, for any additional work for which the Government may contract.

The contractor agrees at its own expense to keep the facilities in good operating condition and repair and to make repairs and replacements to the extent that the necessity for such repairs and replacements is due to wear and tear resulting from operational activities. The contractor shall not be liable for loss or destruction of or damage to the facilities unless such loss, damage or destruction results from failure to perform the duty imposed by the preceding sentence or from wilful misconduct or failure to exercise good faith on the part of the contractor's corporate officers or other representatives having supervision or direction of the operation of the whole of the contractor's business or of the whole of any plant operated by the contractor in the performance of this contract.

* * * * *

ITEMS SUBJECT TO FEDERAL EXCISE TAXES

§ 81.816 *Items subject to Federal excise taxes.* The items subject to manufacturers' excise taxes imposed by Chapter 29 of the Internal Revenue Code, as amended, are listed below. The tax imposed in each case is equivalent to the indicated percentum of the price for which sold by the manufacturer, producer or importer. The tax rates specified are those effective November 1, 1942. The Revenue Act further provides that, for the purposes of the tax, the lease of an article (including any renewal or extension of a lease or any substitute lease of such article) by the manufacturer, producer or importer shall be considered a taxable sale of such article. (Sec. 3440, as amended)

CHAPTER 29—MANUFACTURERS' EXCISE AND IMPORT TAXES

SUBCHAPTER A—MANUFACTURERS' EXCISE TAXES

	Sec. I. R. C.	*Sec. this Reg.*
Automobiles, trucks, busses and parts	3403	§ 81.816(b)
Business and store machines	3406(a)(6)	§ 81.816(e)( )(v)
Electrical energy	3411	§ 81.816(h)
Electric, gas, and oil appliances	3406(a)(3)	§ 81.816(e)(1)(iii)
Electric light bulbs and tubes	3406(a)(10)	§ 81.816(e)(1)(vi)
Firearms, shells, and cartridges	3407	§ 81.816(f)
[Pistols and revolvers—see ch. 25, §2700(a); §81.816 (f)		
Gasoline	3412(a)	§ 81.816(i)
Lubricating oils	3413	§ 81.816(j)
Luggage	3406(a)(2)	§ 81.816(e)(1)(ii)
Matches	3409	§ 81.816(g)
Photographic apparatus	3406(a)(4)	§ 81.816(e)(1)(iv)
Radio receiving sets, phonographs, phonograph records, and musical instruments	3404	§ 81.816(c)
Refrigerators, refrigerating apparatus, air-conditioners	3405	§ 81.816(d)
Sporting goods	3406(a)(1)	§ 81.816(e)(1)(i)
Tires and inner tubes	3400(a)	§ 81.816(a)
Toilet preparations (terminated)	3401	--------------

* * * * *

(c) *Radio receiving sets, phonographs, phonograph records, and musical instruments.* * * *

(4) *Musical instruments.* (Subsection (*d*) The tax under section 3404 (d)) of the Internal Revenue Code does not apply to the sale of an organ sold under a bona fide written contract entered into before October 1, 1941, and the tax paid with respect to the sale of an organ under such a contract may be refunded, subject to the provisions of section 3443 (d) of the Internal Revenue Code. (See § 81.813 (a) of this regulation.)

(d) *Refrigerators, refrigerating apparatus, and air-conditioners.* Including in each case parts or accessories therefor sold on or in connection with the sale thereof—10 per centum. (Section 3404)

(1) *Refrigerators.* Household type refrigerators (for single or multiple cabinet installations) having, or being primarily designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline. (Subsection (*a*))

(2) *Refrigerating apparatus.* Cabinets, compressors, condensers, evaporators, expansion units, absorbers, and controls for, or suitable for use as parts of or with, household type refrigerators of the kind described in subsection (a) except when sold as component parts of complete refrigerators or refrigerating or cooling apparatus. (Subsection (*b*))

(3) *Air-conditioners.* Self-contained air-conditioning units. (Subsection (*c*))

(e) *Sporting goods; luggage; etc. (New Manufacturers' Excise Taxes).* (Section 3406) * * *

(iv) *Photographic apparatus.* (a) Cameras (except cameras weighing more than four pounds exclusive of lens and accessories) and lenses, photographic apparatus and equipment, and any apparatus or equipment designed especially for use in the taking of photographs or motion pictures or in developing, printing, or enlarging photographs or motion pictures—25 per centum;

(b) Unexposed photographic films (including motion picture films, but not including X-ray film), photographic plates and sensitized paper—15 per centum. (Paragraph (4))

Subdivisions (v), (vii), (viii) and (ix) of this subparagraph are rescinded and subdivisions (vi) and (x) are redesignated (v) and (vi) respectively, subdivision (v) being amended with respect to the item, cash registers, as follows:

(v) *Business and store machines—10 per centum.* (Paragraph (6)) * * *

Cash registers, except cash registers of the type used in registering over-the-counter retail sales.

* * * * *

(vi) *Electric light bulbs and tubes.* Electric light bulbs and tubes, not including articles taxable under any other provisions of this subchapter—5 per centum. (Paragraph (10))

* * * * *

(j) *Lubricating oils.* 6 cents a gallon. (Section 3413) The term "lubricating oil" as used in these regulations includes all oils, regardless of their origin, which are sold as lubricating oil and all oils which are suitable for use as a lubricant. The term "lubricating oils" does not include products of the new type commonly known as grease.

§ 81.817 *Federal retailers' excise taxes.* The items on which Federal retailers' excise taxes are imposed are listed below. The tax is in the amount of 10 per centum of the price for which sold, and the taxes are effective as of October 1, 1941.

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[1] Use these provisions only where the Government is furnishing facilities which it has acquired, or will acquire, directly.

CHAPTER 19—RETAILERS' EXCISE TAXES

SEC. 2400. *Jewelry, etc.* (1) All articles commonly or commercially known as jewelry, whether real or imitation; pearls, precious and semi-precious stones, and imitations thereof; articles made of, or ornamented, mounted or fitted with, precious metals or imitations thereof; watches and clocks and cases and movements therefor; gold, gold-plated, silver, silver-plated or sterling flatware or hollow ware; opera glasses; lorgnettes; marine glasses; field glasses; and binoculars.

(2) The tax imposed by this section (subparagraph (1) above) shall not apply to any article used for religious purposes, to surgical instruments, to watches designed especially for use by the blind, to frames or mountings for spectacles or eye-glasses, to a fountain pen or smokers' pipe if the only parts of the pen or the pipe which consist of precious metals are essential parts not used for ornamental purposes, or to buttons, insignia, cap devices, chin straps, and other devices prescribed for use in connection with the uniforms of the armed forces of the United States.

SEC. 2401. *Furs.* Articles made of fur on the hide or pelt, and articles of which such fur is the component material of chief value.

SEC. 2402. *Toilet Preparations.* Perfumes, essences, extracts, toilet waters, cosmetics, petroleum jellies, hair oils, pomades, hair dressings, hair restoratives, hair dyes, aromatic cachous toilet powders, and any similar substance, article, or preparation, by whatsoever name known or distinguished; any of the above which are used or applied or intended to be used or applied for toilet purposes.

§ 81.918 *General instructions.* * * *

(d) The minimum wage determinations made to date by the Secretary of Labor are published in the succeeding sections.

	Section
Aircraft manufacturing industry	81.937
Blueprint paper coating industry	81.944
Bobbinet industry	81.938
Chemical and related products industry	81.961
Cement industry	81.950
Cotton garments and allied industries	81.924
Barrack bags and bandoleers	81.924
Textile belts, leggings, covers, bags, etc	81.924
Dental goods and equipment manufacturing industry	81.954
Die casting manufacturing industry	81.953
Dimension granite industry	81.926
Drug and medicine industry	81.942
Envelope industry	81.929
Evaporated milk industry	81.957
Fertilizer industry	81.946
Fireworks industry	81.934
Commercial fireworks	81.934
Fusees, flares, etc	81.934
Flintglass industry	81.932
Fiberglass and fiberglass products	81.932
Furniture industry	81.941
Metal furniture	81.941
Public seating	81.941
Wood furniture	81.941
Handkerchief industry	81.928
Iron and steel industry	81.939
Knitted and men's woven underwear and commercial knitting industry	81.919
Leather, leather trimmed, and sheep-lined garments industry	81.931
Leather manufacturing industry	81.959
Luggage and saddlery industries	81.933
Carrier's tie straps and leather pouches	81.933
Men's hats and caps industry	81.922
Women's hats and caps	81.922
Men's neckwear industry	81.925
Men's raincoat industry	81.923
Oiled cotton waterproof outer garment	81.923
Paint and varnish industry	81.958
Paper and pulp industry	81.949
Photographic supplies industry	81.943
Scientific industrial and laboratory instrument industry	81.955
Seamless hosiery industry	81.921
Small arms ammunition, explosives, and related products industry	81.948
Small arms ammunition	81.948
Explosives	81.948
Blasting caps	81.948
Shoe manufacturing and allied industries	81.927
Soap industry	81.945
"Specialty accounting" supply manufacturing industry	81.947
Structural clay products industry	81.951
Surgical instruments and apparatus industry	81.956
Tag industry	81.936
Textile industry	81.960
Tobacco industry	81.940
Uniform and clothing industry	81.952
Suit and coats	81.952
Outdoor jackets	81.952
Wool trousers	81.952
Vitreous or vitrified china industry	81.930
Wool carpet and rug industry	81.935*
Work gloves industry	81.920

NOTE: * * *

§ 81.937 *Aircraft manufacturing industry*—(a) *The following illustrative list* of commodities, their parts and accessories is understood to be within the scope of the aircraft manufacturing industry wage determination (included are not only those products which were originally construed to be within this industry, but also those products which have since been included by interpretation. This list is subject to revision as additional interpretation of products is made):

Airplanes.
Engines, aircraft-type.
Gliders.
Propellers, aircraft and parts and accessories, such as:
  Airplane spare parts and accessories:
    Accumulators, landing gear.
    Adapter assembly for oxygen masks.
    Adapters and plungers.
    Ailerons.
    Ammunition rounds counters and contractors.
    Axles.
    Beaching gear.
    Bomb bay tanks.
    Bomb hoists.
    Bomb rack assemblies.
    Bomb shackles.
    Booster coils.
    Brackets.
    Brake hose and hose fittings.
    Cabin center panel for windshield.
    Cable terminals.
    Cables, motor trigger.
    Clevises.
    Clips.
    Conduit and pipe fittings.
    Control assemblies for bomb release interval.
    Control equipment for turrets.
    Controls, air brake.
    Couplings.
    Cowlings.

Propellers, aircraft, etc.—Con.
  Airplane spare parts and accessories—Con.
    De-icer equipment (except rubber) for propeller windshield and carburetor venturi.
    Domes, plexiglas navigating.
    Elbows.
    Elevators.
    Fairings.
    Ferrules.
    Fins.
    Fittings, structural.
    Fixtures: master and articulated rod bearing and bushing.
    Flaps, wing.
    Flare racks.
    Floats.
    Generators.
    Hinges.
    Hoisting slings.
    Hooks, arresting.
    Hose assemblies.
    Housings.
    Hulls, seaplane.
    Hydraulic pressure regulators.
    Hydraulic windshield wipers.
    Jumpers, bonding.
    Landing gear:
      Brakes.
      Oleo struts.
      Skiis.
      Tires.
      Wheels.
    Levers.
    Locks, oleo leg.
    Mount assemblies:
      Gun, ammunition box.
    Mounts:
      Camera, engine, and generator.
    Oleo packing.
    Operating cylinders.
    Panels, wing.
    Pedals.
    Pins, fitting.
    Posts.
    Pulleys.
    Pump, oil supply tank, control and distributing valve.
    Recoil dampeners, gun.
    Reservoirs.
    Retracting cylinders.
    Rudders.
    Seats, pilot.
    Shackles.
    Shock struts and cords.
    Solenoids.
    Spars.
    Sponsons.
    Stabilizers.
    Struts, shock (oleo) and parts.
    Supports.
    Switches:
      Electrical, gun control.
    Swivels.
    Tabs.
    Tail skids.
    Tail surfaces.
    Tail wheel assemblies.
    Tail wheel caster knuckles.
    Tanks.
    Thimbles.
    Tie rods.
    Tips, wing.
    Tow target releases and drags.
    Trigger motors.
    Turnbuckles.
    Turret ammunition boxes and mount assemblies.
    Turrets.
    Valves.
    Vents.
    Wings.
  Engine parts and accessories:
    Adapters.
    Arms.
    Baffles.
    Bushings.
    Cages.
    Cams.

Propellers, aircraft, etc.—Con.
  Engine parts and accessories—Con.
    Carburetor manifold jackets.
    Carburetors.
    Closures.
    Collector rings.
    Control systems.
    Counterweights.
    Covers, metal.
    Crankcases.
    Crankshafts.
    Cylinder barrels.
    Cylinder heads.
    Dowels.
    Drives.
    Filters:
      Air, gasoline.
    Fuel injection systems.
    Gear boxes.
    Glands.
    Guides.
    Heating systems.
    Housings.
    Ignition harness.
    Impellers, super-charger.
    Intercoolers.
    Jets.
    Magnetos.
    Manifold:
      Intake, exhaust.
    Oil coolers.
    Oil separators.
    Pipes.
    Pistons.
    Plates.
    Priming equipment.
    Pumps:
      Air, fuel, oil, vacuum.
    Radiators.
    Rockers.
    Rods.
    Seats, valve.
    Shafts.
    Slingers.
    Spacers.
    Spark plugs.
    Starters.
    Strainers.
    Studs.
    Sumps.
    Superchargers.
    Tappets.
    Temperature regulating equipment.
    Tubes.
    Valves: engine, gasoline (pilot operated, manual control, syphon).
  Propeller parts:
    Barrels.
    Blades.
    Brackets.
    Brakes.
    Bushings.
    Cams.
    Collars.
    Controls.
    Counterweights.
    Cylinders.
    Domes.
    Gears.
    Governors.
    Housings.
    Hubs.
    Pistons.
    Spiders.
    Spinners.
  Specialized servicing equipment:
    Airplane mooring kits.
    Cable testing machines.
    Check assemblies.
    Clubs, test.
    Cradle assemblies for servicing aircraft parts.
    Combination work-stand-ladder assemblies.
    Dollies.
    Energizer assemblies.
    Engine heaters.
    External power units for hand inertia starters.
    Pump testing units.

Propellers, aircraft, etc.—Con.
  Specialized servicing equipment—Con.
    Special testing equipment for aircraft engine, and propeller parts and accessories.
    Special tools and stand assemblies for the assembly, disassembly, and repair of aircraft and the engines, propellers, parts, and accessories therefor.
    Tables, propeller aligning.

(b) *Specifically excluded from the scope of the industry are:*

Fabricated textile products: Fabric covers (including engine-warming covers); parachutes; safety belts; tow targets; wind socks.

Pyrotechnics: Engine starter cartridges; flares; signals.

Electrical and radio equipment: Batteries; electric wire and cable; intercommunication equipment; landing and navigation lights; lighting systems; radios; radio compasses.

Rubber products: Rubber de-icing equipment; flotation gear; life preservers; life rafts; bonded rubber mountings; vibration dampers; rubber utilities; tires and tubes.

Machine shop products and machinery: Bearings; bolts, nuts, rivets, screws, and washers; gas refueling systems (including refueling pumps); gears and sprockets; piston rings; springs; wire rope.

Miscellaneous products: Cameras; fire extinguishers; first aid equipment; gaskets; instruments; lavatory equipment; lighter-than-air craft.

Date effective: May 7, 1942.

Wage: 50 cents an hour or $20.00 for a week of 40 hours, arrived at on time or piece-work basis.

Nothing in this determination shall be interpreted as abrogating any obligation that may have accrued under the terms of the determinations for the industry effective on December 29, 1938, and on November 18, 1941.

§ 81.943 *Photographic supplies industry (excluding motion picture equipment of 35mm. or over)*—(a) *The following illustrative list* of commodities is understood to be within the scope of the photographic supplies industry wage determination (included are not only those products which were originally construed to be within this industry, but also those products which have since been included by interpretation. This list is subject to revision as additional interpretation of products is made):

Accessories and parts, photographic: bellows, cable releases, cones, film rewinders, filters, lenses, magazines, reels, shades, shutters, splicers, spools, synchronizers.
Cameras.
Developing and printing equipment (except photographic chemicals): contact printers, driers, dry-mounting presses, enlargers, hangers, racks, stands, straighteners, tanks, washers, wringers.
Films, sensitized or unsensitized: photographic, X-ray.
Finders, photographic: view, range.
Flashlight apparatus, photographic (except lamps).
Frames, printing, photographic.
Holders, plate, photographic.
Machines: blueprint coating and reproduction, photocopying, photographic, photostat.
Projectors and their accessories and parts (except lamps).
Screens, photographic or X-ray: intensifying, projection.
Sensitized supplies, photographic: cloths, films, papers, plates, slides.
Tripods, photographic.
Vectograph.

(b) *Specifically excluded from the scope of this industry are:*

Blueprint, brownprint, black-line, and blackprint paper and cloth; photoengraving equipment; built-in photographic laboratory fixtures; camera mounts; drop-knife type print trimmers; cameras, projectors, and photographic accessories and parts of the 35 mm. size or larger (motion picture); photographic chemicals; and lamps.

Date effective: August 14, 1939.

Wage: 40 cents an hour or $16.00 per week of 40 hours, arrived at either upon a time or piece work basis: *Provided,* That learners may be employed at lower rates for a period of not to exceed 60 days if the total number of such workers in any one establishment does not exceed 5 per cent of the workers on the pay roll, and if such learners are paid not less than 80 per cent of the minimum wage as determined, or 32 cents an hour or $12.80 per week of 40 hours, arrived at either upon a time or piece work basis.

§ 81.944 *Blueprint paper coating industry.* * * *

Allowances or tolerances. None.

§ 81.948 *Small arms ammunition, explosives, and related products industry.* The following illustrative lists of commodities are understood to be within the scope of the small arms ammunition, explosives, and related products industry wage determination (included are not only those products which were originally construed to be within this industry, but also those products which have since been included by interpretation. This list is subject to revision as additional interpretation of products is made):

(a) *Small arms ammunition.*

Without reference to size:
  Cartridges: blank.
  Engine starter.
  Howitzer igniting.
  Mortar igniting.
  Target rocket igniting.
  Primers, saluting.
  Shot shells (empty or loaded):
    Riot gun.
    Shotgun.
Not over .50 caliber:
  Bullets.
  Cartridges:
    Machine gun.
    Pistol.
    Revolver.
    Rifle.
    Submachine gun.
  Cases, cartridge, empty.
  Cores, bullet.
and the primers, shot, and wads used in connection with any of the products included either of the above groups.

Date effective: September 16, 1940.

(b) *Explosives.*

Ammonium picrate.
Dinitroglycol.
Dynamite: ammonia, ammonia gelatine, blasting gelatine, gelatine, nitroglycerine, low freezing.
Fulminate of mercury.
Gelignite.
Gun cotton (dry nitrocellulose).
Lead azide.
Nitrocellulose: dry, flake.
Nitro-starch explosive, compressed.
Permissible explosives (Bureau of Mines Bulletin No. 219).
Picric acid.
Potassium nitrate.
Potassium picrate.

Powder: black, blasting, chlorate type fuse, nitroglycerine, pellet, smokeless cannon, smokeless gun.
Spotting charges: M1, M1A1.
Tetranitro—aniline.
Tetranitro—methane.
Tetryl.
Tolite.
Trinitro—aniline.
Trinitro—benzene.
Trinitro—cresol.
Trinitrotoluol or trinitrotoluene (TNT).
Trinitroxylene or trinitroxylol (TNX.)
Trinol.
Trotyl.

Date effective: September 16, 1940.

Wage: 57.5 cents an hour or $23.00 per week of 40 hours, arrived at either upon a time or piece rate basis. Apprentices may be employed at lower rates than herein determined, *Provided*, Their employment conforms to the standards of the Federal Committe on Apprenticeship.

(c) *Blasting caps.*

Blasting caps.
Detonating caps.

Date effective: September 16, 1940.

Wage: 47.5 cents per hour or $19.00 per week of 40 hours, arrived at either upon a time or piece rate basis. Apprentices may be employed at lower rates than herein determined, *Provided*, Their employment conforms to the standards of the Federal Committee on Apprenticeship.

Wage: 42.5 cents an hour or $17.00 per week of 40 hours, arrived at either upon a time or piece rate basis. Apprentices may be employed at lower rates than herein determined, *Provided*, Their employment conforms to the standards of the Federal Committee on Apprenticeship.

§ 81.955 *Scientific industrial and laboratory instruments industry.* The following illustrative list of commodities, their components and spare parts is understood to be within the scope of the scientific industrial and laboratory instruments wage determination (included are not only those products which were originally construed to be within this industry, but also those products which have since been included by interpretation. This list is subject to revision as additional interpretation of products is made):

Accelerometers.
Adrographs.
Alidades.
Almanac units, nautical.
Altimeters.
Altiperiscopes.
Ammeters.
Analyzers, exhaust gas.
Anemometers.
Apparatus, micro-projection.
Astrographs.
Automatic gun control equipment.
Azimuth drums.
Balances: analytical, laboratoy, precision, torsion.
Balancing machines.
Bank and climb control units.
Barographs.
Barometers.
Bars, beam-compass.
Bearing circles.
Binnacles, compensating.
Binoculars.
Boards: drafting, plotting.
Boro silicate (optical glass)
Brake testing machines, inertia.
Bulbs: resistance, thermometer.
Bunsen burners.
Centrifuge: human, small electric.
Chronograph, counter.
Clinometers, service.
Colimeters: binocular, octant.
Compasses: direction, drafting, hull vehicular, gyroscope.
Computers, gun data.
Controller assemblies.
Controls, domestic automatic (humidity, temperature).
Curves: aircraft, altitude correction, drafting.
Dials.
Directors, ballistic cam.
Dividers, proportional.
Drafting machines.
Dynamometers.
Equipment, automatic steering.
Fathometers.
Filters, ray.
Firing control equipment.
Flight control equipment, electronic.
Fuzes: glass tube, self-indicating.
Fuze setters.
Galvanometers.
Gages: depth, pressure, temperature, vacuum (but not machinists' precision)
Gears, steeling (gyroscope)
Generator, pulse.
Glass, optical.
Glasses, magnifying, reducing.
Gyro indicator assemblies.
Gyroscopes: directional, horizon.
Hydrographs, without clocks.
Hydrometers.
Hygrothermographs and accessories.
Inclinometers.
Indicators: directional, elevation, fuel mixture, salinity, temperature, velocity, level.
Instruments: drafting, engineering, laboratory, meteorological, military, navigation, ophthalmic, surveying, aircraft, recording.
Lenses (wholly or partially ground and polished) except photographic lenses and except lenses such as are of a noncorrective type used in protective goggles.
Lettering devices.
Level vials.
Liners (paper rulers).
Manometers: liquid, mechanical.
Map enlarging outfits.
Measures, map.
Meters: drift, electric, exposure, water velocity.
Microscopes.
Milliammeters.
Motion picture recording theodolites.
Mototracers.
Mounts: telescope, bombsight, periscope.
Octants.
Odometers.
Ophthalmic goods.
Ophthalmoscopes.
Pantographs, drafting.
Pelorus assemblies.
Pencils, drawing-instrument and parts.
Pens: barograph, drawing-instrument, thermograph.
Periscopes.
Pilots, robot.
Poles, tubular metal ranging.
Potentiometers.
Prickers, drawing-instrument.
Prisms.
Profilometers.
Projectors for air mapping.
Propeller shaft revolution indicating equipment.
Protractors.
Psychrometers, sling.
Pyrometers.
Q meters.
Recording instruments: depth, humidity, light intensity, stress, temperature, water stage.
Reels, sounding.
Reflector, sight.
Regulators, gaseous oxygen.
Resistance coils for use on scientific instruments.
Reticles.
Retinoscopes.
Rods: Philadelphia level, stadia.
Rotors, meteorological.
Rules: drafting, slide.
Sextants.
Sights: drift, telescopic, bomb, computing.
Signal assemblies (instruments).
Sound locators.
Sounding equipment, echo.
Splines and weights, sets.
Stabilizers, bomb.
Stadia, computer.
Stadimeters.
Stereophotogrammetric equipment.
Stereoscope, magnifying, lens prism.
Stereoscopic plotting instruments (aerial mapping projectors).
Strain measuring equipment.
Sunshine detectors (recorders).
Support: maximum and minimum thermometer, wind instrument.
Switches for engine cylinder thermometers.
Synchronous repeaters and transmitters.
Tachometers.
Tally counters.
Telescopes.
Temperature controls: electric, pneumatic.
T-squares.
Testing sets and equipment:
  Battery.
  Electric.
  Fatigue crack.
  Gage, portable.
  Hardness.
  Tension.
  Valve spring.
  Wheatstone bridge type.
Teststand assemblies:
  Tachometer.
  Automatic pilot.
Theodolites and tripods.
Thermocouples.
Thermographs.
Thermometers (except clinical).
Thermostats.
Torpedo computer trainer.
Tracers.
Trainers for pilot instruction.
Transits.
Transmission systems, gun data.
Triangles.
Tube assemblies, air-speed.
Tube, pitot-static.
Vanes, wind-instrument.
Vibration measuring instruments.
Whirling apparatus.

Date effective: September 23, 1941.

Wage: 40 cents an hour or $16.00 per week of 40 hours, arrived at either upon a time or piece work basis.

Apprentices may be employed at lower rates of pay if their employment conforms to the standards of the Federal Committee on Apprenticeship. Learners may be employed at the rate of 35 cents an hour or $14.00 per week of 40 hours for a period of not to exceed 60 days, if the total number of employees so classified does not exceed 10 per cent of the total number of employees in any one establishment in any given payroll or work week.

NOTE: The Department of Labor has issued the following interpretation of the term "optical glass" as used in the above-determination:

Optical glass is a generic term applying to that type of glass which after grinding and polishing assumes definite refractive qualities and is intended to include finished products as well as blanks.

By this token, ophthalmic glass and its products, including eyeglass lenses, as well as wholly or partially ground and polished lenses for any purpose other than photographic, are covered by the determination.

§ 81.956 *Surgical instruments and apparatus industry.* The following illustrative list of commodities is understood to be within the scope of the surgical instrument and apparatus industry wage determination (included are not only those products which were originally construed to be within this industry, but also those products which have since been included by interpretation. This list is subject to revision as additional interpretation of products is made):

Adenotomes.
Anastomosis buttons.
Apparatus, blood transfusion.
Applicators, metal surgical.
Aspirators.
Atomizers.
Blades, surgeons'.
Bougies, metal.
Bronchscopes.
Catheters.
Cauteries.
Chisels, bone
Clamps, surgical.
Clips, suture.
Cranioclasts.
Curettes, surgical.
Cystoscopes.
Depressors, tongue (metal).
Dilators.
Directors, grooved.
Dissectors.
Drills, bone.
Drill points.
Elevators, bone, periosteal, rib.
Endoscopes.
Forceps, surgical.
Forks, tuning.
Gags, mouth.
Gouges.
Haemacytometers.
Hammers, surgical.
Hemostats.
Inhalers, anesthetic.
Instruments, foreign body.
Intubators.
Irrigators.
Knives, surgical.
Laryngoscopes.
Ligatures.
Lithotomes.
Mallet, surgical.
Microtomes.
Needles, surgical and hypodermic.
Otoscopes
Pelvimeters.
Perforators.
Periostectomes.
Pharyngoscopes.
Plates, bone.
Pliers, surgical.
Probangs.
Probes, surgical.
Proctoscopes.
Rachitomes.
Raspatories.
Rasps, surgeons'.
Razors, surgical.
Retractors.
Rongeurs.
Saws, surgical.
Scalpels.
Scissors or shears, surgical.
Sigmoidoscopes.
Snares.
Speculas.
Sphygmomanometers, mercurial and aneroid.
Spoons, surgical.
Sterilizers.
Stethoscopes.
Strippers, vein.
Syringes, glass or metal.
Sutures.
Tenacula.
Thermometers, clinical.
Trocars.
Trephine.
Trephine points.
Trachea tubes.
Urethroscopes.
Urethrotomes.
Wrenches, clubfoot.

§ 81.961 *Chemical and related products industry.* The following illustrative list of commodities is understood to be within the scope of the chemical and related products industry wage determination (included are not only those products which were originally construed to be within this industry, but also those products which have since been included by interpretation. This list is subject to revision as additional interpretation of products is made):

The chemical and related products industry includes:

A-1. Heavy, industrial, and fine chemicals, including compressed and liquefied gases, and insecticides and fungicides. (1939 Census of Manufactures industries Nos. 999, 985,[1] 933)

2. The by-products of the foregoing. (1939 Census of Manufactures industries Nos. 981, 982)

B. The manufacture of such commodities as bluing; bone black, carbon black, and lampblack; cleaning and polishing preparations, blackings, and dressings; mucilage, paste, and other adhesives. (1939 Census of Manufactures industries Nos. 995, 986, 989, 996)

(a) *Illustrative list of commodities:*

Acetylene gas.
Acid: boric, carbolic, oxalic.
Acid wash, deck covering alcohol, (except wood).
Amine, alkylated.
Ammonia, anhydrous.
Ammonia, household.
Ammonium nitrate.
Auramine.
Bichromate of soda.
Blackings.
Bleaching material.
Bluing.
Bone black.
Burnishing ink.
Cadmium lithopone lemon salt.
Calcium silicate.
Calomel.
Carbon black.
Carbon dioxide (dry ice).
Carbonate, strontium.
Casein.
Celluloid.
Cellulose, acetate flake.
Cement, mending (except rubber)
Chloroform.
Cleaners (no soap).
Compounds, industrial: boiler, water treating, insulating, metal treating.
Cresote.
Creosote oil.
Deodorants (except for human use).
Developer, x-ray film.
Dibutyl phthalate.
Dinitrotoluene.
Disinfectants: household, industrial.
Dressing, fabricated leather.
Dry cleaning preparations.
Dry mix for welding rod coating.
Dyestuffs.
Ethyl cellulose.
Ferro-alloys (except ferro-manganese) produced by electrochemical processes.
Ferrosilicon.
Fibestos, cellulose acetate.
Fluorescain dye.
Fungicides, agricultural
Gasket paste.
Germicides.
Gums, manufactured synthetic.
Hexamethylene tetramine.
Humidity indicators.
Hydrocarbon gases.
Hydrogenation catalyst.
Hydroquinone.
Hyperchloride.
Insecticides: agricultural, household.
Kolloxaline.
Lamp black.
Magnesium powder, black.
Magnesium metal powder.
Magnesium resinate.
Methox.
Methylbenzine.
Methybenzol.
Methyl chloride.
Mononitrotoluene.
Mucilage.
Neoprene.
Nitrocellulose, wet (gun cotton).
Oxygen.
Paint, desiccant detector.
Paris green.
Paste, adhesive.
Pentaerythrite.
Pentaerythritol.
Penthrile.
Pentolite.
Pentrinite.
Pentrite.
Phenol (carbolic acid).
Phenylemthone.
Photographic chemicals.
Polish: auto, metal, stove.
Polystyrene.
Potash.
Potassium perchlorate.
Pyrthrum concentrate extract.
Pyrethrum (insect powder).
Repellants: agricultural, household.
Resins, synthetic.
Rubber, synthetic.
Scouring powder (no soap).
Sealing wax.
Shoe impregnite.
Soda, caustic (sodium hydroxide).
Sodium hyposulfite.
Sodium nitrate, synthetic.
Sodium thiosulfate.
Stains, leather.
Strontium oxalate.
Synthetic gums.
Thermite, incendiary.
Thorium nitrate.
Tints, household.
Titanium tetrachloride.
Toluene.
Toluol.
Washing powder (no soap).
Wax: auto, metal, stove.

(b) *Specifically excluded from the chemical industry.*

Cement, rubber.
Compounds: caulking, damp proofing, water proofing; liquid and plastic roof coating.
Ferro-manganese.
Glue.
Paint remover.
Plastics, fabricated.
Polish: floor, furniture.
Rayon and allied products.
Salt: table, rock.
Soap.
Top dressings.
Varnish remover.
Wax: floor, furniture.

Date effective: April 28, 1942.

Wage: Arrived at either upon a time or piece work basis. (1) 40 cents an hour or $16.00 per week of 40 hours, for the States of Maryland, Virginia, North Carolina, South Carolina, Tennessee, Arkansas, Mississippi, Alabama, Georgia, Florida, and the District of Columbia; and

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[1] Except water-proofing compounds.

(2) 50 cents an hour or $20.00 per week of 40 hours for the remaining States of the United States.

OVERTIME WAGE COMPENSATION

§ 81.964 *Current interpretations.* The Secretary of Labor has issued certain interpretations of Executive Order No. 9240, as amended. Extracts from the more important of the interpretations issued to date are set forth in the succeeding paragraphs. As additional interpretations are issued, the procurement regulations will be amended to reflect such interpretations.

* * * * *

(b) *The work to which Executive Order No. 9240, as amended, is applicable.* The order applies to all work performed by prime contractors on Government war contracts, by their subcontractors and by those who make the materials and supplies necessary for the performance of such contracts and subcontracts. The fact that an industry is seasonal does not remove it from the scope of the order. If the employer is engaged both in war work and in work unrelated to the prosecution of the war, the order will apply in the absence of segregation. The order should be construed liberally.

* * * * *

(e) *When double time is mandatory for seventh consecutive day work.* When work is actually performed on any seven consecutive days, double time must be paid for the work on the seven days even though the seven days on which work has been so performed fall in two work weeks unless by agreement the employer and employee have arranged a mutually satisfactory work schedule which affords a day of rest in each regular work week. A regular work week would be seven consecutive days starting on the same calendar day each week. If the seven consecutive days involved commenced in September, 1942, double time is not payable; such seven consecutive days must have been worked after October 1, 1942.

* * * * *

(k) *Same: when mandatory.* Time and one-half is required for work on the six holidays specified in paragraph I–B of the order. Under the order, it is permissible to pay employees straight time or less on such holidays even though the employee is given the day off.

WAGE AND SALARY STABILIZATION

Section 81.967 is redesignated § 81.975 and §§ 81.968 to 81.974 are rescinded and the following §§ 81.976, 81.977, and 81.980 are substituted therefor.

§ 81.975 *Executive Order No. 9250.* * * *

§ 81.976 *Regulations of Economic Stabilization Director approved by the President.* On October 27, 1942, Economic Stabilization Director Byrnes issued regulations (Part 4001) pursuant to authority vested in, and with the approval of, the President relative to wages and salaries. These regulations are set forth in paragraphs (a) to (p) of this section.

(a) *Definitions (Section 4001.1).* When used in these regulations, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(a) The term "Act" means the Act of October 2, 1942, entitled "AN ACT to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes".

(b) The term "Board" means the National War Labor Board created by Executive Order no. 9017, dated January 12, 1942.

(c) The term "Commissioner" means the Commissioner of Internal Revenue.

(d) The term "Code" means the Internal Revenue Code, as amended and supplemented.

(e) The term "salary" or "salary payments" means all forms of direct or indirect compensation which is computed on a weekly, monthly, annual or other comparable basis, except a wage basis, for personal services of an employee irrespective of when rendered, including bonuses, additional compensation, gifts, loans, commissions, fees, and any other remuneration in any form or medium whatsoever (excluding insurance and pension benefits in a reasonable amount).

(f) The term "salary rate" means the rate or other basis at which the salary for any particular work or service is computed either under the terms of a contract or agreement or in conformity with an established custom or usage.

(g) The term "wages" or "wage payments" means all forms of direct or indirect compensation which is computed on an hourly or daily basis, a piece-work basis, or other comparable basis, for personal services of an employee irrespective of when rendered, including bonuses, additional compensation, gifts, commissions, loans, fees, and any other remuneration in any form or medium whatsoever (but excluding insurance and pension benefits in a reasonable amount).

(h) The term "insurance and pension benefits in a reasonable amount" means

(1) contributions by an employer to an employees' trust or under an annuity plan which meets the requirements of section 165 (a) of the Code, and

(2) amounts paid by an employer on account of premiums on insurance on the life of the employee which amounts are deductible by the employer under section 23 (a) of the Code, except that if such amounts are includible in the gross income of the employee under the Code, the amount in respect of each employee may not exceed five per cent of the employee's annual salary or wages determined without the inclusion of insurance and pension benefits.

(i) The terms "approval by the Board" and "determination by the Board" shall, except as may be otherwise provided in the regulations or orders of the Board, include an approval or determination by an agent of the Board duly authorized to perform such act; and such approval or determination, if subsequently modified or reversed by the Board, shall nevertheless for the purpose of these regulations, be deemed to have been continuously in effect from its original date until the first day of the payroll period immediately following the reversal or modification or until such later date as the Board may direct.

(j) The terms "approval by the Commissioner" and "determination by the Commissioner" shall, except as may be otherwise provided in regulations prescribed by the Commissioner, include an approval or determination by an agent of the Commissioner duly authorized to perform such act; and such approval or determination, if subsequently modified or reversed by the Commissioner, shall nevertheless for the purpose of these regulations, be deemed to have been continuously in effect from its original date until the first day of the payroll period immediately following reversal or modification or until such later date as the Commissioner may direct.

(b) *Authority of National War Labor Board (Section 4001.2).* The Board shall, subject to the provisions of sections 1, 2, 3, 4, 8, and 9 of Title II of Executive Order No. 9250, of October 3, 1942, have authority to determine whether any—

(a) Wage payments, or

(b) Salary payments to an employee totaling in amount not in excess of $5,000 per annum where such employee

(1) in his relations with his employer is represented by a duly recognized or certified labor organization, or

(2) is not employed in a bona fide executive, administrative or professional capacity are made in contravention of the Act, or any rulings, orders or regulations promulgated thereunder. Any such determination by the Board, made under rulings and orders issued by it, that a payment is in contravention of the Act, or any rulings, orders, or regulations promulgated thereunder, shall be conclusive upon all Executive Departments and agencies of the Government in determining the costs or expenses of any employer for the purpose of any law or regulation, either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942 or any maximum price regulation thereof, or for the purpose of calculating deductions under the revenue laws of the United States, or for the purpose of determining costs or expenses under any contract made by or on behalf of the United States. Any determination of the Board made pursuant to the authority conferred on it shall be final and shall not be subject to review by The Tax Court of the United States or by any court in any civil proceedings.

(c) *Rules, orders and regulations of Board (Section 4001.3).* The Board may make such rulings and issue such orders or regulations as it deems necessary to enforce and otherwise carry out the provisions of these regulations.

(d) *Authority of the Commissioner of Internal Revenue (Section 4001.4).* The Commissioner shall have authority to determine, under regulations to be prescribed by him with the approval of the Secretary of the Treasury, whether any salary payments other than those specified in paragraph (b) of section 4001.2 of these regulations are made in contravention of the Act, or any regulations or rulings promulgated thereunder. Any such determination by the Commissioner, made under such regulations, that a payment is in contravention of the Act, or any rulings or regulations promulgated thereunder, shall be conclusive upon all Executive Departments and agencies of the Government in determining the costs or expenses of any employer for the purpose of any law or regulations, either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942 or any maximum price regulation thereof, or for the purpose of calculating deductions under the revenue laws of the United States, or for the purpose of determining costs or expenses under any contract made by or on behalf of the United States. Any determination of the Commissioner made pursuant to the authority conferred on him shall be final and shall not be subject to review by the Tax Court of the United States or by any court in any civil proceedings. No increase in a salary rate approved by the Commissioner shall result in any substantial increase of the level of costs or shall furnish the basis either to increase price ceilings of the commodity or service involved or to resist otherwise justifiable reductions in such price ceilings.

(e) *Rules and regulations of Commissioner (Section 4001.5).* The Commissioner may prescribe such regulations with the approval of the Secretary of the Treasury, and make such rulings as he deems necessary, to enforce and otherwise carry out the provisions of these regulations.

(f) *Salary increases (Section 4001.6).* In the case of a salary rate of $5,000 or less per annum existing on the date of the approval of these regulations by the President and in the case of a salary rate of more than $5,000 per annum existing on October 3, 1942, no increase shall be made by the employer except as provided in regulations, rulings, or orders promulgated under the authority of these regulations. Except as herein provided, any increase made after such respective dates shall be considered in contravention of the Act and the regulations, rulings, or orders promulgated thereunder from the date of the payment if such increase is made prior to the approval of the Board or the Commissioner, as the case may be.

In the case, however, of an increase made in accordance with the terms of a salary agreement or salary rate schedule and as a result of

(a) individual promotions or reclassifications,

(b) individual merit increases within established salary rate ranges,

(c) operation of an established plan of salary increases based on length of service,

(d) increased productivity under incentive plans,

(e) operation of a trainee system, or

(f) such other reasons or circumstances as may be prescribed in orders, rulings, or regulations, promulgated under the authority of these regulations, no prior approval of the Board or the Commissioner is required. No such increase shall result in any substantial increase of the level of costs or shall furnish the basis either to increase price ceilings of the commodity or service involved or to resist otherwise justifiable reductions in such price ceilings.

(g) *Decreases in salaries of less than $5,000 (Section 4001.7).* In the case of a salary rate existing as of the close of October 3, 1942, under which an employee is paid a salary of less than $5,000 per annum for any particular work, no decrease shall be made by the employer below the highest salary rate paid for such work between January 1, 1942, and September 15, 1942, unless to correct gross inequities or to aid in the effective prosecution of the war. Any decrease in such salary rate after October 3, 1942, shall be considered in contravention of the Act and the regulations, rulings, or orders promulgated thereunder if such decrease is made prior to the approval of the Board or the Commissioner, as the case may be.

(h) *Decreases in salaries of over $5,000 (Section 4001.8).* In the case of a salary rate existing as of the close of October 3, 1942, under which an employee is paid a salary of $5,000 or more per annum, no decrease in such rate made by the employer shall be considered in contravention of the Act and the regulations promulgated thereunder (see section 5 (b) of the Act): *Provided, however,* That if by virtue of such decrease the new salary paid to the employee is less than $5,000 per annum, then the validity of such decrease below $5,000 shall be determined under the provisions of section 4001.7 of these regulations.

(i) *Limitation on certain salaries (Section 4001.9).* (a) No amount of salary (exclusive of any amounts allowable under paragraphs (b) and (c) of this section) shall be paid or authorized to be paid to or accrued to the account of any employee or received by him during the taxable year which, after reduction by the Federal income taxes on the amount of such salary, would exceed $25,000. The amount of such Federal income taxes shall be determined (1) by applying to the total amount of salary (exclusive of any amounts allowable under paragraphs (b) and (c) of this section) paid or accrued during the taxable year, undiminished by any deductions, the rates of taxes imposed by Chapter I of the Code (not including section 466) as if such amount of salary were net income (after the allowance of credits applicable thereto), the surtax net income, and the Victory tax net income, respectively, and (2) without allowance of any credits against any of such taxes.

(b) In any case in which an employee establishes that his income from all sources is insufficient to meet payments customarily made to charitable, educational or other organizations described in section 23 (o) of the Code, without resulting in undue hardship, then an additional amount sufficient to meet such payments may be paid or authorized to be paid to or accrued to the account of any employee or received by him during the taxable year even though it exceeds the amount otherwise computed under paragraph (a).

(c) In any case in which an employee establishes that, after resorting to his income from all sources, he is unable, without disposing of assets at a substantial financial loss resulting in undue hardship, to meet payments for the following:

(1) Required payments (excluding accelerated payments) by the employee during the taxable year on any life insurance policies on his life which were in force on October 3, 1942,

(2) Required payments (excluding accelerated payments) made by the employee during the taxable year on any fixed obligations for which he was obligated on October 3, 1942,

(3) Federal income taxes of the employee for prior taxable years which are paid during the taxable year, not including Federal income taxes on the allowance under paragraph (a) for any prior year, an additional amount sufficient to meet such payments may be paid or authorized to be paid to or accrued to the account of any employee or received by him during the taxable year, even though it exceeds the amount otherwise computed under paragraph (a).

(d) In the case of an individual who is an employee of more than one person, the aggregate of the salaries received by such individual shall, under such circumstances as may be set forth in regulations promulgated under the authority of these regulations, be treated as if paid by a single employer.

(e) No amount of salary shall be paid or authorized to be paid to or accrued to the account of any employee or received by him after the date of approval of these regulations by the President and before January 1, 1943, if the total salary paid, authorized, accrued or received for the calendar year 1942 exceeds the amount of salary which would otherwise be allowable under paragraph (a) of this section and also exceeds the total salary paid, authorized, accrued or received for the calendar year 1941.

(f) Except as provided in paragraph (e) of this section, the provisions of this section shall be applicable to salary paid or accrued after December 31, 1942, regardless of when authorized and regardless of any contract or agreement made before or after such date.

(j) *Effect of unlawful payments (Section 4001.10).* (a) If any wage or salary payment is made in contravention of the Act or the regulations, rulings or orders promulgated thereunder, as determined by the Board or the Commissioner, as the case may be, the entire amount of such payment shall be disregarded by the Executive Departments and all other agencies of the Government in determining the costs or expenses of any employer for the purpose of any law or regulation, including the Emergency Price Control Act of 1942, or any maximum price regulation thereof, or for the purpose of calculating deductions under the revenue laws of the United States, or for the purpose of determining costs or expenses of any contract made by or on behalf of the United States. The term "law or regulations" as used herein includes any law or regulation hereafter enacted or promulgated. In the case of wages or salaries decreased in contravention of the Act or regulations, rulings or orders promulgated thereunder, the amount to be disregarded is the amount of the wage or salary paid or accrued. In the case of wages or salaries increased in contravention of the Act or regulations, rulings or orders promulgated thereunder, the amount to be disregarded is the amount of the wage or salary paid or accrued and not merely an amount representing an increase in such wage or salary. In the case of a salary in excess of the amount allowable under section 4001.9 of these regulations which is paid or accrued to an employee during his taxable year in contravention of the Act or regulations, rulings or orders promulgated thereunder, the amount to be disregarded is the full amount of such salary and not merely the amount representing the excess over the amount allowable under such section 4001.9.

(b) Payments made or received in violation of any regulations, rulings or orders promulgated under the authority of the Act are subject to the penal provisions of the Act.

(k) *Exempt employers (Section 4001.11).* The provisions of sections 4001.6, 4001.7 and 4001.8 of these regulations shall apply only in the case of an employer who employs more than eight individuals.

(l) *Salary allowances under Internal Revenue Code (Section 4001.12).* No provision of these regulations shall preclude the Commissioner from disallowing as a deduction in computing Federal income tax any compensation paid by an employer (regardless of the number of employees and of the amount paid to any employee) in excess of a "reasonable allowance" in accordance with the provisions of section 23 (a) of the Code.

(m) *Statutory salaries and wages (Section 4001.13).* These regulations shall be applicable to any salary or wages paid by the United States, any State, Territory or possession, or political subdivision thereof, the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, except where the amount of such salary or wages is fixed by statute.

(n) *Territories and possessions (Section 4001.14).* The Board and the Commissioner shall have the authority to exempt from the operation of these regulations any wages or salaries paid in any Territory or possession of the United States where deemed necessary for the effective administration of the Act and these regulations.

(o) *Regulations of Economic Stabilization Director (Section 4001.15).* The Director shall have authority to issue such regulations as he deems necessary to amend or modify these regulations.

(p) *Effect of Executive Order No. 9250 (Section 4001.16).* To the extent that the provisions of Executive Order No. 9250, dated October 3, 1942, are inconsistent with these regulations, such provisions are hereby superseded.

§ 81.977 *Regulations of Commissioner of Internal Revenue.* From time to time the Commissioner of Internal Revenue issues regulations, with the approval of the Secretary of the Treasury, establishing procedures and rules for the administration and interpretations of such portions of Executive Order No. 9250 and of the regulations of the Economic Stabilization Director approved by the President on October 27, 1942 (§ 81.976 above) as are administered by the Commissioner of Internal Revenue. These regulations are set forth in paragraphs (a) to (c) of this section.

(a) *Salary Stabilization Unit (Section 1001.1.* There is established a Salary Stabilization Unit, which shall be under the supervision of a deputy commissioner of internal revenue, appointed in accordance with law, and which shall be independent of all other units of the Bureau of Internal Revenue.

(b) *Authority of Unit (Section 1001.2).* The Commissioner of Internal Revenue may confer upon the deputy commissioner in charge of the Salary Stabilization Unit such powers and duties as he shall deem necessary for the effective administration of the provisions of this Treasury decision.

(c) *Regional Offices (Section 1001.3).* The Commissioner of Internal Revenue may establish such regional offices as he shall deem necessary for the effective administration of the provisions of this Treasury Decision.

§ 81.980 *General Orders of National War Labor Board.* From time to time the National War Labor Board issues general orders establishing procedures and regulations for the administration and interpretations of such portions of Executive Order No. 9250 as are administered by the National War Labor Board, as well as interpretations of such general orders. The full text of such general orders and interpretations is set forth in paragraphs (a) to (i) of this section.

(a) *General Order No. 1.* All increases in wage rates which have been directed by the War Labor Board prior to October 3, 1942, shall be put into effect in accordance with the terms of the Directive Order in each particular case.

(b) *General Order No. 2.* The procedures in the National War Labor Board for the adjustment of labor disputes affecting wages established under Executive Order No. 9017, dated January 12, 1942, shall remain in full force and operation, and in all present or future cases in which the jurisdiction of the Board has attached or shall attach by certification or otherwise, the parties shall be deemed to have given notice within the terms of Title II, section 1, of Executive Order No. 9250, dated October 3, 1942.

(c) *General Order No. 3.* The National War Labor Board hereby approves all increases in wage rates which were put into effect on or before October 3, 1942: *Provided, however,* That the Board reserves the power under the provisions of Title III, section 3 of the Executive Order to disapprove any such wage rates which it may find to be inconsistent with the policy enunciated in the said Executive Order or hereafter formulated by the Economic Stabilization Director and in case of such disapproval to order the discontinuance of further payment of such wages.

(1) *Interpretation No. 1 of General Order No. 3.* In General Order No. 3 the words "increases in wage rates which were put into effect on or before October 3," include increases in wage rates which by written agreement entered into on or before October 3, 1942, or by formal action communicated to the employees on or before October 3, 1942, were made applicable to work done prior to October 3, 1942, notwithstanding such increases were first reflected in a payroll subsequent to October 3, 1942.

(2) *Interpretation No. 2 of General Order No. 3.* Any change in wage rates, regardless of its effective date, which results from the award or decision of an arbitrator or referee made after October 3, 1942, is subject to the provisions of Executive Order No. 9250, dated October 3, 1942, notwithstanding the agreement or order for arbitration or reference was made on or before October 3, 1942.

(3) *Interpretation No. 3 of General Order No. 3.* Unless otherwise expressly exempted, any change in wage rates provided for in any existing agreement to take effect at some future date or in the happening of some future event, is subject to the provisions of Executive Order No. 9250, dated October 3, 1942, regardless of when the agreement was made.

(d) *General Order No. 4.* Wage adjustments made by employers who employ not more than eight (8) individuals are exempted from the provisions of the Executive Order No. 9250 of October 3, 1942.

(1) *Interpretation No. 1 of General Order No. 4.* The exemption granted by General Order No. 4 to employers who employ not more than eight individuals does not apply to employers who own or operate more than one plant or unit where the aggregate of employees in such plants or units exceeds eight.

(2) *Interpretation No. 2 of General Order No. 4.* The exemption provided for by General Order No. 4 shall not apply to employers whose employees' wages, hours or working conditions have been established or negotiated on an industry, association, area or other similar basis, whether by master contract or by separate but similar or identical contracts.

(3) *General Order No. 4–A.* General Order No. 4 of the National War Labor Board dated October 9, 1942, exempting employers who employ not more than eight individuals from the provisions of said Executive Order, shall not apply to the employment of tool and die workers.

(e) *General Order No. 5.* (1) *Wage adjustments* may be made in the rates of individual employees, without approval of the National War Labor Board, if they are not incident to the application of the terms of an established wage agreement or to established wage rate schedules covering the work assignments of employees and are made as a result of:

a. Individual promotions or reclassifications.

b. Individual merit increases within established rate ranges.

c. Operation of an established plan of wage increases based upon length of service.

d. Increased productivity under piece-work or incentive plans.

e. Operation of an apprentice or trainee system.

The Board further finds that adjustments of wages made under this order should not result in any substantial increase of the level of costs and shall not furnish a basis either to increase price ceilings of the commodity or service involved or to resist otherwise justifiable reductions in such price ceilings.

(2) *Interpretation No. 1 of General Order No. 5.* The fixing of a piece-rate which was theretofore set only tentatively for trial purposes, and the re-setting of a piece-rate which was found to have been set in the first instance so as to yield less than the regularly established or normal amount prevailing in the plant for that type of job, are each "wage adjustments . . . Incident to the application of the terms of an established wage agreement or to established wage rate schedules" within the meaning of General Order No. 5, and may therefore be made without approval of the National War Labor Board.

(f) *General Order No. 6.* (a) The hiring of an individual at a wage rate in excess of the rate previously established in the plant for employees of similar skill and productive ability within the classification in which the individual is employed is a "wage increase" within the meaning of Executive Order No. 9250.

(b) If a wage rate for a job classification has not theretofore been established by the employer for the plant involved, the rate shall be fixed at a level not exceeding that which prevails for similar classifications within the area, unless a higher rate is approved by the National War Labor Board.

(g) *General Order No. 7.* Since Title VI, Section 1 of Executive Order No. 9250, dated October 3, 1942, states that "nothing in this Order shall be construed as affecting the present operation of the Fair Labor Standards Act," and since statutes and orders of the duly constituted authorities of the several states fixing minimum rates for certain types of workers carry out the true purposes and intent of the Fair Labor Standards Act, and are designated and intended to eliminate substandards of living within the meaning of section 2 of Title II of Executive Order No. 9250, the National War Labor Board hereby approves increases in wage and salary rates made in compliance with such statutes and orders.

(h) *General Order No. 8.* Exercising the authority vested in the National War Labor Board by § 4001.14 of Part 4001, Regulations Relating to Wages and Salaries issued on October 27, 1942 by the Economic Stabilization Director and approved by the President, and deeming it necessary for the effective administration of the Act of Congress of October 2, 1942, the Board hereby determines that adjustments in any wages or salaries over which this Board has jurisdiction and which are paid in any territory or possession of the United States, except Alaska, are exempted from the operation of the said Regulations and therefore may be made without the approval of the Board.

(i) *General Order No. 9.* Adjustments in Salaries Totaling not in excess of $5,000 per annum.

I. *Jurisdiction of the National War Labor Board.* Section 4001.2 of Part 4001 "Regulations Relating to Wages and Salaries," issued on October 27, 1942 by the Economic Stabilization Director and approved by the President provides in part that the National War Labor Board "shall have authority to determine whether any * * * salary payments to an employee totaling in amount not in excess of $5,000 per annum where such employee

(a) in his relations with his employer is represented by a duly recognized or certified labor organization, or

(b) is not employed in a bona fide executive, administrative or professional capacity, are made in contravention of the Act of Congress of October 2, 1942, or any ruling, orders or regulations promulgated thereunder."

In other words the Board has jurisdiction over the adjustment of salaries up to $5,000 a year, except for those employees employed in a bona fide executive, administrative or professional capacity who are not represented by duly recognized or certified unions.

Section 4010.7 of said Regulations provides that "in the case of a salary rate of $5,000 or less per annum existing on the date of the approval of these regulations by the President" (namely, October 27, 1942) no increase shall be made without the prior approval of the Board.

The Board hereby defines what is meant by "employed in a bona fide executive, administrative or professional capacity". (For the convenience of employers and employees who have been accustomed to the practices prevailing under the Fair Labor Standards Act, these definitions have been taken from the regulations promulgated by the Wage & Hour Administrator, pursuant to section 13 (a) (1) of the Fair Labor Standards Act of 1938 (52 Stat. 1060), but no provisions of that Act or of any regulations issued thereunder are in any way applicable to the regulations and orders of the National War Labor Board).

Executive. The term "employed in a bona fide executive capacity" shall mean any employee—

(A) whose primary duty consists of the management of the establishment in which he is employed or of a customarily recognized department or subdivision thereof, and

(B) who customarily and regularly directs the work of other employees therein, and

(C) who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight, and

(D) who customarily and regularly exercises discretionary powers, and

(E) who is compensated for his services on a salary basis at not less than $30 per week (exclusive of board, lodging, or other facilities), and

(F) whose hours of work of the same nature as that performed by employees not employed in an executive, administrative or professional capacity do not exceed 20 percent of the number of hours worked in the workweek by the employees under his direction; provided that this subsection (F) shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment.

Administrative. The term "employed in a bona fide administrative capacity" shall mean any employee—

(A) who is compensated for his services on a salary or fee basis at a rate of not less than $200 per month (exclusive of board, lodging, or other facilities), and

(B) (1) who regularly and directly assists an employee employed in a bona fide executive or administrative capacity (as such terms are defined in these regulations), where such assistance is nonmanual in nature and requires the exercise of discretion and independent judgment; or

(2) who performs under only general supervision, responsible nonmanual office or field work, directly related to management policies or general business operations, along specialized or technical lines requiring special training, experience, or knowledge, and which requires the exercise of discretion and independent judgment; or

(3) whose work involves the execution under only general supervision of special nonmanual assignments and tasks directly related to management policies or general business operations involving the exercise of discretion and independent judgment; or

(4) who is engaged in transporting goods or passengers for hire and who performs, under only general supervision, responsible outside work of a specialized or technical nature requiring special training, experience, or knowledge, and whose duties require the exercise of discretion and independent judgment.

Professional. The term "employed in a bona fide professional capacity" shall mean any employee who is—

(A) engaged in work—

(1) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work, and

(2) requiring the consistent exercise of discretion and judgment in its performance, and

(3) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time, and

(4) whose hours of work of the same nature as that performed by employees not employed in an executive, administrative or professional capacity do not exceed 20 percent of the hours worked in the workweek by such employees: *Provided,* That where such nonprofessional work is an essential part of and necessarily incident to work of a professional nature, this subsection (4) shall not apply, and

(5) (a) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes; or

(b) predominantly original and creative in character in a recognized field of artistic endeavor as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training, and the result of which depends primarily on the invention, imagination, or talent of the employee, and

(B) compensated for his services on a salary or fee basis at a rate of not less than $200 per month (exclusive of board, lodging, or other facilities): *Provided,* That this subsection (B) shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and who is actually engaged in the practice thereof.

II. *Effective Date of the Board's Jurisdiction.* Pursuant to section 4001.6 of the said Regulations, increases in salaries which by written agreement executed on or before October 27, 1942, or by formal action communicated to the employees, on or before October 27, 1942, were made applicable to work done prior to October 27, 1942, do not come within the jurisdiction of the Board, notwithstanding such increases are first reflected in a payroll subsequent to October 27, 1942.

III. *Salary Increases Which Do Not Require Board Approval.* Pursuant to section 4001.6 of the said Regulations, adjustments may be made in salary rates over which the Board has jurisdiction without the approval of the Board, if they are made in accordance with the terms of a salary agreement or salary rate schedule and as a result of

(a) individual promotions or reclassifications,

(b) individual merit increases within established salary rate ranges,

(c) operation of an established plan of salary increases based on length of sevice,

(d) increased productivity under incentive plans,

(e) operation of a trainee system, or

(f) such other reasons or circumstances as may be prescribed in orders, rulings, or regulations, promulgated under the authority of these regulations.

No such adjustments in salary rates, however, shall result in any substantial increase of the level of costs or shall furnish the basis either to increase price ceilings of the commodity or service involved or to resist otherwise justifiable reductions in such price ceilings.

IV. *Exempt Employers.* Pursuant to section 4001.11 of the said Regulations salary adjustments made by employers who employ not more than eight individuals are exempted from the provisions of sections 4001.6, 4001.7 and 4001.8 of the said Regulations and may therefore be made without the approval of the National War Labor Board.

V. *Statutory Salaries and Wages.* The said Regulations, pursuant to section 4001.13 thereof, are not applicable to any salary or wages paid by the United States, any state or political subdivision thereof, the District of Columbia, or any agency or instrumentality of any one or more of the foregoing where the amount of such salary or wages is fixed by statute. Adjustment in such salaries or wages may therefore be made without the approval of the National War Labor Board.

VI. *Decreases in Salaries of Less than $5,000 over which the National War Labor Board has jurisdiction as Defined in Section I of this Order.* Pursuant to section 4001.7 of the said Regulations, no decrease in a salary rate paid to an employee for any particular work, and over which the National War Labor Board has jurisdiction as defined in Section I of this Order, may be made by the employer below the highest salary rate paid for such work between January 1, 1941 and September 15, 1942, without the prior approval of the Board.

§ 81.1006 *Methods for providing new facilities.* * * *

(e) *Plan V: Government Ownership-Supply Contract*—(1) *Purpose.* For cases in which the contractor will acquire facilities (other than real estate and buildings) for the account of and to be paid for by the Government; facilities to be used by contractor to manufacture supplies under War Department Supply Contract; contractor to pay cost of repairs and replacements during life of contract to the extent that the necessity for such repairs and replacements is due to wear and tear resulting from operational activities. This type of Governmental financing is provided for by the article entitled "Government-Owned Facilities", § 81.332.

(2) *Financing.* Government funds.

(3) *Title.* Vested in the Government, with option in contractor, in certain cases, to buy at cost less depreciation.

§ 81.1013 *Approval of contracts required in special cases.* All emergency plant facilities contracts, all special facilities contracts and all contracts required to be submitted under § 81.1007, will be submitted to the Director, Purchases Division, Headquarters, Services of Supply, for approval.

§ 81.1108 *Purchase of used or second-hand materials*—(a) *General policy.* In view of the prevalent shortages of raw materials, manufacturing facilities, and labor, in the placing of contracts and purchase orders consideration will be given in every instance to whether second-hand or used articles or articles in dealers' stocks will serve the Government's purpose instead of new articles. In determining whether second-hand or used articles should be procured in any given instance, factors which should be given consideration include the following, among others:

(1) Whether used articles suitable for the particular purpose are available at reasonable cost and obtainable with reasonable effort.

(2) The length of time during which the articles in question are likely to be in use, the severity of the use to which they will be put, and the conditions under which they will be used.

(3) Whether used articles can meet the need for which the articles are being procured.

(4) Whether applicable specifications are more rigid than necessary in the light of the particular purposes for which the articles are being obtained.

(5) Whether any valid reasons of health or safety require the use of new articles. [In cases of doubt as to this factor, the Office of the Surgeon General or other appropriate expert adviser should be consulted.]

(6) Whether there is a shortage of new articles of the type involved and the extent to which the manufacture of such articles involves the use of critical materials, manufacturing facilities of a type presently overburdened, or labor which can be utilized otherwise effectively in war work.

(b) *Enforcement of the policy.* The chiefs of each supply service will each at frequent intervals call the attention of all procurement offices and agencies under his direction to the provisions of this and the preceding paragraph, will made adequate provision for the enforcement of the policy therein declared and will place responsibility upon a designated member of his staff for requiring compliance with that policy to the greatest extent practicable.

(c) *Removal of obstructions to procurement.* In any case where it is believed that any provision of law, statute, executive order, or Army or departmental regulations prevents the effective procurement of suitable used articles or other articles already available instead of new articles, this fact will be brought to the attention of the Director, Purchases Division, Headquarters, Services of Supply, through the chief of the supply service concerned, so that appropriate action may be taken pursuant to the First War Powers Act, 1941 and Executive Order 9001, or otherwise, to remove any obstruction to such procurement.

The paragraph relating to forms of contracts preceding § 81.1301 is amended as follows:

FORMS OF CONTRACTS

The contract forms contained in § 81.1301 et seq. [listed in the Table of Contents below] are approved for use for War Department purchases, subject to §§ 81.322–81.360, inclusive. It should be noted that many of the contract articles are set out by reference to said sections. In preparing contracts the standard clauses contained in the articles referred to will be set out only if, and to the extent that, their inclusion is required by the provisions of the sections referred to. There will be set out such of the other clauses contained in §§ 81.322 to 81.360, inclusive, not expressly referred to in the form, as are required for any particular contract. In certain cases it will be necessary to make certain editorial changes in the clauses contained in §§ 81.322 to 81.360 so that certain words or phrases used throughout the contract will be in conformity.

War Depart. Contract Form No.	*Description*	*Section*
1	Lump Sum Supply Contract	81.1301
2	Lump Sum Construction Contract	81.1302
3	Cost-Plus-A-Fixed-Fee Construction Contract	81.1303
4	Cost-Plus-A-Fixed-Fee Architect-Engineer Contract	81.1304
5	Short Form Supply Contract (Negotiated)	81.1305
6	Offer and Acceptance	81.1306
7	Letter Purchase Order	81.1307
8	Letter Contract (Supplies)	81.1308
9	Letter Contract (Fixed-Fee Construction)	81.1309
10	Letter Contract (Lump Sum Construction)	81.1310
11	War Risk Indemnity Contract	81.1311
*12	Fixed-Fee Architect-Engineer-Construction - Management Services Contract	81.1312
20	Supplemental Agreement for Advance Payments with Interest on Fixed-Price Contracts	81.1320
21	Supplemental Agreement for Advance Payments with Interest on Fixed-Fee Contracts	81.1321
22	Supplemental Agreement for Advance Payments with Interest on a Letter Purchase Order	81.1322
23	Supplemental Agreement for Advance Payments without Interest on Fixed-Price Contracts	81.1323
24	Supplemental Agreement for Advance Payments without Interest on Fixed-Fee Contracts	81.1324
25	Supplemental Agreement for Advance Payments without Interest on Letter Purchase Order	81.1325

*This form, which was previously designated W. D. Contract Form No. 4A has for convenience been renumbered 12.

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-12896; Filed, December 4, 1942; 12:06 p. m.]

TITLE 15—COMMERCE

Subtitle B—Regulations Relating to Commerce

Chapter III—Bureau of Foreign and Domestic Commerce

[Order No. 253]

PART 300—CHINA TRADE ACT REGULATION

ANNUAL REPORT

Section 300.14, *Annual report,* i amended by changing the period afte "March 15" in the existing proviso to a semicolon and inserting immediately thereafter the following: "*Provided further,* That in all cases the time for filing said report for any year beginning after December 31, 1940, is extended until the fifteenth day of the sixth month following the month in which the present war with Germany, Italy, and Japan is terminated, as proclaimed by the President, or to such other extended date as the Registrar or the Secretary of Commerce shall set." (Secs. 12 (a), 17 (a), 42 Stat. 853, 854; 15 U.S.C. 152, 157.)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

DECEMBER 4, 1942

[F. R. Doc. 42-12903; Filed, December 4, 1942; 4:43 p. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

[Docket No. FDC-36]

PART 51—CANNED VEGETABLES, DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY AND FILL OF CONTAINER

CANNED PEAS; ORDER AMENDING DEFINITION AND STANDARD OF IDENTITY

Correction

The last paragraph of the document appearing on page 9918 of the issue for Tuesday, December 1, 1942, should read as follows:

The regulations hereby promulgated shall become effective on the ninetieth day following the date of publication of this order in the FEDERAL REGISTER.

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

[General Order 17]

AUTHORIZATION TO THE OFFICE OF PRICE ADMINISTRATION TO ESTABLISH AREA PAY SCALES FOR LOCAL BOARD CLERKS

§ 803.17 *General Order No. 17.* (a) The National War Labor Board authorizes the Office of Price Administration in establishing area pay scales for its local board clerks to apply in each area the appropriate area pay scale set forth in the instructions contained in its Field Administrative Letter No. 7, Revised Supplement Number 1; provided, however, that before any such pay scale is made effective it must be certified by the Regional Director of the National War Labor Board that the pay scale appropriate to the area has been properly chosen in accordance with the provisions of said instructions.

(b) Upon approval by the Regional Director the new rates shall apply to all new appointments, promotions, demotions, transfers, and replacements, but they shall not be applied to reduce the rates of pay of present employees in their present positions.

(c) The Office of Price Administration shall file with the Board's appropriate Regional Office copies of any proposed changes in area pay scales, and shall supply any other information or reports the Board may require.

(d) The Regional Director is hereby authorized to approve such proposed changes in area pay scales, when so filed, unless he finds them inconsistent with Executive Order 9250 and the policies and orders of the National War Labor Board. His action on such proposed changes shall be subject to the review provided in the Board's "Procedure in Cases of Voluntary Applications for Wage Adjustments by Private Employers."

(E.O. 9250, 7 F.R. 7871)

ROBERT ABELOW,
Assistant Executive Secretary.

[F. R. Doc. 42-12893; Filed, December 4, 1942; 12:12 p. m.]

PART 803—GENERAL ORDERS

[General Order 18]

AUTHORIZATION TO THE NAVY DEPARTMENT TO PASS ON WAGE AND SALARY ADJUSTMENTS OF ITS CIVILIAN EMPLOYEES

§ 803.18 *General Order No. 18.* (a) The National War Labor Board hereby delegates to the Secretary of the Navy, to be exercised in his behalf by the Office of the Assistant Secretary of the Navy (hereinafter referred to as "The Navy Department Agency"), power to rule upon all applications for wage and salary adjustments (insofar as approval thereof has been made a function of the National

War Labor Board), covering civilian employees within the continental limits of the United States and Alaska, employed directly by the Navy Department (but excluding persons employed in government owned, privately operated facilities of the Navy Department), all in accordance with the further provisions of this order.

(b) In the performance of its duties hereunder the Navy Department Agency shall comply with the terms of Executive Order No. 9250, dated October 3, 1942, and all General Orders and policies of the National War Labor Board, heretofore or hereafter, announced thereunder. The Navy Department Agency, without making an initial ruling thereon, may refer to the Board for decision by the Board, any case which in the opinion of the Agency presents doubtful or disputed questions of sufficient seriousness and import to warrant direct action by the Board.

(c) The Navy Department Agency shall transmit to the Review and Analysis Division of the National War Labor Board copies of its rulings and rules of procedure, if any, and such additional data and reports as said Division or the Board may from time to time deem necessary.

(d) Any ruling by the Navy Department Agency or the Secretary of the Navy, hereunder shall be final, subject to the National War Labor Board's ultimate power to review rulings on its own initiative.

(e) Any ruling by the Navy Department Agency or the Secretary of the Navy hereunder shall be deemed to be the act of the National War Labor Board, unless and until reversed or modified by the Board. Any such order of reversal or modification shall allow a period of two weeks from the date of the Board's order within which to comply with the order.

(E.O. 9250, 7 F.R. 7871)

ROBERT ABELOW,
Assistant Executive Secretary.

[F. R. Doc. 42-12892; Filed, December 4, 1942; 12:12 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1722]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1 and for a change in shipping points for Mine Index Nos. 3268 and 653; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I and R-II, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith, the shipping points appearing in the aforesaid Supplement R-II for the coals of Mine Index Nos. 3268 and 653 shall be as therein shown instead of the shipping points heretofore applicable to these mines.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: November 25, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	
2623	Chest Creek Coal Company (Elizabeth Y. Radomsky).	Miller Run #8	17	B	Hastings, Pa.	PRR	50	(†)	(†)	(*)	C	(
3833	Creekside Coal Co. (Wm. Hawkins).	Creekside #2	13	E	McCartney, Pa.	PRR	45	(†)	(†)	F	(†)	(†)
1770	Miller, John D	John D. Miller Coal Co.	32	E	Jerome, Pa	B&O	100	G	(†)	(*)	G	(†)
3834	O'Donnell, W. F. & A. A. (W. F. O'Donnell).	Gaylord	3	Bloss	Blossburg, Pa	Erie	130	C	C	C	C	C
2979	O'Donnell, W. F. & A. A (W. F. O'Donnell).	Seymour	3	Seymour	Blossburg, Pa	Erie	130	(*)	H	(*)	(*)	(*)
3835	Walker, John D	Leland #12	13	D	Madera, Pa	PRR	45	(†)	(†)	D	D	D

†Indicates no classification effective for this size group.
*Indicates coal in this size group previously classified and priced.

§ 321.7 *Alphabetical list of code members*—Supplement R-II

Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3268	Beechnut Coal Co. (George A. Phillips).	Beechnut Coal Co.	33	B	Hillsboro, Pa	PRR	49	(†)	(†)	A	(†)	(†)
653	Salisbury Construction Co. (T. J. Cramblett).	Big Vein #1	41	Pittsburgh	Salisbury Jct., Pa.	B&O	100	(†)	(†)	F	(†)	(†)

†Indicates no classification effective for this size group.

NOTE: The above prices are applicable only via the respective Freight Origin Group, Shipping Point, and Railroad shown for the respective mines. Freight Origin Groups, Shipping Points, and Railroads previously assigned to these mines are no longer applicable.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal, double screened, top size 2″ and over	Double screened, top size 2″ and under	Run of mine, modified R/M	2″ and under, slack	¾″ and under, slack
						1	2	3	4	5
Bunce, Joe	3654	Bunce	2	Elk	Alton	(†)	(†)	240	(†)	(†)
Chest Creek Coal Company (Elizabeth Y Radomsky).	2623	Miller Run #8	17	Cambria	B	(†)	(†)	(*)	245	23
Clawson, Walter K	3749	Clawson	15	Indiana	E	(†)	(†)	245	(†)	(†)
Creekside Coal Co (Wm. Hawkins).	3833	Creekside #2	13	Clearfield	E	(†)	(†)	240	(†)	(†)
D & C Coal Company (Albert Deacon).	3772	D & C	8	Clearfield	B	(†)	(†)	230	(†)	(†)
Fye, James A	3690	Fye	6	Jefferson	E	(†)	(†)	240	(†)	(†)
Haupt, G. Edward	3774	Haupt (S)	9	Centre	D	(†)	(†)	250	(†)	(†)
Miller, John D	1770	John D. Miller Coal Co.	32	Somerset	E	260	(†)	(*)	225	(†)
O'Donnell, W. F & A. A. (W. F. O'Donnell).	3834	Gaylord	3	Tioga	Bloss	347	322	322	312	30
O'Donnell, W. F. & A. A. (W. F O'Donnell).	2979	Seymour	3	Tioga	Seymour	(*)	297	(*)	(*)	(*)
Peterson, Albert	1894	Albert Peterson	6	Jefferson	D	270	245	(*)	235	22
Robinson & Davis (William I. Robinson).	3742	Robinson & Davis	9	Centre	B	(†)	(†)	235	(†)	(†)
Rydesky & Stampee (John E. Rydesky).	3557	Rydesky	2	Cameron	Alton	265	(†)	240	230	(†)
Shaffer, Earl & Garwood (Earl Shaffer).	3770	Shaffer Mine	36	Somerset	E	(†)	(†)	245	(†)	(†)
Smith, Jack	3812	Blakely #1	22	Indiana	Pittsburgh	(†)	(†)	245	(†)	(†)
Smith, Jack	3813	Blakely #2	22	Indiana	Pittsburgh	(†)	(†)	245	(†)	(†)
Thomas, Dan & Glenn (Dan Thomas).	3769	Thomas	3	Lycoming	Bloss	(†)	(†)	255	(†)	(†)
Walker, John D	3835	Leland #12	13	Clearfield	D	(†)	(†)	250	240	230

†Indicates no classification effective for this size group.

*Indicates classifications and prices previously established for these size groups.

[F. R. Doc. 42-12887; Filed, December 4, 1942; 12:03 p. m.]

[Docket No. A-1700]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 2, for changes in shipping points for certain mines in District No. 2.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting changes in shipping points, railroads and freight origin groups for certain mines in District No. 2; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

A petition of intervention filed with the Division in the above-entitled matter by District Board No. 3 having been withdrawn; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members* is amended by adding thereto Supplement R-I, and § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R-II, which supplements are hereinafter set forth and hereby made a part hereof and commencing forthwith the shipping points, railroads and freight origin groups shown therein shall be effective in place of those formerly established for these mines.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered, except however, that the shipping point at Monaca, Pennsylvania, for Mine Index No. 785 shall be effective only for a period of 180 days from the date of this order.

Dated: November 25, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Sub district No.	Shipping point	Railroad	Freight origin group No.	Size group numbers															
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
344	Jefferson Coal & Coke Corp	Hanlin (Strip)	Pittsburgh	7	Hanlin Mine, Pa	PRR	75	L	L	J	J	J	J	K	K	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)
785	Shane Brothers (Frederick H. Shane)	Shane Bros	U. Freeport	1	Monaca, Pa.[1] Josephtown, Pa	P&LE P&LE	134	D	D	C	C	F	F	G	G	G	(†)	(†)	†	(†)	(†)	†	(†)
943	Tuck & Miller	Tuck & Miller	U. Freeport	1	Queens Junction, Pa	WA	21	F	F	E	E	E	E	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no classification effective for this size group.

NOTE.—The above prices are applicable only via the respective Freight Origin Groups, Shipping Points, Railroad and Railroad Fuel Groups shown for the respective mines. Freight Origin Groups, Shipping Points, Railroads and Railroad Fuel Groups shown in previous schedules are hereby deleted. Freight Origin Group No. 134 will take the same necessary and permissible adjustments as Freight Origin Group No. 73.

[1] Temporary loading point established at Monaca, Pennsylvania, for a period of 180 days from the date of this order.

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R-II. In § 322.9 (c) in Minimum Price Schedule, add the mine index numbers in groups shown. Group No. 2: 344, 785; Group No. 12: 943.

[F. R. Doc. 42-12889; Filed, December 4, 1942; 12:04 p. m.]

[Docket No. A-1728]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 2.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2; and

A motion dated November 10, 1942, having been duly filed with this Division by said petitioner on November 12, 1942, requesting that its original petition heretofore filed herein be amended with respect to the relief for Nassar & Geary (Elias Nassar) who operate the Alexander Mine (Mine Index No. 2575), by proposing Price Classifications "F", "F", "E", "E", "E", "E", "E" "E" and "E", respectively, for Size Groups 1 to 9, inclusive, in lieu of Price Classifications "D", "H", "H", and "H", respectively, for Size Groups 6 to 9, inclusive; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That said motion be, and the same hereby is, granted and that the original petition heretofore filed herein be, and the same hereby is, amended in accordance with said motion; and

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R-II, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: November 27, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Sub-dis-trict No.	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2581	Mapel-Sterling Coal Co. (C. A. Hout).	Mapel-Sterling (D)	Pittsburgh	3	Mapel-Sterling Works, Pa.	Mongh	30	F	F	E	E	E	E	E	E	E	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2576	Mowry, A. R	Mowry #1 (S)	Pittsburgh	7	Bruceton, Pa	P & WV	75	C	C	C	C	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2575	Nassar's & Geary (Elias J. Nassar).	Alexander (D)	Pittsburgh	3	Mapel Siding, Poland, Pa.	Mongh	30	F	F	E	E	E	E	E	E	E	(†)	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no classification effective for this size group.

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II. In § 322.9 (c) in Minimum Price Schedule No. 1 add the mine index numbers in groups shown. Group 2: 2576; Group 7: 2575, 2581.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes										
				Lump, over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea ¾" x 1¼"	Run of mine	2" N/S	1¼" slack	¾" slack
				1	2	3	4	5	6	7	8	9	10	11
ALLEGHENY COUNTY														
Collins & Schweinberg & Company (Raymond Schweinberg).	2584	Sal Ray #3	Pittsburgh	330	320	310	285	255	255	245	265	225	215	205
Mowry, A. R.	2576	Mowry #1 (S)	Pittsburgh	315	305	295	270	245	245	240	240	215	205	200
ARMSTRONG COUNTY														
Serene & Harmon (H. G. Serene).	2579	Kaufman	Freeport	290	280	270	250	245	235	220	225	205	195	185
BEAVER COUNTY														
Devitt, Glenn	2578	Devitt	Pittsburgh	295	285	275	250	240	225	215	225	200	190	180
FAYETTE COUNTY														
Crystal Mining Company (Edw. S. Higbee).	478	Crystal (D)	Pittsburgh	310	300	290	270	250	240	235	240	225	220	195
Hague, Edward White	2582	Leisenring #1 S. D	Pittsburgh	330	320	310	290	270	260	255	260	230	220	205
Hague, Edward White	2583	Leisenring #2 S. D	Pittsburgh	330	320	310	290	270	260	255	260	230	220	205
West, W. L. & V. P. (W. L. West).	2574	West	Pittsburgh	295	285	275	260	240	230	230	230	215	210	195
GREENE COUNTY														
Jones, Earnest W	2577	Jones	Pittsburgh	295	285	275	265	250	240	235	240	210	200	185
Nassar's & Geary (Elias J. Nassar).	2575	Alexander (D)	Pittsburgh	295	285	275	265	250	240	235	240	210	200	185
WESTMORELAND COUNTY														
Keystone Gas Coal Co. (James D. Dull).	2580	Morewood	Redstone	295	285	275	255	245	240	235	235	215	205	195

[F. R. Doc. 42-12888; Filed, December 4, 1942; 12:03 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

PART 971—ETHYL ALCOHOL AND RELATED COMPOUNDS

[General Preference Order M-30 as Amended Dec. 2, 1942 [1]]

Whereas the national defense requirements have created shortages of ethyl alcohol and related compounds for defense, for private account, and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof: *Now, therefore, it is hereby ordered*, That:

§ 971.1 *General Preference Order M-30*—(a) *Definitions*. (1) "Ethyl alcohol" means ethyl alcohol of 160 proof or more, denatured or undenatured, and from whatever source derived, but shall not include ethyl alcohol produced for beverage purposes.

(2) "Related compounds" means acetic acid, ethyl ether and ethyl acetate from whatever source derived.

(3) "Producer" means any person engaged in the production of ethyl alcohol or related compounds, and includes any person who has ethyl alcohol or any related compounds produced for him pursuant to toll agreement.

(4) "Distributor" means any person who has purchased or purchases ethyl alcohol or any related compounds for purposes of resale.

(5) "Calendar quarter" means the several three month periods of the year commencing January 1, April 1, July 1 and October 1.

(b) *Applicability of priorities regulations*. This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(c) *Restrictions on use and deliveries of ethyl alcohol*. Anything in Priorities Regulation 1 to the contrary notwithstanding, and except as hereafter may be otherwise directed by the Director General for Operations:

(1) No person shall, during any calendar quarter commencing January 1, 1942, accept delivery of ethyl alcohol for any purpose not specified in paragraphs (c) (2), (c) (3), (c) (4) and (k) hereof in excess of 100% of the quantity of ethyl alcohol which he used (distributed in the case of a distributor) for such purpose during the corresponding calendar quarter in the twelve months period ended June 30, 1941.

(2) No person shall during any calendar quarter commencing January 1, 1943, accept delivery of ethyl alcohol for a purpose set forth below in excess of 50% of the quantity of alcohol which was used (distributed in the case of a distributor) for such purpose during the corresponding calendar quarter in the 12-months period ended June 30, 1941; and no person shall during the month of December, 1942 accept delivery of ethyl alcohol for a purpose set forth below in excess of 50% of the quantity of ethyl alcohol which he used (distributed in the case of a distributor) for such purpose during December, 1940; provided further, however, that the quantity of ethyl alcohol used (or distributed) by such person for such purpose in the fourth quarter of 1942 shall not exceed 70% of the quantity used by him for such purpose in the corresponding quarter of 1940:

Sandy glazes.
Shoe polish.
Deodorants sprays (non-body).
All toiletries and cosmetics including but not limited to:
  Hair and scalp preparations.
  Bay rum.
  Shampoos.
  Face and hand creams and lotions.
  Body deodorants.
  Toilet waters.
  Perfume and perfume materials, tinctures and fixatives.
  Toilet soaps (including shaving cream).
  Mouth washes.
  Tooth cleaning preparations.
  Witch hazel.

For the purposes of this paragraph (c) (2) all toiletry and cosmetic uses of ethyl alcohol shall be considered as a whole, and the use during the base period of ethyl alcohol in a particular toiletry or cosmetic product may be used to support the future use of ethyl alcohol (in the indicated percentage) in a different toiletry or cosmetic product. For example, ethyl alcohol used in toilet waters during the base period would support the future manufacture of after shave lotions containing ethyl alcohol.

(3) No person shall, during any calendar quarter commencing July 1, 1942, accept delivery of ethyl alcohol for the manufacture of vinegar in excess of 110% of the quantity of ethyl alcohol which he used (distributed in the case of a distributor) for such purpose during the corresponding calendar quarter in the twelve months period ended June 30, 1941.

(4) Persons may, subject to Priorities Regulation 1, accept delivery of ethyl alcohol for the purposes set forth below without limitation:

Military explosives.
Acetic acid (except vinegar for food use).
Ethyl acetate.
Ethyl chloride.

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[1] This document is a restatement of Amend. 3 to M-30 as Amended August 8, 1942, which appeared in the FEDERAL REGISTER of December 4, 1942, page 10099, and reflects the order in its completed form as of December 2, 1942.

Other ethyl esters.
Plastics and resins (manufacture of).
Acetaldehyde.
Ethyl ether.
Basic medicinal chemicals not in compounded form.
Glycol and other ethers.
Fulminate of mercury.
Ethylene dibromide.
Xanthates.
Flotation reagents.
Ethylene gas and ethylene oxide.
Dyes and intermediates (manufacture of).
Nitrocellulose (dehydration).
Nitrocellulose (dissolving and as diluent).
Diethylamine (for the manufacture of synthetic rubber).
Hydrosulfites.
Pectin.
Shellac, natural resins and gums (dissolving).

(5) No producer shall, during any calendar quarter commencing January 1, 1942, use ethyl alcohol in excess of the quantity of ethyl alcohol, delivery of which he may accept pursuant to paragraphs (c) (1), (2) and (3) above.

(6) No producer or distributor shall deliver any ethyl alcohol to any person during any calendar quarter unless, prior to such delivery, the deliveree shall have submitted to the deliveror a certificate, properly filled out and manually signed by a duly authorized official, in substantially the following form:

The delivery, during the calendar quarter of ---- gallons of alcohol, which the undersigned requires for a purpose set forth, either specifically or otherwise, in paragraph (c) ( ) of General Preference Order No. M-30, as amended, and in connection with which this certificate is submitted, will not be, taking into consideration ---- alcohol received and to be received during this calendar quarter from all sources, in excess of ---- percent of the quantity of ---- alcohol which the undersigned used for the same purpose during the corresponding calendar quarter in the twelve months' period ended June 30, 1941, and will not be in excess of the quantity of ---- alcohol to which the undersigned is entitled pursuant to said order, with the terms of which the undersigned is familiar.

Dated:

(Name of deliveree)

By -----------------------
(Duly authorized official)

If a delivery is for one of the purposes specified in paragraph (c) (4) hereof, it will be sufficient to certify to that fact alone. If a delivery is for use in cutting shellac, delivery shall not be made by a producer or distributor unless the certificate of the deliveree shall set forth (in addition to the foregoing): "The quantity of ethyl alcohol received and to be received during the month for which delivery is hereby ordered will not exceed the quantity thereof required to cut and thin the quantity of shellac allocated to the undersigned for such month under Conservation Order No. M-106.

(7) The restrictions and requirements hereinabove set forth with respect to the use and delivery of ethyl alcohol shall not apply to delivery to:

(i) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeoronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development.

(ii) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies and Protectorates, and Yugoslavia.

(iii) The government of any country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(iv) Persons holding permits issued by the Bureau of Internal Revenue permitting them to acquire undenatured ethyl alcohol tax free.

Quantities permitted hereunder shall be in addition to quantities permitted under paragraph (c), (1), (2) and (3) hereof.

(d) *Small order exemption*. The restrictions and requirements set forth in paragraph (c) hereof shall not be applicable with respect to deliveries of quantities of ethyl alcohol of fifty-four gallons, or less, to any one person in any one month (less any quantities delivered to such person during such months from other sources).

(e) *Manufacture of anti-freeze*. The quantity of ethyl alcohol that may be used in the manufacture of anti-freeze shall be controlled by the provisions of General Limitation Order L-51, as amended from time to time.

(f) *Restrictions on production of ethyl alcohol*. Except as may be otherwise directed by the Director General for Operations, no producer shall, after January 15, 1942, produce ethyl alcohol from molasses (as defined in General Preference Order M-54, as amended) unless his equipment and facilities capable of producing ethyl alcohol from corn or grain are being utilized to the fullest extent possible in the production of ethyl alcohol from corn or grain.

(g) *Reports*. Reports shall be made at such times, on such forms and with respect to such matters as shall be prescribed by the Chemicals Division of the War Production Board.

(h) *Notification of customers*. Producers shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but the failure to give such notice shall not excuse any person from the obligation of complying with the terms hereof.

(i) *Violations*. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Appeals*. Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of ethyl alcohol and related compounds conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board, Reference M-30, attention Chemicals Division, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(k) *Prohibited deliveries*. On and after November 11, 1942, no person shall deliver ethyl alcohol or any compound or preparation containing ethyl alcohol for use as rubbing alcohol or for the manufacture of any rubbing alcohol compound or preparation; provided that this restriction shall not prevent deliveries to:

(1) The agencies, governments or persons specified in paragraph (c) (7) hereof:

(2) Licensed physicians, dentists and veterinarians;

(3) The holders of written prescriptions or orders of licensed physicians, dentists and veterinarians;

(4) A wholesale or retail druggist, for resale in accordance with this paragraph (k) only.

(5) A manufacturer of any rubbing alcohol compound or preparation or a packager or bottler of any such compound or preparation, for resale in accordance with this paragraph (k) only.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. (2a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12914; Filed, December 5, 1942; 11:18 a. m.]

PART 989—DOMESTIC MECHANICAL REFRIGERATORS

[Supplementary Limitation Order L-5-d as Amended Dec. 5, 1942]

§ 989.5 *Supplementary General Limitation Order L-5-d*—(a) *Definitions*. For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Domestic mechanical refrigerator" means any refrigerator for household use which operates either by compression or absorption and which has a net capacity (N. E. M. A. rating) of 16 cubic feet or less. A low temperature mechanical refrigerator designed for the

storage of frozen foods or for the quick-freezing of food, where the low temperature compartment customarily operates at a temperature of not higher than 15 degrees above zero (Fahrenheit) and contains 75% or more of the total refrigerating space in the refrigerator, shall not be considered a domestic mechanical refrigerator.

(3) "New domestic mechanical refrigerator" means any domestic mechanical refrigerator which has never been used by an ultimate consumer, including any such refrigerator which has been used merely for demonstration purposes.

(4) "Manufacturer" means any person who manufactures or assembles new domestic mechanical refrigerators.

(5) "Dealer" means any person (other than a manufacturer or distributor) engaged in the business of making sales at retail of new domestic mechanical refrigerators to the public.

(6) "Distributor" means any person engaged in the business of selling new domestic mechanical refrigerators to dealers for resale.

(7) "Transfer" means to sell, lease, trade, deliver, ship or otherwise transfer a new domestic mechanical refrigerator. "Transfer" does not include a transfer of title merely for security purposes or to a person financing a conditional sale, or a similar transaction made simultaneously with the transfer of the refrigerator itself to the purchaser; nor does it include the sale, lease or delivery of any new domestic mechanical refrigerator as part of the sale, lease or delivery of the dwelling unit or other premises in which such refrigerator is installed for use.

(8) "Affiliated distributor" means any distributor which is owned or controlled by a manufacturer or under common ownership or control with a manufacturer. A person shall be deemed to be owned or controlled by another person when more than 50% of its voting capital stock is directly or indirectly owned by such other person.

(9) "Independent distributor" means any distributor other than an affiliated distributor.

(b) *Restrictions on transfers of new domestic mechanical refrigerators.* No person shall transfer or accept transfer of any new domestic mechanical refrigerator except as permitted under the provisions of this paragraph (b). Whenever any manufacturer or distributor is authorized to transfer new domestic mechanical refrigerators under subparagraph (3) of this paragraph (b) or under paragraph (c) (2) (iii), such transfers shall be made as far as is practicable through his normal distributive outlets on a basis proportionate to his distribution of new domestic mechanical refrigerators to them, respectively, during the year 1941, regardless of any previous commitments or contracts.

(1) Any new domestic mechanical refrigerator may be transferred pursuant to a certificate of transfer under the provisions of paragraph (c) or pursuant to other specific authorization of the Director General for Operations.

(2) Any new domestic mechanical refrigerator may be transferred in fulfillment of any contract or purchase order for delivery of any such refrigerator to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration or the Panama Canal.

(3) Any new electric or gas (but not kerosene) domestic mechanical refrigerator, which, at 10 A. M. Eastern War Time, February 14, 1942, was in the inventory of a dealer, independent distributor or any other person not a manufacturer or affiliated distributor, may be transferred by any person to any other person without limit as to the number of transfers which may be made of any such refrigerator, provided that any transfer of a new domestic mechanical refrigerator to an ultimate consumer under the provisions of this subparagraph (3) may be made only if such transferee certifies in writing (which shall constitute a representation to the transferor and to the War Production Board) substantially as follows:

> The domestic mechanical refrigerator being transferred is for my personal use (or for the use of my family, or my tenants). I have no other domestic mechanical or ice refrigerator at my disposal (or, I have disposed of any domestic mechanical or ice refrigerator which has been at my disposal since February 14, 1942 to a dealer or consumer).

Any new electric or gas domestic mechanical refrigerator which at 10 A. M. Eastern War Time, February 14, 1942 had been bought and fully paid for and was in the hands of the seller at that time, shall be deemed to have been in the inventory of the purchaser at 10 A. M. Eastern War Time, February 14, 1942.

(4) Any new kerosene domestic mechanical refrigerator which at 10 A. M. Eastern War Time, February 14, 1942, had been bought and fully paid for by an ultimate consumer, and was in the hands of the seller at that time may be delivered to the purchaser.

(5) Any person may distrain or levy by execution, attachment or similar form of judicial process, on any new domestic mechanical refrigerators, or repossess them on default, but may not transfer them thereafter except pursuant to the provisions of subparagraphs (1) and (2) of this paragraph (b) unless the refrigerators come within the provisions of subparagraph (3) of this paragraph (b).

(6) Any manufacturer may sell any new domestic mechanical refrigerator to Defense Supplies Corporation and Defense Supplies Corporation may resell any such refrigerators to the manufacturer from whom they were purchased.

(c) *Transfer of new domestic mechanical refrigerators by a certificate of transfer.* The Director General for operations may in his discretion issue a certificate of transfer in either of the following forms:

(1) A certificate of transfer on Form PD–428 may be issued pursuant to a written application filed on Form PD–427 in accordance with the instructions contained thereon by a person desiring to purchase one or more new domestic mechanical refrigerators. Each such certificate of transfer, when signed by the Director General for Operations, authorizes the transfer to the person named of the refrigerators mentioned therein, in accordance with the terms stated. If the certificate is presented to a dealer or distributor who is unable to fill the order from his stock of refrigerators, such dealer or distributor may obtain the refrigerators necessary to fill the order by placing a written purchase order for such refrigerators with a manufacturer, distributor or other person endorsing thereon a statement in the following form:

> I (We) have received Certificate of Transfer, No. —, signed by the Director General for Operations, covering these refrigerators, and do not have them in stock.
>
> Name of Company
>
> By ------------------
>
> Title

Any person with whom a purchase order bearing such an endorsement is placed may, if he does not have enough refrigerators in stock to fill the order, extend it by placing his own purchase order with a Manufacturer or other person holding such refrigerators and endorsing thereon a statement in the following form:

> I (We) do not have these refrigerators in stock and they are required to fill an order placed with me by ----------, who certifies that he has received Certificate of Transfer, No. —, covering these refrigerators.
>
> Name of Company
>
> By ------------------
>
> Title

Any person with whom a purchase order for new domestic mechanical refrigerators is placed having an endorsement in either of the above forms, unless he knows or has reason to believe it to be false, shall be entitled to rely on such endorsement and may transfer the refrigerators specified in such order in accordance with its terms.

(2) A certificate of transfer on Form PD–430 may be issued in order to permit the transfer of new domestic mechanical refrigerators:

(i) From one warehouse or place of storage to another warehouse or other place of storage, whether or not it involves any change in the ownership or title of such refrigerators;

(ii) From any person to any other person when the transfer does not come within the provisions of subparagraph (1) of this paragraph (c); or

(iii) From any manufacturer or affiliated distributor to any person, without limit as to the number of transfers which may be made of any such refrigerators, provided that (*a*) the words "unlimited transfer" appear on such certificate; and (*b*) any transfer to an ultimate consumer made under the provisions of this subdivision (iii) of this paragraph (c) (2) may be made only if such transferee certifies in writing in the form mentioned in paragraph (b) (3) of this order.

Whenever such certificates for "unlimited transfer" are issued by the Director General for Operations he shall take into consideration the number,

price range, size and type of new domestic mechanical refrigerators in the stocks of manufacturers and affiliated distributors on February 14, 1942 and thereafter.

(d) *Instructions and forms.* The Director General for Operations may issue from time to time such instructions and forms as may be required to carry out the provisions of this order.

(e) *Records.* All persons affected by this order shall keep and preserve, for not less than two years, accurate and complete records concerning inventories, production and sales.

(f) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Reports.* (1) Each manufacturer shall file with the War Production Board, on or before the next business day after any shipment to or from his stock of refrigerators a report of all such shipments on Form PD–431.

(2) Each person (other than a manufacturer) holding any new domestic mechanical refrigerator which he cannot transfer under the terms of paragraphs (b) (3) or (c) (2) (iii) shall file with the War Production Board, on or before the next business day after any shipment to or from his stock of refrigerators a report of all such shipments on Form PD–431.

(3) All persons affected by this order shall file with the War Production Board such other reports and questionnaires as the Director General for Operations shall, from time to time prescribe.

(h) *Communications.* All reports to be filed and other communications concerning this order should be addressed to the War Production Board, Washington, D. C. Ref.: L–5–d.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using materials under priority control and may be deprived of priorities assistance.

(j) *Order L–5–b superseded.* On and after June 15, 1942 the provisions of this order shall supersede all the provisions of Supplementary Limitation Order L–5–b.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of December, 1942.

ERNEST KANZLER,
Director General for Operations.

INTERPRETATION 1

Supplementary General Limitation Order L–5–d, restricting the transfer of new domestic mechanical refrigerators, exempts from some of its restrictions a refrigerator which was in the hands of the seller at 10 a. m. Eastern War Time, February 14, 1942, and which "had been bought and fully paid for" prior to that time. The test to be employed in determining whether or not a refrigerator "had been bought and fully paid for" is whether the seller had received full payment at the specified time. If the full price of the refrigerator had been paid to the seller in cash, or by any other means, the refrigerator should be considered as "bought and fully paid for" regardless of the source of payment. It is not necessary that the full price be paid by the purchaser provided the seller had been fully paid. Thus if the purchaser had made a down payment of part of the purchase price and a finance company or bank had paid or credited the account of the seller with the balance of the price pursuant to a financing agreement with the purchaser, the refrigerators should be considered to have been "bought and fully paid for." In addition, in the absence of exceptional circumstances the receipt by the seller of a check prior to 10 a. m., Eastern War Time, February 14, 1942, for the full purchase price should be considered as payment in full before that time even though the check had not been cashed, deposited or otherwise collected. (Issued June 29, 1942.)

[F. R. Doc. 42-12907; Filed, December 5, 1942; 11:17 a. m.]

PART 1075—CONSTRUCTION

[Conservation Order L–41 as Amended Dec. 5, 1942]

War requirements of the United States have created a shortage of all materials required for war production and construction necessary thereto, for private account and for export; the War Production Board accordingly has stated as its policy that it is in the national interest that all construction which is not essential, directly or indirectly, to the successful prosecution of the war, and which involves the utilization of labor, material or construction plant urgently needed in the war effort, be deferred for the duration of the emergency; the following order is, therefore, necessary and appropriate in the public interest to conserve scarce materials by allocating them to essential uses and restricting their use in non-essential construction:

§ 1075.1 *Conservation Order L–41*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Construction" means the erection, construction, remodeling or rehabilitation of any building, structure or project, or additions thereto or extensions or alterations thereof, but not including maintenance or repair as defined in paragraphs (a) (10) and (11) below.

(3) "Residential construction" means any construction where the principal designed function of the building, structure or project is or will be to provide living space or accommodations.

(4) "Multiple residential construction" means any residential construction where the principal designed function of the building, structure or project is or will be to provide living space or accommodations for more than five families, or which is divided or to be divided into more than five suites.

(5) "Agricultural construction" means any construction, other than residential construction, where the principal designed function of the building, structure or project is or will be the production of agricultural products including, but not limited to, those produced by farmers, planters, ranchmen, dairymen, poultrymen, or nut or fruit growers.

(6) "Industrial construction" means any construction where the principal designed function of the building, structure or project is or will be the manufacture, processing or assembling of goods or materials.

(7) "Other restricted construction" means any construction, other than residential, multiple residential, agricultural, or industrial construction, including, but not limited to, commercial, highway, roadway, sub-surface, and utilities construction, whether publicly or privately financed.

(8) "Begin construction" means to initiate construction by physically incorporating into any construction material which is an integral part of the construction.

(9) "Cost" is meant to include the total cost of labor and material, including equipment, architects', engineers' and contractors' fees, insurance charges and financing costs.

(10) "Maintenance" means the upkeep of a building, structure or project in sound working condition.

(11) "Repair" means the restoration without change of design, of any portion of a building, structure or project to sound working condition, when such portion has been rendered unsafe or unfit for service by wear and tear or other similar causes, but not including the reconstruction or restoration of construction damaged or destroyed by fire, flood, tornado, earthquake, act of God or the public enemy.

(b) *Prohibited construction.* No person shall begin construction or order, purchase, accept delivery of, withdraw from inventory or in any other manner secure or use material or construction plant in order to begin construction, unless the construction is within one of the following classes:

(1) The construction is to be the property of the Army or Navy of the United States, the United States Maritime Commission, Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, or the Office of Scientific Research and Development.

(2) The construction consists of any building, structure or project which is used directly in the discovery, development or depletion of mineral deposits.

(3) The construction is of a type subject to the provisions of any order in the M–68 series (Part 1047) relating to the production and distribution of petroleum. Any such construction is permitted only to the extent authorized by the applicable order in the M–68 series.

(4) The construction is of telephone facilities or equipment (including facilities or equipment for such telegraph or teletypewriter service as may be con-

ducted by a telephone operator), other than buildings and is authorized or permitted under the terms of Conservation Order L-50 (§ 1095.1); or the construction is of railroad tracks, together with the necessary appurtenances thereto; but not including buildings, tunnels, overpasses, underpasses or bridges.

(5) The construction is of facilities, other than buildings, to be owned by a producer as defined in Preference Rating Order P-46 (§ 978.1) pertaining to utilities and is to be used directly in providing one or more of the services set forth in paragraph (a) (1) of said order.

(6) Agricultural construction of irrigation pipe lines or tile drains in which no materials except earth or other unprocessed material and clay or nonreinforced concrete tile or pipe, not more than 12 inches in internal diameter, are incorporated; or agricultural construction incident to the erection or installation of farm machinery or equipment, listed in Schedule A of Limitation Order L-170 (§ 1029.10) and manufactured by producers as defined therein.

(7) The construction can be completed with materials which are either on hand or can be obtained without making application for priorities assistance and upon completion will not require the incorporation of any materials, on site or off site, to supply electric, gas, water, steam, telephone or sewage disposal service, and

(i) The construction is residential (but not multiple residential) or is specifically listed on Schedule B, attached hereto, and the estimated cost is less than $200, or

(ii) The construction is multiple residential, agricultural, or other restricted construction, is not specifically listed on Schedule B, and the estimated cost is less than $1,000, or

(iii) The construction is industrial, is not specifically listed on Schedule B, and the estimated cost is less than $5,000, or

(iv) The construction is to reconstruct or restore residential (but not multiple residential) construction damaged or destroyed after December 31, 1941, by fire, flood, tornado, earthquake, act of God or the public enemy.

(8) (i) The construction is to reconstruct or restore agricultural construction damaged or destroyed after September 7, 1942, by fire, flood, tornado, earthquake, act of God or the public enemy, where the immediate reconstruction thereof is determined by the United States Department of Agriculture, in accordance with such administrative procedures as may be from time to time prescribed, to be essential to the agricultural program, provided, that within two weeks of such determination Form PD-200 is filed in accordance with the provisions of paragraph (f) of this order.

(ii) The construction is to reconstruct or restore industrial or other restricted construction damaged or destroyed after September 7, 1942, by fire, flood, tornado, earthquake, act of God or the public enemy, where the immediate reconstruction thereof is necessary for the prosecution of the war or the protection of public health or safety; provided that within five days of the damage or destruction notice thereof is given by telegraph to the War Production Board setting forth (i) the cause of the damage or destruction, (ii) the function of the building, structure or project which has been damaged or destroyed, (iii) the type of construction, (iv) why immediate reconstruction or restoration is necessary, and (v) the estimated cost of reconstruction; and provided further, that within two weeks of the giving of such telegraphic notice, Form PD-200 is filed in accordance with the provisions of paragraph (f) of this order.

Nothing contained in this subparagraph (8) shall be interpreted as a commitment that priorities assistance will be accorded to any particular construction authorized by the provisions of this subparagraph and the Director General for Operations may at any time either order said construction to cease or require any modification thereof that seems to him to be proper.

(9) The construction has been or is hereafter authorized by the Director of Priorities of the Office of Production Management or by the Director of Industry Operations or the Director General for Operations of the War Production Board by the issuance of:

(i) One of the preference rating orders or certificates listed on Schedule A attached hereto, as that schedule may be amended from time to time, according priorities assistance to the construction; or

(ii) An order specifically authorizing the construction, *Provided, however*, That the exceptions set forth in paragraphs (b) (7) (i), (b) (7) (ii), and (b) (7) (iii) shall not be construed to authorize separate or successive construction operations the aggregate cost of which over any continuous twelve-month period exceeds the amount specified in the applicable paragraph for the particular building, structure or project; not including in said aggregate cost the cost of any construction thereon during said period authorized under the provisions of paragraph (b) (9).

(c) *Prohibited deliveries.* No person shall accept an order for, sell, deliver, or cause to be delivered, material or construction plant which he knows, or has reason to believe, will be used in violation of the terms of this order.

(d) *Further construction limitations.* Nothing in this order shall be construed to authorize the use or delivery of any material, or the application or extension of any preference rating, in violation of the provisions of any conservation, limitation or other order or regulation heretofore or hereafter issued by the Director of Priorities, Office of Production Management, or by the Director General for Operations.

(e) *Orders or certificates not constituting authorization.* The assignment of a preference rating by a PD-1, PD-1A, or other certificate, or by any order other than those listed in Schedule A, shall not constitute authorization to begin construction.

(f) *Applications for authority to begin construction.* (1) If the applicant requires priorities assistance for the proposed construction, an application shall be made for the appropriate preference rating order or certificate listed on Schedule A on the form referred to therein.

(2) Where the applicant does not require priorities assistance, application for specific authorization to begin construction referred to in paragraph (b) (9) (ii) hereof may be made by filing Form PD-200 Revised, or such other forms as may hereafter be prescribed, together with a statement showing: (i) that no priorities assistance is requested; (ii) whether any previous application for authorization has been denied, and, if so, the reasons therefor and (iii) the total value of all construction on the particular building, structure or project in the preceding twelve-month period. Such forms or statements are to be filed as prescribed on Schedule A for the filing of applications for preference rating assistance for Preference Rating Order P-19-h.

(3) In applying either for priority assistance or for authorization to begin construction, the applicant should also submit additional information as to the necessity for the proposed construction, any exceptional hardships which the restrictions of this order impose upon him, the effect on employment conditions if the application is denied, and any other pertinent facts.

(g) *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the Director General for Operations in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(h) *Communications.* Applications, communications and reports under this order shall, unless otherwise directed, be addressed to, War Production Board, Washington, D. C. Ref: L-41.

Those relating to residential construction shall in addition be conspicuously marked "Res.", those relating to multiple residential construction "M. R.", those relating to agricultural construction, "Agr.", those relating to industrial construction, "Ind.", and those relating to other restricted construction, "O. R."

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued December 5th, 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A [1]

The following preference rating orders and certificates are listed pursuant to paragraph (b) (11) (i) of the above order. A general description of the type of construction covered by each, the appropriate application form and where such form should be filed, are given solely for purposes of identification.

Preference rating order	Type of construction	Application forms	Where filed
P-14-a P-14-b	Shipyards and shipways	No form	Maritime Commission Washington, D. C.
P-19 P-19-a	Buildings, structures and projects important to the war effort and essential civilian needs, other than housing.	No further application accepted under P-19 and P-19-a. Apply for P-19-h.	
P-19-d P-19-g	Publicly financed housing	Application is made only by the Federal agency principally interested in the construction.	
P-19-e	Public roads	Application is made by or through the Public Roads Administration of F. W. A.	
P-19-h P-19-i	Buildings, structures and projects important to the war effort and essential civilian needs, other than War Housing.	Form PD-200	At the following places or such other places as may be prescribed: Residential (except farm dwelling): With field office of FHA having jurisdiction of the site. Agricultural (including farm dwellings): With Dept. of Agriculture County War Board having jurisdiction over location of the site. All other types of construction: With War Production Board, Washington, D. C.
P-41	Construction of air transport facilities.	(Expired October 1, 1942).	
P-55 P-55 Amended	Privately financed war housing.	Form PD-105	With FHA field office having jurisdiction over location of site.
P-98-b	Construction related to petroleum enterprises as defined and limited therein.	See orders in M-68 series	
P-110	Remodeling of housing in defense area.	Form PD-406	With field office of FHA having jurisdiction over location of site.
P-130	Construction of certain facilities other than buildings by telephone companies, and	See order	With War Production Board, Washington, D. C., or such other place as may be prescribed.
	Construction by such companies of facilities necessary to serve defense projects.	PD-685	
P-132	Construction of certain facilities other than buildings by telegraph companies, and	See order	With War Production Board, Washington, D. C., or such other place as may be prescribed.
	Construction by such companies of facilities necessary to serve defense projects.	PD-683	
Certificates PD-3 and PD-3A.	Principally buildings, structures and projects owned or to be owned by the Army, Navy or certain other Governmental agencies.	PD-3A	With the contracting or procurement official having jurisdiction over the contract.

SCHEDULE B

The following buildings, structures or projects are listed pursuant to paragraph (b) (7) (i) of the above order.

The building, structure or project has as its principal designed function:

(1) Public or private amusement, entertainment or recreation, with the exception of playgrounds for children.

(2) Occupancy by not more than five establishments selling or dispensing goods, merchandise, food or drink, or providing services.

(3) Use as a club, lodge, fraternity or sorority house, association, auditorium or assembly hall.

INTERPRETATION 1

(a) Paragraph (a) of Conservation Order No. L-41, as amended, places in different classes the construction of various buildings, structures or projects, and paragraph (b) (7) provides the limits within which the several classes of construction may be begun without authorization. Any building or structure shall be classified in accordance with such provisions unless it constitutes a part of a "project" as defined below, in which event the classification of the project shall control.

(b) The word "project" as used in paragraphs (a) (3), (a) (4), (a) (5), (a) (6), and (a) (7) in defining the classes of construction and as used elsewhere in the order, means all separate buildings, structures, or units of construction situated in close proximity to each other and integrated to serve a single general use; it does not mean a particular construction operation or job.

Generally speaking whether separate buildings, structures or units of construction together constitute a project depends upon the exact engineering, functional, and other phases of the particular construction involved. The fact that one or more buildings, structures, or units of a single project come within a class or classes of construction different from the class within which the project falls is of no consequence, inasmuch as the class within which the entire project falls will be determined by its predominant designed use in accordance with paragraph (b) of Interpretation No. 1 of Conservation Order L-41 issued June 6, 1942. However, a separate building, structure, or unit of construction situated in close proximity to a project, whether of the same or different classification, is not part of said project, unless it is integrated to serve the same general use as said project.

In no case shall a single building or structure be subdivided into more than one project for the purpose of this order.

(c) "Total cost of labor" as used in paragraph (a) (9) means (1) actual money outlay for labor employed in the construction; and (2) estimated value of all labor performed in the construction not entailing actual money outlay, excluding only the labor of an owner or tenant and members of the owner's or tenant's immediate family residing with him, on a building, structure or project owned or leased by him. (Issued September 5, 1942.)

INTERPRETATION 2

(a) "Construction", as defined in paragraph (a) (2), includes the laying of asphalt tile, linotile, cork tile, rubber tile, and linoleum, if the same is cemented to or in any way is affixed to the construction.

(b) The application of siding or roofing is "construction," as the word is used in paragraph (a) (2), where such siding or roofing is applied to a portion of a building or structure which is not in need of "repair," as the word is used in paragraph (a) (11). (Issued November 6, 1942.)

[F. R. Doc. 42-12908; Filed, December 5, 1942; 11:17 a. m.]

PART 1217—COCOA

[Conservation Order M-145 as Amended Dec. 5, 1942]

The uncertainty of shipments of cocoa beans from abroad and the fulfillment of requirements for the defense of the United States have created a shortage in the supply of cocoa beans for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1217.1 *Conservation Order M-145—(a) Applicability of Priorities Regulation 1.* This order, and all transactions affected thereby, are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(b) *Definitions.* For purposes of this order, "process" means subjecting cocoa beans to any grinding, pressing, or other processing operation.

(c) *General restrictions.* (1) Except as otherwise permitted in this paragraph, no person shall process more cocoa beans during any quota period than his quota for that period, such period and quota to be determined by the Director General for Operations from time to time.

(2) Any person who processes cocoa beans shall sell the products resulting from such processing equitably to purchasers and shall not favor purchasers

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[1] As amended Dec. 5, 1942.

who buy other products from him nor discriminate against purchasers who do not buy other products from him.

(3) Any person who has had, or has, cocoa beans owned by him processed for his account by some other person shall, for purposes of computing his quota and charges thereto, consider such cocoa beans as though processed by him.

(4) Notwithstanding the foregoing restrictions, any person may, without charge to his quota, process such amount of cocoa beans as may be necessary to provide him or any other person with material to fill actual orders with or for any of the following persons:

(i) The Army, the Navy, the Defense Supplies Corporation, Veterans Administration hospitals and homes, or any Agency of the United States Government for supplies to be delivered to, or for the account of, the government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act),

(ii) The American Red Cross or the United Service Organizations.

(iii) Any person for retail sale through concession restaurants at army or navy camps or through outlets not operating for private profit and established primarily for the use of army or navy enlisted personnel within army or navy establishments or on army or navy vessels, including post exchanges, sales commissaries, officers' messes, servicemen's clubs, and ship service stores.

(5) All quotas hereunder shall be calculated quantitatively in terms of pounds.

(6) During any quota period, any person who processes cocoa beans may utilize not more than one-tenth of his quota for the preceding quota period if the portion of the quota so carried over was not utilized by him during such preceding quota period.

(7) On and after December 15, 1942, no person shall accept delivery of or use any material produced from cocoa beans for any of the following purposes in connection with production for sale:

(i) Manufacturing chocolate shot,

(ii) Manufacturing hollow-molded novelty items,

(iii) Manufacturing solid chocolate novelty items,

(iv) Partially or wholly coating novelty items,

(v) Partially or wholly coating miniature candy pieces weighing, when coated, less than $\frac{1}{60}$th of a pound, except all-nut (glazed or unglazed), all-peanut, or all-fruit (fresh, dried or preserved) pieces,

(vi) Applying chocolate decoration (other than "stringing"), by spray-gun, pastry-bag, or other methods, to chocolate-coated candy pieces.

For purposes of this subparagraph, "novelty item" means any candy piece manufactured in a special shape commemorating, symbolizing, or representing any holiday, event, person, animal, or object.

(8) No person shall deliver any material produced from cocoa beans to any other person with knowledge or reason to believe that such other person is not entitled, pursuant to paragraph (c) (7), to accept delivery thereof.

(d) *Reports.* Every person who processes cocoa beans after May 11, 1942, shall execute and file with the War Production Board such reports and questionnaires as said Board may from time to time require.

(e) *Records.* Every person who processes cocoa beans shall keep and preserve, for a period of not less than two years, records which, upon examination, will disclose his total monthly inventory of cocoa beans, the amount of cocoa beans processed each month, and his monthly use of the products resulting from such processing.

(f) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Applicability of order.* This order applies to all cocoa beans which on May 11, 1942, were in, or were thereafter brought into, the continental United States (excluding the Canal Zone and Alaska).

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(i) *Appeals.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board, setting forth the pertinent facts and the reasons he considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(j) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref: M–145.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12911; Filed, December 5, 1942; 11:17 a. m.]

INTERPRETATION 1

Paragraph (c) (4) of Order M–145 permits any person to process, without charge to his quota, such amount of cocoa beans as may be necessary to provide material for filling certain types of orders. Some processing methods yield two materials—cocoa butter and cocoa powder. Cocoa butter is used for some products; cocoa powder is used for other products. Some quota-exempt orders may require the use of only one of the two materials. While Order M–145 does not prohibit the use of the other material in filling orders which are not quota-exempt, the processor is accountable for the quantity of such other material if he subsequently receives quota-exempt orders requiring such material. Therefore, he may process cocoa beans, without charge to his quota, to supply such other material for those orders only if and to the extent that the quantity of such other material for which he is accountable is insufficient. (Issued June 9, 1942.)

PART 1261—LABORATORY EQUIPMENT

[Limitation Order L–144 as Amended Dec. 5, 1942]

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of laboratory equipment and the materials entering into the manufacture thereof for the war effort, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1261.1 *General Limitation Order L–144*—(a) *Definition.* For the purpose of this order:

"Laboratory equipment" means material, instruments, appliances, devices, parts thereof, tools and operating supplies for laboratories, or for use in connection with operations usually carried on in laboratories, not including second-hand items. The term does not include reagent chemicals which are defined as any chemical prepared and packed for reagent use in laboratories.

(b) *General restrictions.* (1) No person shall sell, deliver, rent, purchase, acquire or accept delivery of laboratory equipment in which there is incorporated or used aluminum, chromium, copper, iron, magnesium, molybdenum, nickel, steel, tantalum, tin, titanium, any alloy of said metals, rubber, neoprene or other synthetic rubber, or non-cellulose base synthetic plastics, except: (i) pursuant to a purchase order or contract having certified thereon a statement in the following form, signed manually, or as provided in Priorities Regulation No. 7 by an official duly authorized for such purpose:

CERTIFICATION

The laboratory equipment herein ordered will be used or sold in conformity with the provisions of General Limitation Order No. L–144, with the terms of which the undersigned is familiar.

Name ________________________________
By ________________________________
Signature of duly authorized official

or,

(ii) Pursuant to a purchase order or contract from the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Coast and Geodetic Survey, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, or the government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies and Protectorates ,and Yugoslavia.

(2) No person shall make the certification described in the foregoing paragraph for the acquisition of any item or quantity of the same item of laboratory equipment having a value of $50.00 or more, except for resale, or when authorized by the Director General for Operations under paragraph (b) (2) (vi) of this order pursuant to application on Form PD–620; nor shall any person make said certification for the acquisition of any laboratory equipment except for resale or use for one or more of the following purposes:

(i) Research on, or production, analysis or testing of, materials.

(ii) Research by or for the United States Army, Navy, Maritime Commission, or any other department, or agency of the government of the United States, or of any foreign country entitled to deliveries under the Act of Congress of March 11, 1941, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(iii) Training of personnel for the United States Army, Navy, Maritime Commission, or any other department of the United States, or for the government of any foreign country entitled to deliveries under the Act of Congress of March 11, 1941, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(iv) To the extent necessary for the replacement of essential existing equipment in laboratories affecting the public health, and in United States government, state, county, and municipal laboratories.

(v) To the extent necessary for repair parts and operating supplies for the maintenance of existing essential equipment and activities in laboratories.

(vi) For any use which the Director General for Operations determines is necessary and appropriate in the public interest, pursuant to application on Form PD–620.

(3) Said certification shall constitute a representation to the War Production Board and to the person with whom the purchase order or contract is placed, that the subject matter of the order or contract will be used or sold in accordance with the provisions of this order. Every person concerned shall be entitled to rely on said certification, unless he knows or has reason to believe it to be false.

(4) No manufacturer shall use any scarce material described in foregoing paragraph (b) (1), where and to the extent that the use of other material is practicable.

(c) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(d) *Records.* All persons to whom this order applies shall keep and preserve for not less than two years, accurate and complete records concerning inventories, production and sales, including copies of each purchase order or contract containing the certification hereinabove referred to.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Appeal.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal to the War Production Board setting forth pertinent facts and the reasons such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(i) *Communications.* All reports required to be filed hereunder or communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Safety and Technical Equipment Division, Technical and Scientific Equipment Section, Washington, D. C., Ref.: L–144.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued December 5, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–12909; Filed, December 5, 1942; 11:17 a. m.]

PART 3078—MATERIAL ENTERING INTO THE PRODUCTION OF AUTOMOTIVE TIRE CHAINS AND CHAIN PARTS

[Limitation Order L–201 as Amended Dec. 5, 1942]

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of steel, copper, molybdenum and other materials required in the production of tire chains, chain parts, and emergency unit chains for use on passenger automobiles and commercial vehicles for defense, for private account and export, the following order is deemed necessary and appropriate in the public interest:

§ 3078.1 *Limitation Order L–201*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Protection of production schedules.* Producers under the terms of this order may, notwithstanding the provisions of Priorities Regulation No. 1 (Part 944), schedule the production of tire chains, chain parts and emergency unit chains when produced under this order, as if the orders therefor bore a rating of AA–2X.

(c) *Definitions.* For the purposes of this order:

(1) "Tire chain" means a complete metal chain assembly produced for use on a tire of a passenger automobile or a commercial vehicle for the purpose of increasing the traction of the tire.

(2) "Chain parts" means cross chains, locks, hooks, straps, plates, repair links, and side chains produced for use in repairing tire chains.

(3) "Emergency unit chain" means a chain assembly of the strap-on or single-chain type containing not more than two cross chains per unit.

(4 "Passenger automobile" means any passenger vehicle propelled by an internal combustion engine and having a seating capacity of less than eleven (11) persons.

(5) "Light truck" means a complete motor truck or truck-tractor with a gross vehicle weight rating of less than 9,000 pounds, as authorized by the manufacturer thereof, or the chassis therefor.

(6) "Medium and/or heavy motor truck" means a complete motor truck or truck-tractor with a gross vehicle weight rating of 9,000 pounds or more, as authorized by the manufacturer thereof, or the chassis therefor.

(7) "Truck trailer" means a complete semi-trailer or full trailer having a load-carrying capacity of 10,000 pounds or more, as authorized by the manufacturer thereof, and designed exclusively for the transportation of property or persons, or the chassis therefor.

(8) "Passenger carrier" means a complete motor coach for passenger transportation, having a seating capacity of not less than eleven (11) persons.

(9) "Off-the-highway motor vehicle" means a motor truck, truck-tractor and/or trailer, operating off the public

highway normally on rubber tires and specially designed to transport materials, property or equipment on mining, construction, logging or petroleum development projects.

(10) "Commercial vehicle" means any light, medium or heavy motor truck, truck-tractor, truck trailer, off-the-highway motor vehicle or passenger carrier.

(11) "Consumer" means the owner or operator of the vehicle for which tire chains, chain parts, or emergency unit chains are required, or the user of such tire chains, chain parts or emergency unit chains, for any other purpose.

(d) *Limitations on types and sizes of tire chains, chain parts and emergency unit chains.* (1) On and after October 31, 1942, no producer shall manufacture any tire chains, chain parts or emergency unit chains containing any metal other than low carbon steel, or any tire chains, chain parts or emergency unit chains which are metallically plated.

(2) On and after October 31, 1942, no producer shall manufacture any tire chains or chain parts except for the tire sizes specified in subparagraph (5) below, and of the types designated A, C, G and M in Tire Chain Specifications No. 7140, copyrighted by The Chain Institute, Inc., Chicago, Illinois, and published July 1, 1940.

(3) On and after October 31, 1942, no producer shall manufacture any reinforced tire chains or reinforced chain parts except for the tire sizes specified in subparagraph (5) below and of the said types A, C, G and M.

(4) On and after October 31, 1942, no producer shall manufacture emergency unit chains, either of standard weight or reinforced, except for the tire sizes specified in subparagraph (5) below.

(5) Tire sizes for which production is authorized shall be limited to the following:

(i) For passenger automobile tires: 6.00–16, 6.00:16 light car special; 6.50–16; 7.00–16, 7.50–16.

(ii) For commercial vehicle tires: 6.50–20/32 x 6; 7.00–20; 7.50–16; 7.50–17; 7.50–20/34 x 7; 8.25–20; 9.00–20; 9.75–20.

(e) *Production of specially sized equipment.* Notwithstanding the provisions of paragraphs (d) (2) (3) (4) and (5) above, on and after October 31, 1942, tire chains, chain parts and emergency unit chains, in types and sizes other than those enumerated respectively in paragraphs (d) (2) and (5), may be produced when specially ordered for delivery by the producer direct to the consumer.

(f) *Limitations on production*—(1) *For passenger automobiles.* Between October 31, 1942 and November 1, 1943, no producer shall use in the production of tire chains, chain parts or emergency unit chains for passenger automobiles more than sixteen per cent (16%) of the total weight of metals contained in all of the tire chains, chain parts and emergency unit chains (whether for passenger automobiles or commercial vehicles) sold by him during the period beginning April 1, 1941 and ending March 31, 1942: *Provided,* That not more than twenty-five per cent (25%) of the material so authorized may be used in the production of tire chains of the sizes authorized for passenger automobile tires in paragraph (d) (5) (i) of this order.

(2) *For commercial vehicles.* Between October 31, 1942 and November 1, 1943, no producer shall use in the production of tire chains, chain parts or emergency unit chains for commercial vehicles, more than twenty-four percent (24%) of the total weight of metals contained in all of the tire chains, chain parts and emergency unit chains (whether for passenger automobiles or commercial vehicles) sold by him during the period beginning April 1, 1941 and ending March 31, 1942: *Provided,* That not more than twenty-five per cent (25%) of the material so authorized may be used in the production of tire chains of the sizes authorized for commercial vehicle tires in paragraph (d) (5) (ii) of this order.

(3) In fixing production quotas as provided for in paragraphs (f) (1) and (2) (ii) above, production during the base period on orders for delivery to or for the account of the Army, Navy and other persons enumerated in paragraph (g) below shall not be included.

(g) *Exceptions to applicability of this order.* The terms and restrictions of this order shall not apply to tire chains, chain parts or emergency unit chains sold to or produced under contracts or orders for delivery to or for the account of:

(1) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(2) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies and Protectorates, and Yugoslavia;

(3) Any agency of the United States Government for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(h) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning production and sales.

(i) *Reports.* All persons affected by this order, shall execute and file with the War Production Board such reports and questionnaires as the Board shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the War Production Board.

(j) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(l) *Appeals.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal to the War Production Board, setting forth pertinent facts and the reasons such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(m) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Automotive Division, Washington, D. C., Ref: Order L-201

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of December 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-12910; Filed, December 5, 1942; 11:17 a. m.]

Part 3120—Lithium Ore

[General Conservation Order M-253]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of lithium ore for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3120.1 *General Conservation Order M-253*—(a) *Definitions.* For the purpose of this order:

(1) "Lithium ore" means any or all of the following minerals: spodumene, lepidolite, amblygonite, triphylite, petalite, and zinnwaldite. It also includes crude lithium sodium phosphate and all other lithium bearing ores and concentrates. The term does not include lithium compounds as defined in Order M-191.

(2) "Supplier" means any person engaged in the mining of lithium ore, in the milling, treating, or concentrating of lithium ore, or in the selling of lithium ore.

(3) "Consumer" means any person who uses, consumes, or processes lithium ore in the manufacture of lithium compounds (as distinguished from lithium ore), of ceramics, or of any other product, or in any other process.

(4) "Use" means to use, consume, or process lithium ore in the manufacture of lithium compounds of ceramics, or of any other product, or in any other process. The term does not include the milling, treating, or concentrating of lithium ore where the resultant product is lithium ore.

(b) *Restrictions on delivery and use.* On and after December 5, 1942, no supplier shall make delivery of or use lithium ore, and no consumer shall accept delivery of or use lithium ore, except as authorized by the Director General for Operations. This restriction shall apply not only to lithium ore which shall be produced on and after such date but also to all stocks and reserves of lithium ore held within the continental limits of the United States as of such date, whether in private or Government hands. The Director General for Operations will from time to time allocate the supply of lithium ore and specifically direct the manner and quantities in which deliveries to or by particular persons shall be made or withheld; and he may also from time to time direct or prohibit particular uses of lithium ore. Such allocations and directions will be made to insure the satisfaction of defense requirements of the United States, both direct and indirect, and may be made, in the discretion of the Director General for Operations, without regard to any preference ratings assigned to particular contracts or purchase orders. The Director may also take into consideration the possible dislocation of labor and the necessity of keeping a plant in operation, so that it may be able to fulfill war orders and essential civilian requirements.

(c) *Reports.* On or before the 20th day of December 1942, and on or before the 10th day of each calendar month thereafter, each supplier shall file with the War Production Board, in quadruplicate, Form PD-728, and each consumer shall file with the War Production Board, in quadruplicate, Form PD-729. All persons affected by this order, including suppliers and consumers and persons owning or using products manufactured of lithium ore, shall file such other reports as may be required from time to time by the War Production Board.

(d) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(2) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Miscellaneous Minerals Division, Washington, D. C. Ref.: M-253.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of December 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-12912; Filed, December 5, 1942; 11:18 a. m.]

Part 3129—Sulfuric Acid

[General Preference Order M-257]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of oleum and other materials used in the manufacture of explosives for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3129.1 *General Preference Order M-257*—(a) *Definitions.* (1) "Sulfuric acid" means all grades or strengths of sulfuric acid, including oleum and spent sulfuric acid.

(2) "Oleum" means sulfuric acid plus sulfur trioxide and is the product also known by the name of fuming sulfuric acid.

(3) "Spent sulfuric acid" means that grade of sulfuric acid produced in the manufacture of military explosives and in the refining of petroleum.

(4) "Producer" means any person engaged in the production of sulfuric acid.

(b) *Allocations.* The Director General for Operations may allocate sulfuric acid to specified persons. He may direct the specific quantities in which deliveries shall be made to and accepted by specified persons, and direct or prohibit specified uses of sulfuric acid and the production by any person of sulfuric acid, or any strength or grade thereof. Allocations and directions will be made to insure the satisfaction of war requirements of the United States and may include allocations or directions respecting spent acid where necessary in the opinion of the Director, to promote, or prevent the curtailment of, the production of oleum and of military explosives. Allocations or directions may be made to eliminate cross-hauling and may be made without regard to any preference ratings assigned to particular contracts.

(c) *Applications and reports.* (1) Each producer of sulfuric acid and each other person who delivers spent sulfuric acid shall, on or before the 10th day of each month commencing with January 1943, file with the War Production Board, Form PD-601, in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form PD-601 may be obtained at local field offices of the War Production Board.

(ii) Prepare two copies and forward one to the War Production Board, Chemicals Division, Washington, D. C., Ref.: M-257, retaining the second copy for your files.

(iii) In the heading, under name of chemical, specify sulfuric acid; under WPB Order No., specify M-257; under name of company, state your name and mailing address; under unit of measure, specify tons (of 2,000 pounds each).

(iv) In the caption "This schedule is for deliveries to be made during the month of -------- 194--", strike out the words "to be" and insert the month preceding the month in which your report is filed, and the year.

(v) Insert in Column 1 the name of each customer to whom in the preceding month you shipped sulfuric acid in tank truck, tank car, tank barge or pipe line. Shipments by other means, including drum or carboy, are not to be listed separately. All persons to whom you shipped by such other means in the prior month will be lumped in Table I under the title "all others". If you consume all or part of your own production of sulfuric acid you will list yourself as a customer in Column 1.

(vi) In Columns 3 and 8, specify strength in degrees Baumé or percentage of sulfuric acid.

(vii) Leave blank Columns 5, 6 and 7.

(viii) In heading "Quantity ordered" at top of Column 4, strike out word "ordered" and substitute word "delivered".

(2) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue further special directions to any such person with respect to preparing and filing Forms PD-601.

(d) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(4) *Communications to War Production Board.* All reports required to be

filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C., Ref: M-257.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12913; Filed, December 5, 1942; 11:18 a. m.]

PART 1176—IRON AND STEEL CONSERVATION

[Amendment 1 to General Conservation Order M-126 as Amended Nov. 30, 1942]

General Conservation Order M-125 [7 F.R. 9941] (§ 1176.1) is hereby amended in the following respects:

1. By amending the item on List A which reads:

	Governing date
Cans, containers, closers and closures:	
Cans or containers for	None
Anti-freeze (under 5 gal. size).	
Artist supplies.	
Tobacco products.	
Bouillon cubes.	
Candy.	
Caviar.	
Chalk.	
Coffee.	
Cloves.	
Incense.	
Lawn seed.	
Nuts.	
Pencils.	
Phonograph needles.	
Playing cards.	
Razor blades—except metal holders which are integral parts of the mechanism for inserting blades into safety razors.	
Sponges.	
Staples.	
Tennis balls.	
Toilet water.	
Yarn.	
Cosmetics and toiletries	July 15, 1942
Closers for paper and cellophane bags—except bags for 25 lb. content or more	Nov. 5, 1942
Closures for glass coffee containers—except that such closures may be processed until December 1, 1942 from distressed stocks of black plate lithographed on or before September 3, 1942	None
Closures for cosmetics and toiletries	July 15, 1942

to be and read as follows:

	Governing date
Cans, containers and closures for	None.
Anti-freeze (under 5 gal. size).	
Artist supplies.	
Tobacco products.	
Bouillon cubes.	
Candy.	
Caviar.	
Chalk.	
Cans, containers and closures for—continued.	None
Coffee—except that closures for glass containers may be processed until December 1, 1942 from distressed stocks of black plate lithographed on or before September 3, 1942.	
Gloves.	
Incense.	
Lawn seed.	
Nuts.	
Pencils.	
Phonograph needles.	
Playing cards.	
Razor blades—except metal holders which are integral parts of the mechanism for inserting blades into safety razors.	
Sponges.	
Staples.	
Tennis balls.	
Toilet water.	
Yarn.	
Cosmetics and toiletries	July 15, 1942
Closers for paper and cellophane bags—except bags for 25 lb. conten' or more	Nov. 5, 1942

2. By deleting the item on List A which reads:

Oil well pumping units[1]—except	Nov. 5, 1942
Brackets.	
Cranks.	
Equalizers.	
Pitmans.	
Reduction gears and case.	
Saddle bearings.	
Steel pin connections.	
Washers.	

3. By amending the item on List S which reads:

Milk storage tanks, milk receiving tanks and milk weigh tanks—except that where permitted materials cannot be secured, the provisions of paragraph (d) (4) shall be deemed to apply	Nov. 5, 1942

to be and read as follows:

	Nov. 5, 1942.
Milk storage tanks, milk receiving tanks and milk weigh tanks—except that where permitted materials cannot be secured, a further exemption is hereby granted for the minimum period of time necessary to obtain such permitted materials but in no event later than April 30, 1943.	

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12954; Filed, December 7, 1942; 11:43 a. m.]

PART 1198—GLASS CONTAINER AND CLOSURE SIMPLIFICATION

[Schedule E to Limitation Order L-103]

GLASS CONTAINERS FOR PROTECTIVE COATINGS

§ 1198.6 *Schedule E to Limitation Order L-103*—(a) *Definitions.* For the purposes of this schedule:

(1) "Protective coatings" means paints (including paste water paints), varnishes, lacquers, shellacs, stains, linseed oil, turpentine, benzine, mineral spirits, varnish and paint removers, thinners and driers. The term shall not include inks or artists' supplies.

(2) A "standard glass container for protective coatings" means:

(i) A glass container described in Exhibits E-1 to E-8, inclusive, of this schedule;

(ii) A glass container described in Exhibits 6, 7, 10, 11, 15, 16, 18 and 24 of Limitation Order L-103;

(iii) The containers marked "gallon" and "half-gallon" in Exhibit 23 of Limitation Order L-103;

which possesses the finish prescribed for the respective container in the said Exhibits or any other Glass Container Association standard finish which is interchangeable therewith without alteration of the specified body mold.

(b) *Restrictions on use.* With the exceptions set forth in paragraph (c) of this schedule, on and after January 1, 1943,

(1) No person shall use a glass container other than a standard glass container as herein defined for the packaging of protective coatings for sale or for sample purposes.

(2) No person shall use the standard glass container described in Exhibit E-3 of this schedule for the packing, for sale or for sample purposes, of any commodity herein described as protective coatings, except:

(i) Those which require more than one pint of thinners (whether oil, varnish, spirit or water) per gallon to be added to the finished product, in order to make such product ready for use, and

(ii) Colors in oil and japan, and other tinting colors in paste form.

(3) No person shall use any standard glass containers with a finish larger than 38 mm. for the packing, for sale or for sample purposes, of shellacs and clear varnishes, and jobbing items (including but not limited to linseed oil, turpentine, benzine, mineral spirits, lacquer thinners, varnish and paint removers, and driers).

(c) *Exceptions.* (1) Nothing in this schedule shall prevent the use for the packaging of protective coatings of any non-standard glass containers which were completely manufactured on or before the 1st day of January, 1943, and in the hands of the user thereof on or before the 1st day of March, 1943: *Provided, however,* That, on and after December 7th, 1942, no person shall pack, for sale or for sample purposes, any product herein defined as protective coatings, except those described in paragraph (b) (2) of this order, in any glass container having a capacity of one quart or less with a finish size of more than 63 mm.

(2) Nothing in this schedule shall restrict the sale, delivery, use or manufacture of glass containers, made from a mold actually in existence on the 7th day of December, 1942, which have an overflow capacity of between 65 and 70 fl. oz. or between 130 and 140 fl. oz.; but such molds may not be replaced except in accordance with paragraph (d) of this schedule.

(3) Lettering on standard glass containers for protective coatings shall be limited to the manufacturers' identification (which may include trademark, name, symbol), place of manufacture, date of manufacture by year, design number, and mold or cavity number.

(d) *Manufacture.* On and after the 7th day of December, 1942, no molds may be manufactured for a protective coating jar or finish which does not conform to the specifications of a standard glass container for protective coatings, nor may any mold for a glass container for protective coatings be replaced—whether because of wear or for any other reason—except by a mold which conforms to the said specifications.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT 1 OF SCHEDULE E

Standard Glass Container—Paint

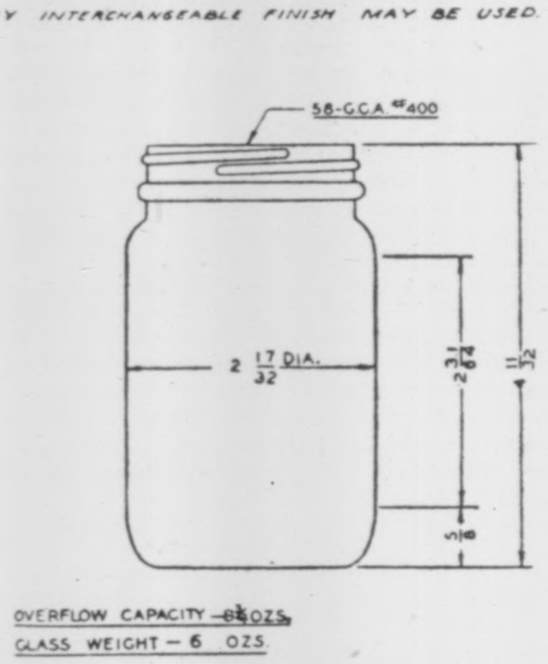
ANY INTERCHANGEABLE FINISH MAY BE USED.
58-G.C.A. #400
2 17/32 DIA.
2 31/64
4 11/32
5/8
OVERFLOW CAPACITY—8¾ OZS.
GLASS WEIGHT—6 OZS.

EXHIBIT 2 OF SCHEDULE E

Standard Glass Container—Paint

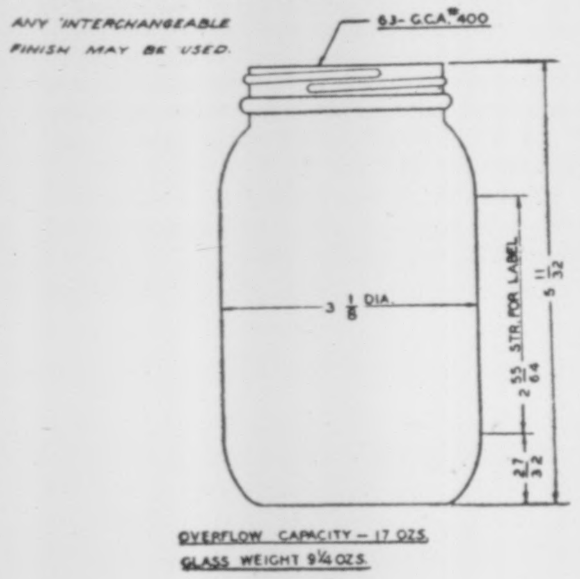

EXHIBIT 3 OF SCHEDULE E

Standard Glass Container—Paint

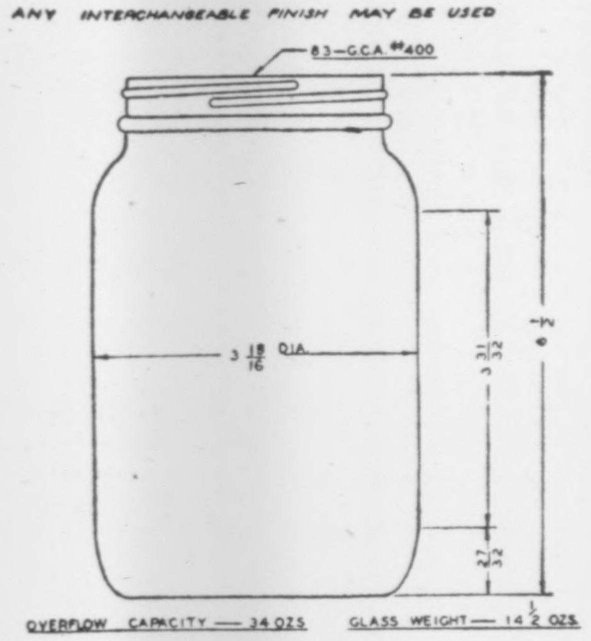

EXHIBIT 4 OF SCHEDULE E

Standard Glass Container—N. M. Round

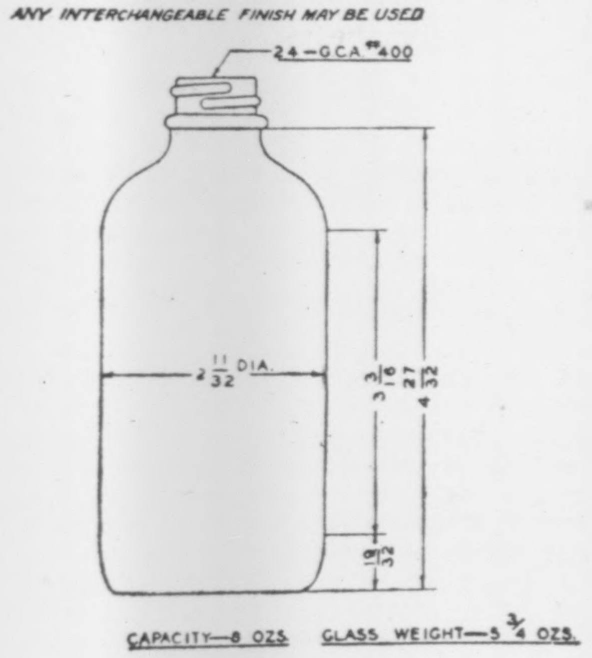

EXHIBIT 5 OF SCHEDULE E

Standard Glass Container—N. M. Round

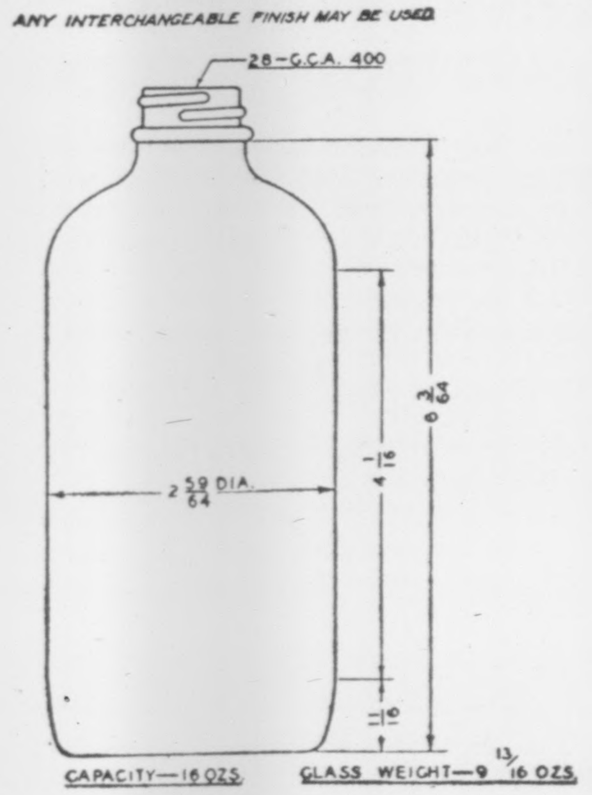
ANY INTERCHANGEABLE FINISH MAY BE USED
28-G.C.A. 400
2 59/64 DIA.
4 1/16
6 3/64
11/16
CAPACITY—16 OZS.
GLASS WEIGHT—9 13/16 OZS.

EXHIBIT 6 OF SCHEDULE E

Standard Glass Container—N. M. Round

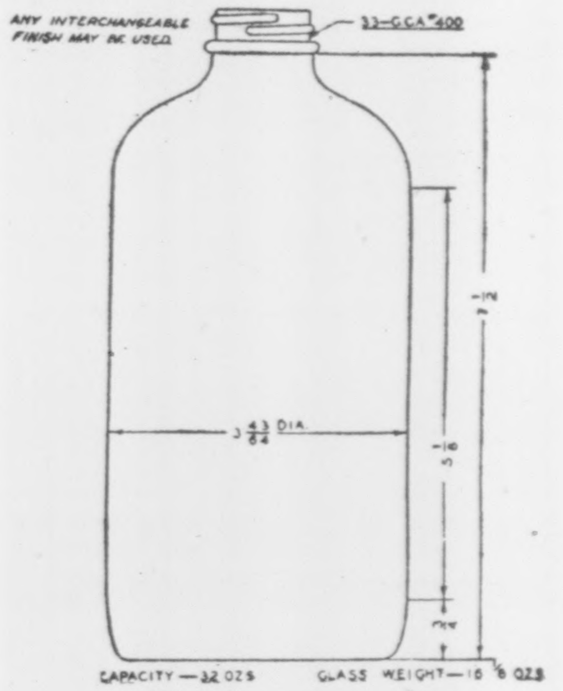

EXHIBIT 7 OF SCHEDULE E

Standard Glass Container—N. M. Round

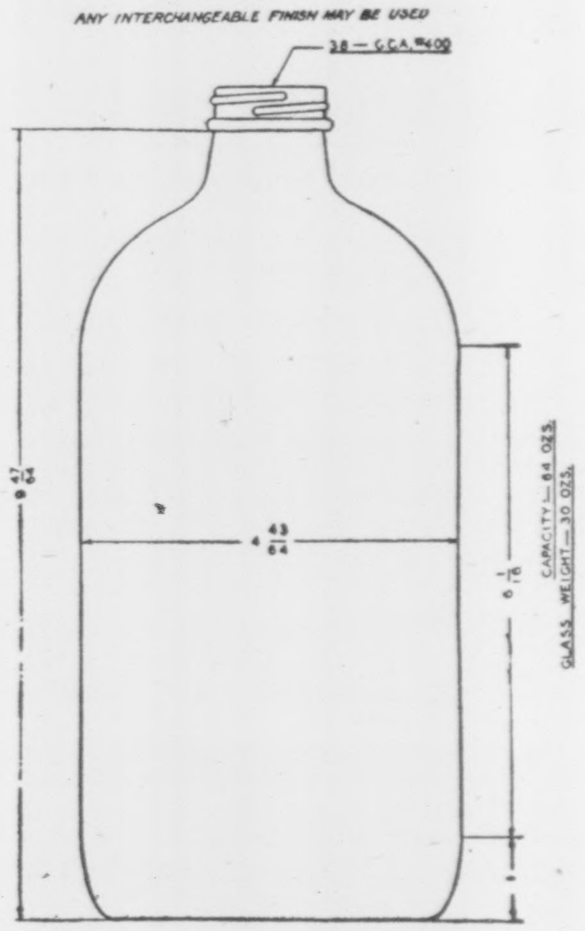

EXHIBIT 8 OF SCHEDULE E

Standard Glass Container—N. M. Round

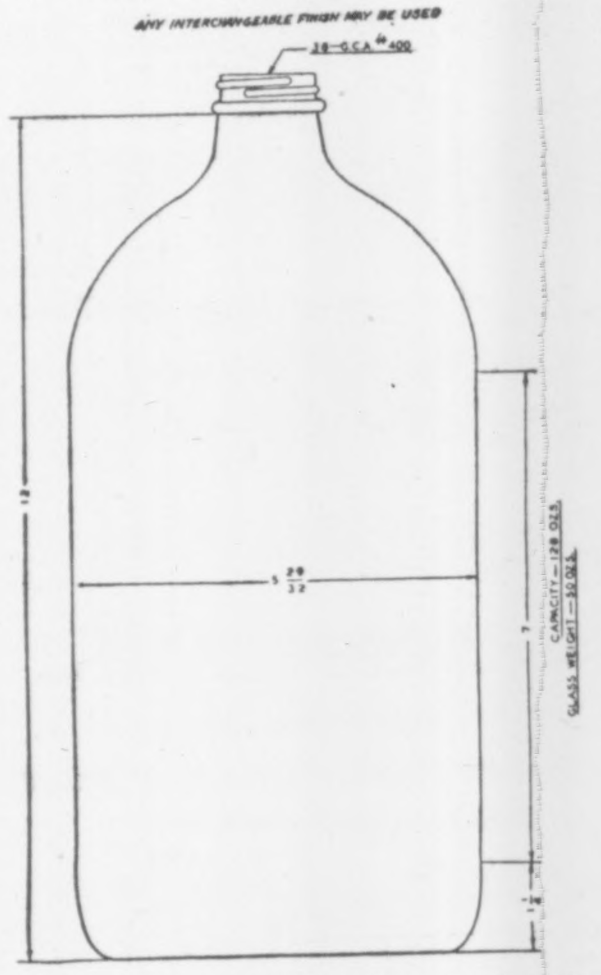

[F. R. Doc. 42-12941; Filed, December 7, 1942; 11:06 a. m.]

PART 1204—PHTHALIC ALKYD RESINS

[General Preference Order M-139]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of phthalic alkyd resins for defense, for private account and for export; and the following order is deemed necessary and appropriate for the public interest and to promote the national defense:

§ 1204.1 *General Preference Order M-139*—(a) *Definitions*. For the purpose of this order:

(1) "Phthalic alkyd resins" means the reaction product, in solid, liquid or solution form, of phthalic anhydride or phthalic acid with polyhydric alcohol, whether or not modified with rosin oil, or oil acids, but excluding any such resins modified with phenol or phenolic materials.

(2) "Supplier" means any person who produces phthalic alkyd resins (including producers who consume all or part of their own production of such resins), or who purchases phthalic alkyd resins from a producer for purpose of resale without further processing or admixing.

(b) *Restrictions on use and delivery of phthalic alkyd resins*. (1) On and after January 1, 1943, no supplier shall use or deliver phthalic alkyd resins, and no person shall accept delivery of phthalic alkyd resins from a supplier, except as specifically authorized by the Director General for Operations upon application pursuant to paragraph (e), or as provided in paragraphs (c) or (d).

(2) Each person specifically authorized to accept delivery of phthalic alkyd resins shall use such phthalic alkyd resins for the purpose authorized, except as otherwise specifically directed by the Director General for Operations.

(3) The Director General for Operations in his discretion may at any time issue special directions to any person with respect to the use, delivery or transportation of phthalic alkyd resins by such person, or of products made from phthalic alkyd resins allocated to such person, notwithstanding the provisions of paragraphs (c) or (d), or special directions to any producer with respect to the kinds of alkyd resins which he may or must manufacture.

(c) *General exemptions*. (1) Nothing contained in this order shall restrict the use and delivery by any person other than a supplier, of stocks of phthalic alkyd resins held by such person on January 1, 1943; or the use or delivery by any person, including a supplier, of stocks of protective coatings, fabric or paper coatings, molding compounds, or ink held by such person or supplier on January 1, 1943.

(d) *Small order exemptions*. (1) Any person may accept delivery of, and any supplier may use, 750 pounds or less of phthalic alkyd resins (solvent free basis) in the aggregate during any one calendar month without specific authorization, provided that such person (or supplier) has not been specifically authorized to use or accept delivery of any quantity of phthalic alkyd resins during such month.

(2) No delivery of 50 pounds or more of phthalic alkyd resins (solvent free basis) shall be made or accepted pursuant to this paragraph unless and until the person accepting delivery shall certify in writing to the person making delivery that such delivery is accepted within the terms of paragraph (d) (1) next above.

(3) Any supplier may deliver phthalic alkyd resins without specific authorization to any person entitled to accept delivery pursuant to this paragraph: *Provided*, That:

(i) No supplier shall deliver an aggregate amount of phthalic alkyd resins in any one calendar month pursuant to this paragraph in excess of 2% of the amount of phthalic alkyd resins which he is specifically authorized to deliver during such month; and

(ii) No supplier shall make deliveries during any month pursuant to this paragraph if such deliveries will prevent completion of any deliveries which have been specifically authorized for such month.

(e) *Applications and reports*. (1) Each person (or supplier) seeking authorization to use or accept delivery of phthalic alkyd resins during any calendar month, shall file application on Form PD-600 in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD-600. Copies of Form PD-600 may be obtained at local field offices of the War Production Board.

Time. Application shall be made on or before the 15th day of the month preceding the month for which authorization for use or delivery is sought. In emergency only, application may be made by wire and special authorization may be granted by return wire. Such emergency applications and temporary authorizations must be confirmed by application as soon as possible thereafter on Form PD-600, which will be returned with final authorization signed by the Director General for Operations.

Number of copies. A set of five copies shall be prepared; three completely filled out copies and a fourth copy, with only the heading and Columns 1 and 2 filled out, shall be certified and sent to the War Production Board, Chemicals Division, Washington, D. C., Ref: M-139; and the fifth complete copy shall be retained by the applicant. After having been signed by the Director General for Operations, one copy will be returned to the applicant and the incomplete copy (the fourth copy referred to above) will be forwarded to the supplier, except where supplier is "own stocks" (in which case the incomplete fourth copy need not be filed in the first place).

Number of sets. A separate set of PD-600 forms for applications shall be made for each preferred supplier and for each different delivery destination or plant of the applicant. The preferred supplier is the supplier from whom the applicant has regularly procured, or prefers to procure, phthalic alkyd resins.

Additional space. Where additional space is needed continue on reverse side of sheet, identifying subject matter by column number.

Heading. In the heading, under name of chemical, specify phthalic alkyd resins; under War Production Board order, specify M-139; under unit of measure, specify pounds, solvent free basis; under name of company, specify name and mailing address of applicant; under delivery destination, specify destination of phthalic alkyd resins ordered; under supplier, specify name of preferred supplier from whom the phthalic alkyd resins are to be procured; and specify the month and the year for which authorization for use or acceptance of delivery is sought.

Column 1. All grades may be grouped together and designated "X", except where the phthalic alkyd resins sought contain tung, oiticica or castor oil, in which case the trade name and number shall be stated in Column 1 for each quantity of such special resins requested in Column 2.

Column 2. Specify quantity requested for each item listed in Columns 3 and 4, in terms of pounds, solvent free basis.

Column 3. Fill in as follows, listing only those items for which authorization is requested:

For orders on hand:
  Protective coating.
  Fabric and paper coating.
  Printing ink.
  Other (specify).
  Export as phthalic alkyd resins.
  Resale as phthalic alkyd resins upon further authorization, or for paragraph (d) small orders.
For anticipated orders:
  Protective coating.
  Fabric and paper coating.
  Printing ink.
  Other (specify).
  Export as phthalic alkyd resins.
  Resale as phthalic alkyd resins upon further authorization, or for paragraph (d) small orders.

Miscellaneous: inventory as phthalic alkyd resins.

Column 4. State product use or uses of each item listed in Column 3, as follows:

Marine coating (Specify government contract or specification number, if any).

Aircraft coating (Specify government contract or specification number, if any).

Other (In addition to government contract or specification number, if any, describe and use briefly and accurately).

Leave Column 4 blank opposite miscellaneous, resale, and inventory in Column 3.

Opposite "export" in Column 3 specify in Column 4 the name of the individual company or government agency to whom the phthalic alkyd resin will be exported, the country to which the resins will be exported, the export license or contract number, and whether exported on Lend-Lease.

Product use shall be stated specifically for phthalic alkyd resins containing tung oiticica or castor oil, showing the exact application of such resins and the governing specification and contract number.

No specific statement or request need be made with respect to small order deliveries pursuant to paragraph (d) of this order.

Explanation. Requests made in Columns 3 and 4, and authorization granted on such requests, shall be subject to the following rules:

Orders on hand. Orders on hand include all orders placed at any time prior to the filing of PD-600 application, which require use of phthalic alkyd resins during the month for which allocation is requested.

Phthalic alkyd resins allocated to fill an order on hand, which is subsequently cancelled prior to the conversion of such phthalic alkyd resins into a primary product, shall revert to inventory and be reserved as phthalic alkyd resins, subject to the rules governing allocated inventory.

Anticipated orders. Phthalic alkyd resins allocated to fill anticipated orders for specified primary products and product uses may not be converted into such primary products in advance of receipt of actual orders for such products, except in the case of marine paint. Phthalic alkyd resins allocated to fill anticipated orders which fail to materialize shall revert to inventory, to be reserved as phthalic alkyd resins subject to the rules covering allocated inventory. In the event that phthalic alkyd resins are converted into a primary product, pursuant to an authorized order on hand which is subsequently cancelled, specific authorization of the Director General for Operations must be obtained for the use or disposition of such primary product.

Miscellaneous. Phthalic alkyd resins allocated for "miscellaneous" may be used for any purpose. Application for allocation for miscellaneous purposes shall not exceed 3% of the total quantity requested for all other purposes.

Inventory. Phthalic alkyd resins allocated for inventory shall not be used except as specially directed by the Director General for Operations, or except to fill orders authorized by the Director General for Operations pending arrival of the phthalic alkyd resins allocated to fill such orders. Upon the arrival of such phthalic alkyd resins, the allocated inventory shall be restored.

Specific authorization for the use of phthalic alkyd resins in inventory may be granted by the Director General for Operations to fill essential orders which were not anticipated in the regular allocation.

Columns 5, 6, 7, 8 and 9. Leave blank.

Column 10. Write in "above supplier" or "allocated inventory" for each corresponding quantity requested in Column 2, depending upon whether authorization for use and delivery is requested, or only for use.

Column 11. Write in "all grades", which shall include phthalic alkyd resins containing tung, oiticica and castor oil.

Columns 12, 13, 14, 15 and 16. Fill in as indicated, without distinction as to grade or whether the phthalic alkyd resins were allocated or unallocated, except in Column 15, in which the total quantity in stock shall be stated first, and underneath shall be stated "free stock ________", meaning that stock of phthalic alkyd resins exempt under paragraph (c) (1) of this order.

Columns 17, 18 and 19. Fill in Column 17 as indicated, and in Column 18 specify the total quantity of all phthalic alkyd resins, regardless of grade, to be procured from each of the applicant's other suppliers. In Column 19 write in "all grades".

Columns 20, 21, 22 and 23. Leave blank.

Applicability of authorization. Authorizations for use and delivery of phthalic alkyd resins shall be construed to refer to quantity rather than to the exact identity of phthalic alkyd resins. However, authorizations relating to phthalic alkyd resins containing tung oil, oiticica oil or castor oil shall be distinguished from authorizations relating to other types of phthalic alkyd resins. Phthalic alkyd resins may not be delivered pursuant to authorizations for previous months if such delivery interferes with completion of delivery authorized for the current month.

(2) Receipt by a supplier from the War Production Board of a copy of Form PD-600 signed by the Director General for Operations shall constitute authorization to such supplier to make the deliveries called for by the form.

(3) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any such persons with respect to preparing and filing Form PD-600.

(f) *Notification of customers*. Each supplier shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(g) *Miscellaneous provisions*. (1) *Applicability of priorities regulations*. This order and all transactions affected hereby are subject to all applicable provisions of the War Production Board Priorities Regulations, as amended from time to time, except Priorities Regulation No. 13, which shall be subject to this order to the extent that it is inconsistent herewith.

(2) *Applicability of other orders*. Nothing contained in this order shall be construed to limit the requirements of Conservation Orders M-53, M-108, M-116 and M-158 or of any other order of the War Production Board now or hereafter issued which may impose additional restrictions on use or delivery of phthalic alkyd resins or products containing such resins: *Provided, however*, That nothing contained in General Exports Order M-148 shall be construed to permit use or delivery of phthalic alkyd resins in violation of this order. Phthalic alkyd resins manufactured from or combined with phenolic or para-phenylphenolic materials are subject to General Preference Orders M-246 and M-254, respectively, and not to this order.

(3) *Violations*. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board*. All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref.: M-139.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub Laws 89 and 507, 77th Cong.)

Issued this 7th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12944; Filed, December 7, 1942; 11:06 a. m.]

PART 1211—WOOD CASED PENCILS

[Revocation of General Limitation Order L–113]

Section 1211.1 *General Limitation Order L–113*, as amended, [7 F.R. 3322, 3663, 4159] is hereby revoked as of December 7, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12942; Filed, December 7, 1942; 11:06 a. m.]

PART 3138—FOUNTAIN PENS, MECHANICAL PENCILS, WOOD CASED PENCILS, PEN NIBS, AND PEN HOLDERS

[General Limitation Order L–227]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel and other materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3138.1 *General Limitation Order L–227*—(a) *Definitions.* For the purposes of this order:

(1) "Fountain pen" means any writing device (including the pen nib) containing a reservoir of writing fluid in excess of that retained by capillary attraction on the surface of the pen nib thereof.

(2) "Mechanical pencil" means any writing instrument containing a movable core of lead or other marking material encased in a housing of any material whatsoever and including all types of automatic or mechanical pencils.

(3) "Wood cased pencil" means any writing instrument containing a nonmovable core of lead or other marking material, encased in a sheath of wood.

(4) "Pen nib" means any removable writing point designed to deposit writing fluid upon a writing surface.

(5) "Pen holder" means any device designed to hold a pen nib in position for writing, except fountain pens.

(6) "Manufacturer" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not, who manufactures or assembles any fountain pens, mechanical pencils, wood cased pencils, pen nibs or pen holders, or who manufactures or assembles any part made specifically for incorporation into such products.

(7) "Part" means any part made specifically for incorporation into a fountain pen, mechanical pencil, wood cased pencil, pen nib or pen holder, except repair parts.

(8) "Repair part" means any part made specifically for incorporation into fountain pens, mechanical pencils, wood cased pencils, pen nibs or pen holders, which is not produced for or used in a new fountain pen, mechanical pencil, wood cased pencil, pen nib or pen holder.

(9) "Finishing material" means any material used as a protective coating on wood cased pencils or pen holders containing cellulose derivatives, synthetic resins, or plasticizers.

(b) *Restrictions upon production of fountain pens.* (1) On and after December 7, 1942, no manufacturer shall process, fabricate, work on or assemble any iron and steel, copper, copper base alloys, crude rubber or reclaimed rubber to be used in the production of fountain pens, nor shall any manufacturer process, fabricate, work on or assemble any stainless steel for pen nibs, or assemble any stainless steel pen nibs in fountain pens, except:

(i) Low carbon steel for functional parts of fountain pens other than pen nibs,

(ii) Crude or reclaimed rubber consisting of fountain pen semiprocessed or finished parts contained in his inventory prior to December 7, 1942,

(iii) Reclaimed rubber as permitted pursuant to Supplementary Order M–15–b, as amended from time to time,

(iv) Copper contained in 14 kt. gold pen nibs, and

(v) Stainless steel pen nibs which were contained in his inventory in completely fabricated form prior to December 7, 1942, may be assembled in fountain pens up to and including December 31, 1942.

(2) During the period beginning December 7, 1942, and ending December 31, 1942, inclusive, no manufacturer shall produce more parts or repair parts for fountain pens than the following percentages of such parts or repair parts produced by him during 1941:

(i) Parts for fountain pens, 7%.

(ii) Repair parts for fountain pens, 10%.

(3) During the period beginning December 7, 1942, and ending December 31, 1942, inclusive, no manufacturer shall produce more fountain pens than:

(i) 5% of the number of steel pen nib fountain pens produced by him during 1941, plus

(ii) 7% of the number of gold pen nib fountain pens produced by him during 1941.

(4) During the period of three months beginning January 1, 1943, and during each three months period thereafter, no manufacturer shall produce more parts or repair parts for fountain pens than the following percentages of such parts or repair parts produced by him during 1941:

(i) Parts for fountain pens, 12½%.

(ii) Repair parts for fountain pens, 30%.

(5) During the period of three months, beginning January 1, 1943, and during each three months period thereafter no manufacturer shall produce more fountain pens than:

(i) 8¾% of the number of steel pen nib fountain pens produced by him during 1941, plus

(ii) 12½% of the number of gold pen nib fountain pens produced by him during 1941.

(c) *Restrictions upon production of mechanical pencils.* (1) On and after December 7, 1942, no manufacturer shall process, fabricate, work on or assemble any iron and steel, copper, copper base alloys, crude rubber or reclaimed rubber for the production of mechanical pencils, except low carbon steel for functional parts, provided that no more than 8 pounds of such low carbon steel shall be contained in each group of 1,000 mechanical pencils produced by him on and after February 1, 1943.

(2) During the period beginning December 7, 1942, and ending December 31, 1942, inclusive, no manufacturer shall produce more parts or repair parts for mechanical pencils, or more mechanical pencils than the following percentages of such parts or repair parts for mechanical pencils, or mechanical pencils produced by him during 1941:

(i) Parts for mechanical pencils, 6%.

(ii) Repair parts for mechanical pencils, 10%.

(iii) Mechanical pencils, 6%.

(3) During the period of three months beginning January 1, 1943, and during each three months period thereafter, no manufacturer shall produce more parts or repair parts for mechanical pencils, or more mechanical pencils, than the following percentages of such parts or repair parts for mechanical pencils, or mechanical pencils, produced by him during 1941:

(i) Parts for mechanical pencils, 11¾%.

(ii) Repair parts for mechanical pencils, 30%.

(iii) Mechanical pencils, 11¾%.

(d) *Restrictions on production of wood cased pencils.* (1) On and after December 7, 1942, no manufacturer shall process, fabricate, work on or assemble any iron and steel, copper, copper base alloys, crude rubber or reclaimed rubber for the production of wood cased pencils, nor shall any manufacturer process, fabricate, work on or assemble any wood cased pencils containing any iron and steel, copper, copper base alloys, crude rubber or reclaimed rubber.

(2) During the period beginning December 7, 1942, and ending December 31, 1942, inclusive, no manufacturer of wood cased pencils shall produce more of such wood cased pencils than 11% of the number of such wood cased pencils produced by him during 1941.

(3) During the period of three months, beginning January 1, 1943, and during each three months period thereafter, no manufacturer of wood cased pencils shall produce more of such wood cased pencils than 22% of the number of such wood cased pencils produced by him during 1941.

(4) On and after December 7, 1942, no manufacturer shall use in connection with the manufacture of wood cased pencils more finishing material in the aggregate than an amount equal to the ratio of 1 gallon of finishing material per hundred gross of wood cased pencils produced by him.

(e) *Restrictions on production of pen holders and pen nibs.* (1) On and after December 7, 1942, no manufacturer shall process, fabricate, work on or assemble any iron and steel, copper, copper base alloys, crude rubber or reclaimed rubber for the production of pen holders, nor shall any manufacturer process, fabricate, work on or assemble any pen holders containing any iron and steel, copper, copper base alloys, crude rubber or reclaimed rubber.

(2) On and after December 7, 1942, no manufacturer shall use in connection with the manufacture of pen holders more finishing material in the aggregate than an amount equal to the ratio of 1 gallon of finishing material per hundred gross of pen holders produced by him.

(3) During the period beginning December 7, 1942, and ending December 31, 1942, inclusive, no manufacturer of pen holders shall produce more of such pen holders than 10% of the number of such pen holders produced by him during 1941.

(4) During the period of three months, beginning January 1, 1943, and during each three months period thereafter, no manufacturer of pen holders shall produce more of such pen holders than 18¾% of the number of such pen holders produced by him during 1941.

(5) During the period beginning December 7, 1942, and ending December 31, 1942, inclusive, no manufacturer of pen nibs shall produce more of such pen nibs than 23% of the number of such pen nibs produced by him during 1941.

(6) During the period of three months, beginning January 1, 1943, and during each three months period thereafter, no manufacturer of pen nibs shall produce more of such pen nibs than 46¼% of the number of such pen nibs produced by him during 1941.

(f) *Restrictions upon production of novelty fountain pens, mechanical pencils, wood cased pencils and pen holders.* On and after December 7, 1942, no manufacturer shall process, fabricate, work on or assemble any fountain pens, mechanical pencils, wood cased pencils or pen holders, designed or intended to be used as a novelty or to be distributed free or at a nominal consideration for advertising, exploitation or similar purposes.

(g) *Restrictions on plating.* On and after December 31, 1942, no manufacturer shall use in the production of fountain pens, mechanical pencils, wood cased pencils, and pen holders any plating, coating or other metal finish containing any zinc, tin, cadmium, copper or nickel.

(h) *Inconsistent orders.* This order supersedes, as of December 7, 1942, Limitation Order L–113 and all amendments thereto and appeals granted thereunder.

(i) *Reports.* (1) Every manufacturer affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(2) Every manufacturer affected by this order shall execute and file with the War Production Board, Washington, D. C., Ref.: L–227, on or before the 10th day following the close of each calendar month, Form PD–655.

(3) Every manufacturer affected by this order shall execute and file with the War Production Board, Washington, D. C., Ref.: L–227, on or before December 15, 1942, Form PD–721.

(j) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, and sales.

(k) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(l) *Avoidance of excessive inventories.* No manufacturer of fountain pens, mechanical pencils, wood cased pencils, pen nibs, and pen holders shall accumulate for use in the manufacture of such fountain pens, mechanical pencils, wood cased pencils, pen nibs, and pen holders, inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production at the rates permitted by this order

(m) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(n) *Appeals.* Any appeal from the provisions of this order should be made on Form PD–500, addressed to the War Production Board, Consumers' Durable Goods Division, Ref.: L–227.

(o) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the Director of Priorities, the Director of Industry Operations or the Director General for Operations, limits the use of any material in the production of fountain pens, mechanical pencils, wood cased pencils, pen nibs, and pen holders to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(p) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(q) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers' Durable Goods Division, Washington, D. C., Ref.: L–227.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12943; Filed, December 7, 1942; 11:06 a. m.]

Chapter XI—Office of Price Administration

PART 1358—TOBACCO

[MPR 283]

BURLEY TOBACCO—TYPE NO. 31

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of Burley (Type No. 31) Tobacco by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 283 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. So far as practical, the Price Administrator has advised and consulted with members of the industry which will be affected by this Regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1 [7 F.R. 8961] issued by the Office of Price Administration, Maximum Price Regulation No. 283 is hereby issued.

Sec.
1358.151 Prohibition of purchases of Burley (Type No. 31) Tobacco above maximum prices.
1358.152 Less than maximum prices.
1358.153 Export sales.
1358.154 Petitions for amendment.
1358.155 Evasion.
1358.156 Enforcement.
1358.157 Records and reports.
1358.158 Definitions.
1358.159 Geographical applicability.
1358.160 Effective date.
1359.161 Appendix A; maximum prices for Burley (Type No. 31) Tobacco.

AUTHORITY: §§ 1358.151 to 1358.161, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1358.151 *Prohibition of purchases of Burley (Type No. 31) Tobacco above maximum prices.* On and after December 4, 1942, regardless of any contract, agreement, lease or other obligation:

(a) No person shall buy or receive any Burley (Type No. 31) Tobacco on the loose-leaf markets at prices higher than the maximum price for the grade set forth in Appendix A, § 1358.161, of this Maximum Price Regulation No. 283.

(b) No person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1358.152 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 283 may be paid or offered.

§ 1358.153 *Export sales.* The maximum prices at which a person may export Burley (Type No. 31) Tobacco shall be determined in accordance with the provisions of the Revised Maximum Export Regulation [2] issued by the Office of Price Administration.

§ 1358.154 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 283 or exceptions not provided for therein, may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1358.155 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 283 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to Burley (Type No. 31) Tobacco, alone or in conjunction with any other commodity or by way of commission, service, transportation or other charge or discount, premium or other privilege or other trade understanding or otherwise.

(b) Specifically, but not exclusively, the following practice is prohibited:

(1) Any resale of resorted Burley (Type No. 31) Tobacco without being regraded by the Agricultural Marketing Administration of the United States Department of Agriculture.

§ 1358.156 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 283 are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have any evidence of any violation of this Maximum Price Regulation No. 283 or any price schedule, regulation or order, issued by the Office of Price Administration, or any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state or regional offices of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1358.157 *Records and reports.* (a) Every person purchasing Burley (Type No. 31) Tobacco shall keep and make available for examination by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942 remains in effect, records of the same kind as he customarily kept relating to the prices which he paid for such Burley (Type No. 31) Tobacco, after the effective date of this Maximum Price Regulation No. 283.

(b) Every purchaser of Burley (Type No. 31) Tobacco shall file with the Office of Price Administration in Washington, D. C., for each week of the buying season for Burley (Type No. 31) Tobacco during which such purchaser bought any grade of such tobacco, a statement setting forth the total number of pounds of each grade bought and the total amount paid for the pounds of each grade bought. The report submitted for any week shall be filed not later than Saturday of the following week.

(c) Every warehouseman in whose warehouse Burley (Type No. 31) Tobacco is sold, shall keep and make available for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, records showing all sales of Burley (Type No. 31) Tobacco, the grade and the amount of such grade of each sale, the date of each sale and the price paid and the name of the purchaser of such tobacco.

§ 1358.158 *Definitions.* (a) When used in this Maximum Price Regulation No. 283 the term:

(1) "Burley (Type No. 31) Tobacco" means United States Type No. 31 as specified in the Regulatory Announcement No. 18 of the Bureau of Agricultural Economics of the United States Department of Agriculture.

(2) "Grade" means the basic standard grades of Burley (Type No. 31) Tobacco established by the Agricultural Marketing Administration of the United States Department of Agriculture and set out in Appendix A, § 1358.161 (a) of this Maximum Price Regulation No. 283.

(3) "Person" includes individual, corporation, partnership, association or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof or any other government, or any of its political subdivisions or any agency of any of the foregoing.

(4) "Weighted average ceiling price" means the figure obtained by:

(i) Multiplying the total number of pounds of each grade bought during the specified period by the ceiling price for such grade as set forth in Appendix A, § 1358.161 (a),

(ii) Adding together the resulting figures obtained in (i), and

(iii) Dividing the sum obtained in (ii) by the total of number of pounds of all grades bought during the specified period.

(5) "Weighted average purchase price" means the figure obtained by:

(i) Multiplying the number of pounds bought in each transaction during the specified period by the purchase price per pound paid in the particular transaction,

(ii) Adding together the resulting figures obtained in (i), and

(iii) Dividing the sum obtained in (ii) by the total number of pounds of all grades bought during the specified period.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1358.159 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 283 shall be applicable to the forty-eight states of the United States.

§ 1358.160 *Effective date.* This Maximum Price Regulation No. 283 (§§ 1358.151 to 1358.161) shall become effective December 4, 1942.

§ 1358.161 *Appendix A; maximum prices for Burley (Type No. 31) Tobacco.* (a) The maximum prices for the various grades of Burley (Type No. 31) Tobacco, except as provided in paragraph (b) of this section, shall be as follows:

Grades:	*Maximum prices per cwt. on warehouse floor*
A1L	$59.00
A2L	57.00
A1F	57.00
A2F	55.00
A1R	54.00
A2R	49.00
B1F	54.00
B2F	53.00
B3F	49.00
B4F	43.00
B5F	34.00
B1R	45.00
B2R	43.00
B3R	37.00
B4R	29.50
B5R	23.00
B3D	27.50
B4D	21.50
B5D	16.50
B3G	29.50
B4G	22.50
B5G	17.00
T3F	38.00
T4F	30.00
T5F	22.00
T3R	26.00
T4R	20.00
T5R	14.75
T3D	20.00
T4D	15.00
T5D	12.00
T3G	17.00
T4G	15.00
T5G	11.50
C1L	57.00
C2L	55.00
C3L	54.00
C4L	53.00
C5L	48.00
C1F	55.00
C2F	55.00
C3F	54.00
C4F	52.00
C5F	46.00
C3R	52.00
C4R	46.00
C5R	39.00
C3G	37.00
C4G	32.00
C5G	25.00
X1L	54.00
X2L	54.00
X3L	53.00
X4L	49.00
X5L	40.00
X1F	55.00
X2F	54.00
X3F	53.00
X4F	48.00
X5F	39.00
X3R	50.00
X4R	44.00
X5R	34.00
X3G	39.00
X4G	32.00
X5G	22.50
NL	25.00
NGR	11.00

(b) Any grade of Burley (Type No. 31) Tobacco may be purchased at a price in excess of the maximum price established for that grade in paragraph (a) of this section: *Provided*, That the weighted average purchase price for the grades bought in any one week by any purchaser does not exceed the weighted average ceiling price for such purchases for the same week.

(c) Every warehouseman or his representative, before any sale of Burley (Type No. 31) Tobacco, shall (1) designate on the basket tag of such tobacco the maximum price specified in paragraph (a) of this section for the grade shown on such tag, and (2) announce, immediately preceding the sale of such basket and in the presence of the assembled buyers, the grade and maximum price for the Burley (Type No. 31) Tobacco to be sold.

(d) Every warehouseman or his representative, after any sale, shall indicate on the invoice or billing to the purchaser the Government grade and the purchase price for each grade bought by the buyer as set out in paragraph (a) of this section.

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

Approved:

PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 42-12905; Filed, December 4, 1942; 4:50 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 57]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

Correction

In § 1388.581 (a) (54) appearing on page 9959 in the issue for Tuesday, December 1, 1942, "North Carolina" should read "South Carolina."

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 183,[1] Amendment 12]

PUERTO RICO

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (13) is added to paragraph (a) of § 1418.1 and paragraphs (u), (v) and (w) are added to § 1418.14.

§ 1418.1 *Maximum prices.* (a) Maximum prices are established as follows: * * *

(13) On and after December 9, 1942, regardless of any contract, agreement, lease or other obligation, or of any price regulation heretofore issued, no person shall sell or deliver oleomargarine and certain processed fruits and vegetables in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14 (u), Table XIX; and (v), Table XX; and no person shall offer, solicit, or attempt to do any of the foregoing.

§ 1418.14 *Tables of maximum prices.*

* * *

(u) *Table XIX—Specific maximum prices for oleomargarine*

	Sales to wholesalers (price per pound)	Sales to retailers (price per pound)	Sales at retail (price per pound)
Oleomargarine	$.18	$1.96	$.24

For sales of different quantities the maximum price shall be proportionately computed.

(v) *Table XX—Specific maximum prices for certain processed vegetables and fruits*

	Sales to wholsalers	Sales to retailers	Sales at retail
	Case 24/No. 2 cans	*Case 24/No. 2 cans*	*Price per No. 2 can*
Carrots	$2.10	$2.40	$0.13
Corn	2.65	3.05	.16
Peas	3.00	3.45	.18
Tomatoes	2.40	2.75	.15
	Case 48/10½ oz. cans	*Case 48/10½ oz. cans*	*Price per 10½ oz. can*
Tomato soup	$2.65	$3.00	$0.08
Vegetable soup	2.65	3.00	.08
	Case 72/8 oz. cans	*Case 72/8 oz. cans*	*Price per 8 oz. can*
Tomato sauce	$3.50	$3.90	$0.07

For sales of different quantities the maximum price shall be proportionately computed.

(w) Every person selling any of the commodities listed in paragraphs (u) and (v) of this section, to a retailer on and after December 9, 1942, before or at the time of his first delivery to each purchaser shall supply the purchaser with a statement of the maximum retail prices set forth above for the commodity or commodities delivered.

§ 1418.13a *Effective dates of amendments.* * * *

(1) Amendment No. 12 (§§ 1418.1 (13), 1418.14 (u), (v) and (w)) to Maximum Price Regulation No. 183 shall become effective December 9th, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12904; Filed, December 4, 1942; 4:50 p. m.]

PART 1340—FUEL

[MPR 189,[1] Amendment 3]

BITUMINOUS COAL SOLD FOR DIRECT USE AS BUNKER FUEL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

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*Copies may be obtained from the Office of Price Administration.

[2] 7 F.R. 5059, 7242, 8829, 9000.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5620, 6744, 6659, 7454, 7843, 7945, 8558, 8833, 8946, 9341.

[1] 7 F.R. 5831, 6684, 8939.

A new subparagraph (2) is added to § 1340.407 (a), as set forth below:

§ 1340.307 *Petitions for amendment and applications for adjustment.* (a) The Office of Price Administration may adjust any maximum price established under this regulation in the following cases: * * *

(2) In the case of any supplier of bunker fuel who is reselling the same and who shows that his maximum price is too low, in relation to the purchase cost of such fuel resold by him, to permit the continuance of the sale of bunker fuel, and such discontinuance will impair the ability of bunker fuel consumers to obtain supplies thereof which aid in the war program. An adjustment granted pursuant to this subparagraph will generally increase the applicable maximum price by the amount of increase in said purchase cost.

Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1.

§ 1340.314a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1340.307 (a) (2)) to Maximum Price Regulation No. 189 shall become effective December 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc 42-12936; Filed, December 5, 1942; 12:06 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 226, Amendment 3]

FRUIT PRESERVES, JAMS AND JELLIES

A statement of the considerations involved in the issuance of Amendment No. 3 to Maximum Price Regulation No. 226 has been issued and filed with the Division of the Federal Register.*

Two new paragraphs are added to § 1341.302 and paragraph (a) of § 1341.309a is amended as set forth below.

§ 1341.302 *Packer's maximum prices for fruit preserves, jams and jellies.* * * *

(e) *New container types and sizes.* The maximum price per dozen or other unit for any container type or size which the packer did not sell during the 1941 base period shall be calculated as follows. He shall:

(1) *Select the base container type and size.* (i) If the packer sold the same kind, flavor, brand and container size, but only in other container types during the 1941 base period, he shall first select from that kind, flavor, brand and container size the most closely comparable container type for which he is able to calculate a maximum price under this section (even though he no longer sells that container type).

(ii) If the packer sold the same kind, flavor, brand and container type, but only in other sizes, during the 1941 base period; he shall first select from that kind, flavor, brand and container type the nearest size for which he is able to calculate a maximum price under this section and which is one-half or less larger or, if there is no such size, one-half or less smaller (even though he no longer sells that size).

(iii) If the packer sold the same kind, flavor and brand, but only in other sizes and container types, during the 1941 base period, he shall first select from that kind, flavor, and brand the most closely comparable container type for which he is able to calculate a maximum price under this section (even though he no longer sells that container type), and from that container type he shall select the nearest size which is one-half or less larger or, if there is no such size, one-half or less smaller (even though he no longer sells that size). If there is no smaller size, he shall go to the next most closely comparable container type and proceed in the same manner to find a base container type and size.

(2) *Deduct the container cost.* Taking the maximum price per dozen or other unit which he has already calculated for the selected size and container type, the packer shall then subtract the direct cost per dozen or other unit of the container. "Direct cost of the container" means delivered costs of the container, label, cap, and outgoing shipping carton, but it does not include costs of filling, closing, labeling or packing.

(3) *Adjust for the difference in contents.* The figure obtained by this deduction shall then be adjusted by dividing it by the number of ounces in that sized container and multiplying the result by the number of ounces in the sized container being priced.

(4) *Add the new container cost.* Finally, the packer shall add to this adjusted figure the "direct cost of the container" in the size being priced.

(f) *Packers selling to consumers.* Any packer who regularly sells any item of fruit preserves, jams or jellies to ultimate consumers other than industrial, institutional and commercial users shall calculate a maximum price for the item separately to that class of purchasers. If during the 1941 base period such a packer sold the item also to wholesalers or retailers, he shall calculate his maximum price to ultimate consumers (other than industrial, institutional and commercial users) by adding to his maximum price to such consumers under the General Maximum Price Regulation, the permitted increase which he has calculated under this regulation for his retailers or for his wholesalers (converted to retail units). If during the 1941 base period he sold the item only to ultimate consumers (other than industrial, institutional and commercial users), he shall add the permitted increase which the nearest comparable packer who sells to retailers or wholesalers has computed for his retailers or for his wholesalers (converted to retail units).

Paragraph (a) of § 1341.309a is amended by deleting the sentence, "When any packer has established a maximum price by taking the maximum price of his competitor, as provided in § 1341.303 (a), his base price shall be the base price of the competitor," and substituting the following:

If the packer has established a maximum price under paragraphs (a) to (d) of § 1341.302, but made no sales of the item during December 1941, his base price shall be his highest offering price during December 1941, but if he had no offering price, he shall report only the permitted increase which the most closely competitive packer calculated for his own wholesalers. If the packer has established a maximum price by taking the maximum price of his competitor, as provided in § 1341.303 (a), and he made no sales of the item during December 1941, his base price shall be his highest offering price during December 1941 or, if he had no offering price, the base price of the most closely competitive packer.

§ 1341.317 *Effective dates of amendments.* * * *

(d) Amendment No. 3 (§§ 1341.302 (a) (1), (e) and (f), 1341.309a (a) and 1341.317 (d)) to Maximum Price Regulation No. 226 shall become effective December 11, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12922; Filed, December 5, 1942; 11:27 a. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 232, Amendment 2]

APPLE BUTTER

A statement of the considerations involved in the issuance of Amendment No. 2 to Maximum Price Regulation No. 232 has been issued and filed with the Division of the Federal Register.*

Two new paragraphs are added to § 1341.452 and paragraph (a) of § 1341.459a is amended as set forth below.

§ 1341.452 *Packer's maximum prices for apple butter.* * * *

(e) *New container types and sizes.* The maximum price per dozen or other unit for any container type or size which the packer did not sell during the 1941 base period shall be calculated as follows. He shall:

(1) *Select the base container type and size.* (i) If the packer sold the same kind, flavor, brand and container size, but only in other container types, during the 1941 base period, he shall first select from that kind, flavor, brand and container size the most closely comparable container type for which he is able to calculate a maximum price under this section (even though he no longer sells that container type).

(ii) If the packer sold the same kind, flavor, brand and container type, but only in other sizes, during the 1941 base period, he shall first select from that kind, flavor, brand and container type the nearest size for which he is able to calculate a maximum price under this section and which is one-half or less larger or, if there is no such size, one-half or less smaller (even though he no longer sells that size).

(iii) If the packer sold the same kind, flavor and brand, but only in other sizes and container types, during the 1941 base period, he shall first select from that kind, flavor, and brand the most closely comparable container type for which he is able to calculate a maximum price under this section (even though he no longer sells that container type), and from that container type he shall select the nearest size which is one-half or less larger or, if there is no such size, one-half or less smaller (even though he no longer sells that size). If there is no smaller size, he shall go to the next most closely comparable container type and proceed in the same manner to find a base container type and size.

(2) *Deduct the container cost.* Taking the maximum price per dozen or other unit which he has already calculated for the selected size and container type, the packer shall then subtract the direct cost per dozen or other unit of the container. "Direct cost of the container" means delivered costs of the container, label, cap, and outgoing shipping carton, but it does not include costs of filling, closing, labeling or packing.

(3) *Adjust for the difference in contents.* The figure obtained by this deduction shall then be adjusted by dividing it by the number of ounces in that sized container and multiplying the result by the number of ounces in the sized container being priced.

(4) *Add the new container cost.* Finally, the packer shall add to this adjusted figure the "direct cost of the container" in the size being priced.

(f) *Packers selling to consumers.* Any packer who regularly sells any item of apple butter to ultimate consumers other than industrial, institutional and commercial users shall calculate a maximum price for the item separately to that class of purchasers. If during the 1941 base period such a packer sold the item also to wholesalers or retailers, he shall calculate his maximum price to ultimate consumers (other than industrial, institutional and commercial users) by adding to his maximum price to such consumers, under the General Maximum Price Regulation, the permitted increase which he has calculated under this regulation for his retailers or for his wholesalers (converted to retail units). If during the 1941 base period he sold the item only to ultimate consumers (other than industrial, institutional and commercial users), he shall add the permitted increase which the nearest comparable packer who sells to retailers or wholesalers has computed for his retailers or for his wholesalers (converted to retail units).

Paragraph (a) of § 1341.459a is amended by deleting the sentence, "When any packer has established a maximum price by taking the maximum price of his competitor, as provided in § 1341.453(a), his base price shall be the base price of the competitor," and substituting the following:

§ 1341.459a * * *

* * * If the packer has established a maximum price under paragraphs (a) to (d) of § 1341.452, but made no sales of the item during December 1941, his base price shall be his highest offering price during December 1941, but if he had no offering price, he shall report only the permitted increase which the most closely competitive packer calculated for his own wholesalers. If the packer has established a maximum price by taking the maximum price of his competitor, as provided in § 1341.453(a), and he made no sales of the item during December 1941, his base price shall be his highest offering price during December 1941 or, if he had no offering price, the base price of the most closely competitive packer.

* * * * *

§ 1341.466 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1341.452 (e) and (f), 1341.459a, and 1341.466(b)) to Maximum Price Regulation No. 232 shall become effective December 11, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12923; Filed, December 5, 1942; 11:27 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 238, Amendment 4]

ADJUSTED AND FIXED MARK-UP REGULATIONS FOR SALES OF CERTAIN FOOD PRODUCTS AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1351.610 is hereby revoked in its entirety.

Section 1351.617a (d) is added to read as set forth below:

§ 1351.617a *Effective dates of amendments.* * * *

(d) This Amendment No. 4 (§§ 1351.610 and 1351.617a (d)) to Maximum Price Regulation No. 238 shall become effective December 11, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12924; Filed, December 5, 1942; 11:26 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 279]

HOPS

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 279 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for certain sales of hops. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this Maximum Price Regulation No. 279.

In the judgment of the Price Administrator the maximum prices established by this Maximum Price Regulation No. 279 are, and will be, generally fair and equitable, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 279 is hereby issued.

AUTHORITY: §§ 1351.1451 to 1351.1465, inclusive issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1351.1451 *Purpose of this regulation.* On and after the effective date of this regulation regardless of any contract, agreement or other obligation, no person to whom this regulation is applicable shall sell or deliver any hops as specified in this regulation and no person in the course of trade shall buy or receive any such hops at a price higher than the maximum prices permitted by this regulation; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. Lower prices may be charged, demanded, paid or offered.

§ 1351.1452 *Maximum prices for hops grown previous to the 1942 crop.* The maximum prices for sales of hops grown previous to the 1942 crop shall be as follows:

(a) For sales of Pacific Coast regular seeded hops by growers, 38 cents per pound f. o. b. grower's farm, warehouse or place of business.

(b) For sales of Pacific Coast seedless hops by growers, 40 cents per pound f. o. b. grower's farm, warehouse or place of business.

(c) For sales of Pacific Coast regular seeded hops by grower cooperatives or grower dealers, 43 cents per pound f. o. b. farm, warehouse or place of business.

(d) For sales of Pacific Coast seedless hops by grower cooperatives or grower dealers, 45 cents per pound f. o. b. farm, warehouse or place of business.

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*Copies may be obtained from the Office of Price Administration.

(e) For sales of Pacific Coast regular seeded hops by a dealer, 48 cents per pound f. o. b. warehouse or place of business.

(f) For sales of Pacific Coast seedless hops by a dealer, 50 cents per pound f. o. b. warehouse or place of business.

(g) For sales of Pacific Coast regular seeded hops by a brewers supply dealer, 53 cents per pound f. o. b. warehouse or place of business.

(h) For sales of Pacific Coast seedless hops by a brewers supply dealer, 55 cents per pound f. o. b. warehouse or place of business.

§ 1351.1453 *Maximum prices for certain sales of hops of the 1942 crop.* (a) The maximum price for sales by dealers and brewers supply dealers of the 1942 crop of Pacific Coast regular seeded hops and of Pacific Coast seedless hops (to be priced separately) shall be the highest price charged by such dealer or brewers supply dealer during the period of the five days preceding December 5, 1942, f. o. b. his warehouse or place of business. If the seller had only a delivered price during said period he shall ascertain his maximum price f. o. b. his warehouse or place of business by deducting the exact transportation charge on each sale and delivery during said period and the highest resultant figure shall be his maximum price f. o. b. his warehouse or place of business.

(b) "Highest price charged during the five day period" specified in the above paragraph means the highest price which the seller charged for a sale or delivery during the five day base period to a purchaser of the same class; or if the seller made no such sale or delivery during the five day base period his highest offering price for delivery during that period to a purchaser of the same class; or if the seller made no sale or delivery or had no offering price during the five day base period to a purchaser of the same class the highest price charged during the base period to a purchaser of the same class by his most closely competitive seller during the base period.

§ 1351.1454 *Maximum delivered prices.* On all sales of hops covered by this regulation the maximum delivered price shall be the maximum f. o. b. price hereinbefore in this regulation specified plus the actual transportation cost from the seller's shipping point to the buyer's receiving point.

§ 1351.1455 *Trade practices to be maintained.* Customary allowances, discounts or other price differentials shall be maintained by every seller subject to this regulation, but the maximum prices fixed by this regulation shall not be exceeded.

§ 1351.1456 *The maximum prices at which any seller may export any hops subject to this regulation.* The maximum prices at which any seller may export any hops subject to this regulation shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[1] or other applicable regulation hereafter issued by the Office of Price Administration.

§ 1351.1457 *Exempt sales.* This regulation shall not apply to the following:

(a) Sales of other than Pacific Coast regular seeded hops, or Pacific Coast seedless hops.

(b) Sales of Pacific Coast hops of the 1942 crop by growers, grower cooperatives or grower dealers.

§ 1351.1458 *Evasion.* The maximum prices set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to any hops covered by this regulation alone or in conjunction with any other commodity or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying agreement or other trade understanding or by changing a business practice.

§ 1351.1459 *Enforcement.* (a) Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses as provided in the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this regulation or of any other price regulation, schedule or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest district, state, field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1351.1460 *Petitions for amendment.* Persons seeking modifications of any provisions of this regulation or an adjustment or exception not provided for herein, may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1351.1461 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to and at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations where a petition for amendment requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1351.1462 *Records.* Every seller shall keep a record of every sale of hops subject to this regulation, for so long as the Emergency Price Control Act of 1942 as amended remains in effect, showing the date of the sale, the quantity sold, whether sold f. o. b. or delivered, the maximum price and the name and address of the purchaser. Said records shall be available for examination by the Office of Price Administration at any time and upon request every such seller shall submit said records to the Office of Price Administration or keep additional records as the Office of Price Administration may from time to time direct.

§ 1351.1463 *Definitions.* (a) "Grower" means a person who produces hops.

(b) "Grower-dealer" means a person who produces hops and sells them to a brewers supply dealer or to the ultimate consumer.

(c) "Grower cooperative" means a non-profit organization acting on behalf of its grower members and selling hops produced by such members to a brewers supply dealer or to the ultimate consumer.

(d) "Dealer" means a person other than a brewers supply dealer who buys hops from a grower for resale.

(e) "Brewers supply dealer" means a person who resells to a brewer and is engaged in the business of selling diverse equipment, supplies and/or services to brewers and whose sales of hops to brewers do not exceed 10 per cent of his total sales of all commodities and/or services to brewers.

(f) Unless the context indicates otherwise, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in the General Maximum Price Regulation issued by the Office of Price Administration shall be applicable to like or similar terms used in this regulation.

§ 1351.1464 *Applicability.* The provisions of this regulation shall be applicable within the continental limits of the United States excluding Alaska.

§ 1351.1465 *Effective date.* This regulation shall become effective December 9, 1942.

Issued this 5th day of December 1942.

LEON HENDERSON,
Administrator.

Approved:

GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-12925; Filed, December 5, 1942; 11:26 a. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[Rationing Order 2A[1] Amendment 20]

NEW PASSENGER AUTOMOBILE RATIONING REGULATIONS

A rationale for the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

New paragraphs (o), (p), (q) and (r) are added to § 1360.310; new paragraphs (c), (d) and (e) are added to §1360.331; the undesignated center headnote, "Restriction of Transfers", §1360.332 and §1360.361 (c) are amended to read as set forth below:

Definitions

§ 1360.310 *Definitions.* * * *

(o) "Alter" means:

(1) To change, modify, dismantle, junk, transform, rebuild, or reconstruct a new passenger automobile; or

(2) To convert a new passenger automobile into any other model or type of conveyance; or

(3) To remove from a new passenger automobile any standard equipment or to remove any other part or equipment the removal of which would impair the operating efficiency of such new passenger automobile.

(p) "Standard equipment" means equipment stated to be standard equipment by the manufacturer as of October 15, 1941.

(q) "Automobile body builder" means any person engaged in the business of rebuilding or converting passenger automobiles.

(r) "Stock car" means any new passenger automobile which is held for purposes of alteration or sale or other transfer by a dealer, distributor, manufacturer, automobile body builder, or a person engaged in the business of insuring or financing passenger automobiles.

Prohibitions

§ 1360.331 *Prohibitions.* * * *

(c) No person shall alter a pool car.

(d) No person shall alter any 1942 non-pool stock car except as follows:

(1) No four-door sedan, two-door sedan, or two or three passenger coupe, hard top, 1942 non-pool stock car may be altered unless such alteration is authorized by the Office of Price Administration, Washington, D. C.

(i) Any owner of an automobile described in subparagraph (1) may make application to the Office of Price Administration, Washington, D. C., for authorization to alter such automobile. Application shall be made in writing, over the signature of the owner or his duly authorized agent, giving the make, body type, serial number and engine number of the automobile, the details of the proposed alteration, and the purpose for which the altered vehicle is to be used.

(ii) The Office of Price Administration, Washington, D. C., if it determines, on the basis of the application and such other evidence as it may require, that the proposed alteration will result in a more economical use of the automobile and will otherwise be in the public interest, may issue an authorization permitting the owner to alter the new passenger automobile described in the application.

(2) Any non-pool stock car other than a four-door sedan, two-door sedan or two or three passenger coupe, hard top, 1942 model may be altered without authorization provided that it is converted into any other model or type of conveyance.

(3) Any part or equipment may be removed from any automobile altered pursuant to subparagraphs (1) or (2) of this paragraph (d) if such part is not essential to the operation of the altered vehicle.

(4) Any part or equipment may be removed from any stock car:

(i) Pursuant to any order, authorization or regulation issued by the War Production Board or the Office of Price Administration;

(ii) In the course of dismantling or junking a stock car for the purpose of scrap or salvage of its parts if, by reason of fire, collision, use or otherwise, it is in such condition that it is impracticable to repair or condition it as a passenger automobile; *Provided, however,* That any person who dismantles or junks a stock car shall notify the Office of Price Administration, Inventory Unit, thereof in accordance with paragraph (e) of this section;

(iii) In the course of repairing such stock car.

(e) Any person who alters a stock car pursuant to paragraph (d) (1) and (2) of this section shall report such alteration within five days thereafter to the Office of Price Administration, Inventory Unit, New York, New York. Such report shall be made in writing over the signature of the owner or his duly authorized agent, specifying the make, body type, serial number and engine number of the automobile, the model or type of conveyance into which it has been altered and the use which is or will be made of the vehicle.

§ 1360.332 *Exemptions.* (a) The prohibitions upon transfers of new passenger automobiles provided by § 1360.331 (a) shall not apply to transfers pursuant to Rationing Order No. 2.[2]

(b) The prohibitions of § 1360.331 shall not apply:

(1) To transfers to any of the following persons pursuant to Government Exemption Permits issued by the Director of Industry Operations of the War Production Board, or to alterations by or on their behalf, of automobiles acquired by them:

(i) The United States Army, Navy, Coast Guard or Marine Corps, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, the Office of Lend-Lease Administration.

(ii) Persons acquiring new passenger automobiles for export to and consumption or use in any foreign country under an export license issued by the Export Control Branch, Office of Exports, Board of Economic Warfare.

Transfers Without Certificates

§ 1360.361 *Persons eligible to acquire for use.* * * *

(c) Dealers, insurers, junk dealers or salvage companies acquiring any new passenger automobile which has been substantially destroyed by collision, fire, use or otherwise; *Provided, however,* That such automobile shall be used only for scrap or salvage of its parts.

Effective Dates

§ 1360.442 *Effective dates of amendments.* * * *

(t) Amendment No. 20 (§§ 1360.310, 1360.331, 1360.332, 1360.361) to Rationing Order No. 2A shall become effective December 11, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1, Supp. Dir. No. 1A, 7 F.R. 562, 698, 1493)

Issued this 5th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12926; Filed, December 5, 1942; 11:28 a. m.]

PART 1367—FERTILIZERS

[MPR 135,[1] Amendment 4]

MIXED FERTILIZER, SUPERPHOSPHATE AND POTASH

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

A new § 1367.33a is added as set forth below:

§ 1367.33a *Adjustable pricing without petition.* Every manufacturer of mixed fertilizer, superphosphate and potash may, without petition or application to the Office of Price Administration for the period of sixty days, next ensuing, or until the effective date of an amendment, hereafter issued, to the maximum price provisions of this Maximum Price Regulation 135, whichever may be the shorter time, sell and deliver mixed fertilizer, superphosphate and potash, and the buyer may buy and accept delivery at the manufacturer's maximum price heretofore established under this Maximum Price Regulation 135, upon the agreement in writing, entered into between the manufacturer and the buyer, that the buyer shall pay to the manufacturer, within a reasonable time to be fixed by the agreement, such price, or increase in price, as may be established or provided for by such amendment as may hereafter be issued, and that the manufacturer shall, within the equivalent time, refund to the buyer any increase paid by the buyer over and above the established maximum price, in the event that such amendment does not establish or provide for such increase.

§ 1367.41 *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§ 1367.33a) a Maximum Price Regulation 135 shall become effective December 5, 1942.

Issued this 5th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12937; Filed, December 5, 1942; 12:06 p. m.]

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[1] 7 F.R. 5059, 7242, 8829, 9000.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1542, 1647, 1756, 2108, 2242, 2305, 2903, 3097, 3482, 4343, 5484, 6049, 6082, 6424, 6601, 6775, 6964, 7149, 8808, 8895, 9316.

[2] 7 F.R. 667, 936, 1131, 1009.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3817, 5027, 5665, 7599, 8948.

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136 as Amended,[1] Amendment 61]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.*

Section 1390.25 (c) (21) is amended to read as follows:

§ 1390.25 * * *

(c) * * *

(21) *Lead acid storage batteries.* Notwithstanding the provisions of §§ 1390.5, 1390.6, 1390.7 and 1390.10, the maximum price applicable to the sale to any purchaser by the manufacturer, or a seller other than the manufacturer, of any lead acid storage battery or part, shall be the net price determined in accordance with the applicable provisions of §§ 1390.5, 1390.7 or 1390.10, plus an amount not exceeding one cent for each pound or major fraction of a pound, of lead contained in such battery or part: *Provided*, That the price so determined shall in no event exceed the highest price charged by the manufacturer, or seller other than the manufacturer, for such battery or part during the month of March 1942 to a purchaser of the same class.

* * * * *

§ 1390.31a *Effective dates of amendments.* * * *

(jjj) Amendment No. 61 (§ 1390.25 (c) (21)) to Maximum Price Regulation No. 136, as amended, shall become effective as of November 7, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12927; Filed, December 5, 1942; 11:25 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136, as Amended,[1] Amendment 62]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1390.1 paragraph (b) is amended; in § 1390.4 new subparagraph (1) is added to paragraph (a); in § 1390.32 new paragraph (l) is added; and in § 1390.33 a new item is added in alphabetical order in paragraph (c), all as set forth below:

§ 1390.1 *Definition of "machines and parts" and "machinery services".* * * *

(b) The term "machinery service" means any operation in the processing, machining, welding, treating, finishing, testing, inspecting, adjusting, maintaining, repairing or rebuilding of a "machine or part" owned by another or of a product owned by another which, as a result of such operation, becomes a "machine or part", except that the machining of a gear, pinion, or sprocket in connection with the production thereof, whether or not performed on material furnished by the customer, shall in no event be deemed a "machinery service", but shall in all cases be deemed to constitute the sale of a gear, pinion, or sprocket, respectively.

§ 1390.4 *Maximum prices: general provisions.* (a) * * *

(1) Notwithstanding the foregoing provisions of this paragraph (a) and notwithstanding the title of § 1390.32, Appendix A, the base date for gears, pinions, sprockets, and speed reducers, as listed in paragraph (l) of Appendix A, shall be October 15, 1941. In applying the provisions of this Maximum Price Regulation No. 136, as amended, to gears, pinions, sprockets, and speed reducers, as listed in paragraph (l) of Appendix A, the date October 15, 1941, shall be substituted for the date October 1, 1941, wherever that date appears. Corresponding changes shall be made in the dates mentioned in paragraph (b) of § 1390.10.

§ 1390.32 *Appendix A: Machines and parts to which the October 1, 1941, date is applicable.* * * *

(l) *Machines and parts for which October 15, 1941, is the base date.* Gears, pinions, sprockets, and speed reducers, including gear motors and other motorized speed reducers, and variable speed gear drives, but not including the following: (1) automotive or tractor transmissions, transfer cases, power take-offs, differentials, or axle assemblies; (2) any items designed for use in private or commercial motor vehicles or any items specially designed for use in vehicles, aircraft, or equipment used primarily for military purposes; (3) any items sold or delivered pursuant to contracts entered into by the Army, Navy, Defense Plant Corporation, Maritime Commission, Panama Canal, Procurement Division of the Treasury, or any other agency of the United States prior to February 18, 1942; (4) any items covered in paragraph (j) of this section.

§ 1390.33 *Appendix B: Machines and parts to which the March 31, 1942, date is applicable.* * * *

(c) *Miscellaneous.*

Gears, pinions, sprockets, and speed reducers specially designed for use in vehicles, aircraft, or equipment used primarily for military purposes.

§ 1390.31a *Effective dates of amendments.* * * *

(kkk) Amendment No. 62 (§§ 1390.1 (b), 1390.4 (a) (1), 1390.32 (l), and 1390.33 (c)) to Maximum Price Regulation No. 136, as amended, shall become effective December 11, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12928; Filed, December 5, 1942; 11:28 a. m.]

PART 1398—OFFICE AND STORE MACHINES

[Revised Rationing Order 4,[1] Amendment 7]

NEW AND USED TYPEWRITERS

The proviso to § 1398.104 (a) is revoked; § 1398.101 is amended to read as set forth below; and a new paragraph (g) is added to § 1398.112.

§ 1398.101 *Restriction of sales and delivery of typewriters.* (a) On and after December 5, 1942, notwithstanding any other provision of Revised Rationing Order No. 4, no person shall buy, sell, rent, loan, borrow, convert to use, or otherwise transfer or acquire a typewriter, or offer to do so, except as permitted by this section or by § 1398.102 (a), or by subparagraphs (1) to (6), inclusive, and subparagraph (9) of § 1398.102 (b), or by § 1398.103 (d), or by § 1398.104.

(b) At any time prior to January 1, 1943, any eligible person may purchase a typewriter for the purchase or rental of which a Certificate or Authorization was issued to him pursuant to this order at any time before December 1, 1942, regardless of whether the typewriter has been received or the Certificate or Authorization is outstanding.

(c) Nothing in this section shall be deemed to prohibit, regulate, or control the transfer or acquisition of the following typewriters:

(1) any typewriter manufactured prior to January 1, 1915;

(2) portable typewriters which lack two of the following three features: (i) tilting or folding paper-table, (ii) self-starter key, (iii) operator touch adjustment;

(3) typewriters of the following makes: Blickensderfer, Oliver, Barlock, Pittsburgh Visible, Fox, Harris, Rex, Demountable, Emerson, Fay Sholes, Hammond, Sholes Visible, Victor, Wellington, and Barr-Morse.

§ 1398.112 *Effective dates of amendments.* * * *

(g) Amendment No. 7 (§§ 1398.101 and 1398.104 (a)) shall become effective December 5, 1942.

(Pub. Law 421, 77th Cong.; W.P.B. Directive No. 1, Supplementary Directive No 1D, and Conversion Order No. L-54-a, 7 F.R. 562, 1792, 2130)

Issued this 5th day of December 1942

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12929; Filed, December 5, 1942; 11:25 a. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362, 8433, 8479, 8520, 8652, 8707, 8897, 9001, 8948, 9040, 9041, 9042, 9053, 9054, 9729.

[1] 7 F.R. 2317, 2792, 4179, 4488, 5188, 6773, 7405, 8809.

PART 1406—MECHANICAL POWER; TRANSMISSION EQUIPMENT

[Revocation of RPS 105]

GEARS, PINIONS, SPROCKETS AND SPEED REDUCERS

A statement of the considerations involved in the issuance of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered*, That Revised Price Schedule No. 105 (§§ 1406.1 to 1406.9, inclusive), *Gears, Pinions, Sprockets and Speed Reducers*,[1] be revoked.

This order shall become effective December 11, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12930; Filed, December 5, 1942; 11:28 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 194,[2] Amendment 7]

ALASKA

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (d) is added to § 1418.51 and subparagraph (11) is added to § 1418.63 (a).

§ 1418.51 *Prohibition against dealing in commodities above maximum prices.* * * *

(d) Excluded from the operation of this regulation are all second-hand and used materials.

§ 1418.63 *Definitions.* (a) * * *

(11) "Second-hand and used materials" include all articles that have been in the physical possession of a consumer for a period of ninety days or more.

§ 1418.66 *Effective dates of amendments.* * * *

(g) Amendment No. 7 (§§ 1418.51 (d), 1418.63 (a) (11)) to Maximum Price Regulation No. 194 shall become effective December 7, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12931; Filed, December 5, 1942; 11:25 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 201,[1] Amendment 3]

VIRGIN ISLANDS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (d) is added to § 1418.101 and subparagraph (12) is added to § 1418.113 (a).

§ 1418.101 *Prohibition against dealing in commodities above maximum prices.* * * *

(d) Excluded from the operation of this regulation are all second-hand and used materials.

§ 1418.113 *Definitions.* (a) * * *

(12) "Second-hand and used materials" include all articles that have been in physical possession of a consumer for a period of ninety days or more.

§ 1418.116 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1418.101 (d), 1418.113 (a) (12)) to Maximum Price Regulation No. 201 shall become effective December 7, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12932; Filed, December 5, 1942; 11:25 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14[2] Under GMPR,[3] Amendment 74]

MODIFICATION OF MAXIMUM PRICES FOR CERTAIN COMMODITIES, SERVICES AND TRANSACTIONS

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and filed with the Division of the Federal Register.*

Subparagraph (47) is added in § 1499.73 (a) as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services, and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided:

* * * * *

(47) *Sales of Remington "Envoy" portable typewriters*—(i) *Maximum price.* The maximum price, exclusive of Federal excise tax, for the sale by any person to a consumer, of a new Remington "Envoy" portable typewriter shall be $40.00.

(ii) *Tagging.* Every person who offers a new Remington "Envoy" portable typewriter for sale to a consumer shall attach to it a tag reading as follows, with the blank appropriately filled in:

> The Office of Price Administration has established a Maximum Retail Price of $40.00 for this Remington "Envoy" portable typewriter, exclusive of Federal excise tax. Our selling price is $_____.

* * * * *

(b) *Effective dates.* * * *

(75) Amendment No. 74 to Supplementary Regulation No. 14 (§ 1499.73 (a) (47)) shall become effective December 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12933; Filed, December 5, 1942; 11:27 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 167 Under § 1499.3 (b) of GMPR]

ELI LILLY AND COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1183 *Approval of maximum prices for sales of 'Becotin'*—(a) *Sales by Eli Lilly and Company*—(1) *Maximum prices.* The maximum prices for sales by Eli Lilly and Company of 'Becotin' are established as set forth below:

Size of package:	*Maximum price per package*
30 capsules	$1.38
100 capsules	4.30
1000 capsules	39.90

(2) *Discounts, allowances, and price differentials.* Eli Lilly and Company shall apply to the maximum prices set forth in subparagraph (1) of this paragraph for its sales of 'Becotin' all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of transportation costs, and any other customary discounts or allowances which were in effect in March, 1942, on its sales of 'Betalin Compound.'

(b) *Sales by wholesalers*--(1) *Maximum prices.* The maximum prices for sales by wholesalers of "Becotin" are established as set forth below:

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1404, 1836, 2132, 2710, 2711, 8948.

[2] 7 F.R. 5909, 6268, 6744, 8023, 8358, 8947, 9195.

[1] 7 F.R. 6269, 6744, 8947.

[2] 7 F.R. 5486, 5709, 6008, 5911, 6008, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 604, 7538, 7511, 7536, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9043, 9196, 9196, 9397, 9391, 9495, 9496, 9639, 9786.

[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6974, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616.

Size of package:	*Maximum price per package*
30 capsules	$1.74
100 capsules	5.40
1000 capsules	50.40

When used in this order the term "wholesaler" means any person who buys "Becotin" and resells it, without substantially changing its form, to retailers.

(2) *Discounts, allowances, and price differentials.* Any wholesaler making sales of "Becotin" shall apply to the maximum prices set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March, 1942, on sales by the wholesaler of "Betalin Compound" or on sales of the vitamin B complex product most comparable to "Becotin" if the wholesaler did not sell "Betalin Compound" in March, 1942.

(c) *Sales by retailers*—(1) *Maximum prices.* The maximum prices for sales by retailers of "Becotin," except for sales on prescription as provided in subparagraph (3) of this paragraph, are established as set forth below:

Size of package:	*Maximum price per package*
30 capsules	$2.61
100 capsules	8.10
1000 capsules	75.60

When used in this order the term "retailer" means any person who buys "Becotin" and resells it directly to consumers.

(2) *Discounts, allowances, and price differentials.* Any retailer making sales of "Becotin" shall apply to the maximum prices set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March, 1942, on sales by the retailer of "Betalin Compound" or on sales of the vitamin B complex product most nearly comparable to "Becotin" if the retailer did not sell "Betalin Compound" in March, 1942.

(3) *Sales on prescription.* The maximum prices established by subparagraph (1) of this paragraph shall not apply to sales on prescription of "Becotin." The maximum price for a sale on prescription of "Becotin" shall be determined by the person making the sale on prescription in accordance with the provisions of § 1499.3 (a) of the General Maximum Price Regulation, except that no report of the maximum price so determined need be filed as required by that section.

(d) *Marking package with retail ceiling price.* Eli Lilly and Company shall mark each package of 30 capsules of "Becotin" sold by it with the words "Ceiling Price $2.61," each package of 100 capsules with the words "Ceiling Price $8.10," and each package of 1,000 capsules of "Becotin" with the words "Ceiling Price $75.60." These words shall be printed or stamped in letters at least one quarter as large as those used for the name of the product on the package in which the "Becotin" is customarily sold by the seller at retail to the ultimate consumer when it is not sold on prescription and the type shall be sufficiently bold and the words shall be printed or stamped in a color which sharply contrasts with the background so that the words are clearly legible. No retailer, except a person making a sale on prescription, shall make sales of "Becotin" unless the package in which the product is sold is marked with the retail ceiling price as required by this paragraph.

(e) *Notification of maximum prices*—(1) *By Eli Lilly and Company to direct-buying retailers.* Eli Lilly and Company shall supply to each retailer before or at the time of its first delivery of "Becotin" to such retailer a written statement as follows:

> The OPA has authorized us to charge $1.38 for each package of 30 capsules of "Becotin," $4.30 for each package of 100 capsules of "Becotin," and $39.90 for each package of 1,000 capsules of "Becotin" subject to all customary discounts and allowances. Your ceiling prices are authorized to be $2.61 for each package of 30 capsules, $8.10 for each package of 100 capsules and $75.60 for each package of 1,000 capsules, except for sales on prescription. Maximum prices for sales on prescription must be determined under section 3 (a) of the General Maximum Price Regulation, except that no report of the maximum price need be filed. OPA requires that you keep this notice for examination.

(2) *By Eli Lilly and Company to wholesalers and to retailers via wholesalers.* Eli Lilly and Company shall supply to each wholesaler before or at the time of its first delivery of 'Becotin' and in addition shall include with each shipping unit of such product for a period of three months a written notification. If such notification is enclosed in a shipping unit a legend shall be affixed outside of such unit to read "Retailer's Notice Enclosed." The written notification shall read as follows:

> The OPA has authorized us to charge $1.38 for each package of 30 capsules, $4.30 for each package of 100 capsules, and $39.90 for each package of 1,000 capsules, subject to all customary discounts and allowances. Wholesalers are authorized to establish ceiling prices of $1.74 for each package of 30 capsules, $5.40 for each package of 100 capsules, and $50.40 for each package of 1,000 capsules, subject to all customary discounts and allowances. Retailers are authorized to establish ceiling prices of $2.61 for each package of 30 capsules, $8.10 for each package of 100 capsules, and $75.60 for each package of 1,000 capsules, except for sale on prescriptions. The maximum prices for sales on prescriptions shall be determined under section 3 (a) of the General Maximum Price Regulation, except that no report of the maximum price need be filed. If the initial sale by a wholesaler to a retailer is a split-case sale, the wholesaler is required to provide such retailer with a copy of this notice. OPA requires that you keep this notice for examination.

(f) *Definitions.* When used in this order the term:

(1) "'Becotin'" means a vitamin preparation, each capsule of which contains the following amounts of specific vitamin substances:

	mg.
Vitamin B_1 (Thiamin Chloride)	3.0
Vitamin B_2 (Riboflavin)	4.0
Nicotinamide	30.0
Calcium Pantothenate	11.0
Vitamin B_6 (Pyridoxine Hydrochloride)	1.5
Liver-Stomach Concentrate	600.0

(2) "'Betalin Compound'" means a vitamin preparation, each capsule of which contains the following amounts of specific vitamin substances:

	mg.
Vitamin B_1 (Thiamin Chloride)	1.0
Vitamin B_2 (Riboflavin)	0.333
Nicotinamide	2.0
Calcium Pantothenate	0.25
Vitamin B_6 (Pyridoxine Hydrochloride)	0.2
Liver-Stomach Concentrate	600.0

(g) This Order No. 167 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 167 (§ 1499.1183) shall become effective on December 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12934; Filed, December 5, 1942; 11:26 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Order 131 Under § 1499.3 (b) of GMPR]

WM. P. POYTHRESS AND CO., INC.

Correction

In the bracketed designation of the document appearing on page 10150 of the issue for Saturday, December 5, 1942, the number "1" was omitted after the word "amendment".

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 10—INSURANCE

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT AMENDMENTS OF 1942

Sec.
10.3320 The insured.
10.3321 The policy.
10.3322 The premium.
10.3323 The insurer.
10.3324 Amount of insurance.
10.3325 Calculation of values.
10.3326 Application.
10.3327 Benefits.
10.3328 Indemnity.
10.3329 Maturity.
10.3330 Settlement.
10.3331 Policy under protection of Act.
10.3332 Election by insurer.
10.3333 Beneficiary or assignee.
10.3334 Termination.

AUTHORITY: §§ 10.3320 to 10.3334 inclusive, issued under Pub. Law 732, 77th Cong.

§ 10.3320 *The insured.* The term "insured" includes any person on active duty with the military and naval forces of the United States (including Coast Guard) and any member of the Women's Army Auxiliary Corps, whose life is insured under and who is the owner and holder of and has an interest in a policy as hereinafter defined.

(a) The phrase "person in military service" as used in section 400 (c) is defined in section 101, Article I of the Act approved October 17, 1940, as amended by section 19 of Public 554, approved May 14, 1942, to be any member of the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy and any member of the Women's Army Auxiliary Corps, and the term "military service" as hereinafter used shall mean service in the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard and the Women's Army Auxiliary Corps. A statement over the signature of the Commanding Officer or a commissioned officer of equal or higher rank than the insured, on the application by the insured, may be accepted as a certification that the insured is a person in the military service. If the insured is on detached service, the application may be witnessed by the person who has custody of the insured's service record. If application is made by a person designated by the insured, or is made by the beneficiary, evidence that the insured is a person in the military service will be procured by the Veterans' Administration from the service department. (October 6, 1942)

§ 10.3321 *The policy.* The term "policy" includes any contract of life insurance on a life or endowment or term plan, and any benefit contract in the nature of life insurance arising out of membership in any fraternal or beneficial association, which was made and on which a premium was paid before date of approval of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 (October 6, 1942), or not less than thirty days before the date the insured entered into the military service. A policy is not eligible for protection under the Act if it contains any provision excluding or restricting liability for death arising from or in connection with military service, or any activity which the insured may be called upon to perform in connection with his military service, or requires the payment of an additional premium because of military service. The provisions of the Act are not applicable to policies of United States Government Life Insurance and National Service Life Insurance.

(a) Any provision in a policy that may limit or eliminate a benefit other than the primary death benefit will not, because of such provision, place the policy outside the protection of the Act if it is otherwise eligible for protection.

(b) A policy must be in force on a premium paying basis at the time of application for benefits under the Act.

(c) An annuity contract, if it provides payment of a substantial death benefit in the nature of life insurance, may be included within the provisions of the Act if otherwise eligible. Group insurance will not be included unless an individual and separate contract of insurance is completely released to the insured and thereafter comes within the provisions of the Act as a policy.

(d) The phrase "face amount of insurance" as used in the regulations will mean the amount of insurance payable as a death benefit and if a policy provides for instalment payments as a death benefit they will be calculated in accordance with the terms of the policy on the hypothesis of the death of the insured on the due date of the first premium to be guaranteed by the Government: *Provided,* That any indebtedness, or any accruals (such as paid-up additions, dividend accumulations, etc.) that may be added to or taken from the amount payable as the death benefits will not be used in calculating the face amount of a policy. (October 6, 1942)

§ 10.3322 *The premium.* The term "premium" includes the amount specified in the policy as the stipend to be paid by the insured at regular intervals during the period therein stated, and membership dues and assessments in an association.

(a) The premium on a policy will be calculated on an annual basis, and if the annual premium is not stated on the policy, the insurer will make a calculation of the premiums for payment in advance and discounted at not less than 3½ per centum, subject to approval by the Veterans' Administration.

(b) Premiums will not be guaranteed for any additional death benefit insurance which together with the amount of the primary death benefit would result in a payment in excess of $10,000 in the event of death of the insured, nor will premiums be guaranteed for benefits additional to the primary death benefit if liability for such additional benefits is excluded or restricted by military service or any activity which the insured may be called upon to perform in connection with his military service: *Provided,* That in the event the premiums for primary and additional benefits are not separable under the terms of the policy the entire premium will be guaranteed if the policy is otherwise eligible for protection under the law.

(c) An automatic loan provision or other such benefit in a policy shall not be operative during the period of protection under the Act to avoid the provisions of the Act in relation to any premium that became payable not more than thirty-one days prior to date of application, and thereafter while the policy is protected by the provisions of the Act. (October 6, 1942)

§ 10.3323 *The insurer.* The term "insurer" includes any firm, corporation, partnership, or association chartered or authorized to engage in the insurance business and to issue a policy by the laws of a State of the United States or the United States and is subject to the jurisdiction of the courts of the several States or the United States. (October 6, 1942)

§ 10.3324 *Amount of insurance.* The provisions of the Act are not applicable to insurance in excess of ten thousand dollars on the life of one insured, and a policy (or policies) which provides insurance in excess of that amount will be divided at the request of the Veterans Administration; however, this shall not delay insurance in the amount of ten thousand dollars from receiving the protection afforded policies under the Act because of administrative procedure or any difficulties encountered in procuring possession of an outstanding policy. If applications are made by an insured on policies for an amount exceeding ten thousand dollars (one or more policies with one or more insurers), without indicating a preference, the policy which affords the best security to the Government will be given preference by the Veterans Administration. (October 6, 1942)

§ 10.3325 *Calculation of values.* (a) The term "cash surrender value" shall include any dividend accumulations, the value of any paid-up additions, and any other amounts available as a credit under the policy less the indebtedness with interest accumulations to the day on which the policy ceases to be under the protection of the Act.

(b) The term "indebtedness" will include any loan, lien, or other obligation under the policy due by the insured that would be deducted by the insurer at the time of making settlement under the policy.

(c) The use of the terms "interest" and "rate of interest" will follow the usual practice and procedure of the insurer but the rate of interest shall not exceed the rate fixed for policy loans. If no rate of interest on indebtedness is specifically fixed in the policy, the rate shall be the rate fixed for policy loans in other policies issued by the insurer at the time the policy brought under the Act was issued. Any rate of interest not specifically fixed in the policy will be subject to approval by the Veterans' Administration. (October 6, 1942)

§ 10.3326 *Application.* (a) The benefits of the Act are not available except upon application by the insured or by a person designated by the insured or by the beneficiary if the insured is outside the continental United States (not including Alaska and the Panama Canal Zone). Any writing signed by the insured designating a person, firm, or corporation to make application for benefits under the Act shall be sufficient authority for the making of such application for the insured by such agent. When application is made by person designated by the insured, the instrument or other writing authorizing such action must be attached to the application executed by the agent. The form will set forth that the application therein made is a consent by the insured to such modifications of the terms of the contract of insurance as are made necessary by the provisions of the Act. The insured and the insurer will execute such other forms as may be advisable and will furnish such reports concerning the policy as may be deemed necessary. The insurer will be deemed to have agreed to such modifications of the policy as may be required to give the Act full force and effect with respect to such policy.

(b) The form of application for benefits as prescribed by regulations will be identified as Veterans Administration Insurance Form 380. An informal application will be supplemented by an application on the prescribed form. The original of the application for benefits will be mailed or delivered to the insurer at its principal office or to the office or agency to which the last premium on the policy has been paid. The copy of the application for benefits will be mailed or delivered to the Veterans Administration at Washington, D. C.

(c) When application for benefits is received by an insurer, a report thereof will be made within thirty days to the Veterans' Administration at Washington, D. C. on the form prescribed for that purpose and identified as Veterans' Administration Insurance Form 381. The insurer may submit with the report a statement setting forth any additional information deemed necessary to the adjudication of the application, and any facts and reasoning as to why the policy should or should not be protected under the Act.

(d) Upon receipt of a report from the insurer on Insurance Form 381, the Director of Insurance will determine if the policy is entitled to the protection of the Act, and the insurer and the insured will be notified of the decision. (October 6, 1942)

§ 10.3327 *Benefits.* Any policy found to be entitled to protection under the provisions of the Act will not lapse or otherwise terminate or be forfeited for the nonpayment of a premium or the nonpayment of any indebtedness or interest during the period of military service of the insured and two years after the expiration of such service, but this guarantee will not extend for more than two years after the date when the Act ceases to be in force.

(a) For the period during which a policy is protected by the provisions of the Act, any dividends, return of premiums, or other such monetary benefits arising out of the contract or by reason thereof, will be held subject to disposal or to be applied as may be approved by the Veterans' Administration.

(b) A policy will not be removed from the protection of the Act by reason of a payment made to the insurer by or on behalf of the insured, but any tender of a premium (in whole or in part) shall be applied on the indebtedness established under authority of the Act against the policy: *Provided,* That nothing herein shall prevent an insured from continuing payment to the insurer of premiums to cover any additional benefits (such as double indemnity, waiver of premium, etc.) where such premiums may not be included in the amount guaranteed by the Government. (October 6, 1942)

§ 10.3328 *Indemnity.* The United States shall have a lien upon any policy receiving the benefits of the Act, subject only to any prior lien and no loan or settlement or payment of dividend may be made by the insurer which will prejudice the security of the Government's lien. Before any dividend is paid or any loan or settlement of any kind or character is made with the insured on a policy while protected by the provisions of the Act, the written consent of the Veterans' Administration must be obtained. (October 6, 1942)

§ 10.3329 *Maturity.* (a) If a policy protected by the provisions of the Act is terminated by death of the insured, the amount of any unpaid premiums, with interest at the rate provided for policy loans, will be deducted from the proceeds of the policy, and will be reported by the insurer to the Veterans' Administration.

(b) The phrase "maturity of a policy as a death claim or otherwise" (section 405, Soldiers' and Sailors' Civil Relief Act Amendments of 1942), will not include a termination or maturity of a policy as a disability claim, and the policy will continue under the provisions of the Act as if there had been no maturity, but the Government shall not be liable for any premiums that the insured would have been relieved of paying under any provisions for payment of premiums in the policy.

(c) If a policy matures as a claim, except a death claim, or if protection under the Act is otherwise terminated before expiration of the period fixed by the Act, the amount of any unpaid premiums, with interest at the rate provided for policy loans, will be deducted and the insurer will immediately notify the Veterans' Administration and will make a complete statement of the account as to that particular policy.

(d) If a policy is not removed from the protection of the Act prior to the expiration of the period of protection, at that time the insurer will submit to the Veterans' Administration a complete statement of the account as to that particular policy.

(e) The statement of account will show the amount of indebtedness by reason of the premiums with interest and the credits, if any, then available and will be subject to audit and approval by the Director of Insurance. The statement of account will include the rate of interest charged on all indebtedness, the dates of debit and credit entries, and such other information as may be deemed necessary in making an audit of the account. If there is a balance due by the United States to the insurer, payment in favor of the insurer will be certified. (October 6, 1942)

§ 10.3330 *Settlement.* The payment of premiums and interest thereon at the rate fixed in the policy for policy loans while the policy is protected under the provisions of the Act is guaranteed by the United States, and if the amount so guaranteed is not paid to the insurer prior to the expiration of the period of protection the amount then due will be treated by the insurer as a loan on the policy. However, if at the expiration of the period of protection the cash surrender value of the policy is less than the amount guaranteed, the policy shall cease and terminate and the United States will pay to the insurer the difference between the cash surrender value of the policy and the amount guaranteed. If the insured is in the military service when the Act ceases to be in force, the period of protection of a policy under the Act will expire two years after the date when the Act ceases to be in force and settlement will be made as above provided. Any amount paid by the United States to an insurer on account of a policy protected under the provisions of the Act will become a debt due the United States by the insured on whose account payment was made and such amount will be collected by deduction from any amount due said insured by the United States or as otherwise authorized by law. (October 6, 1942)

§ 10.3331 *Policy under protection of Act.* A policy placed under the protection of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 and which was under the protection thereof on October 6, 1942, by reason of a finding having been made prior to that date, will remain subject to the provisions of said Act and the regulations published under authority thereof except that the policy will be subject to the benefits and privileges governing the period of protection and settlement as provided in sections 403, 404, and 405 of Article IV of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942. If a policy was protected under the provisions of said Act of 1940 and the period of protection terminated prior to October 6, 1942, the provisions of Article IV of the Amendments of 1942 and the regulations published under authority thereof are not applicable to the policy except that any premium which the Government has guaranteed under such policy will be for settlement in accordance with the mode of settlement elected by the insurer as provided in section 408 of the Amendments of 1942. (October 6, 1942)

§ 10.3332 *Election by insurer.* Any insurer holding certificates issued under authority of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 on account of policies protected under said Article, may surrender such certificates to the United States on or before January 4, 1943, and elect to receive the guarantee of premiums and the mode of settlement for such policies as provided by Article IV of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942. The insurer desiring to take such action shall state that, pursuant to the provisions of Section 408 of Article IV of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942, it elects to receive the guarantee of unpaid premiums and interest thereon and the mode of settlement as provided by said Amendments, in lieu of the method of settlement and the requirement for accounts and reports prescribed by Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, and that it therefore surrenders to the United States all certificates of indebtedness issued to it by the Administrator of Veterans Affairs under said Act, giving the numbers of certificates surrendered and attaching same to the release signed by the insurer. The insurer will also submit to the Veterans Administration at the earliest practicable date a schedule of all policies which were covered under Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, giving name of insured, face amount of policy, policy number and date of application for protection under said Act. In the case of policies as to which the period of protection expired prior to October 6, 1942, if the insurer has elected to accept the provisions of section 408 (2) of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 within the time specified therein, the insurer will submit the statement of account provided by § 10.3329 (d) and (e), ("Maturity") of this chapter, and in case there is a balance due by the United States to the insurer, payment in favor of the insurer will be certified. If the insurer does not elect to accept the provisions of section 408 (2) of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942, on or before January 4, 1943, then the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 and the regulations published pursuant thereto, will govern the accounting as between the insurer and the Government. (October 6, 1942)

§ 10.3333 *Beneficiary or assignee.* In administering the provisions of Article IV of the Act, all matters pertaining thereto shall be confined to the interest of the insured, the insurer, and the Government; therefore, it will not be necessary to procure the consent of a beneficiary, or an assignee, or any person, who may have a right or interest, either vested or inchoate, in the proceeds of the policy, as a prerequisite to placing a policy under the protection of the Act. Any existing right of an insured to change a beneficiary designation or select an optional settlement for a beneficiary while the policy is under the protection of the Act is not affected by the provisions of the Act. (October 6, 1942)

§ 10.3334 *Termination.* Section 604 of Soldiers' and Sailors' Civil Relief Act of 1940, provides that the Act shall remain in force until May 15, 1945: *Provided,* That should the United States be then engaged in a war, the Act shall remain in force until such war is terminated by a treaty of peace proclaimed by the President and for six months thereafter. (October 6, 1942)

FRANK T. HINES,
Administrator.

[F. R. Doc. 42-12920; Filed, December 5, 1942; 11:40 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 115—RECORDS OF PIPE LINE COMPANIES

DESTRUCTION OF RECORDS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 25th day of November 1942.

The matter of the Regulations to Govern the Destruction of Records of Carriers by Pipe Lines to be prescribed for and kept by pipe lines being under consideration by the Division, pursuant to the authority of section 20 of the Interstate Commerce Act, and upon consideration of the matters and things involved, and the Division having found that the Regulations to Govern the Destruction of Records of Carriers by Pipe Lines, issue of 1943, hereto attached and made a part hereof, are necessary for purposes of administration of the provisions of Part 1 of the Act. *It is ordered:*

Regulations prescribed. (a) Every carrier by pipe line subject to the provisions of the Interstate Commerce Act, and every trustee, executor, administrator, or assignee of any such pipe line carrier, are hereby required to comply with the Regulations to Govern the Destruction of Records of Carriers by Pipe Lines, issue of 1943, in the destruction and retention of their operating, accounting and financial papers, records, books, blanks, tickets, stubs, and documents of carriers by pipe lines.

(b) *Effective date and supersedure.* The issue of 1943, Regulations to Govern the Destruction of Records of Carriers by Pipe Lines, shall become effective on January 1, 1943, and the order and regulations issued and prescribed June 28, 1915, shall thereupon be canceled and superseded.

And it is further ordered, That a copy of this order and the Regulations to Govern the Destruction of Records of Carriers by Pipe Lines herein prescribed shall be served upon every pipe line carrier subject to the Act and every trustee, executor, administrator, or assignee of any such pipe line carrier, and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register, The National Archives.

Sec.
115.1 Authority to destroy certain records.
115.2 Preservation of other records; special permission to destroy.
115.3 Officer having supervision of destruction.
115.4 Written authority of officer having supervision of destruction.
115.5 Certificates of destruction.
115.6 Committee for destruction of certain records.
115.7 Method of destruction.
115.8 Accidental destruction of accounts, records, and memoranda.
115.9 Duplicate accounts, records, and memoranda.
115.10 List of accounts, records, and memoranda authorized to be destroyed, and periods of retention.

AUTHORITY: §§ 115.1 to 115.10 inclusive, issued under 24 Stat. 386, 34 Stat. 593, 41 Stat. 493, 46 Stat. 251, 49 Stat. 543, 54 Stat. 916; 49 U. S. Code 20.

Special note: The following extract from section 20 of the Interstate Commerce Act is here quoted for convenient reference thereto by carriers:

> Any person who shall knowingly and willfully make, cause to be made, or participate in the making of, any false entry in any annual or other report required under this section to be filed, or in the accounts of any book of accounts or in any records or memoranda kept by a carrier, or required under this section to be kept by a lessor or other person, or who shall knowingly and willfully destroy, mutilate, alter, or by any other means or device falsify the record of any such accounts, records, or memoranda, or who shall knowingly and willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the carrier, lessor, or person, or shall knowingly and willfully keep any accounts, records, or memoranda contrary to the rules, regulations, or orders of the Commission with respect thereto, or shall knowingly or willfully file with the Commission any false report or other document, shall be deemed guilty of a misdemeanor and shall be subject, upon conviction in any court of the United States of competent jurisdiction to a fine of not more than five thousand dollars or imprisonment for not more than two years, or both such fine and imprisonment: *Provided,* That the Commission may in its discretion issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents of such carriers, lessors, or other persons as may, after a reasonable time, be destroyed, and prescribing the length of time the same shall be preserved.

The regulations set forth in this order pertain only to the accounts, records, and memoranda named or described herein. All accounts, records, and memoranda not indicated in the regulations remain under the prohibition of destruction contained in section 20 of the act.

It is not intended that these regulations shall be interpreted as requiring that the records herein named shall be installed, when such records are not already kept by a carrier.

The following Regulations to Govern the Destruction of Records of Carriers by Pipe Lines subject to the Interstate Commerce Act are in lieu of Part 110, Subpart E and Part 115 of Title 49, Code of Federal Regulations.

§ 115.1 *Authority to destroy certain records.* Each and every carrier by pipe line subject to Part I of the Interstate Commerce Act and each and every trustee, executor, administrator or assignee of any such carrier, is permitted to destroy the accounts, records, and memoranda named or described in these regulations, after preserving the same for the periods of time respectively specified and upon complying with the requirements of the regulations.

§ 115.2 *Preservation of other records; special permission to destroy.* (a) All accounts, records, and memoranda of such carriers, other than those the destruction of which is permitted in the said regulations, shall remain under the prohibition of destruction contained in section 20 of the Interstate Commerce Act as amended: (b) However, in case any such carrier desires to destroy any accounts, records, or memoranda other than those hereinafter named it may petition the Commission to that effect, exhibiting a full and detailed description of the accounts, records, or memoranda in question, clearly explaining their character, their use, and their purpose; it being understood that any order entered by the Commission on any such petition shall, unless otherwise provided, be limited in its force and effect to the particular carrier presenting such petition.

§ 115.3 *Officer having supervision of destruction.* (a) Supervision of the destruction of accounts, records, and memoranda shall be assigned to an officer appointed by the board of directors or, if the carrier's organization shall require it, to two officers so appointed. Such officer or officers may be given (1) general supervision of the destruction of all accounts, records, and memoranda the destruction of which is permitted by these regulations, or (2) authority over the destruction of such of these accounts, records, and memoranda as may be specified by the board of directors. A copy of the resolution of appointment shall be filed with the Commission before the destruction of any of the accounts, records, or memoranda involved. Pending action by the board of directors, an appointment by an executive committee, or by a similarly authorized committee of the board of directors, shall have the same effect as if made by the board of directors.

(b) If the property of a carrier is in the hands of a trustee, executor, administrator, or assignee, the officer or officers to have supervision of the destruction of accounts, records, and memoranda shall be designated by the trustee, executor, administrator, or assignee. A copy of the order designating such officer or officers shall be filed with the Commission before the destruction of any of the accounts, records, or memoranda involved.

(c) In designating an officer to have general supervision of the destruction of accounts, records, and memoranda it would be preferable to designate by title only, rather than by name and title, and thus obviate the necessity of filing a new resolution each time a successor in the office is appointed.

§ 115.4 *Written authority of officer having supervision of destruction.* (a) When any accounts, records, or memoranda are to be destroyed, an officer having supervision of the destruction of accounts, records, or memoranda (as designated in compliance with § 115.3 (a) and § 115.3 (b)) shall issue a written authority naming the person or persons by whom the accounts, records, or memoranda are to be destroyed (except as provided for in § 115.9).

(b) The written authority (1) may be confined to certain accounts, records, and memoranda which have been retained for the periods of time specified in these regulations and which the carrier then desires to destroy, in which case it shall indicate:

(i) A list of the accounts, records, or memoranda to be destroyed, expressed either in form numbers or by descriptive titles; and

(ii) The period or periods covered by the accounts; records, or memoranda the destruction of which is authorized; or (2) may be of continuing effect, applying to any or all the accounts, records, and memoranda named herein as the periods of retention of such accounts, records, or memoranda attain the limits specified herein.

(c) Such written authority, or a certified copy thereof, shall be filed in the office of the issuing officer as a permanent part of the carrier's records. It is not required that copies of the written authorities be filed with the Commission.

§ 115.5 *Certificates of destruction.* (a) The person or persons upon whom devolves the duty of the direct supervision of the destruction of the accounts, records, or memoranda under the authority referred to in § 115.4 (b) shall make certificate (except as provided for in § 115.5 (d) and § 115.9) setting forth that the accounts, records, or memoranda listed in the said authority have been destroyed and that no other accounts, records, or memoranda than those so listed have been destroyed therewith.

(b) If an authority as referred to in § 115.4 (b) is given, a certificate of destruction shall be made listing either by form numbers or descriptive titles the accounts, records, and memoranda destroyed, naming the period or periods covered by the accounts, records, or memoranda, and stating that no other accounts, records, or memoranda than those so listed have been destroyed therewith. Either (1) a separate certificate shall be made each time any accounts, records, or memoranda are destroyed, or (2) cumulative certificates shall be made with entries each time any accounts, records, or memoranda are destroyed.

(c) Certificates of destruction shall be forwarded promptly to the officer having supervision of the destruction of accounts, records, and memoranda who issued the written authority and shall be retained in his office as a permanent part of the carrier's records. In case cumulative certificates are made they shall be forwarded to such officer periodically, but at least once every 6 months. It is not required that copies of the certificates of destruction be filed with the Commission.

(d) Certificates of destruction need not be made for accounts, records, and memoranda, the destruction of which, in the list in § 115.10 hereof, is made optional with the carrier, but a written authority, either for specific records or of continuing effect (except as provided for in § 115.9), shall be issued by the officer having supervision of the destruction of such accounts, records, and memoranda.

§ 115.6 *Committee for destruction of certain records.* At the option of the carrier the board of directors may from time to time name a committee to destroy canceled stock certificates, bonds, or other records covered by item B–3 of § 115.10 in lieu of delegating the authority for the destruction to an officer, as provided in § 115.3 (a). A copy of the resolution of the board of directors naming such committee shall be filed with the Commission before the destruction of any of the records involved, and a certificate of destruction shall be permanently retained by the carrier. Certificates of destruction giving full descriptive reference to the documents destroyed shall be made by the person or persons appointed by the officer having supervision of the destruction of records or by this committee. When documents represent debt secured by mortgage, the certificates of destruction shall also be authenticated by representatives of the trustees acting in conjunction with this committee or shall have the trustees' acceptance thereon.

§ 115.7 *Method of destruction.* (a) The precise method of the destruction of accounts, records, or memoranda is not prescribed. The Commission is not concerned with the method of destruction, whether by fire, sale or otherwise, so long as the destruction is authorized and a certificate of destruction is filed as required by these regulations.

(b) If the accounts, records, and memoranda are not actually destroyed by the carrier, but are disposed of by sale or otherwise, the certificate of destruction shall so state. Attention is called to section 15 of the Interstate Commerce Act, which provides that a carrier shall not divulge to any person information concerning the business of a shipper or consignee which may be used to the detriment of such shipper or consignee. Responsibility for possible infringement of this provision of the law by disposing of its records by other than actual destruction would rest with the carrier.

§ 115.8 *Accidental destruction of accounts, records, and memoranda.* If any accounts, records, or memoranda are destroyed accidentally by fire, flood, or other casualty a statement shall be prepared listing so far as may be possible the records destroyed and detailing the circumstances in connection with the fire or other casualty. This statement shall be authenticated by an officer or some responsible employee of the company and shall be filed with the officer having supervision of the destruction of accounts, records, and memoranda. A copy of the statement shall be filed promptly with the Commission.

§ 115.9 *Duplicate accounts, records, and memoranda.* Provision is made in item P–3 of § 115.10 for the optional destruction of duplicate copies of accounts, records, and memoranda when such copies are not specifically provided for elsewhere in these regulations and when they contain no information not shown on the originals. In destroying such copies carriers may dispense with the written authorities and the certificates of destruction. The originals (or one true copy) shall be retained for the respective periods named for such records in the regulations.

§ 115.10 *List of accounts, records, and memoranda, and periods of retention.* The following list[1] is indicative of accounts, records, and memoranda of carriers by pipe lines specifically referred to by the regulation embodied in § 115.1. The classification of the accounts, records, and memoranda enumerated below under the various general headings is merely for convenient reference and is more or less arbitrary. The regulations are intended to apply to the items as named or described, regardless of the classification and regardless of where filed. Of the accounts, records, and memoranda which are to be retained permanently only the more important are indicated in the list, such specific mention being made so that they may not be confused with any accounts, records, or memoranda which the carrier is hereby given permission to destroy.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42–12955; Filed, December 7, 1942; 11:40 a. m.]

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[1] Filed as part of the original document. Requests for copies should be addressed to the Interstate Commerce Commission.

Notices

POST OFFICE DEPARTMENT.

Office of the Postmaster General.

VIOLATION OF PRIVATE EXPRESS STATUTES

NOVEMBER 20, 1942.

It having been made to appear to the Postmaster General upon evidence satisfactory to him that American Dealers Service, Inc., its officers, agents and employees, at the City of New York, New York, have been and now are violating section 181 of the Criminal Code (Title 18 U.S.C. sec. 304) by establishing and carrying on a private express for compensation for the conveyance of letters and causing and providing for the conveyance of letters and packets by regular trips and at stated periods over post routes in the City of New York on which mail is regularly carried;

Now the Postmaster General orders and directs the Chief Post Office Inspector and such Post Office Inspectors as the latter may authorize and designate, at all times pending further order of the Postmaster General, to seize, pursuant to sections 3990 and 4017 of the Revised Statutes (39 U.S.C. sec. 498), all letters which are being carried for compensation by American Dealers Service, Inc., its successors or assigns, or by any officer, agent or employee thereof, on any post route in the City of New York, with the purpose and intention of delivering the same to any person, association, firm, co-partnership or corporation, and to convey the same to the Main Post Office in the City of New York. The term "letters" as used herein includes all checks with detachable vouchers, statements, memoranda or stubs thereto attached or affixed. The Postmaster General directs that receipts be executed and delivered to the persons from whom seizures are made, with copies to American Dealers Service, Inc., for letters thus seized, and that custody of such letters be retained by said Post Office until further order or direction of the Postmaster General.

Any person, association, firm, co-partnership or corporation considering himself or itself aggrieved by this order or any seizure thereunder may apply in writing to the Postmaster General at Washington, D. C., for a hearing and for an order modifying, amending or retracting this order in whole or in part, or setting aside such seizures or for the return of letters seized. Upon request full and prompt opportunity will be afforded to produce all relevant evidence and to be heard in support of his or its application in person or by counsel.

The Postmaster General further directs that copies of this order shall be mailed to American Dealers Service, Inc., and to the persons, associations, firms, co-partnerships or corporations whose letters may be seized hereunder, if their addresses can be ascertained, as soon as practicable after the seizure thereof.

Subject to the further order of the Postmaster General.

[SEAL] FRANK C. WALKER,
Postmaster General.

[F. R. Doc. 42–12957; Filed, December 7, 1942; 12:01 p. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division

[Docket No. A–1694]

DISTRICT BOARD 9

MEMORANDUM OPINION, ETC.

In the matter of the petition of District Board No. 9 requesting the establishment both temporary and permanent of minimum prices for coals of certain mines in District No. 9.

In the matter of the petition of District Board No. 9 requesting reclassification of the coals of the Ashmore & Poe Brothers' Mine, Mine Index No. 860 in District No. 9.

Memorandum opinion and order severing Docket No. A–1694, Part II from Docket No. A–1694 and notice of and order for hearing in Docket No. A–1694, Part II.

The original petition in the above-entitled matter which was filed with this Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requested the issuance of an order establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District 9 and also requested reclassification of the coals of Ashmore & Poe Brothers' Mine (Mine Index No. 860) for rail and truck shipment.

As was found in an order issued this day in Docket No. A–1694, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except as to that part of petition requesting reclassification of the coals of Ashmore & Poe Brothers' Mine (Mine Index No. 860) in District No. 9. With respect to the request for the reclassification of the coals of Mine Index No. 860, for rail and truck shipments, it appears that the original petitioner has not set forth sufficient facts to warrant such reclassification without a hearing. It appears, therefore, that an adequate showing of necessity has not been made for the granting of temporary relief in the matter of reclassification of the coals of Mine Index No. 860.

Now, therefore, It is ordered, That the portion of Docket No. A–1694 relating to the reclassification of the coals of Mine Index No. 860 be, and it hereby is severed from the remainder of Docket No. A–1694 and designated as Docket No. A–1694, Part II.

It is further ordered, That the request for temporary relief be, and the same hereby is, denied without prejudice to the renewal of such request for temporary relief, upon further showing or upon the basis of the record to be made at the hearing to be held herein.

It is further ordered, That a hearing in Docket No. A–1694, Part II under the applicable provisions of said Act and the rules and regulations of the Division, be held on January 26, 1943, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division at Washington, D. C. On that day the Chief of the Records Section of the Division will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct such hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time and to prepare and submit to the Division proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the Rules and Regulations of the Bituminous Coal Division for Proceedings Instituted Pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 19, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervenors or otherwise, or which may be necessary corrollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 9 requesting the reclassification of the coals of the Ashmore & Poe Brothers' Mine (Mine Index No. 860) for rail and truck shipments from the higher No. 6

seam prices to the lower No. 9 seam prices.

Dated: December 2, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12884; Filed, December 4, 1942; 12:02 p. m.]

[Docket No. A-364]

HILLMAN COAL AND COKE COMPANY

ORDER CORRECTING A TYPOGRAPHICAL ERROR

In the matter of the petition of Hillman Coal & Coke Company for a change in the minimum price established for coals of its Naomi Mine located in District No. 2, when sold for delivery all-river in Market Area No. 13, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

In an order dated November 4, 1942, 7 F. R. 9091, terminating relief and dismissing petition in the above-entitled matter, the first paragraph reads as follows:

> Petitioner having filed an original petition requesting a price of $1.56 per ton for coal from its Naomi Mine, f. a. s. dock of the Ohio Edison Company at Toledo, Ohio, and asking for temporary relief; and

It appears from the record that "Toledo, Ohio," is an error and should read "Toronto, Ohio," and that the order of November 4, 1942, should be corrected accordingly.

Now, therefore, it is ordered, That the first paragraph of said order dated November 4, 1942, be, and the same hereby is, amended to read as follows:

> Petitioner having filed an original petition requesting a price of $1.56 per ton for coal from its Naomi Mine, f. a. s. dock of the Ohio Edison Company at Toronto, Ohio, and asking for temporary relief; and

It is further ordered, That in all other respects the order of November 4, 1942, shall remain in full force and effect.

Dated: December 3, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12885; Filed, December 4, 1942; 12:02 p. m.]

[Docket No. C-22]

SEMET-SOLVAY COMPANY

NOTICE OF AND ORDER FOR HEARING

In the matter of the application of Semet-Solvay Company for exemption pursuant to the section 4-A of the Bituminous Coal Act of 1937.

An application for a determination of the status of coal mined at Mine Index Nos. 270 and 5477 in District No. 8 having been filed on October 26, 1942, by the above-named applicant pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937.

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 12, 1943, at 10 o'clock in the forenoon of that date at a hearing room of the Bituminous Coal Division in Washington, D. C. On such day the Chief of the Records Section in the offices of the Division, Washington, D. C., will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an apropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said applicant and to all other parties herein and to all persons and entities having an interest in these proceedings and eligible to become a party herein. Any person or entity eligible under Section VII (i) of the Rules of Practice and Procedure before the Bituminous Coal Division may file a petition for intervention not later than fifteen (15) days after the date of the issuance of this Notice of and Order for Hearing. Notice is hereby given that:

(1) Within fifteen (15) days from the date of the issuance of this Notice of and Order for Hearing, the applicant and each interested party shall file with the Division a concise statement in writing of the facts expected to be proved by such person at the hearing. Interested parties shall also file a written intervention in compliance with Section VIII of the aforesaid Rules of Practice and Procedure. The statements of facts shall be considered as pleadings and not as evidence of the facts therein stated. The affirmative evidence adduced by a party at the hearing shall be limited to the said statement of facts filed by such party.

(2) If no written statement of the facts expected to be proved at the hearing is filed by the applicant within the 15-day period, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn on the expiration of said period in accordance with the provisions of Section VII (g) of the aforesaid Rules of Practice and Procedure.

(3) If the applicant does not appear and offer evidence in support of its statement of facts, in the absence of extenuating circumstances the application shall be deemed to have been withdrawn in accordance with the provisions of Section VII (g) of the aforesaid Rules of Practice and Procedure.

(4) The burden of proof in this proceeding shall be on the applicant.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the application, other matters necessarily incidental and related thereto, which may be raised by amendment to the application, petitions of intervenors or otherwise, or which may be necessary corollaries to the relief if any granted on the basis of this application.

The matter concerned herewith is in regard to the application of Semet-Solvay Company for a determination of the status of coal produced at Mine Index Nos. 270 and 5477 in District No. 8. The said application alleges that a major portion of such coal is exempt from Section 4 of the Act because it is coal produced, transported, and consumed by the applicant within the meaning of section 4 II (1) of the Bituminous Coal Act of 1937. The application further alleges that the remainder of the coal involved is sold to and consumed by its employees at the said mines for household use pursuant to the provisions of an agreement covering the employment and compensation of said employees and that such transactions are in intrastate commerce and do not, as between persons and localities in such commerce on the one hand and interstate commerce in coal on the other hand, result in any undue, unreasonable, or unjust discrimination against interstate commerce in coal or in any manner directly affect interstate commerce in coal pursuant to section 4-A of the Act.

Dated: December 3, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12886; Filed, December 4, 1942; 12:02 p. m.]

[Docket No. 1808-FD]

ALBUQUERQUE AND CERRILLOS COAL CO.

MEMORANDUM OPINION APPROVING AND ADOPTING REPORT AND RECOMMENDATIONS OF THE EXAMINER AND ORDER OF CERTIFICATION

In the matter of Albuquerque and Cerrillos Coal Company, Respondent.

This proceeding is now before me on exceptions and objections of respondent to the report and recommendations of the Examiner. It was originally instituted upon a complaint filed with the Bituminous Coal Division June 9, 1941, by a representative of Local Union No. 6920 of the United Mine Workers of America which alleged that various acts of respondent Albuquerque and Cerrillos Coal Company, were in violation of the provisions of section 9 of the Bituminous Coal Act of 1937. After appropriate notice, a hearing was held November 10, 1941, before a duly designated Examiner of the Division. The Examiner's recommendations were submitted to me July 31, 1942.

The Examiner's proposed findings of fact and recommended legal conclusions are set forth in a document of 66 pages. The Report discusses in great detail the evidence adduced at the hearing—a hearing which lasted from November 10 through November 22, 1941. At that hearing, 63 witnesses testified and exhibits numbered up to 113 were introduced. The record, which I have myself personally examined, comprises 2,480 pages of stenographic transcript.

On the basis of his observation of the witnesses who testified before him, the arguments of counsel which were frequently injected during the testimony, and an analysis of the record, the Examiner found that respondent company, through its officers and agents, is violating the provisions of section 9 (a) (1) and section 9 (a) (2)[1] of the Act, contrary to the public policy of the United States, and recommended that the Division certify such findings to all departments or agencies of the United States having contracts for the purchase of bituminous coal produced by respondent requesting cancellation and termination of such contracts, as required by section 9 (c) of the Act.[2]

The first part of the Examiner's Report discusses the charge that respondent has failed to accord its employees the right to organize and to bargain collectively with respect to their hours of labor, wages, and working conditions through representatives of their own choosing. The Examiner found, after extensive reference to cases decided under analogous federal legislation, that respondent has for a substantial period failed to bargain in good faith with complainant union, a duly accredited representative of the majority of its employees. Although finding that it had held frequent negotiations with union representatives, the Examiner concluded that respondent was indulging only in "surface bargaining" without any conscientious effort to compose differences, reach an agreement, and thus effectuate the Congressional objective of industrial peace. In the second section of his Report, the Examiner concluded that respondent has, in fact, been guilty of restraining, coercing, and interfering with its employees in the free exercise of their rights under the Act. He found a number of instances in which supervisory employees representing respondent's management made statements which have consistently been regarded by the courts as being of a discriminatory and intimidatory character. In addition, the Examiner concluded that respondent was primarily responsible for a mass attack on a union picket-line during a strike at respondent's mines May 15, 1941. In the third section of his Report, the Examiner found that the Madrid Employees' Club, an organization sponsored and encouraged by respondent or its supervisory employees, was not a "company union" as charged in the complaint.

On September 19, 1942, respondent filed a 54 page brief challenging the conclusions of the Examiner and objecting to various statements and interpretations in his Report. I have carefully considered all of respondent's contentions and have reread portions of the record in the light of those contentions. My own investigation leads me, however, to reject all of the exceptions and objections raised and to adopt and affirm the Report of the Examiner as my own considered judgment.

In view of the Examiner's carefully detailed discussion, I do not believe it either necessary or helpful to attempt further exposition of the details of the evidence pertinent to the questions raised by respondent in its brief. It seems sufficient to point out that many of the objections raised[3] before me are simply restatements of arguments presented to and rejected by the Examiner. Others are predicated on respondent's own interpretation of the facts, which frequently differs from the interpretation of the Examiner. While my own interpretation of particular items of evidence in a few cases also differs slightly from that of the Examiner, I believe that there is substantial support in the record for his inferences and conclusions, and whatever differences may exist in our respective judgments as to the emphasis or interpretation to be given individual isolated facts, the entire record fully confirms the ultimate conclusions reached.

Again, other of respondent's arguments are based upon testimony which the Examiner evidently disregarded as unreliable. Because respondent devotes many pages of its brief to calling attention to the statements of its various witnesses with respect to the assault on the Union's picket-line by non-striking workers, it seems advisable to note that in my opinion the Examiner has reasonably, and with commendable restraint, analyzed highly conflicting versions of that regrettable incident and properly concluded that respondent must bear the ultimate responsibility for it. The testimony of the various supervisory employees on this matter, as set forth in the Examiner's Report, seems to me implausible. While there are at least portions of the testimony of witnesses offered by the Union which are open to similar criticism, I believe that in its entirety the record shows that respondent's supervisory employees, with the express or tacit consent of respondent's president, initiated the meeting held the evening before the assault at which they formulated a plan to discourage Union activities on the picket-line; it seems clear that the large number of non-striking employees who gathered the following morning to make "a show of strength" before the far less numerous men, women, and children on the picket line, came prepared to resort to whatever tactics the exigencies of the carefully planned situation might require. Violence was forseeable, if not deliberately intended. The actual outbreak of such violence appears to have been occasioned irrespective of the actions of the strikers.

With respect to evidence of anti-union statements made to individual employees by supervisors or foremen, I likewise approve the Examiner's acceptance of the employees' versions and his rejection of the denials made by the foremen.

In the light of my examination of the record I conclude, as did the Examiner, that the Madrid Employees' Club was established and perpetuated by important officials or employees of respondent for purposes other than collective bargaining, and for this reason is not an organization outlawed by section 9 (a) (2) of the Act.

In short, without specifically enumerating them, I find each and every objection and exception which respondent makes to the Examiner's Report to be either individually groundless or to have no effect upon the ultimate conclusions reached.

Two matters not discussed by the Examiner may be noted briefly. Apparently for the first time, respondent argues before me that section 9 of the Pituminous Coal Act of 1937 is unconstitutional in that it does not provide proper standards for its administration and because it seeks to regulate labor relations between employers and employees in both interstate and intrastate commerce. Bound as I am to administer and enforce all of the provisions of the Bituminous Coal Act of 1937, it would seem inappropriate even to venture an administrative judgment on the constitutionality of the statute. I believe, in any event, that respondent's claims are entirely without foundation. When considered in context, section 9 of the Act is certainly no more vague or indefinite than numerous other statutory provisions whose validity has been sustained. See, for example, *Sproles* v. *Binford*, 286 U. S. 374, 393 (1932); *Hygrade Provision Co.* v. *Sherman*, 266, U. S. 497, 502 (1925); *Virginia Railway Co.* v. *System Federation*, 300 U. S. 515, 547 (1937).[4]

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[1] In section 9 (a) of the Act it is declared to be the public policy of the United States that: "(1) Employees of producers of coal shall have the right to organize and to bargain collectively with respect to their hours of labor, wages, and working conditions through representatives of their own choosing, without restraint, coercion, or interference on the part of the producers. (2) No producer shall interfere with, restrain, or coerce employees in the exercise of their said rights, nor discharge or discriminate against any employee for the exercise of such rights."

[2] This subsection provides that "On the complaint of any employee of a producer of coal, or other interested party, the Commission may hold a hearing to determine whether any producer supplying coal for the use of the United States or any agency thereof, is complying with the provisions of subsection (a) of this section. If the Commission shall find that such producer is not complying with such provisions, it shall certify its findings to the department or agency concerned. Such department or agency shall thereupon declare the contract for the supply of the coal of such producer to be canceled and terminated."

[3] In particular, respondent urges in a variety of forms that it was financially unable to meet the demands made on it by the Union representatives and for this reason signed no agreement. But, as the Examiner pointed out at page 53 of his Report, claim of financial embarrassment cannot explain away many of respondent's actions which indicate a lack of willingness to bargain in good faith. Again, respondent's failure to meet its statutory obligations cannot be excused, as the Examiner several times pointed out, by what it claims to have been the inflexible attitude of the Union. In renewing these and similar arguments in its brief, respondent takes little or no cognizance of what I believe to be the cogent and persuasive observations in the Report.

[4] For other instances where claims that power had been delegated without sufficient standards for its exercise were rejected, see *Mutual Film Corporation* v. *Industrial Commission of Ohio*, 236 U. S. 230, 246 (1915); *Mahler* v. *Eby*, 264 U. S. 32, 40-41 (1924); *New York Central Securities Corporation* v. *U. S.*, 287 U. S. 12, 25-29 (1932); *Federal Radio Com-*

Likewise, there is no merit in the suggestion that in enacting section 9, Congress has usurped powers under the commerce clause properly reserved to the States. Section 9 would seem to have the same radius of application as other provisions of the Act. Whether activities are or are not of an interstate character or whether they affect interstate activities is to be determined in each individual case. The fact that in a particular instance, although not the present one, it may be difficult to draw a mathematical line does not create any legal objection to the Act. Compare *Nash* v. *United States* 229 U. S. 373, 377 (1913); *Santa Cruz Fruit Packing Co.* v. *N.L.R.B.*, 303 U. S. 453, 467 (1938).

Respondent also suggests that application of the statute leads "to unreasonable results in that it would be impossible for a producer to ever entirely free himself because of his misguided judgment at any time subsequent to June 1, 1937." Respondent's argument seems to be that because the statute does not specifically and expressly provide machinery whereby a producer whose government contracts have been cancelled and terminated pursuant to action under section 9 can regain eligibility for such contracts, it would be improper to make a finding that the producer has been violating those provisions of section 9 which are expressly declared. It seems sufficient to note that under section 2 (a) of the Act the Division is given power to make and promulgate all reasonable rules and regulations for carrying out the provisions of the Act. At this time there seems little reason to prescribe in detail methods by which respondent may purge itself of its violations of section 9. Should respondent subsequently by petition make appropriate application to the Division for reinstatement in good standing and make adequate showing that it is no longer in violation of section 9, an appropriate order will be entered and the departments and agencies affected will be promptly notified of respondent's renewed eligibility for future government contracts. At the present time, however, the record shows that respondent is violating the provisions of section 9. Under these circumstances, I am bound by the statute to certify my finding of such violations to the agencies or departments concerned.

I shall consequently certify to the affected departments or agencies of the United States the following findings:

(1) Pursuant to a complaint filed by Local Union No. 6920 of the United Mine Workers of America, District No. 15, the Bituminous Coal Division has conducted a proceeding to determine whether or not the Albuquerque and Cerrillos Coal Company of Madrid, New Mexico, a producer of bituminous coal in District No. 18, is complying with the provisions of section 9 (a) of the Bituminous Coal Act of April 26, 1937, (50 Stat. 73, 15 U.S.C. Sec. 828 et seq.).

(2) In accordance with recommendations of a duly designated Examiner of the Division who presided at a hearing held November 10 to November 22, 1941, I have this day found that the Albuquerque and Cerrillos Coal Company is not complying with the provisions of section 9 (a) of the Act and that, contrary to the public policy of the United States, it has failed to accord its employees the right to organize and to bargain collectively with respect to their hours of labor, wages, and working conditions through representatives of their own choosing, without restraint, coercion, or interference on the part of the Albuquerque and Cerrillos Coal Company. Rather, I have found that the Albuquerque and Cerrillos Coal Company has interfered with, restrained, and coerced its employees in the exercise of these rights guaranteed by the Act.

(3) I have also found that the Albuquerque and Cerrillos Coal Company is a producer supplying coal for the use of the United States and various of its agencies.

(4) As Director of the Bituminous Coal Division, United States Department of the Interior, I am required by law to certify these findings to all affected departments or agencies of the United States. Section 9 (c) of the Act provides that "such departments or agencies shall thereupon declare the contract for the supply of the coal of such producer to be canceled and terminated."

Dated December 5, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12948; Filed, December 7, 1942; 11:32 a. m.]

[Docket No. B-345]

Burkhardt Consolidated Coal Co.

ORDER CORRECTING ERROR IN NOTICE OF AND ORDER FOR HEARING

In the matter of Burkhardt Consolidated Coal Co., registered distributor, Registration No. 1265.

An error having occurred in Notice of and Order for Hearing dated November 23, 1942, in the above-entitled matter as follows:

In paragraph A(1) of said Notice of and Order for Hearing it is stated that "approximately 21.875 tons of 2'' crushed mine run coal" were resold to the Summit County Children's Home, Akron, Ohio, whereas this coal was in fact resold to the Akron Pure Milk Company, Akron, Ohio.

Now, therefore, it is ordered, That the Notice of and Order for Hearing, dated November 23, 1942, in the above-entitled matter, be and it hereby is corrected accordingly by inserting in paragraph A (1) thereof "to Akron Pure Milk Company, Akron, Ohio" immediately preceding said "approximately 21.875 tons of 2'' crushed mine run coal."

Dated: December 4, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12947; Filed, December 7, 1942; 11:32 a. m.]

[Docket No. B-44]

J. O. Pitcher Coal Co.

ORDER WITHDRAWING NOTICE OF AND ORDER FOR HEARING, CANCELLING HEARING, AND TERMINATING MATTER WITHOUT PREJUDICE

In the matter of J. O. Pitcher Coal Company, registered distributor, Registration No. 7341, respondent.

The above-entitled matter having been instituted by a Notice of and Order for Hearing dated October 24, 1941, and an answer having been filed herein by said respondent on December 1, 1941, in which it was stated that the discounts in excess of the maximum allowable discounts referred to in said notice were accepted by the Distributor as a result of an honest mistake and have been returned to the producer; and

The hearing having been postponed by Order of the Acting Director dated December 4, 1941, to a date and place to be thereafter designated by an appropriate order; and

The Director, upon the basis of said answer, and other information in the possession of the Division, being of the opinion that said Notice of and Order for Hearing should be withdrawn, that the said hearing should be cancelled and that the above-entitled matter should be terminated without prejudice;

Now, therefore, it is ordered, That the said Notice of and Order for Hearing dated October 24, 1941, be and the same hereby is withdrawn; and

It is further ordered, That the hearing heretofore scheduled in the above-entitled matter be and the same hereby is cancelled; and

It is further ordered, That the above-entitled matter be and the same hereby is terminated without prejudice.

Dated: December 4, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12946; Filed, December 7, 1942; 11:32 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

Order Requesting Certain Information

To all radio station licensees:

Pursuant to a recommendation of the Board of War Communications, the Federal Communications Commission requests each licensee to submit immediately the information called for in the attached form.[1] Upon receipt of this information from all stations, it is expected that the Commission in cooperation with the War Production Board will work out a plan for the voluntary redistribution of surplus and salvageable radio equipment.

The purpose of this program is to supply to all radio licensees, as well as to government war agencies and others interested, information relative to the availability of surplus or salvageable material. It is anticipated that this will permit some stations to continue uninterrupted operation which might otherwise be forced to remain silent for temporary periods, and at the same time will not require the use of materials and manufacturing facilities urgently needed for essential war purposes. This will also permit stations to dispose of equipment which is of no use to them.

Selling prices should not be quoted. It is understood that the listing of the information sought does not necessarily constitute an offer to sell. However, items which the station is willing to sell should be indicated by an asterisk. This is merely a means of making the information available to interested parties.

In completing the questionnaire it is requested that even though the item listed is a unit of standard manufacture, that adequate description be given to properly identify it both as to its general nature and as to its characteristics such as size, power, frequency range, emission, resistance, capacitance, scale, etc. Information relative to condition of equipment should be specific in all cases, and if the categories mentioned are inadequate or not applicable, further explanation should be given.

Junk, scrap or equipment which cannot be repaired should not be listed. However, these should be otherwise disposed of in the interest of the war effort. Transmitters which are presently licensed (including those for which a construction permit is outstanding) or which are registered under Order 99 should not be listed. The normal spares to the licensed equipment should not be listed; all other equipment should be.

The returned questionnaires will be analyzed, cataloged by items of equipment and distributed as a Federal publication. In order that this program may be effective the information must be current. Therefore, when material listed is no longer available or when additional material becomes available, the Commission should be so advised immediately.

The questionnaire should be completed and returned not later than December 10, 1942, to the Federal Communications Commission, Engineering Department, Surplus Equipment Section, Washington, D. C.

[SEAL] T. J. SLOWIE,
Secretary.

NOVEMBER 20, 1942.

[F. R. Doc. 42-12938; Filed, December 5, 1942; 11:43 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT B-33]

Balcer Brothers Motor Coach Company, Inc., and Huron Shore Bus Line

COORDINATED OPERATION BETWEEN BAY CITY-ALPENA, MICHIGAN

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers filed with the Office of Defense Transportation by Balcer Brothers Motor Coach Company, Inc., a corporation, Bay City, Michigan, and Albert Rivet, doing business as Huron Shore Bus Line, Alpena, Michigan, pursuant to § 501.49 of General Order ODT 11 [7 F.R. 4389], and in order to assure maximum utilization of the facilities, services, and equipment of common carriers of passengers by motor vehicle, and to conserve and providently utilize vital equipment, material, and supplies, including rubber, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. Balcer Brothers Motor Coach Company, Inc., a corporation, shall operate a through service of not to exceed two round trips daily between Bay City and East Tawas, Michigan. Albert Rivet shall operate a through service of not to exceed two round trips daily between East Tawas and Alpena, Michigan. Such service shall make direct connections at East Tawas so as to provide a coordinated through intrastate service.

2. Balcer Brothers Motor Coach Company, Inc., a corporation, shall not extend or inaugurate service between East Tawas and Alpena, Michigan. Albert Rivet shall suspend service between East Tawas and Bay City, Michigan, and forthwith shall file with the Michigan Public Service Commission a notice describing the operations to be suspended in compliance herewith.

3. The carriers forthwith shall file with the Interstate Commerce Commission in respect of transportation in interstate or foreign commerce, and with the Michigan Public Service Commission in respect of transportation in intrastate commerce, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in fares, charges, operations, rules, regulations, and practices of each carrier which may be necessary to accord with the provisions of this order, together with a copy of this order; and forthwith shall apply to said commissions for special permission for such tariffs or supplements to become effective on one day's notice.

4. The provisions of this order shall not be so construed or applied as to require or permit either carrier to perform any transportation service, the performance of which by it is not authorized or sanctioned by law.

5. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT B-33".

This Special Order ODT B-33 shall become effective December 17th, 1942, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 7th day of December, 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-12945; Filed, December 7, 1942; 11:21 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 3 Under MPR 136]

Bitco, Incorporated

ORDER ADJUSTING MAXIMUM PRICES

Order No. 3 Under § 1390.25 (a) of Maximum Price Regulation No. 136, as Amended—Machines and Parts and Machinery Services.

Adjustment of maximum prices for machinery services performed by Bitco, Incorporated.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and § 1390.25 (a) of Maximum Price Regulation No. 136, as amended, *It is hereby ordered,* That:

(a) The maximum price to any purchaser for any machinery service performed by Bitco, Incorporated, on bits and drill rods shall be determined in accordance with § 1390.9 of Maximum Price Regulation No. 136, as amended, except that there may be added to such maximum price the amount of the additional direct labor cost of performing such service resulting from an increase in wage rates authorized by the War Labor Board on November 10, 1942 in Case No. BWA 251: *Provided,* That all prices increased pursuant to this Order are filed with the Office of Price Administration, Washington, D. C., within ten days after they have been computed, together with a detailed explanation of the manner in which they were computed.

(b) This Order No. 3 may be revoked or amended by the Office of Price Administration at any time.

(c) This Order No. 3, under § 1390.25 (a) of Maximum Price Regulation No. 136, as amended, shall become effective December 4, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 4th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12906; Filed, December 4, 1942; 4:50 p. m.]

[Order 49 Under MPR 188]

Game Makers, Inc.

APPROVAL OF A MAXIMUM PRICE

Correction

In paragraph (a) of Order 49 under Maximum Price Regulation 188 appearing on page 9402 in the issue for Saturday, November 14, 1942, the price quoted should be $21.60 instead of $26.20.

[Suspension Order 174]

Aram J. La Pierre

ORDER RESTRICTING TRANSACTIONS

Aram J. LaPierre, doing business as LaPierre Auto Supply Company, 149-151 Cumberland Street, Woonsocket, Rhode Island, hereinafter called respondent,

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mission v. *Nelson Brothers Bond & Mortgage Co.*, 289 U. S. 266, 285 (1933); *Frischer & Co.* v. *Elting*, 60 F. (2d) 711, 713-714 (C. C. A. 2, 1932), cert. denied 287 U. S. 649.

[1] Form filed as part of the original document.

was duly served with a notice of specific charges of violations of Revised Tire Rationing Regulations and of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing was held on October 14, 1942, in Providence, Rhode Island. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a filling station and auto supply store known as LaPierre Auto Supply Company, at 149–151 Cumberland Street, Woonsocket, Rhode Island.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§ 1394.1502), in that on numerous occasions between July 22 and September 21, 1942, respondent transferred gasoline to consumers in exchange for coupons Class A, No. 2 and on numerous occasions between September 22 and October 6, 1942, respondent transferred gasoline to consumers in exchange for Class A, No. 3 coupons.

(c) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§ 1394.1503), in that on numerous occasions between August 9 and September 22, 1942, respondent transferred gasoline to a consumer, Roland Joseph Allard, and into the fuel tank of his motor vehicle in exchange for coupons from a coupon book that was not issued for and did not bear the identification of the vehicle into which the transfers were made.

(d) Respondent has violated Revised Tire Rationing Regulations (§ 1315.401), in that on July 25, 1942, respondent transferred three (3) new tires and two (2) new tubes without receiving in exchange therefor any certificate issued by a War Price and Rationing Board, authorizing such transfers. Such transfers were not within any of the classes of transfers of tires permitted by the provisions of the Revised Tire Rationing Regulations to be made without the exchange of certificates or portions of certificates.

(e) Respondent has violated Revised Tire Rationing Regulations (§ 1315.1003), in that between February 28 and October 1, 1942, he failed to take any inventory of the new tires and tubes in his possession and failed to file any quarterly reports.

Because of the great scarcity and critical importance of gasoline and rubber in Rhode Island, violations of the Gasoline Rationing Regulations and the Tire Rationing Regulations have necessarily resulted in the diversion of gasoline and rubber from military and essential civilian uses into nonessential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing from the evidence before him that further violations of the Gasoline Rationing Regulations and the Tire Rationing Regulations by respondent are likely unless appropriate administrative action is taken, *It is therefore ordered:*

(f) That during the period from 12:01 A. M. December 10, 1942, to 12:01 A. M. February 7, 1943,

(1) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(2) Respondent shall not transfer or deliver or otherwise trade or deal in gasoline.

(3) No person shall in any manner, directly or indirectly, transfer or deliver any gasoline to respondent for resale.

It is further ordered:

(g) That during the period from December 10, 1942, to December 31, 1944, unless otherwise ordered by the Deputy Administrator in Charge of Rationing,

(1) Respondent shall not accept any transfers or deliveries of, or in any manner directly or indirectly receive from any source any new or used tires or tubes, recapped tires, or retreaded tires for resale.

(2) No person shall in any manner, directly or indirectly, transfer or deliver any new or used tires or tubes, recapped tires or retreaded tires to respondent for resale.

(3) Respondent shall not directly or indirectly transfer, or otherwise deal or trade in new or used tires or tubes, recapped tires or retreaded tires: *Provided, however,* That respondent may make transfers of his stocks thereof in his possession at the time this Suspension Order No. 174 is served upon him, with the prior approval and under the supervision of the Regional Administrator of the Office of Price Administration for Region I.

(h) Any term used in this Suspension Order No. 174 that is defined in the Revised Tire Rationing Regulations or in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given it.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562) and Supplementary Directive No. 1Q (7 F.R. 9121))

Issued and effective this 5th day of December 1942.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing

[F. R. Doc. 42–12916; Filed, December 5, 1942; 11:27 a. m.]

[Suspension Order 177]

BENJAMIN COHEN AND SAMUEL LA POUCHE

ORDER RESTRICTING TRANSACTIONS

Benjamin Cohen and Samuel La Pouche, doing business as Supreme Mineral Water Company and Liberty Club Beverages, 69 Bath Street, Providence, Rhode Island, hereinafter called respondents, were duly served with a notice of specific charges of violations of Ration Order No. 3, Sugar Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice, a hearing was held on October 15, 1942, in Providence, Rhode Island. There appeared a representative of the Office of Price Administration and respondents. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been duly considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondents use sugar in their business of manufacturing bottled beverages and soda waters for sale at wholesale.

(b) Respondents have violated § 1407.82 of Rationing Order No. 3, Sugar Rationing Regulations, in that on August 3, 1942, respondents accepted delivery of 10,000 pounds of sugar without surrendering any sugar purchase certificate therefor until August 7, 1942; such delivery was not within the class of deliveries of sugar permitted by Ration Order No. 3 to be made without the surrender of a sugar purchase certificate at or before the time of delivery of such sugar.

Because of the great scarcity and critical importance of sugar in the United States, respondents' violations of the Sugar Rationing Regulations have resulted in the diversion of sugar from military and essential civilian uses to nonessential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations of the Sugar Rationing Regulations by respondent are likely unless appropriate administrative action is taken. *It is therefore ordered:*

(c) That the total allotment of sugar which respondents would otherwise be entitled to receive and use during the period commencing January 1, 1942, and ending February 28, 1942, shall be reduced by 10,000 pounds.

(d) Any terms used in this Suspension Order No. 177 that are defined in Rationing Order No. 3, Sugar Rationing Regulations, shall have the meaning therein given them.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 (7 F.R. 562) and Supplementary Directive No. 1E (7 F.R. 2965)

Issued and effective this 5th day of December 1942.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 42–12917; Filed, December 5, 1942; 11:27 a. m.]

ESSEX RUBBER CO.

ORDER REQUIRING THE FILING OF CERTAIN INFORMATION

A statement of the reasons for the issuance of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

Pursuant to the authority vested in the Price Administrator by section 202 of the Emergency Price Control Act of 1942, as amended, *It is hereby ordered that:*

(a) Essex Rubber Company shall file with the Office of Price Administration in Washington, D. C., the following information, not later than December 19, 1942, with regard to each grade and quality of reclaimed rubber either in production between February 15, 1942, and the effective date of this order or in inventory on the effective date of this order, and within 15 days after starting production or inventory with regard to each grade and quality of reclaimed rubber not in production between February 15 and the effective date of this order and not in inventory on the effective date of this order:

(1) Stock number;

(2) Trade name;

(3) Grades of scrap rubber used in production;

(4) Specifications of reclaimed rubber, including rubber hydrocarbon content, specific gravity, and color;

(5) Selling prices for all sales of all grades and qualities of reclaimed rubber which were not sold by Essex Rubber Company during the period between November 5, 1941 and December 5, 1941, and for which no list price or quoted price was in effect during that period.

(b) *Effective date.* This order requiring the filing of certain information by specified rubber manufacturers shall become effective December 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–12915; Filed, December 5, 1942; 11:26 a. m.]

[Order 2 Under MPR 189]

BAKER-WHITELEY COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 2 Under Maximum Price Regulation No. 189—Bituminous Coal Sold for Direct Use as Bunker Fuel—Docket No. 3189–1.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.307 (a) (2) of Maximum Price Regulation No. 189, *It is ordered:*

(a) The Baker-Whiteley Coal Company, Baltimore, Maryland, may sell and deliver, and any person may buy and receive bituminous coal described in paragraph (b) at prices not in excess of those stated therein, for bunker fuel use.

(b) Run-of-mine (Size Group 3) coals produced by The Berwind-White Coal Mining Company at its Eureka Mines Nos. 35, 37, 40 and Maryland Shaft Mine (Mine Index Nos. 155, 158, 160, and 312, respectively), in District No. 1 may be resold by the said Baker-Whiteley Coal Company for bunker fuel use in Baltimore harbor, at a price from bins not in excess of $5.95 per net ton to regular customers and not in excess of $6.05 per net ton to spot customers.

(c) Within thirty (30) days from the effective date of this Order, said Baker-Whiteley Coal Company shall notify all persons purchasing its coals of the adjustments granted by this order.

(d) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in Section 1340.308 of Maximum Price Regulation No. 189 shall apply to terms used herein.

(f) This Order No. 2 shall become effective December 5, 1942.

Issued this 5th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–12935; Filed, December 5, 1942; 12:06 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1–2964]

TRANSAMERICA CORPORATION

ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its offices in the City of Philadelphia, Pa., on the 3d day of December, A. D. 1942.

In the matter of Proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether the registration of Transamerica Corporation, capital stock, $2 par value should be suspended or withdrawn.

The Commission having issued an order under section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, directing that a hearing be held to determine whether Transamerica Corporation had violated sections 12 (b) and 13 (a) and (b) of the Securities Exchange Act of 1934, and the rules, regulations and forms promulgated thereunder, in its application for registration on certain national stock exchanges of 11,590,784 shares of its capital stock, $2 par value, and in its annual report on Form 24–K for the fiscal year ending December 31, 1937; and, if so, whether it was necessary or appropriate for the protection of investors to suspend, for a period not exceeding twelve months, or to withdraw such registration; and

The hearing pursuant to said order having been duly convened on January 16, 1939, and having been continued and adjourned from time to time thereafter;

It is ordered, That the hearing in this proceeding shall be reconvened on January 18, 1943, at 10:00 o'clock, A. M., in Room 1301, of the Commission's regional offices, at 625 Market Street, San Francisco, California, and shall be conducted before Henry Fitts, an officer of the Commission, and that said officer shall enjoy and exercise the same powers as conferred upon him by the original order in this matter issued November 22, 1938, and that the said hearing shall continue thereafter at such times and places as said officer may designate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–12902; Filed, December 4, 1942; 2:48 p. m.]

[File No. 70–637]

ASSOCIATED GAS AND ELECTRIC COMPANY, ET AL.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3rd day of December, 1942.

In the matter of Denis J. Driscoll and Willard L. Thorp, Trustees, Associated Gas and Electric Corporation, the General Utilities Company, The Western Reserve Power and Light Company and The New London Power Company.

Notice is hereby given that a joint declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation ("Agecorp"), a registered holding company, and by The General Utilities Company ("General"), The Western Reserve Power and Light Company ("Western") and The New London Power Company ("New London"), each of which is a subsidiary of Agecorp; and

Notice is further given that any interested person may, not later than December 17, 1942, at 5:30 p. m., E. W. T. request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of such interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application, as filed or as amended, may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to the said declaration, which is on file in the office of the said Commission, for a statement of the transaction therein proposed, which is summarized below:

Agecorp proposes to enter into an agreement concerning the sale of the properties of General, Western, and New London, for an aggregate base price of $1,000,000 to several purchasers. The several purchasers and the amounts they are to pay for their respective purchases are set forth as follows:

	Base purchase price
Western's property:	
Holmes Rural Electric Cooperative, Inc	$84,625.67
Lorain-Medina Rural Electric Cooperative, Inc	309,229.30
Village of Lodi	116,739.37
General's property:	
Hancock-Wood Electric Cooperative, Inc	166,843.27
Paulding-Putnam Electric Cooperative, Inc	85,098.45
North-Central Electric Cooperative, Inc	23,475.44

	Base purchase price
General's property—Continued.	
Tricounty Rural Electric Cooperative, Inc	$96,416.96
Midwest Electric, Inc	47,370.08
New London's property:	
Firelands Electric Cooperative, Inc	170,201.46
Total Base Purchase Price	$1,000,000.00

The declaration contemplates that upon the completion of the sale of their respective properties:

(1) New London will transfer its assets (subject to existing liabilities) to Western, in consideration for the surrender by Western to New London of all the outstanding stock of New London (which is now held by Western);

(2) Western and General will transfer their then remaining assets, mainly the considerations to be received (subject to existing liabilities), to Agecorp upon the surrender to them respectively of all the outstanding stock and claims against them; and

(3) The dissolutions of New London, Western and General, respectively, will be completed.

Sections 12 (c), 12 (d), and 12 (f) have been indicated as the applicable provisions of the Act, under which the filing is made.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12898; Filed, December 4, 1942; 2:48 p. m.]

[File No. 43-139]

OKLAHOMA POWER AND WATER COMPANY AND THE MIDDLE WEST CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Penna., on the 3rd day of December, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than December 21, 1942, at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Oklahoma Power and Water Company proposes, on or prior to December 28, 1942, to pay out of earned surplus $79,875 in dividends, being three quarterly dividends on 17,750 outstanding shares of its 6% preferred stock, all of which shares are owned by The Middle West Corporation, and the company has applied for such authority in view of a provision contained in a previous order of the Commission entered under date of May 29, 1942 restricting the company from declaring or paying dividends on any class of its stock without application to and further order of the Commission. The payment of the proposed dividend will pay in full all arrears of dividends on outstanding shares of preferred stock of the company. The Middle West Corporation has joined in the application or declaration and agrees and proposes, upon payment of such dividend arrears in said sum of $79,875, to make capital contributions aggregating $85,000 to Oklahoma Power and Water Company, $50,000 thereof in December 1942, and $35,000 thereof in January 1943, with the further condition that the entire sum so contributed shall be applied to payment of indebtedness of Oklahoma Power and Water Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12899; Filed, December 4, 1942; 2:48 p. m.]

[File No. 70-633]

LONE STAR GAS CORPORATION

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 2d day of December, A. D. 1942.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the Lone Star Gas Corporation, a registered holding company. The declarant has designated section 12 (d) of the Act and Rule U-44 of the Rules and Regulations promulgated thereunder as applicable to the transactions proposed. All interested persons are referred to said document which is on file in the office of this Commission for a statement of such proposed transactions which are summarized as follows:

As part of a Plan of Reorganization designed to comply with the requirements of section 11 (b) (1) of the Public Utility Holding Company Act of 1935 and as a step to comply with this Commission's order approving the Plan and requiring divestment of the properties or securities of Council Bluffs Gas Company (Holding Company Act Release No. 3865), the declarant proposes to sell all of the outstanding securities of Council Bluffs Gas Company, a gas company operating in Council Bluffs, Iowa to Raymond A. Smith of Council Bluffs, Iowa, the nominee of John Nuveen, Jr., of Kenilworth, Illinois. These securities consist of 13,500 shares of common stock, having a par value of $100 each, and a note with an unpaid principal balance at October 31, 1942 of $1,000,000 bearing interest at 4½% per annum. The price to be paid for such securities is $1,325,000 in cash, subject to adjustments based upon excess of current assets over current liabilities reflected on the balance sheet of the Council Bluffs Gas Company at October 31, 1942, which is estimated to be $6,500. Declarant proposes to apply the cash proceeds of said sale toward the payment of certain outstanding indebtedness of the Lone Star Gas Corporation.

The declarant states that Raymond A. Smith, nominee of John Nuveen, Jr., has represented to it that the City of Council Bluffs, Iowa will hold a special election on December 9, 1942 for the purpose of submitting to its voters, among other issues, the question of whether the city shall purchase the properties of the Council Bluffs Gas Company. Smith represents that in the event the city election carries in favor of purchasing such properties, Smith and John Nuveen, Jr., will sell them to the city, pursuant to the terms of a proposal made to the city by one Guy C. Myers, fiscal agent of the city for this purpose, receiving in exchange therefor 3% gas revenue bonds of the city delivered at par in the amount of the purchase price paid by Smith and Nuveen, Jr., to Lone Star Gas Corporation. Smith further represents that if the City of Council Bluffs does not purchase the aforesaid properties, Council Bluffs Gas Company will continue to own and operate them and that the securities of the said company will be owned by Raymond A. Smith or his principal, John Nuveen, Jr.

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on December 15, 1942, at 10:00 a. m., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa., in such room as may be designated on such date by the hearing room clerk. At such hearing cause shall be shown why such declaration shall become effective. Notice is hereby given of said hearing to the above-named declarant and to all interested persons, said notice to be given to said declarant by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That any person desiring to be heard in connection with the proceedings or proposing to intervene herein shall file with the Secretary of the Commission on or before December 10, 1942, his request or application therefor as provided by Rule XVII of the Rules of Practice of this Commission.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above mentioned. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by said declaration to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the consideration to be received by Lone Star Gas Corporation with respect to the securities of the Council Bluffs Gas Company is unfair or unreasonable;
2. What terms and conditions, if any, are necessary to be imposed to insure compliance with the requirements of the Public Utility Holding Company Act of 1935 or any rules, regulations, or orders promulgated thereunder;
3. Whether, and to what extent, the property account of Council Bluffs Gas Company contains any inflationary items, intangibles, or abandoned property, which should be eliminated prior to disposition by Lone Star Gas Corporation, and what steps, if any, should be taken to effect any such elimination.
4. Generally, whether all actions proposed to be taken comply with the requirements of said Act and Rules and Regulations or orders promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12901; Filed, December 4, 1942; 2:48 p. m.]

[File No. 59-39]

NORTH AMERICAN LIGHT AND POWER COMPANY AND THE NORTH AMERICAN COMPANY

NOTICE OF FILING, ETC.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 2d day of December, A. D. 1942.

In the matter of North American Light & Power Company, Holding-Company System and The North American Company.

Notice of filing of petition for extension of time pursuant to section 11 (c) and order for hearing.

The Commission having entered its order herein on December 30, 1941, pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 directing that North American Light & Power Company shall be liquidated and its existence terminated, and further directing that North American Light & Power Company and The North American Company shall proceed with due diligence to submit to this Commission a plan or plans for the prompt liquidation of North American Light & Power Company in a manner consistent with the provisions of said Act;

Notice is hereby given that on November 30, 1942, North American Light & Power Company filed a petition requesting the entry of an order by this Commission under section 11 (c) of the Act extending for one year the time for compliance with the order of December 30, 1941, above described.

All interested persons are referred to said petition which is on file in the office of the Commission for full details concerning the petition.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held for the purpose of considering said petition and for other purposes;

It is ordered, That the hearing in this proceeding shall be held at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, at 10:00 o'clock A. M. on the 11th day of December 1942, in such room as may be designated on such date by the Hearing Room Clerk.

All persons desiring to be heard or otherwise wishing to participate in the hearing, should notify the Commission in the manner provided by the Commission's Rules of Practice, Rule XVII on or before December 10th, 1942.

At said hearing there will be considered (1) whether North American Light & Power Company has exercised due diligence in its efforts to comply with the Commission's order of December 30, 1941, and whether an extension of time for compliance with said order is necessary or appropriate in the public interest or for the protection of investors or consumers, (2) whether it is necessary or appropriate for the Commission to apply to a court in accordance with section 11 (d) of said Act to enforce compliance with its said order of December 30, 1941, and (3) whether the above-described petition should be granted.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of this Commission shall serve notice of this order by mailing a copy thereof by registered mail to North American Light & Power Company and The North American Company and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12900; Filed, December 4, 1942; 2:48 p. m.]

[File No. 54-32]

NORTH SHORE GAS COMPANY, ET AL.

ORDER WITH RESPECT TO PAYMENT OF FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 3d day of December, A. D. 1942.

In the matter of North Shore Gas Company, North Shore Coke & Chemical Company and North Continent Utilities Corporation.

North Continent Utilities Corporation, a registered holding company, and North Shore Gas Company and North Shore Coke & Chemical Company, subsidiaries of North Continent Utilities Corporation, having filed applications and declarations under section 11 (e) and other applicable sections of the Public Utility Holding Company Act of 1935, with respect to a plan of reorganization for the North Shore Gas Company and North Shore Coke & Chemical Company;

The Commission having entered an order on November 13, 1941, approving, with certain conditions and reservations, the said plan of reorganization, but reserving jurisdiction with respect to the payment of fees and expenses incurred or to be incurred in connection with the plan, and directing that the applicants file with the Commission a notification and itemized statement of such fees and expenses;

The applicant companies and various claimants having filed statements with respect to the fees and expenses requested herein; a hearing having been held thereon after due notice; the Public Utilities Division of the Commission having issued to the various claimants its Proposed Findings and Opinion with respect to the reasonableness and allocation of the fees and expenses requested herein; various claimants having raised certain objections to the Proposed Findings and Opinion of the Public Utilities Division and oral argument having been held thereon before the Commission;

The Public Utilities Division having made certain recommendations as to the allocation of certain fees and expenses, and having recommended that jurisdiction be released as to such reasonableness;

No objections having been made by any claimant to these recommendations contained in the Proposed Findings and Opinion and it appearing to the Commission that such recommendations should be adopted in all substantial respects and that it would be appropriate for the Commission to issue its order at this time with respect to the allocation of the fees or expenses of such claimants;

The Commission having considered the record;

It is ordered, That the following fees and expenses be, and they hereby are allocated against North Shore Gas Company, North Continent Utilities Corporation, and the funds reserved for the expenses of the liquidation of the North Shore Coke & Chemical Company, in the following manner:

Claimant or expenditure	Allocated against:		*Funds reserved for expenses of liquidation of North Shore Coke Chemical Company*
	North Shore Gas Company	*North Continent Utilities Corporation*	
Electreporter, Inc	$1,604.33	$752.17	
Hall & Hulse	301.50		
Koppers Co	916.65		
Harris Trust and Savings Bank	1,250.00		
Continental Illinois National Bank and Trust Co. of Chicago	6,246.20		
Federal stamp tax on new securities	5,781.27		
Lincoln Printing Co.[1]	9,046.39	1,971.80	
R. R. Donnelly & Sons Co	7,228.49		
Neely Printing Co.[2]	603.35	201.12	
D. F. Keller & Co	2,736.45		
McCormick & Henderson, Inc	256.92		
The Columbian Bank Note Co	2,918.00		$22.00
Robbins Conveying Belt Co	300.00		
Schwartz & Co., Inc	200.00		
P. N. Peterson & Co	165.00		
The Hubert Co	100.00		
Thomas Killian	50.00		
L. G. Clarke	15.00		
McDonald Electrical Co	30.00		
McKinney Steel and Sales Co	25.00		
J. O'Connor	9.00		
C. O. Swanson	15.00		
Waukegan Glass Co	5.00		
S. F. Graves	8.10		
Ross Richards Reporting Agency	61.25		
Lake County Recorder	4.25		
City National Bank & Trust Co	5.33		
North Continent Mines, Inc	45.73		
Myron Bradley	6.67	3.33	
J. G. Hart	36.64	18.32	
Illinois Commerce Commission	6.67	3.33	
Public Service Commission of Wisconsin	1.33	.67	
Directors' fees of Chemical Co			220.00
Lamberty Co			3.00
Secretary of State, Delaware			141.78
Corporation Trust Co			114.47
Total	$39,979.52	$2,950.74	$501.25

[1] Pam, Hurd & Reichmann, counsel to the applicant companies, has advanced to Lincoln Printing Company $5,000 on behalf of the applicant companies. The sums payable, therefore, to Lincoln Printing Company by North Continent Utilities Corporation and North Shore Gas Company will be reduced by $4,105.21 and $894.79, respectively, accordingly, of the amount of the bill of Lincoln Printing Company allocated against North Shore Gas Company, $4,941.18 is payable to Lincoln Printing Company and $4,105.21 to Pam, Hurd and Reichmann; and of the amount allocated against North Continent Utilities Corporation, $1,077.01 is payable to Lincoln Printing Company, and $894.79 to Pam, Hurd & Reichmann.

[2] North Shore Gas Company has already paid Neely Printing Company $34.02 on account, leaving a balance payable by North Shore Gas Company of $569.33.

In certain instances, as shown in the following table, North Shore Gas Company has made payments on account which are in excess of the amounts allocated to it. In these instances North Continent Utilities Corporation shall reimburse North Shore Gas Company in the amount of such excess as follows:

Claimants and expenditures	*Amount allocated against—*			*Amount to be reimbursed by North Continent Utilities Corporation to North Shore Gas Company*
	North Shore Gas Company	*North Continent Utilities Corporation*	*Amount paid on account by North Shore Gas Company*	
Electreporter, Inc	$1,604.33	$752.17	$2,214.00	$609.67
Myron Bradley	6.67	3.33	10.00	3.33
J. G. Hart	36.64	18.32	54.96	18.32
Illinois Commerce Commission	6.67	3.33	10.00	3.33
Public Service Commission of Wisconsin	1.33	.67	2.00	.67
Totals	$1,655.64	$777.82	$2,290.96	$635.32

It is further ordered, That jurisdiction be and hereby is released as to the reasonableness of the aforesaid fees and expenses.

It is further ordered, That jurisdiction be and hereby is reserved as to the remainder of the fees and expenses, applications with respect to which have been filed heretofore in this proceeding.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12918; Filed, December 5, 1942; 11:42 a. m.]

[File No. 59-4]

ENGINEERS PUBLIC SERVICE COMPANY

NOTICE OF FILING OF APPLICATION FOR AN EXTENSION OF TIME AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 3rd day of December, 1942.

In the matter of Engineers Public Service Company and Its Subsidiary Companies—Respondents.

The Commission having heretofore by its order dated December 29, 1941 pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 ordered Engineers Public Service Company to divest itself of its interest in the securities of Missouri Service Company, The Northern Kansas Power Company and The Western Public Service Company, a Delaware corporation:

Notice is hereby given that Engineers Public Service Company has filed an application pursuant to section 11 (c) of said Act for an extension of an additional year within which to comply with the Commission's order of December 29, 1941;

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held to consider said application:

It is hereby ordered, That a hearing on said application under the applicable provisions of the Act and the rules of the Commission thereunder be held on December 21, 1942, at 10:00 A. M. in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania;

It is further ordered, That, without limiting the scope of the issues presented by said application, particular attention will be directed at said hearing to the following questions:

(1) Whether Engineers Public Service Company has exercised due diligence in its efforts to comply with the order of the Commission of December 29, 1941;

(2) Whether an extension of an additional year for compliance with said order of December 29, 1941 is necessary or appropriate in the public interest or for the protection of investors or consumers:

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matters. The officer so designated to preside is hereby authorized to exercise all powers given to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before December 19, 1942 his request or application therefor as provided in Rule XVII of the Commission's Rules of Practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to the respondent and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-12919; Filed December 5, 1942; 11:42 a. m.]

DEC 12 1942

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 7 NUMBER 240

Washington, Wednesday, December 9, 1942

Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS

ASSIGNMENT

Section 73.211 is amended as follows:

§ 73.211 *Assignment.* * * *

(b) An officer appointed in the Army of the United States and assigned to a branch immaterial position not allotted to a particular arm or service will be designated as NMB (not member of a branch) for arm or service. (Ch. 414, 55 Stat. 728; 10 U. S. C. Sup. 484) [Par. 13, AR 605-10, December 10, 1941, as amended by C 2, November 18, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-12962; Filed, December 7, 1942; 12:50 p. m.]

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

MISCELLANEOUS AMENDMENTS

The following sections of War Department Procurement Regulations dated September 5, 1942, as amended, published in the FEDERAL REGISTER, October 13, 1942, 7 F.R. 8082 and 7 F.R. 8163; November 13, 1942, 7 F.R. 9268; November 24, 1942, 7 F.R. 9660; and December 8, 1942, 7 F.R. 10184, are hereby further amended as follows:

Sections 81.303 (b), 81.324 (a) and (b), 81.352, 81.917 (b) (5), 81.918 (d), 81.923, 81.940, 81.948 (a) and (c), 81.1303, 81.1304, 81.1312 and the headings preceding §§ 81.1412 and 81.1414 are amended; §§ 81.205 (b) (5), 81.205a, 81.324 (c) and (d), and 81.917 (b) (10) are added; and §§ 81.324 (c), 81.420 (g), and 81.917 (b) (10) to (12) are redesignated.

Figures to the right of the decimal point in section numbers correspond with paragraph numbers in procurement regulations.

AUTHORITY: Sec. 52, National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193-1195, and the First War Powers Act, 1941, 55 Stat. 836, 50 U.S.C. Sup. 601-622.

NEGOTIATED PURCHASES

§ 81.205 *Special instructions.* * * *

(b) *Where consistent with the required speed of war procurement.* * * *

(5) Has not been debarred in accordance with § 81.205a.

§ 81.205a *Debarred bidders.* Contracts will not be placed with contractors who are on any of the following lists of debarred bidders:

List of bidders, debarred from bidding on War Department contracts by reason of violations of the Walsh-Healey Act (See § 81.916 et seq.);

List of bidders who are debarred from bidding on War Department contracts by reason of violations of the Davis-Bacon Act (See § 81.910 et seq.);

War Department confidential list of bidder to whom awards will not be made.

(a) The Adjutant General will distribute to the supply services lists of bidders debarred by the Comptroller General by reason of violations of the Walsh-Healey Act or the Davis-Bacon Act. (See Act of June 30, 1936, Sec. 3, 49 Stat. 2037; 41 U. S. C. 37; Act of August 30, 1935, 49 Stat. 1012, 40 U. S. C. 276a-2.)

(b) *Confidential list of bidders.* A bidder will be placed by The Adjutant General upon the confidential list of bidders to whom awards will not be made, where the Director, Purchases Division, Headquarters, Services of Supply, determines any such bidder to be guilty of fraud or attempted fraud against the United States, and for the duration of the present war, in any instance where it is determined by the Director, Purchases Division, that the best interests of the United States require that contracts be not awarded to such bidder. In recommending that a bidder's name be placed on this list, a full report of the specific instances of the bidder's alleged dereliction will be submitted by the chief of the supply service concerned to the Director, Purchases Division,

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Telephone information: DIstrict 0525.

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Headquarters, Services of Supply, together with any available evidence relating to the contract concerned and the complaint against the bidder.

(c) *Procedure for placing bidders on confidential list.* The Director, Purchases Division, (if such action has not been taken previously) will notify the bidder by registered mail that a recommendation has been made that the bidder's name be placed upon the War Department's confidential list of bidders to whom awards will not be made. The notice will state specifically the contract, bid or action of the bidder as to which complaint is made and will specify in reasonable detail the nature of the complaint. The notice will inform the bidder that he may make a statement in writing with reference to the complaint on or before a date to be stipulated in the notice. The Director, Purchases Division, may make such other investigation and study of the complaint, either directly or through The Judge Advocate General, or The Inspector General, as he may deem proper. If he is of the opinion that the bidder's name should be placed upon the confidential list, he will transmit the complete file, including any statement filed by the bidder, to The Adjutant General with a direction that the bidder's name be placed on this list. The bidder will not be given access to any evidence in the hands of the War Department but will be furnished only with a statement of the alleged dereliction in the manner previously set forth.

(d) The Director, Purchases Division, when he determines that a bidder's name should be placed upon the confidential list will prepare and transmit to The Adjutant General, for transmission to the bidder, the supply services, and the Comptroller General, drafts of notices from The Adjutant General of the action taken.

CONTRACTS

§ 81.303 *General requirements for contracts.* * * *

(b) Purchase transactions of either of the following types will be evidenced by a formal contract;

(1) Transactions, the contract price of which exceed $5,000, and which involve a delivery or performance that will extend over a period in excess of 180 days.

(2) Transactions, the contract price of which exceeds $500,000.

* * * * *

MANDATORY AND OPTIONAL CONTRACT PROVISIONS

Section 81.324 (a) and (b) are amended, paragraph (c) is redesignated paragraph (e) and new paragraphs (c) and (d) are added as follows:

§ 81.324 *Termination for convenience of the Government.* (a) Every lump-sum supply contract regardless of subject matter, except:

(1) Contracts to be completed in six months or less for an amount of less than $500,000 and

(2) Contracts for an amount of less than $50,000 regardless of the date of completion will contain an article without deviation as follows:

ARTICLE. * * * *Termination for the convenience of the Government.* (a) The Government may, at any time, terminate this contract in whole or in part by a notice in writing from the Contracting Officer to the Contractor that the contract is terminated under this Article. Such termination shall be effective in the manner and upon the date specified in said notice and shall be without prejudice to any claims which the Government may have against the Contractor, or any claims which the Contractor may have against the Government. Upon receipt of such notice the Contractor shall, except as the Contracting Officer directs otherwise, (1) discontinue all work and the placing of all orders for materials and facilities in connection with performance of this contract, cancel all existing orders chargeable to this contract, and terminate all subcontracts chargeable to this contract; (2) transfer to the Government, by delivery f. o. b. ________________ or by such other means as the Contracting Officer may direct, title to all completed supplies (including spare parts, drawings, information and other things) called for herein, not previously delivered, and partially completed supplies, work in process, materials, fabricated parts, plans, drawings, and information acquired or produced by the Contractor for the performance of this contract; and (3) take such action as may be necessary to secure to the Government the benefits of any rights remaining in the Contractor under orders or subcontracts wholly or partially chargeable to this contract to the extent that such orders or subcontracts are so chargeable. If and as the Contracting Officer so directs or authorizes, the Contractor shall sell at a price approved by the Contracting Officer, or retain at a price mutually agreeable, any such supplies, partially completed supplies, work in process, materials, fabricated parts or other things. The proceeds of such sale or the agreed price shall be paid or credited to the Government in such manner as the Contracting Officer may direct so as to reduce the amount payable by the Government under this Article.

(b) The Government shall, upon such termination of this contract, pay to the Contractor the contract price of all supplies, (including spare parts, drawings, information, and other things) called for herein which have been completed in accordance with the provisions of this contract and to which title has been received by the Government under the provisions of paragraph (a) (2) of this Article and for which payment has not previously been made.

(c) In addition to, and without duplication of the payments provided for in paragraph (b), or of payments made prior to the termination of this contract, the Government shall pay to the Contractor such sum as the Contracting Officer and the Contractor may agree by Supplemental Agreement is reasonably necessary to compensate the Contractor for his costs, expenditures, liabilities, commitments, and work in respect to the uncompleted portion of the contract so far as terminated by the notice referred to in paragraph (a). The Contracting Officer shall include in such sum such allowance for anticipated profit with respect to such uncompleted portion of the contract as is reasonable under all the circumstances.

(d) If the Contracting Officer and the Contractor, within 90 days from the effective date of the notice of termination referred to in paragraph (a) or within such extended period as may be agreed upon between them, cannot agree upon the sum payable under the provisions of paragraph (c), the Government, without duplication of any payment made pursuant to paragraph (b) or prior to the termination of this contract, shall in the above events compensate the Contractor for the uncompleted portion of the contract as follows:

(1) By reimbursing the Contractor for all actual expenditures certified by the Contracting Officer as having been made with respect to the uncompleted portion of the contract;

(2) By reimbursing, or providing for the payment or reimbursement of, the Contractor for all expenditures made with the prior written approval of the Contracting Officer in settling or discharging that portion of the outstanding obligations or commitments of the Contractor which had been incurred or entered into with respect to the uncompleted portion of the contract; and

(3) By paying the Contractor, as a profit on the uncompleted portion of the contract insofar as a profit is realized hereunder, a sum to be computed by the Contracting Officer in the following manner:

(A) The Contracting Officer shall estimate the profit which would have been realized on the uncompleted portion of the contract if the contract had been completed and labor and material costs prevailing at the date of termination had remained in effect.

(B) Estimate, from a consideration of all relevant factors, the percentage of completion of the uncompleted portion of the contract.

(C) Multiply the anticipated profit determined under (A) by the percentage determined under (B). The result is the amount to be paid to the Contractor as a proportionate share of profit, if any, as above provided.

Notwithstanding the above provisions, no compensation shall be paid under this paragraph (d) by way of reimbursement for expenditure, including expenditures made in settling or discharging obligations or commitments, or by way of profit on account of supplies and other things which are undeliverable because of destruction or damage, whether or not because of the fault of the contractor.

(e) The Government shall pay to the Contractor such sum as the Contracting Officer and the Contractor may agree upon for expenditures made and costs incurred with the approval of the Contracting Officer (a) after the date of termination for the protection of Government property, and (b) for such other expenditures and costs as may be necessary in connection with the settlement of this contract, and in the absence of such agreement as to the amount of such expenditures and costs shall reimburse the Contractor for the same.

(f) The obligation of the Government to make any of the payments required by this Article shall be subject to any unsettled claim for labor or material and to any claim which the Government may have against the Contractor under or in connection with this contract, and payments under this Article shall be subject to reasonable deductions by the Contracting Officer on account of defects in the materials or workmanship of completed or partially completed supplies delivered hereunder.

(g) The sum of all amounts payable under this Article, plus the sum of all amounts previously paid under this contract, shall not exceed the total contract price, adjusted in the event that this contract contains an article providing for price adjustment, on the basis of the estimate of the Contracting Officer, to the extent which would have been required by such article if this contract had been completed and labor and materials costs prevailing at the date of termination had remained in effect.

(h) Should the above provisions of this Article not result in payment to the Contractor of at least $100, then that amount shall be paid to the Contractor in lieu of any and all payments hereinbefore provided for in this Article.

(i) The Government shall promptly make partial payments to the Contractor.

(1) on account of the amounts due under paragraphs (b), (c) and (d) of this Article to the extent that, in the judgment of the Contracting Officer, such payments are clearly within the amounts due under such paragraphs, and

(2) of such amounts as the Contracting Officer may direct, on account of proposed settlements of outstanding obligations or commitments, to be made by the Contractor pursuant to paragraph (d) (2) of this Article, if such settlements shall have been approved by the Contracting Officer and subject to such provisions for escrow or direct payment to the persons entitled to receive such settlement payments as the Contracting Officer may require.

(j) Any disputes arising out of termination under this Article shall be decided in accordance with the procedure prescribed in Article 12 of this contract.

(k) Upon the making of the payments called for by this Article, all obligations of the Government to make further payments or to carry out other undertakings hereunder shall cease forthwith and forever, except that all rights and obligations of the respective parties under the Articles, if any, of this contract applicable to patent infringements and reproduction rights shall remain in full force and effect.

(l) The Government shall terminate this contract only in accordance with this Article, except as otherwise provided by law or by Article ______ (Delays-Damages). Notwithstanding Article _______ (Delays-Damages) and any defaults of the Contractor, the Government shall terminate this contract only in accordance with this Article if such termination is simultaneous with or part of or in connection with a general termination of war contracts at, about the time of, or following the cessation of the present hostilities or the end of the present war, unless the Contracting Officer finds that the defaults of the Contractor (1) have been gross or willful and (2) have caused substantial damage to the Government.

The foregoing clause may be inserted in any contract as to which its inclusion is not mandatory. (See also paragraph (c), (d) and (e) of this section.)

(b) Every lump-sum construction contract regardless of subject matter, except:

(1) Contracts to be completed in six months or less for an amount of less than $500,000 and

(2) Contracts for an amount of less than $50,000 regardless of the date of completion, will contain the following clause without deviation:

Article * * * *Termination for convenience of the Government.* (a) The Government may terminate this contract in whole or in part at any time by a notice in writing from the Contracting Officer to the Contractor, specifying the date upon which such termination shall become effective and the extent to which the performance of such contract shall be terminated. Termination shall be effective upon the date and to the extent specified in said notice.

(b) Upon receipt of the notice of termination the Contractor shall except insofar as the notice directs otherwise with respect to this contract, or, in the event of partial termination, with respect to the part thereof covered by the notice:

(1) Discontinue all work and the placing of all orders for materials and facilities otherwise required for the performance thereof;

(2) Cancel all existing orders and subcontracts to the extent such orders and subcontracts are chargeable to the performance thereof;

(3) Transfer to the Government, in accordance with the directions of the Contracting Officer, all materials, supplies, work in process, facilities, equipment, machinery or tools acquired by the Contractor in connection with the performance thereof, and all plans, drawings, working drawings, sketches, specifications and information for use in connection therewith. If, and as the Contracting Officer so directs or authorizes, the Contractor shall sell at a price approved by the Contracting Officer, or retain at a price mutually agreeable, any such materials, supplies, equipment, machinery, tools, or other things, *Provided, however,* That the Contractor may retain any such equipment, machinery and tools as of right if he so elects in writing, stating that he will forego reimbursement therefor. The proceeds of any such sale, or the agreed price, shall be paid or credited to the Government in such manner as the contracting officer may direct so as to reduce the amount payable by the Government under this Article.

(4) Take such action as may be necessary to secure to the Government the benefits of any rights remaining in the Contractor under orders or subcontracts chargeable thereto to the extent that such orders or subcontracts are so chargeable;

(5) Take such action as the Contracting Officer may prescribe for the protection and preservation of all property in the possession or control of the Contractor, title to which is transferable to the Government under the provisions of this article.

Should the notice of termination cover only a portion of this contract, the Contractor will proceed to completion of such portions as are not terminated.

(c) Upon compliance by the Contractor with the above provisions of this Article and subject to deductions or credit for payments previously made, and without duplication of any such payments, the Government shall pay the Contractor such sum as the Contracting Officer and the Contractor may agree by Supplemental Agreement is reasonably necessary to compensate the Contractor for his costs, expenditures, liabilities, commitments and work with respect to this contract, other than the expenditures and costs referred to in paragraph (e) of this Article. The Contracting Officer shall include in such sum such allowance for profit with respect to the contract as is reasonable under all the circumstances.

(d) If the Contracting Officer and the Contractor, within 90 days from the effective date of the notice of termination referred to in paragraph (a), or within such extended period as may be agreed upon between them, cannot agree upon the sum payable under the provisions of paragraph (c), the Government shall instead compensate the Contractor in the following manner, subject to deductions or credit for payments previously made, and without duplication thereof, and upon compliance with the provisions of paragraphs (a) and (b) of this Article:

(1) By reimbursing the Contractor for all actual expenditures certified by the Contracting Officer as having been made with respect to this contract, including expenditures made in connection with any portions of the contract which may have been completed prior to termination, as well as expenditures made after termination in completing those portions of the contract which the Contractor may have been required by the notice of termination to complete.

(2) By reimbursing or providing for the payment or reimbursement, the Contractor for all expenditures made with the prior written approval of the Contracting Officer in settling or discharging any outstanding contractual obligations or commitments incurred or entered into by the Contractor with respect to this Contract;

(3) By paying the Contractor, as a profit on this contract, insofar as a profit is realized hereunder, an amount to be computed by the Contracting Officer in the following manner:

(A) Estimate the profit which would have been realized on this contract if the contract had been completed and labor and materials costs prevailing at the date of terminations had remained in effect.

(B) Estimate, from a consideration of all relevant factors, the percentage of completion of the contract including any work performed after termination. In estimating the percentage of completion, the Contracting Officer shall estimate the percentage of the total work required by the contract which the work actually accomplished represents.

(C) Multiply the profit determined under (A) by the percentage determined under (B). The product is the amount to be paid the Contractor as profit.

(e) The Government shall pay to the Contractor such sum as the Contracting Officer and the Contractor may agree upon for expenditures made and costs incurred with the approval of the Contracting Officer (a) after the date of termination for the protection of Government property, and (b) for such other expenditures and costs as may be necessary in connection with the settlement of this contract, and in the absence of such agreement as to the amount of such expenditures and costs shall reimburse the Contractor for the same.

(f) The obligation of the Government to make any of the payments required by this Article shall be subject to any unsettled claim for labor or material and to any claim which the Government may have against the Contractor under or in connection with this contract, and payments under this Article shall be subject to reasonable deductions by the Contracting Officer on account of defects in materials or workmanship.

(g) The sum of all amounts payable under this Article, plus the sum of all amounts previously paid under this contract, shall not exceed the total contract price, adjusted in the event that this contract contains an article providing for price adjustment, on the basis of the estimate of the Contracting Officer, to the extent which would have been required by such article if this contract had been completed and labor and materials costs prevailing at the date of termination had remained in effect.

(h) Should the above provisions of this Article not result in payment to the Contractor of at least $100, then that amount shall be paid to the Contracor in lieu of any and all payments hereinbefore provided for in this Article.

(i) The Government shall promptly make partial payments to the Contractor

(1) on account of the amounts due under paragraphs (c), (d) and (e) of this Article to the extent that, in the judgment of the Contracting Officer, such payments are clearly within the amounts due under such paragraphs, and

(2) of such amounts as the Contracting Officer may direct, an account of proposed settlements of outstanding obligations or commitments, to be made by the Contractor pursuant to paragraph (d) (2) of this Article, if such settlements shall have been approved by the Contracting Officer and subject to such provisions for escrow or direct payment to the persons entitled to receive such settlement payments as the Contracting Officer may require.

(j) Any disputes arising out of termination under this Article shall be decided in accordance with the procedure prescribed in Article * * * of this contract.

(k) Upon the making of the payments called for by this Article, all obligations of the Government to make further payments or to carry out other undertakings hereunder shall cease forthwith and forever, except that all rights and obligations of the respective parties under the Articles, if any, of this contract applicable to patent infringements and reproduction rights shall remain in full force and effect.

(l) The Government shall terminate this contract only in accordance with this Article, except as otherwise provided by law or by Article * * * (Delays-Damage). Notwithstanding Article * * * (Delays-Damages) and any defaults of the Contractor, the Government shall terminate this contract only in accordance with this Article if such termination is simultaneous with or part of or in connection with a general termination of war contracts at, about the time of, or following the cessation of the present hostilities or the end of the present war, unless the Contracting Officer finds that the defaults of the Contractor (1) have been gross or wilful and (2) have caused substantial damage to the Government.

The foregoing clause may be inserted in any contract as to which its inclusion is not mandatory. (See also paragraphs (c), (d), and (e) of this section.)

(c) Authority is hereby delegated to the chief of each supply service, or his duly authorized representative, to amend or to authorize the amendment of any contract with the consent of the contractor, either by inserting therein an article in the form set forth in paragraph (a) of this section, in the case of a lump-sum supply contract, or in paragraph (b) of this section in the case of a lump-sum construction contract, or by substituting an article, substantially in such form, for any article providing for termination for the convenience of the Government, already contained in such contract. The articles may be inserted by amendment in any lump-sum contract as to which their inclusion is not mandatory.

(d) The provisions of the articles set forth in paragraphs (a) and (b) of this section furnish more expeditious methods of settlement, than have hitherto been provided, of the amounts due by reason of the termination of contracts for the convenience of the Government, thus reducing expense, expenditure of time, auditing difficulties, and administrative inconvenience, both for Government and for the Contractor. Such provisions will tend to eliminate the obstacles to procurement which arise from the apprehensions, frequently expressed by contractors, that there will be long delays in the making of settlements in the event of termination of contracts for the convenience of the Government, including any such termination taking place as a result of the conclusion of hostilities. Accordingly, supply services will be liberal in making amendments of contracts to include the substance of the aforementioned articles.

(e) On rare occasions, in connection with an initial contract with a contractor for a particular product or type of construction, involving a long period of preparation for the performance of the contract or unusually large development and planning costs, unusual circumstances may give rise to the request that the contractor be given special protection against loss through termination for the convenience of the Government at an early stage of the performance of the contract. In such cases, a full statement of the facts and a draft of any special contract provisions recommended will be submitted through the chief of the supply service negotiating the contract, to the Director, Purchases Division, Headquarters, Services of Supply, for approval.

The last sentence of the clause quoted in § 81.352 is amended by changing the word "winter" to "weather" so as to read as follows:

§ 81.352 *Delays-damages clause.* * * * The term "excusable delay" as used in this paragraph means any delay in making deliveries which results without fault or negligence on the part of the Contractor and which is due to unforeseeable causes beyond his control including, without being limited to, acts of God or of the public enemy, any preference, priority or allocation order issued by the Government or any other act of the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather; and, unless the Contracting Officer shall determine that the materials or supplies to be furnished under a subcontract are procurable in the open market, any delay of a subcontractor which results without fault or negligence on the part of the Contractor, and which is due to unforeseeable causes beyond the control of the Contractor, including without being limited to the types of causes above enumerated.

INSURANCE

Section 81.420 (g) is redesignated § 81.420a as follows:

§ 81.420a *Insurance on government-owned property.* * * *

WALSH-HEALEY PUBLIC CONTRACTS LAW

Section 81.917 (b) (5) is amended, a new subparagraph (10) is added, and subparagraphs (10 to 12) are renumbered (11 to 13) as follows:

§ 81.917 *Applicability of Walsh-Healey public contracts law.* * * *

(b) The following changes and additions to the regulations referred to in paragraph (a) of this section have been published:

* * * * *

(5) An exemption from the application of section 1 (d) and section 2 of the basic law has been granted with respect to employment of girls between the ages of 16 and 18 by contractors in any industry, subject to the following conditions:

(i) That no girl under 16 years of age shall be employed.

(ii) That no girl under 18 years of age shall be employed for more than 8 hours in any one day, or between the hours of 10 p. m. and 6 a. m., or in any way contrary to State laws governing hours of work.

(iii) That no girl under 18 years of age shall be employed in any operation or occupation which, under the Fair Labor Standards Act or under any State Law or administrative ruling, is determined to be hazardous in nature or dangerous to health.

(iv) That for every girl under the age of 18 years employed by him the contractor shall obtain and keep on file a certificate of age showing that the girl is at least 16 years of age.

(v) That a specific and definite luncheon period of at least 30 minutes be regularly granted any women workers under 18 years of age.

(vi) That no girl under 18 years shall be employed at less than the minimum hourly rate set by or under the Fair Labor Standards Act or the Walsh-Healey Public Contracts Act for the industry in which the exemption is granted.

* * * * *

(10) Article 501 (Records of Employment) of the aforementioned rulings and interpretations has been amended by substituting for the words "under 21 years of age" in item (b) the words "under 19 years of age."

(11) Articles 601, 602, 1101, and 1201 of the Administrative Regulations (pages 43 to 45 of the Regulations) have been amended as follows:

* * * * *

(12) The following Article has been added to the aforementioned rulings and interpretations:

* * * * *

(13) By order dated September 2, 1942, the Secretary of Labor * * *.

§ 81.918 *General instructions.* * * *

(d) The minimum wage determinations made to date by the Secretary of Labor are published in the succeeding sections.

	Section
Aircraft manufacturing industry	81.937
Blueprint paper coating industry	81.944
Bobbinet industry	81.938
Chemical and related products industry	81.961
Cement industry	81.950
Cotton garments and allied industries	81.924
Barrack bags and bandoleers	81.924
Textile bolts, leggings, covers, bags, etc	81.924
Dental goods and equipment manufacturing industry	81.954
Die casting manufacturing industry	81.953
Dimension granite industry	81.926
Drug and medicine industry	81.942
Envelope industry	81.929
Evaporated milk industry	81.957
Fertilizer industry	81.946
Fireworks industry	81.934
Commercial fireworks	81.934
Fusees, flares, etc	81.934
Flintglass industry	81.932
Fiberglass and fiberglass products	81.932
Furniture industry	81.941
Metal furniture	81.941
Public seating	81.941
Wood furniture	81.941
Handkerchief industry	81.928
Iron and steel industry	81.939
Knitted and men's woven underwear and commercial knitting industry	81.919
Leather, leather trimmed, and sheep-lined garments industry	81.931
Leather manufacturing industry	81.959
Luggage and saddlery industries	81.933
Carrier's tie straps and leather pouches	81.933
Men's hats and caps industry	81.922
Women's hats and caps	81.922
Men's neckwear industry	81.925
Paint and varnish industry	81.958
Paper and pulp industry	81.949
Photographic supplies industry	81.943
Rainwear industry	81.923
Scientific industrial and laboratory instruments industry	81.955
Seamless hosiery industry	81.921
Small arms ammunition, explosives, and related products industry	81.948
Small arms ammunition	81.948
Explosives	81.948
Blasting caps	81.948
Shoe manufacturing and allied industries	81.927
Soap industry	81.945
"Specialty accounting" supply manufacturing industry	81.947
Structural clay products industry	81.951
Surgical instruments and apparatus industry	81.956
Tag industry	81.936
Textile industry	81.960
Tobacco industry	81.940
Uniform and clothing industry	81.952
Suits and coats	81.952
Outdoor jackets	81.952
Wool trousers	81.952
Vitreous or vitrified china industry	81.930
Wool carpet and rug industry	81.935
Work gloves industry	81.920

NOTE: * * *

81.923 *Rainwear industry.* Manufacture or supply of men's raincoats, including vulcanized water-resistant, of oiled waterproof cotton outer garments, and of other types of rainwear.

Date effective: December 4, 1942, except that learners may be employed at subminimum rates, in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division, on or after December 4, 1942, in the performance of contracts, bids for which were solicited or negotiations otherwise commenced by the contracting agency prior to that date.

Wage: 40 cents an hour or $16 per week of 40 hours, arrived at either upon a time or piece-work basis. Learners may be employed at sub-minimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938 which were adopted by the Secretary of Labor for the purposes of this determination.

§ 81.940 *Tobacco industry.* The tobacco industry, for the purposes of this determination, is defined to include the manufacture of cigarettes, of chewing and smoking tobaccos, and of snuff, but to exclude the manufacture of cigars.

Date effective: December 4, 1942.

Wage: 40 cents an hour, or $16 per week of 40 hours, arrived at either upon a time or piece work basis. Learners may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938 which were adopted by the Secretary of Labor for the purposes of this determination.

§ 81.948 *Small arms ammunition, explosives, and related products industry.* * * *

(a) *Small arms ammunition.*

Without reference to size.
- Cartridges: blank.
- Engine starter.
- Howitzer igniting.
- Motor igniting.
- Target rocket igniting.
- Primers, saluting.
- Shot shells (empty or loaded):
  - Riot gun.
  - Shot gun.

Not over .50 caliber.
- Bullets.
- Cartridges: machine gun.
- Pistol.
- Revolver.
- Rifle.
- Submachine gun.
- Cases, cartridge, empty.
- Cores, bullet.

and the primers, shot, and wads used in connection with any of the products included in either of the above groups.

Date effective: September 16, 1940.

Wage: 42.5 cents an hour or $17.00 per week of 40 hours, arrived at either upon a time or piece rate basis. Apprentices may be employed at lower rates than herein determined, provided their employment conforms to the standards of the Federal Committee on Apprenticeship.

* * * * *

(c) *Blasting caps.*

Blasting caps.
Detonating caps.

Date effective: September 16, 1940.

Wage: 47.5 cents per hour or $19.00 per week of 40 hours, arrived at either upon a time or piece rate basis. Apprentices may be employed at lower rates than herein determined, provided their employment conforms to the standards of the Federal Committee on Apprenticeship.

FORMS OF CONTRACTS

In § 81.1303, paragraph *h* of section 1, Article II is amended, paragraph *b* is added to section 7, Article II, section 3 of Article XIX is rescinded and sections 4 and 5 redesignated 3 and 4, respectively, and appendix C is amended, as follows:

§ 81.1303 *W. D. Contract Form No. 3.* * * *

ART. II. *Cost of work—1. Reimbursement for contractor's expenditures.* * * *

h. Salaries of resident engineers, superintendents, timekeepers, foremen, and other field employees of the Contractor in connection with the work. In case the full time of any field employee of the Contractor is not applied to the work, his salary shall be included in this item only in proportion to the actual time applied thereto. No person shall be assigned to service by the Contractor as superintendent of construction, chief engineer, chief purchasing agent, chief accountant, or similar position in the Contractor's field organization, or as principal assistant to any such person, until there has been submitted to and approved by the Contracting Officer a statement of the qualifications, experience, and salary of the person proposed for such assignment. The payment of any excess salary over such scheduled amounts shown in the approved salary schedule, Appendix C, attached hereto and made a part hereof shall not be reimbursable, unless and until the Chief of the Supply Service has so approved in writing.

* * * * *

7. *a.* The government reserves the right to urnish * * *

b. Insert § 81.333.

* * * * *

ART. XIX. *Definitions.* * * *

3. Except for the original signing of this contract, and except as otherwise stated herein, the term "Contracting Officer" as used herein shall include his duly appointed successor or his authorized representative.

4. The term "construction plant" shall include any part thereof.

* * * * *

APPENDIX C

There is set forth below the present key employees proposed to be furnished under this contract indicating their names, description of work to be performed, an expression as to whether the salaries are based on a weekly, monthly or annual basis, and the maximum salary agreed upon to be paid for services in the position indicated for personnel now employed.

* * * * *

1. For the purposes of this Appendix C it is understood that * * *

d. Group "A" employees will be paid at the rate of straight time for all work which they are required to perform in excess of 48 hours during the first six days of any regularly scheduled work-week, and at the rate of two times straight time for work which they are required to perform on the seventh consecutive day of such work-week.

e. Group "B" employees will be expected to work any reasonable number of hours, six (6) days per week, without payment of additional compensation. They will be paid at the rate of two times straight time (the weekly salary divided by 48) for all work which they are required to perform on the seventh consecutive day.

f. Group "C" employees will be considered supervisory or executive employees, and will be expected to work any necessary number of hours (including work on Sundays) without payment of additional compensation.

g. Group "D" employees normally employed on an hourly basis will be governed by the overtime policies applicable to the laborers and mechanics under their supervision. Group "D" employees engaged on a weekly or monthly basis will be governed by the overtime policies applicable to Group "A", "B", and "C" employees.

h. The number of hours which shall constitute a work week for Group "E" employees shall be determined by the Contractor, with the approval of the Contracting Officer, and salaries for such employees fixed accordingly. If Group "E" employees are required to work in excess of the number of hours so determined, during the first six consecutive days of any regularly scheduled work-week, because of unforeseen contingencies, the employee will not be paid additional compensation, but will be granted compensatory time off with pay. If required to work on the seventh consecutive day, such employees shall be paid therefor at the rate of two times straight time.

i. No deduction from weekly or monthly base salaries of employees in Groups "A", "B", "C" and "E" shall be made for approved absences on customary holidays, and no premium wage or extra compensation shall be paid for work on such holidays, except that employees in Groups "A", "B" and "E", who are required to work on the holidays specified below shall be paid at the rate of one and one-half times the straight time rate (an addition of one-half times the straight time rate).

New Year's Day.
July Fourth.
Labor Day.
Thanksgiving Day.
Christmas Day.
Memorial Day or one other such holiday of greater local importance.

j. Since it is the policy to provide that each worker will have one day of rest in seven, operations shall be so arranged as to permit one scheduled day of rest in each seven for all employees not engaged in executive or supervisory capacity.

k. Only in situations of emergency will approval be granted to work, on the seventh consecutive day or more than 48 hours in any established work-week, those employees who are not engaged in executive or supervisory capacities. In such cases prior approval of the District Engineer shall be obtained.

l. The above provisions shall not apply to employees engaged on work prosecuted in foreign countries.

§ 81.1304 *W. D. Contract Form No. 4.* * * *

ART. III–X. *Alterations.* * * *

APPENDIX C

* * * * *

d. Group "A" employees will be paid at the rate of straight time for all work which they are required to perform in excess of 48 hours during the first six days of any regularly scheduled workweek, and at the rate of two times straight time for work which they are required to perform on the seventh consecutive day of such workweek.

e. Group "B" employees will be expected to work any reasonable number of hours, six (6) days per week, without payment of additional compensation. They will be paid at the rate of two times straight time (the weekly salary divided by 48) for all work which they are required to perform on the seventh consecutive day.

f. Group "C" employees will be considered supervisory or executive employees, and will be expected to work any necessary number of hours (including work on Sundays) without payment of additional compensation.

g. Group "D" employees normally employed on an hourly basis will be governed by the overtime policies applicable to the laborers and mechanics under their supervision. Group "D" employees engaged on a weekly or monthly basis will be governed by the overtime policies applicable to Group "A", "B" and "C" employees.

h. The number of hours which shall constitute a work week for Group "E" employees shall be determined by the Contractor, with the approval of the Contracting Officer, and salaries for such employees fixed accordingly. If Group "E" employees are required to work in excess of the number of hours so determined, during the first six consecutive days of any regularly scheduled work-week, because of unforeseen contingencies, the employee will not be paid additional compensation but will be granted compensatory time off with pay. If required to work on the seventh consecutive day, such employees shall be paid therefor at the rate of two times straight time.

i. No deductions from weekly or monthly base salaries of employees in Groups "A", "B", "C", and "E", shall be made for approved absences on customary holidays, and no premium wage or extra compensation shall be paid for work on such holidays, except that employees in Groups "A", "B", and "E", who are required to work on the holidays specified below shall be paid at the rate of one and one-half times the straight time rate (an addition of one-half times the straight time rate.)

New Year's Day.
July Fourth.
Labor Day.
Thanksgiving Day.
Christmas Day.
Memorial Day or one other such holiday of greater local importance.

j. Since it is the policy to provide that each worker will have one day of rest in seven, operations shall be so arranged as to permit one scheduled day of rest in each seven for all employees not engaged in executive or supervisory capacity.

k. Only in situations of emergency will approval be granted to work, on the seventh consecutive day or more than 48 hours in any established work-week, those employees who are not engaged in executive or supervisory capacities. In such cases prior approval of the District Engineer shall be obtained.

l. The above provisions shall not apply to employees engaged on work prosecuted in foreign countries.

* * * * *

In § 81.1312 Article VII is amended, a new paragraph *b* is added to section 3 of Article II and paragraphs *b, c,* and *d* are redesignated *c, d,* and *e,* respectively, as follows:

§ 81.1312 *W. D. Contract Form No. 12.* * * *

ART. VII. *Changes.* 1. The Contracting Officer may at any time by written order issue additional instructions, require additional work or services or direct the omission of work or services covered by this contract. If such changes cause a material increase or decrease in the amount or character of the work and services to be done under this contract an equitable adjustment of the amount of the fixed fee to be paid the Architect-Engineer shall be made and the contract shall be modified in writing accordingly. Any claim for adjustment under this Article must be asserted within 10 days from the date the change is ordered. Nothing provided in this Article shall excuse the Architect-Engineer from proceeding with the prosecution of the work so changed. There shall be no adjustment in the amount of the fixed fee as provided herein, nor any claim therefor because of any errors and/or omissions made in computing the estimated cost of the work under this contract or where the actual cost varies from the estimated cost.

* * * * *

ART. XI. *Cost of the work.* * * *
3. *Reservations by Government.* * * *
b. Insert § 81.333.

c. The Government reserves the right to pay directly to common carriers any or all freight charges on construction plant, materials and supplies.

d. The Government reserves the right to pay directly to the person concerned all sums due from the A–E–M for labor, materials, or other charges.

e. The Government will pay directly for all telegraphic communications (including teletype and facsimile when authorized by the Contracting Officer to be installed), cablegrams, radiograms, and similar messages that may be sent by the A–E–M pertaining directly to the contract for work to be done or materials to be furnished thereunder, and the A–E–M is hereby designated as an agent of the Government for the purpose of causing to be transmitted any such messages.

* * * * *

The center heading preceding § 81.1412 as published in the FEDERAL REGISTER dated November 24, 1942 (7 F.R. 9667) should read:

SUBSEQUENT PROCEDURE WHERE CLAIMANTS AGREE AS TO AMOUNT OF COMPENSATION

and the center heading preceding § 81.1414 as published in the FEDERAL REGISTER dated November 24, 1942 (7 F.R. 9667) should read:

SUBSEQUENT PROCEDURE WHERE CLAIMANTS DISAGREE AS TO AMOUNT OF COMPENSATION

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–12964; Filed, December 7, 1942; 12:50 p. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

Subchapter E—Approved Forms

[Order No. 101]

PART 210—STATEMENTS AND REPORTS (SCHEDULES)

FORM NO. 64

DECEMBER 2, 1942.

Prescribing the filing of power system statements for electric utilities, licensees and others, FPC Form No. 64.

The Commission, pursuant to sections 4 (a), 301 (a), 304 (a), 309, and 311 of the Federal Power Act, and other provisions of said Act thereunto authorizing it, *orders,* That:

§ 201.51 *Annual report, FPC Form No. 64.* (a) The accompanying FPC Form No. 64[1] for Power System Statement (Class I and II systems), including the instructions and schedules therein contained, be and the same hereby is approved;

(b) Each corporation, person, agency, authority, or other legal entity or instrumentality, whether public or private, which operates facilities for the generation, or transmission, or distribution of electric energy, and which is in the classification of a Class I or a Class II system (as the same are defined in the accompanying Form FPC No. 64 shall prepare and file with the Commission on or before the date indicated by said form, such statement or statements and in such form as is required by said instructions and schedules, setting forth the answers to the questions therein stated and furnishing the information therein called for;

(c) Order No. 84, dated November 4, 1941, is hereby rescinded.

This order and the form herein prescribed shall become effective on December 21, 1942; and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42–12967; Filed, December 7, 1942; 2:56 p. m.]

[Order No. 102]

PART 210—STATEMENTS AND REPORTS (SCHEDULES)

FORM NO. 64–A

DECEMBER 2, 1942.

Prescribing the filing of power system statements for electric utilities, licensees and others, FPC Form No. 64–A.

The Commission, pursuant to sections 4 (a), 301 (a), 304 (a), 309 and 311 of the Federal Power Act, and other provisions of said Act thereunto authorizing it, *orders* That:

§ 210.52 *Annual report; FPC Form No. 64–A.* (a) The accompanying FPC Form No. 64–A,[1] Power System Statement (Class III and Class IV systems), including the instructions and schedules therein contained, be and the same hereby is approved;

(b) Each corporation, person, agency, authority or other legal entity or instrumentality, whether public or private, which operates facilities for the generation or transmission, or distribution of electric energy, and which is in the classification of a Class III or Class IV system (as the same are defined in the accompanying Form No. 64–A) shall prepare and file with the Commission on or before the date indicated by said form, such statement or statements and in such form as is required by said instructions and schedules, setting forth the answers to the questions therein stated and furnishing the information therein called for: *Provided,* That said form shall not be required to be prepared and filed for Class III systems having "net energy for system" during the year less than 5,000,000 kilowatt-hours (as the same is defined in the accompanying form), or for Class IV systems having energy received plus net generation during the year less than 5,000,000 kilowatt-hours except as specifically directed;

(c) Order No. 85, dated November 4, 1941, is hereby rescinded.

This order and the form herein prescribed shall become effective on December 21, 1942; and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42–12966; Filed, December 7, 1942; 2:56 p. m.]

TITLE 29—LABOR

Chapter VII—War Manpower Commission

[Amendment No. 1]

PART 901—TRANSPORTATION OF WORKERS

REGULATIONS GOVERNING TRANSPORTATION OF WORKERS TO NON-FERROUS METAL PRODUCING AREAS

Section 901.3 of the "Regulations Governing Transportation of Workers to Non-Ferrous Metal Producing Areas," [7 F. R. 8457] promulgated by the Chairman of the War Manpower Commission on October 17, 1942, pursuant to the letter of the President dated October 8, 1942, allocating certain sums from the Emergency Fund for the President to the War Manpower Commission, is hereby amended, effective October 17, 1942, to read as follows:

§ 901.3 *Persons for whom transportation provided.* Transportation may be provided for a worker qualified for mining employment and not to exceed three dependents of any such worker, from points in the continental United States to places of employment in the non-ferrous metal industry. For the purposes of these regulations, "dependent" means a wife or minor child of the worker or a person whose support the worker has assumed in good faith: *Provided,* that the worker maintains a bona fide family relationship in his home with such wife, child or other person.

PAUL V. MCNUTT,
Chairman, War Manpower Commission.

DECEMBER 4, 1942.

[F. R. Doc. 42–12961; Filed, December 7, 1942; 12:49 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A–1507]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING RELIEF

Order granting relief in the matter of the petition of Sequatchie Coal Company, code member in District No. 13 for the establishment of price classifications and minimum prices for all shipments except truck.

A petition having been filed with the Bituminous Coal Division on June 15, 1942, by the Sequatchie Coal Company, a code member in District 13, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment of rail classifications and prices for the coal produced at its mine, Mine Index No. 731, located on Signal Mountain in Sequatchie County, Tennessee, in District 13, temporary classifications and prices having been established for this mine in an Order dated July 23, 1942, 7 F. R. 5722, and petitioner having excepted to the prices established for Market Area 101;

A hearing in this matter having been held, pursuant to appropriate orders, before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof, in Washington, D. C., at which hearing interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which petitioner, District Board 13, and the Bituminous Coal Consumers' Counsel appeared;

The parties having waived the preparation and filing of the Examiner's report, and the record in this proceeding having thereupon been submitted to the undersigned:

The undersigned having made Findings of Fact, Conclusions of Law, and having rendered an Opinion[1] in this matter which are filed herewith;

Now, therefore, it is ordered, That fifteen (15) days from the date hereof § 333.21[2] (*Price instructions and excep-*

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[1] Form filed as part of the original document.

[1] Form filed as part of the original document.

[1] Not filed with the Division of the Federal Register.

[2] 7 F.R. 7934.

tions—(b) *Price exceptions*) be, and it hereby is, amended by adding thereto the following price exceptions:

> On shipments to Spring City, Tennessee, in Market Area 101, the coals of Mine Index No. 731 of the Sequatchie Coal Company, shall have in each size group the same f. o. b. mine price as that established for them when shipped to Market Area 102.

And it is further ordered, That effective fifteen (15) days from the date hereof, the classifications and prices established in temporary order herein, dated July 23, 1942, 7 F.R. 5722, be, and they hereby are, made final.

Dated: December 5, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-13005; Filed, December 8, 1942; 10:59 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-173]

GENERAL REFRIGERATOR CORPORATION

Paul C. Norwitt, an individual doing business under the trade name of General Refrigerator Corporation, of San Francisco, California, is engaged in the manufacture and sale of new refrigerating equipment and the reconditioning and sale of used refrigerating equipment.

During the period from March 18, 1942, through April 25, 1942, purchase orders bearing preference ratings of A-1-a under Preference Rating Order P-7 for 24 refrigerators were placed with Paul C. Norwitt, doing business under the trade name of General Refrigerator Corporation. From March 18, 1942, through June 19, 1942, he extended these A-1-a preference ratings to obtain 10,800 feet of copper tubing and 151 electric motors despite the fact that only 576 feet of copper tubing and 24 electric motors were necessary to fill the purchase orders of his customer. The improper extension by him of these preference ratings enabled him to obtain excessive deliveries of materials which were not used for the purposes specified in connection with the issuance of the preference ratings, thereby constituting a wilful violation of Priorities Regulation No. 1.

This violation of Priorities Regulation No. 1 hampered and impeded the war effort of the United States by diverting scarce material to uses not authorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered,* That:

§ 1010.173 *Suspension Order S-173.* (a) Deliveries of material to Paul C. Norwitt, doing business under the trade name of General Refrigerator Corporation or otherwise, his successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries by means of Preference Rating Certificates, Preference Rating Orders, General Preference Orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to Paul C. Norwitt, doing business under the trade name of General Refrigerator Corporation or otherwise, his successors and assigns, of any material the supply or distribution of which is covered by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve Paul C. Norwitt, doing business under the trade name of General Refrigerator Corporation or otherwise, his successors and assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on December 9, 1942, and shall expire on March 9, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 7th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12965; Filed, December 7, 1942; 2:41 p. m.]

PART 1003—TITANIUM PIGMENTS

[Revocation of General Preference Order M-44]

Section 1003.1 *General Preference Order M-44* [1] is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13001; Filed, December 8, 1942; 10:49 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[Supplemental General Imports Order M-63-f]

Pursuant to General Imports Order M-63, as amended June 2, 1942, which this order supplements, *It is hereby ordered,* That:

§ 1042.7 *Supplemental General Imports Order M-63-f.* Notwithstanding the provisions of paragraph (b) (3) of General Imports Order M-63 as amended, the prohibition set forth in paragraph (b) (1) of such order shall apply to the importing of any material listed below, wherever produced, by any person under any contract or other arrangement made prior to and in existence on June 10, 1942, except where on December 8, 1942, the material was in transit to a point within the continental United States, to-wit:

List II:

Material	*Commerce import class No.*
Balsa wood:	
Logs	4029.1
Sawed boards, planks, deals, and sawed timber	4118.0

Provided, however, That any such material the importation of which was contracted for under contract made prior to and in existence on June 10, 1942, which on December 8, 1942, had been sawed into boards or planks, dried to the extent customarily required before ocean shipment, and bundled preparatory to ocean shipment to the continental United States, and which upon regrading after December 8, 1942, is certified by an authorized representative of the Board of Economic Warfare not to include any wood of aero grade, may be imported without the written authorization required by paragraph (b) of said General Imports Order M-63, as amended. Aero grade wood is defined as wood weighing less than 9 pounds per cubic foot and conforming to the following grading rules:

1. Width—Random, minimum 3 inches, average 5 inches or over.
2. Length—Random, minimum 4 feet, average 6 feet or over.
3. Thickness—2 inches, 3 inches or 4 inches.
4. Scattered pin worm holes admitted, provided the concentration in any single square foot of surface shall not exceed 10.
5. Only 1 knot or hole under 2 inches in diameter is admitted for each full 6 feet of length of any piece.
6. There is no limitation on sound burls, birdeyes or twig specks.
7. Surface pith and pith grooves on faces and on edges shall not exceed in the aggregate 1/12 of the length of the piece.
8. Enclosed pith, if evidenced by its presence in the cross-sectional area of either end of the piece, will not be admitted.
9. The aggregate length of all splits or checks shall not exceed 1/12 of the length of the piece.
10. Stain, including that in sound waterheart, shall be admitted.
11. Dote, decay, or rot in any degree or stage shall not be admitted.
12. Wane shall not be admitted. Each piece must be full square-edged.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13002; Filed, December 8, 1942; 10:49 a. m.]

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[1] 6 F.R. 5996; 7 F.R. 163, 581.

PART 1271—WELDING RODS AND ELECTRODES

[Revocation of General Limitation Order L-146]

Section 1271.1 *General Limitation Order L-146* [1] issued June 6, 1942, as amended June 30, 1942, is hereby revoked. This revocation shall not affect, in any way, any liabilities or penalties accrued or incurred under said section prior to the revocation.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13003; Filed, December 8, 1942; 10:49 a. m.]

PART 3093—GOLD MINING

[Interpretation 1 of Limitation Order L-208, as Amended]

The question has been raised whether the provisions of paragraph (e) of Order L-208 [2] restricting disposition of machinery and equipment of closed gold mines apply only to those mines which were closed on or after October 8, 1942, by virtue of the issuance of the order on that date.

The first general priority action with respect to mines took place on September 17, 1941, with the issuance of Preference Rating Order P-56, under which serial numbers and preference ratings were issued to producing mines. Serial numbers under P-56 were issued on the basis of the essentiality of such production and were denied to certain mines whose production was not regarded as essential.

The proper interpretation of paragraph (e) of Order L-208 freezing machinery is therefore that these restrictions apply to all nonessential mines (as defined in Order L-208), which were operating on or after September 17, 1941, whether or not they were still operating on October 8, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13004; Filed, December 8, 1942; 10:49 a. m.]

Chapter XI—Office of Price Administration

PART 1347—PAPER AND PAPER PRODUCTS, RAW MATERIALS—FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[Rev. MPR 130,[3] Correction]

STANDARD NEWSPRINT PAPER

The second sentence in § 1347.271; subparagraph (12) in § 1347.281 (a); and subdivision (iii) in § 1347.283 (d) (1) are corrected to read as set forth below. A new § 1347.282a is added.

§ 1347.271 *Maximum prices for standard newsprint paper.* * * *

The provisions of this section shall not be applicable to sales or deliveries of standard newsprint paper to a purchaser if prior to April 1, 1942, such standard newsprint paper had been received by a carrier other than a carrier owned or controlled by the seller, for shipment to such purchaser, or to the extent, and only to the extent, permitted by the Revised Maximum Export Price Regulation [2] of July 2, 1942, to agreements for the sale of standard newsprint paper made by an exporter at prices in excess of the maximum prices herein established.

§ 1347.281 *Definitions.* (a) * * *

(12) "Destination point" means the railway siding, if delivery is by rail, or dock, if delivery is by water, nearest to the purchaser's door in the city or town where the purchaser is located or any other point, delivery to which does not involve a higher delivered cost to the purchaser at his door than would delivery of the same quantity from the same point of origin to the nearest railway siding or dock in the city or town where the purchaser is located.

* * * * *

§ 1347.283 *Appendix A: Maximum prices for standard newsprint paper.* * * *

(d) * * *

(1) * * *

(iii) The maximum markup which a merchant selling either rolls or sheets to another merchant, may add to the price set forth in subdivision (i) of this paragraph, shall be computed on the following markup table:

	Percent markup
1 ream to less than 1 bundle	52
1 bundle to less than 500 pounds	46
1 or more rolls less than 500 pounds	46
500 pounds to less than 2,000 pounds	26
2,000 pounds to less than 5,000 pounds	17
5,000 pounds to less than 10,000 pounds	10
10,000 pounds to less than 40,000 pounds	8
40,000 pounds or more	4

The merchant so selling shall invoice to show his cost and markup, and the merchant so buying shall, when reselling, exclude this markup as required in (d) (1) (i) of this section.

* * * * *

§ 1347.282a *Effective dates of corrections and amendments.* (a) This correction (§§ 1347.271, 1347.281 (a) (12), 1347.283 (d) (1) (iii), 1347.282a) to Revised Maximum Price Regulation No. 130 shall be effective as of November 16, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 7th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12975; Filed, December 7, 1942; 3:11 p. m.]

PART 1358—TOBACCO

[MPR 260,[1] Amendment 1]

CIGARS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1358.101 is amended; the headnote of § 1358.102 *Maximum prices for cigars* is amended to read *Maximum prices for domestic cigars* and paragraph (e) of § 1358.102 is amended; a new § 1358.102a is added; § 1358.103 is amended; in § 1358.105 the words "and importer:" are added after the phrase "shall be applicable to every manufacturer, seller at wholesale or at retail;" paragraph (a) of § 1358.112 is amended and a new paragraph (f) is added to § 1358.112; in paragraph (b) of §1358.113 a new phrase "or by paragraph (c) (1) of § 1358.102a" is added after the phrase "by paragraph (c) (1) of § 1358.102" and in paragraphs (a) and (b) of § 1358.113 the date "January 15, 1942" is amended to read "January 15, 1943"; a new paragraph (c) is added to § 1358.113; a new § 1358.115a is added; between the 20th and 21st lines of Column 1 of Appendix A, § 1358.116, another 15¢ price class is inserted as set forth below; line 21 of Column 1 of Appendix A, § 1358.116, is revoked, and two new lines are inserted therein as set forth below; and a new § 1358.117, Appendix B, is added.

§ 1358.101 * * *

(a) No person shall sell or deliver any domestic cigars at higher prices than the maximum prices set forth in Appendix A (§ 1358.116), subject to the provisions of § 1358.102 of this Maximum Price Regulation No. 260; and no person shall sell or deliver any imported cigars at higher prices than the maximum prices set forth in Appendix B (§ 1358.117), subject to the provisions of § 1358.102a of this Maximum Price Regulation No. 260.

* * * * *

§ 1358.102 * * *

(e) *Maximum prices for new brands or sizes of cigars.* Any manufacturer who desires to manufacture and sell a new brand or size of domestic cigars may make application to the Office of Price Administration, Washington, D. C., for a determination of the maximum list price, the schedule of discounts and allowances and the maximum retail price therefor. Such application shall set forth a full and complete description of all materials to be used in the manufacture of such new brand or size of cigars, and a full and complete statement of all estimated manufacturing costs. The Price Administrator or any duly authorized officer of the Office of Price Administration may by order establish the maximum list price, the schedule of discounts and allowances, and the maximum retail price for any new brand or size of domestic cigars which is the subject of an application under this provision: *Provided*, That any seller of any brand of domestic cigars, other than private brands, of a particular size, quality and price class sold or delivered during March, 1942 may sell any such brand at the maximum prices established therefor under §§ 1358.102 and 1358.116, Appendix A, under a new brand name, private or otherwise, without application and order under this provision. Any seller of private brands of domestic cigars of a particular size, quality and price class sold or delivered during March, 1942, may sell any such private brand at the maximum prices established therefor under §§ 1358.102 and 1358.116, Appendix A, under a new private brand name, but only as a private brand, without application and order under this provision.

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[1] 7 F.R. 4328, 4881.

[2] 7 F.R. 9810.

[3] 7 F.R. 9251, 7242, 8829, 9000.

[2] 7 F.R. 5059, 7242, 8829, 9000.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8997.

§ 1358.102 a *Maximum prices for imported cigars*—(a) *Importers' maximum prices.* (1) To determine his maximum list price for any particular price class of imported cigars, each importer shall first note from Column 1 of Appendix B, § 1358.117, his March, 1942 stated retail price for such particular price class of imported cigars. He shall then ascertain from Column 3 of Appendix B, § 1358.117, the new maximum retail price for such particular price class of imported cigars; and from Column 4 of Appendix B, § 1358.117, his new maximum list price for such particular price class of imported cigars.

(2) Election to retain March, 1942 stated retail price and other elections to determine maximum prices.

(i) Any importer may elect to retain the March, 1942 stated retail price as the maximum retail price with respect to any particular price class of imported cigars. If he so elects he shall determine from Column 2 of Appendix B, § 1358.117, the March, 1942 list price for such particular price class of imported cigars and such list price shall be his maximum list price therefor.

(ii) If any importer elects to adopt as the maximum retail price for any particular price class of imported cigars set forth in Column 1 of Appendix B, § 1358.117, an amount greater than that set forth in Column 1 of Appendix B, § 1358.117, but less than that indicated therefor in Column 3 of Appendix B, § 1358.117, he shall (*a*) determine the percentage rate of the increase of the elected maximum retail price over the March, 1942 stated retail price for such particular price class of imported cigars; (*b*) multiply his March, 1942 list price by the percentage rate determined pursuant to (*a*); (*c*) add to his March, 1942 list price the figure determined at (*b*) hereof. The resulting figure shall be such importer's maximum list price for such particular price class of imported cigars.

(3) To determine his maximum net selling price for any particular price class of imported cigars, each importer shall deduct from his maximum list price for such class of imported cigars, his March, 1942 customary discounts and allowances to the particular class of purchasers in question.

(4) The prices set forth in Appendix B, § 1358.117, are based upon standard quality packings of twenty-five imported cigars to the individual container. All price differentials in packings allowed in March, 1942 shall not be reduced. All price differentials in packings charged shall not be in excess of such differentials of March, 1942.

(5) Any importer whose March, 1942 list price for any particular price class of imported cigars was a net selling price, subject only to a discount for cash, shall determine his maximum net selling price with respect thereto in the following manner:

(i) Divide his March, 1942 net selling price by the list price indicated in Column 2 of Appendix B, § 1358.117, for such particular price class of imported cigars, and

(ii) Multiply the resulting figures by the list price set forth in Column 4 of Appendix B, § 1358.117, for such particular class of imported cigars. Such latter figure shall be the importer's maximum net selling price for such particular class of imported cigars.

(b) *Maximum prices for classes other than those set forth in Column 1 of Appendix B, § 1358.117.* For all price classes of imported cigars for which no March, 1942 stated retail price is indicated in Column 1 of Appendix B, § 1358.117, the maximum retail price and the maximum list price for any such price class shall be determined as follows:

(1) Add to the March, 1942 stated retail individual unit price or to the stated retail multiple unit price, as the case may be, 10 percentum thereof to determine the maximum retail price for such single or multiple unit respectively. The figure thus arrived at shall be adjusted to the next higher even cent if the fraction is one-half cent or over, and to the next lower even cent if the fraction is less than one-half cent.

(2) Add to the March, 1942 list price per thousand 10 percentum thereof to determine the maximum list price per thousand of such imported cigars.

(3) If the importer shall elect to increase his March, 1942 stated retail price by a percentage rate of less than 10 percent, he shall increase his March, 1942 list price per thousand by a percentage rate not in excess of the percentage rate by which the maximum retail price was adjusted.

(4) To determine his maximum net selling price per thousand for any particular price class of imported cigars, each importer shall deduct from his maximum list price per thousand for such class of cigars his March, 1942 customary discounts and allowances to the particular class of purchasers in question.

(5) The maximum prices determined at subparagraph (4) of this paragraph (b) shall be based upon standard quality packings of twenty-five imported cigars to the individual container. All price differentials in packings allowed in March, 1942 shall not be reduced. All price differentials in packings charged shall not be in excess of such differentials of March, 1942.

(c) *Wholesalers' maximum prices.* (1) Upon receipt of notification pursuant to § 1358.113 (c) of an adjustment of the stated retail or list prices for any particular March, 1942 stated retail price class of imported cigars, the wholesaler may adjust his maximum list price for such price class of cigars to an amount not in excess of such importer's maximum list price. With reference to his floor-stocks of such particular price class of cigars on the date of receipt of such notification, he shall state in plainly visible numerals upon each box or container of such imported cigars the exact adjusted maximum retail price for each class of imported cigars.

(2) Where any importer elects to retain the March, 1942 stated retail price with respect to any particular price class of imported cigars, the wholesaler's maximum list price shall not be in excess of such importer's maximum list price therefor, or the March, 1942 list price therefor set forth in Column 2 of Appendix B, § 1358.117, whichever is lower.

(3) To determine his maximum net selling price for any particular price class of imported cigars, each wholesaler shall deduct from his maximum list price for such class of cigars, as determined in subparagraphs (1) and (2) hereof, his March, 1942 customary discounts and allowances to the particular class of purchasers in question.

(4) All price differentials in packings allowed in March, 1942 shall not be reduced. All price differentials in packings charged shall not be in excess of such differentials of March, 1942.

(d) *Retailers' maximum prices.* (1) Upon receipt of notification pursuant to § 1358.113 hereof from the importer or wholesaler of an adjustment of the maximum retail price for any particular price class of imported cigars, the retailer may adjust his maximum retail price for such particular price class of cigars to a maximum retail price only in accordance with such notification. Such notification shall be applicable to floor-stocks.

(2) Where any importer elects to retain the March, 1942 stated retail price with respect to any particular price class of imported cigars, such stated retail price shall be the retailer's maximum price therefor, as set forth in Column 1 of Appendix B, § 1358.117.

(e) *Maximum prices for new brands or sizes of imported cigars.* Any importer who desires to import and sell a new brand or size of imported cigars may make application to the Office of Price Administration, Washington, D. C., for a determination of the maximum list price, the schedule of discounts and allowances and the maximum retail price therefor. Such application shall set forth a full and complete description of all costs to such importer for such new brand or size of imported cigars. The Price Administrator or any duly authorized officer of the Office of Price Administration may by order establish the maximum list price, the schedule of discounts and allowances, and the maximum retail price for any new brand or size of imported cigars which is the subject of an application under this provision: *Provided*, That any seller of any brand of imported cigars, other than private brands, of a particular size, quality and price class sold or delivered during March, 1942 may sell any such brand at the maximum prices established therefor under §§ 1358.102a and 1358.117, Appendix B, under a new brand name, private or otherwise, without application and order under this provision. Any seller of private brands of imported cigars of a particular size, quality and price class sold or delivered during March, 1942, may sell any such private brand at the maximum prices established therefor under §§ 1358.102a and 1358.117, Appendix B, under a new private brand name, but only as a private brand, without application and order under this provision.

§ 1358.103 *Maximum prices set under this regulation cannot be changed.* On or before January 15, 1943, each seller of cigars must establish an adjusted maximum list price and an adjusted maximum retail price pursuant to this regulation for each class of cigars sold by him. After January 15, 1943, such maximum price calculated by any seller of domestic cigars under §§ 1358.102 and 1358.116, Appendix A, and by any seller of imported cigars under §§ 1358.102a and 1358.117, Appendix B, of this regulation, shall be his maximum price for that item from that time forward.

§ 1358.112 * * *

(a) "Cigar" comprehends:

(1) "Domestic cigars" which are defined to include all types of cigars, cheroots, stogies and little cigars, except those weighing less than three pounds per thousand, manufactured or produced in the continental United States or its territories and possessions.

(2) "Imported cigars" which are defined to include all types of cigars, cheroots, stogies and little cigars, except those weighing less than three pounds per thousand, manufactured or produced outside of the continental United States or its territories and possessions, and introduced into the continental United States or its territories and possessions.

(3) Only domestic cigars wherever used in § 1358.102.

* * * * *

(f) "Private brand" means any brand or name applied to a cigar of a particular size, quality and price class by any manufacturer or importer, and which cigar, so branded, is exclusively sold to or made for any one person or seller.

§ 1358.113 * * *

* * * * *

(c) *Importers.* On and after the effective date hereof every importer must state in plainly visible numerals upon each box or container of imported cigars sold or delivered by him the exact maximum retail price of such cigars as determined pursuant to §§ 1358.102a and 1358.117 (Appendix B) hereof. On or before the first delivery of any imported cigars after the effective date hereof at a price adjusted under the provisions hereof he shall notify each purchaser of the exact amount of his maximum list price and of the exact amount of the maximum retail price of the particular class of imported cigars in question. Such notification shall be accomplished by a written statement as follows:

> On our brand (describe cigar) of imported cigars, the Office of Price Administration has authorized us to establish new maximum prices. The March, 1942 stated retail price was----cents each (or----for----cents (or dollars)). The new Office of Price Administration ceiling retail price is----cents each (or----for----cents (or dollars)). Our March, 1942 list price was $---- per thousand for such class of imported cigars. Our new Office of Price Administration list price is $---- per thousand for such class of imported cigars. All customary discounts and allowances in effect in March, 1942 on your purchases will not be lowered. All packings differentials allowed heretofore will not be lowered and all differentials charged will not be increased. The Office of Price Administration requires that you keep this notification for examination.

No notification shall be required after the first notification to any particular purchaser with reference to any particular price class of imported cigars unless an adjustment of the maximum prices established pursuant to the provisions hereof is made on or before January 15, 1943.

§ 1358.115a *Effective dates of amendments.* (a) Amendment No. 1 to Maximum Price Regulation No. 260 shall become effective 11:59 P. M., December 7, 1942.

§ 1358.116 *Appendix A.*

Column 1	Column 2	Column 3	Column 4
* *	* *	* *	* *
15¢	$115.00	17¢, 3 for 50¢	$135.00
17¢, 3 for 50¢	135.00	3 for 55¢	148.00
17¢, 3 for 50¢	135.00	20¢ each	153.00
* *	* *	* *	* *

§ 1358.117 *Appendix B.*

Column 1 March 1942 stated retail prices	Column 2 March 1942 importers' and wholesalers' list prices	Column 3 maximum adjusted retail prices	Column 4 importers' and wholesalers' adjusted maximum list prices
2 for 25¢	$105.00	14¢	$115.50
15¢	130.00	17¢	143.00
3 for 50¢	140.00	3 for 55¢	154.00
3 for 55¢	147.00	20¢	161.50
20¢	160.00	22¢	176.00
25¢	200.00	28¢	220.00
30¢	240.00	33¢	264.00
3 for $1.00	255.00	3 for $1.10	280.50
35¢	285.00	39¢	313.50
40¢	300.00	44¢	330.00
45c	345.00	50c	379.50
50c	405.00	55c	445.50
55c	417.50	61c	459.00
60c	468.00	66c	515.00
65c	510.00	72c	561.00
70c	540.00	77c	594.00
75c	585.00	83c	643.50
$1.25	1,000.00	$1.38	1,100.00

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12974; Filed, December 7, 1942; 3:10 p. m.]

PART 1400—WOOL

[RPS 58, as Amended,[1] Amendment 11]

WOOL AND WOOL TOPS AND YARNS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.[*]

Section 1410.51 (e) is hereby amended by adding to the proviso at the end thereof the following:

§ 1410.51 *Maximum prices for wool and wool tops and yarns.* * * *

(e) * * *

(4) * * *

Provided further, That wool top futures contracts entered into after December 18, 1941 at a price no higher than the maximum price determined in accordance with this Revised Price Schedule No. 58, as amended, on the date such contract was made may be carried out at the contract price.

§ 1410.60 *Effective dates of amendments.* * * *

(m) Amendment No. 11 (§ 1410.51 (e)) to Revised Price Schedule No. 58, as amended, shall become effective December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

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[*] Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1316, 1648, 1836, 2000, 2132, 2397, 2580, 2543, 3088, 3271, 4117, 4296, 4299, 4428, 5512, 6494, 7602, 7945, 8941, 8948.

Issued this 7th day of December, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12973; Filed, December 7, 1942; 3:09 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 1[1] Amendment 6]

MEAT RESTRICTION

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1407.901 (e) (2) the words "on or" are inserted between the word "hide" and the word "off"; in § 1407.901 (k) the words "with the hide off" are inserted between the words "weighs" and "not;" paragraph (a) of § 1407.904 and paragraph (a) of § 1407.909 are amended to read as set forth below; a new sentence is added at the end of paragraph (b) of § 1407.909; paragraph (f) of § 1407.914a is amended; a new paragraph (f) is added to § 1407.925 to read as set forth below:

§ 1407.904 *Deliveries of non-quota slaughterers restricted.* (a) Notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no non-quota slaughterer shall, during any quota period, deliver more controlled meat of any type resulting from his own slaughter than he delivered of such type resulting from his own slaughter during the corresponding base period. For the purposes of this section cutter and canner grades of controlled meat of beef shall be regarded as a separate type of controlled meat. Deliveries during a quota period to persons referred to in, and in accordance with the procedure prescribed by § 1407.912a (a), (b), (c), or (d), shall not be subject to the restrictions of this section.

§ 1407.909 *Deliveries of cutter and canner grades of beef further restricted.* (a) No slaughterer shall, during any quota period, deliver to persons other than those referred to in § 1407.912a, more than 20% of the total conversion weight of all controlled meat of cutter and canner grades of federally inspected beef delivered by him during such period. Such 20 per centum shall include all deliveries of such beef after rejection thereof for failure to meet the specifications of exempt purchasers referred to in § 1407.912 (a), or of slaughterers, and shall also include all deliveries of such beef other than in accordance with the procedure prescribed in § 1407.912a.

(b) * * * Deliveries without charge against quota made in accordance with the procedure prescribed by § 1407.912a, shall not be subject to the restrictions of this paragraph.

§ 1407.914a *Statements of deliveries from other slaughterers or non-quota slaughterers required.* * * *

(f) Within 14 days after receipt of any statement from a slaughterer pursuant to this section, a slaughterer or non-quota slaughterer may send to such slaughterer by registered mail, return receipt requested, a demand for a written statement correcting any inaccuracy claimed to exist therein. Unless such demand is sent by him within such period, a slaughterer receiving such statement shall, for the purpose of computing his own quota bases, be deemed to have delivered controlled meat as stated therein. If the slaughterer to whom a demand is sent makes such correction, the slaughterer or non-quota slaughterer claiming such inaccuracy shall forward the written statement correcting it to the Office of Price Administration and shall, if a slaughterer, adjust his quotas accordingly. If a slaughterer fails to make such correction within 10 days after his receipt of a demand therefor, the slaughterer or non-quota slaughterer who sent the demand may, within 20 days after sending any such demand, apply in writing to the Office of Price Administration for a determination of the facts concerning the contested delivery. Upon receipt of such application, the Office of Price Administration will notify all parties to such dispute of the manner in which evidence shall be submitted and the time allowed therefor. The Office of Price Administration will determine such dispute, and will notify the parties thereto of such determination and of any quota adjustments resulting therefrom. Unless such application is made by him within 20 days after sending such demand, a slaughterer receiving such statement shall, for the purpose of computing his own quota bases, be deemed to have delivered controlled meat as set forth in the statement.

§ 1407.925 *Effective dates of amendments* * * *

(f) Amendment No. 6 (§§ 1407.901 (e) (2), 1407.901 (k), 1407.904 (a), 1407.909 (a) and (b), 1407.914a (f), and 1407.925 (f)) to Restriction Order No. 1 shall be effective as of December 12, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507, and 729, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1-M, 7 F.R. 562, 7234)

Issued this 7th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12968; Filed, December 7, 1942; 3:09 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 1,[1] Amendment 7]

MEAT RESTRICTION

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (1) of paragraph (a) of § 1407.912 is amended; a new paragraph (g) is added to § 1407.925 to read as set forth below:

§ 1407.912 *Exempt purchasers.* (a) The following are designated exempt purchasers:

(1) The Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, War Shipping Administration, Maritime Commission, Panama Canal, Advisory Committee for Aeronautics, Office of Scientific Research and Development and Defense Supplies Corporation, and any agency of the United States or of any foreign government, to the extent that controlled meat is delivered to it for export to any foreign country or any territory or possession of the United States other than the District of Columbia. Controlled meat contained in meals served to Army, Navy, Marine Corps or Coast Guard personnel messed separately under an officer's command shall be deemed delivered to the agency of which such personnel are members: *Provided,* That delivery to post exchanges, sales commissaries, service men's clubs, ship service stores and similar organizations shall not be deemed to constitute delivery to any such agency.

* * * * *

§ 1407.925 *Effective dates of amendments.* * * *

(g) Amendment No. 7 (§§ 1407.912 (a) and 1407.925 (g)) to Restriction Order No. 1 shall be effective as of December 12, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.; 421, 507 and 729, W.P.B. Dir. No. 1, Supp. Dir. No. 1-M, 7 F.R. 562, 7234)

Issued this 7th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12969; Filed, December 7, 1942; 3:08 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Ration Order 3,[1] Amendment 28]

SUGAR RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (b) of § 1407.185 is amended, and a new paragraph, (c), is added and the headnote of that section is amended as set forth below:

Armed Forces of the United States; Certain Other Persons or Agencies

§ 1407.185 *Products containing sugar delivered to post exchanges and similar agencies.* * * *

(b) The Bureau of Naval Personnel of the Navy Department is authorized to issue certificates to replace sugar in products delivered to Ship Service Departments Ashore at Navy or Coast Guard stations. The United States Marine Corps is authorized to issue certificates to replace sugar in products delivered to post exchanges at Marine Corps Barracks or Marine Corps bases. Such authorizations shall apply with respect to products delivered on or after December 7, 1942. Each certificate shall be issued in the name of, and shall authorize delivery of sugar to, a registering unit which used sugar in the production, manufacture or processing of the products thus delivered or of materials used therein. The weight value of certificates thus issued to a registering unit shall not exceed the amount of sugar used by such registering unit in such products or materials.

(c) The total weight value of certificates issued by any agency pursuant to this section, in any period specified by the Office of Price Administration, shall not exceed the amount allocated, for the purposes of this section, by the Office of Price Administration to such agency for such period.

Effective Date

§ 1407.222 *Effective dates of amendments.* * * *

(cc) Amendment No. 28 (Paragraphs (b) and (c) of § 1407.185 and the headnote of that section) shall become effective December 7, 1942.

(Pub. Law 421, 77th Cong.; W.P.B. Dir. No. 1 and Supp. Dir. No. 1E)

Issued this 7th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12972; Filed, December 7, 1942; 3:09 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7839, 8217, 8524, 9247, 9250, 9639.

[1] 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 8402, 8655, 8739, 8809, 8710, 8830, 8831, 9042, 9396, 9460.

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Order 45 Under § 1499.3 (b) of GMPR]

UNITED COLOR AND PIGMENT CO.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, paragraph (a) of § 1499.259 in Order No. 45 § 1499.3 (b) of The General Maximum Price Regulation is amended and a new paragraph (e) is added to read as set forth below:

§ 1499.259 *Approval of maximum price for sale by the United Color and Pigment Company of yellow iron oxide produced from copperas.* (a) On and after October 27, 1942, to and including February 27, 1943, the United Color and Pigment Company of Newark, New Jersey, may sell and deliver, and agree, solicit and attempt to sell and deliver, and any person may buy from the United Color and Pigment Company, synthetic iron oxide yellow pigment made from copperas at prices no higher than those hereinafter set forth:

8½¢ per pound delivered in bags.

* * * * *

(e) This Amendment No. 1 to Order No. 45 under § 1499.3 (b) of the General Maximum Price Regulation shall be effective as of October 27, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12970; Filed, December 7, 1942; 3:08 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 168 Under § 1499.3 (b) of GMPR]

SNAIL EXTERMINATOR COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1184 *Authorization of maximum prices for sales of Snail Strip by Snail Exterminator Company of Los Angeles, California, by wholesalers and by retailers.* (a) On and after December 8, 1942, the maximum price for sale by Snail Exterminator Company of Los Angeles, California, of Snail Strip, an insecticide strip used for the control of snails and slugs, delivered to buyer shall be 50¢ per unit of not less than 100 feet in length and 1$\frac{7}{16}$ inches in width.

(b) The maximum price for sales at wholesale of Snail Strip delivered to buyer shall be 60¢ per unit of not less than 100 feet in length and 1$\frac{7}{16}$ inches in width.

(c) The maximum price for sales at retail of Snail Strip shall be 90¢ per unit of not less than 100 feet in length and 1$\frac{7}{16}$ inches in width.

(d) On and after December 8, 1942, Snail Exterminator Company shall supply to each wholesaler before or at the time of his first delivery of Snail Strip and shall include with each shipping unit of such product for a period of three months a written notification. If such notification is enclosed in a shipping unit, a legend shall be affixed outside of such unit to read "Retailer's Notice Enclosed." The written notification shall read as follows:

> The Office of Price Administration has authorized us to charge 50¢ per unit of not less than 100 feet in length and 1$\frac{7}{16}$ inches in width for Snail Strip. Wholesalers are authorized to establish a ceiling price of 60¢ per unit of not less than 100 feet in length and 1$\frac{7}{16}$ inches in width for Snail Strip. Retailers are authorized to establish a ceiling price of 90¢ per unit of not less than 100 feet in length and 1$\frac{7}{16}$ inches in width for this item. A copy of this notice is included in every shipping case. If the initial sale to a retailer is a split-case sale, the wholesaler is required to provide such retailer with a copy of this notice. Office of Price Administration requires that you keep this notice for examination.

(e) This Order No. 168 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 168 (§ 1499.1184) shall become effective December 8, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12971; Filed, December 7, 1942; 3:09 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 450—RECORDS OF FREIGHT FORWARDERS

DESTRUCTION OF RECORDS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 30th day of November, 1942.

The matter of the regulations to govern the destruction of records of freight forwarders, to be prescribed for and kept by freight forwarders being under consideration by the division, pursuant to the authority of section 412 of the Interstate Commerce Act, and upon consideration of the matters and things involved, and the division having found that the regulations to govern the destruction of records of freight forwarders, issue of 1943, hereto attached, and made a part hereof, are necessary for purposes of administration of the provisions of Part IV of the Act. *It is ordered:*

Regulations prescribed. (a) Every freight forwarder subject to the provisions of the Interstate Commerce Act and every trustee, executor, administrator, or assignee of any such freight forwarder, are hereby required to comply with the Regulations to Govern the Destruction of Records of Freight Forwarders, issue of 1943, in the destruction and retention of their operating, accounting, and financial papers, records, books, blanks, stubs, and documents of freight forwarders. (Issued under sec. 412, 56 Stat. 294; 49 U.S.C. 1012.)

(b) *Effective date.* The issue of 1943, Regulations to Govern the Destruction of Records of Freight Forwarders, shall become effective on January 1, 1943.

And it is further ordered, That a copy of this order and the Regulations to Govern the Destruction of Records of Freight Forwarders herein prescribed shall be served upon every freight forwarder subject to the Act and upon every trustee, executor, administrator, or assignee of any such freight forwarder, and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of Federal Register, The National Archives.

Sec.

450.1 Authority to destroy certain records.
450.2 Preservation of other records; special permission to destroy.
450.3 Officer having supervision of destruction.
450.4 Written authority of officer having supervision of destruction.
450.5 Certificates of destruction.
450.6 Committee for destruction of certain records.
450.7 Joint bureaus and agencies.
450.8 Method of destruction.
450.9 Accidental destruction of accounts, records, and memoranda.
450.10 Duplicate accounts, records, and memoranda.
450.11 List of accounts, records, and memoranda, and periods of retention.

AUTHORITY: §§ 450.1 to 450.11, inclusive, issued under section 412, 56 Stat. 294; 49 U. S. C. 1012.

Special note: The following extract from section 421 of the Interstate Commerce Act is here quoted for convenient reference thereto by freight forwarders:

(d) Any freight forwarder, or any officer, agent, employee, or representative thereof, who shall willfully fail or refuse to make a

particular freight forwarder presenting such petition.

§ 450.3 *Officer having supervision of destruction.* (a) An officer, or, where necessities require, two officers, shall be appointed by the board of directors to

nent part of the freight forwarder's records. It is not required that copies of the written authorities be filed with the Commission.

§ 450.5 *Certificates of destruction.* (a) The person or persons upon whom

or shall have the trustees' acceptance thereon.

§ 450.7 *Joint bureaus and agencies.* These regulations apply also to the destruction of accounts, records, and memoranda of traffic associations and other joint agencies maintained by or on behalf

the respective periods named for such records in the regulations.

§ 450.11 *List of accounts, records, and memoranda, and periods of retention.* The following list,[1] indicative of accounts, records, and memoranda of freight forwarders, is specifically re-

the United States will cost 60 cents plus the regular Federal Message tax.

2. *Outgoing messages.* (a) EFM may be filed at any commercial telegraph, cable, or radio office in the continental United States. Each of these offices has on file a list of all authorized APO cable

Special note: The following extract from section 421 of the Interstate Commerce Act is here quoted for convenient reference thereto by freight forwarders:

> (d) Any freight forwarder, or any officer, agent, employee, or representative thereof, who shall willfully fail or refuse to make a report to the Commission as required under this part, or to make specific and full, true, and correct answer to any question within thirty days from the time it is lawfully required by the Commission so to do, or to keep accounts, records, and memoranda in the form and manner prescribed by the Commission, or shall knowingly and willfully falsify, destroy, mutilate, or alter any such report, account, record, or memorandum, or shall knowingly and willfully file with the Commission any false report, account, record, or memorandum, or shall knowingly and willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the freight forwarder, or shall knowingly and willfully keep any accounts, records, or memoranda contrary to the rules, regulations, or orders of the Commission with respect thereto, shall be guilty of a misdemeanor and upon conviction thereof shall be subject for each offense to a fine of not more than $5,000. As used in this subsection, the word "keep" shall be construed to mean make, prepare, or compile, as well as retain.

The regulations set forth in this order pertain only to the accounts, records, and memoranda named or described herein. All accounts, records, and memoranda not indicated in the regulations remain under the prohibition of destruction contained in section 421 of the Act.

It is not intended that these regulations shall be interpreted as requiring that the records herein named shall be installed when such records are not already kept by a freight forwarder.

Regulations to Govern the Destruction of Records of Freight Forwarders.

§ 450.1 *Authority to destroy certain records.* Each and every freight forwarder subject to part IV of the Interstate Commerce Act and each and every trustee, executor, administrator, or assignee of any such freight forwarder is permitted to destroy the accounts, records, and memoranda named or described in these regulations, after preserving the same for the periods of time respectively specified and upon complying with the requirements of the regulations.

§ 450.2 *Preservation of other records; special permission to destroy.* All accounts, records, and memoranda of such freight forwarders, other than those the destruction of which is permitted in these regulations, shall remain under the prohibition of destruction contained in section 421 (d) of the Interstate Commerce Act. However, in case any such freight forwarder desires to destroy any accounts, records, or memoranda other than those hereinafter named it may petition the Commission to that effect, exhibiting a full and detailed description of the accounts, records, or memoranda in question, clearly explaining their character, their use, and their purpose; it being understood that any order entered by the Commission on any such petition, shall, unless otherwise provided, be limited in its force and effect to the particular freight forwarder presenting such petition.

§ 450.3 *Officer having supervision of destruction.* (a) An officer, or, where necessities require, two officers, shall be appointed by the board of directors to have supervision of the destruction of accounts, records, and memoranda. Freight forwarders operated as sole proprietorships or partnerships shall appoint one or two persons to have supervision over the destruction of accounts, records, and memoranda. Such officer or officers or other persons may be given (1) general supervision of the destruction of all accounts, records, and memoranda the destruction of which is permitted by these regulations, or (2) authority over the destruction of such of these accounts, records, and memoranda as may be specified by the board of directors, the sole proprietor, or partners. Pending action by the board of directors, an appointment by an executive committee or by a similarly authorized committee of the board of directors, shall have the same effect as if made by the board of directors.

(b) If the property of a freight forwarder is in the hands of a trustee, executor, administrator, or assignee, the officer or officers to have supervision of the destruction of accounts, records, and memoranda shall be designated by the trustee, executor, administrator, or assignee.

(c) In designating an officer to have general supervision of the destruction of accounts, records, and memoranda it would be preferable to designate by title only, rather than by name and title, and thus obviate the necessity of filing a new resolution each time a successor in the office is appointed.

§ 450.4 *Written authority of officer having supervision of destruction.* (a) When any accounts, records, or memoranda are to be destroyed, an officer having supervision of the destruction of accounts, records, or memoranda (as designated in compliance with § 450.3 (a) and § 450.3 (b) shall issue a written authority naming the person or persons by whom the accounts, records, or memoranda are to be destroyed (except as provided in § 450.10).

(b) The written authority (1) may be confined to certain accounts, records, and memoranda which have been retained for the periods of time specified in these regulations and which the freight forwarder then desires to destroy in which case it shall indicate:

(i) A list of the accounts, records, or memoranda to be destroyed, expressed either in form numbers or by descriptive titles; and

(ii) The period or periods covered by the accounts, records, or memoranda the destruction of which is authorized, or (2) may be of continuing effect, applying to any or all of the accounts, records, and memoranda named herein as the periods of retention of such accounts, records, or memoranda attain the limits specified herein.

(c) Such written authority, or a certified copy thereof, shall be filed in the office of the issuing officer as a permanent part of the freight forwarder's records. It is not required that copies of the written authorities be filed with the Commission.

§ 450.5 *Certificates of destruction.* (a) The person or persons upon whom devolves the duty of the direct supervision of the destruction of the accounts, records, or memoranda under the authority referred to in § 450.4 (a) and § 450.4 (b) shall make certificate (except as provided for in § 450.5 (d) and § 450.10) setting forth that the accounts, records, or memoranda listed in the said authority have been destroyed and that no other accounts, records, or memoranda than those so listed have been destroyed therewith.

(b) If an authority as referred to in § 450.4 (b) (2) is given, a certificate of destruction shall be made listing either by form numbers or descriptive titles the accounts, records, and memoranda destroyed, naming the period or periods covered by the accounts, records, or memoranda, and stating that no other accounts, records, or memoranda than those so listed have been destroyed therewith. Either (1) a separate certificate shall be made each time any accounts, records, or memoranda are destroyed, or (2) cumulative certificates shall be made with entries each time any accounts, records, or memoranda are destroyed.

(c) Certificates of destruction shall be forwarded promptly to the officer having supervision of the destruction of accounts, records, and memoranda who issued the written authority, and shall be retained in his office as a permanent part of the freight forwarder's records. If cumulative certificates are made they shall be forwarded to such officer periodically, but at least once every six months. It is not required that copies of the certificates of destruction be filed with the Commission.

(d) Certificates of destruction need not be made for accounts, records, and memoranda, the destruction of which, in the list in § 450.11 hereof, is made optional with the freight forwarder, but a written authority, either for specific records or of continuing effect (except as provided for in § 450.10) shall be issued by the officer having supervision of the destruction of such accounts, records, and memoranda.

§ 450.6 *Committee for destruction of certain records.* At the option of the freight forwarder the board of directors may from time to time name a committee to destroy canceled stock certificates, bonds, or other records covered by item 5 of § 450.11 in lieu of delegating the authority for the destruction to an officer, as provided in § 450.3 (a). Certificates of destruction giving full descriptive reference to the documents destroyed shall be made by the person or persons appointed by the officer having supervision of the destruction of records or by the committee. When documents represent debt secured by mortgage, the certificates of destruction shall also be authenticated by representatives of the trustees acting in conjunction with the committee or shall have the trustees' acceptance thereon.

§ 450.7 *Joint bureaus and agencies.* These regulations apply also to the destruction of accounts, records, and memoranda of traffic associations and other joint agencies maintained by or on behalf of freight forwarders. The manager, chairmen, or other officer in charge of the association, bureau, etc., may be delegated by the designated officer of each of the freight forwarders to have supervision of the destruction of accounts, records, and memoranda of the association, etc., and in that event he shall issue all authorities for such destruction, and certificates of destruction shall be filed with him. Otherwise a written authority shall be secured from the pr[illegible]er officer of the member freight forwarders concerned each time any of the accounts, records, or memoranda are to be destroyed, and a certificate of destruction shall be filed with each such officer.

§ 450.8 *Method of destruction.* (a) The precise method of the destruction of accounts, records, or memoranda is not prescribed. The Commission is not concerned with the method of destruction, whether by fire, sale, or otherwise, so long as the destruction is authorized and a certificate of destruction is filed as required by these regulations.

(b) If the accounts, records, and memoranda are not actually destroyed by the freight forwarder, but are disposed of by sale or otherwise, the certificate of destruction shall so state. Attention is directed to section 421 (f) of the Interstate Commerce Act, which provides that a freight forwarder shall not divulge to any person information concerning the business of a shipper or consignee which may be used to the detriment of such shipper or consignee. Responsibility for possible infringement of this provision of the law by disposing of its records by other than actual destruction would rest with the freight forwarder.

§ 450.9 *Accidental destruction of accounts, records, and memoranda.* If any accounts, records, or memoranda are destroyed accidentally by fire, flood, or other casualty, a statement shall be prepared listing as far as may be possible the records destroyed and detailing the circumstances in connection with the fire or other casualty. This statement shall be authenticated by an officer or some responsible employee of the freight forwarder and shall be filed with the officer having supervision of the destruction of accounts, records, and memoranda. A copy of the statement shall be filed promptly with the Commission.

§ 450.10 *Duplicate accounts, records, and memoranda.* Provision is made in item 53 of § 450.11 for the optional destruction of duplicate copies of accounts, records, and memoranda when such copies are not specifically provided for elsewhere in these regulations and when they contain no information not shown on the originals. In destroying such copies freight forwarders may dispense with the written authorities and the certificates of destruction. The originals (or one true copy) shall be retained for the respective periods named for such records in the regulations.

§ 450.11 *List of accounts, records, and memoranda, and periods of retention.* The following list,[1] indicative of accounts, records, and memoranda of freight forwarders, is specifically referred to by the regulation embodied in § 450.1. The classification of the accounts, records, and memoranda enumerated below under the various headings is merely for convenient reference and is more or less arbitrary. The regulations are intended to apply to the items as named or described, regardless of the classification and regardless of where filed. Of the accounts, records, and memoranda which are to be retained permanently only the more important are indicated in the list, such specific mention being made so that they may not be confused with any accounts, records, or memoranda for which permission to destroy is given herein.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-12956; Filed, December 7, 1942; 11:41 a. m.]

Notices

WAR DEPARTMENT.

FIXED TEXT RADIO, CABLE, AND SENDER'S COMPOSITION MESSAGES FOR ARMED FORCES STATIONED OUTSIDE U. S.

NOVEMBER 23, 1942.

Circular No. 170, War Department, 1942, as amended by Circulars Nos. 249 and 289, War Department, 1942, is rescinded. These instructions, as published in the FEDERAL REGISTER June 12, 1942 (7 F.R. 4437) and August 25, 1942 (7 F.R. 7570), are rescinded and the following substituted therefor:

1. *General.* Fixed test personal cablegrams and radiograms to and from members of the armed forces stationed outside the continental United States are authorized where commercial facilities are available and the military situation permits. A method of codified addressing has been designed which will accomplish the expeditious handling of these messages and at the same time provide for the security of information. It is imperative that the instructions outlined in this circular be followed in the address and signature. This type message will be identified by the symbol EFM (Expeditionary Force Messages) and each message will consist of not more than three of the authorized fixed texts given in paragraph 4. An EFM will not be accepted unless the APO or cable address equivalent is listed in paragraph 5 and the rate appears in the "EFM rate" column. Additions to this list will be published from time to time. With few exceptions the EFM filed in the United States will cost 60 cents plus the regular Federal Message tax.

2. *Outgoing messages.* (a) EFM may be filed at any commercial telegraph, cable, or radio office in the continental United States. Each of these offices has on file a list of all authorized APO cable addresses to which messages may be sent. Each APO has been assigned a two-word address consisting of a six-letter word, the first two letters of which are "AM —" and an eight-letter word such as WATCHDOG. The first word is the APO cable address and the second is the "routing word." A list of APO's for which EFM service is authorized, together with coded addresses, EFM rates, and United States gateways through which messages will pass, is shown in paragraph 5. EFM is available only to those APO cable addresses for which a rate is indicated in column 4, paragraph 5.

(1) Outgoing messages will be addressed showing full name, Army serial number of the addressee, APO cable address, and routing word. This varies the former procedure which required that the name of the addressee be preceded by his grade.

(2) The signature will be that normally used by the sender and is limited to three words or two initials and one word or one initial and two words, but will include the last name in any case. An example of a proper address is:

John L. Wilson, 13257966
AMTRAG WATCHDOG

(3) Arrival cards showing the cable address as well as the mailing address are furnished to the correspondents of military personnel arriving overseas. In certain cases where a temporary APO number has been assigned, this number will not appear in column 1, paragraph 5, but if the cable address supplied by the sender is shown the message will be accepted.

(b) EFM will reach the censorship station in the course of normal routine where the foreign cable or radio terminus point will be substituted for the routing word by Army personnel. The messages then will be returned to the communication companies for transmission.

(c) When the message is received at the foreign cable or radio terminus, it will be turned over to the Army Postal Service for delivery to the addressee. Delivery normally will be accomplished through Army Postal Service channels, but local commanders may vary this procedure where suitable arrangements can be made with the foreign communication carriers, provided suitable records are kept to prove delivery.

3. *Incoming messages.* (a) In order to insure adequate censorship the following procedure will govern the filing of EFM messages at oversea locations:

(1) Where local conditions permit, commanders will designate an officer of each company or separate unit as the EFM censor for the organization. All personnel of a unit will file EFM with their designated censor only, who will receive the charges therefor. Messages will be censored promptly and where possible filed daily with the most con-

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[1] Filed as part of the original document. Requests for copies should be addressed to the Interstate Commerce Commission.

venient commercial telegraph, cable, or radio station. Telegraph, cable, and radio offices will be informed of the identity of EFM censors and instructed to accept EFM from no other member of United States forces. Commanders will utilize all means available to insure that telegraph, cable, or radio personnel comply. At points where organizations higher than a company are stationed EFM, after being censored by the company or unit censor, may be forwarded through channels to battalion, regimental, or division headquarters to be consolidated and filed by an officer designated for the purpose. It is essential, however, that censorship be accomplished in the company or separate unit to enable the EFM censor to be personally acquainted with each individual in the organization.

(2) At locations where it is not possible to follow the procedure in (1) above EFM messages will be accepted at local APO's or other Army postal agencies by designated officers, who will receive charges therefor, effect necessary censor ship, and file messages at most convenient civil telegraph, cable, or radio office.

(b) All messages will be dispatched showing only six-letter cable address in the preamble. The words "Sans Origine," formerly included in the preamble, no longer are required. The country and city or origin as well as any APO number and all reference to military organization will be omitted. The normal signature of the individual will be used without grade, unit, arm or service, or Army serial number, and will be limited to three words or two initials and one word or one initial and two words, but in any case will include the last name of the sender.

4. *Fixed texts for EFM messages*—(a) *Correspondence*.

1. Letter received. Many thanks.
2. Letters received. Many thanks.
3. Telegram received. Many thanks.
4. Parcel received. Many thanks.
5. Parcels received. Many thanks.
6. Letters and parcels received. Many thanks.
7. Letter and telegram received. Many thanks.
8. Telegram and parcels received. Many thanks.
9. Letters sent.
10. Parcels sent.
11. Letters and parcels sent.
12. Many thanks for letter.
13. Many thanks for parcel.
14. Many thanks for telegram.
15. No news of you for some time.
16. Writing.
17. Urgent.
18. Please write or telegraph.
19. Please write.
20. Please telegraph.
21. Please reply. Worried.
22 to 25. Blank.

(b) *Greetings*.

26. Greetings.
27. Loving greetings.
28. Fondest greetings.
29. Love.
30. Darling.
31. All my love.
32. All my love dearest.
33. All our love.
34. Fondest love.
35. Fondest love darling.
36. Best wishes.
37. Greetings from us all.
38. Loving greetings from all of us.
39. Best wishes from all of us.
40. Fondest wishes from all of us.
41. Best wishes and good health.
42. Kisses.
43. Love and kisses.
44. Fondest love and kisses.
45. Well.
46. All well at home.
47. Best wishes for Christmas.
48. Best wishes for Christmas and New Year.
49. Loving wishes for Christmas.
50. Loving wishes for Christmas and New Year.
51. Loving Christmas thoughts.
52. Happy Christmas.
53. Happy Christmas and New Year.
54. Good luck.
55. Keep smiling.
56. My thoughts are with you.
57. Many happy returns.
58. Birthday greetings.
59. Loving birthday greetings.
60. Happy anniversary.
61. You are more than ever in my thoughts at this time.
62. Best wishes for a speedy return.
63. Good show. Keep it up.
64. Best wishes for New Year.
65 to 67. Blank.

(c) *Health*.

68. Family all well.
69. All well. Children evacuated.
70. All well. Children returned home.
71. All well and safe.
72. Are you all right?
73. Are you all right? Worried about you.
74. Please don't worry.
75. Hope you are improving.
76. Please telegraph that you are well.
77. Are you ill?
78. Have you been ill?
79. Illness is not serious.
80. Illness is serious.
81. I have left hospital.
82. In bad health.
83. Health improving.
84. Health fully restored.
85. Son born.
86. Daughter born.
87 to 90. Blank.

(d) *Promotion*.

91. Congratulations on your promotion.
92. Very pleased to hear of your promotion.
93. Delighted to hear about your promotion.
94 to 97. Blank.

(e) *Money*.

98. Please send me — pounds.
99. Please send me — dollars.
100. Have sent you — pounds.
101. Have sent you — dollars.

NOTE: The actual amount in words to be inserted and transmitted immediately following the text number.

102. Can you send me any money?
103. Glad if you could send some money.
104. Have received money.
105. Have you received money?
106. Have you sent money?
107. Thanks for money received.
108. Have not received money.
109. Unable to send money.
110. Sorry cannot send money.
111 to 114. Blank.

(f) *Congratulations*.

115. Congratulations on anniversary. Best wishes.
116. Congratulations. Lasting happiness to you both.
117. Glad and proud to hear of your decoration. Everybody thrilled.
118. Loving greetings and congratulations.
119. Good luck. Keep it up.
120. I wish we were together on this special occasion. All my best wishes for a speedy reunion.
121 to 134. Blank.

(g) *Miscellaneous*.

135. Very happy to hear from you, dearest, am fit and well.
136. Hearing your voice on the wireless gave me a wonderful thrill.

5. *Information on routing word, rate, etc., for EFM messages.* EFM service is available only to those points where an amount is shown in the EFM rate to column.

APO No.	Cable address	Routing word	EFM rate (cents)	Transfer point							
				POSTAL	WU	MRT	RCA	CCC	AAC	CPC	TR
1	AMGEPI	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
5	AMABDY	CASTIRON	60	NY	NY	NY	NY	NY	----	----	----
24	AMGODA	ABSOLUTE	60	SF	SF	SF	SF	----	----	SF	----
25	AMGOTU	ABSOLUTE	60	SF	SF	SF	SF	----	----	SF	----
27	AMABEL	ABSOLUTE	60	SF	SF	SF	SF	----	----	SF	----
29	AMIRAV	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
32	AMABFA	BIRTHDAY	60	NY	SF	SF	SF	----	----	----	----
34	AMABIN	CHARMING	60	NY	NY	NY	NY	NY	----	----	----
37	AMGUDY	ANCESTOR	----	NY	NY	----	SF	----	----	----	----
40	AMIPOT	ABSOLUTE	60	SF	SF	SF	SF	----	----	SF	----
42	AMABKO	BIRTHDAY	60	NY	SF	SF	SF	----	----	----	----
251	AMABNE	CHARMING	60	NY	NY	NY	NY	NY	----	----	----
301	AMISON	BIRTHDAY	60	NY	SF	SF	SF	----	----	----	----
302	AMGEYA	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
305	AMEVOK	CHARMING	60	NY	NY	NY	NY	NY	----	----	----
500	AMGUFA	BIRTHDAY	60	NY	SF	SF	SF	----	----	----	----
501	AMABOR	BIRTHDAY	60	NY	SF	SF	SF	----	----	----	----
502	AMABVU	BLOCKADE	----	NY	SF	----	SF	----	----	----	----
505	AMFUCO	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
506	AMFUMU	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
507	AMFUNI	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
508	AMFUTY	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
509	AMIRLO	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
510	AMICEL	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
511	AMICFA	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
512	AMICKO	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
513	AMICOR	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
514	AMIDAT	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
515	AMIDPO	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
516	AMIFAN	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
517	AMIGHO	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
518	AMIGUV	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
519	AMIHOP	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
520	AMIRUT	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
525	AMISAG	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
526	AMISLA	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
527	AMISDU	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
528	AMISIK	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
601	AMEMPO	SOLITUDE	60	AKR	AKR	----	NY	----	----	----	----

APO No.	Cable address	Routing word	EFM rate (cents)	Transfer point							
				POSTAL	WU	MRT	RC A	CCC	AAC	CPC	TR
602	AMABWI	CHILDREN	60	NY	NY	----	NY	----	----	----	----
603	AMACAT	DRYCLEAN	----	NY	NY	----	----	----	----	----	----
604	AMACDI	INASMUCH	----	NY	NY	----	----	----	----	----	----
605	AMGUKO	SOLITUDE	60	AKR	AKR	----	NY	----	----	----	----
606	AMELDE	SHAMROCK	----	NY	NY	NY	NY	NY	----	----	----
608	AMHORO	BEHAVIOR	----	NY	NY	NY	NY	NY	----	----	----
610	AMHUFU	CASTIRON	60	NY	NY	NY	NY	NY	----	----	----
611	AMHUNA	CASTIRON	60	NY	NY	NY	NY	NY	----	----	----
612	AMHEHA	CASTIRON	60	NY	NY	NY	NY	NY	----	----	----
613	AMHYEL	CASTIRON	60	NY	NY	NY	NY	NY	----	----	----
614	AMHYFA	CASTIRON	60	NY	NY	NY	NY	NY	----	----	----
616	AMGUOR	CONSIDER	----	NY	NY	NY	NY	NY	----	----	----
617	AMGUVU	CREATION	----	NY	NY	NY	NY	NY	----	----	----
618	AMHOLA	BARITONE	60	MIAMI	MIAMI	----	----	----	----	----	----
625	AMGYAN	SHAMROCK	----	NY	NY	NY	NY	NY	----	----	----
626	AMITOY	VOCALIST	----	NY	NY	NY	NY	NY	----	----	----
627	AMIRIB	STOCKADE	60	SF	SF	SF	SF	----	----	----	----
628	AMITAP	THOUSAND	----	NY	NY	NY	NY	NY	----	----	----
629	AMITBE	UPSTROKE	----	NY	NY	NY	NY	NY	----	----	----
632	AMHEMO	BEAUTIFY	60	NY	NY	NY	NY	----	NY	----	----
633	AMFUVA	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
634	AMFYAS	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
635	AMFYMA	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
636	AMFYSO	CHARMING	60	NY	NY	NY	NY	NY	----	----	----
637	AMGAHO	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
638	AMGASU	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
639	AMGILU	CHARMING	60	NY	NY	NY	NY	NY	----	----	----
640	AMGIBO	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
641	AMGIMI	CHARMING	60	NY	NY	NY	NY	NY	----	----	----
642	AMGOBY	CHARMING	60	NY	NY	NY	NY	NY	----	----	----
643	AMHEOP	EDUCATOR	----	NY	NY	NY	NY	----	----	----	----
644	AMIHUG	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
645	AMIJEF	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
646	AMIKAM	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
647	AMIKUK	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
648	AMILAW	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
649	AMILIC	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
650	AMILJO	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
651	AMILOF	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
652	AMIMBU	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
653	AMIMIL	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
654	AMIMUF	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
655	AMINAR	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
656	AMINET	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
657	AMINIV	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
658	AMIPAL	CHARMING	60	NY	NY	NY	NY	NY	----	----	----
659	AMIPEN	CHARMING	60	NY	NY	NY	NY	NY	----	----	----
661	AMITES	VERBATIM	----	NY	NY	----	NY	----	NY	----	----
662	AMITRA	VERBATIM	----	NY	NY	----	NY	----	NY	----	----
701	AMFOIT	QUESTION	60	SEAT	SEAT	----	----	----	----	----	----
702	AMFOKU	PREVIOUS	60	SEAT	SEAT	----	----	----	----	----	----
703	AMIBEC	BIRTHDAY	60	NY	SF	SF	SF	----	----	----	----
708	AMISRO	BLOCKADE	----	NY	SF	----	SF	----	----	----	----
710	AMIRGA	BIRTHDAY	60	NY	SF	SF	SF	----	----	----	----
811	AMACOC	CLOTHING	60	NY	NY	NY	NY	----	NY	----	----
812	AMACPO	COLUMBIA	60	NY	NY	NY	NY	----	NY	----	----
813	AMACUR	CHARMING	60	NY	NY	NY	NY	NY	----	----	----
814	AMADEG	CONSIDER	----	NY	NY	NY	NY	NY	----	----	----
815	AMADNY	CREATION	----	NY	NY	NY	NY	NY	----	----	----
816	AMADOL	CYLINDER	----	NY	NY	NY	----	NY	----	----	----
817	AMDOSU	DEMOLISH	60	NY	NY	NY	----	----	NY	----	----
818	AMDOTI	KEYBOARD	60	NY	NY	NY	----	----	NY	----	----
819	AMHAKA	BACHELOR	60	NY	NY	----	NY	----	NY	----	----
820	AMDUJO	HOLDBACK	60	NY	NY	NY	----	----	NY	----	----
821	AMDUME	HOLDBACK	60	NY	NY	NY	----	----	NY	----	----
822	AMDUVI	CORNMEAL	60	NY	NY	NY	----	----	NY	----	----
824	AMADPA	DEMOCRAT	----	NY	NY	NY	----	NY	----	----	----
825	AMDYLU	POSTMARK	60	NY	NY	NY	NY	----	NY	----	NO
826	AMDYMI	POSTMARK	60	NY	NY	NY	NY	----	NY	----	NO
827	AMEBAR	POSTMARK	60	NY	NY	NY	NY	----	NY	----	NO
828	AMEBIV	POSTMARK	60	NY	NY	NY	NY	----	NY	----	NO
829	AMECBO	POSTMARK	60	NY	NY	NY	NY	----	NY	----	NO
830	AMEDRU	POSTMARK	60	NY	NY	NY	NY	----	NY	----	NO
831	AMEFLA	POSTMARK	60	NY	NY	NY	NY	----	NY	----	NO
832	AMEFRO	POSTMARK	60	NY	NY	NY	NY	----	NY	----	NO
833	AMEGUN	POSTMARK	60	NY	NY	NY	NY	----	NY	----	NO
834	AMEHIF	POSTMARK	60	NY	NY	NY	NY	----	NY	----	NO
835	AMEJUS	POSTMARK	60	NY	NY	NY	NY	----	NY	----	NO
836	AMEKNA	POSTMARK	60	NY	NY	NY	NY	----	NY	----	NO

APO No.	Cable address	Routing word	EFM rate (cents)	Transfer point							
				POSTAL	WU	MRT	RCA	CCC	AAC	CPC	TR
837	AMHEYU	POSTMARK	60	NY	NY	NY	NY	----	NY	----	NO
838	AMHIJO	POSTMARK	60	NY	NY	NY	NY	----	NY	----	NO
839	AMIPGO	SIDEWALK	60	NY	NY	----	NY	----	NY	----	NO
840	AMIPIP	SIDEWALK	60	NY	NY	----	NY	----	NY	----	NO
845	AMADUC	COURTESY	60	NY	NY	NY	NY	----	NY	----	----
846	AMADVO	COURTESY	60	NY	NY	NY	NY	----	NY	----	----
847	AMAFCA	COURTESY	60	NY	NY	NY	NY	----	NY	----	----
848	AMAFEB	RIGHTFUL	60	NY	NY	NY	NY	----	NY	----	----
849	AMAFHO	SANCTIFY	60	NY	NY	NY	NY	----	NY	----	----
850	AMAFOG	COURTESY	60	NY	NY	NY	NY	----	NY	----	----
851	AMAFSU	COURTESY	60	NY	NY	NY	NY	----	NY	----	----
852	AMAGIM	BACKFIRE	60	NY	NY	NY	NY	----	NY	----	----
853	AMIOF	COURTESY	60	NY	NY	NY	NY	----	NY	----	----
855	AMAGOP	DIRECTLY	----	NY	NY	NY	NY	----	----	----	----
856	AMAGUG	DISCOUNT	----	NY	NY	NY	NY	----	----	----	----
857	AMAHUS	EDUCATOR	----	NY	NY	NY	NY	----	----	----	----
860	AMAMET	CASTIRON	60	NY	NY	NY	NY	NY	----	----	----
861	AMAPLO	DOMINATE	----	NY	NY	NY	NY	----	----	----	----
862	AMARON	MILEPOST	60	NY	NY	----	----	NY	----	----	----
863	AMASAP	MILEPOST	60	NY	NY	----	----	NY	----	----	----
864	AMASUN	MILEPOST	60	NY	NY	----	----	NY	----	----	----
865	AMATAB	MILEPOST	60	NY	NY	----	----	NY	----	----	----
866	AMAVOD	MILEPOST	60	NY	NY	----	----	NY	----	----	----
867	AMBABI	HOSPITAL	----	NY	NY	NY	NY	----	----	----	----
868	AMBANO	HOSPITAL	----	NY	NY	NY	NY	----	----	----	----
869	AMBARE	HOSPITAL	----	NY	NY	NY	NY	----	----	----	----
870	AMBEDY	CHILDREN	60	NY	NY	----	NY	----	----	----	----
871	AMEWAM	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
872	AMFAKI	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
873	AMFAPY	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
874	AMFASA	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
875	AMEVYO	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
876	AMHADI	BACHELOR	60	NY	NY	----	----	----	NY	----	----
878	AMENDY	SOLITUDE	60	AKR	AKR	----	NY	----	----	----	----
879	AMBEFA	ICEBOUND	60	SF	SF	SF	SF	----	----	----	----
880	AMBEKO	HOSPITAL	----	NY	NY	NY	NY	----	----	----	----
881	AMBEVU	JUDGMENT	----	NY	NY	NY	NY	NY	----	----	----
882	AMFIDU	OBSTACLE	----	NY	NY	NY	NY	NY	----	----	----
883	AMFILA	OBSTACLE	----	NY	NY	NY	NY	NY	----	----	----
884	AMGYCO	ANTIDOTE	----	NY	NY	NY	NY	NY	----	----	----
885	AMFIRO	OVERCAST	----	NY	NY	NY	NY	NY	----	----	----
886	AMBICA	OBSTACLE	----	NY	NY	NY	NY	NY	----	----	----
887	AMBIHO	PLATFORM	60	NY	NY	NY	NY	NY	----	----	----
913	AMBIKE	ANCESTOR	----	NY	NY	----	SF	----	----	----	----
914	AMFORY	ABDICATE	60	SF	SF	SF	SF	----	----	SF	----
915	AMFOTA	ADJUSTER	60	SF	SF	SF	SF	----	----	SF	----
918	AMBOEF	ORGANIZE	60	SEAT	SEAT	----	----	----	----	----	----
920	AMBOKI	BIRTHDAY	60	NY	SF	SF	SF	----	----	----	----
921	AMBOSA	BIRTHDAY	60	NY	SF	SF	SF	----	----	----	----
922	AMBOYO	BIRTHDAY	60	NY	SF	SF	SF	----	----	----	----
923	AMBUDU	BIRTHDAY	60	NY	SF	SF	SF	----	----	----	----
924	AMBURO	BIRTHDAY	60	NY	SF	SF	SF	----	----	----	----
925	AMBYBY	BIRTHDAY	60	NY	SF	SF	SF	----	----	----	----
926	AMBYDA	BIRTHDAY	60	NY	SF	SF	SF	----	----	----	----
927	AMBYTU	BIRTHDAY	60	NY	SF	SF	SF	----	----	----	----
928	AMGYEP	BIRTHDAY	60	NY	SF	SF	SF	----	----	----	----
929	AMIBFO	BIRTHDAY	60	NY	SF	SF	SF	----	----	----	----
931	AMCARA	PREVIOUS	60	SEAT	SEAT	----	----	----	----	----	----
932	AMCAWO	BLOCKADE	----	NY	SF	----	SF	----	----	----	----
933	AMCEFU	REACTION	60	SEAT	SEAT	----	----	----	----	----	----
934	AMCELY	PROCLAIM	60	SEAT	SEAT	----	----	----	----	----	----
935	AMCENA	SPEAKING	60	SEAT	SEAT	----	----	----	----	----	----
936	AMCETO	SUITABLE	60	SEAT	SEAT	----	----	----	----	----	----
937	AMCICU	THANKFUL	60	SEAT	SEAT	----	----	----	----	----	----
938	AMCIDI	TRIANGLE	60	SEAT	SEAT	----	----	----	----	----	----
939	AMCIKA	YOURSELF	60	SEAT	SEAT	----	----	----	----	----	----
940	AMCIPO	AMORTIZE	60	SEAT	SEAT	----	----	----	----	----	----
941	AMCITE	ASPERITY	60	SEAT	SEAT	----	----	----	----	----	----
942	AMCOAD	BANKRUPT	60	SEAT	SEAT	----	----	----	----	----	----
943	AMCOEF	BUCKSHOT	60	SEAT	SEAT	----	----	----	----	----	----
944	AMCOKI	CATEGORY	60	SEAT	SEAT	----	----	----	----	----	----
945	AMCOPY	CRAWFISH	60	SEAT	SEAT	----	----	----	----	----	----
946	AMCOSA	DIALOGUE	60	SEAT	SEAT	----	----	----	----	----	----
947	AMCOYO	DISGRACE	60	SEAT	SEAT	----	----	----	----	----	----
948	AMCUBO	DOCTRINE	60	SEAT	SEAT	----	----	----	----	----	----
949	AMEPEG	FORECAST	60	SEAT	SEAT	----	----	----	----	----	----
950	AMCULU	ABSOLUTE	60	SF	SF	SF	SF	----	----	SF	----
951	AMCUMI	ABSOLUTE	60	SF	SF	SF	SF	----	----	SF	----
952	AMCUSY	ABSOLUTE	60	SF	SF	SF	SF	----	----	SF	----

APO No.	Cable address	Routing word	EFM rate (cents)	Transfer point							
				POSTAL	WU	MRT	RCA	CCC	AAC	CPC	TR
953	AMCYDU	ABSOLUTE	60	SF	SF	SF	SF	------	------	SF	------
954	AMCYLA	ABSOLUTE	60	SF	SF	SF	SF	------	------	SF	------
955	AMCYRO	ABSOLUTE	60	SF	SF	SF	SF	------	------	SF	------
956	AMDABA	ABSOLUTE	60	SF	SF	SF	SF	------	------	SF	------
957	AMDAGO	ABSOLUTE	60	SF	SF	SF	SF	------	------	SF	------
958	AMDARU	ABSOLUTE	60	SF	SF	SF	SF	------	------	SF	------
959	AMDASI	ABSOLUTE	60	SF	SF	SF	SF	------	------	SF	------
960	AMDEDO	ABSOLUTE	60	SF	SF	SF	SF	------	------	SF	------
961	AMENDU	ABSOLUTE	60	SF	SF	SF	SF	------	------	SF	------
962	AMDEWA	ABSOLUTE	60	SF	SF	SF	SF	------	------	SF	------
963	AMDIKU	ABSOLUTE	60	SF	SF	SF	SF	------	------	SF	------
964	AMHAPO	ABSOLUTE	60	SF	SF	SF	SF	------	------	SF	------
965	AMHYIN	ABSOLUTE	60	SF	SF	SF	SF	------	------	SF	------
966	AMHYKO	ABSOLUTE	60	SF	SF	SF	SF	------	------	SF	------
967	AMHYNE	ABSOLUTE	60	SF	SF	SF	SF	------	------	SF	------
968	AMHYOR	ABSOLUTE	60	SF	SF	SF	SF	------	------	SF	------
971	AMEPVO	GUNSMITH	60	SEAT	SEAT	------	------	------	------	------	------
972	AMERAN	HOMESPUN	60	SEAT	SEAT	------	------	------	------	------	------
973	AMESCA	HYDROGEN	60	SEAT	SEAT	------	------	------	------	------	------
974	AMESOG	INCUBATE	60	SEAT	SEAT	------	------	------	------	------	------
975	AMETMO	KNIGHTLY	60	SEAT	SEAT	------	------	------	------	------	------
976	AMETUG	LINOTYPE	60	SEAT	SEAT	------	------	------	------	------	------
977	AMGYMU	ADVISORY	60	SEAT	SEAT	------	------	------	------	------	------
978	AMHIVI	ATOMIZER	60	SEAT	SEAT	------	------	------	------	------	------
979	AMHODU	ARGUMENT	60	SEAT	SEAT	------	------	------	------	------	------
985	AMFAYO	MAGNETIC	60	SEAT	SEAT	------	------	------	------	------	------
987	AMFEAR	MEDIATOR	60	SEAT	SEAT	------	------	------	------	------	------
989	AMDILI	ENORMOUS	60	SEAT	SEAT	------	------	------	------	------	------
990	AMFEET	MESHWORK	60	SEAT	SEAT	------	------	------	------	------	------
991	AMFEGU	MUCILAGE	60	SEAT	SEAT	------	------	------	------	------	------
996	AMDITA	QUESTION	60	SEAT	SEAT	------	------	------	------	------	------
997	AMDOCA	ORIENTAL	60	SEAT	SEAT	------	------	------	------	------	------
998	AMDOHO	QUESTION	60	SEAT	SEAT	------	------	------	------	------	------
999	AMFOLI	PARTICLE	60	SEAT	SEAT	------	------	------	------	------	------

NOTES

SF—San Francisco.
NO—New Orleans.
NY—New York City.
ARK—Akron, Ohio.
SEAT—Seattle, Wash.
MIAMI—Miami, Fla.
POSTAL—Postal Telegraph-Cable Company.
WU—Western Union Telegraph Company.
MRT—Mackay Radio and Telegraph Company.
RCA—RCA Communications, Inc.
CCC—Commercial Cable Company.
CPC—Commercial Pacific Cable Company.
AAC—All America Cables and Radio, Inc.
TR—Tropical Radio Telegraph Company.

6. *Sender's composition messages*—(a) *Outgoing.* (1) Cablegrams and radiograms, the text of which is composed by the sender for delivery to members of the armed forces overseas or to civilians receiving their mail through overseas APO's, may be filed in the United States with any commercial telegraph, cable, or radio company. Such messages are subject to the regular cable or radio rates, depending upon the service classification chosen by the sender. A specially prepared rate pamphlet dated. August 28, 1942, entitled "Sender's Composition Messages to Oversea Personnel in Armed Forces of United States," has been distributed to the telegraph, cable, and radio companies in the United States, quoting rates for sender's composition messages to the oversea cable or radio termini represented by the routing words used in the EFM system. This pamphlet enables the telegraph, cable, or radio company personnel to ascertain the charge appropriate for the message without knowing the geographic location of the APO addressed. Sender's composition messages to members of the armed forces are subject to the same requirements for address as applicable to EFM, the only distinction being that EFM messages must carry the identifying symbol EFM before the address, while for sender's composition messages no special symbol is necessary other than the regular commercial indicator used to denote the class of service chosen.

(2) In the case of sender's composition messages to civilians receiving their mail through oversea APO's, the expression "CIVILIAN" or "CIV" must be shown in place of the Army serial number. For example:

James F. Jones, CIV
AMTRAG WATCHDOG

(3) The signature of all sender's composition messages will be that normally used by the sender and is limited to three words or two initials and one word or one initial and two words, but in any case will include the last name of the sender.

(4) In all respects sender's composition messages will receive the same treatment during the course of transmission and delivery as EFM. They will be subject to the same censorship applicable to regular commercial messages.

(b) *Incoming.* Messages of the sender's composition from United States military personnel overseas will be filed by the sender personally at any commercial telegraph, cable, or radio office, unless other arrangements are made locally. They will be transmitted to the cable or radio gateway and there subjected to censorship by United States Army censors. All messages will be dispatched showing the six-letter cable address in the preamble. The words "Sans Origine" formerly included in the preamble no longer are required. The country and city of origin as well as any APO number and all reference to military organization will be omitted. The normal signature of the individual will be used without grade, unit, arm or service, or Army serial number, and will be limited to three words or two initials and one word or one initial and two words, but in any case will include the last name of the sender. Messages failing to comply with censorship requirements may be stopped, delayed, or otherwise treated at the discretion of the censor, without notice to the sender. (R.S. 161, 5 U.S.C. 22) [Cir. 378, W.D., 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–12963; Filed, December 7, 1942; 12:50 p. m.]

PROCUREMENT OF OFFICERS

1. Effective November 4, 1942, appointments in the Army Specialist Corps ceased. Hereafter all temporary appointments of individuals will be made in the Army of the United States. Except for appointment of graduating aviation cadets and of Reserve Officers' Training Corps, and officer candidate school graduates, all requests for appointment will be forwarded by all using agencies to the Officer Procurement Service, Headquarters, Services of Supply, for necessary action.

2. Pending the revision of AR 605–10,[1] and §§ 73.200–73.215, Title 10 CFR, the Officer Procurement Service will be guided, in the procurement of officers for the Army of the United States, by the policies set forth in War Department Circular No. 367, November 7, 1942. It will procure from qualified individuals officers in the numbers required by the Army of the United States to fill positions calling for special qualifications and for other purposes, subject to the following limitations. No person will be recommended or appointed direct from civil life, except as provided in paragraphs 3 and 4 below:

a. Who is classified by Selective Service as Class I–A–O, I–B–O, IV–E, or IV–E–LS;

b. Who has been notified by his Selective Service Board of his call for induction;

c. Who has been deferred by his Selective Service Board in order to enable him to attempt to obtain a commission;

d. If the proposed duty can be as effectively performed by available civilian personnel;

e. Unless he has a civilian training and experience for the particular position beyond that normally provided at officer candidate schools;

f. Who is under 35 years of age at the date of appointment and is without prior commissioned service, unless classified by Selective Service as Class IV–F on account of physical disability;

g. Who is over 34 years of age but under 45 years of age at the date of appointment and is without prior commissioned service, if he is classified (or apparently classifiable, if unclassified) by Selective Service as Class I–A or Class II;

h. Who is an employee of any department of the Federal Government other than the Army Specialist Corps, unless his responsible executive has executed a written consent to his solicitation for appointment prior to such solicitation and a written release from his civilian employment.

3. Exceptions to the provisions of paragraph 2f and g may be made in the cases where there is a critical need for the services of a particular specially qualified individual or where an individual is within a scarce category of specialized skill in which not enough trained men to fill the requirements of the armed forces are available at the time required. Scarce categories will be determined from time to time.

4. A former commissioned officer of any component of the Army of the United States, of the Navy, or of the Marine Corps whose prior services were terminated under honorable circumstances may be recommended for and appointed to a position—

a. If he is recommended for a commission prior to his call for induction, and is otherwise qualified for the position in accordance with paragraph 2f, he may be appointed irrespective of his age or Selective Service status to a grade commensurate with his ability; provided that recommendations for appointments of former commissioned officers will be processed through the Officer Procurement Service.

b. If he applies for a commission after his induction, he may appear in person before a board of officers appointed to conduct an appropriate examination and, if recommended by such board, to a grade not higher than that formerly held by him. (R.S. 161; 5 U.S.C. 22) [Cir. 367, W.D., November 7, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–13000; Filed, December 8, 1942; 10:26 a. m.]

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[1] Administrative regulations of the War Department pertaining to officers appointed in the Army of the United States.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket Nos. A–1697, A–1720]

DISTRICT BOARD 2

ORDER POSTPONING HEARINGS

In the matter of the petition of District Board No. 2 for a change in minimum prices established for truck shipments for the coals of certain mines in District No. 2.

In the matter of the petition of District Board No. 2 for a change in the effective minimum prices for truck shipments for coals produced by certain mines in District No. 2.

The above-entitled matters having been heretofore scheduled for hearings at 10 a. m. on December 9, 1942, at a hearing room of the Bituminous Coal Division, Washington, D. C., by orders issued in Docket No. A–1697 on November 23, 1942, and in Docket No. A–1720 on November 12, 1942, respectively; and

The Director deeming it advisable that said hearings should be postponed;

Now, therefore, it is ordered, That the said hearings in the above-entitled matters be, and the same hereby are, postponed from December 9, 1942, at 10 a. m. to December 11, 1942, at 10 a. m. at the place and before the officer or officers previously designated.

Dated: December 5, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42–13007; Filed, December 8, 1942; 10:59 a. m.]

[Docket No. B–308]

COAL HILL MINING CO., INC.

NOTICE OF FILING

In the matter of Coal Hill Mining Co., Inc., registered distributor, Registration No. 1675.

Notice of filing of application for disposition of compliance proceeding without formal hearing pursuant to § 301.132 of the Rules of Practice and Procedure before the Division.

Notice is hereby given that the Coal Hill Mining Co., Inc., Registered Distributor, Registration No. 1675, (the "Distributor"), on October 10, 1942, filed herein an application dated October 8, 1942, pursuant to § 301.132 of the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division for Disposition without Formal Hearing of Compliance Proceedings, and as of November 30, 1942, filed an amendment dated November 3, 1942, to said application.

A Notice of and Order for Hearing (the "Order") was issued herein on September 3, 1942, directing a public hearing in this proceeding for the purpose of determining whether or not the Distributor violated Bituminous Coal Act of 1937 (the "Act"), the Bituminous Coal Code (the "Code"), and rules, regulations and orders promulgated thereunder in performing the transactions set forth in the said Notice of and Order for Hearing which are summarized as follows:

1. Whether the Distributor, acting as a registered distributor, violated paragraphs (c), (d) and (e) of its Distributors' Agreement (the "Agreement") dated June 11, 1940, and Rule 1 (J) of section VII and Rules 3 and 6 of section XIII of the Marketing Rules and Regulations, section 4 Part II (i) (3) and (6) of the Act, and Part II (i) (3) and (6) of the Code by purchasing approximately 5095.1 net tons of various sizes of coal, produced by various code members, physically handling such coal, and prepaying the freight on such coal resold for rail shipment to various purchasers, as more specifically alleged in paragraph 1 of the Order.

2. Whether the Distributor, acting as a registered distributor, violated paragraphs (b) and (e) of its Agreement and section 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code by purchasing approximately 2101.5 net tons of Size Group 5 coal and reselling said coal at prices less than the effective minimum price established therefor by the Division, as more specifically alleged in paragraph 2 of the Order.

3. Whether the Distributor, acting as a registered distributor, violated paragraph (a) of its Agreement by purchasing approximately 104.55 net tons of mine run coal, reselling such coal, and accepting and retaining discounts thereon in excess of the maximum allowable discounts prescribed by rules and regulations promulgated under the Act, as more specifically alleged in paragraph 3 of said Order.

4. Whether the Distributor, acting in the capacity of sales agent for certain code members pursuant to written sales agency contracts, violated paragraphs (c) and (e) of its Agreement by prepaying the freight on sales of coal produced by said code members for rail shipment to various purchasers, as more specifically alleged in paragraph 4 of said Order.

5. Whether the Distributor, acting as a sales agent for various code members pursuant to sales agency contracts which had not been properly filed with the Division and with respect to which applications had not been filed pursuant to Rule 13 of section II of the Marketing Rules and Regulations, violated paragraph (e) of its Agreement by accepting and retaining sales agency commissions in excess of maximum allowable discounts prescribed by rules and regulations promulgated under the Act, as more specifically alleged in paragraph 5 of the Order.

6. Whether the Distributor, acting as a sales agent for certain code members, violated paragraph (e) of its Agreement by selling coal produced by said code members for rail shipment to various purchasers, for which coal minimum prices, temporary or final, had not been established by the Division, as more specifically alleged in paragraph 6 of the Order.

7. Whether the Distributor, acting as sales agent for certain code members pursuant to written sales agency contracts, violated paragraph (e) of its Agreement by accepting and retaining sales agency commissions in excess of those stipulated in said sales agency contracts, as more specifically alleged in paragraph 7 of the Order.

8. Whether the Distributor, acting as sales agent for certain code members pursuant to written sales agency contracts, violated paragraphs (b) and (e) of its Agreement, by selling coal produced by said code members at prices less than the effective minimum prices established for such coal by the Division, as more specifically alleged in paragraph 8 of the Order.

9. Whether the Distributor, acting as sales agent for Culbertson Coal Co., a code member, violated paragraph (e) of its Agreement, by selling approximately 4670.94 net tons of 2 inch nut and slack coal for rail shipment to various purchasers for which coal minimum prices, temporary or final, had not been established by the Division, as more specifically alleged in paragraph 9 of the Order.

10. Whether the Distributor, acting as sales agent for certain code members, violated paragraphs (b) and (e) of its Agreement, by selling Size Group No. 3 coal produced by said code members for rail shipment to various purchasers for which coal minimum prices, temporary or final, had not been established by the

Division, as more specifically alleged in the Order. In said application, as amended, the Distributor:

(1) Denies the allegations contained in paragraph 1 of the Order except that it admits the prepaying of freight on all transactions set forth therein and admits receiving a total of $283.95 as discounts from the minimum prices established for coal produced by Pennsylvania Coal & Coke Company, the Pursglove Coal Mining Company, the Reitz Coal Company, W. J. Rainey, Inc., Seger Brothers Coal Mining Company, DuShan Coal Company, Abbie E. Lansberry and Son, and Goshen Valley Coal Company.

(2) Denies the allegations contained in paragraphs 2, 3, and 8 of said Order.

(3) Admits with respect to the allegations contained in paragraph 4 of the Order that it prepaid freight on unidentified tonnages of coal but states, without identification, that some of such allegations of prepayments contained in said paragraph are not good in that some shipments were made to recognized prepay stations.

(4) Admits the allegations contained in paragraphs 5, 6, 7, 9, and 10 of said Order except with respect to tonnage set forth in paragraph 7 of said Order relating to coal produced by the Culbertson Coal Co.

(5) Represents that it has not, to the best of its knowledge and belief, committed any other violations of the Act, the Code, or rules and regulations promulgated thereunder, except that it reived commissions from Kristianson and Johnson Coal Company in excess of prescribed maximum discounts during the period May 19, 1941 to October 8, 1942, inclusive, in addition to the violations alleged in paragraph 5 of the Order. The Distributor agrees to the incorporation of such additional violation in the Order.

(6) Agrees to accept a suspension of its registration as a registered distributor for a period of 30 days with respect to the violations alleged in paragraphs 1 and 4 of the Order, and agrees in addition to return to the following named code members the aforesaid discounts in the amount of $283.95, accepted with respect to transactions set forth in paragraph 1 of the Order, as follows:

Code member producer:	*Discounts*
Pennsylvania Coal & Coke Co	$145.40
Pursglove Coal Sales Corp	18.02
Arrow Coal Mining Co	45.14
Reitz Coal Co	30.78
W. J. Rainey, Inc	1.89
Seger Bros. Coal Mining Co	4.92
DuShan Coal Co	5.89
Abbie E. Lansberry & Son	19.23
Goshen Valley Coal Co	12.68
	283.95

and to return to the following named code members the entire sales agency commissions in the amount of $938.77 received in connection with the transactions set forth in paragraph 7 of the Order except as to the said Culbertson Coal Co., as follows:

Code member producer:	*Commissions*
Ed E. Carlson	$301.23
Fred Barilar	189.96
Harlan Spencer	164.07
Hamilton Coal Co	51.40
Nick Ferrari	189.59
Royal Quemahoning Coal Co	42.52
	938.77

and to return sales agency commissions in the amount of $388.69 actually received in connection with transactions described in paragraph 4 of the Order as follows:

Code member producer:	*Commissions*
Kristianson & Johnson Coal Co	$182.86
Dugan Coal Mining Co	21.56
Ed E. Carlson	12.03
Fred Barilar	12.04
Hamilton Coal Co	12.04
Nick Ferrari	12.04
Harlan Spencer	37.16
Royal Quemahoning Coal Co	9.40
Robert O'Hara	55.24
J. A. White Coal Co	12.19
Culbertson Coal Co	22.13
	388.69

and to return excess sales agency commissions in the amount of $155.74 to James A. White Coal Company and in the amount of $5.62 to Appalacha Coal Company received in connection with transactions described in paragraph 5 of the Order, but does not agree to return the other excess commissions described in said paragraph 5.

The Distributor further agrees to the issuance herein of a cease and desist order.

(6) Agrees to execute any and all papers and other documents necessary for the disposition of this proceeding in the event that said application, as amended, is granted.

(7) States, as extenuating circumstances with respect to the transactions described in paragraph 5 of the Order that it had been informed by all of its code member principals named in said paragraph that the sales agency contracts together with all appropriate applications therefor had been properly filed with the Bituminous Coal Division with the exception of the sales agency contracts between the Distributor and James A. White Coal Company, and the Appalacha Coal Company. The Distributor also states that it does not agree to return all excess commissions described in said paragraph 5 because it does not believe that it should be penalized for relying on the aforesaid representations made to it by its code member principals. The Distributor further states that as a result of the Order it is taking steps to ascertain from the Division and from all code member principals when it acts as a sales agent the status of all sales agency contracts which it has executed and will in the future examine the status of all further sales agency contracts which it executes in order that it may never again be cited for similar violations.

States, as extenuating circumstances with respect to the allegations contained in paragraphs 6, 9, and 10 of the Order, its belief that it should not be penalized for mistake or error on the part of its code member principals on whom it relied for advice as to the proper filing of sales agency contracts and applications in connection therewith and therefore does not agree to the suspension of its registration as a registered distributor or to return any commissions received in connection with the transactions described in said paragraphs 6, 9, and 10.

The Distributor further states in connection with said transactions described in said paragraphs 6, 9, and 10 that the code members named in said paragraphs were advised by the Bituminous Coal Producers Board for District No. 1 that it would be proper for such producers to ship coal by truck pending the establishment of prices for rail shipment of coal produced by such code members due to an inadvertent failure by the board to establish prices for rail shipment of such coal, provided that such coal should be sold for rail shipment at the minimum prices established for truck shipment of such coal. The Distributor further states that such consultation by it and its code member principals constituted reasonable efforts to determine the proper manner of conducting their business which removes any element of wilful violations in performing the transactions described in said paragraphs 6, 9, and 10.

Interested parties desiring to do so may within fifteen (15) days from the date of this notice file recommendations or requests for informal conferences with respect to the above-described application, as amended.

Dated: December 7, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-13008; Filed, December 8, 1942; 10:59 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective December 7, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

American Core-Twine Corporation, Salmon Falls, New Hampshire; Converted paper products; 5 learners; 6 weeks for any one learner; 30 cents per hour; Machine Operators, Tenders and Fixers; June 7, 1943.

Atlas Curtain Company, Inc. Pleasant Street, Fall River, Massachusetts; Mosquito bars; 50 learners; 480 hours for any one learner; 25¢ per hour for 1st 320 hours and 32½¢ an hour for the next 160 hours; Machine Operators; December 7, 1943.

Julius Berger, 34 Oliver St., Newark, New Jersey; Infants' and Children's wear and accessories; 7 learners; 480 hours for any one learner; 25¢ an hour for first 320 hours and 32½¢ an hour for next 160 hours; Machine operating, pressing, embroidery, handsewing; December 7, 1943.

John Hensel, 413–25th Street, Union City, New Jersey; Embroidery; 1 learner; 6 weeks for any one learner; 30 cents per hour; Spanner-helper; June 7, 1943.

Protex Products Company, 61 Bishop Street, Jersey City, New Jersey; Mosquito Bars; 8 learners; 240 hours; 30 cents per hour; Sewing machine operators, finishers on operations involving handsewing; December 7, 1943.

Schwartz Basket and Box Company, Louisiana, Missouri; Fruit & Vegetable baskets; 8 learners; 240 hours 30¢ per hour; Plat layer, Basket machine operator, Sorter; March 15, 1943.

Signed at New York, N. Y., this 5th day of December 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-12958; Filed, December 7, 1942; 12:07 p. m.]

LEARNER CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective December 7, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

Aintree Corporation, 503 N. First Street, Fairfield, Illinois; Drawers, cotton shorts; 5 percent (T); December 7, 1943.

Dublin Pants Company, Dublin, Pennsylvania; Men's Trousers; 5 percent (T); December 7, 1943.

Louart Corporation, 1139 South Wall Street, Los Angeles, California; Sport Coats and Pants; 5 percent (T); December 7, 1943.

Union Underwear Co., Inc., Frankfort, Kentucky; Men's & Boys' shorts of woven fabric; 60 learners (E); June 7, 1943.

Quaker Coat Front Co., 1238 Callowhill Street, Philadelphia, Pennsylvania; Canvas Coat Fronts; 5 learners (T); December 7, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Adelphi Shirt Company, 943 Hamilton St., Allentown, Pennsylvania; Shirts and shorts; 10 percent (T); December 7, 1943.

Akron Manufacturing Co., 1016–1020 Moon Street, Akron, Pennsylvania; Ladies' nightwear; 5 learners (T); December 7, 1943.

Alan Dress Company of Shamokin, 863 W. Independence St., Shamokin, Penn.; Dresses; 25 learners (E); June 7, 1943.

Amity Manufacturing Co., Inc., Front & Washington Sts., Boyertown, Penn.; Work pants, overalls, coats, coveralls, etc., work aprons; 8 learners (T); December 7, 1943.

Angelica Jacket Company, 1419–29 Olive St., St. Louis, Missouri; Jackets, Service Uniforms; 10 percent (T); December 7, 1943.

Annville Products Company, Richland, Pennsylvania; Ladies' slips; 30 learners (E); June 7, 1943.

Baldwin Shirt Co., 2400 Broadway, Parsons, Kansas; Shirts, Night shirts, Pajamas, Girls' Gymnasium Clothes; 5 learners (T); December 7, 1943.

Baumel Dress Company, Cor. Willow & Grant Sts., Olyphant, Pennsylvania; Ladies' and Children's Dresses; 10 learners (T); December 7, 1943.

Bertelle Manufacturing, Inc., 122 King Street, Herkimer, New York; Dresses; 10 learners (T); December 7, 1943.

Blum, E. H., 1521 Canal St., New Orleans, La.; Men's & Boys' pants, Slack Suits; 10 percent (T); December 7, 1943.

Brockbank Apparel Company, 50 West, 1 South, Salt Lake City, Utah; Nurses' uniforms, professional uniforms, ladies' dresses, blouses, skirts; 4 learners (T); December 7, 1943.

Consolidated Garment Mfg. Co., Altamont, Illinois; Men's and Boys' semi-dress pants; 10 learners (T); December 7, 1943.

Dahill Manufacturing Co., Inc., Albany Road, Nassau, New York; Ladies' dresses; 10 learners (T); December 7, 1943.

Delight Foundation Garments, Inc., 224 Eleanor Street, Kalamazoo, Michigan; Foundation garments; 6 learners (T); December 7, 1943.

Fredericksburg Shirt Company, 404 Willis St., Fredericksburg, Virginia; Men's wash shirts; 10 percent (T); December 7, 1943.

Louis Goldsmith, Inc., Belmont & Erie Aves., Quakertown, Pennsylvania; Men's, young men's and boys' trousers; 5 learners (T); December 7, 1943.

Hanover Shirt Co., Inc., Ashland, Virginia; Men's sport and dress shirts; 10 learners (T); December 7, 1943.

Chas. W. Henson Garment Mfg. Co., Inc., Clayton Street, Lawrenceville, Georgia; Wash clothing; 10 percent (T); December 7, 1943.

Jay Novelty Company, 101–01 103rd Avenue, Ozone Park, New York; Slacks, Ski pants, overalls; 10 learners (T); June 7, 1943.

Casey Jones, Inc., 2311 Adams Ave., Huntington, W. Virginia; Army Herring-bone twill trousers; 10 percent (T); December 7, 1943.

Karp Dress Co., Inc., 335 Barton Street, Pawtucket, Rhode Island; Girls' dresses; 8 learners (T); December 1, 1943.

Kinston Shirt Company, King St., Kinston, North Carolina; Shirts; 10 percent (T); December 7, 1943.

L and H Shirt Company, Cochran, Georgia; shirts; 10 percent (T); December 7, 1943.

La Facile Corset Company, Inc., 157 Homer Ave., Cortland, New York; Custom-made health and surgical corsets; 3 learners (T); December 7, 1943.

J. A. Lamy Mfg. Co., Inc., Pacific St., Sedalia, Missouri; Wash suits, pants and jackets; 10 percent (T); December 7, 1943.

Lassar & Bick Company, 127 East 9th Street, Los Angeles, California; Sport coats; 10 learners (T); December 7, 1943. (This certificate replaces the one bearing the expiration date of November 16, 1943.)

Leon Garment Manufacturing Co., 700 W. Roosevelt Road, Chicago, Illinois; Overalls, Melton jackets; 1 learner (T); December 7, 1943.

Charles L. Levy Co., Inc., Selma, Alabama; Trousers, cotton khaki for U. S. Army; 10 percent (T); December 7, 1943.

Lucas Manufacturing Company, Rear 420 Walnut St., Columbia, Pennsylvania; Children's cotton dresses, exercise bloomers; 10 percent (T); December 7, 1943.

Marja Brassiere Company, 215½ Main Street, Jacksonville, Texas; Brassieres; 7 learners (T); December 7, 1943.

Mendota Trouser Company, 500 Ninth Avenue, Mendota, Illinois; Trousers; 10 learners (T); December 7, 1943.

S. Mover & Son, 33 Harrison Ave., Boston, Mass.; Ladies' sportswear; 10 learners (T); December 7, 1943.

Jacob Nathanson and Company, 404 S. Racine Avenue, Chicago, Illinois; Cotton and rayon wash dresses; 10 percent (T); December 7, 1943.

Nazareth Dress Mfg. Company, 150 S. Main St., Nazareth, Pennsylvania; Dresses; 35 learners (E); June 7, 1943.

Nirenberg & Salzman, Inc., North Mohawk St., Cohoes, New York; Dress and polo shirts; 10 percent (T); December 7, 1943.

Rosen Shirt Manufacturing Co., 5th & Juniper St., Quakertown, Pennsylvania; Men's shirts; 10 percent (T); December 7, 1943.

Schaefferstown Garment Company, Schaefferstown, Pennsylvania; Pajamas; 10 learners (T); December 7, 1943.

Standard Trouser Company, Second and Alder Streets, Philipsburg, Pennsylvania; Army Trousers; 10 percent (T); December 7, 1943.

I. Taitel & Son, Prettyman St., Knox, Indiana; Longies, jumperalls; 10 percent (T); December 7, 1943.

Thompsontown Mfg. Company, Thompsontown, Pennsylvania; Pajamas, nightgowns, undershorts; 5 learners (T); December 7, 1943.

Vesta Corset Company, 25 South St., McGraw, New York; Corset-corselettes; 10 percent (T); December 7, 1943.

M. Wiener and Company, 725 Arch Street, Philadelphia, Pennsylvania; Beachwear and playclothes; 10 percent (T); December 7, 1943.

Glove Industry

The Advance Glove Mfg. Company, 122 Southard Avenue, Toledo, Ohio; work gloves; 5 learners (T); December 7, 1943.

Hosiery Industry

Cranwell-Lee Hosiery Mills, Pikeville, Tennessee; Seamless hosiery; 5 learners (T); December 7, 1943.

Dependable Hosiery Mills, Inc., Liberty, North Carolina; Seamless hosiery; 5 learners (T); December 7, 1943.

Hand Knit Hosiery Company, 1319 14th Street, Sheboygan, Wisconsin; Seamless hosiery; 5 percent (T); December 7, 1943.

Hosecraft Hosiery Mills, 204 East 23rd Street, New York; Cut and sewed hosiery; 5 percent (T); December 7, 1943.

Rockford Mitten & Hosiery Company, 418 S. Wyman Street, Rockford, Illinois; Seamless hosiery; 5 percent (T); December 7, 1943.

Willis Hosiery Mills, Inc., Academy Street, Concord, North Carolina; Seamless hosiery; 5 percent (T); December 7, 1943.

Knitted Wear Industry

Kelray Knitting Mills, 128 Wood Street, Reading, Pennsylvania; Ladies' knitted underwear; 5 percent (T); December 7, 1943.

Textile Industry

Blackstone Weaving Company, Church Street, Blackstone, Virginia; Silk, rayon, nylon; 3 percent (T); December 7, 1943.

Riverside Mills, 1 Kollock St., Augusta, Georgia; Cotton yarn; 3 percent (T); December 7, 1943. (This certificate replaces the one bearing the expiration date of March 23, 1943)

Shelbyville Mills, Royal St., Shelbyville, Tennessee; Tire cord and government duck; 3 percent (T); December 7, 1943.

Tifton Cotton Mills, Tifton, Georgia; Cotton; 3 percent (T); December 7, 1943.

Signed at New York, N. Y., this 5th day of December 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-12959; Filed, December 7, 1942; 12:07 p. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. SA-69]

AIRCRAFT ACCIDENT OCCURRING NEAR DAYTON, OHIO

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 17320, which occurred at Dayton, Ohio, on June 27, 1942.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on Friday, December 11, 1942, at 10:30 a. m. (EWT) in the Transcontinental and Western Air Hangar Number 6, La Guardia Field, New York, New York.

Dated at Washington, D. C., December 8, 1942.

[SEAL] S. G. TIPTON,
Presiding Officer.

[F. R. Doc. 42-13009; Filed, December 8, 1942 12:04 p. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Amendment to Vesting Order 68]

L. LILIENFELD, ET AL.

Vesting Order Number 68[1] of July 30, 1942, is hereby amended as follows and not otherwise:

By changing in Exhibit A thereof the number "162,358" to "162,538".

All other provisions of such Vesting Order Number 68 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on December 1, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12998; Filed, December 8, 1942; 10:14 a. m.]

[Amendment to Vesting Order 94]

A. FERRETTI, ET AL.

Vesting Order Number 94[1] of August 6, 1942, is hereby amended as follows and not otherwise:

By changing in Exhibit A thereof the number "376,879" to "376,679".

All other provisions of such Vesting Order Number 94 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on December 1, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12999; Filed, December 8, 1942; 10:14 a. m.]

[Amendment of Vesting Order Number 190]

JAPAN COTTON & SILK TRADING CO., INC.

Whereas, pursuant to Vesting Order Number 190[2] of September 28, 1942, the undersigned intended to vest, among other things, 300 shares of $100 par value common stock of Japan Cotton & Silk Trading Co., Inc., registered in the name of Wasaburo Uemura, of Osaka, Japan; and

Whereas in describing such person in said Vesting Order Number 190, the name was, as a result of a typographical error, inadvertently designated as "Wasaburo Uenmra";

Now, therefore, Vesting Order Number 190 of September 28, 1942, is hereby amended as follows and not otherwise:

By changing the name "Wasaburo Uenmra" appearing therein to "Wasaburo Uemura".

All other provisions of such Vesting Order Number 190 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on December 1, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12997; Filed, December 8, 1942; 10:14 a. m.]

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[1] 7 F.R. 6181.

[1] 7 F.R. 6693.

[2] 7 F.R. 8569.

[Vesting Order 411]

ESTATE OF FREDERICK BERTHOLD VIERTEL

In re: Estate of Frederick Berthold Viertel, deceased; File D-28-1411; E. T. Sec. 20.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by the First National Bank of Mobile, Executor, acting under the judicial supervision of the Probate Court of Mobile County, Alabama;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Franziska Lattner	Breslau, Germany
Berthold Lattner	Breslau, Germany
Martha Lattner	Breslau, Germany
Louisa Lattner	Breslau, Germany

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Franziska Lattner, Berthold Lattner, Martha Lattner, and Louisa Lattner and each of them in and to the Estate of Frederick Berthold Viertel, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 1, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12977; Filed, December 8, 1942; 10:14 a. m.]

[Vesting Order 412]

ESTATE OF FREDERICK E. WATERMEYER

In re: Estate of Frederick E. Watermeyer, deceased—File D-28-1802; E.T. sec. 1059.

Under authority of the Trading with the Enemy Act as amended, Executive Order No. 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Clara Zahnert	Germany.
Guillermo I. Watermeyer	Germany.
Lorenzo von Braumueller	Germany.
Elizabeth Mann	Germany.

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Clara Zahnert, Guillermo I. Watermeyer, Lorenzo von Braumueller and Elizabeth Mann in and to the Estate of Frederick E. Watermeyer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 1, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12985; Filed, December 8, 1942; 10:17 a. m.]

[Vesting Order 413]

ESTATE OF EDWARD J. DEJONGE

In re: Estate of Edward J. Dejonge, deceased—File D-28-3377; E. T. sec. 1049.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Alfred Herman Dejonge	Germany.
Johanne Helene Goldstrom	Germany.
Martha Amalie Burmeister	Germany.

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Alfred Herman DeJonge, Johanne Helene Goldstrom and Martha Amalie Burmeister in and to the Estate of Edward J. Dejonge, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 1, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12986; Filed, December 8, 1942; 10:17 a. m.]

[Vesting Order 414]

ALBERT BOHL

In re: Trust for benefit of Albert Bohl—File D-28-1526; E. T. sec. 273.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by the Probate Court of Hamilton County, Ohio;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Albert Bohl	Frankfort a/Rhein Eschersheim Altheim Str. 4., Germany.

And determining that:

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Albert Bohl in and to a fund held by George H. Kattenhorn as trustee for said Albert Bohl and in and to the estate of Herman Henry Rewwer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 1, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12987; Filed, December 8, 1942; 10:17 a. m.]

[Vesting Order 415]

ESTATE OF MAX FORKE

In re: Estate of Max Forke, deceased—File D-28-1699; E. T. sec. 718.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Alma Morbitz	Germany.
Alfred Forke	Germany.

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Alma Morbitz and Alfred Forke in and to the Estate of Max Forke, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 1, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12988; Filed, December 8, 1942; 10:17 a. m.]

[Vesting Order 416]

ESTATE OF EUGEN TROST

In re: Estate of Eugen Trost, deceased—File D-28-1703; E.T. sec. 715.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Wilhelm Trost	Germany.
Marie Trost	Germany.

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Wilhelm Trost and Marie Trost in and to the Estate of Eugen Trost, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 1, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12989; Filed, December 8, 1942; 10:17 a. m.]

[Vesting Order 417]

ESTATE OF KAROLINE KUNKEL

In re: Estate of Karoline Kunkel, deceased—File D-28-3368; E.T. Sec. 1048.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Johann Schoendorf	Germany.
Bertha Haupt	Germany.
Anna Kunkel	Germany.
Adam Berthold Schoendorf	Germany.
Willy Schoendorf	Germany.
Anna Katharine Schoendorf	Germany.
Nikolaus Peter Schoendorf	Germany.
Heinz Schoendorf	Germany.
Richard Schoendorf	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Johann Schoendorf, Bertha Haupt, Anna Kunkel, Adam Berthold Schoendorf, Willy Schoendorf, Anna Katharine Schoendorf, Nikolaus Peter Schoendorf, Heinz Schoendorf and Richard Schoendorf and each of them in and to the Estate of Karoline Kunkel, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 1, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12990; Filed, December 8, 1942; 10:18 a. m.]

[Vesting Order 418]

ESTATE OF BERTHA KREISEL

In re: Estate of Bertha Kreisel, deceased; File D-6-120; E. T. Sec. 290.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Rose Winter, as Administratrix C. T. A. of the goods and chattels which were of Bertha Kreisel, deceased, acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for the County of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely:

Nationals:	*Last known address*
Josef Farber	Germany.
Josephine Eisler	Germany.

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany, and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Josef Farber and Josephine Eisler in and to the Estate of Bertha Kreisel, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 1, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12991; Filed, December 8, 1942; 10:18 a. m.]

[Vesting Order 419]

ESTATE OF W. L. HARBACH

In re: Estate of W. L. Harbach, also known as William L. Harbach, also known as William Louis Harbach, deceased; File D-28-1403; E. T. Sec. 72.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Frank C. Martens and Frieda Harbach Keiper Sender, Executors acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Alameda;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Carl Harbach	Germany.
Fritz Harbach	Germany.
Mrs. Mina Harbach Euler	Germany.
Mrs. Johanna Harbach Alberti	Germany.
Emil Keiper	Germany.
Otto Keiper	Germany.
Carl Hoffman	Germany.
Mrs. Frieda Hoffman Hess	Germany.
Adolph Hoffman	Germany.

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim, of any kind or character whatsoever of Carl Harbach, Fritz Harbach, Mrs. Mina Harbach Euler, Mrs. Johanna Harbach Alberti, Emil Keiper, Otto Keiper, Carl Hoffman, Mrs. Frieda Hoffman Hess and Adolph Hoffman in and to the Estate of W. L. Harbach, also known as William L. Harbach, also known as William Louis Harbach, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 1, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12992; Filed, December 8, 1942; 10:19 a. m.]

[Vesting Order 420]

ESTATE OF VICTORIA DI RE DURANDO

In re: Estate of Victoria Di Re Durando, also known as Vittoria Durando, deceased; Filed F-38-4288; E.T. Sec. 51.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by T. B. Reed Pancoast, Clerk of the Orphans Court of Salem, New Jersey, Depositary, acting under the judicial supervision of Orphans Court of the State of New Jersey, in and for the County of Salem;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely, Guiseppe Cellitti, Amadeo Cellitti, and Angelo Cellitti, whose last known addresses are Fiorentino, Italy; and

Determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Guiseppe Cellitti, Amadeo Cellitti, Angelo Cellitti, and each of them, in and to the Estate of Victoria Di Re Durando, also known as Vittoria Durando, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 1, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12993; Filed, December 8, 1942; 10:19 a. m.]

[Vesting Order 421]

ELIZABETH A. HEIL

In re: Estate of Elizabeth A. Heil, deceased—File D-28-1368; E. T. Sec. 74.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Henry O. Gray, Judge of the County Court, Grand County, Hot Sulphur Springs, Colorado Depositary, acting under the judicial supervision of the County Court of the State of Colorado, in and for the County of Grand;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely Hedwig Bretsch, whose last known address is Germany; and

Determining that:

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Hedwig Bretsch, in and to the Estate of Elizabeth A. Heil, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should ~~be~~ be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 1, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12994; Filed, December 8, 1942; 10:19 a. m.]

[Vesting Order 422]

MARGARET LAUER

In re: Estate of Margaret Lauer, deceased—File D-28-1538; E.T. Sec. 283.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Ferdinand Noll, 466 Nye Avenue, Irvington, New Jersey, Administrator, acting under the judicial supervision of Surrogate's Court of the State of New Jersey, in and for the County of Essex;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely, Franz Joseph Noll, Lina Noll, Herman Noll, and Helena (Magdalena) Noll, whose last known addresses are Romstahl, Kreis Schluchtern Hesse-Nassau, Germany, and the issue of Marie (Noll), marriage name unknown, whose last known address is Fulda, Hesse-Nassau, Germany, and the issue of Aloisa Weber, nee Noll, whose last known address is Eckardrot, Hesse-Nassau, Germany, and the issue of Rudolph Noll, whose last known address is Galsenkirchen, Westphalen, Germany; and

Determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Franz Joseph Noll, Lina Noll, Herman Noll, Helena (Magdalena) Noll, Issue of Marie (Noll) marriage name unknown, Issue of Aloisa Weber, nee Noll, Issue of Rudolph Noll, and each of them, in and to the Estate of Margaret Lauer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 1, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12995; Filed, December 8, 1942; 10:19 a. m.]

[Vesting Order 423]

EMANUEL G. BELLON

In re: Estate of Emanuel G. Bellon, deceased—File D-28-1524; E. T. Sec. 280.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation

Finding that—

(1) The property and interests hereinafter described is property which is in the process of administration by William F. Godel, Administrator, acting under the judicial supervision of County Court of the State of Colorado in and for the County of Denver;

(2) Such property and interest is payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Katharine Bellon, whose last known address is Heimscheim, Wurtemburg, Germany; and

Determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interest:

All right, title, interest, and claim of any kind or character whatsoever of Katharine Bellon, in and to the Estate of Emanuel G. Bellon, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interest and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 1, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12996; Filed, December 8, 1942; 10:19 a. m.]

[Vesting Order 427]

ESTATE OF THEODORE BUHMANN

In re: Estate of Theodore Buhmann, deceased; File D-28-1451; E. T. Sec. 85.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Anna Ramundt and Herman Ramundt, Executors, acting under the judicial supervision of the District Court of the State of Iowa, in and for the County of Grundy;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Marie Olsen, or her surviving child or children	Germany.
Catharine Soemken, or her surviving child or children	Germany.
The child, or children of Christina Ratjens, deceased, formerly of Germany	Germany.
The child, or children of Anna Heesch, deceased, formerly of Germany	Germany.
The child, or children of Gretchen Rohde, deceased, formerly of Germany	Germany.
William Buhmann	Germany.
Elsie Boemke	Germany.
Frieda Willie	Germany.
Greta Preback	Germany.

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Marie Olsen, or her surviving child or children, Catharine Soemken, or her surviving child or children, The child, or children of Christina Ratjens, deceased, The child, or children of Anna Heesch, deceased, The child, or children of Gretchen Rohde, deceased, William Buhmann, Elsie Boemke, Frieda Willie and Greta Preback and each of them in and to the Estate of Theodore Buhmann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 4, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12978; Filed, December 8, 1942; 10:14 a. m.]

[Vesting Order 428]

ESTATE OF ALBERT T. FRIEDMANN

In re: Estate of Albert T. Friedmann, deceased; File F-28-9768; E. T. Sec. 271.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Leon E. Kaumheimer, Johanna B. Friedmann, Max E. Friedmann and Ralph T. Friedmann, Co-Trustees, acting under the judicial supervision of the County Court for Milwaukee County, Wisconsin;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Mrs. Marie Gundelfinger	Germany.
Mrs. Paula Vinzl	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Mrs. Marie Gundelfinger and Mrs. Paula Vinzl and each of them in and to the Estate of Albert T. Friedmann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 4, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12979; Filed, December 8, 1942; 10:14 a. m.]

[Vesting Order 430]

ESTATE OF CLARA ALPERS

In re: Estate of Clara Alpers, deceased; File D-28-1701; E.T. Sec. 713.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interest hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interest are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Helene Alpers Hahn, whose last known address is Germany;

And determining that:

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interest:

All right, title, interest, and claim of any kind or character whatsoever of Helene Alpers Hahn in and to the Estate of Clara Alpers, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interest and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interest or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 4, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12980; Filed, December 8, 1942; 10:16 a. m.]

[Vesting Order 431]

ESTATE OF GUSTAVE A. BERGHOFF

In re: Estate of Gustave A. Berghoff, deceased; File D-28-1508; E.T. Sec. 276.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Dorothy Gardner, Clerk of Allen Superior Court No. 2, Indiana, acting under the judicial supervision of Allen Superior Court No. 2, Indiana;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Frau Elizabeth Elkemann.	Dortmund, Germany.

And determining that:

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and,

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Frau Elizabeth Eklemann in and to the Estate of Gustave A. Berghoff, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time

as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy county" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 4, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12981; Filed, December 8, 1942; 10:16 a. m.]

[Vesting Order 432]

ROSE O. BAER

In re: Estate of Rose O. Baer, deceased—File D-28-3388; E.T. Sec. 1138.

Under authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as despositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Emma Messner whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Emma Messner in and to the Estate of Rose O. Baer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 4, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12982; Filed, December 8, 1942; 10:16 a. m.]

[Vesting Order 433]

ANNA BRUGGEN

In re: Estate of Anna Bruggen, deceased—File F-28-9404; E. T. Sec. 673.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by R. F. Petschow, Administrator, acting under the judicial supervision of the County Court of Brookings County, South Dakota.

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Henry Bruggen	Kellinghusen, Germany
Emma Johannsen	Husum, Germany
Gretchen Maria-Augusta Boge.	Kiel, Germany

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever, of Henry Bruggen, Emma Johannsen, and Gretchen Maria-Augusta Boge in and to the Estate of Anna Bruggen, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 4, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12983; Filed, December 8, 1942; 10:16 a. m.]

[Vesting Order 434]

ANNA ESSERS

In re: Estate of Anna Essers, deceased—File D-28-3381; E.T. Sec. 1142.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Anna Ducker	Germany.
Dora Meyer	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Anna Ducker and Dora Meyer in and to the Estate of Anna Essers, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 4, 1942.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 42-12984; Filed, December 8, 1942; 10:16 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 16 Under MPR 147]

Champion Rivet Co.

ORDER GRANTING PETITION FOR EXCEPTION

Order 16 Under Maximum Price Regulation No. 147—Ferrous and Non-Ferrous Bolts, Nuts, Screws and Rivets—Docket No. 3147-19.

On October 7, 1942, The Champion Rivet Company, Cleveland, Ohio, filed a petition for exception pursuant to § 1368.7 (a) of Maximum Price Regulation No. 147. Due consideration has been given to the petition and an opinion in support of this Order No. 16 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and by § 1368.7 (a) of Maximum Price Regulation No. 147 and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) The Champion Rivet Company in ascertaining the maximum price which it may charge for rivets to be shipped from Cleveland, Ohio, and East Chicago, Indiana, to points outside its usual market area in filling orders accepted by reason of unusual circumstances arising from the emergency demands of the war may calculate its delivery charges under Appendix C (§ 1368.14) of Maximum Price Regulation No. 147 from the applicable emergency basing point.

(b) The permission herein granted to The Champion Rivet Company is subject to the condition that a monthly report be filed with the Office of Price Administration stating (1) the amount of each shipment which has been made on an emergency basing point basis, (2) the points of shipment and delivery, and the governing and emergency basing points for such shipment, (3) the amount of freight that it would otherwise have been forced to absorb on such shipment, (4) the name and address of the purchaser, and (5) the unusual circumstances arising from the emergency demands of the war in connection with such shipment.

(c) All prayers of the petition not granted herein are hereby denied.

(d) This Order No. 16 may be revoked or amended by the Price Administrator at any time.

(e) The definitions set forth in § 1368.8 of Maximum Price Regulation No. 147 shall apply to the terms used herein.

(f) This Order No. 16 shall become effective December 8, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-12976; Filed, December 7, 1942; 3:08 p. m.]

WAR MANPOWER COMMISSION.

[Directive No. XV]

Occupational Deferment of Government Employees

RESCISSION OF DIRECTIVE

To all departments and agencies of the executive branch of the Federal Government rescinding War Manpower Commission Directive No. XI.[1]

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9139,[2] establishing the War Manpower Commission, and having found, after consultation with the members of the War Manpower Commission, that the measure herein set forth will promote the effective mobilization and maximum utilization of the Nation's manpower, it is hereby directed that effective November 17, 1942, Directive No. XI to all departments and agencies of the executive branch of the Federal Government, concerning requests for the occupational deferment of their officers and employees, is rescinded.

Paul V. McNutt,
Chairman.

December 2, 1942.

[F. R. Doc. 42-12960; Filed, December 7, 1942; 12:49 p. m.]

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[1] 7 F.R. 7649.

[2] 7 F.R. 2919.

Reference

DEC 14 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 241

Washington, Thursday, December 10, 1942

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Commodity Credit Corporation

[Oilseed Order 5]

PART 250—CONTROL OF VEGETABLE OIL SEEDS AND PRODUCTS THEREFROM

PARTIAL RESTRICTION ON SALES OF SOYBEAN OIL MEAL

Pursuant to the authority vested in the Commodity Credit Corporation by Directive No. 7 of the War Production Board, issued August 15, 1942, and in view of the shortage of soybean crushing capacity and shortage of soybean oil meal in the mid-western and Pacific northwestern States, *It is hereby ordered*, That:

Sec.
250.22 Restriction on sales in designated area.
250.23 Designated area.
250.24 Existing contracts; processors' duty.
250.25 Existing contracts; buyers' duty.
250.26 Records; reports; communications.
250.27 Penalties.
250.28 Definitions.
250.29 Effective date.

AUTHORITY: §§ 250.22 to 250.29, inclusive, issued under W.P.B. Directive No. 7, 32 CFR § 903.12, 7 F.R. 6518.

§ 250.22 *Restriction on sales in designated area.* On and after the effective date of this order, unless otherwise authorized by Commodity Credit Corporation, no soybean oil meal shall be sold or delivered under sales made after such date for shipment into the area hereinafter designated, except soybean oil meal produced in processing plants located within such area.

§ 250.23 *Designated area.* The States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Arkansas, Louisiana, Texas, and Oklahoma.

§ 250.24 *Existing contracts; processors' duty.* Processors located outside the above-designated area who, prior to the effective date of this order, have sold soybean oil meal for shipment into such area, shall, to the extent available, purchase from processing mills located within such area soybean oil meal for the purpose of making deliveries on contracts of sale for shipment into such area. Such tonnage of soybean oil meal as may be made available by this action shall be offered for sale by processors to other areas, particularly in the Midwest and the Pacific Northwest.

§ 250.25 *Existing contracts; buyers' duty.* All persons who, prior to the effective date of this order, have purchased under contract for shipment into the above-designated area soybean oil meal produced in processing plants located outside of such area, shall, if suitable deliveries can be obtained by their sellers from plants located within such area, accept such shipments in full satisfaction of their existing contracts to the extent of the tonnage of soybean oil meal so delivered.

§ 250.26 *Records; reports; communications.* (a) Every person subject to this order shall keep and preserve for not less than two years accurate and complete records concerning all sales, purchases, contracts for the sale or purchase, and deliveries of soybean oil meal. All such records shall, upon request, be submitted to audit and inspection by duly authorized representatives of Commodity Credit Corporation.

(b) Every person subject to this order shall execute and file with Commodity Credit Corporation such reports and questionnaires as the Corporation may from time to time request.

(c) All reports required to be filed hereunder and all communications concerning this order shall be addressed to: Commodity Credit Corporation, South Agriculture Building, Washington, D. C.

§ 250.27 *Penalties.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to Commodity Credit Corporation in connection with this order may be prohibited from processing, purchasing, selling, transferring or otherwise disposing of or acquiring soybean oil meal, and, in addition, may be punished by fine and imprisonment.

§ 250.28 *Definitions.* (a) "Processor" as used herein means any person operating a processing plant for producing soybean oil meal.

(Continued on next page)

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FEDERAL REGISTER

1934

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the **FEDERAL REGISTER** will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

There are no restrictions on the republication of material appearing in the **FEDERAL REGISTER**.

Telephone information: DIstrict 0525.

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(b) "Person" as used herein means any individual, partnership, business trust, association or corporation or any organized group of persons, whether incorporated or not.

§ 250.29 *Effective date.* This order shall become effective on and after December 10, 1942, and, subject to the provisions of Directive No. 7 of the War Production Board, shall continue in effect until revoked by Commodity Credit Corporation.

Issued this 9th day of December 1942.

[SEAL] C. C. FARRINGTON,
Acting President.

[F. R. Doc. 42–13047; Filed, December 9, 1942; 11:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 600—DESIGNATION OF CIVIL AIRWAYS

[Amendment 13]

REDESIGNATION OF BLUE CIVIL AIRWAY NO. 9, ETC.

DECEMBER 3, 1942.

Redesignation of Blue civil airway No. 9, Red civil Airway No. 37, Red civil airway No. 14; deletion of Red civil airway No. 4, Blue civil airway No. 7, Blue civil airway No. 2, Red civil airway No. 22.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By striking § 600.10203, *Red civil airway No. 4 (Dallas, Tex., to Shreveport, La.)*

2. By striking § 600.10306, *Blue civil airway No. 7 (Springfield, Ill., to Morse, Ill.)*

3. By striking in § 600.10308 *Blue civil airway No. 9 (Kirksville, Mo., to Duluth, Minn.)* the following portion of the caption: "Duluth, Minn." and substituting in lieu thereof the following: "Minneapolis, Minn." and by striking the following: "From the Minneapolis, Minn., radio range station to the Duluth, Minn., radio range station."

4. By striking in § 600.10236, *Red civil airway No. 37 (Texarkana, Ark., to Memphis, Tenn.)* the following:

"The intersection of the center lines of the on course signals of the east leg of the Little Rock, Ark., radio range and the west leg of the Brinkley, Ark., radio range; and the Brinkley, Ark., radio range station; to the intersection of the center lines of the on course signals of the east leg of the Brinkley, Ark., radio range and the southwest leg of the Memphis, Tenn., radio range."

and substitute in lieu thereof the following: "To the Memphis, Tenn., radio range station."

5. By striking in § 600.10213, *Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.)* the following:

"And the intersection of the center lines of the on course signals of the southeast leg of the Rockford, Ill., radio range and the northwest leg of the Chicago, Ill., radio range; to the intersection of the center lines of the on course signals of the northwest leg of the Chicago, Ill., radio range and the south leg of the Milwaukee, Wis., radio range."

and substituting in lieu thereof the following:

"To the intersection of the center lines of the on course signals of the southeast leg of the Rockford, Ill., radio range and the southwest leg of the Chicago, Ill., radio range."

and by striking the following:

"Indianapolis, Ind., radio range station; to the Louisville, Ky., radio range station."

and substituting in lieu thereof the following:

"Indianapolis, Ind., radio range station; and the intersection of the center lines of the on course signals of the south leg of the Indianapolis, Ind., radio range and the west leg of the Louisville, Ky., radio range; to the Louisville, Ky., radio range station."

6. By striking in § 600.10301, *Blue civil airway No. 2 (Birmingham, Ala., to Erie, Pa.)* the following:

"From the intersection of the center lines of the on course signals of the northeast leg of the Bristol, Tenn., radio range and the south leg of the Charleston, W. Va., radio range; to the Charleston, W. Va., radio range station."

7. By striking § 600.10221, *Red civil airway No. 22 (Roanoke, Va., to Gordonsville, Va.)*

This amendment will become effective 0001 E. W. T., December 30, 1942.

C. I. STANTON,
Administrator.

[F. R. Doc. 42–13030; Filed, December 9, 1942; 10:33 a. m.]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

[Amendment 20]

REDESIGNATION OF RADIO FIXES, ETC.

DECEMBER 3, 1942.

Redesignation of Radio Fixes: Blue civil airway No. 9, Red civil airway No. 37, Red civil airway No. 10, Red civil airway No. 12, Green civil airway No. 5; redesignation of airway traffic control area, Blue civil airway No. 9; deletion of radio fixes and airway traffic control areas: Blue civil airway No. 7, Red civil airway No. 22, Red civil airway No. 4, Blue civil airway No. 2.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation, Serial No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By striking § 601.10204, *Red civil airway No. 4, airway traffic control area (Dallas, Tex., to Shreveport, La.)*.

2. By striking in § 601.10309, *Blue civil airway No. 9, airway traffic control areas (Kirksville, Mo., to Duluth, Minn.)* the word "Duluth" appearing in the caption and substituting in lieu thereof the word "Minneapolis."

3. By striking § 601.10307, *Blue civil airway No. 7, airway traffic control area (Springfield, Ill., to Morse, Ill.)*.

4. By striking § 601.10222, *Red civil airway No. 22, airway traffic control area (Roanoke, Va., to Gordonsville, Va.)*

5. By striking § 601.40204, *Red civil airway No. 4 (Dallas, Tex., to Shreveport, La.)*

6. By striking in § 601.40309, *Blue civil airway No. 9 (Kirksville, Mo., to Duluth, Minn.)* the word "Duluth" appearing in the caption and substituting in lieu thereof the word "Minneapolis"; and

By striking the following words: "Duluth, Minn., radio range station."

7. By striking § 601.40307, *Blue civil airway No. 7 (Springfield, Ill., to Morse, Ill.)*.

8. By striking § 601.40222, *Red civil airway No. 22 (Roanoke, Va., to Gordonsville, Va.)*.

9. By striking in § 601.40237, *Red Civil airway No. 37 (Texarkana, Ark., to Memphis, Tenn.)* the following: "Brinkley, Ark., radio range station."

10. By striking in § 601.40210, *Red civil airway No. 10 (Amarillo, Tex., to Charleston, S. C.)* the following:

"The intersection of the center lines of the on course signals of the east leg of the Dallas, Tex., radio range and the northwest leg of the Tyler, Tex., radio range; the intersection of the center lines of the on course signals of the north leg of the Tyler, Tex., radio range and the west leg of the Shreveport, La., radio range."

11. By striking in § 601.40212, *Red civil airway No. 12 (Kansas City, Mo., to Detroit, Mich.)* the following:

"The intersection of the center lines of the on course signals of the north leg of the Peoria, Ill., radio range and the southwest leg of the Chicago, Ill., radio range."

12. By striking in § 601.4005, *Green civil airway No. 5 (Los Angeles, Calif., to Washington, D. C.)* the following:

"The intersection of the center lines of the on course signals of the northeast leg of the Roanoke, Va., radio range and the northwest leg of the Lynchburg, Va., radio range."

13. By striking in § 601.40302, *Blue civil airway No. 2 (Birmingham, Ala., to Erie, Pa.)* the following:

"The intersection of the center lines of the on course signals of the northeast leg of the Bristol, Tenn., radio range and the south leg of the Charleston, W. Va., radio range."

This amendment will become effective 0001 E. W. T., December 30, 1942.

C. I. STANTON,
Administrator.

[F. R. Doc. 42–13030a; Filed, December 9, 1942; 10:33 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T.D. 50784]

PART 4—APPLICATION OF CUSTOMS LAWS TO AIR COMMERCE

REDESIGNATION OF OGDENSBURG MUNICIPAL AIRPORT, OGDENSBERG, NEW YORK, AS AN AIRPORT OF ENTRY[1]

DECEMBER 7, 1942.

The Ogdensburg Municipal Airport, Ogdensburg, New York, is hereby redesignated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), for a period of one year from December 10, 1942.

(Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b))

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42–13041; Filed, December 9, 1942; 11:28 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A–1725]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 11 for the establishment of price classifications and minimum prices for the coals of certain truck mines in District No. 11.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain truck mines in District No. 11; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: November 24, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.													
				1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16
CLAY COUNTY																	
Trout, Virgil H.	1356	Girton R. No. 6	3	245	240	235	225	220	215	175	180	175	170	140	130	75	45
PARKE COUNTY																	
Pressler, Frank	1368	Cow Boy	M	315	290	270	260	255	250	220	220	200	190	160	150	85	55
SULLIVAN COUNTY																	
Stiffler, William	1367	Stiffler	7	255	250	245	235	230	225	185	190	175	170	140	130	75	45
WARRICK COUNTY																	
Zint & Simpson Coal Company (Nelta Simpson).	1360	Zint & Simpson	5	255	250	245	235	230	225	185	190	180	175	155	145	90	60

[F. R. Doc. 42–13006; Filed, December 8, 1942; 10:59 a. m.]

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[1] This document affects the tabulation in 19 CFR 4.13.

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment LXXIX]

PART 802—GENERAL LICENSES

IRAN AND IRAQ

Paragraph (a) of § 802.2 *General license numbers*[1] is hereby amended by rescinding the general license numbers assigned to the destinations below, and assigning the following new numbers:

Iran	80
Iraq	74

Paragraph (a) of § 802.3 *General license country groups*[2] is hereby amended by adding to the list of destinations in Group K the following:

Iran	80
Iraq	74

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31, 7 F.R. 9807)

Dated: December 3, 1942.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 42-13021; Filed, December 8, 1942; 2:20 p. m.]

[Amendment 80]

PART 802—GENERAL LICENSES

SHIP AND PLANE STORES, ETC.

Subparagraph (2) of paragraph (a) of § 802.13 *Ship and plane stores, supplies and equipment*[3] is hereby amended to read as follows:

(2) (i) Bunker fuel and food stores in any amount.

(ii) Other ordinary ship stores, sea stores and supplies, exclusive of zinc plates, for use or consumption on board such vessels during the outgoing voyage and any immediate return voyage scheduled, in such quantities as the Collector of Customs deems necessary and reasonable.

(iii) Equipment and spare parts intended for permanent use on such vessels when necessary for their proper operation and approved by the Collector of Customs.

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong., Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31, 7 F.R. 9807)

Dated: December 4, 1942.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 42-13022; Filed, December 8, 1942; 2:20 p. m.]

[Amendment 81]

PART 808—PROCEDURE TO SECURE SHIPPING SPACE TO THE OTHER AMERICAN REPUBLICS

APPLICATION PROCEDURE

Paragraph (e) of § 808.6 *Application procedure*[4] is hereby amended by adding the following new subparagraph:

(8) No application to ship commodities under general license shall be made unless and until the applicant has a firm order for the commodities covered by the application for shipping space from the purchaser stated in the application.

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31, 7 F.R. 9807)

Dated: December 4, 1942.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 42-13023; Filed, December 8, 1942; 2:20 p. m.]

[Amendment 82]

PART 804—INDIVIDUAL LICENSES

FARM MACHINERY, EXPORT APPLICATIONS

Section 804.2 *Applications for licenses*[5] is hereby amended by deleting therefrom subparagraph (2) of paragraph (b) thereof.

Paragraph (k) of § 804.7 *Special provisions concerning applications to export certain commodities* is hereby amended to read as follows:

(k) *Farm machinery.* Applications for licenses to export farm equipment and machinery classified under Department of Commerce Schedule B numbers 7143, 7365, 7368, 7800 to 7870, both inclusive, 7879 to 7887, both inclusive, 7889 to 7899, both inclusive, and 7975, (excluding tracklaying tractors and parts and accessories therefor), may be filed only by the manufacturer of such machinery or by him on behalf of a dealer, broker, etc., and must be accompanied by the following form properly filled out:

Value (dollars)

1. Dollar value of export quota assigned to applicant for country of destination (to be answered only by those suppliers to whom quotas have been assigned) ---------------------------- -----
2. Dollar value of licenses granted to applicant to country of destination since November 1, 1942 --------------- -----
3. Dollar value of application by applicant pending action to country of destination, including this application ------------------------------- -----

The statements made above are to be considered a part of our attached export license application which covers equipment, the production of which is authorized by the War Production Board's Order L-170, as amended.

(Signed)

Paragraph (b) of § 804.8 *Certificates of necessity*[6] is hereby amended by deleting from the list of commodities the following item:

Farm equipment.

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31, 7 F.R. 9807)

Dated: December 4, 1942.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 42-13024; Filed, December 8, 1942; 2:20 p. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Amendment 1 of Priorities Regulation 17]

POST EXCHANGES AND SHIP'S SERVICE DEPARTMENTS

Section 944.38 *Priorities Regulation 17* [7 F.R. 9877], is hereby amended by adding at the end thereof an additional paragraph (f) as follows:

(f) *Effective date.* This regulation shall become effective December 21, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13028; Filed, December 8, 1942; 5:15 p. m.]

PART 3122—ELECTRICAL MOTORS AND GENERATORS

[Amendment 1 to General Conservation Order L-221[7]]

Paragraph (b) (1) of § 3122.1 *General Conservation Order L-221* is hereby amended in the following respects:

(b) *Restrictions on acceptance and delivery of orders.* (1) Except as otherwise provided in this paragraph, on and after December 10, 1942, no manufacturer shall accept any order for any motor or generator; and on and after February 1, 1943, no manufacturer or dealer shall make delivery, and no person shall accept delivery from a manufacturer or dealer, of any motor or generator, unless:

* * * * *

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13027; Filed, December 8, 1942; 4:31 p. m.]

PART 1095—COMMUNICATIONS

[Preference Rating Order P-130 as Amended Dec. 9, 1942]

§ 1095.3 *Preference Rating Order P-130*—(a) *Definitions.* For the purposes of this order:

(1) "Operator" means any individual, partnership, association, business trust, corporation, receiver, or any form of enterprise whatsoever, whether incorporated or not, the United States, the District of Columbia, any state or territory of the United States and any political, corporate, administrative or other division or agency thereof, to the extent engaged in rendering telephone communication service (and such telegraph and teletypewriter service as may also be conducted by him), within, to, or from the United States, its territories or possessions.

(2) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(3) Without regard to whether or not the expenditures therefor are for any reason required to be recorded in the operator's accounting records in accounts other than maintenance and repair:

(i) "Maintenance" means the upkeep of an operator's property and equipment in sound working condition.

(ii) "Repair" means the restoration, without thereby increasing existing facilities, of an operator's property and equipment which has been rendered unsafe or unfit for service by wear and tear, damage, destruction of parts, or similar cause.

(4) "Operating supplies" means any material which is essential to and consumed in the operation of communication services by an operator but does not include any material which is physically incorporated in whole or in part in the property or equipment of the operator.

(5) Material for maintenance, repair or operating supplies for the purpose of this order shall not include material used for:

(i) The improvement of an operator's property or equipment through the replacement of material which is still usable in the existing property or equipment with material of a better kind, quality, or design;

(ii) Additions to or expansion of the operator's existing property or equipment.

(6) "Operating construction" means the use of materials by an operator for such construction of exchange and toll plant (including such telegraph and teletypewriter service as may be conducted by an operator) as is permitted under the provisions of General Conservation Order L-50 as amended from time to time.

(7) "Operator's inventory of material" shall include all items of new and/or salvaged material and supplies on hand, whether held for current use or for sale as junk, until physically incorporated into plant by way of maintenance, repair, operating construction or otherwise, and without regard to whether or not such items of material are carried in the operator's accounting records under "Material and Supplies Account" exclusive nevertheless of:

(i) Any equipment of a superseded type reserved by an operator for reuse, as a practical measure of conservation to meet probable future operating contingencies;

(ii) Any material identified for use in projects which have been specifically authorized by the War Production Board upon application of an operator;

(iii) Any operating supplies which are in the process of being consumed by an operator.

(8) "Equipment of a superseded type" as used in paragraph (a) (7) (i) above shall not apply to such equipment drawn from superseded stock to replenish current working inventories nor to material which is no longer usable and is junk nor shall it apply to regular items which are no longer manufactured because of restrictions or limitations imposed by the War Production Board; but said terms means equipment which is:

(i) No longer manufactured or carried by the manufacturer as a regular item for sale to operators except for repair and maintenance or for additions to existing installations; or (ii) Of such character that were it not for the possibility of using it to meet service requirements of the war program the operator would hold it only for use for maintenance or repair or for additions to existing installations, and, if not thus required, would dispose of it by sale as usable equipment or junk.

(b) *Assignment of preference rating.* (1) Subject to the terms of this order, the following preference ratings are hereby assigned to operators:

(i) AA-5 for deliveries to an operator of material required by him for maintenance, repair, operating supplies or operating construction.

(ii) For deliveries to an operator of material required by him for the construction of facilities necessary to serve defense projects bearing a rating of AA-5 or better, the same rating as is assigned to such defense project; except that where such project is assigned two or more ratings and both or all of these are AA-5 or better, such deliveries to an operator are assigned the lowest rating which is assigned to such defense project.

(iii) AA-2X for deliveries to an operator of material, required by him for repair of an actual break-down of existing facilities (other than buildings), provided that such AA-2X rating shall not be applied to more than 30% of the material which could be used for any purpose in each calendar quarterly period under the provisions of paragraph (e) (2) of this order. Provided, further, that in no event shall the dollar value of materials used under this rating together with the dollar value of other materials used pursuant to paragraph (e) (2) hereof, exceed, during the quarter the rating is so applied and the three next succeeding calendar quarters, 110% of the aggregate dollar value of materials used for maintenance, repair, operating supplies and operating construction during the calendar year 1940.

(2) *Application and extension of ratings.* The ratings assigned by paragraph (b) (1) above shall be applied and extended in accordance with Priorities Regulations Numbers 1 and 3, as amended from time to time.

(3) In addition to the requirements of paragraph (b) (2) above, an operator:

(i) In order to apply the preference rating assigned by paragraph (b) (1) (ii), shall first file Form PD-685 with the Communications Equipment Division, War Production Board, Washington, D. C., Ref.: P-130, setting forth in detail the appropriate information requested on such form, and in addition thereto, such other information as may be from time to time required. The Director General for Operations will thereupon notify the operator whether and to what extent the application is approved.

(ii) Who applies the preference rating assigned by subparagraph (b) (1) (iii) shall execute and file Form PD-684 with the Communications Equipment Division, War Production Board, Washington, D. C., Ref.: P-130, setting forth in detail the appropriate information requested on such form, and in addition thereto, such other information as may be from time to time required.

(c) *Restrictions on use of rating.* (1) In addition to the limitation in paragraph (c) (3) below, the preference ratings hereby assigned shall not be applied by an operator:

(i) To obtain deliveries of materials containing copper, iron, steel, or nickel where such metals could be eliminated from said materials by the substitution of less scarce metals without serious loss of efficiency in the use of said materials.

(ii) To obtain material for operating construction as defined in paragraph (a) (6) for exchange plant of any kind (exclusive of telegraph and/or teletypewriter plant) or for toll telephone central office equipment or for combined exchange and toll telephone central office equipment where the cost of such material to which the rating is applied in any single case exceeds $2500 or the total cost of material (both new and reused) in a single case exceeds $5000, or, to obtain PBX switchboards required to serve subscribers other than those set forth in paragraphs (e) (1) (i) and (e) (1) (ii) of General Conservation Order L–50.

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[1] 7 F.R. 5001, 7993, 8939.
[2] 7 F.R. 5001, 9301.
[3] 7 F.R. 8823.
[4] 7 F.R. 5267, 6932, 9609, 9806, 9923.
[5] 7 F.R. 5016, 8633.
[6] 7 F.R. 5012, 5937, 9026.
[7] 7 F.R. 10065.

(iii) To obtain material for operating construction as defined in subparagraph (a) (6) for toll line plant where the cost of material (both new and reused) in any single case exceeds $500.

(iv) To obtain material for operating construction as defined in paragraph (a) (6) for telegraph and/or teletypewriter plant unless the same is required to meet the demands of the service categories included in paragraph (e) (1) (i) of General Conservation Order L–50 and the cost of material (both new and reused) in any single case does not exceed $500.

(v) The foregoing dollar limitations in paragraphs (c) (1) (ii), (c) (1) (iii) and (c) (1) (iv) shall not apply to the portions of the material or equipment obtained from the operator's inventory or plant to meet temporary traffic or emergency requirements other than those occasioned by regularly recurring seasonal or holiday requirements. Any material or equipment so employed to meet such requirements shal be, upon the termination of such temporary traffic or emergency requirement, restored to the location in plant from which it was taken, if the service requirements at that time justify, or placed in inventory. In case the requirement for use of such material or equipment extends in any single instance beyond a period of thirty (30) days, the operator shall on or before the thirtieth day of such use make application to the War Production Board, Washington, D. C., Ref. P–130 on Form PD–716 for authorization to continue the use of such material or equipment, setting forth in detail the appropriate information requested on such form, and in addition thereto, such other information as may be from time to time required.

(vi) Excepted from the foregoing provisions of paragraphs (c) (1) (ii), (c) (1) (iii) and (c) (1) (iv) are all materials authorized under the provisions of paragraph (b) (1) (ii) on Form PD–685.

(2) An operator by applying or extending any preference ratings hereby assigned thereby represents to the seller and to the War Production Board that the material thus to be acquired will be used in conformity with all provisions of General Conservation Order L–50, as amended from time to time, and in addition that the acquisition of such material will not violate the provisions of paragraph (e) (1) hereof, or that such acquisition and/or use has been specifically authorized by the Director General for Operations.

(3) No operator shall subdivide a single order, job, or project to qualify the same under the terms of this order.

(d) *Reports.* Each operator affected by this order shall file such reports and questionnaires with the War Production Board as may from time to time be required by the Director General for Operations.

(e) *Restrictions on deliveries, inventory, and use.* (1) On and after October 15, 1942, except as provided in paragraph (e) (3) below, no operator who has applied the rating assigned hereby shall at any time accept deliveries of material (whether or not rated pursuant to this order) to be used for any purpose:

(i) Until the dollar value of the operator's inventory of material shall have been reduced to a practical working minimum. Such practical working minimum shall in no event exceed 27½% of the dollar value of material used for all purposes during the calendar year 1940.

(ii) Where the receipt thereof shall increase the dollar value of the operator's inventory of material to an amount in excess of normal requirements which in no event shall exceed 27½% of the dollar value of material used for all purposes during the calendar year 1940.

(2) Except as provided in paragraph (e) (3) below, no operator who has applied the rating assigned hereby shall, during any calendar quarterly period, withdraw material from his inventory of material, for use for maintenance, repair, operating supplies, and operating construction the aggregate dollar value of which shall exceed 110% of the aggregate dollar value of such material used during the corresponding quarter of 1940, or at the operator's option 27½% of the aggregate dollar value of such material used during the calendar year 1940.

(3) (i) Any operator whose average value of inventory of material for the five calendar years prior to January 1, 1942, did not exceed $10,000, shall be exempt from the provisions of subparagraph (1) above.

(ii) Any operator whose use of materials for the year 1942 does not exceed $10,000, shall be exempt from the provisions of subparagraph (2) above.

(iii) Material delivered pursuant to paragraph (b) (1) (ii), shall be exempt from the provisions of subparagraphs (1) and (2) above.

(iv) From time to time, the Director General for Operations may determine that certain operators are exempt in whole or in part from the restrictions contained in subparagraphs (1) and (2) above.

(v) The ratings assigned in paragraphs (b) (1) (i) and (b) (1) (iii) may not be used to obtain automotive replacement parts as defined by Order L–158.

(f) *Sales of material from excess stock.* Any operator may sell to any other operator materials from the seller's excess stocks or inventories, provided that a preference rating of A–1–c or higher assigned by this order, or any preference rating certificate, order, or other direction issued by the Director General for Operations is applied or extended to the operator selling such materials; and any such sale shall be expressly permitted within the terms of paragraph (c) (2) (iii) of Priorities Regulation No. 13.

(g) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(h) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(i) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to: War Production Board, Communications Equipment Division, Washington, D. C., Ref.: P–130.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; O.E. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527· E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of December, 1942.

ERNEST KANZLER,
Director General for Operations.

INTERPRETATION 1

Question has been asked as to the meaning of the phrase "equipment of a superseded type" as employed in paragraph (a) (7) (i) of Order P–130, as amended September 8, 1942.

Telephone and telegraph equipment is of a "superseded" type, within the meaning of this subparagraph, if it is usable, in its present state of repair, by the operator in a practical manner in his existing plant and is not currently being put into service, and in addition is either:

(a) No longer manufactured or carried by the manufacturer as a regular item for sale to operators; or

(b) Of such character that, were it not for the present and reasonably anicipated service requirements of the war program, the operator would not place it back into service or would dispose of it by sale as usable equipment or as junk. (Issued October 17, 1942.)

[F. R. Doc. 42–13031; Filed, December 9, 1942; 10:43 a. m.]

PART 3003—CALCIUM CARBIDE

[General Preference Order M–190]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of calcium carbide for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3003.1 *General Preference Order M–190*—(a) *Definitions.* (1) "Calcium

carbide" means the chemical compound of that name.

(2) "Producer" means any person engaged in the production of calcium carbide and includes any person who has such material produced for him pursuant to toll agreement.

(3) "Distributor" mean any person who has purchased or purchases calcium carbide for resale.

(b) *Restrictions on deliveries and use.* (1) Subject to paragraph (c) hereof, on and after January 1, 1943, no producer or distributor shall deliver or use calcium carbide, and no person shall accept delivery of calcium carbide from a producer or distributor, except as specifically authorized or directed by the Director General for Operations.

(2) Authorizations or directions with respect to deliveries to be made or accepted in each month, beginning with January, 1943, will so far as practicable be issued by the Director General for Operations prior to the commencement of such month, but the Director General for Operations may at any time (including the period prior to January 1, 1943), at his discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted or with respect to the use or uses which may or may not be made of material to be delivered or then on hand.

(3) Each person specifically authorized to accept delivery of calcium carbide shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed.

(4) Calcium carbide allocated for inventory shall not be used except as specifically directed by the Director General for Operations. Calcium carbide allocated to fill a specified order or class of orders shall, where and to the extent that such order or class of orders is subsequently cancelled, revert to inventory.

(c) *Small order exemption.* No specific authorization shall be required for:

(1) Acceptance of delivery by any person in any one calendar month of ten tons or less of calcium carbide in the aggregate; provided that such person has not been specifically authorized to accept delivery of any quantity of such material during such month;

(2) Acceptance of delivery for resale for house lighting or mine lighting;

(3) The delivery by any producer or distributor to any person who shall have filed with him a written certificate in substantially the following form:

> The undersigned purchaser hereby certifies to the War Production Board and to his supplier that he is entitled to accept delivery of the calcium carbide hereby ordered, under paragraph (c)(1), (c)(2) [strike out inapplicable paragraph] of General Preference Order M–190 with the terms of which he is familiar.
>
> date: ----------------------
> Name of Purchaser
> By ----------------------
> Authorized Official
> ----------------
> Title

(4) The use by any producer in any calendar month of ten tons or less of calcium carbide in the aggregate.

(d) *Applications and reports.* (1) Each person seeking authorization to accept delivery of calcium carbide during any calendar month, beginning with January, 1943 (except as provided in paragraph (c) hereof), whether for his own consumption or resale, shall file application therefor on or before the 15th day of the month preceding the month for which authorization for delivery is requested. Applications by producers for authorization to use calcium carbide shall be filed in the same manner. In any case, the application shall be made on Form PD–600, in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form PD–600 may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which one shall be forwarded to supplier, three forwarded to the War Production Board, Chemicals Division, Washington, D. C., Ref: M–190, and the fifth retained for your files.

(iii) In the heading, under name of chemical, specify calcium carbide; under WPB Order No., specify M–190; under unit of measure, specify pounds; under name of your company, specify name and mailing address; and specify the month and year for which authorization for acceptance of delivery is sought.

(iv) In Columns 1, 11 and 19, specify size in terms of the following:

Unscreened.
Lump (3½ x 2 inches).
Egg (2 x ½ inch).
Nut (1¼ x ⅜ inch).
Miners (½ inch).
Quarter (¼ x ½ inch).
Rice (Almost the size of rice).
14ND (Finely granulated).
Fines (Dust).

(v) In Columns 3, 20 and 22, specify your primary product in terms of the following:

Neoprene.
Acetic anhydride.
Trichlorethylene.
Tetrachlorethane.
Acetylene for resale only.
Acetylene for use by you in (insert whether manufacture of steel, production of scrap iron, ship building, railroads, aircraft, automotive, mining, house lighting, all others).
Hexachlorethane.
Polyvinylchloride.
Vinyl acetate.
Other chemical (specify).
Resale (as calcium carbide).
Inventory (see paragraph (b) (4)).

(vi) In Column 4, specify ultimate use of product, (for example, if the primary product called for by Column 3 is acetic anhydride, the ultimate use of product might be rayon truck tire fabric), and also specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease, or commercial customer. Column 4 may be left blank when the "primary product" is bottled acetylene gas, or calcium carbide for resale in lots of 10 drums or less.

(vii) Columns 5, 6, 7 and 8 may be left blank.

(2) Each producer or distributor seeking authorization to make delivery of calcium carbide during any calendar month beginning with January, 1943, shall file application on or before the 20th day of the month preceding the month for which authorization is requested. Such application shall be made on Form PD–601, in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form PD–601 may be obtained at local field offices of the War Production Board.

(ii) Prepare four copies and forward three to the War Production Board, Chemicals Division, Washington, D. C., Ref.: M–190, retaining the fourth copy for your files.

(iii) Producers or distributors who have filed application on Form PD–600, specifying themselves as their suppliers, shall list their own names as customers on Form PD–601, and shall list their requests for allocation in the manner prescribed for other customers.

(iv) In the heading, under name of chemical, specify calcium carbide; under WPB Order No., specify M–190; under name of company, state your name and mailing address; under unit of measure, specify pounds; and state the month and year during which deliveries covered by the application are to be made.

(v) In Columns 3 and 8, specify size in terms indicated in paragraph (d) (1) (iv) hereof.

(vi) Column 5 may, at your discretion, be left blank.

(vii) Names of customers to whom small order deliveries are to be made during the next month pursuant to paragraph (c) of this order need not be given, but insert in Column 1 "Total small order deliveries (estimated)" and in Column 4, the estimated quantity.

(viii) If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

(3) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue other and further directions to any such persons with respect to preparing and filing Forms PD–600 and PD–601.

(e) *Notification of customers.* Each supplier shall notify his regular customers, as soon as possible, of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref.: M-190.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13032; Filed, December 9, 1942; 10:43 a. m.]

PART 3154—HARDWARE SIMPLIFICATION

[Limitation Order L-236]

§ 3154.1 *Limitation Order L-236*—(a) *Issuance of schedules of simplification of lines.* The Director General for Operations may, from time to time, issue schedules establishing simplified practices with respect to types, sizes, forms, specifications or other qualifications for any hardware. From and after the effective date of any such schedule, no such products shall be produced or fabricated, except as specifically permitted by such schedule.

(b) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, in triplicate, referring to the particular provision appealed from and stating the grounds of the appeal.

(c) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(d) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to War Production Board, Building Materials Division, Washington, D. C., Ref.: L-236.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13033; Filed, December 9, 1942; 10:43 a. m.]

PART 3154—HARDWARE SIMPLIFICATION

[Schedule I to Limitation Order L-236]

BUILDERS' FINISHING HARDWARE

§ 3154.2 *Schedule I to Limitation Order L-236*—(a) *Definitions.* For the purposes of this schedule.

(1) "Producer" means any person who manufactures, fabricates, assembles, melts, casts, extrudes, rolls, turns, spins, or otherwise processes builders' hardware.

(2) "Builders' finishing hardware" means mechanical devices for supporting, guarding, operating, controlling, or securing various parts of a building, including, but not limited to, doors, windows, transoms, drawers, gates, scuttles, and partitions, and for the convenience, protection, and safety of the occupant, as are listed in Table 1 through Table 15 of this schedule and all other items listed in said tables.

(b) *Exceptions.* Parts manufactured for repair and maintenance of any builders' finishing hardware are not subject to the limitations of this schedule.

(c) *Simplified practices.* Pursuant to Limitation Order L-236 the sizes, types, grades, weights and finishes set forth in Tables 1 through 15 of this schedule are established for the manufacture of builders' finishing hardware.

(d) *Effective date of simplified practices.* On and after the 15th day of January 1943, no builders' finishing hardware which does not conform to the size, type, grade, finish, weight, and standard established by paragraph (c) of this schedule (and set forth in the tables hereto) shall be put into process by any producer; on and after the 1st day of March 1943, no producer shall assemble, or otherwise complete, from component parts in inventory, any builders' finishing hardware which does not conform to the size, type, grade, finish, weight, and standard established by paragraph (c) of this schedule (and set forth in the tables hereto); except upon approval of the Director General for Operations.

(e) *Records covering materials, work in progress, etc.* Each producer of builders' finishing hardware shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of December 1942.

ERNEST KANZLER,
Director Generel for Operations.

TABLE 1. BUTTS, HINGES, AND RELATED ITEMS

Numbers shown refer to designs of items only, materials and finishes permitted are as follows:

All items shall be ferrous metal or antimonial lead except that brass may be used where permitted under the terms of Copper Order M-9-c Amended.

Where the use of brass is permitted, such brass may be finished US3 or US4, all other items shall be finished US1b, US18A, US18A unsanded, USP, US2G, or US2H.

The following type numbers have been taken from Federal Specification FF-H-116b:

Type numbers permitted:	*Sizes permitted*
2240	10" x 12"
2212 Steel Pin	8", 10", 12"
2208 Steel Pin	4", 5", 6", 8", 10", 12"
2209 Steel Pin	4", 6", 8", 10", 12", 5"
2203 Steel Pin	4", 5", 6", 8", 10", 12"
2140 Hardened washer bearings permitted	12", 18", 24", 36"
2138 Hardened washer bearings permitted	12", 18", 24", 36"
B2080½	3", 3½", 4", 4½"
2080½	4", 4½", 5"
2061	3", 3½", 4", 4½"
2040 Except no non-rising pin	3" x 4", 4" x 5", 4" x 6", 5" x 8", 4½" x 6", 4" x 7", 5" x 7"
2031	2" x 2", 2½" x 2½", 3" x 3", 5" x 5", 6" x 6", 3½" x 3½", 4" x 4", 4½" x 4½"
2029	2" x 2", 2½" x 2½", 3" x 3", 3½" x 3½", 4" x 4"
2022	1½" x 1⅜", 2" x 1⅝", 2½" x 1¾", 3" x 2"
2018½	3" x 3", 2½" x 2"
2015½	2½" x 2½", 3" x 3", 3½" x 3½", 4" x 4", 4½" x 4½", 5" x 5"
2014½	2½" x 2½", 3" x 3", 3½" x 3½", 4" x 4", 4½" x 4½", 5" x 5"
2010½	4" x 4", 4½" x 4½", 5" x 5", 6" x 6"
2005½	3" x 3", 3½" x 3½", 4" x 4", 4½" x 4½"
2001½	4" x 4", 4½" x 4½", 5" x 5", 6" x 6"

The following type numbers have been taken from catalog number 28 of P & F Corbin, for use as a guide; similar products of any other manufacturer will be permitted.

Type numbers permitted:	*Sizes permitted*
169	4½", 5"
162	2½" x 2½", 3" x 3", 3½" x 3½"
161½BT	2½" x 2½", 3" x 3", 3½" x 3½", 4" x 4", 4½" x 4½", 5" x 5"
160BT	2½" x 2½", 3" x 3", 3½" x 3½", 4" x 4", 4½" x 4½", 5" x 5"
152	3½" x 3½", 4" x 4", 4½" x 4½", 5" x 5"
040	2½" x 2½", 3" x 3", 3½" x 3½", 4" x 4", 4½" x 4½", 5" x 5"

The following type numbers have been taken from catalog number 61 of Stanley Works, for use as a guide; similar products of any other manufacturer will be permitted.

Type numbers permitted:	*Sizes permitted*
1775	With 10" hinges
1665	½" x 4", ⅝" x 5", ¾" x 6" ⅞" x 7"
1664	½" x 6", ⅝" x 8", ¾" x 10", ⅞" x 10"
1240	
1260	Each manufacturer limited to 3 sizes
999	1½" x ⅜", 2" x ⅜", 2½" x ⅜", 2½" x ½", 3" x ½", 3" x ⅝", 3½" x ½", 3½" x ⅝", 3½" x ¾", 4" x ⅝", 4" x ¾", 4" x ⅞", 5" x ⅞", 5" x 1", 6" x ⅞", 6" x 1", 8" x 1½"
998	½" x ¾", ½" x 1", ½" x 1½", ½" x 2", ½" x 2½", ¾" x 1", ¾" x 1½", ¾" x 2", ¾" x 2½", ¾" x 3"
997	1" x ½", 1½" x ½", 2" x ⅝", 2½" x ⅝", 3" x ¾", 3½" x ¾", 4" x ⅞", 5" x 1", 6" x 1⅛", 8" x 1⅛"
996	¾"x 4½", ⅞"x 4½", 1"x 4½", 1¼"x 4½", 1½"x 4½"

TABLE 1. BUTTS, HINGES, AND RELATED ITEMS—Con.

Type numbers permitted—Con.	*Sizes permitted*
995½	2½"x 2½", 3"x 3", 4"x 4", 5"x 5", 6"x 6"
995	2"x ⅝", 2½"x ⅝", 3"x ¾", 3½"x ¾", 4"x ⅞", 5"x 1", 6"x 1⅛", 8"x 1¼", 10"x 1¼", 12"x 1¼".
987	
982	5", 6", 7", 8", 10"
980	6", 8"
976	1", 1¼", 1½, 4", 5", 2", 2½", 3", 3½"
975	4", 5", 6"
972	4", 5", 6"
952	6", 8", 10", 12", 14", 16", 18", 20", 22", 24", 30", 36"
951	6", 8", 10", 12", 14", 16", 18", 20", 22", 24", 30", 36"
941	7½"
925	3", 4"
915	3½", 4½", 6", 7"
912	3", 4½", 6", 8", 10", 12"
913	3", 4½", 6", 8", 10", 12"
904	2", 3", 4", 5", 6", 8"
900	2", 3", 4", 5", 6", 8"
840	1"x 1", 1½"x 1⅜", 2"x 1 9/16", 2½"x 1 11/16", 3"x 2"
838	1"x 1", 1½"x 1⅜", 2"x 1 9/16", 2½"x 1 11/16", 3"x 2"
BB852	5"x 6"x ⅜"
806	2"x 2", 2½"x 2½", 3"x 3", 3½"x 3½", 4"x 4"

TABLE 2. CHECKING FLOOR HINGES

Type numbers shown refer to designs of items only, materials and finishes permitted are as follows:

Materials permitted for checking floor hinges are ferrous metal or antimonial lead only.

Finishes permitted are USP, US18A.

The following type numbers have been taken from Federal Specifications FF-H-121a

Type numbers permitted:	*Sizes permitted*
US Type 3500	Size II
US Type 3500	Size III
US Type 3510	Size I
US Type 3510	Size II
US Type 3520	Size II
US Type 3520	Size III
US Type 3520A	Size II
US Type 3520A	Size III

Type similar to "Unicheck" as manufactured by Oscar C. Rixson Co.

TABLE 3. DOOR HOLDING DEVICES

Type numbers shown refer to design of items only, materials and finishes permitted are as follows:

Materials permitted are ferrous metal, antimonial lead, and plastic. Zinc base die casting may be used where permitted by the Zinc Order M-11-b.

Finishes permitted are USP, US18A, and US2G.

Type Numbers Permitted

The following type numbers have been taken from the catalog dated Jan. 1, 1941 of the Glynn-Johnson Corporation, for use as a guide, similar products of any other manufacturer will be permitted.

G-J 70 overhead door holder.

G-J F-9 semi-automatic door holder, floor type.

F-20 door holder and bumper, floor type.

W-20 door holder and bumper, wall type.

444 lever type door holder.

445 lever type door holder.

KH-2 hospital arm type door pull.

G-J F-40 or F-45 door holder.

G-J 1151 plunger type door holder.

TABLE 4. CABINET HARDWARE INCLUDING CABINET HINGES

Materials permitted are ferrous metal, antimonial lead, glass, wood, or plastic for all items except drawer pulls. Drawer pulls may not be of metal.

Finishes permitted are USP, US18a, US2G, enamel.

Cabinet Hinges

Full surface type—(applied on outside of cabinet door) to be made only for flush and ⅜" offset doors—Each manufacturer limited to six (6) designs.

Semi-surface type—semiconcealed hinges to be made only for flush doors and doors with ⅜" inset—Each manufacturer limited to four (4) designs.

Half surface type—for flush doors only—Each manufacturer limited to three (3) designs.

Knobs and Pulls

Knobs.—Each manufacturer limited to four (4) designs with sizes permitted from ⅞" to 1¼" inclusive.

Pulls.—Each manufacturer limited to six (6) designs with sizes permitted from 2½" to 4½" inclusive. Pulls may not be of metal.

Glass knobs and pulls shall be applied by steel screw or bolt. (No metal bushing or shoulder ferrule permissible).

Cabinet Catches

Friction catches—Each manufacturer limited to three (3) types.

Push button catches and spring catches—Each manufacturer limited to four (4) designs.

Elbow catches—Each manufacturer limited to two (2) designs.

It shall be clearly understood that each manufacturer is limited to the number of designs shown for each item listed above. The manufacturer will not be permitted to make more than one design of a size.

TABLE 5. HYDRAULIC DOOR CLOSERS

Materials permitted for hydraulic door closers are ferrous metals or antimonial lead only.

Finishes permitted are USP, or any lacquer finish.

Types permitted	*Sizes permitted*
Standard surface type	B, C, D, E
Underwriter laboratories approved type with fusible link (one type only)	C, D, E
Hospital room closers (one type only)	D
Brackets; soffit, corner, and extension	To fit B, C, D, E

TABLE 6. HANGARS, TRACKS AND RELATED ITEMS

Materials permitted are ferrous metals, or antimonial lead. Zinc die castings may be used where permitted by the Zinc Order M-11-b. Reference to Richards-Wilcox means item numbers in Richards-Wilcox Catalog Number 90.

Finishes permitted are US1B, US2G or US2H.

Each manufacturer will be limited to the designs and quantities shown under the following sub-headings.

Sliding door bumper—Each manufacturer limited to one design. Garage door holder—Each manufacturer limited to one design.

Overhead Door Hardware

Sliding folding door sets using flat steel track for combinations from 2 to 6 doors. Sliding-folding door sets using formed steel track for combinations from 2 to 10 doors.

One type of weight counterbalanced hardware, for each size of door, for one piece overhead door.

One type of spring counterbalanced hardware for each size of door for one piece overhead door.

One type in one size of hardware for sectional type overhead doors.

House Door Hangers and Track

One type with wood lined side wall attachment open type track.

One type with wood lined overhead attachment open type track.

One type with formed steel track enclosed type wood lines for overhead attachments in one size.

Folding Partition Door Hardware

One type using hangers at top placed in center of door and no guide track at bottom similar to Richards-Wilcox No. 135.

One type using door supporting rollers at bottom and guide track at top similar to Richards-Wilcox No. 535.

One type with hangers at top placed in center of doors with special operating device, either manually or electrically controlled, similar to Richards-Wilcox No. 405.

Door Hangers other than above

One type of flat steel track hinged hangers in three sizes.

One type of flat steel track rigid hangers in three sizes.

Flat steel track in three sizes as follows: 1" x 3/16", 1¼" x 3/16", 3½ x ⅜".

Trolley or formed track, rectangular or round, with removable brackets in five (5) sizes, similar to Richards-Wilcox 31, 30, 232, 33, 533, and suitable hangers for above.

A storm-proof track—each manufacturer limited to one design.

Sliding Door Stay Rollers

Lag screw types, straight and bent.

One type for light doors for side attachment, similar to Richards-Wilcox No. 53.

One type for light doors for floor attachment, similar to Richards-Wilcox No. 54.

One type for heavy doors for side attachment, similar to Richards-Wilcox No. 68.

One type for heavy doors for floor attachment, similar to Richards-Wilcox No. 59,154.

Sliding Door Guides

Single type guide for light doors, similar to Richards-Wilcox No. 372.

Double and triple type guides for parallel doors similar to Richards-Wilcox Nos. 127 and 172.

One type for light center parting doors similar to Richards-Wilcox No. 271.

One type for heavy center parting doors similar to Richards-Wilcox No. 171.

One type used as end stop similar to Richards-Wilcox No. 572.

One type for sliding-folding doors similar to Richards-Wilcox 771.

Sliding Door Pulls

Extra heavy cast pulls similar to Richards-Wilcox No. 470.

Steel pulls in two sizes, similar to Richards-Wilcox No. 70-1, 70-2.

Die cast pulls primarily for partition doors similar to Richards-Wilcox No. 535-3.

Surface type pulls in two sizes.

Sliding Door Latches

Gravity type, reversible in two sizes with two types of keepers.

Bar type, in two sizes with two types of keepers similar to Richards-Wilcox No. 152.

Reversible flush type similar to Richards-Wilcox No. 520.

Reversible type for light doors similar to Richards-Wilcox No. 325.

Fire Door Hardware

Single sliding door sets using standard hardware with flat or round track for tin clad or steel door, incline or level track.

Center parting sliding door sets using standard hardware with flat or round track for tin clad or steel doors, incline or level track.

Vertical sliding door sets, with standard hardware, using flat track for tin clad or steel doors.

Single swing door sets, using standard hardware, for tin clad or steel doors.

Double swing door sets, using standard hardware, for tin clad or steel doors.

Single swing shutter sets using standard hardware for tin clad or steel shutters.

Double swing shutter sets, using standard hardware, for tin clad or steel shutter.

Trap door sets for light trap doors, using hardware for tin clad or steel doors.

Trap door sets for heavy trap doors using hardware for tin clad or steel doors.

Heavy Industrial Door Hinges

Eight types similar to Richards-Wilcox 434-WA, B, C, CC, D, E, J, K—To have either disc or ball bearings.

TABLE 7. LOCKS AND DOOR TRIM

Materials permitted are ferrous metals, antimonial lead, plastic, pottery and glass. Zinc base die castings and brass will be permitted for cylinder assemblies, and keys of cylinder locks, and for any use permitted by the Copper Order M-9-c and the Zinc Order M-11-b.

Locks furnished keyed alike shall have not more than one key per lock. Other locks shall have not more than two keys per lock. Only three master keys may be furnished with each group of locks when such locks are required to be furnished master-keyed.

Finishes permitted are US1B, US18A, US2G. Where the use of brass is permitted, such brass may be finished US3.

Each manufacturer shall be limited to the number of designs shown under each subheading.

NOTE: Federal numbers shown have been taken from Federal Specifications FF-H-106.

Tubular and cylindrical type locksets—Each manufacturer shall be limited to sets of three different roses, three different escutcheons and four types of knobs.

Cylindrical and Tubular Locks and Latches, with comparative functions, may be substituted for mortise locks and latches described hereinafter.

Mortise pin tumbler cylinder, tubular mortise latches and dead locks—Each manufacturer shall be limited to three types; one mortise latch, one dead bolt and one mortise dead latch with auxiliary bolts.

Inside mortise locksets with wrought pendant trim—Each manufacturer shall be limited to three designs of trim.

Mortise locksets, with cast trim—Each manufacturer shall be limited to one design of trim.

Door knobs general—May be ferrous metal, glass, plastic or pottery. Glass knobs shall be limited to using wrought steel shanks.

Roses general—All roses shall be of plain design approximate sizes 1¾", 2" and 2⅛".

Key plates general—Key plates shall be limited to four types, similar to Government specifications FF-H-106, types 350, 350A, 351 and 351 Cast.

Rim knob locks and latches commercial jobbing types—Each manufacturer shall be limited to six catalogue numbers in japanned finish.

Locks general—Locks and latches shall be limited to the following descriptive numbers.

Mortise Knob Latches

1. Mortise latch.
   Case—Lacquered wrought steel or japanned iron, approximately 1 3/16" x 3¼" x ½".
   Front wrought steel or cast iron, approximately 2⅞" x ¾". Steel strike.
   Latch.
   Bolt wrought steel or cast iron, minimum throw 5/16".
   Backset approximately 2½".
2. Mortise latch.
   Case—Japanned iron, approximately 1⅝" x 3¼" x 9/16".
   Front—Approximately 3⅜" x ⅞". Strike ferrous metal.
   Bolt—Minimum throw 13/32".
   Backset —Approximately 2½".
3. Mortise latch, similar to FF-H-106, type 28.
   Case—Japanned iron, approximately 2¼" x 9/16" x ⅝".
   Front—Approximately 4" x 1⅛". Strike ferrous metal.
   Bolt—Minimum throw ½".
   Backset—Approximately 2¾".

Mortise Bit Key Knob Locks

1. Mortise locks similar to FF-H-106 type 4 modified.
   Case—Japanned iron, approximately 3⅝" x 3⅛ x ½".
   Bolts—Minimum throw latch ⅜" bolt 7/16".
   Tumbler—1.
   Backset—Approximately 2½".
   Front—5¼" x ⅞". Steel strike.
2. Mortise locks, similar to FF-H-106, type 4a.
   Case—Japanned iron, approximately 3¾" x 3¼" x ⅝".
   Front—5½" x ⅞". Strike ferrous metal.
   Bolts—Minimum throw latch 7/16" bolt 7/16"
   Tumbler—3.
   Backset—Approximately 2½".
   Construction—Double compression easy spring.
3. Mortise lock, similar to FF-H-106, type 7.
   Case—Japanned iron, approximately 4¼" x 3⅜" x ⅝".
   Front—Approximately 6" x 1". Strike ferrous metal.
   Bolts—Minimum throw latch ⅜" bolt 7/16".
   Tumblers—3.
   Backset—Approximately 2¾".
   Construction—Double compression easy spring.

Mortise Vestibule Locks

1. Cylinder key type, similar to FF-H-106 type 91.
   Case—Japanned iron approximately 4¾" x 3⅝" x ¾".
   Front—Approximately 7" x 1 1/16". Strike ferrous metal.
   Bolt—Minimum throw latch ½" bolt ½".
   Backset—Approximately 2½".
   Construction—Double compression easy spring.
   Operation—Outside by key. Both sides by knobs. Outside knob is set by stops in face.

Office Door Locks

1. Cylinder type, similar to FF-H-106 type 97.
   Case—Japanned iron approximately 5" x 3⅞" x ¾".
   Front—Approximately 7½" x 1 1/16". Strike ferrous metal.
   Bolts—Minimum throw ½".
   Backset—Approximately 2¾".
   Construction—Double compression easy spring. 1 Cylinder, auxiliary latch bolt.
   Operation—Outside by key—both sides by knobs. Outside knob is set by stops in face.
2. Cylinder type, similar to FF-H-106 type 105.
   Case—Japanned iron approximately 5" x 4" x ⅞".
   Front—Approximately 8" x 1¼". Strike ferrous metal.
   Bolts—Minimum throw ½".
   Backset—Approximately 2¾".
   Construction—Double compression easy spring. 2 cylinders auxiliary latch bolt. No stops in face.
   Operation—Inside at all times by knob. Outside at all times by key. Key on inside will set outside knob, outside knob can only be released by key inside.

Mortise Dead Locks

1. Bit key type, similar to FF-H-106 type 38A.
   Case—Japanned iron approximately 2⅛" x 3¼" x 9/16".
   Front—Approximately 3⅞" x 1". Strike ferrous metal.
   Bolt—Minimum throw 7/16".
   Backset—Approximately 2¾".
   Tumblers—3.
   Operation—Bit key both sides.
2. Cylinder type, similar to FF-H-106 type 114 x. No turn.
   Case—Japanned iron approximately 2½" x 3½" x 13/16".
   Front—Approximately 4¼" x 1 1/16". Strike ferrous metal.
   Bolt—Minimum throw ½".
   Backset—Aproximately 2¾".
   Operation—Cylinder 1 side only. No turn knob.
3. Cylinder type, similar to FF-H-106 type 114.
   Case—Japanned iron approximately 2½" x 3½" x 13/16".
   Front—Approximately 4¼" x 1 1/16". Strike ferrous metal.
   Bolt—Minimum throw ½".
   Backset—Approximately 2¾".
   Operation—Cylinder 1 side, turn knob 1 side.
4. Cylinder type, similar to FF-H-106 type 115.
   Case—Japanned iron, approximately 2½" x 3½" x 13/16".
   Front—Approximately 4¼" x 1 1/16". Strike ferrous metal.
   Bolt—Minimum throw ½".
   Backset—Approximately 2¾".
   Operation—Cylinders both sides.

Mortise Bathroom Locks

1. Bathroom lock, 17A modified.
   Case—Japanned iron approximately 3½" x 3⅛" x 9/16".
   Front—Steel, approximately 5¼" x ⅞". Strike steel.
   Bolts—Iron; minimum throw latch 5/16", bolt ½".
   Backset—Approximately 2⅜".
   Construction—Free action latch bolt.
   Operation—Latch bolt by knobs either side. Dead bolt by turn knob from inside only.

Mortise Communicating Locks

1. Communicating lock, Type 20 modified.
   Case—Japanned iron case, approximate 3¾" x 3¼" x ⅝".
   Front—Approximately 5½" x ⅞". Strike ferrous metal.
   Bolts—Minimum throw latch ⅜", bolt ⅜".
   Backset—Approximately 2½".
   Construction—Easy latch, firm knob spring action.
   Operation—Latch bolt by knobs either side. Dead bolts by turn knobs both sides.

Mortise Cylinder Night Latches

1. Cylinder night latch (Mortise).
   Case—Japanned iron, approximately 3⅛" x 3¼" x ⅝".
   Front—Approximately 4¾" x ⅞". Strike ferrous metal.
   Bolt—Minimum throw ⅜".
   Backset—Approximately 2½".
   Construction—Easy spring, compression type on latch.
   Operation—Latch bolt by key from outside and turn knob inside. Latch bolt held retracted by stop in face.
2. Cylinder night latch (mortise) similar to FF-H-106 type 111.
   Case—Japanned iron, approximately 4⅛" x 3 13/16" x ¾".
   Front—Approximately 6" x 1 3/16"; Strike ferrous metal.
   Bolt—Minimum throw 7/16".
   Backset—Approximately 2¾".
   Construction—Easy spring, compression type on latch. Auxiliary latch to lock latch bolt to prevent its being forced back when door is closed.
   Operation—Latch bolt by key from outside and by 2" door knob inside. Latch bolt and auxiliary bolt held retracted by stop in face.

Mortise Asylum Locks

1. The limited number of Asylum locks may be retained as shown in manufacturers' catalogues.

Mortise Bit Key Front Door Locks

1. Bit key front door locks.
   Case—Japanned iron, approximately 4⅝" x 3⅜" x 11/16".
   Front—Wrought steel, approximately 7" x 1". Strike steel.
   Bolts—Cast iron, minimum throw, latch 15/32" bolt 7/16".
   Backset—Approximately 2½".
   Tumbler—1.
   Construction—Easy spring on latch, firm on knob.
   Operation—Latch bolt by key outside all times, and by knob from either side, except when outside knob is set by stops in face.

Mortise Locks Fire Door Bearing Underwriters Labels

1. The limited number of locks normally required for fire doors bearing underwriters labels may be retained in manufacturers' catalogues with only those restrictions or limitations previously imposed by other orders.

Mortise Cylinder Front Door Locks

1. Cylinder front door locks, similar to FF-H-106 type 88.
   Case—Japanned iron, approximately 5½" x 3⅝" x ¾".
   Front—Approximately 7½" x 1". Strike ferrous metal.
   Bolt—Minimum throw latch 7/16" bolt ½".
   Backset—Approximately 2½".
   Construction—Double compression easy spring.
   Operation—Latch bolt by key from outside at all times, and by knobs either side, except when outside knob is set by stops in face. Dead bolts by key from outside and turn knob inside.

Mortise Cylinder Front Door Lock—Type 93, Same as Type 88

Operation—Latch bolt by turn either side; dead bolt by key from outside and turn knob from inside.

Mortise School House Locks

1. Bit key type.
   Case—Japanned iron, approximately 5⅜" x 3⅞" x ¾".
   Front—Approximately 7½" x 1 1/16". Strike ferrous metal.
   Bolt—Minimum throw ½".
   Backset—Approximately 2¾".
   Tumbler—3.
   Construction—Easy spring compression type on latch, auxiliary latch to lock to latch bolt to prevent its being forced back when door is closed.
   Operation—Latch bolt by knobs from either side, outside knob is locked or released by key from either side, inside knob operative at all times.
2. Cylinder type school house lock.
   Case—Japanned iron, approximately 5" x 3⅞" x ¾".
   Front—Approximately 7½ x 1 1/16". Strike ferrous metal.
   Bolt—Minimum throw ½".
   Backset—Approximately 2¾".
   Construction—Double compression easy spring, auxiliary latch to lock to latch bolt to prevent its being forced back when door is closed.
   Operation—Latch bolt by knobs from either side, outside knob is locked or released by key from either side, inside knob operative at all times.

Rim Knob Latches

1. Rim knob latch, cast iron case, box strike, similar to FF-H-106, Type 80.
   Case—Japanned iron, approximately 2¾" x 3¾" x ⅝".
   Backset—Approximately 2¾".
   Bolt—Cast iron minimum throw ⅜".
   Operation—By knobs both sides.
2. Rim knob latch with slide bolt.
   Case—Japanned iron, approximately 2¾" x 3½" x ⅝".
   Backset—Approximately 2¾".
   Bolt—Cast iron, minimum throw latch ⅜" bolt ⅜".
   Operation—By knob both sides.

Rim Dead Locks

1. Rim dead locks, cast iron case, box strike.
   Case—Japanned iron, approximately 2" x 3" x ⅝".
   Backset—Approximately 2".
   Bolt—Cast iron, minimum throw 7/16".
   Operation—By key both sides.

TABLE 8. MISC., SASH, SCREEN, & SHELF HARDWARE

Materials permitted are ferrous metals or antimonial lead only, except that zinc base die castings may be used where permitted by the Zinc Order M-11-b.

Finishes permitted are US1B, US18A, US2G, US18a unsanded.

NOTE: Federal numbers shown have been taken from Federal Specifications FF-H-111.

Item-Description	Similar to—		Sizes
	Fed. No. or	Mfgr's No.	
DOUBLE HUNG WINDOW HARDWARE			
Window spring bolt	A1060		3¼".
Sash fasteners, cast & wrgt	1139A		2½", 2¾".
Hook sash lifts, cast & wrgt	1201A		
Bar sash lifts, cast & wrgt	1219		4".
Stop scs. & washers FH scs	1343		1¼" x 8".
Sash pole hook, cast	1264A		3".
Sash pole, wood			6'.
Sash socket		Ives 1800 S, Catalog No. 17.	
Friction springs, similar to type known as "Jiffy Springs."			
TRANSOM HARDWARE			
Transom catch, cast & wrgt	1097A		1¼" x 2".
Transom chains, steel chain minimum tensile strength 300 lbs.	1120A		12", 15".
Rabbeted transom sash centers rail thickness.	1114A		1⅜", 1¾", 2¼".
Sash centers, cast		Corbin 1303, 1304, Catalog No. 28.	
Transom lifters	1199J		
DOOR PULLS			
Push plates, glass & plastic	463		12" x 3"
Push plates, plastic	461A		12" x 3½"
Door pulls, cast & wrgt	1269		
Door pulls, cast & wrgt	1274		
Door pulls, cast	452		
Door pulls, wrgt	1276A		
BOLTS			
Barrel bolts, cast & wrgt	1019B		2", 2½", 3", 4", 5", 6"
Chain bolts round & square cast & wrgt	1022B		3", 6", 8", 10"
Foot bolts, round & square cast & wrgt	1049A & B		3", 6", 8", 10"
Extension bolts, wrought or cast	1044		1¼" wide
Cane bolts, cast & wrgt	1051A		12", 18", 24".
Mortise bolt	1053A	Champion 3710	1¾" backset
Square bolt cast & wrgt	1059	Catalog No. 18	6", 8"
Surface bolts cast & wrgt	1060A		⅜" x 3", 4", 6"
Surface bolts, cast & wrght		Stanley 381, Catalog No. 61.	½ x 6", 9", 12"
Flush bolts		Stanley 393½, Catalog No. 61.	¾" x 6"
Flush bolts		Stanley 394, Catalog No. 61.	½" x 4"
Bolts cremone	1028A		
Hooks & eyes	1601 C		1½", 2", 2½", 3" 4"
Door buttons, cast & wrgt	1069		1½", 1¾", 2"
Cane bolts			¾" x 20", 1" x 30"
Screen latch cast & wrgt. rim	1086	Champion 4110	Catalog No. 18
Screen latch cast & wrgt. mortise		Champion 4120	
SCREEN DOOR SPRINGS			
Perfection spring, Nos. 2 to 6 inclusive, with double wire loop ends			
Screen door hinges		Bommer 2100, 2200, 960, 970	Catalog No. 63
		Stanley Catalog 1751, No. 61	3 x
Coil springs		Bommer Catalog 2400, No. 63	9", 11", 13"
SCREEN WINDOW & STORM SASH HANGERS			
Hangers in pair with screws, wrgt	1825, 1825B, 1826, 1830.	Stanley 1717	Catalog No. 61
Hangers in pairs with screws, wrgt. ste		Stanley 1732	
SCREEN LATCHES			
Screen latch surface-cylindrical or tubular		Ives 90100, Catalog No. 17, Champion 4150, Catalog No. 61.	
Door fasteners with chain, cast and wrgt. about.	1118A		4"
Thumb latch	1189A		
Screen lift	A1223A		
House numbers, glass, plastic, or wood		Champion 1G, Catalog No. 18	3"

Item-Description	Similar to—		Sizes
	Fed. No. or	Mfgr's No.	
STORM SASH HARDWARE			
Storm sash fastener	1650		
Storm and screen adjuster and fastener		Lawrence 1150, Catalog No. 19.	
Storm sash fasteners, set consisting of one pair of fasteners and one pull.		Stanley 1727, Catalog No. 61.	
CASEMENT WINDOW HARDWARE			
Adjuster; rod & thumb nut cast & wrgt	1002A		10", 12".
Adjuster; plate on sill with slot		Champion 7210, Catalog No. 18.	8".
Friction stay		Payson 39, Catalog No. 240; Shelby, Catalog No. 41 10 8001.	
Closer		Ives 35070, Catalog No. 17.	
Casement fastener, cast & wrgt		Yale 1067, Catalog No. 28.	
Casement fastener, cast & wrgt		Ives 06600, Catalog No. 17.	
Casement operator		Ives 17136, Catalog No. 17.	
Pivot which consists of sill plate, sash plate, and sliding shoe.			
Hardware for industrial type wood sash			Not to exceed 2½ lbs. per vent
Shutter fasteners		Lawrence 138, Catalog No. 19.	5".

TABLE 9. NIGHT LATCHES AND DEADLOCK.

Materials permitted are ferrous metal or antimonial lead only, except that brass may be used where permitted under the Copper Order M-9-c as Amended. All flat strikes shall be eliminated except when ordered separately.

Locks furnished keyed alike shall have not more than one key per lock. Other locks shall have not more than two keys per lock. Only three master keys may be furnished with each group of locks when such locks are required to be furnished master-keyed.

All metallic finishes shall be eliminated.

The manufacture of the following types shall be permitted.

One catalog number disc tumbler tubular rim latch, in black finish, with rim strike only.

One catalog number narrow backset, disc tumbler, separate cylinder, rim night latch, in black finish, with rim strike only.

One catalog number narrow backset, pin tumbler cylinder, rim night latch, in black finish, similar to Government Type 134, with rim strike only.

Two catalog numbers standard 2⅜" backset, pin tumbler cylinder, rim night latch, with iron bolt, in black finish, with rim strike only.

One catalog number standard 2⅜" backset, pin tumbler cylinder, rim latch, with surface screws and manually operated deadlatch, in black finish, with rim strike only.

One catalog number standard 2⅜" backset, square bolt type pin tumbler cylinder rim deadlock, approximate size 2⅜" x 3⅝" x 1 3/16", in black finish, with rim strike only.

One catalog number jimmy-resisting deadlocks without chain attachment, with rim strike only.

One catalog number jimmy-resisting deadlocks with double cylinders, with rim strike only.

TABLE 10. SPRING HINGES

Numbers shown refer to designs of items only, materials and finishes permitted are as follows:

All items shall be ferrous metal or antimonial lead except that the use of brass will be permitted in the manufacture of those butts and hinges permitted under the terms of Copper Order M-9-c Amended.

Where the use of brass is permitted, such brass may be finished US3 or US4, all other items shall be finished US1B, US18A unsanded, USP, US2G.

The following type numbers have been taken from catalog of Bommer Spring Hinge Company, Catalog Number 63, for use as a guide, similar products of any other manufacturer will be permitted.

SPRING HINGES

Type numbers permitted		Description
Federal type No.	Bommer numbers, Catalog number 63	
2330-A	479 to 498	Double acting spring hinges, hanging strip required, sizes 3" 4" 6" 7" 8" 10" 12".
	3029 to 3045	Double acting spring hinges, no hanging strip required, sizes 3" 4" 6" 7" 8" 10".
2331-A	450 to 471	Single acting spring hinges, hanging strip required, sizes 3" 4" 5" 6" 7" 8" 10".
	3000 to 3021	Single acting spring hinges, no hanging strip required, sizes 3" 4" 5" 6" 7" 8" 10".
	10042 to 10048	With one clamp flange, hanging strip required, double action furnished in 8" 10" & 12".
	10001 to 10013	Half surface spring hinges, single acting furnished in 4" 6" & 7".
	11 and 11½	Spring gate pivot, cast iron or wrought steel, minimum diameter of cup 1¾".
2334	15	Floor surface spring hinge horizontal type, furnished in steel only for doors 1⅛" to 2¾" thick as required.
	4200 series	Commercial floor surface spring horizontal type, for doors 1⅛" to 1¾" thick.
	20 to 24	Vertical spring pivot floor hinge—release type, Bommer Type 20, for doors 1⅛" to 1¾" thick.

TABLE 11. LAVATORY DOOR HARDWARE

Numbers shown refer to designs of items only, materials and finishes permitted are as follows:

All items shall be ferrous metal or antimonial lead except that the use of brass will be permitted in the manufacture of those items permitted under the terms of Copper Order M-9-c Amended.

Where the use of brass is permitted, such brass may be finished US3 or US4, all other items shall be finished US1B, US18A unsanded, USP, US2G.

The following type numbers have been taken from catalog number 63 of Bommer Spring Hinge Company for use as a guide, similar products of any other manufacturer will be permitted.

NOTE.—Federa numbers shown have been taken from Federal Specifications FF-H-136

Type numbers permitted		Description
Federal type No.	Bommer numbers, catalog number 63	
4101	1001	Single action spring hinge, with hanging stile 2 adjustable clamp flanges reverse spring.
4101-A	01001	Springless hinge.
4102	1002	Single acting spring hinge, without hanging stile with reverse spring.
4102-A	01002	Springless hinge.
4106	X1002	Spring hinge, for wall end partition reverse spring.
4106-A	X01002	Springless hinge.
4115	1015	Spring hinge, for 2 doors without hanging stile.
4115-A	01015	Springless hinge.
4200	1334	Gravity pivot, diameter of housing not less than 1¾".
	1330	Lavatory gravity pivots, diameter of housing not less than 1¾" suitable attachments will be supplied as specified, depending on construction of partition.
	1011	Lavatory surface spring hinges.
	01011	Lavatory springless hinge.
	1070, 1072, 1073, 1074	Lavatory strikes and keepers for wood partitions.
	1051, 1053, 1055	Lavatory strikes and keepers for hanging stile.
4315	1065, 1066	Lavatory strikes and keepers for partitions without hanging stile.
	5000-K	Throw latch and keeper, with bar 3¼" long.
	5000 and 1053	Throw latch, bar not less than 4" with strike and keeper for hanging stile.
4309	5009	Rim bolt.
	5010	Mortise bolt.

Lavatory Stall Fittings.—The production of the following types is prohibited: Bommer Catalog No. 63; Nos. 1135, 1136, 1133, 1134, 1144, 1", 1⅛" tubing.

TABLE 12. PANIC BOLTS

Materials permitted are ferrous metals or antimonial lead only, except that the use of brass or zinc base die casting will be permitted for cylinder assemblies and keys of cylinder locks, and for any uses permitted by Copper Order M-9-c or Zinc Order M-11-b.

Locks furnished keyed alike shall have not more than one key per lock. Other locks shall have not more than two keys per lock. Only three master keys may be furnished with each group of locks when such locks are required to be furnished master-keyed.

Finishes permitted are US1B, US18A.

Each manufacturer shall be limited to three designs in trim.

Panic or exist bolts shall be limited to the following descriptive numbers.

Paddle Release Types

(A) Rim lock, for single doors.

(B) Mortise lock, for single doors.

(C) Automatic exist fixture with top and bottom bolt latch.

Bar Release Type

(D) Rim lock.

(E) Mortise lock.

(F) Automatic Exit Fixture with top and bottom bolt latch, or gravity type.

Entrance doors may be equipped with knob and escutcheon or grip and thumbpiece.

Auxiliary latch permitted.

Bar lock permitted.

The cross bar shall be of the single bar type.

TABLE 13. SASH BALANCES

Sash balances must be of single coiled spring (clock spring) type with suspension tape, or twin coiled spring "flat" type with suspension cables, or single helical-spring "vertical" type with or without tubular housing. Springs may be high-carbon steel uniformly tempered. The single coiled-spring type must have pressed steel or cast iron case and front for mounting in mortise in the window frame. The twin coiled-spring type must have a pressed steel case for mounting flatwise in the cutout in the window frame.

Materials permitted are ferrous metals or antimonial lead only. Finishes permitted are "non-metallic" finishes only.

Coiled spring type balances may be made in two types:

(a) Using suspension tape.

(b) Using wire cable.

They may be made in adjustable or non-adjustable types.

Coiled spring (adjustable type) and vertical type sash balances may be made as stock items in the following weight capacities:

4 to 26 lbs.	58 to 80 lbs.
26 to 58 lbs.	80 to 100 lbs.

Coiled spring (non-adjustable type) may be made as stock items in the following weight capacities:

4 to 6 lbs.	22 to 26 lbs.
6 to 8 lbs.	26 to 30 lbs.
8 to 10 lbs.	30 to 38 lbs.
10 to 14 lbs.	38 to 46 lbs.
14 to 18 lbs.	46 to 54 lbs.
18 to 22 lbs.	

TABLE 14. CABINET LOCKS

Materials permitted for cabinet locks are ferrous metal or antimonial lead only, except that zinc base die casting or brass may be used for cylinder assemblies and keys of pin or disc tumbler locks.

Locks furnished keyed alike shall have not more than one key per lock. Other locks shall have not more than two keys per lock. Only three master keys may be furnished with each group of locks when such locks are required to be furnished master-keyed.

Finishes permitted are US1B, US18A, US2G. Where the use of brass is permitted, such brass may be finished US3.

Pin tumbler chest locks—Each manufacturer limited to one design only.

Combination chest locks—Each manufacturer limited to one design only.

Flat keyed, secure lever chest locks—Each manufacturer limited to three (3) designs, approximate sizes 1¼" x 1½" for ½" wood; 1½" x 2" for ¾" wood; 1¾" x 2½" for ⅞" wood.

Secure lever, single and double bitted, barrel key chest locks—Each manufacturer limited to four (4) designs, approximate sizes for double bitted key 2½" x 1 11/16"; 4" x 2 13/16", sizes for single bitted key 1½" x 1⅛"; 3" x 1 13/16".

Double link, warded, barrel key, chest locks—Each manufacturer limited to three (3) designs, approximate sizes 2" x 1¼", 2½" x 1 9/16", 3" x 2".

Single link, warded, barrel key chest locks—Each manufacturer limited to three (3) designs, approximate sizes 1½" x 1 3/16"; 2" x 1 1/16"; 3" x 1 9/16".

Half-mortise, secure lever desk locks—Each manufacturer limited to one design only.

Pin tumbler, small cylinder, half mortise drawer locks—Each manufacturer limited to one design with deadbolt approximately 2" x 1 9/16".

Disc tumbler, dead bolt, surface type drawer locks—Each manufacturer limited to one design only.

Disc tumbler, dead bolt, half mortise drawer locks—Each manufacturer limited to one design only.

Flat key, secure lever, half mortise, dead bolt drawer locks—Each manufacturer limited to two (2) designs, approximate sizes 1¾" x 1 7/16"; 2" x 1 11/16".

Flat key, secure lever, surface type drawer locks—Each manufacturer limited to two (2) designs, approximate size 1¾" x 1⅞".

Half mortise, warded, barrel key drawer locks—Each manufacturer limited to four (4) designs, approximate sizes 1½" x 1⅛"; 2" x 1 7/16"; 2½" x 1¾"; 2½" x 2"; 2½ x 2⅜".

Pin tumbler, surface type, locker and wardrobe locks—Each manufacturer limited to one design, approximate size 1⅝" x 1¼" with a ⅞" or 1⅛" cylinder.

Flat key, secure lever, surface type, locker and wardrobe locks—Each manufacturer limited to four (4) designs, approximate sizes 1⅞" x ⅞"; 2¾" x 1¼"; 3" x 1¾"; 2⅝" x 1 11/16".

Disc tumbler, surface type, locker and wardrobe locks—Each manufacturer limited to one design only.

Barrel key, warded, surface type, locker and wardrobe locks—Each manufacturer limited to four (4) designs, approximate sizes 1¾" x ¾"; 2½" x 1¼"; 3" x 1¾"; 3½" x 2".

Pin tumbler, half mortise, small cylinder cupboard locks—Each manufacturer limited to two (2) designs, approximate sizes 2" x 1 9/16" with ¾" backset (dead bolt); 2" x 1½" with ¾" backset (spring bolt).

Disc tumbler, half mortise cupboard locks—Each manufacturer limited to one design only, approximate size 2" by 1 9/16".

Full mortise, barrel key, warded cupboard locks—Each manufacturer limited to three (3) designs, approximate sizes 7/16" x 2⅝" with ½" drop; 7/16" x 2⅝" with ⅝" drop; 7/16" x 2⅝" with ⅞" drop.

It shall be clearly understood that each manufacturer is limited to the number of designs shown for each item listed above. The manufacturer will not be permitted to make more than one design of a size.

TABLE 15. PADLOCKS

Materials permitted are steel, cast iron, antimonial lead, malleable iron, brass or zinc. The use of brass will be permitted only for cylinder assemblies (not including cases) and levers for lever tumbler and disc tumbler locks. The use of zinc will be permitted only for cylinder assemblies and levers for lever tumbler and disc tumbler locks and cases of locks when such locks are purchased by or for the Army, Navy, Maritime Commission of the United States or the War Shipping Administration.

Locks furnished keyed alike shall have not more than one key per lock. Other locks shall have not more than two keys per lock. Only three master keys may be furnished with each group of locks when such locks are required to be furnished master-keyed.

Finishes permitted are US18A, US2G, lacquer finish, US3 or US4, on only those locks where brass cases are used in accordance with above restrictions.

Combination padlocks—One number, three sizes, 1½" to 2".

Pin tumbler padlocks with brass cylinder assembly—One number, four sizes 1⅛", 1½", 1¾" and 2".

Die cast or steel pin tumbler padlocks with die cast cylinder—One number, 3 sizes, 1" to 1¾".

Wrought steel, pin tumbler padlock—One number, Size 1½".

Cast iron, pull down type, pin tumbler padlocks—One number, one size, 2".

Wrought steel, capped, warded padlocks—One number, three sizes, ⅞" to 1¾".

Wrought steel warded or ward lever padlocks—One number, three sizes, 1" to 1¾".

Wrought steel, warded, spring or bolt spring padlocks—One number, four sizes, ⅝" to 2".

Wrought steel, 6 hook lever tumblers—One number, one size, 2".

Cast iron, warded padlocks—One number, three sizes, 1½" to 2".

Die cast disc tumbler padlocks—One number, three sizes, 1" to 1¾".

Laminated steel, warded or disc tumbler padlocks—Two numbers, three sizes, 1 3/16" to 1¾".

Wrought steel, lever tumbler, "hose house" padlocks—One number, one size.

Ratchet shackle padlock—One number, one size.

Special shackles may be furnished on order. Chains may be supplied on order.

[F. R. Doc. 42-13034; Filed, December 9, 1942; 10:47 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 229,[1] Amendment 4]

RETAIL AND WHOLESALE PRICES FOR VICTORY LINE WATERPROOF RUBBER FOOTWEAR

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraphs (a) in both §§ 1315.1701 and 1315.1707 are amended; two new §§ 1315.1704a and 1315.1706a are added; the price for men's molded clogs set forth in § 1315.1713 is amended, all to read as set forth below; and §§ 1499.7 and 1499.13 of the General Maximum Price Regulation quoted in § 1315.1714 are deleted.

§ 1315.1701 *Applicability of this Maximum Price Regulation No. 229*—(a) *What waterproof rubber footwear must be priced under this regulation.* This regulation applies to waterproof rubber footwear produced in the continental United States or the District of Columbia on and after February 11, 1942 (the effective date of War Production Board Supplementary Order No. M–15–b–1) which will be called "victory line footwear" in this regulation.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7740, 7738, 8701, 8936.

* * * * *

§ 1315.1704a *Federal and state taxes.* Any tax upon, or incident to, the sale, delivery, or processing of victory line footwear imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price: If the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1315.1706a *Posting and filing of maximum prices for sales of victory line footwear at retail.* (a) On and after December 14, 1942, every person offering to sell victory line footwear at retail shall mark the maximum price of such commodity in a manner plainly visible to, and understandable by, the purchasing public. The maximum price may be marked on the commodity itself or on the shelf, bin, rack, or other holder or container upon or in which the commodity is kept, or it may be posted at the place in the business establishment where the commodity is offered for sale: *Provided,* That whichever of the above methods of posting is adopted, the maximum price of each type of victory line footwear offered for sale shall be plainly visible to the purchaser at the place in the business establishment where victory line footwear is offered for sale, and shall not be obscured by the posted prices of other commodities, whether by use of price books or catalogs or layers of price lists or otherwise or in any other manner. The maximum price shall be stated as follows: "Ceiling price $—;" or "Our ceiling $—."

(1) Every seller making retail sales on the basis of orders received by mail shall post or mark his maximum price in all catalogs, flyers, leaflets, circulars, booklets, lists or other printed or similar matter issued and distributed by him after the effective date of this amendment for the purpose of obtaining mail orders. One of the following methods of posting or marking shall be used:

(i) State the maximum price for each cost-of-living commodity listed in each of the publications described above at the place in the publication where such commodity is listed. The maximum price shall be stated substantially as follows: "Ceiling price $—;" or "Our ceiling price $—;" or,

(ii) Print on the front cover of all catalogs, flyers, leaflets, circulars or booklets, or the front page of all lists or publications not having a cover, at the time they are issued, substantially the following statement signed with the name of the seller:

> NOTICE TO CUSTOMERS
>
> No price for any article listed or described herein exceeds the ceiling price for that article as determined under the applicable maximum price regulation issued by the Office of Price Administration. As required by that Office, we will, upon request, furnish you with a statement of our maximum prices on any of the commodities listed about which you inquire.
>
> (Signed) ----------------------

Any seller using this method, shall upon request, furnish a statement of the maximum prices for any commodities listed or described in the publication and about which the customer inquires.

(2) Any seller making retail sales by mail may apply to the Office of Price Administration for permission to deviate from the requirements in subparagraph (1). The application shall state why such requirements are inequitable or inappropriate as applied to the applicant's business, and shall show that the requested method of posting is substantially in line with the requirements of posting for mail order sellers set forth in subparagraph (1).

(b) On or before January 10, 1943, every person offering to sell victory line footwear at retail shall file with the appropriate War Price and Rationing Board of the Office of Price Administration a statement showing his maximum price for each such commodity, together with an appropriate description or identification of it. Such statement shall be kept up to date by such person by filing on the tenth day of every succeeding month a statement of his maximum price for any type of victory line footwear newly offered for sale during the previous month, together with an appropriate description or identification thereof.

§ 1315.1707 *Relation between Maximum Price Regulation No. 229 and the General Maximum Price Regulation.* (a) * * *

(1) Transfers of business or stock in trade (§ 1499.5).

(2) Sales for export (§ 1499.6).

(3) Sales slips and receipts (§ 1499.14).

(4) Applications for adjustment (§ 1499.18 (a) and (b)).

(5) Petitions for amendment (§ 1499.19).

§ 1315.1713 *Appendix A: Table of maximum prices per pair of victory line footwear.*

Type	Sales at wholesale	Sales at retail				
		Class I	Class II	Class III	Class IV	Class V
Rubbers, special construction:						
* *	*	*	*	*	*	*
Men's clog, molded	.70	1.05	.99	.94	.89	.84
* *	*	*	*	*	*	*

* * * * *

§ 1315.1712a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§§ 1315.1701 (a); 1315.1704a; 1315.1706a; 1315.1707 (a); 1315.1713; 1315.1714) to Maximum Price Regulation No. 229 shall become effective December 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250 7 F.R. 7871)

Issued this 8th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13010; Filed, December 8, 1942; 1:58 p. m.]

PART 1382—HARDWOOD LUMBER

[MPR 281]

NAVY OAK SHIP STOCK

In the judgment of the Price Administrator the maximum prices for Navy oak ship stock which previously have been established under the General Maximum Price Regulation in certain areas, and under the various specific hardwood lumber regulations in other areas, should be put under one comprehensive specific dollars and cents maximum price regulation. In issuing this regulation, the Price Administrator has ascertained and given due consideration to the prices of Navy oak ship stock prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation. In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, Maximum Price Regulation 281—Navy Oak Ship Stock is hereby issued.

Sec.
1382.201 Sales of Navy oak ship stock at higher than maximum prices prohibited.
1382.202 To what transactions, products, and persons this regulation applies.
1382.203 How to figure delivered prices.
1382.204 What the invoice must contain.
1382.205 Prohibited practices.
1382.206 Relation to other regulations.
1382.207 Petitions for adjustment and amendment.
1382.208 Records and reports.
1382.209 Enforcement and licensing.
1382.210 Geographic applicability.
1382.211 Effective date.
1382.212 Appendix A: Maximum prices for Navy oak ship stock.

AUTHORITY: §§ 1382.201 to 1382.212, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E. O. 9250, 7 F. R. 7871.

§ 1382.201 *Sales of Navy oak ship stock at higher than maximum prices prohibited.* (a) On and after December 14, 1942, regardless of any contract or other obligation, no person shall sell or deliver and no person shall buy or receive in the course of trade or business, any Navy oak ship stock at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer or attempt to do any of the foregoing; *Provided,* That deliveries may be made up to January 1, 1943 under contracts made subsequent to November 1, 1942 and prior to December 14, 1942 at maximum prices authorized for particular mills by the Office of Price Administration. The maximum f. o. b. mill prices are set forth in Appendix A (§ 1382.212 below).

(b) Prices lower than the maximum prices may, of course, be charged and paid.

§ 1382.202 *To what transactions, products, and persons this regulation applies*—(a) *What transactions are covered.* The maximum prices established by this regulation apply to all sales and deliveries of Navy oak ship stock whether made by mills, wholesalers, commission men, or any other persons. The application of the regulation is not limited to direct mill shipments as is the case in many lumber regulations.

(b) *What products are covered.* This regulation covers all oak ship stock in the grades named in the price tables in Appendix A, (§ 1382.211 below) wherever manufactured.

All grades have the specifications prescribed by the United States Navy Department.

(c) *What persons are covered.* Any person who makes the kind of sale covered by this regulation is subject to it. The term "person" includes an individual, corporation, partnership, association, or any other organized group; their legal successors or representatives; the United States, or any government, or any of its political subdivisions; or any agency of any of the foregoing.

§ 1382.203 *How to figure delivered prices* — (a) *Transportation addition.* The transportation charges set forth below may be added to the maximum f. o. b. mill prices set forth in Appendix A (§ 1382.211 below):

(1) *Common or contract carrier.* The amount added for transportation must not be more than the amount actually paid to the common or contract carrier, evened out to the nearest quarter-dollar per M′. Estimated weights may not be used.

(2) *Private truck.* When shipment is by truck owned or controlled by the seller, the amount added for transportation may not be more than the actual cost to the seller of delivery by truck; and, no matter what the actual cost is, the amount added may not be more than the railroad charge at the carload rate for the most similar haul. However, if the railroad charge is less than $1.50, and if the actual cost of delivery is more than $1.50, a transportation charge of $1.50 may be made. In any event, if the actual cost is less than the railroad carload charge, or less than $1.50, only the actual cost may be added.

(3) *Trucking to railhead.* When a truck haul precedes rail shipment, as where a mill located away from a railhead hauls lumber by truck to the railhead, no addition may be made for the truck haul. However, in the following three cases a mill may apply for special permission to make an addition:

(i) Where the mill was located away from rail connections because it specialized in water-borne lumber, and where shortage of shipping has forced it to operate by rail;

(ii) Where the mill prior to the shortage of tires and gasoline shipped lumber to the particular final destination principally by all-truck haul, and now wishes to convert to truck-and-rail haul to save tires and gasoline;

(iii) Where a mill's rail connection has been abandoned since September 5, 1941.

The application should be made by letter to the Lumber Branch of the Office of Price Administration, Washington, D. C. The addition may not be made on quotations or sales until permission has been received.

(4) *Truck delivery after rail haul.* When truck delivery follows a rail haul, the actual cost of truck delivery may be added.

(5) *All-truck haul.* When an all-truck haul ends in delivery to the job site, no special addition may be made above the charges provided in subparagraphs (1) and (2) of this paragraph, since in this case delivery to the job site involves no extra expense.

§ 1382.204 *What the invoice must contain*—(a) *General.* Because of the large number of possible additions to the basic f. o. b. mill prices, it is necessary that some of them be separately shown on the invoice; otherwise the purchaser and the Office of Price Administration could not tell, in many cases, whether a price which appeared to be above the ceiling was legal or not.

Failure to invoice properly is just as much a violation of this regulation as charging an excessive price.

(b) *Basic price.* All invoices must contain a sufficiently complete description of the lumber to show whether the price is proper or not. Any working, specification, quantity, or extra which affects the maximum price must be mentioned in the description. The amount added does not have to be separately shown, except in a few special cases which are specifically mentioned in paragraph (d) below.

(c) *Transportation charges.* In delivered sales, the invoice must contain: (1) the point of origin of the shipment; (2) the destination; (3) the rail or truck rate (or, if a private truck is used, the amount added for transportation); (4) the words "Direct-mill shipment".

(d) *Delivery, and custom kiln drying charges.* Any separate charge which the seller is permitted to make for the following must be separately shown on the invoice: (1) truck delivery before or after rail haul; (2) custom kiln drying. The invoice of the custom kiln must be attached to the lumber invoice of the seller.

§ 1382.205 *Prohibited practices*—(a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(b) *Specific practices.* The following are among the specific practices prohibited:

(1) Getting the effect of a higher price by changing credit practices or cash discounts from what they were in October 1941. This includes reducing the cash discount period, decreasing credit periods, or making greater charges for extension of credit.

(2) Refusing, without good reason, to ship except in small quantities, or under other circumstances which bring the seller an extra return.

(3) Refusing, without good reason, to ship lumber in grades specified in the regulation.

(4) Wrongly grading or invoicing lumber in any way.

§ 1382.206 *Relation to other regulations*—(a) *Applicability of existing maximum price regulations.* The provisions of this Maximum Price Regulation No. 281 supersede the provisions of all existing regulations, including specific hardwood regulations and the General Maximum Price Regulation,[1] relating to the grades and items of lumber covered by this regulation. All specific prices for any of the grades or items of lumber covered by this regulation which previously have been authorized for particular mills under any of the special grade provisions of existing lumber maximum price regulations are hereby revoked, and such prices are superseded by the maximum prices established by this Maximum Price Regulation No. 281 except as provided in § 1382.201 (a) above.

(b) *Maximum Export Price Regulation.*[2] The maximum prices for export sales of Navy oak ship stock are covered by the Revised Export Maximum Price Regulation.

§ 1382.207 *Petitions for adjustment and amendment*—(a) *Government contracts.* (1) The term "government contract" is here used to include any contract with the United States of America or any of its agencies, or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States, under the terms of the Act of March 11, 1941, entitled "An Act to Promote the defense of the United States". It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "government contract" and who thinks that a maximum price in this regulation is impeding or threatens to impede production of lumber which is essential to the war program and which is or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6.

(3) As soon as the application is filed, deliveries and payments may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must tell the buyer that the delivery is made subject to this refund.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation, may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[3] issued by the Office of Price Administration.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616.

[2] 7 F.R. 5059, 7242, 8829, 9000.

§ 1382.208 *Records and reports*—(a) *Records*. All sellers of navy oak ship stock must keep records which will show a complete description of the item of lumber sold, the name and address of the buyer, the date of the sale and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for any month in which the seller or buyer sold or bought $500.00 worth or more of oak ship timber. They must be kept for two years, for inspection by the Office of Price Administration.

Any records which the Office of Price Administration later requires must also be kept.

(b) *Reports*. Any reports that the Office of Price Administration requires must be submitted.

§ 1382.209 *Enforcement and licensing*. (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this regulation or of any other regulation or order issued by the Office of Price Administration are urged to communicate with the nearest field, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

(c) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. "War procurement agencies" include the War Department, the Department of the Navy, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

(d) The provisions of Supplementary Order No. 18 (§ 1305.22) licensing persons selling lumber, lumber products, or building materials, are applicable to every person, except mills making sales of Navy oak ship stock for which maximum prices are established by this regulation. This order, in brief, provides that a license is necessary, except for mills to make sales under this regulation. A license is automatically granted to all sellers required to be licensed. It is not necessary to apply specially for the license, but a registration may later be required. The Emergency Price Control Act of 1942 and Supplementary Order 18 tell the circumstances under which licenses may be suspended. A license cannot be transferred.

§ 1382.210 *Geographic applicability*. The provisions of this Maximum Price Regulation No. 281 shall apply to the forty-eight states of the United States and the District of Columbia.

§ 1382.211 *Effective date*. (a) This Maximum Price Regulation No. 281 (§§ 1382.201 to 1382.212, inclusive) shall become effective December 14, 1942.

(b) If Navy oak ship stock has been received before December 14, 1942, by a carrier other than one owned or controlled by the seller, for shipment to a buyer, that shipment is not subject to this regulation. It remains subject to the terms of any regulation (whether the General Maximum Price Regulation,[4] or a specific hardwood maximum price regulation) which covered it at the time the stock was turned over to the carrier.

§ 1382.212 *Appendix A: Maximum prices for Navy oak ship stock*. (a) The maximum prices for Navy oak ship stock are as set forth below. These prices are f. o. b. mill for 1,000 ft. of Navy oak ship stock, in the grade specifications of the United States Navy Department.

(1) *Select car stock*.

(i) WHITE OAK SELECT CAR STOCK

Size (inches)	Lengths (feet) 10 and 12	14	16	18	20	22	24	26	28	30	32	34	36	38	40
2 x 4	$75	$77	$81	$86	$91	$101	$111	$126	$146	$171	$198	$227	$258	$291	$326
2 x 6	69	71	75	80	85	95	105	120	140	165	192	221	252	285	320
2 x 8	70	72	76	81	86	96	106	121	141	166	193	222	253	286	321
2 x 10	75	77	81	86	91	101	111	126	146	171	198	227	258	291	326
2 x 12	80	82	86	91	96	106	116	131	151	176	203	232	263	296	331
2 x 14	83	85	89	94	99	109	119	134	154	179	206	235	266	299	334
2 x 16	88	90	94	99	104	114	124	139	159	184	211	240	271	304	339
2 x 18	99	101	105	110	115	125	135	150	170	195	222	251	282	315	350
3 x 6	75	77	81	86	91	101	111	126	146	171	198	227	258	291	326
3 x 8	76	78	82	87	93	103	113	128	148	173	200	229	260	293	328
3 x 10	78	80	84	89	94	104	114	129	149	174	201	230	261	294	329
3 x 12	83	85	89	94	99	109	119	134	154	179	206	235	266	299	334
3 x 14	90	92	96	101	106	116	126	141	161	186	213	242	273	306	341
3 x 16	99	101	105	110	115	125	135	150	170	195	222	251	282	315	350
3 x 18	105	107	111	115	120	130	140	155	175	200	227	256	287	320	355
3 x 20	115	117	121	126	131	141	151	166	186	211	238	267	298	331	366
4 x 6	78	80	84	89	94	104	114	129	149	174	201	230	261	294	329
4 x 8	79	81	85	90	95	105	115	130	150	175	202	231	262	295	330
4 x 10	80	82	86	91	96	106	116	131	151	176	203	232	263	296	331
4 x 12	90	92	96	101	106	116	126	141	161	186	213	242	273	306	341
4 x 14	99	101	105	110	115	125	135	150	170	195	222	251	282	315	350
4 x 16	105	107	111	116	121	131	141	156	176	201	228	257	288	321	356
4 x 18	115	117	121	126	131	141	151	166	186	211	238	267	298	331	366
4 x 20	125	127	131	136	141	151	161	176	196	221	248	277	308	341	376
4 x 22	175	177	181	185	190	200	210	225	245	270	297	326	357	390	425
4 x 24	190	192	196	201	206	216	226	241	261	286	313	342	373	406	441
5 x 6	62	63	64	67	71	75	81	87	95	110	127	146	167	190	215
5 x 8	63	64	65	68	72	76	82	89	97	112	129	148	169	192	217
5 x 10	66	67	68	71	75	79	85	92	100	115	132	151	172	195	220
5 x 12	70	71	72	75	79	83	89	96	104	119	136	155	176	199	224
5 x 14	75	76	77	80	84	88	94	101	109	124	141	160	181	204	229
5 x 16	80	82	84	87	91	95	101	108	116	131	148	167	188	211	236
5 x 18	88	90	92	95	99	103	109	116	124	139	156	175	196	219	244
5 x 20	97	99	101	104	108	112	118	125	133	148	165	184	205	228	253
5 x 22	103	105	107	110	114	118	124	131	139	154	171	190	211	234	259
5 x 24	119	122	125	128	132	138	145	152	160	175	192	211	232	255	270
5 x 26	144	148	152	155	159	163	169	176	184	199	216	235	256	279	304
5 x 28	171	177	183	186	190	194	200	207	215	230	247	266	287	310	335
6 x 6	65	66	67	71	76	81	88	96	106	121	138	157	178	201	226
6 x 8	66	67	68	72	77	82	89	97	107	122	139	158	179	202	227
6 x 10	69	70	71	75	80	85	92	100	110	125	142	161	182	205	230
6 x 12	73	74	75	79	84	89	96	104	114	129	146	165	186	209	234
6 x 14	78	80	82	86	91	96	103	111	121	136	153	172	193	216	241
6 x 16	83	85	87	91	96	101	108	116	126	141	158	177	198	221	246
6 x 18	90	92	94	98	103	108	115	123	133	148	165	184	205	228	253
6 x 20	99	101	103	107	112	117	124	132	142	157	174	193	214	237	262
6 x 22	105	107	109	113	118	123	130	138	148	163	180	199	220	243	268
6 x 24	120	123	126	130	135	140	147	155	165	180	197	216	237	260	285
6 x 26	145	149	153	157	162	167	174	182	192	207	224	243	264	287	312
6 x 28	172	178	184	188	193	198	205	213	223	238	255	274	295	318	343
8 x 8	68	69	70	74	79	84	91	99	108	123	140	159	180	203	228
8 x 10	72	73	74	78	83	88	95	103	113	128	145	164	185	208	233
8 x 12	76	77	78	82	87	92	99	107	117	132	149	168	189	212	237
8 x 14	81	83	85	89	94	99	106	114	124	139	156	175	196	219	244
8 x 16	86	88	90	94	99	104	111	119	129	144	161	180	201	224	249
8 x 18	99	101	103	107	112	117	124	132	142	157	174	193	214	237	262
8 x 20	105	107	109	113	118	123	130	138	148	163	180	199	220	243	268
8 x 22	115	118	121	125	130	135	142	150	160	175	192	211	232	255	280
8 x 24	125	128	131	135	140	145	152	160	170	185	202	221	242	265	290
8 x 26	150	154	158	162	167	172	179	187	197	212	229	248	269	292	317
8 x 28	175	181	187	191	196	201	208	216	226	241	258	277	298	321	346
10 x 10	76	77	78	82	87	92	99	107	117	132	149	168	189	212	237
10 x 12	81	82	83	87	92	97	104	112	122	137	154	173	194	217	242
10 x 14	86	88	90	94	99	104	111	119	129	144	161	180	201	224	249
10 x 16	99	101	103	107	112	117	124	132	142	157	174	193	214	237	262
10 x 18	105	107	109	113	118	123	130	138	148	163	180	199	220	243	268
10 x 20	115	117	119	123	128	133	140	148	158	173	190	209	230	253	278
10 x 22	125	128	131	135	140	145	152	160	170	185	202	221	242	265	290
10 x 24	150	154	158	162	167	172	179	187	197	212	229	248	269	292	317
10 x 26	175	179	183	187	192	197	204	212	222	237	254	273	294	317	342
10 x 28	190	198	206	210	215	220	227	235	245	260	277	296	317	340	365
12 x 12	86	87	89	93	98	103	110	119	129	144	161	180	201	224	249
12 x 14	99	101	103	107	112	117	124	132	142	157	174	193	214	237	262
12 x 16	105	107	109	113	118	125	132	140	150	165	182	201	222	245	270
12 x 18	115	117	119	123	128	135	142	150	160	175	192	211	232	255	280
12 x 20	125	128	131	135	138	148	155	163	173	188	205	224	245	268	293
12 x 22	150	153	156	160	165	170	177	185	195	210	227	246	267	290	315
12 x 24	175	179	183	187	192	197	204	212	222	237	254	273	294	317	342
12 x 26	190	194	198	202	207	212	219	227	237	252	269	288	309	332	357
12 x 28	205	213	221	225	227	232	239	247	257	272	289	308	329	352	377
14 x 14	105	107	109	113	118	123	130	138	148	163	180	199	220	243	268
14 x 16	115	117	119	123	128	133	140	148	158	173	190	209	230	253	278
14 x 18	125	127	129	133	138	143	150	158	168	183	200	219	240	263	288
14 x 20	150	153	156	160	165	170	177	185	195	210	227	246	267	290	315
14 x 22	175	179	183	187	192	197	204	212	222	237	254	273	294	317	342
14 x 24	190	193	196	200	205	210	217	225	235	250	267	286	307	330	355
14 x 26	205	211	217	221	226	231	238	246	256	271	288	307	328	351	376
14 x 28	225	235	245	249	254	259	265	273	283	298	315	334	355	378	403
16 x 16	125	128	131	136	142	148	156	166	178	193	210	229	250	273	298
16 x 18	150	152	154	159	165	172	180	190	202	217	234	253	274	297	322
16 x 20	175	178	181	186	192	198	206	216	228	243	260	279	300	323	348
16 x 22	190	194	198	203	209	215	223	233	245	260	277	296	317	340	365
16 x 24	205	211	217	222	228	234	242	252	264	279	296	315	336	359	384
16 x 26	225	233	241	246	252	258	266	276	288	303	320	339	360	383	408
16 x 28	240	250	260	265	271	277	285	295	317	332	349	368	389	412	437
18 x 18	175	179	183	189	196	203	213	225	239	254	271	290	311	334	359
18 x 20	$190	$194	$198	204	211	$218	$228	$240	$254	$269	$286	$305	$326	$349	$374
18 x 22	205	211	217	223	230	237	247	259	273	288	305	324	345	368	393
18 x 24	225	230	240	246	253	260	270	282	296	311	328	347	368	391	416
18 x 26	240	250	260	266	273	280	290	300	314	329	346	365	386	409	434
18 x 28	260	270	280	286	293	300	310	322	336	351	368	387	408	431	456
20 x 20	205	211	217	223	230	237	247	259	273	288	305	324	345	368	393
20 x 22	225	233	241	247	254	261	271	283	297	312	329	348	369	392	417
20 x 24	240	250	260	266	273	280	290	300	314	329	346	365	386	409	434
20 x 26	250	260	270	276	283	290	300	312	326	341	358	377	398	421	446
20 x 28	270	280	290	296	303	310	320	332	346	361	378	397	418	441	466
22 x 22	240	250	260	266	273	280	290	300	314	329	346	365	386	409	434
22 x 24	250	260	270	276	283	290	300	312	326	341	358	377	398	421	446
22 x 26	270	280	290	296	303	310	320	332	346	361	378	397	418	441	466
22 x 28	300	310	320	326	333	340	350	360	374	389	406	425	446	469	494
24 x 24	260	270	280	286	293	300	310	322	336	351	368	387	408	431	456
24 x 26	300	310	320	326	333	340	350	362	376	391	408	427	448	471	496
24 x 28	325	335	345	351	358	365	370	382	396	411	428	447	468	491	516
26 x 26	300	310	320	326	333	340	350	362	376	391	408	427	448	471	496
26 x 28	350	360	370	376	383	390	400	412	426	441	458	477	498	521	546

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[3] 7 F.R. 8961.

[4] *Supra*.

The maximum prices for white oak select car stock longer than 40 feet shall be determined by adding to the maximum price for material of the same thickness and width 40 feet long, in this schedule, the following percentages of the price of the material 40 feet long:

42′	44′	46′	48′	50′
12%	25%	45%	70%	100%

The maximum price for white oak flitch-sawn select car stock for each of the items set forth above is 85% of the specified maximum price of white oak select car stock.

(ii) *Red oak select car stock*. The maximum price for red oak select car stock for each of the items set forth in (i) above is 87% of the specified maximum price for white oak select car stock.

(2) *Ship planking*.

(i) WHITE OAK SHIP PLANKING

Size (inches)	Lengths (feet) 10 & 12	14	16	18	20	22	24	26	28	30	32	34	36
1½ x 4	$113	$115	$120	$126	$133	$145	$158	$176	$201	$233	$270	$314	$364
1½ x 6	105	108	113	119	125	138	150	169	194	225	263	306	356
1½ x 8	106	109	114	120	126	139	151	170	195	226	264	308	358
1½ x 10	113	115	120	126	133	145	158	176	201	233	270	314	364
1½ x 12	119	121	126	133	139	151	164	183	208	239	276	320	370
1½ x 14	123	125	130	136	143	155	168	186	211	243	280	324	374
1½ x 16	141	144	149	155	161	174	186	205	230	261	299	343	393
1½ x 18	155	158	163	169	175	188	200	219	244	275	313	356	406
2 x 4	123	125	130	136	143	155	168	186	211	243	280	324	374
2 x 6	115	118	123	129	135	148	160	179	204	235	273	316	366
2 x 8	116	119	124	130	136	149	161	180	205	236	274	318	368
2 x 10	123	125	130	136	143	155	168	186	211	243	280	324	374
2 x 12	129	131	136	143	149	161	174	193	218	249	286	330	380
2 x 14	133	135	140	146	153	165	178	196	221	253	290	334	384
2 x 16	139	141	146	153	159	171	184	203	228	259	296	340	390
2 x 18	153	155	160	166	173	185	198	216	241	273	310	354	404
3 x 6	131	134	139	145	151	164	176	195	220	251	289	333	383
3 x 8	133	135	140	146	154	166	179	198	223	254	291	335	385
3 x 10	135	138	143	149	155	168	180	199	224	255	293	336	386
3 x 12	141	144	149	155	161	174	186	205	230	261	297	343	393
3 x 14	150	153	158	164	170	183	195	214	239	270	308	351	401
3 x 16	161	164	169	175	181	194	206	225	250	281	319	363	413
3 x 18	169	171	176	181	188	200	213	231	256	288	325	369	419
3 x 20	181	184	189	195	201	214	226	245	270	301	339	383	433
3 x 22	233	236	241	247	253	266	278	297	322	353	391	435	485
4 x 6	158	160	165	171	178	190	203	221	246	278	315	359	409
4 x 8	159	161	166	173	179	191	204	223	248	279	316	360	410
4 x 10	160	163	168	174	180	193	205	224	249	280	318	361	411
4 x 12	173	175	180	186	193	205	218	236	261	293	330	374	424
4 x 14	184	186	191	198	204	216	229	248	273	304	341	385	435
4 x 16	191	194	199	205	211	224	236	255	280	311	349	393	443
4 x 18	204	206	211	218	224	236	240	268	293	324	361	405	455
4 x 20	216	219	224	230	236	249	261	280	305	336	374	418	468
4 x 22	279	281	286	291	298	310	323	341	366	398	435	479	529
4 x 24	298	300	305	311	318	330	343	361	386	418	455	499	549

(ii) *Red oak ship planking*. The maximum price for red oak ship planking for each of the items set forth in (i) above is 75% of the specified maximum price for white oak ship planking.

(3) *Bending stock*.

(i) WHITE OAK BENDING STOCK

Thickness (inches)	Widths	Random Lengths (feet) 10-16	10-12	13-14	15-16	17-18	19-20	21-22	23-24	25-26	27-28	29-30
4/4	Any	$140	$135	$145	$155	$165	$175	190	$205	$225	$250	$280
5/4	Any	145	140	150	160	170	180	195	210	230	255	285
6/4	Any	150	145	155	165	175	185	200	215	235	260	290
8/4	Any	160	155	165	175	185	195	210	225	245	270	300
10/4	Any	170	165	175	185	195	205	220	235	255	280	310
12/4	Any	180	175	185	195	205	215	230	245	265	290	320
14/4	Any	190	185	195	205	215	225	240	255	275	300	330
16/4	Any	200	195	205	215	225	235	250	265	285	310	340
18/4	Any	210	205	215	225	235	245	260	275	295	320	350
20/4	Any	220	215	225	235	245	255	270	285	305	330	360

(ii) *Red oak bending stock*. The maximum price for red oak bending stock for each of the items set forth in (i) above is 75% of the specified maximum price for white oak bending stock.

(4) *Complete ship schedule*. When any seller furnishes and delivers all of the white oak select car stock and white oak ship planking included in a complete Navy schedule of such material, according to the schedule of quantities and sizes, and in accordance with the specifications of the Navy Department, the maximum f. o. b. mill price for 1,000 feet of such material shall be as follows:

Designation of schedule:	*Maximum f. o. b. mill price*
YT	$135.00
ATR	140.00
APC	145.00
YN	190.00

If any portion of the material included in any of these schedules is furnished in red oak, the maximum prices shall be adjusted accordingly.

(b) *Prices for specific sizes not in schedules*. The maximum prices for material of a length not included in this schedule shall be determined by adding to the maximum price for the next shorter length the proportionate amount of the difference between the maximum price of such next shorter length and the maximum price of the next longer length.

The maximum price for material of width and thickness dimensions not included in these schedules shall be determined as follows:

(1) In case the thickness is included in the schedule, but the width is not, the maximum price shall be the maximum price for material of the specified thickness and of the next higher width included in the schedule. For example; 8′′ x 23′′=8′′ x 24′′.

(2) In case the width is included in the schedule, but the thickness is not, the maximum price shall be the maximum price for the material of the specified width and the next higher thickness included in the schedule. For example; 9′′ x 28′′=10′′ x 28′′.

(3) In case neither the thickness nor width is included in the schedule, the maximum price shall be the maximum price for the material one inch thicker and one inch narrower. For example; 7′′ x 19′′=8′′ x 18′′.

(4) For purposes of these schedules, dimensions containing fractions of an inch shall be considered as dimensions of the next higher whole number of inches. For example; 7½′′ x 9½′′=8′′ x 10′′.

(c) *Surfacing addition*. For furnishing material S4S an addition of $6.00 per MBM may be added.

Issued this 8th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13015; Filed, December 8, 1942; 2:08 p. m.]

PART 1391—BICYCLES AND BICYCLE EQUIPMENT

[MPR 158,[1] Amendment 2]

RESALE OF WAR BICYCLES—DISTRIBUTORS AND DEALERS

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Sections 1391.51, 1391.52, 1391.53, 1391.56, 1391.62, and 1391.65 (c) and (d) are hereby amended to read as follows, § 1391.66 is revoked, new paragraphs (j), (k), and (l) are added in § 1391.65, and new §§ 1391.53a and 1391.53b are added, as set forth below:

§ 1391.51 *Prohibition against dealing in war bicycles above maximum prices.* On and after December 14, 1942, regardless of any contract or other obligation:

(a) No person shall sell or deliver any war bicycle at a price higher than the maximum price permitted by this Maximum Price Regulation No. 158: *Provided, however,* That this Maximum Price Regulation No. 158 shall not apply to sales by manufacturers, for which maximum prices are established by agreements with the Office of Price Administration.

(b) No person in the course of trade or business shall buy or receive any war bicycle at a price higher than the maximum price permitted by this Maximum Price Regulation No. 158.

§ 1391.52 *Maximum prices for sales of war bicycles in the continental United States.* The maximum price for a sale of a war bicycle in the continental United States shall be the basic maximum price plus the applicable zone differential.

The basic maximum price shall be:

(a) For a sale at wholesale, $23.75 f. o. b. point of shipment, subject to discount of 2% for cash within ten days.

(b) For a sale at retail (except by mail order), the lower of the following:

(1) The net cost to the seller plus $10; or

(2) $32.50.

(c) For a sale by mail order, $29.50 f. o. b. seller's usual point of shipment.

§ 1391.53 *Additions to maximum prices for zone differentials*—(a) *Mid-west zone.* The following differentials may be added to the applicable basic maximum prices for sales made from the seller's stock in the mid-west zone: *Provided,* That such addition does not result in a maximum price which exceeds the net cost to the seller by more than $10.00.

(1) For a sale at wholesale, $.75 per bicycle.

(2) For a sale at retail, $1.00 per bicycle.

(b) *Far west zone.* The following differentials may be added to the applicable basic maximum price for sales made from the seller's stock in the far west zone: *Provided,* That such addition does not result in a maximum price which exceeds the net cost to the seller by more than $10.00.

(1) For a sale at wholesale, $1.50 per bicycle.

(2) For a sale at retail, $2.00 per bicycle.

§ 1391.53a *Maximum prices for sales of war bicycles in the territories and possessions.* For a sale or delivery of a war bicycle in a territory or possession of the United States, the maximum price shall be as follows:

(a) For a sale at wholesale of a war bicycle imported by the seller from the Continental United States, the maximum price is the seller's direct cost plus $3.00, f. o. b. seller's point of shipment, subject to discount of 2% for cash within ten days.

(b) For a sale at retail of a war bicycle which the seller bought directly from the manufacturer, the maximum price is the seller's direct cost plus $10.00.

(c) For sales at retail of the following war bicycles, the maximum price is the seller's direct cost plus $8.25:

(1) A war bicycle which the seller bought from a wholesaler in the continental United States.

(2) A war bicycle bought by the seller from a wholesaler who imported it from the continental United States.

(d) For all sales other than those for which maximum prices are established by paragraphs (a), (b), and (c) of this § 1391.53a, the maximum price is the price paid by the seller.

§ 1391.53b *Sales (except by mail order) to industrial or commercial users.* (a) For a sale (except by mail order) to an industrial or commercial user by a person who customarily sells at retail, the maximum price shall be the same as that established by this Maximum Price Regulation No. 158 for a sale at retail, and the maximum addition thereto for zone differentials shall be the same as that applicable to a sale at retail as provided in § 1391.53.

(b) For a sale to an industrial or commercial user by a person who does not customarily sell at retail except as an accommodation, the maximum price shall be the same as that established by this Maximum Price Regulation No. 158 for a sale at wholesale, and the maximum addition thereto for zone differentials shall be the same as that applicable to a sale at wholesale as provided in § 1391.53.

§ 1391.56 *Export sales.* The maximum price at which a person may export war bicycles shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation.[2]

§ 1391.62 *Relation between this Maximum Price Regulation No. 158, the General Maximum Price Regulation*[3] *and Maximum Price Regulations Nos. 194*[4] *and 201.*[5] The provisions of this Maximum Price Regulation No. 158 supersede the provisions of the General Maximum Price Regulation and Maximum Price Regulations Nos. 194 and 201 with respect to sales and deliveries for which maximum prices are established by this Maximum Price Regulation No. 158, except as provided in § 1391.61 hereof.

§ 1391.65 *Definitions.* When used in this Maximum Price Regulation No. 158, the term:

* * * * *

(c) "Sale at wholesale" means a sale by a person who receives delivery of a commodity and resells it, without substantially changing its form, to any person other than the ultimate consumer.

(d) "Sale at retail" means a sale to an ultimate consumer other than an industrial or commercial user.

* * * * *

(j) "Continental United States" means the forty-eight states and the District of Columbia.

(k) "Direct cost to the seller" means the price which the seller paid, less all discounts allowed to the seller, plus all costs of shipment to the seller actually incurred by him: *Provided,* That in computing the costs of shipment incurred by the seller, war risk insurance costs shall not exceed the amount represented by the charge for war risk insurance by the War Shipping Administration on an identical shipment.

(l) "A sale in a territory or possession of the United States" does not include sales from a seller outside of a territory or possession to a purchaser in the territory or possession. Export sales, from a seller in the continental United States to a purchaser in a territory or possession of the United States, shall be governed by the maximum prices established for export sales by the Revised Maximum Export Price Regulation.

§ 1391.68 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1391.51, 1391.52, 1391.53, 1391.53a, 1391.53b, 1391.56, 1391.62, 1391.65 (c), (d), (j) (k), and (l), and 1391.66) shall become effective in the forty-eight states and the District of Columbia on the 14th day of December, 1942, and in the territories and possessions of the United States on the 24th day of December 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13014; Filed, December 8, 1942; 1:59 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 75 to Supp. Reg. 14[1] to GMPR]

UNPRINTED SINGLE WEIGHT CREPE PAPER IN FOLDS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.* A new subparagraph (76) is added to paragraph (b), § 1499.73, as set forth below:

Subparagraph (36) of § 1499.73 (a) is hereby revoked.

§ 1499.73 * * *

(b) *Effective dates.* * * *

(76) Amendment No. 75 (§ 1499.73 (a) (36) to Supplementary Regulation No. 14 shall become effective December 14, 1942.

(Pub. Laws, 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of December 1942

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13011; Filed, December 8, 1942; 1:59 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 4295, 7452, 8948.

[2] 7 F.R. 5059, 7242, 8829, 9000.

[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4330, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431 8881, 9004, 8942, 9435, 9615, 9616,

[4] 7 F.R. 5909, 6268, 6744, 8023, 8358, 8947, 9195.

[1] 7 F.R. 5486, 10231.

[5] 7 F.R. 6269, 6744, 8947.

PART 1499—COMMODITIES AND SERVICES

[Correction to Amendment 1 to Order 118[1] Under § 1499.3 (b) of GMPR]

THE UPJOHN COMPANY

In § 1499.982 (c) (3), a reference to § 1499.3 (b) of the General Maximum Price Regulation is corrected to read § 1499.3 (a).

§ 1499.982 *Approval of maximum prices for sales of Minicaps B and Minicaps B with C.* * * *

(j) This correction to Amendment No. 1 to Order No. 118 under § 1499.3 (b) shall be effective as of December 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13012; Filed, December 8, 1942; 1:59 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Order 126 Under § 1499.3 (b) of GMPR]

M'CORMICK AND COMPANY

For the reasons set forth in an opinion issued simultaneously herewith paragraphs (a), (b), (c), (f) and (g) of Order No. 126 under § 1499.3 (b) of the General Maximum Price Regulation are amended and paragraph (j) is added; all to read as set forth below:

§ 1499.989a *Authorization of a maximum price for sales of 1 ounce and 2 ounce bottles of "McCormick's Baking Magic" an imitation vanilla flavoring manufactured by McCormick and Company, Baltimore, Maryland.* (a) On and after November 6, 1942, the maximum selling prices for "McCormick Baking Magic" for sale by McCormick and Company, having its principal place of business in Baltimore, Maryland, shall be:

1 ounce bottles—per dozen	.72
2 ounce bottles—per dozen	1.22

The maximum selling prices to purchasers customarily shipped by McCormick and Company's San Francisco warehouse shall be:

1 ounce bottles—per dozen	.82
2 ounce bottles—per dozen	1.37

Transportation charges to buyer's station to be included in the above prices.

(b) Sellers at wholesale shall determine their maximum delivered selling prices for "McCormick's Baking Magic" by adding to their net cost per dozen of each size, a maximum profit of 20 percent of this net cost. The maximum prices so determined shall not exceed 86¢ per dozen for the one-ounce size, and $1.46 per dozen for the two-ounce size. "Net cost" for a wholesaler as mentioned in this paragraph shall be his invoice cost at his customary station of destination less all discounts allowed him except the discount for prompt payment. No drayage, loading or unloading charges shall be included in "net cost".

Sellers at wholesale customarily supplied by McCormick and Company's warehouse in San Francisco shall determine their maximum selling prices in the same manner as provided above, and such selling prices shall not exceed $0.98 per dozen for the one ounce size and $1.64 per dozen for the two ounce size.

(c) Sellers at retail shall determine their maximum delivered selling prices per bottle for "McCormick's Baking Magic" by adding to their net cost per dozen for each size a maximum profit margin of 35 percent to this net cost and dividing the figure so obtained by twelve. The maximum prices so determined shall not exceed 10¢ per bottle for the one ounce size and 16¢ per bottle for the two ounce size. "Net cost" to a retailer shall mean his invoice price paid for a purchase of a customary quantity of this type of commodity from his customary supplier and by the customary mode of transportation, if any. No charge for drayage, hauling, loading or unloading shall be included as part of the "net cost".

Sellers at retail who customarily purchase McCormick and Company's products from suppliers customarily shipped from McCormick and Company's San Francisco warehouse shall determine their maximum selling prices in the same manner as provided above and such selling prices shall not exceed 11¢ per bottle for the one ounce size, and 18¢ per bottle for the two ounce size.

* * * * *

(f) McCormick and Company shall mail or otherwise supply to their buyers at the time of, or prior to the first sale to such buyer by McCormick and Company of "McCormick's Baking Magic" a written notice as follows:

> The Office of Price Administration has authorized McCormick and Company to sell "McCormick's Baking Magic" in the following sizes at the maximum delivered prices shown:
>
> | | |
> |---|---|
> | 1 ounce bottles—per dozen | .72 |
> | 2 ounce bottles—per dozen | 1.22 |
>
> This Order No. 126 authorizes wholesalers to determine their maximum delivered selling prices for each size by adding to their net cost for each size, a maximum profit margin of 20 percent of this net cost. Maximum selling prices determined by this computation shall not exceed:
>
> .86 per dozen bottles for the one ounce size.
> 1.46 per dozen bottles for the two ounce size.
>
> In determining maximum selling prices, fractions of one cent shall be adjusted upward to the next highest cent if the fraction is one half cent or more, and adjusted downward to next lower cent if the fraction is lower than one half cent. Your net cost for "McCormick's Baking Magic" shall be the net invoice price delivered at your customary station of destination, less all discounts allowed except the discount for prompt payment. No charges for drayage, loading, or unloading shall be included in net cost. Maximum selling prices to purchasers customarily shipped from our San Francisco warehouse have been authorized as follows:
>
> | | |
> |---|---|
> | 1 ounce bottles—per dozen | $0.82 |
> | 2 ounce bottles—per dozen | 1.37 |
>
> Sellers at wholesale in this area shall determine their selling prices in the manner provided above, and such selling prices shall not exceed $0.98 per dozen for the one ounce size and $1.64 per dozen for the two ounce size.

(g) McCormick and Company shall place on or in the smallest packing and sales unit of each size for a period of three months after the initial offering of "McCormick's Baking Magic", a printed notice reading as follows:

> The Office of Price Administration has authorized maximum selling prices for "McCormick's Baking Magic" by specific Order No. 126. As a retailer you are to determine your maximum delivered selling prices according to the provision of this Order No. 126. This order permits retailers to add to their "net cost" per dozen of each size, a maximum profit margin of 35 percent of this net cost for each size and dividing the resulting figure by twelve to arrive at the maximum selling price per bottle. When the maximum prices so determined result in fractions of one cent, the price per bottle may be adjusted to the next highest cent if the fraction is one half cent or more, and shall be adjusted downward to the next lower cent if the fraction is less than one half cent. Maximum selling prices per bottle shall not exceed 10¢ for the one ounce size and 16¢ for the two ounce size. "Net cost" per dozen as used in paragraph (c) of Order No. 126 shall be the invoice price paid by the retailer to his customary supplier for a customary quantity of the item by the customary mode of transportation if any, less all discounts allowed except the discount for prompt payment. No charges for drayage, loading or unloading shall be included. You are required to keep this notice for examination.
>
> Sellers at retail who customarily purchase from suppliers shipped from McCormick and Company's San Francisco warehouse shall determine their maximum selling prices in the same manner as provided above, and such selling prices shall not exceed 11¢ per bottle for the one ounce size and 18¢ per bottle for the two ounce size.

* * * * *

(j) This Amendment No. 1 to Order No. 126 (§ 1499.989a) shall become effective December 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13018; Filed, December 8, 1942; 2:01 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8931, 10150.

(c) *Cooking oil.* The maximum deliv-

§ 284.2 *Sale and cruise of timber.*

PART 1499—COMMODITIES AND SERVICES

[Order 127 Under § 1499.18 (b) of GMPR]

MELCHIOR, ARMSTRONG, DESSAU COMPANY

Order No. 127 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-2332.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

§ 1499.1028 *Authorization of a maximum price for certain tube benders for Melchior, Armstrong, Dessau Company.* (a) Melchior, Armstrong, Dessau Company, of Ridgefield, New Jersey, a wholesaler, may sell and deliver, and any person may buy and receive from Melchior, Armstrong, Dessau Company at the prices indicated, f. o. b. point of sale, the following designated tube benders purchased by Melchior, Armstrong, Dessau Company from the Imperial Brass Manufacturing Company of Chicago, Illinois:

R830	$7.21
R832	11.16
R833	17.41
R834	23.45

(b) All prayers contained in the petition not specifically granted in this Order No. 127 are denied.

(c) This Order No. 127 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 127 (§ 1499.1028) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 127 (§ 1499.1028) shall become effective December 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13019; Filed, December 8, 1942; 1:58 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Correction to Amendment 1 to Order 131[1] Under § 1499.3 (b) of GMPR]

WM. P. POYTHRESS AND CO., INC.

In § 1499.994 (c) (3), a reference to § 1499.3 (b) of the General Maximum Price Regulation is corrected to read § 1499.3 (a).

§ 1499.994 *Approval of maximum prices for sales of Merpectogel with applicator or Merpectogel without applicator.* * * *

(j) This correction to Amendment No. 1 to Order No. 131 under § 1499.3 (b) shall be effective as of December 3, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250; 7 F.R. 7871)

Issued this 8th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13013; Filed, December 8, 1942; 2:01 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 166 Under § 1499.3 (b) of GMPR]

MERCHANTS WHOLESALE BAKERY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1182 *Authorization of a maximum price for sales of Oven Baked Beans in 1-lb. and 2-lb. waxed cardboard containers manufactured by Merchants Wholesale Bakery, Marquette, Michigan.* (a) On and after December 9, 1942, the maximum delivered selling prices for Oven Baked Beans in waxed cardboard containers for sale by Merchants Wholesale Bakery, having its principal place of business in Marquette, Michigan, shall be:

12 cents each for the 1-lb. package.
24 cents each for the 2-lb. package.

(b) Sellers at retail shall determine their maximum delivered selling prices per package for Oven Baked Beans made by Merchants Wholesale Bakery by adding to their net cost per package for each size a maximum profit margin of 25% to this net cost. "Net cost" to a retailer shall mean the invoice price paid for a customary quantity of this type of commodity delivered, less all discounts and allowances allowed except any discount for prompt payment. If the per package selling price so determined results in a fraction of one cent, the price shall be increased to the next higher cent if the fraction is one-half cent or more, and the price shall be decreased to the next lower cent if the fraction is less than one-half cent. Maximum delivered selling prices at retail shall not exceed the following:

15 cents each for the 1-lb. package.
30 cents each for the 2-lb. package.

(c) All sellers shall apply to their maximum selling prices for Oven Baked Beans in waxed cardboard containers made by Merchants Wholesale Bakery the same discounts, allowances and price differentials which they customarily apply to comparable items, unless a change in these customary discounts, allowances and price differentials results in lower selling prices.

(d) Merchants Wholesale Bakery shall, before or at the time of the initial sale to all purchasers from it of Oven Baked Beans in waxed cardboard containers, furnish such persons with written notice as follows:

> The Office of Price Administration has authorized us by order to sell our Oven Baked Beans in waxed cardboard containers at the following maximum delivered prices:
>
> 12 cents each for the 1-lb. package.
> 24 cents each for the 2-lb. package.
>
> As a retailer, you are to determine your maximum delivered selling prices per package for our Oven Baked Beans in waxed cardboard containers by adding to your net cost of each size a margin of profit of 25% of this net cost. Your net cost shall be your invoice price paid for our Oven Baked Beans in waxed cardboard containers delivered, less all discounts allowed, except the discount for prompt payment. Your net cost shall be based on a purchase of a customary quantity of this type of item from us. If the per package selling price so determined results in a fraction of one cent, the price shall be increased to the next higher cent if the fraction is one-half cent or more, and the price shall be decreased to the next lower cent if the fraction is less than one-half cent.
>
> Your maximum delivered prices so determined shall not exceed:
>
> 15 cents each for the 1-lb. package.
> 30 cents each for the 2-lb. package.
>
> You are required to keep this notice for examination.

(d) This Order No. 166 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 166 (§ 1499.1182) shall become effective December 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13020; Filed, December 8, 1942; 1:58 p. m.]

[Order 9 Under RPS53]

HOUSTON PACKING COMPANY

ORDER ESTABLISHING MAXIMUM PRICE

Order No. 9 Under Revised Price Schedule No. 53—Fats and Oils.

Establishing maximum prices for Houston Packing Company, Houston, Texas, on standard shortening and salad and cooking oils.

On September 25, 1942, the Houston Packing Company, Houston, Texas, filed an application for adjustment of its maximum prices on standard shortening and salad and cooking oils pursuant to § 1351.151 (b) (12) (vii) of Revised Price Schedule No. 53.

Due consideration has been given to the application, and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the Opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended and in accordance with § 1351.151 (b) (12) (vii) of Revised Price Schedule No. 53, *It is hereby ordered:*

(a) *Standard shortening.* The maximum delivered prices of Houston Packing Company's "Jasmine" shall be the following prices:

	North	South	Pacific Coast
Drums (per pound)	16.50¢	16.25¢	16.75¢
Cartons:			
(1) 12/4 lbs. (per case)	$8.10	$8.00	$8.20
(2) 48/1 lbs. (per case)	$8.25	$8.15	$8.35

(b) *Salad oil.* The maximum delivered prices of Houston Packing Company's "Jasmine" shall be the following prices:

	North	South	Pacific Coast
Drums (per pound)	16.50¢	16.50¢	17.00¢
1/5 gal. can (per can)	$6.65	$6.55	$6.75
6/1 gal. can (per case)	$8.20	$8.10	$8.50

[1] 7 F.R. 9200, 10150.

(c) *Cooking oil.* The maximum delivered prices of Houston Packing Company's "Jasmine" shall be the following prices:

	North	South	Pacific Coast
(1) Drums (per pound)	16.00¢	16.00¢	16.50¢
(2) 1/5 gal. can (per can)	$6.45	$6.35	$6.55
(3) 6/1 gal. cans (per case)	$7.95	$7.85	$8.25

(d) The provisions of § 1351.151 (b) (12) (v) and (viii) of Revised Price Schedule No. 53 shall apply to the maximum prices established by this Order for the standard shortening and salad and cooking oils sold by the Houston Packing Company of Houston, Texas.

(e) This Order No. 9 shall become effective December 9, 1942.

Issued this 8th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13016; Filed, December 8, 1942; 2:01 p. m.]

[Order 10 Under RPS 53]

CUDAHY PACKING CO.

ORDER ESTABLISHING MAXIMUM PRICE

Order No. 10 Under Revised Price Schedule No. 53—Fats and Oils.

Establishing maximum prices for Cudahy Packing Company, Chicago, Illinois, on standard and hydrogenated shortenings and salad and cooking oils.

On October 5, 1942 the Cudahy Packing Company, 221 North La Salle Street, Chicago, Illinois, and the Cudahy Packing Company of Louisiana, Limited, and the Cudahy Packing Company of Alabama filed an application for adjustment of its maximum prices on standard and hydrogenated shortenings and on salad and cooking oils pursuant to § 1351.151 (b) (12) (vii) of Revised Price Schedule No. 53.

Due consideration has been given to the application, and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the Opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and in accordance with § 1351.151 (b) (12) (vii) of Revised Price Schedule No. 53, *It is hereby ordered:*

(a) *Standard shortening.* The maximum delivered prices of Cudahy's standard shortening shall be the following prices:

	North	South	Pacific Coast
Drums (per pound)	16.50¢	16.25¢	16.75¢

(b) *Hydrogenated shortening.* (1) The maximum delivered prices of Cudahy's hydrogenated shortening shall be the following prices:

	North	South	Pacific Coast
Drums (per pound)	17.50¢	17.50¢	17.50¢

(2) The maximum delivered prices of Cudahy's hydrogenated shortening, high absorption type, shall be the following prices:

	North	South	Pacific Coast
Drums (per pound)	18.75¢	18.75¢	18.75¢

(c) *Salad oil.* The maximum delivered prices of Cudahy's salad oil shall be the following prices:

	North	South	Pacific Coast
(1) Drums (per pound)	16.50¢	16.50¢	17.00¢
(2) 1/5 gal. can (per can)	$6.65	$6.55	$6.75
(3) 6/1 gal. can (per case)	$8.20	$8.10	$8.50

(d) *Cooking oil.* The maximum delivered prices of Cudahy's cooking oil shall be the following prices:

	North	South	Pacific Coast
(1) Drums (per pound)	16.00¢	16.00¢	16.50¢
(2) 1/5 gal. can (per can)	$6.45	$6.35	$6.55
(3) 6/1 gal. cans (per case)	$7.95	$7.85	$8.25

(e) The provisions of § 1351.151 (b) (12) (vi) and (viii) of Revised Price Schedule No. 53 shall apply to the maximum prices established by this order for the brands of hydrogenated and standard shortenings and salad and cooking oils sold by the Cudahy Packing Company, the Cudahy Packing Company of Louisiana, Limited, and the Cudahy Packing Company of Alabama.

(f) This Order No. 10 shall become effective December 9, 1942.

Issued this 8th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13017; Filed, December 8, 1942; 1:59 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

[Circular No. 1520]

PART 284—TIMBER CUTTING, SALE OR USE

SALE OF DEAD, DOWN, OR DAMAGED TIMBER, OR TIMBER THREATENED WITH DAMAGE

The regulations governing the sale of dead, down, or damaged timber, or timber threatened with damage (43 CFR, Part 284[1]; Circ. 1093, Sept. 11, 1926, 51 L.D. 574; Circ. 1112, Feb. 25, 1927, 52 L.D. 42; and Circ. 1511, June 4, 1942) are hereby amended, in part, as follows:

§ 284.2 *Sale and cruise of timber.* Application requesting the sale of timber of the classes described in § 284.1 must be made in duplicate on Form 4-173a,[2] and filed in the proper district land office. The register will give the application a serial number, note the filing on his serial number register, and fill out the status report on the back of the original and duplicate of the application. He will forward the original application to the General Land Office, with his regular returns, and the duplicate to the field officer designated by the Commissioner of the General Land Office to conduct the preliminary proceedings of the sale. If there is no district land office in the state, the application must be filed in the General Land Office.

The field officer in charge of the preliminary proceedings, upon receipt of the duplicate application, or whenever timber of the class described is found, for which there is a market, will cause a cruise thereof to be made, the timber, the disposal of which is contemplated, to be marked and measured in accordance with § 284.11, and a report of the cruise to be made to the General Land Office. The report should contain the following information:

(a) Description of the land upon which the timber is situated, by township and range and legal subdivisions thereof, if surveyed, or by natural objects sufficient to identify the land, if unsurveyed.

(b) Method of cruising used.

(c) Approximate percentage of the timber on the described area that is dead, down, or damaged by fire or insects, or threatened with damage, and the nature of the threat.

(d) The scale in thousand feet board measure of timber subject to sale and the kind of timber involved.

(e) The approximate market value of the timber per thousand feet board measure, the prospects of a sale, the location of the timber, and a minimum stumpage price per thousand feet board measure therefor; and

(f) The method and approximate expense of disposing of the brush, tops, lops, and other forest debris which will result from the felling and removing of the timber.

§ 284.4 *Information to be given in notice of sale.* The notice of sale must announce the time and place of filing bids; contain a careful description of the land on which the timber is situated, giving the township and range and legal subdivision, or approximate legal subdivision, whether surveyed or unsurveyed, and shall also designate the location with reference to water courses, mountain tops, or other well-known natural objects; and state the scale in board feet and minimum stumpage value of the timber to be sold, the sum required to be deposited with the bid, the conditions by which the purchaser will be bound, and the name and address of the officer in charge from whom full information can be obtained. It shall also be stated that bidders offering a sum based on a rate less than the minimum stumpage price of the timber mentioned therein will not be considered and that the right to reject any or all bids is reserved.

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[1] 7 F.R. 4496.

[2] Filed as part of the original document.

§ 284.5 *Submission of bids; deposit required; citizenship requirements.* Each bid submitted must be enclosed in a sealed envelope and transmitted to the officer in charge having jurisdiction of the timber sale. The envelope must be marked "Bid for timber, sale date------------, 19----."

Only bids for all of the timber offered in the advertisement for sale as a unit will be considered. Each bid should state clearly the amount per thousand feet which the bidder will pay for the timber, as well as the total amount offered.

Each bid shall be accompanied by a certified check or post office money order for at least 20 percent of the total amount bid, the remittance to be made payable to the Commissioner of the General Land Office.

Every bidder, if an individual, will be required to show that he is a citizen of the United States or has declared his intention to become such citizen; if a partnership or association, that each member of the firm is such a citizen or declarant; or, if a corporation, that the corporation was organized under the laws of the United States or of some state, territory, or possession thereof, and that its stock is owned by such citizens or declarants.

§ 284.6 *Action on bids.* The officer in charge will number the bids consecutively in the order in which they are received, and endorse thereon the date and hour of receipt and will on the day and at the hour set therefor open said bids and award said timber to the highest bidder. The officer in charge will, immediately upon the acceptance of a bid, notify the bidder thereof, and promptly forward a report thereon to the Commissioner of the General Land Office. When two or more bids in the same amount are received, or it appears that a monopoly might be created by an award to the highest bidder, or if it appears to be against the public interest for any other reason to accept the highest or the only bid, all bids will be transmitted, with a report, by the officer in charge to the Commissioner of the General Land Office, who will make the award or reject the bids, as the circumstances may warrant.

§ 284.7 *Contract and bond.* The successful bidder will be allowed 30 days from notice of the award to execute, in quadruplicate, Form 4–173c, "Timber Contract", which is made a part of this section, and file therewith a cash bond or a bond having as surety a bonding company shown in the then current approved list of the Treasury Department. The bond should be prepared and executed on Form 4–173d[2] and shall be conditioned on the faithful performance of the contract and on the observance of the applicable laws and regulations. The penalty of the bond shall be fixed by the Commissioner of the General Land Office in a sum of not less than 25 per cent of the amount of the bid. If the contract and bond are not submitted within the 30 days, the officer in charge will revoke the award by written notice, and award the timber to the next highest bidder.

§ 284.8 *Action in General Land Office; notice to purchaser.* Immediately upon the execution of the contract and bond by the purchaser, the officer in charge shall transmit the same, with the certified check originally deposited, to the Commissioner of the General Land Office.

The Commissioner will execute or disapprove the contract when the purchase price of the timber does not exceed $10,000. When the purchase price is more than that amount, contracts will be entered into only with the express approval of the Secretary of the Interior. The bond guaranteeing the faithful performance of a contract shall be approved by the officer approving the contract.

The officer in charge will be notified of the action taken, and when a contract and bond are approved, will require the purchaser to complete payment for the timber.

The payment must be made by certified check or post office money order payable to the Commissioner of the General Land Office. Upon receipt of the payment, the officer in charge will forward it promptly to the Commissioner and advise the Register of such action.

§ 284.9 *When deposit will be forfeited or returned.* Should a bidder whose bid has been accepted by the officer in charge fail to submit a contract and bond, as required by § 284.7, the officer in charge will at once transmit the remittance to the Commissioner of the General Land Office, and the amount called for therein will be collected and retained by the United States as a forfeit.

Upon the acceptance of a bid by the officer in charge, the remittances of the bidders whose bids were rejected shall be returned to them.

§ 284.10 *Commencement of cutting operations.* The cutting and removal of the timber may be commenced at any time after the delivery of the contract to the purchaser.

§ 284.11 *Marking and measurement of timber.* Before timber is offered for sale, it will be carefully cruised by or under the supervision of the officer in charge. Since the timber sold under authority of the Acts cited in § 284.1 of these regulations will usually consist of only a part of the trees within a given area and a small amount in isolated or scattered tracts, the amount to be sold will be definitely ascertained through a determination of the volume of individual trees and the marking of the trees before the timber is offered for sale. In a white pine, ponderosa pine, or southern pine region, this determination of volume will be made on the basis of the Scribner Decimal C Log Rule with a maximum log length of sixteen feet and in the Douglas fir region upon the basis of the Scribner Decimal C Log Rule with a maximum log length of thirty-two feet.

§ 284.12 *Forest Practice Rules.* All timber sales will be made subject to the provisions of the "Forest Practice Rules," which are appended to and made a part of the timber contract, § 284.7.

§ 284.13 *Report by purchaser.* The purchaser shall furnish the officer in charge such reports on the logging operations as that officer may require.

§ 284.14 *Expense chargeable to purchaser, on default.* If the purchaser fails to comply with any of the provisions of his contract, as to the disposal of the debris, or otherwise, and it becomes necessary for the United States to remove the debris or to incur other expense because of such default, the expense shall be charged to the purchaser: *Provided, however,* That written notice shall first be given by the officer in charge that such action will be taken if the rules are not complied with within 30 days from the service of such notice.

The last sentence of the section is amended to read:

§ 284.16 *Extension of period of cutting operations.* * * * Any extension of the period fixed in the contract will be granted only upon a showing that the completion of the cutting was unavoidably delayed by causes over which the purchaser had no control and that the interests of the Government will not be prejudiced thereby, and must be approved by the Commissioner of the General Land Office if the stumpage value of the timber is $10,000 or less, and by the Secretary of the Interior where more than that amount.

§ 284.20 *Disposition of moneys.* All sums deposited and paid in connection with timber sales made under §§ 284.1–284.22 will be deposited in the Treasury as required by the act of March 4, 1913, as amended, (37 Stat. 1015; 44 Stat. 890; 16 U.S.C. 614, 615), or as otherwise provided by law.

(Sec. 1, 37 Stat. 1015 and sec. 1, 44 Stat. 890; 16 U.S.C. 614 and R. S. 453, 2478; 43 U.S.C. 2, 1201)

FRED W. JOHNSON,
Commissioner.

Approved: December 1, 1942.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42–13039; Filed, December 9, 1942; 10:35 a. m.]

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[2] Filed as part of the original document.

TITLE 46—SHIPPING

Chapter I—Bureau of Customs

[T.D. 50783]

PART 16—MEASUREMENT OF VESSELS

ADJUSTMENT AND CORRECTION OF TONNAGE

46 CFR 16.64 relative to change of tonnage amended to provide for adjustment of tonnage by collector because of

change in structure or use of spaces and to require decision of Commissioner on correction of tonnage because of error, except in case of obvious typographical error.

Section 16.64, Part 16, Title 46, Code of Federal Regulations, is hereby amended to read as follows:

§ 16.64 *Adjustment and correction of tonnage.* (a) The tonnage shown in the document of a vessel of the United States shall not be changed except as provided in this section.

(b) If there has been a change of structure or use of space that affects tonnage, application for adjustment of such tonnage shall be made as provided in § 16.8 of this part. If the owner claims that the tonnage shown in the vessel's document is erroneous, he shall make application in writing to the collector of customs of the district in which the vessel is located for adjustment of such tonnage. Any application for adjustment of tonnage shall be accompanied by appropriate drawings as required by § 16.9 of this part and by a precise statement of the changes made or assignments of error.

(1) The collector shall not readmeasure unaltered spaces or spaces for which no error is claimed, but shall use the figures shown on the latest record of tonnage admeasurement (Form 1410 or Form 1410–A) unless there is an obvious error thereon. If the vessel was previously admeasured at a port other than the port at which application for adjustment of tonnage is made, the latest record of tonnage admeasurement shall be forwarded to the collector at the latter port upon his request. Such record shall be returned without alteration after a final decision has been reached.

(2) The collector shall make such admeasurement as is necessary to determine the proper tonnage of the vessel. Where the tonnage is found to be different from that shown in the vessel's document, he shall prepare a new record of admeasurement.

(3) If the change of tonnage is due to a change in structure or use of space, the outstanding document shall be surrendered in accordance with the provisions of law and regulations applicable to the surrender of documents. Any document thereafter issued shall show the adjusted tonnage.

(4) If the application for adjustment of tonnage is based on a claim of error, the application and all papers referred to in subparagraphs (1) and (2) of this paragraph shall be forwarded to the Commissioner of Customs. The Commissioner will review the application and advise the collector of his decision.

(c) If an error in the tonnage shown on the document is detected by a collector he shall proceed as though the owner had made application to him for adjustment of tonnage because of the error.

(d) If there is an obvious typographical error in the tonnage shown on the document, the collector shall make the necessary correction.

(Secs. 2, 3, 23 Stat. 118, 119, sec. 4, 28 Stat. 743; 46 U.S.C. 2, 3, 79; E.O. 9083, 7 F.R. 1609)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: December 7, 1942.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42–13040; Filed, December 9, 1942; 11:28 a. m.]

Chapter IV—War Shipping Administration

PART 301—GENERAL REGULATIONS

[General Order 27, Supp. 1]

CONDITIONS GOVERNING SALE OR CHARTER OF CERTAIN VESSELS

General Order No. 27[1] is hereby amended by adding § 301.4 (d):

§ 301.4 *Conditions governing sale or charter of certain vessels.* * * *

(d) This order shall not apply:

(1) To charters entered into by the War Shipping Administration, its agents or general agents;

(2) To charters entered into with the approval or under the direction of the Office of Defense Transportation;

(3) To vessels trading on the Great Lakes or the inland waterways of the United States;

(4) To voyage charters or other charters which will expire within four months after their execution; *Provided, however,* That any charter giving the owner or charterer an option to renew which can extend the charters terms beyond four months shall not be deemed a charter expiring within four months.

(E.O. 9054, 9244, 7 F.R. 837, 7327)

[SEAL] E. S. LAND,
Administrator.

DECEMBER 8, 1942.

[F. R. Doc. 42–13048; Filed, December 9, 1942; 11:54 a. m.]

PART 302—CONTRACTS WITH VESSEL OWNERS AND TERMS OF COMPENSATION RELATING THERETO

[General Order 10, Supp. 1]

FORMULA FOR SEA SPEED OF A VESSEL

General Order No. 10 is hereby clarified and supplemented by adding the following paragraphs at the end of § 302.46:[2]

§ 302.46 *Modification supplementation of formulae.* * * *

For the purposes set forth in General Orders Numbers 6 (§ 302.13[3]) and 9 (§ 302.30[4]) the rated sea speeds of all vessels shall be obtained by the owner from the American Bureau of Shipping. All sea speeds shall be based upon a method of calculation described herein, which calculation is to be submitted to the American Bureau of Shipping for checking and certification.

The basis for calculations shall be the data on the vessel as certified in the register of the appropriate Classification Society. The American Bureau Record shall be used except for vessels not having this classification.

The charts and methods outlined in the "Speed and Power of Ships" by D. W. Taylor shall be the basis for determining effective horsepower required, except that of the four methods given therein for wetted surface determination that based on Froude's formula shall be used. Calculations for effective horsepower required shall be made at a speed-length ratio of .60 and corrected to actual speed-length ratio by the cube rule.

The maximum total continuous horsepower available for propulsion (I. H. P., S. H. P., B. H. P.) as determined from the register of the appropriate Classification Society shall be used as a basis for determining the shaft horse-power available except that, for all machinery of a steam reciprocating type, 90% mechanical efficiency shall be used with the I. H. P. The effective horsepower available to be used in conjunction with the speed calculation for single screw vessels shall be the shaft horsepower available multiplied by 0.5 for vessels of 450 feet length and by proportional factors varying 0.1 per 150 feet length for vessels of other lengths. (0.4 at 300 feet and 0.6 at 600 feet, etc.)

For twin screw vessels the foregoing factors shall be reduced by ten per cent.

Upon request and the submission by the owner of pertinent applicable data, such as standardization trial and self-propelled model test results, the American Bureau of Shipping shall give consideration to modifications of results obtained by the foregoing method but the extent to which such data may effect the results shall be determined by the American Bureau of Shipping.

All certificates heretofore issued by the American Bureau of Shipping shall be corrected to reflect the foregoing.

(E.O. 9054, 9244, 7 F.R. 837, 7327)

[SEAL] E. S. LAND,
Administrator.

DECEMBER 8, 1942.

[F. R. Doc. 42–13042; Filed, December 9, 1942; 11:38 a. m.]

PART 306—GENERAL AGENTS AND AGENTS

[General Order 12, Supp. 10]

COMPENSATION PAYABLE TO GENERAL AGENTS AND AGENTS—DRY CARGO VESSELS

Section 306.6 *Other definitions*[1] is hereby amended by adding the following subparagraphs to paragraph (a):

(1) A ton of cargo transported at a rate per 100 lbs. for the purpose hereof shall be computed as 2000 lbs.

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[1] 7 F.R. 9789.

[2] 7 F.R. 6546.

[3] 7 F.R. 6543, 7206.

[4] 7 F.R. 6545.

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[1] 7 F.R. 4496, 6583, 7257.

(2) A ton of cargo transported at a rate per package for the purpose hereof shall be computed as 40 cubic feet or 2240 lbs., whichever produces the greater tonnage.

(3) A ton of liquid cargo carried in deep tanks of dry cargo vessels shall be computed as 2240 lbs.

And by adding the following paragraphs at the end of § 306.6:

(i) Piling which is transported at a rate per lineal foot, 30 lineal feet shall be computed as one ton.

(j) Ad valorem cargo is cargo handled at a percentage rate based on the value of the goods.

(k) Express for the purpose hereof shall be considered as cargo.

(E.O. 9054, 9244, 7 F.R. 837, 7327)

[SEAL]
E. S. Land,
Administrator.

December 8, 1942.

[F. R. Doc. 42-13037; Filed, December 9, 1942; 11:30 a. m.]

Part 306—General Agents and Agents

[General Order 21,[1] Supp. 2]

SERVICE AGREEMENTS—TANKERS

§ 306.49 *Service agreements—GAA (Tankers).* Service agreements entered into between the United States of America, acting by and through the Administrator, War Shipping Administration, with shipping companies appointing them as general agents to manage and conduct the business of tankers of which the United States is owner or owner pro hac vice, and assigned to the general agents by the United States from time to time, shall be as follows:

GAA-Tankers Contract WSA
12-8-42

Service Agreement for Vessels of Which the War Shipping Administration Is Owner or Owner Pro Hac Vice

This Agreement, made as of ____________ between the United States of America (herein called the "United States") acting by and through the Administrator, War Shipping Administration, and ______________________________, a corporation organized and existing under the laws of __________________ and having its principal place of business at __________________ (herein called the "General Agent").

Witnesseth:

That in consideration of the reciprocal undertakings and promises of the parties herein expressed:

Article 1. The United States appoints the General Agent as its agent and not as an independent contractor, to manage and conduct the business of vessels assigned to it by the United States from time to time.

Article 2. The General Agent accepts the appointment and undertakes and promises so to manage and conduct the business for the United States, in accordance with such directions, orders, or regulations as the latter has prescribed, or from time to time may prescribe, and upon the terms and conditions herein provided, of such vessels as have been or may be by the United States assigned to and accepted by the General Agent for that purpose.

Article 3A. To the best of its ability, the General Agent shall for the account of the United States:

(a) Maintain the vessels in such trade or service as the United States may direct, subject to its orders as to voyages, cargoes, priorities of cargoes, charters, rates of freight and charges, and as to all matters connected with the use of the vessels; or in the absence of such orders, the General Agent shall follow reasonable commercial practices;

(b) Collect all moneys due the United States under this Agreement and deposit, remit, or disburse the same in accordance with such regulations as the United States may prescribe from time to time, and account to the United States for all moneys collected or disbursed by it or its agents;

(c) Equip, victual, supply and maintain the vessels, subject to such directions, orders, regulations and methods of supervision and inspection as the United States may from time to time prescribe;

(d) The General Agent shall procure the Master of the vessels operated hereunder, subject to the approval of the United States. The Master shall be an agent and employee of the United States, and shall have and exercise full control, responsibility and authority with respect to the navigation and management of the vessel. The General Agent shall procure and make available to the Master for engagement by him the officers and men required by him to fill the complement of the vessel. Such officers and men shall be procured by the General Agent through the usual channels and in accordance with the customary practices of commercial operators and upon the terms and conditions prevailing in the particular service or services in which the vessels are to be operated from time to time. The officers and members of the crew shall be subject only to the orders of the Master. All such persons shall be paid in the customary manner with funds provided by the United States hereunder.

(e) Issue or cause to be issued to shippers customary freight contracts and bills of lading in the form prescribed by the United States, and prepare manifests and other cargo documents.

Article 3B. The General Agent agrees, without prejudice to its rights under the provisions of Articles 8 and 16 hereof, to:

(a) Perform the duties required to be performed by it hereunder in an economical and efficient manner, and exercise due diligence to protect and safeguard the interests of the United States in all respects and to avoid loss and damage of every nature to the United States;

(b) Exercise due diligence to see that all Bills of Lading are properly issued, all wharf receipts for freight are non-negotiable, and, where required, a freight contract or permit is issued for each shipment;

(c) Furnish and maintain during the period of this Agreement, at its own expense, a bond with sufficient surety, in such amount as the United States shall determine, such bond to be approved by the United States as to both sufficiency of surety or sureties and form, and to be conditioned upon the due and faithful performance of all and singular the covenants and agreements of the General Agent contained in this Agreement, including, without limitation of the foregoing, the condition faithfully to account to the United States for all funds collected and disbursed and funds and property received by the General Agent or its agents. The General Agent may, in lieu of furnishing such bond, pledge direct or fully guaranteed obligations of the United States of America of the face value of the penalty of the bond under an agreement satisfactory in form to the United States;

(d) Without the consent of the United States, not sell, assign or transfer, either directly or indirectly or through any reoganization, merger or consolidation, this Agreement or any interest therein, nor make any agreement or arrangement whereby the service to be performed hereunder is to be performed by any other person, whether an agent or otherwise, except as provided in Article 6 hereof.

Article 4. (a) The General Agent and, to the extent required by the United States, every related or affiliated company or holding company of the General Agent, authorized as provided in Article 13 hereof, to render any service or to furnish any stores, supplies, equipment, provisions, materials, or facilities which are for the account of the United States under the terms of this Agreement, shall (1) keep its books, records and accounts relating to the management, operation, conduct of the business of and maintenance of the vessels covered by this Agreement in such form and under such regulations as may be prescribed by the United States; and (2) file, upon notice from the United States, balance sheets, profit and loss statements, and such other statements of operation, special reports, memoranda of any facts and transactions, which, in the opinion of the United States, affect the results in, the performance of, or transactions or operations under this Agreement.

(b) The United States is hereby authorized to examine and audit the books, records and accounts of all persons referred to above in this Article whenever it may deem it necessary or desirable.

(c) Upon the willful failure or willful refusal of any person described in this Article to comply with the provisions of this Article, the United States may rescind this Agreement.

Article 5. At least once a month the United States shall pay to the General Agent as full compensation for the General Agent's services hereunder, such fair and reasonable amount as the Administrator, War Shipping Administration, shall from time to time determine. Such compensation shall be deemed to cover, but without limitation, the General Agent's administrative and general expense (as presently itemized in General Order No. 22 of the United States Maritime Commission), advertising expense, taxes (other than taxes for which the General Agent is reimbursed under Article 7 hereof), and any other expenses which are not directly and exclusively applicable to the maintenance, management, operation or the conduct of the business of the vessels hereunder.

Article 6. The General Agent shall exercise due diligence in the selection of agents. Such agents shall be subject to disapproval by the United States and any agency agreement shall be terminated by the General Agent whenever the United States shall so direct. Any compensation payable by the General Agent to its agents for services rendered in connection with the vessels assigned hereunder shall be subject to approval by the United States. Agency fees or equivalent allowances for branch offices in accordance with schedules approved by the United States will be reimbursable under Article 7 hereof.

Article 7. The United States shall reimburse the General Agent at stated intervals determined by the United States for all expenditures of every kind made by it in performing, procuring or supplying the services, facilities, stores, supplies or equipment as required hereunder, *excepting* general and administrative expense (as presently itemized in General Order No. 22 of the United States Maritime Commission), advertising expense, taxes (other than sales and similar taxes or foreign taxes of any kind to the extent determined by the United States to be classifiable as voyage expenses hereunder) and any other expenses which are not directly and exclusively applicable to the maintenance, management, operation or the conduct of the business of the vessels hereunder. The General Agent shall be reimbursed for sales and similar taxes or foreign taxes of any kind to the extent determined by the United States to be classifiable as voyage expenses hereunder if the General Agent shall have used due diligence to secure immunity from such taxation. To the extent not recovered from insurance, the United States shall also reimburse the General Agent for all crew expenditures (accruing during the term hereof) in connection with the vessels hereunder, including, without limitation, all disbursements for or on account of wages, extra compensation, overtime, bonuses, penalties, subsistence, repatriation, travel expense, loss of personal effects, maintenance, cure, vacation allowances, damages or compensation for death or personal injury or illness, and insurance premiums, required to be paid by law, custom, or by the terms of the ship's articles or labor agreements, or by action of the Maritime War Emergency Board, any payments made by the General Agent to a pension fund in accordance with a pension plan in effect on the effective date of this Agreement with respect to the officers and members of the crew of said vessels who are entitled to benefits under such plan, on the effective date of this Agreement, for the amount of any Social Security taxes which the General Agent is or may be required to pay on behalf of the officers and crew of said vessels as agent or otherwise. The United States may disallow, in whole or in part, as it may deem appropriate, and deny reimbursement for, expenses which are found to have been made in willful contravention of any outstanding instructions or which were clearly improvident or excessive.

Any moneys advanced to bonded persons by the General Agent for ship disbursements which are lost by reason of a casualty to the Vessel on which the money so advanced is carried shall in the event of such loss be considered an expense of the General Agent, subject to reimbursement as is in this Article 7 provided.

The United States may advance moneys to the General Agent to provide for disbursements hereunder in accordance with such regulations or conditions as the United States may from time to time prescribe.

Article 8. The United States shall, without cost or expense to the General Agent, procure or provide insurance against all insurable risks of whatsoever nature or kind relating to the vessels assigned hereunder (which insurance shall include the General Agent and the vessel personnel as assureds) including, but without limitation, marine, war and P. & I. risks, and all other risks or liabilities for breach of statute and for damage caused to other vessels, persons or property, and shall defend, indemnify and save harmless the General Agent against and from any and all loss, liability, damage and expense (including costs of court and reasonable attorneys' fees) on account of such risks and liabilities, to the extent not covered or not fully covered by insurance. The General Agent shall furnish reports and information and comply fully with all instructions that may be issued with regard to all salvage claims, damages, losses or other claims. Neither the United States nor the insurance underwriters shall have any right of subrogation against the General Agent with respect to such risks. The United States may assume any of the foregoing risks except those relating to P. & I. risks and collision liabilities. At all times during the period of this Agreement, the United States shall at its own expense provide and pay for insurance with respect to each vessel hereunder against protection and indemnity marine and war risks, and collision liabilities without limit as to liability as to the amount of any claim or the aggregate of any claims thereunder. The United States at its election may write all or any such insurance, including that against P. and I. and collision liabilities, in its own fund, pursuant to a duly executed policy or policies. Neither the United States nor the insurance underwriters shall have any right of subrogation against the General Agent with respect to any of the foregoing risks. All insurance hereunder shall cover both the United States and the General Agent.

Article 9. In the event of general average involving vessels assigned to the General Agent under this Agreement, the General Agent shall comply fully with all instructions issued by the United States in that connection including instructions as to the appointment of adjuster, obtaining general average security and asserting liens for that purpose unless otherwise instructed, and supplying the adjuster with all disbursements accounts, documents and data required in the adjustment, statement and settlement of the general average. Reasonable compensation for and general average allowances to the General Agent in such cases shall be in accordance with directions, orders or regulations of the United States.

Article 10. Salvage claims for services rendered to vessels other than vessels owned or controlled by the United States shall be handled by, and be under the control of, the United States. Salvage awards for services rendered to other vessels owned or controlled by the United States including the vessels hereunder shall be made by the United States. The General Agent shall furnish the United States with full reports and information on all salvage services rendered.

Article 11. (a) The United States shall have the right to terminate this Agreement at any time as to any and all vessels assigned to the General Agent and to assume control forthwith of any and all said vessels upon fifteen (15) days' written or telegraphic notice.

(b) Upon giving to the United States thirty (30) days' written or telegraphic notice, the General Agent shall have the right to terminate this Agreement, but termination by the General Agent shall not become effective as to any vessel until her arrival and discharge at a continental United States port.

(c) This Agreement may be terminated, modified, or amended at any time by mutual consent.

Article 12. In case of termination of this Agreement, whether upon expiration of the stated period hereof or otherwise, all vessels and other property of whatsoever kind then in the custody of the General Agent pursuant to this Agreement, shall be immediately turned over to the United States, at times and places to be fixed by the United States, and the United States may collect directly, or by such agent or agents as it may appoint, all freight moneys or other debts remaining unpaid: *Provided,* That the General Agent shall, if required by the United States, adjust, settle and liquidate the current business of the vessels. Notwithstanding the foregoing provisions, when the United States shall so direct, the General Agent shall complete the business of voyages commenced prior to the date as of which the Agreement shall be terminated, and, if directed by the United States and subject to any instructions issued by the United States with respect thereto, the General Agent shall continue to book cargo for the vessels for the next voyages after the termination of this Agreement. No such termination of this Agreement shall relieve either party of liability to the other in respect of matters arising prior to the date of such termination or of any obligation hereunder to indemnify the other party in respect of any claim or demand thereafter asserted, arising out of any matter done or omitted prior to the date of such termination.

Article 13. Agreements or arrangements with any interested or related company to render any service or to furnish any stores, supplies, equipment, materials, repairs, or facilities hereunder shall be submitted to the United States for approval as to employment. Unless and until such agreements or arrangements have been approved by the United States, compensation paid to any interested or related company shall be subject to review and readjustment by the United States. In connection with such review and readjustment, the United States may deny reimbursement hereunder of any portion of such compensation which it deems to be in excess of fair and reasonable compensation. The United States may also deny reimbursement, in whole or in part, of compensation under any arrangement or agreement with an interested or related company which it deems to be exorbitant, extortionate or fraudulent. The term "interested company" shall mean any person, firm, or corporation in which the General Agent, or any related company of the General Agent, or any officer or director of the General Agent, or any employee of the General Agent who is charged with executive or supervisory duties, or any member of the immediate family of any such officer, director or employee, or any officer or director of any related company of the General Agent or any member of the immediate family of an officer or director of any related company of the General Agent, owns any substantial pecuniary interest directly or indirectly. The term "related company", used to indicate a relationship with the General Agent for the purposes of this Article only, shall include any person or concern that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the General Agent. The term "control" (including the terms "controlled by" and "under common control with") as used herein means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of the General Agent (or related company), whether through ownership of voting securities, by contract, or otherwise.

Article 14. The General Agent shall, unless otherwise instructed, subject to such regulations, instructions, or methods of supervision and inspection as may be required or prescribed by the United States, arrange for the repair of the vessels, covering hull, machinery, boilers, tackle, apparel, furniture, equipment, and spare parts, and including maintenance and voyage repairs and replacements, for the account of the United States, as may be necessary to maintain the vessels in a thoroughly efficient state of repair and condition. The General Agent shall exercise reasonable diligence in making inspections and obtaining information with respect to the state of repair and condition of the vessels, and so advise the United States from time to time, in order that the United States may satisfy itself that the vessels are being properly maintained, and shall cooperate with representatives of the United States in making any inspections or investigations that the United States may deem desirable.

Article 15. The United States shall, when it may legally do so, have the advantage of any existing, or future, contracts of the General Agent for the purchase or rental of materials, fuel, supplies, facilities, services, or equipment, if this may be done without unreasonably interfering with the requirements of other vessels owned or operated by the General Agent.

Article 16. (a) The United States shall indemnify, and hold harmless and defend the General Agent against any and all claims and demands (including costs and reasonable attorneys' fees in defending such claim or demand, whether or not the claim or demand be found to be valid) of whatsoever kind or nature and by whomsoever asserted for injury to persons or property arising out of or in any way connected with the operation or use of said vessels or the performance by the General Agent of any of its obligations hereunder, including but not limited to any and all claims and demands by passengers, troops, gun crews, crew members, shippers, third persons, or other vessels, and including but not limited to claims for damages for injury to, or loss of property, cargo or personal effects, claims for damages for personal injury or loss of life, and claims for maintenance and cure.

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[1] 7 F.R. 7561, 8240.

(b) In view of the extraordinary wartime conditions under which vessels will be operated hereunder, the General Agent shall be under no responsibility or liability to the United States for loss or damage to the vessels arising out of any error of judgment or any negligence on the part of any of the General Agent's officers, agents, employees, or otherwise. However, the General Agent may be held liable for loss or damage not covered by insurance or assumed by the United States as required under Article 8 of this Agreement, if such loss or damage is directly and primarily caused by willful misconduct of principal supervisory shoreside personnel or by gross negligence of the General Agent in the procurement of licensed officers or in the selection of principal supervisory shoreside personnel.

(c) In the event that the General Agent shall perform any stevedoring, terminal, ship repair or similar service for the vessels hereunder at commercial rates, the General Agent shall have all the obligations and responsibilities of the person performing such services under the standard or other approved form of contract with the United States or, in the absence of such standard or approved form, under usual commercial practice.

(d) The General Agent shall be under no liability to the United States of any kind or nature whatsoever in the event that the General Agent should fail to obtain officers or crews for the operation of the vessels, or fail to arrange for the fitting out, refitting, maintenance or repair of said vessels, or fail to perform any other service hereunder by reason of any labor shortage, dispute or difficulty, or any strike or lockout or any shortage of material or any act of God or peril of the sea or any other cause beyond the control of the General Agent whether or not of the same or similar nature; or shall do or fail to do any act in reliance upon instructions of military or naval authorities.

Article 17. Wherever and whenever herein any right, power, or authority is granted or given to the United States, such right, power, or authority may be exercised in all cases by the War Shipping Administration or such agent or agents as it may appoint or by its nominee, and the act or acts of such agent or agents or nominee, when taken, shall constitute the act of the United States hereunder. In performing its services hereunder, the General Agent may rely upon the instructions and directions of the Administrator, his officers and responsible employees, or upon the instructions and directions of any person or agency authorized by the Administrator. Wherever practicable, the General Agent shall request written confirmation of any oral instructions or directions so given.

Article 18. (a) The General Agent warrants that it has not employed any person to solicit or secure this Agreement upon any agreement for a commission, percentage, brokerage or contingent fee. Breach of this warranty shall give the United States the right to annul this Agreement or in its discretion to deduct from any amount payable hereunder the amount of such commission, percentage, brokerage or contingent fee.

(b) In any act performed under this Agreement, the General Agent and any subcontractor shall not discriminate against any citizen of the United States on the ground of race, creed, color or national origin.

Article 19. No person elected or appointed a member of or delegate to Congress or a Resident Commissioner, directly or indirectly, himself or by any other person in trust for him, or for his use or benefit, or on his account shall hold or enjoy this Agreement in whole or in part, except as provided in Section 206, Title 18, U. S. C. The General Agent shall not employ any member of Congress, either with or without compensation, as an attorney, agent, officer or director.

Article 20. This Agreement, unless sooner terminated, shall extend until six months after the cessation of hostilities.

In witness whereof, the Parties hereto have executed this Agreement in triplicate the day and year first above written.

[corporate seal] United States of America,
By: E. S. Land, *Administrator,*
War Shipping Administration,
By: ----------------------------
For the Administrator.
By: ----------------------------
Attest:

Secretary
Approved as to form:

General Counsel, War Shipping Administration

(E.O. 9054, 9244, 7 F.R. 837, 7327)

[seal] E. S. Land,
Administrator.

December 8, 1942.

[F. R. Doc. 42-13038; Filed, December 9, 1942; 11:30 a. m.]

Part 306—General Agents and Agents

[General Order 12, Supp. 2, Amended]

COMPENSATION PAYABLE TO GENERAL AGENTS AND AGENTS—TANKERS

Amending General Order No. 12, Supplement 2,[1] Part II—Tankers, issued June 27, 1942:

1. By striking out §§ 306.13 to 306.15 inclusive and inserting in lieu thereof the following:

§ 306.13 *Vessels included.* This Part II of General Order No. 12 is applicable to services rendered in connection with operations of tank vessels under the standard forms of tanker service agreements (Warshipoil–TCA) and GAA (Tankers).

§ 306.14 *Effective period.* This Part II shall become effective as of the date of delivery of each vessel to the general agents or agents hereunder.

§ 306.15 *Agents defined.* An "agent" is a person, firm or corporation designated as "agent" under the standard form of tanker service agreement (Warshipoil–TCA).

2. By adding the following new § 306.15 (a):

§ 306.15 (a) *General agents defined.* A "general agent" is a person, firm or corporation designated as "general agent" under the standard form of tanker service agreement, GAA (Tankers).

3. By striking out §§ 306.16 to 306.20 inclusive and inserting in lieu thereof the following:

§ 306.16 *Sub-agent defined.* A "sub-agent" is one who is appointed by an agent or general agent to perform any functions of the agent or general agent pursuant to the standard forms of tanker service agreements (Warshipoil–TCA) or GAA (Tankers). A "foreign sub-agent" is a sub-agent who performs his functions outside the continental limits of the United States.

§ 306.17 *Compensation of agents in continental United States ports.* As compensation for each tanker allocated to an agent to conduct the business of the vessel for the War Shipping Administration, such Agent shall be paid at the rate of $400.00 per month. (Out of this compensation the Agent must pay, among other things, all of the agent's outgoing communication costs except for communications to places outside the continental United States excluding Alaska). It is further provided that, if a vessel is withdrawn from service for repairs in a United States port, agent's compensation will continue as long as there is cargo aboard and for the first ten days after discharge. Thereafter agent's compensation will cease until vessel is again placed in service.

§ 306.18 *Compensation of sub-agents in continental United States ports.* As compensation for services rendered by a sub-agent for both the United States and the owner, or for a general agent, the sub-agent shall be paid the prevailing commercial rate, but in no event in excess of a lump sum of $125 for the first three days the vessel remains in port, and thereafter at the rate of $25 per day for each additional day; provided, no fee shall be paid for the time during which the vessel is laid up for repairs. One-third of this fee shall be for the account of the United States and the remainder shall be for the account of the owner or the general agent.

As compensation for services rendered by a sub-agent for the United States, only, the sub-agent shall be paid the prevailing commercial rate, but in no event in excess of a lump sum of $45 for the first three days the vessel remains in port, and thereafter at the rate of $10 per day for each additional day; provided, no fee shall be paid for the time during which the vessel is laid up for repairs. The entire fee provided for in this paragraph shall be for the account of the United States.

§ 306.19 *Compensation of sub-agents at ports outside of continental United States.* As compensation for services rendered by a foreign sub-agent for the account of both the United States and the owner or the general agent, the foreign sub-agent shall be paid the prevailing commercial rate, but in no event in excess of a lump sum of $125 for the first three days the vessel remains in port, and thereafter at the rate of $25 per day for each additional day; provided, no fee shall be paid for the time during which the vessel is laid up for repairs. One-third of this fee shall be for the account of the United States and the remainder shall be for the account of the owner or the general agent.

As compensation for services rendered by a foreign sub-agent for the United States only, the foreign sub-agent shall be paid the prevailing commercial rate, but in no event in excess of a lump sum of $45 for the first three days the vessel remains in port, and thereafter at the rate of $10 per day for each additional day; provided, no fee shall be paid for the time during which the vessel is laid up for repairs. The entire fee provided for in this paragraph shall be for the account of the United States.

§ 306.20 *Brokerage.* No brokerage will be paid except with the prior approval of the Administrator and application for such brokerage will not be considered unless brokerage was formerly paid in such trade.

4. By adding the following new section:

§ 306.20a *Compensation of general agents.* The general agent shall be compensated both (a) as agent, and (b) as general agent as herein provided. From his compensation he shall pay sub-agents for services which are required to be performed by him as general agent under his service agreement. In addition to the agency fees, the general agent shall be paid as follows:

(1) *Basic scale.* For each calendar month or pro rata thereof (part days to count as whole days), beginning with the month and day in which the first vessel subject hereto is delivered to the general agent and ending with the calendar month and day thereof in which the last vessel subject hereto is redelivered by the general agent, the basic compensation, computed on the basis of whole months or pro rata thereof for the vessels handled during each such month, shall be calculated in accordance with the following monthly allowance:

First 8 vessels—$2,500 per month per vessel.
Next 7 vessels—$2,000 per month per vessel.
In excess of 15 vessels—rate as to be determined by the Administrator.

The Administrator reserves the right to review and make such adjustments in the above rates as may be required to produce what, in his judgment, may be determined as fair and equitable compensation.

(2) *Adjustment when vessels are idle.* The Administrator reserves the right to determine the amount compensation shall be reduced to the extent that any vessel is idle at any port for causes for which the general agent is responsible.

(E.O. 9054, 9244, 7 F.R. 837, 7327)

[seal] E. S. Land,
Administrator.

December 8, 1942.

[F. R. Doc. 42-13036; Filed, December 9, 1942; 11:30 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Part 20—Pipe Line Companies: Uniform System of Accounts

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 27th day of November, A. D. 1942.

The Uniform System of Accounts for Pipe Lines, (Part 20 of Title 49, Code of Federal Regulations) being under consideration by the division, pursuant to authority of section 20 of the Interstate Commerce Act, and the division having found need for modifications and amendments of the Uniform System of Accounts for Pipe Lines, the modifications and amendments attached hereto[1] and made a part hereof being found necessary for administration of the provisions of Part I of the Act, are hereby approved; and

It is ordered, That all carriers by pipe line subject to the provisions of the Interstate Commerce Act, and every trustee, executor, administrator, or assignee of any such pipe line carrier, be, and they are hereby, required to comply with the Uniform System of Accounts for Pipe Lines as hereby modified and amended;

It is further ordered, That this order shall become effective January 1, 1943, and that the order of July 15, 1941, the effective date of which has been postponed to January 1, 1943, be, and it is hereby canceled and superseded;

And it is further ordered, That a copy of this order shall be served upon every carrier by pipe line subject to the Act and upon every trustee, executor, administrator, or assignee of any such pipe line carrier, and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register, The National Archives.

By the Commission, Division 1.

[seal] W. P. Bartel,
Secretary.

[F. R. Doc. 42-13046; Filed, December 9, 1942; 11:12 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Mines.

Hy Explosives Sales Co.

ORDER REVOKING LICENSE

In the matter of Hy Explosives Sales Company, Licensee. Proceeding for Revocation of License.

To: Hy Explosives Sales Company, Licensee above named, 208 Columbia Street, Seattle, Washington.

Based upon the records in this matter I, R. R. Sayers, Director of the Bureau of Mines, make the following findings of fact:

1. On November 3, 1942, a Specification of Charge against you, setting forth a violation of the Federal Explosives Act (55 Stat. 863) and regulations thereunder of which you were accused, was mailed to you at the above designated, your last known, address, giving you notice to mail an answer within 15 days demanding a hearing if you wished to be heard on the charge.

2. An answer dated November 12, denying the charge and demanding a hearing, was received from you. Thereafter, a supplementary answer dated November 27, 1942, was received from you, in which you waived your demand for a hearing and to which you attached Vendor's License No. 8, issued to you on March 2, 1942, under the Federal Explosives Act, and two photostatic copies of the License.

3. Neither with your answer of November 12, nor with your supplementary answer of November 27, did you furnish satisfactory evidence to show that the charge against you was not true. The charge against you is found by me to be true.

Now, therefore, by virtue of the authority vested in me by sections 8 and 18 of the Federal Explosives Act (55 Stat. 863) and § 301.22 of the regulations thereunder (7 F.R. 5901),

It is hereby ordered, That Vendor's License No. 8 and all other licenses, if any, heretofore issued to you under the Federal Explosives Act (55 Stat. 863) be and they are hereby revoked.

Dated: December 4th, 1942.

R. R. Sayers,
Director.

[F. R. Doc. 42-13029; Filed, December 9, 1942; 10:28 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 7-613]

Baltimore Stock Exchange

ORDER DENYING APPLICATION, ETC.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of December, A. D. 1942.

In the matter of application of the Baltimore Stock Exchange for permission to extend unlisted trading privileges to the $1 Par Value Common Stock of Rustless Iron and Steel Corporation.

Order denying application for permission to extend unlisted trading privileges.

The Baltimore Stock Exchange having made application to the Commission, pursuant to section 12 (f) of the Securities Exchange Act of 1934 and Rule X-12F-1, for permission to extend unlisted trading privileges to the $1 Par Value Common Stock of Rustless Iron and Steel Corporation; and

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[1] 7 F.R. 4933, 6585.

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[1] Filed as part of the original document. Requests for copies should be addressed to the Interstate Commerce Commission.

After appropriate notice a hearing having been held in this matter in Washington, D. C.; and

The Commission having this day made and filed its findings and opinion herein;

It is ordered, Pursuant to section 12 (f) of the Securities Exchange Act of 1934, that the application of the Baltimore Stock Exchange for permission to extend unlisted trading privileges to the $1 Par Value Common Stock of Rustless Iron and Steel Corporation be and the same is hereby denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13025; Filed, December 8, 1942; 3:08 p. m.]

[File No. 70-337]

NATIONAL POWER & LIGHT COMPANY

MEMORANDUM OPINION AND ORDER

In the Matter of National Power & Light Company.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 4th day of December A. D. 1942.

Appearances: Jesse J. Holland and Sidney H. Willner for the Public Utilities Division of the Commission.

Simpson, Thacher & Bartlett by Ira A. Hawkins, Jr. for National Power & Light Company.

National Power & Light Company[1] has applied for permission to extend the time within which shares of its preferred stock may be exchanged for shares of common stock of Houston Lighting & Power Company under the terms of an exchange offer approved by us on December 24, 1941.[2]

The present expiration date of the exchange offer is December 15, 1942. Authority is now requested to extend the terminal date to February 15, 1943. The exchange offer has been open for ten months. As of December 1, 1942, a total of 114,805 shares of National's preferred have been tendered for exchange. This represents 41.045% of the original amount thereof outstanding at January 30, 1942, the date when the exchange offer became operative. As a result of exchanges effected during this period, National has distributed 206,262 shares of Houston's common stock, or 41.252% of the amount thereof outstanding, leaving National with 293,738 shares of Houston's common stock still undistributed.

When we considered National's previous application for permission to extend the period of the exchange offer to December 15, 1942, it was urged that at least two months of the period which was available to the Dealer Managers were summer months, a time when it is "difficult to consummate security transactions due to the absence of many people on vacation"; and that the uncertainty regarding federal tax legislation then pending had a tendency to delay numerous holders of National's preferred stock in making the exchange. It was argued that if the offer were extended for a reasonable time after the enactment of definitive tax legislation there was reason to believe that substantial amounts of National's preferred stock would be tendered for exchange.

In our memorandum opinion permitting an extension to December 15, 1942,[3] we indicated that sufficient time had elapsed to permit of a thorough canvass of National's preferred stockholders and that no useful purpose would be served by prolonging the period indefinitely. Furthermore, at that time we stated "there is substantial doubt as to the necessity or desirability of any extension of the exchange offer beyond the date of December 15, 1942 now proposed." We granted that application on the basis of the alleged retarding factors pointed out above and the management's belief that substantial amounts of National's preferred stock would be tendered for exchange during the additional period. However, the present record discloses that during the period from October 14, 1942 to December 1, 1942 only 6,930 shares of National's preferred stock were tendered for exchange.

More than sufficient time has elapsed to permit all holders of National preferred to become familiar with the exchange offer and to take necessary action to effect an exchange; hence it may be presumed that substantially all unexchanged shares are in the hands of holders who either have decided not to exchange or prefer to postpone decision as long as possible.[4] The factors influencing our decision on the previous application no longer obtain and no other compelling considerations have been presented to warrant a departure from the general views we have previously expressed. Accordingly, we believe the present request for an extension should be denied. However, to afford an opportunity to those holders of National's preferred stock who may be unable to avail themselves of the exchange offer between now and December 15, 1942, we shall permit National to extend the period of the exchange offer to and including December 31, 1942.

It is so ordered.

By the Commisison.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13026; Filed, December 8, 1942; 3:08 p. m.]

WAR PRODUCTION BOARD.

[Certificate No. 25]

EXCHANGE OF TECHNICAL INFORMATION CONCERNING SYNTHETIC RUBBER

THE ATTORNEY GENERAL: Pursuant to section 12 of Public Law No. 603, approved June 11, 1942, after consultation with you, I am requesting all manufacturers of synthetic rubber and of rubber-consuming products to collaborate, under the direction and supervision of the Office of Rubber Director, in the exchange of technical information and in the furtherance of technical improvements, research, developments, and testing relating to the manufacture and utilization of synthetic rubber and the manufacture of rubber-consuming products, upon the express condition and understanding that such information and the results of such improvements, research, developments, and testing will be made available to such persons, in such manner and to such extent as may be prescribed by the Office of Rubber Director. I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such request, is requisite to the prosecution of the war.

Dated: December 4, 1942.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 42-13049; Filed, December 9, 1942; 11:48 a. m.]

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[1] A registered holding company under the Public Utility Holding Company Act of 1935 and a subsidiary of Electric Bond and Share Company, also a registered holding company under the Act.

[2] Holding Company Act Release No. 3211. Under the terms of the exchange offer each holder of National's preferred stock may exchange all or any part thereof, in full share amounts to the extent of 90% of the portion of such stock presented for exchange, for common stock of Houston on the basis of two shares of Houston's common stock for each share of National's preferred stock. The remaining 10% of National's preferred stock tendered for exchange will be stamped as ineligible for participation in the exchange offer and returned to the holder thereof. The exchange offer became effective on January 30, 1942 for the 60 day period ending March 31, 1942, which date was subsequently extended by National for an additional period of 60 days ending on June 1, 1942. During the 120 day period mentioned, authority to solicit exchanges was limited by the terms of our order to regular officers and employees of National. Early in May 1942, National filed an amendment to its declaration in this proceeding setting forth a program designed to facilitate exchanges under the offer. The program contemplated that National would retain Smith, Barney & Co., Lazard Freres & Co., and Blyth & Co., Inc., ("Dealer Managers") to develop and handle the details of a plan to facilitate exchanges. On June 15, 1942, we permitted said amendment to become effective and also granted National authority to extend the period of the exchange offer for not more than 60 days from June 15, 1942. (Holding Company Release No. 3612). Subsequently, on August 13, 1942, upon application by National, we permitted a further extension for an additional period of 60 days ending on October 13, 1942 (Holding Company Release No. 3734). On October 12, 1942 we again permitted an extension of time to December 15, 1942. After appropriate notice a hearing on the present application was held on December 2, 1942. Counsel for National Power & Light Company has filed a written waiver of briefs and oral argument.

[3] National Power & Light Company, 12 S. E. C. — (1942), Holding Company Act Release No. 3850.

[4] The record contains a letter addressed to the Commission by Smith, Barney & Co., Lazard Freres & Co. and Blyth & Company, the Dealer-Managers referred to in footnote 2, expressing the opinion that "no useful purpose would be served" by a 60-day extension.

Referenced

DEC 14 1942

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 7 NUMBER 242

Washington, Friday, December 11, 1942

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Commodity Credit Corporation

[Am. 4 to 1937 CCC Cotton Form SFE]

PART 224—TERMS AND CONDITIONS OF COTTON SALES FOR EXPORT PROGRAM

REGISTRATION OF SALES, ETC.

1937 CCC Cotton Form SFE—Terms and Conditions of Cotton Sales for Export Program, issued October 3, 1941, as amended, is hereby further amended as follows:

1. Section 224.10 (h), *Registration of sales,*[1] is amended to read as follows:

(h) The terms of sales contracts filed with Commodity Credit Corporation may be amended to provide for exportation of the cotton prior to January 31, 1943, by filing with Commodity Credit Corporation certified copies of the agreement between the parties to such contracts.

2. Section 224.13, *Liquidated damages,*[2] is amended to read as follows:

§ 224.13 *Liquidated damages.* In all cases in which (a) cotton is sold by the Corporation in reliance upon registered sales for future delivery and satisfactory evidence of the exportation, prior to January 31, 1943, of an equivalent quantity of cotton in fulfilment of such sales is not filed within the prescribed time with the Corporation or (b) cotton as to which satisfactory evidence of exportation has been submitted re-enters the United States or its possessions (other than the Philippine Islands) in raw cotton form, the purchaser shall pay to the Corporation, as liquidated damages, the sum of 12½ cents per pound for each pound of such cotton: *Provided,* That the purchaser shall not be liable for liquidated damages under (b) above with respect to raw cotton re-entering the United States or its possessions (other than the Philippine Islands) under the provisions of the Proclamation of the President of the United States, No. 2544, dated March 31, 1942.

3. These amendments shall be applicable to all cotton purchased under the Cotton Sales for Export Program.

(Sec. 302 (a), 52 Stat. 43, sec. 381 (c), 52 Stat. 67; 7 U.S.C. 1302 (a), 1381 (c))

Issued this 21st day of November 1942, at Washington, D. C.

[SEAL] J. B. HUTSON,
President.

ATTEST:
FRANK L. WALSTON,
Secretary.

[F. R. Doc. 42-13093; Filed, December 10, 1942; 11:06 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[B.E.P.Q. 385, Third Revision—Quarantine 38]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—BLACK STEM RUST

Introductory note. Under this revision of circular B.E.P.Q. 385, two species of barberries, *Berberis aemulans* and *B. dictyophylla* var. *albicaulis,* have been removed from the list of species which may be shipped into or between the protected States, inasmuch as recent tests have shown that both *aemulans* and *dictyophylla* are susceptible to the black stem rust. *B. bealei* (Mahonia) has been added to the permitted list. The range of this species for satisfactory cultivation, however, is practically limited to the area south of the protected States.

Other modifications in the circular are concerned only with improved nomenclature, *B. thunbergii pluriflora* having been eliminated from paragraph (a) for the reason that it is not in reality a different variety of Japanese barberry; *B. thunbergii pluriflora erecta* has been changed to *B. thunbergi* f. *erecta;* and *B. diversifolia* has been eliminated from

(Continued on next page)

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[1] 6 F.R. 5615, 5616, 7 F.R. 4810, 7419.

[2] 6 F.R. 5616; 7 F.R. 4810, 7419.

FEDERAL REGISTER

1934

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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paragraph (b) because it is a synonym for *Mahonia aquifolium.*

§ 301.38a *Administrative instructions; classification of barberry and mahonia plants.* The rules and regulations supplemental to § 301.38 [Notice of Quarantine No. 38, revised, on account of the black-stem rust, effective September 1, 1937] provide that no plants, cuttings, stocks, scions, buds, fruits, seeds, or other plant parts capable of propagation, of the genera *Berberis, Mahonia,* or *Mahoberberis,* "shall be moved or allowed to be moved interstate from any State of the continental United States or from the District of Columbia into any of the protected States, namely, Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, West Virginia, Wisconsin, and Wyoming, nor from any one of said protected States into any other protected State, unless a permit shall have been issued therefor by the United States Department of Agriculture, except that no restrictions are placed by these regulations on the interstate movement either of Japanese barberry (*Berberis thunbergii*) or any of its rust-resistant varieties, or of cuttings (without roots) of *Mahonia* shipped for decorative purposes and not for propagation." (See paragraph (a) of regulation 2 (§ 301.38-2 (a)).)

The protected States referred to under paragraph (b) are the 17 barberry eradication States named in the regulation quoted above. Barberry and mahonia plants other than those listed in paragraphs (a) and (b) following may not be shipped interstate into any of the protected States.

(a) *Barberries which may be shipped interstate to any State without permit or restriction.*

Berberis thunbergi.
Berberis thunbergi var. atropurpurea.
Berberis thunbergi var. maximowiczi.
Berberis thunbergi var. minor.
Berberis thunbergi f. erecta.

(b) *Barberries which may be shipped into or between protected States under Federal permit.*

Berberis aquifolium (Mahonia).
Berberis bealei (Mahonia).
Berberis buaniana.
Berberis buxifolia.
Berberis candidula.
Berberis chenaulti (hybrid).
Berberis circumserrata.
Berberis concinna.
Berberis darwini.
Berberis edgeworthiana.
Berberis gagnepaini.
Berberis gilgiana.
Berberis julianae.
Berberis koreana.
Berberis mentorensis.
Berberis nervosa (Mahonia).
Berberis potanini.
Berberis repens (Mahonia).
Berberis sanguinea.
Berberis sargentiana.
Berberis stenophylla (hybrid).
Berberis triacanthophora.
Berberis verruculosa.

Application for permits should be addressed to the Division of Domestic Plant Quarantines, Bureau of Entomology and Plant Quarantine, United States Department of Agriculture, Washington, D. C.

Effective date: December 15, 1942.

(7 CFR § 301.38-2; sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161)

Done at Washington, D. C., this 3d day of December 1942.

[SEAL] P. N. ANNAND,
Chief.

[F. R. Doc. 42-13091; Filed, December 10, 1942; 11:06 a. m.]

TITLE 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

PART 305—RECOGNITION OF DEPOSIT OWNERSHIP NOT ON BANK RECORDS

SALARY DEDUCTIONS FOR BOND PURCHASES, ETC.

Resolution authorizing waiver of disclosure of ownership on bank records for deposits of employer representing salary deductions of employees held for purchase of war savings bonds or stamps.

§ 305.6 *Deposits of employer representing salary deductions of employees held for purchase of war savings bonds or stamps.* The owner of any portion of a deposit representing funds of employees held by an employer for the purchase of war savings bonds or stamps and appearing on the records of a closed bank in an appropriately designated special account under the name of the employer will be recognized for all purposes of claim for insured deposits to the same extent as if his (or her) name and interest were disclosed on the records of the bank: *Provided,* That the name and interest of such owner in the deposit are disclosed on the records maintained by such employer: *And, provided further,* That such records have been maintained in good faith and in the regular course of business. (U.S.C., 1940 Ed., title 12, sec. 264 (m) (3)) [Adopted December 5, 1942]

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION.
E. F. DOWNEY,
Secretary.

[F. R. Doc. 42-13050; Filed, December 9, 1942; 12:56 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess-Profits Taxes

[T. D. 5194]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

ALIMONY, SEPARATE MAINTENANCE PAYMENTS, ETC.

Regulations 103 amended to conform to section 110 and section 120 of the Revenue Act of 1942.

In order to conform Regulations 103 (Part 19, Title 26, Code of Federal Regulations, 1940 Sup.), relating to the income tax under the Internal Revenue Code, to section 110 (relating to transfers of life insurance contracts) and to section 120 (relating to alimony and separate maintenance payments) of the Revenue Act of 1942 (Public Law 753, Seventy-seventh Congress), approved October 21, 1942, such regulations are amended as follows:

PARAGRAPH 1. Section 19.22 (a)-12 is amended by striking out "19.22 (b) (2)-2" and inserting in lieu thereof "19.22 (b) (2) (A)-2".

PAR. 2. Section 19.22 (b)-1 is amended by changing the fifth sentence thereof to read as follows:

As to other items not to be included in gross income, see sections 22 (k), 112, 119, and 171 and Supplements G, H, I, and J (sections 201 to 252, inclusive).

PAR. 3. Section 19.22 (b) (1)-1 is amended as follows:

(A) By changing the first sentence thereof to read as follows:

The proceeds of life insurance policies, paid by reason of the death of an insured to his estate or to any beneficiary (individual, partnership, or corporation, but not a transferee for valuable consideration (other than a transferee to which the next to the last sentence of section 22 (b) (2) (A) applies) or a spouse to whom such payments are income under section 22 (k)), directly or in trust, are excluded from the gross income of the beneficiary.

(B) By inserting at the end of subsection (b) thereof the following new paragraph:

If the proceeds are payable in installments for a taxable year beginning after December 31, 1941 to a spouse who was divorced or legally separated from the insured under a court decree, such proceeds are to be excluded from the income of such spouse to the extent provided in the preceding paragraph only if not required to be included in her gross income under section 22 (k), relating to alimony income. Thus, if under the terms of a divorce decree, an insurance policy upon the life of the husband is to be purchased by him to provide a principal sum of $10,000 payable upon his death in ten annual installments, with interest, to his divorced wife, the full amount of such installments received by the wife, including the interest, is to be included in her income. See further section 22 (b) (2), section 22 (k), § 19.22 (b) (2) (A)-4 and § 19.22 (k)-1.

PAR. 4. There is inserted immediately preceding § 19.22 (b) (2)-1 the following:

SEC. 110. TRANSFERS OF LIFE INSURANCE CONTRACTS, ETC. (Revenue Act of 1942, Title I.)

(a) *Proceeds exempt to transferee.* Section 22 (b) (2) (relating to annuities, etc.) is amended by inserting a period and the following new sentence before the semicolon at the end thereof: "The preceding sentence shall not apply in the case of such a transfer if such contract or interest therein has a basis for determining gain or loss in the hands of a transferee determined in whole or in part by reference to such basis of such contract or interest therein in the hands of the transferor.

(b) *Taxable years to which amendment applicable.* The amendment made by this section shall be applicable with respect to taxable years beginning after December 31, 1940.

SEC. 120. ALIMONY AND SEPARATE MAINTENANCE PAYMENTS. (Revenue Act of 1942, Title I.)

* * * * *

(d) *Annuities, etc.* Section 22 (b) (2) (relating to payments under annuity, etc., contracts) is amended by striking out the heading and inserting in lieu thereof

"(2) Annuities, etc.
"(A) In general."

and by inserting before the semicolon at the end of such subparagraph (A) a period and the following:

This subparagraph and paragraph (1) shall not apply with respect to so much of a payment under a life insurance, endowment, or annuity contract, or any interest therein, as, under section 22 (k), is includible in gross income.

* * * * *

(g) *Taxable years to which amendments applicable.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1941; except that if the first taxable year beginning after December 31, 1941, of the husband does not begin on the same day as the first taxable year beginning after December 31, 1941, of the wife, such amendments shall first become applicable in the case of the husband on the first day of the wife's first taxable year beginning after December 31, 1941, regardless of the taxable year of the husband in which such day falls.

PAR. 5. Section 19.22 (b) (2)-1 is renumbered § 19.22 (b) (2) (A)-1 and is further amended by striking out "and amounts received as annuities" and inserting in lieu thereof "amounts received as annuities, and amounts of periodic payments included in gross income under section 22 (k)".

PAR. 6. Section 19.22 (b) (2)-2 is renumbered § 19.22 (b) (2) (A)-2 and is further amended by inserting in the second sentence thereof, after "an annuity" the following: "(where the whole payment is not required to be included in income under section 22 (k))".

PAR. 7. There is inserted immediately following § 19.22 (b) (2) (A)-2 the following new sections:

§ 19.22 (b) (2) (A)-3 *Transfers of life insurance, endowment, or annuity contracts.* For taxable years beginning prior to January 1, 1941, in the case of a transfer for valuable consideration of a life insurance, endowment, or annuity contract, only the actual value of the consideration given for such transfer and the amount of the premiums and sums subsequently paid by the transferor shall be excluded from gross income upon receipt of payments under the insurance, endowment, or annuity contract. For taxable years beginning after December 31, 1940, proceeds of a life insurance, endowment, or annuity contract are exempt from taxation if such contract or interest therein has a basis for determining gain or loss in the hands of the transferee determined in whole or in part by reference to such basis of such contract or interest therein in the hands of the transferor. Thus, where a corporation acquires a life insurance policy from a predecessor corporation in a tax-free reorganization, the proceeds received under the policy will be exempt from taxation, because the basis is determined with reference to the basis in the hands of a transferor.

The following example will illustrate the practical operation of the provisions of this section:

Example. The A Corporation procures a $1,000 life insurance policy on X, one of its officers, naming the A Corporation as beneficiary. If X dies during the time the policy is held by the corporation, the proceeds of the policy would be tax-free to the corporation. If the A Corporation transfers the policy to the B Corporation in a tax-free reorganization, the proceeds in the hands of the B Corporation for taxable years beginning after December 31, 1940 would be exempt under section 22 (b) (1) from taxation on account of the next to the last sentence of section 22 (b) (2) (A) as added by the Revenue Act of 1942.

§ 19.22 (b) (2) (A)-4 *Annuity, etc., payments in discharge of alimony obligation.* The full amount of any periodic payment received under a life insurance, endowment, or annuity contract in a taxable year beginning after December 31, 1941 by a spouse or former spouse is required to be included in her gross income if certain conditions specified in section 22 (k) exist. See § 19.22 (k)-1. Paragraphs (1) and (2) (A) of section 22 (b) do not apply (except the last sentence of section 22 (b) (2) (A)) with respect to so much of a payment as under section 22 (k) is includible in gross income. For example, upon the divorce of a husband and wife, the decree may require the husband to provide the wife with an annuity of $2,000 for her life. The wife, being desirous of a greater assured income, may pay with the husband to an insurance company a consideration, which, when added to the amount paid by the husband, purchases an annuity paying $3,000. For each taxable year beginning after December 31, 1941, $2,000 is to be included in her income under section 22 (k) and such portion of $1,000 is to be included in her income as is required under § 19.22 (b) (2) (A)-2 on the basis of the consideration paid by her to the company.

PAR. 8. Section 19.22 (b) (3)-1 is amended by striking out the part thereof reading "Neither alimony nor an allowance based on a separation agreement is taxable income. (See § 19.24-1.)".

PAR. 9. There is inserted immediately following subsection (j) of section 22, which follows § 19.22 (d)–6, the following:

SEC. 120. ALIMONY AND SEPARATE MAINTENANCE PAYMENTS. (Revenue Act of 1942, Title I.)

(a) *Amount includible in gross income.* Section 22 (relating to definition of gross income) is amended by inserting at the end thereof the following new subsection:

(k) *Alimony, etc., income.* In the case of a wife who is divorced or legally separated from her husband under a decree of divorce or of separate maintenance, periodic payments (whether or not made at regular intervals) received subsequent to such decree in discharge of, or attributable to property transferred (in trust or otherwise) in discharge of, a legal obligation which, because of the marital or family relationship, is imposed upon or incurred by such husband under such decree or under a written instrument incident to such divorce or separation shall be includible in the gross income of such wife, and such amounts received as are attributable to property so transferred shall not be includible in the gross income of such husband. This subsection shall not apply to that part of any such periodic payment which the terms of the decree or written instrument fix, in terms of an amount of money or a portion of the payment, as a sum which is payable for the support of minor children of such husband. In case any such periodic payment is less than the amount specified in the decree or written instrument, for the purpose of applying the preceding sentence, such payment, to the extent of such sum payable for such support, shall be considered a payment for such support. Installment payments discharging a part of an obligation the principal sum of which is, in terms of money or property, specified in the decree or instrument shall not be considered periodic payments for the purposes of this subsection; except that an installment payment shall be considered a periodic payment for the purposes of this subsection if such principal sum, by the terms of the decree or instrument, may be or is to be paid within a period ending more than 10 years from the date of such decree or instrument, but only to the extent that such installment payment for the taxable year of the wife (or if more than one such installment payment for such taxable year is received during such taxable year, the aggregate of such installment payments) does not exceed 10 per centum of such principal sum. For the purposes of the preceding sentence, the portion of a payment of the principal sum which is allocable to a period after the taxable year of the wife in which it is received shall be considered an installment payment for the taxable year in which it is received. (In cases where such periodic payments are attributable to property of an estate or property held in trust, see section 171 (b).)

* * * * *

(g) *Taxable Years to Which Amendments Applicable.*—The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1941; except that if the first taxable year beginning after December 31, 1941, of the husband does not begin on the same day as the first taxable year beginning after December 31, 1941, of the wife, such amendments shall first become applicable in the case of the husband on the first day of the wife's first taxable year beginning after December 31, 1941, regardless of the taxable year of the husband in which such day falls.

§ 19.22 (k)–1 *Alimony and separate maintenance payments—Income to former wife*—(a) *In general.* Section 22 (k) provides rules for treatment in certain cases of payments in the nature of or in lieu of alimony or an allowance for support as between spouses who are divorced or legally separated under a court order or decree. Section 22 (k) applies only to such payments actually made or actually received on and after the first day of the first taxable year of the payee spouse beginning after December 31, 1941. For convenience, the payee spouse will hereafter in this section of the regulations be referred to as the "wife" and the spouse from whom she is divorced or legally separated as the "husband". See section 3797 (a) (17).

In general, section 22 (k) requires the inclusion in the gross income of the wife of periodic payments (whether or not made at regular intervals) received by her after the decree of divorce or of separate maintenance. Such periodic payments may be received from either of the two following sources:

(1) In discharge of a legal obligation which, because of the marital or family relationship, is imposed upon or incurred by the husband, or

(2) Attributable to property transferred (in trust or otherwise) in discharge of a legal obligation which, because of the marital or family relationship, is imposed upon or incurred by the husband.

The obligation of the husband must be imposed upon him or assumed by him (or made specific) under either of the following:

(1) A court order or decree divorcing or legally separating the husband and wife, or

(2) A written instrument incident to such divorce or legal separation.

The periodic payments received by the wife attributable to property so transferred and includible in her income are not to be included in the gross income of the husband. See also § 19.171–1 in cases where such periodic payments are attributable to property held in trust.

The purpose and effect of section 22 (k) may be illustrated, in general, by the following examples in which it is assumed that the husband and wife make their income tax returns on the calendar year basis:

Example (*1*). W sues H for divorce in 1942. The court awards W temporary alimony of $25 a week pending the final decree. On September 1, 1942 the court grants W a divorce and awards her $200 a month permanent alimony. No part of the $25 a week temporary alimony received prior to the decree is includible in W's income under section 22 (k), but the $200 a month received during the balance of 1942 by W is includible in her income for 1942. Under section 23 (u), H is entitled to deduct such $200 payments from his income.

Example (*2*). W files suit for divorce from H. In consideration of W's promise to relinquish all marital rights and not to make public H's financial affairs, H makes a legally binding promise in writing to W to pay to her $200 a month if a final decree of divorce is granted without any provision for alimony. Accordingly, W does not request alimony and no provision for alimony is made under a final decree of divorce entered prior to 1942. During 1942, H pays W $200 a month, pursuant to the promise. The $2,400 thus received by W is includible in her gross income under the provisions of section 22 (k). Under section 23 (u), H is entitled to a deduction of $2,400 from his gross income.

Example (*3*). H and W enter into an antenuptial agreement, under which, in consideration of W's relinquishment of all marital rights (including dower) in H's property, and, in order to provide for W's support and household expenses, H promises to pay W $200 a month for her life. Ten years after their marriage, W sues H for divorce but does not ask for or obtain alimony because of the provision already made for her support in the antenuptial agreement. Likewise, the divorce decree is silent as to such agreement and H's obligation to support W. Section 22 (k) does not apply to such a case. If, however, the decree were modified so as to refer to the antenuptial agreement, or if, at the time of the divorce, reference had been made to the antenuptial agreement in the court's decree or in a written instrument incident to the divorce, section 22 (k) would require the inclusion of the payments received by W after the decree in her income for taxable years beginning after December 31, 1941. (As to including such payments in the wife's income, if made by a trust created under the antenuptial agreement, regardless of whether referred to in the decree or a later instrument, see §19.171–1.)

Section 22 (k) applies only where the legal obligation being discharged arises out of the family or marital relationship in recognition of the general obligation to support, which is made specific by the instrument or decree. Thus, section 22 (k) does not apply to that part of any periodic payment which is attributable to the repayment by the husband of, for example, a *bona fide* loan previously made to him by the wife, the satisfaction of which is specified in the divorce decree as a part of the general settlement between the husband and wife.

Periodic payments are includible in the wife's income under section 22 (k) only for the taxable year in which received by her. As to such amounts, the wife is to be treated as if she makes her income tax returns on the cash receipts and disbursements basis, regardless of whether she normally makes such returns on the accrual basis. However, if the periodic payments described in section 22 (k) are to be made by an estate or trust, such periodic payments are to be included in the wife's taxable year in which they are includible according to the rules as to income of estates and trusts provided in sections 162, 164 and 171 (b), whether or not such payments are made out of the income of such estates or trusts.

(b) *Alimony income attributable to property.* The full amount of periodic payments received under the circumstances described in section 22 (k) is required to be included in the gross income of the recipient whether such amounts are derived, in whole or in part, from income received or accrued by the

source to which such payments are attributable. Thus, it matters not that such payments are attributable to property in trust, to life insurance, endowment, or annuity contracts, or to any other interest in property, or are paid directly or indirectly by the obligor husband from his income or capital. For example, if in order to meet an alimony obligation of $500 a month, the husband purchases or assigns for the benefit of his former wife a commercial annuity contract paying such amount, the full $500 a month received by the wife is includible in her income, and no part of such amount is includible in the husband's income or deductible by him. See section 22 (b) (2) (A) and § 19.22 (b) (2) (A)–4. Likewise, if property is transferred by the husband, subject to an annual charge of $5,000, payable to his former wife in discharge of his alimony obligation under the divorce decree, the $5,000 received annually is, under section 22 (k), includible in the wife's income, regardless of whether such amount is paid out of income or principal of the property.

The same rule applies to periodic payments attributable to property in trust. The full amount of periodic payments to which section 22 (k) applies is includible in the wife's income, regardless of whether such payments are made out of trust income. This rule applies even though under the law prior to the enactment of the Revenue Act of 1942 only the income of a trust for the benefit of the divorced wife was taxable to her. Such periodic payments are to be included in the wife's income under section 22 (k) and are to be excluded from the husband's income, even though the income of the trust would otherwise be includible in his income under section 22 (a), section 166, section 167 or any other section of the Code or these regulations. As to periodic payments received by a former wife attributable to property in trust in cases to which section 22 (k) does not apply because the husband's obligation is not specified in the decree or an instrument incident thereto, see section 171 (a) and § 19.171–1.

Section 22 (k) does not apply to that part of any periodic payment attributable to that portion of any interest in property transferred in discharge of the husband's obligation under the decree or instrument incident thereto, which interest originally belonged to the wife. It will apply, however, if she received such interest from her husband in contemplation of or as an incident to the divorce or separation without adequate and full consideration in money or money's worth, other than the release of the husband or his property from marital obligations. An example of the first rule is a case where the husband and wife transfer securities, which were owned by them jointly, in trust to pay an annuity to the wife. In this case, the full amount of that part of the annuity received by the wife in discharge of the husband's obligation under the decree, or instrument incident thereto, is taxable to her under section 22 (k), while that portion of the annuity attributable to the wife's interest in the securities so transferred is taxable to her only to the extent it is out of trust income, as provided in section 162. If, however, the husband's transfer of an interest in his property to his wife, preliminary to a transfer of such property in discharge of his obligation, is made in an attempt to avoid the application of section 22 (k) to part of such payments received by his wife, such transfers will be considered as a part of the same transfer by the husband of his property in discharge of his obligation. In such a case, section 22 (k) will be applied to the full amount received by the wife. As to periodic payments received under a joint purchase of a commercial annuity contract, see § 19.22 (b) (2) (A)–4.

(c) *Alimony installment payments.* In general, installment payments discharging a part of an obligation the principal sum of which is, in terms of money or property specified in the decree of divorce or legal separation, or in an instrument incident thereto, are not considered "periodic payments" and therefore are not to be included under section 22 (k) in the wife's income. An exception to this general rule is provided, however, in cases where such principal sum, by the terms of the decree or such instrument, may be or is to be paid within a period ending more than 10 years from the date of such decree or instrument. In such cases, the installment payment is considered a periodic payment for the purposes of section 22 (k) but only to the extent that the installment payment, or sum of the installment payments, received during the wife's taxable year does not exceed 10 percent of the principal sum. This 10 percent limitation applies to installment payments made in advance but does not apply to delinquent installment payments for a prior taxable year of the wife made during her taxable year.

The rule as to installment payments may be illustrated by the following examples:

Example (*1*). Under the terms of a divorce decree, H is to pay W a gross sum of $100,000 in four annual installments. No part of the $100,000 is includible in W's income under section 22 (k) nor deductible by H.

Example (*2*). A divorce decree in 1940 provides that H is to pay W $20,000 each year for the next 5 years, beginning with the date of the decree and then $5,000 each year for the next 10 years. Assuming the wife makes her returns on the calendar year basis, each payment received in 1942, 1943 and 1944 is a periodic payment under section 22 (k), but only to the extent of 10 percent of the principal sum of $150,000. Thus for such taxable years, only $15,000 of the $20,000 received is includible under section 22 (k) in the wife's income and is deductible by the husband under section 23 (u). For the years 1945–1954, inclusive, the full $5,000 received each year by the wife is includible in her income and is deductible from the husband's income.

Example (*3*). Under the terms of a separation agreement incident to divorce granted in December 1940, H agrees to pay W $500 on the first day of each month, beginning with the month after the decree, for 12 years. W makes her income tax returns on the calendar year basis while H makes his returns on the basis of the fiscal year ending June 30. H makes the promised payments in 1941 and 1942 and, in addition, on December 31, 1942, pays W $1,500 as an advance payment of installments for the next three months. In the calendar year 1943, H makes no payments at all because of financial straits. On January 1, 1944, H inherits $15,000, which he immediately pays to W in satisfaction of not only his back alimony installments for the last 9 months of 1943 but also his alimony installments for the next 21 months. The results as to H and W are as follows:

As to W. In the calendar year 1941, W received $6,000, none of which is includible in her gross income. In the calendar year 1942, W received $7,500. Since 10 percent of $72,000 (the principal sum) is $7,200, only $7,200 of the $7,500 so received is includible in her income for 1942. For 1943, nothing is includible in her income under section 22 (k). In 1944, W received $15,000. Of this amount, $4,500 is in payment of back installments and, therefore, is includible without limitation in her income for 1944. Of the balance of $10,500, only $7,200 is includible in her income for 1944.

As to H. For the taxable year ended June 30, 1941, H paid $3,000, none of which is deductible. For the taxable year ended June 30, 1942, H paid $6,000, of which only $3,000 is deductible by H since only that much of the $6,000 was paid in the wife's first taxable year beginning after December 31, 1941. In the taxable year ended June 30, 1943, H paid W $4,500, which, not being in excess of 10 percent of the principal sum, is deductible for such year. In his taxable year ended June 30, 1944, H paid $15,000, of which $11,700 (the sum of $4,500 and $7,200) is deductible.

(d) *Payments for support of minor children.* Section 22 (k) does not apply to that part of any periodic payment which, by the terms of the decree or the written instrument under section 22 (k), is specifically designated as a sum payable for the support of minor children of the husband. The statute prescribes the treatment in cases where an amount or portion is so fixed but the amount of any periodic payment is less than the amount of the periodic payment specified to be made. In such cases, to the extent of the amount which would be payable for the support of such children out of the originally specified periodic payment, such periodic payment is considered a payment for such support. For example, if the husband is by terms of the decree required to pay $200 a month to his divorced wife, $100 of which is designated by the decree to be for the support of their minor children, and the husband pays only $150 to his wife, $100 is nevertheless considered to be a payment by the husband for the support of the children. If, however, the periodic payments are received by the wife for the support and maintenance of herself and of minor children of the husband without such specific designation of the portion for the support of such children, then the whole of such amounts is includible in the income of the wife as provided in section 22 (k). Except in cases of a designated amount or portion for the support of the husband's minor children, periodic payments described in section 22 (k) received by the wife for herself and any other person or persons are includible in whole in the wife's income, whether or not the amount or portion for such other person or persons is designated. As to treatment of such amounts with respect to credit for dependents and head of family exemption, see sections 25 (b) (2) (A) and 401 (a) (2) and sections 19.25–4 and 19.25–6.

Par. 10. There is inserted immediately following section 23 (t), as added by Treasury Decision 5016, the following:

Sec. 120. ALIMONY AND SEPARATE MAINTENANCE PAYMENTS (Revenue Act of 1942, Title I.)

* * * * *

(b) *Deductions for amounts paid.* Section 23 (relating to deductions from gross income) is amended by inserting at the end thereof the following new subsection:

(u) *Alimony, etc., payments.* In the case of a husband described in section 22 (k), amounts includible under section 22 (k) in the gross income of his wife, payment of which is made within the husband's taxable year. If the amount of any such payment is, under section 22 (k) or section 171, stated to be not includible in such husband's gross income, no deduction shall be allowed with respect to such payment under this subsection.

* * * * *

(g) *Taxable Years to Which Amendments Applicable.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1941; except that if the first taxable year beginning after December 31, 1941, of the husband does not begin on the same day as the first taxable year beginning after December 31, 1941, of the wife, such amendments shall first become applicable in the case of the husband on the first day of the wife's first taxable year beginning after December 31, 1941, regardless of the taxable year of the husband in which such day falls.

§ 19.23 (u)–1 *Periodic alimony payments.* A deduction is allowable under section 23 (u) with respect to periodic payments in the nature of, or in lieu of, alimony or an allowance for support actually paid by the taxpayer during his taxable year and required to be included in the income of the payee wife or former wife, as the case may be, under section 22 (k). As to the amounts required to be included in the income of the wife or former wife, as the case may be, see § 19.22 (k)–1. (For definition of husband and wife in such cases, see section 3797 (a) (17).)

The deduction is allowed only for such amounts as are actually paid on or after January 1, 1942 in a taxable year of the wife or former wife beginning after December 31, 1941. For this purpose, the taxpayer is treated as if he makes his income tax returns on the cash receipts and disbursements basis, regardless of the method of accounting actually employed by him in making such returns.

The deduction under section 23 (u) is allowed only to the obligor spouse. It is not allowed to an estate, trust, corporation or any other person who may pay the alimony obligation of such obligor spouse. The obligor spouse, however, is not allowed a deduction for any periodic payment includible under section 22 (k) in the income of the wife or former wife, as the case may be, which payment is attributable to property transferred in discharge of his obligation and which, under section 22 (k) or section 171 is stated not to be includible in his gross income.

The following examples illustrate cases in which a deduction is or is not allowed under section 23 (u):

Example (1). Pursuant to the terms of a decree of divorce, H, in 1940, transfers securities valued at $100,000 in trust for the benefit of W, which fully discharges all his obligations to W. Thereafter, in 1940 and 1941, the income of the trust is taxable to W and is not included in H's income. For 1942 and thereafter, when the periodic payments made by the trust to W are required to be included in W's income under section 22 (k), such payments are stated in section 22 (k) not to be includible in H's income and under section 23 (u) are not deductible from his income.

Example (2). A decree of divorce obtained by W from H incorporated a previous agreement of H to establish a trust, the trustees of which were instructed to pay W $5,000 a year for her life. The court retained jurisdiction to order H to provide further payments if necessary for the support of W. In 1942 the trustees paid to W $4,000 from the income of the trust and $1,000 from the corpus of the trust. Under the provisions of sections 22 (k) and 171 (b), W will include $5,000 in her income for 1942. (The trustees will deduct $4,000 from the income of the trust under section 162.) H will not include any part of the $5,000 in his income nor take a deduction therefor. If H had paid the $1,000 to W, rather than allowing the trustees to pay it out of corpus, he would have been entitled to a deduction for $1,000 under the provisions of section 23 (u).

For other examples, see § 19.22 (k)–1.

Par. 11. Section 19.24–1 is amended by striking out the sixth sentence and parenthetical clause following it and inserting in lieu thereof the following sentences:

Amounts paid as damages for breach of promise to marry, attorney's fees and other costs of suit to recover such damages, and attorney's fees paid in a suit for separation are not deductible from gross income. Amounts paid as alimony or allowance for support upon divorce or separation are not deductible except as provided in section 23 (u).

Par. 12. There is inserted immediately preceding § 19.25–1 the following:

Sec. 120. ALIMONY AND SEPARATE MAINTENANCE PAYMENTS. (Revenue Act of 1942, Title I.)

* * * * *

(e) *Credit for dependents*—(1) *Credit for normal tax and surtax.* Section 25 (b) (2) (A) (relating to credit for dependents) is amended by inserting at the end thereof the following: A payment to a wife which is includible under section 22 (k) or section 171 in the gross income of such wife shall not be considered a payment by her husband for the support of any dependent.

(2) *Credit for optional tax under Supplement T.* For credit for dependents in case of optional tax, see amendment made by section 104 of this Act.

* * * * *

(g) *Taxable years to which amendments applicable.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1941; except that if the first taxable year beginning after December 31, 1941, of the husband does not begin on the same day as the first taxable year beginning after December 31, 1941, of the wife, such amendments shall first become applicable in the case of the husband on the first day of the wife's first taxable year beginning after December 31, 1941, regardless of the taxable year of the husband in which such day falls.

Par. 13. Section 19.25–4 is amended by inserting after the first sentence thereof the following new sentence:

In the case of spouses who are divorced or legally separated under a decree of divorce or of separate maintenance, periodic payments (in the nature of, or in lieu of, alimony or an allowance for support) received by one spouse which she is required under section 22 (k) or section 171 (a) to include in her gross income and which she uses for support of dependents are considered payments by her for such support and not payments by the other spouse for support of any person.

Par. 14. Section 19.25–6, as amended by Treasury Decision 5086, is amended by inserting, at the end of the second paragraph thereof, the following new sentence:

In the case of spouses who are divorced or legally separated under a decree of divorce or of separate maintenance, payments (in the nature of, or in lieu of, alimony or an allowance for support) received by one spouse which she is required under section 22 (k) or section 171 (a) to include in her gross income and which she uses for support of dependents are considered payments by her for such support and not payments by the other spouse for support of any person.

Par. 15. Section 19.147–1, as amended by Treasury Decision 5086, is amended by striking out, in the second paragraph thereof, "19.22 (b) (2)–1, and 19.22 (b) (2)–2" and by inserting in lieu thereof "19.22 (b) (2) (A)–1, and 19.22 (b) (2) (A)–2".

Par. 16. Section 19.161–1 is amended as follows:

(A) By striking from the first sentence "170" and inserting in lieu thereof "171".

(B) By inserting, immediately preceding the last sentence (the cross reference) in subsection (a), the following sentences:

So-called alimony trusts to which section 22 (k) or section 171 applies may be of a type to which the provisions of sections 161, 162, and 163 also apply, or of a type which is excluded from the provisions of sections 161, 162, and 163. Except to the extent that section 22 (k) or section 171 governs the taxability of amounts paid, credited or to be distributed attributable to trust property, the treatment of such trusts under sections 161, 162, and 163 or under sections 166 and 167 is not affected by section 22 (k) or section 171.

Par. 17. Section 19.162–1 is amended by striking out the period and the cross reference in parentheses at the end of the sixth paragraph thereof (not counting as paragraphs the divisions designated (1), (2) and (3) following the colon in the second paragraph) and by inserting in lieu thereof the following: ", except in cases to which section 22 (k) or section 171 applies. See §§ 19.167–1, 19.171–1, and 19.171–2.)".

Par. 18. Section 19.166–1 is amended as follows:

(A) By inserting, immediately preceding the period at the end of the first sentence thereof, the following: ", except as provided in section 22 (k) and section 171".

(B) By inserting, immediately preceding "regardless" in the fourth sentence of subsection (b), the following: "(except as provided in section 22 (k) or section 171)".

(C) By inserting, immediately following "corpus", the first time it appears in subsection (c), the following: ", except as provided in sections 22 (k), 23 (u), and 171,".

Par. 19. Section 19.167–1 is amended as follows:

(A) By inserting, immediately following "another" in the second sentence of subsection (b), the following: "(except a wife to whom such income is taxable under section 22 (k) or section 171)".

(B) By inserting, immediately preceding "regardless" in the third paragraph of subsection (b), the following: "(except as provided in section 22 (k) or section 171)".

(C) By inserting, immediately preceding the period at the end of the fourth paragraph of subsection (b), the following: ", except where it is expressly required by section 22 (k) or section 171 to be included in the gross income of a wife or former wife".

Par. 20. There is inserted immediately following section 19.170–1, the following:

Sec. 120. ALIMONY AND SEPARATE MAINTENANCE PAYMENTS. (Revenue Act of 1942, Title I.)

* * * * *

(c) *Income from trusts.* Supplement E of Chapter 1 is amended by inserting at the end thereof the following new section:

Sec. 171. INCOME OF AN ESTATE OR TRUST IN CASE OF DIVORCE, ETC.

(a) *Inclusion in gross income.* There shall be included in the gross income of a wife who is divorced or legally separated under a decree of divorce or of separate maintenance the amount of the income of any trust which such wife is entitled to receive and which, except for the provisions of this section, would be includible in the gross income of her husband, and such amount shall not, despite section 166, section 167, or any other provision of this chapter, be includible in the gross income of such husband. This subsection shall not apply to that part of any such income of the trust which the terms of the decree or trust instrument fix, in terms of an amount of money or a portion of such income, as a sum which is payable for the support of minor children of such husband. In case such income is less than the amount specified in the decree or instrument, for the purpose of applying the preceding sentence, such income, to the extent of such sum payable for such support, shall be considered a payment for such support.

(b) *Wife considered a beneficiary.* For the purposes of computing the net income of the estate or trust and the net income of the wife described in section 22 (k) or subsection (a) of this section, such wife shall be considered as the beneficiary specified in this supplement. A periodic payment under section 22 (k) to any part of which the provisions of this supplement are applicable shall be included in the gross income of the beneficiary in the taxable year in which under this supplement such part is required to be included.

* * * * *

(g) *Taxable years to which amendments applicable.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1941; except that if the first taxable year beginning after December 31, 1941, of the husband does not begin on the same day as the first taxable year beginning after December 31, 1941, of the wife, such amendments shall first become applicable in the case of the husband on the first day of the wife's first taxable year beginning after December 31, 1941, regardless of the taxable year of the husband in which such day falls.

§ 19.171–1 *Income of trust in case of divorce, etc.*—(a) *In general.* Section 171 (a) provides rules in certain cases for taxability of income of trusts as between spouses who are divorced or legally separated under a court order or decree. In such cases, the spouse actually entitled to receive payments from the trust is considered the beneficiary rather than the spouse in discharge of whose obligation such payments are made. For convenience, the beneficiary spouse will hereafter in this section and in § 19.171–2 be referred to as the "wife" and the obligor spouse from whom she is divorced or legally separated as the "husband." (See section 3797 (a) (17).) Thus, under section 171 (a) income of a trust—

(1) which is paid, credited or to be distributed to the wife in a taxable year of the wife beginning after December 31, 1941, and

(2) which, except for the provisions of section 171, would be includible in the gross income of her husband, shall be includible in her gross income and shall not be includible in his gross income.

Section 171 (a) does not apply in any case to which section 22 (k) applies. Although section 171 (a) and section 22 (k) seemingly cover some of the same situations, there are important differences between them. Thus, section 171 (a) applies, for example, to a trust created before the divorce or separation and not in contemplation of it, while section 22 (k) applies only if the creation of the trust or payments by a previously created trust are in discharge of a legal obligation imposed upon or assumed by the husband (or made specific) under the court decree or an instrument incident to the divorce or legal separation. On the other hand, section 22 (k) requires inclusion in the wife's income of the full amount of periodic payments received attributable to property in trust (whether or not out of trust income), while section 171 (a) requires amounts paid, credited or to be distributed to her to be included only to the extent such amounts are out of income of the trust for its taxable year (determined as provided in section 162).

Section 171 (a) is designed to produce uniformity as between cases described in section 171 (a) and cases not described in section 171 (a), where, in the former cases, without section 171 (a), the income of a so-called alimony trust would be taxable to the husband because of his continuing obligation to support his former wife, and where, in the latter cases, the income of a so-called alimony trust is taxable to the former wife because of the termination of the husband's obligation. Furthermore, section 171 (a) taxes trust income to the wife in all cases where under prior law the husband would be taxed not only because of the discharge of his alimony obligation but also because of his retention of control over the income or trust corpus. Section 171 (a) applies whether or not the wife is the beneficiary under the terms of the trust instrument or is an assignee of a beneficiary.

The application of section 171 (a) may be illustrated by the following examples, in which it is assumed that both the husband and wife make their income tax returns on a calendar year basis:

Example (1). Upon the marriage of H and W, H irrevocably transfers property in trust to pay the income therefrom to W for her life for support, maintenance and all other expenses. Some years later, W obtains a legal separation from H under an order of court. W, relying upon the income from the trust payable to her, does not ask for any provision for her support and none is ordered by the court; the court, however, has jurisdiction under the law of the State to order at any time prior to an absolute divorce that provision be made by H for W's support. Under the provisions of section 171 (a), the income of the trust which becomes payable to W in 1942 (after the order of separation) is includible in her income and is deductible by the trust. No part thereof is includible in H's income or deductible by him.

Example (2). H transfers property in trust for the benefit of W, retaining the power to revoke the trust at any time. H, however, promises that if he revokes the trust he will transfer to W property in the value of $100,000. The transfer in trust and the agreement were not incident to divorce, but some years later W divorces H. The court decree is silent as to alimony and the trust. After the divorce, income of the trust which becomes payable to W in any taxable year beginning after December 31, 1941 is taxable to her, and is not taxable to H or deductible by him. If H later terminates the trust and transfers $100,000 of property to W, such $100,000 is not income to W nor deductible by H.

(b) *Alimony trust income designated for support of minor children.* Section 171 (a) does not require the inclusion in the wife's income of trust income which the terms of the decree or trust instrument fix in terms of an amount of money or a portion of such income as a sum which is payable for the support of minor children of the husband. The statute prescribes the treatment in cases where under the terms of the decree or trust instrument a specific amount of trust income is to be paid but a lesser amount becomes payable. In such cases, to the extent of the sum which would be payable for such support out of the originally specified amount of trust income, such trust income is considered payable for support of such minor children. This rule is similar to that provided in the case of periodic payments under section 22 (k). See § 19.22 (k)–1 (d).

§ 19.171–2 *Application of trust rules to alimony payments.* For the purpose of the application of sections 162, 163 and 164, the wife described in section 171 or section 22 (k) who is entitled to receive payments attributable to property in trust is considered a beneficiary of the trust, whether or not the payments are made for the benefit of the husband in discharge of his obligations.

A periodic payment includible in the wife's gross income under section 22 (k) attributable to property in trust shall be included in full in her gross income in her taxable year in which any part is required to be included under sections 162 and 164. Assume, for example, in a case in which both the wife and the trust file income tax returns on the calendar year basis, that an annuity of $5,000 is to be paid to the wife by the trustee every December 31 (out of trust income if possible and, if not, out of corpus) pursuant to the terms of a divorce decree. Of the $5,000 distributable on December 31, 1942, $4,000 is payable out of income and $1,000 out of corpus. The actual distribution is made in 1943. Although the periodic payment is received by the wife in 1943, since under sections 162 and 164 the $4,000 income distributable on December 31, 1942, is to be included in the wife's income for 1942, the $1,000 payment out of corpus is to be included in her income for 1942.

PAR. 21. There is inserted immediately preceding §19.3797–1, the following:

SEC. 120. ALIMONY AND SEPARATE MAINTENANCE PAYMENTS. (Revenue Act of 1942, Title I.)

* * * * *

(f) *Definitions.* Section 3797 (a) (relating to definitions) is amended by inserting at the end thereof the following new paragraph:

(17) *Husband and wife.* As used in sections 22 (k), 23 (u), 25 (b) (2) (A), and 171, and the last sentence of section 401 (a) (2), if the husband and wife therein referred to are divorced, wherever appropriate to the meaning of such sections, the term "wife" shall be read "former wife" and the term "husband" shall be read "former husband"; and, if the payments described in such sections are made by or on behalf of the wife or former wife to the husband or former husband instead of vice versa, wherever appropriate to the meaning of such sections, the term "husband" shall be read "wife" and the term "wife" shall be read "husband".

(g) *Taxable years to which amendments applicable.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1941; except that if the first taxable year beginning after December 31, 1941 of the husband does not begin on the same day as the first taxable year beginning after December 31, 1941, of the wife, such amendments shall first become applicable in the case of the husband on the first day of the wife's first taxable year beginning after December 31, 1941, regardless of the taxable year of the husband in which such day falls.

(Sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62) and sections 110 and 120 of the Revenue Act of 1942 (Public Law 753, Seventy-seventh Congress).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: December 8, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42–13081; Filed, December 10, 1942; 10:13 a.m.]

[T.D. 5196]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

NON-TRADE OR NON-BUSINESS DEDUCTIONS, ETC.

Regulations 103 and prior income tax regulations amended. Deductions for non-trade or non-business expenses paid or incurred for the production or collection of income or for the management, conservation, or maintenance of property held by the taxpayer for the production of income. Deductions of amounts allowable for estate tax purposes denied as deduction for income tax purposes unless certain conditions are fulfilled. Sections 121 and 161, Revenue Act of 1942 (Public Law 753, 77th Congress), approved October 21, 1942.

In order to conform Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] to sections 121 and 161 of the Revenue Act of 1942 (Public Law 753, 77th Congress), approved October 21, 1942, such regulations are amended as follows:

PARAGRAPH 1. The following is inserted immediately preceding § 19.23 (a)–1:

SEC. 121. NON-TRADE OR NON-BUSINESS DEDUCTIONS. (Revenue Act of 1942.)

(a) *Deduction for expenses.* Section 23 (a) (relating to deduction for expenses) is amended to read as follows:

(a) *Expenses.*

(1) *Trade or business expenses.*

(A) *In general.* All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered; traveling expenses (including the entire amount expended for meals and lodging) while away from home in the pursuit of a trade or business; and rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity.

(B) *Corporate charitable contributions.* No deduction shall be allowable under subparagraph (A) to a corporation for any contribution or gift which would be alowable as a deduction under subsection (q) were it not for the 5 per centum limitation therein contained and for the requirement therein that payment must be made within the taxable year.

(C) *Expenditures for advertising and good will.* If a corporation has, for the purpose of computing its excess profits credit under Chapter 2E, claimed the benefits of the election provided in section 733, no deduction shall be allowable under subparagraph (A) to such corporation for expenditures for advertising or the promotion of good will which, under the rules and regulations prescribed under section 733 (a), may be regarded as capital investments.

(2) *Non-trade or non-business expenses.* In the case of an individual, all the ordinary and necessary expenses paid or incurred during the taxable year for the production or collection of income, or for the management, conservation, or maintenance of property held for the production of income.

* * * * *

(d) *Taxable years to which amendments applicable.* The amendments made by this section shall be applicable to taxable years beginning after December 31, 1938.

PAR. 2. The following is inserted immediately after § 19.23 (a)–14:

§ 19.23 (a)–15 *Nontrade or nonbusiness expenses*—(a) *In general.* Subject to the qualifications and limitations in Chapter 1 and particularly in section 24, as amended, an expense may be deducted under section 23 (a) (2) only upon the condition that:

(1) It has been paid or incurred by the taxpayer during the taxable year (i) for the production or collection of income which, if and when realized, will be required to be included in income for Federal income tax purposes, or (ii) for the management, conservation, or maintenance of property held for the production of such income; and

(2) It is an ordinary and necessary expense for either or both of the purposes stated in (1) above.

The term "income" for the purpose of section 23 (a) (2) comprehends not merely income of the taxable year but also income which the taxpayer has realized in a prior taxable year or may realize in subsequent taxable years; and is not confined to recurring income but applies as well to gains from the disposition of property. For example, if defaulted bonds, the interest from which if received would be includible in income, are purchased with the expectation of realizing capital gain on their resale, even though no current yield thereon is anticipated, ordinary and necessary expenses thereafter incurred in connection therewith are deductible. Similarly, ordinary and necessary expenses incurred in the management, conservation or maintenance of a building devoted to rental purposes are deductible notwithstanding that there is actually no income therefrom in the taxable year, and regardless of the manner in which or the purpose for which the property in question was acquired. Expenses incurred in managing, conserving, or maintaining property held for investment may be deductible under this provision even though the property is not currently productive and there is no likelihood that the property will be sold at a profit or will otherwise be productive of income and even though the property is held merely to minimize a loss with respect thereto. The expenses, however, of carrying on transactions, which do not constitute a trade or business of the taxpayer and are not carried on for the production or collection of income or for the management, conservation, or maintenance of property held for the production of income, but which are carried on primarily as a sport, hobby, or recreation are not allowable as nontrade or nonbusiness expenses.

Expenses, to be deductible under section 23 (a) (2), must be "ordinary and necessary", which presupposes that they must be reasonable in amount and must bear a reasonable and proximate relation to the production or collection of taxable income or to the management, conservation, or maintenance of property held for the production of income.

(b) Except for the requirement of being incurred in connection with a trade or business, a deduction under this section is subject to all the restrictions and limitations that apply in the case of the deduction under section 23 (a) (1) (A) of an expense paid or incurred in carrying on any trade or business. This includes restrictions and limitations contained in section 24, as amended. Section 24 (a) (5), as amended, continues to disallow any amount otherwise allowable as a deduction (whether under section 23 (a) (2) or otherwise) which is allocable to one or more classes of tax-exempt income, other than interest, and has the effect in addition of disallowing a deduction under section 23 (a) (2) for amounts otherwise allowable under that section which are allocable to tax-exempt interest. Thus any amount allocable to the production or collection of one or more classes of income which is not includible in gross income or to the management, conservation or maintenance of property held for the production of such income is not deductible under section 23 (a) (2). Nor does section 23 (a) (2) allow any expenses which are disallowed by any of the provisions of Chapter 1 of the Code.

Capital expenditures, and expenses of carrying on transactions which do not constitute a trade or business of the taxpayer and are not carried on for the production or collection of income or for the management, conservation, or maintenance of property held for the production of income, but which are carried on primarily as a sport, hobby, or recreation are not allowable as nontrade or nonbusiness expenses. The question whether or not a transaction is carried on primarily for the production of income or for the management, conservation, or maintenance of property held for the production or collection of income, rather than primarily as a sport, hobby, or recreation, is not to be determined solely from the intention of the taxpayer but rather from all the circumstances of the case, including the record of prior gain or loss of the taxpayer in the activity, the relation between the type of activity and the principal occupation of the taxpayer, and the uses to which the property or what it produces is put by the taxpayer.

Among expenditures not allowable under section 23 (a) (2) are the following: Commuters' expenses; expenses of taking special courses or training; expenses for improving personal appearance; the cost of rental of a safe-deposit box for storing jewelry and other personal effects; and expenses such as expenses in seeking employment or in placing oneself in a position to begin rendering personal services for compensation, campaign expenses of a candidate for public office, bar examination fees and other expenses incurred in securing admission to the bar, and corresponding fees and expenses incurred by physicians, dentists, accountants, and other taxpayers for securing the right to practice their respective professions.

Fees for services of investment counsel, custodian fees, clerical help, office rent, and similar expenses paid or incurred by a taxpayer in connection with investments held by him are deductible under section 23 (a) (2) only if (1) they are paid or incurred by the taxpayer for the production or collection of income, or for the management, conservation, or maintenance of investments held by him for the production of income; and (2) they are ordinary and necessary under all the circumstances, having regard to the type of investment and to the relation of the taxpayer to such investment.

Ordinary and necessary expenses in connection with the management, conservation, or maintenance of property used as a residence by the taxpayer or acquired by him for such use are not deductible, even though the taxpayer makes efforts to sell the property at a profit or to convert it to income-producing purposes, and even though the property is not occupied by the taxpayer as a residence, unless prior to the time that such expenses are incurred the property has been rented or otherwise appropriated to income-producing purposes by some affirmative act and has not been reconverted.

Expenditures incurred by an administrator or executor in securing the processes and orders of the court having jurisdiction over the probate of the estate, or in collecting the assets of the estate (other than income which, if and when realized, must be reported by the estate for income tax purposes), or in adjusting claims against the decedent, or in distributing the remaining assets to the beneficiaries, or in conserving the assets for ultimate distribution to the parties entitled thereto, are not deductible under this section. Ordinary and necessary expenses, however, which are paid or incurred during the taxable year by an administrator or executor for the production or collection of income which, if and when realized, must be reported by the estate for income tax purposes, such as fees for collecting rents on property in the estate of the decedent, or for collecting interest or dividends on securities in that estate, or which are paid or incurred during the taxable year for the management, conservation, or maintenance of property in the estate of the decedent held for the production of income, the income from which, if and when realized, must be reported by the estate for income tax purposes, such as expenditures for insurance or repairs, or expenditures of a similar nature, are deductible under this section at the option of the taxpayer notwithstanding that deductions therefor are allowable under section 812 (b) in computing the gross estate subject to the estate tax, provided the requisite statement and waiver are filed. (See section 162 (e).)

The ordinary expenditures of administration incurred in a receivership or bankruptcy proceeding are not deductible Such expenditures include expenditures incurred in the performance of the ordinary duties of a receiver or trustee in bankruptcy, as, for example, fees paid to the attorney for the petitioning creditors, fees paid to the appraisers, and disbursements which are made in connection with the proceeding and which look toward the collection of the assets and their preservation pending ultimate distribution to the parties entitled thereto.

Reasonable amounts paid or incurred by a trustee on account of trustees' fees and other expenses which are ordinary and necessary in connection with the production or collection of trust income or with the management, conservation, or maintenance of trust property held for the production of income are deductible, notwithstanding that the trust is not engaged in a trade or business.

Reasonable amounts paid or incurred for the services of a guardian or committee for a ward or minor, and other expenses of guardians and committees which are ordinary and necessary, in connection with the production or collection of income inuring to the ward or minor, or in connection with the management, conservation, or maintenance of property, held for the production of income, belonging to the ward or minor, are deductible.

It is immaterial whether the expenses of fiduciaries are paid from the corpus of the estate or from income. Expenses derive their character not from the fund from which they are paid, but from the purposes for which they are incurred.

Expenditures incurred in defending or perfecting title to property, in recovering property (other than investment property and amounts of income which, if and when recovered, must be included in income), or in developing or improving property, constitute a part of the cost of the property and are not deductible expenses. Attorneys' fees paid in a suit to quiet title to lands are not deductible; but if the suit is also to collect accrued rents thereon, that portion of such fees is deductible which is properly allocable to the services rendered in collecting such rents. Expenditures incurred in protecting or asserting one's rights to property of a decedent as heir or legatee, or as beneficiary under a testamentary trust, are not deductible expenses. Expenditures incurred for the purpose of preparing tax returns (except to the extent such returns relate to taxes on property held for the production of income), for the purpose of recovering taxes (other than recoveries required to be included in income), or for the purpose of resisting a proposed additional assessment of taxes (other than taxes on property held for the production of income) are not deductible expenses under this section, except that part thereof which the taxpayer clearly shows to be properly allocable to the recovery of interest required to be included in income.

The deduction of an item otherwise allowable under section 23 (a) (2) will not be disallowed simply because the taxpayer also had an election under chapter 1 to treat it as a capital expenditure, rather than to deduct it as an expense. (See section 24 (a) (7), added by section 122 of the Revenue Act of 1942.) Where, however, the item may properly be treated only as a capital expenditure or where it was properly so treated under an option granted in Chapter 1, no deduction is allowable under this section; and this is true regardless of whether any basis adjustment is allowed under section 113.

(c) The provisions of section 23 (a) (2) are not intended in any way to disallow expenses which would otherwise be allowable under section 23 (a) (1) or the regulations applicable thereto, or under any other section of the Internal Revenue Code or the regulations applicable thereto. Double deductions are not permitted. Amounts deducted under one provision of the Internal Revenue Code cannot again be deducted under any other provision thereof.

PAR. 3. The following is inserted immediately preceding § 19.23 (1)-1:

SEC. 121. NON-TRADE OR NON-BUSINESS DEDUCTIONS. (Revenue Act of 1942.)

* * * * *

(c) *Depreciation deduction.* The first sentence of section 23 (1) (relating to deduction for depreciation) is amended to read as follows: A reasonable allowance for the exhaustion, wear and tear (including a reasonable allowance for obsolescence)—

(1) of property used in the trade or business, or

(2) of property held for the production of income.

(d) *Taxable years to which amendments applicable.* The amendments made by this section shall be applicable to taxable years beginning after December 31, 1938.

* * * * *

PAR. 4. Section 19.23 (1)-1 is amended as follows:

(A) By inserting after "business" in the first sentence the following: "or treated under § 19.23 (a)-15 as held by the taxpayer for the production of income."

(B) By changing the third sentence to read as follows:

The proper allowance for such depreciation is that amount which should be set aside for the taxable year in accordance with a reasonably consistent plan (not necessarily at a uniform rate), whereby the aggregate of the amounts so set aside, plus the salvage value, will, at the end of the useful life of the depreciable property, equal the cost or other basis of the property determined in accordance with section 113.

PAR. 5. Section 19.23 (1)-2 is amended by inserting after "business" in the first and next to the last sentences the following: ", or treated under § 19.23 (a)-15 as held by the taxpayer for the production of income,".

PAR. 6. Section 19.23 (1)-3 is amended by inserting after the word "business" in the first and fourth sentences and after the word "trade" in the third sentence, the following: "or in the production of income."

PAR. 7. The following is inserted immediately preceding § 19.24-1:

SEC. 121. NON-TRADE OR NON-BUSINESS DEDUCTIONS. (Revenue Act of 1942.)

* * * * *

(b) *Allocable to exempt income.* Section 24 (a) (5) (relating to items not deductible) is amended by inserting after "this chapter" the following: ", or any amount otherwise allowable under section 23 (a) (2) which is allocable to interest (whether or not any amount of such interest is received or accrued) wholly exempt from the taxes imposed by this chapter.

* * * * *

(d) *Taxable years to which amendments applicable.* The amendments made by this section shall be applicable to taxable years beginning after December 31, 1938.

PAR. 8. Section 19.24-4 is amended as follows:

(A) Add in lieu of the words "other than interest" in the first full sentence in the first paragraph in subsection (a) and after the words "class of income" in the first clause of the second full sentence in (a) the following: "including interest only to the extent that amounts otherwise allowable under section 23 (a) (2) are allocable thereto".

(B) Add in lieu of the words "other than interest," after the words "any item or class," and after the words "class of income," in the second and third clauses, respectively, of the second full sentence in paragraph (a) the following: "as above defined".

(C) Add the following sentence at the end of the first paragraph in paragraph (a):

The term "taxable income" as used in this section means income which is required to be included in gross income; and the term "exempt income" means income which is not required to be included in gross income.

(D) Add the following sentence after the first full sentence in the first paragraph of paragraph (b):

For example, expenses paid or incurred for the production or collection of income which is wholly exempt from income taxes, such as interest or dividends of a type not includible in gross income, are not deductible expenses.

Prior Income Tax Regulations

PAR. 9. Subsection (e) of section 121 of the Revenue Act of 1942 (Public Law 753, 77th Congress) provides as follows:

For the purposes of the Revenue Act of 1938 or any prior revenue Act the amendments made to the Internal Revenue Code by this section shall be effective as if they were a part of such revenue act on the date of its enactment.

PAR. 10. Pursuant to the above provision of law, the amendments to §§ 19.23 (a), 19.23 (1)-1, 2, and 3, and 19.24-4 of Regulations 103 set forth in this Treasury decision (which regulations cover taxable years beginning after December 31, 1938), are hereby made applicable to taxable years beginning prior to January 1, 1939 (such years being covered by Regulations 101, 94, 86, 77, 74, 69, 65, 62, 45, and 33).

PAR. 11. The following is inserted immediately preceding § 19.162-1:

SEC. 161. DEDUCTIONS FOR ESTATE TAX AND INCOME TAX OF ESTATE. (Revenue Act of 1942.)

(a) *Double deductions denied.* Section 162 (relating to net income of estates and trusts) is amended by inserting at the end thereof the following new subsection:

(e) Amounts allowable under section 812 (b) as a deduction in computing the net estate of a decedent shall not be allowed as a deduction under section 23, except subsection (w), in computing the net income of the estate unless there is filed, within the time and in the manner and form prescribed by the Commissioner, a statement that the items have not been claimed or allowed as deductions under section 812 (b) and a waiver of the right to have such items allowed at any time as deductions under section 812 (b).

(b) *Taxable years to which amendment applicable.* The amendment made by subsection (a) insofar as it relates to section 23 (a) (2) shall be applicable with respect to the same taxable years and the same revenue laws as the amendments made by section 121 (relating to non-trade or non-business deductions) of this Act; and the other provisions shall be applicable to taxable years beginning after December 31, 1941.

PAR. 12. Section 19.162-1 is amended by inserting after the second full sentence in the first paragraph the following:

Amounts allowable under section 812 (b) as a deduction in computing the net estate of a decedent are not allowed as a deduction under section 23, except subsection (w), in computing the net income of the estate unless there is filed in duplicate with the return in which the item is claimed as a deduction a statement to the effect that the items have not been claimed or allowed as deductions from the gross estate of the decedent under section 812 (b) and a waiver of any and all right to have such item allowed at any time as a deduction under section 812 (b).

Taxable Years to Which Amendment Applicable

PAR. 13. In accordance with paragraph (b) of section 161, supra, the amendments to § 19.162-1 of Regulations 103 set forth in this Treasury decision (which regulations cover taxable years beginning after December 31, 1938) shall be applicable only to taxable years beginning after December 31, 1941 except insofar as they relate to section 23 (a) (2), in which case they shall also be applicable to taxable years beginning prior to January 1, 1939 (such years being covered by Regulations 101, 94, 86, 77, 74, 69, 65, 62, 45, and 33).

(This Treasury decision is issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., 1940 ed., 62), corresponding provisions of prior internal revenue laws, and sections 121 and 161 of the Revenue Act of 1942 (Public Law 753, 77th Congress).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: December 8, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-13083; Filed, December 10, 1942; 10:12 a. m.]

[T.D. 5193]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

EXTENSION OF DEDUCTION FOR AMORTIZATION OF EMERGENCY FACILITIES

Regulations 103 amended to conform to section 155 of the Revenue Act of 1942, relating to extension of deduction for amortization of emergency facilities to persons other than corporations, and to corporations in the case of facilities acquired or constructed between January 1 and June 10, 1940, inclusive.

In order to conform Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] to section 155 of the Revenue Act of 1942 (Public Law 753, 77th Congress), such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 19.124-1 the following:

SEC. 155. EXTENSION OF DEDUCTION FOR AMORTIZATION OF EMERGENCY FACILITIES. (Revenue Act of 1942, Title I.)

(a) *General rule.* The first sentence of section 124 (a) is amended to read as follows: "Every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any emergency facility (as defined in subsection (e)), based on a period of sixty months."

(b) *Election of amortization.* Section 124 (b) is amended by adding at the end thereof the following new sentence: "In the case of an emergency facility completed or acquired (1) after December 31, 1939, and before June 11, 1940, by a corporation, or (2) after December 31, 1939, and before January 1, 1942, by a person other than a corporation, the taxpayer's election to take the amortization deduction and to begin such period with either the month following the month in which the facility was completed or acquired or with the succeeding taxable year shall be made only by a statement in writing to that effect to the Commissioner and shall be made before the expiration of six months after the date of enactment of the Revenue Act of 1942."

(c) *Termination of amortization period.*

(1) Section 124 (d) (3) is amended to read as follows:

(3) In the case of a taxpayer which has not elected, in the manner prescribed in subsection (b), to take an amortization deduction with respect to an emergency facility, if the date of the proclamation or the date specified in the certificate, referred to in paragraph (1) of this subsection, whichever is earlier, is before the expiration of sixty months from the last day of the month in which such emergency facility was completed or acquired, then the taxpayer may elect (in accordance with paragraph (4) of this subsection) the amortization deduction provided in subsection (a), using an amortization period beginning with the month following the month in which the emergency facility was completed or acquired and ending as of the end of the month within which such proclamation was issued or within which occurred the date specified in such certificate, whichever is the earlier.

(2) Section 124 (d) is amended by inserting at the end thereof the following new paragraph:

(6) In the case of a taxpayer which has not elected, in the manner prescribed in subsection (b), to take an amortization deduction with respect to an emergency facility, if the date of the proclamation referred to in paragraph (1) of this subsection or the date specified in the certificate referred to in paragraph (1) of this subsection is before the completion of such emergency facility, then the taxpayer may elect (in accordance with paragraph (4) of this subsection) the amortization deduction provided in subsection (a), using an amortization period beginning with the month in which the construction, reconstruction, erection, or installation of the emergency facility was begun and ending as of the end of the month within which such proclamation was issued or within which occurred the date specified in the certificate referred to in paragraph (1) of this subsection, whichever is the earlier.

(d) *Definitions.* Section 124 (e) is amended to read as follows:

(e) *Definitions.*

(1) *Emergency facility.* As used in this section, the term "emergency facility" means any facility, land, building, machinery, or equipment, or part thereof, the construction, reconstruction, erection, installation, or acquisition of which was completed after December 31, 1939, and with respect to which a certificate under subsection (f) has been made. For the purposes of this section, the part of any facility which was constructed, reconstructed, erected, or installed by any person after December 31, 1939, and not earlier than six months prior to the filing of an application for a certificate under subsection (f), and with respect to which part a certificate under subsection (f) has been made, shall be deemed to be an emergency facility, notwithstanding that the other part of such facility was constructed, reconstructed, erected, or installed earlier than six months prior to the filing of such application. For the purposes of this section, the part of any facility which was constructed, reconstructed, erected, or installed by a corporation after December 31, 1939, and before June 11, 1940, and with respect to which part a certificate under subsection (f) has been made, shall be deemed to be an emergency facility and to have been completed on June 10, 1940, notwithstanding that the entire facility was not completed until after June 10, 1940.

(2) *Emergency period.* As used in this section, the term "emergency period" means the period beginning January 1, 1940, and ending on the date on which the President proclaims that the utilization of a substantial portion of the emergency facilities with respect to which certifications under subsection (f) have been made is no longer required in the interest of national defense.

(e) *Determination of adjusted basis of emergency facility.*

(1) Section 124 (f) (1) is amended to read as follows:

(1) There shall be included only so much of the amount otherwise constituting such adjusted basis as is properly attributable to such construction, reconstruction, erection, installation, or acquisition after December 31, 1939, as either the Secretary of War or the Secretary of the Navy has certified as necessary in the interest of national defense during the emergency period, which certification shall be under such regulations as may be prescribed from time to time by the Secretary of War and the Secretary of the Navy, with the approval of the President.

(2) Section 124 (f) (3) is amended to read as follows:

(3) The certificate provided for in paragraph (1) shall have no effect unless an application therefor is filed before the expiration of six months after the beginning of such construction, reconstruction, erection, or installation or the date of such acquisition, or before December 1, 1941, whichever is later, except that—

(A) in the case of an emergency facility completed or acquired by a corporation after December 31, 1939, and before June 11, 1940, such certificate shall have no effect unless an application therefor is filed before the expiration of six months after the date of the enactment of the Revenue Act of 1942, and

(B) in the case of an emergency facility completed or acquired after December 31, 1939, by a person other than a corporation, such certificate shall have no effect unless an application therefor is filed before the expiration of six months after the beginning of such construction, reconstruction, erection, or installation or the date of such acquisition, or before the expiration of six months after the date of the enactment of the Revenue Act of 1942, whichever is later.

In no event and notwithstanding any of the other provisions of this section, no amortization deduction shall be allowed in respect of any emergency facility for any taxable year—

(C) unless a certificate in respect thereof under paragraph (1) shall have been made (i) prior to the filing of the taxpayer's return for such taxable year, or prior to the making of an election pursuant to subsection (d) (3) or subsection (d) (6) of this section to take the amortization deduction, or (ii) before December 1, 1941, whichever is later; or

(D) in the case of an emergency facility completed or acquired by a corporation after December 31, 1939, and before June 11, 1940, unless a certificate in respect thereof under paragraph (1) shall have been made prior to the expiration of twelve months after the date of enactment of the Revenue Act of 1942; or

(E) in the case of an emergency facility completed or acquired after December 31, 1939, and before January 1, 1943, by a person other than a corporation, unless a certificate in respect thereof under paragraph (1) shall have been made (i) prior to the expiration of nine months after the last date upon which an application for such certificate may be filed, or (ii) prior to the expiration of twelve months after the date of enactment of the Revenue Act of 1942, whichever is later.

(f) *Life tenant and remainderman.* Section 124 is amended by inserting at the end thereof the following new subsection:

(i) *Life tenant and remainderman.* In the case of property held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowable to the life tenant.

* * * * *

(i) *Retroactive application of extension.* The amendments made by this section shall be effective as of October 8, 1940.

(j) *Overpayments.* Where a tax paid under Chapter 1, Chapter 2B, or Chapter 2E of the Internal Revenue Code is in excess of the tax which would have been paid had section 124 of the Internal Revenue Code, as previously amended, been enacted on October 8, 1940, to read as amended by this section, then credit or refund of such excess may be made without interest, in accordance with the provisions of law applicable in the case of erroneous or illegal assessment or collection or overpayment of the tax.

PAR. 2. Section 19.124-1, as added by Treasury Decision 5016, approved October 23, 1940, and amended by Treasury Decision 5049, approved May 29, 1941, and Treasury Decision 5104, approved December 23, 1941, is renumbered §19.124–0 and amended to read as follows:

§ 19.124–0 *Definitions.* As used in this section and §§ 19.124–1 to 19.124–9, inclusive, the term:

(a) "Secretary of the Department concerned" means the Secretary of War or the Secretary of the Navy, as the case may be.

(b) "Emergency facility" means any facility, land, building, machinery, or equipment, or any part thereof:

(1) The acquisition of which occurred after December 31, 1939, or the construction, reconstruction, erection, or installation of which was completed after such date, and

(2) Any part of the construction, reconstruction, erection, installation, or acquisition of which has, under such regulations as may be prescribed by the Secretary of War and the Secretary of the Navy, with the approval of the President, been certified by the Secretary of the Department concerned as necessary in the interest of national defense during the emergency period.

The part of any facility which is constructed, reconstructed, erected, or installed by any person after December 31, 1939, and not earlier than six months prior to the filing of an application for a certificate of necessity under section 124 (f), and which is certified by the Secretary of the Department concerned as necessary in the interest of national defense during the emergency period, shall be deemed to be an emergency facility, notwithstanding that the other part of such facility was constructed, reconstructed, erected, or installed earlier than six months prior to the filing of such application. If the construction, reconstruction, erection, or installation of a facility by a corporation is begun before June 11, 1940, and completed after June 10, 1940, the part of such facility which is constructed, reconstructed, erected, or installed after December 31, 1939, and before June 11, 1940, shall be deemed to be an emergency facility, provided such part is certified by the Secretary of the Department concerned as necessary in the interest of national defense during the emergency period.

The term "emergency facility", as so defined, may include, among other things, improvements of land, such as the construction of airports and the dredging of channels.

(c) "Emergency period" means the period beginning on January 1, 1940, and ending on the date on which the President proclaims that the utilization of a substantial portion of the emergency facilities is no longer required in the interest of national defense.

Par. 3. There is inserted immediately preceding § 19.124–2 the following new section:

§ 19.124–1 *Certificate of necessity.* The certification by the Secretary of the Department concerned that a facility is necessary in the interest of national defense during the emergency period shall have no effect:

(a) In the case of an emergency facility completed or acquired by a corporation after June 10, 1940, unless an application therefor is filed before the expiration of six months after the beginning of the construction, reconstruction, erection, or installation of such facility or the date of its acquisition, or before December 1, 1941, whichever is later (but see § 19.124–0 (b));

(b) In the case of an emergency facility completed or acquired by a corporation after December 31, 1939, and before June 11, 1940, unless an application therefor is filed before April 22, 1943; and

(c) In the case of an emergency facility completed or acquired after December 31, 1939, by a person other than a corporation, unless an application therefor is filed before the expiration of six months after the beginning of the construction, reconstruction, erection, or installation of such facility or the date of its acquisition, or before April 22, 1943, whichever is later.

Par. 4. Section 19.124–2, as added by Treasury Decision 5016 and amended by Treasury Decision 5135 (approved April 1, 1942), is amended as follows:

(A) By striking out "corporation" in the first sentence and inserting "person" in lieu thereof.

(B) By inserting at the end of the first paragraph the following new sentence:

* * * If the construction, reconstruction, erection, or installation of an emergency facility by a corporation is begun before June 11, 1940, and completed after June 10, 1940, the part of such emergency facility which is constructed, reconstructed, erected, or installed after December 31, 1939, and before June 11, 1940, shall be deemed to have been completed on June 10, 1940.

(C) By striking out the second paragraph and inserting in lieu thereof the following paragraph:

With respect to an emergency facility, no amortization deduction shall be allowed for the taxable year in which or with which the taxpayer elects to begin the 60-month amortization period unless:

(a) In the case of an emergency facility completed or acquired by a corporation after June 10, 1940, a certificate of necessity in respect thereof shall have been made (1) before the filing of the taxpayer's return for such taxable year, or before the making of an election pursuant to section 124 (d) (3) or section 124 (d) (6) to take the amortization deduction, or (2) before December 1, 1941, whichever is later;

(b) In the case of an emergency facility completed or acquired by a corporation after December 31, 1939, and before June 11, 1940, unless a certificate of necessity in respect thereof shall have been made before October 22, 1943;

(c) In the case of an emergency facility completed or acquired by a person other than a corporation after December 31, 1942, unless a certificate of necessity in respect thereof shall have been made before the filing of the taxpayer's return for such taxable year, or before the making of an election pursuant to section 124 (d) (3) or section 124 (d) (6); or

(d) In the case of an emergency facility completed or acquired after December 31, 1939, and before January 1, 1943, by a person other than a corporation, unless a certificate of necessity in respect thereof shall have been made (1) before the expiration of nine months after the last date upon which an application for such certificate may be filed or (2) before October 22, 1943, whichever is later.

(D) By inserting at the end thereof the following new examples:

Example (4). On March 18, 1940, the R Corporation, which makes its income tax returns on the calendar year basis, begins the construction of a facility which is completed on October 25, 1940, at a cost of $350,000, of which $132,000 is attributable to construction before June 11, 1940, and $218,000 to construction after June 10, 1940. On January 28, 1941, the entire part of the construction after June 10, 1940, is certified as an emergency facility, and the R Corporation, in its income tax return for 1940, elects to take amortization deductions with respect thereto and to begin the 60-month amortization period with November 1940, the month following the month of completion. With respect to the part of the construction before June 11, 1940, the R Corporation in its returns for 1940 and 1941, takes depreciation deductions aggregating $5,000. On February 14, 1943, the entire part of the construction before June 11, 1940, is certified as a separate emergency facility. The R Corporation, in a statement in writing to the Commissioner made before April 22, 1943, elects to take amortization deductions with respect to such facility and to begin the 60-month amortization period with July 1940, the month following the month of completion. For such purposes, the adjusted basis of such facility at the end of July 1940 is $132,000. Such amortization deductions are in lieu of depreciation deductions, the depreciation deductions of $5,000 previously taken for 1940 and 1941 are disallowed. The allowable amortization deduction with respect to such facility for the taxable year 1940 is $13,200, computed as follows:

Monthly amortization deductions:	
July ($132,000÷60)	$2,200
August ($129,800÷59)	2,200
September ($127,600÷58)	2,200
For the remaining three months (similarly computed)	6,600
Total amortization deduction for 1940	13,200

The allowable amortization deduction with respect to such facility for the taxable year 1941, similarly computed, is $26,400.

Example (5). On April 1, 1940, A, an individual, who makes his income tax returns on a calendar year basis, acquires a facility at a cost of $182,700. In his returns for the taxable years 1940 and 1941, A takes depreciation deductions with respect to such facility of $2,700 and $3,600, respectively. On February 6, 1943, the facility is certified as an emergency facility and A, in a statement in writing made to the Commissioner before April 22, 1943, elects to take amortization deductions with respect thereto and to begin the 60-month amortization period with the taxable year 1941, the year succeeding the year in which the facility was acquired. The adjusted basis of such facility at the end of January 1941 is $180,000 ($182,700 less the depreciation of $2,700 taken in the return for 1940). Since amortization deductions are in lieu of depreciation deductions, the depreciation deduction of $3,600 previously taken for 1941 is disallowed. The allowable amortization deduction with respect to such facility for the taxable year 1941 is $36,000, computed as follows:

Monthly amortization deductions:	
January ($180,000÷60)	$3,000
February ($177,000÷59)	3,000
March ($174,000÷58)	3,000
For the remaining nine months (similarly computed)	27,000
Total amortization deductions for 1941	36,000

Par. 5. Section 19.124–3, as added by Treasury Decision 5016, is amended to read as follows:

§ 19.124–3 *Election of amortization.* In the case of an emergency facility completed or acquired (1) after June 10, 1940, by a corporation or (2) after December 31, 1941, by a person other than a corporation—

(a) An election by the taxpayer to take amortization deductions with respect thereto and to begin the 60-month amortization period with the month following the month in which such facility was completed or acquired shall be made only by a statement to that effect in its return for the taxable year in which such facility was completed or acquired; and

(b) An election by the taxpayer to take amortization deductions with respect thereto and to begin the 60-month amortization period with the taxable year succeeding that in which such facility was completed or acquired shall be made only by a statement to that effect in its return for such succeeding taxable year.

In the case of an emergency facility completed or acquired (1) after December 31, 1939, and before June 11, 1940, by a corporation, or (2) after December 31, 1939, and before January 1, 1942, by a person other than a corporation, an election by the taxpayer to take amortization deductions with respect thereto and to begin the 60-month amortization period either with the month following the month of completion of acquisition or with the following taxable year shall be made only by a statement in writing to that effect filed with the Commissioner of Internal Revenue, Washington, D. C., before April 22, 1943.

No other method of making such elections is permitted. Any statement of election should contain a description clearly identifying each emergency facility for which an amortization deduction is claimed.

A taxpayer which does not elect, in the manner provided in section 124 (b), to take amortization deductions with respect to an emergency facility shall not, except as provided in sections 124 (d) (3) and 124 (d) (6), be entitled to amortization deductions with respect to such facility (see § 19.124–5 (*d*)).

Par. 6. Section 19.124–5 is amended as follows:

(A) By inserting immediately preceding the first sentence of paragraph (d) the following: "(1) *General rule.*"

(B) By inserting at the end of paragraph (d) the following new subparagraph:

(2) *Special rule with respect to incompleted facilities.* If the date the emergency use ceases occurs after the beginning of the construction, reconstruction, erection, or installation of an emergency facility and such construction, reconstruction, erection, or installation is not completed, the taxpayer may elect, in the manner prescribed in paragraph (e) of this section, to take amortization deductions with respect to such facility, such amortization to be based on a period beginning with the month in which the construction, reconstruction, erection, or installation of such facility was begun and ending as of the end of the month in which occurs the date the emergency use ceases.

Par. 7. Section 19.124–6, as added by Treasury Decision 5016 and amended by Treasury Decision 5104, is amended as follows:

(A) The first four paragraphs of paragraph (a) are amended to read as follows:

The adjusted basis of an emergency facility for purposes of computing the amortization deduction may differ from what would otherwise constitute the adjusted basis of such emergency facility, in that it shall be the adjusted basis for determining gain (see section 113) and in that it may be only a portion of what would otherwise constitute the adjusted basis. It will be only a portion of such other adjusted basis if only a portion of the basis (unadjusted) is attributable to the certified construction, reconstruction, erection, installation, or acquisition after December 31, 1939. It is therefore necessary first to determine the unadjusted basis of the emergency facility from which the adjusted basis for amortization purposes is derived.

The unadjusted basis for amortization purposes, in cases where the entire construction, reconstruction, erection, installation, or acquisition takes place after December 31, 1939, and such construction, reconstruction, erection, installation, or acquisition is certified in its entirety by the Secretary of the Department concerned as necessary in the interest of national defense during the emergency period, is the same as the unadjusted basis otherwise determined.

In cases where the Secretary of the Department concerned certifies the entire construction, reconstruction, erection, installation, or acquisition after December 31, 1939, as necessary in the interest of national defense during the emergency period, but only a portion of the construction, reconstruction, erection, installation, or acquisition attributable to the facility takes place after December 31, 1939, the unadjusted basis for the purposes of amortization is so much of the entire unadjusted basis as is attributable to that portion of the construction, reconstruction, erection, installation, or acquisition which took place after December 31, 1939. For example, the X Corporation begins the construction of a facility November 15, 1939, and such facility is completed on April 1, 1940, at a cost of $500,000, of which $300,000 is attributable to construction after December 31, 1939. The certificate of necessity covers the entire construction after December 31, 1939, and the unadjusted basis of the emergency facility for amortization purposes is therefore $300,000. For depreciation of the remaining portion of the cost ($200,000), see § 19.124–7.

If the Secretary of the Department concerned certifies only a portion of the construction, reconstruction, erection, installation, or acquisition after December 31, 1939, then the unadjusted basis for amortization purposes is limited to the amount attributable to such portion of the construction, reconstruction, erection, installation, or acquisition after December 31, 1939. Assuming the same facts as in the example in the preceding paragraph, except that the certificate is to the effect that only 50 percent of the construction after December 31, 1939, is necessary in the interest of national defense during the emergency period, the unadjusted basis for amortization purposes is 50 percent of $300,000, or $150,000.

(B) There is inserted immediately following the fourth paragraph of paragraph (a) the following new paragraph:

Where a corporation begins the construction, reconstruction, erection, or installation of a facility before June 11, 1940, and completes it after June 10, 1940, the part of such construction, reconstruction, erection, or installation taking place after December 31, 1939, and before June 11, 1940, and the part thereof taking place after June 10, 1940, each constitutes a separate emergency facility, provided a certificate of necessity under section 124 (f) has been made with respect to each such part (see section 124 (e) and § 19.124–0). Furthermore, the part of such construction, reconstruction, erection, or installation taking place after December 31, 1939, and before June 11, 1940, is deemed to have been completed on June 10, 1940 (see section 124 (e) (1) and § 19.124–2). Accordingly, under such circumstances, in applying the foregoing rules for determining the unadjusted basis of the emergency facility representing the part of the construction, reconstruction, erection, or installation taking place after June 10, 1940, the date "June 10, 1940" should be substituted for the date "December 31, 1939".

Par. 8. Section 19.124–7, as added by Treasury Decision 5016 and amended by Treasury Decision 5104, is amended by striking out "June 10, 1940" wherever occurring therein and inserting in lieu thereof "December 31, 1939".

Par. 9. There is inserted immediately following § 19.124–8 the following new section:

§ 19.124–9 *Life tenant and remainderman.* In the case of an emergency facility held by one person for life with remainder to another person, the amortization deduction shall be computed as if the life tenant were the absolute owner of the facility and shall be allowable to the life tenant during his life.

PAR. 10. The following is inserted immediately before the heading "Partnerships" which precedes section 181:

SEC. 155. EXTENSION OF DEDUCTION FOR AMORTIZATION OF EMERGENCY FACILITIES. (Revenue Act of 1942, Title I.)

* * * * *

(g) *Allwance to estate or trust.* Supplement E (relating to estates and trusts) of Chapter 1 is amended by inserting at the end thereof the following new section:

SEC. 172. ALLOWANCE OF AMORTIZATION DEDUCTION.

The benefit of the deduction for amortization of emergency facilities allowed by section 23 (t) shall be allowed to estates and trusts in the same manner and to the same extent as in the case of an individual. The allowable deduction shall be apportioned between the income beneficiaries and the fiduciary under regulations prescribed by the Commissioner with the approval of the Secretary.

* * * * *

(i) *Retroactive application of extension.* The amendments made by this section shall be effective as of October 8, 1940.

(j) *Overpayments.* Where a tax paid under Chapter 1, Chapter 2B, or Chapter 2E of the Internal Revenue Code is in excess of the tax which would have been paid had section 124 of the Internal Revenue Code, as previously amended, been enacted on October 8, 1940, to read as amended by this section, then credit or refund of such excess may be made without interest, in accordance with the provisions of law applicable in the case of erroneous or illegal assessment or collection or overpayment of the tax.

§ 19.172–1 *Amortization of emergency facility of estate or trust.* In the case of an emergency facility, as defined in section 124 (e), acquired or completed by an estate or trust after December 31, 1939, such estate or trust is entitled to take amortization deductions with respect thereto in the same manner and to the same extent as in the case of an individual. See section 23 (t) and section 124 and the regulations thereunder. The principles governing the apportionment of depreciation in the case of property held in trust are applicable with respect to the amortization of an emergency facility of an estate or trust. (See § 19.23 (1)–1)

PAR. 11. The following is inserted immediately following § 19.189–1:

SEC. 155. EXTENSION OF DEDUCTION FOR AMORTIZATION OF EMERGENCY FACILITIES. (Revenue Act of 1942.)

* * * * *

(h) *Partnerships.* Supplement F (relating to partnerships) of Chapter 1 is amended by inserting at the end thereof the following new section:

SEC. 190. ALLOWANCE OF AMORTIZATION DEDUCTION.

In the case of emergency facilities of a partnership, the benefit of the deduction for amortization allowed by section 23 (t) shall not be allowed to the members of a partnership but shall be allowed to the partnership in the same manner and to the same extent as in the case of an individual.

(i) *Retroactive application of extension.* The amendments made by this section shall be effective as of October 8, 1940.

(j) *Overpayments.* Where a tax paid under Chapter 1, Chapter 2B or Chapter 2E of the Internal Revenue Code is in excess of the tax which would have been paid had section 124 of the Internal Revenue Code, as previously amended, been enacted on October 8, 1940, to read as amended by this section, then credit, or refund of such excess may be made without interest, in accordance with the provisions of law applicable in the case of erroneous or illegal assessment or collection or overpayment of the tax.

§ 19.190–1 *Amortization of emergency facility of partnership.* In the case of an emergency facility, as defined in section 124 (e), acquired or completed by a partnership after December 31, 1939, the partnership is entitled to take amortization deductions with respect thereto in the same manner and to the same extent as in the case of an individual. See section 23 (t) and section 124 and the regulations thereunder. Amortization deductions with respect to an emergency facility of a partneship are not allowed to the members of the partnership.

(Sec. 155 of the Revenue Act of 1942 (Public Law 753, 77th Congress), and section 62 of the Internal Revenue Code (53 Stat., 32, 26 U.S.C., 1940 ed., 62))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: December 8, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42–13080; Filed, December 10, 1942; 10:13 a. m.]

[T.D. 5198]

PART 178—PRODUCTION, FORTIFICATION, TAX PAYMENT, ETC., OF WINE

CHAMPAGNE, ETC.

Pursuant to section 3176, Internal Revenue Code, Paragraph 3 (j) (§ 178.3 (j)) of Regulations No. 7 (26 CFR, Part 178) is amended to read as follows:

§ 178.3 *Definitions.* * * *

(j) "Champagne" and "sparkling wine" shall mean effervescent wine charged with carbon dioxide, resulting from fermentation of the wine within a closed container.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: December 8, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42–13085; Filed, December 10, 1942; 10:13 a. m.]

[T.D. 5197]

PART 314—TAXES ON GASOLINE, LUBRICATING OIL, AND MATCHES

MISCELLANEOUS AMENDMENTS

Sections 314.2, 314.4 and 314.44 of Regulations 44 (1939 Edition) amended.

In order to conform Regulations 44 (Part 314, Title 26, Code of Federal Regulations, 1939 Sup.), relating to taxes on gasoline, lubricating oil and matches under the Internal Revenue Code, to sections 601, 618 (b) and 608 of the Revenue Act of 1942 (Public Law 753, Seventy-seventh Congress, 2d Session), such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 314.2, the following:

SEC. 601. EFFECTIVE DATE OF THIS TITLE. (Revenue Act of 1942, Title VI.)

This title shall take effect on the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

PAR. 2. Section 314.2 as amended by Treasury Decision 5082, approved October 3, 1941, is further amended as follows:

(A) The second paragraph is amended to read as follows:

The rate of tax imposed on gasoline under section 3412 of the Internal Revenue Code was increased by section 1650 (a) of the Internal Revenue Code, as added by section 210 of the Revenue Act of 1940, and the increase made permanent by section 521 (b) of the Revenue Act of 1941. The rate of tax imposed on lubricating oil under section 3413 of the Internal Revenue Code was increased by section 1650 (a) of the Internal Revenue Code, as added by section 210 of the Revenue Act of 1940, and the increase made permanent by section 521 (b) of the Revenue Act of 1941. The rate was further increased by section 608 of the Revenue Act of 1942.

(B) The concluding sentence of the third paragraph is amended to read as follows:

The result then is that the tax rates on gasoline and on fancy wooden matches and wooden matches having a stained, dyed, or colored stick or stem in effect since July 1, 1940, and the tax on other matches applicable October 1, 1941, continue in effect indefinitely, and that the rate of tax on lubricating oils which has been effective since July 1, 1940, is superseded by a new rate effective on and after November 1, 1942.

PAR. 3. There is inserted immediately preceding § 314.3, the following:

SEC. 618. SALE UNDER CHATTEL MORTGAGE. (Revenue Act of 1942, Title VI.)

* * * * *

(b) *Manufacturers' sales taxes generally.* Section 3441 (c) (1) (relating to tax where articles are sold under installment or conditional sales contracts) is amended by striking out "or (C) a conditional sale" and inserting in lieu thereof "(C) a conditional sale, or (D) a chattel mortgage arrangement wherein it is provided that the sales price shall be paid in installments".

PAR. 4. Section 314.4, as amended by Treasury Decision 5082, is further amended by adding the following new paragraph:

Where an article is sold on or after November 1, 1942, under a chattel mortgage arrangement with payments to be made in installments, a proportionate part of the total tax shall be paid upon each payment received with respect to the article. The tax must be returned and paid to the collector during the month following that in which such payment is received.

PAR. 5. There is inserted immediately preceding § 314.40 the following:

SEC. 608. LUBRICATING OILS. (Revenue Act of 1942, Title VI.)

Section 3413 (relating to tax on lubricating oils) is amended by striking out "4½ cents" and inserting in lieu thereof "6 cents".

PAR. 6. The first sentence of § 314.44, as amended by Treasury Decision 5082, is further amended to read as follows:

The tax is payable by the manufacturer at the rate of 4 cents per gallon prior to July 1, 1940, at the rate of 4½ cents per gallon for the period July 1, 1940 to October 31, 1942, inclusive, and at the rate of 6 cents per gallon on and after November 1, 1942.

(Secs. 601, 618 (b) and 608 of the Revenue Act of 1942, approved October 21, 1942, and section 3791 of the Internal Revenue Code (53 Stat., 467; 26 U.S.C., 1940 Ed., 3791))

[SEAL] GUY T. HELVERING,
Commisioner of Internal Revenue.

Approved: December 8, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42–13084; Filed, December 10, 1942; 10:12 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A–1716]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 10, for the establishment of price classifications and minimum prices for coals of Sunny Brook Coal Company.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with the Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced by the Sunny Brook No. 2 Mine, Mine Index No. 148, of the Sunny Brook Coal Company (Fred Edwards), for all shipments except truck.

In an order issued February 17, 1942, 7 F.R. 1538, in Docket No. A–1079, minimum prices for all shipments except truck were established for 37 mines, including Sunny Brook Mine, Mine Index No. 1226 of Sunny Brook Coal Company, from the transportation facilities of the McLaren Fuel Company's transportation plant near Marion, Illinois, on the Illinois Central and the Missouri Pacific Railroads.

Petitioner now alleges that at the time the order in Docket No. A–1079 was issued, Sunny Brook Mine, Mine Index No. 1226 had been abandoned and that the Sunny Brook Coal Company was then operating Sunny Brook No. 2 Mine, Mine Index No. 1481, truck prices for which were established in Docket No. A–1060, and that Sunny Brook No. 2 Mine, Mine Index No. 1481, should have been included in the petition in Docket No. A–1079 instead of Sunny Brook Mine, Mine Index No. 1226.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and that no petitions of intervention have been filed with the Division in the above-entitled matter; and the following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That the price classifications and minimum prices established for the coals of the Sunny Brook Coal Company Mine, Mine Index No. 1226, by order entered in Docket No. A–1079 on February 17, 1942, 7 F.R. 1538, be and the same are hereby terminated.

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith § 330.4 (*Price groups*) is amended by adding thereto Supplement R–I, and § 330.10 (*Special prices*—(a) (2) *Railroad locomotive fuel prices*) is amended by adding thereto Supplement R–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: December 1, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.4 *Price groups*—Supplement R–I

Price group No.	Producer	Mine	Mine index No.	Freight origin group	Shipping point	Railroad
5	Sunny Brook Coal Company (Fred Edwards)	Sunny Brook #2	1481	142	Marion, Ill	IC-MP.

The f. o. b. mine prices for Mine Index No. 1481 shall be the same as the prices provided for the mines in Price Group 5 in Price Schedule No. 1 for District No. 10, for All Shipments Except Truck, for all size groups and for all uses and for shipment to all market areas: *Provided, however,* That these prices apply f. o. b. transportation facilities at the McLaren Fuel Co.'s Preparation Plant, Marion, Ill.

§ 330.10 *Special prices*—(a) (2) *Railroad locomotive fuel prices*—Supplement R–II

Price Group No.	Producer	Mine	Mine index No.	Freight origin group	Shipping point	Railroad
5	Sunny Brook Coal Company (Fred Edwards).	Sunny Brook #2	1481	142	Marion, Ill	IC-MP

The railroad locomotive fuel prices shall be: mine run—$2.15; screenings—$1.70. Railroad locomotive fuel price Exception 2-H, 61 and 64 shall apply.

[F. R. Doc. 42–13043; Filed, December 9, 1942; 11:35 a. m.]

[Docket No. A–1738]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of District Board No. 10 for establishment of minimum prices for the mines of Kenneth McDonald and Seibert Tregoning.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of minimum prices for the coals of the McDonald Mine, Mine Index No. 1613, of Kenneth McDonald and of the Vulcan Mine, Mine Index No. 1611, of Seibert Tregoning for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 1, 1942.

[SEAL] DAN H. WHEELER,
Director.

Temporary and Conditionally Final Effective Minimum Prices for District No. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.														
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
SECTION NO. 5—SCHUYLER COUNTY																		
McDonald, Kenneth	1613	McDonald	2	260	255	250	240	235	230	175	170	165	160	160	160	130	120	65
SECTION NO. 10—WILLIAMSON COUNTY																		
Tregoning, Seibert	1611	Vulcan	5	220	220	220	205	200	195	185	165	155	155	155	155	135	135	70

[F. R. Doc. 42-13044; Filed, December 9, 1942; 11:35 a. m.]

[Docket No. A-1670]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 14 for the establishment of price classifications and minimum prices for certain mines in District No. 14.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 14; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 334.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 334.24 (*General prices for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

No price classifications or minimum prices are proposed by petitioner for the coals in Size Group 12 produced at the No. 1 Mine (Mine Index No. 606) of code member Lowrimore, Burns and Magnani Coal Co. (Walter Lowrimore), in Subdistrict No. 5 of District No. 14 and at the No. 7 Mine (Mine Index No. 612) of code member D. B. Withers (Bates Coal Company), in Subdistrict No. 9 of District No. 14. However, the order issued in Dockets Nos. A-137, A-208 and A-251, on March 28, 1942, 7 F.R. 2703, permanently established a price classification of "L" for all shipments except truck and a minimum price of $3.00 per ton for truck shipments for the coals in Size Group 12 produced at mines in Production Groups 2 to 9, inclusive, in District No. 14. For the purpose of uniformity, it is deemed advisable to establish classifications and minimum prices for the above-named mines which will correspond with those in effect for other mines in the same subdistricts producing comparable and analogous coals. Accordingly, price classifications and minimum prices for all shipments except truck and for truck shipments have been included in the attached schedules marked Supplement R and Supplement T for the coals in Size Group 12 produced from Mine Index Nos. 606 and 612.

The price classifications and minimum prices set forth in the attached schedules marked Supplement R and Supplement T are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and reflect the changes, if any, made in minimum prices by the Acting Director's order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21.

Dated: November 24, 1942.

[SEAL] DAN H. WHEELER,
Director.

Temporary and Conditionally Final Effective Minimum Prices for District No. 14

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Code member	Mine index No.	Mine name	Prod. group No.	Shipping point	Railroad	Frt. origin group No.	Price classification by size group																			
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Lowrimore, Burns, & Magnani Coal Co. (Walter Lowrimore).	606	No. 1	5	Midland, Ark	SL-SF	16	(†)	(†)	C	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	L	(†)	B	(†)	(†)	(†)	O	(†)	(†)
Withers, D. B. (Bates Coal Company)	612	No. 7	9	Heavener, Okla	Ark. W	10	(†)	(†)	A	(†)	(†)	H	H	H	(†)	(†)	F	L	D	B	B	B	A	H	(†)	(†)

†Indicates no classification effective for this size group.

FOR TRUCK SHIPMENTS

§ 334.24 *General prices for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Subdistrict No.	County	Prices and size group numbers																			
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Lowrimore, Burns, & Magnani Coal Co. (Walter Lowrimore)	606	No. 1	5	Sebastian, Ark	(†)	(†)	415	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	330	(†)	165	(†)	(†)	(†)	345	(†)	(†)
Withers, D. B. (Bates Coal Company)	612	No. 7	9	Scott, Ark	(†)	(†)	455	(†)	(†)	455	455	455	(†)	(†)	385	330	230	165	145	135	215	390	(†)	(†)

†Indicates no classification effective for this size group.

[F. R. Doc. 42-13045; Filed, December 9, 1942; 11:35 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-176]

CITY FLUORESCENT LIGHTS

City Fluorescent Lights, a sole proprietorship owned and managed by Maurice Entliss, is located at 909 Arch Street, Philadelphia, Pennsylvania. The Company is engaged in the retail sale and installation of fluorescent lighting fixtures and various types of lighted signs. From July 2, 1942 to August 13, 1942 the Company made nine sales, totaling thirty-five units, of new fluorescent lighting fixtures constructed for the operation of a tube or bulb having a wattage in excess of thirty watts, without any preference ratings being extended to it. The Company knew that General Limitation Order L-78 as amended prohibited these sales from being made without the proper preference ratings, but gratuitously assumed that the concerns to which it made eight of these sales were engaged in war work and could use preference ratings to purchase the fixtures. However, no preference ratings could be extended to the Company for any of these purchases. The Company, therefore, wilfully violated General Limitation Order L-78 as amended by selling and delivering these thirty-five fixtures in fulfillment of unrated orders. Furthermore, the Company furnished false and misleading information to the investigator from the War Production Board.

These violations of General Limitation Order L-78 as amended have hampered and impeded the war effort of the United States. In view of the foregoing facts: *It is hereby ordered*, That:

§ 1010.176 *Suspension Order S-176.* (a) Deliveries of material to Maurice Entliss, doing business as City Fluorescent Lights, or otherwise, his successors and assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to Maurice Entliss, doing business as City Fluorescent Lights or otherwise, his successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained herein shall be deemed to relieve Maurice Entliss, doing business as City Fluorescent Lights or otherwise, his successors and assigns from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operatoins except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on December 11, 1942 and shall expire on May 11, 1943, at which time the provisions of this order shall have no further effect.

Issued this 9th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13076; Filed, December 9, 1942; 4:06 p. m.]

PART 1068—CANS

[Conservation Order M-81, as Amended December 9, 1942]

1. The designation of Part 1068 (formerly "Cans made of Tinplate or Terneplate") is hereby amended to read "Cans".

2. Section 1068.1 *Conservation Order M-81* is hereby amended to read as follows:

§ 1068.1 *Conservation Order M-81*—(a) *Definitions.* (1) "Can" means any unused container which is made in whole or in part of tinplate, terneplate, blackplate, or waste, and which is suitable for packing any product. The term includes any container closure or fitting made in whole or in part of tinplate, terneplate, blackplate, or waste, but does not include a closure or fitting to be used on or as a part of a glass container. The term does not include fluid milk shipping containers, as defined in Conservation Order M-200.

(2) "Tinplate" means sheet steel coated with tin, and includes "primes", "seconds", "waste-waste", and all other forms of tinplate except waste.

(3) "Terneplate" means sheet steel coated with a lead-tin alloy, and includes "primes", "seconds", "waste-waste", and all other forms of terneplate except waste.

(4) "Blackplate" means any sheet steel 29 gauge or lighter, other than tinplate or terneplate. The term includes "rejects" and all other forms of blackplate except waste.

(5) "Waste" means scrap tinplate, terneplate, and blackplate, produced in the ordinary course of manufacturing cans.

(6) "Pack", unless particularly specified, means the quantity, by area measurement, of tinplate, terneplate, and blackplate required for the manufacture of all sized cans used by a person for packing a particular product during the base period specified.

(b) *Restrictions upon manufacture, sale, and delivery of cans.* (1) No person shall sell or deliver any can except under a purchase order or contract validated by a delivery to such person of a purchaser's certificate, manually signed by the purchaser or an authorized official of the purchaser, in substantially the form attached hereto as Exhibit A. No person shall manufacture, sell, or deliver any can which he knows or has reason to believe will be used in violation of any provision of this order.

(2) No person shall manufacture any can smaller than 5 gallons, with ears, bails, or handles.

(c) *Restrictions upon purchase, acceptance of delivery, and use of cans.* (1) No person shall, during the calendar year 1943 (or the seasonal year 1942-1943, when specified), purchase, accept delivery of, or use for packing a product any can except to the extent permitted in Schedules I, II, and III, attached to this order: *Provided, however,* That a jobber or retail store may obtain and sell cans in conformity with the provisions of this order.

(2) The schedules attached to this order list the only products permitted to be packed in cans, packing quotas, sizes of cans, and the kinds of plate permitted for the manufacture of cans.

The calendar year basis shall obtain except for products for which a seasonal year is specified. A seasonal year for a particular product represents a twelve months' period beginning in one calendar year and ending in the next.

The sizes of the can specified for a particular product indicate the only sized cans which may be used for packing that product, except that such product may, subject to all other restrictions imposed by this order, be packed in cans larger than the largest size specified therefor.

When tinplate is specified for the manufacture of cans for packing a particular product, the coating indicated represents the maximum weight of tin coating per single base box. When SCMT is specified, Special Coated Manufacturers' Terneplate is referred to. When blackplate is specified, the specification includes chemically treated blackplate (CTB).

(3) No product packed in a can shall be repacked for sale in a can or any other container, by the same or a different person, in the same or a different form, except to the extent specifically permitted in the schedules attached to this order.

(4) No dried or frozen fruit or vegetable shall be packed in a can, except to the extent specifically permitted in the schedules attached to this order.

(d) *Exceptions.* (1) The restrictions imposed by this order shall not apply to the purchase, acceptance of delivery, or use of the following cans:

(i) Cans for packing any product which is not to be sold.

(ii) Fiber or paper bodied cans with ends made of waste, for packing any food product for human consumption, and antiseptic or medicinal powders.

(iii) Cans for packing any product not listed in the schedules attached to this order, when such cans were completely manufactured on or before December 9, 1942, or when all the component parts for such cans were cut to individual size or were partially assembled before said date: *Provided,* That this paragraph (d) (1) (iii) shall not apply when such cans can be used for any products otherwise permitted by this order, and provided, that this paragraph (d) (1) (iii) shall not apply to open-top sanitary cans.

(iv) Cans for packing any product not listed in the schedules attached to this order, when such cans are to be delivered pursuant to a letter of intent approved by, or a purchase order or contract negotiated for or with the Army, Navy, Marine Corps, Maritime Commission, or War Shipping Administration of the United States.

(2) Notwithstanding the restrictions pertaining to the size of cans or the materials from which cans may be manufactured, but subject to quota restrictions imposed by this order, a person may use for packing any product listed in the schedules attached to this order, any cans which were completely manufactured on or before December 9, 1942, or any cans for which all component parts were lithographed, cut, or otherwise prepared for assembly, on or before said date.

(3) No certificate shall be required for the sale or delivery of cans to any purchaser who has already filed a certificate with his seller under Conservation Order M-81.

(e) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(2) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of appeal.

(3) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Containers Division, War Production Board, Washington, D. C. Ref.: M-81.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further delivery of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) *1942 Calendar year pack.* Until December 31, 1942, no person packing on a calendar year basis shall purchase, accept delivery of, or use any can for packing any product except in accordance with Conservation Order M-81, as amended June 27, 1942, (including amendments thereto).

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E. O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT A

PURCHASER'S CERTIFICATE

One copy of this certificate is to be delivered to each person from whom purchases are made of cans made in whole or in part of tinplate, terneplate, blackplate, or waste. Such certificate shall cover all purchases present and future so long as Conservation Order M-81, in its present form or as it may be amended from time to time, remains in effect.

The undersigned purchaser hereby certifies to the seller herein and to the War Production Board that he is familiar with Conservation Order M-81, as heretofore amended, and that during the life of such order he will not use or sell any can purchased from

---
(Name of Seller)

---
(Address of Seller)

pursuant to this or future purchase orders or contracts, in violation of terms of such order.

Date____________ ______________________
(Legal name of Purchaser)

By ______________________
(Authorized Official)

____
(Title of Official)

____
(Address of Purchaser)

Section 35A of the U. S. Criminal Code (18 U. S. C. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

SCHEDULE I—FOOD CANS

(1) Packing quotas specified in this Schedule I indicate total packs of the respective products listed, for all purposes including cans required by any order of the Director General for Operations, to be set aside for purchase by a Government Agency. The designation "M-86" indicates that cans may be used for packing only the quantity of product required to be set aside by Order M-86, as amended from time to time.

(2) All persons manufacturing cans shall, to the greatest extent available, use 0.50 tinplate wherever the single asterisk appears; and chemically treated blackplate wherever the double asterisk appears. All persons using cans marked with the asterisk, are hereby required to accept from the manufacturer making delivery, to the greatest extent available up to 50 percent of the delivery, cans made as specified of 0.50 tinplate wherever the single asterisk appears; and cans made as specified of chemically treated blackplate wherever the double asterisk appears.

Product	Packing quota	Can sizes	Can materials	
			Body	Ends
FRUITS AND FRUIT PRODUCTS				
1. Apples, including crabapples. Whole apples not to be packed.	M-86	10	1.25 tin	1.25 tin.
2. Apple sauce, including sauce from crabapples.	M-86	2-10	1.25 tin	1.25 tin.
3. Apricots. Whole apricots not to be packed.	M-86	2½-10	1.25 tin	1.25 tin.
4. Blackberries, black raspberries, boysenberries, loganberries, and youngberries, when packed as berries. Quota applicable to each kind of berries respectively.	100% 1942	2-2½-10	1.50 tin	1.50 tin.
5. Blueberries or huckleberries	M-86	10	1.50 tin	1.50 tin.
6. Cherries, other than white	100% 1942	2-2½-10	1.50 tin	1.50 tin.
7. Cherries, white	100% 1942	2-2½-10	1.25 tin	1.25 tin.
8. Fruit cocktail, consisting of any combination of fruits listed in this schedule I and grapes; provided that the combination, by drained weight, shall consist of not less than 50 percent fruits listed in this Schedule I, and may consist of not to exceed 10 percent grapes. Pineapple may be repacked from No. 10 or larger cans, to the extent of 7 percent of the fruit cocktail.	Unlimited	2½-10	1.25 tin	1.25 tin.
9. Figs	M-86	10	1.25 tin	1.25 tin.
10. Grapefruit, segments	M-86	2	1.25 tin	1.25 tin.
11. Grapefruit juice	Unlimited	2-3 cyl-10	1.25 tin	1.25 tin.
12. Orange juice	M-86	2-3 cyl-10	1.25 tin	1.25 tin.
13. Orange—grapefruit juice blend, consisting of at least 40 percent orange juice.	M-86	2-3 cyl-10	1.25 tin	1.25 tin.
14. Peaches (clingstone), halves, slices, or cubes.	Unlimited	2½-10	1.25 tin	1.25 tin.
15. Peaches (freestone), halves, slices, or cubes. Not to be packed in California.	Unlimited	2½-10	1.25 tin	1.25 tin.
16. Pears, halves, slices, or cubes	Unlimited	2½-10	1.25 tin	1.25 tin.
17. Pineapple, slices, chunks, crushed, or tidbits. Spears not to be packed.	Unlimited	2-2½-3 cyl-10	1.25 tin	1.25 tin.
18. Pineapple juice	Unlimited	2-3 cyl-10	1.2 tin	1.25 tin.
19. Plums, yellow or green	100% 1942	2½-10	1.50 tin	1.50 tin.
20. Prunes, fresh Italian. Not to be packed in California.	50% 1942	2½-10	1.50 tin	1.50 tin.
21. Olives, ripe. Not to exceed 50 percent of permitted pack may be in cans smaller than No. 10. (Quota applicable only to olives from 1942 crop.)	25% 1940-41	2½-10	1.25 tin	1.25 tin.
VEGETABLES AND VEGETABLE PRODUCTS				
22. Asparagus, green. White asparagus not to be packed.	Unlimited	2-2½-10	1.25 tin	1.25 tin*.
23. Beans, green or wax	Unlimited	2-2½-10	1.25 tin	1.25 tin*.
24. Fresh shelled beans, including lima beans.	Unlimited	2-2½-10	0.50 tin	CTB.
25. Beets, whole beets not to be packed	M-86	2-2½-10	1.25 tin	1.25 tin*.
26. Carrots, whole carrots not to be packed	M-86	2-2½-10	1.25 tin	1.25 tin*.
27. Corn, fresh, sweet, cut	Unlimited	2-10-2 vacuum (307 x 306) for vacuum pack.	0.50 tin	CTB.
28. Peas, green	Unlimited	2-10-2 vacuum (307 x 306) for vacuum pack.	0.50 tin	0.50 tin**.
29. Pumpkin and squash	M-86	2½-10	1.25 tin	1.25 tin*.
30. Soups, limited to the following kinds of soup, which shall contain not less than the specified percentage, by weight, of dry solids from fresh unfrozen products listed in Schedule I or Schedule II. Chicken, chicken gumbo, chicken noodle, gumbo creole, consomme, and bouillon—6 percent. Tomato, asparagus, spinach, and fresh green pea—7 percent. Clam or fish chowders—8 percent. Scotch broth, vegetable, vegetable-vegetarian, pepper pot, ox tail, mock turtle, country style chicken, and corn chowder—10 percent. Beef and vegetable beef—12 percent.	50% 1942	1 picnic	1.25 tin	1.25 tin*.
31. Spinach, and other green leafy vegetables limited to beet, collard, dandelion, kale, mustard, poke, and turnip greens.	80% 1942	2½-10	1.25 tin	1.25 tin*.
32. Tomatoes	Unlimited	2-2½-10	1.25 tin	1.25 tin.
33. Tomato paste, from fresh tomatoes, containing not less than 25% (percent) by weight, dry tomato solids.	Unlimited	2½-10	1.25 tin	1.25 tin*.
		5 gal. reusable	1.25 tin	1.25 tin.
	125% 1942 pack of size 6Z.	6 Z	1.25 tin	1.25 tin*.
34. Tomato pulp or puree, from fresh tomatoes, containing not less than 10.7 percent (specific gravity 1.045) or more than 25 percent by weight, dry tomato solids,	Unlimited	2-2½-10	1.25 tin	1.25 tin*.
		5 gal. reusable	1.25 tin	1.25 tin.
	125% 1942 pack of size 1 picnic.	1 picnic	1.25 tin	1.25 tin*.

SCHEDULE I—FOOD CANS—Continued

Product	Packing quota	Can sizes	Can materials	
			Body	Ends
VEGETABLES AND VEGETABLE PRODUCTS—continued				
35. Tomato sauce, from fresh tomatoes, including spaghetti sauce, containing not less than 8.7 percent (specific gravity 1.037) by weight, dry tomato solids, and not less than 10.0 percent (specific gravity 1.042) by weight, total dry solids, salt free. In addition to salt, the contents may contain pepper, spice oils, and other flavoring ingredients.	Unlimited 125% 1942 pack of sizes 8Z and 1 picnic.	2-10 5 gal reusable 8Z—1 picnic	1.25 tin 1.25 tin 1.25 tin	1.25 tin*. 1.25 tin. 1.25 tin*.
36. Tomato catsup, from fresh tomatoes, not less than 25 percent, (specific gravity 1.11) by weight, total dry solids.	M-86	2½-3-cyl-10	1.25 tin	1.25 tin*.
37. Tomato juice	Unlimited	2-3 cyl-10	1.25 tin	1.25 tin*.
NOTE.—When required for packing other products, tomato paste, tomato pulp or puree, tomato sauce, and tomato juice may be repacked from reusable cans, 5 gal. or larger.				
FISH AND SHELLFISH (Processed, and in hermetically sealed cans)				
38. Clams, soft, hard, or razor	Unlimited	½ flat (307 x 201.25)—1 picnic (211 x 400)—1 tall (301 x 411)—2 (307 x 409)—10 (603 x 700).	1.25 tin*	1.25 tin*.
39. Crabmeat	Unlimited	½ flat (307 x 201.25)	1.25 tin*	1.25 tin*.
40. Fish flakes. Dried fish flakes not to be packed.	Unlimited	300 (300 x 407)-2 (307 x 409)	1.25 tin*	1.25 tin*.
41. Fish livers and fish liver oils	Unlimited	5 gal. reusable	1.25 tin	1.25 tin.
42. Fish roe	Unlimited	300 (300 x 407)	1.25 tin*	1.25 tin*.
43. Herring, Atlantic Sea, by whatever name known including sardines.	Unlimited	¾ Drawn (304 x 508 x 105)-¾ three piece (308 x 412 x 112)-300 (300 x 407) ¼ drawn (300.5 x 404 x 014.5)		
Packed in oil			1.25 tin*	1.25 tin*.
Packed in mustard or tomato sauce			1.25 tin	1.25 tin.
44. Herring, Pacific	Unlimited	1 tall (301 x 411)	1.25 tin*	1.25 tin*.
45. Herring, river (alewives)	Unlimited	300 (300 x 407)-2 (307 x 409).	1.25 tin*	1.25 tin*.
46. Mackerel	Unlimited	300 (300 x 407)	1.25 tin*	1.25 tin*.
47. Menhaden	Unlimited	300 (300 x 407)	1.25 tin*	1.25 tin*.
48. Mullet	Unlimited	300 (300 x 407)	1.25 tin*	1.25 tin*.
49. Mussels	Unlimited	1 picnic (211 x 400)-2 (307 x 409)-10 (603 x 700)	1.25 tin*	1.25 tin*.
50. Oysters. No. 1 picnic cans shall contain not less than 7½ ounces of oysters by cut-out drained weight; No. 2 cans 14 ounces; and other permitted size cans shall contain a fill correspondingly proportionate to the No. 1 picnic can.)	Unlimited	1 picnic (211 x 400) 1 tall (301 x 411)-2 (307 x 409).	1.25 tin*	1.25 tin*.
51. Pilchards, by whatever name known including sardines.	Unlimited	8z short (211 x 300)-½ oblong (308 x 508 x 103)-300 (300 x 407)-1 oval (607 x 406 x 108).		
Packed in oil			1.25 tin*	1.25 tin*.
Packed in mustard or tomato sauce			1.25 tin	1.25 tin.
52. Salmon	Unlimited	½flat (307 x 200.25) (307 x 201.25)-1 flat (401 x 210.5) (401 x 211) 1 tall (301 x 411).	1.25 tin*	1.25 tin*.
53. Shad	Unlimited	300 (300 x 407)	1.25 tin*	1.25 tin*.
54. Shrimp	Unlimited	1 picnic (211 x 400) 5 (502 x 510).	1.25 tin*	1.25 tin*.
55. Squid	Unlimited	300 (300 x 407)	1.25 tin*	1.25 tin*.
56. Tuna, bonito, and yellowtail	Unlimited	½tuna (307 x 113)-1 tuna (401 x 205.5)-4 lb. tuna (603 x 408).	1.25 tin*	1.25 tin*.
DAIRY PRODUCTS				
57. Condensed Milk, as defined by the Federal Security Administrator, Federal Register, July 2, 1940, § 18.525, page 2444 and § 18.530, page 2445, as amended, Federal Register, August 8, 1941, pages 3973 and 3974.	100% 1942	15 oz	1.25 tin	1.25 tin.
58. Evaporated milk, as defined by the Federal Security Administrator. Federal Register, July 2, 1940, § 18.520, page 2444.	Unlimited 90% 1942	10 (8 lb) 6 oz.-14½ oz	1.25 tin 1.25 tin	1.25 tin. 1.25 tin.

During 1943 a person's pack of evaporated milk in 6 oz. cans shall not exceed 80% of his 1942 pack of 6 oz. cans.

SCHEDULE II—FOOD CANS

(1) Packing quotas specified in this Schedule II indicate permitted packs of the respective products listed, for all purposes except for the Army, Navy, Marine Corps, Maritime Commission, War Shipping Administration of the United States, or for any agency of the United States purchasing for a foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act). While restrictions pertaining to can sizes and can materials are applicable to such cans, cans used for packing the respective products listed shall be in addition to the specified quotas, when delivered pursuant to a letter of intent approved by, or a contract or purchase order negotiated with or for, any of the foregoing agencies. The word "none" indicates that no cans shall be used for packing the applicable product except for the above-mentioned agencies. When determining a quota for packing a product listed in this Schedule II, cans packed during the base period (1942) for the above-mentioned agencies shall be excluded.

(2) All persons manufacturing cans shall, to the greatest extent available, use 0.50 tinplate wherever the single asterisk appears; and chemically treated blackplate wherever the double asterisk appears. All persons using cans marked with the asterisk, are hereby required to accept from the manufacturer making delivery, to the greatest extent available up to 50 percent of the delivery, cans made as specified of 0.50 tinplate wherever the single asterisk appears; and cans made as specified of chemically treated blackplate wherever the double asterisk appears.

Product	Packing quota	Can sizes	Can materials	
			Body	Ends
MEATS AND MEAT PRODUCTS (Processed, and in hermetically sealed cans)				
1. Bacon	None	14 lb	1.25 tin*	1.25 tin.**
2. Beef, veal, mutton, and pork; corned, roast, or boiled, and containing not less than 85 percent meat, by cooked weight.	None			
Cans with all seams soldered		Any size	1.25 tin	1.25 tin.
Cans with only side seams soldered		Any size	1.25 tin*	1.25 tin.**
3. Brains	100% 1942	10½ oz	1.25 tin*	1.25 tin.**
4. Chili con carne, when packed without beans and containing not less than 50 percent meat, by uncooked weight, exclusive of added tallow.	None	300 (300 x 407)	1.25 tin*	1.25 tin.*
5. Meat loaf, containing not less than 90 percent meat, by uncooked weight, and no added water. When packed as a chopped product, meat loaf may contain not more than 10 percent of the following ingredients: cereal, whole milk, eggs, and seasoning.	None	7 oz	1.25 tin*	1.25 tin.**
6. Meat spreads, including ham, tongue, liver, beef, and sandwich spreads. When packed as a spread, the chopped product shall contain not less than 65 percent meat, by cooked weight, with added cereal or other products. When packed as deviled ham or deviled tongue, the product shall consist of chopped meat without added cereal or other products.	None	3 oz	1.25 tin*	1.25 tin.**
7. Sausage in casings, containing no cereal or similar substance, and not to exceed 10 percent added water, by weight, except pork sausage, which may be prepared with not to exceed 3 percent added water, by weight.				
Vienna Sausage	None	4 oz	1.25 tin*	1.25 tin.**
Sausage in oil, lard or rendered pork fat	None	No. 5	1.25 tin*	1.25 tin.**
8. Bulk sausage meat, containing not to exceed 3½ percent cereal, and not to exceed 3 percent added water, by weight.	None	24 oz	1.25 tin*	1.25 tin.**
9. Tongue, whole	None	6 oz	1.25 tin*	1.25 tin.**
10. Turkey, boned, and chicken, boned	None	1 lb	1.25 tin*	1.25 tin.**
11. Chopped luncheon meats, consisting of chopped, seasoned meat with not to exceed 3 percent added water, by weight.	None	12 oz	1.25 tin*	1.25 tin.**
12. Potted meat, consisting of chopped meat or by-products of meat, without added cereal or similar substance, and labeled as a potted or deviled meat product.	100% 1942	3¼ oz	1.25 tin*	1.25 tin.**
MISCELLANEOUS FOODS				
13. Baby foods, limited to:				
Fruits, vegetables, meat products and cereals, pureed. Potatoes and cereal products may be used only in combination with other permitted products, and the potato and cereal content in any combination shall not exceed 12 percent, by weight. Dried prunes may be included and frozen fruits and vegetables may be used; provided, that no person shall use for packing pureed baby foods more than 35 percent, by weight, of the frozen fruits and vegetables which he used for this purpose during 1942.	100% 1942	202 BF (202 x 214)	1.50 tin	1.50 tin.
Milk formulas and soybean milk, liquid	100% 1942	14½ oz	1.25 tin	1.25 tin.
Milk formulas, dry or powdered	100% 1942	1 lb	0.50 tin	CTB.
No person shall pack any milk formulas unless he packed the product in substantially the same form in 1942.				
14. Dehydrated vegetables	None	10 5 gal	0.50 tin 0.50 tin	CTB. 0.50 tin.
15. Grape juice and grape pulp	100% 1942	5 gal. reusable	1.50 tin	1.50 tin.
16. Citrus pulp and citrus peel	100% 1942	5 gal. reusable	1.25 tin	1.25 tin.
17. Honey	100% 1942 pack of size 60 lb.	60 lb. reusable	1.25 tin	1.25 tin.
18. Goat's milk	100% 1942	14½ oz	1.25 tin	1.25 tin.
19. Milk, skimmed, dry or powdered	None	50 lb	0.50 tin	0.50 tin.
20. Milk, whole, dry or powdered	100% 1942	1 lb.-2½ lb.-5 lb	0.50 tin	0.50 tin.**

SCHEDULE II—FOOD CANS—Continued

Product	Packing quota	Can sizes	Can materials	
			Body	Ends
21. Special food products; limited to foods other than usual table foods. No person shall pack any special food product unless he packed the product in substantially the same form in 1942, and unless he obtains prior permission upon application to the War Production Board.	See Product column.			

SCHEDULE III—NON-FOOD CANS

(1) Packing quotas specified in this Schedule III indicate permitted packs of the respective products listed, for all purposes except for the Army, Navy, Marine Corps, Maritime Commission, War Shipping Administration of the United States, or for any agency of the United States purchasing for a foreign country, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act). While restrictions pertaining to can sizes and can materials are applicable to such cans, cans used for packing the respective products listed shall be in addition to the specified quotas, when delivered pursuant to a letter of intent approved by, or a contract or purchase order negotiated with or for, any of the foregoing agencies. The word "none" indicates that no cans shall be used for packing the applicable product except for the above-mentioned agencies. When determining a quota for packing a product listed in this Schedule III, cans packed during the base period (1942) for the above-mentioned agencies shall be excluded.

(2) Whenever blackplate is specified for making the body or ends of a can for packing a product listed in this Schedule III, Special Coated Manufacturers' Terneplate, may be substituted for making any part or fitting of the can which is required to be soldered.

(3) No compound containing crude rubber, latex, or synthetic rubber as defined in Order M-15-b, shall be used in the manufacture of cans for packing any product listed in this Schedule III.

Product	Packing quota	Can sizes	Can materials	
			Body	Ends
1. Abrasives, and grinding and buffing compounds. Not to be packed dry.	100% 1942	Any size	Blackplate	Blackplate.
2. Acid nitro-hydrochloric (outer container)	100% 1942	1 lb	Blackplate	Blackplate.
3. Bee feeder cans, friction top, for use in shipping bees.	100% 1942	2-2½-3	0.50 tin	CTB.
4. Benzol, naphtha, toluene, and xylene	100% 1942	1 gal	SCMT	Blackplate.
5. Blood plasma	Unlimited	Any size	0.50 tin	CTB.
6. Calcium carbide	100% 1942	2 lb.-10 lb	Blackplate	Blackplate.
7. Calcium cyanide	100% 1942	1 lb.-2½ lb	SCMT	Blackplate.
8. Calcium hypochlorite, Grade A	100% 1942	3¾ lb.-5 lb	SCMT	Blackplate.
9. Carbon bisulfide	100% 1942	1 lb	SCMT	Blackplate.
10. Cements and dressings, limited to belting, furnace, linoleum, pipe joint, and radiator. Not to be packed dry.	100% 1942	1 qt.-1 gal	Blackplate	Blackplate.
11. Cements, rubber, solvent or latex	100% 1942	1 qt.-1 gal	Blackplate	Blackplate.
12. Chlorpicrin, Bromacetone, Monochloroacetone, and acrolein.	100% 1942	1 lb	SCMT	Blackplate.
13. Chloroform and ether	100% 1942	Any size	1.25 tin	1.25 tin.
14. Chromic acid (outer container)	100% 1942	1 lb	Blackplate	Blackplate.
15. Fire extinguisher fluid, limited to chlorinated hydrocarbon type.	100% 1942	1 qt.-1 gal	SCMT	SCMT.
16. Gasket assembling compounds	100% 1942	1 qt.-1 gal	Blackplate	Blackplate.
17. Glues and adhesives, liquid	100% 1942	1 qt.-1 gal	SCMT	SCMT.
18. Grain fumigant, liquid	100% 1942	1 gal.-5 gal	SCMT	SCMT.
19. Graphite, with liquid content	100% 1942	1 qt.-1 gal	Blackplate	Blackplate.
20. Greases, lubricating	100% 1942	10 lb.-25 lb	Blackplate	Blackplate.
21. Inks, printing, duplicating and lithographing. Slip cover style cans of sizes based upon cans which hold the indicated weights of water.	50% 1942	8 oz.-12 oz., 1 lb.-2 lb., 5 lb.-10 lb., 25 lb.-50 lb.	Blackplate	Blackplate.
22. Lye, and drain cleaners. Until June 30, 1943.	50% 1942	13 oz	Blackplate	Blackplate.
23. Toilet bowl cleaners. Until June 30, 1943.	50% 1942	10 oz	Blackplate	Blackplate.
24. Nicotine sulphate	100% 1942	5 lb	1.50 tin	1.50 tin.
25. Nitric acid, fuming (outer container)	100% 1942	1 lb	Blackplate	Blackplate.
26. Oils, essential, distilled or cold pressed	100% 1942	1 qt	0.50 tin	0.50 tin.
27. Oils, transformer	100% 1942	5 gal	0.50 tin	0.50 tin.
28. Paints, copper bottom or antifouling	100% 1942	1 gal	1.25 tin	1.25 tin.
29. Paints:— Oil or oleoresinous, ready mixed, semi-paste, including but not limited to white lead in oil and colors in oil. Pigmented lacquers.	Until February 15, 1943, blackplate ends for 1 gal. fiber-bodied cans. From January 1, 1943 to February 15, 1943, a person may use a number of 1 gal. fiber bodied cans sufficient to pack 10 percent of the volume (gallonage) of the paints listed in this Item 29, which he packed in all sized cans during the calendar year of 1942.			
30. Phosphorus	100% 1942	1 lb	SCMT	SCMT.
31. Shoe polish, leather dressing, and saddle soap. Until March 31, 1943.	25% 1942	Any size	Blackplate	Blackplate.
32. Soap, paste	100% 1942	3 lb	Blackplate	Blackplate.
33. Sodium and potassium metals	100% 1942	1 lb	SCMT	Blackplate.
34. Sodium peroxide (outer container)	100% 1942	1 oz	Blackplate	Blackplate.
35. Soldering pastes and boiler sealing compounds.	100% 1942	Any size	Blackplate	Blackplate.
36. Dangerous chemicals, for shipment by Express, when a metal can is required by Interstate Commerce Commission Regulations and no alternate package is permitted.	100% 1942	Any size	Blackplate	Blackplate.

[F. R. Doc. 42-13073; Filed, December 9, 1942; 4:05 p. m.]

PART 1084—CANNED AND PROCESSED FOODS

[Conservation Order M-86, as amended December 9, 1942]

1. The designation of Part 1084 ("Canned Foods") is amended to read "Canned and Processed Foods."

2. Section 1084.1 *Conservation Order M-86* is amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials used in canning and processing foods for defense, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1084.1 *Conservation Order M-86*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the War Production Board priorities regulations, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Canner" shall mean any person engaged in the business of canning foods in hermetically sealed metal or glass containers and sterilizing the same by the use of heat.

(2) "Processor" shall mean any person other than a canner engaged in the commercial processing of foods to produce a frozen, dried, pickled, preserved, or otherwise non-perishable product.

(3) "Pack" shall mean the total amount (by weight unless otherwise specified) of all grades of any particular food canned by any canner or processed by any processor during any packing season, or during a crop year or calendar period specified by the Director General for Operations as a quota period.

(4) "Government agency" shall mean any officer, board, agency, commission, or government owned or government controlled corporation of the United States specifically designated by the Director General for Operations.

(c) *Restrictions on canners and processors.* (1) Each canner and each processor shall set aside for the requirements of government agencies such canned or processed foods packed by him as the Director General for Operations may from time to time order, without regard to previously existing contracts. All such canned or processed foods so set aside shall, unless and until released, be held for allocation to any government agency by the Director General for Operations. Orders to set foods aside pursuant to this paragraph (c) (1) may be by general supplementary order or by written notice by the Director General for Operations to the individual canner or processor. There shall not be calculated as part of the foods required to be set aside by this paragraph, foods delivered to any government agency when not so allocated to such agency by the Director General for Operations.

(2) Canned or processed foods required to be set aside for governmental requirements by any other order of the Director General for Operations in the M Series, shall not be required to be set aside by this order.

(3) The Director General for Operations may allocate canned or processed foods to any government agency by specifically designating such agency as the authorized purchaser thereof, either by letter to the agency, by letter to the canner or processor, or by naming such agency in a general supplementary order. The Director General for Operations will allocate foods pursuant to this order only to the Army or Navy of the United States, the Marine Corps, the Coast Guard, the United States Maritime Commission, the War Shipping Administration, the Panama Railroad, the Treasury of the United States, the Coast and Geodetic Survey, the Veterans' Administration, and any agencies of the United States Government for supplies to be delivered to or for the account of the government of any country pursuant to the act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), and any other agency when the Director General for Operations shall find that allocation to such agency is directly essential to the war effort.

(4) If he determines that any canned or processed foods set aside pursuant to this order are not required for government agencies, the Director General for Operations may release such canned or processed foods at any time and may so notify the canner or processor, or he may delegate authority to release such foods to the agency to which he has allocated them.

(5) The Director General for Operations may issue specifications at any time as to processing, packing, containers, container treatment, can marking, labeling, boxing, and strapping.

(d) *Certificates and reports relating to the cans covered by this order*—(1) *Certificates.* Each canner who purchases any cans to pack any food for governmental use pursuant to this order—whether such purchase is by contract or on open account order—shall furnish to the can manufacturer, from whom he buys, a certificate, signed by an authorized official, in substantially the form attached hereto as "Exhibit A", which shall constitute a certification to the War Production Board that such canner is familiar with the terms of this order (in its present form or as it may be amended from time to time), and that, during the life of this order, he will not use any cans purchased from such can manufacturer in violation of its terms. Only one such certificate covering all present and future purchases from a given can manufacturer, need be furnished by a canner to that can manufacturer but no can manufacturer shall be entitled to rely on any such certificates if he knows, or has reason to believe it to be false.

(2) *Reports.* Each canner and each processor shall, within 15 days after he has completed a seasonal pack, or in the instance of a non-seasonal product, at such times as may be prescribed, mail to or file with the War Production Board a report thereof in such form as may be prescribed from time to time by the Director General for Operations. Each canner and each processor shall file such additional reports as the War Production Board may prescribe for the purpose of effective administration of this order.

(e) *Inspection and grading.* Any canned or processed foods required to be set aside under this order shall be subject to inspection and grading at any time by the Director General for Operations or by any person or government agency thereto authorized by him.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds of the appeal.

(g) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, purchases, production and sales.

(h) *Audit and inspection.* All records required to be kept by this order or by any rule, regulation or order of the Director General for Operations shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: M-86.

(j) *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the Director General for Operations in connection with this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT A—CANNER'S CERTIFICATE

Certificate required by paragraph (d) (1) of Conservation Order M-86, as amended. One copy of this certificate is to be delivered to each can manufacturer from whom the canner purchases cans and is to cover all purchases present and future, so long as such Conservation Order, in its present form or as it may be amended from time to time, remains in effect.

(Applicant's Name)

(Applicant's Address) (Date)

In accordance with paragraph (d) (1) of Conservation Order M-86 of the War Production Board, to conserve the supply and direct the distribution of certain canned foods, the undersigned hereby certifies—and this shall constitute a certification to the War Production Board—that the undersigned applicant is familiar with the terms of said Conservation Order M-86, and any and all amendments thereto, and that said applicant will not use any cans purchased from

----
(Name of Can Manufacturer)

(Address of Can Manufacturer)

in violation of the terms of said order and amendments.

(Legal Name of Applicant)
By -----------------------

(Title of Official Reporting)

Section 35A of the U. S. Criminal Code (18 U.S.C. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

[F. R. Doc. 42-13075; Filed, December 9, 1942; 4:06 p. m.]

PART 1084—CANNED AND PROCESSED FOODS

[Supplementary Order M-86-e]

§ 1084.6 *Supplementary Order M-86-e*—(a) *Quota restrictions.* Pursuant to Order M-86, which this order supplements, it is hereby ordered that each canner shall set aside to be delivered for the requirements of Government agencies, a quota of canned fruits and vegetables packed by him at any time in the calendar year 1943 or, when specified, in 1942-43. The quota to be set aside from a canner's pack of any product listed in Column A of Tables I and II, attached hereto, packed during the quota period for that product, shall be computed by applying the percentage in Column B against the canner's total pack in the base period, including his pack both in metal and glass containers. If the type, style, variety or grade of any such fruit or vegetable is described in Tables I and II, such quota shall be in the type, style, variety and grade described, but other types, styles, varieties or grades shall be substituted to the extent that those specified in Tables I and II are not packed.

(b) *Definition of quota period.* With the exceptions hereinafter listed, the quota period is 1943. In case of grapefruit, grapefruit juice, orange juice, and orange juice and grapefruit juice blended, the quota period is August 1, 1942 to July 31, 1943, in Florida, Texas, and Arizona, and December 1, 1942 to November 30, 1943, in California.

(c) *Definition of base period.* The base period is in all cases the corresponding twelve-month period one year prior to the quota period.

(d) *Applicability of order.* Fruits and vegetables not listed in Tables I and II are not required to be set aside. Fruits and vegetables packed in the Hawaiian Islands must be set aside as prescribed by this order, but this order does not apply to fruits and vegetables packed in other territories and possessions of the United States.

(e) *Provisions applicable when whole pack not set aside for Government.* The following provisions apply whenever any product may be packed for nongovernmental requirements as well as for governmental requirements: To the extent that the canner's production of the first preference grade of such fruit or vegetables specified in Column D is sufficient, at least two-thirds of the quota, but preferably the entire quota, shall be set aside from such grade. To the extent that the quantity so set aside does not fill his quota, the canner shall set aside sufficient of his production of the second preference grade, if any, specified in Column E to complete his quota. To the extent that the quantities so set aside out of both first and second preference grades do not fill his quota, the canner shall set aside sufficient of his production of the third preference grade, if any, specified in Column F to complete his quota.

If a canner packs both in tinplate and glass, insofar as the above grade standards permit the quota shall be set aside from the part packed in tinplate, and from the part packed in glass only when the part packed in tinplate is insufficient.

To the extent possible and insofar as compliance with the above grade requirements permits, at least two-thirds of the quota, but preferably the entire quota, shall be set aside in the largest can size specified in Column G. The balance shall be reserved in the largest can sizes available in the order of preference specified in Column G.

(f) *Reports.* The report prescribed by paragraph (d) (2) of Order M-86 shall be given on Form PD-343, revised. The report shall be filed within fifteen days of the completion of the pack.

(g) *Purchase and inspection.* Until further notice, the Army of the United States is hereby allocated the quotas prescribed by this order, to purchase for its own account and the account of other government agencies named in paragraph (c) (3) of Order M-86, whenever it has agreed with such other agencies to do so. The Army of the United States and the Agricultural Marketing Administration in the Department of Agriculture are also authorized to inspect and grade such canned foods pursuant to paragraph (e) of Order M-86.

(h) *Effective date.* This order shall take effect on January 1, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

TABLE I.—CANNED FRUITS AND FRUIT JUICES

A	B	C	D	E	F	G
Product	Percentage of Base period pack	Type, style, variety (sequence does not denote preference)	Grade			Can sizes (sequence denotes preference)
			First preference	Second preference	Third preference	
Apples	63	Heavy pack	Standard			10.
Applesauce	41		Fancy	Standard		10-2.
Apricots	66	Halved, unpeeled	Choice	Standard (Fancy not desired)	Pie or water pack.	10-2½.
Berries[2]	50		Water pack	(Syrup pack not desired)		10.
Blueberries	100		Water pack	(Syrup pack not desired)		10.
Cherries, RSP	70	Red sour pitted (water pack).	Standard			10-2.
Cherries, sweet	65	Light or dark; pitted or unpitted.	Choice	Top standard [1]	Fancy	10-2½-2.
Figs	100	Kadota	Choice			10.
Fruit cocktail	71		Choice	Fancy		10-2½.
Grapefruit	19	Segments	Fancy	Choice	Standard	2.
Grapefruit juice	48	Sweetened, unsweetened.	Fancy	Standard		10-3 cyl.-2.
Orange juice	21	Sweetened, unsweetened.	Fancy	Standard		10-3 cyl.-2.
Orange and grapefruit juice blended.	100	Sweetened, unsweetened (50% orange) (50% grapefruit).	Fancy	Standard		10-3 cyl.-2.
Peaches	63	Yellow clingstone, halved or sliced.	Choice	Top standard [1]		10-2½.
		Freestone (except California), yellow-halved or sliced.	Choice	Fancy		10-2½.
Pears	65	Bartlett, halved	Choice	Top standard [1]	Fancy	10-2½.
Pineapple	70	Sliced, crushed, chunks, tidbits, (except cocktail tidbits).	Fancy	Standard		10-2½.
Pineapple juice	26		Fancy			10-3 cyl.-2.

[1] Top standard means 70-74 inclusive as defined in terms of U. S. grade.

[2] Blackberries, boysenberries, loganberries, youngberries only. Percentage applies to combined pack of these four varieties.

TABLE II.—CANNED VEGETABLES

A	B	C	D	E	F	G
Product	Percentage of base period pack	Type, style, variety (sequence does not denote preference)	Grade			Can sizes (sequence denotes preference)
			First preference	Second preference	Third preference	
Asparagus	49	All green	Fancy cut	Fancy spear		10-2.
Beans, lima	56	Fresh	Extra standard.	Fancy	Standard	10-2.
Beans, snap	58	Green, wax—cut	Extra standard.	Top standard [2]	Fancy	10-2½-2.
Beets	84	Cut, quartered, diced, sliced.	Fancy	Top standard [1]		10-2½-2.
Carrots	100	Diced	Fancy	Top standard [1]		10-2½-2.
Corn, sweet [3]	42	White, yellow—cream style, whole kernel.	Fancy	Extra standard	Top standard [2]	10-2.
Peas	48	Alaska—3, 4, sieve; sweet—3 sieve and larger, ungraded.	Extra standard.	Top standard [2]	Fancy	10-2.
Pumpkin or squash.	51		Fancy	Top standard [1]		2½.
Spinach	48		Fancy	Top standard [1]		10-2½.
Tomatoes	49		Extra standard.	Top standard [2]	Fancy	10-2½-2.
Tomato catsup	61		Fancy 29%-32% solids.	Fancy 33% solids or over.	Fancy 25%-28% solids.	10-3 cyl.- 2½-2; 14 oz. glass or larger.
Tomato juice	43		Fancy			10-3 cyl-2.
Tomato puree	71	Heavy (minimum specific gravity—1.045).	Fancy			10.
Tomato paste	40		Fancy			10-2½-2.

[1] Top Standard means 80-84 inclusive as defined in terms of U. S. grades.

[2] Top Standard means 70-74 inclusive as defined in terms of U. S. grades.

[3] Full inside enamel cans required. Number 10 cans to be used for whole kernel only.

[F. R. Doc. 42-13074; Filed, December 9, 1942; 4:06 p. m.]

PART 3134—DAIRY PRODUCTS

[Amendment 1 to Conservation Order M-259]

Paragraph (c) of § 3134.1 *Conservation Order M-259* [7 F.R. 9811] is hereby amended by the addition of the following sentence at the end thereof:

In addition, a producer may deliver to or for any person or medical institution cream of such milk fat content and in such quantities as may be necessary for supervised medical treatment of the person or the institution's patients, provided the producer is supplied with a written statement from the person's physician, or, in the case of a medical institution, from a responsible official thereof, specifying the milk fat content and the daily quantity of cream required and certifying as to the necessity of such cream for supervised medical treatment.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of December, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13079; Filed, December 9, 1942; 5:02 p. m.]

PART 1035—GLYCERINE

[General Preference Order M-58, as Amended Dec. 10, 1942]

Section 1035.1 *General Preference Order M-58* is hereby amended to read as follows:

§ 1035.1 *General Preference. Order M-58 as Amended December 10, 1942*—(a) *Definitions.* (1) "Glycerine" means any and all concentrations of glycerol, from whatever source derived and whether crude or refined.

(2) "Producer" means any person engaged in the production of glycerine and includes any person who has glycerine produced for him pursuant to toll agreement and any person who on splitting any fat or oil is entitled to the glycerine resulting therefrom. The term does not include any refiner of glycerine.

(3) "Refiner" means any person engaged in the refining of glycerine.

(4) "Distributor" means any person who has purchased or purchases glycerine for purposes of resale.

(5) "Base period" means the calendar year 1940.

(b) *Restrictions on deliveries and use.* (1) Subject to paragraph (c) hereof, no producer, refiner or distributor shall deliver or use glycerine, and no person shall accept delivery of glycerine from a producer, refiner or distributor, except as specifically authorized or directed by the Director General for Operations.

(2) Authorizations or directions with respect to deliveries to be made or accepted in each month will so far as practicable be issued by the Director General for Operations prior to the commencement of such month, but the Director General for Operations may at any time at his discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted or with respect to the use or uses which may or may not be made of material to be delivered or then on hand.

(3) Each person specifically authorized to accept delivery of glycerine shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed by the Director General for Operations or as provided in paragraph (b) (4) hereof.

(4) Glycerine allocated for inventory shall not be used except as specifically directed by the Director General for Operations. Glycerine allocated to fill a specified order or class of orders shall, where and to the extent that such order or class of orders is subsequently cancelled, revert to inventory.

(c) *Deliveries without specific authorizations.* No specific authorization shall be required for:

(1) Acceptance of delivery by any person, or use by any producer or refiner, in any calendar month of 50 lbs. or less of glycerine in the aggregate.

(2) Acceptance of delivery by any person, or use by any producer or refiner, in any calendar month of not more than 1150 lbs. of glycerine in the aggregate (but more than 50 lbs.): *Provided, however,* That the quantity of which acceptance of delivery may be made in any calendar month (or the quantity used in the case of a producer or refiner) shall be subject to the following additional restrictions:

(i) Where acceptance of delivery is by a hospital, clinic, research and control laboratory or other institution whose primary object is the maintenance of public health, and where the glycerine is to be consumed solely by the organization accepting delivery; no further restriction;

(ii) Where acceptance of delivery is by pharmacists for use in the individual compounding of prescriptions of doctors, dentists or veterinarians, or where acceptance of delivery is for (or use is) the manufacture of sterile solutions, ampoules, basic medicinal chemicals not in compounded form, dental impression compounds, biological preparations and embalming fluids; no further restriction;

(iii) Where acceptance of delivery is for (or use is) the manufacture of other medicinal or veterinary preparations: a further restriction to one hundred per cent of 1/12 of the quantity of glycerine used in such manufacture in the base period;

(iv) Where acceptance of delivery or use is not within subdivision (i), (ii) or (iii): a further restriction to 70 per cent of 1/12 of the quantity of glycerine used in the base period;

(v) Where the amount of which delivery may be accepted under this paragraph (c) (2) does not represent a practical shipping unit or multiple thereof, such paragraph shall not prevent the acceptance of delivery of an amount approximating such permitted quantity, *Provided,* That the difference shall in no event exceed more than one small drum (approximately 550 lbs.) and that the person accepting delivery shall in the next succeeding order or orders make appropriate adjustment.

(3) The delivery by any producer, refiner or distributor to any person who shall have filed with such producer, refiner or distributor a certificate in substantially the following form:

> The undersigned purchaser hereby certifies to the War Production Board and to his supplier (1) that he is familiar with the terms of General Preference Order M-58, as amended December 10, 1942; (2) that the ______ lbs. of glycerine hereby ordered for delivery in ________________, 194__, will not,
> (month)
> taking into consideration all other glycerine ordered for delivery in such month, exceed the quantity which he is permitted by said order to receive without specific authorization of the Director General for Operations; (3) that his purchase falls within paragraph (c) (1); paragraph (c) (2), subdivisions (i), (ii), (iii), (iv) [strike out inapplicable paragraph and/or subparagraph]; and (4) that he has not received any specific authorization from the War Production Board to receive or use glycerine during such month.
>
> ______________________________
> Name of purchaser
>
> By ______________________________
> Name of authorized official Title

(4) The delivery of crude glycerine to, or acceptance of delivery of crude glycerine by, a refiner, for refining or the refining of crude glycerine.

(d) *Prohibited use.* No person shall use or consume glycerine in the manufacture of any anti-freeze product or preparation.

(e) *Applications and reports.* (1) Each person requiring authorization to accept delivery of glycerine during any calendar month, whether for his own consumption or resale, (and each producer or refiner requiring authorization to use glycerine in any calendar month) shall file application therefor on or before the 15th day of the month preceding the month for which authorization for delivery is requested. In each case, the application shall be made on Form PD-600 in the manner prescribed therein (except that during December, 1942, the application at the discretion of the applicant may be made on Form PD-362), subject to the following special instructions:

(i) Copies of Form PD-600 may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which four shall be forwarded to the War Production Board, Chemicals Division, Washington, D. C., Ref.: M-58, and the fifth retained as a file copy. On one of the four copies filed with War Production Board, Tables II and III shall be left blank. An applicant seeking authorization to accept delivery or use at two or more plants shall file a separate set of Form PD-600 for each plant.

(iii) In the heading, under name of chemical, specify "glycerine"; under WPB Order No. specify "M-58"; under unit of measure, specify "pounds"; under name of your company, specify name and mailing address; and specify the month and year for which authorization for acceptance of delivery is sought. Also state in the space following "supplier with whom this order is placed" the name of your usual supplier, and also list his shipping point.

(iv) In Columns 1, 11 and 19, specify grade or grades in terms of the following:

80% soap lye crude
88% saponification crude
Yellow distilled
High-gravity (dynamite)
Chemically pure
Other (describe)

(v) In Column 3, specify your primary product in terms of the following, in each case specifying the item number listed below:

1 Drugs and pharmaceuticals.
2 Explosives.
3 Synthetic resins (specify).
4 Ester gums.
5 Rubber products.
6 Gaskets and cork products.
7 Cellulose films (specify).
8 Glassine and grease-proof paper (specify).
9 Printing rollers.
10 Printing supplies (specify).
11 Textiles (printing, dyeing & finishing).
12 Leather products.
13 Adhesives (including book binding).
14 Paper other than #8.
15 Beverages, flavoring extracts, candy and gum (specify).
16 Other edible products (specify).
17 Tobacco.
18 Cosmetics and toilet preparations, dentifrices and shaving preparations (specify).
19 Chemical manufacture not elsewhere classified (specify).
20 Other class of product (specify).
21 Resale (as glycerine).
22 Inventory (see paragraph (b) (4)).

(vi) In Column 4 specify ultimate use of product (for example, if the "primary product" called for by Column 3 is "glassine and grease-proof paper", the "ultimate use of product" might be "food wrapping"), and also specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease, or commercial customer. If a primary product made has more than one ultimate use, indicate approximate percentage applicable to each use.

(vii) In Columns 5, 6, 7, and 8 specify pounds in each preference rating group.

(viii) In Column 10, specify your average monthly use of glycerine in 1940 in each class of use for which authorization to accept delivery (or use) is sought.

(ix) Leave blank Table IV.

(x) In each case where the application on Form PD-600 for authority to accept delivery of, or use, glycerine is granted, one copy of Form PD-600, signed by the Director General for Operations will be returned to the applicant. Where authorization is to accept delivery, a second copy will be sent by War Production Board to the supplier selected by War Production Board with a letter from the Director General for Operations to such supplier, authorizing delivery as indicated on such copy.

(2) Each person (other than a refiner) who as of December 1, 1942 owned more than 1150 lbs. of glycerine and who shall not have applied for acceptance of delivery of glycerine for January, 1943, shall file with War Production Board on or before the 15th day of December, 1942, Form PD-600 (a single copy) with Table II completely filled out.

(3) Each producer, refiner or distributor shall file with the War Production Board on or before the 15th day of each month beginning December 15, 1942, one copy of PD-363A (revised).

(4) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue other and further directions to any such person with respect to preparing and filing Forms PD-600 and PD-363A (revised).

(f) *Notification of customers.* Each supplier shall notify his regular customers, as soon as possible, of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(g) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref.: M-58.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13087; Filed, December 10, 1942; 11:03 a. m.]

PART 1055—WOOL

[General Conservation Order M-73 as Amended Dec. 10, 1942]

Section 1055.1 *Conservation Order M-73* for the period August 3, 1942, to January 31, 1943 is hereby amended to read as follows:

§ 1055.1 *Conservation Order M-73 as amended December 10, 1942*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Curtailment of use of wool for nondefense orders for period August 3, 1942, through July 31, 1943.* During the period August 3, 1942, through July 31, 1943, no person shall put into process for nondefense orders any wool except as hereinafter provided.

(c) *Quota for worsted system.* Any person having a basic quarterly poundage on the worsted system shall be entitled to put into process:

(1) During the period from August 3, 1942, through January 31, 1943, an amount of wool owned by him not in excess of 25% of such basic quarterly poundage for the manufacture of fabrics and yarns of any wool content, and an additional amount of wool owned by him not in excess of 30% of such basic quarterly poundage for the manufacture of fabrics and yarns containing not more than 65% wool.

(2) During the period from February 1, 1943, through May 2, 1943, an amount of wool owned by him not in excess of 15% of such basic quarterly poundage for the manufacture of fabrics and yarns of any wool content, and an additional amount of wool owned by him not in excess of 20% of such basic quarterly poundage for the manufacture of fabrics and yarns containing not more than 65% wool.

(3) During the period from May 3, 1943, through July 31, 1943, an amount of wool owned by him not in excess of 15% of such basic quarterly poundage for the manufacture of fabrics and yarns of any wool content, and an additional amount of wool owned by him not in excess of 20% of such basic quarterly poundage for the manufacture of fabrics and yarns containing not more than 65% wool.

(d) *Quota for woolen and other systems.* Any person having a basic quarterly poundage on the woolen, cotton, felt, or any other system shall be entitled to put into process:

(1) During the period from August 3, 1942, through January 31, 1943, an amount of wool owned by him not in excess of 5% of such basic quarterly poundage for the manufacture of fabrics and yarns of any wool content, and an additional amount of wool owned by him not in excess of 25% of such basic quarterly poundage for the manufacture of fabrics and yarns containing not more than 65% wool.

(2) During the period from February 1, 1943, through May 2, 1943, an amount of wool owned by him not in excess of 2½% of such basic quarterly poundage for the manufacture of fabrics and yarns of any wool content, and an additional amount of wool owned by him not in excess of 12½% of such basic quarterly poundage for the manufacture of fabrics and yarns containing not more than 65% wool.

(3) During the period from May 3, 1943, through July 31, 1943, an amount of wool owned by him not in excess of

2½% of such basic quarterly poundage for the manufacture of fabrics and yarns of any wool content, and an additional amount of wool owned by him not in excess of 12½% of such basic quarterly poundage for the manufacture of fabrics and yarns containing not more than 65% wool.

(e) *Additional allotment of wool for use in certain knitted wear.* In addition to the amount of wool which any person may put into process pursuant to paragraphs (c) and (d) such person shall be entitled to put into process for the manufacture of machine knitting yarns suitable for making machine knitted sweaters, shawls, or underwear, an amount of wool not in excess of 10% of his basic quarterly poundage to fill orders placed with him after October 30, 1942, by manufacturers of machine knitted sweaters, shawls or underwear, or by jobbers who deal in machine knitting yarn: *Provided,* That each such order is accompanied by a certificate signed by the purchaser, or by a person duly authorized to sign in his behalf, in substantially the following form:

> The undersigned hereby certifies to his vendor and to the War Production Board that he is entitled under the provisions of paragraph (e) of M-73 to purchase machine knitting yarns made from the special allotment of wool granted therein, and that the knitting yarns covered by the annexed purchase order will be put into process by him prior to January 15, 1943, and only in the manufacture of machine knitted sweaters, shawls or underwear, containing not more than 65% wool, or will be put into process by others for his account for such purposes before such date, or will be sold by him only upon the receipt of a similar certificate from his purchaser.

For the purpose of the above certificate "put into process" shall mean the first operation on knitting yarn performed by the knitter, such as dyeing, scouring, winding or knitting or otherwise, as the case may be. Persons putting wool into process pursuant to the provisions of this paragraph shall report the amount of wool so put into process in their monthly reports on Form PD-274 under the heading "Special Wool Grant, Series S."

(f) *Bonus for use of certain types of wool.* Any person shall, for each pound of wool of grades 44s and lower (including carpet wool), coarse alpaca fleece, alpaca seconds or short fleece, (unless from Arequipa), huarizo (unless from Arequipa), llama (unless from Arequipa) or pieces or locks of alpaca or llama, owned, or hereafter acquired by such person and put into process within the limits of paragraphs (c) (d) and (e), be entitled to put into process:

(1) On the worsted system, an additional two pounds of such material owned or hereafter acquired by him,

(2) On the woolen, cotton, or felt system, an additional five pounds of such material owned or hereafter acquired by him.

(g) *Quota for manufacturers of floor covering.* Notwithstanding the provisions of paragraphs (c), (d), (e), and (f) any person whose basic quarterly poundage is calculated from wool put into process for the manufacture of floor covering shall only be entitled to put into process:

(1) Amounts of wool of grades 44s and lower, fine carpet wools, coarse carpet wools, coarse alpaca fleece, alpaca seconds, or short fleece, (unless from Arequipa), huarizo (unless from Arequipa), llama, (unless from Arequipa) or pieces or locks of alpaca or llama, owned by such person, for the manufacture of wool products other than floor covering, and

(2) Amounts of coarse carpet wool for the manufacture of floor covering,

but shall be entitled to put into process during the period from August 3, 1942, through January 31, 1943, a total amount of such wools for the purposes prescribed which is not in excess of 50 per cent of such basic quarterly poundage calculated from the manufacture of floor covering; during the period from February 1, 1943, through May 2, 1943, an amount for such purposes which is not in excess of 25% of such basic quarterly poundage; and during the period from May 3, 1943, through July 31, 1943, an amount for such purposes which is not in excess of 25% of such basic quarterly poundage.

(h) *Carry-over of unused portions of quotas.* Any amounts of wool which a person may be entitled to put into process during either the period from August 3, 1942, through January 31, 1943, or the period from February 1, 1943, through May 2, 1943, pursuant to paragraphs (c), (d), (f), and (g), and which are not put into process during that period may be carried over to the following period or periods covered by this order and operate to increase the corresponding quota of such following period or periods to that extent.

(i) *Special provisions for manufacture of yarn for use in manipulated fabrics.* (1) For the purposes of paragraphs (c) and (d) the putting into process of wool for the manufacture of yarns for sale to knitters or weavers to be manufactured by them into fabrics or garments containing not more than 65% wool shall be considered as the putting into process of wool for the manufacture of such fabrics: *Provided,* That each sale of such yarn to a knitter or weaver is made only upon the receipt from such knitter or weaver of a certificate in duplicate, signed on behalf of the knitter or weaver placing such order by a duly authorized person in substantially the following form:

> The undersigned hereby certifies to his vendor and to the War Production Board that the yarn covered by this purchase order will be used by the undersigned for the manufacture of fabrics or garments containing not more than 65% wool as the term is defined in Conservation Order M-73.

And provided further, That one of the duplicate certificates required for each such sale shall be filed with the War Production Board on or before the 15th day of the month following the month in which such sales were made.

(2) No knitter or weaver furnishing the certificate mentioned in subparagraph (1) of this paragraph for the purchase of yarn shall use or dispose of such yarn except in the knitting or weaving of fabrics or garments which contain not more than 65% wool.

(j) *Restrictions on use of certain types of wool and of wool content of certain products*—(1) *Restriction on wool content of blankets for nondefense use.* No person shall manufacture for nondefense order any blanket containing more than 65 per cent of wool.

(2) *Restrictions on use of certain wools in drapery and upholstery fabrics for nondefense use.* No person shall put into process or cause to be put into process by others for his account for nondefense order for the manufacture of any drapery or upholstery fabrics any wool other than coarse carpet wool.

(3) *Restrictions on use of certain wools in floor coverings.* No person shall put into process, or cause to be put into process by others for his account any wool other than coarse carpet wool for the manufacture of floor covering.

(4) *Restrictions on use of alpaca, huarizo and llama.* No person shall put into process any No. 1 alpaca fleece from Arequipa, Callao or Tacna, No. 1 skin Alpaca fleece from Arequipa, alpaca seconds or short fleece from Arequipa, huarizo fleece from Arequipa, or llama fleece from Arequipa, and no person shall use or process any alpaca tops, except for the manufacture of fabrics or yarn to be delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, or in the manufacture of fabrics or yarns to fill orders therefor accompanied by a certificate, signed by the purchaser, or by a person duly authorized to sign in his behalf, in substantially the following form:

> The undersigned hereby certifies to his vendor and to the War Production Board that the yarns or fabrics covered by the annexed purchase order will be used by him in the manufacture of material or equipment to be delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration.

(k) *Defense orders filled out of inventory.* The filling of a defense order out of stocks on hand, which stocks were not manufactured on defense order, shall operate to increase the amount of wool which a person may put into process on nondefense order in the period in which such defense order is filled, to the extent of the amount of wool contained in the goods used to fill such defense order.

(l) *Assignment of preference rating for certain uniform fabrics.* Any order for fabric to be used in the manufacture of the following types of uniforms is hereby assigned a preference rating of A-10.

(1) U. S. Bureau of Customs personnel.

(2) U. S. Forest Service personnel.

(3) U. S. Immigration and Naturalization Service personnel.

(4) U. S. Post Office Department personnel.

(5) Federal, State, county, municipal or local government policemen, guards or militia.

Flying personnel with commercial airlines.

(7) Organized civilian personnel assigned to the Armed Forces of the United States.

(8) Plant and airport guards.

(9) Nurses.

Provided, however, That each such order is accompanied by a certificate in duplicate signed by the purchaser, or by a person duly authorized to sign in his behalf in substantially the following form:

> The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply the preference rating indicated opposite the items shown on this purchase order, and that such application is in accordance with Priorities Regulation No. 3 as amended, with the terms of which the undersigned is familiar. The undersigned further certifies that the fabrics hereby ordered will be used by the undersigned only for the manufacture of one or more of the types of uniforms set forth in paragraph (l) of General Conservation Order M-73, or resold only for such use, and this order is therefore entitled to a preference rating of A-10.

(m) *General exceptions.* The prohibitions and restrictions of this order shall not apply to any person to the extent that such person puts wool into process for the making of wool products entirely by hand, including the spinning, and weaving of the fabrics.

(n) *Prohibition against sales or deliveries.* No person shall hereafter sell or deliver any material to any person if he knows, or has reason to believe, such material is to be used in violation of this order.

(o) *Fair distribution of products.* In making sales or deliveries of wool yarn, fabrics, styles or patterns, no person shall make discriminatory cuts in amounts or quantities in acceptance of orders or deliveries between former customers and new customers who meet such person's regularly established prices and terms, or between former customers, new customers and his own consumption of these products, or any of them.

(p) *Definitions.* For the purposes of this order

(1) "Wool" means the fiber from the fleece of the sheep or lamb, or the hair of the Cashmere goat or camel or the alpaca, llama, vicuna, and related fibers, including fine carpet wool and coarse carpet wool, but (except for the purposes of paragraph (o)) shall not include mohair, noils, waste, reprocessed or reused wool, or yarn or cloth.

(2) "Fine carpet wool" means wool which, under paragraph 1101 of the Tariff Act of 1930, may be imported free of duty for the manufacture of floor covering (but which under the terms of this order may only be used for the manufacture of wool products other than floor covering, and other than drapery and upholstery fabrics on nondefense orders) identifiable under the following names: Persian Gulf fleece, New Zealand fleece, Criolla, Joria, Thibet number one white, and Iceland wool.

(3) "Coarse carpet wool" means wool which, under paragraph 1101 of the Tariff Act of 1930, may be imported free of duty for the manufacture of floor covering, not specifically named in subparagraph (2) above.

(4) "Manufacture" means any and all processing on any system beyond the scouring operation, excepting only the carding and combing operations on the worsted system.

(5) "Put into process" means:

(i) On the worsted system, the first process of drawing after combing.

(ii) On any other system using tops, cut tops or broken tops, the first operation of cutting, breaking, picking or carding as the case may be.

(iii) On the woolen, felt, or any other system not using tops, the first step after scouring, carbonizing, dusting or similar cleaning or preparatory process.

and shall include the causing to be put into process by another for one's account.

(6) "Basic quarterly poundage" for any single system of manufacture shall mean one half of the number of pounds of wool and mohair, either kid or adult, put into process on that system by a person during the period from December 29, 1940 to June 28, 1941, both inclusive or for the period from January 1, 1941, to June 30, 1941, both inclusive, according to the method of keeping production records maintained by such person during such period. Such poundage shall be determined as follows:

(i) On the worsted system or any other system using tops, the weight of tops put into process at 15 percent moisture regain, 3¼ per cent of oil and natural fats.

(ii) On the woolen system, scoured wool and mohair, either kid or adult, at 12 per cent moisture.

(iii) On the felt or any other system, the weight of wool and mohair, either kid or adult, in the stage immediately preceding putting into process.

(q) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(r) *Violations.* Any person who wilfully violates any provisions of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(s) *Reports and records.* (1) Each person who puts wool into process shall file with the War Production Board, such reports or forms, setting forth the amount of wool put into process in any period, the yardage of fabrics and/or the amount of yarns produced therefrom and the fiber content of each type thereof, and such other information, as the Director General for Operations may prescribe.

(2) All persons who put wool into process shall keep and preserve such records as will clearly and adequately show their methods and amounts of consumption hereunder.

(t) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington, D. C., Reference M-73.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13088; Filed, December 10, 1942; 11:03 a. m.]

PART 1061—PORTABLE ELECTRIC LAMPS AND SHADES

[General Limitation Order L-33, as Amended Dec. 10, 1942]

Section 1061.1 *General Limitation Order L-33* is hereby amended to read as follows:

§ 1061.1 *General Limitation Order L-33*—(a) *Definitions.* For the purposes of this order:

(1) "Portable lamp" means any detachable device (excluding lamp shades and incandescent, fluorescent or electric discharge lamps or tubes covered by Limitation Order L-28), the primary function of which is to furnish light for interior illuminating purposes by means of incandescent, fluorescent or electric discharge lamps or tubes. "Portable lamp" does not include any flashlight or other battery-operated lighting device, mechanics' lamp, industrial lamp designed specifically for use in conjunction with any industrial machine, tool or assembly bench or other similar factory equipment, or any overhead suspended fixture (whether portable or not).

(2) "Socket" means any receptacle on a portable lamp designed to receive an incandescent, fluorescent or electric discharge lamp or tube.

(3) "Lamp cord" means any insulated cord used to conduct electricity to the socket on a portable lamp.

(4) "Plug" means any device attached to a lamp cord and fitting into a fixed receptacle for the purpose of transmitting electric current through the lamp cord.

(5) "Separate switch" means any one- or two-circuit switch control which operates one or more sockets.

(6) "Lamp shade" means any shade or metal reflector designed for use with a portable lamp.

(7) "Manufacturer" means any person engaged in the business of manufacturing or assembling portable lamps or lamp shades.

(8 "Preferred order" means any purchase order, contract or subcontract for delivery of portable lamps or lamp shades to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(b) *General restrictions.* (1) No manufacturer shall produce or assemble any portable lamps except in fulfillment of preferred orders.

(2) No manufacturer shall use in the production of portable lamps in fulfillment of preferred orders

(i) Any iron and steel except in sockets, separate switches, plugs, lamp cords, auxiliary ballasts, starter switches, center pipes, steel wire harps, socket covers and husks, outer tubing and casings, seating and checking rings, locknuts, washers, screws and bolts; or

(ii) Any other metal except in sockets, separate switches, plugs, lamp cords, auxiliary ballasts and starter switches; except that he may use metal or metal parts which, on March 23, 1942, were in a fabricated or semi-fabricated form in his inventory or in the inventory of his suppliers.

(3) Except as provided in subparagraph (5) of this paragraph (b), no manufacturer shall produce any lamp shades containing

(i) Any silk which was not in his inventory on March 23, 1942;

(ii) Any metal except iron and steel in wire frames which, on December 10, 1942, was in his inventory or in the inventory of his suppliers in the form of wire or wire frames;

(iii) Any phenolic plastics which were not in his inventory or in the inventory of his suppliers on December 10, 1942.

(4) Except as provided in subparagraph (5) of this paragraph (b), on and after January 1, 1943, no manufacturer shall produce any lamp shades containing any metal, silk or phenolic plastics.

(5) Notwithstanding the provisions of subparagraphs (3) and (4) of this paragraph (b), a manufacturer may produce in fulfillment of preferred orders lamp shades containing iron and steel in wire frames, whether or not it was in his inventory or in the inventory of his supplier on December 10, 1942.

(c) *Avoidance of excessive inventories.* No manufacturer shall receive for use in the manufacture of portable lamps or lamp shades any materials which he cannot use under the terms of this order or any materials which when received will give him an inventory of such materials in excess of the minimum amount necessary to maintain production as permitted by this order.

(d) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* Each manufacturer who produces any portable lamps or lamp shades in fulfillment of preferred orders shall file on or before the tenth day of each calendar month, beginning January 10, 1943, a report on Form PD-655, showing all shipments made pursuant to such preferred orders during the preceding calendar month. Each manufacturer shall also file such other reports and answers to questionnaires as shall from time to time be required.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Appeal.* Any appeal from the provisions of this order must be made on Form PD-500 and must be filed with the field office of the War Production Board of the district in which is located the plant to which the appeal relates.

(i) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(j) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the Director of Priorities, the Director of Industry Operations, or the Director General for Operations, limits the use of any material in the manufacture of portable lamps or lamp shades to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(k) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the Consumers' Durable Goods Division, War Production Board, Washington, D. C., Ref.: L-33.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13089; Filed, December 10, 1942; 11:03 a. m.]

PART 3135—ACRYLIC MONOMER AND ACRYLIC RESIN

[General Preference Order M-260]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of acrylic monomer and acrylic resin for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3135.1 *General Preference Order No. M-260*—(a) *Definitions.* For the purpose of this order:

(1) "Acrylic monomer" means the unpolymerized forms of the methyl and higher esters of acrylic and methacrylic acids.

(2) "Acrylic resin" means the polymerized form of the methyl and higher esters of acrylic and methacrylic acids, in the following forms:

Cast sheet (unfabricated)
Molded sheet (unfabricated)
Molding powder
Rod
Tube
Solution
Emulsion
Cast shapes
Acrylic denture-base material

The term "acrylic resin" shall include, but is not limited to, those acrylic resins in the above forms known by the following trade names:

Acryloid
Crystalite
Lucite
Nethacrol
Flexiglas
Primal
Rhoplex

(3) "Producer" means any person who, for other than exclusively dental purposes:

(i) Synthesizes acrylic monomer from raw materials; or

(ii) Manufactures acrylic monomer by de-polymerization of acrylic resin; or

(iii) Manufactures acrylic resin by polymerization of acrylic monomer.

(4) "Distributor" means any purchaser of acrylic monomer or acrylic resin from a producer for purpose of resale without further fabrication, processing or admixing, but does not mean any purchaser of acrylic monomer or acrylic resin who resells exclusively for dental purposes.

(5) "Direct war use" means a use where the acrylic monomer or acrylic resin or products made therefrom are to be delivered to, or incorporated into material to be delivered to, the United States Army, Navy, Coast Guard, Maritime Commission, War Shipping Administration, Panama Canal, Coast and Geodetic Survey, Civil Aeronautics Administration, National Advisory Committee for Aeronautics, Office of Scientific Research and Development, or the government of any country, including those of the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or the government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom including its Dominions, Crown Colonies, and Protectorates, and Yugoslavia.

(b) *Restrictions on use and delivery of acrylic monomer and acrylic resin by producers and distributors.* (1) On and after January 1, 1943, no producer or distributor shall use or deliver acrylic monomer or acrylic resin, and no person shall accept delivery of acrylic monomer or acrylic resin from a producer or distributor, except as follows:

(i) Pursuant to specific authorization by the Director General for Operations upon application pursuant to paragraph (f); or

(ii) Delivery by and acceptance of delivery from a person who produces or distributes acrylic monomer or acrylic resins exclusively for dental use; or

(iii) Acceptance of delivery of acrylic resin in cast sheet or molded sheet form from a producer or distributor by any person for aircraft glazing other than aircraft instrument lenses. Producers and distributors may not make deliveries for such use, however, without specific authorization of the Director General for Operations; or

(iv) Delivery of acrylic monomer by the acrylic monomer producing subdivisions to the acrylic resin producing subdivisions of the same enterprise under common ownership and control, and the use of such acrylic monomer by the latter subdivisions in the manufacture of acrylic resins; provided that no greater amount of acrylic monomer shall be so delivered and used than is necessary to produce the amount of acrylic resins for which delivery by the said acrylic resins producing subdivisions has been authorized; or

(v) Small order delivery and use of acrylic monomer and acrylic resins pursuant to paragraph (c).

(2) Each person authorized to accept delivery of acrylic monomer or acrylic resin shall use such acrylic monomer or acrylic resin for the purpose authorized, except as otherwise specifically directed by the Director General for Operations.

(3) On and after December 10, 1942, the Director General for Operations at his discretion may at any time issue special directions to any person with respect to the use, delivery, or transportation of acrylic monomer or acrylic resin by any such person, or of products made from acrylic monomer or acrylic resin allocated to such person; or special directions to any producer with respect to the kinds of acrylic monomer or acrylic resin which he may or must manufacture.

(c) *Small order exemption.* (1) Specific authorization under this order by the Director General for Operations shall not be required with respect to acceptance of delivery from a producer or distributor by any person of acrylic monomer and acrylic resins in one or more of the following forms, in amounts not exceeding the following quantities in any one calendar month (subject to the requirements of paragraph (c) (2) below):

Molding powder	50 pounds
Cast sheet	50 square feet
Molded sheet	50 square feet
Cast shapes	50 pounds
Tube	25 pounds
Rod	25 pounds
Solution	10 gallons
Emulsion	10 gallons
Monomer	10 pounds

(2) No person shall use acrylic monomer or acrylic resin acquired pursuant to paragraph (c) (1) above except for a direct war use, as defined, or for experimental purposes directly relating to a direct war use.

(3) Each producer or distributor shall deliver amounts of acrylic monomer and acrylic resin to persons entitled to accept delivery pursuant to paragraph (c) (1) above, in amounts not exceeding the total amount which he is specifically authorized by the Director General for Operations (on Form PD–601) to deliver for such purpose.

(d) *Restrictions on use or delivery of inventories.* (1) No person other than a producer or distributor shall use or deliver first grade (unfabricated) acrylic resin cast sheet or virgin acrylic resin molding powder in the inventory of, or in transit to, such person on January 1, 1943, and no person shall accept such a delivery, except as follows:

(i) Use by such person of 25 pounds or less of such sheet and powder together in the aggregate; or

(ii) Use or delivery of such sheet or powder for a direct war use, or for an experimental purpose directly relating to a direct war use; or

(iii) Use or delivery of such powder by (but not to) such person who sells or distributes acrylic resin exclusively for dental purposes; or

(iv) Pursuant to specific authorization of the Director General for Operations upon application pursuant to paragraph (f).

(2) Use and delivery by producers and distributors of their stocks of acrylic monomer and acrylic resins shall be governed by the provisions of paragraph (b).

(e) *Restrictions on use and delivery of scrap.* (1) On or after January 1, 1943, no person shall use, process, deliver or otherwise dispose of, and no person shall accept delivery of, acrylic resin scrap or trimmings resulting from any operation whatever (irrespective of when the operation took place or who conducted the operation), except as follows:

(i) Delivery of acrylic resin scrap to a producer, as defined; or

(ii) De-polymerization of acrylic resin scrap by a producer for reprocessing into acrylic resins; or

(iii) De-polymerization of acrylic resin scrap in the inventory of or in transit to any person on January 1, 1943, who sells or resells acrylic monomer or acrylic resin for dental purposes exclusively; or

(iv) Re-running of acrylic resin molding material scrap in the same operation from which the scrap resulted and for the same purpose for which the material was originally run; or

(v) Pursuant to specific authorization of the Director General for Operations pursuant to paragraph (f).

(f) *Applications for authorization.* (1) Each person (including producers or distributors) seeking authorization to use or accept delivery of acrylic monomer, acrylic resin, or acrylic resin scrap, shall file application on Form PD–600 in the manner prescribed therein, subject to the following instructions for purpose of this order:

Form PD–600. Copies of Form PD–600 may be obtained at local field offices of the War Production Board.

Time. Applications shall be filed on or before the 15th day of the month preceding the month for which authorization for use or acceptance of delivery is requested, except where delivery is sought from a distributor, in which case application shall be filed on or before the 10th day of the month, or except during December 1942, in which month applications shall be filed at the earliest possible opportunity.

Application shall be filed in time to ensure that a copy of the application will have reached the War Production Board and the producer or distributor on the date specified.

Application under paragraphs (b), (d) and (e). Applications by any person for use or acceptance of delivery of acrylic monomer or acrylic resin, whether from a producer or distributor under paragraph (b), or from inventory under paragraph (d), may be made on a single set of PD–600 forms, except in the case of scrap. In the case of scrap (paragraph (e)), application shall be made on a separate set of PD–600 forms, with the statement "Scrap" above the heading.

Aircraft sheet applications. Application shall not be made on Form PD–600 by persons seeking delivery of acrylic resin cast sheet or molded sheet for aircraft glazing other than instrument lenses. Quantities of such sheet allocated each month by the Director General for Operations for such purpose will be distributed in accordance with instructions issued by the Aircraft Scheduling Unit, Steele building, Dayton, Ohio.

Number of copies. Where application is made for authorization to accept delivery as well as to use, five copies shall be prepared of which one (in which columns 4 through 23 inclusive may be left blank) shall be forwarded to the producer or distributor (or other person from whom delivery is sought), and three certified completely filled out copies to the War Production Board, Chemicals Division, Washington, D. C., Ref. M–260. Where application is made for use only, and not for acceptance of delivery, four copies shall be prepared, and three certified completely filled out copies shall be forwarded to the War Production Board, Chemicals Division, Washington, D. C., Ref. M–260. A separate set of forms shall be filed for each producer, distributor, or other person from whom delivery is sought.

Intra-company deliveries. Subdivisions of any producer or distributor seeking authorization to accept delivery of acrylic monomer or acrylic resin from any other subdivision of the same enterprise under common ownership or control shall file Form PD–600 as in the case of any other applicant; except that intra-company deliveries of acrylic monomer for the production of acrylic resin governed by paragraph (b) (1) (iv) do not require the filing of Form PD–600.

Heading. Under name of chemical, specify acrylic monomer or acrylic resin, or both, as the case may be, or acrylic resin scrap; under War Production Board order, specify M–260; under name of company, specify name and mailing address of applicant; under unit of measure, specify area and thickness in the case of flat sheet, and pounds or gallons in the case of other products (where more than one unit of measure is needed, specify each unit of measure and indicate symbols used below referring to such

unit of measure); and specify delivery destination, supplier and shipping point.

Table I. Specify in the heading the month and year for which authorization for use or delivery is sought.

Column 1. Specify the grade or physical form of the material ordered, as follows:

1st grade cast sheet
2nd grade cast sheet
Molded sheet
Molding powder
Rod
Tube
Solution
Emulsion
Cast shapes
Monomer (identify type)

Column 2. Specify quantities in terms of the unit of measure stated in the heading above.

Column 3. Fill in Column 3 as follows:

For orders on hand:
  Primary Product*
  Export (in original form)
  Resale (in original form)
For anticipated orders:
  Primary Product*
  Export (in original form)
  Resale (in original form)
Inventory (in original form)

*The primary products referred to above shall be specified as follows:

Fabricated or molded parts (Identify as fabricated gauge lens, molded reflector, etc.)
Adhesive (Identify as label adhesive, tape adhesive, etc.)
Coating (identify material coated such as leather, paper, canvas, etc.)
Pharmaceuticals
Dentures
Synthetic rubber
Other (Specify)

Column 4. Identify and specify end use of finished product or assembly. If definite end use is not known, written statement must be obtained from the prime contractor. In the case of secret projects, the word "secret" and the name of the prime contractor should be entered. The end use of the parts shall be identified as, for example, M–4 Tank, Navy PT Boat, etc.

In the case of a distributor, opposite "resale" in Column 3, write in "pursuant to further authorization or for paragraph (c) small orders" in Column 4.

Columns 5, 6, 7, 8, 9 and 10. Leave blank.

Tables II and III. Fill in as indicated.

Table IV. Leave blank.

(2) Each producer, distributor or other person seeking authorization to make delivery of acrylic monomer, acrylic resin, or acrylic resin scrap, shall file application on Form PD–601 in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD–601. Copies of Form PD–601 may be obtained from local field offices of the War Production Board.

Time. Application on Form PD–601 shall be filed on or before the 22nd day of the month preceding the month for which authorization to make delivery is requested.

Applications under paragraphs (b), (d) and (e). Application by any person to make delivery of acrylic monomer or acrylic resin may be made on a single set of PD–601 forms (whether under paragraph (b) or (d)), except in the case of scrap. In the case of scrap (paragraph (e)), application shall be made on a separate set of PD–601 forms, with the statement "Scrap" above the heading.

Aircraft sheet deliveries. A consolidated application on Form PD–601 shall be made for authorization for deliveries of acrylic resin cast or molded sheet for aircraft glazing other than instrument lenses. (See instructions for Column 1 below.) Special directions by the Director General for Operations will be issued each month with respect to the amount of such sheet which shall be delivered by each producer (or distributor), in accordance with instructions issued by the Aircraft Scheduling Unit, Steele High Bldg., Dayton, Ohio.

Divisions of company. Each division of a single company producing or distributing acrylic monomer or acrylic resin shall file Form PD–601 as a separate individual for the purpose of this order. For further directions, see Column 1 instructions listed below.

Number of copies. Four copies shall be prepared, of which three certified copies shall be filed with the War Production Board, Chemicals Division, Washington, D. C., Ref. M–260. A separate set of forms shall be filed for each plant of the producer or distributor.

Heading. Under name of chemical, specify acrylic monomer or acrylic resin, or both, as the case may be, or acrylic resin scrap; under War Production Board order number, specify M–260; under name of company, specify name and mailing address of applicant seeking to make delivery; specify applicant's plant or warehouse address; indicate whether the applicant is a producer or a distributor as defined herein; specify the month and year during which deliveries covered by the application are to be made; and under unit of measure, specify area and thickness in the case of flat sheet, or pounds or gallons in the case of other products (where more than one unit of measure is used, specify the symbols used below to indicate such unit of measure).

Column 1. All customers shall be listed here who have filed Form PD–600 with the applicant.

Producing divisions seeking authorization to make deliveries to other divisions of the same enterprise under common ownership or control shall list the names of such other divisions as customers in Column 1 and shall fill in the other columns of Form PD–601 for such divisions as in the case of other customers. Intra-company deliveries of monomer for conversion into resin under paragraph (b) (1) (iv) need not be mentioned.

In the case of aircraft orders for cast or molded acrylic resin sheet, write in "sheet deliveries to be governed by Aircraft Scheduling Unit, Steele High Bldg., Dayton, Ohio."

Column 2. Fill in as indicated. Leave blank in case of sheet orders governed by Aircraft Scheduling Unit.

Column 3. Specify grade or physical form as stated in each customer's Form PD–600. In the case of aircraft sheet orders, specify "aircraft sheet".

Column 4. Specify quantity and unit of measure.

Columns 5 and 6. Leave blank.

Column 7. Persons (other than producers and distributors as defined) seeking to make delivery from inventory under paragraph (d) shall state in Column 7 the total amount in stock of each grade stated in Column 3. Likewise, persons seeking to make delivery of scrap under paragraph (e) shall state in Column 7 the total amount in stock of each type of scrap stated in Column 3.

Small orders. Producers and distributors filing application on Form PD–601 for authorization to make deliveries pursuant to paragraph (c) (3) shall list "small orders" in Column 1, the corresponding grade in Column 3, and the estimated aggregate deliveries in Column 4.

Experiment. A producer or distributor requiring acrylic monomer or acrylic resin for research, experiment, or development, shall make application on Form PD–601, and shall list his own name as customer.

Table II. In Column 8, grade or physical form shall be specified in the same manner as prescribed above for Column 1 of Form PD–600.

Producers, as defined herein, shall fill out Table II in full, and in Column 16 shall specify the estimated amount of monomer required for the estimated production appearing in Column 14. The producer shall strike out the heading printed in Column 16 and write in "monomer needed".

Distributors shall fill in Columns 8, 10, 12, 13 and 15 as indicated, and shall leave Columns 9, 11, 14 and 16 blank.

Producers, distributors and other persons seeking authorization to make delivery of scrap under paragraph (e) shall leave Table II blank, and persons (other than producers and distributors) seeking authorization to make deliveries from inventory under paragraph (d) shall leave Table II blank.

(3) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed and may issue special instructions to any such person with respect to preparing and filing forms PD–600 and PD–601.

(g) *Notification of customers.* Each producer and distributor shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(h) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of the War Production Board priorities regulations, as amended from time to time, except Priorities Regulation No. 13, which shall be subject to this order where inconsistent herewith.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any depart-

ment or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref: M-260.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13090; Filed, December 10, 1942; 11:04 a. m.]

Chapter XI—Office of Price Administration

PART 1300—ADMINISTRATION

[Temporary Procedural Reg. 4,[1] Amendment 1]

ISSUANCE AND SERVICE OF SUSPENSION ORDERS

Section 1300.156 of Temporary Procedural Regulation No. 4 is hereby amended to read as set forth below and § 1300.160 is hereby added to Temporary Procedural Regulation No. 4:

§ 1300.156 *Issuance and service of suspension orders.* If, after the hearing, it is determined that the respondent has violated a rationing regulation or order, a suspension order may be issued, prohibiting the respondent from receiving, making delivery of or using rationed products, materials or facilities for such period as may be deemed appropriate in the public interest. A copy of such suspension order shall promptly be served on the respondent, and copies thereof shall be sent to his suppliers.

* * * * *

§ 1300.160 *Effective dates of amendments.* (a) This Amendment No. 1 (§ 1300.156) to Temporary Procedural Regulation No. 4 shall become effective December 9, 1942.

(Pub. Laws 421, 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; W.P.B. Dir. No. 1, 7 F.R. 562)

Issued this 9th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13061; Filed, December 9, 1942; 2:51 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Ration Order 1A,[1] Amendment 4]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new § 1315.503 (d) (4) is added and §§ 1315.509, 1315.609 (b) (1), 1315.804 (c) (3) and 1315.804 (c) (4) are amended to read as follows:

§ 1315.503 * * *
(d) * * *

(4) An applicant who has been granted a certificate for recapping service may be authorized to purchase a Grade III tire, upon turning in his recappable carcass, in any area where recapping facilities are unavailable or inadequate.

§ 1315.509 *Eligibility for allotment of Grade III tires*—(a) *Applicant must be a dealer.* The board may issue a certificate authorizing any applicant who is a dealer to acquire an allotment of Grade III tires for each establishment operated by him for which OPA Form R-17 has been filed for the quarter preceding his application, or for each establishment operated by him for which he was exempted from filing OPA Form R-17 under § 1315.1007 (b), or for each establishment which has been established pursuant to an authorization of the Office of Price Administration since October 1, 1942.

(b) *Amount of allotment.* Each applicant may be allotted one Grade III tire for each $1,000 of his 1941 retail and wholesale net dollar sales of passenger-type tires and tubes from the establishment for which the allotment is sought, but any applicant shall be entitled to at least twelve (12) Grade III tires: *Provided,* That a certificate shall be granted to authorize the acquisition of no more than the difference between such allotment and his inventory of Grade III tires (including Parts B of certificates authorizing the acquisition of Grade III tires which he received in exchange for Grade III tires, but upon which he has not yet obtained replenishment) as of the date of his application.

(c) *One allotment only.* The board shall grant only one allotment to an applicant for each establishment for which an allotment is sought: *Provided,* That an applicant eligible for an allotment in excess of two hundred (200) Grade III tires but who was limited to an allotment of two hundred (200) Grade III tires prior to December 9, 1942, may be granted an additional allotment equal to the difference between the allotment for which he is eligible under this section and two hundred (200) Grade III tires.

§ 1315.609 * * *
(b) * * *

(1) If the certificate to be issued by the board is for recapping service, the board shall note on Parts A and B thereof whether the certificate entitles the applicant to truck-type camelback or to passenger-type camelback, as provided in § 1315.505 (c), and shall mark Part B thereof "good for (truck or passenger-type) camelback only". If the board authorizes the holder of a certificate for recapping service to purchase a Grade III tire as provided in § 1315.503 (d) (4), it shall, in addition, write on Parts A, C and D of the certificate "good for any Grade III tire upon turning in of a recappable tire carcass".

* * * * *

§ 1315.804 *Dealer and manufacturer transfers.* * * *
(c) *Tires or tubes.* * * *

(3) *Permitted replenishment of tires or tubes.* Subject to the provisions of subparagraph (1) of this paragraph any dealer or manufacturer may, in exchange for a properly endorsed replenishment portion (Part B) of a certificate or receipt transfer to another dealer or manufacturer the number of tires or tubes authorized by the certificate or receipt in accordance with the table below:

If Part B calls for:	*Dealer or manufacturer may replenish with:*
Any size Grade I passenger-type tire.	Any size Grade I, II or III passenger-type tire.
Any size Grade II passenger-type tire.	Any size Grade II or III passenger-type tire.
Any size Grade III passenger-type tire.	Any size Grade III passenger-type tire or 8½ lbs. of passenger-type camelback.
Any size truck-type tire.	Any size truck-type tire.
Any size tractor-type tire.	Any size tractor, truck or implement-type tire.
Any size implement-type tire.	Any size tractor or implement-type tire.
Any size passenger tube.	Any size passenger tube.
Any size truck tube.	Any size truck tube.

(4) *Allotment of Grade III tires.* Any manufacturer or dealer may, in exchange for an appropriate certificate (OPA Form R-46), transfer the number of Grade III tires authorized thereon to a dealer. No manufacturer or wholesaler who has a supply of Grade III tires of the size and kind (i. e., used, recapped or reclaimed) ordered may refuse to transfer them to a dealer who presents a certificate for an allotment of Grade III tires (OPA Form R-46) if the dealer's order is accompanied with cash or its equivalent. If the manufacturer or wholesaler has the size and kind ordered but does not have the quantity ordered, he shall transfer the quantity he has on hand and fill the balance of the order as instructed by the dealer. If the manufacturer or wholesaler does not have the size or kind ordered, he shall transfer Grade III tires of a different size or kind if the dealer requests him to do so. A manufacturer or wholesaler shall fill all accepted orders for Grade III tires received on one day before filling any orders received on any subsequent day.

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[1] 7 F.R. 4296.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9160, 9392, 9724.

* * * * *

§ 1315.1199 *Effective dates of amendment.* * * *

(d) Amendment No. 4 (§§ 1315.503, 1315.509, 1315.609 and 1315.804) to Ration Order No. 1A shall become effective December 9, 1942.

(Pub. Law No. 671, 76th Cong., as amended by Pub. Laws 89, 421, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, W.P.B. Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 9th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13062; Filed, December 9, 1942; 2:48 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280, Amendment 1]

MAXIMUM PRICES FOR SPECIFIC FOOD PRODUCTS

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New paragraphs (e) and (f) are added to § 1351.808;[1] new § 1351.821 is added; all to read as set forth below:

§ 1351.808 *Exempt sales.* * * *

(e) All sales of dried whole eggs to the United States of America, or any agency thereof, where the seller is obligated to make delivery of such eggs during the months of January and February, 1943.

(f) All sales of shell, liquid and frozen eggs to manufacturers of dried whole eggs for the sole purpose of manufacturing such eggs into dried whole eggs, and the sale and delivery of the manufactured product to the United States of America, or any agency thereof, during the months of January and February, 1943.

* * * * *

§ 1351.821 *Effective dates of amendments.* (a) Amendment No. 1 (§ 1351.808 (e) and (f)) to Maximum Price Regulation No. 280 shall be effective as of December 7, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13063; Filed, December 9, 1942; 2:50 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[MRR 27, Amendment 3]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

Section 1388.1751[1] (a) (2) and the first sentence of § 1388.1757[2] of Maximum Rent Regulation No. 27 are amended to read as follows:

§ 1388.1751 *Scope of regulation.*
(a) * * *

(2) That portion of the Parsons Defense-Rental Area consisting of the Counties of Labette and Montgomery, in the State of Kansas: *Provided, however,* That with respect to that portion of the Parsons Defense-Rental Area consisting of the County of Labette, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean July 1, 1942, and that with respect to that portion of the Parsons Defense-Rental Area consisting of the County of Montgomery, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean September 1, 1942.

* * * * *

§ 1388.1757 *Registration.* Within 45 days after the effective date of this Maximum Rent Regulation, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement. * * *

§ 1388.1764a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1388.1751 (a) (2) and 1388.1757) to Maximum Rent Regulation No. 27 shall become effective September 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 9th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13064; Filed, December 9, 1942; 2:46 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[MRR 31A, Amendment 4]

HOTELS AND ROOMING HOUSES

Section 1388.1951[3] (a) (2) of Maximum Rent Regulation No. 31A is amended to read as follows:

§ 1388.1951 *Scope of regulation.*
(a) * * *

(2) That portion of the Parsons Defense-Rental Area consisting of the Counties of Labette and Montgomery, in the State of Kansas: *Provided, however,* That with respect to that portion of the Parsons Defense-Rental Area consisting of the County of Labette, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean July 1, 1942, and that with respect to that portion of the Parsons Defense-Rental Area consisting of the County of Montgomery, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean September 1, 1942.

* * * * *

§ 1388.1964a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§ 1388.1951 (a) (2)) to Maximum Rent Regulation No. 31A shall become effective September 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 9th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13065; Filed, December 9, 1942; 2:46 p. m.]

PART 1391—BICYCLES AND BICYCLE EQUIPMENT

[Rev. Ration Order 7,[1] Amendment 5]

NEW ADULT BICYCLE RATION REGULATIONS

A rationale for the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new paragraph (i) is added to § 1391.6; §§ 1391.5 (a) and (g), 1391.6, 1391.11 (a), 1391.24, 1391.25 (a) and 1391.26 (a) and (b) and the undesignated center heading "Transfers for Resale" are amended to read as set forth below:

Restriction on Tranfers

§ 1391.5 *Transfers not restricted.* The following transfers of new adult bicycles are not restricted:

(a) Transfers for purposes of sale or lease to any of the following who are dealers or transfers for purposes of sale to any of the following who are not dealers:

(1) Manufacturers;

(2) Tranferees of the entire assets of the business of a dealer, distributor or manufacturer;

(3) Persons who in good faith have lent money on the security of, or have financed the sale of, a new adult bicycle being acquired;

(4) Persons acquiring such a bicycle through distraint, levying by execution, attachment or similar forms of judicial process, or repossession on default;

(5) Persons duly authorized by law to engage in the insurance business, or

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10146.

[1] 7 F.R. 4909, 5362, 5645, 6827, 9784.

[2] 7 F.R. 4912, 5912, 7912.

[3] 7 F.R. 4923, 5645, 6827.

[1] 7 F.R. 5604, 5871, 8808, 9823.

their agents, who acquire such a bicycle by exercising the right of subrogation, or in consequence of the payment of a claim.

Provided, however, That within five days after a transfer under this paragraph (a), the transferee shall report to the Office of Price Administration, Inventory Unit, in writing, the name and address of the transferor and the transferee, the number of new adult bicycles transferred and their make, model and serial numbers: *And provided further*, That a transferee under subparagraph (2) of this paragraph (a) shall also report the number of certificates, authorizations or WPB Orders, or Parts B thereof, transferred with the assets of the business, and also their serial numbers;

* * * * *

(g) Transfers to any person for the use of his officers, agents, employees or volunteer workers, or transfers to dealers pursuant to a WPB Order or an authorization or a certification issued prior to July 9, 1942 for the purpose of sale or lease in accordance with Revised Ration Order No. 7; *Provided, however*, That no transfer shall be made to a dealer under this paragraph (g) unless the Office of Price Administration has certified to the transferor that the dealer has filed OPA Form R–701 with the OPA Inventory Unit.

* * * * *

(i) The exchange at the same time of one new adult bicycle (but not of a used bicycle) for another new adult bicycle of the same or approximately the same value: *Provided, however*, That if a certificate holder exchanges a bicycle with a dealer, the dealer shall note on Part C of the certificate the serial number of the bicycle he transferred in the exchange and within five days after the exchange the dealer shall notify the Office of Price Administration, Inventory Unit, of the transaction, the transferees name and address, and the serial numbers of the bicycles involved.

Transfers for Use or Salvage

§ 1391.6 *Transfers for use or salvage.*—(a) *Sales for use or salvage.* A new adult bicycle may be sold for use or salvage to, and may be purchased by a person to whom a certificate authorizing acquisition for such purchase has been issued under § 1391.7.

(b) *Leases to Federal agencies.* A new adult bicycle may be leased to a Federal Agency pursuant to a certificate issued by the Office of Price Administration, Washington, D. C., for that purpose and may be returned to the lessor at the termination of the lease.

§1391.11 *Certificates.* (a) If an application is granted, a serially numbered certificate in three parts, each bearing the same serial number, shall be issued on OPA Form R–704: *Provided, however*, That Part B of a certificate issued by the Office of Price Administration, Washington, D. C., to a Federal Agency authorizing the lease of a new adult bicycle shall be cancelled and shall not be used for any purpose.

* * * * *

Transfers for Sale or for Lease to a Federal Agency

§ 1391.24 *Transfers for sale or lease.* Transfers authorized in §§ 1391.25 and 1391.26 may be made by any person, to and may be accepted by any dealer or distributor but only for the purpose of sale by the dealer or distributor to an authorized purchaser or for lease to a Federal Agency pursuant to a certificate issued by the Office of Price Administration, Washington, D. C., for that purpose.

§ 1391.25 *Authorization for inital or increased inventory.* (a) A person desiring to establish a business for the sale or lease of new adult bicycles in accordance with Revised Ration Order No. 7 or a dealer or distributor whose business requires an increased stock of new adult bicycles or replacements for new adult bicycles which have been stolen may apply in writing to the appropriate regional office of the Office of Price Administration for an authorization permitting acquisition of such new adult bicycles. An application for an authorization should contain a complete statement of the facts upon which the application is based.

* * * * *

§ 1391.26 *Use by dealers and distributors of authorizations and Parts B of Certificates, authorizations and WPB Orders.* (a) A dealer or distributor who has transferred a new adult bicycle pursuant to a certificate, a WPB Order, or authorization issued on or after July 9, 1942, and who has completed and forwarded Part A of such certificate, authorization, or WPB Order, as required, may acquire, from a transferor, a new adult bicycle upon completion of Part B of such certificate, authorization, or order, and surrender thereof to such transferor.

(b) A dealer or distributor who has transferred a new adult bicycle to another dealer or distributor pursuant to Part B of a certificate, authorization, or WPB Order, issued on or after July 9, 1942, may acquire, from a transferor a new adult bicycle upon certifying on such document the name of the person from whom he received it and the number of new adult bicycles delivered by him pursuant thereto, and upon surrender thereof to such transferor. The dealer or distributor shall also note on such Part B the date on which he surrenders it to the transferor.

* * * * *

Effective Dates

§ 1391.37 *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§§ 1391.5 (a), (g), and (i), 1391.6, 1391.11, 1391.24, 1391.25 (a) and 1391.26 (a) and (b)) to Revised Ration Order No. 7 shall become effective December 9, 1942.

(Pub. Law. 421, 77th Cong., 2d sess., W.P.B. Dir. No. 1, Supp. Dir. No. 1–G, 7 F.R. 562, 3546)

Issued this 9th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13066; Filed, December 9, 1942; 2:50 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5C,[1] Amendment 4]

MILEAGE RATIONING; GASOLINE REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (d) of § 1394.7952 is revoked; subparagraphs (9), (14), and (30) of paragraph (a) of § 1394.7551, paragraph (c) of § 1394.7701, paragraph (d) of § 1394.7704, paragraph (a) of §1394.7705, subparagraph (1) of paragraph (a), paragraph (e), subparagraph (1) of paragraph (o), and paragraph (p) of § 1394.7706, paragraph (a) of § 1394.7752, paragraph (b) and subparagraph (4) of paragraph (c) of § 1394.7851, paragraphs (a) and (b) of § 1394.7952, paragraphs (a) and (d) of § 1394.8009, paragraph (a) of § 1394.8010, paragraphs (a), (c), and (d) of § 1394.8052, paragraph (a) of § 1394.8161, § 1394.8164, paragraph (b) of § 1394.8167, § 1394.8172, paragraph (d) of § 1394.8177, and paragraph (c) of §1394.8210, are amended; and a new paragraph (d) to § 1394.7651, a new paragraph (d) to § 1394.7701, a new paragraph (d) to § 1394.7702, a new § 1394.7758, a new § 1394.8014, a new paragraph (c) to § 1394.8161, and a new paragraph (d) to § 1394.8352, are added; as set forth below:

Definitions

§ 1394.7551 *Definitions.* (a) * * *

(9) "Equipment," when used in §§ 1394.7653 (c), 1394.7705 (d), 1394.7753, 1394.7755 (d), 1394.7758 (d), 1394.8009 (b) and (c), and 1394.8172, means any conveyance, other than a motor vehicle, which is designed for and capable of operation on one or more wheels and any machinery in the operation of which wheels, with mounted tires, are used.

* * * * *

(14) "Intermediate distributor" means any person, other than a licensed distributor, who is engaged in the business of transferring gasoline for resale. Any such person shall be deemed to be an intermediate distributor as to each place at which such business is carried on.

* * * * *

(30) "Passenger Automobile" means any motor vehicle, other than an ambulance, hearse, taxicab, jitney, or motorcycle, which is built primarily for the purpose of transporting persons on the highways and has a rated seating capacity of seven (7) or less; and includes station wagons and suburban carry-alls, irrespective of seating capacity, which are not available for hire or public rental.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9135, 9787.

Basic Rations

§ 1394.7651 *Basic rations.* * * *

(d) A passenger automobile available for public rental.

* * * * *

Supplemental Rations

§ 1394.7701 *Supplemental rations.* * * *

(c) Except as provided in paragraph (d) of this section, applicants for Supplemental rations are deemed to have available 150 miles per month of occupational driving by using the Basic ration to which they are entitled; and Supplemental rations may be issued to provide only occupational mileage allowed by a Board in excess of 150 miles per month. However, no deduction for such 150 miles shall be made by the applicant in stating his required occupational mileage or by the Board in allowing occupational mileage, since a deduction of 150 miles from the total mileage allowed by the Board is automatically made when the Board applies the tables set forth in § 1394.7705 pursuant to which Supplemental rations are to be issued.

(d) Applicants for Supplemental rations in the States of Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, and Virginia, and the District of Columbia are deemed to have available ninety (90) miles per month of occupational driving by using the Basic ration to which they are entitled; and Supplemental rations may be issued in such States to provide only occupational mileage allowed by a Board in excess of ninety (90) miles per month. However, no deduction for such 90 miles shall be made by the applicant in stating his required occupational mileage or by the Board in allowing occupational mileage, since a deduction of 90 miles from the total mileage allowed by the Board is automatically made when the Board applies the tables set forth in § 1394.7705 pursuant to which Supplemental rations are to be issued.

§ 1394.7702 *Passenger automobiles or motorcycles for which supplemental rations may not be issued.* * * *

(d) *A passenger automobile available for public rental.*

§ 1394.7704 *Allowance of mileage.* * * *

(d) The Board shall deduct from the mileage it allows for a passenger automobile, in accordance with paragraph (b) above, 150 miles per month, (or in the States of Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachuetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont and Virginia, and in the District of Columbia, ninety (90) miles per month) for each additional passenger automobile (other than a fleet passenger automobile) owned by the applicant or by any person living in his household and related to him by blood, marriage or adoption, if the Board finds that such automobile is available to and adequate for the use of the applicant for the purpose for which the Supplemental ration is sought. No such automobile shall be deemed available to the applicant if it is used, to a substantial extent, for an occupational purpose of another person; nor shall such automobile be deemed available to the applicant during the effective period of a Supplemental ration issued to another person whose mileage allowance was reduced on account of such automobile.

§ 1394.7705 *Issuance of supplemental rations.* (a) Supplemental rations shall be issued to provide the total mileage allowed by the Board in accordance with § 1394.7704.

(1) In the case of a passenger automobile, except in the cases enumerated in subparagraph (2) hereof, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 470 miles per month or less: one Class B book having the valid period specified in Table I for the mileage allowed;

(ii) In the event that the mileage allowed by the Board pursuant to paragraph (b) of § 1394.7704 exceeds 470 miles per month: one or more Class C books bearing expiration dates three months from the date of issuance or December 1, 1942, whichever is later, and containing the number of coupons specified in Table II for the mileage allowed.

(2) In the case of a passenger automobile for which application for a Supplemental ration is made in the States of Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, and Virginia, and the District of Columbia, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 470 miles per month or less: one Class B book having the valid period specified in Table 1A for the mileage allowed;

(ii) In the event that the mileage allowed by the Board pursuant to paragraph (b) of § 1394.7704 exceeds 470 miles per month: one or more Class C books bearing expiration dates three months from the date of issuance or December 1, 1942, whichever is later, and containing the number of coupons specified in Table IIA for the mileage allowed.

(3) In the case of a motorcycle: one or more Class D books (to be marked "Supplemental") bearing expiration dates three months from the date of issuance or December 1, 1942, whichever is later, and containing the number of coupons specified in Table I, if the mileage allowed is 470 miles per month or less, or specified in Table II, if the mileage allowed is in excess of 470 miles per month.

TABLE I.*—DETERMINATION OF DURATION AND AMOUNT OF SUPPLEMENTAL RATION

[For vehicles with an allowed mileage of more than 150 but not more than 470 miles per month]

Passenger automobiles			Motorcycles	
Allowed mileage	Valid period of "B" book in months and weeks		Allowed mileage	Number of coupons to be issued in supplemental "D" book
	Months	Weeks		
0–150	(No "B" book)		0–150	(No supplemental "D" book.)
151–230	12	--------	151–170	1.
231–246	10	--------	171–190	2.
247–270	8	--------	191–210	3.
271–287	7	--------	211–230	4.
288–310	6	--------	231–250	5.
311–324	5	2	251–270	6.
325–342	5	--------	271–290	7.
343–363	4	2	291–310	8.
364–390	4	--------	311–330	9.
391–406	3	3	331–350	10.
407–424	3	2	351–370	11.
425–445	3	1	371–390	12.
446–470	3	--------	391–410	13.
			411–430	14.
			431–450	15.
			451–470	16.

*(To be used only for vehicles entitled to Basic rations.)

TABLE IA.*—DETERMINATION OF DURATION AND AMOUNT OF SUPPLEMENTAL RATION IN STATES OF CONNECTICUT, DELAWARE, FLORIDA, GEORGIA, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, NORTH CAROLINA, PENNSYLVANIA, RHODE ISLAND, SOUTH CAROLINA, VERMONT AND VIRGINIA, AND DISTRICT OF COLUMBIA

[For vehicles with an allowed mileage of more than 90 but not more than 470 miles per month]

Passenger automobiles

Allowed mileage	Valid period of "B" book, in months and weeks	
	Months	Weeks
0–90	No. "B" book	--------
91–170	12	--------
171–186	10	--------
187–210	8	--------
211–227	7	--------
228–250	6	--------
251–264	5	2
265–282	5	--------
283–303	4	2
304–330	4	--------
331–346	3	3
347–364	3	2
365–385	3	1
386–410	3	--------
411–439	2	3
440–470	2	2

*(To be used only for vehicles entitled to Basic rations.)

TABLE II.*—PASSENGER AUTOMOBILES OR MOTORCYCLES — DETERMINATION OF AMOUNT OF SUPPLEMENTAL RATION

[For vehicles with an allowed mileage of more than 470 miles per month]

	Number of coupons (Class "C" or supplemental Class "D" book)
Allowed mileage (all in excess of 470 miles per month must be preferred mileage):	
471-490	17
491-510	18
511-530	19
531-550	20
551-570	21
571-590	22
591-610	23
611-630	24
631-650	25
651-670	26
671-690	27
691-710	28
711-730	29
731-750	30
751-770	31
771-790	32
791-810	33
811-830	34
831-850	35
851-870	36
871-890	37
891-910	38
911-930	39
931-950	40
951-970	41
971-990	42
991-1,010	43
1,011-1,030	44
1,031-1,050	45
1,051-1,070	46
1,071-1,090	47
1,091-1,110	48

*(To be used only for vehicles entitled to Basic rations.)

(In the event allowed mileage exceeds 1,110 miles, one additional coupon shall be issued for each 20 miles, or fraction thereof, of allowed mileage in excess of 1,110 miles. Additional books may be issued if necessary to provide additional coupons.)

TABLE IIA.* — PASSENGER AUTOMOBILES AND MOTORCYCLES

[Determination and amount of supplemental ration in States of Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont and Virginia, and District of Columbia. (For vehicles with an allowed mileage of more than 470 miles per month)]

Allowed mileage (all in excess of 470 miles per month must be preferred mileage)	Number of coupons in Class "C" book
471-490	20
491-510	21
511-530	22
531-550	23
551-570	24
571-590	25
591-610	26
611-630	27
631-650	28
651-670	29
671-690	30
691-710	31
711-730	32
731-750	33
751-770	34
771-790	35
791-810	36
811-830	37
831-850	38
851-870	39
871-890	40
891-910	41
911-930	42
931-950	43
951-970	44
971-990	45
991-1010	46
1011-1030	47
1031-1050	48
1051-1070	49
1071-1090	50
1091-1110	51
1111-1130	52
1131-1150	53
1151-1170	54
1171-1190	55
1191-1210	56
1211-1230	57
1231-1250	58
1251-1270	59
1271-1290	60
1291-1310	61
1311-1330	62
1331-1350	63
1351-1370	64
1371-1390	65
1391-1410	66

*(To be used only for vehicles entitled to Basic rations.)

In the event allowed mileage exceeds 1410 miles, 1 additional coupon shall be issued for each 20 miles, or fraction thereof, of allowed mileage in excess of 1410 miles. Additional books may be issued if necessary to provide additional coupons.

* * * * *

§ 1394.7706 *Preferred mileage.* * * *

(a) * * *

(1) No Board (unless otherwise instructed by the Office of Price Administration) shall allow preferred mileage to any agent, representative, officer, or employee of a Federal, State, local or foreign government or government agency for carrying on the official business of such government or government agency (other than mileage to be driven in an official vehicle) unless the application for such ration has been certified by an officer of such government or government agency empowered to authorize or to supervise travel by such agent, representative, officer or employee.

* * * * *

(e) For delivery, other than delivery to the reader, of newspapers or magazines * * *

(o) * * *

(1) Naval, military, or hospital establishments or facilities, or civilian public service camps established and maintained pursuant to Section 5 (g) of the Selective Service and Training Act of 1940;

* * * * *

(p) By an authorized agent of government or of management or labor for travel necessary to recruit or train workers listed in paragraph (a) or (o) of this section, or for travel to, from, within, or between the establishments or facilities listed in paragraph (o) of this section in order to maintain peaceful industrial relations therein.

* * * * *

Official and Fleet Rations (for Official and Fleet Passenger Automobiles and Motorcycles)

§ 1394.7752 *Persons entitled to official and fleet rations.* (a) Subject to the provisions of paragraph (b) hereof, the owner or the person entitled to the use of an official motor vehicle may obtain an "Official" ration and the owner or the person entitled to the use (other than a lessee of a vehicle available for public rental) of a registered passenger automobile or a registered motorcycle (other than an official motor vehicle or a passenger automobile available for public rental for seven (7) consecutive days or less) which is a part of a fleet may obtain a "Fleet" ration, providing for occupational mileage to the extent that such mileage is allowed by a Board in accordance with § 1394.7754.

* * * * *

§ 1394.7758 *Issuance of rations to lessees of passenger automobiles or motorcycles available for public rental.* (a) The lessee of a passenger automobile or motorcycle available for public rental who holds such vehicle under a lease for a term of more than seven (7) consecutive days may apply for a ration for use in such vehicle to provide solely for the occupational mileage to be driven therein during the term of such lease.

(b) Application for such ration shall be made to a Board on or after December 15, 1942. The applicant shall establish the average monthly occupational mileage within the continental United States required for such vehicle, or required for each of a group of such vehicles used interchangeably for carrying on the same or a related occupation or occupations, during the three month period beginning with the date on which the ration is required, or during the remaining term of the lease, whichever is less. Such application shall be made on Form OPA R-551: *Provided,* That the certification therein contained as to ownership of tires by the registered owner of the vehicle or vehicles shall be revised to constitute a certification as to tires owned by the lessee of such vehicle or vehicles.

(c) If the Board finds the facts stated on the application to be true, it shall determine the allowed mileage for such vehicle in the manner provided in § 1394.7754 and shall issue a ration in accordance with the provisions of paragraphs (a), (b) and (c) of § 1394.7755, except as otherwise provided herein. The Board issuing the ration shall, at the time of issuance, note on the cover of the book the name and address of the person to whom the ration is issued, and shall note on the book and on the application the date on which it expires. If the mileage allowed is 470 miles per month or less and the term of the lease remaining from the date of issuance of the ration is less than the period specified in Table III for such allowed mileage, or if the mileage allowed is more than 470 miles per month and the remaining term of the lease is less than three (3) months, (or, in the case of application hereunder for one or more motorcycles, if the remaining term of the lease is less than three (3) months, irrespective of the mileage allowed) the Board shall issue a ration containing coupons sufficient to allow the allowed mileage for the remaining term of the lease, and shall remove from the ration book or books issued all coupons in excess of such number, and in such case the expiration date of the ration shall be the date on which the lease terminates.

(d) No ration shall be issued by a Board pursuant to the provisions of this Section unless the lessee of the vehicle or vehicles for which such ration is sought has certified in the application that no passenger-type tires (excluding motorcycle tires but including scrap tires) are owned by the lessee of such vehicle or vehicles other than tires reported on OPA Form R-17 or R-17 Revised, or reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment. No person shall be entitled to a ration pursuant to the provisions of this section if, at the time of issuance thereof, the lessee of the vehicle or vehicles for which the ration is sought owns passenger-type tires (excluding motorcycle tires but including scrap tires) other than tires reported on OPA Form R-17 or R-17 Revised, or reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

* * * * *

Special Rations

§ 1394.7851 *Application for special ration.* * * *

(b) Special rations shall be issued in order to permit the acquisition of gasoline for one or more of the following purposes:

(1) For use with a passenger automobile, motorcycle, or motorboat:

(i) To obtain necessary medical attention or therapeutic treatment, or to procure necessary food or supplies;

(ii) To move such a vehicle or boat in connection with a bona fide change of the regular place of residence of the person entitled to the use thereof; or to return such a vehicle or boat to the regular place of residence of the person entitled to the use thereof on December 1, 1942, if such vehicle or boat has been continuously away from such place of residence since that date: *Provided,* That if such place of residence and such vehicle or boat were, on December 1, 1942, within the limitation area, no such ration shall be issued unless such vehicle or boat has been continuously away from the regular place of residence of the person entitled to the use thereof since August 22, 1942.

(2) For use with a passenger automobile or motorcycle:

(i) To transport the personnel and equipment of a scientific expedition organized or sponsored by a recognized scientific or educational institution or organization, if the Board finds that such expedition is in the public interest;

(ii) To carry persons to and from the polls for the purpose of voting in public elections (including primary elections); or to act as duly appointed election officials or poll watchers; or by a bona fide candidate for public office for purposes essential to the prosecution of his candidacy.

(3) For use with a motor vehicle or motorboat:

(i) To operate a motor vehicle or motorboat held by a motor vehicle or boat dealer for sale or resale, for the purpose of demonstrating such vehicle or boat to prospective purchasers: *Provided,* That no ration in excess of five (5) gallons per month per vehicle or boat shall be granted for such purpose;

(ii) To move such vehicle or boat to a place of storage upon repossession, or upon seizure by a government authority;

(iii) To deliver such vehicle or boat after bona fide sale thereof or pursuant to a bona fide lease of more than ninety (90) days;

(iv) To move such vehicle or boat from a sales establishment or place of storage to another sales establishment or place of storage; *Provided,* That no ration in excess of five (5) gallons per month per vehicle or boat shall be granted for such purpose.

(4) For use with a motor vehicle:

(i) To operate such vehicle in the course of manufacture or assembly for the purpose of testing such vehicle or moving it within or between plants engaged in its manufacture or assembly;

(ii) To operate such vehicle for the purpose of bona fide tests or experiments contributing to the war effort, which require the use of the vehicle therein;

(iii) To operate a motor vehicle used by a Federal, State or local government or government agency in testing tires, fuels or equipment.

(c) * * *

(4) If application is made pursuant to paragraph (b) (1) (i), paragraph (b) (2) (i) or (ii), or paragraph (b) (3) (iii) of this section, the alternative means of transportation which are available and the reasons, if any, why such alternative means are not reasonably adequate for the purpose.

* * * * *

Issuance of coupon books and acknowledgments of delivery by the Office of Price Administration, Washington, D. C.

§ 1394.7952 *Acknowledgments of delivery.* (a) Form OPA R-544 and OPA R-544 Revised, for Acknowledgment of Delivery, to be used for the acquisition of gasoline by or on behalf of the Army, Navy, Marine Corps, Coast Guard, Maritime Commission, and War Shipping Administration of the United States, and by Post Exchanges, Ships' Service Stores and similar facilities located at Military or Naval Posts or Stations, will be issued by the Washington Office to the Washington Headquarters of such agencies or activities. Military or Naval Posts or Stations, and Post Exchanges, Ships' Service Stores and similar facilities located at such Posts or Stations, shall use Acknowledgments of Delivery (or other evidences) for the acquisition of gasoline for transfer to consumers. Any such form bearing the signature of an authorized officer, agent or employee of any such agency, or activity shall be valid as an authorization of transfer of gasoline by any person to whom it is presented, to the extent of the gallonage thereon stated.

(b) In the event that an Acknowledgement of Delivery form should not be available, gasoline may be acquired by or on behalf of such agencies or activities in exchange for an Emergency Acknowledgment on an official letterhead of the agency or activity on whose behalf the gasoline is acquired, or in any other form if such a letterhead is unavailable, but such an Emergency Acknowledgment may not be used to secure a transfer of gasoline into the fuel tank of a motor vehicle or motorboat not clearly identifiable as owned or leased and operated by one of such agencies or activities. Such Emergency Acknowledgment shall supply the information required by Form OPA R-544 Revised and shall be signed by an authorized officer, agent, or employee of such agency or activity; such Emergency Acknowledgment shall show the address of the agency or activity on whose behalf such Emergency Acknowledgment was issued. Such Emergency Acknowledgment may be used as an evidence for the purpose of replenishment by the transferor.

* * * * *

General Provisions With Respect to Issuance of Rations and Tire Inspection Records

§ 1394.8009 *Issuance of tire inspection records.* (a) Upon the issuance of any Basic, Official or Fleet ration (or a ration issued pursuant to the provisions of § 1394.7757 or § 1394.7758) during the period between November 9, 1942, and December 12, 1942, inclusive, the Board or Registrar, as the case may be, shall issue one Tire Inspection Record on Part B of Form OPA R–534 for each vehicle for which a ration is issued unless a Tire Inspection Record has previously been issued for such vehicle.

* * * * *

(d) After December 12, 1942, no Tire Inspection Record shall be issued unless the application therefor was made prior to that date or the applicant shows good cause why such application was not made on or before December 12, 1942.

§ 1394.8010 *Presentation of tire inspection records and records required to be maintained by the Office of Defense Transportation.* (a) After December 12, 1942, no Supplemental, Official, or Fleet ration, or ration issued pursuant to the provisions of § 1394.7757 or § 1394.7758, shall be issued or renewed unless the applicant presents to the Board a Tire Inspection Record on Part B of Form OPA R–534 for each vehicle for which a ration is sought indicating that odometer readings have been taken, and that the tires on such vehicles have been inspected and approved in accordance with the requirements of Ration Order No. 1A: *Provided*, That in the event the applicant shows that the required readings, inspections or approvals could not be taken, made or obtained, because of the serious illness of the applicant or the physical condition or location of the vehicle, the Board may in its discretion issue or renew such ration if the current inspection shows no evidence of abuse or neglect of any of the tires upon the vehicle.

* * * * *

§ 1394.8014 *Issuance of rations notwithstanding ownership of excess tires.* (a) Notwithstanding any other provisions of Ration Order No. 5C, a Basic, Supplemental, or Fleet ration, or a ration issued pursuant to the provisions of § 1394.7757 or § 1394.7758, or a Tire Inspection Record on Part B of Form OPA R–534, may be issued or renewed, and such a ration may be used for the operation of a motor vehicle, even though the registered owner or lessee of such vehicle (or, with respect to Basic or Supplemental rations, any person living in the household of such owner and related to him by blood, marriage or adoption) owns passenger-type tires (excluding motorcycle tires but including scrap tires) other than tires reported on OPA Form R–17 or R–17 Revised, or reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment, if:

(1) Such other tires have been acquired pursuant to a certificate issued under the Revised Tire Rationing Regulations or Ration Order No. 1A, or the possession and use of such tires is otherwise expressly permitted or authorized by the Office of Price Administration or by the War Production Board;

(2) Such other tires are scrap tires held for purposes of sale or other disposition by a person regularly engaged in the business of dealing in scrap, or by a reclaiming or processing plant for the purpose of processing such tires;

(3) Such other tires are owned jointly by two or more persons, or are and have been, continuously since November 8, 1942 or earlier, subject to a lien or otherwise designated or held as security for debt under a mortgage, pledge or similar security transaction, and the owner of such tires is unable to secure the consent of the joint owner of, or the holder of a security interest in, such tires to their sale or other disposition; or

(4) Such other tires are held for use as spares for farm equipment or farm implements, if the Board finds that such spares are necessary for continued operation of such equipment, but in any event not in excess of one (1) spare for each such piece of equipment.

(b) The registered owner or lessee of the vehicle for which the ration or Tire Inspection Record is sought shall, if such other tires are held for one of the reasons enumerated in paragraph (a) of this section, submit together with his application a signed statement to the Board setting forth the grounds upon which the claim to permissible retention of such other tires is based. If the Board finds that retention of such other tires is permitted or authorized under the provisions of paragraph (a) of this section, it shall, if the applicant is otherwise entitled thereto, issue the ration or Tire Inspection Record for which application was made.

(c) In any case in which such other tires have been transferred by a manufacturer, testing laboratory, or other person to, and are held by, an applicant for a ration or Tire Inspection Record for testing purposes pursuant to authorization by the Office of Price Administration or the War Production Board, the official in charge of such testing program shall execute an affidavit in duplicate setting forth the name and address of the person holding such test tires, the make, license number and state of registration of the vehicle upon which such tires are mounted, the date and nature of the authorization pursuant to which such tires were transferred, the serial numbers of the tires which are being tested, and the serial numbers of the tires which have been removed from the vehicle for purposes of the test. The original of such affidavit shall be filed with the Board at the time of making application for a ration or Tire Inspection Record in lieu of the signed statement required in paragraph (b) of this section, and the duplicate thereof shall be retained by the applicant. If the Board finds that such other tires have been transferred to and are held by the applicant for authorized testing purposes, it shall, if the applicant is otherwise entitled thereto, issue the ration or Tire Inspection Record sought, and shall set forth on such Tire Inspection Record the serial numbers of the tires physically mounted on such vehicle (including one spare), whether or not such tires are held for testing purposes.

Renewal of Rations and Issuance of Further Rations

§ 1394.8052 *Issuance of further ration for use prior to expiration date of current ration.* (a) Any person who finds that, due to a change in occupation or in the location of place of business or residence, or other change in circumstances, or due to seasonal variation in the amount of occupational mileage needed, miscalculation of needs, or reduction in the unit value of a Basic ration held by him, a ration of any class (other than a Basic ration) issued to him fails to meet his requirements, may apply for a further ration of such class for use prior to the expiration date of his current ration. Such application shall be made in the same manner as the application for the current ration.

* * * * *

(c) If the Board determines that, for one or more of the reasons specified in paragraph (a) of this section, more mileage is needed, or in the case of a Non-Highway ration, more gasoline is required, than that stated in the application on the basis of which the current ration was issued, it may grant a further ration in accordance with the provisions of paragraph (b) of § 1394.8054. In any case in which application hereunder is made because of a reduction in allowed mileage claimed to have been caused by a reduction in the unit value of a Basic ration held by the applicant, the Board shall grant a further ration for use prior to the original expiration date of the current ration only if it finds that the applicant still requires the mileage lost by reason of such reduction.

(d) No further Supplemental ration under § 1394.7705, or Official or Fleet ration under § 1394.7755, or ration pursuant to the provisions of § 1394.7757 or § 1394.7758, or Non-Highway ration, shall be granted, pursuant to this section, which would permit the applicant to exceed the maximum mileage or gallonage to which he would be entitled under the provisions of paragraph (b) of § 1394.7704, or paragraph (b) of § 1394.7754 or § 1394.7904, as the case may be. No further Transport ration shall be granted pursuant to this section which would allow a vehicle or fleet for the operation of which a Certificate of War Necessity is required more gasoline that the maximum amount authorized by the Certificate of War Necessity issued for such vehicle or fleet.

* * * * *

General provisions with respect to transfers and use

§ 1394.8161 *General restrictions on use.* (a) No person to whom a Special ration has been issued may use or permit the use of such ration for any purpose other than the one for which it was issued. No person to whom a Supplemental, Official, Fleet, or Non-Highway ration, or ration issued pursuant to the provisions of § 1394.7757 or § 1394.7758, has been issued may use or permit the use of such ration for a purpose other than one for which such ration could be

obtained pursuant to the Ration Order under which it was issued.

* * * * *

(c) No ration issued to the lessor of a passenger automobile or motorcycle available for public rental for use with such vehicle may be used by a lessee of such vehicle during the term of a lease of more than seven (7) consecutive days.

§ 1394.8164 *Restriction on use of rations or gasoline for sightseeing purposes.* No Supplemental, Official or Fleet ration, or ration issued pursuant to the provisions of § 1394.7757 or § 1394.7758, shall be issued or used, and no gasoline procured in exchange for such a ration shall be used or knowingly transferred for use, for the operation of any motor vehicle, under charter or otherwise, for sightseeing purposes.

§ 1394.8167 *Restrictions on consumption of gasoline.* * * * (b) The provisions of this section shall not be applicable to the consumption of gasoline by the Army, Navy, Marine Corps, Coast Guard, Maritime Commission, or the War Shipping Administration of the United States, or to the consumption by anyone of gasoline brought into the continental limits of the United States in the fuel supply tank of a vehicle, boat or equipment.

§1394.8172 *Tire certification, inspection and surrender of excess tires.* After December 12, 1942, no person shall use or permit the use of gasoline in a motor vehicle for which a Basic, Supplemental, Fleet or Official ration, or a ration pursuant to the provisions of § 1394.1309 of Ration Order No. 5A or § 1394.7757 or § 1394.7758 of Ration Order No. 5C, has been issued, unless a certification of passenger-type tires has been filed under §§ 1394.7653 (e), 1394.7705 (d), 1394.7753, 1394.7755 (d), 1394.7757 (b), 1394.7758 (d) or 1394.8009 of Ration Order No. 5C, nor unless a Tire Inspection Record has been issued and is currently maintained as required by the Office of Price Administration; nor may gasoline be used on and after December 12, 1942, in any such motor vehicle, other than an official vehicle, if the registered owner or lessee (or, in the case of a ration issued pursuant to § 1394.1309 of Ration Order No. 5A or § 1394.7757 of Ration Order No. 5C, if the owner) of such vehicle owns passenger-type tires (excluding motorcycle tires but including scrap tires) other than tires reported on OPA Form R–17 or R–17 Revised, or tires reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment. On and after December 12, 1942, no person shall use or permit the use of gasoline in a motor vehicle for which a Basic or Supplemental ration has been issued, if any person living in the household of the registered owner of such vehicle and related to such owner by blood, marriage or adoption owns passenger-type tires (excluding motorcycle tires but including scrap tires) other than tires reported on OPA Form R–17 or R–17 Revised, or tires reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

§1394.8177 *Rations not transferable.* * * *

(d) Notwithstanding the remaining provisions of the section, but subject to the provisions of paragraph (c) of § 1394.8161, a ration, other than a Special ration, may be used by anyone entitled to use the vehicle, boat or equipment for which it was issued, if such use is for a purpose for which such ration may be obtained, and so long as there is no change in ownership of such vehicle, boat of equipment.

* * * * *

Replenishment and Audit

§ 1394.8210 *Upstream transfers.* * * *

(c) If gasoline is transferred between a Military or Naval Post or Station and a facility such as a Post Exchange or Ships' Service Store coupons or other evidences shall not be surrendered to a Board as required in paragraph (b) of this section.

* * * * *

Effective Dates

§ 1394.8352 *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§§ 1394.7551 (a) (9), (a) (14) and (a) (30), 1394.7651 (d), 1394.7701 (c) and (d), 1394.7702 (d), 1394.7704 (d), 1394.7705 (a), 1394.7706 (a) (1), (e), (o) (1) and (p), 1394.7752 (a), 1394.7758, 1394.7851 (b) and (c) (4), 1394.7952 (a), (b) and (d), 1394.8009 (a) and (d), 1394.8010 (a), 1394.8014, 1394.8052 (a), (c) and (d), 1394.8161 (a) and (c) 1394.8164, 1394.8167 (b), 1394.8172, 1394.8177 (d), and 1394.8210 (c)) to Ration Order No. 5C shall become effective December 15, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121, E.O. 9125, 7 F.R. 2719.)

Issued this 9th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13067; Filed, December 9, 1942; 2:46 p. m.]

PART 1396—FINE CHEMICALS, DRUGS AND COSMETICS

[MPR 282]

CERTAIN PRIVATE FORMULA PHARMACEUTICAL, PROPRIETARY DRUG AND COSMETIC PRODUCTS

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable, will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and are necessary to adjust the provisions of the General Maximum Price Regulation[1] to the particular circumstances of manufacturers of private formula pharmaceutical, proprietary drug and cosmetic products. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1[2] issued by the Office of Price Administration, Maximum Price Regulation No. 282 is hereby issued.

Sec.

1396.251 Applicability of the General Maximum Price Regulation.
1396.252 Prohibition against dealing in private formula pharmaceutical, proprietary drug and cosmetic products above maximum prices.
1396.253 Maximum prices for private formula pharmaceutical, proprietary drug and cosmetic products delivered or offered for delivery during March 1942.
1396.254 Maximum prices for private formula pharmaceutical, proprietary drug and cosmetic products not delivered or offered for delivery during March 1942.
1396.255 Maximum prices for private formula pharmaceutical, proprietary drug and cosmetic products which cannot be priced under §§ 1396.253 and 1396.254.
1396.256 Export sales.
1396.257 Evasion.
1396.258 Petitions for amendment.
1396.259 Enforcement.
1396.260 Effect of other price regulations.
1396.261 Geographical applicability.
1396.262 Definitions.
1396.263 Effective dates.

AUTHORITY: §§ 1396.251 to 1396.263, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1396.251 *Applicability of the General Maximum Price Regulation.* The provisions of §§ 1499.1 to 1499.3, inclusive, and §§ 1499.21 to 1499.23, inclusive, of the General Maximum Price Regulation shall not apply to sales or deliveries of private formula pharmaceutical, proprietary drug and cosmetic products (as defined in § 1396.262) by the manufacturers thereof. All other sections of the General Maximum Price Regulation, together with existing and subsequent amendments and supplementary regulations, shall apply to sales and deliveries by such manufacturers, and are hereby incorporated by reference into this Maximum Price Regulation No. 282.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616.

[2] 7 F.R. 8961.

§1396.252 *Prohibition against dealing in private formula pharmaceutical, proprietary drug and cosmetic products above maximum prices.* On and after December 14, 1942, regardless of any contract or other obligation (except as provided in paragraph (c) of this section):

(1) No manufacturer shall sell or deliver any private formula pharmaceutical, proprietary drug or cosmetic product at a price higher than the maximum price permitted by this Maximum Price Regulation No. 282; and

(2) No person in the course of trade or business shall buy or receive any such private formula product from a manufacturer at a price higher than the maximum price permitted by this Maximum Price Regulation No. 282: *Provided,* That in the case of a private formula product for which a maximum price has been established under § 1396.254 of this Maximum Price Regulation No. 282, if the purchaser shall receive from the seller a written affirmation that the seller has calculated the maximum price for the product in accordance with § 1396.254 and has filed a report with the Office of Price Administration as required by that section and if in such case the purchaser shall have no knowledge of the maximum price and no cause to doubt the accuracy of the affirmation, and provided the price paid is not in excess of the maximum price so affirmed by the seller, the purchaser shall be deemed to have complied with this section.

(b) On and after December 14, 1942, no manufacturer shall sell, offer to sell, deliver or transfer any private formula product for which a maximum price must be determined under § 1396.254 until he has complied with the reporting provisions of that section.

(c) Nothing in this Maximum Price Regulation No. 282 shall prevent the fulfillment of contracts entered into before December 14, 1942, for the sale of private formula pharmaceutical, proprietary drug and cosmetic products at prices not exceeding the maximum prices established by the General Maximum Price Regulation prior to December 14, 1942.

§ 1396.253 *Maximum prices for private formula pharmaceutical, proprietary drug and cosmetic products delivered or offered for delivery during March 1942.* The maximum price for a sale by a manufacturer of any private formula pharmaceutical, proprietary drug or cosmetic product which is the same as a private formula product which was delivered or offered for delivery in March 1942 by the manufacturer, shall be the highest price charged by the manufacturer during March 1942 (as defined in paragraph (a) (6) of § 1396.262) for that product.

§ 1396.254 *Maximum prices for private formula pharmaceutical, proprietary drug and cosmetic products not delivered or offered for delivery during March 1942.* (a) The maximum price for a sale by a manufacturer of any private formula pharmaceutical, proprietary drug or cosmetic product which is not the same as a product which was delivered or offered for delivery by the manufacturer during March 1942, shall be the unit direct cost (computed as directed below) for the private formula product being priced, plus the percentage of mark-up (computed as directed below) which the manufacturer obtained on that sale of a comparable private formula product made in the twelve months ended March 31, 1942 which was nearest in quantity (as defined in paragraph (a) (7) of § 1396.262) to the sale of the private formula product being priced.

(b) *Computation of unit direct cost of the private formula product being priced.* The unit direct cost of the private formula product being priced shall be the sum of the costs per unit of direct labor and materials, computed on the basis of the following wage rates, material prices and operating conditions:

(1) *Wage rates.* The wage rates applicable to the private formula product being priced shall be no higher than the average wage rate in effect in the manufacturer's plant on March 31, 1942 for each class of labor involved in the production of that product. If the manufacturer did not employ a given class of labor on March 31, 1942, he shall use wage rates no higher than the average wage rate paid on March 31, 1942 by the nearest employer operating under comparable conditions who employed that class of labor on that date.

(2) *Material costs.* The price of any material used in the private formula product being priced shall be no higher than the highest price charged during March 1942 (as defined in paragraph (a) (6) of § 1396.262) by the manufacturer's March 1942 supplier to the manufacturer or to a purchaser of the same class as the manufacturer; or, lacking a March 1942 supplier of the material, by the manufacturer's most recent supplier of the material; or, lacking both of these, by the manufacturer's potential supplier: *Provided,* That if the Office of Price Administration has established a lower maximum price for the sale of the material to the manufacturer by his supplier, or if actual purchase prices are lower, such lower prices shall govern.

(3) *Operating conditions.* Using the wage rates and material prices determined under (1) and (2), the manufacturer shall compute the cost per unit of direct labor and materials for the private formula product being priced on the basis of the productive technique employed in his plant at the time of mailing the report required under paragraph (e) of this section and on the basis of the contemplated volume of production.

(c) *Percentage mark-up over unit direct cost obtained on the comparable private formula product.* The percentage mark-up over unit direct cost obtained on the comparable private formula product shall be computed in the following manner:

(1) Determine the actual cost of direct labor per unit of such comparable private formula product at the time it was manufactured.

(2) Determine the actual cost of materials per unit of such comparable private formula product at the time it was manufactured.

(3) Determine the price per unit at which the sale of the comparable private formula product was made.

(4) Compute the percentage of markup by subtracting the sum of direct labor cost or unit determined under (1) and materials cost per unit determined under (2) from the selling price determined under (3), and dividing the resultant figure by the sum of direct labor cost per unit (1) and materials cost per unit (2).

(d) *Price differentials.* All discounts (except quantity discounts and discounts to different kinds of purchasers), trade practices and practices relating to the payment of shipping charges in effect on the sale of the comparable private formula product by the manufacturer determining a maximum price pursuant to this section, shall apply to the maximum price so determined.

(e) *Reports of maximum prices.* Manufacturers of private formula pharmaceutical, proprietary drug and cosmetic products for which maximum prices are established by this section shall, before making any delivery of any such private formula product, submit by registered mail to the Office of Price Administration in Washington, D. C., a statement setting forth the maximum price determined under this section and all relevant facts. After the statement has been sent to the Office of Price Administration, the manufacturer may sell and deliver the private formula product at the proposed price, but the prices at which such sales or deliveries are made prior to the expiration of fifteen days from the date of mailing the statement to the Office of Price Administration shall be subject to disapproval in writing by the Office of Price Administration, and, if required by the Office of Price Administration, refunds shall be made. If at the expiration of fifteen days from the date of receipt of the statement, the Office of Price Administration has not in writing disapproved the manufacturer's proposed price, the manufacturer may thereafter continue to sell and deliver such private formula product at prices not in excess of his proposed price unless and until the Administrator establishes a lower maximum price. The statement submitted to the Office of Price Administration shall include:

(1) The name and a description or quantitative formula of the private formula product being priced, the process of manufacture, and a statement as to which of the classes of private formula products listed in § 1396.262 (a) (4) and (5) it belongs;

(2) The name and address of the purchaser, the quantity sold, and the dates of manufacture and of prospective delivery;

(3) The proposed maximum sales price computed under this section and the terms of sale (i. e., delivered, f. o. b. shipping point, cash discount, or other);

(4) The name and a description or quantitative formula of the comparable private formula product, the process of manufacture, a statement as to which of the classes of private formula products listed in § 1396.262 (a) (4) and (5) it belongs, and the quantity sold;

(5) An itemized statement showing the computation of the maximum price, including the following information:

(i) For the private formula product being priced:

(*a*) Direct labor cost per unit based on March 31, 1942 average wage rates, showing labor hours and March 31, 1942 average hourly wage rates.

(*b*) List of materials used in the manufacture of the product; ceiling or actual purchase price, whichever is lower, of each material used in the calculation of materials cost per unit; materials cost per unit based on ceiling prices or actual purchase prices, whichever are lower; and name and address of the supplier of each material whose ceiling price or actual selling price was used in the calculation of materials cost per unit.

(ii) For the comparable private formula product:

(*a*) Actual direct labor cost per unit.

(*b*) Actual cost of materials per unit.

(*c*) Selling price per unit.

(f) *Subsequent sales.* After a maximum price for the sale of a private formula pharmaceutical, proprietary drug, or cosmetic product has been determined in the manner provided in this section, such maximum price shall apply to all subsequent sales of the same private formula product which do not vary in quantity by more than 20% from the quantity of the sale for which such maximum price was determined. Reports relating to such subsequent sales need not be submitted to the Office of Price Administration pursuant to paragraph (e) of this section. Maximum price for subsequent sales of the same private formula product which do vary in quantity by more than 20% from the quantity of the sale for which a maximum price was determined under this section shall be redetermined in the manner provided in this section, and the report required by paragraph (e) of this section shall be submitted to the Office of Price Administration.

§ 1396.255 *Maximum prices for private formula pharmaceutical, proprietary drug and cosmetic products which cannot be priced under §§ 1396.253 and 1396.254.*—(a) *Maximum prices.* The maximum price for a sale by a manufacturer of any private formula pharmaceutical, proprietary drug or cosmetic product which cannot be priced under § 1396.253 or § 1396.254 shall be the price, in line with the level of maximum prices established by this Maximum Price Regulation No. 282, specifically authorized by the Office of Price Administration.

(b) *Reports of maximum prices.* Prior to first offering the private formula product for sale, the manufacturer shall submit to the Office of Price Administration, Washington, D. C., a report applying for a specific authorization of a maximum price. The report shall contain the information regarding the private formula product specified in paragraph (e) of § 1396.254, a statement of the facts which make it necessary to price the product under this section, and the proposed maximum price with a detailed explanation of its computation.

§ 1396.256 *Export sales.* The maximum prices at which a person may export a private formula pharmaceutical, proprietary drug or cosmetic product shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[3] issued by the Office of Price Administration.

§ 1396.257 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 282 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, a private formula pharmaceutical, proprietary drug or cosmetic commodity, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1396.258 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 282 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

§ 1396.259 *Enforcement.* Persons violating any provisions of this Maximum Price Regulation No. 282 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

§ 1396.260 *Effect of other price regulations.* This Maximum Price Regulation No. 282 shall not apply to any sale or delivery of a private formula pharmaceutical, proprietary drug and cosmetic product for which a maximum price is in effect at the time of such sale or delivery under the provisions of any other price regulation issued, or which may be issued, by the Office of Price Administration. The General Maximum Price Regulation shall not apply to sales or deliveries of private formula pharmaceutical, proprietary drug and cosmetic products (as defined in paragraph (a) of § 1396.262), except as provided in § 1396.251 and paragraph (c) of § 1396.252.

§ 1396.261 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 282 shall be applicable to the forty-eight states and the District of Columbia, but not to the territories and possessions of the United States.

§ 1396.262 *Definitions.* (a) When used in this Maximum Price Regulation No. 282, the term:

(1) "Private formula product" means a product produced by the manufacturer according to the specifications of the buyer or according to samples approved by the buyer, and sold by the manufacturer under the label or brand name of the buyer, and belonging to one of the classes of products listed in subparagraphs (4) and (5): *Provided,* That a product sold by a manufacturer to a distributor where the manufacturer owns 25 per cent or more of the stock or assets of the distributor, or where the distributor owns 25 per cent or more of the stock or assets of the manufacturer, or where a third person owns 25 per cent or more of the stock or assets of the manufacturer and the distributor, shall not be considered a private formula product.

(2) "Comparable private formula product" means a private formula pharmaceutical, proprietary drug or cosmetic product which belongs to the same class of pharmaceutical, proprietary drug or cosmetic products specified in subparagraphs (4) and (5), in addition to having the same form (for example, liquid, powder, tablet, paste), as the private formula product being priced.

(3) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for commodities for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(4) "Pharmaceutical and proprietary drug products" means all medicines and preparations for internal and external

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[3] 7 F.R. 5059, 7242, 8829, 9000.

use, intended to be used for the cure, mitigation, or prevention of disease of man or animals, included in the following classes:

PHARMACEUTICALS AND PROPRIETARY DRUGS

Absorbent vehicles.
Absorbents.
Adjuvants.
Alteratives.
Analeptics
Analgesics.
Anaphorodisiacs.
Anticonvulsants.
Antiscorbutics.
Antiseptics.
Anhydrotics.
Anodynes.
Antacids.
Anthelmintics.
Antiasmatics.
Antidotes.
Antilithics.
Anti-malarial.
Antineuralgics.
Antiperiodics.
Antiphlogistics.
Antipyics.
Antipyretics.
Antirheumatics.
Antisclerotics.
Anesthetics.
Antispasmotics.
Antisyphilitics.
Antizymotics.
Aphrodisiacs.
Astringents.
Cardiac depressants.
Cardiac stimulants.
Carminatives.
Cathartics.
Caustics.
Cholagogues.
Corrosives.
Cough sedatives.
Counter irritants.
Demulcents.
Dentifrices.
Deodorants.
Detergents.
Diaphoretics.
Digestants
Discutients.
Disinfectants.
Diuretics.
Ecbolics.
Emetics.
Emmenagogues.
Emollients.
Errhines.
Escharotics.
Expectorants.
Ferbifuges.
Galactalogues.
Gargles.
Germicides.
Heart stimulants.
Heart tonics.
Hematinics.
Hemostatics.
Hepatic stimulants.
Hydragogues.
Hypnotics.
Laxatives.
Mouth washes.
Mydriotics.
Myotics.
Narcotics.
Nerve sedatives.
Nerve stimulants.
Nutrients.
Oxytocics.
Parasiticides.
Prophylactics.
Protectives.
Purgatives.
Respiratory stimulants
Rubefacients.
Sedatives.
Somnifacients.
Soporifics.
Sorbefacients.
Stimulants.
Stomachics.
Styptics.
Supportives.
Synergists.
Teniacides.
Uterine stimulants.
Vasoconstrictors.
Vasodialators.
Vermicides.
Vermifuges.
Vesical sedatives.
Vitamins.
Vulnariaries.

(5) "Cosmetic product" means articles, materials and preparations of whatever composition or in whatever form, commonly or commercially known as toilet goods, for use in cleansing, deodorizing, beautifying, preserving, restoring, or otherwise caring for the human body, included in the following classes:

After shave lotions.
After shave powders.
Alcoholic cleansing lotions.
Alcoholic hair lotions.
Alcoholic hair tonics.
All-purpose creams.
Anti-chap pomades.
Anti-perspirants.
Astringents (all kinds).
Baby oils.
Baby powders.
Bath milks.
Bath mits (soap and powder).
Bath powders.
Bath salts.
Bleach creams.
Bleach lotions.
Blemish concealers.
Body lotions.
Body oils.
Body powders.
Body rubs.
Brilliantines.
Brushless shaving cream.
Cake powders.
Cleansing creams.
Cold wave solutions.
Compact for wet application.
Concentrated wave sets.
Cosmetic stockings (all kinds).
Covodorants.
Creams.
Cream cologne.
Cream face packs.
Cream lip colorings.
Cream rouge.
Cream suntan simulatives.
Cream suntan preventatives.
Cuticle oils.
Cuticle removers.
Cuticle softeners.
Denture cleansers.
Denture and plate holders.
Deodorants.
Depilatories.
Dry shampoos.
Dusting powders.
Eye creams.
Eye drops.
Eye mascaras.
Eye shadows.
Eye washes.
Eyebrow dyes.
Eyebrow pencils.
Eyelash dyes.
Eyelash curlers.
Eyelashes.
Face packs.
Facial oils.
Foot astringents.
Foot creams.
Foot oils.
Foot powders.
Freckle creams.
Freckle removers.
Foundation creams.
Friction lotions.
Hair bleaches.
Hair dyes.
Hair lacquers.
Hair oils.
Hair pomades.
Hair rinses.
Hair straighteners.
Hair tints.
Hand creams.
Hand lotions.
Lip pomades.
Lip color brushes.
Lip cream.
Lipsticks.
Liquid colognes.
Liquid face lotions.
Liquid face packs.
Liquid powder.
Liquid rouge.
Liquid shaving creams.
Liquid suntan preventatives.
Liquid tooth cleansers.
Liquid wave sets.
Lotions.
Lubricating creams.
Mouth washes.
Nail enamels.
Nail enamel removers.
Nail polishes—cake.
Nail protectors (liquid).
Nail whiteners.
Non-alcoholic cleansing lotions.
Non-alcoholic hair lotions.
Non-oily hair dressings.
Oil suntan preventatives.
Oily hair dressings.
Oily shampoos.
Pancake make-ups.
Paste nail polishes.
Paste perfumes.
Perfumed oatmeal bath water softeners.
Perfumed petroleum jellies.
Perfumes—liquid.
Permanent wave creams.
Peroxides for hair.
Plucking creams.
Powders.
Powder bases.
Powders—cake.
Powdered face packs.
Powdered wave sets.
Pressing oils.
Protective creams.
Protective lotions.
Rouges—cake.
Sachet hangers.
Sachet lacquers.
Sachet mits.
Sachet pot pourris.
Sachet powders.
Scalp creams.
Scalp lotions.
Scalp ointments.
Scalp oils.
Shampoo soaps.
Shaving creams.
Shaving soaps.
Skin applicators.
Skin fresheners.
Skin patters.
Skin tonics.
Soapless shampoos.
Solid perfumes.
Solid colognes.
Stick shaving creams.
Talcum powders.
Theatrical make-ups.
Suntan simulatives.
Sunburn remedies.
Tinted lip pomades.
Toilet waters.
Tooth paste cleaners.
Tooth powder cleansers.
Unperfumed petroleum jellies.
Untinted lip pomades.
Vanishing creams.
Witch hazel.

(6) "Highest price charged during March 1942" means:

(i) The highest price which the seller charged to a purchaser of the same class for delivery of the commodity during March 1942.

(ii) If the seller made no such delivery during March 1942, such seller's highest offering price to a purchaser of the same class for delivery during that month.

(iii) If the seller made no such delivery and had no such offering price to a purchaser of the same class, the highest price charged by the seller during March 1942, to a purchaser of a different class, adjusted to reflect the seller's customary differential between the two classes of purchasers.

(7) "Quantity" shall be measured in the usual physical unit in which the product is sold.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

§ 1396.263 *Effective date.* This Maximum Price Regulation No. 282 shall become effective December 14, 1942.

Issued this 9th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13068; Filed, December 9, 1942; 2:50 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14[1] to GMPR,[2] Amendment 76]

MODIFICATION OF MAXIMUM PRICES FOR CERTAIN COMMODITIES, ETC.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new subparagraph (48) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided: * * *

(48) *Grain warehousing in the state of Idaho.* Maximum prices for storage of grain and for services incident thereto, performed by warehouses situated in the state of Idaho, shall continue to be determined under the provisions of the General Maximum Price Regulation, except that the maximum prices for the following services, when performed for persons other than the United States Government or any agency thereof, shall be as follows:

Storage of grain in warehouses, 15c per ton per month, with 30 days free storage.

Handling in and out of warehouses, $1.00 per ton.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5486, 5709, 6008, 5911, 6008, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7536, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8353, 8524, 8652, 8707, 8881, 8899, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9043, 9196, 9196, 9397, 9391, 9395, 9495, 9496, 9496, 9639.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5265, 5445, 5775, 5784, 5783, 6058, 6081, 5484, 5565, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9436, 9615, 9616.

(b) *Effective dates.* * * *

(77) Amendment No. 76 (§ 1499.73 (a) (48)) to Supplementary Regulation No. 14 shall become effective on December 9, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871).

Issued this 9th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13069; Filed, December 9, 1942; 2:48 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 169 Under § 1499.3 (b) of GMPR]

M J B COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered*:

§ 1499.1185 *Authorization of a maximum price for sales of M J B Brand of roasted coffee.* (a) The M J B Company, 665 Third Street, San Francisco, California, may sell and deliver and any person may buy and receive from M J B Company the following commodity at a price not higher than that set forth below:

(i) One quarter of a pound M J B Brand coffee packed in vacuum tin containers at $0.10 per one quarter pound.

(ii) M J B Company shall not change the customary discounts, allowances, price differentials, and trade practices which existed in March, 1942, for the same brand packed in one pound vacuum glass jars unless such change results in a lower selling price.

(b) M J B Company shall mail or otherwise supply to their buyers at the time of or prior to the first sale or delivery to such buyer the following written statement:

> The Office of Price Administration has authorized the M J B Company to sell one quarter pound M J B Brand roasted coffee packed in a vacuum tin container at a maximum delivered price of $0.10 per one quarter pound unit. Sales a. this price are subject to all discounts, allowances, price differentials and trade practices which we had in effect in March, 1942 for sales of the same brand in one pound vacuum jars.

(c) This Order No. 169 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 169 (§ 1499.1185) shall become effective December 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13070; Filed, December 9, 1942; 2:47 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 170 Under § 1499.3 (b) of GMPR]

O. C. MANUFACTURING CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1186 *Approval of maximum prices for sales of Olympic Champion Apex Athletic Supporters by The O. C. Manufacturing Company.* (a) On and after December 10, 1942, The O. C. Manufacturing Company, a corporation having its principal place of business in Little Falls, New Jersey, may sell and deliver Olympic Champion Apex Athletic Supporters, and any person may buy Olympic Champion Apex Athletic Supporters from The O. C. Manufacturing Company at prices no higher than those hereinafter set forth:

Description	*Maximum price per gross*
Olympic Champion Apex Athletic Supporter No. 1	$60.00
Olympic Champion Apex Athletic Supporter No. 2	54.00
Olympic Champion Apex Athletic Supporter No. 3	66.00
Olympic Champion Apex Athletic Supporter No. 4	42.00
Olympic Champion Apex Athletic Supporter No. 5	48.00

(b) The O. C. Manufacturing Company shall apply to its maximum prices set forth in paragraph (a) for its sales of Olympic Champion Apex Athletic Supporters all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of transportation costs, and any other customary discounts or allowances which were in effect in March, 1942, on its sales of comparable athletic supporters.

(c) This Order No. 170 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 170 (§ 1499.1186) shall become effective on December 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13071; Filed, December 9, 1942; 2:47 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 171 Under § 1499.3 (b) of GMPR]

PERMANENTE METALS CORP.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1187 *Approval of maximum prices for sales of synthetic carnallite flux by Permanente Metals Corporation.* (a) On and after December 10, 1942, the Permanente Metals Corporation, a corporation incorporated under the laws of the State of Delaware and doing business in the State of California, may sell and deliver synthetic carnallite flux and any person may buy synthetic carnallite flux from the Permanente Metals Corporation at prices no higher than the following, f. o. b. the Permanente, California, plant of the Permanente Metals Corporation:

Type of container and quantity	*Cents per pound*
25 lb. sealed containers	18.
100 lb. sealed containers	16.5
500 lb. sealed drums—less than 2,000 lb	14.
500 lb. sealed drums—2,000 lbs. or more	12.5

(b) The maximum prices set forth in paragraph (a) of this Order No. 171 include charges for 25 pound and 100 pound containers. A deposit not to exceed $4.50 per drum may be charged for each 500 pound drum in addition to the maximum prices set forth in paragraph (a). Such deposit must be refunded in full upon the return of drums in good condition, transportation expenses for such return to be borne by the Permanente Metals Corporation.

(c) On or before March 15, 1943, the Permanente Metals Corporation shall furnish the Office of Price Administration in Washington, D. C., with a statement reporting in detail its costs of producing synthetic carnallite flux for each month of the period from December 1, 1942 to March 1, 1943.

(d) When used in this Order No. 171 "synthetic carnallite flux" means fused magnesium and potassium chloride with or without ammonium chloride.

(e) This Order No. 171 shall terminate on May 15, 1943, unless it is previously revoked by the Price Administrator.

(f) This Order No. 171 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 171 (§ 1499.1187) shall become effective on December 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13072; Filed, December 9, 1942; 2:46 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Permit ODT 20-1]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS, AND EXEMPTIONS

SUBPART L—TAXICABS AND TAXI SERVICE

DELIVERY OF TELEGRAPHIC, ETC., COMMUNICATIONS IN EMERGENCIES

Pursuant to the provisions of § 501.84, General Order ODT 20, as amended,[1] it is hereby authorized that:

§ 521.3400 *Delivery of telegraphic, etc., communications in emergencies.* Notwithstanding the provisions of paragraph (c), § 501.82, General Order ODT 20, as amended, any taxicab may be utilized for the delivery of telegraphic, cable, and radio communications, in emergencies when another medium of delivery cannot be obtained or is not available to effect delivery in time for such communications to serve their purpose.

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[1] 7 F.R. 6906, 7694.

This general permit shall become effective December 10, 1942, and shall remain in full force and effect until further order of the Office of Defense Transportation.

(E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349; General Order O.D.T. 20, as amended, 7 F.R. 6906, 7694)

Issued at Washington, D. C., this 10th day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-13094; Filed, December 10, 1942; 11:52 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective December 10, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Bert Manufacturing Co., Irvington-on-Hudson, New York; Diaries; 15 learners; 6 weeks for any one learner at 30¢ per hour; Making Diaries productive operations involved; February 4, 1943.

S. Heinemann, 207 Walnut Street, Newport, Arkansas; Fresh water pearl buttons; 1 learner; 12 weeks for any one learner 30 cents for the first 8 weeks and 35¢ for the next 4 weeks; Cutter; June 10, 1943.

Pioneer Pearl Button Company, 253 Mansion Street, Poughkeepsie, New York; Fresh water pearl buttons; 14 learners; 4 weeks for any one learner 30¢ per hour; Automatic button machine operator and Grinder; January 14, 1943.

Pioneer Pearl Button Company, 253 Mansion Street, Poughkeepsie, New York; Fresh Water Pearl Buttons; 5 learners; 12 weeks for any one learner 30 cents for the first 8 weeks and 35¢ for the next 4 weeks; Finished Button Sorter; March 11, 1943.

Tennessee River Pearl Button Company, Clifton, Tennessee; Fresh Water Pearl Buttons; 2 learners; 12 weeks for any one learner, 30¢ for the first 8 weeks and 35 cents for the next 4 weeks; Cutter; June 10, 1943.

Signed at New York, N. Y., this 8th day of December 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-13077; Filed, December 9, 1942; 4:50 p. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective December 10, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

Acme Clothing Co., 126 Shove St., Fall River, Massachusetts; Boys' and Student's Clothing; 10 percent (T); December 10, 1943.

Western Neckwear Company, 88 First Street, San Francisco, California; Men's Neckwear; 2 learners (T); December 10, 1943.

Single Pants, Shirts & Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Acme Manufacturing Co., 1123 Washington Ave., St. Louis, Missouri; Ladies' Wearing Apparel; 5 learners (T); December 10, 1943.

Biberman Bros., Inc., 200 Maryland Ave., Wilmington, Delaware; Dresses; 5 learners (T); December 10, 1943.

Samuel Coane, 232/248 N. 11th St., Philadelphia, Pennsylvania; Cotton Pants, Wool and Cotton Pants, and Wool and Cotton Coats; 7 learners (T); December 10, 1943.

Happ Brothers Company, Macon, Georgia; Men's and Boys' Pants; 10 percent (T); December 10, 1943.

The H. Harris Company, 174 East Fourth St., St. Paul, Minnesota; Leather Sport Jackets; 10 percent (T); December 10, 1943.

Imperial Shirt Company, Plant #1, West Bangor, Pennsylvania; Ladies' Sportwear; 10 percent (T); December 10, 1943.

Casey Jones, Inc., Woodstock, Virginia; Navy Dungarees; 10 learners (T); December 10, 1943.

Casey Jones, Inc., Shenandoah, Virginia; Navy Work Clothing; 10 learners (T); December 10, 1943.

Casey Jones, Inc., Mt. Jackson, Virginia; Work Clothing; 10 learners (T); December 10, 1943.

Casey Jones, Inc., Luray, Virginia; Navy Work Clothing; 10 percent (T); December 10, 1943.

Casey Jones, Inc., Elkton, Virginia; Navy Work Clothing; 10 learners (T); December 10, 1943.

D. L. Marx Company, 2711-13 Commercial St., Cairo, Illinois; Overalls, Cotton Playsuits, Cotton Pants, Coats, One Piece Work Suits, etc.; 9 learners (T); June 10, 1943. (This certificate replaces the one you now have for ten percent, bearing the expiration date of May 11, 1943.)

Mutual Garment Company, Main & Cedar Sts., Washington, Missouri; Slips, Nightgowns, Pajamas; 9 learners (T); December 10, 1943.

New England Company, 80 Langdon St., Roxbury, Massachusetts; White Duck Clothing, Work Clothing, Government Garments; 10 percent (T); December 10, 1943.

Ottenheimer Bros., Inc., 115 Wood Lane, Little Rock, Arkansas; Women's Cotton Uniforms (defense workers) Cotton Dresses and Smocks; 10 percent (T); December 10, 1943.

Salant and Salant, Inc., Parsons, Tennessee; Cotton Work Pants, Cotton Work Shirts; 10 percent (T); December 10, 1943.

Somerset Mfg. Co., Depot Square, Somerville, New Jersey; Beach Wear and Snow Suits; 8 learners (T); December 10, 1943.

Stone Manufacturing Co., 25 E. Court St., Greenville, S. C.; Ladies' Cotton Slips, Maids' Lawn Aprons, Children's Sunsuits, Pajamas, Underwear, etc.; 10 percent (T); December 10, 1943.

Unity Shirt Company, 300 Seymour Ave., Derby, Connecticut; Men's Shirts; 10 percent (T); December 10, 1943.

The Hallmark Shirt Company, Inc., Davidson St., Clinton, South Carolina; Shirts for U. S. Army, Men's Dress Shirts, Sport Shirts; 27 learners (E); June 10, 1943.

Glove Industry

Glovecraft, Inc., Ephratah, New York; Leather Dress Gloves; 12 learners (E); June 10, 1943.

Tennessee Glove Company, Inc., South Atlantic Street, Tullahoma, Tennessee; Work Gloves; 5 learners (T); December 10, 1943.

Wells Lamont Smith Corporation, Elsberry, Missouri; Work Gloves; 5 percent (T); December 10, 1943.

Hosiery Industry

The Alden Mills, Meridian, Mississippi; Seamless Hosiery; 5 percent (T); December 10, 1943.

Culpepper Hosiery Mills, 855 Jefferson Ext., Danville, Virginia; Seamless Hosiery; 5 learners (T); December 10, 1943.

Textile Industry

Adams Net and Twine Company, 701 North 2nd Street, St. Louis, Missouri; Camouflage Nets, Fish Nets, Tennis Nets; 3 learners (T); December 10, 1943.

Elysburg Silk Throwing Company, Inc., Elysburg, Pennsylvania; Rayon, Nylon, Synthetic Yarn; 3 learners (T); December 10, 1943.

Mercer Silk Mills, 347 East Market Street, Mercer, Pennsylvania; Burial Blankets; 1 learner (T); December 10, 1943.

Signed at New York, N. Y., this 8th day of December 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-13078; Filed, December 9, 1942; 4:50 p. m.]

BOARD OF ECONOMIC WARFARE.

[Compliance Case Docket No. 4]

NIAGARA EXPORT & IMPORT CO. AND WILLIAM R. SHEPHERD

DECISION AND ORDER ON APPEAL

Pursuant to Part 807 of the Regulations adopted under section 6 of the Act of July 2, 1940, as amended, the Chief of the Trade Intelligence Division of the Export Control Branch, Office of Exports, charged the Niagara Export & Import Co., 44 Beaver Street, New York City, and William R. Shepherd, at the same address, (hereinafter referred to as appellants) with violations of Proclamation 2497 authorizing a Proclaimed List of Certain Blocked Nationals and Controlling Certain Exports issued in part under the authority of said section. The appellants filed a written answer to the charges above set forth.

The Compliance Commissioner, duly designated under § 807.1 of the aforesaid Regulations, reviewed the record, and filed his findings of fact and recommendations in the matter. The Compliance Commissioner found and concluded that the appellants exported prohibited commodities to and for the account of Carlos Niemtschik, also known as Carlos Niemtschik & Cia, of Caracas, Venezuela, at a time when the name of "Hauck" S. A. appeared on the Proclaimed List of Certain Blocked Nationals; that such exportations were for and on behalf of the said "Hauck" S. A., were without license or certificate of hardship, and as such violated section 6 of the Act of July 2, 1940, as amended, and the aforesaid Proclamation of the President of the United States issued pursuant thereto.

Upon consideration of the record, findings of fact and recommendation in this matter, the Acting Chief, Export Control Branch of the Office of Exports of the Board of Economic Warfare, on October 28, 1942, revoked all export licenses theretofore issued to appellants for exports not then consummated and denied to appellants and any person, association, or organization acting on their behalf or for their account the privilege of obtaining individual export licenses and the use of any general or unlimited export licenses for the duration of the war.

Appellants were duly notified of said order and within ten (10) days of said notice and pursuant to § 807.11 of the aforesaid regulations duly filed a written appeal to the Assistant Director in Charge of the Office of Exports. The undersigned Assistant Director has considered the record in this matter and has concluded that the facts and conclusions of the Compliance Commissioner are supported by the record. He has concluded, however, that the disciplinary action ordered by the Acting Chief of the Export Control Branch should be modified by limiting the suspension to a period of eighteen (18) months if that is a shorter period than the duration of the war.

Now therefore it is determined and ordered, That:

(1) The order of the Acting Chief, Export Control Branch of the Office of Exports, revoking all export licenses heretofore issued to W. R. Shepherd, also known as William R. Shepherd, and the Niagara Export & Import Co. not consummated as of October 28, 1942, is affirmed.

(2) W. R. Shepherd, also known as William R. Shepherd, and the Niagara Export & Import Co., and any person, association, or organization acting on behalf of, or for the account of either of them, are denied the privilege of obtaining individual export licenses and the use of any general or unlimited export license for any exports whatsoever from the United States for the duration of the war or for eighteen (18) months from the date of October 28, 1942, whichever is the shorter period.

Dated: December 5, 1942.

HECTOR LAZO,
Assistant Director in Charge of Exports, Office of Exports.

[F. R. Doc. 42-13053· Filed, December 9, 1942; 2:40 p. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. SA-69]

AIRCRAFT ACCIDENT OCCURRING NEAR DAYTON, OHIO

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry No. 17320, which occurred at Dayton, Ohio, on June 27, 1942.

Notice is hereby given that hearing scheduled for December 11, 1942, in the above-entitled proceeding, has now been postponed until December 18, 1942, at 10:30 AM (EWT) in the Transcontinental and Western Air Hangar Number 6, La Guardia Field, New York, New York. (Previous notice of this hearing appeared in the FEDERAL REGISTER of December 9, 1942.)

Dated at Washington, D. C., December 9, 1942.

[SEAL] S. G. TIPTON,
Presiding Officer.

[F. R. Doc. 42-13086; Filed, December 10, 1942; 10:59 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[General Order 40]

DELEGATION OF AUTHORITY TO REGIONAL ADMINISTRATORS

Pursuant to the authority conferred upon the Administrator by Executive Order No. 9125 and War Production Board Directive No. 1 and War Production Board Supplementary Directive No. 1R, the following order is prescribed:

(a) *Order delegating authority to issue suspension orders to Regional Administrators.* The several Regional Administrators of the Office of Price Administration are each authorized, within their respective regions, to determine whether any person has violated Ration Order No. 12, Coffee Rationing Regulations, and to issue such suspension orders and take such other action as may be appropriate in the premises.

(b) Subject to the authority of Paul M. O'Leary, Deputy Administrator in Charge of Rationing, to consider and determine petitions for reconsideration of suspension orders issued hereunder, any decision made, order issued or other action taken by the Regional Administrators pursuant to this delegation of authority shall have the same force and effect as if made, issued or taken by the Administrator.

(c) Nothing herein contained shall impair or affect the delegation of authority made in General Order No. 28 of July 15, 1942.[1]

(d) This Order shall take effect this 9th day of December 1942.

(Pub. Law 421, 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Dir. No. 1, 7 F.R. 562; WPB Supp. Dir. No. 1R, 7 F.R. 9684)

Issued this 9th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13060; Filed, December 9, 1942; 2:51 p. m.]

[Order 2 Under MPR 135]

SWIFT & COMPANY

ORDER GRANTING PERMISSION FOR ADJUSTABLE PRICE

Order No. 2 under Maximum Price Regulation No. 135—Mixed Fertilizer, Superphosphate and Potash—Docket No. 3135-19.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1, *It is ordered:*

(a) On and after December 10, 1942, Swift & Company, Chicago, Illinois, may sell and deliver mixed fertilizers, superphosphate, and potash manufactured by it at the respective applicable maximum prices, subject to agreement with the respective purchasers of such mixed fertilizers, superphosphate, and potash to adjust the prices thereof in accordance with the final disposition of the petition for adjustment filed by said company on November 16, 1942, in the Office of Price Administration.

(b) This Order No. 2 may be revoked or amended by the Price Administrator at any time, and in any event shall be effective only to the date upon which said petition for adjustment is finally disposed of by the Price Administrator.

(c) This Order No. 2 shall become effective December 10, 1942.

Issued this 9th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13054; Filed, December 9, 1942; 2:48 p. m.]

[Order 3 Under MPR 135]

F. W. TUNNELL & COMPANY, INC.

ORDER GRANTING PERMISSION FOR ADJUSTABLE PRICE

Order No. 3 Under Maximum Price Regulation No. 135—Mixed Fertilizer, Superphosphate and Potash—Docket No. 3135-21.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1, *It is ordered:*

(a) On and after December 10, 1942, F. W. Tunnell & Company, Inc., Philadelphia, Pennsylvania, may sell and deliver mixed fertilizers manufactured by it at the applicable maximum prices, subject to agreement with the respective purchasers of such mixed fertilizers to adjust the prices thereof in accordance with the final disposition of the petition for adjustment filed by said company on November 18, 1942, in the Office of Price Administration.

(b) This Order No. 3 may be revoked or amended by the Price Administrator at any time, and in any event shall be effective only to the date upon which said petition for adjustment is finally disposed of by the Price Administrator.

(c) This Order No. 3 shall become effective December 10, 1942.

Issued this 9th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13055; Filed, December 9, 1942; 2:48 p. m.]

[Order 4 Under MPR 135]

GEORGIA FERTILIZER COMPANY

ORDER GRANTING PERMISSION FOR ADJUSTABLE PRICE

Order No. 4 under Maximum Price Regulation No. 135—Mixed Fertilizer, Superphosphate and Potash—Docket No. 3135-14.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1, *It is ordered:*

(a) On and after December 10, 1942, the Georgia Fertilizer Company, Valdosta, Georgia, may sell and deliver mixed fertilizers, superphosphate, and potash manufactured by it at the respective applicable maximum prices, subject to agreement with the respective purchasers of such mixed fertilizers, superphosphate, and potash to adjust the prices thereof in accordance with the final disposition of the petition for adjustment filed by said company on October 29, 1942, in the Office of Price Administration.

(b) This Order No. 4 may be revoked or amended by the Price Administrator at any time, and in any event shall be effective only to the date upon which said petition for adjustment is finally disposed of by the Price Administrator.

(c) This Order No. 4 shall become effective December 10, 1942.

Issued this 9th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13056; Filed, December 9, 1942; 2:47 p. m.]

[Order 5 Under MPR 135]

THE VICTOR FERTILIZER COMPANY

ORDER GRANTING PERMISSION FOR ADJUSTABLE PRICE

Order No. 5 Under Maximum Price Regulation No. 135—Mixed Fertilizer, Superphosphate and Potash—Docket No. 3135-23.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1, *It is ordered:*

(a) On and after December 10, 1942, The Victor Fertilizer Company, Chester, South Carolina, may sell and deliver mixed fertilizers, superphosphate, and potash manufactured by it at the respective applicable maximum prices, subject to agreement with the respective purchasers of such mixed fertilizers, superphosphate, and potash to adjust the prices thereof in accordance with the final disposition of the petition for adjustment filed by said company on November 20, 1942, in the Office of Price Administration.

(b) This Order No. 5 may be revoked or amended by the Price Administrator at any time, and in any event shall be effective only to the date upon which said petition for adjustment is finally disposed of by the Price Administrator.

(c) This Order No. 5 shall become effective December 10, 1942.

Issued this 9th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13057; Filed, December 9, 1942; 2:50 p. m.]

[Order 6 Under MPR 135]

F. S. ROYSTER GUANO CO.

ORDER GRANTING PERMISSION FOR ADJUSTABLE PRICE

Order No. 6 Under Maximum Price Regulation No. 135—Mixed Fertilizer, Superphosphate and Potash—Docket No. 3135-20.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1, *It is ordered:*

(a) On and after December 10, 1942, the F. S. Royster Guano Co., Norfolk, Virginia, may sell and deliver mixed fertilizers, superphosphate, and potash manufactured by it at the respective applicable maximum prices, subject to agreement with the respective purchasers of such mixed fertilizers, superphosphate, and potash to adjust the prices thereof in accordance with the final disposition of the petition for adjustment filed by said company on November 17, 1942, in the Office of Price Administration.

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[1] 7 F.R. 5498, 9909.

(b) This Order No. 6 may be revoked or amended by the Price Administrator at any time, and in any event shall be effective only to the date upon which said petition for adjustment is finally disposed of by the Price Administrator.

(c) This Order No. 6 shall become effective December 10, 1942.

Issued this 9th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13058; Filed, December 9, 1942; 2:49 p. m.]

[Order 17 Under MPR 147]

BUFFALO BOLT CO.

ORDER GRANTING PETITION FOR EXCEPTION

Order No. 17 Under Maximum Price Regulation No. 147—Ferrous and Non-Ferrous Bolts, Nuts, Screws and Rivets—Docket No. 3147-20.

On October 8, 1942, Buffalo Bolt Company, North Tonawanda, New York, filed a petition for exception pursuant to § 1368.7 (a) of Maximum Price Regulation No. 147. Due consideration has been given to the petition and an opinion in support of this Order No. 17 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and by § 1368.7 (a) of Maximum Price Regulation No. 147 and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Buffalo Bolt Company in ascertaining the maximum price which it may charge for track bolts shipped from North Tonawanda, New York, to Eudora, Kansas, pursuant to the request of the Office of the Chief Engineer of the War Department, and for track bolts shipped after the effective date of this Order to points outside its usual market area pursuant to orders of the War Department, may calculate its delivery charges under Appendix C (§ 1368.14) of Maximum Price Regulation No. 147 from Pittsburgh, Pennsylvania as an emergency basing point.

(b) This Order No. 17 may be revoked or amended by the Price Administrator at any time.

(c) The definitions set forth in § 1368.8 of Maximum Price Regulation No. 147 shall apply to the terms used herein.

(e) This Order No. 17 shall become effective December 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13059; Filed, December 9, 1942; 2:49 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 54-47]

JACKSONVILLE GAS COMPANY

SUPPLEMENTAL ORDER APPROVING MODIFICATIONS OF PLAN AND DIRECTING APPLICATION TO COURT

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 8th day of December, A. D. 1942.

This Commission, on May 28, 1942, having issued its order approving the Plan, as then modified, of Jacksonville Gas Company to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, subject to reservation of jurisdiction with respect to the proposed indenture, certificate of incorporation and similar documents pertaining to the company as should be prepared in connection with and prior to final consummation of the Plan, with respect to such matters as should require the further attention of the Commission in the proceeding under section 15 (f) of the Act, and with respect to such further amendments or modifications, if any, of the Plan, as the District Court of the United States for the Southern District of Florida should refer to the Commission for consideration; and

Pursuant to said order, counsel for the Commission having made application on behalf of the Commission to the District Court of the United States for the Southern District of Florida to enforce and carry out the terms and provisions of the Plan; and

Upon due notice and after hearings duly held, the District Court of the United States for the Southern District of Florida having filed its order, approving the Plan as fair and equitable, and as appropriate to effectuate the provisions of Section 11 of the Act, which order authorized and directed Jacksonville Gas Company, among other things, to do such acts as may be necessary or appropriate to carry out the terms and provisions of the Plan, including such acts, among others, as may be necessary to effect the organization of a new corporation under the laws of the State of Florida to be called "Jacksonville Gas Corporation", to cause Jacksonville Gas Corporation to execute, file and adopt a certificate of incorporation and by-laws subject to approval by the Commission and by the Court, to cause Jacksonville Gas Corporation to execute with The Florida National Bank of Jacksonville as Trustee a first mortgage and deed of trust subject to approval by the Commission and by the Court, to execute and file, and cause Jacksonville Gas Corporation to execute and file, subject to the approval of the Commission and of the Court, such documents as may be appropriate in connection with the consummation of the Plan, and to incur and pay or cause Jacksonville Gas Corporation to incur and pay taxes, charges, expenses, compensation and fees in connection with the consummation of the Plan in amounts not exceeding the sums estimated as part of the Plan, subject to obtaining approval of the Commission for all payments requiring such approval under the applicable rules and orders of the Commission; and

Jacksonville Gas Company having filed with the Commission Amendments No. 7, No. 8, and No. 9 to its Application; and

A public hearing having been held, after appropriate notice, and the Commission being fully advised in the premises and having this day made and filed its Second Supplemental Findings and Opinion herein; now therefore, on the basis of said Second Supplemental Findings and Opinion and pursuant to the applicable provisions of the Act and the applicable rules thereunder, *It is ordered,* That the proposed Certificate of Incorporation of Jacksonville Gas Corporation annexed as Exhibit Y (revised) to Amendment No. 7 to the Application of Jacksonville Gas Company herein be and the same is hereby approved.

It is further ordered, That the proposed By-Laws of Jacksonville Gas Corporation annexed as Exhibit Z (2nd revision) to Amendment No. 8 to the Application of Jacksonville Gas Company be and the same are hereby approved.

It is further ordered, That the proposed First Mortgage and Deed of Trust from Jacksonville Gas Corporation to The Florida National Bank of Jacksonville as Trustee, annexed as Exhibit R (2nd revision) to Amendment No. 8 to the Application of Jacksonville Gas Company be and the same is hereby approved.

It is further ordered, That the pro forma balance sheets of Jacksonville Gas Corporation as at December 31, 1941 and May 31, 1942 annexed as Exhibit II (2nd revision) and Exhibit II-A (revised) respectively to Amendment No. 8 to the Application of Jacksonville Gas Company be and the same are hereby approved.

It is further ordered, That the following modifications of the Plan be and the same are hereby approved:

1. Each holder of Income Debentures and Income Notes of Jacksonville Gas Company in an aggregate principal amount of less than $1,000 shall receive 1.5575 cents (to the nearest penny) for each dollar of such principal amount. Each holder of Income Debentures and Income Notes in an aggregate principal amount in excess of $1,000, but not an even multiple of $1,000, shall receive one share of common stock of Jacksonville Gas Corporation for each $1,000 of such principal amount and 1.5575 cents (to the nearest penny) for each dollar of the balance of such principal amount.

2. Jacksonville Gas Corporation shall reserve for issuance to such persons as may be entitled to all or part of the $18,159.50 principal amount of unissued Income Notes of Jacksonville Gas Company (held for issuance under the Plan of Reorganization of Jacksonville Gas Company confirmed by orders of the United States District Court for the

Southern District of Florida, dated February 20, 1935 and April 4, 1935) not exceeding 18 shares of the authorized and unissued common stock of Jacksonville Gas Corporation; such shares to be issued from time to time upon presentation of proper evidence of right thereto, on the basis of one share of such stock for each $1,000 principal amount of such unissued Income Notes. Each of the persons entitled, pursuant to said Plan of Reorganization of Jacksonville Gas Company confirmed in 1935, to receive unissued Income Notes of Jacksonville Gas Company in an aggregate principal amount of less than $1,000, shall receive 1.5575 cents (to the nearest penny) for each dollar of such principal amount. Each of the persons entitled, pursuant to said Plan of Reorganization of Jacksonville Gas Company confirmed in 1935, to receive unissued Income Notes of Jacksonville Gas Company in an aggregate principal amount in excess of $1,000, but not an even multiple of $1,000, shall receive one share of common stock of Jacksonville Gas Corporation for each $1,000 of such principal amount and 1.5575 cents (to the nearest penny) for each dollar of the balance of such principal amount. At the close of business on December 31, 1944 the right to receive such stock and cash on account of said unissued Income Notes shall expire and be of no effect, except as to those shares and cash for which demand shall have been duly made on Jacksonville Gas Corporation by or on behalf of the persons entitled thereto on or prior to said date. Notice of the right conferred upon persons entitled to said unissued Income Notes by the above provisions will be given to such persons to the extent that their names and addresses are known to Jacksonville Gas Company.

It is further ordered, That the mechanics of consummating the Plan as outlined in Amendments No. 7, No. 8, and No. 9 to the Application of Jacksonville Gas Company, and as summarized below, including certain modifications of the Plan as heretofore approved by the Commission, be and the same are hereby approved:

1. A new corporation shall be organized under the laws of the State of Florida under the name of Jacksonville Gas Corporation, the certificate of incorporation of which shall be in the form of Exhibit Y (revised) annexed to Amendment No. 7 and the By-Laws of which shall be in the form of Exhibit Z (2nd revision) annexed to Amendment No. 8.

2. The initial Board of Directors and the initial officers of Jacksonville Gas Corporation shall be as follows:

Name and Office

C. B. Gamble, Jr., Director.
M. K. Patterson, Director and Vice President.
Alva F. Traver, Director and President.
Marshall S. Reeve, Director, Vice President, and Treasurer.
James P. Reilly, Director, Vice President, and Secretary.
E. M. Banon, Director.
W. A. J. Browne, Assistant Secretary and Assistant Treasurer.
W. Eckelkamp, Director, Assistant Secretary, and Assistant Treasurer.

3. Jacksonville Gas Corporation shall execute and deliver its First Mortgage and Deed of Trust in the form of Exhibit R (2nd revision) annexed to Amendment No. 8, and shall request the Trustee thereunder to authenticate $1,745,000 principal amount of First Mortgage Bonds, 5% Series due 1967. Said First Mortgage and Deed of Trust, together with instruments of release of Jacksonville Gas Company's First Mortgage Indenture dated June 1, 1912 and supplements thereto, shall be duly filed and recorded in appropriate State offices. Jacksonville Gas Company shall cause the First Mortgage Bonds of Jacksonville Gas Company held in its treasury to be cancelled.

4. Jacksonville Gas Company shall execute and deliver to Jacksonville Gas Corporation an appropriate instrument or instruments of conveyance and transfer whereby Jacksonville Gas Company shall transfer and convey all its property and assets (except the sum of $43,625) to Jacksonville Gas Corporation. Jacksonville Gas Corporation shall have the benefit of any and all warranties or other covenants contained in any instrument or instruments of transfer or conveyance in the chain of title pertaining to any of the properties or assets to be transferred to it as provided in the Plan. Jacksonville Gas Corporation shall have the same right to contest any unpaid taxes existing with respect to the property to be transferred to it as provided in the Plan as Jacksonville Gas Company would have had, had the transfers provided for by the Plan not taken place, and shall also have the right to contest any claims, demand or allowance payable by it or chargeable against the property to be transferred and conveyed to it pursuant to this order, existing and undetermined at the time of such transfer and conveyance, and may appeal from any decision relating to any of such matters. Jacksonville Gas Corporation shall (a) assume all the liabilities and obligations of Jacksonville Gas Company (other than the presently outstanding First Mortgage Bonds, Income Debentures and Income Notes of Jacksonville Gas Company), and (b) issue to or upon the order of Jacksonville Gas Company $1,745,000 principal amount of the First Mortgage Bonds of Jacksonville Gas Corporation, 5% Series due 1967 (due June 1, 1967) to be secured by its First Mortgage and Deed of Trust in the form of Exhibit R (2nd revision) annexed to Amendment No. 8 and not exceeding 36,448 shares of its common stock, par value $5 per share. The number of shares of Jacksonville Gas Corporation's common stock to be issued and delivered to the holders of Jacksonville Gas Company's First Mortgage Bonds, Income Debentures and Income Notes shall be reduced below 36,448 shares to the extent required by the payment of fractional claims in cash. Jacksonville Gas Corporation shall reserve for issuance to such persons as may be entitled to receive unissued Income Notes of Jacksonville Gas Company not exceeding 18 shares of its common stock, par value $5 per share. The number of shares of Jacksonville Gas Corporation's common stock to be reserved for issuance to those entitled to unissued Income Notes of Jacksonville Gas Company shall be reduced below 18 shares to the extent required by payment of fractional claims in cash.

5. Jacksonville Gas Company or Jacksonville Gas Corporation, or both, shall appoint an Exchange Agent to effect deliveries and payments under the Plan and (a) Jacksonville Gas Company shall deposit with such Exchange Agent the sum of $43,625, (b) Jacksonville Gas Corporation shall deposit with such Exchange Agent the amount required to be paid by reason of payment of fractional claims in cash, such amount being estimated by Jacksonville Gas Company not to exceed $3,000, (c) Jacksonville Gas Company or Jacksonville Gas Corporation, or both, shall cause the Trustee under the First Mortgage and Deed of Trust of Jacksonville Gas Corporation to deliver to the Exchange Agent (as requisitioned by the Exchange Agent) $1,745,000 principal amount of First Mortgage Bonds in appropriate denominations, (d) Jacksonville Gas Corporation shall cause the Transfer Agent and Registrar for the common stock of Jacksonville Gas Corporation to issue, register and deliver (as requisitioned by the Exchange Agent from time to time) certificates representing an aggregate of not exceeding 36,448 shares of Jacksonville Gas Corporation's common stock and (e) Jacksonville Gas Company or Jacksonville Gas Corporation, or both, will instruct the Exchange Agent to make payments and deliveries upon surrender to it of the presently outstanding First Mortgage Bonds, Income Debentures and Income Notes of Jacksonville Gas Company, on the following basis:

(A) For each $1,000 principal amount of First Mortgage Bonds of Jacksonville Gas Company, $500 principal amount of First Mortgage Bonds of Jacksonville Gas Corporation, 10 shares of common stock of Jacksonville Gas Corporation and $12.50 in cash;

(B) For each $1,000 principal amount of Income Debentures and Income Notes of Jacksonville Gas Company, one share of common stock of Jacksonville Gas Corporation, except that where the principal amount of any Income Debenture or Income Note is less than $1,000 or in excess of an even multiple of $1,000, the Exchange Agent will make payments of 1.5575 cents (to the nearest penny) for each dollar of such fractional principal amount.

6. The service contract between Jacksonville Gas Company and Public Utilities Management Corporation shall be amended so as to provide that it shall terminate automatically at the end of 60 days following the election of the definitive Board of Directors of Jacksonville Gas Corporation, to be elected pursuant to Article II, Section 2 of the proposed By-Laws (Exhibit Z (2nd Revision) annexed to Amendment No. 8).

It is further ordered, That the issues, transfers, exchanges and conveyances specified and itemized below are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

(a) The issuance by Jacksonville Gas Corporation of $1,745,000 principal amount of its First Mortgage Bonds, 5% Series due 1967, said bonds to be exchanged for First Mortgage Sinking Fund Bonds of Jacksonville Gas Company in accordance with the Plan as modified.

(b) The issuance by Jacksonville Gas Corporation of not exceeding 36,448 shares of its common stock, said shares to be exchanged for First Mortgage Sinking Fund Bonds, Income Debentures and Income Notes of Jacksonville Gas Company in accordance with the Plan as modified.

(c) The issuance by Jacksonville Gas Corporation of not exceeding 18 additional shares of common stock, said shares to be exchanged for the claims against Jacksonville Gas Company of those persons entitled to its unissued Income Notes in accordance with the Plan as modified.

(d) The transfer by Jacksonville Gas Company to its own security holders of the right to receive said securities to be issued by Jacksonville Gas Corporation.

(e) The conveyance by Jacksonville Gas Company to Jacksonville Gas Corporation of all of the real property and interests in real property of Jacksonville Gas Company.

It is further ordered, That the Commission reserves jurisdiction with respect to the following matters: (1) with respect to any increase in fees and expenses over and above those already approved as part of the Plan; (2) with respect to the opening book entries in the books of account of Jacksonville Gas Corporation; and (3) with respect to such further amendments or modifications, if any, of the Plan as the District Court of the United States for the Southern District of Florida may refer to the Commission for consideration.

It is further ordered, That counsel for the Commission be and they are hereby authorized and directed to make application forthwith on behalf of the Commission to the District Court of the United States for the Southern District of Florida to enforce and carry out the terms and provisions of the modifications of the Plan hereby approved by the Commission, and to enter such further orders as may be necessary or appropriate in connection with the effectuation of and enforcement of compliance with the Plan as so modified, all pursuant to the provisions of section 11 (e) of the Public Utility Holding Company Act of 1935, the request duly filed herein by Jacksonville Gas Company, and the order of said Court entered and filed October 14, 1942 in the Matter of Jacksonville Gas Company, Court Docket No. 483–J–Civ.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–13051; Filed, December 9, 1942; 2:17 p. m.]

[File No. 70–626]

THE HOLBROOK LIGHT AND POWER COMPANY AND SOUTHWESTERN ICE COMPANY

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 8th day of December, A. D. 1942.

The Holbrook Light and Power Company and Southwestern Ice Company, direct subsidiaries of Southwestern Public Service Company, a registered holding company, having filed declarations pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-46 (a), promulgated thereunder, regarding the following transactions:

The Holbrook Light and Power Company and the Southwestern Ice Company having sold their property and assets (except cash, accounts receivable, merchandise inventory and prepaid items) to the Town of Holbrook, Arizona, a municipal corporation, for the following amounts of cash respectively, $86,938.59 in the case of The Holbrook Light and Power Company, and $3,700.00 in the case of the Southwestern Ice Company, subject to certain adjustments, each proposes as rapidly as possible to pay to Southwestern Public Service Company as its sole stockholder (there being no securities of either company outstanding except Common Stock) a dividend or dividends in complete liquidation and to dissolve.

The Companies propose to convert into cash their remaining non-cash assets and out of such funds and the proceeds of such sales to pay all known liabilities other than accrued Federal taxes. Southwestern Public Service Company will assume all liabilities of the two companies after payment by them of all known liabilities as aforesaid, the liabilities so assumed consisting of accrued Federal taxes and consumers' deposits then unclaimed.

The Southwestern Public Service Company proposes in accordance with the provisions of the indenture securing its Serial Notes, to apply the amounts received from The Holbrook Light and Power Company and the Southwestern Ice Company as such liquidating dividends, to retire its outstanding Serial Notes by purchase or redemption.

Said declarations having been filed on November 10, 1942, and notice of said filing having been duly given in the form and manner prescribed in Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declarations within the period specified in said notice; or otherwise, and not having ordered a hearing thereon; and

The Commission finding that all applicable statutory requirements are met and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declarations to become effective;

It is hereby ordered, pursuant to Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declarations be, and hereby are, permitted to become effective forthwith.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–13052; Filed, December 9, 1942; 2:17 p. m.]

Reference DEC 14 1942

Reference

DEC 14 1942

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 7 NUMBER 243

Washington, Saturday, December 12, 1942

The President

EXECUTIVE ORDER 9281

Inspection of Income, Excess-Profits, Declared Value Excess-Profits, and Capital Stock Tax Returns by the Special Committee on Un-American Activities, House of Representatives

By virtue of the authority vested in me by section 257 (a) of the Revenue Act of 1926 (44 Stat. 9, 51); section 55 of the Revenue Act of 1932 (47 Stat. 169, 189) as amended by section 218 (h) of the National Industrial Recovery Act (48 Stat. 195, 209); sections 215 (e) and 216 (b) of the National Industrial Recovery Act (48 Stat. 195, 208); sections 55 (a), 701 (e), and 702 (b) of the Revenue Act of 1934 (48 Stat. 680, 698, 770); sections 105 (e) and 106 (c) of the Revenue Act of 1935 (49 Stat. 1014, 1018, 1019); section 55 (a), 351 (c), and 503 (a) of the Revenue Act of 1936 (49 Stat. 1648, 1671, 1733, 1738); sections 55 (a), 409, 601 (e), and 602 (c) of the Revenue Act of 1938 (52 Stat. 447, 478, 564, 566, 568); and sections 55 (a), 508, 603, 1204, and 729 (a) of the Internal Revenue Code (53 Stat. 1, 29, 111, 171; 54 Stat. 974, 989), it is hereby ordered that income, excess-profits, declared value excess-profits, and capital stock tax returns made under the Revenue Act of 1932, the Revenue Act of 1932, as amended by the National Industrial Recovery Act, the National Industrial Recovery Act, the Revenue Act of 1934, the Revenue Act of 1935, as amended by the Revenue Act of 1936, the Revenue Act of 1936, the Revenue Act of 1936, as amended by the Revenue Act of 1937, the Revenue Act of 1938, and the Internal Revenue Code, for the year 1932 and subsequent years, shall be open to inspection by the Special Committee on Un-American Activities, House of Representatives, or any duly authorized subcommitee thereof, for the purpose of carrying out the provisions of House Resolution 420, passed March 11, 1942 (Seventy-seventh Congress, second session); such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in the Treasury decision relating to the inspection of returns by that committee, approved by me this date.

This order shall be published in the Federal Register.

Franklin D Roosevelt

The White House,
December 9, 1942.

[F. R. Doc. 42-13121; Filed, December 10, 1942; 3:07 p. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Commodity Credit Corporation

[Amendment 1 to Oilseed Order 1]

Part 250—Control of Vegetable Oil Seeds and Products Therefrom

EXCESS PEANUTS

Pursuant to the authority vested in the Commodity Credit Corporation by Directive No. 7 of the War Production Board, issued August 15, 1942, *It is hereby ordered*, That:

Section 250.1 *Use of excess peanuts* [7 F.R. 7133] is amended, and a new § 250.5a is added, to read as follows:

§ 250.1 *Use of excess peanuts.* (a) Except as hereinafter provided, no person shall, without the approval of the Commodity Credit Corporation, sell, contract for the sale of, or deliver excess peanuts of the 1942 crop for any purpose other than crushing and no person shall, without the approval of the Commodity Credit Corporation, purchase, contract for the purchase of, accept delivery of, or use such excess peanuts for any purpose other than crushing.

(b) The prohibitions of § 250.1 (a) shall not apply to any transaction in which a peanut grower sells excess peanuts produced by him to farmers for use as seed in 1943 and such purchaser delivers to the seller, at the time of the delivery of such peanuts, a certificate, approved by the county committee, for the quantity so delivered. The purchaser shall use such peanuts solely as seed in 1943. No person shall deliver excess peanuts under this subsection without first receiving such approved certificate. The

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THE PRESIDENT

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Telephone information: DIstrict 0525.

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seller shall keep each certificate received by him for six months from the date of delivery.

(c) Any farmer desiring to buy excess peanuts for use as seed in 1943 shall file with the county committee of the county in which his farm is located, two signed copies of the prescribed form of certificate disclosing his name, address, the Agricultural Adjustment Agency farm serial number, quantity of peanuts which he desires to purchase, number of acres to be planted to peanuts, and the number of pounds of peanuts suitable for seed already owned by him. The county committee shall examine each certificate and if, to the best of its knowledge and belief, it finds the statements made therein are correct and the proposed purchase is reasonable, after giving due consideration to soil and other physical factors affecting the production of peanuts, it shall approve the certificate and deliver the original thereof to the purchaser. Two or more certificates may be issued to any farmer who is unable to obtain from one seller the amount of peanuts approved for him by his county committee, or who furnishes satisfactory proof to his county committee that additional peanuts are necessary for replanting in 1943. In any event, the total quantity of excess peanuts so purchased under such certificates plus the quantity of peanuts suitable for seed already owned by the purchasing farmer shall not exceed the equivalent of 60 pounds of unshelled peanuts per acre for the acreage to be planted.

(d) As used in this section, the terms "sell," "sells," "sale," "seller," "purchase," "purchaser," and "purchased" shall include or cover also transactions of barter or exchange, and the term "county committee" means the group of persons elected within any county to assist in the administration of the agricultural conservation program in such county, or any one thereof.

§ 250.5a *Effective date of amendments.* (a) Amendment No. 1 shall be effective on and after December 12, 1942.

Issued this 11th day of December 1942.

[SEAL] J. B. HUTSON,
President.

[F. R. Doc. 42-13192; Filed, December 11, 1942; 11:34 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 36—CLAIMS AGAINST THE UNITED STATES

EFFECTS ABANDONED BY DESERTER

Section 36.40 (a) is amended as follows:

§ 36.40 *Effects abandoned by deserter.* (a) At the expiration of 1 year, if the deserter has not been returned to military control, the following action will be taken:

(R. S. 161; 5 U.S.C. 22) [Par. 8, AR 615-300, July 20, 1942, as amended by C5, November 25, 1942]

* * * * *

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 42-13101; Filed, December 10, 1942; 12:52 p. m.]

PART 36—CLAIMS AGAINST THE UNITED STATES

CLAIMS FOR DAMAGES BY ARMY FORCES IN FOREIGN COUNTRIES

Section 36.55 (d) is amended as follows:

§ 36.55 *Claims for damages occasioned by Army forces in foreign countries.* * * *

(d) *Action taken by Commission.* The Commission will consider the report of the investigating officer or board of officers which investigated the claim, together with the evidence attached thereto, and may base its award on that report, if deemed satisfactory, or may return it to the appointing authority for further action, or may make an independent investigation. Upon final action by the Commission upon the claim, the Commission will notify the claimant through official channels of the award made. If the claim as originally made or as amended does not exceed $1,000 and the claimant agrees to accept in writing the approved award in final settlement of the claim, the original and one copy of the claim, and the original and one copy of the award bearing the appropriate approval of the Commission will be filed with the disbursing officer making the payment. The president of the Commission, or in his absence, the senior member present, will certify vouchers in payment of approved claims out of the appropriation "Pay of the Army" current at the date of payment.

(Act of Jan. 2, 1942, Pub. Law 393, 77th Cong.) [Par. 5, AR 35-7090, Feb. 10, 1942, as amended by C2, Nov. 17, 1942]

* * * * *

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 42-13103; Filed, December 10, 1942; 12:52 p. m.]

Chapter VII—Personnel

PART 71—RECRUITING AND INDUCTION FOR THE ARMY OF THE UNITED STATES

ELIGIBILITY FOR ENLISTMENT AND REENLISTMENT

Sections 71.2 (d) and (f), 71.5 (c), and 71.9 (b) are amended as follows:

§ 71.2 *Eligibility for enlistment and reenlistment in the Army of the United States.* * * *

(d) *Men 40 to 50.* (1) Citizens of the United States who have reached their fortieth birthday, and who, at the time of application for enlistment, have not attained their fiftieth birthday, will be accepted for enlistment and direct assignment to service command units or War Department overhead units or installations, provided they are otherwise qualified and vacancies exist in the units, or that the assignment of these volunteers will release enlisted men fit for general military service.

* * * * *

(f) *Reenlistment.* As a general policy, any man honorably discharged from his last enlistment with character very good or better who has not reached his fifty-fifth birthday, who possesses a skill needed by the Army, and is fully qualified to render the military service required in the proper utilization of such skill, may be reenlisted in the grade of private. (See § 71.9 (c) for reenlistment of men 55 and over.) The reenlistment of any such qualified applicant who has passed his fiftieth birthday must have the prior approval of the commanding general of the service command. (41 Stat. 765; 10 U.S.C. 42) [Par. 6, AR 600-750 September 30, 1942, as amended by C1 November 14, 1942]

§ 71.5 *Age.* * * *

(c) *Over 40.* The original enlistment in the Army of the United States of a person who has passed his fortieth birthday is prohibited, except as stated in § 71.2 (d), or in accordance with general instructions or special authority from the War Department. This includes those who have passed their fortieth birthday even though they have had prior service in the Navy, Marine Corps, or the Coast Guard, unless they have also had prior enlisted service in the Army, and are otherwise qualified. (41 Stat. 765; 10 U.S.C. 42) [Par. 9, AR 600-750, September 30, 1942, as amended by C1 November 14, 1942]

§ 71.9 *Enlistments and reenlistments requiring special authority.* The following classes of persons will be enlisted or reenlisted in the Army of the United States only with special authority in each case from The Adjutant General or the commanding general of a service command or department:

* * * * *

(b) *Over 50.* Former enlisted men over 50 years of age as provided in § 71.2 (f), who were last discharged as privates and failed to reenlist within 3 months thereafter. In such cases the application must show that the reenlistment will be for the interest of the service. (41 Stat. 765; 10 U.S.C. 42) [Par. 13, AR 600-750, September 30, 1942, as amended by C1 November 14, 1942]

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 42-13097; Filed, December 10, 1942; 12:51 p. m.]

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS

SELECTION, ELIGIBILITY, ETC.

Sections 73.52 to 73.56 are rescinded and the following substituted therefor:

AUTHORITY: §§ 73.52 to 73.56, inclusive, issued under 41 Stat. 774; 10 U.S.C. 484, amended by sec. 7, 53 Stat. 557.

SOURCE: The regulations in §§ 73.52 to 73.56 are also contained in AR 605-7, December 2, 1942, the particular paragraphs being shown in brackets at end of sections.

§ 73.52 *Authority.* (a) Under the provisions of section 24e, National Defense Act, as amended by section 7, Act April 3, 1939, selection of members of group 3 (honor graduates) for appointment as second lieutenant in the Regular Army will be made as indicated in the regulations in this part.

(b) Applications for commission in the Regular Army, for those who are eligible under the provisions of these regulations, will be considered from the following only:

(1) Those students designated honor graduates subsequent to the group designated honor graduates in the academic year 1941-42.

(2) Those students of senior division units who at the time of receipt of these regulations are enrolled in advanced Reserve Officers' Training Corps and who will graduate prior to December 31, 1943, and are designated honor graduates.

(c) All applicants for commission who are designated honor graduates of Reserve Officers' Training Corps units of a particular arm or service will attend the school designated by that arm or service. For example, all honor graduates of quartermaster Reserve Officers' Training Corps units who apply for a commission under the provisions of these regulations will be sent to the same quartermaster school. [Par. 1]

§ 73.53 *Apportionment of appointments.* The number of second lieutenants to be appointed in the Regular Army annually from group 3 will be determined by the Secretary of War. These appointments will be divided among the arms or services in proportion to the number of second-year advanced senior division Reserve Officers' Training Corps students of the various arms or services attending institutions, other than medical, within the continental United States which offer a college degree upon satisfactory completion of an accredited college course leading to a degree. [Par. 2]

§ 73.54 *Eligibility for appointment.* (a) In order to be eligible for appointment from group 3, a candidate must satisfactorily complete the prescribed course of instruction at the appropriate school in lieu of Reserve Officers' Training Corps summer camp training and must be at the time of appointment:

(1) A male citizen of the United States.

(2) Between the ages of 21 and 27 years (see paragraph (d) of this section.)

(b) Except as indicated in paragraph (c) of this section, appointments will be confined to honor graduates of senior division Reserve Officers' Training Corps units of the institutions, other than medical, within the continental United States which offer a college degree upon satisfactory completion of a college course. The term "honor graduate" will apply to members of each graduating class of the institution who are graduates of the Reserve Officers' Training Corps, citizens of the United States, who have been selected by the president or other head of the institution for scholastic excellence, and who have been designated as honor graduates by the professor of military science and tactics as possessing outstanding qualities of leadership, character, and aptitude for military service.

(c) Appointments from group 3 also may be made from honor Reserve Officers' Training Corps graduates of class MI institutions, provided—

(1) That in this case the term "honor graduate" will apply to graduates of such institutions who hold either a commission or a certificate of appointment in the Officers' Reserve Corps, are citizens of the United States, who have been selected by the president or other head for scholastic excellence, and who have been designated as honor graduates by the professor of military science and tactics as possessing outstanding qualities of leadership, character, and aptitude for military service.

(2) Further, that they will graduate from an accredited institution which offers a college degree upon satisfactory completion of a college course, and that they have been selected by the president or other head of the institution as honor graduates for scholastic excellence.

(d) In order to be eligible for consideration for selection for appointment in the Regular Army, honor graduates must attain the age of 21 years on or before, or within 1 year after, the dates designated by the War Department for appointments to be made in the Regular Army. [Par. 3]

§ 73.55 *Application.* (a) Candidates will make application on W.D., A.G.O. Form No. 62 (Application for Commission in the Regular Army) at least 3 months prior to graduation.

(b) Candidates who are students in institutions which have senior division Reserve Officers' Training Corps units will submit their applications with a photograph not less than 3 by 5 inches in size to the professors of military science and tactics.

(c) Candidates who are students in institutions which do not have senior division Reserve Officers' Training Corps units will submit their application to the commandant of the appropriate service school, inclosing a photograph not less than 3 by 5 inches in size and conclusive evidence that they are honor Reserve Officers' Training Corps graduates of a class MI institution, or were so designated under regulations pertinent at the time of graduation from the class MI institution, and that they have been designated as probable honor graduates of an institution which offers a college degree upon satisfactory completion of the course by the president or other head thereof. The commandant of the school will on receipt of the application notify the applicant whether or not he is authorized to appear before the board. The decision of the commandant in this matter will be final. [Par. 4]

§ 73.56 *Method of selection.* (a) A permanent board of Regular Army officers consisting of not less than two officers of the appropriate arm or service and one medical officer will be appointed at each school designated to train honor graduates to examine the candidates reporting thereat and recommend selections for appointment therefrom to fill the quota of the arm or service.

(b) The professor of military science and tactics of each institution concerned, after consultation with the president or other head of the institution, will designate the probable honor graduates for each graduating class and will submit to the commandants of the designated schools, at least 1 month prior to their graduation, the written applications of the candidates (see § 73.55), photographs, and fitness reports.

(c) Prior to completion of the course at a school, all candidates authorized to appear before the board who desire to apply for appointment in the Regular Army will be reported to the board for examination. The examination will consist of study of the records submitted to the school by the professors of military science and tactics of the institution from which the applicants graduated, of the records of the applicants while students at the school, and of any other records necessary to determine whether or not the applicants comply with all legal requirements for appointment as commissioned officers in the Regular Army, and an oral examination of each candidate. They also will be informed by the board that actual appointment is subject to appropriations of the necessary funds by Congress, and to meeting the requirements of a final physical examination prior to appointment.

(d) The commandant of the school will forward to The Adjutant General, twice yearly, by April 10 and October 10, the report and recommendations of the board and such comments and recommendations as he desires to make, together with all papers pertaining to the candidates selected as principals and alternates during the preceding 6 months.

(e) The Adjutant General will appoint a board of officers as directed by The Assistant Chief of Staff, G-1, to examine the records submitted and to recommend candidates for appointment in the Regular Army, and assignment of the candidates selected to the arms or services. The War Department board also will recommend a number of alternates in order of priority for each arm or service similar to the number to be appointed therefrom.

(f) (1) The Adjutant General will notify candidates selected for appointment through channels. At the time of receipt of this notification each candidate will, if he desires such appointment, appear before a medical examining board for final physical examination. The results of this examination will be forwarded to The Adjutant General by the most expeditious means available.

(2) Candidates selected as alternates will be notified as above. In case candidates selected for appointment decline to take the final physical examination, fail to pass it satisfactorily, or decline appointment when tendered, The Adjutant General will notify the candidates selected as alternates in order of priority. The physical examination will be carried out in the same manner as prescribed above. When selections have been made to fill the quotas allotted the arms and services, alternates who have not been selected for appointment will be so notified.

(g) Candidates selected by the War Department who pass satisfactorily the final physical examination will be tendered appointments as second lieutenants, Regular Army, in the arms or services designated by the War Department. Date of appointment of all those selected between October 1 and April 1 will be on or about July 1 of each year if legally eligible for appointment on that date. Date of appointment of all those selected between April 1 and October 1 will be on or about December 1 of each year if legally eligible for appointment on that date. Date of appointment of those who are ineligible for appointment on July 1 or December 1 because they are less than 21 years of age will be the date upon which they become 21 years of age, if otherwise legally eligible for appointment at that time. In case any of these declines appointment, the appointment will be tendered to the next qualified alternate in order of priority from the arm or service from which the original appointee was selected. [Par. 5]

[SEAL] ROBERT H. DUNLOP,
Brigadier-General,
Acting The Adjutant General.

[F. R. Doc. 42-13096; Filed, December 10, 1942; 12:50 p. m.]

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS

WARRANT OFFICER CLASSIFICATION, ETC.

Section 73.301 (a) is amended and § 73.319 (j) is added as follows:

§ 73.301 *Classifications.* (a) Warrant officers will be examined and appointed to classifications within the arms and services as follows:

* * * * *

(11) *Infantry*—(i) *Administrative.* Clerical and supply.

(ii) *Technician specialists.* Motor transport, animal transport, munitions (ammunition), signal communication, and parachute maintenance. (55 Stat. 593, 561; 10 U.S.C. Sup. 593, 593a) [Par. 4, AR 610-10, September 13, 1941, as amended by C4, November 17, 1942]

* * * * *

§ 73.319 *General scope of final examination (technical); technician specialists.* * * *

(j) *Parachute maintenance.* Qualified parachute jumper; practical and technical knowledge of parachute rigging, maintenance and supply; practical knowledge and ability to recognize defects in fabrics and materials used in parachutes. (55 Stat. 651; 10 U.S.C. Sup. 593a) [Par. 383/4 AR 610-10, September 13, 1941, as amended by C4, November 17, 1942]

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 42-13098; Filed, December 10, 1942; 12:51 p. m.]

PART 77—MEDICAL AND DENTAL ATTENDANCE

SUBSISTENCE CHARGES, ETC., RATES

Section 77.18 (a) is amended as follows:

§77.18 *Subsistence and other charges for patients*—(a) *Subsistence charges; rates.* The following is the schedule of rates for subsistence charges for patients in Medical Department establishments (except the Army and Navy and the Fitzsimons General Hospitals), who are not entitled to commutation of rations under the provisions of Army Regulations. Rates for patients in the Army and Navy and the Fitzsimons General Hospitals will be found in §§ 77.24 and 77.27.

(1) For officers, Army nurses, warrant officers, cadets of the United States Military Academy, and aviation cadets, $1 a day, except in mobile hospital units, where the rate will be an amount equal to the commutation rate prescribed in Army Regulations. Retired enlisted men who have been advanced on the retired list to commissioned or warrant grades under the provisions of the act of Congress approved May 7, 1932, will be subsisted as officers patients unless they elect to be subsisted on enlisted status. See subparagraph (4) of this paragraph.

(R.S. 161; 5 U.S.C. 22) [Par. 12, AR 40-590, February 2, 1942, as amended by C 3, November 25, 1942]

* * * * *

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 42-13099; Filed, December 10, 1942; 12:51 p. m.]

PART 78—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

MANUFACTURE OF CERTAIN MEDALS

Sections 78.41 (e) and 78.45 (f) are added as follows:

§ 78.41 *Award of Medals.* * * *

(e) *Manufacture.* The American Defense Service Medal will not be manufactured until after the close of the present war. (E.O. 8808 and 45 Stat. 500, 47 Stat. 158; 10 U.S.C. 1415a, 1415b) [Cirs. 44 and 359, W.D., 1942]

§78.45 *Army of Occupation of Germany Medal.* * * *

(f) *Manufacture.* The Army of Occupation of Germany Medal will not be manufactured until after the close of the present war. (Act of Nov. 21, 1941, Public Law 322, 77th Congress) [Cirs. 176, and 359, W.D., 1942]

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 42-13102; Filed, December 10, 1942; 12:52 p. m.]

PART 79—PRESCRIBED SERVICE UNIFORM

OFFICERS' COATS AND BELTS

Sections 79.9 (a) and 79.60 (a) (2) are amended as follows:

§ 79.9 *Coat*—(a) *Service; winter; for officers, warrant officers, and flight officers*—(1) *Material.* Of adopted standard. (§ 79.2 (a) (1))

(2) *General description*—(i) *In general.* A single-breasted collar and lapel coat; lining, if desired, to be same color as coat. To fit easy over the chest and shoulders and to be fitted slightly at the waist to conform to the figure, so as to prevent wrinkling or rolling under the leather belt when worn. The back to have two side plaits not less than 3 inches in depth at shoulders and to extend from the shoulder seam where it joins the armhole seam to waistline, buttoned down the front with four buttons equally spaced, the top three buttons to be large regulation coat buttons and the bottom button to be a plain four-hole 36-ligne button of bone, plastic, or other suitable material of a color closely approximating that of the coat. The crossing of the lapels will be approximately 1¾ inches above the top button.

Two metal hooks of the same material as the metal trimmings on the leather belt may be let into the side seams at the waistline at the option of the officer. (R.S. 1296; 10 U.S.C. 1391) [Par. 9, AR 600-35, November 18, 1941, as amended by C 6, November 26, 1942]

§ 79.60 *Belts*—(a) *Officers.* * * *

(2) The officers' belt, cloth, matching the coat in color and fabric, 1¾ inches in width, equipped with a removable brass or olive drab plastic 1¾-inch tongueless bar buckle, and having a tapered end. At the option of the officer the belt may be fully detachable or sewed down around the waistline of the coat to a point approximately 2½ inches from the front edge of the coat on each side. When the belt is detachable provision will be made for two ⅜-inch cloth belt loops placed at the side seams sewed on so that they will not mar the coat if removed for a sewed-on belt. The belt will cover the horizontal seam at the waistline of the coat, and the buckle will be centered over the bottom button of the coat when buttoned. The tapered end of the belt will pass through the buckle to the left, will extend not more than 3 inches beyond the buckle, and be held in place by a cloth keeper ½ inch in width. (R.S. 1296; 10 U.S.C. 1391) [Par. 60, AR 600-35, November 10, 1941, as amended by C6, November 26, 1942]

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[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 42-13100; Filed, December 10, 1942; 12:52 p. m.]

Chapter IX—Transport

PART 94—PRIORITIES FOR AIR TRANSPORTATION

AIR TRANSPORT COMMAND

Section 94.6 is added as follows:

§ 94.6 *Air Transport Command.* Pending the revision of regulations contained in Priorities for Air Transportation Directive No. 4, dated June 4, 1942, and §§ 94.1 to 94.5, inclusive, the following regulations are hereby prescribed:

(a) Pursuant to provisions of section III, Circular No. 211, War Department, 1942, as amended by section IV, Circular No. 343, War Department, 1942, the Commanding General, Army Air Forces, is responsible for establishing the priorities for air transportation of all personnel and material to be transported by air. By arrangement with the Navy Department, this priority jurisdiction extends to service operated by Pan-American Airways on the North Atlantic routes.

(b) Present limitations of available airplane space make it essential that priorities for air movement from the continental United States to points outside thereof be established before movement to the aerial port of embarkation.

(c) (1) Effective November 27, 1942, no personnel, equipment, or supplies will be accepted for air transportation by the Air Transport Command or a civil air carrier nor will any War Department agency order or forward any such personnel, equipment, or supplies to certain designated aerial ports of embarkation for air movement to points outside the continental United States by airplanes operated by, or under contract with, the Air Transport Command unless a priority therefor has been previously established for such movement.

(2) The Air Transport Command will not accept for air transportation from the continental United States at any of such designated aerial ports of embarkation personnel, equipment, or supplies for which priority has not been established.

(d) (1) Requests for priorities for air transportation outside the continental United States will not be granted unless it is evident that speed of air travel is essential.

(i) *Essential* air travel might include officers traveling overseas to assume command, those whose presence at their destinations is necessary to expedite operations of any sort, or those being sent with exceptionally urgent information or instructions.

(ii) *Nonessential* air travel includes officers who are on routine instructions, those returning to the United States with routine reports, those who are enroute to join oversea garrisons, and those being returned to duty in the United States.

(2) (i) Travel orders directing travel by air will not automatically establish priority for movement outside the United States.

(ii) So much of Directive No. 4, Army Air Forces, "Priorities for Air Transportation," dated June 4, 1942, as pertains to the use of travel orders directing travel outside the United States, is rescinded.

(e) Requests for priority for air movement of supplies and matériel outside the continental United States will not be granted unless it is evident that the items are essential war materials and cannot reach their destination through other means of transportation because of the time required or other elements.

(f) The Air Priorities Division, Air Transport Command, Army Air Forces, Annex No. 1, Washington, D. C., is the

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agency through which the Commanding General, Army Air Forces, fulfills his responsibilities with respect to priorities for air transportation. All applications should be directed to that agency which will issue complete instructions with respect to methods of securing priorities, information necessary to be presented, and the use of air priorities and identifi-

ing any contract for the sale of, bowling pins, bowling supplies, bowling equipment, or other similar products on the condition, agreement, or understanding that the purchaser thereof shall not use bowling pins, bowling supplies, bowling equipment, or other similar products other than those acquired from the respondent; or (2) using any sales promo-

tially all of their bowling pins, bowling supplies, or bowling equipment from respondent.

It is further ordered, That the respondent, The Brunswick-Balke-Collender Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device in connection with the sale, or the making of any contract

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approval by the Secretary of the Interior. Upon receipt of the approved deed, the Superintendent should have attached thereto before delivery a copy of the Court's order confirming the sale, and send a copy of the order to the Commissioner of Indian Affairs. (31 Stat. 1084; 25 U.S.C. 311)

NOTE: The opinion of the Acting Solicitor of the Interior of August 24, 1942 (M 30582)

ber 10, 1941, is amended by striking out "170", "189", "208", and "238" and inserting in lieu thereof, respectively, "172," "190", "207", and "237" and by striking out "Mutual" in the third paragraph from the end and inserting in lieu thereof "Regulated".

PAR. 6. There is inserted immediately preceding § 19.11-1 the following:

SEC. 102. NORMAL TAX ON INDIVIDUALS. (Rev-

plicable only with respect to taxable years beginning after December 31, 1941.

PAR. 7. Section 19.11-1, as amended by Treasury Decision 5086, approved October 10, 1941, is further amended by inserting immediately after the first sentence the following:

For taxable years beginning after December 31, 1938, and before January 1, 1942, the rate of normal tax on individagency through which the Commanding General, Army Air Forces, fulfills his responsibilities with respect to priorities for air transportation. All applications should be directed to that agency which will issue complete instructions with respect to methods of securing priorities, information necessary to be presented, and the use of air priorities and identification numbers.

(g) The establishment of or subsequent change in priority ratings by the Air Priorities Division, Air Transport Command, Army Air Forces, will be final and conclusive. However, the shipper will be advised in the event a shipment is delayed due to a change in priorities so that other means of transportation may be provided.

(h) Air transport is a rapid means of transporting emergency items and, due to the limited airplane space available and the increased demand for this type of transportation, the provisions of this section will be rigidly enforced. (Chap. 418, Sec. 1, 39 Stat. 645; 10 U.S.C. 1361) [Sec. II, Cir. 385, W.D., November 27, 1942]

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 42-13095; Filed, December 10, 1942; 12:50 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Part 3—Digest of Cease and Desist Orders

[Docket No. 3604]

THE BRUNSWICK-BALKE-COLLENDER COMPANY

§ 3.24 (b) *Coercing and intimidating—Customers or prospective customers—To purchase or support product or service—By threatened loss attractive business in preponderant and established product:* § 3.39 *Dealing on exclusive and tying basis.* In connection with offer, etc., in commerce, of bowling pins, bowling supplies, bowling equipment, or other similar products, and among other things, as in order set forth, (1) using any sales promotion plan or method of sale which includes the promotion or operation of any bowling contest which requires a bowling-alley proprietor, in order to qualify for such contest, to purchase from the respondent all or substantially all of his bowling pins, bowling supplies, or bowling equipment for the bowling season during which such contest is held; or (2) using any sales promotion plan or contest for the purpose, or having the effect, of coercing bowling-alley proprietors into purchasing all or substantially all of their bowling pins, bowling supplies, or bowling equipment from respondent; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, The Brunswick-Balke-Collender Company, Docket 3604, December 7, 1942]

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the sale, or the making of any contract for the sale, of bowling pins, bowling supplies, bowling equipment, or other similar products, in commerce, and among other things, as in order set forth, (1) selling, or making any contract for the sale of, bowling pins, bowling supplies, bowling equipment, or other similar products on the condition, agreement, or understanding that the purchaser thereof shall not use bowling pins, bowling supplies, bowling equipment, or other similar products other than those acquired from the respondent; or (2) using any sales promotion plan or method of sale which includes the promotion or operation of any bowling contest which requires a bowling-alley proprietor to purchase or agree to purchase all or substantially all of his bowling pins, bowling supplies, or bowling equipment for the bowling season, where such sale or contract of sale is in effect a sale on the condition, agreement, or understanding that the purchaser thereof shall not use bowling pins, bowling supplies, or bowling equipment not manufactured or sold by the respondent; prohibited. (Sec. 3, 38 Stat, 731; 15 U.S.C., sec. 14) [Cease and desist order. The Brunswick-Balke-Collender Company, Docket 3604, December 7, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of December, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence taken before Edward E. Reardon, a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of the complaint and in opposition thereto, report of the trial examiner upon the evidence and exceptions filed thereto, briefs filed in support of the complaint and in opposition thereto, and oral arguments of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act and has violated the provisions of that certain Act of the Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act;

It is ordered, That the respondent, the Brunswick-Balke-Collender Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of bowling pins, bowling supplies, bowling equipment, or other similar products in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using any sales promotion plan or method of sale which includes the promotion or operation of any bowling contest which requires a bowling-alley proprietor, in order to qualify for such contest, to purchase from the respondent all or substantially all of his bowling pins, bowling supplies, or bowling equipment for the bowling season during which such contest is held;

2. The use of any sales promotion plan or contest for the purpose, or having the effect, of coercing bowling-alley proprietors into purchasing all or substantially all of their bowling pins, bowling supplies, or bowling equipment from respondent.

It is further ordered, That the respondent, The Brunswick-Balke-Collender Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device in connection with the sale, or the making of any contract for the sale, of bowling pins, bowling supplies, bowling equipment, or other similar products in commerce as "commerce" is defined in that Act of Congress entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act, do forthwith cease and desist from:

1. Selling, or making any contract for the sale of, bowling pins, bowling supplies, bowling equipment, or other similar products on the condition, agreement, or understanding that the purchaser thereof shall not use bowling pins, bowling supplies, bowling equipment, or other similar products other than those acquired from the respondent;

2. Using any sales promotion plan or method of sale which includes the promotion or operation of any bowling contest which requires a bowling alley proprietor to purchase or agree to purchase all or substantially all of his bowling pins, bowling supplies, or bowling equipment for the bowling season, where such sale or contract of sale is in effect a sale on the condition, agreement, or understanding that the purchaser thereof shall not use bowling pins, bowling supplies, or bowling equipment not manufactured or sold by the respondent.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-13175; Filed, December 11, 1942; 10:31 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs

Part 256—Rights-of-Way Over Indian Lands

HIGHWAYS IN TERRITORY OF FIVE CIVILIZED TRIBES

Section 256.54 of said Title, Chapter, Subchapter and Part is amended to read as follows:

§ 256.54 *Highways in territory of Five Civilized Tribes.* Rights of way for highways in the territory of the Five Civilized Tribes may be granted pursuant to §§ 256.50 to 256.53 of this part, or they may be handled through the medium of easement deeds executed by the allottees or their heirs and approved by the Secretary of the Interior. Deeds of minors should be executed by the legal guardian in each case, and have attached thereto copies of guardian's appointment and of the order of the court specifically authorizing him to execute the deed subject to approval by the Secretary of the Interior. Upon receipt of the approved deed, the Superintendent should have attached thereto before delivery a copy of the Court's order confirming the sale, and send a copy of the order to the Commissioner of Indian Affairs. (31 Stat. 1084; 25 U.S.C. 311)

NOTE: The opinion of the Acting Solicitor of the Interior of August 24, 1942 (M 30582) held that the Act of March 3, 1901 (31 Stat. 1084) is applicable to the lands of the Five Civilized Tribes.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 42-13104; Filed, December 10, 1942; 12:50 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Bureau

Subchapter A—Income and Excess-Profits Taxes

[T.D. 5195]

Part 19—Income Tax Under the Internal Revenue Code

MISCELLANEOUS AMENDMENTS

Regulations 103 amended to conform to certain sections[1] of the Revenue Act of 1942 (Public Law 753, 77th Congress, 2d session).

Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 19.3-1 the following:

SEC. 172. TEMPORARY INCOME TAX ON INDIVIDUALS. (Revenue Act of 1942, Title I).

* * * * *

(b) *Classification of provisions.* Section 3 is amended by adding at the end thereof the following new paragraph:

Subchapter D—Victory tax on individuals, divided into parts and sections.

* * * * *

PAR. 2. Section 19.3-1 is amended by striking out the last three sentences and inserting in lieu thereof the following:

Subpart D relates to Victory Tax on Individuals. Subpart E relates to Surtax on Personal Holding Companies. Subpart F relates to Definitions. Subpart G relates to Mitigation of Effect of Limitation and Other Provisions in Income Tax Cases.

PAR. 3. The headings of Subparts D (preceding section 500), E (preceding section 3797), and F (preceding section 3801) are relettered as Subparts E, F, and G, respectively.

PAR. 4. There is inserted immediately preceding § 19.4-1 the following:

SEC. 170. REGULATED INVESTMENT COMPANIES. (Revenue Act of 1942, Title I.)

* * * * *

(b) *Technical amendments.* (1) Section 4 (relating to applicability of supplements) is amended by striking out "(j) Mutual investment companies—Supplement Q" and inserting in lieu thereof "(j) Regulated investment companies,—Supplement Q".

* * * * *

PAR. 5. Section 19.4-1, as amended by Treasury Decision 5086, approved October 10, 1941, is amended by striking out "170", "189", "208", and "238" and inserting in lieu thereof, respectively, "172," "190", "207", and "237" and by striking out "Mutual" in the third paragraph from the end and inserting in lieu thereof "Regulated".

PAR. 6. There is inserted immediately preceding § 19.11-1 the following:

SEC. 102. NORMAL TAX ON INDIVIDUALS. (Revenue Act of 1942, Title I.)

Section 11 is amended to read as follows:

SEC. 11. NORMAL TAX ON INDIVIDUALS.

There shall be levied, collected, and paid for each taxable year upon the net income of every individual a normal tax of 6 per centum of the amount of the net income in excess of the credits against net income provided in section 25. (For alternative tax, if gross income from certain sources is $3,000 or less, see section 400).

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

PAR. 7. Section 19.11-1, as amended by Treasury Decision 5086, approved October 10, 1941, is further amended by inserting immediately after the first sentence the following:

For taxable years beginning after December 31, 1938, and before January 1, 1942, the rate of normal tax on individuals is 4 percent; for taxable years beginning after December 31, 1941, such rate is 6 percent. But see section 108 as to certain fiscal years.

PAR. 8. There is inserted immediately preceding § 19.12-1 the following:

SEC. 103. SURTAX ON INDIVIDUALS. (Revenue Act of 1942, Title I.)

Section 12 (b) is amended to read as follows:

(b) *Rates of surtax.* There shall be levied, collected, and paid for each taxable year upon the surtax net income of every individual the surtax shown in the following table:

If the surtax net income is—	*The surtax shall be—*
Not over $2,000	13% of the surtax net income.
Over $2,000 but not over $4,000	$260, plus 16% of excess over $2,000.
Over $4,000 but not over $6,000	$580, plus 20% of excess over $4,000.
Over $6,000 but not over $8,000	$980, plus 24% of excess over $6,000.
Over $8,000 but not over $10,000	$1,460, plus 28% of excess over $8,000.
Over $10,000 but not over $12,000	$2,020, plus 32% of excess over $10,000.
Over $12,000 but not over $14,000	$2,660, plus 36% of excess over $12,000.
Over $14,000 but not over $16,000	$3,380, plus 40% of excess over $14,000.
Over $16,000 but not over $18,000	$4,180, plus 43% of excess over $16,000.
Over $18,000 but not over $20,000	$5,040, plus 46% of excess over $18,000.
Over $20,000 but not over $22,000	$5,960, plus 49% of excess over $20,000.
Over $22,000 but not over $26,000	$6,940, plus 52% of excess over $22,000.
Over $26,000 but not over $32,000	$9,020, plus 55% of excess over $26,000.
Over $32,000 but not over $38,000	$12,320, plus 58% of excess over $32,000.
Over $38,000 but not over $44,000	$15,800, plus 61% of excess over $38,000.
Over $44,000 but not over $50,000	$19,460, plus 63% of excess over $44,000.
Over $50,000 but not over $60,000	$23,240, plus 66% of excess over $50,000.
Over $60,000 but not over $70,000	$29,840, plus 69% of excess over $60,000.
Over $70,000 but not over $80,000	$36,740, plus 72% of excess over $70,000.
Over $80,000 but not over $90,000	$43,940, plus 75% of excess over $80,000.
Over $90,000 but not over $100,000	$51,440, plus 77% of excess over $90,000.
Over $100,000 but not over $150,000	$59,140, plus 79% of excess over $100,000.
Over $150,000 but not over $200,000	$98,640, plus 81% of excess over $150,000.
Over $200,000	$139,140, plus 82% of excess over $200,000.

SEC. 150. CAPITAL GAINS AND LOSSES. (Revenue Act of 1942, Title I.)

* * * * *

(j) *Cross reference.* Section 12 (c) is amended to read as follows:

(c) *Tax in case of capital gains or losses.* For rate and computation of alternative tax in lieu of normal tax and surtax in the case of a capital gain or loss from the sale or exchange of capital assets held for more than 6 months, see section 117 (c).

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

PAR. 9. Section 19.12-2, as amended by Treasury Decision 5086, is further amended as follows:

(A) By striking out the first sentence and inserting in lieu thereof the following sentence:

The following tables show the surtax (1) for taxable years beginning after December 31, 1938, and before January 1, 1940, (2) for taxable years beginning after December 31, 1939, and before January 1, 1941, (3) for taxable years beginning after December 31, 1940, and before January 1, 1942, and (4) for taxable years beginning after December 31, 1941, upon certain specified amounts of surtax net income. But see section 108 as to certain fiscal years.

(B) By striking out the heading of Table III and inserting in lieu thereof the following: "Table III—Taxable Years Beginning After December 31, 1940, and Before January 1, 1942".

(C) By striking out the last paragraph and inserting in lieu thereof the following:

TABLE IV—TAXABLE YEARS BEGINNING AFTER DEC. 31, 1941

Surtax net income	Percent	Total Surtax
$0 to $2,000	13	$260
$2,000 to $4,000	16	580
$4,000 to $6,000	20	980
$6,000 to $8,000	24	1, 460
$8,000 to $10,000	28	2, 020
$10,000 to $12,000	32	2, 660
$12,000 to $14,000	36	3, 380
$14,000 to $16,000	40	4, 180
$16,000 to $18,000	43	5, 040
$18,000 to $20,000	46	5, 960
$20,000 to $22,000	49	6, 940
$22,000 to $26,000	52	9, 020
$26,000 to $32,000	55	12, 320
$32,000 to $38,000	58	15, 800
$38,000 to $44,000	61	19, 460
$44,000 to $50,000	63	23, 240
$50,000 to $60,000	66	29, 840
$60,000 to $70,000	69	36, 740
$70,000 to $80,000	72	43, 940
$80,000 to $90,000	75	51, 440
$90,000 to $100,000	77	59, 140
$100,000 to $150,000	79	98, 640
$150,000 to $200,000	81	139, 140
$200,000 up	82	----------

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[1] Sec. 101. Taxable years to which amendments applicable. Sec. 102. Normal tax on individuals. Sec. 103. Surtax on individuals. Sec. 104. Optional tax on individuals with gross income from certain sources of $3,000 or less. Sec. 105 (a), (b). Tax on corporations. Sec. 150 (j). Technical amendment. Sec. 160 (b). Tax on foreign corporations. Sec. 170 (b). Technical amendments. Sec. 172 (b). Technical amendment.

The surtax for any amount of surtax net income not stated in round figures in the tables is computed by adding to the surtax for the largest amount stated which is less than the surtax net income, the surtax upon the excess over that amount at the rate indicated in the tables. Accordingly, the surtax due for taxable years beginning after December 31, 1941, upon a surtax net income of $63,128 would be $31,998.32, computed as follows:

Surtax on $60,000 from table	$29,840.00
Surtax on $3,128 at 69 percent	2,158.32
	$31,998.32

PAR. 10. The following is inserted immediately preceding § 19.400–1:

SEC. 104. OPTIONAL TAX ON INDIVIDUALS WITH GROSS INCOME FROM CERTAIN SOURCES OF $3,000 OR LESS. (Revenue Act of 1942, Title I.)

(a) *Optional tax rates.* Section 400 (relating to optional tax) is amended to read as follows:

SEC. 400. IMPOSITION OF TAX.

In lieu of the tax imposed under sections 11 and 12, an individual who makes his return on the cash basis may elect, for each taxable year, to pay the tax shown in the following table if his gross income for such taxable year is $3,000 or less and consists wholly of one or more of the following: Salary, wages, compensation for personal services, dividends, interest, or annuities:

If the gross income is over—	But not over—	The tax shall be—		
		Single person (not head of a family)	Married person making separate return	(1) Married person whose spouse has no gross income or (2) Married person making joint return or (3) Head of family
$0	$525	$0	$0	$0
$525	550	1	0	0
$550	575	4	0	0
$575	600	7	0	0
$600	625	11	0	0
$625	650	15	0	0
$650	675	20	3	0
$675	700	24	6	0
$700	725	28	9	0
$725	750	33	14	0
$750	775	37	18	0
$775	800	41	22	0
$800	825	46	27	0
$825	850	50	31	0
$850	875	54	35	0
$875	900	59	40	0
$900	925	63	44	0
$925	950	67	48	0
$950	975	71	52	0
$975	1,000	76	57	0
$1,000	1,025	80	61	0
$1,025	1,050	84	65	0
$1,050	1,075	89	70	0
$1,075	1,100	93	74	0
$1,100	1,125	97	78	0
$1,125	1,150	102	83	0
$1,150	1,175	106	87	0
$1,175	1,200	110	91	0
$1,200	1,225	115	96	0
$1,225	1,250	119	100	0
$1,250	1,275	123	104	0
$1,275	1,300	128	109	1
$1,300	1,325	132	113	4
$1,325	1,350	136	117	7
$1,350	1,375	141	122	10
$1,375	1,400	145	126	14
$1,400	1,425	149	130	17
$1,425	1,450	154	135	21
$1,450	1,475	158	139	25
$1,475	1,500	162	143	29
$1,500	1,525	167	148	34
$1,525	1,550	171	152	38
$1,550	1,575	175	156	42
$1,575	1,600	180	161	47
$1,600	1,625	184	165	51
$1,625	1,650	188	169	55
$1,650	1,675	193	174	60
$1,675	$1,700	$197	$178	$64
$1,700	1,725	201	182	68
$1,725	1,750	206	187	73
$1,750	1,775	210	191	77
$1,775	1,800	214	195	81
$1,800	1,825	218	199	85
$1,825	1,850	223	204	90
$1,850	1,875	227	208	94
$1,875	1,900	231	212	98
$1,900	1,925	236	217	103
$1,925	1,950	240	221	107
$1,950	1,975	244	225	111
$1,975	2,000	249	230	116
$2,000	2,025	253	234	120
$2,025	2,050	257	238	124
$2,050	2,075	262	243	129
$2,075	2,100	266	247	133
$2,100	2,125	270	251	137
$2,125	2,150	275	256	142
$2,150	2,175	279	260	146
$2,175	2,200	283	264	150
$2,200	2,225	288	269	155
$2,225	2,250	292	273	159
$2,250	2,275	296	277	163
$2,275	2,300	301	282	168
$2,300	2,325	305	286	172
$2,325	2,350	309	290	176
$2,350	2,375	314	295	181
$2,375	2,400	318	299	185
$2,400	2,425	322	303	189
$2,425	2,450	327	308	194
$2,450	2,475	331	312	198
$2,475	2,500	335	316	202
$2,500	2,525	340	321	207
$2,525	2,550	344	325	211
$2,550	2,575	348	329	215
$2,575	2,600	353	334	220
$2,600	2,625	357	338	224
$2,625	2,650	361	342	228
$2,650	2,675	366	347	233
$2,675	2,700	371	351	237
$2,700	2,725	376	355	241
$2,725	2,750	381	359	245
$2,750	2,775	386	364	250
$2,775	2,800	391	369	254
$2,800	2,825	396	374	258
$2,825	2,850	401	379	263
$2,850	2,875	406	384	267
$2,875	2,900	411	389	271
$2,900	2,925	416	394	276
$2,925	2,950	421	399	280
$2,950	2,975	426	404	284
$2,975	3,000	430	409	289

In applying the above schedule to determine the tax of a taxpayer with one or more dependents there shall be subtracted from his gross income $385 for each such dependent.

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

PAR. 11. Section 19.400–1, as added by Treasury Decision 5079, approved October 4, 1941, is amended as follows:

(A) By striking out the word "In" at the beginning of the first sentence and inserting in lieu thereof the following:

(a) *Calendar year 1941.* For the calendar year 1941, in.

(B) By striking out "§ 19.401–1" in the first sentence of the last paragraph and inserting in lieu thereof "§ 19.401–1 (a)".

(C) By inserting after the last paragraph thereof the following:

(b) *Calendar year 1942 and subsequent calendar years.* For the calendar year 1942 and subsequent calendar years, in lieu of the tax imposed under sections 11 and 12, an individual who makes his return on a cash basis may elect to pay the tax imposed under section 400, if his gross income does not exceed $3,000, and if his gross income consist. wholly of one or more of the following: Salary, wages, compensation for personal services, dividends, interest, or annuities. For the purposes of the $3,000 limitation, the amount of an individual's gross income shall be determined without subtracting any amount on account of such individual's dependents. For example, A, a single person who is not the head of a family, has a gross income, consisting of salary, of $3,200 for 1942. He has two dependents. For the purpose of the $3,000 limitation, his gross income is $3,200, not $2,430 ($3,200 minus $770), and consequently he may not compute his tax under Supplement T. An individual deriving any other kind of income, such as income from the conduct of a business or from a trust of which he is a beneficiary, or gains from the sale or exchange of property, may not compute his tax under Supplement T. If an individual derives income from a partnership of which he is a member or from a trust of which he is a beneficiary, and the partnership or trust previously derived the income distributed to him from, for example, interest, he will be considered to have received income from a partnership or trust, rather than from interest, and consequently will not be entitled to compute his tax under Supplement T.

A husband and wife living together on July 1 of the taxable year may file separate returns on Form 1040A, if the gross income of each is from the prescribed sources and does not exceed $3,000, or they may file a single joint return on such form if their combined gross income is from the prescribed sources and does not exceed $3,000. A married person living with husband or wife at any time during the calendar year may not compute the tax under Supplement T if the other spouse makes an income tax return without regard to such Supplement (see § 19.404–1).

If an individual dies before the close of the calendar year, his tax may not be determined under Supplement T. Nor may the tax of the surviving spouse of an individual who has gross income and who dies before the close of the calendar year be determined under Supplement T. (See sections 404 and 47 (g))

In order to determine the amount of his tax an individual merely ascertains the amount of his gross income, subtracts $385 for each dependent for whom a credit is allowable and refers to the amended schedule set forth in section 400 to find the amount of his tax. If the taxpayer is the head of a family only by reason of his having one or more dependents, he may subtract from his gross income $385 for all except one of such dependents (see Example (4) in § 19.401–1 (b)). If the taxpayer is a single person who is not the head of a family, his tax is set forth in the third column of the amended schedule. If the taxpayer is a married person making a separate return (but not including a taxpayer whose spouse makes a return without regard to Supplement T), the tax is set forth in the fourth column of the amended schedule. If the taxpayer is (1) a married person whose spouse has no gross income, (2) a married person making a joint return, or (3) the head of a family, the tax is set forth in the fifth column of the amended schedule. Under the amended schedule no tax is imposed upon a single person whose gross income (less credit for dependents) does not exceed $525, or upon a married person making a separate return whose gross income (less credit for dependents) does not exceed $650, or upon (1) a married person whose spouse has no gross income, (2) a married person making a joint return, or (3) the head of a family, whose gross income (less credit for dependents) does not exceed $1,275.

PAR. 12. The following is inserted immediately preceding § 19.401–1:

SEC. 104. OPTIONAL TAX ON INDIVIDUALS WITH GROSS INCOME FROM CERTAIN SOURCES OF $3,000 OR LESS. (Revenue Act of 1942, Title I.) * * *

(b) *Rules for Application of Section* 400. Section 401 is amended to read as follows:

SEC. 401. RULES FOR APPLICATION OF SECTION 400.

For the purposes of this supplement—

(a) *Definitions.*

(1) "Married person" means a married person living with husband or wife on July 1 of the taxable year.

(2) "Dependent" means a person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer on July 1 of the taxable year if on such date such dependent person is under eighteen years of age, or is incapable of self-support because mentally or physically defective, excluding as a dependent, in the case of a head of a family, one who would be excluded under section 25 (b) (2) (B). A payment to a wife which is includible under section 22 (k) or section 171 in the gross income of such wife shall not be considered a payment by her husband for the support of any dependent.

(b) *Married and not living with husband or wife.* An individual not a head of a family and not living with husband or wife on July 1 of the taxable year shall be treated as a single person.

* * * * *

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

PAR. 13. Section 19.401–1, as added by Treasury Decision 5079, is amended as follows:

(A) By striking out the word "The" at the beginning of the first sentence and inserting in lieu thereof the following: "(a) *Calendar year 1941.* For the calendar year 1941, the".

(B) By inserting after the last paragraph thereof the following:

(b) *Calendar year 1942 and subsequent calendar years.* For the calendar year 1942 and subsequent calendar years, the determination of whether a taxpayer is a single person, a married person, or the head of a family, or whether he has a dependent, is to be made as of July 1 of such taxpayer's taxable year.

Example (1). For the calendar year 1942, A, an unmarried person, has a gross income of $2,832 derived wholly from salary and interest. During the first five months of 1942, A's status is that of head of a family, but on July 1, 1942, his status is that of a single person not the head of a family. To determine the tax imposed upon him for the calendar year 1942 under section 400, A refers to column 3 of the amended schedule (applicable to a single person who is not the head of a family) and finds that the tax imposed upon a taxpayer whose gross income falls within the bracket running from $2,825 to $2,850 is $401. Since $2,832 is within this bracket, A's tax is $401.

Example (2). For the calendar year 1942, B has a gross income of $2,312, derived wholly from salary and dividends, and C, his wife, has gross income of $671, derived wholly from wages and an annuity. On July 1, 1942, they are living together and B is supporting two dependent children, both of whom are under the age of eighteen. B and C file separate returns under Supplement T. To determine his tax for the calendar year 1942, B subtracts $770 from $2,312, refers to column 4 of the amended schedule (applicable to married person making separate return), and finds that the tax imposed upon a taxpayer whose gross income falls within the bracket running from $1,525 to $1,550 is $152. Since $1,542 ($2,312 minus $770) is within this bracket, B's tax is $152. To determine her tax for such year, C refers to column 4 of the amended schedule (applicable to married person making separate return) and finds that the tax imposed upon a taxpayer whose gross income falls within the bracket running from $650 to $675 is $3. Since $671 is within this bracket, C's tax is $3. Under such facts, if B and C file a joint return under Supplement T, their combined gross income is $2,983. To determine their tax, they subtract $770 and refer to column 5 of the amended schedule (applicable to married person making joint return) and find that the tax imposed upon a taxpayer whose gross income falls within the bracket running from $2,200 to $2,225 is $155. Since $2,213 ($2,983 minus $770) is within this bracket, the combined tax of B and C is $155.

Example (3). For the calendar year 1942, D has a gross income of $1,860, derived wholly from wages. He was married on April 1, 1942, and he and his wife were living together on July 1, 1942. He has no dependents. His wife, who has no gross income in 1942, dies on December 1, 1942. To determine his tax for the calendar year 1942, D refers to column 5 of the amended schedule (applicable to a married person whose spouse has no gross income), and finds that the tax imposed upon a taxpayer whose gross income falls within the bracket running from $1,850 to $1,875 is $94. Since $1,860 is within this bracket, D's tax is $94.

Example (4). For the calendar year 1942, E has a gross income of $2,965. His wife, who has no gross income in 1942, dies on May 15, 1942, and on July 1, 1942, he is supporting and maintaining a home for two dependent children both of whom are under the age of eighteen. Since E would not occupy the status of head of a family except for the fact that he maintains a home for such children, no amount may be subtracted from gross income on account of one of such children. To determine his tax for the calendar year 1942, E subtracts only $385 and refers to column 5 of the amended schedule (applicable to head of family) and finds that the tax in the case of a taxpayer whose gross income falls in the bracket running from $2,575 to $2,600 is $220. Since $2,580 ($2,965 minus $385) is within this bracket, E's tax is $220. If the wife had had gross income, the tax of neither spouse could be determined under Supplement T.

Payments to a wife in the nature of, or in lieu of, alimony which are includible in her gross income under sections 22 (k) and 171 may not be considered as a payment by her husband for the support of any dependent (for definition of husband and wife for purposes of this sentence, see section 3797 (a) (17)).

PAR. 14. The last sentence of the first paragraph of § 19.402–1 is amended by inserting after the word "schedule" the following: "(the calendar year 1942 and subsequent calendar years, the fourth column of the amended schedule)".

PAR. 15. The following provisions of law and new regulations section are inserted immediately after section 404:

SEC. 104. OPTIONAL TAX ON INDIVIDUALS WITH GROSS INCOME FROM CERTAIN SOURCES OF $3,000 OR LESS. (Revenue Act of 1942, Title I.)

* * *

(c) *Taxpayers ineligible.*—Section 404 is amended to read as follows:

SEC. 404. CERTAIN TAXPAYERS INELIGIBLE.

This supplement shall not apply to a nonresident alien individual, to an estate or trust, to an individual filing a return for a period of less than twelve months or for any taxable year other than a calendar year, or to a married individual married and living with husband or wife at any time during the taxable year whose spouse files return and computes tax without regard to this supplement.

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

§ 19.404–1 *Taxpayers to whom Supplement T is inapplicable.* The following taxpayers are not entitled to file a return and pay tax under Supplement T for the calendar year 1942 and subsequent calendar years:

(1) A nonresident alien individual;

(2) An estate or trust;

(3) An individual who files a return for a period of less than twelve months or for any taxable year other than a calendar year; or

(4) An individual who is married and living with husband or wife at any time during the calendar year and whose spouse files an income tax return for

such year without regard to Supplement T.

Par. 16. The following is inserted immediately preceding § 19.13-1:

SEC. 105. TAX ON CORPORATIONS. (Revenue Act of 1942, Title I.)

(a) *Normal Tax.*

(1) *Definition of normal-tax net income.* Section 13 (a) (2) (relating to the definition of corporation normal-tax net income) is amended to read as follows:

(2) *Normal-tax net income.* The term "normal-tax net income" means the adjusted net income minus the credit for income subject to the tax imposed by Subchapter E of Chapter 2 provided in section 26 (e) and minus the credit for dividends received provided in section 26 (b).

(2) *Alternative rate.* Section 13 (b) (2) (relating to alternative normal-tax rate) is amended to read as follows:

(2) *Alternative tax (Corporations with Normal-Tax Net Income Over $25,000, but not over $50,000).* A tax of $4,250, plus 31 per centum of the amount of the normal-tax net income in excess of $25,000.

* * * * *

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

Par. 17. Section 19.13-1, as amended by Treasury Decision 5086, approved October 10, 1941, is further amended by striking out the last sentence of the first paragraph.

Par. 18. Section 19.13-5, as amended by Treasury Decision 5086, is further amended as follows:

(A) By striking out the heading and first paragraph and inserting in lieu thereof the following:

§ 19.13-5 *Tax on corporations in general, taxable years beginning in 1940 and 1941.* Section 13 (as amended by section 101 of the Second Revenue Act of 1940) and §§ 19.13-5 to 19.13-7, inclusive, are applicable with respect to taxable years beginning after December 31, 1939, and before January 1, 1941. Section 13 (as amended by section 103 of the Revenue Act of 1941) and §§ 19.13-5 to 19.13-7, inclusive, are applicable with respect to taxable years beginning after December 31, 1940, and before January 1, 1942. But see section 108 as to certain fiscal years.

(B) By amending the first sentence of the second paragraph to read as follows:

For taxable years beginning after December 31, 1939, and before January 1, 1942, section 13 imposes an income tax on corporations in general the normal-tax net income of which is more than $25,000.

(C) By striking ", as amended," from the first sentence of the third paragraph and from the first sentence of the fourth paragraph.

(D) By striking ", as amended," from the second sentence of the third paragraph and the first sentence of the last paragraph, and by inserting in such sentences "and before January 1, 1942," immediately after "December 31, 1939,".

(E) By inserting ", and before January 1, 1942," immediately after "December 31, 1940," in the third sentence of the fourth paragraph.

Par. 19. Section 19.13-6, as amended by Treasury Decision 5086, is further amended as follows:

(A) By striking out the heading and first sentence and inserting in lieu thereof the following:

§ 19.13-6 *Tax under general rule; taxable years beginning in 1940 and 1941.* For taxable years beginning after December 31, 1939, and before January 1, 1942, section 13 (b) (1) provides, under what is termed "the general rule," for a tax equal to 24 percent (22$\frac{1}{10}$ percent for any such taxable year beginning before January 1, 1941) of the normal-tax net income. But see section 108 as to certain fiscal years.

(B) By inserting "for such taxable years" immediately after "alternative tax" in the second sentence.

Par. 20. Section 19.13-7, as amended by Treasury Decision 5086, is further amended as follows:

(A) By striking out the heading and first sentence and inserting in lieu thereof the following:

§ 19.13-7 *Alternative tax (corporations with normal-tax net income slightly more than $25,000); taxable years beginning in 1940 and 1941.* For taxable years beginning after December 31, 1939, and before January 1, 1942, section 13 (b) (2) provides for an alternative tax in the case of corporations having normal-tax net incomes of slightly more than $25,000. But see section 108 as to certain fiscal years.

(B) By inserting "and before January 1, 1942," immediately after "December 31, 1940," in the third sentence.

Par. 21. By inserting immediately after § 19.13-7 the following new section:

§ 19.13-8 *Tax on corporations in general; taxable years beginning after December 31, 1941.* Section 13 (as amended by section 105 of the Revenue Act of 1942) and this section are applicable with respect to taxable years beginning after December 31, 1941. But see section 108 as to certain fiscal years. See section 117 as to the treatment of capital gains and capital losses.

For any taxable year beginning after December 31, 1941, section 13 imposes an income tax on corporations in general the normal-tax net income of which is more than $25,000. Every such corporation is liable to the tax imposed by such section, except (a) corporations expressly exempt from taxation under Chapter 1 (see section 101); (b) corporations subject to tax under section 14 (as amended by section 160 (b) of the Revenue Act of 1942), being (1) corporations having normal-tax net incomes of not more than $25,000 and not coming within the provisions of subsection (c), (d), or (e) of such section 14, and (2) foreign corporations engaged in trade or business within the United States; (c) foreign corporations not engaged in trade or business within the United States (see section 231 (a)); (d) insurance companies (see Supplement G); and regulated investment companies (see Supplement Q).

It makes no difference that a domestic corporation subject to any tax imposed by section 13 may derive no income from sources within the United States. The tax imposed by section 13 is computed upon the "normal-tax net income," that is, the adjusted net income minus the credit provided in section 26 (e) for income subject to the excess profits tax imposed by Subchapter E of Chapter 2 and minus the credit for dividends received provided in section 26 (b), relating to dividends received from a domestic corporation which is subject to taxation under Chapter 1 (85 percent of dividends received, but not in excess of 85 percent of the adjusted net income reduced by the credit provided in section 26 (e) for income subject to the excess profits tax imposed by Subchapter E of Chapter 2). The "adjusted net income" of a corporation is the net income as defined in section 21 minus the credit provided in section 26 (a), relating to interest on certain obligations of the United States and its instrumentalities.

The tax imposed by section 13 is payable upon the basis of returns rendered by the corporations liable thereto, except that in some cases a tax is to be paid at the source of the income (see also sections 47, 52, 53, 144, and 235). For what the term "corporation" includes and for the difference between domestic and foreign corporations, see section 3797 (a). For surtax on corporations generally with respect to taxable years beginning after December 31, 1941, see § 19.15-3. For surtax on personal holding companies, see sections 500 to 511, inclusive. For surtax on corporations improperly accumulating surplus, see section 102.

The manner of computing the tax imposed by section 13 depends upon the amount of the corporation's normal-tax net income. If the normal-tax net income is more than $50,000, the tax is 24 percent of the normal-tax net income. If the normal-tax net income is more than $25,000 and not more than $50,000, the tax is $4,250 plus 31 percent of the amount in excess of $25,000.

This section may be illustrated by the following examples:

Example (1). The A Corporation, a domestic corporation, which is not a bank affiliate referred to in section 26 (d), has for the calendar year 1942 a net income of $130,000, including interest on United States obligations (allowable as a credit under section 26 (a)) in the amount of $10,000 and dividends received (allowable as a credit under section 26 (b)) in the amount of $10,000. It also is entitled to a credit (allowable under section 26 (e)) for income subject to the excess profits tax imposed by Subchapter E of Chapter 2, in the amount of $20,000. The corporation's tax under section 13 for the calendar year 1942 is $21,960, computed as follows:

Net income	$130,000
Less credit for interest on United States obligations	10,000
Adjusted net income	120,000
Less credit for dividends received (85 percent of $10,000)	$8,500
	111,500
Less credit for income subject to excess profits tax	20,000
Normal-tax net income	91,500
Tax under section 13 (b) (1) (24 percent of $91,500)	21,960

Example (2). Assuming that the A Corporation's normal-tax net income for 1942 is $41,500, instead of $91,500, its tax under section 13 for such year would be computed under section 13 (b) (2) and is $9,365, that is, $4,250 plus $5,115 (31 percent of $16,500, the excess of $41,500 over $25,000).

Par. 22. The following is inserted immediately preceding § 19.14-1:

SEC. 160. ALIENS AND FOREIGN CORPORATIONS TREATED AS NONRESIDENTS. (Revenue Act of 1942, Title I.)

* * * * *

(b) Section 14 (c) (relating to tax on foreign corporations) is amended—

(1) by striking out in paragraph (1) thereof "or having an office or place of business therein", and

(2) by striking out in paragraph (2) thereof "and not having an office or place fo business therein".

* * * * *

SEC. 170. REGULATED INVESTMENT COMPANIES. (Revenue Act of 1942, Title I.)

* * * * *

(b) *Technical amendments.*

* * * * *

(2) Section 14 (e) (relating to tax on corporations) is amended to read as follows:

(e) *Regulated investment companies.* In the case of a corporation subject to the tax imposed by Supplement Q (relating to regulated investment companies), the tax shall be as provided in such supplement.

* * * * *

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

Par. 23. Section 19.14-1, as amended by Treasury Decision 5086, is further amended by striking out the last sentence of the first paragraph.

Par. 24. Section 19.14-2, as amended by Treasury Decision 5086, is further amended as follows:

(A) By striking out the heading and first paragraph and inserting in lieu thereof the following:

§ 19.14-2 *Tax on special corporations; taxable years beginning in 1940 and 1941.* Section 14 (as amended by section 101 of the Second Revenue Act of 1940) and this section are applicable with respect to taxable years beginning after December 31, 1939, and before January 1, 1941. Section 14 (as amended by section 103 of the Revenue Act of 1941) and this section are applicable with respect to taxable years beginning after December 31, 1940, and before January 1, 1942. But see section 108 as to certain fiscal years.

(B) By inserting "and before January 1, 1942," immediately after "December 31, 1939," in the first sentence of the second, fourth, and last paragraphs.

(C) By inserting "and before January 1, 1942," immediately after "December 31, 1940," in the fourth sentence of the third paragraph and the first sentence of the fifth paragraph.

(D) By inserting ", and before January 1, 1942" immediately after "December 31, 1940" in the heading of Table II.

Par. 25. There is inserted after § 19.14-2 the following new section:

§ 19.14-3 *Tax on special corporations; taxable years beginning after December 31, 1941.* Section 14 (as amended by sections 160 and 170 of the Revenue Act of 1942) and this section are applicable with respect to taxable years beginning after December 31, 1941. But see section 108 as to certain fiscal years. See section 117 as to the treatment of capital gains and capital losses.

For any taxable year beginning after December 31, 1941, section 14 imposes an income tax upon (1) corporations having normal-tax net incomes of not more than $25,000 and (2) foreign corporations engaged in trade or business within the United States. The tax imposed by section 14 is in lieu of the tax imposed by section 13. The tax is imposed upon the "normal-tax net income," for the definition of which see section 13 and § 19.13-8. Corporations expressly exempt from taxation under chapter 1 (see section 101) are not subject to the tax under section 14.

As in the case of corporations subject to tax under section 13, it makes no difference that a domestic corporation subject to the tax imposed by section 14 may derive no income from sources within the United States. So, also, the tax is payable upon the basis of returns rendered by the corporations liable thereto, except that in some cases a tax is to be paid at the source of the income (see also sections 47, 52, 53, 144, and 235). For what the term "corporation" includes and for the difference between domestic and foreign corporations, see section 3797 (a). For surtax on corporations generally with respect to taxable years beginning after December 31, 1941, see § 19.15-3. For surtax on personal holding companies, see sections 500 to 511, inclusive. For surtax on corporations improperly accumulating surplus, see section 102.

Section 14 (b) imposes a tax at graduated rates on corporations which do not have normal-tax net incomes of more than $25,000 and which do not come within one of the classes specified in subsection (c) (foreign corporations), (d) (insurance companies), or (e) (regulated investment companies) of section 14. The tax is the same whether or not the corporation distributes any dividends during the taxable year.

The following table shows the income tax imposed by section 14 (b) upon certain specified amounts of normal-tax net income. In each instance the first figure of the normal-tax net income in the normal-tax net-income column is to be excluded and the second figure included. The percentage given opposite applies to the excess of income over the first figure in the normal-tax net-income column. The last column gives the total tax on a normal-tax net income equal to the second figure in the normal-tax net-income column.

TABLE OF CORPORATION INCOME TAX UNDER SECTION 14 (B) FOR TAXABLE YEARS BEGINNING AFTER DEC. 31, 1941

Normal-tax net income	Percent	Total tax
$0 to $5,000	15	$750
$5,000 to $20,000	17	3,300
$20,000 to $25,000	19	4,250

The tax under section 14 (b) for any amount of normal-tax net income not shown in the table is computed by adding to the tax for the largest amount shown which is less than the normal-tax net income, the tax upon the excess over that amount at the rate indicated in the table.

The following example illustrates the computation of the tax imposed by section 14 (b):

Example. The A Corporation, a domestic corporation, has for the calendar year 1942 a net income of $28,000, including interest on United States obligations (allowable as a credit under section 26 (a)) in the amount of $9,000, and dividends received (allowable as a credit under section 26 (b)) in the amount of $5,000. It is also entitled to a credit (allowable under section 26 (e)) for income subject to the excess profits tax imposed by Subchapter E of Chapter 2, in the amount of $3,050. This tax upon the corporation under section 14 (b) is $1,889, computed as follows:

Net income	$28,000
Less credit for interest on United States obligations	9,000
Adjusted net income	19,000
Less credit for dividends received (85 percent of $5,000)	4,250
	14,750
Less credit for income subject to excess-profits tax	3,050
Normal-tax net income	11,700
Tax on $5,000 at 15 percent	750
Tax on $6,700 at 17 percent	1,139
Total tax	1,889

Section 14 (c) provides for a tax on foreign corporations engaged in trade or business within the United States equal to 24 percent of the normal-tax net income, regardless of the amount thereof. In the case of foreign corporations not engaged in trade or business within the United States, the tax is as provided in section 231 (a). In the case of insurance companies, the tax is as provided in Supplement G. In the case of regulated investment companies, the tax is as provided in Supplement Q.

Par. 26. The following is inserted immediately preceding § 19.15-1:

SEC. 105. TAX ON CORPORATIONS. (Revenue Act of 1942, Title I.)

* * * * *

(b) *Surtax on corporations.* Section 15 (relating to surtax on corporations) is amended to read as follows:

SEC. 15. SURTAX ON CORPORATIONS.

(a) *Corporation surtax net income.* For the purposes of this chapter, the term "corporation surtax net income" means the net income minus the credit for income subject to the tax imposed by Subchapter E of Chapter 2 provided in section 26 (e) and minus the credit for dividends received provided in section 26 (b) (computed by limiting such credit to 85 per centum of the net income reduced by the credit for income subject to the tax imposed by Subchapter E of Chapter 2 in lieu of 85 per centum of the adjusted net income so reduced), and minus, in the case of a public utility, the credit for dividends paid on its preferred stock provided in section 26 (h). For the purposes of this subsection dividends received on the preferred stock of a public utility shall be disregarded in computing the credit for dividends received provided in section 26 (b).

(b) *Imposition of tax.* There shall be levied, collected, and paid for each taxable year upon the corporation surtax net income of every corporation (except a Western Hemisphere Trade Corporation as defined in section 109, and except a corporation subject to the tax imposed by section 231 (a), Supplement G, or Supplement Q), a surtax as follows:

(1) *Surtax Net Incomes Not Over $25,000.* Upon corporation surtax net incomes not over $25,000, 10 per centum of the amount thereof.

(2) *Surtax Net Incomes Over $25,000 But Not Over $50,000.* Upon corporation surtax net incomes over $25,000, but not over $50,000, $2,500, plus 22 per centum of the amount of the corporation surtax net income over $25,000.

(3) *Surtax Net Incomes Over $50,000.* Upon corporation surtax net incomes over $50,000, 16 per centum of the corporation surtax net income.

* * * * *

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

PAR. 27. Section 19.15–2, as added by Treasury Decision 5086, is amended as follows:

(A) By striking out the heading and inserting in lieu thereof the following: "*Surtax on corporations—Taxable years beginning in 1941.*"

(B) By inserting "and before January 1, 1942," immediately after "December 31, 1940," in the first sentence.

(C) By inserting immediately following the first sentence the following new sentence: "But see section 108 as to certain fiscal years."

PAR. 28. There is inserted immediately after § 19.15–2 the following new section:

§ 19.15–3 *Surtax on corporations; taxable years beginning after December 31, 1941.* For taxable years beginning after December 31, 1941, section 15, as amended by section 105 (b) of the Revenue Act of 1942, imposes a surtax upon the corporation surtax net income of every corporation, except (1) Western Hemisphere Trade Corporations (see section 109), (2) foreign corporations taxable under section 231 (a), (3) insurance companies (see Supplement G), or (4) regulated investment companies (see Supplement Q). But see section 108 as to certain fiscal years.

The "corporation surtax net income" of a corporation is its net income minus (1) the credit provided in section 26 (e) for income subject to the excess-profits tax imposed by Subchapter E of Chapter 2, (2) the credit provided in section 26 (b) for dividends received, and (3) in the case of a public utility, the credit provided in section 26 (h) for dividends paid on its preferred stock. For the purposes of determining the corporation surtax net income, dividends received on the preferred stock of a public utility must be disregarded in computing the credit provided in section 26 (b) for dividends received. Also, for such purposes, such credit is limited to 85 percent of the corporation's net income (reduced by the credit provided in section 26 (e) for income subject to the excess profits tax imposed by Subchapter E of Chapter 2), rather than to 85 percent of the adjusted net income so reduced. The credit provided in section 26 (a) for interest received on obligations of the United States or its instrumentalities is not allowable in computing corporation surtax net income.

The rates of corporation surtax are as follows:

(1) Upon corporation surtax net incomes of $25,000 or less, 10 percent of the amount thereof.

(2) Upon corporation surtax net incomes over $25,000 but not over $50,000, $2,500, plus 22 percent of the amount of such income in excess of $25,000.

(3) Upon corporation surtax net incomes of more than $50,000, 16 percent of the entire amount thereof.

The computation of the surtax on corporations for taxable years beginning after December 31, 1941, may be illustrated by the following example:

Example. The A Corporation, a domestic corporation which is not a public utility, has for the calendar year 1942 a net income of $86,000. The net income includes dividends received from a corporation which is not a public utility, in the amount of $9,000, and dividends received from the preferred stock of a public utility, in the amount of $3,000. It also includes income subject to the excess profits tax imposed by Subchapter E of chapter 2, in the amount of $37,000. The A Corporation's surtax for the calendar year 1942 is $6,097, computed as follows:

Net income	$86,000
Less credit for income subject to excess profits tax	37,000
	49,000
Less credit for dividends received (85 percent of $9,000)	7,650
Corporation surtax net income	41,350
Tax ($2,500 plus 22 percent of $16,350, the excess of $41,350 over $25,000)	6,097

(Secs. 101, 102, 103, 104, 105 (a), (b), 150 (j), 160 (b), 170 (b), and 172 (b) of the Revenue Act of 1942 (Public Law 753, 77th Congress, 2d session) and section 62 of the Internal Revenue Code (53 Stat. 32, 26 U.S.C., 1940 ed., 62))

GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: December 8, 1942.

JOHN R. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42–13082; Filed, December 10, 1942; 10:12 a. m.]

[T. D. 5199]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

MISCELLANEOUS AMENDMENTS

Regulations 103 amended to conform to sections 118 and 119 of the Revenue Act of 1942 relating to elective inventories.

In order to conform Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.], relating to the income tax under the Internal Revenue Code, to sections 118 and 119 of the Revenue Act of 1942 (Public Law 753, 77th Congress), approved October 21, 1942, such regulations are amended as follows:

Paragraph 1. There is inserted immediately preceding § 19.22 (d)–1 the following:

SEC. 118. REPORT REQUIREMENT IN CONNECTION WITH INVENTORY METHODS. (Revenue Act of 1942, Title I.)

(a) Section 22 (d) (2) (B) (relating to report requirement in connection with using certain inventory methods) is amended to read as follows:

(B) Only if the taxpayer establishes to the satisfaction of the Commissioner that the taxpayer has used no procedure other than that specified in subparagraphs (B) and (C) of paragraph (1) in inventorying such goods to ascertain the income, profit, or loss of the first taxable year for which the method described in paragraph (1) is to be used, for the purpose of a report or statement covering such taxable year (i) to shareholders, partners, or other proprietors, or to beneficiaries, (ii) for credit purposes.

(b) Section 22 (d) (5) (B) (relating to requirement to continue reports in connection with certain inventory methods) is amended to read as follows:

(B) The Commissioner determines that the taxpayer has used for any such subsequent taxable year some procedure other than that specified in subparagraph (B) of paragraph (1) in inventorying the goods specified in the application to ascertain the income, profit, or loss of such subsequent taxable year for the purpose of a report or statement covering such taxable year (i) to shareholders, partners, or other proprietors, or beneficiaries, or (ii) for credit purposes; and requires a change to a method different from that prescribed in paragraph (1) beginning with such subsequent taxable year or any taxable year thereafter.

(c) *Taxable Years to Which Amendments Applicable.*—Amendments made by this section shall be applicable to taxable years beginning after December 31, 1938.

SEC. 119. LAST-IN FIRST-OUT INVENTORY (Revenue Act of 1942, Title I.)

Section 22 (d) (relating to the use of the elective inventory method) is amended by adding at the end thereof the following new paragraph:

(6) Involuntary liquidation and replacement of inventory.

(A) *Adjustment of net income and resulting tax.* If, for any taxable year beginning after December 31, 1941, and prior to the termination of the present war as proclaimed by the President, the closing inventory of a taxpayer inventorying goods under the method provided in this subsection reflects a decrease from the opening inventory of such goods for such year, and if, at the time of the filing of the taxpayer's income tax return for such year, the taxpayer elects to have the provisions of this paragraph apply

and so notifies the Commissioner, and if, at the time of such election, it is established to the satisfaction of the Commissioner, in accordance with such regulations as the Commissioner may prescribe with the approval of the Secretary, that such decrease is attributable to the involuntary liquidation of such inventory as defined in subparagraph (B), and if the closing inventory of a subsequent taxable year, ending not more than three years after the termination of the present war as proclaimed by the President, reflects a replacement, in whole or in part, of the goods so previously liquidated, the net income of the taxpayer otherwise determined for the year of such involuntary liquidation shall be adjusted as follows:

(i) Increased by an amount equal to the excess, if any, of the aggregate cost of such goods reflected in the opening inventory of the year of involuntary liquidation over the aggregate replacement cost; or

(ii) Decreased by an amount equal to the excess, if any, of the aggregate replacement cost of such goods over the aggregate cost thereof reflected in the opening inventory of the year of the involuntary liquidation.

The taxes imposed by this chapter and by Subchapter E of Chapter 2 for the year of such liquidation and for all taxable years intervening between such year and the year of replacement shall be redetermined, giving effect to such adjustments. Any increase in such taxes resulting from such adjustments shall be assessed and collected as a deficiency but without interest, and any overpayment so resulting shall be credited or refunded to the taxpayer without interest.

(B) *Definition of involuntary liquidation.* The term "involuntary liquidation", as used in this paragraph, means the sale or other disposition of goods inventoried under the method described in this subsection, either voluntary or involuntary, coupled with a failure on the part of the taxpayer to purchase, manufacture, or otherwise produce and have on hand at the close of the taxable year in which such sale or other disposition occurred such goods as would, if on hand at the close of such taxable year, be subject to the application of the provisions of this subsection, if such failure on the part of the taxpayer is due, directly and exclusively, (i) to enemy capture or control of sources of limited foreign supply; (ii) to shipping or other transportation shortages; (iii) to material shortages resulting from priorities or allocations; (iv) to labor shortages; or (v) to other prevailing war conditions beyond the control of the taxpayer.

(C) *Replacements.* If, in the case of any taxpayer subject to the provisions of subparagraph (A), the closing inventory of the taxpayer for a taxable year, subsequent to the year of involuntary liquidation but prior to the complete replacement of the goods so liquidated, reflects an increase over the opening inventory of such goods for the taxable year, the goods reflecting such increase shall be considered, in the order of their acquisition, as having been acquired in replacement of the goods most recently liquidated (whether or not in a year of involuntary liquidation) and not previously replaced, and if the liquidation was an involuntary liquidation shall be included in the inventory of the taxpayer for the year of replacement at the inventory cost basis of the goods replaced.

(D) *Election irrevocable.* An election by the taxpayer to have the provisions of this paragraph apply, once made, shall be irrevocable and shall be binding for the year of the involuntary liquidation and for all determinations for subsequent taxable years insofar as they are related to the year of liquidation or replacement.

(E) *Adjustment in certain cases.* If the adjustments specified in subparagraph (A) are, with respect to any taxable year, prevented, on the date of the filing of the income tax return of the taxpayer for the year of the replacement, or within three years from such date, by any provision or rule of law (other than this subparagraph and other than section 3761, relating to compromises), such adjustments shall nevertheless be made if, in respect of the taxable year for which the adjustment is sought, a notice of deficiency is mailed or a claim for refund is filed, as the case may be, within three years after the date of the filing of the income tax return for the year of replacement. If, at the time of the mailing of such notice of deficiency or the filing of such claim for refund, the adjustment is so prevented, then the amount of the adjustment authorized by this paragraph shall be limited to the increase or decrease of the tax imposed by this chapter and Subchapter E of Chapter 2 previously determined for such taxable year which results solely from the effect of subparagraph (A), and such amount shall be assessed and collected, or credited or refunded, in the same manner as if it were a deficiency or an overpayment, as the case may be, for such taxable year and as if, on the date of the filing of the income tax return for the year of the replacement, three years remain before the expiration of the periods of limitation upon assessment or the filing of claim for refund for the taxable year. The tax previously determined shall be ascertained in accordance with section 734 (d). The amount to be assessed and collected under this paragraph in the same manner as if it were a deficiency or to be credited or refunded in the same manner as if it were an overpayment shall not be diminished by any credit or set-off based upon any item, inclusion, deduction, credit, exemption, gain, or loss, other than one resulting from the effect of subparagraph (A). Such amount, if paid, shall not be recovered by a claim or suit for refund, or suit for erroneous refund based upon any item, inclusion, deduction, credit, exemption, gain, or loss, other than one resulting from the effect of subparagraph (A).

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

PAR. 2. Section 19.22 (d)–2, as amended by Treasury Decision 5163, approved July 14, 1942, is further amended as follows:

(A) By changing subparagraph (5) to read as follows:

(5) The taxpayer shall establish to the satisfaction of the Commissioner that the taxpayer, in ascertaining income, profit, or loss for the taxable year for which the elective inventory method is first used or for any subsequent taxable year, for credit purposes or for the purpose of reports to shareholders, partners, or other proprietors, or to beneficiaries, has not used any inventory method other than that referred to in § 19.22 (d)–1 or at variance with the requirement referred to in subparagraph (3) of this section, the taxpayer's use of market value in lieu of cost or his issuance of reports or credit statements covering a period of operations less than the whole of the taxable year not being considered at variance with this requirement;

(B) By changing subparagraph (7) (*b*) to read as follows:

(*b*) The Commissioner determines that the taxpayer, in ascertaining income, profit, or loss for the whole of any taxable year subsequent to his adoption of the elective inventory method, for credit purposes or for the purpose of reports to shareholders, partners, or other proprietors, or to beneficiaries, has used any inventory method at variance with that referred to in § 19.22 (d)–1 and requires of the taxpayer a change to a different method for such subsequent taxable year or any taxable year thereafter; and

(C) By changing paragraph (8) to read as follows:

(8) The records and accounts employed by the taxpayer in keeping his books shall be maintained in conformity with the inventory method referred to in § 19.22 (d)–1; and such supplemental and detailed inventory records shall be maintained as will enable the Commissioner readily to verify the taxpayer's inventory computations as well as his compliance with these several requirements.

PAR. 3. Section 19.22 (d)–3 is amended by changing the parenthetical expression appearing after the words "to be used" in the first sentence of the first paragraph to read as follows:

(or, if such return is filed prior to ________, 1943, the ninetieth day after the approval of Treasury Decision ______, then at any time prior to such date)

PAR. 4. The following is inserted immediately following § 19.22 (d)–6:

§ 19.22 (d)–7. *Involuntary liquidation and replacement.* If prevailing war conditions beyond the control of the taxpayer should render it impossible during the period of the war for a taxpayer using the elective inventory method to have on hand at the close of the taxable year a stock of merchandise in kind and description like that included in the opening inventory for the year, or in a quantity equal to that of the opening inventory, the resulting inventory decrease for the year will be regarded, at the election of the taxpayer, as reflecting an involuntary liquidation subject to replacement. If the taxpayer notifies the Commissioner at the time of filing his income tax return for the year of the liquidation that he intends to effect a replacement of the liquidated stock, in whole or in part, and that he desires to have applied in his case the involuntary liquidation and replacement provisions of section 22 (d) (6), and if he establishes to the satisfaction of the Commissioner the involuntary character of the liquidation to which his stock has been subjected, effect shall be given, when replacement has been made, to an adjustment of net income for the year of liquidation to the extent of the difference between the replacement costs incurred and the original inventory cost of the base stock inventory liquidated. If the replacement costs exceed such inventory costs, the net income of the taxpayer otherwise computed shall be reduced by an amount equal to such excess. If the replacement costs are less than the inventory costs, net income otherwise computed shall be increased to the extent of such difference. Any deficiency in the income or excess profits tax of the taxpayer, or any overpayment of such taxes, attributable to such adjustment shall be assessed and collected by the Commissioner or credited or refunded to the taxpayer without interest.

The statutory provisions affording recognition to the involuntary character of inventory decreases which become apparent in war years and authorizing for tax purposes a replacement of the items of merchandise so liquidated are limited in their application to liquidations occurring in taxable years beginning after December 31, 1941, and prior to the termination of the present war as proclaimed by the President, and to inventory replacements effected in taxable years ending not more than three years after the termination of the war so proclaimed.

A failure on the part of the taxpayer to have on hand in his closing inventory for the taxable year merchandise of the kind, description, and quantity of that reflected in his opening inventory will be considered as an involuntary liquidation only if it is established to the satisfaction of the Commissioner that such failure is due wholly to his inability to purchase, manufacture, or otherwise produce and procure delivery of such merchandise during the taxable year of liquidation by reason of prevailing war conditions, such as (i) enemy capture or control of sources of limited foreign supply; (ii) shipping or other transportation shortages; (iii) material shortages resulting from priorities or allocations; (iv) labor shortages; and (v) similar war conditions beyond the control of the taxpayer. A voluntary shift by the taxpayer, in the exercise of business judgment, to merchandise of a different character, description, or use, or to merchandise processed out of a substantially different kind of raw materials while raw materials of the type originally used are still available will not be considered as an involuntary liquidation notwithstanding the fact that such a shift in merchandise stocked was prompted by a shifting market demand attributable to war conditions. The term "involuntary liquidation" presupposes a physical inability to maintain a normal inventory as distinguished from a financial or business disinclination on the part of the taxpayer to do so.

If the taxpayer would have the involuntary liquidation and replacement provisions applicable with respect to any inventory decreases suffered during war years, he must so elect at the time of filing his income tax return for the year reflecting the decrease. In making such election, the taxpayer shall attach to his return and make a part thereof a statement setting forth the following matters: (1) the wish of the taxpayer to invoke the involuntary liquidation and replacement provisions; (2) a detailed list or other identifying description of the items of merchandise claimed to have been subjected to involuntary liquidation and the extent to which replacement is intended; (3) the circumstances relied upon as rendering the taxpayer unable to maintain throughout the taxable year a normal inventory of the items involved; (4) detailed proof of such circumstances to the extent that they may not be the subject-matter of common knowledge; and (5) a full description of what efforts were made on the part of the taxpayer to effect replacement during the taxable year and the result of such efforts.

The election of the taxpayer to treat an involuntary decrease of inventory as subject to the replacement adjustments is to be exercised separately for each taxable year reflecting such a decrease, and the election, once exercised with respect to a given year, shall be irrevocable with respect to the particular decrease involved and its prospective replacement, and shall be binding for the year of liquidation, the year of replacement, and all intervening and subsequent years to the extent that such intervening and subsequent years are affected by the adjustments authorized. The ultimate replacement and the resulting adjustment for the year of liquidation may have consequences, among others, in the earnings and profits of intervening years and the inventory accounts of subsequent years. Adjustments are to be made for the intervening and subsequent years consistent with the adjustments made for the year of liquidation. Detailed records shall be maintained such as will enable the Commissioner, in his examination of the taxpayer's returns for the year of replacement, readily to verify the extent of the inventory decrease claimed to be involuntary in character and the facts upon which such claim is based, all subsequent inventory increases and decreases, and all other facts material to the replacement adjustment authorized.

Notwithstanding the ultimate purchase price or the cost of production ultimately incurred by the taxpayer in effecting replacement of a stock involuntarily liquidated, the merchandise reflecting the replacement shall be included in the closing inventory for the year of replacement, and in that of subsequent taxable years, at the inventory cost figure of the merchandise replaced.

The goods reflected in any inventory increase in a year subsequent to a year of involuntary liquidation, to the extent that they constitute items of the kind and description liquidated in prior years, whether or not in a year of involuntary liquidation, shall be deemed, in the order of their acquisition, as having been acquired by the taxpayer in replacement of like goods most recently liquidated and not previously replaced. To the extent that the items of increase are allocated to items liquidated voluntarily, no adjustment will be required or permitted. Such replacement merchandise will be carried in the inventory at its actual cost of acquisition. To the extent that replacements are allocated to items involuntarily liquidated, however, the provisions of this section shall apply, both with respect to adjustments for the year of liquidation and other taxable years affected and with respect to inventory computations for the year of replacement and all subsequent taxable years.

In some cases it may appear at the time of the filing of the income tax return for the year of replacement, or at the time of the Commissioner's examination of such return, that an adjustment with respect to the income or excess profits taxes for the year of the involuntary liquidation, or for some intervening taxable years, is prevented by the running of the statute of limitations, by the execution of a closing agreement, by virtue of a court decision which has become final, or by reason of some other provision or rule of law other than section 3761 relating to compromises and other than the inventory replacement provisions. The adjustments provided for in connection with the involuntary liquidation and replacement of inventory shall nevertheless be made, but only if, within a period of three years after the date of the filing of the income tax return for the year of replacement, a notice of deficiency is mailed or a claim for refund is filed. No credit or refund will be allowed under such circumstances, whether within or without such three-year period, in the absence of a claim for refund duly filed; nor will a resulting deficiency be assessed or collected under section 272 (d) relating to waivers of restrictions. The issuance of the statutory notice of deficiency or the filing of a claim for refund are statutory conditions upon which depend the provisions of subparagraph (E) of the liquidation and replacement enactment. The adjustment authorized by subparagraph (E) is limited further to the tax attributable solely to the replacement adjustments. The amount of the adjustment shall be computed by reference to the amount of the tax previously determined, and without regard to factors affecting the taxable year involved to which no effect was given in such prior determination. The tax previously determined shall be ascertained in accordance with the principles stated in section 734 (d) of the Code and those sections of the regulations prescribed thereunder. Any deficiency paid or any overpayment credited or refunded under these circumstances shall not be subject to recovery on a claim for refund or a suit for the recovery of an erroneous refund in any case in which such claim or suit is based upon factors other than those giving rise to the adjustments made.

(Sec. 62 of the Internal Revenue Code (53 Stat. 32, 26 U.S.C. 62) and secs. 118 and 119 of the Revenue Act of 1942 (Pub. Law 753, 77th Congress))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: December 10, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42–13144; Filed, December 10, 1942; 4:28 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A–1696]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 13 requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 13.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 13; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 333.6 (*General prices*) is amended by adding thereto Supplement R–I, § 333.7 (*Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*) is amended by adding thereto Supplement R–II, § 333.7 (*Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*) is amended by adding thereto Supplement R–III, § 333.24 (*General prices*) is amended by adding thereto Supplement R–IV, § 333.25 (*Special prices*—(b) *Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses*) is amended by adding thereto Supplement R–V, § 333.27 (*Prices for shipment by river (free alongside) for all uses (except for railway locomotive fuel) for delivery via the Tennessee River to f. a. s. consumers in the States of Tennessee and Alabama*) is amended by adding thereto Supplement R–VI, § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–I and § 333.43 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

The proposed prices for E. P. Crenshaw, Mine No. 15, Mine Index No. 1667, for truck shipment have not been acted upon herein for the reason that prices for this mine were heretofore established as herein requested in this petition, in Docket No. A–1625, 7 F.R. 9073. In the proposal by petitioner for the deletion of Glen Allen, Alabama, on I. C. Railroad, and substitution of Brilliant, Alabama, on the I. C. Railroad, a correction in the railroad for Glen Allen, Alabama, covering Mine Index No. 460 to St. L-S.F. Railway is necessary since Mine Index No. 460 was previously priced as shipping from Glen Allen, Alabama, on the St. L-S.F. Railway, and not on the I. C. Railroad. The petitioner proposed prices for Beasley & McWhirter (L. G. Beasley) Segars Mine, Mine Index No. 472, in Size Group 4 at $4.30 to be the same as Size Group 4 for Mine Index No. 18. Mine Index No. 18 price in this size group, reflecting General Docket No. 21 increase, would result in an f. o. b. mine price at $4.20. Therefore, the price established herein is $4.20 instead of $4.30 as proposed. The petitioner likewise proposed a price for Size Group 7 of $2.70 for Earley & Quinn (W. G. Earley), Earley & Quinn Mine, Mine Index No. 1684 to be 10 cents less for this size than the price established for Size Group 6 for Mine Index No. 31, which reflecting Docket No. 21 increase would result in a price of $2.60. Therefore, the price established herein is $2.60 per ton instead of the proposed price of $2.70 per ton.

Dated: November 27, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in these Supplements [illegible]o be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 *General prices*—Supplement T

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	BLOUNT COUNTY, ALA.				
1693	Ballard, Gladden[1]	Self Creek #1	1	Black Creek	31
1687	Tidwell & Higginbothan[1] (R. D. Tidwell)	Dean Ferry	1	Black Creek	31
	JEFFERSON COUNTY, ALA.				
1496	Letanosky, S. A.[2]	Letanosky	1	Pratt	50
1670	Rickels, Ollie[3]	Rickels	1	Black Creek	31
	MARION COUNTY, ALA.				
472	Beasley & McWhirter (L. G. Beasley)[4]	Segars	1	Black Creek	101
1174	Colburn, W. J.[5]	Colburn No. 1	1	Black Creek	60
1318	Colburn, W. J.[5]	Colburn No. 3	1	Black Creek	60
1010	Colburn, W. J.[5]	Colburn No. 5	1	Black Creek	60
1320	Colburn, W. J.[5]	Colburn No. 10	1	Black Creek	60
1321	Colburn, W. J.[5]	Colburn No. 11	1	Black Creek	60
1322	Colburn, W. J.[5]	Colburn No. 12	1	Black Creek	60
1323	Colburn, W. J.[5]	Colburn No. 13	1	Black Creek	60
1325	Colburn, W. J.[5]	Colburn No. 15	1	Black Creek	60
1326	Colburn, W. J.[5]	Colburn No. 16	1	Black Creek	60
1685	Cox, Melvin[6]	Poplar Hollow #1	1	Black Creek	111
1476	Cox, Melvin[6]	Poplar Hollow #3	1	Black Creek	111
1686	Cox, Melvin[6]	Poplar Hollow #4	1	Black Creek	111
488	Burgess, J. H.[7]	Burgess #1	1	Black Creek	60
1665	Miller, John R.[7]	Moore #4	1	Black Creek	60
460	Nix, J. D.[8]	Norris	1	Black Creek	(#) 60
1641	Powell & McGuire (W. A. Powell)[9]	Holcomb Hill #4	1	Black Creek	60
	TUSCALOOSA COUNTY, ALA.				
1690	Stringfellow & Griffin (L. K. Stringfellow)[10]	S. & G.	1	Blue Creek	31
	WALKER COUNTY, ALA.				
153	Drummond, H. E.[11]	Pisgah #1	1	Black Creek	80
1551	Drummond, H. E.[11]	Pisgah #2, #3, & #4	1	Black Creek	80
1684	Earley & Quinn (W. G. Earley)[12]	Earley & Quinn	1	Mary Lee	50
1295	Owen & Tucker (Carl Owen)[13]	Tucker #15	1	Black Creek	80

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[1] Shipping Point: Warrior, Ala. Railroad: L&N. These mines shall have in Size Group 13, on each respective price table, a price which is 10¢ less than is listed in Size Group 12 for Mine Index No. 76 (Moss & McCormack Coal Company, Carbon mine, Minimum Price Schedule).

[2] Shipping Point: Cardiff, Ala. Railroad: Sou. Ry. New shipping point, but without change in railroad and Freight Origin Group. Shipping point at Brookside, Ala., shall no longer be applicable.

[3] Shipping Point: Warrior, Ala. Railroad: L&N. This mine shall have in Size Group 13, on each respective price table, a price which is 10¢ less than is listed in Size Group 12 for Mine Index No. 76 (Moss & McCormack Coal Company, Carbon mine, Minimum Price Schedule).

[4] Shipping point, Glen Allen, Ala. Railroad: St.L.-S.F. This mine shall have in Size Groups 1 and 4, on each respective price table, the same prices as are listed thereon for Mine Index No. 18 (Brilliant Coal Company, Brilliant mine, Minimum Price Schedule): and in Size Group 7, on each such table, this mine shall have a price which is 10¢ less than is listed in Size Group 6 for said mine Index No. 18. This mine shall have in Size Group 11, on each respective price table, a price which is 5¢ less than is listed in Size Group 10 for Mine Index No. 14 (Galloway Coal Company, Hope mine, Minimum Price Schedule).

[5] Shipping Point: Brilliant, Ala. Railroad: I.C.R.R. These mines shall have in Size Groups 8 and 10, on each respective price table, the same prices as are listed thereon for Mine Index No 22 (DeBardeleben Coal Corporation, Empire mine, Minimum Price Schedule): and in Size Groups 9 and 11, on each such table, these mines shall have prices which are 10¢ less than those listed in Size Groups 8 and 10 for said Mine Index No. 22. These mines shall have in Size Group 20, on each respective price table, a price which is 5¢ less than is listed in Size Group 13 for Mine Index No. 14 (Galloway Coal Company, Hope mine, Minimum Price Schedule). These mines shall have in Size Group 26, on each respective price table, the same price as is listed thereon for Mine Index No. 18 (Brilliant Coal Company, Brilliant mine, Minimum Price Schedule).

[6] Shipping Point: Glen Mary, Ala. Railroad: Sou. Ry. These mines shall have in Size Groups 1, 2 and 4, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 18 (Brilliant Coal Company, Brilliant mine, Minimum Price Schedule): and in Size Groups 7 and 23, on each such table, these mines shall have prices which are 10¢ less than are listed in Size Groups 6 and 18 for said Mine Index No. 18. These mines shall have in Size Group 13, on each respective price table, a price which is 10¢ more than is listed thereon for Mine Index No. 14 (Galloway Coal Company, Hope mine, Minimum Price Schedule).

[7] Shipping Point: Brilliant, Ala. Railroad: I. C. R. R. These mines shall have in Size Groups 1, 2, 4, 6, 17, 18 and 26, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 18 (Bril

liant Coal Company, Brilliant mine, Minimum Price Schedule): and in Size Groups 7, 22 and 23, on each such table, these mines shall have prices which are 10¢ less than those respectively listed in Size Groups 6, 17 and 18 for said Mine Index No. 18. These mines shall have in Size Group 13, on each respective price table, a price which is 10¢ more than is listed thereon for Mine Index No. 14 (Galloway Coal Company, Hope mine, Minimum Price Schedule): and in Size Groups 19 and 20, on each such table, these mines shall have prices which are 5¢ less than those listed in Size Group 13 for said Mine Index No. 14.

[8] Shipping Point: Brilliant, Ala. Railroad: I.C.R.R. Change in shipping point, railroad and Freight Origin Group. Shipping point at Glenn Allen, Ala., on the St.L.-S.F., in Freight Origin Group 101, shall no longer be applicable.

[9] Shipping Point: Brilliant, Ala. Railroad: I.C.R.R. This mine shall have in Size Groups 1, 2, and 4, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 18 (Brilliant Coal Company, Brilliant mine, Minimum Price Schedule): and in size Groups 7, 22 and 23, on each such table, this mine shall have prices which are 10¢ less than those respectively listed in Size Groups 6, 17 and 18 for said Mine Index No. 18. This mine shall have in Size Group 11, on each respective price table, a price which is 5¢ less than is listed in Size Group 10 for Mine Index No. 14 (Galloway Coal Company, Hope mine, Minimum Price Schedule): and in Size Group 13, on each such table, this mine shall have a price which is 10¢ more than is listed thereon for said Mine Index No. 14.

[10] Shipping Point: Abernant, Ala. Railroad: L&N. This mine shall have in Size Groups 1, 2, 6, 17, 18 and 24, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 67 (Black Diamond Coal Mining Company, Johns (Oswayo) mine, Minimum Price Schedule): and in Size Groups 7, 22 and 23, on each such table, this mine shall have prices which are 10¢ less than those respectively listed in Size Groups 6, 17 and 18 for said Mine Index No. 67. This mine shall have in Size Group 13, on each respective price table, a price which is 10¢ less than is listed in Size Group 12 for Mine Index No. 68 (Adams, Rowe & Norman, Inc., Porter mine, Minimum Price Schedule): and in Size Group 12, on each such table, this mine shall have the same price as is listed thereon for said Mine Index No. 68.

[11] Shipping Point: Rosemary, Ala. Railroad: St. L.-S. F. These mines shall have in Size Groups 19 and 20, on each respective price table, the same price as is listed in Size Group 13 for Mine Index No. 14 (Galloway Coal Company, Hope mine, Minimum Price Schedule).

[12] Shipping Point: Burnwell, Ala. Railroad: Sou. Ry. This mine shall have in Size Group 1, on each respective price table, the same price as is shown thereon for Mine Index No. 31 (Stith Coal Company, Aldridge Shaft mine, Minimum Price Schedule): and in Size Groups 7, 13, 21, 22 and 23, on each such table, this mine shall have prices which are 10¢ less than those respectively listed in Size Groups 6, 12, 16, 17 and 18 for said Mine Index No. 31. This mine shall have in Size Group 9, on each respective price table, a price which is 10¢ less than is listed in Size Group 8 for Mine Index No. 39 (Brookside-Pratt Mining Company, Warrior River mine, Minimum Price Schedule).

[13] Shipping Point: Sumiton, Ala. Railroad: St. L.-S. F. This mine shall have in Size Group 9, on each respective price table, a price which is 10¢ less than is listed in Size Group 8 for Mine Index No. 22 (DeBardeleben Coal Corporation, Empire mine, Minimum Price Schedule). This mine shall have in Size Group 13, on each respective price table, a price which is 10¢ more than is listed thereon for Mine Index No. 14 (Galloway Coal Company, Hope mine, Minimum Price Schedule No. 1): and in Size Group 20, on each such table, this mine shall have the same price as is listed in Size Group 13 for said Mine Index No. 14.

§ 333.7 *Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads*—Supplement R–II

[Prices f.o.b. mines for shipment to all railroads and for exclusive use of railroads. The following prices apply on coal for use in railroad locomotives and powerhouse plants. For station heating, use in dining cars, or other uses than stated above, commercial prices as listed in other sections of this price schedule shall apply.]

For all mines in Sub-District No. 1. For all sizes customarily furnished railroads for Locomotive Fuel.

Mine index Nos.	Central [1] of Georgia	Seaboard [1] Air Line Ry.	St. Louis and San Francisco R. R. for consignment west of the Mississippi River	St. Louis and San Francisco R. R. for consignment east of the Mississippi River	A. B. & C. R. R.	All other railroads not specifically shown
1295, 1476, 1641, 1665, 1667, 1670, 1684, 1685, 1686, 1687, 1690	250	250	230	250	------	250

[1] Prices listed for Central of Georgia and Seaboard Air Line Rys. shall also apply to controlled subsidiaries whose purchases of coal are directly made by the controlling system.

§ 333.7 *Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R–III

[Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions]

Mine index No.	Size groups and prices applicable for steamship vessel fuel			
	Mine group	14, 15, 16, 17, 18	12	13
1665	Black Creek	315	315	------
1295–1670	Black Creek	------	------	315
1690	Blue Creek	295	295	290
1684	Carbon Hill Big Seam.	275	------	------

§ 333.24 *General prices*—Supplement R–IV

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	HAMILTON COUNTY, TENN.				
1668	Hendrickson & Patterson (A. A. Hendrickson)[1]	No. 1	3	Soddy No. 11	200
	MARION COUNTY, TENN.				
1651	Hunziker, James D[2]	J. D. Hunziker	3	Sewanee	140
1625	Orme Coal Company[3]	No. 1	3	Battle Creek	150

[1] Shipping Point: Rathburn, Tenn. Railroad: C.N.O.&T.P. On each respective price table except that for Market Area 112 this mine shall have a price in each size group which is 10¢ less than that respectively listed for Mine Index No. 95 (Tennessee Products Corporation, Whitewell mine, Minimum Price Schedule): and on the price table for Market Area 112 this mine shall have in each size group a price which is 6¢ higher than that listed for said Mine Index No. 95.

[2] Shipping Point: Palmer, Tenn. Railroad: N.C.&.St.L. On each respective price table this mine shall have in each size group the same respective price as is listed for Mine Index No. 93 (Tennessee Consolidated Coal Co., Palmer mine, Minimum Price Schedule).

[3] Shipping Point: Orme, Tenn. Railroad: N.C.&St.L. On each respective price table this mine shall have in each size group the same respective price as is listed for Mine Index No. 91 (Barnett, C. L. (C. L. Barnett Coal Company), No. 12 mine, Minimum Price Schedule).

§ 333.25 *Special prices—(b) Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses*—Supplement R–V.

[Prices f. o. b. mines for shipment to all railroads for locomotive fuel, station heating, power plants and other uses]

For mines in sub-district No. 3, mine index No.	Size	Price
1651	For all sizes except screenings	255
	Screenings with top size not more than 2″	245
1625–1668	For all sizes except screenings	250
	Screenings with top size not more than 2″	245

§ 333.27 *Prices for shipment by river (free alongside) for all uses (except for railway locomotive fuel) for delivery via the Tennessee River to F. A. S. consumers in the States of Tennessee and Alabama*—Supplement R–VI

Code member index	Mine	Mine index No.	County	Seam	Lump, over 2″; egg, top size over 5″	Egg, top size 5″ and under; bottom size 2″ and under	Lump, 2″ and under	Nut, top size 2″ and under; bottom size 1″ and under	Stoker, top size 1½″ and under; bottom size ½″ and under	Stoker, top size ¾″ and under; bottom size ⅜″ and under	Straight and modified M/R	Resultants, 5″ and under	Resultants, 4″ and under	Screenings, 2″ and under	Screenings, 1½″ and under	Screenings, 1¼″ and under	Screenings, ¾″ and under	Screenings, ⅜″ and under	*Industrial coal
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TENNESSEE-GEORGIA																			
Hendrickson & Patterson (A. A. Hendrickson).	No. 1	1668	Hamilton	Soddy #11	335	335	325	280	270	250	255	255	255	235	235	225	220	185	280
Orme Coal Company	No. 1	1625	Marion	Battle Creek	370	370	360	290	280	275	265	265	265	235	235	225	205	170	315

FOR TRUCK SHIPMENTS

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I

Code member index	Mine	Mine Index No.	Sub-district	Seam	Lump, over 2″, egg, top size over 6″	Egg, top size 6″ and under	Lump, 2″ and under	Nut, top size 3″ and under; bottom size over ½″		Chestnut, top size 3″ and under; bottom size ½″ and under		Chestnut, top size 1½″ and under; bottom size ½″ and under		Run of mine, modified R/M	Resultants, 3″ and under		Screenings, 1½″ and under		Industrial coal*
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25,
ALABAMA																			
BLOUNT COUNTY																			
Ballard, Gladden	Self Creek #1	1693	2	Black Creek	385	385	370	375	355	340	330	325	315	315	305	295	295	280	315
Tidwell & Higginbothan (R. D. Tidwell)	Dean Ferry	1687	2	Black Creek	385	385	370	375	355	340	330	325	315	315	305	295	295	280	315
JEFFERSON COUNTY																			
Big Rock Coal Company (C. C. Keef)	Big Rock Coal Co.	1664	2	Middle Nunnally	310	310	305	325	305	------	------	300	280	260	265	230	260	210	260
Keef, James E	James E. Keef	1682	2	Upper Nunnally	310	310	305	325	305	------	------	300	280	260	265	230	260	210	260
Myers, C. B. (C. B. Myers Coal Company)	Myers Coal Co.	1681	2	Helena	395	395	370	365	345	345	320	330	305	305	290	220	280	205	305
Rickels, Ollie	Rickels	1670	2	Black Creek	385	385	370	375	355	340	330	325	315	315	305	295	295	280	315
MARION COUNTY																			
Cox, Melvin	Poplar Hollow #1	1685	2	Black Creek	415	415	390	365	345	345	335	340	330	320	305	295	295	255	320
Cox, Melvin	Poplar Hollow #4	1686	2	Black Creek	415	415	390	365	345	345	335	340	330	320	305	295	295	255	320
Miller, John R	Moore #4	1665	2	Black Creek	415	415	390	365	345	345	335	340	330	320	305	295	295	255	320
TUSCALOOSA COUNTY																			
Stringfellow & Griffin (L. K. Stringfellow)	S & G	1690	2	Blue Creek	320	320	------	340	------	330	------	------	------	------	295	------	280	------	295
WALKER COUNTY																			
Colburn, Charles	Colburn	1678	2	Mary Lee	305	305	305	325	305	310	290	300	280	255	265	230	260	210	255
Earley & Quinn (W. G. Earley)	Earley & Quinn	1684	2	Mary Lee	305	305	305	325	305	310	290	300	280	255	265	230	260	210	255

§ 333.43 *General prices in cents per net ton for shipment into all market areas*—Supplement T–II

Code member index	Mine	Mine Index No.	Sub-district	Seam	Lump, over 2", egg, top size over 5"	Egg, top size 5" and under; bottom size 2" and under	Lump, 2" and under	Nut, top size 2" and under; bottom size 1" and under	Stoker, top size 1½" and under; bottom size ½" and under	Stoker, top size ¾" and under; bottom size ⅜" and under	Straight and modified M/R	Resultants, 5" and under	Resultants, 4" and under	Screenings, 2" and under	Screenings, 1½" and under	Screenings, 1¼" and under	Screenings, ¾" and under	Screenings, ⅜" and under	*Industrial coal
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TENNESSEE-GEORGIA																			
HAMILTON COUNTY, TENN.																			
Hendrickson & Patterson (A. A. Hendrickson).	No. 1	1668	4	Soddy No. 11	335	335	325	280	270	250	255	255	255	235	235	225	220	185	280
MARION COUNTY, TENN.																			
Hunziker, James D	J. D. Hunziker	1651	4	Sewanee	345	345	335	290	280	275	265	265	265	235	235	235	230	195	290
Orme Coal Co	No. 1	1625	4	Battle Creek	370	370	360	290	280	275	265	265	265	235	235	225	205	170	315

*For sizes included see Size Group Table.

[F. R. Doc. 42–13092; Filed, December 10, 1942; 11:11 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Correction of Supplementary Directive 1–R]

Paragraph (c) of § 903.23 *Supplementary Directive 1–R* [7 F.R. 9684.] is corrected by substituting the word "acquisition" for the word "requisition" therein.

E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13176; Filed, December 11, 1942; 10:41 a. m.]

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S–153]

SCHAEFER BRASS AND MANUFACTURING CO.

The Schaefer Brass and Manufacturing Company is a sole proprietorship owned and operated by Mr. William H. Schaefer, and is engaged in the business of fabricating brass and copper specialties and ventilating fans at 815 Clark Avenue, St. Louis, Missouri. Subsequent to January 23, 1942, the Company used aluminum in the manufacture of items not permitted by Supplementary Conservation Order M–1–e. This constituted a wilful violation of said order.

Subsequent to December 10, 1941, the Company used copper base alloy parts in the assembly of fans and other manufactured articles not permitted by Conservation Order M–9–c. This constituted a wilful violation of said order.

The foregoing violations of the War Production Board orders have impeded and hampered the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing: *It is hereby ordered:*

§ 1010.153 *Suspension Order S–153.* (a) Deliveries of materials to the Schaefer Brass and Manufacturing Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to the Schaefer Brass and Manufacturing Company, its successors and assigns, of any material the supply or distribution of which is covered by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve the Schaefer Brass and Manufacturing Company, its successors and assigns, from any restriction, prohibition, or provision contained in any order or regulation of the Director of Industry Operations or the Director General for Operations, whether now in force or hereafter issued except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on December 14, 1942, and shall terminate on March 14, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125; 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13122; Filed, December 10, 1942; 3:15 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–175]

H. C. RHODES BAKERY EQUIPMENT CO.

H. C. Rhodes Bakery Equipment Company of Portland, Oregon, is engaged in the sale and distribution of new bakery equipment and the reconditioning and sale of used bakery equipment. This equipment is critical industrial machinery as defined in General Limitation Order L–83 and cannot be delivered on orders in excess of $200 except pursuant to an approved order.

From April 30 to September 13, 1942, the Company made numerous sales of used bakery equipment on orders which were not approved orders. Most of these sales were made for exactly $200 and in most cases the equipment could not be effectively used without being repaired. After the sale, but before delivery of the equipment, the Company entered into contracts to repair and rebuild the machines, agreeing in some instances to do more than $1,000 worth of work. Both the sales contract and the repair contract were parts of one transaction, designed to give the customer a completely

rebuilt machine and, therefore, the delivery of such equipment was made on orders in excess of $200 which were not approved orders and constituted a violation of General Limitation Order L–83.

This violation of General Limitation Order L–83 has hampered and impeded the war effort of the United States by diverting scarce equipment to uses unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.175 *Suspension Order S–175.* (a) Deliveries of material to H. C. Rhodes Bakery Equipment Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to H. C. Rhodes Bakery Equipment Company by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to H. C. Rhodes Bakery Equipment Company, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve H. C. Rhodes Bakery Equipment Company from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on December 14, 1942, and shall expire on March 14, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13123; Filed, December 10, 1942; 3:15 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–178]

SUPER METAL MANUFACTURING CO.

Super Metal Manufacturing Company, North Bergen, New Jersey, is a New York corporation engaged in the manufacture of various steel products including clothes line pulleys.

During the period of July 24, 1942, through September 3, 1942, the Company accepted delivery of 37,433 pounds of steel for use in the manufacture of clothes line pulleys. The Company processed after June 19, 1942, approximately 2,000 pounds of steel in the manufacture of clothes line pulleys. These acts constituted wilful violations of General Conservation Order No. M–126.

These violations of General Conservation Order M–126 committed by Super Metal Manufacturing Company have hampered and impeded the war effort of the United States by diverting steel to uses unauthorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered:*

§ 1010.178 *Suspension Order S–178.* (a) Deliveries of material to Super Metal Manufacturing Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to Super Metal Manufacturing Company, its successors and assigns, by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) Despite the provisions of paragraph (a), Super Metal Manufacturing Company, may extend or apply to deliveries to it any preference rating of AA–3 or higher which it would, except for the provisions of paragraph (a), be entitled to apply or extend.

(c) No allocation shall be made to Super Metal Manufacturing Company, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(d) Nothing contained in this order shall be deemed to relieve Super Metal Manufacturing Company from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect December 14, 1942, and shall expire on June 14, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 10th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13124; Filed, December 10, 1942; 3:15 p. m.]

PART 962—IRON AND STEEL

[Interpretation 2 of Supplementary Order M–21–d]

CORROSION AND HEAT RESISTANT CHROME STEEL

Paragraph (a) of Supplementary Order M–21–d (§ 962.5) [7 F.R. 2383, 7141, 9484.] places certain restrictions on the use and delivery of corrosion and heat resistant chrome steel except where specific authorization or direction has been given by the Director General for Operations. For the purposes of this order, the approval of an order for melting or delivery on form PD–391 constitutes specific authorization or direction by the Director General for Operations. Therefore, an order for such steel rated lower than AA–5 can be melted, processed and shipped, if approved on form PD–391, and the purchaser can use such steel in his own operations or processes or complete fabrication of articles from such steel and ship to his customer.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13177; Filed, December 11, 1942; 10:41 a. m.]

PART 962—IRON AND STEEL

[Supplementary Order M–21–e, as Amended Dec. 11, 1942]

TIN PLATE, TERNE PLATE AND TIN MILL BLACK PLATE

Section 962.6 *Supplementary Order M–21–e* [7 F.R. 5345] is amended to read as follows:

§ 962.6 *Supplementary Order M–21–e*—(a) *Definitions.* For the purposes of this order:

(1) "Tin plate" means steel sheets coated with tin (including primes, seconds, and waste-waste except hot dipped tin plate waste-waste outside the gauge range from 80 to 107 pounds per base box and electrolytic tin plate waste-waste) and includes:

(i) "Electrolytic tin plate," in which the tin coating is applied by electrolytic deposition.

(ii) "Hot dipped tin plate," in which the tin coating is applied by immersion in molten tin.

(2) "Terne plate" means steel sheets coated with terne metal (including primes, seconds, and waste-waste except short terne waste-waste outside the gauge range from 80 to 107 pounds per base box) and includes:

(i) "Short ternes," meaning steel sheets generally referred to as black plate, coated with terne metal, and

(ii) "Long ternes," meaning steel sheets other than black plate, coated with terne metal.

(3) "Terne metal" means the lead-tin alloy used as the coating for terne plate.

(4) "Process" means cut, draw, stamp, spin, or otherwise shape.

(5) "Put into process" means the first change by a manufacturer in the form of material from that form in which the tin plate or terne plate is received by him.

(b) *Restrictions on use of tin plate and terne plate.* Except to the extent specified in Schedule A or with specific permission of the Director General for Operations:

(1) No person shall use tin plate, or terne plate in the production of any item or part thereof.

(2) No person shall use hot dipped tin plate with a pot yield exceeding 1.25 pounds per base box.

(3) No person shall use electrolytic tin plate with a tin coating in excess of .50 pound per base box.

(4) No person shall use short ternes with a terne coating in excess of 1.30 pounds per base box.

(5) No person shall use long ternes with a terne coating in excess of 4 pounds per base box.

(c) *Restrictions on use of waste-waste.* Except with the specific permission of the Director General for Operations, no person shall use electrolytic tin plate waste-waste, or hot dipped tin plate waste-waste and short terne waste-waste outside the gauge range from 80 to 107 pounds per base box, except for uses for which tin mill black plate is permitted by other existing or future orders of the Director General for Operations.

(d) *Restrictions on use of terne metal.* Except with the specific permission of the Director General for Operations,

(1) No person shall use terne metal except in the production of terne plate.

(2) No person shall coat short ternes with terne metal containing over 15 per cent tin.

(3) No person shall coat long ternes with terne metal containing over 10 per cent tin.

(e) *Restrictions on production, sale, and delivery of tin plate and terne plate.* No person shall produce, sell, or deliver tin plate or terne plate to or for the account of any person if he knows or has reason to believe that such material will be used in violation of the terms of this order or any other or further order or direction of the Director General for Operations.

(f) *Exceptions as to materials in inventory.* The provisions of paragraph (b) shall not apply to:

(1) Roofing materials or to furnace pipe and fitting materials in inventory on May 16, 1942, to be sold or delivered for maintenance and repair purposes regardless of rating or on orders for defense housing to the extent specified in the Defense Housing Critical List.

(2) Materials in inventory (other than materials referred to in paragraph (f) (1)) which on May 16, 1942 had been put into process, or had been painted, lacquered, lithographed or enameled.

(3) Materials in inventory on May 16, 1942, which are outside the gauge range from 75 to 112 pounds per base box.

(g) *Exception for Army, Navy, Maritime Commission and War Shipping Administration orders.* The provisions of paragraphs (b), (c) and (d) shall not apply in the case of articles to be purchased by or for the account of the Army or Navy of the United States, the United States Martime Commission, or the War Shipping Administration, or to be physically incorporated into products to be so purchased, to the extent that the use of tin plate or terne plate is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration applicable to the contract, subcontract or purchase order.

(h) *Restrictions on tin consumption.* During the first calendar quarter of 1942 and during each calendar quarter thereafter, no person shall use tin in the production of tin plate or terne plate in excess of the quota assigned to such person by the Director General for Operations.

(i) *Special directions.* The Director General for Operations may from time to time issue special directions as to production, sale, delivery, and use of tin plate, terne plate and tin mill black plate, which may include directions as to the tin or lead content of tin plate and terne plate.

(j) *Purchasers' reports.* (1) Each person who purchases tin plate, short ternes or tin mill black plate, except wholesale dealers, shall file with the War Production Board monthly reports on form PD 614 in accordance with the instructions printed on that form.

(2) Each person who purchases long ternes, except wholesale dealers, shall file with the War Production Board monthly reports on form PD 613 in accordance with the instructions printed on that form.

(k) *Producers' reports.* (1) Each person who produces tin plate, short ternes or tin mill black plate shall file with the War Production Board monthly reports on form PD 612 in accordance with the instructions printed on that form.

(2) Each person who produces long ternes shall file with the War Production Board monthly reports on form PD 611 in accordance with the instructions printed on that form.

(l) *Applicability of other orders.* Insofar as any other order of the Director General for Operations may have the effect of limiting to a greater extent than herein provided the use of any material in the production of any item, the limitation of such order shall be observed.

(m) *Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(n) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(o) *Communications.* All reports to be filed hereunder and communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Steel Division, Washington, D. C. Ref.: M–21–e.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

Permitted uses	Permitted materials	Maximum permitted coating of tin or of terne metal
1. Cans	As specifically authorized by or pursuant to Conservation Order M-81, as amended.	
2. Closures	As specifically authorized by or pursuant to Conservation Order M-104, as amended.	
3. Baking pans for institutions and commercial bakers.	Hot dipped tin plate Electrolytic tin plate	1.25 lbs. per base box. 0.50 lbs. per base box.
4. Carbide non-explosive emergency lights	Short ternes Long ternes	1.30 lbs. per base box. 4 lbs. per base box.
5. Chaplets, skimgates and tin forms for foundry use	Hot dipped tin plate Short ternes Long ternes	1.25 lbs. per base box. 1.30 lbs. per base box. 4 lbs. per base box.
6. Cheese vats	Hot dipped tin plate	11 lbs. per base box.
7. Component parts for: Internal combustion engines including cooling systems, fuel sustems, and lubricating systems—but only where less essential material is impractical because of corrosion or solderability.	Short ternes Long ternes	1.30 lbs. per base box. 4 lbs. per base box.
8. Dairy ware and equipment, including dairy pails, milk strainer pails, hooded milking pails, milk kettles, setter or cream cans, weigh cans, measures and test ware, bottle conveyors, ice cream freezers, milk filters, receiving tanks, separators, strainers, upper and lower troughs and covers for surface type heaters and coolers, and testing equipment.	Hot dipped tin plate	3.30 lbs. per base box (2A charcoal).
9. Electrical equipment parts requiring solderable coatings.	Short ternes Long ternes	1.30 lbs. per base box. 4 lbs. per base box.
10. Gas mask canisters	Short ternes Long ternes	1.30 lbs. per base box. 4 lbs. per base box.
11. Gas meters	Hot dipped tin plate Electrolytic tin plate Short ternes Long ternes	3.30 lbs. per base box (2A charcoal). 0.50 lbs. per base box. 1.30 lbs. per base box. 4 lbs. per base box.
12. Heat exchangers	Short ternes Long ternes	1.30 lbs. per base box. 4 lbs. per base box.
13. Lining of drying chambers for milk and egg dehydration.	Hot dipped tin plate	11 lbs. per base box.
14. Maple syrup evaporators	Hot dipped tin plate	11 lbs. per base box.
15. Oil lanterns	Short ternes Long ternes	1.30 lbs. per base box. 4 lbs. per base box.
16. Safety cans for inflammable liquids	Short ternes Long ternes	1.30 lbs. per base box. 4 lbs. per base box.
17. Textile spinning cylinders, card screens, spools and bobbins.	Hot dipped tin plate Short ternes Long ternes	1.25 lbs. per base box. 1.30 lbs. per base box. 4 lbs. per base box.
18. Torpedoes for oil and gas well shooting	Short ternes Long ternes	1.30 lbs. per base box. 4 lbs. per base box.
19. Vaporizing liquid fire extinguishers	Short ternes Long ternes	1.30 lbs. per base box. 4 lbs. per base box.
20. Wick holders for oil stoves—but only for replacement.	Short ternes Long ternes	1.30 lbs. per base box. 4 lbs. per base box.

[F. R. Doc. 42–13181; Filed, December 11, 1942; 10:44 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

[Supplementary Limitation Order L–1–g as Amended Dec. 11, 1942]

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of rubber, steel, chromium, nickel and other critical materials required for the production of truck-trailers for defense, for private account and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 976.17 *Supplementary Limitation Order L–1–g* [7 F.R. 9609.]—(a) *Definitions.* For the purposes of this order:

(1) "Truck trailer" means a complete semi-trailer or full trailer designed for the transportation of property or persons, or the chassis therefor, but does not include attachment third-axles, whether dead or power-driven. This paragraph (a) (1) shall take effect December 1, 1942.

(2) "Passenger carrier" means a complete motor or electrical coach for passenger transportation, having a seating capacity of eleven (11) or more persons, or the chassis or body therefor.

(3) "Producer" means any individual, partnership, association, corporation or other form of business enterprise engaged in the manufacture of truck-trailers.

(b) *Prohibition of production of truck-trailers after June 30, 1942.* Except to the extent that production is permitted under paragraph (c) below, effective July 1, 1942, producers of truck-trailers shall not manufacture any such vehicles, irrespective of the provisions of any order heretofore issued by the War Production Board or of the terms of any contract heretofore or hereafter entered into by any such producers.

(c) *Exceptions in favor of War Agencies.* Nothing in this order shall prevent any producer from manufacturing and delivering truck-trailers pursuant to contracts or orders for delivery to or for the account of the following:

(1) The Army or Navy of the United States or the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(2) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies and protectorates, and Yugoslavia;

(3) Any agency of the United States Government, for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(d) *Passenger carrier production under Limitation Order L–101.* As of June 23, 1942 the production of passenger carriers shall in no way be regulated by this order, but shall in all respects be regulated and controlled by General Limitation Order L–101, issued May 21, 1942.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(f) *Reports.* All persons affected by this order, shall execute and file with the War Production Board such report and questionnaires as the Board shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the War Production Board.

(g) *Audit and inspection.* All records required to be kept by this order shall upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(i) *Appeals.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal for relief by addressing a letter to the Director General for Operations, Ref.: L–1–g, Washington, D. C., setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(j) *Communications.* All communications concerning this order shall unless otherwise directed, be addressed to: War Production Board, Automotive Division, Washington, D. C. Ref.: L–1–g.

(k) *Authorized production of tank trailers.* (1) Notwithstanding the provisions of paragraph (b) of this order, producers may manufacture a total of 300 tank trailers in such quantities, of such types and within such periods of time as may hereafter from time to time be specifically authorized by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 FR. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13178; Filed, December 11, 1942; 10:41 a. m.]

Part 987—Cobalt

[General Preference Order M-39 as Amended Dec. 11, 1942]

Section 987.1 *General Preference Order M-39* [7 F.R. 900, 4882.] is hereby amended to read as follows:

§ 987.1 *General Preference Order M-39*—(a) *Definitions.* For the purposes of this order:

(1) "Cobalt" means and includes:

(i) Ores, concentrates, and crudes, including beneficiated or treated forms containing cobalt (commercially recognized).

(ii) Cobalt metal, cobalt oxide, and other primary chemical compounds which result from the processing of cobalt ores, concentrates, crudes, or residues; but not including by-products from which cobalt is not commercially recoverable.

(iii) All scrap or secondary material containing commercially recoverable cobalt as defined in (i) and (ii) above, excluding cobalt-bearing iron and steel scrap.

(b) *Refining ores.* The Director General for Operations from time to time may direct the manner in which any of the forms of cobalt specified in paragraph (a) (1) (i) above shall be refined or otherwise processed.

(c) *Deliveries*—(1) *Allocations.* Except as specifically authorized by the Director General for Operations, no person shall deliver or accept delivery of cobalt in any of the forms specified in paragraph (a) (1) (ii) above. The Director will from time to time allocate the supply of such cobalt and specifically direct the manner and quantities in which deliveries to particular persons or for particular uses shall be made or withheld. Such allocations and directions may be made without regard to any preference ratings assigned to particular contracts or purchase orders. The Director may also, in his discretion, require any person seeking to place a purchase order for such cobalt to place the order with one or more particular suppliers.

(2) *Exception for small deliveries.* Any person may receive deliveries up to but not exceeding an aggregate of 25 pounds of contained cobalt, in any of the forms specified in paragraph (a) (1) (ii) above, during any calendar month without specific authorization by the Director General for Operations under paragraph (c) (1) of this order. Any person may make a delivery the acceptance of which is authorized by this subparagraph.

(d) *Reports.* (1) No person shall be entitled to receive an allocation in accordance with paragraph (c) (1) above unless, not later than the 20th day of the month next preceding the month in which delivery is scheduled, he shall have filed with the War Production Board reports on Forms PD-581 and PD-582 as revised. Failure of any person to file a report in the manner and on the date required by this paragraph may be construed as notice to the Director and to all suppliers of cobalt that such person does not desire an allocation of cobalt during the succeeding month.

(2) Any person who on the first day of a calendar month has in his possession or under his control a quantity of cobalt in any of the forms specified in paragraphs (a) (1) (i), (ii) and (iii) above in excess of 100 pounds (contained cobalt) shall file a report with the War Production Board on Form PD-581 on or before the 20th day of such month, whether or not such person applies for an allocation of cobalt for delivery during the succeeding month.

(3) Each refiner or processor of cobalt ores, concentrates or crudes in any of the forms specified in paragraph (a) (1) (i) above shall on or before the 20th day of each month file with the War Production Board on Form PD-581 his production schedule for the succeeding month.

(e) *Use of cobalt prohibited except for specified items.* No person shall put into process any cobalt as defined in paragraphs (a) (1) (i), (ii) and (iii) above, except for the production of cobalt in the forms specified in paragraph (a) (1) (ii) above or except for the uses or in the production of the items (and the necessary material therefor), specified below, and then only to the extent that the use of an alternate material is impracticable.

(1) Catalysts.

(2) Cattle and plant food.

(3) Decolorizer for glass, the batch composition of which shall not exceed 1 pound of cobalt element per 100 tons of glass.

(4) Driers, provided that no such drier shall be sold unless the purchaser certifies to the drier manufacturer it will be used only for one or more of the following: (i) Floor and deck paints and varnishes, (ii) interior trim enamel, (iii) printing ink.

(5) Ground coat frit to be used or sold on orders bearing preference ratings of AA-4 or higher.

(6) "Health supplies" as defined in Preference Rating Order P-29 as the same may be amended.

(7) High speed steel as approved under Supplementary Order M-21-a.

(8) Laboratory and research equipment.

(9) Magnets.

(10) Non-ferrous alloys to be sold on orders bearing preference ratings of AA-5 or higher.

(11) Pigment for glass for optical or for safety purposes.

(f) *Prohibitions against sales or deliveries.* Notwithstanding the fact that an order may be authorized pursuant to paragraphs (c) (1) or (c) (2) hereof, no person shall hereafter sell or deliver cobalt to any person if he knows or has reason to believe such material is to be used in violation of the terms of this or any other order of the Director General for Operations.

(g) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as they may be amended from time to time.

(h) *Appeals and communications.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds of the appeal. All appeals and other communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Ferro-Alloys Division, Washington, D. C., Reference M-39.

(i) *Applicability of order.* The restrictions contained in this order shall apply to all contracts whether made prior or subsequent to the effective date of this order.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Revocation of Order M-39-b.* Conservation Order M-39-b and all amendments thereto are hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13179; Filed, December 11, 1942; 10:41 a. m.]

Part 1188—Railroad Equipment

[Limitation Order L-229]

Material entering into the production of replacement parts for electric railway cars and trolley coaches.

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of critical materials required for the production of replacement parts for electric railway cars and trolley coaches, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1188.6 *Limitation Order L-229*—(a) *Applicability of priorities regulations.* (1) This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Protection of production schedules.* Producers of replacement parts under the terms of this order may, notwithstanding the provisions of Priorities Regulation No. 1 as amended, schedule their production of replacement parts ordered by or for carriers as if the orders therefor bore a rating of AA-2X.

(b) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Electric railway car" means a complete electric car or trailer for passenger transportation, confined to rails and used in urban and/or interurban mass transportation, including surface cars and rapid transit cars used in underground or elevated transportation, and also including auxiliary commodity and service cars; but not including vehicles operated by a steam railroad or over an electrified section thereof.

(3) "Trolley coaches" means a complete electric coach for passenger transportation, deriving electric propulsion power through overhead wires, but not confined to rails.

(4) "Replacement parts" for electric railway cars and trolley coaches means only the following enumerated functional parts (including components entering into assemblies of such parts) used for the repair or maintenance of such vehicles:

Axles, batteries, braking systems, coupling devices, drive shafts, gears and pinions, lubricating systems, motors and generators, steering assemblies, truck assemblies including suspension, universal joints, wheels;

Body and frame structural parts, current collection and control systems, destination indicators, door and stop parts and controls, fare collection and registering devices, heating and ventilating systems, lighting and signal systems, sash and glazing, windshield wiper assemblies; miscellaneous bars, bolts, cable, castings, fittings, forgings, pipe, sheets, tubing, and wire used in maintenance of above; and operating supplies and perishable tools required to operate electric railway and trolley coach systems.

(5) "Producer" means any person engaged in the manufacture of replacement parts as defined in paragraph (b) (4) above.

(6) "Carrier" means any person engaged in the business of transporting passengers by electric railway cars or trolley coaches. As used herein, the term "business of transporting passengers by electric railway cars or trolley coaches" does not include transportation over an electrified section of a steam railroad or any operation or activity not subject to the control or supervision of the Interstate Commerce Commission or of a State or local regulatory body.

(c) *Restrictions on production of replacement parts.* During the calendar quarter beginning January 1, 1943, and during any calendar quarter thereafter, no producer shall manufacture replacement parts of a value (manufacturer's cost) which exceeds one-fourth of 115% of the total value (manufacturer's cost) of all such replacement parts produced by him during the calendar year 1942.

(d) *Restrictions on use of materials.* In the production of replacement parts, no material shall be used except in accordance with all applicable "M" orders or other restrictions on the use of critical materials as now or hereafter ordered by the Director General for Operations of the War Production Board.

(e) *Restrictions on carrier.* (1) During the calendar quarter beginning January 1, 1943, and during any calendar quarter thereafter, no carrier shall accept delivery of new replacement parts of a total dollar cost value which exceeds a designated proportion of the total dollar cost value of all similar replacement parts received by him during the corresponding quarter of the preceding year, such proportion to be the ratio which his vehicle miles by electric railway cars and trolley coaches scheduled during the current calendar quarter bear to such vehicle miles during the corresponding quarter of the previous year.

(2) No carrier shall use any new replacement part to replace a similar part which is still usable within reasonable limits of safety, or which can be reconditioned by use of available reconditioning facilities, except to permit reconditioning of the old part.

(3) No carrier may keep in his inventory, in his possession or under his control for a period of more than thirty days any worn out, imperfect, condemned or non-usable replacement parts which cannot be reconditioned by such carrier or on his behalf, but must dispose of the same through the customary disposal or scrap channels.

(f) *Exceptions to applicability of this order.* The terms and restrictions of this order shall not apply to any replacement parts sold to or produced under contracts or orders for delivery to or for the account of:

(1) The Army or Navy of the United States or the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(2) The government of any of the following countries, Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies and Protectorates, and Yugoslavia;

(3) Any agency of the United States government, for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." (Lend-Lease Act)

(g) *Reports.* All persons affected by this order shall prepare and file such reports or questionnaires as may from time to time be requested by the Director General for Operations.

(h) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Transportation Equipment Division, Washington, D. C., reference L-229.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 11th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13180; Filed, December 11, 1942; 10:41 a. m.]

Chapter XI—Office of Price Administration

Part 1305—Administration

[Supplementary Order 32]

NETHERLANDS PURCHASING COMMISSION

A statement of the reasons for this Supplementary Order No. 32 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered*, That:

§ 1305.37 *Sales by Netherlands Purchasing Commission of merchandise originally purchased by private firms in the Netherlands East Indies.* (a) Notwithstanding the provisions of any price regulation, the maximum price at which the Netherlands Purchasing Commission or any agent thereof may sell or deliver merchandise originally purchased by private firms in the Netherlands East Indies shall be the sum of the following:

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*Copies may be obtained from the Office of Price Administration.

(1) Actual cost of the merchandise to the Netherlands Purchasing Commission.

(2) Actual storage, handling and insurance costs paid on the merchandise by the Netherlands Purchasing Commission from the date of purchase to the date of delivery.

(3) Actual transportation or warehousing charges paid by the Netherlands Purchasing Commission in connection with the merchandise from the date of purchase to the date of delivery.

(b) No sale or delivery shall be made under paragraph (a) of this Supplementary Order No. 32 except to the United States or an agency thereof unless the Netherlands Purchasing Commission obtains from the purchaser and files with the Secretary, Office of Price Administration, Washington, D. C., within ten days of the date thereof a written statement that the purchaser will absorb the increased cost resulting from such purchase and will not make any application to the Office of Price Administration for an exception to or amendment of any price regulation if such application is based directly or indirectly in whole or in part on such increased cost.

(c) The maximum price at which the Netherlands Purchasing Commission may export merchandise originally purchased by private firms in the Netherlands East Indies shall be determined in accordance with the Revised Maximum Export Regulation issued by the Office of Price Administration.[1]

(d) As used in this Supplementary Order No. 32:

(1) "Price regulation" means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation heretofore or hereafter issued, or any amendment or supplement thereto or order thereunder heretofore or hereafter issued.

(2) "Merchandise originally purchased by private firms in the Netherlands East Indies" means the commodities referred to in the petition filed with the Secretary of the Office of Price Administration by the Netherlands Purchasing Commission under date of October 26, 1942, and assigned Docket Number ME3-18. This material is described in detail on sheets numbered 1 to 405, inclusive, captioned "Netherlands Purchasing Commission—Inventory as of July 1, 1942 of Stocks of Private Firms (originally destined for N. E. I.)" which has been filed with the Secretary of the Office of Price Administration as a supplement to the foregoing petition.

(3) "Actual cost of the merchandise to the Netherlands Purchasing Commission" includes the amount paid or credited by the Netherlands Purchasing Commission to the original owner of the material plus any banking, warehousing, storage, insurance or transportation charges paid or assumed by the Netherlands Purchasing Commission at the time of purchase.

(e) This Supplementary Order No. 32 (§ 1305.37) shall be effective as of October 26, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13142; Filed, December 10, 1942; 4:22 p. m.]

Part 1338—Silk and Silk Products

[MPR 274,[1] Amendment 1]

WOMEN'S SILK HOSIERY

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1338.102, a new paragraph (e) is added, and in § 1338.105 (b), subdivision (vii) is added to subparagraph (1) and a new subparagraph (5) is added, and § 1338.115 is added, as set forth below:

§ 1338.102 *Maximum prices for silk hosiery.* * * *

(e) *Ingrain (yarn-dyed) hosiery.* The maximum price for which silk hosiery made of yarn that was dyed in fast colors before knitting (ingrain silk hosiery) may be sold shall be as follows:

(1) *Sales at retail.* (Prices are per pair.)

(i) 45 gauge and lower, all threads: $1.95 for first quality; $1.45 for irregulars; $1.00 for seconds; and $.65 for thirds.

(ii) 48 gauge and higher, all threads: $2.35 for first quality; $1.75 for irregulars; $1.20 for seconds; and $.80 for thirds.

(2) *Sales at wholesale.* (Prices are per dozen, f. o. b. point of shipment.)

(i) 45 gauge and lower, all threads: $15.95 for first quality; $12.00 for irregulars; $8.00 for seconds; and $5.35 for thirds.

(ii) 48 gauge and higher, all threads: $19.25 for first quality; $14.40 for irregulars; $9.65 for seconds; and $6.45 for thirds.

(3) *Sales by manufacturers.* (Prices are per dozen f. o. b. point of shipment.)

(i) 45 gauge and lower, all threads: $14.50 for first quality; $10.90 for irregulars; $7.25 for seconds; and $4.85 for thirds.

(ii) 48 gauge and higher, all threads: $17.50 for first quality; $13.10 for irregulars; $8.75 for seconds; and $5.85 for thirds.

§ 1338.105 *Information which must be furnished to ultimate consumers.* * * *

(b) *By marking*—(1) *In the case of full fashioned hosiery.* * * *

(vii) The word "Ingrain" on all ingrain silk hosiery.

* * * * *

(5) *Temporary marking provision.* A seller at retail may attach the marking required in this paragraph to the outside of a package or container, instead of directly to the hosiery, provided that the hosiery is (i) packaged in lots of three pairs or less and (ii) offered for sale and delivered by the seller at retail prior to January 15, 1943 in the package to which the proper marking is attached.

§ 1338.115 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1338.115, 1338.102 (a) and 1338.105 (b) (1) and (5)) to Maximum Price Regulation 274 shall become effective on December 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13140; Filed, December 10, 1942; 4:22 p. m.]

Part 1350—Emergency Civilian Defense Materials and Equipment

[MPR 234,[1] Amendment 3]

APPROVED STIRRUP PUMPS

A statement of considerations involved in the issuance of this Amendment No. 3 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

The table in § 1350.53 (a) and § 1350.53 (b) are amended, as set forth below:

§ 1350.53 *Maximum prices for sales of approved stirrup pumps in the continental United States.* (a) * * *

Name of manufacturer	Factory price	Factory to retailer price	Wholesale price	Higher retail price	Lower retail price
The Oakes Mfg. Co., Tipton, Ind.	$2.07	$2.12	$2.52	$3.60	$3.25
Tennessee Stove Works, Chattanooga, Tenn.	1.92	1.97	2.37	3.40	3.05
Dobbins Mfg. Co., N. St. Paul, Minn.	2.00	2.05	2.45	3.50	3.15
James Graham Mfg. Co., Newark, Calif.	1.84	1.89	2.29	3.30	3.00
Independent Lock Co., Litchburg, Mass.	2.18	2.23	2.63	3.80	3.40
Standard Container Inc., Rockaway, N. J.	1.86	1.91	2.31	3.30	3.00

(b) The price listed under "factory price" in paragraph (a) is the maximum price for sales by the named manufacturer to all classes of purchasers (including municipalities and defense councils) other than those who customarily sell only through one or more retail establishments. For sales by the manufacturer to a person who customarily sells only through one or more retail establishments, the maximum price is the price listed under "factory to retailer price" in paragraph (a). These prices are f. o. b. factory.

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[1] F.R. 3096, 3824, 4294, 4541, 5059, 7242, 8829, 9000.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9951.

[1] 7 F.R. 7976, 7998, 8948, 9428.

§ 1350.64 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1350.53 (a) (b)) to Maximum Price Regulation No. 234 shall become effective December 16, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13143; Filed, December 10, 1942; 4:23 p. m.]

Part 1351—Food and Food Products

[MPR 279, Amendment 1]

HOPS

A statement of the considerations involved in the issuance of this Amendment No. 1 to Maximum Price Regulation No. 279 [7 F.R. 10227] has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraphs (c), (d), (e) and (f) of § 1351.1452 and paragraph (b) of § 1351.1453 and § 1351.1454 are amended, and a new § 1351.1466 is added, all to read as set forth below.

§ 1351.1452 *Maximum prices for hops grown previous to the 1942 crop.* The maximum prices for sales of hops grown previous to the 1942 crop shall be as follows:

* * * * *

(c) For sales of Pacific Coast regular seeded hops by grower cooperatives or grower dealers, 43 cents per pound delivered to buyer's customary receiving point.

(d) For sales of Pacific Coast seedless hops by grower cooperatives or grower dealers, 45 cents per pound delivered to buyer's customary receiving point.

(e) For sales of Pacific Coast regular seeded hops by a dealer, 48 cents per pound delivered to buyer's customary receiving point.

(f) For sales of Pacific Coast seedless hops by a dealer, 50 cents per pound delivered to buyer's customary receiving point.

* * * * *

§ 1351.1453 *Maximum prices for certain sales of hops of the 1942 crop.* * * *

(b) "Highest price charged during the five day period" specified in the above paragraph means the highest price which the seller charged for a sale, whether for immediate or future delivery made during the five day base period to a purchaser of the same class; or if the seller made no such sale during the five day base period his highest offering price during that period to a purchaser of the same class; or if the seller made no such sale or had no such offering price during the five day base period to a purchaser of the same class the highest price charged during the base period to a purchaser of the same class by his most closely competitive seller during the base period.

§ 1351.1454 *Maximum delivered prices and maximum f. o. b. price not specifically stated.* On all sales of hops covered by this regulation in § 1351.1452 (a), (b), (g) and (h) the maximum delivered price shall be the maximum f. o. b. price hereinbefore in this regulation specified plus the actual transportation cost from the seller's shipping point to the buyer's receiving point. On all sales of hops covered by this regulation in § 1351.1452 (c), (d), (e) and (f) the maximum f. o. b. price shall be the maximum delivered price less actual transportation charges to buyer's customary receiving point.

§ 1351.1466 *Effective date of amendment.* (a) This Amendment No. 1 (§§ 1351.1452 (c), (d), (e) and (f), 1351.1453 (b), 1351.1454 and 1351.1466) to Maximum Price Regulation No. 279 shall become effective December 10, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13141; Filed, December 10, 1942; 4:22 p. m.]

Part 1364—Fresh, Cured, and Canned Meat and Fish

[Correction to MPR 265[1]]

SALES BY CANNERS OF SALMON

Section 1364.551 is corrected by adding the words "November 9," after the word "prior" and before "1942", as the same appears in the last line of said section; § 1364.561a is added.

§ 1364.561a *Effective dates of amendments.* (a) Correction (§ 1364.551) to Maximum Price Regulation No. 265 shall become effective December 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13138; Filed, December 10, 1942; 4:23 p. m.]

Part 1378—Commodities of Military Specification for War Procurement Agencies

[MPR 156[2] Amendment 2]

CERTAIN BEEF AND BEEF PRODUCTS PURCHASED BY CERTAIN FEDERAL AGENCIES

Paragraphs (a) and (c) of § 1378.52 are revoked.

§ 1378.60a *Effective dates of amendments.* * * *

(a) Amendment No. 2 (Revocation of § 1378.52 (a) and (c)) to Maximum Price Regulation No. 156 shall become effective December 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13126; Filed, December 10, 1942; 4:17 p. m.]

Part 1394—Rationing of Fuel and Fuel Products

[Ration Order 5B, Amendment 9]

GASOLINE RATIONING REGULATIONS FOR PUERTO RICO

Correction

Section 1394.2355 *Issuance of fleet rations* appearing on page 9432 in the issue for Tuesday, November 17, 1942, should read as follows:

§ 1394.2355 *Issuance of fleet rations.* Class B, C, and D ration books marked "Fleet" shall be issued as fleet rations to provide the total mileage allowed by the Board in the same manner as such books are issued pursuant to § 1394.2305 for supplemental mileage, and § 1394.2307 for preferred mileage, and in the case of motorcycles, pursuant to § 1394.2308.

Part 1394—Rationing of Fuel and Fuel Products

[Ration Order 8, Amendment 2]

GASOLINE RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

Correction

In § 1394.4202 (b) (2) appearing on page 10110 of the issue for Friday, December 4, 1942, "Class B book" should read "Class R book."

Part 1394—Rationing of Fuel and Fuel Products

[Ration Order 11,[1] Amendment 13]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (e) of § 1394.5266 is amended and a new paragraph (g) is added to such section; the text of § 1394.5355 is designated as paragraph (a) and a new paragraph (b) is added thereto; a new § 1394.5462 is added; and a new paragraph (m) is added to § 1394.5902; as set forth below:

Heat and Hot Water Rations

§ 1394.5266 *Same: Applications made on or after November 1, 1942; Heat or both heat and hot water.* * * *

(e) If the applicant has taken a valid transfer of fuel oil during the period from October 1, 1942 to the date of application for the operation of oil burning equipment designed for, and furnishing heat in any premises, or both heat and hot water in premises other than a private dwelling, the board shall issue (in addition to coupon sheets issued pursuant to paragraph (b) of this section) Class 1 or Class 2 coupon sheets containing currently valid coupons equal in gallonage value to the amount of fuel oil transferred to the applicant, for such purpose, except that the aggregate num-

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[1] 7 F.R. 9229.

[2] 7 F.R. 4230, 5780.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10081.

ber of coupons issued pursuant to this paragraph and to paragraph (b) of this section shall not exceed in gallonage value the allowable ration determined in accordance with §§ 1394.5256 or 1394.5261, whichever is applicable.

* * * * *

(g) If the applicant has taken a valid transfer of fuel oil during the period from October 1, 1942, to the date of application, for the operation of oil burning equipment designed for, and furnishing domestic hot water in private dwelling premises, the coupon sheets issued to such applicant as his first ration after November 1, 1942, for such purpose shall contain coupons (in addition to those issued as a ration for domestic hot water from the date of application) equal in gallonage value to the amount of fuel oil transferred to the applicant for such purpose, but not to exceed the allowable ration for such period determined in accordance with § 1394.5259.

Domestic Cooking and Lighting Rations

§ 1394.5355 *Issuance of rations for domestic cooking or lighting.* * * *

(b) If application is made on or after November 1, 1942, for a ration for domestic cooking or lighting, and the applicant has taken a valid transfer of fuel oil during the period October 1, 1942, to the date of application, for the operation of oil burning equipment designed and used for such purposes, the applicant shall append to his application a signed statement setting forth the amount of fuel oil transferred to him for such purposes during such period, the date of each transfer and the name and address of the transferor. The coupon sheets issued to such applicant as his first ration after November 1, 1942, for such purposes shall, if such statement is appended to the application, contain coupons (in addition to those issued pursuant to paragraph (a) of this section) equal in gallonage value to the amount of fuel oil so transferred to the applicant, but not to exceed the allowable ration for such period determined in accordance with paragraph (b) of § 1394.5353, or paragraph (b) of § 1394.5354, whichever is applicable.

General Provisions With Respect to Issuance of Rations

§ 1394.5462 *Same: Coupons for redemption of credits.* If application is made on or after November 1, 1942, for a ration for a necessary purpose other than those specified in §§ 1394.5255, 1394.5260 and 1394.5352, and the applicant has taken a valid transfer of fuel oil for such necessary purpose during the period from October 1, 1942, to the date of application, the applicant shall append to his application a signed statement setting forth the amount of fuel oil so transferred to him for such purpose during such period, the date of each transfer and the name and address of the transferor. The coupon sheets issued to such applicant as his first ration after November 1, 1942, for such purpose shall, if such statement is appended to the application, contain coupons (in addition to those issued as a ration for such purpose from the date of application) equal in gallonage value to the amount of fuel oil so transferred to the applicant and needed by him for such purpose during that period, except that, where such application is made for a ration for non-occupational use of a boat, the coupons issued in accordance with this section shall not exceed in gallonage value the proportion of the maximum allowable ration specified in paragraph (d) of § 1394.5402 that the number of days between October 1, 1942, and the date of application or December 9, 1942, whichever is earlier, bears to ninety (90) days.

Effective Date

§ 1394.5902 *Effective dates of corrections and amendments.* * * *

(m) Amendment No. 13 (§§ 1394.5266, 1394.5355 and 1394.5462) shall become effective on December 16, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1–O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13139; Filed, December 10, 1942; 4:21 p. m.]

Part 1407—Rationing of Food and Food Products

[Ration Order 12,[1] Amendment 1]

COFFEE RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and his been filed with the Division of the Federal Register.*

The word "October" in § 1407.995 (d) (5) is deleted, and the word "September" is substituted in lieu thereof; paragraph (a) of § 1407.970, paragraph (c) of § 1407.971, § 1407.975, paragraph (d) (3) of § 1407.991, paragraph (b) of § 1407.1053, and paragraph (a) of 1407.1084 are amended to read as follows; and new §§ 1407.1084a and 1407.1090a are added as set forth below:

Consumers

§ 1407.970 *Individuals not possessing war ration books.* (a) Any individual who registered as a consumer pursuant to Rationing Order No. 3 and who either (1) did not obtain a war ration book by virtue of the provisions of Rationing Order No. 3 or (2) surrendered his war ration book thereafter to the board pursuant to §§ 1407.71, 1407.73, or 1407.74 of Rationing Order No. 3, may, upon applying therefor to the board on or before December 15, 1942, receive a war ration book containing stamps Nos. 17 to 28, inclusive, together with any other stamps to which such individual may be entitled pursuant to Rationing Order No. 3.

* * * * *

§ 1407.971 *Consumers eating regularly at same establishment.* * * *

(c) Notwithstanding the provisions of this section, the war ration book shall be returned to the consumer temporarily for use in purchasing any product other than a food product for which a stamp may have been designated as valid by the Office of Price Administration or for the purpose of obtaining a ration book other than War Ration Book One.

§ 1407.975 *Restriction on use of coffee stamps.* (a) A consumer, not a member of a family unit, who on November 28, 1942, owns or possesses more than one pound of coffee shall retain in his possession one coffee stamp for each pound of coffee he owns or possesses in excess of one pound. The consumer shall surrender such coffee stamps to the board when so ordered by the Office of Price Administration.

(b) If, on November 28, 1942, a family unit or any member thereof owns or possesses a quantity of coffee in excess of one pound of coffee per member of the family unit, whose age, as entered on his war ration book, is 15 years or more, coffee stamps equal in weight value to such excess shall be retained by such members. Such coffee stamps shall be surrendered to the board when so ordered by the Office of Price Administration.

Retailers and Wholesalers

§ 1407.991 *Transfer of coffee to certain exempt persons.* * * *

(d) Application for a certificate pursuant to paragraph (b) of this section shall include or be accompanied by:

* * * * *

(3) In the case of a transfer to a person specified in paragraph (c) (4) of this section, a statement signed by the Collector of Customs or his deputy, authorizing the owner of the vessel or his agent to take delivery of roasted coffee as ships' stores in an amount equal to that for which application is being made.

* * * * *

Transfers Permitted Without the Surrender of Coffee Stamps, Certificates, or Purchase Warrants and Irrespective of Restrictions on the Acquisition of Green Coffee

§ 1407.1053 *Transfer of coffee for storage.* * * *

(b) On or after November 22, 1942, any public warehouse may, without surrendering certificates or coffee stamps and irrespective of any restriction on the acquisition of green coffee imposed by Ration Order No. 12, receive coffee for storage and deliver such coffee to the person from whom it received such coffee or to the person to whom the warehouse receipt or other similar instrument, if any, issued in connection with such storage, has been duly transferred.

* * * * *

Miscellaneous

§ 1407.1084 *Acquisition and transfer of roasted coffee by Army, Navy, Marine Corps, and Coast Guard post exchanges, commissaries, ships' service stores, and officers' and men's clubs*—(a) *Acquiring roasted coffee for institutional purposes.* Army, Navy, Marine Corps, and Coast Guard post exchanges and ships' service stores, and officers' clubs, non-commissioned officers' clubs, and enlisted men's clubs maintained within the limits of Army, Navy, Marine Corps, or Coast Guard posts, camps, or bases, which use roasted coffee in the preparation of beverages, shall not register as institutional users pursuant to § 1407.995, but shall acquire roasted coffee for such purposes, in such amounts and in accordance with such arrangements as may be approved by the Office of Price Administration, Washington, D. C., either from the Army, Navy, Marine Corps, or Coast Guard commissaries or supply activities, without the surrender of certificates, or from civilian suppliers upon the surrender to such suppliers of certificates obtained from the Army, Navy, Marine Corps, or Coast Guard.

* * * * *

§ 1407.1084a *Issuance of certificates to investigatory agencies.* (a) Any investigatory or enforcement agency of a state or local government which requires transfers of roasted coffee for the performance of its functions shall, upon request therefor, receive from the board located in the area in which the agency is situated, certificates in the amounts desired.

(b) Any investigatory or enforcement agency of the United States which requires transfers of roasted coffee for the performance of its functions shall, upon request therefor, receive from the Director of the Food Rationing Division of the Office of Price Administration or from such other person as may be designated by him, certificates in the amounts desired.

(c) Roasted coffee acquired by any investigatory or enforcement agency pursuant to this section, may be transferred by it to any federal, state, or local institution, which shall acknowledge receipt of such roasted coffee and the amount thereof to the board which issued the certificate or, if the certificate was issued by the Director of the Food Rationing Division of the Office of Price Administration or a person designated by him, to said Director.

Effective Date

§ 1407.1090a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1407.970 (a); 1407.971 (c); 1407.975; 1407.991 (d) (3); 1407.995 (d) (5); 1407.1053 (b); 1407.1084 (a); 1407.1084a; 1407.1090a) to Ration Order No. 12, shall become effective December 16, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1–R)

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13137: Filed, December 10, 1942; 4:24 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9710.

Part 1499—Commodities and Services

[Correction of Amendment 61[1] to Supp. Reg. 14 of GMPR]

OIL CAKES AND OIL MEALS

The second sentence of § 1499.73 (a) (44) (v) (*b*) which reads "For each month preceding November 1942, his cost shall be the weighted average delivered price to him at his warehouse or place of business during the preceding calendar month" is corrected to read as follows: "For each succeeding month after November 1942, his cost shall be the weighted average delivered price to him at his warehouse or place of business during the preceding calendar month".

(b) *Effective dates.* * * *

(62) * * *

(i) Correction (§ 1499.73 (a) (44)) of Amendment No. 61 to Supplementary Regulation No. 14 of the General Maximum Price Regulation shall become effective as of November 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13136; Filed, December 10, 1942; 4:24 p. m.]

Part 1499—Commodities and Services

[Amendment 63 to Supp. Reg. 14 to GMPR]

FLUID MILK AND CREAM

Correction

The reference in § 1499.73 (a) (1) (v) (*l*) appearing on page 9496 in the issue of Thursday, November 19, 1942, to U. S. Highway No. 31 should read "U. S. Highway No. 51".

Part 1499—Commodities and Services

[Order 128 Under § 1499.18 (b) of GMPR]

THREE STAR MEDICINE CO.

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1029 *Adjustment of maximum prices for sales of "Three Star Stomachic Drops".* (a) The maximum price for sales to consumers of the four ounce size of "Three Star Stomachic Drops", a product manufactured by the Three Star Medicine Company, 4800 South Loomis Street, Chicago, Illinois, shall be $0.75 each.

(b) The maximum price for sales to persons other than consumers of the four ounce size of "Three Star Stomachic Drops", a product manufactured by the Three Star Medicine Company, 4800 South Loomis Street, Chicago, Illinois, shall be the maximum price stated under paragraph (a) above for sales to consumers, less the same percentage discount that seller gave upon such sales to a purchaser of the same class during March, 1942.

(c) All discounts, allowances, and trade practices in effect with respect to sales of this product by the individual sellers thereof during March, 1942, shall remain in effect under this Order No. 128.

(d) At the time of the first delivery of "Three Star Stomachic Drops" to each purchaser by each seller who determines his maximum price under this Order No. 128, such seller shall furnish such purchaser with a notice reading as follows:

> The Office of Price Administration has permitted the maximum price for sales of "Three Star Stomachic Drops" to consumers to be raised from 65 cents to 75 cents for the four ounce size. The maximum price for sales of this product in this size to persons other than consumers has been adjusted to the maximum price of 75 cents stated above, less the same percentage discount given by the individual seller upon sales of this product to a purchase of the same class during March, 1942. All discounts, allowances, and trade practices in effect with respect to sales of this product by the individual sellers thereof during March, 1942, are required to remain in effect.

(e) All prayers of the applicant not granted herein are denied.

(f) This Order No. 128 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 128 (§ 1499.1029) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(h) This Order No. 128 (§ 1499.1029) shall become effective December 11, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13135; Filed, December 10, 1942; 4:24 p. m.]

Part 1499—Commodities and Services

[Order 177 Under § 1499.3 (b) of GMPR]

METALS RESERVE COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1193 *Authorization of maximum prices for sales of South African crystal corundum ore to the American Abrasive Company by the Metals Reserve Company.* (a) The Metals Reserve Company may sell and deliver and agree, offer, solicit and attempt to sell and deliver South African crystal corundum ore to the American Abrasive Company, Westfield, Massachusetts, at a maximum price of $88.10 per short ton, delivered at the purchaser's plant at Westfield, Massachusetts.

(b) This Order No. 177 may be revoked or amended at any time by the Price Administrator.

(c) This Order No. 177 (§ 1499.1193) shall become effective December 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13134; Filed, December 10, 1942; 4:20 p. m.]

Part 1364—Fresh, Cured and Canned Meat and Fish

[Revised MPR 169[1]]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

The title and preamble are amended, effective December 16, 1942, §§ 1364.51 through 1364.67 are revoked, and §§ 1364.401 to 1364.414, §§ 1364.451 to 1364.455, §§ 1364.476 to 1364.477, and §§ 1364.526 to 1364.530 are added to read as set forth herein:

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[1] 7 F.R. 9391.

[1] 7 F.R. 4653, 5222, 5426, 5868, 6659, 7314, 7779, 7966, 8948.

Revised Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts.

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 issued by the President on October 3, 1942, to maintain as the maximum prices for veal carcasses and wholesale cuts and processed products the prices prevailing with respect thereto during the period March 16, to March 28, 1942, inclusive, and to establish for beef carcasses and wholesale cuts specific prices slightly higher than those prevailing during such period. These prices are established as provided in §§ 1364.451, 1364.452, and 1364.476. The Price Administrator has ascertained and given due consideration to the prices of beef and veal carcasses and wholesale cuts prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act and Executive Order. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The maximum prices established herein are not below prices which will reflect to producers of the agricultural commodities from which beef and veal carcasses and wholesale cuts and processed products are produced a price for their products equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and by the Executive Order of October 3, 1942.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1,[2] issued by the Office of Price Administration, Revised Maximum Price Regulation No. 169 is hereby issued:

AUTHORITY: §§ 1364.401 to 1364.414, inclusive, §§ 1364.451 to 1364.455, inclusive, §§ 1364.476 to 1364.477, inclusive, and §§ 1364.526 to 1364.530, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

SUBPART A—GENERAL PROVISIONS

Sec.	
1364.401	Prohibition against selling beef and veal carcasses, wholesale cuts and processed products at prices above the maximum.
1364.402	Exempt sales.
1364.403	Export sales.
1364.404	Less than maximum prices.
1364.405	Conditional agreements.
1364.406	Evasion.
1364.407	Records and reports.
1364.408	Enforcement.
1364.409	Licensing.
1364.410	Petitions for amendment.
1364.411	Duty to maintain and identify grades.
1364.412	Applicability of General Maximum Price Regulation.
1364.413	Revocation of orders issued under Maximum Price Regulation No. 169.
1364.414	Effective date.

SUBPART B—PROVISIONS AFFECTING BEEF

1364.451	Maximum prices for beef carcasses and wholesale cuts.
1364.452	Schedule I: Price zones and applicable zone prices.
1364.453	Schedule II: Amounts which must be deducted from zone prices listed in Schedule I.
1364.454	Schedule III: Amounts which may be added to zone prices listed in Schedule I.
1364.455	Definitions applicable to beef.

SUBPART C—PROVISIONS AFFECTING VEAL AND PROCESSED PRODUCTS

1364.476	Maximum prices for veal carcasses, veal wholesale cuts, and processed products.
1364.477	Definitions applicable to veal carcasses, veal wholesale cuts, and processed products.

SUBPART D—APPENDICES

1364.526	Appendix A: Formula for meat marking fluid.
1364.527	Appendix B: Rules and regulations of the Secretary of Agriculture governing the grading and certification of meats for class, quality (grade) and condition.
1364.528	Appendix C: Specifications for grades of carcass beef.
1364.529	Appendix D: Specifications for grades of veal carcasses.
1364.530	Appendix E: Meat cutting charts.

SUBPART A—GENERAL PROVISIONS

§ 1364.401. *Prohibition against selling beef and veal carcasses and wholesale cuts, and processed products at prices above the maximum*—(a) *Beef carcasses and wholesale cuts.* On and after December 16, 1942, regardless of any contract, agreement, or other obligation no person shall sell or deliver any beef carcass or beef wholesale cut, and no person shall buy or receive any beef carcass or beef wholesale cut at a price higher than the maximum price permitted by § 1364.451; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Revised Maximum Price Regulation No. 169 shall not be applicable to sales or deliveries of beef carcasses or beef wholesale cuts to a purchaser, if, prior to December 10, 1942, such beef carcasses or beef wholesale cuts have been received by a carrier other than a carrier owned or controlled by the seller, for shipment to such purchaser. "Person," "beef carcass," and "beef wholesale cut" are defined in § 1364.455.

(b) *Veal carcasses and wholesale cuts and processed products.* On and after December 16, 1942, regardless of any contract, agreement, or other obligation no person shall sell or deliver any veal carcass, veal wholesale cut or processed product, and no person shall buy or receive any veal carcass, veal wholesale cut or processed product at a price higher than the maximum price permitted by § 1364.476; and no person shall agree, offer, solicit or attempt to do any of the foregoing. "Person," "veal carcass," 'veal wholesale cut," and "processed product" are defined in § 1364.477.

(c) *Maximum prices for slaughtering services.* Any person who slaughters cattle or calves as a service for the purchaser of such cattle or calves shall remit to such purchaser an amount sufficient to make the cost of the dressed beef or veal carcass, or of the wholesale cuts derived therefrom, to such purchaser equal to or less than the costs which would be incurred by the purchaser if he purchased the carcass or cuts from the slaughterer at the slaughterer's maximum prices therefor: *Provided,* That this requirement shall not apply in cases where the purchaser does not acquire the carcasses or cuts for resale in any form.

If the slaughterer sold no veal carcass or cuts of the relative grade during the base period, March 16 to 28, 1942, inclusive, his maximum prices within the meaning of this paragraph for carcasses or wholesale cuts of such grade shall be the maximum prices of the most nearly competitive seller who sold veal carcasses or wholesale cuts of such grade during the base period.

To enable the slaughterer to determine the amount to be remitted to the purchaser it shall be the duty of such purchaser to advise the slaughterer of the amount paid for the cattle or calves slaughtered.

§ 1364.402 *Exempt sales.* The provisions of this Revised Maximum Price Regulation No. 169 shall not apply

(a) To sales at retail: (1) as defined in § 1364.455 with respect to sales of beef; and (2) as defined in § 1364.477 with respect to sales of veal and processed products;

(b) To deliveries of beef made to any political subdivision or agency of any state or of the United States, under contracts entered into prior to December 10, 1942; *Provided,* That this exemption shall not be construed to permit the upward revision of any prices fixed in such contracts;

(c) To sales outside of the forty-eight states of the United States and the District of Columbia.

§ 1364.403 *Export sales.* The maximum price at which a person may export any beef carcass or wholesale cut, veal carcass or wholesale cut, processed product, or other meat item subject to this Revised Regulation shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[3] issued by the Office of Price Administration.

§ 1364.404 *Less than maximum prices.* Lower prices than those established in §§ 1364.451, 1364.452, and 1364.476 may be charged, demanded, paid or offered.

§ 1364.405 *Conditional agreements.* No seller subject to this Revised Maximum Price Regulation No. 169 shall enter into an agreement permitting or providing for the adjustment of the prices of beef carcasses or wholesale cuts, veal carcasses or wholesale cuts, processed products or other meat items subject to this Revised Regulation to prices which may be higher than the maximum prices provided by §§ 1364.451, 1364.452, or 1364.476, in the event this Revised Maximum Price Regulation No. 169 is amended, or is determined by a court to be invalid, or upon any other contingency; *Provided,* That if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the Administrator determines that the public interest would be served, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Request for such an exception may be included in the aforesaid petition.

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*Copies may be obtained from the Office of Price Administration.

[2] 7 F.R. 8961.

[3] 7 F.R. 5059, 7242, 8829, 9000.

§ 1364.406 *Evasion.* (a) The price limitations set forth in this Revised Regulation shall not be evaded, either by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to beef, veal, or processed products separately or in conjunction with any other commodity or services, or by way of any commission, service, transportation, wrapping, packaging or other charge, or discount premium or other privilege, or by tying agreement or other trade understanding, or by changing the selection of, grading, or the style of dressing, cutting, trimming, cooking or otherwise processing or the canning, wrapping or packaging of beef, veal or processed products, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Unnecessarily routing beef through any distribution point in order to obtain a higher zone price or for the purpose of making a higher transportation or local delivery charge.

(2) Falsely or incorrectly grading or invoicing beef, veal, or processed products.

(3) Selling or invoicing kosher beef, kosher veal, or kosher processed products to purchasers who are not bona fide buyers of kosher meat.

(4) Selling or invoicing beef at the prices established for sales by hotel supply houses to buyers other than bona fide purveyors of meals, war procurement agencies, or other government agencies.

(5) Offering, selling or delivering beef, veal or any processed product on condition that the purchaser is required to purchase some other commodity.

(6) Making or receiving a charge for delivery on the basis of a route different from that actually followed and in excess of that permitted for the route by which beef was actually delivered.

(7) Selling or transferring title to cattle or calves by a purchaser thereof at a lower price than was paid for such cattle or calves and/or repurchasing, purchasing or receiving title to dressed carcasses or wholesale cuts derived from such cattle or calves after the cattle or calves have been slaughtered by a custom slaughterer.

(8) Charging, billing, or receiving any consideration for or in connection with any service for which a specific allowance has not been provided in this Revised Maximum Price Regulation No. 169.

§ 1364.407 *Records and reports.* (a) Not later than December 16, 1942, every person making sales subject to § 1364.476 of this Revised Maximum Price Regulation No. 169 shall keep for examination by any purchaser during ordinary business hours, a statement showing and enumerating separately the maximum selling prices of each grade of veal carcass, veal wholesale cut and processed product for (1) carload lots, (2) car-routes, and (3) sales other than in carload lots and via car-routes.

(b) Every person making a sale of any beef carcass, beef wholesale cut, veal carcass, or veal wholesale cut, processed product, or other meat item subject to this revised regulation, on or after December 16, 1942, in the course of trade or business or otherwise dealing therein, shall make and preserve complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer and seller, the quantity, grade or grades and weight of all beef carcasses, beef wholesale cuts, veal carcasses, veal wholesale cuts, processed products or other meat items subject to this revised regulation sold, and the price charged or received therefor.

(c) Persons affected by this Revised Maximum Price Regulation No. 169 shall submit such other reports to the Office of Price Administration as it may from time to time require.

(d) Not later than December 28, 1942, every person who slaughters cattle or calves and whose slaughter plant or plants are located in Massachusetts, Rhode Island, Connecticut, New Jersey, or any of the following counties of New York: Rensselaer, Albany, Schoharie, Otsego, Delaware, Greene, Columbia, Dutchess, Ulster, Sullivan, Orange, Rockland, Putnam, Westchester, Richmond, Bronx, New York, Kings, Queens, Nassau, or Suffolk, or any of the following counties of Pennsylvania: Chester, Delaware, Montgomery, Bucks, Berks, Schuylkill, Northampton, Lehigh, Carbon, Monroe, Luzerne, Pike, Wyoming, Wayne, Lackawanna or Susquehanna, shall file with the Office of Price Administration at Washington, D. C., a true copy of the abattoir stamp used in each slaughter plant, and shall identify each abattoir stamp by indicating alongside thereof the name and business address of the slaughter plant at which each such abattoir stamp is used.

(e) (1) Every person making sales to purveyors of meals, war procurement agencies, or other government agencies pursuant to the provisions of paragraph (o) of § 1364.452 shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is in effect, a complete and accurate record in schedule form for each calendar month commencing with January 1943, showing separately: (i) the total inventory in pounds at the beginning of each month of each grade of each beef carcass, beef wholesale cut, fabricated beef cut, beef offal item and beef byproduct (bones, fat, tallow, waste, etc.); the total additions to inventory in pounds during the month for each grade of each such item; and the total inventory in pounds at the end of each month for each grade of each such item; (ii) the total sales in pounds during the month of each grade of beef carcass, beef wholesale cut, fabricated beef cut, beef offal item, and beef byproduct (bones, fat, tallow, waste, etc.), showing separately the sales in pounds of each grade of each item made to purveyors of meals, war procurement agencies and other government agencies and the sales in pounds made to other buyers; (iii) the total sales realization for each item separately enumerated in (ii) hereof and the average selling price therefor, (all sales of kosher meat shall be shown separately).

(2) Not later than December 28, 1942, every person making sales to purveyors of meals, war procurement agencies, or other government agencies pursuant to the provisions of paragraph (o) of § 1364.452, shall file with the Office of Price Administration at Washington, D. C. a statement of the applicable zone price for each grade of each fabricated beef cut determined in accordance with subparagraph (2) thereof.

§ 1364.408 *Enforcement.* (a) Persons violating any provisions of this Revised Maximum Price Regulation No. 169 are subject to the criminal penalties, civil enforcement actions, proceedings for suspension of licenses, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended: *Provided,* That no war procurement agency, or any contracting or paying finance officer thereof, shall be subject to any liability, civil or criminal, imposed by this Revised Maximum Price Regulation No. 169 or the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Revised Maximum Price Regulation No. 169 or any price schedule, regulation or order issued by the Office of Price Administration, or any acts or practices which constitute such a violation are urged to communicate with the nearest district, state, or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1364.409 *Licensing*—(a) *Applicability of Supplementary Order No. 14.* The provisions of Supplementary Order No. 14 (§ 1305.18 *Licensing sellers of meat and meat products*) are applicable to every seller subject to this Revised Maximum Price Regulation No. 169 now or hereafter selling any beef carcass, beef wholesale cut, veal carcass, veal wholesale cut, processed product, or other meat item for which maximum prices are established by this Revised Maximum Price Regulation No. 169. For the purposes of this § 1364.409, the term "seller" shall have the meaning given it by Supplementary Order No. 14.

§ 1364.410 *Petitions for amendment.* Any person seeking an amendment of any provision of this Revised Maximum Price Regulation No. 169 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, as amended, issued by the Office of Price Administration.

§ 1364.411 *Duty to maintain and identify grades.* No person shall sell or offer for sale, and no person in the course of trade or business shall buy or receive any beef carcass or wholesale cut or veal carcass or wholesale cut, unless each such carcass or wholesale cut has been identified by grade in accordance with the provisions of this section. No custom slaughterer shall ship or deliver any beef carcass or wholesale cut, or veal carcass or wholesale cut unless each such carcass or wholesale cut has been identified by grade in accordance with the provisions of this section. Each person shall maintain uniform grades, as specified in paragraph (a) of this section; shall determine his maximum prices upon the basis of such uniform grades rather than upon the basis of his own grades, as provided in paragraph (b) of this section; and shall have his products identified by grade designations, as provided by paragraph (c) of this section.

(a) *Uniform grades.* (1) Beef carcasses and wholesale cuts derived from steers, heifers and cows shall be graded into the following uniform grades: choice, good, commercial, utility, and cutter and canner; except, that no cow carcass or wholesale cut shall be graded choice. Beef carcasses and wholesale cuts derived from bulls and stags shall be graded in the same manner, except that no bull carcass or wholesale cut shall be graded choice or good, and no stag carcass or wholesale cut shall be graded choice. In determining the grade of each beef carcass or beef wholesale cut, the "Specifications for Official United States Standards for Grades of Carcass Beef"[4], set forth in Appendix C hereof, and incorporated herein as § 1364.528, shall be used, except that the specifications therein for the two grades, prime and choice, shall be combined and treated as a single grade choice, and the specifications therein for the two grades, cutter and canner, shall be combined and treated as a single grade.

(2) Veal and calf carcasses and wholesale cuts shall be graded into the following uniform grades: choice, good, commercial, utility and culls. In determining the grade of each such carcass or wholesale cut the seller shall use the "Specifications for Official United States Standards for Grades of Veal and Calf Carcasses,"[5] set forth in Appendix D hereof, and incorporated herein as § 1364.529, except that the specifications therein for the two grades, prime and choice, shall be combined and treated as a single grade, choice, the carcasses and wholesale cuts of which shall be graded in the manner hereinafter provided in paragraph (c) (3).

(b) *Duty to determine maximum prices on the basis of uniform grades.* The word "grade" as used in §§ 1364.451, 1364.452, and 1364.476 and in paragraph (c) of this section, means any uniform grade referred to in paragraph (a) of this section, and shall not be construed to mean the private grade of an individual seller.

Irrespective of the private grading system heretofore used by the seller, it shall be the duty of the seller:

(1) Except as provided in paragraph (c) (3), to have classified into the uniform grades provided for in paragraph (a) of this section by an official grader of the United States Department of Agriculture, the beef carcasses and beef wholesale cuts of cattle slaughtered by the seller or sold by the seller, and then to determine the maximum price for each such grade of beef carcass and beef wholesale cut by reference to § 1364.451; and

(2) To classify into the uniform grades provided for in paragraph (a) of this section the veal carcasses and veal wholesale cuts slaughtered or sold by him by reference to the grading standards provided for in said paragraph (a), and then to determine his maximum prices for each such grade of veal carcass and veal wholesale cut by reference to § 1364.476.

(c) *Duty to identify products by grade marks.* (1) No person shall sell, offer to sell, deliver or break any beef or veal carcass unless a stamp has been placed thereon with harmless marking fluid conforming to the formula for violet branding fluid approved by the United States Department of Agriculture, Bureau of Animal Industry, set forth in Appendix A hereof, and incorporated herein as § 1364.526, marking the appropriate grade letter, as hereinafter designated, in such manner as to identify by such letter the uniform grade of each beef wholesale cut or veal wholesale cut which may be derived from the carcass, except that in the case of a calf or veal carcass sold with the skin on, the grade letter shall be stamped only on the shanks and briskets. The purchaser of a calf or veal carcass with the skin on shall not sell, offer to sell or break such carcass after removal of the skin unless a stamp has been placed thereon, marking the appropriate grade letter, as hereinafter designated, in such manner as to identify by such letter the uniform grade of each veal wholesale cut which may be derived from such carcass.

The sex identification shall be similarly stamped on all bull and stag carcasses and wholesale cuts. The grade and prescribed sex identification of each beef carcass and wholesale cut, and veal carcass and wholesale cut must appear on the seller's invoice.

(2) The appropriate grade letter for each uniform grade shall be as follows:

Grade:	*Grade letter*
Choice	AA
Good	A
Commercial	B
Utility	C

The grade letter shall be at least ½ inch in height and width. Carcasses graded as canners and cutters or culls need not be stamped. In stamping any beef or veal carcass determined by an official grader of the United States Department of Agriculture to conform to the grade standards contained in this Revised Maximum Price Regulation No. 169, such official grader may use the grade designations U. S. choice or choice, U. S. good or good, U. S. commercial or commercial, or U. S. utility or utility, whichever is appropriate, in lieu of the grade letters established in this subparagraph.

(3) No person shall sell, offer to sell, deliver or break any beef carcass irrespective of grade or any veal carcass of the grade choice, unless such carcass has been examined and graded by an official grader of the United States Department of Agriculture in accordance with the "Rules and Regulations of the Secretary of Agriculture Governing the Grading and Certification of Meats, etc."[6] as modified to the extent set forth in Appendix B hereof, and thus incorporated herein as § 1364.527, and unless a stamp has been placed upon such carcass by such official grader in the manner set forth in paragraph (c) (1) of this section: *Provided,* That in any instance where any person is unable to procure the services of an official grader within 24 hours after such person has made an application for grading, pursuant to section 3 of Regulation No. 4 (Grading Service) contained in § 1364.527 hereof, then the provisions of this subparagraph shall not apply for so long a period as the Agricultural Marketing Administration of the United States Department of Agriculture certifies in writing that it is unable to provide such person with the services of an official grader. During such period such beef or veal carcasses shall be graded by the seller in the manner provided in paragraphs (a), (b), (c) (1) and (c) (2) of this § 1364.411.

(4) Whenever any person having a financial interest in any beef or veal carcass which has been graded and grade stamped by an official grader pursuant to paragraph (c) (3) hereof or otherwise, is dissatisfied with the determination of such official grader, such person may appeal the grading and grade stamping by making an application for appeal grading in the manner provided in Regulation No. 5 (appeal grading) contained in § 1364.527 hereof, and shall thereafter give immediate notice in writing to the Office of Price Administration at Washington, D. C., of such appeal.

(d) *Use of other grading and branding systems.* Any seller may use a private grading and branding system in addition to that required by the foregoing paragraphs of this section: *Provided,* That he shall identify his private grading and branding system in such manner as to distinguish it from the official grade stamp as required by paragraph (c) of this section.

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[4] Service and Regulatory Announcements No. 99, Official United States Standards for the Grades of Carcass Beef, United States Department of Agriculture, Agricultural Marketing Administration, issued as amended May, 1942.

[5] Service and Regulatory Announcements No. 114, Official United States Standards for Grades of Veal and Calf Carcasses, United States Department of Agriculture, Agricultural Marketing Administration, issued as amended, October, 1940.

[6] Service and Regulatory Announcements No. 98 (Revised), Rules and Regulations of the Secretary of Agriculture Governing the Grading and Certification of Meats, Prepared Meats, Meat Food Products, and Meat By Products for Class, Quality (grade), and Condition, United States Department of Agriculture, Agricultural Marketing Administration, issued as amended September 26, 1942.

§ 1364.412 *Applicability of General Maximum Price Regulation*[7]. The provisions of this Revised Maximum Price Regulation No. 169 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this revised regulation.

§ 1364.413 *Revocation of orders issued under Maximum Price Regulation No. 169.* The order issued in the matter of Meyer Kornblum Packing Company (Docket No. 3169–8; July 27, 1942) and orders numbered 2, 3, 4, 5, 9, 10, 13, 15, 16, and 17 under Maximum Price Regulation No. 169 are hereby revoked.

§ 1364.414 *Effective date.* Revised Maximum Price Regulation No. 169 (§§ 1364.401 to 1364.414, inclusive; §§ 1364.451 to 1364.455, inclusive; §§ 1364.476 to 1364.477, inclusive; and §§ 1364.526 to 1364.530, inclusive) shall become effective December 16, 1942, except that it shall become effective December 10, 1942 as to sales to a war procurement agency.

SUBPART B—PROVISIONS AFFECTING BEEF

§ 1364.451 *Maximum prices for beef carcasses and wholesale cuts.* Subject to the pricing instructions contained in paragraph (a), the maximum price of each grade of each beef carcass or wholesale cut shall be the maximum price determined as provided in paragraph (b).

(a) *Pricing instructions.* (1) Whenever used in this Revised Maximum Price Regulation No. 169, the term "lower price zone" means a price zone having a lower zone price, and the term "higher price zone" means a price zone having a higher zone price; the words "lower" and "higher" used in the respective terms shall not be construed to refer to the numerical designation of any zone.

(2) Except for the additions permitted in Schedule III hereof, incorporated herein as § 1364.454, the zone price shall be the delivered price anywhere within the zone to which such price applies. Schedule I (paragraphs (a) to (j), inclusive) hereof, incorporated herein as § 1364.452, contains a statement describing the geographical limits of each price zone and the zone prices established therefor.

(3) The applicable zone price shall be the price specified in Schedule I (§ 1364.452) for the zone in which is located the seller's distribution point:

(i) At which the buyer takes actual physical possession of the meat; or

(ii) From which local delivery to the buyer's place of business begins; or

(iii) From which the meat, consigned to the buyer, (*a*) is delivered to a common carrier, other than a railroad, for shipment to the buyer, who pays the shipping charges directly to the carrier, or (*b*) is delivered to a railroad for shipment at the carload rate to the buyer who pays the shipping charges directly to the carrier.

(iv) In the case of a less than carload rail shipment, other than an express shipment to a purveyor of meals, the applicable zone price shall be the price for the zone in which is located the rail unloading station nearest to the buyer's place of business.

(v) On sales to purveyors of meals the distribution point may be, in addition to those listed, the point at which meat consigned to the buyer is delivered to a railway express company for shipment by express to the buyer who pays the shipping charges directly to the carrier.

(4) Except as permitted in paragraph (l), (m), (n), or (o) of Schedule I (§ 1364.452), regardless of any contract, agreement or other obligation, no person shall sell or deliver any beef or any part or portion of any beef carcass and no person in the course of trade or business shall buy or receive any beef or any part or portion of any beef carcass unless such beef or part or portion is a beef carcass or a beef wholesale cut as defined in § 1364:455, for which applicable prices have been established.

(b) *Maximum price.* The maximum price for each grade of each beef carcass or beef wholesale cut shall be the applicable zone price determined in accordance with the provisions of paragraph (a) of this § 1364.451 and specified in Schedule I (incorporated herein as § 1364.452), minus the required deductions, if any, specified in Schedule II (incorporated herein as § 1364.453), plus the permitted additions, if any, specified in Schedule III (incorporated herein as § 1364.454).

§ 1364.452 *Schedule I: Beef price zones and applicable zone prices*—(a) *Zone 1.* (1) Zone 1 includes the following area:

Washington, Oregon, California, and Nevada.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 1.* Subject to the provisions of paragraph (k) of this section, the Zone 1 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable zone (4) price) plus $1.75 per cwt.

(b) *Zone 2.* (1) Zone 2 includes the following area:

Idaho, Montana, Wyoming, Utah, and Arizona.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 2.* Subject to the provisions of paragraph (k) of this section, the Zone 2 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone (4) price) plus $1.00 per cwt.

(c) *Zone 3.* (1) Zone 3 includes the following area:

Colorado and New Mexico.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 3.* Subject to the provisions of paragraph (k) of this section, the Zone 3 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price).

(d) *Zone 4.* (1) Zone 4 includes the following area:

North Dakota, South Dakota, Minnesota, Nebraska, Kansas, Oklahoma, and Texas.

All that portion of Wisconsin west of and including the counties of Iron, Price, Taylor, Clark, Jackson, Monroe, Vernon, and Crawford.

Iowa except the counties of Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines, and Lee.

All that portion of Missouri west of and including the counties of Scotland, Knox, Shelby, Monroe, Audrain, Montgomery, Warren, Franklin, Washington, Saint Francois, Madison, Wayne, and Butler.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 4.* Subject to the provisions of paragraph (k) the applicable zone prices for Zone 4 are as follows:

[All prices are on dollars per hundredweight bases; the price for any fraction of a hundredweight shall be reduced accordingly]

	Grade					
	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and canner	Bologna bulls (Equivalent cutter and canner grade)
STEER OR HEIFER						
(i) Beef carcass or side	$22.00	$21.00	$19.00	$17.00	$14.50	$16.00
(ii) Hindquarter	25.25	23.75	21.25	18.75	14.50	16.00
(iii) Forequarter	19.00	18.50	17.00	15.50	14.50	16.00
(iv) Round	24.25	22.75	20.25	17.50	--------	--------
(v) Trimmed full loin	34.75	32.50	29.00	25.50	--------	--------
(vi) Flank	11.00	11.00	11.00	11.00	--------	--------
(vii) Flank steak	25.00	25.00	25.00	25.00	--------	--------
(viii) Short loin	41.50	38.75	35.00	30.50	--------	--------
(ix) Sirloin	29.25	27.50	24.25	21.50	--------	--------
(x) Cross cut chuck	18.75	18.375	17.00	15.375	--------	--------
(xi) Regular chuck	20.75	20.25	18.75	16.75	--------	--------
(xii) Brisket	16.00	16.00	14.00	13.00	--------	--------
(xiii) Foreshank	10.00	10.00	10.00	10.00	--------	--------
(xiv) Rib (Kosher or traefer)	27.75	26.25	24.00	21.50	--------	--------
(xv) Short plate	11.50	11.50	10.50	10.50	--------	--------
(xvi) Back	22.625	21.875	20.25	18.00	--------	--------
(xvii) Triangle	17.375	17.125	15.75	14.50	--------	--------
(xviii) Arm chuck	19.25	18.875	17.50	15.75	--------	--------

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[7] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616.

The applicable Zone 4 price of each cow carcass or wholesale cut of cutter and canner grade or utility grade shall be the same as the Zone 4 price of the carcass or corresponding wholesale cut of steer or heifer of the same grade; the applicable Zone 4 price of each cow carcass or wholesale cut of commercial grade or good grade shall be the same as the Zone 4 price of the carcass or corresponding wholesale cut of steer or heifer of commercial grade.

The applicable Zone 4 price of each stag carcass or wholesale cut of cutter and canner grade, utility grade, commercial grade or good grade shall be the same as the Zone 4 price of the carcass or corresponding wholesale cut of steer or heifer of the same grade.

The applicable Zone 4 price of each bull carcass or wholesale cut of utility grade or commercial grade shall be the same as the Zone 4 price of the carcass or corresponding wholesale cut of steer or heifer of the same grade. The applicable Zone 4 price of each bologna bull carcass and wholesale cut, which are equivalent to cutter and canner grade are specified above.

The applicable zone price of each beef carcass or beef wholesale cut which does not bear a grade stamp (required by paragraph (c) of § 1364.411) when offered for sale, sold or delivered shall be the price of the lowest-priced carcass or corresponding wholesale cut.

(3) *Kosher beef wholesale cut prices applicable in Zone 4.* Subject to the provisions of paragraph (k) of this § 1364.452 and paragraph (b) of Schedule III (§ 1364.454), the applicable zone prices of kosher wholesale cuts for Zone 4 are as follows:

[All prices are on dollars per hundredweight bases; the price for any fraction of a hundredweight shall be reduced accordingly]

	Grade					
	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and canner	Bologna bulls (Equivalent cutter and canner grade)
STEER OR HEIFER						
(i) Forequarter	$19.40	$18.90	$17.40	$15.90	$14.90	$16.4
(ii) Triangle	17.875	17.625	16.25	15.00	-----	-----
(iii) Cross cut chuck	19.25	18.875	17.50	15.875	-----	-----
(iv) Regular chuck	21.25	20.75	19.25	17.25	-----	-----
(v) Brisket	16.50	16.50	14.50	13.50	-----	-----
(vi) Foreshank	10.50	10.50	10.50	10.50	-----	-----
(vii) Short plate	12.00	12.00	11.00	11.00	-----	-----
(viii) Arm chuck	19.75	19.375	18.00	16.25	-----	-----

The applicable Zone 4 price of each kosher cow wholesale cut of cutter and canner grade or utility grade shall be the same as the Zone 4 price of the corresponding kosher wholesale cut of steer or heifer of the same grade; the applicable Zone 4 price of each kosher cow wholesale cut of commercial grade or good grade shall be the same as the Zone 4 price of the corresponding kosher wholesale cut of steer or heifer of commercial grade.

The applicable Zone 4 price of each kosher stag wholesale cut of cutter and canner grade, utility grade, commercial grade or good grade shall be the same as the Zone 4 price of the corresponding kosher wholesale cut of steer or heifer of the same grade.

The applicable Zone 4 price of each kosher bull wholesale cut of utility grade or commercial grade shall be the same as the Zone 4 price of the corresponding kosher wholesale cut of steer or heifer of the same grade. The applicable Zone 4 price of each kosher bologna bull forequarter, which is equivalent to cutter and canner grade, is specified above.

The applicable zone price of each kosher beef wholesale cut which does not bear a grade stamp (required by paragraph (c) of § 1364.411) when offered for sale, sold or delivered shall be the price of the lowest priced corresponding kosher wholesale cut.

(e) *Zone 5.* (1) Zone 5 includes the following area:

All that portion of Michigan west of and including the counties of Marquette and Menominee.

All that portion of Wisconsin east of and including the counties of Vilas, Oneida, Lincoln, Marathon, Wood, Juneau, Sauk, Richland and Grant.

The following counties of Iowa: Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines, and Lee.

All that portion of Illinois north and west of and including the counties of Vermilion, Champaign, Douglas, Coles, Shelby, Effingham, Fayette, Bond, Madison, St. Clair, and Monroe.

The following counties of Missouri: Clark, Lewis, Marion, Ralls, Pike, Lincoln, St. Charles, St. Louis, and Jefferson.

The following counties in Indiana: Lake, Newton, Benton, and Warren.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 5.* Subject to the provisions of paragraph (k) of this section, the Zone 5 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus 50 cents per cwt.

(f) *Zone 6.* (1) Zone 6 includes the following area:

The following counties of Michigan: Alger, Delta, Schoolcraft, Luce, Mackinac, Chippewa, and Berrien.

Indiana except the counties of Lake, Newton, Benton, and Warren.

All that portion of Illinois east and south of and including the counties of Edgar, Clark, Cumberland, Jasper, Clay, Marion, Clinton, Washington, and Randolph.

The following counties of Missouri: Saint Genevieve, Perry, Bollinger, Cape Girardeau, Stoddard, Scott, New Madrid, Mississippi, Dunklin, and Pemiscot.

All that portion of Kentucky west and north of and including the counties of Carroll, Henry, Shelby, Anderson, Washington, Marion, Larue, Hardin, Grayson, Ohio, Muhlenberg, and Todd.

The following counties of Tennessee: Lake, Obion, Weakley, Henry, Stewart, Montgomery, Dyer, Gibson, Crockett, Carroll, Benton, and Houston.

The state of Arkansas.

All that portion of Louisiana west of the Mississippi River from the northeast point of East Carroll Parish to the northeast point the Point Coupee Parish and west of and including the parishes of Avoyelles, Saint Landry, Saint Martin, and Iberia.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 6.* Subject to the provisions of paragraph (k) of this section, the Zone 6 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus 75 cents per cwt.

(g) *Zone 7.* (1) Zone 7 includes the following area:

The Lower Peninsula of Michigan except Berrien County, but including the islands of Michigan lying in Lake Michigan and Lake Huron.

The State of Ohio.

The following counties of New York: Niagara, Erie, Chautauqua, and Cattaraugus.

All that portion of Pennsylvania west of and including the counties of Warren, Forest, Clarion, Armstrong, Westmoreland, and Fayette.

All that portion of West Virginia west of and including the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Doddridge, Gilmer, Calhoun, Roane, Kanawha, Boone, Logan, and Mingo.

All that portion of Kentucky east of and including the counties of Boone, Gallatin, Owen, Franklin, Woodford, Mercer, Boyle, Casey, Taylor, Green, Hart, Edmonson, Butler, and Logan.

All that portion of Tennessee west of and including the counties of Campbell, Scott, Fentress, Overton, Putnam, White, Warren, Grundy, and Marion; but excluding the counties of Lake, Obion, Weakley, Henry, Stewart, Montgomery, Dyer, Gibson, Crockett, Carroll, Benton, and Houston.

All that portion of Alabama north and west of and including the counties of Jackson, Madison, Morgan, Cullman, Walker, Fayette, and Lamar.

All that portion of Mississippi north of and including the counties of Lowndes, Oktibbeha, Choctaw, Attala, Madison, Yazoo, and Issaquena.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 7.* Subject to the provisions of paragraph (k) of this section, the Zone 7 price for each grade of each class of beef carcass and wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.00 per cwt.

(h) *Zone 8.* (1) Zone 8 includes the following area:

All that portion of New York west of and including the counties of Oswego, Oneida, Madison, Chenango, and Broome; but excluding the counties of Niagara, Erie, Cattaraugus, and Chautauqua.

The following counties of Pennsylvania: McKean, Potter, Elk, Cameron, Clinton, Jefferson, Clearfield, Center, Indiana, Cambria, Blair, Huntingdon, Somerset, Bedford, and Fulton.

All that portion of West Virginia east of and including the counties of Monongalia, Marton, Harrison, Lewis, Braxton, Clay, Nicholas, Fayette, Raleigh, Wyoming, and McDowell; but excluding the counties of Berkeley and Jefferson.

The following counties of Maryland: Garrett and Allegany.

All that portion of Virginia west of and including the counties of Highland, Bath, Alleghany, Craig, Montgomery, Floyd, and Carroll.

All that portion of Tennessee east of and including the counties of Claiborne, Union, Anderson, Morgan, Cumberland, Bledsoe, Van Buren, Sequatchie, and Hamilton.

All that portion of North Carolina west and southwest of and including the counties of Alleghany, Wilkes, Alexander, Caldwell, Burke, and Cleveland.

All that portion of South Carolina west and northwest of and including the counties of Cherokee, Union, Newberry, Saluda, and Edgefield.

All that portion of Georgia west and northwest of and including the counties of Columbia, McDuffie, Warren, Glascock, Washington, Johnson, Laurens, Dodge, Wilcox, Ben Hill, Irwin, Tift, Colquitt, and Thomas.

All that portion of Alabama south of and including the counties of De Kalb, Marshall, Blount, Jefferson, Tuscaloosa, and Pickens.

All that portion of Mississippi south of and including the counties of Noxubee, Winston, Leake, Scott, Rankin, Hinds, and Warren.

All that portion of Louisiana east of and including the parishes of West Feliciana, Point Coupee, Iberville, Assumption, and Saint Mary.

All that portion of Florida west of and including the counties of Leon and Wakulla.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 8.* Subject to the provisions of paragraph (k) of this section, the Zone 8 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.25 per cwt.

(i) *Zone 9.* (1) Zone 9 includes the following area:

Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

All that portion of New York east of and including the counties of St. Lawrence, Jefferson, Lewis and Herkimer, and east and southeast of and including the counties of Otsego, Delaware, Sullivan, Orange, Rockland, Westchester, New York, Bronx, Kings, and Richmond.

All that portion of Pennsylvania east of and including the counties of Tioga, Lycoming, Union, Mifflin, Juniata, Perry, and Franklin.

New Jersey and Delaware.

All that portion of Maryland east and southeast of and including the counties of Washington, Frederick, Montgomery, Prince Georges, Charles, and Saint Marys.

The District of Columbia.

The following counties in West Virginia: Berkeley and Jefferson.

All that portion of Virginia east of and including the counties of Frederick, Shenandoah, Rockingham, Augusta, Rockbridge, Botetourt, Roanoke, Franklin, and Patrick.

All that portion of North Carolina east and southeast of and including the counties of Surry, Yadkin, Iredell, Catawba, Lincoln, and Gaston.

All that portion of South Carolina east of and including the counties of York, Chester, Fairfield, Richland, Lexington, Aiken, Barnwell, Allendale, Hampton, Jasper, and Beaufort.

All that portion of Georgia east of and including the counties of Richmond, Jefferson, Emanuel, Treutlen, Wheeler, Tolfair, Coffee, Berrien, Cook, and Brooks.

The following counties of Florida: Jefferson, Madison, Taylor, Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Baker, Nassau, Duval, Union, Bradford, Clay, St. Johns, Alachua, Putnam, Flagler, Marion, Volusia, Lake, Sumter, Citrus, Hernando, and Pasco.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 9.* Subject to the provisions of paragraph (k) of this section, the Zone 9 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.50 per cwt.

(j) *Zone 10.* (1) Zone 10 includes the following area:

All that portion of Florida south of and including the counties of Brevard, Seminole, Orange, Osceola, Polk, Hillsborough, and Pinellas.

(2) *Beef carcass and beef wholesale cut prices applicable in Zone 10.* Subject to the provisions of paragraph (k) of this section, the Zone 10 price for each grade of each class of beef carcass and beef wholesale cut shall be the price specified therefor in paragraph (d) hereof (the applicable Zone 4 price) plus $1.75 per cwt.

(k) *Applicable zone price of miscuts.* For any beef wholesale cut which has been miscut or for any piece or portion of beef which has been cut in a manner not authorized by this Revised Maximum Price Regulation No. 169, the zone price used for the determination of the maximum price shall be the applicable zone price of the lowest priced wholesale cut.

(l) *Boneless beef for Army canned meat.* (1) On and after December 10, 1942, regardless of any contract, agreement, or other obligation no person shall sell or deliver any boneless beef for Army canned meat, and no person shall buy or receive any boneless beef for Army canned meat at a price higher than the maximum price permitted in paragraph (l) (2) of this section; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

(2) The maximum delivered price for boneless beef for Army canned meat in each of the following price zones shall be:

Price zone:	*Zone price per cwt. frozen*
1	$23.75
2	23.00
3	22.00
4	22.00
5	22.50
6	22.75
7	23.00
8	23.25
9	23.50
10	23.75

(3) "Boneless beef for Army canned meat" as used in this paragraph (2) means beef derived from the grades and classes and satisfying the specifications and requirements contained in Notice No. 22, "Beef for canned meats," issued August 8, 1942, by the Chicago Quartermaster Depot of the United States Army. Any boneless beef for canned meat which has been rejected by a war procurement agency, or any of its authorized agents or representatives shall not be sold as boneless beef for Army canned meat.

(4) The miximum delivered price for boneless beef which does not qualify as boneless beef for Army canned meat or which has been rejected by a war procurement agency or any of its authorized agents or representatives shall be 50¢ per cwt. lower than the applicable zone price established for boneless beef for Army canned meat in paragraph (l) (2) of this section.

(5) In any case where the seller's plant at which the boneless beef for Army canned meat is boned, is located in a higher price zone than the canner's place of business, or the point of delivery designated by a war procurement agency, or any of its authorized agents or representatives, the price specified in paragraph (l) (2) of this section for the zone in which the seller's boning plant is located shall be the seller's f. o. b. boning plant price.

(6) In the event boneless beef for Army canned meat is ordered and delivered fresh, chilled or refrigerated, but unfrozen, the seller shall deduct 35¢ per cwt. from the applicable zone price specified in paragraph (l) (2) of this section.

(m) *Frozen boneless beef (Army specifications).* (1) On and after December 10, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver frozen boneless beef (Army specifications) to any purchasing agency of a war procurement agency at a price higher than the maximum price permitted therefor in paragraph (m) (2) of this section.

(2) The maximum f. o. b. boning plant price for frozen boneless beef

(Army specifications) in each of the following price zones shall be:

(Carload or less than carload quantities; in dollars per hundredweight)

Price zone	Grade	
	Good or A	Commercial or B
1	30.75	28.00
2	30.00	27.25
3	29.00	26.25
4	29.00	26.25
5	29.50	26.75
6	29.75	27.00
7	30.00	27.25
8	30.25	27.50
9	30.50	27.75
10	30.75	28.00

(3) "Frozen boneless beef (Army specifications)" as used in this paragraph (m) means beef, frozen and boneless, derived from steers and heifers of the grades good or commercial and satisfying the specifications and requirements contained in "C. Q. D. No. 11 C—Specifications for Beef: Boneless, Frozen", issued May 11, 1942, by the Chicago Quartermaster Depot of the United States Army. Any frozen boneless beef which has been rejected by the purchasing agency of a war procurement agency shall not be sold as frozen boneless beef (Army specifications).

(n) *Boneless processing beef.* (1) On and after December 16, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any boneless processing beef, and no person shall buy or receive any boneless processing beef at a price higher than the maximum price permitted therefor in paragraph (n) (2) of this section.

(2) The maximum delivered price for each of the following items of boneless processing beef shall be:

(A

[All prices are on a dollars per hundred weight basis; the price for any fraction of a hundred weight shall be reduced accordingly]

Zone	I	II	III	IV	V
	Boneless bull (cutter and canner) fresh or frozen	Fresh or frozen cutter and canner (other than bulls)	Fresh kosher boneless bull forequarter (cutter and canner). Note:[1]	Fresh kosher boneless bull forequarter (cutter and canner) Note:[2]	Fresh kosher boneless bull forequarter (cutter and canner) Note:[3]
1	$23.625	$22.875			$24.375
2	22.875	22.125			23.625
3	21.875	21.125			22.625
4	21.875	21.125			22.625
5	22.375	21.625			23.125
6	22.625	21.875			23.375
7	22.875	22.125			23.625
8	23.125	22.375			23.875
9	23.375	22.625	$25.625	$24.625	24.125
10	23.625	22.875			24.375

[1] Price subject to conditions 1 and 2 hereinafter set forth.

[2] Price subject to conditions 1 and 3 hereinafter set forth.

[3] Prices subject to condition 1 hereinafter set forth.

Condition 1: The price established for kosher boneless bull forequarters shall apply only on sales of kosher boneless processing beef as such to processors of kosher processed products and no seller shall sell or deliver any boneless bull forequarter at the price established therefor or at a price higher than established for non-kosher boneless bull meat in column I hereof, unless the buyer of such kosher boneless bull forequarter is a bona fide processor of kosher processed products. For the sale of any kosher boneless bull forequarter to a person other than a bona fide processor of kosher processed products, the price shall be determined by use of the applicable zone price established for non-kosher boneless bull meat in column I, and the seller shall remove all stamps and designations which identify the boneless bull meat as kosher.

Condition 2: For kosher boneless bull forequarters derived from bologna bulls (equivalent of cutter and canner grade) slaughtered in Massachusetts, Connecticut, Rhode Island, New Jersey or any of the following counties of New York: Rensselaer, Albany, Schoharie, Otsego, Delaware, Greene, Columbia, Dutchess, Ulster, Sullivan, Orange, Rockland, Putnam, Westchester, Richmond, Bronx, New York, Kings, Queens, Nassau or Suffolk and which clearly bear the abattoir stamp at the time of sale, the seller may charge the price established in column III hereof: *Provided,* That such kosher boneless bull forequarter shall be sold to a bona fide processor of kosher processed products located within a radius of 50 miles from the point of slaughter. The column III price shall not be charged or received for the sale of any kosher boneless bull forequarter which does not bear the abattoir's stamp clearly legible.

Condition 3: For kosher boneless bull forequarters derived from bologna bulls (equivalent of cutter and canner grade) slaughtered in any of the following counties of Pennsylvania: Chester, Delaware, Montgomery, Bucks, Berks, Schuylkill Northampton, Lehigh, Carbon, Monroe, Luzerne, Pike, Wyoming, Wayne, Lackawanna or Susquehanna, and which clearly bear the abattoir stamp at the time of sale, the seller may charge the price established in column IV hereof: *Provided,* That such kosher boneless bull forequarter shall be sold to a bona fide processor of kosher processed products located within a radius of 50 miles from the point of slaughter. The column IV price shall not be charged or received for the sale of any kosher boneless bull forequarter which does not bear the abattoir's stamp clearly legible.

(B)

[All prices are on dollars per hundredweight basis; the price for any fraction of a hundredweight shall be reduced accordingly]

Zone	VI	VII	VIII	IX
	Beef tenderloins (cutter and canner including bull) fresh or frozen	Beef trimmings 25% trimmable fat fresh or frozen	Boneless chucks (cutter and canner including bull) 10% trimmable fat fresh or frozen	Boneless shank meat fresh or frozen
1	$36.75	$20.125	$23.125	$21.625
2	36.00	19.375	22.375	20.875
3	35.00	18.375	21.375	19.875
4	35.00	18.375	21.375	19.875
5	35.50	18.875	21.875	20.375
6	35.75	19.125	22.125	20.625
7	36.00	19.375	22.375	20.875
8	36.25	19.625	22.625	21.125
9	36.50	19.875	22.875	21.375
10	36.75	20.125	23.125	21.625

(3) "Boneless processing beef" as used in this paragraph (n) of this § 1364.452 means any beef carcass of cutter and canner grade, including any bull carcass of equivalent grade, commonly designated as "bologna bull", from which the bones have been removed and which has been trimmed. Boneless processing beef includes the items, beef tenderloins and boneless chucks (regular chucks from which the bones have been removed), derived from boneless carcasses of cutter and canner grade, including bologna bulls. Beef trimmings of any grade, boneless foreshanks of any grade, and boneless hindshanks of cutter and canner grade are separate items of boneless processing beef.

(o) *Applicable zone prices for fabricated beef cuts sold by hotel supply houses.* (1) Subject to the pricing instructions contained in paragraph (a) of § 1364.451, the maximum price for each grade of each fabricated beef cut shall be the applicable zone price determined in accordance with the provisions of paragraph (o) (2) of this § 1364.452, minus the required deductions, if any, specified in Schedule II (§ 1364.453, substituting for the purposes of this paragraph (o) the term "fabricated beef cut" whenever the words "wholesale cut" or "wholesale cuts" are used in said paragraphs of Schedule II), plus the permitted additions, if any, specified in Schedule III (§ 1364.454, substituting for the purposes of this paragraph (o) the term "fabricated beef cut" whenever the words "wholesale cut" or "wholesale cuts" are used in said Schedule III).

(2) The applicable zone price for each grade of each fabricated beef cut sold by a hotel supply house to a purveyor of meals, war procurement agency or other government agency shall be determined as follows:

(i) the hotel supply house shall fix a price for each such fabricated cut on the basis of the relationship which prevailed during the month of November, 1942, between the price of such fabricated cut and the prices of the other fabricated cuts derived from the beef wholesale cut of the same grade.

(ii) In the event that the total gross proceeds obtainable through sales at the prices so fixed of all fabricated cuts derived from such beef wholesale cut and sales at the maximum prices of all bones, fat, waste, trimmings and/or processed products obtained in making such fabricated cuts exceeds 120% of the applicable zone price for the beef wholesale cut, the hotel supply house shall adjust downward the prices of such cuts to remove the excess. In making such adjustments, the seller shall not change the relationship of such prices as established pursuant to paragraph (o) (2) (i). The price so fixed and adjusted shall be the applicable zone price for the fabricated beef cut.

(3) "Fabricated beef cut" as used in this paragraph (o) means any part or portion of a beef wholesale cut (i. e. roasts, steaks, stewing meat, etc.) made for a purveyor of meals, which part or portion is obtained by boning or sawing through the bones of the beef wholesale cut so as to prepare these fabricated cuts for cooking without further cutting or trimming. Beef wholesale cuts which have been trimmed and from which at least 25% of the bone has been removed, to facilitate cutting into steaks or roasts by a purveyor of meals, shall also be considered fabricated beef cuts.

§ 1364.453 *Schedule II: Amounts which must be deducted from zone prices listed in Schedule I.* As hereinafter provided, the following shall be deducted from the applicable zone prices:

(a) *For beef carcasses and beef wholesale cuts not graded by an official grader.* For the sale of any beef carcass or beef wholesale cut other than cutter and canner grade, which does not bear the grade mark and identification of an official grader of the United States Department of Agriculture at the time of sale, the seller shall deduct 12½¢ per cwt. from the applicable zone price.

(b) *Carload discount.* For all beef carcasses and/or beef wholesale cuts, and/or other meat items subject to this subpart B delivered in a straight or mixed carload shipment or sold as part of a straight or mixed carload sale, the seller shall deduct 75¢ per cwt. from the applicable zone price.

(c) *Wholesaler's quantity discount.* For beef carcasses and/or beef wholesale cuts sold to a wholesaler in a straight or mixed less-than-carload sale, the seller shall deduct 50¢ per cwt. from the applicable zone price.

§ 1364.454 *Schedule III: Amounts which may be added to zone prices listed in Schedule I.* Subject to the conditions hereinafter provided, the following may be added to the applicable zone price:

(a) *For transportation and/or local delivery.* (1) For transportation from the point at which the meat was slaughtered in Price Zone 3 or 4 to a distribution point located in either of those price zones, other than another slaughter, packing or processing plant owned or controlled by the same seller, the seller may add the actual cost of transportation computed at the lowest common carrier rate for the method of transportation used, but in no event more than 50¢ per cwt.

(2) For transportation from the point at which the meat was slaughtered in Price Zone 1, 2, 5, 6, 7, 8, 9, or 10 to a distribution point located in the same price zone as the slaughter point, other than another slaughter, packing or processing plant owned or controlled by the same seller, the seller may add the actual cost of transportation computed at the lowest common carrier rate for the method of transportation used, but in no event more than 25¢ per cwt.

(3) For local delivery made within a radius of 25 miles from a slaughter plant, packing house, car-route unloading point, railroad unloading station or branch house, to the place of business of a seller at retail, wholesaler (not owned or controlled by the shipper or consignor), hotel supply house (not owned or controlled by the shipper or consignor), or commercial user, or the designated delivery point of a war procurement agency, or other government agency; or

For local delivery made within a radius of 25 miles from the place of business of a wholesaler or hotel supply house, to the place of business of a seller at retail, purveyor of meals, or commercial user, or the designated delivery point of a war procurement agency, or other government agency: the seller may add 25¢ per owt.

(4) For local delivery made from a slaughter plant, packing house, car-route unloading point, railroad unloading station or branch house, located in Price Zone 3 or 4 to the place of business of a seller at retail, wholesaler (not owned or controlled by the shipper or consignor), hotel supply house (not owned or controlled by the shipper or consignor), or commercial user, or the designated delivery point of a war procurement agency, or other government agency, located more than 25 miles from such shipping point; or

For local delivery made from the place of business of a wholesaler or hotel supply house located in Price Zone 3 or 4 to the place of business of a seller at retail, purveyor of meals, or commercial user, or the designated delivery point of a war procurement agency, or other government agency, located more than 25 miles from such shipping point: the seller may add the actual cost of local delivery computed at the lowest common carrier rate for the method of delivery used, but in no event more than 75¢ per cwt.

(5) For local delivery made from a slaughter plant, packing house, car-route unloading point, railroad unloading station, or branch house, located in Price Zone 1, 2, 5, 6, 7, 8, 9, or 10, to the place of business of a seller at retail, wholesaler (not owned or controlled by the shipper or consignor), hotel supply house (not owned or controlled by the shipper or consignor), or commercial user, or the designated delivery point of a war procurement agency, or other government agency, located more than 25 miles from such shipping point; or

For local delivery made from the place of business of a wholesaler or hotel supply house located in Price Zone 1, 2, 5, 6, 7, 8, 9, or 10, to the place of business of a seller at retail, purveyor of meals or commercial user, or the designated delivery point of a war procurement agency or other government agency, located more than 25 miles from such shipping point: the seller may add the actual cost of local delivery computed at the lowest common carrier rate for the method of delivery used, but in no event more than 50¢ per cwt.

(6) Notwithstanding any of the provisions of paragraphs (a) (1) to (a) (5), inclusive, of this § 1364.454, nothing therein contained shall be construed to permit a total charge for transportation and/or local delivery from the point at which the meat was slaughtered to the place of business or receiving point of a retail seller, purveyor of meals, war procurement agency, other government agency or commercial user of more than 50¢ per cwt. in Price Zone 1, 2, 5, 6, 7, 8, 9, or 10, or 75¢ per cwt. in Price Zone 3 or 4. The transportation and local delivery additions permitted in this paragraph (a) are on a hundredweight basis, and the charge for transportation and/or local delivery for any fraction of a hundred weight shall be reduced accordingly. The additions specified in this paragraph (a) for transportation and/or local delivery may be charged: *Provided,* That the seller shall itemize separately on an invoice to the buyer the amount charged the buyer for transportation and/or local delivery.

(b) *For kosher beef wholesale cuts.* The applicable zone price established for kosher beef wholesale cuts (which includes the additions permitted) shall apply only on sales of kosher beef as such to buyers of kosher meat and no seller shall sell or deliver any kosher beef wholesale cut and no buyer shall buy or receive any kosher beef wholesale cut at the price established therefor or at a price higher than established for the corresponding non-kosher wholesale cut in § 1364.452 (Schedule I), unless the buyer of such wholesale cut is a bona fide buyer of kosher meat. For the sale of any kosher beef wholesale cut to a buyer other than a bona fide buyer of kosher meat the maximum price shall be determined by use of the applicable zone price established for the corresponding non-kosher wholesale cut, and the seller shall remove all stamps and designations which identify the wholesale cut as kosher. Any beef carcass or wholesale cut which has been derived from cattle slaughtered in the manner of kosher slaughter but rejected as non-kosher shall not be sold, unless all stamps and designations which identify the carcass or wholesale cut as kosher have been removed.

(c) *For kosher wholesale cuts derived from cattle slaughtered in a limited area of Zone 9.* (1) For any grade of kosher beef triangle or kosher beef wholesale cut or cuts obtained from the kosher triangle, except the grades utility and cutter and canner, which cuts are derived from steers or heifers slaughtered in Massachusetts, Connecticut, Rhode Island, New Jersey, or any of the following counties of New York: Rensselaer, Albany, Schoharie, Otsego, Delaware, Greene, Columbia, Dutchess, Ulster, Sullivan, Orange, Rockland, Putnam, Westchester, Richmond, Bronx, New York, Kings, Queens, Nassau, or Suffolk, and which clearly bear the abattoir stamp at the time of sale, the seller may add $1.50 per cwt. to the applicable zone 9 price: *Provided,* That such wholesale cut shall be sold to a bona fide buyer of kosher meat located within a radius of 50 miles from the point of slaughter. In the case of kosher forequarters derived from steers, heifers or bulls slaughtered in the same area and sold under the same conditions the seller may add $1.20 per cwt. to the applicable zone 9 price.

(2) For any grade of kosher beef triangle or kosher beef wholesale cut or cuts obtained from the kosher triangle, except the grades utility and cutter and canner, which cuts are derived from steers or heifers slaughtered in any of the following counties of Pennsylvania: Chester, Delaware, Montgomery, Bucks, Berks, Schuylkill, Northampton, Lehigh, Carbon, Monroe, Luzerne, Pike, Wyoming, Wayne, Lackawanna, or Susquehanna, and which clearly bear the abattoir stamp at the time of sale, the seller may add $.50 per cwt. to the applicable zone 9 price: *Provided,* That such wholesale cut shall be sold to a bona fide buyer of kosher meat located within a radius of 50 miles from the point of slaughter. In the case of kosher forequarters derived from steers, heifers or bulls slaughtered in the same area and sold under the same conditions the seller may add

40¢ per cwt. to the applicable zone 9 price.

(3) The provisions of paragraph (b) of this section governing the sale of kosher wholesale cuts shall apply to sales made pursuant to this paragraph (c). No addition permitted by this paragraph (c) shall be added for the sale of any kosher wholesale cut which does not bear the abattoir's stamp clearly legible. No slaughterer shall charge the addition for kosher beef slaughtered in the limited areas of Price Zone 9 described in subparagraphs (1) or (2) hereof, until he shall have filed the report required in paragraph (d) of § 1364.407 of this Revised Maximum Price Regulation No. 169.

(d) *Wholesaler's and independent hotel supply house's selling addition.* On sales of any beef carcass or beef wholesale cut not obtained through custom slaughtering, a wholesaler or independent hotel supply house may add 25¢ per cwt. to the applicable zone price.

(e) *Packaging for war procurement agencies.* On sales of beef carcasses and beef wholesale cuts to a war procurement agency, the seller may add for packaging or wrapping, and freezing, (U. S. Government specifications) ------50¢ per cwt.

(f) *Boxing.* On sales to a seller at retail, purveyor of meals, war procurement agency, commercial user (not wholesaler, branch house, hotel supply house, etc.), war procurement agency, or other government agency, the seller may add 15¢ per cwt. for packing in boxes.

§ 1364.455 *Definitions applicable to beef.* (a) When used in this Revised Maximum Price Regulation No. 169 and when applicable to beef, the term:

(1) "Person" means any individual, corporation, partnership, association or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any agency of any of the foregoing: *Provided*, That no punishment provided by this Revised Maximum Price Regulation No. 169 shall apply to the United States or to any such government, political subdivision, or agency.

(2) "Carload" means:

(i) A shipment by rail of fresh or frozen wholesale meat cuts, and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing to a single delivery point, of at least the minimum weight upon which the railroad carload rate from the point of shipment to the delivery point, as evidenced by the tariffs of railroad carriers, is based: *Provided*, That where the transportation charge for shipment of a lesser weight at the railroad carload rate would be lower than the transportation charge for such a shipment at the railroad less-than-carload rate, such lesser weight shall be considered a carload;

(ii) A shipment by motor truck or trucks to a single delivery point of 15,000 pounds or more of fresh or frozen wholesale meat cuts and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing, as a single bulk sale transaction; and

(iii) Any single bulk sale transaction wherein the buyer takes delivery at the seller's place of business of 15,000 pounds or more of fresh or frozen wholesale meat cuts and/or cured meat cuts, meat or processed products and/or carcasses, or any combination of the foregoing.

(3) "Beef" means meat derived from bovine animals, including steers, heifers, cows, bulls or stags, of a dressed carcass weight of 275 pounds or more, skin off.

(4) "Car route unloading point" means any point on a car route at which a stop is made for the purpose of transferring meat to the possession of the buyer or to a truck for local delivery to the buyer.

(5) "Distribution point" includes a packing or slaughtering plant, packer's branch house, wholesaler's or jobber's or hotel supply house's warehouse, car route unloading point, or railroad unloading station.

(6) "Local delivery" means delivery by the seller otherwise than by rail, commencing at the seller's distribution point, or in the case of car routes, at the car unloading point and continuing to the buyer's place of business or other point of delivery.

(7) "Price Zone 1 to 10, inclusive" means the geographical areas described in § 1364.452.

(8) "Beef carcass" means and is limited to the dressed carcass, side, or sides of beef, which shall be dressed with the 1st and 2nd tail (caudal) vertebrae, kidney knob or knobs and hanging tender left on. The beef carcass shall not be broken in any other manner than provided in paragraph (a) (9) of this § 1364.455.

(9) "Beef wholesale cut" means and is limited to any of the following cuts meeting the following minimum specifications, derived from the beef carcass, but excluding the offal and any item not included herein. (All measurements prescribed herein shall be made with a rigid straight ruler. All cuts shall be made according to the definite guides and measurements specified. Ribs are designated as 1st to 13th, inclusive, counting as the 1st rib that one which is nearest the neck end of the side.)

(i) "Hindquarter" means the posterior portion of the side remaining after the severance of the 12-rib forequarter from the side, and comprising the round, full loin including the 13th rib, flank, kidney and hanging tender all in one piece, which posterior portion shall be obtained by cutting the beef side between the 12th and 13th ribs keeping the knife firmly against the 12th rib while cutting down the length of the rib to the point at the end of the rib where the rib joins the rib (costal) cartilage, from which point passing through the cartilage and meat of the flank and short plate in the same straight line, completing the cut.

(ii) "Forequarter" means the anterior portion of the side remaining after the severance of the 1-rib hindquarter from the side, and comprising the rib, regular chuck, brisket, short plate and foreshank all in one piece, which anterior portion contains the 1st to the 12th rib, inclusive. All heart (mediastinal) fat, but no other fat, shall be removed from the forequarter. The skirt (diaphrgm) shall not be removed from any cut or part of the forequarter to which it is attached.

(iii) "Round" means the portion of the hindquarter remaining after the severance of the untrimmed full loin, and flank from the hindquarter, which portion shall be obtained as follows: the untrimmed full loin and flank shall be severed from the hindquarter by cutting in a straight line perpendicular to the contour of the outside or skin surface of the hindquarter. The cut shall be made on a straight line formed by and starting from that point on the backbone which is the juncture of the last (5th) sacral vertebra and the first (1st) tail (caudal) vertebra, and passing through that point which just misses the end of the protuberance of the femur bone and exposes the ball of the femur bone, continuing in the same straight line beyond the second point to complete the cut. Two tail vertebrae shall be left on the round. Attached to the tail bone of the round shall be the tip or rear corner of the fifth sacral vertebra. All cod, udder and pelvic fat remaining on the round after its severance from the full loin and flank shall remain on the round.

(iv) "Trimmed full loin" means the portion of the hindquarter remaining after the severance of the round, flank, hanging tender (from the open side), kidney knob and excess loin (lumbar) and pelvic (sacral) fat from the inside of the loin, from the hindquarter, and comprising the short loin and sirloin (loin end) in one piece, the back bone of which portion shall include one and one-half ($1\frac{1}{2}$) thoracic vertebrae, six (6) lumbar vertebrae, and five (5) sacral vertebrae (the tip or rear corner of the fifth sacral vertebra shall have been sawed off in severing the round from the full loin and flank), and which portion shall be obtained as follows: Part of the kidney knob, all of the kidney and the fat lying closely around the kidney in open (left) and closed (right) sides shall be removed first by a cut starting at the rear end of the kidney and slanting directly to the front edge of the half of the 12th thoracic vertebra at the point of severance of the hindquarter and forequarter.

Second, the hanging tender, which means the cylindrical shaped piece of lean meat attached at one end under the kidney knob in open (left) side hindquarters shall be removed entirely from open side loins by being severed at a point opposite the juncture of the 1st and 2nd lumbar vertebrae.

Third, after the severance of the round from the hindquarter, the flank shall be severed from the full loin by a cut starting at the heavy end of the full loin at the ventral point of severance of the round from the hindquarter and continuing in a straight line to a fixed point on the inside of the 13th rib determined by measuring off ten inches in a straight line from the center of the protruding edge of the 13th thoracic vertebra, but in making the cut no more than one (1) inch of cod or udder fat shall be left on the flank side of the face of the loin.

NOTE: The 10-inch measurement shall be made from the center of the protruding edge of the 13th thoracic vertebra and not from the hollow of the chine bone where the 13th rib joins the 13th thoracic vertebra.

Fourth, the excess loin (lumbar) and pelvic (sacral) fat shall be trimmed from the inside of the full loin by placing the full loin upon a flat surface, with no other support to change its position, meat side down, and removing all fat which extends above a flat plane parallel with the flat surface supporting the full loin and on a level with the full length of the protruding edge of the lumbar section of the chine bone. Then all fat shall be removed which extends above a flat plane using the following two lines as guides for each edge of the plane: an imaginary line parallel with the full length of the protruding edge of the lumbar section of the chine bone which line extends 1 inch directly above such protruding edge; a line on the inside of the loin two inches from the flank edge and running parallel with such edge for the full length of the loin. All fat obstructing the measurement of the second line shall first be removed. In addition to the foregoing all rough fat in the pelvic cavity of the heavy end of the loin (sirloin) shall be trimmed smooth and trimming by a knife shall be apparent. No fat remaining in the pelvic cavity shall exceed one inch in depth.

(v) "Flank" means the portion of the hindquarter remaining after the severance of the round and untrimmed full loin from the hindquarter, which shall be obtained after the removal of the round by separation from the untrimmed full loin, starting the cut at the point at the lower end of the loin end (sirloin) which was the ventral point of separation of the full loin and round, leaving no more than one inch of cod or udder fat attached to the flank side of the face of the full loin, and continuing in a straight line to a fixed point on the inside of the 13th rib determined by measuring off ten inches in a straight line along the 13th rib from the center of the protruding edge of the 13th thoracic vertebra.

NOTE: The 10-in. measurement shall be made from the center of the protruding edge of the 13th thoracic vertebra and not from the hollow of the chine bone where the 13th rib joins the 13th thoracic vertebra.

(vi) "Flank steak" means the flat, oval-shaped lean muscle of meat imbedded in the cod or udder end of the flank which shall be obtained by loosening the narrow end of the steak piece at the cod or udder end of the flank, cutting through the membrane along both sides of the steak, then pulling and cutting the steak loose and severing it from the thick membrane which lies directly under and to which it is attached. None of the thick membrane shall be left on the steak. All fat shall be trimmed from the steak, but the thin membrane on the top surface of the steak shall not be removed.

(vii) "Short loin" means that portion of the trimmed full loin remaining after the severance of the sirloin (loin end) from the trimmed full loin, which portion shall be obtained by a cut perpendicular to the contour of the outside or skin surface of the trimmed full loin begun at a point which is the juncture on the chine bone of the 5th and 6th lumbar vertebrae and continuing in a straight line perpendicular to the contour of the outside or skin surface of the trimmed full loin to and through a point flush against the end of the hip (pin) bone, but leaving no part of the hip (pin) bone in the short loin. The backbone of the short loin shall include five (5) lumbar vertebrae, one and one-half ($1\frac{1}{2}$) thoracic vertebrae and part of the 13th rib.

(viii) "Sirloin" (loin end) means the thick portion of the trimmed full loin remaining after the severence of the short loin from the trimmed full loin. The backbone of the sirloin shall include one (1) lumbar vertebra, five (5) sacral vertebrae (the tip or rear corner of the fifth (5th) sacral vertebra shall have been sawed off in separating the round from the trimmed full loin and flank), and the entire hip bone (ilium).

(ix) "Cross cut chuck" (kosher or traefer) means the portion of the forequarter remaining after the severence of the rib and short plate from the forequarter, and comprising the regular chuck, brisket and foreshank all in one piece, which portion shall be obtained by cutting through the forequarter in a straight line between the 5th and 6th ribs, keeping the knife firmly against the 5th rib while cutting to the point where the 5th rib joins the rib (costal) cartilage, at which point the cut shall continue in the same straight line through the cartilage, the breast bone (sternum) and the meat of the brisket and short plate to complete the severence. The cross cut chuck shall contain five (5) ribs (1st to 5th, inclusive).

(x) "Regular chuck" means the portion of the cross cut chuck remaining after the severance of the foreshank and brisket from the cross cut chuck, and containing most of the blade bone (scapula), part of the (humerus) arm bone, parts of the five ribs (1st to 5th, inclusive), that section of the back bone attached to the ribs, and the neck bone (cervical vertebrae from 1 to 7, inclusive), which portion shall be obtained by a cut through the cross cut chuck made in a straight line perpendicular to the contour of the outside or skin surface of the cross cut chuck (thereby separating the brisket and foreshank from the cross cut chuck) starting at a fixed point on the inside of the 5th rib determined by measuring off ten (10) inches along the 5th rib in a straight line from the center of the protruding edge of the 5th thoracic vertebra, continuing in the same straight line to the tip of the forward end of the breast bone (forward end of 1st segment of sternum), and passing through the (humerus) arm bone in the same straight line to complete the cut.

NOTE: The 10-inch measurement shall be made from the center of the protruding edge of the 5th thoracic vertebra and not from the hollow of the chine bone where the 5th rib joins the 5th thoracic vertebra.

(xi) "Foreshank" means the portion of the cross cut chuck remaining after the severance of the regular chuck and brisket from the cross cut chuck, which portion shall be obtained (after separation of the regular chuck) by separation from the brisket by a cut following the natural seam and leaving the entire lip, or web mucle on the brisket.

(xii) "Brisket" means the portion of the cross cut chuck remaining after the severance of the regular chuck and foreshank from the cross cut chuck, which portion contains parts of four ribs (2nd to 5th, inclusive), part of the breast bone and the rib (costal) cartilages which connect the ends of the rib bones with the breast bone. All heart (mediastinal) fat, but no other fat shall be removed from the brisket.

(xiii) "Rib" means the portion of the forequarter remaining after the severance of the cross cut chuck and short plate from the forequarter, and containing parts of seven ribs (6th to 12th, inclusive), that section of the back bone attached to the ribs, posterior tip and cartilage of the blade bone (scapula), part of the blade bone (scapula) which portion shall be obtained (by separation from the short plate) by a straight cut across the ribs starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside protruding edge of the 12th thoracic vertebra and continuing to and through a fixed point determined by measuring off 10 inches on the inside of the 6th rib along the 6th rib from the center of the inside protruding edge of the 6th thoracic vertebra.

NOTE: The 10-inch measurements shall be made from the centers of the protruding edges of the 6th and 12th thoracic vertebrae, and not from the hollow of the chine.

(xiv) "Short plate" means the portion of the forequarter remaining after the severance of the cross cut chuck and the rib from the forequarter, and containing parts of seven ribs (6th to 12th, inclusive), the rib (costal) cartilages attached to them, and part of the breastbone.

(xv) "Back" means the portion of the forequarter remaining after the severance of the short plate, brisket and foreshank from the forequarter, and containing the rib and regular chuck all in one piece, which portion shall be obtained by a cut made in a straight line starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside protruding edge of the 12th thoracic vertebra and continuing to and through a fixed point at the tip of the forward end of the breastbone (forward end of 1st segment of sternum) through the (humerus) arm bone in the same straight line to complete the cut.

NOTE: Measurements shall be made from the center of the protruding edge of the 12th thoracic vertebra, and not from the hollow of the chine.

such grade of carcass or cut delivered

(xvi) "Triangle" (kosher or traefer) means the portion of the forequarter remaining after the severance of the rib from the forequarter, and containing the short plate, brisket, foreshank and regular chuck all in one piece, which portion shall be obtained by removing the rib from the forequarter by a straight cut across the ribs starting at a fixed point determined by measuring off 10 inches on the inside of the 12th rib along the 12th rib from the center of the inside of the protruding edge of the 12th thoracic vertebra and continuing to a fixed point determined by measuring off 10 inches on the inside of the 6th rib along the 6th rib from the center of the inside protruding edge of the 6th thoracic vertebra, and severing the rib from the forequarter by a second cut made in a straight line between the 5th and 6th ribs keeping the knife firmly against the 5th rib to the point where the second cut meets the end of the first cut.

NOTE: Measurements shall be from the center of the protruding edge of the 12th and 6th thoracic vertebra, and not from the hollow of the chine.

(xvii) "Arm chuck" means the portion of the cross cut chuck remaining after the severance of the brisket from the cross cut chuck and containing the regular chuck and foreshank all in one piece.

(10) "Kosher beef wholesale cut" means any beef wholesale cut derived from cattle or calves slaughtered, approved and stamped as kosher under rabbinical supervision, and sold under rabbinical supervision.

(11) "Buyer of kosher meat" means a person who maintains a selling establishment at or through which he regularly and generally sells kosher meat as such, or a person who is a purveyor of kosher meals.

(12) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, the Marine Corps, the Coast Guard, the War Shipping Administration, or any agency of the foregoing.

(13) "Hotel supply house" means a seller of beef, veal or processed products who as an established practice handles beef and/or veal for the purpose of boning, trimming and cutting or otherwise fabricating such beef and/or veal for resale to hotels, restaurants or other purveyors of meals.

(14) "Wholesaler" means a person other than a hotel supply house who buys beef carcasses and/or beef wholesale cuts for resale other than at retail and who does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and who is not owned or controlled, in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities.

(15) "Independent hotel supply house" means a hotel supply house which buys beef for resale to hotels, restaurants, and other purveyors of meals and which does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and which is not controlled, in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities.

(16) "Sales at retail" means sales to the ultimate consumer *Provided*, That no wholesaler, processor, packer, slaughterer, branch house, car route, hotel supply house, purchaser for resale, commercial user, purveyor of meals, war procurement agency, or other government agency shall be deemed to be an ultimate consumer, except that a sale to a purveyor of meals on usual retail terms by a retailer at least 80% of whose sales of meat during the preceding calendar month were made to ultimate consumers shall be deemed a sale at retail.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

SUBPART C—PROVISIONS AFFECTING VEAL AND PROCESSED PRODUCTS

§ 1364.476 *Maximum prices for veal carcasses, veal wholesale cuts and processed products.* Except as provided by paragraphs (d), (e), (f), (g), and (k) of this section, each seller's maximum prices for veal carcasses, veal wholesale cuts and processed products which are shipped otherwise than via car route or by carload shall be computed as provided by paragraph (a) of this section; his maximum prices for such carcasses, cuts or processed products shipped via car route shall be computed as provided by paragraph (b) of this section; and his maximum prices for such carcasses, cuts or processed products shipped by carload shall be computed as provided by paragraph (c) of this section. Maximum prices for carcasses, cuts or processed products which cannot be determined under paragraphs (a), (b), or (c) shall be computed as provided in paragraph (h). Maximum prices for carcasses, cuts or processed products which cannot be determined under paragraph (a) or (h) shall be determined pursuant to paragraph (j). Maximum prices for carcasses or cuts which cannot be determined under paragraph (c) or (h) shall be computed pursuant to paragraph (j). Each seller shall report to the Office of Price Administration, his maximum prices as provided in paragraph (l).

(a) *Maximum prices for products not shipped via car route or by carload.* Except as provided in paragraphs (d) and (k) of this section, each seller's maximum price for each veal carcass or veal wholesale cut not shipped via car route or by carload shall be computed as follows:

(1) The maximum price for each grade of each veal *carcass* shall be the highest price actually charged by the seller during the period March 16 to March 28, 1942, at or above which at least 30% of the total weight volume of the seller's sales of carcasses of the same grade were made during such period.

Example: Assume that the seller's sales of choice carcasses of veal during the base period, March 16 to March 28, were as follows:

Price per lb.	Weight volume in lbs.	Percentage of total weight volume (percent)
24¢	1,000	4
23½¢	2,000	8
23¢	4,000	16
22¾¢	5,000	20
22½¢	8,000	32
22¢	4,000	16
21½¢	1,000	4
Total weight volume	25,000	

The seller's maximum price for choice carcasses of veal is 22¾¢ per lb., for that is the highest price actually charged by him at or above which he made at least 30% of the total weight volume of his sales of such carcasses during the base period. 23¢ cannot be his maximum price, because only 28% of the total weight volume of sales was made at or above that price. 22⅞¢ cannot be his maximum price, for he made no sales during the base period at that price.

(2) The maximum price for each grade of fore-quarter of veal, hind-quarter of veal, fore-saddle of veal, and hind-saddle of veal shall be determined as follows:

(i) The seller shall ascertain the highest price actually charged by him during the period March 16 to March 28, 1942, at or above which at least 30% of the total weight volume of his sales of such fore-quarter, hind-quarter, fore-saddle, or hind-saddle was made during the period March 16 to March 28, 1942.

(ii) In the event that fores and hinds of each grade when sold separately at the prices computed pursuant to subparagraphs (2) (i), would yield a greater total sales realization than the total sales realization obtainable from the sales of the same fores and hinds of each grade in carcass form, at the seller's maximum price for a carcass of such grade, the seller shall adjust downward the prices of such fores and hinds to remove such excess. In making such adjustment, the seller shall not change the price differential in cents per pound between hinds and fores as established pursuant to subparagraph (2) (i). No such adjustment need be made if the seller sold no carcass of such grade during the period March 16 to March 28, 1942. The price so fixed and adjusted shall be the seller's maximum price for such quarter or saddle, and he may not thereafter charge any higher price.

(3) The maximum price for each grade of each fresh or frozen wholesale cut, other than boned and kosher cuts, shall be determined as follows:

(i) The seller shall fix a price for each such cut upon the basis of the relationship which prevailed, during the base period, March 16 to March 28, 1942, between the price of such cut and the prices of other cuts derived from a quarter of saddle of the same grade.

(ii) In the event that the total gross proceeds obtainable through sales at the prices so fixed of all cuts derived from such quarter or saddle exceeds by more than $1.00 per cwt. the total gross proceeds obtainable through the sale of such quarter or saddle, uncut, at its maximum price, the seller shall adjust downward the prices of such cuts to remove the excess over $1.00 per cwt. In making such adjustments, the seller shall not change the relationship of such prices as established pursuant to subparagraph (3) (i). The price so fixed and adjusted shall be the seller's maximum price for such wholesale cut.

(iii) In the event that the seller sold no quarter of a particular grade during the period March 16 to March 28, 1942, the maximum price for each wholesale cut derived from a quarter or saddle of such grade shall be the highest price actually charged by the seller during the period March 16 to March 28, 1942, at or above which at least 30% of the total weight volume of his sales of such cut was made during such period.

(4) The maximum price for each grade and brand of each other veal wholesale cut and each processed product (i. e., veal wholesale cuts which are boned or wholesale cuts other than quarters or saddles derived from kosher veal carcasses and processed products which are canned, ground, or processed) shall be the highest price actually charged by the seller during the period March 16 to March 28, 1942, at or above which at least 30% of the total weight volume of the seller's sales of such wholesale cut or processed product were made during such period.

NOTE: In making computations of total weight volume required by paragraph (a) of this section, the seller shall omit all sales of products which he shipped via car route or by carload.

(b) *Maximum prices for products shipped via car route.* Except as provided in paragraphs (d) and (e) of this section, each seller's maximum price for each grade of each veal carcass, veal wholesale cut or processed product delivered via car route shall be computed as follows:

(1) The seller shall ascertain zones for all car routes operated from the same shipping point, upon the basis of 25¢ per cwt. differences in transportation and icing charges. If the car route is operated by truck such transportation and icing charges shall be determined by reference to the tariff of any common carrier trucker who has filed such tariff with the Interstate Commerce Commission.

(2) As used in this paragraph (b) of § 1364.476, the term "average transportation charge" means the transportation charge in any zone determined by adding to the lowest transportation and icing charge in such zone the highest transportation and icing charge in such zone and dividing the resulting sum by two.

(3) The seller shall deduct from the prices charged by him for products delivered in each zone during the period March 16 to March 28, 1942 the average transportation and icing charge in such zone.

(4) Using the prices computed under paragraph (b) (3) of this section, the seller shall determine f. o. b. shipping point prices for each grade of each veal carcass, side, quarter and saddle and for each grade of each veal wholesale cut and for each grade of each processed product in the manner provided for in subparagraphs (1), (2), (3) and (4) of paragraph (a) of this section.

(5) Maximum prices in each car route zone shall be determined by adding to the f. o. b. shipping point prices determined under paragraph (b) (4) of this section the average transportation charge in such zone, except that in sales to a war procurement agency or to the Federal Surplus Commodities Corporation the maximum prices shall be determined by adding to such f. o. b. shipping point prices the transportation charge to destination which is actually incurred, which actual transportation charge shall in no instance exceed the highest transportation charge used as the basis for determining the average transportation charge in the zone of such destination point.

(c) *Maximum prices for products shipped by carload.* Except as provided in paragraphs (d) and (k) of this section, each seller's maximum price, f. o. b. the seller's shipping point, for each grade of each veal carcass, veal wholesale cut, or processed product sold for carload delivery shall be the highest price actually charged by the seller during the period March 16 to March 28, 1942, at or above which at least 30% of the total weight volume of the seller's sales of such carcass, wholesale cut or processed product were sold in carload shipments from such shipping point during such period: *Provided*, That, in determining such maximum price, the seller shall deduct from all delivered prices charged in his carload sales during such period the actual transportation costs from the shipping point to all points of delivery. If the seller is unable to determine the maximum price for any grade of any wholesale cut derived from a quarter or saddle, because he made no carload sale of such cut during such period, he shall compute such maximum price in the manner provided for in subparagraph (3) of paragraph (a) of this section.

(d) *Maximum prices for products purchased by certain governmental agencies.* The maximum price for each grade of each veal carcass, veal wholesale cut or processed product which is purchased for any institution of any State, or political subdivision thereof, or of the United States by an authorized purchasing agency (other than purchases by a war procurement agency or the Federal Surplus Commodities Corporation) shall be either:

(1) The highest price which such agency contracted to pay for such grade of veal carcass, veal wholesale cut or processed product in contracts specifying comparable delivery and entered into during the thirty-day period commencing on March 16, 1942, or actually paid for such grade of carcass or cut delivered during such period; or

(2) The seller's maximum price determined under the applicable provisions of paragraph (a), (b) or (c) of this section. The purchaser shall, in issuing requests for bids, state which of the two formulae for determining maximum prices set out in subparagraphs (1) and (2) of this paragraph (d) shall be applicable to such bids: *Provided*, That if the purchaser states that the maximum price is the alternative set forth in said subparagraph (1), the purchaser shall quote in its invitation for bids the maximum price for each grade of veal carcass, veal wholesale cut or processed product to be purchased.

(e) *Adjustment of maximum prices for products sold to certain governmental agencies to include certain special charges.* In any sale of veal carcasses, veal wholesale cuts or processed products to a war procurement agency or to the Federal Surplus Commodities Corporation the seller may add to the maximum prices determined under paragraphs (a), (b) and (c) of this section the actual cost of freezing and wrapping or packaging such products if such products are frozen and wrapped or packaged pursuant to specifications applicable to products for overseas shipment or supply ship delivery: *Provided*, That the actual cost of freezing shall in no event exceed the lowest commercial rate for such freezing in the market area.

(f) *Maximum prices for federally graded products of choice grade.* The maximum price of each veal carcass or veal wholesale cut which has been graded choice by an official grader of the United States Department of Agriculture and which bears the appropriate official grade mark and identification of such official grader at the time of sale or delivery shall be ⅛ cent per pound higher than the maximum price computed for such grade of veal carcass or veal wholesale cut pursuant to paragraphs (a), (b), (c), or (d) of this section, except that this paragraph shall not apply in any instance where a maximum price is derived under paragraph (h) from the most nearly competitive seller who has computed maximum prices in accordance with this paragraph.

(g) *Adjustment of maximum prices.* In the event that any maximum price computed pursuant to paragraphs (a), (b), or (c) of this section results in a price containing a fraction of a cent which fraction is indivisible exactly into eights, the seller shall adjust such maximum price to the nearest eighth of a cent.

(h) *Maximum prices which cannot be priced under the foregoing paragraphs.* Except as provided in paragraph (k) of this section, if the maximum price for any grade of any veal carcass, veal wholesale cut or processed product cannot be determined under paragraphs (a), (b), or (c) of this section, the maximum price for such carcass, cut or processed product shall be the maximum price of the most nearly competitive seller.

(i) *Maximum prices for products which cannot be priced under paragraphs (a)* *or (h).* If the maximum price for any veal carcass, veal wholesale cut or processed product cannot be determined under paragraphs (a) or (h) of this section, the seller shall apply to the Office of Price Administration, Washington, D. C., for authorization to establish a maximum price, setting forth in such sworn application a detailed description of the grade, and kind of veal carcass, or veal wholesale cut or processed product for which a price is sought, including, where appropriate: a description of the manner and style of cutting and the nature and degree of processing· the maximum prices, if any, established for the sale by the seller of other grades of carcass or of the same wholesale cut or processed product; the manner in which the wholesale cut or processed product differs from the most similar wholesale cut or processed product for which a maximum price is established, and the maximum price for such cut or processed product; the costs of any of the operations which are added to or eliminated from the cutting or processing of the most similar wholesale cut or processed product; a statement of the reasons why the new manner of cutting or processing is being undertaken; a statement of the price requested, and the method by which the requested price was arrived at. Authorization to establish a maximum price for such veal carcass, veal wholesale cut or processed product will be accompanied by instructions as to the method for determining the maximum price. Within 10 days after such price has been determined, the seller shall report the price to the Office of Price Administration, Washington, D. C., under oaths or affirmation. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(j) *Maximum prices for products which cannot be priced under paragraphs (c) or (h).* Except as provided in paragraph (k) of this section, if the maximum price for any grade of any veal carcass, veal wholesale cut or processed product shipped by carload cannot be determined under paragraph (h) of this section, the maximum price, f. o. b. the seller's shipping point for each grade of each veal carcass, veal wholesale cut or processed product sold for carload delivery shall be determined by subtracting ½ cent per pound from the seller's maximum price for such grade of carcass, wholesale cut or processed product as determined pursuant to paragraph (a) of this section, or as determined pursuant to paragraph (h) or (i) in lieu of paragraph (a) if such maximum price cannot be determined pursuant to paragraph (a).

(k) *Maximum prices for products sold for export.* The maximum price at which a person may sell or deliver any commodity for export shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration.

(l) *Duty to report maximum prices and adhere to reported prices.* Each seller shall report to the Office of Price Administration, pursuant to the provision of § 1364.407, his maximum prices on all veal carcasses, veal wholesale cuts and processed products which he sells. The seller shall in no event charge any prices higher than those so reported as his maximum prices.

§ 1364.477 *Definitions applicable to veal and processed products.* (a) When used in this Revised Maximum Price Regulation No. 169 and when applicable to veal or processed products the term:

(1) "Person" means any individual, corporation, partnership, association or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing: *Provided,* That no punishment provided by this Revised Maximum Price Regulation No. 169 shall apply to the United States or to any such government, political subdivision, or agency.

(2) "Seller" means any person who sells, supplies, disposes, barters, exchanges, transfers or delivers, and contracts and offers to do any of the foregoing. Where a person makes sales from more than one place of business, each separate place of business of such person shall be deemed to be a separate seller, except that all places of business owned or controlled by the same person, and selling in the same market area shall be regarded as a single seller. Each shipping point from which a car route or car routes originate shall be deemed a separate seller. If more than half of the sales at any one place of business are sales of kosher veal wholesale cuts or of veal wholesale cuts derived from kosher veal carcasses or of kosher processed products the sales at such place of business shall not be included with sales at any other place of business in computing maximum prices. All sales by any person to hotels and restaurants from one or more selling places in the same market area may be treated, at the option of such person, as sales by a separate seller.

(3) "Veal" includes the dressed carcasses and wholesale cuts derived from calves.

(4) "Veal wholesale cuts" means all cuts and combinations of cuts derived from the dressed veal carcass, including but not limited to:

(i) Fore-quarters and hind-quarters and fore-saddles and hind-saddles;

(ii) Rough and trimmed, bone in and boneless, whole and sliced;

(iii) Fresh or frozen. Kosher veal wholesale cuts shall for the purposes of § 1364.476 be regarded as separate wholesale cuts, and kosher veal carcasses shall be regarded as separate carcasses.

(5) "Processed products" means ground, cured, pickled, spiced, smoked, dried or otherwise processed beef and/or veal, including ground hamburger and sausage containing any proportion of beef or veal: *Provided,* That any beef carcass, or part or portion thereof, including any beef wholesale cut, which has been boned as permitted in Subpart B of this Revised Regulation or otherwise shall not be deemed a processed product. Products of each grade and brand, and in each stage of processing shall be considered separate processed products. Each type of canned and packaged meat, made entirely from beef and/or veal shall be considered a separate processed product. Beef or veal trimmings of each grade and in each stage of processing shall be considered separate wholesale cuts. Kosher processed products shall for the purposes of § 1364.476 be regarded as separate processed products.

(6) "Veal carcass" means the dressed carcass of veal and includes: the side or sides of veal; the forequarter and hindquarter of veal when sold together, and the fore-saddle and hind-saddle of veal when sold together.

(7) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, the Marine Corps, the Coast Guard, the War Shipping Administration, or any agency of the foregoing.

(8) "Carload" means (i) a shipment by rail of fresh, frozen and/or processed meat, and/or wholesale cuts or meat and/or carcasses, to a single delivery point, of at least the minimum weight as set forth in the tariffs of railroad carriers, upon which shipment the railroad carload rate from the point of shipment to the point of destination is based: *Provided,* That where a smaller quantity is shipped which could move at a railroad carload rate rather than at a railroad less-than-carload rate because a lower transportation charge is produced thereby, such smaller quantity shall be considered a carload lot;

(ii) A shipment by motor truck or trucks, to a single delivery point, of 15,000 pounds or more of fresh, frozen and/or processed meat and/or wholesale cuts or meat and/or carcasses as a single bulk sale transaction; and

(iii) Any single bulk sale transaction wherein the buyer takes delivery, at the sellers' place of business, of 15,000 pounds or more of fresh, frozen and/or processed meat and/or wholesale cuts or meat and/or carcasses.

(9) "Purchasing agency" refers to the authorized purchasing agency which contracts for future delivery of any veal carcasses, veal wholesale cuts or processed products according to fixed specifications.

(10) "Sales at retail" means sales to the ultimate consumer: *Provided,* That no wholesaler, processor, packer, slaughterer, branch house, purchaser for resale, car route or commercial user, shall be deemed to be an ultimate consumer, except that a sale to a purveyor of meals, by a person regularly and generally engaged in selling at retail, made on usual retail terms, shall be regarded as a sale at retail.

(11) "Car route" means a shipment by rail or truck, other than a carload, to a place outside of the market area in which the shipping point is located.

(12) "Market area" means any municipality or group of municipalities each of which has a common boundary with another: *Provided,* That such market area shall in no event extend in any direction further than fifty miles from the seller's shipping point.

(13) "Packaged meat" means meat sold in prepared containers of uniform size and appearance, which containers bear an identification of the contents and a statement of the weight or volume thereof.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

SUBPART D—APPENDICES

§ 1364.526 *Appendix A: Formula for meat marking fluid.* The following formula has been approved by the United States Department of Agriculture, Bureau of Animal Industry, Meat Inspection Laboratory, to be used for marking meats under the provisions of meat inspection law:

Water	gallons	45
Pure grain alcohol, 95 percent	gallons	38
Granulated cane sugar	pounds	100
Methyl violet	pounds	10

The methyl violet is dissolved in the alcohol and a portion of the water; the sugar is dissolved in the remaining portion of the water and added to the methyl violet solution. Thorough stirring facilitates solution of the methyl violet.

It is not necessary that the above-mentioned formula be adhered to in every detail, but the proportions indicated should not be subjected to any considerable variation; otherwise the marking qualities of the fluid may be impaired. Instead of the pure grain alcohol specified in the formula there may be employed pure grain alcohol, denatured according to formula 33 of the United States Bureau of Internal Revenue. When such denatured alcohol is used, it should be employed in the proportion indicated above. No additional methyl violet should be added. Instead of granulated cane sugar, pure granulated glucose may be used in the same proportion, or heavy corn sirup, if of suitable purity, may be used, provided due allowance is made for the water introduced in that way. All the ingredients used in preparing the marking fluid must be free from poisonous and harmful substances.

§ 1364.527 *Appendix B: Rules and regulations of the Secretary of Agriculture governing the grading and certification of meats for class, quality (grade), and condition.*

REGULATION 1. DEFINITIONS

Section 1. Words in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

Section 2. For the purpose of these regulations, unless the context otherwise requires, the following terms shall be construed, respectively, to mean—

Paragraph 1. *Secretary.* Secretary or Acting Secretary of Agriculture of the United States.

Paragraph 2. *Bureau.*[8] Agricultural Marketing Administration of the United States Department of Agriculture.

Paragraph 3. *Official grader.* Employee of the Department of Agriculture or other person authorized by the Secretary to investigate and certify to shippers and other interested parties the class, quality, grade, and condition of products under the act.

Paragraph 4. *Office of grading.* The office of an official grader of products covered by these regulations.

Paragraph 5. *Grading certificate.* Certificate of the class, quality (grade), and condition of products issued by an official grader under the act.

Paragraph 6. *Interested party.* Anyone having a financial interest in the products involved, including the shipper, the receiver, or the carrier, or any authorized person in behalf of such party.

Paragraph 7. *Regulations.* Rules and regulations of the Secretary under the act.

Paragraph 8. *Class.* Class is a subdivision of a given commercial product based on essential physical characteristics that differentiate between major groups of the same kind or species, for instance, the classes in beef are: steer, heifer, cow, stag, and bull.

Paragraph 9. *Quality.* Quality in a product is a combination of its inherent properties which determines its relative degree of excellence.

Paragraph 10. *Condition.* Condition of a commercial product denotes those characteristics affecting its merchantability—with special reference to state of preservation, cleanliness, soundness, wholesomeness, and fitness for human food.

Paragraph 11. *Grade.* Grade is the last important commercial subdivision of a product based on certain definite value and preference-determining factors, such as conformation, finish, and quality in meats.

Paragraph 12. *Products.* Includes carcasses and wholesale cuts.

REGULATION 4. GRADING SERVICE

Section 1. *Kind of service.* Examination, identification, and certification of products shall be made according to class, quality (grade), and condition.

Section 2. *Who may obtain service.* Application for grading may be made by any financially interested person or his authorized agent, including Federal, State, county, and municipal governments, and common carriers.

Section 3. *How to make application:* Application for grading shall be filed in the office of grading or with an official grader. It may be made in writing, orally, or by telegraph or telephone. If made orally, the official grader may require that it be confirmed in writing or by telegraph, stating the facts required by Section 4 of this regulation.

Section 4. *Form of application.* Each application for grading shall include the following information: (a) the date of application; (b) the description and location of the product to be graded; (c) the name and post office address of the applicant and of the person, if other than the applicant, making the application in his behalf; (d) the interest of the applicant (except an official of the Federal Government or a State) therein; (e) the name, post office address, and interest of all other known parties, except carriers, interested in the products involved; (f) the shipping point and destination of the product; (g) type of service desired; and (h) such other information as may be necessary for proper identification of the product or as may be required by the Chief of Bureau.

Section 5. *When application deemed filed.* An application for grading shall be deemed filed when delivered to the proper office of grading. Record showing date and time of filing shall be made in such office.

Section 6. *When application may be rejected.* Any application may be rejected by the official grader in charge of the office of grading in which it is filed for noncompliance with the act or any applicable regulation thereunder, failure to make product available for examination, abusive language or act of violence, or interference with grader while performing grading, and such official grader shall immediately notify the applicant of the reasons for such rejection.

Section 7. *Authority of agent.* Proof of the authority of any person applying for service in behalf of another may be required in the discretion of the official grader.

Section 8. *Accessibility of product.* The applicant shall cause the products for which service is requested to be made accessible for grading and to be so placed as to disclose class, quality, and condition.

Section 9. *Basis of service.* Examination, identification, and certification for class, grade, and condition shall be based upon the official or tentative standards of the Department of Agriculture as contained in this Maximum Price Regulation No. 169.

Section 10. *Order of grading.* Service shall be rendered in the order in which applications are received, except that precedence may be given to applications made by another branch of the Federal Government, a State, or a municipality, and appeal grading.

Section 11. *Financial interest of official grader.* No official grader shall grade any products in which he is directly or indirectly financially interested.

Section 12. *Investigation on motion of graders.* A grader may of his own motion and without the use of any force, when authorized by the Chief of the Bureau, investigate the class, quality (grade), and condition of any products at such points as are provided under regulation 3, and may issue and transmit to the shipper of such products and other parties interested therein certificates or copies thereof showing the results of such investigations.

Section 13. *Certificate, form of.* Certificates shall include the following information: (1) the number of the certificate; (2) name of designated market and place of grading; (3) date and time of grading; (4) names and addresses of applicant, party in possession, and shipper and buyer, if known; (5) exact number of carcasses, sides, quarters, cuts, and packages of products by classes and grades examined, if graded; (6) if previously examined, reference to previous certificate by numbers; (7) if rejected or not graded, reason for rejecting or not grading; (8) for purposes of identification, the weight of each class, grade and lot; (9) the amount of fees and expenses; (10) name of official grader or graders; (11) additional facts necessary to fully describe condition, class, and grade, or as may be required by the Chief of Bureau.

Section 14. *Certificates, issuance.* The official grader shall sign and issue certificates covering lots of products personally graded by him unless through special arrangements approved by the Chief of Bureau this be not required, in which case complete records of the grading shall be furnished the Bureau; but in no case shall any grader sign a certificate covering any product not graded by him. Graders shall stamp, brand, tag, label, seal, or otherwise identify or supervise the stamping, branding, tagging, labeling, sealing, or otherwise identifying of each unit of product or package or container thereof with its class and quality (grade) as far as practicable, or the applicant may issue, when authorized by the Chief of the Bureau, certificates of quality of such forms as are approved by the Chief of the Bureau, the certificates of quality issued by the applicant to be used only by the applicant in such manner and for such purpose as is approved by the Chief of the Bureau.

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[8] "Agricultural Marketing Administration" is substituted wherever the terms, "Bureau" or "Bureau of Agricultural Economics of the United States Department of Agriculture" are used in this Section 1364.527. This is in accordance with the Order issued by the Secretary of Agriculture.

Section 15. *Disposition of certificates.* The original certificate, and not to exceed two copies if requested, upon issuance shall be immediately delivered or mailed to the applicant or a person designated by him. One copy shall be filed in the office of the official grader and one copy forwarded to the Chief of Bureau. Copies will be furnished to other financially interested parties as outlined in regulation 7, section 1, paragraph 6.

Section 16. *Advance information.* Upon request of an applicant, all or any part of the contents of the certificate may be telegraphed, telephoned, or radioed to him, or to any person designated by him, at his expense.

REGULATION 5. APPEAL GRADING

Section 1. *When appeal may be taken.* An application for appeal grading may be made whenever any financially interested party is dissatisfied with the determination stated in the original certificate.

Section 2. *How to obtain.* Appeal grading may be obtained by the applicant or other person financially interested in the product by filing a request for such appeal grading (a) with the official in charge of the meat grading service at nearest designated market, or (b) with the grader who did the original grading, or (c) with the Chief of the Bureau. The application for appeal shall state the reasons therefor, and may be accompanied by a copy of any previous grading certificate or report, or any other information which the applicant shall have received regarding the product at the time of the original grading. Such application may be made in writing or orally, by telegraph, telephone, or otherwise. If made orally, the person receiving the application may require that it be confirmed in writing.

Section 3. *Record of filing time.* A record showing the date and time of filing such application shall be immediately made by the receiver thereof.

Section 4. *When appeal may be refused.* If it shall appear that the reasons stated in an application for appeal grading are frivolous or unsubstantial, or that the quality or condition of the products has undergone a material change since the original grading, or that the products cannot be made accessible for thorough grading, or that the identity has been lost, or that these regulations have not been complied with, the application may be denied.

Section 5. *When appeal may be withdrawn.* An application for appeal grading may be withdrawn by the applicant at any time before the appeal grading has been performed upon payment of any expenses incurred in connection therewith.

Section 6. *When second grading is not an appeal.* Gradings requested to determine factors of quality or condition which may have undergone material change since the original grading shall not be considered appeal gradings within the meaning of this regulation. Second grading, requested for the purposes of securing an up-to-date certificate and not involving any question as to the correctness of the original certificate covering the lot in question, shall not be considered appeal grading within the meaning of this regulation.

Section 7. *Order in which made.* Appeal gradings shall be performed as far as practicable at time requested by applicant and in the order in which applications are received. They shall take precedence over all other pending applications.

Section 8. *Who shall pass upon appeals.* Appeal grading shall be passed upon by official graders designated therefor by the Chief of Bureau, and such grading shall be conducted jointly by two official graders when practicable. No appeal grader shall pass upon an application involving the correctness of a certificate issued by him.

Section 9. *Appeal findings.* Immediately after an appeal grading has been made a certificate designated as "appeal grading certificate" shall be signed and issued referring specifically to the original certificate and stating the quality and condition of the product as shown by the appeal grading. In all other respects the provisions of regulation 4 shall apply to such appeal grading certificates except that if the applicant for appeal grading be not the original applicant, a copy of the appeal grading certificate shall be mailed to the original applicant.

Section 10. *Superseded certificates.* When a grading certificate shall have been superseded under these regulations by an appeal grading certificate such grading certificate shall become null and void and shall not thereafter represent the class, quality, or condition of the product described therein. If the original and all copies of the superseded certificate are not delivered to the person with whom the application for appeal grading is filed, the officer or officers issuing the appeal grading certificate shall forward notice of such issuance and of the cancelation of the original certificate to such persons as he considers necessary to prevent fraudulent use of the canceled certificate.

REGULATION 7. FEES AND EXPENSES

Section 1. Amount of, rates, etc. * * *

Paragraph 1. *Basis for charges.* Fees and charges for grading services shall be based on the actual time required to render the services, including the time required for travel of the official grader in connection therewith, at the rate of $2.20 per hour for each official grader assigned unless otherwise provided by special agreement approved by the Chief of the Bureau: *Provided*, That no grading services shall be rendered for less than a minimum charge of $1.10; *Provided further*, That the Chief of the Bureau may, in lieu of the fixed charge of $2.20 per hour, fix other reasonable charges for the grading and certification of products at rates, which, in his judgment, will cover the costs of the services.

Paragraph 2. *Charges by graders employed or licensed by Department of Agriculture.* Charges for services by employees of the Department and by graders licensed by the Secretary shall be at rates established herein.

Paragraph 3. *Charges under cooperative agreement.* Charges for grading under cooperative agreements shall be those provided for by such agreements.

Paragraph 4. *For appeal grading.* Fees and charges for appeal grading shall be double those for original grading; except that appeal grading for Federal Government agencies shall be at actual cost; provided that when on appeal grading it is found that there was error in determination based upon the original grading equal to or exceeding 10 percent of the total weight of the products, no charge will be made unless special agreement with applicant is made in advance.

Paragraph 5. *For copies of grading certificates.* For not to exceed three copies of a certificate to any person financially interested in a product involved the fee shall be $1.

Section 2. *How fee shall be paid.* Fees and other charges shall be paid by the applicant in accordance with directions on the fee bill furnished him, and in advance if required by the official grader.

Section 3. *Disposition of fees.*

Paragraph 1. *By graders exclusively employed by the Department.* Fees for grading done by graders exclusively employed by the Department shall be remitted to the Bureau for deposit into the Treasury as Miscellaneous Receipts.

Paragraph 2. *By graders under cooperative agreements.* Fees for grading done by graders acting under cooperative agreements with a State or municipal organization, or other cooperating party, shall be disposed of in accordance with the terms of such agreements. Such portion of fees collected under cooperative agreements as may be due the United States shall be remitted to the Bureau for deposit into the Treasury.

§ 1364.528 *Appendix C: Specifications for grades of carcass beef*—(a) *Choice.* Choice grade beef carcasses and wholesale cuts shall be relatively blocky and compact and thickly fleshed throughout. Loins and ribs shall be thick and full. The rounds shall be plump. The chucks shall be short and thick, and the neck and shanks short. The fat covering shall be fairly smooth and uniform and shall extend over the entire exterior surface of the carcass. The interior fat shall be abundant in the pelvic cavity and over the kidney. The protrusion of fat between the chine bones shall be fairly liberal and the "overflow" of fat over the inside of the ribs shall be distinctly in evidence and fairly evenly distributed. The intermingling of fat with the lean in evidence between the ribs, called feathering, shall be extensive. Both the interior and the exterior fat shall be firm, brittle, and somewhat waxy, but may be slightly wavy or rough. The fat is usually white or creamy white but a slight yellowish tinge will not exclude beef from this grade, provided the character of the fat meets the requirements for the grade in other respects. The cut surface of the lean muscle shall be firm and possess a smooth velvety appearance. It shall be well marbled and the marbling shall be relatively extensive, especially in the heavier carcasses. The color shall be uniform and bright and may range from a pale red to a deep blood red. The bones are usually soft and red, terminating in soft pearly white cartilages but some ossification of the cartilages and hardening in the bone as indicated by a tinge of whiteness will not disqualify beef produced from mature cattle from this grade.

Only beef produced from beef-type steers and heifers that show a relatively high degree of perfection in breeding and feeding will qualify for the choice grade. Beef produced from cows is not eligible for this grade.

(b) *Good.* Good grade beef carcasses and wholesale cuts shall be moderately blocky and compact and shall be moderately thick-fleshed throughout. A tendency for the loins and ribs to be slightly flat and for the rounds to be slightly flat

and to taper toward the shank is permitted. Chucks and neck may be only moderately short and thick and shanks may be only moderately short. The fat covering shall extend well over the exterior surface but may show a moderate degree of waste or patchiness, particularly in heavy mature beef. The interior fat shall be fairly plentiful in the pelvic cavity and around the kidney. There is usually a slight protrusion of fat between the chine bones. The "overflow" of fat over the inside of the ribs may be apparent to a slight extent. A limited amount of intermingling of fat with the lean between the ribs, called feathering, shall be in evidence. Both the interior and the exterior fat are usually fairly firm and brittle. The quantity of fat required of beef within this grade will vary within relatively wide limits dependent upon the age and class of cattle from which it is produced. That produced from lightweight steers and heifers which were slaughtered when relatively young may have a relatively thin exterior fat covering and only a moderate quantity of interior fat, whereas that produced from heavier, older cattle may possess a relatively thick exterior fat covering and fairly heavy interior fat deposits in the pelvic cavity, over the kidney, and on the inside of the forequarters. The fat is usually creamy white but it may possess a distinctly yellowish tinge. The cut surface of the lean muscle may be only moderately firm and smooth and velvety in appearance. Beef within this grade will show a relatively wide range of marbling. That produced from young cattle may show only a limited degree of marbling which is apparent only in the thicker cuts whereas that produced from the older, more mature cattle shall show rather extensive marbling throughout. The color is usually uniform and bright but may be slightly two-toned or slightly shady. It usually ranges from a light red to a slightly dark red. The bone will range from soft and red in lightweight beef produced from young cattle to a relatively hard bone that is tinged with white in the beef produced from older, more mature cattle. It is, however, necessary that the chine bones show cartilages, termed "buttons", in order to qualify for this grade.

Beef produced from steers, heifers, and relatively young well-finished beef-type cows may qualify for the Good grade.

(c) *Commercial.* Commercial grade beef carcasses and wholesale cuts may be somewhat rangy, angular, and irregular in conformation and the fleshing may be slightly thin throughout. Loins and ribs tend to be flat and somewhat thinly fleshed. The rounds are relatively long, flat, and tapering. Chucks are usually slightly flat and thinly fleshed. The neck is somewhat long and thin and the shanks somewhat long and tapering. The quantity of fat required of beef within this grade will vary within wide limits dependent upon the age and class of cattle from which it is produced. That produced from relatively young lightweight steers and heifers that were slaughtered when relatively young may have a thin exterior fat covering that does not extend over the round or chucks and a relatively small quantity of interior fat. In such beef there will be practically no protrusion of fat between the chine bones and there will be no "overflow" of fat on the inside of the ribs and no feathering between the ribs. Beef produced from heavier, older cattle, and particularly from mature animals, will possess a moderately thick exterior fat covering that may be uneven and wasty, and fairly heavy interior fat deposits in the pelvic cavity, over the kidney, and on the inside of the forequarters. The fat may be slightly yellow, somewhat soft, and slightly oily. The cut surface of the lean muscle may be somewhat soft and watery in beef produced from younger cattle, but in that produced from older cattle it is usually firm but is also usually coarse. Beef within this grade produced from yearling cattle will have little if any marbling whereas that produced from mature cattle, and particularly cows, will show a moderate degree of marbling through the thicker cuts. The color may be two-toned or shady and usually ranges from a light red to a dark red. The character of the bone will vary from fairly soft and red in the beef produced from the young cattle to white and hard in that produced from mature cattle.

Beef produced from steers, heifers, and cows may qualify for the commercial grade.

(d) *Utility.* Utility grade beef carcasses and wholesale cuts may be decidedly rangy, angular, and irregular in conformation. The fleshing is usually thin. The loins and ribs are flat and thinly fleshed. The rounds are long, flat, and tapering. The chucks are flat and thinly fleshed. The neck and shanks are long and tapering. The hip and shoulder joints are prominent. The degree of fat covering varies from very thin in beef produced from young steers and heifers to a slightly thick covering that may be somewhat uneven in beef produced from cattle that are more or less advanced in age. The quantity of interior fat varies from very little in beef that is produced from young and immature steers and heifers to a moderate quantity in that produced from mature cattle. The fat is usually soft and varies in color from a grayish white to decidedly yellow. The cut surface of the lean muscle is usually soft and watery in the beef produced from younger cattle but in that produced from more mature cattle it is usually fairly firm but coarse. The beef in this grade will show practically no marbling except in that produced from aged cattle which may show a little marbling in the thicker cuts. The color may be two-toned or shady and usually ranges from a light red to a very dark red. The bone is usually hard and white.

The utility grade of beef may be produced from steers, heifers, or cows.

(e) *Cutter and canner.* Cutter grade beef carcasses and wholesale cuts may be very rangy, angular, and irregular in conformation and very thinly fleshed throughout. The loins and ribs are very flat, thin, and shallow. The rounds are very long, flat, and tapering. The chucks are very flat, thin, and shallow. The neck and shanks are very long and tapering, the hip and shoulder joints are very prominent. The degree of exterior fat covering may vary from a very thin covering that is confined almost entirely to the ribs and loins in the beef produced from younger cattle to a thin, more extensive covering in the beef produced from mature cattle. The interior fat is confined largely to the pelvic cavity and the kidney and may vary from a very small quantity, if any, in these parts in beef produced from younger cattle to a limited quantity in that produced from mature cattle. The color of both the interior and the exterior fat may vary from grayish white to a deep yellow. The cut surface of the lean muscle shows no marbling, is coarse, and is usually soft and watery. The color may be two-toned or shady and usually ranges from a slightly dark red to a very dark red. The bone is usually hard and white.

The cutter grade of beef may be produced from steers, heifers, and cows. That produced from cows constitutes a relatively large percentage of the beef eligible for this grade.

Canner grade beef carcasses and wholesale cuts shall be extremely rangy, angular, and irregular in conformation and extremely thinly fleshed throughout. All cuts are extremely thinly fleshed. Loins and ribs are extremely thin, flat, and shallow. The rounds are very long, flat and tapering, and the chucks are extremely thin, flat, and shallow. The neck and shanks are extremely long and the hips and shoulder joints are extremely tapering. Beef of this grade is practically devoid of both interior and exterior fat. The outside surface usually has a very dark appearance. The cut surface of the lean muscle is usually coarse and is soft and watery in appearance. It shows no marbling. The color may be two-toned or shady and usually ranges from a moderately dark red to an extremely dark red or brownish black. The bones are nearly always hard and white.

A very large percentage of the beef of the canner grade is produced from mature cows that are somewhat advanced in age.

§ 1364.529 *Appendix D: Specifications for grades of veal carcasses*—(a) *Choice.* A choice grade veal carcass is markedly superior in conformation, finish and quality.

In general shape or outline it is blocky and compact. It is broad and deep in proportion to its length. All parts are thickly fleshed, each part having its proper proportionate thickness. Because of the thickness of fleshing the carcass presents a plump, full, well-rounded appearance. The different parts are developed and balanced in such a way as to result in a high proportion of back, loin, and round combined.

The shanks are short and thick. Rounds are thick and bulging. Loin and back are full and plump. Shoulders and breasts are broad and thick. The neck is short and thick.

There is a thin covering of fat over the rump, loin, back and top of the shoulders, and over the inner walls of the chest and abdomen. There are moderately large deposits of fat in the breast, flanks, and crotch, and around the kidneys. All exterior fat is smooth. The color of fat is a creamy white tinged with pink.

The flesh ranges from light gray to pinkish brown in color. It is firm, fine-grained and, in a cut surface, is velvety to sight and touch. All bones are small in proportion to the size and weight of the carcass and are soft and red.

(b) *Good.* A good grade veal carcass possesses a moderately high degree of conformation, finish, and quality.

In general shape or outline it tends to be blocky and compact. It is moderately broad and deep in proportion to its length. All parts are moderately thick-fleshed each part having its proper proportionate thickness. Because of the thickness of fleshing, the carcass presents a moderately plump, full, well-rounded appearance. The different parts are developed and balanced in such a way as to result in a moderately high proportion of back, loin, and round combined.

The shanks are moderately short and thick. Rounds are moderately thick and bulging. Loin and back are moderately full and plump. Shoulders and breast are moderately broad and thick. The neck is moderately short and thick.

There is a very thin covering of fat over the loin and back and over the inner walls of the chest and abdomen. There are slightly small deposits of fat in the breast, flanks, and crotch, and around the kidneys. All exterior fat is moderately smooth. The color of fat is usually a creamy white. The flesh ranges from a pinkish brown to a light tan in color, is moderately firm, fine-grained and, in a cut surface, is moderately velvety but may be slightly moist to sight and touch. All bones are moderately small in proportion to the size and weight of the carcass and are moderately soft and red.

(c) *Commercial.* A commercial grade veal carcass is slightly deficient in conformation, finish, and quality.

In general shape or outline it is slightly rough and rangy. It is slightly narrow and shallow in proportion to its length. All parts are slightly deficient in fleshing, each part being proportionately lacking in this respect. Because of the relative thinness of fleshing the carcass presents a slightly empty, sunken, or hollowed-out appearance. The different parts are developed and balanced in such a way as to result in a slightly low proportion of back, loin, and round combined.

The shanks are slightly long and thin. Rounds are slightly thin and tapering. Loins and back are slightly depressed. Shoulders and breast are slightly narrow and thin. The neck is slightly long and thin.

There are extremely thin patches of fat over the back and loin and over a portion of the inner walls of the chest and abdomen. There are very small deposits of fat in the breast, flanks, and crotch, and around the kidneys, the latter usually being incompletely covered. The color of fat is white but it lacks the pinkish tinge.

The flesh is usually pinkish brown in color, is slightly soft, is coarse-grained and, in a cut surface, is slightly moist to the touch. All bones are slightly large in proportion to the size and weight of the carcass, are moderately soft but are slightly lacking in redness.

(d) *Utility.* A utility grade veal carcass is very deficient in conformation, finish, and quality.

In general shape or outline it is very rough and rangy. It is very narrow and shallow in proportion to its length. All parts are very deficient in fleshing, each part being proportionately lacking in this respect. Because of the relative thinness of fleshing the carcass presents a very depressed or hollowed-out appearance. The different parts are developed and balanced in such a way as to result in a very low proportion of back, loin, and round combined.

The shanks are very long and thin. Rounds are very thin and tapering. Loin and back are very shallow and depressed. Shoulders and breast are very narrow and thin. The neck is very long and thin.

There is no fat covering over the back, loin, or inner walls of the chest and abdomen. Usually there are extremely small deposits of fat in the breast, flanks, and crotch, and around the kidneys. The color of the fat usually is grayish white tinged with yellow.

The flesh ranges from pinkish brown to dark tan in color, is soft, very coarse-grained and, in a cut surface, is very moist to the touch. All bones are large in proportion to the size and weight of the carcass, are moderately soft but are lacking in redness.

(e) *Cull.* A cull grade veal carcass is extremely deficient in conformation, finish, and quality.

In general shape or outline it is extremely rough and rangy. It is extremely narrow and shallow in proportion to its length. All parts are extremely deficient in fleshing, each part being proportionately lacking in this respect. Because of the relative thinness of fleshing the carcass presents an extremely shallow, depressed, or hollowed-out appearance. The different parts are developed and balanced in such a way as to result in an extremely low proportion of back, loin, and round combined.

The shanks are extremely long and thin. Rounds are extremely thin and tapering. Loin and back are extremely depressed. Shoulders and breast are extremely narrow and thin. The neck is extremely long and thin.

There is no fat covering over any part of the exterior of the carcass and none on the inner walls of the chest and abdomen. There are no discernible fat deposits in the breast, flanks, or crotch, and only extremely small quantities around the kidneys.

The flesh usually is reddish brown in color, is very soft, coarse-grained and watery. All bones are very large in proportion to the size and weight of the carcass and are decidedly lacking in softness and redness.

§ 1364.530 *Appendix E: Beef cutting charts.*

NOTE: Charts designated "(a) Beef skeletal chart" and "(b) Beef chart" were filed as part of the original document. Copies may be obtained from the Office of Price Administration.

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13125; Filed, December 10, 1942; 4:18 p. m.]

TITLE 43—PUBLIC LANDS; INTERIOR

Chapter I—General Land Office

Subchapter L—Mineral Lands

[Circular No. 1519]

PART 195—SODIUM PERMITS AND LEASES

EXPIRATION OF SODIUM PROSPECTING PERMITS

Section 195.11 of Title 43 of the Code of Federal Regulations is hereby amended by eliminating therefrom the words "patent or" in the second sentence.

FRED W. JOHNSON,
Commissioner.

Approved: November 24, 1942.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-13120; Filed, December 10, 1942; 12:49 p. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES; REGULATIONS DURING EMERGENCY

EMERGENCY FISHING KIT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4488, 4491, 49 Stat. 1544 (46 U.S.C. 375, 391a, 481, 489, 367), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the Emergency Regulations are prescribed:

Section 153.6 (s) is amended to read as follows [6 F.R. 6713, 7 F.R. 1697, 2908, 7617, 9640]:

§ 153.6 *Additional equipment for lifeboats on ocean and coastwise vessels.* * * *

(s) *Fishing kit.* On every ocean vessel of over 3,000 gross tons there shall be provided in each lifeboat one approved fishing kit consisting of the following equipment:

1 lampwick jig, complete with 9/0 hook, wire leader, swivel and lock-fast snaps.

1 feather jig, complete with 8/0 hook, wire leader, swivel and lock-fast snaps.

100′ 36-thread hawser laid tarred line.

1 two-tined fish grain with ferrule and eye, hot rolled steel tempered.

NOTE: All of the above shall stand a minimum test of 90 lbs.

12 assorted hooks, two #3, two #2, two #1, two #1/0, two #3/0, and two #6/0.

All materials shall be protected against or resistant to corrosion.

This material shall be packed in a water-proof can with the following inscription: "Emergency Fishing Kit—Open Only for Actual Emergency Use or For Inspection".

Section 153.7 is amended by the addition of a new paragraph (j) reading as follows [6 F. R. 6714, 7 F. R. 605, 1697, 2908, 7618, 9640]:

§ 153.7 *Additional equipment for life rafts on ocean and coastwise vessels.* * * *

(j) *Fishing kit.* On every ocean vessel of over 3,000 gross tons there shall be provided in each life raft one approved fishing kit consisting of the following equipment:

1 lampwick jig, complete with 9/0 hook, wire leader, swivel and lock-fast snaps.

1 feather jig, complete with 8/0 hook, wire leader, swivel and lock-fast snaps.

100′ 36-thread hawser laid tarred line.

1 two-tined fish grain with ferrule and eye, hot rolled steel tempered.

NOTE: All of the above shall stand a minimum test of 90 lbs.

12 assorted hooks, two #3, two #2, two #1, two #1/0, two #3/0, and two #6/0.

All materials shall be protected against or resistant to corrosion.

This material shall be packed in a metal water-proof can with the following inscription: "Emergency Fishing Kit—Open Only For Actual Emergency Use or For Inspection".

L. T. CHALKER,
Acting Commandant.

DECEMBER 10, 1942.

[F. R. Doc. 42-13187; Filed, December 11, 1942; 11:09 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 10—RULES GOVERNING EMERGENCY RADIO SERVICES

MISCELLANEOUS AMENDMENTS

The Commission on December 8, 1942, effective immediately, amended the following sections of Part 10:

§ 10.31 *Individual and blanket applications.* Individual applications for instruments of authorization shall be submitted for each land station. Blanket applications for construction permit for identical mobile, portable-mobile, or portable transmitters may be submitted by a single applicant to cover equipment to be used in a single coordinated communication system. A blanket application for radio station license or modification of license may be submitted by a single applicant to cover the transmitter of the station in control of the communication network and the mobile, portable-mobile and portable transmitters in the coordinated communication system.

FREQUENCIES AND POWER [14]

§ 10.41 *State and municipal police stations (frequencies below 2500 kilocycles.* (a) The following frequencies are allocated for use by State and municipal police stations and are available for assignment within specified geographical areas:

1610 kc.[4]	1674 kc.	2326 kc.[4]	2442 kc.
1618 kc.[4]	1682 kc.	2366 kc.[4]	2450 kc.
1626 kc.[4]	1690 kc.[4]	2382 kc.	2458 kc.
1634 kc.[4]	1698 kc.[4]	2390 kc.[4]	2466 kc.
1642 kc.[4]	1706 kc.[4]	2406 kc.	2474 kc.
1650 kc.	1714 kc.	2414 kc.	2482 kc.
1658 kc.	1722 kc.	2422 kc.	2490 kc.
1666 kc.	1730 kc.	2430 kc.	

[4] Subject to the condition that no interference is caused to Canadian stations.

(b) The power authorization requested by an applicant shall be the minimum power required for satisfactory technical operation considering the size of the area to be served and the local conditions which affect radio transmission and reception.

(1) The power which may be authorized for use by municipal police stations when operating on the frequencies listed in paragraph (a) of this section, normally will be based on the latest official record of the Department of Commerce showing the total population of the area to be served in accordance with the following table:

Population of area:	*Maximum power in watts*
Under 100,000	50
100,000 to 200,000	100
200,000 to 300,000	150
300,000 to 400,000	200
400,000 to 500,000	250
500,000 to 600,000	300
600,000 to 700,000	400
Over 700,000	500

(2) The power which may be authorized for use by State police stations when operating on the frequencies listed in paragraph (a) of this section normally will not exceed 500 watts.

(c) In the event that the maximum power available under the limitations of paragraph (b) of this section is insufficient to provide reliable communcations over the desired service area, the Commission, upon receipt of proper application, may authorize the operation of one or more stations at approved locations having a power not in excess of that specified; or may authorize the use of power in excess of that specified subject to the condition that serious interference is not caused to the service of stations operating on the same or adjacent frequencies and under such limitations and restrictions as may be prescribed in individual cases; *Provided,* That the applicant makes a satisfactory showing of need including statements relative to the size of the area to be served, the distribution of associated mobile radio units, local conditions which affect radio transmission and reception, and such other facts and circumstances which in the belief of the applicant show the need for the facilities requested in the application.

§ 10.42 *State and municipal police stations (30,000 to 40,000 kilocycles).* The following frequencies are allocated for assignment to municipal and State police stations:

Group A

30700 kc.	33100 kc.	35500 kc.	39100 kc.
31100 kc.	33940 kc.	37500 kc.	39900 kc.
31900 kc.			

Group B

31500 kc.	35900 kc.	37900 kc.	39500 kc.
33500 kc.	37100 kc.		

Group C

30580 kc.	33220 kc.	35220 kc.	39380 kc.
30980 kc.	33780 kc.	37220 kc.	
31780 kc.	35100 kc.	37780 kc.	

Group D

35780 kc.	37380 kc.	39180 kc.	39780 kc.

(a) The frequencies in Groups A and B are available for assignment to land and portable municipal and State police stations. Mobile and portable-mobile stations, however, may be authorized to operate on the frequency assigned to the land station with which their communications are coordinated.

(b) The frequencies in Group C are available for assignment to mobile and portable-mobile municipal police stations. They are also available for assignment to portable municipal police stations having a power output not in excess of 5 watts.

(c) The frequencies in Group D are available for assignment to mobile and portable-mobile State police stations. They are also available for assignment to portable State police stations having a power output not in excess of 5 watts.

(d) Frequency assignments to a municipality or State normally will be limited to one frequency in Group A or B and to one frequency in Group C or D, respectively. Requests for assignment of additional frequencies must be supported by a satisfactory showing of need which shall include a statement specifying and describing the area to be served, number of radio-mobile units, peak message traffic load, and such other facts and circumstances which, in the belief of the applicant, show the need for the additional frequency or frequencies requested.

(e) The power authorization requested by an applicant shall be the minimum power required for satisfactory technical operation considering the size of the area to be served and the local conditions which affect radio transmission and reception. The power which may be authorized for operation on the frequencies in Groups A and B normally will not exceed 250 watts. In the event that this power is insufficient to provide reliable communication over the desired service area, the Commission, upon receipt of proper application, may authorize the operation of one or more stations at approved locations having a power not in excess of 250 watts; or may authorize the use of power in excess of 250 watts for operation on a frequency in Group A only, subject to the condition that serious interference is not caused to the service of stations operating on the same or adjacent frequencies; and under such limitations and restrictions as may be prescribed in individual cases: *Provided,* That the applicant makes a satisfactory showing of need including statements relative to the size of the area to be served, the distribution of associated mobile radio units, local conditions which affect radio transmission and reception, and such other facts and circumstances which, in the belief of the applicant, show the need for the facilities requested in the application.

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[14] Additional provisions relating to power may be found in Sections 2.17 to 2.21, 2.79, and 2.80 of Part 2, General Rules and Regulations.

§ 10.44 *Zone and interzone.* [Delete the word "control" from the parenthetical phrase in paragraph (a).]

§ 10.48 *Assigned frequencies nonexclusive.* Frequencies allocated for use by stations in the Emergency Radio Service will not be assigned exclusively to any applicant. All stations in this service are required to cooperate in the selection and use of the designated frequencies, to avoid interference, and to make the most effective use of the frequencies assigned.

§ 10.72 *Operating tests.* All classes of stations in the Emergency Radio Service are permitted to make such tests as may be required for the proper maintenance of the stations and the communication systems, provided that all necessary precautions are taken to avoid interference with other stations, and provided further that such testing shall not exceed the minimum necessary to insure reliable communication.

§ 10.123 *Coordinated service.* Any applicant for an instrument of authorization who proposes to furnish a coordinated police radiocommunication service to one or more municipalities, counties, or governmental agencies, other than the applicant, must make specific formal request for authority to furnish such service. Applications for such authority should contain a full and complete description of the service to be rendered, including information as to whether one-way dispatching service to mobile units or two-way radiocommunication service is to be provided. If two-way service is contemplated, the applicant should state whether the licensee of the portable-mobile radio units involved will be the proposed subscriber or the applicant. Applications for authority to render coordinated service must be accompanied by duplicate copies, under oath, of all agreements relating to the service to be rendered. Such agreements must be in writing, must clearly set forth what service is to be rendered, and include a statement as to ownership, control and maintenance of the equipment, and what charge or charges, if any, will be made for the service. Such agreements must run for a definite period of time and notice of the termination of such agreements must be given to the Commission not less than 60 days prior to cessation of service.

The Commission deleted the existing § 10.121 *Power;* § 10.122 *Additional power;* § 10.124 *Cooperative use of frequencies;* § 10.125 *Service which may be rendered;* § 10.151 *Power;* § 10.233 *Tests.* The following new sections were adopted:

§ 10.112 *Portable stations.* When portable stations in the Emergency Service are moved from one radio inspection district to another, for any purpose, the licensee shall notify the Commission in Washington, D. C. A copy of such notice shall be furnished simultaneously to the Commission's Inspectors in Charge of the respective districts.

§ 10.121 *Service which may be rendered.* Municipal police stations, although licensed primarily for communication with mobile police units, may transmit emergency messages to other mobile units such as fire department vehicles, private ambulances, and repair units of public utilities, in those cases which require cooperation or coordination with police activities. In addition, such stations may communicate among themselves provided (a) that no interference is caused to the mobile service, and (b) that communication is limited to places between which, by reason of their close proximity, the use of police radiotelegraph stations is impracticable. Municipal police stations shall not engage in point-to-point radiocommunication beyond the good service range of the transmitting station. The transmission or handling of messages requiring radiotelephone relay or the relaying of such messages is prohibited; *Provided, however,* That after proper showing and in unusual circumstances the Commission may, in specific instances, authorize communication routes involving such relays. Point-to-point communication between stations in the same local telephone exchange area is likewise prohibited unless the messages to be transmitted are of immediate importance to mobile units.

§ 10.122 *Emergency communication with other stations.* Within the scope of service permitted, municipal and State police stations may be used to communicate with government stations, stations in the War Emergency Radio Service or with other stations which are authorized to communicate with municipal and State police stations, in those cases which require cooperation or coordination of activities.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-13183; Filed, December 11, 1942; 10:47 a. m.]

[Order No. 77-B]

PART 12—RULES GOVERNING AMATEUR RADIO: STATIONS AND OPERATORS

PART 13—RULES GOVERNING COMMERCIAL RADIO OPERATORS

SUSPENDING CERTAIN PROVISIONS CONCERNING RENEWALS OF LICENSES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of December, 1942.

The Commission having under consideration its Rules Governing Amateur Radio Stations and Operators and its Rules Governing Commercial Radio Operators, with particular reference to the provisions concerning renewals; and

It appearing that present conditions render it difficult for commercial radio operators and for amateur radio station licensees and operators to make a showing of service or use required for renewal of license; and that such difficulty will be accentuated in many instances due to military service:

It is ordered, That §§ 12.26 and 12.66[1] of the Rules Governing Amateur Radio and § 13.28[2] of the Rules Governing Commercial Radio Operators, insofar as the required showing of service or use of license is concerned, be, and they are hereby, suspended until further order of the Commission, but in no event beyond January 1, 1944.

This order shall become effective January 1, 1943.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION.
T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-13184; Filed, December 11, 1942; 10:47 a. m.]

PART 61—TARIFFS (RULES GOVERNING THE CONSTRUCTION, FILING AND POSTING OF SCHEDULES OF CHARGES FOR INTERSTATE AND FOREIGN COMMUNICATION SERVICE

LETTERS OF TRANSMITTAL

The Commission on December 8, 1942, effective immediately, amended § 61.33 *Letters of transmittal* as follows:

After the words "(F. C. C. Concurrence No. ________, effective ______________, 19__) etc." insert "(Here give a statement showing in detail the reasons for all changes in charges or regulations and, in case any such change results in increased charges, the facts upon which the carried relies in justification thereof.)"

Below the word "(Title)" insert "(Here append verification in case any change results in increased charges.)"

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i); sec. 203, 48 Stat. 1070; 47 U.S.C. 203)

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-13185; Filed, December 11, 1942; 10:47 a. m.]

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[1] 6 F.R. 2657, 6274.

[2] 6 F.R. 6274.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 12—ADMINISTRATION OF NATIONAL WILDLIFE REFUGES: GENERAL REGULATIONS

TULE LAKE NATIONAL WILDLIFE REFUGE, CALIFORNIA, TRAPPING PERMITS

Under authority of section 10 of the Migratory Bird Conservation Act, of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715i), the following is ordered:

Paragraph (b) (1) *Trapping permits,* of § 12.17 *Sale of surplus animals and products,* of the Regulations for the Administration of National Wildlife Refuges under the jurisdiction of the Fish and Wildlife Service, dated December 19, 1940,[1] is hereby amended by striking out the period at the end of the subparagraph, inserting a colon, and adding the following: "*Provided,* That permits to trap on the Tule Lake National Wildlife Refuge, California, may be issued to persons who have lived for 6 months last past in Oregon and who otherwise comply with the provisions of this subparagraph."

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

NOVEMBER 26, 1942.

[F. R. Doc. 42-13105; Filed, December 10, 1942; 12:50 p. m.]

PART 27—SOUTHEASTERN REGION NATIONAL WILDLIFE REFUGES

ST. MARKS NATIONAL WILDLIFE REFUGE, FLORIDA, FISHING REGULATIONS

Under authority of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715i), as amended, and in extension of § 12.3 of the Regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940,[1] the following *is hereby ordered:*

§ 27.797 *St. Marks National Wildlife Refuge, Florida; fishing.* Noncommercial fishing is permitted during the daylight hours from May 1 to October 15, inclusive, of each year in the waters, hereinafter specified, of the St. Marks National Wildlife Refuge, Florida, in accordance with the provisions of the Regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940,[1] and subject to the following conditions, restrictions, and requirements:

(a) *Waters open to fishing.* All the waters in the following-described lands of the United States within the St. Marks National Wildlife Refuge shall be open to fishing: The East River Mounds and Main pools in sections 4, 8, 9, 10, 15, 16, 17, 20, 21, 22, 27, 28, and 29, T. 4 S., R. 2 E., and all the waters in the Panacea Unit of the refuge in T. 5 S., Rs. 2 and 3 W., and T. 6 S., R. 2 W., Tallahassee Meridian.

(b) *State fishing laws.* Any person who fishes within the refuge must comply with the applicable fishing laws and regulations of the State of Florida. Fishing under this regulation shall be by hook and line (including rod and reel) only, as defined by State law, and the use of trot and set lines and other similar contrivances is prohibited.

(c) *Fishing licenses and permits.* Any person who fishes within the refuge shall be in possession of a valid fishing license issued by the Florida Commission of Game and Fresh Water Fish, if such a license is required. This license shall serve as a Federal permit for fishing in the specified waters of the refuge and must be carried on the person of the licensee while so fishing. The license must be exhibited upon the request of any representative of the Florida Commission of Game and Fresh Water Fish or of the Fish and Wildlife Service.

(d) *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel as may be designated by suitable posting by the officer in charge of the refuge.

(e) *Use of boats.* Persons may use boats (other than motorboats) for fishing in the specified waters of the refuge between May 1 and September 15, inclusive, and shall possess a permit issued by the officer in charge of the refuge for the use of such boats. Boats (other than motorboats) or floating craft used for fishing purposes may be placed on the waters of the refuge only at such points as may be designated by suitable posting by the officer in charge. The use of motorboats, either inboard or outboard, is prohibited on all waters of the refuge except for official purposes.

(f) *Temporary restrictions.* During periods of waterfowl concentrations on the refuge, fishing will not be permitted in such areas of the refuge as, in the judgment of the officer in charge, should be closed to fishing in order to provide adequate protection for such waterfowl concentrations and are posted suitably by such officer.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

NOVEMBER 27, 1942.

[F. R. Doc. 42-13106; Filed, December 10, 1942; 12:50 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office

[Public Land Order 65]

CALIFORNIA

AMENDING EXECUTIVE ORDER NO. 5827 OF MARCH 28, 1932, WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146[1] of April 24, 1942, *It is ordered as follows:*

Subject to valid existing rights, Executive Order No. 5827 of March 28, 1932, withdrawing public lands for use of the War Department under uthority of the act of June 25, 1910, 36 Stat. 847, as amended by the act of August 24, 1912, 37 Stat. 497 (U.S.C., title 43, secs. 141–143), is hereby amended so as to withdraw the lands described in such order from all forms of appropriation under the public-land laws, including the mining laws.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 30, 1942.

[F. R. Doc. 42-13117; Filed, December 10, 1942; 12:49 p. m.]

[Public Land Order 66]

UTAH

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS AN ORDNANCE STORAGE DEPOT

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146[1] of April 24, 1942, and to section 1 of the act of June 28, 1934, as amended, c. 865, 48 Stat. 1269 (U.S.C., title 43, sec. 315), it is ordered as follows:

Subject to valid existing rights, the public lands in the following-described areas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws, and reserved for the use of the War Department as an Ordnance Storage Depot:

SALT LAKE MERIDIAN

T. 6 S., R. 4W.,
  sec. 4, S½;
  sec. 5, lots 3 and 4, S½NW¼, and S½;
  secs. 8 and 9;
  sec. 15, W½;
  secs. 16, 17, 20, and 21;
  sec. 22, W½;
  sec. 27, W½;
  secs. 28 and 29.

The areas described, including both public and non-public lands, aggregate 6,879.41 acres.

The order of the Secretary of the Interior of April 8, 1935, establishing Utah Grazing District No. 2, is hereby modified to the extent necessary to permit the use of the lands as herein provided.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior, when they are no longer needed for the purpose for which they are reserved.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 30, 1942.

[F. R. Doc. 42-13118 Filed, December 10, 1942; 12:49 p. m.]

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[1] 5 F.R. 5284.

[1] 7 F.R. 3067.

[Public Land Order 67]

NEW MEXICO

RESERVING MINERALS BELONGING TO THE UNITED STATES FOR USE IN CONNECTION WITH THE PROSECUTION OF THE WAR

By virtue of the authority vested in the President, and pursuant to Executive Order No. 9146[1] of April 24, 1942, it is ordered as follows:

Subject to valid existing rights, the minerals belonging to the United States in the following-described patented land are hereby withdrawn from all forms of appropriation under the mineral leasing laws, and reserved under the jurisdiction of the Secretary of the Interior for use in connection with the prosecution of the war:

NEW MEXICO PRINCIPAL MERIDIAN

T. 22 S., R. 29 E.,
  sec. 1, E½SW¼SE¼.
The area described contains 20 acres.

This order shall take precedence over, but shall not rescind or revoke, the order of withdrawal, Potash Reserve No. 6, New Mexico No. 1, of March 11, 1926, so far as such order affects the above-described lands.

HAROLD L. ICKES,
Secretary of the Interior.

DECEMBER 1, 1942.

[F. R. Doc. 42-13119; Filed, December 10, 1942; 12:49 p. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

[Adm. Letter 615; Class. 476]

DELEGATION OF AUTHORITY TO DENVER AREA DIRECTOR

Pursuant to authority duly delegated to me, in connection with the authority presently vested in, or hereafter conferred upon, the Farm Security Administration incident to the construction, maintenance, and operation of water conservation and utilization projects established under the authority of the Act of August 11, 1939 (53 Stat. 1418), as amended by the Act of October 14, 1940 (54 Stat. 1119), or of the Interior Department Appropriation Act, 1940, item "Bureau of Reclamation," sub-item "Water Conservation and Utility Projects" (53 Stat. 685, 719), or of acts amendatory thereof or supplementary thereto, I hereby authorize the Area Director of the Farm Security Administration at Denver, Colorado, on behalf of the United States of America and with respect to project lands and property, to participate in negotiations, to sign petitions, to vote in elections, and to take other action for the organization, operation, or dissolution of irrigation districts, or similar types of organizations, insofar as he shall deem necessary or expedient for the successful prosecution of such projects. The Area Director may, from time to time, subdelegate all or any part of the authority hereby vested in him to such employee, or employees, as may be under his general supervision. In the absence of the Area Director, the authority hereby conferred upon him may be exercised by the Acting Area Director.

[SEAL] C. B. BALDWIN,
Administrator.

NOVEMBER 5, 1942.

[F. R. Doc. 42-13193; Filed, December 11, 1942; 11:34 a. m.]

MISSISSIPPI

DESIGNATION OF LOCALITIES FOR LOANS

Designation of localities in county in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by Supplement 2 of Secretary's Memorandum No. 867 issued as of July 1, 1942, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION VI—MISSISSIPPI

Yalobusha County

Locality I—Consisting of beat 1	$1,602
Locality II—Consisting of beats 2, 3, 4, and 5	1,308

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved, December 9, 1942.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 42-13194; Filed, December 11, 1942; 11:34 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6453]

THOMAS J. WATSON, (WLAN)

ORDER DENYING PETITION AND NOTICE OF HEARING

In re application of Thomas J. Watson (WLAN), dated July 19, 1941, for modification of construction permit; class of service, broadcast; class of station, broadcast; location, Endicott, New York; operating assignment specified: Frequency, 1,450 kc; power, 250 w; hours of operation, unlimited.

You are hereby notified that the Commission on October 20, 1942, denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine what expenditures, if any, were made prior to April 27, 1942, in connection with the grant of application No. B1-P-1679, and the financial outlay that would be necessary to complete the construction heretofore authorized.

2. To determine what construction, if any, was undertaken prior to April 27, 1942, in connection with the permit authorized in the grant of application No. B1-P-1679.

3. To determine what materials and equipment the applicant has on hand or available for the construction authorized by permit No. B1-P-1679 and what additional materials and equipment, if any, would be necessary for the completion thereof.

4. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942.

5. To determine whether Station WLAN, operating as proposed, would provide primary service to (a) the business districts of Endicott and Binghamton, New York, (b) the residential districts of Endicott and Binghamton, New York, and (c) the metropolitan district of Binghamton, New York, as contemplated by the Standards of Good Engineering Practice.

6. To determine whether the construction proposed in the instant application would comply with the conditions of the grant to applicant of March 11, 1941, with reference to the transmitter location and antenna system and the installation of such synchronous amplifiers as may be necessary to cover the Endicott-Binghamton business districts.

7. To determine the areas and populations which would receive primary service from Station WLAN, operating as proposed, and the primary service now available to such areas and populations.

8. To determine whether, in view of the evidence adduced upon the foregoing issues, public interest, convenience and necessity would be served by the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Thomas J. Watson, Radio Station WLAN, 590 Madison Avenue, New York, N. Y.

Dated at Washington, D. C., December 9, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-13182; Filed, December 11, 1942; 10:47 a. m.]

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[1] 7 F.R. 3067.

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 435]

CERTAIN SECURITIES OF N. V. HANDEL-MAATSCHAPPIJ "WALDORF"

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

> Those certain securities listed and described in Exhibit A attached hereto and made a part hereof,

is property which is payable or deliverable to, or claimed by, N. V. Handel-Maatschappij "Waldorf", which is a Netherlands corporation having its place of business in Amsterdam, Holland, and determining that to any extent that such Netherlands corporation is a person not within a designated enemy country it is controlled by or acting for or on behalf of or as a cloak for a designated enemy country (Germany) or a person within such country, and the national interest of the United States requires that it be treated as a national of such designated enemy country (Germany), and therefore determining that it is a national of of such designated enemy country (Germany), and finding that such property is the subject of litigation pending in the Supreme Court of the State of New York, in and for the County of New York, in that certain action entitled Walter Sobernheim, Plaintiff, against N. V. Handel-Maatschappij "Waldorf", Defendant, in which action a warrant of attachment was issued and served on Chase National Bank, as custodian of the property listed in Exhibit A, and thereafter a judgment was rendered in said action in favor of plaintiff and against defendant in the sum of $148,900.27 on June 12, 1942, and as a result of such attachment such property has been since the date thereof and still is in custodia legis, being in the possession of the Sheriff of the City of New York under the judicial supervision of the Supreme Court of the State of New York, in and for the County of New York, and said action has evolved into the action against such property and no longer against the party defendant, and determining that under such factual circumstances such property is encompassed within the purview of section 2 (f) of Executive Order No. 9095, as amended, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on December 4, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT "A"

$5,000 Argentine Republic Co. Ext.
$8,000 Cities Service Co. Deb. 85.
$9,000 Cities Service Co. Deb. 84.
50 shares Allied Stores Corp. Pfd.
200 shares American Power & Light Co. Cu. Pfd.
200 shares American Superpower Corp. Pfd. Cu.
200 shares American Tel. and Tel. Co. Cap. Par. $100.
120 shares Chesapeake Corporation Common.
200 shares Chesapeake & Ohio Ry. Co. Common Par. $25.
150 shares Commercial Credit Co. Common Par. $10.
300 shares Consolidated Edison Co. N. Y. Common.
200 shares Continental Oil Co. Capital Par $5.
300 shares Deere & Company Common.
200 shares General Electric Co. Common.
150 shares Great Northern Rwy. Co. Cum. Pfd.
100 shares Intl. Nickel Co. Can. Ltd.
100 shares Kennecott Copper Corp. Cap.
200 shares Pacific Gas & Electric Co. Common Par $25.
100 shares United Corp. Pref. Cu.
100 shares Wilson & Co. Inc. Cu. Pfd.
$10,000.00 Associated Gas and Electric Corp. 3¾% 1978.
$10,000.00 Cities Service Convertible Deb. 5% 1950.
$10,000.00 Hudson & Manhattan R. R. Co. 1st Ref. 4% 1960.
$10,000.00 Third Ave. Ry. 1st, Ref. 4% 1960.
100 shares American Radiator and Standard Sanitary, Common.
200 shares General Motors Corp., Common.
100 shares H. L. Green Co., Common.
200 shares North American Rayon, B. Common.
100 shares Penn. R. R. Corp., Common.
100 shares Union Pacific R. R. Co., Common.
300 shares Transue and Williams Steel Forging Co., Common.

[F. R. Doc. 42-13157; Filed, December 11, 1942; 10:37 a. m.]

[Vesting Order 437]

ESTATE OF CONRAD HERRMANN

In re: Estate of Conrad Herrmann, deceased—File D-28-278; E. T. Sec. 76.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

> Finding that—
>
> (1) The property and interests hereinafter described are property which is in the process of administration by Central Trust Company, of Lansing, Michigan, Executor, acting under the judicial supervision of Probate Court of the State of Michigan, in and for the County of Ingham;
>
> (2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely, Karl Preiss, Sr., and Karl Preiss, Jr., whose last known addresses are Obergleen, Kreis Alfeld Oberhessen, Germany; Elsa Klebe, whose last known address is Damashke, Anger 174, Frankfurt, A/M, Praunheim, Germany; Gretchen Seitz, whose last known address is Beisefoerth 121, Melungenland, Germany, and Erna Lehrnickel, whose last known address is Melibocus Strasse 12, Frankfurt A/M, Germany; and
>
> Determining that—
>
> (3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and
>
> Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

> All right, title, interest, and claim of any kind or character whatsoever of Karl Preiss, Sr., Karl Preiss, Jr., Elsa Klebe, Gretchen Seitz, and Erna Lehrnickel, and each of them, in and to the Estate of Conrad Herrmann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 4, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13168; Filed, December 11, 1942; 10:29 a. m.]

[Vesting Order 438]

Estate of Nicholas Istrate

In re: Estate of Nicholas Istrate, deceased—File D-57-40; E. T. Sec. 107.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Fred D. Schoppman, Administrator of the estate of Nicholas Istrate, acting under the judicial supervision of Alien Superior Court No. 2, Fort Wayne, Indiana

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Rumania, namely,

National:	Last known address
John Istrate	Rumania.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Rumania; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of John Istrate in and to the estate of Nicholas Istrate, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 4, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13169; Filed, December 11, 1942; 10:29 a. m.]

[Vesting Order 439]

Estate of Mary Emily Jones

In re: Estate of Mary Emily Jones, deceased—File D-28-1644; E. T. Sec. 443.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the National Bank of Commerce of Norfolk acting under the judicial supervision of the Corporation Court of the City of Norfolk:

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of designated enemy countries, Germany and Hungary, namely,

Nationals:	Last known address
Marie Sarg-Binder	Kirchheim Teck, Württemberg, Germany.
Charlotte M. Mater	Dameran, b/Gross Lichtenau Freistaat, Danzig, Germany.
Maya Sarg-Sulyok	Raczkeve Pest Fo ucca 12, Hungary.
Ellen Sulyok	
Magor Sulyok	
Emma Strohmaier	Frankenberg Hessen, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries, Germany and Hungary; and,

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Marie Sarg-Binder, Charlotte M. Mater, Maya Sarg-Sulyok, Ellen Sulyok, Magor Sulyok and Emma Strohmaier and each of them in and to the Estate of Mary Emily Jones, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 4, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13170; Filed, December 11, 1942; 10:29 a. m.]

[Vesting Order 440]

Estate of Helene Klaus

In re: Estate of Helene Klaus, deceased—File D-28-1452; E. T. Sec. 134.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Bertha A. Meadows, Executrix, acting under the judicial supervision of the County Court of Douglas County, Nebraska;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Frau Hedwig Seidel	Germany.
Hermann Knauth	Germany.
Arthur Knauth	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Frau Hedwig Seidel, Hermann Knauth and Arthur Knauth and each of them in and to the Estate of Helene Klaus, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the

date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 4, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13171; Filed, December 11, 1942 10:29 a. m.]

[Vesting Order 441]

Certain Property Held in Trust by the Union Trust Company of the District of Columbia, Washington, D. C.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Alexandra von Bredow, Liana von Bredow, Herbert von Bredow, Leopold Bill von Bredow, Marguerite von Bredow, Maria von Bredow, Philippa von Bredow, Wolfgang von Bredow, and Hannah von Bredow, whose last known addresses were represented to the undersigned as being Potsdam, Germany, and Frederike Strachwitz, whose last known address was represented to the undersigned as being Silesia, Germany, are nationals of a designated enemy country (Germany);

2. Finding that all right, title, interest and estate, both legal and equitable, of each and all of the aforesaid persons and of each and all other nationals, whomsoever they may be, of any and all designated enemy countries, in and to that certain property held in trust by the Union Trust Company of the District of Columbia, Washington, D. C., as Trustee, under an agreement, dated March 11, 1930, executed by and between Waldemar L. von Bredow, Hannah von Bredow, his wife, and said trust company for the benefit of Hannah von Bredow and the children of Waldemar L. von Bredow, is property within the United States owned or controlled by nationals of a designated enemy country (Germany) or countries;

3. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany) or countries;

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 2, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D: C., on December 4, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13156; Filed, December 11, 1942; 10:37 a. m.]

[Vesting Order 445]

Estate of Bertha Tienken

In re: Estate of Bertha Tienken, deceased—File D-28-2707; E. T. Sec. 482.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Empire Trust Company, Florence Blenderman and Ion C. Holm, Executors acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for the County of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	Last known address
Luder Ficken	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Luder Ficken in and to the Estate of Bertha Tienken, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13172; Filed, December 11, 1942; 10:32 a. m.]

[Vesting Order 446]

Estate of Theresa Wollenberg

In re: Estate of Theresa Wollenberg, deceased—File D-28-3371; E.T. Sec. 1146.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Hulda Wollenberg Franche	Germany.
Cecelia Quirin Stolzke	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Hulda Wollenberg Franche and Cecelia Quirin Stolzke and each of them in and to the Estate of Theresa Wollenberg, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 42–13173; Filed, December 11, 1942; 10:32 a. m.]

[Vesting Order 447]

Estate of Joseph Trifiro

In re: Estate of Joseph Trifiro, deceased—File D–38–307; E. T. Sec. 311.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Anthony Trifiro, Administrator acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for the County of Erie;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely

Nationals:	*Last known address*
Antoinetta Lo Re	Italy
Maria Bonasera	Italy

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Antoinetta Lo Re and Maria Bonasera, and each of them in and to the Estate of Joseph Trifiro, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 42–13174; Filed, December 11, 1942; 10:32 a. m.]

[Vesting Order 448]

Estate of Lizzie Terppe

In re: Estate of Lizzie Terppe, deceased—File D–28–1734; E. T. sec. 752.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Pennsylvania Company for Insurance of Lives and Granting Annuities, Administrator cum testamento annexo, acting under the judicial supervision of Orphan's Court of Philadelphia County, Pennsylvania,

(2) Such property and interests are payable to deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Herbert Rohlfs	Germany.
Lizzie Rohlfs	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever, of Herbert Rohlfs and Lizzie Rohlfs in and to the estate of Lizzie Terppe, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 42–13159; Filed, December 11, 1942; 10:32 a. m.]

[Vesting Order 449]

Estate of Joseph Schmitt

In re: Estate of Joseph Schmitt, deceased—File D–28–3378; E. T. Sec. 1142.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Ella Kaiser	Germany.
Gustav Geng	Germany.
Otto Geng	Germany.
Hulda Probst	Germany.
Louisa Probst	Germany.
Marie Probst	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated at nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Ella Kaiser, Gustav Geng, Otto Geng, Hulda Probst, Louisa Probst and Marie Probst in and to the Estate of Joseph Schmitt, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 42–13160; Filed, December 11, 1942; 10:32 a. m.]

[Vesting Order 450]

Estate of Harry J. Schmidt

In re: Estate of Harry J. Schmidt, deceased—File D–28–3376; E. T. Sec. 1144.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Marie D. Minners	Germany.
Florence A. Minners	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Marie D. Minners and Florence A. Minners and each of them in and to the Estate of Harry J. Schmidt, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 42–13161; Filed, December 11, 1942; 10:33 a. m.]

[Vesting Order 451]

Estate of Alwine Schmidt

In re: Estate of Alwine Schmidt, deceased—File D–28–1702; E. T. Sec. 714.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interest are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Carl Schmidt, whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interest:

All right, title, interest, and claim of any kind or character whatsoever of Carl Schmidt in and to the Estate of Alwine Schmidt, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interest and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interest or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 42–13167; Filed, December 11, 1942; 10:29 a. m.]

[Vesting Order 452]

Estate of Emil Schaffald

In re: Estate of Emil Schaffald, deceased—File D–28–3363; E.T. Sec. 1134.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Walter Kolk	Germany.
Werner Kolk	Germany.
Johann Gerhard Schaffeld	Germany.
Maria Rath	Germany.
Johann Schaffeld	Germany.
Hildegard Kolk	Germany
Wilhelm Kolk	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Walter Kolk, Werner Kolk, Johann Gerhard Schaffeld, Maria Rath, Johann Schaffeld, Hildegard Kolk and Wilhelm Kolk and each of them in and to the Estate of Emil Schaffald, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–13162; Filed, December 11, 1942; 10:33 a. m.]

[Vesting Order 453]

ESTATE OF HEINRICH E. F. SANDHAGEN

In re: Estate of Heinrich E. F. Sandhagen, deceased—File D–28–1739; E. T. sec. 835.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Anton Friedrich Sandhagen	Germany.
Emma Elisabeth D'Orville	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Anton Friedrich Sandhagen and Emma Elisabeth D'Orville and each of them in and to the Estate of Heinrich E. F. Sandhagen, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–13163; Filed, December 11, 1942; 10:34 a. m.]

[Vesting Order 454]

ESTATE OF HEDWIG RITZKI

In re: Estate of Hedwig Ritzki, deceased—File D–28–3383; E.T. Sec. 1141.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Elizabeth Bode	Germany.
Richard Ritzki	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Elizabeth Bode and Richard Ritzki in and to the Estate of Hedwig Ritzki, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, cn Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–13164; Filed, December 11, 1942; 10:34 a. m.]

[Vesting Order 455]

ESTATE OF MARY F. ROSENZWEIG

In re: Estate of Mary F. Rosenzweig, Deceased—File F–28–13001, E. T. Sec. 1.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by Eugene Rosenzweig and W. W. Spence, Administrators acting under the judicial supervision of Orphans Court of the State of Maryland, in and for the County of Talbot;

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Wilhelm L. Rosenzweig	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interest:

All right, title, interest, and claim of any kind or character whatsoever of Wilhelm L. Rosenzweig in and to the Estate of Mary F. Rosenzweig, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–13165; Filed, December 11, 1942; 10:34 a. m.]

[Vesting Order 456]

ESTATE OF HEINRICH WILHELM IGNATZ REIMANN

In re: Estate of Heinrich Wilhelm Ignatz Reimann, deceased—File D–28–3361; E.T. Sec. 1133.

Under authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Martha Koch whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Martha Koch in and to the Estate of Heinrich Wilhelm Ignatz Reimann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interest and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Costodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–13166; Filed, December 11, 1942; 10:34 a. m.]

[Vesting Order 457]

ESTATE OF HENRY RADEMACHER

In re: Estate of Henry Rademacher, deceased—File D–28–1435; E. T. Sec. 96.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Millikin Trust Company, Trustee, acting under the judicial supervision of the Probate Court of Macon County, Illinois,

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Camilla Rademacher	Germany.
Erna Adam Rademacher	Germany.
Johanna Rademacher	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever, of Camilla Rademacher, Erna Adam Rademacher, and Johanna Rademacher, in and to the Estate of Henry Rademacher, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian, to return such property and interests or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–13145; Filed, December 11, 1942; 10:35 a. m.]

[Vesting Order 458]

ESTATE OF OTTO PRESSPRICH, JR.

In re: Estate of Otto Pressprich, Jr., deceased—File D–28–1681; E. T. Sec. 476.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process

of administration by the Irving Trust Company, Enos Throop Geer, and Richard Pressprich, Trustees, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Alice Tegetmeier	Hamburg, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany, and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Alice Tegetmeier in and to trusts created under the will of Otto Pressprich, Jr., deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13146; Filed, December 11, 1942; 10:35 a. m.]

[Vesting Order 459]

ESTATE OF WILHELMINA OTT

In re: Estate of Wilhelmina Ott, deceased—File D-28-1374; E.T. Sec. 30.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Paul Phelps, Executor, Lost Nation, Iowa, acting under the judicial supervision of the District Court of Clinton County, Iowa;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Elsie Martensen	Joldelund, Germany.
Fritz Andresen	Engelsburg, Germany.
Bernhard Andresen	Drelsdorf, Germany.
Friederika Thomsen.	Engelsburg, Germany.
Heirs of Dora Jensen.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Elsie Martensen, Fritz Andresen, Bernard Andresen, Friederika Thomsen and heirs of Dora Jensen surviving at the time of the death of Wilhelmina Ott and each of them in and to the Estate of Wilhelmina Ott, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13147; Filed, December 11, 1942; 10:35 a. m.]

[Vesting Order 460]

ESTATE OF CHARLES PHILIP OBERHEIM

In re: Estate of Charles Philip Oberheim, also known as Charles P. Oberheim, deceased—File D-28-3397; E. T. Sec. 1136.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Karoline Fay	Germany.
Auguste Braun	Germany.
Pauline Gerloch	Germany.
Marie Oberheim	Germany.

And determining that—

(3) If such nationals are persons not withing a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Karoline Fay, Auguste Braun, Pauline Gerloch and Marie Oberheim in and to the Estate of Charles Philip Oberheim, also known as Charles P. Oberheim, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate the compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13148; Filed, December 11, 1942; 10:35 a. m.]

[Vesting Order 461]

ESTATE OF ANNA M. LUTZ

In re: Estate of Anna M. Lutz, deceased—File D-28-3386; E. T. sec. 1139.

Under authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described is property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interest is payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Julianna Rau whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interest:

All right, title, interest, and claim of any kind or character whatsoever of Julianna Rau in and to the Estate of Anna M. Lutz, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interest and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interest or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13149; Filed, December 11, 1942; 10:35 a. m.]

[Vesting Order 462]

ESTATE OF GUSTOV LOEW

In re: Estate of Gustov Loew, deceased—File D-28-3364; E. T. sec. 1135.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Louisa Henrich	Germany.
Ludwig Loew	Germany.
Philipp Loew	Germany.
Ernst Loew	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Louisa Henrich, Ludwig Loew, Philipp Loew and Ernst Loew and each of them in and to the Estate of Gustov Loew, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13150; Filed, December 11, 1942; 10:35 a. m.]

[Vesting Order 463]

ESTATE OF SYBILLA LENZ

In re: Estate of Sybilla Lenz, deceased—File D-28-3365; E. T. sec. 1147.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Hermann Selbst	Germany
Erna Kuhn	Germany

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Hermann Selbst and Erna Kuhn and each of them in and to the Estate of Sybilla Lenz, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13151; Filed, December 11, 1942; 10:36 a. m.]

[Vesting Order 464]

ESTATE OF LOUIS LANG

In re: Estate of Louis Lang, deceased—File D-28-3384; E. T. Sec. 1140.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Karl Lang	Germany.
Marie Lang	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Karl Lang and Marie Lang in and to the Estate of Louis Lang, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13152; Filed, December 11, 1942; 10:36 a. m.]

[Vesting Order 465]

ESTATE OF OTTO KRUGER

In re: Estate of Otto Kruger, deceased—File D-28-3396; E. T. sec. 1137.

Under authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation.

Finding that—

(1) The property and interest hereinafter described is property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interest is payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Addae Kruger whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interest:

All right, title, interest, and claim of any kind or character whatsoever of Addae Kruger in and to the Estate of Otto Kruger, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interest and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interest or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13153; Filed, December 11, 1942; 10:36 a. m.]

[Vesting Order 466]

ESTATE OF PHILLIPINE KLENER

In re: Estate of Phillipine Klener, deceased—File D-28-1427; E. T. Sec. 64.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Karl Eschert, of 1623 2nd Avenue, New York City, New York, Administrator, acting under the judicial supervision of Surrogate's Court of the State of New York; in and for the County of New York;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely, Anton Eschert, Marie Eschert and Franz Eschert, whose last known addresses are Holzhausen uber Aar Nassau, Germany, and Louise Eschert, whose last known address is Schulestr. No. 30 Frankfort a/m Germany; and

Determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Anton Eschert, Marie Eschert, Franz Eschert, and Louise Eschert, and each of them, in and to the Estate of Phillipine Klener, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13154; Filed, December 11, 1942; 10:36 a.m.]

[Vesting Order 467]

ESTATE OF ARNO KOERNER

In re: Estate of Arno Koerner, deceased—File D-28-1698; E. T. sec. 719.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Wilhelm Koerner	Germany.
Lucie Koerner	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now; therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Wilhelm Koerner and Lucie Koerner in and to the Estate of Arno Koerner, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13155; Filed, December 11, 1942; 10:37 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT R-4]

BALTIMORE AND OHIO RAILROAD COMPANY

ORDER DIRECTING MODIFICATION OF RAIL FACILITIES AT HYATTSVILLE, MD.

Pursuant to Executive Order No. 8989 dated December 18, 1941, and in order to assure adequate facilities for the interchange of freight traffic between rail carriers utilizing the Potomac Yard Gateway in the State of Virginia, and to expedite the handling of freight traffic including materials of war, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered,* That:

1. The Baltimore and Ohio Railroad Company forthwith shall: Improve the west leg of its wye track located at Hyattsville, in the State of Maryland, by providing trailing point cross-over between eastbound and westbound main tracks immediately west of Melrose Avenue; install a number 16 facing-point turnout in its eastbound main track just east of Melrose Avenue; realign the entire west leg of said wye track so as to provide a curvature not in excess of ten degrees; reconstruct said west leg of said wye track so as to provide a gradient not in excess of one and seven tenths per cent; and make such other and additional improvements and installations as may be necessary to permit the movement and safe operation of freight trains over said west leg of said wye track.

2. Upon the completion of the improvements and installations herein directed The Baltimore and Ohio Railroad Company shall operate such scheduled freight trains over said west leg of said wye track as may be necessary to expedite the handling of freight traffic moving through the Potomac Yard Gateway, such operations to be conducted in accordance with safe operating practices.

3. The Baltimore and Ohio Railroad Company shall install automatic gates and flashers at the point where said west leg of said wye track will intersect Maryland Avenue, and no freight train shall be operated over said west leg of said wye track at a speed in excess of 20 miles per hour.

This Special Order ODT R-4 shall become effective December 10, 1942.

Issued at Washington, D. C., this 10th day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-13116; Filed, December 10, 1942; 1:10 p. m.]

[Special Order ODT B-34]

MISSOURI PACIFIC TRANSPORTATION COMPANY AND ARKANSAS MOTOR COACHES, LTD., INC.

COORDINATED OPERATION BETWEEN MEMPHIS AND TEXARKANA

Coordinated operation between Memphis, Tennessee, on the one hand, and Texarkana, Texas, and Texarkana, Arkansas, on the other.

Pursuant to Executive Order No. 8989,[1] and Executive Order No. 9156,[2] and to effectuate provisions of General Order ODT 11,[3] and in order to conserve and providently utilize vital transportation equipment, material and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. Missouri Pacific Transportation Company, St. Louis, Missouri, and Arkansas Motor Coaches, Ltd., Inc., Little Rock, Arkansas, (hereinafter called "carriers"), respectively, in the transportation of passengers on the routes served by them between Memphis, Tennessee, on the one hand, and Texarkana, Texas, and Texarkana, Arkansas, on the other, as common carriers by motor vehicle, shall:

(a) Honor each other's tickets between all points common to their lines where equal fares apply and divert to each other traffic routed between such points for the purpose of relieving overloads and reducing the operation of additional equipment in extra sections;

(b) Adjust and establish schedules to eliminate duplication of times of departure of the respective carriers and provide reasonable frequency of service throughout the day;

(c) Wherever practicable eliminate duplicate depot facilities and commission ticket agencies and, in lieu thereof, utilize joint depot facilities and joint commission ticket agencies. Contracts, agreements, and arrangements for any such joint facilities and agencies shall not extend beyond the effective period of this order. At such depot facilities and commission ticket agencies used jointly by the carriers, service, travel information, and ticket sales shall be impartial, without preference or discrimination for or against either of such carriers.

2. Between Memphis, Tennessee, and Little Rock, Arkansas, the daily through service operated by the carriers shall not

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[1] 6 F.R. 6725.
[2] 7 F.R. 3349.
[3] 7 F.R. 4389.

exceed seven round trips by Missouri Pacific Transportation Company and five round trips by Arkansas Motor Coaches, Ltd., Inc.

3. Between Little Rock, Arkansas, on the one hand, and Texarkana, Texas, and Texarkana, Arkansas, on the other, the daily through service operated by the carriers shall not exceed four round trips by Missouri Pacific Transportation Company and five round trips by Arkansas Motor Coaches, Ltd., Inc.

4. The carriers forthwith shall file with the Interstate Commerce Commission in respect of transportation in interstate or foreign commerce, and with each appropriate State regulatory body in respect of transportation in intrastate commerce, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the fares, charges, operations, rules, regulations and practices of each carrier which may be necessary to accord with the provisions of this order together with a copy of this order; and forthwith shall apply to said Commission and each such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

5. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT B–34".

This order shall become effective December 26, 1942, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C. this 11th day of December, 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42–13186; Filed, December 11, 1942; 11:12 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[General Order 41]

DELEGATION TO DIRECTOR FOR PUERTO RICO

AUTHORITY TO REQUIRE REGISTRATION OF SELLERS IN THE TERRITORY OF PUERTO RICO

Pursuant to the authority conferred upon the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and the authority conferred upon the Office of Price Administration by W.P.B. Directive 1 and W.P.B. Directive 1J, as amended, the following Order is prescribed:

(a) *Order delegating to the Director of the Territory of Puerto Rico authority to require registration of sellers in the Territory of Puerto Rico.* (1) the Director of the Territory of Puerto Rico is authorized to require registration of sellers in the Territory of Puerto Rico at such time, in such manner and on such forms as he shall prescribe.

(b) This General Order No. 41 shall take effect December 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13127; Filed, December 10, 1942; 4:20 p. m.]

[Order 24 Under Supp. Reg. 1 of GMPR]

BROWNING, WELLS AND COMPANY

APPROVAL OF REGISTRATION

Order No. 24 Under Supplementary Regulation No. 1 of GMPR—Exceptions for Certain Commodities, Certain Sales and Deliveries, and Certain Services.

Approval of Registration of Browning, Wells & Company, a New York Corporation.

An opinion in support of this order has been rendered simultaneously herewith and filed with the Division of the Federal Register.

The following company has registered with and been approved by the Office of Price Administration as engaged principally and primarily in the business of reconditioning and selling damaged commodities received in connection with the adjustment of losses from insurance companies, transportation companies, and agents of the United States Government, and whose other activities do not include the buying or selling for its own account of new, used, or otherwise sound merchandise.

Browning, Wells & Co.,
90 John Street,
New York City, N. Y.

Pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1499.26 (b) (1), as amended, of Supplementary Regulation No. 1, under the General Maximum Price Regulation, *It is hereby ordered:*

(a) That sales or deliveries by the Browning, Wells & Co., New York City, N. Y., be, and they hereby are, excepted from the General Maximum Price Regulation in accordance with § 1499.26 (b) (1) of Supplementary Regulation No. 1.

(b) This Order No. 24 shall become effective December 16, 1942.

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13128; Filed, December 10, 1942; 4:20 p. m.]

[Order 99 Under MPR 120]

DALLAS FUEL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 99 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 1120–186–P.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (d) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Dallas Fuel Company, Des Moines, Iowa, may sell and deliver, and any person may buy and receive, for shipment by truck or wagon, the bituminous coal described in paragraph (b) at prices not in excess of the respective prices stated therein.

(b) Coals produced by the Dallas Fuel Company at its Dallas Fuel Company Mine, Mine Index No. 11, District No. 12, may be sold for shipment by truck or wagon at prices not to exceed $4.75, $4.75, $4.50, $4.00, $4.00, and $3.25 per net ton in Size Groups 1, 2, 3, 6, 7, and 8, respectively, f. o. b. the mine.

(c) Within thirty (30) days from the effective date of this Order, said Dallas Fuel Company shall notify all persons purchasing its coals of the adjustments granted by this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted by this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122.

(d) This Order No. 99 may be revoked or amended by the Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(f) This Order No. 99 shall become effective this 11th day of December 1942.

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13130; Filed, December 10, 1942; 4:25 p. m.]

[Order 78 Under MPR 188]

ENSON COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 78 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of a maximum price for sales by the Enson Company, Pittsburgh, Pennsylvania, of a ¾ ounce opal glass creamer.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) The Enson Company, Pittsburgh, Pennsylvania, is authorized to sell, offer to sell, or deliver, a ¾ ounce Opal Glass Creamer at a price no higher than $1.25 per gross.

(b) This Order No. 78 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 78 to Maximum Price Regulation No. 188 shall become effective December 11, 1942.

Issued this 10th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13129; Filed, December 10, 1942; 4:21 p. m.]

[Suspension Order 173]

SIMEON MOTOR SALES CO., ET AL.

ORDER RESTRICTING TRANSACTIONS

Simeon Poresgy, doing business as Simeon Motor Sales, Inc., Simmons Motor Sales, Inc., Simmons Motors Inc., and Simmons Motor Sales Company, Inc., Shrewsbury, Massachusetts, hereinafter called respondent, was duly served with a notice of specific charges of violations of Ration Order No. 5, Emergency Gasoline Rationing Regulations, and Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing was held on October 16, 1942, in Boston, Massachusetts. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been duly considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) On July 22, 1942, respondent registered as a dealer in gasoline with War Price and Rationing Board No. 278, Shrewsbury, Massachusetts. The total capacity of the gasoline storage facilities at the filling station which respondent registered as his place of business was 3,000 gallons.

(b) Respondent has violated Ration Order No. 5, Emergency Gasoline Rationing Regulations, (§ 1394.18), in that on numerous occasions between May 15, 1942, and July 21, 1942, respondent as a dealer transferred quantities of gasoline to himself as a consumer and into the fuel tanks of private passenger motor vehicles owned by him and for which no gasoline ration card Class X had been issued, without punching, tearing off, obliterating or otherwise cancelling any of the units of any gasoline ration cards or without signing any rationing certificates.

(c) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§ 1394.1503), in that between July 22, 1942, and October 16, 1942, respondent as a dealer transferred 1,896 gallons of gasoline to himself as a consumer without detaching coupons from any gasoline ration coupon book. Such transfers were not within the classes of transfers permitted by Ration Order No. 5A, Gasoline Rationing Regulations, to be made without detaching coupons.

(d) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§§ 1394.1502, 1394.1503), in that on July 22, 1942, respondent as a dealer transferred to consumers and into the fuel tanks of private passenger motor vehicles without receiving in exchange therefor any gasoline ration coupons. Such transfers were not within the classes of transfers permitted by Ration Order No. 5A, Gasoline Rationing Regulations, to be made without the exchange of coupons.

(e) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§§ 1394.1601, 1394.1602), in that on July 24, 1942, in his registration as a dealer, respondent stated on OPA Form R–545 filed with the War Price and Rationing Board No. 278, Shrewsbury, Massachusetts, that the total physical inventory of gasoline on hand at his filling station as of 12:01 A. M. on July 22, 1942, was "none", whereas his actual inventory of gasoline on hand as of 12:01 A. M., July 22, 1942, was at least eighty (80) gallons.

(f) On October 16, 1942, at the hearing above mentioned, respondent placed in the custody of the Office of Price Administration various gasoline ration coupon books which had been issued to him as a consumer and which had an aggregate gallonage value of 1,916 gallons and respondent at the same time also placed in the custody of the Office of Price Administration gasoline ration coupons which he had received from consumers to whom he had sold gasoline and which had an aggregate gallonage value of 769 gallons.

Because of the great scarcity and critical importance of gasoline in the United States, respondent's violations of the Gasoline Rationing Regulations issued by the Office of Price Administration have resulted in the diversion of gasoline from military and essential civilian uses into nonessential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations of the Gasoline Rationing Regulations by respondent are likely unless appropriate administrative action is taken: *It is therefore ordered:*

(g) During the period in which this Suspension Order No. 173 shall be in effect,

(1) Respondent shall not sell, transfer or deliver any gasoline to any person.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(3) No person, firm or corporation shall deliver or in any manner directly or indirectly transfer any gasoline to respondent for resale.

(h) Within three days from the effective date of this Order, respondent shall surrender for cancellation to War Price and Rationing Board No. 273, Shrewsbury, Massachusetts, all the gasoline ration coupons received by him as a dealer and which he has in his possession at the time this Order is served upon him, and respondent shall also surrender to said Board the certificate of registration on OPA Form R–545 which he received from such Board at the time of his registration as a dealer on July 24, 1942.

(i) The gasoline ration coupons and coupon books heretofore placed in the custody of the Office of Price Administration by respondent at the hearing on October 16, 1942, are hereby cancelled and together with the coupons surrendered pursuant to section (h) of this Order shall be deemed to be surrendered to War Price and Rationing Board No. 278, Shrewsbury, Massachusetts, at the time of respondent's cessation of business pursuant to § 1394.1623 of Ration Order No. 5A, Gasoline Rationing Regulations.

(j) Notwithstanding the provisions of section (g) (2) of this Suspension Order No. 173, respondent, subject to the prior approval of and the supervision by the Regional Administrator of Region I, Office of Price Administration, may dispose of his stocks of gasoline on hand at the time this Order is served upon him.

(k) Any term used in this Suspension Order No. 173 that is defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given it.

(l) This Suspension Order No. 173 shall become effective 12:01 A. M. December 17, 1942, and shall remain in effect until further order of the Deputy Administrator in Charge of Rationing, but not later than December 31, 1944.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 (7 F.R. 562) and Supplementary Directive No. 1Q (7 F.R. 9121))

Issued this 10th day of December 1942.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 42–13132; Filed, December 10, 1942; 4:25 p. m.]

[Suspension Order 176]

ISABELLA MASCARO

ORDER RESTRICTING TRANSACTIONS

Isabella Mascaro, 354 Walnut Street, Springfield, Massachusetts, hereinafter called respondent, was duly served with a notice of specific charges of violation of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing was held on October 29, 1942, in Boston, Massachusetts. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been duly considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a filling station at 354 Walnut Street, Springfield, Massachusetts.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§ 1394.1102), in that between September 12, 1942, and September 18, 1942, respondent sold and delivered to divers consumers 328 gasoline ration coupons Class C.

(c) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§ 1394.1503), in that on September 13, 1942, in Springfield, Massachusetts, respondent transferred 15½ gallons of gasoline to a consumer in exchange for three gasoline ration coupons Class C which had been previously detached from a coupon book that was not issued for and did not bear the identification of the motor vehicle into which the transfer was made; such transfer was not one of the classes of transfers permitted by Ration Order No. 5A, Gasoline Rationing Regulations, to be made without the exchange of gasoline ration coupons.

(d) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§ 1394.1502), in that on various occasions between September 12, and September 18, 1942, respondent transferred gasoline to consumers without the exchange of gasoline ration coupons; such transfers were not of the classes of transfers permitted by Ration Order No. 5A to be made without the exchange of gasoline ration coupons.

Because of the great scarcity and critical importance of gasoline in Massachusetts, violations by respondent of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations of the gasoline rationing regulations by respondent are likely unless appropriate administrative action is taken: *It is therefore ordered:*

(e) During the period in which this Suspension Order No. 176 shall be in effect,

(1) Respondent shall not in any manner directly or indirectly sell, transfer or deliver any gasoline to any person; *Provided, however,* That subject to the prior approval of and the supervision by the Regional Administrator of Region I, Office of Price Administration, respondent may dispose of her stocks of gasoline on hand at the time this Order is served upon her.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(3) No person, firm or corporation shall deliver, or in any manner directly or indirectly transfer any gasoline to respondent for resale.

(f) Within three days from the effective date of this Order, respondent shall surrender to the War Price and Rationing Board with which she registered as a dealer, all of the gasoline ration coupons received by her as a dealer and in her possession on the effective date of this Order.

(g) Any terms used in this Suspension Order No. 176 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(h) This Suspension Order No. 176 shall become effective 12:01 A. M. December 17, 1942, and shall remain in effect until further order by the Deputy Administrator in Charge of Rationing but not later than December 31, 1944.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 (7 F.R. 562); and Supplementary Directive No. 1Q (7 F.R. 9121))

Issued this 10th day of December 1942.

PAUL M. O'LEARY,
Deputy Administrator in Charge of Rationing.

[F. R. Doc. 42-13131; Filed, December 10, 1942; 4:25 p. m.]

[Suspension Order 178]

AMERICAN CLUB BEVERAGE CO.

ORDER RESTRICTING TRANSACTIONS

David Lischner and Jane Lischner, husbany and wife, doing business as American Club Beverage Company, 2452 Main Street, Hartford, Connecticut, hereinafter called respondents, were duly served with a notice of specific charges of violations of Rationing Order No. 3, Sugar Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing was held October 13, 1942, at Hartford, Connecticut. There appeared a representative of the Office of Price Administration and respondents. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondents are the owners of American Club Beverage Company, an industrial user of sugar located at 2452 Main Street, Hartford, Connecticut, and are engaged in the business of manufacturing soft drink beverages for sale at wholesale.

(b) Respondents have violated Rationing Order No. 3, Sugar Rationing Regulations, in that on April 28, 1942, in registering the American Club Beverage Company as an industrial user of sugar, respondents incorrectly stated that the amount of sugar used by them in the production of bottled beverages, flavoring extracts, and syrups in the months of August and September, 1941, was 100,000 pounds for each of those months whereas the amount so used was in fact approximately 10,000 pounds for each month, and respondents thereafter in August 1942, knowing that such statements were incorrect, accepted delivery of sugar alloted to them on the basis of such statements in an amount approximately 17,750 pounds in excess of the allotment to which they were then properly entitled.

(c) Respondents have violated Rationing Order No. 3, Sugar Rationing Regulations, in that since May 1, 1942, respondents have failed to make and preserve records showing by months the amounts of sugar received by them, the persons from whom such sugar was received, the use made of such sugar for soft drink beverages, and the amount of soft drink beverages which they produced.

Because of the great scarcity and critical importance of sugar in the United States, respondent's violations of the Sugar Rationing Regulations issued by the Office of Price Administration have resulted in the diversion of sugar from military and essential civilian uses to non-essential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations of the Sugar Rationing Regulations by respondents are likely unless appropriate administrative action is taken: *It is therefore ordered,* That:

(d) During the period in which this Suspension Order No. 178 shall be in effect,

(1) Respondents shall not accept delivery of any sugar other than for their personal use as consumers.

(2) No person, firm or corporation shall deliver to respondents any sugar other than for their personal use as consumers.

(3) Respondents shall not sell or deliver any sugar to any person.

(4) Respondents shall not use any sugar for any purpose other than for their personal use as consumers.

(e) Within three days from the effective date of this Order respondents shall surrender for cancellation to the War Price and Rationing Board which issued them all unused sugar purchase certificates issued to American Club Beverage Company.

(f) Any allotments of sugar due to American Club Beverage Company, for November or December 1942, and one-half of the allotment of sugar to the American Club Beverage Company for January 1943, are hereby cancelled.

(g) Any sugar which respondents have on hand, except sugar for their personal use as consumers, at the time this Order becomes effective, shall be deducted from allotments of sugar to become due to American Club Beverage Company after January 15, 1943.

(h) Any term used in this Suspension Order No. 178 which is defined in Rationing Order No. 3, Sugar Rationing Regulations, shall have the meaning therein given it.

(i) This Suspension Order No. 178 shall become effective December 16, 1942 and unless sooner terminated shall expire January 15, 1943.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 (7 F.R. 562) and Supplementary Directive No. 1E (7 F.R. 2965))

Issued this 10th day of December 1942.

PAUL M. O'LEARY,
Deputy Administrator in Charge of Rationing.

[F. R. Doc. 42-13133; Filed, December 10, 1942; 4:25 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-299]

SOUTHWEST CONSOLIDATED CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 7th day of December, A. D. 1942.

Southwest Consolidated Corporation, a registered investment company, has filed an application pursuant to the provisions of section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) (2) of said Act, the proposed sale to Hamilton Gas Corporation, an affiliated person of the applicant, of not more than $366,000 principal amount of First Mortgage Junior Lien 4% Sinking Fund Bonds, Series B, due September 1, 1933 of Hamilton Gas Corporation and the purchase of such bonds by Hamilton Gas Corporation at prices ranging from 65% to 67% of the principal amount of such bonds. Said bonds will be offered by applicant to Hamilton Gas Corporation pursuant to a call for tenders of Hamilton Gas Corporation to all of the holders of the said bonds under date of December 4, 1942.

It is ordered, That a hearing on the aforesaid application be held on the 17th day of December, 1942 at 10 o'clock in the forenoon of that day in the hearing room of the Securities and Exchange Commision Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 wil advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13107; Filed, December 10, 1942; 12:47 p. m.]

[File No. 68-12]

IRVING ELIAS, ET AL.

ORDER AUTHORIZING SOLICITATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 8th day of December 1942.

In the matter of Irving Elias, Michael Moise and Max Menachen, Protective Committee for the holders of convertible obligations, Due 2002, (all series, exclusive of those holders who acquired same by direct exchange for original convertible debenture certificates or convertible debenture obligations, Series F) of Associated Gas and Electric Company.

A declaration having been filed on October 23, 1942, pursuant to sections 11 (g) and 12 (e) of the Public Utility Holding Company Act of 1935, and Rule U-62 promulgated thereunder, regarding a proposed solicitation of authorizations by declarants as a Protective Committee for Holders of Convertible Obligations, due 2002, (all series) of Associated Gas and Electric Company, in connection with the reorganization proceedings, under Chapter X of the Bankruptcy Act, of Associated Gas and Electric Company, a registered holding company, and also of Associated Gas and Electric Corporation, a registered holding company, in the United States District Court for the Southern District of New York; and

An amendment having been filed on October 29, 1942, providing in part that the declaration "shall not become effective until further order of the Commission"; and additional amendments having been filed on October 31, 1942, November 9, 1942, and November 21, 1942, which, among other things, expressly limit the solicitation of authorizations to persons who now hold Convertible Obligations, due 2002, of Associated Gas and Electric Company, but who did not acquire the same by exchanging therefor one or more of the following classes of securities of Associated Gas and Electric Company:

6% Convertible Debenture Certificates, Series A, B, C, D, and E;
6% Convertible Debenture Certificates, Series B of 1929;
6% Convertible Debenture Certificates, 1931 Series;
6% Convertible Debenture Obligations, Series F;
6% Convertible Debenture Certificates, Series B (Manila);
6% Convertible Debenture Certificates, Series C (Manila);

and which amendments also changed the membership of the Committee in such manner that the Committee consists only of persons owning securities of the class from whom authorizations are to be solicited by the Committee, and of persons owning no other securities of Associated Gas and Electric Company senior to the Convertible Obligations, due 2002;

The Commission having considered the declaration, as amended, and finding that the requirements of Rule U-62 are complied with;

It is therefore ordered, That the declaration, as amended, be allowed to become effective forthwith in the manner and on the terms set forth therein.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13112; Filed, December 10, 1942; 12:48 p. m.]

[File No. 70-631]

GENERAL GAS & ELECTRIC CORPORATION

ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 8th day of December 1942.

A declaration having been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by General Gas & Electric Corporation, a registered holding company, and notice having been given of the filing thereof by publication in the FEDERAL REGISTER and otherwise as provided by Rule U-23 under said Act; and

The said declaration proposing to pay out of capital or unearned surplus a quarterly dividend on its $5 Prior Preferred Stock for the quarterly period ended December 15, 1941, excepting that as to the 27,889.1 shares held by the Trustees of Associated Gas and Electric Corporation, a registered holding company, the right to receipt of the dividend has been waived by them until further order of the Commission; and

A request that a hearing be held with respect to the said matter having been received; and

The Commission having considered the said request, and it appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that a hearing be held with respect to the said declaration and that the said declaration shall not become effective pursuant to further order of the Commission, and that at the said hearing there be considered, among other things, the various matters hereinafter set forth;

It is ordered, That a hearing on such matter under the applicable provisions of the said Act and the rules of the Commission thereunder be held on December 14, 1942, at 10 a. m. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed declaration of a quarterly dividend out of the capital or unearned surplus of General Gas & Electric Corporation is appropriate and in the public interest and the interest of investors;

(2) Whether the proposed action to be taken complies with the provisions of the Public Utility Holding Company Act

of 1935 and all rules and regulations promulgated thereunder and is not detrimental to the public interest or the interest of investors or consumers.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 42-13108; Filed, December 10, 1942; 12:47 p. m.]

[File Nos. 70-638, 70-642]

Georgia Power and Light Company and NY PA NJ Utilities Company

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of December, 1942.

Notice is hereby given that a declaration and application have been filed with this Commission by NY PA NJ Utilities Company, a registered holding company, and Georgia Power and Light Company, a subsidiary of a registered holding company and an associate company of NY PA NJ Utilities Company, pursuant to sections 10, 12 (d), and 12 (f), of the Public Utility Holding Company Act of 1935, and Rules U-42, U-43, and U-44 promulgated thereunder.

All interested persons are referred to said filings which are on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

NY PA NJ Utilities Company proposes to sell to Georgia Power and Light Company, and Georgia Power and Light Company proposes to acquire from NY PA NJ Utilities Company, for cash, in the amount of $39,825, First Mortgage 5% Bonds due June 1, 1978, of Georgia Power and Light Company in the principal amount of $45,000.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to such matters, that the declaration shall not become effective, nor the application be granted, except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on the 18th day of December, 1942, at 10 o'clock a. m., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why the declaration should be permitted to become effective and the application should be granted. Any person desiring to be heard in connection with these proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission, on or before December 15, 1942, his request or application therefor, as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act, and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by said declaration and application, otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions.

(1) The basis for arriving at the consideration of $39,825 as consideration for the $45,000 principal amount of First Mortgage 5% Bonds due June 1, 1978, of Georgia Power and Light Company;

(2) The manner and extent to which the interests of investors are affected by the proposed transactions;

(3) Whether, and to what extent, it is appropriate in the public interest or for the protection of investors and consumers to impose terms and conditions with respect to the proposed transactions; and

(4) Whether the proposed transactions meet the requirements of the appropriate provisions of the Acts and Rules and Regulations promulgated thereunder.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 42-13110; Filed, December 10, 1942; 12:47 p. m.]

[File No. 811-363]

Guardian Public Utilities Investment Trust

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of December, A. D. 1942.

An application having been filed by The Guardian Public Utilities Investment Trust pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of said Act;

It is ordered, That a hearing on the aforesaid application be held on December 21, 1942 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held;

It is further ordered, That Charles S. Lobingier, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside on such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 42-13111; Filed, December 10, 1942; 12:48 p. m.]

[File No. 59-58]

Indiana Service Corporation, et al.

ORDER POSTPONING HEARING AND DESIGNATING NEW TRIAL EXAMINER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 8th day of December, A. D. 1942.

In the matter of Indiana Service Corporation, Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, Respondents.

The Commission having, on October 16, 1942, issued its Notice of and Order Instituting Proceeding Under sections 11 (b) (2), 15 (f) and 20 (a) of the Public Utility Holding Company Act of 1935 and naming as respondents therein Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, a registered holding company, and Indiana Service Corporation, a subsidiary thereof; and said order having designated December 14, 1942, as the date for public hearing in the matter embraced by said order; and

The respondents herein having requested that the hearing in this matter be postponed until after January 1, 1943; and

The Commission having considered such request and it appearing appropriate that a postponement of the hearing should be made to January 13, 1943;

The Trial Examiner heretofore designated to preside at such hearing not being able to preside at the postponed hearing;

It is ordered, That the hearing in this matter previously scheduled for December 14, 1942, be and is hereby postponed to January 13, 1943, at the same time and place as heretofore designated;

It is further ordered, That William W. Swift, an officer of the Commission, be and hereby is designated to preside at such hearing in the place and stead of, and with the same powers and duties as, the Trial Examiner heretofore designated to preside at such hearing.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 42-13109; Filed, December 10, 1942; 12:47 p. m.]

[File Nos. 70-630, 70-636]

Minnesota Utilities Company, et al.

NOTICE OF FILINGS AND ORDER FOR CONSOLIDATED HEARINGS

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pennsylvania, on the 8th day of December, A. D. 1942.

In the matter of Minnesota Utilities Company, American Utilities Service Corporation and Minnesota Power & Light Company.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by American Utilities Service Corporation, a registered holding company and its subsidiary, Minnesota Utilities Company and by a non-affiliated company, Minnesota Power & Light Company, a subsidiary of American Power & Light Company, a registered holding company, which in turn is a subsidiary of Electric Bond and Share Company, also a registered holding company. All interested persons are referred to said documents which are on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

1. Minnesota Utilities Company proposes to sell and Minnesota Power & Light Company proposes to acquire the electric properties of the former company comprising its Pine River District located in the Counties of Cass and Crow Wing in the State of Minnesota for the sum of $185,000 in cash, plus $15,000 for materials and current assets, subject to certain adjustments covering transactions between October 1, 1942 and the date on which the sale and purchase is consummated. It is contemplated that the said sale and purchase will be consummated in no event later than February 1, 1943.

2. Minnesota Utilities Company will employ $185,000 of the proceeds of said sale in partial payment of its note indebtedness to its parent, American Utilities Service Corporation which, pursuant to the terms of the Indenture securing its Collateral Trust 6% Bonds, Series A, will deposit said payment with the Trustee, Continental Illinois National Bank and Trust Company of Chicago. American plans to use said $185,000, together with other funds held or to be held by the Trustee for the purchase and/or call of not to exceed $200,000 of its aforementioned 6% Bonds and will request the Trustee, pursuant to the Indenture, to advertise for tenders of $200,000 of said Bonds, to be purchased at the option of American with the "release monies" so held by the Trustee. American has filed a copy of the material to be used by the Trustee for purposes of advertisement and by the company for the purpose of mailing a postal card notice to all known holders of said Bonds. It is contemplated that such publication and notice will be completed in no event later than March 1, 1943.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that hearings be held with respect to said matters, that said declarations shall not become effective nor said applications be granted except pursuant to further order of this Commission; and

It further appearing to the Commission that the hearings should be consolidated in the interest of an orderly, prompt and economical disposition of the matters involved;

It is ordered, That the said applications and declarations be and hereby are consolidated for purpose of hearings;

It is further ordered, That hearings on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on January 12, 1943 at 10:00 A. M., E. W. T., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearings will be held. At such hearings cause shall be shown why such declarations or applications (or both) shall become effective or shall be granted. Notice is hereby given of said hearings to the above-mentioned declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the Federal Register;

It is further ordered, That any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission on or before January 9, 1943, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission;

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That without limiting the scope of issues presented by said declarations or applications (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearings to the following matters and questions:

1. Whether the consideration is reasonable and bears a fair relation to the sums invested in or the earning capacity of the utility assets proposed to be sold and acquired.

2. Whether competitive conditions were maintained in negotiations for the sale of the property.

3. Whether the proposed acquisition will serve the public interest by tending towards the economical and efficient development of an integrated public utility system.

4. The propriety of the proposed accounting treatment of the transactions on the books of applicants or declarants.

5. Whether, in general, the proposed transactions are necessary or appropriate in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

[F. R. Doc. 42-13115; Filed, December 10, 1942; 12:48 p. m.]

[File Nos. 70-564, 70-561]

United Utilities, Incorporated, and The United Telephone Company of Pennsylvania

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 8th day of December, A. D. 1942.

United Utilities, Incorporated, a registered holding company, and its subsidiary company, The United Telephone Company of Pennsylvania, having filed declarations and applications, with amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 9, 10, and 12 (f) thereof and Rule U-43 promulgated thereunder regarding the issue and sale by The United Telephone Company of Pennsylvania of $146,000 principal amount of First Mortgage Bonds, Series A, 3½%, due September 1, 1965, at 103 to the John Hancock Mutual Life Insurance Company and of 1,500 shares of Common Capital Stock at $50 per share, the par value thereof, to United Utilities, Incorporated, and regarding the purchase of the said Common Capital Stock by United Utilities, Incorporated, the proceeds from the sales to be applied to the payment and satisfaction of bank loans evidenced by notes in the face amount of $160,000 and an open account of $50,000 owed the parent and to increase the subsidiary company's working capital approximately $12,305; and

Said applications and declarations having been filed on June 6, 1942 and June 15, 1942, respectively, and certain amendments having been filed thereto, the last of said amendments having been filed on November 30, 1942, the proceedings on the said applications and declarations hereinabove described, having been consolidated, and notice of said filing and consolidation having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said declarations and applications within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said proposed issuance and sale of the bonds and common stock that the exemption in the third sentence of section 6 (b) applies; and finding with respect to the transactions between the parent and subsidiary company that the requirements of section 12 (f) are satisfied; and finding that the requirements of section 10 are satisfied with respect to the purchase by United Utilities, Incorporated of the said common stock; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant the said applications, as amended, and to permit the said declarations, as amended, to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid applications, as amended, be and hereby are granted forthwith and that the aforesaid declarations, as amended, be and hereby are permitted to become effective forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-13113; Filed, December 10, 1942; 12:48 p. m.]

[File No. 70-643]

THE WYANDOTTE COUNTY GAS COMPANY AND THE GAS SERVICE COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of December, 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than December 27, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted as provided in Rule U-23 of the General Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transactions as provided in Rule U-20 (a) or Rule U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The Wyandotte County Gas Company proposes to pay and discharge its 6% Demand Note payable to The Gas Service Company, in the principal amount of $242,298.98. The Gas Service Company proposes to surrender said note for cancellation upon receipt of such payment and to use the proceeds to discharge its open account indebtedness to Kansas City Gas Company, of like principal amount. The Wyandotte County Gas Company, The Gas Service Company and Kansas City Gas Company are affiliated companies, each being a direct subsidiary of Cities Service Company, a registered holding company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-13114; Filed, December 10, 1942; 12:48 p. m.]

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FEDERAL REGISTER

VOLUME 7 NUMBER 244

Washington, Tuesday, December 15, 1942

Regulations

TITLE 7—AGRICULTURE

Chapter VIII—Sugar Agency

PART 802—SUGAR DETERMINATIONS

FARMING PRACTICES IN CONNECTION WITH PRODUCTION OF SUGAR BEETS DURING CROP YEAR 1943

Pursuant to the provisions of subsection (e) of section 301 of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.13h *Farming practices in connection with the production of sugar beets during the crop year 1943*—(a) *For farms in States other than California.* The requirements of subsection (e) of section 301 of the Sugar Act of 1937, as amended, shall be deemed to have been fulfilled with respect to the production of the 1943 crop of sugar beets on any farm in a State other than California, if the producer and the county agricultural conservation committee certify that there has been carried out on land on the farm which is adapted to the production of sugar beets, not less than one-half acre of soil-conserving practices for each acre of sugar beets planted on the farm for harvest in 1943 for the extraction of sugar: *Provided, however,* That not in excess of 75 percent of the foregoing requirements in connection with rented acreage which would otherwise be part of another farm may consist of practices carried out on such farm in excess of any practices required thereon.

For the purposes of paragraph (a) of this section:

(1) Each of the following shall be deemed to be one acre of soil-conserving practices:

(i) Maintaining until after July 1, 1943, one acre of a protective covering of adapted perennial or biennial legumes, adapted perennial grasses, or mixtures of such legumes and grasses; or

(ii) Seeding in 1943 one acre of adapted perennial legumes (except alfalfa) or biennial legumes, adapted perennial grasses, or mixtures of such legumes and grasses; or (iii) Seeding in 1943 one-half acre of adapted alfalfa; or

(iv) Plowing under during 1943 one acre of a good stand and a good growth of an adapted green manure crop; or

(v) Applying during 1943 eight short tons of animal manure or the amount of manure normally produced in one year by any of the following: two head of cattle (of more than one year of age), two horses, two mules, four calves, four colts, ten sheep, or ten goats; or

(vi) Applying during 1943 to land on which sugar beets are planted for harvest in 1943, 75 pounds of net available nitrogen, potash and/or phosphoric acid in the form of commercial chemical fertilizer.

(2) Adapted perennial or biennial legumes, or adapted perennial grasses, or mixtures thereof, or adapted green manure crops, shall be deemed to be those perennial or biennial legumes, or perennial grasses, or mixtures thereof, or green manure crops, which are approved under the 1943 State Agricultural Conservation Program as being adaptable for the State in which the farm is located.

(b) *For farms in California.* The requirements of subsection (e) of section 301 of the Sugar Act of 1937, as amended, shall be deemed to have been fulfilled with respect to the production of the 1943 crop of sugar beets on any farm in California if the producer and the county agricultural conservation committee certify that during the crop year 1943 peat land on the farm has not been burned unless the burning is approved by the county and state agricultural conservation committees as necessary to permit satisfactory crop production and that there has been carried out on land on the farm which is adapted to the production of sugar beets not less than one-half acre of the soil conserving practices approved in accordance with the provisions of subparagraph (2) of this paragraph for each acre planted to sugar beets for harvest for the extraction of sugar: *Provided, however,* That one-fourth acre of soil-conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1939, if a perennial legume was produced thereon in 1940, or if any legumes were produced thereon in 1941 or 1942; and three-eighths acre of soil-conserving practices

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nial grasses, or mixtures of such legumes and grasses; or

(iii) Seeding and maintaining until after December 31, 1943, one acre of a good growth and a good stand of an adapted cover crop, or plowing under

cates require that if the applicant be less than 21 years of age at the time of making application he shall submit with his application the written consent of either parent, or legal or natural guardian, to the issuance of a pilot certifi-

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Telephone information: DIstrict 0525.

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shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1940, if legumes were produced thereon in 1941 or 1942: and *Provided, further,* if practice (i), (ii) or (iii), specified in subparagraph (2) of this paragraph, or any combination of such practices, is used to meet the requirements with respect to all the sugar beets on the farm, one-sixth acre of soil-conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1939, if a perennial legume was produced thereon in 1940, or if any legumes were produced thereon in 1941 or 1942; one-fourth acre of soil-conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1940, if legumes were produced thereon in 1941 or 1942; one-fourth acre of soil-conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1939; and one-third acre of soil-conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1940: *Provided, further,* That a portion of the acres of soil-conserving practices required for rented acreage of any farm which would otherwise be part of another farm may consist of acres of practices carried out on the latter farm in excess of any practices required thereon, but an acreage of soil-conserving practices equal to not less than 12.5 percent of the acres planted to sugar beets on such rented acreage shall be carried out on the farm of which such rented acreage is a part in excess of any practices which would be required if such rented acreage were not a part of such farm.

For the purposes of paragraph (b) of this section:

(1) The term "crop year" means the calendar year, except where the grower requests that the crop year be a 12-month period beginning 120 days prior to the normal planting date of sugar beets for the community, in which case the crop year shall be such 12-month period, if approval is given by the county committee.

(2) Each of the following which is recommended by the county agricultural conservation committee and approved by the state agricultural conservation committee as a practice applicable to the county for preserving and improving fertility of the soil and for preventing soil erosion shall be deemed to be one acre of soil-conserving practices:

(i) Maintaining until after July 1, 1943, one acre of protective covering of adapted perennial or biennial legumes, adapted perennial grasses, or mixtures of such legumes and grasses; or

(ii) Seeding during the crop year 1943 one-half acre of land to adapted perennial or biennial legumes, adapted perennial grasses, or mixtures of such legumes and grasses; or

(iii) Seeding and maintaining until after December 31, 1943, one acre of a good growth and a good stand of an adapted cover crop, or plowing under during the crop year 1943 one acre of a good stand and a good growth of an adapted green manure crop; or

(iv) Applying during the crop year 1943 eight short tons of animal manure, or the amount of manure normally produced in one year by any of the following: two head of cattle of more than one year of age, two horses, two mules, four calves, four colts, ten sheep, or ten goats; or

(v) Applying during the crop year 1943 not less than eight tons (air dry weight) of leguminous crop residues; or

(vi) Applying during the crop year 1943 three tons of lime, or 1,000 pounds of 18 percent gypsum or its sulphur equivalent; or

(vii) Applying during the crop year 1943 to land planted to sugar beets, or to or in connection with the seeding of legumes except when seeded in rows to be cultivated, or to or in connection with the seeding of perennial grasses, 64 pounds of net available P_2O_5 in the form of commercial fertilizers.

(3) Adapted perennial or biennial legumes, or adapted perennial grasses, or mixtures thereof, or adapted green manure or cover crops, shall be deemed to be those perennial and biennial legumes or perennial grasses or mixtures thereof, or green manure crops, and cover crops, which are approved under the 1943 State Agricultural Conservation Program as being adaptable for the State.

(4) Acres of soil-conserving practices (other than acreage qualifying under practice (i)) carried out to meet similar requirements prescribed for the 1942 sugar beet crop shall not be used to meet the requirements set forth herein for the 1943 crop.

(c) *General provision.* All of the foregoing soil-conserving practices shall be carried out in accordance with the farming methods commonly used in the community in which the farm is located.

(Sec. 301, 50 Stat. 7 U.S.C. 1940 ed. 1132)

Done at Washington, D. C., this 11th day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary.

[F. R. Doc. 42-13241; Filed, December 12, 1942; 11:26 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 247]

AGE LIMITS FOR PILOT CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 5th day of December, 1942.

It appearing that:

1. Certain sections of Parts 20 and 22 relative to the issuance of pilot certificates require that if the applicant be less than 21 years of age at the time of making application he shall submit with his application the written consent of either parent, or legal or natural guardian, to the issuance of a pilot certificate;

2. The Administration is now training in the Civilian Pilot Training Program only those trainees who are enlisted in the service of the armed forces. Such trainees often report for training at schools far from their homes which makes it difficult to secure the required written consent thereby causing undue delays in the progress of their training; and

3. The armed forces require written consent prior to accepting trainees for enlistment and to require further consent appears unnecessary duplication;

The Board finds that:

Its action is necessary to the successful prosecution of the war effort;

Now, therefore, the Civil Aeronautics Board, acting pursuant to sections 205(a), 601, and 602 of the Civil Aeronautics Act of 1938, as amended, makes and promulgates the following special regulation:

"Notwithstanding the provisions of Parts 20 and 22 of the Civil Air Regulations to the contrary, pilot certificates may be issued by the Administrator to applicants under 21 years of age without the written consent of either parent, or legal or natural guardian, if such applicant is a regular or reserve member of the armed forces at the time of making application. This regulation shall terminate at the end of the war."

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-13240; Filed, December 12, 1942; 10:22 a. m.]

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amendment 14]

PART 600—DESIGNATION OF CIVIL AIRWAYS

REDESIGNATION OF BLUE CIVIL AIRWAY NO. 3

DECEMBER 7, 1942.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

By striking in § 600.10303 *Blue civil airway No. 3, (Birmingham, Ala., to Tampa, Fla.)*[1] the following:

"From the intersection of the center lines of the on course signals of the northeast leg of the Memphis, Tenn., radio range and the northwest leg of the Muscle Shoals, Ala., radio range; via the Muscle Shoals, Ala., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Muscle Shoals, Ala., radio range and the north leg of the Birmingham, Ala., radio range;"

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[1] 7 F.R. 9297.

and substituting in lieu thereof the following:

"From the Birmingham, Ala., radio range station; Gunter Field, Montgomery, Ala.; and the Dothan, Ala., radio range station, to the intersection of the center lines of the on course signals of the southeast leg of the Dothan, Ala., radio range and the northwest leg of the Tallahassee, Fla., radio range. From the intersection of the center lines of the on course signals of the east leg of the Tallahassee, Fla., radio range and the northwest leg of the Cross City, Fla., radio range; via the Cross City, Fla., radio range station; and the intersection of the center lines of the on course signals of the southeast leg of the Cross City, Fla., radio range and the north leg of the Tampa, Fla., radio range; to the Tampa, Fla., radio range station."

This amendment will become effective 0001 E. W. T. November 15, 1942.

C. I. STANTON,
Administrator.

[F. R. Doc. 42-13266; Filed, December 12, 1942; 12:08 p. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 270—GENERAL RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

REPURCHASE OF SECURITIES BY CLOSED-END INVESTMENT COMPANIES

The Securities and Exchange Commission, acting pursuant to the authority conferred upon it by the Investment Company Act of 1940, particularly sections 23 (c) (3) and 38 (a) thereof, and deeming such action appropriate in the public interest and for the protection of investors, hereby amends Section 270.23C-1 [Rule N-23C-1] to read as follows:

§ 270.23C-1 *Repurchase of securities by closed-end companies.* (a) A registered closed-end company may purchase for cash a security of which it is the issuer, subject to the following conditions:

(1) If the security is a stock entitled to cumulative dividends, such dividends are not in arrears.

(2) If the security is a stock not entitled to cumulative dividends, at least 90% of the net income of the issuer for the last preceding fiscal year, determined in accordance with good accounting practice and not including profits or losses realized from the sale of securities or other properties, was distributed to its shareholders during such fiscal year or within 60 days after the close of such fiscal year.

(3) If the security to be purchased is junior to any class of outstanding security of the issuer representing indebtedness (except notes or other evidences of indebtedness held by a bank or other person, the issuance of which did not involve a public offering) all securities of such class shall have an asset coverage of at least 300% immediately after such purchase; and if the security to be purchased is junior to any class of outstanding senior security of the issuer which is a stock, all securities of such class shall have an asset coverage of at least 200% immediately after such purchase, and shall not be in arrears as to dividends.

(4) The seller of the security is not to the knowledge of the issuer an affiliated person of the issuer.

(5) Payment of the purchase price is accompanied or preceded by a written confirmation of the purchase.

(6) The purchase is made at a price not above the market value, if any, or the asset value of such security, whichever is lower, at the time of such purchase.

(7) The issuer discloses to the seller or, if the seller is acting through a broker, to the seller's broker, either prior to or at the time of purchase the approximate or estimated asset coverage per unit of the security to be purchased.

(8) No brokerage commission is paid by the issuer to any affiliated person of the issuer in connection with the purchase.

(9) The purchase is not made in a manner or on a basis which discriminates unfairly against any holders of the class of securities purchased.

(10) If the security is a stock, the issuer has, within the preceding six months, informed stockholders of its intention to purchase stock of such class by letter or report addressed to all the stockholders of such class.

(11) The issuer files with the Commission, on or before the tenth day of the calendar month following the month in which the purchase occurs, two copies of a report of purchases made during the month, together with a copy of any written solicitation to purchase securities under this rule sent or given during the month by or on behalf of the issuer to ten or more persons. Form N-23C-1 is hereby prescribed as the form to be used for such report.

(b) Notwithstanding the conditions of paragraph (a), a closed-end company may purchase fractional interests in, or fractional rights to receive, any security of which it is the issuer.

(c) This rule does not apply to purchases of securities made pursuant to section 23 (c) (1) or (2) of the Act (54 Stat. 825; 15 U.S.C. 80a-23). A registered closed-end company may file an application with the Commission for an order under section 23 (c) (3) of the Act permitting the purchase of any security of which it is the issuer which does not meet the conditions of this rule and which is not to be made pursuant to section 23 (c) (1) or (2) of the Act.

(d) This rule relates exclusively to the requirements of section 23 (c) of the Act, and the provisions hereof shall not be construed to authorize any action which contravenes any other applicable law, statutory or otherwise, or the provision of any indenture or other instrument pursuant to which securities of the issuer were issued.

Effective December 11, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13216; Filed, December 11, 1942; 2:54 p.m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter D—Munitions Control

PART 201—INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

UNLIMITED EXPORT AND IMPORT LICENSES

Pursuant to the authority vested in the Secretary of State by section 12 of the joint resolution approved November 4, 1939, as amended (54 Stat. 10; 56 Stat. 19; 22 U.S.C. 452), and to the proclamation issued pursuant thereto,[1] the regulations governing the international traffic in arms, ammunition, and implements of war promulgated by him on June 2, 1942 (7 F.R. 4216) are hereby augmented by the following § 201.41:

§ 201.41 *Unlimited export and import licenses.* When the Secretary of State has determined that the issuance of unlimited export and import licenses will materially aid the war effort, he will issue such licenses to appropriately registered persons authorizing the exportation or importation, or both, by such persons of arms, ammunition, and implements of war, subject to specific terms imposed by him. No exportation or importation of arms, ammunition, or implements of war shall be made, or attempted to be made, under the authority of such an unlimited license without compliance with the specific terms thereof and the special provisions and instructions pertaining thereto and with the regulations of this part.

[SEAL] CORDELL HULL,
Secretary of State.

DECEMBER 10, 1942.

[F.R. Doc. 42-13196; Filed, December 11, 1942; 2:32 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter E—Administrative Provisions Common to Various Taxes

[T.D. 5200]

PART 458—INSPECTION OF RETURNS

SUBPART E—INSPECTION BY CONGRESSIONAL COMMITTEE

Regulations governing the inspection of income, excess-profits, declared value excess-profits, and capital stock tax returns by the Special Committee on Un-American Activities, House of Representatives.[2]

§ 458.201 *Examination of returns by House Committee on Un-American Ac-*

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[1] Proclamation 2549 of Apr. 9, 1942 (7 F.R. 2769).

[2] See E.O. 9281, 7 F.R. 10355.

tivities.[2] Pursuant to the provisions of section 257 (a) of the Revenue Act of 1926; section 55 of the Revenue Act of 1932, as amended by section 218 (h) of the National Industrial Recovery Act; sections 215 (e) and 216 (b) of the National Industrial Recovery Act; sections 55 (a), 701 (e), and 702 (b) of the Revenue Act of 1934; sections 105 (e) and 106 (c) of the Revenue Act of 1935; sections 55 (a), 351 (c), and 503 (a) of the Revenue Act of 1936; sections 55 (a), 409, 601 (e) and 602 (c) of the Revenue Act of 1938; and sections 55 (a), 508, 603, 729 (a), and 1204, of the Internal Revenue Code, income tax returns made under the Revenue Act of 1932, the Revenue Act of 1932, as amended by the National Industrial Recovery Act, the Revenue Act of 1934, the Revenue Act of 1936, the Revenue Act of 1936, as amended by the Revenue Act of 1937, the Revenue Act of 1938, and the Internal Revenue Code, capital stock and declared value excess-profits tax returns made under the National Industrial Recovery Act, the Revenue Act of 1934, the Revenue Act of 1935, as amended by the Revenue Act of 1936, the Revenue Act of 1936, the Revenue Act of 1938, and the Internal Revenue Code, for the year 1932 and subsequent years, and excess-profits tax returns made under the Internal Revenue Code for the year 1940 and subsequent years, shall be open to inspection by the Special Committee on Un-American Activities, House of Representatives, or any duly authorized subcommittee thereof, for the purpose of carrying out the provisions of House Resolution 420 (Seventy-seventh Congress, second session), passed March 11, 1942. The inspection of returns herein authorized may be by the Committee or a duly authorized subcommittee thereof, acting directly as a committee or a subcommittee, or by or through such examiners or agents as the committee or subcommittee may designate or appoint. Upon written notice by the chairman of the committee or of the authorized subcommittee to the Secretary of the Treasury, giving the names and addresses of the taxpayers whose returns it is necessary to inspect and the taxable periods covered by the returns, the Secretary and any officer or employee of the Treasury Department shall furnish such committee or subcommittee with any data relating to or contained in any such return, or shall make such return available for inspection by the committee or subcommittee or by such examiners or agents as the committee or subcommittee may designate or appoint, in the office of the Commissioner of Internal Revenue. Any information thus obtained by the committee or the subcommittee thereof, which is relevant or pertinent to the purpose of the investigation, may be submitted by the committee to the House.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

Approved: December 9, 1942.

FRANKLIN D ROOSEVELT,
The White House.

[F. R. Doc. 42-13315; Filed, December 14, 1942; 11:18 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1521]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

FINDINGS OF FACT, CONCLUSIONS OF LAW, ETC.

Findings of fact, conclusions of law memorandum opinion and order in the matter of the petition of District Board No. 7 for changes in the minimum prices and price classifications for the coals of Eccles No. 5 Mine, Mine Index No. 62, of the Crab Orchard Improvement Company in size group Nos. 1 and 2.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on June 29, 1942, by District Board No. 7, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting changes in the minimum prices and price classifications for the coals of Eccles No. 5 Mine (Mine Index No. 62) in District No. 7. Consumers' Counsel intervened on August 13, 1942. Pursuant to Orders of the Acting Director and after due notice to interested persons, a hearing was held before Charles S. Mitchell, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C.[1] Interested persons were afforded an opportunity to be present, present evidence, cross-examine witnesses, and otherwise be heard. The petitioner and Consumers' Counsel appeared. At the conclusion of the hearing, all parties waived the preparation and filing of the Report of the Examiner. The record was thereupon submitted to the undersigned.

Eccles No. 5 Mine, Mine Index No. 62, is an old mine taken over in 1930 by the Crab Orchard Improvement Company. At the time that minimum prices and price classifications were established in General Docket No. 15, the company was removing "squeezed" coal from a large number of pillars in the mine. These pillars had been standing for over fifteen years and as a result, the coal in them had become soft in structure and badly fractured. Since structure and ash content are factors considered in the establishment of minimum prices and price classifications of lump and egg coal, the poor structure of the Eccles No. 5 coals and consequent degradation in transit were among the reasons for establishing the Classification "B" for the Size Groups 1 and 2 coals of this mine.

B. R. Gebhart, Vice President of the Crab Orchard Improvement Company, testified that since 1940 the Eccles No. 5 Mine has been decreasing the amount of "squeeze" coal produced and steadily increasing the amount of new and firm coal. By April 1942 the last of this pillar coal had been worked out. With the decrease in the amount of "squeeze" coal produced a decided improvement in the structure of the coal was noted by retailers with the result that Eccles No. 5 lump and egg coal has been competing with coals having Classification "A" since the beginning of 1942. H. A. Thompson, Technical Advisor to District Board No. 7, testified that when a comparison was made of the results of the stability tests conducted by the Commercial Testing and Engineering Company in 1938 and 1942 on lump and egg coal from the Eccles No. 5 Mine, there was found a noticeable improvement, both from the standpoint of structure and in the analytical value as to ash content. It was Thompson's opinion that "The change in structure of the coal was sufficient reason alone for changing its classification from (B) to (A)." On the basis of these findings, District Board No. 7 has concluded that owing to the improved structure of the coal of Eccles No. 5 Mine, Size Groups 1 and 2 should be in Classification "A" rather than "B".

The Consumers' Counsel contended that if the structure of the coals of Eccles No. 5 Mine had improved to such an extent that Size Groups 1 and 2 should have a new classification, then Size Groups 8 and 9 slack coal for this mine should also be reclassified. It was pointed out, however, that the analysis of the coal had not changed and that structure was not an item to be considered in the price classification of slack sizes.

Upon the basis of the uncontroverted evidence, I find that the establishment of effective price classifications and minimum prices requested is proper and will effectuate the purpose of section 4 II (a) and 4 II (b) of the Act and will comply with all the standards thereof.

Now, therefore, it is ordered, That § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

Dated: December 1, 1942.

[SEAL] DAN H. WHEELER,
Director.

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[2] 4 F.R. 2031.

[1] The order of July 11, 1942, designated W. A. Cuff to preside as Examiner. The order of August 22, 1942, designated Charles S. Mitchell vice Examiner Cuff.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group number	Price classification by size group No.									
								1	2	3	4	5	6	7	8	9	10
62	Crab Orchard Improvement Company.	Eccles #5	5	Beckley	Admiralty (Eccles), W. Va.	C & O, Vgn.	18	A	A	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)

*When shown under a Size Group Number this symbol indicates coals previously classified for this Size Group.
†When shown under a Size Group Number this symbol indicates no classification effective for this Size Group.

[F. R. Doc. 42-13188; Filed, December 11, 1942; 11:30 a. m.]

[Docket No. A-1694]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 9 requesting the establishment both temporary and permanent of minimum prices for coals of certain mines in District No. 9.

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division requesting the establishment both temporary and permanent of price classifications and minimum prices for the coals of certain mines in District No. 9, and further requesting a reclassification of the coals of Ashmore & Poe Brothers' Mine (Mine Index No. 860) for rail and truck shipment; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth and that the following action is necessary in order to effectuate the purposes of the Act.

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 329.24 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days of the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

No relief is granted herein as to that part of the petition requesting reclassification of the coals of the Ashmore & Poe Brothers' Mine (Mine Index No. 860), for rail and truck shipments, for the reasons set forth in the order designating the portion of Docket No. A-1694, relating to such relief, as Docket No. A-1694, Part II.

Dated: December 2, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 *Alphabetical list of code members*—Supplement R

Mine index No.	Producer	Mine	Seam	Freigh origin group	Shipping point	Railroad
1041	Brown, Owen	Brown No. 2	11	10	Richland	IC.
1034	Brackett Brothers (E. E. Brackett).	Beech Hollow No. 2	9	30	Morton	L&N.
286	Brown, Rayburn	Brown	9	50	Providence [1]	L&N-IC.
1036	Dwire, Buck	Basin Road	9	30	Island	L&N.
346	Hall & Hall (J. W. Hall)	Swentner	9	30	Livermore	L&N.
913	Hardin, Chester	R&H	9	30	Owensboro	L&N.
1040	Luckett, D. W	Luckett	11	40	Madisonville	L&N-IC.
241	Shanty & Morris (W. T. Morris)	J. R. Corum	9	30	Owensboro	L&N.
507	Vanover, Alonzo	Wood	9	30	Owensboro	L&N.

[1] Shipping Poin' Charleston, Ky., Freight Origin Group 10 is no longe applicable

The f. o. b. mine prices for coal shipped by Mine Index Nos. 1041, 1034, 286, 1036, 346, 913, 1040, 241, 507 to any market area in any size group and for any use including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck.

FOR TRUCK SHIPMENTS

§ 329.24 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group No.																	
				1, 2	3	4	5	6	7	8	9	10, 11, 12	13, 14	15	17	18, 19, 20	21, 22	23, 24	25	26, 27	28, 29
BUTLER COUNTY																					
McCormick, Goldie	996	J. T. Payne	Stray	240	230	220	180	175	165	165	155	145	115	55	(†)	(†)	(†)	(†)	(†)	125	120
HOPKINS COUNTY																					
Brackett Bros. (E. E. Brackett).	1034	Beech Hollow #2.	#9	210	200	190	180	175	165	165	155	145	115	55	(†)	(†)	(†)	(†)	(†)	125	120
Brown, Owen	1041	Brown #2	#11	210	200	190	180	175	165	165	155	145	115	55	(†)	(†)	(†)	(†)	(†)	125	120
Luckett, D. W	1040	Luckett	#11	210	200	190	180	175	165	165	155	145	115	55	(†)	(†)	(†)	(†)	(†)	125	120
M'LEAN COUNTY																					
Dwire Buck	1036	Basin Road	#9	210	200	190	180	175	165	165	155	145	115	55	(†)	(†)	(†)	(†)	(†)	125	120
MUHLENBERG COUNTY																					
Miller, M. H	1038	Miller	#9	210	200	190	180	175	165	165	155	145	115	55	(†)	(†)	(†)	(†)	(†)	125	120

†Indicates no classification for this size group.

[F. R. Doc. 42-13189; Filed, December 11, 1942; 11:30 a. m.]

[Docket No. A-1736]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 9 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 9.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 329.24 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: December 1, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 *Alphabetical list of code members*—Supplement R

Mine index No.	Producer	Mine	Seam	Freight origin group	Shipping point	Railroad
1048	Beech Creek Coal Co	Beech Creek #2	11	30	Beech Creek	L&N.
986	Hazelwood, Dolph	Lick Creek	9	30	Henderson	L&N.
893	Gillim, W. E	Nolan Baize	11	10	Horton	IC.
1010	Forty-One Coal Co., The (W. B. Dozier).	Forty-One Coal Co	9	40	Madisonville Morton	IC. L&N.
952	Horn, Wilty	Horn No. 2	9	10	Greenville	IC.
1015	Knight & Penrod (W. E. Penrod)	Young Bros	9	30	Drakesboro [1]	L&N
306	Lee & Williams (Tom Lee)	Lee & Williams	11	10	Dawson Springs [2]	IC.
972	Newman & Brackett (Murel E. Newman).	Barnsley	9	10	Madisonville	IC.
582	Roberts, Walter	Board	9	10	Luzerne	IC.
1042	Vanover, Pruitt	Vanover #3	9	30	Owensboro	L&N.

[1] Shipping Point Browder, Ky., Freight Origin Group 30 is no longer applicable.
[2] Shipping Point Daylight, Ky., Freight Origin Group 10 is no longer applicable.

The f. o. b. mine prices for coal shipped by Mine Index Nos. 1048, 986, 893, 1010, 952, 1015, 306, 972, 582, 1042 to any market area in any size group and for any use including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck.

FOR TRUCK SHIPMENTS

§ 329.24 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group No.																	
				1 2	3	4	5	6	7	8	9	10 11 12	13 14	15	17	18 19 20	21 22	23 24	25	26 27	28 29
BUTLER COUNTY																					
Doss, J. E	1043	Moore #3	Stray	240	230	220	180	175	165	165	155	145	115	55	(†)	(†)	(†)	(†)	(†)	125	120
Scalf, Emory	1044	Moore #2	Stray	240	230	220	180	175	165	165	155	145	115	55	(†)	(†)	(†)	(†)	(†)	125	120
DAVIESS COUNTY																					
Vanover, Pruitt	1042	Vanover #3		210	200	190	180	175	165	165	155	145	115	55	(†)	(†)	(†)	(†)	(†)	125	120
MUHLENBERG COUNTY																					
Beech Creek Coal Company.	1048	Beech Creek #2.	11	210	200	190	180	175	165	165	155	145	115	55	(†)	(†)	(†)	(†)	(†)	125	120

†Indicates no classification effective for this size group.

[F. R. Doc. 42-13190; Filed, December 11, 1942; 11:30 a. m.]

[Docket No. A-1679]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 15 for the establishment of price classifications and minimum prices for certain mines in District No. 15.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 15 for all shipments except truck and for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, Commencing forthwith, § 335.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 335.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the attached schedules marked Supplement R and Supplement T are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and reflect the changes, if any, temporary relief is granted as follows: made in minimum prices by the Acting Director's order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21.

Dated: November 24, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial use]

Code member	Mine index No.	Mine name	Prod. group No.	Shipping point	RR	Freight origin group No.	Price classification by size group														
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Hill Mining Company (Eugene F. Lee).	1650	Hill #2	3	Moberly, Mo.	Wab	111	A	A	A	A	C	C	C	C	A	C	A	A	(†)	A	A
Kearney Fuel Company (John Desiderio).	505	Desiderio	4	Kearney, Mo.	CB&Q	220	A	A	A	A	A	A	A	A	(†)	A	A	A	(†)	A	A
Mabry & Brown (Lewis Mabry).	1639	Mabry & Brown.	3	Jacksonville, Mo.	Wab	111	A	A	A	A	C	C	C	C	A	C	A	A	(†)	A	A
Sneed & Company (Carl F Sneed).	386	Sneed	3	Jacksonville, Mo.	Wab	111	A	A	A	A	C	C	C	C	A	C	A	A	(†)	A	A

†Indicates no classification effective for this size group.
A is Market Area list price as listed in Price Schedule No. 1. C, minus 10 cents from list price.

FOR TRUCK SHIPMENTS

§ 335.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Prod. group No.	County	3" lump	½" up	10" x 1½"	10" x 1¼"	3" x 2"	3" x 1¼"	2" x 1¼"	1¼" x 1"	Mine run	8" x 0	1¼" x ⅜"	1¼" x ¼ (R)	1¼" x 0 (W)	1¼" x 0 (R)	⅜" x 0
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Coureton, A. T	1649	Hume Coal Co. (Robbing from Robinson Pit).	2	Bates, Mo	260	260	260	260	235	220	205	200	220	195	195	180	(†)	160	45
Hill Mining Company (Eugene F. Lee)	1650	Hill #2	3	Randolph, Mo	240	240	240	240	225	215	205	195	220	190	195	180	(†)	120	45
Mabry & Brown (Lewis Mabry)	1639	Mabry & Brown	3	Macon, Mo	240	240	240	240	225	215	205	195	220	190	195	180	(†)	120	45

†Indicates no classification effective for this size group.

[F. R. Doc. 42-13191; Filed, December 11, 1942; 11:30 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

PART 623—CLASSIFICATION PROCEDURE

[Amendment 103, 2d Ed.]

REVISION OF EFFECTIVE DATE

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301–318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in an Administrative Order dated December 5, 1942, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amendment No. 102 [7 F.R. 9773.] to Part 623 of the Selective Service Regulations is hereby revised to change the effective date thereof from January 1, 1943, to February 1, 1943.

The foregoing revision shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

DECEMBER 11, 1942.

[F. R. Doc. 42-13239; Filed, December 12, 1942; 9:03 a. m.]

Chapter VIII—Board of Economic Warfare

Subchapter A—General

[Delegation of Authority 38]

PART 800—ORDERS AND DELEGATIONS OF AUTHORITY

DELEGATION OF AUTHORITY TO CHIEF OF OFFICE, OFFICE OF EXPORTS

By virtue of the authority vested in me, as Assistant Director in charge of the Office of Exports, by Delegations of Authority Nos. 25 [7 F.R. 4951] and 34 [7 F.R. 9807.], issued by the Executive Director on June 30, 1942 and November 23, 1942, respectively, authority is hereby delegated to the Chief of Office, Office of Exports, to exercise and perform, in my absence, all powers and functions contained in section 6 of the Act of July 2, 1940, 54 Stat. 714, as amended by the Act of June 30, 1942, 77th Cong., 2d Sess., and to issue such rules and regulations as may be necessary or proper to carry out the provisions of said Act.

Dated: December 10, 1942.

HECTOR LAZO,
Assistant Director.

[F. R. Doc. 42-13195; Filed, December 11, 1942; 12:27 p. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1297—MATERIAL ENTERING INTO THE PRODUCTION OF REPLACEMENT PARTS FOR PASSENGER AUTOMOBILES, LIGHT, MEDIUM AND HEAVY MOTOR TRUCKS, TRUCK TRAILERS, PASSENGER CARRIERS AND OFF-THE-HIGHWAY MOTOR VEHICLES

[Limitation Order L-158 as Amended Dec. 12, 1942]

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of aluminum, chromium, copper, nickel and other materials required for the production of replacement parts for passenger automobiles, light, medium and/or heavy motor trucks, truck trailers, passenger carriers and off-the-highway motor vehicles for defense, for private account and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1297.1 *Limitation Order L-158*—(a) *Certain orders hereby superseded.* This order, Limitation Order L-158, supersedes Limitation Order L-4 issued September 18, 1941 and all amendments thereto; supplementary Limitation Order L-4-c issued May 5, 1942 and all amendments thereto; Limitation Order L-35 issued January 22, 1942 and all amendments thereto.

(b) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(1) *Protection of production schedules.* Producers of replacement parts under the terms of this order may, notwithstanding the provisions of Priorities Regulation No. 1 (Part 944), schedule their production of replacement parts as if the orders therefor bore a rating of AA-2X.

(c) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(2) "Passenger automobile" means any passenger vehicle, including station wagons and taxicabs propelled by an internal combustion engine and having a seating capacity of less than eleven (11) persons.

(3) "Light truck" means a complete motor truck or truck tractor with a maximum gross vehicle weight rating of less than 9,000 pounds, as authorized by the manufacturer thereof, or the chassis therefor.

(4) "Medium and/or heavy motor truck" means a complete motor truck or truck-tractor with a maximum gross vehicle weight rating of 9,000 pounds or more, as authorized by the manufacturer thereof, or the chassis therefor.

(5) "Truck trailer" means a complete semi-trailer or full trailer having a load-carrying capacity of 10,000 pounds or more, as authorized by the manufacturer thereof, and designed exclusively for transportation of property, or persons, or the chassis therefor.

(6) "Passenger carrier" means a complete motor coach for passenger transportation, having a seating capacity of not less than 11 persons.

(7) "Off-the-highway motor vehicle" means a motor truck, truck-tractor and/or trailer, operating off the public highway, normally on rubber tires and specially designed to transport materials, property or equipment on mining, construction, logging or petroleum development projects.

(8) "Replacement parts" for passenger automobiles, light, medium and heavy motor trucks, truck-tractors, truck-trailers, passenger carriers and off-the-highway motor vehicles, means only the following enumerated parts (including components entering into such parts) used for the repair or maintenance of such vehicles:

(i) For all such vehicles: (1) engines (component parts only), (2) clutches, (3) transmissions, (4) propeller shafts, (5) universal joints, (6) axles, (7) braking systems, (8) wheels, (9) tire valve assemblies, (10) starting apparatus, (11) frame and spring suspension assemblies, (12) shock absorbers, (13) speedometers, (14) driving mirrors, (15) windshield wiper assemblies, (16) steering apparatus, (17) exhaust systems, (18) cooling systems, (19) fuel systems, (20) lubricating systems, (21) electrical systems including generators, motors, lights, reflectors and signal horns, (22) windshield safety glass.

(ii) In addition, but only for medium and heavy motor trucks, truck-tractors, truck-trailers, passenger carriers and off-the-highway motor vehicles: (23) power dividers and take offs, (24) transfer cases, (25) fusees and flares, (26) directional signals, (27) coupling devices, (28) trailer landing gears, (29) seats, (30) front fenders (only that type which support built in lighting), (31) defroster heaters, (32) truck refrigeration units, (33) liquid measuring gauges.

(iii) In addition, but only for passenger carriers: (34) body structural repair parts, (35) sash, (36) destination signs, (37) fare boxes, (38) guards and grab rails, (39) door operating mechanisms, (40) doors and door hardware, (41) signaling devices, (42) heating and ventilating equipment. For school bus bodies and cabs: only the foregoing parts, (34) to (42).

(iv) In connection with truck-body conversion: (43) cab assemblies.

(9) "Producer" means any individual, partnership, association, corporation or other form of business enterprise engaged in the manufacture of replacement parts, as defined in subparagraph (8), above.

(10) "Distributor" means any person not a producer whose business consists, in whole or in part, of the sale of replacement parts, as defined in subparagraph (8) above, from inventory. Distributor includes wholesalers, jobbers, dealers, retailers and other persons performing a similar function.

(11) "Inventory" means a stock of replacement parts, as defined in subparagraph (8) above, on hand, on consignment, or held for the account of the owner thereof in any other name, manner or place.

(12) "Third and fourth calendar quarters of 1942" means respectively the period from July 1, 1942, to September 30, 1942, and the period from October 1, 1942, to December 31, 1942.

(13) "Average calendar quarter of 1941" means one-fourth of the producer's total sales at dollar cost value of the replacement part of his own manufacture sold by him during 1941.

(d) *Prohibitions on production.* (1) On and after July 4, 1942, no producer shall manufacture any parts for passenger automobiles and light trucks except the replacement parts enumerated in paragraph (c) (8) (i) above.

(2) On and after July 31, 1942, no producer shall manufacture any parts for medium and/or heavy motor trucks, truck-tractors, truck-trailers, passenger carriers and off-the-highway motor vehicles except the replacement parts enumerated in paragraph (c) (8) above.

(3) In the production of such replacement parts, no materials shall be used which are prohibited by M orders or other restrictions on use of critical materials as now or hereafter ordered by the Director General for Operations of the War Production Board.

(e) *Restrictions on production of replacement parts for passenger automobiles and light trucks.* (1) During the first calendar quarter of 1943, a producer of replacement parts for passenger automobiles and light trucks may manufacture replacement parts according to either of the following schedules:

(i) Such producer may manufacture replacement parts at his dollar cost value not to exceed seventy percent (70%) of the total dollar cost value of the replacement parts of his own manufacture sold by him during the average calendar quarter of 1941; provided that such production does not result in the producer's total inventory of finished parts (either produced by him or purchased by him from others) exceeding at any time during the third month in the first quarter of 1943, in dollar cost value, four times the producer's average monthly sales valued at cost during the preceding calendar quarter. In determining dollar cost value of sales, sales to the Army, Navy and other persons enumerated in paragraph (g) below shall not be included.

(ii) Such producer may manufacture replacement parts not to exceed fifty percent (50%) of the total dollar cost value of the replacement parts of his own manufacture sold by him during the average calendar quarter of 1941; provided such production does not increase his inventory of finished parts in total cost value (either produced by him or purchased by him from others) at the end of the first quarter of 1943, above his inventory of finished parts in total cost value at the beginning of the quarter. In determining dollar cost value of sales, sales to the Army, Navy and other persons enumerated in paragraph (g) below shall not be included.

(f) *Restrictions on production of replacement parts for medium and/or heavy motor trucks, truck-tractors, truck-trailers, passenger carriers, and off-the-highway motor vehicles.* (1) During the first calendar quarter of 1943, a producer of replacement parts for medium and/or heavy motor trucks, truck-tractors, truck trailers, passenger carriers, and off-the-highway motor vehicles may manufacture replacement parts according to either of the following schedules:

(i) Such producer may manufacture replacement parts at his dollar cost value not to exceed one hundred and twenty-five percent (125%) of the total dollar cost value of the replacement parts of his own manufacture sold by him during the average calendar quarter of 1941; provided that such production does not result in the producer's total inventory of finished parts (either produced by him or purchased by him from others) exceeding at any time during the third month in the first quarter of 1943, in dollar cost value, four times the producer's average monthly sales valued at cost during the preceding calendar quarter. In determining dollar cost value of sales, sales to the Army, Navy, and other persons enumerated in paragraph (g) below shall not be included.

(ii) Such producer may manufacture replacement parts not to exceed one hundred percent (100%) of the total dollar cost value of the replacement parts of his own manufacture sold by him during the average calendar quarter of 1941, provided such production does not increase his inventory of finished parts in total cost value (either produced by him or purchased by him from others) at the end of the first quarter of 1943 above his inventory of finished parts at the beginning of the quarter. In determining dollar cost value of sales, sales to the Army, Navy and other persons enumerated in paragraph (g) below shall not be included.

(g) *Exceptions to applicability of this order.* The terms and restrictions of this order shall not apply to any replacement parts sold to or produced under contracts or orders for delivery to or for the account of:

(1) The Army or Navy of the United States or the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(2) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions; Crown Colonies and Protectorates, and Yugoslavia;

(3) Any agency of the United States Government, for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(h) *Return of replacement parts.* Replacement parts returned to a producer by a distributor are not to be scheduled in the producer's inventory during the quarter in which the parts are received, but shall be included in the producer's inventory in the succeeding calendar quarter.

(i) *Restrictions on sales to consumers.* (1) On and after July 15, 1942, no producer or distributor shall sell or deliver any replacement part to a consumer unless the consumer delivers to the producer or distributor concurrently with the purchase a used part (excepting in the case of cab assemblies and parts consumed in use, lost or stolen) of similar kind and size for each new replacement part delivered to the consumer. No new replacement part shall be sold or delivered to a consumer to replace a part which the producer or distributor can recondition by use of available reconditioning facilities.

(2) Notwithstanding the provisions of paragraph (i) (1) above, a producer or distributor may sell and deliver any replacement part to a consumer without receiving a used part in exchange therefor, *Provided*, That:

(i) The producer or distributor does not install such part in the consumer's vehicle; and

(ii) The consumer signs and delivers to the producer or distributor concurrently with each purchase order (or on the written confirmation thereof if such order is placed by telephone or telegram) a certificate in the following form:

CONSUMER'S CERTIFICATE

I hereby certify that: (a) The replacement parts specified on this order are essential for repair of vehicle(s) I now own or operate; (b) these parts will be used only for replacement of parts that, to the best of my knowledge, cannot be reconditioned by use of available facilities; and (c) I will, within thirty days after receiving the new part(s), dispose of through scrap channels a used part(s) (excepting in the case of cab assemblies and parts consumed in use, lost or stolen) of similar kind and size for each new replacement part delivered to me.

Signed) ________________________________
Vehicle Owner or Operator

(Address) ________________________________

The foregoing certificate must be retained by the producer or distributor making the sale to the consumer as part of his records.

The provisions of this paragraph (i) shall not apply to any Federal or Territorial department, bureau or agency, or to a State or political subdivision thereof, which is forbidden by law from making such disposal of replacement parts.

(j) *Restrictions on distributors' inventories.* (1) On and after August 15, 1942, no distributor, whose principal place of business is located in the Eastern or Central War Time Zone, shall order more than a thirty-day supply of replacement parts, and no such distributor shall accept delivery of replacement parts which, in combination with his existing inventory of replacement parts measured in total dollar cost value, shall exceed a sixty-day supply. Sixty-day supply means a supply in dollar cost value equal to two-thirds of the distributor's total sales, at his cost of such parts, sold by him in the preceding quarterly period.

(2) No distributor, whose principal place of business is located in any other war time zone, shall order more than a forty-five day supply of replacement parts, and no such distributor shall accept delivery of replacement parts which, in combination with his existing inventory of replacement parts, measured in total dollar cost value, shall exceed a ninety-day supply. Ninety-day supply means a supply in dollar cost value at distributor's cost equal to the distributor's total sales, at his cost of such parts, sold by him in the preceding quarterly period.

(3) Irrespective of the restrictions in subparagraphs (1) and (2) above, a distributor may accept delivery of specific items of replacement parts when his stock of all items in the aggregate exceeds, or will by virtue of such acceptance exceed, his maximum permissible inventory as specified in subparagraphs (1) and (2) above, but only to the extent necessary to bring such distributor's inventory of those specific items up to a total dollar value equal to the sales of such items shipped from such inventories during the preceding month.

(4) No distributor may keep in his inventory, in his possession or under his control, for a period of more than thirty days, any used, traded-in, imperfect or condemned replacement parts which cannot be reconditioned, but must dispose of the same through the customary disposal or scrap channels.

(5) Replacement parts consigned to a distributor are not to be considered as part of the distributor's inventory.

(k) *Emergency orders for replacement parts.* Notwithstanding the provisions of paragraph (j) above, a distributor may order and accept delivery of any replacement part which he does not have in stock when required for repair of a designated vehicle which cannot be operated without such part. In such emergency, to secure a replacement part under this paragraph (k), a distributor must file with his order to the producer for said part a certificate in the following form:

Certificate for Emergency Order

I hereby certify that the replacement part specified in the attached order is essential for the repair of the following vehicle, which cannot now be operated without such part:
Make: ________ Engine Number: __________
(signed) ________________________________
Firm, Partnership or Corporation
By: ________________________________
Title of Individual

____
Address of Firm, Partnership or Corporation

A copy of each such certificate must be retained by the distributor issuing such certificate as a part of his records. A producer or other distributor to whom any such emergency order is submitted must give such order precedence in shipment over other orders not of an emergency nature.

(l) *Certificate by distributor required.* Whenever a distributor places an order for replacement parts, each order must be accompanied by a certificate in the following form:

Certificate of Compliance with Order L–158

The quantity of replacement parts ordered on the attached purchase order does not exceed the quantity which I am entitled to purchase under the provisions of Limitation Order L–158, with the terms of which I am familiar.

(Signed) ________________________________
Firm, Partnership or Corporation
By: ________________________________
Title of Individual

____
Address of Firm, Partnership or Corporation

A copy of each such certificate must be retained by the distributor as part of his records.

(m) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(n) *Reports.* All persons affected by this order, shall execute and file with the War Production Board such reports and questionnaires as the Board shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the War Production Board.

(o) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(p) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(q) *Appeals.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal to the War Production Board, setting forth pertinent facts and the reasons such person considers that he is entitled to relief. In order to facilitate conversion to complete war production appeals may be made to increase or to transfer to other producers quotas established in paragraphs (e) and (f) above. The Director General for Operations may thereupon take such action as he deems appropriate.

(r) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Automotive Division, Washington, D. C., Ref: L–158.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13289; Filed, December 12, 1942; 12:35 p. m.]

PART 3006—SOLUBLE DRIED BLOOD AND BLOOD-ADHESIVES

[Revocation of General Preference Order M–192]

§ 3006.1 *General Preference Order M–192* [7 F.R. 6164] is hereby revoked. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M–192.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13287; Filed, December 12, 1942; 12:36 p. m.]

PART 3097—SULFAMIC ACID AND SULFAMIC ACID DERIVATIVES

[General Preference Order M–242, as Amended Dec. 12, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of sulfamic acid and sulfamic acid derivatives for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3097.1 *General Preference Order M–242*—(a) *Definitions.* For the purposes of this order:

(1) "Sulfamic acid" means the chemical compound of that name having the formula HSO_3NH_2.

(2) "Sulfamic acid derivatives" means ammonium sulfamate and fire retardants made from sulfamic acid.

(3) "Producer" means any person engaged in the production of sulfamic acid or sulfamic acid derivatives and includes any person who has any such material produced for him pursuant to toll agreement.

(4) "Distributor" means any person who has purchased, or purchases, sulfamic acid or any sulfamic acid derivative for resale.

(b) *Restrictions on delivery.* (1) On and after November 1, 1942 no person shall deliver or accept delivery of sulfamic acid or any sulfamic acid derivative without the specific authorization of the Director General for Operations upon application pursuant to paragraph (d) hereof.

(2) Each person accepting delivery of sulfamic acid or any sulfamic acid derivative pursuant to specific authorization of the Director General for Operations

shall use the same only for the purposes specified in such authorization.

(3) Each person affected by this order shall comply with such directions as may be given by the Director General for Operations at any time after October 3, 1942, with respect to the use or delivery of sulfamic acid or with respect to the use or delivery of any sulfamic acid derivative.

(c) *Production and establishment of inventories.* (1) Each producer shall comply with such directions as may be given by the Director General for Operations at any time after October 3, 1942, with respect to the production of sulfamic acid or with respect to the production of any sulfamic acid derivative.

(2) Each person shall comply with such directions as may be given by the Director General for Operations at any time after October 3, 1942, with respect to the establishment of inventories of sulfamic acid or with respect to the establishment of inventories of any sulfamic acid derivative.

(d) *Applications and reports.* In addition to such other reports as may be required from time to time by the Director General for Operations:

(1) Each person seeking authorization to accept delivery of sulfamic acid or of any sulfamic acid derivative pursuant to paragraph (b) (1) hereof, shall apply for such authorization on Form PD–600 Such applicant shall file with the War Production Board the original and two copies of such form on or before the 15th day of the month preceding the month for which such authorization is requested and shall file with his supplier one copy of such form on or before the 10th day of such month if the supplier is a producer or on or before the 5th day of such month if the supplier is a distributor, which form shall be prepared in the manner prescribed therein, subject, however, to the following specific instructions:

(i) *Heading.* Specify "sulfamic acid and sulfamic acid derivatives" and order number "M–242", and specify pounds as the unit of measure, and in addition to specifying the delivery destination, indicate the address to which communications should be directed.

(ii) *Columns 1, 11 and 19.* Specify sulfamic acid, ammonium sulfamate or fire retardant.

(iii) *Columns 3, 20 and 22.* In the case of a distributor, specify "resale pursuant to further authorization". In the case of a consumer, specify:

Ammonium sulfamate.
Fire retardant.
Flameproofed textiles.
Laboratory reagents.
Leather
Cellophane.
Dyestuffs.
Dry color.
Electroplating solution.
Other.

If "other" is specified, describe briefly.

(iv) *Column 4.* In the case of a distributor, disregard. In the case of a consumer, specify:

Military materials.
Non-military materials.
Military clothing.
Non-military clothing.
Quartermaster Corps confidential.
Other Governmental Agencies (identify) specification number.
Nitrite removal.
Washing agents.
Fixing agents.
Peptizing pigments.
Other.

If "other" is specified describe briefly.

(2) Each producer and distributor seeking authorization to deliver sulfamic acid or any sulfamic acid derivative pursuant to paragraph (b) (1) hereof, shall apply therefor on Form PD–601. Such applicant shall file with the War Production Board the original and two copies of such form on or before the 20th day of the month preceding the month for which such authorization is requested, which form shall be prepared in the manner prescribed therein, subject, however, to the following specific instructions:

(i) *Heading.* Specify "sulfamic acid and sulfamic acid derivatives" and order number "M–242", and specify pounds as the unit of measure, and in addition to specifying the plant or warehouse address, indicate the address to which communications should be directed.

(ii) *Columns 3 and 8.* Specify sulfamic acid, ammonium sulfamate or fire retardant.

(e) *Notification of customers.* Producers and distributors shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any such person from complying with the terms hereof.

(f) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board Priorities Regulations, as amended from time to time.

(2) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of sulfamic acid and sulfamic acid derivatives, shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C., Ref.: M–242.

(g) *Small order exemption.* The specific authorization provided for in paragraph (b) (1) hereof shall not be required with respect to the delivery by any producer or distributor to any one person during any calendar month, of five pounds or less of sulfamic acid or of any sulfamic acid derivative, to be used for analytical, testing, control, educational, or research purposes, or to the acceptance of delivery thereof for such purposes, subject to the following conditions:

(1) The total amount of deliveries made by any one producer or distributor, pursuant to this paragraph (g), shall not exceed 100 pounds of sulfamic acid and sulfamic acid derivatives, in the aggregate, during any one month.

(2) Each person seeking delivery of five pounds or less of sulfamic acid, or of any sulfamic acid derivative, during any month, shall file with his supplier at the time of placing his order therefor a certificate in substantially the following form:

The undersigned hereby certifies that if delivery of the quantity of sulfamic acid or sulfamic acid derivatives covered by the accompanying order is made, the undersigned will not have received, during the month in which such delivery is to be made, in excess of five pounds of sulfamic acid and sulfamic acid derivatives, and that such material will be used solely for analytical, testing, control, educational or research purposes.

____
(Name of customer)
By ______________________________
(Signature of authorized officer)
Date__________ Title____________________

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13288; Filed, December 12, 1942; 12:37 p. m.]

PART 3152—HEXAHYDRIC ALCOHOLS

[General Preference Order M–270]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of hexahydric alcohols for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3152.1 *General Preference Order M–270*—(a) *Definitions.* (1) "Hexahydric alcohols" means d-sorbitol, mannitol and non-crystallizing sorbitol-isomeric mixtures of any and all proportions and from any source whatever.

(2) "Supplier" means any producer or distributor of hexahydric alcohols.

(3) "Producer" means any person who produces hexahydric alcohols.

(4) "Distributor" means any purchaser of hexahydric alcohols for the purpose of resale without further processing.

(5) "Allocation month" means the period beginning on the 15th day of a calendar month and continuing through the 14th day of the calendar month following. The allocation month of January, for example, shall mean the period beginning January 15.

(b) *Restrictions on deliveries and use.* (1) Subject to paragraph (c) hereof, on and after December 15, 1942 no supplier shall deliver or use hexahydric alcohols, and no person shall accept delivery of hexahydric alcohols from a supplier, except as specifically authorized or directed by the Director General for Operations.

(2) Authorizations or directions with respect to deliveries to be made or accepted in each allocation month will so far as practicable be issued by the Director General for Operations prior to the commencement of such allocation month, but the Director General for Operations may at any time at his discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted. He may also at any time issue directions with respect to the use or uses which may or may not be made of material to be delivered or then on hand or issue directions to a producer with respect to the kinds of hexahydric alcohols which he may or must manufacture.

(3) Each person specifically authorized to accept delivery of hexahydric alcohols shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed by the Director General for Operations, or as provided in paragraph (b) (4) hereof.

(4) Hexahydric alcohols allocated for inventory shall not be used except as specifically directed by the Director General for Operations. Hexahydric alcohols allocated to fill a specified order or class of orders shall, where and to the extent that such order or class of orders is subsequently cancelled, revert to inventory.

(5) Each person who receives specific authorization to accept delivery of hexahydric alcohols in any allocation month and who shall not prior to the first day of the next succeeding allocation month have received delivery in full of the quantity so authorized, shall report such fact to the War Production Board not later than the 5th day of such succeeding allocation month.

(c) *Small order exemption.* (1) No specific authorization of the Director General for Operations shall be required for the acceptance of delivery by any person, or use by any supplier, of not more than the following quantity in the aggregate in any allocation month:

	Lbs.
d-Sorbitol—crystalline	50
Technical grade d-Sorbitol (75% Aquecus Solution)	90
Commercial Grade non-crystalline Sorbitol-isomeric mixtures	600
Mannitol—crystalline	100

Provided, That such person (or supplier) has not been specifically authorized to use or accept delivery of any quantity of hexahydric alcohols during such month.

(2) No delivery in excess of the following quantities of hexahydric alcohols shall be made or accepted in any allocation month pursuant to this paragraph (c) unless and until the person accepting delivery shall certify in writing to the person making delivery that he is entitled pursuant to this paragraph (c) to accept delivery:

	Lbs.
d-Sorbitol—crystalline	25
Technical grade d-Sorbitol (75% Aqueous Solution)	45
Commercial Grade non-crystalline Sorbitol-isomeric mixtures	55
Mannitol—crystalline	25

(3) Any supplier may deliver hexahydric alcohols without specific authorization to any person entitled to accept delivery pursuant to this paragraph (c), *Provided,* That:

(i) No producer shall in any allocation month pursuant to this paragraph (c) deliver an aggregate amount of d-sorbitol (whether crystalline or technical grade) in excess of one per cent of the amount of such d-sorbitol which he is specifically authorized to deliver during such month; nor an aggregate amount of mannitol or sorbitol-isomeric mixture in excess of two per cent of the amount of such mannitol or such mixture which he is specifically authorized to deliver during such month; and

(ii) No supplier shall make deliveries during any allocation month pursuant to this paragraph if such deliveries will prevent completion of any deliveries which have been specifically authorized for such month.

(d) *Applications and reports.* (1) Each person seeking authorization to accept delivery of (and each supplier seeking authorization to use) hexahydric alcohols in any allocation month beginning with the allocation month which commences January 15, 1943, whether for own consumption or resale, shall file application on or before the 1st day of the calendar month within which such allocation month begins. Where delivery or use is to be in the allocation month commencing December 15, 1942, such application shall be filed as many days as possible in advance of the requested acceptance of delivery or use. In each case, application shall be made on Form PD–600, in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form PD–600 may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which one shall be forwarded to the supplier and three to the War Production Board, Chemicals Division, Washington, D. C., Ref.: M–270, the fifth to be retained for your files.

(iii) In the heading, under name of chemical, specify hexahydric alcohols; under WPB Order No., specify "M–270"; under name of company, specify name and mailing address; under unit of measure, specify pounds; and specify the month and year for which authorization for use or acceptance of delivery is sought.

(iv) In Columns 1, 11 and 19 specify the particular quality or physical form ordered in terms of the following: crystalline d-sorbitol, technical d-sorbitol (aqueous solution 75%), crystalline-mannitol, commercial non-crystallizing sorbitol-isomeric mixture.

(v) In Columns 3, 20 and 22, specify your primary product in terms of the following:

Ascorbic acid
Plasticizer for gelatine capsules
Pharmaceuticals (identify)
Esters (identify)
Explosives
Electrolytic condensers
Resins
Dietetic foods
Laboratory reagent
Chemicals manufacture (specify)
Gelatine and glue extender
Paper
Textiles
Miscellaneous (identify)
Export (as sorbitol, mannitol or mixture)
Resale (as sorbitol, mannitol or mixture)
Inventory (as sorbitol, mannitol or mixture, see paragraph (b) (4))

Suppliers as defined in this order shall add after "resale" the words "upon authorization on Form PD–601", or "pursuant to paragraph (c)".

(vi) In Column 4, specify ultimate use of product (where, for example, your primary product called for in Column 3 is a sorbitol ester, the ultimate use of product might be "rayon yarn"), and also specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease, or commercial customer.

Opposite "inventory", specify the amount, if any, considered necessary to bring your inventory of hexahydric alcohols to a safe working minimum; the ratings called for by Columns 5, 6, 7 and 8 need not be filled in opposite inventory in Column 3.

(2) Each supplier seeking authorization to make delivery of hexahydric alcohols during any allocation month beginning with the allocation month which commences January 15, 1943, shall file application on or before the 5th day of the calendar month within which such allocation month begins. Application for authorization to deliver in the allocation month which commences December 15, 1942, shall be made as many days as possible in advance of the requested delivery. In any case, the application shall be made on Form PD–601 in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form PD–601 may be obtained at local field offices of the War Production Board.

(ii) Prepare four copies and forward three to the War Production Board, Chemicals Division, Washington, D. C., Ref.: M–270, retaining the fourth for your files.

(iii) Suppliers who have filed application on Form PD–600 specifying themselves as their suppliers, shall list their own names as customers on Form PD–601 and shall list their request for allocation in the manner prescribed for other customers.

(iv) In the heading, under name of chemical, specify "hexahydric alcohols";

under War Production Board Order No., specify "M-270"; under name of company, state name and mailing address; under unit of measure specify "pounds"; and state the month and year during which deliveries covered by your application are to be made.

(v) In Columns 3 and 8, specify grades as stated in customer's Form PD-600.

(vi) The supplier may, if he wishes, leave Column 5 blank.

(vii) Names of customers to whom small order deliveries are to be made during the next allocation month pursuant to paragraph (c) of this order need not be listed, but insert in Column 1 "Total small order deliveries (estimated)", and in Column 4, state the estimated quantity.

(viii) If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

(3) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any such person with respect to preparing and filing Forms PD-600 and PD-601.

(e) *Notification of customers.* Each supplier shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref: M-270.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13292; Filed, December 12, 1942; 12:37 p. m.]

Part 3126—Clothing For Men and Boys

[General Limitation Order L-224, as Amended Dec. 12, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of wool, silk, rayon, cotton, linen and other materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3126.1 *General Limitation Order L-224*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Wool cloth" means any cloth containing any percentage of wool, reprocessed wool or reused wool as those terms are defined in the Wool Products Labeling Act of 1939, 54 Stat. 1128, October 14, 1940, but shall not include cloth in which the only wool content is grown or adult mohair.

(2) "Put into process" means the first cutting operation of the cloth in the manufacture of men's or boys' clothing by any person, including tailors-to-the-trade and merchant tailors.

(3) "Men's" means clothing graded as men's, young men's, students', or all that does not normally grade from size 14.

(4) "Boys' " means all clothing normally graded up and down from size 14, but shall not include sizes smaller than 7.

(5) "Children's (male)" means boys' clothing falling between sizes 7 to 12 inclusive.

(6) "Patch pocket" means a pocket made by superimposing a patch of cloth upon the body cloth of the garment.

(7) "High-rise trousers" means trousers with the difference between the inseam measurement and the outseam measurement (measured from the top of the waistband) exceeding 11½ inches for a 32 inch waist regular, with other sizes and variations in normal proportion.

(8) "Unlined" means without linings other than a shallow yoke lining and sleeve lining.

(9) *Measurements.* Whenever particular measurements are set forth in this order, such shall refer to finished measurements after all manufacturing operations have been completed and the garment is ready for shipment.

(10) Unless otherwise expressly defined, all terms shall have their usual and customary trade meaning.

(c) *Restrictions on use of cloth in the manufacture and finishing of men's and boys' clothing*—(1) *Curtailments on use of cloth in the manufacture of coats, trousers, vests, or suits, including lumber jackets, leisure, or loafer coats, semi-dress pants, slack-suit trousers and similar types of garments.* No person shall put into process, or cause to be put into process by others for his account, any cloth for manufacture of a:

(i) Second pair of trousers for any suit (but not including any uniform), whether two or three pieces, of the same or matching material; except that this restriction shall not apply to cuts of cloth less than six yards in length (based on a width of 56 inches) in the inventory of any custom or merchant tailor on May 30, 1942 put into process by any such tailor from December 12, 1942 through February 28, 1943.

(ii) Vest for a double-breasted suit of the same or matching material;

(iii) Sack coat, jacket, or lumber jacket with:

(*a*) Length exceeding for:

(*1*) Men's—29¾ inches for a size 37 regular, with other sizes and variations in normal proportion, except that on cloths other than wool cloth, ½ inch additional shall be permitted;

(*2*) Boys'—24¾ inches for a size 14, with other sizes in normal proportion, except that on cloths other than wool cloth, ½ inch additional shall be permitted;

(*b*) Outside patch pockets or inside patch pockets of wool cloth, except that unlined utility jackets or lumber jackets may have two lower inside patch pockets of wool cloth and that unlined sack coats or jackets may have outside patch pockets of cloth other than wool cloth;

(*c*) Vent or belted back, or any other type of fancy back with pleats, tucks, bellows, gussets, or yokes, except a two-piece back with a belt stitched on in such a way that there is no overlay of cloth on cloth greater than one-half inch on the upper and the lower side of the belt.

(iv) Pair of trousers with:

(*a*) Maximum width exceeding 22 inches at the knee and 18½ inches at the bottom for a pair of trousers size 32 inch waist regular, with other sizes and variations in normal proportion;

(*b*) Inseam measurement exceeding, except cloth other than wool cloth, for:

(*1*) Men's—35 inches (including the turn-up) for a pair of trousers size 32 inch waist regular with other sizes and variations in normal proportion;

(*2*) Boys'—30½ inches (including the turn-up) for a size 14 with other sizes in normal proportion;

(*c*) Real or simulated pleat or tuck, except cloth other than wool cloth;

(*d*) Continuous waistband, extension waistband or any type of high-rise, except a continuous waistband for children (male);

(*e*) Side or back buckle strap;

(*f*) Belt-loops exceeding ¾ inch in width;

(*g*) Belt or half-belt, except for trousers without suspenders or bib for children (male);

(*h*) Patch pockets, except in boys' trousers of cloth other than wool cloth.

(v) Vest with patch pockets, collar, lapels, or of a double-breasted style.

(2) *Curtailments on finishing wool cloth trousers.* (i) No person shall finish a pair of wool cloth trousers with cuffs, including any type of simulated cuffs, or

with a permanent turn-up of over three inches or cause this to be done by others for his account. This restriction shall not apply to the alteration, repair or cleaning of trousers already finished with cuffs.

(ii) No person consummating at retail the sale of wool cloth trousers, whether separate or in a suit, who does not finish the trousers, shall deliver the trousers in an unfinished state unless he has first cut off the wool cloth in excess of that needed for a permanent turn-up of three inches.

(3) *Curtailments on the use of wool cloth in the manufacture of topcoats and overcoats (including work overcoats and fingertip coats), mackinaws, and similar types of garments.* No person shall put into process, or cause to be put into process by others for his account, any wool cloth for the manufacture of:

(i) *Single-breasted topcoats, overcoats or mackinaws.* (*a*) Men's single-breasted topcoat or overcoat exceeding 43¼ inches in length and 56 inches in sweep for a size 37 regular with other sizes and variations in normal proportion, and that in the case of men's single-breasted mackinaw, the length shall in no case exceed 32 inches;

(*b*) Boys' single-breasted topcoat or overcoat exceeding 37¼ inches in length and 48 inches in sweep for a size 14, with other sizes in normal proportion, and that in the case of boys' single-breasted mackinaw, the length shall not exceed 30 inches for a size 18, with other sizes graded up and down in normal proportion;

(ii) *Double-breasted topcoats, overcoats or mackinaws.* (*a*) Men's double-breasted topcoat or overcoat exceeding 44¼ inches in length and 62 inches in sweep for a size 37 regular, with other sizes and variations in normal proportion, and that in the case of men's double-breasted mackinaw, the length shall in no case exceed 32 inches;

(*b*) Boys' double-breasted topcoat or overcoat exceeding 37¼ inches in length and 53 inches in sweep for a size 14, with other sizes in normal proportion, and that in the case of boys' double-breasted mackinaw, the length shall not exceed 30 inches for a size 18, with other sizes graded up and down in normal proportion;

(iii) A topcoat, overcoat or mackinaw with inside or outside patch pockets of wool cloth, any type of cuffs on the sleeves, a belt, pleats, or any type of fancy back, except that men's or boys' unlined utility mackinaw may have two lower inside patch pockets of wool cloth and/or a two-piece back with a belt stitched on in such a way that there is no overlay of wool cloth on wool cloth greater than ½ inch on the upper and the lower side of the belt;

(iv) A topcoat, overcoat or mackinaw with a lining cloth containing new wool;

(v) A reversible topcoat, overcoat or mackinaw made of wool cloth on more than one side.

(4) *Curtailments on selling samples and reference swatches.* No person shall cut, or cause to be cut by others for his account, a selling sample containing over 54 square inches of cloth or a reference swatch containing over 6 square inches of cloth. This restriction shall not apply to display or selling ends used by tailors-to-the-trade or merchant tailors containing yardage, alone or in combination with an end of approximately the same length and width, sufficient to be put into process for the manufacture of trousers, coat, suit, topcoat or overcoat.

(5) *Curtailments on the manufacture of full-dress coats, cutaway coats, or double-breasted tuxedo coats.* No person shall hereafter put into process, or cause to be put into process by others for his account, any wool cloth in the manufacture of a full-dress coat, a cutaway coat, or a double-breasted tuxedo coat.

(6) *Additional curtailments on the use of cloth in the manufacture of that portion of boys' clothing known as "children's (male) clothing."* No person shall put into process, or cause to be put into process by others for his account, any cloth for the manufacture of a:

(i) Suit, jacket, mackinaw, topcoat, or overcoat with separate or attached hood, scarf, hat, helmet, cap, mittens, gloves, or purse of the same or matching material, except a mackinaw or jacket with an attached hood, if made without a collar;

(ii) Snow or ski suit with:

(*a*) Wool cloth lining, if snow or ski suit is of wool cloth;

(*b*) Separate or attached cape, muff, scarf, bag, hat, coat or mittens of the same or matching material;

(*c*) Self or contrasting cloth belt exceeding 2 inches in width;

(*d*) Collar, if an attached hood is used;

(*e*) Attached hood of wool cloth lined with wool cloth;

(*f*) More than one pair of pants or leggings.

(d) *Prohibition against sales and deliveries.* No person shall sell or deliver any men's or boys' clothing except:

(1) Clothing manufactured in accordance with the restrictions of paragraph (c) hereof;

(2) Clothing manufactured from wool cloth, including cloth containing mohair, put into process prior to May 30, 1942;

(3) Clothing manufactured from cloth other than wool cloth, excluding cloth containing mohair, put into process prior to October 26, 1942.

(4) Secondhand clothing.

(e) *Exclusions from this order.* The provisions and terms of this order shall not apply to the cutting or manufacturing of

(1) Uniforms of material and construction prescribed by applicable regulations and required to be worn by the following persons:

(i) U. S. Army officers (commissioned and warrant);

(ii) U. S. Navy officers (commissioned and warrant) and chief petty officers;

(iii) U. S. Marine Corps officers (commissioned and warrant);

(iv) U. S. Coast Guard officers (commissioned and warrant) and chief petty officers;

(v) U. S. Government military and naval academy and training school students;

(vi) U. S. Maritime Commission officers;

(vii) U. S. War Shipping Administration officers;

(viii) U. S. Coast and Geodetic Survey officers;

(ix) U. S. Public Health Service officers;

(x) U. S. Bureau of Customs personnel;

(xi) U. S. Forest Service personnel;

(xii) U. S. Immigration and Naturalization Service personnel;

(xiii) U. S. Post Office Department personnel;

(xiv) Federal, State, County, Municipal or local government policemen, guards or militia;

(xv) Flying personnel with commercial air lines;

(xvi) Organized civilian personnel assigned to the armed forces of the United States.

(2) Uniforms to fill orders on hand therefor to be delivered to the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Selective Service System, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation or Metals Reserve Company.

(3) Clothing, robes and vestments as required by the rules of religious orders and sects.

(4) Historical costumes for theatrical productions.

(5) Clothing for persons who, because of unusual height or abnormal size or physical deformities, require additional cloth for proportionate length of coat, jacket, topcoat or overcoat, or the inseam or outseam of trousers or width of trouser knee and bottom, or otherwise, but only insofar as necessary because of such unusual height or abnormal size or physical deformities.

(6) Clothing manufactured specifically in accordance with the provisions of any other applicable conservation, limitation or general preference order.

(f) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of cloth conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or telegram, Reference L-224, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(g) *Reports.* Each person affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be required by said Board from time to time.

(h) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington, D. C. Ref: L–224.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13290; Filed, December 12, 1942; 12:36 p. m.]

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Interpretation 1 of Limitation Order L–170]

In order to clarify the classification of producers under paragraphs (b) (3), (4), (5) and (6) of § 1029.10 *Limitation Order L–170*, resulting from transfers of quotas pursuant to § 944.28 (Interpretation of Limitation and Conservation Orders with respect to the Assignability of Quotas), the following official interpretation is hereby issued with respect to said § 1029.10:

(1) Whenever a producer's total farm equipment business has been or may be sold as a going concern, continuing, in the hands of the purchaser, to make substantially the same product at the same plant and with substantially the same personnel (other than executive officers), the classification of the purchaser shall be based upon his total net sales (including those of affiliates) of all products during 1941, plus total sales of farm machinery and equipment and repair parts by the acquired company during 1941. However, if the purchaser uses the acquired company's 1940 base production under paragraph (b) (12) of Order L–170, then, for purposes of the purchaser's classification, sales of the acquired company during 1940, rather than 1941, must be used.

(2) Any other arrangement whereby a producer purports, or has purported, to assign to another person his quota (or a portion thereof) for the production of farm machinery and equipment or repair parts is invalid, unless specifically authorized for the period covered by Order L–170 by the Director General for Operations pursuant to an appeal, which should be made jointly. If such an appeal is granted, the classification of the assignee, unless otherwise directed, will be based upon his total net sales (including those of affiliates) of all products during 1941, plus the 1941 sales of that portion of the assignor's farm machinery and equipment or repair parts business acquired by the assignee. If the assignee is authorized to use the assignor's 1940 base production of such portion, then, for purposes of the assignee's classification, sales of the assignor during 1940, rather than 1941, must be used.

(3) Assignments of quota specifically authorized by appeal under Limitation Order L–26 for the period ending October 31, 1942, are not recognized for the period covered by Order L–170. Accordingly, a new appeal should be made in each case where the assignee wishes to continue producing pursuant to an assignment of quota authorized under Order L–26. Appeals by any such assignee and his classification are governed by § 944.28 and paragraph (2) above.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13291; Filed, December 12, 1942; 12:36 p. m.]

PART 1115—FUEL OIL

[Limitation Order L–56, as Amended Dec. 12, 1942]

Section 1115.1 *Limitation Order L–56* is hereby amended to read as follows:

§ 1115.1 *Limitation Order L–56*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to the applicable provisions of any priorities regulation, issued by the War Production Board, as amended from time to time.

(b) *Definitions.* (1) "Additional facilities" means any equipment designed to use fuel oil, other than internal combustion engines or equipment used for domestic cooking or illumination purposes, which equipment has been installed subsequent to July 31, 1942, and shall include only those space heaters (whether or not installed) which were transferred subsequent to July 31, 1942: *Provided,* That the replacement of worn-out parts shall not be deemed to be the installation of additional facilities when the existing equipment is not adaptable to the use of alternate fuels.

(2) "Alternate fuel" means any fuel other than fuel oil, electricity, natural gas, manufactured gas or mixed natural and manufactured gas.

(3) "Area One" means the area specified in paragraph (a) of Exhibit A hereof.

(4) "Area Two" means the area specified in paragraph (b) of Exhibit A hereof.

(5) "Space heater" means any fuel oil burning equipment (including portable heaters) designed to heat the space adjacent to such equipment without the use of pipes or ducts for conveying heat to such space.

(6) "Private dwelling" means a building or structure designed for the occupancy of fewer than four (4) families, but does not include a rooming house, boarding house, dormitory, lodging house or hotel in which four (4) or more rooms are regularly rented or available for rental, nor does it include a building in which less than seventy percent (70%) of the total floor space is used for residential purposes.

(7) "Coal spraying equipment" means any equipment designed to use or using fuel oil or any other petroleum product for the purpose of applying such fuel oil or other petroleum product to coal.

(8) "Consumer" means any person acquiring fuel oil for use, including use as a component part of any manufactured article, material, or compound other than fuel oil. The term includes dealers and suppliers to the extent that they use fuel oil, or acquire fuel oil for use rather than for transfer.

(9) "Converted facilities" means any fuel oil burning equipment which was designed to use an alternate fuel and which has been converted to the use of fuel oil.

(10) "Coupon note" means a writing signed by a person to whom or to whose account fuel oil is transferred, whereby such person agrees to surrender coupons or other evidences, of a stated gallonage value, authorized by or issued under any fuel oil ration order of the Office of Price Administration, within fifteen (15) days after the effective date of such order. Such coupon note shall be in substantially the following form:

Date: October ____, 1942

Amount: __________ Gallons

The undersigned acknowledges receipt from ______________________ of __________ gal-
(Name and address of the transferor)
lons of fuel oil and agrees to surrender fuel oil ration coupons or other evidences representing such gallonage within fifteen (15) days after the effective date of any fuel oil ration order of the Office of Price Administration, in accordance with the requirements of Limitation Order L–56.

____
(Name of transferee)
By ______________________
(Officer or agent)
____
(Address of transferee)

(11) "Dealer" means any person, including a supplier, who operates a regular place of business at or from which fuel oil is regularly transferred to consumers. The term also includes any person who operates a tank truck or tank wagon for the transfer of fuel oil directly to consumers and who does not also maintain stationary fuel oil storage tanks.

(12) "Evidence" means a token designed by the Office of Price Administration to represent a right to receive a transfer of fuel oil, and exchangeable for such fuel oil. The term includes coupons, acknowledgments of delivery, inventory coupons, exchange certificates and export certificates. The term does not include delivery receipts on Form OPA R–1125.

(13) "Fuel oil" means any liquid petroleum product commonly known as fuel oil, including grades Nos. 1, 2, 3, 4, 5, and 6, Bunker "C", Diesel oil, kerosene, range oil, gas oil, or any other liquid petroleum products (except gasoline) used for the same purposes as the above designated grades.

(14) "Passenger automobile" means any motor vehicle, other than a motorcycle, built primarily for the purpose of transporting passengers and having a rated seating capacity of seven persons or less.

(15) "Person" means any individual, partnership, corporation, association, government or government agency, or any other organized group or enterprise.

(16) "Primary supplier" means: (i) Any person who refines fuel oil within Area Two; or

(ii) Any person who makes a first transfer of fuel oil within Area Two from stationary storage facilities within Area Two; or

(iii) Any consumer who maintains an establishment within Area Two at which delivery of fuel oil for his own use is taken by pipe line, barge, tank ship, or railroad tank car, directly from without Area Two; or

(iv) Any person, whether within or without Area Two, who does not maintain stationary storage facilities within Area Two, and who sends or brings fuel oil into Area Two and transfers it to a person other than a primary supplier as defined in subdivisions (i), (ii), or (iii) of this subparagraph (16).

A person shall be deemed to be a primary supplier only with respect to the establishments or facilities maintained by him at or from which operations described in subdivisions (i), (ii), (iii), or (iv) of this subparagraph are carried on, and with respect to the establishments which are replenished solely on a stock transfer basis, rather than on a sales basis, from establishments at or from which operations described in subdivisions (i), (ii), (iii) or (iv) of this subparagraph are carried on: *Provided,* That, if such person does not maintain stationary storage facilities, he shall be deemed to be a primary supplier with respect to all the mobile facilities operated by him within Area Two.

(17) "Secondary supplier" means any person, other than a primary supplier, who is engaged in the business of transferring fuel oil for resale: *Provided,* That any person who receives fuel oil on consignment from a primary supplier, title to the fuel oil remaining in the primary supplier until the time of transfer by the consignee, shall not be deemed to be a secondary supplier with respect to such fuel oil but shall, for all the purposes of this order, be deemed to be an agent of such primary supplier.

(18) "Standby facilities" means equipment (other than fireplaces) in serviceable operating condition designed to use an alternate fuel, for the operation of which a supply of such fuel is available.

(19) "Supplier" means a primary supplier, a secondary supplier, or both.

(20) "Transfer" means to sell, give, exchange, lease, lend, deliver, receive, supply or furnish, and includes the acquisition of title by legal process or operation of law, such as, but not limited to, the acquisition of title by will, inheritance or foreclosure; it also includes the use by any dealer or supplier of fuel oil held by him; but does not include the creation of a security interest or security title involving no change of possession. Delivery to a carrier for shipment, or by a carrier in the course of or in completion of shipment, shall not be deemed a transfer to or by such carrier.

(c) *Prohibited transfers of fuel oil* (1) No person shall transfer or accept a transfer of fuel oil or any other petroleum product for use in the operation of coal spraying equipment in any place in the United States: *Provided,* That nothing herein contained shall prohibit any person from transferring or accepting a transfer of fuel oil or any other petroleum product for such use when required to expedite the unloading of railroad cars in cold weather where all of the following conditions are fully complied with:

(i) The coal to be sprayed shall have been screened through not larger than a one and one quarter inch (1¼″) round hole or equivalent screen.

(ii) The quantity of fuel oil or other petroleum product used in spraying such coal shall not be in excess of one quart to each ton of coal sprayed.

(iii) Such coal shall be sprayed at the mine only and only during the months of December, January, February and March.

(iv) Such coal shall be destined for and shipped only to points outside of the States of South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, New Mexico, Arizona or California.

(2) No person shall transfer or accept a transfer of fuel oil for use in the operation of additional facilities or converted facilities within Area One, except.

(i) Where in the case of new construction, the additional facilities were specified in the construction contract and the foundation under the main part of the structure in which the additional facilities were to be installed was completed prior to July 31, 1942;

(ii) Where in the case of converted facilities, such conversion was completed prior to July 31, 1942;

(iii) Where in the case of either additional or converted facilities, the person using such facilities cannot use an alternate fuel either because such fuel is unavailable or because technical utilization factors prevent its use;

(iv) Where the additional facility is a space heater:

(*a*) To the extent necessary to operate such space heater until a date to be fixed by the Office of Price Administration in Ration Order No. 11 as the final date for replacement of such space heater by equipment using an alternate fuel; or

(*b*) A local war price and rationing board established by the Office of Price Administration has issued an auxiliary ration for the operation of such space heater; or.

(*c*) Such space heater is used to heat the same premises heated by it prior to July 31, 1942; or

(*d*) For the purposes of increasing efficiency, such space heater replaces a space heater which is not an additional facility or which is specified in subdivision (*c*) above; or

(*e*) Such space heater is used in a house trailer.

(3) No person shall transfer or accept a transfer of fuel oil for use in the operation of fuel oil burning equipment within Area One where standby facilities are available, unless such standby facilities are operated to take the place of such equipment to the maximum possible extent and to effect the maximum reduction of fuel oil requirements.

(4) No person shall transfer or accept a transfer of fuel oil for use in the operation of fuel oil burning equipment, within Area Two, for the purpose of cooling space (other than hospital space) for human occupancy.

(5) No person shall transfer or accept a transfer of fuel oil for the operation of a passenger automobile anywhere in the United States.

(d) *Restrictions on transfers of fuel oil to or by consumers in Area Two.* (1) Within Area Two, on and after October 1, 1942, notwithstanding the terms of any contract, agreement, or commitment, regardless of when made except as otherwise provided in Ration Order No. 11, no person other than a dealer or supplier shall transfer or offer to transfer fuel oil to a consumer.

(2) During the period from October 1, 1942 to October 31, 1942, inclusive, notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no dealer or supplier may transfer fuel oil from within or without Area Two to a consumer within Area Two or from within such area to a consumer without such area, and no consumer shall accept such transfer except in exchange for coupon notes (or coupons or other evidences), for an amount equal to the number of gallons of fuel oil transferred. Such coupon notes shall be executed and forwarded to the transferor at the time of transfer or within twenty-four (24) hours thereafter.

(3) Nothing herein shall be deemed to forbid:

(i) The transfer of fuel oil actually in the fuel supply tank of a vehicle, boat, or equipment used for purposes other than supplying heat or hot water to buildings or structures, in conjunction with a lawful and bona fide transfer of such vehicle, boat, or equipment itself; or the consumption by the transferee in such vehicle, boat or equipment of fuel oil actually in the fuel supply tank thereof at the time of transfer; or

(ii) Transfers of fuel oil by legal process or by operation of law; or transfers of fuel oil in a storage tank or other container maintained by a consumer as part of an enterprise or establishment, or in the fuel supply tank of equipment supplying heat or hot water to buildings or structures, in conjunction with a lawful and bona fide transfer of such enterprise, establishment or equipment itself; or transfers of fuel oil by consumers to dealers or suppliers. Any person to whom a transfer of the character described in this subdivision (ii) is made within Area Two, shall forthwith report such transfer and the amount of fuel oil involved, to the local war price and rationing board in the area in which such fuel oil is located. Such person, if a dealer or supplier, shall surrender to the Board, together with such report, coupon notes signed by him for an amount equal to the number of gallons of fuel oil transferred. Such person, if not a dealer or supplier, may either:

(*a*) Transfer all or any part of such fuel oil in exchange for coupon notes for an amount equal to the number of gallons of fuel oil so transferred, and surrender to the local war price and rationing board coupon notes signed by him for an amount equal to such number of gallons; or

(*b*) Consume such fuel oil: *Provided*, That such person shall report the amount of fuel oil so consumed as fuel oil on hand if he makes application, under any fuel oil ration order issued by the Office of Price Administration, for a fuel oil ration covering the period during which such fuel oil was consumed.

(e) *Restrictions on transfers of fuel oil to dealers and suppliers within Area Two.* (1) During the period from October 1, 1942 to October 31, 1942, inclusive, no primary supplier within or without Area Two, and no dealer or secondary supplier within Area Two, shall transfer or offer to transfer fuel oil to any dealer or supplier within Area Two, and no dealer or supplier within Area Two shall accept such transfer of fuel oil, except in exchange for coupon notes (or coupons or other evidences) for an amount equal to the number of gallons of fuel oil transferred: *Provided*, That this paragraph shall not apply to transfers between primary suppliers. Such coupon notes shall be executed by the transferee and forwarded to the transferor within twenty-four (24) hours after the transfer.

(2) If, between October 1, 1942 and October 31, 1942, the place of business of any dealer or supplier within Area Two, is transferred, the transferee of the business may acquire the fuel oil inventory of the transferor without executing a coupon note. All coupon notes of the transferor shall be turned over to the transferee, and shall be held by the transferee until they have been redeemed; the coupons or other evidences received in redemption of the coupon notes shall be disposed of in the manner provided in the fuel oil ration order of the Office of Price Administration pursuant to which such coupons or evidences are issued.

(f) *Records to be kept by dealers and suppliers.* (1) At the time of making any transfer of fuel oil to any dealer or supplier within Area Two, every transferor shall furnish to such dealer or supplier an invoice delivery ticket, or other document of transfer showing the name and address of the transferee and the date and amount of the transfer. Every such transferee shall retain at his place of business for a period of at least one year from the date of such transfer of fuel oil, the invoice, delivery ticket, or other document so furnished him.

(2) Every dealer or supplier who makes a transfer to a consumer, of the type described in paragraph (d) (2), shall keep a record of such transfer, showing the name and address of the transferee, the date of the transfer, and the number of gallons of fuel oil transferred. Every dealer or supplier shall retain such record at his place of business for a period of at least one year from the date of such delivery.

(3) Every person to whom coupon notes have been given shall retain all such coupon notes and, at the time of surrender to him of coupons or other evidences in full redemption of a coupon note, shall return such note to the person who signed it: *Provided*, That on or before December 30, 1942, each such person shall report to the Regional Office of the Office of Price Administration in his region, the name and address of each person who has failed to redeem his coupon notes in full, and the amount of fuel oil transferred to such person.

(4) All coupon notes, records, reports, or other documents required by Limitation Order L–56 to be prepared and kept by any person, and the fuel oil facilities of any person, shall be subject to inspection by the War Production Board or the Office of Price Administration, or by any agent, representative or employee of either; such inspection may be made at the establishment or office of any such person at any reasonable time.

(g) *Redemption of coupon notes.* Within fifty (50) days after the effective date of any fuel oil ration order issued by the Office of Price Administration, every person who has executed (or is required by this order to execute) a coupon note shall surrender to the person to whom the note was given (or was required by this order to be given) coupons or other evidences, issued pursuant to such fuel oil ration order, equal in gallonage value to the number of gallons for which such notes were executed or required: *Provided*, That a primary supplier need not so surrender any evidences to another primary supplier.

(h) *Directions as to deliveries and conversions.* (1) The Director General for Operations may, from time to time, subject to the provisions of paragraphs (d), (e) and (g) of this order, issue specific directions directing or forbidding the transfer of fuel oil to any person or class of persons.

(2) The Director General for Operations or a representative of the Office of Petroleum Coordinator for War designated by him may from time to time examine and investigate the fuel oil burning facilities owned or operated by any person for the purpose of determining whether such equipment can be converted to the use of an alternate fuel. In making such investigation facts and circumstances which may relate to the particular problem, including the availability of alternate fuel, shall be considered. If it is found that the fuel oil burning facilities of any person may be converted to the use of alternate fuel, and that a supply of such fuel is available, without any unreasonable expenditure upon the part of the person and without working any exceptional or unreasonable hardship upon such person, then the Director General for Operations may, after notice sufficient to permit such conversion, forbid further deliveries of fuel oil for use in such facilities.

(i) *Appeals and applications.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may file an appeal setting forth the pertinent facts and the reasons why he considers himself entitled to relief. All appeals shall be filed in quadruplicate. Any appeal involving a defense housing project shall be filed with the local Federal Housing Administration Office which shall review such appeal and transmit it, together with specific recommendations, to the Director of Marketing, Office of Petroleum Coordinator for War, South Interior Building, Washington, D. C.

(j) *Reports and correspondence.* (1) All reports required to be filed and all appeals filed under paragraph (i) shall, unless otherwise directed, be addressed to the District Director of Marketing, Petroleum Administration for War, at:

(i) 122 East 42nd Street, New York, New York, if the fuel oil is to be delivered or used in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, or Florida, or the District of Columbia.

(ii) Suite 1336, 120 South LaSalle Street, Chicago, Illinois, if the fuel oil is to be delivered or used in the States of Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, or North Dakota.

(iii) 245 Mellie Esperson Building, Houston, Texas, if the fuel oil is to be delivered or used in the States of Alabama, Mississippi, Louisiana, Arkansas, Texas, or New Mexico.

(iv) 320 First National Bank Building, Denver, Colorado, if the fuel oil is to be delivered or used in the States of Montana, Wyoming, Colorado, Utah or Idaho.

(v) 855 Subway Terminal Building, Los Angeles, California, if the fuel oil is to be delivered or used in the States of Arizona, California, Nevada, Oregon, or Washington, or the Territories of Alaska or Hawaii.

(k) *Violations or false statements.* Any person who wilfully violates any provisions of this order or who wilfully furnishes false information to any department or agency of the United States in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT A

(a) *Area One:* The States of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia.

(b) *Area Two:* The States of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

[F. R. Doc. 42–13294; Filed, December 12, 1942; 12:58 a. m.]

PART 950—CUTTING TOOLS

[General Preference Order E–2–b as Amended Dec. 12, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of cutting tools for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 950.3 *General Preference Order E–2–b*—(a) *Definitions.* For the purposes of this order:

(1) "Producer" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not, engaged in the production of cutting tools.

(2) "Cutting tools" means the following types of tools designed for cutting metals, whether of standard or special design, which are manufactured of carbon steel, alloy steel and/or non-ferrous alloys:

Cut thread taps.
Hard alloy blanks or tips.
Ground thread taps.
Threading dies.
Straight shank drills (including long set drills).
Taper shank drills.
Combined drills and countersinks.
Ship plate countersinks.
Counterbores (all types).
Hand reamers and taper pin reamers.
Inserted blade reamers and blades.
Bridge and car reamers.
All other machine reamers.
Circular saws.
Form cutters, (including gear cutters and thread hobs).
Hobs—ground and unground.
Other gear tooth generating cutters and tools.
Gear finishing tools.
Inserted tooth milling cutters and blades.
All other milling cutters.
Form tools—flat and circular.
Rotary files.
Chasers.
Round broaches.
Flat broaches.
Spline broaches.
All tool bits except those produced by steel producers.
Cut-off blades.
Router bits.
Solid boring bars and boring tools.
Inserted boring bars and boring tools.

(3) "Special cutting tool" means any cutting tool of a type or size not listed in a producer's catalog as of November 1, 1942.

(4) "Total monthly production" means the total dollar value of each type of cutting tool, including both special and standard tools of that type, to be scheduled for production in any given month by a producer. In calculating total monthly production any producer using cutting tools of his own manufacture in his production of cutting tools or machine tools, or using cutting tools of his own manufacture for original tooling on machine tools being produced by him, shall exclude the value of such cutting tools to be scheduled for production in such month.

(5) "Special cutting tools required for original tooling" means those special cutting tools required as a part of the tooling for a new or rebuilt machine tool, or for a machine tool which is being adapted to an operation different from that in which it was previously employed, in order to make such machine tool usable in production for the purposes intended.

(6) "Continental United States" means the territory comprising the several States and the District of Columbia.

(b) *Scheduling of total monthly production.* Commencing with the month of October, 1942, and every month thereafter each producer shall schedule his total monthly production as follows:

(1) 10 per cent of his total monthly production of each type of cutting tool specified in paragraph (a) (2) shall be scheduled for delivery against purchase orders for that type of special cutting tool required for original tooling, subject to the following provisions:

(i) No purchase order shall be scheduled pursuant to paragraph (b) (1) unless it has been received 15 or more days prior to the 1st day of the month in which it is being scheduled for delivery and unless it bears the following endorsement:

> All cutting tools specified on this purchase order are special cutting tools required for use by the undersigned for original tooling or for resale for such use. Their delivery will not at any time effect an increase of such cutting tools in the undersigned's inventory beyond a ninety-day supply, except as permitted in paragraph (d) (3) of General Preference Order No. E–2–b with the terms of which the undersigned is familiar.
>
> ---------------------------
> Name and address of purchaser
> By ------------------
> Authorized signature

(ii) The sequence of deliveries on purchase orders bearing the above endorsement, within the percentage limitation on orders which may be filled in any given month pursuant to such endorsement, shall be scheduled according to the terms of Priorities Regulation No. 1 and other applicable priorities regulations.

(iii) Purchasers of special cutting tools who have placed their purchase orders prior to September 15, 1942, and who are entitled to obtain their special cutting tools pursuant to paragraph (b) (1) may apply the endorsement herein specified to their existing purchase orders by mailing a letter on or before September 15, 1942, to the producer stating the date and number of the purchaser's order and setting forth the required endorsement.

(iv) Any portion of the percentage set forth in paragraph (b) (1) which has not been taken up by purchase orders properly endorsed hereunder shall be scheduled for delivery against other purchase orders in accordance with paragraph (b) (2) hereof.

(2) Ninety percent of his total monthly production of each type of cutting tool specified in paragraph (a) (2), together with any portion of the percentage stated in paragraph (b) (1) which has not been taken up by purchase orders properly endorsed thereunder, shall be scheduled for delivery against other purchase orders received by such producer subject to the following provisions:

(i) No purchase order shall be scheduled pursuant to paragraph (b) (2) unless such purchase order bears one of the endorsements specified in this order, including the following endorsement:

> The delivery of the cutting tools specified in this purchase order will not at any time effect an increase of such cutting tools in the undersigned's inventory beyond a 90-day supply, except as permitted in paragraph (d) (3) of General Preference Order No. E–2–b, with the terms of which the undersigned is familiar.
>
> ---------------------------
> Name and address of purchaser
> By ------------------------
> Authorized signature

(ii) Purchase orders for special cutting tools required by any prime or subcontractor of the Army, Navy, Maritime Commission, or War Shipping Administration as a result of a change in design or other alteration in the specifications of the product being produced by such prime contractor or subcontractor shall be given preference over all other purchase orders scheduled pursuant to paragraph (b) (2). No such purchase order shall be given such preference unless it has been received 15 or more days prior to the 1st day of the month in which such purchase order is being scheduled for delivery and unless it bears the following endorsement:

All cutting tools specified on this order are special cutting tools required by the undersigned as a result of change in design or other alteration in the specifications of the product being produced by a prime or subcontractor of the Army, Navy, Maritime Commission, or War Shipping Administration. Their delivery will not at any time effect an increase of such cutting tools in the undersigned's inventory beyond a 90-day supply, except as permitted in paragraph (d) (3) of General Preference Order No. E–2–b, with the terms of which the undersigned is familiar.

Name and Address of Purchaser
By ---------------------------
Authorized Signature

(iii) Except as otherwise provided in paragraph (b) (2), the sequence of deliveries of purchase orders scheduled pursuant to paragraph (b) (2), within the percentage limitation on orders which may be filled pursuant thereto, shall be scheduled according to the terms of Priorities Regulation No. 1 and other applicable priorities regulations.

(iv) Purchasers of cutting tools who have placed their purchase orders prior to September 15, 1942, and who are entitled to obtain such cutting tools pursuant to paragraph (b) (2) may apply to their existing purchase orders the endorsement herein specified for such purchase orders by mailing a letter on or before September 15, 1942, to the producer stating the date and number of the purchaser's order and setting forth the required endorsement.

(c) *Effect of endorsement.* Any endorsement made pursuant to this order shall constitute a representation to the seller and to the War Production Board of the truth of the facts therein set forth, upon which the seller shall be entitled to rely unless he knows or has reason to believe the same to be false.

(d) *Restriction on sales and purchases of cutting tools.* (1) Except as provided in (d) (1) (i) and (ii) below, no person shall sell or deliver, nor shall any person buy or accept delivery of, any cutting tools except pursuant to a preference rating of A–9 or higher, or except pursuant to specific permission of the Director General for Operations.

(i) Purchase orders for special cutting tools carrying a rating of A–10 received prior to August 31, 1942, may be completed and delivered.

(ii) Cutting tools produced from steel other than high-speed steel, as defined in Supplementary Order M–21–h as amended, may be purchased, sold and delivered pursuant to a preference rating of A–10 or higher.

(2) No person shall sell or deliver, nor shall any person buy or accept delivery of, any cutting tools unless the purchase order for such cutting tools is accompanied by the endorsement specified for such purchase order in this order: *Provided, however,* That cutting tools, which are delivered with another tool, may be purchased, sold and delivered without such endorsement so long as such cutting tools are required to render such other tool usable in production for the purposes intended.

(3) No person shall buy or accept delivery of any cutting tools, the delivery of which will at any time effect an increase in the purchaser's inventory thereof beyond a 90-day supply: *Provided, however,* That deliveries of cutting tools, pursuant to the following designated types of purchase orders, shall be permitted to effect such an increase:

(i) Purchase orders for a quantity which is the producer's minimum practicable manufacturing quantity.

(ii) Purchase orders placed by any procurement agency of the United States pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(iii) Purchase orders placed by the Army, Navy or Maritime Commission for cutting tools required for bases or supply depots outside the continental United States, or for bases or supply depots within the continental United States which are maintained for emergency purposes or to supply such bases or supply depots outside the continental United States.

(iv) Any other purchase order specifically excepted from this restriction by the Director General for Operations.

(4) Nc person shall sell or deliver to the same purchaser, nor shall any person buy or accept delivery from one or more sellers of, more than the producer's minimum practicable manufacturing quantity of special cutting tools required for original tooling pursuant to paragraph (b) (1) (i): *Provided, however,* That, except as otherwise provided in paragraph (d) (3) hereof, three sets of such special cutting tools of the same type and size for each new or rebuilt machine tool or for each machine tool which is being adapted to an operation different from that on which it was previously employed, in order to make such machine tool usable in production for the purposes intended, may be purchased, sold and delivered.

(5) No person shall sell or deliver to the same purchaser, nor shall any person buy or accept delivery from one or more sellers of, more than the producer's minimum practicable manufacturing quantity of special cutting tools pursuant to paragraph (b) (2) (ii): *Provided, however,* That, except as otherwise provided in paragraph (d) (3) hereof, three sets of special cutting tools of the same type and size required by reason of any single change in design or other alteration in the specifications of the product being produced by a prime or subcontractor of the Army, Navy, Maritime Commission or War Shipping Administration, may be purchased, sold and delivered.

(e) *Continuance of schedules.* Schedules of production and delivery of cutting tools as established by Priorities Regulation No. 1 and other applicable regulations shall be continued until October 1, 1942 subject to the restrictions on sales and deliveries thereof contained in paragraph (d) (1) hereof. Thereafter production and delivery shall be scheduled in accordance with this order: *Provided, however,* That present schedules on purchase orders placed by the Procurement Division of the United States Treasury for shipment to the U. S. S. R. shall be maintained notwithstanding priorities regulations or any other provision of this order if the delivery schedules for such order have been established by a specific letter to the producer from the Director General for Operations or his predecessor, the Director of Industry Operations.

(f) *Allocation of cutting tool capacity in emergencies.* Notwithstanding the provisions of this order, the Director General for Operations may allocate to any purchaser, or may order any cutting tools scheduled for production and delivery at a specific time for a specific purchaser. No person other than the Director General for Operations may give any directions concerning sequence of production or deliveries of cutting tools.

(g) *Supplementary Order E–2–a superseded.* This order supersedes Supplementary Order E–2–a issued on August 28, 1941 and all amendments thereto.

(h) *Reports.* Each person to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of material conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Director General for Operations by addressing a letter to the War Production Board, Washington, D. C., Ref: E–2–b, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(k) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Tools Division, Washington, D. C., Ref: E–2–b.

(l) This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time: *Provided, however,* Notwithstanding the provisions of § 944.12 of Priorities Regulation No. 1 as amended, the restrictions on deliveries of cutting tools contained in this order shall not be applicable to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any

other enterprise under common ownership or control.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13293; Filed, December 12, 1942; 1:02 p. m.]

PART 939—HIGH-SPEED STEEL

[Revocation of General Preference Order M–14]

Section 939.1 *General Preference Order M–14* is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13316; Filed, December 14, 1942; 11:36 a. m.]

PART 962—IRON AND STEEL

[Supplementary Order M–21–a, as Amended Dec. 14, 1942]

ALLOY IRON, ALLOY STEEL AND ELECTRIC FURNACE CARBON STEEL

Supplementary Order M–21–a (§ 962.2) is amended to read as follows:

§ 962.2 *Supplementary Order M–21–a*—(a) *Definitions.* For the purposes of this order:

(1) "Alloy steel" means any steel containing any one or more of the following elements in the following amounts:

Manganese, maximum of range in excess of 1.65%. Silicon, maximum of range in excess of 0.60%. Copper, maximum of range in ex- excess of 0.60%. Aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium, or any other alloying element in any amount specified or known to have been added to obtain a desired alloying effect.

(2) "Alloy iron" means any iron containing any one or more of the following elements in the following amounts:

Manganese, maximum of range in excess of 1.65%. Silicon, maximum of range in excess of 5.00%. Copper, maximum of range in excess of 0.60%. Aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium, or any other alloying element in any amount specified or known to have been added to obtain a desired alloying effect.

It does not include those materials commonly known as ferro-alloys.

(3) "Electric furnace carbon steel" means any steel other than alloy iron or alloy steel that is melted in any type of electric furnace.

(4) "Producer" means any person who melts alloy iron, alloy steel or electric furnace carbon steel for subsequent conversion into rolled or forged products.

(b) *Purchasers' statements.* Each person who orders alloy iron, alloy steel or electric furnace carbon steel from a producer shall include in the purchaser's statement required by paragraph (c) of General Preference Order M–21 the end use (by general classification and specific part name) for which such material will be used, the Government contract number (if any), and the date on which delivery is needed.

(c) *Producers' forms.* Each producer shall file monthly with the War Production Board, Reference: M–21–a, melting schedules on forms PD–391, 391–a, and such other forms as may be from time to time prescribed. The Director General for Operations may make such changes in any melting schedule as to him shall seem appropriate and may from time to time issue supplementary directions with regard to melting of alloy iron, alloy steel and electric furnace carbon steel.

(d) *Melting and deliveries of alloy iron, alloy steel and electric furnace carbon steel.* Except pursuant to specific authorization or direction of the Director General for Operations, alloy iron, alloy steel or electric furnace carbon steel, shall be melted and delivered as follows:

(1) Each producer shall melt alloy iron, alloy steel or electric furnace carbon steel in accordance and only in accordance with such melting schedules as are approved by the Director General for Operations or such supplementary directions as may from time to time be issued by the Director General for Operations.

(2) Each producer shall deliver alloy iron, alloy steel or electric furnace carbon steel on an order and only on an order for which the melting has been specifically authorized or directed by the Director General for Operations.

(e) *Special directions.* The Director General for Operations may from time to time issue directions as to facilities to be used in production and directions specifying as to any alloying element the quantities and proportions which may be used in making alloy iron or alloy steel, and whether and in what proportions, any such element is to be the metal, a ferro-alloy, reclaimed metal, scrap, a chemical compound or any other material containing such element.

(f) *Restrictions of deliveries under toll agreements.* Except pursuant to specific authorization or direction of the Director General for Operations, no person shall make or accept delivery under any toll agreement whereby one person melts alloy iron, alloy steel or electric furnace carbon steel for another person.

(g) *Exceptions.* The provisions of this order shall not apply to "tool steel" as defined by Supplementary Order M–21–h, or to alloy iron, alloy steel or electric furnace carbon steel castings.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub Laws 89 and 507, 77th Cong.)

Issued this 14th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13317; Filed, December 14, 1942; 11:36 a. m.]

PART 962—IRON AND STEEL

[Supplementary Order M–21–h]

TOOL STEEL

§ 962.9 *Supplementary Order M–21–h*—(a) *Definitions.* For the purpose of this order:

(1) "Tool steel" means any steel to be used for the manufacture of tools for use in mechanical fixtures for cutting, shaping, forming, and blanking of material, either hot or cold, and for precision gauges. It is not deemed to include steel for use as shanks in the manufacture of tipped or welded tools or for hand tools such as chisels, pliers, screw drivers, wrenches, centering punches and nail-sets.

(2) "Alloy steel" means alloy steel as defined in paragraph (a) of Supplementary Order M–21–a.

(3) "High-speed steel" means alloy tool steel of either of the following classes:

(i) "Class A high-speed steel" means either alloy steel containing not less than .60% carbon and more than 3.0% molybdenum; or alloy steel containing not less than .60% carbon, 6.0% or less tungsten, and more than 3.0% molybdenum.

(ii) "Class B high-speed steel" means alloy steel containing not less than .55% carbon and more than 12.0% tungsten.

Other alloying elements may be present in the high-speed steels of either class, but steel not containing the elements named, in the amount specified, shall not be deemed high-speed steel.

(4) "Producer" means any person who melts tool steel.

(b) *Purchasers' statements.* Each person who orders tool steel from a producer for melting on or after January 1, 1943, shall include in the purchaser's statement required by paragraph (c) of General Preference Order M–21, a statement that the material ordered is "tool steel" as defined by this Supplementary Order M-21-h, the Government contract number (if any), and the date on which delivery is needed.

(c) *Producers' forms.* Each producer shall file monthly with the War Production Board, Ref.: M–21–h, melting schedules on form PD–440, and such other forms as may be from time to time prescribed. The Director General for Operations may make such changes in any melting schedule as to him shall seem appropriate and may from time to time issue supplementary directions with regard to melting of tool steel.

(d) *Melting and deliveries of tool steel.* Except pursuant to specific authorization or direction of the Director General for Operations, tool steel shall be melted and delivered as follows:

(1) Each producer shall melt tool steel in accordance and only in accordance with such melting schedules as are approved by the Director General for Operations or such supplementary directions as may from time to time be issued by the Director General for Operations.

(2) Each producer shall deliver tool steel on an order and only on an order

for which the melting has been specifically authorized or directed by the Director General for Operations.

(e) *Special instructions.* The Director General for Operations may from time to time issue directions as to facilities to be used in production and directions specifying as to any alloying element the quantities and proportions which may be used in making tool steel, and whether and in what proportions any such element is to be the metal, a ferro-alloy, reclaimed metal, scrap, a chemical compound or any other material containing such element.

(f) *Restrictions of deliveries under toll agreements.* Except pursuant to specific authorization or direction of the Director General for Operations, no person shall make or accept delivery under any toll agreement whereby one person melts tool steel for another person.

(g) *Melting and deliveries of high-speed steel.* Except pursuant to specific authorization or direction of the Director General for Operations

(1) No producer shall melt high-speed steel except within the limits below specified for the following elements:

(i) Class A high-speed steel:

Grade	C.	Cr.	W.	Mo.	V.	Co.
	Min.	*Max.*	*Max.*	*Max.*	*Max.*	*Min.*
I	.60	4.5	6.0	5.0	1.6	0.0
Ic	.60	4.5	6.0	5.0	1.9	3.5
II	.60	4.5	1.8	8.75	1.2	0.0
IIc	.60	4.5	1.8	8.75	1.9	3.5
III	.60	4.5	-------	8.75	1.9	0.0
IIIc	.60	4.5	-------	8.75	1.9	3.5

(ii) Class B high-speed steel:

Grade	C.	Cr.	W.	V.	Co.
	Min.	*Max.*	*Max.*	*Max.*	*Min.*
IV	.55	4.5	19.0	1.10	0.0
IVc	.55	4.5	22.0	1.90	3.5

(2) On and after January 1, 1943 no producer shall melt in any calendar quarter, Class B high-speed steel which will exceed, in the aggregate, by weight, one-third of the Class A high-speed steel melted by him in such quarter.

(3) No person shall place an order with a producer or any other person for Class B high-speed steel if Class A high-speed steel would reasonably fulfill his requirements.

(4) On and after January 1, 1943 no person shall place with a producer and no producer shall accept in any calendar quarter orders for Class B high-speed steel which will exceed, in the aggregate, by weight, one-third of the Class A high-speed steel ordered by such person from such producer during such quarter, except that this provision shall not apply to the placement of orders for high-speed steel with warehouses. On and after January 1, 1943, no person shall request cancellation from a producer in any calendar quarter, of any order for Class A high-speed steel, unless such person shall also request cancellation of an order or orders for one-third of such quantity, by weight, of Class B high-speed steel placed with such producer or some other producer during such quarter.

(5) On and after January 1, 1943, no person shall accept from a producer in any calendar quarter, deliveries of Class B high-speed steel which will exceed in the aggregate, by weight, one-third of the aggregate of deliveries of Class A high-speed steel made to him by all producers during such quarter, except that this provision shall not apply to deliveries of high-speed steel by warehouses.

(6) Customers' orders for high-speed steel which are to be filled in whole or in part by the use of material, including tungsten ore, ferro tungsten, and tungsten-bearing scrap, furnished by such customers shall be subject to all the restrictions and provisions of this order.

(h) *Melting and deliveries of Class A high-speed steel.* Except pursuant to specific authorization or direction of the Director General for Operations

(1) On and after December 1, 1942, no producer shall melt during any calendar month Class A high-speed steel, grades II and III, in excess of 30% of the monthly average tonnage of such Class A high-speed steel melted by him during the second calendar quarter of 1942.

(2) No person shall accept for delivery from a producer during the fourth calendar quarter of 1942, Class A high-speed steel, grades II and III, in excess of 75% of the amount of such Class A high-speed steel received by him during the second calendar quarter of 1942.

(3) No person shall accept for delivery from a producer during the first calendar quarter of 1943, Class A high-speed steel, grades II and III, in excess of 35% of the amount of such Class A high-speed steel received by him during the second calendar quarter of 1942.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Steel Division, Washington, D. C.; Ref.: M–21–h.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13318; Filed, December 14, 1942; 11:36 a. m.]

PART 1021—FURNACES

[Supplementary General Limitation Order L–22–a]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron, steel and other metals for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1021.2 *Supplementary General Limitation Order L–22–a*—(a) *Definitions.* For the purpose of this order:

(1) "Furnace" means any direct fired air heating unit which is designed for the purpose of heating the interior of a building, including, but not limited to, any heating device commonly known as a gravity or forced warm air furnace, a free-standing heater, or a floor-mounted industrial unit heater, for use with or without air distribution pipes. But "furnace" does not mean a domestic heating stove as defined in Supplementary General Limitation Order L–23–c, extended surface heating equipment as defined in General Limitation Order L–107, a direct fired suspended unit heater or a floor or wall furnace.

(2) "Steel furnace" means any furnace the body or drum of which is made wholly or partially of steel.

(3) "Military furnace" means any furnace which is manufactured for delivery to or for the account of the Army, Navy, War Shipping Administration, or the Maritime Commission of the United States or the Defense Plant Corporation.

(b) *Restriction on manufacture.* From and after December 31, 1942 no person shall manufacture, fabricate, or assemble any steel furnace, except that the manufacture, fabrication, or assembly of steel military furnaces may be specifically authorized by the Director General for Operations on Form PD–704. The Director General for Operations in granting such authorization may specify the manufacturer and the place of delivery.

(c) *Replacement parts.* From and after December 31, 1942, no person shall put into process in the manufacture of replacement parts for steel furnaces in any calendar quarter a greater weight of iron and steel than two hundred percent (200%) of the weight of iron and steel put by him into such process during the corresponding calendar quarter of 1940.

(d) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request be submited to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* Each person to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(g) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(h) *Applicability of other orders.* Insofar as any other order issued by the Director General for Operations, or to be issued by him hereafter, limits the use of any material to a greater extent than the limitations imposed by this order, the restriction of such order shall govern unless otherwise specifically provided.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(j) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing, and using, materials under priority control and may be deprived of priorities assistance.

(k) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington, D. C.; Ref.: L–22–a.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13319; Filed, December 14, 1942; 11:37 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[Supplemental General Imports Order M–63–a as Amended Dec. 14, 1942]

Pursuant to General Imports Order M–63, as amended June 2, 1942, which this order supplements, *It is hereby ordered,* That:

§ 1042.2 *Supplemental General Imports Order M–63–a.* Until further order of the Director General for Operations, the provisions of General Imports Order M–63, as amended June 2, 1942, and thereafter, shall not apply to materials on List III of said order which are located in, and are the growth, production, or manufacture of, and are transported into the continental United States overland, by air, or by inland waterway from, Canada, Mexico, Guatemala, or El Salvador, except with respect to materials listed on Schedule A attached hereto.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

Material:	*Commerce import class No.*	*Effective date*
Canary seed	2452.0	Dec. 14, 1942
Chicle, crude and refined or advanced	2131.0	
	2189.3	Dec. 14, 1942
Molasses, edible and inedible	163.48–1640.0 inc.	Dec. 14, 1942
Oil cake and oil cake meal, made of cottonseed, peanut, hempseed and others (except coconut or copra, soybean, and linseed)	1114.0	Dec. 14, 1942
	1119.6–1119.9 inc.	
Sesame seed	2234.0	Nov. 26, 1942

[F. R. Doc. 42–13320; Filed, December 14, 1942; 11:35 a. m.]

PART 1142—DRY CELL BATTERIES AND PORTABLE LIGHTS OPERATED BY DRY CELL BATTERIES

[Supplementary Limitation Order L–71–a]

HEARING AID BATTERIES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of hearing aid batteries, and critical materials used in the production of such batteries for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1142.2 *Supplementary General Limitation Order L–71–a*—(a) *Definitions.* For the purposes of this order:

(1) "Hearing aid battery" means any dry cell battery designed and produced primarily for use in any hearing aid device for personal use.

(2) "Manufacturer" means any person engaged in the business of manufacturing or assembling hearing aid batteries.

(3) "Circular C435" means Circular C435 of the National Bureau of Standards, issued February 18, 1942, entitled "American Standard Specification for Dry Cells and Batteries".

(b) *General restrictions.* On and after March 1, 1943, no manufacturer shall produce any hearing aid batteries which do not conform to the following limitations:

(1) Each hearing aid battery for carbon type hearing aid device shall contain either two or three cells none of which shall be smaller than the cell designated "CD" in Table 1 of Circular C435, with the modifications permitted in Section 2.2 of that Circular, except that four or six cells designated as "C" in such Table may be used in a battery containing a dual circuit.

(2) No "A" or "B" hearing aid battery shall contain as an integral part of such battery a wire connector designed to be attached to its complementary "B" or "A" battery, respectively.

(3) Each "A" hearing aid battery shall contain as terminals either

(i) Plug-in sockets having the terminal arrangement shown in IV in Figure 1 in Circular C435; or

(ii) Flashlight cell type terminals as described in Section 11.4 of Circular C435.

(4) Except as provided in subparagraph (5) of this paragraph (b), each "B" hearing aid battery

(i) Shall conform to one of the following four limitations:

(*a*) 18 volts, 12 cells;

(*b*) 30 volts, 20 cells;

(*c*) 33 volts, 22 cells; or

(*d*) 45 volts, 30 cells.

(ii) Shall contain as terminals plug-in sockets having the terminal arrangement shown in III in Figure 1 in Circular C435, except that up to and including May 31, 1943, a manufacturer may produce 30 volt "B" batteries containing terminals having the arrangement shown in XI in Figure 2 of Circular C435.

(5) Each "A" or "B" hearing aid battery which contains a label bearing the name or trade mark of any manufacturer of hearing aid devices shall also indicate on such label the voltage of the battery and contain the following language: "This battery is produced in accordance with War Production Board orders and is designed to be suitable for use with any make of hearing aid device which requires for its operation a battery of this voltage and which is equipped with suitable connectors."

(c) *Applicability of other orders.* Insofar as any other Order heretofore or hereafter issued by the Director of Priorities, the Director of Industry Operations or the Director General for Operations, including Limitation Order L–71, limits the use of any material in the production of hearing aid batteries to a greater extent than the limits imposed by this Order, the restrictions in such other order shall govern unless otherwise specified therein.

(d) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(e) *Violations.* Any person who wilfully violates any provision of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(g) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(h) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(i) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(j) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers' Durable Goods Division, Washington, D. C.; Ref.: L–71–a.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13321; Filed, December 14, 1942; 11:37 a. m.]

PART 1172—ASBESTOS TEXTILES

[Conservation Order M–123 as Amended Dec. 14, 1942]

Section 1172.1 (Conservation Order M–123) is hereby amended to read as follows:

§ 1172.1 *Conservation Order M–123*—(a) *Definitions.* For the purposes of this order:

(1) "Asbestos textile" means any material produced from the mineral asbestos by a carding operation. The term also includes such material at any stage of process subsequent to the carding operation, except where it has become a finished item, or part thereof, or has been physically incorporated in a finished item, or part thereof. The term does not include scrap.

(2) "Supplier" means any person who produces any asbestos textiles in any form, either for use by himself as a manufacturer or for sale to other manufacturers. The term also includes any person who offers any asbestos textile for sale to manufacturers.

(3) "Manufacturer" means any person who uses any asbestos textile to manufacture or fabricate a finished item.

(4) "Put into process" means the first change by the manufacturer in the form of material from that form in which it is received by him.

(5) "Process" means change in any way the size, form, shape, or characteristics of the material. It also means assemble.

(6) "Assemble" means combine or add parts, whether of asbestos textile or any other material, with or to other products or parts manufactured or fabricated in whole or in part of asbestos textile, where the final product will not be a finished item ready for immediate sale or use without the combination or addition of such products or parts. The term shall not be deemed to include the putting together of a finished item after delivery to a sales outlet or consumer in knockdown form pursuant to an established custom. The term shall also not be deemed to include adding finished parts to an otherwise finished item where the placing of one or more finished parts, or the size or type of one or more finished parts, is determined by the use to which the ultimate consumer is to put the item.

(7) "Finished item" means oil burner wicking or any item on List A or List B.

(8) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of, or under common control with, or available for the use of, such person.

(9) "Implements of war" means combat and products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armament, weapons, ships, tanks, and military vehicles), and any parts, assemblies, and materials to be incorporated in any of the foregoing items being produced for the Army or the Navy of the United States, the Maritime Commission, the War Shipping Administration, or for any foreign government pursuant to the act approved March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), where the use of any asbestos textile to the extent employed is required by the latest issue of government specifications (including performance specifications, unless otherwise directed by the Director General for Operations) applicable to the contract, subcontract, or purchase order. The term does not include facilities or equipment used to manufacture the foregoing items.

(10) "Scrap" means any asbestos textile, the further process of which as an asbestos textile is not practicable.

(b) *Restrictions on delivery of asbestos textiles.* On and after December 14, 1942, no supplier shall deliver any asbestos textile to any manufacturer when he knows, or has reason to know, that such manufacturer will receive or use such asbestos textile in violation of the terms of this order.

(c) *Restrictions on manufacture of List A products*—(1) *Putting into process.* On and after December 14, 1942, no manufacturer shall put into process any asbestos textile to make any item on List A or part thereof.

(2) *Processing.* On and after December 14, 1942, a manufacturer may continue the processing of any asbestos textile already in process on such date to make any item on List A or part thereof, provided the processing thereof will be completed on or before February 1, 1943. On and after February 1, 1943, no manufacturer shall process in any way any asbestos textile to make any item on List A or part thereof.

(d) *Restrictions on manufacture of List B products.* On and after the governing date specified in List B, no manufacturer in the manufacture of any item on List B shall put into process any asbestos textile of a grade containing a greater percentage of asbestos than underwriter's grade as defined in paragraph (5) (a) of A. S. T. M. Designation: D299–37.

(e) *Restrictions on manufacture of oil burner wicking.* In the period between December 14, 1942, and January 1, 1943, and in any calendar month thereafter, no manufacturer shall put into process any asbestos textile in the manufacture of oil burner wicking in excess of 1/24 of the aggregate amount by weight of such asbestos textile put into process by such manufacturer in the manufacture of oil burner wicking in the calendar year 1941.

(f) *Restrictions on delivery of finished items.* No person shall deliver or accept delivery of any finished item which he knows, or has reason to know, was manufactured in violation of the terms of this order.

(g) *General exception.* Except as provided in paragraph (f), none of the provisions of this order shall be deemed to limit or restrict the sale, delivery, or use of any finished item, or the further processing of any such item, provided such further processing is necessary for purposes of installation, application, servicing, or repair of such item.

(h) *Limitations of inventories*—(1) *Suppliers' inventories.* No supplier shall produce asbestos textiles which shall result in an inventory of such material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the use of asbestos textiles by this order.

(2) *Manufacturers' inventories.* No manufacturer shall receive delivery of any asbestos textile in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, nor shall he put into process any raw material in quantities which in either case shall result in an inventory of raw, semi-processed, or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the use of asbestos textiles by this order.

(i) *Reports.* Each supplier, each manufacturer, and every other person affected by this order shall file such re-

ports as may be requested from time to time by the Director General for Operations.

(j) *Miscellaneous provisions*—(1) *Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(2) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all items manufactured after December 14, 1942, irrespective of whether such items are manufactured pursuant to a contract made prior or subsequent to such date. Insofar as any other order of the Director General for Operations may have the effect of limiting or curtailing to a greater extent than herein provided, the use of asbestos textile in the production of any item, the limitations of such other order shall be observed.

(3) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Cork-Asbestos Division, Washington, D. C.: Ref.: M–123.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

RESTRICTED USES OF ASBESTOS TEXTILES UNDER CONSERVATION ORDER M–123 AS AMENDED DECEMBER 14, 1942

LIST A

1. Theater curtains and scenery.
2. Vibration eliminators (except for implements of war).
3. Gun covers.
4. Radiator hose (except for implements of war).
5. Ammunition containers.
6. Fire stops in automotive vehicles, buses, or trucks.
7. Conveyor belts (except for glass industry).
8. Heaters and heater accessories (except for implements of war).
9. Filter sacks for liquids.
10. Parachute flare shields.
11. Clutch facing for automotive vehicles (except for implements of war), in accordance with numbers assigned by the Brake Lining Manufacturers Association in B. L. M. A. Catalog as shown in the 1939 edition, the 1940 supplement to the 1939 edition, and the 1941 edition, to-wit:

416
506
516
614
620
621
621A
628
629
636
637
638
718
719B
732
736A
736B
738
821B
827
859
862A
862B
880
891
896A
898
900
902A
905
905A
905D
905E
905F
909
909A
909B
929B
929D
930–1
940
941A
946
953A
953C
953D
953E
954
955
955A
955B
956
956A
966
967
967A
968
968B
969
975
979
980
982
985
985A
987
988
988A
990
990A
991
991A
991B
993
993A
994
995
999
1005A
1007A
1008A
1033
1047
1047A
1051
1052
1053
1056
1057
1057A
1057B
1057C
1058
1059
1059A
1059B
1068
1072
1142B
1142C
1154A
1169
1169A
1170
1173
1181

12. Brake lining in widths less than 2'' or in thickness less than ¼'' (except for implements of war and except for B. L. M. A. Nos. 336 and 341A).

LIST B

	Governing date
1. Laminated plastics	February 14, 1943.
2. Mechanical packing or gasket material, which means any asbestos textile material which has been graphited, friction treated, or otherwise treated with an adhesive or impregnating substance, for use as, or for use in the manufacture of, mechanical packings or gaskets (except that produced from blue asbestos fiber, and except for implements of war)	December 14, 1942.

[F. R. Doc. 42–13322; Filed, December 14, 1942; 11:35 a. m.]

PART 1174—LAUNDRY EQUIPMENT, DRY CLEANING EQUIPMENT AND TAILORS' PRESSING MACHINERY

[General Limitation Order L–91 as Amended Dec. 14, 1942]

Section 1174.1 *General Limitation Order L–91* as heretofore amended is further amended to read as follows:

§ 1174.1 *General Limitation Order L–91*—(a) *Definitions.* For the purposes of this order:

(1) "Manufacturer" means any person fabricating or assembling commercial laundry machinery, commercial dry cleaning machinery or tailors' pressing machinery, or parts designed specifically for any such machinery, to the extent that he is engaged in such manufacture, and shall include sales and distribution outlets controlled by a manufacturer.

(2) "Distributor" means any person in the business of distributing, selling, or dealing in restricted machinery to the extent that he is engaged in such sales, dealing or distribution, other than sales and distribution outlets controlled by a manufacturer.

(3) "Commercial laundry machinery," "commercial dry cleaning machinery," and "tailors' pressing machinery" include, but are not limited to, machinery of the kinds listed from time to time in List A attached to this order. New machinery of such kinds is machinery which has not been previously used or purchased for use. Secondhand machinery of such kinds is machinery which has been previously used or purchased for use, including rebuilt or reconditioned machinery.

(i) "Tailors' pressing machinery" shall include all pressing machinery of the types used by dry cleaning establishments, by custom tailors, or by pressing establishments, but shall not include any pressing machinery designed specifically for use either in the mass production of garments and other textiles, or in other industrial processes, which is not used by dry cleaning establishments, custom tailors, or pressing establishments.

(ii) "Commercial dry cleaning machinery" shall include all dry cleaning machinery of the types used in laundering or cleaning establishments of any kind, such as, but not limited to, rug cleaning establishments, fur cleaning establishments, ships' service departments, and army exchanges, but shall not include electric hand irons, electrically heated steam irons or electrically heated water spray irons of the types which are subject to the limitations of § 1130.1 (General Limitation Order L–65).

(iii) "Commercial laundry machinery" shall include all laundry machinery, except electric hand irons, electrically heated steam irons or electrically heated water spray irons of the types which are subject to the limitations of § 1130.1 (General Limitation Order L–65), domestic laundry equipment (i. e., washing machines and ironing machines for home use), and laundry equipment designed specifically for use either in the mass production of garments and other textiles, or in other industrial processes, which is not used by laundering establishments.

(4) "Restricted machinery" means

(i) Any new commercial laundry machinery, commercial dry cleaning machinery and tailors' pressing machinery, and

(ii) Any secondhand commercial laundry machinery, commercial dry cleaning machinery and tailors' pressing machinery having a value in excess of $100 at the time of sale, lease, delivery, or other transfer: *Provided,* That secondhand machinery which is in such condition at the time of transfer that it cannot be used efficiently for the purposes for which it was designed and which is transferred with the intention that the machinery will be rebuilt or reconditioned by or at the expense of either the transferer or transferee, or both, shall be restricted machinery if its value after such rebuilding or reconditioning will exceed $100.

(5) "Emergency repair loan" means the temporary leasing or lending of restricted machinery to replace similar machinery while the latter is being repaired.

(b) *Restrictions on delivery.* (1) Regardless of the terms of any contract of sale or purchase or other commitment, or of any preference rating certificate, no person shall sell, purchase, lease, deliver, receive delivery of, or otherwise transfer or acquire restricted machinery without authorization by the Director General for Operations on Form PD–418, except as provided in paragraphs (b) (2), (b) (3), (b) (4), (b) (5) and (b) (6) of this order.

(2) The restrictions of paragraph (b) (1) shall not apply if the sale, lease, delivery or other transfer of restricted machinery is to a person acquiring the machinery neither for use nor for export.

(3) The restrictions of paragraph (b) (1) shall not apply if the restricted machinery sold, leased, delivered or otherwise transferred is secondhand and the transfer is by someone other than a manufacturer or distributor to a person acquiring the secondhand restricted machinery for use at the place at which it was last previously used.

(4) The restrictions of paragraph (b) (1) shall not apply to the delivery of restricted machinery from one manufacturer or distributor to another manufacturer or distributor to fill an order or part of an order received by the latter if the filling of the order has been authorized on Form PD–418.

(5) The restrictions of paragraph (b) (1) shall not apply to an emergency repair loan pursuant to written or telegraphic authorization of the Director General for Operations, for a period not in excess of forty-five days, or to the return of any restricted machinery to its owner by the manufacturer or distributor to whom that owner delivered the machinery for repair, rebuilding or reconditioning.

(6) The restrictions of paragraph (b) (1) shall not apply to direct or indirect purchases by the Army of the United States (except purchase orders placed by or for delivery to army exchange services) or by the Navy of the United States (except purchase orders placed by or for delivery to ships' service departments) if the purchase order bears a certification by the person placing the purchase order that notice of intention to place such purchase order has been sent to the War Production Board by such person or by the armed service which ultimately will receive the equipment. For purposes of this paragraph and paragraph (d) (1) an indirect purchase by the Army or Navy is a purchase of restricted equipment by a prime contractor or a sub-contractor of the Army or Navy for ultimate delivery to the Army or Navy, provided that the equipment purchased is constructed in accordance with specifications established by the Army or Navy and the installation of the equipment is to be supervised by the Army or Navy.

(c) *Procedure for deliveries.* (1) All persons making application for an authorization under paragraph (b) (1) of this order shall make such application on Form PD–418. Applicants who secure authorization upon Form PD–418 shall surrender such Form PD–418 to their supplier before completing the transaction authorized. Such authorizations shall expire thirty days after the date of their issuance unless served in the interim upon the supplier named therein. Within five days after their expiration all expired authorization forms shall be returned for cancellation to the War Production Board.

(2) Persons seeking authorization to make emergency repair loans pursuant to paragraph (b) (5) shall apply in writing, either by letter or telegram, to the War Production Board, Washington, D. C.

(3) Any person who purchases, leases, receives delivery of, or otherwise acquires restricted machinery neither for use nor for export, or who acquires second-hand restricted machinery from a person other than a manufacturer or distributor for use at the place at which the machinery transferred was last previously used, shall certify on his purchase order or contract that such is the case. The person receiving such certification shall be entitled to rely on such representation unless he knows or has reason to believe it to be false.

(d) *Prohibition of production of new machinery.* No manufacturer shall fabricate or assemble any new commercial laundry or dry cleaning machinery, or any new tailors' pressing machinery, except as follows:

(1) To fill orders for machinery constructed in accordance with specifications of, and purchased directly or indirectly by, the Army of the United States (except army exchange services) or the Navy of the United States (except ships' service departments),

(2) To fill orders approved on Form PD–418 for, and in accordance with specifications of, the Army or Navy of any country, the government of which is entitled to the benefits of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act),

(3) To fill orders approved on Form PD–418 for the Maritime Commission or the War Shipping Administration,

(4) To fill orders approved on Form PD–418 for machinery to equip a vessel constructed by or for the Navy, Maritime Commission, War Shipping Administration or Office of Lend-Lease Administration, or to equip a cantonment or other Army or Navy base constructed for the use and operation of the Army or Navy of the United States,

(5) To fill orders approved on Form PD–418 for a bag loading or other ordnance plant where the hazard is such that commercial laundry or dry cleaning machinery or tailors' pressing machinery has been certified to be necessary by the Army or Navy, or

(6) To complete the assembly of commercial laundry or dry cleaning machinery or tailors' pressing machinery to fill other orders approved by the Director General for Operations on Form PD–418, if the only operation necessary to complete the machinery for delivery is the final assembly of completely fabricated parts.

(e) *Production Requirements Plan.* Unless otherwise authorized by the Director General for Operations, no commercial laundry or dry cleaning machinery, or tailors' pressing machinery, including maintenance or repair parts therefor, shall be manufactured except by a person who has filed an application under Priorities Regulation No. 11 (Production Requirements Plan) on a form of the PD–25 series for his material requirements for such manufacture for which he requires priority assistance.

(f) *Non-applicability to rebuilding, reconditioning, repair or maintenance of existing equipment.* The restrictions of paragraph (b) and paragraph (d) of this order shall not be construed to restrict the manufacture, acquisition, sale, or delivery, in any manner, of parts to be used to rebuild, recondition, repair or maintain existing machinery, or machinery delivered under the terms of this order. The above provision for parts for rebuilding, reconditioning, repair, or maintenance includes replacement parts to be used for such purposes.

(g) *Restrictions on use of materials.* (1) No monel metal, nickel, nickel silver, or nickel chrome steels shall be used in the production of new restricted machinery, except when specified by the Army (not including army exchange services), the Navy (not including ships' service departments) or the Maritime Commission, or the War Shipping Administration of the United States.

(2) No person shall use parts for rebuilding, reconditioning, or repairing commercial laundry machinery, commercial dry cleaning machinery or tailors' pressing machinery which parts have an aggregate weight in excess of forty percent of the weight of the machinery which is repaired, rebuilt, or reconditioned, except when necessary in order to meet specifications of the Army (except army exchanges), the Navy (except ships' service departments), the Maritime Commission, or the War Shipping Administration of the United States.

(3) Nothing in this order shall be construed to permit any person to sell, deliver, or otherwise transfer, or any manufacturer to purchase, receive delivery of, or otherwise acquire any raw materials, semi-processed parts, or finished products in contravention of the terms of any order or regulation effective at the date of any such sale, delivery or other transfer.

(h) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time, with the exception of Priorities Regulation No. 17.

(i) *Appeals.* Any appeal from the provisions of this order shall be filed on Form PD–500 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may

be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Records.* Each person affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventory, production, and sales of commercial laundry and dry cleaning machinery and tailor's pressing machinery.

(l) *Reports.* (1) Each person affected by this order shall execute and file with the War Production Board such reports, information, and answers to questionnaires as the War Production Board shall from time to time request.

(2) On or before January 7, 1943, for the month of December 1942, and on or before the seventh day of each month thereafter, for the preceding month, each manufacturer or distributor of commercial laundry or dry cleaning machinery, or tailors' pressing machinery shall file a monthly report on Form PD–419.

(m) *Communications to War Production Board.* All reports and information required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Service Equipment Division, Washington, D. C.; Ref.: L–91.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

LIST A

Blocking machines, garment.
Boards, pressing.
Boards, pressing, velvet and nap.
Boards, shirt folding.
Boards, ironing.
Boards, spotting.
Boards, steam.
Cabinets, deodorizing.
Cabinets, drying.
Cabinets, sterilizing.
Collar shapers.
Collar tipper.
Conveyors "go back".
Conveyors, bags, (wet wash).
Conveyors, monorail.
Conveyors, shirt.
Cuff cleaners.
Dampeners, cloth.
Dampeners, collar and seam.
Dry cleaning units, naphtha.
Dry cleaning units, synthetic.
Dryers, garments, hot air.
Dryers, hosiery and sock.
Dryers, blanket and curtain, stretchers.
Dryers, rug.
Dryers, windwhip.
Dry rooms, conveyor.
Dry rooms, sectional.
Dye kettles.
Dye machines.
Extractors, laundry.
Extractors, drycleaning.
Extractor baskets (no-trux).
Extractor, starch.
Extractors, mechanical unloading.
Feather sanitizing machines.
Forms, gloves, steam heated.
Forms, collars.
Forms, hosiery and socks.
Forms, overall.
Forms, sleeve.
Forms, trouser.
Filters, solvent.
Finishers, garment.
Finishers, sleeve.
Fluffers, handkerchief.
Fluting machines.
Folding machines, automatic.
Fur cleaning equipment.
Glazer, fur.
Glove cleaning machines.
Hangers, shirt, revolving.
Hatters equipment.
Holders, bag.
Holders, net.
Identification systems:
  Pin and tag.
  Machine marking.
  Listing machines.
Irons, puff.
Irons, rotary.
Irons, steam.
Ironers, collar.
Ironers, flatwork.
Ironers, flatwork, chest type, steam.
Ironers, flatwork, cylinder type, steam.
Ironers, edger, electrical, gas, or steam.
Ironers, flatwork, cylinder, gas, electric.
Ironers, flatwork, chest, gas, electric.
Ironers, handkerchiefs.
Ironers, hat crown.
Ironers, ruffles.
Ironer attachments:
  Canopies.
  Cooling device.
  Feeding devices.
  Stripping device.
  String mark eliminator.
Napping machine (carding machine) (blanket finishing).
Puffers, steam.
Presses, pneumatic.
Presses, foot power.
Presses, hand power.
Presses, electric driven.
Rug scrubbing machines.
Sand bags, hat.
Seam cleaners.
Shakers, flatwork.
Shapers, sleeves.
Shapers, trouser.
Shirt envelope machines.
Spreaders, flatwork.
Stackers, flatwork, automatic.
Stackers, handkerchief, automatic.
Starch cookers.
Starching and extracting machines.
Starching machines.
Starch mixers.
Steam sterilizers, diapers.
Steamers, garment.
Steamers, velvet.
Sterilizers, feathers.
Sterilizers, general.
Stills, vacuum.
Stretchers, trouser.
Stretchers, dress.
Tables, collar finishing.
Tables, folding.
Tables, garment blocking.
Tables, ironing.
Tables, marking.
Tables, shaping.
Tables, shirt finishing and folding.
Tables, spotting.
Tables, steam.
Tables, wet cleaning.
Tanks, soap.
Traps, drycleaning.
Tubs, scrub.
Tubs, starch.
Tubs, stationary laundry.
Tumblers, drying.
Tumblers, shake-out and conditioning.
Tumblers, drying, deodorizing.
Washers, automatic.
Washers, blanket.
Washers, drycleaning.
Washers, glove.
Washers, metal type.
Washers, metal cylinder type.
Washers, rug.
Washers, sterilizing.
Washers, unloading.
Washers, wood type.
Washers, wood cylinder type.
Washers, wood shell type.

[F. R. Doc. 42–13323; Filed, December 14, 1942; 11:36 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Interpretation 2 of General Limitation Order L–123, as Amended]

The following official interpretation is hereby issued by the Director General for Operations with respect to General Limitation Order L–123 (§ 1226.1) as amended November 24, 1942:

> Paragraph (a) (2) defines "general industrial equipment" to mean new equipment of the kinds listed, from time to time, in List A to the order. Such equipment is deemed to be new when it has not been delivered to any person acquiring it for use. Paragraph (b) imposes restrictions on the acceptance of orders for, and commencement of production and deliveries of, general industrial equipment.
>
> Paragraph (c) provides an exemption from the restrictions of paragraph (b) for any order or delivery of maintenance and repair parts in an amount not exceeding $1,000 for any single piece of general industrial equipment to be repaired or maintained; or in any amount for the repair of general industrial equipment when there is an actual breakdown or suspension of operations of such piece of equipment. The exemption provided in paragraph (c) is intended for such repair or maintenance parts to be used to repair or maintain any existing equipment, i. e., equipment which has been delivered for use to a user and requires repair or maintenance. The exemption is not intended to apply to spare parts for new equipment nor is it limited to the repair or maintenance of equipment delivered after the date of the order.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13324; Filed, December 14, 1942; 11:35 a. m.]

PART 1276—PLYWOOD

[Amendment 2 to L–150, as Amended October 8, 1942]

Part 1276, Douglas Fir Plywood (Moisture–Resistant Type), is hereby amended to read:

Part 1276—Plywood.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13325; Filed, December 14, 1942; 11:35 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Amendment 1 to Supplementary Order 10[1]]

JUDICIAL SALES

A statement of the reasons involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Sections 1305.14 (b) (1) (iii) and 1305.14 (b) (1) (iv) are revoked and new §§ 1305.14 (b) (1) (iii), 1305.14 (b) (1) (iv) and 1305.14 (f) are added to read as set forth below:

§ 1305.14 * * *

(b) * * *

(1) * * *

(iii) Any second-hand farm equipment sold at a price of $100.00 or more. For the purpose of this subdivision (iii), "farm equipment" shall be defined as provided in Maximum Price Regulation No. 133, or any amendment thereto.

(iv) Any second-hand machine or part sold at a price of $100.00 or more. For the purpose of this subdivision (iv), "machine or part" shall be defined as provided in Maximum Price Regulation No. 136, or any amendment thereto.

* * * * *

(f) *Effective dates of amendments.* (1) Amendment No. 1 (§§ 1304.14 (b) (1) (iii), 1304.14 (b) (1) (iv) and 1305.14 (f)) to Supplementary Order No. 10 shall become effective December 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871).

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13224; Filed, December 11, 1942; 2:35 p. m.]

PART 1305—ADMINISTRATION

[Correction to Supplementary Order 26[2]]

STANDARD PROVISION FOR PETITIONS FOR AMENDMENT

Paragraph (a) of § 1305.31 is corrected by changing the section number which appeared opposite "Maximum Price Regulation 134" from "§ 1399.7" to "§ 1399.11 (a)".

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13225; Filed, December 11, 1942; 2:35 p. m.]

PART 1337—RAYON

[MPR 167,[3] Amendment 3]

RAYON YARN AND STAPLE FIBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1337.42, subparagraph (2) of paragraph (a) is amended and a new subparagraph (3b) is added to paragraph (b) as set forth below:

§ 1337.42 *Appendix A: Maximum prices for rayon yarn and staple fiber.* (a) *Introductory* * * *

(2) The maximum prices established by this Maximum Price Regulation No. 167 shall not apply to the following sales: (i) high tenacity rayon yarns except those for which maximum prices are established in paragraph (b) (3) (3b) below, or (ii) rayon yarns with special put-up, or (iii) rayon yarn or staple fiber produced according to customers' specifications for special uses, or (iv) rayon yarns or staple fiber having other special characteristics not available in rayon yarns or staple fiber of standard types.

* * * * *

(b) *Maximum prices for rayon yarn and staple fiber sold by producers.* * * *

(3b) *1100 denier and 2200 denier viscose process high tenacity continuous filament yarns.* The prices set forth below are maximum prices for sales of 1100 denier and 2200 denier viscose process high tenacity continuous filament yarns:

Denier:	*Prices per pound on cones and beams*
1100	.43
2200	.3675

§ 1337.41a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1337.42 (a) (2) and (b) (3) (3b) to Maximum Price Regulation No. 167 shall become effective December 11, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13226; Filed, December 11, 1942; 2:33 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Eviction Regulation 1, Revocation]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES IN A PORTION OF THE NEBRASKA DEFENSE-RENTAL AREA

Eviction Regulation No. 1 (§§ 1388.531 to 1388.535 inclusive) [7 F.R. 9133] for housing accommodations other than hotels and rooming houses in that portion of the Nebraska Defense-Rental Area consisting of the Counties of Adams and Clay, is hereby revoked.

This Revocation of Eviction Regulation No. 1 for housing accommodations other than hotels and rooming houses shall become effective December 12, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13227; Filed, December 11, 1942; 2:36 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 60]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

By a designation and rent declaration issued by the Administrator on October 5, 1942, the Administrator designated as defense-rental areas certain localities including the Nebraska Defense-Rental Area, consisting ~~of~~ that portion of the State of Nebraska not theretofore designated by the Administrator as part of any defense-rental area. Since the issuance of the said designation and rent declaration, the number of removals of tenants from possession, by means of evictions, actions to evict, and notices to quit or vacate sharply increased in that portion of the Nebraska Defense-Rental Area consisting of the Counties of Adams and Clay. The purpose and effect of such removals of tenants from possession was to increase the rents of the housing accommodations involved.

In the judgment of the Administrator, such increased removals of tenants from possession constituted speculative or manipulative practices or renting or leasing practices which were equivalent to or likely to result in rent increases inconsistent with the purposes of the Emergency Price Control Act of 1942. Accordingly, the Administrator under the authority vested in him by the Act, issued Eviction Regulation No. 1, effective November 6, 1942, in the said portion of the Nebraska Defense-Rental Area.

In the judgment of the Administrator, rents for housing accommodations within the said portion of the Nebraska Defense-Rental Area have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designation and rent declaration issued October 5, 1942.

The Administrator is accordingly issuing this Maximum Rent Regulation No. 60 for housing accommodations in the said portion of the Nebraska Defense-Rental Area. This Maximum Rent Regulation No. 60 includes provisions with respect to the removal of tenants from possession. These provisions take the place of similar provisions in the said Eviction Regulation No. 1. The Administrator is therefore revoking the said Eviction Regulation No. 1.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the said portion of the Nebraska Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within the said portion of the Nebraska Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5481.

[2] 7 F.R. 8948.

[3] 7 F.R. 4662, 6895, 7403 and 8948.

In the judgment of the Administrator, the maximum rents established by this maximum rent regulation for housing accommodations within the said portion of the Nebraska Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 60 is hereby issued.

AUTHORITY: §§ 1388.781 to 1388.794, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.781 *Scope of regulation.* (a) This Maximum Rent Regulation No. 60 applies to all housing accommodations within that portion of the Nebraska Defense-Rental Area consisting of the Counties of Adams and Clay (referred to hereinafter in this maximum rent regulation as the "defense-rental area"), as designated in the designation and rent declaration (§§ 1388.1341 to 1388.1345, inclusive) issued by the Administrator on October 5, 1942, except as provided in paragraph (b) of this section.

(b) This maximum rent regulation does not apply to the following:

(1) Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part;

(3) Rooms or other housing accommodations within hotels or rooming houses, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the maximum rent regulation for hotels and rooming houses pursuant to the provisions of that regulation: *Provided,* That this maximum rent regulation does apply to entire structures or premises though used as hotels or rooming houses.

(4) Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, however,* That this maximum rent regulation does apply to a sublease or other subrenting of such accommodations or any part thereof.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this maximum rent regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this maximum rent regulation is void. A tenant shall not be entitled by reason of this maximum rent regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this maximum rent regulation.

§ 1388.782 *Prohibition against higher than maximum rents.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 60 of any housing accommodations within the defense-rental area higher than the maximum rents provided by this maximum rent regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this maximum rent regulation may be demanded or received.

(b) Notwithstanding any other provision of this maximum rent regulation, where housing accommodations are heated with fuel oil the landlord of such accommodations may as hereinafter provided enter into an agreement with the tenant providing for payment by the tenant of part or all of the cost of changing the heating unit to use some fuel other than oil or of installing a new heating unit using some fuel other than oil. Prior to making such agreement the landlord shall in writing report the terms of the proposed agreement to the Area Rent Office. The landlord may enter into the agreement either upon its approval by the Administrator or, unless the Administrator has disapproved the proposed agreement within 5 days after the filing of such report, upon the expiration of such 5-day period.

(c) Where a lease of housing accommodations was entered into prior to the effective date of this maximum rent regulation and the tenant as a part of such lease or in connection therewith was granted an option to buy the housing accommodations which were the subject of the lease, with the further provision that some or all of the payments made under the lease should be credited toward the purchase price in the event such option is exercised, the landlord, notwithstanding any other provision of this maximum rent regulation, may be authorized to receive payments made by the tenant in accordance with the provisions of such lease and in excess of the maximum rent for such housing accommodations. Such authority may be secured only by a written request of the tenant to the Area Rent Office and shall be granted by order of the Administrator if he finds that such payments in excess of the maximum rent will not be inconsistent with the purposes of the Act or this maximum rent regulation and would not be likely to result in the circumvention or evasion thereof. After entry of such order the landlord shall be authorized to demand, receive and retain payments provided by the lease in excess of the maximum rent for periods commencing on or after the effective date of this maximum rent regulation. After entry of such order, the provisions of the lease may be enforced in accordance with law, notwithstanding any other provision of this maximum rent regulation: *Provided, however,* That if at the termination of the lease the tenant shall not exercise the option to buy, the landlord may thereafter remove or evict the tenant only in accordance with the provisions of § 1388.786 of this maximum rent regulation. Nothing in this paragraph shall be construed to authorize the landlord to demand or receive payments in excess of the maximum rent in the absence of an order of the Administrator as herein provided. Where a lease of housing accommodations has been entered into on or after the effective date of this maximum rent regulation, and the tenant as a part of such lease or in connection therewith has been granted an option to buy the housing accommodations which are the subject of the lease, the landlord, prior to the exercise by the tenant of the option to buy, shall not demand or receive payments in excess of the maximum rent, whether or not such lease allocates some portion or portions of the periodic payments therein provided as payments on or for the option to buy.

§ 1388.783 *Minimum services, furniture, furnishings and equipment.* Except as set forth in § 1388.785 (b), every landlord shall, as a minimum, provide with housing accommodations the same essential services, furniture, furnishings and equipment as those provided on the date determining the maximum rent, and as to other services, furniture, furnishings and equipment not substantially less than those provided on such date: *Provided, however,* That where fuel oil is used to supply heat or hot water for housing accommodations, and the landlord provided heat or hot water on the date determining the maximum rent, the heat and hot water which the landlord is required to supply shall not be in excess of the amount which he can supply under any statute, regulation or order of the United States or any agency thereof which rations or limits the use of fuel oil.

§ 1388.784 *Maximum rents.* Maximum rents (unless and until changed by the Administrator as provided in § 1388.785) shall be:

(a) For housing accommodations rented on March 1, 1942, the rent for such accommodations on that date.

(b) For housing accommodations not rented on March 1, 1942, but rented at any time during the two months ending on that date, the last rent for such accommodations during that two-month period.

(c) For housing accommodations not rented on March 1, 1942 nor during the two months ending on that date, but rented prior to the effective date of this Maximum Rent Regulation No. 60, the first rent for such accommodations after March 1, 1942. The Administrator may order a decrease in the maximum rent as provided in § 1388.785 (c).

(d) For (1) newly constructed housing accommodations without priority rating first rented after March 1, 1942 and before the effective date of this maximum rent regulation, or (2) housing accommodations changed between those dates so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations changed between those dates from unfurnished to fully furnished, or from fully furnished to unfurnished, or (4) housing accommodations substantially changed between those dates by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, the first rent for such accommodations after such construction or change: *Provided, however*, That where such first rent was fixed by a lease which was in force at the time of a major capital improvement, the maximum rent shall be the first rent after termination of such lease. The Administrator may order a decrease in the maximum rent as provided in § 1388.785 (c).

(e) For (1) newly constructed housing accommodations without priority rating first rented on or after the effective date of this maximum rent regulation, or (2) housing accommodations changed on or after such effective date so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations not rented at any time between January 1, 1942 and such effective date, the first rent for such accommodations after the change or the effective date, as the case may be. Within 30 days after so renting the landlord shall register the accommodations as provided in § 1388.787. The Administrator may order a decrease in the maximum rent as provided in § 1388.785 (c).

(f) For housing accommodations constructed with priority rating from the United States or any agency thereof for which the rent has been heretofore or is hereafter approved by the United States or any agency thereof, the rent so approved, but in no event more than the rent on March 1, 1942, or, if the accommodations were not rented on that date, more than the first rent after that date.

(g) For housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942, as determined by the owner of such accommodations: *Provided, however*, That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.785 (c).

(h) For housing accommodations rented to either Army or Navy personnel, including civilian employes of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this maximum rent regulation by such rent schedule. The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this maximum rent regulation.

§ 1388.785 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services or a deterioration, the adjustment in the maximum rent shall be the amount the Administrator finds would have been on March 1, 1942, the difference in the rental value of the housing accommodations by reason of such change: *Provided, however*, That no adjustment shall be ordered where it appears that the rent on the date determining the maximum rent was fixed in contemplation of and so as to reflect such change. In all other cases, except those under paragraphs (a) (7) and (c) (6) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1942. In cases under paragraphs (a) (7) and (c) (6) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on March 1, 1942.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been on or after the effective date of this Maximum Rent Regulation No. 60 a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to March 1, 1942, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent on March 1, 1942 was fixed by a lease or other rental agreement which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent. No increase in the maximum rent shall be ordered on the ground set forth in this paragraph (a) (3) unless the increase in services, furniture, furnishings or equipment occurred with the consent of the tenant or while the accommodations were vacant: *Provided*, That an adjustment may be ordered, although the tenant refuses to consent to the increase in services, furniture, furnishings or equipment, if the Administrator finds that such increase (i) is reasonably required for the operation of a multiple dwelling structure or other structure of which the accommodations are a part or (ii) is necessary for the preservation or maintenance of the accommodations.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(5) There was in force on March 1, 1942, a written lease, for a term commencing on or prior to March 1, 1941, requiring a rent substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942; or the housing accommodations were not rented on March 1, 1942, but were rented during the two months ending on that date and the last rent for such accommodations during that two-month period was fixed by a written lease, for a term commencing on or prior to March 1, 1941, requiring a rent substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942.

(6) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent on the date determining the maximum rent was substantially lower than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) (1) If, on the effective date of this maximum rent regulation, the services provided for housing accommodations are less than the minimum services required by § 1388.783, the landlord shall either restore and maintain such minimum services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. If, on such effective date, the furniture, furnishings or equipment provided with housing accommodations are less than the minimum required by § 1388.783, the landlord shall, within 30 days after such date, file a written report showing the decrease in furniture, furnishings or equipment.

(2) Except as above provided, the landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings and equipment unless and until he has filed a petition to decrease the services, furniture, furnishings or equipment and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, furniture, furnishings or equipment he shall file a petition within 10 days after the change occurs. When the accommodations become vacant the landlord may, on renting to a new tenant, decrease the services, furniture, furnishings or equipment below the minimum; within 10 days after so renting the landlord shall file a written report showing such decrease.

(3) The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph may be decreased in accordance with the provisions of § 1388.785 (c) (3). If the landlord fails to file the petition or report required by this paragraph within the time specified, or decreases the services, furniture, furnishings or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or the effective date of this maximum rent regulation, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by any order decreasing the maximum rent on account of such decrease in services, furniture, furnishings or equipment. In such case, any order decreasing the maximum rent shall be effective to decrease such rent from the beginning of the first rental period after the decrease in services, furniture, furnishings or equipment or after the effective date of this maximum rent regulation, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for housing accommodations under paragraph (c), (d), (e), or (g), of § 1388.784 is higher than the rent generally prevailing in the defense rental area for comparable housing accommodations on March 1, 1942.

(2) There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a decrease in the minimum services, furniture, furnishings or equipment required by § 1388.783 since the date or order determining the maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942.

(5) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially lower rent at other periods during the term of such lease or agreement.

(6) The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this maximum rent regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942.

(e) Where, at the expiration or other termination of an underlying lease or other rental agreement, housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the landlord may rent the entire premises for use by similar occupancy for a rent not in excess of the aggregate maximum rents of the separate dwelling units, or may rent the separate dwelling units for rents not in excess of the maximum rents applicable to such units.

Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the administrator for leave to exercise any right he would have except for this maximum rent regulation to sell his underlying lease or other rental agreement. The Administrator may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result, in the circumvention or evasion of the Act or this maximum rent regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section, the Administrator may enter an interim order increasing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order upon such petition. The receipt by the landlord of any increased rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment of cash or, where the tenant remains in occupancy after the effective date of the final order, by reduction from the next installment of rent or both.

(g) No adjustment in the maximum rent shall be ordered on the ground that the landlord, since the date or order determining the maximum rent, has, as a part of or in connection with a lease of housing accommodations, granted the tenant an option to buy the accommodations which are the subject of the lease. Where a lease of housing accommodations was in force on the date determining the maximum rent, and the landlord had on that date, as a part of or in connection with such lease, granted the tenant an option to buy the accommodations which are the subject of the lease, the Administrator may, on or after the termination of such lease, on his own initiative or on application of the tenant, enter an order fixing the maximum rent on the basis of the rents which the Administrator finds were generally prevailing in the defense-rental area for comparable housing accommodations not subject to an option to buy on March 1, 1942.

§ 1388.786 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, and regardless of any contract, lease, agreement or obligation heretofore or hereafter entered into which provides for entry of judgment upon the tenant's confession for breach of the covenants thereof or which otherwise provides contrary hereto, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this maximum rent regulation, or

(2) The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspecting or of showing the accommodations to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however*, That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons

who occupied under a rental agreement with the tenant; or

(5) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) The landlord owned, or acquired an enforceable right to buy or the right to possession of, the housing accommodations prior to November 6, 1942, and seeks in good faith to recover possession of such accommodations for immediate use and occupancy as a dwelling for himself. If a tenant has been removed or evicted under this paragaraph (a) (6) from housing accommodations, the landlord shall file a written report on a form provided therefor before renting the accommodations or any part thereof during a period of six months after such removal or eviction.

(b) (1) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation No. 60 and would not be likely to result in the circumvention or evasion thereof.

(2) Removal or eviction of a tenant for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after November 6, 1942, is inconsistent with the purposes of the Act and this maximum rent regulation and would be likely to result in the circumvention or evasion thereof, unless (i) the payment or payments of principal made by the purchaser, excluding any payments made from funds borrowed for the purpose of making such principal payments, aggregate 33⅓% or more of the purchase price, and (ii) a period of three months has elapsed after the issuance of a certificate by the Administrator as hereinafter provided. For the purposes of this paragraph (b) (2), the payments of principal may be made by the purchaser conditionally or in escrow to the end that they shall be returned to the purchaser in the event the Administrator denies a petition for a certificate. If the Administrator finds that the required payments of principal have been made, he shall, on petition of either the vendor or purchaser, issue a certificate authorizing the purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law at the expiration of three months after the date of issuance of such certificate. In no other case shall the Administrator issue a certificate for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after November 6, 1942, unless he finds that the vendor has or had a substantial necessity requiring the sale and that a reasonable sale or disposition of the accommodations could not be made without removal or eviction of the tenant, or unless he finds that other special hardship would result; under such circumstances the payment by the purchaser of 33⅓% of the purchase price shall not be a condition to the issuance of a certificate, and the certificate shall authorize the vendor or purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law.

(c) The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(d) (1) Every notice to a tenant to vacate or surrender possession of housing accommodations shall state the ground under this section upon which the landlord relies for removal or eviction of the tenant. A written copy of such notice shall be given to the Area Rent Office within 24 hours after the notice is given to the tenant.

No tenant shall be removed or evicted from housing accommodations, by court process or otherwise, unless, at least ten days prior to the time specified for surrender of possession and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the area rent office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession.

When the ground for removal or eviction of a tenant is non-payment of rent, every notice under this paragraph (d) (1) shall state the rent for the housing accommodations, the amount of rent due and the rental period or periods for which such rent is due. The provisions of this paragraph (d) (1) shall not apply where a certificate has been issued by the Administrator pursuant to the provisions of paragraph (b) of this section.

(2) At the time of commencing any action to remove or evict a tenant, including an action based upon non-payment of rent, the landlord shall give written notice thereof to the area rent office stating the title of the case, the number of the case where that is possible, the court in which it is filed, the name and address of the tenant, and the ground under this section on which removal or eviction is sought.

(e) No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.787 *Registration.* Within 45 days after the effective date of this Maximum Rent Regulation No. 60, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement. The statement shall identify each dwelling unit and specify the maximum rent provided by this maximum rent regulation for such dwelling unit and shall contain such other information as the Administrator shall require. The original shall remain on file with the Administrator and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement, and shall obtain the tenant's signature and the date thereof, on the back of such statement. Within five days after renting to a new tenant, the landlord shall file a notice on the form provided therefor, on which he shall obtain the tenant's signature, stating that there has been a change in tenancy, that the stamped copy of the registration statement has been exhibited to the new tenant and that the rent for such accommodations is in conformity therewith.

No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

When the maximum rent is changed by order of the Administrator, the landlord shall deliver his stamped copy of the registration statement to the area rent office for appropriate action reflecting such change.

The foregoing provisions of this section shall not apply to housing accommodations under § 1388.784 (g). The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the defense-rental area and containing such other information as the Administrator shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

§ 1388.788 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

§ 1388.789 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 60 shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges or by modification of the services furnished with housing accommodations, or otherwise.

§ 1388.790 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 60 are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.791 *Procedure.* All registration statements, reports and notices provided for by this maximum rent regulation shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.792 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 60 may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.793 *Definitions.* (a) When used in this Maximum Rent Regulation No. 60:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The term "area rent office" means the office of the Rent Director in the defense-rental area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this maximum rent regulation.

§ 1388.794 *Effective date of the regulation.* This Maximum Rent Regulation No. 60 (§§ 1388.781 to 1388.794, inclusive) shall become effective December 12, 1942.

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13228; Filed, December 11, 1942; 2:36 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Third Revised Zoning Order 1 Under Rationing Order No. 3 [1]]

SUGAR RATIONING REGULATIONS—ORDER ESTABLISHING ZONES

Pursuant to § 1407.168, the following order is hereby issued:

Section 1407.281 (Second Revised Zoning Order 1, as amended) is amended as set forth below:

§ 1407.281 *Establishment of zones; authorization of certain deliveries, shipments and transfers.* (a) The following zones are hereby established:

Zone 1 shall include the States of Maine, New Hampshire and Rhode Island; Barnstable, Bristol, Dukes, Essex, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester Counties in the State of Massachusetts.

Zone 1-A shall include the State of Vermont and that part of the State of Massachusetts not included in Zone 1.

Zone 2 shall include the State of Connecticut; Albany, Bronx, Cayuga, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Jefferson, Kings, Lewis, Madison, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Oswego, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, St. Lawrence, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tompkins, Ulster, Warren, Washington, and Westchester Counties in the State of New York; Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Sussex and Union Counties in the State of New Jersey.

Zone 3 shall include New Castle County in the State of Delaware; that part of the State of New Jersey not included in Zone 2; Broome, Chemung and Tioga Counties in the State of New York; and Berks, Bradford, Bucks, Carbon, Chester, Columbia, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Pike, Schuylkill, Sullivan, Susquehanna, Wayne, and Wyoming Counties in the State of Pennsylvania.

Zone 4 shall include the State of Maryland; the District of Columbia; Adams, Bedford, Blair, Cambria, Cumberland, Franklin, Fulton, Huntingdon, Juniata, Mifflin, Perry, Snyder, Somerset, Union and York Counties in the State of Pennsylvania; Kent and Sussex Counties in the State of Delaware; Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral and Morgan Counties in the State of West Virginia; and Accomac, Arlington, Clarke, Culpeper, Fairfax, Fauquier, Frederick, Loudoun, Madison, Northampton, Page, Prince William, Rappahannock, Shenandoah, Stafford, and Warren Counties and the independent cities of Alexandria and Winchester in the State of Virginia.

Zone 5 shall include that part of the State of Virginia not included in Zone 4; the State of West Virginia except those parts located in Zones 4 and 11; and all points in the State of North Carolina where the base rate is based on shipments from Baltimore, Maryland.

Zone 6 shall include the States of South Carolina, Georgia and North Carolina except all points in the State of North Carolina included in Zone 5.

Zone 7 shall include that part of the State of Florida which lies east of the Apalachicola River.

Zone 8 shall include the States of Arkansas, Alabama, Kentucky, Louisiana, Mississippi and Tennessee; that part of the State of Florida which lies west of the Apalachicola River; Dunklin, Mississippi, New Madrid, Pemiscot and Scott Counties in the State of Missouri; Alexander, Gallatin, Hardin, Massac, Pope, Pulaski, and White Counties in the State of Illinois; Clark, Crawford, Dearborn, Floyd, Harrison, Jefferson, Ohio, Perry, Posey, Spencer, Switzerland, Vanderburgh and Warrick Counties in the State of Indiana; and Adams, Brown, Clermont, Hamilton, Lawrence and Scioto Counties in the State of Ohio.

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[1] 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 8402, 8655, 8739, 8809, 8710, 8830, 8831, 9042, 9396, 9460.

Zone 9 shall include all points in the State of Texas where the base rate is 35 cents or less.

Zone 10 shall include the lower peninsula of the State of Michigan.

Zone 11 shall include that part of the State of New York not included in Zones 2 and 3; that part of the State of Pennsylvania not included in Zones 3 and 4; Braxton, Hancock, Marshall, and Ohio Counties in the State of West Virginia; that part of the State of Ohio not included in Zone 8; and all points in the State oif Indiana not included in Zone 8 where the base rate is based on shipments from Baltimore, Maryland.

Zone 12 shall include all of the continental United States not included in Zones 1 to 11 inclusive.

(b) "Base rate" as used herein, refers to the lowest published refiner's base rate in effect on the date of issuance of this Third Revised Zoning Order 1.

(c) Sugar may be delivered, shipped or transferred from Zone 12 to any point in Zones 9 or 11, and from Zones 1 or 2 to any point in Zone 1–A.

(d) Confectioner's sugar in bulk may be delivered, shipped or transferred from Zone 4 to any point in Zone 5 and from Zone 6 to any point in Zone 7.

(e) Any carrier who has, prior to the effective date of this Third Revised Zoning Order 1, accepted sugar for a delivery, shipment or transfer not at that time prohibited by §§ 1407.168 and 1407.281 may complete such delivery, shipment or transfer after the effective date of this Third Revised Zoning Order 1.

(f) This Third Revised Zoning Order 1 (§ 1407.281) shall become effective December 11, 1942.

(Pub. Law 421, 77th Cong.; W.P.B. Dir. No. 1; and Supp. Dir. No. 1E, § 1407.168 of Rationing Order No. 3)

Issued this 11th day of December, 1942.

HAROLD B. ROWE,
Director, Food Rationing Division.

[F. R. Doc. 42–13230; Filed, December 11, 1942; 2:33 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 174 Under § 1499.3 (b) of GMPR]

IRVINGTON VARNISH & INSULATOR COMPANY

On November 19, 1942, Irvington Varnish & Insulator Co., of Irvington, New Jersey, filed application with the Office of Price Administration seeking specific authorization pursuant to § 1499.3 (b) of the General Maximum Price Regulation to determine maximum prices and for instructions as to the method to be used in determining such prices for three newly developed varnished combinations of fish paper and textile materials to be used for slot insulation. These combinations are: Varnished S. I. C. cloth and fish paper; Varnished H. T. R. rayon and fish paper and Varnished fiberglas and fish paper. Due consideration has been given to the application and an Opinion in support of this Order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the Opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with § 1499.3 (b) of the General Maximum Price Regulation, issued by the Office of Price Administration, *It is hereby ordered:*

§ 1499.1190 *Authorization for Irvington Varnish & Insulator Company to determine maximum prices for Varnished S. I. C. cloth and fish paper; Varnished H. T. R. rayon and fish paper and Varnished fiberglas and fish paper.* (a) The maximum prices which may be charged for the Varnished S. I. C. cloth and fish paper; Varnished H. T. R. rayon and fish paper and Varnished fiberglas and fish paper made by Irvington Varnish & Insulator Company, hereinafter called the "manufacturer," and on which the manufacturer has made application to the Office of Price Administration for authorization to determine maximum prices, shall be determined in accordance with the following instructions:

(1) The cost of raw materials should be computed at the cost of acquisition, which in no event shall exceed the maximum price established by the Office of Price Administration for such raw materials.

(2) All charges for hand or machine operations involved in the manufacture, collation, or other assembly of the products shall be computed at a rate not to exceed the hourly rate at which such hand or machine operations were computed during the month of March 1942, and the time allowance, or the resulting piece rates, for the operations shall not be in excess of those estimated or used during the month of March 1942.

(3) The percentage margin, or difference between total manufacturing costs and selling price, f. o. b. manufacturer's plant, shall not exceed that percentage margin used in determining a selling price for that item, sold by the manufacturer during March 1942 which most closely resembles the Varnished S. I. C. cloth and fish paper in the case of this product; the Varnished H. T. R. rayon and fish paper in the case of this product and the Varnished fiberglas and fish paper in the case of this product in manufacturing cost, quantities of raw materials per unit, converting operations required and quantity of production.

(i) The manufacturer shall continue to grant its customary discounts, differentials and allowances to the different classes of purchasers in accordance with its accepted practice.

(ii) If the manufacturer's customary practice during March 1942 was to sell on a delivered price basis, such practice shall be continued.

(b) Within ten days after maximum prices have been determined in accordance with this Order, Irvington Varnish & Insulator Co. shall report to the Office of Price Administration, Washington, D. C., the maximum prices as computed by it. The report shall set forth in detail the computation of direct costs and of the maximum prices.

(c) Any selling prices determined under this Order shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 174 may be revoked or amended by the Office of Price Administration at any time.

(e) This Order No. 174 (§ 1499.1190) shall become effective December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13236; Filed, December 11, 1942; 2:33 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 39 to GMPR[1]]

TAX INCREASE OF MARCH 31, 1942

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1499.7 (b) is amended to read as set forth below:

§ 1499.7 *Federal and state taxes.*

* * *

(b) *As to a tax or increase in a tax which becomes effective after March 31, 1942.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased: *Provided, however,* That the tax on the transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated as a tax for which a charge may be made in addition to the maximum price.

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§ 1499.23a *Effective date of amendment.* * * *

(nn) Amendment No. 39 (§ 1499.7 (b)) to the General Maximum Price Regulation shall become effective December 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13231; Filed, December 11, 1942; 2:35 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4239, 4287, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004, 9435, 9615, 9616, 9732, 10155.

PART 1499—COMMODITIES AND SERVICES

[Order 4 of Supp. Reg. 15 of GMPR]

CHARLES T. ORR

Order No. 4 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 of the General Maximum Price Regulation—Docket No. GF3–1464.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1304 *Adjustment of maximum prices for contract carrier services sold by Charles T. Orr.* (a) Charles T. Orr, P. O. Box 948, Joplin, Missouri, may sell and deliver contract carrier services in connection with the loading and hauling of ore and ore concentrates at prices not more than 55 cents per ton as of August 1, 1942.

(b) Maximum prices permitted by this order may be charged as of August 1, 1942.

(c) All requests of the application not granted herein are denied.

(d) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 4 (§ 1499.1304) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 4 (§ 1499.1304) shall become effective December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13237; Filed, December 11, 1942; 2:40 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 5 Under Supp. Reg. 15 of GMPR]

MORGAN AND LINSON COLD STORAGE CO., INC.

Order No. 5 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 of the General Maximum Price Regulation—Docket No. GF3–1705.

For the reasons set forth in an opinion issued simultaneously herewith, *it is ordered:*

§ 1499.1305 *Adjustment of maximum prices for warehouse services sold by Morgan and Linson Cold Storage Company, Inc.* (a) Morgan and Linson Cold Storage Company, Inc. of Albion, New York, may sell and supply, and any person may buy and receive from Morgan and Linson Cold Storage Company, Inc., the following services at charges not higher than those set forth below:

(1) Handling and cold storage of carrots and onions in bushel baskets, boxes or crates, 20¢ per season, for the season commencing with the receipt of the commodity in the fall and ending on the following March 31st.

(2) Handling and dry or common storage of onions in bushel baskets, boxes or crates, 14¢ per season as defined in subparagraph (1) above.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 5 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 5 (§ 1499.1305) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 5 (§ 1499.1305) shall become effective December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13238; Filed, December 11, 1942; 2:37 p. m.]

PART 1499—COMMODITIES AND SERVICE

[Amendment 2 to Order 95[1] Under § 1499.3 (b) of GMPR]

BEMIS BROS. BAG CO.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

In § 1499.959, paragraph (a) is amended by adding thereto the item set forth below, and a new paragraph (f) is added as set forth below:

§ 1499.959 *Maximum prices for the sale of cotton smelter tubes by Bemis Bros. Bag Co.* (a) * * *

For cotton smelter tubes of lengths other than 10 yards, the maximum price shall be the maximum price set forth above, increased or decreased by the difference in cost of the material used, which cost shall be determined from prevailing maximum prices.

* * * * *

(f) Amendment No. 2 (§1499.959 (a) and (f)) to Order No. 95 shall become effective December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13233; Filed, December 11, 1942; 2:39 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 172 Under § 1499.3 (b) of GMPR]

I. F. LAUCKS, INC.

For reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered:*

§ 1499.1188 *Approval of maximum prices for sales of Resin Emulsion Sealer and Lauxtol AF.* (a) The maximum prices per gallon for sales by any person of Resin Emulsion Sealer, manufactured by I. F. Laucks Incorporated, Seattle, Washington, shall be the following:

	50 gallon drums	5 gallon pails	1 gallon cans
Sales to distributors	$1.75	$1.87	$1.97
Sales to jobbers	1.98	2.12	2.23
Sales to dealers	2.33	2.49	2.63
Sales to contractors	2.80	2.99	3.15
Sales to consumers			
Sales to other than contractors	3.50	3.74	3.94

(b) The maximum prices per gallon for sales by any person of Lauxtol AF, manufactured by I. F. Laucks Incorporated, Seattle, Washington, shall be the following:

	Tank cars	50 gallon drums	5 gallon pails
Sales to distributors	$0.34	$0.40	$0.47
Sales to jobbers	.34	.45	.53
Sales to dealers	.34	.53	.63
Sales to contractors	.34	.64	.75
Sales to consumers			
Sales to other than contractors	.34	.80	.94

(c) All discounts, trade practices, and practices relating to the payment of shipping charges in effect during March 1942 upon sales of the most nearly comparable product by each seller shall apply to the maximum prices set forth in paragraphs (a) and (b).

(d) I. F. Laucks, Incorporated, shall mark upon each 5 gallon or smaller container of Resin Emulsion Sealer or Lauxtol AF sold by it on or after February 1, 1943, a statement of the applicable maximum price established by this Order No. 172 for sales thereof to consumers other than contractors. Such statement shall be in the following form: "Retail Ceiling Price $____________," and shall be printed or stamped in letters that are sufficiently large and bold and are of such color that the statement is clearly legible.

(e) On and after December 12, 1942, any person selling Resin Emulsion Sealer or Lauxtol AF shall accompany the first delivery thereof to such purchaser with a copy of this Order No. 172.

(f) This Order No. 172 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 172 (§ 1499.1188) shall become effective December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13235; Filed, December 11, 1942; 2:39 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 129 Under § 1499.18 (b) of GMPR]

M'CONNON AND COMPANY

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1030 *Approval of maximum prices for sale of three quarters of one*

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[1] 7 F.R. 8353, 9201.

percent rotenone dust by McConnon and Company. (a) The maximum prices at which McConnon and Company, Winona, Minnesota, may sell its three quarters of one percent rotenone dust described in the application for approval of maximum prices under § 1499.18 (b) and (c) of the General Maximum Price Regulation heretofore filed by that company with the Office of Price Administration and assigned Docket No. GF3-2088, and at which any person may buy such product from that company is as follows:

	Each
1-pound bag	$ .15
5-pound bag	.49
25-pound bag	2.40
100-pound bag	8.87

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 129 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 129 (§ 1499.1030) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of the maximum prices established by § 1499.2.

(e) This Order No. 129 (§ 1499.1030) shall become effective December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13234; Filed, December 11, 1942; 2:39 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 8 Under § 1499.29 of GMPR]

THE CUDAHY PACKING COMPANY

Order No. 8 under § 1499.29 of the General Maximum Price Regulation.—Docket No. GF3-2449.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.408 *Denial of application for adjustment of maximum prices of "second cut" or "back end" sheep intestines sold by The Cudahy Packing Company of Chicago, Illinois, for use in the manufacture of surgical sutures.* (a) The application of The Cudahy Packing Company of Chicago, Illinois, filed October 20, 1942, and assigned Docket Number GF3-2448 requesting an adjustment of the maximum price on uncleaned "second cut" or "back end" sheep intestines sold for use in the manufacture of surgical sutures is hereby denied.

(b) Any payment made to Cudahy Packing Company of Chicago, Illinois, in excess of 10 cents for 9 yards of "second cut" or "back end" sheep intestine to be used for surgical sutures shall be refunded to the purchaser, and within 30 days after the effective date of this Order No. 8, the applicant shall file a statement with the Secretary, Office of Price Administration in Washington, D. C., to the effect that all its contracts have been revised in accordance with the terms of the Order No. 8 and wherever required, refunds have been made.

(c) This Order No. 8 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 8 (§ 1499.408) shall become effective December 12, 1942.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13232; Filed, December 11, 1942; 2:37 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 61A]

HOTELS AND ROOMING HOUSES

In the judgment of the Administrator, rents for housing accommodations within that portion of the Nebraska Defense-Rental Area consisting of the Counties of Adams and Clay, designated in the designation and rent declaration issued by the Administrator on October 5, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designation and rent declaration.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the said portion of the Nebraska Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within the said portion of the Nebraska Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this maximum rent regulation for rooms in hotels and rooming houses within the said portion of the Nebraska Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 61A is hereby issued.

AUTHORITY: §§ 1388.831 to 1388.844, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.831 *Scope of regulation.* (a) This Maximum Rent Regulation No. 61A applies to all rooms in hotels and rooming houses within that portion of the Nebraska Defense-Rental Area consisting of the Counties of Adams and Clay (referred to hereinafter in this maximum rent regulation as the "defense-rental area"), as designated in the designation and rent declaration (§§ 1388.1341 to 1388.1345, inclusive) issued by the Administrator on October 5, 1942, except as provided in paragraph (b) of this section.

(b) This maximum rent regulation does not apply to the following:

(1) Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Rooms occupied by domestic servants, caretakers, managers, or other employees to whom the rooms are provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the rooms are a part;

(3) Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes;

(4) Entire structures or premises used as hotels or rooming houses, as distinguished from the rooms within such hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this maximum rent regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this maximum rent regulation is void. A tenant shall not be entitled by reason of this maximum rent regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this maximum rent regulation.

(e) Where a building or establishment which does not come within the definitions of a hotel or rooming house contains one or more furnished rooms or other furnished housing accommodations rented on a daily, weekly or monthly basis, the landlord may, with the consent of the Administrator, elect to bring all housing accommodations within such building or establishment under the control of this maximum rent regulation. A landlord who so elects shall file a registration statement under this maximum rent regulation for all such housing accommodations, accompanied by a written request to the Administrator to consent to such election.

If the Administrator finds that the provisions of this maximum rent regulation establishing maximum rents are better adapted to the rental practices for such building or establishment than the provisions of the maximum rent regulation for housing accommodations other than hotels and rooming houses, he shall consent to the landlord's election. Upon such consent, all housing accommodations within such building or establishment which are or hereafter may be rented or offered for rent shall become subject to the provisions of this maximum rent regulation, and shall be considered rooms within a rooming house for the purposes of the provisions relating to eviction.

The landlord may at any time, with the consent of the Administrator, revoke

his election, and thereby bring under the control of the maximum rent regulation for housing accommodations other than hotels and rooming houses all housing accommodations previously brought under the maximum rent regulation by such election. He shall make such revocation by filing a registration statement or statements under the maximum rent regulation for housing accommodations other than hotels and rooming houses, including in such registration statement or statements all housing accommodations brought under this maximum rent regulation by such election. Such registration statement or statements shall be accompanied by a written request to the Administrator to consent to such revocation. The Administrator may defer action on such request if he has taken or is about to take action to decrease the maximum rents of any housing accommodations within such building or establishment. If the Administrator finds that the revocation so requested will not result in substantial increases in the maximum rents of housing accommodations affected by such revocation, he shall give such consent. Upon such consent, all housing accommodations affected by such revocation shall become subject to the provisions of the maximum rent regulation for housing accommodations other than hotels and rooming houses.

§ 1388.832 *Prohibition.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 61A of any room in a hotel or rooming house within the defense-rental area higher than the maximum rents provided by this maximum rent regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this maximum rent regulation may be demanded or received.

(b) No tenant shall be required to change his term of occupancy if that will result in the payment of a higher amount per day than the maximum rent established for his present term of occupancy. Where, on June 15, 1942, or between that date and the effective date of this maximum rent regulation, a room was regularly rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy, unless he offers another term of occupancy for a rent which results in the payment of an amount no higher per day.

§ 1388.833 *Minimum services, furniture, furnishings and equipment.* Except as set forth in § 1388.835 (b), every landlord shall, as a minimum, provide with a room the same essential services, furniture, furnishings and equipment as those provided on the date or during the thirty-day period determining the maximum rent, and as to other services, furniture, furnishings and equipment not substantially less than those provided on such date or during such period: *Provided, however,* That where fuel oil is used to supply heat or hot water for a room, and the landlord provided heat or hot water on the date or during the thirty-day period determining the maximum rent, the heat and hot water which the landlord is required to supply shall not be in excess of the amount which he can supply under any statute, regulation or order of the United States or any agency thereof which rations or limits the use of fuel oil.

§ 1388.834 *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a hotel or rooming house (unless and until changed by the Administrator as provided in § 1388.835) shall be:

(a) For a room rented or regularly offered for rent during the thirty days ending on March 1, 1942, the highest rent for each term or number of occupants for which the room was rented during that thirty-day period, or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(b) For a room neither rented nor regularly offered for rent during the thirty days ending on March 1, 1942, the highest rent for each term or number of occupants for which the room was rented during the thirty days commencing when it was first offered for rent after March 1, 1942; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(c) For a room rented for a particular term or number of occupants for which no maximum rent is established under paragraphs (a) or (b) of this section the first rent for the room after March 1, 1942, for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same hotel or rooming house.

(d) For a room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942, as determined by the owner of such rooms: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.835 (c) (1).

(e) For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Administrator at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment, if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on June 15, 1942.

(f) For a room rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this Maximum Rent Regulation by such rent schedule. The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this Maximum Rent Regulation No. 61A.

§ 1388.835 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the defense-rental area for comparable rooms on March 1, 1942: *Provided, however,* That no maximum rent shall be increased because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on March 1, 1942, the difference in the rental value of the accommodations by reason of such improvement or increase: *And provided further,* That no adjustment shall be ordered because of a major capital improvement, an increase or decrease in services, furniture, furnishings or equipment, or a deterioration, where it appears that the rent during the thirty-day period determining the maximum rent was fixed in contemplation of and so as to reflect such change. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1942. In cases under paragraphs (a) (7) and (c) (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the defense-rental area for comparable rooms during the year ending on March 1, 1942.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been, since the thirty-day period or the order determining the maximum rent for the room, a substantial change in the room by a major capital improvement as distinguished from

ordinary repair, replacement and maintenance.

(2) There was, on or prior to March 1, 1942, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent during the thirty-day period ending on March 1, 1942, was fixed by a lease or other rental agreement which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the thirty-day period or the order determining its maximum rent.

(4) The rent during the thirty-day period determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substantially lower than the rent generally prevailing in the defense-rental area for comparable rooms on March 1, 1942.

(5) There was in force on March 1, 1942, a written lease, for a term commencing on or prior to March 1, 1941, requiring a rent substantially lower than the rent generally prevailing in the defense-rental area for comparable rooms on March 1, 1942.

(6) The rent during the thirty-day period determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent during the thirty-day period determining the maximum rent for the room was substantially lower than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) (1) If, on the effective date of this Maximum Rent Regulation, No. 61A, the services provided for a room are less than the minimum services required by § 1388.833, the landlord shall either restore and maintain such minimum services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. If, on such effective date, the furniture, furnishings or equipment provided with a room are less than the minimum required by § 1388.833, the lardlord shall, within 30 days after such date, file a written report showing the decrease in furniture, furnishings or equipment.

(2) Except as above provided, the landlord shall, until the room becomes vacant, maintain the minimum services, furniture, furnishings and equipment unless and until he has filed a petition to decrease the services, furniture, furnishings or equipment and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, furniture, furnishings or equipment he shall file a petition within 10 days after the change occurs. When the room becomes vacant the landlord may, on renting to a new tenant, decrease the services, furniture, furnishings or equipment below the minimum; within 10 days after so renting the landlord shall file a written report showing such decrease.

(3) The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph may be decreased in accordance with the provisions of § 1388.835 (c) (3). If the landlord fails to file the petition or report required by this paragraph within the time specified, or decreases the services, furniture, furnishings or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or the effective date of this maximum rent regulation, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by any order decreasing the maximum rent on account of such decrease in services, furniture, furnishings or equipment. In such case, any order decreasing the maximum rent shall be effective to decrease such rent from the beginning of the first rental period after the decrease in services, furniture, furnishings or equipment or after the effective date of this maximum rent regulation, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for the room is higher than the rent generally prevailing in the defense-rental area for comparable rooms on March 1, 1942.

(2) There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a decrease in the minimum services, furniture, furnishings or equipment required by § 1388.833 since the date or order determining the maximum rent.

(4) The rent on the date determining the maximum rent for the room was substantially higher than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this maximum rent regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable rooms on March 1, 1942.

§ 1388.836 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant of a room within a hotel or rooming house shall be removed from such room, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this maximum rent regulation; or

(2) The tenant has unreasonably refused the landlord access to the room for the purpose of inspection or of showing the room to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure such violation after written notice by the landlord that the violation cease; or (ii) is committing or permitting a nuisance or is using or permitting a use of the room for an immoral or illegal purpose; or

(4) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(5) The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), the landlord shall file a written report on a form provided therefor before renting the room during a period of 6 months after such removal or eviction.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so

certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this maximum rent regulation and would not be likely to result in the circumvention or evasion thereof.

(c) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the area rent office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) The provisions of this section do not apply to:

(1) A subtenant or other person who occupied under a rental agreement with the tenant where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant; or

(2) A tenant occupying a room within a hotel on a daily or weekly basis; or a tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on a daily basis.

(3) Rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.837 *Registration and records.* (a) Within 45 days after the effective date of this Maximum Rent Regulation No. 61A every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. Any maximum rent established after the effective date of this maximum rent regulation under paragraphs (b) or (c) of § 1388.834 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) Within 45 days after the effective date of this maximum rent regulation, every landlord shall post and thereafter keep posted conspicuously in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Administrator the landlord shall alter the card or sign so that it states the changed rent or rents.

The foregoing provisions of this paragraph shall not apply to rooms under § 1388.834 (d). The owner of such rooms shall post a copy of the registration statement in a place where it will be available for inspection by the tenants of such rooms.

(c) No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(d) The provisions of this section shall not apply to rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(e) Every landlord of a room rented or offered for rent shall preserve, and make available for examination by the Administrator, all his existing records showing or relating to (1) the rent for each term and number of occupants for which such room was rented or regularly offered for rent during the thirty-day period determining the maximum rent for such room and (2) the rent on any date determining a maximum rent for such room for a particular term and number of occupants under § 1388.834 (c).

Every landlord of an establishment containing more than 20 rooms rented or offered for rent shall keep, preserve, and make available for examination by the Administrator, records showing the rents received for each room, the particular term and number of occupants for which such rents were charged, and the name and permanent address of each occupant; every other landlord shall keep, preserve, and make available for examination by the Administrator, records of the same kind as he has customarily kept relating to the rents received for rooms.

§ 1388.838 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Administrator as he may from time to time require.

§ 1388.839 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 61A shall not be evaded, either directly or indirectly in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or otherwise.

§ 1388.840 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 61A are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.841 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation No. 61A shall be filed with the area rent office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.842 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 61A may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.843 *Definitions.* (a) When used in this Maximum Rent Regulation No. 61A:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The "area rent office" means the office of the Rent Director in the defense-rental area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or llegal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accomodations, and other properties used for living or dwelling purposes), together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "room" means a room or group of rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) The term "services" includes repairs, decorating, and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

(11) The term "rent" means the consideration, including any bonus, benefit,

or gratuity demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) The term "term of occupancy" means occupancy on a daily, weekly, or monthly basis.

(13) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this maximum rent regulation.

§ 1388.844 *Effective date of the regulation.* This Maximum Rent Regulation No. 61A (§§ 1388.831 to 1388.844, inclusive) shall become effective December 12, 1942.

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13229; Filed, December 11, 1942; 2:36 p. m.]

PART 1389—APPAREL

[MPR 287]

MANUFACTURERS' PRICES FOR WOMEN'S, GIRLS' AND CHILDREN'S OUTERWEAR GARMENTS

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for manufacturers of certain women's, girls', and children's outerwear garments. The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.[*] Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 287 is hereby issued.

Sec.
1389.351 Applicability of this regulation.
1389.352 How to use the pricing rules in this regulation.
1389.353 Pricing of garments by manufacturers, except manufacturing-retailers and custom tailors.
1389.354 Pricing of garments by manufacturing-retailers—Rule 7.
1389.355 Pricing of garments by "dressmakers" and "custom tailors"—Rule 8.
1389.356 Manufacturers who cannot price by preceding rules—Rule 9.
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1389.365 Relation of this regulation to other maximum price regulations.
1389.366 Geographical applicability of this regulation.
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1389.368 Definitions.
1389.369 Effective date.
1389.370 Appendix A: What garments must be priced under this regulation.
1389.371 Appendix B: Explanation of pricing chart.
1389.372 Appendix C: Adjustment of maximum allowable margins under § 1389.353 (b) (4).
1389.373 Appendix D: Cost records.
1389.374 Appendix E: Table of permissible selling price lines for new categories.

AUTHORITY: §§ 1389.351 to 1389.374 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250. 7 F.R. 7871.

§ 1389.351 *Applicability of this regulation*—(a) *What garments must be priced under this regulation.* This regulation applies only to those women's, girls' and children's outerwear garments which are described and identified by a category number in Appendix A (§1389.370).

(b) *What persons must price under this regulation.* This regulation establishes maximum prices for sales by "manufacturers". A manufacturer is a person who sells a garment which he has fabricated or which has been fabricated for him by an agent or by a "contractor" as that term is defined in Maximum Price Regulation No. 172.[1]

§ 1389.352 *How to use the pricing rules in this regulation*—(a) *Manufacturers except "manufacturing-retailers," "custom tailors," and "dressmakers."* All manufacturers (except "manufacturing-retailers," "custom tailors," and "dressmakers") should refer to § 1389.353 for the pricing of their garments.

Paragraph (a) of § 1389.353 provides a "Pricing Chart" which must be prepared before a manufacturer may sell or deliver any garments covered by this regulation. Certain terms used in paragraph (a) are explained in paragraph (b). Paragraph (c) contains the seven pricing rules which are to be used:

Rules 1 and 2 are to be used for pricing garments of the same category number as those delivered during March 1942.

Rule 3 is to be used for pricing garments of a category number different from those delivered during March 1942.

Rule 4 is to be used after January 20, 1943, for pricing garments by manufacturers who delivered garments covered by this regulation during March 1942, and who have not received from the Office of Price Administration an acknowledgment of the receipt of the filing of their Pricing Chart.

Rules 5 and 6 are to be used by manufacturers who made no deliveries during March 1942 of any garments covered by this regulation.

(b) *"Manufacturing-retailers."* Manufacturers who are "manufacturing-retailers" should price their garments by Rule 7 (§ 1389.354). A "manufacturing-retailer" is a manufacturer who maintains one or more establishments selling at retail, or who otherwise sells to ultimate consumers and who sells substantially all of the garments that he manufactures to ultimate consumers. On sales of garments to others than ultimate consumers manufacturing-retailers shall use Rules 1 through 6 (§ 1389.353).

(c) *"Custom tailors" and "dressmakers."* Manufacturers who are "custom tailors" or "dressmakers" should use Rule 8 (§ 1389.355) for the pricing of their garments. A "custom tailor" or "dressmaker" is a manufacturer who sells to ultimate consumers from his own regular establishment, garments fabricated by himself to the individual specifications and at the special order of such ultimate consumers. He shall use Rule 8 only in pricing those garments which he sells as a custom tailor or dressmaker to ultimate consumers.

§ 1389.353 *Pricing of garments by manufacturers, except manufacturing-retailers and custom tailors*—(a) *Pricing chart.* Before selling or delivering any garment priced under this regulation, the manufacturer must prepare a pricing chart containing:

(1) A list of the category numbers delivered during March 1942.

(2) A list of each of the "selling price lines" delivered during March 1942, in each category number.

(3) The "average initial percentage margin" taken on each selling price line listed in (2) of this paragraph.

(4) The "maximum allowable margin" for each selling price line listed in (2) of this paragraph.

(5) The "minimum allowable cost" for each selling price line listed in (2) of this paragraph.

(6) The customary discounts, allowances, and trade differentials for each selling price line listed in (2) of this paragraph.

An example showing the calculations to be made in this pricing chart and a suggested form are found in Appendix B (§ 1389.371). Two copies of the pricing chart must be filed with the appropriate district or state office of the Office of Price Administration on or before January 11, 1943. The manufacturer shall preserve an additional copy for his own use.

Any manufacturer who has filed his pricing chart and then finds that the pricing chart filed was incorrect, may file two copies of an amended pricing chart setting forth the inaccuracies and the reasons therefor. Until he shall have received an acknowledgment from the Office of Price Administration of the receipt of this amended pricing chart, however, he shall not take a higher maximum

allowable margin than that which he has previously reported for that selling price line.

(b) *Explanation of terms used in the previous paragraph.* (1) "Selling price line" means the price at which a manufacturer first offered for sale to his general trade a style of garment on the occasion of its first cutting. Subsequent offers to sell, or sales of the same style, at higher or lower prices, are not to be considered as establishing separate selling price lines. Selling prices which differ from the prices customarily established for the general trade, because of discounts, allowances, or price differentials for different classes of purchasers, do not constitute selling price lines. Sample sales or accommodation sales shall not be considered as establishing a selling price line.

(2) "Average initial percentage margin," for a selling price line shall be calculated in the following manner:

Step 1: Find the "direct cost" of each style delivered during March 1942 in the selling price line.

Direct cost means the cost of materials, trimmings and direct labor, at the time of the first cutting, calculated in accordance with the instructions contained in Appendix D (§ 1389.373).

Costs of each style delivered during March 1942 must be calculated as of the time of the first cutting even if the first cutting of the style was prior to March 1942.

Step 2: Find the total direct cost of all styles delivered in March 1942 in the selling price line, by adding together the direct costs (Step 1) of each style.

Step 3: Find the average initial cost of garments in the selling price line by dividing the total direct cost (Step 2) by the number of styles in the line.

Step 4: Find the average initial dollar margin of garments in the selling price line by subtracting the average initial cost (Step 3) from the selling price line.

Step 5: Divide the average initial dollar margin (Step 4) by the selling price line. The result is the average initial percentage margin.

Example: A manufacturer during March 1942 delivered three styles in his $10.75 selling price line for Category No. 1. After calculating material, trimmings and direct labor costs in accordance with the instructions contained in Appendix D (Section 1389.373), he finds that the direct cost of Style 1 was $8.60, Style 2, $8.91, and Style 3, $9.10. The total direct cost of all styles in the selling price line is, therefore, $26.61. The average initial cost is $8.87 ($26.61 divided by 3). The average initial dollar margin is $1.88 ($10.75 less $8.87), and the average initial percentage margin is 17½% ($1.88 divided by $10.75).

(3) *Maximum allowable margin where the selling price lines have an 8% or higher discount to the general trade.* (i) If a manufacturer's average initial percentage margin on a selling price line is 22% or less, then his maximum allowable margin for that selling price line shall be the same as his average initial percentage margin.

(ii) If a manufacturer's average initial percentage margin on a selling price line is higher than 22%, then his maximum allowable margin for that selling price line shall be 90% of his average initial percentage margin or 22%, whichever is higher: *Provided,* That in no event shall his maximum allowable margin for any selling price line be higher than 46%.

(4) *Maximum allowable margin where the selling price lines are on a discount less than 8% to the general trade.* The percentage margins stated in subparagraph (3), namely 22% and 46% are to be used only where the selling price lines have an 8% or higher discount to the general trade. If the selling price line is on a net basis or on any discount less than 8%, the percentage margins stated in subparagraph (3) shall be adjusted as explained in Appendix C. (§ 1389.372.)

(5) *"Minimum allowable cost"* is calculated by multiplying the selling price line by the maximum allowable margin and subtracting the result from the selling price line.

Example: If a manufacturer's maximum allowable margin on his $10.75 selling price line is 30%, he multiplies $10.75 by 30% and subtracts the result ($3.22) from $10.75. The difference, $7.53, is the minimum allowable cost.

(c) "Pricing rules." A manufacturer may not sell any garments in a selling price line different from the selling price lines at which he delivered garments of the same category number during March 1942, except that he may sell garments in a lower selling price line than the lowest selling price line at which he delivered garments of the same gategory number during March 1942.

A manufacturer must not change his customary discounts, allowances and trade differentials, unless the change results in a lower net price.

Rule 1: Sales at March 1942 selling price lines. Garments of the same category number and in the same selling price lines as garments delivered during March, 1942 must contain a direct cost no less than the minimum allowable cost for that selling price line.

For example, if a manufacturer's minimum allowable cost for his $4.75 selling price line in Category No. 22 is $3.60, then every garment in Category No. 22 sold in a $4.75 selling price line must contain a direct cost of $3.60 or more.

However, a garment which contains the minimum allowable cost may be sold at a lower price than the selling price line.

For example, this same manufacturer may sell a garment in Category No. 22 which contains a direct cost of $3.60 or more at $4.50, or at any other price lower than $4.75. Customary discounts, allowances and trade differentials may not be changed, however, unless the change results in a lower net price.

Rule 2: Sales at lower selling price lines than the lowest March 1942 selling price line. A manufacturer shall establish the maximum price for garments sold in a selling price line lower than the lowest selling price line at which he delivered garments of the same category number during March 1942 by taking a margin over direct cost no higher than the maximum allowable margin for the lowest selling price line of the same category number.

For example, a manufacturer wants to sell garments of Category No. 22 in a $2.75 selling price line. His lowest selling price line for Category No. 22 during March 1942 was $3.75. He finds that his maximum allowable margin for that selling price line is 20%. Garments which he sells in a $2.75 selling price line must contain a direct cost equal to or greater than 80% of $2.75. Thus his minimum allowable cost for garments in a $2.75 selling price line is $2.20.

Rule 3: Pricing of garments of a category number not delivered during March 1942. A manufacturer who delivered garments of any category number during March 1942 and who now wishes to sell garments of a different category number from those he delivered during March 1942, must price by this rule.

He shall refer to Appendix E (§ 1389.374) for instructions to determine the selling price lines in which he may sell garments of a new category number. He may only sell in those selling price lines indicated by Appendix E (§ 1389.374) and in no other selling price lines.

A manufacturer shall establish maximum prices for garments sold in a new category number by taking a margin over direct cost no higher than the average of the maximum allowable margins for every selling price line that he delivered during March 1942, in every category number.

The average of the maximum allowable margins is determined by finding the total of all the maximum allowable margins which the manufacturer took on all selling price lines which he delivered during March 1942 and dividing this total by the number of selling price lines.

For example, if the manufacturer whose report is illustrated in Appendix B (§ 1389.371) delivered only garments in Category Nos. 21 and 22 shown in that Pricing Chart during March 1942, his maximum allowable margin for garments in a new category number shall be 30%. This is calculated by adding 22%, 27%, 20%, 46%, 15%, 41.3% and 38.7% and then dividing the sum, 210 by 7, thus giving him the maximum allowable margins for the garments of new category numbers of 30%.

If he desires to make women's coats, Category No. 1, the Table in Appendix E indicates that he would use Group I and could sell women's coats in a $16.75 selling price line. Thus, his minimum allowable cost in that selling price line would be $11.73. This is calculated by taking a maximum allowable margin of 30% on the $16.75 selling price line.

Rule 4: Manufacturers who have not received acknowledgment of the filing of their pricing chart prior to January 20, 1943. Any manufacturer who delivered garments covered by this regulation during March 1942, and who has failed to receive an acknowledgment from the Office of Price Administration indicating that his pricing chart has been filed, shall price all garments delivered after January 20, 1943, by Rule 4. This rule requires him to price garments by Rules 1, 2 and 3 with the exception that his maximum allowable margin on every selling price line shall be 15%. He shall use Rule 4 until he receives acknowledgment from the Office of Price Administration of the filing of the pricing chart.

Rule 5: Manufacturers not in business during March 1942, who commenced business prior to December 1, 1942. Except in the case of transfers of business as provided in § 1389.361, a manufac-

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[*] Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 4882, 6684, 8351, 8948.

turer who did not deliver garments during March 1942, but who delivered garments between September 1 and November 30, 1942, inclusive, shall establish the maximum prices for his garments by either Rule 5 or Rule 6. In order to price by Rule 5 he shall follow the procedure set forth in Rules 1, 2 and 3, with the exception that for the purposes of this Rule 5 he shall substitute the months of September, October, and November, 1942, for the month of March 1942, as the base period.

On or before January 11, 1943, every manufacturer who elects to price by Rule 5 must file with the appropriate district or state office of the Office of Price Administration two copies of his pricing chart using the months of September, October, and November 1942, as his base period. In addition he shall file, in duplicate, a statement as to the date of commencement of business, date of first delivery of garments covered by this regulation and that he elects to price under Rule 5 of Maximum Price Regulation No. 287. If a manufacturer fails to file his pricing chart and statement, he cannot price under Rule 5 and must price under Rule 6.

The maximum prices established by a manufacturer under Rule 5 are subject to adjustment at any time by the Office of Price Administration.

A manufacturer who did not deliver garments during March 1942, but delivered garments before December 1, 1942, may at his option price under Rule 5 or Rule 6.

Rule 6: Manufacturers not in business during March 1942. Except in the case of transfers of business as provided in § 1389.361, a manufacturer who did not deliver garments covered by this regulation during March, 1942, and who does not elect to price under Rule 5 may not sell or deliver garments until he has received authorization from the Office of Price Administration to establish maximum prices. Three copies of an application for authorization to establish maximum prices shall be filed with the appropriate district or state office of the Office of Price Administration, setting forth the following:

(1) Applicant's name and address.

(2) Date of commencement of business.

(3) Names of all owners, officers or principals of applicant.

(4) Previous business connections of all owners, officers or principals of applicant.

(5) Category numbers of garments desired to be sold.

(6) Selling price lines for each category number of garments desired to be sold. (These must be taken from Appendix E. (§ 1389.374).)

(7) Maximum margins desired for each selling price line and terms of sale.

(8) A list of the names and addresses of five manufacturers whose methods of operations are most nearly like the methods of operation by which applicant intends to operate.

(9) Information with regard to the following:

(i) Type of trade to which garments are to be distributed—e. g., retail stores, mail order houses, etc.

(ii) Proposed method of distribution—e. g., showroom sales, traveling salesman, advertising, etc.

(iii) Proposed methods of manufacturing—e. g., contractors, inside shop, section work, piece work, etc.

(iv) Methods of styling—e. g., number of designers, etc.

If authorization be given, it will be accompanied by instructions as to a method for establishing maximum prices of the garments to be sold. These instructions may be revised at any time by the Office of Price Administration.

§ 1389.354 *Pricing of garments by manufacturing-retailers — Rule 7* — (a) *Who shall price under Rule 7.* A manufacturer who maintains one or more establishments selling at retail, or who otherwise sells to ultimate consumers, and who sells substantially all of the garments that he manufactures to ultimate consumers, shall establish the maximum prices for the garments which he manufactures and sells to ultimate consumers by this rule. Garments which he sells to others than ultimate consumers shall be priced by Rules 1, 2, 3, or 4.

(b) *Method of pricing.* (1) A manufacturing-retailer shall price garments he manufactures by using Rules 1, 2, 3, or 4, except that he shall calculate his maximum allowable margin in the following manner:

(i) If his average initial percentage margin for a selling price line is 30% or less, then his maximum allowable margin shall be his average initial percentage margin.

(ii) If his average initial percentage margin for a selling price line is higher than 30%, then his maximum allowable margin for that selling price line shall be 97% of his average initial percentage margin, or 30%, whichever is higher.

(2) In determining his March 1942, selling price lines and the styles delivered in March 1942, a manufacturing-retailer shall consider only those garments delivered by him to ultimate consumers during March 1942 as a manufacturing-retailer. If he did not deliver garments as a manufacturing-retailer during March 1942, then he shall use Rule 5 or Rule 6.

(c) *Pricing Chart.* Manufacturing-retailers shall prepare and file the Pricing Chart as required by § 1389.353 (a).

§ 1389.355 *Pricing of garments by "dressmakers" and "custom tailors"—Rule 8.* "Dressmakers" and "custom tailors" who sell to ultimate consumers from their own regular establishments garments fabricated by themselves to the individual specifications and at the special order of such ultimate consumers shall price by Rule 8 only those garments which are so manufactured and sold. Rule 8 requires that they shall establish their maximum prices for such garments by §§ 1499.2 and 1499.3 of the General Maximum Price Regulation.[2]

§ 1389.356 *Manufacturers who cannot price by preceding Rules—Rule 9.* A manufacturer who cannot determine his price under any of the previous pricing rules shall not sell or deliver any garments, until he shall first have received specific authorization from the Office of Price Administration. He shall file with the nearest district or state office of the Office of Price Administration three copies of an application setting forth in detail the reasons why he cannot price under any of the rules set forth in this regulation, and a statement of the category numbers, the selling price lines and the minimum allowable costs for each selling price line that he requests permission to sell.

If such authorization be given it will be accompanied by instructions as to the method of establishing maximum prices. Such authorization may be revised at any time by the Office of Price Administration.

A manufacturer who cannot determine his maximum allowable margin because of inadequate records shall price by this rule.

§ 1389.357 *Prohibitions.* On and after December 15, 1942, regardless of any contract or other obligation:

(a) No manufacturer shall sell or deliver garments in a selling price line different from the selling price lines permitted by this regulation.

(b) No manufacturer shall sell or deliver garments on which he obtains a margin higher than the maximum allowable margins permitted by this regulation.

(c) No person shall sell or deliver garments at a price higher than the maximum prices set forth in this regulation.

(d) No person shall change his customary allowances, discounts or other price differentials, unless such change results in a lower net price.

(e) No person in the course of trade or business shall buy or receive any garment which was sold in violation of paragraphs (a), (b), (c) or (d) of this section.

(f) No person shall agree, offer, solicit or attempt to do any of the acts prohibited in paragraphs (a), (b), (c), (d), and (e) of this section.

(g) No seller shall, for the purposes of evading the price limitations set forth in this regulation sell, purchase, deliver, contract, deal or otherwise operate with or through any other person under common control with, control by, controlling or otherwise affiliated with the seller.

§ 1389.358 *Posting of selling price lines by manufacturers.* On or before December 31, 1942, every manufacturer shall post in a prominent place in his showroom, a statement listing each category number and description (for example, Category No. 22, "Misses'" and "Jr. Misses'" Dresses—Sizes 9–20), and each selling price line which he delivered during March 1942, in each category number.

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[2] 7 F.R. 3153, 3330, 3666, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 3990, 9732, 10155.

§ 1389.359 *Evasions.* The provisions of this regulation shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, and purchase or receipt of or relating to any women's, girls', and children's outerwear garments, alone or in conjunction with any other commodity or by way of commission, service, transportation, or any other charge or discount, premium or other privilege or by tying agreement or other trade understanding or otherwise.

§ 1389.360 *Records.* Every manufacturer shall maintain and keep available for the inspection of the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, the records required by § 1389.8 of Maximum Price Regulation No. 153, as amended, and also the following records:

(a) *Cutting ticket.* A separate cutting ticket shall be prepared for each cutting of materials which shall contain the following information: (1) date of cutting, (2) style number of garment, (3) number of garments cut, (4) sizes cut, (5) actual yardage used, and (6) piece goods number of the materials used.

(b) *Cost record.* Upon each cutting of a style of garment, a manufacturer shall prepare a record showing his cost. This record shall contain at least the information provided for in Appendix D (§1389.373) and shall be prepared in accordance with the instructions therein set forth.

A manufacturer may, at his option, continue to maintain his records in his customary form provided that they contain all of the information required in Appendix D (§ 1389.373).

(c) *Purchase record.* A separate record of all purchases by type of material or trimming shall be kept which will indicate the following: (1) firm name of the supplier of materials and trimmings, (2) the date the materials and trimmings were received, (3) invoice number, (4) number of yards, dozens or units received, (5) cost of freight, if freight is borne by manufacturer of garment, (6) gross price of materials and trimmings received, (7) per cent and dollar discounts, (8) net price of materials and trimmings received, and (9) net price per yard, dozen or unit of materials and trimmings received.

§ 1389.361 *Transfers of business.* (a) If the business, assets or stock in trade of any business shall be or shall have been sold or otherwise transferred after April 28, 1942, and the transferee carries on the business, or continues to deal in the same type of commodities or services, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, except as provided in paragraphs (b) and (c) of this section, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer, which are necessary to enable the transferee to comply with the record provisions of this regulation.

(b) No person shall buy, sell, transfer, lease or exchange the business, assets or stock in trade of a business for the purpose of securing higher or different selling price lines, higher or more advantageous margins, or for the purpose of securing any other benefit which may be prohibited to him by this regulation.

(c) If after December 14, 1942, two or more manufacturers merge or combine and continue to operate as one manufacturer, the manufacturer which shall continue to operate, shall establish his prices under this regulation, as if he were the manufacturer who had the largest dollar volume of sales during the twelve months immediately preceding the combination or merger.

§ 1389.362 *Invoices, sales slips and receipts*—(a) *Manufacturers selling to others than ultimate consumers.* Every manufacturer shall, in connection with every sale of garments, except sales to ultimate consumers, deliver an invoice showing: (1) the date, (2) the name and address of the seller and purchaser, (3) the style number of each of the different styles of garments sold, (4) the quantities of each different style of garment sold, (5) the price contracted for or charged by the seller for each different style of garment sold, and (6) all discounts, allowances, and other price differentials.

Each style sold must be separately itemized.

(b) *Manufacturers selling to ultimate consumers.* Every manufacturer selling to ultimate consumers who has customarily given to the ultimate consumer a sales slip, receipt or similar evidence of purchase, shall continue to do so. Upon request from an ultimate consumer any such seller, regardless of previous custom, shall give the purchaser a receipt showing: (1) the date, (2) the name and address of the seller, (3) the name or description of each garment sold, and (4) the price received for it.

§ 1389.363 *Licenses*—(a) *Licenses required.* A license, as a condition of selling, is hereby required of every manufacturer now or hereafter making a sale of a garment for which a maximum price is established by this regulation. The person whose license is suspended in proceedings under section 205 (f) (2) of the Emergency Price Control Act of 1942 shall not, during the period of suspension, sell any garment as to which his license to sell is suspended.

(b) *Licenses granted.* Every person now or hereafter making a sale of any garment for which a maximum price is established by this regulation or by any amendment thereto, is hereby granted a license as a condition of selling such garment. The provisions of this regulation shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of the provisions of said license. Such license shall be effective on the effective date of this regulation, or when any such person becomes subject to the provisions of this regulation, and shall unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, as amended, continue in force as long as such regulation or any amendment or supplement thereto remains in effect.

(c) *Registration of licensees.* Every person hereby licensed, may be required to register with the Office of Price Administration at such time, and in such manner as the Administrator may hereafter by regulation prescribe.

§ 1389.364 *Enforcement.* (a) Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, proceedings for the suspension of licenses, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this regulation or any price schedule, regulation or order, issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state or regional office of the Office of Price Administration.

§ 1389.365 *Relation of this regulation to other maximum price regulations*—(a) *Maximum Price Regulation No. 153, as amended.*[3] (1) A manufacturer may at his option sell and deliver prior to January 11, 1943, any garments which were in stock or in the process of manufacture on December 15, 1942, at prices no higher than the maximum prices established under Maximum Price Regulation No. 153, as amended, or under § 1499.2 (a) of the General Maximum Price Regulation.

(2) A manufacturer may sell and deliver prior to January 11, 1943, garments which are recuts or reorders of styles which were manufactured for ultimate sale at retail during the fall and winter season of 1942–43 at prices established under § 1389.3 (b) of Maximum Price Regulation No. 153, as amended. However, recuts and reorders of styles for which prices were established prior to December 15, 1942, under § 1499.2 (a) of the General Maximum Price Regulation shall be priced under this regulation, on and after the effective date of this regulation. As to garments listed in Categories Nos. 1, 2, 3, 4, and 5, the date shall be February 1, 1943, instead of January 11, 1943.

(3) This Maximum Price Regulation No. 287 shall be considered as an amendment to Maximum Price Regulation No. 153, as amended, for all purposes, except that it shall be known as Maximum Price Regulation No. 287.

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[3] 7 F.R. 4381, 5869, 7010, 7535, 8946, 10081, 8878.

(b) *Maximum Price Regulation No. 157.*[4] Maximum Price Regulation No. 157, Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes, shall apply and this regulation shall not apply to transactions which are subject to any of the provisions of Maximum Price Regulation No. 157.

(c) *Maximum Price Regulation No. 172.*[5] Maximum Price Regulation No. 172, Charges of Contractors in Apparel Industry, shall apply, and this regulation shall not apply to transactions for which maximum prices are established by Maximum Price Regulation No. 172.

(d) *Revised Maximum Export Price Regulation.*[6] Revised Maximum Export Price Regulation shall apply, and this regulation shall not apply to sales or deliveries for which maximum prices are established by Revised Maximum Export Price Regulation, issued by the Office of Price Administration.

(e) *General Maximum Price Regulation.*[7] The General Maximum Price Regulation shall not apply, and this regulation shall apply to sales, deliveries, and offers to sell and to deliver, women's, girls' and children's outerwear garments for which prices are established by this regulation. However, the following sections of the General Maximum Price Regulation are made a part of this regulation, and each seller must comply with them.

(1) Federal and State taxes (§ 1499.7).

(2) Every manufacturer subject to this regulation who makes sales of garments to ultimate consumers shall, in connection with such sales, be subject to the statement, marking and posting provisions of § 1499.13 of the General Maximum Price Regulation, except manufacturers who sell to ultimate consumers at no higher prices than those posted pursuant to § 1389.358.

§ 1389.366 *Geographical applicability of this regulation.* This regulation shall be applicable to the continental United States, and to the District of Columbia, but not to the territories and possessions of the United States.

§ 1389.367 *How this regulation may be amended.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[8] issued by the Office of Price Administration.

§ 1389.368 *Definitions.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in § 1499.20 of the General Maximum Price Regulation,[9] shall apply to the terms used in this regulation.

§ 1389.369 *Effective date.* This Maximum Price Regulation No. 287 (§§ 1389.351 to 1389.374, inclusive) shall become effective December 15, 1942.

§ 1389.370 *Appendix A: What garments must be priced under this regulation.* This regulation applies to the following garments, if fabricated from yard goods, including knitted fabrics and lace:

(a) *Coats:* "Coats" include feminine outerwear garments, commonly known as coats, usually worn over other outer apparel, untrimmed, trimmed and fur-trimmed, sport and dress, including capes and wraps, but not including rainwear garments or garments made of artificial leather. Rainwear garments are those which are commonly regarded as having their chief use as protection against rain. Infants' coats are not included.

Category numbers:
#1—"Women's"—all sizes.
#2—"Misses'" and "jr. misses'"—sizes from 9 to 20, inclusive.
#3—"Teen age"—sizes from 10 to 16, inclusive.
#4—"Girls'"—sizes from 7 to 14, inclusive.
#5—"Children's"—sizes from 3 to 6, inclusive.

(b) *Suits:* "Suits" include two-piece feminine outerwear garments, untrimmed, trimmed and fur-trimmed, consisting of a separate jacket and separate skirt fabricated of wool, cotton, rayon, silk or other yard goods of either matching or contrasting material to be sold at a unit price. Skating suits consisting of a separate jacket and a separate skirt are deemed to be suits. Infants' suits are not included.

Category numbers:
#6—"Women's"—all sizes.
#7—"Misses'" and "jr. misses'"—sizes from 9 to 20, inclusive.
#8—"Teen age"—sizes from 10 to 16, inclusive.
#9—"Girls'"—sizes from 7 to 14, inclusive.
#10—"Children's"—sizes from 3 to 6, inclusive.

(c) *Separate jackets:* "Separate jackets" include feminine outerwear garments, commonly known as jackets, including skating jackets, but excluding garments made of artificial leather. Boleros, jerkins and other garments of the same type are considered to be jackets. Infants' jackets are not included.

Category numbers:
#11—"Women's"—all sizes.
#12—"Misses'" and "jr. misses'"—sizes from 9 to 20, inclusive.
#13—"Teen age"—sizes from 10 to 16, inclusive.
#14—"Girls'"—sizes from 7 to 14, inclusive.
#15—"Children's"—sizes from 3 to 6, inclusive.

(d) *Separate skirts:* "Separate skirts" include feminine outerwear garments, commonly known as skirts, including skating skirts, but excluding culottes. Infants' skirts are not included.

Category numbers:
#16—"Women's"—all sizes.
#17—"Misses'" and "jr. misses'"—sizes from 9 to 20, inclusive.
#18—"Teen age"—sizes from 10 to 16, inclusive.
19—"Girls'"—sizes from 7 to 14, inclusive.
#20—"Children's"—sizes from 3 to 6, inclusive.

(e) *Dresses:* "Dresses" include feminine outerwear garments commonly known as dresses, whether used for street, evening, house or utility wear. Jumpers, guimpes, pinafores, brunchcoats, smocks and similar garments are considered dresses. Infants' dresses are not included.

Category numbers:
#21—"Women's"—all sizes.
#22—"Misses'" and "jr. misses'"—sizes from 9 to 20, inclusive.
#23—"Teen age"—sizes from 10 to 16, inclusive.
#24—"Girls'"—sizes from 7 to 14, inclusive.
#25—"Children's"—sizes from 3 to 6, inclusive.

(f) *Blouses:* "Blouses" include feminine outerwear garments, commonly known as blouses or shirtwaists.

Category number:
#26—"Blouses"—sizes 30 and up.

(g) *Snowsuits:* "Snowsuits" include children's (including boys' and girls') and infants' outerwear garments, commonly known as snowsuits, or ski suits.

Category numbers:
#27—One-piece snowsuits (with or without a matching hat)—sizes from 1 to 6, inclusive.
#28—Snowsuits of two pieces (with or without a matching hat)—sizes from 3 to 14, inclusive.

(h) *Legging sets and separate leggings:* "Legging sets" and "separate leggings" include children's (including boys' and girls') and infants' outerwear garments, commonly known as legging sets and separate leggings, but excluding garments made of artificial leather.

Category numbers:
#29—Legging sets—sizes from 1 to 10, inclusive.
#30—Separate leggings—sizes from 1 to 10, inclusive.

(i) *Separate ski pants:* "Separate ski pants" include children's (including boys' and girls') outerwear garments, commonly known as ski pants.

Category number:
#31—Separate ski pants—sizes 3 to 14, inclusive.

§ 1389.371 *Appendix B: Explanation of pricing chart.* An example of the pricing chart required to be prepared by § 1389.353 follows. This shall be prepared for every selling price line delivered during March 1942, in every category number.

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[4] 7 F.R. 4273, 4541, 4618, 5180, 6004, 6424, 8948.

[5] *Supra*, note 1.

[6] 7 F.R. 5059, 7242, 8829, 9000.

[7] *Supra*, note 2.

[8] 7 F.R. 8961.

[9] *Supra*, note 2.

A	B	C	D	E	F
Category number	Selling price lines	Terms	Average Initial percentage margin	Maximum allowable margin	Minimum allowable cost
22	3.75 4.75 5.75 6.75	8/10/EOM 8/10/EOM 8/10/EOM 8/10/EOM	23% 30% 20% 60%	22% 27% 20% 46%	2.93 3.47 4.60 3.55
21	3.75 4.75 5.75	Net Net Net	15% 60% 43%	15% 41.3% 38.7%	3.19 2.79 3.52

§ 1389.372 *Appendix C: Adjustment of maximum allowable margins under § 1389.353* (b) *(4)*—(a) *Selling price lines with 3% discount.* If the selling price line for which the maximum allowable margin is being calculated has 3% discount terms, then § 1389.353 (b) (4) shall read as follows:

(3) *Maximum allowable margin.* (i) If a manufacturer's average initial percentage margin on a selling price line is 17.8% or less, then his maximum allowable margin for that selling price line shall be the same as his average initial percentage margin.

(ii) If a manufacturer's average initial percentage margin on a selling price line is higher than 17.8%, then his maximum allowable margin for that selling price line shall be 90% of his average initial percentage margin or 17.8%, whichever is higher: *Provided*, That in no event shall his maximum allowable margin for any selling price line be higher than 43.1%.

(b) *Selling price lines on net basis.* If the selling price line for which the maximum allowable margin is being calculated is on a net basis, then § 1389.353 (b) (4) shall read as follows:

(3) *Maximum allowable margin.* (i) If a manufacturer's average initial percentage margin on a selling price line is 15.2% or less, then his maximum allowable margin for that selling price line shall be the same as his average initial percentage margin.

(ii) If a manufacturer's average initial percentage margin for a selling price line, is higher than 15.2%, then the maximum allowable margin for that selling price line shall be 90% of the average initial percentage margin or 15.2%, whichever is higher: *Provided*, That in no event shall the maximum allowable margin for any price line be higher than 41.3%.

(c) *Selling price lines on other terms.* If the selling price line for which the maximum allowable margin is being calculated is based on different discount terms, the following table is to be used:

Terms	Basic margin	Over-riding margin
Net	15.2	41.3
1	15.9	41.8
2	16.9	42.5
3	17.8	43.1
4	18.5	43.6
5	19.4	44.2
6	20.3	44.8
7	21.2	45.4
8 and up	22.0	46.0

§ 1389.373 *Appendix D: Cost records*—(a) *Instructions for preparing cost records.* A separate cost record must be kept for each cutting of any garment covered by this regulation. A "cutting" is considered a group of garments of the same style that are put into production as one lot, or on one order, and are completed at approximately the same time. Garments may be considered as in the same cutting even though the size of the lot, or order, requires the fabric to be physically cut in two or more lays. On second and subsequent cuttings detailed entries are not necessary, except to specify changes in cost which have occurred.

The following items are to be included in the required records:

(1) *Category number.* Section 1389.370 lists thirty-one categories. State the number of the category which describes the garment.

(2) "Selling price line" should be determined in accordance with § 1389.353 (b) (1).

(3) *Terms of sale.* State the customary discounts offered to each class of trade.

(4) "Maximum allowable percentage margin and minimum allowable cost" are to be calculated as required in § 1389.353. See also Appendix B (§ 1389.371).

(5) *Price rule used.* This regulation provides 9 rules for pricing. Record the number of the pricing rule used: for example, Rule 1, Rule 3, etc.

(6) "Style number of garment and description" must include an identification of the style and type of garment.

(7) "Date first cut for stock or order" shall be the date of the first cutting of the style, excluding the cutting of samples or duplicate samples.

(8) *Cost of materials.* The following data relating to materials cost must be recorded: cutting ticket number or other identification, description of materials used, total number of yards used, net cost per yard, total cost of materials in all garments cut, and the average cost per unit or per dozen garments.

The following instructions relate to calculations of costs of materials:

(i) Total cost of materials shall be calculated at (*a*) actual net cost of materials, or (*b*) the maximum price, at the time of cutting, that the regulations of the Office of Price Administration permit your customary source of supply to charge for said materials, whichever of the two is lower.

(ii) Only net cost of materials shall be used in your calculations. Net cost is the amount paid for the materials after deducting all discounts. Incoming transportation or uncut yard goods may be added to net cost if paid by you. Storage, warehousing and insurance charges shall not be included in the cost of materials.

(iii) In no case shall you include in your cost any amount charged or expense established by means of or resulting from a fictitious sale, fictitious billing, or fictitious valuation of materials.

(iv) On a cutting where materials consist of lots purchased at different costs, the quantities of materials at each cost shall be calculated in determining the net cost of materials used.

(v) When woolen materials are used, you may add to the cost of materials the actual net cost of shrinking and examining paid by you, but not included as part of the purchase price of the woolens. If the woolen fabrics used in the garments were shrunk after purchasing, state the number of yards used and the net cost on the basis upon which you purchased the fabric from your supplier of the material.

(9) *Cost of trimmings.* The following data relating to trimmings cost must be recorded: a description of each trimming, and accessory used in the manufacture of the garments (including all work such as pleating, embroidery, fagoting, etc., not performed in your plant), the total quantity used in yards, dozens or units, the net cost per yard, dozen or unit, the total cost of trimmings in all garments cut, and the cost per unit or dozen garments.

The instructions for calculating the net cost of materials shall apply to the calculation of net trimming cost.

(10) "Direct labor costs" shall be calculated on the basis of wage rates paid by you on March 31, 1942, plus any subsequent increase thereto pursuant to a collective bargaining contract or other wage agreement, which contract was entered into on or before July 1, 1942, and provides for an unconditional increase of wage rates of a fixed amount or per cent. If you paid wage rates at the time of cutting in excess of the above basis, proper downward adjustments shall be made in calculating the labor costs for the garments. The following additional instructions relate to calculations of direct labor costs:

(i) No make-up or overtime shall be included in calculating labor costs.

(ii) The following operations are examples of what shall be considered direct labor: cutting, pattern grading, marking, assorting or dividing, operating or sewing, pressing or ironing, finishing by hand, factory examining of garments and similar costs.

(iii) Items of indirect labor or overhead costs shall not be included in calculating the direct labor cost of the garments. Examples of what shall be considered indirect labor are: foremen, floor men, supervisory examination of garments, repairing and maintenance personnel, designers, sample room employees, porters, watchmen, piece goods clerks, buyers, receiving room employees, clerical employees, shipping room employees, etc.

(iv) The following are examples of overhead costs: unemployment insurance, social security, pension contribution, contributions to welfare funds, health or accident insurance, workman's compensation, and any present or future tax upon, or measured by wages, etc.

(v) Overhead, administration expenses or factory burden shall not be included in direct cost of the garments. Examples of these are: insurance, storage, warehousing, outgoing freight, transportation to and from contractors, factory supplies, light, power, machine supplies, machine part replacements, and repairs, rent, taxes, etc.

(vi) General administrative expenses shall not be included. Examples of these are: executive and officers' salaries, telephone, telegrams, stationery, printing, postage, travelling expenses, legal and professional fees, donations, etc.

(vii) Contractors' overhead and profit allowance shall not be included in the direct labor cost of the garments. If you have garments produced by contractors, you shall maintain complete records at your principal place of business showing the contractor's costs of direct labor. Contractors are required to furnish to manufacturers all data on labor and trimmings costs necessary to enable the manufacturer to prepare the records required by this regulation.

(11) "Direct cost of each garment" shall be the total of the material, trimming, and direct labor costs specified above. If the total direct cost of all the garments in a cutting shall be equal to or greater than the sum of the minimum allowable cost for the garment multiplied by the number of garments cut, then for the purpose of this regulation, every garment in that cutting shall be considered to have the minimum allowable cost.

(12) *Size differences.* If a style is manufactured to sell in a size range and garments of the average size in that size range contain the minimum allowable cost, then on subsequent cuttings of that style, garments which are lower in cost than the average size, only because different sizes are cut, shall be considered to have the minimum allowable cost.

(b) Together with the cost record shall be kept a record of each cutting, showing the date of the cutting, the total number of garments cut, and the actual yardage used.

(c) A suggested form for keeping the cost records required by § 1389.360 is set forth below. A manufacturer may, at his option, continue to keep his customary records, provided all the information required by this section is summarized in one record.

SUGGESTED COST RECORD FORM FOR MANUFACTURERS OF WOMEN'S, MISSES' AND CHILDREN'S OUTERWEAR GARMENTS

This form may be duplicated. Copies will not be furnished by the Office of Price Administration

Category number....................	Style number of garment....................
Selling price line $.. per unit (..) doz. (..)....................	Description....................
Terms of sale....................	....
Maximum allowable percentage margin....................	....
Minimum allowable cost, $....................	Size range cut: ....
Price rule used, #....................	Date first cut for stock or order....................

Data for cutting recorded below:
Date of cutting .... Number of garments cut ....
Cost data below were based on: (check one) per unit (..); per dozen garments (..).

I. Cost of materials:

Cutting ticket number or other identification	Description of materials	For all garments cut			Cost per unit or dozen
		Total number of yds. used (1)	Net cost per yard (2)	Total costs cols. 1 x 2 (3)	(4)
....	....	....	....	....	
....	....	....	....	....	
....	....	....	....	....	
....	....	....	....	....	
....	....	....	....	....	
....	....	....	....	....	
....	....	....	....	....	
....	....	....	....	....	
....	....	....	....	....	
....	....			....	
Actual net cost of shrinking and examining woolens....................				....	
Total material cost of all garments in this cutting....................					
Average material cost per unit or dozen garments....................					

II. Costs of trimmings:

Descriptions of items, and other identification	Quantity used in yards, dozens or units	Net cost per yard, dozen or unit	Total costs	
....	....	....	....	
....	....	....	....	
....	....	....	....	
....	....	....	....	
....	....	....	....	
....	....	....	....	
....	....	....	....	
....	....	....	....	
....	....	....	....	
....				
Total trimming cost of all garments in this cutting....................				
Average trimming cost per unit or dozen garments....................				

III. Direct labor costs:

	Check one		Cost per unit or dozen	
	Piece work	Week work		
Cutting....................	....	....	....	
Operating or sewing....................	....	....	....	
Pressing or ironing....................	....	....	....	
Finishing by hand....................	....	....	....	
All other direct labor listed by craft or operation:				
....	....	....	....	
....	....	....	....	
....				
Total direct labor costs per unit or dozen garments....................				

IV. Total direct cost per .... garments....................
(Unit or dozen)

§ 1389.374 *Appendix E: Table of permissible selling price lines for new categories*—(a) *Instructions for use of table.* (1) The Table in paragraph (b) shall be used in pricing garments by Rule 3 (§ 1389.353).

(2) A manufacturer first finds the group in which appears the highest selling price line in which he delivered garments during March, 1942 in any category number. He may use the selling price line listed in that group for garments of the new category number, and any selling price lines listed in any lower group.

For example, a manufacturer wants to sell women's coats, a category number which he did not deliver in March, 1942. The highest selling price line in which he delivered garments of any category number in March, 1942 was his $5.50 women's dresses, Category No. 21. He, therefore, belongs to Group H. Thus, he finds that the highest selling price line in which he may sell women's coats, Category No. 1, is $14.75. He may sell women's coats in selling price lines of $14.75, $12.75, $10.75, $8.75, $7.75, $6.75, $5.75 and $4.75. He may also sell women's coats in any selling price line lower than $4.75 (this is explained in subparagraph (5) of this paragraph).

(3) For pricing suits, jackets and skirts, Category Nos. 6–20 inclusive, Column II shall be used, when referring to or pricing garments manufactured of fabrics containing 25% or more wool content (new or reprocessed wool), or manufactured of a "pile fabric", i. e., a three dimensional fabric composed of backing warp, filling, and pile warp woven at right angles to the backing warp and filling. Column I shall be used when referring to or pricing garments manufactured of all other fabrics.

For example, the highest selling price line in which a manufacturer delivered women's coats during March, 1942 was $8.75. He belongs to Group E. He now desires to sell women's wool suits of Category No. 6. His highest selling price line is $8.75 (Column II). However, his highest selling price line for cotton and rayon suits is $3.75 (Column I).

(4) If the highest selling price line at which a manufacturer delivered garments in a category number during March, 1942 is in between two groups, he shall use the lower of the two groups.

For example, if the highest selling price line at which a manufacturer delivered women's dresses, Category No. 21, during March, 1942 was $5.75, he shall use Group H and not Group I.

(5) A manufacturer may sell garments in any selling price lines lower than the selling price lines listed in Group A.

(6) If the highest selling price line at which a manufacturer delivered garments in any category number is lower than the selling price line mentioned in Group A, the manufacturer shall use Group A.

(7) If the highest selling price line at which a manufacturer delivered garments in a category number during March, 1942, is higher than the highest selling price line listed for that category number in the Table, he uses that group in which appears the highest selling price line for that category number.

For example, if the highest selling price line at which a manufacturer delivered blouses, Category No. 26, during March, 1942, was $8.75, he uses Group N, as in that group appears the highest selling price line for Category No. 26, and the highest price line of which he can deliver women's dresses, Category No. 21 is $14.75.

(8) If the highest selling price line at which a manufacturer delivered garments of a category number appears in two groups, he shall use the lower of the groups in which this selling price line appears.

For example, if the highest selling price line at which a manufacturer delivered women's dresses, Category No. 21, during March 1942 was $2.25, he shall use Group B and not Group C. Thus the highest selling price line at which he may sell women's coats in Category No. 1 is $5.75.

(b) *Table of permissible selling price lines for new categories.*

Category No.	Garments	Group A		Group B		Group C		Group D		Group E		Group F		Group G		Group H	
		I	II	I	II	I	II	I	II	I	II	I	II	I	II	I	II
	(COATS)																
1	"Women's"	------	4.75	------	5.75	------	6.75	------	7.75	------	8.75	------	10.75	------	12.75	------	14.75
2	"Misses'" and "jr. misses'"	------	4.75	------	5.75	------	6.75	------	7.75	------	8.75	------	10.75	------	12.75	------	14.75
3	"Teen age"	------	3.75	------	4.75	------	4.75	------	5.75	------	6.75	------	7.75	------	8.75	------	10.75
4	"Girls'"	------	3.75	------	3.75	------	4.75	------	4.75	------	5.75	------	6.75	------	7.75	------	8.75
5	"Children's"	------	2.75	------	2.75	------	3.75	------	3.75	------	4.75	------	4.75	------	5.75	------	6.75
	SUITS																
6	"Women's"	2.50	4.75	2.50	5.75	3.25	6.75	3.25	7.75	3.75	8.75	3.75	10.75	4.75	12.75	4.75	14.75
7	"Misses'" and "jr. misses'"	2.50	4.75	2.50	5.75	3.25	6.75	3.25	7.75	3.75	8.75	3.75	10.75	4.75	12.75	4.75	14.75
8	"Teen age"	2.00	3.75	2.00	4.75	2.50	4.75	2.50	5.75	3.00	6.75	3.00	8.75	3.75	8.75	3.75	8.75
9	"Girls'"	1.87½	3.75	1.87½	3.75	1.87½	3.75	2.50	4.75	2.50	4.75	3.00	5.75	3.00	6.75	3.75	6.75
10	"Children's"	1.31¼	2.75	1.31¼	2.75	1.31¼	3.75	1.87½	3.75	1.87½	3.75	2.50	4.75	2.50	4.75	3.00	4.75
	JACKETS																
11	"Women's"	1.87½	2.75	1.87½	2.75	2.50	3.75	2.50	3.75	2.50	4.75	3.00	4.75	3.00	5.75	3.00	6.75
12	"Misses'" and "jr. misses'"	1.87½	2.75	1.87½	2.75	2.50	3.75	2.50	3.75	2.50	4.75	3.00	4.75	3.00	5.75	3.00	6.75
13	"Teen age"	1.31¼	2.50	1.31¼	2.50	1.87½	3.00	1.87½	3.00	1.87½	3.75	2.50	3.75	2.50	4.75	2.50	5.75
14	"Girls'"	.87½	2.50	1.31¼	2.50	1.31¼	2.50	1.31¼	2.50	1.87½	3.00	1.87½	3.00	1.87½	3.75	2.50	3.75
15	"Children's"	.87½	1.31¼	.87½	1.87½	.87½	1.87½	1.31¼	1.87½	1.31¼	2.50	1.31¼	2.50	1.87½	3.00	1.87½	3.00
	SKIRTS																
16	"Women's"	1.31¼	1.37½	1.31¼	1.37½	1.31¼	1.87½	1.31¼	1.87½	1.87½	2.50	1.87½	3.00	1.87½	3.75	2.50	3.75
17	"Misses'" and "jr. misses'"	1.31¼	1.31¼	1.31¼	1.31¼	1.31¼	1.87½	1.31¼	1.87½	1.87½	2.50	1.87½	3.00	1.87½	3.75	2.50	3.75
18	"Teen age"	.87½	1.31¼	.87½	1.31¼	1.31¼	1.31¼	1.31¼	1.87½	1.31¼	1.87½	1.87½	2.50	1.87½	3.00	1.87½	3.00
19	"Girls'"	.68¾	1.31¼	.87½	1.31¼	.87½	1.31¼	1.31¼	1.31¼	1.31¼	1.87½	1.31¼	1.87½	1.87½	2.50	1.87½	2.50
20	"Children's"	.68¾	.87½	.68¾	.87½	.87½	1.31¼	.87½	1.31¼	.87½	1.31¼	1.31¼	1.50	1.31¼	1.50	1.31¼	1.87½
	DRESSES																
21	"Women's"	------	1.87½	------	2.25	------	2.25	------	2.87½	------	2.87½	------	3.75	------	4.75	------	5.50
22	"Misses'" and "jr. misses'"	------	1.87½	------	2.25	------	2.25	------	2.87½	------	2.87½	------	3.75	------	4.75	------	5.50
23	"Teen age"	------	1.31¼	------	1.31¼	------	1.87½	------	1.87½	------	2.50	------	2.50	------	3.00	------	3.75
24	"Girls'"	------	.75	------	1.31¼	------	1.31¼	------	1.31¼	------	1.87½	------	1.87½	------	2.50	------	2.50
25	"Children's"	------	.75	------	.87½	------	1.00	------	1.31¼	------	1.31¼	------	1.87½	------	1.87½	------	1.87½
26	Blouses (sizes 30 and up)	------	.68¾	------	.87½	------	1.00	------	1.31¼	------	1.31¼	------	1.87½	------	1.87½	------	1.87½
	SNOWSUITS																
27	One-piece (sizes 1 to 6)	------	2.00	------	2.50	------	2.75	------	3.75	------	3.75	------	4.75	------	4.75	------	5.75
28	Two-piece (sizes 3 to 14)	------	2.50	------	3.00	------	3.75	------	4.75	------	4.75	------	5.75	------	6.75	------	7.75
29	Legging sets (sizes 1 to 10)	------	3.75	------	3.75	------	4.75	------	5.75	------	6.75	------	6.75	------	7.75	------	8.75
30	Separate leggings (sizes 1 to 10)	------	1.37½	------	1.37½	------	1.75	------	1.75	------	2.00	------	2.00	------	2.50	------	2.50
31	Ski pants (sizes 3 to 14)	------	1.37½	------	1.37½	------	1.37½	------	2.00	------	2.00	------	2.25	------	2.50	------	3.00

Category No.	Garments	Group I		Group J		Group K		Group L		Group M		Group N		Group O		Group P		Group Q	
		I	II	I	II	I	II	I	II	I	II	I	II	I	II	I	II	I	II
	(COATS)																		
1	"Women's"	------	16.75	------	19.75	------	22.75	------	24.75	------	29.75	------	32.75	------	39.75	------	42.75	------	45.00
2	"Misses'" and "jr. misses'"	------	16.75	------	19.75	------	22.75	------	24.75	------	29.75	------	32.75	------	39.75	------	42.75	------	45.00
3	"Teen age"	------	12.75	------	14.75	------	16.75	------	------	------	------	------	------	------	------	------	------	------	------
4	"Girls'"	------	10.75	------	12.75	------	14.75	------	------	------	------	------	------	------	------	------	------	------	------
5	"Children's"	------	8.75	------	10.75	------	------	------	------	------	------	------	------	------	------	------	------	------	------
	SUITS																		
6	"Women's"	5.75	16.75	5.75	16.75	6.75	16.75	7.75	18.75	8.75	18.75	10.75	22.75	------	24.75	------	26.75	------	29.75
7	"Misses'" and "jr. misses'"	5.75	16.75	5.75	16.75	6.75	16.75	7.75	18.75	8.75	18.75	10.75	22.75	------	24.75	------	26.75	------	29.75
8	"Teen age"	4.75	9.75	4.75	10.75	------	12.75	------	------	------	------	------	------	------	------	------	------	------	------
9	"Girls'"	3.75	7.75	3.75	8.75	------	10.75	------	------	------	------	------	------	------	------	------	------	------	------
10	"Children's"	3.00	5.75	------	6.75	------	8.75	------	------	------	------	------	------	------	------	------	------	------	------
	JACKETS																		
11	"Women's"	3.75	7.75	3.75	8.75	3.75	8.75	4.75	8.75	4.75	9.75	5.75	10.75	------	------	------	------	------	------
12	"Misses'" and "jr. misses'"	3.75	7.75	3.75	8.75	3.75	8.75	4.75	8.75	4.75	9.75	5.75	10.75	------	------	------	------	------	------
13	"Teen age"	3.00	5.75	3.00	6.75	------	6.75	------	------	------	------	------	------	------	------	------	------	------	------
14	"Girls'"	2.50	4.75	2.50	5.75	------	5.75	------	------	------	------	------	------	------	------	------	------	------	------
15	"Children's"	2.50	3.75	------	4.75	------	4.75	------	------	------	------	------	------	------	------	------	------	------	------
	SKIRTS																		
16	"Women's"	2.50	4.75	2.50	4.75	3.00	4.75	3.00	5.75	------	5.75	------	6.75	------	------	------	------	------	------
17	"Misses'" and "jr. misses'"	2.50	4.75	2.50	4.75	3.00	4.75	3.00	5.75	------	5.75	------	6.75	------	------	------	------	------	------
18	"Teen age"	1.87½	3.75	2.50	3.75	------	4.75	------	------	------	------	------	------	------	------	------	------	------	------
19	"Girls'"	1.87½	3.00	1.87½	3.00	------	3.75	------	------	------	------	------	------	------	------	------	------	------	------
20	"Children's"	1.31¼	1.87½	------	2.00	------	------	------	------	------	------	------	------	------	------	------	------	------	------
	DRESSES																		
21	"Women's"	------	6.75	------	7.75	------	8.75	------	10.75	------	12.75	------	14.75	------	16.75	------	19.75	------	------
22	"Misses'" and "jr. misses'"	------	6.75	------	7.75	------	8.75	------	10.75	------	12.75	------	14.75	------	16.75	------	19.75	------	------
23	"Teen age"	------	4.75	------	4.75	------	5.75	------	6.75	------	------	------	------	------	------	------	------	------	------
24	"Girls'"	------	3.00	------	3.75	------	4.75	------	------	------	------	------	------	------	------	------	------	------	------
25	"Children's"	------	2.50	------	3.00	------	3.75	------	------	------	------	------	------	------	------	------	------	------	------
26	Blouses (sizes 30 and up)	------	2.50	------	2.50	------	3.00	------	3.75	------	3.75	------	4.75	------	------	------	------	------	------
	SNOWSUITS																		
27	One-piece (sizes 1 to 6)	------	6.75	------	7.75	------	------	------	------	------	------	------	------	------	------	------	------	------	------
28	Two-piece (sizes 3 to 14)	------	8.75	------	9.75	------	10.75	------	------	------	------	------	------	------	------	------	------	------	------
29	Legging sets (sizes 1 to 10)	------	10.75	------	12.75	------	14.75	------	------	------	------	------	------	------	------	------	------	------	------
30	Separate leggings (sizes 1 to 10)	------	3.00	------	3.75	------	4.75	------	------	------	------	------	------	------	------	------	------	------	------
31	Ski pants (sizes 3 to 14)	------	3.00	------	3.50	------	4.00	------	------	------	------	------	------	------	------	------	------	------	------

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13246; Filed, December 12, 1942; 11:53 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 173 Under § 1499.3 (b) of GMPR]

LIVINGSTON WORSTED MILLS, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, and § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.1189 *Maximum prices for Officers' Worsted Uniform Cloth Barathea, sold by Livingston Worsted Mills, Incorporated.* (a) On and after April 8, 1942, The Livingston Worsted Mills, Incorporated, may sell and deliver to any person, and any person may buy or receive from the Livingston Worsted Mills, Incorporated, its fabric #766, a dark olive drab Officers' Worsted Uniform Cloth Barathea, constructed as follows:

Ends per finished inch in the warp	86
Ends per finished inch in the filling	90
Yarn size-warp and filling	2/44s
Grade of wool	64s
Weight	14½ ounces,

at $3.30 per yard, f. o. b., shipping point: *Provided,* That such maximum price shall not apply to any sales or deliveries of such cloth which are subject to the provisions of Maximum Price Regulation No. 157.

(b) This Order No. 173 may be revoked or amended by the Office of Price Administration at any time.

(c) This Order No. 173 (§ 1499.1189) shall be effective as of April 8, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13249; Filed, December 12, 1942; 11:55 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 175 Under § 1499.3 (b) of GMPR]

CALIFORNIA CONSERVING CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1191 *Authorization of maximum price for sales of Special Chili Sauce Mix in one gallon glass jugs by California Conserving Company, San Francisco, California.* (a) On and after December 14, 1942, the maximum price for sales by California Conserving Company, 110 Market Street, San Francisco, California, of Special Chili Sauce Mix, packed four one gallon glass jugs to a shipping case shall be $14.86 per dozen jugs delivered to purchasers' stations.

(b) California Conserving Company shall apply to its sales of Special Chili Sauce Mix the same customary discounts, allowances and price differentials applying to its sales of comparable chili sauce items unless a change in these customary discounts, allowances and price differentials shall result in lower selling prices.

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*Copies may be obtained from the Office of Price Administration.

(c) This Order No. 175 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 175 (§ 1499.1191) shall become effective December 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13247; Filed, December 12, 1942; 11:55 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 130 Under § 1499.18 (b) of GMPR]

RIEGEL TEXTILE CORPORATION

Order No. 130 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-253.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* *It is ordered:*

§ 1499.1031 *Adjustment of maximum prices for handkerchiefs sold by the Riegel Textile Corporation.* (a) Riegel Textile Corporation, 342 Madison Avenue, New York, New York, as selling agents for Ware Shoals Manufacturing Company, Ware Shoals, South Carolina and The Trion Company, Trion, Georgia, may sell and deliver, and any person may buy and receive from Riegel Textile Corporation, the following handkerchiefs manufactured by the Trion Company, and the Ware Shoals Manufacturing Company, at prices no higher than those set forth below:

Cut size	Hem, inch	Cloth	Stitches (per inch)	Cents per dozen
17 x 17	¼	34' 60 x 48-7.10	10	34½
18 x 17	¼	36" 64 x 60-5.25	10	40
17 x 17	¼	34" 64 x 60-6.10	12	38½
18 x 18	¼	36" 68 x 72-5.15	10	45
12 x 12	1/16	36" 68 x 72-5.15	12	23½

(b) The prices set forth in paragraph (a) of this section shall be subject to the same terms and conditions of sale as were granted to purchasers during March, 1942.

(c) *Retail prices.* Retailers may not charge for the handkerchiefs listed in paragraph (a) of this section a price in excess of their maximum price as established under the General Maximum Price Regulation.

(d) Riegel Textile Corporation shall cause the following notice to be sent, in writing, to all wholesalers and retailers who purchase the handkerchiefs listed in paragraph (a) of this section:

The Office of Price Administration has permitted us to raise our maximum prices for sales to you of the following handkerchiefs to the prices set forth below:

Cut size	Hem, inch	Cloth	Stitches (per inch)	Cents per dozen
17 x 17	¼	34" 60 x 48-7.10	10	34½
18 x 18	¼	36" 64 x 60-5.25	10	40
17 x 17	¼	34" 64 x 60-6.10	12	38½
18 x 18	¼	36" 68 x 72-5.15	10	45
12 x 12	1/10	36" 68 x 72-3.15	12	23½

This increase represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of these handkerchiefs.

(e) All prayers of the petition not granted herein are denied.

(f) This Order No. 130 is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 130 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 130 (§ 1499.1031) shall become effective December 14, 1942.

(Pub. Laws 421 and 739, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13250; Filed, December 12, 1942; 11:56 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 131 Under § 1499.18 (b) of GMPR]

K. W. JACOBS COOPERAGE CO.

For the reasons set forth in an Opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1032 *Adjustment of maximum prices for certain slack meat barrels manufactured and sold by K. W. Jacobs Cooperage Company.* (a) K. W. Jacobs Cooperage Company, 1907 West St. Paul Avenue, Milwaukee, Wisconsin, may sell and deliver, and any person may buy from said company, the slack meat barrels hereafter specified at prices not higher than the following prices per barrel, delivered:

Single head barrels, plain	$0.75
Single head barrels with clasps	.77½
Double head barrels, plain	.84½
Double head barrels with clasps	.87½

(b) All prayers of the applicant not granted herein are denied.

(c) This Order No. 131 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 131 (§ 1499.1032) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 131 (§1499.1032) shall be effective as of May 11, 1942.

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13248; Filed, December 12, 1942; 11:55 a. m.]

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

[RPS 7, Am. 8]

COMBED COTTON YARNS AND THE PROCESSING THEREOF

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1307.1 paragraph (a) is amended and a new paragraph (c) is added as set forth below:

§ 1307.1 *Maximum prices for combed yarns and for mercerizing, bleaching and gassing.* (a) On or after the applicable ceiling date, regardless of terms of any contract of sale or purchase or other commitment (except as provided in paragraph (c) of this section and Appendix A, incorporated herein as § 1307.12), no persons shall sell, offer to sell, deliver, or transfer combed yarn and no person shall buy, offer to buy, accept delivery of combed yarn at a price higher than the applicable maximum price set forth in Appendix A: *Provided,* That the provisions of this Revised Price Schedule No. 7 shall not apply to (1) retail sales of combed yarn and (2) sales or purchases of 2 ply mercerized or gassed grey yarn, Nos. 56/s and above on cheese roller warps imported from England and sold exclusively for use by hosiery manufacturers.

* * * * *

(c) On and after December 18, 1942, the maximum price for 2 ply mercerized imported English combed yarn. Nos. 56/s and above, when sold by a domestic processor to hosiery manufacturers shall be the sum of (1) 102½% of the delivered cost of the imported gassed grey yarn to the mercerizing plant and (2) the applicable premium for mercerizing in § 1307.12 (d) (4) (vi): *Provided, however,* That no hosiery manufacturer will be permitted an increase in his maximum price on the basis of the cost of the yarns referred to herein.

* * * * *

§ 1307.11 *Effective dates of amendments.* * * *

(p) Amendment No. 8 (§ 1307.1 (a) and (c)) to Revised Price Schedule No. 7 shall become effective December 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

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*Copies may be obtained from the Office of Price Administration.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13285; Filed, December 12, 1942; 12:33 p. m.]

PART 1340—FUEL

[MPR 120,[1] Amendment 27]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The period at the end of § 1340.210 (a) (4) of Maximum Price Regulation No. 120 is changed to a semi-colon, and a new clause is added as set forth below:

§ 1340.210 *Maximum price instructions.* (a) * * *

(4) * * * ; and: *Provided further,* That there may also be added by a producer or distributor, to the applicable maximum price established herein, an amount not in excess of the transportation tax imposed by section 620 of the Revenue Act of 1942 if said producer or distributor incurred such tax, and if he separately states the amount of the tax in the sale to his purchaser.

* * * * *

§ 1340.211a *Effective dates of amendments.* * * *

(bb) Amendment No. 27 to Maximum Price Regulation No. 120 shall be effective as of December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13282; Filed, December 12, 1942; 12:33 p. m.]

PART 1340—FUEL

[MPR 189,[2] Amendment 4]

BITUMINOUS COAL SOLD FOR DIRECT USE AS BUNKER FUEL

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of Federal Register.*

A new subparagraph (6) is added to paragraph (a) of § 1340.313 as set forth below:

§ 1340.313 *Appendix A: Maximum prices for bituminous coal for use as bunker fuel.* * * *

(a) * * *

(6) The Maximum price per gross ton for the sale of bituminous coal produced at mines in Districts Nos. 7 and 8, sold for delivery to New York Harbor for bunker fuel use by vessels moving offshore and not in coastwise trade shall be the maximum price established for sales of bituminous coal produced at mines in District No. 1 for such use, in accordance with subparagraphs (1) to (5) of this paragraph (a), *plus* an amount not to exceed the difference between the freight rate on which the particular bituminous coal produced at the Districts Nos. 7 and 8 mines moved, and $2.84.

* * * * *

§ 1340.314a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§ 1340.313 (a) (6)) to Maximum Price Regulation 189 shall be effective December 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13284; Filed, December 12, 1942; 12:33 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 181, Amendment 2]

NEW-FORMULA CONDENSED SOUPS PACKED UNDER WPB CONSERVATION ORDER M-81

A statement of the considerations involved in the issuance of this Amendment No. 2 to Maximum Price Regulation No. 181[1] has been issued and filed with the Division of the Federal Register.*

A new paragraph (f) is added to § 1341.52, a new paragraph (d) is added to § 1341.53, and §§ 1341.54, 1341.62, and 1341.68 (a) (4) are amended as shown below.

§ 1341.52 *Canner's maximum prices for new-formula condensed soups packed under WPB Conservation Order M-81.* * * *

(f) Any canner who sold any item partly on an f. o. b. factory basis and partly on a delivered basis, during the calendar year 1941, shall separately calculate for the item a maximum price f. o. b. factory and a maximum delivered price. Any canner who sold on a delivered basis by zones shall calculate a separate maximum delivered price for each zone. For the purpose of this paragraph, the canner shall accordingly segregate his 1941 prices for the item when calculating weighted average 1941 prices.

§ 1341.53 *Wholesaler's and retailer's maximum prices for new-formula condensed soups packed under WPB Conservation Order M-81.* * * *

(d) *Fractions of a cent.* When calculating a maximum price, the retailer shall adjust fractions of one-half cent or more to the next higher cent and fractions of less than one-half cent to the next lower cent.

§ 1341.54 *Inability to fix maximum prices under preceding sections.* (a) If the seller's maximum price for any item cannot be determined under §§ 1341.52 and 1341.53, his maximum price shall be the maximum price of the most closely competitive seller.

(b) If the seller's maximum price for any item cannot be determined under §§ 1341.52 and 1341.53 or under paragraph (a) of this section, the maximum price shall be a price determined after specific authorization from the Office of Price Administration, Washington, D. C., on application setting forth (1) a detailed description of the brand, variety and can size; and (2) a statement of the facts which differentiate it from the most similar item for which he has determined a maximum price, identifying the similar item and stating the maximum price determined for it. When authorization is given, it will be accompanied by instructions for determining the maximum price. Within ten days after the price has been determined, the seller shall report it to the Office of Price Administration, Washington, D. C. This price shall be subject to adjustment at any time by the Office of Price Administration.

§ 1341.62 *Marking, posting and filing by retailers; applicability of the marking, posting and filing provisions of the General Maximum Price Regulation.* The marking, posting and filing provisions of § 1499.13 of the General Maximum Price Regulation are applicable to every person selling at retail any canned condensed soup covered by this Maximum Price Regulation No. 181. When used in this section, the term "selling at retail" has the definition given to it by § 1499.20 (o) of the General Maximum Price Regulation.

§ 1341.68 *Definitions.* (a) When used in this Maximum Price Regulation No. 181, the term:

* * * * *

(4) "Price per dozen" shall mean "price per dozen f. o. b. factory" or "delivered price per dozen" according to the seller's customary practice, during the calendar year 1941, of charging for the item being priced.

* * * * *

§ 1341.70 *Effective dates of amendment.* * * *

(b) Amendment No. 2 (§§ 1341.52 (f), 1341.53 (d), 1341.54, 1341.62, 1341.68 (a) (4) and 1341.70 (b)) to Maximum Price

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6896, 7777, 7670, 7914, 7942, 8354, 6850, 8948, 9783.

[2] 7 F.R. 5831, 6684, 8939.

[1] 7 F.R. 5560.

Regulation No. 181 shall become effective December 18, 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13286; Filed, December 12, 1942; 12:34 p. m.]

PART 1346—BUILDING MATERIALS

[MPR 276,[1] Amendment 1]

ASPHALT TILE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The footnotes to Table No. III—Freight Charges, § 1346.315 (d), are amended and a new § 1346.314a is added as set forth below:

§ 1346.315 *Appendix A: Maximum prices for asphalt tile.* * * *

(d) * * *

TABLE NO. III—FREIGHT CHARGES

* * * * *

[1] Freight charge from the nearest shipping point may be added.

[2] Full freight may be added except that when the freight charge from the point of origin of the shipment exceeds the freight charge which would have been charged on an identical shipment from the nearest shipping point the seller shall absorb up to one cent per square foot of the difference between the two charges.

[3] Full freight may be added except that when the freight charge from the point of origin of the shipment exceeds the freight charge which would have been charged on an identical shipment from the nearest shipping point the seller shall absorb up to two cents per square foot of the difference between the two charges.

[4] Full freight may be added except that when the freight charge from the point of origin of the shipment exceeds the freight charge which would have been charged on an identical shipment from the nearest shipping point the seller shall absorb up to the following differences between the two charges: ¾¢ per square foot for ⅛″ tile, 1¢ per square foot for 3/16″ tile, 1½¢ per square foot for ¼″ tile, and 2¢ per square foot for ⅜″ tile.

[5] Full freight may be added.

Shipping points: New York, N. Y., Lincoln, N. J., Manville, N. J., Lancaster, Pa., Chicago, Ill., Waukegan, Ill., Houston, Texas, and Southgate, Calif.

§ 1346.314a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1346.314a and 1346.315 (d)) to Maximum Price Regulation No. 276 shall be effective as of December 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13283; Filed, December 12, 1942; 12:33 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RPS 50, Amendment 4]

GREEN COFFEE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subdivision (ii) of § 1351.1 (b) (1) and paragraph (g) of § 1351.1 are amended, all to read as set forth below:

§ 1351.1 *Maximum Prices for Green Coffee.* * * *

(b) The maximum prices shall include all commissions and all other charges except that (1) * * *

(ii) *Special lots of green coffee for which an onboard bill of lading was signed after 12:01 A. M. July 2, 1942.* Increases in the charges prevailing prior to the opening of business on December 8, 1941, for ocean freight, war risk insurance, and marine insurance may not be added to the maximum prices for green coffee, except that increases in said charges may be added to the maximum prices in the case of (*a*) sales directly to the War Department of the United States of America or (*b*) sales of coffee which have been imported pursuant to authorization of War Production Board, under General Import Order M-63, for delivery to a holder of a War or Navy Department purchasing order for the purpose of filling such order.

* * * * *

(g) Any person making sales of green coffee in lots of five to twenty-five bags inclusive may add to the maximum prices specified above, an amount not in excess of 3% of the specific maximum prices established in paragraph (c) hereof; any person making sales of green coffee in lots of four bags or less may add to the maximum price specified above an amount not in excess of 7½% of the specific maximum prices established by paragraph (c) hereof.

* * * * *

§ 1351.9 *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§ 1351.1 (b) (ii) and § 1351.1 (g)) to Revised Price Schedule No. 50 shall become effective December 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13273; Filed, December 12, 1942; 12:30 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RPS 53, Amendment 16,[1] Correction]

FATS AND OILS

In § 1351.151 (b) (11) (ii) the maximum price of "14.41," given for deodorized and bleached soybean oil at New York, New York, is corrected to read "13.41."

§ 1351.159 *Effective dates of amendments.* * * *

(u) Correction (§ 1351.151 (b) (11) (ii)) to Amendment No. 16 of Revised Price Schedule No. 53 shall become effective December 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13272; Filed, December 12, 1942; 12:31 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 255, Amendment 1]

PERMITTED INCREASE FOR WHOLESALERS OF CERTAIN FOODS

Canned fruits, berries and juices as listed.
Frozen fruits, berries and vegetables.
Fruit preserves, jams and jellies.
Apple butter.
Canned shrimp.
Domestic canned crabmeat.
Canned apples.
Apple sauce.
Apple juice.
Vinegar cured herring.
Canned boned chicken and turkey.
Maple sugar.
Blended maple syrup.
Fountain fruits.
Egg noodles.
Tamales.
Tortillas.
Potato chips.
Raisin filled or topped biscuits and crackers.
Fig bars.
Bakers' fillings for fruit pie and pastry.
Peanut candy.
Honey (extracted).

The title is amended, as set forth above, Subparagraphs (7) to (23), inclusive, are added to § 1351.703 (d), § 1351.717 is added, and paragraph (a) of § 1351.705 is amended; all to read as set forth below.

§ 1351.703 *Wholesaler's maximum prices for certain listed foods.* * * *

(d) This regulation shall apply to these products: * * *

(7) Canned apples, using February 1942 as the base month.

(8) Apple sauce, packed in metal or glass, using February 1942 as the base month.

(9) Apple juice, packed in metal, glass or wood, using February 1942 as the base month.

(10) Vinegar cured herring, using January 1942 as the base month.

(11) Canned boned chicken and canned boned turkey, using March 1942 as the base month.

(12) Maple sugar, using March 1942 as the base month.

(13) Blended maple syrup, using March 1942 as the base month.

(14) Fountain fruits, using March 1942 as the base month.

(15) Egg noodles, using March 1942 as the base month.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10009.

[1] 7 F.R. 9189.

(16) Tamales, using March 1942 as the base month.

(17) Tortillas, using March 1942 as the base month.

(18) Potato chips, using March 1942 as the base month.

(19) Raisin filled or topped biscuits and crackers, using March 1942 as the base month.

(20) Fig bars, using March 1942 as the base month.

(21) Bakers' fillings for fruit pie and pastry, using March 1942 as the base month.

(22) Peanut candy, using March 1942 as the base month.

(23) Extracted honey packed in containers of a capacity of ten pounds or less, using February 1942 as the base month.

* * * * *

§ 1351.705 *When maximum prices may be established or changed under § 1351.703—*(a) *What must be done before a maximum price may be established.* No wholesaler may establish a maximum price for any item under § 1351.703 until he has received delivery of a customary amount of the item after this Maximum Price Regulation No. 255 has become applicable to it. To this extent the regulation shall be considered as having been in effect since August 5, 1942, for canned fruits, berries and juices; August 28, 1942, for frozen fruits, berries and vegetables; September 24, 1942, for canned shrimp; September 26, 1942, for fruit preserves, jams and jellies; October 1, 1942, for apple butter; October 5, 1942, for canned apples, apple sauce, and apple juice; October 30, 1942, for domestic canned crabmeat.

* * * * *

§ 1351.717 *Effective dates of amendments.* (a) Amendment No. 1 (title and §§ 1351.703 (d), 1351.705 (a), and 1351.717) to Maximum Price Regulation No. 255 shall become effective December 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13269; Filed, December 12, 1942; 12:31 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 255, Amendment 2]

PERMITTED INCREASES FOR WHOLESALERS OF CERTAIN FOODS

Canned fruits, berries and juices, as listed.
Frozen fruits, berries and vegetables.
Fruit preserves, jams and jellies.
Apple butter.
Canned shrimp.
Domestic canned crabmeat.
Canned apples.
Apple sauce.
Apple juice.
Vinegar cured herring.
Canned boned chicken and turkey.
Maple sugar.
Blended maple syrup.
Fountain fruits.
Egg noodles.
Tamales.
Tortillas.
Potato chips.
Raisin filled or topped biscuits and crackers.
Fig bars.
Bakers' fillings for fruit pie and pastry.
Peanut candy.
Honey (extracted).

A statement of the considerations involved in the issuance of Amendment No. 2 to Maximum Price Regulation No. 255 has been issued and filed with the Division of the Federal Register.*

Section 1351.703 (b) is amended and two new paragraphs (e) and (f) are added, all to read as set forth below.

§ 1351.703 *Wholesaler's maximum price for certain listed foods.* * * *

(b) "Base price" means the wholesaler's maximum price as calculated under § 2 of the General Maximum Price Regulation, except that for the purposes of this calculation the wholesaler shall substitute the base month named with the food product in paragraph (d) for the words "March 1942" wherever they appear in that section. With this qualification, the wholesaler shall use every pricing method provided by § 2 of the General Maximum Price Regulation which may be necessary to establish a base price for the item.

* * * * *

(e) *Maximum prices for new container types and sizes for which the wholesaler has received no permitted increase or cannot calculate a base price.* (1) If only a new container type is involved, that is, if the wholesaler sold the same kind, style, flavor, brand, and size, but only in other container types during the base period named in paragraph (d), he shall select from that kind, style, flavor, brand, and size the most closely comparable container type for which he is able to calculate a maximum price either under this Regulation or under § 2 of the General Maximum Price Regulation (even though he no longer sells that container type). He shall then add to the current delivered cost of the container type being priced the same dollars and cents markup which he added to the delivered cost of the container type selected (all per dozen or other customary wholesale selling unit). The resulting figure shall be the wholesaler's maximum price for the item.

(2) If only a new size is involved, that is, if the wholesaler sold the same kind, style, flavor, brand, and container type, but only in other sizes, during the base period named in paragraph (d), he shall select from that kind, style, flavor, brand and container type the nearest size for which he is able to calculate a maximum price either under this regulation or under section 2 of the General Maximum Price Regulation and which is one-third or less larger or, if there is no such size, one-third or less smaller (even though he no longer sells that size). He shall then add to the current delivered cost of the size being priced the same dollars and cents markup which he added to the delivered cost of the size selected (all per dozen or other customary wholesale selling unit). The resulting figure shall be the wholesaler's maximum price for the item.

(3) If both a new container type and a new size are involved, that is, if the wholesaler sold the same kind, style, flavor, and brand, but only in other container types and sizes, during the base period named in paragraph (d), he shall first select from that kind, style, flavor, and brand the most closely comparable container type for which he is able to calculate a maximum price either under this regulation or under § 1499.2 of the General Maximum Price Regulation (even though he no longer sells that container type), and from that container type he shall select the nearest size which is one-third or less larger or, if there is no such size, one-half or less smaller (even though he no longer sells that size). If there is no smaller size, he shall go to the next most closely comparable container type and proceed in the same manner to find a base container type and size. He shall then add to the current delivered cost of the container type and size being priced the same dollars and cents markup which he added to the delivered cost of the container type and size selected (all per dozen or other customary wholesale selling unit). The resulting figure shall be the wholesaler's maximum price for the item.

(f) *Maximum prices for items for which the wholesaler cannot otherwise calculate maximum prices.* If the wholesaler is unable to calculate a maximum price for a new item under the preceding paragraphs, he shall (1) select from the same general classification and price range as the item being priced the most closely comparable item for which a maximum price is established under any regulation; (2) divide his current selling price for that item by its actual cost, delivered to him; and (3) multiply the figure so obtained by the current cost, delivered to him, of the item being priced (all per dozen or other customary wholesale selling unit). The resulting figure shall be the wholesaler's maximum price for the item.

§ 1351.717 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1351.703 (b), (e), and (f), and 1351.717 (b)) to Maximum Price Regulation No. 255 shall become effective December 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13270; Filed, December 12, 1942; 12:31 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Revised MPR 256]

PERMITTED INCREASES FOR RETAILERS OF CERTAIN FOODS

Canned fruits, berries and juices, as listed.
Frozen fruits, berries and vegetables.

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*Copies may be obtained from the Office of Price Administration.

Fruit preserves, jams and jellies.
Apple butter.
Canned shrimp.
Domestic canned crabmeat.
Canned apples.
Apple sauce.
Apple juice.
Vinegar cured herring.
Canned boned chicken and turkey.
Maple sugar.
Blended maple syrup.
Fountain fruits.
Egg noodles.
Tamales.
Tortillas.
Potato chips.
Raisin filled or topped biscuits and crackers.
Fig bars.
Peanut candy.
Honey (extracted).

The title and preamble are amended and §§ 1351.851 to 1351.865, inclusive, of Maximum Price Regulation No. 256 are amended, redesignated and renumbered, as here set forth:

This Revised Maximum Price Regulation No. 256 is issued by the Price Administrator in order to establish maximum retail prices for certain food products at levels which are generally fair and equitable and which will aid in stabilizing the cost of living. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Revised Maximum Price Regulation No. 256 is hereby issued.

Sec.
1351.201 Purposes of Revised Maximum Price Regulation No. 256.
1351.202 Prohibition against selling and buying above maximum prices.
1351.203 Retailer's maximum prices for certain listed foods.
1351.204 Customary allowances and discounts.
1351.205 When maximum prices may be established or changed under § 1351.203.
1351.206 Evasion.
1351.207 Enforcement.
1351.208 Reports of retailers.
1351.209 Applicability of the General Maximum Price Regulation and other maximum price regulations.
1351.210 Petitions for amendment.
1351.211 Applicability.
1351.212 Export sales.
1351.213 Definitions.
1351.214 Revocation of superseded regulations.
1351.215 Effective date.

AUTHORITY: §§ 1351.201 to 1351.215, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1351.201 *Purposes of Revised Maximum Price Regulation No. 256.* Revised Maximum Price Regulation No. 256 is issued for the purpose of establishing retail prices for the commodities which are listed in § 1351.203. Higher retail prices have been necessary because of upward price adjustments which various maximum price regulations have made at the processing and wholesale levels. In some cases the necessary retail adjustments have already been made in separate commodity regulations. By including such adjustments, this regulation covers in unified form all retail food adjustments of the "permitted increase" type, that is, adjustments in which retailers, by modifying their prices under the General Maximum Price Regulation,[1] are permitted to take account of the individual price increases which have already been allowed to processors and wholesalers and of which the processors or wholesalers are required to give them written notice.

In the case of certain items of these commodities which are either being made and distributed for the first time or are new to the particular retailer, maximum prices will sometimes be lacking for want of a "permitted increase" or a March 1942 base price. These items are specially priced under a supplementary pricing method which is designed to cover all cases where the permitted increase method of pricing fails to give a maximum price.

§ 1351.202 *Prohibition against selling and buying above maximum prices.* (a) On and after December 18, 1942, regardless of any contract or obligation, no retailer shall sell or deliver an item of any food product at a price higher than the maximum price established for it by this Revised Maximum Price Regulation No. 256. No person shall buy or receive an item of any food product from a retailer in the course of trade or business at a price higher than the maximum price established for it by this regulation. Nor shall any person agree, offer, solicit or attempt to do any of these things.

(b) However, prices lower than maximum prices may be charged and paid.

§ 1351.203 *Retailer's maximum prices for certain listed foods—*(a) *Maximum price rule.* For each item of the food products listed in paragraph (b) the retailer's maximum price to any class of purchasers shall be (1) his maximum price under § 2 of the General Maximum Price Regulation, plus (2) the amount reported by his supplier or by the manufacturer or producer as his "permitted increase" (all per retail container).

(b) This method of calculating the retailer's maximum prices shall apply to these products:

(1) Canned fruits, berries and juices, whether packed in tin, glass or any other hermetically sealed container, as follows:

Fruits

Apricots.
Cherries, red sour pitted.
Cherries, sweet.
Figs.
Fruit cocktail.
Fruits for salad.
Peaches, clingstone (including clingstone nectarines).
Peaches, freestone (including freestone nectarines).
Pears.
Hawaiian pineapples.
Plums.
Prunes, fresh.

Berries

Blackberries.
Blueberries.
Boysenberries.
Cranberries.
Gooseberries.
Huckleberries.
Loganberries.
Raspberries, black.
Raspberries, red.
Strawberries.
Youngberries.

Juices

Fruit juices and nectars, plain or mixed, made from any of the fruits listed in this subparagraph.

Berry juices made from any of the berries listed in this subparagraph.

(2) Frozen fruits, berries and vegetables.

(3) Fruit preserves, jams and jellies.

(4) Apple butter.

(5) Canned shrimp.

(6) Domestic canned crabmeat, No. ½ flats.

(7) Canned apples.

(8) Apple sauce.

(9) Apple juice.

(10) Vinegar cured herring.

(11) Canned boned chicken and turkey.

(12) Maple sugar.

(13) Blended maple syrup.

(14) Fountain fruits.

(15) Egg noodles.

(16) Tamales.

(17) Tortillas.

(18) Potato chips.

(19) Raisin filled or topped biscuits and crackers.

(20) Fig bars.

(21) Peanut candy.

(22) Extracted honey packed in containers of a capacity of ten pounds or less.

(c) *Maximum prices for items for which the retailer cannot otherwise calculate maximum prices.* If the retailer is unable to calculate a maximum price under paragraph (a) for any new item covered by this regulation (for example, canned pears packed for the first time in glass), he shall (1) select from the same general classification and price range as the item being priced the most closely comparable item for which a maximum price is established under any regulation; (2) divide his current selling price for that item by its actual cost, delivered to him; and (3) multiply the figure so obtained by the current cost, delivered to him, of the item being priced. The resulting figure shall be the retailer's maximum price for the item.

§ 1351.204 *Customary allowances and discounts.* No retailer shall change any customary allowance, discount, or other price differential to a class of purchasers if the change results in a higher net price to that class of purchasers.

§ 1351.205 *When maximum prices may be established or changed under § 1351.203—*(a) *What must be done before a maximum price may be estab-*

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616.

lished. No retailer may establish a maximum price for any item under § 1351.203 until he has received delivery of a customary amount of the item after this Revised Maximum Price Regulation No. 256 has become applicable to it. To this extent the regulation shall be considered as having been in effect since August 5, 1942, for canned fruits, berries and juices; August 28, 1942, for frozen fruits, berries and vegetables; September 24, 1942, for canned shrimp; September 26, 1942, for fruit preserves, jams and jellies; October 1, 1942, for apple butter; October 5, 1942, for canned apples, apple sauce, and apple juice; October 30, 1942, for domestic canned crabmeat.

(b) *When a maximum price is established.* On and after December 18, 1942, a maximum price becomes "established" (that is, fixed) for any retailer as soon as he has disclosed a price for the item to any prospective customer, whether by sale, delivery, offer or notice of any kind. A maximum price may be established only once and having been established it may not be changed except with the written permission of the appropriate field office of the Office of Price Administration in cases of clerical error or other formal mistake.

(c) *What price becomes established as the maximum price.* The price which is established in this way as the retailer's maximum price is the one which he filed or disclosed. In most cases the maximum price so established will be the price which the retailer computed under § 1351.203. However, in some instances the retailer may want to disclose a lower price than the one which he computed and at the same time save his right to sell at the higher figure. He can establish the higher price as his ceiling price at the time of disclosure only by recording and naming it as such, in ink on his books, before he discloses the lower price.

§ 1351.206 *Evasion.* The price limitations set forth in this Revised Maximum Price Regulation No. 256 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any of the commodities covered by this regulation; alone or in conjunction with any other commodity or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1351.207 *Enforcement.* Any person violating a provision of this Revised Maximum Price Regulation No. 256, is subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided by the Emergency Price Control Act of 1942.

§ 1351.208 *Reports of retailers.* If the maximum price established for any cost-of-living item under this Revised Maximum Price Regulation No. 256 is different from the maximum price previously established for it, the retailer shall prepare a written statement showing for the item and each class of purchaser (1) his maximum price under § 2 of the General Maximum Price Regulation, (2) his permitted increase, and (3) his maximum price under this regulation; and he shall file the statement with the appropriate war price and rationing board by the 10th of the month following his first sale of the item subject to this regulation. The statement shall be in the following form:

STATEMENT OF RETAILER'S MAXIMUM PRICES UNDER REVISED MAXIMUM PRICE REGULATION NO. 256

[Cost-of-Living Commodities]

Name of retailer: ------------------------------------

Address: -----------------------

Item						G. M. P. R. price	Permitted increase	New maximum price
Kind	Style of pack, or flavor	Grade	Brand	Container type	Size			

The retailer shall include as part of the statement an attached list of all discounts, allowances, territorial differentials and any other price differentials customarily charged by him. The retailer shall keep a true copy of each statement for examination by any person during ordinary business hours.

§1351.209 *Applicability of the General Maximum Price Regulation and other maximum price regulations.* (a) The General Maximum Price Regulation and other maximum price regulations superseded by this Revised Maximum Price Regulation No. 256 shall continue to apply to all sales and deliveries of any item of a commodity covered by this regulation until the retailer has established a maximum price for it under §§1351.203 and 1351.205.

(b) The following sections of the General Maximum Price Regulation, as well as amendments to them, shall be applicable to every person selling at retail any commodity listed in §1351.203:

(1) Retailers operating more than one retail establishment (§1499.4a).

(2) Special deals (§1499.4b).

(3) Transfers of business or stock in trade (§ 1499.5).

(4) Federal and state taxes (§ 1499.7).

(5) Base-period records (§ 1499.11).

(6) Current records (§ 1499.12).

(7) Cost-of-living commodities: statement, marking or posting; (§ 1499.13); and Appendix B.

(8) Sales slips and receipts (§ 1499.14).

(9) Registration (§ 1499.15).

(10) Licensing (§ 1499.16).

(11) Adjustment of maximum prices (§ 1499.18 (a)).

(12) Definitions (§ 1499.20).

§ 1351.210 *Petitions for amendment.* Any person seeking a modification of this Revised Maximum Price Regulation No. 256 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[2] and amendments, issued by the Office of Price Administration.

§ 1351.211 *Applicability.* The provisions of this Revised Maximum Price Regulation No. 256 shall be applicable only to the forty-eight states of the United States and the District of Columbia.

§ 1351.212 *Export sales.* The maximum prices at which a person may export any commodity covered by this Regulation shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[3] issued by the Office of Price Administration.

§ 1351.213 *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 256 the term:

(1) "Retailer" means any purchaser of a food product for resale who, without substantially changing its form, resells the food product to an ultimate consumer other than an industrial, institutional or commercial user.

(2) "Item" means any kind, style or type of pack, flavor, grade, brand, container type and size.

(b) Unless the context requires otherwise, the definitions of section 302 of Emergency Price Control Act of 1942 shall apply to other terms used in this regulation.

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[2] 7 F.R. 8961.

[3] 7 F.R. 5059, 7242, 8829, 9000.

§ 1351.214 *Revocation of superseded regulations.* To the extent shown, the following Maximum Price Regulations and provisions of Supplementary Regulation 14 to the General Maximum Price Regulation are hereby revoked and superseded: Maximum Price Regulation No. 197[4] (except as it applies to canned Cuban pineapple and canned Cuban pineapple juice); Maximum Price Regulation No. 212;[5] Maximum Price Regulation No. 247[6] (except as it applies to canners of domestic canned crabmeat; § 1499.73 (a) (26) of Supplementary Regulation 14[7] (except as it applies to canners of canned shrimp).

§ 1351.215 *Effective date.* This Revised Maximum Price Regulation No. 256 (§§ 1351.201 to 1351.215 inclusive) shall become effective December 18, 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13268; Filed, December 12, 1942; 12:34 p. m.]

PART 1358—TOBACCOS

[MPR 260,[1] Amendment 2]

CIGARS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new § 1358.118 is added and a new paragraph (b) is added to § 1358.115a as set forth below.

§ 1358.118 *Adjustments for wage increases authorized by National War Labor Board Order of Approval dated December 8, 1942 in docket number BWA 26.* (a) Each manufacturer of cigars listed in paragraph (f) may increase the manufacturers' and wholesalers' maximum net price established under this Maximum Price Regulation No. 260 for a particular brand or size of cigars by an amount not in excess of the increase in the direct labor costs for such brand or size paid in compliance with said order of approval. Direct labor costs shall be the wages paid to hand cigar makers, strippers, and packers.

(b) Each manufacturer increasing his manufacturers' and wholesalers' maximum net price pursuant to paragraph (a) shall, within ten days thereafter, file with the Office of Price Administration (Tobacco Section) Washington, D. C. a written report setting forth for each affected brand or size of cigars the following:

(1) The March 1942 manufacturers' and wholesalers' list price.

(2) The manufacturers' and wholesalers' maximum list price established under this Maximum Price Regulation No. 260 prior to the increase pursuant to paragraph (a).

(3) The manufacturers' and wholesalers' maximum list price adjusted pursuant to paragraph (a).

(4) The manufacturers' direct labor costs per 1,000 cigars immediately prior and subsequent to the effective date of said order of approval. In reporting direct labor costs, the manufacturer shall itemize separately wages paid to hand cigar makers, strippers and packers.

(c) No retailer may increase his maximum retail price established under this Maximum Price Regulation No. 260 for any brand or size of cigars the manufacturers' and wholesalers' maximum list price of which has been adjusted pursuant to paragraph (a).

(d) *Notification.* On or before his first delivery of cigars of any brand or size, the manufacturers' and wholesalers' maximum list price of which has been adjusted pursuant to paragraph (a), each manufacturer and wholesaler shall notify each purchaser of the exact amount of his maximum list price and of the exact amount of the maximum retail price of the particular brand or size of cigars in question. Such notification shall be accomplished by a written statement as follows:

> On our brand (described cigars) the Office of Price Administration, by Amendment No. 2 to Maximum Price Regulation No. 260, has authorized us to establish new manufacturers' and wholesalers' maximum list prices. Our previous maximum list price under Maximum Price Regulation No. 260 was $-------- per thousand. Our new maximum list price under Amendment No. 2 to Maximum Price Regulation No. 260 is $------ per thousand. The maximum retail prices heretofore established for this brand under Maximum Price Regulation No. 260 shall *not* be changed. All customary discounts and allowances in effect in March 1942 on your purchases will not be lowered. All packing differentials allowed heretofore will not be lowered and all packing differentials charged heretofore will not be increased. Wholesalers receiving this notice are required to give similar notice to each purchaser to whom they sell or deliver any of this brand of cigars at or before their first delivery to such purchaser. The Office of Price Administration requires you to keep this notification for examination.

(e) Any increase of a manufacturer's and wholesaler's maximum net price for any brand or size of cigars made pursuant to said paragraph (a) shall be subject to modification by the Office of Price Administration or any duly authorized officer thereof at any time.

(f) The provisions of this § 1358.118 shall apply to the following manufacturers:

1. Belleair Cigar Co. Inc., Hartford, Connecticut.
2. Estate of Peter Gabler, Trumbull, Connecticut.
3. F. D. Grave & Son, New Haven, Connecticut.
4. James J. Hennessy Co., Waterbury, Connecticut.
5. A. Kafka & Co., New Haven, Connecticut.
6. Lewis Osterweis & Sons, New Haven, Connecticut.
7. Stremlau Bros., Meridian, Connecticut.
8. Leischke & Pletcher, Hartford, Connecticut.
9. Alexander Varanelli, Waterbury, Connecticut.
10. Arthur Waegemans Cigar Manufacturing Co., Bridgeport, Connecticut.
11. E. Waegemans & Sons Inc., Bridgeport, Connecticut.

§ 1358.115a *Effective dates of amendments.* * * *

(b) Amendment No. 2 to Maximum Price Regulation No. 260 (§§ 1358.115a (b) and 1358.118) shall become effective December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13274; Filed, December 12, 1942; 12:34 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280,[1] Amendment 2]

MAXIMUM PRICES FOR SPECIFIC FOOD PRODUCTS

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new § 1351.805a is added, as set forth below:

§ 1351.805a *Determination of adjusted maximum prices for fluid cream sold at wholesale other than in glass or paper containers after butterfat content is reduced to comply with Conservation Order No. M–259,[2] issued by the War Production Board on November 25, 1942.* (a) (1) After the butterfat content of fluid cream sold at wholesale other than in glass or paper containers is reduced to not less than 19%, the seller shall reduce his established maximum price for any unit size, as determined under §§ 1351.803, 1351.804, and 1351.805 hereof, proportionately on the basis of 5¢ per gallon for each one percent that the butterfat content is reduced.

(2) *Table: Adjusted maximum prices where butterfat content is reduced to 19%:*

Butterfat content prior to reduction:	*Seller must subtract from established maximum price for any unit size on basis of following amounts per gallon*
40%	$1.05
39%	1.00
38%	.95
37%	.90
36%	.85
35%	.80
34%	.75
33%	.70
32%	.65
31%	.60
30%	.55
29%	.50
28%	.45
27%	.40
26%	.35
25%	.30
24%	.25
23%	.20
22%	.15
21%	.10
20%	.05

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8997.

[4] 7 F.R. 5989, 7403, 7738, 8944, 8948.

[5] 7 F.R. 6831, 7173, 8948.

[6] 7 F.R. 8653, 8948.

[7] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 8237, 7946, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9391, 9495, 9496, 9639, 9786, 9900, 9901, 10069, 10111, 10022, 10151.

[1] 7 F.R. 10144.

[2] 7 F.R. 9811.

(b) *Calculations.* (1) The foregoing pricing formula shall apply to sales and deliveries of fluid cream at wholesale other than in paper or glass containers in any package size, whether more or less than one gallon, on a proportionate basis. All calculations shall be carried to the fourth decimal place of a cent. Any final calculation of a maximum price for any unit size resulting in a fraction of a cent shall be adjusted to the nearest half cent.

Example

Butterfat content prior to reduction	Gallon-size container—seller must subtract from established maximum price	Quart-size container—seller must subtract from established maximum price	Pint-size container—seller must subtract from established maximum price	Half-pint-size container—seller must subtract from established maximum price
40%	$1.05	$0.2625	$0.1318	$0.0659
30%	.55	.1725	.0863	.0431
20%	.05	.0125	.0067	.0033

(2) If the seller has established maximum prices, as determined by §§ 1351.803, 1351.804, and 1351.805 hereof, for sales and deliveries of fluid cream having different percentages of butterfat content, his adjusted maximum price shall be determined according to the pricing formula applicable to the class of cream yielding the lowest maximum price.

(c) *Records and reports.* On or before January 11, 1943, each seller of fluid cream affected by the provisions of this section shall prepare, on the basis of available information and records, and file with the nearest District or State Office of the Office of Price Administration a report showing:

(1) His adjusted maximum prices for fluid cream in each size and type of container; and

(2) The basis for the adjusted maximum prices, including (i) the butterfat content of the fluid cream sold in each size and type of container prior to November 25, 1942, (ii) the established maximum prices in effect immediately prior to the issuance of Conservation Order M–259 by the War Production Board on November 25, 1942, and (iii) the present butterfat content of such cream for each size and type of container.

§ 1351.821 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1351.805a) to Maximum Price Regulation No. 280 shall become effective December 12, 1942.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250; 7 F.R. 7871)

Issued and effective this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13278; Filed, December 12, 1942; 12:35 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[MPR 252, Amendment 1]

VINEGAR CURED HERRING

A statement of the considerations involved in the issuance of Amendment No. 1 to Maximum Price Regulation No. 252 [7 F.R. 8875] has been issued and filed with the Division of the Federal Register.*

Sections 1364.308a and 1364.314 are added as set forth below:

§ 1364.308a *Information which final processors must give their customers*—(a) *Notice from final processors to wholesalers.* In the case of any item of vinegar cured herring, which is being sold by a final processor to a wholesaler for the first time after December 17, 1942 and after the final processor's maximum price for it has been established under § 1364.303, the final processor shall send the wholesaler (before or at the time of delivery) a written statement which lists for each such item included in the sale (1) the weighted average price charged by the final processor between September 15, 1941, and January 1, 1942, called the "base price," (2) the final processor's maximum price, as calculated under the provisions of this regulation, called the "maximum price," and (3) the amount of the difference between the "base price" and the "maximum price", called the "wholesaler's permitted increase." When calculating the "wholesaler's permitted increase", the final processor shall adjust any fraction of a unit to the nearest fractional unit in which the wholesaler customarily quotes prices for the item.

(b) *Notice from final processors to retailers*—(1) *General package requirement.* Every final processor who sells any item of vinegar cured herring, during the 90-day period, beginning December 18, 1942, whether to a wholesaler or a retailer, shall include with the shipping case (or other package unit in which the retailer usually purchases the product) a "Notice of Retailer's Permitted Increase." This notice must be either pasted or stamped on the outside of each shipping case sold or printed on a slip and enclosed. In the latter case the final processor shall place this statement on the outside: "Retailer's notice enclosed." The final processor shall calculate the retailer's permitted increase for the item by reducing the permitted increase which he computed for the wholesaler under paragraph (a), where necessary, to the units in which the commodity is usually sold at retail. When making this calculation, the final processor shall adjust fractions of one-half cent or more to the next higher cent and fractions of less than one-half cent to the next lower cent. Except for the proper insertion, a Notice of Retailer's Permitted Increase shall read as follows:

Notice of Retailer's Permitted Increase

Your new OPA ceiling price for the enclosed item is your March ceiling price plus ______ cents per retail item. OPA requires you to keep this information for examination.

(2) *First sales directly to retailers: where notices do not accompany packages.* In the case of any item of vinegar cured herring which is being sold by a final processor to any retailer for the first time after December 17, 1942 and after the final processor's maximum price for it has been established under § 1364.303 and which for any reason is being sold in a form which does not include a packer's Notice of Retailer's Permitted Increase, the final processor shall send the retailer (before or at the time of delivery) a written statement that (i) clearly identifies each such item included in the sale, (ii) states the "permitted increase" for it which the retailer is directed to add to his maximum price as established under the General Maximum Price Regulation. When preparing the statement the packer shall calculate the retailer's permitted increase for the item by reducing the permitted increase which he computed for the wholesaler under paragraph (a), where necessary, to the units in which the commodity is usually sold at retail. When making this calculation, the final processor shall adjust fractions of one-half cent or more to the next higher cent and fractions of less than one-half cent to the next lower cent. Each statement shall be accompanied by this notice:

Your new OPA ceiling price for each item noted in your March ceiling plus the permitted increase shown per retail container. OPA requires you to keep this information for examination.

This statement may also contain information for any other vinegar cured herring items covered by this regulation even though they are not included in the sale.

§ 1364.314 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1364.308a and 1364.314) to Maximum Price Regulation No. 252 shall become effective on December 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13271; Filed, December 12, 1942; 12:30 p. m.]

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*Copies may be obtained from the Office of Price Administration.

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[MPR 284]

WESTERN PRIMARY FOREST PRODUCTS

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for sales of Western primary forest products by a specific maximum price regulation. This commodity designation embraces mine pit posts and stulls; mine ties, timbers, blocks, cross bars, caps, lagging, and wedges; railroad cross ties and switch ties; and Lodgepole pine poles produced in a defined area of the West. The Price Administrator has ascertained and given due consideration to the prices of Western primary forest products prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industries which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been prepared, issued simultaneously herewith, and has been filed with the Division of the Federal Register.* Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1 [7 F.R. 8961], issued by the Office of Price Administration, Maximum Price Regulation No. 284 is hereby issued.

Sec.
1426.151 Sales of Western primary forest products at higher than maximum prices prohibited.
1426.152 Products and persons covered by this regulation.
1426.153 How to figure maximum prices.
1426.154 Prohibited practices.
1426.155 Species and sizes not specifically priced.
1426.156 Petitions for adjustment and amendment.
1426.157 Records and reports.
1426.158 Enforcement and licensing.
1426.159 Relation to other regulations.
1426.160 Geographic applicability.
1426.161 Effective date.
1426.162 Appendix A: Maximum prices for Western primary forest products.

AUTHORITY: §§ 1426.151 to 1426.162, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1426.151 *Sales of Western primary forest products at higher than maximum prices prohibited.* (a) On and after December 18, 1942, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any Western primary forest products at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

(b) If Western primary forest products have been received before December 18, 1942, by a carrier, other than one owned or controlled by the seller, for shipment to a buyer, such shipments are not subject to this regulation. Shipments of that kind remain subject to the appropriate regulation applying at the time any such shipments were turned over to the carrier, whether the General Maximum Price Regulation,[2] Maximum Price Regulation 216 (Railroad Ties),[3] or any other applicable maximum price regulation.

(c) Prices lower than the maximum prices may, of course, be charged and paid.

§ 1426.152 *Products and persons covered by this regulation*—(a) *Products cevered by this regulation.* The term "Western primary forest products" is used to describe the following products covered by this regulation:

(1) Western mine pit posts and stulls, whether peeled or unpeeled and whether processed or unprocessed. This takes the place of any previous interpretation concerning the exemption of unpeeled and unprocessed mine materials under the General Maximum Price Regulation. That exemption no longer applies for any materials subject to this regulation;

(2) Western mine ties, timbers, blocks, cross bars, caps, lagging, and wedges;

(3) Western railroad cross ties and switch ties. Maximum Price Regulation 216, Railroad Ties, no longer applies to ties produced in the area described below; and

(4) Lodgepole pine poles;

when, and only when, these products are produced at any point in the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, South Dakota, Utah, and Wyoming; those parts of Oregon and Washington lying east of the crest of the Cascade Mountains; Cimarron, Texas, and Beaver Counties, Oklahoma; and those counties in Texas west of the east line of Lispcomb, Hemphill, Wheeler, Collingsworth, Childress, Cottle, King, Stonewall, Fisher, Nolan, Coke, Tom Green, Schleicher, Sutton, Edwards, Kinney, and Maverick Counties.

Products not named above or, if named above but not produced within the territory specified, remain subject to the General Maximum Price Regulation, Maximum Price Regulation 216—Railroad Ties, or any other applicable maximum price regulation.

Western primary forest products include any of the products listed above of all sizes and species, except Redwood species (Sequoia semper virens), which are used in the operation of mines, railroads, communication systems, industrial plants, and similar enterprises.

Western mine materials, railroad ties, and poles of the Redwood species (Sequoia sempervirens) are subject to Maximum Price Regulation 253[4] or the General Maximum Price Regulation, whichever is applicable, and those produced in those parts of Oregon and Washington west of the Cascade Mountains are subject to Maximum Price Regulation 26.[5]

(b) *Persons covered by this regulation.* (1) Any person who makes the kind of sale or purchase covered by this regulation is subject to it. The term "person" includes: an individual, corporation, partnership, association, or any other organized group; their legal successors or representatives; the United States, or any government, or any of its political subdivisions; or any agency of the foregoing.

(2) The term "tie contractor" is used in this regulation to describe a person who, prior to October 1, 1942, was engaged in the business of supplying Western railroad cross ties to ultimate users of such ties, such as railroads, street railways, industrial plants mantaining track facilities, or to contractors engaged in building or maintaining track for war projects and who can meet the following specific requirements:

(i) He must have maintained a concentration yard with necessary supervisory employees at which ties were bought for resale, or he must have operated producing units on timber owned or controlled by him which were primarily engaged in the production of Western railroad cross ties;

(ii) During one calendar month of any of the 12 months preceding October 1, 1942, he must have either purchased or produced on direct orders from users not less than 400,000 board feet of Western railroad cross ties; and

(iii) During the entire 12 months preceding October 1, 1942, he must have successfully fulfilled a contract for the supply of at least 2,000,000 board feet of Western railroad cross ties to a single user.

The Lumber Branch of the Office of Price Administration, Washington, D. C., may by letter or telegram authorize any person not meeting these qualifications to act as a Tie Contractor upon presentation of proof that the granting of such authorization will supply a service needed by tie users by increasing production and availability of cross ties in the area covered by this regulation.

The addition permitted in Appendix A, § 1426.162, for tie contractors does not apply to switch ties or to any product covered by this Regulation except Western railroad cross ties.

§ 1426.153 *How to figure maximum prices.* The maximum prices specified in Appendix A, § 1426.162, are prices f. o. b. the railroad loading-out point nearest the mill or point of production in the normal direction of delivery to the point of destination. Additions to these maximum prices may be made for treatment and delivery as set forth below:

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*Copies may be obtained from the Office of Price Administration.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8831, 9004, 8942, 9435, 9615, 9616.

[3] 7 F.R. 7097, 7368, 8199, 8403, 9130.

[4] 7 F.R. 9230.

[5] 7 F.R. 4573, 5180, 5360, 6168, 6388, 6424, 7285, 8384, 8877, 8948.

(a) *Treatment addition.* An addition for preservative treatment may be made at prices not higher than those permitted by the General Maximum Price Regulation or any other applicable maximum price regulation of the Office of Price Administration.

(b) *Transportation addition.* The transportation charges set forth below may be added to the maximum f. o. b. railroad loading-out point prices when the seller makes delivery to the destination. That part of the transportation from the mill or point of production to the railroad loading-out point must, in every instance, be provided at the seller's expense.

(1) *Common or contract carrier.* (i) When the estimated weights in Appendix A are used, the rate times the estimated weight is the proper transportation charge, even if the estimated weights are higher than actual weights. Higher estimated weights than those used in Appendix A may not be used. The estimated weight must be the weight for the exact type of product actually shipped; for example, green weights cannot be used even if dry lumber is shipped. The transportation charge may be evened out to the nearest quarter-dollar per M.

(ii) When estimated weights are not used, the amount added for transportation must not be more than the amount actually paid to the common or contract carrier, evened out to the nearest quarter-dollar per M.

(2) *Private truck.* When shipment is by truck owned or controlled by the seller, the amount added for transportation may not be more than the actual cost to the seller of delivery by truck; and, no matter what the actual cost is, the amount added must not be more than the railroad charge at the carload rate for the most similar haul.

(3) *"Averaging-out".* (i) When a single order, for which a single flat delivered price was quoted and accepted, is shipped from two or more railroad loading-out points to a single destination on varying freight rates, the seller may average out the transportation charges applying from the railroad loading-out point to the destination.

(ii) In order that no single invoice shall appear to be false or over the ceiling, the seller must write on each invoice that the particular shipment is part of a larger order. Then, when shipment has been completed, he must render a final invoice which shows the individual prices, loading-out point, the amount shipped from each loading-out point, each destination, the freight charge for each shipment, and a reconciliation of the total amount so computed with the agreed delivered sale price and also with the maximum price permitted by this regulation.

§ 1426.154 *Prohibited practices*—(a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars and cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings, and the like.

(b) *Specific practices.* The following are among the specific practices prohibited:

(1) Getting the effect of a higher price by changing credit practices or cash discounts from what they were on April 1, 1942. The cash and credit periods recognized by the seller on April 1, 1942, shall not be reduced.

(2) Refusing to sell on a loading-out point basis and insisting on selling on a delivered basis.

(3) Quoting a gross price above the maximum price, even if accompanied by a discount, the effect of which is to bring the net price below the maximum.

(4) Making the buyer take something he does not want in order to get what he does want.

(c) *Adjustable pricing.* A price may not be adjustable to a maximum price which will be in effect at some time after delivery of the product has been completed, but the price may be adjustable to the maximum price in effect at the time of delivery.

(d) *Purchasing commissions.* A purchasing commission based on the quantity or value of the product purchased may not be charged or paid, if the commission plus the purchase price is higher than the maximum price permitted by this regulation.

§ 1426.155 *Species and sizes not specifically priced.* Species and sizes of Western primary forest products not specifically priced in Appendix A are nevertheless subject to this regulation. Maximum prices for such products will be arrived at as follows:

(a) *Western mine pit posts and stulls.* (1) The seller should check his records to determine the highest prices at which he sold, during the first month prior to October 1, 1941, both the item to be priced and the item of Western pit posts or stulls having a diameter at the small end of more than six inches and not more than eight inches.

(2) Add to 8¢ the difference per lineal foot between the highest selling prices of these two items.

(3) The sum resulting from the computation above, will be the tentative price per lineal foot for that item.

The tentative price obtained by application of the method of computation outlined above shall be submitted to the Lumber Branch, Office of Price Administration, Washington, D. C., within 10 days of the use of such price, together with certified copies of the invoices of the sales which were used to determine the maximum price. If, within thirty days after receipt of the request for approval, the Office of Price Administration does not adjust or require further justification of such maximum price, the price shall be considered approved and shall thereafter be the maximum price for that seller for that item. Pending such approval or action by the Office of Price Administration, the seller may deliver the item and receive payment therefor, subject to the condition that a refund will be made if the price is in excess of that finally approved by the Office of Price Administration.

(b) *All other Western primary forest products.* For any size or species of Western mine ties, timbers, blocks, cross bars, caps, lagging, wedges, railroad cross ties and switch ties, and Lodgepole pine poles for which a maximum price is not provided for in Appendix A, the maximum price shall be the price established by the Lumber Branch, Office of Price Administration, Washington, D. C., after full and sufficient facts have been submitted in support of any request for the establishment of such a maximum price. This price determination may be made by letter or telegram by the Lumber Branch of the Office of Price Administration.

§ 1426.156 *Petitions for adjustment and amendment*—(a) *Government contracts.* (1) The term "government contracts" is here used to include any contract with the United States or any of its agencies, or with the Government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States." It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "government contract" and who thinks that a maximum price in this regulation is impeding or threatens to impede production of any Western primary forest products which are essential to the war program and which are or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6,[6] issued by the Office of Price Administration.

As soon as the application is filed, contracts, deliveries, and payments may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must tell the buyer that the delivery is made subject to this refund.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

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[6] 7 F.R. 5087, 5664.

§ 1426.157 *Records and reports*—(a) *Records.* All sellers of Western primary forest products must keep records which will show a complete description of the item sold, the name and address of the buyer, the date of the sale, and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for any month in which the seller or buyer sold or bought 5,000 ft., board measure, or more of Western primary forest products. The records must be kept for two years for inspection by the Office of Price Administration. Any records which the Office of Price Administration later requires must also be kept.

(b) *Reports.* Any reports that the Office of Price Administration requires must be made.

§ 1426.158 *Enforcement and licensing.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this regulation or of any regulation or order issued by the Office of Price Administration are urged to communicate with the nearest field, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

(c) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by the regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission, and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

(d) The provisions of Supplementary Order No. 18 (§ 1305.22) [7] licensing persons selling lumber, lumber products, or building materials, are applicable to every person, except mills, making sales of Western primary forest products for which maximum prices are established by this regulation. This Order, in brief, provides that a license is necessary, except for mills, to make sales under this regulation. A license is automatically granted to all sellers making these sales. It is not necessary to apply specially for the license, but a registration may later be required. The Emergency Price Control Act of 1942, as amended, and Supplementary Order 18 tell the circumstances under which licenses may be suspended. The license cannot be transferred.

§ 1426.159 *Relation to other regulations*—(a) *General Maximum Price Regulation and Maximum Price Regulation 216 superseded.* The provisions of this Maximum Price Regulation No. 284 supersede the provisions of the General Maximum Price Regulation and Maximum Price Regulation 216 with respect to sales and deliveries for which maximum prices are established by this regulation.

(b) *Maximum Export Price Regulation.* The maximum price for export sales of Western primary forest products is governed by the Revised Maximum Export Price Regulation.[8]

§ 1426.160 *Geographic applicability.* The provisions of this Maximum Price Regulation No. 284 shall apply to the forty-eight states of the United States and the District of Columbia.

§ 1426.161 *Effective date.* This regulation (§§ 1426.151 to 1426.162, inclusive) shall become effective December 18, 1942.

§ 1426.162 *Appendix A: Maximum prices for Western primary forest products.* All maximum prices set forth below are f. o. b. the railroad loading-out point (including loading on cars) nearest the mill or point of production in the normal direction of delivery to the point of destination. These maximum prices do not include treatment. See § 1426.153 for the method of computing delivered prices.

TABLE 1—WESTERN MINE PIT POSTS AND STULLS

[Species: Lodgepole Pine, Red Spruce, Tamarack, Ponderosa Pine, Larch Fir, or any combination of these species]

Diameter at the small end	Maximum price for any length per Lineal foot—peeled	Estimated average weights per Lineal foot	
		Green	Dry
		Lbs.	*Lbs.*
Up to 6", incl	$0.0525	9.0	7.0
Over 6" to 8", incl	.0800	16.5	12.5
Over 8" to 10", incl	.1100	24.0	18.0
Over 10" to 12", incl	.1275	34.0	25.0
Over 12" to 14", incl	.1650	46.0	35.0
Over 14" to 16", incl	.2250	58.0	45.0
Over 16" to 18", incl	.2850	70.0	54.0
Over 18" to 20", incl	.3600	86.0	65.0
Over 20" to 22", incl	.4600	104.0	80.0

Deductions for unpeeled Western Mine Pit Posts and Stulls:

Up to 12", incl	$0.0150 per L. Ft.
Over 12" to 18", incl	.0200 per L. Ft.
Over 18" to 22", incl	.0250 per L. Ft.

TABLE 2—WESTERN MINE TIES

[Species: Lodgepole Pine, Red Spruce, Tamarack, Ponderosa Pine, Larch Fir, or any combination of these species]

Size	Maximum price per 1,000 ft. board measure	Estimated average weights per 1,000 ft. board measure	
		Green	Dry
From 4" x 4" to 6" x 6" up to 7 ft. lengths, incl	$26.50	*Lbs.* 3,300	*Lbs.* 2,500

TABLE 3—WESTERN MINE TIMBERS BLOCKS, CROSS BARS CAPS, LAGGING, AND WEDGES

[Species: Lodgepole Pine, Red Spruce, Tamarack, Ponderosa Pine, Larch Fir, or any combination of these species]

Size	Maximum price per 1,000 ft. board measure	Estimated average weights per 1,000 ft. board measure	
		Green	Dry
		Lbs.	*Lbs.*
Up to 8" x 8", incl. any length	$26.50	3,300	2,500
Over 8" x 8" any length	28.50	3,300	2,500

TABLE 4—WESTERN RAILROAD CROSS TIES

[Species: Lodgepole Pine, Red Spruce, Tamarack, Ponderosa Pine, Larch Fir, or any combination of these species. Specifications: The maximum prices specified below apply to untreated cross ties manufactured in accordance with the specifications of the American Railway Engineering Association. It is expected that cross ties not meeting these specifications will be priced correspondingly lower]

Item	Maximum price per 1,000 ft. board measure	Estimated average weights per 1,000 ft. board measure	
		Green	Dry
Western railroad cross ties produced at any point in the States of North Dakota, South Dakota, Utah, Wyoming, Colorado, Arizona, and New Mexico; in Cimarron, Texas, and Beaver Counties, Oklahoma; and in those counties in Texas west of the east line of Lipscomb, Hemphill, Wheeler, Collingsworth, Childress, Cottle, King, Stonewall, Fisher Nolan, Coke, Tom Green, Schleicher, Sutton, Edwards, Kinney, and Maverick Counties	$28.50	*Lbs.* 3,300	*Lbs.* 2,500
Western railroad cross ties produced at any point in the States of California, Idaho, Montana, and Nevada; in those parts of Oregon and Washington east of the crest of the Cascade Mountains	23.50	3,300	2,500

Additions per 1,000 ft. board measure: A tie contractor may add $5.00 when selling directly to a user.

TABLE 5—WESTERN RAILROAD SWITCH TIES

[Species: Lodgepole Pine, Red Spruce, Tamarack, Ponderosa Pine, Larch Fir, or any combination of these species. Specifications: The maximum prices specified below apply to untreated switch ties manufactured in accordance with the specifications of the American Railway Engineering Association. It is expected that switch ties not meeting these specifications will be priced correspondingly lower]

Item	Maximum price per 1,000 ft. board measure	Estimated average weights per 1,000 ft. board measure	
		Green	Dry
Western railroad switch ties produced at any point in the Western Primary Forest Products' territory	$30.50	*Lbs.* 3,300	*Lbs.* 2,500

No addition is provided for sales by tie contractors for switch ties.

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[7] 7 F.R. 7240.

[8] 7 F.R. 5059, 7242, 8829, 9000.

TABLE 6—LODGEPOLE PINE POLES

[Specifications: The maximum prices specified below apply to Lodgepole pine poles manufactured in accordance with the specifications of the American Standards Association. It is expected that Lodgepole pine poles not meeting these specifications will be priced correspondingly lower]

Length	Class	Estimated weight per pole shipping dry	Maximum price for each pole
		Lbs.	
16′	6	155	$1.70
16′	7	135	1.50
16′	8	120	1.15
16′	9	110	.90
20′	5	300	2.95
20′	6	225	2.20
20′	7	200	1.75
20′	8	180	1.55
20′	9	135	1.10
20′	10	125	.90
25′	1	850	5.15
25′	2	720	4.95
25′	3	600	4.45
25′	4	480	4.25
25′	5	400	3.95
25′	6	320	2.85
25′	7	250	2.45
25′	8	225	2.20
25′	9	200	1.70
30′	1	1000	5.50
30′	2	850	5.10
30′	3	730	4.90
30′	4	610	4.70
30′	5	500	4.45
30′	6	420	3.80
30′	7	350	3.60
30′	8	325	3.40
30′	9	250	2.55
35′	1	1200	7.00
35′	2	1000	6.80
35′	3	850	6.60
35′	4	750	6.40
35′	5	650	5.80
35′	6	560	5.00
35′	7	470	4.00
35′	8	450	3.80
40′	1	1,500	8.05
40′	2	1,300	7.65
40′	3	1,100	7.45
40′	4	900	7.20
40′	5	800	6.80
40′	6	700	6.15
45′	1	1,800	9.90
45′	2	1,550	9.45
45′	3	1,300	9.00
45′	4	1,150	8.40
45′	5	1,000	7.90
50′	1	2,000	13.55
50′	2	1,800	12.60
50′	3	1,550	10.90
50′	4	1,400	10.20
50′	5	1,300	9.50
55′	1	2,300	24.00
55′	2	2,000	19.70
55′	3	1,750	14.70
55′	4	1,600	12.10
55′	5	1,450	11.40
60′	1	2,600	29.45
60′	2	2,200	24.00
60′	3	2,000	19.00
60′	4	1,900	15.20

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13275; Filed, December 12, 1942; 12:32 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165 as Amended,[1] Amendment 12]

SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In § 1499.102, a new paragraph (f) is added as set forth below:

§ 1499.102 *Maximum prices for services—general provisions.* * * *

(f) The term "service" as used in this regulation includes any commodity or article sold in connection with the sale of a particular service. But where the price of a commodity (or article) sold in connection with a particular service is subject to any maximum price regulation which fixes a maximum price for the commodity higher than that allowed by this regulation, the maximum price for the service may be increased by the difference between the maximum price for the commodity under this regulation and that under the regulation specifically applicable to the commodity. Where, on the other hand, the maximum price for the commodity fixed by the regulation having specific application is lower than the price for the commodity permitted by this regulation, the maximum price for the service must be decreased in the amount of that difference.

§ 1499.121a *Effective dates of amendments.* * * *

(l) Amendment No. 12 (§ 1499.102 (f)) to Maximum Price Regulation No. 165 as amended shall become effective December 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13276; Filed, December 12, 1942; 12:32 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 77 to Supp. Reg. 14[1] to GMPR[2]]

FLUID MILK AND CREAM

A statement of the considerations involved in the issuance of this Amendment has been isued simultaneously herewith and filed with the Division of the Federal Register.*

Subdivision (v) of § 1499.73 (a) (1) is redesignated subdivision (vi) of § 1499.73 (a) (1); and a new subdivision (v) is added to § 1499.73 (a) (1), as set forth below:

§ 1499.73 * * *

(a) * * *

(1) * * *

(v) *Determination of adjusted maximum prices for fluid cream sold at wholesale in glass and paper containers and sold at retail after butterfat content is reduced to comply with Conservation Order No. M-259,[3] issued by the War Production Board on November 25, 1942.* (*a*) Maximum prices for sales and deliveries of fluid cream the butterfat content of which is not less than 18% and which complies with Conservation Order No. M-259 shall be determined as follows:

(*1*) *Where the butterfat content is reduced*, the seller shall adjust his maximum price for any unit size, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or subdivisions (iii) and (iv) of § 1499.73 (a) (1) hereof, proportionately, as follows:

Butterfat content prior to reduction:	*Adjustment to be made by seller*
40%	Deduct 85¢ per gallon.
39%	Deduct 80¢ per gallon.
38%	Deduct 75¢ per gallon.
37%	Deduct 70¢ per gallon.
36%	Deduct 65¢ per gallon.
35%	Deduct 60¢ per gallon.
34%	Deduct 55¢ per gallon.
33%	Deduct 50¢ per gallon.
32%	Deduct 45¢ per gallon.
31%	Deduct 40¢ per gallon.
30%	Deduct 35¢ per gallon.
29%	Deduct 30¢ per gallon.
28%	Deduct 25¢ per gallon.
27%	Deduct 20¢ per gallon.
26%	Deduct 15¢ per gallon.
25%	Deduct 10¢ per gallon.
24%	Deduct 5¢ per gallon.
23%	No change in maximum price.
22%	Add 5¢ per gallon.
21%	Add 10¢ per gallon.
20%	Add 15¢ per gallon.
19%	Add 20¢ per gallon.

If the butterfat content was more than 40%, the seller must deduct proportionately for any unit size 5¢ per gallon for each 1% over 23% of butterfat content prior to reduction.

(*2*) *Where the butterfat content remains unchanged*, the seller may adjust his maximum price for any unit size, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or subdivisions (iii) and (iv) of § 1499.73 (a) (1) hereof, proportionately in accordance with the following table:

Butterfat content unchanged:	*Adjustment to be made by seller*
23%	None.
22%	Add 5¢ per gallon.
21%	Add 10¢ per gallon.
20%	Add 15¢ per gallon.
19%	Add 20¢ per gallon.
18%	Add 20¢ per gallon.

(*b*) *Calculations.*

(*1*) The foregoing pricing formulae shall apply to sales and deliveries of fluid cream (*i*) at retail or (*ii*) at wholesale in glass or paper containers of any package size, whether more or less than one gallon, on a proportionate basis. All calculations shall be carried to the fourth decimal place of a cent. Any final calculation of the maximum price for any unit size resulting in a fraction of a cent shall be adjusted to the nearest half cent. *Example:*

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5486, 5709, 5911, 6008, 6271, 6369, 6473, 6477, 6774, 6775, 6776, 6793, 6887, 6892, 6939, 6965, 7011, 7012, 7203, 7250, 7289, 7365, 7400, 7401, 7453, 7510, 7511, 7535, 7536, 7538, 7604, 7739, 7671, 7812, 7914, 7946, 8024, 8199, 8237, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 8950, 8954, 8955, 8953, 9043, 9082, 9131, 9196, 9391, 9397, 9495, 9496, 9639, 9786, 9900, 9901, 10069, 10111, 10023, 10151, 10231.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004, 9435, 9615, 9616, 9732, 10155.

[3] 7 F.R. 9811.

Butterfat content prior to reduction	Gallon-size container—seller must subtract from established maximum price	Quart-size container—seller must subtract from established maximum price	Pint-size container—seller must subtract from established maximum price	Half-pint-size container—seller must subtract from established maximum price
40%	$0.85	$0.2125	$0.1062	$0.0531
32%	.45	.1125	.0563	.0281
28%	.25	.0625	.0313	.0156

Butterfat content prior to reduction	Gallon-size container—seller may add to established maximum price	Quart-size container—seller may add to established maximum price	Pint-size container—seller may add to established maximum price	Half-pint-size container—seller may add to established maximum price
18% and 19%	$0.20	$0.05	$0.025	$0.0125
21%	.10	.025	.0125	.0063

(*2*) If the seller has established maximum prices, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation or subdivisions (iii) or (iv) of § 1499.73 (a) (1) hereof, for fluid cream having different percentages of butterfat content, his adjusted maximum price shall be determined according to the method applicable to the fluid cream which, prior to reduction, had a butterfat content nearest to 23%. If two methods are equally applicable, the seller's adjusted maximum price shall be determined by the one resulting in a lower price.

(*c*) *Records and reports.* On or before January 11, 1943, every seller at wholesale of fluid cream affected by the provisions of subdivision (v) hereof shall prepare, on the basis of available information and records, and file with the nearest District or State Office of the Office of Price Administration a report, showing: (*1*) his adjusted maximum prices for fluid cream in each size and type of container; and (*2*) the basis for the adjusted maximum prices, including (*i*) the butterfat content of fluid cream sold in each size and type of container prior to November 25, 1942, (*ii*) the established maximum prices in effect immediately prior to the issuance of Conservation Order No. M-259 by the War Production Board on November 25, 1942, and (*iii*) the present butterfat content of such cream for each size and type of container.

(*d*) *Notice to retailers.* Each seller at wholesale of fluid cream in glass or paper containers shall calculate the retailers' permitted increase or required decrease under this subdivision (v) of § 1499.73 (a) (1) for each unit size sold at retail. On or before the first delivery made after December 14, 1942, such seller at wholesale shall mail or otherwise deliver to retailers who purchase fluid cream from them written notices of the retailers' permitted increase or required decrease for each class of cream. Except for the proper insertion, the notices shall read as follows:

NOTICE OF RETAILERS' PERMITTED INCREASE

Our fluid cream now has a butterfat content of ---- percent. Prior to the issuance of Conservation Order M-259 by WPB on November 25, 1942, the butterfat content was ---- percent, and our ceiling price was ---- cents for (gallon, quart, pint, or half pint) container sizes. Our new ceiling price is ---- cents for (gallon, quart, pint, or half pint) container sizes.

Your new OPA ceiling price shall be your maximum price for such cream on November 25, 1942 *plus* ---- cents for (gallon, quart, pint, or half pint) container sizes.

OPA requires that you keep this information for examination and that you record your new ceiling price in your statement of base period maximum prices kept in your store. You should also post your new ceiling price on cream in place of your old ceiling price.

NOTICE OF REQUIRED DECREASE IN RETAILERS' PRICE

Our fluid cream now has a butterfat content of ---- percent. Prior to the issuance of Conservation Order M-259 by WPB on November 25, 1942, the butterfat content was ---- percent, and our ceiling price was ---- cents for (gallon, quart, pint, or half pint) container sizes. Our new ceiling price is ---- cents for (gallon, quart, pint, or half pint) container sizes.

Your new OPA ceiling price shall be your maximum price for such cream on November 25, 1942 *minus* ---- cents for (gallon, quart, pint, or half pint) container sizes.

OPA requires that you keep this information for examination and that you record your new ceiling price in your statement of base period maximum prices kept in your store. You should also post your new ceiling price on cream in place of your old ceiling price.

(b) *Effective dates.* * * *

(78) Amendment No. 77 (§ 1499.73 (a) (1)) to Supplementary Regulation No. 14 shall become effective December 12, 1942.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250; 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13277; Filed, December 12, 1942; 12:35 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 180 Under § 1499.3 (b) of GMPR]

EASTMAN KODAK COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1196 *Approval of maximum price for sales of "Pantopaque" by Eastman Kodak Company, Rochester, New York.* (a) The maximum price for sales by Eastman Kodak Company, a corporation having its principal place of business in Rochester, New York, of the chemical produced by it and sold under the name of "Pantopaque" shall be $0.75 per vial, f. o. b. Rochester, New York.

(b) All discounts, allowances, and trade practices in effect with respect to sales of comparable products by Eastman Kodak Company during March 1942 shall apply to the maximum price established by this Order No. 180.

(c) This Order No. 180 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 180 (§ 1499.1196) shall become effective December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13279; Filed, December 12, 1942; 12:35 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 285]

IMPORTED FRESH BANANAS, SALES EXCEPT AT RETAIL

In the judgment of the Price Administrator, war shipping conditions and other factors affecting the sale of fresh bananas by importers and by wholesalers have resulted in the establishment under the General Maximum Price Regulation of maximum prices for such sales which are not best calculated to assist in securing equitable distribution of fresh bananas. The Price Administrator has determined to replace these maximum prices by maximum prices established in this regulation. In the issuance of this regulation, the Price Administrator has ascertained and given due consideration to the prices of fresh bananas prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representatives of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices herein established for importers and wholesalers of fresh bananas are generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 258 is hereby issued.

Sec.	
1351.1251	Applicability of this Maximum Price Regulation No. 285.
1351.1252	How an importer establishes his maximum price for each kind of fresh bananas.
1351.1253	How a wholesaler calculates his maximum price for each kind of fresh bananas as set forth in Appendix A.

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*Copies may be obtained from the Office of Price Administration.

Sec.
1351.1254 Information which each importer and wholesaler must pass on to his purchaser.
1351.1255 Fractions of cents
1351.1256 Customary allowances
1351.1257 Relationship between this regulation and the General Maximum Price Regulation
1351.1258 Evasion
1351.1259 Enforcement
1351.1260 Petitions for amendment
1351.1261 Records and reports
1351.1262 Export sales
1351.1263 Exempt sales
1351.1264 Definitions
1351.1265 Geographic applicability
1351.1266 Effective date
1351.1267 Appendix A: Figures to be used by wholesalers in calculating maximum prices under § 1351.1253 of this regulation.

AUTHORITY: §§ 1351.1251 to 1351.1267, inclusive, issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1351.1251 *Applicability of this Maximum Price Regulation No. 285*—(a) *Commodity to be priced under this regulation.* This regulation applies only to fresh bananas, imported for sale within the continental limits of the United States.

(b) *To what types of sellers this regulation applies.* This regulation applies to importers and all wholesalers, as defined herein, of fresh bananas.

(c) *Purposes of this regulation.* The purposes of this regulation are to replace the maximum prices established by the General Maximum Price Regulation for importers and wholesalers by maximum prices set forth as follows:

(1) Section 1351.1252 sets forth maximum prices for importers for each kind of fresh bananas, per cwt., f. o. b. port of entry.

(2) Appendix A, § 1351.1267, sets forth the figures which all wholesalers must use in calculating maximum prices.

(d) *Prohibition against sales above maximum prices.* On and after December 18, 1942, regardless of any contract or other obligation, no person shall sell or deliver fresh bananas at prices higher than the maximum prices established by this regulation, and no person shall buy or receive fresh bananas in the course of trade or business at prices higher than the maximum prices. Lower prices than the maximum prices may be charged and paid.

§ 1351.1252 *How an importer establishes his maximum price for each kind of fresh bananas.* (a) The maximum price per cwt. at which any importer may sell, offer to sell or deliver each kind of fresh bananas, f. o. b. any port of entry within the continental limits of the United States, shall be:

Country of origin (Kind of fresh bananas)	*Maximum prices per cwt., f. o. b. port of entry*
Costa Rica, Panama, Guatemala, Honduras.	$4.50 per cwt., f. o. b. port of entry
Mexico: States of Chiapas and Tobasco.	$4.50 per cwt., f. o. b. port of entry
All others from Mexico.	$3.25 per cwt., f. o. b. port of entry
Fresh bananas from any country not listed above.	$4.00 per cwt., f. o. b. port of entry

(b) If an importer makes a sale of any kind of fresh bananas for delivery to a place other than the port of entry to or through which the fresh bananas being priced were originally shipped from the country of origin, his maximum price shall be the price set forth in paragraph (a) of this section, plus his actual transportation charges, which shall not exceed the lowest available common carrier rate, from the port of entry to the place where such kind of fresh bananas are to be delivered; however, no charge or cost for local unloading or local hauling shall be included. In no case shall the importer add to the maximum prices, f. o. b. port of entry, any transportation charges, whether paid by him or not, from the country of origin to the port of entry.

(c) The maximum price, per cwt. at which any sales of any kind of fresh bananas may be made at the New York, N. Y., Philadelphia, Pa., and Baltimore, Md., auction markets shall be as follows:

(1) The maximum price per cwt., f. o. b. port of entry, as set forth in paragraph (a) of this section; plus

(2) The actual transportation charges, at lowest available common carrier rates, from the port of entry to the auction market where the fresh bananas are to be sold; multiplied by

(3) 1.085. The resulting figure shall be the maximum price for any sale and delivery at auction: *Provided,* That trade discounts for auction sales heretofore in effect shall be subtracted from the maximum price established herein for auction sales.

§ 1351.1253 *How a wholesaler calculates his maximum price for each kind of fresh bananas as set forth in Appendix A.* (a) For the purposes of this regulation, "wholesaler" means any wholesale seller, including, but not limited to, service and cash-and-carry wholesalers, retailer-owned cooperatives, jobbers or any other persons who purchase for the purpose of resale, except importers and retailers, and who take title and make sales to any person who is not the ultimate consumer. The term "ultimate consumer" does not include institutional, commercial or industrial users.

(b) The wholesaler shall calculate his maximum price on the effective date of this regulation and on Monday of each week thereafter for each kind of fresh bananas as follows:

(1) The wholesaler shall determine his "largest single purchase" of each kind of fresh bananas, as set forth in § 1351.1252, made during the seven days prior to Monday of each week.

(2) "Largest single purchase" means the greatest quantity (in pounds) of the kind of fresh bananas which the wholesaler is pricing, and which was purchased by him during the seven days prior to Monday of each week. For the purposes of this paragraph, "Purchase" by a wholesaler shall be deemed to have been made when actual delivery has been made to him.

(3) The wholesaler shall then determine the "delivered price" of his "largest single purchase", as defined above, of the kind of fresh bananas being priced. "Delivered price" means the maximum price, f. o. b. port of entry, for the kind of fresh bananas he is purchasing plus the actual cost of transportation from the port of entry at lowest available common carrier rates, as defined herein, to his customary receiving point, less all discounts allowed him except the discount for prompt payment; however no charge or cost for local unloading or local hauling shall be included.

(4) The wholesaler shall then multiply his "delivered price", as defined above, by the figures set forth in Appendix A applicable to him. The resulting figure is the maximum price which the wholesaler is permitted to charge.

(c) If a wholesaler purchases fresh bananas at any of the following auction markets, New York, N. Y., Philadelphia, Pa., and Baltimore, Md., he shall apply the provisions of this section to such fresh bananas purchased at auction, except that the figure by which he multiplies his "delivered price" shall be the figure set forth in Appendix A for wholesalers who purchase at auction. "Delivered price" in the case of auction sales means the maximum price per cwt., f. o. b. port of entry, plus the actual transportation charges from the port of entry to the auction market multiplied by 1.085, as set forth in § 1351.1252 (c) hereof.

(d) If the wholesaler makes no purchase of fresh bananas during any particular seven-day period his maximum price shall be based on his most recent "largest single purchase", as defined herein.

§ 1351.1254 *Information which each importer and wholesaler must pass on to his purchaser.* Whenever an importer or wholesaler makes a sale and delivery after the effective date of this regulation, he shall supply to his purchaser an invoice, or any other written evidence of the sale, setting forth in writing the following information:

(a) The importer shall set forth:

(1) The kind of fresh bananas being sold (i. e., the country of origin as set forth in § 1351.1252 hereof).

(2) The maximum prices per cwt., f. o. b. port of entry, and actual transportation charges, if any, paid by the seller.

(3) In cases of purchases or sales at auction, the auction maximum price, as set forth in § 1351.1252 (c).

(b) The wholesaler shall state his selling price, not exceeding his maximum price.

The invoice or other written evidence of the sale, when containing the above required information, shall be deemed to be proper notification to the purchaser.

§ 1351.1255 *Fractions of cents.* Any calculation of a maximum price per cwt. by a wholesaler which results in a fraction of a cent shall be reduced to the nearest lower cent if the fraction is less than one-half cent and shall be increased to the nearest higher cent if the fraction is one-half cent or more.

§ 1351.1256 *Customary allowances.* No importer or wholesaler is permitted to change his customary allowances, discounts and price differentials, including allowances, discounts, and price differentials for different classes of purchasers, unless such change results in a lower net price. Trade discounts for auction sales heretofore in effect shall not be changed unless such change results in a lower net price.

§ 1351.1257 *Relationship between this regulation and the General Maximum Price Regulation.*[1] (a) The provisions of this Maximum Price Regulation No. 285 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries by importers and wholesalers of fresh bananas. However, the following provisions of the General Maximum Price Regulation, as well as any amendments thereto, continue to be applicable to every importer and wholesaler selling fresh bananas:

(1) Transfers of business or stock in trade (§ 1399.5)
(2) Federal and state taxes (§ 1499.7)
(3) Current records (§ 1499.12)
(4) Sales slips and receipts (§ 1499.14)
(5) Definitions (§ 1499.20)

(b) The registration and licensing provisions of §§ 1499 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this regulation.

§ 1351.1259 *Enforcement.* Persons violating any provisions of this Maximum Price Regulation No. 285 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

§ 1351.1260 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 285 may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1[2] issued by the Office of Price Administration.

§ 1351.1261 *Records and reports.* (a) Every person selling fresh bananas for which maximum prices are established by this regulation shall:

(1) Preserve for examination by the Office of Price Administration all his records, including invoices or other written evidences of a sale and delivery, relating to the prices which he charges pursuant to the provisions of this regulation.

(2) Prepare on or before December 31, 1942, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, a statement showing all of his customary allowances, discounts and other price differentials.

(b) Every person making a sale of fresh bananas for which maximum prices are established by this regulation shall keep and make available for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is in effect, records of the same kind as he has customarily kept relating to the prices which he charges for fresh bananas after the effective date of this regulation and in addition records showing as precisely as possible the basis upon which he determined the maximum prices for fresh bananas.

§ 1351.1262 *Export sales.* The maximum prices at which a person may export fresh bananas covered by this Maximum Price Regulation No. 285 shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[3] issued by the Office of Price Administration.

§ 1351.1263 *Exempt sales.* This regulation shall not apply to sales at retail.

§ 1351.1264 *Definitions.* (a) When used in this Maximum Price Regulation No. 285 the term:

(1) "Person" means individuals, corporations, partnerships, associations, or other organized groups of persons, or legal successors, or representatives of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Importer" means any person who imports fresh bananas from the country of origin into the United States or who makes the first sale and delivery thereof after such importation.

(3) "Auction" means any sale and delivery of fresh bananas made pursuant to competitive bidding in the auction markets of the cities of New York, N. Y., Philadelphia, Pa., and Baltimore, Md.

(4) "Fresh bananas" means the imported fresh fruit of the banana tree.

(5) "Kind of fresh bananas" means bananas produced in certain countries or territories, such as, but not limited, Costa Rica, Guatemala, Honduras, and Mexico.

(6) "Actual cost of transportation" shall include the actual cost of freight from the port of entry to the wholesaler's customary receiving point, and shall include charges for protective services, such as heating, icing, and messenger service.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used in this regulation.

§ 1351.1265 *Geographic applicability.* The provisions of this Maximum Price Regulation No. 285 shall apply to the forty-eight States of the United States and the District of Columbia.

§ 1351.1266 *Effective date.* This Maximum Price Regulation No. 285 (§§ 1351.1251 to 1351.1267, inclusive) shall become effective December 18, 1942.

§ 1351.1267 *Appendix A: Figures to be used by wholesalers in calculating maximum prices under § 1351.1253 of this regulation.* (After the effective date of this regulation, maximum prices for sales and deliveries of fresh bananas at wholesale must be established as set forth below.)

Column I	Column II	Column III			
Date on which wholesaler must calculate ceiling	Basis on which wholesaler must calculate his maximum price	Figure to be multiplied by "delivered price" established as indicated in Column II Wholesaler purchasing at port of entry		Wholesaler purchasing at auction	
Effective date of this Regulation and each Monday thereafter	"Delivered price" of the "largest single purchase" delivered at customary receiving point	Selling on the stem 1.28	Selling in hands 1.37	Selling on the stem 1.18	Selling in hands 1.26

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13281; Filed, December 12, 1942; 12:32 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

ST. ANDREW BAY, FLA.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the following supplemental regulations are prescribed to govern the operation of the drawbridge of the Florida State Road Department bridge on U. S. Highway 98 across East Bay near Panama City, Florida:

§ 203.481 *St. Andrew Bay, east bay arm, Fla.; Bridge of Florida State Road Department near Panama City.* (a) For the duration of the war the owner or agency controlling the bridge shall not open the draw between the hours of 6:45 a. m. to 8:00 a. m., and 4:15 p. m. to 5:15 p. m. daily, except as otherwise provided in paragraph (b).

(b) The draw shall be opened at any time for the passage of a tow or crash boats, or in an emergency. An emergency shall be indicated by four blasts of the signaling device.

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[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5919, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155.

[2] 7 F.R. 8961.

[3] 7 F.R. 5059, 7242, 8829, 9000.

(c) The owner of, or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that it can easily be read at any time, a copy of these regulations.

(28 Stat. 362; 33 U.S.C. 499) [Regs. Dec. 4, 1942 (CE 823 (St. Andrew Bay-Panama City)—SPEON)]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-13301; Filed, December 14, 1942; 10:34 a. m.]

PART 206—FISHING AND HUNTING REGULATIONS

§ 206.95 *Coastal waters of Alaska and navigable waters tributary thereto: Fishing.* The date for the regulations and conditions approved October 14, 1940, to govern the placing and maintenance of fishing structures in the above waters, heretofore postponed to October 14, 1942, is hereby further postponed for the duration of the war and six months thereafter. (Sec. 10, River and Harbor Act, March 3, 1899, 30 Stat. 1151; 33 U.S.C. 403)

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-13267; Filed December 12, 1942; 12:08 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Permit ODT 24-5]

PART 520—CONSERVATION OF RAIL EQUIPMENT—EXCEPTIONS AND PERMITS

SUBPART D—PASSENGER TRAIN OPERATIONS

In accordance with the provisions of § 500.42 of General Order ODT 24, as amended, It is hereby authorized, that:

§ 520.604 *Certain extra or special passenger trains authorized.* Notwithstanding the provisions of § 500.41 of General Order ODT 24, as amended, any rail carrier, during the period December 12, 1942, to January 15, 1943, inclusive, may:

(a) Operate an extra or special passenger train, or a passenger train which is not scheduled, or an extra section or sections to scheduled passenger trains, when the operation of such passenger train or extra section is necessary to meet existing demands for transportation of members of the military or naval forces of the United States or of a nation allied with the United States in the war;

(b) Include passenger carrying railroad cars in the consist of any train now or hereafter scheduled which is operated primarily for the purpose of transporting mail or express;

Provided, however, That with respect to the operation of any train or extra section contemplated by paragraphs (a) or (b) of this § 520.604, (1) the chief operating officer of the operating rail carrier shall, within forty-eight (48) hours of such operation make a report in writing to the Office of Defense Transportation, Washington, D. C., explaining in detail the nature and extent of the demand which required the operation of, and describing, such train or extra section so operated; (2) the railroad cars, motive power, and other transportation facilities and equipment comprising any such train or extra section, or used in connection with the operation thereof, are not needed or required for the preferential transportation of troops or material of war; and (3) the operation of any such train or extra section will not delay, impede, or otherwise interfere with the prompt and continuous movement of traffic necessary or essential to the successful prosecution of the war.

This general permit shall become effective on December 12, 1942.

(E.O. 8989, 6 F.R. 6725; General Order ODT 24, as amended, 7 F.R. 7814, and infra)

Issued at Washington, D. C., this 12th day of December 1942.

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 42-13244; Filed, December 12, 1942; 11:43 a. m.]

[General Order ODT 24, Amendment 1]

PART 500—CONSERVATION OF RAIL EQUIPMENT

SUBPART D—PASSENGER TRAIN OPERATIONS RESTRICTED

Pursuant to Executive Order No. 8989, issued December 18, 1941, § 500.43 of General Order ODT 24[1] is hereby amended to read as follows:

§ 500.43 *Exemptions.* The provisions of § 500.41 of this subpart shall not apply to:

(a) Passenger trains or cars operated for the exclusive service of or through arrangements made by an agency or department of the United States or of any nation allied with the United States in the war;

(b) Extra sections made necessary as a result of the handling of cars primarily occupied by persons traveling under orders or directions of an agency or department of the United States;

(c) (1) Passenger train schedules, railroad cars or extra sections when the motive power and the equipment thereof have been assigned to or have been used for the transportation of troops and such motive power and equipment are proceeding from their terminal to the point of origin of such troop movement or returning from the point of destination thereof to the terminal of origin of such train; or (2) an extra section to any scheduled passenger train when by reason of weather conditions it is necessary to divide such scheduled passenger train in order to provide adequate heating therefore or to insure safety in the operation thereof: *Provided, however,* That with respect to the operation of any passenger train schedules, railroad cars or extra sections as contemplated by this paragraph (c), the chief operating officer of the operating rail carrier shall, on each Saturday, make a report in writing to the Office of Defense Transportation, describing each passenger train schedule, railroad car, or extra section operated by such carrier during the six preceding calendar days and set forth the conditions requiring such operations;

(d) Passenger train schedules, railroad cars, or extra sections required as a result of emergencies arising from an accident, public calamity, military necessity of the United States or of any nation allied with the United States in the war, or train delay: *Provided, however,* That with respect to the operation of any such passenger train schedules, railroad cars or extra sections, other than those operated as a result of emergencies arising from military necessity, the chief operating officer of the operating rail carrier shall, within 48 hours of such operation, make a report in writing to the Office of Defense Transportation describing each such train schedule, railroad car, or extra section so operated and explaining in full the emergency requiring the operation thereof.

This amendment shall become effective on December 12, 1942.

Issued at Washington, D. C., this 12th day of December, 1942.

(E.O. 8989, 6 F.R. 6725)

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 42-13243; Filed, December 12, 1942; 11:43 a. m.]

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[1] 7 F.R. 7814.

[General Order ODT 7, Revised]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

SUBPART I—MOVEMENT OF TRAFFIC IN RAILWAY TANK CARS

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, in order to prevent shortages of equipment required for the transportation of materials of war as contemplated by section 6 (8) of the Interstate Commerce Act, as amended, and to attain maximum efficient utilization of existing transportation facilities and services, the attainment of which purposes is essential to the successful prosecution of the war, General Order ODT 7, as amended, (Part 500, Subpart B, §§ 500.9 to 500.15, inclusive)[1] is hereby revised and further amended to read as follows:

It is hereby ordered, That:

Sec.
502.100 Definitions.
502.101 Scope of order.
502.102 Tank cars subject to control.
502.103 Assignment of tank cars.
502.104 Inventory of tank cars.
502.105 Permit required.
502.106 Maintenance of tank cars.
502.107 Loading and unloading facilities.
502.108 Loading and unloading of tank cars.
502.109 Switching of tank cars.
502.110 Return of cars not assigned to eastern petroleum service.
502.111 Symbol petroleum trains.
502.112 Turn around of symbol petroleum trains.
502.113 Dispatch of symbol petroleum trains.
502.114 Consolidation of symbol petroleum trains.
502.115 Change of route.
502.116 Concentration of tank cars in eastern petroleum service.
502.117 Interchange of symbol petroleum trains.
502.118 Movement of symbol petroleum trains.
502.119 Filling out of trains.
502.120 Passing reports.
502.121 Handling of empty tank cars.
502.122 Routing to be disregarded.
502.123 Records and reports.
502.124 Exemptions.
502.125 Revocation.
502.126 Communications.
502.127 Effective date.

AUTHORITY: §§ 502.100 to 502.127, inclusive, issued under E.O. 8989, 6 F.R. 6725.

§ 502.100 *Definitions.* As used in this order (§§ 502.100–502.127) and in permits, orders, and directions issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, and includes any agency of the United States or of any other government, any State or any agency, municipality, or political subdivision thereof, or any trustee, receiver, assignee, or personal representative;

(b) "Carrier" means any person engaged in the transportation of property by railroad, in or between any of the several states of the United States or the District of Columbia;

(c) "Tank car" means any railway car designed or suitable for use or used in the transportation of liquid or gaseous cargo in bulk;

(d) "Petroleum traffic" means the transportation of petroleum or any liquid product of petroleum in bulk, in tank cars;

(e) "Tank car service" means the distribution of tank cars among shippers and the assignment of such cars to the services, purposes and areas within which such tank cars shall be operated;

(f) "Unloading facilities" means the facilities, including tracks, unloading racks, stands, pipes, pumps and tanks, used by a person receiving liquid cargo in bulk to unload the same from a tank car;

(g) "Loading facilities" means the facilities, including tracks, loading racks, pipes, pumps and tanks, used by a person shipping liquid cargo in bulk to load the same in a tank car;

(h) "District No. 1" means the area composed of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia or such other area as may hereafter be designated as District No. 1 by the Petroleum Administration for War;

(i) "Eastern petroleum traffic" means all shipments of petroleum traffic to points in District No. 1 from points outside such district;

(j) "Eastern petroleum service" means the use of tank cars, loaded or empty, in or incident to the transportation of eastern petroleum traffic;

(k) "Symbol train route" means a route established by direction of the Office of Defense Transportation, for the operation of symbol petroleum trains;

(l) "Symbol petroleum train" means a train operated pursuant to the provisions of this order for the through and uninterrupted movement of loaded or empty tank cars in unbroken blocks, in eastern petroleum service;

(m) "Symbol train origin" means a point at which a symbol petroleum train is originated;

(n) "Concentration point" means a point located upon a symbol train route, designated by the Office of Defense Transportation as a point at which loaded or empty tank cars in eastern petroleum service are or are to be concentrated and assembled into symbol petroleum trains;

(o) "Distribution point" means the destination of a symbol petroleum train;

(p) "Distribution area" includes the points within an area designated by the Office of Defense Transportation within which loaded tank cars engaged in petroleum traffic are or are to be unloaded and the tank cars made empty and includes points other than distribution points;

(q) "Train load" means (1) 60 or more empty or loaded tank cars moved in one train or (2) 30 or more empty or loaded tank cars of an aggregate weight equal to or exceeding the rated capacity of the locomotive used or to be used in drawing the train composed of such cars.

§ 502.101 *Scope of order.* This order prescribes conditions under which (a) tank car service shall be governed and administered; (b) eastern petroleum traffic shall be received, transported and delivered; (c) eastern petroleum service shall be conducted; and (d) symbol petroleum trains shall be operated to and from District No. 1.

§ 502.102 *Tank cars subject to control.* Whenever the Office of Defense Transportation shall deem it advisable, any person having possession or control of any tank car shall, notwithstanding any contract, lease, or other commitment, express or implied, with respect to the use or operation of such tank car, cause such tank car (a) to be operated in such manner, for such purposes, and between such points and places, as the Office of Defense Transportation shall from time to time direct, and (b) to be leased or rented to such person or persons as the Office of Defense Transportation shall from time to time direct. Unless the interested parties agree upon the amount of compensation payable for the lease, rental or use of any such tank car, so directed to be leased or rented, the amount of such compensation shall be such amount as may be determined by the Interstate Commerce Commission or other competent governmental authority.

§ 502.103 *Assignment of tank cars.* The distribution and assignment of tank cars shall be under the exclusive direction and control of the Office of Defense Transportation and shall be in accordance with this order and such general or special rules and regulations and directions as the Office of Defense Transportation from time to time shall promulgate. Carriers shall not deliver tank cars for loading in a manner inconsistent with this order or with such rules and directions with respect to tank car service as may be promulgated by the Office of Defense Transportation. The Office of Defense Transportation may among other things direct that any tank car or cars be assigned to eastern petroleum service, or any other service, exclusively. No person shall load, receive, forward, or divert a tank car so assigned to any such service in or to any other service unless authorized by the Office of Defense Transportation.

§ 502.104 *Inventory of tank cars.* Each person owning a tank car shall report to the Office of Defense Transportation at the time and in the manner and upon forms prescribed by the Office of Defense Transportation, information with respect to (a) the type, class, capacity and equipment of each such car, or the number, type, class, capacity and equipment of such cars by classes consisting of cars having identical characteristics, (b) the service or class of service in which such cars are used or proposed to be used, and (c) the name and address of any person or persons controlling the use of each of such cars under any lease arrangement that covers a period of more than 15 days. Such inventory shall be made current from time to time upon direction of the Office of Defense Transportation.

§ 502.105 *Permit required.* (a) Unless authorized by a general or special permit issued by the Office of Defense Transportation, no person shall offer for shipment and no carrier shall accept for shipment, forward, or transport, any loaded tank car containing a commodity to be transported to any destination in the United States or a foreign country less than 200 miles from the shipping point in the United States (such distance being measured over the shortest available published rail tariff route, whether billed or transported over such route or otherwise).

(b) Application for permit shall be made in writing to the Section of Tank Car Service, Division of Petroleum and Other Liquid Products, Office of Defense Transportation, Washington, D. C., and shall be in such form and contain such information as the Office of Defense Transportation shall require.

(3) The provisions of this § 502.105 shall not apply to a tank car containing a commodity consigned by or to the Army, Navy, Marine Corps, Maritime

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[1] 7 F.R. 3332, 3531.

Commission, and War Shipping Administration.

§ 502.106 *Maintenance of tank cars.* Each person owning a tank car shall so maintain such car that it is in condition at all times for safe, expeditious and economical operation. Every carrier, owner, lessee or other person having possession of any loaded or empty tank car, which for any reason becomes defective or in bad order to an extent which, in the judgment of such person, will interfere with its safe or expeditious movement, forthwith and without previous authorization from the owner, lessor or lessee of such car, shall cause all necessary repairs (including all owner's repairs except rebuilding) to be made to such car with all possible expedition. Every such person, lessee or lessor shall be reimbursed for the making of "owner's repairs" at the rates named in the current "Code of Rules of the Association of American Railroads" governing reimbursement by the owner to the using carrier for similar repairs to railway owned equipment. Carriers shall promptly notify the owner, lessee or lessor, and the Office of Defense Transportation with respect to any tank car in eastern petroleum service on their lines which cannot be so repaired as to make it suitable for continued use in such service.

§ 502.107 *Loading and unloading facilities.* Each carrier shall report to the Office of Defense Transportation the location of each plant served by it at which there was originated or terminated during the month of October, 1942, or during any succeeding calendar months with respect to any plant not theretofore reported, shipments of eastern petroleum traffic aggregating 300 or more loaded tank cars. Such report shall be made at a time to be designated by the Office of Defense Transportation and shall include with respect to each such plant: (a) the name and address of the operator; (b) the carriers which serve it; (c) the number and capacity of tracks (carrier and patron separately) for the receipt of inbound cars and the loading, unloading and assembly of outbound cars; (d) the facilities for heating the contents of tank cars; (e) the number of tank cars which may be loaded or unloaded simultaneously; (f) the number of tank cars shipped or received during the month as to which the report is made; and (g) an estimate of the time required (1) to switch tank cars to and from the plant after arrival of road trains, (2) for loading and unloading, (3) for switching tank cars back to outbound trains, and (4) the time which has elapsed between the arrival of each inbound tank car train and departure of the outbound train. When two or more carriers serve a plant for which a report is required, such carriers may agree among themselves that one of such carriers may make the report upon behalf of all carriers serving the plant.

§ 502.108 *Loading and unloading of tank cars.* Every person shipping or receiving eastern petroleum traffic shall complete the loading or unloading of tank cars as soon as possible after the arrival of such cars at the terminal of the rail carrier moving such cars, and in any event within 7 hours after placement for loading or unloading, and shall release any such cars within 15 hours after their actual or constructive delivery to such shipper or receiver. Every person receiving a tank car loaded with other than eastern petroleum traffic shall complete the unloading thereof within 24 hours after the arrival of any such car at the delivering carriers terminal.

§ 502.109 *Switching of tank cars.* Every carrier shall switch tank cars in eastern petroleum service, whether loaded or empty, with all possible expedition, and, except where impracticable, shall switch terminating tank cars in such service to the plant of the receiver and originating tank cars in such service from the plant of the shipper within 4 hours after (a) the arrival of such cars at destination, (b) order for placement of empty cars at origin has been received, or (c) tender of the cars, loaded or empty, following loading or unloading.

§ 502.110 *Return of cars not assigned to eastern petroleum service.* Every carrier, unless otherwise ordered by the Office of Defense Transportation, immediately after the unloading of any tank car not assigned to or engaged in eastern petroleum service and regardless of the ownership thereof or of the track on which such car is located, shall forward such empty tank car to its last point of origin over the route traveled by such car when loaded, unless, prior to the forwarding of such car the carrier shall have received contrary instructions from the consignor, owner, lessor, or lessee thereof.

§ 502.111 *Symbol petroleum trains.* All tank cars assigned to eastern petroleum service which originate at a symbol train origin, a concentration point, or within a concentration area shall be moved exclusively in unbroken blocks in symbol petroleum trains without intermediate break-up or classification between the termini of any such train, over the railroads, via the junctions, and upon the schedules designated by the Office of Defense Transportation.

§ 502.112 *Turn around of symbol petroleum trains.* In so far as practicable, tank cars, after movement to destination in a symbol train, shall be loaded or unloaded and redispatched in the opposite direction in a symbol train within 24 hours after their arrival at the terminal of loading or unloading.

§ 502.113 *Dispatch of symbol petroleum trains.* Every carrier (a) shall switch into blocks loaded or empty tank cars in eastern petroleum service and arrange such blocks in symbol trains in delivering carrier order; and (b) within 5 hours after there shall have been tendered to it at any point a trainload of tank cars destined to a single point or to points within a distribution area of any single point on a symbol train route, or within 10 hours after it shall have had in its possession or there shall have been tendered to it, 30 or more tank cars destined to a single point or to points within the distribution area of any single point on any such route, shall originate and dispatch a symbol petroleum train over the appropriate route and upon the prescribed schedule. The origination and dispatching of any such train may be deferred for such additional period as may be necessary, not to exceed 15 hours, when the carrier has advice that an additional block or blocks of 15 or more cars so destined will become available within such additional period.

§ 502.114 *Consolidation of symbol petroleum trains.* Any carrier which is a party to one or more symbol train routes may consolidate symbol petroleum trains scheduled to move between two points common to two or more of such routes, but only when such consolidation will expedite the movement of such trains.

§ 502.115 *Change of route.* When any carrier shall be unable to maintain a symbol petroleum train upon its prescribed schedule, it shall cause such train to be diverted to another carrier, if such diversion will expedite the movement of such train. Any carrier to whom such a train is diverted shall arrange for its movement in the same manner and with the same dispatch as though originally routed and scheduled over its line. Each proposed diversion shall be promptly reported to the Office of Defense Transportation by telegram.

§ 502.116 *Concentration of tank cars in eastern petroleum service.* Every carrier shall move all loaded and empty tank cars which it may have in its possession at any point and which are destined for movement in eastern petroleum service, in the freight train departing from such point which will provide for the most expeditious movement of such tank cars to the concentration or junction point of or with the symbol train route designated for such point of origin.

§ 502.117 *Interchange of symbol petroleum trains.* Every carrier originating or receiving a symbol petroleum train shall advise the next connecting carrier, by wire, of the time of arrival of such train at the next specified interchange point, and the number of tank cars therein, and shall keep such connecting carrier advised of any changes in the time of such arrival. As far as practicable at all such interchange points, the connecting carriers participating in the movement of such symbol petroleum trains shall arrange (a) for the direct movement of such train to the designated track of the connecting carriers, (b) for a prompt single joint inspection of the cars in such train at such interchange point, and (c) for the immediate dispatch of such train from such interchange point.

§ 502.118 *Movement of symbol petroleum trains.* So far as possible, any carrier, when participating in the movement of any symbol petroleum train of empty or loaded cars, shall operate such train in accordance with the schedules specified for the movement thereof.

§ 502.119 *Filling out of trains.* Any carrier operating a symbol petroleum train under the provisions of this order may fill out such train with other cars, loaded or empty, if the inclusion of such other cars will not either prevent the maintenance of the schedule of such train, or the inclusion of other tank cars therein, or necessitate reclassification or new blocking, or require such train to be stopped at any point except division terminals and designated concentration or junction points.

§ 502.120 *Passing reports.* On or before the close of each calendar day, each carrier operating a symbol petroleum train on such day shall report by wire to the Office of Defense Transportation or its designated agent the symbol number, date, and section of such train, the time of origination, receipt from and delivery to connecting carrier, and the arrival thereof at destination, and the number of loaded or empty tank cars therein.

§ 502.121 *Handling of empty tank cars.* Every carrier shall give constant and preferred attention to the switching and movement of empty tank cars in eastern petroleum service and shall use every possible means to expedite the return of such cars to the next point of loading, in symbol petroleum trains.

§ 502.122 *Routing to be disregarded.* Carriers are authorized and directed to disregard instructions given by shippers, consignees or car owners with respect to the routing of loaded or empty tank cars moving in eastern petroleum service so far as shall be necessary to comply with this order and with the directions, rules, and regulations issued by the Office of Defense Transportation hereunder. No person or carrier shall directly or indirectly solicit eastern petroleum traffic for transportation or in any manner interfere with or attempt to interfere with or influence or attempt to influence the movement and routing of such traffic. All carriers participating in the movement of eastern petroleum traffic, which, pursuant to the terms of this order or of any direction issued thereunder, moves over a route other than that named in the shippers routing instructions, shall take all steps necessary to apply lawfully to such traffic the rate which would have been applicable thereto if it had been moved over the route named in such instructions.

§ 502.123 *Records and reports.* Every person loading, unloading, or shipping any tank car, and every carrier accepting for shipment, forwarding or transporting any tank car shall keep such records and make such reports as the Office of Defense Transportation shall require.

§ 502.124 *Exemptions.* The provisions of §§ 502.102, 502.103, and 502.104 shall not apply to tank cars owned by the Army, Navy, or Marine Corps.

§ 502.125 *Revocation.* General Order ODT 7, as amended (Part 500, Subpart B), Exception Order ODT 7-3 (Part 520, Subpart B), and Special Direction ODT 7-1 (Part 520, Subpart B) are hereby revoked.

§ 502.126 *Communications.* Communications concerning this order should refer to General Order ODT 7, Revised, and should be addressed to the Office of Defense Transportation, Washington, D. C.

§ 502.127 *Effective date.* This order shall become effective December 12, 1942.

Issued at Washington, D. C., this 12th day of December 1942.

JOSEPH B. EASTMAN,
Director.

[F.R. Doc. 42-13245; Filed, December 12, 1942; 11:43 a. m.]

[General Order ODT 15, Revised]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

SUBPART E—TRANSPORTATION OF COAL BETWEEN UNITED STATES PORTS ON THE ATLANTIC OCEAN

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, and in order to prevent terminal congestion at rail gateways and port areas in the movement of troops and materials and supplies of war, and to assure maximum utilization of the facilities, services, and equipment of common carriers by railroads for the preferential transportation of such traffic, and to prevent shortages of equipment necessary for such transportation, as contemplated by section 6 (8) of the Interstate Commerce Act, as amended; to expedite the movement and provide for the maximum flow of such traffic; and to conserve and providently utilize the transportation facilities and services of railroads and vessels, the attainment of which purposes is essential to the successful prosecution of the war, General Order ODT 15,[1] issued July 6, 1942, effective July 22, 1942, is hereby revised, superseded, and amended to read as follows:

It is hereby ordered, That:

Sec.
502.30 Definitions.
502.31 Permit required.
502.32 Endorsement on shipping papers.
502.32 Application for permit.
502.34 Submission of plans.
502.35 Control of vessels.
502.36 Records and reports.
502.37 Suspension of provisions.
502.38 Exemptions.
502.39 Communications.

AUTHORITY: §§ 502.30 to 502.39, inclusive, issued under E.O. 8989, 6 F.R. 6725.

§ 502.30 *Definitions.* As used in this subpart or in orders or directions issued hereunder:

(a) The term "person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, and includes any agency of the United States, a state or political subdivision thereof, a governmental or political entity, or any trustee, receiver, assignee, or personal representative;

(b) The term "rail carrier" means any person engaged in the transportation of property as a common carrier by railroad, in or between any of the several States of the United States or the District of Columbia;

(c) The term "vessel" means any watercraft or other artificial contrivance of whatever description, other than a railway car float, which is designed or converted for use, and which is used, or is capable of being used, or is intended to be used, as a means of transportation by water of coal in bulk, including, but not limited to, colliers, self-propelled barges, barges, tugboats, and towboats;

(d) The term "Hampton Roads Area" shall include Sewall's Point and Lambert's Point, Virginia, and all docks, piers, and other ports and places in Newport News and Norfolk, Virginia;

(e) The term "coal" includes bituminous, semi-bituminous and sub-bituminous, anthracite, semi-anthracite, and briquettes;

(f) The term "dock" means a point or place at which coal is unloaded from a vessel and includes all land, buildings, and storage facilities adjacent thereto which are used or are capable of being used for the storage of coal;

(g) The term "ex-dock coal" means any coal shipped or intended to be shipped by any method of transportation from a dock and includes coal delivered to such dock by a rail carrier whether or not unloaded from the railroad cars in which it was so delivered.

§ 502.31 *Permit required.* (a) No person shall ship, accept for shipment, forward, or transport by vessel any shipment of coal from any port, point or place in the United States located on the Atlantic Ocean and tributary waters north of and including the Hampton Roads area, to any port, point or place in the United States, unless there is outstanding a special or general permit issued by the Office of Defense Transportation authorizing such shipment, forwarding, or transportation.

(b) No person shall ship, accept for shipment, forward, or transport by any method of transportation, any shipment of ex-dock coal from any port, point, or place in the United States located on the Atlantic Ocean and tributary waters north of and including the Hampton Roads area, to any port, point or place in the United States, unless there is outstanding an ex-dock permit issued by the Office of Defense Transportation authorizing such shipment, forwarding, or transportation.

§ 502.32 *Endorsement on shipping papers.* Each shipper or consignor, at the time of shipping or forwarding by vessel a shipment of coal for which a permit is required pursuant to the provisions of § 502.31 (a) of this subpart and at the time of shipping or forwarding a shipment of ex-dock coal for which a permit is required pursuant to the provisions of § 502.31 (b) of this subpart, shall endorse on the shipping instructions and other shipping papers pertaining to such shipment the number of the permit issued by the Office of Defense Transportation with respect thereto.

§ 502.33 *Application for permit.* Application for permit shall be made in writing to the Office of Defense Transportation, Washington, D. C., and shall be in such form and contain such information as the Office of Defense Transportation shall require.

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[1] 7 F.R. 5194.

§ 502.34 *Submission of plans.* Whenever two or more persons operate vessels in competitive service in the transportation of coal from any port, point or place in the United States located on the Atlantic Ocean and tributary waters north of and including the Hampton Roads area, to any port, point or place in the United States, they shall cause their representatives to meet for the purpose of formulating a plan of joint action to the end that maximum utilization of equipment and facilities be effected by (a) pooling of equipment, facilities, traffic, service, or revenues, or (b) joint use of equipment or other facilities. Within 60 days after the effective date of this subpart, such persons shall jointly submit to the Office of Defense Transportation, Washington, D. C., any plan of action so formulated, or a statement setting forth the reasons why no plan of joint action has been so formulated. Nothing in this subpart shall be construed to authorize joint action by any of the methods described in this section unless directed so to do by specific order of the Office of Defense Transportation.

§ 502.35 *Control of vessels.* (a) Whenever the Office of Defense Transportation shall deem it advisable, any person having possession or control of any vessel which is engaged in transportation by water between ports, points or places in the United States on the Atlantic Ocean and tributary waters shall, notwithstanding any contract, charter, lease, or other commitment, express or implied, with respect to the use or operation of such vessel, cause such vessel (1) to be operated in such manner, for such purposes, and between such points and ports, as the Office of Defense Transportation shall from time to time direct, and (2) to be chartered, leased or rented by any such person to such person or persons as the Office of Defense Transportation shall from time to time direct. Unless the interested parties agree upon the amount of compensation payable for the use of any such vessel, so directed to be chartered, leased, or rented, the amount of such compensation shall be such amount as may be determined by the Office of Defense Transportation to be just and equitable, subject to any applicable maximum price established by any competent government authority.

(b) The provisions of this section shall not be so construed or applied as to require any person operating a vessel to perform any transportation service, the performance of which by such person is not authorized or sanctioned by law.

§ 502.36 *Records and reports.* Every person (a) owning, chartering, subchartering, leasing, subleasing, loading, unloading, or operating a vessel, or (b) shipping, receiving, or transporting any shipment of coal by water from any port, point or place in the United States on the Atlantic Ocean and tributary waters north of and including the Hampton Roads area, to any port, point or place in the United States, or (c) shipping, receiving, or transporting any shipment of ex-dock coal, shall keep such records and make such reports as the Office of Defense Transportation shall require.

§ 502.37 *Suspension of provisions.* The provisions of this subpart or any part thereof may be suspended, from time to time, by order of the Office of Defense Transportation.

§ 502.38 *Exemptions.* The provisions of this subpart shall not apply to:

(a) The transportation of coal consigned by or to the United States or any department or agency thereof;

(b) To any vessel operated by or under the direction of the military or naval forces of the United States;

(c) The transportation of coal by a vessel when such coal is intended for use as bunker fuel in such vessel; or

(d) The transportation of coal to a vessel, ship, or other watercraft when such coal is intended for use as bunker fuel in such vessel, ship, or watercraft.

§ 502.39 *Communications* Communications concerning this subpart should refer to General Order ODT 15, Revised, and should be addressed to Assistant Director in Charge of Waterway Transport, Office of Defense Transportation, Washington, D. C.

Sections 502.31 and 502.32 hereof shall become effective February 1, 1943 until which time § 502.31 of General Order ODT 15, issued July 15, 1942, shall remain in full force and effect. All other sections and provisions hereof shall become effective upon the date of this subpart.

Issued at Washington, D. C. this 14th day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-13330; Filed, December 14, 1942; 11:40 a. m.]

[Suspension Order ODT 15, Revised-1]

PART 522—DIRECTION OF TRAFFIC MOVEMENT—EXCEPTIONS, SUSPENSIONS, AND PERMITS

SUBPART E—TRANSPORTATION OF COAL BETWEEN UNITED STATES PORTS ON THE ATLANTIC OCEAN

Pursuant to § 502.37 of General Order ODT 15, Revised, *It is hereby ordered,* That:

§ 522.625 *Certain provisions of General Order ODT 15, Revised, suspended.* The provisions of § 502.31 of General Order ODT 15, Revised, shall be and are hereby suspended with respect to the shipment, acceptance for shipment, forwarding, or transportation of:

(a) Coal including ex-dock coal, (1) wholly within the limits of New York Harbor and harbors contiguous thereto as defined and determined by the Interstate Commerce Commission in its order dated March 26, 1941, Ex Parte No. 140, (2) wholly within the limits of Philadelphia Harbor and harbors contiguous thereto, as defined and determined by the Interstate Commerce Commission in its order dated July 14, 1941, Ex Parte No. 145, (3) between points, ports or places in the State of Maryland, and (4) between points, ports or places in the State of Virginia;

(b) Ex-dock coal other than by water or rail carrier for distances not to exceed 35 miles when the amount of such coal so transported to any one consignee does not exceed 500 tons in any calendar month.

(E.O. 8989, 6 F.R. 6725; General Order ODT 15, Revised, *supra*)

Issued at Washington, D. C., this 14th day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-13331; Filed, December 14, 1942; 11:40 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket Nos. B-337, B-341]

BLAKE MINE COMPANY AND JOE AND WALTER SOPINSKI

ORDER POSTPONING HEARINGS

In the Matter of Jasper Blake, Wendell Blake and George Blake, individually, and as co-partners, doing business under the name and style of Blake Mine Company, Code Member, and in the matter of Joe Sopinski and Walter Sopinski, individually, and as co-partners doing business under the name and style of Joe and Walter Sopinski, Code Member.

The above-entitled matters having been heretofore scheduled for hearing at 10 o'clock a. m. on January 19, 1943, at a hearing room of the Bituminous Coal Division, Post Office Building, Coshocton, Ohio; and

The Director deeming it advisable that said hearings be postponed;

Now, therefore, it is ordered, That the hearing in the Matter of Jasper Blake, Wendell Blake, and George Blake, individually and as co-partners doing business under the name and style of Blake Mine Company, be, and the same hereby is postponed to 10 o'clock a. m. on January 22, 1942, and that the hearing in the Matter of Joe Sopinski and Walter Sopinski, individually and as co-partners doing business under the name and style of Joe and Walter Sopinski, be, and the same hereby is postponed to 10 o'clock a. m. on January 23, 1943, both at a hearing room of the Bituminous Coal Division, Public Library Bldg., 2d Floor, Coshocton, Ohio.

Dated: December 11, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-13312; Filed, December 14, 1942; 11:08 a. m.]

[Docket No. B-347]

BUCKEYE COAL AND COKE COMPANY

NOTICE OF AND ORDER FOR HEARING

In the matter of Buckeye Coal & Coke Company, a registered distributor, Registration No. 1203.

The Bituminous Coal Division (the "Division") finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act") and the Bituminous Coal Code (the "Code") promulgated thereunder to determine:

(A) Whether Buckeye Coal & Coke Company, Registered Distributor, Registration No. 1203 (hereinafter sometimes referred to as the "Distributor"), whose address is 16 East Broad Street, Columbus, Ohio, has violated any provisions of the Act, the Code and orders of the Division, including the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors, and its Distributor Agreement (the "Agreement"), dated April 12, 1939, and filed by said Distributor pursuant to an Order of the National Bituminous Coal Commission, dated March 24, 1939, entered in General Docket No. 12, which was adopted and ratified as an Order of the Division of July 1, 1939, and more particularly whether subsequent to September 30, 1940, said Distributor:

1. Acting as sales agent for Thomas Fork Coal Company, a code member, whose address is Pomeroy, Ohio, sold 18,432.45 net tons of various sizes of coal produced by said code member at its Thomas Fork Mine (Mine Index No. 22) located in Meigs County, Ohio, Subdistrict No. 8 of District No. 4, to various consumers, and unlawfully accepted and retained excess sales agency commissions in the amount of $2,202.57 without there having been filed a certified copy of the agreement, if any, modifying the original sales agency agreement dated November 1, 1940, and which was filed with the Division on December 17, 1940, setting forth therein the basis for the sales agent retaining the amount of excess commissions which Buckeye Coal & Coke Company retained in said transactions, thereby wilfully participating in violations of Rules 4 and 9 of Section II of the Marketing Rules and Regulations, and paragraph (a) of the Agreement.
2. Acting as sales agent for M. C, Hobart, code member, whose address is Middleport, Ohio, sold 3,113.90 net tons of various sizes of coal produced by said code member at its Dark Hollow Mine (Mine Index No. 38) located in Meigs County, Ohio, Subdistrict No. 8 of District No. 4, to various consumers, and accepted and retained excess sales agency commissions in the amount of $329.71 without there having been filed a certified copy of the agreement, if any, modifying the original sales agency agreement, dated January 25, 1941, and which was filed with the Division on February 21, 1941, setting forth therein the basis for the sales agent retaining the amount of excess commissions which Buckeye Coal & Coke Company retained in said transactions thereby wilfully participating in violations of Rules 4 and 9 of section II of the Marketing Rules and Regulations, and Paragraph (e) of the Agreement.

(B) Whether the registration of said Buckeye Coal & Coke Company, Registered Distributor, Registration No. 1203, should be revoked or suspended or other appropriate penalties imposed.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the aforementioned Buckeye Coal & Coke Company has committed violations in the respects heretofore described and whether the registration of said distributor should be revoked or suspended, or other appropriate penalties imposed, be held at 10 a. m. on January 18, 1943, at a hearing room of the Division at the New Federal Building, Room 322, Columbus, Ohio.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said distributor and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer setting forth the positions of said distributor with reference to the matters hereinbefore described, shall be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service hereof on said distributor, and that failure to file an answer herein within such period, unless the presiding officer shall otherwise order, shall be deemed to be an admission by said distributor or failing of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

Notice is also hereby given that any application or applications pursuant to § 301.132 of the Rules of Practice and Procedure Before the Division for the disposition of this proceeding without formal hearing must be filed not later than fifteen (15) days after receipt by said distributor of this Notice of and Order for Hearing.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: December 11, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-13309; Filed, December 14, 1942; 11:08 a. m.]

[Docket No. A-1735]

DISTRICT BOARD NO. 9

MEMORANDUM OPINION AND ORDER DENYING TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 9 to increase the effective minimum prices for certain mines.

A petition in the above-entitled matter having been filed by District Board 9 with the Division on November 10, 1942, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that the minimum prices for coals produced at certain mines in District No. 9, for truck shipment be increased, and requesting that temporary relief be granted pending final determination of this matter; and

No reasonable showing of necessity having been presented for the granting of temporary relief herein without a hearing; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That the request for temporary relief be and the same hereby is denied without prejudice to the renewal of such request for temporary relief, upon further showing or upon the basis of the record to be made at the hearing to be held herein.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 12, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in the offices of the Division will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 7, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 9 to increase by 30 cents per net ton the effective minimum prices for coals in Size Groups 1–4, inclusive, produced for truck shipment at the Community Mine (Mine Index No. 269) of the Community Coal Company, Peach Orchard Mine (Mine Index No. 276) of the Peach Orchard Coal Company, the Jay Kay Mine (Mine Index No. 270) of Joseph Katz, and the Walden Mine (Mine Index No. 911) of the Walden Coal Company (Joe Walden), code members in Henderson County, Kentucky, District No. 9, and for temporary relief pending the final determination of this matter.

Dated: December 11, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42–13311; Filed, December 14, 1942; 11:08 a. m.]

[Docket No. B–306]

GERBER COAL COMPANY

ORDER GRANTING APPLICATION, ETC.

Order granting application filed pursuant to § 301.132 of the Rules of Practice and Procedure for disposition thereof without formal hearing, and to cease and desist.

In the matter of Gerber Coal Company, Code Member.

A complaint dated July 21, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") having been duly filed on July 23, 1942, by the Bituminous Coal Producers Board for District No. 22, a District Board (the "Complainant"), with the Bituminous Coal Division (the "Division"), alleging that the Gerber Coal Company, a code member (the "Code Member"), which operates the A. C. M. No. 4 Mine (Mine Index No. 1), located at Centerville, Montana, on the Great Northern Railway, Subdistrict No. 7 in District No. 22, wilfully violated the provisions of the Act, the Bituminous Coal Code (the "Code"), the Schedule of Effective Minimum Prices for District No. 22 For All Shipments (the "Schedule") and rules, regulations and orders promulgated by the Division pursuant to the Act, as more fully set forth in the complaint; and

Said complaint having been duly served by mail on the code member by the complainant on July 21, 1942; and

An application of the code member dated August 4, 1942, for disposition without formal hearing of this proceeding, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division having been duly filed with the Division on August 10, 1942; and

Notice of the filing of said application having been issued by the Division on August 22, 1942 and published in the FEDERAL REGISTER on August 25, 1942, and a conformed copy thereof having been duly mailed to the Complainant herein; and

Said notice of filing having provided that interested parties desiring to do so might within fifteen (15) days from the date of said notice file recommendations or requests for informal conferences with respect to such application and it appearing that no such recommendations or requests were filed with the Division within said 15 day period; and

In said application the code member (1) admits that it wilfully violated the Act, the Code, and the Schedule as alleged in the aforementioned complaint herein; (2) consents to the entry of a cease and desist order as hereinafter provided; and (3) represents that it has not to the best of its knowledge committed any vioations of the Act, the Code or rules, regulations and orders thereunder other than those violations admitted in the said application and as more particularly described in said complaint.

Now, therefore, pursuant to the authority vested in the Division by section 4 II (j) of the Act authorizing it to adjust complaints of violations and to compose differences of the parties thereto and upon the said application, filed pursuant to said § 301.132 of the Rules of Practice and Procedure, for disposition without formal hearing of the charges contained in the complaint herein, which was filed with the Division on July 23, 1942, and upon evidence in the possession of the Division, it is hereby found that:

(A) Gerber Coal Company, Great Falls, Montana, filed with the Division its Code Acceptance dated July 17, 1937, Code Membership No. 3867, and is engaged primarily in the business of mining and producing bituminous coal and operates the A. C. M. No. 4 Mine, Mine Index No. 1, located at Centerville, Montana, on the Great Northern Railway, Subdistrict No. 7 in District No. 22.

(B) Gerber Coal Company wilfully violated section 4, Part II (e) of the Act and Part II (e) of the Code, as alleged in said complaint by selling coal produced at said mine subsequent to September 30, 1940, below the effective minimum prices established therein, for rail shipment as follows:

(1) Approximately 366.9 net tons of 1″ x 0 slack coal, to the Great Northern Railway, Great Falls, Montana, during the period from October 11, 1940, to December 5, 1940, both dates inclusive, at 80 cents per net ton f. o. b. the mine whereas the effective minimum price established in the Schedule for such coal was $1.00 per net ton f. o. b. the mine;

(2) Approximately 44.15 net tons of 9″ x 6″ furnace coal, to School District No. 26, Collins, Montana, on November 20, 1940, at $3.25 per net ton f. o. b. the mine whereas the effective minimum price established in the Schedule for said coal was $3.75 per net ton f. o. b. the mine;

(3) Approximately 62.5 net tons of mixed nut coal, consisting of one-third 2″ x 1¼″ nut, invoiced at $3.25 per net ton f. o. b. the mine and two-thirds 3″ x 2″ nut, invoiced at $3.50 per net ton f. o. b. the mine, to the Graham and Ross Mercantile Company, Great Falls, Montana, on December 3, 1940, whereas the effective minimum price established in the Schedule for 2″ x 1¼″ nut coal was $3.50 and 3″ x 2″ nut coal was $3.75 per net ton f. o. b. said mine;

(4) Approximately 677.05 net tons of 6″ x 3″ egg coal, to the Anaconda Copper Mining Company, Great Falls, Montana, during the period from October 24, 1940, to August 11, 1941, both dates inclusive, at $3.25 per net ton f. o. b. the mine whereas the effective minimum price established in the Schedule for such coal was $3.50 per net ton f. o. b. the mine.

(C) Upon the basis of the violations described in paragraph (B) hereof, the code member should be directed to cease and desist from all violations of the Act, the Code, and rules, regulations and orders thereunder.

Now, therefore, on the basis of the above findings and said admissions and consent filed by Gerber Coal Company pursuant to § 301.132 of the Rules of Practice and Procedure;

It is ordered, That the said application be, and the same hereby is, granted.

It is further ordered, That the Gerber Coal Company, its representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in its behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the applicable minimum prices therefor as established in the Schedule of Effective Minimum Prices for District No. 22 For All Shipments and from violating the Bituminous Coal Act of 1937, the Bituminous Coal Code, and the rules, regulations and orders promulgated thereunder.

It is further ordered, That upon any failure to comply with the restraining provisions of this order, the Division may apply to any Circuit Court of Appeals of the United States having jurisdiction for the enforcement hereof, or may take other appropriate action.

Dated: December 11, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42–13314; Filed, December 14, 1942; 11:09 a. m.]

[Docket No. C–6]

EMERALD COAL AND COKE COMPANY

ORDER POSTPONING HEARING

In the matter of the application of Emerald Coal and Coke Company for approval of a contract for the sale of coal pursuant to rule 5 of Section VI of the Marketing Rules and Regulations.

The original petitioner in the above-entitled matter having moved that the hearing in said matter, heretofore scheduled for December 14, 1942, be postponed until January 12, 1943, and good cause having been shown why said motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be

postponed from December 14, 1942, until 10 o'clock in the forenoon of January 12, 1943, at the place and before the officers heretofore designated.

Dated: December 12, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42–13310; Filed, December 14, 1942; 11:08 a. m.]

[Docket No. B–348]

PLUMMER HILL COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

In the matter of the Plummer Hill Coal Company a Corporation, Code Member.

A complaint dated November 13, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on November 18, 1942, by Bituminous Coal Producers Board for District No. 4, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by The Plummer Hill Coal Company (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 20, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division at the New Federal Building, Room 322, Columbus, Ohio.

It is further ordered, That W. A. Cuff, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearings on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging The Plummer Hill Coal Company, a corporation, code member, whose address is New Straitsville, Ohio, operating the Plummer Hill Mine, Mine Index No. 827, located in Coal Township, Perry County, Ohio, Subdistrict No. 5 of District No. 4, has violated section 4 II (e) of the Act and Part II (e) of the Code promulgated thereunder by disposing of and delivering to New Straitsville Brick Company, New Straitsville, Ohio, at said mine, during the period June 1, 1941 to November 16, 1941, both dates inclusive, without any compensation therefor, approximately 137 tons of 2″ x 0 nut, pea and slack coal, whereas the effective minimum price for said coal was $1.65 per ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 4, for Truck Shipments, resulting in violations of section 4 II (e) of the Act and Part II (e) of the Code.

Dated: December 11, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42–13313; Filed, December 14, 1942; 11:09 a. m.]

[Docket No. B–281]

CHARLES WHITEHURST

ORDER APPROVING AND ADOPTING PROPOSED FINDING OF FACT, ETC.

In the matter of Charles Whitehurst, Code Member.

Order approving and adopting the proposed findings of fact, proposed conclusions of law, recommendation of the examiner and order to cease and desist.

This proceeding was instituted upon a complaint duly filed with the Bituminous Coal Division on June 4, 1942, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 by District Board 10 alleging that Charles Whitehurst, a code member producer in District 10 wilfully violated the provisions of the Act, the Bituminous Coal Code, and the orders, rules and regulations of the Division, especially Order No. 312, dated February 24, 1941. The complaint prayed that the Division either cancel and revoke Whitehurst's code membership, or, in its discretion, direct him to cease and desist from violations of the Code and the regulations thereunder.

Code member filed an answer July 6, 1942, denying wilful violation of the Act and the orders, rules and regulations thereunder. He stated that in the interests of economy he had continued to use his accustomed form of scale tickets but had subsequently changed his practice to conform his records to the Division's requirements.

Pursuant to an Order of the Acting Director dated June 23, 1942, after due notice to interested persons, a hearing was held before Charles S. Mitchell, a duly designated Examiner of the Division, at a hearing room thereof in St. Louis, Missouri, on July 27, 1942. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise participate fully in the hearing. District Board 10 and code member appeared.

The Examiner submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated September 26, 1942, in which the Examiner found that code member had wilfully violated Order No. 312 of the Division and particularly sections II (a) and II (b) thereof by failing to maintain and keep on file during the period from January 1, 1942 to February 28, 1942, proper copies of truck tickets relating to sales or shipments of substantial tonnages of coal by truck from his Lloyd Mine (Mine Index No. 933) in Menard County, Illinois, in District 10, omitting from such tickets (1) the mine index number of said mine, (2) the price per net ton f. o. b. the truck or wagon at said mine, and (3) the total amount charged for the coal in each particular sale or shipment.

The Examiner recommended that an order be issued requiring said code member to cease and desist from failing to maintain and keep on file proper copies of truck tickets relating to sales or shipments of coal by truck from the Lloyd Mine or from otherwise violating Order No. 312 of the Division.

An opportunity was afforded to all parties to file exceptions to the Examiner's Report and supporting briefs and no such exceptions or supporting briefs were filed.

The undersigned has determined after a consideration of the record that the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That code member, Charles Whitehurst, his representatives, agents, servants, employees, attorneys, and all persons acting or claiming to act on his behalf or interest, cease and desist and they are hereby permanently enjoined from failing to maintain and keep on file proper copies of truck tickets relating to sales or shipments of coal by truck from the Lloyd Mine (Mine Index No. 933) located in Menard County, Illinois, in District 10 or otherwise violating the Bituminous Coal Act, Bituminous Coal Code, and the rules and regulations thereunder and particularly sections II (a) and II (b) of Order No. 312.

Notice is hereby given to code member that if he fails or refuses to comply with this Order, the Division will apply to a Circuit Court of Appeals for the enforcement thereof, or otherwise proceed as authorized by the Act.

Dated: December 12, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-13308; Filed, December 14, 1942; 11:08 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Agency.

Western Region

[RCP-1941 Meagher County, Mont.-1]

1941 RANGE CONSERVATION PROGRAM BULLETIN FOR MEAGHER COUNTY, MONTANA[1]

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1941 Range Conservation Program for Meagher County, Montana, is amended as follows:

Section 5 (b) is amended to read as follows:

SEC. 5. *Eligibility for payment.* * * *

(b) *Time and manner of filing application and information required.* Payment will be made only upon application submitted through the county office on or before a date fixed by the regional director, but not later than April 30, 1942, except (1) the timely filing of an application by one person on a ranching unit shall constitute a timely filing on behalf of all persons on that ranching unit, and (2) an application for payment may be accepted if the State committee or its designated representative determines, in accordance with instructions issued by the regional director with the approval of the Administrator, that the failure to file the timely application was not due to the fault of the applicant. Applications filed under exceptions (1) and (2) above must be filed before expiration of the period for obligating the appropriation. (June 30, 1943)

The Secretary reserves the right (1) to withhold payment from any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the regional director.

At least two weeks notice to the public shall be given of the expiration of a time limit for filing prescribed forms, and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form within the period prescribed. Such notice shall be given by mailing the same to the office of the county committee and making copies of the same available to the press.

Done at Washington, D. C., this 11th day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-13242; Filed, December 12, 1942; 11:26 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

Men's Hat and Cap Industry

NOTICE OF OPPORTUNITY TO SHOW CAUSE

In the matter of the determination of the prevailing minimum wages in the Men's Hat and Cap Industry.

Whereas the prevailing minimum wage determination for the Men's Hat and Cap Industry, issued by the Secretary of Labor on July 28, 1937, pursuant to the provisions of section 1 (b) of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U.S.C. Supp. III, sec. 35), as amended January 24, 1938, and June 12, 1942, provides that the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of that act, for the manufacture or supply of men's hats and caps, including men's white sailor and other stitched cloth hats, men's fur-felt hats, men's uniform caps, and women's hats and caps of similar design and construction, shall be 67½ cents an hour or $27 per week of 40 hours, arrived at either upon a time or piece work basis, and that there shall be a tolerance of not more than 20 percent of the employees in any one factory, whose activities at any given time are subject to the provisions of the act, for auxiliary workers: *Provided,* That such auxiliary workers be paid not less than 37½ cents per hour or $15 per week of 40 hours, arrived at either upon a time or piece work basis: *And provided further,* That the term "auxiliary worker" when used in connection with employees in the uniform cap and in the stitched hat branches of the industry shall not be interpreted to include cutters or workers in the cutting room, machine workers, or workers on any kind of machine, blockers, pressers and hand sewers; and

Whereas the minimum wage required to be paid by the manufacturers of such men's hats and caps subject to the provisions of the Fair Labor Standards Act of 1938 is not less than 40 cents an hour pursuant to the wage orders for the Hat Industry and for the cap and cloth hat division of the Apparel Industry issued by the Administrator of the Wage and Hour Division and effective July 1, 1940, and July 15, 1940, respectively; and

Whereas it appears that substantially all employees subject to the Men's Hat and Cap Wage Determination of the Secretary are engaged in commerce or in the production of goods for commerce, as that term is defined in the Fair Labor Standards Act of 1938, and that, consequently, the aforementioned wage orders of the Administrator have had the effect of establishing not less than 40 cents per hour as the prevailing minimum wage for auxiliary workers in the Men's Hat and Cap Industry; and

Whereas the Men's Headwear Manufacturers Group, Incorporated, and the St. Louis Association of Hat and Cap Manufacturers submitted to the Administrator of the Wage and Hour and Public Contracts Divisions petitions requesting that the meaning of the words "machine workers, or workers on any kind of machine" be defined, that the term "auxiliary worker" be clarified, and that the 20 percent tolerance for auxiliary workers be increased; and

Whereas on July 17, 1942, and July 23, 1942, preliminary conferences were held for the purpose of providing an opportunity to all interested parties representing the manufacturers' associations in the Men's Hat and Cap Industry and to the trade union representing employees in that industry to participate in a discussion and analysis of the requests for relief presented by the petitioners; and

Whereas it appeared that changing conditions of production and employment in the uniform cap and stitched hat branches of the industry require that the allowance for auxiliary workers be increased; and

Whereas it appears advisable to amend the Men's Hat and Cap Wage Determination by

1. Providing that the prevailing minimum wage for auxiliary workers shall be not less than 40 cents per hour;

2. Permitting the employment of auxiliary workers in the uniform cap and stitched hat branches of the industry without limitation as to number; and

3. Clarifying the definition of the terms (a) "auxiliary workers," (b) "machine workers, or workers on any kind of machine" and (c) "cutters or workers in the cutting room," as applied to the uniform cap and stitched hat branches of the industry.

Now, therefore, notice is hereby given to all interested parties of the opportunity to show cause on or before December 31, 1942, why the Secretary of Labor should not amend the Men's Hat and Cap Wage Determination pursuant to the provisions of section 1 (b) of the Walsh-Healey Public Contracts Act so that the amended determination will read as follows:

(1) That the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U.S.C. Supp. III, sec. 35) for the manufacture or supply of men's hats and caps, including men's white sailor and other stitched cloth hats, men's fur-felt hats, men's uniform caps, and women's hats and caps of similar design and construction, shall be 67½ cents an hour or $27 per week of 40 hours, arrived at either upon a time or piecework basis;

(2) That a tolerance of not more than 20 percent of the employees in any one factory, whose activities at any given time are subject to the provisions of the Walsh-Healey Public Contracts Act be granted for auxiliary workers in the Men's Hat and Cap Industry except that there shall be no limitation on the number or proportion of auxiliary workers employed in the uniform cap and stitched hat branches of the industry: *Provided,* That any auxiliary workers in the industry shall be paid not less than 40 cents an hour or $16 per week of 40 hours, arrived at either upon a time or piecework basis;

(3) The term "auxiliary workers" as applied to the employees in the uniform cap and stitched hat branches of the industry shall include only those employees engaged in the following auxiliary occupations: clipping, label stapling, cleaning, stamping, floor girl or boy, examining, measuring, turning, packing and shipping, and separating; and it shall not include cutters or workers in the cutting room, machine workers, or workers on any kind of machine, blockers, pressers, or hand sewers;

(a) The auxiliary occupations listed in this paragraph are defined as follows:

Clipping: The operation of separating component parts of the article after they have been sewn.

Label stapling: The operation of attaching the manufacturer's tag or label to the article by a wire stapling machine.

Cleaning: The operation of removing excess threads from the article or removing stains or dust.

Stamping: The operation of stamping the head size mark on the article.

Floor girl or boy: One who carries items of work to and from the various departments.

Examining: The operation of inspecting the article for imperfections during any stage of manufacture.

Measuring: The operations of measuring bands, straps and ribbons, and cutting them apart.

Turning: The operation of turning the article inside out or outside in.

Packing and shipping: These operations are intended to include unloading stock, counting units, tying completed units into bundles of specified numbers, placing bundles into containers, closing and sealing containers, and marking containers.

Separating: The operation of separating paper from the rags whether performed in the cutting room or elsewhere.

(b) The terms, "cutters or workers in the cutting room," shall apply to and include all operations incidental to the cutting process, including (1) measuring the cloth, (2) spreading the cloth on the table, (3) placing paper in between the layers of cloth, (4) marking the cloth with any medium such as chalk or crayon, (5) cutting with machine or knife or any other means, (6) separating the paper from the cloth, (7) assorting, (8) stacking up bundles, sizes, forms, and shapes, (9) tying up cut materials into bundles, (10) marking bundles, (11) separating bundles, (12) pattern making and pattern grading; and

(c) The term, "machine", as used in the phrase, "machine workers, or workers on any kind of machine", shall apply to and mean electric power machines, foot power machines and hand operated machines, except that hand tools such as scissors used to trim threads or excess materials from a completed article or to cut tapes, ribbons, braids, and bindings are not machines as that term is used in this wage determination.

All objections, protests, or any statements in opposition to or in support of the proposed amendments should be addressed to the Administrator of the Wage and Hour and Public Contracts Divisions, Department of Labor, Washington, D. C., and should be filed with the Administrator not later than December 31, 1942. An original and four copies should be filed.

Dated: December 10, 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-13306; Filed, December 14, 1942; 11:02 a.m.]

Men's Neckwear Industry

NOTICE OF OPPORTUNITY TO SHOW CAUSE

In the matter of the determination of the prevailing minimum wage in the Men's Neckwear Industry.

Whereas, the Secretary of Labor on July 28, 1937, pursuant to the provisions of section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C., Supp. III, 35), otherwise known as the Walsh-Healey Public Contracts Act, made the following determination:

(1) That the minimum wage for employees engaged in the performance of contracts with agencies of the United States subject to the provisions of Public Act No. 846, 74th Congress, approved June 30, 1936, for the manufacture and supply of men's neckwear (exclusive of knitted neckwear) shall be 50 cents per hour, or $20.00 per week for a forty hour week arrived at either upon a time or piece work basis, and

(2) That a tolerance of not to exceed 10 percent of the workers in any one establishment shall be granted for those workers who are in fact learners, handicapped or superannuated workers, exclusive of boxers and trimmers, with an additional tolerance to persons actually employed as boxers and trimmers: *Provided,* That all such workers including learners, handicapped and superannuated workers and boxers and trimmers, be paid not less than 37.5 cents per hour or $15.00 per week for a forty hour week and not less than the piece rates paid to all other workers in the same occupational classification: *And provided further,* That all such employees be qualified for such exemption in accordance with such requirements as may be established hereafter;

and

Whereas on August 12, 1942, the Secretary of Labor issued regulations (Ti. 41, c. 2, Code of Federal Regulations, § 201.1102) permitting employment of handicapped workers at subminimum rates under the Public Contracts Act in accordance with the regulations of the Administrator of the Wage and Hour Division under the Fair Labor Standards Act, and amended all prevailing minimum wage determinations, including the Men's Neckwear Wage Determination, to provide that handicapped or superannuated workers may not be employed at subminimum rates under any other conditions; and

Whereas the minimum wage required to be paid by the manufacturers of men's neckwear subject to the provisions of the Fair Labor Standards Act of 1938 is 40 cents an hour pursuant to the wage order for the Miscellaneous Apparel Industry issued by the Administrator of the Wage and Hour Division under date of November 28, 1941; and

Whereas it appears that substantially all employees subject to the Men's Neckwear Wage Determination of the Secretary are engaged in commerce or in the production of goods for commerce as that term is defined in the Fair Labor Standards Act of 1938, and that, consequently, the aforementioned wage order of the Administrator has had the effect of establishing 40 cents per hour as the prevailing minimum wage for boxers and trimmers in the Men's Neckwear Industry; and

Whereas it appears desirable, for the purpose of coordinating the administration of the Fair Labor Standards Act of 1938 and the Public Contracts Act, to amend the Men's Neckwear Wage Determination of the Secretary to provide that learners may be employed at subminimum rates in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division (Regulations, Title 29, chapter V, Part 522); and

Whereas the Men's Neckwear Wage Determination of the Secretary has been interpreted to apply to the manufacture and supply of women's ties of design and construction similar to the men's neckwear expressly mentioned in the determination, and it appears desirable to clarify the language of the determination by expressly mentioning such women's ties,

Now, therefore, notice is hereby given to all interested parties of the opportunity to show cause on or before December 31, 1942, why the Secretary of Labor should not make the following determination pursuant to the provisions of section 1 (b) of the Act of June 30, 1936, Pub. No. 846, 74th Congress (49 Stat. 2036; 41 U.S.C. Supp. III, sec. 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act:

(1) That the minimum wage for employees engaged in the performance of contracts with agencies of the United States subject to the provisions of Public Act No. 846, 74th Congress, approved June 30, 1936, for the manufacture and supply of men's neckwear (exclusive of knitted neckwear) and of women's ties of design and construction similar to such men's neckwear is 50 cents per hour or $20.00 per week for a 40-hour week arrived at either upon a time or piece work basis: *Provided,* That learners may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act which are hereby adopted for the purposes of this determination, and

(2) That a tolerance of not to exceed 10 percent of the workers in any one establishment shall be granted for persons actually employed as boxers and trimmers: *Provided,* That such boxers and trimmers be paid not less than 40 cents per hour or $16.00 per week for a 40-hour week and not less than the piece rates paid to all other workers in the same occupational classification: *And provided further,* That they be qualified for such exemption in accordance with such requirements as may be established hereafter.

All objections, protests, or any state-

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[1] 6 F.R. 1557.

Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PROD-

Pinckneyville Mfg. Company, Pinckneyville, Illinois; Dresses; 10 percent (T); December 14, 1943.

Reliance Mfg. Company, 16th & Lincoln Streets, Tyrone, Pennsylvania;

Skyline Manufacturing Co., Inc., Skyline Farms, Scottsboro, Alabama; Full-Fashioned Hosiery; 5 percent (T); December 14, 1943.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Royal Manufacturing Company, Al-

the foregoing and which stated that (a) upon consideration of the facts presented by the application and upon further investigation, the Administrator determined, pursuant to § 526.5 (b) (ii) *vided further*, That they be qualified for such exemption in accordance with such requirements as may be established hereafter.

All objections, protests, or any statements in opposition to or in support of the proposed amendments should be addressed to the Administrator, Wage and Hour and Public Contracts Division, Department of Labor, Washington, D. C., and should be filed with the Adminstrator not later than Decemeber 31, 1942. An original and four copies should be filed.

Dated: December 10, 1942.

L. Metcalfe Walling,
Administrator.

[F. R. Doc. 42-13307; Filed, December 14, 1942; 11:02 a. m.]

Wage and Hour Division.

Learner Employment Certificates

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of Special Certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the Federal Register as here stated.

Apparel Learner Regulations, September 7, 1940, (5 F.R. 3591)

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1940 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302)

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective December 14, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

Name and Address of Firm, Industry, Product, Number of Learners and Expiration Date

Apparel Industry

Esta Hat Company, 77 St. Francis St., Newark, New Jersey; Novelty Headwear; 2 learners (T); December 14, 1943.

Hunter Brothers Company, Inc., Statesville, North Carolina; Men's and Boys' Underwear, Navy Shorts; 5 learners (T); December 14, 1943.

Tailors Service Co., 417 Hennepin Ave., Minneapolis, Minnesota; Men's Clothes; 5 learners (T); December 14, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Acme Underwear Company, Inc., 429 Raritan Ave., New Brunswick, New Jersey; Children's Underwear and Pajamas; 7 learners (T); December 14, 1943.

Adirondack Manufacturing Corp., 63 Hudson Avenue, Albany, New York; Gabardine Coats, Sportswear, Raincoats; 10 learners (T); December 14, 1943.

Albern Manufacturing Co., 61 Ponagansett Ave., Providence, R. I., Boys' Cotton Shirts; 10 percent (T); December 14, 1943.

Archbald Sewing Company, Cherry St., Archbald, Pennsylvania; Children's Dresses; 30 learners (E); June 14, 1943.

Bailey & Himes, Inc., 606 E. Green, Champaign, Illinois; Boys' Gymnasium Suits, Girls' Gymnasium Suits and Chenille Emblems; 5 learners (T); December 14, 1943.

Freeburg Mfg. Company, Freeburg, Illinois; Dresses; 10 learners (T); December 14, 1943.

Hirsch Shirt Corporation, 730 Hoffman Street, Hammond, Indiana; Men's Dress and Sport Shirts; 10 percent (T); December 14, 1943.

Kehr-Edelmann Company, 2200 West St., Union City, New Jersey; Bandeaux and Brassieres; 16 learners (T); December 14, 1943.

La Paree Undergarment Co., Inc., 5 Johnson Ave., Matawan, New Jersey; Children's Underwear; 10 learners (T); December 14, 1943.

MacLaren Sportswear Company, Second & Alder Sts., Philipsburg, Penn.; Army Trousers; 10 percent (T); December 14, 1943.

Majestic Manufacturing Co., Inc., 192 Cain St., N. W. Atlanta, Georgia; Ladies', Wash Dresses; 10 percent (T); December 14, 1943.

Marlin Manufacturing Company, Aurora, Missouri; Work shirts; 10 learners (T); December 14, 1943.

N & W Overall Company, Inc., Kemper St., Lynchburg, Virginia; Overalls, Shirts, Pants, Gov't Shirts, H. B. Jackets and working shirts; 10 percent (T); December 14, 1943.

C. A. Neuburger Company, 908–916 S. Main St., Oshkosh, Wisconsin; Ladies' Wash Dresses, Cotton Defense Uniforms, Housecoats, etc.; 10 percent (T); December 14, 1943.

Pinckneyville Mfg. Company, Pinckneyville, Illinois; Dresses; 10 percent (T); December 14, 1943.

Reliance Mfg. Company, 16th & Lincoln Streets, Tyrone, Pennsylvania; Cotton Work Shirts, Navy Cotton Trousers; 10 percent (T); December 14, 1943.

Jos. Rogow & Sons, Inc., 4701 Liberty Ave., Pittsburgh, Pennsylvania; Trousers, Coats, Dresses, Aprons; 10 learners (T); June 29, 1943. (This certificate replaces the certificate bearing the expiration date of June 29, 1943 authorizing employment of five learners at subminimum wage rates.)

Sel-Mor Garment Company, 1136 Washington St., St. Louis, Missouri; Ladies' Underwear; 10 percent (T); December 14, 1943.

M. Setlow & Son, Inc., 131 Chestnut St., New Haven, Conn.; Overalls, Work Coats and Aprons, Work Pants, U. S. Army Work Suits; 10 learners (T); December 14, 1943.

Tenbroeck Dresses, Inc., 66 Ten Broeck Avenue, Kingston, New York; Dresses; 10 learners (T); December 14, 1943.

Union Pants Manufacturing Co., Spring & Ann Sts., Bordentown, N. J.; Work and Dress Trousers; 10 percent (T); December 14, 1943.

Wee Tog Manufacturing Company, Amber & Willard Sts., Philadelphia, Penn.; Children's Dresses; 10 percent (T); December 14, 1943.

Glove Industry

Newton Glove Manufacturing Co., Ashe Avenue, Newton, North Carolina; Work Gloves; 5 percent (T); December 14, 1943.

Waldorf Knitting, Inc., 243 West 17th Street, New York, New York; Knit Wool Gloves; 10 percent (T); December 14, 1943.

Hosiery Industry

Baker-Mebane Hosiery Mills, Highway 103, Mebane, North Carolina; Seamless Hosiery; 5 percent (T); December 10, 1943. (This Certificate Effective December 10, 1942 and expiring December 10, 1943.)

Crescent Knitting Company, Armfield Street, Statesville, North Carolina; Seamless Hosiery; 5 percent (T); December 14, 1943.

Cumberland Manufacturing Co., Inc., Cumberland Homesteads, Crossville, Tennessee; Full Fashioned Hosiery; 5 percent (T); December 14, 1943.

Francis-Louise Full Fashion Mills, Inc., Valdese, North Carolina; Full Fashioned Hosiery; 5 learners (T); December 14, 1943.

Josephine Mills, Inc., Elizabeth Drive, Marion, North Carolina; Seamless Hosiery; 5 percent (T); December 14, 1943.

Kenmore Hosiery Company, Fredericksburg, Virginia; Full Fashioned Hosiery; 5 percent (T); December 14, 1943.

Penderlea Manufacturing Co., Inc., Penderlea Farms, Willard, North Caroline; Full Fashioned Hosiery; 5 percent (T); December 14, 1943.

Red House Manufacturing Co., Inc., Red House Farmsteads, Eleanor, W. Va.; Full Fashioned Hosiery; 5 percent (T); December 14, 1943.

Skyline Manufacturing Co., Inc., Skyline Farms, Scottsboro, Alabama; Full-Fashioned Hosiery; 5 percent (T); December 14, 1943.

Knitted Wear Industry

Clifton Underwear Mills, Inc., 173 Beechwood Ave., New Rochelle, New York; Knitted Rayon Underwear; 5 learners (T); December 14, 1943.

Kain-Murphey Corp., Manufacturers Road, Chattanooga, Tennessee; Knit Underwear; 5 percent (T); December 14, 1943.

Signal Knitting Mills, Manufacturers Road, Chattanooga, Tennessee; Knit Underwear; 5 percent (T); December 14, 1943.

Textile Industry

Georgia Webbing and Tape Company, 1340 11th Ave., Columbus, Georgia; Cotton; 3 percent (T); December 14, 1943.

Radford Weaving Company, Norwood Street, Radford, Virginia; Yarn & Thread; 3 percent (T); December 14, 1943.

The Springs Cotton Mills-Lancaster Plant, Lancaster, South Carolina; Print Goods; 3 percent (T); December 14, 1943. (This certificate replaces the one bearing the expiration date of May 4, 1943.)

Tennessee Knitting Mills, Inc., Pulaski Highway, Columbia, Tennessee; Thread; 3 percent (T); December 14, 1943.

Union Manufacturing Company, Union Point, Georgia; Yarns & Hosiery; 3 learners (T); December 14, 1943.

Signed at New York, N. Y. this 12th day of December 1942.

Merle D. Vincent,
Authorized Representative,
of the Administrator.

[F. R. Doc. 42-13304; Filed, December 14, 1942; 10:58 a. m.]

Learner Employment Certificates

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of Special Certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective December 14, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

Name and Address of Firm, Product, Number of Learners, Learning Period, Learner Wage, Learner Occupations, Expiration Date

Royal Manufacturing Company, Alburtis, Pennsylvania; Shorts, Athletic Shirts; 5% productive factory workers; 320 hours for any one learner; 25¢ per hour; to be employed in the occupation of machine operator, machine knitter, hand sewer and Presser; December 14, 1943.

Canvas Products Corporation, 19–23 E. McWilliams St., Fond du Lac, Wisconsin; Canvas Products; 9 learners; 320 hours for any one learner; 30 cents per hour; To be employed as Sewing Machine Operator and Presser; April 19, 1943.

Signed at New York, N. Y., this 12th day of December 1942.

Merle D. Vincent,
Authorized Representative
of the Administrator.

[F. R. Doc. 42-13305; Filed, December 14, 1942; 10:58 a. m.]

Dakota Rabbit and Fur Co.

APPLICATION FOR EXEMPTION, ETC.

In the matter of the application for the exemption of the skinning of wild rabbits and other wild fur bearing animals from the maximum hours provisions of the Fair Labor Standards Act of 1938 pursuant to section 7 (b) (3) of the Act and Part 526 as amended of the regulations issued thereunder.

Whereas, an application was received from the Dakota Rabbit and Fur Company of Sioux Falls, South Dakota, for the exemption of the skinning of wild rabbits and other wild fur bearing animals in wild rabbit skinning establishments from the maximum hours provisions of the Fair Labor Standards Act of 1938 pursuant to section 7 (b) (3) of the Act and Part 526, as amended, of the regulations issued thereunder; and

Whereas, it appeared from said application and upon further investigation that:

1. Owing to natural conditions, wild rabbits and other wild fur bearing animals are available for skinning only during the cold weather months, from about November 15 of each year to about March 15 of the following year, when the fur or pelt is prime; and

2. Wild rabbit skinning establishments receive the carcasses of wild rabbits and occasionally the carcasses of other wild fur bearing animals, skin them, and prepare the pelts for shipment to market only during a regularly recurring season of the year when the pelts are prime, from about November 15 of each year to about March 15 of the following year; and

3. Wild rabbit skinning establishments cease operations during the remainder of the year except for such work as maintenance, repair, clerical, and sales work;

Whereas, on November 13, 1942, the Administrator of the Wage and Hour Division caused to be published in the Federal Register a notice which set forth the foregoing and which stated that (a) upon consideration of the facts presented by the application and upon further investigation, the Administrator determined, pursuant to § 526.5 (b) (ii) of the regulations, that a *prima facie* case had been shown for the granting of an exemption as an industry of a seasonal nature pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder, to the skinning of wild rabbits in wild rabbit skinning establishments, and the skinning of other wild fur bearing animals such as skunk, muskrat, mink, and beaver, in wild rabbit skinning establishments during the wild rabbit skinning season; that (b) in accordance with the procedure established by § 526.5 (b) (ii) of the regulations, Part 526, as amended, the Administrator, for 15 days following the publication of this determination, would receive objection to the granting of the exemption and request for hearing from any person interested, and upon receipt of objection and request for hearing, the Administrator would set the application for hearing before himself or an authorized representative; and that (c) if no objection and request for hearing was received within 15 days, the Administrator would make a finding upon the *prima facie* case;

Whereas, no objection and request for hearing was received by the Administrator within the said 15 days;

Now, therefore, pursuant to § 526.5 (b) (ii) of the regulations, as amended, the Administrator hereby finds upon the *prima facie* case shown in the said application that the skinning of wild rabbits in wild rabbit skinning establishments, and the skinning of other wild fur bearing animals such as skunk, muskrat, mink, and beaver, in wild rabbit skinning establishments during the wild rabbit skinning season is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and the regulations issued thereunder, and, therefore, is entitled to the exemption provided in section 7 (b) (3) of the said Act.

As used in this determination the term "skinning of wild rabbits in wild rabbit skinning establishments and the skinning of other wild fur bearing animals" includes the operations of collecting or receiving the carcasses of these animals, or occasionally, the pelts of these animals which have not been cleaned, scraped or dried, and it includes the removing of the pelts from the carcasses, cleaning, scraping and drying the pelts, baling the pelts for shipment and all operations immediately necessary and incident to these enumerated operations. It does not include these operations when performed on domesticated rabbits or other fur bearing animals raised in captivity.

Signed at New York, New York, this 11th day of December 1942.

L. Metcalfe Walling,
Administrator.

[F. R. Doc. 42-13302; Filed, December 14, 1942; 10:58 a. m.]

Pens and Pencils Manufacturing Industry

HEARING ON MINIMUM WAGE RECOMMENDATION

Notice of hearing on the minimum wage recommendation of Industry Committee No. 52 for the Pens and Pencils Manufacturing Industry to be held January 12, 1943.

Whereas, the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938 on November 4, 1942, by Administrative Order No. 168 appointed Industry Committee No. 52 for the Pens and Pencils Manufacturing Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas, Industry Committee No. 52, on November 30, 1942, recommended a minimum wage rate for the Pens and Pencils Manufacturing Industry and duly adopted a report containing such recommendations and reasons therefor and filed such report with the Administrator on December 1, 1942, pursuant to section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas, the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 52 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing and taking into consideration the same factors as are required to be considered by the industry committee, will carry out the purposes of section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 52 is as follows:

> Wages at a rate of not less than 40 cents an hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Pens and Pencils Manufacturing Industry (as defined in Administrative Order No. 168) who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Pens and Pencils Manufacturing Industry as set forth in Administrative Order No. 168, issued November 4, 1942, is as follows:

> The manufacture of pens and pencils, including, but without limitation, fountain pens, fountain pen desk sets, stylographic pens, pen holders, pen parts, nibs, lead pencils, crayon pencils, mechanical pencils, pencil leads, pencil parts, all types of crayons, and the related products made or assembled in pen and pencil manufacturing establishments.
>
> The definition of the pens and pencils manufacturing industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That such clerical, maintenance, shipping and selling occupations when carried on in a wholesaling or selling department physically segregated from other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale, shall not be deemed to be covered by this definition: *Provided, further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

III. The full text of the report and recommendation of Industry Committee No. 52 is and will be available for inspection by any person between the hours of 9:00 a. m. and 4:00 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, Old South Building, 294 Washington Street.

New York, New York, 341 Ninth Avenue

Newark, New Jersey, Essex Building, 31 Clinton Street.

Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut and Juniper Streets.

Pittsburgh, Pennsylvania, Clark Building, Liberty Avenue and Seventh Street.

Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.

Baltimore, Maryland, 201 North Calvert Street.

Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.

Columbia, South Carolina, Federal Land Bank Building, Hampton and Marion Streets.

Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street NE.

Jacksonville, Florida, 456 New Post Office Building.

Birmingham, Alabama, 1007 Comer Building, 2nd Avenue and 21st Street.

New Orleans, Louisiana, 916 Union Building.

Jackson, Mississippi, 404 Deposit Guaranty Bank Building, 102 Lamar Street.

Nashville, Tennessee, 509 Medical Arts Building, 115 Seventh Avenue, N.

Cleveland, Ohio, Main Post Office, West 3rd and Prospect Avenue.

Cincinnati, Ohio, 1312 Traction Building, 5th and Walnut Streets.

Detroit, Michigan, David Scott Building, 1150 Griswold Street.

Chicago, Illinois, 1200 Merchandise Mart, 222 West North Bank Drive.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 504 Title and Trust Building, 10th and Walnut Streets.

St. Louis, Missouri, 316 Old Customs House.

Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.

Dallas, Texas, Rio Grande National Building, 1100 Main Street.

San Francisco, California, 500 Humboldt Bank Building, 785 Market Street.

Los Angeles, California, 417 H. W. Hellman Building.

Seattle, Washington, 305 Post Office Building, 3rd Avenue and Union Street.

San Juan, Puerto Rico, Post Office Box 112.

Washington, District of Columbia, Department of Labor, 1st Floor.

New York, New York, 165 West 46th Street.

Copies of the committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

IV. A public hearing will be held on January 12, 1943, before Major Robert N. Campbell, Presiding Officer, at 10:00 a. m. in room 1610, 165 West 46th Street, New York, New York, for the purpose of taking evidence on the following question:

> Whether the recommendation of Industry Committee No. 52 should be approved or disapproved.

V. Any interested person supporting or opposing the recommendation of Industry Committee No. 52 may appear at the aforesaid hearing to offer evidence, either on his behalf or on behalf of any other person: *Provided,* That not later than January 6, 1943, such person shall file with the Administrator at New York, New York, a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 52.
4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 52 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, or by consulting with attorneys representing the Administrator who will be available for that purpose at the Office of the Solicitor, United States Department of Labor, in Washington, D. C., and New York, New York.

VII. Copies of the following document relating to the Pens and Pencils Manufacturing Industry will be made available on request for inspection by any interested person who intends to appear at the aforesaid hearing:

> Report entitled, *Economic Factors Bearing on the Establishment of Minimum Wages in the Pens and Pencils Manufacturing Industry,* prepared by the Economics Branch, Wage and Hour Division, United States Department of Labor, November 1942.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Presiding Officer as are deemed appropriate.

1. The hearings shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

2. In order to maintain orderly and expeditious procedure, each person filing a

Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice, he will not be permitted to offer evidence at any other time except by special permission of the Presiding Officer.

3. At the discretion of the Presiding Officer, the hearing may be continued from day to day, or adjourned to a later date, or to a different place by announcement thereof at the hearing by the Presiding Officer, or by other appropriate notice.

4. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the Presiding Officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the Presiding Officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the Presiding Officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be put in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The Presiding Officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person insofar as is practicable, and to object to the admission or exclusion of evidence by the Presiding Officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the Presiding Officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the Presiding Officer.

12. Before the close of the hearing, the Presiding Officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the Presiding Officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing, the Presiding Officer shall forthwith file a complete record of the proceedings with the Administrator. The Presiding Officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at New York, New York, this 11th day of December 1942.

L. METCALF WALLING,
Administrator.

[F. R. Doc. 42-13303; Filed, December 14, 1942; 10:58 a.m.]

FEDERAL POWER COMMISSION.

[Docket No. G-230]

Tennessee Gas and Transmission Company

ORDER CHANGING DATE OF HEARING

DECEMBER 11, 1942.

It appearing to the Commission that pursuant to previous orders a hearing in the above-entitled proceeding was set for December 15, 1942, in the Hearing Room of the Railroad and Public Utilities Commission of the State of Tennessee, at Nashville, Tennessee;

The Commission, upon its own motion, orders that:

The hearing in this proceeding be held beginning on January 18, 1943, at 9:45 a. m., in the Hearing Room of the Railroad and Public Utilities Commission of the State of Tennessee, War Memorial Building, Nashville, Tennessee.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-13295; Filed, December 14, 1942; 10:34 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 234]

Trade-Marks, Commercial Prints and Labels of Robert Bosch, G. m. b. H.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation, finding that the property described herein is property in which nationals of a foreign country or countries have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States; such property being described as follows:

> The trade-marks registered in the United States Patent Office under the numbers and on the dates set out in Exhibit A attached hereto and made a part hereof, the titles to which stand of record in the names of persons as stated in connection with each registration listed in said Exhibit, the last known address of all of which persons are in Germany, and all of whom are nationals of Germany, and the registrations thereof together with the respective good will of the business in the United States and all its possessions, to which said trade-marks are appurtenant, and any and all indicia of such good will (including but not limited to formulae, whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machinery and other equipment) and any interest of any nature whatsoever in and any rights and claims of every character and description to said business, good will and trade-marks and registrations thereof, including without limitation all accrued royalties payable or held with respect to said trade-marks and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof; and
>
> All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof in and to the commercial prints and labels, registrations of copyright therein, the numbers of which are listed in Exhibit B attached hereto and made a part hereof and the titles to which stand of record in the Library of Congress Copyright Office in the names of persons as stated in connection with each commercial print or label listed in said Exhibit, the last known addresses of all of which persons are in Germany, and all of whom are nationals of Germany.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 14, 1942.

[SEAL] **Leo T. Crowley,**
Alien Property Custodian.

EXHIBIT A

Trade-marks which are identified as follows and the titles to which stand of record in the United States Patent Office in the names of the registrants indicated respectively, except where other record owner is shown:

Trade-Mark Reg. No.	Date	Registrant	Character of Goods
363, 528	12/27/38	Robert Bosch G. m. b. H.	Glow plugs used with i. c. engines, etc.
363, 529	12/27/38	Robert Bosch G. m. b. H.	Fuel supply pumps, filters, etc.
153, 640	3/28/22 (renewed)	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Oil pumps for lubricating motors, etc.
161, 390	11/14/22	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Certain electrical apparatus.
187, 960	8/12/24	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Magneto-electric ignition systems, etc.
198, 925	5/26/25	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Carburetors, fuel pumps, etc.
263, 502	11/5/29	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Carburetors and fuel injection devices.
298, 203	4/12/32	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Electric lighting and starting systems.
266, 720	1/28/30	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Lubricating devices.
284, 429	6/23/31	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Lubricating devices and parts.
296, 379	8/ 2/32	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Magneto-electric ignition systems.
304, 917	7/18/33	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Magneto-electric and battery ignition systems.
309, 821	1/30/34	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Brakes and equipment for brakes, etc.
316, 488	8/28/34	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Ignition systems, electrical lighting, etc.
317, 491	9/25/34	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Spark plugs and insulators.

EXHIBIT B

Commercial prints and labels which are identified as follows and the titles to which stand of record in the Library of Congress Copyright Office in the names of the registrants indicated respectively, except where other record owner is shown:

Label No.	Date	Registrant	Character of goods
27, 023	3/4/24	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Spark plugs and accessories.
28, 350	3/3/25	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Warning devices: Horns.
28, 635	5/12/25	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Hydrometers.
30, 154	4/16/26	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Hydrometers.
32, 275	6/14/27	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Spark Plugs.
34, 294	7/17/28	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Windshield Wipers.
Print No. 7, 862	3/17/25	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Electric headlights, lamps, etc.
7, 850	3/10/25	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Magneto-Electric ignition apparatus.

[F. R. Doc. 42-13158; Filed, December 11, 1942; 10:37 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Correction to Order 92 Under MPR 120]

L. W. RICHARDS

AMENDMENT OF ORDER GRANTING ADJUSTMENT

Correction to Order No. 92 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-130.

The words, "doing business as the Jackson Coal Company," should be deleted wherever they occur in Order No. 92 under Maximum Price Regulation No. 120 and in the opinion which accompanies it.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued and effective this 11th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13210; Filed, December 11, 1942; 2:37 p. m.]

[Order 100 Under MPR 120[1]]

ALBRIGHT COAL COMPANY

ORDER GRANTING ADJUSTMENT, ETC.

Order No. 100 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 1120-78-P—Granting adjustment and denial of protest insofar as relief is not granted.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120; *It is hereby ordered:*

(a) *Granting adjustment.* (1) Coals in Size Groups 6 and 8 produced by the Albright Coal Company, P. O. Box No. 1973, Pittsburgh, Pennsylvania, at its Vivian Mine (Mine Index No. 188), District No. 3 may be sold and purchased for shipment by rail at prices per net ton, f. o. b. the mine, not to exceed $2.60 and $2.30, respectively;

(2) Paragraph (a) of this Order No. 100 may be revoked or amended by the Price Administrator at any time;

(3) Within 30 days from the effective date of this Order, the said Albright Coal Company shall inform all persons purchasing its coal of the adjustments granted in this Order and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted by this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122;

(b) *Denial of protest except insofar as relief is granted by this Order No. 100.* The protest filed by the said Albright Coal Company against the provisions of Maximum Price Regulation No. 120 and assigned Docket No. 1120-78-P is hereby denied except insofar as relief is granted in paragraph (a) of this Order No. 100.

(c) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(d) This Order No. 100 shall become effective December 12, 1942.

Issued this 11th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13211; Filed, December 11, 1942; 2:40 p. m.]

[Order 101 Under MPR 120[1]]

PRESTON COUNTY COKE COMPANY

ORDER GRANTING ADJUSTMENT, ETC.

Order No. 101 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 1120-74-P—Granting adjustment and denying protest insofar as relief is not granted.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, *It is ordered:*

(a) *Granting adjustment.* (1) The Preston County Coke Company, Cascade, West Virginia, may sell and deliver, and any person may buy and receive, for shipment by rail the bituminous coal in Size Groups 6, 7 and 8 produced at its Hawley No. 1 Mine (Mine Index No. 72), its Cascade Mine (Mine Index No. 33), and its Bull Run Mine (Mine Index No. 1285), all of District No. 3, at prices per net ton f. o. b. the mine, not to exceed $2.45, $2.35 and $2.35, respectively:

(2) The said Preston County Coke Company may sell and deliver, and any person may buy and receive, for use as railroad fuel the bituminous coal in Size Groups 6 to 10, inclusive, produced at its said mines at prices per net ton, f. o. b. the mine, not to exceed $2.30 for Size Group 6 and $2.20 for each of Size Groups 7 to 10 inclusive.

(3) Paragraph (a) of this Order No. 101 may be revoked or amended by the Price Administrator at any time;

(4) Within 30 days from the effective date of this order, the said Preston County Coke Company shall inform all persons purchasing its coal of the adjustments granted in this order and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted by this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122;

(b) *Denial of protest except insofar as relief is granted by this Order No. 101.* The protest filed by the Preston County Coke Company against the provisions of Maximum Price Regulation No. 120 and assigned Docket No. 1120-74-P is hereby denied except insofar as relief is granted in paragraph (a) of this Order No. 101;

(c) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(d) This order No. 101 shall become effective December 12, 1942.

Issued this 11th day of December 1942.

Leon Henderson,
Administrator.

[F.R. Doc. 42-13212; Filed December 11, 1942; 2:37 p. m.]

[Order 102 Under MPR 120[1]]

REITZ COAL COMPANY

ORDER GRANTING ADJUSTMENT, ETC.

Order No. 102 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 1120-147-P—Granting adjustment to Reitz Coal Company and closing protest docket.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (d) of Maximum Price Regulation No. 120; *It is hereby ordered:*

(a) (1) Coals in Size Group 3 produced by Reitz Coal Company, Windber, Pennsylvania, at its Reitz No. 4 Mine, Mine Index No. 423, in District No. 1, may be sold for railroad fuel use to the Monongahela Connecting Railroad at a price not to exceed $2.80 per net f. o. b. the mine.

(2) Coals in Size Group 1 produced by Reitz Coal Company, Windber, Pennsylvania, at its Reitz No. 5 Mine, Mine Index No. 424, District No. 1, may be sold for railroad fuel use to the Morristown and Erie Railroad at a price not to exceed $3.05 per net ton f. o. b. the mine.

(b) This Order No. 102 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(d) Inasmuch as this Order No. 102 and Amendment No. 21[2] to Maximum Price Regulation No. 120 together grant all the relief requested in the protest which has been assigned Docket No. 1120-147-P, said protest docket is hereby closed.

(e) This Order No. 102 shall become effective December 12, 1942.

Issued this 11th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13213; Filed, December 11, 1942; 2:34 p. m.]

[Order 103 Under MPR 120[1]]

BLUE DIAMOND COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 103 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-215.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (d) of Maximum Price Regulation No. 120; *It is ordered:*

(a) The 2″ x 0 nut and slack coal produced by the Blue Diamond Coal Company, Knoxville, Tennessee, at its Westbourne Mine (Mine Index No. 1488), District No. 8, may be sold to the Georgia Railroad for stationary boiler fuel at prices not to exceed $2.25 per net ton, f. o. b. the mine;

(b) This Order No. 103 may be revoked or amended by the Price Administrator at any time;

(c) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(d) This Order No. 103 shall become effective December 12, 1942.

Issued this 11th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13214; Filed, December 11, 1942; 2:37 p. m.]

[Order 104 Under MPR 120[1]]

SPRINGBROOK MINING COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 104 Under Maximum Price Regulation No. 120 — Bituminous Coal Delivered From Mine or Preparation Plant—Docket No 3120-251.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals produced by Springbrook Mining Company at its Springbrook Mine, Mine Index No. 33, in District No. 23, may be sold and purchased for shipment by truck or wagon at prices not to exceed $6.00, $5.35, $4.60, and $4.85 per net ton in Size Groups 2, 10, 16 and 18, respectively, f. o. b. the mine;

(b) Within thirty (30) days from the effective date of this order the said Springbrook Mining Company shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122.

(c) This Order No. 104 may be revoked or amended by the Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.-

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[1] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6265, 6272, 6472, 6325, 6524, 6744, 6896, 7777, 7670, 7914, 7942, 8354, 8650, 8948.

[1] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6896, 7777, 7670, 7914, 7942, 8354, 6850, 8948.

[2] 7 F.R. 6325.

208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(e) This Order No. 104 shall become effective December 12, 1942.

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13215; Filed, December 11, 1942; 2:39 p. m.]

[Order 81 Under MPR 188]

E. V. Crandall Oil and Putty Mfg. Co., Incorporated

ORDER GRANTING ADJUSTMENT

Order No. 81 Under § 1499.161 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. GF3–2402.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250: *It is ordered:*

(a) E. V. Crandall Oil and Putty Mfg. Co., Incorporated, 1105 Metropolitan Avenue, Brooklyn, New York, is hereby authorized to sell to all persons, and such persons are authorized to buy putty and caulking compound manufactured by it, and more specifically described below, at prices not in excess of those set forth below:

MAXIMUM PRICES OF PUTTY PER 100 POUNDS

Grade	100 pound drums	50 pound drums	25 pound cans	12½ pound cans	Friction top cans		
					5 pound	2 pound	1 pound
Commercial putty	2.70	3.05	3.40	3.60	3.80	4.70	5.20
Standard putty	3.15	3.50	3.85	4.05	4.25	5.15	5.65
Newton putty	3.65	4.00	4.35	4.55	4.75	5.65	6.15
Standard 10% white lead putty	4.65	5.00	5.35	5.55	5.75	6.65	7.15
Linseed oil putty, guaranteed	4.70	5.05	5.40	5.60	5.80	6.70	7.20
Linseed oil 10% white lead putty	5.70	6.05	6.40	6.60	6.80	7.70	8.20
Higrade primeless putty	4.50	4.85	5.20	5.40	5.60	6.50	7.00
Elastic glazing compound	5.70	6.05	6.40	6.60	6.80	7.70	8.20
Gem steel sash putty	4.85	5.20	5.55	5.75	5.95	6.85	7.35
Metro steel sash putty	4.50	4.85	5.20	5.40	5.60	6.50	7.00
Oxford steel sash putty	3.80	4.15	4.50	4.70	4.90	5.80	6.30
Crandalite caulking compound	*Pint* .25	*Quart* .40	*½ gal.* .65	*1 gal.* 1.15	*5 gal.* .95 gal.	--------	--------

Colored putty add 50¢ per cwt. to grade desired.
Terms: f. o. b. New York, 30 days net; 2% ten days.

(b) All applicable discounts, price differentials, terms and conditions of sale and other trade and freight practices, except as specifically set forth above, in force for E. V. Crandall Oil and Putty Mfg. Co., Incorporated, in March 1942, shall be maintained unless the discontinuance or modification thereof results in a lower price.

(c) Within twenty days of the effective date of this order, E. V. Crandall Oil and Putty Mfg. Co., Incorporated, shall advise all persons purchasing its products, described above, of the terms of this order and shall inform them of the maximum prices fixed for each such commodity.

(d) Nothing in this order shall be deemed to permit adjustment of maximum prices for any seller of the commodities listed in paragraph (a) other than E. V. Crandall Oil and Putty Mfg. Co., Incorporated.

(e) All prayers of the application not granted herein are denied.

(f) This Order No. 81 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 81 shall become effective December 12, 1942.

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13209; Filed, December 11, 1942; 2:41 p. m.]

[General Order 39]

Delegation of Authority Concerning Regulations Applicable in Hawaii

Delegation to Regional Administrator for Region IX of authority to sign, issue, modify and amend maximum price regulations applicable in the Territory of Hawaii.

Pursuant to the authority conferred upon the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, the following order is prescribed:

(a) *Order delegating to the Regional Administrator for Region IX authority to sign, issue, modify and amend maximum price regulations applicable in the Territory of Hawaii.* (1) The Regional Administrator for Region IX is authorized to sign, issue, modify and amend maximum price regulations and statements of considerations in accordance with the provisions and standards of the Emergency Price Control Act of 1942, as amended, insofar as such regulations are applicable in the Territory of Hawaii, and is authorized to delegate the authority, or part thereof, to the Territorial Director for the Territory of Hawaii.

(b) This General Order No. 39 shall take effect December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13203; Filed, December 11, 1942; 2:34 p. m.]

[Order 1 Under MPR 33]

Avondale Mills, et al.

ORDER GRANTING ADJUSTMENT

Order No. 1 under Maximum Price Regulation No. 33—Carded Cotton Yarns and the Processing Thereof—Docket Nos. 3033–1, 3033–2 and 3033–4—Granting adjustment to Avondale Mills, Cross Cotton Mills Company and Linn Mills Company.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

(a) On and after September 28, 1942, Avondale Mills, Cross Cotton Mills Company and Linn Mills Company, herein called the Petitioners, may sell and deliver and any person may purchase and receive double-carded cotton yarns at a price not in excess of the maximum price for base-grade yarn of the same number and ply as set forth in Maximum Price Regulation No. 33 plus 1½ cents per pound.

(b) Except for the adjusted maximum prices granted herein, sales of double-carded cotton yarns by the Petitioners shall be subject in all other respects to the provisions of Maximum Price Regulation No. 33.

(c) For the purposes of this order the term "double-carded yarn" means, with respect to each of the companies listed above, yarns which have been subjected to the manufacturing processes in the manner described by each such company, respectively, in its petition filed with the Office of Price Administration.

(d) This Order No. 1 may be revoked or amended at any time by the Office of Price Administrator.

(e) This Order No. 1 shall become effective September 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13197; Filed, December 11, 1942; 2:34 p. m.]

[Order 3 Under RPS 60]

The Defense Supplies Corporation

ORDER GRANTING APPROVAL

Order No. 3 under Revised Price Schedule No. 60—Direct Consumption Sugars.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and § 1334.61 (b) of Maximum Price Regulation No. 60, *It is hereby ordered:*

(a) Defense Supplies Corporation and its designee or designees may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the sugar set forth in paragraph (b) of this Order No. 3 at prices not in excess of those stated therein. Any person may buy and receive, and agree, offer, solicit and attempt to buy and receive, such sugars at such prices from Defense Supplies Corporation and its designee or designees.

(b) Fine granulated sugar processed by cane sugar refineries in the state of Maryland shall be $5.60 per one hundred pounds f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(c) The permission granted to Defense Supplies Corporation and its designee or designees is subject to the following conditions:

(1) With respect to the sugar specified in paragraph (b) of this Order No. 3 for each one hundred pounds of such sugar sold by each designee of Defense Supplies Corporation under the permission granted in this Order No. 3, such designee shall pay to Defense Supplies Corporation an amount of money equal to the difference between the applicable maximum basis price for such sugar specified in § 1334.51 (a) (2) of Revised Price Schedule No. 60, and the maximum basis price for such sugar specified in paragraph (b) of this Order No. 3: *Provided,* That such payment may be reduced for cash sales by an amount equal to not more than two percent of the difference between the maximum basis prices as above determined.

(2) The sugar specified in this order may be sold for delivery only in the states of Pennsylvania and Delaware.

(d) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1334.59 of Revised Price Schedule No. 60 shall apply to the terms used herein.

(f) This Order No. 3 shall become effective December 11, 1942.

Issued this 11th day of December, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13198; Filed, December 11, 1942; 2:33 p. m.]

[Order 7 Under MPR 135]

Mutual Fertilizer Company

ORDER GRANTING ADJUSTMENT

Order No. 7 under Maximum Price Regulation No. 135— Mixed Fertilizer, Superphosphate and Potash—Docket No. 3135–10.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1, *It is ordered:*

(a) On and after December 12, 1942 the Mutual Fertilizer Company, Savannah, Georgia, may sell and deliver mixed fertilizers, superphosphate, and potash manufactured by it at the respective applicable maximum prices, subject to agreement with the respective purchasers of such mixed fertilizers, superphosphate, and potash to adjust the prices thereof in accordance with the final disposition of the petition for adjustment filed by said company on November 12, 1942, in the Office of Price Administration.

(b) This Order No. 7 may be revoked or amended by the Price Administrator at any time, and in any event shall be effective only to the date upon which said petition for adjustment is finally disposed of by the Price Administrator.

(c) This Order No. 7 shall become effective December 12, 1942.

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13202; Filed, December 11, 1942; 2:38 p. m.]

[Order 9 Under RPS 49]

Simons Iron and Metal Company, Inc.

ORDER GRANTING EXTENSION

Order No. 9 under Revised Price Schedule No. 49—Resale of Iron or Steel Products—Docket No. 3049–17.

In a verified petition which conforms to the requirements of Revised Procedural Regulation No. 1, the Simons Iron and Metal Company, Incorporated, of Newark, New Jersey, under date of July 16, 1942, requested that the time limit set forth in Order No. 5 to Revised Price Schedule No. 49 be extended from July 31, 1942 to January 31, 1943.

Due consideration has been given to the petition and an opinion in support of this Order No. 9 has been filed with the Division of the Federal Register. For the reasons set forth in the opinion under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

(a) That this permission shall expire on and have no effect or validity after January 31, 1943.

(b) Copies of invoices covering delivery of materials described in Order No. 5 to Revised Price Schedule No. 49 shall be filed with the Office of Price Administration not later than ten days after delivery in whole or in part of said steel.

(c) This Order No. 9 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 9 shall become effective December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13199; Filed, December 11, 1942; 2:42 p. m.]

[Order 15 Under MPR 161]

Matt Kippola Logging Co., et al.

OVERTIME ADDITIONS

Pursuant to the provisions of § 1381.160 (e) of Maximum Price Regulation 161, West Coast Logs, each of the following persons has filed with the Office of Price Administration, Washington, D. C., a certified statement that the following hours per week are maintained in its logging operations. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with §1381.160 (e) of Maximum Price Regulation 161, *It is hereby ordered:*

(a) The following persons being on a 48-hour week may add to the maximum prices of all logs produced by them $1.00 per 1,000 ft., log scale:

Matt Kippola Logging Co., Paulsbo, Washington.

Hector Brown Logging Company, Monroe, Washington.

Frank Zaviteki, Centralia, Washington.

Schetky. Logging Company (Molalla Camp), Portland, Oregon.

(b) The following person being on a 60-hour week may add to the maximum prices of all logs produced by it $2.00 per 1,000 ft., log scale:

Schetky Logging Company (Jewell Camp), Portland, Oregon.

(c) The following company having changed its status as an overtime company from a 54-hour basis to a 48-hour basis as of November 2, 1942, may add to the maximum prices of all logs produced by it $1.00 per 1,000 ft., log scale, instead of $1.50 as has been authorized by prior order of the Office of Price Administration.

West Fork Logging Company, Tacoma, Washington.

This change of status shall be effective as of November 2, 1942, and the prior authorization of $1.50 per 1,000 ft. log scale is hereby revoked for this company as of November 2, 1942.

(d) The following company ceased all logging operations on October 10, 1942, and its prior authorization of $1.50 per 1,000 ft. log scale is revoked as of October 10, 1942:

Knappa Logging Co., Portland, Oregon.

(e) The additions to maximum prices specified in paragraphs (a), (b), and (c) hereof may be made subject to the condition that the persons named comply with all provisions of § 1381.160 (e) of Maximum Price Regulation 161.

(f) This Order No. 15 may be revoked or amended by the Price Administrator at any time by similar publication in the FEDERAL REGISTER for change of status of any of the persons named herein as an overtime company.

(g) This Order No. 15 shall become effective December 12, 1942.

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13200; Filed, December 11, 1942; 2:39 p. m.]

[Order 29 Under RPS 6]

COMPRESSED STEEL SHAFTING COMPANY

ORDER GRANTING EXCEPTION

Order No. 29 under Revised Price Schedule No. 6—Iron and Steel Products—Docket No. 3006-25.

On September 23, 1942, Compressed Steel Shafting Company, Readville, Massachusetts, filed a petition for an exception to Revised Price Schedule No. 6, as amended, pursuant to § 1306.7 (c) thereof. Due consideration has been given to the petition and an opinion in support of this Order No. 29 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Compressed Steel Shafting Company may sell and deliver, and agree, solicit and attempt to sell and deliver, cold finished steel bars at prices not in excess of those stated in paragraph (b), when such bars are shipped to points outside of the New England States under contracts entered into by it under allocations or directives of the War Production Board.

(b) The maximum price which may be charged by Compressed Steel Shafting Company on sales of cold finished bars covered by paragraph (a) above shall be the Buffalo base price on cold finished bars plus the carload freight rate on hot rolled bars from Buffalo to Readville, Massachusetts, f. o. b. Readville, Massachusetts.

(c) This Order No. 29 may be revoked or amended by the Price Administrator at any time.

(d) The definitions set forth in § 1306.8 of Revised Price Schedule No. 6 shall apply to terms used herein.

(e) This Order No. 29 shall become effective December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13201; Filed, December 11, 1942; 2:40 p. m.]

[Order 56 Under MPR 120]

CASTLE SHANNON COAL CORPORATION

ORDER GRANTING ADJUSTMENT

Revised Order No. 56 Under Maximum Price Regulation No. 120 — Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120-122.

Order No. 56 under Maximum Price Regulation No. 120 is hereby revised and amended to read as set forth below:

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals produced by the Castle Shannon Coal Corporation, Pittsburgh, Pennsylvania, at its Coverdale No. 8 Mine, Mine Index No. 224, may be sold and purchased for shipment by rail, via the Great Lakes, and by truck or wagon at prices not to exceed the following respective prices per net ton, f. o. b. the mine:

Rail and lake							
Size group	3	4	5	6	7	8	10
Maximum price	3. 253.	253.	103.	002.	752.	752.	15
Truck or wagon							
Size group	8	9	10	11	----	----	--
Maximum price	2. 552.	302.	202.	15	----	----	--

(b) Within thirty (30) days from the effective date of this Order, the said Castle Shannon Coal Corporation shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122.

(c) This Revised Order No. 56 may be revoked or amended by the Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(e) This Revised Order No. 56 shall become effective December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13204; Filed, December 11, 1942; 2:37 p. m.]

[Correction to Order 62 Under MPR 120]

BUGOS-WHITE COAL COMPANY

AMENDMENT OF ORDER GRANTING ADJUSTMENT

Correction to Order No. 62 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine o Preparation Plant—Docket No. 3120-46. [7 F.R. 8369]

The name of the Company operating the Alpha No. 2 Mine (Mine Index No. 1) wherever used in Order No. 62 and in the opinion accompanying such order should be corrected to Bugos-White Coal Company.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued and effective this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13205; Filed, December 11, 1942; 2:34 p. m.]

[Order 69 Under MPR 188]

ROBERT KAYTON, INCORPORATED

APPROVAL OF MAXIMUM PRICE

Order No. 69 Under § 1499.158 of Maximum Price Regulation 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum prices for three hot plate pads manufactured by Robert Kayton, Incorporated.

On September 24, 1942, Robert Kayton, Inc., 625 Broadway, New York City, filed a request for approval of a maximum price for a package of three hot plate pads known as Guard-O-Mat, pursuant to § 1499.158 of Maximum Price Regulation 188.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of Federal Register. For the reasons set forth in the opinion, and under the authority vested in the Price Administrator, by the Emergency Price Control Act of 1942, as amended, and by Executive Order 9250, *It is ordered:*

(a) Robert Kayton, Incorporated is authorized to sell, offer to sell, or deliver packages of three hot plate pads known as Guard-O-Mat, at a price no higher than $2.12 per dozen packages delivered.

(b) This Order No. 69 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 69 shall become effective on the 12th day of December 1942.

(d) Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13206; Filed, December 11, 1942; 2:39 p. m.]

[Order 79 Under MPR 188]

THE CRANE COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 79 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Authorization of a Maximum Price of Cast-Iron Valves and Fittings, Malleable Iron Valves and Fittings, Brass Valves and Fittings, and Brass and Iron Plumbing Fixture Trim Made According to Specifications.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to and under the authority

vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and § 1499.158 of Maximum Price Regulation No. 188: *It is hereby ordered,* That:

(a) The Crane Company of 836 South Michigan Avenue, Chicago, Illinois, may sell and deliver, and any person may buy and receive from the Crane Company, cast-iron valves and fittings, malleable iron valves and fittings, brass valves and fittings, and brass and iron plumbing fixture trim made according to specifications, at a price not more than that determined by the use of the pricing formula submitted to the Office of Price Administration under date of September 8, 1942, and used by the Crane Company in March 1942, to determine the prices at that time, of such items. The values given to the factors used in said formula shall be no higher than the highest values given to the same factors in the determination of March 1942 prices under said formula, and the method used in computing said factors shall be the method used in March 1942.

(b) The Crane Company shall retain in its files and have available for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, the following information contained in a form submitted to and approved by the Office of Price Administration: (1) A detailed description of each product priced in accordance with this order; (2) The price of each such article as determined in accordance with this order; (3) Detailed calculations in determining the price in accordance with this order and in accordance with the formula submitted under date of September 8, 1942, to the Office of Price Administration.

(c) The articles covered by this Order No. 79 shall include all items manufactured by Crane Company, of the types designated in paragraph (a) above, which are subject to the provisions of Maximum Price Regulation No. 188 and (1) which are made according to specifications supplied by the purchasers thereof, and (2) which are not a part of, and will not become a part of, Crane Company's standard line of products, and (3) which were not delivered or offered for delivery during March 1942 by Crane Company, and (4) whose prices cannot be determined upon the basis of prices which Crane Company had in effect for standard items and for special processing during March 1942.

(d) Any selling price determined under this Order No. shall be subject to adjustment by the Office of Price Administration at any time.

(e) This Order No. 79 shall not cover any article which may be covered by any regulation which may be issued by the Office of Price Administration subsequent to the effective date of this Order.

(f) This Order No. 79 may be revoked or amended by the Office of Price Administration at any time.

(g) This Order No. 79 shall become effective on December 12, 1942.

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13207; Filed, December 11, 1942; 2:11 p. m.]

[Order 80 Under MPR 188]

PHILIP CAREY MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICE

Order No. 80 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

On October 14, 1942, The Philip Carey Manufacturing Company of Cincinnati, Ohio, filed an application with the Office of Price Administration seeking a specific authorization pursuant to § 1499.158 of Maximum Price Regulation No. 188 to determine maximum prices for certain "special products" (as defined in paragraph (b) below) and for instructions as to the method to be used in determining maximum prices for such products to be manufactured by them.

Authorization for The Philip Carey Manufacturing Company to determine maximum prices for certain special products. (a) The maximum price which may be charged by The Philip Carey Manufacturing Company for special products shall be determined in accordance with the following formula:

(1) Determine the unit cost of the direct labor involved in the production of the special product based upon the highest wage rates in effect in the company's plant for any substantial portion of March 1942, for each class of labor involved in the production of the article.

(2) Add to this sum the unit cost of the direct materials used in manufacturing the special product based upon the highest price charged during March 1942 by the manufacturer's supplier, except that if the Office of Price Administration has established a lower maximum price for the sale of the material to the manufacturer by his supplier, such lower price shall govern.

(3) Add to the amounts determined under (1) and (2) above, the sum arrived at by applying to the cost of the direct labor and material for the particular special product being priced as determined under (1) and (2) above a mark-up for each of the following types of products as filed with the Office of Price Administration:

Asbestos Cements.
Asbestos Paper and Boards.
Asbestos Cement Shingles, Siding, Sheathing, and Wallboard.
Insulated Sheathing.
Bulkhead Panels.
Tank Jackets.
Pipe Coverings and Blocks.
Heat Insulation Materials.
Asphalt and/or Tar Paints, Coatings, and Cements.
Special Asphalts.
Felts—Plain and/or Saturated and/or Coated.
Asphalt Tile, Flooring, Plank, and Extruded Specialties.
Moulded and/or Die Cut or Cast Asphalt and Asbestos Cement Products.
Expansion Joints.
Air Ducts.
Laminated Products (including all possible combinations for different purposes of rag felt, Asbestos Felt, or cloth, whether saturated or unsaturated, combined with Asphalt, Silicate, or other combining agents, all of which would go through a combining machine, or any combination of the above).

(4) The price so determined shall be the maximum price for the special product being priced. All freight equalization practices and allowances, all trade or cash discounts applicable to the sale of any type of special product, whether based on quantity, class of purchaser, or any other cause, which The Philip Carey Manufacturing Company maintained in March 1942, shall be applicable to the sale of any special products whose maximum prices are determined under this order.

(b) The term "special product" as used in this Order No. 80 shall include all items manufactured by The Philip Carey Manufacturing Company of the types designated in paragraph 1 above, which are subject to Maximum Price Regulation No. 188; and

(1) which are not part of, and will not become a part of, The Philip Carey Manufacturing Company's standard line of products; and

(2) which were not delivered or offered for delivery during March 1942, by The Philip Carey Manufacturing Company; and

(3) whose prices cannot be determined upon the basis of prices which The Philip Carey Manufacturing Company had in effect for standard items and for special processing during March 1942; and

(4) which may not be priced under § 1499.155 of Maximum Price Regulation No. 188.

(c) Within ten days after a maximum price has been determined in accordance with this order, The Philip Carey Manufacturing Company shall report that price to the Office of Price Administration, stating that the price was determined in accordance with the formula set forth in paragraph (a) hereof and setting forth in detail the calculations made in determining that price, including a description of the product and the labor and materials used. This report shall be filed in triplicate.

(d) Any selling price determined under this Order shall be subject to adjustment at any time by the Office of Price Administration.

(e) This Order No. 80 may be revoked or amended by the Office of Price Administration at any time.

(f) This Order No. 80 shall become effective December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13208; Filed, December 11, 1942; 2:38 p. m.]

[Order 1 Under MPA 260]

S. Frieder and Sons Company

APPROVAL OF MAXIMUM PRICE

Order No. 1 Under § 1358.102 (e) of Maximum Price Regulation No. 260—Cigars.

The S. Frieder and Sons Company—Maximum Prices for Spencer Morris Clubhouse Cigars.

The S. Frieder and Sons Company of Philadelphia, Pennsylvania, hereinafter called "Applicant" has made application under § 1358.102 (e) of Maximum Price Regulation No. 260—Cigars, for determination of the maximum list price, schedule of discounts and allowances and the maximum retail price of a new brand of cigars which it proposes to manufacture and sell under the brand name "Spencer Morris Clubhouse."

Due consideration has been given to the application and an opinion in support of this order issued simultaneously herewith has been filed with the Division of the Federal Register. For reasons set forth in the opinion and under authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended and in accordance with § 1358.102 (e) of Maximum Price Regulation No. 260, *It is hereby ordered:*

Authorization of Maximum Prices for Cigars Manufactured by the S. Frieder and Sons Company under the Brand Name "Spencer Morris Clubhouse." (a) On and after November 30, 1942, Applicant and any wholesaler and retailer of cigars bearing the brand name "Spencer Morris Clubhouse" may sell and deliver and any person may buy and receive such cigars at prices not more than the following:

Manufacturer's and wholesalers' list price:	*Retailers' maximum price*
$40.00	5 cents each.

The manufacturer's and wholesalers' list price is based upon the sale of one thousand cigars packed fifty to the individual container. Manufacturer's and wholesalers' price differentials in packings allowed in March 1942, on cigars of the same price class shall not be reduced. Manufacturer's and wholesalers' price differentials in packings charged in March 1942, on cigars of the same price class shall not be increased. Discounts applicable to the sales of said cigars by Applicant to wholesalers shall not be less than 12%, plus such additional discount for payment as Applicant allowed in March 1942 to purchasers of the same class. Discounts applicable to sales of said cigars by Applicant to retailers, and to sales thereof by wholesalers to any purchaser shall not be less than those prevailing in March 1942, on sales of cigars of the same price class to the same class of purchasers.

(b) "Spencer Morris Clubhouse" cigars shall not be less than five inches in length and shall contain not less than 24½ pounds of tobacco per thousand cigars. Filler binder and wrappers shall be made of the brands, types, quantities and quality of tobacco set forth in said application. Depreciation of the specified size and quality of "Spencer Morris Clubhouse" cigars, except as the result of normal variation, is hereby prohibited.

(c) Applicant shall state in plainly visible numerals upon each box or container of "Spencer Morris Clubhouse" cigars sold or delivered by it, the exact maximum retail price thereof as set forth in this order. On or before the first delivery of any "Spencer Morris Clubhouse" cigars to any purchaser, Applicant and every wholesaler shall notify the purchaser of the exact amount of their maximum list price and the exact amount of the maximum retail price as set forth in this order by delivering to such purchaser a written notice as follows:

"On our brand 'Spencer Morris Clubhouse' cigars, the Office of Price Administration has authorized us to establish a maximum list price of $40.00 per thousand and a maximum retail price of 5 cents each. Our maximum list price is based on sales of one thousand cigars packed 50 to the individual container. Manufacturer's and wholesalers' discounts to purchasers may not be less than their discounts in March 1942, on sales of cigars of the same price class to the same class of purchasers. Such discounts may not be reduced. Price differentials in packings allowed in March 1942 on cigars of the same price class may not be reduced. Price differentials in packings charged in March 1942 on cigars of the same price class may not be increased. Wholesalers receiving this notice are required to give similar written notice to each person to whom they sell or deliver 'Spencer Morris Clubhouse' cigars at or before the first delivery of such cigars to the purchaser. The Office of Price Administration requires you to keep this notice for examination."

(d) The provisions of Maximum Price Regulation No. 260 as now in force or as hereinafter amended or revised are incorporated in this Order to the extent consistent herewith.

(e) This Order No. 1 may be revoked or amended by the Administrator at any time.

(f) This Order No. 1 shall become effective December 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13251; Filed, December 12, 1942; 11:54 a. m.]

[Order 2 Under MPR 260]

W. J. Neff and Company

APPROVAL OF MAXIMUM PRICE

Order No. 2 Under § 1358.102 (e) of Maximum Price Regulation No. 260—Cigars.

W. J. Neff & Company—Maximum Prices for Priority and Pass Book Cigars.

W. J. Neff & Company of Red Lion, Pennsylvania, hereinafter called "Applicant" has made application under § 1358.102 (e) of Maximum Price Regulation No. 260—Cigars, for determination of the maximum list price, schedule of discounts and allowances and the maximum retail price of two new brands of cigars which they propose to manufacture and sell under the brand names "Priority" and "Pass Book."

Due consideration has been given to the application and an opinion in support of this Order issued simultaneously herewith has been filed with the Division of the Federal Register. For reasons set forth in the opinion and under authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with § 1358.102 (e) of Maximum Price Regulation No. 260, *It is hereby ordered:*

Authorization of Maximum Prices for Cigars Manufactured by W. J. Neff & Company under the Brand Names "Priority" and "Pass Book". (a) On and after December 2, 1942, Applicant and any wholesaler of cigars bearing the brand name "Priority" or "Pass Book" may sell and deliver and any person may buy and receive such cigars at prices not in excess of the following:

Manufacturer's and wholesaler's list price:	*Retailers' maximum price*
$40.00	5 cents each.

The manufacturer's and wholesalers' list price is based upon the sale of one thousand cigars packed fifty to the individual container. Manufacturer's and wholesalers' price differentials in packings allowed in March 1942 on cigars of the same price class shall not be reduced. Manufacturer's and wholesalers' price differentials in packings charged in March 1942 on cigars of the same price class shall not be increased. Discounts applicable to the sales of said cigars by Applicant to wholesalers shall not be less than 12% plus such additional discount for payment as Applicant allowed in March 1942 to purchasers of the same class. Discounts applicable to sales of said cigars by Applicant to retailers, and to sales thereof by wholesalers to any purchasers shall not be less than those prevailing in March 1942 on sales of cigars of the same price class to the same class of purchasers.

(b) "Priority" and "Pass Book" cigars shall contain not less than 24.7 pounds of tobacco per thousand. Filler, binder and wrapper shall be made of the brands, types, quantities and quality of tobacco set forth in said application. Depreciation of the specified quality of "Priority" or "Pass Book" cigars except as the result of normal variation is hereby prohibited.

(c) Applicant shall state in plainly visible numerals upon each box or container of "Priority" or "Pass Book" cigars sold or delivered by it, the exact maximum retail price thereof as set forth in this order. On or before the first delivery of any "Priority" or "Pass Book" cigars to any purchaser, Applicant and every wholesaler shall notify the purchaser of the exact amount of the maximum retail price, as set forth in this order by delivering to such purchaser a written notice as follows:

"On our brand (describe cigar), the Office of Price Administration has authorized us to establish a maximum list price of $40.00 per thousand and a maximum retail price of 5 cents each. Our maximum list price is based on sales of one thousand cigars packed 50 to the individual container. Manufacturer's and wholesalers' discounts to purchasers may not be less than their discounts in March 1942, on sales of cigars of the same price class to the same class of purchasers. Such discounts may not be reduced. Price differentials in packings allowed in March 1942 on cigars of the same price class may not be reduced. Price differentials in packings charged in March 1942 on cigars of the same price class may not be increased. Wholesalers receiving this notice are required to give similar written notice to each person to whom they sell or deliver (describe cigar) at or before the first delivery of such cigars to the purchaser. The Office of Price Administration requires you to keep this notice for examination."

(d) The provisions of Maximum Price Regulation No. 260 as now in force or as hereinafter amended or revised are incorporated in this order to the extent consistent herewith.

(e) This Order No. 2 may be revoked or amended by the Administrator at any time.

(f) This Order No. 2 shall become effective December 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E. O. 9250, 7 F.R. 7871.)

Issued this 12th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13253; Filed, December 12, 1942; 11:54 a. m.]

[Order 3 under MPR 260]

Alles and Fisher, Inc.

APPROVAL OF MAXIMUM PRICE

Order No. 3 Under § 1358.102 (e) of Maximum Price Regulation No. 260—Cigars.

Alles & Fisher, Inc.—Maximum Prices for Pippin Cigars.

Alles & Fisher, Inc. of Boston, Massachusetts, hereinafter called "Applicant" has made application under § 1358.102 (e) of Maximum Price Regulation No. 260—Cigars, for determination of the maximum list price, schedule of discounts and allowances and the maximum retail price of a new brand of cigars which it proposes to manufacture and sell under the brand name "Pippin."

Due consideration has been given to the application and an opinion in support of this order issued simultaneously herewith has been filed with the Division of the Federal Register. For reasons set forth in the opinion and under authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with § 1358.102 (e) of Maximum Price Regulation No. 260, *It is ordered:*

Authorization of maximum prices for cigars manufactured by Alles & Fisher, Inc., under the brand name "Pippin." (a) On and after November 30, 1942, Applicant and any wholesaler and retailer of cigars bearing the brand name "Pippin" may sell and deliver and any person may buy and receive such cigars at prices not more than the following:

Manufacturer's and wholesalers' list price:	*Retailers' maximum price*
$27.00	4 cents each or 3 for 10 cents.

Manufacturer's and wholesalers' list price is based upon sales of one thousand cigars packed fifty to the individual container. Manufacturer's and wholesalers' price differentials in packings allowed in March, 1942, on cigars of the same price class shall not be reduced. Manufacturer's and wholesalers' price differentials in packings charged in March, 1942, on cigars of the same price class shall not be increased. Discounts applicable to sales of said cigars by Applicant shall be as follows:

	Sales to wholesalers	Sales to retailers
Located in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut	12%	2%
Located elsewhere than in states specified above	8%	2%

Applicant shall also allow such additional discount for payment as it allowed in March, 1942 on sales of cigars of the same price class. Discounts applicable to sales of said cigars by wholesalers to any purchaser shall be not less than those prevailing in March, 1942, on sales of cigars of the same price class to the same class of purchasers.

(b) "Pippin" cigars shall contain not less than 25 3/10 pounds of tobacco per thousand cigars. Filler brands and wrappers shall be made of the brands, types, qualities and quantity of tobacco set forth in said application. Depreciation of the specified size and quality of "Pippin" cigars, except as the result of normal variation, is hereby prohibited.

(c) Applicant shall state in plainly visible numerals upon each box or container of "Pippin" cigars sold or delivered by it, the exact maximum retail price thereof as set forth in this order. On or before the first delivery of any "Pippin" cigars to any purchaser, Applicant and every wholesaler shall notify the purchaser of the exact amount of their maximum list price and the exact amount of the maximum retail price as set forth in this order by delivering to such purchaser a written notice as follows:

"On our brand "Pippin" cigars, the Office of Price Administration has authorized us to establish a maximum list price of $27.00 per thousand and maximum retail price of 4 cents each or 3 for 10 cents. Our maximum list price is based on sales of one thousand cigars packed fifty to the individual container. Manufacturer's and wholesalers' discounts to purchasers may not be less than their discounts in March, 1942, on sales of cigars of the same price class to the same class of purchasers. Such discounts may not be reduced. Price differentials in packings allowed in March, 1942 on cigars of the same price class may not be reduced. Price differentials charged in March, 1942 on cigars of the same price class may not be increased. Wholesalers receiving this notice are required to give similar written notice to each person to whom they sell or deliver "Pippin" cigars at or before the first delivery of such cigars to the purchaser. The Office of Price Administration requires you to keep this notice for examination."

(d) The provisions of Maximum Price Regulation No. 260 as now in force, or as hereinafter amended or revised are incorporated in this Order to the extent consistent herewith.

(e) This Order No. 3 may be revoked or amended by the Administrator at any time.

(f) This Order No. 3 shall become effective December 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13257; Filed, December 12, 1942; 11:54 a. m.]

[Order 1 Under Rev. Maximum Export Price Regulation]

Richard B. Frenkel

ORDER GRANTING PETITION FOR EXCEPTION

Order No. 1 Under § 1375.9 (c) of the Revised Maximum Export Price Regulation.

On November 5, 1942 Richard B. Frenkel, 211 West 106th Street, New York, New York, filed a petition for exception from § 1375.9 (c) of the Revised Maximum Export Price Regulation, pursuant to the provisions of that section.

Due consideration has been given to the petition and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250, *It is hereby ordered:*

(a) Richard B. Frenkel is authorized to invoice directly to the departments of the government of Guatemala at his correspondent's price those goods which are now ready for shipment.

(b) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 1 shall take effect on the 14th day of December 1942.

Issued this 12th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13252; Filed, December 12, 1942; 11:54 a. m.]

[Order 3 of MPR 244]

Sweets Foundry

ORDER GRANTING ADJUSTMENT

Order No. 3 Under § 1421.157 (a) of Maximum Price Regulation 244—Gray Iron Castings—Docket No. GF3-2172.

For the reasons set forth in the opinion, issued simultaneously herewith, under the authority vested in the Price Administrator by the Emergency Price

Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Procedural Regulation No. 6 issued by the Office of Price Administration, *It is hereby ordered:*

Adjustment of maximum prices for gray iron castings sold by Sweets Foundry. (a) Sweets Foundry may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds and grades of gray iron castings set forth in paragraph (b) to the persons specified in paragraph (b), at prices not in excess of those stated therein. The persons specified in paragraph (b) may buy and receive, and agree, offer, solicit and attempt to buy and receive, such kinds and grades of gray iron castings at such prices from Sweets Foundry.

(b) *Maximum prices.*

Purchaser	Pattern No. or Description	Maximum price ($ per lb.)
International Business Machines Corporation, Endicott, N. Y.	All gray iron castings for which a price of $.085 per lb. was established by Sweets Foundry and International Business Machines Corporation prior to the effective date of Maximum Price Regulation 244.	$.095
Link Aviation Devices Inc. Binghamton, New York.	#1004	.085
	#1502	.085
	#21054	.08
Lipe-Rollaway Corporation Syracuse, New York.	All gray iron castings for which a price of $.08 was established by Sweets Foundry and Lipe-Rollaway Corporation prior to the effective date of Maximum Price Regulation 244.	.09
Lipe-Rollaway Corporation Syracuse, New York.	All gray iron (semi-steel) castings for which a price of $.085 was established by Sweets Foundry and Lipe-Rollaway Corporation prior to the effective date of Maximum Price Regulation 244.	.095
Edlund Machine Company Courtland, New York.	All gray iron castings for which a price of $.068 was established by Sweets Foundry and Edlund Machine Company prior to the effective date of Maximum Price Regulation 244.	.095
LeRoy Plow Company LeRoy, New York.	All gray iron castings for which a price of $.0675 was established by Sweets Foundry and LeRoy Plow Company prior to the effective date of Maximum Price Regulation 244.	.09

(c) The maximum price of $.095 per pound on sales of designated gray iron castings to International Business Machines Corporation, Endicott, New York, as provided in paragraph (b) herein, shall be applicable to all shipments of such castings made by Sweets Foundry to said purchaser on and after September 28, 1942, and Sweets Foundry and International Business Machines Corporation may agree to adjust or fix prices on such shipments in accordance with said maximum price of $.095 per pound.

(d) The permission granted to Sweets Foundry is subject to the following condition:

(1) Sweets Foundry shall furnish to the Office of Price Administration, Washington, D. C., monthly income statements beginning with the month of November, 1942. Such statements shall be furnished to the Office of Price Administration as soon as they are available, but in any case not later than sixty days after the close of each calendar month.

(e) All prayers of the petition not granted herein are denied.

(f) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(g) Unless the context otherwise requires the definitions set forth in § 1421.164 of Maximum Price Regulation 244 shall apply to the terms used herein.

(h) This Order No. 3 shall become effective December 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13256; Filed, December 12, 1942; 11:56 a. m.]

[Order 43 Under RPS 64]

KNOX STOVE WORKS

APPROVAL OF MAXIMUM PRICE

Order No. 43 Under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On September 28, 1942, the Knox Stove Works, Knoxville, Tennessee, completed by filing required data an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of a maximum price for a coal heating stove designated in the application as model KC-916.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Knox Stove Works may sell, offer to sell, transfer or deliver the model KC-916 coal heating stove at a price no higher than $39.29 f. o. b. factory to dealers, subject to discounts, allowances, and terms no less favorable than those in effect with respect to the comparable model 818 as established under Revised Price Schedule No. 64.

(b) This Order No. 43 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 43 shall become effective on the 14th day of December 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13260; Filed, December 12, 1942; 11:57 a. m.]

[Order 44 Under RPS 64]

CHARTER OAK STOVE AND RANGE COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 44 Under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On September 30, 1942, the Charter Oak Stove and Range Co., St. Louis, Mo., completed by filing required data an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for three models of coal and wood ranges designated in the application as models 28-VT, 28-VF, 28-V.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Charter Oak Stove and Range Company may sell, offer to sell, deliver or transfer the following models at prices no higher than those specified:

	F.O.B. factory to dealers
Model No. 28-VT	$34.66
Model No. 28-VF	41.46
Model No. 28-V	47.42

subject to discounts, allowances, and terms no less favorable than those in effect with respect to the comparable models Nos. 28-WTY, 28-WFY, 28-WY, respectively, as established under Revised Price Schedule No. 64.

(b) This Order No. 44 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 44 shall become effective on the 14th day of December 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13261; Filed December 12, 1942; 11:57 a. m.]

[Order 45 Under RPS 64]

THE ROUND OAK COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 45 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On October 21, 1942, The Round Oak Company, Dowagiac, Michigan, completed by filing required data an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of a maximum price for a coal and wood range designated in the application as model No. B-304-F.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register.

For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) The Round Oak Company may sell, offer to sell, deliver or transfer the B-304-F coal and wood range manufactured by it at a price no higher than $63.19 f. o. b. factory to dealers, subject to discounts, allowances, and terms no less favorable than those in effect with respect to the B-204-F model as established under Revised Price Schedule No. 64.

(b) This Order No. 45 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 45 shall become effective on the 14th day of December 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13262; Filed, December 12, 1942; 11:58 a. m.]

[Order 46 Under RPS 64 [1]]

THE FOSTER STOVE COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 46 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On October 21, The Foster Stove Company, Ironton, Ohio, completed by filing required data an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of a maximum price for a coal and wood range designated in the application as model 6042 Victory.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) The Foster Stove Company may sell, offer to sell, deliver or transfer the 6042 Victory coal and wood range at a price no higher than $47.57 f. o. b. factory to dealers, subject to discounts, allowances, and terms no less favorable than those in effect with respect to the comparable model 5036 as established under Revised Price Schedule No. 64.

(b) This Order No. 46 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 46 shall become effective on the 14th day of December 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13263; Filed, December 12, 1942; 11:58 a. m.]

[Order 47 Under RPS 64 [1]]

ALLEN MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICE

Order No. 47 Under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On October 26, 1942, the Allen Manufacturing Co., Nashville, Tennessee, completed by filing required data an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of a maximum price for a coal and wood range designated in the application as model V-40-18-BR.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Allen Manufacturing Co. may sell, offer for sale, transfer or deliver the V-40-18-BR coal and wood range at a price of $42.74 f. o. b. factory to dealers, subject to discounts, allowances, and terms no less favorable than those in effect with respect to the comparable model 40-18-BR as established under Revised Price Schedule No. 64.

(b) This Order No. 47 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 47 shall become effective on the 14th day of December, 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13264; Filed, December 12, 1942; 11:58 a. m.]

[Order 105 Under MPR 120 [2]]

ARKANSAS COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 105 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-183.

For the reasons set forth in an Opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (d) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Run-of-mine coals produced by Arkansas Coal Company, Fort Smith, Arkansas, at its Mine Index No. 593, in District No. 14, crushed to size groups 14, 15, and 16, and shipped by it during the period of June 30, 1942, to October 1, 1942, inclusive, to Eagle-Picher Mining and Smelting Company, may be sold by said Arkansas Coal Company and purchased by said Eagle-Picher Mining and Smelting Company at a price not in excess of $3.00 per net ton f. o. b. the mine;

(b) All prayers of the petition not granted herein are denied;

(c) This Order No. 105 may be revoked or amended by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply herein;

(e) This Order No. 105 shall become effective December 14, 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13265; Filed, December 12, 1942; 11:53 a. m.]

[Order 16 Under MPR 161]

MAYWOOD LOGGING COMPANY, INC., ET AL.

OVERTIME ADDITIONS

Pursuant to the provisions of § 1381.160 (e) of Maximum Price Regulation 161, West Coast Logs, each of the following persons has filed with the Office of Price Administration, Washington, D. C., a certified statement that the following hours per week are maintained in its logging operations. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1381.160 (e) of Maximum Price Regulation 161, *It is hereby ordered:*

(a) The following persons being on a 48-hour week may add to the maximum prices of all logs produced by them $1.00 per 1,000 ft., log scale:

Maywood Logging Company, Inc., Lester, Washington.
Walter A. Kelly, Brinnon, Washington.
A. & L. Logging Company, Inc., Aberdeen, Washington.
Hamilton Bros. Logging Co., Warrenton, Oregon.
Scritemier Co., Portland, Oregon. (Batterson, Oregon operation.)
Robert Hickey, Everett, Washington.
Great Bear Logging Company, Granite Falls, Washington.
Frank W. McCulloch, Eugene, Oregon.
Conrad Hougen, Everson, Washington.
Chittick and Atkinson, Marblemount, Washington.
Row River Lumber Company, Portland, Oregon.
Scott & Blum, Gaston, Oregon.
The Mard M. Wood Working Co., Portland, Oregon.

(b) A. K. Wilson and M. E. Wilson, both of Portland, Oregon, having ceased their individual operations as of October 1, 1942, authority heretofore granted for each of them for the addition of $1.50 per 1,000 ft. log scale to the maximum prices of all logs produced by them is withdrawn as of that date. The same persons, having continued in operation as a partnership under the name of A. K. Wilson Timber Company, Portland, Oregon, may add to the maximum prices of all logs produced by such company $1.50 per 1,000 ft. log scale as of October 1, 1942.

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[1] 7 F.R. 1329, 1836, 2000, 2132, 4404, 5872, 6221.

[2] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6896, 7777, 7670, 7914, 7942, 8354, 8650, 8948.

(c) The following person being on a 60-hour week may add to the maximum prices of all logs produced by it $2.00 per 1,000 ft., log scale:

M & D Timber Company, Inc., Aberdeen, Washington.

(d) The additions to maximum prices specified in paragraphs (a), (b), and (c) hereof may be made subject to the condition that the persons named comply with all provisions of § 1381.160 (e) of Maximum Price Regulation 161.

(e) This Order No. 16 may be revoked or amended by the Price Administrator at any time by similar publication in the FEDERAL REGISTER for change of status of any of the persons named herein as an overtime company.

(f) This Order No. 16 shall become effective December 14, 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13258; Filed, December 12, 1942; 11:56 a. m.]

[Order 20 Under MPR 169]

KROGER GROCERY AND BAKING CO., ET AL.

DENYING APPLICATIONS FOR ADJUSTMENT

Order No. 20 under Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts.

In the matter of Kroger Grocery and Baking Company, Wilson and Company, Incorporated, Maurer Packing Company, E. Kahn's Sons Company, E. Kahn's Sons Company, South Philadelphia Dressed Beef Company, South Philadelphia Dressed Beef Company, E. Kahn's Sons Company, A. Salus and Son, Incorporated, South Philadelphia Dressed Beef Co., Inc., E. Kahn's Sons Company, E. Kahn's Sons Company, Wilson & Company, Incorporated, Wilson & Company, Incorporated, E. Kahn's Sons Company, Wilson & Company, Incorporated, A. Salus and Son, Incorporated, Armour and Company of Delaware, Kreinberg & Krasny, Incorporated, E. Kahn's Sons Company, Armour & Company of Delaware, and Kreinberg & Krasny, Incorporated, applicants. Dockets Nos. 3169-142, 3169-148, 3169-157, 3169-159, 3169-162, 3169-169, 3169-170, 3169-171, 3169-172, 3169-180, 3169-182, 3169-183, 3169-184, 3169-186, 3169-188, 3169-187, 3169-189, 3169-192, 3169-194, 3169-200, 3169-201, 3169-202.

On or before November 9, 1942, Kroger Grocery and Baking Company, 2210 Lockbourne Road, Columbus, Ohio; Wilson & Co., Inc., 4100 South Ashland Ave., Chicago, Illinois; Maurer Packing Company, 100 Meyers Avenue, Kansas City, Kansas; E. Kahn's Sons Company, 3241 Spring Grove Ave., Cincinnati, Ohio; South Philadelphia Dressed Beef Company, Incorporated, 232-50 Moore Street, Philadelphia, Pennsylvania; A. Salus & Son, Incorporated, 8 North Delaware Ave., Philadelphia, Pennsylvania; Armour and Company of Delaware, Union Stock Yards, Chicago, Illinois; Wilson & Co., 960 Vignes St., Los Angeles, California; Kreinberg & Krasny, Incorporated, 3300 West 65th St., Cleveland, Ohio, filed separate applications for adjustment of maximum prices established under Maximum Price Regulation No. 169, as amended, Beef and Veal Carcasses and Wholesale Cuts, in accordance with the provisions therefor contained in Procedural Regulation No. 6. The Price Administrator deems it appropriate that the several applications for adjustment be disposed of together. Due consideration has been given to the applications for adjustment and to each of them, and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 6, issued by the Office of Price Administration, *It is ordered:*

(a) That the foregoing applications for adjustment and each of them be, and they hereby are, denied in whole;

(b) That each applicant who has received payment for any beef or veal carcass or wholesale cut at the price requested in its application shall refund to the purchaser the difference between such requested price and the maximum price established for the sale of such beef or veal carcass or wholesale cut by Maximum Price Regulation No. 169;

(c) That each applicant who has slaughtered cattle or calves as a service for the purchaser thereof shall remit to such purchaser an amount sufficient to make the cost of the dressed carcass, or of the wholesale cuts derived therefrom, less than the costs which would be incurred by the purchaser if he purchased such carcass or cuts from the applicant at the applicant's maximum prices therefor.

(d) This Order No. 20 shall become effective December 14, 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13259; Filed, December 12, 1942; 11:56 a. m.]

[Order 2 Under MPR 177[1]]

PARK-KENNY, LTD.

ORDER GRANTING MAXIMUM PRICES

Order No. 2 under § 1389.106 of Maximum Price Regulation 177—Men's and Boys' Tailored Clothing—Docket Nos. 3177-31 and 3177-37.

An opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1,[2] *It is hereby ordered:*

(a) Park-Kenny, Ltd. may sell and deliver, and any person may buy and receive from Park-Kenny, Ltd., men's suits and men's overcoats at prices not in excess of those stated in paragraphs (b) and (c) of this order.

(b) The maximum prices for the suits and overcoats which have been described by Park-Kenny, Ltd., under the following lot numbers, and for any garments similar thereto shall be as set forth below:

(1) Men's suits:

7517-7519 inclusive	$20.00
7500-7514 inclusive	21.25
7521, 7523, 7524	22.00
7530-7532 inclusive	18.75
7525-7526	20.50
7422-7425 inclusive	22.20
7426-7430 inclusive	21.90
7408-7414 inclusive	22.50
7400-7402 inclusive	22.50
7403	23.40
7447-7448	22.00
7441	21.65
7446	21.90
7442-7445 inclusive	23.00
7463-7464	23.65
7800-7801	24.60

(2) Men's overcoats:

8,000, 8004, 8005	$15.50
8100	19.50
8200	22.25
8204-8206 inclusive	23.50
8305-8308 inclusive	31.00
8302	31.40

(c) The maximum price of Park-Kenny, Ltd. for any other men's suit or men's overcoat shall be determined by adding to the "current cost" of the garment a percentage margin calculated as follows:

(1) Find the total value, at the maximum prices set forth in paragraph (b), of bookings from July 1 to November 30, 1942, of garments of the same classification priced under that paragraph:

(2) Subtract the "actual cost" of these garments;

(3) Divide the remainder by the total value as found in (1). But no maximum price shall exceed $24.60 for a man's suit, nor $31.40 for a man's overcoat.

(d) The permission granted to Park-Kenny, Ltd. in this Order No. 2 is subject to the following conditions:

(1) The above prices shall be net prices to purchasers of the class who received the least discount, on sales made from December 1, 1941 to March 31, 1942, inclusive. Any purchaser who received a greater discount, and any purchaser of the same class as one who received a greater discount, shall be allowed the same percentage differential as was customarily allowed to such purchasers from December 1, 1941, to March 31, 1942, inclusive.

(2) All trade practices, including practices relating to shipping and shipping charges which were observed by Park-Kenny, Ltd., during March 1942, shall apply to sales for which maximum prices are determined under this Order.

(e) All prayers of the application not granted herein are denied.

(f) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(g) Unless the context otherwise requires, the definitions set forth or incorporated in Maximum Price Regulation 177 shall apply to terms used in this order.

(h) This Order No. 2 shall become effective December 14, 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13254; Filed, December 12, 1942; 11:56 a. m.]

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[1] 7 F.R. 5182, 7475, 6792, 7100, 7944.

[2] 7 F.R. 8961.

[Order 3 Under MPR 189]

LOGAN SUPPLY COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 3 under Maximum Price Regulation No. 189—Bituminous Coal Sold for Direct Use as Bunker Fuel—Docket No. 3189-2.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250, and in accordance with § 1340.307 (a) (2) of Maximum Price Regulation No. 189, *It is ordered:*

(a) Logan Supply Company, Philadelphia, Pennsylvania, may sell and deliver, and any person may buy and receive the bituminous coal described in paragraph (b) at prices not in excess of those stated therein, for bunker fuel use.

(b) Run of mine Size Group 3) coals produced by C. A. Hughes and Company at its No. 2 Mine (Mine Index No. 217), in District No. 1, may be resold by the said Logan Supply Company for bunker fuel use at prices not in excess of $6.43 per net ton for delivery to vessels over the top of the Pennsylvania Railroad dock at Greenville, New Jersey, in quantities of twenty-five tons or more, and not in excess of $6.78 per net ton when delivered from storage bins into vessels at that dock.

(c) Within thirty (30) days from the effective date of this order, said Logan Supply Company shall notify all persons purchasing its coals of the adjustments granted by this order.

(d) This Order No. 3 may be revoked or amended by Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.308 of Maximum Price Regulation No. 189 shall apply to terms used herein.

(f) This Order No. 3 shall become effective December 14, 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13255; Filed, December 12, 1942; 11:55 a. m.]

[Order 109 Under MPR 120]

STINEMAN COAL AND COKE COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 109 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120-235.

For the reasons set forth in an Opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals produced in Size Group 3 by Stineman Coal & Coke Company, Philadelphia, Pennsylvania, at its Stineman No. 4 Mine, Mine Index No. 487, in District No. 1, may be sold for rail shipments at a price not to exceed $3.50 per net ton f.o.b. the mine.

(b) Within thirty (30) days from the effective date of this Order, the said Stineman Coal and Coke Company shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(c) This Order No. 109 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(e) This Order No. 109 shall become effective December 12, 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc.. 42-13280; Filed, December 12, 1942; 12:34 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-2894]

CARSON HILL GOLD MINING CORP.

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

In the matter of Carson Hill Gold Mining Corporation, $1 par capital stock.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of December, A. D., 1942.

The Carson Hill Gold Mining Corporation, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its $1 Par Capital Stock, from listing and registration on the San Francisco Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 11:00 a. m. on Monday, January 18, 1943, at the office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That John G. Clarkson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13217; Filed, December 11, 1942; 2:53 p. m.]

[File No. 1-2923]

ANGLO AMERICAN MINING CORP., LTD.

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of December, A. D., 1942.

In the matter of Anglo American Mining Corporation, Ltd., $1 par common stock.

The Anglo American Mining Corp., Ltd., pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its $1 Par Common Stock, from listing and registration on the San Francisco Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Monday, January 18, 1943, at the office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That John G. Clarkson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13218; Filed, December 11, 1942; 2:53 p. m.]

[File No. 1-719]

NEW YORK AND GREENWOOD LAKE RAILWAY CO.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of December, A. D. 1942.

In the Matter of The New York and Greenwood Lake Railway Company 5% Prior Lien Gold Bonds, Due 1946.

The New York Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 5% Prior Lien Gold Bonds, Due 1946 of The New York and Greenwood Lake Railway Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on December 18, 1942.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13219; Filed, December 11, 1942; 2:53 p. m.]

[File No. 1-1822]

LACLEDE GAS LIGHT CO.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of December, A. D. 1942.

In the matter of The Laclede Gas Light Company 5% refunding and extension mortgage gold bonds, due 1934, extended to 1942.

The New York Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 5% Refunding and Extension Mortgage Gold Bonds, Due 1934 Extended to 1942 of The Laclede Gas Light Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on December 18, 1942.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13220; Filed, December 11, 1942; 2:53 p. m.]

EDISON SAULT ELECTRIC COMPANY

[File No. 70-568]

ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 8th day of December, A. D. 1942.

Edison Sault Electric Company, a public utility subsidiary company of American States Utilities Corporation, a registered holding company, having filed applications, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, for the exemption pursuant to section 6 (b) of said Act from the provisions of section 6(a) thereof of the issuance and sale by the applicant of First Mortgage Bonds, Series A 3¾%, due July 1, 1972, in the principal amount of $990,000 at 104, the proceeds therefrom to be applied to the redemption of First Mortgage Sinking Fund Bonds, Series A 4½% and Series B 4½%, in the principal amount of $923,000; to the reduction of loans, evidenced by notes in the face amount of $135,000, by $35,000; and the balance of the proceeds therefrom to be applied for other corporate purposes; and for like exemption of the issuance and sale of 3% Serial Notes in the total aggregate face amount of $100,000, such notes to be issued in lieu of the outstanding notes above mentioned, as reduced in amount by the said $35,000 cash payment;

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter, and having made and filed its findings and opinion herein;

It is ordered, That said applications, as amended, be and the same hereby are granted, and said issuances and sales be, and the same are hereby exempted from said section 6 (a), subject to the terms and conditions set forth in Rule U-24.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13221; Filed, December 11, 1942; 2:54 p. m.]

[File No. 70-623]

NY PA NJ UTILITIES CO., ET AL.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 9th day of December 1942.

In the matter of NY PA NJ Utilities Company, Associated Utilities Corporation, Denis J. Driscoll and Willard L. Thorp, trustees, and Associated Gas and Electric Corporation.

Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, a registered holding company, and NY PA NJ Utilities Company and Associated Utilities Corporation, subsidiaries thereof, and also registered holding companies, having filed declarations pursuant to the Public Utility Holding Company Act of 1935, particularly sections 12 (c) and 12 (f) thereof, and Rules U-42 and U-43 thereunder, regarding the acquisition by NY PA NJ Utilities Company from Associated Utilities Corporation of $1,000,000 principal amount of The Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1981, for a cash consideration of 100% of the face amount thereof, plus accrued interest thereon at the date of closing; and the payment by Associated Utilities Corporation of $1,000,000 to the Trustees of Associated Gas and Electric Corporation as payment on account of principal on a Convertible Obligation, due March 1, 1963, of Associated Utilities Corporation, said $1,000,000 to be used by the Trustees of Associated Gas and Electric Corporation to pay an installment of $1,000,000 due December 18, 1942, on the $5,000,000 Trustees' Certificates dated December 18, 1941, held by the Guaranty Trust Company of New York; and

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter, and having made and filed its findings and opinion herein;

It is ordered, That pursuant to the applicable provisions of said Act, the aforesaid declarations be, and hereby are permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13222; Filed, December 11, 1942; 2:54 p. m.]

[File No. 812-291]

TRUST ENDOWMENT SHARES, SERIES "A"

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of December, A. D. 1942.

Corporate Equities, Inc., filed an application pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 on October 7, 1942 for an order temporarily exempting Trust Endowment Shares, Series "A", a registered investment company, of which Corporate Equities, Inc. is the depositor, from the provisions of section 26 (a) (3) of said Act relating to the resignation of a trustee or custodian and section 26 (a) (4)

(B) of said Act relating to notice to security holders of the substitution of securities, until December 21, 1942. The Commission entered its findings and order on November 5, 1942 granting said exemption in consideration of the undertaking by Corporate Equities, Inc., among other things, to apply promptly to a court of competent jurisdiction for the appointment of a receiver to liquidate Trust Endowment Shares, Series "A", as expeditiously as possible, if no qualified successor trustee shall have been appointed and have accepted such appointment prior to December 21, 1942. Corporate Equities, Inc. has now filed an application requesting a modification of said order to eliminate the requirement that Corporate Equities, Inc., apply for the appointment of a receiver in order that the liquidation of the investment company may be carried out by the trustee.

It is ordered, That a hearing upon such application under and pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 be held on December 17, 1942 at ten o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania;

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on said application. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above-named applicant and to any person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13223; Filed, December 11, 1942; 2:54 p. m.]

[File No. 70-639]

GENERAL WATER GAS AND ELECTRIC CO. AND WALNUT ELECTRIC AND GAS CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of December, A. D., 1942.

In the matter of General Water Gas & Electric Company and W. C. Gilman, as liquidating trustee of Walnut Electric and Gas Corporation.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party or parties; and

Notice is further given that any interested person may, not later than December 23, 1942, at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be adressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

W. C. Gilman as Liquidating Trustee under a certain Liquidating Trust Agreement, dated June 1, 1939 and amended May 1, 1942, said Gilman as such Trustee being registered as a public utility holding company, proposes to transfer and deliver 5,000 shares of Class A Stock and 15,000 shares of Class B Stock of Walnut Electric & Gas Corporation, a registered holding company, the same constituting all of the outstanding stock of said corporation, to General Water Gas & Electric Company, also a registered holding company, the beneficial owner of said stock, said Trust Agreement having, by the terms thereof, expired on December 1, 1942, and not having been renewed.

General Water Gas & Electric Company proposes to acquire said stock from said Trustee.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13298; Filed, December 14, 1942; 10:35 a. m.]

[File No. 70-627]

THE MIDDLE WEST CORPORATION

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of December, A. D. 1942.

The Middle West Corporation ("Middle West"), a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly section 10 thereof, regarding the acquisition by it from its subsidiary, Western Ice Service Company ("Western"), of all of the outstanding capital stock of Southern-Henke Ice & Storage Company, a non-utility subsidiary of Western, for a consideration of $27,705.68 to be paid through a reduction in like amount of the open account indebtedness owed Middle West by Western, and Western having joined in said application, pursuant to Rule U-43 of the General Rules and Regulations promulgated under the Act, regarding the sale or transfer by it of such shares of stock to Middle West; and

Said application having been filed on November 16, 1942, and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 under said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and Middle West having requested that the Commission accelerate the date of effectiveness of the application; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application pursuant to said section 10 and said Rule U-43, and being satisfied that the date of granting said application should be advanced:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the Act that the aforesaid application be and the same is hereby granted subject, however, to the terms and conditions prescribed in Rule U-24, and to the further condition that this order shall in no wise affect or prejudice any right of the Commission to enter an order in pending 11 (b) (1) proceedings regarding The Middle West Corporation, directing it to divest itself of any interest in Southern-Henke Ice & Storage Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13297; Filed, December 14, 1942; 10:34 a. m.]

[File No. 70-644]

PUBLIC SERVICE CORP. OF NEW JERSEY AND PUBLIC SERVICE ELECTRIC AND GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of December 1942.

Notice is hereby given that a joint declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than December 18, 1942, at 5:30 p. m., EWT, request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such joint declaration or application, as filed or as amended, may become effective or may be granted as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application which is on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized below:

Public Service Corporation of New Jersey, a subsidiary of The United Corporation and The United Gas Improvement Company, both registered holding companies, proposes to sell, and its subsidiary, Public Service Electric and Gas Company proposes to buy (1) $559,600 principal amount of the latter's First and Refunding Mortgage Bonds, 5% series due 2037 for $504,076.42, the cost thereof to Public Service Corporation of New Jersey, plus accrued interest upon the principal amount of said bonds to the date of payment; (2) $519,000 principal amount of 5% First Mortgage Gold Bonds, due 1962 of Elizabeth & Trenton Railroad Company, constituent company of Public Service Electric and Gas Company, and which indebtedness was assumed by Public Service Electric and Gas Company, for $472,691.25, the cost thereof to Public Service Corporation of New Jersey, plus accrued interest on the principal amount of said bonds to date of payment. Public Service Electric and Gas Company, upon acquiring the aforesaid bonds as above provided, proposes to cancel and surrender same to the trustees of the mortgages securing said bonds, for destruction and cremation. The reasons given for such purchase and sale is "to effect savings attendant upon permanent reduction in the long-term debt of Public Service Electric and Gas Company and to obtain the benefits permitted by the Revenue Act of 1942 in 1942."

Sections 12 (c) and 12 (f) of the Act and Rules U-42 and U-43 of the Rules and Regulations of the Commission issued thereunder have been designated as applicable to the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13300; Filed, December 14, 1942; 10:35 a. m.]

[File No. 70-621]

THE RAILWAY AND BUS ASSOCIATES

ORDER APPROVING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 8th day of December 1942.

The Railway and Bus Associates, a subsidiary of Shinn & Co., a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, having filed an application for approval of the acquisition of 800 shares of common stock of Atlantic Utility Service Corporation from Triple Cities Traction Corporation, a non-affiliate for the total consideration of One Dollar ($1.00), pursuant to sections 9 (a) (1) and 10 of the Public Utility Holding Company Act of 1935;

Said application having been filed on November 6, 1942, and notice of said filing having been duly given in the form and manner prescribed in Rule U-23 promulgated pursuant to said Act; and the Commission not having received a request for a hearing with respect to the said application within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the said application that the requirements of section 10 of said Act are satisfied and that no adverse findings are necessary thereunder;

It is hereby ordered, Pursuant to Rule U-23, and the applicable provisions of said Act and subject to the terms and conditions prescribed by Rule U-24, that the aforesaid application be and hereby is granted forthwith.

By the Commission (Commissioner Healy dissenting for the reason set forth in his memorandum of April 1, 1940).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13299; Filed, December 14, 1942; 10:35 a. m.]

[File No. 70-591]

SOUTH CAROLINA ELECTRIC AND GAS CO., ET AL.

NOTICE OF FILING OF AMENDMENT TO PREVIOUS FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 11th day of December 1942.

In the Matter of South Carolina Electric & Gas Company, Lexington Water Power Company and General Gas & Electric Corporation.

Notice is hereby given that an amendment to the above captioned applications-declarations has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by General Gas & Electric Corporation, a registered holding company, and by its subsidiary, Lexington Water Power Company. All interested persons are referred to said amendment, which is on file in the offices of this Commission, for a statement of the transactions described therein.

In the original filing, as has heretofore been indicated by a previous Notice of Filing (Holding Company Act Release No. 3763), General Gas & Electric Corporation, among other things, proposed to surrender to a new consolidated company (which will be a successor corporation resulting from a proposed merger of Lexington Water Power Company into South Carolina Electric & Gas Company) $612,700 principal amount of Lexington Water Power Company, First Mortgage 5% Gold Bonds, series due January 1, 1968; and $2,311,900 principal amount of Lexington Water Power Company 5½% Convertible Sinking Fund Gold Debentures, due January 1, 1953, in return for certain securities of the consolidated corporation. In the present amendment it is requested that an interim order be entered, in these proceedings, permitting the surrender by General Gas & Electric Corporation to Lexington Water Power Company, on or before January 1, 1943, of $108,300 principal amount of Lexington Water Power Company, First Mortgage 5% Gold Bonds, series due January 1, 1968, and $125,000 principal amount of Lexington Water Power Company 5½% Convertible Sinking Fund Gold Debentures, due January 1, 1953, it being represented in the amendment that such surrender will enable Lexington Water Power Company to meet its sinking fund requirements due January 1, 1943.

Applicants-declarants have indicated that, if the contemplated merger is subsequently consummated, the securities of Lexington Water Power Company presently proposed to be surrendered shall constitute a part of the consideration which General Gas & Electric Corporation is to deliver in exchange for securities of the consolidated corporation; and, if the proposed consolidation is not fulfilled, that the delivery be deemed a capital contribution.

Applicants-declarants have indicated that the transactions embraced by the amendment may be subject to sections 9 (a), 10, 12 (b), 12 (c), and 12 (d) of the Public Utility Holding Company Act of 1935, and Rules U-42, U-43, U-44, and U-45 promulgated thereunder.

Notice is further given that any interested person may, not later than December 22, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such requested interim order may issue permitting such amendment to the filing to become effective or to be granted as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13296; Filed, December 14, 1942; 10:34 a. m.]

WAR MANPOWER COMMISSION.

[Administrative Order 26]

ESTABLISHMENT OF BUREAU OF SELECTIVE SERVICE

There is hereby established in the War Manpower Commission a Bureau of Selective Service which shall include the Selective Service System created and established for the purpose of carrying out the provisions of the Selective Training and Service Act of 1940, as amended, and transferred to the War Manpower Commission by Executive Order No. 9279[1] dated December 5, 1942. The Director of Selective Service shall act as the Chief of the Bureau of Selective Service, subject to the direction and supervision of the Executive Director.

Subject to the direction and supervision of the Executive Director, the Chief of the Bureau of Selective Service, acting under the title of Director of Selective Service, shall perform the functions, powers, and duties held by the Director of Selective Service prior to Executive Order No. 9279, including authority delegated to him by the President under the provisions of the Selective Training and Service Act of 1940, as amended, all of which authority, functions, powers and duties were transferred to the Chairman of the War Manpower Commission by Executive Order No. 9279.

All delegations of any functions, powers and duties of the Director of Selective Service heretofore made by him to officers, agents and persons of the Selective Service System are ratified and confirmed, and such officers, agents and persons shall exercise the functions, powers and duties exercised by them on December 5, 1942, subject to the order of the Chief of the Bureau of Selective Service.

The Chief of the Bureau of Selective Service is authorized to delegate any authority granted to him under this Order.

All existing rules, regulations, rulings, orders and procedures promulgated and established by the Director of Selective Service are hereby contained in full force and effect until modified, amended or rescinded by appropriate action.

PAUL V. MCNUTT,
Chairman.

DECEMBER 5, 1942.

[F. R. Doc. 42-13329; Filed, December 14, 1942; 11:47 a. m.]

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[1] 7 F.R. 10177.

Reference

DEC 21 1942

Reference
DEC 21 1942

FEDERAL REGISTER
THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934
VOLUME 7 NUMBER 245
Washington, Wednesday, December 16, 1942

Regulations

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

[Fifth Supplement to General Order No. C–26]

PART 150—ARREST AND DEPORTATION

SUSPENSION OF DEPORTATION

DECEMBER 9, 1942.

Pursuant to the authority contained in section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); section 24 of the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458), and § 90.1, Title 8, Chapter I, Code of Federal Regulations (7 F.R. 6753), the following amendment of Part 150[1] of the said regulations is hereby promulgated.

Section 150.10 is amended to read as follows:

§ 150.10 *Special procedure; application by an alien prior to arrest for suspension of deportation*—(a) *Who may apply.* Any alien who believes himself to be subject to deportation and against whom deportation proceedings have not been instituted by the issuance of a warrent of arrest, as provided in § 150.3 or 150.11 (a) may voluntarily submit himself to the jurisdiction of the Immigration and Naturalization Service and make written application for suspension of deportation. Such application may be made by filing Forms I–256 and I–55,* properly filled in and executed in triplicate, at the office of the Immigration and Naturalization Service having jurisdiction over the applicant's place of residence.

(b) *Eligibility.* An alien is eligible to be considered for suspension of deportation if

(1) He is deportable under any law of the United States, except

(i) The Act of October 16, 1918, as amended (anarchist and similar classes); or

(ii) The Act of May 26, 1922 (narcotic); or

(iii) The Act of February 18, 1931, as amended (narcotic); or

(iv) Any of the provisions of section 19 (a) of the Act of February 5, 1917, as amended, as relates to criminals, prostitutes, procurers, or other immoral persons, the mentally and physically deficient, anarchists, and similar classes; or

(v) Section 19 (b) of the Act of February 5, 1917, as amended (smuggling of aliens, unlawful possession of weapons, violation of Title I, Alien Registration Act, 1940); and

(2) He has proved good moral character for the preceding five years; and

(3) He is not racially inadmissible or ineligible to naturalization; and

(4) It is found that such deportation would result in serious economic detriment to a citizen or legally resident alien who is the spouse, parent, or minor child of such alien.

(c) *Issuance of warrant of arrest.* If, upon the filing of Forms I–256 and I–55, the officer in charge of the district believes from the facts set forth therein that the alien is subject to deportation, and finds that there is no warrant of arrest outstanding, such officer shall issue a warrant of arrest stating the charges upon which he believes the alien to be subject to deportation. If a warrant issues under this paragraph, one copy each of such warrant and of Forms I–256 and I–55 shall be immediately forwarded to the Central Office.

(d) *Documents and investigation required.* Where a warrant of arrest has been issued under this section and Forms I–256 and I–55 have been accepted as a prima facie showing of eligibility for suspension of deportation, the alien shall be advised (1) to obtain promptly and furnish the officer in charge, official certifications to establish his relationship to those he claims would suffer economic detriment by his deportation, and if such persons are citizens of the United States, evidence of their citizenship, and (2) submit the affidavits of two witnesses, preferably citizens, and if the alien is

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*Not filed with the Division of the Federal Register.

[1] 6 F.R. 68, 600, 5463, 5747; 7 F.R. 4601, 8582.

FEDERAL REGISTER

1934

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Telephone information: DIstrict 0525.

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employed, one from his employer, who can vouch for the alien's good moral character for the preceding five years. The officer in charge shall obtain verifications of such entries of the alien and other persons as are pertinent to the case and shall also cause an investigation to be conducted for the purpose of obtaining facts which will bear upon the alien's claim to eligibility for relief under the provisions of paragraph (b). The investigating officer shall make a written report of his investigation to be included in the record.

(e) *Notice to appear for hearing; counsel.* When the necessary entries have been verified and the documents required of the alien and the report of the investigating officer have been submitted, the alien shall be notified to appear for a hearing at a time and place to be designated by the officer in charge. If the alien is married and suspension of deportation is sought on the ground of economic detriment to the spouse, the alien shall be required to produce such spouse at the hearing. The alien shall also be informed that he may be represented at the hearing by counsel.

(f) *Hearing and record.* Upon the alien's appearance and the service on him of the warrant of arrest, if not previously served, the alien shall be granted a hearing to establish his deportability and eligibility for suspension of deportation. The presiding inspector assigned to conduct the hearing shall not be the same officer who conducted the investigation except in cases of necessity as determined by the officer in charge. The presiding inspector shall (1) apprise the alien that the purpose of the hearing is to establish the facts as to his deportability and eligibility for suspension of deportation, (2) place the alien under oath or affirmation, (3) advise the alien of the penalty for perjury and that any false answers to any of the questions in the application or General Information Form or at the hearing, may bar him from the relief he requests, and (4) enter of record as exhibits identified by number, copy of the formal warrant of arrest, Form I–256 and I–55, certifications and affidavits submitted by the alien, the written report of the investigation, and the reports as to records of the alien's entries and of the entries of such other persons as are material to the case. If the alien is married, the spouse shall be questioned for the purpose of determining whether the alien is eligible for suspension of deportation. The presiding inspector may question the alien and, in his discretion, require presentation of other witnesses for examination as to the deportability of the alien or his eligibility for suspension of deportation. At the hearing the alien should be afforded an opportunity to present any evidence he desires in support of his application. The presiding inspector, by questioning the alien and the witnesses, shall attempt to reconcile any discrepancies of fact occurring in the record.

(g) *Memorandum of the presiding inspector.* If, on the basis of the evidence presented as provided in paragraph (f), the presiding inspector is satisfied of the alien's deportability and that he is entitled to the relief sought, he shall prepare a memorandum, stating therein only the grounds for the alien's deportability and that he appears eligible for suspension of deportation under section 19 (c) (2) of the Immigration Act of 1917, as amended. A copy of the memorandum shall be furnished the alien. The entire record shall then be delivered to the officer in charge of the district for transmittal to the Central Office.

(h) *Termination of special procedure.* The special procedure provided for in paragraphs (f) and (g) of this section may be terminated forthwith (1) by the officer in charge of the district at any time prior to the transmittal of the record to the Central Office, upon a determination that the alien may leave for parts unknown, or is failing without cause to prosecute his application, or that the alien's eligibility for suspension of deportation is questionable; or (2) by the Central Office at any time prior to the submission of the record to the Board of Immigration Appeals; or (3) by the Board of Immigration Appeals at any time. If such special procedure has been terminated as herein provided, the alien may be released under bond or on his own recognizance and his case shall be handled as other deportation cases under §§ 150.4 to 150.9, inclusive, commencing with the proceedings immediately following the service of the warrant of arrest. The removal of any case from the procedure provided in this section shall be without projudice to the alien's application for suspension of deportation. (Sec. 19 (c), 39 Stat. 889, 54 Stat. 671; 8 U.S.C. 155 (c))

EARL G. HARRISON,
Commissioner of Immigration and Naturalization.

APPROVED:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 42–13336; Filed, December 14, 1942; 12:28 p. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T.D. 50785]

PART 8—ARTICLES CONDITIONALLY FREE, SUBJECT TO REDUCED RATE, ETC.

FREE ENTRY OF GIFTS FROM MEMBERS OF UNITED STATES ARMED FORCES

DECEMBER 14, 1942.

Bona fide gifts from a member of the armed forces of the United States on duty outside the continental limits of the United States entitled to free entry under Public Law 790, approved December 5, 1942. [This document inserts a new § 8.61a in Title 19, Code of Federal Regulations]

Public Law 790, approved December 5, 1942, to provide for the free entry into the United States or its Territories or possessions of bona fide gifts from a member of the armed forces of the United States on duty outside the continental limits of the United States, is published below:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That under such regulations as the Secretary of the Treasury shall prescribe so much of any shipment as does not exceed $50 in value shall be admitted into the United States or its Territories or possessions free of all customs duties, charges, or exactions, or internal-revenue taxes imposed upon or by reason of importation, if there is filed in connection with the entry satisfactory evidence that the articles for which free entry is claimed are bona fide gifts from a member of the armed forces of the United States on duty outside the continental limits of the United States.
>
> SEC. 2. This Act shall be effective with respect to articles entered for consumption or withdrawn from warehouse for consumption on or after the day following the date of its enactment and before the expiration of six months after the termination of hostilities as determined by proclamation of the President, or by concurrent resolution of the Congress.

The following regulations are hereby prescribed pursuant to the provisions of the foregoing Act:

§ 8.61a *Bona fide gifts from a member of the armed forces of the United States.* (a) Under Public Law 790, approved December 5, 1942, collectors of customs shall accord entry free of duty, internal-revenue taxes, and customs charges and exactions to bona fide gifts from members of the armed forces of the United States on duty outside the continental limits of the United States to the extent of $50 in value in any shipment.

(b) Satisfactory evidence that articles are bona fide gifts from a member of the armed forces of the United States on duty outside the continental United States will have been filed in connection with the entry within the meaning of Public Law 790 if:

(1) The shipment is accompanied by a declaration or other evidence establishing such facts, or,

(2) In cases where the declaration or other evidence mentioned in (b) (1) does not accompany the shipment, the consignee or addressee of the shipment files in connection with the entry such a declaration or a certificate in the following form:

I certify that the following-described articles ______________________________
____
____
are bona fide gifts from ______________, a member of the armed forces of the United States, to ______________________________
____
(Consignee or addressee)

or if:

(3) The collector of customs finds from the facts and circumstances that the articles are entitled to free entry under Public Law 790, and makes an appropriate notation of his findings on the entry.

(c) The certificate provided for in (b) (2) need not be verified unless, in the opinion of the collector, special circumstances necessitate that the certificate be under oath.

(d) The entry requirements prescribed in the Tariff Act of 1930, as amended, or the Customs Regulations of 1937, as amended, are applicable to articles entitled to free entry under Public Law 790.

(e) Customs invoices, including the invoices provided for in article 367, Customs Regulations of 1937 (J.R. 9a and 9b), shall not be required for shipments accorded free entry under Public Law 790, in whole or in part; nor shall the customs declarations or the statements of value provided for in article 367 (J.R. 9a and 9b) be required for such shipments.

(f) Free entry shall be accorded under the act to articles entered, or withdrawn from warehouse, for consumption on and after December 6, 1942, and before the expiration of six months after the termination of hostilities as determined by proclamation of the President or by concurrent resolution of the Congress. (Act of December 5, 1942, Pub. Law 790, 77th Cong.)

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42–13367; Filed, December 15, 1942; 9:41 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

[Docket No. FDC—39]

PART 27—CANNED FRUIT COCKTAIL: DEFINITION AND STANDARD OF IDENTITY

ORDER AMENDING REGULATION

By virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act [secs. 401, 701 (e); 52 Stat. 1046, 1055; 21 U.S.C. 341, 371 (e), 1940 ed.] and upon the basis of evidence of record in the above-entitled proceeding and the evidence of record in the Canned Fruit Cocktail hearing, Docket No. 27, the following order is hereby promulgated:

Findings of Fact

1. The regulation fixing and establishing a definition and standard of identity for fruit cocktail promulgated by order dated July 17, 1942, published in the FEDERAL REGISTER of July 21, 1942,[1] provides for the use of the following packing media for fruit cocktail:

(1) Water;
(2) Fruit juice;
(3) Heavy sirup;
(4) Extra heavy sirup;
(5) Heavy fruit juice sirup; and
(6) Extra heavy fruit juice sirup.

2. The sweetened packing media provided for in said standard of identity are heavy sirup and heavy fruit juice sirup which have a minimum density of 18° Brix 15 days or more after canning, and extra heavy sirup and extra heavy fruit juice sirup which have a minimum density of 22° Brix 15 days or more after canning.

3. From the beginning most of the fruit cocktail sold to consumers has been packed in heavy sirup. About 85 percent of the 1941 pack was packed in that kind of packing medium.

4. By reason of the provisions of Rationing Order No. 3[2] as amended, issued by the Office of Price Administration, the quantity of sugar which may be used by any manufacturer of fruit cocktail for each common case of his total output of the product is 90 percent of the amount of sugar used per common case of his total output of the product during 1941.

5. The Federal Government purchases large quantities of fruit cocktail for lend-lease purposes and for use by the armed forces. It is anticipated that from 40 percent to 60 percent of the 1942 pack will be so purchased and, by virtue of War Production Board Orders M–86,[3] M–86–a,[4] and M–237,[5] such purchases are given priority over sales for civilian use. All the fruit cocktail so purchased is required to be packed in sirup and to comply with any applicable definition and standard of identity under the Federal Food, Drug, and Cosmetic Act.

6. The effect of these Government requirements and of O. P. A. Order No. 3 as amended is that, if said standard of identity for fruit cocktail is permitted to become effective, substantial quantities of the fruit cocktail available for civilian use after Government demands are met could only be packed in fruit juice or in water.

7. Fruit cocktail packed in fruit juice or in water is a specialty product which is used principally by persons who must restrict their consumption of sugars. Consumer demand has been relatively slight for this type of product, since most consumers prefer a sweetened product. Nor is enough fruit juice available for the purpose of packing a substantially larger quantity than heretofore of fruit cocktail in fruit juice.

8. Light sirup and light fruit juice sirup are liquid packing media for canned fruits and are of a density next lower to the density of heavy sirup and heavy fruit juice sirup. The minimum densities of such sirups vary with the variety of fruit, but such minima ordinarily are from 12° to 14° Brix 15 days

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[1] 7 F.R. 5542.

[2] 7 F.R. 2966, 3242, 3783, 4546, 4618, 5193, 5361, 6057, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 8402, 8655, 8710, 8739, 8809, 8830, 8831, 9042, 9396, 9460, 9899, 10017, 10258.

[3] 7 F.R. 1998, 10326.

[4] 7 F.R. 9705.

[5] 7 F.R. 9707.

after canning. Definitions and standards of identity have been prescribed by regulation for canned peaches and canned pears, which are ingredients of canned fruit cocktail. The minimum density prescribed for light sirup and for light fruit juice sirup in canned peaches and canned pears is 14° Brix 15 days after canning. Canned fruit cocktail packed in a sirup of a density of 14° Brix or more but less than 18° Brix 15 days or more after canning, would be of a substantial degree of sweetness and would be usable for customary purposes. The names "light sirup" and "light fruit juice sirup" are common or usual names for fruit canning sirups in this density range, and would be accurate and understandable designations for such sirups in fruit cocktail.

9. The use of light sirup and light fruit juice sirup in fruit cocktail would permit a substantially larger quantity of fruit cocktail to be packed in sirup than would be possible under the standard already promulgated and would tend to meet consumers' desire for a sweet product as distinguished from a product packed in water or fruit juice. Such sirups have become proper and acceptable packing media for canned fruit cocktail. A label statement indicating that fruit cocktail is packed in light sirup will adequately differentiate between such a packing medium and those heretofore used.

On the basis of the foregoing findings of fact, it is concluded that said definition and standard of identity for fruit cocktail promulgated by order dated July 17, 1942, and published in the FEDERAL REGISTER for July 21, 1942, should be amended so as to include light sirup and light fruit juice sirup as additional optional packing media for fruit cocktail and to provide that such optional packing media be named on the label; and that said definition and standard of identity, as so amended, will promote honesty and fair dealing in the interest of consumers.

Amendment to Regulations

Wherefore, paragraphs (c), (d) (6), (d) (7), (d) (8), and (e) (1) of § 27.040 are hereby revised and amended so as to read as follows:

(c) The optional packing media referred to in paragraph (a) are as follows:

(1) Water;
(2) Fruit juice;
(3) Light sirup;
(4) Heavy sirup;
(5) Extra heavy sirup;
(6) Light fruit juice sirup;
(7) Heavy fruit juice sirup; and
(8) Extra heavy fruit juice sirup.

Each of packing media (3), (4), and (5) is prepared with water as its liquid ingredient, and each of packing media (6), (7), and (8) is prepared with fruit juice as its liquid ingredient. Except as provided in paragraph (d) (6), each of packing media (3) to (8), inclusive, is prepared with any one of the following saccharine ingredients: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which the weight of the solids of the dextrose used multiplied by 2, added to the weight of the solids of the corn sirup used multiplied by 3, is not more than the weight of the solids of the sugar used. The respective densities of packing media (3) to (8), inclusive, as measured on the Brix hydrometer 15 days or more after the fruit cocktail is canned are within the range prescribed for each in the following list:

Number of packing medium:	*Brix measurement*
(3) and (6)	14° or more but less than 18°.
(4) and (7)	18° or more but less than 22°.
(5) and (8)	22° or more but not more than 35°.

(d) For the purposes of this section:

* * * * *

(6) When the optional packing medium is prepared with fruit juice and invert sugar sirup or corn sirup other than dried corn sirup, it shall be considered to be light sirup, heavy sirup, or an extra heavy sirup, as the case may be, and not a light fruit juice sirup, heavy fruit juice sirup, or an extra heavy fruit juice sirup.

(7) The term "light sirup", "heavy sirup", or "extra heavy sirup" includes a sirup which conforms in all other respects to the provisions of this section, in the preparation of which there is used the liquid drained from any fruit ingredient previously canned in a packing medium consisting wholly of the liquid and saccharine ingredients of a light sirup, heavy sirup, or extra heavy sirup.

(8) Except as provided in subparagraph (6), of this paragraph, the term "light fruit juice sirup", "heavy fruit juice sirup", or "extra heavy fruit juice sirup" includes a sirup which conforms in all other respects to the provisions of this section, in the preparation of which there is used the liquid drained from any fruit ingredients previously canned in a packing medium consisting wholly of the liquid and saccharine ingredients of light fruit juice sirup, heavy fruit juice sirup, or extra heavy fruit juice sirup.

(e) (1) The optional ingredients specified in paragraphs (b) (5) (ii) and (iii) and (c) (1) to (8), inclusive, are hereby designated as optional ingredients which, when used, shall be named on the label by the name whereby each is so specified.

Said regulations fixing and establishing a definition and standard of identity for fruit cocktail as hereby amended shall become effective on the ninetieth day after the date of publication of this order in the FEDERAL REGISTER except that the provisions of paragraph (e) (1) as they apply to the optional packing media specified in paragraph (c) (3) to (8), inclusive, shall become effective on August 1, 1943.

(Secs. 401, 701 (e); 52 Stat. 1046, 1055; 21 U.S.C. 341, 371 (e), 1940 (ed.)

Dated: December 12, 1942.

[SEAL] WATSON B. MILLER,
Federal Security Administrator.

[F. R. Doc. 42-13369; Filed, December 15, 1942; 10:44 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

APPROVAL OF ADJUSTMENTS IN RATES OF PAY OF EMPLOYEES OF FEDERAL RESERVE SYSTEM

§ 803.19 *General Order No. 19.* (a) The Board of Governors of the Federal Reserve System and any of the twelve Federal Reserve Banks, which proposes to make adjustments in the salaries or wages of their employees not fixed by statute, which would otherwise require the prior approval of the National War Labor Board, may make such adjustment on certification to the Board that the adjustment is necessary to correct maladjustments, or to correct inequalities, or gross inequities, as defined in the Board's Statement of Wage Policy of November 6, 1942, and any other general order or policy heretofore or hereafter announced thereunder.

(b) A certificate by the official authorizing the adjustments, stating the nature and amount of such adjustment and briefly setting forth the facts meeting the foregoing requirement will be accepted by the Board as sufficient evidence of the propriety of the adjustment, subject to review by the Board. Modification by the Board of adjustments made pursuant hereto shall not be retroactive.

(c) In the case of adjustments made hereunder by any of the twelve Federal Reserve Banks, the certificate above mentioned shall, prior to transmittal to the joint committee hereafter described, be transmitted to and shall be subject to the approval of the Board of Governors of the Federal Reserve System.

(d) The certificate prescribed herein, together with four (4) copies thereof, shall be filed promptly with the committee established by joint action of the National War Labor Board and the Commissioner of Internal Revenue, namely, the Joint Committee on Salaries and Wages, Room 5406, Department of Labor Building, Washington, D. C., which will forward the same to the Board or Commissioner, as the case may require.

(e) The certification procedure shall not apply to any adjustment which would raise salaries or wages beyond the prevailing level of compensation for similar services in the area or community. In exceptional cases where such an adjustment is sought, and in all cases where an adjustment is sought other than by the certification procedure, application for approval shall be filed with the appropriate regional office of the National War Labor Board.

(E.O. 9250, 7 F.R. 7871)

Adopted December 8, 1942.

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-13332; Filed, December 14, 1942; 12:24 p. m.]

PART 803—GENERAL ORDERS

APPROVAL OF ADJUSTMENTS IN RATES OF PAY OF EMPLOYEES OF UNITED STATES EMPLOYMENT SERVICE

§ 803.20 *General Order No. 20.* (a) The United States Employment Service or any of its state administrative offices which proposes to make adjustments in the salaries or wages of its employees not fixed by statute, which would otherwise require the prior approval of the National War Labor Board, may make such adjustment on certification to the Board that the adjustment is necessary to correct maladjustments or to correct inequalities or gross inequities, as defined in the Board's Statement of Wage Policy of November 6, 1942, and any other general order or policy heretofore or hereafter announced thereunder.

(b) A certificate by the appropriate official of the United States Employment Service stating the nature and amount of such adjustment, and briefly setting forth the facts meeting the foregoing requirement, will be accepted by the Board as sufficient evidence of the propriety of the adjustment, subject to review by the Board. Modification by the Board of adjustments made by the United States Employment Service or one of its state administrative offices acting pursuant hereto shall not be retroactive.

(c) The certificate prescribed herein, together with four copies thereof, shall be filed promptly with the committee established by joint action of the National War Labor Board and the Commission of Internal Revenue, namely, the Joint Committee on Salaries and Wages, Room 5406, Department of Labor Building, Washington, D. C., which will forward the same to the Board or the Commissioner, as the case may require.

(d) The certification procedure shall not apply to any adjustment which would raise salaries or wages beyond the prevailing level of compensation for similar services in the area or community. In exceptional cases where such an adjustment is sought, application for approval shall be filed with the appropriate Regional Office of the National War Labor Board.

(E.O. 9250, 7 F.R. 7871)

Adopted December 8, 1942.

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-13333; Filed, December 14, 1942; 12:24 p. m.]

PART 803—GENERAL ORDERS

AUTHORIZATION TO DEPARTMENT OF INTERIOR TO PASS ON WAGE AND SALARY ADJUSTMENTS FOR DESIGNATED EMPLOYEES

§ 803.21 *General Order No. 21.* (a) The National War Labor Board hereby delegates to the Secretary of the Interior, to be exercised on his behalf by the Special Adviser on Labor Relations to the Secretary of the Interior (hereinafter referred to as the Interior Department Agency), the power to approve or disapprove all applications for wage and salary adjustments (insofar as approval thereof has been made a function of the National War Labor Board) covering employees of the Interior Department within the continental limits of the United States and Alaska whose wages or salaries are not fixed by statute, all in accordance with the further provisions of this order.

(b) In the performance of its duties hereunder the Interior Department Agency shall comply with the terms of Executive Order 9250, dated October 3, 1942 and any other general order or policy of the National War Labor Board heretofore or hereafter issued thereunder. The Interior Department Agency, without making an initial ruling thereon may refer to the Board, for decision by the Board, any case which in the opinion of the agency presents doubtful or disputed questions of sufficient seriousness and import to warrant direct action by the Board.

(c) The Interior Department Agency shall transmit to the Review and Analysis Division of the National War Labor Board copies of its rulings, and rules of procedure, if any, as they are issued, and such additional data and reports as said Division or the Board may from time to time deem necessary.

(d) Any ruling by the Interior Department Agency hereunder shall be deemed to be the act of the National War Labor Board and shall be final subject to the National War Labor Board's ultimate power to review rulings on its own initiative, and to reverse or modify the same. Any such order of reversal or modification shall not be retroactive and shall allow the Interior Department Agency a period of two weeks from the date of the Board's order, within which to comply with the order.

(e) Nothing herein contained shall be construed as affecting the advisory duties and functions of the following Wage Boards heretofore constituted by order of the Secretary of the Interior and any similar Boards so constituted in the future:

(1) Boulder Canyon Project Wage Board.
(2) Columbia Basin Project Wage Board.
(3) Central Valley Project Wage Board.
(4) Parker Dam Power Project Wage Board.
(5) Boulder City Experiment Station Wage Board.

(E.O. 9250, 7 F.R. 7871)

Adopted December 8, 1942.

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-13334; Filed, December 14, 1942; 12:24 p. m.]

PART 803—GENERAL ORDERS

ESCALATOR CLAUSES

§ 803.22 *General Order No. 22.* (a) No clause contained in any labor agreement, commonly known as an "escalator clause", relating to wages or salaries subject to the jurisdiction of the National War Labor Board, regardless of when the agreement was made, which provides for an adjustment in wage rates after October 3, 1942, or an adjustment in salary rates after October 27, 1942, because of changes in the cost of living, shall be enforced, where such adjustment would result in rates in excess of fifteen per cent above the average straight time hourly rates or equivalent salary rates prevailing on January 1, 1941.

(b) Adjustments within the fifteen per cent limit must be submitted for approval by the board in the usual manner.

(E.O. 9250, 7 F.R. 7871)

Adopted December 8, 1942.

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-13335; Filed, December 14, 1942; 12:24 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amendment No. 104, 2d Ed.]

PART 627—APPEAL TO BOARD OF APPEAL

MISCELLANEOUS AMENDMENTS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in an Administrative Order dated December 5, 1942, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraphs (b) and (c) of § 627.13 to read as follows:

§ 627.13 *Local board to transmit record to the board of appeal.*[1]

* * * * *

(b) Immediately upon determining that all steps required by the regulations have been taken and that the record is complete, the local board shall transmit the file to the board of appeal: *Provided*, That the State Director of Selective Service may direct the channels through which such file shall be forwarded to the board of appeal.

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[1] 6 F.R. 6845; 7 F.R. 2090.

(c) The local board shall enter in the Classification Record (Form 100) the date it transmits the registrant's file to the board of appeal.

2. Amend the regulations by deleting § 627.14 in its entirety.

3. Amend the regulations by deleting § 627.15 in its entirety.

4. Amend § 627.22 to read as follows:

§ 627.22 *Transfer of appeal.*[2] If the board of appeal, upon receiving the file of a registrant, determines that it does not have jurisdiction of the appeal or that it cannot act on the appeal for any other reason, it shall forward the file to the State Director of Selective Service. If the State Director of Selective Service determines that the board of appeal to which the file was originally forwarded does not have jurisdiction, he shall transmit the file to the board of appeal having jurisdiction. If the board of appeal to which the file was originally forwarded is unable to act for any reason and there is more than one board of appeal in the State, the State Director of Selective Service shall designate one of the other boards of appeal in the State to act upon the appeal and shall transmit the file to the designated board of appeal. If the board of appeal to which the file was originally forwarded is the only board of appeal in the State, the Director of Selective Service, upon the request of the State Director of Selective Service, shall designate a board of appeal in a neighboring State to act upon the appeal, and the State Director of Selective Service shall transmit the file to the designated board of appeal. The designated board of appeal shall act on the appeal in the same manner and make the same records as in the case of an appeal from a local board whose records it normally reviews, except that all entries and records will be made in red ink. The State Director of Selective Service shall advise the local board from which the appeal was taken when a file is referred to a board of appeal other than the one normally acting on appeals from such local board and shall state the reason why the file is not being reviewed by the board of appeal for the area in which such local board is located.

5. Amend § 627.23 to read as follows:

§ 627.23 *Preliminary review.*[3] The board of appeal will carefully check each file to determine whether all steps required by the regulations have been taken, whether the record is complete, and whether the information in the file is sufficient to enable it to determine the registrant's classification. If any steps have been omitted by the local board, if the record is incomplete, or if the information is not sufficient to enable the board of appeal to determine the classification of the registrant, the board of appeal shall return the file to the local board with proper instructions. If the board of appeal returns the file to the local board, it shall enter the date of the return in column 4 of the Docket Book of Board of Appeal (Form 102).

6. Amend paragraph (a) of § 627.25 to read as follows:

§ 627.25 *Special provisions where appeal involves claim that registrant is a conscientious objector.*[4] (a) If an appeal involves the question of whether or not a registrant is entitled to be sustained in his claim that he is a conscientious objector, the board of appeal shall first determine whether the registrant should be classified in one of the classes set forth in § 623.21, in the order set forth, and if it so determines, it shall place such registrant in such class. If the board of appeal does not determine that such registrant belongs in one of such classes, it shall transmit the entire file to the United States district attorney for the judicial district in which the local board of the registrant is located for the purpose of securing an advisory recommendation of the Department of Justice: *Provided*, That in a case in which the local board has classified the registrant in Class IV–E or in a case in which the registrant has claimed objection to combatant service only and the local board has classified him in Class I–A–C, the board of appeal may affirm the classification of the local board without referring the case to the Department of Justice. No registrant's file shall be forwarded to the United States district attorney by any board of appeal and any file so forwarded shall be returned, unless in the "Minutes of Other Actions" on the Selective Service Questionnaire (Form 40) the record shows and the letter of transmittal states that the board of appeal reviewed the file and determined that the registrant should not be classified in one of the classes set forth in § 623.21.

* * * * *

7. Amend § 627.27 to read as follows:

§ 627.27 *Record of decision on appeal.*[5] When the board of appeal makes its classification, it shall record its decision, showing the yes and no vote, upon the Selective Service Questionnaire (Form 40) and in the Docket Book of Board of Appeal (Form 102), shall mark the case "Closed" in the "Remarks" column of the Docket Book of Board of Appeal (Form 102), and shall immediately return the record to the local board provided that the State Director of Selective Service may direct the channels through which the record shall be returned to the local board.

8. Amend § 627.31 to read as follows:

§ 627.31 *Action of local board if board of appeal does not change classification.*[6] If the board of appeal affirms the local board's classification, the local board, upon receiving the file from the board of appeal, shall proceed as follows:

(a) Mail a Notice of Continuance of Classification (Form 58) to the registrant and a Classification Advice (Form 59) to the person who made the appeal, if other than the registrant.

(b) If one or more members of the board of appeal dissented from the determination of that board, the local board shall indicate on such notice and advice the numerical division of the board of appeal.

(c) Enter on the Classification Record (Form 100) the date of mailing such notice and advice.

(d) Enter on the Classification Record (Form 100) the fact that the board of appeal affirmed the local board classification.

9. Amend § 627.32 to read as follows:

§ 627.32 *Action of local board if board of appeal changes classification.*[7] If the board of appeal does not affirm the local board's classification, the local board, upon receiving the file from the board of appeal, shall proceed as follows:

(a) Mail a Notice of Classification (Form 57) to the registrant and a Classification Advice (Form 59) to the person who made the appeal, if other than the registrant.

(b) If one or more members of the board of appeal dissented from the determination of that board, the local board shall indicate on such notice and advice the numerical division of the board of appeal.

(c) Enter on the Classification Record (Form 100) the date of mailing such notice and advice.

(d) Enter on the Classification Record (Form 100) the board of appeal classification and, with red ink, draw a line through the local board classification.

10. Amend § 627.41 to read as follows:

§ 627.41 *Appeal stays induction.*[8] A registrant shall not be inducted either during the period afforded him to take an appeal to the board of appeal or during the time such an appeal is pending.

11. Amend the regulations by adding a new section to be known as § 627.61 to read as follows:

Reconsideration by Board of Appeal

§ 627.61 *Reconsideration of board of appeal determination.* (a) When either the Director of Selective Service or the State Director of Selective Service deems it to be in the national interest or necessary to avoid an injustice, he may, at any time, request a board of appeal to reconsider any determination made by it, stating his reasons for requesting such reconsideration. Upon receiving such a request a board of appeal will reconsider its determination in any case.

(b) Any time before an Order to Report for Induction (Form 150) has been mailed to a registrant, the government appeal agent, if he deems it to be in the national interest or necessary to avoid an injustice, may prepare and place in the registrant's file a recommendation that the State Director of Selective Service either request the board of appeal to reconsider its determination or appeal to the President. The registrant's file shall then be forwarded to the State Director of Selective Service. As soon as the State Director of Selective Service has acted upon the government appeal agent's request he shall advise the local board and, if he determines neither to request the board of appeal to reconsider its determination nor to appeal to the President, he shall return the file to the local board.

12. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

DECEMBER 12, 1942.

[F. R. Doc. 42-13365; Filed, December 15, 1942; 9:16 a. m.]

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[3] 6 F.R. 6845; 7 F.R. 2091.

[4] 6 F.R. 6846; 7 F.R. 4155.

[5] 6 F.R. 6846; 7 F.R. 2091.

[6] 6 F.R. 6846; 7 F.R. 9608.

[7] 6 F.R. 6846.

[Amendment No. 105, 2d Ed.]

PART 628[1]—APPEAL TO THE PRESIDENT

MISCELLANEOUS AMENDMENTS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301–318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in an Administrative Order dated December 5, 1942, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 628.1 to read as follows:

§ 628.1 *Who may appeal to the President from any determination of a board of appeal.* (a) When either the State Director of Selective Service or the Director of Selective Service deems it to be in the national interest or necessary to avoid an injustice, he may appeal to the President from any determination of a board of appeal. He may take such an appeal at any time.

(b) An appeal to the President may be taken by the Director of Selective Service (1) by mailing to the local board through the State Director of Selective Service a written notice of appeal or (2) by placing in the registrant's file a written notice of appeal and through the State Director of Selective Service, advising the local board thereof.

(c) An appeal to the President may be taken by the State Director of Selective Service (1) by mailing to the local board a written notice of appeal and directing the local board to forward the registrant's file to him for transmittal to the Director of Selective Service or (2) by placing in the registrant's file a written notice of appeal and advising the local board thereof. Before he forwards the registrant's file to the Director of Selective Service the State Director of Selective Service shall place in such file a written statement of his reasons for taking such appeal.

2. Amend § 628.2 to read as follows:

§ 628.2 *Appeal to the President.* The registrant or any person who claims to be a dependent of the registrant or any person who has filed written information as to the occupational status of the registrant, at any time within 10 days after the mailing by the local board of the Notice of Continuance of Classification (Form 58) or the Notice of Classification (Form 57), notifying the registrant that the local board classification has been affirmed or changed, may appeal to the President provided the registrant was classified by the board of appeal in either Class I–A, Class I–A–O, or Class IV–E and one or more members of the board of appeal dissented from such classification. The local board may permit any person who is entitled to appeal to the President under this paragraph to do so, even though the 10-day period herein provided for such an appeal has elapsed, if it is satisfied that the failure of such person to appeal within such 10-day period was due to a lack of understanding of the right to appeal or to some cause beyond the control of such person. Unless the local board permits such an appeal, the right of such persons to appeal to the President shall terminate at the end of the 10-day period herein provided.

3. Amend § 628.3 to read as follows:

§ 628.3 *How appeal to the President is taken.* (a) An appeal to the President under the provisions of § 628.2 shall be taken (1) by mailing or delivering to the local board written notice of appeal or (2) by going to the local board and signing the appeal to the President on the Selective Service Questionnaire (Form 40). If the appeal is taken by filing a written notice of appeal, such notice need not be in any particular form but should include the name of the registrant, his serial and order numbers, the identity of the person appealing (sufficiently definite to show the right of appeal), and the fact that such person wishes the President to review the determination of the board of appeal.

4. Amend § 628.4 to read as follows:

§ 628.4 *Procedure on appeal to the President.* (a) When an appeal to the President is taken, the local board shall (1) notify the registrant that such an appeal has been taken, unless he is the person who took the appeal; (2) if the registrant's file is in its possession, forward the entire file to the State Director of Selective Service; and (3) enter on the Classification Record (Form 100) the date the file is forwarded or the date it receives notice that an appeal has been taken. The local board shall not place in the file any statement or expression of opinion concerning the information in the registrant's file or the reasons for its decision.

(b) When an appeal to the President is taken, the State Director of Selective Service shall check each file which is in his possession or which is forwarded to him to be sure that all procedural requirements have been properly complied with and, if he discovers any procedural defects, return the file for correction. If any information has been placed in the file which was not considered by the local board in making the classification from which the appeal to the President is taken, the State Director of Selective Service shall review such information and, if he is of the opinion that such information, if true, would justify a different classification of the registrant, return the file to the local board with instructions to reopen the registrant's classification and classify the registrant anew.

(c) When the State Director of Selective Service has complied with the provisions of (b) above, he shall, unless the file is returned to the local board, forward the file to the Director of Selective Service.

5. Amend § 628.7 to read as follows:

§ 628.7 *Appeal to the President stays induction.* A registrant shall not be inducted during the time an appeal to the President is pending.

6. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

DECEMBER 12, 1942.

[F. R. Doc. 42-13366; Filed, December 15, 1942; 9:16 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1090—AGAVE FIBER, AGAVE PRODUCTS AND CERTAIN OTHER CORDAGE

[General Preference Order M-84, as Amended Dec. 15, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of agave fiber, agave products and certain other cordage for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1090.1 *General Preference Order M–84*—(a) *Definitions.* For the purposes of this order:

(1) "Agave fiber" means agave fiber of the species of agave sisalana, agave fourcroydes, and agave cantala, of all grades and qualities including tow, waste (but not including processor's mill waste) and fiber under 20″ in length, commonly known in the trade as sisal, henequen, cantala, and maguey, and sometimes preceded by an adjective designating the country or district of origin.

(2) "Agave cordage" means cables and ropes 3/16″ in diameter and larger, cordage or twines of any diameter used in the manufacture of any wire rope, twines used for fishing nets, and tarred marlines for use in manufacturing wire rope and for marine uses, in which agave fiber either alone or in combination with other material is used, but does not include agave cordage sold or delivered for its scrap value.

(3) "Processor" means any person who spins, twists, weaves or otherwise uses agave fiber in the production of cordage, twine or any other product.

(4) "Processing" means any use of agave fiber for the manufacture of any

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[1] 6 F.R. 6846; 7 F.R. 4155, 6203, 6417, 9608, 9682.

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article or commodity into which agave fiber goes or of which it becomes a part.

(5) "Dealer" means any person who

States Bureau of Customs (bonded warehouse) in the continental United States and shipments in bond into the continen-

States Maritime Commission, or the War Shipping Administration or its operating or general agents.

(i) *Wrapping twine.* Processors may

(c) During the two months commencing November 1, 1942 and ending December 31, 1942, an amount which equals

amount of Manila fiber actually put into process by such cordage processor during such period; and

(c) *Increased* by any or all of the said

sold or delivered to the Army or Navy of the United States, the United States Maritime Commission, the Panama fication of the registrant, the board of appeal shall return the file to the local

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[3] 6 F.R. 6845; 7 F.R. 2091.

[4] 6 F.R. 6846; 7 F.R. 4155.
[5] 6 F.R. 6846; 7 F.R. 2091.
[6] 6 F.R. 6846; 7 F.R. 9608.

to the President. The registrant's file

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[7] 6 F.R. 6846.

registrant or any person who claims to

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[1] 6 F.R. 6846; 7 F.R. 4155, 6203, 6417, 9608, 9682.

file which was not considered by the local board in making the classification from which the appeal to the President is

twine or any other product.

(4) "Processing" means any use of agave fiber for the manufacture of any

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article or commodity into which agave fiber goes or of which it becomes a part.

(5) "Dealer" means any person who procures agave cordage or agave twine for storage or for sale, and includes selling agents and other commercially recognized agents acting for their own account or for others, whether or not acquiring title to such agave cordage or agave twine, but shall not include any person who imports agave cordage, or agave twine.

(6) "Wrapping twine" means twine, including lath yarns (ply and yarn goods) as included in National Bureau of Standards Simplified Practice Recommendation R 92–38, and any other twine suitable for the same purposes for which those twines described in said Simplified Practice Recommendation R 92–38 are used, which contains agave fiber, but shall not include binder twine.

(7) "Binder twine" or "binding twine" means a single yarn twine, manufactured of agave fiber, of the type customarily heretofore manufactured, and sold in lengths measuring 500, 525, 550, 600, 630 or 650 feet to the pound, with a plus or minus tolerance of 5 per centum, containing a lubricant of not less than 10 per centum of the total weight of the twine and an insect repellent, and which is put up in balls of approximately 5 or 8 pounds each, is suitable for use with a harvesting machine, and is used in the harvesting of agricultural products.

(8) "Inventory" with respect to any person shall include all of any agave product held or controlled by such person at all warehouses, plants or places of storage, but shall not include any of such product while actually in transit or actually in use.

(9) "Supply" means the average monthly amount of any agave product withdrawn from inventory which has been resold or put into actual use.

(i) In the three calendar months preceding the calendar month for which supply is being calculated; or,

(ii) In the three calendar months of the previous year which immediately followed the calendar month of that year corresponding to the said calendar month for which supply is being calculated;

whichever of the two shall be the higher.

(10) "Basic monthly poundage" with respect to any cordage processor for any month shall be the average number of pounds per month of both Manila and agave cordage sold by such processor during the period from January 1, 1939, to December 31, 1941, minus 37% of such person's Manila fiber basic monthly poundage calculated as required by General Preference Order M–36: *Provided*, That any cordage processor keeping his books on a weekly basis may calculate his basic monthly poundage from the fifty-two week period of the 1939 calendar year and adjust any other calculations or quotas under this order.

(11) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States, including the Philippine Islands. It includes shipments into a free port, free zone or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments in bond into the continental United States for transshipment to Canada, Mexico or any other foreign country.

(b) *Restrictions on sales and deliveries of agave fiber.* No person shall sell, or deliver, or make or accept delivery of agave fiber of any grade or quality; except that purchases, sales and deliveries of agave fiber may be made:

(1) By and to Defense Supplies Corporation;

(2) By and to persons importing or otherwise handling agave fiber in accordance with written instructions from Defense Supplies Corporation: *Provided*, That such agave fiber is to be delivered, either processed or unprocessed, directly or through one or more other persons to Defense Supplies Corporation.

(3) By and to importers, dealers, jobbers, or processors, pursuant to contracts entered into on or before February 20, 1942, but only of agave fiber in the amounts specified in such contracts on or before the said date, or by any amendments or supplements thereto on or before August 5, 1942: *Provided, however*, That purchases, sales and deliveries under general requirements contracts or contracts to take all, or a specified percentage of a production may continue to be made until December 31, 1942: *And provided further*, That all agave fiber, except bagasse waste, imported on or after October 31, 1942, under any contract mentioned in this subparagraph (3) shall, within twenty-four hours after its arrival, be reported to the War Production Board, except such agave fiber which shall have been offered for sale to the Defense Supplies Corporation, and such reported agave fiber shall not be used or disposed of except as specifically authorized by the Director General for Operations.

(4) By and to importers, dealers, jobbers, or processors of agave fiber which has been rejected by Defense Supplies Corporation as unfit for its use.

(5) By and to importers, dealers, jobbers or processors of tow, waste, bagasse flume or fiber less than twenty inches in length: *Provided*, That such fiber was on hand in the United States on February 20, 1942, or was, or is thereafter imported pursuant to this paragraph (b).

(6) By processors to processors, whether directly or through one or more other persons, of agave fiber which was on hand in the United States on or before August 5, 1942, or which is thereafter imported pursuant to this paragraph (b).

(c) *Restrictions on the processing of agave fiber.* (1) Except as provided in paragraphs (c) (2), (3) and (4), no person shall process any agave fiber in the manufacture of any product except the products specified below, and then only from the fibers and in the amounts expressly permitted below. The quotas hereinbelow established shall include processing for delivery to or for the account of, or for physical incorporation into material or equipment to be delivered to or for the account of, the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration or its operating or general agents.

(i) *Wrapping twine.* Processors may use agave fiber for the manufacture of wrapping twine in an amount in any month not in excess of the percentage for such month, of his average monthly sales for the calendar year 1941 described below:

Year 1942	*Percent*
February	100
March	70
April	65
May	57½
June	50
July	40
August	20
September	0
October, and each month thereafter	0

Provided, however, That this restriction shall not apply to wrapping twine commonly known as baler twine for use in machines harvesting agricultural products (except straw to be used in strawboard manufacture) other than machines using binder twine: *Provided, further*, That no processor may use agave fiber for the manufacture of baler twine during the calendar year 1943 in an amount in excess of 110% of his sales of baler twine during the calendar year 1942 minus his inventory of baler twine on hand at the close of business on December 31, 1942: *Provided, further*, That any person purchasing any such baler twine from a processor shall endorse on, or attach to, his purchase order or delivery receipt therefor, a certificate signed by such person, or his duly authorized representative, in substantially the following form:

> The undersigned hereby represents to the seller and the War Production Board that the baler twine covered by this certificate will be either resold or used by the undersigned during the current harvest season for use in machines harvesting agricultural products (except straw to be used in strawboard manufacture) other than machines using binder twine in accordance with paragraph (c) (1) (i) of General Preference Order M–84.

And, provided further, That no person shall put into process after April 13, 1942 any java agave sisalana for the manufacture of wrapping twine, or after August 5, 1942 any Java agave cantala for this purpose.

(ii) *Binder twine.* Processors may use agave fiber, in an amount not in excess of:

(*a*) During the eleven months ending June 30, 1942, an amount which, when added to binder twine in his stocks on November 1, 1941, equals 120% of that processor's total sales of binder twine in the United States during the twelve months ending October 31, 1941;

(*b*) During the four months commencing July 1, 1942, and ending October 31, 1942, an amount which equals 40% of that processor's total sales of binder twine in the United States during the twelve months ending October 31, 1941;

(*c*) During the two months commencing November 1, 1942 and ending December 31, 1942, an amount which equals 20% of that processor's total sales of binder twine in the United States during the twelve months ending October 31, 1941: *Provided, however*, That no person shall hereafter put into process binder twine containing any of the following kinds and grades of agave fiber:

Java sisalana	All grades.
Java cantala	All grades.
African sisalana	Prime, No. 1 and No. 1A.
Haitian sisalana	Dauphin A and X St. Marc A1, HFC No. 1 & Hacor A.

or any binder twine measuring less than 600 feet to the pound containing any of the following kinds and grades of agave fiber:

African sisalana	No. 2 and No. 3 long.
Haitian sisalana	Dauphin B & Y St. Marc A2, or Hacor B or X.

(iii) *Padding or stuffing.* Processors manufacturing padding or stuffing may use for that purpose only bagasse waste, except on orders to be delivered to or for the account of, or to be physically incorporated into material or equipment to be delivered to or for the account of, the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration or its operating or general agents, in which case tow, waste, and fibers less than twenty inches in length may be used.

(iv) *Reinforced paper, tape and plastics.* Processors manufacturing reinforced paper, tape and plastics may use agave fibers except Java sisalana and Java cantala, but only in an amount not in excess of 50% of the fiber content of their average monthly sales of such products for the twelve months ended June 30, 1942.

(v) *Agave cordage.* Processors manufacturing agave cordage shall not put into process in any of the periods listed below an amount of agave fiber in excess of the amounts hereinafter specified for such period:

Periods:	*Amounts of agave fiber*
July 1, 1942, through December 31, 1942	12.2 times basic monthly poundage
Each calendar quarterly period in 1943	5.3 times basic monthly poundage

Provided, That the amount of agave fiber which may be put into process for this purpose by any cordage processor in any such period shall be:

(*a*) *Diminished* by the amount of any additional Manila fiber which may be put into process by such cordage processor during such period pursuant to any exceptions or additional authorizations issued by the Director General for Operations pursuant to General Preference Order M–36.

(*b*) *Increased* by the difference, if any, between the amount of Manila fiber permitted to be put into process by such cordage processor pursuant to General Preference Order M–36, and any lesser amount of Manila fiber actually put into process by such cordage processor during such period; and

(*c*) *Increased* by any or all of the said processor's permitted amount of agave fiber for use in the manufacture of wrapping twine (excluding baler twine for the period October 31, 1942 through December 31, 1942), as provided in paragraph (c) (1) (i), which is not actually put into process for this use since July 1, 1942.

(2) A person may process agave fiber in the manufacture of a product not specified in paragraph (c) (1), for delivery to or for the account of, or for physical incorporation into material or equipment to be delivered to or for the account of, the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration or its operating or general agents.

(3) The prohibitions of paragraph (c) (1) shall not apply to the manufacture of wrapping twine, binder twine, agave cordage, reinforced paper, tape, or plastics from tow, waste, or fiber under twenty inches in length.

(4) The Director General for Operations may, whenever supplies of agave fiber on hand in the United States warrant, increase the amounts of agave fiber which may be entered into process for the manufacture of agave cordage or for such other products as in the judgment of the Director General for Operations may be necessary to promote the national defense and in the public interest.

(d) *Restrictions on purchases, sales and deliveries of agave cordage and wrapping twine.* (1) No dealer shall order, purchase or accept deliveries of any agave cordage which will result in such dealer having in inventory an amount thereof in excess of one month's supply.

(2) No person (other than a dealer, an importer, a wire rope manufacturer, the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal or the War Shipping Administration or its operating or general agents) shall order or accept delivery of any agave cordage which will result in such person having in inventory an amount thereof in excess of one month's supply; and no such person shall have outstanding at any one time orders for future deliveries of agave cordage in excess of one month's supply for such person.

(3) No importer shall, during the period from August 5, 1942 to October 31, 1942, sell or deliver in any calendar month agave cordage in excess of his average monthly sales of Manila and agave cordage in the calendar years 1939–1941, or in any calendar month after October 31, 1942, sell or deliver agave cordage, other than agave cordage sold or delivered to the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the War Shipping Administration or its operating or general agents, in excess of one-third of his average monthly sales of Manila and agave cordage in the calendar years 1939–1941.

(4) On and after September 26, 1942, no processor shall process agave fiber for cordage or sell or deliver any agave cordage except for filling contracts or purchase orders therefor, for the following categories of uses:

(i) *Class One: Agave cordage other than that used in manufacture of wire rope.* (a) Use for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal or the War Shipping Administration or its operating or general agents;

(*b*) Use upon any contract or order placed by any department or agency of the United States Government for delivery of agave cordage to or for the account of the Government of any country pursuant to the Act of March 11, 1941, entitled "An Act to promote the Defense of the United States" (Lend-Lease Act).

(*c*) Use for physical incorporation into material or equipment (excluding grommets and ammunition box handles) to be delivered under an order on hand to or for the account of any of the departments or agencies specified in the foregoing inferior subdivisions (*a*) and (*b*) of paragraph (d) (4) (i).

(ii) *Class Two: Agave cordage other than that used in the manufacture of wire rope.* (*a*) Commercial or other governmental marine, towage or lighterage uses, provided the cordage for such uses (excluding wheel rope for steering vessels) shall be one inch or more in diameter;

(*b*) Fishing uses for commercial fish markets or canneries;

(*c*) Use as catlines, spinning lines, bull-ropes and drilling cables in the operation or drilling of oil or gas wells;

(*d*) Use as drilling cables or scaling ropes in mines or quarries or in drilling water wells;

(*e*) Power transmission uses where an endless rope is used in transmitting continuous mechanical power between driver and driven grooved pulleys;

(*f*) Use to fill any purchase order carrying a preference rating of A–1–a or higher for the construction, maintenance or repair of any machinery equipment or structure, including public utility power lines and communications systems and shipyards, hulls and vessels;

(*g*) Use as grapnel cable;

(*h*) Use on elevators as governor rope, hawser laid, ⅝'' through 1'' in diameter;

(*i*) Use as lifeboat falls;

(*j*) Use as drop hammer rope on purchase orders carrying a preference rating of A–1–a or higher;

(iii) *Class Three: Agave cordage used in the manufacture of wire rope.* Use in the manufacture of component parts of wire rope: *Provided, however,* That, on and after December 14, 1942, such agave cordage shall be processed only in sizes of $\frac{13}{64}$ of an inch in diameter or larger, that lesser sizes on hand or in process on said date may be sold or delivered for this use, and that lesser sizes may be processed, sold or delivered for galvanized or other corrosion resistant wire rope of sizes 6 x 12, 6 x 24, 6 x 37, or of spring-lay construction for use by any person specified in paragraph (d) (4) (i), but only to the extent that the normal specifications of such person, or a future directive of any department or agency specified in said paragraph, require such use.

(5) Each purchaser (other than the departments or agencies specified in paragraph (d) (4) (i)) of agave cordage (excluding agave cordage in any dealer's inventory shipped to such dealer on or before September 25, 1942) shall furnish his seller a certificate as a condition to receiving said cordage, and no person shall sell or deliver any such agave cordage to such purchaser without obtaining a certificate, signed by such purchaser or his duly authorized representative, in substantially the following form:

> The undersigned hereby represents to the seller and the War Production Board that the agave cordage covered by this certificate will be used or sold only for the following uses
>
> --
>
> (fill in)
>
> authorized in paragraph (d) (4) of General Preference Order M–84, with the terms of which the undersigned is familiar.

(6) During the period beginning September 26, 1942, to and including December 31, 1942, no processor shall put into process any agave fiber for the purpose of filling purchase orders for Class Two cordage uses, as specified in paragraph (d) (4) (ii) hereof, in excess of 20% of the unprocessed balance of his processing quota, as established under paragraph (c) hereof, as said balance may appear at the close of business on September 25, 1942.

(7) During the period beginning October 31, 1942, to and including December 31, 1942, no processor shall sell or deliver any agave cordage for Class Two cordage uses, as specified in paragraph (d) (4) (ii) hereof, in excess of 20% of his inventory of agave cordage as that inventory may appear at the close of business on October 30, 1942.

(8) On and after December 15, 1942, notwithstanding the provisions of paragraphs (d) (4) and (d) (5), any person may purchase, sell or deliver any agave lariat rope in process or in inventory on or before September 25, 1942.

(9) No importer shall sell or deliver in any month listed below any wrapping twine, imported or domestic, in excess of the following percentages of his average monthly sales thereof during the calendar year 1941:

Year 1942:	*Percent*
July	65
August	40
September, and each month thereafter	20

Provided, however, That no importer shall, after September 30, 1942, import, purchase for import, offer to import, offer to purchase for import, contract or otherwise arrange to import any wrapping twine unless specifically authorized by the Director General for Operations. Authorizations will only be granted, in the absence of extraordinary circumstances, where it can clearly be demonstrated that such wrapping twine was processed only from tow, waste or fiber under 20'' in length.

(e) *Importation and disposition of agave fabrics and agave carpet yarns.* In addition to all other requirements of this order, the importation and disposition of agave fabrics and agave carpet yarns shall be made in conformity with the provisions of General Imports Order M–63, as amended from time to time.

(f) *Restrictions on purchases, sales and use of binder twine.* No person shall hereafter sell, purchase, deliver, accept delivery of or use any binder twine except for the growing or harvesting of agricultural products or for sewing up bags containing such products, and any person purchasing any binder twine shall endorse on, or attach to his purchase order or delivery receipt therefor, a statement signed by such person, or on his behalf by a duly authorized individual, a certificate in substantially the following form:

> The undersigned hereby represents to the seller and the War Production Board that the binder twine covered by this certificate will be either resold or used by the undersigned for the growing or harvesting of agricultural products or for sewing up bags containing such products and is not in excess of his requirements for the current harvest season, as provided in General Preference Order M–84.

(g) *Preference to agave cordage processors for cotton, istle or jute yarns.* (1) Subject to the provisions contained below in this paragraph (g) and notwithstanding the provisions of any other conservation order, preference rating A–2 is hereby assigned to any processor of agave cordage during the year 1942 to obtain delivery of cotton, istle or jute yarns for processing by him into cordage.

(2) The preference rating assigned by paragraph (g) (1) shall be applied and extended in accordance with Priorities Regulation No. 3, as amended from time to time.

(3) During the period November 1, 1942 through December 31, 1942, no processor of agave cordage during the year 1942 shall apply the rating assigned by paragraph (g) (1) to obtain delivery of any istle or jute yarns for such purpose in excess of an equivalent, for each yarn, of the basic monthly poundage, as established under paragraph (a) (10), and of two times said poundage for cotton yarns. Any such processor desiring additional quantities of any of said yarns may apply to the War Production Board therefor on form PD–1A or other applicable form prescribed.

(4) Each processor of agave cordage during the year 1942 shall furnish his seller a certificate as a condition to receiving any cotton, istle or jute yarns for processing by him into cordage, and no person shall sell or deliver any cotton, istle or jute yarns to such processor for such purpose without obtaining a certificate, signed by such processor or his duly authorized representative, in substantially the following form:

> The undersigned hereby represents to the seller and the War Production Board that he processed agave cordage during 1942 and that the cotton, istle or jute yarns covered by this certificate will be processed by the undersigned into cordage and is not in excess of the stock authorized under paragraph (g) of General Preference Order M–84.

(h) *Control and allocations of stocks of agave fiber and agave cordage.* (1) Control is hereby taken of the disposition and use of agave fiber and agave cordage possessed by or under the control of any importer, dealer or processor. Any agave fiber or agave cordage at any time hereafter in the inventory of any such person shall be sold and delivered by such person as, and if, specifically directed in any order of the Director General for Operations which may be issued whenever the Director General for Operations shall determine that a shortage of any particular grade of agave fiber or agave cordage for defense, or for private account, or for export, renders it necessary or appropriate so to allocate such agave fiber or agave cordage in the public interest, or to promote the national defense by so directing its sale and delivery by such person. Any such sale shall be made at the established prices and terms of sale and payment therefor and shall take precedence over any preference rated orders. No person shall dispose of or use agave fiber or agave cordage in any manner inconsistent with any such order.

(2) Applications for specific authority to purchase, receive or use agave fiber or agave products otherwise than as permitted by paragraphs (b), (c), (d) or (e) may be made to the Director General for Operations by the person desiring to use such agave fiber or agave cordage on form PD–709 or such other form or forms as may be prescribed. Any such application shall, among other things, set forth a statement of the technical necessity for the use of agave fiber or agave cordage in the manner and to the extent that application therefor is made. Such application shall also summarize

the efforts made by the applicant to use substitutes and shall contain a statement of the reasons why the applicant believes the use of agave fiber or agave cordage, in the manner and the extent that application therefor is made, will promote the national defense or will be in the public interest.

(i) *Reports.* Every importer of agave fiber shall file a report on Form PD–129 and every processor of agave fiber shall file a report on form PD–128 with the U. S. Tariff Commission, acting for the War Production Board, not later than the tenth day of the following month, and all persons affected by this order shall file with the War Production Board such reports as may from time to time be required by said Board.

(j) *Records.* All persons affected by this order shall keep and preserve for not less than two (2) years accurate and complete records concerning inventories, production, sales and other transactions pursuant to this order, and shall from time to time, upon request, submit all records required to be kept by this order to audit and inspection by duly authorized representatives of the War Production Board.

(k) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of agave fiber conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or telegram, Reference M–84, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(l) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington, D. C., Reference M–84.

(m) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(n) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13370; Filed, December 15, 1942; 11:45 a. m.]

PART 1165—CORSETS, COMBINATIONS AND BRASSIERES

[Limitation Order L–90 as Amended December 15, 1942]

The fulfillment of requirements for the defense of the United States, has created a shortage in the supply of rubber for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1165.1 *General Limitation Order L–90*—(a) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(b) *Definitions.* For the purposes of this order:

(1) "Elastic fabric" means any fabric in which rubber thread is used (i) in either warp or filling (or both) of a woven fabric; (ii) in either the knit-in thread or lay-in thread (or both) of a knitted fabric.

(2) "Long line brassiere" means a breast supporting garment extending more than two inches below the base of the breast.

(3) "Bandeau" means a breast supporting garment extending not more than two inches below the base of the breast.

(4) "Panel" means a section of non-elastic cloth or elastic fabric running from the bottom to the top of a corset, girdle or combination, either in the front or back.

(5) "Gore" means any tapering, triangular or rectangular piece of elastic fabric set in at either the top or the bottom of a corset, girdle or combination for the purpose of providing a horizontal stretch.

(6) "Side section" means a strip of elastic fabric running the full length of the corset or girdle, or from the bottom to the approximate waist line of a combination,—or in the case of Leno (see Class IV), to the top of a combination and so placed to provide for a horizontal stretch.

(7) "Class I garments" means corsets, jackets, combinations, or belts, shaped to support and control the back, abdomen and/or breast, with bonings or stays placed at intervals to preserve their designed shape, made to effect improvement in faulty posture or to provide safe and effective support for a specific disability, or for maternity use.

(8) "Class II garments" means corsets or combinations, shaped to support the back and abdomen and/or breast, and made to provide support for sagging muscles and to relieve strain.

(9) "Scrap elastic fabric" means the pieces of elastic fabric resulting from the cutting of gores, side sections, or panels in the manufacture of corsets, girdles or combinations, which are unsuitable for use as such gores, side sections or panels.

(c) *Restrictions on the use of elastic fabrics in the manufacture of corsets, girdles, panty girdles and combination.* (1) Except as specifically authorized by the Director General for Operations, no person shall, after April 23, 1942, use any elastic fabrics in the manufacture of corsets, girdles, panty girdles, belts or combinations except as follows:

(i) *Class I garments.* In the manufacture of *Class I garments,* elastic fabric may be used for gores to the extent of but not exceeding 36 square inches per garment.

(ii) *Class II garments.* In the manufacture of *Class II garments,* elastic fabric may be used for gores to the extent of but not exceeding 36 square inches per garment, and elastic fabric, not exceeding ten inches in length measured horizontally and not exceeding three inches measured vertically may be used in the waist line of such garments.

(iii) *Class III garments.* In the manufacture of corsets, girdles, panty girdles and combinations, elastic fabrics (such as flat knit and woven) unsuitable for Class I and too wide to be cut into gores for Class I and Class II garments, without excessive waste may be used for side sections to the extent of but not exceeding 8 inches measured horizontally and 20 inches measured vertically per garment up to and including size 30 waist or 9 inches measured horizontally and 20 inches measured vertically per garment for sizes above 30 waist and elastic fabrics may be used for gores to the extent of but not exceeding 27 square inches.

(iv) *Class IV garments.* In the manufacture of corsets, girdles, panty girdles and combinations, woven and knitted fabrics not suitable for gores in Class I garments (such as light weight woven, power net, flat knit or circular knit material, elastic laces, and elastic nets, broad loom such as elastic satin and elastic batiste) may be used for side sections to the extent of but not exceeding twelve inches in width measured horizontally and 17 inches measured vertically per garment up to and including size 30 waist, and fourteen inches measured horizontally and 17 inches measured vertically per garment for sizes above 30 waist, and elastic fabrics may be used for gores to the extent of but not exceeding 27 square inches. Leno fabrics to the extent of but not exceeding 20 inches measured vertically may be used for side sections in such garments. Elastic binding, banding or facing may be used on the unfinished edges of elastic fabric sections in the manufacture of such garments. Light weight woven elastic fabrics such as satin and batiste and faille not suitable for side sections may be used for up and down stretch front

panels or up and down stretch back panels in the manufacture of such gar-

of but not exceeding six square inches per garment may be used for inserts and closings.

wilfully conceals a material fact or furnishes false information to any department or agency of the United States is

Operations may at any time at his discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to

mailing address; and specify the allocation month and year for which authorization for acceptance of delivery is sought.

which is the only one that need be certified.

(3) The Director General for Operations may require each person affected by

panels or up and down stretch back panels in the manufacture of such garments, but such elastic fabrics may not be used for both front and back panels on any one garment.

(2) *Hose supporters.* (i) No elastic fabric shall be used in the manufacture of hose supporters for any corsets, girdles, panty girdles, combinations, belts, jackets, garter belts, or brassieres except that in any one garment:

(*a*) Elastic fabric not exceeding 1¼ inch in width may be used to the extent of 10 linear inches, or

(*b*) Scrap elastic fabric may be used to any extent.

(ii) No person shall use more than four hose supporters in the manufacture of any corset, girdle, panty girdle, combination, belt, jacket, garter belt, or brassiere.

(3) *Inner belts.* Except as specifically authorized by the Director General for Operations, no elastic fabrics may be used in inner belts unless the amount used therein plus the amount used in the side section does not exceed the maximum area as permitted in garments of Classes I, II or III.

(d) *Restrictions on knitting.* In addition to the restrictions on knitting as provided in Conservation Order No. M–124 as amended from time to time, and except as specifically authorized by the Director General for Operations, no person shall hereafter knit:

(i) Any fabric which employs elastic threads in both knit-in and lay-in thread, for use in the manufacture of corsets, girdles, panty girdles, combinations, brassieres or bandeaux.

(ii) Blanks of the roll-on type, except blanks which are to be cut up for side sections of Class IV garments.

(iii) Flat knit type elastic strips wider than 10 inches.

(iv) Fashioned flat knit elastic strips, or complete fashioned flat knit girdles and combinations.

(e) *Restrictions on weaving.* In addition to the restrictions on weaving as provided in Conservation Order No. M–124, as amended from time to time, and except as specifically authorized by the Director General for Operations, no person shall hereafter weave, for use in the manufacture of corsets, girdles, panty girdles, combinations, brassieres, bandeaux, or garter belts, any fabric which employs elastic threads in both warp and filling.

(f) *Restrictions on use of elastic fabrics in the manufacture of brassieres, bandeaux, and garter belts.* Except as specifically authorized by the Director General for Operations, no person shall hereafter use any elastic fabrics in the manufacture of brassieres, bandeaux or garter belts except as follows:

(1) *Long-line brassieres.* In the manufacture of long-line brassieres, elastic fabric not suitable for gores in Class I garments may be used for gores to the extent of but not exceeding eight square inches per garment.

(2) *Bandeaux.* In the manufacture of bandeaux, elastic fabric to the extent of but not exceeding six square inches per garment may be used for inserts and closings.

(3) *Garter belts.* In the manufacture of garter belts, scrap elastic fabric may be used for gores and/or closures to the extent of 16 square inches per garment, and elastic fabric or scrap elastic may be used for hose supporters to the extent provided in paragraph (c) (2) above.

(g) *Shoulder straps.* Except as specifically authorized by the Director General for Operations, no person shall hereafter use elastic fabrics in the manufacture of shoulder straps for brassieres, bandeaux, and combinations in excess of five linear inches per garment.

(h) *Restrictions on knitting and cutting.* In addition to the restrictions on knitting in Conservation Order No. M–124, as amended from time to time, and except as specifically authorized by the Director General for Operations, no person shall, in any calendar month, knit or cut, or cause to be knit or cut by others for his account, more corsets, girdles, panty girdles, combinations and/or garter belts, employing any elastic fabric or rubber yarns, other than Class I garments or corsets mentioned in paragraph (i) below, than 75% of his average knitting or cutting of all such garments during the period beginning January 1, 1941, and ending March 31, 1941.

(i) *General exceptions.* The prohibitions and restrictions contained in this order shall not apply to the manufacture, sale or delivery of any corset designed for use for surgical or medical purposes which is being produced under a specific contract or subcontract for the Army or Navy of the United States.

(j) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of rubber yarn and fabric containing rubber yarns conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work may appeal to the War Production Board by letter or telegram, Ref: L–90, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(k) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, sales and products.

(l) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be required by said Board from time to time.

(m) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to War Production Board, Washington, D. C. Ref: L–90.

(n) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13371; Filed, December 15, 1942; 11:45 a. m.]

PART 3151—ASCORBIC ACID

[General Preference Order M–269]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of ascorbic acid for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3151.1 *General Preference Order M–269*—(a) *Definitions.* (1) "Ascorbic acid" means ascorbic acid (cevitamic acid or vitamin C) in crude or refined form. The term shall include any chemical compound of ascorbic acid but shall not include standard dosage forms (tablets, capsules, ampoules, solutions, etc.), combinations in food or beverages, or ascorbic acid of natural origin.

(2) "Producer" means any person engaged in the production or processing of ascorbic acid, and includes any person who imports ascorbic acid or has ascorbic acid produced for him pursuant to toll agreement.

(3) "Distributor" means any person who purchases ascorbic acid solely for the purpose of resale without further processing and without changing the form thereof.

(4) "Allocation month" means the period beginning on the 15th day of a calendar month and continuing through the 14th day of the calendar month following. The allocation month of January, for example, shall mean the period beginning January 15.

(b) *Restrictions on deliveries and use.* (1) Subject to paragraph (c) hereof, on and after December 15, 1942 no producer or distributor shall deliver or use ascorbic acid, and no person shall accept delivery of ascorbic acid, except as specifically authorized or directed by the Director General for Operations.

(2) Authorizations or directions with respect to deliveries to be made or accepted in each allocation month will so far as practicable be issued by the Director General for Operations prior to the commencement of such allocation month, but the Director General for

Operations may at any time at his discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted. He may also at any time issue directions with respect to the use or uses which may or may not be made of material to be delivered or then on hand.

(3) Each person specifically authorized to accept delivery of ascorbic acid shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed by the Director General for Operations, or as provided in paragraph (b) (4) hereof.

(4) Ascorbic acid allocated for inventory shall not be used except as specically directed by the Director General for Operations. Ascorbic acid allocated to fill a specified order or class of orders shall, where and to the extent that such order or class of orders is subsequently cancelled, revert to inventory.

(c) *Exceptions to requirement for authorization.* Specific authorization of the Director General for Operations shall not be required for:

(1) Acceptance of delivery by any person in any one allocation month of five ounces or less of ascorbic acid in the aggregate; provided that such person has not been specifically authorized or directed by the Director General for Operations to accept delivery of any quantity of such material during such month;

(2) The delivery by any producer or distributor to any person who shall certify to him in writing that he is entitled pursuant to paragraph (c) (1) hereof to accept delivery;

(3) The use by any producer in any allocation month of five ounces or less of ascorbic acid in the aggregate.

(d) *Applications and reports.* (1) Each person seeking authorization to accept delivery of (and each producer or distributor seeking authorization to use) ascorbic acid during any allocation month, beginning with the allocation month which commences January 15, 1943, whether for his own consumption or resale, shall file application therefor on or before the 1st day of the calendar month in which such allocation month begins. Where delivery or use is to be in the allocation month commencing December 15, 1942, such application shall be filed as many days as possible in advance of the requested acceptance of delivery or use. In any case, such application shall be made on Form PD–600, in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form PD–600 may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which one shall be forwarded to the supplier, three to the War Production Board, Chemicals Division, Washington, D. C., Ref.: M–269, and the fifth retained for applicant's file.

(iii) In the heading, under name of chemical, specify "ascorbic acid"; under WPB Order No., specify "M–269"; under unit of measure, specify ounces; under name of your company, specify name and mailing address; and specify the allocation month and year for which authorization for acceptance of delivery is sought.

(iv) In Columns 1, 11 and 19, specify quality; for example, USP, crude, calcium ascorbate.

(v) In Column 3, specify the exact product in the manufacture or preparation of which you will use ascorbic acid or in which you will incorporate ascorbic acid. Retailers ordering ascorbic acid for resale (as ascorbic acid), will specify "Resale at retail". If purchase is for inventory, state "inventory".

(vi) In Column 4, specify in each case (including case where your purchase is for "resale") ultimate use to be made of product (as, for example, "medicinal", "beverage", "food fortification"), and also specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease, or commercial customer.

(2) Each producer or distributor seeking authorization to make delivery of ascorbic acid during any allocation month, beginning with the month commencing January 15, 1943, shall file application on or before the 5th day of the calendar month in which such allocation month begins. Application for authorization to deliver in the allocation month beginning December 15, 1942, shall be made as many days as possible in advance of the requested delivery. In any case, such application shall be made on Form PD–601 in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form PD–601 may be obtained at local field offices of the War Production Board.

(ii) Prepare four copies and forward three to the War Production Board, Chemicals Division, Washington, D. C., Ref: M–269, the fourth to be retained by the producer or distributor.

(iii) Producers who have filed application on Form PD–600 specifying themselves as their suppliers, shall list their own names as customers on Form PD–601 and shall list their request for allocation in the manner prescribed for other customers.

(iv) In the heading, under name of chemical specify "ascorbic acid"; under WPB Order No., specify "M–269"; under name of company, state name and mailing address; under unit of measure specify ounces; and state the allocation month and year during which deliveries covered by your application are to be made.

(v) In Columns 3 and 8, specify grades as stated in customer's Form PD–600.

(vi) The producer or distributor may, if he wishes, leave Column 5 blank.

(vii) Names of customers to whom small order deliveries are to be made during the next allocation month pursuant to paragraph (c) of this order need not be listed, but insert in Column 1 "Total small order deliveries (estimated)", and in Column 4, state the estimated quantity.

(viii) If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

(3) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any such person with respect to preparing and filing Forms PD–600 and PD–601.

(e) *Notification of customers.* Each supplier shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref.: M–269.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13372; Filed, December 15, 1942; 11:45 a. m.]

Chapter XI—Office of Price Administration

PART 1306—IRON AND STEEL

[RPS 43[1] as Amended, Amendment 1]

USED STEEL DRUMS AND USED STEEL PAILS

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1306.210 is amended, and a new paragraph, (d), is added to § 1306.211, as set forth below:

§ 1306.210 *Effective dates.* (a) Revised Price Schedule No. 43, as amended,

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 4297, 8948.

(§§ 1306.201 to 1306.212, inclusive) shall become effective June 10, 1942.

(b) Amendment No. 1 (§§ 1306.210 and 1306.211 (d)) to Revised Price Schedule No. 43, as amended, shall become effective December 19, 1942.

§ 1306.211 *Appendix A: Maximum prices for used steel drums.* * * *

(d) *Maximum price for used stainless steel drums.* The maximum price for reconditioned 16 gauge used fifty-five gallon steel drums, made of 18% chrome–8% nickel stainless steel, shall be $35.00 per drum on an f. o. b. seller's location basis.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13353; Filed, December 14, 1942; 3:34 p. m.]

Part 1306—Iron and Steel

[RPS 46,[1] Amendment 3]

RELAYING RAIL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Sections 1306.251, 1306.253, 1306.255, 1306.256 (a), 1306.258 (b), 1306.260 (c) (1) (i) and (c) (2), and 1306.261 are amended, a new paragraph (d) is added to § 1306.258, a new paragraph (c) is added to § 1306.259a, a new paragraph (d) is added to § 1306.260, a new subdivision (iii) is added to § 1306.260 (c) (1), and a new § 1306.254 is added, as set forth below, and paragraphs (b) and (c) of § 1306.257 are revoked.

§ 1306.251 *Maximum prices*—(a) *Relaying rail.* On and after December 2, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer relaying rail, and no person shall buy, offer to buy, or accept delivery of relaying rail, at prices higher than the maximum prices set forth in paragraphs (a), (b) and (c) of Appendix A hereof, incorporated herein as § 1306.260.

(b) *Relaying girder rail.* On and after December 19, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer relaying girder rail, and no person shall buy, offer to buy, or accept delivery of relaying girder rail, at prices higher than the maximum prices set forth in paragraph (d) of Appendix A hereof, incorporated herein as § 1306.260.

§ 1306.253 *Evasion.* The price limitations set forth in Revised Price Schedule No. 46 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of relaying rail or relaying girder rail, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1306.254 *Licensing of dealers.* Effective September 17, 1942, a license as a condition of selling is hereby required of every person selling relaying rail or relaying girder rail for which maximum prices are established by this Revised Price Schedule 46, and every person subject to this regulation is hereby granted a license as a condition of selling relaying rail or relaying girder rail hereunder. Every person hereby licensed may be required to register with the Office of Price Administration at such time and in such manner as the Administrator may prescribe. The license hereby granted is not transferable. Licensees violating any of the provisions of this regulation or of the license hereby granted or of any applicable regulation, order or requirement under section 202 (b) of the Emergency Price Control Act of 1942 are subject to the license suspension proceedings provided therein.

§ 1306.255 *Records and reports.* Every person making purchases or sales of relaying rail or relaying girder rail after January 1, 1942, shall keep for inspection by the Office of Price Administration so long as this Revised Price Schedule No. 46 shall remain in effect complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the shipping point price paid or received, transportation charges, if any, and the quantity and weight purchased or sold, and (b) the quantity of relaying rail and of relaying girder rail (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by Revised Price Schedule No. 46 shall submit such reports to the Office of Price Administration as it may from time to time require.

§ 1306.256 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 46 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

* * * * *

§ 1306.258 *Definitions.* When used in Revised Price Schedule No. 46, the term: * * *

(b) "Relaying rail" means steel rail of any weight per yard (other than relaying girder rail) which is suitable for relaying and which is to be used for relaying or for a purpose other than relaying for which new rail is ordinarily used, and which has been submitted to all reconditioning processes, if any, necessary to render it fit for such reuse.

* * * * *

(d) "Relaying girder rail" means plain or groove headed steel rail of any weight per yard designed for laying as street-car track in city streets and elsewhere, which is suitable for relaying and which is to be used for relaying or for a purpose other than relaying for which new rail is ordinarily used, and which has been submitted to all reconditioning processes, if any, necessary to render it fit for such reuse.

§ 1306.259a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1306.251, 1306.253, 1306.254, 1306.255, 1306.256 (1), 1306.257, 1306.258 (b) and (d), 1306.259a (c), 1306.260 (c) (1) (i) and (iii), (c) (2) and (d), and 1306.261) to Revised Price Schedule No. 46 shall become effective December 19, 1942.

§ 1306.260 *Appendix A: Maximum prices for relaying rail and relaying girder rail.* * * *

(c) *Maximum prices for relaying rail sold from warehouses.* (1) * * *

(i) For quantities of one carload or more: (*a*) $32.00 per gross ton f. o. b. warehouse for all such rail which weighed 60 lbs. or more per yard when new; (*b*) $35.84 per gross ton f. o. b. warehouse for all such rail which weighed 45 lbs. or more per yard, but less than 60 lbs. per yard, when new; (*c*) $39.20 per gross ton f. o. b. warehouse for all such rail which weighed 35 lbs. or more per yard, but less than 45 lbs. per yard, when new; and (*d*) $45.00 per gross ton f. o. b. warehouse for all such rail which weighed less than 35 lbs. per yard when new.

* * * * *

(iii) For less than carload quantities of all weights of relaying rail which weighed less than 35 lbs. per yard when new: (*a*) $2.25 cwt. f. o. b. warehouse for quantities of 5 net tons or more; and (*b*) $2.40 cwt. f. o. b. warehouse for quantities of less than 5 net tons.

* * * * *

(2) Before any person shall sell relaying rail pursuant to paragraph (c) of this section, he must file with the Office of Price Administration a statement indicating that he operates a relaying rail reconditioning plant equipped with machinery for reconditioning, giving a list of such machinery, and must obtain written recognition by the Office of Price Administration of his plant as a relaying rail warehouse. A storage point or yard, not customarily operated as a warehouse, is not a warehouse within the meaning of this paragraph.

(d) *Maximum prices for relaying girder rail.* The maximum price, f. o. b. shipping point, for relaying girder rail shall be $45.00 per gross ton minus the lowest railroad charge for transporting such rail from the railroad siding nearest the location of such rail to that basing point mentioned in paragraph (b) of this § 1306.260 to which the lowest applicable railroad rate from such siding applies: *Provided,* That the shipping point price need in no case be less than $39.00 per gross ton.

§ 1306.261 *Geographical application.* The provisions of Revised Price Schedule No. 46 shall apply only to sales, offers to sell or deliveries of relaying rail or relaying girder rail moving within, into or out of one of the States of the United States or the District of Columbia.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13354; Filed, December 14, 1942; 3:35 p. m.]

Part 1340—Fuel

[MPR 112,[1] Amendment 8]

PENNSYLVANIA ANTHRACITE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1340.200 (a) (3), subdivisions (iii) and (iv) are added to read as set forth below:

§ 1340.200 *Appendix A: Maximum prices for anthracite.* (a) * * *

(3) * * *

(iii) Where anthracite coal is delivered from a mine or preparation plant in any transportation facilities owned or subject to the control of the producer or a distributor, or subsidiary or affiliate of the producer or distributor, or in any transportation facilities hired by the producer or a distributor, there may be added to the applicable maximum prices established herein a sum not in excess of the actual transportation costs incurred, determined in a reasonable manner, but in no event to exceed the lowest common carrier rate for a haul between the same points.

(iv) There may be added to the maximum prices established herein an amount not in excess of the tax imposed by section 620 of the Revenue Act of 1942 when incurred by a producer or distributor of anthracite: *Provided,* That the tax so incurred shall be stated separately from the price paid by the purchaser.

§ 1340.199a *Effective dates of amendments.* * * *

(h) Amendment No. 8 (§ 1340.200 (a) (3) (iii) and (iv)) to Maximum Price Regulation No. 112 shall become effective December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13355; Filed, December 14, 1942; 3:38 p. m.]

Part 1340—Fuel

[MPR 121,[1] Amendment 9]

MISCELLANEOUS SOLID FUELS DELIVERED FROM PRODUCING FACILITIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In § 1340.249 (d) a new subparagraph (2) is added and the text of paragraph (d) is designated subparagraph (1) to read as set forth below:

§ 1340.249 *Appendix A: Maximum prices for miscellaneous solid fuels delivered from producing facilities.* * * *

(d) (1) * * *

(2) There may be added to the maximum prices established herein an amount not in excess of four cents per net ton if incurred by a producer or distributor of miscellaneous solid fuels under section 620 of the Revenue Act of 1942, and if said producer or distributor separately states the amount of the tax in the sale to his purchaser. * * *

§ 1340.250a *Effective dates of amendments.* * * *

(i) Amendment No. 9 (§ 1340.249 (d) (1) and (2)) to Maximum Price Regulation No. 121 shall be effective as of December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13357; Filed, December 14, 1942; 3:34 p. m.]

Part 1340—Fuel

[MPR 122,[2] Amendment 12]

SOLID FUELS DELIVERED FROM FACILITIES OTHER THAN PRODUCING FACILITIES—DEALERS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1340.261 (g), subparagraph (1) is redesignated as subdivision (i); subdivisions (i) and (ii) are redesignated as inferior subdivisions (*a*) and (*b*); subparagraph (2) is redesignated as subdivision (ii); a new subparagraph (2) is added; and the text of paragraph (g) is designated as subparagraph (1) to read as set forth below:

§ 1340.261 *Appendix A: Maximum prices for solid fuels delivered from facilities other than producing facilities.* * * *

(g) Federal and state taxes.

(1) * * *

(2) On sales of solid fuel, there may be added to the maximum prices established by paragraphs (a), (b), (c) and (d) of this § 1340.261 an amount per net ton not in excess of the tax imposed by section 620 of the Revenue Act of 1942 when such tax has been incurred in the transportation of the solid fuel: *Provided,* That the tax so incurred shall be stated separately from the price paid by the purchaser.

§ 1340.260a *Effective dates of amendments.* * * *

(l) Amendment No. 12 to Maximum Price Regulation No. 122 (§ 1340.261 (g) (1) and (2)) shall become effective as of December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13356; Filed, December 14, 1942; 3:35 p. m.]

Part 1340—Fuel

[MPR 189,[1] Amendment 5]

BITUMINOUS COAL SOLD FOR DIRECT USE AS BUNKER FUEL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1340.311, the undesignated first paragraph is designated as paragraph (a); paragraph (a) is redesignated as subparagraph (1); subparagraphs (1) and (2) are redesignated as subdivisions (i) and (ii); paragraph (b) is redesignated as subparagraph (2); and a new paragraph (b) is added to read as set forth below:

§ 1340.311 *Federal and state taxes.* * * *

(b) An amount per net ton not in excess of the tax imposed by section 620 of the Revenue Act of 1942 when such tax has been incurred in the transportation of bituminous coal for bunkering vessels may be added to the maximum prices established under § 1340.313, Appendix A, of this Maximum Price Regulation No. 189: *Provided:* That, the tax so incurred shall be stated separately from the price paid by the purchaser.

§ 1340.314a *Effective dates of amendments.* * * *

(e) Amendment No. 5 to Maximum Price Regulation No. 189 (§ 1340.311 (a) and (b)) shall be effective as of December 1, 1942.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1295, 2132, 2508, 3446, 8948.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 2512, 2739, 2818, 2868, 3521, 4294, 4539, 4540, 8948.

[1] 7 F.R. 3237, 3989, 4483, 5941, 6002, 6386, 8587, 8521, 8938, 8948.

[2] 7 F.R. 3239, 3666, 3856, 3940, 3941, 5024, 5567, 5835, 7809, 8996, 8949, 8948, 9426, 9783.

[1] 7 F.R. 5831, 6684, 8939, 10225.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13348; Filed, December 14, 1942; 3:37 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 243,[1] Amendment 1]

PITTED AND MACERATED DOMESTIC DATES AND DOMESTIC DATE PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1351.903 (a) and (d), §§ 1351.906 and 1351.911 are amended by substituting the words "pitted domestic dates, whether packaged or in bulk" for the words "packaged pitted domestic dates" appearing therein.

The title of § 1351.902 is amended, subparagraph (1) to paragraph (a) of § 1351.902 is added and § 1351.914 is added as set forth below.

§ 1351.902 *Maximum prices of processors for pitted domestic dates, macerated dates and domestic date products.* (a) * * *

(1) The maximum price, f. o. b. plant, for sales of pitted domestic dates in bulk by a processor shall be twenty-eight cents per pound.

* * * * *

§ 1351.914 *Effective dates of amendments.* (a) Amendment No. 1 (§ 1351.902 (a) (1), § 1351.903 (a) and (d), §§ 1351.906, 1351.911 and 1351.914) to Maximum Price Regulation No. 243 shall become effective December 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13350; Filed, December 14, 1942; 3:35 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Amendment 12 to Revised Price Schedule 53]

FATS AND OILS

Correction

The table in § 1351.151 (b) (14) (iii) appearing on page 8204 of the issue for Tuesday, October 13, 1942, should read as follows:

(iii) *Distilled fatty acids.*

	Cents per lb. delivered, tank cars	Cents per lb. delivered, carloads, in returnable drums or non-returnable packages
Tallow:		
East	12	12¾
Texas and Oklahoma	12½	13¼
West of Rockies	13	13¾
Cottonseed, single distilled:		
East	11¼	12
Texas and Oklahoma	11¾	12½
West of Rockies	12¼	13
Cottonseed, double distilled:		
East	11¾	12½
Texas and Oklahoma	12¼	13
West of Rockies	12¾	13½
Coconut, undistilled, #2 grade	13⅜	--------
Coconut, distilled, #1 grade	--------	15½
Coconut, triple distilled, special light color	--------	16¾

	Cents per lb. f. o. b. producer's plant, tank cars	Cents per lb. f. o. b. producer's plant, carloads, in returnable drums or non-returnable packages
Soya bean oil, from foots	10	10¾
Soya bean oil, from crude	15¾	16½
Corn oil	10⅛	10⅞
Peanut oil	11¼	12

PART 1375—EXPORT PRICES

[Amendment 4 to Revised Maximum Export Price Regulation[1]]

BITUMINOUS COAL

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (d) of § 1375.1 is amended, paragraph (c) is added to § 1375.5, and paragraph (d) is added to § 1375.12, as set forth below:

§ 1375.1 *Maximum export price.* * * *

(d) * * *

In calculating the maximum export price on sales of bituminous coal to all other destinations, the maximum domestic price to be used shall be the maximum price for the same coal at the port of embarkation determined by the seller in accordance with Maximum Price Regulation No. 189.

§ 1375.5 *Specific maximum export premiums.* * * *

(c) The Maximum export premium to be charged on an export sale of bituminous coal, except to the Territories of Alaska and Hawaii, the Dominion of Canada and Newfoundland, shall be 25 cents per net ton.

§ 1375.12 *Effective date of amendments.* * * *

(d) Amendment No. 4 (§§ 1375.1 (d), 1375.5 (c)) shall become effective December 19, 1942..

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 14th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13349; Filed, December 14, 1942; 3:34 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Correction to Amendment 11 to Ration Order 5B]

GASOLINE RATIONING FOR PUERTO RICO

In § 1394.2306, paragraphs (n) and (o) are redesignated paragraphs (o) and (p), respectively.

(Pub. Law 617, 76th Cong.; as amended, by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; W.P.B. Dir. No. 1; Supp. Dir. No. 1J, 7 F.R. 562)

Issued and effective this 14th day of December 1942.

WILLIAM B. MEAD,
Director of Office of Price Administration for Puerto Rico.

[F. R. Doc. 42-13351; Filed, December 14, 1942; 3:34 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,[1] Amendment 14]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In subparagraph (1) of paragraph (b) of § 1394.5201, the phrase "December 13, 1942" is amended to read "December 20, 1942" and the phrase "January 20, 1943" is amended to read "January 27, 1943"; in subparagraph (2) of said paragraph (b), the phrase "December 16, 1942" is amended to read "December 23, 1942" and the phrase "January 19, 1943" is amended to read "January 26, 1943"; in subparagraph (3) of said paragraph (b), the phrase "December 17, 1942" is amended to read "December 24, 1942" and the phrase "January 18, 1943" is amended to read "January 25, 1943"; in subparagraph (4) of said paragraph (b) the phrase "December 19, 1942" is amended to read "December 26, 1942" and the phrase "January 16, 1943" is amended to read "January 23, 1943"; and a new paragraph (n) is added to § 1394.5902; as set forth below:

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8948, 8478.

[1] 7 F.R. 5059, 7242, 8829, 9000.

[1] 7 F.R. 8480.

Effective Date

§ 1394.5902 *Effective date of corrections and amendments.* * * *

(n) Amendment No. 14 (§ 1394.5201) to Ration Order No. 11 shall become effective on December 14, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 421 and 507, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. No. 1–O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 14th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13352; Filed, December 14, 1942; 3:35 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Amendment 15 to Ration Order 11[1]]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1394.5603, insert after the phrase "December 10, 1942" the parenthetical words "(and in the areas designated by a Regional Administrator pursuant to paragraph (g) of § 1394.5653 and paragraph (c) of § 1394.5707, on or after December 20, 1942)"; in paragraph (b) of § 1394.5604, the phrase "fifty (50) days" is amended to read "sixty (60) days"; in subparagraph (3) of paragraph (b) of § 1394.5707, the phrase "December 20, 1942" is amended to read "December 30, 1942", in subparagraph (4) of that paragraph (b), the phrase "December 30, 1942" is amended to read "January 10, 1943", and a new paragraph (c) is added to said section; a new paragraph (g) is added to § 1394.5653; and a new paragraph (o) is added to § 1394.5902, as set forth below:

Restrictions on Transfers to and by Consumers

§ 1394.5653 *Transfers to consumers in exchange for coupons.* * * *

(g) Any Regional Administrator who finds that there has been such delay in the issuance of rations as of December 9, 1942, as to jeopardize the public health or welfare or the war effort, may, upon approval of the Washington Office, issue a declaration designating the areas within his region in which such delay has occurred. Such declaration shall continue in effect up to and including December 19, 1942. Notwithstanding any other provisions of this Ration Order No. 11, during the effective period of such declaration, transfers of fuel oil specified in paragraph (f) of this section may be made, in the areas so designated, without requiring the surrender of coupons, or other evidences, or delivery receipts, subject, however, to the conditions specified in paragraph (f) of this section.

* * * * *

Restrictions on Transfers to Dealers and Suppliers

§ 1394.5707 *Restrictions on transfers.* * * *

(c) Any Regional Administrator who finds that there has been such delay in the issuance of rations as of December 9, 1942, as to jeopardize the public health or welfare or the war effort, may, upon approval of the Washington Office, issue a declaration designating the areas within his region in which such delay has occurred. Such declaration shall continue in effect up to and including December 19, 1942. Notwithstanding any other provisions of this Ration Order No. 11, during the effective period of such declaration, transfers of fuel oil specified in paragraph (b) of this section may be made, in the areas so designated, without requiring the surrender of coupons, or other evidences, subject, however, to the conditions specified in paragraph (b) of this section.

* * * * *

Effective Date

§ 1394.5902 *Effective date of corrections and amendments.* * * *

(o) Amendment No. 15 (§§ 1394.5603, 1394.5604, 1394.5653, 1394.5707) to Ration Order No. 11 shall become effective on December 14, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507; Pub. Law 421, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562; Supp. Directive No. 1–0, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 14th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13359; Filed, December 14, 1942; 4:18 p. m.]

PART 1411—COMPENSATORY ADJUSTMENTS

[Compensatory Adjustment Reg. 1,[1]

Amendment 4]

WARTIME INCREASES IN THE COST OF TRANSPORTING COAL

Additions are made to §§ 1411.2 (b) (2) (iv), 1411.3 (a) (1) (ii), 1411.3 (a) (2) (ii), 1411.3 (b), and 1411.5a (b) (3) (iii) and (v); and a new subparagraph (3) is added to § 1411.5 (b), as set forth below.

§ 1411.2 *Filing of applications.* * * *

(b) *Contents of application.* * * *

(2) * * *

(iv) * * * *Provided, further,* That the cost of transportation shall not include the amount of any tax levied upon the transportation of coal.

* * * * *

§ 1411.3 *Special applications*—(a) *Requests for special adjustment.* (1) * * *

(ii) * * * The transportation cost incurred on and after May 18, 1942 shall not include the amount of any tax levied upon the transportation of coal.

(2) * * *

(ii) * * * *Provided, further,* That the transportation cost actually incurred on or after May 18, 1942 shall not include the amount of any tax levied upon the transportation of coal.

* * * * *

(b) *Special applications.* * * * The tidewater transportation cost incurred on and after January 1, 1942 shall not include the amount of any tax levied upon the transportation of coal.

* * * * *

§ 1411.5 *Appendix A: Standard adjustment to be stated in application.* * * *

(b) *Combined hauls (other than via Hampton Roads in cargo boats of 1,000 gross tons or more).* * * *

(3) That the transportation costs shall not include the amount of any tax levied upon the transportation of coal.

* * * * *

§ 1411.5a *Pennsylvania anthracite.* * * *

(b) *Manner of filing and contents of application.* * * *

(3) * * *

(iii) * * * *Provided,* That the cost of transporting such anthracite shall not include the amount of any tax levied upon the transportation of such coal.

* * * * *

(v) * * * *Provided, further,* That the transportation cost incurred on or after May 18, 1942 shall not include the amount of any tax levied upon the transportation of such coal.

* * * * *

§ 1411.7 *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§§ 1411.2 (b) (2) (iv); 1411.3 (a) (1) (ii) and (2) (ii); 1411.3 (b); 1411.5 (b) (3); 1411.5a (b) (3) (iii) and (v)) to Compensatory Adjustment Regulation No. 1 shall be effective as of December 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 14th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13337; Filed, December 14, 1942; 3:39 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 15 to Rev. Supp. Reg. 4[1] to GMPR[2]]

EXCEPTIONS FOR SALES AND DELIVERIES TO UNITED STATES

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (13) of § 1499.29 (a) is hereby revoked.

(d) *Effective dates.* * * *

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10153, 10081.

[1] 7 F.R. 3749, 3900, 6005, 6149, 7744.

[1] 7 F.R. 5056, 5089, 5566, 6082, 6084, 6426, 6793, 7175, 7538, 8021, 9827, 10022, 10110.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6739, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155.

(16) Amendment No. 15 (§ 1499.29 (a) (13)) to Revised Supplementary Regulation No. 4 (§ 1499.29) shall become effective December 19, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13340; Filed, December 14, 1942; 3:37 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. Supp. Reg. 12 to GMPR [1]]

SALES OR DELIVERIES OF IMPORTED COMMODITIES

A statement of the considerations involved in the issuance of this revised supplementary regulation is issued simultaneously herewith, and has been filed with the Division of the Federal Register.*

Paragraph (a) (13) of § 1499.29, heretofore a part of Revised Supplementary Regulation No. 4, as amended, is incorporated herein, with certain changes, as § 1499.1404 (b); § 1499.48 is hereby revoked and is superseded by §§ 1499.1401 to 1499.1409 inclusive, as set forth below.

§ 1499.1401 *Effect of other price regulations.* This regulation shall not apply to any imported commodity subject to a specific maximum price regulation, or a supplementary regulation to the General Maximum Price Regulation which establishes specific maximum prices, already issued or issued hereafter.

§ 1499.1402 *Sales or deliveries of imported commodities to industrial users or intermediate distributors.* (a) Sales or deliveries of any commodity which was imported after March 31, 1942, by an importer, other than the United States or any agency thereof, or such other government or agency thereof, as described in § 1499.1404 (b), to an intermediate distributor or industrial user, and sales or deliveries of such a commodity by an intermediate distributor to an industrial user, may be made at a price higher than the maximum price established by the General Maximum Price Regulation, subject to the following limitations:

(1) If the importer delivered or offered for delivery the same commodity during March 1942, such higher price shall not exceed the maximum price established by the General Maximum Price Regulation by an amount in excess of any increase in the total landed costs of such commodity over the total landed costs for the same commodity, upon which his maximum price under the General Maximum Price Regulation was established.

(2) If the importer did not deliver or offer for delivery the same commodity during March, the higher price charged by him shall be subject to revision or adjustment by the Price Administrator if, in the opinion of the Price Administrator, such price exceeds the maximum price established for him under section 2 (b) of the General Maximum Price Regulation by more than a fair allowance for any increase in the total landed costs of the commodity sold or delivered over the total landed costs of the commodity, upon which his maximum price under the General Maximum Price Regulation was established.

(3) The higher price charged by the intermediate distributor shall not exceed the maximum price established by the General Maximum Price Regulation by more than the amount certified to him by the importer in writing pursuant to § 1499.1402 (c).

(b) No petition or application by an industrial user for amendment, adjustment, exception, or other relief will be entertained by the Price Administrator to the extent that such petition or application is based, directly or indirectly, upon the purchase or receipt of an imported commodity at the higher price permitted by § 1499.1402 (a) of this regulation.

(c) Any importer or intermediate distributor who on or after December 19, 1942, sells or agrees to sell an imported commodity to an industrial user at the higher price permitted by § 1499.1402 (a) shall prior to the time of such sale or agreement notify him in writing that such higher price is being charged pursuant to § 1499.1402 (a) and also of the prohibition of § 1499.1402 (b) of this regulation. Any importer who sells or agrees to sell an imported commodity to an intermediate distributor at the higher price permitted by § 1499.1402 (a) shall prior to the time of such sale or agreement give him similar notice and shall furthermore certify to him in writing not later than the time of the first delivery under any sale the amount of the increase in the total landed costs permitted to be charged under § 1499.1402 (a), which is included in the price charged to the intermediate distributor. If the price charged is altered by the importer for any delivery under a sale as a result of a change in the total landed costs before deliveries are completed, he shall certify such change to the intermediate distributor.

(d) Within 10 days after the first delivery to each intermediate distributor or to each industrial user under any sale made at the higher price permitted by § 1499.1402 (a), the importer shall forward to the Director, Office of Export-Import Price Control, Office of Price Administration, Washington, D. C., a report, in duplicate, as to each imported commodity so delivered, upon form OPA-SR-12A contained in § 1499.1407, Appendix A, of this regulation, or upon a form copied therefrom. Copies of form OPA-SR-12A may be obtained from the Office of Price Administration, Washington, D. C. If the price charged is altered by the importer for any delivery under a sale as a result of a change in the total landed costs before deliveries are completed, supplemental reports, in duplicate, shall be filed upon such form as to each imported commodity so delivered.

(e) Within 10 days after the first delivery to each industrial user under any sale made at the higher price permitted by § 1499.1402 (a), the intermediate distributor shall forward to the Director, Office of Export-Import Price Control, Office of Price Administration, Washington, D. C., a report, in duplicate, as to each imported commodity so delivered, upon form OPA-SR-12B contained in § 1499.1408, Appendix B, of this regulation, or upon a form copied therefrom. Copies of form OPA-SR-12B may be obtained from the Office of Price Administration, Washington, D. C. If the price charged to the industrial user is altered by the intermediate distributor for any delivery under a sale as a result of a change in the total landed costs certified to him by the importer before deliveries are completed, supplemental reports, in duplicate, shall be filed upon such form as to each imported commodity so delivered.

(f) Whenever an intermediate distributor, or an importer who sells directly to an industrial user, believes that the filing of the individual reports required in § 1499.1402 (e) or § 1499.1402 (d) of this regulation would place an undue burden upon him, he may apply in writing to the Administrator, Office of Price Administration, Washington, D. C., for permission to file consolidated reports. If the Administrator grants such permission, he shall indicate in each case what data should be included in such consolidated reports.

§ 1499.1403 *Sales or deliveries of imported commodities to persons other than industrial users or intermediate distributors.* On and after December 19, 1942, regardless of the terms of any contract of sale or purchase, except for the provisions of § 1499.1402 (a), no person shall sell or deliver, and no person shall buy or receive, at a price higher than the maximum price established by the General Maximum Price Regulation, any imported commodity which is not subject to a specific maximum price regulation or a supplementary regulation to the General Maximum Price Regulation which establishes specific maximum prices.

§ 1499.1404 *Exceptions.* This regulation shall not apply to:

(a) Purchases of commodities to be imported by a person who deals directly with the seller or his selling agent wherever located.

(b) Sales or deliveries of any imported commodity in its imported state, or after being subjected to a process which does not result in the production of a new and different article having a distinctive name, character or use, to the United States or any agency thereof, or to the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States" or any agency of such government, or sales or deliveries to any person who will use such commodity to fulfill a contract with the United States or any agency thereof, or with any such other government or any agency thereof, or to fulfill a subcontract under any such contract: *Provided, however,* That this exception shall not apply to the following commodities:

(1) Fish and seafood: canned, salted, pickled, smoked, or frozen.

(2) Other foodstuffs processed after importation.

(3) Silver bullion.

(4) Crude rubber, balata, and guayule.

(c) Sales or deliveries of any commodities excepted from the General Maximum Price Regulation.

(d) Lumber and wood shingles produced in and imported from Canada or Mexico.

(e) Unmanufactured asbestos, asbestos crudes, fibers, stucco, and sand and refuse containing not more than 15 per centum of foreign matter.

§ 1499.1405 *Less than maximum prices.* Lower prices than those permitted under this regulation may be charged, demanded, paid, or offered.

§ 1499.1406 *Definitions.* When used in this Revised Supplementary Regulation No. 12, the term:

(a) "Imported commodity" means any commodity entered into the continental United States from outside thereof for consumption therein or withdrawn from a bonded warehouse in the United States for consumption therein.

(b) "Importer" means any person who is the ultimate consignee in the United States of an imported commodity and who sells or delivers such commodity to an intermediate distributor or to an industrial user in its imported state, or after being subjected to a process which does not result in the production of a new and different article having a distinctive name, character or use, and who does not use the imported commodity as an ingredient or a component part of such an article.

(c) "Intermediate distributor" means any person who buys or receives an imported commodity directly from the importer thereof and who sells or delivers such commodity to an industrial user either in the same condition as received, or after being subjected to a process which does not result in the production of a new and different article having a distinctive name, character or use, and who does not use the commodity as an ingredient or a component part of such an article.

(d) "Industrial user" means any person who subjects an imported commodity to a process which results in the production of a new and different article having a distinctive name, character or use, or who uses it as an ingredient or a component part of such an article, or who uses it in some other manner to place a commodity in condition for sale or delivery.

(e) "Total landed costs" means the sum of the price charged by the foreign seller, and all the costs, expenses and charges, including customs duties and import taxes, if any, incurred by the importer with respect to the imported commodity from the point of shipment outside the continental United States to the point in the continental United States designated by the importer for initial delivery: *Provided,* That in computing these costs, war risk insurance costs on commodities shipped after September 1, 1942, shall not exceed the amount of the applicable direct voyage war risk insurance charged by the War Shipping Administration at the time of shipment, plus any insurance costs actually incurred on war risks not eligible for insurance by the War Shipping Administration: *And provided, further,* That charges incurred in warehousing a commodity in the United States for any period in excess of sixty days shall not be deemed to be a part of the total landed costs.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation or in any of the supplementary regulations or amendments thereto shall apply to the terms used herein.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 3666, 5445, 5565, 5484, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6739, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155.

§ 1499.1407 *Appendix A: Report to be made by importer.*

Form OPA-SR-12A

Form Approved
Budget Bureau No. 08-R120-42

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION

2 copies of
this report
must be filed

REPORT OF SALE OF AN IMPORTED COMMODITY
BY AN IMPORTER TO AN INTERMEDIATE DISTRIBUTOR OR INDUSTRIAL USER

Pursuant to § 1499.1402 (d) of Revised Supplementary Regulation No. 12

1. Name of importer ------
2. Address of importer ------
3. Description of commodity ------
4. Date of importation for consumption ------
5. Date of first delivery to buyer under reported sale ------
6. Name of buyer ------
7. Address of buyer ------
8. Class of buyer:
   - Intermediate distributor ☐
   - Industrial user ☐
9. Processing, if any, done by importer ------
10. Processing, if any, to be done by buyer, if an intermediate distributor ------
11. Article to be produced by buyer, if an industrial user ------
12 Total quantity sold ------
13. Quantity of first delivery ------
14. Price per unit $------ per ------ (Unit)
15. Terms of sale ------
16. Maximum price per unit to which you would have been limited under the General Maximum Price Regulation, if Revised Supplementary Regulation No. 12 was not in effect $------ per ------ (Unit)
17. Total landed cost per unit of commodity sold: Use same unit for (a) through (h), as in item 14.
    - (a) Foreign cost ------ $------
    - (b) Transportation charge from ------ to ------ ------
    - (c) Marine insurance ------ ------
    - (d) War risk insurance paid ------ ------
    - (e) War risk insurance at WSA* rate ------ $------
    - (f) Duties and import taxes, if any ------ ------
    - (g) Other landing expenses (itemized) ------ ------
    - (h) Total landed cost ------ ------ per ------ (Unit)
18. Did you deliver or offer for delivery the same commodity in March, 1942? Yes (☐) No (☐)

    If No, omit all of items 19 and 21, but indicate below how you determined your maximum price under the General Maximum Price Regulation ------
19. Total landed cost per unit of the same commodity upon which maximum price under the General Maximum Price Regulation was established: Use same unit for (a) through (g), as in item 14.
    - (a) Foreign cost ------ $------
    - (b) Transportation charge from ------ to ------ ------
    - (c) Marine Insurance ------ ------
    - (d) War risk insurance paid ------ ------
    - (e) Duties and import taxes paid, if any ------ ------
    - (f) Other landing expenses (itemize) ------ ------
    - (g) Total landed cost ------ ------ per ------ (Unit)

---

*War Shipping Administration.

20. Difference between items 14 and 16------------------------ ------
21. Difference between items 17 and 19------------------------ ------

Signature ----------------------
By ----------------------
Title ----------------------

Date ------------

The signature is not required to be acknowledged before a notary public. Pursuant to section 205 (b) of the Emergency Price Control Act of 1942 it is a criminal offense punishable by a fine of not more than $5,000, or by imprisonment for not more than one year, or both, to make any statement or entry in the above report which is false in any material respect.

§ 1499.1408 *Appendix B: Report to be made by intermediate distributor.*

Form OPA–SR–12B

Form Approved
Budget Bureau No. 08–R120–42

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION

2 copies of
this report
must be filed

REPORT OF SALE OF AN IMPORTED COMMODITY BY AN INTERMEDIATE DISTRIBUTOR TO AN INDUSTRIAL USER

Pursuant to § 1499.1402 (e) of Revised Supplementary Regulation No. 12

1. Name of intermediate distributor--
2. Address--
3. Description of commodity--
4. Name of importer from whom purchased--
5. Address--
6. Name of industrial user to whom sold--
7. Address--
8. Date of first delivery to industrial user under sale reported here--------------------
9. Processing, if any, done by intermediate distributor before sale to industrial user
----
10. Article to be produced by industrial user--
11. Total quantity sold--
12. Quantity of first delivery to industrial user--
13. Price per unit to industrial user $------ per ----------------------------
14. Terms of sale--
15. Maximum price per unit under the General Maximum Price Regulation to which you would have been limited were it not for Revised Supplementary Regulation No. 12 $------ per ---------
(Unit)
16. Price per unit paid to importer $------ per ---------
(Unit)
17. Amount of increase in total landed costs per unit certified to you by importer $ ------ per ---------
(Unit)
18. Difference between item 13 and item 15 $------

Signature ----------------------
By ----------------------
Title ----------------------

Date ------------

The signature is not required to be acknowledged before a notary public. Pursuant to section 205 (b) of the Emergency Price Control Act of 1942 it is a criminal offense punishable by a fine of not more than $5,000, or by imprisonment for not more than one year, or both, to make any statement or entry in the above report which is false in any material respect.

§ 1499.1409 *Effective date.* Revised Supplementary Regulation No. 12 (§§ 1499.1401 to 1499.1409) to the General Maximum Price Regulation shall become effective December 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13341; Filed, December 14, 1942; 3:37 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 137,[1] Amendment 1, Under § 1499.18 (c) of GMPR]

THORENS CO.

Amendment No. 1 to Order No. 137 under § 1499.18 (c) of the General Maximum Price Regulation—Docket No. GF3–1.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, paragraphs (a) and (b) of § 1499.1137 are hereby revoked.

* * * * *

(g) This Amendment No. 1 to Order No. 137 (§ 1499.1137) shall become effective on the 15th day of December 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13338; Filed, December 14, 1942; 3:38 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order No. 176 Under § 1499.3 (b) of GMPR]

HORN AND HARDART BAKING CO.

Horn and Hardart Baking Company, Philadelphia, Pennsylvania, made application pursuant to § 1499.3 (b) of the General Maximum Price Regulation for an authorization to determine maximum prices on five seasonal commodities. Due consideration has been given to the application and it appears that these commodities cannot be priced by the seller under § 1499.2 of the General Maximum Price Regulation. For the reasons set forth in an opinion in support of this order, issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.1192 *Approval of maximum prices for sales of certain seasonal commodities by Horn and Hardart Baking Company, Philadelphia, Pennsylvania.* (a) Horn and Hardart Baking Company may sell and deliver to any ultimate consumer and any such person may buy and receive from Horn and Hardart Baking Company the following seasonal commodities at prices not higher than those set forth below:

Apple sauce-----	$0.15 per pint container.
Pumpkin pie ----	.35 per 8 inch pie, weight 26 ounces.
Retail oyster pie -	.31 per 6 inch pie, weight 12 ounces.
Mince pie-------	.40 per 8 inch pie, weight 27 ounces.
Fruit ring-------	.21 per 8 inch ring, weight 8¼ ounces.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 176 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 176 (§ 1499.1192) shall become effective December 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13339; Filed, December 14, 1942; 3:36 p. m.]

PART 1316—COTTON TEXTILES

[RPS 11,[1] Amendment 7]

FINE COTTON GREY GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1316.13 (d) (4) Table II thereof, footnote No. 3 is added as set forth below:

§ 1316.13 *Appendix A: Maximum prices for fine cotton goods.* * * *

(d) *Fine cotton goods not covered by contract prior to December 24, 1941.* * * *

(4) *Maximum price tables.* * * *

Table II

* * * * *

combed broadcloth single ply: * * *
37'' 136 x 60[3] * * *

* * * * *

[3] A premium of 2 cents per yard may be charged for 37'' 136 x 60, 4.00 to 4.20 combed broadcloth when sold to be used in the manufacture of uniforms for the Women's Auxiliary Army Corps and Army nurses and to meet Army Invitation No. 669–43 Philadelphia, negotiated 161, dated November 26, 1942.

§ 1316.12a *Effective dates of amendments.* * * *

(g) Amendment No. 7 (§ 1316.13 (d) (4) Table II footnote 3) to Revised Price Schedule No. 11 shall become effective December 14, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 14th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13360; Filed, December 14, 1942; 4:18 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 181 Under § 1499.3 (b) of GMPR]

TONE LABORATORIES, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1197 *Approval of maximum prices for sales of "Powder Puffer"*—(a) *Sales by Tone Laboratories, Inc.*—(1) *Maximum prices.* The maximum prices for sales by Tone Laboratories, Inc., New York, N. Y., of "Powder Puffer" to retailers and at retail are established as set forth below:

"Powder Puffer," 5¼ ounces in each container, *to retailers,* $0.60 each; *sales at retail,* $1.00 each.

(2) *Allowances.* The maximum prices set forth in subparagraph (1) of this paragraph are freight allowed to destination on orders amounting to $50.00 and more. On orders amounting to less than $50.00, such maximum prices are f. o. b. Long Island City, New York. The amount of an order shall be the sum of the sales value of "Powder Puffer" and all other commodities included in that order.

(b) *Sales by retailers*—(1) *Maximum prices.* The maximum price for sales by any retailer of "Powder Puffer" is established as set forth below:

"Powder Puffer," 5¼ ounces in each container, $1.00 each.

When used in this order the term "retailer" means any beauty shop, drug store, department store, or other person who buys "Powder Puffer" and resells it directly to consumers.

(2) *Discounts, allowances, and price differentials.* Any retailer making sales of "Powder Puffer" shall apply to the maximum price set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March, 1942, on sales by the retailer of "Tone Body Powder" or the body powder most nearly comparable to "Tone Body Powder" if the retailer did not sell "Tone Body Powder" in March, 1942.

(c) *Marking package with retail ceiling price.* Tone Laboratories, Inc., shall mark each package of "Powder Puffer" sold by it with the words "Ceiling Price $1.00". These words shall be printed or stamped in a color contrasting with the label in letters of sufficient size to be clearly legible to the consumer on the package in which "Powder Puffer" is sold by the retailer to the consumer. At its option, Tone Laboratories, Inc., may comply with the foregoing requirement by the use of a detachable label which can be removed if the "Powder Puffer" is to be used as a gift. No retailer shall make sales of "Powder Puffer" unless the package in which the product is sold is marked with the ceiling price as required by this paragraph.

(d) *Notification of maximum prices by Tone Laboratories, Inc., to retailers.* Tone Laboratories, Inc., shall supply to each retailer before or at the time of its first delivery of "Powder Puffer" to such retailer a written statement as follows:

The OPA has authorized us to charge 60 cents each for "Powder Puffer", f. o. b. Long Island City, New York, with freight allowed to destination on orders of $50.00 and more. Your ceiling price is authorized to be $1.00 each for "Powder Puffer". OPA requires that you keep this notice for examination.

(e) *Definitions.* When used in this order the term:

(1) "Powder Puffer" means a cardboard container simulating in design an old fashioned bellows, containing 5¼ ounces of Tone Body Powder.

(2) "Tone Body Powder" means a drum paper box with a plastic base, containing 6 ounces of Tone Body Powder.

(f) This Order No. 181 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 181 (§ 1499.1197) shall become effective on December 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13361; Filed, December 14, 1942; 4:18 p. m.]

PART 1305—ADMINISTRATION

[Supplementary Order 33]

REGISTRATION OF BUYERS AND SELLERS IN PUERTO RICO

Registration of sellers of commodities and of industrial and institutional buyers of food commodities in Puerto Rico.

A statement with respect to the issuance of this Supplementary Order No. 33 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Pursuant to the authority vested in the Director for the Office of Price Administration in the Territory of Puerto Rico, by General Order No. 41,[1] *It is hereby ordered,* That:

§ 1305.38 *Registration of sellers of commodities and of industrial and institutional buyers of food commodities in Puerto Rico*—(a) *Registration required.* Every person who owns, or hereafter becomes the owner of, any business operating an establishment or establishments selling at wholesale or retail any commodity for which a maximum price is established by any price regulation applicable to the Territory of Puerto Rico, is required to register each such establishment at the Office of Price Administration in the manner hereinafter provided. Every person owning or hereafter becoming the owner of any industrial or institutional establishment buying at wholesale or retail any food commodity for which a maximum price is established by any price regulation applicable to the Territory of Puerto Rico, is required to register each such establishment with the Office of Price Administration in the manner hereinafter provided.

(b) *Time and place of registration.* Every such person shall register each such establishment on December 12, 1942 by applying in person or through a duly authorized agent at the appropriate War Price and Rationing Board between the hours of 8:00 A. M. and 1:00 P. M.

(c) *Information required.* Every person so registering shall furnish to the appropriate War Price and Rationing Board all information required by OPA Form No. PRF 1. The completed form shall be signed by the registrant or his duly authorized agent and left with the War Price and Rationing Board.

(d) *Registration certificate.* When the registrant has so registered, a registration certificate, OPA Form No. PRF 2 shall be issued to him: *Provided, however,* That the War Price and Rationing Board may refuse to issue a registration certificate to any registrant who fails to furnish any of the information required by OPA Form PRF 1 or whose answers to any questions contained in Section H of such form indicate that such registrant is in violation of any regulation, order or requirement of the Office of Price Administration to which such questions relate. The registration certificate so issued to a registrant shall be prominently, publicly and continuously displayed in the establishment registered in such place and manner as to be readily legible to the public.

(e) Any wholesale, retail, industrial or institutional establishment established after December 12, 1942 is required to be registered by the owner thereof on OPA Form No. PRF 1 within ten (10) days after such establishment is opened for business.

(f) Whenever a registrant ceases to do business or there is a change in the management, location, type of organization, or other important characteristic, the facts relative thereto shall be reported by the registrant to the appropriate War Price and Rationing Board.

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[1] 7 F.R. 9038.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1231, 10009.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10414.

(g) No information contained in any registration form shall be disclosed to any person other than the registrant or duly authorized officers and employees of the Office of Price Administration acting in their official capacity, unless the Administrator determines that the withholding thereof is contrary to the interest of the national defense and security.

(h) *Failure to register.* Failure to register shall constitute a violation of the provisions of the license or licenses heretofore granted by the Administrator.

(i) *Definitions and explanations*—(1) *Person.* "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) *Establishment selling at wholesale or retail.* "Establishment" refers to the physical location of the store, shop, or other place of business in which commodities are sold. Any such establishment shall be deemed to be selling at retail if it has an established practice of making any sales at retail. Any such establishment shall be deemed to be selling at wholesale if it has an established practice of making any sales at wholesale.

(3) *Commodity.* "Commodity" includes commodities, articles, products, and materials and contracts to buy, sell, or deliver any of the foregoing, but does not include real property.

(4) *Price regulation.* "Price regulation" means a price schedule effective in accordance with the provisions of Section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any order issued pursuant to any such regulation or schedule.

(5) *Appropriate war price and rationing board.* "Appropriate War Price and Rationing Board" means the War Price and Rationing Board for the area in which the establishment to be registered is located.

(j) *Territorial limitations.* Supplementary Order No. 33 shall apply to the Territory of Puerto Rico.

(k) *Effective date.* This Supplementary Order No. 33 (§ 1305.38) shall become effective December 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of December 1942.

William B. Mead,
Director for the Office of Price Administration in the Territory of Puerto Rico.

[F. R. Doc. 42–13363; Filed, December 14, 1942; 4:19 p. m.]

Part 1407—Rationing of Food and Food Products

[Restriction Order 2]

RICE RESTRICTION

Pursuant to the authority vested in the Office of Price Administration by Directive No. 1 of the War Production Board, issued January 24, 1942, and by Supplementary Directive No. 1–J, as amended, issued October 29, 1942.

Sec.

1407.3001	Definitions.
1407.3002	Territorial limitations.
1407.3003	Scope of restrictions.
1407.3004	Personnel.
1407.3005	Transfers of rice restricted.
407.3006	Quotas and allotments established.
1407.3007	Application for adjustment.
1407.3008	Prohibited acts.
1407.3009	Discrimination.
1407.3010	Transfers to consumers.
1407.3011	Criminal prosecutions.
1407.3012	Suspension orders.
1407.3013	Communications.
1407.3014	Effective date.

Authority: §§ 1407.3001 to 1407.3014, inclusive, issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.; W.P.B. Dir. No. 1, Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, Supp. Dir. No. 1–J, 7 F.R. 8731.

It is hereby ordered, That:

§ 1407.3001 *Definitions.* (a) "Certificate" means a purchase certificate for the acquisition of a specific quantity of rice.

(b) "Consumer" means a person acquiring or seeking to acquire rice for personal consumption.

(c) "Director" means the director of the Office of Price Administration for Puerto Rico or any person duly authorized to act in his place.

(d) "Delivery" means to transfer physical possession of rice to another person.

(e) "Importer" means any person who imports rice into the Territory of Puerto Rico or the agent of any importer. .

(f) "Person" means any individual, partnership, corporation or association and includes the United States or any agency thereof, the Insular Government or any agency thereof.

(g) "Retailer" means any person who makes over 75% of his sales of all merchandise to consumers.

(h) "Rice" means "milled rice" which is the whole or broken kernels of rice from which the hulls and practically all of the germs and bran layers have been removed, which may be either coated or uncoated, and which does not contain more than 10% of cereal grains, including paddy grains, seeds or foreign material either singly or in any combination; "second head milled rice," "screenings milled rice" and "brewers milled rice" shall have the meanings given to them by "United States standards for Milled Rice" as published by the United States Department of Agriculture effective May 15, 1942.

(k) "Transfer" means sell, lease, lend, trade, give, ship, deliver, or transfer, in any way the ownership or possession of rice or any interest therein from one person to another person. It includes diverting to consumer use rice held for sale or transfer whether or not a change in ownership or possession results.

(l) "Wholesaler" means any person who during the year ended November 30, 1942 has made over 75 percent of the sales of a merchandise to persons other than consumers.

§ 1407.3002 *Territorial limitations.* Restriction Order No. 2 shall apply to the Territory of Puerto Rico.

§ 1407.3003. *Scope of restrictions.* (a) Nothing in Restriction Order No. 2 shall be construed to limit the quantity of rice which may be acquired by the Army, Navy, Marine Corps, Coast Guard and the United States Maritime Commission.

§ 1407.3004 *Personnel.* (a) Restriction Order No. 2 shall be administered by the Office of Price Administration for Puerto Rico through war price and rationing boards in Puerto Rico and such other administrative personnel as it may designate.

(b) No person participating in the administration of Restriction Order No. 2 shall act officially in connection with any matter arising hereunder in which he has any interest, by reason of business connection or relationship by blood or marriage.

§ 1407.3005 *Transfers of rice restricted.* (a) Notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person shall, except as provided in Restriction Order No. 2, deliver, during any quota period, more rice of any type than his quota for such period.

(b) Nothing herein contained shall be construed to limit or restrict transfers of rice to consumers by retailers from existing inventories on the date of the issuance of this order.

§ 1407.3006 *Quotas and allotments established.* (a) The quotas for such institutional users as the Director shall determine to be eligible and for retailers to acquire rice during a quota period and the duration of each quota period shall be determined by the Director in accordance with the available supplies of rice.

(b) Allotments for the acquisition of rice for consumers during a quota period shall be determined by the Director in accordance with the quotas established.

(c) The local board having jurisdiction over the area in which a retailer or an institutional user is established shall issue a purchase certificate on OPA Form No. PRF 3, authorizing such retailer or institutional user to acquire a quantity of rice in an amount equal to the established quota during the quota periods. Such certificate shall have endorsed by the holder on the reverse side thereof the quantity of each purchase and the price paid.

(d) No person shall transfer rice to other than a consumer except in exchange for a valid purchase certificate.

§ 1407.3007 *Application for adjustment.* (a) Any person who considers that an adjustment or exception should be made in his case to adjust quotas or promote greater efficiency and dispatch in the war effort may apply in writing to the Director setting forth the pertinent facts, the reasons why he considers that an adjustment or exception should be made and the precise nature of the adjustment or exception desired.

(b) In case of emergency, application may be made by the most convenient means of communication and a written application may be filed at such time thereafter as the Director may direct.

(c) Upon receipt of such application, the Director may take such action as he shall deem necessary or appropriate.

§ 1407.3008 *Prohibited acts.* (a) No person shall deliver or offer to deliver, to any person, and no person shall accept or offer to accept delivery from any person, or use, any rice as controlled by Restriction Order No. 2 with knowledge or reason to believe that such delivery or use is or will be in violation of Rice Restriction Order No. 2.

(b) No person shall, or shall cause another person to alter or falsify any certificate or statement, or to falsify, conceal or fail to disclose any fact, statement or information in any application, registration, report or other statement required to be made, kept, furnished or disclosed by Restriction Order No. 2.

(c) No person shall offer, solicit, attempt or agree to do any act in violation of any provision of Restriction Order No. 2.

§ 1407.3009 *Discrimination.* (a) On and after the date of the issuance of Restriction Order No. 2, no person shall discriminate in the transfer of rice to any person lawfully entitled to acquire rice hereunder. Any refusal on the part of an importer or a wholesaler to transfer rice to a wholesaler or a retailer to whom such importer or wholesaler has made a transfer on or after May 1, 1942, shall be prima facie evidence of a discrimination: *Provided,* That, nothing herein shall be construed to require a transfer of rice which would result in a violation of any statute enacted nor a transfer to any wholesaler or retailer of an amount of rice in excess of that permitted by any regulation or order of any department or agency of the United States.

§ 1407.3010 *Transfers to consumers.* No person shall knowingly transfer to a consumer and a consumer shall not accept a transfer of more rice than the allotment established for the quota period. A consumer may act as the agent of a family or other unit in the purchase of rice of a quantity not to exceed the allotment for each member of such unit who customarily eats a majority of his meals as a member of such unit.

§ 1407.3011 *Criminal prosecutions.* (a) Any person who knowingly falsifies an application, certification, registration form or any other record, report of document made pursuant to or required by the terms of Restriction Order No. 2 or who otherwise knowingly furnishes false information to any agent, employee or officer of the Office of Price Administration for Puerto Rico or falsifies or conceals or covers up by any trick, scheme or device a material fact, or makes or causes to be made any false or fraudulent statement or representation, in any matter within the jurisdiction of the Office of Price Administration for Puerto Rico, may upon conviction be fined not more than $10,000 or imprisoned for not more than ten years, or both, and shall be subject to such other penalties or action as may be prescribed by law. Any person who conspires with another person to perform any of the foregoing acts or to violate any provision of Restriction Order No. 2 may upon conviction be fined not more $10,000 or imprisoned for not more than two years, or both, and shall be subject to such other penalties or actions as may be prescribed by law.

(b) Any person who willfully performs any act prohibited, or willfully fails to perform any act required, by any provision of Restriction Order No. 2 may upon conviction be fined not more than $10,000 and imprisoned for not more than one year, or both, and shall be subject to such other penalties or actions as may be prescribed by all applicable statutes.

§ 1407.3012 *Suspension orders.* Any person who violates Restriction Order No. 2 may by administrative suspension order be prohibited from receiving any transfers or deliveries of, or selling or using or otherwise disposing of, any controlled rice or other rationed product. Such suspension order shall be issued for such period as in the judgment of the Director is necessary or appropriate in the public interest and to promote the national defense.

§ 1407.3013 *Communications.* All registration statements and reports required to be filed hereunder, and all communications concerning Restriction Order No. 2 shall be addressed to: Office of Price Administration, San Juan, Puerto Rico.

§ 1407.3014 *Effective date.* Restriction Order No. 2 shall become effective December 8, 1942.

Issued this 8th day of December, 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–13362; Filed, December 14, 1942; 4:19 p. m.]

Part 1499—Commodities and Services

[Amendment 79 to Supp. Reg. 14,[1] to GMPR[2]]

FLUID MILK AND CREAM

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Two new subdivisions (*l*) and (*m*) are added to subdivision (i) of § 1499.73 (a) (1); two new subdivisions (*l*) and (*m*) are added to subdivision (ii) of § 1499.73 (a) (1); and two new subdivisions (*n*) and (*o*) are added to subdivision (vi) of § 1499.73 (a) (1), as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services, and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided:

(1) *Fluid milk and cream*—(i) *Maximum prices for fluid milk sold at retail in specified localities.* * * *

Locality	Special type	Grade	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)
(*l*) Rochester, New York area.	(*)	(*)	(*)	(*)	(*)	(*)
(*l*) Out-of-Store Sales and Home Deliveries						
	Standard or homogenized milk and chocolate drink.	Approved	Out of store	Quart	Glass or paper	15
		Approved	To the home	Quart	Glass or paper	16
		Approved	Out of store or to the home.	Pint	Glass or paper	9
		Approved	Out of store or to the home.	½ pint	Glass or paper	5
		Approved	Out of store	⅓ quart	Glass or paper	6½
	Special, Vitamin D, or Guernsey.	Approved	Out of store or to the home.	Quart	Glass or paper	17
		Approved	Out of store or to the home.	Pint	Glass or paper	10
		Approved	Out of store or to the home.	½ pint	Glass or paper	6
		Approved	Out of store	⅓ quart	Glass or paper	7

(2) *Adjusted maximum prices for sales to other classes of purchasers.* Adjusted maximum prices for sales to different classes of purchasers not included in out-of-store sales and deliveries to the home shall be calculated as follows: add 1¢

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5486, 6709, 5911, 6008, 6271, 6369, 6473, 6477, 6774, 6775, 6776, 6793, 6887, 6892, 6939, 6965, 7011, 7012, 7203, 7250, 7289, 7365, 7400, 7401, 7453, 7510, 7511, 7535, 7536, 7538, 7604, 7739, 7671, 7812, 7914, 7946, 8024, 8199, 8237, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 8950, 8954, 8955, 8953, 9043, 9082, 9131, 9196, 9391, 9397, 9495, 9496, 9639, 9786, 9900, 9901, 10069, 10111, 10022, 10151.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004, 9435, 9615, 9616, 9732, 10155.

per quart, or a proportionate amount for a part of a quart, to the seller's established maximum price for sales to such classes of purchasers, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation: *Provided, however,* That the seller's adjusted maximum prices shall not in any event be higher than the adjusted maximum prices set forth in subdivision (*1*) hereof.

(*m*) Buffalo, New York area.						
(*1*) Out-of-Store Sales and Home Deliveries						
	Standard or homogenized milk, and chocolate drink.	Approved.	Out of store	Quart	Glass or paper	15
		Approved.	To the home	Quart	Glass or paper	16
		Approved.	Out of store or to the home.	Pint	Glass or paper	9
		Approved.	Out of store or to the home.	½ pint	Glass or paper	5
		Approved.	Out of store	⅓ quart	Glass or paper	6½
	Special, Vitamin D, or Guernsey.	Approved.	Out of store or to the home.	Quart	Glass or paper	17
		Approved.	Out of store or to the home.	Pint	Glass or paper	10
		Approved.	Out of store or to the home.	½ pint	Glass or paper	6
		Approved.	Out of store	⅓ quart.	Glass or paper	7

(2) *Adjusted maximum prices for sales to other classes of purchasers.* Adjusted maximum prices for sales to different classes of purchasers not included in out-of-store sales and deliveries to the home shall be calculated as follows: add 1¢ per quart, or a proportionate amount for a part of a quart, to the seller's established maximum price for sales to such classes of purchasers, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation; *Provided, however,* That the seller's adjusted maximum prices shall not in any event be higher than the adjusted maximum prices set forth in subdivision (*1*) hereof.

(ii) *Maximum prices for fluid milk sold at wholesale in specified localities.* * * *

Locality	Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
(*l*) Rochester, New York area.	(*)	(*)	(*)	(*)	(*)
(*1*) Sales to Stores, Hotels, Restaurants, and Institutions					
	Standard or homogenized milk, and chocolate drink.	Approved	Quart	Glass or paper	13
		Approved	Pint	Glass or paper	8
		Approved	½ pint	Glass or paper	4
		Approved	⅓ quart	Glass or paper	5½
	Special, Vitamin D, or Guernsey.	Approved	Quart	Glass or paper	15
		Approved	Pint	Glass or paper	9
		Approved	½ pint	Glass or paper	5
		Approved	⅓ quart	Glass or paper	6

(2) *Adjusted maximum prices for sales to other classes of purchasers.* Adjusted maximum prices for sales to different classes of purchasers not included in sales to stores, hotels, restaurants, or institutions shall be calculated as follows: add ½¢ per quart, or a proportionate amount for a part of a quart, to the seller's established maximum price for sales to such classes of purchasers, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation: *Provided, however,* That the seller's adjusted maximum prices shall in no event be higher than the adjusted maximum prices set forth in subdivision (*1*) hereof.

(*m*) Buffalo, New York area.					
(*1*) Sales to Stores, Hotels, Restaurants, and Institutions					
	Standard or homogenized milk, and chocolate drink.	Approved	Quart	Glass or paper	13
		Approved	Pint	Glass or paper	8
		Approved	½ pint	Glass or paper	4
		Approved	⅓ quart	Glass or paper	5½
	Special, Vitamin D, or Guernsey.	Approved	Quart	Glass or paper	15
		Approved	Pint	Glass or paper	9
		Approved	½ pint	Glass or paper	5
		Approved	⅓ quart	Glass or paper	6

(2) *Adjusted maximum prices for sales to other classes of purchasers.* Adjusted maximum prices for sales to different classes of purchasers not included in sales to stores, hotels, restaurants, or institutions shall be calculated as follows: add ½¢ per quart, or a proportionate amount for a part of a quart, to the seller's established maximum price for sales to such classes of purchasers, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation: *Provided, however,* That the seller's adjusted maximum prices shall in no event be higher than the adjusted maximum prices set forth in subdivision (*1*) hereof.

* * * * *

(vi) *Definitions.* For purposes of this subparagraph (1):

* * * * *

(*n*) "Rochester, New York area" means the territory described in and forming the subject matter of Official Order No. 129, effective December 1, 1939, issued by the Department of Agriculture and Markets of the State of New York for the Rochester Milk Marketing area.

(*o*) "Buffalo, New York area" means the territory described in and forming the subject matter of Official Order No. 127, effective October 1, 1938, issued by the Department of Agriculture and Markets of the State of New York for the Niagara Frontier Milk Marketing area.

(b) *Effective dates.* * * *

(80) Amendment No. 79 (§ 1499.73 (a) (1)) to Supplementary Regulation No. 14 shall become effective December 14, 1942.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250; 7 F.R. 7871)

Issued this 14th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13364; Filed, December 14, 1942; 4:19 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Permit ODT 17-18]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS AND EXEMPTIONS

SUBPART K—MOTOR CARRIERS OF PROPERTY

CHRISTMAS HOLIDAY DELIVERIES

Pursuant to the provisions of § 501.71, General Order ODT 17, as amended,[1] it is hereby authorized, that:

§ 521.2894 *Christmas holiday deliveries.* Notwithstanding the provisions of paragraph (c), § 501.68, General Order ODT 17, as amended, any motor carrier operating a motor truck in local delivery service may make one additional delivery on December 24, 1942: *Provided,* That such motor carrier does not make any delivery on December 25, 1942. (E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349; Gen. Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623).

Issued at Washington, D. C., this 15th day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

DECEMBER 15, 1942.

[F. R. Doc. 42-13368; Filed, December 15, 1942; 10:31 a. m.]

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[1] 7 F.R. 5678, 7694, 9623.

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

PAONIA PROJECT, COLORADO

FIRST FORM RECLAMATION WITHDRAWAL

NOVEMBER 23, 1942.

THE SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal as provided in section 3 of the Act of June 17, 1902 (3 Stat. 388):

PAONIA PROJECT, COLORADO

BEAVER RESERVOIR SITE

Sixth Principal Meridian

Township 14 South, Range 90 West:
Section 16, W½NE¼, SW¼SE¼;
Section 21, W½NE¼, W½, SE¼;
Section 22, S½, SW¼.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: December 3, 1942.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

ABE FORTAS,
Under Secretary.

DECEMBER 7, 1942.

[F. R. Doc. 42-13374; Filed, December 15, 1942; 11:56 a. m.]

WEST DIVIDE PROJECT, COLORADO

FIRST FORM RECLAMATION WITHDRAWAL

NOVEMBER 23, 1942.

THE SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands be withdrawn from public entry, under the first form of withdrawal as provided in section 3, Act of June 17, 1902 (32 Stat. 388):

WEST DIVIDE PROJECT

HAYSTACK RESERVOIR SITE

6th Principal Meridian, Colorado

Township 9 South, Range 91 West:
Section 13—Lot 2, SE¼SW¼, S½SE¼;
Section 14—Lot 10;
Section 23—Lots 1, 4, 8;
Section 24—Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, NE¼NE¼, S½SE¼;
Section 25—N½N½.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: December 3, 1942.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

ABE FORTAS,
Under Secretary.

DECEMBER 8, 1942.

[F. R. Doc. 42-13373; Filed, December 15, 1942; 11:56 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[General Order 32, Amendment 5]

REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY TO ACT FOR THE PRICE ADMINISTRATOR

Subparagraph (3) of paragraph (a) and subparagraph (3) of paragraph (b) of General Order No. 32 are hereby amended to read as set forth below:

(a) * * *

(3) Determinations of maximum prices pursuant to § 1499.3 (c) of the General Maximum Price Regulation, or § 1499.4a of the General Maximum Price Regulation and § 1305.17 of Supplementary Order No. 13, or § 1389.154 (a) of Maximum Price Regulation No. 178, as amended, (Women's Fur Garments) or § 1351.756 of Maximum Price Regulation No. 249 (Sales of Certain Seasonal Food Products at Wholesale), or § 1351.857 of Maximum Price Regulation No. 250 (Sales of Certain Seasonal Food Products at Retail).

(b) * * *

(3) Determinations of maximum prices pursuant to § 1499.3 (c) of the General Maximum Price Regulation or § 1499.4a of the General Maximum Price Regulation and § 1305.17 of Supplementary Order No. 13, or § 1389.154 (a) of Maximum Price Regulation No. 178, as amended (Women's Fur Garments), or § 1351.756 of Maximum Price Regulation No. 249 (Sales of Certain Seasonal Food Products at Wholesale), or § 1351.857 of Maximum Price Regulation No. 250 (Sales of Certain Seasonal Food Products at Retail).

* * * * *

This Amendment No. 5 to General Order No. 32 shall be effective December 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13345; Filed, December 14, 1942; 3:38 p. m.]

[Order 22 Under RPS 57]

CHARLES P. COCHRANE COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 22 to Revised Price Schedule No. 57—Wool Floor Coverings.

Approval of Prices for Charles P. Cochrane Company—New Fabrics.

On October 16, 1942, Charles P. Cochrane Company of Bridgeport, Pennsylvania, hereinafter called applicant, filed an application pursuant to § 1352.4 of Revised Price Schedule No. 57 for approval of maximum prices of certain fabrics containing jute and cotton in the back and 50% wool and 50% staple rayon in the face. Applicant designated these proposed fabrics as Southfield, Northfield, Durafield, Greyfield, Rosebriar, Sweetbriar, Raystone, Fairstone and Rockbridge.

Due consideration has been given to the application and the specifications of the fabrics described therein and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Charles P. Cochrane Company may sell, offer to sell, deliver, or transfer the fabrics containing cotton and jute in the back and 50% wool and 50% staple rayon in the face at prices no higher than those set forth below:

Southfield at $2.025 per square yard f. o. b. mill.

Southfield at $24.30 per 9 x 12 size f. o. b. mill.

Northfield at $2.29 per square yard f. o. b. mill.

Northfield at $27.42 per 9 x 12 size f. o. b. mill.

Durafield at $2.985 per square yard f. o. b. mill.

Durafield at $36.95 per 9 x 12 size f. o. b. mill.

Greyfield at $4.40 per square yard f. o. b. mill.

Greyfield at $54.39 per 9 x 12 size f. o. b. mill.

Rosebriar at $3.40 per square yard f. o. b. mill.

Rosebriar at $43.17 per 9 x 12 size f. o. b. mill.

Sweetbriar at $4.30 per square yard f. o. b. mill.

Sweetbriar at $54.66 per 9 x 12 size f. o. b. mill.

Raystone at $3.40 per square yard f. o. b. mill.

Raystone at $42.12 per 9 x 12 size f. o. b. mill.

Fairstone at $4.10 per square yard f. o. b. mill.

Fairstone at $50.68 per 9 x 12 size f. o. b. mill.

Rockbridge at $5.25 per square yard f. o. b. mill.

Rockbridge at $74.11 per 9 x 12 size f. o. b. mill.

subject to discounts, allowances, and rebates no less favorable than those in effect as to Jasper, Glenfield, Redfield, Bluefield, Nubsette, Duratwist, Firestone, Marlston and Sculptex fabrics respectively under § 1352.1 of Revised Price Schedule No. 57.

The differential between the maximum f. o. b. mill prices and the cut order and key size (other than 9 x 12) and zone maximum prices of Southfield, Northfield, Durafield, Greyfield, Rosebriar, Sweetbriar, Raystone, Fairstone and Rockbridge shall be no less favorable than the differential established under § 1352.1 of Revised Price Schedule No. 57 between the maximum f. o. b. mill prices and the cut order and key size (other than 9 x 12) extra size, and zone maximum prices of Jasper, Glenfield, Redfield, Bluefield, Nubsette, Duratwist, Firestone, Marlston, and Sculptex, respectively.

(b) This Order No. 22 may be revoked or amended at any time by the Administrator.

(c) Unless the context otherwise requires, the definitions set forth in § 1352.11 of Revised Price Schedule No. 57 shall apply to terms used herein.

(d) This Order No. 22 shall become effective on the 15th day of December 1942.

Issued this 14th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13343; Filed, December 14, 1942; 3:37 p. m.]

[Order 4 Under RPS 84]

STEWART-WARNER CORPORATION

APPROVAL OF MAXIMUM PRICE

Order No. 4 Under Revised Price Schedule No. 84—Radio Receiver and Phonograph Parts.

Approval of maximum prices of new radio parts for Stewart-Warner Corporation.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Stewart-Warner Corporation is authorized to sell, offer to sell, or deliver the following new parts at prices, exclusive of federal excise tax, f. o. b. seller's point of shipment, no higher than those specified below, subject to discounts, allowances, and terms no less favorable to the purchaser than those customarily granted by it:

$0.02	72025, Thrust washer.
.30	B-27074, Control escutcheon.
.10	78008, Grommet.
.40	C-29074, Drive gear shaft.
.10	C-29088, Clutch engagement lever pin.
.15	C-29087, Clutch engagement lever.
.10	10069, Terminal strip.
.30	C-29077, Drive gear stop lever.
.10	C-29067, Retard lever spring.
1.50	C-29125-A, Spindle housing and stop lever.
.15	C-29090, Thrust end spindle bearing retainer.
.20	C-29018, Tone arm latch lever.
2.00	C-29155, Drive link and crank.
1.20	C-29079, Drive link.
.10	C-29083, Drive crank rivet.
.15	C-29105, Drive crank.
.15	C-29118, Drive pawl rivet.
.15	C-29112, Drive crank pawl.
.10	C-29036, Ratchet washer.
.10	C-29089, Spindle bearing retainer.
5.00	C-29158-A, Spindle and gear bracket.
.40	C-29162-A, Trip lever.
.15	C-29100, Trip lever shoulder screw.
.15	B-27063, Trip dog spring.
.15	C-29063, Manual and reject lever.
.30	C-29059, 12'' set slide.
.15	C-29060, 12'' set lever.
.15	C-29113, 12'' set cam.
.55	B-27026, Switch.
.80	C-29151-A, Tone arm lever.
.65	C-29019, Tone arm locator.
.05	C-29117, 12'' set cam pin.
3.45	C-29122-A, Drive gear and cam.
$0.15	B-27065, Tone arm retard lever.
.20	B-27088, Retard lever shoulder screw.
.15	C-29133, Lower slide spring.
.15	C-29061, 12'' reset lever spring.
.15	H-20129, Booster spring.
.15	B-27028, Connecting link.
.20	C-29086, Stop lever spring.
.65	C-29124-A, Pinion and hub.
.10	80061, Taper pin.
.20	C-29058, Sprindle bearing.
.05	C-29052, Drive pin.
.05	11266, Steel ball.
.10	C-29135, Knob support screw.
.05	C-29126, 12'' blade spring.
.05	79006, Rivet.
.10	C-29111, Cap washer spacer.
.05	C-29110, Cap washer.
.25	C-29006, 10'' selector blade.
.25	C-29007, 12'' selector blade.
.10	C-29192, Spring.
.15	B-27092, Spring.
.15	C-29130, Spring.
.15	B-27067, Spring.
.15	J-22058, Spring.
.15	J-22094, Spring.
.20	C-29131, Spring.
1.90	501473, Cone and voice coil.
6.25	500971, Dynamic 5'' speaker.
2.20	502007, Diaphragm.
2.20	502008, Output transformer.
2.20	502009, Speaker cone.
2.20	502010, Output transformer.
2.20	502011, Diaphragm.
2.20	502012, Output transformer.
.15 ea.	J-22392, Spring.

(b) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 4 shall become effective on the 15th day of December 1942.

Issued this 14th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13342; Filed, December 14, 1942; 3:34 p. m.]

[Order 82 Under MPR 188]

JACK SLOVES CONSTRUCTO CO.

APPROVAL OF MAXIMUM PRICE

Order No. 82 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of a maximum price for sales by Jack Sloves Constructo Company, 121 Varick Street, New York, New York, of a new toy.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Jack Sloves Constructo Company is authorized to sell and deliver its new toy, designated as "Constructo", f. o. b. New York, New York, at prices no higher than those set forth below:

To jobbers	$90.00 per gross.
To retailers	102.80 per gross.

(b) This Order No. 82 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 82 shall become effective on the 15th day of December 1942.

Issued this 14th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13346; Filed, December 14, 1942; 3:36 p. m.]

[Order 83 Under MPR 188]

EMPIRE ELECTRIC COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 83 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods other than Apparel.

Approval of maximum prices for sales by Empire Electric Company, 817 Main Street, Cincinnati, Ohio, of a new nest of seven wagons.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Empire Electric Company is authorized to sell and deliver a new nest of seven wagons manufactured by it at prices f. o. b., Cincinnati, Ohio, no higher than those set forth below:

To jobbers	$1.25 per unit (consisting of seven wagons).
To retailers	$1.50 per unit (consisting of seven wagons).

(b) This Order No. 83 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 83 shall become effective on the 15th day of December 1942.

Issued this 14th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13347; Filed, December 14, 1942; 3:36 p. m.]

[Order 23 Under RPS 57]

BEATTIE MANUFACTURING COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 23 Under Revised Price Schedule No. 57—Wool Floor Coverings.

On November 6, 1942, the Beattie Manufacturing Company, Little Falls, New Jersey, filed an application pursuant to § 1352.4 of Revised Price Schedule No. 57, for permisison to manufacture a new fabric and for approval of a maximum price thereof. This new fabric is designated in the application as Graymore.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and by Executive Order 9250, *It is hereby ordered:*

(a) The Beattie Manufacturing Company may sell, offer to sell or deliver the new fabric designated as Graymore at a price no higher than $2.56 per square yard and $31.50 for the 9 x 12 foot size f. o. b. mill, subject to discounts, allowances, rebates and terms no less favorable than these in effect with respect to the maximum price for Meritana, as established by Revised Price Schedule No. 57.

(b) This Order No. 23 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1352.11 of Revised Price Schedule No. 57 shall apply to terms used herein.

(d) This Order No. 23 shall become effective on the 15th day of December, 1942.

Issued this 14th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13344; Filed, December 14, 1942; 3:37 p. m.]

[Revised Suspension Order 177]

BENJAMIN COHEN AND SAMUEL LA POUCHE

ORDER RESTRICTING TRANSACTIONS

Suspension Order No. 177 is hereby amended to read as follows:

Benjamin Cohen and Samuel La Pouche, doing business as Supreme Mineral Water Company and Liberty Club Beverages, 69 Bath Street, Providence, Rhode Island, hereinafter called respondents, were duly served with a notice of specific charges of violations of Ration Order No. 3, Sugar Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing was held on October 15, 1942, in Providence, Rhode Island. There appeared a representative of the Office of Price Administration and respondents. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been duly considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondents use sugar in their business of manufacturing bottled beverages and soda waters for sale at wholesale.

(b) Respondents have violated § 1407.82 of Rationing Order No. 3, Sugar Rationing Regulations, in that on August 3, 1942, respondents accepted delivery of 10,000 pounds of sugar without surrendering any sugar purchase certificate therefor until August 7, 1942; such delivery was not within the class of deliveries of sugar permitted by Rationing Order No. 3, to be made without the surrender of a sugar purchase certificate at or before the time of delivery of such sugar.

Because of the great scarcity and critical importance of sugar in the United States, respondents' violations of the Sugar Rationing Regulations have resulted in the diversion of sugar from military and essential civilian uses to non-essential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations of the Sugar Rationing Regulations by respondent are likely unless appropriate administrative action is taken.

It is therefore ordered:

(c) That the total allotment of sugar which respondents would otherwise be entitled to receive and use during the period commencing January 1, 1943, and ending February 28, 1943, shall be reduced by 10,000 pounds.

(d) Any terms used in this Suspension Order No. 177 that are defined in the Rationing Order No. 3, Sugar Rationing Regulations, shall have the meaning therein given them.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 (7 F.R. 562) and Supp. Directive 1E (7 F.R. 2965))

Issued and effective this 14th day of December 1942.

PAUL M. O'LEARY,
Deputy Administrator,
in Charge of Rationing.

[F. R. Doc. 42-13358; Filed, December 14, 1942; 4:18 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-337]

NATIONAL POWER & LIGHT COMPANY

ORDER DENYING PETITION FOR REHEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of December, A. D. 1942.

The Commission having on December 4, 1942 issued its Memorandum Opinion and Order herein denying the application of National Power & Light Company for permission to extend from December 15, 1942 up to and including February 15, 1943 the time within which shares of preferred stock of National Power & Light Company may be exchanged for shares of common stock of Houston Lighting & Power Company under the terms of an exchange offer approved by the Commission on December 24, 1941; and

National Power & Light Company having filed on December 9, 1942 a petition for rehearing with respect to the ruling contained in the aforementioned Order of the Commission dated December 4, 1942, and having petitioned the Commission to vacate and set aside said Order, and, in lieu thereof, to grant said application of National Power & Light Company; and

The Commission having considered the reasons advanced in support of the relief requested, and being of the opinion that action may appropriately be taken as hereinafter ordered.

It is ordered, That the petition of National Power & Light Company dated December 9, 1942 for a rehearing with respect to said ruling of the Commission, and to vacate and set aside said Order of the Commission dated December 4, 1942 be, and the same hereby is, denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13379; Filed, December 15, 1942; 11:52 a. m.]

[File No. 70-650]

NIAGARA HUDSON POWER CORPORATION, ET AL.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of December 1942.

In the matter of Niagara Hudson Power Corporation, Northern Development Corporation and Hudson Valley Fuel Corporation.

Notice is hereby given that a joint declaration or application (or both) has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by the above-named parties; and

Notice is further given that any interested person may, not later than December 23, 1942 at 5:30 P. M., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized below:

(1) Northern Development Corporation, a wholly-owned subsidiary of Niagara Hudson Power Corporation, in turn a subsidiary of The United Corporation, a registered holding company, proposes to issue and sell, and Niagara Hudson Power Corporation proposes to purchase, 24,500 shares of common stock, without par value, at a price of $100 per share. It is proposed to apply proceeds, in the amount of $2,450,000, to the full payment of advances heretofore made by Niagara Hudson Power Corporation to Northern Development Corporation in the amount of $2,450,000.

(2) Hudson Valley Fuel Corporation, a wholly-owned subsidiary of Niagara Hudson Power Corporation, proposes to issue and sell, and Niagara Hudson Power Corporation proposes to purchase, 27,000 shares of common stock, without par value, at a price of $100 per share. It is proposed to apply the proceeds, in the amount of $2,700,000, to the full payment of advances heretofore made by Niagara Hudson Power Corporation to Hudson Valley Fuel Corporation in the amount of $2,700,000.

Sections 6, 7, 9 and 10 of the Act have been designated as applicable to the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13375; Filed, December 15, 1942; 11:51 a. m.]

[File No. 1-218]

TRUSCON STEEL COMPANY

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of December, A. D. 1942.

In the matter of Truscon Steel Company, $10 par common stock.

The New York Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the $10 Par Common Stock of Truscon Steel Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Monday, January 18, 1943, at the office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That William J. Cogan, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13377; Filed, December 15, 1942; 11:51 a. m.]

[File No. 68-17]

STANLEY STANGER, ET AL.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of December, A. D. 1942.

In the matter of Stanley Stanger et al. as a protective committee for Class A stockholders of International Utilities Corporation.

Notice is hereby given that a declaration has been filed by Stanley Stanger, Gordon C. Liersch and Edward W. Smith as a protective committee for Class A stockholders of International Utilities Corporation, pursuant to the Public Utility Holding Company Act of 1935, which designates Rule U-62 of the Rules and Regulations promulgated under said Act as applicable to the transactions therein proposed. All interested persons are referred to said declaration, which is on file in the office of this Commission, for a statement of such proposed transactions, which are summarized as follows:

The declarants propose to solicit authorization from the stockholders of the Class A Common Stock of International Utilities Corporation to represent such stockholders before the Commission or any court in connection with the plan of recapitalization and merger filed by International Utilities Corporation with the Commission under section 11 (e) of the Act, or in proceedings consequent thereon, including any proceedings for reorganization or liquidation of said Corporation, or any related proceeding.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matter and that said declaration shall not be permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on such matter, under the applicable provisions of said Act and the Rules and Regulations of the Commission, be held on January 5, 1943 at 10:00 A. M., E. W. T. at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing-room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That any person desiring to be heard in connection with the proceedings, or proposing to intervene herein shall file with the Secretary of the Commission on or before December 31, 1942 his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission; and

It is further ordered, That without limiting the scope of issues presented by the aforesaid declaration and to be considered at the hearing, particular attention will be directed to the following matters and questions:

1. Whether such solicitation is necessary or appropriate in the public interest or for the protection of investors and consumers.

2. Whether the statements proposed to be made in the solicitation literature, in the light of the circumstances under which such statements are intended to be made are false or misleading, or any material fact necessary in order to make the statements therein not false or misleading is omitted therefrom.

3. Whether annual reports and statements of accounts shall be made by the proposed committee to other persons from whom authorizations are procured.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13376; Filed, December 15, 1942; 11:51 a. m.]

[File Nos. 59-11, 59-17, 54-25]

THE UNITED LIGHT AND POWER COMPANY ET AL.

NOTICE OF FILING, ETC.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of December 1942.

In the Matter of The United Light and Power Company, et al., Respondents and Applicants.

Notice of filing of respondents' "Application Number 5 Supplemental Application" and "Application Number 6 Supplemental Application" for an extension of time pursuant to section 11 (c), and order for hearing.

The Commission having heretofore by its orders dated December 31, 1941 and December 15, 1941, respectively, pursuant to section 11 (b) of the Public Utility Holding Company Act of 1935 ordered, among other things, the disposition by The United Light and Power Company of all its interest in Mason City and Clear Lake Railroad Company and the disposition by The United Light and Railways Company of all its interest in Mason City Brick and Tile Company and Northwestern States Portland Cement Company;

Notice is hereby given that on December 9, 1942 The United Light and Power Company, a registered holding company, has filed an application designated as "Application Number 5 Supplemental Application" requesting the entry of an order by this Commission under section 11 (c) of the Act extending for a period of one year, or until December 31, 1943, the time for compliance with the portion of our order of December 31, 1941 requiring the disposition by the applicant of its interest in Mason City and Clear Lake Railroad Company and that on the same date, The United Light and Railways Company, a registered holding company, has filed an application designated as "Application Number 6 Supplemental Application" requesting the entry of an order by this Commission under section 11 (c) of the Act extending for one year, or until December 15, 1943, the time for compliance with the portion of our order of December 15, 1941 requiring the disposition by the applicant of its interest in Mason City Brick and Tile Company and Northwestern States Portland Cement Company.

All interested persons are referred to said applications which are on file in the offices of the Commission for full details concerning said matters.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that hearings be held for the purpose of considering said Applications; and

It appearing to the Commission that the issues of fact and of law arising in connection with the two aforedescribed applications are common and that said proceedings should be consolidated and heard together;

It is hereby ordered, That a consolidated hearing with respect to said applications be held on December 28, 1942 at 10:00 A. M., E. W. T., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the hearing room clerk in Room 318.

All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided for by the Rules of Practice, Rule XVII, on or before 1:00 P. M., E. W. T., December 26, 1942. At said hearing the issues will be limited to a consideration of the issues presented by said applications.

It is further ordered, That Robert P. Reeder, or any other officer or officers of the Commission designated by it for that purpose, shall preside as such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by said applications, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether The United Light and Power Company and The United Light and Railways Company have exercised due diligence in their efforts to comply with the orders of this Commission dated December 31, 1941 and December 15, 1941, respectively, in so far as they direct the disposition of applicants' interest in Mason City and Clear Lake Railroad Company, Mason City Brick and Tile Company and Northwestern States Portland Cement Company;

(2) Whether an extension of an additional year for compliance with said provisions of our orders of December 15, 1941 and December 31, 1941, respectively, is necessary or appropriate in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13378; Filed, December 15, 1942; 11:51 a. m.]

WAR PRODUCTION BOARD.

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued certain revocation orders listed in Schedule A below, revoking preference rating orders issued in connection with, and stopping the construction of, the projects affected. For the effect of each such order upon preference ratings, construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued December 14, 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

Preference rating order	Serial no.	Name and address of builder	Project affected	Date of issuance of revocation order
P-19-e	75-E	Ohio Dept. of Highways, Columbus, Ohio.	Statewide—FAGM 71-A (1) (Off) Paulding City line to Defiance—FAP 531-H (1) and FAGH 531-I (1). State Route 19 South of Toledo—FAP 232-A (1). North of Upper Sandusky—FAP 613-H (1).	12/1/42 12/5/42 12/1/42 12/1/42
P-19-e	199-E	Mass. Dept. of Public Works, Boston, Mass.	Fitchburg to Westminster—SN-FAP 273-D (2); SN-FAP 273-G (2).	12/2/42
P-19-e	236-E	Delaware State Highway Dept., Dover, Del.	Lancaster Pike—WPH-FAP 179-B (1).	12/9/42
P-19-e	371-E	Vermont Dept. of Highways, Montpelier, Vt.	F. H. 1-A	12/1/42
P-19-e	415-E	Nebraska Dept. of Highways, Lincoln, Nebr.	West of Falls City FAS 51-A (1)	12/14/42
P-19-e	416-E	Nebraska Dept. of Highways, Lincoln, Neb.	West of Dorton FAS-32-C (1) Falls City West FAS 51-B (1).	12/1/42
P-19-e	522-E	Maine State Highway Commission, Augusta, Maine.	Monticello SN-FAP 298-F (1)	12/1/42
P-19-e	632-E	South Dakota State Highway Commission, Pierre, S. Dak.	Houghton FAP 112 (2)	12/10/42
P-19-a	1762-A	Board of Water and Electric Light Commissioners, City of Lansing, Lansing, Mich.	Lansing, Mich	12/12/42
P-19-c	2213-A	Colorado State Highway Department, Denver, Colo.	From Tabernash to Granby on Fed. aid System of Highways F A P 151-A (3), B (2) & C (3) Const. Dov. #2.	12/12/42
P-19-a	3575-A	Federal Works Agency, Washington, D. C.	Hattiesburg, Miss. (DPW 22-120, 121, 122).	12/4/42
P-19-a	5556-A	Federal Works Agency, N. Int. Bldg., Washington, D. C.	Jackson, Madison County, Tenn. (DPW 40-115).	12/10/42
P-19-h	5796	Federal Works Agency, N. Int. Bldg., Washington, D. C.	Monterey, California (WPW 4-901)	12/12/42
P-19-h	6559	Federal Works Agency, N. Int. Bldg., Washington, D. C.	Aliquippa, Pa. (DPW 36-123)	12/4/42
P-19-h	6940	Federal Works Agency, N. Int. Bldg., Washington, D. C.	Chula Vista, Calif. (DPW 4-109)	12/12/42
P-19-h	8950	City of Coronado, Calif., through FWA, Washington, D. C.	Coronado, Calif.	12/12/42
P-19-h	9327	Federal Works Agency, N. Int. Bldg., Washington, D. C.	Hawthorne Mineral Co. Nev. (WPW 26-107).	12/4/42
P-19-h	9411	Federal Works Agency, Washington, D. C.	Elmira, New York—(WPW 30-139)	12/4/42
P-19-h	9493	Federal Works Agency, Washington, D. C.	Mobile, Alabama—(WPW 1-146)	12/4/42
P-19-h	9753	Federal Works Agency, N. Int. Bldg., Washington, D. C.	Brandenburg—Meade County, Ky. (DPW 15-143).	12/10/42
P-19-h	10631	Federal Works Agency, Washington, D. C.	Lenoir, Tenn.—(WPW 40-201)	12/4/4
P-19-h	10632	Federal Works Agency, N. Int. Bldg., Washington, D. C.	Litchfield, Ariz.—(WPW 2-114)	12/12/42
P-19-h	10968	Federal Works Agency, N. Int. Bldg., Washington, D. C.	Escambia County, Fla.—(WPW Fla. 6-222).	12/4/42
P-19-h	11896	Federal Works Agency, N. Int. Bldg., Washington, D. C.	Lerdo Elem. School, Lerdo, Calif.—(WPW 4-341).	12/4/42
P-19-h	11898	Federal Works Agency, N. Int. Bldg., Washington, D. C.	Santa Margarita, Calif.—(WPW-4-213).	12/4/42
P-19-h	11964	Federal Works Agency, Washington, D. C.	Oceano Elem. School Dist. San Luis Obispo Co. Calif.—(WPW 4-393).	12/4/42
P-19-h	11965	Federal Works Agency, N. Int. Bldg., Washington, D. C.	Cayucos Elementary School Dist. San Luis Obispo County, Calif.—(WPW 4-322).	12/10/42
P-19-h	11979	Federal Works Agency, N. Int. Bldg., Washington, D. C.	Turtle Creek, Alleg. Co., Pa.—(WPW 36-115).	12/4/42
P-19-h	12260	Federal Works Agency, N. Int. Bldg., Washington, D. C.	Vancouver, Clark Co., Wash.—(WPW 45-182).	12/4/42
P-19-e	12799	Colorado State Highway Dept., Denver, Colo.	U. S. Highways 50 & 6 between Grand Junction and Fruita, Colo.—SN-FAP 232 A (1) Constr. Div. Nos. 1 & 2.	12/12/42
P-19-e	12801-E	Tennessee Dept. of Highways & Public Works, Nashville, Tenn.	Nashville from 8th Ave. South near Shirley St. to city limits on Layfette St. Tennessee—SN-FAP 56-D (1), SN-FAP 56-C (2).	12/12/42
P-19-h	13087	Federal Works Agency, N. Int. Bldg., Washington, D. C.	Audubon, N. J.—(WPW 28-138)	12/4/42
P-19-h	12826	Detroit Edison Co., Detroit, Mich	Marysville Steam Electric Station	12/11/42
P-19-h	13816	Federal Works Agency, Washington, D. C.	Oceanside, Calif	12/12/42
P-19-e	14646	Va. Dept. of Highways, Richmond, Va.	On U. S. Rt. 460 near east city limits of Waverly, Virginia—SN-FAP 176 D(1).	12/12/42
P-19-h	14663	Federal Works Agency, N. Int. Bldg., Washington, D. C.	Rosepine, Vernon Parish, La.—(WPW 16-155).	12/4/42
P-19-h	15236	Federal Works Agency, Washington, D. C.	Grange, Western Ave., Texas—(WPW 41-301).	12/4/42
P-19-e	15470	Tenn. Dept. of Highways & Public Works, Nashville, Tenn.	LaFayette St. in Nashville on St. and FA rt. No. 1, U. S. Rts. 41 and 70-S Tenn.—SN-FAP 56-C (3).	12/12/42

Preference rating order	Serial no.	Name and address of builder	Project affected	Date of issuance of revocation order
P-19-h	15484	Federal Works Agency, N. Int. Bldg., Washington, D. C.	Long Beach, Calif., Star King Elem. School—(WPW 4-915-2).	12/4/42
P-19-e	17787	Miss. State Highway Com. Jackson, Miss.	On U. S. Highway 90—10 miles west of Bay St. Louis, thence east Miss.—SN-FAP 159-A(2).	12/12/42
P-19-e	18037	Ill. Dept. of Public Works & Bldg., Div. of Hghwys., Springfield, Ill.	U. S. Hghwy. 40 north of Vandalia Ill. SN-FA 9-O (2)—(F. A. Route 12, Section O-2VB)	12/12/42
P-19-h	18110	Federal Works Agency, N. Int. Bldg., Washington, D. C.	Long Beach, Calif.—(WPW 4-915-1)	12/12/42
P-19-e	18517	Minnesota Dept. of Hghwys., St. Paul, Minn.	T. H. No. 16 in Fairmont Minn.—SN-A-FAP 311-A (3) SN-A-FAP 228 (3).	12/12/42
P-19-e	18531	Idaho Dept. of Public Wks., Boise, Idaho.	U. S. Highway No. 30—SN-FA 11-A (7) (Idaho).	12/12/42
P-19-e	18766	Minnesota Dept. of Hghwys., St. Paul, Minn.	SN-FAGH-363-A (3) and SN-A-FAP 363-A (2).	12/10/42
P-19-e	19138	Calif. Dept. of Public Wks., Div. of Hghwys., Sacramento, Calif.	Calif.—SN-FAP 52-A (2)	12/11/42
P-19-e	20616-E	Idaho Dept. of Public Wks., Boise, Idaho.	Idaho—SN-FAP 238-A (1)	12/12/42
P-19-e	20879	Idaho Dept. of Public Wks. Boise, Idaho.	Across Snake River bet. Burley & Paul, Idaho—SN-FAS 219 C (1).	12/12/42
P-19-h	21907	Columbia Co. Rural Electric Assn. Inc., Dayton, Wash.	College Place, Walla Walla Co., Wash.	12/9/42
P-19-e	22747	Conn. State Hghwy. Dept., Hartford, Conn.	Over Conn. River bet. Hartford & East Hartford.	11/27/42
P-19-h	24402	Tenn. Valley Authority, Knoxville, Tenn.	Knoxville & Chattanooga, Tenn., Guntersville & Decatur, Ala., Public barge terminal.	12/12/42
P-19-e	26851	Ariz. State Hghwy. Comm., Phoenix, Ariz.	Arizona SN-FAS 111-A (2) Tucson-Florence Highway.	12/1/42
P-19-h	26947	Continental Ordnance Corp., E. Chicago, Ind.	East Chicago, Indiana	11/27/42
P-19-e	27436	Idaho Dept. of Public Wks., Boise, Idaho.	Fed. Aid Rt. No. 1 extending from Glenns Ferry easterly—SN-FA 11-B (2).	12/12/42
P-19-e	27499	Idaho Dept. of Public Wks., Boise, Idaho.	Fed. Aid Road No. 1 bet. Glenns Ferry & King Hill—SN-FA 11-A (8).	12/12/4
P-19-h	28136	Federal Works Agency, N. Int. Bldg., Washington, D. C.	Sunray Independent School Dist., Sunray, Tex.—(WPW 41-436).	12/4/42
P-19-h	30079	Federal Works Agency, N. Int. Bldg., Washington, D. C.	Lawton, Okla.—(WPW 34-104 & 34-901).	12/4/42
P-19-h	30086	Federal Works Agency, Washington, D. C.	Freeport, Brasoria Co., Tex.—(WPW 41-206).	12/4/42
P-19-h	30565	Federal Works Agency, N. Int. Bldg., Washington, D. C.	Vine Grove, Hardin Co., Ky.—(WPW 14-136).	12/4/42
P-19-e	32676-E	Ill. Dept. of Public Wks. & Bldg. Div. of Hghwys., Springfield, Ill.	Between Bloomington & McLean—SN-FA 26 (16) (2).	12/12/42
P-19-e	33932	Ill. Dept. of Public Wks. & Bldg. Div. of Highways, Springfield, Ill.	U. S. 77 over Timber Creek, 8 miles s. w. of Bloomington, Ill. Ill.—SN-FA 26 (17) (2) Bridge.	12/12/42
P-19-e	33934	Ill. Dept. of Public Wks. & Bldgs. Div. of Highways, Springfield, Ill.	U. S. Route 66 N. E. of McLean towards Bloomington Ill.—SN-FA 26 (17) (2).	12/12/42
P-19-e	33939	Arkansas State Hghwy. Com., Little Rock, Ark.	Ark.—SN-FAP 441-D (1)	12/1/42
P-19-e	35767	Wash. Dept. of Hghwys., Olympia, Wash.	Wash.—SN-FAP 5-B(2), SN-FAP 5-C (1). Primary State Hwy. No. 1 U. S. Hwy. No. 99 1-2 miles north of Woodland.	12/12/42
P-19-e	15998	Kentucky Dept. of Highways, Frankfort, Kentucky.	Kentucky—SN-FA 299-D (1)	12/7/42

[F. R. Doc. 42-13328; Filed, December 14, 1942; 11:37 a. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS PARTIALLY REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued certain revocation orders listed in Schedule A below partially revoking preference rating orders issued in connection with, and partially stopping the construction of, the projects affected. For the effect of each such order upon preference ratings, construction of the project, and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued December 14, 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Project affected	Date of issuance of revocation order
P-19-e	397-E	Iowa State Hwy. Comm., Ames, Iowa.	Bridge in Linn Co.—FAP 765-E (1).	12/7/42
P-19-e	434-E	New Mexico State Hwy. Comm. Santa Fe, N. Mex.	FAGM 208-D (1) (OFF)	12/7/42
P-19-e	541-E	Vermont Department of Hwys., Montpelier, Vt.	SN-FAP 296-A (1)	12/8/42
P-19-d	623	Bureau of Reclamation, Denver, Colo.	Boulder Canyon Proj., Ariz.-Boulder City Hsg., Nevada.	12/12/42
P-19-h	8447	Bureau of Reclamation, Denver, Colo.	Provo River Proj	12/12/42
P-19-h	10158	Bureau of Reclamation, Denver, Colo.	Deerfield Dam	12/12/42
P-19-h	11192	Bureau of Reclamation, Denver, Colo.	Altus, Oklahoma	12/12/42
F-19-e	22746	Connecticut State Hwy. Dept., Hartford, Conn.	New London-Groton Bridge & Structures	11/27/42 12/4/42

[F. R. Doc. 42-13326; Filed, December 14, 1942; 11:38 a. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF STOP CONSTRUCTION ORDERS STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued certain stop construction orders listed in Schedule A below, stopping the construction of the projects affected. For the effect of each such order upon the construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued December 14, 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

Name and address of the builder	Project affected	Date of issuance of stop construction order
Bureau of Reclamation, Denver, Colo	Central Valley Proj. Madera Canal	12/12/42
California Division of Hwys., Sacramento, Calif	Keyes to Hatch Crossing—SN-FAP 171-C(2)	12/2/42
Colorado State Hwy. Dept., Denver, Colo	Delta, Colo.—FAS 409-E(1)	12/2/42
Iowa State Hwy. Comm., Ames, Iowa	Linn County (bridge)—FAP 22-B(1)	12/2/42
Bureau of Reclamation, Denver, Colo	Fallon Units of Buffalo Rapids Proj., Mont	12/12/42
Bureau of Reclamation, Denver, Colo	Mirage Flats Proj. Nebr	12/12/42
Oklahoma St. Hwy. Comm., Okla. City, Okla	Caddo County, Fed. Lands—6-A(1)	12/12/42
Oklahoma St. Hwy. Comm., Okla. City, Okla	Cleveland Co.—FAS 81-A(1)	12/12/42
Oklahoma State Hwy. Comm., Oklahoma City, Okla.	Craig Co.—FAGS 70-A (1)	12/12/42
Oklahoma State Hwy. Comm., Oklahoma City, Okla.	Jefferson Co.—FAS 29-C (1)	12/12/42
Oklahoma State Hwy. Comm., Oklahoma City, Okla.	Okmulgee Co.—FAP 53-ABC (7)	12/12/42
Oklahoma State Hwy. Comm., Oklahoma City, Okla.	Washite Co.—FAS 90-A (1)	12/12/42
Bureau of Reclamation, Denver, Colo	Newton Project, Utah	12/12/42
Bureau of Reclamation, Denver, Colo	Eden Project, Wyo	12/12/42
Bureau of Reclamation, Denver, Colo	Kendrick Project, Wyo	12/12/42
Bureau of Reclamation, Denver, Colo	Riverton Project, Wyo	12/12/42

[F. R. Doc. 42-13327; Filed, December 14, 1942; 11:38 a. m.]

DEC 21 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 246

Washington, Thursday, December 17, 1942

The President

EXECUTIVE ORDER 9282

TRANSFERRING JURISDICTION OVER CERTAIN LANDS FROM THE SECRETARY OF AGRICULTURE TO THE SECRETARY OF WAR FOR MILITARY PURPOSES

OKLAHOMA

WHEREAS certain lands in the State of Oklahoma have been acquired, or are in process of acquisition, under authority of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), and Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (U. S. C., title 7, secs. 1010–1013, 50 Stat. 522, 525), in connection with the Cookson Hills Land Utilization Project of the Department of Agriculture; and

WHEREAS by Executive Order No. 7908 of June 9, 1938,[1] all the right, title, and interest of the United States in those lands acquired, or in process of acquisition, under authority of the aforesaid National Industrial Recovery Act and the Emergency Relief Appropriation Act of 1935 were transferred to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the aforesaid Bankhead-Jones Farm Tenant Act, and the related provisions of Title IV thereof; and immediately upon the acquisition of legal title to those lands now in process of acquisition under authority of the said acts, the said order, under the terms thereof, will become applicable to all the additional right, title, and interest thereby acquired by the United States; and

WHEREAS it appears that the use of such lands by the Secretary of War for military purposes would best carry out the land conservation and land utilization program for which such lands were acquired and would be in the public interest:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 32 of Title III of the aforesaid Bankhead-Jones Farm Tenant Act, and upon recommendation of the Secretary of Agriculture, it is ordered that all lands within the hereinafter-described areas acquired or in process of acquisition by the United States, together with the improvements thereon, be, and they are hereby, transferred from the Secretary of Agriculture to the Secretary of War for military purposes: *Provided, however,* that the Secretary of Agriculture shall retain such jurisdiction over the lands now in process of acquisition by the United States as may be necessary to enable him to complete their acquisition.

MUSKOGEE COUNTY, OKLAHOMA

Indian Meridian

T. 13 N., R. 20 E., secs. 1 to 4; 9 to 12; 14, 15, inclusive
T. 14 N., R. 20 E., secs. 1 to 5; 8 to 17; 20; 23 to 27; and 33 to 36, inclusive
T. 15 N., R. 20 E., secs. 13 to 16; 21 to 30; and 32 to 36, inclusive.

Executive Order No. 8277, dated October 28, 1939,[2] which transferred certain lands in the above-described area from the Secretary of Agriculture to the Secretary of War for use as a military reservation, is superseded by this order.

Executive Order No. 8571, dated October 19, 1940,[3] which transferred control and jurisdiction over 4.43 acres of lands within the above-described area from the Secretary of Agriculture to the Secretary of the Interior for the benefit of certain Indians, is hereby revoked.

It is intended that the lands transferred by this order shall be returned to the Secretary of Agriculture, for administration pursuant to Title III of the said Bankhead-Jones Farm Tenant Act, when they are no longer needed for military purposes.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 15, 1942.

[F. R. Doc. 42–13415; Filed, December 16, 1942; 10:51 a. m.]

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[1] 3 F.R. 1389.

[2] 4 F.R. 4444.

[3] 5 F.R. 4187.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Regulations

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property Custodian

PART 503—GENERAL ORDERS

REPORT OF INTEREST OF DESIGNATED FOREIGN NATIONALS IN COPYRIGHTS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned hereby issues the following regulation:

§ 503.14 *General Order No. 14.* (a) Every person having or claiming any interest in any work subject to copyright under the laws of the United States shall file a report on or before January 15, 1943, with respect to each such work, if

(1) Such person has obtained any interest in such work from any designated foreign national or anyone on his behalf at any time on or since January 1, 1939, or

(2) Such interest, regardless of when obtained, has been recorded in the Office of the Register of Copyrights at any time on or since January 1, 1939, or

(3) Regardless of the date on which such interest was obtained, any designated foreign national or anyone on his behalf now holds or claims any interest in such work, and monies or other things of value, exclusive of offset, were or are owing, have been paid or have become payable by such person to any designated foreign national or to any one on his behalf at any time from January 1, 1939, to the date of the report made hereunder.

Such report shall be executed in duplicate and under oath on Form APC-18[1] (which is hereby adopted and made a part of this regulation), shall be filed with the Office of Alien Property Custodian, Washington, D. C., and shall contain complete information as provided in said Form.

(b) If any work, otherwise required to be reported under paragraph (a) (3) above, is not reported because no monies or other things of value were owing, paid, or had become payable with respect to such work, from January 1, 1939, to the date of any report otherwise required thereunder, and monies or other things of value, exclusive of offset, subsequently are paid or become payable by any person, to a designated foreign national or any one in his behalf, such person shall file a report with respect to such work. Such report shall be made within thirty days after the close of any accounting period during which such sums become payable and shall contain a statement of the title of such work, the dates of the contracts or other writings under which such sums were paid or have become due, the names of all parties to said contracts or other writings, and the method used and amounts established in computing payments arising therefrom.

(c) For the purpose of this regulation:

(1) "Person" shall mean any individual, partnership, association or corporation.

(2) "Interest" in a work subject to copyright shall mean: ownership, part ownership, or claim of ownership, in whole or in part, of any subsisting copyright or claim of copyright, and any right, license, privilege or property in or to or with respect to such work; and any right, title or interest in, to or under any contract or other instrument, and any royalty, share of profits, license fees, or other emolument or compensation reserved with respect thereto. Such interest shall also include, but not by way of limitation, any interest as hereinbefore described which is held or claimed as trustee, agent, representative or nominal proprietor.

(3) "Work subject to copyright" shall mean: all the writings of an author within the meaning of the Copyright Act including, but not by way of limitation, literary, artistic, dramatic, musical and dramatico-musical compositions, and any and all versions, adaptations, arrangements, transcriptions, translations, and recordings thereof, whether or not copyright has been obtained thereon in the United States; *Provided, however,* That such term shall not include commercial prints and labels.

(4) "Designated foreign national" shall mean:

(i) Any individual who is a resident of, and

(ii) Any business organization organized under the laws of or having its principal place of business within,

Albania, Austria, Bulgaria, Czechoslovakia, Danzig, Esthonia, Germany, Greece, Hungary, Italy, Japan, Latvia, Lithuania, Luxembourg, Norway, Poland, Rumania, San Marino, and Yugoslavia; and those portions of Belgium, Denmark, France and the Netherlands within continental Europe.

(iii) Any persons included in the Proclaimed List of Certain Blocked Nationals on November 12, 1942.

Executed at Washington, D. C., on December 1, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12798; Filed, December 3, 1942; 10:07 a. m.]

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[1] Filed as part of the original document. Copies may be obtained from the Office of Alien Property Custodian.

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Order No. 6]

SUNNY SOUTH AIRPORT

ORDER POSTPONING EFFECTIVE DATE OF CANCELLATION AS LANDING AREA

DECEMBER 14, 1942.

Whereas by Orders No. 4[1] and No. 5,[2] the designation as a designated landing area issued to the Sunny South Airport, Miami, Florida, was cancelled to become effective 0001 E. W. T., December 15, 1942; and

It appearing that: The owners and operators of the Sunny South Airport, Miami, Florida, require additional time to remove equipment and facilities from said airport;

Now, therefore, acting pursuant to the authority vested in me by § 60.953 (c) of the Civil Air Regulations: *It is ordered:*

That the cancellation of the designation of the Sunny South Airport, Miami, Florida, as a designated landing area dated May 15, 1942, shall not become effective until 0001 E. W. T., January 5, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 42-13414; Filed, December 16, 1942; 9:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[T. D. 5201]

PART 186—GAUGING MANUAL

WITHDRAWAL FOR TAX PAYMENT

Pursuant to the provisions of sections 2808 and 3176, Internal Revenue Code, paragraph 75 of the Gauging Manual, approved November 21, 1938 (§ 186.75, Title 26, CFR), is hereby amended to read as follows:

§ 186.75 *Withdrawal for tax payment.* (a) Spirits regauged for tax payment must be tax-paid and removed at once. Upon regauge for tax payment of distilled spirits in distiller's original packages, the proprietor of the warehouse will, under the supervision of the storekeeper-gauger, cut on the stave to the right of the bung stave of each package withdrawn, beginning in the middle and extending toward the Government head, in the order named, the gross weight, tare (ascertain as herein provided), net weight, wine gallons, proof, and proof gallons determined at the time of withdrawal, except when withdrawn on the original gauge as provided in paragraph 68, or when the packages are to be removed to the bottling-in-bond room; or to a tax-paid bottling plant for immediate bottling or to a rectifying plant for immediate bottling or dumping for rectification, when such tax-paid bottling plant or rectifying plant is in the immediate vicinity of the warehouse and owned by the proprietor of the warehouse or a subsidiary, the supervisor to determine from all the circumstances in each case whether the warehouse and the rectifying or tax-paid bottling plant are in the immediate vicinity. In the case of metal packages, such marks will be plainly and durably stenciled in the corresponding space on the side of the package.

(b) The tax-paid stamp must be affixed to the Government head of the package and canceled as hereinafter provided. The date of tax payment, the proof-gallon contents, and the serial number of the tax-paid stamp shall be cut upon such head of each wooden package, or plainly and durably stenciled upon such head of each metal package, except as provided in paragraph 77, or when the packages are to be removed to a tax-paid bottling house for immediate bottling or to a rectifying plant for immediate bottling or dumping for rectification, when such bottling house or rectifying plant is in the immediate vicinity of the warehouse and owned by the proprietor of the warehouse or a subsidiary, the supervisor to determine from all the circumstances in each case whether the warehouse and the rectifying or tax-paid bottling plant are in the immediate vicinity.

(c) The following cut illustrates the manner in which the head of the package will be marked, branded, and stamped, except as otherwise provided in this paragraph:

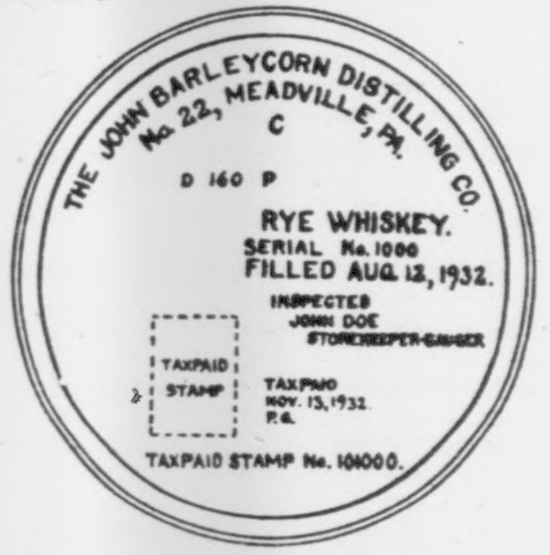

(Data, except the name and address of the producer and the kind of spirits, may be appropriately abbreviated where desired.)

GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: December 14, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-13411; Filed, December 15, 1942; 3:44 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Dockets Nos. A-63 to A-68]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING RELIEF, ETC.

Order overruling exceptions to the proposed findings of fact, proposed conclusions of law and recommendations of the examiner and granting relief in the matter of the petitions of Carrier and Son, P. and G. Coal Company, A. D. Grasso, Elba Coal Company, Clarion Coal Mining Company, and Wolf-O-Lack Coal Company for the establishment and revision of effective classifications and minimum prices for the Harlan, P. and G., Elba, Docsmith, and Lone Tree Mines (Mine Index Nos. 197, 604, 599, 136, and 603, District No. 1) and the Hercules Mine, and for the establishment of special classifications and effective minimum prices for so-called "crop" coal produced by the petitioners.

These proceedings have been instituted upon original and amended petitions of Carrier & Son, P. & G. Coal Company, A. D. Grasso (Grasso Coal Mining Co.), Elba Coal Co. Clarion Coal Mining Co., and Wolf-O-Lack Coal Company, code members in District 1, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting reductions in the price classifications and corresponding minimum prices effective for petitioners' coals, and the establishment of special lower classifications and prices for the so-called "crop" coal produced at their mines.

Temporary relief pending final disposition of these matters having been granted by orders entered herein;

Petitions of intervention having been filed by District Boards Nos. 1, 2, 3 and 6; and Zaeherl Coal Company, et al., J. & S. Coal Company et al., Iseman Bros., Superior Cherry Run Coal Corporation, and Hamler Coal Mining Company, code members in District 1;

Pursuant to appropriate orders and after due notice to all interested persons, hearings having been held herein on October 28-31, 1940, and on March 20, 21, 25, 26, 27, 28, 31, 1941 before D. C. McCurtain, a duly designated examiner of the Division, at a hearing room thereof in Washington, D. C.; all interested persons having been afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard; the Examiner having submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter on April 30, 1942;

All parties having been afforded an opportunity to file exceptions to the Examiner's Report and supporting briefs;

Exceptions to the Examiner's Report having been filed by petitioners and by intervenors, J. & S. Coal Company, et al., and District Board 1, the latter also filing a supporting brief;

The undersigned having considered said exceptions and having made findings of Fact and Conclusions of Law and having rendered an opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That the exceptions to the Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner, filed herein by the petitioners and by intervenors, J. & S. Coal Company, et al., and District Board 1 be, and they hereby are, overruled.

It is further ordered, That the proposed findings of fact and conclusions of law of the Examiner be and the same hereby are modified as set forth in the Opinion, as thus modified, adopted as the findings of fact and conclusions of law of the undersigned.

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[1] 7 F.R. 9854.
[2] 7 F.R. 9917.

It is further ordered, That § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof, and § 321.1 (*Price instructions and exceptions*—(b) *Price exceptions*) is amended by the addition of Price Exception 4, as follows:

The price for sub-standard coal readily recognizable as low-grade "crop" coal shipped from mines with Mine Index Nos. 136, 197, 599, 603, 604 and 644 may be reduced 5¢ in Size Group 3 and 10¢ in Size Groups 4 and 5 from the price classifications applicable for these mines.

All orders, acknowledgements and invoices shall contain a complete description of said coal, and a statement that the same is low-grade, sub-standard "crop" coal.

Dated: December 4, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Sub. district No.	Seam	Shipping poin	Railroad	Freight origin group No.	1	2	3	4	5
197	Carrier & Son (W. W. Carrier)	Harlan #1	1	E	Harlan, Pa.	LEF&C	31	F	F	G	H	H
136	Clarion Coal Mining Co.	Docsmith	1	B	Clarion, Pa.	LEF&C	31	F	F	G	H	H
599	Elba Coal Co., Inc.	Elba	1	B	Corsica, Pa.	LEF&C	31	F	F	G	H	H
644	Grasso, A. D. (Grasso Coal Mining Co.)	Hercules	1	B	Strattanville, Pa.	LEF&C	31	F	F	G	H	H
604	P & G Coal Company (A. D Grasso).	P&G	1	B	Holden, Pa.	LEF&C	32	F	F	G	H	H
603	Wolf-O-Lack Coal Co. (Geo. W. Wolf.	Lone Tree	1	B	Sutton, Pa. Clarion, Pa.	NYC LEF&C	---- 31	---- F	---- F	---- G	---- H	---- H

[F. R. Doc. 42-13380; Filed, December 15, 1942; 12:04 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-137]

INTERNATIONAL EDGE TOOL CO. INC.

International Edge Tool Company, Inc. of Newark, New Jersey, is a New Jersey corporation engaged in the manufacture of steel knives and choppers used for cutting meat. During the month of September, 1942, the company rejected an order for steel knives and choppers bearing a preference rating of AA-2. The company thereafter persisted in its refusal to accept any war order. Such refusal constituted a violation of Priorities Regulation No. 1 which requires that war orders be accepted and filled. In view of the foregoing; *It is hereby ordered,* That:

§ 1010.137 *Suspension Order S-137.* (a) Deliveries of material to International Edge Tool Company, Inc., its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to International Edge Tool Company, Inc., its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained herein shall be deemed to relieve International Edge Tool Company, Inc., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on December 18, 1942, and shall remain in effect until revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13408; Filed, December 15, 1942; 3:38 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-177]

PARAMOUNT WIRE CO.

Paramount Wire Company, New York, New York, is incorporated in the State of New York and engaged in the business of fabricating and distributing various wire products, including copper wire. During the period of February 6, 1942, through September 6, 1942, the company violated General Preference Order M-9-a by delivering in fulfillment of orders bearing no preference rating approximately 6,259 pounds of copper wire.

The violations of General Preference Order M-9-a committed by Paramount Wire Company have impeded and hampered the war effort of the United States by diverting copper wire to uses unauthorized by the War Production Board. In view of the foregoing; *It is hereby ordered:*

§ 1010.177 *Suspension Order S-177.* (a) Deliveries of material to Paramount Wire Company, its successors and assigns, shall not be accorded priority directly or indirectly over deliveries under any other contract or order and no preference rating shall be assigned or applied directly or indirectly to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, ~~or~~ any other order or regulation of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made directly or indirectly to Paramount Wire Company, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained herein shall be deemed to relieve Paramount Wire Company, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on December 18, 1942, and shall expire on March 18, 1943, at which time the restrictions contained in this order are to be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13410; Filed, December 15, 1942; 3:38 p. m.]

PART 978—UTILITIES: MAINTENANCE, REPAIR AND SUPPLIES

[Supplementary Preference Rating Order P-46-b, As Amended Dec. 16, 1942]

Supplementary Preference Rating Order P-46-b is hereby amended to read as follows:

§ 978.3 *Supplementary Preference Rating Order P-46-b.* Notwithstanding the provisions of paragraph (f) (3) (ii) of Preference Rating Order P-46, as amended, gas and electric service connections may be made by producers to permit the operation of a gas or electric range in the dwelling of a domestic consumer, provided that the conditions stated in either paragraph (a) or paragraph (b) hereof, and the conditions stated in paragraph (c) hereof, are satisfied:

(a) In the case of an application for an extension to serve a gas or electric range which the applicant has used in a dwelling which he previously occupied, the dwelling proposed for connection is not equipped with a range of any kind; or

(b) In case of an application for an extension to serve a gas or electric range which the applicant has not used in a dwelling which he previously occupied.

(i) The dwelling proposed for connection is not equipped with a range of any kind, and

(ii) Complete facilities to range location are not installed for serving either a gas range or an electric range; and

(c) Connections (including any additional service drop, primary, secondary, and ground conductor, but excluding service entrance conductor and interior wiring) can be made with an expenditure by the producer of not more than the following amounts of material:

(i) In the case of an electric range, 15 pounds of copper in conductor, or

(ii) In the case of a gas range, 75 feet of one and one-quarter inch steel pipe, or any length of steel pipe weighing in the aggregate not more than 170 pounds.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13422; Filed, December 16, 1942; 11:42 a. m.]

PART 3037—ELECTRONIC EQUIPMENT

[General Limitation Order L-183-a, as amended Dec. 16, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of electronic equipment for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3037.2 *General Limitation Order L-183-a*—(a) *Definitions.* For the purpose of this order:

(1) "Electronic equipment" means any electrical apparatus or device involving the use of vacuum or gaseous tubes and electrical equipment used for communications, detection and signaling; and shall include any associated or supplementary device, apparatus or part therefor and supporting test equipment.

(2) "Producer" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not, to the extent engaged in the production or assembly of electronic equipment which is manufactured for delivery to or for the account of:

(i) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast Guard, and the Civil Aeronautics Administration; or

(ii) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its dominions, Crown Colonies, and Protectorates, and Yugoslavia; or

(iii) Any other country, including those of the Western Hemisphere, now or hereafter designated, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(3) "Precedence list" is the schedule issued, and as amended from time to time by the Joint Communications Board of the Army and Navy, which sets forth by numerical designation the relative urgency of deliveries of certain types and quantities of electronic equipment. The order of urgency established by this list is:

PLA1.
PLA1a, etc.
PLA2, etc.
PLB1, etc.; PLA1 being the highest urgency presently assigned.

(b) *Operation of the precedence list.* (1) The numerical designations of the precedence list shall establish the relative urgency of certain deliveries of types and quantities of electronic equipment and of those components and parts referred to in subparagraphs (3) and (4) of this paragraph, within any single category of preference rating. Any delivery bearing a lower numerical designation in any category of preference rating shall be deferred to the extent necessary to assure, within the time specified, those deliveries bearing higher designations within the same category of preference rating, even though such deferment may cause default in deliveries bearing lower designations.

(2) The assignment of a precedence list designation shall not affect production or delivery under any order (including an order for electronic equipment or components or parts thereof) which does not bear a precedence list designation. The sequence of deliveries among such orders bearing no precedence list designation and as between any order bearing no precedence list designation and any order bearing a precedence list designation shall be determined pursuant to Priorities Regulation No. 1 in accordance with the preference ratings which such orders respectively bear.

(3) Each producer shall review his production and delivery schedules for electronic equipment to which numerical designations under the precedence list have been applied; and, notwithstanding the provisions of any applicable priorities regulations or other orders of the War Production Board, he shall on and after February 15, 1943 (and he may prior to said date) schedule or reschedule within each category of preference rating his production schedules of deliveries of types and quantities of electronic equipment to which numerical designations of urgency have been applied, in relation to each other only, and in accordance with such designations, so that, as to deliveries of those bearing lower designations, production shall be deferred to the extent necessary to assure those deliveries bearing higher designations within the time specified.

(4) When numerical designations of urgency have been applied to deliveries by a producer, such producer shall immediately transmit such designations, in writing, to his suppliers and fabricators of those components or parts to be incorporated into such deliveries of the producer which are listed on Schedule A hereof. In transmitting such designations the producer shall furnish his suppliers and fabricators of such components or parts a definite monthly delivery schedule of the quantities of such components or parts as are actually required to support the production of the minimum quantities of electronic equipment as indicated by the precedence list. In his determination of the quantities actually required, as above provided, the producer shall in every case specify only such quantities as are actually required in addition to that portion of the producer's current inventory of such components or parts which is held for the account of those end product deliveries the precedence list designations of which are being transmitted. The producer transmitting such designations shall further specify the proper precedence list designation applicable to each recurrence of any type of electronic equipment or component. The numerical designations of urgency shall in no case be applied to deliveries of raw materials.

(5) Notwithstanding the provisions of any applicable priorities regulations or other orders of the War Production Board, any such supplier or fabricator receiving such numerical designations of urgency, from one or more producers, shall on and after February 15, 1943 (and may prior to said date), schedule or reschedule, within each category of preference rating, his production schedules of deliveries of types and quantities of components or parts to which such designations apply, in relation to each other only, and in accordance with such designations, so that, as to deliveries of those bearing lower designations, production shall be deferred to the extent necessary to assure those deliveries bearing higher designations in accordance with the purchase orders therefor.

(6) The Director General for Operations may from time to time issue special orders or directions varying or changing dates of deliveries or production schedules of electronic equipment, parts and components thereof, or supporting test equipment, and may direct the cancellation of any order held by any producer, or allocate any unfilled order to any other producer; and such orders or directions when issued shall be complied with irrespective of priorities regulations or orders, preference ratings, or precedence list designations.

(7) The Director General for Operations may from time to time amend Schedule A hereof by the removal or addition of any component or part. The removal of any component or part from Schedule A by amendment thereof shall not affect existing schedules of deliveries of such component or part. Upon the addition of any other component or part to Schedule A by amendment thereof, producers shall transmit to their suppliers and fabricators of such component or part the information as required by paragraph (b) (4) of this order within ten days of the date of such addition to Schedule A.

(c) *Records.* All producers and suppliers and fabricators affected by this order shall keep and preserve, for not less than two years, accurate and complete records concerning production deliveries and orders for electronic equipment and components and parts therefor, deliveries of which are governed by this order.

(d) *Reports.* All producers and suppliers and fabricators affected by this order shall execute and file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time prescribe.

(e) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time, except as specifically provided to the contrary in paragraph (b) hereof.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priorities control and may be deprived of priorities assistance.

(g) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment, in the community, may apply for relief by addressing a letter to the War Production Board, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(h) *Communications.* All reports to be filed, appeals and other communications concerning this order shall be addressed to: War Production Board, Radio and Radar Division, Washington, D. C., Ref. L–183–a.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719, sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

1. Mica, paper, electrolytic or ceramic capacitors.
2. Resistors.
3. Electrical measuring or indicating instruments.

[F. R. Doc. 42–13421; Filed, December 16, 1942; 11:41 a. m.]

PART 3131—ELECTRICAL CONDUIT, ELECTRICAL METALLIC TUBING AND RACEWAYS

[General Limitation Order L–225]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of ferrous and non-ferrous metals and alloys for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national war effort.

§ 3131.1 *Limitation Order L–225*—(a) *Definitions.* For the purposes of this order:

(1) "Rigid electrical conduit" means rigid steel or iron pipe (whether or not galvanized, sherardized, enameled, or treated with other protective coating) designed to protect insulated electric wire, cables or conductors for the transmission of electricity, such pipe being manufactured in iron pipe sizes ¼'' to 6'' inclusive, and commonly known as "heavy wall conduit."

(2) "Electrical metallic tubing" means steel tubing (whether or not galvanized, sherardized, enameled or treated with other protective coating) designed to protect insulated electric wires, cables, or conductors for the transmission of electricity, such tubing being manufactured in trade sizes ⅜'' to 2'' inclusive, and commonly known as "thin wall conduit."

(3) "Flexible metal conduit or flexible metal tubing" means helically wound flexible steel tubing manufactured in sizes 5/16'' to 3'' inclusive, designed to protect insulated electric wires, cables or conductors for the transmission of electricity.

(4) "Raceways" means any metal enclosure or channel which is designed expressly for the protection and/or the holding of electrical wires and cables, including, but not limited to, surface metal raceways, under floor metal raceways, cellular metal floor raceways, metal wireways, metal wiring troughs and metal under plaster extension raceways. Raceway shall not include busways, rigid electrical conduit, flexible metal conduit, flexible metal tubing or electrical metallic tubing.

(5) "Used" means having been installed or put in service.

(6) "Distributor" means any person regularly engaged in the business of buying for resale and selling electrical supplies.

(7) "Electrician" means any person not a distributor who is engaged in installing, maintaining or repairing electrical systems.

(8) "Put in process" means the first change by a manufacturer in the form of material from that form in which the material was received by him.

(9) "Implements of war" means products manufactured for use in combat including, but not limited to, warships, aircraft, armament, weapons, vessels, tanks, locomotives and vehicles.

(b) *General restrictions; rigid electrical conduit.* (1) On and after the first day of January 1943, no person shall in the manufacture of any rigid electrical conduit during any calendar quarter put in process any metal in excess of one-tenth (1/10) of the total weight of metal put in process in the manufacture of rigid electrical conduits by him during the calendar year 1941.

(2) On and after the 19th day of December, 1942, no person shall install in any building or other structure, rigid electrical conduit, sizes ¼'' to 2'' inclusive, except in a project:

(i) To which a preference rating of A–1–j or better has been assigned; and

(ii) In which the electrical installation is such that the 1940 edition of the National Electric Code establishes the use of such rigid electrical conduit as a minimum acceptable standard method of wiring in Class I, II, III, and IV hazardous locations.

(3) On and after the 19th day of December, 1942, no person shall install in any building or other structure rigid electrical conduit sizes 2½'' to 6'' inclusive, except in locations or projects to which a preference rating of A–1–j or better has been assigned and in which:

(i) The electrical installation is such that the wires or cables must for safety purposes be protected from mechanical injury; or

(ii) The electrical installation is made in damp or wet locations as defined in the 1940 edition of the National Electric Code; or

(iii) The electrical installation is such that the 1940 edition of the National Electric Code establishes the use of such rigid electrical conduit as a minimum acceptable standard method of wiring in Class I, II, III, and IV hazardous locations.

(4) On and after the 19th day of December, 1942, no distributor shall sell or deliver to any person rigid electrical conduit except pursuant to a preference rating of A–1–j or better.

(c) *General restrictions; electrical metallic tubing.* (1) On and after the 19th day of December, 1942, no person shall install in any building or other structure any electrical metallic tubing, except in a project to which a preference rating of A–1–j or better has been assigned and in which the electrical metallic tubing is:

(i) To enclose electric wire or cable exposed to mechanical injury in the wiring to machinery or production equipment; or

(ii) To enclose electric wire or cable embedded in concrete or masonry walls; or

(iii) To enclose electric wire or cable located in elevator hoistways, and used for elevator power, control and signal purposes; or

(iv) To enclose electric wire or cable in damp or wet locations as defined in Article 100 of the 1940 edition of the National Electric Code.

(2) On and after the 19th day of December, 1942, no distributor shall sell or deliver to any person electrical metallic tubing except pursuant to a preference rating of A–1–j or better.

(d) *General restrictions; flexible metal conduit or flexible metal tubing.* (1) On and after the 19th day of December, 1942, no person shall install in any building or other structure any flexible metal conduit or flexible metal tubing, except in locations or projects:

(i) To which a preference rating of A–1–j or better has been assigned; and

(ii) In which the flexible metal conduit or flexible metal tubing is to be used to provide a flexible enclosure for electric wire or cable when such flexibility is necessary for extensions less than twelve (12) feet in length from rigid electrical conduit, electrical metallic tubing, or raceways to electric motors, current consuming devices, or electric control equipment.

(2) On and after the 19th day of December, 1942, no distributor shall sell or deliver to any electrician or other person any flexible metal conduit or flexible metal tubing except pursuant to a preference rating of A–1–j or better.

(e) *General restrictions; raceways.* (1) On and after the first day of January 1943, no person shall, in the manufacture of any raceway, during any calendar quarter, put in process any metal in excess of one-eighth (⅛) of the total weight of metal put in process in the manufacture of metal raceways by him during the calendar year 1941.

(2) On and after the 19th day of December, 1942, no distributor shall sell or deliver to any person raceways except pursuant to a preference rating of A–1–j or better.

(f) *Specific exemptions.* (1) The provisions of this order shall not apply to any rigid electrical conduit or any electrical metallic tubing or any flexible metal conduit or flexible metal tubing or any raceway which, on the date of issuance of this order:

(i) Is in the possession of an electrician or electrical contractor; or

(ii) Has been physically delivered to the site of construction; or

(iii) Is in transit to the site of construction into which such conduit or tubing or raceway is to be installed.

(2) The provisions of this order shall not apply to any used rigid electrical conduit or any used electrical metallic tubing or any used flexible metal conduit or flexible metal tubing or any used raceways.

(3) The provisions of this order shall not apply to any rigid electrical conduit, electrical metallic tubing, flexible metal conduit, or flexible metal tubing or raceways to be physically incorporated into implements of war.

(g) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(h) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *Reports.* Each manufacturer to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(j) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further delivery of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Appeals.* Any appeal from the provisions of the order shall be filed on Form PD–500 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(l) *Applicability of priority regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priority regulations of the War Production Board as amended from time to time.

(m) *Applicability of other orders.* Insofar as any construction work is subject to the directive for War Time Construction dated May 20, 1942, issued by the Chairman of the War Production Board, the Secretary of War, and the Secretary of the Navy, or to the "List of Prohibited Items for Construction Work" dated June 29, 1942, issued by the Army and Navy Munitions Board, and insofar as any other order issued by the Director General for Operations, or to be issued by him hereafter limits the use of any material to a greater extent than the limits imposed by this order, the restrictions of such directive, list, or order shall govern unless otherwise specified therein.

(n) *Routing of correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Building Materials Division, Washington, D. C., Ref: L–225.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of December, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13423; Filed, December 16, 1942; 11:41 a. m.]

PART 3147—PHOTOGRAPHIC FILM AND FILM BASE

[General Limitation Order L–233]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of critical materials for film and film base for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3147.1 *General Limitation Order L–233*—(a) *Definitions.* For the purposes of this order:

(1) "Amateur-type still film" means roll films and 35 millimeter perforated films (whether packaged as cartridges, spools or in bulk) except 35 millimeter motion picture film.

(2) "Amateur-type motion picture film" means 8 and 16 millimeter reversal-type motion picture film.

(3) "Cut-sheet film" means film packaged in lots of individual flat pieces including film packs, but excluding X-ray film.

(4) "Group I products" means amateur-type still films and amateur-type motion picture films.

(5) "Group II product" means cut-sheet film.

(6) "Group III product" means 35 millimeter motion picture film.

(7) "Restricted film" means Group I, Group II and Group III products, and film base for such products.

(8) "Base period" means the calendar year 1941.

(9) "Manufacturer" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not, engaged in the business of producing any film or film base whatsoever.

(10) "Preferred order" means any order, contract or subcontract placed by or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Government of Canada, the Government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), and government agencies or other persons acquiring film or film base for export to and consumption or use in, any foreign country.

(b) *General restrictions.* No manufacturer shall:

(1) On and after December 16, 1942, produce any restricted film other than for preferred orders except in accordance with the provisions of paragraph (c) of this order;

(2) On and after January 1, 1943, produce and sell, lease, trade, ship, lend or transfer any restricted film pursuant to a preferred order except in accordance with the provisions of paragraph (d) of this order;

(3) On and after January 1, 1943, produce any film or film base other than restricted film, whether or not such production is pursuant to a preferred order except in accordance with the provisions of paragraph (e) of this order.

(c) *Limitations on production of restricted film other than for preferred orders.* (1) During the month of December, 1942, no manufacturer shall produce more film base (excluding preferred orders) intended to be used by any person for the production of finished Group I, Group II or Group III products than the following percentages of such film base (including preferred orders) produced by him during the base period:

(i) Film base for Group I products, 5%.

(ii) Film base for Group II product, 7%.

(iii) Film base for Group III product, 7%.

(2) During the month of December 1942, no manufacturer shall produce more finished Group I, Group II or Group III products (excluding preferred orders) than the following percentages of such finished film (including preferred orders) produced by him during the base period:

(i) Group I products, 5%.

(ii) Group II product, 7%.

(iii) Group III product, 7%.

(3) During the three months period beginning January 1, 1943, and for each three months period thereafter, no manufacturer shall produce more film base (excluding preferred orders) intended to be used by any person for the production of finished Group I, Group II or Group III products than the following percentages of such film base (including preferred orders) produced by him during the base period:

(i) Film base for Group I products, 12½%.

(ii) Film base for Group II product, 19%.

(iii) Film base for Group III product, 19%.

(4) During the three months period beginning January 1, 1943, and for each three months period thereafter, no manufacturer shall produce more finished Group I, Group II or Group III products (excluding preferred orders) than the following percentages of such finished film (including preferred orders) produced by him during the base period:

(i) Group I products, 12½%.

(ii) Group II product, 19%.

(iii) Group III product, 19%.

(d) *Limitations on production and delivery of restricted film for preferred orders.* On or before December 20, 1942, and on or before the first day of each third succeeding calendar month thereafter, each manufacturer shall file with the Director General for Operations a statement in writing in quadruplicate which shall include:

(1) Such manufacturer's proposed production schedule of restricted film for preferred orders so far as then planned, but in any event, for not less than the next succeeding calendar quarter.

(2) His proposed delivery schedules of restricted film for preferred orders so far as then planned, but in any event for not less than the next succeeding calendar quarter.

The Director General for Operations shall notify manufacturers of his approval or disapproval of the production and delivery schedules for the calendar quarter or more covered in the report. Either at the time the schedule is initially filed by the manufacturer, or at any time thereafter, the Director General for Operations may change any schedules; direct the cancellation of any order shown on any schedule; prescribe any other schedule for production or deliveries for any period, regardless of whether a schedule for such period, or any part thereof, has been reported by the manufacturer or theretofore approved by the Director General for Operations; allocate any order listed on the report to any other manufacturer; or direct the delivery of any restricted film whether or not produced pursuant to a preferred order, to any other person, at the established price and terms. No manufacturer shall produce or deliver any restricted film produced pursuant to a preferred order, except in accordance with schedules approved or prescribed by the Director General for Operations as above provided; and no manufacturer shall alter any such approved or prescribed production or delivery schedules unless authorized or directed to do so by the Director General for Operations. In connection with the delivery of any Group III product, the Director General for Operations may direct that such Group III product be delivered in accordance with the restrictions contained in General Limitation Order L-178 as amended from time to time (§ 3032.1).

(e) *Limitations on production of film and film base other than restricted film.* On or before December 20, 1942, and on or before the first day of each third succeeding calendar month thereafter, each manufacturer shall file with the Director General for Operations a statement in writing in quadruplicate which shall include such manufacturer's proposed production schedule for any film or film base whatsoever (including preferred orders) other than restricted film so far as then planned, but in any event, for not less than the next succeeding calendar quarter.

The Director General for Operations shall notify manufacturers of his approval or disapproval of the production schedules for the calendar quarter or more covered in the report. Either at the time the schedule is initially filed by the manufacturer, or at any time thereafter, the Director General for Operations may change any schedules; direct the cancellation of any order shown on any schedule; prescribe any other schedule for production for any period, regardless of whether a schedule for such period, or any part thereof, has been reported by the manufacturer, or theretofore approved by the Director General for Operations; allocate any order listed on the report to any other manufacturer. No manufacturer shall produce any film or film base whatsoever (including preferred orders) other than restricted film, except in accordance with schedules approved or prescribed by the Director General for Operations as above provided; and no manufacturer shall alter any such approved or prescribed production schedule unless authorized or directed to do so by the Director General for Operations.

(f) *Special provision affecting Preference Rating Order No. P-100.* On and after December 16, 1942, no person shall apply, extend or otherwise use a preference rating pursuant to Preference Rating Order No. P-100 (§ 958.2) for the purpose of acquiring any film or film base whatsoever.

(g) *Reports.* (1) Every manufacturer affected by this order shall execute and file with the War Production Board, Washington, D. C., Ref: L-233, on or before the 10th day following the close of each calendar month, Form PD-655.

(2) Every person affected by this order shall execute and file with the War Production Board such other reports and questionnaires as said Board shall from time to time request.

(h) *Records.* All persons affected by this order shall keep and preserve for not less than two years, accurate and complete records concerning inventories, production and sales.

(i) *Audit and inspection.* All records required to be kept by this order shall upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(j) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the production of any film or film base whatsoever, inventories of raw materials, semi-processed materials or finished parts in quantities in excess of the minimum amount necessary to maintain production of the rates permitted by this order.

(k) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(l) *Appeal.* Any appeal from the provisions of this order should be made on Form PD-500, addressed to the War Production Board, Consumers' Durable Goods Division, Ref: L-233.

(m) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the Director of Priorities, the Director of Industry Operations or the Director General for Operations, limits the use of any material in the production of any film or film base whatsoever, to a greater extent than the limits imposed by this order, such other order shall govern unless otherwise specified therein.

(n) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(o) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers' Durable Goods Division, Washington, D. C., Ref: L-233.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13424; Filed, December 16, 1942; 11:41 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-166]

MALINA COMPANY OF NEW JERSEY

Malina Company of New Jersey, located in Paterson, New Jersey, is a partnership engaged in the business of warping and jobbing rayon yarn. Louis Malina, Irving J. Aibel and Jack Gruber are the active partners in the firm. This concern was familiar with the provisions of Supplementary Order M-37-a and, after the revocation thereof, with Supplementary Order M-37-c, which controlled the supply and distribution of rayon yarn and prohibited the exchange of reserved rayon yarn.

During the period of January through May, 1942, Malina Company of New Jersey exchanged with Guarantee Silk Company, Inc., and Judy Textile Corporation, of New York, New York, viscose rayon yarn for an amount of acetate rayon yarn in excess of 24,000 pounds, knowing that such acetate rayon yarn was reserved yarn allocated to the Guarantee Silk Company, Inc.

These violations of Supplementary Orders M-37-a and M-37-c have impeded and hampered the war effort of the United States by diverting reserved rayon yarn to uses unauthorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered,* That:

§ 1010.166 *Suspension Order S-166.* (a) Louis Malina, Irving J. Aibel and Jack Gruber, individually or doing business under the name of Malina Company of New Jersey, or under any other name, their successors and assigns, shall not receive or accept delivery of rayon yarn as the same is defined in Supplementary Order M-37-c, except for the purpose of warping said yarn on a commission basis.

(b) Louis Malina, Irving J. Aibel and Jack Gruber, individually or doing business under the name of Malina Company of New Jersey, or under any other name, their successors and assigns, shall not transfer or deliver any rayon yarn, except as specifically authorized by the Director General for Operations: *Provided, however,* That Louis Malina, Irving J. Aibel and Jack Gruber may transfer and deliver in warped form the identical yarn which has been delivered to them for warping on a commission basis, pursuant to the provisions of paragraph (a) hereof.

(c) Louis Malina, Irving J. Aibel and Jack Gruber, individually or doing business under the name of Malina Company of New Jersey, or under any other name, their successors and assigns, shall not receive or accept deliveries of rayon yarn for any purpose without first having obtained a written certification from the person delivering such yarn, setting forth whether or not such yarn is reserved yarn as defined in Supplementary Order M-37-c.

(d) Nothing contained in this order shall be deemed to relieve Louis Malina, Irving J. Aibel and Jack Gruber, individually or doing business under the name of Malina Company of New Jersey, or under any other name, their successors and assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on December 17th, 1942, and shall expire on March 17th, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13409; Filed, December 15, 1942; 3:38 p. m.]

Chapter XI—Office of Price Administration

PART 1330—CONTAINERS

[Correction to Revised MPR 55 [1]]

SECOND HAND BAGS

The maximum prices for second hand cotton seamless bags appearing in § 1330.61 (c) are corrected to read as set forth below:

§ 1330.61 *Appendix A: Maximum prices for second hand bags.* * * *

(c) Maximum prices for second hand bags of miscellaneous special types.

Trade description	Quality and type of material (figures in parentheses indicate approx. weight per bag in pounds)	Approx. made up size (in inches)		Processed or in order bags (price per bag f. o. b. shipping point)	Unprocessed or as rise bags (price per bag f. o. b. shipping point)
		Width	Length		
*	*	*	*	*	*
Cotton seamless	Cotton (1)	19–21	44–46	.250	.220
Cotton seamless	Cotton (7/8)	19–21	39–41	.220	.190
*	*	*	*	*	*

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued and effective this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13381; Filed, December 15, 1942; 2:44 p. m.]

PART 1340—FUEL

[MPR 112,[2] Amendment 9]

PENNSYLVANIA ANTHRACITE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1340.198 (a), new subaragraph (5) is added and, in § 1340.200, the text of paragraph (a) is amended to read as set forth below:

§ 1340.198 *Definitions.* (a) When used in this Maximum Price Regulation No. 112, the term:

* * * * *

(5) "Ground storage facility" means a storage facility not operated as an adjunct of a mine or preparation plant, which is customarily used by a producer or distributor for storage of anthracite in transit from a mine or adjunct preparation plant to a purchaser.

* * * * *

§ 1340.200 *Appendix A: Maximum prices for anthracite.* (a) The following maximum prices are established for anthracite, f. o. b. transportation facilities at the mine, preparation plant operated as an adjunct of a mine or mines or ground storage facility from which delivery is made:

* * * * *

§ 1340.199a *Effective dates of amendments.* * * *

(i) Amendment No. 9 (§§ 1340.198 (a) (5) and 1340.200 (a)) to Maximum Price Regulation No. 112 shall become effective December 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13382; Filed, December 15, 1942; 2:43 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 286]

CERTAIN SAUSAGE PRODUCTS FOR WAR PROCUREMENT AGENCIES

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 issued by the President on October 3, 1942, to maintain as the maximum prices for certain sausage products for War Procurement Agencies the prices prevailing with respect thereto during the month of March 1942. On the basis of data available, the Price Administrator has ascertained that prices determined as provided in § 1364.802 reflect the prices prevailing during such period. The Price Administrator has ascertained and given due consideration to the prices of such sausage products prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act and Executive Order. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.*

The maximum prices established herein are not below prices which will reflect to producers of the agricultural commodities from which such sausage products are produced a price for their products equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and the Executive Order No. 9250 of October 3, 1942.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1 [7 F.R. 8961] issued by the Office of Price Administration, Maximum Price Regulation No. 286, is hereby issued.

AUTHORITY: § 1364.801 to § 1364.811 inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1364.801 *Prohibition against selling certain sausage items at prices above the maximum to War Procurement Agencies of the United States Government.* On and after December 19, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any of the sausage items specified in § 1364.802 hereof, to any War Procurement Agency of the United States Government at prices higher than the maximum prices specified in § 1364.802. The maximum prices specified herein shall not be applicable to products delivered prior to December 19, 1942, to a carrier other than a carrier owned or controlled by the seller, for delivery to the purchaser.

§ 1364.802 *Maximum prices for certain sausage products sold to War Procurement Agencies of the United States Government.* The maximum prices specified herein are maximum prices on sales to War Procurement Agencies of products produced in accordance with federal specifications, approved by the Federal Specifications Board, for use of agencies of the United States Government.

(a) The maximum prices, f. o. b. plant, for these products, produced in Zone 4, shall be as follows:

	Per cwt.
Frankfurters, hog casings	$26.50
Frankfurters, sheep casings	28.00
Frankfurters, skinless	26.50
Bologna	23.25

(b) The maximum price for these products, f. o. b. plant, produced in any zone other than Zone 4, shall be the maximum price for Zone 4 plus the amount specified below for the zone in which the product is produced:

	Per cwt.
Zone 1	$1.75
Zone 2	1.00
Zone 3	0.50
Zone 4	.0
Zone 5	0.25
Zone 6	0.50
Zone 7	0.75
Zone 8	1.00
Zone 9	1.25
Zone 10	1.50

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10104.

[2] 7 F.R. 2512, 2739, 2818, 3521, 4294, 4539, 4540, 8948.

(c) *Transportation by the seller.* If the delivery of any of the products specified herein is made by a vehicle owned or operated by the seller, the seller may charge for such delivery an amount equivalent to the lowest commercial common carrier rate for such delivery. However, if there is no common carrier service to the buyer's destination, the seller may charge for delivery the actual cost of making the delivery: *Provided, however,* that such delivery charge shall in no event exceed:

$0.25 per cwt. up to 25 miles
.50 per cwt. 26 miles to 150 miles
.75 per cwt. 151 miles to 300 miles

§ 1364.803 *Less than maximum prices.* Lower prices than those specified in § 1364.802 may be charged, demanded, paid or offered.

§ 1364.804 *Evasion.* The price limitations set forth in this Maximum Price Regulation 286 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to any of the products listed herein, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying agreement or other trade understanding, or by any other means.

§ 1364.805 *Enforcement.* Persons violating any of the provisions of this Maximum Price Regulation 286 are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for the suspension of licenses, as provided by the Emergency Price Control Act of 1942, as amended. Persons having evidence of violations of this regulation are urged to communicate with the nearest field or regional office of the Office of Price Administration or with the principal office in Washington, D. C.

§ 1364.806 *Petitions for amendment.* Persons seeking a modification of any of the provisions of this Maximum Price Regulation 286 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1364.807. *Zones.* The zones specified in § 1364.802 hereof shall include the following:

Zone 1. Washington, Oregon, California, and Nevada.

Zone 2. Idaho, Montana, Wyoming, Utah, and Arizona.

Zone 3. Colorado and New Mexico.

Zone 4. North Dakota, South Dakota, Minnesota, Nebraska, Kansas, Oklahoma, and Texas. All that portion of Wisconsin west of and including the counties of Iron, Price, Taylor, Clark, Jackson, Monroe, Vernon, and Crawford. Iowa except the counties of Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines, and Lee. All that portion of Missouri west of and including the counties of Scotland, Knox, Shelby, Monroe, Audrian, Montgomery, Warren, Franklin, Washington, Saint Francis, Madison, Wayne, and Butler.

Zone 5. All that portion of Michigan west of and including the counties of Marquette and Menominee. All that portion of Wisconsin east of and including the counties of Vilas, Oneida, Lincoln, Marathon, Wood, Juneau, Sauk, Richland, and Grant. The following counties of Iowa: Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines, and Lee. All that portion of Illinois north and west of and including the counties of Vermilion, Champaign, Douglas, Coles, Shelby, Effingham, Fayette, Bond, Madison, St. Clair, and Monroe. The folowing counties of Missouri: Clark, Lewis, Marion, Ralls, Pike, Lincoln, St. Charles, St. Louis, and Jefferson. The following counties in Indiana: Lake, Newton, Benton and Warren.

Zone 6. The following counties of Michigan: Alger, Delta, Schoolcraft, Luce, Mackinac, Chippewa, and Berri. Indiana except the counties of Lake, Newton, Benton, and Warren. All that portion of Illinois east and south of and including the counties of Edgar, Clark, Cumberland, Jasper, Clay, Marion, Clinton, Washington, and Randolph. The following counties of Missouri: Saint Genevieve, Perry, Bollinger, Cape Girardeau, Stoddard, Scott, New Madrid, Mississippi, Dunklin, and Pemiscott. All that portion of Kentucky west and north of and including the counties of Carroll, Henry, Shelby, Anderson, Washington, Marion, Larue, Hardin, Grayson, Ohio, Muhlenberg, and Todd. The following counties of Tennessee: Lake, Obion, Weakley, Henry, Stewart, Montgomery, Dyer, Gibson, Crockett, Carroll, Benton, and Houston. The state of Arkansas. All that portion of Louisiana west of the Mississippi River from the northeast point of East Carroll Parish to the northeast point of Pointee Coupee Parish and west of and including the parishes of Avoyelles, Saint Landry, Saint Martin, and Iberia.

Zone 7. The lower Peninsula of Michigan except Berrien County. The state of Ohio. The following counties of New York: Niagara, Erie, Chautauqua and Cattaraugus. All that portion of Pennsylvania west of and including the counties of Warren, Forest, Clarion, Armstrong, Westmoreland and Fayette. All that portion of West Virginia west of and including the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Doddridge, Gilmer, Calhoun, Roane, Kanawha, Boone, Logan and Mingo. All that portion of Kentucky east of and including the counties of Boone, Gallatin, Owen, Franklin, Woodford, Mercer, Boyle, Casey, Taylor, Green, Hart, Edmonson, Butler and Logan. All that portion of Tennessee west of and including the counties of Campbell, Scott, Fentress, Overton, Putnam, White, Warren, Grundy, and Marion; but excluding the counties of Lake, Obion, Weakley, Henry, Stewart, Montgomery, Dyer, Gibson, Crockett, Carroll, Benton and Houston. All that portion of Alabama north and west of and including the counties of Jackson, Madison, Morgan, Cullman, Walker, Fayette and Lamar. All that portion of Mississippi north of and including the counties of Lowndes, Oktibbeha, Choctaw, Attala, Madison, Yazoo and Issaquena.

Zone 8. All that portion of New York west of and including the counties of Oswego, Oneida, Madison, Chenango, and Broome but excluding the counties of Niagara, Erie, Cattauraugus and Chautauqua. The following counties of Pennsylvania; McKean, Potter, Elk, Cameron, Clinton, Jefferson, Clearfield, Center, Indiana, Cambria, Blair, Huntingdon, Somerset, Bedford and Fulton. All that portion of West Virginia east of and including the counties of Monongalia, Marion, Harrison, Lewis, Braxton, Clay, Nicholas, Fayette, Raleigh, Wyoming and McDowell; but excluding the counties of Berkeley and Jefferson. The following counties of Maryland: Garrett and Alleghany. All that portion of Virginia west of and including the counties of Highland, Bath, Alleghany, Craig, Montgomery, Floyd and Carroll. All that portion of Tennessee east of and including the counties of Claiborne, Union, Anderson, Morgan, Cumberland, Bledsoe, Van Buren, Sequatchie and Hamilton. All that portion of North Carolina west and southwest of and including the counties of Alleghany, Wilkes, Alexander, Caldwell, Burke, and Cleveland. All that portion of South Carolina west and northwest of and including the counties of Cherokee, Union, Newberry, Saluda and Edgefield. All that portion of Georgia west and northwest of and including the counties of Columbia, McDuffie, Warren, Glascock, Washington, Johnson, Laurens, Dodge, Wilcox, Ben Hill, Irwin, Tift, Colquitt and Thomas. All that portion of Alabama south of and including the counties of DeKalb, Marshall, Blount, Jefferson, Tuscaloosa and Pickens. All that portion of Mississippi south of and including the counties of Noxubee, Winston, Leake, Scott, Rankin, Hinds and Warren. All that portion of Louisiana east and including the parishes of West Feliciana, Point Coupee, Iberville, Assumption and Saint Mary. All that portion of Florida west of and including the counties of Leon and Wakulla.

Zone 9. Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. All that portion of New York east of and including the counties of St. Lawrence, Jefferson, Lewis and Herkimer, and east and southeast of and including the counties of Otsego, Delaware, Sullivan, Orange, Rockland, Westchester, New York, Bronx and Kings. All that portion of Pennsylvania east of and including the counties of Tioga, Lycoming, Union, Mifflin, Juniata, Perry and Franklin. New Jersey and Delaware. All that portion of Maryland east and southeast of and including the counties of Washington, Frederick, Montgomery, Prince Georges, Charles and Saint Marys. The District of Columbia. The following counties in West Virginnia: Berkeley and Jefferson. All that portion of Virginia east of and including the counties of Frederick, Shenandoah, Rockingham, Augusta, Rockbridge, Botetourt, Roanoke, Franklin and Patrick. All that portion of North Carolina east and southeast of and including the counties of Surry, Yadkin, Iradell, Catawba, Lincoln and Gaston. All that portion of South Carolina east of and including the counties of York, Chester, Fairfield, Richland, Lexington, Aiken, Barnwell, Allendale, Hampton, Jasper, and Beaufort. All that portion of Georgia east of and including the counties of Richmond, Jefferson, Emanuel, Treutlen, Wheeler, Telfair, Coffee, Berrien, Cook and Brooks. The following counties of Florida: Jefferson, Madison, Taylor, Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Baker, Nassau, Duval, Union, Bradford, Clay, St. Johns, Alachua, Putnam, Flagler, Marion, Volusia, Lake, Sumter, Citrus, Hernando and Pasco.

Zone 10. All that portion of Florida south of and including the counties of Brevard, Seminole, Orange, Osceola, Polk, Hillsborough, and Pinellas.

§ 1364.808 *Definitions.* When used in this Maximum Price Regulation 286, the term:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing: *Provided,* That no punishment provided by this regulation shall apply to the United States or to any such government, political subdivision, or agency.

(b) "War Procurement Agency" includes the War Department, the Department of the Navy, The United States Maritime Commission, the Lend-Lease

Section of the Procurement Division of the Treasury Department, The Marine Corps, The Coast Guard, The War Shipping Administration, or any agency of the foregoing.

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136 as Amended,[1] Amendment 63]

MACHINES AND PARTS AND MACHINERY SERVICES

Effective Date

§ 1407.222 *Effective dates of amendments.* * * *

(dd) Amendment No. 29 (§ 1407.243) shall become effective December 15, 1942.

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13386; Filed, December 15, 1942; 2:42 p. m.]

words "and non-captive iron ore," and after the words, "and other categories of market, merchant,".

§ 1499.73 * * *

(b) *Effective dates* * * *

(79) This correction (§ 1499.73 (a)

(b) *Definitions.* For purposes of this supplementary service regulation:

(1) "Hand laundry": A retail laundry establishment, not maintaining any automotive or horse drawn delivery service, on the premises of which a substantial

Section of the Procurement Division of the Treasury Department, The Marine Corps, The Coast Guard, The War Shipping Administration, or any agency of the foregoing.

§ 1364.809 *Relation to other maximum price regulations.* Maximum Price Regulation 286 shall be applicable to all sales to War Procurement Agencies of the products specified in this maximum price regulation and will supersede all prices established under Maximum Price Regulation No. 169 in so far as they relate to sales of such products to War Procurement Agencies.

§ 1364.810 *Revocation or replacement of regulation.* This Maximum Price Regulation No. 286 may be revoked or replaced by a revised Maximum Price Regulation or Order issued by the Office of Price Administration.

§ 1364.811 *Effective period.* This maximum price regulation shall become effective on December 19, 1942, and shall, unless earlier revoked or replaced, expire at 12 o'clock midnight February 16, 1943.

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13383; Filed, December 15, 1942; 2:43 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[MRR 24, Amendment 2]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES IN BALTIMORE DEFENSE-RENTAL AREA

Section 1388.1011 (a) of Maximum Rent Regulation No. 24[1] for Housing Accommodations Other Than Hotels and Rooming Houses in the Baltimore Defense-Rental Area is amended to read as follows:

§ 1388.1011 *Scope of regulation.* (a) This Maximum Rent Regulation applies to all housing accommodations within the Baltimore-Defense-Rental Area, as designated in the Designation and Rent Declaration (§§ 1388.1001 to 1388.1005, inclusive) issued by the Administrator on April 2, 1942 (consisting of the City of Baltimore and the Counties of Anne Arundel, Baltimore, Carroll, Cecil, Harford, and Howard, in the State of Maryland), except as provided in paragraph (b) of this section.

§ 1388.1024a *Effective dates of amendments.* * * *

(b) Amendment No. 2 to Maximum Rent Regulation No. 24 shall become effective July 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13384; Filed, December 15, 1942; 2:44 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136 as Amended,[1] Amendment 63]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (30) of § 1390.25 (c) is amended to read as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(30) *Air Associates, Inc.* Notwithstanding any other provisions of this Maximum Price Regulation No. 136, as amended, the maximum price applicable to a domestic sale by Air Associates, Inc., Bendix, New Jersey, of any Propeller Governor Test Unit-Type 820 shall be $2,267.43.

§ 1390.31a *Effective dates of amendments.* * * *

(lll) Amendment No. 63 (§ 1390.25 (c) (30)) to Maximum Price Regulation No. 136, as amended, shall become effective December 21, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871).

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13385; Filed, December 15, 1942; 2:42 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Ration Order 3,[2] Amendment 29]

SUGAR RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new item is added to § 1407.243 as set forth below:

Schedules

§ 1407.243 *Schedule C: Designation of ration periods and weight value of stamps valid therein.*

Ration period	Stamp valid during ration period	Weight value of stamp
* *	* *	* *
No. 10 (Dec. 16, 1942 to Jan. 31, 1943).	Stamp No. 10.	3 pounds.

Effective Date

§ 1407.222 *Effective dates of amendments.* * * *

(dd) Amendment No. 29 (§ 1407.243) shall become effective December 15, 1942.

(Pub. Law 421, 77th Cong.; W.P.B. Dir. No. 1, and Supp. Dir. No. 1E)

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13387; Filed, December 15, 1942; 2:44 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Ration Order 3,[1] Amendment 30]

SUGAR RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1407.76 is amended as set forth below:

Consumers

§ 1407.76 *Consumers eating regularly at same establishment.* (a) A consumer who arranges to eat 14 or more meals per week in an establishment registered as an institutional user must surrender his book to the owner or manager of the establishment at or before the time he eats the first of such meals. The owner or manager of the establishment with which such arrangement is made must secure the surrender of the book at such time. The book shall be returned to the consumer when he ceases to eat 14 or more meals per week at the establishment. At the time of the return the owner or manager shall detach and destroy the stamps for the ration periods that expired while such arrangement existed.

(b) Consumption by a consumer of 14 or more meals in any seven successive days at the same institutional user establishment shall establish prima facie that such meals were consumed pursuant to arrangement between the consumer and such establishment.

(c) Notwithstanding the provisions of this section, the book shall be returned to the consumer temporarily for use in purchasing any product other than a food product for which a war ration stamp may have been designated as valid by the Office of Price Administration, or for use in obtaining another war ration book.

Effective Date

§ 1407.222 *Effective date of amendments.* * * *

(ee) Amendment No 30 (§ 1407.76) shall become effective December 21, 1942.

No. 1, and Supp. Dir. No. 1E)

(Pub. Law 421, 77th Cong.; W.P.B. Dir.

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[1] 7 F.R. 4793, 9430, 5645, 5912, 7404, 7534, 7668, 8505, 8505, 8506, 9784, 9821, 9784.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 7912, 8198, 8362, 8433, 8479, 8520, 8652, 8707, 8897, 9001, 8948, 9040, 9041, 9042, 9053, 9054, 9729, 9736, 9822, 9823, 9899, 10109, 10230.

[2] 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 8402, 8655, 8739, 8710, 8830, 8831, 9042, 9396, 9460, 8809, 8710, 8830, 8831, 9042, 9396, 9460, 9899, 10017.

[1] 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 8402, 8655, 8739, 8809, 8710, 8830, 8831, 9042, 9396, 9460, 9899, 10017.

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13386; Filed, December 15, 1942; 2:42 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 46 to Supp. Reg. 1 to GMPR]

EXCEPTIONS FROM CERTAIN SALES AND DELIVERIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1499.26 (b) (1) is amended to read as follows:

§ 1499.26 * * *

(b) The General Maximum Price Regulation shall not apply to the following sales or deliveries:

(1) (i) Of damaged commodities by insurance companies, transportation companies, or agents of the United States Government;

(ii) By persons engaged in reconditioning and selling damaged commodities received in direct connection with the adjustment of losses from casualty, from insurance companies, transportation companies, or agents of the United States Government: *Provided,* That such persons have registered with and have been approved by the Office of Price Administration as engaged principally and primarily in such business, and whose other activities do not include selling new or second-hand commodities for their own account.

* * * * *

(e) *Effective dates.* * * *

(47) Amendment No. 46 (§ 1499.26 (b) (1) (i) (ii)) to Supplementary Regulation No. 1 shall become effective December 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13388; Filed, December 15, 1942; 2:42 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Correction to Amendment 73[1] to Supp. Reg. 14[2] to GMPR[3]]

IRON ORE TRANSPORTED ON GREAT LAKES

In § 1499.73 (a) (46) (ii) (*a*) the word "captive" is to be inserted before the words "and non-captive iron ore," and after the words, "and other categories of market, merchant,".

§ 1499.73 * * *

(b) *Effective dates* * * *

(79) This correction (§ 1499.73 (a) (46) (ii) (*a*)) to Amendment No. 73 to Supplementary Regulation No. 14 shall be effective as of 12:01 a. m. December 1, 1942, and shall, unless earlier revoked or extended, expire at 12 midnight December 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13389; Filed, December 15, 1942; 2:42 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165 as Amended,[4] Supp. Service Reg. 5]

HAND LAUNDRIES

A statement of the considerations involved in the issuance of Supplementary Service Regulation No. 5 has been filed with the Division of the Federal Register.* For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Supplementary Service Regulation No. 5 is hereby issued.

§ 1499.655 *Hand laundries*—(a) *Dollars-and-cents maximum prices established for hand laundries*—(1) *Hand laundry prices in the Eastern Massachusetts area.* The maximum prices established by Maximum Price Regulation No. 165 as amended—Services—for the laundry services specified in Table 1 are modified as hereinafter provided. The maximum prices for the following specified laundry services when rendered by hand laundries in the cities and towns in the counties of Essex, Middlesex, Suffolk, Norfolk, Bristol, Plymouth, and Barnstable, in the Commonwealth of Massachusetts shall be the prices set forth in the following table:

TABLE 1—*Schedule for Maximum Prices for Hand Laundries*

Laundry service	Area A cents	Area B cents	Area C cents	Area D cent
Shirts (other than dress shirts)	12	13	14	15
Handkerchiefs	2	2½	2½	2½
Socks, pair	5	5	5	5
Union suits	16	16	16	18
Underwear	7½	8	8	8
Sheets	13	14	15	15
Pillow cases	5	5	5	6
Curtains	50	50	50	50
Bed spreads	35	35	35	40
White uniforms (civilian)	40	40	45	45
White caps (civilian)	10	10	10	10
Slacks	30	30	30	35

(b) *Definitions.* For purposes of this supplementary service regulation:

(1) "Hand laundry": A retail laundry establishment, not maintaining any automotive or horse drawn delivery service, on the premises of which a substantial portion of the processing is done, and employing less than 8 employees.

(2) "Area": Areas "A", "B", "C", and "D" are hereby established comprising the cities and towns, or sections thereof, specified for each such area as follows:

(i) "Area A" shall include the following cities and towns or sections thereof: Malden; Medford; Somerville; Waltham; and Boston, all wards thereof except Wards 18, 19 and 20 of the present ward divisions of the city of Boston, which shall be in "Area B".

(ii) "Area B" shall include the following cities and towns: Arlington; Belmont; Beverly; Brookline; Cambridge; Canton; Chelsea; Everett; Foxboro; Lexington; Melrose; Milton; Peabody; Revere; Stoneham; Stoughton; Watertown; Wakefield; Winchester; Winthrop; and Boston, the following wards only: Wards 18, 19 and 20 of the present ward divisions of the city of Boston.

(iii) "Area C" shall include the following cities and towns: Framingham, Lowell, Marblehead, Newton, Norwood, Reading, Salem, Weymouth, and Woburn.

(iv) "Area D" shall include all the cities and towns located in the counties of Essex, Middlesex, Suffolk, Norfolk, Bristol, Plymouth, and Barnstable in the Commonwealth of Massachusetts, and not heretofore specifically included in Areas "A", "B", or "C".

(c) *Posting requirements.* Within thirty days after the issuance of this regulation every hand laundry, the maximum prices of which are established by this supplementary service regulation, shall post, in a place plainly visible to the purchasing public, a placard or card to be supplied in the Massachusetts State Office of the Office of Price Administration containing the maximum prices established for that particular hand laundry by this regulation.

(d) *Adjustment of prices.* Any hand laundry subject to the provisions of this supplementary service regulation whose maximum price for laundering shirts established by Maximum Price Regulation No. 165, as amended, is higher than the price established for such service by this supplementary service regulation may apply to the Massachusetts State Office of the Office of Price Administration, or appropriate district office, for authorization to charge as its maximum price for such service, the maximum price established by this supplementary service regulation for such service for another area. Such application shall be filed before January 15, 1943 on a form obtainable at the Massachusetts State Office of the Office of Price Administration. Provided an application is filed before January 15, 1943, the applicant may sell and supply such service at the maximum price established by Maximum Price Regulation No. 165 as amended, until and unless such application is approved or disapproved by the Massachusetts State Office of the Office of Price

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10111.

[2] 7 F.R. 8707, 8881, 8899, 8524, 8652, 9082, 8950, 9131, 8953, 8954, 8955, 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 8959, 9043, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 9196, 9397, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 9391, 9495, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 9496, 9639, 9786, 7536, 9900, 10069, 10111, 10022, 10151, 10231.

[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155.

[4] 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972.

Administration. After such receipt of such application the Massachusetts State Office of the Office of Price Administration, or appropriate district office, shall by order either approve or disapprove such application in writing, stating the reasons therefor, and a copy of such order shall be mailed to applicant who shall post it in accordance with the requirements of this supplementary service regulation.

(e) *Other services performed by hand laundries.* Services not listed in Table 1 under paragraph (a), but performed by hand laundries covered by this supplementary service regulation shall be governed by Maximum Price Regulation No. 165 as amended, or other applicable regulation.

(f) *Maximum prices of laundries selling or supplying services other than at retail to hand laundries covered by this supplementary service regulation.* (1) The maximum prices of laundries selling or supplying wet wash services at wholesale to hand laundries covered by this regulation, with respect to such sales only, shall be either the maximum prices established for each of such laundries by Maximum Price Regulation No. 165 as amended, or 2½¢ per dry pound.

(2) In each case in which a laundry elects to use the price of 2½¢ per dry pound as its maximum price, such election shall be final. Such election shall be made within thirty days after the issuance of this regulation, by a notice in writing to the Massachusetts State Office of the Office of Price Administration. The maximum prices of any laundry may be adjusted at any time by the Office of Price Administration.

(g) *Less than maximum prices.* Lower prices than those established by this supplementary service regulation may be charged, demanded, paid, or offered.

(h) This Supplementary Service Regulation No. 5 (§ 1499.655) shall become effective December 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13390; Filed, December 15, 1942; 2:42 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Correction to Order 123[1] Under § 1499.18 (b) of GMPR]

KETTERLINUS LITHOGRAPHIC MANUFACTURING COMPANY

In paragraph (a) of § 1499.1024 the price "$1.07 per M" for Wrappers for 5¢ peanut candy bars is corrected to read "$1.07½ per M."

§ 1499.1024 * * *

(f) This correction to Order No. 123 under § 1499.18 (b) of General Maximum Price Regulation shall be effective as of December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13391; Filed, December 15, 1942; 2:42 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 132 Under § 1499.18 (b) of GMPR]

COMFORT MANUFACTURING COMPANY

Order No. 132 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-2796.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1033 *Adjustment of maximum prices for sales of Solid Cologne by Comfort Manufacturing Company and Roure-Dupont Incorporated.* (a) The maximum prices for sales of Solid Cologne in cylinder form, 3¾ inches long and 1⁵⁄₁₆ inches in diameter by Comfort Manufacturing Company, Chicago, Illinois, to Roure-Dupont, Incorporated, New York, New York, shall be $6.00 per gross.

(b) The maximum prices for sales of Solid Cologne in cylinder form 3¾ inches long and 1⁵⁄₁₆ inches in diameter by Roure-Dupont, Incorporated, New York, New York, to Lucien Lelong, Incorporated, Chicago, Illinois, shall be the maximum price established under the General Maximum Price Regulation for sales of that product by that seller, plus $3.00 per gross.

(c) All discounts, allowances, and trade practices in effect during March, 1942 with respect to sales of Solid Cologne by Comfort Manufacturing Company and Roure-Dupont, Incorporated, shall remain in effect under this Order No. 132.

(d) All prayers of the applicant not granted herein are denied.

(e) This Order No. 132 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 132 (§ 1499.1033) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 132 (§ 1499.1033) shall become effective December 16, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13392; Filed, December 15, 1942; 2:47 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 133 Under § 1499.18 (b) of GMPR]

E. E. DICKINSON CO.

Order No. 133 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-2500.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1034 *Adjustment of maximum price for sales of Northern Oil of Sweet Birch by the E. E. Dickinson Company, of Essex, Connecticut.* (a) The maximum price for the sale of Northern Oil of Sweet Birch manufactured by the E. E. Dickinson Company of Essex, Connecticut, shall be $5.00 per pound in drums of 500 pounds or more.

(b) All discounts, trade practices, and practices relating to the payment of shipping charges and in relation to drums, in effect in March, 1942, on the sales by the E. E. Dickinson Company of Northern Oil of Sweet Birch, shall apply to the maximum prices set forth in paragraph (a).

(c) At the time of the first delivery to each purchaser after the issuance of this order, the E. E. Dickinson Company shall send to each purchaser of Northern Oil of Sweet Birch in the quantities specified in paragraph (a) above, a copy of the following notice:

> The Office of Price Administration has permitted us to raise our maximum price for the sale to you of Northern Oil of Sweet Birch from $3.15 per pound in 500 pound drums or more to $5.00 per pound in such quantities. You or other sellers are not permitted by such order to raise your maximum prices for the sale of such Northern Oil of Sweet Birch or the products in which it is used.

(d) This Order No. 133 may be revoked or amended by the Price Administrator at any time.

(e) All prayers of the applicant not granted herein are denied.

(f) This Order No. 133 (§ 1499.1034) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 133 (§ 1499.1034) shall become effective December 16, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13393; Filed, December 15, 1942; 2:43 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 179 Under § 1499.3 (b) of GMPR]

PFAFFMAN COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1195 *Authorization of maximum prices for sales of "Pfaffman's" Roni-Feast Dinner, a macaroni dinner product combination of dry cheese, dehydrated vegetables, flavoring and seasonings, with dry macaroni, by The Pfaffman Company of Cleveland, Ohio, by wholesalers, by wagon distributors, and by retailers.* (a) On and after December 16, 1942, the maximum prices for sales by The Pfaffman Company of

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[1] 7 F.R. 10023.

Cleveland, Ohio, of "Pfaffman's" Roni-Feast Dinner, packed two dozen—7 ounce packages to the shipping case shall be:

$2.04 for sales to wholesale grocers.
$1.92 for sales to wagon distributors.
$2.16 for sales to direct buying retailers.

These prices shall include prepaid freight to purchaser's stations in the instance of wholesale grocers and wagon distributors and shall provide store door delivery on sales to direct buying retailers.

(b) Wholesale grocers shall determine their maximum delivered selling prices of "Pfaffman's" Roni-Feast Dinner by adding to their net cost of this item the maximum profit margin of 17⅔% of their net cost. The maximum delivered prices so determined shall not exceed $2.40 per shipping case of 2 dozen 7 ounce packages.

Net cost for a wholesale grocer as mentioned in this paragraph shall be his invoice price for "Pfaffman's" Roni-Feast Dinner delivered in a customary quantity for this type of item by the customary mode of transportation to his customary receiving point, less all discounts allowed him, except discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

(c) Wagon distributors shall determine their maximum delivered selling prices of "Pfaffman's" Roni-Feast Dinner by adding to their net cost a maximum profit margin of 25% of their net cost. The maximum delivered prices so determined shall not exceed $2.40 per shipping case of 2 dozen 7 ounce packages.

Net cost for a wagon distributor as mentioned in this paragraph shall be his invoice price for "Pfaffman's" Roni-Feast Dinner delivered in a customary quantity of this type of item by the customary mode of transportation to his customary receiving point, less all discounts allowed him, except discount for prompt payment. No charge or cost for unloading or local trucking shall be included in that cost.

(d) Sellers at retail shall determine their maximum selling prices of "Pfaffman's" Roni-Feast Dinner by adding to their net cost of this item a maximum profit margin of 33⅓% of this net cost. The maximum prices so determined shall not exceed 13¢ per 7 ounce package. Where a maximum price per package determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per package shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the retailer is permitted to increase his maximum price per package to the next higher cent.

Net cost for a retailer as mentioned in this paragraph shall be his invoice price for "Pfaffman's" Roni-Feast Dinner delivered to his customary receiving point in a customary quantity of this type of item by a customary mode of transportation and from a customary source of supply, less all discounts allowed him except the discount for prompt payment. No charge or cost for unloading or local trucking shall ever be included.

(e) No seller shall change his customary discounts, allowances and price differentials applying to comparable items of macaroni and spaghetti dinner combinations in making sales of "Pfaffman's" Roni-Feast Dinner unless such change in these customary discounts, allowances and price differentials results in lower selling prices, except that trade discounts of The Pfaffman Company have been deducted from list prices in establishing maximum selling prices in paragraph (a) of this Order No. 179.

(f) On and after December 16, 1942, The Pfaffman Company shall supply a written notification to each wholesaler and to each wagon distributor before or at the time of first delivery of "Pfaffman's" Roni-Feast Dinner to such wholesaler or wagon distributor, and for a period of three months thereafter shall include with each shipping unit of "Pfaffman's Roni-Feast Dinner, a written notification to retailers. If such retailer notification is enclosed in a shipping unit, a legend shall be affixed outside of such unit to read "Retailer's Notice Enclosed." The written notifications, for each type of purchaser, shall include the following appropriate statements:

Notification from The Pfaffman Company to wholesalers:

The OPA has authorized us to charge wholesalers $2.04 per shipping case of 24 seven ounce packages of "Pfaffman's" Roni-Feast Dinner subject to all customary allowances and discounts, except the normal trade discounts which have already been deducted in establishing this price. Wholesalers are authorized to establish a ceiling price by adding to the net cost of this item 17⅔% of such net cost, provided that the ceiling price so determined shall not exceed $2.40 per case. Net cost is the invoice cost at the customary receiving point, less all discounts, other than for prompt payment, and excluding charges for local hauling. Retailers shall establish a ceiling price by adding to their net cost 33⅓% of such net cost. Each individual ceiling price determined by any seller shall be figured to the nearest cent (raise one-half cent fractions to the next even cent). A copy of a notification to retailers is included in every shipping unit of this item. If the initial sale of this item to any retailer is a split case sale, wholesalers are required to provide such retailer with a copy of the retail notification so enclosed. OPA requires that you keep this notice for examination.

Notification from The Pfaffman Company to wagon distributors:

The OPA has authorized us to charge wagon distributors $1.92 per shipping case of 24 seven ounce packages of "Pfaffman's" Roni-Feast Dinner subject to all customary allowances and discounts, except the normal trade discounts which have already been deducted in establishing this price. Wagon Distributors are authorized to establish a ceiling price by adding to the net cost of this item 25% of such net cost, provided that the ceiling price so determined shall not exceed $2.40 per case. Net cost is the invoice cost at the customary receiving point, less all discounts, other than for prompt payment, and excluding charges for local hauling. Retailers shall establish a ceiling price by adding to their net cost 33⅓% of such net cost. Each individual ceiling price determined by any seller shall be figured to the nearest cent (raise one-half cent fractions to the next even cent). A copy of a notification to retailers is included in every shipping unit of this item. If the initial sale of this item to any retailer is a split case sale, wagon distributors are required to provide such retailer with a copy of the retail notification so enclosed. OPA requires that you keep this notice for examination.

Notification from The Pfaffman Company to retailers:

The OPA authorizes retailers to establish ceiling prices for "Pfaffman's" Roni-Feast Dinner, packed 24 seven ounce packages to a shipping case, by adding to the net cost of this item 33⅓% of such net cost, provided that the ceiling price so determined shall not exceed 13¢ per seven ounce packages. Net Cost is the invoice cost at the customary receiving point, less all discounts, other than for prompt payment, and excluding charges for local hauling. Such ceiling prices shall be figured to the nearest cent (raise one-half cent fractions to the next even cent). OPA requires that you keep this notice for examination.

(i) This Order No. 179 may be revoked or amended by the Price Administrator at any time.

(j) This Order No. 179 (§ 1499.1195) shall become effective December 16, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of December 1942.

LEON HENDERSON,
Administration.

[F.R. Doc.42-13394; Filed, December 15, 1942; 2:46 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 183,[1] Amendment 13]

PUERTO RICO

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (14) is added to paragraph (a) of § 1418.1 and paragraphs (x), (y), and (z) are added to § 1418.14.

§ 1418.1 *Maximum prices.* (a) Maximum prices are established as follows:

* * * * *

(14) On and after December 15, 1942, regardless of any contract, agreement, lease or other obligation, or of any price regulation heretofore issued, no person shall sell or deliver frozen pork loins or turkeys in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14 (x), Table XXI; and (y), Table XXII; and no person shall offer, solicit, or attempt to do any of the foregoing.

§ 1418.14 *Tables of maximum prices.* * * *

(x) *Table XXI: Specific maximum prices for frozen pork loins.*

	Sales at wholesale (price per pound)	Sales at retail (price per pound)
Frozen pork loins 8 to 12 lb. unit	$0.345	$0.44

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[1] 7 F.R. 5620, 6744, 6659, 7454, 7945, 8558, 8833, 8946, 9341, 9731, 9975, 10225.

For sales of different quantities the maximum price shall be proportionately computed.

(y) *Table XXII: Specific maximum*

(b) The maximum prices per gallon for sales by any person of Lauxtol AF, manufactured by I. F. Laucks Incorporated, Seattle, Washington, shall be the

It appearing, that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921 (41 Stat. 1445), and section 204 (a) (2) of Part II of the Interstate Commerce Act, the

NOTE: Because of the present emergency and until further order of the Commission, rubber cement containing no carbon bisulfide may be shipped in specification 10A wooden barrels or kegs.

fertilizer solution, fertilizer ammoniating solution containing free ammonia, and methyl chloride, loaded into tanks mounted on one car structure, must not exceed 60,000 pounds. (Note added to

contain over 50 pounds net weight each, except as provided in paragraph 31 of spec. 12B. (See note and test.)

Appendix—Shipping Container Specifications

For sales of different quantities the maximum price shall be proportionately computed.

(y) *Table XXII: Specific maximum prices for turkeys.*

	Sales at wholesale (price per pound)	Sales at retail (price per pound)
Turkeys, hard chilled, dressed, Grade B, old and young:		
Hens, 8- to 14-pound unit	$0.475	$0.60
Toms, 16- to 20-pound unit	.455	.60
Toms, over 20 pounds	.445	.60

For sales of different quantities the maximum price shall be proportionately computed.

The maximum price for all other grades of turkeys shall be a price in line with the maximum prices above, and shall be computed by adding to or subtracting from the maximum prices set forth above the customary trade price differentials for other grades.

(z) Every person selling any of the commodities listed in paragraphs (x) and (y) of this section, to a retailer on and after December 15, 1942, before or at the time of his first delivery to each purchaser shall supply the purchaser with a statement of the maximum retail prices set forth above for the commodity or commodities delivered.

§ 1418.13a *Effective dates of amendments.* * * *

(m) Amendment No. 13 (§§ 1418.1 (14), 1418.14 (x), (y) and (z)) to Maximum Price Regulation No. 183 shall become effective December 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13412; Filed, December 15, 1942; 4:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 172 Under § 1499.3 (b) of GMPR]

I. F. LAUCKS, INC.

Correction

Section 1499.1188 (a) and (b) appearing on page 10455 of the issue for Tuesday, December 15, 1942, should read as follows:

§ 1499.1188 *Approval of maximum prices for sales of Resin Emulsion Sealer and Lauxtol AF.* (a) The maximum prices per gallon for sales by any person of Resin Emulsion Sealer, manufactured by I. F. Laucks Incorporated, Seattle, Washington, shall be the following:

	50 gallon drums	5 gallon pails	1 gallon cans
Sales to distributors	$1.75	$1.87	$1.97
Sales to jobbers	1.98	2.12	2.23
Sales to dealers	2.33	2.49	2.63
Sales to contractors	2.80	2.99	3.15
Sales to consumers other than contractors	3.50	3.74	3.94

(b) The maximum prices per gallon for sales by any person of Lauxtol AF, manufactured by I. F. Laucks Incorporated, Seattle, Washington, shall be the following:

	Tank cars	50 gallon drums	5 gallon pails
Sales to distributors	$0.34	$0.40	$0.47
Sales to jobbers	.34	.45	.53
Sales to dealers	.34	.53	.63
Sales to contractors	.34	.64	.75
Sales to consumers other than contractors	.34	.80	.94

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[No. 3666]

PARTS 73, 75 AND 85—TRANSPORTATION OF EXPLOSIVES[1]

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of December, A. D. 1942.

It appearing, that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921 (41 Stat. 1445), and section 204 (a) (2) of Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles;

It further appearing, that in applications received we are asked to amend the aforesaid regulations as set forth in provisions made part hereof;

And it further appearing, that amendments involved in said applications, having been considered and found to be in accord with the best-known practicable means for securing safety in transportation:

It is ordered, That the aforesaid regulations for transportation of explosives and other dangerous articles, be, and they are hereby amended as follows:

AUTHORITY: Issued under sec. 233, 41 Stat. 1445; sec. 204 (a) (2), 49 Stat. 546; 18 U.S.C. 383; 49 U.S.C. 304.

PART 2—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Superseding and amending item of list, sec. 4, order Aug. 16, 1940, to read as follows:

Article	Classed as—	Exemptions and packing (sec.)	Label	Maximum quantity, express
(Change) Nitrogen dioxide, liquid	Pois. A	No exemption 332A	Poison	Not accepted.
(Add) Nitrogen peroxide (tetroxide)	Pois. A	No exemption 332A	Poison	Not accepted.

PART 3—REGULATIONS APPLYING TO SHIPPERS

Amending par. (c) (4), sec. 64, order Nov. 8, 1941, as follows (packing fireworks) (add):

NOTE: Because of the present emergency and until further order of the Commission, aeroplane flares may be shipped in fiberboard boxes, spec. 12B, gross weight not to exceed 90 pounds, as authorized by paragraph 33 of the specification.

Superseding and amending par. (c) (12) (c), sec. 64, order Aug. 16, 1940, to read as follows (packing railway fusees, flares, or highway signals):

(c) (12) (c) Spec. 12B. Fiberboard boxes, provided that penetration of spikes of fusees through the outside container is prevented by sheet metal of not less than 0.01 inch thickness, or a wooden board of 3-ply birch, or other hardwood, not less than $\frac{3}{8}$ inch thick, or by two thicknesses of 0.100-inch, 275-pound-test, solid fiberboard. Gross weight not to exceed 65 pounds, except as authorized under paragraph 32 of spec. 12B. Use of this container will be permitted because of the present emergency and until further order of the Commission.

Amending par. (b) (2), sec. 72, order July 14, 1942, as follows (packing primers) (Add):

NOTE: Because of the present emergency and until further order of the Commission, empty cartridge cases primed may be shipped in strong wooden barrels.

Superseding and amending sec. 110, orders Aug. 16, 1940, June 15, 1942, and Nov. 9, 1942, as follows (packing inflammable liquids) (Change (a) (20); add (a) (22)):

(a) (20) Because of the present emergency and until further order of the Commission, the use of additional-type tank cars, specification Emergency—USG–A, USG–B, or USG–C, is also provided for by I.C.C. authority in docket 3666 dated December 12, 1942, for the transportation of liquids weighing not over 8 pounds per gallon, and having vapor pressures not exceeding 16 pounds per square inch, absolute, at 100° F.

(a) (22) Spec. 12D. Fiberboard boxes with inside containers which must be: glass or earthenware not over one gallon each; authorized for not more than 75 pounds gross weight; not to contain more than 4 such inside containers if their capacity is greater than 5 pints each. Use of this container will be permitted because of the present emergency and until further order of the Commission.

Change note, par. (b) (5) to read:

NOTE: Because of the present emergency and until further order of the Commission, wooden whiskey barrels with staves of uniform thickness at least one inch and otherwise complying with spec. 10B are also authorized. Barrels must be marked I.C.C. 10B; other specification marking waived.

Amending par. (b), sec. 117, order Aug. 16, 1940, as follows (packing rubber cement) (Add):

NOTE: Because of the present emergency and until further order of the Commission, rubber cement containing no carbon bisulfide may be shipped in specification 10A wooden barrels or kegs.

Amending sec. 207, order Aug. 16, 1940, as follows (packing sulfide of sodium, etc.) (Add):

(b) (6) Spec. 21A. Fiber drums with moisture proof liners, or having one added ply of asphalt laminated Kraft 30/60/30 basis weight in side walls and heading (metal heading excluded): drums to withstand 2 drops from height of 4 feet in same spot or one 6-foot drop, in place of drop test as provided in specification 21A; maximum loaded capacity 250 pounds net. Use of this container will be permitted because of the present emergency and until further order of the Commission.

Amending sec. 254A, order Mar. 31, 1941, as follows (packing chromic acid solution) (Add):

(d) Spec. 12B. Fiberboard boxes with one inside glass container of capacity not over 4 fluid ounces, packed in a wax-lined cylindrical fiber carton with metal ends; bottle must have ground glass stopper securely held in position by a piece of cloth tied with wire and dipped in paraffin; space between bottle and the inner surface of the fiber cylinder must be filled with closely packed asbestos in sufficient quantity to completely absorb contents of bottle in the event of breakage. Use of this container will be permitted because of the present emergency and until further order of the Commission.

Amending sec. 260, order Aug. 16, 1940, as follows (packing electric storage batteries, etc.) (Add):

(a) (3) Spec. 12B. Fiberboard box as authorized by paragraph 34 of specification 12B. Use of this container will be permitted because of the present emergency and until further order of the Commission.

Superseding and amending head par. (f), sec. 302, order Nov. 8, 1941, to read as follows (packing compressed gases):

(f) *Manifolding containers in transportation.* No means of interconnecting such as manifolding of individual containers may be employed for the following gases *unless* individual containers or cargo tanks are equipped with individual shutoff valves, which must be tightly closed while in transit, and safety devices mounted directly on each individual container or cargo tank. Manifold branch lines to these individual shutoff valves shall be sufficiently flexible to prevent injury to the valves which otherwise might result from use of rigid branch lines. Use of this authority will be permitted because of the present emergency and until further order of the Commission. (List of gases not changed.)

Superseding and amending par. (q) (7), sec. 303, order Aug. 16, 1940, to read as follows (compressed gases in tank cars):

(q) (7) The maximum quantity of any liquefied gas, except crude nitrogen fertilizer solution, fertilizer ammoniating solution containing free ammonia, and methyl chloride, loaded into tanks mounted on one car structure, must not exceed 60,000 pounds. (Note added to paragraph not superseded.)

Amending order Aug. 16, 1940, as follows (packing nitrogen dioxide oxide (nitrogen peroxide, tetroxide)) (Add):

332A (a) Nitrogen dioxide, liquid (nitrogen peroxide, tetroxide), must be packed in specification containers as follows:

(b) As prescribed in sec. 334.

(c) Spec. 3A480 or 3A1800. Metal cylinders with valve removed; valve opening to be closed by means of a solid metal plug with tapered thread properly luted to prevent leakage; valve protection cap must be used and be at least $\frac{3}{16}$ inch thick, gas tight, with $\frac{3}{16}$ inch faced seat for gasket and with United States standard form thread. Use of this container will be permitted because of the present emergency and until further order of the Commission.

Amending par. (b), sec. 339, order Nov. 8, 1941, as follows (packing aniline oil) (Add):

NOTE: Because of the present emergency and until further order of the Commission, glass bottles not over 5 pounds capacity each and not more than 6 of these bottles packed in one outside container are authorized.

Amending sec. 346, order Aug. 16, 1940, as follows (packing methyl bromide) (Add):

(g) Spec. 5A. Metal drums not to exceed 30 gallons capacity. Use of this container will be permitted because of the present emergency and until further order of the Commission.

Amending sec. 349, order Aug. 16, 1940, as follows (packing poisonous liquids, n. o. s.) (Add):

(i) Spec. 12D. Fiberboard boxes with inside containers which must be: glass or earthenware not over one gallon each; authorized for not more than 75 pounds gross weight; not to contain more than 4 such inside containers if their capacity is greater than 5 pints each. Use of this container will be permitted because of the present emergency and until further order of the Commission.

Superseding and amending pars. (c) (1) and (g), sec. 361, order Aug. 16, 1940, as follows (packing poisonous solids, n. o. s.) (Add note, change (g)):

NOTE: Because of the present emergency and until further order of the Commission, the gross weight limit may be increased to not over 375 pounds.

(g) Spec. 12B or 12C. Fiberboard boxes, with inside containers which must be: Metal cans not over 25 pounds capacity each; glass bottles not over 1 gallon capity each; fiber cans or boxes, spec. 2G; sliding-top wooden boxes, lined to prevent sifting, not over 25 pounds capacity each; or paper bags, spec. 2D. Packages containing glass or earthenware containers must not weigh over 65 pounds gross nor contain more than 4 inside containers of over 5 pints capacity each. Outside containers must be not over 5,000-cubic-inches capacity nor contain over 50 pounds net weight each, except as provided in paragraph 31 of spec. 12B. (See note and test.)

Appendix—Shipping Container Specifications

Amending subpar. (2), par. 22, specification 3A, order Aug. 16, 1940, as follows (Add):

NOTE: Because of the present emergency and until further order of the Commission, for cylinders used for the transportation of carbon dioxide shipped by or for the U. S. Government the heat treatment may also consist of quenching in water at approximately 1550° F. and drawing back at approximately 1250° F. The temperature of the quenching water shall be not less than 60° F. Such cylinders must be marked ICC3AWQ * * *, stars to be replaced by the service pressure.

The cylinders must neither be marked ICC3AWQ nor be fully accepted by the inspector until after having passed, without shattering, a test consisting of subjecting one cylinder out of each heat or less in fully charged condition to the impact of a 1.1-inch projectile at velocity of at least 2700 feet per second.

Amending spec. 12B, order Aug. 16, 1940, as follows (Add):

32. *Special box; authorized only for railway fusees.* Must comply with this specification except as follows: Must be 1-piece type of double-faced corrugated fiberboard at least 400-pound test; lining and pads not required; authorized gross weight 75 pounds. For fusees equipped with spikes, protection as required in section 64 (c) (12) (c) must be provided.

33. *Special box; authorized only for aeroplane flares.* Must comply with this specification except as follows: Must be 1-piece type, of double wall corrugated fiberboard at least 600-pound test; authorized gross weight 90 pounds.

34. *Special box; authorized only for wet electric storage batteries.* Must comply with this specification except as follows: Must be 1-piece type of double-wall corrugated fiberboard at least 600-pound test, B-flute type, with at least 50 corrugations per foot; must have linings of 1-piece to extend around 4 faces with joint at center of one face and with 4 flanges, at least 1½ inches long, on each end (corners may be mitered) to bend over the other 2 faces; also 2 pads to cover the other 2 faces; linings and pads must be of double-wall fiberboard at least 275-pound test, A-flute, with at least 32 corrugations per foot; additional excelsior pad must be used in the bottom of container; authorized gross weight 95 pounds.

Amending order Aug. 16, 1940, as follows (Add):

Specification 12D—Fiberboard boxes

Containers must comply with specification 12B except as follows (paragraph references are to specification 12B):

3. *Liquids or solids in glass or earthenware.* Must be packed with linings, partitions, wrappers, excelsior, straw, or other material, sufficient to afford adequate protection against breakage or damage. Unauthorized packages are: those over 75 pounds gross weight; those with any inside container of more than one gallon capacity; those with more

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[1] Parts 2, 3, and 7 in this order appear in CFR as Parts 73, 75, and 85. (7 F.R. 5498, 9739; 291, 405, 4701, 5947, 9257, 9739; 5947, 7038)

than four inside containers exceeding 5 pints capacity each.

4. This paragraph does not apply.

5. This paragraph does not apply.

8. This paragraph does not apply.

13. *Types of box authorized.* To be of corrugated fiberboard: Any type in which the board extends across the entire length of each edge of the box where such edge is over 3 inches long; also corrugated fiberboard boxes with one edge taped as required by paragraph 16 (b).

14. *Inside packing and size limits.* As prescribed in paragraphs 3, 6, and 23. In addition to inside boxes and linings when prescribed the interior containers must be so cushioned that completed package prepared as for shipping must be capable of standing a drop of 4 feet to solid concrete without breakage of the inside containers.

16 (a) This paragraph does not apply.

23 (a) *Authorized gross weight (when packed) and parts required.* As follows:

1. All material including linings and pads must be of double-wall corrugated fiberboard;

2. For authorized gross weight of 25 pounds, box must be constructed of 275-pound test with liners and top and bottom pads of same material;

3. For authorized gross weight of 75 pounds, inside containers must be packed in boxes of 275-pound test and these packages packed in an outside box of 350-pound test;

4. All completed packages must withstand drop test as required by paragraph 14.

(b) This paragraph does not apply.

Tank Car Tank Specifications—Specifications Emergency—USG–A, USG–B, USG–C

[Order June 15, 1942, Modified]

Superseding and amending par. 4 (a), table, to read as follows:

Inside diameter of tanks (inches)	Bottom sheets (inch)[1]	Shell sheets (inch)	Expansion dome sheets (inch)	Tank heads (inch)	Expansion dome heads (inch)
87½ or under	⅜	¼	¼	⅜	¼

[1] Bottom sheet must be adequately reinforced over the bolster slabbing at each end of car in an approved manner.

Amending par. 17 as follows (Add):

(c) *Test of interior heater systems.* Before interior heater systems are placed in service they must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

Superseding and amending par. 19 (a) to read as follows:

19. *Retests of tanks and interior heater systems.* (a) Tanks must be retested as prescribed in paragraph 17 (a) before being returned to service after any repairs requiring fusion welding, and after any repairs requiring extensive riveting or calking.. Interior heater systems must be retested as prescribed in paragraph 17 (b) before being returned to service after any repairs.

Superseding and amending par. 20 (f) as follows (Change (f) (1), add (f) (2)):

(f) (1) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank.

(f) (2) Date on which interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

Superseding and amending par. 20 (h) to read as follows:

(h) Tanks built under these specifications must be stenciled "For liquids weighing not over 8 pounds per gallon with maximum pressure of 16 pounds per square inch, absolute, at 100° F." on each side of the tank, or jacket if lagged, in letters at least 2 inches high, immediately above the stenciled marks specified in paragraph 20 (b).

PART 7—REGULATIONS APPLYING TO SHIPMENTS MADE BY WAY OF COMMON OR CONTRACT CARRIERS BY PUBLIC HIGHWAY

Superseding and amending par. (b) (2), sec. 824, order Nov. 8, 1941, to read as follows:

(b) (2) *Care in loading, unloading, or other handing of explosives.* No bale hooks or other metal tools shall be used for the loading, unloading, or other handling of explosives, nor shall any package or other container of explosives, except barrels or kegs, be rolled. No packages of explosives shall be thrown or dropped during process of loading or unloading or handling of explosives. Special care shall be exercised to the end that packages or other containers containing explosives shall not catch fire from sparks or hot gases from the exhaust tailpipe.

It is further ordered, That this order amending the aforesaid regulations shall be effective on and after December 12, 1942, and shall remain in full force and effect and be observed until further order of the Commission;

And it is further ordered, That copies of this order be served upon all the parties of record herein and that notice be given to the public by posting in the office of the Secretary of the Commission at Washington, D. C.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 42–13407; Filed, December 15, 1942; 8:06 p. m.]

[Ex Parte No. MC–9]

Subchapter B—Carriers by Motor Vehicle

PART 173—CONTRACTS FOR TRANSPORTATION OF PROPERTY

FILING OF CONTRACTS BY CONTRACT CARRIERS BY MOTOR VEHICLE

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 7th day of December, A. D. 1942.

It appearing that by order dated February 25, 1941, the division reopened this proceeding for the purpose of considering the propriety of the promulgation of a rule or regulation of this Commission requiring that schedules containing the minimum rates or charges of contract carriers by motor vehicle covering services not previously described in and covered by schedules already on file with the Commission shall be accompanied by copies of the actual contracts or proposed contracts covering such services, or other rule or regulation appropriate to the end of facilitating the comparison of schedules of such contract carriers with the contracts covering the actual services of the carriers, and for the further purpose of promulgating such rule or modification of the order in this proceeding as the Commission shall find reasonable and proper;

And it further appearing that a full investigation of the matters and things involved has been made, and that the division has considered the record herein and the briefs and suggestion of interested parties filed pursuant to the provisions of the said order of February 25, 1941, and has made and filed a report herein containing its findings and conclusions thereon,[1] which is hereby referred to and made a part hereof, and good cause therefor appearing;

It is ordered, That, pursuant to the provisions of section 220 (a) of the Interstate Commerce Act, the order of June 8, 1937 (§ 173.1 of Title 49, Code of Federal Regulations), entered with the original report in this proceeding, 2 M. C. C. 55, as modified by the findings in *Contracts of Contract Carriers,* 11 M. C. C. 603 (§ 173.3 of Title 49, Code of Federal Regulations), be, and the same is hereby, amended as follows:

§ 173.6 *True copies to be filed with schedules.* On and after February 1, 1943, all contract carriers of property by motor vehicle, as defined in section 203 (a) (15) of the Interstate Commerce Act, except those exempted by § 173.3 of this part from the provisions of § 173.1, at the time of filing with this Commission schedules, as required by section 218 (a) of the Interstate Commerce Act, containing their minimum rates and charges for services not previously described in and provided for by their schedules on file with this Commission, shall, except as otherwise authorized by the Commission in a special case for good cause shown, at the same time file with the Commission true copies of the actual contracts or proposed contracts between such carriers and shippers covering such services. (Sec. 220 (a) 49 Stat. 563, 54 Stat. 926; 49 U. S. C. 220 (a))

And it is further ordered, That notice hereof be given as provided by law.

By the Commission, division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 42–13416; Filed, December 16, 1942; 11:18 a. m.]

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[1] Report of the Commission filed as part of the original document.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A–1682, Part II]

DISTRICT BOARD 8

ORDER GRANTING MOTION, ETC.

In the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of the Frank Coker Mine, Mine Index No. 510, of Frank Coker.

Order granting motion to further amend petition, further amending petition, cancelling hearing and dismissing matter.

An original petition and an amendment thereto, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8, and for changes in shipping points; and

That portion of the original petition, as amended, relating to the request for a change in the price classifications and minimum prices heretofore established for the coals of the Frank Coker Mine, Mine Index No. 510, of Frank Coker For Great Lakes Cargo Only, having been severed and scheduled for hearing on December 14, 1942, at 10 a. m. at a hearing room of the Division, Washington, D. C., before a duly designated Examiner of the Division by an order issued in the above-entitled matter on November 11, 1942; and

A motion dated November 27, 1942, having been duly filed with the Division by the above-named party, requesting that its original petition, as amended, be further amended by deleting therefrom all the matter with respect to the Frank Coker Mine, Mine Index No. 510, of Frank Coker appearing on the page numbered "4" of Appendix A to the original petition; and

No petitions of intervention and no opposition to the granting of said motion having been filed with the Division in the above-entitled matter,

Now, therefore, it is ordered, That said motion be and the same hereby is granted;

It is further ordered, That the original petition, as amended, be and the same hereby is further amended by deleting therefrom all the matter with respect to the Frank Coker Mine, Mine Index No. 510 of Frank Coker appearing on the page numbered "4" of Appendix A to the original petition; and

It is further ordered, That the hearing in the above-entitled matter scheduled for December 14, 1942, at a hearing room of the Division, Washington, D. C., be and the same hereby is, cancelled; and

It is further ordered, That the above-entitled matter be and the same hereby is dismissed.

Dated: December 14, 1942.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 42–13418; Filed, December 16, 1942; 11:26 a. m.]

[Docket No. 1808–FD]

ALBUQUERQUE AND CERRILLOS COAL CO.

ORDER OF CERTIFICATION

This proceeding was originally instituted upon a complaint filed with the Bituminous Coal Division June 9, 1941, by a representative of local Union No. 6920 of the United Mine Workers of America alleging that various acts of respondent Albuquerque and Cerrillos Coal Company, a code member producer operating a mine near or in Madrid, New Mexico, in District 18 were in violation of the provisions of section 9 of the Bituminous Coal Act of 1937. The complaint, *inter alia,* prayed that the Division grant such relief as may be "just and proper in the premises."

Pursuant to an appropriate order, and after due notice to interested persons, a hearing in this matter was held November 10, to November 22, 1941, before Joseph D. Dermody, a duly designated Examiner of the Division, at a hearing room thereof in Albuquerque, New Mexico, at which interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise participate in the hearing. The complainant union, respondent company, and a representative of the Office of the General Counsel of the Division appeared at the hearing and actively participated in it.

On July 31, 1942, the Examiner submitted his report in which he recommended that I certify to all departments or agencies of the United States having contracts for the purchase of bituminous coal produced by respondent that respondent is violating the provisions of section 9 (a) (1) and section 9 (a) (2) of the Bituminous Coal Act of 1937, contrary to the public policy of the United States.

Respondent filed exceptions to the report and recommendations of the Examiner and a brief in support thereof. These exceptions and brief, the report and recommendation of the Examiner, and the entire record of the proceedings were carefully examined by me. In a memorandum opinion approving and adopting the report and recommendations of the Examiner, filed December 5, 1942, 7 F.R. 10238, I overruled the exceptions and indicated my reasons for approving the report and recommendations which had been submitted.

The exceptions to the report and recommendations of the Examiner should be rejected and severally overruled. The report and recommendations of the Examiner, as supplemented by my memorandum opinion of December 5, 1942, should be adopted and approved as the findings of the Director. These findings should be certified to all departments or agencies of the United States concerned.

It is so ordered.

Dated: December 12, 1942.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 42–13417; Filed, December 16, 1942; 11:26 a. m.]

[Docket B–255]

SHEESLEY COAL COMPANY

ORDER ADOPTING PROPOSED FINDINGS OF FACT, ETC.

Order adopting proposed findings of fact, proposed conclusions of law and recommendation of the examiner, and cancelling and revoking code membership.

A complaint was duly filed on April 29, 1942, by District Board No. 1, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, in which complainant alleged that the Sheesley Coal Company, a corporation, code member producer operating Sheesley Mine (Mine Index No. 468), Cambria County, Pennsylvania, in District 1, wilfully violated the Bituminous Coal Act of 1937, the Bituminous Coal Code, Rule 1 of Section III of the Marketing Rules and Regulations, Order No. 288, dated December 8, 1939, and Price Instruction 5 of the Schedule of Effective Minimum Prices for District 1 for All Shipments Except Truck; the complaint asked that the Division cancel and revoke the code membership of the Sheesley Coal Company or, in its discretion, direct it to cease and desist from further violations of the Act, the Code and rules and regulations thereunder.

Complainant alleged, *inter alia,* that code member:

Wilfully violated section 4 II (e) of the Act and Part II (e) of the Code by selling, during the period from March 25, 1941 to April 9, 1941, both dates inclusive, to W. M. Hollenback, Philadelphia, Pennsylvania, registered distributor, Registration No. 4445, approximately 302.10 net tons of ¾″ slack coal, Size Group 5, produced by code member at its mine, at a price of $2.05 per net ton f.o.b. the mine less 12 cents per net ton as distributor's discount, whereas the effective minimum price for such coal was $2.25 per net ton f.o.b. the mine;

Pursuant to appropriate orders and after due notice to interested persons, a hearing in this matter was held on July 27, 1942, before W. A. Cuff, a duly designated Examiner of the Division, at a hearing room thereof at Altoona, Pennsylvania, at which interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which time code member and District Board 1 appeared;

The Examiner filed his Report in this matter in which he concluded that the code member wilfully violated section 4 II (e) of the Act and Part II (e) of the Code, by selling, during the period March 25, 1941 to March 31, 1941, to W. M. Hollenback, registered distributor, 302.10 net tons of ¾″ slack coal, produced by code member at its said mine, at a price of $2.05 per net ton f. o. b. the mine, less 12 cents per net ton as distributor's discount, whereas the effective minimum price for such coal was $2.25 per net ton f. o. b. the mine, and recommended that the code membership of the Sheesley Coal Company be cancelled and revoked;

Code member filed no exception thereto.

I have considered the record in this matter and am in accord with the Proposed Findings of Fact, the Proposed Conclusions of Law and Recommendation of the Examiner, which are filed herein. I adopt them as my own Findings of Fact and Conclusions of Law.

Now, therefore, it is ordered, That the code membership of the Sheesley Coal Company, a corporation, be, and it hereby is, cancelled and revoked.

It is further ordered, That prior to the reinstatement of said Sheesley Coal Company to membership in the Code, it shall pay to the United States a tax, as provided in section 5 (c) of the Act, in the amount of $265.09.

Dated: December 14, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-13419; Filed, December 16, 1942; 11:26 a. m.]

[Docket No. C-22]

SEMET-SOLVAY CO.

ORDER POSTPONING HEARING

In the matter of the application of Semet-Solvay Company for exemption pursuant to section 4-A of the Bituminous Coal Act of 1937.

Order postponing hearing and extending time for filing concise statement of facts.

Semet-Solvay Company, applicant, having moved that the hearing in the above-entitled matter, heretofore scheduled for January 12, 1943, be postponed until February 11, 1943, and that the time for applicant to file the concise statement in writing of the facts expected to be proved at the hearing be extended until January 18, 1943, and having shown good cause therefor;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of January 12, 1943, to 10 o'clock in the forenoon of February 11, 1943, at the place and before the officers heretofore designated.

It is further ordered, That the time for applicant to file the concise statement in writing of the facts to be proved at the hearing be, and the same hereby is, extended to January 18, 1943.

Dated: December 15, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-13420; Filed, December 16, 1942; 11:26 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of Special Certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective December 17, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

Royal Manufacturing Company, Tilghman and Jordan Streets, Allentown, Pennsylvania; Men's and boys' broadcloth shorts and jockeys; 5 percent; (T); December 17, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Carlson Garment Company, 400 1 Avenue N., Minneapolis, Minn.; House dresses; 2 learners; (T); December 17, 1943.

Dick's Dress Company, 25 Forest Street, Rutland, Vermont; Women's apparel; 10 learners; (T); December 17, 1943.

Herman I. Gottesman, 17 North Avenue, Beacon, N. Y.; Women's breeches, jodhpurs, & slacks, men's breeches, jodhpurs and pants; 8 learners; (T); December 17, 1943.

H. & A. Pants Manufacturing Company, 625 Washington Boulevard, Baltimore, Md.; Boys' longies, knickers, shorts, and short corduroy jackets; 10 learners; (T); December 17, 1943.

Jobbers Pants Company, Martinsville, Virginia; Men's and boys' single work pants and semi dress pants; 10 percent; (T); December 17, 1943.

Lark Dress Company, Walnut & 5th Sts., Shamokin, Pa.; Women's & misses' dresses; 10 percent; (T); December 17, 1943.

Liberty Frock Co., Inc., 205 E. 22nd St., Kansas City, Missouri; Women's dresses, suits, jackets; 10 percent; (T); December 17, 1943.

S. Liebovitz & Sons, Inc.; Pine & Oak Sts., Hazleton, Pa.; Army (Gov't) shirts, men's dress shirts; 10 percent; (T); December 17, 1943.

Penna Dress Company, 1540 Main St., Northampton, Pa.; Ladies dresses; 10 learners; (T); December 17, 1943.

Princeton Dress Manufacturing Co., Wertsville Rd., Hopewell, N. J.; Dresses; 5 learners; (T); December 17, 1943.

H. Rosenstock & Sons, 48 Canal Street, Ellenville, New York; Children's wash suits; 10 learners; (T); December 17, 1943.

Shamokin Manufacturing Company, Inc., 100 No. Rock St., Shamokin, Pa.; Shirts, dresses; 10 percent; (T); December 17, 1943.

The Standard Overall Company, Chase City, Virginia; Work shirts; 10 percent; (T); December 17, 1943.

States Mfg. Co., Inc., 90 Hatch Street, New Bedford, Mass.; House dresses; 10 percent; (T); December 17, 1943.

Texas Infants Dress Company, Inc., 1200 W. Houston St., San Antonio, Texas; Children's dresses & sportswear; 5 learners; (T); December 17, 1943.

Cooper Sportswear Mfg. Co., 133 Monroe St., Newark, New Jersey; Field jackets, leather & wool jackets; 5 learners; (T); December 17, 1943.

Apparel Industry

Bond Stores, Inc., 288 Martin Street, Rochester, New York; Men's & boys' & women's clothing; 5 percent; (T); December 17, 1943.

Gloves Industry

The Boss Manufacturing Company, 1512 Fairfield Avenue, Fort Wayne, Indiana; Work gloves; 5 learners; (T); December 17, 1943. (This certificate replaces the one bearing the expiration date of October 22, 1943.)

The Boss Manufacturing Company, Bluffton, Ohio; Work gloves, 5 learners; (T); December 17, 1943. (This certificate replaces the one bearing the expiration date of October 22, 1943.)

Hosiery Industry

Adams-Millis Corporation, Mill No. 1, English Street, High Point, North Carolina; Seamless; (T); 5 percent; December 17, 1943.

Adams-Millis Corporation, Mill No. 2, Grimes Street, High Point, North Carolina; Seamless; 5 percent (T); December 17, 1943.

Adams-Mills Corporation, Mill No. 3, Washington Street, High Point, North Carolina; Seamless; 5 percent (T); December 17, 1943.

Adams-Millis Corporation, Mill No. 4, Bodenheimer Street, Kernersville, North Carolina; Seamless; 5 percent (T); December 17, 1943.

Adams-Millis Corporation, Mill No. 7, English Street, High Point, North Carolina; Seamless; 5 percent (T); December 17, 1943.

Adams-Millis Corporation, Mill No. 8, Tryon, North Carolina; Seamless; 5 percent; (T); December 17, 1943.

Kiser Hosiery Mill, Highway #70, East Hickory, North Carolina; Seamless; 5 learners; (T); December 17, 1943. (This certificate replaces the one bearing the expiration date of April 9, 1943.)

Seneca Knitting Mills, Inc., Bridge Street, Senaca Falls, N. Y.; Seamless; (T); 5 percent; December 17, 1943.

Unique Knitting Company, Acworth, Georgia; Seamless; 5 percent; (T); December 17, 1943.

Knitted Wear Industry

Queen Maid Underwear Co., Inc.; Ford Avenue, Milltown, N. J.; Knitted underwear; 5 learners; (T); December 17, 1943. (This certificate replaces the one bearing the expiration date of December 13, 1943.)

Signed at New York, N. Y., this 15th day of December, 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-13413; Filed, December 16, 1942; 10:01 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 5 Under RPS 41]

NORFOLK NAVY YARD

ADJUSTMENT OF MAXIMUM PRICES

Order No. 5 Under Revised Price Schedule No. 41—Steel Castings—Docket No. 3041-10.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Procedural Regulation No. 6 issued by the Office of Price Administration, *It is hereby ordered:*

Adjustment of maximum prices of the Norfolk Navy Yard on sales of steel castings. (a) Notwithstanding anything to the contrary contained in Revised Price Schedule No. 41, Norfolk Navy Yard, Portsmouth, Virginia, may sell and deliver steel castings to any person for use in the performance of contracts with the United States or any agency thereof, or subcontracts under any such contract, at prices not in excess of its costs determined in accordance with the accounting instructions prescribed by the Bureau of Supplies and Accounts and in effect on the effective date of this Order, and any person may buy and receive said steel castings from the Norfolk Navy Yard as above.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 5 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 5 shall become effective December 16, 1942, and shall be retroactively effective to the date of Revised Price Schedule No. 41, November 15, 1941.

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13396; Filed, December 15, 1942; 2:44 p. m.]

[Order 48 Under RPS 64]

SUPREME FOUNDRY & MANUFACTURING COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 48 Under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On October 29, 1942, the Supreme Foundry & Manufacturing Company, Belleville, Illinois, completed by filing required data an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for one model gas hot plate and one model gas laundry stove designated in the application as models V-6 and V-16 respectively.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Supreme Foundry & Manufacturing Company may sell, offer to sell, deliver or transfer the following models at prices no higher than those specified:

Model No. V-6: $1.41 f. o. b. factory to jobbers and mail order houses.

Model No. V-16: $1.81 f. o. b. factory to jobbers and mail order houses.

subject to discounts, allowances, and terms no less favorable than those in effect with respect to the comparable models 2-6 and 219 as established under Revised Price Schedule No. 64.

(b) This Order No. 48 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 48 shall become effective on the 16th day of December 1942.

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13398; Filed, December 15, 1942; 2:44 p. m.]

[Order 49 Under RPS 64]

COLUMBUS STOVE COMPANY

APPROVAL OF MAXIMUM PRICES

Order No. 49 Under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On November 5, 1942, the Columbus Stove Co., Columbus, Ohio, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for a gas range designated in the application as model 37LIT when sold insulated with oven heat control and top lighter, as model 37LI when sold insulated with top lighter, and as model 37I when sold insulated only.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Columbus Stove Co. may sell, offer to sell, deliver or transfer its model designated as 37LIT, 37LI, or 37I at prices no higher than those specified:

Insulated, with oven heat control and top lighter: $26.33 f. o. b. factory to dealers.

Insulated, with top lighter: $23.40 f. o. b. factory to dealers.

Insulated only: $23.02 f. o. b. factory to dealers.

subject to discounts, allowances, and terms no less favorable than those in effect with respect to the comparable model designated as 144 LIT when sold insulated with oven heat control and top lighter, as model 144 LI when sold insulated with top lighter, and as model 144I when sold insulated only, respectively, as established under Revised Price Schedule No. 64.

(b) This Order No. 49 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 49 shall become effective on the 16th day of December 1942.

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13399; Filed, December 15, 1942; 2:46 p. m.]

[Order 50 Under RPS 64]

QUINCY STOVE MFG. CO., QUINCY, ILL.

APPROVAL OF MAXIMUM PRICE

Order No. 50 Under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On October 20, 1942, Quincy Stove Manufacturing Company filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of a maximum price for a coal heating stove designated in the application as model 100 Victory.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Quincy Stove Manufacturing Company may sell, offer to sell, transfer or deliver the 100 Victory coal heating stove at a price no higher than $30.13 f. o. b. factory to dealers, subject to discounts, allowances, and terms no less favorable than those in effect with respect to the comparable model 1912E Cheerful as established under Revised Price Schedule No. 64.

(b) This Order No. 50 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 50 shall become effective on the 16th day of December 1942.

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13400; Filed, December 15, 1942; 2:47 p. m.]

[Order 106 Under MPR 120]

WINSTON MINING COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 106 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant.—Docket No. 3120–253.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Coals in Size Group 9, produced by Winston Mining Company, Winston, Missouri, at its Winston Mine (Mine Index No. 1073), District No. 15, may be sold and purchased for shipment by truck or wagon at prices not to exceed $3.75 per net ton, f. o. b. the mine.

(b) Within thirty (30) days from the effective date of this order the said Winston Mining Company shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122.

(c) This Order No. 106 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of the petitioner not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(f) This Order No. 106 shall become effective December 16, 1942.

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13405; Filed, December 15, 1942; 2:44 p. m.]

[Order 107 Under MPR 120]

VIBBARD MINING CO.

ORDER GRANTING ADJUSTMENT AND CLOSING PROTEST DOCKET

Order No. 107 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 1120–197–P.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) *Granting adjustment.* (1) Coals produced by the Vibbard Mining Company, Kansas City, Missouri, at its Vibbard Mine (Mine Index No. 130), in District No. 15, in Size Groups Nos. 1–4, inclusive, for shipments by rail and by truck or wagon, may be sold and purchased at prices not to exceed $4.00 per net ton f. o. b. the mine.

(2) Within thirty (30) days from the effective date of this order, the said Vibbard Mining Company shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122.

(b) *Closing protest docket.* Since the adjustment made by paragraph (a) of this Order grants all the relief requested in Docket No. 1120–197–P, said docket is hereby closed.

(c) This Order No. 107 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(e) This Order No. 107 shall become effective December 16, 1942.

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13406; Filed, December 15, 1942; 2:45 p. m.]

[Order 4 Under MPR 152]

P. J. RITTER CO., BRIDGETON, N. J.

APPROVAL OF MODIFIED RELIEF

Order No. 4 under Maximum Price Regulation No. 152—Canned Vegetables.

On October 21, 1942, P. J. Ritter Company filed an application for adjustment of a maximum price of No. 10 tins, Fancy Tomato Catsup, 33% solids or better, pursuant to Form OPA–6PR1.

Due consideration has been given to the information submitted by the company in its application with respect to No. 10 tins Fancy Tomato Catsup, 33% solids or better. The price established under Maximum Price Regulation No. 152 is below the price offered for this commodity by the War Production Board, purchasing on behalf of the armed forces.

For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, and Procedural Regulation No. 6, *It is hereby ordered,* That:

(a) P. J. Ritter Company may sell, offer to sell, or deliver No. 10 tins, Fancy Tomato Catsup, 33% solids or better to the armed forces of the United States at a price no higher than the maximum price of $7.00 per dozen f. o. b. factory.

(b) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires the definitions set forth in § 1341.30 of Maximum Price Regulation No. 152 shall apply to terms used herein.

(d) This Order No. 4 shall become effective December 16, 1942.

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13395; Filed, December 15, 1942; 2:46 p. m.]

[Order 84 Under MPR 188]

GAME MAKERS, INC.

APPROVAL OF MAXIMUM PRICE

Order No. 84 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum prices for sales by Game Makers, Incorporated, of a new Repeater Bow-Gun.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Game Makers, Incorporated, 44–35 Twenty-first Street, Long Island City, New York, is authorized to sell and deliver its new Repeater Rapid Fire Bow-Gun #57, at a price to retailers f. o. b. Long Island City, New York, no higher than $.5625 per unit.

(b) This Order No. 84 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 84 shall become effective on the 16th day of December 1942.

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13401; Filed, December 15, 1942; 2:45 p. m.]

[Order 85 Under MPR 188]

LEVIN BROTHERS

APPROVAL OF MAXIMUM PRICE

Order No. 85 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of a maximum price for sales by Levin Brothers of a new cookie cutter.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Levin Brothers, 3–5 West 22d Street, New York City, is authorized to sell and deliver to chain stores their new cellulose acetate cookie cutter at a price no higher than $7.20 per gross, f. o. b. New York City.

(b) This Order No. 85 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 85 shall become effective on the 16th day of December 1942.

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13402; Filed, December 15, 1942; 2:45 p. m.]

[Order 86 Under MPR 188]

ROCKFORD METAL SPECIALTY CO.

APPROVAL OF MAXIMUM PRICES

Order No. 86 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Authorization of a Maximum Price for Certain Toilet Seat Hinge Assemblies for the Rockford Metal Specialty Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and § 1499.158 of Maximum Price Regulation No. 188, *It is hereby ordered,* That:

(a) The Rockford Metal Specialty Company of Rockford, Illinois, may sell and deliver, and any person may buy and receive from the Rockford Metal Specialty Company, malleable iron toilet seat hinge assemblies at the price of 40¢ per set, f. o. b. factory.

(b) This Order No. 86 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 86 shall become effective December 16, 1942.

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13403; Filed, December 15, 1942; 2:46 p. m.]

[Order 87 Under MPR 188]

MARTIN J. INGRAM

APPROVAL OF MAXIMUM PRICE

Order No. 87 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of a maximum price for sales by Martin J. Ingram of a new jig saw puzzle game.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Martin J. Ingram, 228 North LaSalle Street, Chicago, Illinois, is authorized to sell and deliver to his exclusive distributor, a new jig saw puzzle game, designated in the application as "Flags of the United Nations", at a price f. o. b. Chicago, Illinois, no higher than 34¢ per unit.

(b) This Order No. 87 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 87 shall become effective on the 16th day of December 1942.

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13404; Filed, December 15, 1942; 2:45 p. m.]

[Correction to Order 6 Under MPR 225]

KETTERLINUS LITHOGRAPHIC MANUFACTURING COMPANY

ORDER GRANTING ADJUSTMENT

In Paragraph (a) the price "$1.07 per M" for Wrappers for 5¢ peanut candy bars is corrected to read "$1.07½ per M."

* * * * *

(f) This correction to Order No. 6 under Maximum Price Regulation No. 225 shall be effective as of December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13397; Filed, December 15, 1942; 2:45 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

NORTH AMERICAN LIGHT & POWER CO., HOLDING-COMPANY SYSTEM, ET AL.

NOTICE OF AND ORDER FOR HEARING

[File Nos. 59–39, 54–50, 59–10]

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 15th day of December, A. D. 1942.

In the matter of North American Light & Power Company Holding-Company System and The North American Company, File No. 59–39; North American Light & Power Company, File No. 54–50; The North American Company, et al., File No. 59–10.

The Commission having in the matter of North American Light & Power Company Holding-Company System and The North American Company (File No. 59–39) instituted proceedings on December 2, 1941 by Notice of and Order for Hearing pursuant to sections 11 (b) (2), 15 (f) and 20 (a) and hearings having been held pursuant thereto and the Commission having on December 30, 1941 entered its Findings and Opinion therein and its Order Requiring Liquidation of North American Light & Power Company; and

The Commission having on May 7, 1942 entered its order directing, among other things, that the said matter be consolidated with proceedings entitled "In the Matter of North American Light & Power Company, File No. 54–50" and "In the Matter of The North American Company and its Subsidiaries, File No. 59–10"; and

The Commission having on November 12, 1942 entered its Notice of Filing of Plan for Liquidation of North American Light & Power Company and Illinois Traction Company (Application No. 11) and Order for Hearing setting the said matter for hearing before a trial examiner on December 8, 1942; said order of the Commission of November 12, 1942 having provided, among other things, that at said hearing particular attention be directed to the following matters and questions:

(1) Whether the provisions in said plan relating to the participation of The

North American Company are necessary and fair and equitable; and

(2) Whether there are any special equities affecting the securities of Light & Power held by The North American Company which require that the participation of The North American Company be limited, or that for the purpose of determining such participation, said holdings be subordinated to the holdings of any claims of securities of Light & Power held by the public; and

Said matter having been postponed from December 8, 1942 to December 10, 1942 on which date said hearings were opened and testimony and other evidence were received, from which it appears that:

(1) Light & Power has outstanding 5% debentures in the approximate amount of $5,891,000 of which The North American Company is the holder of $5,623,500 and it further appearing to the Commission that interest on said debentures owned by The North American Company will be due on December 31, 1942 in the approximate amount of $140,587.50; and

(2) The North American Company has been the owner of an additional $3,985,000 par value of debentures which were redeemed in 1940 and 1941 and on which The North American Company realized a profit of $1,376,300.42; and

(3) The North American Company acquired the particular debentures which it now holds in the par amount of $5,623,500 at a cost of $3,791,211.94 (which amount includes an intercompany profit of $256,786); and

(4) There is presently pending in the United States District Court for the Southern District of New York an action entitled William M. Dederick, suing on behalf of himself and all other stockholders of North American Light & Power Company, Plaintiff, against The North American Company, and North American Light & Power Company, Defendants, Civil Action No. 16–117, in which action it is sought, among other things, to determine the rights of the preferred stockholders of North American Light & Power Company in relation to said debentures held by The North American Company and in which action a motion to dismiss on jurisdictional grounds is pending and undetermined by the court; and

(5) There is now pending before this Commission a claim asserted by Illinois Iowa Power Company, a subsidiary of North American Light & Power Company, against North American Light & Power Company for an amount which, if sustained, would exhaust the assets of North American Light & Power Company, as to which claim, Light & Power has, however, denied liability and has further pleaded certain set-offs and counter claims; and

(6) Said Illinois Iowa Power Company has filed on November 30, 1942 a "Request" with this Commission asking, in view of the pendency of its claims before this Commission, that North American Light & Power Company not be permitted to make any payment to The North American Company, to sell or otherwise dispose of any shares, dividend arrears certificates, or other securities, accounts, or notes receivable of Illinois Iowa Power Company, nor distribute or turn over any of its assets to shareholders, creditors, or otherwise until the final determination of its claims; and

(7) Certain public preferred stockholders through their attorney, Lawrence R. Condon, have also requested to be heard (Transcript Page 298) on the question of the payment of the interest due on December 31, 1942 on the aforementioned debentures held by The North American Company; and

Said hearing having been continued until January 11, 1943; and

The Commission having approved Application No. 2 filed by Light & Power under section 11 (e) of said Act, providing for the retirement of the publicly held debentures of Light & Power at the principal amount thereof and accrued interest, and the Commission having stated in its findings thereon (Holding Company Act Release No. 3658):

> * There is no likelihood whatever that North American will receive better treatment in respect of the debentures held by it than is now being accorded to the public debenture holders. Indeed, it is possible that by the next coupon payment date, January 1, 1943, the issues in the collateral proceedings will have been determined. If a determination of North American's rights shall not have been made by that time, we may then consider whether or not an order should be entered prohibiting payment of coupon interest to North American pending our determination in that proceeding.

It further appearing to the Commission that the payment of the interest due December 31, 1942 on the debentures of Light & Power held by The North American Company may result in unfair or inequitable treatment to the public security holders of Light & Power or to Illinois Iowa Power Company, depending on the final determination of the matters hereinabove described; and

It further appearing to the Commission that it may be appropriate pursuant to the provisions of sections 11 (b) (2) and 12 (f) of said Act that the Commission enter an interim order suspending the payment of said interest until the determination of said matters;

It is therefore ordered, a hearing be held on Friday, December 18, 1942 at 10:00 a. m. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in Room 318–B of said building, to determine whether the Commission enter an interim order prohibiting North American Light & Power Company from paying to The North American Company, its agents, representatives, assigns or transferees the interest due on December 31, 1942 on the debentures of North American Light & Power Company now held by The North American Company, until further order of the Commission, and requiring that the moneys which otherwise would be paid in interest be segregated from the other funds of the company and held subject to order of the Commission.

Notice of said hearing is hereby given to said The North American Company, North American Light & Power Company, Illinois Iowa Power Company and Lawrence R. Condon, Attorney for certain public preferred stockholders, and further notice of said hearing shall be given by the Secretary of the Commission mailing a copy of this order by registered mail to the above-named parties or by personal service on counsel for the above-named parties and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–13425; Filed, December 16, 1942; 11:52 a. m.]

[File No. 70–625]

Tri-City Utilities Company and Associated Electric Company

NOTICE REGARDING AMENDED FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 15th day of December 1942.

Notice is hereby given that an amendment to the above captioned declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Associated Electric Company, a registered holding company, and its subsidiary, Tri-City Utilities Company. All interested persons are referred to said amendment which is on file in the offices of this Commission for a statement of the transactions therein proposed:

In the original filing, as heretofore indicated by a previous Notice of Filing (Release No. 3907), Tri-City Utilities Company proposed to sell for an aggregate base price of $195,000, in cash, all the properties (including materials and supplies) comprising its Ohio River electric division, to Meade County Rural Electric Cooperative Corporation and Green River Rural Electric Cooperative Corporation, in accordance with the terms and provisions of an agreement dated November 6, 1942. Declarations embracing this matter were permitted to become effective by the Commission's order dated December 2, 1942 (Release No. 3951). In the present amendment, Associated Electric Company proposes to sell to Tri-City Utilities Company, at a price equal to its par value of $1 per share, and Tri-City Utilities Company proposes to purchase from Associated Electric Company and retire and cancel shares of common stock of Tri-City Utilities Company in an aggregate par amount equal to the net proceeds from the sale of the Ohio River electric division properties estimated at $202,000. The capital stock of Tri-City Utilities Company will be reduced accordingly.

Notice is further given that any interested person may, not later than December 23, 1942, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or request that he be notified if the Commission should order a hearing thereon. At any time thereafter such amended declaration may become effective as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) or U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–13426; Filed, December 16, 1942; 11:52 a. m.]

[File No. 70–647]

Public Service Electric and Gas Company

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 14th day of December 1942.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Public Service Electric and Gas Company. All interested persons are referred to said documents, which are on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Public Service Electric and Gas Company, a subsidiary of Public Service Corporation of New Jersey, in turn a subsidiary of The United Corporation, a registered holding company, proposes to purchase in the open market $1,000,000 principal amount of bonds from the following list of bonds of merged companies assumed by Public Service Electric and Gas Company for a gross consideration not in excess of $1,200,000 based upon an estimated average premium of 20% of the principal amount of bonds proposed to be purchased. It is proposed to acquire the bonds from the public at prices not in excess of those set forth below, plus accrued interest to date of payment therefor:

	Maturity date	Interest rate	Outstanding in hands of public	Proposed maximum purchase price
The Gas & Electric Co. of Bergen County (General Mortgage)	11/1/54	5	$1,617,000	125
The Gas & Electric Co. of Bergen County (Consolidated Mortgage)	6/1/49	5	1,443,000	120
Hudson County Gas Co	11/1/49	5	10,500,000	121
Middlesex Electric Light and Power Co	1/1/55	5	160,000	123
Newark Consolidated Gas Co	12/1/48	5	6,000,000	120
The Newark Gas Co	4/1/44	6	3,999,550	108
The Paterson & Passaic Gas & Electric Company	3/1/49	5	4,049,000	120
Somerset, Union & Middlesex Lighting Co	12/1/43	4	1,401,000	103½
South Jersey Gas, Electric & Traction Co	3/1/53	5	9,487,000	124
Trenton Gas & Electric Co	3/1/49	5	1,998,000	120
United Electric Company of New Jersey	6/1/49	4	17,934,500	114

Public Service Electric and Gas Company proposes to surrender the acquired bonds to the Trustee of Public Service Electric and Gas Company's First and Refunding Mortgage for pledge thereunder in accordance with Part V of the Indenture between the Company and Fidelity Union Trust Company, as Trustee, dated August 1, 1924.

The company considers section 12 (c) of the Act and Rule U-42 of the General Rules and Regulations promulgated thereunder as being applicable to the proposed transaction.

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission:

It is ordered, That a hearing on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on December 22, 1942 at 10 a. m. E. W. T. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the Hearing Room Clerk. At such hearing cause shall be shown why such declaration or application (or both) shall become effective or shall be granted.

Notice is hereby given of said hearing to the above-named declarant and applicant and to all interested persons, said notice to be given to said declarant and applicant by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Charles S. Lobingier, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be paid at the hearing to the following matters and considerations:

1. Whether the manner of selection of the bonds to be purchased by Public Service Electric and Gas Company is appropriate and the consideration to be paid therefor reasonable;

2. Whether the proposed transactions are detrimental to the proper functioning of the holding company system or otherwise detrimental to the public interest or the interest of investors or consumers, or will tend to circumvent the provisions of the Act, or the rules, regulations or orders thereunder;

3. Whether imposition of terms and conditions are necessary in the public interest or for the protection of investors and consumers or are necessary to insure compliance with the Act and the rules, regulations, or orders promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–13428; Filed, December 16, 1942; 11:52 a. m.]

[File No. 70–645]

Hugh M. Morris, Trustee

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 14th day of December 1942.

In the matter of Hugh M. Morris, Trustee of the Estate of Midland United Company and Public Service Company of Indiana, Inc.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Hugh M. Morris, as Trustee of the Estate of Midland United Company, a registered holding company, and Public Service Company of Indiana, Inc., a subsidiary thereof; and

Notice is further given that any interested person may, not later than January 4, 1943, request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application as filed or as amended may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application which is on file in the office of said Commission for a statement of the transactions therein proposed, which are summarized below:

Public Service Company of Indiana, Inc. proposes to purchase from the Trustee of Midland United Company 525 shares of no par value common stock of Union City Electric Company, being all the outstanding stock of said company, for a cash consideration of $75,000, plus an amount equal to the undistributed earnings of Union City Electric Company for the period from September 30, 1940, to the end of the month preceding the date of closing (which amount as of September 30, 1942, aggregated $11,767.80). Union City Electric Company renders electric utility services to Union City, Ohio, and College Corner, Ohio.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–13427; Filed, December 16, 1942; 11:52 a. m.]

Reference

DEC 21 1942

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934 LITTERA SCRIPTA MANET

FEDERAL REGISTER

VOLUME 7 NUMBER 247

Washington, Friday, December 18, 1942

Regulations

TITLE 24—HOUSING CREDIT

Chapter II—Federal Savings and Loan System

[Bulletin No. 13]

Part 203—Operation

OTHER LOANS AND INVESTMENTS BY ASSOCIATION

December 16, 1942.

No hearing having been requested in accordance with the provisions of paragraph (d) of § 201.2 of the Rules and Regulations for the Federal Savings and Loan System after opportunity therefor was allowed in accordance with paragraph (b) thereof, the Rules and Regulations for the Federal Savings and Loan System are amended, effective December 17, 1942, by adding thereto the following new section:

§ 203.20 *Other loans and investments.* A Federal association having a Charter K may invest its funds in loans to its members on the security of share accounts of the association owned by a member other than the borrower. To secure such loans the association shall obtain a lien upon, or a pledge of, the share account. No such loan shall exceed 90 percent of the repurchase value of the share account securing such loan. No such loan shall be made when the association has applications for repurchase which have been on file more than 30 days and not reached for payment. (Sec. 5 (a) of H.O.L.A. of 1933, 48 Stat. 132; 12 U.S.C. 1464 (a); E.O. 9070, 7 F.R. 1529)

James Twohy,
Governor.
Harold Lee,
General Counsel.
John M. Hager,
Executive Assistant to the Commissioner.

[F. R. Doc. 42-13452; Filed, December 17, 1942; 10:33 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

Part 1010—Suspension Orders

[Amendment 1 to Suspension Order S 84]

CAPITAL COMPANY

Section 1010.84 *Suspension Order S-84*, paragraph (c) is hereby amended to read as follows:

(c) This order shall take effect immediately and shall continue in effect until January 18, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of December 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-13438; Filed, December 16, 1942; 1:54 p. m.]

Part 1010—Suspension Orders

[Amendment 1 to Suspension Order S 97]

INTERSTATE ELECTRIC CO.

Paragraph (e) of § 1010.97, *Suspension Order S-97*, is hereby amended to read as follows:

(e) This order shall take effect on October 17, 1942, and shall expire on December 17, 1942, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of December 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-13439; Filed, December 16, 1942; 1:54 p. m.]

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the **Federal Register** will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Part 1010—Suspension Orders

[Amendment 1 to Suspension Order S-129]

C. W. SAUNDERS

Paragraphs (a) and (b) of § 1010.129, *Suspension Order S-129*, issued October 31, 1942, are hereby eliminated from said order.

Paragraph (c) of § 1010.129, *Suspension Order S-129*, issued October 31, 1942, is hereby amended to read as follows:

(c) Except as specifically authorized by the Director General for Operations, neither C. W. Saunders nor any other person shall order, purchase, accept delivery of, withdraw from inventory or secure in any other manner, or use any material or construction plant in order to continue or complete construction of any of the houses at the following locations: 721 and 725 West Manchester Boulevard, Inglewood, California; 1018 East 66th Street, Inglewood, California; 1211-1221 West Burbank Boulevard, Burbank, California; 4810 West 98th Street, Inglewood, California; 933-945 Fir Avenue, Inglewood, California; 4805 and 4811 West 104th Street, Lennox, California; 10016 and 10020 Inglewood Avenue, Lennox, California; 1508 South Bronson Avenue, Los Angeles, California.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of December 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-13440; Filed, December 16, 1942; 1:54 p. m.]

Part 1010—Suspension Orders

[Suspension Order S-180]

OXNARD PLUMBING CO.

Oxnard Plumbing Company of Oxnard, California, is a partnership composed of R. D. Snively and W. D. Snively, and is engaged in retail sales of plumbing and heating supplies to the general public and to industrial firms.

During the period from April 30, 1942, to July 9, 1942, Oxnard Plumbing Company made numerous sales of items of plumbing and heating equipment to ultimate consumers, without authorization of the Director of Industry Operations. Each of these items was sold for more than Five Dollars ($5.00); the sales were made on purchase orders which bore no preference ratings and to consumers who did not sign any of the statements prescribed in Limitation Order L-79 as amended May 23, 1942.

During the period from March 24, 1942, to May 28, 1942, the company purchased plumbing and heating equipment from various suppliers and extended an A-10 preference rating to obtain these materials by certifying that said preference rating was extended under the provisions of Preference Rating Order P-84. At the time that these preference ratings were extended as aforesaid, the company did not have any A-10 preference rating orders from its customers to support these extensions.

During the period from February 16, 1942, to July 9, 1942, the company purchased plumbing and heating equipment from various suppliers and extended an A-10 preference rating to obtain these materials by certifying that said preference rating was extended under the provisions of Preference Rating Order P-100. At the time these preference ratings were extended as aforesaid, the company did not have A-10 preference rating orders from its customers to support these extensions.

These actions constituted wilful violations of Limitation Order L-79, Preference Rating Order P-84 and Preference Rating Order P-100, which violations have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing: *It is hereby ordered*, That:

§ 1010.180 *Suspension Order S-180.* (a) Deliveries of material to R. D. Snively and W. D. Snively, their successors and assigns, and to the partnership known as Oxnard Plumbing Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to R. D. Snively and W. D. Snively, their successors and assigns, or to the partnership known as Oxnard Plumbing Company, its successors and assigns, by means of preference rating certificates, preference rating orders, general preference orders and any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to R. D. Snively and W. D. Snively, their successors and assigns, or to the partnership known as Oxnard Plumbing Company, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve R. D. Snively and W. D. Snively or the partnership known as Oxnard Plumbing Company from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect December 21, 1942, and shall expire June 21, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of December 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-13441; Filed, December 16, 1942; 1:55 p. m.]

Part 1010—Suspension Orders

[Suspension Order S-181]

PAN AMERICAN PRODUCTS CORP.

Pan American Products Corporation, New Orleans, Louisiana, is engaged in the business of importing and selling Mexican cordage, wrapping twine and similar products. Under General Preference Order M-84, the Company was permitted to sell only 34,276 pounds of wrapping twine in May, 1942, and the same amount in June, 1942. Despite these restrictions, the Company sold 226,364 pounds of wrapping twine in May, 1942, and 98,756 pounds in June, 1942. During this time, the Company was aware that restrictions had been placed upon the sale of wrapping twine but did not familiarize itself with such restrictions.

The excessive sales of wrapping twine by the Company constituted a wilful violation of General Preference Order M-84 which has hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.181 *Suspension Order S-181.* (a) Pan American Products Corporation, its successors and assigns, shall not accept delivery of, receive, deliver, sell, or import any wrapping twine (as the same is defined in General Preference Order M-84), except as specifically authorized by the Director General for Operations.

(b) Nothing contained in this order shall be deemed to relieve Pan American Products Corporation from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect December 19, 1942, and shall expire April 19, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of December 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-13442; Filed, December 16, 1942; 1:55 p. m.]

Part 1010—Suspension Orders

[Suspension Order S-182]

AIRLINE BRASS WORKS

Airline Brass Works, Houston, Texas, a co-partnership composed of L. B. Golasinski and Vernon Melott, is engaged in the processing, machining, and casting of aluminum, brass, and copper. From January 7 to September 1, 1942, the Company melted substantial quantities of aluminum scrap and fabricated castings therefrom without having obtained authorization from the War Production Board. This constituted a violation of Supplementary Order M-1-d.

From January 23, 1942, to September 1, 1942, the Company used aluminum in the manufacture of oil derrick and flood light parts and other items not approved in Supplementary Order M-1-e. This constituted a violation of that order.

From February 17, 1942, to September 1, 1942, the Company delivered a substantial quantity of aluminum castings without having obtained authorization from the War Production Board. This constituted a violation of Supplementary Order M-1-f. During this whole period the Company was aware that the use of aluminum was subject to restrictions but operated in reckless disregard of the orders imposing such restrictions.

These violations of Supplementary Orders M-1-d, M-1-e, and M-1-f have hampered and impeded the war effort of the United States by diverting aluminum to uses unauthorized by the War Production Board. In view of the foregoing: *It is hereby ordered*, That:

§ 1010.182 *Suspension Order S-182.* (a) Airline Brass Works, its successors and assigns, shall not deliver, process, fabricate, use, or accept delivery of any primary, secondary, or scrap aluminum or castings thereof, except as specifically authorized by the Director General for Operations.

(b) Nothing contained in this order shall be deemed to relieve Airline Brass Works from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect December 19, 1942, and shall expire April 19, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of December 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-13443; Filed, December 16, 1942; 1:55 p. m.]

Part 1022—Plumbing and Heating Emergency Repairs

[Amendment 2 to Preference Rating Order P-84]

Section 1022.1 *Preference Rating Order P-84* [7 F.R. 1997, 4167, 6258] is amended in the following respects:

Paragraph (e) (1) is amended to read as follows:

(1) *Restrictions on installer and supplier.* (i) No installer or supplier may apply the rating hereby assigned to obtain copper or copper base alloys which have been fabricated into sheets, wire, rods or tubes, or to obtain any scarce material the use of which could be eliminated without serious loss of efficiency by substitution of less scarce material or by change of design.

(ii) No installer or supplier may apply the rating hereby assigned to obtain any material the transfer of which is subject to a ration order of the Office of Price Administration.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of December 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42-13448; Filed, December 16, 1942; 3:46 p. m.]

Part 1154—Metal Plumbing and Heating Equipment

[Amendment 3 to Limitation Order L-79 as Amended May 23, 1942]

Section 1154.1 *General Limitation Order L-79*, as amended May 23, 1942 [7 F.R. 3880, 6259] is hereby amended in the following respects:

1. Paragraph (b) is amended by adding at the end thereof the following:

Notwithstanding any provision of this order, no person may sell or deliver to an ultimate consumer any such equipment the transfer of which is subject to a ration order issued by the Office of Price Administration, provided that such sales or deliveries may be made in accordance with such ration order.

2. Paragraph (b) (6) is revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th

Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13447; Filed, December 16, 1942; 3:46 p. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[General Imports Order M-63 as Amended Dec. 17, 1942]

Section 1042.1 *General Imports Order M-63, as amended* is hereby amended to read as follows:

§ 1042.1 *General Imports Order M-63*—(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether or not incorporated.

(2) "Owner" of any material means any person who has any property interest in such material except a person whose interest is held solely as security for the payment of money.

(3) "Consignee" means the person to whom a material is consigned at the time of importation.

(4) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States (including the Philippine Islands). It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments in bond into the continental United States for transshipment to Canada, Mexico, or any other foreign country.

(5) "Place of initial storage" means any warehouse, yard ground storage, or other place, to which the person making the entry or withdrawal from custody of the United States Bureau of Customs of material imported subject to this order directs or has directed that such material be transported from the port of entry to be held until disposed of pursuant to this order.

(6) Material shall be deemed "in transit" if it is afloat, if an on board ocean bill of lading has actually been issued with respect to it, or if it has actually been delivered to and accepted by a rail, truck, or air carrier, for transportation to a point within the continental United States.

(7) "Governing date" with respect to any material means the date when such material first became subject to General Imports Order M-63.

(b) *Restrictions on imports of materials*—(1) *General restriction.* No person, except as authorized in writing by the Director General for Operations, shall purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for the importing of, any material subject to this order after the governing date. The foregoing restrictions shall apply to the importation of any material subject to the order, regardless of the existence on the governing date or thereafter of any contract or other arrangement for the importation of such material. The materials subject to this order are those listed from time to time upon List I, List II, and List III attached hereto.

(2) *Authorization by Director General for Operations.* Any person desiring such authorization, whether owner, purchaser, seller, or consignee of the material to be imported, or agent of any of them, shall make application therefor in duplicate on Form PD-222C, addressed to the War Production Board, Ref.: M-63, Washington, D. C. Unless otherwise expressly permitted, such authorization shall apply only to the particular material and shipment mentioned therein and to the persons and their agents concerned with such shipment; it shall not be assignable or transferable either in whole or in part.

(3) *Restrictions on financing of imports.* No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation of any material subject to this order after the governing date unless such bank or person has received either a copy of the authorization issued by the Director General for Operations, or, if the transaction comes within the exceptions set forth in paragraph (b) (4), an affidavit stating the facts which show the exception.

(4) *Exceptions.* Unless otherwise directed by the Director General for Operations, the restrictions set forth in this paragraph (b) shall not apply:

(i) To the Board of Economic Warfare, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation, or any other United States governmental department, agency, or corporation, or any agent acting for any such department, agency, or corporation; or

(ii) To any material of which any United States governmental department, agency, or corporation is the owner at the time of importation, or to any material which the owner at the time of importation had purchased or otherwise acquired from any United States governmental department, agency, or corporation; or

(iii) To any material which on the governing date was in transit to a point within the continental United States.

(iv) To materials imported by mail where the value of the shipment is less than $100.00; or

(v) To materials consigned as gifts or as samples, or for use as samples, or imported for personal use, where the value of each consignment or shipment is less than $200.00; or

(vi) To materials consigned as gifts for personal use by or to members of the Armed Services of the United States.

(c) *Restrictions on disposition of List I material.* Except as hereinafter specifically provided in paragraph (d) hereof:

(1) *Restrictions upon owners and consignees.* No owner or consignee of any material on List I which is imported after the governing date shall in any way, directly or indirectly:

(i) Dispose of any interest in such material;

(ii) Process or in any way change the physical condition of such material;

(iii) Transfer possession, or cause or permit a transfer of possession, of such material except to the port of entry and from the port of entry to the place of initial storage of such material; or

(iv) Change, or cause or permit a change of, the location of such material except to the port of entry and from the port of entry to the place of initial storage of such material.

Provided: That a consignee of such material may dispose of his interest in such material to the extent necessary to complete any commitment or contract made prior to the governing date. The person to whom he disposes of such interest shall be subject to all restrictions imposed upon owners by this order.

(2) *Restrictions upon banks and persons similarly situated.* No bank or other person which, as agent, pledgee, beneficiary under a trust receipt, or otherwise, has possession of or any interest in any written instrument evidencing any interest in any material on List I shall in any way, directly or indirectly, dispose of any such interest, or transfer possession, or cause or permit a transfer of possession, of such instrument, unless:

(i) Such material was imported before the governing date; or

(ii) Such person neither knows nor has reason to know that such material was imported after the governing date; or

(iii) Such disposition or transfer is necessary to permit a consignee to make a permissible disposition of material in accordance with subparagraph (1) of this paragraph (c); or

(iv) Such disposition or transfer is made to the owner of the material and such owner has complied with all the provisions of this order.

(d) *Permissible disposition of List I materials*—(1) *Transfer to Governmental agency.* Nothing contained in this order shall prohibit an owner or consignee of any material on List I imported after the governing date, or a bank or other person having possession of, or an interest in, a written instrument evidencing an interest in such material, from disposing of, or making any arrangement to dispose of, any interest in such material to the Board of Economic Warfare, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation, or any other United States governmental department, agency, or corporation.

(2) *Authorization by Director General for Operations.* Notwithstanding the provisions of paragraph (c), an owner or consignee of material on List I imported after the governing date or a bank or other person having possession of or an interest in a written instrument evidencing an interest in such material, may process such material or may dispose of any interest in such material or any such written instrument, or transfer possession or change the location thereof, or cause or permit such a transfer of possession or change of location, upon written authorization by the Director General for Operations. Any such person may make application in duplicate for such an authorization on Form PD-222A, which form shall be addressed to the War Production Board. Ref.: M-63, Washington, D. C.

(3) *Exceptions.* The restrictions set forth in paragraph (c) shall not apply to any material after any United States governmental department, agency, or corporation becomes the owner thereof, and shall not apply to any material of which any United States governmental department, agency, or corporation is the owner at the time of importation, and shall not apply to any material purchased or otherwise acquired from any United States governmental department, agency, or corporation.

(e) *Restrictions on disposition of List II or List III material.* Any material on List II or List III, which is imported after the governing date, may be sold, delivered, processed, consumed, purchased, or received without restriction under this order, but all such transactions shall be subject to all applicable provisions of the regulations of the War Production Board and to all orders and directions of the Director General for Operations which now or hereafter may be in effect with respect to such material.

(f) *Reports*—(1) *Reports on customs entry.* No material which is imported after the governing date, including materials imported by or for the account of the Board of Economic Warfare, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation, or any other United States governmental department, agency, or corporation, shall be entered through the United States Bureau of Customs for any purpose, whether for consumption, for warehouse, in transit, in bond, for re-export, for appraisal, or otherwise, unless the person making the entry shall file with the entry Form PD-222B in duplicate. The filing of such form a second time shall not be required upon any subsequent entry of such material through the United States Bureau of Customs for any purpose; nor shall the filing of such form be required upon the withdrawal of any material from bonded custody of the United States Bureau of Customs, regardless of the date when such material was first transported into the continental United States. Both copies of such form shall be transmitted by the Collector of Customs to the War Production Board, Division of Stockpiling and Transportation, Ref.: M-63, Washington, D. C.

(2) *Other reports.* All persons having any interest in, or taking any action with respect to, any material imported after the governing date, whether as owner, agent, consignee, or otherwise, shall file such other reports as may be required from time to time by the War Production Board.

(g) *Routing of communications.* All communications concerning this order shall, unless otherwise herein directed, be addressed to: War Production Board, Washington, D. C., Ref.: M-63.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or who furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority assistance.

(i) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(j) *Effective date.* This order shall take effect at 12:01 a. m. on the 28th day of December, 1942, and shall continue in effect until revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

LIST I

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1941, as supplemented January 1, 1942). Materials are included in the list to the extent that they are covered by the commodity numbers listed below.

Material	Commerce import class No.	Governing date
Asphalt	5078.1	7/2/42
	5079.1	7/2/42
	5394.0	7/2/42
Beef and mutton tallow—includes oleo stock	0036.6	5/22/42
Beef and mutton tallow (inedible)—includes oleo stock	0815.6	5/22/42
Brazilian pebble (quartz crystals), unmanufactured	5120.6	10/6/42
Brazilian pebble (quartz crystals), manufactured and semimanufactured in blanks, slabs, bars, etc	(1)	10/6/42
Bristles, hog and pig	0917.0	[2] 3/14/42
	0979.0	[2] 3/14/42
Castor beans	2231.0	4/8/42
Cinchona bark or other bark from which quinine may be extracted	2201.0	5/22/42
Cod oil	0804.0	5/22/42
Coir fiber	3409.0	11/23/42
Coir yarn	3420.0	11/23/42
Coir manufactures, other than pile mats, floor coverings, matting, etc	(1)	11/23/42
Columbian ore (columbite) or concentrates	6270.3	4/ 8/42
Cottonseed oil, crude, refined	1423.1	5/22/42
	1423.2	5/22/42
Divi-divi pods	232.14	7/2/42
Divi-divi, hemlock, and chestnut extracts	2345.0	7/2/42
Flax, unmanufactured (all types)	3261.0	7/2/42
	3262.5	4/8/42
	3262.6	4/8/42
	3262.7	7/2/42
	3262.8	5/4/42
	3262.9	5/4/42
Flaxseed (linseed)	2233.0	5/22/42
Goose down	(1)	7/2/42
Graphite or plumbago:		
Amorphous, natural (except of Mexican origin)	5730.1	4/8/42
Crystalline, flake	5730.5	12/28/41
Crystalline, lump, chip, or dust	5730.6	4/8/42
Hemp (Cannabis Sativa type only), unmanufactured:		
Hackled, including "line of hemp"	3263.0	9/11/42
Not hackled	3263.2	9/11/42
Tow	3263.3	9/11/42
Horse mane and tail hair, raw and drawn, including switches	3694.0	3/14/42
	3694.1	3/14/42
Lac: crude, seed, button and stick	2105.0	[3] 4/8/42
Linseed oil, and combinations and mixtures, in chief value of such oil	2254.0	5/22/42
Mangrove extract	2342.0	7/2/42
Muru muru nut oil	(1)	8/21/42
Myrobalan fruit and extract	2304.0	7/2/42
	2345.8	7/2/42
Neatsfoot oil and animal oils known as neatsfoot stock	0808.95	5/22/42
Oleo oil	0636.2	8/21/42
Peanut (ground nut) oil	1427.0	5/22/42
Pyrethrum or insect flowers	2202.0	10/21/42
Pyrethrum or insect flowers, advanced in value or condition	222.31	10/21/42
Quebracho extract	2344.0	7/2/42
Red Squill	221.65	10/21/42
Rotenone bearing roots (cube root (timbo or barbasco), derris and tuba), crude and advanced	221.28	5/4/42
	221.30	5/4/42
	222.36	5/4/42
	222.37	5/4/42
Rubber seed	2239.5	5/22/42
Rubber seed oil	(1)	5/22/42
Rutile	6270.2	12/28/41
Sunflower oil, edible and denatured	1421.0	5/22/42
	2247.0	5/22/42

[1] No separate class. Commodity number has not yet been assigned by the Department of Commerce, Statistical Classification of Imports.

[2] Moved from List II 11/23/42.

[3] Moved from List II 10/6/42.

Material	Commerce import class No.	Governing date
Tantalum ore (tantalite)	6270.4	4/8/42
Tara	232.23	7/2/42
Tucum oil	(1)	8/21/42
Valonia beards and valonia extract	2307.0	7/2/42
	2345.1	7/2/42
Wattle extract	2345.5	7/2/42
Whale oil (other than sperm)	0803.5	5/22/42
Wool grease, including degras or brown wool grease (all grades)	0813.2	5/22/42
	0813.3	5/22/42
	0813.5	5/22/42
Zirconium ore	6270.5	12/28/41

List II

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1941, as supplemented January 1, 1942). Materials are included in the list to the extent that they are covered by the commodity numbers listed below.

Material	Commerce import class No.	Governing date
Aluminum scrap	6302.3	6/1/42
Antimony	6650.0	12/28/41
	6651.0	12/28/41
	6651.1	12/28/41
	838.180	12/28/41
	838.210	12/28/41
Asbestos, unmanufactured (originating in Rhodesia or Union of South Africa)	5500.0	1/13/42
	5500.3	1/13/42
	5500.5	1/13/42
	5501.0	1/13/42
	5501.1	1/13/42
	5501.9	1/13/42
	5502.1	1/13/42
Babassu nuts and kernels	2239.13	4/8/42
	2239.15	4/8/42
Babassu nut oil	2257.1	4/8/42
Balsa wood:		
Logs	4029.1	6/10/42
Sawed boards, planks, deals, and sawed timber	4118.0	6/10/42
Beryl ore or beryllium ore	6270.0	5/4/42
Beryllium oxide, carbonate and other beryllium salts	838.963	5/4/42
Cashew nut oil and shell oil	2257.2	4/8/42
Castor oil	226.02	4/8/42
Cattle, ox, and calf tail hair, including switches	3696.1	7/2/42
Chrome ore (chromite)	6213.1	12/28/41
	6213.3	12/28/41
	6213.5	12/28/41
Coconut oil	2242.5	1/13/42
Cohune nuts and kernels	(1)	4/8/42
Cohune nut oil	(1)	9/11/42
Copper	6401.8	12/28/41
	6417.1	3/14/42
	643.00	3/14/42
	6418.3	6/1/42
Copper and brass scrap	6401.9	12/28/41
	6418.1	7/2/42
	6453.0	6/1/42
	676.02	6/1/42
Copra	2232.0	1/13/42
Corn or maize oil (edible)	1422.0	5/22/42
Corundum and emery in grains, or ground, pulverized, or refined	547.01	5/22/42
Corundum ore	5460.0	5/22/42
Cotton linters, munitions, or chemical grades only (Grades 3-6 according to Department of Agriculture Classification)	(1)	4/8/42
Cotton yarns and fabrics:		
Airplane cloth, type MM	(1)	8/21/42
Balloon fabric, type HH	(1)	8/21/42
Balloon fabric, type SS	(1)	8/21/42
Cotton rope for spinning mules	(1)	11/23/42
Decating apron fabric	(1)	11/23/42
English spun combed cotton yarn, single or plied, in counts of 58's and finer	(1)	11/23/42
Filter cloth	(1)	11/23/42
Grey tracing cloth fabric	(1)	11/23/42
Lithograph moleskin cloth	(1)	11/23/42
Printers molleton	(1)	11/23/42
Tracing cloth	3970.0	8/21/42
Typewriter ribbon fabric	(1)	8/21/42
Cottonseed hull fiber	(1)	7/21/42
Glycerine, crude and refined	8290.0	5/22/42
	8291.1	5/22/42
Goat and kid skin furs	6711.4	7/21/42
Hides and skins:		
Buffalo hides, dry and wet	0203.0	1/13/42
	0203.1	1/13/42
Cabretta skins or hair sheep skins	0235.0	7/2/42
Calf, dry and wet	0207.0	1/13/42
	0208.0	1/13/42
Cattle hides, dry and wet	0201.0	1/13/42
	0202.0	1/13/42
Goat and kidskins, dry and wet	0241.0	7/2/42
	0242.0	7/2/42
Kip, dry and wet	0205.0	1/13/42
	0206.0	1/13/42
Shearlings (includes dry and green salted skins)	0231.3	7/2/42
Iron and steel scrap, fit only for remanufacture	6004.0	6/1/42
	6004.1	6/1/42
Istle or tampico fiber manufactures (including all istle products)	(1)	11/23/42
Istle or tampico fiber, unmanufactured (including istle waste)	3405.0	3/14/42
Jute, unmanufactured	3241.0	10/6/42
Jute butts, unmanufactured	3242.0	10/6/42
Kapok	3403.0	7/2/42
Kyanite and sillimanite	593.95	12/28/41
Lead	6504.0	12/28/41
	6505.0	1/9/42
	6505.1	12/28/41
	6506.1	1/9/42
	6506.5	1/9/42
	6506.9	6/1/42
	6507.0	1/9/42
	6509.0	1/9/42
Loofa (Luffa) sponges	(1)	8/21/42
Magnesium, metallic and scrap	676.31	6/1/42
Mahogany logs	4031.0	7/2/42
Mahogany, rough (not further manufactured than sawed)	4202.1	7/21/42
Mahogany, dressed (sawed and not further manufactured than planed, tongued, and grooved)	4204.1	7/21/42
Mercury-bearing ores and concentrates	(1)	4/8/42
Mercury or quicksilver (metallic)	6662.0	12/28/41
Meshta fiber	(1)	10/6/42
Metallic beryllium, caesium, lithium, and potassium	838.870	5/4/42
Metallic mineral substances in crude form, not otherwise classified (such as drosses, skimmings, residues, brass foundry ash, and flue dust)	674.19	6/1/42
Mica	5560.7	3/14/42
	5560.8	3/14/42
	5560.9	3/14/42
	5561.0	3/14/42
	5561.7	7/2/42
	5561.8	3/14/42
	5561.9	3/14/42
	5564.0	3/14/42
	5564.2	3/14/42
Nutgalls or gall nuts	2310.0	9/11/42
Oiticica oil	2255.6	4/8/42
Ouricury (uricury) nuts and kernels	2239.61	5/22/42
	2239.62	5/22/42
Ouricury (uricury) oil, inedible and edible	2257.80	5/22/42
	2257.83	5/22/42
Palm nut kernels	2236.5	3/14/42
Palm kernel oil	2248.0	3/14/42
Palm oil	2243.0	1/13/42
Rapeseed oil, denatured and not denatured	2246.0	5/22/42
	2253.0	1/13/42
Shellac, unbleached and bleached	2107.2	3/14/42
	2108.0	3/14/42
Silk:		
Cocoons	3703.0	10/21/42
Partially manufactured silk, and silk noils exceeding 2 inches in length, not twisted or spun	3799.0	10/21/42
Raw silk in skeins, reeled from the cocoon, or re-reeled, not wound, doubled, twisted, or advanced	3702.0	10/21/42
Silk waste	3704.0	10/21/42
Wild silk or tussah	3702.1	10/21/42
Silver:		
Ores, concentrates, and base bullion, valuable chiefly for silver content	6819.5	7/21/42
Bullion, refined	6819.6	7/21/42
Silver—Continued.		
Coin, foreign	6819.8	7/21/42
Sweepings and scrap, including silver sulphides	6819.9	7/21/42
Semiprocessed items, valuable chiefly for silver content	(1)	7/21/42
Compounds, mixtures, and salts, valuable chiefly for silver content	(1)	7/21/42
Sperm oil, crude, refined or otherwise processed	0803.0	5/22/42
	0803.1	5/22/42
Talc, steatite (magnesium silicate), containing not to exceed 1½% lime and 1½% ferric oxide:		
Crude and unground	(1)	11/23/42
Ground, washed, powdered, or pulverized	(1)	11/23/42
Tin:		
Alloys, chief value tin, n. s. p. f. (including alloy scrap)	6551.9	6/1/42
Bars, blocks, pigs, grain, or granulated	6551.3	6/1/42
Metallic scrap (except alloyed scrap)	6551.5	6/1/42
Tin-plate scrap	674.05	7/2/42
Tung oil (China wood oil)	2241.0	1/13/42
Tungsten ore and concentrates	6232.0	12/28/41
Urena lobata fiber	(1)	10/6/42
Vanadium ore	6260.0	12/28/41
Wool, apparel, finer than 44's	3520.0	7/2/42
	3521.1	7/2/42
	3521.2	7/2/42
	3521.3	7/2/42
	3522.0	7/2/42
	3523.1	7/2/42
	3523.2	7/2/42
	3523.3	7/2/42
	3526.0	7/2/42
	3527.1	7/2/42
	3527.2	7/2/42
	3527.3	7/2/42
	3528.0	7/2/42
	3529.1	7/2/42
	3529.2	7/2/42
	3529.3	7/2/42
Wool (apparel, finer than 40's but not finer than 44's)	3513.0	7/2/42
	3514.1	7/2/42
	3514.2	7/2/42
	3514.3	7/2/42
	3524.0	7/2/42
	3525.1	7/2/42
	3525.2	7/2/42
	3525.3	7/2/42
Zinc, blocks, pigs, or slabs	6558.2	12/28/41

List III

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1941, as supplemented January 1, 1942). Materials are included in the list to the extent that they are covered by the commodity numbers listed below.

Material	Commerce import class No.	Governing date
Agave carpet yarns, dyed or undyed	(1)	7/21/42
Alewives and other pickled or salted fish, n. s. p. f.	0073.3- 0073.9 inc.	7/2/42
Alfalfa seed	2401.0	7/2/42
Alpaca, llama, and vicuna hair	3535.0- 3535.4 inc.	7/2/42
Anchovies, canned, not in oil	0067.0	7/2/42
Annatto and annatto extracts	232.00	7/2/42
Argols, tartar and wine lees, and crude calcium tartrate	8329.0	7/2/42
	8330.0	7/2/42
	837.11	7/2/42
Balsams, crude, not containing alcohol (except Canada balsam)	2141.0	7/2/42
	2141.3	7/2/42
	2141.4	7/2/42
	2141.5	7/2/42
	2141.9	7/2/42
Bananas, green or ripe	1301.0	7/2/42
Barley malt	1080.0	7/2/42

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[1] No separate class. Commodity number has not yet been assigned by the Department of Commerce, Statistical Classification of Imports.

Material	Commerce import class No.	Governing date
Baskets and bags of wood, straw, etc.	4221.0	7/2/42
	4221.2	7/2/42
	4221.5	7/2/42
	4221.6	7/2/42
	4221.9	7/2/42
Beans, dried	1192.0	7/2/42
Beef and veal, pickled or cured	0029.0	7/2/42
Beef, canned, including corned beef	0028.0	7/2/42
Beeswax	0972.0	7/2/42
	0972.1	7/2/42
	0974.0	7/2/42
Blood, dried	8505.0	7/2/42
Bone black, bone char, and blood char	099.13	7/2/42
Bones, crude	0911.2	7/2/42
Bones, ground, ash, dust, meal and flour	0911.3	7/2/42
Boxwood logs	4033.0	7/2/42
Bran; shorts; and other wheat byproduct feeds	1181.0	7/2/42
Brazil or cream nuts	1356.0	7/2/42
	1357.0	7/2/42
Broomcorn	2936.0	11/23/42
Butter	0044.0	7/2/42
Cacao butter	1420.0	7/2/42
Canary seed	2452.0	7/2/42
Candelilla wax	2252.2	7/2/42
Carnauba wax	2251.0	7/2/42
Caroa fiber	4692.8	7/2/42
Caroa yarn	(1)	10/6/42
Casein or lactarene	0943.0	7/2/42
Cashew nuts and kernels	1377.0	4/8/42
Cassia buds, unground	1533.0	10/6/42
Cassia, cassia vera, unground	1533.1	10/6/42
Cassia, cassia buds and cassia vera, ground	155.07	10/6/42
Cheese	0045.1- 0046.99 inc.	7/2/42
Chickpeas and garbanzos, dried	1200.0	7/2/42
Chicle, crude and refined or advanced	2131.0	7/2/42
	2189.3	7/2/42
China clay or Kaolin	5300.0	8/21/42
Cinnamon and chips of, unground	1526.0	10/6/42
Cinnamon and chips of, ground	155.03	10/6/42
Cocoa beans or cacao beans	1501.3	7/2/42
Coconuts, in the shell	1351.0	10/21/42
Coconut meat, shredded and desiccated, or similarly prepared	1379.0	10/21/42
Coffee, raw or green; roasted or processed	1511.0	7/2/42
	1511.1	7/2/42
Combinations and mixtures of animal, vegetable, or mineral oils, or any of them, with or without other substances, not specifically provided for	226.12	7/21/42
Corn	1031.0	7/2/42
Corn, cracked	109.18	7/2/42
Cotton linters, other than munitions, and chemical grades (Grades 1-2 according to Department of Agriculture Classification)	(1)	7/2/42
Cotton, raw (all staple length)	3001.0	7/2/42
	3003.6	7/2/42
	3003.7	7/2/42
	3003.8	7/2/42
Cotton waste	3006.1	7/2/42
	3006.2	7/2/42
	3006.31	7/2/42
	3006.33	7/2/42
	3006.35	7/2/42
	3006.6	7/2/42
	323.38	7/2/42
	323.39	7/2/42
Cotton—Merino waste	985.902	7/2/42
Crabs, fresh or frozen; prepared or preserved	0086.4	7/2/42
	0086.5	7/2/42
Dog food	1190.7	7/2/42
	1190.8	7/2/42
Eggs (chicken), whole, in the shell	0088.1	7/2/42
Ergot	221.33	10/6/42
Fabrics woven of agave fiber	(1)	9/11/42
Fatty acids, not specifically provided for, derived from vegetable oils, animal or fish oils, animal fats and greases, not elsewhere specified:		
Cottonseed oil	226.22	5/22/42
Linseed oil	226.21	7/21/42
Soybean oil	226.23	7/21/42
Other, not elsewhere specified	226.24	7/21/42
Fatty alcohols and fatty acids sulphated, not elsewhere specified, and salts of fatty acids sulphated not elsewhere specified	226.28	7/21/42
Fish scrap and fish meat, fertilizer	0976.0	7/ 2/42
	8509.7	7/ 2/42
Floor coverings:		
Carpets and carpeting, mats, rugs, art squares, etc., of wool, n. s. p. f.	3660.0- 367.57 inc.	10/21/42
Pile mats and floor coverings of cocoa fiber (coir fiber)	3960.1	10/21/42
Pile mats and floor coverings of rattan	3960.3	10/21/42
Matting and articles of cocoa fiber (coir fiber) or rattan	3963.0	10/21/42
Floor coverings of grass or rice straw, not in chief value of cotton	3963.2	10/21/42
Textile floor coverings, other than wool, cotton, silk, rayon, etc., n. e. s.	3963.6	10/21/42
Fluorspar	5301.0	7/ 2/42
	5301.1	7/ 2/42
Garlic	1205.0	7/ 2/42
Ginger root unground, not preserved or candied	1536.1	10/6/42
Ginger root, ground, not preserved or candied	155.08	10/6/42
Glue, except glue size and fish glue (value under 40¢ lb.)	0940.1	7/2/42
Goat and kid hair except Angora (mohair) and Cashmere	3696.2	7/2/42
Grapefruit	1302.0	7/2/42
Grapes, fresh (other than hothouse)	1318.5	7/2/42
Guano	8504.0	7/2/42
Gum arabic or senegal (Acacia gum)	2161.0	10/21/42
Gum ghatti	(1)	10/21/42
Gum kadaya (karaya) and talka	2163.0	10/21/42
Gum tragacanth	2162.0	10/21/42
Hempseed	2238.0	5/22/42
Hempseed oil	226.03	7/21/42
Herring (including sprats, pilchards and anchovies), all types	0070.0- 0070.9 inc.	7/2/42
Hibiscus cannabinus or ferox	(1)	7/2/42
Hide cuttings, raw	0930.8	7/2/42
Hides and skins:		
Deer—buck, or doe	0283.1	9/11/42
Horse—colt, and ass	0211.1	7/2/42
	0211.3	7/2/42
	0212.1	7/2/42
	0212.2	7/2/42
	0212.3	7/2/42
	0212.5	7/2/42
Sheep and lamb skins, except shearlings, cabrettas, etc.:		
Pickled skins, not split, no wool	0234.0	7/2/42
Pickled fleshers, split, flesh side	0234.1	7/2/42
Pickled skivers, split, grain side	0234.2	7/2/42
Slats, dry, no wool	0231.7	7/2/42
Other wooled (wool on), except shearlings	0231.5	7/2/42
Honey	1654.8	7/2/42
Hydrogenated or hardened oils and fats, vegetable or animal	226.10	7/21/42
Ilmenite (including ilmenite sand)	6270.1	7/2/42
Iodine	8300.0	7/2/42
	838.630	7/2/42
Iron ore	6001.0	7/2/42
Kola nuts	221.49	7/2/42
Lamb and sheep fur, except Caracul and Persian lamb	0711.3	7/21/42
Leather, unmanufactured	0300.1- 0345.9 inc.	7/2/42
Lentils	1199.0	7/2/42
Lignaloe oil or Bois de Rose	228.27	7/2/42
Limes	1304.0	7/2/42
Lobsters, canned and not canned	0083.0	7/2/42
	0084.0	7/2/42
Lupines	1199.1	7/2/42
Mace, unground	1540.0	10/6/42
Mace, ground	155.09	10/6/42
Mace, Bombay or wild, unground	1549.2	10/6/42
Mace, Bombay or wild, ground	155.10	10/6/42
Mangrove bark	232.18	7/2/42
Maté	221.57	7/2/42
Maté, Yerba, advanced in value or condition (Paraguay tea)	177.90	10/6/42
Meats, canned, n. e. s., and prepared or preserved meats, n. s. p. f. (include liver paste; also include mutton)	0032.9	10/21/42
Meat extracts, including fluid	0096.0	7/2/42
Melons	133.42	7/2/42
	133.43	7/2/42
Milk, condensed and evaporated	0040.0	7/2/42
	0040.1	7/2/42
	0040.7	7/2/42
Mohair	3530.0- 3530.4 inc.	7/2/42
Molasses and sugar sirup, edible and inedible	163.48- 1640.0 inc.	7/2/42
Monazite sand and other thorium ore	593.30	7/2/42
Muru muru nuts and kernels	2239.63	5/22/42
	2239.64	5/22/42
Nitrates, Sodium and Potassium	8506.0	7/2/42
	8527.5	7/2/42
	8527.9	7/2/42
Nutmegs, unground	1539.0	10/6/42
Nutmegs, ground	155.11	10/6/42
Oats, hulled and unhulled	1041.0	7/2/42
	1041.1	7/2/42
Offal, edible	0023.6	7/2/42
Oil cake and oil cake meal, made of cottonseed, peanut, hempseed, and others (except coconut or copra, soybean and linseed)	1114.0 1119.6- 1119.9 inc.	7/2/42
Oleo stearin	0036.3	7/2/42
Onions, edible	1208.1	7/2/42
Ouricury (uricury) wax	2252.3	7/2/42
Paper base stock:		
Rags for paper stock	4691.0	7/2/42
Waste bagging, gunny cloth and bags	4692.0	7/2/42
Grasses, fibers, waste, shavings, clippings, etc. n. e. s.	4692.9	7/2/42
Peaches, green, ripe, or in brine	133.61	7/2/42
Pears, green, ripe, or in brine	133.66	7/2/42
Peas, dried and split	1197.0	7/2/42
	1198.0	7/2/42
Peppers	121.05	7/2/42
Piassava fiber	3409.35	7/2/42
Pigeons (all types)	(1)	7/2/42
Pimento (allspice), unground	1543.0	10/6/42
Pimento (allspice), ground	155.13	10/6/42
Pork, hams, shoulders, bacon, sausage; prepared, cooked, boned, canned, etc.	0030.9	7/2/42
	0031.9	7/2/42
Quebracho wood	2305.0	7/2/42
Rapeseed	2237.0	5/22/42
Rice, broken	1059.2	7/2/42
Rye	1044.0	7/2/42
Salts derived from vegetable oils, animal oils, fish oils, animal fats and greases, not elsewhere specified, or from fatty acids thereof	226.26	7/21/42
Sausage casings, sheep, lamb and goat only	0034.0	7/2/42
Sausage casings, other	0035.5	7/2/42
Sesame oil, edible and inedible	1428.2	7/21/42
	2249.0	7/21/42
Sesame seed	2234.0	5/22/42
Soap (except Castile) and soap powder	8712.3- 8719.9, inc.	7/2/42
Soap bark or quillaya	221.82	7/2/42
Sugar, cane	161.75- 161.00, inc.	7/2/42
Sunflower seed	2240.0	5/22/42
Tallow, vegetable	2250.0	7/2/42
Tankage (incl. cracklings, greave cakes, liver meal, meat meal, meat flour, meat scrap, etc.)	0975.0	7/2/42
	8509.6	7/2/42
Tanning extracts, not specially provided for	2345.9	7/2/42
Tapioca, tapioca flour, and cassava (including mandoica flour)	1228.0	7/2/42
Tea, not specially provided for	1521.0	7/21/42
Textile waste, not elsewhere specified (incl. jute thread and flax etc.)	985.905	7/2/42
Tobacco, unmanufactured	2601.0- 2610.0 inc.	7/2/42
Tonka beans	1546.0	7/2/42
Tucum nuts and kernels	2239.65	5/22/42
	2239.66	5/22/42
Tuna fish, fresh or frozen	0058.0	7/2/42
Turtles	0086.2	7/2/42
Vanilla beans	1545.0	7/2/42
Vegetable ivory or tagua nuts	2911.0	7/2/42
Vegetable oil foots, other than olive	(1)	7/21/42
Vegetable soapstock	(1)	7/21/42
Wattle bark	2309.0	7/2/42
Wool, apparel, 40's or coarser	3506.0- 3509.3 inc.	7/2/42
Wool, apparel, finer than 40's, not finer than 44's on the skin	3514.0	7/2/42
	3525.0	7/2/42
Wool, carpet	3501.0- 3502.3 inc.	7/2/42
Wool mungo	3553.9	11/23/42
Wool noils and wastes	3550.0- 3553.7 inc.	7/2/42
Wool press cloth waste	985.903	7/2/42
Wool rags	3554.0	11/23/42
Wool shoddy and wool extract	3553.8	11/23/42

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[1] No separate class. Commodity number has not yet been assigned by the Department of Commerce, Statistical Classification of Imports.

[F. R. Doc. 42-13495; Filed, December 17, 1942; 11:34 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[Supplemental General Imports Order M–63–d, Revocation]

§ 1042.5 *Supplemental General Imports Order M–63–d* is hereby revoked, the subject matter of such order being incorporated in paragraph (b) (4) of General Imports Order M–63, as amended December 17, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 28th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13490; Filed, December 17, 1942; 11:30 a. m.]

PART 1053—FATS AND OILS

[General Preference Order M–71, as Amended Dec. 17, 1942]

§ 1053.1 *General Preference Order M–71*—(a) *Definitions.* (1) "Fats and oils" means all the raw, crude, refined and pressed fats and oils, whether vegetable, animal, fish or other marine animal, their by-products and derivatives, including grease (lard) oil, sulfonated and similarly processed fats and oils, fatty acids, and lard and rendered pork fat, but not including cocoa butter, butter, wool greases, essential oils, tall oil, mineral oils, and vitamin-bearing oils derived from fish or other marine animal livers or viscera.

(2) "Manufacturer" means any person who uses any fats or oils in the manufacture of any finished product, and shall include all other persons directly controlling or controlled by such person, and all persons under direct or indirect common control with such person. The term shall not include any crusher, renderer, refiner or other processor except as and to the extent that his operations result in the production of a finished product, and shall also not include any person who uses fats, and oils in the home in the preparation of food for household consumption.

(3) The "inventory" of a manufacturer at any time shall include all fats and oils held or controlled by him and all fats and oils purchased by him for future delivery.

(4) "Finished product" means any product of a manufacturer produced for sale as his finished product and carried on his books as his finished product. Except for the purposes of paragraph (d) hereof, "finished product" shall not include: (i) grease (lard) oil; (ii) sulphonated or similarly processed fat or oil; (iii) fatty acids; (iv) lard or rendered pork fat; (v) any fat or oil product intended for sale to another manufacturer for further processing in the manufacture of, or for inclusion in, any product (excepting a product falling within paragraph (a) (4) (vi) hereof); (vi) any edible product of which a fat or oil is not the principal ingredient; (vii) any edible product produced by any hotel or restaurant for consumption on the premises; (viii) any medicinal preparation other than medicated soap.

(5) "Crusher" means any person who presses, expels, or extracts oils from any seed, bean, nut or corn or other oil-bearing materials.

(6) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armaments, weapons, merchant and naval ships, tanks and vehicles) and any parts, assemblies, and material to be incorporated in any of the foregoing items. This term does not include facilities or equipment used to manufacture the foregoing items.

(7) "Soap" means the product commonly known by that term excluding, however, soap used for non-detergent purposes (including the processing of textiles).

(b) Restrictions on manufacture. (1) [Revoked Nov. 24, 1942.]

(2) No manufacturer, except as provided in paragraph (b) (6) hereof, shall in any calendar quarter beginning with the last quarter of 1942, use or consume any fat or oil in any class of use listed in Schedule A annexed hereto in a quantity in excess of the percentage specified in such Schedule A of his average quarterly use or consumption of fats and oils in such class of use during the corresponding quarters of the two years, 1940 and 1941.

(3) If any manufacturer shall not in any quarter use or consume the quantity of fat or oil permitted by paragraph (b) (2) hereof, the unused part of his quota for such quarter shall for the purposes of such paragraph (b) (2) be carried forward and added to his permitted quota for the succeeding quarters: *Provided, however,* That any unused part of his permitted quota for any prior quarter shall not be carried forward beyond June 30, 1943 and beyond the 30th day of June of each year thereafter.

(4) For the purpose of determining the quantity of raw "foots" which may be used or consumed, use or consumption shall be calculated on the basis of total fatty acid content.

(5) The restrictions on fats and oils hereby imposed are imposed with respect to fats and oils in the aggregate, and such restrictions are not to be construed to limit a manufacturer to the same fat or oil used or consumed by him in the base period.

(6) Nothing in paragraph (b) (2) hereof shall restrict:

(i) The use of fats and oils in any period or quarter by any manufacturer whose aggregate use or consumption of fats and oils in such period is less than 6,000 lbs.;

(ii) The use of fats and oils in the manufacture of any edible product delivered or to be delivered to the Army or Navy of the United States, or delivered or to be delivered pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or the processing of fats and oils for delivery to another manufacturer for use in the manufacture of any such edible product: *Provided, however,* That this paragraph shall not exempt the use of fats and oils by any person other than the person having the prime contract with the Army or Navy or with the administrator of such Lend-Lease Act, unless the Quartermaster General of the Army or the Chief of the Bureau of Supplies and Accounts of the Navy, or the administrator of the Agricultural Marketing Administration (as the procurement agency for the administrator of such Lend-Lease Act), or the duly authorized representative of any of them, shall have issued to the manufacturer (whether prime contractor or subcontractor) who uses the fat or oil in the manufacture of the edible product contracted for, a certificate setting forth that such product is for direct Army or Navy issue or for delivery pursuant to such Lend-Lease Act and that the manufacture of such product will require a stated quantity of fats or oils, and designating the supplier or suppliers of such fats or oils to be exempted under the terms of this paragraph of this order.

(iii) The use of fats and oils in the manufacture of soap, including soap made from foots derived from domestic vegetable oils or their fatty acids, where such soap is delivered to the Army or Navy of the United States by the manufacturer or is delivered by such manufacturer, as a prime contractor, pursuant to such Lend-Lease Act.

(iv) The use of fats and oils in the manufacture, preparation or finishing of implements of war.

(v) The use of fats and oils in the manufacture of products to be exported by the manufacturer (*a*) to the Dominion of Canada where such Dominion has granted a license for the import of such products, or (*b*) to any other country pursuant to any export license issued by the Board of Economic Warfare.

(7) For the purposes of determining a manufacturer's permissible use or consumption under paragraph (b) (2) hereof, there shall be excluded from the quarter during which use or consumption is hereby limited, any fat or oil used in the manufacture of the products referred to in subdivisions (ii), (iii), (iv) and (v), of paragraph (b) (6) hereof, and there shall be excluded from the base period any fat or oil used by such manufacturer in such base period in the manufacture of any edible product or soap delivered by him to the Army or Navy of the United States or delivered by him, as a prime contractor, pursuant to such Lend-Lease Act, or exported to the Dominion of Canada or to any other country, and there also shall be excluded from such base period any fat or oil used in the manufacture, preparation or finishing of implements of war.

(8) A person who acquires all the manufacturing facilities of another person in a particular class of use shall thereby become entitled to the quota of such other person in such class of use, whether or not he continues to operate such facilities in whole or in part: *Provided, however,* That he shall within 30 days following such acquisition inform the Director General for Operations of the facilities acquired, their location, whether or not operation will be continued in the same or another location, and the amount of quota which he claims to have acquired in each class of use.

(9) Fats and oils processed by a person pursuant to toll agreement shall be chargeable not to the quota of the processor but to the quota of the owner of such fats and oils: *Provided,* That title to the product shall remain in the hands of the owner of the fats and oils and that such owner shall market, invoice and collect for such product through his own organization.

(10) Each manufacturer of soap may in any quarter substitute in whole or in part for the fats and oils (other than foots made from domestic vegetable oils or their fatty acids) which he would be entitled to use under Schedule A in such manufacture, foots made from domestic vegetable oils or their fatty acids, the quantity of such foots or their fatty acids which may be used or consumed to be 150% of the base period use of fats and oils.

(c) *Restrictions on deliveries of linseed oil.* (1) No person engaged in the business of selling linseed oil at wholesale (whether crushed or processed by him or purchased for resale) shall deliver in the aggregate to persons other than manufacturers during any calendar quarter, beginning with the fourth quarter of 1942, more linseed oil (whether raw or processed) than 70% of the average quarterly amount of linseed oil so delivered by him during the corresponding quarters of the two years, 1940 and 1941.

(2) In reducing deliveries pursuant to paragraph (c) (1) hereof, no person shall make discriminatory cuts as between customers, whether new or old.

(3) This order shall not restrict the delivery by any person of linseed oil to the Army or Navy of the United States or pursuant to such Lend-Lease Act, and any amount so delivered by him shall be excluded both from the base period on which his quota is based and from the period or quarter during which future deliveries are hereby limited.

(d) *Restrictions on processing and inventories.* (1) No manufacturer shall hereafter change the condition of any fat or oil in his raw materials inventory, or add any additional materials thereto, except to the extent necessary to store any such fat or oil in his raw materials inventory in a form necessary to prevent deterioration thereof, or except to put such fats or oils into process for the manufacture of his finished products subject to the limitations of paragraph (d) (2). Nothing contained in this paragraph shall be construed to limit the amount of fats and oils which may be held by any manufacturer in his raw materials inventory.

(2) No manufacturer shall hereafter increase the rate at which fats and oils are put into process by him, except to the extent necessary to meet the required deliveries of his finished products within the limitations established by this order, and to maintain only a practicable minimum working inventory of such finished products. The term "practicable minimum working inventory" is to be strictly construed. The mere fact that the turn-over has increased, or that materials are difficult to obtain, does not justify maintaining inventories above the minimum at which his operations can be continued.

(e) *Reports.* Every manufacturer and every other person affected by this order shall file such reports giving such information at such times and upon such form or forms as the Director General for Operations may from time to time prescribe.

(f) *Effect of other orders.* Insofar as any other order of the Director of Priorities, the Director of Industry Operations or the Director General for Operations, heretofore or hereafter issued, limits or curtails to a greater extent than herein provided the use, acquisition or disposition of any fat or oil, the limitations of such other order shall control.

(g) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Appeals.* Any persons affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, whether because of the absence of use during the two-year base period, or otherwise, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of fats or oils conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Director General for Operations by addressing a letter to this War Production Board, Chemicals Division, Washington, D. C., Ref: M–71, setting forth the pertinent facts and the reasons he considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(3) *Violations.* Any person who wilfully violates any provisions of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C., Ref: M–71.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

Class of use	*Permitted percentage*
Manufacture of margarine	110
Manufacture of other edible finished products, including shortening, mayonnaise and salad dressing	88
Manufacture of soap, exclusive of soap made from domestic vegetable oil foots or their fatty acids	88
Manufacture of soap from foots made from domestic vegetable oils or their fatty acids	150
Manufacture of paints, varnishes, lacquers and all other protective coatings	70
Manufacture of linoleum, oilcloth, and oil or oleo-resinous coated fabrics and pyroxylin coated fabrics	70
Manufacture of printing inks, including lithographing, offset, silk screen and other processing inks	90

INTERPRETATION 1

The term "principal ingredient" used in paragraph (a) (4) (vi) of the order means the largest single ingredient by weight, subject to the qualification that shortening, mayonnaise and salad dressing (edible products specifically listed in Schedule A annexed to said order) are to be considered products of which a fat or oil is the principal ingredient regardless of the fat or oil composition thereof in the particular case.

[F. R. Doc. 42–13491; Filed, December 17, 1942; 11:30 a. m.]

PART 1114—TIRE RETREADING, RECAPPING AND REPAIR EQUIPMENT

[General Limitation Order L-61, as Amended Dec. 17, 1942]

Whereas the shortage of crude rubber for military requirements and essential civilian uses has created an abnormal demand for retreading and recapping equipment for rubber tires; and

Whereas the supply of existing retreading and recapping equipment, if supplemented by careful selection of locations for small quantities of additional equipment, is adequate to satisfy the demand for retreading and recapping of rubber tires; and

Whereas the production for delivery of retreading and recapping equipment, if unregulated, will duplicate existing facilities and thus utilize quantities of scarce and critical materials as to which defense requirements have created a shortage for defense, private account and export, and it is necessary, in the public interest and to promote defense of the United States, to take the measures hereinafter set forth, and to regulate the production and delivery of retreading and recapping equipment.

Now, therefore, it is hereby ordered, That:

§ 1114.1 *General Limitation Order L–61*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or any organized group of persons, whether incorporated or not.

(2) "Retreading, recapping and repair equipment" means any mechanical device used in connection with applying uncured rubber (in the form of camelback, patching rubber or otherwise) to rubber casings or inner tubes for the purpose of renewing or repairing a rubber casing or inner tube. The term includes, but is not limited to, full circle molds, full circle matrices, holders, tables, steam chambers, kettle curing devices, curing rings, curing bands, pressure plates, spacer rings, curing rims, sectional molds, sectional matrices, tire and tube repair and spot equipment, tire spreaders, tire buffers, mechanical stitchers, mechanical rollers, and regroovers. It does not include, however, small tools, such as knives, hand rollers, hand stitchers, jacks, shears, and other miscellaneous shop tools and supplies.

(b) *Restrictions on manufacture and distribution.* No person shall produce any new retreading, recapping and repair equipment, or parts therefor, and no person shall sell, lease, rent, deliver or otherwise transfer, or purchase, accept or otherwise acquire, any new or used retreading, recapping or repair equipment, or parts therefor; except (1) under purchase orders rated A–9 or higher on a preference rating certificate PD–1A or PD–1X or forms of the PD–408 series issued by the Director General for Operations, or (2) pursuant to written or telegraphic authorization of the Director General for Operations.

(c) *Criteria for issuing preference rating certificates.* In issuing ratings on preference rating certificates, the Director General for Operations will consider the following factors, to the extent feasible, among others:

(1) The number and capacity of retreading, recapping and repair equipment facilities at present available in the particular locality.

(2) The anticipated need for retreading, recapping and repair equipment in the particular locality.

(3) The amount of uncured rubber (in the form of camelback, patching rubber or otherwise) expected to be made available in the particular locality.

(d) *Non-applicability to repair or maintenance of existing equipment.* The prohibitions of paragraph (b) hereof shall not be construed to restrict the manufacture, sale, lease, loan, renting, delivery or other transfer of parts to be used to repair or maintain existing retreading, recapping or repair equipment or to repair or maintain equipment delivered in accordance with the terms of this order.

(e) *Production requirements plan.* Pursuant to paragraph (c) of Priorities Regulation No. 11, any person manufacturing retreading, recapping, or repair equipment, who desires priorities assistance in procuring materials to be used in such manufacture, is hereby required, unless exempted by the Director General for Operations, to file a PRP application, to qualify as a PRP unit, and to operate under the Production Requirements Plan after January 1, 1943.

(f) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time, except that notwithstanding the provisions of Priorities Regulation No. 3, any person applying or extending a preference rating for retreading, recapping, or repair equipment shall certify on his purchase order or contract whether the preference rating is one assigned by a preference rating certificate PD–1A or PD–1X, or by a form of the PD–408 series, issued by the Director General for Operations.

(g) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref: L–61.

(h) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the Director General for Operations. Washington, D. C., Ref: L–61, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Records.* Each manufacturer or distributor of new retreading, recapping and repair equipment affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventory, production and sales of such equipment.

(k) *Reports.* Each person affected by this order shall execute and file with the War Production Board, such reports and answers to questionnaires as the Board shall from time to time request.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13488; Filed, December 17, 1942; 11:30 a. m.]

PART 1126—CAN ENAMEL

[Revocation of Conservation Order M–108]

Section 1126.1 *Conservation Order M–108* is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R.329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13492; Filed, December 17, 1942; 11:30 a. m.]

PART 1148—CLOSURE ENAMEL

[Revocation of Conservation Order M–116]

Section 1148.1 *Conservation Order M–116* is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13493; Filed, December 17, 1942; 11:31 a. m.]

PART 1158—INDUSTRIAL MACHINERY

[Interpretation 1 of General Limitation Order L–83]

The following official interpretation is hereby issued by the Director General for Operations with respect to General Limitation Order L–83 (§ 1158.1), as amended:

Paragraph (a) (2) of General Limitation Order L–83 defines "Critical industrial machinery" as new, used, or reconditioned machinery of the kinds listed from time to time in List A of the order, and provides that the value of a critical industrial machine shall be the selling price with certain exceptions. List A specifies the machinery included in the order. In certain instances, the list contains dollar limitations on the value of machines so included. For instance, bakery machinery is covered by General Limitation Order L–83 only on an order for a single machine of a value in excess of $200.

The selling price of a machine would normally establish its value for purposes of this order unless other facts indicated that such selling price was not the actual value placed upon the machinery by the buyer and seller. In any case where a used machine is sold with the understanding by buyer or seller that the machine must be repaired or reconditioned in connection with or in relation to the sale transaction, in order that the machine be an effective instrument, the value of the machine for purposes of this order is to be deemed the aggregate of the selling price of the inoperable machine plus the cost of repairing or reconditioning the machine to the point where it can operate effectively. In other words, the sale of a broken down machine, followed by repairing or reconditioning in order that the machine be in condition to operate, does not avoid the impact of the order merely because the original sale of the inoperable machine is fixed at a value below the limitations established in General Limitation Order L–83; the cost of the repairs necessary to render the machine an effective instrument must be added to such original selling price in order to determine the value for the purposes of the order.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13489; Filed, December 17, 1942; 11:30 a. m.]

PART 1249—DRUM EXTERIOR COATING

[Revocation of Conservation Order M–158]

Section 1249.1 *Conservation Order M–158* is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13494; Filed, December 17, 1942; 11:31 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[MPR 120,[1] Amendment 28]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1340.207, the headnote is amended; paragraphs (d), (e) (1) and (f) are redesignated as (e), (f) (1) and (g) respectively; the concluding reference to "paragraph (d)" in the redesignated paragraph (e) is amended to read "paragraph (e)"; and a new paragraph (d) is added, to read as set forth below:

§ 1340.207 *Petitions for amendment and applications for adjustment.* * * *

(d) The Administrator may by order grant an adjustment of maximum prices to any producer who shows to the satisfaction of the Administrator that any of his maximum prices applicable to shipments by truck or wagon is below the corresponding circular, list, posted, or standard price of October 1941, for truck or wagon shipments of the same size, kind and quality of bituminous coal, and that such price was actually in effect in that month for a significant tonnage. A maximum price as adjusted pursuant to this paragraph will generally approximate the said circular, list, posted or standard price in effect during October 1941.

§ 1340.211a *Effective dates of amendments.* * * *

(cc) Amendment No. 28 (§ 1340.207) to Maximum Price Regulation No. 120 shall become effective December 22, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13429; Filed, December 16, 1942; 1:44 p. m.]

PART 1404—RATIONING OF RUBBER FOOTWEAR

[Ration Order 6,[2] Amendment 6]

MEN'S RUBBER BOOTS AND RUBBER WORK SHOES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1404.48 is revoked, §§ 1404.26 and 1404.46 are amended, and new paragraphs (j) to § 1404.43 and (f) to § 1404.71 are added, as set forth below:

Acquisition and Transfer by Retailer, Distributor, and Manufacturer

§ 1404.26 *Part III to be completed and sent by person selling at retail to appropriate State Director.* A person who sells rubber footwear at retail shall keep Part III of any certificate received by him until he has transferred to the consumer all the rubber footwear authorized to be acquired by the certificate and shall then enter on the Part III all information called for. During the first ten days of the next month he shall send the Part III to the State Director named on the certificate.

Exceptions

§ 1404.43 *Other excepted transfers.* * * *

(j) *Transfers for wear-testing.* A manufacturer may transfer rubber footwear to any person, without getting a certificate, if the rubber footwear is to be used for wear-testing. However, the manufacturer must keep title to the rubber footwear and may not use for this purpose more than the number of pairs allowed by the Washington Office of the Office of Price Administration for the current three-month period.

Records and Reports

§ 1404.46 *Monthly report for manufacturers.* (a) During the first ten days of January, 1943, and of each month thereafter, each manufacturer shall report to the Office of Price Administration the number of pairs of rubber footwear transferred by him during the previous month. However, the first report shall cover the period from November 29 to December 31, 1942, inclusive. The report shall be made on O. P. A. Form R–607, furnishing such information as is called for by the form.

(b) The original of such report shall be sent to the Central Inventory Unit, Office of Price Administration, Empire State Building, New York City; the duplicate shall be sent to the Rubber Footwear Branch, Miscellaneous Products Rationing Division, Office of Price Administration, Washington, D. C.; and the triplicate shall be kept by the manufacturer.

Effective Date

§ 1404.71 *Effective dates of amendments.* * * *

(f) Amendment No. 6 (§§ 1404.26, 1404.43 (j), 1404.46, 1404.48) shall become effective December 16, 1942.

(Pub. Laws 421 and 729, 77th Cong.; W.P.B. Dir. No. 1, 7 F.R. 562 and Supp. Dir. No. 1–N, 7 F.R. 7730; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13430; Filed, December 16, 1942; 1:44 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 288]

SPECIFIC MAXIMUM PRICES IN ALASKA

A statement of the considerations involved in the issuance of this regulation

has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3168, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6896, 7777, 7670, 7914, 7942, 8354, 6850, 8948, 9783.

[2] 7 F.R. 7749, 7967, 8363, 8809, 9084, 9736.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1[1] issued by the Office of Price Administration, Maximum Price Regulation No. 288 is hereby issued.

Sec.
1418.351 Maximum prices.
1418.352 To what transactions, products and persons this ceiling applies.
1418.353 Petitions for amendment.
1418.354 Applications for adjustment.
1418.355 Definitions.
1418.356 Less than maximum prices.
1418.357 Prohibited practices.
1418.358 Records and reports.
1418.359 Enforcement and licensing.
1418.360 Relation to other regulations.
1418.361 Applicability.
1418.362 Effective dates.
1418.363 Tables of maximum prices.

AUTHORITY: §§ 1418.351 to 1418.363, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1418.351 *Maximum prices.* (a) Maximum prices are established as follows:

(1) On and after December 16, 1942, regardless of any contract, agreement, lease or other obligation, or of any price regulation heretofore issued by the Office of Price Administration, no person shall sell or deliver turkeys and no person shall buy or receive turkeys in the Territory of Alaska at prices higher than the maximum prices set forth in § 1418.363, Table I; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1418.352 *To what transactions, products and persons this ceiling applies*—(a) *What transactions are covered.* This regulation covers sales of the products enumerated in the tables set forth below in the Territory of Alaska. The type of transaction covered, whether wholesale, retail, or both, is specified in each table.

(b) *What products are covered.* This regulation covers the products enumerated in the tables set forth below.

(c) *What persons are covered.* Any person who sells any commodity enumerated in the tables below is subject to this regulation. The term "person" includes an individual, corporation, partnership, association or any other organized group; their legal successors or representatives; the United States, or any government or any of its political subdivisions; or any agency of any of the foregoing.

§ 1418.353 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 288 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

§ 1418.354 *Applications for adjustment.* Any person seeking an adjustment of the maximum prices established by this Maximum Price Regulation No. 288 may file a petition for adjustment in accordance with the provisions of Procedural Regulation No. 7.[2]

§ 1418.355 *Definitions.* (a) When used in this Maximum Price Regulation No. 288, the term:

(1) "Young hens or toms, dressed" means uneviscerated turkeys, heads and feet removed, feathers picked, turkeys not singed.

(2) "Quick frozen young hens or toms, eviscerated" means a young hen or tom turkey, dressed, which has its head, feet and inedible viscera removed, and which is quick frozen.

§ 1418.356 *Less than maximum prices.* Lower prices than those set forth in this Maximum Price Regulation No. 288 may be charged, demanded, paid, or offered.

§ 1418.357 *Prohibited practices*—(a) *General.* Any device to obtain a higher-than-ceiling price without actually raising the dollar and cents price is as much a violation of this Maximum Price Regulation No. 288 as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(b) *Adjustable pricing.* A price may not be made adjustable to a maximum price which will be in effect at sometime after delivery of any commodity covered by this regulation has been completed, but the price may be adjustable to the maximum price in effect at the time of delivery.

§ 1418.358 *Records and reports*—(a) *Records to be kept.* (1) Every person making sales at wholesale of the commodities subject to this Maximum Price Regulation No. 288 shall, on and after the date any such commodity becomes subject to this regulation, keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each purchase and each sale made by such person, showing the date thereof, the name and address of the buyer and seller, the direct cost thereof, the price paid or received, the mark-up charged, and the quantity purchased or sold.

(2) Every person making sales at retail of the commodities subject to this Maximum Price Regulation No. 288 shall, on and after the date any such commodity becomes subject to this regulation, keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each purchase made by the seller, the date thereof, the name and address of the person selling to the seller, the direct cost thereof, the price paid, the quantity purchased, and the mark-up charged by the seller to the buyer.

(b) *Prices to be marked and posted.* On and after the date any commodity becomes subject to the Maximum Price Regulation No. 288, every person offering to sell at retail any such commodity shall mark the maximum price of such commodity in a manner plainly visible to and understandable by, the purchasing public. The maximum prices may be marked on the commodities themselves or may be posted at the place in the establishment where the commodities are offered for sale, and may be posted by price lines if the selling price of each commodity is marked thereon. The maximum prices shall be indicated in the form "Ceiling Price $__________" or "Our Ceiling $__________."

(c) *Sales slips and receipts.* Every seller at retail of the commodities subject to this Maximum Price Regulation No. 288 who has customarily given purchasers sales slips or receipts shall continue to do so. Upon request from a purchaser, every such seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the commodity sold, and the price received for it.

§ 1418.359 *Enforcement and licensing.* (a) Persons violating any provision of this Maximum Price Regulation No. 288 are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250.

(b) Persons who have evidence of any violation of this regulation or of any other regulation or order issued by the Office of Price Administration are urged to communicate with the nearest office of the Office of Price Administration.

(c) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling, at wholesale or retail, any commodity for which a maximum price is now, or may hereafter, be established by this Maximum Price Regulation No. 288, or by any amendment thereto. The General Maximum Price Regulation, in brief, provides that a license is necessary for persons to make wholesale or retail sales of commodities covered by this Maximum Price Regulation No. 288. A license is automatically granted to all such sellers making these sales. It is not necessary to apply specially for the license but a registration may later be required. The Emergency Price Control Act of 1942, as amended, sets forth the circumstances under which licenses may be suspended. The license cannot, of course, be transferred.

§ 1418.360 *Relation to other regulations.* (a) The sale of commodities not set forth in this regulation are covered by Maximum Price Regulation No. 194,[3] the General Maximum Price Regulation,[4] or other price regulations applicable in the Territory of Alaska.

§ 1418.361 *Applicability.* The provisions of this Maximum Price Regulation No. 288 shall be applicable to the Territory of Alaska.

§ 1418.362 *Effective dates.* (a) This Maximum Price Regulation No. 288 (§§ 1418.361 to 1418.363, inclusive) shall become effective December 16, 1942.

§ 1418.363 *Tables of maximum prices*—(a) *Table I: Maximum retail prices for turkeys.* (1) The maximum prices for turkeys sold at retail in the Territory of Alaska shall be:

	Zone A[1]	Zone B[2]	Zone C[3]	Zone D[4]
Young hens or toms, dressed:				
16 pounds or under:	*Per pound*	*Per pound*	*Per pound*	*Per pound*
Grade A, prime	56	57	58	61
Grade B, choice	55	56	57	60
Grade C, commercial	52	53	54	57
20 pounds or under:				
Grade A, prime	55	56	57	60
Grade B, choice	54	55	56	59
Grade C, commercial	51	52	53	56
More than 20 pounds:				
Grade A, prime	53	54	55	58
Grade B, choice	52	53	54	57
Grade C, commercial	47	48	49	52
Quick frozen young hens or toms, eviscerated:				
Weight after drawing, 14 pounds or under:				
Grade A, prime	70	74	75	77
Grade B, choice	67	71	72	74
Grade C, commercial	62	66	67	69
Weight after drawing, 17 pounds or under:				
Grade A, prime	69	73	74	76
Grade B, choice	66	70	71	73
Grade C, commercial	61	65	66	68
Weight after drawing more than 17 pounds:				
Grade A, prime	68	72	73	75
Grade B, choice	65	69	70	72
Grade C, commercial	60	64	65	67

[1] Zone A includes Ketchikan, Petersburg, Wrangell, Juneau, Douglas, Haines, Skagway, and Sitka.
[2] Zone B includes Cordova, Valdez, and Seward.
[3] Zone C includes Anchorage, all towns in Matanuska Valley, and Kodiak.
[4] Zone D includes Fairbanks and Nenanna.

(2) Grade specifications used in this regulation are the United States Department of Agriculture grade specifications and all sellers subject hereto must invoice turkeys by grade.

(3) The maximum retail prices for all other grades of turkeys sold in the places specified herein, and for all grades of turkeys sold in places other than those specified herein shall continue to be established by Maximum Price Regulation No. 194.

(4) Retailers who sell turkeys individually packaged in cartons may add 20¢ to the maximum price of each turkey.

Issued this 16th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13431; Filed, December 16, 1942; 1:45 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8961.

[2] 7 F.R. 4779.

[3] 7 F.R. 5909, 6268, 6744, 8023, 8358, 8947, 9195, 10231.

[4] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454.

PART 1499—COMMODITIES AND SERVICES

[Correction to Amendment 58[1] to Supp. Reg. 14 Under GMPR]

M. WERK SOAP CO.

In § 1499.73 (a) (42) (i) the word "or" appearing after the phrase "the seller's maximum price" is corrected to read "as".

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13432; Filed, December 16, 1942; 1:45 p. m.]

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[1] 7 F.R. 9196.

PART 1499—COMMODITIES AND SERVICES

[Amendment 78 to Supp. Reg. 14[1] to GMPR[2]]

FLUID MILK AND CREAM

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new inferior subdivision (*k*) is added to subdivision (i) of § 1499.73 (a) (1); a new inferior subdivision (*k*) is added to subdivision (ii) of § 1499.73 (a) (1); and a new inferior subdivision (*m*) is added to subdivision (vi) of § 1499.73 (a) (1) as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services, and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided:

(1) *Fluid milk and cream*—(i) *Maximum prices for fluid milk sold at retail in specified localities.* * * *

Locality	Special type	Grade	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)
* *	*	* *	* *	*	*	*
(*k*) Culpeper, Virginia area.		Approved, raw or pasteurized.	Out of store or to the home.	Quart	Glass	12
		Approved, raw or pasteurized	Out of store or to the home.	Pint	Glass	7

(ii) *Maximum prices for fluid milk sold at wholesale in specified localities.* * * *

Locality	Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
* *	*	* *	*	*	*
(*k*) Culpeper, Virginia area		Approved, raw or pasteurized	Quart	Glass	10
		Approved, raw or pasteurized	Pint	Glass	6
		Approved, raw or pasteurized	½ Pint	Glass	3

* * * * *

(vi) *Definitions.* For purposes of this subparagraph (1):

* * * * *

(*m*) "Culpeper, Virginia area" means the territory lying within a radius of five miles from the County Court House located in the Town of Culpeper, Culpeper County, Virginia.

(b) *Effective dates.* * * *

(79) Amendment No. 78 (§ 1499.73 (a) (1)) to Supplementary Regulation No. 14 shall become effective December 22, 1942.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5486, 5709, 5911, 6008, 6271, 6369, 6473, 6477, 6774, 6775, 6776, 6793, 6887, 6892, 6939, 6965, 7011, 7012, 7203, 7250, 7289, 7365, 7400, 7401, 7453, 7510, 7511, 7535, 7536, 7538, 7604, 7739, 7671, 7812, 7914, 7946, 8024, 8199, 8237, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9391, 9495, 9496, 9639, 9786, 9900, 9901, 10069, 10111, 10022, 10151, 10231.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13433; Filed, December 16, 1942; 1:44 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 2 to Supp. Reg. 15[1] to GMPR[2]]

FLUID MILK

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (1) of § 1499.75 (a) is hereby revoked.

§ 1499.75 * * *

(b) *Effective dates.* * * *

(3) Amendment No. 2 (§ 1499.75 (a) (1)) to Supplementary Regulation No. 15 shall become effective December 22, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13434; Filed, December 16, 1942; 1:45 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Order 13 Under § 1499.3 (b) of GMPR]

NUTONE INCORPORATED

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

Paragraph (a) of § 1499.50 is amended and new paragraphs (d), (e), (f) and (g) are added, as set forth below:

§ 1499.50 *Maximum prices for sales of a mail box manufactured by NuTone Incorporated.* (a) This Order No. 13 sets maximum prices per unit for sales of a wood mail box, 6½″ wide by 9″ high by 18″ long, manufactured by NuTone Incorporated, Third and Eggleston Avenue, Cincinnati, Ohio. It applies to all sales of the mail box in the forty-eight states and the District of Columbia. As to sales at wholesale and retail, the country is divided into two zones, western and eastern. The western zone includes Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, and the following counties in Texas: El Paso, Hudspeth, Culberson, Jefferson Davis, Presidio, Brewster, Terrell, Pecos, and Reeves. The rest of the country is in the eastern zone.

(1) For sales by the manufacturer, the maximum price is $1.25, f. o. b. factory.

(2) For sales at wholesale in quantities of six or more, the maximum prices are:

In the eastern zone	$1.67
In the western zone	1.85

Five per cent may be added for a sale of less than six boxes. The wholesale prices are delivered prices.

(3) For sales at retail, other than mail-order sales covered by paragraph (4), the maximum prices are:

In the eastern zone	$2.50
In the western zone	2.75

(4) For retail mail order sales by established mail order houses, the maximum prices are:

In the eastern zone	$2.00
In the western zone	2.15

* * * * *

(d) To every mail box to be shipped to a jobber, the manufacturer shall attach a tag or label which plainly states the retail ceiling price for sales in the zone to which the box is to be shipped. For example, if the box is to be shipped to a jobber in the eastern zone, the tag or label should state, "Retail ceiling price $2.50".

The manufacturer need not tag or label mail boxes to be shipped to purchasers who have an established retail mail-order business. If a tag or label is attached, the price should be left blank.

(e) The manufacturer shall notify every person who buys from it of the maximum price set by this Order No. 13 for resales by the purchaser. The notice shall be in the form of a statement on each invoice to each purchaser. For example, the following statement on an invoice to a jobber in the eastern zone would be sufficient: "Your ceiling price, set by an OPA order, is $1.67".

On each invoice to a purchaser who has an established retail mail-order business, the manufacturer shall state the maximum mail-order price and the maximum price for other sales at retail, for the zone to which the shipment is made.

(f) Unless the context otherwise requires, the definitions set forth in §1499.20 of the General Maximum Price Regulation shall apply to terms used herein.

(g) This Amendment No. 1 to Order No. 13 (§ 1499.50 (a), (d), (e), (f), and (g)) shall be effective as of November 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13446; Filed, December 16, 1942; 3:18 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 185 Under § 1499.3 (b) of GMPR]

AIROBE COMPANY

On November 9, 1942, Airobe Company of New York, New York, made application with the Office of Price Administration seeking specific authorization pursuant to § 1499.3 (b) of the General Maximum Price Regulation to determine a maximum price for "Airobe", a special blanket made of cellulose and cloth. Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with § 1499.3 (b) of the General Maximum Price Regulation issued by the Office of Price Administration, *It is hereby ordered:*

§ 1499.1421 *Approval of maximum price for sales of "Airobe."* (a) On and after December 16, 1942, Airobe Company may sell and deliver, and agree, offer, solicit and attempt to sell and deliver the special blanket made of cellulose and cloth described in subparagraph (1), at prices not in excess of those stated therein:

(1) "Airobe," a cellulose fibre blanket consisting of ten or more layers of paper, three layers of yarn, and a cloth binding, weight approximately 2¼ pounds, size 68 inches by 80 inches, $1.25 each, all transportation charges on orders in excess of $50.00 to be absorbed by the seller.

(b) On and after December 16, 1942, every establishment selling the special blanket described in subparagraph (1) at retail may sell and deliver and agree, offer, solicit and attempt to sell and deliver the aforesaid special blanket at prices not in excess of those stated therein:

(1) "Airobe," a cellulose fibre blanket consisting of ten or more layers of paper, three layers of yarn, and a cloth binding, weight approximately 2¼ pounds, size 68 inches by 80 inches, $2.00 each.

(i) *Retail price labels.* Before the delivery of any "Airobe" blankets, the manufacturer must attach securely to such blanket so that it is clearly visible, a tag or label, containing in easily readable lettering, the following statement in this form:

Retail ceiling price	$2.00

This may not be removed until after delivery to the consumer.

(ii) *Notification.* Anyone who delivers "Airobe" blankets for the purpose of reselling shall notify the purchaser as follows:

> The Office of Price Administration has established a retail ceiling price of $2.00 on Airobe blankets. The blankets are so labeled with this price, and you are not permitted to remove this label.

(c) The maximum selling prices set forth herein shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 185 may be revoked or amended by the Office of Price Administration at any time.

(e) This Order No. 185 (§ 1499.1421) shall become effective December 16, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8959, 9819.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155.

Issued this 16th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13444; Filed, December 16, 1942; 3:18 p. m.]

PART 1330—CONTAINERS

[Revised MPR 55]

SECOND HAND BAGS

Correction

In the fifth column of the table in § 1330.61 (a) appearing on page 10106 of the issue for Friday, December 4, 1942, the figures starting with ".104" (48th line) and ending with ".130" should read as follows: ".108 .114 .120 .126 .132 .138".

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280]

MAXIMUM PRICES FOR SPECIFIC FOOD PRODUCTS

Correction

The section which appeared on page 10146 of the issue of Saturday, December 5, 1942, as § 1351.801 *Exempt sales,* should read "§ 1351.808 *Exempt sales.*"

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

CALIFORNIA

Pursuant to the provisions of section 5 of the River and Harbor Act approved August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), paragraph (b) of the rules and regulations to govern the operation of the drawbridges crossing all navigable waters of the United States within the State of California approved March 4, 1936, as amended July 15, 1940, is hereby further amended as follows:

§ 203.710 *State of California: bridge regulations for all navigable waterways of the United States within California, including San Francisco Bay and connected bays and river systems tributary thereto.*[1] * * *

(b) * * *

(5) *San Joaquin River below Paradise Dam, Middle River, Burns Cut-Off and Potato Slough.*

* * * * *

Potato Slough, Highway Bridge at Terminous. Period of day for prompt opening. Between the hours of 8:00 a. m. and 5:00 p. m., daily throughout the year, and between the hours of 5:00 p. m. and 8:00 a. m., daily from July 1 to October 31, inclusive, and such other periods as regular crop movement may justify, or at such periods when, in the opinion of the District Engineer, an emergency exists which requires a draw tender in constant attendance, this bridge shall, upon proper signal, be opened promptly for the passage of any vessel or vessels or other watercraft not able to pass underneath. The period for prompt opening between the hours of 5:00 p. m. and 8:00 a. m., being started earlier or extended later than July 1 to October 31, provided the operators of vessels navigating on this stream give 15 days' written notice to the Engineer, Division of Highways at Stockton, California, that such prompt opening is needed by contemplated traffic.

Between the hours of 5:00 p. m. and 8:00 a. m. daily during the periods not specified above, prompt opening may be assured only after previously notifying the bridge tender at this bridge verbally, or by mail at Terminous, California, or by telephone through the Lodi Exchange in advance of the time of such requested opening. When previous notice, including the time of intended passage is given, prompt opening of the bridge upon proper signal will be insisted upon. Vessels making trips through this bridge without prior notification as above, may expect a delay not exceeding 20 minutes after signal for opening is given.

* * * * *

(8) *Mokelumne River at and below New Hope Landing.* * * *

Highway Bridge near East Isleton. Period of day for prompt opening. Between the hours of 8:00 a. m. and 5:00 p. m., daily throughout the year, and between the hours of 5:00 p. m. and 8:00 a. m., daily from July 1 to October 31, inclusive, and such other periods as regular crop movement may justify, or at such periods when, in the opinion of the District Engineer, an emergency exists which requires a draw tender in constant attendance, this bridge shall, upon proper signal, be opened promptly for the passage of any vessel or vessels or other watercraft not able to pass underneath. The period for prompt opening between the hours of 5:00 p. m. and 8:00 a. m., being started earlier or extended later than July 1 to October 31, provided the operators of vessels navigating on this stream give 15 days' written notice to the Engineer, Division of Highways at Stockton, California, that such prompt opening is needed by the contemplated traffic.

Between the hours of 5:00 p. m. and 8:00 a. m., daily during the periods not specified above, prompt opening may be assured only after previously notifying the bridge tender at this bridge verbally, or by telephone through the Isleton Exchange in advance of the time of such requested opening. When previous notice, including the time of intended passage is given, prompt opening of the bridge upon proper signal will be insisted upon. Vessels making trips through this bridge without prior notification as above, may expect a delay not exceeding 20 minutes after signal for opening is given. (28 Stat. 362; 33 U.S.C. 499) [Regs. Dec. 4, 1942 (CE 823.1 (California)—SPEON)]

Millers Ferry Bridge (North Fork). * * *

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-13449; Filed, December 17, 1942; 9:34 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

PART 202—MINIMUM WAGE DETERMINATIONS

THE GLOVES AND MITTENS INDUSTRY

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Supp. III 35), entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act.

On July 28, 1937, I issued a determination (2 F.R. 1339) that the prevailing minimum wage for employees engaged in the performance of contracts with agencies of the United States Government, subject to the provisions of the Walsh-Healy Public Contracts Act, for the manufacture or supply of men's work gloves, including the manufacture of leather work gloves, leather-palm cotton gloves, all canvas or canton flannel work gloves, knit gloves, woolen knit lined gloves and officer's white cotton gloves, is 35 cents per hour, and that there shall be a tolerance of not to exceed 10 percent of the workers in any one establishment for workers who are in fact learners, handicapped or superannuated workers subject to the conditions that they be paid not less than 25 cents per hour and not less than piece rates paid to other workers in the same establishment. On August 12, 1942, I issued regulations (Title 41, c. 2, Code of Federal Regulations, § 201.1102), effective September 15, 1942, permitting employment of handicapped workers at subminimum rates under the Public Contracts Act in accordance with the regulations of the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938, and amended all prevailing minimum wage determinations, including the Work Glove Wage Determination, to provide that handicapped or superannuated workers may not be employed at subminimum rates under any other conditions in the performance of any contract, bids for which are solicited or negotiations otherwise commenced by the contracting agency on or after September 15, 1942.

On October 2, 1942, the Assistant Administrator of the Division of Public Contracts of the Department of Labor issued a Notice of Opportunity to Show Cause on or before October 17, 1942, why the Work Glove Wage Determination should not be amended by:

> (1) Increasing the prevailing minimum wage from 35 cents an hour to 40 cents an hour;
>
> (2) Adopting the following definition of the industry to conform to the definition of the Gloves and Mittens Industry in the wage order of the Administrator of the Wage and Hour Division issued for that industry on August 22, 1942, pursuant to the Fair Labor Standards Act of 1938:
>
> The Gloves and Mittens Industry is that industry which manufactures gloves and mittens (except athletic gloves and mittens) from any material (other than rubber) or from any combination of materials (other than rubber);

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[1] 6 F.R. 1341, 3154, 3437, 4010, 4567, 6309, 7 F.R. 6373, 6685, 9738.

(3) Changing the title of the industry in the determination from the "Work Glove Industry" to the "Gloves and Mittens Industry"; and

(4) Substituting for the present tolerance for learners a provision that apprentices and learners may be employed at subminimum rates in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division.

The notice sets forth that: (1) The minimum wage required to be paid by manufacturers of gloves and mittens subject to the Fair Labor Standards Act of 1938 became 40 cents an hour on September 21, 1942, pursuant to the wage order; (2) Substantially all employees in the Gloves and Mittens Industry, as defined in the wage order, are engaged in commerce or in the production of goods for commerce and consequently the wage order has the effect of establishing 40 cents an hour as the prevailing minimum wage in the Gloves and Mittens Industry; and (3) It is advisable, for the purpose of coordinating the administration of the Fair Labor Standards Act of 1938 and the Public Contracts Act, to substitute for the present tolerance for learners a provision that apprentices and learners may be employed at subminimum rates in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division.

This notice was sent to members of the industry, trade unions, trade associations, and publications and was duly published in the FEDERAL REGISTER (7 F.R. 6713). Statements concerning the proposed amendments have been received from the National Association of Leather Glove Manufacturers, Inc. and from the International Glove Workers Union of America. Both support the proposed amendments except that the union recommends the establishment of a higher prevailing minimum wage. On the evidence before me, I am unable to accept this recommendation.

Upon consideration of all the facts and circumstances, I hereby determine that:

§ 202.46 *Gloves and Mittens Industry.* (a) The Gloves and Mittens Industry is defined for the purpose of this determination as that industry which manufactures gloves and mittens (except athletic gloves and mittens) from any material (other than rubber) or from any combination of materials (other than rubber).

(b) The prevailing minimum wage for persons employed in the performance of contracts with agencies of the United States Government subject to the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. Supp. III 35) for the manufacture or furnishing of the products of the Gloves and Mittens Industry shall be 40 cents an hour or $16 for a week of 40 hours, arrived at either upon a time or piece work basis, provided that apprentices and learners may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act, which I hereby adopt for the purposes of this section.

This determination shall be effective and the minimum wage hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced by the contracting agency on or after January 16, 1943, except that learners may be employed at subminimum rates, in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division, on or after January 16, 1943, in the performance of contracts, bids for which were solicited or negotiations otherwise commended by the contracting agency prior to that date.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938, or any wage order thereunder, or under any other law or agreement more favorable to employees than the requirements of this determination.

FRANCES PERKINS,
Secretary of Labor.

DECEMBER 16, 1942.

[F. R. Doc. 42-13496; Filed, December 17, 1942; 11:42 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

EMBROIDERIES INDUSTRY

NOTICE OF ORAL ARGUMENT

Notice of oral argument before the Administrator and opportunity to file written briefs in the matter of the recommendation of Industry Committee No. 45 for a minimum wage rate in the Embroideries Industry and the prohibition, restriction or regulation of home work in the industry.

Whereas a hearing was held commencing on November 2, 1942 before Major Robert N. Campbell as Presiding Officer, at which all interested persons were given an opportunity to be heard and to offer evidence on the following questions:

1. Whether the recommendation of Industry Committee No. 45 for a minimum wage rate in the Embroideries Industry should be approved or disapproved.
2. In the event an order is issued approving the recommendation, what, if any, prohibition, restriction, or regulation of home work in the Embroideries Industry is necessary to carry out the purposes of such an order, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rate established therein;

and

Whereas the complete record of said hearing has been transmitted to the Administrator,

Now, therefore, notice is hereby given:

That the Administrator will receive written briefs (not fewer than twelve copies) on or before January 11, 1943, at the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, from any person who entered an appearance at said hearing, and will hear oral argument upon the record of said hearing insofar as it relates to the prohibition, restriction, or regulation of home work in the Embroideries Industry, on January 15, 1943, at 10:00 A. M. at the office of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, by any person who entered an appearance at said hearing, provided that on or before January 11, 1943, such person informs the Wage and Hour Division of his intention to offer oral argument and the amount of time he will require for his presentation.

Signed at New York, New York, this 16th day of December 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-13450; Filed, December 17, 1942; 10:28 a. m.]

PRINTING AND PUBLISHING AND ALLIED GRAPHIC ARTS INDUSTRY

NOTICE OF ORAL ARGUMENT

Notice of oral argument before the administrator and opportunity to submit written briefs in the matter of the minimum wage recommendation of Industry Committee No. 49 for the Printing and Publishing and Allied Graphic Arts Industry.

Whereas a hearing was held on November 9 and December 7, 1942, before Major Robert N. Campbell, as Presiding Officer, at which all persons interested in the report and recommendation of Industry Committee No. 49 for the fixing of a minimum wage rate in the Printing and Publishing and Allied Graphic Arts Industry were given an opportunity to be heard and to offer evidence bearing thereon; and

Whereas the complete record of said hearing has been transmitted to the Administrator,

Now, therefore, notice is hereby given:

That the Administrator will receive written briefs (not fewer than twelve copies) on or before January 6, 1943, at the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, from any person who entered an appearance at said hearing, and will hear oral argument upon the complete record of said hearing on January 11, 1943, at 10:00 a. m., at the office of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, by any person who entered an appearance at said hearing, *Provided*, That on or before January 6, 1943, such person notifies the Wage and Hour Division of his intention to offer oral argument and of the amount of time he will require to make his presentation.

Signed at New York, N. Y., this 16th day of December 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-13451; Filed, December 17, 1942; 10:28 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 481]

ESTATE OF AUGUSTE AMALIE FRIEDRICH

In re: Estate of Auguste Amalie Friedrich, deceased—File D-28-3369; E. T. Sec. 1184.

Under authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described is property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interest is payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Alfred Karl Friedrich whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interest:

All right, title, interest, and claim of any kind or character whatsoever of Alfred Karl Friedrich in and to the Estate of Auguste Amalie Friedrich, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interest and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interest or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 11, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13453; Filed, December 17, 1942; 10:59 a. m.]

[Vesting Order 482]

LEONIE DE BARY LYON BREWSTER

In re: Trust for Leonie de Bary Lyon Brewster under the last will and testament of Adolphe de Bary, deceased—File: D-28-1596; E. T. Sec. 339.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation.

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Hugo von Mauch	Germany.
Ellis Ruedt von Collenberg	Germany.
Horst-Alexander von Mauch	Germany.
Eberhardt von Mauch	Germany.
Otto Heinz von Mauch	Germany.
Marliese von Mauch	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Hugo von Mauch, Ellie Ruedt von Collenberg, Horst-Alexander von Mauch, Eberhardt von Mauch, Otto Heinz von Mauch, Marliese von Mauch in and to the Trust for Leonie de Bary Lyon Brewster under the last Will and Testament of Adolphe de Bary, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 11, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13454; Filed, December 17, 1942; 10:58 a. m.]

[Vesting Order 483]

ESTATE OF ADOLPH GREENBERGER

In re: Estate of Adolph Greenberger, deceased—File D-34-76; E. T. Sec. 1161.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals:	*Last known address*
Piroska Greenwald	Hungary.
Olga Greenwald	Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Piroska Greenwald and Olga Greenwald in and to the Estate of Adolph Greenberger, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 11, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13455; Filed, December 17, 1942; 10:58 a. m.]

[Vesting Order 484]

ESTATE OF FRANCESCO GRISAFI

In re: Estate of Francesco Grisafi, deceased—File No. D-38-393; E. T. Sec. 1259.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely, Annetta Brunetti Grisafi whose last known address is Italy;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Annetta Brunetti Grisafi in and to the Estate of Francesco Grisafi, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interest and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 11, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13456; Filed, December 17, 1942; 10:58 a. m.]

[Vesting Order 485]

ESTATE OF THERESIA EIERSHEIM

In re: Estate of Theresia Eiersheim, deceased—File D-28-3390; E.T. Sec. 1157.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Roman Catholic Church known as Pfarr Kirche	Germany.
Rev. Burkhard Weissenberger	Germany.
Anna Hagen	Germany.
Appolonia Spahn	Germany.
Paula Eiersheim	Germany.
Karl Emmel	Germany.
Theresia Schemmel	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Roman Catholic Church, known as Pfarr Kirche, Rev. Burkhard Weissenberger, Anna Hagen, Appolonia Spahn, Paula Eiersheim, Karl Emmel and Theresia Schemmel in and to the Estate of Theresia Eiersheim, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate the compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 11, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13457; Filed, December 17, 1942: 10:57 a. m.]

[Vesting Order 486]

ESTATE OF JOSEPH JOHN BERGHIAN

In re: Estate of Joseph John Berghian, deceased—File D-57-41; E. T., Sec. 108.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Louis R. Fleurdelys, Administrator, acting under the judicial supervision of Probate Court of Ralls County, Missouri.

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Rumania, namely,

Nationals:	*Last known address*
Nick Berghian	Rumania.
Mary Berghian	Rumania.
John Berghian	Rumania.
Wlac Berghian	Rumania.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Rumania; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever, of Nick Berghian, Mary Berghian, John Berghian and Wlac Berghian in and to the Estate of Joseph John Berghian, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 11, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13458; Filed, December 17, 1942; 10:57 a. m.]

[Vesting Order 488]

ESTATE OF UBALDA CHIARA

In re: Estate of Ubalda Chiara, deceased—File No. D-38-396; E. T. Sec. 1256.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, a national, of a designated enemy country, Italy, namely, Margherita Chiara whose last known address is Italy;

And determining that—

(3) If such national is a person not within a designated enemy country, and the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Margherita Chiara in and to the Estate of Ubalda Chiara, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 11, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13459; Filed, December 17, 1942; 10:58 a. m.]

[Vesting Order 489]

TRUST FOR CAROLINE BREISACHER

In re: Trust for Caroline Breisacher under the will of Theodore Brentano, deceased—File D-28-1432; E. T. Sec. 92.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Robert Tieken, Trustee, and Randall Anderson, Trustee, acting under the judicial supervision of Probate Court of Cook County, Illinois

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Caroline Breisacher	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Caroline Breisacher in and to a trust created under the will of Theodore Brentano,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 11, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13460; Filed, December 17, 1942; 10:59 a. m.]

[Vesting Order 490]

ESTATE OF MAX R. BASHFORD

In re: Estate of Max R. Bashford, deceased—File F-28-12965; E. T. Sec. 1167.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Rosa Lesser	Germany.
Lina Joachim	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Rosa Lesser and Lina Joachim and each of them in and to the Estate of Max R. Bashford, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 11, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13461; Filed, December 17, 1942; 11:03 a. m.]

[Vesting Order 491]

ESTATE OF ROSA GOLLUBER

In re: Estate of Rosa Golluber, deceased—File F-28-2017; E. T. Sec. 666.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Otto A. Golluber, Executor acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Johanna Golluber Freund	Germany.
Leo Freund	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Johanna Golluber Freund and Leo Freund and each of them in and to the Estate of Rosa Golluber, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 11, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13462; Filed, December 17, 1942; 11:04 a. m.]

[Vesting Order 496]

ESTATE OF PAUL KNUTH

In re: Estate of Paul Knuth, deceased—File D-28-3362; E. T. sec. 1187.

Under authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described is property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interest is payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Arthur Knuth whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interest:

All right, title, interest, and claim of any kind or character whatsoever of Arthur Knuth in and to the Estate of Paul Knuth, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interest and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interest or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof. if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 12, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13463; Filed, December 17, 1942; 11:03 p. m.]

[Vesting Order 497]

ESTATE OF ALFRED HERZ

In re: Estate of Alfred Herz, deceased—File D-28-3389; E. T. Sec. 1156.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals:	*Last known address*
Bela Fleischer	Hungary.
Frederick Fleischer	Hungary.

And determinining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Bela Fleischer and Frederick Fleischer and each of them in and to the Estate of Alfred Herz, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 12, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13464; Filed, December 17, 1942; 10:57 a. m.]

[Vesting Order 498]

ESTATE OF MARGARETA HALLER

In re: Estate of Margareta Haller, deceased—File D-28-3370; E. T. Sec. 1182.

Under authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described is property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interest is payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Margareta Ullrich whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after the appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interest:

All right, title, interest, and claim of any kind or character whatsoever of Margareta Ullrich in and to the Estate of Margareta Haller, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interest and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interest or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 12, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13465; Filed, December 17, 1942; 11:02 a. m.]

[Vesting Order 499]

ESTATE OF KATHARINA LEHMANN

In re: Estate of Katharina Lehmann, deceased—File D-28-1498; E. T. Sec. 212.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Joseph Gabriel, Executor, acting under the judicial supervision of the Surrogate's Court, Kings County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Karl Karcher	Kollmarsreute, uber Emmendinger, Baden, Germany.
Frieda Karcher	Same.
George Karcher	Same.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Karl Karcher, Frieda Karcher and George Karcher and each of them in and to the Estate of Katharina Lehmann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interest or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 12, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13466; Filed, December 17, 1942; 11:02 a. m.]

[Testing Order 500]

TRUST UNDER WILL OF GEORGE POHLIG

In re: Trust under Will of George Pohlig, deceased—File F-28-11976; E. T. Sec. 467.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by North Philadelphia Trust Company, Trustee, of Broad Street and Germantown Avenue, Philadelphia, Pennsylvania, acting under the judicial supervision of Orphans' Court of the State of Pennsylvania, in and for the County of Philadelphia; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely, Robert Pohlig, whose last known address is Dingsleben, Germany; Karl Pohlig, whose last known address is Rentwertshausen, Germany, and Aurelia Rittweger, whose last known address is Gleicherwiesen, Germany; and

Determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Robert Pohlig, Karl Pohlig, and Aurelia Rittweger, and each of them, in and to the Trust Estate created under the Last Will and Testament of George Pohlig, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 12, 1942.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 42-13467; Filed, December 17, 1942; 11:02 a. m.]

[Vesting Order 501]

Estate of Alice Pine

In re: Estate of Alice Pine, deceased—File No. D-38-394; E. T. Sec. 1258.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, a national, of a designated enemy country, Italy, namely, Adelina Corpolongo Martin whose last known address is Italy;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Adelina Corpolongo Martin in and to the Estate of Alice Pine, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 12, 1942.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 42-13468; Filed, December 17, 1942; 11:02 a. m.]

[Vesting Order 502]

Estate of Paul Pelz

In re: Estate of Paul Pelz, deceased—Filed D-28-3367; E.T. Sec. 1185.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described is property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interest is payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely Mathilde Pelz whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interest:

All right, title, interest, and claim of any kind or character whatsoever of Mathilde Pelz in and to the Estate of Paul Pelz, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interest and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 12, 1942.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 42-13469; Filed, December 17, 1942; 11:02 a. m.]

[Vesting Order 503]

Estate of Domenico Punzi

In re: Estate of Domenico Punzi, deceased—File No. D-38-397; E. T. Sec. 1255.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Vito Punzi	Italy.
Maria Guiditta Punzi	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that

such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Vito Punzi and Maria Guiditta Punzi and each of them in and to the Estate of Domenico Punzi, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 12, 1942.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 42-13470; Filed, December 17, 1942; 11:03 a. m.]

[Vesting Order 504]

Estate of Adolf Rieger

In re: Estate of Adolf Rieger, deceased—File D-28-1726; E. T. Sec. 763.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Theresia Kleeb	Germany.
Eugene Rieger	Germany.
Theresia Ricker	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Theresia Kleeb, Eugene Rieger and Theresia Ricker and each of them in and to the Estate of Adolf Rieger, deceased.

to be held, used, administered, liquidated sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 12, 1942.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 42-13471; Filed, December 17, 1942; 11:03 a. m.]

[Vesting Order 505]

Estate of Gennero Ruggiere

In re: Estate of Gennero Ruggiere, deceased—File D-38-294; E. T. Sec. 125.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Frank Perry, Administrator of the Estate of Gennero Ruggiere, acting under the judicial supervision of the Probate Court, Mahoning County, Ohio;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Angela Ruggiere, alias Parco.	Longobardi, Italy.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Angela Ruggiere, alias Parco, in and to the estate of Gennero Ruggiere, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 12, 1942.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 42-13472; Filed, December 17, 1942; 11:03 a. m.]

[Vesting Order 506]

Estate of Otto Schmitt

In re: Estate of Otto Schmitt, deceased—File D-28-1407; E. T. Sec. 14.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration of Katharina Berg, of 7505 88th Avenue, Woodhaven, Long Island, New York, Administratrix, acting under the judicial supervision of Surrogate's Court of the State of New York, in and for the County of Queens; and—

(2) Such property and interests are payable or deliverable to, or claimed by nationals

of a designated enemy country, Germany, namely, Jacob Schmitt, Hedwig Heinz and Paula Wendel, whose last known addresses are Kottweiler, Germany; Luise Schirra, whose last known address is Miesenbach, Germany; Else Schmitt and Wilhelmine Schmitt, whose last known addresses are Kaiserslautern, Germany, and Armin Schmitt, whose last known address is Rockenhausen, Germany; and

Determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Jacob Schmitt, Hedwig Heinz, Paula Wendel, Luise Schirra, Else Schmitt, Wilhelmine Schmitt, and Armin Schmitt, and each of them, in and to the Estate of Otto Schmitt, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 12, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13473; Filed, December 17, 1942; 11:03 a. m.]

[Vesting Order 507]

ESTATE OF CARMINE LA MORTE

In re: Estate of Carmine La Morte, deceased—File D-38-395; E. T. Sec. 1257.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, a national, of a designated enemy country, Italy, namely, Guiseppe La Morte whose last known address is Italy;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Guiseppe La Morte in and to the Estate of Carmine La Morte, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 12, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13474; Filed, December 17, 1942; 10:59 a. m.]

[Vesting Order 508]

ESTATE OF MARTIN LUIPPOLD

In re: Estate of Martin Luippold, deceased—File D-28-1499; E. T. Sec. 267.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Andrew Luippold, Administrator, acting under the judicial supervision of the Probate Court, of the State of Massachusetts, in and for the County of Franklin;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely

Nationals:	*Last known address*
Jacob Luippold	Wurttemberg, Germany.
Christiana Haage	Wurttemberg, Germany.
Marie Jenter	Wurttemberg, Germany.
John Goetz	Wurttemberg, Germany.
Christian Goetz	Wurttemberg, Germany.
Unknown heirs of Margaret, deceased, daughter of Anna Herrman, deceased	Germany.
Unknown heirs of George Luippold, deceased	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Jacob Luippold, Christiana Haage, Marie Jenter, John Goetz, Christian Goetz, Unknown heirs of Margaret, deceased, daughter of Anna Herrman, deceased and Unknown heirs of George Luippold, deceased, and each of them, in and to the Estate of Martin Luippold, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereof, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 12, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13475; Filed, December 17, 1942; 10:59 a. m.]

[Vesting Order 509]

ESTATE OF HENRIETTA LITTMAN

In re: Estate of Henrietta Littman, deceased—File D-28-1412; E. T. Sec. 19.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Henry W. Unger as Trustee acting under the judicial supervision of the Surrogate's Court of New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Nathalie Littman	Berlin, Germany

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Nathalie Littman in and to the Estate of Henrietta Littman, deceased, and in and under trusts created by the last will of Henrietta Littman,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 12, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13476; Filed, December 17, 1942; 10:59 a. m.]

[Vesting Order 510]

ESTATE OF OTTO MITTMANN

In re: Estate of Otto Mittmann, deceased—File No. D-28-3392; E.T. Sec. 1159.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Wilhelm Mittman	Germany.
Julius Mittmann	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Wilhelm Mittmann and Julius Mittmann and each of them in and to the Estate of Otto Mittmann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy contry, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 12, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13477; Filed, December 17, 1942; 11:00 a. m.]

[Vesting Order 511]

ESTATE OF DOMENIC MARINELLI

In re: Estate of Domenic Marinelli, also known as Domenico Marinelli, deceased—File D-38-289; E. T. Sec. 121.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by John A. Carbone and Concetta Iacobucci, Executors, acting under the judicial supervision of the County Court of the State of Colorado, in and for Denver County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Aghita Marinelli	Italy.
Alfredo Marinelli	Italy.
Assunta Boltrini	Italy.
Rosa Minichelli	Italy.

And determining that—

(3) If such nationals are persons not within a designated country, the national interest of the United States requires that such persons be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests;

All right, title, interest, and claim of any kind or character whatsoever of Aghita Marinelli, Alfredo Marinelli, Assunta Boltrini and Rosa Minichelli in and to the Estate of Domenic Marinelli, also known as Domenico Marinelli, deceased

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form

APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 12, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13478; Filed, December 17, 1942; 11:00 a. m.]

[Vesting Order 514]

ESTATE OF RUDOLF JOSEPH WESSOLY

In re: Estate of Rudolf Joseph Wessoly, deceased—File D-28-1700; E. T. Sec. 717.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Brunto Carl Wessoly	Germany.
Gertrude Martha Nagel	Germany.
Elfriede Rosalie Wessoly	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Brunto Carl Wessoly, Gertrude Martha Nagel and Elfriede Rosalie Wessoly in and to the Estate of Rudolf Joseph Wessoly, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 14, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13479; Filed, December 17, 1942; 11:00 a. m.]

[Vesting Order 515]

ESTATE OF HENRY WEINER

In re: Estate of Henry Weiner, deceased—File No. D-28-1826; E. T. Sec. 1260.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interest are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Joseph Weiner whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interest:

All right, title, interest, and claim of any kind or character whatsoever of Joseph Weiner in and to the Estate of Henry Weiner, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interest and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interest or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 14, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13480; Filed, December 17, 1942; 11:00 a. m.]

ESTATE OF ELIZABETH WALTER

[Vesting Order 516]

In re: Estate of Elizabeth Walter, deceased—File D-28-3374; E. T. Sec. 1163.

Under authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described is property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interest is payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Elizabeth Tapp whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after the appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interest:

All right, title, interest, and claim of any kind or character whatsoever of Elizabeth Tapp in and to the Estate of Elizabeth Walter, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interest and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interest or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 14, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13481; Filed, December 17, 1942; 11:01 a. m.]

[Vesting Order 517]

ESTATE OF META SEHLMEYER

In re: Estate of Meta Sehlmeyer, deceased—File D-28-1416; E. T. Sec. 26.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Ludwig Kardel	Germany.
Dora Mayer	Germany.
Wilhelm Lueders	Germany.
Elisabeth Buermeister	Germany.
Willi Lueders	Germany.
Paul Lueders	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Ludwig Kardel, Dora Mayer, Wilhelm Lueders, Elisabeth Buermeister, Willi Lueders and Paul Lueders and each of them in and to the Estate of Meta Sehlmeyer, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 14, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13482; Filed, December 17, 1942; 11:01 a. m.]

[Vesting Order 518]

ESTATE OF FREDERICK SCHNIEPP

In re: Estate of Frederick Schniepp, deceased—File D-28-3385; E. T. Sec. 1155.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Fritz Schniepp	Germany.
Julius Schniepp	Germany.
Eugene Schniepp	Germany.
Theodore Schniepp	Germany.
Sophie Schniepp	Germany.
Gertrude Schniepp	Germany.
Hildegard Schniepp	Germany.
Johanna Schniepp	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Fritz Schniepp, Julius Schniepp, Eugene Schniepp, Theodore Schniepp, Sophie Schniepp, Gertrude Schniepp, Hildegard Schniepp and Johanna Schniepp in and to the Estate of Frederick Schniepp, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 14, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13483; Filed December 17, 1942; 11:01 a. m.]

[Vesting Order 519]

ESTATE OF FRANK UEBEL

In re: Estate of Frank Uebel, also known as Frank Ubel, also known as Frank Hubel, deceased—File Number D-28-1439; E. T. Sec. 130.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Old National Bank of Spokane, Administrator, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of Spokane;

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely, Martha Uebel whose last known address is Berlin, Germany; and

Determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests;

All right, title, interest, and claim of any kind or character whatsoever of Martha Uebel in and to the Estate of Frank Uebel, also known as Frank Ubel, also known as Frank Hubel, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 14, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13484; Filed, December 17, 1942; 11:01 a. m.]

[Vesting Order 520]

ESTATE OF ALBERT STROKOL

In re: Estate of Albert Strokol, deceased—File D-28-1545; E. T. Sec. 164.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Tekla Strokol, Executrix, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Marie Shlegel	Altona, Hamburg, Germany.
Gertrude Glay	Altona, Hamburg, Germany.
Marie Altenkirck.	Gusen, Germany.
Helen Reise	Hamburg, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Marie Shlegel, Gertrude Glay, Marie Altenkirck and Helen Reise and each of them in and to the Estate of Albert Strokol, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 14, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13485; Filed, December 17, 1942; 11:00 a. m.]

[Vesting Order 521]

ESTATE OF KLARA WENZEL

In re: Estate of Klara Wenzel, also known as Clara Wenzel, deceased—File No. F-28-4587; E. T. Sec. 1166.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Karl Wenzel, whose last known address is Germany, as domiciliary administrator of the Estate of Klara Wenzel, also known as Clara Wenzel, deceased.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Karl Wenzel, as domiciliary administrator in and to the Estate of Klara Wenzel, also known as Clara Wenzel, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 14, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13486; Filed, December 17, 1942; 11:00 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 2-6]

SUBSTITUTION OF MOTOR VEHICLES FOR STREET RAILWAY PASSENGER SERVICE

PACIFIC ELECTRIC RAILWAY COMPANY

Upon consideration of the application for authority to substitute motor vehicle service for certain street railway passenger service filed with this Office by Pacific Electric Railway Company, as contemplated by General Order ODT 2,[1] and good cause appearing therefor, *It is hereby ordered,* That:

1. Pacific Electric Railway Company is authorized to substitute motor vehicle bus service on the Riverside-Arlington line between 7th and Market Streets, Riverside, California, and Arlington Station (Magnolia Avenue between Meyers and Harrison Streets) in the community of Arlington, California, for the street railway passenger service now operated by it between such points.

2. Communications concerning this order should refer to Supplementary Order ODT 2-6 and should be addressed to Division of Local Transport, Office of Defense Transportation, Washington, D. C.

3. This order shall become effective December 28th, 1942.

Issued at Washington, D. C., this 17th day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-13497; Filed, December 17, 1942; 11:54 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 108 Under MPR 120]

NORTHERN ILLINOIS COAL CORP., ET AL.

ORDER GRANTING ADJUSTMENT

Order No. 108 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-274.

Granting adjustment to Northern Illinois Coal Corporation, Wilmington Coal Mining Corporation, Morris Coal and Mining Company, Alex W. Densmore (South Wilmington Coal Company), and Robert Condon.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) and (d) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Northern Illinois Coal Corporation, Chicago, Illinois, Wilmington Coal Mining Corporation, Morris, Illinois, Morris Coal and Mining Company, Morris, Illinois, Alex W. Densmore (South Wilmington Coal Company), South Wilmington, Illinois, and Robert Condon, Morris, Illinois, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not in excess of the respective prices established therein, for shipment by truck.

(b) Coals produced by the producers enumerated in paragraph (a) at their mines enumerated below, in District No. 10, may be sold for shipment by truck at prices not to exceed the following prices per net ton f. o. b. the mine:

Northern Illinois Coal Corporation—Wilmington Mine No. 10 (Mine Index No. 189):

Size group	1	19
Maximum	$4.25	$4.00

Wilmington Coal Mining Corporation—Braidwood Mine (Mine Index No. 515):

Size group	1	3	11	14	15
Maximum	$4.25	$3.75	$3.75	$2.75	$1.75

Morris Coal and Mining Company—Morocco Mine (Mine Index No. 503):

Size group	1	6	11	15
Maximum	$3.75	$3.50	$3.50	$1.75

Robert Condon—Condon Mine (Mine Index No. 501):

Size group	6	14
Maximum	$4.80	$2.00

Alex W. Densmore (South Wilmington Coal Company) Mine No. 3 (Mine Index No. 504):

Size group	4	6	7
	$4.75	$4.50	$4.25

(c) Within thirty (30) days from the effective date of this order, each producer enumerated in paragraph (a) shall notify all persons purchasing its coals of the adjustments granted by paragraph (b) of this order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122.

(d) This Order No. 108 may be revoked or amended by the Price Administrator at any time.

(e) All prayers of the petition not granted herein are hereby denied.

(f) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(g) This Order No. 108 shall become effective December 23, 1942.

Issued this 16th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13436; Filed, December 16, 1942; 1:43 p. m.]

[Order 89 Under MPR 188]

UNITED PRESSED PRODUCTS COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 89 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) United Pressed Products Company, 407 South Aberdeen Street, Chicago, Illinois, is authorized to sell and deliver to chain stores, the following new toys manufactured by it, at prices f. o. b. Chicago, Illinois, no higher than those set forth below:

	Per dozen
Toy baton:	
#119	$.70
#130	1.02
#140	1.75
Die-cut baskets:	
Small	.36
Medium	.72
Large	1.62
Toy boats:	
Small	.70
Large	1.76

(b) This Order No. 89 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 89 shall become effective on the 17th day of December 1942.

Issued this 16th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13435; Filed, December 16, 1942; 1:43 p. m.]

[Order 90 Under MPR 188]

GRAPHICUT CORPORATION

APPROVAL OF MAXIMUM PRICE

Order No. 90 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Graphicut Corporation, 480 Canal Street, New York, New York, is authorized to sell and deliver its new game, designated as "Eureko", at prices f. o. b. New York, New York, no higher than those set forth below:

	Per unit
To jobbers	$1.02
To retailers	1.14

(b) This Order No. 90 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 90 shall become effective on the 17th day of December 1942.

Issued this 16th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13437; Filed, December 16, 1942; 1:43 p. m.]

[Order 88 Under MPR 188]

PITTSBURGH PLATE GLASS CO.

ORDER GRANTING ADJUSTMENT

Order No. 88 under § 1499.161 (a) (1) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Granting adjustment in maximum prices for sales of staple set brushes by the Pittsburgh Plate Glass Company.

For the reasons appearing in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and by Executive Order No. 9250, *It is hereby ordered:*

(a) Pittsburgh Plate Glass Company, Brush Division, Baltimore, Maryland, may sell staple set brushes at prices no higher than those appearing in its price list, No. 4203, issued March 15, 1942, to become effective April 1, 1942, as revised and filed with the Office of Price Administration as Revised Exhibit D, In the Matter of Pittsburgh Plate Glass Company, Petition for Amendment, Docket No. GF3-392. These prices shall be subject to the same discounts and allowances as those which were in effect during March 1942 under the price list in effect at that time.

---

[1] 7 F.R. 2952.

(b) Pittsburgh Plate Glass Company shall notify each purchaser on the first sale to such purchaser at the increased price as follows:

> The Office of Price Administration has authorized an increase in price on staple set brushes to cover our increased costs. Your maximum prices for resale of the brushes remain unchanged.

(c) This Order No. 88 may be revoked or amended by the Administrator at any time.

(d) This Order No. 88 shall become effective December 17, 1942.

Issued this 16th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13445; Filed, December 16, 1942; 3:18 p. m.]

[Order 1 Under MPR 208]

RICE-STIX COMPANY

ORDER ADJUSTING MAXIMUM PRICES

Correction

The reference to § 1389.203 (c) appearing on page 10168 of the issue for Saturday, December 5, 1942, should read "§ 1389.203 (e)."

Reference

DEC 21 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 248

Washington, Saturday, December 19, 1942

The President

PROCLAMATION 2574

Farm Mobilization Day

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

The people of this country may well be grateful that for three successive years the farmers of the United States have given us record harvests. Every pound of food finds use in wartime. Our soldiers, sailors, and marines require large supplies of food both in this country and abroad, and these three record-smashing years of farm production will mean much for victory.

Farmers may justly be proud of the production record of agriculture. They have achieved this record in spite of many handicaps, and the country owes them a debt of gratitude. Although they have produced much this year, the nation will require even more of them during the year that is now before us. In full realization of the many difficulties affecting farm production during wartime, the people of this nation place reliance on the zeal, devotion, and unstinting efforts of farmers to do their part toward ultimate victory.

Food is no less a weapon than tanks, guns, and planes. As the power of our enemies decreases, the importance of the food resources of the United Nations increases. With this thought in mind, we must further mobilize our resources for the production of food:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby proclaim Tuesday, January 12, 1943, as Farm Mobilization Day; and ask that on that day the farmers of this country gather, wherever possible, with Department of Agriculture representatives, Extension Service agents, vocational teachers, State officials, farm organizations, and others concerned, in order to discuss ways and means of insuring for the year 1943 the maximum production of vital foods upon every farm in this country.

I should like Farm Mobilization Day to be a symbol of a free America; a symbol of the might and productivity of our nation; and a symbol of our unalterable determination to put to full use our agricultural resources, as well as our other resources, in the achievement of complete victory.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 16th day of December in the year of our Lord nineteen hundred and forty-two, and of the Independence of the United States of America the one hundred and sixty-seventh.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[F. R. Doc. 42-13525; Filed, December 18, 1942; 10:06 a. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Part 3—Functions of Administrative Officers

DESIGNATION OF ACTING DIRECTOR, ASSISTANT DIRECTOR, AND ACTING ASSISTANT DIRECTOR OF REGIONAL AGRICULTURAL CREDIT DIVISION

Part 3 of Title 6, Code of Federal Regulations, is hereby amended by adding thereto a new § 3.66 as follows:

§ 3.66 *Designation of Acting Director, Assistant Director, and Acting Assistant Director of the Regional Agricultural Credit Division.* Arthur C. Sullivan, in addition to his functions as Deputy Intermediate Credit Commissioner, is hereby designated to serve as Acting Director of the Regional Agricultural Credit Division in the absence of C. C. Jacobsen, Director of said Division, and in that capacity he is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Director of the Regional

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FEDERAL REGISTER

1934

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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Agricultural Credit Division in the absence of C. C. Jacobsen.

The designation of Robert T. Hall as Assistant Director of the Regional Agricultural Credit Division, heretofore made as of June 16, 1939, is hereby confirmed and continued, and all acts done by him in that capacity are hereby ratified and approved; and he is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Director of the Regional Agricultural Credit Division in the absence of C. C. Jacobsen and Arthur C. Sullivan.

The designation of C. W. Bachman to serve as Acting Assistant Director of the Regional Agricultural Credit Division, heretofore made as of October 17, 1942, is hereby confirmed and continued, and all acts done by him in that capacity are hereby ratified and approved; and he is hereby authorized to execute and perform (in addition to his functions as Special Representative of the Regional Agricultural Credit Corporation of Minneapolis, Minnesota) all functions, powers, authority, and duties pertaining to the office of Director of the Regional Agricultural Credit Division in the absence of C. C. Jacobsen, Arthur C. Sullivan, and Robert T. Hall. (E.O. 6084, March 27, 1933, 6 CFR 1.1 (m); Memorandum No. 846, Secretary of Agriculture, January 6, 1940)

[SEAL] A. G. BLACK,
Governor.

[F. R. Doc. 42-13498; Filed, December 17, 1942; 1:36 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VI—Organized Reserves

PART 62—RESERVE OFFICERS' TRAINING CORPS

SUSPENSION OF REGULATIONS

Effective November 27, 1942, so much of paragraph (a) of § 62.15 *Eligibility to membership* as states that members of the Naval or Marine Corps Reserve are not eligible for membership in the Reserve Officers' Training Corps is suspended until further notice. Students enrolled in basic course, Reserve Officers' Training Corps, are now eligible for direct enlistment in the Naval, Marine Corps, or Coast Guard Reserve, and will be continued in basic course, Reserve Officers' Training Corps, after such enlistment. [Sec. II, W. D. Circular 396, December 7, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-13527; Filed, December 18, 1942; 10:06 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

BONUS PAYMENTS

§ 803.10a *General Order No. 10a.* (a) A bonus payment made by an employer to an employee severing his employment for the immediate purpose of entering the armed forces of the United States does not require the approval of the National War Labor Board.

(E.O. 9250, 7 F.R. 7871)

Adopted December 14, 1942.

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-13524; Filed, December 18, 1942; 8:56 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket Nos. A-1718 and A-1718 Pt. II]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING RELIEF, ETC.

Memorandum opinion and order granting motion to amend petition, amending petition, terminating temporary relief heretofore granted, granting temporary and conditionally providing for final relief, and cancelling hearing in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8 and in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of the No. 2 Mine, Mine Index No. 5746, of T. V. McMahan and the Poplar Lick Mine, Mine Index No. 5643 of the Garmeda Coal Company.

A petition, dated October 26, 1942, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed with the Division on October 27, 1942, by the Bituminous Coal Producers Board for District No. 8, the petitioner in the above-entitled matters, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8.

That portion of the original petition relating to the request for the establishment of price classifications and minimum prices for truck shipment for the coals of the Poplar Lick Mine, Mine Index No. 5643 of the Garmeda Coal Company, and the No. 2 Mine, Mine Index No. 5746 of T. V. McMahan was severed from said original petition and designated as Docket No. A-1718 Part II, and temporary relief with respect to these two mines, pending final disposition, was granted and the matter was scheduled for hearing on December 16, 1942, at Washington, D. C., by an order issued on said Docket on November 19, 1942, 7 F.R. 9745.

With respect to the coal of all other mines listed in the original petition, including the aforesaid Poplar Lick Mine, Mine Index No. 5643, and the No. 2 Mine, Mine Index No. 5746, temporary and conditionally final relief for rail shipment was granted by an order issued in Docket No. A-1718 on November 19, 1942, 7 F. R. 10095.

A motion dated December 4, 1942, was filed by the above-named petitioner with the Division on December 5, 1942, in Docket No. A-1718, Part II, requesting that the original petition be amended by deleting therefrom the price of $1.75 for Size Group 7 and $1.70 for Size Group 8 for truck shipments applicable to the Poplar Lick Mine, Mine Index No. 5643 of the Garmeda Coal Company appearing on the page numbered "4" of Appendix A of said petition and inserting in lieu thereof the price of $1.65 for Size Group 7 and $1.60 for Size Group 8; and by deleting the price of $2.15 for Size Group 5 for truck shipment applicable to No. 2 Mine of T. V. McMahan appearing on the page numbered "5" of Appendix A of said petition and inserting in lieu thereof the price of $2.05 for Size Group 5.

A motion, dated December 7, 1942, was filed by the petitioner with the Division on that date in Docket No. A-1718, requesting that the relief heretofore granted by the order issued in said docket on November 19, 1942, be modified with respect to the Poplar Lick Mine, Mine Index No. 5643 of the Garmeda Coal Company and to the No. 6 Mine, Mine Index No. 5790 of Raleigh-Wyoming Mining Company, by providing that the temporary and conditionally final relief heretofore granted to the coals of these two mines, should remain effective until April 18, 1943, and shall thereupon become final unless otherwise ordered during the intervening period.

It appears that a reasonable showing of necessity has been made for the granting of relief in the manner hereinafter set forth; that no petitions of intervention and no motions in opposition to the granting of said motions have been filed with the Division in the above-entitled matter; that the following action is necessary to effectuate the purposes of the Act;

Now, therefore, it is ordered, That said motions be and the same hereby are granted.

It is further ordered, That the original petition be and the same hereby is amended by deleting therefrom the price of $1.75 for Size Group 7 and $1.70 for Size Group 8 for Truck Shipments applicable to the Poplar Lick Mine, Mine Index No. 5643 of the Garmeda Coal Company appearing on the page numbered "4" of Appendix A of said petition and inserting in lieu thereof the price of $1.65 for Size Group 7 and $1.60 for Size Group 8; and by deleting the price of $2.15 for Size Group 5 for Truck Shipments applicable to the No. 2 Mine of T. V. McMahan appearing on the page numbered "5" of Appendix A of said petition and inserting in lieu thereof the price of $2.05 for Size Group 5;

It is further ordered, That commencing forthwith, the price classification and minimum prices, contained in the Schedule marked Supplement R, § 328.11 (*Alphabetical list of code members*) which was annexed to and made a part of the order dated November 19, issued in Docket No. A-1718 in so far as the Poplar Lick Mine, Mine Index No. 5643 of Garmeda Coal Company and the No. 6 Mine, Mine Index No. 5970 of Raleigh-Wyoming Mining Company only are concerned, shall remain effective until April 18, 1943 and shall thereupon become final unless otherwise ordered during the intervening period.

It is further ordered, That pending final disposition of the above-entitled matters the temporary relief heretofore granted by the order dated November 19, 1942 issued in Docket No. A-1718, Part II with respect to the establishment of price classifications and minimum prices for truck shipment for the coals of the Poplar Lick Mine, Mine Index No. 5746 of the Garmeda Coal Company and the No. 2 Mine, Mine Index No. 5643 of T. V. McMahan shall become final sixty days from the date of this order unless it shall otherwise be ordered during the intervening period.

It is further ordered, That commencing forthwith § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That the hearing in Docket No. A-1718 Part II heretofore scheduled for December 16, 1942 at a hearing room thereof at Washington, D. C., be and the same hereby is cancelled; and

It is further ordered, That pleadings in opposition to the amended petition in the above-entitled matters and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: December 15, 1942.

[SEAL] DAN H. WHEELER.
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in this supplement T is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2″, egg 4″ x 6″	Lump 2″ and under, egg 3″ x 6″	Lump ¾″ and under	Egg 2″ x 4″, egg 2″ x 5″	Stove 3″ and under, nut 2″ and under	Straight mine run	2″ and under slack	¾″ and under slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
Garmeada Coal Co	Poplar Lick	5643	Poplar Lick	305	285	240	260	235	230	165	160
CUMBERLAND COUNTY, TENN.											
McMahan, T. V	No. 2	5746	Sewanee	270	250	225	230	205	215	155	150

[F. R. Doc. 42-13487; Filed, December 17, 1942; 11:18 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amendment No. 106, 2d ed.]

PART 624—VOLUNTEERS

MISCELLANEOUS AMENDMENTS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in an Administrative Order dated December 5, 1942, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 624.1[1] to read as follows:

§ 624.1 *Who may volunteer.* Men who have reached the 18th anniversary of the day of their birth and who have not reached the 38th annniversary of the day of their birth may volunteer at the local board for induction into the land or naval forces.

2. Amend § 624.4[2] to read as follows:

§ 624.4 *Classification of volunteers.* (a) A volunteer shall not be inducted if, after classification, he is deferred.

(b) A registrant in Class III–A or Class III–B who volunteers shall not be considered as being deferred and may be placed in a class immediately available for military service if:

(1) His induction will not result in undue hardship to his dependents, and

(2) He is not a "necessary man" who should be classified in Class II–A or Class II–B when his dependency status is disregarded.

3. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

DECEMBER 17, 1942.

[F. R. Doc. 42–13499; Filed, December 17, 1942; 2:18 p. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 17 as Amended Dec. 8, 1942[3]]

POST EXCHANGES AND SHIP'S SERVICE DEPARTMENTS

§ 944.38 *Priorities Regulation 17*—(a) *Definition.* For the purposes of this regulation "orders for military exchanges or service departments" means contracts or purchase orders for material to be delivered to, or for the account of, or to be physically incorporated in material or equipment to be delivered to, or for the account of, any U. S. Army or Marine Corps Post Exchange or any U. S. Navy Ship's Service Department.

(b) *Purchases constitute defense orders.* Orders for military exchanges or service departments shall be deemed to be "Defense Orders" within the meaning of § 944.1 (b) (1) of Priorities Regulation 1 (and therefore by reason of § 944.1a of Priorities Regulation 1, shall be rated A–10, unless a higher preference rating is assigned) only when such orders are endorsed as follows:

> All the items on this Purchase Order are listed in Priorities-Allocation Instructions 12, with Amendments. Therefore, pursuant to terms of Priorities Regulation 17, this Order carries a preference rating A-10 without the issuance of a Preference Rating Certificate.

(c) *Applicability of military exemptions.* Whenever any rule, regulation or order of the War Production Board contains an exception or exemption for material or equipment to be delivered to, or for the account of, or for material to be physically incorporated in material or equipment to be delivered to, or for the account of, the Army or Navy of the United States, such exception or exemption shall not apply to orders for military exchanges or service departments except in cases where such orders bear the following endorsement:

(1) In the case of U. S. Army Post Exchanges:

> Authorized as an Army purchase pursuant to Priorities-Allocation Instructions.
>
> By ------------------
> *Army Exchange Service,*
> *War Department.*

(2) In the case of U. S. Navy Ship's Service Departments:

> Authorized as a Navy Purchase pursuant to Priorities-Allocation Instructions.
>
> By ------------------,
> *Bureau of Naval Personnel.*

(3) In the case of U. S. Marine Corps Post Exchanges:

> Authorized as a Marine Corps purchase within Army or Navy exception clause pursuant to Priorities-Allocation Instructions,
>
> By ---------------------------
> *Headquarters, U. S. Marine Corps*

(d) *Effect of quota provisions.* Whenever any rule, regulation or order of the War Production Board limits the amount of any material that may be received, processed, sold or delivered by any person to a percentage of previous amounts thereof received, processed, sold or delivered by him, or otherwise expressly fixes a quota for him, and contains an exception or exemption for material or equipment to be delivered to, or for the account of, the Army or Navy of the United States, but does not expressly permit such person, in computing his quota, to exclude therefrom orders for military exchanges or service departments, such orders which are endorsed as provided in paragraph (c) hereof shall be included in such exception or exemption. Orders for military exchanges or service departments which are not endorsed at all or only endorsed as provided in paragraph (b) shall not be included in such exception or exemption and must be charged against the quota of the person filling them, but such orders need not be accepted by such person in excess of 45% of such person's quota or such other percentage as the Director General for Operations may prescribe with respect to any particular material.

(e) *Effect on other provisions.* In case any provision in any regulation or in any order of the War Production Board is inconsistent with any provision in this regulation, the provisions of this regulation shall govern unless such other provision expressly states that this regulation shall be inapplicable.

(f) *Effective date.* This regulation shall become effective December 21, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13520; Filed, December 17, 1942; 5:04 p. m.]

PART 1176—IRON AND STEEL CONSERVATION

[Conservation Order M–126[1] as Amended Dec. 5, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1176.1 *General Conservation Order M–126*—(a) *Definitions.* For the purpose of this order:

(1) "Governing date", with respect to any item on List A or List S, or part thereof, means the date set forth opposite such item.

(2) "Army - Navy - Maritime order" means an order for material to be purchased (or physically incorporated into material to be purchased) by or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration, where with respect to any item on List A, or part thereof, the use of iron or steel, or with respect to any item on List S, or part thereof, the use of stainless steel, is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration, applicable to the contract, subcontract or purchase order.

(3) The terms "iron" and "steel" shall not be deemed to include screws, nails, rivets, bolts, or wire, strapping or small hardware for joining or other similar essential purposes.

(4) The term "stainless steel" means corrosion or heat resistant alloy iron or alloy steel containing 10 per cent or more of chromium with or without nickel and/or other alloying elements.

(5) "Process" means cut, draw, machine, stamp, melt, cast, forge, roll, turn, spin or otherwise shape.

(6) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(7) The term "assemble" shall not be deemed to include the putting together of an article after delivery to a sales outlet or consumer in knockdown form pursuant to an established custom. The term "assemble" shall also not be deemed to include adding finished parts to an otherwise finished article when the placing of one or more finished parts or the size or type of one or more finished parts is determined by the use to which the ultimate consumer is to put the article.

(b) *Restrictions with respect to List A products.* Except as provided in paragraph (d):

(1) *Raw material deliveries.* From and after the applicable governing date of any item on List A, no person shall deliver or accept delivery of any iron or steel which he knows or has reason to know will be used to make such item, or any part thereof.

(2) *Fabrication*—(i) *Limitation.* During the 30 days next following the applicable governing date of any item on List A, no person shall put into process any iron or steel to make such item, or any part thereof, in an aggregate weight greater than 75 per cent of the average monthly weight of all metals put into process by him during 1941 in the making of such item and parts, and no person shall put into process any iron or steel in the making of any such item or part unless processing thereof will be completed within such 30 day period.

(ii) *Prohibition.* From and after the date 30 days after the applicable governing date of any item on List A, no person shall process any iron or steel to make such item, or any part thereof.

(3) *Assembly.* From and after the date 60 days after the applicable governing date of any item on List A, no person shall assemble such item, or any part thereof, containing any iron or steel.

(4) *List A products without governing dates.* With respect to any item on List A without a governing date, (i) no person shall deliver or accept delivery of any iron or steel which he knows or has reason to know will be used to make such item, or any part thereof, (ii) no person shall put into process or process any iron or steel to make such item, or any part thereof, and (iii) no person shall assemble such item, or any part thereof, containing any iron or steel.

(5) *Finished item deliveries.* No person shall deliver or accept delivery of any item on List A, or part thereof, which he knows or has reason to know was fabricated, assembled or delivered in violation of any applicable provision of this order as amended from time to time.

(c) *Restrictions with respect to List S products.* Except as provided in paragraph (d):

(1) *Raw material deliveries.* From and after the applicable governing date of any item on List S, no person shall deliver or accept delivery of any stainless steel which he knows or has reason to know will be used to make such item, or any part thereof.

(2) *Fabrication*—(i) *Limitation.* During the 30 days next following the applicable governing date of any item on List S, no person shall put into process any stainless steel to make such item, or any part thereof, in an aggregate weight greater than 50% of the average monthly weight of stainless steel put into process by him during 1941 in the making of such item and parts, and no person shall put into process any stainless steel in the making of any such item or part unless processing thereof will be completed within such 30 day period.

(ii) *Prohibition.* From and after the date 30 days after the applicable governing date of any item on List S, no person shall process any stainless steel to make such item, or any part thereof.

(3) *Assembly.* From and after the date 45 days after the applicable governing date of any item on List S, no person shall assemble such item, or any part thereof, containing any stainless steel.

(4) *Finished item deliveries.* No person shall deliver or accept delivery of any item on List S or part thereof, which he knows or has reason to know was fabricated, assembled, or delivered in violation of any applicable provision of this order as amended from time to time.

(d) *Exemption for Army-Navy-Maritime orders.* (1) The provisions of paragraph (b) with respect to items on List A with governing dates shall not apply to Army-Navy-Maritime orders for such items, or any parts thereof, for a period of 60 days after the applicable governing date. From and after the expiration of the applicable exemption period, no person shall deliver, accept delivery of, put into process, process or assemble any iron or steel for the making of any item on List A, or part thereof, unless such item or part is on List C. The provisions of paragraph (b) shall not apply to Army-Navy-Maritime orders for any item on List C, or part thereof, except that stainless steel shall not be used to make such item and parts, unless permitted by paragraph (d) (3).

(2) The provisions of paragraph (c) shall not apply to Army-Navy-Maritime orders for any item on List S, or part thereof, for a period of 60 days after its governing date. Except as provided in paragraph (d) (4), from and after the expiration of the applicable exemption period, no person shall deliver, accept delivery of, put into process, process or assemble any stainless steel for the making of any item on List S, or part thereof, unless such item or part is on List C.

(3) Except as otherwise specified on List C as to any item, or part thereof, stainless steel may be used to make any item on List C, or part thereof, for Army-Navy-Maritime orders until January 5, 1943. Except as provided in paragraph (d) (4), on and after January 5, 1943, no person shall use any stainless steel to make any item on List C, or part thereof, unless, and then only to the extent that, the use of stainless steel is expressly permitted for such item.

(4) The provisions of this order prohibiting the delivery, processing or assembling of stainless steel or a type of stainless steel for the making of any

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[1] 6 F.R. 6842, 7 F.R. 431.

[2] 6 F.R. 6843.

[3] This document is a restatement of Amendment 1 of Priorities Regulation 17 which appeared in the FEDERAL REGISTER of December 10, 1942, p. 10280, and reflects the order in its completed form as of December 8, 1942.

[1] This document is a restatement of Amendment 1 of Conservation Order M–126 which appeared in the FEDERAL REGISTER of December 8, 1942, p. 10218, and reflects the order in its completed form as of December 5, 1942.

item, or part thereof, for Army-Navy-Maritime orders shall not apply to any order which has been approved on form PD-391 for melting during the fourth quarter of 1942 or for delivery during such quarter; or to any order which can not be filled by the manufacturer because of his inability to secure permitted materials, except that this exemption shall be only for the minimum period of time necessary to obtain such permitted materials and in no event later than April 30, 1943.

(e) *Restrictions with respect to other products*—(1) *Roofing and siding.* No person shall manufacture any iron or steel into roofing and siding except:

(i) For delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, The War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development; or

(ii) For delivery on a preference rating of AA-5 or higher assigned by a PD-3A preference rating certificate or by a preference rating order in the P-19 series; or

(iii) For defense housing, to the extent specified in the Defense Housing Critical List; or

(iv) For the manufacture, maintenance and repair of railroad freight cars, street cars, or busses; or

(v) For deliveries on preference ratings assigned by the Board of Economic Warfare or for deliveries on Lend-Lease orders; or

(vi) For delivery to an ultimate purchaser for maintenance and repair purposes regardless of rating. With respect to this paragraph (e) (1) (vi), no person may manufacture from May 5, 1942 to December 31, 1942, more than 20 percent of the roofing and siding made by him from iron or steel during the calendar year 1940; or in the calendar year 1943 or any subsequent calendar year, more than 25 percent of the roofing and siding made by him from iron or steel, during the calendar year 1940.

Any person manufacturing or selling any such roofing or siding may rely on the certificate of his customer that such roofing or siding will only be sold or used as permitted by this paragraph (e) (1).

(2) *Other products.* No person shall use any iron or steel to make any article not prohibited on List A, or any part thereof, where and to the extent that the use of other material (excluding material on List D) is practicable. Alloy steel shall not be used when the use of carbon steel is practicable, and no more iron or steel shall be used in connection with the manufacture of any such article than is essential. The provisions of this paragraph (e) (2) shall not apply in the case of articles or parts to be purchased by or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, or to be physically incorporated into products to be so purchased to the extent that the use of iron or steel is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration applicable to the contract, subcontract or purchase order.

(f) *Restrictions with respect to other scarce materials.* No person whose use of iron or steel is restricted by paragraphs (b), (d) or (e) shall use as a substitute therefor any material on List D.

(g) *Disposition of frozen and excessive inventories.* The disposition of frozen and excessive inventories containing iron or steel shall be subject to the applicable provisions of Priorities Regulation No. 13 (§ 944.34).

(h) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(2) *Appeal.* Any appeal from the provisions of this order must be made on Form PD-500 and must be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(3) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply whether the items are ordered or manufactured pursuant to a contract made prior to, on, or subsequent to May 5, 1942, or pursuant to a contract supported by a preference rating. Insofar as any other order of the Director General for Operations may have the effect of limiting or curtailing to a greater extent than herein provided the use of any material in the production of any item, the limitations of such order shall be observed.

(4) *Intra-company deliveries.* The restrictions of this order with respect to deliveries prohibit or restrict deliveries not only to other persons, including affiliates or subsidiaries, but also from one branch, division, or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(6) *Installation.* The restrictions of this order with respect to putting into process, processing, and assembling shall not apply to the installation of an item or part for the ultimate consumer on his premises when any putting into process, processing or assembling of such item or part is incidental to such installation and is done on such premises.

(7) *Repair.* The restrictions of this order (other than those contained in paragraph (e) (2)) shall not apply to a person repairing a used article on or off the premises of the owner, if the person making the repair does not use iron or steel weighing in the aggregate more than 25 pounds and if any putting into process, processing or assembling done by such person is for the purpose of making the specific repair. The limitations in this paragraph (h) (7) on repairing a used article shall not apply to any item on List A or List S, or part thereof, to the extent that maintenance and repair of such item is specifically excepted on List A or List S.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of December, 1942.

ERNEST KANZLER,
Director General for Operations.

LIST A

NOTE: Changes have been made in List A.

Item	*Governing date*
"A" Frames and booms for lighters, 25 tons capacity and under.	Nov. 5, 1942
Access panels—except as required by Underwriters Code.	None
Accessories, soda fountain [1]	July 15, 1942
Acoustical ceilings	None
Adhesive tape sleeves	July 15, 1942
Advertising novelties	None
Air-conditioning systems [1]—except for hospital operating rooms and industrial plants.	None
Ampule scorers	Nov. 5, 1942
Amusement park devices and roller coasters.[1]	None
Area walls	None
Ash sieves	None
Asparagus tongs	None

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[1] Maintenance and repair excepted.

Item	*Governing date*
Atomizers, perfume-boudoir	None
Attic fans	None
Automobile accessories—except as required by law.	None
Automobile heaters [1]—except for passenger carriers, as defined in L-158, police cars, ambulances, trucks and fire wagons.	July 15, 1942
Awning frames and supports	None
Bag, purse, and pocketbook frames.	None
Balers, paper for household use	July 15, 1942
Ball park equipment including but not limited to:	July 15, 1942
Cages.[1]	
Fences.	
Lighting systems — except lamp bulbs.	
Metal bases.	
Protective netting.[1]	
Railings.	
Rollers.	
Score boards.	
Screens.[1]	
Seats.[1]	
Tampers.	
Banks, personal, toy, miniature.	None
Barber and beauty shop furniture.	None
Barber and beauty shop supplies, machines and equipment.[1]	July 15, 1942
Barn pushers and scrapers	July 15, 1942
Barware and bar accessories	July 15, 1942
Bases on refrigerating machines below one H. P.	Nov. 5, 1942
Baskets—except for commercial cooking and manufacturing uses.	None
Baths, steam, all types	Nov. 5, 1942
Bath tubs	None
B-B shot for air rifles	None
Beach umbrellas	July 15, 1942
Beds—except hospital	None
Bed spring frames—except for hospital link fabric spring type bed.	None
Beer kegs—except hoop and fittings for wooden kegs.	None
Beer mugs	None
Beer stands	None
Beer steins	None
Bench legs—except industrial	None
Beverage bottle cases, including but not limited to beer and all soft drinks.	July 15, 1942
Bicycle racks	Nov. 5, 1942
Binding, linoleum	Nov. 5, 1942
Binoculars—except U. S. Government Agencies.	None
Bird cages and stands	None
Bird houses and feeders	None
Biscuit boxes	None
Blackboards	None
Blade stroppers, mechanical	None
Bleachers and grandstands [1]	None
Blocks, hat	July 15, 1942
Boards, sounding	Nov. 5, 1942
Boat hooks	Nov. 5, 1942
Book ends	None
Boot jacks	Nov. 5, 1942
Bottle holders—except hospital	None
Bowling alleys, bowling pins and accessories.[1]	July 15, 1942
Boxes and trays for jewelry, cutlery, combs, toilet sets.	None
Boxes, meter and covers—except industrial.	Nov. 5, 1942
Braces, extensible steel trench	Nov. 5, 1942
Bread and cake boxes, household.	July 15, 1942
Bread slicers for home use—except knives.	July 15, 1942
Bridge splash guards	None
Brushes and brush-backs—except industrial.	July 15, 1942
Buckles, for clothing—except overalls, overall suits, dungarees.	July 15, 1942
Buckles for	July 15, 1942
Pocketbooks.	
Shoes—except for waterproof shoes.	
Building ornaments	None
Buildings, portable	Nov. 5, 1942
Burial lowering devices	Nov. 5, 1942
Butter chips	None
Butter knives	None
Buttons for clothing—except for overalls, overall suits and dungarees.	July 15, 1942
Buttons for work clothing—except 22 line fly button of plain design and 27 line button with wreath design for remainder of garment, and except open top button of not more than two pieces exclusive of the tack or fastener.	Nov. 5, 1942
Cabinets—except	None
Hospital operating and examining rooms.	
As permitted in Limitation Orders L-13-a and L-62.	
Cake cutters	None
Cake icing equipment	July 15, 1942
Cake tongs	None
Calendar and memo pad stands	July 15, 1942
Calliopes or steam organs	July 15, 1942
Candy display dishes	None
Canes	July 15, 1942
Canopies, hoods and supports	None
Cans, containers and closures for	None
Anti-freeze (under 5 gal. size).	
Artist supplies.	
Tobacco products.	
Bouillon cubes.	
Candy.	
Caviar.	
Chalk.	
Coffee—except that closures for glass containers may be processed until December 1, 1942 from distressed stocks of black plate lithographed on or before September 3, 1942.	
Gloves.	
Incense.	
Lawn seed.	
Nuts.	
Pencils	
Phonograph needles.	
Playing cards.	
Razor blades—except metal holders which are integral parts of the mechanism for inserting blades into safety razors.	
Sponges.	
Staples.	
Tennis balls.	
Toilet water.	
Yarn.	
Car washing machines	Nov. 5, 1942
Carillons	July 15, 1942
Carpet rods	None
Carriers, casket [1]	July 15, 1942
Carrousels (Merry-go-rounds) [1]	July 15, 1942
Carving set holders	None
Cases, vanity	July 15, 1942
Cash boxes	None
Cash registers [1]	None
Casket hardware	None
Casket trucks, undertaker's—except wheels.	Nov. 5, 1942
Ceilings	None
Chafing dishes	Nov. 5, 1942
Chamber pots	July 15, 1942
Cheese dishes	None
Chicken crates	None
Chicken house scrapers	July 15, 1942
Christmas tree holders	None
Christmas tree ornaments	None
Cigar and cigarette holders and cases.	None
Cigar clippers	None
Cigarette lighters	None.
Cigarette package holders	Nov. 5, 1942
Cigarette making machines, hand.	Nov. 5, 1942
Circus and carnival apparatus, equipment [1] and devices, including but not limited to:	July 15, 1942
Animal cages.[1]	
Animal stands.	
Tent standers.	
Trailers.[1]	
Trapeze bars.	
Clamps, hair, including barrettes, decorative clips and fasteners, but not including common bob and hair pins and clamps for hair curling or waving.	Nov. 5, 1942
Clips for attaching baggage tags	Nov. 5, 1942
Clock cases—except on recording and controlling industrial instruments.	None
Closers for paper and cellophane bags—except bags for 25 lb. content or more	Nov. 5, 1942
Clothes lines	Nov. 5, 1942
Clothes line pulleys	None
Clothes line reels	None
Clothes racks and dryers	None
Clothes trees	None
Clothing trim and dress ornaments.	July 15, 1942
Coal chute and door, household.	None
Coal pans	None
Coasters and trivets for glass and hot containers.	July 16, 1942
Cocktail glasses	None
Cocktail sets	None
Cocktail shakers	None
Coin changers—except for public transportation.	July 15, 1942
Combs, hair—except curry combs.	July 15, 1942
Compacts	None
Concrete and cement hardeners	Nov. 5, 1942
Cooking stoves, commercial electric.[1]	None
Copy holders	None
Corn poppers and machines	None
Cosmetics and toiletries	July 15, 1942
Counter tops and edgings	None
Covers for automotive leaf-type springs.	Nov. 5, 1942
Covers, manhole—except reinforcing and banding.	Nov. 5, 1942
Covers, meter frame—except industrial.	Nov. 5, 1942
Crochet hooks	July 15, 1942
Croquet sets	None
Crumb trays	None
Crutches	Nov. 5, 1942
Culverts, including conduits, corrugated pipe, and corrugated plates for pipe and arches for culverts—except:	None
Reinforcing for concrete.	
Nestable culverts for use outside continental limits of U. S.	

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[1] Maintenance and repair excepted.

Item	Governing date
Culverts, reinforced concrete—except:	Nov. 5, 1942
Interior installations.	
Outside continental limits of U. S.	
Under access roads.	
Under airport runways.	
Under railroad rights of way.	
Cups of all kinds, drinking	None
Curb guards	None
Curler, hair, non-electric	None
Curling irons	Nov. 5, 1942
Curtain stretchers	July 15, 1942
Darners, sock	Nov. 5, 1942
Decorative iron products	None
Desk equipment, including but not limited to:	July 15, 1942
Desk sets.	
Desk pads.	
Fountain pen and pencil stands.	
Letter openers.	
Name plates.	
Paper weights.	
Diaper cans, containers, or receptacles.	Nov. 5, 1942
Dictaphone racks	None
Dinner bells	None
Dishwashing machines [1]—except hospitals.	None
Dishwashing racks, household	July 15, 1942
Dispensers, hand, for	None
Hand lotions	
Paper products	
Soap	
Straws	
Display forms	July 15, 1942
Document stands	None
Door chimes	None
Door closers [1]—except for hospitals, public toilet doors, exterior doors on public buildings, and where required to meet fire regulations.	None
Door handles—except shipboard use.	None
Door knockers	None
Door mats	July 15, 1942
Door stops	None
Drain boards and tub covers, household.	None
Drawer pulls	None
Dress forms	None
Dummy police	None
Dust collecting systems and equipment [1]—except on AA-5 or higher.	None
Dust covers and enclosures [1]—except industrial.	July 15, 1942
Easels, all types	July 15, 1942
Edging, furniture and linoleum	Nov. 5, 1942
Ediphone racks	None
Egg slicers	None
Electric drinking water coolers—except for use in war plants.	None
Embalming tables [1]	July 15, 1942
Enameled tile sheets and squares.	Nov. 5, 1942
Enamel store fronts	None
Erasing knives	None
Erasing shields	Nov. 5, 1942
Escalators [1]	None
Exercise and reducing machines.[1]	July 15, 1942
Exhibition and fair apparatus and equipment,[1] including but not limited to:	July 15, 1942
Lighting equipment.	
Racks.	
Stands.	
Fan stands, all types	Nov. 5, 1942
Feed troughs	None
Fences, chain link—except on A-2 or higher.	None
Fences, chain link—A-2 or higher.	July 15, 1942
Fence posts—except on A-2 or higher.	None
Fence posts—A-2 or higher	Nov. 5, 1942
Fences, ornamental	None
Ferneries, metal	Nov. 5, 1942
Finger bowls	None
Fireplace equipment, including but not limited to grates, clean out doors and ash dumps—except dampers.	None
Fireplace dampers	Sept. 3, 1942
Fireplace screens	None
First aid kits	Nov. 5, 1942
Fish aquariums	None
Flag holders	Nov. 5, 1942
Flagpoles	None
Flashlight tubes	None
Flatware—except cooking and eating utensils.	July 15, 1942
Floats for pageants, parades, advertising, etc.—except trucks.	July 15, 1942
Floor and ceiling plates for piping.	None
Floor and counter covering trim.	None
Floor polishing machines	None
Floor scrapers—except power-driven.	July 15, 1942
Floral tools and floral hoes	July-15, 1942
Florist supplies	Nov. 5, 1942
Flour, salt and pepper shakers	None
Flower boxes, pot holders and vases.	None
Flower shears	None
Fly traps	Nov. 5, 1942
Food vending machines, including automats.	None
Foot baths—except hospitals	None
Foot scrapers	Nov. 5, 1942
Forms and accessories for residential and commercial concrete construction.	None
Fountain pens—except functional parts.	None
Fountains, ornamental	Nov. 5, 1942
Frames, catch basin and grater, all types.	Nov. 5, 1942
Frames, clothes drying	July 15, 1942
Frames for artists' canvas, darning and needlework	July 15, 1942
Frames, steel blocking	July 15, 1942
Fruit juice extractors, household.[1]	None
Furniture [1]—except:	None
Wood furniture.	
As permitted in Limitation Orders L-13-a and L-62.	
Hospital operating and examining rooms.	
Hospital, beds and cots.	
Game and gambling devices	July 15, 1942
Garage hoists, car lifts, and racks.	None
Garbage grinders, household [1]	July 15, 1942
Garden trowels	July 15, 1942
Garment hangers	July 15, 1942
Gas toasters, household	July 15, 1942
Gates for fences	Nov. 5, 1942
Gates, railroad crossing, except mechanism.	Nov. 5, 1942
Glassware holders and trim—except on cooking utensils.	July 15, 1942
Golf bag supports	None
Grass shears	None
Grass whips	July 15, 1942
Grave markers	Nov. 5, 1942
Grilles	None
Ornamental.	
Sewers—except on AA-5 or higher and reinforcing for concrete sewers.	
Grills, outdoor	July 15, 1942
Guards for guy wires	Nov. 5, 1942
Gutters, spouting, conductor pipe, and fittings for single family dwellings.[1]	None
Gutters, spouting, conductor pipe and fittings for dwellings two stories or less in height (2 family or more).[1]	Nov. 5, 1942
H-Bar units	Nov. 5, 1942
Hair combs, except curry combs	July 15, 1942
Hair dryers	None
Hand seals for documents	July 15, 1942
Hand weeders	July 15, 1942
Handles, broom and mop	July 15, 1942
Hangers and track for garage doors for private use.	None
Hanger rings on brushes, brooms, etc.	None
Harness and saddlery fittings [1]—except for draft, work and ranch animals.	July 15, 1942
Hat frames	None
Hat-making machinery [1]	None
Heat resisting pads for household use.	Nov. 5, 1942
Hedge shears	None
Helmets—except on AA-5 or higher.	None
Highway railroad flasher lights [1]—except lamp bulbs.	July 15, 1942
Highway guard rail, wire, strip and posts [1]	July 15, 1942
Highway guard rail reflectors [1]	July 15, 1942
Hitching posts	July 15, 1942
Holders, wire, all types	Nov. 5, 1942
Hoops, galvanized wire, for flower garden trim.	July 15, 1942
Hose reels—except:	None
Fire fighting equipment.	
Industrial uses in direct fire hazard areas.	
Hospital, medical, dental and related equipment.[1]	July 15, 1942
Anesthesia tables—except for use in operating rooms.	
Arm immersion stands.	
Back rests.	
Bassinets—except for frame and basket and isolation cabinet type.	
Bath cabinets—except hospital use.	
Bed feeding and reading trays.	
Bed trays.	
Bedside panel screens.	
Blanket warming cabinets.	
Book trucks—except wheel tires.	
Bowl stands—except for use in operating rooms.	
Cabinets for diathermy, sinusoidal and galvanic apparatus.	
Chairs, other than examining or specialist chairs or dental chairs.	
Chart holders—except necessary hardware.	
Chiropractic adjustment tables.	
Clothes hampers.	
Commodes—except receptacle.	
Couch tables.	
Dental cabinets.	
Dish trucks—except wheel tires.	
Dressing stands.	
Dressing carriages—except frame and necessary hardware.	
Examining tables, non-adjustable.	
Ice trucks—except wheel tires.	
Instrument cabinets—except for use in operating rooms.	
Instrument tables—except for use in operating rooms.	

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[1] Maintenance and repair excepted.

Item	Governing date
Hospital, medical, dental and related equipment [1]—Con.	July 15, 1942
Laundry trucks—except wheel tires.	
Linen hampers—except for frames.	
Linen trucks—except wheel tires.	
Needle cabinets—except for use in operating rooms.	
Nurses' work tables.	
Orthopedic and fracture carts—except wheel tires and frames.	
Overbed and swing overbed tables.	
Record and chart desks and racks.	
Shelf trucks—except wheel tires and frame (not food).	
Stands and racks for colonic irrigation apparatus.	
Sterilizer stands—except frame and top.	
Stools—except for use in operating rooms and except mechanism for adjustable stools.	
Stretchers, wheel type—except wheel tires and frames.	
Supply and treatment cabinets—except for operating rooms.	
Tables, examining, adjustable—except frame and operating mechanism.	
Thermometer baskets.	
Utensil racks.	
Vasoscillator—oscillating beds.	
Wall shelf stands—except for use in operating rooms.	
Wheel chairs—except essential hardware.	
Hospital, medical, dental and related equipment.[1]	Nov. 5, 1942
Chiropody chairs.	
Nose and throat chairs, hydraulic.	
Optical chairs, hydraulic.	
Osteopathic tables.	
House numerals	None
Houses	Nov. 5, 1942
Tool.	
Hog.	
Poultry—except wire netting.	
Humidification devices—except industrial and hospital use.	Nov. 5, 1942
Humidors	July 15, 1942
Ice box exteriors—except portable blood banks.	None
Ice cream freezers, household	None
Ice cream molds	Nov. 5, 1942
Ice cube trays	None
Incinerators—except industrial, commercial and as specified in Defense Housing Critical List.	None
Ink well holders	None
Inlets, gutter, all types	Nov. 5, 1942
Inlets, sewer, all types	Nov. 5, 1942
Insulation, metal reflecting type.	None
Ironing boards and stands	July 15, 1942
Jam boxes	None
Jelly molds	None
Jewelry	None
Jewelry cases	None
Jugs, picnic, all types	Nov. 5, 1942
Kaleidoscopes	July 15, 1942
Key chains, cases and rings	July 15, 1942
Keys for opening cans	July 15, 1942
Knitting needles	None
Ladders, step	Nov. 5, 1942
Lanterns, magic	July 15, 1942
Lard or vegetable oil tubs—except 5 lbs. and over, and straps for wood containers.	None
Laundry chutes	None
Laundry trays—except reinforcing mesh.	None
Lavatories—except hangers	None
Lawn and landscaping equipment, all types.	Nov. 5, 1942
Lawn brooms	July 15, 1942
Lawn edgers	July 15, 1942
Lawn rakes	July 15, 1942
Lawn rollers [1]	July 15, 1942
Lawn tampers	July 15, 1942
Lawn seeders [1]	July 15, 1942
Lawn sprinklers	None
Letter chutes	None
Letter openers	None
Letter trays	None
Lighting poles and standards [1]	None
Lipstick holders	None
Lobster forks	None
Lobster tongs	None
Lockers—except	None
Oil refinery use.	
As permitted by Limitation Order L-13-a.	
Logs, artificial, for gas and electric fireplace.	July 15, 1942
Luggage, except locks [1]	July 15, 1942
Lunch boxes	Nov. 5, 1942
Mail boxes—except as required by U. S. postal regulations.	None
Mailing tubes or cases—except for transportation of bacteria, cultures, serums, plasma, and biological specimens.	None
Marine hardware for pleasure boats.	None
Marquees	None
Match boxes	None
Material for housing, not otherwise specified in this order—except to the extent specified in the Defense Housing Critical List.	None
Measuring pumps and dispensers [1] for gasoline station, garage and household use, including but not limited to:	None
Air pumps.	
Grease guns.	
Grease pumps.	
Gasoline dispensing pumps.	
Kerosene pumps.	
Oil pumps—except barrel pumps and lubesters.	
Meat molds	Nov. 5, 1942
Mechanical book binding	None
Memorial tablets	July 15, 1942
Menu holders	None
Metal cloths, except for industrial processing.	Nov. 5, 1942
Metal dust covers and enclosures—except industrial.	July 15, 1942
Milk bottle cases—except that a total of 4½ lbs. of iron and steel per case (including joining and essential hardware) may be used.	None
Millinery wire and gimps	None
Mirrors, hand	None
Monograms and initials	July 15, 1942
Mop wringers	None
Motion picture cameras [1]	Nov. 5, 1942
Motion picture projectors [1]	Nov. 5, 1942
Motion picture screen stands [1]	Nov. 5, 1942
Mud scrapers	Nov. 5, 1942
Music stands	None
Napkin rings	None
Necktie racks	None
Newspaper boxes or holders	None
Novelties and souvenirs of all kinds—except that the assembling of artificial leaves, fruits, flowers, and of feather ornaments shall be permitted when any iron or steel wire to be used was drawn on or before June 19, 1942 or was sold to the manufacturer of the artificial leaves, fruit, flowers or feather ornaments as scrap.	None
Ornamental hardware and moldings.	None
Outdoor fireplace parts	None
Outing spades	July 15, 1942
Packing twine holders	None
Pads, inking and stamping	July 15, 1942
Pail clasps	None
Paint spray outfits—except industrial.	None
Paper rollers, household	None
Parasols, shafts and handles	July 15, 1942
Park and recreational benches	None
Parking meters	None
Partitions	Sept. 3, 1942
Partition studs	Nov. 5, 1942
Pegs, tent	Nov. 5, 1942
Pen holders	None
Pencil holders	Nov. 5, 1942
Pencils, mechanical or automatic.	None
Permanent wave machines	None
Pet beds	None
Pet cages	None
Pet dishes	None
Pet equipment (except license tags) including but not limited to:	July 15, 1942
Carriers.	
Chains.	
Collars.	
Feeders.	
Houses.	
Leashes.	
Muzzles.	
Phonograph motors, hand wound.	None
Phonograph record blanks	None
Photographic accessories	None
Photographic equipment [1]—except microfilm.	Nov. 5, 1942
Physical reducing machines	None
Picnic and outing boxes and accessories.	July 15, 1942
Picture and mirror hardware	None
Pie plates—except commercial or institutional.	None
Pipe cases	None
Pipe cleaner knives	None
Pipe posts	Nov. 5, 1942
Pitchers—except for hospital use.	July 15, 1942
Plant and flower supports	None
Plates, light switch—except for cast conduit bodies.	Nov. 5, 1942
Playground equipment	Sept. 3, 1942
Play pens, boxes and enclosures, children's.	July 15, 1942
Pleasure boats	None
Pleasure boat equipment and accessories.	Nov. 5, 1942
Plumbing and heating equipment.[1]	Nov. 5, 1942
Gas conversion burners.	
Gas fired boiler-burner units.	
Gas fired furnace-burner units.	
Oil fired boiler-burner units.	
Oil fired furnace-burner units.	
Registers, cold air.	
Registers and grilles.	
Steel heating boilers of 129 sq. ft. or less of heating surface.	
Pneumatic tube delivery systems [1]—except industrial.	None
Pocketbook ornaments	July 15, 1942
Polishing-wax applicators	None
Polishing-wax sprayers	None

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[1] Maintenance and repair excepted.

Item	*Governing date*
Portable bath tubs	None
Poultry incubator cabinets	None
Pulp, paper, paper products and converter machinery and equipment [1]—except:	Nov. 5, 1942
Automatic paper packaging machines.	
Paper bag machinery.	
Paper corrugating machinery.	
Paper cup machinery.	
Paper cutting machinery.	
Paper paraffining machinery.	
Paper pasting machinery.	
Paper slitting machinery.	
Pulp, paper, paper products and converter machinery and equipment [1]—except:	Nov. 5, 1942
Paper tube machinery.	
Slitters and winders.	
Waxing machines.	
Push carts	None
Push plates and kick plates, door.	None
Race track apparatus and equipment,[1] including but not limited to:	July 15, 1942
Mutuel ticket machines.	
Pari-mutuel boards.	
Race finish photographic equipment.	
Starting gates.	
Racks, display	Nov. 5, 1942
Racquets	None
Radiator enclosures	None
Radio antenna poles[1]—except on ratings of AA-5 or higher.	None
Railings, barriers and fences—except for livestock and poultry enclosures and essential industrial use.	July 15, 1942
Railings, barriers, and fences for industrial use.	Nov. 5, 1942
Railroad rail joint angle bars over 24" in length [1]—except for replacement on used rails.	July 15, 1942
Reading stands	July 15, 1942
Reels, cable and rope	Nov. 5, 1942
Reflectors, street and highway	Nov. 5, 1942
Refrigerator boxes, walk-in	Nov. 5, 1942
Refrigerator containers and trays, household.	None
Regalia	July 15, 1942
Registers, hand tally	Nov. 5, 1942
Rodeo equipment, including but not limited to:	July 15, 1942
Animal trappings.	
Fences.	
Gates [1].	
Rolling boardwalk chairs [1]	July 15, 1942
Rolling pins	July 15, 1942
Rotary door bells	None
Rug scrubbing and shampooing machines.	Nov. 5, 1942
Safety zone posts, rails, cables and platforms.	Nov. 5, 1942
Salesmen's display cases and sales kits.	None
Salt and pepper holders	None
Sample boxes	None
Sand boats	Nov. 5, 1942
Sash weights for windows	Nov. 5, 1942
Scaffolding	None
Scales, coin operated	July 15, 1942
Scenery and stage hardware equipment,[1] for dramatic, theatrical and operatic use, except lamp bulbs, including but not limited to:	July 15, 1942
Battens.	
Cables.	
Lights.	
Reflectors.	
Stage drops.	
Score boards	July 15, 1942
Screen frames—except industrial processing.	None
Scrubbing boards	None
Semaphores, traffic signal—except railroad.	Nov. 5, 1942
Service food trays	
Sewer pipe, exterior installations [1]—except for vents and within 5 feet of buildings.	None
Shades, window and roller type—except roller mechanism.	Nov. 5, 1942
Sheet iron or hoop iron packings for cookies and sweet goods.	None
Shirt and stocking dryers	None
Shoe cleaning kits	None
Shoe ornaments	July 15, 1942
Show window lighting and display equipment.	None
Shower recepters—except frames.	None
Shower stalls—except frames	None
Shutters, window,[1] except where required in industrial use by Underwriters.	July 15, 1942
Sidewalk scrapers	July 15, 1942
Sign hanger frames	None
Sign posts	None
Signets	None
Silos [1]—except strapping and reinforcing.	None
Sink aprons and legs	None
Sink drainboards, both integral and removable.	None
Siphon chargers	July 15, 1942
Sitz baths	None
Skates, roller and ice	None
Skating rink apparatus and equipment.[1]	July 15, 1942
Skewers, all types	Nov. 5, 1942
Ski racks	None
Slides, loops and slide-loops for work clothing—except:	Nov. 5, 1942
One size not exceeding 1⅞" for men's work clothing.	
One size not exceeding 1¾" for boys' work clothing.	
Sleds—except runners	July 15, 1942
Sleighs—except runners	July 15, 1942
Slide fasteners	None
Smokers' accessories	July 15, 1942
Snow shovels and pushers, hand	None
Sod lifters	July 15, 1942
Spading forks, children's	July 15, 1942
Special industrial machinery	Nov. 5, 1942
Cement making machinery.[1]	
Ceramic making machinery [1]—except refractory making machinery.	
Collapsible tube filling machines.[1]	
Cosmetic machinery.	
Coupon inserting machines.	
Cut and monumental stone machinery.	
Fertilizer machinery.[1]	
Lamp manufacturing machinery,[1] including incandescent, fluorescent, and electric discharge type.	
Milk can machinery.[1]	
Paint processing and manufacturing machinery.[1]	
Soap making machinery.[1]	
Steel drum machinery [1]—except for export purposes.	
Tobacco machinery.[1]	
Wire-bound box making machinery.	
Spittoons	None
Spools for cord, ribbon, tape	Nov. 5, 1942
Spools for wire—except traverse	Nov. 5, 1942
Sporting and athletic goods—except:	None
Fully fabricated skates, cleats, and similar items may be attached to athletic shoes without restriction.	
Fishing tackle as permitted by Limitation Order L-92.	
Spray containers, household	None
Sprinkling cans, garden	July 15, 1942
Stadiums [1]	None
Stair and threshold treads [1], household, institutional and commercial buildings—except for fire escape and essential industrial use.	July 15, 1942
Stamped bakery equipment—except pie plates for commercial or institutional use.	None
Stands, all types—except:	Nov. 5, 1942
Essential industrial use.	
Hospital use where not otherwise specifically prohibited in this order.	
Staple removers	Nov. 5, 1942
Starter shingle strips	None.
Statues	None
Steel wool for household use made from other than waste.	None
Stencils	Nov. 5, 1942
Store display equipment and show cases.	None
Stretchers, carpet	Nov. 5, 1942
Stretchers, glove, sock and sweater.	July 15, 1942
Structural steel home construction.	None
Subway turnstiles [1]	None
Sugar cube dryer trays	None
Sugar holders	None
Sun dials	July 15, 1942
Sun lamps and infra-red lamps—except:	July 15, 1942
For professional and hospital use.	
Where lamps and reflectors are used for drying and baking.	
Swimming pool equipment [1], including but not limited to:	July 15, 1942
Diving boards.	
Diving stands.	
Ladders.	
Slides.	
Swivel chairs	None
Table name-card holders	None
Table tops for household use	None
Tablets	None
Tags, key; name; price; identification—except:	None
Personnel identification tags or badges where metal tags or badges are required for protection of government agencies.	
Personnel identification tags or badges containing not more than ¾ ounce of iron and steel where metal tags or badges are required for protection of industrial plants.	
Metal tags required for identification of livestock and poultry and products made therefrom.	
Pin attached or wire attached tickets for price marking soft goods.	
Metal tags for marking and identification of metal in its production and export shipment.	
Tanks (strapping excluded)	None
Dipping—for animals.	
Watering—for animals.	
Feeding—for animals.	
Storage, beer.	
Storage, water [1]—except:	
In tropical climates.	
Heights in excess of 100 feet.	
Range boilers and hot water storage.	
Pneumatic pressure tanks 82 gallon size and 31 gallon or smaller size.	

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[1] Maintenance and repair excepted.

Item	*Governing date*
Tank towers under 50 feet in height.	Nov. 5, 1942
Teapots	None
Telephone bell boxes—except bases and where required for safety.	None
Telephone booths	None
Telescopes—except U. S. Government Agencies.	None
Tent frames and supports	Nov. 5, 1942
Termite shields	Nov. 5, 1942
Terrazzo spacers and decorative strips—except hospital operating rooms.	None
Textile machinery [1]	Nov. 5, 1942
Bobbinet machines.	
Crocheting machines including scalloping machines and shell-stitching machines.	
Embroidery machines.	
Hosiery clocking machines.	
Lace machines.	
Looms:	
Axminster.	
Box	
Dobby	
Hooked.	
Jacquard.	
Wilton.	
All other machines for the manufacture of drapery and upholstery fabrics whether flat or pile weave.	
Linoleum or felt-base wall or floor covering machines.	
Thermometer bases, household	None
Thermometer cases and mountings, except industrial.	Nov. 5, 1942 None
Thermos jugs and bottles over 1 qt.	
Thimbles, sewing	Nov. 5, 1942
Tickers, stock	July 15, 1942
Ticket vending machines—except for public transportation.	July 15, 1942
Tile, steel-back	None
Tongs, food handling and household use.	None
Tool boxes—except industrial	None
Tool cases—except industrial	None
Tool handles—except power driven.	None
Traffic lane markers	Nov. 5, 1942
Trailer bodies [1]—except:	July 15, 1942
Tank and dump bodies.	
Essential hardware, structural and bracing members for bodies, essentially of wood construction.	
Transplanting trowels	July 15, 1942
Trophies	July 15, 1942
Truck bodies [1]—except:	July 15, 1942
Tank and dump bodies.	
Essential hardware, structural and bracing members for bodies, essentially of wood construction.	
Trunks [1]—except locks	July 15, 1942
Turf edgers	July 15, 1942
Typewriter mechanism for pedestal and drop-head desks.	Nov. 5, 1942
Umbrellas, garden	July 15, 1942
Umbrella shafts and handles	July 15, 1942
Urinals	None
Vanity cases	July 15, 1942
Vending machines for sanitary napkins.	Nov. 5, 1942
Ventilators, shutter type	Nov. 5, 1942
Vibrators, electric	Nov. 5, 1942
Voting machines	None
Wagon bodies and frames [1]—except for construction.	None
Wardrobe trunks	None
Waste paper receptacles	July 15, 1942
Watch straps	July 15, 1942
Water color paint boxes	None
Water softeners, household	Nov. 5, 1942
Water stills, household	Nov. 5, 1942
Water troughs [1]	July 15, 1942
Weather stripping	None
Weather vanes	July 15, 1942
Weed cutters and pullers, including dandelion, thistle and dock.	July 15, 1942
Wheelbarrows—except wheels, and except for use in foundries, smelters, and coke-producing plants to handle hot materials.	None
Whiskey service sets	None
Window display advertising	None
Window shade rollers—except roller mechanism.	Nov. 5, 1942
Window stools	None
Window ventilators—except industrial and hospitals.	None
Wine coolers	None
Wine service sets	None
Wire parcel handles and holders.	None
Wire racks and baskets—except:	None
Animal cages for biological work.	
Industrial.	
Scientific laboratory equipment.	
Work benches—except:	None
Shipboard.	
Industrial, where required for safety.	

LIST S—STAINLESS STEEL

NOTE: Changes have been made in List S.

Aircraft fire walls	Nov. 5, 1942
Aircraft seats	Nov. 5, 1942
Aircraft toilets	Nov. 5, 1942
Ammunition boxes and chutes	Nov. 5, 1942
Badges	Nov. 5, 1942
Barrel hoops and fittings	Nov. 5, 1942
Baskets, except for heat-treating, pickling and plating.	Nov. 5, 1942
Bed pans	Nov. 5, 1942
Bins, screens and strainers	Nov. 5, 1942
Blueprint machines	Nov. 5, 1942
Bobbin heads	Nov. 5, 1942
Boiler casings	Nov. 5, 1942
Bottle coolers	Nov. 5, 1942
Branding, marking and labeling devices.	Nov. 5, 1942
Brewing, distilling and processing equipment for alcoholic and non-alcoholic beverages including bottling equipment.	Nov. 5, 1942
Buckets and pails	Nov. 5, 1942
Builders' supplies and hardware.	Nov. 5, 1942
Cable terminals, fittings, and turnbuckles.	Nov. 5, 1942
Cafeteria and restaurant equipment.[1]	July 15, 1942
Chains and cables—except for heat-treating, pickling and plating.	Nov. 5, 1942
Cheese vats	Nov. 5, 1942
Clocks, clock-dials and cases	Nov. 5, 1942
Coffee pots	Nov. 5, 1942
Control levers	Nov. 5, 1942
Convectors, local and unit heaters—except heat controls.	Nov. 5, 1942
Conveyors and conveyor chutes—except where subject to high temperature and corrosive action.	Nov. 5, 1942
Cups of all kinds—except industrial.	Nov. 5, 1942
Cutlery	Nov. 5, 1942
Dishes, saucers and plates	Nov. 5, 1942
Dyeing equipment [1]	Nov. 5, 1942
Elevators, including doors and trim.	Nov. 5, 1942
Fans—except industrial	Nov. 5, 1942
Farm machinery and replacement parts.	Nov. 5, 1942
Fire-fighting apparatus—except pump shafts and where working parts are in contact with corrosive chemicals.	Nov. 5, 1942
Fishing tackle and equipment	Nov. 5, 1942
Floor plates and floor coverings	Nov. 5, 1942
Fountains	Nov. 5, 1942
Furniture hardware	Nov. 5, 1942
Galley and mess equipment [1]	July 15, 1942
Galley, kitchen, cafeteria and restaurant panelling.	Nov. 5, 1942
Hangers, all types	Nov. 5, 1942
Hose clamps	Nov. 5, 1942
Hot water heaters, tanks and coils.	Nov. 5, 1942
Hydrants	Nov. 5, 1942
Ice boxes	Nov. 5, 1942
Ice cream cabinets	July 15, 1942
Identification tags and badges	Nov. 5, 1942
Instrument dials and cases	Nov. 5, 1942
Kitchenware	July 15, 1942
Ladders and hoists, including fittings.	Nov. 5, 1942
Lanterns and lamps—except valves, controls and mantle-holders.	Nov. 5, 1942
Lavatory equipment	Nov. 5, 1942
Light fixtures	Nov. 5, 1942
Livestock and poultry equipment.	Nov. 5, 1942
Locks	Nov. 5, 1942
Match and pattern plates, Matrices and flasks.	Nov. 5, 1942
Meat cutters	Nov. 5, 1942
Mechanical drawing and drafting equipment.	Nov. 5, 1942
Milk storage tanks, milk receiving tanks and milk weigh tanks—except that where permitted materials cannot be secured, a further exemption is hereby granted for the minimum period of time necessary to obtain such permitted materials but in no event later than April 30, 1943.	Nov. 5, 1942
Mortician's supplies and equipment.	Nov. 5, 1942
Name plates	
Oil burners—except functional parts.	Nov. 5, 1942 Nov. 5, 1942
Oil space heaters	Nov. 5, 1942
Pipe tube, tubing and fittings—except industrial.	Nov. 5, 1942
Pole-line hardware	Nov. 5, 1942
Powder boxes	Nov. 5, 1942
Pumps, fresh water—except industrial.	Nov. 5, 1942 Nov. 5, 1942
Radio antenna	July 15, 1942
Refrigerators and Refrigeration equipment—except essential machinery parts.	
Rubber moulds	Nov. 5, 1942
Shelves	Nov. 5, 1942
Staples	Nov. 5, 1942
Stokers—except functional parts.	Nov. 5, 1942
Storage racks, cabinets or lockers.	Nov. 5, 1942
Stoves and ranges, disc stoves and hot plates—except electrical controls and units.	Nov. 5, 1942
Toilet floats, cistern and low water-floats.	Nov. 5, 1942
Tubs, washing	Nov. 5, 1942
Valve handles	Nov. 5, 1942
Ventilators	Nov. 5, 1942
Window screens and frames	Nov. 5, 1942

LIST C

Access panels—for use on board ship, on military vehicles and where climatic or safety conditions make necessary.

Accessories—soda fountain—for use on board ship.

Acoustical ceilings—for use on board ship.

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[1] Maintenance and repair excepted.

Air conditioning systems—for hospital operating rooms and industrial plants (excluding offices), for use on board ship, for use outside continental limits of the U. S., for use in fortifications, for handling and storage of explosives, for storage and handling of instruments critical to temperature or humidity, for use in gas proofing installations, and for use in mobile surgical vehicles and laboratory vehicles.
Ammunition boxes and chutes of stainless steel.
Attic fans—where climatic conditions make necessary.
Automobile accessories.
Automobile heaters—where specified for military vehicles.
Awning frames and supports—for use on board ship, military repair units, hospital installations, and military construction units.
Barber shop supplies.
Baskets—for cooking and manufacturing uses and for ordnance operations.
Bath tubs—for use on board ship and in hospitals.
B-B shot—for training and shot blast cleaning purposes.
Beds—for use on board ship; beds containing not more than 5 pounds of iron or steel, excluding springs.
Bed spring frames—for use on board ship and for maintenance and repair.
Bench legs.
Binoculars.
Bird cages—for carrier pigeons.
Bird feeders—for carrier pigeons.
Biscuit boxes—for use on board ship or where climatic conditions make necessary.
Bleachers and grandstands—but only straps and necessary fasteners for demountable wooden bleachers and grandstands.
Boiler casings of stainless steel—for use on board ship.
Bottle holders—for use on board ship and in hospitals.
Brushes, wire bristles only.
Buttons.
Cabinets—for mobile units such as maintenance company equipment (truck mounted), spare parts trucks and mobile reproduction units, and for electrical installations, hospital operating and examining rooms, and as permitted by L-13-a and L-62.
Cable terminals, fittings and turnbuckles of stainless steel.
Canopies, hoods and supports—for use on board ship, military repair units, hospital installations, and military construction units.
Cans or containers for anti-freeze, candy, coffee, nuts—where climatic conditions make necessary.
Cash boxes.
Casket handles.
Ceilings—for use on board ship, but only where necessary.
Chains and cables of stainless steel.
Cigarette lighters—for use outside continental limits of U. S., for sale by Post Exchanges at ports of embarkation, and for sale by ships Service Stores on board ship.
Clock cases.
Clothing trim.
Control levers of stainless steel.
Cooking stoves—commercial electric.
Counter tops and edgings—for use on board ship.
Culverts—for airports, for use outside continental limits of the U. S., and where certified to the manufacturer or supplier as necessary by the Army or Navy Engineer in charge.
Cups of all kinds, drinking.
Dishwashing machines.
Door closers—for fire prevention, for use on board ship, and where climatic or safety conditions make necessary.
Door handles—for fire prevention, for use on board ship, for military vehicles, and where climatic or safety conditions make necessary.
Door stops—for use on board ship and where climatic or safety conditions make necessary.
Dust collecting systems and equipment.
Dust covers and enclosures—when specified for military vehicles.
Electric drinking water coolers—for use on board ship, in hospitals and in tropical climates.
Erasing knives.
Fences, chain link, weighing not more than 2 pounds per lineal foot and not more than .33 pounds per square foot.
Flag staffs and flag masts—for use on board ship, and on military vehicles.
Flashlight tubes.
Floor and ceiling plates for piping, for use on board ship, for military vehicles, and where climatic or safety conditions make necessary.
Floor polishing machines—maintenance and repair only.
Furniture—for use on board ship.
Galley and mess equipment of stainless steel, as follows:
  Clad stainless steel for steam tables and warming pans.
  Single clad stainless steel on inside of steam jacketed kettles.
  Single clad stainless steel for stock pots.
  Clad stainless steel bottoms and solid stainless steel sides for pressure cookers.
  Non-nickel bearing stainless steel clad doors and other parts coming in direct contact with food in cold storage spaces on board ship.
  Non-nickel bearing stainless steel for coffee urns.
  Stainless steel single clad sinks and dresser tops for use on board ship.
  Stainless steel for canteens.
  Non-nickel bearing stainless steel liners for portable water coolers.
  Non-nickel bearing stainless steel for tanks and hoods of dishwashing machines.
  Metal sponges from non-nickel bearing stainless steel wire.
  Compartment mess trays, but only from existing finished stocks of stainless steel.
Games.
Garage hoists and car lifts.
Grilles—sewer.
Hand seals for documents.
Harness and saddlery fittings.
Hat frames, wire and gimps.
Hat-making machinery, but only—
  Blocking machines with complete sets of blocks.
  Sets or dies for cutting parts.
Helmets.
Hose reels.
Hospital equipment—
  Arm immersion stands.
  Bed trays.
  Bedside panel screen frames—for use in operating rooms, and outside continental limits of U. S.
  Bowl stands—for use in operating rooms and on board ship.
  Cabinets—X-ray film filing.
  Cabinets for diathermy, sinusoidal and galvanic apparatus.
  Chart holders.
  Commodes—for hospital use outside continental limits of U. S.
  Dish trucks—frames and wheel tires only.
  Dressing stand frames.
  Examining tables, non-adjustable—for use on board ship and in Field Hospitals.
  Instrument cabinets.
  Instrument tables.
  Nurses' work tables.
  Overbed and swing overbed tables—functional parts only.
  Stands and racks for colonic irrigation apparatus.
  Sterilizer stands.
  Supply and treatment cabinets.
  Utensil racks.
Hot water heaters, tanks and coils of stainless steel—where specified for aircraft and military vehicles.
Ice box exteriors—for use on board ship, mobile type refrigerators, and for use where climatic conditions make necessary.
Ice cube trays.
Identification tags and badges of stainless steel—for personnel.
Incinerators.
Keys for opening cans.
Laundry trays—for use on board ship.
Lavatories—for use on board ship and outside continental limits of U. S.
Lockers—for office equipment as limited by Limitation Order L-13-a, for use on board ship, military vehicles, outside continental limits of U. S. and in ordnance plants.
Mail boxes—for use on board ship.
Measuring pumps and dispensers for gasoline stations and garages, including but not limited to—
  Gasoline dispensing pumps.
  Grease guns.
  Grease pumps.
  Oil pumps.
  Kerosene pumps.
  Air pumps.
Mirrors, hand—for signal use.
Pads, inking and stamping.
Paint spray outfits.
Partitions—for use in hospitals and on board ship.
Pencils, mechanical or automatic, functional parts only—except for resale.
Phonograph motors, hand wound.
Phonograph record blanks.
Photographic accessories.
Pie plates.
Pitchers.
Pneumatic tube delivery systems.
Portable bathtubs.
Powder boxes of stainless steel.
Push carts—for ordnance and combat organizations.
Radio antenna of stainless steel.
Radio antennae poles.
Railings—for use on board ship.
Scaffolding—for use in shipyards, airfields and other places where use of wood scaffolding is impracticable.
Screen frames.
Sewer pipe, exterior installations—for pressure lines only.
Shirt and stocking dryers of cast iron only.
Shower receptors—for use on board ship.
Shower stalls—for use on board ship.
Sink aprons and legs—for use on board ship.
Sink drainboards, both integral and removable—for use on board ship and where required for sterilization.
Siphon chargers for life jacket inflation.
Slide fasteners.
Snow shovels and pushers, hand.
Sporting and athletic goods.
Stamped bakery equipment.
Swivel chairs—for use on board ship.
Tags—
  For marking ammunition.
  Identification (name).
Tanks, storage, water, but only for use on board ship, mobile units, range boilers and hot water storage, use outside continental limits of U. S., heights in excess of 100 feet, pneumatic pressure tanks.
Telephone bell boxes—for use on board ship or where climatic or safety conditions make necessary.
Telescopes.
Thermos jugs and bottles.
Tile, steel back—for ladder treads, step plates and use on board ship.
Tool boxes.
Tool cases—for mobile equipment.
Tool handles, where specified.
Truck and trailer units and bodies, where specifically designed for military purposes.
Urinals—for use on board ship, and outside continental limits of U. S.
Waste paper receptacles—for hospital use only.
Water troughs, frame and support only.
Wheelbarrows.
Wire racks and baskets.
Work benches where wooden benches will not stand up under ordinary use.

LIST D—OTHER SCARCE MATERIALS

Metals—all, except lead.
Rubber.

[F. R. Doc. 42-13518; Filed, December 17, 1942; 5:03 p. m.]

PART 1176—IRON AND STEEL CONSERVATION

[Amendment 1 to General Conservation Order M-126 as Amended December 5, 1942]

General Conservation Order M-126 as amended November 5, 1942 (§ 1176.1), is hereby amended in the following respects:

(1) By amending the item on List A which reads:

> Fireplace equipment, including but not limited to grates, clean out doors and ash dumps—except dampers.

To be and read as follows:

> Fireplace equipment, including but not limited to grates, clean out doors and ash dumps—except:
> Dampers.
> Grates not exceeding 30 lbs. per grate for the period from December 21, 1942 to and including January 6, 1943 using scrap material only.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13517; Filed, December 17, 1942; 5:04 p. m.]

PART 3097—SULFAMIC ACID AND SULFAMIC ACID DERIVATIVES

[General Preference Order M-242,[1] as Amended Dec. 12, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of sulfamic acid and sulfamic acid derivatives for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3097.1 *General Preference Order M-242*—(a) *Definitions.* For the purposes of this order:

(1) "Sulfamic acid" means the chemical compound of that name having the formula HSO_3NH_2.

(2) "Sulfamic acid derivatives" means ammonium sulfamate and fire retardants made from sulfamic acid.

(3) "Producer" means any person engaged in the production of sulfamic acid or sulfamic acid derivatives and includes any person who has any such material produced for him pursuant to toll agreement.

(4) "Distributor" means any person who has purchased, or purchases, sulfamic acid or any sulfamic acid derivative for resale.

(b) *Restrictions on delivery.* (1) On and after November 1, 1942 no person shall deliver or accept delivery of sulfamic acid or any sulfamic acid derivative without the specific authorization of the Director General for Operations upon application pursuant to paragraph (d) hereof.

(2) Each person accepting delivery of sulfamic acid or any sulfamic acid derivative pursuant to specific authorization of the Director General for Operations shall use the same only for the purposes specified in such authorization.

(3) Each person affected by this order shall comply with such directions as may be given by the Director General for Operations at any time after October 3, 1942, with respect to the use or delivery of sulfamic acid or with respect to the use or delivery of any sulfamic acid derivative.

(c) *Production and establishment of inventories.* (1) Each producer shall comply with such directions as may be given by the Director General for Operations at any time after October 3, 1942, with respect to the production of sulfamic acid or with respect to the production of any sulfamic acid derivative.

(2) Each person shall comply with such directions as may be given by the Director General for Operations at any time after October 3, 1942, with respect to the establishment of inventories of sulfamic acid or with respect to the establishment of inventories of any sulfamic acid derivative.

(d) *Applications and reports.* In addition to such other reports as may be required from time to time by the Director General for Operations:

(1) Each person seeking authorization to accept delivery of sulfamic acid or of any sulfamic acid derivative pursuant to paragraph (b) (1) hereof, shall apply for such authorization on Form PD-600 Such applicant shall file with the War Production Board the original and two copies of such form on or before the 15th day of the month preceding the month for which such authorization is requested and shall file with his supplier one copy of such form on or before the 10th day of such month if the supplier is a producer or on or before the 5th day of such month if the supplier is a distributor, which form shall be prepared in the manner prescribed therein, subject, however, to the following specific instructions:

(i) *Heading.* Specify "sulfamic acid and sulfamic acid derivatives" and order number "M-242", and specify pounds as the unit of measure, and in addition to specifying the delivery destination, indicate the address to which communications should be directed.

(ii) *Columns 1, 11 and 19.* Specify sulfamic acid, ammonium sulfamate or fire retardant.

(iii) *Columns 3, 20 and 22.* In the case of a distributor, specify "resale pursuant to further authorization". In the case of a consumer, specify:

Ammonium sulfamate.
Fire retardant.
Flameproofed textiles.
Laboratory reagents.
Leather.
Cellophane.
Dyestuffs.
Dry color.
Electroplating solution.
Other.

If "other" is specified, describe briefly.

(iv) *Column 4.* In the case of a distributor, disregard. In the case of a consumer, specify:

Military materials.
Non-military materials.
Military clothing.
Non-military clothing.
Quartermaster Corps confidential.
Other Governmental Agencies (identify) specification number.
Nitrite removal.
Washing agents.
Fixing agents.
Peptizing pigments.
Other.

If "other" is specified describe briefly.

(2) Each producer and distributor seeking authorization to deliver sulfamic acid or any sulfamic acid derivative pursuant to paragraph (b) (1) hereof, shall apply therefor on Form PD-601. Such applicant shall file with the War Production Board the original and two copies of such form on or before the 20th day of the month preceding the month for which such authorization is requested, which form shall be prepared in the manner prescribed therein, subject, however, to the following specific instructions:

(i) *Heading.* Specify "sulfamic acid and sulfamic acid derivatives" and order number "M-242", and specify pounds as the unit of measure, and in addition to specifying the plant or warehouse address, indicate the address to which communications should be directed.

(ii) *Columns 3 and 8.* Specify sulfamic acid, ammonium sulfamate or fire retardant.

(e) *Notification of customers.* Producers and distributors shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any such person from complying with the terms hereof.

(f) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board Priorities Regulations, as amended from time to time.

(2) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of sulfamic acid and sulfamic acid derivatives, shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

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[1] This document is a restatement of Amendment 1 of General Preference Order M-242 which appeared in the FEDERAL REGISTER of December 15, 1942, p. 10431, and reflects the order in its completed form as of December 12, 1942.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C., Ref.: M-242.

(g) *Small order exemption.* The specific authorization provided for in paragraph (b) (1) hereof shall not be required with respect to the delivery by any producer or distributor to any one person during any calendar month, of five pounds or less of sulfamic acid or of any sulfamic acid derivative, to be used for analytical, testing, control, educational or research purposes, or to the acceptance of delivery thereof for such purposes, subject to the following conditions:

(1) The total amount of deliveries made by any one producer or distributor, pursuant to this paragraph (g), shall not exceed 100 pounds of sulfamic acid and sulfamic acid derivatives, in the aggregate, during any one month.

(2) Each person seeking delivery of five pounds or less of sulfamic acid, or of any sulfamic acid derivative, during any month, shall file with his supplier at the time of placing his order therefor a certificate in substantially the following form:

The undersigned hereby certifies that if delivery of the quantity of sulfamic acid or sulfamic acid derivatives covered by the accompanying order is made, the undersigned will not have received, during the month in which such delivery is to be made, in excess of five pounds of sulfamic acid and sulfamic acid derivatives, and that such material will be used solely for analytical, testing, control, educational or research purposes.

(Name of customer)
By ------------------------------
(Signature of authorized officer)
Date ---------- Title ----------------------

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13521; Filed, December 17, 1942; 5:04 p. m.]

PART 3122—ELECTRICAL MOTORS AND GENERATORS

[General Conservation Order L-221 as Amended Dec. 8, 1942[1]]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials and facilities used in the manufacture of electric motors for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3122.1 *General Conservation Order L-221*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Motor" means any new rotating equipment or device used to transform electric energy into mechanical energy, and having a rating of one horsepower or more; except motors used in the operation of passenger automobiles, trucks, truck trailers, passenger carriers and off-the-highway motor vehicles, as defined in Order L-158, or in the operation of stationary automotive type engines.

(3) "Generator" means any new rotating equipment or device used to transform mechanical energy into electric energy, and having a rating of not less than ¾ KW and not more than 6000 KW; except generators used in the operation of passenger automobiles, trucks, truck trailers, passenger carriers and off-the-highway motor vehicles, as defined in Order L-158, or in the operation of stationary automotive type engines.

(4) "Manufacture" means the fabrication or assembly of motors or generators.

(5) "Manufacturer" means any enterprise to the extent that it is engaged in the business of manufacturing motors or generators.

(6) "Dealer" means any enterprise to the extent that it acquires motors or generators for resale.

(7) "Used motor or generator" includes reconditioned and rebuilt motors or generators.

(8) "Delivery" includes delivery of a motor or generator from one affiliate to another or from one branch, division or section of a single enterprise to another branch, division or section of the same enterprise where the recipient affiliate, branch, division or section will use the motor or generator or incorporate it into other machinery.

(9) "Order" means any commitment or other arrangement for the delivery of a new motor or generator whether by purchase, lease, rental or otherwise.

(10) "Army, Navy, Maritime Commission or War Shipping Administration" does not include any privately operated plant or shipyard financed by, or controlled by any of those organizations, or operated on a cost-plus-fixed-fee basis.

(b) *Restrictions on acceptance and delivery of orders.* (1) Except as otherwise provided in this paragraph, on and after December 10, 1942, no manufacturer shall accept any order for any motor or generator; and on and after February 1, 1943, no manufacturer or dealer shall make delivery, and no person shall accept delivery from a manufacturer or dealer, of any motor or generator, unless:

(i) The purchaser shall have no idle motor or generator in his possession which is adaptable to the purpose for which the new motor or generator is sought to be purchased;

(ii) The purchaser shall have attempted to obtain, from at least three dealers, a used motor or generator for the purpose for which the new motor or generator is sought to be purchased: *Provided, however,* That the provisions of this subparagraph shall not apply to any order for 10 or more new motors of an identical kind and rating by a purchaser who fabricates or assembles machinery or equipment into which such motors will be incorporated;

(iii) The motor or generator is not purchased for replacement of existing equipment; and

(iv) The motor or generator is required for installation within the shortest practicable time after delivery and is not for standby purposes. As applied to a person who purchases motors or generators for incorporation into other machinery manufactured by him, "installation" as used above refers only to such incorporation and not to the use of the other machinery. For the purpose of this subparagraph, a motor or generator shall be deemed installed (and not standby) equipment when it is connected to the purchaser's load and electrical system, notwithstanding that the purpose of such equipment may be emergency relief service.

(2) The provisions of paragraph (b) (1) shall not apply to (i) any order for motors or generators for the use of the Army, Navy, Maritime Commission or War Shipping Administration, or for incorporation into any machinery or equipment to be used by said agencies, or (ii) any order for special motors, by a person who fabricates or assembles machinery or equipment into which such special motors are to be incorporated: *Provided,* That, as of December 2, 1942, such special motors were required by the function and design of such machinery or equipment. As used in this subparagraph, the term "special motor" means any motor other than a general purpose, horizontal, continuous duty, open type 40° C. rise motor.

(c) *Restrictions on types of motors.* Except as otherwise specifically provided herein or authorized by the Director General for Operations, on and after December 10, 1942 no manufacturer or dealer shall accept any order for any motor; and on and after February 1, 1943 no manufacturer or dealer shall deliver, and no person shall accept delivery from a manufacturer or dealer, of any motor; unless the motor is in compliance with the following standards and is otherwise of the simplest practicable mechanical and electrical design:

(1) *Mechanical and electrical design.* The following minimum standards shall be applied with respect to electrical and mechanical design:

(i) No motor shall have a temperature rise less than 40° C, for open type; 50° C, for splash-proof type; and 55° C for totally enclosed type motors: *Provided, however,* That the temperature rise of the motor may vary from the above standards to the extent that the manufacturer has heretofore provided tolerance therefrom in his design and manufacture of the same or a similar type motor rated 40° C, 50° C, or 55° C, as the case may be.

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[1] This document is a restatement of Amendment 1 of General Conservation Order L-221 which appeared in the FEDERAL REGISTER of December 10, 1942, p. 10280, and reflects the order in its completed form as of December 8, 1942.

(ii) No motor shall include a special enclosure to make it other than open type; except that (*a*) a motor may be explosion proof type if it is to be used in a Class I hazardous location, as defined in Paragraph 5005, Article 500, Chapter 5 of the National Electrical Code approved by the American Standards Association August 7, 1940; (*b*) a motor may be totally enclosed if it is to be used in a Class II hazardous location, as defined in Paragraph 5006, Article 500, Chapter 5 of the above Code, or if it is to be used generally in an atmosphere which is corrosive or which contains such quantities of material particles, dust or fumes as to be destructive of an open type motor; (*c*) a motor may be splash-proof type in any case where the motor is to be permanently installed outdoors without other protection or where the motor will be subjected to continually falling material particles, or to drops of splashing or jet propelled liquids falling at regular intervals of not less than once a day; and that (*d*) the provisions of this paragraph (c) (1) (ii) shall not apply to any motor to be used on board any vessel owned or operated by the Army, Navy, Maritime Commission or War Shipping Administration: *Provided, however,* That in any case where the requirements of General Limitation Order L-147, or any action taken by the Director General for Operations thereunder shall be more restrictive than the requirements of this subparagraph, the former shall apply.

(iii) Where practicable, AC polyphase motors shall be single voltage.

(iv) All alternating current multi-speed motors shall be single-winding; except motors for use in metal cutting machines.

(v) No motor shall be of slip ring type, except for hoist, crane, conveyor, elevator, tow, or dragline duty.

(vi) No motor shall be direct current type; except (*a*) where only direct current is available to the user; or (*b*) for use on a metal cutting machine or on testing equipment; or (*c*) where speed matching is required.

(vii) No direct current motor shall have a lower base speed than as prescribed below:

Horsepower rating:	*Minimum base speed*
1 to 5 incl.	600 r. p. m.
5.1 to 25 incl.	450 r. p. m.
25.1 to 75 incl.	400 r. p. m.
75.1–200	300 r. p. m.

(2) *Horsepower loading.* The following standards shall be applied in determining horsepower loads for motor ratings:

(i) Horsepower required for purposes of ascertaining load as provided herein shall be determined by test or, where test is impossible, by careful calculation or comparison with known power requirements of similar apparatus.

(ii) Where the motor rated voltage will be maintained and the ambient temperature, normally, will be below 40° C, and will only occasionally, and for short periods, equal or exceed 40° C: (*a*) in the case of alternating current motors rated 40° C open type, continuous duty, the horsepower rating shall be not more than 80% of the determined horsepower load; (*b*) in the case of alternating current or direct current motors rated 50° C semi-enclosed, or 55° C totally enclosed, continuous duty, the horsepower rating shall be not more than 91% of the determined horsepower load; and (*c*) in the case of direct current motors rated 40° C open type, continuous duty, the horsepower rating shall be not more than 87% of the determined horsepower load: *Provided, however,* That in any case where the application of any of the above formulae results in a horsepower rating, which is not a standard horsepower rating, the rating may be the standard horsepower rating next above the rating resulting from the application of the formula.

Example: Where the horsepower required as determined in subdivision (i), is 9.3 HP, of which 80% would be 7.44, a motor not exceeding 7.5 standard HP should be delivered.

(3) *Speed.* The following minimum standards shall be applied in determining motor speed:

(i) All alternating current motors, 25 horsepower and below shall have a synchronous speed of at least 1800 R. P. M. at 60 cycles (four pole winding), and corresponding speeds at other frequencies: *Provided, however,* That in any case where the purchaser deems such speed impracticable he shall endorse on the certification required by paragraph (d) below such facts as shall demonstrate such impracticability, and if the manufacturer shall likewise certify such impracticability on the order, the provisions of this subdivision (i) shall not apply.

(ii) All other motors shall be of the highest practicable speed for the purposes for which purchased.

(d) *Certification.* (1) Each person placing an order on and after December 10, 1942 with a manufacturer or dealer for delivery of a motor or generator, and each person who receives delivery of a motor or generator from a manufacturer or dealer on and after February 1, 1943, pursuant to an order placed prior to December 10, 1942, shall certify to the manufacturer or dealer, as a condition to receiving delivery, the following (in substantially the form described below) on the purchase order or in a separate document (except that there may be omitted therefrom any portion relating to provisions of this order which are inapplicable in the particular case):

The undersigned hereby certifies that:

(A) (i) He has no idle motor (or generator) in his possession, except the following which is not adaptable to his purpose for the reasons stated below:

(ii) He has been unable to obtain a used motor (or generator) for his purpose from the following dealers (at least three):

(iii) The motor (or generator) is not for purposes of replacement of existing equipment (except as otherwise authorized by the Director General for Operations, upon appeal, when copy of authorization is to be attached):

(iv) The motor (or generator) is required for installation within -------- days after delivery and is not for standby purposes.

(B) The motor or motors described in the within (or attached) order, or orders, are in compliance with paragraph (c) (1) of General Limitation Order L-221 as follows:

(Here explain how design of motor meets requirements of each subdivision of paragraph (c) (1)).

(C) Horsepower required has been carefully determined in accordance with paragraph (c) (2) (i) and the horsepower rating of the motor or motors is in accordance with paragraph (c) (2) (ii) as follows:

(Here describe method of determining horsepower rating in accordance with said paragraph)

(D) (If the motor is AC, 25 horsepower or below, and does not have a synchronous speed of at least 1800 R.P.M. at 60 cycles (4 pole winding) and corresponding speeds at other frequencies, here provide the purchaser's certification required by paragraph (c) (3) (i)).

---------------------- Company
By ----------------------
(Authorized official)

In any case where an order relates to motors or generators of the identical kind and rating covered by a certification previously furnished to the same manufacturer or dealer, any facts included in the previous certification and which have remained unchanged may be incorporated in the certification required with respect to the current order by reference to the previous certification.

(2) Such certification shall be signed by a duly authorized and responsible official, employee, or agent of the purchaser, and shall constitute a representation to the Director General for Operations, War Production Board, as well as to the supplier, of the facts certified therein.

No person shall make delivery under this order who has reason to believe that the purchaser has furnished a false certification; and no person shall falsely furnish the certification specified above.

Any manufacturer or dealer may rely upon the facts furnished in the above mentioned certification and shall not be responsible for any action taken by him under this order in reliance upon inaccurate or untrue statements therein, unless he has reason to believe that such statements are inaccurate or untrue.

(3) Each manufacturer who manufactures a motor for delivery as part of other machinery or equipment which he also manufactures shall provide and retain in his records, with respect to each such motor, a certification similar to that provided for in subparagraph (1) and (2) above, signed by a duly authorized and responsible official or employee connected with the production of such motor; but no certification shall be required by the purchaser of the machinery which includes the motor. Such certification by the manufacturer shall constitute a representation to the Director General for Operations, War Production Board, of the facts certified therein.

(e) *Authorization of Director General for Operations.* Application for the authorization of the Director General for Operations to deviate from the standards and conditions of paragraph (c) shall be made by the purchaser or proposed purchaser of the motor (or by the manufacturer in any case where the motor is to be incorporated into other machinery manufactured by the same manufacturer) by letter or telegram or other communication addressed to the General Industrial Equipment Division, War Production Board, setting forth facts sufficient to enable the Director General for Operations to determine the necessity for such authorization. If granted, the authorization shall be transmitted by the purchaser to his supplier.

(f) *Exemptions.* The limitations and restrictions of paragraphs (b), (c) and (d) of this order shall not apply (1) until March 2, 1943, to any motor or generator delivered to and for the direct use of the Army, the Navy, the Maritime Commission or the War Shipping Administration; (2) to any motor or generator delivered for use in any foreign country (except Canada); (3) to any motor or generator delivered to any manufacturer or dealer for resale as a motor or generator and not as part of other machinery or equipment: *Provided, however,* That all the limitations and restrictions of this order shall apply to any resale of any such motor or generator; (4) to any motor or generator to be used above deck on any vessel or to be used in the operation of combat equipment. As used herein, "combat equipment" means any combat end product (including but not limited to, ammunition and other ordnance, tanks, warships, and aircraft) prescribed for field or combat use by the Army or Navy of the United States.

(g) *Production schedules.* (1) On and after February 1, 1943, no manufacturer shall manufacture any motor or generator unless the motor or generator is included in a production schedule approved by the Director General for Operations as provided below.

(2) On or before the 20th day of December and of each succeeding calendar month, every manufacturer shall file with the Director General for Operations a report on Form PD-738 which shall include such manufacturer's proposed production schedules of motors and generators so far as then planned, and such other information as shall be required by said Form PD-738. The production schedule for the calendar month following the date of filing shall be deemed to be approved by the Director General for Operations upon receipt of the above mentioned report by the War Production Board unless and until the Director General for Operations shall otherwise direct. Regardless of the terms of any other order or rule or regulation of the War Production Board, or of any commitment by the manufacturer or any customer, the Director General for Operations may at any time change any schedule; direct the cancellation of any order held by any manufacturer whether or not included or reflected in any schedule; prescribe any other schedule for production; allocate any order theretofore received by the manufacturer to any other manufacturer; or direct the delivery of any motor or generator, in production or completed to any person, at the established price and terms. No manufacturer shall alter any approved or prescribed production schedule unless authorized or directed to do so by the Director General for Operations.

(h) *Miscellaneous provisions*—(1) *Records and reports.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, and sales.

All persons affected by this order shall execute and file with the War Production Board, such reports and questionnaires as the Director General for Operations shall from time to time request.

(2) *Other limitation orders.* Nothing in this order shall be construed to permit any person to sell, deliver, or otherwise transfer, or any manufacturer to purchase, receive delivery of or otherwise acquire any raw materials, semiprocessed parts, or finished products in contravention of the terms of any L or M Order, or amendments or supplements thereto or other regulations of the War Production Board effective at the date of any such sale, delivery, or other transfer. Where the limitations imposed by any other L or M Order are applicable to the subject matter of this order, the most restrictive limitation shall apply, unless otherwise specifically provided herein.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(5) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be adressed to: War Production Board, General Industrial Equipment Division, Washington, D. C. Ref.: L-221.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13522; Filed, December 17, 1942; 5:03 p. m.]

PART 3134—DAIRY PRODUCTS

[Conservation Order M-259[1] as Amended Dec. 9, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of milk and milk products for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3134.1 *Conservation Order M-259*—(a) *Definitions.* For the purposes of this order:

(1) "Producer" shall mean any person who is engaged in the business of:

(i) Pasteurizing milk or cream,

(ii) Producing dairy products, for sale, by processing milk or cream in a plant not located on a farm where the milk was produced,

(iii) Bottling raw or pasteurized cream in glass or paper containers, or

(iv) Selling cream in bulk containers to hotels, institutions, or restaurants; *Provided, however,* That a farmer or ranch or herd owner who delivered an average of less than one gallon of cream per day in the three calendar months next preceding November 25, 1942, shall not be deemed a producer within the meaning of this order, until his deliveries of cream exceed one gallon per day in any calendar month.

(2) "Milk" means the liquid milk of cows.

(3) "Cream" is the class of foods defined by Federal Security Agency in Title 21, Code of Federal Regulations, §§ 18.500-18.515; 5 F.R. 2443. The term "cream" includes cream by whatever name known, including light cream, coffee cream, table cream, whipping cream, and heavy cream.

(4) "Milk fat content" shall be determined as prescribed by the Federal Security Agency in Title 21, Code of Federal Regulations, § 18.500; 5 F.R. 2443.

(b) *Restrictions on producers.* No producer may deliver cream having a milk fat content in excess of 19% except to another producer.

(c) *Exceptions.* Notwithstanding paragraph (b) hereof, in any state where by law or administrative regulation in force on November 25, 1942, the milk fat content of cream of minimum milk fat content is required to exceed 18%, a producer may deliver to any person cream having a milk fat content not exceeding by more than 1% the minimum so required by such state law or administrative regulation on November 25, 1942. In addition, a producer may deliver to or for any person or medical institution cream of such milk fat content and in such quantities as may be necessary for supervised medical treatment of the person or the institution's patients, provided the producer is supplied with a written statement from the person's physician, or, in the case of a medical institution, from a responsible official thereof, specifying the milk fat content and the daily quantity of cream required and certifying as to the necessity of such cream for supervised medical treatment.

(d) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed

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[1] This document is a restatement of Amendment 1 of Conservation Order M-259 which appeared in the FEDERAL REGISTER of December 11, 1942, p. 10329, and reflects the order in its completed form as of December 9, 1942.

from and stating fully the grounds for the appeal.

(e) *Reports.* Any person affected by this order shall file such reports and questionnaires as the War Production Board may request from time to time.

(f) *Records.* Every person to whom this order applies shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(g) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(i) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Food Division, Washington, D. C. Ref: M-259.

(j) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 9th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13523; Filed, December 17, 1942; 5:04 p. m.]

PART 1052—KITCHEN, HOUSEHOLD AND OTHER MISCELLANEOUS ARTICLES

[Amendment 1 to Supplementary Limitation Order L-30-d]

MISCELLANEOUS COOKING UTENSILS AND OTHER ARTICLES

Paragraph (b) of Limitation Order L-30-d (§ 1052.5) is hereby amended by adding at the end thereof a new subparagraph as follows:

(3) Notwithstanding the provisions of paragraph (b) (1), a manufacturer may produce during the period from December 21, 1942, to January 6, 1943 inclusive, fire place grates from scrap iron and steel provided that no such grate exceeds 30 pounds in weight.

(P.D. Reg. 1, as amended, 6 FR. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of December, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13519; Filed, December 17, 1942; 5:04 p. m.]

PART 1095—COMMUNICATIONS

[General Conservation Order L-148 as Amended Dec. 18, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain types of wire communication equipment for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1095.4 *General Conservation Order L-148*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Manufacturer" means any person manufacturing wire communication equipment, parts or attachments thereto, of the kinds listed in Schedule A, to the extent that he is engaged in such manufacture, and shall include sales and distribution outlets controlled by said manufacturer.

(3) "Distributor" means any person other than a manufacturer regularly engaged in the business of leasing or selling wire communication equipment, parts or attachments thereto, to dealers.

(4) "Dealer" means any person (other than one engaged in rendering wire or radio communication service), regularly engaged in the business of offering wire communication equipment, parts or attachments thereto for sale or lease at retail to the consumer.

(5) "Wire communication equipment" shall include, but not by way of limitation, new and used wire telephone and telegraph communication equipment, parts and attachments thereto (including wire intercommunicating systems) of the kinds listed in Schedule A.

(b) *General restrictions.* (1) Regardless of the terms of any contract of sale, purchase, rental or other commitment, no manufacturer, distributor or dealer shall accept any purchase, rental or other order for wire communication equipment, parts or attachments thereto including, but not limited to, those included in Schedule A which is attached and made a part of this order, except a purchase, rental or other order bearing a preference rating of A-1-a or higher; and no manufacturer, distributor or dealer shall sell, lend, lease, rent, deliver or otherwise transfer any such wire communication equipment, parts or attachments thereto, nor shall any person receive or accept deliveries of any such equipment, parts or attachments thereto, from a manufacturer, distributor or dealer except to fill a purchase, rental or other order bearing a preference rating of A-1-a or higher. *Provided, however,* That this paragraph shall not prohibit the transfer or delivery of wire communication equipment to a manufacturer for repair or storage or the return of said equipment to the owner thereof after repair has been effected or storage terminated.

(2) Notwithstanding the provisions of paragraph (b) (1), wire communication equipment, the order for which bears a preference rating of A-7 or higher and has been accepted by a manufacturer, distributor or dealer prior to January 2, 1943, may be manufactured and/or transferred and/or delivered.

(c) *Existing contracts.* Fulfillments of contracts in violation of this order is prohibited regardless of whether such contracts are entered into before or after September 28, 1942. No person shall be held liable for damages or penalties for default under any contract or order which shall result directly or indirectly from compliance with the terms of this order.

(d) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(e) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Communications Equipment Division, Washington, D. C., Ref: L-148.

(f) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the Director General for Operations, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from process or use of, material under priority contract, and may be deprived of priorities assistance.

(h) *Reports.* All persons affected by this order shall execute and file such reports as the Director General for Operations shall from time to time require.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A[1]

General categories of wire communication equipment, parts or attachments thereto, to the extent used for and/or in conjunction with wire communication, limited by General Conservation Order L-148.

1. Switchboards and switching systems including local telephone, central office, toll telephone, PBX telephone and telegraph.
2. Telephones including transmitters, receivers, dials, subscriber sets.
3. Relays, condensers, repeaters, coils, filters and carrier systems.
4. Testing apparatus.
5. Wire and strand.
6. Cable.
7. Cable terminals.
8. Pole line hardware.
9. Plugs, jacks, cords, keys.
10. Wire intercommunicating systems.
11. Varioplex, multiplex, facsimile and telautograph equipment.
12. Teletypewriters, printing telegraph machines, tape perforating apparatus and accessories.
13. Appliances used for manual telegraph.
14. Time clocks, time switches, call boxes, signaling and selector equipment used for telephone and telegraph systems and/or used for wire protective alarm systems.
15. Motors, generators, storage batteries, rectifiers, transformers, power panels and associated equipment.

[F. R. Doc. 42-13529; Filed, December 18, 1942; 11:25 a. m.]

Chapter XI—Office of Price Administration

PART 1301—MACHINE TOOLS

[RPS 1,[2] Amendment 2]

SECOND-HAND MACHINE TOOLS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1301.3 paragraphs (b), (c), (d), and (f) are amended, and in § 1301.7 paragraph 2 of "Explanatory Information" is amended, as set forth below:

§ 1301.3 *Definitions.* When used in Revised Price Schedule No. 1 the term:

* * * * *

(b) "Dealer" means a person engaged in the business of purchasing for resale or of selling or negotiating the sale of second-hand machine tools, or extras, whether as a principal or as an agent or broker. Purchasing for resale includes the purchase of any second-hand machine tools or extras for resale after repairing or rebuilding.

(c) "Machine tool" includes all machines for cutting, abrading, shaping, and forming of metals.

(d) "Second-hand" refers to machine tools which have previously been used.

* * * * *

(f) "Rebuilt and guaranteed" applies only to a machine tool which (1) has been rebuilt or is in equivalent condition to a rebuilt machine tool and is invoiced as such (a rebuilt machine tool is one in which worn or missing parts have been replaced or reworked and which has been tested under power so as to prove that it has a substantially equivalent performance to that of the machine tool when new); (2) has been tested under power so as to prove that it has a substantially equivalent performance to that of a machine tool when new; (3) carries a binding written guaranty of satisfactory performance for a period of not less than 30 days from date of shipment; and (4) is expressly invoiced as a rebuilt machine tool or its equivalent.

In the event of a sale by a governmental agency, such agency may substitute for the guaranty a certification by a qualified person who is not engaged in the business of selling second-hand machine tools, and who is approved by the purchaser, that all worn or missing components have been replaced or reworked, that the machine tool has been tested under power, and that such test has indicated that it has a substantially equivalent performance to that of the machine tool when new.

§ 1301.7 *Appendix A: Maximum prices for second-hand machine tools.* * * *

Explanatory information

* * * * *

2. For definition of the term "rebuilt and guaranteed" see § 1301.3 (f).

* * * * *

§ 1301.6a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1301.3 (b), (c), (d) and (f), and § 1301.7, paragraph 2) to Revised Price Schedule No. 1 shall become effective December 23, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13509; Filed, December 17, 1942; 3:14 p. m.]

PART 1346—BUILDING MATERIALS

[Correction to Amendment 1[1] to MPR 272[2]]

CAST-IRON BOILERS AND CAST-IRON RADIATION

The date "October 11, 1942," appearing under the heading "Pierce Butler Radiator Corporation" in paragraph (e) (2) of § 1346.268 of Amendment No. 1 to Maximum Price Regulation No. 272 is corrected to read "October 11, 1941".

§ 1346.267a *Effective dates of amendments.* * * *

(b) Correction (§ 1346.268 (e) (2)) to Amendment No. 1 to Maximum Price Regulation No. 272 shall be effective as of November 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13510; Filed, December 17, 1942; 3:13 p. m.]

PART 1346—BUILDING MATERIALS

[Correction to MPR 276[1]]

ASPHALT TILE

The following corrections are made to Table No. I, Appendix A, § 1346.315: In Color Group B-2, Asphalt Tile—Miscellaneous, in quantities of 2,500 sq. ft. up to a carload, the maximum price for 3/16″ is corrected to read ".0860" instead of ".8600"; in Color Group A-2, Asphalt Tile—Miscellaneous, in quantities of 2,500 sq. ft. up to a carload, the maximum price for 1/4" is corrected to read ".0960" instead of ".9600"; and in Color Group C, Asphalt Tile—Miscellaneous, in quantities of a carload or over, the maximum price for 1/8″ is corrected to read ".0650" instead of ".6500".

§ 1346.314a *Effective dates of amendments.* * * *

(b) Correction (§ 1346.315) to Maximum Price Regulation No. 276 shall be effective as of December 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13511; Filed, December 17, 1942; 3:13 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS

[MPR 187,[2] Amendment 2]

CERTAIN PAPERBOARD PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The first sentence of the preamble is amended; paragraph (a) of § 1347.401 is amended, as set forth below:

In the judgment of the Price Administrator the prices of folding cartons, corrugated fibre sheets, corrugated fibre boxes, solid fibre sheets, solid fibre boxes, set-up boxes, pads, partitions and other paperboard products partially or completely manufactured on the same converting equipment, rectangular set-up and flat Pure-Pak milk bottles, and wedge shaped pails formed on a Brightwood or similar type machine, excluding liquid-tight containers, milk bottle caps, book matches and other commodities covered by Maximum Price Regulation No. 129,[3] bobbins, cans, canisters, cones, cores, ribbon blocks, roving cans, spindles, spools, tubes, cylindrical paperboard casings and cans and related hollow paperboard and paper commodities partially or completely manufactured on an open-end rotating mandrel, of whatever size, shape, grade and specifications and having one or two open ends and/or one or two plugged or closed ends, and regardless of end-use have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942.

* * * * *

§ 1347.401 *Prohibition against dealing in paperboard products above maximum prices.* * * *

(a) *Classifications.* This Maximum Price Regulation No. 187 shall apply to the following described products whether partially or completely manufactured:

(1) Folding cartons, corrugated fibre sheets, corrugated fibre boxes, solid fibre sheets, solid fibre boxes, set-up boxes, pads, partitions and other paperboard products manufactured on the same converting equipment, rectangular set-up and flat Pure-Pak milk bottles, and wedge shaped pails formed on a Brightwood or similar type machine, but excluding liquid-tight containers, milk bottle caps, book matches and other commodities covered by Maximum Price Regulation No. 129.

(2) Bobbins, cans, canisters, cones, cores, ribbon blocks, roving cans, spindles, spools, tubes, cylindrical paperboard casings and cans and related hollow paperboard and paper commodities partially or completely manufactured on an open-end rotating mandrel, of whatever size, shape, grade and specifications and having one or two open ends and/or one or two plugged or closed ends, and regardless of end-use.

(i) The date July 30, 1942, mentioned in § 1347.401 (b) shall be December 17, 1942, as to these commodities.

(ii) The date July 29, 1942, mentioned in § 1347.402 shall be December 17, 1942, as to these commodities.

(iii) The date July 29, 1942, mentioned in § 1347.406 (b), (c) (2) and (d) shall be December 17, 1942, as to these commodities.

* * * * *

§ 1347.415 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1347.401 (a) (1), (2) (i), (ii) and (iii)) to Maximum Price Regulation No. 182 shall become effective December 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13512; Filed, December 17, 1942; 3:13 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165 as Amended,[1] Amendment 13]

SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In § 1499.101 two new subparagraphs, (62) and (63), are added to paragraph (c), as set forth below:

§ 1499.101 * * *

(c) * * *

(62) Bowling, and the rental, maintenance or repair of the equipment used therein (including but not limited to bowling alleys, balls, and pins); except that maximum prices for bowling shall be those determined by Supplementary Service Regulation No. 4;

(63) Billiards and pool, and the rental, maintenance or repair of the equipment used therein (including but not limited to billiard and pool tables, balls, and cues).

§ 1499.121a *Effective dates of amendments.* * * *

(m) Amendment No. 13 (§ 1499.101 (c) (62) (63)) to Maximum Price Regulation No. 165 as amended shall become effective December 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13513; Filed, December 17, 1942; 3:14 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Service Reg. 4, MPR 165 as Amended[1]]

BOWLING

A statement of the considerations involved in the issuance of Supplementary Service Regulation No. 4 has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.* For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended and Executive order No. 9250, Supplementary Service Regulation No. 4 is hereby issued.

§ 1499.654 *Modification of maximum prices established by Maximum Price Regulation No. 165 as amended for bowling.* (a) The maximum prices established by Maximum Price Regulation No. 165 as amended are modified for bowling as hereinafter provided:

(1) *League bowling.* The maximum price for each price classification of league bowling shall be the highest price charged for each such price classification in September 1941 plus a total sum of 7¢ for three games of ten pins or plus a total sum of 10¢ for three games of duck pins, candle pins, and other types of bowling.

(2) *Open bowling.* The maximum price for each price classification of open bowling shall be the highest price charged for each such price classification in September 1941 plus the sum of 3¢ a game of ten pins or plus the sum of 4¢ a game of duck pins, candle pins, and other types of bowling.

(b) When used in this Supplementary Service Regulation No. 4:

(1) "League bowling" means bowling done under contract between groups of bowlers and the bowling proprietors, by the terms of which the rates and conditions of bowling are set for the season.

(2) "Open bowling" mean all non-league bowling.

(3) "Each price classification of" league or open bowling means the price distinction customarily made for different persons (such as, but not limited to, members of the armed forces, men, women, children); for different times of the day (such as, but not limited to, mornings, afternoons, evenings); or for different days of the week (such as, but not limited to, week days, Saturdays, Sundays, holidays). The same relative price distinction for each price classification of bowling made in September 1941 must be retained.

(c) Lower prices than those established by this Supplementary Service Regulation No. 4 may at any time be charged, demanded, paid, or offered.

(d) Every bowling alley proprietor or other person operating a bowling establishment shall keep such records as are required by § 1499.108 of Maximum Price Regulation No. 165 as amended, except that the base period for which such records shall be kept under paragraphs (a) and (b) of that section shall be September 1941 instead of March 1942, but he need not file with his War Price and Rationing Board the statement required by § 1499.108.

(e) Within thirty days after the effective date of this Supplementary Service Regulation No. 4, every bowling alley proprietor or other person operating a bowling establishment shall post his maximum prices for league bowling and for open bowling as established under this Supplementary Service Regulation No. 4 in a manner plainly visible to, and understandable by, the patrons of his establishment. This posting shall be in the following form:

> Prices charged for bowling are now subject to the services regulation (Maximum Price Regulation No. 165 as amended) of the Office of Price Administration. The maximum prices for each classification of bowling on and after December 23, 1942, may be no higher than the highest prices charged in September 1941 for a series of three games of league bowling plus 7¢ for ten pins or plus 10¢ for duck pins, candle pins, and other types of bowling; and may be no higher than the highest prices charged in September 1941 for one game of open bowling plus 3¢ per game for ten pins or plus 4¢ per game for duck pins, candle pins, and other types of bowling.
>
> Our ceiling prices determined on the above basis are ———. (Indicate prices for each type and price classification of league and open bowling.)

(f) This Supplementary Service Regulation No. 4 (§ 1499.654) shall become effective December 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13502; Filed, December 17, 1942; 3:14 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] As amended Dec. 18, 1942.

[2] 7 F.R. 1202, 2132, 8996, 8948.

[1] 7 F.R. 9972.

[2] 7 F.R. 9486.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10009.

[2] 7 F.R. 5780, 8948, 9323.

[3] 7 F.R. 3178, 3242, 3482, 3554, 4176, 4668, 5712, 5780, 5943, 7974, 8939, 8948, 9131, 9724, 10152.

[1] 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972.

*Copies may be obtained from the Office of Price Administration.

PART 1499—COMMODITIES AND SERVICES

[Order 178 Under § 1499.3 (b) of GMPR]

LATEX FIBER INDUSTRIES, INC.

Latex Fiber Industries, Inc., of Beaver Falls, New York, made application under § 1499.3 (b) of the General Maximum Price Regulation for approval of a maximum price for its stitchdown welting material made with synthetic resin. Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1194 *Approval of a maximum price for sales by the Latex Fiber Industries Inc. of stitchdown welting material made with synthetic resin.* (a) On and after December 18, 1942, the maximum price at which Latex Fiber Industries Inc., of Beaver Falls, New York may sell, deliver and offer for sale its stitchdown welting material made with synthetic resin shall be $.957 per 49″ linear yard.

(b) The maximum price authorized by this Order No. 178 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942 for sales by Latex Fiber Industries Inc., of its stitchdown welting material made with latex rubber.

(c) The maximum price authorized by paragraph (a) of this Order No. 178 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 178 may be amended or revoked by the Office of Price Administration at any time.

(e) This Order No. 178 (§ 1499.1194) shall become effective December 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13507; Filed, December 17, 1942; 3:12 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 182 Under § 1499.3 (b) of GMPR]

L. FARBER COMPANY

L. Farber Company, 160 Fremont Street, Worcester, Massachusetts, made application under § 1499.3 (b) of the General Maximum Price Regulation for approval of a maximum price for its Paper Backed Leather Grain Sock Linings made with a cereal starch vegetable base cement. Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is ordered:*

§ 1499.1198 *Approval of a maximum price for sales by the L. Farber Company of paper backed leather grain sock linings made with a cereal starch vegetable base cement.* (a) On and after December 18, 1942, the maximum price at which L. Farber Company of 160 Fremont Street, Worcester, Massachusetts may sell, deliver and offer for sale its paper backed leather grain sock linings made with a cereal starch vegetable base cement shall be $1.35 per hundred pair.

(b) The maximum price authorized by this Order 182 shall be subject to discounts, allowances and terms no less favorable than those in effect during March 1942 for sales by L. Farber Company of its paper backed leather grain sock linings made with rubber cement.

(c) The maximum price authorized by paragraph (a) of this Order No. 182 shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 182 may be amended or revoked by the Office of Price Administration at any time.

(e) This Order No. 182 shall become effective December 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13508; Filed December 17, 1942; 3:12 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 134 Under § 1499.18 (b) of GMPR]

WILLIAM GOODACRE & SONS, LTD.

Order No. 134 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-1339.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

§ 1499.1035 *Granting adjustment of maximum prices for sales of Numdah rugs by William Goodacre & Sons, Ltd.* (a) William Goodacre & Sons, Ltd., 295 Fifth Avenue, New York, New York, may sell and deliver Numdah rugs imported from India at prices no higher than those hereinafter designated:

Approximate sizes (feet)	*Maximum price*
4 x 6	$3.60
3 x 4	2.22
2 x 3	1.13

subject to the allowances, discounts and other price differentials in effect during March 1942.

(b) William Goodacre & Sons, Ltd. shall send to each customer, with each first delivery of Numdah rugs on which adjustment in maximum price has been made pursuant to this Order No. 134, a complete list of adjusted maximum prices and a notice reading as follows:

> The Office of Price Administration has granted William Goodacre & Sons, Ltd. permission, pursuant to Order No. 134 under § 1499.18 (b) of the General Maximum Price Regulation to increase its maximum prices to those specified in the price lists accompanying this order. Since these prices have only been increased to the level of competitive importers of this commodity, you will not be permitted to increase your maximum prices.

(c) This Order No. 134 may be revoked or amended by the Administrator at any time.

(d) This Order No. 134 (§ 1499.1035) is incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 134 (§ 1499.1035) under section 18 (b) of the General Maximum Price Regulation shall become effective December 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13503; Filed, December 17, 1942; 3:11 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 135 Under § 1499.18 (b) of GMPR]

H. E. WHITAKER CO.

Order No. 135 under § 1499.18 (b) of the General Maximum Price Regulation—Docket Number GF3-1951.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1036 *Adjustment of maximum price for 6 ounce jars of "Parfait" processed and ground horse-radish, manufactured by H. E. Whitaker Co., 1025 East Montgomery Avenue, Philadelphia, Pennsylvania.* (a) H. E. Whitaker Co., of Philadelphia, Pennsylvania, may sell and deliver and any person may buy and receive from H. E. Whitaker Co., 6 ounce jars of "Parfait" processed and ground horse-radish at prices no higher than 75 cents per dozen jars.

(b) H. E. Whitaker Co. shall not change its customary allowances, discounts or other price differentials, unless such change shall result in a lower selling price.

(c) H. E. Whitaker Co., before or at the time of making each initial sale after the effective date of this order to a purchaser of 6 ounce jars of "Parfait" processed and ground horse-radish, shall notify such purchaser in writing as follows:

> The Office of Price Administration has permitted us to raise our maximum selling price for sales to you of 6 ounce jars of "Parfait" processed and ground horse-radish from 72 cents to 75 cents per dozen jars. This amount represents only that part of cost increases which we are unable to absorb, and it was granted with the understanding that the wholesale and retail prices would not be raised.

> The Office of Price Administration has not permitted you or any other seller to raise his maximum price for sales of 6 ounce jars of "Parfait" processed and ground horse-radish purchased from us. O.P.A. requires that you keep this notice for examination.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 135 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 135 (§ 1499.1036) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 135 (§ 1499.1036) shall become effective December 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, F.R. 7871)

Issued this 17th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13504; Filed, December 17, 1942; 3:12 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 136 Under § 1499.18 (b) of GMPR]

G. B. RAFFETTO, INC.

Order No. 136 under § 1499.18 (b) of the General Maximum Price Regulation—Docket Number GF3-2552.

For the reasons set forth in an opinion issued simultaneously herewith, *it is ordered:*

§ 1499.1037 *Adjustment of maximum price for No. 10 glass containers of confectioners pineapple cubes sold by G. B. Raffeto, Inc., 44 Hubert Street, New York, New York.* (a) G. B. Raffetto, Inc., 44 Hubert Street, New York, New York may sell and deliver and any person may buy and receive from G. B. Raffetto, Inc., No. 10 glass containers of confectioners pineapple cubes at prices no higher than $2.72 per No. 10 glass container, f. o. b. shipping point.

(b) G. B. Raffetto, Inc., shall not change its customary allowances, discounts or other price differentials, unless such change shall result in a lower selling price.

(c) G. B. Raffetto, Inc., before or at the time of making each initial sale after the effective date of this order to a purchaser of No. 10 glass containers of confectioners pineapple cubes, shall notify such purchaser in writing as follows:

> The Office of Price Administration has permitted us to raise our maximum selling price for sales to you of No. 10 glass containers of confectioners pineapple cubes from $1.80 to $2.72 per No. 10 glass container, f. o. b. shipping point. This amount represents only that part of cost increases which we are unable to absorb, and it was granted with the understanding that the wholesale and retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise his maximum price for sales of No. 10 glass containers of confectioners pineapple cubes purchased from us. O.P.A. requires that you keep this notice for examination.

(d) All prayers of the application not granted herein are denied.

(e) This Order No. 136 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 136 (§ 1499.1037) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 136 (§ 1499.1037) shall become effective December 18, 1942.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13505; Filed, December 17, 1942; 3:12 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 137 Under § 1499.18 (b) of GMPR]

HAFLEIGH AND COMPANY

Order No. 137 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-2148.

For the reasons set forth in the opinion under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

§ 1499.1038 *Adjustment of maximum prices for bone button scrap sold by Hafleigh and Company.* (a) Hafleigh and Company, Buchanan, Virginia, may sell and deliver and agree, offer, solicit and attempt to sell and deliver bone button scrap, and any person may buy and receive from Hafleigh and Company such bone button scrap at a price not in excess of $64 per ton f. o. b. Buchanan, Virginia.

(b) Hafleigh and Company shall mail or cause to be mailed to all persons who purchase bone button scrap from it for resale a notice reading as follows:

> The Office of Price Administration by Order No. 137 effective December 18, 1942, pursuant to § 1499.18 (b) of the General Maximum Price Regulation, as amended, has permitted us to raise our maximum price for sales to you of bone button scrap from $60 per ton to $64 per ton.
>
> This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that prices of products containing bone button scrap would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of products containing bone button scrap. In order that we may continue to provide you with bone button scrap it will be necessary for you to accept this reduction in your margin.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 137 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 137 (§ 1499.1038) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 137 (§ 1499.1038) shall become effective December 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13506; Filed, December 17, 1942; 3:11 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 1,[1] Amendment 8]

MEAT RESTRICTION

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (b) of § 1407.906 is revoked and paragraph (c) of that section is redesignated paragraph (b); a sentence is added at the end of § 1407.909 (a); a new paragraph (h) is added to § 1407.925 to read as set forth below:

§ 1407.909 *Deliveries of cutter and canner grades of beef further restricted.* (a) * * * During Quota Period 1, a slaughterer may, however, deliver such beef to the extent of his inventory thereof as of October 1, 1942, free from the restrictions of this paragraph.

* * * * *

§ 1407.925 *Effective dates of amendments.* * * *

(h) Amendment No. 8 (§§ 1407.906 (b), (c), 1407.909 (a), and 1407.925 (h)) to Restriction Order No. 1 shall become effective as of December 17, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1-M, 7 F.R. 562, 7234)

Issued this 17th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13515; Filed, December 17, 1942; 4:42 p. m.]

Chapter XIII—Office of Petroleum Coordinator for War

[Petroleum Directive 59, Amended]

PART 1510—SUPPLY

To all persons engaged in the petroleum industry in Districts One, Two, and Three, and to all petroleum industry committees hereinafter referred to:

Pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for War, §§1510.27 to 1510.35 of this Chapter (Petroleum Directive No. 59, dated September 25, 1942[2]) are hereby amended to read as follows:

AUTHORITY: §§ 1510.27 to 1510.35, inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7839, 9217, 8524, 9247, 9250, 9639, 10258.

[2] 7 F.R. 7759.

§ 1510.27 *Definitions.* (a) "Principal petroleum product" means any motor fuel (other than war products as may now or hereafter be specified by the Director of Refining), kerosene (including range oil and stove oil), distillate fuel oil (including gas oils), or residual fuel oil.

(b) "Original supplier" means any person who, at the date of the issuance of this Directive and during the calendar year 1941, produced or manufactured any principal petroleum product or products in District One or imported from any point outside District One any petroleum or principal petroleum products into District One for sale or resale therein, or any person who, in 1941, regularly purchased for resale supplies of petroleum or principal petroleum products in District One by tanker and received such petroleum or principal petroleum products in ocean terminals owned or controlled by him, such terminals having adequate facilities to accommodate the berthing and unloading of tankers delivering petroleum or principal petroleum products. In the event a person is engaged in business, part of which is included in the definition of an "intermediate supplier", then he shall be considered as an original supplier only as to that portion of his business coming within this definition, and he shall be considered an intermediate supplier as to that portion of his business coming within such definition.

(c) "Intermediate supplier" means any person who regularly received principal petroleum products in District One from any original supplier or other intermediate supplier for redelivery to others: *Provided, however,* That the term shall not include a service station, peddler, or other retail outlet, or a transporter of petroleum or principal petroleum products to the extent that he is engaged merely in such transportation for others.

(d) "Person" means any individual, partnership, association, business trust, corporation, governmental corporations or agencies, or any organized group of persons, whether incorporated or not.

§ 1510.28 *Petroleum supply program.* The Director of Petroleum Supply, Office of Petroleum Coordinator for War, shall prepare and forward to the General Committees of Districts One, Two, and Three, statements showing the petroleum supply forecasts for Districts One, Two, and Three, the quantities of crude petroleum required for refining within each district and for movement between districts, the quantities of the principal petroleum products to be manufactured within each district, and the specific inter-district movements. The appropriate committee or subcommittee in Districts Two and Three, as designated by the general committees for Districts Two and Three, shall prepare and submit in quadruplicate to the said Director a suggested monthly schedule for the succeeding month showing the points of origin of the supplies available for shipment from Districts Two and Three which will permit maximum efficient use of transportation facilities. These schedules shall give the name of the suppliers, the quantity available at each point of origin, a general description of the quality, including, in case of heavy fuel oil, sulphur content, of the products available for shipment, and such other information as may from time to time be specified by the Director of Petroleum Supply. Such committees or subcommittees shall, subject to the direction of the Director of Petroleum Supply of the Office of Petroleum Coordinator for War or such district director as he may designate, arrange for purchases, sales, exchanges, or loans of the principal petroleum products and for the common use of facilities among those engaged in the petroleum industry in the area over which such committee has jurisdiction so as to provide, so far as possible, for the concentration of supplies of principal petroleum products at points which will permit the maximum efficient use of available transportation facilities. The Director of Refining, Office of Petroleum Coordinator for War, shall furnish to the Director of Petroleum Supply, a monthly program for the succeeding month assigning among the several refineries in District One the crude petroleum to be shipped into District One and showing the monthly quantity and the quality of the principal petroleum products to be manufactured at each refinery in District One during such month and a copy thereof shall be forwarded to the appropriate committees or subcommittees and to the persons named therein.

§ 1510.29 *Supply and distribution program for District One.* The Subcommittee of Supplies and Distribution for District One, subject to the supervision of the General Committee for District One, shall prepare and submit in quadruplicate to the Director of Petroleum Supply:

(a) A suggested schedule showing the sales position of each original supplier in each of the six zones described in Exhibit "A" hereof and for all of District One for each of the principal petroleum products. The determination shall be based on sales made during the calendar year 1941, and shall be expressed as a percentage of the total sales of each of such products made by all original suppliers in the same areas and for the same period. In order to avoid duplication in the determination of the sales position of any person, sales and deliveries made by one original supplier to another original supplier shall be included as sales of the receiving supplier and deducted from the sales made by the delivering supplier. In order to reflect true zone sales positions in the preparation of such schedules, adjustments shall be made for sales made in one zone for shipment to another zone and for any discontinuance of business, in whole or in part, in any zone since January 1, 1942.

(b) A suggested schedule of terminal and storage facilities (hereinafter referred to as "Supply terminals") which are so equipped as to receive any principal petroleum product or products in the most efficient manner and so located as to permit an efficient use of transportation equipment and to permit their use for redistribution either directly to customers or to bulk plants. With respect to each such supply terminal, such schedules shall show the location, name of railroad on which located, storage capacity for each principal petroleum product, the daily loading and unloading capacity for each method of transportation, the area to be served thereby, and the original suppliers operating in such area. Upon issuance of such schedules in accordance with § 1510.34, the supply terminals specified therein shall be used for principal petroleum products imported into the area served by such supply terminal in accordance with issued schedules. Each person using such supply terminals may distribute directly therefrom to his customers or may move the products directly to his own bulk plant, unless the Director of Transportation of the Office of Petroleum Coordinator for War or such District Director as he may designate finds that such action interferes with the operation of the supply terminal or will result in an inefficient use of transportation equipment available for importing petroleum products into District One. For the purpose of this directive, refineries receiving crude oil shall be deemed supply terminals with respect to the principal petroleum products produced at such refineries.

(c) A suggested schedule of thruput rates for receiving, handling and delivery of principal petroleum products in or through the supply terminals. Upon issuance of such schedule in accordance with § 1510.34, the rates specified therein shall be charged for all principal petroleum products put through such supply terminals.

(d) Suggested monthly schedules showing the sources of the principal petroleum products as designated pursuant to § 1510.28, for shipment to each supply terminal in each zone, selected under § 1510.29 (b) and assigning to original suppliers of each zone the duty of importing such products from such sources to such terminals or storage facilities. The amounts so assigned to any original supplier for importation into District One shall, so far as is practicable, be approximately equivalent to the sales position of such original supplier as determined pursuant to § 1510.29 (a) hereof. Principal petroleum products to be produced from crude oil imported into District One shall be deemed, for the purposes of this directive, to be products imported into District One by the importer of such crude oil. These schedules shall be so prepared as to cause the accumulation and through routing of trainload lots (unless an exception is granted by the Director of Transportation, Office of Petroleum Coordinator for War, or such District Director or Directors as he may designate), the efficient use of transportation facilities, and the importation into each zone of District One of the amounts of principal petroleum products determined by the Director of Petroleum Supply of the Office of Petroleum Coordinator for War to be required to meet the requirements of each zone for such month. In determining such requirements the said Director shall give due consideration to current requirements of consumers in the zone as restricted by any applicable rationing or limitation order and to deliveries required to build up stocks to meet future seasonal requirements or to build up stocks at those points supplied by transportation which may be affected by weather conditions or other transportation difficulties. In specifying destinations and making assignments hereunder, arrangements shall be made so as to avoid, so far as practicable, (1) shipment by tank car of any principal petroleum product into refining areas or into areas served by pipe line, barge, and tanker terminals except where the total principal petroleum products available to such area are insufficient to meet the requirements thereof; and (2) shipments out of such areas of any principal petroleum products except to the extent that there is an excess of production and receipts of such principal petroleum products within such area over the requirements of such area. Upon the issuance of such schedules in accordance with § 1510.34, each original supplier shall immediately arrange for the placing of orders with refiners in Districts Two and Three for movement of such products in accordance with such schedules and with the terms of this directive. Notices of all orders placed under this section and all other orders contemplating the shipment of crude petroleum or principal petroleum products into District One made by any person, whether an original supplier or not, shall be filed with the Subcommittee of Supplies and Distribution and the Transportation Committee in District One. The subcommittee shall thereupon prepare a summary of such orders in relation to the obligations to be performed hereunder and forward three copies thereof to the Director in Charge, District One, Office of Petroleum Coordinator for War.

(e) Subject to the supervision of the District Director of Marketing, District One, Office of Petroleum Coordinator for War, the subcommittee shall arrange for purchases, sales, exchanges, and loans of the principal petroleum products among the original suppliers so as to provide each such original supplier with a proportionate part of each of the principal petroleum products available for distribution in each zone on the basis of the sales position of each such original supplier as determined under § 1510.29 (a) hereof. The terms and conditions of any sale, loan, or exchange to be made pursuant to this section shall be negotiated between the individual parties to any such transaction: *Provided, however,* That:

(1) If delivery under the sale is made in Zones One, Two, Three, Four, or Five, District One, the price agreed upon by the parties shall not exceed the applicable maximum price regulation, as amended or supplemented, or other order of the Price Administrator, or the sum of the following items, whichever is lower:

(i) The value of the product at the normal origin as provided in section (5) (b) (ii) of Petroleum Compensatory Adjustments Regulation No. 1, issued by Defense Supplies Corporation.

(ii) The cost of transporting the product from the normal origin by the normal method of transportation which was used during the calendar year 1941 to the supply terminal as determined by Petroleum Compensatory Adjustments Regulation No. 1, except that if, at any supply terminal designated on the schedule referred to in § 1510.29 (b), such normal cost differs as between original suppliers, then the Director of Transportation, Office of Petroleum Coordinator for War, may establish the cost of that normal method of transportation by which the greatest volume of the particular product normally moved to the supply terminal. In such event, such cost shall be used by all original suppliers using said terminal.

(iii) Reasonable storage and handling charges incurred by the seller within District One for which no recovery may be had under Petroleum Compensatory Adjustments Regulation No. 1: *Provided, however,* That such charges shall not exceed the thruput rates which may be established and approved pursuant to § 1510.29 (c) for each supply terminal.

(iv) Cost of any additional transportation from the supply terminal to the point at which delivery is made by the seller to the buyer, for which no recovery may be had under Petroleum Compensatory Adjustments Regulation No. 1.

(v) The amounts or revenue resulting from any increase in the maximum price of the product sold which must be accounted for under the Plan for Equitable Sharing of Revenue and Extra Transportation Expenses approved under Recommendation No. 12, or under Petroleum Compensatory Adjustment Regulation No. 1 issued by Defense Supplies Corporation.

(vi) Any and all taxes which the seller is required to pay with respect to the transportation, sale or delivery of the principal petroleum product so sold.

(2) If delivery be made in Zone 6, District One, the price agreed upon by the parties shall allow for a reasonable margin below the prices generally prevailing for sales to other classes of resellers. Such price shall not exceed, however, the applicable maximum price regulation as amended or supplemented, or other order of the Price Administrator.

In the event the individuals are unable to agree upon a fair and reasonable price hereunder, then any such dispute shall be referred to the Director of Petroleum Supply, Office of Petroleum Coordinator for War, for such action as he may direct.

(3) Sales between original suppliers made in accordance with the price provisions set forth in § 1510.29 hereof and which are arranged for by the Subcommittee of Supplies and Distribution under this section, shall not be deemed to effect any discrimination against any buyer (including any original supplier) to whom any sale not arranged for under this section is made at any higher price permitted under any applicable price regulation.

§ 1510.30 *Use of transportation facilities.* (a) The Transportation Committee for District One shall prepare a weekly statement showing, for the preceding calendar week, the type of transportation facilities used, the names of the persons using such facilities, the volume and kind of crude oil or petroleum product delivered into each zone of District One by each person, and such other information as may be pertinent. Copies of such statement shall be filed in quadruplicate with the Director of Transportation, Office of Petroleum Coordinator for War, or such District Director or Directors as he may designate. The type of information to be contained in such weekly statement may be varied from time to time at the request of such Director. The Director of Transportation, Office of Petroleum Coordinator for War, or such District Director or Directors as he may designate shall, from time to time, direct that such adjustments be made among the original suppliers in District One of the use of transportation facilities available for transporting petroleum or petroleum products into District One as, in his opinion, are necessary to provide, in the order of statement (1) the moving of sufficient supplies for the maximum production of war products with minimum crude runs; (2) the moving of the additional crude petroleum and principal petroleum products assigned to each original supplier in accordance with issued schedules described in § 1510.29 (d); (3) the most efficient use of such equipment. In making such adjustments consideration shall first be given to the quantity of crude petroleum and principal petroleum products to be received during the subsequent calendar month by each original supplier by tanker, pipe line, barge, or any form of transportation other than tank car, and, so far as possible, any original supplier's deficit of carrying capacity shall be made up by the assignment of tank cars.

(b) The Transportation Committee shall review currently the use of all transportation and terminal facilities available to District One to determine whether maximum efficient use (including the return of empty tank cars in trainload lots) is being attained and in that connection to make recommendations to the Director of Transportation, Office of Petroleum Coordinator for War, for any necessary action.

(c) The Director of Transportation, Office of Petroleum Coordinator for War, may, from time to time, where he finds such action is necessary in the public interests, arrange for the specific use of any transportation facility without regard to the provisions of any schedule issued in accordance with § 1510.34 hereof.

§ 1510.31 *Minimum specifications.* The Director of Refining of the Office of Petroleum Coordinator for War shall establish, from time to time, minimum specifications for each of the principal petroleum products. All principal petroleum products imported into or produced in District One shall meet these specifications and any person in District One shall accept products conforming to such minimum specifications for all deliveries required under this Directive. There shall be no discrimination as to quality of products between original suppliers using any single terminal or storage facility.

§ 1510.32 *Surveys and investigations.* The several committees and subcommittees designated in §§ 1510.28 to 1510.30, inclusive, shall make such surveys and investigations and shall obtain and analyze such facts, figures, and other data as may be necessary or appropriate in connection with the performance of the functions and duties with which such committees and subcommittees are charged: *Provided*, That wherever available, such facts, figures, and other data shall be obtained from other appropriate committees or subcommittees rather than by new surveys or investigations.

§ 1510.33 *Administration.* All schedules or suggested schedules shall be prepared and submitted on or prior to the date or dates the Director of Supplies, Office of Petroleum Coordinator for War, may from time to time establish. In carrying out the duties, responsibilities, and functions under this directive, the committees and subcommittees mentioned and persons directly affected shall hold meetings and shall consult with other committees and subcomittees to the extent that proposals or activities hereunder may affect such other committees and subcommittees and to this end all such persons, committees, and subcommittees shall supply the committees or subcommittees charged with the responsibility of carrying any part of this directive into effect with such information, material, and assistance as may be necessary and desirable to accomplish the purposes and intent of this directive. Such committees and subcommittees shall maintain such staff and appoint such persons as may be necessary to carry out their responsibilities, duties, and functions under this directive. Operating expenses of such committees and subcommittees shall be met as provided in § 1500.7 (j) of this chapter.

§ 1510.34 *Effectuation of schedules.* All suggested schedules required to be submitted hereunder shall, after such modification or revision as the Director to whom submitted shall determine to be necessary to accomplish the objectives of this directive, be transmitted to the Chief Counsel of the Office of Petroleum Coordinator for War. No schedule provided for by §§ 1510.28 to 1510.30, inclusive, shall become effective until it has been approved by the Chief Counsel of the Office of Petroleum Coordinator for War and issued by the Petroleum Coordinator for War or the Deputy Petroleum Coordinator. Upon the approval of any such schedule by the Chief Counsel and the issuance of such schedule by the Petroleum Coordinator for War or the Deputy Petroleum Coordinator, copies thereof shall be forwarded to the appropriate committees and subcommittees and to all persons named therein and all committees, subcommittees, and persons, natural or artificial, who may be affected by such schedule, shall carry into effect such schedule according to its terms, conditions, and intent. Should any person refuse to comply with the provisions of this directive or of any issued schedule, this fact shall be immediately reported by the appropriate committee to the Director in Charge of the District Office of Petroleum Coordinator for War in whose District the refusal or failure to comply occurred.

§ 1510.35 *Appeals.* Any person, natural or artificial, affected by this directive or by any schedule provided for hereunder, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal to the District Director in Charge of the District Office of Petroleum Coordinator for War for the District in which the action complained of would be performed, setting forth the pertinent facts and the reasons why he considers himself entitled to relief, who shall act promptly upon such appeal and render a decision thereon within a period of 15 days. If dissatisfied with the decision of the District Director in Charge, such Person may appeal within 15 days after receipt of notice of the District Director's decision to the Deputy Petroleum Coordinator for War or such representative as he may designate.

RALPH K. DAVIES,
Deputy Petroleum Coordinator for War.

DECEMBER 12, 1942.

EXHIBIT A

The six zones of District One are as follows:

Zone 1. The States of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.

Zone 2. The entire eastern part of the State of New York up to and including the Counties of Cayuga, Tompkins, and Chemung; the entire eastern part of the State of Pennsylvania up to and including the Counties of Bradford, Sullivan, Columbia, Monitour, Northumberland, Dauphin, and York; and the States of New Jersey and Delaware.

Zone 3. The States of Maryland and Virginia and the District of Columbia.

Zone 4. The States of North Carolina and South Carolina.

Zone 5. The States of Georgia and Florida.

Zone 6. That part of the States of New York and Pennsylvania not included in Zone 2, and the State of West Virginia.

[F. R. Doc. 42-13552; Filed, December 18, 1942; 12:03 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1742]

LUZERNE-GRAHAM MINING CORPORATION

MEMORANDUM OPINION, ETC.

In the matter of the petition of Luzerne-Graham Mining Corporation, a code member in District No. 9, to amend Rule 1 (J) of section VII of the Marketing Rules and Regulations.

Memorandum opinion and order denying temporary relief and notice of and order for hearing.

A petition in the above-entitled matter having been duly filed by Luzerne-Graham Mining Corporation, a code member in District No. 9, with the Division on November 16, 1942, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that Rule 1 (J) of section VII of the Marketing Rules and Regulations be amended by inserting after the first sentence thereof the following:

"Reconsignment, diversion, and/or demurrage charges shall not be considered transportation charges within the meaning of this section"; and that pending final disposition of this request, a temporary order be issued granting such relief; and

No reasonable showing of necessity having been presented for the granting of temporary relief herein without a hearing; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That the request for temporary relief be, and the same hereby is, denied without prejudice to the renewal of such request for temporary relief, upon further showing or upon the basis of the record to be made at the hearing to be held herein.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 14, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, N. W., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 9, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the original petition.

The matter concerned herewith is in regard to a petition filed by the Luzerne-Graham Mining Corporation, a code member in District No. 9, requesting that Rule 1 (J) of section VII of the Marketing Rules and Regulations Incidental to the Sale and Distribution of Coal by Code Members Within All Districts be amended by inserting after the first sentence thereof, the following:

Reconsignment, diversion, and/or demurrage charges shall not be considered transportation charges within the meaning of this section.

Dated: December 17, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-13550; Filed, December 18, 1942; 11:45 a. m.]

[Docket No. A-1734]

CENTRAL STATE COLLIERIES, INC.

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of Central State Collieries, Inc., for the establishment of minimum prices for F. A. S. shipments to certain retail dealers in Chicago.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 27, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, N.W., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 22, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matter specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Central State Collieries, Inc., a code member, operating the Little Sister Mine, Mine Index No. 87, District No. 10, to amend the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck by adding to "Special Cases (d)" on page 53 thereof the following provision:

Central State Collieries, Inc. [Little Sister Mine (Mine Index No. 87)] may sell coal for barge delivery free alongside at the minimum f. o. b. mine prices for free alongside delivery when shipped from the mine and reloaded into barges on the Illinois River for transshipment on the Illinois River to South Chicago Coal & Dock Company, Chicago Waterways Fuel Company, Silver Creek Coal Company, Riverdale Coal & Dock Company, Consumers Coal Company of Illinois, and Holland Coal Company, retail coal dealers, for resale at retail by such dealers located within the switching limits of the City of Chicago, Illinois.

Dated: December 17, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-13549; Filed, December 18, 1942; 11:45 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 735]

ALLOCATION OF FUNDS FOR LOANS

PROJECTS IN NEBRASKA, OREGON AND SOUTH DAKOTA

NOVEMBER 27, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project Designation:	*Amount*
Nebraska 3-1051D4 Burt District Public	$30,000
Oregon 3-1014D1 Umatilla	20,000
South Dakota 3-1016A2 Grant	17,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-13501; Filed, December 17, 1942; 3:28 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LADIES' HANDBAG INDUSTRY, ET AL.

NOTICE OF DENIAL OF APPLICATION

Notice of denial of application by the national authority for the Ladies' Handbag Industry, and sundry other parties, to employ learners in the Luggage, Leather Goods and Women's Handbag Industry at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938.

Whereas applications were received from the National Authority for the Ladies' Handbag Industry, and sundry other parties, to employ learners in the Luggage, Leather Goods and Women's Handbag Industry at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938, and

Whereas pursuant to Part 522, § 522.4, Title 29, Chapter V, Code of Federal Regulations, a public hearing was held on August 3, 1942, before Merle D. Vincent, duly authorized as presiding officer to conduct said hearing, to take testimony for the purpose of determining:

(a) What, if any, occupation, or occupations in the Luggage, Leather Goods and Women's Handbag Industry require a learning period, and if any occupation is found to require a learning period;

(b) The factors which may have a bearing upon curtailment of opportunities for employment within the Luggage, Leather Goods and Women's Handbag Industry; and

(c) Under what limitation as to wages, time, number, proportion, and length of service, special certificates may be issued for the employment of learners in the Luggage, Leather Goods and Women's Handbag Industry, and

Whereas the presiding officer has filed with me a complete record of the proceeding together with his findings of fact and recommendation thereon that it is not necessary in order to prevent curtailment of opportunities for employment to provide for the employment of learners at subminimum wages in any occupation in any branch of the Luggage, Leather Goods and Women's Handbag Industry;

Now, therefore, notice is hereby given that the applications are denied and that there is no need at this time for the issuance of regulations providing for the employment of learners at wage rates less than the applicable minimum in the Luggage, Leather Goods and Women's Handbag Industry.

As used in this notice, the term "Luggage, Leather Goods and Women's Handbag Industry" is defined as follows:

(a) The manufacture from any material of luggage including but not by way of limitation, trunks, suit cases, traveling bags, brief cases, sample cases; the manufacture of instrument cases covered with leather, imitation leather, or fabric including, but not by way of limitation, portable radio cases; the manufacture of small leather goods and like articles from any material except metal; the manufacture of women's, misses', and children's handbags, pocketbooks, purses, and mesh bags from any material except metal; but not the manufacture of bodies, panels, and frames from metal, wood, fibre, or paperboard for any of the above articles.

(b) The manufacture from leather, imitation leather, or fabric of cut stock and parts for any of the articles covered in paragraph (a).

The definition of the Luggage, Leather Goods, and Women's Handbag Industry covers all occupations in the industry which are necessary to the production of the articles within the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That this definition does not include employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale.

Signed at New York, New York, this 16th day of December 1942.

L. Metcalfe Walling,
Administrator.

[F. R. Doc. 42-13548; Filed, December 18, 1942; 11:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6469]

Presque Isle Broadcasting Company

NOTICE OF HEARING

In re application of Presque Isle Broadcasting Company (WERC), dated June 29, 1942, for modification of license; class of service, broadcast; class of station, broadcast; location, Erie, Pennsylvania; operating assignment specified: Frequency, 1330 kc.; power, 100 w. night; 250 w. day; hours of operation, unlimited time.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of Station WERC operating as proposed.

2. To determine the areas and populations which may be expected to gain primary service from Station WERC operating as proposed, and what other broadcast service is available to those areas and populations.

3. To determine the areas and populations which may be expected to lose primary service from Station WERC operating as proposed, and what other broadcast service is available to those areas and populations.

4. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice and proper allocation of broadcast facilities (footnote 4, page 3, Standards of Good Engineering Practice).

5. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion of April 27, 1942, and as modified on September 22, 1942.

6. To determine whether, in view of the facts adduced under the foregoing issues, the granting of this application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure.

Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Presque Isle Broadcasting Company, Radio Station WERC, 121 West Tenth Street, Erie, Pennsylvania.

Dated at Washington, D. C., December 14, 1942.

By the Commission.

[SEAL] T. J. Slowie,
Secretary.

[F. R. Doc. 42-13526; Filed, December 18, 1942; 10:12 a. m.]

FEDERAL POWER COMMISSION.

[Project 1887]

Cooperative Service Association

ORDER CONTINUING DATE OF HEARING

December 15, 1942.

A public hearing having been set for January 4, 1943, on the application of Cooperative Service Association of Meredith, New Hampshire, for preliminary permit for a proposed hydroelectric development to be installed at the Franklin Falls flood control dam on the Pemigewasset River in Merrimack County, New Hampshire, and it appearing desirable, in order to comply with the directive of the Director of Defense Transportation to avoid travel during the holiday season, to again postpone said hearing;

Upon the Commission's own motion, *It is ordered,* That:

Said hearing be postponed to February 1, 1943, beginning at 9:45 a. m. (EWT) in Room 305, Federal Building, Concord, New Hampshire.

By the Commission.

[SEAL] Leon M. Fuquay,
Secretary.

[F. R. Doc. 42-13500; Filed, December 17, 1942; 3:31 p. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 259]

All of the Capital Stock of Seamless Steel Equipment Corporation

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All of the capital stock of Seamless Steel Equipment Corporation, a New York Corporation, New York, New York, which is a business enterprise within the United States, consisting of 500 shares of $100 par value common capital stock, which shares are registered in the name of Cornelis Lievense and are held for the benefit of Press und Walzweck, A. G., Dusseldorf, Germany, and Bank voor Handel en Scheepvaart, N. V., Rotterdam, The Netherlands, which bank is owned or controlled by members of the Thyssen family, nationals of Germany and/or Hungary,

is property of nationals, and represents ownership of said business enterprise which is a national, of a designated enemy country or countries (Germany and/or Hungary) and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country or countries (Germany and/or Hungary), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 28, 1942.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 42-13530; Filed, December 18, 1942; 11:33 a. m.]

[Vesting Order 260]

Dr. Oidtmann Studios, Inc.

All of the capital stock of Dr. Oidtmann Studios, Inc., and certain indebtedness owing by it

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

All of the capital stock of Dr. Oidtmann Studios, Inc., a New York corporation, New York, New York, which is a business enterprise within the United States, consisting of 300 shares of $100 par value common stock, which shares are registered in the name of Joseph L. Koenig, whose last known address was represented to the undersigned as being Westphalia, Germany,

is property of, and represents ownership of said business enterprise which is, a national of a designated enemy country (Germany); and

(b) That the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of Herbert Gotzes, whose last known address was represented to the undersigned as being Krefeld, Germany, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to him by said Dr. Oidtmann Studios, Inc., including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness,

is an interest in the aforesaid business enterprise held by a national of an enemy country, and also is property within the United States owned by a national of a designated enemy country (Germany);

and determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Propery Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 28, 1942.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 42-13531; Filed, December 18, 1942; 11:34 a. m.]

[Vesting Order 261]

All of the Capitol Stock of Holland-American Trading Corporation

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All of the capital stock of Holland-American Trading Corporation, a New York corporation, New York, New York, which is a business enterprise within the United States, consisting of 500 shares of $100 par value common stock, the names of the registered owners of which, and the number of shares owned by them respectively, are as follows:

Name:	*Number of shares*
E. Roland Harriman	491
C. Lievense	4
H. D. Pennington	1
Ray Morris	1
Knight Woolley	1
H. J. Kouwenhoven	1
J. G. Groeninger	1
Total	500,

all of which shares are held for the benefit of Bank voor Handel en Scheepvaart, N. V., Rotterdam, The Netherlands, which bank is owned or controlled by members of the Thyssen family, nationals of Germany and/or Hungary,

is property of nationals, and represents ownership of said business enterprise which is a national, of a designated enemy country or countries (Germany and/or Hungary), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country or countries (Germany and/or Hungary), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 28, 1942.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 42-13532; Filed, December 18, 1942; 11:34 a. m.]

[Vesting Order Number 276]

All of the Capital Stock of Adolff Bobbin Company, Inc.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All of the capital stock of Adolff Bobbin Company, Inc., a New Jersey corporation, Kearney, New Jersey, which is a business enterprise within the United States, consisting of 50 shares of $100 par value common stock, the names of the registered owners of which, and the number of shares owned by them respectively, are as follows:

Name:	*Number of shares*
Willy E. Mayer	43
Elfriede Mayer	6
Charles F. Egues	1
Total	50

is owned by or held for the benefit of Emil Adolff A. G., whose last known address was represented to the undersigned as being Reutlingen, Germany, and therefore is property of, and represents ownership of said business enterprise which is, a national of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 30, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–13533; Filed, December 18, 1942; 11:34 a. m.]

[Vesting Order 340]

CERTAIN OF THE CAPITAL STOCK OF KNOOP, LANGE & CO., INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that 340 shares of $100 par value capital stock of Knoop, Lange & Co., Inc., a Louisiana corporation, New Orleans, Louisiana, which is a business enterprise within the United States, which shares consist of:

(a) 190 shares (which constitute 100% of all outstanding shares of common stock) of common stock, registered in the name of Rotterdamsche Bankvereeniging N. V., Rotterdam, Holland;

(b) 125 shares (which constitute 100% of all outstanding shares of first preferred stock) of first preferred stock, registered in the name of Rotterdamsche Bankvereeniging N. V., Rotterdam, Holland; and

(c) 25 shares (which constitute a substantial part, namely, 31.25%, of all outstanding shares of second preferred stock) of second preferred stock, registered in the name of Alexander Albrecht (alien detention camp);

are owned by or held for the benefit of Carl C. Albrecht, Heinrich Mueller-Pearse, Karl Heinz Lange, Alexander Albrecht and Albrecht Mueller Pearse & Company, and each of them, the last known address of each of whom was represented to the undersigned as being Germany, and therefore is property of nationals, and represents control of said business enterprise which is a national, of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alein Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 6, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F.R. Doc. 42–13534; Filed, December 18, 1942; 11:39 a. m.]

[Vesting Order 351]

ALL OF THE CAPITAL STOCK OF CEDAR SWAMP ROAD REALTY CORPORATION

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

All of the capital stock of Cedar Swamp Road Realty Corporation, a New York corporation, New York, New York, which is a business enterprise within the United States, consisting of 4 shares of no par value common stock, which shares are registered in the name of Rotterdamsche Trustees' Kantoor, N. V., Rotterdam, Holland,

is held for the benefit of members of the Thyssen family, the last known address of each of whom was represented to the undersigned as being in Germany and/or Hungary, and therefore is property of nationals, and represents ownership of said business enterprise which is a national, of a designated enemy country or countries (Germany and/or Hungary);

(b) That the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of the aforesaid Rotterdamsche Trustees' Kantoor, N. V., in and to all indebtedness, contingent or otherwise and whether or not matured, owing to it by said Cedar Swamp Road Realty Corporation, including but not limited to all security rights in and to any and all collateral for any and all of such indebtedness and the right to sue for and collect such indebtedness,

is held for the benefit of the aforesaid members of the Thyssen family and therefore is an interest in the aforesaid business enterprise held by nationals of an enemy country, and also is property within the United States owned or controlled by nationals of a designated enemy country or countries (Germany and/or Hungary);

and determining that to the extent that any or all of such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country or countries (Germand and/or Hungary), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 11, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–13535; Filed, December 18, 1942; 11:34 a. m.]

[Vesting Order 367]

PACIFIC TRADING COMPANY, INCORPORATED

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

840 shares (which constitute a substantial part of all outstanding shares) of $20 par value common capital stock of Pacific Trading Company, Incorporated, a California corporation, San Francisco, California, which is a business enterprise within the United States, the names and last known addresses of the registered owners of which, and the number of shares owned by them respectively, are as follows:

Name, last known addresses and number of shares: Isaburo Aoki, Hiroshima, Japan, 10; Hirosuke Ashizawa, Tokyo, Japan, 250; Sakutaro Hataye, Japan, 25; Sumijiro Hirose, Ehime, Japan, 5; Bunichi Kanzaki, Wakayama, Japan, 5; Masaki Kitaoka, Kumamoto, Japan, 5; Hisao Komiya, Tokyo, Japan, 100; Nobuihiko Kurata, Yamaguchi, Japan, 35; Kiyosaburo Mitomo, Tokyo, Japan, 5; Mosaku Nakamura, Yamaguchi, Japan, 50; Kensaburo Nishida, Hiroshima, Japan, 50; Hidekichi Omura, Hiroshima, Japan, 5; Shojiro Omura, Kiyota, Japan, 5; Masu Osawa, Tokyo, Japan, 50; Naoki Satoda, Yokohama, Japan, 125; Keiji Shinagawa, Hiroshima, Japan, 50; Naosaburo Tatsukawa, Tokyo, Japan, 5; Yasujiro Tokumaga, Saga, Japan, 10; Magoichi Yamasaki, Japan, 5; Nobukichi Hirata (alien detention camp), 15; Yozo Ikenaga (alien detention camp), 5; Ichiro Kataoka (alien detention camp), 15; Keijero Takiguchi (alien detention camp), 10. Total: 840,

is property of nationals, and represents an interest in said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 14, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–13536; Filed, December 18, 1942; 11:35 a. m.]

[Vesting Order 368]

88 RADIOS OWNED BY JAPANESE NATIONALS IN THE POSSESSION OF THE UNITED STATES DEPARTMENT OF STATE

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

88 Japanese owned radios, stored in the Grove Park Inn Hotel under the custody of the United States Department of State, the description of which property and the owners thereof (all of which owners, citizens of Japan, left for Japan on the MS *Gripsholm* on or about June 18, 1942) are more particularly described and set forth in Exhibit "A" attached hereto and made a part hereof.

is property within the United States owned or controlled by nationals of a designated enemy country (Japan), and determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 14, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Property	Name of owner
1. Gen. Elec. Model LB612 approximate size, 6″ x 7½″ x 11″.	K. Wakasugi.
2. RCA Victor Model 45X1 approximate size, 6″ x 7″ x 10″.	H. Satch.
3. Gen. Elec. Model LB612 approximate size, 6″ x 7½″ x 11″.	S. Isoda.
4. RCA Victor Model 45X1 approximate size, 6″ x 7″ x 10″.	Y. Nishi.
5. Gen. Elec. Model LB 612 approximate size, 6″ x 7½″ x 11″.	Y. Nuto.
6. RCA Victor Model 46X13, approximate size, 9″ x 11½″ x 13″.	G. Amano.
7. Philco Table Model, 6½″ x 8′ x 13″.	K. Nakauchi.
8. RCA Table Model, 6″ x 10″ x 12″.	K. Nakauchi.
9. Gen. Elec. Portable 7″ x 8½″ x 11″.	M. Akiyama.
10. Crosley Portable, Model 62PB, 6½″ x 10½″ x 14″.	S. Kobata.
11. Zenith Portable, "Wave-Magnet", Brown, Model 6G601, 6½″ x 9½″ x 15″.	Y. Miura.
12. Zenith Portable, "Wave-Magnet", Brown, Model 6G601, 6½″ x 9½″ x 15″.	H. Kabashi.
13. Zenith Portable, "Wave-Magnet", Brown, Model 6G601, 6½″ x 9½″ x 15″.	A. Nakazawa.
14. Zenith Portable, "Wave-Magnet", Brown, Model 6G601, 6½″ x 9½″ x 15″.	H. Hoshida.
15. Zenith Portable, "Wave-Magnet", Brown, Model 6G601, 6½″ x 9½″ x 15″.	T. Hara.
16. Zenith Portable, "Wave-Magnet", Brown, Model 6G601, 6½″ x 9½″ x 15″.	K. Hamanoka.
17. Gen. Elec. Combination, Brown, Model, JB508, Serial No. 60678, 6½″ x 13½″ x 14″.	M. Ogimoto.
18. Emerson Combination, Brown, radio dial on front, 8″ x 14½″ x 15½.	H. Nakamura.
19. Emerson Combination, Brown, radio dial on front, with carrying strap, 8″ x 14½″ x 15½″.	K. Wakukawa.
20. Emerson Combination, Brown, radio dial inside, with carrying strap, 8″ x 14½″ x 15½″.	N. Sato.
21. Sentinel Portable, Brown, 7″ x 11½″ x 12″.	S. Kondo.
22. Philco Portable, Red-Brown, 6″ x 9½″ x 11″.	R. Nagoa.
23. Gen. Elec. Portable, 4½″ x 11¾″ x 13″ (Brown).	Y. Nishi.
24. Gen. Elec. Portable, Brown 4½″ x 11¾″ x 13″.	S. Kaihara.
25. Emerson Portable, Brown, Model DJ311, 6½″ x 11½″ x 12½″.	K. Okamoto.
26. Emerson, Brown Bakelite, Serial No. 1193171, 5″ x 6¾″ x 9¾″.	R. Ando.
27. Stewart-Warner, White Bakelite, Model 07–552S Serial No. 331077, 4¾″ x 5½″ x 10″.	H. Kihara.

Property	Name of owner
28. Stewart-Warner Combination, push button tuning, 12″ x 14″ x 18″.	S. Okamaru.
29. RCA Victrola Combination, push button tuning, 12″ x 12½″ x 19″.	T. Saika.
30. Philco Combination, Model 1001, 11″ x 13″ x 16½″.	K. Tsuchiya.
31. Philco Console Combination, 14″ x 19″ x 34″.	N. Itabashi
32. Emerson Combination, Brown, radio dial on front, 8″ x 14½″ x 15½″.	Y. Watanabe.
33. Knight, Brown Bakelite, Model J4, Serial No. R10504, 3½″ x 5″ x 7″.	S. Kurata.
34. Gen. Elec. Portable, Brown, Model LB530, Serial No. 63913, 5″ x 10¾″ x 13″.	Y. Yamamoto.
35. RCA "Air-King", Brown Bakelite, Serial No. 847933, 4½″ x 5½″ x 7″.	H. Terasaki.
36. Motorola Portable, Model 3A5, Serial No. 28979, 4¼″ x 5¼″ x 6¼″.	J. Ikeda.
37. Emerson Green Bakelite, Model EC336, 5″ x 6¾″ x 10¾″.	S. Kurusu.
38. Zenith Model 6-0-628, 6½″ x 7½″ x 12″.	H. Tominaga.
39. Packard-Bell Model 46. Serial No. 31568, 6½″ x 8¾″ x 14½″.	N. Hatakeyama.
40. Westinghouse, push button tuning, 6½″ x 8″ x 12¼″.	K. Okumura.
41. Crosley, Brown, Serial No. 1980630, 5½″ x 6½″ x 11½″.	N. Fujiyama.
42. RCA Victor, Brown Bakelite, Model 45X1. Serial No 174651, 4¼″ x 5″ x 8¾″.	K. Kokamura.
43. RCA Victor, Brown Bakelite, Model 45X1. Serial No. 210222, 4¼″ x 5″ x 8¾″.	K. Matsudaira.
44. Emerson, Brown Bakelite, Serial No. 402649, 4½″ x 6½″ x 9″.	Y. Kikida.
45. RCA Victor, Brown Bakelite, in zipper case, 6½″ x 7½″ x 11½″.	J. Inazawa.
46. Benson, Model 420, Serial No. D12137, 5¼″ x 7″ x 10¾″.	Y. Tutumi.
47. Emerson, Serial No. 170773, 4½″ x 7″ x 10″.	M. Kakuyama.
48. Emerson, 4¾″ x 5½″ x 9¾″.	T. Inouye.
49. Universal (R. H. Macy Co.) Serial No. 13613, 6″ x 8″ x 10″.	T. Hiramitu.
50. RCA Victor Portable, Model BP-10 in leather carrying case, 3″ x 3½″ x 8¾″.	K. Kauno.
51. RCA Victor Portable, Model BP-10, without case, 3″ x 3½″ x 8¾″.	T. Ogawa.
52. Gen. Elec. Model 524, Serial No. D 03964, 4¾″ x 6½″ x 9″.	T. Hara.
53. Gen. Elec. Model 524, Serial No. D 02585, 4¾″ x 6½″ x 9″.	H. Ishikawa.
54. RCA, Brown Bakelite, (badly broken), 4″ x 4¾″ x 9″.	T. Kaziwara.
55. Mission-Bell, Model 45, Serial No. 37139, 6¾″ x 9¼″ x 16″.	M. Takami.
56. RCA Victor, Serial No. 33892, 6¾″ x 7¼″ x 17″.	K. Kaneko.
57. Jackson-Bell, Model 34, Serial No. 8415, 6½″ x 7½″ x 11½″.	K. Kobayashi.
58. Emerson, 5-Tube, Brown Bakelite, Model 301, 5″ x 6½″ x 9¼″.	S. Yuki.
59. Emerson, Brown Bakelite, Serial No. EC4513312, 5½″ x 6½″ x 10½″.	T. Shimanouchi.
60. RCA Victor Portable, Brown, 6″ x 9″ x 12″.	M. Sano.
61. RCA Victor Portable, Brown, Model 23BP, Serial No. B005612, 6″ x 9″ x 12″.	S. Matsui.
62. Silvertone, (Sears Roebuck), Black Bakelite, Model 6106, Serial No. 109278, 4¼″ x 4½″ x 6½″.	M. Iino.
63. Emerson Portable, Brown, Model DJ311, 6½″ x 11½″ x 12½″.	K. Mori.
64. Westinghouse, model WR-12X4, Brown, Push Button tuning, Serial No. B002358, 6½″ x 8″ x 12″.	Y. Sato.
65. Gen. Elec. Portable, Model LB603, Brown, Serial No. 50656, 4½″ x 6¼″ x 9″.	N. Makamura.
66. Gen. Elec. Portable, Model LB603, Brown, Serial No. 50653, 4½″ x 6¼″ x 9″.	H. Takagi.
67. Gen. Elec. Portable, Model LB603, Brown, Serial No. 50651, 4½″ x 6¼″ x 9″.	K. Omoto.
68. Gen. Elec. Portable, Model LB603, Brown, Serial No. 50169, 4½″ x 6¼″ x 9″.	M. Yano.
69. Gen. Elec. Portable, Model LB603, Brown, Serial No. 50669, 4½″ x 6¼″ x 9″.	K. Hirasawa.
70. Gen. Elec. Portable, Model LB603, Brown, Serial No. 50157, 4½″ x 6¼″ x 9″.	Y. Sanematsu.
71. Gen. Elec. Portable, Model LB603, Brown, Serial No. 50671, 4½″ x 6¼″ x 9″.	I. Yokoyama.
72. Gen. Elec. Portable, Model LB603, Brown, Serial No. 50674, 4½″ x 6¼″ x 9″.	T. Nisiyama.
73. Gen. Elee. Portable, Model LB603, Brown, Serial No. 50652, 4½″ x 6¼″ x 9″.	S. Mogami.
74. Fada Portable, Red-Brown, 7″ x 10″ x 13″.	S. Yoshimura.
75. Admiral "Aeroscope", Black Bakelite, Serial No. D976493, 6¾″ x 7¾″ x 11″	T. Kimura.
76. Philco Combination, Model 42-1001, 10½″ x 13″ x 16½″.	M. Enseki.
77. Gen. Elec. Combination, Model LC 638, 11½″ x 14″ x 18″.	Y. Matsumoto.
78. Gen. Elec. Portable, Brown, Model LB100.	I. Takata.
79. Gen. Elec. Combination, Model LC 638, 11½″ x 14″ x 18″.	T. Kawabata.
80. Ansley-Dynophone Radio Gramophone Combination, approximate size 12″ x 13″ x 17″.	G. Teranish.
81. Gen. Elec. Model G51, short and long wave, 8½″ x 10½″ x 24½″.	S. Yamada.
82. RCA Victor, 6 Tube, Model 16X3, Serial No. B000624, 6½″ x 8″ x 13½″.	K. Nomura.
83. Philco Portable, 7 Tube, Model 42-842, 6½″ x 10½″ x 13″.	K. Suga.
84. Detrola "Pee-Wee" Serial No. 25864, 4″ x 4″ x 6½″.	Y. Iwamoto.
85. Remlee, Model 171, Serial No. 115609, approximate size 5½″ x 6½″ x 10″.	K. Omoto.
86. Emerson, 5 Tube, Mottled Green, Model 336, approximate size 7″ x 8½″ x 11½″.	K. Nomura.
87. Zenith Portable, "Wave-Magnet", Brown, Model 6G601, 6½″ x 9½″ x 15″.	R. Nagoa.
88. Gen. Elec. Model L622, Red Bakelite, Serial No. 73575, 5″ x 5½″ x 9¼″.	S. Nakamura.

[F. R. Doc. 42-13537; Filed, December 18, 1942; 11:39 a. m.]

[Vesting Order 378]

INTEREST OF U. H. OKUBO IN THE OHMI COMPANY

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title and interest of U. H. Okubo, whose last known address was represented to the undersigned as being Kyoto, Japan, as copartner in and to the partnership known as The Ohmi Company, under which name such partnership is doing business and maintaining an office at Los Angeles, California, which is a business enterprise within the United States,

is property of, and represents a substantial interest (namely, 50%) in said business enterprise which is, a national of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby (i) vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control to the extent deemed necessary or advisable from time to time by the undersigned of such business enterprise and of all property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to said business enterprise.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds therof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 18, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F.R. Doc. 42-13538; Filed, December 18, 1942; 11:37 a. m.]

[Vesting Order 386]

ASSETS OF MATSUYE KOIKE, DOING BUSINESS AS DIAMOND RICE CO.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to Matsuye Koike (alien detention camp), doing business as Diamond Rice Co., Los Angeles, California, which is a business enterprise within the United States,

is property of a business enterprise which is a national of a designated enemy country (Japan), and determining that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13539; Filed, December 18, 1942; 11:39 a. m.]

[Vesting Order 390]

MAGARIO & COMPANY, INCORPORATED

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

200 shares (which constitute a substantial part, namely, 66⅔%, of all outstanding shares) of $100 par value common capital stock of Magario & Company, Incorporated, a California corporation, San Francisco, California, which is a business enterprise within the United States, which shares are owned by Hisao Magario, whose last known address was represented to the undersigned as being Tokyo, Japan,

is property of, and represents control of a business enterprise which is, a national of a designated enemy country (Japan);

(b) That the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of said Hisao Magario in and to all indebtedness, contingent or otherwise and whether or not matured, owing to him by said Magario & Company, Incorporated, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness,

is an interest in the aforesaid business enterprise held by a national of an enemy country, and also is property within the United States owned or controlled by a national of a designated enemy country (Japan);

and determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby (i) vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13540; Filed, December 18, 1942; 11:37 a. m.]

[Vesting Order 401]

ASSETS OF HASHIMOTO COMPANY (A SOLE PROPRIETORSHIP)

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to Hashimoto Company, Terminal Island, California, a sole proprietorship, which is a business enterprise within the United States owned by Kazuichi Hashimoto (alien detention camp), a Japanese citizen,

is property of a business enterprise which is a national of a designated enemy country (Japan), and determining that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13541; Filed, December 18, 1942; 11:37 a. m.]

[Vesting Order 408]

MOSHOLU REALTY CORPORATION

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Rosa Pratos Simonelli, whose last known address was represented to the undersigned as being Naples, Italy, is a national of a designated enemy country (Italy);

2. Finding that said Rosa Pratos Simonelli owns 50 shares of no par value capital stock of Mosholu Realty Corporation, a New York corporation, New York, New York, which is a business enterprise within the United States, and which 50 shares constitute a substantial part (namely, 33⅓%) of all the outstanding capital stock of said corporation and represent an interest in said business enterprise, and therefore determining that such business enterprise is a national of the aforesaid designated enemy country (Italy);

3. Finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of said Rosa Pratos Simonelli in and to all indebtedness, contingent or otherwise and whether or not matured, owing to her by said Mosholu Realty Corporation, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness, and including particularly those 6% non-accumulative registered income debenture bonds, due August 1, 1962, issued by the aforesaid business enterprise and having an aggregate par value of $26,000, which are registered in the name of and owned by said Rosa Pratos Simonelli,

is an interest in such business enterprise held by a national of an enemy country (Italy), and also is property within the United States owned or controlled by a national of the aforesaid designated enemy country (Italy);

4. Determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that each of such persons be treated as a national of the aforesaid designated enemy country (Italy):

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby (a) vests in the Alien Property Custodian the property hereinbefore described in subparagraphs 2 and 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (b) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on December 1, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13542; Filed, December 18, 1942; 11:38 a. m.]

[Vesting Order 409]

2380 ARTHUR AVENUE CORPORATION

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Rosa Pratos Simonelli and Amalia de Curtis, whose last known addresses were represented to the undersigned as being Naples, Italy, are nationals of a designated enemy country (Italy);

2. Finding that said Rosa Pratos Simonelli and Amalia de Curtis each own 50 of the 100 outstanding shares of the no par value capital stock of 2380 Arthur Avenue Corporation, a New York corporation, New York, New York, which is a business enterprise within the United States, and which 100 shares represent ownership thereof, and therefore determining that such business enterprise is a national of the aforesaid designated enemy country (Italy);

3. Determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that each of such persons be treated as a national of the aforesaid designated enemy country (Italy);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby (a) vests in the Alien Property Custodian the shares of stock hereinbefore described in subparagraph 2 to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (b) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on December 1, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13543; Filed, December 18, 1942; 11:38 a. m.]

[Vesting Order 410]

CERTAIN REAL PROPERTY IN NEW YORK AND NEW JERSEY, AND A BANK ACCOUNT, OWNED BY ROSA PRATOS SIMONELLI

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Rosa Pratos Simonelli, whose last known address was represented to the undersigned as being Naples, Italy, is a national of a designated enemy country (Italy);

2. Finding that all right, title, interest and estate, both legal and equitable, of said Rosa Pratos Simonelli in and to that certain real property, together with all fixtures, improvements and appurtenances thereto, particularly described in Exhibit A attached hereto and made a part hereof, is property within the United States owned or controlled by a national of the aforesaid designated enemy country (Italy);

3. Finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of said Rosa Pratos Simonelli in and to all indebtedness, contingent or otherwise and whether or not matured, owing to her by Corn Exchange Bank Trust Company, Broadway Branch, 525 Broadway, New York, New York, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness, and including particularly the account at the aforesaid Corn Exchange Bank Trust Company, Broadway Branch, which is carried in the name of said Rosa Pratos Simonelli,

is property within the United States owned or controlled by a national of the aforesaid designated enemy country (Italy);

4. Determining that the property hereinbefore described in subparagraph 3 is necessary for the maintenance or safeguarding of other property [namely that hereinbefore described in subparagraph 2] belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Italy);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraphs 2 and 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on December 1, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Parcel 1

All that certain lot, piece or parcel of land with the buildings and improvements thereon erected, situate lying and being in the Borough of the Bronx, County of Bronx, City and State of New York (late town of West Farms, Westchester County) bounded and described as follows, to wit:

Beginning at a point on the easterly side of Cambreling (now Belmont) Avenue distant 34 feet southerly from the southeasterly corner of Cambreling (now Belmont) Avenue and Jacob Street (now 187th Street); running thence easterly parallel with Jacob Street (now 187th Street) and partly through a party wall 100 feet; thence southerly parallel with Cambreling (now Belmont) Avenue 36 feet; thence westerly parallel with Jacob Street (now 187th Street) 100 feet to the easterly side of Cambreling (now Belmont) Avenue; thence northerly along the same 36 feet to the point or place of beginning, being known as and by the Street number 2394 Belmont Avenue;

Parcel 2

All that plot of land in the Borough of Bronx, County of Bronx, City of New York and State of New York, bounded and described as follows:

Beginning at the corner formed by the intersection of the southerly side of 187th Street with the easterly side of Belmont (Cambreling) Avenue; running thence easterly along the said southerly side of 187th Street, 100 feet; thence southerly parallel with the easterly side of Belmont (Cambreling) Avenue, 34 feet; thence westerly parallel with the southerly side of 187th Street and part of the way through a party wall, 100 feet to the easterly side of Belmont (Cambreling) Avenue; and thence northerly along the said easterly side of Belmont (Cambreling) Avenue 34 feet to the corner aforesaid at the point or place of beginning, being known as and by the street number 652 East 187th Street;

Parcel 3

All that lot of land with buildings and improvements thereon erected in the Borough of the Bronx, City of New York, bounded and described as follows:

Beginning at a point on the southwesterly side of East 187th Street, distant 50 feet northwesterly from the corner formed by the intersection of the said southwesterly side of 187th Street and the northwesterly side of Crescent Avenue; running thence southwesterly at right angles to the southwesterly side of 187th Street, 97.30 feet to the northwesterly side of Crescent Avenue; thence southwesterly along the said northwesterly side of Crescent Avenue 3.50 feet to a point distant 100 feet southwesterly from the said southwesterly side of 187th Street; thence northwesterly parallel with the said southwesterly side of 187th Street, 47.79 feet; thence northeasterly at right angles to the said southwesterly side of 187th Street, 100 feet to the said southwesterly side of 187th Street and thence southeasterly along the said southwesterly side of 187th Street, 50 feet to the point or place of beginning, being known as and by the Street numbers 660–662 East 187th Street; and

Parcel 4

All that certain piece or parcel of land and premises hereinafter particularly described, situate, lying and being in the Town of Long Branch in the County of Monmouth and State of New Jersey being the westerly two-thirds of lot thirty (30) on the map entitled "Map of Section One (1) on the lands of John Hoey, deceased" duly recorded in the County Clerk's Office of said County and bounded and described as follows:

Beginning at the southeast corner of Brighton Avenue and Monmouth Place, as shown on said map, running thence (1) southerly along the easterly side of Monmouth Place, three hundred and seven (307) feet and six (6) inches to the northeasterly corner of said Monmouth Place and Brookdale Avenue as shown on said map; thence (2) easterly along Brookdale Avenue seventy-five (75) feet; thence (3) northerly and parallel with Monmouth Place three hundred and six (306) feet be the same more or less, to the southerly side of Brighton Avenue; thence (4) westerly along said Brighton Avenue seventy-five (75) feet to the point or place of beginning.

[F. R. Doc. 42-13544; Filed, December 18, 1942; 11:37 a. m.]

[Vesting Order 425]

CERTAIN INDEBTEDNESS OWING BY ADLANCO X-RAY CORPORATION

Under the authority of the Trading Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Siemens-Reiniger-Werke (herein called "Reiniger"), a German corporation, the last known address of which was represented to the undersigned as being Berlin, Germany, is a national of a designated enemy country (Germany);

2. Finding that Reiniger owns all of the capital stock of Siemens-Elektrizitats Erzeugnisse, A. G. (herein called "Elektrizitats"), a Swiss corporation, the last known address of which was represented to the undersigned as being Zurich, Switzerland, and which is listed on The Proclaimed List of Certain Blocked Nationals;

3. Determining that to the extent that Elektrizitats is a person not within a designated enemy country such person is controlled by or acting for or on behalf of or as a cloak for the aforesaid designated enemy country (Germany) or a person within such country, and finding, therefore, that such person is a national of such designated enemy country (Germany);

4. Finding that Adlanco X-Ray Corporation, a New York corporation, New York, New York, is a business enterprise within the United States, 505 (out of 700 outstanding) shares of whose common capital stock were, prior to the vesting thereof by the undersigned pursuant to Vesting Order Number 28 of June 18, 1942, owned by Reiniger;

5. Finding that such 505 shares constitute a substantial part, namely 72.143%, of all outstanding capital stock of such business enterprise and are property of, and represent control of said business enterprise which therefore is, a national of the aforesaid designated enemy country (Germany);

6. Finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of Reiniger and Elektrizitats, and each of them, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to them or either of them by said Adlanco X-ray Corporation, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness,

is an interest in the aforesaid business enterprise held by and is also property within the United States owned or controlled by, nationals of a designated enemy country (Germany);

7. Determining that to the extent that any or all of such nationals are persons not within a designated enemy country, the na-

tional interest of the United States requires that each of such persons be treated as a national of the aforesaid designated enemy country (Germany);

8. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

9. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in sub-paragraph 6, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on December 1, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13545; Filed, December 18, 1942; 11:39 a. m.]

[Vesting Order 471]

SAFE DEPOSIT BOX LEASED BY RALPH MOTTO, ALSO KNOWN AS RINZO (RINDO) IWAMOTO, AND HIS WIFE, YASU MOTTO, ALSO KNOWN AS YASU IWAMOTO

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation:

1. Finding that Ralph Motto, also known as Rinzo (Rindo) Iwamoto, and his wife, Yasu Motto, also known as Yasu Iwamoto, citizens of Japan, whose last known addresses were represented to the undersigned as being in Japan (by repatriation), are nationals of a designated enemy country (Japan);

2. Finding that all right, title and interest (including the right of access to the safe deposit box hereinafter mentioned) of said Ralph Motto, also known as Rinzo (Rindo) Iwamoto, and Yasu Motto, also known as Yasu Iwamoto, and each of them, in and to their contract with Union Trust Company, Washington, D. C., pursuant to which said persons leased from said bank a safe deposit box numbered 595, is property within the United States owned or controlled by nationals of a designated enemy country (Japan);

3. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The term "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., or December 9, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13546; Filed, December 18, 1942; 11:38 a. m.]

[Vesting Order 474]

AETNA LIFE INSURANCE CO.

In re: Aetna Life Insurance Company v. Bruno Centoscudi, Guiseppe Cesarini, Leo T. Crowley, Alien Property Custodian, Stella Cesarini, and Stanley Jakubowski, Administrator pendente lite of the estate of Angelo Cesarini, deceased; Civil Action in Interpleader No. 2689—File D-38-286; E. T. Sec. 99.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Clerk, District Court of the United States for the Eastern District of Pennsylvania, acting under the judicial supervision of District Court of the United States for the Eastern District of Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

National:	*Last known address*
Guiseppe Cesarini	Italy

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Guiseppe Cesarini in and to the proceeds of an insurance policy issued by the Aetna Life Insurance Company of Hartford, Connecticut, upon the life of Angelo Cesarini, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 10, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13547; Filed, December 18, 1942; 11:34 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 91 Under § 1499.158 of GMPR]

CENTURY MERCHANDISING CORP.

APPROVAL OF MAXIMUM PRICE

Order No. 91 under § 1499.158 of Maximum Price Regulation 188—Manufacturers' Maximum Prices For Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum prices for sales by Century Merchandising Corporation of a plastic "Victory Pup" Bank.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Century Merchandising Corporation is authorized to sell and deliver a plastic "Victory Pup" bank, manufactured by it, at prices, F. O. B. New York, N. Y., no higher than those set forth below:

$1.90 per dozen to jobbers.
$2.30 per dozen to retailers.

(b) This Order No. 91 may be revoked or amended by the Price Administrator at any time.

(c) Issued and effective this 17th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13514; Filed, December 17, 1942; 3:11 p. m.]

[Amendment 1 to Suspension Order 170]

ROBERT BINDER

RECONSIDERATION OF ORDER RESTRICTING TRANSACTIONS

On December 4, 1942, Robert Binder, doing business as American Gas Station, South Warren and Market Streets, Trenton, New Jersey, filed a petition for reconsideration of Suspension Order No. 170 issued against the petitioner on November 28, 1942. The matter has been duly considered by the Deputy Administrator in Charge of Rationing.

Paragraph (e) is amended to read as set forth below:

(e) This Suspension Order No. 170 shall become effective 12:01 A. M. December 5, 1942, and shall expire 12:01 A. M. December 19, 1942.

(f) Except as amended by Paragraph (e) above, this Suspension Order No. 170 is affirmed.

(Pub Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Dir. No. 1 (7 F.R. 562); Supp. Dir. No. 1Q (7 F.R. 9121)

Issued and effective this 17th day of December 1942.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 42-13516; Filed, December 17, 1942; 4:42 p. m.]

WAR PRODUCTION BOARD.

[Certificate 26]

APPROVAL OF AMENDED DIRECTIVE

TO THE ATTORNEY GENERAL:

Pursuant to the provisions of section 12 of Public Law No. 603, approved June 11, 1942, I submit Amended Directive No. 59 of the Petroleum Coordinator for War.[1]

I hereby approve said Amended Directive for the purposes of section 12 of Public Law No. 603, approved June 11, 1942, and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such Amended Directive, is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

DECEMBER 16, 1942.

[F. R. Doc. 42-13553; Filed, December 18, 1942; 12:03 p. m.]

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[1] *Supra.*

DEC 29 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 249

Washington, Tuesday, December 22, 1942

The President

EXECUTIVE ORDER 9283

AMENDMENT OF EXECUTIVE ORDER NO. 9226 OF AUGUST 19, 1942, PRESCRIBING REGULATIONS GOVERNING THE FURNISHING OF CLOTHING IN KIND OR PAYMENT OF CASH ALLOWANCES IN LIEU THEREOF TO ENLISTED MEN OF THE NAVY, THE COAST GUARD, THE NAVAL RESERVE, AND THE COAST GUARD RESERVE

By virtue of and pursuant to the authority vested in me by section 10 of the Pay Readjustment Act of June 16, 1942 (Public Law 607, 77th Congress), paragraph 6 of Executive Order No. 9226 of August 19, 1942,[1] prescribing regulations governing the furnishing of clothing in kind or payment of cash allowances in lieu thereof to enlisted men of the Navy, the Coast Guard, the Naval Reserve, and the Coast Guard Reserve, is hereby amended to read as follows:

"6. Members of the Insular Force shall be entitled to the cash clothing allowances prescribed herein except that when they are not required to wear blue clothing the cash clothing allowances shall be one-half the rates prescribed herein. In lieu of the cash clothing allowances prescribed herein all members of the Samoan Native Guard and Band shall be entitled to a cash clothing allowance of $20.00 upon first enlistment, or upon reenlistment subsequent to expiration of three months from date of last discharge, and, under the conditions specified in paragraph 3 hereof, to a quarterly cash maintenance allowance of $4.00."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 18, 1942.

[F. R. Doc. 42-13642; Filed, December 19, 1942; 11:35 a. m.]

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[1] 7 F.R. 6627.

Regulations

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[MQ-603-Peanuts, Supp. 1]

PART 729—NATIONAL MARKETING QUOTA FOR PEANUTS

MARKETING EXCESS PEANUTS FOR SEED PLANTING IN 1943

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938, as amended, public notice is hereby given of the following amendment to MQ-603, "Regulations Pertaining to Marketing Quotas for Peanuts of the Crop Planted in the Calendar Year 1942", issued August 1, 1942.[1]

§ 729.139 *Marketing of excess peanuts for seed for planting in 1943.* Notwithstanding any other provisions of these regulations, collection or payment of the penalty of three cents per pound will not be required in connection with the marketing of excess peanuts: *Provided,* That (1) the peanuts are marketed to a person who will be engaged in farming in 1943, (2) the peanuts are purchased for the sole purpose of planting during the calendar year 1943, (3) there shall be prepared and approved by the committee of the county in which his farm is located the prescribed "Certificate to Purchase Excess Peanuts," and (4) the producer is paid for such peanuts a price not in excess of the price for excess peanuts for oil approved by the Secretary for the date on which such peanuts are marketed plus the cost of handling such peanuts for seed purposes. Such peanuts shall be marketed through the county committee by the approval of the certificate for purchase by such committee and the delivery of the original copy thereof to the seller by the purchaser. Each county committee is hereby designated as an agency for the marketing of excess peanuts pursuant to this

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[1] 7 F.R. 5963.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Telephone information: DIstrict 0525.

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section. (55 Stat. 88, U.S.C. 1940 ed. 1367, *et seq.*)

Done at Washington, D. C., this 18th day of December 1942. Witnesss my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-13621; Filed, December 19, 1942; 11:21 a. m.]

Chapter IX—Agricultural Marketing Administration

PART 958—IRISH POTATOES GROWN IN THE STATE OF COLORADO

ORDER SUSPENDING CERTAIN PROVISIONS OF REGULATION

Pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. § 601 *et seq.*), hereinafter referred to as the "act," and the order, effective August 30, 1941, pursuant to the provisions of said act, regulating the handling of Irish potatoes grown in the State of Colorado, it is hereby found and determined that the suspension, as hereinafter provided, of the provisions in § 958.2 (a)[1] of said order will tend to effectuate the declared policy of the aforesaid act.

It is, therefore, ordered, That the provisions in § 958.2 (a) of the aforesaid order be, and the same hereby are, suspended during the period of time beginning at 12:01 a. m., P. w. t., December 22, 1942, and ending on May 31, 1943, inclusive.

It is further ordered, That the suspension of said provisions in § 958.2 (a) of the order shall not (a) affect or waive any right, duty, obligation, or liability which has arisen or which, prior to the time that the suspension becomes effective, may arise under the aforesaid provisions of the order, or (b) release or extinguish any violation of said § 958.2 (a) of the order which has occurred or which, prior to the time that the suspension becomes effective, may occur, or (c) affect or impair any right or remedy of the United States, the Secretary of Agriculture of the United States, or any other person with respect to any such violation which has occurred or which, prior to the time that such suspension becomes effective, may occur.

Issued at Washington, D. C., this 21st day of December 1942. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary of Agriculture.[2]

[F. R. Doc. 42-13673; Filed, December 21, 1942; 11:44 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

[5th Supp. to General Order C-21]

PART 170—REGISTRATION AND FINGERPRINTING OF ALIENS IN ACCORDANCE WITH THE ALIEN REGISTRATION ACT, 1940

MISCELLANEOUS AMENDMENTS

DECEMBER 16, 1942.

Pursuant to the authority contained in sections 32 (c), 34 (a) and 37 (a) of Title III of the Act of June 28, 1940 (54 Stat. 674, 674, 675; 8 U.S.C. 453 (c), 455 (a), 458 (a)), and to the powers conferred by § 90.1, Title 8, Chapter I, Code of Federal Regulations (7 F.R. 6753), the following changes in Part 170 of said Title 8, Chapter I, of the Code of Federal Regulations (5 F.R. 2836, 3173, 3589, 4560, 4813; 6 F.R. 229, 2560, 3825, 6747) are hereby promulgated, effective January 1, 1943.

Section 170.3 (c) is amended by deleting the last sentence of that paragraph and substituting in lieu thereof the following:

The postmaster shall promptly forward such form, as so filled out and signed, to the nearest office of the Immigration and Naturalization Service and the registration officer at such office shall make arrangements to register and fingerprint, or register, the alien, or will request in writing that those functions be performed by a registration officer more conveniently located to accomplish them.

Section 170.3 (d) is amended to read as follows:

The postmaster in each resigstration office, if requested in writing by the Immigration and Naturalization Service so to do, will make special arrangements for the registration and fingerprinting of alien inmates confined to penal and eleemosynary institutions within his registration area.

Section 170.3 (e) is amended to read as follows:

The postmaster in each registration office, if requested in writing by the Immigration and Naturalization Service so to do, will make special arrangements for the registration and fingerprinting of aged, infirm, or otherwise incapacitated aliens within his registration area.

Section 170.4 (a) is amended to read as follows:

Any postmaster in a post office designated as a registration office, or postal employee designated by such a postmaster, or any immigration inspector, naturalization examiner, special inspector, or Border Patrol inspector of the Immigration and Naturailzation Service, or any other person heretofore or hereafter designated by the Commissioner of Immigration and Naturalization, shall be a registration officer, authorized to register and fingerprint aliens in accordance with the provisions of this part: *Provided, however,* That on and after January 1, 1943 no postmaster or other postal employee shall exercise or perform any of the functions or duties of a registration officer unless such postmaster or postal employee has first been requested in writing by an officer of the Immigration and Naturalization Service to perform such functions and duties in connection with the case of a particular alien, and the registration and fingerprinting of any alien by a postmaster or other postal employee in contravention of this proviso shall be invalid as a compliance with the provisions of Title III of the Alien Registration Act, 1940.

Section 170.5 (a) is amended by deleting the last sentence of that paragraph and substituting in lieu thereof the following:

If the registration occurred in a post office on or after January 1, 1943, and the registration officer was a postmaster or other postal employee who performed the functions of a registration officer in the case of a particular alien at the written request of an officer of the Immigration and Naturalization Service, the forms and fingerprints shall be forwarded to the office of that Service which requested the registration and fingerprinting of the alien.

Section 170.9 (e) is amended to read as follows:

If a duplicate receipt card on Form AR-3a is issued, it shall be sent direct to the applicant by the Alien Registration Division.

(Secs. 32 (c), 34 (a), 37 (a); 54 Stat. 674, 675; 8 U.S.C. 453 (c), 455 (a) 458 (a); 8 CFR 90.1, 7 F.R. 6753)

JOSEPH SAVORETTI,
Acting Commissioner.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 42-13677; Filed, December 21, 1942; 11:53 a. m.]

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[1] 6 F.R. 4437.

[2] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81:7 F.R. 2656)

TITLE 10 ARMY: WAR DEPARTMENT

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

MISCELLANEOUS AMENDMENTS

The following sections of War Department Procurement Regulations dated September 5, 1942,[1] as amended,[2] are hereby further amended as follows: [3]

New §§ 81.103a, 81.205 (d), (e), and (f), 81.205a, 81.509, 81.961a, 81.975 (d), 81.976 (a) (1), (2), and (3), 81.978, 81.979, 81.980 (a) (1), (f) (1), and (j) to (m), 81.1109 to 81.1112, and 81.1214 are added; §§ 81.205 (c), 81.343, 81.711, 81.918, 81.975, 81.976, 81.1201, 81.1204, 81.1205, 81.1206 (a), and 81.1212 are amended; §§ 81.205a, 81.205 (e) and (f), and 81.360 are redesignated; and § 81.205 (d) is rescinded.

Numbers to the right of the decimal point correspond with the respective paragraph numbers in procurement regulations.

AUTHORITY: Sec. 5a, National Defense Act as amended, 41 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193–1195, and the First War Powers Act 1941, 55 Stat. 838, 50 U.S.C. Sup. 601–622.

GENERAL INSTRUCTIONS

§ 81.103a *Rescission of "T" Series of procurement regulations.* The temporary series of procurement regulations with numbers followed by "T", heretofore issued, is hereby rescinded.

Section 81.205 is amended; § 81.205a is added; and paragraphs (e) and (f) of § 81.205 are redesignated §§ 81.205b and 81.205c as follows:

NEGOTIATED PURCHASES

§ 81.205 *Special instructions.* * * *

(c) *Considerations relative to procurement as set forth in War Production Board directive.* Under date of October 10, 1942, the Chairman of the War Production Board issued Directive No. 2, amended (7 F.R. 8179), which, in part, provides as follows:

> (b) (1) In negotiating contracts relating to war procurement the following considerations shall govern:
>
> (i) Primary emphasis shall be upon securing deliveries or performance at the times required by the war program.
>
> (ii) Subject to the considerations stated in subdivision (i) contracts shall be placed with concerns needing to acquire the least amounts of additional new machinery, equipment, or facilities for performance of the contracts.
>
> (iii) Subject to the considerations stated in subdivisions (i) and (ii), it shall be the policy of all war procurement departments and agencies to avoid contracting for the production of items or materials in communities or areas in which acute labor shortages are known to exist whenever it is practical to procure the needed items or materials elsewhere. The War Manpower Commission shall be relied upon to certify to the war procurement agencies communities and areas in which acute labor shortages exist to such a degree that the policy stated in this subdivision is applicable.
>
> (iv) Subject to the considerations stated in subdivisions (i), (ii), and (iii), such contracts shall be placed so as to conserve, for the more difficult war production problems, the resources of concerns best able, by reason of engineering, managerial, and physical resources, to handle them. Accordingly, contracts for items which involve relatively simple production problems shall be placed with concerns normally the smaller ones, which are less able to handle the more difficult war production problems.
>
> (v) Subject to the considerations stated in subdivisions (i), (ii), (iii), and (iv), and also subject to the provisions of the Production Concentration Programs, which have been or may in the future be instituted by the War Production Board, such contracts shall be placed so as to spread production among as many firms as is reasonable and feasible.
>
> (c) War procurement departments and agencies are hereby authorized and directed to pay higher prices than would otherwise be required if such action is necessary to put into effect the policies stated in subdivisions (i) through (v), inclusive. If all the considerations set forth in subdivisions (i) through (v) have been met and there is still need for selection among contractors, contracts shall be so placed as to obtain the lowest price for the Government.
>
> (d) Authority to depart from these policies may, upon specific request, be granted by the Director of the Procurement Policy Division of the War Production Board, or by such person or persons as he may designate for this purpose.

In addition to the foregoing, regard should be paid to the following considerations in negotiating contracts:

(1) An effort should be made to have, for each item of supplies and equipment, a minimum of two producers so located as not to be subject to the same hazard.

(2) Whenever land-grant railroads or water routes can be utilized for the transportation of military supplies, requests for quotations should specify delivery f. o. b. point of origin in preference to f. o. b. point of destination, in the case of both carload and less-than-carload shipments.

(d) *Revision of existing supply contracts.* (1) In connection with adjustments of supply contracts growing out of changes in the Army Supply Program, in each instance consideration will be given to the factors comprehended by the broad headings below:

(i) Minimum use of material.
(ii) Minimum man-hours.
(iii) Status of facilities.
(iv) Labor supply area.
(v) Flexibility for revisions—shift operations one form of flexibility.
(vi) Extent of subcontracting.
(vii) Strategic considerations.
(viii) Comparative costs.
(ix) Engineering background.
(x) Horizontal adjustment.
(xi) Effect on manufacturer and subcontractors involved.
(xii) Use of facility for other war work.
(xiii) Effect on transportation—minimum of cross-haul.

(2) Where adjustments in any program are indicated, particular weight should be given to continuing in operation those facilities employing the minimum amount of material and the minimum number of man-hours to complete like components and like end-products. These considerations alone should not control; each of the other items enumerated should be taken into account, so that the final result reflects evaluation of all factors enumerated.

(3) Where existing facilities are adequate to care for the program projected, consideration should be given to immediate cancellation of incomplete facilities, including machine tools, jigs and fixtures. In individual cases it may be sound procedure to plan on completing specific facilities even though existing facilities are in balance with current estimates of requirements.

(4) In cutting back facilities, with the background of changing requirements growing out of demands of war, and in the interest of flexibility, consideration should be given in each instance to the desirability of partial multiple shift operations in all or certain plants, in contrast with full shift operations in some plants, to avoid possible resultant abandonment of facilities which would not be otherwise used to good advantage in the war effort.

(e) *Labor supply policy.* In accordance with designations by the War Manpower Commission, the supply services will be advised monthly, or more often if conditions warrant, by the Civilian Personnel Division, Headquarters, Services of Supply, of the existence of areas (1) in which a labor shortage exists currently (designated Group I areas); (2) in which a labor shortage is expected to develop within six months (designated Group II areas); and (3) in which a surplus of labor exists and will exist in the predictable future (designated Group III areas). Subject to the considerations stated in paragraph (c) of this section:

(1) *Group I:* Every effort will be made to avoid placing contracts in Group I areas when it is practicable to secure production in Group III or unclassified areas. Only contracts for which established facilities exist and for which labor has been trained or on which the required speed of delivery cannot otherwise be met may be placed in Group I areas. It is the intent that new business will not be placed in Group I areas unless it is impracticable to have the work completed on schedule elsewhere, and it is also intended that continuation orders will not be placed in Group I areas where facilities and trained labor are currently established elsewhere.

(2) *Group II:* In general the same limitations as in Group I areas will apply to Group II areas, except that contracts may be placed in Group II areas which can be completed within six months or which will not require the employment of labor in addition to that normally or currently employed by the contractor.

(3) *Group III:* Every effort will be made to place contracts in Group III areas.

Contractors will be advised by contracting officers of the considerations described in this paragraph and will be strongly urged to apply them in placing subcontracts and to urge their subcontractors to do likewise. To this end prime contractors and, through them, subcontractors will also be advised by contracting officers of changes in the classification of labor market areas occurring during the performance of a prime contract, but will not be expected to give effect to any interim changes in classification where to do so would increase the cost or decrease the efficiency of subcontracting under contracts previously executed.

(f) *Smaller war plants.* Neither paragraphs (c), (d), nor (e) of this section shall apply to prevent the award of contracts to firms which currently employ less than 100 employees, or which are recommended as prime contractors or subcontractors by the Smaller War Plants Division of the War Production Board, providing that such firms require no substantial additional facilities and no labor in addition to that currently employed. If, however, several such firms are available, or are so recommended in the alternative, preference shall be given to firms located in Group III, II, I areas (as defined in paragraph (e) of this section), in that order.

§ 81.205a *Smaller war plants, distribution of additional work*—(a) *Creation of the Smaller War Plants Corporation.* Public Law 603—77th Congress, approved June 11, 1942, creates the Smaller War Plants Corporation, authorizes a Deputy Chairman of the War Production Board on Smaller War Plants and gives the Chairman of the War Production Board certain new powers incident to placement of Government contracts with smaller plants.

(b) *Certification of small business concerns.* Section 3 of the Act authorizes the Chairman of the War Production Board to certify small business concerns or groups of such concerns to the Secretary of War with respect to capacity and credit as to a specific Government procurement contract. The War Department is directed to accept such certification as conclusive and is authorized to place the contract with the concern or group of concerns without requiring the meeting of any other requirements with respect to capacity and credit. The Act recognizes that small plants are frequently unable to produce at as low unit costs as larger plants and that, as a consequence, in order to mobilize the Nation's full productive capacity, it may be necessary for the Government to pay a higher unit for articles when obtaining them from small plants than it pays to business concerns operating large plants.

(c) *Authority to enter into prime contracts.* The Act also gives the Smaller War Plants Corporation power to enter into prime contracts with the War Department for articles, equipment, supplies or materials, or parts thereof, or work in connection therewith and to subcontract the production of these items to small business concerns. If the Chairman of the War Production Board certifies that the Smaller War Plants Corporation is competent to perform any specific government procurement contract, the contract must be let to it on such terms as the Chairman may specify. The corporation is also given broad powers of financing.

(d) *Placement of prime contracts and subcontracts.* It is established policy of the War Department that every effort will be made to place prime contracts and subcontracts with small business concerns or groups of such concerns without the necessity for certification by the War Production Board or for the making of contracts by the Smaller War Plants Corporation. To implement this policy, the following procedure has been established, for the purpose of bringing about to the greatest possible extent the participation of smaller plants in the war effort.

(e) *Development of a production load for direct placement with plants recommended by War Production Board.* A representative of the War Production Board has been assigned to each of the supply services. With the active assistance of the liaison officer designated for this purpose by the chief of the supply service, this War Production Board representative will:

(1) Review with the proper personnel of the supply service the related parts of the Army Supply Program and select from it products suitable for manufacture by plants recommended by the War Production Board.

(2) Ascertain the total quantities of these selected products to be purchased.

(3) Discuss with the proper personnel of the supply service existing plans for the procurement of the selected products.

(4) Seek to reach agreement with the supply service on definite quanities of the selected products for placement with plants recommended by the War Production Board.

(f) *Examination of existing prime contracts.* The procedure worked out for this purpose is as follows:

(1) Examination of existing prime contracts will be made by headquarters of the supply services in cooperation with representatives of the War Production Board to determine the possible extent of additional subcontracting thereunder of products suitable for placement with plants recommended by the War Production Board.

(2) All procurement agencies in the field, in cooperation with War Production Board field representatives, will expeditiously examine contracts with a view to the possibility of further subcontracting. All prime contractors will be advised of the necessity for cooperating in placing all work practicable under existing and proposed contracts with small plants on a subcontracting basis. The cancelation of orders for new machine tools and equipment will be made in all cases where the corresponding operations can be handled by subcontracting, providing production schedules can be maintained, even though it is necessary as a result of such subcontracting to amend the contract to provide for increased costs because of less efficient methods of production. Where necessary, provision may be made by supplemental agreement for modification of such existing contract for the payment of an increased price to the prime contractor sufficient to meet his increased cost resulting from increased subcontracting. As indicated by Public Law 603, 77th Congress, such amendment or modification of any existing contract to bring about spreading of work to smaller plants by subcontracting or to avoid the manufacture or procurement of new machine tools or the construction of new plants and facilities, will facilitate the prosecution of the war. The Chiefs of Supply Services are severally authorized to enter into and to approve supplemental agreements amending or modifying existing contracts in any case where it is determined by the chief of the supply service concerned, or by his duly authorized representative, that these purposes will be thereby accomplished. Any such supplemental agreement will be made pursuant to the First War Powers Act, 1941. Such authority may be exercised notwithstanding the fact that the supplemental agreement may be without consideration to the Government other than that the policy described in Public Law 603, 77th Congress and in § 81.206(d) thereby will be carried out (see §§ 81.315 (a) and 81.317).

(3) The procedure described in subparagraphs (1) and (2) above will also be applied to subcontracts where it appears to be practicable to get a subcontractor to spread his load among more sub-subcontractors.

(4) The initial discussion with prime contractors and subcontractors relative to subparagraphs (1), (2) and (3) above will be arranged through the War Department contracting agency in the field.

(g) *Additional subcontracting under future prime contracts.* The chiefs of supply services will facilitate discussion as to subcontractors under future prime contracts with War Production Board representatives. Such discussions can be undertaken either in the offices of the supply services in Washington or with the contracting officers in the field.

(h) *Replacement parts.* While every assistance will be afforded to War Production Board representatives for the further spreading of work to the smaller plants, consistent with the maintenance of required delivery schedules and quality of production, standardization programs on items where a flow of replacement parts is a factor will also be taken into account.

(i) *Policy questions and procedure in cases of disagreement between the War Production Board and the supply services.* All matters of policy relating to increased subcontracting and to increased prime contracting with smaller plants will be dealt with for the War Production Board by the Deputy Chairman on Smaller War Plants, and for the War Department by the Small War Plants Branch, Purchases Division, Headquarters, Services of Supply. On such matters, contact will be between these offices. Any disagreement between the representatives of the War Production Board and of the supply services on any of the matters described in paragraph (e), (f), and (g) of this section will be referred by both parties to these offices for discussion and settlement.

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[1] 7 F.R. 8082.
[2] 7 F.R. 8163, 9268, 9660, 10184, and 10247.
[3] Changes dated November 28, 1942.

§ 81.205b *Applicability of labor statutes to negotiated contracts.* The Walsh-Healey Public Contracts Act, as amended, the Davis-Bacon Act, as amended, the Copeland "Kick-back" Act, as amended, and the Eight Hour Law, as amended, are applicable to contracts made and performed under the authority of Executive Order No. 9001 to the same extent as if said contracts had been made and performed under the provisions of section 3709, Revised Statutes.

§ 81.205c *Commanders in theaters of operation.* Nothing contained in these regulations will be construed to abridge the powers of commanders in theaters of operations to make necessary purchases in such manner as is deemed advisable.

§ 81.205d *Debarred bidders.* Contracts will not be placed with contractors who are on any of the following lists of debarred bidders:

List of bidders, debarred from bidding on War Department contracts by reason of violations of the Walsh-Healey Act (See § 81.916 et seq.);

List of bidders who are debarred from bidding on War Department contracts by reason of violations of the Davis-Bacon Act. (See § 81.910 et seq.);

War Department confidential list of bidders to whom awards will not be made.

The Proclaimed List of Certain Blocked Nationals. (See § 81.1103 (b).)

(a) *The Adjutant General* will distribute to the supply services lists of bidders debarred by the Comptroller General by reason of violations of the Walsh-Healey Act or the Davis-Bacon Act. (See Act of June 30, 1936, Sec. 3, 49 Stat. 2037; 41 U.S.C. 37; Act of August 30, 1935, 49 Stat. 1012, 40 U.S.C. 276a–2.)

(b) *Confidential list of bidders.* A bidder will be placed by The Adjutant General upon the confidential list of bidders to whom awards will not be made where the Director, Purchases Division, Headquarters, Services of Supply, determines any such bidder to be guilty of fraud or attempted fraud against the United States, and, for the duration of the present war, in any instance where it is determined by the Director, Purchases Division, that the best interests of the United States require that contracts be not awarded to such bidder. In recommending that a bidder's name be placed on this list, a full report of the specific instances of the bidder's alleged dereliction will be submitted by the chief of the supply service concerned to the Director, Purchases Division, Headquarters, Services of Supply, together with any available evidence relating to the contract concerned and the complaint against the bidder.

(c) *Procedure for placing bidders on confidential list.* The Director, Purchases Division, (if such action has not been taken previously) will notify the bidder by registered mail that a recommendation has been made that the bidder's name be placed upon the War Department's confidential list of bidders to whom awards will not be made. The notice will state specifically the contract, bid or action of the bidder as to which complaint is made and will specify in reasonable detail the nature of the complaint. The notice will inform the bidder that he may make a statement in writing with reference to the complaint on or before a date to be stipulated in the notice. The Director, Purchases Division, may make such other investigation and study of the complaint, either directly or through The Judge Advocate General, or The Inspector General, as he may deem proper. If he is of the opinion that the bidder's name should be placed upon the confidential list, he will transmit the complete file, including any statement filed by the bidder, to The Adjutant General with a direction that the bidder's name be placed on this list. The bidder will not be given access to any evidence in the hands of the War Department but will be furnished only with a statement of the alleged dereliction in the manner previously set forth.

(d) *The Director, Purchases Division,* when he determines that a bidder's name should be placed upon the confidential list, will prepare and transmit to The Adjutant General, for transmission to the bidder, the supply services, and the Comptroller General, drafts of notices from The Adjutant General of the action taken.

MANDATORY AND OPTIONAL CONTRACT PROVISIONS

Paragraph (c) of the rate of wages clause contained in § 81.343 is amended and a new paragraph (a) is added to this section containing material previously included in § 81.360, as follows:

§ 81.343 *Rate of wages clause.* * * *

(c) The regulations of the Secretary of Labor, referred to in article — hereof, allow certain "permissible deductions" from the wages required by this article to be paid.

The Article to which cross reference is made in paragraph (c) of the above clause is that contained in § 81.344.

(a) *Minimum wages.* There will be contained in each contract subject to the Davis-Bacon Act (or in the specifications accompanying the contract) a clause substantially as follows:

The minimum wages to be paid laborers and mechanics on this project, as determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the pertinent locality, are as follows:

Classification of laborers and mechanics	Minimum rates of wages per hour

Any class of laborers and mechanics not listed in the preceding paragraph, which will be employed on this contract, shall be classified or reclassified conformably to the foregoing schedule. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question, accompanied by the recommendation of the contracting officer, shall be referred to the Secretary of Labor for final determination.

§ 81.360 [Rescinded. See § 81.343 (a)]

FOREIGN PURCHASES

§ 81.509 *Purchases from Canadian suppliers*—(a) *No contracts to be made directly.* The supply services shall not directly enter into contracts with contractors domiciled in the Dominion of Canada for the delivery of supplies to be produced in Canada. All such contracts will be entered into with War Supplies Limited through its Washington representatives. That corporation will then arrange with the Canadian Department of Munitions and Supply for the purchase by that Department from Canadian contractors of the supplies covered by the contracts between the War Department and War Supplies Limited.

(b) *War Supplies Limited.* War Supplies Limited is a corporation wholly owned and controlled by the Government of Canada and created under the laws of the Dominion of Canada with its principal office in the city of Ottawa, Province of Ontario. A Washington Office is maintained at 1205 Fifteenth Street, N.W., (Marshall Building), telephone Republic 7860, Extension 120. The representatives of the Corporation in Washington are Mr. V. W. Scully, President and Treasurer and Mr. R. G. Peers, General Manager.

(c) *Purpose of organization of War Supplies Limited.* At the time that War Supplies Limited was organized it was recognized that if the various agencies of this government were to purchase directly from Canadian manufacturers competition for supplies produced in Canada would arise between this government and the Canadian government. The result would, in all probability be that both governments would be obliged to pay more for the supplies so obtained than would otherwise be necessary. Such competition likewise would give rise to complications with respect to the precedence of the two governments with regard to the production of Canadian plants. It was also recognized that unless orders for the account of the United States government were placed through some agency of the Canadian government, the control over costs and profits which the Canadian Government exercises would not be effective with regard to orders so placed by this government. Accordingly War Supplies Limited was organized to centralize purchases by this government from Canadian manufacturers.

(d) *Procedure for negotiating contract.* If practicable, arrangements should be made through War Supplies Limited to have a representative of the subcontractor, who, it is contemplated, will actually produce the item desired, present in Washington to participate in the negotiation of the contract. In this way the prime contract and the contract with the producer can be prepared simultaneously.

(e) *Administration of contract.* On matters pertaining to contracts with War Supplies Limited, contact should be had with said corporation and not with the Canadian subcontractor. The only exception to this would be in those cases where the supply service is represented at the plant through inspectors or other officers, in such instances communication with the subcontractor through the resident representative is in order on inspection and technical matters. Payment checks should be issued to War Supplies Limited and addressed to that corporation at its Washington office.

(f) *Contract form.* The contract form set forth in paragraph ------ should be used for executing supply contracts with War Supplies Limited, subject to such additions and deletions as may be necessary in any particular case. It will be noted that no provision relative to progress or advance payment is made in the form. This matter will be considered individually in each case. In accordance with § 81.505 no duty will be paid and accordingly no duty should be included in the purchase price. If it is necessary in a particular case, there may be added to the contract form a statement to the effect that the United States Government will pay any duties necessarily imposed for the entrance of articles into the United States.

(g) *Guarantee by Canadian Government.* The Canadian Government, through its Secretary of State for External Affairs, has guaranteed to the United States Government all commitments, obligations and covenants which War Supplies Limited may give to any department or agency of the United States Government in connection with any contracts or orders which may be given to said corporation by any department or agency of the United States Government. The Canadian Government has likewise waived notice of any change or modification which may be made from time to time in these commitments, obligations or covenants.

DISPOSITION OF SERVICEABLE PROPERTY NOT DECLARED SURPLUS

§ 81.711 *Gifts and loans of drawings and similar property.* The chiefs of the supply services are authorized, without further approval, to give or lend to contractors and private firms which are or may likely be manufacturers or furnishers of supplies and equipment for the use of the War Department under approved production plans, drawings, manufacturing and other information and samples of supplies and equipment to be manufactured or furnished, provided that if in the case of a gift the estimated value of the property in question exceeds $1,000.00 or in the case of a loan, $50,000, the approval of the Director, Purchases Division, Headquarters, Services of Supply, will be first obtained.

WALSH-HEALEY PUBLIC CONTRACTS LAW

The index contained in § 81.918 (d) is amended by adding in its proper sequence a new item as follows:

§ 81.918 *General instructions.* * * *
(d) * * *

	Section
* * * *	*
Aviation textile products manufacturing industry	81.961a
* * * *	*

§ 81.961a *Aviation textile products manufacturing industry.* The aviation textile products manufacturing industry is defined for the purposes of this determination as that industry which is engaged in the manufacture of articles (other than apparel) primarily of fabric for use in connection with the aviation industry, including, but without limitation, parachutes of all types, parachute packs, parachute harnesses, safety belts, aerial delivery containers made primarily from fabrics, tow targets, and wind direction indicators of the wind-stock type; *Provided, however,* That the manufacture of canvas and duck articles for ground use, such as signaling panels, is not included.

Date effective: December 11, 1942.

Wage: 55 cents an hour or $22.00 a week of 40 hours, arrived at either on a time or piecework basis, for the States of California, Oregon, and Washington, 47½ cents an hour or $19.00 a week of 40 hours, arrived at either on a time or piecework basis, for the remaining 45 states and the District of Columbia. Workers who are in fact learners may be employed at the rate of 40 cents an hour or $16.00 a week of 40 hours during the first two weeks of their employment and at the rate of 45 cents an hour or $18.00 a week during the third and fourth weeks of their employment.

WAGE AND SALARY STABILIZATION

§ 81.975 *Executive Order No. 9250,* dated October 3, 1942, establishes a national wage and salary stabilization policy pursuant to the Act of October 2, 1942 entitled "An Act to Amend Emergency Price Control Act of 1942, to Aid in Preventing Inflation and for Other Purposes". Titles II, III, and VI of that order deal with wage and salary stabilization, and, in general, provide that the administration and enforcement of the stabilization policy will be under the direction of the National War Labor Board and of the Economic Stabilization Director.

(a) *Title II of Executive Order No. 9250, provides:*

1. No increases in wage rates, granted as a result of voluntary agreement, collective bargaining, conciliation, arbitration, or otherwise, and no decreases in wage rates, shall be authorized unless notice of such increases or decreases shall have been filed with the National War Labor Board and unless the National War Labor Board has approved such increases or decreases.

2. The National War Labor Board shall not approve any increase in the wage prevailing on Sept. 15, 1942, unless such increase is necessary to correct maladjustments or inequalities, to eliminate substandards of living, to correct gross inequities, or to aid in the effective prosecution of the war.

Provided, however, That where the National War Labor Board of the Price Administrator shall have reason to believe that a proposed wage increase will require a change in the price ceiling of the commodity or service involved, such proposed increase, if approved by the National War Labor Board, shall become effective only if also approved by the Director.

3. The National War Labor Board shall not approve a decrease in the wages for any particular work below the highest wages paid therefor between Jan. 1, 1942, and Sept. 15, 1942, unless to correct gross inequities and to aid in the effective prosecution of the war.

4. The National War Labor Board shall, by general regulation, make such exemptions from the provisions of this title in the case of small total wage increases or decreases as it deems necessary for the effective administration of this order.

5. No increases in salaries now in excess of $5,000 per year (except in instances in which an individual has been assigned to more difficult or responsible work), shall be granted until otherwise determined by the Director.

6. No decreases shall be made in the salary for any particular work below the highest salary paid therefor between Jan. 1, 1942 and Sept. 15, 1942, unless to correct gross inequities and to aid in the effective prosecution of the war.

7. In order to correct gross inequities and to provide for greater equality in contributing to the war effort, the Director is authorized to take the necessary action, and to issue the appropriate regulations, so that, insofar as practicable, no salary shall be authorized under Title III, Section 4 to the extent that it exceeds $25,000 after the payment of taxes allocable to the sum in excess of $25,000: *Provided, however,* That such regulations shall make due allowance for the payment of life insurance premiums on policies heretofore issued, and required payments on fixed obligations heretofore incurred, and shall make provision to prevent undue hardship. provision to prevent undue hardship.

8. The policy of the Federal Government, as established in Executive Order No. 9017 of January 12, 1942, to encourage free collective bargaining between employers and employees is reaffirmed and continued.

9. Insofar as the provisions of Clause (1) of section 302 (c) of the Emergency Price Control Act of 1942 are inconsistent with this Order, they are hereby suspended.

(b) *Title III of Executive Order No. 9250 provides:*

1. Except as modified by this Order, the National War Labor Board shall continue to perform the powers, functions, and duties conferred upon it by Executive Order No. 9017, and the functions of said Board are hereby extended to cover all industries and all employees. The National War Labor Board shall continue to follow the procedure specified in said Executive Order.

2. The National War Labor Board shall constitute the agency of the Federal Government authorized to carry out the wage policies stated in this Order, or the directives on policy issued by the Director under this Order. The National War Labor Board is further authorized to issue such rules and regulations as may be necessary for the speedy determination of the propriety of any wage increases or decreases in accordance with this Order, and to avail itself of the services and facilities of such state and Federal departments and agencies as, in the discretion of the National War Labor Board, may be of assistance to the Board.

3. No provision with respect to wages contained in any labor agreement between employers and employes (including the shipbuilding stabilization agreements as amended on May 16, 1942, and the wage stabilization agreement of the building construction industry arrived at May 22, 1942) which is inconsistent with the policy herein enunciated or hereafter formulated by the Director shall be enforced except with the approval of the National War Labor Board within the provisions of this order. The National War Labor Board shall permit the shipbuilding stabilization committee and the wage adjustment board for the building construction industry, both of which are provided for in the foregoing agreements, to continue to perform their functions therein set forth, except in so far as any of them is inconsistent with the terms of this order.

4. In order to effectuate the purposes and provisions of this order and the act of October 2, 1942, any wage or salary payment

made in contravention thereof shall be disregarded by the executive departments and other governmental agencies in determining the costs or expenses of any employer for the purpose of any law or regulation, including the Emergency Price Control Act of 1942 or any maximum price regulation thereof, or for the purpose of calculating deductions under the revenue laws of the United States or for the purpose of determining costs or expenses under any contract made by or on behalf of the government of the United States.

(c) *Title IV, paragraph 1 provides:*

1. The prices of agricultural commodities and of commodities manufactured or processed in whole or in substantial part from any agricultural commodity shall be stabilized, so far as practicable, on the basis of levels which existed on Sept. 15, 1942, and in compliance with the act of Oct. 2, 1942.

(d) *Title VI paragraphs 1, 2 and 4 provide as follows:*

1. Nothing in this Order shall be construed as affecting the present operation of the Fair Labor Standards Act, the National Labor Relations Act, the Walsh-Healey Act, the Davis-Bacon Act, or the adjustment procedure of the Railway Labor Act.

2. Salaries and wages under this Order shall include all forms of direct or indirect remuneration to an employee or officer for work or personal services performed for an employer or corporation, including but not limited to, bonuses, additional compensation, gifts, commissions, fees, and any other remuneration in any form or medium whatsoever (excluding insurance and pension benefits in a reasonable amount as determined by the Director); but for the purpose of determining wages or salaries for any period prior to September 16, 1942, such additional compensation shall be taken into account only in cases where it has been customarily paid by employers to their employees. 'Salaries' as used in this Order means remuneration for personal services regularly paid on a weekly, monthly or annual basis.

* * * * *

4. The Director shall be the agency to receive notice of any increase in the rates or charges of common carriers or other public utilities as provided in the aforesaid Act of October 2, 1942.

§ 81.976 *Regulations of Economic Stabilization Director approved by the President.* On October 27, 1942, Economic Stabilization Director Byrnes issued regulations (Part 4001) pursuant to authority vested in, and with the approval of, the President relative to wages and salaries. These regulations are set forth in paragraphs (a) to (p) of this section.

(a) *Definitions* (*Section 4001.1*). When used in these regulations, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(a) The term "Act" means the Act of October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes."

(b) The term "Board" means the National War Labor Board created by Executive Order No. 9017, dated January 12, 1942.

(c) The term "Commissioner" means the Commissioner of Internal Revenue.

(d) The term "Code" means the Internal Revenue Code, as amended and supplemented.

(e) The term "salary" or "salary payments" means all forms of direct or indirect compensation which is computed on a weekly, monthly, annual or other comparable basis, except a wage basis, for personal services of an employee irrespective of when rendered, including bonuses, additional compensation, gifts, loans, commissions, fees, and any other remuneration in any form or medium whatsoever (excluding insurance and pension benefits in a reasonable amount).

(f) The term "salary rate" means the rate or other basis at which the salary for any particular work or service is computed either under the terms of a contract or agreement or in conformity with an established custom or usage.

(g) The term "wages" or "wage payments" means all forms of direct or indirect compensation which is computed on an hourly or daily basis, a piece-work basis, or other comparable basis, for personal services of an employee irrespective of when rendered, including bonuses, additional compensation, gifts, commissions, loans, fees, and any other remuneration in any form or medium whatsoever (but excluding insurance and pension benefits in a reasonable amount).

(h) The term "insurance and pension benefits in a reasonable amount" means

(1) Contributions by an employer to an employees' trust or under an annuity plan which meets the requirements of section 165 (a) of the Code (for text of this section of the Code see subparagraph (1) of this paragraph, and

(2) Amounts paid by an employer on account of premiums on insurance on the life of the employee which amounts are deductible by the employer under section 23 (a) of the Code (for text of this section of the Code, see subparagraph (2) of this paragraph), except that if such amounts are includible in the gross income of the employee under the Code, the amount in respect of each employee may not exceed five percent of the employee's annual salary or wages determined without the inclusion of insurance and pension benefits.

(i) The terms "approval by the Board" and "determination by the Board" shall, except as may be otherwise provided in the regulations or orders of the Board, include an approval or determination by an agent of the Board duly authorized to perform such act; and such approval or determination, if subsequently modified or reversed by the Board, shall nevertheless for the purpose of these regulations, be deemed to have been continuously in effect from its original date until the first day of the payroll period immediately following the reversal or modification or until such later date as the Board may direct.

(j) The terms "approval by the Commissioner" and "determination by the Commissioner" shall, except as may be otherwise provided in regulations prescribed by the Commissioner, include an approval or determination by an agent of the Commissioner duly authorized to perform such act; and such approval or determination, if subsequently modified or reversed by the Commissioner, shall nevertheless for the purpose of these regulations, be deemed to have been continuously in effect from its original date until the first day of the payroll period immediately following reversal or modification or until such later date as the Commissioner may direct.

(1) *Text of section 165 (a) of the Internal Revenue Code.*

(a) Exemption from tax. A trust forming part of a stock bonus, pension, or profit-sharing plan of an employer for the exclusive benefit of his employees or their beneficiaries shall not be taxable under this supplement and no other provision of this supplement shall apply with respect to such trust or to its beneficiary—

(1) If contributions are made to the trust by such employer, or employees, or both, for the purpose of distributing to such employees or their beneficiaries the corpus and income of the fund accumulated by the trust in accordance with such plan;

(2) If under the trust instrument it is impossible, at any time prior to the satisfaction of all liabilities with respect to employees and their beneficiaries under the trust, for any part of the corpus or income to be (within the taxable year or thereafter) used for, or diverted to, purposes other than for the exclusive benefit of his employees or their beneficiaries;

(3) If the trust, or two or more trusts, or the trust or trusts and an annuity plan or plans are designated by the employer as constituting parts of a plan intended to qualify under this subsection which benefits either—

(A) 70 per centum or more of all the employees, or 80 per centum or more of all the employees who are eligible to benefit under the plan if 70 per centum or more of all the employees are eligible to benefit under the plan, excluding in each case employees who have been employed not more than a minimum period prescribed by the plan, not exceeding five years, employees whose customary employment is for not more than twenty hours in any one week, and employees whose customary employment is for not more than five months in any calendar year, or

(B) Such employees as qualify under a classification set up by the employer and found by the Commissioner not to be discriminatory in favor of employees who are officers, shareholders, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees; and

(4) If the contributions or benefits provided under the plan do not discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or highly compensated employees.

(5) A classification shall not be considered discriminatory within the meaning of paragraphs (3) (B) or (4) of this subsection merely because it excludes employees the whole of whose remuneration constitutes "wages" under section 1426 (a) (1) (relating to the Federal Insurance Contributions Act) or merely because it is limited to salaried or clerical employees. Neither shall a plan be considered discriminatory within the meaning of such provisions merely because the contributions or benefits of or on behalf of the employees under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of such employees, or merely because the contributions or benefits based on that part of an employee's remuneration which is excluded from "wages" by section 1426 (a) (1) differ from the contributions or benefits based on employee's remuneration not so excluded, or differ because of any retirement benefits created under State or Federal law.

(6) A plan shall be considered as meeting the requirements of paragraph (3) of this subsection during the whole of any taxable year of the plan if on one day in each quarter it satisfied such requirements.

(2) *Extract from section 23 of the Internal Revenue Code.*

Deductions from gross income. In computing net income there shall be allowed as deductions:

(a) *Expenses*—(1) *In general.* All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered;

* * * * *

(o) *Charitable and other contributions.* In the case of an individual, contributions or gifts payment of which is made within the taxable year to or for the use of:

(1) The United States, any State, Territory or any political subdivision thereof or the District of Columbia, or any possession of the United States, for exclusively public purposes;

(2) A corporation, trust, or community chest, fund or foundation, created or organized in the United States or in any possession thereof or under the law of the United States or of any State or Territory or of any possession of the United States, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation;

(3) The special fund for vocational rehabilitation authorized by section 12 of the World War Veterans' Act, 1924, 43 Stat. 611 (U.S.C., Title 38, Sec. 440);

(4) Posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units, or societies are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private shareholder or individual; or

(5) A domestic fraternal society, order, or association, operating under the lodge system, but only if such contributions or gifts are to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals; to an amount which in all the above cases combined does not exceed 15 per centum of the taxpayer's net income as computed without the benefit of this subsection. Such contributions or gifts shall be allowable as deductions only if verified under rules and regulations prescribed by the Commissioner, with the approval of the Secretary.

(3) *Section 5 (b) of Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation and for other purposes.* Section 5 (b) of Public Law 729 (77th Cong. 2d Session) provides as follows:

Nothing in this Act shall be construed to prevent the reduction by any private employer of the salary of any of his employees which is at the rate of $5,000 or more per annum.

* * * * *

(h) *Decreases in salaries of over $5,000* (*Section 4001.8*). In the case of a salary rate existing as of the close of October 3, 1942, under which an employee is paid a salary of $5,000 or more per annum, no decrease in such rate made by the employer shall be considered in contravention of the Act and the regulations promulgated thereunder (see section 5 (b) of the Act set forth in paragraph (a) (3) of this section: *Provided, however,* That if by virtue of such decrease the new salary paid to the employee is less than $5,000 per annum, then the validity of such decrease below $5,000 shall be determined under the provisions of section 4001.7 of these regulations.

(i) *Limitation on certain salaries* (*Section 4001.9*). (a) No amount of salary (exclusive of any amounts allowable under paragraphs (b) and (c) of this section) shall be paid or authorized to be paid to or accrued to the account of any employee or received by him during the taxable year which, after reduction by the Federal income taxes on the amount of such salary, would exceed $25,000. The amount of such Federal income taxes shall be determined (1) by applying to the total amount of salary (exclusive of any amounts allowable under paragraphs (b) and (c) of this section) paid or accrued during the taxable year, undiminished by any deductions, the rates of taxes imposed by Chapter I of the Code (not including section 466) as if such amount of salary were the net income (after the allowance of credits applicable thereto), the surtax net income, and the Victory tax net income, respectively, and (2) without allowance of any credits against any of such taxes.

(b) In any case in which an employee establishes that his income from all sources is insufficient to meet payments customarily made to charitable, educational or other organizations described in section 23 (o) of the Code (for text of this section of the Code see paragraph (a) (2) of this section), without resulting in undue hardship, then an additional amount sufficient to meet such payments may be paid or authorized to be paid to or accrued to the account of any employee or received by him during the taxable year even though it exceeds the amount otherwise computed under paragraph (a).

(c) In any case in which an employee establishes that, after resorting to his income from all sources, he is unable, without disposing of assets at a substantial financial loss resulting in undue hardship, to meet payments for the following:

(1) Required payments (excluding accelerated payments) by the employee during the taxable year on any life insurance policies on his life which were in force on October 3, 1942,

(2) Required payments (excluding accelerated payments) made by the employee during the taxable year on any fixed obligations for which he was obligated on October 3, 1942,

(3) Federal income taxes of the employee for prior taxable years which are paid during the taxable year, not including Federal income taxes on the allowance under paragraph (a) for any prior year, an additional amount sufficient to meet such payments may be paid or authorized to be paid to or accrued to the account of any employee or received by him during the taxable year, even though it exceeds the amount otherwise computed under paragraph (a).

(d) In the case of an individual who is an employee of more than one person, the aggregate of the salaries received by such individual shall, under such circumstances as may be set forth in regulations promulgated under the authority of these regulations, be treated as if paid by a single employer.

(e) Unless payment thereof is required under a bona fide contract in effect on October 3, 1942, no amount of salary shall be paid or authorized to be paid to or accrued to the account of any employee or received by him after October 27, 1942, and before January 1, 1943, if the total salary paid, authorized, accrued or received for the calendar year 1942 exceeds the amount of salary which would otherwise be allowable under paragraph (a) of this section and also exceeds the total salary paid, authorized, accrued or received for the calendar year 1941.

(f) Except as provided in paragraph (e) of this section, the provisions of this section shall be applicable to salary paid or accrued after December 31, 1942, regardless of when authorized and regardless of any contract or agreement made before or after such date.

* * * * *

(l) *Salary allowances under Internal Revenue Code* (*Section 4001.12*). No provision of these regulations shall preclude the Commissioner from disallowing as a deduction in computing Federal income tax any compensation paid by an employer (regardless of the number of employees and of the amount paid to any employee) in excess of a "reasonable allowance" in accordance with the provisions of section 23 (a) of the Code (for text of this section of the Code see paragraph (a) (2) of this section).

* * * * *

§ 81.978 *Wage stabilization policy of the National War Labor Board.* The policy directive given the National War Labor Board by Congress and by the President is clear. Under that directive, the Board will act on the presumption that wage rates prevailing on September 15, 1942 are proper. The Board will grant wage increases over the level prevailing on September 15, 1942 only in exceptional cases and in accordance with the following paragraph of Executive Order No. 9250 of October 3, 1942:

> The National War Labor Board shall not approve any increases in the wage rates prevailing on September 15, 1942, unless such increase is necessary to correct maladjustments or inequalities, to eliminate substandards of living, to correct gross inequities, or to aid in the effective prosecution of the war.

The National War Labor Board will examine carefully each claim for such exceptional treatment before approving any increase. In considering specific cases, the Board will be guided by the following general principles. The application of these principles by regional directors will be subject to all general orders of the Board and to its announced rules of procedure.

(a) *Maladjustments.* If a group of employees has received increases amounting to 15% in their average straight-time rates over the level prevailing on January 1, 1941, the Board will not grant further increases as a correction for maladjustments.

Beginning about January 1, 1941 a race between wages and prices began. Between that date and May, 1942, when the President's seven point program to stabilize the cost of living was announced, the cost of living had risen 15% as measured by the general index of the Bureau of Labor Statistics.

In the same period, very considerable but varying increases in wage rates were made. The irregularity of wage increases caused many maladjustments in the wage relationships between different plants and industries. A substantial majority of industrial workers had received more than 15% increase; some had received less.

To correct these maladjustments, the Board will consider requests for general increases in straight-time rates up to 15% above the level prevailing on January 1, 1941. This policy sets a terminal point for general wage increases. It is not applicable to individual workers or to employees in particular job classifications. It will be applied only to groups composed of all the employees in a bargaining unit in a plant, a company, or an industry, depending upon the circumstances of each case.

Adjustment of wage rates to correct maladjustments may be made by regional directors: *Provided, however,* That their authority in this regard will be limited to cases arising in those industries which have been specifically designated by the Board, and if in the judgment of a regional director a wage adjustment for the correction of a maladjustment would act to unstabilize wages, the case shall be referred by him to a tri-partite regional panel.

A list of designated industries is attached hereto and may be enlarged or modified by the Board from time to time. Any proposed wage adjustments in industries not listed must be referred to the National War Labor Board at Washington for action.

(b) *Inequalities and gross inequities.* The wage rate inequalities and the gross inequities which may require adjustment under the stabilization program are those which represent manifest injustices that arise from unusual and unreasonable differences in wage rates.

Wage differentials which are established and stabilized are normal to American industry and will not be disturbed by the Board.

The Board itself will review cases where evidence is submitted to show that existing differences in wage rates are so discriminatory as to make their continuance a manifest injustice. Such evidence may be submitted to the regional director. If the regional director is satisfied that the evidence submitted so justifies, the claim may then be transmitted to the National War Labor Board in Washington for consideration.

(c) *Substandards of living.* In the President's Message of April 27, 1942 and again in the Executive Order of October 3, 1942, the word "substandard" is used with reference to the need for eliminating substandards of living. The National War Labor Board has dealt with but a very few cases in which the substandard issue has been a factor. Therefore, the Board is not in a position at this time to enunciate a general policy to govern the adjustment of wages to eliminate substandards of living. The Board will not undertake to measure substandards of living by any fixed wage rate.

Such cases involving substandards of living as may arise will be considered by the Board on their individual merits until sufficient experience has accumulated to permit the statement of a more general policy.

(d) *Effective prosecution of the war.* Under Executive Order 9250, the National War Labor Board may approve any increase of the wage rates prevailing on September 15, 1942 if such an increase is necessary "to aid in the effective prosecution of the war." Every adjustment in September 15, 1942 wage levels that the Board may make will be, in its judgment, for a more effective prosecution of the war.

The National War Labor Board will not approve wage increases for the purpose of influencing or directing the flow of manpower.

When in a particular case management and labor, in cooperation with the War Manpower Commission and other government agencies, have taken concerted action to solve a manpower need, the Board will consider a request in that case to correct whatever inequalities or gross inequities may then need correction.

§ 81.979 *Procedure in cases of voluntary applications for wage adjustments by private employers; coverage of this statement.* The term "wages," wherever used in this statement, shall be deemed to include salaries insofar as approval of the adjustment thereof has been made a function of the National War Labor Board.

(a) *The set-up in the regions.* (1) There are established 10 regional offices of the National War Labor Board, to be located in the 10 regional offices of the Office for Emergency Management, the list of which is appended hereto.

(2) Each regional office of the Board will be headed by a full-time representative of the National War Labor Board, to be appointed by the Board, and to be known as "Regional Director for the National War Labor Board." Each office will be supplied with an appropriate staff.

(3) Each Regional Director will have an advisory board composed of representatives of labor employers, and the public, to be appointed by the National War Labor Board.

(4) Attached to each regional office will be tripartite panels composed of representatives of labor, employers, and the public, to be appointed by the National War Labor Board. If the pressure of work in any region necessitates, tripartite panels may sit simultaneously, under the general administrative direction of the Regional Director. The primary responsibility of the Regional Director and the tripartite panels shall be to handle voluntary applications for wage adjustments with the utmost expedition consistent with the proper carrying out of the Board's wage policies.

(5) In the handling of all wage cases the Regional Directors, and the tripartite panels, are charged with the obligation of executing the Board's wage policies, and they shall have no policy-making powers.

(6) Pursuant to the policy of interdepartmental cooperation laid down in section 2 of Title III of Executive Order No. 9250, the facilities of the offices of the Wage and Hour Division of the Department of Labor as hereinafter more fully described, are available to the Board as information centers and as headquarters for the filling out of application forms, for use of the National War Labor Board's Regional Directors and panels, in voluntary wage adjustment cases. In such capacities the offices of the Wage and Hour Division will be acting as the Board's agents.

(7) The general procedure in cases of voluntary wage adjustments by private employers will be as follows (subject to certain exceptions which will hereinafter be noted):

(i) The application form shall be filed in an office of the Wage and Hour Division, and shall be transmitted by said office to the Regional Director of the National War Labor Board for that region.

(ii) The initial ruling on the application will then be made by said Regional Director.

(iii) If any party to the application disagrees with said ruling, the application will be referred to and passed on by a tripartite panel.

(8) The detailed procedure in such cases, including the appellate and the reviewing functions of the National War Labor Board, are set forth below.

(b) *The handling of preliminary inquiries about jurisdiction.* (1) An employer or a union (or an employee or a group of employees not represented by a union with respect thereto) directly concerned in a proposed wage adjustment, if uncertain whether under the applicable regulations and orders the proposed adjustment can be made without Board approval, may ask the nearest office of the Wage and Hour Division of the Department of Labor in the region for an informal ruling. Said office shall then issue a written ruling, as agent of the National War Labor Board, and send copies thereof to the person or persons who made the inquiry and to the Regional Director of said Board for his information.

(2) If said ruling is that the proposed wage adjustment is of a sort which may be made without the approval of the National War Labor Board then:

(i) The ruling shall be deemed to be an authoritative act of the Board through its agent for that purpose, and shall remain in effect unless reversed as provided below.

(ii) If the Board's Regional Director, on receipt of the ruling from the office of the Wage and Hour Division, reverses it, he shall promptly notify the person or persons who made the inquiry that the adjustment is of a sort which requires approval. If in the meantime the employer has made the adjustment, relying upon the ruling by the office of the Wage and Hour Division that it did not need Board approval, then:

(*a*) The adjustment may be continued in effect for a period of ten days following the issuance of the Regional Director's ruling, within which period the employer may file with the office of the Wage and Hour Division (jointly with a duly recognized collective bargaining agency, or by himself, as previously provided), an application for approval of the adjustment;

(*b*) If such an application is so filed, the adjustment may be further continued in effect until and unless it is finally disapproved under the Board's procedure. Such disapproval shall take effect only from the date of the issuance of the order of disapproval.

(3) If the Office of the Wage and Hour Division to which an inquiry has been addressed, as aforesaid, rules that the proposed adjustment is of a sort which cannot properly be made without the approval of the National War Labor Board, the ruling shall be deemed to be an authoritative act of the Board through said office as the Board's agent for that purpose. The person or persons who made the inquiry may seek from the Board's Regional Director a reversal of the ruling by the Wage and Hour Division office. The Regional Director's ruling on the question so submitted shall be final.

(c) *The filing of applications for approval of wage adjustments.* (1) Each application, when made, shall be filed with the nearest office of the Wage and Hour Division in the region as the agent of the National War Labor Board for that purpose. All applications shall be made

upon appropriate forms prepared by the National War Labor Board.

(2) Applications may be of two sorts. The first sort is where approval is sought of an adjustment which has been agreed upon by the parties or has been awarded in an arbitration proceeding. In such cases the application for approval may be signed by any party (or jointly by any or all the parties) to the contract or arbitration proceeding. The application shall state whether all the parties to the contract or arbitration proceeding have signed the application, and shall state the name and address of each party who has not signed the application. If there be any such party who has not signed, the Wage and Hour Division office with which the application was filed shall, as agent of the Board, before acting on the application, send said party a notice of the application. The notice shall request the party to state whether he contests the fact of the contract or arbitration award having been made. If, within seven days of the sending of the notice, he has not filed a statement contesting such fact, or if he files a statement admitting it, the application will then be acted on. If he contests the fact of the contract or award having been made, the matter will be treated as a dispute case and referred to the Conciliation Service of the Department of Labor, unless (i) the contract or award was in writing, (ii) the writing or a certified or otherwise authenticated copy thereof has been produced, and (iii) the office of the Wage and Hour Division is satisfied that no substantial question exists as to the party being a party thereto. Where the Wage and Hour Division is so satisfied, it shall rule accordingly and proceed with the handling of the application. The ruling may be reviewed (on petition of the protesting party) by the Regional Director of the National War Labor Board when the application is transmitted to him. His ruling shall be final.

(3) The second sort of application is where an employer on his own initiative wishes to make a wage adjustment. In such cases the application shall be signed either (i) jointly by the employer and a duly recognized collective bargaining agency for any or all of the employees who are to be affected by the proposed wage adjustment, or (ii) by the employer alone. In either case the application shall state whether or not there is a duly recognized collective bargaining agency (for any or all of the affected employees) which has not joined with the employer in the application. If it appears that there is such an organization which has not so joined, the office of the Wage and Hour Division, to which the application has been submitted, shall, as agent of the Board, before acting on the application, send to the appropriate local officials of such organization a notice of the application, requesting the organization, if it has any objections to the application being acted upon, so to inform the office. If no such objections are filed within seven days of the sending of the notice, or if the organization in question states that it has no objections, the application will then be acted upon. If objections are made within said period, the matter will be treated as a dispute case and referred to the Conciliation Service of the Department of Labor.

(4) In cases where the employer has signed, or joined in signing, an application for approval of a wage increase, he shall state in the application whether he intends to make the proposed wage increases, if it is approved, the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices.

(5) In cases where the employer has not signed, or joined in signing, an application for approval of a wage increase, he shall be requested, in the notice of the filing of the application which the Wage and Hour Division office is required to send him under subparagraph (2) above, to state whether he intends to make the proposed wage increase, if it is approved, the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices. He shall be asked to make this statement (i) within seven days of the sending of said notice, or (ii) if (as described in subparagraph (2) of this paragraph) he contests the fact of the agreement or arbitration award having been made, within seven days of any ruling by the Wage and Hour Division finding him to be a party to said agreement or arbitration award.

(6) If the employer states that he intends to make the proposed wage increase (if it is approved) the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices, (i) his statement shall be entered in an appropriate place on the application for a wage increase before the application is acted on by the Regional Director as provided below, and (ii) the employer will be required to furnish further information, the nature and effect of which will be set forth hereinafter under (e).

(7) When an application has been submitted to an office of the Wage and Hour Division, and no preliminary inquiry about jurisdiction has been made under (b) above, the office shall first make certain that the application is of a sort which needs the approval of the National War Labor Board. If the office believes that approval is not or may not be required by the applicable regulations and orders, the office shall proceed under (b) above exactly as if the applicant had asked for a preliminary ruling on jurisdiction. If no jurisdictional question is involved, or if there is such a question but it has been cleared up under (b) above, the office of the Wage and Hour Division shall then proceed with the application. In so doing, its function shall be as agent of the National War Labor Board for that purpose, to see to it that the appropriate forms prepared by the Board are fully and accurately filled out. When this has been done, the application shall be transmitted by said office to the nearest Regional Director of the National War Labor Board.

(8) Upon receipt of the application, the Regional Director shall consider it. Before acting on it, he shall first make certain that it is the kind of application which requires Board approval (unless this question has already been ruled upon and determined under (b) above). If he concludes that the application does not require Board approval, he shall make a written ruling to that effect and send copies to the applicant or applicants. If he concludes that the application is of a sort which does require Board approval, he shall proceed to act upon it as provided in (d) below. In any case the Regional Director, before acting, may obtain further needed information informally from the applicant or applicants or from the Wage and Hour Division, or refer the application back to the Wage and Hour Division office for such further information as he may specify. In each case the Regional Director shall send a copy of the application to the Office of Price Administration for its information.

(d) *Disposition of applications for approval of wage increases in which the application indicates that no price relief will be sought if approval is granted.* (1) The Regional Director shall rule upon the application subject to the rights of review hereinafter set forth, and subject to his right to refer any case for decision, with his recommendation, to a tripartite panel in the region or to the National War Labor Board, if he believes that the case is sufficiently important from a stabilization point of view, or presents sufficiently serious and doubtful questions of interpretation of Board policy, to justify such action. In any case, whether the ruling be made by the Regional Director or by a panel, the Board shall have power, as set forth more fully hereinafter, to reopen the matter on its own initiative and to set aside any ruling.

(2) If the Regional Director approves an application his ruling shall be final, subject to the Board's ultimate power of review just referred to.

(3) If a panel to whom the Regional Director has referred an application approves it, the ruling shall be final, subject to the Board's ultimate power of review just referred to.

(4) If the Regional Director disapproves the application (or approves a lesser increase than that requested) the applicant, or any applicant if there be more than one, may within ten days after the date of the issuance of the ruling file with the Regional Director a petition for a review. The Regional Director shall refer the petition to a tripartite panel.

(5) Any ruling by the panel upon review, approving the application, shall be final, subject to the Board's ultimate power of review referred to above.

(6) If a panel, in ruling upon an application which the Regional Director has referred to it for decision, or which the panel has received for review upon petition, disapproves the application (or approves a lesser increase than that re-

quested), the ruling shall be final, subject (i) to the Board's ultimate power to review rulings on its own initiative, as set forth above, and (ii) to the right of any member of the panel to refer the ruling to the Board for review if he believes the case of sufficient importance to justify action by the Board.

(7) Copies of all rulings made by Regional Directors and by panels shall be promptly transmitted to the Executive Secretary of the National War Labor Board for analysis by a review division, whose duty it will be to lay before the Board, for such action as the Board may care to take, all rulings which involve serious questions of policy or which may affect price ceilings as provided below.

(8) Any ruling by a Regional Director or by a panel shall be deemed to be the act of the Board unless and until reversed by the Board; and any such reversal shall take effect only from the date of its issuance, *Provided, however*, That if a ruling denying an application for permission to make a wage adjustment is overruled, the final ruling shall incorporate as the effective date of the increase that which was specified in the application as the effective date.

(e) *Disposition of applications for approval of wage increases in which the applicant states that he intends to make the proposed wage increase, if it is approved, the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices.* (1) The procedure shall be the same as in the cases described under (d) above, except that:

(i) The employer, at the time of the filing of the application for approval of a wage increase, or (if the application was not signed by him) at the time of filing his statement that he intends to seek price relief if the wage increase is approved, shall state fully, upon a form approved by the National War Labor Board, the relationship between the proposed wage increase and the employer's price situation, and what the effect would be on the employer's business if wages were increased without price relief. A copy of said form shall be sent with the application to the Office of Price Administration. Copies of any forms which the Office of Price Administration may require the employer to fill out, and which have been supplied for that purpose by said Office to the Wage and Hour Division offices, shall also be sent with a copy of the application to the Office of Price Administration.

(ii) Copies of all rulings of Regional Directors, panels or the Board, approving or disapproving such applications shall be sent to the Office of Price Administration as well as to the applicant or applicants.

(iii) If the application for a wage increase is approved, the ruling shall state that it will become effective only on final approval by the Board and, when required by the provisions of Executive Order No. 9250, by the Economic Stabilization Director.

§ 81.980 *General Orders of National War Labor Board.* * * *

(a) *General Order No. 1.* * * *

(1) *General Order No. 1–A.* General Order No. 1 issued by the National War Labor Board on October 7, 1942, shall apply also to the salaries subject to the jurisdiction of the Board. (For definition of such salaries, see General Order No. 9, October 30, 1942, at paragraph (i) of this section).

* * * * *

(f) *General Order No. 6.* * * *

(1) *General Order No. 6–A.* General Order No. 6, issued by the National War Labor Board on October 20, 1942, shall apply also to salaries subject to the jurisdiction of the Board. (For definition of such salaries, see General Order No. 9, October 30, 1942, at paragraph (i) of this section).

* * * * *

(j) *General Order No. 10.* The payment to employees, whose wage or salary increases are subject to the jurisdiction of the National War Labor Board, of a bonus, fee, gift, commission or other form of compensation customarily paid to such employees in the past may be continued without the approval of the National War Labor Board: *Provided*, That

(a) if in a fixed amount, the total amount so paid to an employee during the current bonus year does not exceed the total so paid to an employee for like work during the preceding bonus year, or

(b) if computed on a percentage, incentive or other similar basis, the rate and the method of computation are not changed in the current bonus year so as to yield a greater amount than that in the preceding bonus year, but a greater amount when resulting from the same rate and method of computation may be paid.

(k) *General Order No. 11.* To prevent hardships resulting from innocent action in the period of transition following the issuance of Executive Order No. 9250, dated October 3, 1942, and pursuant to the authority vested in the National War Labor Board by that Executive Order: *It is hereby ordered*, That:

An employer who, on or prior to November 7, 1942, has in good faith given an increase in wages subject to the jurisdiction of the National War Labor Board without the prior approval of the National War Labor Board or exemption under its regulations may apply for approval of such increase on or before December 1, 1942. If satisfied that the employer made the increase in good faith and that the increase is consistent with Executive Order No. 9250, October 3, 1942, and should be approved, the National War Labor Board will make its approval retroactive to the date of the wage increase.

Except as herein provided, an increase which requires approval of the National War Labor Board must receive such approval before it is put into effect.

(l) *General Order No. 12.* A state or its political subdivision, or any agency or instrumentality thereof, which proposes to make an adjustment in salaries or wages not fixed by State statute which would otherwise require the prior approval of the National War Labor Board may make such adjustment on certification to the Board that the adjustment is necessary to correct maladjustments, or to correct inequalities or gross inequities, as defined in the Board's Statement of Wage Policy of November 6, 1942. A certificate by the official or agency authorizing the adjustment stating the nature and amount of such adjustment, and briefly setting forth the facts meeting the foregoing requirement, will be accepted by the Board as sufficient evidence of the propriety of the adjustment, subject to review by the Board. Modification by the Board of adjustments made by a governmental official or agency acting pursuant hereto shall not be retroactive. The certificate prescribed herein, together with four copies thereof, shall be filed promptly with the committee established by joint action of the National War Labor Board and the Commissioner of Internal Revenue, namely, the Joint Committee on Salaries and Wages, Room 5406, Department of Labor Building, Washington, D. C., which will forward the same to the Board or the Commissioner, as the case may require.

The certification procedure shall not apply to any adjustent which would raise salaries or wages beyond the prevailing level of compensation for similar services in the area or community. In exceptional cases where such an adjustment is sought, and in all cases where the agency seeks an adjustment other than by the certification procedure, application for approval shall be filed with the appropriate Regional Office of the National War Labor Board.

(m) *General Order No. 13.* Wage Stabilization in Building (A). As provided in Title III, Section 3, of Executive Order 9250 the Wage Adjustment Board of the Building Construction Industry established by the Secretary of Labor's Administrative Order No. 101 shall continue to perform the duty ascribed to it by that Order as amended by Supplement No. 1 and by the Wage Stabilization Agreement of May 22, 1942, between the Building and Construction Trades Department of the American Federation of Labor and several Government agencies. As provided in the agreement rates are to be revised above the July 1, 1942, levels only where those rates are inadequate because:

(1) They were fixed at a time so long before July 1, 1942, as to be out of line with the general wage then prevailing;

(2) They were applicable in a locality where changing conditions in the building construction industry require a revision of wage rates; or

(3) They do not sufficiently take into account any abnormal changes in conditions.

(B) In the performance of this duty the Wage Adjustment Board shall take no action which is inconsistent with the terms of Executive Order No. 9250.

(C) Any recommendation of the Wage Adjustment Board directed to the parties for a change in wage rates shall be transmitted to the National War Labor Board and shall become a final order of the National War Labor Board seven days after filing unless in the interim the National War Labor Board determines that the recommendation should be stayed for the purpose of review or should be put into operation subject to review. If the National War Labor Board assumes review, it shall enter its order confirming the recommendation of the Wage Adjustment Board or remanding the case to the Wage Adjustment Board for further consideration. The Wage Adjustment Board may refer to the National War Labor Board or the National War Labor Board may bring up on its own motion, any recommendation of the Wage Adjustment Board directed to the parties in order to determine whether the action is inconsistent with the terms of Executive Order No. 9250.

(D) Unless and until otherwise ordered, this order shall apply only to wage adjustments in contracts which were entered into prior to November 5, 1942, or which are otherwise excluded from the operation of Maximum Price Regulation 251 of the Office of Price Administration.

MISCELLANEOUS PURCHASE INSTRUCTIONS

§ 81.1109 *Interchange of patent rights and industrial information.* (a) Under the Lend-Lease Act (55 Stat. 31) and the International Reciprocal Aid Agreements under the Act (see § 81.1111); it is established as the policy of the United States that full and complete dissemination be made of inventions, manufacturers' processes, technical information, designs and patent rights between the United States and our Allies with proper safeguards for security and the protection of the industrial property rights of citizens of the United States. Any such exchange shall be for war purposes and for the duration of the war.

(b) Under the Agreements each Government will bear the cost of procurement from its own nationals. Accordingly, insofar as practicable, the procurement of the information and rights referred to in paragraph (a) of this section for use by our Allies should be on the same basis as procurement for such use by the United States.

(c) Contractors who would be interested should be advised of the fact that under the Agreements referred to in § 81.1111, licenses under United States patents and applications for patents owned by nationals of the signatories to the said Agreements can be secured.

(d) Requests by our Allies forwarded to the War Department for military items other than those pertaining to aeronautics will be received by the Director, International Division, Headquarters, Services of Supply, who will refer such requests to the appropriate Service to effect such procurement. Military items pertaining to aeronautics will be received by the Chief, International Section, Matériel Command, Army Air Forces.

§ 81.1110 *Agreement with the United Kingdom for the interchange of patent rights and industrial information*—(a) *General.* Under date of August 24, 1942, an agreement was entered into between the United States of America and the United Kingdom with relation to the interchange of patent rights, information, inventions, designs or processes. (Executive Agreement Series 268)

(b) *Terms of agreement.* The following is a summary of the terms of the agreement. (1) Each government, insofar as it may lawfully do so, will, upon request, procure and make available to the other government, patent rights, information, inventions, designs or processes requested by the other government.

(2) Each government will bear the cost of the procurement from its own nationals.

(3) All patent rights so acquired will be for the purposes of and until the termination of the war only.

(4) Information, inventions, designs, or processes will be acquired upon such terms as may most expeditiously make such information available for the purposes of the war, with provision, to the extent practicable, for the limitation of the use thereof, for the purpose of and until the termination of the war.

(5) The agreement is deemed to have been in effect and operation as from January 1, 1942.

(6) The obligations of the United Kingdom pursuant to section 7 of the Lend-Lease Act (Public 11, 77th Congress) as such obligations may be interpreted by the President or by the courts are to be performed by the United Kingdom.

(7) Each government agrees to take such steps as it deems practicable to ensure the appropriate degree of military secrecy in manufacture and use.

(8) License agreements or other contractual obligations existing on January 1, 1942 are not deemed to be within the scope of the agreement.

(9) The Agreement provides that under certain conditions the United Kingdom will indemnify the United States on any claim brought by British nationals arising out of the use of items obtained under the Agreement. Prompt notice of any such claim of infringement will be given to the appropriate representative of the United Kingdom as provided in paragraph (i) of this section.

(c) *Handling of requests by the United Kingdom.* Requests by the United Kingdom for military items other than those pertaining to aeronautics will be handled as follows:

(1) The request will be submitted to the Director, International Division, Headquarters, Services of Supply, in an original and 8 copies. The information contained therein will be similar to that contained in the form set forth in (j) of this section.

(2) The International Division will refer the request to the appropriate supply service for procurement. Such procurement shall be effected pursuant to § 81.1109 hereof and otherwise, as may be directed by the chief of such supply service.

(3) In the event that the supply service is of the opinion that it is impracticable or for any reason undesirable to procure and transfer the item desired to the United Kingdom, or if in the opinion of the supply service concerned licenses under another patent or patents should also be obtained, a full report embodying the relevant circumstances and the recommendation of the supply service shall be submitted to the Director, International Division, Headquarters, Services of Supply.

(4) Financing items under the Agreement will be done in accordance with established procedure for lend-lease procurement. The extent to which such funds are used for the purposes set forth herein should be currently reported on form DDA–7 "Statement of Defense Articles procured from appropriations made to the President for Lend-Lease purposes and other appropriations and delivered to Foreign Governments" under the Lend-Lease Act (55 Stat. 31).

(5) A form of license to be used in procuring items under this agreement is in course of preparation. Pending completion thereof, licenses used for such procurement will be cleared with the Legal Branch, Purchases Division, Headquarters, Services of Supply.

(6) The provisions of AGO letter AG 400.3295 (6–18–42) MS–D–M of June 24, 1942 pertaining to the transfer of technical information, shall not apply to the transfer of items under the Agreement.

(d) *Handling of requests by the United States to the United Kingdom.* Requests by the United States for military items other than those pertaining to aeronautics will be handled as follows:

(1) Requests will normally originate in a supply service, and will be submitted to the International Division together with a full description of the item requested, the organization originating the request, its intended use and other relevant particulars.

(2) The International Division will prepare S. O. S. I. D. Form Number 4 (Reverse Request for Patent Rights, Information, Inventions, Designs or Processes), will forward the request to the appropriate representative of the United Kingdom and will send copies thereof to the Office of Lend-Lease Administration and the supply service originating the request. A sample of such form is set forth in paragraph (j) below.

(3) The International Division will follow up the request and arrange for the delivery to the requesting supply service of the item requested.

(e) *Handling of requests for aeronautical items.* Requests by the United Kingdom and by the United States will be handled as provided in paragraphs (c) and (d) of this section except that the duties therein assigned to the Director, International Division, Headquarters, Services of Supply, will be performed by the Chief, International Section, Matériel Command, Army Air Forces and requests by the United States will be forwarded by the Chief, International Section, Matériel Command, Army Air Forces to the United Kingdom.

(f) *Consultation with patent and technical officers.* Officers charged with procurement should consult with the patent and technical officers of the supply service in reaching a determination as to the amount, if any, to be paid for the item requested. The patent officer will ascertain whether the United States has the right without further payment to transfer the item requested. Advice with respect to the foregoing may be obtained from the Chief, Patents Division, Office of The Judge Advocate General.

(g) *Acquainting contractors of rights under Agreement.* The supply services should bring to the attention of such contractors as would be interested to right, under the Agreement of August 24, 1942, to have secured for their use in war production licenses under patents of the United States or of the United Kingdom owned by British nationals.

(h) *Questions of policy or procedure under Agreements.* All questions of policy or procedure arising under the Agreement of August 24, 1942, as well as under the Agreements referred to in § 81.1111, shall be referred to the Director, Purchases Division, Headquarters, Services of Supply.

(i) *Notice of claim of infringement.* As stated in paragraph (b) (9) of this section, prompt notice of any claim of infringement should be given (*a*) to the Director, International Division, Headquarters, Services of Supply, or to the Chief, International Section, Matériel Command, Army Air Forces, as the case may be, for the purposes specified in paragraph (b) (9) of this section, and (b) to the Chief, Patents Division, Office of The Judge Advocate General for record purposes.

(j) *Form of request by the United States to the United Kingdom.* The sample of the form referred to in paragraph (d) (2) of this section is as follows:

S. O. S. I. D. FORM 4

No. ----------

Requisition to United Kingdom from United States.

Date ---------------

British Ref. No. -------------------------

1. Description of Patent Rights, Information, Inventions, Designs or Processes desired: (Use continuation sheet if necessary):

2. Will any accompanying drawings, information or explanations be necessary? ------- If so, state:

3. Are any personal technical services required or will they be required in the future? --------------- State when and the nature of the services:

4. Where and for what purpose will the patent rights, information, inventions, designs, or processes be used?

5. State reasons for request:

§ 81.1111 *List of lend-lease and reciprocal aid agreements.* The published and unpublished lend-lease and reciprocal aid agreements are as follows:

Published	Date	Executive Agreement Series No.
United Kingdom of Great Britain and Northern Ireland	Feb. 23, 1942	241
Belgium	June 16, 1942	254
China	June 2, 1942	251
Czechoslovakia	July 11, 1942	261
Greece	July 10, 1942	260
Netherlands	July 8, 1942	259
Norway	July 11, 1942	262
Poland	July 1, 1942	257
U. S. S. R.	June 11, 1942	253
Yugoslavia	July 24, 1942	263

RECIPROCAL AID AGREEMENTS

United Kingdom	Sept. 3, 1942
Australia	Sept. 3, 1942
New Zealand	Sept. 3, 1942
France (Fighting)	Sept. 3, 1942

PATENT INTERCHANGE AGREEMENT

Agreement Between the United States and the United Kingdom of Great Britain and Northern Ireland on the Interchange of Patent Rights, Information, Inventions, Designs, or Processes, August 24, 1942; Executive Agreement Series No. 268. (a) Copies of the Agreements referred to above as well as Agreements entered into with other governments are available upon request to the States Department in Washington, D. C.

§ 81.1112 *Adjustment of royalties for use of inventions*—(a) *Basic statute.* The Act of October 31, 1942 (Public Law No. 768, 77th Congress, 2d Session) makes provisions for adjusting royalties for the use of inventions for the benefit of the United States, in aid of the prosecution of the war, and for other purposes. The succeeding paragraphs contain a summary of the provisions of the Act as applied to the War Department.

(b) *Applicability and notices.* Whenever an invention, whether patented or unpatented, is manufactured, used, sold or otherwise disposed of for the United States (for this purpose, the War Department) under the conditions set forth in the basic statute, and the license includes provisions for the payment of royalties, the rates or amounts of which are believed to be unreasonable or excessive by the Secrtary of War, the Secretary of War shall give notice of such facts to the licensor and the licensee. By definition, the manufacture, use, sale or other disposition of an invention, whether patented or unpatented, by a contractor, subcontractor, or any person, firm, or corporation for the Government and with the authorization or consent of the Government is construed as manufacture, use, sale or other disposition for the United States.

(c) *Fixing of rates and order.* The Act further provides that within a reasonable time after the effective date of the notice, in no event less than ten days, the Secretary of War shall by order, fix and specify such rates or amounts of royalties, if any, as he shall determine are fair and just, taking into account the conditions of wartime production and shall authorize the payment thereof by the licensee to the licensor on account of such manufacture, use, sale or other disposition. Either the licensor or the licensee is privileged, if he so requests within ten days from the effective date of the notice, to present within 30 days from the date of his request, in writing or in person, any facts or circumstances which may in his opinion have a bearing upon the rates or amount of royalties, if any, to be determined, fixed, and specified as aforesaid. Any order fixing the rates and amounts of any royalties shall be issued within a reasonable time after such presentation.

(d) *Prohibition against payment of excessive royalties.* The licensee is forbidden after the effective date of the notice (upon receipt of notice, or 5 days after the mailing thereof, whichever date is earlier) to pay to the licensor, or to charge directly or indirectly to the United States a royalty in excess of that specified in the order. It is provided that, whenever a reduction in the rates or amounts of royalties is affected by order, the reduction shall inure to the benefit of the Government by way of a corresponding reduction in the contract price to be paid directly or indirectly for such manufacture, use, sale, or other disposition of such inventions, or by way of refund, if already paid to the licensee.

(e) *Remedies of licensor.* The Act contains certain provisions as to the remedies of the licensor, which, in general, limit him to a claim against the United States in a suit in the Court of Claims or a District Court of the United States.

(f) *Settlement of claims.* The Secretary of War is authorized, before suit has been instituted against the United States, to enter into an agreement with the owner or licensor of an invention in full settlement and compromise of any claim accruing under the provisions of the Act, and for compensation to be paid such owner or licensor based upon future manufacture, use, sale, or other disposition of said invention.

(g) *Authority of Secretary of War to delegate powers and issue regulations under Act.* The Secretary of War is authorized in his discretion and under such rules and regulations as he may prescribe, to delegate any powers conferred by the Act to such qualified and responsible officers, boards, agents or persons as he may designate or appoint. He is also authorized to issue such rules and regulations and to require such information as may be necessary and proper to carry out the provisions of the Act. In accordance with such provisions of the Act, the Secretary of War has issued delegations of authority, the terms of which are set forth in the succeeding paragraphs. Likewise, he has issued these regulations which, for convenience, have been reprinted as part of the procurement regulations.

(h) *Delegation.* By memorandum dated November 20, 1942 the Secretary of War has delegated to the chiefs and deputy chiefs of the supply services (and, in the case of the Army Air Forces, also the Assistant Chief of Staff (C), Matériel Command) the powers, duties and authorities conferred upon him by the basic statute:

(1) To determine that the written notice, referred to in paragraph (b) of this section, should be given and to give written notice of the fact that the rates or amounts of royalties are believed to be unreasonable or excessive;

(2) To receive and hear such facts or circumstances as may be presented in writing or in person as specified in paragraph (c) of this section;

(3) To fix and specify by the order referred to in paragraph (c) fair and just rates or amounts of royalties and to authorize the payment thereof by the licensee to the licensor, subject, however, to the approval of such order by the Director, Purchases Division, Headquarters, Services of Supply; and

(4) To enter into an agreement before suit against the United States has been instituted with the owner or licensor of an invention, in full settlement and compromise of any claim against the United States accruing to such owner or licensor by reason of the manufacture, use, sale or other disposition referred to in paragraph (b) of this section and for compensation to be paid such owner or licensor based upon future manufacture, use, sale or other disposition of such invention, subject, however, to the approval of such agreement of settlement and compromise by the Director, Purchases Division, Headquarters, Services of Supply.

By said memorandum a like delegation was made to the Commanding General, Services of Supply and to the Director, Purchases Division, Services of Supply.

(i) *Further delegations.* The Secretary of War or the Under Secretary of War upon request will make further delegations. In the event the chief of any supply service desires that the authority referred to in subparagraphs (1) and (2) of paragraph (h) be delegated to other officers, such chief shall forward to the Director, Purchases Division, a memorandum specifying the office to whom such delegation should be made and the extent of such delegation. The title of the position held and not the name of the individual officer should be specified. The powers, duties and authorities referred to in paragraph (h) shall not be redelegated by the chiefs of the supply services under the authority to redelegate conferred in § 81.107 (i).

(j) *Giving of notice.* The notice referred to in this and the succeeding paragraphs is the written notice, specified in section 1 of the basic statute, of the fact that the rates and amounts of royalties are believed to be unreasonable or excessive. Such notice shall not be given to the lincensor and licensee until (1) negotiations have been conducted and it appears that a prompt and satisfactory adjustment of the royalties cannot be effected, or (2) reasonable attempts have been made to conduct such negotiations and it has been determined that such negotiations are not possible.

(k) *Examination by supply services of existing contracts.* Subject to the foregoing, the chief of each supply service shall cause such action to be taken as may be appropriate in order that the purpose of the basic statute to prevent the inclusion in the prices paid by the War Department of unreasonable or excessive royalties as may be achieved. Such action shall be taken pursuant to such instructions as may be issued by the chief of the supply service concerned.

(l) *Factors to be considered.* In determining what are fair and just rates and amounts of royalties payable for an invention, there will be taken into account:

(1) The conditions of wartime production;

(2) The production and use of the intention prior to any increase due to wartime procurement, including (i) any established royalty rate; (ii) the volume on which royalty was paid; (iii) the yearly aggregate royalty paid; and (iv) the circumstances under which the licensing and the establishment of the royalty rate occurred.

(3) The character of the invention and any patent protection therefor, the value of its contribution to the art in which it is used, and the character and expense of research and development that have been devoted to the invention.

(4) The extent of use and proposed use of the invention by other departments or agencies of the Government and the amounts of royalties involved in the aggregate in such use.

(5) All other considerations which are ordinarily and properly taken into account in determining fair and just royalties or which appear to be appropriate to the particular case.

(m) *Form of notice.* The following form of notice is approved for use subject to such deviations as may be appropriate in any given case:

> Pursuant to the Act of October 31, 1942 (Public Law 768, 77th Congress, 2nd Session), notice is hereby given that the royalties now being paid directly or indirectly by the United States under contract No. -------- are believed to be unreasonable or excessive,
>
> It is understood that these payments are made by virtue of an agreement between ------------- as licensee and ------------ as licensor. This notice becomes effective upon receipt hereof or five days after the mailing hereof viz, ----------------, 194--, whichever date is the earlier.
>
> Under the Act the licensee or the licensor, if he so requests within ten days from and after the effective date of this notice, may within thirty days from the date of such request present in writing or in person any facts or circumstances which may, in his opinion, have a bearing upon the rates or amounts of royalty, if any, to be determined, fixed and specified, all as provided in said Act.
>
> Within a reasonable time after the effective date of this notice an order will be made fixing and specifying the rates or amounts of royalty, if any, which are determined to be fair and just taking into account the conditions of wartime production. Such order will authorize the payment of such rates or amounts. of royalty by the licensee to the licensor.
>
> The Act provides that the licensee shall not after the effective date of this notice pay to the licensor, nor charge directly or indirectly to the United States a royalty, if any, in excess of that which may be specified in the order to be hereafter made. Until the making of such order no royalties should be paid on account of the manufacture, use, sale or other disposition for the United States.

The foregoing notice shall be mailed to the last known address of the licensor and the licensee.

(n) *Forwarding of copies of notice.* Copies of all notices served shall be sent to (1) The chief of the supply service concerned,

(2) The chief patent officer or, if that service has no patent officer, to its chief legal officer,

(3) The Chief, Patents Division, Office of The Judge Advocate General, and

(4) Director, Purchases Division, Headquarters, Services of Supply (in duplicate).

(o) *Submission of order or settlement for approval.* In transmitting to the Director of Purchases for approval the order or the agreement of settlement and compromise referred to in subparagraphs (3) and (4) respectively of paragraph (h), there shall be included, in duplicate, the following:

(1) A statement showing compliance with the requirements of paragraph (j);

(2) A copy of the notice;

(3) A complete statement of any facts or circumstances presented in writing or in person by the licensor or the licensee; and

(4) The facts upon which are based the opinions that the rates or amounts or royalty fixed in the order are fair and just, or in the case of a settlement, the facts which warrant an agreement in full settlement and compromise.

(5) A copy of the order or of the agreement of settlement and compromise as the case may be.

(p) *Forwarding of copies of documents.* A copy of the documents referred to in paragraph (o) of this section will be forwarded by the chief of the supply service concerned to the Chief, Patent Division, Office of The Judge Advocate General.

RENEGOTIATION AND PRICE ADJUSTMENT—CONTRACT ARTICLES FOR RENEGOTIATION

§ 81.1202 *Statutory provisions.* Section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942 (Public 528, 77th Congress), as amended by section 801 of the Revenue Act of 1942 (Public 753, 77th Congress, approved October 21, 1942), provides for renegotiation of war contracts and subcontracts. The full text of subsections (a), (b) and (i) of section 403, as amended is set forth in paragraphs (a), (b), and (c), respectively.

(a) *Sec. 403 (a)* For the purposes of this section:

(1) The term "Department" means the War Department, the Navy Department, the Treasury Department, and the Maritime Commission, respectively.

(2) In the case of the Maritime Commission, the term "Secretary" means the Chairman of such Commission.

(3) The terms "renegotiate" and "renegotiation" include the refixing by the Secretary of the Department of the contract price.

(4) The term "excessive profits" means any amount of a contract or subcontract price which is found as a result of renegotiation to represent excessive profits.

(5) The term "subcontract" means any purchase order or agreement to perform all or any part of the work, or to make or furnish any article required for the performance of another contract or subcontract. The term "article" includes any material, part, assembly, machinery, equipment, or other personal property.

For the purposes of subsections (d) and (e) of this section, the term "contract" includes a subcontract and the term "contractor" includes a subcontractor.

(b) *Sec. 403 (b)* Subject to subsection (i) the Secretary of each Department is authorized and directed to insert in any contract for an amount in excess of $100,000 hereafter made by such Department.

(1) A provision for the renegotiation of the contract price at a period or periods when, in the judgment of the Secretary, the profits can be determined with reasonable certainty.

(2) A provision for the retention by the United States from amounts otherwise due the contractor, or for the repayment by him to the United States, if paid to him, of any excessive profits not eliminated through reductions in the contract price, or otherwise, as the Secretary may direct;

(3) A provision requiring the contractor to insert in each subcontract for an amount in excess of $100,000 made by him under such contract (i) a provision for the renegotiation by such Secretary and the subcontractor of the contract price of the subcontract at a period or periods when, in the judgment of the Secretary, the profits can be determined with reasonable certainty, (ii) a provision for the retention by the contractor for the United States of the amount of any reduction in the contract price of any subcontract pursuant to its renegotiation hereunder, or for the repayment by the subcontractor to the United States of any excessive profits from such subcontract paid to him and not eliminated through reductions in the contract price or otherwise, as the Secretary may direct, and (iii) a provision for relieving the contractor from any liability to the subcontractor on account of any amount so retained by the contractor or

repaid by the subcontractor to the United States, and (iv) in the discretion of the Secretary, a provision requiring any subcontractor to insert in any subcontract made by him under such subcontract, provisions corresponding to those of subparagraphs (3) and (4) of this subsection (b); and

(4) A provision for the retention by the United States from amounts otherwise due the contractor, or for repayment by him to the United States as the Secretary may direct, of the amount of any reduction in the contract price of any subcontract under such contract, which the contractor is directed, pursuant to clause (3) of this subsection, to withhold from payments otherwise due the subcontractor and actually unpaid at the time the contractor receives such direction.

The provision for the renegotiation of the contract price, in the discretion of the Secretary, (i) may fix the period or periods when or within which renegotiation shall be had; and (ii) if in the opinion of the Secretary the provisions of the contract or subcontract are otherwise adequate to prevent excessive profits, may provide that renegotiation shall apply only to a portion of the contract or subcontract or shall not apply to performance during a specified period or periods and may also provide that the contract price in effect during any such period or periods shall not be subject to renegotiation.

(c) *Sec. 403 (i)*. (1) The provisions of this section shall not apply to:

(i) Any contract by a Department with any other department, bureau, agency, or governmental corporation of the United States or with any Territory, possession, or State or any agency thereof, or with any foreign government or any agency thereof; or

(ii) Any contract or subcontract for the product of a mine, oil or gas well, or other mineral or natural deposit, or timber which has not been processed, refined, or treated beyond the first form or state suitable for industrial use; and the Secretaries are authorized by joint regulation, to define, interpret, and apply this exemption.

(2) The Secretary of a Department is authorized, in his discretion, to exempt from some or all of the provisions of this section—

(i) Any contract or subcontract to be performed outside of the territorial limits of the continental United States or in Alaska;

(ii) Any contracts or subcontracts under which, in the opinion of the Secretary, the profits can be determined with reasonable certainty when the contract price is established, such as certain classes of agreements for personal services, for the purchase of real property, perishable goods, or commodities the minimum price for the sale of which has been fixed by a public regulatory body, of leases and license agreements, and of agreements where the period of performance under such contract or subcontract will not be in excess of thirty days; and

(iii) A portion of any contract or subcontract or performance thereunder during a specified period or periods, if in the opinion of the Secretary, the provisions of the contract are otherwise adequate to prevent excessive profits.

The Secretary may so exempt contracts and subcontracts both individually and by general classes or types.

§ 81.1204 *Fixed-price contracts.* Subject to § 81.1212 and following, Form I will be included in all fixed-price or lump-sum contracts hereafter made for an amount in excess of $100,000.

§ 81.1205 *Fixed-fee contracts.* Subject to § 81.1212, and following, Form I will be included in every fixed-fee contract, the estimated cost of which, including the fixed-fee, is an amount in excess of $100,000, unless special permission to use Form II is obtained from the Director, Purchases Division, Headquarters, Services of Supply. Requests for such permission will set forth in detail the reasons for requesting such permission. In using Form I in fixed-fee contracts, the words "fixed fee specified in Article ----" will be substituted for the term "contract price" in paragraphs (a) and (c).

§ 81.1206 *Supplemental agreements.* With respect to supplemental agreements (which as used herein include change orders), the following principles will be observed;

(a) Subject to § 81.1212, and following every supplemental agreement for an amount in excess of $100,000 will include either Form I or Form II, whichever is appropriate, unless the contract to which the supplemental agreement relates contains an adequate renegotiation article which will apply to the supplemental agreement.

* * * * *

§ 81.1212 *Exemptions from renegotiation.* Subsection (i) of section 403, as amended, provides for certain exemptions from renegotiation under section 403. (See § 81.1202.) Some of these exemptions are mandatory, and others are within the discretion of the Secretary of War or his duly authorized representative. The power to grant such discretionary exemption under the statute is delegated to the supply services *only* to the extent provided in the following paragraphs. Where these paragraphs authorize the chief of a supply service to make exemptions, he may do so either by exempting general classes or types of contracts or subcontracts within the categories specified or by exempting such contracts or subcontracts individually. The chief of a supply service will not redelegate the discretion to make such exemptions to other officers or civilian officials without prescribing standards for the exercise of such discretion, approved by the Director, Purchases Division, Headquarters, Services of Supply.

(a) *Contracts with Governmental agencies.* Section 403, as amended, does not apply to any contract by the War Department with any other department, bureau, agency or governmental corporation of the United States or with any Territory, possession, or state or any agency thereof or with any foreign government or any agency thereof. Accordingly no article for renegotiation under section 403, as amended, will be included in any such contract.

(b) *Subcontracts with Governmental agencies.* Any subcontract made by a War Department contractor with a Federal department, bureau, agency or governmental corporation or with any Territory, possession, or State or any agency thereof, or with any foreign government thereof, is exempt from the provisions of section 403, as amended. Accordingly no article for renegotiation under section 403, as amended, will be included in any such subcontract.

(c) *Contracts and subcontracts for raw materials.* Section 403, as amended, does not apply to any contract or subcontract for the product of a mine, oil or gas well, or other mineral or natural deposit, or timber, which has not been processed, refined, or treated beyond the first form or state suitable for industrial use. Accordingly, no article for renegotiation under section 403, as amended, will be included in any such contract or subcontract.

(d) *Contracts and subcontracts outside the United States.* The chief of a supply service is authorized in his discretion, to exempt from some or all of the provisions of section 403, as amended, any contract with his supply service, or any subcontract thereunder, which is to be performed outside of the territorial limits of the continental United States, or in Alaska. The article for renegotiation under section 403, as amended, will either be omitted or be appropriately modified according to the exemption granted.

(e) *Patent licenses.* The chief of a supply service may exempt from some or all of the provisions of section 403, as amended, any contract granting to the government a license under a patent or a patent application or transferring a patent or patent application to the Government, if the aggregate royalty payable under the contract for its duration or for any stated period is either (1) a fixed amount determinable at the time of the execution of the contract, or (2) limited by contract to a maximum amount determinable at the time of the execution of the contract, and if, in his opinion, the fixed amount or maximum amount will not yield excessive profits to the contractor. In all other cases, the renegotiation article will be included in the contract. In such cases paragraphs (a), (b), (c), and (f), (1), (3) and (4) of Form I (see § 81.342 (a)) will be used.

§ 81.1214 *Optional provision in subcontracts.* When a contractor with the War Department who is required by his contract to insert a renegotiation article in his subcontracts, and a supplier or other person, with whom he wishes to contract in connection with the performance of his prime contract, disagree on whether the proposed contract is a "subcontract" subject to renegotiation under section 403, as amended, and whether the subcontract renegotiation article is required in the contract, they should insert the renegotiation article in the agreement, but may add the following additional provision at the end of the article:

(7) This article shall apply to this contract only if it is a "subcontract" subject to renegotiation under section 403 of the Sixth Supplemental National Defense Appropriation Act 1942, as amended by section 801 of the Revenue Act of 1942.

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-13528; Filed, December 18, 1942; 11:00 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 600—DESIGNATION OF CIVIL AIRWAYS

[Amendment 15]

REDESIGNATION OF GREEN CIVIL AIRWAY 3

DECEMBER 14, 1942.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

By striking in § 600.10002[1] *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.)* the words "Wendover, Utah, radio range station; Salt Lake City, Utah, radio range station;" and substituting in lieu thereof the following:

"the intersection of the center lines of the on course signals of the northeast leg of the Elko, Nevada, radio range and the west leg of the Lucin, Utah, radio range; the Lucin, Utah, radio range station;"

This amendment shall become effective 0001 E. W. T., December 30, 1942.

C. I. STANTON,
Administrator.

[F. R. Doc. 42-13560; Filed, December 18, 1942; 3:05 p. m.]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

[Amendment 21]

REDESIGNATION OF RADIO FIX: GREEN CIVIL AIRWAY NO. 3

DECEMBER 14, 1942.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

By striking in § 601.4003 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.)* the following:

"Wendover, Utah, radio range station; Salt Lake City, Utah, radio range station;" and substituting in lieu thereof the following:

Lucin, Utah, radio range station.

This amendment shall become effective 0001 E. W. T., December 30, 1942.

C. I. STANTON,
Administrator.

[F. R. Doc. 42-13561; Filed, December 18, 1942; 3:05 p. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 239—FORMS, SECURITIES ACT OF 1933

FORMS FOR REGISTRATION

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 7 and 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by said Act, hereby takes the following action:

(a) The following forms are hereby adopted:[2]

Form S-1, Optional Form for Registration under the Securities Act of 1933 of Securities of Issuers which would Otherwise be Authorized or Required to Use Form A-1, A-2, or E-1.

Form S-4, For Registration under the Securities Act of 1933 of Securities of Closed-end Management Investment Companies Registered on Form N-8B-1.

Form S-5, For Registration under the Securities Act of 1933 of Securities of Open-end Management Investment Companies Registered on Form N-8B-1.

Form S-6, For Registration under the Securities Act of 1933 of Securities of Unit Investment Trusts Registered on Form N-8B-2.

(b) Form A-O-1 and the instruction book therefor are hereby rescinded.

Effective December 18, 1942.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13604; Filed, December 19, 1942; 10:58 a. m.]

PART 239—FORMS, SECURITIES EXCHANGE ACT OF 1934

AMENDMENT OF FORMS FOR REGISTRATION AND FILING ANNUAL REPORTS

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 12, 13 and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by said Act, hereby takes the following action:

(a) The following forms are amended to read as set forth in copies of the forms marked "As amended to and including 11/15/42".[2]

Form 8-A, For Registration of Additional Securities under the Securities Exchange Act of 1934.

Form 8-C, Application for Registration of Securities on an Additional Exchange Pursuant to sections 12 (b), (c) and (d) of the Securities Exchange Act of 1934.

(b) Form 10-K for annual reports of corporations is amended as follows:

Amendments to Form 10-K

1. Paragraph 3 (c) of the instructions to Item 8 under the caption "Financial Statements" set forth in the instruction book for Form 10-K is amended to read as follows:

(c) No financial statements need be filed for any subsidiary, whether domestic or foreign, which is not a significant subsidiary. Statements of subsidiaries may be so omitted, however, only to the extent that the total assets of the subsidiaries for which statements are omitted do not exceed 15% of the total assets of the registrant and its subsidiaries consolidated and the total sales and operating revenues of the omitted subsidiaries do not exceed 15% of the sales and operating revenues of the registrant and its subsidiaries consolidated.

2. The Instruction Book for Form 10-K is further amended by inserting after Instruction 16 under the caption "General Rules as to Preparation and Contents of Annual Report" a new instruction reading as follows:

17. *Issuers subject to the proxy rules.* If the registrant has furnished an annual report to its security holders pursuant to Rule X-14A-1 of Regulation X-14, it may file with its annual report on this form a copy of its annual report to security holders and may incorporate by reference in answer to any item of this form any of the information contained in such annual report. The registrant may also incorporate by reference in its annual report on this form any financial statements contained in its annual report to security holders which are prepared substantially in accordance with the requirements of this form and Regulation S-X.

Effective December 18, 1942,

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13605; Filed, December 19, 1942; 10:57 a. m.]

PART 239—FORMS, SECURITIES EXCHANGE ACT OF 1934

FORMS FOR FILING ANNUAL REPORTS UNDER THE SECURITIES EXCHANGE ACT OF 1934 BY COMPANIES REGISTERED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 13, 15 and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said Act, hereby adopts the following forms:[2]

Form U5-K, For Annual Reports under section 13 of the Securities Exchange Act of 1934 of Holding Companies Registered under the Public Utility Holding Company Act of 1935.

Form U5-MD, For Annual Reports under section 15 (d) of the Securities Exchange Act of 1934 of Holding Companies Registered under the Public Utility Holding Company Act of 1935.

Effective December 18, 1942.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13603; Filed, December 19, 1942; 10:57 a. m.]

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[1] 7 F.R. 1417.

[2] These forms are now in preparation and will be available shortly at the Securities and Exchange Commission.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

AMENDMENT TO RULE RELATING TO REGISTRATION OF CLOSED-END MANAGEMENT INVESTMENT COMPANIES

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 12 and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said Act, hereby amends § 240.12b-9 [Rule X-12B-9] to read as follows:

§ 240.12b-9 *Registration by closed-end management investment companies.* (a) Notwithstanding the requirements of the form which would otherwise be appropriate for registration of securities on an exchange under the Securities Exchange Act of 1934 (hereinafter called the "appropriate form"), any closed-end management investment company which is registered under the Investment Company Act of 1940 and which has no securities listed and registered on any exchange may file an application for registration of securities under the Securities Exchange Act of 1934 consisting of the following:

(1) The facing sheet of the appropriate form;

(2) A copy of the company's registration statement under section 8 (b) of the Investment Company Act of 1940 [54 Stat. 804; 15 U.S.C. 80a-7], including financial statements and exhibits;

(3) A copy of each report filed by the company pursuant to section 30 (a) or 30 (b) (1) of the Investment Company Act of 1940 [54 Stat. 836; 15 U.S.C. 80a-30], including financial statements and exhibits, if any;

(4) A description of the securities being registered as required by the appropriate form and any financial statements or exhibits required by the appropriate form which are not included in the application pursuant to (2) or (3) above; and

(5) The signatures required by the appropriate form.

(b) The following statement shall appear on the facing sheet of the application or on a page immediately following the facing sheet:

> This application, filed pursuant to § 240.12b-9 [Rule X-12B-9], consists of the registration statement under the Investment Company Act of 1940 [54 Stat. 789-847; 15 U.S.C. 80a-53] filed by the registrant on ------------------, 19----, and the following additional information and documents required by § 240.12b-9. [Rule X-12B-9]

(List such additional information and documents.)

(c) If the registration statement or any report included in the application pursuant to paragraph (a) (2) or (a) (3), above, incorporates by reference any financial statements or exhibits required by the appropriate form which are on file with the Commission but are not on file with the exchange, the copies of the application filed with the exchange shall contain copies of such financial statements or exhibits.

Effective December 18, 1942.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13606; Filed, December 19, 1942; 10:58 a. m.]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

RULES RELATING TO REGISTRATION OF AND REPORTS FILED UNDER THE ACT BY REGISTRANTS UNDER THE SECURITIES ACT OF 1933

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 12, 13, 15 and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by that Act, hereby adopts § 240.12b-10 [Rule X-12B-10]; § 240.13a-8 [Rule X-13A-8]; § 240.13a-9 [Rule X-13A-9] and § 240.15d-5 [Rule X-15D-5] to read as follows:

§ 240.12b-10 *Registration by registrants under the Securities Act of 1933.* (a) Notwithstanding the requirements of the form which would otherwise be appropriate for registration of securities on an exchange under the Securities Exchange Act of 1934 (hereinafter called the "appropriate form"), any issuer, except investment companies registered under the Investment Company Act of 1940, which has filed a registration statement under the Securities Act of 1933 and which has no securities listed and registered on any exchange may, if the registration statement has become effective and is not subject to any proceeding under section 8 (d) of the latter Act [48 Stat. 79; 15 U.S.C. 77h] or to an order entered thereunder, file an application for registration of securities under the Securities Exchange Act of 1934 consisting of the following:

(1) The facing sheet of the appropriate form;

(2) A copy of the company's registration statement under the Securities Act of 1933, including financial statements and exhibits;

(3) A description of the securities being registered as required by the appropriate form (unless contained in the registration statement filed pursuant to subparagraph (2) above) and any financial statements or exhibits required by the appropriate form which are not included in the application pursuant to subparagraph (2) above; and

(4) The signatures required by the appropriate form.

(b) The following statement shall appear on the facing sheet of the application or on a page immediately following the facing sheet:

> This application, filed pursuant to § 240.12b-10 [Rule X-12B-10], consists of the registration statement of ------------ under the Securities Act of 1933 which became effective on ----------------, and the following additional information and documents required by § 240.12b-10 [Rule X-12B-10]

(List such additional information and documents.)

(c) Any application filed pursuant to this rule after the end of one or more fiscal years of the registrant following the last fiscal year for which certified financial statements were included in its registration statement under the Securities Act of 1933 shall be accompanied by an annual report for each such fiscal year on the form appropriate for annual reports of the registrant pursuant to section 13 of the Securities Exchange Act of 1934 [48 Stat. 894; 15 U.S.C. 78m], provided that if the registrant has filed for such fiscal year or years annual reports pursuant to section 15 (d) of the latter Act [48 Stat. 895; 49 Stat. 1377; 15 U.S.C. 78o], it may file with the exchange copies of the annual reports so filed with the Commission.

(d) If the registration statement included in the application incorporates by reference any financial statements or exhibits required by the appropriate form which are on file with the Commission but are not on file with the exchange, the copies of the application filed with the exchange shall include copies of such financial statements or exhibits. [Gen. Rules & Reg. Rule X-12B-10, effective December 18, 1942][1]

§ 240.13a-8 *Reports in case of new registration under Securities Act of 1933.* (a) Notwithstanding the provisions of §§ 240.13a-1 and 240.13a-2 [Rules X-13A-1 and X-13A-2], any registrant except investment companies registered under the Investment Company Act of 1940, which has filed a registration statement under the Securities Act of 1933, may file as its annual report pursuant to § 240.13a-1 [Rule X-13A-1], copies of its registration statement under the latter Act in lieu of an annual report on the appropriate annual report form if the statement (1) has become effective and is not subject to any proceeding under section 8 (d) of that Act [48 Stat. 79; 15 U.S.C. 77i] or to an order entered thereunder and (2) covers the period which would be covered by a report on the appropriate annual report form and contains all of the information including financial statements and exhibits required by the appropriate annual report form.

(b) The report shall be filed under cover of the facing sheet of the appropriate annual report form and shall be signed in accordance with the requirements of that form. The following statements shall appear on the facing sheet of the annual report or on the page immediately following the facing sheet:

> This annual report, filed pursuant to § 240.13a-8 [Rule X-13A-8], consists of the information and documents contained in the registration statement on Form ----------, filed by the registrant on ----------------- 19----, as amended under dates of --------.

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[1] (48 Stat. 892; 15 U.S.C. 78l: 48 Stat. 901; 49 Stat. 1379; 15 U.S.C. 78w)

(c) Any exhibits included in the registration statement which are not required by the appropriate annual report form may be omitted.

(d) If the registration statement included in the report incorporates by reference any financial statements or exhibits required by the appropriate annual report form which are on file with the Commission but are not on file with the exchange, the copies of the annual report filed with the exchange shall include copies of such financial statements or exhibits.

(e) Copies of the report filed with the Commission may incorporate the registration statement by reference. [Gen. Rules & Reg. Rule X-13A-8, effective December 18, 1942.][2]

§ 240.13a-9 *Incorporation of information contained in a prospectus.* Any registrant which has filed with the Commission pursuant to § 230.800 [Rule 800 of the General Rules and Regulations under the Securities Act of 1933] copies of a prospectus meeting the requirements of section 10 (b) (1) of that Act [48 Stat. 81; 906; 15 U.S.C. 77j] may incorporate by reference in its annual report pursuant to section 13 of the Securities Exchange Act of 1934 [48 Stat. 894; 15 U.S.C. 78m] any information, including financial statements, contained in the prospectus, provided a copy of the prospectus is filed as an exhibit to the annual report. [Gen. Rules and Reg. Rule X-13A-9, effective December 18, 1942] [2]

§ 240.15d-5 *Incorporation of information contained in a prospectus.* Any registrant which has filed with the Commission pursuant to § 230.800 [Rule 800 of the General Rules and Regulations under the Securities Act of 1933], copies of a prospectus meeting the requirements of section 10 (b) (1) of that Act [48 Stat. 81; 906; 15 U.S.C. 77j] may incorporate by reference in its annual report pursuant to section 15 (d) of the Securities Exchange Act of 1934 [48 Stat. 895; 49 Stat. 1377; 15 U.S.C. 78o] any information, including financial statements, contained in the prospectus, provided a copy of the prospectus is filed as an exhibit to the annual report. [Gen. Rules & Reg. Rule X-15D-5, effective December 18, 1942] [3]

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13607; Filed, December 19, 1942; 10:57 a. m.]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

SOLICITATION OF PROXIES UNDER THE ACT

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 14 and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by said Act, hereby amends §§ 240.14a-1 to 240.14a-8 [Regulation X-14] to read as follows:

§ 240.14a-1 *Duty to furnish proxy statement.* No solicitation subject to section 14 (a) [1] shall be made unless each person solicited is concurrently furnished or has previously been furnished with:

(a) A written proxy statement containing the information specified in Schedule 14A and

(b) If the solicitation is made by the management of the issuer and relates to a meeting of security holders at which the election of directors is an item of business, an annual report to security holders containing such financial statements for the last fiscal year as will, in the opinion of the management, adequately reflect the position and operations of the issuer. Such annual report to security holders, including financial statements, shall be in any form deemed suitable by the management. If such annual report is sent to security holders in advance of the proxy statement and form of proxy, it shall contain a statement in a prominent place that proxies will be requested at a later time, indicating the approximate date on which the proxy statement is expected to be sent to security holders. In such case the proxy statement shall contain a statement in a prominent place that an annual report to security holders, including financial statements, has been previously sent to security holders, indicating the date on which it was sent. Solely for the Commission's purposes in checking compliance with this rule, three copies of any such annual report to security holders which is not filed under § 240.14a-4 (b) [Rule X-14A-4(b)] because it is to be sent out in advance of the proxy statement shall be mailed to the Commission for its information not later than the date on which such report is first sent or given to security holders.

§ 240.14a-2. *Duty to provide means by which desired action can be specified.* Means shall be provided in the form of proxy whereby the person solicited is afforded an opportunity to specify by ballot a choice between approval or disapproval of each matter, or each group of related matters as a whole, which is intended to be acted upon pursuant to the proxy and the authority conferred as to each such matter or group of matters shall be limited to voting in accordance with the specifications so made. Nothing in Regulation X-14 shall prevent the solicitation of a proxy conferring discretionary authority with respect to matters as to which the person solicited does not make the specification provided for above if the ballot is clearly set forth in the form of proxy and the form of proxy contains a statement in bold-faced type indicating that if the ballot is not marked the shares represented by the proxy will nevertheless be voted in a specified manner. Nothing in Regulation X-14 shall prevent the solicitation of a proxy conferring discretionary authority with respect to matters which the persons making the solicitation are not aware will be presented for action pursuant to the proxy. No authority shall be sought to vote a proxy upon the election of any person to any office for which a bona fide nominee is not named in the proxy statement.

§ 240.14a-3 *Presentation of information.* (a) The information included in proxy soliciting material shall be clearly presented and the statements made shall be divided into groups according to subject matter and the various groups of statements shall be preceded by appropriate headings. The order of items and subitems in the schedule need not be followed provided that the information is furnished in a manner which will not tend to obscure the effective presentation of information to the persons solicited. Where practicable and appropriate, the information shall be presented in tabular form and amounts shall be stated in figures. If detachable, the proxy form shall appear at the end of the proxy statement. Information required by more than one applicable item need not be repeated. No statement need be made in response to any item or subitem which is inapplicable.

(b) Any information required to be included in the proxy statement as to terms of securities or other subject matter which from a standpoint of practical necessity must be determined in the future may be stated in terms of present knowledge and intention: *Provided, however,* That in such a case a brief statement of the circumstances rendering it necessary that such matters be determined in the future shall be made and, to the extent practicable, the authority to be conferred concerning each such matter shall be confined within limits reasonably related to the need for discretionary authority. Subject to the foregoing provision, information which is not known to the persons making the solicitation and which it is not reasonably within the power of such persons to ascertain or procure may be omitted, if a brief statement of the circumstances rendering such information unavailable is made.

(c) There may be omitted from the proxy statement any information contained in any other proxy soliciting material which has been furnished to each person solicited in connection with the same meeting or subject matter if a clear reference is made to the place where such information appears.

(d) All printed proxy soliciting material shall be set in type at least as legible as 10-point leaded type except that to the extent necessary for convenient presentation financial statements may be set in type at least as legible as 8-point leaded type.

§ 240.14a-4 *Duty to file material.* The following material shall be filed:

(a) Three preliminary copies of the proxy statement and form of proxy. such copies shall be filed with the Commission at Philadelphia, Pennsylvania, not later than ten days prior to the date definitive copies of such material are first sent or given to security holders or such lesser number of days prior to such date as the Commission, upon a showing of unusual circumstances, may determine. Such copies shall be marked preliminary copies and shall be for the information of the Commission only.

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[2] (48 Stat. 894; 15 U.S.C. 78m; 48 Stat. 901; 49 Stat. 1379; 15 U.S.C. 78w)

[3] (49 Stat. 1377; 15 U.S.C. 78o; 48 Stat. 901; 49 Stat. 1379; 15 U.S.C. 78w)

[1] 48 Stat. 895; 15 U.S.C. 78n.

NOTE: It is not advisable to print definitive copies for distribution to security holders until the comments of the Commission's staff have been received and considered.

(b) Three definitive copies of the proxy statement, form of proxy, and any additional material relating to the same meeting or subject matter furnished to security holders concurrently with or subsequent to the proxy statement in the form in which such material is furnished to security holders. Not later than the date such material is first sent or given to any security holders such copies shall be filed with or mailed to the Commission at Philadelphia, Pennsylvania, and three additional copies shall be filed with or mailed to each national securities exchange upon which is listed any security in respect of which the solicitation is made. Copies of replies to inquiries from security holders requesting further information need not be filed pursuant to this paragraph.

(c) The material transmitted to the Commission pursuant to paragraphs (a) and (b) shall be accompanied by a statement of the date upon which copies thereof are intended to be or have been released to security holders.

§ 240.14a–5 . *False or misleading statements.* No solicitation subject to section 14 (a) of the Act shall be made by means of any form of proxy, notice of meeting or other communication containing any statement which, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or omits to state any material fact necessary in order to make the statements therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy for the same meeting or subject matter which has become false or misleading.

§ 240.14a–6 *Duty of issuer to furnish information and mail proxies at request of security holders.* No solicitation subject to section 14 (a) of the Act shall be made by or on behalf of the management of the issuer, directly or indirectly, unless the issuer performs or has performed such of the following acts as may be duly requested by any qualified owner of any security of the issuer (hereinafter called "the applicant") with respect to the same subject matter or meeting:

(a) At the written request of the applicant, the issuer shall furnish the following information:

(1) A statement of the approximate number of holders, of record or otherwise, of any class of securities, any of the holders of which have been or are to be solicited by or on behalf of the management or of any smaller group of such holders which the applicant shall designate; and

(2) An estimate of the cost of mailing a specified form of proxy or other communication to such holders. Any information requested pursuant to this paragraph shall be mailed or otherwise furnished as promptly as practicable after receipt of the written request.

(b) At the written request of the applicant, copies of any form of proxy or other communication furnished by the applicant shall be mailed by the issuer to holders, of record or otherwise, of any class of securities who have been or are to be solicited by or on behalf of the management or to any smaller group of such holders which the applicant shall designate. Such material shall be mailed with reasonable promptness after receipt of a tender of the material to be mailed, of envelopes or other containers therefor, of postage or payment for postage, and of reasonable reimbursement of all expenses incurred in connection with such mailing; except that such material need not be mailed prior to the first day on which the solicitation is made by or on behalf of the management.

§ 240.14a–7 *Duty of management to set forth stockholders' proposals.* In the event that a qualified security holder of the issuer has given the management reasonable notice that such security holder intends to present for action at a meeting of security holders of the issuer a proposal which is a proper subject for action by the security holders, the management shall set forth the proposal and provide means by which security holders can make a specification as provided in § 240.14a–2 [Rule X-14A–2]. Further, if the management opposes such proposal, it shall, upon the request of such security holder, include in its soliciting material the name and address of such security holder and a statement of such security holder setting forth the reasons advanced by him in support of such proposal: *Provided, however,* That a statement of reasons in support of a proposal shall not be longer than 100 words and *Provided further,* That such security holder and not the management shall be responsible for such statement. For the purposes of this rule notice given more than thirty days in advance of a day corresponding to the date on which proxy soliciting material was released to security holders in connection with the last annual meeting of security holders shall, prima facie, be deemed to be reasonable notice.

§ 240.14a–8 *Solicitations to which rules are not applicable.* The rules contained in this regulation shall not apply to:

(a) Any solicitation made otherwise than by or on behalf of the management of the issuer where the total number of persons solicited is less than 10.

(b) Any solicitation in respect of securities of a registered public utility holding company or a subsidiary company thereof in the event that there are no public holders of such securities.

(c) Any solicitation of a proxy by any person in respect of securities carried in his name or in the name of his nominee, or held in his custody, if (1) such person receives no commission or remuneration for such solicitation, directly or indirectly, other than reimbursement of reasonable out-of-pocket expenses and clerical expenses, and (2) such person furnishes to the person solicited a copy of all soliciting material which the persons on whose behalf the solicitation is made are sending to other persons: *Provided, however,* That this exemption shall not be applicable to any solicitation by a voting trustee in respect of securities of which he is trustee;

(d) Any solicitation of proxy by any person in respect of securities of which he is the beneficial owner;

(e) Any solicitation of a proxy evidenced by a certificate of deposit or other security which is registered under the Securities Act of 1933;

(f) Any solicitation of an acceptance of a plan of reorganization under Chapter X of the Bankruptcy Act, as amended, or of an authority to accept any such plan, if such solicitation is made after the entry of an order approving such plan pursuant to section 174 of said Act and after, or concurrently with, the transmittal of information concerning such plan as required by section 175 of said Act;

(g) Any solicitation made in connection with a reorganization of a registered holding company or any subsidiary company thereof, or in connection with any transaction which is or will be the subject of an application or declaration filed with the Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 or any rule promulgated thereunder, if such solicitation is made in compliance with § 250.62 [Rule U-62] under the Public Utility Holding Company Act of 1935.

(h) Any solicitation of a proxy through the medium of a newspaper advertisement if the advertisement informs security holders of a source from which they may obtain copies of a proxy statement, form of proxy and any other soliciting material and does no more than (1) name the issuer, (2) state the reason for the advertisement, (3) identify a proposal to be acted upon by security holders.

§ 240.14a–9 *Definitions.* For the purpose of Regulation X–14, unless the context otherwise requires:

(a) The term "proxy" includes every proxy, consent or authorization within the meaning of section 14 (a) of the Act. A consent or authorization may take the form of failure to object or to dissent.

(b) The term "solicitation of a proxy" includes (1) any request for a proxy, whether or not such request is accompanied by or included in a form of proxy, (2) any request to revoke a proxy or not to execute a proxy, (3) any request to execute a proxy and (4) the furnishing of a form of proxy to security holders under circumstances reasonably calculated to result in a procurement of proxies: *Provided, however,* That the term does not apply to the furnishing of a form of proxy to a security holder upon the unsolicited request of such security holder, and does not apply to the performance by the issuer of acts required by § 240.14a–6 [Rule X-14A–6] or the performance by any person of ministerial acts on behalf of a person soliciting a proxy.

(c) The term "proxy statement" means the statement required by § 240.14a–1 [Rule X-14A–1], whether or not contained in a single document;

(d) The term "issuer" means the issuer of the security in respect of which the proxy is solicited;

(e) The term "associate", used to indicate a relationship with any persons, means (1) any corporation or organization (other than the issuer or a majority owned subsidiary of the issuer) of which such person is an officer or partner or is, directly or indirectly, the beneficial owner of 10% or more of any class of equity securities, (2) any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar fiduciary capacity, and (3) any relative or spouse of such person having the same home as such person;

(f) The term "affiliate," used to indicate a relationship with any person, means a person controlling, controlled by, or under common control with, such person.

(g) The term "officer" means a chairman of the board of directors, president, vice president, treasurer, secretary, comptroller, and any other person performing similar functions.

(h) The phrase "the persons making the solicitation", used in relation to a solicitation by the management of the issuer, means the directors and officers of the issuer exclusive of any directors or officers who are opposed to the solicitation.

(i) The phrase "matters to be acted upon pursuant to the proxy", used in relation to a proxy to be used at a melting of security holders, means the matters which the persons making the solicitation intend to present and any matters which the persons making the the solicitation have been given reasonable notice that other persons intend to present for action at such meeting, in the event the persons making the solicitation intend that the proxy shall be used for purposes of a vote upon such matters or for purposes of a quorum supporting such a vote: *Provided, however,* That the phrase as so employed does not apply to elections to office. For the purposes of this rule notice given more than thirty days in advance of a day corresponding to the date on which proxy soliciting material was released to security holders in connection with the last annual meeting of security holders shall, prima facie, be deemed to be reasonable notice.

SCHEDULE 14A

Items of information to be furnished in connection with solicitations of proxies.

Item 1. State whether or not the person giving the proxy has the power to revoke it. If it is asserted that the right of revocation before the proxy is exercised is limited, outline the limitations and state the basis for such assertion.

Item 2. Summarize briefly the rights of appraisal or similar rights of dissenters with respect to any matter to be acted upon pursuant to the proxy. Where such dissenters' rights may be exercised within a limited time after the date of the adoption of a proposal, the filing of an amendment to a charter or a similar act, state whether the person solicited will be notified of such date.

Item 3. (a) State the names of the persons by whom, directly or indirectly, the cost of solicitation has been or will be borne.

(b) If solicitations are to be made, otherwise than by use of the mails and otherwise than by directors, officers and regular employees of the issuer at an additional total cost of $100 or less, state, or describe briefly, (1) the character of such additional solicitations, (2) the cost or anticipated cost thereof and the material features of the arrangement, if any, for the payment thereof and (3) the approximate number of both regular and specially engaged employees of the issuer or any other person (naming such other person) who will solicit proxies.

Item 4. (a) If the solicitation is made by or on behalf of the management of the issuer make a statement to that effect. If the solicitation is made otherwise than by or on behalf of the management, state the names of the persons by whom or on whose behalf the solicitation is made, directly or indirectly, and the approximate amount of each class of securities of the issuer owned beneficially by each such person and his associates. If any such person is not the beneficial owner of any securities of the issuer, a statement to that effect as to such persons shall be made.

(b) Describe any interest, direct or indirect, (by security holdings or otherwise) of any director or officer of the issuer, or any associate of any director or officer, or any other person by whom or on whose behalf the solicitation is made or any associate of any such other person in any matter to be acted upon pursuant to the proxy. (No statement need be made under this paragraph as to any interest arising solely by reason of being a director or officer of the issuer.)

(c) If the solicitation is made by or on behalf of the management of the issuer state the name of any director of the issuer who has notified the management in writing that he opposes any action intended to be taken pursuant to the proxy and state that such notification has been received.

Item 5. If the solicitation is made by or on behalf of the management of the issuer and action is to be taken with respect to the election of directors or similar officials—

(A) If the persons solicited have cumulative voting rights, make a statement to that effect.

(B) State the outstanding number of each class of voting securities of the issuer.

(C) If any person holds of record or, to the knowledge of the management, owns beneficially, more than 10% of the outstanding voting securities of the issuer, name such person, state the approximate amount of securities held of record or owned beneficially by such person (whichever amount is the greater) and the percentage of the amount of outstanding voting securities represented by the amount of securities so held or owned. Record holdings may be omitted if the same shares are reported as being owned beneficially.

(D) If any director or nominee has been or is proposed to be elected pursuant to an arrangement or understanding between any of the persons making the solicitation or the director or nominee and any other person or persons except the directors and officers of the issuer acting solely in that capacity, describe briefly such arrangement or understanding.

(E) Furnish, in tabular form to the extent practicable, the following information with respect to each director of the issuer and each person nominated for election as a director:

(1) State the principal occupation or employment of such director or nominee and the name of the corporation or other organization, if any, in which such occupation or employment is carried on.

(2) State the year in which such director of the issuer first became a director.

(3) State, as of the most recent practicable date, the approximate amount of each class of securities of the issuer beneficially owned, directly or indirectly, by such director or nominee. If a director or nominee is not the beneficial owner of any securities of the issuer make a statement to that effect.

(4) If more than 10% of any class of securities are beneficially owned by such director or nominee and his associates, state the approximate aggregate amount of each class of securities beneficially owned by such associates, naming each associate whose holdings are substantial.

(F) Name the persons for whom it is intended that votes will be cast pursuant to the proxy and the term of office for which they are candidates.

(G) If a nominee has not previously been elected a director by security holders of the issuer, describe briefly the business experience of such nominee during the last five years.

(H) Describe briefly any interest, direct or indirect, of each person who has acted as a director of the issuer during the past year and each person nominated for election as a director and any associates of such director or nominee in any transaction during the past year or in any proposed transaction to which the issuer or any subsidiary was or is to be a party. No reference need be made to immaterial and insignificant transactions. If the interest was or is to be in the purchase or sale, other than in the ordinary course of business, of property by the issuer or a subsidiary, include a statement of the cost of the property to the issuer or subsidiary and a statement of the cost to the purchaser or vendor.

(I) Furnish the following information, in tabular form to the extent practicable and on an accrual basis if practicable, for the last fiscal year of the issuer: with respect to (i) each person who has acted as a director during such fiscal year; (ii) each person nominated for election as director; and (iii) each person who has acted as an officer but not as a director and who has received payments of remuneration totalling more than $20,000 during such fiscal year:

(1) (a) State the aggregate amount of remuneration received from the issuer and its subsidiaries, directly or indirectly and (b) describe all transactions involving the receipt of remuneration by such director, officer or nominee from the issuer and its subsidiaries, including the receipt of securities, options and other property for services and the exercise of options previously received for services. If the transactions involve the receipt of securities or the exercise sale or extension of options to purchase securities, the market price of the securities on the date of such transaction shall be stated;

(2) If a director, officer or nominee received payments of remuneration totalling more than $20,000 and if the amount received exceeds the total amount of his remuneration during the previous fiscal year, state the amount of such excess;

(3) State the amount paid or set aside by the issuer and its subsidiaries primarily for the benefit of such director, officer or nominee, pursuant to each pension or retirement plan of the issuer and its subsidiaries or other similar arrangement, and the amount of the annual benefits estimated to be payable to such director, officer or nominee in the event of retirement;

(4) State the largest aggregate amount of indebtedness of such director, officer or nominee to the issuer and its subsidiaries outstanding at any time during such fiscal year, except indebtedness arising from trans-

actions in the ordinary course of business, the amount thereof outstanding at the end of such fiscal year and the rate of interest paid or charged thereon.

(J) Furnish, with respect to all the directors and officers of the issuer as a group, information comparable to that required by paragraph (I) with respect to individual officers and directors.

(K) State, in tabular form, the number of employees of the issuer and its subsidiaries (other than officers and directors of the issuer) who, during the last fiscal year, received from the issuer and its subsidiaries remuneration in excess of $20,000 but not more than $50,000, the number of persons who received remuneration in excess of $50,000 but not more than $100,000 and the number of persons who received remuneration in excess of $100,000, giving the aggregate amount of remuneration paid to the persons in each group.

(L) Name each person, other than a director, officer or employee of the issuer, whose aggregate remuneration from the issuer, during the last fiscal year exceeded $20,000 and state the aggregate amount of remuneration received from the issuer during such fiscal year and the capacity in which it was received.

Item 6. If the solicitation is made otherwise than by or on behalf of the management of the issuer and action is to be taken with respect to the election of directors or similar officials—

(A) Name the persons for whom it is intended that votes will be cast pursuant to the proxy and the term of office for which they are candidates.

(B) If the persons solicited have cumulative voting rights, make a statement to that effect.

(C) If a nominee is or, during the last fiscal year, has been a director of the issuer, furnish with respect to such nominee the information called for by paragraphs (D), (E), (H) and (I) of Item 5.

(D) If a nominee has not previously been a director of the issuer, furnish the information called for by paragraph (D), (E) and (H) of Item 5 with respect to such nominee and describe briefly the business experience of such nominee during the last five years.

Item 7. If action is to be taken with respect to the election of officers, other than officers who are directors or nominees for election as directors—

(A) Name the offices to be filled and the persons for whom it is intended that the votes will be cast pursuant to the proxy and the term of office for which they are candidates.

(B) Describe briefly the business experience of each nominee during the last five years.

Item 8. If action is to be taken with respect to the election of auditors, or if it is proposed that particular auditors shall be recommended for selection by any committee to select auditors for which votes pursuant to the proxy are to be cast—

(1) Name the auditors.

(2) Describe briefly any material relationship of such auditors and any associates of such auditors to the issuer and any affiliates of the issuer.

(3) State, or describe briefly, (A) the name of each nominee for any committee to select auditors for which votes pursuant to the proxy are to be cast, (B) the office, if any, which such nominee holds with the issuer, (C) the approximate amount, as of the most recent practicable date, of each class of securities of the isuer of which such nominee is directly or indirectly the beneficial owner, and (D) any other relationship of such nominee, or any relationship of any associate of such nominee, to the issuer and any affiliates of the isuer which is of a material character. If the nominee is not the beneficial owner of any securities of the issuer, make a statement to that effect.

Item 9. If action is to be taken with respect to any plan providing for remuneration of any director, officer, or employee, or with respect to any other compensation of any director or officer—

(a) Furnish the following information as to such remuneration plan:

(1) State the name and position with the issuer of each person eligible to participate in the plan. (As to any of such persons constituting a class, an identification of the class, including the approximate number of its members, will suffice.)

(2) Describe briefly the method provided for determining (A) the persons who shall actually participate in the plan and the amount of each participation, and (B) the funds or securities to be distributed under the plan.

(3) State (A) the name of each person, or each member of any committee, authorized under the plan to make the determinations described in (2) above, (B) the position with the issuer of each such person or member, and (C) the extent to which each such person or member may share in the plan.

(4) Summarize briefly any other material provisions of the plan.

(5) Furnish an estimate of the aggregate amount which would have been allocated for distribution under the plan during the last fiscal year of the issuer if such plan had been in effect.

(6) If any person who is specified in (3) above or who will be eligible to participate in the plan also has, with respect to any other remuneration plan of the issuer or of any affiliate of the issuer, powers similar to those described in (3) above, or is a member of a committee having such powers, or is eligible to participate in any such other plan, state briefly the general nature of such other plan and the relationship of such person thereto.

(b) Furnish the following information as to each director or officer who will be eligible to receive under the plan to be acted upon one of the 3 highest amounts to be received by any director or officer under the plan, and as to each director or officer whose compensation is otherwise to be acted upon:

(1) Name and office.

(2) State the aggregate amount of remuneration paid by the issuer and any subsidiaries of the issuer (directly, or indirectly through any affiliate of the issuer or otherwise) to such director or officer in all capacities during the last fiscal year of the issuer. The information should be given on an accrual basis if practicable. Insofar as such information relates to securities, options to purchase securities, or other property given for services, or to options to purchase securities, given for services, which were exercised or sold by the grantee during the last fiscal year of the issuer, or to remuneration paid to partnerships in which such director or officer participated as a member of the partnership, it shall be stated separately.

(3) Describe briefly any substantial interest, direct or indirect, of such director or officer or any of his associates in any property acquired within 2 years or proposed to be acquired by the issuer or any of its subsidiaries, other than property acquired in the ordinary course of business or on the basis of bona fide competitive bidding. State the cost of the property to the issuer or subsidiary and the cost to the vendor if the property was acquired by the vendor within 2 years prior to the acquisition by the issuer or subsidiary.

(4) State to what extent, if any, such director or officer may share in any remuneration plan to be acted upon.

(5) If any other compensation of such director or officer is to be acted upon, state the amount of such proposed compensation.

Item 10. If action is to be taken with respect to any amendment of the charter, bylaws, or other document—

(a) State briefly the purpose and general effect of the amendment.

Item 11. If action is to be taken with respect to the authorization or issuance of any securities, otherwise than in exchange for outstanding securities of the issuer—

(a) State the title of issue and amount of securities to be authorized or issued.

(b) Furnish a brief description of such securities, in respect of the matters concerning which information would be required to be furnished under the caption "Description of Securities" in the appropriate form for registration of such securities on a national securities exchange.

(c) Describe briefly the transaction in which the securities are to be issued, sold, or exchanged, including a statement as to (1) the nature and approximate amount of consideration received or to be received by the issuer, and (2) the approximate amount devoted to each purpose, so far as determinable, for which the net proceeds have been or are to be used.

(d) If the transaction is to involve the granting by the issuer of options to purchase any of the securities, furnish the following additional information as to each such option:

(1) The amount of securities called for by the option;

(2) The price, expiration date, and other material terms and conditions on which the option may be exercised; and

(3) The consideration received or to be received for the option.

(e) Furnish financial statements such as would presently be required in an original application for registration of securities of the issuer under the Act, except that all schedules other than the schedules of supplementary profit and loss information and the surplus statements or schedules may be omitted. However, any or all of such financial statements which are not material for the exercise of prudent judgment as to the proposal may be omitted, if there are set forth the considerations relied upon to justify such omission. In either case, a statement shall be made that financial statements (or further financial statements) of the issuer are on file at the office of the Commission and at the office of the ---------- Exchange (naming each exchange).

Item 12. If action is to be taken with respect to any plan involving the modification of any class of securities of the issuer, or the issuance of securities of the issuer in exchange for outstanding securities of the issuer—

(a) State the title of issue and amount of the outstanding securities which are to be modified or exchanged.

(b) In cases of exchange, describe briefly the basis of exchange including the title of issue and aggregate amount of each class of new securities to be issued in exchange.

(c) Describe briefly any material differences between the outstanding securities and the modified or new securities, in respect of any of the matters concerning which information would be required to be furnished under the caption "Description of Securities" in the appropriate form for registration of such securities on a national securities exchange.

(d) Furnish a brief statement as to dividends in arrears or defaults in principal or interest in respect of the outstanding securities which are to be modified or exchanged, and as to the effect of the plan thereon.

(e) Summarize briefly any other material features of the plan, or, if the plan is set

forth in a written document, furnish a copy thereof.

(f) Furnish financial statements such as would presently be required in an original application for registration of securities of the issuer under the Act, except that all schedules other than the schedules of supplementary profit and loss information and the surplus statements or schedules may be omitted. However, any or all of such financial statements which are not material for the exercise of prudent judgment as to the plan may be omitted, if there are set forth the considerations relied upon to justify such omission. In either case, a statement shall be made that financial statements (or further financial statements) of the issuer are on file at the office of the Commission and at the office of the ---------- Exchange (naming each exchange).

Item 13. If action is to be taken with respect to any plan of merger or consolidation, or any plan involving (i) the liquidation or dissolution of the issuer, or (ii) the acquisition by any class of security holders of the issuer of securities of another issuer, or (iii) the transfer of all or a substantial part of the assets of the issuer in exchange for securities of another issuer, or (iv) the acquisition, by the issuer, of any other business, including the acquisition of control of another person or the acquisition of securities having a book value on the books of the issuer thereof of more than one-half of the net worth of such issuer (or in the case of evidences of indebtedness, of more than one-half of the sum of the net worth of such issuer and its outstanding funded debt)—

(a) Summarize briefly the material features of the plan, or, if the plan is set forth in a written document, furnish a copy thereof.

(b) Furnish financial statements such as would presently be required in an original application or registration of securities of the issuer under the Act, except that all schedules other than the schedules of supplementary profit and loss information and the surplus statements or schedules may be omitted. However, any or all of such financial statements which are not material for the exercise of prudent judgment as to the plan may be omitted, if there are set forth the considerations relied upon to justify such omission. In either case, a statement shall be made that financial statements (or further financial statements) of the issuer are on file at the office of the Commission and at the office of the ---------- Exchange (naming each exchange).

(c) Furnish the following information as to each person which is to be merged into the issuer, or into or with which the issuer is to be merged or consolidated, or the business of which is to be acquired, or which is the issuer of securities to be acquired by the issuer in exchange for all or a substantial part of its assets or to be acquired by security holders of the issuer:

(1) Describe briefly the business of such person.

(2) Furnish financial statements such as would presently be required in an original application for registration of securities of such person under the Act, except that (A) such statements need not be certified, and (B) all schedules other than the schedules of supplementary profit and loss information and the surplus statements or schedules may be omitted. However, any or all of such financial statements which are not material for the exercise of prudent judgment as to the plan may be omitted, if there are set forth the considerations relied upon to justify such omission. In either case, if any financial statements of the person are on file with the Commission or with any national securities exchange, a statement to that effect shall be included. (This paragraph (2) shall not be applicable in the case of (i) a person which is already a totally held subsidiary of the issuer and is included in the consolidated statements of the issuer and its subsidiaries, or (ii) a person which is to succeed to the issuer or to the issuer and one or more of its totally held subsidiaries without any substantial change in capital structure, under such circumstances that form 8-B would be appropriate for registration of securities of such person issued in exchange for listed securities of the issuer.)

(3) Furnish a brief statement as to dividends in arrears or defaults in principal or interest in respect of any securities of such person, and as to the effect of the plan thereon.

(4) As to each class of securities of such person which is admitted to dealing on a national securities exchange and which will be involved in or materially affected by the plan, state the high and low sale prices (or in the absence of trading in a particular period, the range of the bid and asked prices) for each quarterly period within 2 years.

(d) As to each class of securities of the issuer which is admitted to dealing on a national securities exchange and which will be involved in or materially affected by the plan, furnish information similar to that required by paragraph (c) (4) above, unless the plan involves merely the liquidation or dissolution of the issuer.

Item 14. If action is to be taken with respect to the acquisition or disposition of any property—

(a) Describe briefly the general character and location of the property.

(b) State the nature and amount of consideration paid or to be paid, or received or to be received, by the issuer; to the extent practicable, summarize briefly the facts bearing upon the question of the fairness of the consideration.

(c) State the name and address of the transferor or transferee, as the case may be, and the relationship of such person to the issuer and to any affiliate of the issuer.

(d) Summarize briefly any other material features of the contract or transaction.

Item 15. If action is to be taken with respect to the restatement of any asset, capital, or surplus account of the issuer—

(a) State the nature of the restatement and the date as of which it is to be effective.

(b) Summarize briefly the reasons for the restatement and for the selection of the particular effective date.

(c) State the name and amount of each account (including any reserve accounts) affected by the restatement and the effect of the restatement thereon.

(d) To the extent reasonably practicable, state whether and the extent, if any, to which, by creation of additional surplus or elimination of charges against income, the restatement will as of the date thereof or in the future make available for distribution to the holders of equity securities of any class funds from the treasury of the issuer which could not otherwise be used for such purpose.

Item 16. If action is to be taken with respect to any report of the issuer or of its directors, officers, or committees, or any minutes of meetings of its directors or stockholders—

(a) State whether or not such action is to constitute approval or disapproval of any of the matters referred to in such reports or minutes.

(b) Identify each of such matters which it is intended will be approved or disapproved, and furnish the information required by the appropriate item or items of this schedule with respect to each such matter.

Item 17. If action is to be taken with respect to any matter not specifically referred to above—

(a) Describe briefly the substance of each such matter in substantially the same degree of detail as is required under items 5 to 15.

Item 18. If the persons making the solicitation are informed that any other person intends to present any matter for action at any meeting of security holders at which action pursuant to the proxy is to be taken, and if the persons making the solicitation intend that such matter shall not be acted upon pursuant to the proxy, make a statement to that effect, identifying the matter and indicating the disposition proposed to be made thereof at the meeting in the event the disposition thereof is within the control of the persons making the solicitation.

This regulation, as amended, shall become effective January 15, 1943, except as to solicitations commenced prior to that date by persons who released definitive material in connection with the last annual meeting of security holders prior to January 15, 1942.

[Regulation X–14, effective January 15, 1943] (48 Stat. 895; 15 U.S.C. 78n; 48 Stat. 901; 49 Stat. 1379; 15 U.S.C. 78w)

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–13669; Filed, December 21, 1942; 10:01 a. m.]

PART 259—FORMS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

AMENDMENT TO ANNUAL SUPPLEMENT TO REGISTRATION STATEMENT

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Public Utillity Holding Company Act of 1935, particularly sections 14 and 20 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it by said Act, hereby amends Form U5S to read as set forth in copies of the form marked "Adopted December 10, 1942."[1]

Effective December 18, 1942.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–13608; Filed, December 19, 1942; 10:57 a. m.]

PART 274—FORMS, INVESTMENT COMPANY ACT OF 1940

AMENDMENT TO FORM FOR ANNUAL REPORT OF REGISTERED MANAGEMENT INVESTMENT COMPANIES

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Investment Company Act of 1940, particularly sections 30 (a) and 38 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by said Act, hereby amends Form N–30A–1 by changing Instruction 4 captioned

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[1] This form is now in preparation and will be available shortly at the Securities and Exchange Commision.

"Definitions" of the "Instructions for Form N-30A-1" to Instruction 5 and inserting a new Instruction 4 reading as follows:

4. *Issuers subject to the proxy rules.* If the registrant has furnished an annual report to its security holders pursuant to Rule X-14A-1 of Regulation X-14, it may file with its annual report on this form a copy of its annual report to security holders and may incorporate by reference in answer to any item of this form any of the information contained in such annual report. The registrant may also incorporate by reference in its annual report on this form any financial statements contained in its annual report to security holders which are prepared substantially in accordance with the requirements of this form and Regulation S-X.

Effective December 18, 1942.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13609; Filed, December 19, 1942; 10:57 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5202]

PART 113—DOCUMENTARY STAMP TAXES

MISCELLANEOUS AMENDMENTS

In order to conform Regulations 71 [Part 113, Title 26, Code of Federal Regulations, 1941 Sup.] to sections 502 and 506 of the Revenue Act of 1942 (Public Law 753, 77th Congress), approved October 21, 1942, such regulations are amended to read as follows:

PARAGRAPH 1. There is inserted after the quotation of section 1809 (a), which precedes the quotation of sections 3480 and 3483 appearing immediately before § 113.2, the following:

SEC. 506. MISCELLANEOUS AMENDMENTS TO STAMP TAX PROVISIONS. (Revenue Act of 1942)

* * * * *

(f) *Exemption of United States, etc., from stamp tax.* Section 1809 (a) (relating to persons liable for payment of stamp tax) is amended by inserting at the end thereof the following new sentence: "The United States or any agency or instrumentality thereof shall not be liable for the tax with respect to an instrument to which it is a party, and affixing of stamps thereby shall not be deemed payment for the tax, which may be collected by assessment from any other party liable therefor."

* * * * *

(h) *Transfers, etc., with respect to which amendments applicable.* * * *

(6) The amendment of section 1809 (a) made by subsection (f) of this section shall be applicable to instruments to which the United States or any agency or instrumentality thereof becomes a party after the date of the enactment of this Act.

* * * * *

PAR. 2. Section 113.2 is amended by adding at the end thereof a new paragraph as follows:

On and after October 22, 1942, the United States or any agency or instrumentality thereof shall not be liable for the tax with respect to an instrument to which it is a party, and affixing of stamps thereby shall not be deemed payment for the tax, which may be collected by assessment from any other party liable therefor.

PAR. 3. There is inserted immediately preceding § 113.20, the following:

SEC. 506 MISCELLANEOUS AMENDMENTS TO STAMP TAX PROVISIONS. (Revenue Act of 1942)

* * * * *

(b) *Transfers by operation of law.* (1) Section 1802 (relating to the stamp tax on sales and transfers of capital stock) is amended by inserting at the end thereof the following new subsection:

(c) *Transfers by operation of law.* No delivery or transfer under subsection (b) not otherwise exempt shall be exempt because effected by operation of law. The tax under such subsection shall not be imposed upon any delivery or transfer

(1) From a decedent to his executor or administrator.

(2) From a minor to his guardian, or from a guardian to his ward upon attaining majority.

(3) From an incompetent to his committee or similar legal representative, or from a committee or similar legal representative to a former incompetent upon removal of disability.

(4) From a bank, trust company, financial institution, insurance company, or other similar entity, or nominee, custodian, or trustee therefor, to a public officer or commission, or person designated by such officer or commission or by a court, in the taking over of its assets, in whole or part, under State or Federal law regulating or supervising such institutions, nor upon redelivery or retransfer by any such transferee or successor thereto.

(5) From a bankrupt or person in receivership due to insolvency to the trustee in bankruptcy or receiver, from such receiver to such trustee, or from such trustee to such receiver, nor upon redelivery or retransfer by any such transferee or successor thereto.

(6) From a transferee under paragraphs (1) to (5), inclusive, to his successor acting in the same capacity, or from one such successor to another.

(7) From a foreign country or national thereof to the United States or any agency thereof, or to the government of any foreign country, directed pursuant to the authority vested in the President by section 5 (b) of the Trading with the Enemy Act (40 Stat. 415), as amended by the First War Powers Act. (55 Stat. 838)

(8) From trustees to surviving, substituted, succeeding, or additional trustees of the same trust.

(9) Upon the death of a joint tenant or tenant by the entireties, to the survivor or survivors.

No exemption shall be granted under this subsection unless the delivery or transfer is accompanied by a certificate setting forth such facts as the Commissioner, with the approval of the Secretary, may by regulation prescribe.

* * * * *

(h) *Transfers, etc., with respect to which amendments applicable.* * * *

(2) Section 1802 (c) * * * added by subsection (b) of this section shall be applicable to deliveries and transfers on or after the thirtieth day after the date of the enactment of this Act.

* * * * *

PAR. 4. Section 113.33 is amended as follows:

(A) Paragraph (d) is amended by changing the cross reference to read "But see § 113.35½ (a) (8).)".

(B) Paragraph (f) is amended by changing the cross reference to read "(But see § 113.35½ (a) (9).)".

(C) There is inserted at the end thereof a new paragraph as follows:

(n) *Transfers by operation of law.* (But see § 113.35½.)

PAR. 5. Section 113.34, as amended by Treasury Decision 5156, approved June 27, 1942, is further amended as follows:

(A) The first sentence is changed to read: In addition to the various exemptions prescribed in section 1808 which apply to stamp taxes generally (as to which see Subpart J), and to the specific exemptions provided in section 1802 (b) and (c), which apply only to the stamp tax imposed under that section (as to which see §§ 113.35 and 113.35½), the following are examples of transactions not subject to the tax: * * *.

(B) Paragraph (e) is amended by adding the following at the end thereof:

The provisions of paragraph (e) apply to transfers prior to November 20, 1942; for the provisions of the regulations relating to such transfers on or after November 20, 1942, see § 113.35½.

PAR. 6. Immediately preceding § 113.36, there is inserted the following:

§ 113.35½ *Miscellaneous specific exemptions provided by section 1802 (c).* (a) Section 1802 (c) as added by section 506 (b) (1) of the Revenue Act of 1942, effective on and after November 20, 1942, provides for various specific exemptions from the tax. However, no exemption under section 1802 (c) may be allowed unless the delivery or transfer is accompanied by a certificate as specified in paragraph (b) of this section. The specific exemptions are as follows:

(1) *Decedents.* The tax does not apply to deliveries or transfers of stock from a decedent to the executor or administrator of his estate.

(2) *Wards.* The delivery or transfer of stock from a minor to his guardian, or from a guardian to his ward upon attaining majority is exempt from the tax.

(3) *Incompetents.* The tax does not apply to deliveries or transfers of stock from an incompetent to his committee or similar legal representative, or from a committee or similar legal representative to a former incompetent upon removal of disability.

(4) *Banks, trust companies, etc.* The tax does not apply to deliveries or transfers of stock from a bank, trust company, financial institution, insurance company, or other similar entity, or nominee, custodian, or trustee therefor, to a public officer or commission, or person designated by such officer or commission or by a court, in the taking over of its assets, in whole or part, under State or Federal law regulating or supervising such institutions, nor upon redelivery or retransfer by any such transferee or successor thereto.

(5) *Trustees in bankruptcy and receivers.* Deliveries or transfers of stock from a bankrupt or person in receivership due to insolvency to the trustee in bankruptcy or receiver, from such receiver to such trustee, or from such trustee to such receiver, and the redelivery or retransfer by any such transferee or successor thereto are not taxable.

(6) *Successor transferees.* The tax does not apply to deliveries or transfers of stock from a transferee under (1) to (5), inclusive, to his successor acting in the same capacity, or from one such successor to another.

(7) *Trading with the Enemy Act.* The tax does not apply to deliveries or transfers of stock from a foreign country or national thereof to the United States or any agency thereof, or to the government of any foreign country, directed pursuant to the authority vested in the President by section 5 (b) of the Trading with the Enemy Act (40 Stat. 415), as amended by the First War Powers Act. (55 Stat. 838)

(8) *Trustees.* Deliveries or transfers of stock from trustees to surviving, substituted, succeeding, or additional trustees of the same trust are not subject to tax.

(9) *Survivors of joint tenancy, etc.* The tax does not apply to deliveries or transfers of stock upon the death of a joint tenant or tenant by the entireties, to the survivor or survivors.

(b) The exemptions specified in section 1802 (c), as added by section 506 (b) (1) of the Revenue Act of 1942, shall not be granted in any case unless the delivery or transfer is accompanied by a certificate in substantially the following form:

It is hereby certified that the circumstances of the delivery or transfer of the attached shares from ------------------------------
Name
to ------------------------------------
Name
by reason of which exemption from the transfer tax is claimed under section 1802 (c) of the Internal Revenue Code are as follows:

Signature and capacity
of person claiming exemption

PAR. 7. There is inserted immediately preceding § 113.50 the following:

SEC. 506. MISCELLANEOUS AMENDMENTS TO STAMP TAX PROVISIONS. (Revenue Act of 1942.)

(a) *Bonds, etc., issued by receiver.* Section 1801 (relating to stamp tax on issuance of corporate obligations) is amended by inserting at the end thereof the following new sentence: "Obligations described in this section issued by any receiver, trustee in bankruptcy, assignee, or other person, having custody of property, or charge of the affairs, of any corporation, shall, for the purposes of this chapter, be deemed to be issued by the corporation."

* * * * *

(h) *Transfers, etc., with respect to which amendments applicable.* (1) The amendment of section 1801 by subsection (a) of this section shall be applicable to obligations issued after the date of the enactment of this Act.

* * * * *

PAR. 8. Immediately following paragraph "(f)" of § 113.55, as amended by Treasury Decision 5128, approved March 11, 1942, there is inserted a new paragraph designated "(g)" and reading as follows:

(g) Any of the obligations described in section 1801, issued on or after October 22, 1942, by any receiver, trustee in bankruptcy, assignee, or other person, having custody of property, or charge of the affairs, of any corporation.

PAR. 9. There is inserted immediately preceding § 113.60 the following:

SEC. 506. MISCELLANEOUS AMENDMENTS TO STAMP TAX PROVISIONS. (Revenue Act of 1942.)

* * * * *

(b) *Transfers by operation of law.* * * *

(2) Section 3481 (relating to sales and transfers of bonds) is amended by inserting at the end thereof the following new subsection:

(b) *Transfers by operation of law.* No delivery or transfer under subsection (a) not otherwise exempt shall be exempt because effected by operation of law. The tax under subsection (a) shall not be imposed upon any delivery or transfer

(1) From a decedent to his executor or administrator.

(2) From a minor to his guardian, or from a guardian to his ward upon attaining majority.

(3) From an incompetent to his committee or similar legal representative, or from a committee or similar legal representative to a former incompetent upon removal of disability.

(4) From a bank, trust company, financial institution, insurance company, or other similar entity, or nominee, custodian, or trustee therefor, to a public officer or commission, or person designated by such officer or commission or by a court, in the taking over of its assets, in whole or part, under State or Federal law regulating or supervising such institutions, nor upon redelivery or retransfer by any such transferee or successor thereto.

(5) From a bankrupt or person in receivership due to insolvency to the trustee in bankruptcy or receiver, from such receiver to such trustee, or from such trustee to such receiver, nor upon redelivery or retransfer by any such transferee or successor thereto.

(6) From a transferee under paragraphs (1) to (5), inclusive, to his successor acting in the same capacity, or from one such successor to another.

(7) From a foreign country or national thereof to the United States or any agency thereof, or to the government of any foreign country, directed pursuant to the authority vested in the President by section 5 (b) of the Trading with the Enemy Act (40 Stat. 415), as amended by the First War Powers Act (55 Stat. 838).

(8) From trustees to surviving, substituted, succeeding, or additional trustees of the same trust.

(9) Upon the death of a joint tenant or tenant by the entireties, to the survivor or survivors.

No exemption shall be granted under this section unless the delivery or transfer is accompanied by a certificate setting forth such facts as the Commissioner, with the approval of the Secretary, may by regulation prescribe.

* * * * *

(g) *Transfer of bonds on reorganization taxable.* Section 3481 (a) (relating to imposition of transfer tax) is amended by striking out: "*Provided further,* That the tax shall not be imposed on deliveries or transfers of bonds in connection with a reorganization (as defined in section 112 of the Revenue Act of 1932, 47 Stat. 196) if any of the gain or loss from the exchange or distribution involved in the delivery or transfer is not recognized under the income tax law applicable to the year in which the delivery or transfer is made:".

(h) *Transfers, etc., with respect to which amendments applicable.* * * *

(2) * * * section 3481 (b) added by subsection (b) of this section shall be applicable to deliveries and transfers on or after the thirtieth day after the date of the enactment of this Act.

* * * * *

(7) The amendment of section 3481 (a) made by subsection (g) of this section shall be applicable to deliveries or transfers after the date of the enactment of this Act.

PAR. 10. Section 113.63 is amended by adding at the end thereof a new paragraph as follows:

By virtue of the amendment made by section 506 (a) of the Revenue Act of 1942 to section 1801, whereby obligations of the classes described in section 1801 issued on or after October 22, 1942, by any receiver, trustee in bankruptcy, assignee, or other person, having custody of property, or charge of the affairs, of any corporation are deemed to be issued by the corporation and hence constitute corporate obligations for stamp tax purposes, the tax imposed by section 3481 also applies to sales and transfers on or after October 22, 1942, of such corporate obligations. The tax on such sale or transfer applies irrespective of whether the corporate obligation was issued prior to October 22, 1942, or on or after such date.

PAR. 11. Section 113.65 is amended as follows:

(A) The first sentence of the first paragraph is changed by inserting "(a)" immediately after "Section 3481".

(B) Immediately after the second paragraph there is inserted a new paragraphs as follows:

Section 3481 (b), as added by section 506 (b) (2) of the Revenue Act of 1942, effective as of November 20, 1942, provides for a number of additional specific exemptions from tax which correspond to the exemptions from the stock transfer tax provided for in section 1802 (c). Accordingly, the rules stated in § 113.35½ with respect to the stock transfer tax exemptions also apply with respect to the corresponding bond transfer tax exemptions.

(C) The first sentence of the next to the last paragraph is changed by inserting "(a)" immediately after "Section 3481", and by inserting ", effective with respect to the period prior to October 22, 1942," immediately after the words "includes one exemption."

PAR. 12. Section 113.83 (j) is amended by adding thereto the following: "(But see § 113.2.)"

PAR. 13. Immediately preceding the quotation of section 1821 (b) (3) which appears immediately before § 113.100, there is inserted the following:

SEC. 502. STAMP TAX ON CERTAIN INSURANCE POLICIES. (Revenue Act of 1942.)

(a) *Imposition of tax.* Section 1804 (relating to stamp tax on policies issued by foreign insurers) is amended to read as follows:

SEC. 1804. INSURANCE POLICIES.

(a) *Insurance policies other than life, and indemnity, fidelity, or surety bonds.* On each policy of insurance (other than life), indemnity, fidelity, or surety bond, or certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called whereby a contract of insurance or an obligation of the nature of an indemnity, fidelity, or surety bond is made, continued, or renewed against, or with respect to, hazards, risks, losses, or liabilities wholly or partly within the United States, if issued to or for, or in the name of, a domestic corporation or partnership, or an individual resident of the United States, or with respect to hazards, risks, or liabilities within the United States, if issued to or for, or in the name of, a foreign corporation, foreign partnership, or nonresident individual, engaged in a trade or business within the United States, and if the insurer is a nonresident alien individual, or a foreign partnership, or a foreign corporation, and if such policy or other instrument is not signed or countersigned by an officer or agent of the insurer in a State, Territory, or District of the United States within which such insurer is authorized to do business, a tax of 4 cents on each dollar, or fractional part thereof, of the premium charged.

(b) *Life insurance, sickness, and accident policies, and annuity contracts.* On each policy of insurance or annuity contract, or certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called whereby a contract of insurance or an annuity contract is made, continued, or renewed with respect to the life or hazards to the person of a citizen or resident of the United States, if the insurer is a nonresident alien individual, or a foreign partnership, or a foreign corporation, unless such policy or other instrument is signed or countersigned by an officer or agent of the insurer in a State, Territory, or District of the United States within which such insurer is authorized to do business, or unless the insurer is subject to tax under section 201, a tax of 1 cent on each dollar or fractional part thereof, of the premium charged.

(c) *Reinsurance.* On each policy of reinsurance, certificate, binder, covering note, receipt, memorandum, cablegram, letter or other instrument by whatever name called whereby a contract of reinsurance is made, continued, or renewed against, or with respect to, any of the hazards, risks, losses, or liabilities covered by contracts described in subsections (a) and (b) of this section if the reinsurer is a nonresident alien individual, or a foreign partnership, or a foreign corporation, and if such policy or other instrument is not signed or countersigned by an officer or agent of the reinsurer in a State, Territory, or District of the United States within which such reinsurer is authorized to do business, a tax of 1 cent on each dollar, or fractional part thereof, of the premium charged.

(d) When used in this section:

(1) The term "indemnity, fidelity, or surety bond" includes any bond for indemnifying any person who shall have become bound or engaged as surety, and any bond for the due execution or performance of any contract, obligation, or requirement, or the duties of any officer or position, and to account for money received by virtue thereof, where a premium is charged for the execution of such bond.

(2) The term "insurer" includes any person who shall become bound by an obligation of the nature of an indemnity, fidelity, or surety bond, where a premium is charged for the execution of such obligation.

(b) *Payments to which amendments applicable.* The amendments made by this section shall apply to the making, continuing, or renewal of contracts occurring on or after the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

Par. 14. Sections 113.100 to 113.105 inclusive, are eliminated and the following new sections substituted in lieu thereof:

§ 113.100 *Scope of tax prior to November 1, 1942.* Section 1804, as amended by section 521 (a) (6) and (b) of the Revenue Act of 1941 imposes, with respect to the period prior to November 1, 1942, a tax upon each policy of insurance, or certificate, binder, covering note, memorandum, cablegram, letter, or other instrument by whatever name called, issued:

(a) By any foreign corporation or partnership or any individual not a resident of the United States, and not signed or countersigned by an officer or agent of the insurer in a State, Territory, or District of the United States within which such insurer is authorized to do business;

(b) To or for or in the name of a domestic corporation or partnership or an individual resident of the United States;

whereby insurance is made or renewed:

(c) Upon property within the United States, including rents and profits;

(d) Against peril by sea, or on inland waters, or in transit on land (including transshipments and storage at termini or way points), or by fire, lightning, tornado, windstorm, bombardment, invasion, insurrection, or riot.

An insurance policy issued for a domestic corporation or partnership, or an individual resident of the United States, is subject to the tax without regard to the identity, or the nationality or residence, of the person to or in whose name the policy is issued. A policy issued to or in the name of a domestic corporation or partnership, or individual resident of the United States, is subject to the tax without regard to the identity or the nationality or residence of the person for whom the policy is issued.

The application of the tax is limited to insurance policies upon property within the United States, including rents and profits. However, there are no limitations with respect to the form of the property; the tax applies to property of all kinds whether real or personal, and whether tangible or intangible.

Movable property, such as ships, vessels, barges, rolling stock of railroads, and other similar movable property, shall be held to be property within the United States if the principal place of business of the corporation or partnership owning and controlling the same is located within the United States, or, in the case of an individual, if he resides in the United States, unless such property is permanently located without the United States for purposes of ordinary use. The nation of registry of a vessel is immaterial.

A policy of insurance upon property exported from the United States is not subject to the tax if the insurance does not become effective prior to the time that the property is in the actual course of exportation.

Where a policy is issued to cover both export and nonexport property, the tax will be computed upon the full amount of the premium charged, unless the policy clearly indicates the property for export and the premium charged for the insurance thereon.

A policy of insurance covering property shipped from a foreign country to a port in the United States, which terminates upon unloading, is not taxable where the coverage within the United States constitutes only a trifling portion of the total coverage. If the coverage within the United States, constitutes more than a trifling portion of the total coverage, the policy is taxable and the tax is measured by the total premium charged.

The application of the tax is further limited to insurance against the particular risks specified in the statute. But it is not necessary that the policy cover all such risks; the policy is subject to the tax if it provides insurance against any one of the specified risks. A policy otherwise taxable is not exempt because it may also provide insurance against a risk not named in the statute.

Policies of reinsurance are expressly exempted by the statute from the tax. (As to policies of reinsurance issued on or after November 1, 1942, see § 113.101 (c).)

§ 113.101 *Scope of the tax on and after November 1, 1942*—(a) *Insurance (other than life) policies, and indemnity, fidelity or surety bonds.* Section 1804 (a), as amended by section 502 of the Revenue Act of 1942, effective on and after November 1, 1942, imposes a tax upon each policy of insurance (other than life), indemnity, fidelity, or surety bond, or certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called, whereby a contract of insurance or an obligation of the nature of an indemnity, fidelity, or surety bond is made, continued, or renewed, if issued:

(1) By a nonresident alien individual, a foreign partnership, or a foreign corporation, as insurer, and the policy or other instrument is not signed or countersigned by an officer or agent of the insurer in a State, territory, or district of the United States within which the insurer is authorized to do business;

(2) To or for, or in the name of, a domestic corporation, domestic partnership, or an individual resident of the United States, against or with respect to hazards, risks, losses, or liabilities wholly or partly within the United States; or

(3) To or for, or in the name of, a foreign corporation, foreign partnership, or nonresident individual, engaged in a trade or business within the United States with respect to hazards, risks, or liabilities wholly within the United States.

(b) *Life insurance, sickness, and accident policies and annuity contracts.* Section 1804 (b), as amended by section 502 of the Revenue Act of 1942, effective on and after November 1, 1942, imposes a tax upon each policy of insurance or annuity contract, or certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called whereby a contract of insurance or an annuity contract is made, continued, or renewed, if issued:

(1) By a nonresident alien individual, a foreign partnership, or a foreign corporation, as insurer, and the policy or other instrument is not signed or countersigned by an officer or agent of the insurer in a State, territory, or district of the United States within which such insurer is authorized to do business, or if not so signed or countersigned, the insurer is not subject to tax under section 201;

(2) To any person with respect to the life or hazards to the person of a citizen or resident of the United States.

(c) *Reinsurance.* Section 1804 (c), as amended by section 502 of the Revenue Act of 1942, effective on and after November 1, 1942, imposes a tax upon each policy of reinsurance, certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called whereby a contract of reinsurance is made, continued, or renewed, if issued:

(1) By a nonresident alien individual, a foreign partnership, or a foreign corporation, as reinsurer, and the policy or other instrument is not signed or countersigned by an officer or agent of the reinsurer in a State, Territory, or District of the United States within which such reinsurer is authorized to do business;

(2) To any person against or with respect to any of the hazards, risks, losses, or liabilities covered by contracts described in subsections (a) and (b) of section 1804, as amended by section 502 of the Revenue Act of 1942.

§ 113.102 *Definitions.* When used in this subpart:

(a) The term "indemnity, fidelity, or surety bond" includes any bond for indemnifying any person who shall have become bound or engaged as surety, and any bond for the due execution or performance of any contract, obligation, or requirement, or the duties of any office or position, and to account for money received by virtue thereof, where a premium is charged for the execution of such bond.

(b) The term "insurer" includes any person who shall become bound by an obligation of the nature of an indemnity, fidelity, or surety bond, where a premium is charged for the execution of such obligation.

(c) The terms "policy of insurance" and "other instrument" include a certificate, binder, covering note, receipt, memorandum, cablegram, letter, or any instrument by whatever name called whereby insurance is made, continued, or renewed.

(d) The term "insurance" includes, with respect to the period prior to November 1, 1942, the policies of insurance and other instruments covered by section 1804 prior to the amendment thereof by section 502 of the Revenue Act of 1942; and with respect to the period beginning with November 1, 1942, the policies of insurance and other instruments covered by section 1804, as amended by section 502 of the Revenue Act of 1942.

(e) The term "reinsurance" includes, with respect to the period beginning November 1, 1942, the policies of reinsurance and other instruments covered by section 1804 (c), as amended by section 502 of the Revenue Act of 1942.

(f) The term "premium" means the agreed price or consideration for assuming and carrying the risk or obligation, and includes any additional assessment or charge which may be assessed or charged under the contract, whether payable in one sum or in installments.

§ 113.103 *Continuance of insurance.* The several taxes imposed by section 1804, as amended by section 502 of the Revenue Act of 1942, apply to premium payments made to continue insurance. However, merely continuing a policy or bond in effect on November 1, 1942, the effective date of the amendments made by section 502 of the Revenue Act of 1942, does not give rise to tax liability unless there is a premium charge for continuing the insurance or obligation. For example the tax applies to an annual premium paid on or after November 1, 1942, with respect to an insurance policy kept in effect from year to year.

§ 113.104 *Rate and computation of tax*—(a) *Prior to November 1, 1942.* The tax under section 1804 prior to the amendment thereof by section 502 of the Revenue Act of 1942, and applicable with respect to the period prior to November 1, 1942, is imposed at the rate of 4 cents on each dollar, or fractional part thereof, of the premium charged. (As to exports, see § 113.100.)

(b) *On and after November 1, 1942.* The tax under section 1804 (a), as amended by section 502 of the Revenue Act of 1942, and applicable with respect to the period beginning with November 1, 1942, is imposed at the rate of 4 cents on each dollar, or fractional part thereof, of the premium charged.

The tax under subsections (b) and (c) of section 1804, as amended by section 502 of the Revenue Act of 1942, and applicable with respect to the period beginning with November 1, 1942, is imposed at the rate of 1 cent on each dollar, or fractional part thereof, of the premium charged.

(c) *General.* The tax is measured strictly by the amount of the premium charged. The time and method of payment of the premium are immaterial; the tax liability attaches if the insurance becomes effective, even though the premium is never paid.

The full rate of tax applies to each fractional part of a dollar of the premium charged. For example, upon a premium charge of $10.10, the tax at the rate of 4 cents amounts to 44 cents, and at the rate of 1 cent amounts to 11 cents.

§ 113.105 *Affixing stamps.* Ordinary documentary stamps shall be used in payment of the tax. Requisite stamps must be affixed to the first instrument whereby the taxable contractual relationship is made, continued, or renewed, whether it be a letter of acceptance, a cablegram, or other instrument by whatever name called. Where the instrument which creates or evidences the contractual relationship is confirmed by a subsequent instrument, the latter shall bear a notation designating such prior instrument (hereinafter referred to as the original instrument) and showing that the requisite stamps have been affixed thereto and cancelled.

In any case where the amount of the premium is not definitely determined at the time of entering into the taxable contractual relationship, the stamps may be affixed to the receipts for monthly or other payments if proper notation be made upon such receipts identifying the original instruments to which they apply.

The stamps shall be affixed by any person who is a party to the taxable contractual relationship, including any solicitor or broker acting for or on behalf of such person.

For provisions relative to cancellation of stamps see § 113.133.

Par. 15. Section 113.107 is amended by inserting ", or reinsurance," immediately after the words "policy of insurance".

Par. 16. Immediately preceding the caption "Bankruptcy Act", which precedes the quotation of section 735 (Act of July 1, 1898, as amended) appearing at the head of § 113.120, there is inserted the following:

SEC. 506. MISCELLANEOUS AMENDMENTS TO STAMP TAX PROVISIONS. (Revenue Act of 1942.)

* * * * *

(c) *Stamp tax exemption of cooperative banks, etc.* Section 1808 (c) (relating to exemption from stamp tax of stocks and bonds of building and loan associations, etc.) is amended by inserting after the words "building and loan associations" a comma and the words "savings and loan associations, cooperative banks, and homestead associations".

(d) *Stamp tax exemption of railroad and corporate reorganizations in bankruptcy, etc.* Section 1808 (e) and (f) (relating to exemption of railroad and corporate reorganizations) are amended to read as follows:

(e) *Corporate reorganizations and reorganization of railroads.* The provisions of section 1801, 1802, and 1821 (b) of this chapter and the provisions of sections 3481 and 3482 of Chapter 31 shall not apply to the issuance, transfer or exchange of securities, or the making, delivery or filing of conveyances to make effective any plan of reorganization or adjustment:

(1) Confirmed under the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended,

(2) Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in section 77 (m) of such Act, or

(3) Approved in an equity receivership proceeding in a court involving a corporation, as defined in section 106 (3) of such Act,

if the issuance, transfer, or exchange of securities, or the making, delivery or filing of instruments of transfer or conveyances, occurs within five years from the date of such confirmation or approval.

(e) *Exemptions in connection with certain orders of the Securities and Exchange Commission and in the case of common trust funds.* Section 1808 (g) (cross reference) is amended by striking out "(g)" and inserting in lieu thereof "(h)" and by inserting immediately before such subsection the following new subsections:

(f) *Orders of the Securities and Exchange Commission.* The provisions of sections 1801, 1802, and 1821 (b) of this chapter and the provisions of sections 3481 and 3482 of Chapter 31 shall not apply to the issuance, transfer, or exchange of securities, or making or delivery of conveyances, to make effective any order of the Securities and Exchange Commission as defined in section 373 (a) of Chapter 1: *Provided,* That (1) the order of the Securities and Exchange Commission in obedience to which such issuance, transfer, or exchange of securities, or conveyances are made recites that such issuance, transfer, or exchange, or conveyances are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, 49 Stat. 820 (U.S.C., Title 15, sec. 79k (b)), (2) such order specifies and itemizes the securities and other property which are ordered to be issued, transferred, exchanged, or conveyed, and (3) such issuance, transfer, or exchange, or conveyance is made in obedience to such order.

(g) *Common trust funds.* The provisions of section 1802 (a) shall not apply to the issue of shares or certificates of a common trust fund, as defined in section 169.

* * * * *

(h) *Transfers, etc., with respect to which amendments applicable.* * * *

(3) The amendment of section 1808 (c) made by subsection (c) of this section shall be applicable to stocks and bonds issued or transferred after the date of the enactment of this Act.

(4) The amendment of section 1808 (e) and (f) made by subsection (d) of this section shall be applicable to the issuance, transfer, or exchange of securities, or the making, delivery, or filing of conveyances, after December 31, 1941, in the case of the amendment of section 1808 (e), and after the date of the enactment of this Act, in the case of the amendment of section 1808 (f). Section 267 of the National Bankruptcy Act (U.S.C., Title 11, section 667) and any other provision of Federal law insofar as it confers exemption from stamp tax with respect to the issuance, transfer, or exchange of securities, or the making, delivery, or filing of conveyances, after five years from the date of confirmation or approval of the plan of reorganization or adjustment, shall be inapplicable to the issuance, transfer, or exchange of securities, or the making, delivery, or filing of conveyances, after the date of the enactment of this Act.

(5) (A) Section 1808 (f) added by subsection (e) of this section shall be applicable to the issuance, transfer, or exchange of securities, or the making or delivery of conveyances, after the date of the enactment of this Act.

(B) Section 1808 (g) as added by subsection (e) of this section shall be applicable to shares and certificates issued after the date of the enactment of this Act.

* * * * *

PAR. 17. Section 113.121 is amended to read as follows:

§ 113.121 *Stocks and bonds of domestic building and loan associations; mutual ditch or irrigation companies; savings and loan associations; cooperative banks; and homestead associations.* Section 1808 (c) prior to the amendment thereof by section 506 (c) of the Revenue Act of 1942, with respect to the period before October 22, 1942, exempts from the taxes imposed by sections 1801, 1802, and 3481, stocks and bonds issued by domestic building and loan associations substantially all the business of which is confined to making loans to members, and by mutual ditch or irrigation companies. Under section 1808 (c), as amended by section 506 (c) of the Revenue Act of 1942, with respect to the period beginning October 22, 1942, the exemption also applies to stocks and bonds issued by savings and loan associations, cooperative banks, and homestead associations, if in each case substantially all the business done is confined to making loans to members.

PAR. 18. Section 113.123 is amended to read as follows:

§ 113.123 *Railroad reorganizations.* Section 1808 (e) prior to the amendment thereof by section 506 (d) of the Revenue Act of 1942, with respect to the period before January 1, 1942, exempts from the taxes imposed by sections 1801, 1802, 3481, and 3482, the issuance, transfer, or exchange of securities or the filing of conveyances to make effective any plan of reorganization confirmed under the provisions of section 77 of the Bankruptcy Act (Act of July 1, 1898, 30 Stat., 544), as amended by section 1 of the Act of March 3, 1933, 47 Stat. 1474. (11 U.S.C., 205)

Under section 1808 (e), as amended by section 506 (d) of the Revenue Act of 1942, with respect to the period beginning January 1, 1942, the exemption applies to the issuance, transfer or exchange of securities, or the making, delivery or filing of conveyances to make effective any plan of reorganization or adjustment:

(a) Confirmed under the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended,

(b) Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in section 77 (m) of such Act, or

(c) Approved in an equity receivership proceeding in a court involving a corporation, as defined in section 106 (3) of such Act,

if the issuance, transfer, or exchange of securities, or the making, delivery or filing of instruments of transfer or conveyance, occurs within five years from the date of such confirmation or approval.

PAR. 19. Section 113.124 is amended to read as follows:

§ 113.124 *Corporate reorganizations.* Section 1808 (f) prior to the amendment thereof by section 506 (d) of the Revenue Act of 1942, with respect to the period before October 22, 1942, exempts from stamp tax the issuance, transfer, or exchange of securities, and the delivery of deeds of conveyance, (1) to make effective any plan of reorganization confirmed under section 77B of the Bankruptcy Act, as amended by the Act of June 7, 1934, 48 Stat., 919 (11 U.S.C., 207), or (2) under any plan confirmed under Chapter X of the Bankruptcy Act as amended.

Under section 1808 (e), as amended by section 506 (d) of the Revenue Act of 1942, to correspond to section 1808 (e) and (f) prior to such amendment, with respect to the period beginning with October 22, 1942, the exemption applies to the issuance, transfer, or exchange of securities, or the making, delivery or filing of conveyances to make effective any plan of reorganization or adjustment:

(a) Confirmed under the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended,

(b) Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in section 77 (m) of such Act, or

(c) Approved in an equity receivership proceeding in a court involving a corporation, as defined in section 106 (3) of such Act,

if the issuance, transfer, or exchange of securities, or the making, delivery or filing of instruments of transfer or conveyances, occurs within five years from the date of such confirmation or approval.

Section 267 of the Bankruptcy Act, as added by the Act of June 22, 1938, 52 Stat., 903 (11 U.S.C., 1940 ed., 667), also exempts from stamp tax the issuance, transfer, or exchange of securities, or the making or delivery of instruments of transfer under any plan of reorganization confirmed under Chapter X of the Bankruptcy Act as amended. However, the provisions of such section 267 of the Bankruptcy Act (and any other provisions of Federal law) insofar as they confer exemption from stamp tax with respect to the issuance, transfer, or exchange of securities, or the making, delivery, or filing of conveyances, after five years from the date of confirmation or approval of the plan of reorganization or adjustment, do not apply to the issuance, transfer, or exchange of securities, or the making, delivery, or filing of conveyances, after October 21, 1942.

PAR. 20. Immediately following § 113.124, there are inserted two new sections as follows:

§ 113.125 *Orders of the Securities and Exchange Commission.* Section 1808 (f), as added by section 506 (e) of the Revenue Act of 1942, effective on and after October 22, 1942, exempts from the taxes imposed by sections 1801, 1802, 3481 and 3482 the issuance, transfer, or exchange of securities, or making or delivery of conveyances, to make effective any order of the Securities and Exchange Commission as defined in section 373 (a): *Provided,* That (1) the order of the Securities and Exchange Commisison in obedience to which such issuance, transfer, or exchange of securities, or conveyances are made recites that such issuance, transfer, or exchange, or conveyances are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, 49 Stat. 820 (U.S.C., Title 15, sec. 79k (b)), (2) such order specifies and itemizes the securities and other property which are ordered to be issued, transferred, exchanged, or conveyed, and (3) such issuance, transfer, or exchange, or conveyance is made in obedience to such order.

§ 113.126 *Common trust funds.* Under section 1808 (g), as added by section 506 (e) of the Revenue Act of 1942, effective on and after October 22, 1942, the provisions of section 1802 (a) do not apply to the issue of shares or certificates of a common trust fund, as defined in section 169.

(This Treasury decision is issued pursuant to sections 502 and 506 of the Revenue Act of 1942. (Pub. Law 753, 77th Cong.), approved October 21, 1942; and section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U. S. C., 1940 ed., 3791).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: December 17, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-13578; Filed, December 18, 1942; 4:11 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Dockets Nos. A-1730 and A-1741]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING RELIEF, ETC.

Order of consolidation and order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 7 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 7.

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matters; and

It appearing that the shipping point for the Imperial No. 2 Mine, Mine Index No. 322 of the Imperial Smokeless Coal Company is Quinwood, West Virginia, on the Nicholas, Fayette and Greenbrier Railroad; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: December 7, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as sepatarely shown]

Mine index No.	Code member	Mine name	Sub-district No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group No.									
								1	2	3	4	5	6	7	8	9	10
322	Imperial Smokeless Coal Co.	Imperial #2	1	Sewell	Quinwood, W. Va.	NF&G	19	D	D	C	A	A	B	B	C	C	C
324	Layton, Harry (Layton Coal Co.)	Layton	5	Poca. #6	Mullens, W. Va.	Vgn	14	B	A	A	A	A	B	B	B	B	B
294	Moses & Wolfe (J. C. Moses)	Blue Bird	2	Sewell	Stone Cliff, W. Va.	C&O	10	B	(†)	(†)	(†)	(†)	A	A	B	B	B
328	Short, J. K. (Darr Red Ash Coal Co.)	Darr #2	4	Red Ash	Iaeger, W. Va.	N&W	30	(†)	(†)	(†)	(†)	(†)	B	B	(†)	(†)	(†)

†When shown under a Size Group Number, this symbol indicates no classification effective for this size group.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine	Mine index No.	Subdistrict No.	County	Seam	All lump ¾″ or larger, all egg and stove	All nut or pea 1¼″ top size or smaller	Screened M/R	Straight mine run	1¼″ screenings	¾″ screenings
						1	2	3	4	5	6
Imperial Smokeless Coal Co.	Imperial #2	322	1	Nicholas	Sewell	310	270	300	235	210	205
Layton, Harry (Layton Coal Co.)	Layton	324	5	Wyoming	Poca. #6	335	270	300	235	215	210
Moses & Wolfe (J. C. Moses)	Blue Bird	294	2	Fayette	Sewell	335	------	(*)	(*)	215	210
Short, J. K. (Darr Red Ash Coal Co)	Darr #2	328	4	McDowell	Red Ash	------	------	300	235	----	----

*When shown under a Size Group Number, this symbol indicates coals previously classified in this Size Group.

[F. R. Doc. 42–13551; Filed, December 18, 1942; 11:45 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

PARTS 130 AND 131—APPENDIX [1]

RELEASE OF CERTAIN PHILIPPINE SECURITIES

Joint Memorandum—Procedure agreed upon by the Government of the Commonwealth of the Philippines and the United States Treasury Department for the release of Philippine securities deposited in banks located outside of the United States and within the generally licensed trade area, in accordance with the notice of the Philippine Government of January 14, 1942.

(1) Any Philippine security which has been deposited with a reputable bank located outside of the United States and within the generally licensed trade area may be released if clearance certificate on Form TFEL–2 has been attached to the security under the authority of the Federal Reserve Bank of New York.

(2) The Federal Reserve Bank of New York is authorized to prepare Form TFEL–2 and to transmit it to the bank with which the security is deposited. The bank receiving Form TFEL–2 will be authorized to attach it to the security described in the form and thereafter to release the security from custody.

(3) After any such security has been thus released, it may be freely bought, sold, traded, or otherwise dealt in, except that it may not be sold to or dealt in with any person who is an enemy national. Its importation into the United States is subject to the provisions of General Ruling No. 5, as if Form TFEL–2 were not attached to it.

(4) In the preparation and execution of Form TFEL–2 by the Federal Reserve Bank of New York, the following procedure will be observed:

(a) The New York agency of the Philippine National Bank, 25 Broadway, New York, New York, will notify the Federal Reserve Bank of New York of the requests received by it from any reputable depository bank on behalf of the holders of Philippine securities who desire the release of securities deposited with any such reputable bank, located outside of the United States and within the generally licensed trade area. Such notification will be accompanied by a complete identification of the security, including the name and address of the depositor, date of deposit, a description of the security, and the circumstances surrounding its deposit abroad. The identification will also indicate whether the description conforms with the description of the security as registered with the New York agency of the Philippine National Bank. The description of the security will include the name of the issuer, the number of shares or the denomination of the security, the serial or certificate numbers, and the name of the registered owner, if any. Form TFE–2B will be used by the New York agency of the Philippine National Bank in supplying this information to the extent possible and with such additions as are necessary to conform to this memorandum.

(b) The Federal Reserve Bank of New York is authorized to prepare and execute Form TFEL–2 with respect to such security if it is satisfied on the basis of the information supplied by the New York agency of the Philippine National Bank that:

(i) The description filed with it relates to a security which has been deposited with a reputable bank located outside, and organized under the laws of a country other than, an enemy country or territory occupied or controlled by the enemy and within the generally licensed trade area; and

(ii) The security was deposited with such bank in accordance with the notice of the Government of the Commonwealth of the Philippines of January 14, 1942, and in accordance with the description thereof registered with the New York agency of the Philippine National Bank.

(c) In cases in which the deposit of a Philippine security was made after the date stated in the notice of the Philippine Government of January 14, 1942, the Federal Reserve Bank of New York is nevertheless authorized to execute and prepare Form TFEL–2 for attachment to such security if it is satisfied that such delay was justifiable in view of existing communication difficulties and that the deposit was otherwise in accord with the purposes and provisions of such notice. In these cases, the request for release of the security should be accompanied by an explanation of the circumstances believed to justify the delay and a confirmation of the circumstances by the United States consul or other appropriate diplomatic representative of the United States.

(d) In the execution and preparation of Form TFEL–2 with respect to any Philippine security, the Federal Reserve Bank of New York will add the capital letters "PI" to the serial number on each such form. In addition, and prior to the transmission of these forms, the Federal Reserve Bank of New York will exercise care to insure that all spaces on the form are properly and completely filled in and that none is left blank.

(e) The Federal Reserve Bank of New York will then transmit Form TFEL–2 to the bank holding the security in question, authorizing the bank to attach Form TFEL–2 to the security, to release such security from its custody, and to inform the person who has deposited such security that it may thereafter be dealt in as provided in paragraph (3) hereof.

(5) As used in this memorandum:

(a) The term "Philippine security" shall include securities issued by, or the obligation of, either the Government of the Commonwealth of the Philippines, including political subdivisions thereof, or any corporation or other organization organized under the laws of that government.

(b) The term "generally licensed trade area" shall have the meaning prescribed in General License No. 53. General License No. 53 defines the generally licensed trade area as including:

(i) The American Republics, *i. e.*, Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela;

(ii) The British Commonwealth of Nations, *i. e.*, the United Kingdom (England, Wales, Scotland, and Northern Ireland), the British Dominions (Canada, Australia, New Zealand, the Union of South Africa, and Newfoundland), Eire, the Isle of Man, India, Egypt, Anglo-Egyptian Soudan, Iraq, all colonies and protectorates under the British Crown, and all mandated territories administered by the United Kingdom or by any British dominion;

(iii) The Union of Soviet Socialist Republics;

(iv) The Faroe Islands;

(v) The Netherlands West Indies;

(vi) The Belgian Congo and Ruanda-Urundi;

(vii) Greenland;

(viii) Iceland:

(ix) (1) Syria and Lebanon and (2) the New Hebrides Island;

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[1] This joint memorandum affects Parts 130 and 131 and will be included in the appendices to those parts.

(x) French Equatorial Africa, including the Cameroons; New Caledonia; Tahiti; the French Establishments in India.

(6) The New York agency of the Philippine National Bank will take such steps as it deems necessary to communicate the contents of this memorandum to all banks holding securities registered with it and to such other persons it may deem advisable.

J. M. ELIZALDE,
Resident Commissioner of the Philippines to the United States.

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

DECEMBER 8, 1942.

[F. R. Doc. 42–13643; Filed, December 19, 1942; 11:56 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—War Relocation Authority

PART 4—ENLISTMENT IN THE WAR RELOCATION WORK CORPS

REVOCATION OF REGULATIONS

Pursuant to the authority vested in me as Director of the War Relocation Authority by Executive Order No. 9102 of March 18, 1942, Part 4 of Chapter I, Title 32 (7 F.R. 3231), prescribing regulations to govern enlistments in the War Relocation Work Corps, is hereby revoked.

This order shall take effect upon its publication in the FEDERAL REGISTER.

Issued at Washington, D. C., the 15th day of December 1942. (E.O. 9102, 7 F.R. 2165)

D. S. MYER,
Director.

[F. R. Doc. 42–13620; Filed, December 19, 1942; 11:10 a. m.]

Chapter VI—Selective Service System

[Amendment No. 107, 2d Ed.]

PART 623—CLASSIFICATION PROCEDURE

MISCELLANEOUS AMENDMENTS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301–316; inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in an Administrative Order dated December 5, 1942, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 623.72 [1] to read as follows:

§ 623.72 *Steps to be taken by State Director of Selective Service before action by armed forces.* The State Director of Selective Service, when he receives from a local board an original and three copies of an Alien's Personal History and Statement (Form 306), shall (1) enter an acknowledgement thereof upon the receipt attached to the State Headquarters Alien Record (Form 304), (2) mail such receipt to the local board, (3) enter the date of receipt thereof on the State Headquarters Alien Record (Form 306), (4) transmit the original and all three copies thereof to the Commanding General of the Service Command (or to the representative of the Navy or Marine Corps), (5) enter the date of such transmittal upon the State Headquarters Alien Record (Form 306), and (6) file the State Headquarters Alien Record (Form 306) in an alphabetical file of pending alien cases.

2. Amend § 623.73 [1] to read as follows:

§ 623.73 *Steps to be taken by armed forces.* The Commanding General of the Service Command (or representative of the Navy or Marine Corps) will endorse on the original and all three copies of the Alien's Personal History and Statement (Form 304) that such registrant either "is, if otherwise qualified," acceptable to the armed forces or "is not" acceptable to the armed forces. If such endorsement indicates that the registrant "is, if otherwise qualified," acceptable to the armed forces, the Commanding General of the Service Command (or representative of the Navy or Marine Corps) will retain one copy of the Alien's Personal History and Statement (Form 304) and forward the original and two copies to the State Director of Selective Service from whom they were originally received. If such endorsement indicates the registrant "is not" acceptable to the armed forces, the Commanding General of the Service Command (or representative of the Navy or Marine Corps) will retain the original and one copy of the Alien's Personal History and Statement (Form 304) and forward two copies thereof to the State Director of Selective Service from whom they were originally received.

3. Amend § 623.74 [1] to read as follows:

§ 623.74 *Steps to be taken by State Director of Selective Service after action by armed forces.* (a) The State Director of Selective Service shall carefully check the Alien's Personal History and Statement (Form 304) received by him from the Commanding General of the Service Command (or representative of the Navy or Marine Corps) to make certain that the endorsement thereon shows whether the registrant "is, if otherwise qualified," or "is not" acceptable to the armed forces.

(b) The State Director of Selective Service shall then enter upon the State Headquarters Alien Record (Form 306) the date upon which the Alien's Personal History and Statement (Form 304) was received from the Commanding General of the Service Command (or representative of the Navy or Marine Corps) and shall also enter thereon whether such registrant was found to be acceptable, if otherwise qualified, or not acceptable to the armed forces.

(c) When a registrant has been found to be acceptable, if otherwise qualified, the State Director of Selective Service shall forward the original and one copy of his Alien's Personal History and Statement (Form 304) to the local board from which it was originally received and shall forward the other copy to the Director of Selective Service. When a registrant has been found to be not acceptable, the State Director of Selective Service shall forward one copy of the Alien's Personal History and Statement (Form 304) to the local board from which it was originally received and shall forward the other copy to the Director of Selective Service. In all cases, the State Director of Selective Service shall enter on the State Headquarters Alien Record (Form 306) the date upon which the Alien's Personal History and Statement (Form 304) was so forwarded.

4. Amend § 623.75 [2] to read as follows:

§ 623.75 *Steps to be taken by local board after action by armed forces.* (a) When the local board receives from the State Director of Selective Service the original and one copy of the Alien's Personal History and Statement (Form 304) which bears the endorsement of the armed forces showing the registrant "is, if otherwise qualified," acceptable to the armed forces, or one copy of the Alien's Personal History and Statement (Form 304) which bears the endorsement of the armed forces showing the registrant "is not" acceptable to the armed forces, it shall take the following action:

(1) Change the registrant's classification to Class IV–C, if the registrant "is not" acceptable to the armed forces; or

(2) Proceed in the same manner as in the case of any other registrant in the same classification, if the registrant "is, if otherwise qualified," acceptable to the armed forces.

(b) The local board shall also:

(1) If the registrant has been found to be acceptable, if otherwise qualified, forward the original of the Alien's Personal History and Statement (Form 304) to the induction station at the time the registrant is forwarded for induction and file the remaining copy in the registrant's Cover Sheet (Form 53);

(2) If the registrant has been found to be not acceptable, file the copy of the Alien's Personal History and Statement (Form 304) in the registrant's Cover Sheet (Form 53); and

(3) Record the action of the armed forces and the date upon which it received the Alien's Personal History and Statement (Form 304) from the State Director of Selective Service with the endorsement of the armed forces thereon in the blank columns of the Classification Record C (Form 100A) and under "Minutes of Other Actions" on the back of the Selective Service Questionnaire (Form 40).

5. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

DECEMBER 17, 1942.

[F. R. Doc. 42–13555; Filed, December 18, 1942; 2:16 p. m.]

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[1] 7 F.R. 2089.

[2] 7 F.R. 2089, 4403.

[Amendment No. 108, 2d Ed.]

PART 633—DELIVERY AND INDUCTION

MISCELLANEOUS AMENDMENTS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301–318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in an Administrative Order dated December 5, 1942, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (b) of § 633.5[1] to read as follows:

§ 633.5 *Records sent to induction station.* * * *

(b) For each man selected to fill the call, the following papers shall be turned over to the leader for delivery to the commanding officer of the induction station:

(1) The original and all three copies of the Report of Physical Examination and Induction (Form 221); and

(2) For each alien whose acceptability had to be determined because of being a citizen or subject of a certain country, the original of his Alien's Personal History and Statement (Form 304) shall be attached to his Report of Physical Examination and Induction (Form 221).

2. Amend paragraph (e) of § 633.11[1] to read as follows:

§ 633.11 *Transferring men for delivery.* * * *

(e) The man's own local board, upon receiving a request for Transfer for Delivery (Form 154) approved by another local board, shall have no discretion but must immediately transfer him by preparing a Transfer of Registrant for Delivery (Form 155), in duplicate, filing the copy and mailing the original to the local board which has approved such request, together with the following papers:

(1) Copy of Order to Report for Induction (Form 150).

(2) The original and all three copies of the Report of Physical Examination and Induction (Form 221).

* * * * *

3. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

DECEMBER 17, 1942.

[F. R. Doc. 42–13556; Filed, December 18, 1942; 2:16 p. m.]

[Amendment No. 109, 2d Ed.]

PART 691—RULES FOR CAMPS OPERATED BY THE NATIONAL SERVICE BOARD FOR RELIGIOUS OBJECTORS

DISCIPLINE

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301–318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (a) of § 691.17[1] to read as follows:

§ 691.17 *Discipline.* (a) An assignee who fails to perform the duties outlined in § 653.12 or whose conduct amounts to a violation of local, State, or Federal criminal statutes, or to a violation of the rules and regulations herein set forth, will be subject to such fines, restriction of privileges, extra duty, additional service, reclassification under the Selective Service Regulations, or prosecution under the Selective Training and Service Act of 1940, as amended, as the case may warrant.

* * * * *

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

DECEMBER 17, 1942.

[F. R. Doc. 42–13558; Filed, December 18, 1942; 3:23 p. m.]

[Amendment No. 110, 2d Ed.]

PART 692—RULES FOR GOVERNMENT-OPERATED CAMPS

DISCIPLINE

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301–318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (a) of § 692.17[2] to read as follows:

§ 692.17 *Discipline.* (a) An assignee who fails to perform the duties outlined in § 635.12 or whose conduct amounts to a violation of local, State, or Federal criminal statutes or to a violation of the rules and regulations herein set forth, will be subject to such fines, restriction of privileges, extra duty, additional service, reclassification under the Selective Service Regulations, or prosecution under the Selective Training and Service Act of 1940, as amended, as the case may warrant.

* * * * *

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

DECEMBER 17, 1942.

[F. R. Doc. 42–13559; Filed, December 18, 1942; 3:23 p. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Supplementary Directive 1S]

§ 903.24 *Further delegation of authority to the Office of Price Administration with reference to the rationing of new heating equipment.* (a) In order to permit the efficient rationing of new heating equipment, the authority delegated to the Office of Price Administration by Directive No. 1 (§ 903.1)[1] is hereby extended to include the following:

(1) The exercise of rationing control over the sale, transfer, delivery or other disposition of new heating equipment by any person to any other person and over the use of such equipment by any person: *Provided,* That such authority shall not include the power to limit or restrict the quantity of such equipment obtainable by the Army, Navy, Marine Corps, Coast Guard, War Shipping Administration or Maritime Commission of the United States, or by government agencies or other persons to the extent to which they acquire such equipment for export to and consumption or use in any foreign country.

(2) The requiring of the delivery of such certificate or other evidences as the Office of Price Administration may prescribe as a condition to the sale, transfer, delivery or other disposition of new heating equipment by any person to any other person.

(b) The authority of the Office of Price Administration under this supplementary directive shall include the power to regulate or prohibit the sale, transfer, delivery or other disposition of new heating equipment to, or the acquisition or use of such equipment by, any person who has acted in violation of any rationing regulation or order prescribed by the Office of Price Administration.

(c) The Office of Price Administration is authorized, in accordance with the provisions of Executive Order No. 9125, and to the extent that it may deem necessary to the enforcement of the authority delegated in paragraphs (a) and (b) of this supplementary directive:

(1) To require records and reports and to make audits of the accounts and inspections of the facilities of any person involved directly or indirectly in the sale, transfer, delivery, or other disposition of new heating equipment; and

(2) To require any person who is involved, directly or indirectly, at any stage in the distribution of new heating equipment to comply with any rule, regulation or procedure promulgated or established pursuant to the authority delegated in paragraph (a) of this supplementary directive.

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[1] 6 F.R. 6850; 7 F.R. 431, 1092, 4404.

[1] 7 F.R. 506.

[2] 7 F.R. 508.

[1] 7 F.R. 562.

(d) As used in this supplementary directive, the term "heating equipment" means domestic heating stoves and domestic space heaters which use coal or oil as fuel, and oil conversion burners for such stoves and space heaters; the term "new," as applied to heating equipment, means equipment which has not been sold to a consumer, and equipment which has been sold to a consumer but which has not been used for more than 60 days; the term "consumer" means any person who acquires new heating equipment other than persons who acquire such equipment for resale without using it for the purpose for which it was designed; the term "person" means any individual, partnership, corporation, association, government or government agency, and any other organized group or enterprise.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13587; Filed, December 18, 1942; 5:08 p. m.]

PART 905—SPECIFICATIONS

[Directive No. 9, as Amended December 19, 1942]

Pursuant to the authority vested in me by Executive Orders No. 9024 of January 16, 1942, No. 9040 of January 24, 1942, and No. 9125 of April 7, 1942, and pursuant to the policy stated in the Joint Directive of the War Production Board and the War and Navy Departments dated May 20, 1942, and the Army and Navy Munitions Board "List of Prohibited Items for Construction Work," dated April 1, 1942, as revised June 29, 1942, the following policy is prescribed (1) for the War Production Board and for the Army, Navy, Maritime Commission, Reconstruction Finance Corporation, National Housing Agency, and (2) for all other Departments and Agencies in respect to war construction and the financing of war construction.

§ 905.2 *National emergency specifications for the design of reinforced concrete buildings.* (a) National emergency specifications for the design of reinforced concrete buildings issued by the War Production Board on October 5, 1942, shall apply to and shall govern the designing of reinforced concrete buildings which are constructed by, or the construction of which is financed by, or the construction of which must be approved by any of such departments or agencies, the contracts for which are placed on and after January 1, 1943. Such departments and agencies are, however, empowered to put such emergency specifications into immediate effect wherever possible.

(b) With respect to any such contracts already placed by any of said departments or agencies or entered into prior to December 31, 1942, the department or agency concerned shall review the contract promptly and shall change to said emergency specifications unless such change will result in any substantial delay in the war effort.

(c) The department or agency undertaking or approving the construction shall obtain from the person in responsible charge of the design of each such building a certificate to the effect that such emergency specifications have been complied with. In cases where Forms PD–200 and PD–200A must be filed with the War Production Board in order to obtain authorization to begin construction of such building, such certificate shall be filed with said forms.

(d) Authority to depart from the provisions of this directive may, upon specific request, be granted by the Director General for Operations of the War Production Board, or by such person or persons as he may designate for this purpose.

(E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of December 1942.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 42–13648; Filed, December 19, 1942; 11:41 a. m.]

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S–164]

RICHARD STIEGLER

Richard Stiegler, 230 Fifth Avenue, New York, New York, acquired a parcel of land situated at Main and Wheeler Streets, Bridgeport, Connecticut. He entered into an agreement with the Great Atlantic & Pacific Tea Company, then and still an occupant of a supermarket on Main Street within two-tenths of a mile of the above property, to build a new supermarket thereon for the use of said Company. On April 17, 1942, after Conservation Order L–41 was in effect, Stiegler signed an application on Form PD–200 for authorization to build this store, which was granted. Question 15 of Form PD–200 requests the applicant to explain in detail what consideration has been given either to temporarily using other available facilities or to reconditioning existing facilities. In answer to this question, Stiegler stated "None available". In signing the application, he also certified that there was no omission of any material fact. He omitted any reference to the existing supermarket which the Atlantic & Pacific Tea Company was then operating.

Prior to the filing of the PD–200 application, Stiegler had been informed by a representative of the War Production Board that the application would not be granted if other facilities were available, so that he knew that his answer to Question 15 was inadequate and misleading.

Construction of the new store was commenced in the summer of 1942 and was about 75% completed when halted by an order from the Director General for Operations of the War Production Board.

The inadequate and misleading statement made by Stiegler was a violation of Priorities Regulation No. 1 and resulted in the granting of an authorization for this construction which would not have been approved if there had been a full disclosure of the facts, thus causing labor, material, and construction plant, urgently needed in the war effort, to be used for nonessential purposes. In view of the foregoing facts: *It is hereby ordered,* That:

§ 1010.164 *Suspension Order S–164.* (a) Neither Richard Stiegler nor any other person shall order, purchase, accept delivery of, withdraw from inventory, or in any other manner secure or use material or construction plant in order to continue construction on the property located at Main and Wheeler Streets, Bridgeport, Connecticut, except as specifically authorized in writing by the Regional Compliance Chief of the Boston Regional Office of the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Richard Stiegler or any other person from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on December 21, 1942, and shall expire on January 28, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13588; Filed, December 18, 1942; 5:08 p. m.]

PART 997—PRODUCTION AND DELIVERY OF MACHINE TOOLS

[General Preference Order E–1–b as Amended Dec. 19, 1942]

§ 997.2 *General Preference Order E–1–b*—(a) *Definitions.* (1) "Machine tools" include the products listed in schedule hereto attached and marked Exhibit A[1] and divided into two groups designated Group I and Group II for the purpose of this order as hereinafter specified. The term "tool" means a machine tool. Each machine tool includes not only the basic machine but also all fixtures, equipment and tooling covered by the original purchase order which are required to be delivered with the tool to make it usable in production for the purposes intended, but does not include any replacements, or spare parts or equipment, or extra tooling, ordered by the purchaser.

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[1] Not filed as part of the original document.

(2) "Producer" means any individual, partnership, association, corporation, or other form of enterprise engaged in producing any products listed in Exhibit A.

(3) "Service purchasers" means those whose preference rating certificates, or whose endorsed purchase orders, show that the preference rating applied to such delivery was assigned thereto by an original Preference Rating Certificate PD–3, PD–3A, or PD–4, or by Preference Rating Order P–19–h, calling for delivery to a supply arm or bureau of the Army or Navy, or to the United States Maritime Commission, or to one of their prime contractors, or to a subcontractor of such a prime contractor.

(4) "Foreign purchasers" means those whose purchase orders show that the tool is to be delivered to or for the account of a foreign country (other than Canada), or a subdivision, agency, or instrumentality thereof: *Provided*, That such purchase orders have been placed by the Ordnance Department (Army) or by the Procurement Division of the Treasury Department, with or without a preference rating certificate; or, in the case of purchase orders placed prior to May 1, 1942 by a purchasing or procurement agent of a foreign country, where such purchase orders have been scheduled pursuant to a preference rating certificate, a Special Allocation Order No. 1, or General Preference Order No. E–3.

(5) "Other purchasers" means all purchasers other than service purchasers and foreign purchasers, to whose purchase orders a preference rating has been assigned, including Canadian.

(6) "Class" when used herein means one of the foregoing three classes of purchasers: namely, service purchasers, foreign purchasers, or other purchasers.

(7) "Size" as used herein may include all of those dimensions or variations of a particular type of tool which can be used interchangeably for production purposes.

(b) *Revocation of previous order.* General Preference Order No. E–1–a Revised, including the Numerical Master Preference List, Revision No. 1, is revoked as of May 1, 1942 as to machine tools, and shall thereafter be of no further force or effect with respect to machine tools except as present schedules and urgency standings are continued by paragraph (c) of this order. Makers of gages and chucks will continue to schedule their production according to General Preference Order No. E–1–a, Revised, until further order of the Director General for Operations.

(c) *Production and delivery of machine tools during November 1942 and until further notice.* Notwithstanding any other provisions of this order, each producer shall schedule 75 percent of his production and delivery of each size of each type of machine tool during the balance of the calendar month of November 1942 and each month thereafter as follows, until further notice:

(1) Each producer forthwith shall divide into two types all purchase orders placed by each of the seven groups of Service purchasers (Bureau of Ships, Bureau of Ordnance, Ordnance Department, Air Services, Miscellaneous Bureaus and Branches, Maritime Commission, and Signal Corps) which specify as the required delivery date the month being scheduled or a previous month, such types being designated as Type 1 orders and Type 2 orders. The "required delivery date" is the date specified on the endorsement accompanying the purchase order, as changed by any subsequent instruction given on Form WPB–27, Form WPB–1588, or otherwise, by the War Production Board, or by any postponement thereof by the purchaser.

Type 1 orders shall include the following:

(i) Any purchase order for delivery to any Service Purchaser in the "Air Services" group (called "Air Foces" in Exhibits A and B to General Preference Order E–1–b). "Air Services" includes the Army Air Forces, the Navy Bureau of Aeronautics, their respective prime contractors and subcontractors, and the U. S. Corps of Engineers with respect to purchases made for the account of the Army Air Forces; and in addition thereto,

(ii) Any purchase order for delivery to any prime contractor listed on the preferred customers list (Exhibit C attached to this order) or any subcontractor of such a prime contractor. No purchase order from a prime contractor on the preferred customers list, or from his subcontractors, shall be classed as a Type 1 order, however, unless the endorsement required by paragraph (b) of this order to be placed by such purchaser on his purchase order, or the preference rating certificate itself if transferred to the producer, shows that the machine tool ordered is for use on the prime contract specified opposite the prime contractor's name on such Preferred Customers List.

Type 2 orders shall include all other purchase orders placed by Service purchasers which do not fall in Type 1 orders.

(2) The producer shall total all Type 1 orders from Service purchasers for the size and type of tool being scheduled, which specify as the required delivery date the month being scheduled or a previous month. Where 75 percent of the production of the size and type of tool being scheduled for delivery in any month is greater than the total Type 1 orders received from all Service purchaser groups specifying that month or a previous month as the required delivery date, all such Type 1 orders shall be scheduled for delivery in that month regardless of the effect on any Type 2 orders. The residue of such 75 percent shall be scheduled for delivery against Type 2 orders from the remaining Service purchaser groups in accordance with the percentage quotas established by Exhibit A to this order, the "Air Services" quota becoming an unabsorbed quota distributable in accordance with paragraph (e) (5) of this order.

(3) Where 75 percent of the production of the size and type of tool being scheduled for delivery in any month is less than the total Type 1 orders received from all Service purchaser groups specifying that month or a previous month as the required delivery date, no Type 2 orders shall be scheduled for delivery in that month. Where the Type 1 orders in such case are from more than one Service purchaser group, the distribution of such 75 percent of production between the Type 1 orders from such groups shall be determined as follows: The percentage which 75 percent of the production for that month constitutes of the total Type 1 orders from all such Service purchaser groups shall be determined. Such percentage shall then be applied to the number of such Type 1 orders from each Service purchaser group involved, and the resultant number of Type 1 orders shall accordingly be scheduled for delivery to such group. The particular Type 1 orders to be scheduled for each such Service purchaser group and the sequence of their delivery shall be determined by the Numerical Master Preference List, as amended by Revision No. 4 and corrections and additions thereto, the operation of which is set forth in paragraph (i) of this order.

(4) 25 percent of each producer's production for each month of each size of each type of tool shall continue to be scheduled for delivery to foreign purchasers and other purchasers in accordance with the other provisions of this order.

(5) Immediately upon scheduling machines for delivery in accordance with paragraphs (c) (2), (c) (3), and (c) (4) of this order, each producer shall notify all purchasers of the new scheduled delivery dates which fall within the period ending February 28, 1943.

(6) Notwithstanding the provisions of this paragraph (c), the War Production Board from time to time may issue specific scheduling instructions to any producer.

(7) The four months rule established by paragraphs (d) (4) and (e) (5) of this order, and the thirty and sixty day "frozen" periods established by paragraph (l) of this order, shall not be applied to Type 1 orders. All Type 1 orders on hand on November 5, 1942 or received in the future shall immediately be scheduled for delivery on their required delivery dates or as soon thereafter as possible without retarding production. All Type 2 orders remain subject to the terms of this General Preference Order E–1–b except as the delivery dates on such orders may be extended by the rescheduling of Type 1 orders in accordance with this paragraph (c).

(8) All other provisions of this General Preference Order E–1–b not modified by this paragraph (c) shall remain in full force and effect.

(d) *Allocation of production to service purchasers and to foreign and other purchasers.* (1) Except as provided in subparagraphs (3) and (4) of this paragraph, each producer shall schedule his production for each calendar month so as to deliver 75 per cent of his production of each size of each type of tool which he produces in that month to service purchasers.

(2) Except as provided in subparagraphs (3) and (4) of this paragraph, each producer shall schedule his production for each month so as to deliver 25 per cent of his production of each size of each type of tool in the aggregate to foreign purchasers and other purchasers.

(3) A producer may schedule for delivery to service purchasers more than 75 per cent of his production of any size of a type of tool in a given month, to the extent that he has failed to receive purchase orders for foreign purchasers and rated purchase orders from other purchasers for tools of such size and type prior to the first day of the fourth month preceding the month of delivery.

(4) A producer may likewise schedule for delivery to foreign purchasers and other purchasers more than 25 per cent of such production of any size of a type of tool in a given month, to the extent that he has failed to receive rated purchase orders from service purchasers for tools of such size and type, prior to the first day of the fourth month preceding the month of delivery.

(5) In preparing his schedules as aforesaid, a producer shall fix the dates of his deliveries of tools to service purchasers, to foreign purchasers and to other purchasers within a given month so that each class will receive its percentage of tools equitably in point of time within the month.

(e) *Distribution of 75 per cent of production among Service purchasers.* (1) Service purchasers are hereby subdivided into seven groups consisting of the following, and their respective prime contractors and subcontractors: Bureau of Ships (Navy), Bureau of Ordnance (Navy), Ordnance Department (Army), Air Services, Miscellaneous Branches and Bureaus, the Maritime Commission, and the Signal Corps. The fourth group, designated "Air Services," includes the Army Air Forces and the Navy Bureau of Aeronautics and their respective prime contractors and subcontractors. The fifth group, designated "Miscellaneous Branches and Bureaus," includes the Quartermaster Corps, the Corps of Engineers, the Army Medical Department, the Chemical Warfare Service, the Bureau of Yards and Docks, the Marine Corps, and the Transportation Service of the Services of Supply, together with any other corps, department, bureau or service of the Army and Navy not heretofore specifically designated as a separate group, and their respective prime contractors and subcontractors.

(2) Exhibit A specifies a percentage of each type of tool which is to be delivered each month to each different group of service purchasers. The aggregate of such percentages is 75 per cent.

(3) The stated percentage for each group where applied to a producer's production of each size of a given type of tool in a specified month, establishes the "quota" for that group of that size and type during that month.

(4) During each calendar month, each producer shall deliver to each group of service purchasers the number of tools of each size of a given type which equals the quota of the group for that size and type.

(5) If a producer does not have on hand on the first day of the fourth month preceding the month of delivery, rated purchase orders from the Bureau of Ships (Navy) group equal to that group's quota of a size of a given type of tool for that month, the producer shall schedule purchase orders received from the Bureau of Ordnance (Navy) group for the balance of the Bureau of Ships (Navy) group quota of that size and type for delivery during that month. Similarly, if the producer does not have orders on hand from the Bureau of Ordnance (Navy) group equal to its quota, he shall schedule purchase orders received from the Bureau of Ships (Navy) group for the balance of the Bureau of Ordnance (Navy) group's quota.

If a producer does not have on hand on the first day of the fourth month preceding the month of delivery, rated purchase orders from the Bureau of Ships group plus the Bureau of Ordnance group equal to their combined quotas of a size of a given type of tool for that month, or if he does not have on hand on such date rated purchase orders from any other single group of service purchasers equal to that group's quota of a size of a given type of tool for that month, the producer shall schedule purchase orders received from members of other groups of service purchasers for that size and type for delivery during that month. Where members of two or more other groups have placed purchase orders aggregating more than such unordered balance of the combined quotas of the Bureau of Ships and Bureau of Ordnance, or of any other single group's quota, the producer must first schedule the purchase orders of those purchasers who are members of the group having the greatest ratio of:

(i) Unfilled purchase orders, specifying required delivery dates in said month of delivery and in preceding months, but not scheduled for delivery in said months to;

(ii) The number of tools to which said group is entitled under its quota,

until that ratio has been reduced to or below the ratio of another group or groups, after which the producer shall schedule the purchase orders of members of the group or groups which then have the greatest ratio, and shall continue to schedule in this manner until the unordered balance has been entirely distributed. Where several groups have the same ratio, and there are not sufficient undistributed tools to schedule one for each group, preference shall be given to the groups having the lower percentage quotas.

(6) Likewise, if a producer does not have on hand on the first day of the fourth month preceding the month of delivery, rated purchase orders from foreign and other purchasers equal to 25 percent of his production of a size of a given type of tool for that month, the producer shall schedule purchase orders received from service purchasers for that type and size for delivery during that month, in the manner provided in paragraph (e) (5) hereof.

(7) A purchase order which has been scheduled as provided in subparagraphs (5) and (6) hereof shall represent an addition to the quota of the group of which the service purchaser in question is a member, and such purchase order shall not thereafter be affected by the receipt of a purchase order from a member of any other group, irrespective of the urgency standing of the latter.

(8) In preparing his schedules of deliveries for a given month for service purchasers, a producer shall fix the dates of his deliveries to the different groups so that each group will receive its percentage of tools equitably in point of time within the month.

(f) *Distribution of 25 per cent of machine tools among foreign and other purchasers.* Foreign purchasers and other purchasers shall be treated as one group, and each producer shall schedule his orders for each size of each type for delivery each month, within their aggregate 25 per cent of production for that month, in accordance with the sequence of deliveries determined as hereinafter specified in paragraph (i): *Provided, however*, That if the purchase orders from foreign purchasers and other purchasers with any producer with required delivery dates in any one month, aggregate more than 25 per cent of his production for any size of a given type during such month, such producer shall immediately file with the War Production Board a report stating the size and type of tool, showing all such purchase orders and designating for each order the required delivery date, the name of the purchaser, or the foreign country in the case of foreign purchasers, the purpose for which the tool is to be used in the case of other purchasers and the required delivery dates. The Director General for Operations, or such other official as may be specifically authorized by him, will thereupon examine such report and issue directions as to which purchase orders shall be eliminated in order to bring the aggregate within the 25 per cent allocation, or such other directions as he may deem necessary.

(g) *Treatment of fractions.* Where the number of tools which results from the use of a percentage to be applied under this order contains a fraction of more than one-half, the fraction shall be counted as a whole tool. A fraction under one-half shall be disregarded, except that where the computation results in a fraction only (less than one whole tool) for any one month, and such fraction is less than one-half it shall be counted in computing the next month's quota. Where each of the computations of two or more different quotas for the same month shows a fraction of one-half, and there is only one remaining tool to which such fractions can apply, such tool shall be allotted to the group having the highest percentage quota, and the other fractions of one-half shall be disregarded for that month, but shall be counted in computing the other quota or quotas for the next month.

(h) *Necessity for preference ratings.* (1) Except in the case of purchase orders of foreign purchasers, no purchase order for any machine tool shall be given priority standing in production schedules, and no machine tool shall be sold or delivered, unless a preference rating of A–10 or higher has been assigned thereto by a Preference Rating Certificate PD–1A, by a Preference Rating Certificate PD–3A, by a Preference Rating Certificate in the PD–408 series, or by a Preference Rating Order No. P–19–h.

In placing the endorsement required by Priorities Regulation No. 3 on the purchase order there must also be included therein or set forth in a separate endorsement on the purchase order:

(i) The urgency standing of the purchaser, if any;

(ii) The required delivery date of the tool;

(iii) A statement as to whether the purchaser is a "Service purchaser," a "foreign purchaser," or an "other purchaser," and

(iv) In the case of Service purchasers, the Supply Arm or Bureau of the Army or Navy, or the Maritime Commission, which placed the prime contract, the number of the prime contract, and the name of the prime contractor;

(v) In the case of foreign purchasers, the foreign country for which the tool is purchased; and

(vi) In the case of other purchasers, a statement as to the product or production program for which the tool is to be used.

In addition to making the endorsement upon his purchase order as required, any person placing such an order after December 25, 1942 shall furnish to the producer a photostatic copy (or another copy accompanied by his sworn statement that it is a true copy) of the Preference Rating Certificate PD–1A, PD–3A, PD–408, or Preference Rating Order P–19–h. Reproduction of any of the foregoing preference rating certificates or orders for the foregoing purposes is hereby permitted.

(i) *Operation of Numerical Master Preference List, and preference ratings.* (1) All purchase orders of foreign purchasers are hereby assigned a rating of A–1–a for the purposes of this General Preference Order E–1–b. The Numerical Master Preference List. ("Exhibit B")[1] attached to this order, herein called "the list" shall determine the sequence of deliveries as between service purchasers as hereinafter set forth, but shall have no effect upon foreign purchasers or other purchasers.

(2) Subject to subparagraph (1) of this paragraph, the sequence of deliveries of machine tools among each group of service purchasers within its respective percentage quota, and the sequence of deliveries among foreign purchasers and other purchasers within their 25 per cent allocation, shall be determined by required delivery dates, by preference ratings, and by the urgency standings contained in the list, as follows:

(i) Deliveries to service purchasers who are either on the list or are subcontractors of persons on the list, shall be preferred to and shall take precedence over deliveries to service purchasers who are not on the list, irrespective of the preference ratings of the service purchasers who are not on the list.

(ii) As between deliveries which have conflicting required delivery dates to be made to two or more service purchasers both on the list, deliveries shall be made according to their respective urgency standings specified on such list, whether the preference ratings of such service purchasers are the same or are different. The highest urgency standing is No. 1.

(iii) As between deliveries which have conflicting required delivery dates and which bear different preference ratings, to be made to two or more purchasers neither of whom is on the list, deliveries shall be made according to the preference ratings of the respective purchasers.

(iv) As between deliveries which have conflicting required delivery dates and which bear the same preference rating, to be made to two or more purchasers neither of whom is on the list, the sequence of deliveries shall be determined by the dates on which the producer received the applications of the preference ratings to the purchase orders for such deliveries and/or, in the case of foreign purchasers, the dates on which the purchase orders were accepted by the producer.

(v) A delivery to a subcontractor who is not specifically named on the list shall take the urgency standing of his prime contractor; and the urgency standing of the prime contractor must be endorsed in writing on the subcontractor's preference rating certificate, by an officer designated for such purpose by the supply arm or bureau concerned.

(3) Where a producer cannot schedule delivery of a tool in the month required by a purchaser because the percentage allocation or quota of such purchaser's class or group is entirely exhausted by scheduled deliveries of such tools to members of such class or group who have higher urgency standings or preference ratings, the producer shall schedule the tool for delivery in the earliest succeeding month during which it can be included in the percentage allocation or quota or such class or group in accordance with the purchaser's urgency standing or preference rating.

(j) *Additions to list.* Additions to, withdrawals from, and other changes may be made in the Numerical Master Preference List from time to time by the Director General for Operations or such other official as may be specifically authorized by him. Where it is desired to assign an urgency standing between existing urgency standings, the new urgency standing will consist of a number including a decimal. Such an urgency standing will take a position in the sequence of deliveries as indicated by the following example: Urgency Standing 792.1 will be scheduled after 792 and before 793.

(k) *Revision of scheduled deliveries.* (1) On or before June 1, 1942, with respect to machine tools designated as Group I on Exhibit A, and on or before July 1, 1942, with respect to machine tools designated as Group II on Exhibit A, each producer shall revise his schedule of deliveries for each type of tool to conform to the percentage allocations and quotas of the various classes and groups of purchasers, and in accordance with the sequences determined by urgency standings and preference ratings, to the extent that he can do so without seriously delaying his production line, and without postponing the date of completion of any particular tool which was 50 per cent or more completed on May 1, 1942, beyond the earliest date when such tool can be 100 per cent completed.

(2) After the date specified in subparagraph (1) of this paragraph, the producer shall make deliveries of tools in accordance with his revised schedules.

(l) *Postponement of new purchase orders.* Unless the Director General for Operations specifically orders otherwise, and notwithstanding any other provisions of this order, no higher preference rating or urgency standing shall operate to postpone or in any way affect any delivery under a purchase order already scheduled where such delivery, in the case of tools designated as Group I on Exhibit A is to be made within 30 days of receipt of such higher preference rating or urgency standing, or in the case of tools designated as Group II on Exhibit A, is to be made within 60 days of receipt of such higher preference rating or urgency standing.

(m) *Specific modifications of schedules.* Notwithstanding any other provisions of this order, the Director General for Operations, or such other official as may be specifically authorized by him, may allocate to another purchaser, or otherwise divert, any machine tool scheduled for production and delivery pursuant to this order. Except as expressly provided in this order, no one other than the Director General for Operations or his duly authorized representative, may give directions respecting sequences of deliveries. No interpretations, instructions, or directions respecting any of the provisions of this order shall be issued without the approval of the Director General for Operations or such other official as may be specifically authorized by him; and no producer shall accept or give effect to any interpretation, instruction, or direction, which is not issued in accordance with the foregoing provisions.

(n) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

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[1] Not filed as part of the original document.

(o) *Applicability of Priorities Regulation No. 1.* This order, and all transactions affected thereby, are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(p) *Reports and other communications.* All reports which may be required to be filed, and all other communications concerning this order, should be addressed to: War Production Board, Washington, D. C. Ref.: E–1–b.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

INTERPRETATION 1

The term "purchase order," as used in General Preference Order E–1–b, means a firm order for a machine tool which is accompanied either by specifications or by other description of the tool in sufficient detail to enable the producer to place the tool in his production schedules. (Issued May 15, 1942)

INTERPRETATION 2

AA ratings should not be sought for the purpose of expediting deliveries of machine tools to service purchasers. General Preference Order E–1–b provides that deliveries to service purchasers, who are on the Numerical Master Preference List, Revision No. 3, shall be preferred to and shall take precedence over deliveries to service purchasers who are not on the list, irrespective of the preference ratings of the purchasers who are not on the list. It also provides that as between deliveries which have conflicting delivery dates to be made to two or more service purchasers both on the list, deliveries shall be made according to their respective urgency standings specified on such list, whether the preference ratings of such service purchasers are the same or are different. The highest urgency standing is No. 1.

Accordingly, the issuance of an AA rating to a service purchaser whose name does not appear on the list merely places him ahead of other service purchasers who likewise are not on the list; but he remains subordinate to all service purchasers who have urgency standings, irrespective of the preference ratings of the latter. The issuance of an AA rating to a service purchaser whose name appears on the list has no effect whatever. Deliveries to him are still determined solely by his urgency standing.

Where it is desired to accelerate the delivery date of a tool to a service purchaser, a specific order can be obtained from the Director General for Operations diverting a tool from another service purchaser for this purpose.

AA ratings may continue to be issued in appropriate cases for the purpose of expediting deliveries of machine tools to foreign and other purchasers, to whom urgency standings have not been assigned. (Issued June 19, 1942)

INTERPRETATION 3

The principles set forth in Interpretation No. 2 of General Preference Order No. E–1–b have not been altered by the issuance of AAA and AA–1, AA–2, AA–3, and AA–4 ratings pursuant to Priorities Regulation No. 12.

The application of such a higher rating to a delivery of a machine tool to a service purchaser who has an urgency standing does not change in any way the date of delivery of the tool. The date of delivery will still be determined solely by the urgency standing and the required delivery date.

The application of such a higher rating to a delivery of a machine tool to a service purchaser who does not have an urgency standing merely advances the delivery over those to other service purchasers who are members of the same group, and who likewise have no urgency standings; and it operates solely within the percentage quota assigned to that group. The higher rating does not affect any deliveries to service purchasers to whom urgency standings have been assigned. It likewise does not affect any deliveries scheduled to be made within the thirty or sixty-day frozen period provided by paragraph (1) of the order. (Issued July 30, 1942)

INTERPRETATION 4

An urgency standing should not be used in connection with a Preference Rating Certificate PD–1A. General Preference Order E–1–b defines as service purchasers those whose preference rating certificates or whose endorsed purchase orders show that the preference rating was assigned by an original Preference Rating Certificate PD–3, PD–3A, or PD–4, or by Preference Rating Order P–19–h. Hence, the holder of a PD–1A Certificate cannot be a service purchaser as he is excluded from the definition.

Urgency standings govern the sequence of deliveries of machine tools as between service purchasers of the same group within their respective percentage quotas. If a person seeking to procure a machine tool is not a service purchaser he cannot be a member of one of the service purchasers groups, and the urgency standing therefore has no effect upon the delivery of the tool to him. The tool must come out of the 25 percent quota assigned to foreign and other purchasers, and the sequence of its delivery will be determined solely by its required delivery date and its preference rating, in the absence of a specific direction of the Director General for Operations. (Issued August 10, 1942)

[F. R. Doc. 42–13654; Filed, December 19, 1942; 12:17 p. m.]

PART 1076—PLUMBING AND HEATING SIMPLIFICATION

[Schedule VII to Limitation Order L–42, Revoked]

Section 1076.8, *Schedule VII to Limitation Order L–42,* is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13649; Filed, December 19, 1942; 11:41 a. m.]

PART 1076—PLUMBING AND HEATING SIMPLIFICATION

[Schedule IX to Limitation Order L–42, Revoked]

Section 1076.11, *Schedule IX to Limitation Order L–42,* is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13650; Filed, December 19, 1942; 11:42 a. m.]

PART 1154—METAL PLUMBING AND HEATING EQUIPMENT

[Limitation Order L–79 as amended Dec. 16, 1942[1]]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1154.1 *General Limitation Order L–79*—(a) *Definitions.* For the purposes of this order:

(1) "Metal plumbing equipment" means any of the following items which are composed of metal to the extent of 50% or more by weight:

(i) Plumbing fixtures, including only bathtubs, closet hoppers, closet tanks, grease interceptors, laundry trays, lavatories, shower receptors, shower stalls, sinks, sink and laundry tray combinations, and urinals.

(ii) Plumbing fixture fittings and trim.

(iii) Water heating equipment, including only direct fired water heaters which use coal, oil or gas as fuel, indirect type water heaters, hot water storage tanks and range boilers.

(iv) Cooking and baking equipment using coal, oil or gas as fuel for cooking, baking, or heating food, or for heating dishes or kitchen utensils, except machinery the manufacture or distribution of which is restricted by General Limitation Order No. L–83, as amended from time to time.

(2) "Metal heating equipment" means any of the following items which is designed to provide heat for the interior of a building and which is composed of metal to the extent of 50% or more by weight:

(i) Steam and hot water heating boilers which use coal or oil as fuel.

(ii) Cast iron heating radiators (other than electric steam radiators) including, but not limited to, cast iron tubular radiators and cast iron convectors.

(iii) Hot water circulator pumps, vacuum pumps, and condensation pumps.

(iv) Warm air furnaces which use coal or oil as fuel.

(v) Heating stoves and space heaters which use coal, oil or gas as fuel, except gas fired floor furnaces.

(vi) Oil burners.

(vii) Metal fuel oil tanks.

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[1] This document is a restatement of Amendment 3 of Limitation Order L–79 which appeared in the FEDERAL REGISTER of December 18, 1942, page 10573, and reflects the order in its completed form as of December 16, 1942.

(viii) The following items of heating equipment using gas as fuel; steam and hot water heating boilers, warm air furnaces, floor furnaces, unit heaters, conversion burners, and gas steam radiators.

(3) "Ultimate consumer" means any person who purchases metal plumbing equipment or metal heating equipment other than persons who purchase metal plumbing equipment or metal heating equipment for resale without using such equipment for the purpose for which it was designed.

(4) "New metal plumbing equipment or new metal heating equipment" means any metal plumbing equipment or metal heating equipment which has never been used by an ultimate consumer.

(b) *General restrictions.* No person shall sell or deliver any new metal plumbing equipment or new metal heating equipment to an ultimate consumer except that, subject to the restrictions of any other order of the Director General for Operations.

(1) Any person may sell and deliver any item of new metal plumbing equipment or new metal heating equipment which item is sold by him for no more than five dollars ($5.00): *Provided,* That such item is sold as a part of an order the total cost of which to the purchaser is not more than ten dollars ($10.00);

(2) Any person may sell and deliver any new metal plumbing equipment or metal heating equipment pursuant to an order or contract which bears a preference rating of A-10, or better;

(3) Any person may sell and deliver any of the following listed equipment: [Paragraph (b) (3) (i) revoked August 11, 1942]

(ii) Any equipment which is specifically designed as hospital equipment, surgical equipment, dental equipment, veterinarian equipment, barbershop equipment or beauty shop equipment;

(iii) Any equipment which is sold and delivered pursuant to an order received or contractual engagement made prior to April 17, 1942, provided that delivery is made not later than June 30, 1942;

(4) Through July 31, 1942, any person may sell and deliver any new metal plumbing equipment or new metal heating equipment concerning which the purchaser has made the following signed statement to him, listing all new metal plumbing equipment or new metal heating equipment to be sold or delivered:

> The following equipment ---------------- ------ is required for the completion of the erection, construction, remodeling or rehabilitation of a building, structure or project, or additions, extensions or alterations thereof, which has been initiated (by physically incorporating therein material which is an integral part thereof) after July 31, 1941, but prior to April 10, 1942.
>
> Dated ------------
>
> Signed --------------------------

This statement shall constitute a representation to the War Production Board and to the person supplying such equipment that the stated facts are true and that the listed equipment will be used for the purpose stated;

(5) Any person may sell and deliver any new metal plumbing equipment or new metal heating equipment concerning which the purchaser has made the following signed statement to him, listing all new metal plumbing equipment or new metal heating equipment to be sold or delivered:

> The following equipment ---------------- is required for the completion of the erection, construction, remodeling or rehabilitation of a building, structure or project, or additions, extensions or alterations thereof, which has been specifically authorized by the Director General for Operations pursuant to an application for authority to "Begin Construction", in accordance with Limitation Order No. L-41.
>
> Dated ------------
>
> Signed -----------------------

This statement shall constitute a representation to the War Production Board and to the person supplying such equipment that the stated facts are true and that the listed equipment will be used for the purpose stated;

(6) [Paragraph (b) (6) revoked December 16, 1942]

(7) Any person may sell and deliver any new metal plumbing equipment or new metal heating equipment pursuant to specific authorization of the Director General for Operations on Form PD-423; and

(8) Nothing in this order shall be construed to limit the sale or delivery of any equipment which is to be used for the purpose of converting oil burning equipment or gas burning equipment to coal burning equipment.

Notwithstanding any provision of this order, no person may sell or deliver to an ultimate consumer any such equipment the transfer of which is subject to a ration order issued by the Office of Price Administration: *Provided,* That such sales or deliveries may be made in accordance with such ration order.

(c) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories and sales. Similarly there shall be kept and preserved the signed statements referred to in paragraphs (b) (4), (b) (5) and (b) (6) above.

(d) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(e) *Reports.* Each person to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(h) *Applicability of other orders.* Insofar as any other order issued by the Director General for Operations, or to be issued by him hereafter, limits the use of any material to a greater extent than the limitations imposed by this order, the restrictions of such other order shall govern, unless otherwise specified therein.

(i) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(j) *Routing of correspondence.* All reports to be filed, appeals, and other communications concerning this order shall be addressed to War Production Board, Washington, D. C., Ref: L-79.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

INTERPRETATION 1

Where new plumbing and heating equipment is used as collateral in a security transaction and title passes solely for the purpose of the security transaction, there being no physical movement of new plumbing or heating equipment other than for purposes of storage or warehousing, the transfer of title is not a violation of Limitation Order No. L-79. (Issued May 22, 1942.)

[F. R. Doc. 42-13655; Filed, December 19, 1942; 12:1' p. m.]

PART 1256—PLATINUM

[Interpretation 1 of General Conservation Order M-162]

The following official interpretation is hereby issued by the Director General for Operations with respect to the meaning of the term "process" as such term is defined and used in General Conservation Order M-162 (§ 1256.1):

> The sizing of already completed jewelry, other than rings, for the ultimate consumer does not constitute processing where such sizings involves only the removal and not the addition of platinum. In the case of completed rings, such sizing does not constitute processing where the sizing requires either the removal or the addition of platinum for the purpose of sizing alone.
>
> The repair of already completed platinum jewelry for the ultimate consumer does not constitute processing, provided no additional platinum is added. Repair means only restoration to usable condition in original form, shape, or design; it does not include any alteration or change in such original form, shape, or design.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13646; Filed, December 19, 1942; 11:42 a. m.]

PART 1276—PLYWOOD

[Limitation Order L-150-a]

SOFTWOOD PLYWOOD

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of softwood plywood for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1276.6 *Limitation Order L-150-a*—(a) *Definitions.* For the purpose of this order:

(1) "Producer" shall mean any manufacturer of softwood plywood, but shall not include any distribution warehouse of any manufacturer.

(2) "Softwood plywood" shall mean a built-up board of laminated veneers of any species of softwood united with a bonding agent.

(3) "Distributor" shall mean any wholesaler, jobber, retailer or other person who in the regular course of his business sells softwood plywood.

(b) *General restrictions.* No distributor shall sell, ship or deliver or cause to be sold, shipped or delivered any softwood plywood except upon orders rated AA-5 or higher: *Provided, however,* That this restriction shall not apply to sales, shipments or deliveries by producers.

(c) *Appeals.* Any appeal from this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds of the appeal.

(d) *Communications.* Communications concerning this order, shall, unless otherwise directed, be addressed to War Production Board, Lumber and Lumber Products Division, Washington, D. C. Ref.: L-150-a.

(e) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition, the Director General for Operations may prohibit such person from making or obtaining further deliveries of, or from processing or using, material under priority control, may withhold from such person priorities assistance, and may take such other action as he deems appropriate.

(f) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(g) *Effective date.* This order shall take effect December 20, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of December, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13651; Filed, December 19, 1942; 11:42 a. m.]

PART 3032—FILM

[Amendment 1 to Limitation Order L-178 as Amended Nov. 21, 1942]

Paragraph (b) of § 3032.1 *General Limitation Order L-178* is hereby amended to read as follows:

(b) *Restrictions on transfers of film on and after 11:59 p. m., Eastern War Time, August 20, 1942.* On and after 11:59 p. m., Eastern War Time, August 20, 1942, until 11:59 p. m., Eastern War Time, December 31, 1942, no person shall transfer any 35 mm. film, except pursuant to specific authorization of the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13647; Filed, December 19, 1942; 11:41 a. m.]

PART 3041—WATER HEATERS

[Limitation Order L-185]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national war effort:

§ 3041.1 *General Limitation Order L-185*—(a) *Definitions.* For the purposes of this order:

(1) "Fuel oil" means any liquid petroleum classified as grade No. 1, 2, 3, 4, 5 or 6, including Bunker "C" fuel oil, kerosene, range oil, gas oils and any other liquid petroleum product used for the same purpose as the above designated grades.

(2) "Direct fired water heater" means any device for the direct transference of heat produced by the combustion of coal, wood, fuel oil or gas, or derived from solar rays, to the water of a domestic hot water supply system, and includes, but is not limited to, coils, water backs, side-arm water heaters, service water tank heaters, automatic storage water heaters, instantaneous or continuous flow water heaters, underfired storage water heaters and solar water heaters. It does not mean any tank used in conjunction with any direct fired water heater, the manufacture of such tank being governed by Limitation Order No. L-199.

(3) "Indirect water heater" means any device to which steam or hot water is piped for the transference of heat of such steam or hot water to the water of a domestic hot water supply system, or the water of a hot water space heating system, and includes, but is not limited to, coils, side-arm water heaters, storage water heaters, submerged-type water heaters, instantaneous or continuous flow water heaters, hot water generators and pre-heaters. It does not mean any critical heat exchanger, as defined in General Limitation Order No. L-172. It does not mean any tank used in conjunction with any indirect water heater, the manufacture of such tank being governed by Limitation Order No. L-199.

(4) "Domestic hot water supply system" means any system for supplying hot water used in whole or in part for bathing, washing, cleaning, cooking or other similar purposes, but does not include any system for supplying hot water solely for specialized industrial or agricultural purposes.

(5) "Hot water space heating system" means any system which is designed for the purpose of heating the interior of a building or other structure (including ships) by utilizing the heat of hot water.

(6) "Metal jackets" means any metal coverings, linings or portions thereof (including flat metal bands or metal frames used to hold dry insulation) of direct fired or indirect water heaters, except such metal coverings, linings or portions thereof which conduct flue gases, water, or steam through and to the outsides of such direct fired or indirect water heaters, and except any ferrous metal wire netting used as a base for the wet application of insulating materials.

(7) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40 per cent of the total weight of the alloy. It includes alloy metal produced from scrap.

(8) "Major repair" means any repair to or any replacement of any part of any direct fired or indirect water heater which requires more than two pounds of copper and/or copper base alloy.

(9) "Minor repair" means any repair to or any replacement of any part of any direct fired or indirect water heater which requires two pounds or less of copper and/or copper base alloy.

(b) *Restrictions.* (1) On and after January 15, 1943, no person shall produce, fabricate or assemble any direct fired water heaters using gas or fuel oil as fuel, except to fill a contract or order for delivery to or for the account of The National Housing Agency for war housing requirements in pursuance of Preference Rating Order P–19d, P–19h, P–55, or P–110.

(2) On and after January 15, 1943, no person shall produce, fabricate or assemble any solar water heaters.

(3) On and after January 1, 1943, no person shall use in any calendar quarter in the production of direct fired water heaters using coal and/or wood as fuel a greater weight of metal than was used by him in such production in the corresponding calendar quarter of 1941.

(4) On and after January 1, 1943, no person shall use in any calendar quarter in the production of indirect water heaters a greater weight of metal than 50 per cent of the weight of metal used by him in such production in the corresponding calendar quarter of 1941.

(5) No person shall produce, fabricate, or manufacture a metal jacket except to fill a specific contract, subcontract or purchase order for a metal jacket to be used as part of the equipment of any aircraft or any vessel other than a pleasure craft, but in no case shall any metal jackets be produced, fabricated or manufactured by any person who has sufficient complete metal jackets or parts in his inventory to fill such contract, subcontract or purchase order.

(6) No person shall use in the manufacture of direct fired or indirect water heaters any copper or copper base alloy except for pressure, temperature, vacuum and electrical controls or safety devices and valves (not including draw-off cocks), but in no case shall the quantity of copper and/or copper base alloy so used be in excess of the minimum amount practicable.

(7) On and after January 1, 1943, no person shall use in any calendar quarter in the production, manufacture or assembly of any replacement part (other than metal jackets) for direct fired or indirect water heaters a total weight of metal in excess of 200% of the total weight of such metal used by him in such production, manufacture or assembly in the corresponding calendar quarter of 1941; but nothing in this order except this subparagraph shall prohibit or limit the production by any person of any replacement parts (other than metal jackets) for direct fired or indirect water heaters.

(8) No person shall make a major repair unless the weight of the copper and copper base alloy used in making such repair does not exceed by more than one pound the weight of the copper and copper base alloy being replaced. Any person, however, may make a minor repair. The copper and copper base alloy being replaced in making a major repair or a minor repair, shall be delivered to a scrap dealer or to any other person to whom such delivery may be made under the provisions of Supplementary Order M–9–b or any other applicable order of the War Production Board.

(c) *Exemptions.* (1) The provisions of paragraph (b) (1), (2), (3) and (4) of this order do not apply to the manufacture of water heaters under contracts or orders for delivery to or for the account of the Army, the Navy, the War Shipping Administration or the Maritime Commission of the United States.

(2) Notwithstanding the provisions of paragraph (b) (6) of this order and Supplementary Conservation Order No. M–9–c, any person may use copper and/or copper base alloy in the manufacture of direct fired or indirect water heaters which are being produced:

(i) Under a specific contract, subcontract or purchase order for use in the laundry, bakery or hospital projects or over-seas services of the Army, the Navy, the War Shipping Administration or the Maritime Commission of the United States; or

(ii) Under a specific contract, subcontract or purchase order for use as part of the equipment of any aircraft or any vessel for delivery to, or for the account of the Army, Navy, Maritime Commission or War Shipping Administration of the United States.

(d) *Violations and false statements.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(e) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(f) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time.

(g) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales (including sale or delivery of scrap).

(h) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *Reports.* (1) Each manufacturer of direct fired or indirect water heaters shall execute and file with the War Production Board a report on Form PD–726 not later than January 8, 1943.

(2) Each manufacturer of direct fired or indirect water heaters shall execute and file with the War Production Board a report on Form PD–725, not later than the fifteenth day of each month following the month for which the report is filed.

(j) *Communications.* Reports to be filed and all other communications concerning this order shall be addressed to the War Production Board, Plumbing and Heating Division, Washington, D. C., Ref: L–185.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13652; Filed, December 19, 1942; 11:42 a. m.]

PART 3072—PLUMBING & HEATING TANKS

[Limitation Order L–199]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national war effort.

§ 3072.1 *General Limitation Order L–199*—(a) *Definitions.* For the purposes of this order:

(1) "Tank" means any metal expansion tank, metal domestic hot water storage tank, metal range boiler, metal tank for underfired storage water heater and metal tank for hot water generators, if such tank or boiler is used in domestic hot water supply systems or in hot water space heating systems.

(2) "Domestic hot water supply system" means any system for supplying hot water used in whole or in part for bathing, washing, cleaning, cooking, or other similar purposes, but does not include any system for supplying hot water solely for specialized industrial or agricultural purposes.

(3) "Hot water space heating system" means any system which is designed for the purpose of heating the interior of a building or other structure (including ships) by utilizing the heat of hot water.

(4) "Metal tank jacket" means any metal covering, lining or portion thereof (including a flat metal band or metal frame used to hold dry insulation) of a tank, except such metal covering, lining or portion thereof which comes into contact with water or steam, and except any ferrous metal wire netting used as a base for the wet application of insulating materials.

(5) "Metal tank support" means any metal device (except a strap iron hanger) used for the purpose of suspending or supporting a tank (except a metal tank for underfired storage water heaters) and includes, but is not limited to, stands, pipe stands, brackets, cradles, platforms, saddles, hangers, legs, feet and angle, eye beam, channel and other structural iron or steel framework.

(6) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40 per cent of the total weight of the alloy. It includes alloy metal produced from scrap.

(7) "Major repair" means any repair to or any replacement of any part of any

tank which requires more than two pounds but less than twenty-five pounds of copper and copper base alloy.

(8) "Minor repair" means any repair to or any replacement of any part of any tank which requires two pounds or less of copper and copper base alloy.

(b) *Restrictions.* (1) No person shall produce, fabricate, manufacture, assemble or install any metal tank support, except under a specific contract, subcontract or purchase order for use as part of the equipment of any aircraft or any vessel other than a pleasure craft, or for use with any tank which is an integral part of a machine; but in all cases metal tank supports may be produced, fabricated or manufactured by any person only to the extent that he lacks sufficient metal tank supports in his inventory to fill such contract, subcontract or purchase order.

(2) No person shall produce, fabricate, or manufacture any metal tank jacket, except under a specific contract, subcontract or purchase order for use as part of the equipment of any aircraft or any vessel other than a pleasure craft, or for use with any tank which is an integral part of a mobile machine; but in all cases metal tank jackets may be produced, fabricated or manufactured by any person only to the extent that he lacks sufficient complete metal tank jackets or parts in his inventory to fill such contract, subcontract or purchase order.

(3) No person shall use in the manufacture of tanks any copper and/or copper base alloy, except that any person may use the amount of copper and/or copper base alloy necessary to conform to the specifications of the prime contract in the manufacture of any tank which is being produced under a specific contract, subcontract or purchase order for use as part of the equipment of any aircraft or any vessel for delivery to, or for the account of the Army, Navy, Maritime Commission or War Shipping Administration of the United States.

(4) No person shall use in any calendar quarter in the production, manufacture or assembly of any replacement part (other than metal tank jackets or metal tank supports) for any tank a total weight of metal in excess of the total weight of such metal used by him in such production, manufacture or assembly in the corresponding quarter of 1941; but nothing in this order except this subparagraph shall prohibit or limit the production by any person of any replacement part for tanks.

(5) No person may produce, fabricate, manufacture or assemble black iron or galvanized iron range boilers or expansion tanks except in accordance with the following specifications: *Provided, however,* That this restriction shall not apply to any such range boiler or tank as has, on the date of issuance of this order, been cast, machined or otherwise processed in such manner that its manufacture, in conformity with the following specifications, would be impractical.

Black Iron and Galvanized Range Boilers—Standard and Extra Heavy

Inside diameter of tanks	Length of shell (length of sheet—not over-all length)	Nominal capacity	Tappings, pipe size	Tappings	Maximum working pressure (standard)	Maximum working pressure (extra heavy)
Inches	*Inches*	*U. S. Gals.*	*Inches*	*Number*	*Lbs./sq. in.*	*Lbs./sq. in.*
12	30	15	1	6	85	150
12	60	30	1	6	85	150
14	60	40	1	6	85	150
18	60	66	1	6	85	150
20	60	82	1	6	85	150
24	60	120	1½	6	85	150

Construction—Welded seams only.
Hand Holes and Manholes—None permitted.
Inspection Tapping—None permitted.
Working Pressure:
"Standard"—85 pounds per square inch maximum working pressure, 200 pounds per square inch hydrostatic test pressure.
"Extra heavy"—150 pounds per square inch maximum working pressure, 250 pounds per square inch hydrostatic test pressure.

Tappings:
Six tappings: One side tapping, 6 inches from the top edge of sheet, and one 6 inches from the bottom edge of sheet in line; two tappings in the top; one tapping in the bottom; and one tapping on the side at 180° from the line of the other two side tappings—15 gallon size tanks to have such tapping 9 inches from the bottom edge of sheet, all other size tanks to have such tapping 18 inches from the bottom edge of sheet.

Expansion Tanks

Inside diameter	Length of shell (length of sheet—not over-all length)	Nominal capacity	Finish	Type
Inches	*Inches*	*U. S. Gals.*		
12	30	15	Galvanized or painted	Vertical or horizontal.
12	60	30	Painted	Horizontal.
14	30	20	Galvanized	Vertical.
14	60	40	Painted	Horizontal.

Construction: Welded seams only.
Working Pressure:
30 pounds per square inch maximum working pressure;
60 pounds per square inch hydrostatic test pressure.
Tappings:
Maximum of three tappings on black (painted) basement horizontal type expansion tank; one ½" tapping in one head (near bottom rim); and one 1" and one ½" tapping along bottom 6" and 12" respectively from opposite head edge of sheet.
Maximum of five tappings on galvanized attic vertical type expansion tanks: one 1" tapping in each head and one 1" tapping on right side 4" up from bottom edge of sheet; and two ½" gauge glass tappings located on fromt 13½" between centers of tappings.

(6) No person shall install any copper, copper base alloy, nonferrous metal, stainless steel, or monel metal tank unless such tank is for use as part of the equipment of any aircraft or vessel other than a pleasure craft.

(7) No person shall make any repair, except a major repair or a minor repair, to any part of any tank which requires any copper or copper base alloy.

(8) No person shall make a major repair unless the weight of the copper and copper base alloy used in making such repair does not exceed by more than one pound the weight of the copper and copper base alloy being replaced. Any person, however, may make a minor repair. The copper and copper base alloy being replaced in making a major repair or a minor repair, shall be delivered to a scrap dealer or to any other person to whom such delivery may be made under the provisions of Supplementary Order M–9–b or any other applicable order of the War Production Board.

(c) *Violations and false statements.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(d) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(e) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time.

(f) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales (including sale or delivery of scrap).

(g) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Reports.* (1) Each manufacturer affected by this order shall execute and file with the War Production Board a report on Form PD–726, not later than January 8, 1943.

(2) Each manufacturer affected by this order shall execute and file with the War Production Board a report on Form PD–725, not later than the fifteenth day of each month following the month for which the report is filed.

(i) *Communications.* Reports to be filed and all other communications concerning this order shall be addressed to the War Production Board, Plumbing and Heating Division, Washington, D. C., Ref.: L–199.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13653; Filed, December 19, 1942; 11:42 a. m.]

PART 1022—PLUMBING AND HEATING EMERGENCY REPAIRS

[Preference Rating Order P–84 as Amended Dec. 16, 1942 [1]]

For the purpose of facilitating the acquisition of material entering into the emergency repairs of plumbing equipment and heating equipment (as hereinafter defined), a preference rating is hereby assigned to deliveries of such material upon the terms hereinafter set forth.

§ 1022.1 *Preference Rating Order P–84*—(a) *Statement of policy.* It is the purpose of this order to effectuate the policy of the War Production Board of making available materials required for plumbing and heating emergency repairs necessary to maintain minimum heating and sanitary conditions required for public health in the United States, its territories and possessions, without expansion or improvement of facilities, except where duly authorized or approved. The terms and conditions of this order are to be interpreted in conformity with this expressed policy.

(b) *Definitions.* (1) Plumbing equipment means any equipment, fixtures, fittings, pipes, accessories or supplies of types used in, or connected to water sewer, or gas systems, also any device using coal, oil or gas as fuel for cooking, baking, or heating food, or for heating dishes or kitchen utensils, except machinery the manufacture or distribution of which is restricted by General Limitation Order L–83 as amended from time to time: *Provided,* That "plumbing equipment" does not include any tools for use in installation of repairs, or any hoses, sprinklers or other devices of types commonly attached to outdoor faucets.

(2) "Heating equipment" means any heating unit used to provide building warmth and any accessory or appurtenance used in connection with such a heating unit.

(3) "Emergency repairs" means only those remedial repairs which are required by actual or imminent breakdown of plumbing equipment or heating equipment. It includes (but is not limited to) the emergency replacement of equipment which is worn out, damaged beyond repair or destroyed. It does not include the installation of superior type equipment to replace useable equipment, or a substitution more extensive than that which is necessary to replace the part or parts that are worn out, damaged or destroyed.

(4) "Installer" means any person who installs plumbing equipment or heating equipment, regardless of whether or not he is regularly engaged in installing such equipment.

(5) "Supplier" means any person:

(i) Who supplies material which he has not in whole or in part manufactured, processed, assembled or otherwise physically changed (in some way other than by cutting or threading pipe), and

(ii) With whom a contract or purchase order has been placed for delivery of such material to the installer or to another supplier.

(6) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(c) *Assignment of preference rating.* Preference Rating A–10 is hereby assigned, subject to the restrictions and conditions of paragraphs (e) and (f) hereof:

(1) To deliveries, to an installer, of material required by him for emergency repairs.

(2) To deliveries to any supplier, who has received an order or contract to which the preference rating hereby assigned has been applied, of material which will be delivered by him or another supplier to the installer pursuant to such rated order or contract, or will be physically incorporated into material which will be so delivered; or which will be used, within the limitations of paragraph (e) (3) hereof to replace in such supplier's inventory material so delivered.

(d) *Persons entitled to apply preference rating.* The preference rating hereby assigned may, in the manner and to the extent hereby authorized, be applied by:

(1) The installer;

(2) Any supplier of material to the delivery of which the preference rating has been applied as provided in paragraph (f).

(e) *Restrictions on use of rating*—(1) *Restrictions on installer and supplier.* (i) No installer or supplier may apply the rating hereby assigned to obtain copper or copper base alloys which have been fabricated into sheets, wire, rods or tubes, or to obtain any scarce material the use of which could be eliminated without serious loss of efficiency by substitution of less scarce material or by change of design.

(ii) No installer or supplier may apply the rating hereby assigned to obtain any material the transfer of which is subject to a ration order of the Office of Price Administration.

(2) *Restrictions on installer.* The installer may not apply the rating to obtain delivery of material on earlier dates than required to enable him to make emergency repairs.

(3) *Restrictions on supplier.* (i) No supplier may apply the preference rating hereby assigned to obtain material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or required to replace in his inventory material so delivered. He shall not be deemed to require such material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(ii) A supplier may defer application of the rating hereunder to purchase orders or contracts for material to be placed by him until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided,* That he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(iii) A supplier may apply the preference rating herein assigned only to obtain deliveries of material which he will resell without manufacturing, processing or otherwise changing physically (other than by cutting or threading pipe) to fill a purchase order or contract rated hereunder or which he will use within the limitations of paragraph (e) (3) (i) hereof, to replace in his inventory material so sold.

(f) *Application of preference rating.* (1) An installer or supplier, in order to apply the preference rating to deliveries of materials to him, must endorse the following statement on the original and all copies of the purchase order or contract for such material, manually signed by a person duly authorized for such purpose by such installer or supplier:

> Material for emergency repairs of plumbing equipment or heating equipment—Rating A–10 under Preference Rating Order No. P–84 with the terms of which I am familiar.
>
> ----------------------------------
> Name of installer or supplier
>
> By ----------------------------------

Such endorsement shall constitute a certification to the War Production Board that such material is required for the purpose stated and that the application of the rating is authorized by this order. Any such purchase order or contract for such material shall be restricted to material which is rated in accordance herewith.

(2) The provisions of this order relative to application of a preference rating by the installer shall not apply in the case of delivery to an installer of any plumbing or heating repair item, the cost of which to the installer is less than $5.00; *Provided,* That the order placed by that installer totals no more than $10.00. All such deliveries are deemed to be for repair purposes and, subject to the restrictions of paragraph (e) hereof, the supplier may apply the rating hereby assigned to replace the stock so delivered.

(g) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, the installer and each supplier placing or receiving any purchase order or contract rated hereunder shall retain, for a period of two years, for inspection by representatives of the War Production Board, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such manner that they can be readily segregated for such inspection.

In the case of replacement of a unit which has been worn out, damaged beyond repair or destroyed, the cost of which unit to the installer exceeds fifty dollars ($50.00), the installer shall attach to each copy of the purchase order for a delivery rated hereunder, a statement signed by the ultimate user and by the Installer, which statement shall certify that repair of the unit is impracticable and shall specify:

(1) The unit being removed,

(2) The part or parts of such unit which failed,

(3) The age, model, make, size and serial number (where available) of such unit or parts,

(4) The replacing unit, its model, make, size and serial number (where available).

(h) *Reports.* The installer and each supplier, who applies the preference rating assigned hereunder, shall file such reports as may be required from time to time by the War Production Board.

(i) *Exception: Parties to whom other repairs and maintenance orders are applicable.* The preference rating herein assigned shall not be applied by any person to deliveries of repairs and maintenance items to which deliveries any other order has assigned a preference rating.

(j) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D C. Ref.: P–84.

(k) *Violations* Any person, who wilfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(l) *Revocation or amendment.* This order may be revoked or amended at any time as to the installer or any supplier. In the event of revocation, deliveries already rated pursuant to this order shall be completed in accordance with said rating unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the installer or supplier affected by such revocation.

(m) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(n) *Effective date.* This order shall take effect March 13, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

INTERPRETATION 1

Paragraph (b) (3) of Preference Rating Order P–84 reads as follows:

> (3) "Emergency repairs" means only those remedial repairs which are required by actual or imminent breakdown of plumbing equipment or heating equipment. It includes (but is not limited to) the emergency replacement of equipment which is worn out, damaged beyond repair or destroyed. It does not include the installation of superior type equipment to replace usable equipment, or a substitution more extensive than that which is necessary to replace the part or parts that are worn out, damaged or destroyed.

Within the meaning of this subparagraph, plumbing equipment or heating equipment which replaces "the part or parts that are worn out, damaged or destroyed", need not be identical with the part or parts that are replaced.

Installation of a part or parts which do not contain a greater weight of metal than the part or parts replaced is not "a substitution more extensive than that which is necessary to replace the part or parts that are worn out, damaged or destroyed," regardless of the fact that such plumbing or heating equipment is of a type or kind different from that replaced. Thus, coal burning equipment may replace oil burning equipment or gas burning equipment.

Further, where steel equipment is replaced by cast iron equipment, the substitution is not "more extensive" even though the substituted equipment be heavier than that replaced. Similarly a substitution of iron or steel equipment for copper or copper base alloy equipment is not a "more extensive" substitution even though the substituted equipment be heavier than that replaced. (Issued June 1, 1942.)

[F. R. Doc. 42–13676; Filed, December 21, 1942; 11:41 a. m.]

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[1] This document is a restatement of Amendment 2 of Preference Rating Order P–84 which appeared in the FEDERAL REGISTER of December 18, page 10573, and reflects the order in its completed form as of December 16, 1942.

PART 1075—CONSTRUCTION

[Supplementary Conservation Order L–41–b, as Amended Dec. 21, 1942]

Supplementary Conservation Order No. L–41–b as heretofore amended is hereby amended to read as follows:

§ 1075.3 *Supplementary Conservation Order L–41–b.* (a) Conservation Order L–41, as amended, shall not apply to construction begun prior to January 1, 1944, which is necessary to the conversion or substitution of heating equipment to permit the use of fuel other than oil, electricity, natural gas, manufactured gas, or mixed natural and manufactured gas.

(b) Conservation Order L–41, as amended, shall not apply to construction begun prior to January 1, 1944, which is necessary to the installation or application in buildings, structures or projects of the following materials and equipment; insulation materials, air cell pipe coverings, weather stripping, storm windows and doors: *Provided, however,* That no rubber, or metal (other than fastenings), shall be used in such installation or application.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13674; Filed, December 21, 1942; 11:41 a. m.]

PART 1293—HAND TOOLS SIMPLIFICATION

[Schedule III to Limitation Order L–157 as Amended Dec. 21, 1942]

MANUALLY-OPERATED WOOD AND SPECIAL PURPOSE SAWS

§ 1293.4 *Schedule III to Limitation Order L–157*—(a) *Definitions.* For the purposes of this schedule:

(1) "Producer" means any person who manufactures, stamps or otherwise fabricates manually-operated wood and special purpose saws.

(2) "Manually-operated wood and special purpose saws" means the following saws:

(i) Handsaws, crosscut and rip.
(ii) Mitre, cabinet, and back saws.
(iii) Compass and keyhole saws and nests of saws.
(iv) Special purpose handsaws of the kinds listed in Table 4.
(v) Pruning saws.
(vi) Butcher saws.
(vii) Buck, cordwood and pulpwood saws.
(viii) Crosscut saws, two-man.
(ix) Crosscut saws, one-man.
(x) Ice saws.

(3) "Lend Lease government" means the government of any foreign country pursuant to the Act of March 11, 1941

entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act).

(b) *Simplified practices.* Pursuant to Limitation Order L-157, the production and distribution of manually operated wood and special purpose saws shall be limited to the types, grades, sizes and number of models set forth in Appendix A of this schedule, except that in any calendar year a producer may manufacture saws, which saws shall not be subject to the limitations of types, grades, sizes and number of models of this schedule and Appendix A thereto for export and shipment to Canada, or for export under a license issued by the Board of Economic Warfare or to fill an order of a Lend Lease government, in a combined dollar sales volume not to exceed the amount of his total dollar sales export production of manually operated wood and special purpose saws for the calendar year 1941, or in a combined dollar sales volume not to exceed 6% of his total production of manually operated wood and special purpose saws during the calendar year 1941, whichever dollar sales value is the greater.

The provisions of this schedule shall not restrict in any way the manufacture of saws to fill orders for export received by a producer on or before the 31st day of December 1942.

(c) No producer shall produce during any calendar year any saws listed in:

(i) Table 2 of Appendix A of this schedule in excess of 20% of the dollar sales volume of the total annual production by him of all saws so listed in said Table 2 during the twelve months period ending December 31, 1941;

(ii) Table 3 of Appendix A of this schedule in excess of 20% of the dollar sales volume of the total annual production by him of all saws so listed in said Table 3 during the twelve months period ending December 31, 1941;

(iii) Table 4 of Appendix A of this schedule in excess of 20% of the dollar sales volume of the total annual production by him of all saws so listed in said Table 4 during the twelve months period ending December 31, 1941; or

(iv) Table 5 of Appendix A of this schedule in excess of 20% of the dollar sales volume of the total annual production by him of all saws so listed in said Table 5 during the twelve months period ending December 31, 1941.

The percentage limitations on the total annual production as established in subparagraph (c) of this schedule shall not include saws produced for delivery for the account of the Army, Navy, Maritime Commission or War Shipping Administration of the United States.

(d) *Effective date of simplified practices.* On and after October 19, 1942, no producer shall put in process any steel for the purpose of manufacturing a manually-operated wood or special purpose saw other than a manually-operated wood or special purpose saw conforming to the sizes, specifications and standards as established by paragraph (b) and Appendix A of this schedule. On and after December 18, 1942, no producer shall manufacture, assemble or fabricate any manually-operated wood or special purpose saw not conforming to the sizes, specifications and standards established in paragraph (b) and Appendix A of the schedule, except with the express permission of the Director General for Operations. All saws fabricated prior to December 18, 1942, may be shipped without special permission.

(e) *Records covering material, work in process, etc.* Each producer of manually-operated wood and special purpose saws shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of December, 1942.

ERNEST KANZLER,
Director General for Operations.

APPENDIX A TO SCHEDULE III—LIMITATION ORDER NO. L-157

EXPLANATIONS AND LIMITATIONS

(1) *"Model"* as used in the following Tables 1, 2, 3, 4, 5, 6, 7, 9, and 10 shall designate one combination of saw details. Such details as are not specified may be selected by the manufacturer, provided that the different combinations of details for a given kind and grade of saw do not exceed the number of models to which such saw is limited.

(2) *"Gages"* as referred to in the following Tables are Birmingham or Stubs' wire gages, and are subject to commercial tolerances.

(3) *"Length & Width of Blades"* as referred to in the following Tables 1, 2, 3, 4, 5, 6, 7a, 8, 9, and 10 are subject to commercial tolerances, except where minima and maxima are specified.

(4) *Elimination of all Alloy Steel.* No producer shall use any alloy steels in the manufacture of any manually operated wood or special purpose saw except (a) upon approval of the Director General for Operations of a written application for the use of such alloy steel, or (b) such alloy steels as may be in the possession of a producer on the 18th day of September 1942.

GRADES OF HANDSAWS

NOTE: Table 1—Handsaws, and the following "Grades of Handsaws" were amended Dec. 21, 1942.

A-Grade. Blades shall be of best quality selected saw steel, free from harmful dirt, segregation, and inclusions. The steel shall be cross rolled and show a fine fracture grain. The carbon content shall be not less than 0.80, or more than 0.95 percent; phosphorus and sulphur not more than 0.035 percent, and silicon not less than 0.15 percent. The blade shall be tempered to a Rockwell hardness of not less than 48 or more than 52 on the C scale.

The blade shall be true and full taper ground, i. e., uniform in thickness along the entire length of the cutting edge, tapered in thickness from the tooth edge to the back and along the back from the handle to the point. This taper is to be uniform and not less than 4 gages. The thickness of the cutting edge shall be not less than 0.032 in. or more than 0.042 in., and the thickness of the back at the handle not less than the cutting edge.

The teeth of cross cut saws shall be bevel filed, and the teeth of rip saws filed straight through. The teeth shall be set, but the set shall not extend more than one-half the depth of the tooth.

Handles shall be of suitable hardwood, properly seasoned, and free from cracks, checks, and other defects, and shall be given a protective coating to aid in preventing warping, swelling, or shrinkage. Handles shall be fastened to blades with not more than 5 steel screws.

The blade of each saw shall be permanently branded to permit its identification.

B-Grade. Blades shall be of standard quality steel free from harmful dirt and inclusions, and shall show a fine fracture grain. The carbon content shall be not less than 0.70, or more than 0.95 percent, phosphorus and sulphur not more than 0.040 percent, and silicon not less than 0.15 percent. The blade shall be tempered to a Rockwell hardness of not less than 46, or more than 48 on the C scale.

The blade shall be taper ground, uniform in thickness along the entire length of the cutting edge, tapered in thickness from the tooth edge to the back and along the back from the handle to the point. This taper is to be uniform and not less than 2 or more than 3 gages. The back at the handle shall not be thinner than the cutting edge.

The teeth of both cross cut and rip saws to be filed and set, but the set shall not extend more than one-half the depth of the tooth.

The handle shall be of seasoned hardwood, free from cracks, checks, or other defects, shall be given a protective coating to aid in preventing warping, swelling, and shrinkage, and shall be fastened to the blade with not more than 4 steel screws.

The blade of each saw shall be permanently branded to permit its identification.

C-Grade. No C-Grade handsaws shall be manufactured on and after the 28th day of December 1942 except to fill orders received by the manufacturers on or before the 21st day of December 1942, but no such C-Grade handsaws shall be manufactured on or after the 5th day of February 1943.

Private Brands. The blades of all handsaws manufactured for distribution under private brands shall have the qualities specified above, and shall be permanently branded to permit their identification. The handles of such saws may vary in design from the manufacturers' standard: *Provided,* That no manufacturer shall make, for any saw distributed under private brands, more than 3 different designs of handles in addition to his standard handles.

TABLE 1—HANDSAWS

Grade and kind	Length[1]	Blade dimensions: Width, Point, Min.	Point, Max.	Butt, Min.	Butt, Max.	Number of points per inch: Cross-cut saws	Rip saws
	In.	*In.*	*In.*	*In.*	*In.*		
A Grade:[2]							
Regular style, skew back: One model in each length	20	1⅝	1⅞	5	5⅜	10	------
	22	1⅝	1⅞	5⅝	5⅞	8, 10	------
	24	1¾	2	6	6¼	8, 10	------
	26	2	2⅜	6	7	7, 8, 10, 11	5½
Narrow or ship-point style, skew or straight back:							
Three 26-in.-models	26	1½	1¾	6	6½	7, 8, 10, 11	5½
One 24-in.-model	24	1¼	1½	5	5½	8, 10	------
B Grade:[2]							
Narrow or ship-point style, skew or straight back:							
Two 26-in.-models	26	1½	1¾	6¼	6½	8, 10	5½
One 20-in.-model	20	1¼	1½	5	5¼	10	------

[1] Plus or minus ½ inch.
[2] For the purposes of this schedule grades are defined as shown in the section immediately above entitled grades of handsaws.

TABLE 2—MITRE, CABINET, AND BACK SAWS

Kind	Blade dimensions: Length[2]	Thickness, Min.	Thickness, Max.	Width[1], Min.	Width[1], Max.	Points per inch
MITRE BOX SAW						
Flat-ground blade, hardwood handle attached by not more than 3 steel screws:	*In.*	*In.*	*In.*	*In.*	*In.*	
One grade, one model	26	0.040	0.043	4	4	11
	28	.040	.043	5	5	11
	30	.040	.043	6	6	11
CABINET SAW						
Flat-ground blade, one edge toothed for ripping, the other for cross cutting, hardwood handle attached with not more than 2 steel screws:						
One grade, one model	12	------	------	3¼	3½	Optional
BACK SAWS						
Grade 1.—Heavy back, flat-ground blade, hardwood handle attached with not more than 3 steel screws:		*Gage*				
One model	12	22		2⅞	3	14
	16	21		3½	3⅞	12
Grade 2.—Flat-ground blade, hardwood handle, one model	12	22		2¾	2⅞	14
	10	22		2	2¼	14

[1] Distance from underside of back to cutting edge.
[2] Plus or minus ½ inch.

TABLE 3—COMPASS, KEYHOLE, AND NESTS OF SAWS

Kind	Blade: Length[1]	Blade: Kind	Points per inch
COMPASS SAWS			
Grade 1:	*In.*		
Standard model: Full polished blade, teeth filed and set, hardwood handle with either open- or pistol-style grip (one only), carving optional.	12	Taper ground	8
Adjustable model: Full polished blade, teeth filed and set, blade position adjustable, suitable hardwood handle.	12	do	8
Plumber's model: Heavy blade, reversible hardwood handle:			
For wood cutting, teeth filed and set	12	do	9
For metal cutting	12	do	12
Grade 2:			
Standard model: Hardwood handle with either open- or pistol-type grip (one only).	12	Flat ground	8
KEYHOLE SAWS			
Grade 1:			
Standard model: Blade tapered to sharp point, teeth filed and set, hardwood handle with either open- or pistol-type grip (one only), carving optional.	10	Taper ground	10
Grade 2:			
Standard model: Blade tapered, hardwood handle	10	Flat ground	10
NESTS OF SAWS			
Standard combination (one grade only):			
One hardwood handle and 3 blades to fit as follows:			
One keyhole blade	10	do	10
One compass blade	12	do	8
One pruning blade	16	do	8
Nail-cutting combination (one grade only):			
Same as standard combination, but with nail-cutting blade substituted for pruning blade, as follows:			
One nail cutting blade (one only)	16 or 18	do	12 or 15

[1] Plus or minus ½ inch.

TABLE 4—SPECIAL PURPOSE SAWS

Kind	Blade specification		
	Length	Width	Points per inch
Coping saws:	*In.*	*In.*	
Grade 1.—Cold rolled steel frame ⅜″ x ³⁄₁₆″ with hardwood handle, and threaded blade stretcher adjustable by turning handle (one model)	6⅝	(¹) ⅛	18
Grade 2.—Wire rod frame ¼″ diameter for loop-end blade, hardwood handle with plug to prevent turning (one model)	6	(¹) ¹⁄₁₆	18
Cable saw	(²)	(²)	(²)
Docking saw, with wood handle only			
Plumber's saw			
Flooring or fireman's saw			
Pattern maker's saw			
Stair builder's saw			
Dehorning saw			
Plasterer's saw			
Toolbox saw			
Bead saw			
Veneer saw			
Kitchen saw			
Pork packer's saw	14	¼	
Web saw, felloe	14	½	
Mine saw, with wood handle only	(³)	(³)	(³)
Dovetail saw (1 model in each length)	8 10	1⅝ 1⅝	15½ 15½

[1] Approximately.
[2] One model, one size only.
[3] Two models, each in two lengths and one tooth style.

TABLE 5—PRUNING SAWS

Description[1]	Blade size		
	Length	Width	
		Point[2]	Butt[3]
	In.	*In.*	*In.*
1. Curved, tapered blade with hardwood lacquered handle, 7 or 8 points per in.[4] to cut on draw stroke, one model in each of two teeth types	14	¼	1½
2. Curved, tapered blade with long lacquered hardwood handle, 5½ points per in. to cut on draw stroke	14	⅝	2¼
3. Folding pattern, with curved, tapered blade and lacquered hardwood folding handle, 6 or 6½ points per in.[4] to cut on draw stroke	12	⁵⁄₁₆	1¹⁵⁄₁₆
4. Folding pattern, with curved, tapered blade and lacquered folding hardwood handle, 8 points per in. to cut on draw stroke	12	½	1⅞
5. Slightly curved and tapered blade with large hardwood lacquered handle: 8 points per in. on convex edge, 6 on concave edge, latter to cut on draw stroke	18	1⅛	3⅛
6. Straight, tapered, high tempered blade with large hardwood handle; 8 points per in. on one edge, lightning-type teeth on the other, teeth filed and set	18	¾	2¾
7. Same as No. 6, except blade to be of standard saw steel	18	¾	2¾
8. Standard type, tapered skew back blade, with hardwood handle, having a large hole for gloved hand, 7 points per in	20	1⅛	5
9. Same as No. 8, but with large tuttle or champion type teeth	24	1½	5¾
10. Same as No. 8, but with 6 points per in., bevel filed and set	26	1¼	6
11. Flat steel frame tapered to a narrow point, and arranged to hold blade taut at 4 different angles, hardwood handle, 8 points per in	14	½	½
12. Saw and shear combination, with malleable iron socket and hook, socket 1 to 1¼ in. in diameter, shear to cut up to ¾ in. in diameter, blade 8 points per in	[5] 10¾	(⁶)	(⁶)
13. Curved, tapered blade, with malleable iron socket for pole, arranged for adjustment of angle of saw blade with bolt and wing nut, 8 points per in. to cut on draw stroke	[7] 15	¾	2¼
14. Curved, tapered walnut-pruning blade, with teeth in butt to hold adjustment in sprocket of pruning saw socket, heavy stamped socket with hook and wing nut and bolt, 6 points per in	20	1⅛	3⅛

[1] Each number to be made in one grade and one model only, except No. 1, which may be made in two styles of teeth.
[2] Tolerance: Plus or minus ⅛ inch.
[3] Tolerance: Plus or minus ¼ inch.
[4] One or the other, not both.
[5] Plus or minus ¾ inch.
[6] Optional.
[7] Plus or minus 1 inch.

TABLE 6—BUTCHER SAWS

Kind	Frame		Blade[1]		
	Size	Depth from frame to tooth edge	Nominal length[2]	Width	Points per inch
BUTCHER SAWS					
	In.	*In.*	*In.*	*In.*	
Type 1: Hot rolled, flat steel frame, with winged nut or trigger for tightening the blade, one winged-nut model and one trigger model in each length, one grade only.	¾ or 1 x ¼ ¾ or 1 x ¼	5 5	24 26	¾ or ⅝ ¾ or ⅝	11 11
Type 2: Cold rolled, flat steel frame, with square or round edges and winged nut or trigger for tightening the blade, one winged-nut model and one trigger model in each length, one grade only.	¾ x ¼ ¾ x ¼ ¾ x ¼	4½ or 5 4½ or 5 4½ or 5	18 22 24	¾ or ⅝ ¾ or ⅝ ¾ or ⅝	11 11 11
Same, with unguarded handle, one model, one grade	¾ x 1¼	4½ or 5	14	¾ or ⅝	11
BEEF SPLITTER SAW					
Flat steel frame, with square edges, eye-type fastener at front end and tension bolt on rear, hardwood handle secured with not more than 4 steel screws, one model.	1½ x ⁵⁄₁₆ [3]	5¼	30	1¾ [4]	8 or 9

[1] Blades similar to the above, but of different lengths needed to fit saw frames already in use may also be made.
[2] Length from center to center of holes or pins; tolerance plus or minus ¼ inch.
[3] Approximately.
[4] Plus or minus ¼ inch.

TABLE 7—WOOD (BUCK) SAWS, AND PULPWOOD SAWS

Kind	Frame			Blades[1]
	Size	Bracing	Rod	
WOOD (BUCK) SAWS	*In.*			
Grade 1: Special selected hardwood frame, with lacquered finish, one model.	30	Double brace, single or double riveted, hardwood.	22 in	1 to 6
Grade 2: Standard selected hardwood frame, with sanded finish, one model.	30	Single straight or double brace.	22 in	1 to 6
PULPWOOD SAW				
High carbon tubular steel frame tempered for strength, with suitable blade fastening and lacquered finish:				
One non-adjustable model	30			7 and 8
One adjustable model	39			9 to 14

[1] See table 7A.

TABLE 7A—BLADES FOR WOOD (BUCK) SAWS AND PULPWOOD SAWS

No.	Grade	Style	Length	Width	Teeth
			In.	*In.*	
1	High carbon steel, thin back, bright finish.	Straight	30	1¾	Tuttle or champion.
2		do	30	1¾	4½ or 5 plain teeth per in.—filed and set.
3		Breasted	30	1¾	Tuttle or champion.
4		do	30	1¾	4½ or 5 plain teeth per in.—filed and set.
5	Carbon steel, flat-ground, bright finish.	Straight	30	1¾	Tuttle or champion.
6		do	30	1½	4½ or 5 plain teeth per in.—filed and set.
7	High carbon, taper ground	do	30	1 or 1⅜	Skip tooth pattern.
8	do	do	30	1 or 1⅜	4 cutting and 1 raker.
9	do	do	39	1 or 1⅜	Skip tooth pattern.
10	do	do	39	1 or 1⅜	4 cutting and 1 raker.
11	do	do	42	1 or 1⅜	Skip tooth pattern.
12	do	do	42	1 or 1⅜	4 cutting and 1 raker.
13	do	do	48	1 or 1⅜	Skip tooth pattern.
14	do	do	48	1 or 1⅜	4 cutting and 1 raker.

TABLE 8—TWO-MAN CROSS-CUT SAWS

Class	Kind	Length	Maximum width	Gage at cutting edge	Number of different saws to be made in each length of each class[1]
	HOLLOW BACK	*Feet*	*Inches*		
1	Eastern, narrow	4½	4⁹⁄₁₆	14 or 15	2
		5	4⅝	do	2
		5½	4⅞	do	2
		6	5	do	2
2	Eastern, medium	5	5¾	do	4
		5½	6	do	4
		6	6⁵⁄₁₆	do	4
		6½	6⁹⁄₁₆	do	4
3	Western, falling	5½	5½	13 or 14	2
		6	6	do	2
		6½	6	do	2
		7	6¹⁄₁₆	do	2
		7½	6³⁄₁₆	do	2
		8	6⁵⁄₁₆	do	2
		10	6⁷⁄₁₆	do	2
4	Wide gullet lance tooth	5½	6	14 or 15	2
		6	6⁵⁄₁₆	do	2
		6½	6⁹⁄₁₆	do	2
5	Parallel pattern	5	3¾	do	4
		5½	3¾	do	4
		6	3¾	do	4
	STRAIGHT BACK				
6	Eastern, medium	5	5¾	do	4
		5½	6	do	4
		6	6⁵⁄₁₆	do	4
		6½	6⁹⁄₁₆	do	4
		7	6⅞	13 or 14	4
7	Eastern, wide	5	6½	14 or 15	4
		5½	6⅞	do	4
		6	7¼	do	2
8	Western bucking	5	6½	13 or 14	4
		6	7¼	do	2
		6½	7⁷⁄₁₆	do	2
		7	7⅝	do	2

[1] The figures in this column designate the maximum different combinations of characteristics in which a given class and length of saw may be made by a single manufacturer, subject to the qualifications given below. The characteristics referred to are (1) grade, (2) type of teeth, (3) amount of taper (including flat ground as zero taper), (4) gage of cutting edge, (5) width, and (6) breast.

In other words, any variation in any one of the above characteristics as between two saws of the same class and length would make them different saws. They might, of course, differ in all those characteristics.

Saws of classes 2, 5, and 7 are permitted to be made in two types of teeth, and saws of class 6, in three types of teeth. If a manufacturer elects to make them in only one type of teeth, he shall not make more than two different saws in each length in these classes. Thus, no saw shall be made in more than two different grades.

Saws of the same class and length and type of tooth, but of different grade or gage, may vary slightly in width, provided the total different saws of a given class and length does not exceed the figure given in column 6.

TABLE 9—ONE-MAN CROSS-CUT SAWS

Grade and kind	Length	Gage at cutting edge	Number of gages taper	Maximum blade dimensions	
				Point	Butt
	Ft.			*In.*	*In.*
Grade 1: Tapered straight- or skew-back blade, with hardwood handle attached with not more than 3 steel screws, and supplementary handle, one model in each of 2 tooth designs in each length	3	16	2 to 3	2⅞	7⅝
	3½	16	2 to 3		
	4	15 or 16	2 to 3		
	4½	15 or 16	2 to 3		
Grade 2: Same as grade 1, but of lower grade steel and flat ground blade, one model in each of 2 tooth designs in each length	3	16		2½	7⅝
	3½	16			
	4	16			
	4½	16			

TABLE 10—ICE SAWS

Kind	Length	Width	Gage
HAND ICE SAW			
	In.	*In.*	
Straight-back, flat-ground blade, with hardwood handle, plain teeth, one grade, one model	26	5¾	14
POND ICE SAW			
Straight back, flat-ground blade, with hole in butt for tiller handle, teeth optional, one grade, one model.	60	5 at point 7 at butt	11

[F. R. Doc. 42-13675; Filed, December 21, 1942; 11:41 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[RPS 88,[1] Amendment 50]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1340.159 (c) (2), a new subdivision (iii) is added as set forth below:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(c) *Specific prices.* * * *

(2) *Gasoline.* * * *

(iii) *Puerto Rico.* Effective December 1, 1942, the maximum prices of gasoline in Puerto Rico shall be 3 cents per gallon above the maximum prices established by § 1340.159 (b) (1) to (3) to all purchasers other than the United States Government, its agencies or instrumentalities when sold to them for their exclusive use.

* * * * *

§ 1340.158a *Effective dates of amendments.* * * *

(xx) Amendment No. 50 (§ 1340.159 (c) (2) (iii)) to Revised Price Schedule No. 88 shall become effective December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13568; Filed, December 18, 1942; 3:30 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1371, 1107, 1798, 1799, 2132, 2304, 2352, 2634, 2945, 3116, 3166, 3482, 3524, 3552, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 5988, 6057, 6167, 6471, 6680, 7242, 7838, 8433, 8478, 8586, 8701, 8829, 8938, 8948, 9130, 9134, 9335, 9425, 9460, 9620, 9621, 9817, 9820.

PART 1340—FUEL

[Correction to Amendment 10 to MPR 137[1]]

PETROLEUM PRODUCTS SOLD AT RETAIL

Paragraph (e) of § 1340.91 is corrected to read paragraph (f) of such section.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13566; Filed, December 18, 1942; 3:31 p. m.]

PART 1340—FUEL

[MPR 137,[1] Amendment 13]

PETROLEUM PRODUCTS SOLD AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1340.91, a new paragraph (g) is added as set forth below:

§ 1340.91 *Appendix A: Maximum prices for petroleum products sold at retail establishments.* * * *

(g) *Puerto Rico.* In addition to the maximum price as determined by § 1340.91 (a) (1) and (2), sellers of gasoline at retail establishments in the Territory of Puerto Rico may charge from and after December 1, 1942, 3 cents per gallon so long as the additional excise tax of 3 cents per gallon, which became effective on December 1, 1942, is not collectible, in addition to the maximum price, pursuant to § 1340.82 of this Maximum Price Regulation No. 137. This additional charge may not be collected from the United States Government, its agencies or instrumentalities when sold to them for their exclusive use.

§ 1340.93a *Effective dates of amendments.* * * *

(n) Amendment No. 13 (§ 1340.91 (g)) to Maximum Price Regulation No. 137 shall become effective December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13567; Filed, December 18, 1942; 3:32 p. m.]

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[1] 7 F.R. 3165, 3749, 4273, 4653, 4780, 4853, 5363, 5868, 5941, 6047, 6896, 7902, 8353, 8938, 8948, 9335.

PART 1341—CANNED AND PRESERVED FOODS

[MPR 185,[1] Amendment 3]

CANNED FRUITS AND CANNED BERRIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register*

A new § 1341.101a has been added and paragraph (c) has been added to § 1341.114, as set forth below.

§ 1341.101a *Processor's maximum prices for prune concentrate and other prune products.* (a) "Processor", as used in this section, means a person who manufactures, packs, cans or bottles prune concentrate, dried prunes in juice or syrup, prune juice (made from dried prunes or from prune concentrate), or other prune products, whether or not hermetically sealed in containers.

(b) "Prune products", as used in this section, means any products made from materials which consist of dried prunes or prune concentrate to the extent of ninety per cent or more, not including in such materials any water or syrup. The term "prune products" shall not include products made from dried prunes which have only been further processed by such operations as pitting, slicing, or crushing. The term shall apply to dried prunes which have been substantially changed in form.

(c) "Prune concentrate" means concentrated juice of dried prunes.

(d) The processor's maximum price per gallon, or other customary unit, f. o. b. factory, for prune concentrate shall be:

(1) The weighted average price per unit, f. o. b. factory, charged by the processor during the month of March 1942; plus

(2) Six per cent of such weighted average price; plus

(3) The actual increase per gallon or other customary unit between the delivered cost in March 1942 of the quantity of dried prunes used in producing such unit and the present delivered cost of such dried prunes.

(e) The processor's maximum price per dozen, or other customary unit, f. o. b. factory, for each kind, grade, container size and container type of prune juice (made either from dried prunes or prune concentrate), canned or bottled dried prunes, and other prune products, shall be:

(1) The weighted average price per dozen, or other customary unit, charged by the processor for such kind, grade, container size and container type during the month of March 1942; plus

(2) Eight per cent of such weighted average price; plus

(3) The actual increase per dozen containers, or other customary unit, between the delivered cost in March 1942, of the quantity of dried prunes or prune concentrate, as the case may be, used in producing such unit and the present delivered cost of the dried prunes or prune concentrate used to produce the same unit.

(f) The "weighted average price" shall be the total gross sales dollars charged for the item during the month of March 1942, divided by the number of dozens or other customary unit of the same item sold in March 1942. All sales of the item in March 1942, made in the usual course of business, shall be included, except sales made to any governmental purchasing agency. Sales made prior to March 1942, but delivered in March 1942, shall not be included.

(g) In computing the actual increase in the cost of dried prunes or prune concentrate:

(1) The delivered cost of the dried prunes or prune concentrate in March 1942, shall be the highest delivered price paid by the processor in March 1942, or, if he did not make any purchase of dried prunes or prune concentrate in March 1942, the highest market price in March 1942, delivered at his factory, for the prunes or prune concentrate used by the processor.

(2) The present cost of dried prunes or prune concentrate shall be the maximum price for dried prunes or prune concentrate, delivered at the processor's factory.

(h) All provisions relating to canned fruits and canned berries and all methods of computing maximum prices for canned fruits and canned berries, contained in this Maximum Price Regulation No. 185 shall apply to prune concentrate and prune products for which maximum prices are established herein, to the extent that they are not contrary to or inconsistent with the provisions of this section.

§ 1341.114 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1341.101a and paragraph (c) of § 1341.114) to Maximum Price Regulation No. 185 shall become effective December 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13570; Filed, December 18, 1942; 3:32 p. m.]

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[1] 7 F.R. 5772, 5988, 7630, 8948.

PART 1341—CANNED AND PRESERVED FOODS

[Revised MPR 233]

DRIED AND CANNED APPLES AND APPLE PRODUCTS

In the judgment of the Price Administrator, the maximum prices established by this Revised Maximum Price Regulation No. 233 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this Revised Maximum Price Regulation No. 233 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The preamble is amended and §§ 1341.401 to 1341.425, inclusive, in Maximum Price Regulation No. 233[1] are amended and renumbered as set forth below.

AUTHORITY: §§ 1341.401 to 1341.428, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1341.401 *Classes of persons included as sellers.* (a) The term "seller" shall include only the canner, packer or processor, as the case may be, and as defined by this Revised Maximum Price Regulation No. 233.

§ 1341.402 *Prohibition against dealing in certain apple products above maximum prices.* (a) On and after December 24, 1942, regardless of any contract or other obligation, no seller shall sell or deliver any of the apple products for which maximum prices are established by this Revised Maximum Price Regulation No. 233 at a price higher than the maximum price established herein for such apple product.

(b) No person in the course of trade or business shall buy or receive any such apple product from any seller at a price higher than the maximum price established herein for such product; and

(c) No seller or other person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1341.403 *Base periods for apple products.* (a) The base period for each kind, grade and container size of canned apples, canned applesauce, canned or bottled apple juice or sweet apple cider, made from whole apples, and vinegar stock, shall be the first sixty days after the beginning of the 1941 pack of such item.

(b) The base period for each kind, grade and container size of dried apples shall be the month of October, 1941.

§ 1341.404 *Computation of base prices.* (a) The base price for each kind, grade and container size of any apple product for which a maximum price is established by this Revised Maximum Price Regulation No. 233 shall be the total gross dollars charged by the seller for each item during the base period for such item, divided by the number of units sold during the base period.

§ 1341.405 *The seller's maximum prices for canned apples, canned applesauce and vinegar stock.* (a) The seller's maximum price per unit, f. o. b. factory, for each kind, grade and container size of canned apples, canned applesauce and vinegar stock packed after the 1941 pack shall be:

(1) The seller's base price for such kind, grade and container size; plus

(2) Eighteen and one-fourth per cent of such base price.

§ 1341.406 *The seller's maximum prices for canned or bottled apple juice or sweet apple cider, made from whole apples.* (a) The seller's maximum price per unit, f. o. b. factory, for each grade of canned or bottled apple juice or sweet apple cider, made from whole apples, in container sizes of less than one gallon, shall be:

(1) The base price per unit for the same grade and container size; plus

(2) Ten per cent of such base price per unit; plus

(3) The amount of six cents per gallon, apportioned to each unit in the same proportion which the contents of such unit bears to one gallon.

(b) The seller's maximum price per unit, f. o. b. factory, for each grade of canned or bottled apple juice or sweet apple cider, made from whole apples, in container sizes of one gallon or more, shall be:

(1) The base price per unit for the same grade and container size; plus

(2) Eight per cent of such base price; plus

(3) The amount of six cents per gallon, apportioned to each unit in the same proportion which the contents of such unit bears to one gallon.

§ 1341.407 *Maximum prices established by proportionate relationships.* (a) In the event, and only in the event, that the maximum price for any item, except No. 10 container size, of any canned apples, canned applesauce, and canned or bottled apple juice or sweet apple cider, made from whole apples, cannot be determined under the foregoing sections, but the seller has been able to determine his maximum price under the foregoing sections for the dominant item of such product, the maximum prices of the remaining items of such product, except No. 10 container size, shall be those prices which bear the same proportionate relationship to the maximum price for the dominant item of that product as the price for each such item bore to the price of the dominant item of such product in the seller's first price list applying to the 1941 pack.

(b) In computing maximum prices under paragraph (a) of this section, the dominant item of any product shall be the one of which the seller packed the largest quantity in 1941.

(c) In the event, and only in the event, that the maximum price of one or more grades of such items in a No. 10 container size cannot be determined under the foregoing sections, but the seller has been able to determine the maximum price for one or more other grades of the same product in a No. 10 container size, the maximum prices for the grades not so determined shall be established in the manner provided in paragraph (a) of this section, using as the dominant grade the grade for which the price has been determined, or, if the price of more than one grade has been so determined, using as the dominant grade the one of those for which a maximum price has been so determined, of which the seller packed the largest quantity in 1941.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7903, 8283, 8948.

§ 1341.408 *The seller's maximum price for dried apples.* (a) The seller's maximum price for dried apples, packed in wood boxes containing 25 to 50 pounds, for all states except California, Oregon, Idaho and Washington, shall be as follows:

Grade	Kind	Maximum price in cents per pound
U. S. Grade A	Rings, quarters or slices	21
U. S. Grade B	Rings, quarters or slices	21
U. S. Grade C	Rings, quarters or slices	19½
Cored and peeled, lower than U. S. Grade C.	Rings, quarters or slices	16¼
Chops		7½

(b) The seller's maximum price for dried apples, packed in wood boxes containing 25 to 50 pounds, for the states of California, Oregon, Idaho and Washington, shall be as follows:

Grade	Kind	Maximum price in cents per pound
U. S. Grade A	Rings, quarters or slices.	19
U. S. Grade B	Rings, quarters or slices.	19
U. S. Grade C	Rings, quarters or slices.	17½

(c) Maximum prices for other kinds or grades of dried apples, such as chops and screenings, when no price has been established therefor by the foregoing provisions of this section, and maximum prices for other container sizes, shall be computed as follows:

(1) Compute the base price for U. S. Grade C dried apples and the base price for each other item for which a maximum price is to be computed.

(2) Compute the percentage relationship of the maximum price for U. S. Grade C dried apples, as established by paragraph (a) or (b) or this section, to the base price for U. S. Grade C dried apples.

(3) For each item for which a maximum price is being computed, multiply the base price of that item by the same percentage as computed for U. S. Grade C dried apples pursuant to paragraph (c) (2) of this section.

§ 1341.409 *The seller's maximum prices for boiled cider, concentrated cider, filtered concentrated apple juice, depectinized concentrated apple juice and bland apple syrup.* (a) The seller's maximum prices, f. o. b. plant, for boiled cider, concentrated cider, filtered concentrated apple juice, depectinized concentrated apple juice and bland apple syrup, all as defined in this section, shall be as follows:

Product	Baumé test	Maximum price
Boiled cider	32 degrees	90 cents per gallon.
Concentrated cider	32 degrees	$1.00 per gallon.
Filfered concentrated apple juice	32 degrees	$1.07 per gallon.
Depectinized concentrated apple juice	32 degrees	$1.17 per gallon.
Bland apple syrup	40 degrees or better	16¢ per pound.

(b) To compute maximum prices, f. o. b. plant, for boiled cider, concentrated cider, filtered concentrated apple juice or depectinized concentrated apple juice for Baumé test other than 32 degrees, the seller shall add to the maximum price set forth in paragraph (a) of this section, the sum of five cents per gallon for each degree over 32 degrees and the seller must deduct from the maximum price set forth in paragraph (a) of this section, the sum of five cents per gallon for each degree under 32 degrees. For fractions of degrees over or under 32 degrees, the seller shall add or subtract, as the case may be, the similar fraction of five cents.

(c) When used in this section the term:

(1) "Boiled cider" means the product obtained by boiling pure cider in an open receptacle to the extent that at least six gallons of pure cider are used to obtain one gallon of boiled cider.

(2) "Concentrated cider" means the product obtained by concentrating pure cider by heating under vacuum pressure.

(3) "Filtered concentrated apple juice" means the product obtained by filtering pure apple juice and concentrating the same by heating under vacuum pressure.

(4) "Depectinized concentrated apple juice" means the product obtained by filtering pure apple juice, concentrating it by heating under vacuum pressure and depectinizing it to a sufficient extent to result in a liquid concentrate.

(5) "Bland apple syrup" means the product obtained by removing or neutralizing the malic acid from pure apple juice, and concentrating, after slightly reacidifying, by heating under vacuum pressure to the extent that the product meets a minimum test of 40 degrees Baumé.

§ 1341.410 *Separate maximum prices for apple products in tin and glass containers.* Any seller who packed the same item in both glass and tin during the 1941 pack shall compute base prices and maximum prices separately for such item packed in tin and the same item packed in glass.

§ 1341.411 *Maximum prices for apple products in new container types and sizes.* The maximum price for any of the apple products for which maximum prices are established by this Revised Maximum Price Regulation No. 233, in container types, or sizes, or both, which the seller did not pack during the 1941 pack shall be computed as follows:

(a) The seller shall first select a base container from his 1941 pack. The base container shall be the most similar in type and the nearest in size which is one-half or less larger, or if there is no such size, one-half or less smaller, than the new container, even though he no longer packs or sells the item in the base container.

(b) The seller shall then

(1) Deduct the current net cost per dozen of the base container from the maximum price per dozen of the item in the base container as computed hereunder.

(2) Divide the figure so obtained by the number of ounces or other units in the base container.

(3) Multiply the figure so obtained by the number of the same units in the new container; and

(4) Add the current cost per dozen of the new container.

(c) The "current net cost" per dozen containers means the delivered price to the seller of one dozen of such containers, labels and caps and that proportion of the delivered price of the outgoing shipping carton that one dozen containers bears to the total number of containers to be shipped in such carton, but shall not include cost of filling, closing, labeling or packing.

The delivered price means the delivered price at the time of computing the maximum price, less discounts allowed. The "current net cost" of a container manufactured or assembled by the seller or no longer being purchased by him shall be the delivered price the canner would have to pay for such containers.

§ 1341.412 *Maximum prices of competitor.* If the maximum price of the seller for any item for which maximum prices are established by this Revised Maximum Price Regulation No. 233 cannot be computed under the foregoing sections of this regulation, the seller's maximum price for such item shall be the maximum price of the most closely competitive seller for the same item.

§ 1341.413 *Authorization of maximum prices.* If the seller's maximum price cannot be determined under any of the foregoing sections of this Revised Maximum Price Regulation No. 233, the maximum price shall be a price determined by the seller after specific authorization from the Office of Price Administration, Washington, D. C., on application setting forth (a) a description in detail of the item for which a maximum price is sought; and (b) a statement of the facts which differentiate such item from the most similar item for which he has determined a maximum price, stating such most similar item and the maximum price determined therefor. When such authorization is given, it will be accompanied by instructions as to the method for determining the maximum price. Within ten days after such price has been determined, the seller shall report such maximum price to the Office of Price Administration, Washington, D. C., under oath or affirmation. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

§ 1341.414 *Maximum prices for a seller who has more than one factory.* The maximum price for each item for a seller who owns more than one factory shall be determined separately for each factory, except that if any group of two or more factories had the same f. o. b. factory prices in 1941, the maximum prices shall be determined uniformly for the entire group by using the combined figures for all of the factories in the group in computing the base price and maximum price hereunder, or, if that cannot be determined, by using the maximum price of the most closely competitive seller as the maximum price of the entire group. In applying for the specific authorization of a price, the application may be made for a uniform price for all of the factories in such group.

§ 1341.415 *Maximum delivered prices.* Any seller who sold and delivered a particular brand of canned apples, canned applesauce, or canned or bottled apple juice or sweet apple cider packed by him during the calendar year 1941 on an established uniform delivered price basis by zone or area, shall add to the maximum price per dozen f. o. b. factory computed under the foregoing sections for each grade and container size of such brand, the freight charge he added to his f. o. b. factory price during the calendar year 1941, for such grade and container size of such brand in the same zone or area. The resulting price is the seller's maximum delivered price for such grade and container size of such brand for the zone or area in which the same freight charge was used in 1941.

§ 1341.416 *Maintenance of customary discounts and allowances.* Each seller shall maintain his customary cash discounts and his quantity discounts to different classes of purchasers.

§ 1341.417 *Less than maximum prices.* Lower prices than those established by this Revised Maximum Price Regulation No. 233 may be charged, demanded, paid or offered.

§ 1341.418 *Transfer of business or stock in trade.* If the business, assets or stock in trade of a seller are sold or otherwise transferred on or after the effective date of this Revised Maximum Price Regulation No. 233 and the transferee carries on the business, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in this regulation.

§ 1341.419 *Evasion.* The price limitations set forth in this Revised Maximum Price Regulation No. 233 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any of the items covered by this regulation, alone or in conjunction with any other commodity or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1341.420 *Records and reports.* (a) Every packer who makes sales of dried apples after the effective date of this Revised Maximum Price Regulation No. 233 shall preserve, for so long as the Emergency Price Control Act of 1942 remains in effect, all his existing records which were the basis of computing maximum prices by relationship to other kinds, grades and sizes of dried apples and make and preserve for the same period, all records of the same kind as he has customarily kept, relating to the prices which he charged for dried apples sold after the effective date of this regulation.

(b) Every seller who makes sales of canned apples, canned applesauce, or canned or bottled apple juice or sweet apple cider, made from whole apples, and vinegar stock, packed after the 1941 pack, shall (1) preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, all his existing records which were the basis for the computation of maximum prices under this Revised Maximum Price Regulation No. 233 and (2) preserve for the same period all records of the same kind as he has customarily kept, relating to the prices which he charged for such products sold on and after the effective date of this regulation and (3) file with the Office of Price Administration, Washington, D. C., within ten days after determining his maximum price for each item, a statement certified under oath or affirmation showing his base price and his maximum price for each item, together with his customary cash discounts and customary quantity discounts to different classes of purchasers and (4) in those cases in which the maximum price of any item was determined by the maximum price of the most closely competitive seller, showing the maximum price of such item and the name and address of the seller whose maximum price was so adopted and (5) in those cases in which a seller made sales and deliveries of a particular brand of any of such products packed by him in 1941 on an established uniform delivered price basis by zone or area, showing his maximum price per dozen f. o. b. factory for each such item, the freight charge which he added to his f. o. b. factory price during the calendar year 1941 for each zone or area and the maximum delivered price for each such item packed after the 1941 pack, delivered in each zone or area, and (6) preserve for the same period a true copy of each such statement for examination by any person during ordinary business hours. Any seller who claims that substantial injury would result to him from making such statement available to any other person, may file such copy of such statement with the appropriate field office of the Office of Price Administration. The information contained in such statement will not be published or disclosed unless it is determined that the withholding of such information is contrary to the purposes of this regulation.

(c) Every seller who makes sales of boiled cider, concentrated cider, filtered concentrated apple juice, depectinized concentrated apple juice or bland apple syrup after the effective date of this regulation, shall make and preserve for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, all records of the same kind as he has customarily kept, relating to the prices charged by him for such products.

§ 1341.421 *Information to purchasers from canners.* (a) Except as hereinafter provided, any canner selling any canned apples, canned applesauce, or canned or bottled apple juice or sweet apple cider made from whole apples, packed after the 1941 pack, to any wholesaler, retailer, or any other purchaser for resale, shall, before making such sale or on his invoice disclose in writing to such purchaser, for each item, his base price, his maximum price, and the amount of the difference between the base price and the maximum price, which amount shall be designated as the "permitted increase."

(b) Any such canner may disclose such information by stating it on his invoice on the first occasion that he sells any item to such purchaser; or he may prepare and supply to the purchaser one or more lists or statements containing such information, at or before the first sale to such purchaser. Any such statement may contain the required information for any number of items.

(c) When a maximum price has been established pursuant to § 1341.411 for any item for which the container type or size has been changed, the canner shall not report any base price or permitted increase.

(d) For the purposes of this section:

(1) When a maximum price has been established for any item by the use of proportionate relationship, the base price for such item shall bear the same ratio to the maximum price as the base price of the item from which such maximum price was determined bears to the maximum price of such item.

(2) When a canner has established a maximum price by using the maximum price of his competitor for the same item, his base price and permitted in-

crease for that item shall be the same as the base price and permitted increase of his competitor for the same item.

(3) When any canner makes application to determine a maximum price after specific authorization by the Office of Price Administration, such authorization, when given, will be accompanied by instructions as to the method for determining the price to be deemed the base price.

§ 1341.422 *Enforcement.* Persons violating any provisions of this Revised Maximum Price Regulation No. 233, are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942.

§ 1341.423 *Petitions for amendment.* Any person seeking an amendment of any provision of this Revised Maximum Price Regulation No. 233 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[2]

§ 1341.424 *Sales for export.* The maximum price at which a person may export any of the products covered by this Revised Maximum Price Regulation No. 233 shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[3] issued by the Office of Price Administration.

§ 1341.425 *Applicability of the General Maximum Price Regulation.*[4] This Revised Maximum Price Regulation No. 233 supersedes the provisions of the General Maximum Price Regulation with respect to sales or deliveries by sellers subject to this regulation of all products for which maximum prices are established by this regulation.

§ 1341.426 *Applicability.* The provisions of this Revised Maximum Price Regulation No. 233 shall be applicable only in the United States and the District of Columbia.

§ 1341.427 *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 233 the term:

(1) "Persons" includes an individual, corporation, partnership, association, any other organized group of persons, legal successors or representatives of any of the foregoing and includes the United States, any agency thereof, any other government, or any of its political subdivisions and any agency of any of the foregoing.

(2) "Canner" means a person who processes and packs apples, applesauce, apple juice or sweet apple cider, made from whole apples, in containers of metal or glass, or who packs apple juice or sweet apple cider, made from whole apples, in wooden containers.

(3) "Packer" means a person who removes the major portion of moisture from apples by natural or artificial means or prepares them for shipping in dried form, but does not include a grower when he delivers dried apples to a packer.

(4) "Processor" means a person who produces vinegar stock, boiled cider, concentrated cider, filtered concentrated apple juice, depectinized concentrated apple juice or bland apple syrup.

(5) "Canned" means sealed or enclosed in containers of metal or glass, whether or not hermetically sealed, and also refers to apple juice or sweet apple cider in wood containers.

(6) "1941 pack" of any item affected by this regulation shall be that pack the major portion of which was processed from apples grown in the calendar year 1941.

(7) "Vinegar stock" means fermented apple juice or fermented apple cider.

(8) The "most closely competitive canner or packer" means the canner or packer who:

(i) Sells to the same class of buyers, (ii) produces the same or a similar quality range of the product in question, (iii) has in the past sold the same item at approximately the same prices as the canner or packer seeking to establish a maximum price, (iv) is located in the same or the nearest canning or packing area.

(9) "Item", when referring to any of the products affected by this Revised Maximum Price Regulation No. 233, unless the context otherwise requires, also refers to the kind, grade and container size of such product; it designates not only the product, but also the kind, grade and container size. For example, "any item" means any kind, grade and container size of any of such products.

(10) "Kind" refers to the style of pack as well as to the product.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1341.428 *Effective date.* This Revised Maximum Price Regulation No. 233 (§§ 1341.401 to 1341.428, inclusive) shall become effective December 24, 1942.

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13569; Filed, December 18, 1942; 3:34 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 285,[1] Amendment 1]

IMPORTED FRESH BANANAS, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of Amendment No. 1 to Maximum Price Regulation No. 285 has been issued and filed with the Division of the Federal Register.*

Section 1351.1266 is amended and new § 1351.1266a is added to read as set forth below:

§ 1351.1266 *Effective date.* This Maximum Price Regulation No. 285 (§§ 1351.1251 to 1351.1267, inclusive) shall become effective with respect to sales of fresh bananas except by wholesalers on December 18, 1942 and with respect to sales by wholesalers on December 28, 1942.

§ 1351.1266a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1351.1266 and 1351.1266a) to Maximum Price Regulation No. 285 shall become effective on December 18, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13573; Filed, December 18, 1942; 3:34 p. m.]

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH

[Revised MPR 239[1]]

LAMB AND MUTTON CARCASSES AND CUTS AT WHOLESALE AND RETAIL

The title and preamble are amended, and §§ 1364.151 to 1364.165, inclusive, are amended to read as set forth below: Revised Maximum Price Regulation No. 239—Lamb and Mutton Carcasses and Cuts at Wholesale and Retail. In the judgment of the Price Administrator, it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 issued by the President on October 3, 1942, to establish prices for mutton and to maintain as the maximum prices for lamb carcasses and cuts the general level of prices prevailing with respect thereto during the period July 27, 1942, to July 31, 1942, inclusive. Prices determined for lamb as provided for in this Revised Maximum Price Regulation reflect the prices prevailing during such period. The Price Administrator has ascertained and given due consideration to the prices of lamb and mutton prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this revised regulation.

In the judgment of the Price Administrator, the maximum prices established by this revised regulation are and will be generally fair and equitable and will effectuate the purposes of said Act and Executive Order. A statement of the considerations involved in the issuance of this revised regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The maximum prices established herein are not below prices which will reflect to producers of the agricultural commodities from which lamb and mutton carcasses and cuts are produced a price for their products equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and by the Executive Order of October 3, 1942.

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[2] 7 F.R. 8961.

[3] 7 F.R. 5059, 7242, 8829, 9000.

[4] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10483.

[1] 7 F.R. 6002, 8019, 8948.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Revised Maximum Price Regulation No. 239 is hereby issued.

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1364.184 Appendix I: Formula for meat marking fluid.

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AUTHORITY: §§ 1364.151 to 1364.185, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

SUBPART A—PROVISIONS RELATING TO ALL SALES AT WHOLESALE AND RETAIL OF MUTTON AND LAMB

§ 1364.151 *Prohibition against dealing in lamb or mutton at prices above the maximum.* (a) On and after December 23, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver any lamb or mutton carcass or cut, and no person in the course of trade or business shall buy or receive any lamb or mutton carcass or cut at prices higher than the maximum prices established pursuant to this Revised Maximum Price Regulation No. 239, and no person shall agree, offer, solicit, or attempt to do any of the foregoing.

§ 1364.152 *Less than maximum prices.* Lower prices than those established in this Revised Maximum Price Regulation No. 239 may be charged, demanded, paid, or offered.

§ 1364.153 *Exempt sales.* The provisions of this Revised Maximum Price Regulation No. 239 shall not apply to the following sales or deliveries:

(a) By a farmer of lamb or mutton from livestock bred or raised on his farm. However, this Revised Maximum Price Regulation shall apply to a sale or delivery by a farmers' cooperative and to a sale or delivery directly by a farmer of lamb or mutton if during the preceding calendar month the farmer's sales of all food products produced on his farm exceeded $75.

(b) By hotels, restaurants, cafes, or other similar establishments of lamb and mutton prepared and sold for consumption on the premises.

(c) Deliveries made to any political subdivision or agency of any state or of the United States under contracts entered into prior to December 23, 1942: *Provided*, That this exemption shall not be construed to permit the upward revision of any prices fixed in such contracts.

(d) Sales in which delivery is made outside of the forty-eight states of the United States and the District of Columbia.

§ 1364.154 *Export sales.* The maximum price at which a person may export any lamb or mutton carcass or cut shall be determined in accordance with the provisions of the Revised Export Price Regulation[2] issued by the Office of Price Administration.

§ 1364.155 *Conditional agreements.* No seller subject to this Revised Maximum Price Regulation No. 239 shall enter into an agreement permitting or providing for the adjustment of the prices of lamb or mutton to prices which may be higher than the maximum prices provided by this revised regulation, in the event that this revised regulation is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment or for adjustment or for exception has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition. Request for such an exception may be included in the aforesaid petition.

§ 1364.156 *Enforcement.* (a) Persons violating any provision of this Revised Maximum Price Regulation No. 239 are subject to the criminal penalties, civil enforcement actions, proceedings for suspension of licenses, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Revised Maximum Price Regulation No. 239 or any price schedule, regulation, or order issued by the Office of Price Administration, or any acts or practices which constitute such a violation are urged to communicate with the nearest district, state, or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1364.157 *Licensing.* (a) The provisions of Supplementary Order No. 14 (Licensing Sellers of Meat and Meat Products)[3] are applicable to every seller making sales, other than at retail, of lamb and mutton for which maximum prices are established by this revised regulation. The term "seller" for the purposes of this paragraph shall have the meaning given it by Supplementary Order No. 14.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person making a sale at retail of lamb and mutton for which maximum prices are established by this revised regulation. The term "sale at retail" for the purposes of this paragraph shall have the meaning given it by § 1499.20 (o) of the General Maximum Price Regulation.

§ 1364.158 *Petitions for amendment.* Any person seeking an amendment of any provision of this Revised Maximum Price Regulation No. 239 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1364.159 *Records and reports.* (a) Every person subject to this Revised Maximum Price Regulation No. 239 shall keep such other records in addition to or in place of the records required in §§ 1364.165 and 1364.173 of this revised regulation and shall submit such reports to the Office of Price Administration as that Office may from time to time require or permit.

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[1] 7 F.R. 8961.

[2] 7 F. R. 5059, 7242, 8829, 9000.

[3] 7 F.R. 7033.

§ 1364.160 *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 239, the terms

(1) "Person" includes any individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency therof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing: *Provided,* That no punishment provided by this revised regulation shall apply to the United States or to any such government, political subdivision, or agency.

(2) "Seller" means any person who sells, supplies, disposes, barters, exchanges, transfers, or delivers, or contracts or offers to do any of the foregoing, including but not limited to a car route or packer's branch house. Where a person makes sales from more than one place of business, each separate place of business of such person shall be deemed to be a separate seller. Each distribution point from which a car route or car routes originate shall be deemed a separate seller.

(3) "Sales at retail" means sales to the ultimate consumer: *Provided,* That no wholesaler, processor, packer, slaughterer, branch house, hotel supply house, purchaser for resale, car route, commercial user, purveyor of meals, or government agency shall be deemed to be an ultimate consumer, except that a sale to a purveyor of meals on usual retail terms by a retailer at least 80% of whose sales of meat during the preceding calendar month were made to ultimate consumers shall be deemed a sale at retail.

(4) "Retailer" means a seller regularly and generally engaged in making sales at retail.

(5) "Hotel supply house" means a seller of lamb or mutton who, as an established practice, handles lamb and mutton for the purpose of boning, trimming, and cutting or otherwise fabricating such lamb and mutton for resale to hotels, restaurants, and other purveyors of meals.

(6) "Kosher dealer" means a person who maintains a kosher selling establishment at or through which he regularly sells kosher meat as such.

(7) "Lamb" means the whole or any portion of the carcass of the young animal of the genus Ovis, approximately a year old or less, as ascertained by the objective tests commonly recognized in the meat packing industry and specifically by the "break joint" and by bone and flesh coloration. For the purposes of this revised regulation, the term "lamb" includes, except as otherwise provided, the whole or any portion of a yearling carcass which is a carcass from an animal of the ovine species that has passed the lamb age and lost to an appreciable extent the flesh characteristics which are peculiar to lamb, but has not reached, at time of slaughter, that state of maturity which characterizes mutton and which is in no event older than 24 months.

(8) "Mutton" means the whole or any portion of the carcass from a mature animal of the genus Ovis, approximately 20 to 24 months old or more, which has passed the lamb stage as ascertained by the objective tests commonly recognized in the meat packing industry and specifically by the "break joint" and by bone and flesh coloration.

(9) "Cut" means, and is limited to, the following cuts derived from lamb or mutton, excluding the offal and other items covered by the General Maximum Price Regulation:

(i) Legs, loins, ribs, breasts, shanks, shoulders, necks, racks, hotel racks, fore saddles, hind saddles, kosher fores, steaks, rib chops, loin chops, shoulder chops, crown roasts, rolled roasts, including all combinations of such cuts and all cuts or trimimngs derived from such cuts or from the lamb or mutton carcass.

(ii) Rough or trimmed, bone in or boneless, whole, sliced, or ground.

(iii) Fresh or frozen, cooked, dried, or canned.

(iv) Loose, wrapped, or packed.

Fresh and frozen cuts shall not be considered separate cuts. Quick frozen cuts, if customarily priced separately from other frozen cuts, shall be considered separate cuts.

(10) "Kosher cuts" mean cuts derived from lamb or sheep slaughtered, approved and stamped under rabbinical supervision and sold under rabbinical supervision.

SUBPART B—PROVISIONS RELATING TO SALES AT RETAIL

§ 1364.161 *Maximum prices for lamb sold at retail.* (a) The retailer's maximum price for the sale at retail of lamb carcasses and cuts shall be the highest price charged by him for each grade of carcass or cut during the period July 27, 1942, to July 31, 1942, inclusive. If the retailer did not deal in lamb carcasses or cuts during that period, his maximum price shall be the highest price charged during that period by his most closely competitive seller.

(b) The "highest price charged" means the highest price charged for lamb carcasses or cuts delivered during the period July 27, 1942, to July 31, 1942, inclusive, or if no delivery was made during that period, the highest offering price for delivery during that period.

(c) In determining differences in price based upon differences in grade, the retailer shall follow the same grading practices he followed during the period July 27, 1942, to July 31, 1942, inclusive.

(d) No retailer shall change his customary allowances, discounts, or other price differentials unless such change results in a lower price.

§ 1364.162 *Maximum prices for mutton sold at retail.* (a) The retailer's maximum price for the sale at retail of mutton carcasses and cuts shall be three cents above the highest price charged by him for each grade of carcass or cut during the period September 28, 1942, to October 2, 1942, inclusive. If the retailer did not deal in mutton carcasses or cuts during that period, his maximum price shall be three cents above the highest price charged during that period by his most closely competitive retail seller.

(b) The "highest price charged" means the highest price charged for mutton carcasses or cuts delivered during the period September 28, 1942, to October 2, 1942, inclusive, or if no delivery was made during that period, the highest offering price for delivery during that period.

(c) In determining differences in price based upon differences in grade, the retailer shall follow the same grading practices he followed during the period September 28, 1942 to October 2, 1942 inclusive.

(d) No retailer shall change his customary allowances, discounts, or other price differentials unless such change results in a power price.

§ 1364.163 *Sales slips and receipts.* Any retailer who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any retailer, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the retailer, the quantity, weight and grade of each lamb or mutton carcass or cut sold, and the price received for it.

§ 1364.164 *Evasion.* The price limitations set forth in this Revised Maximum Price Regulation No. 239 shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to lamb or mutton alone or in conjunction with any other commodity or services or by way of any commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement, combination sale, or other trade understanding. Without limiting the generality of the foregoing, no person shall require as a condition of selling one or more commodities included within this Revised Maximum Price Regulation that any purchaser or prospective purchaser purchase or agree to purchase any other commodity or commodities whether or not such other commodity or commodities are included within this or any maximum price regulation.

§ 1364.165 *Records to be kept by retailers.* (a) Every retailer subject to this Revised Maximum Price Regulation No. 239 making sales or deliveries of lamb or mutton shall preserve for examination by the Office of Price Administration all his existing records relating to the prices which he charged for lamb delivered or supplied during the period July 27, 1942, to July 31, 1942, inclusive, and all his existing records relating to the prices which he charged for mutton delivered or supplied during the period September 28, 1942, to October 2, 1942, inclusive, and his offering prices for delivery or supply of lamb and mutton during such periods, and shall keep for examination by any person during ordinary business hours, a statement showing (1) the highest prices charged for lamb carcasses and cuts delivered or supplied during the period July 27, 1942, to July 31, 1942, inclusive, and the highest prices charged for mutton carcasses and cuts delivered or supplied during the period September 28, 1942, to October 2, 1942, inclusive, and his offering prices for delivery or supply of lamb carcasses and cuts or mutton carcasses and cuts during such periods, together with an appropriate identification of each such cut of lamb or mutton; and

(2) all his customary allowances, discounts, and other price differentials.

(b) Records of purchases made by sellers at retail. Every seller at retail shall preserve for examination by the Office of Price Administration all invoices, sales slips, bills or receipts covering purchases of lamb or mutton made by him after December 23, 1942.

SUBPART C—PROVISIONS RELATING TO SALES AND PURCHASES OTHER THAN AT RETAIL

§ 1364.166 *Maximum prices for lamb and mutton for all sales other than sales at retail.* (a) Except as otherwise provided in paragraph (b) of this section which covers sales of canned lamb and mutton, the seller's maximum prices for lamb or mutton carcasses and cuts for all sales other than sales at retail shall be the maximum prices established for the applicable zone, as set forth in Appendices A through H hereof, inclusive, incorporated herein as §§ 1364.176 to 1364.183, plus the permitted additions, if any, specified in § 1364.170, minus the required deductions, if any, specified in § 1364.171. These prices are subject to the maximum price instructions contained in § 1364.169. The applicable zone is to be determined in accordance with the provisions of paragraph (b) of § 1364.169.

(b) The provisions of §§ 1364.167 to 1364.185 shall not apply to sales of canned lamb and mutton. The maximum price for sales of canned lamb or mutton shall be determined according to the provisions of the General Maximum Price Regulation except that the period July 27, 1942, to July 31, 1942, inclusive, shall be substituted for the period of the month of March 1942 in determining the highest price which may be charged for canned lamb and the period September 28 to October 2, 1942, inclusive, shall be substituted, in determining the highest price which may be charged for canned mutton, in accordance with §§ 1499.2 and 1499.3.

§ 1364.167 *Duty to maintain and identify grades and to determine maximum prices and to invoice accordingly.* No person shall sell, offer for sale, deliver, or break, and no person in the course of trade or business shall buy or receive any lamb or mutton carcass or wholesale or hotel supply cut after December 23, 1942, unless such carcass or cut has been identified by grade and marked in accordance with the provisions of this section.

(a) Except as otherwise provided in paragraphs (c) and (d) of this section, each lamb carcass prior to being sold, offered for sale, delivered, or broken shall be graded into one of the four grades set forth below and marked accordingly, and each mutton carcass into one of the three grades set forth below and marked accordingly. Each wholesale cut other than the chuck, breast, and shank, boneless shoulder roll, kidney, boneless lean meat, or boneless meat prior to being sold, offered for sale, delivered, or broken shall be graded when derived from a lamb carcass into one of the four grades set forth below, the grade to depend upon the quality of the carcass, and marked accordingly, and when derived from a mutton carcass into one of the three grades set forth below and marked accordingly. Each hotel supply cut shall be graded when derived from a lamb carcass into one of the four grades set forth below, the grade to depend upon the quality of the carcass, and when derived from a mutton carcass, into one of the two grades set forth below.

Lambs which meet or exceed the specifications for choice lamb shall constitute one grade identified by the grade letters "AA". Lambs which meet the specifications for good lamb, together with such yearlings as satisfy the specifications for choice yearling mutton, shall form a second grade identified by the grade letter "A". Lambs which meet the specifications for commercial lamb, together with such yearlings as satisfy the specifications for good yearling mutton, shall form a third grade identified by the letter "B". All other lambs which include lambs grading utility or below and yearling mutton grading commercial or below shall make up a fourth grade identified by the letter "C".

Mutton carcasses which meet or exceed the specifications for good mutton shall be put in one grade identified by the letter "S". Mutton carcasses which meet or exceed the specifications for commercial mutton shall be put in a second grade identified by the letter "M". All other mutton carcasses which includes all mutton grading utililty or below shall be placed in a third grade identified by the letter "R".

The terms "choice, good, commercial, and utility" used herein refer to "Specifications for official United States standards for grades of lamb carcasses, yearling mutton, and mutton carcasses" set forth in Appendix J hereof and incorporated herein as § 1364.185.

(b) Each lamb or mutton carcass shall be marked with its appropriate grade by having stamped on it the grade letter on both legs, loins, racks, and shoulders, so that in total the grade letter will appear eight times upon the carcass. Each wholesale cut except the chuck, breast and shank, boneless shoulder roll, kidney, boneless lean meat, or boneless meat shall be marked with the appropriate grade by having stamped on it the grade letter. The grade letter shall be at least ½ inch in height and width. The stamp shall be placed on the carcass with harmless marking fluid conforming to the formula for violet branding fluid approved by the United States Department of Agriculture, Bureau of Animal Industry, set forth in Appendix I hereof, and incorporated herein as § 1364.184.

(c) Where lamb or mutton is reserved for sale to a war procurement agency, and is not offered for sale to any other buyer, the carcass need not be marked in the manner required by this section provided that the carcass is stamped by such agency in a manner which clearly indicates the grade of the carcass in terms of an established grading system having a uniform relationship to the grades prescribed by this section. In the event that such lamb or mutton carcass or any cut derived therefrom is subsequently offered for sale or sold to any other buyer, it shall be grade-marked in accordance with the requirements of this section.

(d) Where any or all of the lamb or mutton carcass is to be boned before being sold or offered for sale, no grade letter need be put on the part of the carcass to be boned prior to such boning. In the event that such lamb or mutton is subsequently not boned and is offered for sale or sold, it shall be grade-marked in accordance with the provisions of this section.

(e) Use of other grading and branding systems. Any seller may use a private grading and branding system in addition to that required by the foregoing paragraphs of this section: *Provided,* That he shall identify his private grading and branding stamp in such manner as to distinguish it from the official grade stamp required by paragraphs (a) and (b) of this section.

(f) Each invoice, sales slip or other memorandum of sale covering sales of lamb or mutton carcasses, wholesale cuts or hotel supply cuts, shall show the grade of lamb or mutton carcass or cut sold.

(g) The grade letter is not required on lamb or mutton on which the official United States grade mark has been placed by an official grader.

§ 1364.168 *Notification to retailers of maximum prices.* On and after December 23, 1942 any seller of lamb or mutton to any purchaser engaged in selling lamb or mutton at retail shall supply such purchaser, before, or at the time of his first delivery of lamb or mutton, a written notification to read as follows:

NOTIFICATION TO RETAILERS OF MAXIMUM PRICES

FOR LAMB AND MUTTON

The OPA has established specific dollar ceiling prices at wholesale for lamb and mutton.

You are authorized to establish ceiling prices on mutton by adding three cents per pound to the highest price you charged during the period September 28 to October 2, 1942, inclusive.

You are required to maintain your present retail ceiling prices on lamb.

You may charge hotels, restaurants, and other purveyors of meals your retail ceiling prices only if at least 80% of your total sales of meat during the preceding calendar month are made to persons buying for their own family consumption. If such sales were less than 80% you are required to charge purveyors of meals according to the wholesale prices established in Revised Maximum Price Regulation 239.

The OPA requires that you keep this notice for examination.

§ 1364.169 *Maximum price instructions.* The following maximum price instructions are applicable to the maximum prices set forth in §§ 1364.176 to 1364.183, inclusive, (Appendices A to H inclusive).

(a) *Determination of prices for sales involving fractions of a hundredweight.* All prices, charges, additions and deductions are stated, except where otherwise indicated, on a per hundredweight basis. If a quantity smaller than a hundred pounds or not a multiple of one hundred pounds is sold, the charge must be adjusted accordingly. (For example, the seller is allowed to charge cost up to $.50 per hundredweight for freezing. If only ten pounds is sold the maximum charge which may be made for freezing is $.05; if 110 pounds, $.55.)

(b) *Determination of applicable zone prices.* The applicable maximum prices for all sales other than sales at retail shall be determined as follows:

(1) Except on sales to a war procurement agency, the applicable zone price shall be the price specified in §§ 1364.176 to 1364.183 (Appendices A to H) for the zone in which is located the seller's distribution point. The schedule for each price zone contains a statement setting forth the states or counties in each state which are included within the price zone covered by that schedule. The distribution point is the packing or slaughtering plant, hotel-restaurant supply establishment, branch house, warehouse, or car route unloading point:

(i) At which the buyer takes actual physical possession of the meat; or

(ii) From which delivery by the seller, otherwise than by rail, to the buyer's place of business begins; or

(iii) From which the meat, consigned to the buyer, (*a*) is delivered to a common carrier, other than a railroad, for shipment to the buyer, who pays the shipping charges directly to the carrier, or (*b*) is delivered to a railroad for shipment at the carload rate to the buyer who pays the shipping charges directly to the carrier.

(iv) In the case of a less than carload rail shipment, other than an express shipment to a purveyor of meals, the applicable zone price shall be the price for the zone in which is located the rail terminal point nearest to the buyer's place of business.

(v) On sales to purveyors of meals the distribution point may be, in addition to those listed, the point at which lamb or mutton consigned to the buyer is delivered to a railway express company for shipment by express to the buyer who pays the shipping charges directly to the carrier.

(2) On sales to a war procurement agency the applicable zone price shall be at the option of the buyer the prices specified in §§ 1364.176 to 1364.183 (Appendices A to H) for, either

(i) The zone in which is located the seller's distribution point, plus all transportation charges to the point of delivery, or

(ii) The zone in which is located the point at which the buyer takes delivery.

(c) *Applicable zone price of miscuts.* (1) For any lamb or mutton wholesale cut which has been miscut or for any piece or portion of lamb or mutton which has been cut in a manner not authorized by this Revised Maximum Price Regulation No. 239, the maximum price, except for sale at retail by a retailer, or sales to a purveyor of meals by a hotel supply house, shall be the applicable zone price of the lowest priced wholesale cut. The maximum price for a bracelet or chuck as defined in § 1364.174, except for a kosher bracelet or chuck when sold or offered for sale to a kosher dealer or purveyor of kosher meals, shall be the applicable zone price of the lowest priced wholesale cut.

(2) For any lamb or mutton sold to a purveyor of meals by a hotel supply house, other than a wholesale cut or a hotel supply cut as defined in § 1364.174, the maximum price shall be the applicable zone price of the lowest price hotel supply cut.

(3) Nothing in this section shall prevent the canning of lamb or mutton and the sale of such canned lamb or mutton.

(d) *Sales of kosher meat limited to kosher dealers and purveyors of meals.* (1) Lamb or mutton carcasses or cuts shall not be sold, offered for sale, or delivered as kosher and shall not be purchased or received in the course of trade or business as kosher by any purchaser other than a kosher dealer or a purveyor of kosher meals.

(2) If meat derived from lamb or sheep slaughtered and stamped under rabbinical supervision is sold or delivered to a purchaser other than a kosher dealer or a purveyor of kosher meals, no more can be charged or received for it than if such meat had not been derived from animals so slaughtered and stamped, and the stamp showing the meat to have been so derived must be removed from the meat prior to delivery, and such meat may not be received, offered for resale, or resold until such stamp has been removed.

§ 1364.170 *Amounts which may be added to zone lamb and mutton prices listed in Appendices A to H*—(a) *Sales by independent wholesalers and independent hotel supply houses.* Any independent wholesaler or independent hotel supply house may add to the applicable maximum prices on wholesale cuts $0.25 per cwt.

(b) *Wrapping and dressing.* (1) For wrapping lamb or mutton carcasses in one stockinette there may be added $0.10 per cwt.

(2) For dressing or wrapping lamb or mutton carcasses in two stockinettes, or in kraft paper or in other special wrapping involving an additional cost in excess of ten cents on sales to the war procurement agencies or to persons operating ocean going vessels engaged in the transportation of cargo and passengers as ship stores for consumption aboard such vessel there may be added actual cost for direct material and labor not to exceed $0.25 per cwt.

(c) *Packaging and boxing.* (1) For boxing boneless lamb and boneless mutton for domestic shipment in hundred pound wood, fiber or corrugated boxes or barrel, $0.25 per cwt.

(2) For boxing for export shipment in kraft-paper-lined, weather-proof, telescoped style, solid fiber 50-pound boxes bound with wire or iron bands in accordance with the specifications of the Federal Surplus Commodities Corporation, $0.50 per cwt.

(3) For packing cuts in wood, fiber or corrugated boxes or barrels on sales to hotels, restaurants, and other purveyors of meals, $0.25 per cwt.

(d) *Freezing.* (1) For freezing by the seller, cost for direct material and labor not to exceed, $0.50 per cwt.

(2) For freezing by commercial freezer, cost for direct material and labor for such freezing plus transportation charges calculated at the lowest common carrier rate for a similar haul—both not to exceed $0.50 per cwt.

(e) *Telescoped lambs.* For all operations, other than freezing performed in trimming, preparing, and wrapping telescoped style lamb and mutton, the following additions based upon the finished weight may be added to the applicable maximum prices for round-dressed carcasses, plucks out:

Grade:	*Addition, per cwt.*
AA lamb	$1.00
A	.95
B	.90
C	.85
S mutton	.80
M mutton	.80

(f) *Lamb or mutton kidneys.* (1) For removing the outer protective membrane and cleaning of all particles and preparing lamb and mutton kidneys, $6.25 per cwt.

(2) For packing lamb and mutton kidneys in one pound cartons and in shipping containers, $3.25 per cwt.

(g) *Pickled mutton.* For preparing pickled mutton and packing in hard wood barrels the following addition based upon the finished weight may be added to the applicable maximum prices for round-dressed carcasses, plucks out, $3.50 per cwt.

(h) *Transportation and delivery.* Subject to the limitations in paragraph (h) (4) of this section the following may be added to the applicable zone prices for transporting lamb or mutton from the point of slaughter to the distribution point and for delivering from the distribution point to the buyer's place of business.

(1) *For transportation from the point at which the meat was slaughtered to the seller's distribution point.* (i) If the distribution point from which the sale is made is not the slaughter plant where the meat was slaughtered or a slaughter or packing plant controlled by the slaughterer, and if both it and the point of slaughter are located in price zones 2, 3, or 4, the seller may make a charge equal to the cost of transporting the meat from the point of slaughter to the distribution point but not to exceed, $.50 per cwt.

(ii) If the distribution point from which the sale is made is not the slaughter plant where the meat was slaughtered or a slaughter or packing plant controlled by the slaughterer, and if the distribution point is located in price zones 1 or 5 to 10, inclusive, and the point of slaughter is located in the same price zone as the distribution point, the seller may make a charge equal to the cost of transporting the meat from the point of slaughter to the distribution point but not to exceed, $.25 per cwt.

(2) *For delivery from the distribution point to the buyer's place of business.* (i) If meat is delivered by the seller to the place of business of a retailer, independent wholesaler, independent hotel supply house or commercial user, or to the designated delivery point of a war procurement agency or other government agency, located within a radius of 25 miles from the distribution point the seller may charge, $.25 per cwt.

(ii) If meat is delivered by the seller to the place of business of a retailer, independent wholesaler, independent hotel supply house or commercial user, or to the designated delivery point of a war procurement agency or other government agency located more than 25 miles from the point of distribution, the seller may add the actual cost of transportation but not to exceed $.50 per cwt. from a distribution point in price zones 1, 5 to 10, inclusive, and $.75 from a distribution point in price zones 2, 3, or 4.

(iii) Where the distribution point and the buyer's place of business coincide as in the case of truck routes the seller may, at his option, treat the point of origin of the truck route as the distribution point.

(3) *For delivery by an independent wholesaler, independent hotel supply house or other intermediate distributor.* If the seller is an independent wholesaler or independent hotel supply house who has paid a charge under paragraph (h) of this section for delivery and/or transportation, he may upon the resale of the meat upon which the charge has been made add the amount of such charge up to $.25 upon sales made from a distribution point located in price zones 1 and 5 to 10, inclusive, and up to $.50, in price zones 2, 3 and 4.

(4) *Limitation on total charge for transportation and delivery.* Notwithstanding any of the provisions of paragraphs (h) (1) to (h) (3), inclusive, of this section, nothing therein contained shall be construed to permit a total charge for transportation and for delivery from the point at which the meat was slaughtered to the place of business or receiving point of a retail seller, purveyor of meals, war procurement agency, other government agency or commercial user of more than $.50 per cwt., in price zones 1, 5, 6, 7, 8, 9, or 10, or $.75 per cwt. in price zones 2, 3 or 4. The additions specified in this paragraph (h) for transportation and for local delivery may be charged: *Provided,* That the seller shall itemize separately on an invoice to the buyer the amount charged the buyer for transportation and for delivery.

(5) *How to compute cost.* The cost of transportation or delivery is to be computed on the basis of the lowest common carrier rate for the method of transportation employed.

(6) *Railway express shipments.* Where lamb or mutton is shipped by express to a purveyor of meals by a hotel supply house no charge may be made by the seller for transportation or delivery. The buyer pays the shipping charges directly to the carrier.

§ 1364.171 *Amounts which must be deducted from the zone lamb and mutton prices listed in Appendices A to H.* The following shall be deducted from the applicable zone prices:

(a) *Sales to wholesalers.* For all lamb or mutton carcasses or cuts sold or delivered to wholesalers or jobbers in less than carload quantities, the seller shall deduct, $0.50 per cwt.

(b) *Carload sales.* For all lamb or mutton carcasses or cuts sold or delivered in carload lots, the seller shall deduct, $0.75 per cwt.

§ 1364.172 *Evasion.* (a) The price limitations set forth in this Revised Maximum Price Regulation No. 239 shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to lamb or mutton or in conjunction with any other commodity or services, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying agreement, combination sale or other trade understanding.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Unnecessarily routing lamb or mutton through any distribution point in order to obtain a higher zone price or for the purpose of making a higher delivery charge.

(2) Making or receiving a charge for delivery on the basis of a route different from that actually followed and in excess of that permitted for the route by which the lamb or mutton is actually delivered.

(3) Falsely or wrongly grading or invoicing lamb or mutton.

(4) Selling or invoicing lamb or mutton at kosher prices to other than kosher dealers or kosher purveyors of meals.

(5) Selling or invoicing lamb or mutton by hotel supply houses to persons other than purveyors of meals at the prices allowed on sales to purveyors of meals.

(6) Requiring as a condition of selling one or more commodities included within this Maximum Price Regulation that any purchaser or prospective purchaser purchase or agree to purchase any other commodity or commodities whether or not such other commodity or commodities are included within this or any maximum price regulation.

§ 1364.173 *Records and reports.* Every seller subject to this Revised Maximum Price Regulation No. 239 making sales or deliveries of lamb or mutton carcasses or cuts other than at retail after December 22, 1942, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is in effect;

(a) A complete and accurate record of each such sale or delivery showing the date of sale, the name and address of the buyer, the quantities, weights and grades sold and the prices charged therefor. Kosher sales and sales to purveyors of meals are to be shown as such; and

(b) If such seller sells to purveyors of meals, a complete and accurate record for each calendar month commencing with January showing: (1) The total inventory at the beginning of each month, total additions to inventory during the month and total inventory at the end of each month of carcasses, wholesale cuts, hotel supply cuts, for each type of cut by grades and weights, and of by products; (2) total sales during the month of carcasses, wholesale cuts and hotel supply cuts, showing for each type of cut the amount sold to purveyors of meals and the amount sold to all other purchasers, the total realization, and the average selling price, shown separately for purveyors of meals and all other purchasers; (3) gross margin over cost of meat on sales to purveyors of meals; (4) total sales of by products by weight and dollar amount for each kind of by product; (5) percentage of dollar volume which sales of hotel supply cuts are to total sales made to purveyors of meals.

§ 1364.174 *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 239, the terms:

(1) "Price Zone Numbers 1 to 10, inclusive" means the geographical districts defined in §§ 1364.176 to 1364.183 (Appendices A to H).

(2) A "wholesaler" means a person other than a hotel supply house who buys lamb or mutton for resale other than at retail.

(3) An "independent wholesaler" means a wholesaler who does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and who is not owned or controlled, in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities.

(4) An "independent hotel supply house" means a hotel supply house which does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and who is not owned or controlled, in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities.

(5) "Lower price zone" means a price zone having a lower zone price. "Higher price zone" means a zone having a higher zone price.

(6) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, the Marine Corps, the Coast Guard, the War Shipping Administration, or any agency of the foregoing.

(7) "Carload" means:

(i) A shipment by rail of fresh or frozen meat to a single delivery point, of at least the minimum weight upon which the railroad carload rate from the point of shipment to the delivery point, as evidenced by the tariffs of carriers, is based: *Provided,* That where the transportation charge for shipment of a lesser weight at the railroad carload rate will be lower than the transportation charge for such a shipment at the railroad less-than-carload rate, such lesser weight shall be considered a carload.

(ii) A shipment by motor truck or trucks, to a single delivery point of 15,000 pounds or more of fresh and/or frozen meat, as a single transaction; and

(iii) Any single transaction wherein the buyer takes delivery at the seller's place of business of 15,000 pounds or more of fresh and/or frozen meat.

(8) "Pluck" means the lungs, liver and heart.

(9) "Round dressing" means the type of dressing in which the pelt, head, front and hind trotters, and all internal organs except kidneys and melts are removed. The pluck may be left in or out.

(10) "Wholesale cut" means, and is limited, to the following cuts meeting the following minimum specifications, derived from the carcass of the lamb or mutton, excluding the offal and other items covered by the General Maximum Price Regulation:

(i) "Hindsaddle" and "hindquarter" means the double and single hindquarters, respectively, including the 13th rib. The hindsaddle is made by cutting between the 12th and 13th ribs following the curvature of the ribs close to the 12th rib to the point where the 12th rib turns. The cut is completed by following a line through the flank at a right angle to the chine bone. This cut is split in half through the center of the chine bone to make the hindquarter.

(ii) "Foresaddle" and "forequarter" means the double and single forequarters, respectively, and includes 12 ribs. It is the anterior portion of the carcass remaining after the removal of the hindsaddle. The foresaddle is made by cutting between the 12th and 13th ribs following the curvature of the ribs close to the 12th rib to the point where the 12th rib turns. The cut is completed by following a line through the flank at a right angle to the chine bone. This cut is split in half through the center of the chine bone to make the forequarter.

(iii) "Legs" and "leg" mean a pair of legs and one leg, respectively. The legs are separated from the loin by cutting squarely in a line at a right angle to the chine bone, just exposing the end or point of the hip bone and leaving all of the hip bone in the leg. The cut shall be made in a straight line which is perpendicular to the contour of the outside or skin surface of the hindsaddle. The pair of legs may then be split through the center to make the single leg.

(iv) "Loin" and "half loin" means the double and single loin, respectively, and is the part of the hindsaddle which remains after the legs have been removed. The loin is separated from the hindsaddle by cutting squarely in a line at a right angle to the chine bone, just exposing the end or point of the hip bone, leaving none of the hip bone in the loin. The cut shall be made in a straight line which is perpendicular to the outside or skin surface of the hindsaddle. The loin includes the 13th rib and is not trimmed, i. e., it includes the flank, kidney and fat. The half loin is made by splitting the loin in half through the center of the chine bone.

(v) "Hotel rack" may be either the double or single rib sections from the 5th to the 12th ribs, inclusive, minus the breast. It is made by cutting the foresaddle or forequarter, starting at a point on the 12th rib not more than four inches down from the point of the eye, cutting in a straight line to a point on the 5th rib which is not more than four inches from the hollow of the chine bone on the inside, in the lamb carcass, and not more than four and one-half inches from the hollow of the chine bone on the inside in the mutton carcass. It is then separated from the yoke by cutting betweeen the 4th and 5th ribs following the curvature of the ribs close to the 4th rib. It may be split through the center of the chine bone to make two single rib sections.

(vi) "Yoke" means the foresaddle minus the hotel rack. It consists of the neck, brisket, breast, shanks, and shoulders. The half yoke is made by splitting the yoke in half through the chine bone and neck bone.

(vii) "Bracelet" means a subdivision of the foresaddle consisting of the ribs and breast from the 5th to the 12th ribs, inclusive. The bracelet is made by cutting the foresaddle or forequarter between the 4th and 5th ribs following the curvature of the ribs close to the 4th rib until this rib turns to join the breast bone at which point the cut is completed by following a line through the breast at a right angle to the chine bone. It may be split through the center of the chine bone.

(viii) "Chuck" means the subdivision of the foresaddle left after cutting a bracelet and consists of the neck, shoulders, shank, brisket, and breast. It includes the 1st to the 4th ribs. It is separated from the foresaddle or forequarter by cutting between the 4th and 5th ribs following the curvature of the ribs close to the 4th rib until this rib turns to join the breast bone at which point the cut is completed by following a line through the breast at a right angle to the chine bone. It may be split through the center of the chine bone.

(ix) "4-rib shoulder" means a cut made from the yoke or chuck by cutting in a straight line starting at a point on the 4th rib not more than four inches from the hollow of the chine bone on the inside in the mutton carcass passing through a point at the forward end of the first segment of the sternum or breast bone. This cut will separate the shoulder from the brisket, breast, and shank. When the shoulder has been separated from the breast and shank the only bone to show on the side of the shoulder other than the ribs is the arm bone. It may be split through the center of the chine bone. This cut may be made as a wholesale cut only for the purpose of preparing a boneless lamb roll.

(x) "Breast and shank" means the part of the yoke which remains after the 4-rib shoulder has been removed.

(xi) "Boneless lamb roll" means the boneless meat derived from a 4-rib shoulder with the neck on. This meat is entirely boned, rolled into a cylindrical shape, trimmed of loose or irregular portions at the ends, and tied, and may be wrapped in lamb or beef caul fat. This caul fat shall not exceed ½ inch in thickness at any point and shall not exceed 12 percent in weight of the finished roll.

(xii) "Lean boneless lamb or mutton" means boneless lamb or mutton meat respectively from any part of the carcass. In preparing this meat, the pluck and all cords, sinews, neck straps, kidneys, and melts are to be removed. No trimmable fat in excess of 8 percent in weight is to be left on the meat.

(xiii) "Regular boneless mutton" means boneless mutton meat from all, or any part of the carcass. In preparing this meat, the pluck and all cords, sinews, neck straps, kidneys, and melts are to be removed. No trimmable fat in excess of 30 percent in weight is to be left on the meat.

(xiv) "Kidneys, bulk" means lamb or sheep kidneys with the kidney fat removed.

(xv) "Telescoped style lamb" or "telescoped style mutton" means a lamb or mutton carcass prepared in accordance with the specifications set forth in Amendment 19, Revision No. 1 to Schedule FSCC-10, Meat Products Purchase Specifications, of the Federal Surplus Commodities Corporation of the United States Department of Agriculture.

(xvi) "Pickled mutton" is mutton prepared in the following manner: The kidney, melts and excessive internal fat is removed; the meat is then cut into pieces weighing two to four pounds each, from which all surface fat in excess of ¾ inch in thickness is removed, and which are free of blood clots; these pieces of meat are cured from 20 to 25 days in 100 degree pickle containing approximately one ounce of nitrate of soda per gallon, and are overhauled at five and ten days of age. After curing, the mutton is packed in hardwood barrels, 200 pound cured net weight to the barrel. The meat is topped off with 60 pounds of fine salt per barrel and sufficient new pickle of the same kind and strength as used in curing is added to fill the barrel.

(10) "Hotel supply cuts" means the following cuts derived from the permitted wholesale cuts:

(i) "Leg, oven-prepared" means the leg cut as described in paragraph (9) (iii) of this section with all bones except the leg bone (femur) removed. The leg bone means the bone between the stifle joint and the rump bone.

(ii) "Leg, boned, rolled, and tied" means the leg cut as described in paragraph (9) (iii) of this section prepared in the following manner: All bones are removed, the fell is pulled off the shank meat up to the stifle joint, the shank meat is either cut off and placed lengthwise in the pocket left by the aitch and leg bones, or folded back, and the meat is then rolled into a cylindrical shape and tied with at least four loops.

(iii) "Loin, flank on, kidney and suet out" means the loin cut as described in paragraph (9) (iv) of this section with the kidney and all surrounding suet removed. The fat in the loin shall be trimmed smooth and trimming by a knife shall be apparent.

(iv) "Loin, flank off, kidney and suet out" means the loin prepared as described in the preceding paragraph with the flank removed. The flank shall be removed by starting at a point on the 13th rib not more than four inches down from the point of the eye and then cutting in a straight line to a point at the other end not more than four-and-a-half inches from the chine bone.

(v) "Loin chops" mean chops cut from the loin, prepared as described in the preceding paragraph with the flank off and the kidney and suet out, from which the 13th rib has been removed. To make chops, the fell is removed and the loin is then split into two parts along the center of the chine bone. Each half is further separated by making cuts straight down on lines at right angles to the chine bone. Each half loin must be cut in this manner into at least four individual chops which may be of any desired size or weight.

(vi) "Loin, boned, rolled, and tied" means the loin prepared flank on, kidney and suet out, as described in paragraph (10) (iii) of this section, from which is removed one inch of the flank containing the gristle and sinews. The 13th rib and the entire chine bone are also removed. The loin meat is then rolled into a cylindrical shape and tied with at least four loops.

(vii) "Rib chops, regular" mean chops cut from the hotel rack in the following manner: The fell is removed together with all excess fat and the rack is then divided in the center of the chine bone. The single hotel rack is then divided into rib chops by splitting between the ribs into at least four rib sections which may be of any desired size or weight.

(viii) "Rib chops, 5th to 7th rib" mean chops made from the forward end of the hotel rack as described in the preceding paragraph, which include the 5th, 6th, and 7th ribs and which contain segments of shoulder-blade bone or cartilage.

(ix) "Rib chops, 8th to 12th" mean chops made from the back end of the hotel rack as described in paragraph (10) (vi) of this section which include the 8th to 12th ribs and which do not contain any segments of shoulder-blade bone or cartilage.

(x) "Yoke, boned, rolled and tied" means the yoke cut as described in paragraph (9) (vi) of this section with all bones removed, rolled into a cylindrical shape and tied with at least four loops.

(xi) "Yoke, boneless stew" means small cubes of boneless meat derived from the yoke, none of which is more than two cubic inches in size or contains more than one-fourth inch of fat or consists of more than 25 percent fat.

(xii) "Shoulder, boneless stew" means small cubes of boneless meat derived from the shoulder, none of which is more than two cubic inches in size or contains more than one-fourth inch of fat or consists of more than 25 percent fat.

(xiii) "Shoulder, boned, rolled, and tied" means the 4-rib shoulder cut as described in paragraph (9) (ix) of this section with all bones removed, rolled into a cylindrical shape and tied with at least four loops.

(xiv) "Shoulder, regular stew, bone in" means small cubes of meat derived from the 4-rib shoulder none of which is larger than two cubic inches in size.

(xv) "Breast and shank, regular stew, bone in" means small cubes of meat derived from the breast and shank cut as described in paragraph (9) (x) none of which is larger than two cubic inches in size.

(xvi) "Shank, braising" means a shank separated from the breast and shank cut as described in paragraph (9) (x) in the following manner: The shank is separated from the breast at the shank knuckle bones. The cut should start at the same point as that which separates the breast and shank from the shoulder. The lower fore shank bone is cut off at the knee joint.

(xvii) "Shank, regular stew, bone in" means small cubes of meat derived from the shanks cut as described in the preceding paragraph none of which is larger than two cubic inches in size.

(xviii) "Breast, regular stew, bone in" means small cubes of meat derived from the breast none of which is larger than two cubic inches in size. The breast is the part of the breast and shank which is left after the shank is severed as described in paragraph (10) (xvi) of this section. It includes the brisket.

§ 1364.175 *Effective date.* This revised Maximum Price Regulation No. 239 (§§ 1364.151 to 1364.185, inclusive) shall become effective December 23, 1942.

§ 1364.176 *Appendix A: Zone 1 and applicable zone wholesale prices.* Maximum prices for lamb and mutton carcasses and cuts sold from distribution points located in Zone 1, which is defined as follows:

Zone 1: Washington, Oregon, California and Nevada.

(a) The maximum prices set forth in paragraphs (b) and (c) of this section are subject to the maximum price instructions provided in § 1364.169. To these maximum prices may be added the permitted additions, if any, specified in § 1364.170, and from them must be subtracted the required deductions, if any, specified in § 1364.171.

(b) The following maximum prices are established in dollars per hundredweight f. o. b. distribution point:

Item	Lamb				Mutton		
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M	Grade R
Carcass:							
Round dressed, pluck out	28.00	26.50	24.50	22.25	15.25	14.00	12.75
Round dressed, pluck in	27.00	25.50	23.50	21.25	14.25	13.00	11.75
Hindsaddle or hindquarter	32.00	30.25	27.75	25.00	18.75	17.50	16.25
Foresaddle or forequarter	24.25	23.00	21.50	19.75	12.00	10.75	9.50
Legs or leg	32.25	31.00	29.50	27.00	20.25	19.00	17.75
Loin, single or double	32.50	29.75	24.75	21.25	16.75	15.25	13.75
Hotel rack, single or double	36.00	33.25	29.00	24.50	18.00	16.25	14.25
Yoke, whole or half	21.00	20.50	20.00	19.00	10.75	9.75	8.75
Breast or shank	13.00	13.00	13.00	12.00	8.75	8.75	8.00
Kosher foresaddle or forequarter	24.75	23.50	22.00	20.25	12.50	11.25	10.00
Kosher bracelet, whole or half	28.75	27.25	24.75	21.25	15.75	14.25	12.75
Kosher chuck, whole or half	23.00	22.25	21.50	20.50	11.50	10.50	9.50

Boneless lamb shoulder roll	31.00
Lean boneless lamb	31.50
Lean boneless mutton	21.50
Regular boneless mutton	17.50
Lamb or mutton kidneys, bulk	11.00

(c) For hotel supply cuts, when sold to hotels, restaurants, and other purveyors of meals, the following maximum prices are established in dollars per hundredweight f. c. b. distribution point, subject to the addition specifically provided in this Appendix:

Item	Lamb				Mutton	
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
Legs—oven prepared	46.25	45.00	43.25	40.50	29.50	28.25
Leg—boned, rolled and tied	49.75	47.75	46.00	43.00	31.25	29.50
Loin—flank on, kidney and suet out	48.00	42.25	34.00	28.50	23.00	20.50
Loin—flank off, kidney and suet out	53.50	46.75	37.50	31.25	26.00	23.00
Loin chops	56.75	50.25	40.25	33.50	28.00	24.50
Loin—boned, rolled and tied	59.75	53.00	42.50	35.25	30.00	26.50
Hotel rack—rib chops, regular	51.50	47.00	40.25	33.50	25.00	22.25
Hotel rack—rib chops, 8th to 12th ribs, incl	54.50	49.50	42.50	35.25	26.50	23.50
Hotel rack—rib chops, 5th to 7th ribs, incl	38.50	35.50	31.00	26.50	19.50	17.50
Yoke—boned, rolled and tied	------	------	------	------	16.25	14.75
Yoke—boneless stew	36.25	35.25	34.50	32.50	17.75	16.00
Shoulder—boned, rolled and tied	38.50	37.75	37.25	36.00	17.50	15.75
Shoulder—regular stew, bone in	31.50	30.50	29.75	28.50	14.75	13.25
Shoulder—boneless stew	43.75	42.25	41.00	39.25	19.75	17.50
Breast and shank—regular stew, bone in	16.75	16.75	16.75	15.50	11.25	11.25
Breast—regular stew, bone in	16.00	16.00	16.00	14.75	10.75	10.75
Shanks—for braising or regular stew, bone in	17.50	17.50	17.50	16.25	11.75	11.75

Special price instruction. (1) For hotel supply cuts derived from the foresaddle cuts of kosher lamb or mutton and sold to purveyors of kosher meals, $0.75 per hundredweight may be added to the applicable maximum prices.

§ 1364.177 *Appendix B: Zones 2, 3 and 4 and applicable zone wholesale prices.* Maximum prices for lamb and mutton carcasses and cuts sold from distribution points located in Zones 2, 3 and 4 which are defined as follows:

Zone 2: Idaho, Montana, Wyoming, Utah and Arizona.

Zone 3: Colorado and New Mexico.

Zone 4: North Dakota, South Dakota, Minnesota, Nebraska, Kansas, Oklahoma and Texas.

All that portion of Wisconsin west of and including the counties of Iron, Price, Taylor, Clark, Jackson, Monroe, Vernon, and Crawford.

Iowa except the counties of Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines, and Lee.

All that portion of Missouri west of and including the counties of Scotland, Knox, Shelby, Monroe, Audrain, Montgomery, Warren, Franklin, Washington, Saint Francois, Madison, Wayne and Butler.

(a) The maximum prices set forth in paragraphs (b) and (c) of this section are subject to the maximum price instructions provided in § 1364.169. To these maximum prices may be added the permitted additions, if any, specified in § 1364.170, and from them must be subtracted the required deductions, if any, specified in § 1364.171.

(b) The following maximum prices are established in dollars per hundredweight f. o. b. distribution point:

Item	Lamb				Mutton		
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M	Grade R
Carcass:							
Round dressed, pluck out	26.50	25.00	23.00	20.75	13.75	12.50	11.25
Round dressed, pluck in	25.50	24.00	22.00	19.75	12.75	11.50	10.25
Hindsaddle or hindquarter	30.50	28.75	26.25	23 50	17.25	16.00	14.75
Foresaddle or forequarter	22.75	21.50	20.00	18.25	10.50	9.25	8.00
Legs or leg	30.75	29.50	28.00	25.50	18.75	17.50	16.25
Loin, single or double	31.00	28.25	23.25	19.75	15.25	13.75	12.25
Hotel rack, single or double	34.50	31.75	27.50	23.00	16.50	14.75	12.75
Yoke, whole or half	19.50	19.00	18.50	17.50	9.25	8.25	7.25
Breast or shank	11.50	11.50	11.50	10.50	7.25	7.25	6.50
Kosher foresaddle or forequarter	23.25	22.00	20.50	18.75	11.00	9.75	8.50
Kosher bracelet, whole or half	27.25	25.75	23.25	19.75	14.25	12.75	11.25
Kosher chuck, whole or half	21.50	20.75	20.00	19.00	10.00	9.00	8.00

Boneless lamb shoulder roll	29.50
Lean boneless lamb	30.00
Lean boneless mutton	20.00
Regular boneless mutton	16.00
Lamb or mutton kidneys, bulk	9.50

(c) For hotel supply cuts, when sold to hotels, restaurants, and other purveyors of meals, the following maximum prices are established in dollars per hundredweight f. o. b. distribution point, subject to the addition specifically provided in this Appendix:

Item	Lamb				Mutton	
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
Legs—oven prepared	44.25	42.75	41.00	38.25	27.25	26.00
Leg—boned, rolled and tied	47.50	45.50	43.50	40.50	28.75	27.00
Loin—flank on, kidney and suet out	45.00	40.00	32.00	26.50	20.75	18.25
Loin—flank off, kidney and suet out	50.25	44.25	35.25	29.00	23.50	20.25
Loin chops	54.00	47.50	37.75	31.00	25.25	21.75
Loin—boned, rolled and tied	56.75	50.00	39.75	32.75	27.25	23.75
Hotel rack—rib chops, regular	49.25	44.75	38.25	31.50	23.00	20.25
Hotel rack—rib chops, 8th to 12th ribs, incl	52.25	47.25	40.25	33.00	24.00	21.25
Hotel rack—rib chops, 5th to 7th ribs, incl	37.00	34.00	29.50	25.00	18.00	16.00
Yoke—boned, rolled and tied					13.75	12.25
Yoke—boneless stew	33.50	32.50	31.75	30.00	15.00	13.25
Shoulder—boned, rolled and tied	36.25	35.50	34.75	33.50	15.25	13.25
Shoulder—regular stew, bone in	29.75	28.75	27.75	26.50	12.75	11.25
Shoulder—boneless stew	41.00	39.75	38.50	36.50	17.00	14.50
Breast and shank—regular stew, bone in	14.75	14.75	14.75	13.50	9.25	9.25
Breast—regular stew, bone in	14.00	14.00	14.00	12.75	8.75	9.00
Shanks—for braising or regular stew, bone in	15.50	15.50	15.50	14.00	9.75	9.75

Special price instruction (1) For hotel supply cuts derived from the foresaddle cuts of kosher lamb or mutton and sold to purveyors of kosher meals, $0.75 per hundredweight may be added to the applicable maximum prices.

§ 1364.178 *Appendix C: Zone 5 and applicable zone wholesale prices.* Maximum prices for lamb and mutton carcasses and cuts sold from distribution points located in Zone 5, which is defined as follows:

Zone 5: All that portion of Michigan west of and including the counties of Marquette and Menominee.

All that portion of Wisconsin east of and including the counties of Vilas, Oneida, Lincoln, Marathon, Wood, Juneau, Sauk, Richland and Grant.

The following counties of Iowa: Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines and Lee.

All that portion of Illinois north and west of and including the counties of Vermilion, Champaign, Douglas, Coles, Shelby, Effingham, Fayette, Bond, Madison, St. Clair and Monroe.

The following counties of Missouri: Clark, Lewis, Marion, Ralls, Pike, Lincoln, St. Charles, St. Louis and Jefferson.

The following counties in Indiana: Lake, Newton, Benton and Warren.

(a) The maximum prices set forth in paragraphs (b) and (c) of this section are subject to the maximum price instructions provided in § 1364.169. To these maximum prices may be added the permitted additions, if any, specified in § 1364.170, and from them must be subtracted the required deductions, if any, specified in § 1364.171.

(b) The following maximum prices are established in dollars per hundredweight f. o. b. distribution point:

Item	Lamb				Mutton		
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M	Grade R
Carcass:							
Round dressed, pluck out	27.00	25.50	23.50	21.25	14.25	13.00	11.75
Round dressed, pluck in	26.00	24.50	22.50	20.25	13.25	12.00	10.75
Hindsaddle or hindquarter	31.00	29.25	26.75	24.00	17.75	16.50	15.25
Foresaddle or forequarter	23.25	22.00	20.50	18.75	11.00	9.75	8.50
Legs or leg	31.25	30.00	28.50	26.00	19.25	18.00	16.75
Loin, single or double	31.50	28.75	23.75	20.25	15.75	14.25	12.75
Hotel rack, single or double	35.00	32.25	28.00	23.50	17.00	15.25	13.25
Yoke, whole or half	20.00	19.50	19.00	18.00	9.75	8.75	7.75
Breast or shank	12.00	12.00	12.00	11.00	7.75	7.75	7.00
Kosher foresaddle or forequarter	23.75	22.50	21.00	19.25	11.50	10.25	9.00
Kosher bracelet, whole or half	27.75	26.25	23.75	20.25	14.75	13.25	11.75
Kosher chuck, whole or half	22.00	21.25	20.50	19.50	10.50	9.50	8.50

Boneless lamb shoulder roll	30.00
Lean boneless lamb	30.50
Lean boneless mutton	20.50
Regular boneless mutton	16.50
Lamb or mutton kidneys, bulk	10.00

(c) For hotel supply cuts, when sold to hotels, restaurants, and other purveyors of meals, the following maximum prices are established in dollars per hundredweight f. o. b. distribution point, subject to the addition specifically provided in this Appendix:

Item	Lamb				Mutton	
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
Leg—oven prepared	45.00	43.50	41.75	39.00	28.00	26.75
Leg—boned, rolled and tied	48.25	46.25	44.25	41.25	29.50	28.00
Loin—flank on, kidney and suet out	45.75	40.75	32.50	27.25	21.50	19.25
Loin—flank off, kidney and suet out	51.00	45.25	35.00	29.75	24.25	21.25
Loin chops	54.75	48.50	38.50	31.75	26.00	22.75
Loin—boned, rolled and tied	57.75	51.00	40.75	33.50	28.25	24.50
Hotel rack—rib chops, regular	50.00	45.50	39.00	32.25	23.50	20.75
Hotel rack—rib chops, 8th to 12th ribs, incl	53.00	48.00	41.00	33.75	24.75	22.00
Hotel rack—rib chops, 5th to 7th ribs, incl	37.50	34.50	30.00	25.50	18.50	16.50
Yoke—boned, rolled and tied					14.50	13.00
Yoke—boneless stew	34.50	33.50	32.50	30.75	16.00	14.00
Shoulder—boned, rolled and tied	37.25	36.75	35.50	34.25	16.00	13.75
Shoulder—regular stew, bone in	30.25	29.75	28.50	27.25	13.50	11.75
Shoulder—boneless stew	42.00	41.00	39.25	37.50	17.75	15.25
Breast and shank—regular stew, bone in	15.50	15.50	15.50	14.25	10.00	10.00
Breast—regular stew, bone in	14.75	14.75	14.75	13.50	9.50	9.50
Shanks—for braising or regular stew, bone in	16.25	16.25	16.25	14.75	10.25	10.25

Special price instruction. (1) For hotel supply cuts derived from the foresaddle cuts of kosher lamb or mutton and sold to purveyors of kosher meals, $0.75 per hundredweight may be added to the applicable maximum prices.

§ 1364.179 *Appendix D: Zone 6 and applicable zone wholesale prices.* Maximum prices for lamb and mutton carcasses and cuts sold from distribution points located in Zone 6, which is defined as follows:

Zone 6: The following counties of Michigan: Alger, Delta, Schoolcraft, Luce, Mackinac, Chippewa and Berrien.

Indiana except the counties of Lake, Newton, Benton and Warren.

All that portion of Illinois east and south of and including the counties of Edgar, Clark, Cumberland, Jasper, Clay, Marion, Clinton, Washington and Randolph.

The following counties of Missouri: Saint Genevieve, Perry, Bollinger, Cape Girardeau, Stoddard, Scott, New Madrid, Mississippi, Dunklin and Pemiscot.

All that portion of Kentucky west and north of and including the counties of Carroll, Henry, Shelby, Anderson, Washington, Marion, Larue, Hardin, Grayson, Ohio, Muhlenberg and Todd.

The following counties of Tennessee: Lake, Obion, Weakley, Henry, Stewart, Montgomery, Dyer, Gibson, Crockett, Carroll, Benton and Houston.

The state of Arkansas.

All that portion of Louisiana west of the Mississippi River from the northeast point of East Carroll Parish to the northeast point of Pointe Coupee Parish and west of and including the parishes of Avoyelles, Saint Landry, Saint Martin and Iberia.

(a) The maximum prices set forth in paragraphs (b) and (c) of this section are subject to the maximum price instructions provided in § 1364.169. To these maximum prices may be added the permitted additions, if any, specified in § 1364.170, and from them must be subtracted the required deductions, if any, specified in § 1364.171.

(b) The following maximum prices are established in dollars per hundredweight f. o. b. distribution point:

Item	Lamb				Mutton		
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M	Grade R
Carcass:							
Round dressed, pluck out	27.25	25.75	23.75	21.50	14.50	13.25	12.00
Round dressed, pluck in	26.25	24.75	22.75	20.50	13.50	12.25	11.00
Hindsaddle or hindquarter	31.25	29.50	27.00	24.25	18.00	16.75	15.50
Foresaddle or forequarter	23.50	22.25	20.75	19.00	11.25	10.00	8.75
Legs or leg	31.50	30.25	28.75	26.25	19.50	18.25	17.00
Loin, single or double	31.75	29.00	24.00	20.50	16.00	14.50	13.00
Hotel rack, single or double	35.25	32.50	28.25	23.75	17.25	15.50	13.50
Yoke, whole or half	20.25	19.75	19.25	18.25	10.00	9.00	8.00
Breast or shank	12.25	12.25	12.25	11.25	8.00	8.00	7.25
Kosher foresaddle or forequarter	24.00	22.75	21.25	19.50	11.75	10.50	9.25
Kosher bracelet, whole or half	28.00	26.50	24.00	20.50	15.00	13.50	12.00
Kosher chuck, whole or half	22.25	21.50	20.75	19.75	10.75	9.75	8.75

Boneless lamb shoulder roll	30.25
Lean boneless lamb	30.75
Lean boneless mutton	20.75
Regular boneless mutton	16.75
Lamb or mutton kidneys, bulk	10.25

(c) For hotel supply cuts, when sold to hotels, restaurants, and other purveyors of meals, the following maximum prices are established in dollars per hundredweight f. o. b. distribution point, subject to the addition specifically provided in this Appendix:

Item	Lamb				Mutton	
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
Leg—oven prepared	45.25	44.00	42.25	39.25	28.25	27.00
Leg—boned, rolled and tied	48.50	46.50	44.75	41.75	30.00	28.75
Loin—flank on kidney and suet out	46.25	41.00	33.00	27.50	22.00	19.50
Loin—flank off, kidney and suet out	51.50	45.50	36.50	30.00	24.75	21.75
Loin chops	55.25	49.00	39.00	32.25	26.50	23.25
Loin—boned, rolled and tied	58.25	51.50	41.25	34.00	28.75	25.00
Hotel rack—rib chops, regular	50.25	45.75	39.25	32.50	24.00	21.25
Hotel rack—rib chops, 8th to 12th ribs, incl	53.25	48.50	41.50	34.25	25.25	22.25
Hotel rack—rib chops, 5th to 7th ribs, incl	37.75	34.75	30.25	25.75	18.75	16.75
Yoke—boned, rolled and tied					15.00	13.50
Yoke—boneless stew	35.00	34.00	33.00	31.25	16.50	14.50
Shoulder—boned, rolled and tied	37.50	36.75	36.00	34.75	16.25	14.50
Shoulder—regular stew, bone in	30.50	29.50	28.75	27.50	13.75	12.25
Shoulder—boneless stew	42.25	41.00	39.75	38.00	18.25	16.00
Breast and shank—regular stew, bone in	15.75	15.75	15.75	14.50	10.25	10.25
Breast—regular stew, bone in	15.00	15.00	15.00	13.75	9.75	9.75
Shanks—for braising or regular stew, bone in	16.50	16.50	16.50	15.00	10.75	10.75

Special price instruction. (1) For hotel supply cuts derived from the foresaddle cuts of kosher lamb or mutton and sold to purveyors of kosher meals, $0.75 per hundredweight may be added to the applicable maximum prices.

§ 1364.180 *Appendix E: Zone 7 and applicable zone wholesale prices.* Maximum prices for lamb and mutton carcasses and cuts sold from distribution points located in Zone 7, which is defined as follows:

Zone 7: The Lower Peninsula of Michigan except Berrien County, but including the islands of Michigan lying in Lake Michigan and Lake Huron.

The State of Ohio.

The following counties of New York: Niagara, Erie, Chautauqua and Cattaraugus.

All that portion of Pennsylvania west of and including the counties of Warren, Forest, Clarion, Armstrong, Westmoreland and Fayette.

All that portion of West Virginia west of and including the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Doddridge, Gilmer, Calhoun, Roane, Kanawha, Boone, Logan and Mingo.

All that portion of Kentucky east of and including the counties of Boone, Gallatin, Owen, Franklin, Woodford, Mercer, Boyle, Casey, Taylor, Green, Hart, Edmonson, Butler and Logan.

All that portion of Tennessee west of and including the counties of Campbell, Scott, Fentress, Overton, Putnam, White, Warren, Grundy, and Marion; but excluding the counties of Lake, Obion, Weakley, Henry, Stewart, Montgomery, Dyer, Gibson, Crockett, Carroll, Benton and Houston.

All that portion of Alabama north and west of and including the counties of Jackson, Madison, Morgan, Cullman, Walker, Fayette and Lamar.

All that portion of Mississippi north of and including the counties of Lowndes, Oktibbeha, Choctaw, Attala, Madison, Yazoo and Issaquena.

(a) The maximum prices set forth in paragraph (b) and (c) of this section are subject to the maximum price instructions provided in § 1364.169. To these maximum prices may be added the permitted additions, if any, specified in § 1364.170, and from them must be subtracted the required deductions, if any, specified in § 1364.171.

(b) The following maximum prices are established in dollars per hundredweight f. o. b. distribution point subject to the additions specifically provided in this Appendix:

Item	Lamb				Mutton		
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M	Grade R
Carcass:							
Round dressed, pluck out	27.50	26.00	24.00	21.75	14.75	13.50	12.25
Round dressed, pluck in	26.50	25.00	23.00	20.75	13.75	12.50	11.25
Hindsaddle or hindquarter	31.50	29.75	27.25	24.50	18.25	17.00	15.75
Foresaddle or forequarter	23.75	22.50	21.00	19.25	11.50	10.25	9.00
Legs or leg	31.75	30.50	29.00	26.50	19.75	18.50	17.25
Loin, single or double	32.00	29.25	24.25	20.75	16.25	14.75	13.25
Hotel rack, single or double	35.50	32.75	28.50	24.00	17.50	15.75	13.75
Yoke, whole or half	20.50	20.00	19.50	18.50	10.25	9.25	8.25
Breast or shank	12.50	12.50	12.50	11.50	8.25	8.25	7.50
Kosher foresaddle or forequarter	24.25	23.00	21.50	19.75	12.00	10.75	9.50
Kosher bracelet, whole or half	28.25	26.75	24.25	20.75	15.25	13.75	12.25
Kosher chuck, whole or half	22.50	21.75	21.00	20.00	11.00	10.00	9.00

Boneless lamb shoulder roll	30.50
Lean boneless lamb	31.00
Lean boneless mutton	21.00
Regular boneless mutton	17.00
Lamb or mutton kidneys, bulk	10.50

Special price instructions. (1) For locally dressed lamb or mutton derived from animals slaughtered in a plant located in Ohio or those portions of Michigan, Pennsylvania, or New York included in this price Zone and delivered within 75 miles of the point of slaughter, $0.50 per cwt. may be added to the applicable maximum prices.

(2) For kosher lamb or mutton derived from animals slaughtered in a plant located in Ohio or those portions of Michigan, Pennsylvania, or New York included in this price Zone and delivered to kosher dealers within 75 miles of the point of slaughter, $0.50 per cwt. may be added to the applicable maximum prices for kosher cuts. This is in addition to the charge which may be made for locally dressed lamb or mutton in accordance with *Special price instruction* (1).

(c) For hotel supply cuts, when sold to hotels, restaurants, and other purveyors of meals, the following maximum prices are established in dollars per hundredweight f. o. b. distribution point, subject to the additions specifically provided in this Appendix:

Item	Lamb				Mutton	
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
Leg—oven prepared	45.75	44.25	42.50	39.75	28.75	27.50
Leg—boned, rolled and tied	49.00	47.00	45.25	42.25	30.25	28.75
Loin—flank on, kidney and suet out	46.50	41.50	33.50	27.75	22.25	20.00
Loin-flank off, kidney and suet out	52.00	46.00	36.75	30.50	25.25	22.00
Loin chops	55.75	49.50	39.50	32.50	27.00	23.75
Loin—boned, rolled and tied	58.75	52.00	41.50	34.50	29.00	25.50
Hotel rack—rib chops, regular	50.75	46.25	39.50	33.00	24.25	21.50
Hotel rack—ribs chops, 8th to 12th ribs, incl	53.75	48.75	41.75	34.50	25.75	22.75
Hotel rack—rib chops, 5th to 7th ribs, incl	38.00	35.00	30.50	26.00	19.00	17.00
Yoke—boned, rolled and tied					15.25	13.75
Yoke—boneless stew	35.25	34.50	33.50	31.75	17.00	15.00
Shoulder—boned, rolled and tied	37.75	37.00	36.25	35.25	16.75	15.00
Shoulder—regular stew, bone in	31.00	30.00	29.00	27.75	14.00	12.50
Shoulder—boneless stew	42.50	41.50	40.00	38.25	18.75	16.50
Breast and shank—regular stew, bone in	16.25	16.25	16.25	15.00	10.75	10.75
Breast—regular stew, bone in	15.25	15.25	15.25	14.00	10.00	10.00
Shanks—for braising or regular stew, bone in	16.75	16.75	16.75	15.50	11.00	11.00

Special price instructions. (1) For hotel supply cuts from the foresaddle cuts of kosher lamb or mutton derived from animals slaughtered in a plant located in Ohio or those portions of Michigan, Pennsylvania, or New York included in this price zone and delivered to purveyors of kosher meals within 75 miles of the point of slaughter, $1.50 per cwt. may be added to the applicable maximum prices.

(2) For kosher hotel supply cuts not meeting the requirements as to location of slaughter plant or distance of delivery from point of slaughter specified in *Special price instruction* (1), but sold to purveyors of kosher meals, $0.75 per cwt. may be added to the applicable maximum prices.

§ 1364.181 *Appendix F: Zone 8 and applicable zone wholesale prices.* Maximum prices for lamb and mutton carcasses and cuts sold from distribution points located in Zone 8, which is defined as follows:

Zone 8: All that portion of New York west of and including the counties of Oswego, Oneida, Madison, Chenango, and Broome; but excluding the counties of Niagara, Erie, Cattaraugus and Chautauqua.

The following counties of Pennsylvania: McKean, Potter, Elk, Cameron, Clinton, Jefferson, Clearfield, Center, Indiana, Cambria, Blair, Huntingdon, Somerset, Bedford and Fulton.

All that portion of West Virginia east of and including the counties of Monongalia, Marion, Harrison, Lewis, Braxton, Clay, Nicholas, Fayette, Raleigh, Wyoming, and McDowell; but excluding the counties of Berkeley and Jefferson.

The following counties of Maryland: Garrett and Alleghany.

All that portion of Virginia west of and including the counties of Highland, Bath, Alleghany, Craig, Montgomery, Floyd and Carroll.

All that portion of Tennessee east of and including the counties of Claiborne, Union, Anderson, Morgan, Cumberland, Bledsoe, Van Buren, Sequatchie and Hamilton.

All that portion of North Carolina west and southwest of and including the counties of Alleghany, Wilkes, Alexander, Caldwell, Burke and Cleveland.

All that portion of South Carolina west and northwest of and including the counties of Cherokee, Union, Newberry, Saluda and Edgefield.

All that portion of Georgia west and northwest of and including the counties of Columbia, McDuffie, Warren, Glascock, Washington, Johnson, Laurens, Dodge, Wilcox, Ben Hill, Irwin, Tift, Colquitt and Thomas.

All that portion of Alabama south of and including the counties of DeKalb, Marshall, Blount, Jefferson, Tuscaloosa and Pickens.

All that portion of Mississippi south of and including the counties of Noxubee, Winston, Leake, Scott, Rankin, Hinds and Warren.

All that portion of Louisiana east of and including the parishes of West Feliciana, Point Coupee, Iberville, Assumption and Saint Mary.

All that portion of Florida west of and including the counties of Leon and Wakulla.

(a) The maximum prices set forth in paragraph (b) and (c) of this section are subject to the maximum price instructions provided in § 1364.169. To these maximum prices may be added the permitted additions, if any, specified in § 1364.170, and from them must be subtracted the required deductions, if any, specified in § 1364.171.

(b) The following maximum prices are established in dollars per hundredweight f. o. b. distribution point subject to the additions specifically provided in this Appendix.

Item	Lamb				Mutton		
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M	Grade R
Carcass:							
Round dressed, pluck out	27.75	26.25	24.25	22.00	15.00	13.75	12.50
Round dressed, pluck in	26.75	25.25	23.25	21.00	14.00	12.75	11.50
Hindsaddle or hindquarter	31.75	30.00	27.50	24.75	18.50	17.25	16.00
Foresaddle or forequarter	24.00	22.75	21.25	19.50	11.75	10.50	9.25
Legs or leg	32.00	30.75	29.25	26.75	20.00	18.75	17.50
Loin, single or double	32.25	29.50	24.50	21.00	16.50	15.00	13.50
Hotel rack, single or double	35.75	33.00	28.75	24.25	17.75	16.00	14.00
Yoke, whole or half	20.75	20.25	19.75	18.75	10.50	9.50	8.50
Breast or shank	12.75	12.75	12.75	11.75	8.50	8.50	7.75
Kosher foresaddle or forequarter	24.50	23.25	21.75	20.00	12.25	11.00	9.75
Kosher bracelet, whole or half	28.50	27.00	24.50	21.00	15.50	14.00	12.50
Kosher chuck whole or half	22.75	22.00	21.25	20.25	11.25	10.25	9.25

Boneless lamb shoulder roll	30.75
Lean boneless lamb	31.25
Lean boneless mutton	21.25
Regular boneless mutton	17.25
Lamb or mutton kidneys, bulk	10.75

Special price instructions. (1) For locally dressed lamb or mutton from animals slaughtered in a plant located within those portions of New York or Pennsylvania included in this price zone and delivered within 75 miles of the point of slaughter, $0.50 per cwt. may be added to the applicable maximum prices.

(2) For kosher lamb or mutton derived from animals slaughtered in a plant located within those portions of New York or Pennsylvania included in this price zone and delivered to kosher dealers within 75 miles of the point of slaughter, $0.50 per cwt. may be added to the applicable maximum prices for kosher cuts. This is in addition to the charge which may be made for locally dressed lamb or mutton in accordance with *Special price instruction* (1).

(c) For hotel supply cuts, when sold to hotels, restaurants, and other purveyors of meals, the following maximum prices are established in dollars per hundredweight f. o. b. distribution point, subject to the additions specifically provided in this Appendix:

Item	Lamb				Mutton	
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
Leg—oven-prepared	46.00	44.75	43.00	40.25	29.00	26.00
Leg—boned, rolled and tied	49.25	47.50	45.50	42.50	30.75	27.00
Loin—flank on, kidney and suet out	47.00	41.75	33.75	28.25	22.75	18.00
Loin—flank off, kidney and suet out	52.25	46.50	37.25	30.75	25.50	20.00
Loin chops	56.25	49.75	40.00	33.00	27.50	21.50
Loin—boned, rolled and tied	59.25	52.50	42.00	34.75	29.50	23.25
Hotel rack—rib chops, regular	51.00	46.50	40.00	33.25	24.75	19.00
Hotel rack—rib chops, 8th to 12th ribs, incl	54.25	49.25	42.25	35.00	26.00	20.00
Hotel rack—rib chops, 5th to 7th ribs, incl	38.25	35.25	30.75	26.25	19.25	15.25
Yoke—boned, rolled and tied					15.75	12.50
Yoke—boneless stew	35.75	35.00	34.00	32.25	17.25	13.75
Shoulder—boned, rolled and tied	38.25	37.50	36.75	35.50	17.00	13.25
Shoulder—regular stew, bone in	31.25	30.25	29.25	28.00	14.50	11.25
Shoulder—boneless stew	43.25	42.00	40.50	38.75	19.25	14.75
Breast and shank—regular stew, bone in	16.50	16.50	16.50	15.25	11.00	11.00
Breast—regular stew, bone in	15.50	15.50	15.50	14.50	10.50	9.50
Shanks—for braising or regular stew, bone in	17.25	17.25	17.25	15.75	11.25	10.25

Special price instructions. (1) For hotel supply cuts from the foresaddle cuts of kosher lamb or mutton derived from animals slaughtered in a plant located in those portions of New York or Pennsylvania included in this price zone and delivered to purveyors of kosher meals within 75 miles of the point of slaughter, $1.50 per cwt. may be added to the applicable maximum prices.

(2) For kosher hotel supply cuts not meeting the requirements as to location of slaughter plant or distance of delivery from point of slaughter specified in *Special price instruction* (1), but sold to purveyors of kosher meals, $0.75 per cwt. may be added to the applicable maximum prices.

§ 1364.182 *Appendix G: Zone 9 and applicable wholesale zone prices.* Maximum prices for lamb and mutton carcasses and cuts sold from distribution points located in Zone 9, which is defined as follows:

Zone 9: Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island.

All that portion of New York east of and including the counties of St. Lawrence, Jefferson, Lewis and Herkimer, and east and southeast of and including the counties of Otsego, Delaware, Sullivan, Orange, Rockland, Westchester, New York, Bronx, Kings and Richmond.

All that portion of Pennsylvania east of and including the counties of Tioga, Lycoming, Union, Mifflin, Juniata, Perry and Franklin.

New Jersey and Delaware.

All that portion of Maryland east and southeast of and including the counties of Washington, Frederick, Montgomery, Prince Georges, Charles and Saint Marys.

The District of Columbia.

The following counties in West Virginia: Berkeley and Jefferson.

All that portion of Virginia east of and including the counties of Frederick, Shenandoah, Rockingham, Augusta, Rockbridge, Botetourt, Roanoke, Franklin and Patrick.

All that portion of North Carolina east and southeast of and including the counties of Surry, Yadkin, Iredell, Catawba, Lincoln and Gaston.

All that portion of South Carolina east of and including the counties of York, Chester, Fairfield, Richland, Lexington, Aiken, Barnwell, Allendale, Hampton, Jasper and Beaufort.

All that portion of Georgia east of and including the counties of Richmond, Jefferson, Emanuel, Treutlen, Wheeler, Telfair, Coffee, Berrien, Cook and Brooks.

The following counties of Florida: Jefferson, Madison, Taylor, Hamilton, Suwanee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Baker, Nassau, Duval, Union, Bradford, Clay, St. Johns, Alachua, Putnam, Flagler, Marion, Volusia, Lake, Sumter, Citrus, Hernando and Pasco.

(a) The maximum prices set forth in paragraphs (b) and (c) of this section are subject to the maximum price instructions provided in § 1364.169. To these maximum prices may be added the permitted additions, if any, specified in § 1364.170, and from them must be subtracted the required deductions, if any, specified in § 1364.171.

(b) The following maximum prices are established in dollars per hundredweight f. o. b. distribution point subject to the additions specifically provided in this Appendix:

Item	Lamb				Mutton		
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M	Grade R
Carcass:							
Round dressed, pluck out	28.00	26.50	24.50	22.25	15.25	14.00	12.75
Round dressed, pluck in	27.00	25.50	23.50	21.25	14.25	13.00	11.75
Hindsaddle or hindquarter	32.00	30.25	27.75	25.00	18.75	17.50	16.25
Foresaddle or forequarter	24.25	23.00	21.50	19.75	12.00	10.75	9.50
Legs or leg	32.25	31.00	29.50	27.00	20.25	19.00	17.75
Loin, single or double	32.50	29.75	24.75	21.25	16.75	15.25	13.75
Hotel rack, single or double	36.00	33.25	29.00	24.50	18.00	16.25	14.25
Yoke, whole or half	21.00	20.50	20.00	19.00	10.75	9.75	8.75
Breast or shank	13.00	13.00	13.00	12.00	8.75	8.75	8.00
Kosher foresaddle or forequarter	24.75	23.50	22.00	20.25	12.50	11.25	10.00
Kosher bracelet, whole or half	28.75	27.25	24.75	21.25	15.75	14.25	12.75
Kosher chuck, whole or half	23.00	22.25	21.50	20.50	11.50	10.50	9.50

Boneless lamb shoulder roll	31.00
Lean boneless lamb	31.50
Lean boneless mutton	21.50
Regular boneless mutton	17.50
Lamb or mutton kidneys, bulk	11.00

Special price instructions. (1) For locally dressed lamb or mutton derived from animals slaughtered in a plant located in this price zone north of the Potomac River and delivered within 75 miles of the point of slaughter, $1.00 per hundredweight may be added to the applicable maximum prices.

(2) For kosher lamb or mutton derived from animals slaughtered in a plant located in this price zone north of the Potomac River and delivered to kosher dealers within 75 miles of the point of slaughter, $0.50 per hundredweight may be added to the applicable maximum prices for kosher cuts. This is in addition to the charge which may be made for locally dressed lamb or mutton in accordance with *Special price instruction* (1).

(c) For hotel supply cuts, when sold to hotels, restaurants, and other purveyors of meals, the following maximum prices are established in dollars per hundredweight f. o. b. distribution point, subject to the additions specifically provided in this Appendix:

Item	Lamb				Mutton	
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
Leg—oven prepared	46.25	25.00	43.25	40.50	29.50	28.25
Leg—boned, rolled and tied	49.75	47.75	46.00	43.00	31.25	29.50
Loin—flank on, kidney and suet out	48.00	42.25	34.00	28.50	23.00	20.50
Loin—flank off, kidney and suet out	53.50	46.75	37.50	31.25	26.00	23.00
Loin chops	56.75	50.25	40.25	33.50	28.00	24.50
Loin—boned, rolled and tied	59.75	53.00	42.50	35.25	30.00	26.50
Hotel rack—rib chops, regular	51.50	47.00	40.25	33.50	25.00	22.25
Hotel rack—rib chops, 8th to 12th ribs, incl	54.50	49.50	42.50	35.25	26.50	23.50
Hotel rack—rib chops, 5th to 7th ribs, incl	38.50	35.50	31.00	26.50	19.50	17.50
Yoke—boned, rolled and tied					16.25	14.75
Yoke—boneless stew	36.25	35.25	34.50	32.50	17.75	16.00
Shoulder—boned, rolled and tied	38.50	37.75	37.25	36.00	17.50	15.75
Shoulder—regular stew, bone in	31.50	30.50	29.75	28.50	14.75	13.25
Shoulder—boneless stew	43.75	42.25	41.00	39.25	19.75	17.50
Breast and shank—regular stew, bone in	16.75	16.75	16.75	15.50	11.25	11.25
Breast—regular stew, bone in	16.00	16.00	16.00	14.75	10.75	10.75
Shanks—for braising or regular stew, bone in	17.50	17.50	17.50	16.25	11.75	11.75

Special price instructions. (1) For hotel supply cuts from the foresaddle cuts of kosher lamb or mutton derived from animals slaughtered in a plant located in this price zone north of the Potomac River, and delivered to purveyors of kosher meals within 75 miles of the point of slaughter, $1.50 may be added to the applicable maximum prices.

(2) For kosher hotel supply cuts not meeting the requirements as to location of slaughter plant or distance of delivery from point of slaughter specified in *Special price instruction* (1), but sold to purveyors of kosher meals, $0.75 per hundredweight may be added to the applicable maximum prices.

§ 1364.183 *Appendix H: Zone 10 and applicable wholesale zone prices.* Maximum prices for lamb and mutton carcasses and cuts sold from distribution points located in Zone 10, which is defined as follows:

Zone 10. All that portion of Florida south of and including the counties of Brevard, Seminole, Orange, Osceola, Polk, Hillsborough, and Pinellas.

(a) The maximum prices set forth in paragraph (b) of this section are subject to the maximum price instructions provided in § 1364.169. To these maximum prices may be added the permitted additions, if any, specified in § 1364.170, and from them must be subtracted the required deductions, if any, specified in § 1364.171.

(b) The following maximum prices are established in dollars per hundredweight f. o. b. distribution point:

Item	Lamb				Mutton		
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M	Grade R
Carcass:							
Round dressed, pluck out	28.25	26.75	24.75	22.50	15.50	14.25	13.00
Round dressed, pluck in	27.25	25.75	23.75	21.50	14.50	13.25	12.00
Hindsaddle or hindquarter	32.25	30.50	28.00	25.25	19.00	17.75	16.50
Foresaddle or forequarter	24.50	23.25	21.75	20.00	12.25	11.00	9.75
Legs or leg	32.50	31.25	29.75	27.25	20.50	19.25	18.00
Loin, single or double	32.75	30.00	25.00	21.50	17.00	15.50	14.00
Hotel rack, single or double	36.25	33.50	29.25	24.75	18.25	16.50	14.40
Yoke, whole or half	21.25	20.75	20.25	19.25	11.00	10.00	9.00
Breast or shank	13.25	13.25	13.25	12.25	9.00	9.00	8.25
Kosher foresaddle or forequarter	25.00	23.75	22.25	20.50	12.75	11.50	10.25
Kosher bracelet, whole or half	29.00	27.50	25.00	21.50	16.00	14.50	13.00
Kosher chuck, whole or half	23.25	22.50	21.75	20.75	11.75	10.75	9.75

Item	
Boneless lamb shoulder roll	31.25
Lean boneless lamb	31.75
Lean boneless mutton	21.75
Regular boneless mutton	17.75
Lamb or mutton kidneys, bulk	11.25

(c) For hotel supply cuts, when sold to hotels, restaurants, and other purveyors of meals, the following maximum prices are established in dollars per hundredweight f. o. b. distribution point, subject to the addition specifically provided in this Appendix:

Item	Lamb				Mutton	
	Grade AA	Grade A	Grade B	Grade C	Grade S	Grade M
Legs—oven prepared	46.75	45.50	43.75	41.00	29.75	28.50
Leg—boned, rolled and tied	50.25	48.25	46.25	43.50	31.50	30.00
Loin—flank on, kidney and suet out	47.75	42.50	34.50	29.00	23.50	21.00
Loin—flank off, kidney and suet out	53.25	47.25	38.00	31.75	26.50	23.25
Loin chops	57.25	50.75	40.75	34.00	28.50	25.00
Loin—boned, rolled and tied	60.25	53.25	43.00	35.75	30.50	27.00
Hotel rack—rib chops, regular	51.75	47.25	40.75	34.00	25.50	22.75
Hotel rack—rib chops, 8th to 12th ribs, incl	55.00	50.00	43.00	35.50	26.75	23.75
Hotel rack—rib chops, 5th to 7th ribs, incl	38.75	35.75	31.25	26.75	19.75	17.75
Yoke—boned, rolled and tied					16.50	15.00
Yoke—boneless stew	36.75	35.75	35.00	33.00	18.25	16.00
Shoulder—boned, rolled and tied	39.00	38.25	37.50	36.25	17.75	16.00
Shoulder—regular stew, bone in	31.75	31.00	30.00	28.75	15.00	12.50
Shoulder—boneless stew	44.00	43.25	41.50	39.75	20.00	17.75
Breast and shank—regular stew, bone in	17.25	17.25	17.25	15.75	11.50	11.50
Breast—regular stew, bone in	16.25	16.25	16.25	15.00	11.00	11.00
Shanks—for braising or regular stew, bone in	17.75	17.75	17.75	16.50	12.00	12.00

Special price instruction. (1) For hotel supply cuts derived from the foresaddle cuts of kosher lamb or mutton and sold to purveyors of kosher meals, $0.75 per hundredweight may be added to the applicable maximum prices.

§ 1364.184 *Appendix I: Formula for meat marking fluid.* The following formula has been approved by the United States Department of Agriculture, Bureau of Animal Industry, Meat Inspection Laboratory, to be used for marking meats under the provisions of meat inspection law:

Water	gallons	45
Pure grain alcohol, 95 per cent	gallons	38
Granulated cane sugar	pounds	100
Methyl violet	pounds	10

The methyl violet is dissolved in the alcohol and a portion of the water; the sugar is dissolved in the remaining portion of the water and added to the methyl violet solution. Thorough stirring facilitates solution of the methyl violet.

It is not necessary that the abovementioned formula be adhered to in every detail, but the proportions indicated should not be subjected to any considerable variation; otherwise the marking qualities of the fluid may be impaired. Instead of the pure grain alcohol specified in the formula, there may be employed pure grain alcohol, denatured according to formula 33 of the United States Bureau of Internal Revenue. When such denatured alcohol is used, it should be employed in the proportion indicated above. No additional methyl violet should be added. Instead of granulated cane sugar, pure granulated glucose may be added in the same proportion, or heavy corn sirup, if of suitable purity, may be used, provided due allowance is made for the water introduced in that way. All the ingredients used in preparing the marking fluid must be free from poisonous and harmful substances.

§ 1364.185 *Appendix J: Specifications for Official United States Standards for Grades of Lamb Carcasses, Yearling Mutton, and Mutton Carcasses*—(a) *Lamb carcasses.* (1) Choice or No. 1 grade lamb carcasses have excellent conformation, finish, and quality, but are usually slightly deficient in one or more respects as compared with Prime grade carcasses.

Choice grade carcasses are relatively short and compact, have short plump legs, broad thick backs, thick full loins, ribs, and chucks, short plump necks, and well-proportioned flanks and breasts. The general outlines resemble closely those of Prime grade carcasses. All fats are of good quality, white or slightly creamy. The outer covering of fat is smooth and usually well distributed, but may be deficient in this respect as compared with that on Prime grade carcasses. Loins and ribs are well covered with fat, which recedes to a moderately thin covering over hind legs and shoulders. The fat covering is interspersed with thin strips of pink flesh over the sides and a more even distribution over the lower limits of the breast and flanks. Interior fats are plentiful in the crotch and over the kidneys but not excessive. The flesh is fine-grained, firm, and has a light pink color. Bones are relatively small, soft, and tinged with blood. The break joint of the forelegs shows four smooth, moist, well-defined red ridges.

(2) *Good or No. 2.* Good or No. 2 grade lamb carcasses have good conformation, finish, and quality, but are deficient in one or more respects as compared with Choice grade carcasses.

Carcasses of this grade are well proportioned and reasonably plump but may be slightly deficient in breadth or depth across the hips, backs, or shoulders. Legs, although short and moderately plump, are more tapering than in carcasses of the higher grades. Loins, ribs, and chucks are thick and full, and necks are short and plump. There may be slight indications of paunchiness or a slight tendency toward the rangy type which is indicated by long tapering shanks and somewhat longer body. Bones are soft and tinged with red, both indicating a young animal. The break joints of the forelegs show four well-defined relatively soft red ridges.

The outer covering of fat is smooth and even over the back and hips, diminishing sharply toward the shanks and flanks. The fat covering is interspersed with thin strips of lean flesh under the fell, but these are not usually so pronounced as in Choice and Prime grade carcasses. Interior fats are plentiful, but they are unevenly distributed, being in greatest quantity in the regions of kidneys and crotch. All fats are of good quality and white or slightly creamy in color. The flesh is moderately firm, fine-grained, and light pink in color.

(3) *Commercial or No. 3.* Commercial or No. 3 lamb carcasses have fair conformation, finish, and quality.

Carcasses of this grade are usually somewhat angular or rangy in conformation, with moderately long, thin necks and shanks and relatively narrow hips, back, and shoulders. They have moderately long, tapering legs, and they lack the plumpness of the better grades. Ribs and loins are lacking somewhat in depth of flesh. The break joints of the forelegs show four well-defined soft ridges, but these lack redness to a marked degree.

Carcasses of this grade usually have a moderately thin outer covering of fat, but it is not evenly distributed. There are also some carcasses in this grade that have excessive quantities of fat which disqualify them for a higher grade. Interior fats are relatively scarce, the kidneys being only partially covered. Small quantities are also found in the crotch. The thin strips of lean under the fell are not nearly so prominent as in the better grades. Heavier carcasses of this grade or those approaching the yearling mutton stage have proportionately greater quantities of fat than have lighter carcasses. The flesh is usually inclined to be soft, spongy, and moderately fine-grained, or may be firm in carcasses from heavier and older animals. Its color varies from light to dark pink.

(4) *Utility or No. 4.* Utility or No. 4 grade lamb carcasses are angular and have poor conformation, finish, and quality.

All bones are prominent. Such carcasses are disproportionately long and narrow. The contour of the backbone is plainly visible from neck to tail. Sides are thin, and flanks are thin and flabby. There is little or no exterior or interior fat, slight traces being sometimes found around the kidneys and in the crotch. The heavier and older carcasses frequently have small patches of fat in the regions of the kidneys. This fat usually has a bluish tinge. Bones are usually soft, but they lack the redness of those in better grade carcasses. The break joints of the forelegs have knuckle ends removed and show four well-defined relatively soft ridges. Because of lack of finish the flesh is soft, spongy, and inclined to be watery. It appears coarse and fibrous. Its color may be dark pink or it may have a brownish tinge.

(5) *Cull or No. 5.* Cull or No. 5 grade lamb carcasses are not offered regularly for retail trade and are found in the

markets only occasionally. Such carcasses are almost entirely devoid of visible fat and are of the most inferior conformation and quality. Proportion of bone to meat is very high. The flesh is dark, soft, coarse-grained, and owing to lack of nourishment or other causes, appears fibrous to a marked degree.

(b) *Yearling mutton carcasses*—(1) *Choice or No. 1.* Choice or No. 1 grade yearling mutton carcasses have excellent conformation, finish, and quality. They have relatively short and plump legs, thick loins and ribs, full-fleshed shoulders, thick breasts, and a length of body commensurate with depth and breadth of carcass. Choice grade carcasses have good breadth in proportion to length, but are relatively heavier in the fore quarters than lamb carcasses of the same grade. They resemble Choice grade lamb carcasses in many respects, but have proportionately longer bodies, legs, and necks, larger abdominal cavities, and more distended ribs. Compared with lamb, the bones are harder and whiter. Where the foot is removed from the foreleg the end of the bone shows a rough, dry, and comparatively hard surface.

The outer covering of fat is smooth and well distributed over loins, ribs, and shoulders. The fat covering is interspersed with thin strips of dark-pink flesh under the fell extending over the sides and has a more even distribution over the lower limits of the breasts and flanks. Interior fats are plentiful in the crotch, and the kidneys are well and evenly covered. All fats are of good quality, white or creamy, and inclined to be brittle. The flesh is moderately fine-grained, firm, and medium to dark pink in color.

(2) *Good or No. 2.* Good or No. 2 grade yearling mutton carcasses have good conformation, finish, and quality. Such carcasses, although reasonably plump, may be slightly deficient in breadth across the hips, back, and shoulders. Yearling mutton carcasses of this grade resemble Good grade lamb carcasses in many respects, but have proportionately longer bodies and legs, larger abdominal cavities, more distended ribs, and harder bones. The break joints of the forelegs are rough and dry and show little redness.

The outer covering of fat may be fairly even over the back, loin, and rumps, or it may be slightly rough. Interior fats are plentiful in the crotch, and the kidneys are usually well covered. The flesh is firm, moderately fine-grained, and has a deep pink to light red color.

(3) *Commercial or No. 3.* Commercial or No. 3 grade yearling mutton carcasses have fair conformation, finish, and quality. To some extent they lack the fullness or plumpness in legs, loins, and ribs found in Good grade carcasses. Shoulders are usually thinly fleshed and inclined to be rough, necks are long, and legs long and tapering. There is usually a thin covering of fat over the shoulders, a moderate quantity on the loins, ribs, and breasts, and practically none elsewhere on the exterior surface. Except for small quantities around the kidneys and in the crotch, interior fats are scant. Although the flesh is moderately fine-grained, it usually has a relatively high percentage of moisture and varies in color from deep pink to light red.

(c) *Mutton carcasses*—(1) *Good or No. 2.* Good or No. 2 grade mutton carcasses have good conformation, finish, and quality. Good grade carcasses, although well-proportioned and moderately plump, may be slightly deficient in breadth or depth across the hips, backs, and shoulders as compared with Choice carcasses. Legs are relatively short and thickly fleshed. Good grade carcasses generally have wider barrels and more distended ribs than Choice carcasses. The grade admits a higher percentage of ewes, and the bones may be slightly harder and more flinty.

The outer covering of fat, although fairly even, varies to some extent and may be slightly excessive on the rumps or deficient on the shoulders, breasts, and flanks. Interior fats are plentiful, but may be slightly deficient or excessive as compared with Choice grade carcasses, although not to a marked degree. The strips of lean under the fell on the sides are less prominent than on Choice grade carcasses, but these are well defined. The flesh is firm, slightly coarse-grained, and light to medium red in color.

(2) *Commercial or No. 3.* Commercial or No. 3 grade mutton carcasses have fair conformation, finish, and quality.

Carcasses of this grade lack the fullness or plumpness in legs, loins, and ribs found in carcasses of the better grades. Shoulders are only moderately well fleshed. Carcasses of this grade are relatively narrow through the hips and across the back, and the bones of the spinal column are prominent. Because of these deficiencies such carcasses appear somewhat longer and angular. The abdominal cavity is relatively wide, and the curvature of the ribs is very marked, especially in ewe mutton carcasses.

The thin strips of flesh under the fell, which are so prominent on well-finished carcasses, are only slightly in evidence on Commercial grade carcasses. There is usually a thin covering of fat over the back, loins, and rumps, but practically none on the legs. The flanks are inclined to be thin. There are moderate quantities of interior fats around the kidneys but not sufficient to cover them, and there are only traces elsewhere. The flesh is moderately firm, but somewhat coarse-grained and medium to dark red in color.

(3) *Common or No. 4.* Common or No. 4 grade mutton carcasses are the lowest grade offered regularly for retail purposes. They are angular in conformation, thinly fleshed, and lacking in finish. Such carcasses are narrow across the hips, loins, back, and shoulders. The contour of the backbone is plainly visible from end to end, and other bones are prominent. The grade consists principally of carcasses from old, thin-fleshed ewes. The bones are therefore usually hard, white, and flinty. Small and uneven patches of exterior fat are occasionally found on loins, back, or shoulders. There are usually traces of fat around the kidneys, but practically no other interior fats. That which is found is of poor quality. The flesh is coarse-grained, inclined to be soft and flabby, and dark red in color.

Issued this 18th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13571; Filed, December 18, 1942; 3:30 p. m.]

Part 1407—Rationing of Food and Food Products

[Restriction Order 1,[1] Amendment 9]

MEAT RESTRICTION

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1407.902 (b) is amended; § 1407.903 (a) is amended; a new § 1407.904a is added; § 1407.905 (a) is amended; a new paragraph (i) is added to § 1407.925, to read as set forth below:

§ 1407.902 *Deliveries of slaughterers restricted.* * * *

(b) Any slaughterer may, during Quota Period 2, deliver controlled meat against any unused portion of his quota for such type of controlled meat for Quota Period 1 in an amount not exceeding 10% of such quota and any slaughterer may, during Quota Period 1, deliver controlled meat against his quota for such type of controlled meat (other than beef) for Quota Period 2 in an amount not exceeding 10% of his quota for Quota Period 1.

* * * * *

§ 1407.903 *Quotas established.* (a) The quota of a slaughterer for each type of controlled meat for Quota Period 1 shall be the conversion weight obtained by multiplying the quota base for such type of controlled meat by the percentage set forth below:

Type of controlled meat:	*Percentage*
Beef	70
Veal	100
Lamb and mutton	95
Pork	75

The quota of a slaughterer for each type of controlled meat for Quota Period 2 shall be the conversion weight obtained by multiplying the quota base for such type of controlled meat by the percentage set forth below:

Type of controlled meat:	*Percentage*
Beef	70
Veal	70
Lamb and mutton	75
Pork	70

* * * * *

§ 1407.904a *Restriction on deliveries during Quota Period 2.* (a) During Quota Period 2, no slaughterer shall deliver, before any date set forth below, more controlled meat of any type than the percentage of his quota for that type shown opposite such date:

Date:	*Percentage*
January 1, 1943	[1] 10
February 1, 1943	40
March 1, 1943	70
April 1, 1943	100

[1] This 10% is applicable only to a slaughterer or non-quota slaughterer who elects to begin Quota Period 2 at 12:01 A. M., on December 20, 1942, pursuant to § 1407.905.

(b) The percentages in paragraph (a) of this section shall be computed on the basis of the quota of a slaughterer remaining after deducting therefrom all charges, if any, required by paragraphs (b) or (c) of § 1407.902, or by any adjustment, exception or authorization granted by the Office of Price Administration, Washington, D. C.

(c) During Quota Period 2, no non-quota slaughterer shall deliver, prior to any date set forth in paragraph (a) of this section, more controlled meat of any type resulting from his own slaughter than the percentage shown opposite that date, of his deliveries of controlled meat of that type resulting from his own slaughter during Base Period 2.

(d) For the purposes of this section, the transfer or shipment of controlled meat to any branch or branch house of a slaughterer or non-quota slaughterer shall constitute a delivery.

(e) Deliveries made by a slaughterer, without charge against quota, in accordance with the procedure prescribed by § 1407.912a, and deliveries by a non-quota slaughterer which are not subject to the restrictions of § 1407.904, shall not be subject to the restrictions of this section.

§ 1407.905 *Base and quota periods established.* (a) There are hereby established the following quota periods:

(1) Quota Period 1: October 1, 1942 to December 31, 1942, inclusive.

(2) Quota Period 2: January 1, 1943, to March 31, 1943, inclusive.

(3) Quota Period 3: April 1, 1943, to June 30, 1943, inclusive.

(4) Quota Period 4: July 1, 1943, to September 30, 1943, inclusive.

However, any slaughterer or non-quota slaughterer may elect to have Quota Period 1 end and Quota Period 2 begin, with respect to his operations, at 12:01 A. M., December 20, 1942. Such election shall be effective only if made in writing, addressed to the Office of Price Administration, attention Food Rationing Division, Washington, D. C., and delivered or post marked on or before December 24, 1942.

A slaughterer who makes such an election shall take an inventory of his stocks of controlled meat as of 12:01 A. M. December 20, 1942. Furthermore, a slaughterer or non-quota slaughterer who makes such election, shall file with the Office of Price Administration, Washington, D. C. a statement in writing signed by him, by a partner (if a partnership), an officer (if a corporation) or by a manager of the slaughterer or non-quota slaughterer, setting forth the amount of each type of controlled meat delivered by him during the period from October 1, 1942 to December 19, 1942, inclusive.

In the case of a slaughterer, such deliveries shall be computed in the manner prescribed by paragraph (a) of § 1407.907 and his statement shall set forth, separately, figures covering each of the subparagraphs of that paragraph.

In the case of a non-quota slaughterer, the statement shall show, separately, the conversion weight of:

(i) Controlled meat of each type resulting from his own slaughter delivered by him to persons referred to in and in accordance with the procedure prescribed by § 1407.912a (a), (b), (c) or (d) and

(ii) All other controlled meat resulting from his own slaughter delivered by him.

Statements required by this section shall be filed on or before December 31, 1942, unless an extension is granted by the Director of the Food Rationing Division.

§ 1407.925 *Effective dates of amendments.* * * *

(i) Amendment 9 (§§ 1407.902 (b), 1407.903 (a), 1407.904a, (b), (c), (d), and (e), 1407.905 (a) and 1407.925 (i)) to Restriction Order No. 1 shall become effective as of December 18, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; Pub. Law 729, 77th Cong., W.P.B. Directive No. 1, Supp. Dir. No. 1–M, 7 F.R. 562, 7234)

Issued this 18th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13574; Filed, December 18, 1942; 3:32 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7839, 8217, 8524, 9247, 9250, 9639, 10258.

Part 1407—Rationing of Food and Food Products

[Correction to Third Rev. Zoning Order 1 Under Ration Order 3 [1]]

SUGAR RATIONING REGULATIONS

Correction to Order Establishing Zones

The reference to "Braxton" County, State of West Virginia, in Zone 11, as established by paragraph (a) of § 1407.281, as revised by the Third Revised Zoning Order 1 Under Rationing Order No. 3, effective December 11, 1942, is corrected to read "Brooke", instead of "Braxton".

This correction shall become effective December 18, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1, and Supp. Dir. No. 1E, § 1407.168 of Rationing Order No. 3)

Issued this 18th day of December 1942.

Harold B. Rowe,
Director, Food Rationing Division.

[F. R. Doc. 42-13573; Filed, December 18, 1942; 3:31 p. m.]

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[1] 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 8402, 8655, 8739, 8809, 8710, 8830, 8831, 9042, 9396, 9460, 9899, 10017, 10258.

Part 1416—Coal Tar

[MPR 192,[1] Amendment 2]

IMPORTED CRESYLIC ACID

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.

The reference to "§ 1416.61" in § 1416.51 is corrected to read "§ 1416.60."

Appendix A, § 1416.60 (a) (2) (i) is amended to read as set forth below:

§ 1416.60 *Appendix A: Maximum prices for imported cresylic acid*—(a) *Sales by importers.* * * *

(2) * * *

(i) Commission, not in excess of 5 percent of the item set forth in paragraph (a) (1) of this section, paid to foreign exporters or brokers, to the extent that such commission does not inure to the benefit of importer, directly or indirectly.

* * * * *

§ 1416.62 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1416.60 (a) (2) (i)) of Maximum Price Regulation No. 192 shall become effective December 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13575; Filed, December 18, 1942; 3:31 p. m.]

Part 1499—Commodities and Services

[Amendment 80 to Supp. Reg. 14 [2] to GMPR [3]]

ROASTED BULK CHICORY

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.* A new subparagraph (49) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5999, 8217, 8948.

[2] 7 F.R. 5486, 5709, 5911, 6008, 6271, 6369, 6473, 6477, 6774, 6775, 6776, 6793, 6887, 6892, 6939, 6965, 7011, 7012, 7203, 7250, 7289, 7365, 7400, 7401, 7453, 7510, 7511, 7535, 7536, 7538, 7604, 7739, 7671, 7812, 7914, 7946, 8024, 8199, 8237, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 8950, 8954, 8955, 8953, 9043, 9082, 9131, 9196, 9391, 9397, 9495, 9496, 9639, 9786, 9900, 9901, 10069, 10111, 10022, 10151.

[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004, 9435, 9615, 9616, 9732, 10155.

* * * * *

(49) *Roasted bulk chicory.* (i) The maximum prices for the best grade and quality roasted chicory in bulk, grown and harvested subsequent to 1941, shall be as follows:

(*a*) *For sellers whose total bulk sales during the fiscal year 1941–42 did not exceed 4,000,000 pounds.*

	Per roasted pound
F. o. b. seller's factory shipping point, Port Huron, Mich	$0.0885
F. o. b. seller's factory shipping point, New Orleans, La	$0.0950

The maximum price at any other point of delivery shall be the maximum price at the factory shipping points listed above plus transportation charges incurred from factory points to the point of delivery.

(*b*) *For sellers whose total bulk sales during the fiscal year 1941–42 exceeded 4,000,000 pounds.*

	Per roasted pound
F. o. b. seller's factory shipping point	$0.0835

The maximum price at any other point of delivery shall be the maximum price at the factory shipping point listed above plus transportation charges incurred from factory points to the point of delivery.

(*c*) Sellers who cannot determine their maximum prices under (*a*) or (*b*) hereof shall make application for a maximum price to the Office of Price Administration, Washington, D. C. giving: (*1*) An itemized statement of the applicant's costs of manufacturing and selling roasted bulk chicory, (2) a statement of the applicant's maximum price before the issuance of this amendment.

(ii) The maximum prices determined under the provisions of this amendment shall be the maximum prices for any quantity sold to any class of purchaser. But these prices must be reduced by the seller's customary discounts or allowances for cash or prompt payment. However any discount, allowance or other price differentials may also be given when it results in a price less than the maximum price.

(iii) Chicory in bulk means all roasted chicory, ground to any degree of fineness, except chicory packaged in containers of one pound or less.

(iv) All sellers shall accompany their first delivery of roasted chicory to each customer at prices established herein with a statement of their maximum prices as established by this amendment.

(b) *Effective dates.* * * *

(81) Amendment No. 80 (§ 1499.73 (a) (49)) to Supplementary Regulation No. 14 shall become effective December 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13576; Filed, December 18, 1942; 3:32 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 139 Under §1499.18 (b) of GMPR]

OSWEGO CANDY WORKS

Order No. 139 under § 1499.18 (b) of the General Maximum Price Regulation—Docket GF 3–2001.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1040 *Adjustment of maximum prices for 10,000 five pound boxes of "Season's Greetings" Candy manufactured by Oswego Candy Works, Oswego, New York.* (a) Oswego Candy Works is hereby authoribed to sell and deliver one lot of five pound boxes of "Season's Greetings" Candy, amounting approximately to 10,000 boxes which already have been manufactured and are in stock, at 80¢ per box, delivered.

(b) Sellers of "Season's Greetings" Candy at wholesale and retail shall determine their maximum prices under Maximum Price Regulations No. 249 and No. 250—Sales of Certain Seasonal Food Products at Wholesale and Retail.

(c) All sellers are required to continue the same discounts, allowances and price differentials as were offered in March 1942: *Provided, however,* That sellers may change discounts, allowances and price differentials in a manner which will not effect an increase in the maximum prices fixed herein.

(d) Oswego Candy Works shall mail or cause to be mailed to all persons who purchase said candy from it for resale a notice reading as follows:

> The Office of Price Administration has authorized us to establish a maximum price for sale to you of five pound boxes of "Season's Greetings" Candy of 80¢ per box. This price will be in effect only until we dispcse of 10,000 boxes of "Season's Greetings" Candy which we now have on hand. You are permitted by OPA to price this candy under Maximum Price Regulation No. 249, if you are a wholesaler, or Maximum Price Regulation No. 250, if you are a retailer, which Maximum Price Regulations were issued by the Office of Price Administration on October 26, 1942.

(e) All prayers of the petition not granted herein are denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 139 (§ 1499.1040) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(h) This Order No. 139 (§ 1499.1040) shall become effective December 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[E. R. Doc. 42–13577; Filed, December 18, 1942; 3:32 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5C,[1] Amendment 5]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The text of § 1394.8152 is renumbered to be paragraph (a) of § 1394.8152; a new paragraph (b) is added to § 1394.8152, and a new paragraph (e) is added to § 1394.8352, as set forth below:

Restrictions on Transfers

§ 1394.8152 *Transfers to consumers.* (a) * * *

(b) Notwithstanding any other provisions of Ration Order No. 5C, in the States of Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and in the District of Columbia, no transfer of gasoline may be made into the fuel tank of a motor vehicle and no person shall accept such a transfer except in exchange for valid coupons contained in Class T–1 or T–2 books or as provided in §§ 1394.8154 and 1394.8156: *Provided,* That transfer may be made into the fuel tank of a motor vehicle of a quantity of gasoline not exceeding the unit value of one Class A, B, C, D, E or R coupon, and a consumer may accept such transfer of such quantity of gasoline, if such consumer is engaged in necessary travel and cannot otherwise reach his destination.

* * * * *

Effective Dates

§ 1394.8352 *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§ 1394.8152) to Ration Order No. 5C shall become effective at 12:01 P. M. December 18, 1942.

(Pub. Law 671, 76th Cong., 3rd Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess., and by Pub. Law 507, 77th Cong., 2nd Sess., Pub. Law 421, 77th Cong., 2nd Sess.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 9121, E.O. 9125, 7 F.R. 2719.)

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13580; Filed, December 18, 1942; 4:36 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 8,[2] Amendment 3]

GASOLINE RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

A rationale of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338.

[2] 7 F.R. 6871, 7100, 8356, 10110, 10379.

The last sentence and the table of § 1394.3652 (a), and § 1394.3753 (a) and (b) are amended. Paragraph (c) is added to § 1394.3753.

§ 1394.3652 *Basic ration books.* (a) * * *

The coupon stamps contained in Class A or Class B Basic or Supplemental Gasoline Ration Books, or Class C Service Ration Books, issued pursuant to this order shall be valid for transfer of gasoline to a consumer only during the periods indicated below:

Coupons Numbered	*Valid Period*
* *	* * *
3	Dec. 16, 1942 to Dec. 31, 1942
4	Jan. 1, 1934 to Jan. 15, 1943
5	Jan. 16, 1943 to Jan. 31, 1943
6	Feb. 1, 1943 to Feb. 15, 1943
* *	* * *

§ 1394.3753 *Service ration books.* (a) Class C books, containing numbered coupons valid for such periods as may be designated by the Director, shall be issued as service rations.

(b) On and after December 16, 1942, no Class C coupons issued as a service ration shall be used in the transfer of gasoline unless a number designating the rationing period for which it is valid shall have been printed on the face thereof by the Office of Price Administration.

(c) On and after December 16, 1942, Class C coupons issued as service rations prior to that date shall not be valid for use in exchange for service rations of gasoline, but instead every holder of such Class C book shall submit the same to the Office of Price Administration and in lieu thereof a new Class C book the coupons of which shall have been printed in accordance with the provisions of paragraph (b) of this § 1394.3753, shall be issued to the person entitled to such service ration.

§ 1394.4402 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1394.3652 (a), 1394.3753 (a) (b) (c)) to Ration Order No. 8 shall be effective as of December 16, 1942

(Pub. Law 471, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871 W.P.B. Directive No. 1, Supp. Directive No. 1–J, 7 F.R. 562, 5043)

Issued this 18th day of December, 1942.

JACOB A. ROBLES,
Director for the Virgin Islands.

[F. R. Doc. 42–13582; Filed, December 18, 1942; 4:41 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,[1] Amendment 17]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Every reference in Ration Order No. 11 to "Office of the Petroleum Co-ordinator for War" is amended to read "Petroleum Administration for War"; in inferior subdivision (*a*) of § 1394.5151 (a) (1) (iv), the parenthetical phrase "(but not later than the end of the valid period for coupons numbered '2', specified in paragraph (b) of § 1394.5201)" is deleted and in subparagraph (3) of paragraph (a) of such section, the parenthetical words "(but not later than the end of the valid period for coupons numbered '2', indicated in paragraph (b) of § 1394.5201)" are deleted; a new § 1394.5463 is added; and a new paragraph (q) is added to § 1394.5902; as set forth below:

General Provisions With Respect to Issuance of Rations

§ 1394.5463. *Same: Special cases.* (a) Any person who applies to a Board for review of the computation or issuance of a ration may exchange coupons of the series which will next become valid for definite value coupons, on the basis of the gallonage value of the unit value coupons which are currently valid for the transfer of fuel oil to a consumer.

(b) The Board shall issue a Class 3 coupon sheet containing coupons to the extent required by the applicant until it completes such review, but not to exceed in gallonage value one-half of the total gallonage value of such coupons of the series which will next become valid.

(c) The Board shall make the entries required by § 1394.5452 on the new coupon sheet and shall affix a validating stamp thereto. The Board shall enter, as the expiration date of such coupon sheet, the last date, specified in § 1394.5201, on which the unit value coupons exchanged would be valid for the transfer of fuel oil to a consumer.

Effective Date

§ 1394.5902 *Effective date of corrections and amendments* * * *

(q) Amendment No. 17 (§§ 1394.5151 and 1394.5463) to Ration Order No. 11 shall become effective December 18, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507; Pub. Law 421, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562; Supp. Directive No. 1–O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 18th day of December, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13584; Filed, December 18, 1942; 4:42 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Ration Order 10,[1] Amendment 4]

FOOD RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1407.661 (a) and § 1407.687 are amended; paragraph (b) is added to § 1407.669 as set forth below.

§ 1407.661 *Restriction on transfer for use.* (a) On and after August 26, 1942, or the effective date of any amendment, with respect to any commodity made subject to Ration Order No. 10 by such amendment, notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, except as otherwise provided in Ration Order No. 10, no person other than a person who has registered as a distributor pursuant to Ration Order 10 shall transfer or offer to transfer a rationed commodity to any person for any purpose whatever; *Provided,* That this section shall not apply to transfers by a farmer or producer of rationed commodities grown or produced by him if the total value of all products sold by him is less than $75 per month, nor by any person as a part of a service of a meal.

§ 1407.669 *Emergencies.* * * *

(b) Notwithstanding any other provisions of Ration Order No. 10, the Director may, whenever in his opinion the supply of a commodity subject to Ration Order No. 10 becomes or threatens to become so limited that coupon rationing may not be effective to insure fair and equitable distribution of such commodity, or when time is needed to institute such rationing, take the following action:

(1) He may issue an Emergency Order limiting or prohibiting all transfers of such commodity in the Virgin Islands. Such order may provide that the commodity may be transferred only to persons presenting an Emergency Authorization signed by the Director or his duly authorized representative. Such order shall require all dealers, distributors and agencies to file with the Director a sworn statement of the quantity of any commodity subject to the emergency order which the dealer, distributor, or agency has on hand at the effective time of the order.

(2) Such emergency authorization shall specify the date on which it is issued, the name of the person to whom it is issued, and the quantity of the rationed commodity for which it shall be valid. It shall also state the purpose for which the commodity shall be used and that the commodity so obtained shall be used for no other purpose.

(3) All emergency authorizations shall be numbered serially, copies thereof shall be maintained at all times in the Office of the Director and shall be used in lieu of the coupons provided for in Ration Order No. 10.

(4) During the period in which such emergency order shall be in effect emergency authorizations shall be issued only for the exclusive use of essential public services such as hospitals, public canteens or "soup kitchens" maintained by the Red Cross or other Government agencies, and the like. The quantities

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[1] 7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9521, 9784, 10081.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6887, 8523, 8607.

for which such authorization shall be valid shall, in the exercise of the Director's sound judgment, be sufficient only for the immediate purposes or services for which it is issued, with due consideration given to the relative importance of each of such services, the available quantity of the rationed commodity, and the anticipated period of the emergency.

(5) As soon as shall be practicable after the termination of the emergency, the Director shall issue an appropriate order which shall contain provisions with respect to the resumption of the use of coupons as provided in this order.

§ 1407.687 *Designation of consumer ration periods, and weight value of stamps valid therein.*

Ration period	Stamp valid during ration period	Weight value of stamp
No. 7—Dec. 14 to Dec. 20, 1942	Book 1, Stamp 7	2 pounds wheat flour.
	Book 1, Stamp 28	2 pounds cornmeal.
No. 8—Dec. 21 to Dec. 27, 1942	Book 1, Stamp 8	2 pounds wheat flour.
	Book 1, Stamp 27	2 pounds cornmeal.
No. 9—Dec. 28, 1942, to Jan. 3, 1943	Book 1, Stamp 9	2 pounds wheat flour.
	Book 1. Stamp 26	2 pounds cornmeal.
No. 10—Jan. 4 to Jan. 10, 1943	Book 1, Stamp 10	2 pounds wheat flour.
	Book 1, Stamp 25	2 pounds cornmeal.

§ 1407.842 *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§§ 1407.661 (a), 1407.669 (b) and 1407.687) to Ration Order No. 10 shall be effective as of December 14, 1942.

(Pub. Law 471, 76th Cong., as amended by Pub. Laws 89, 507, and 421, 77th Cong., W.P.B. Dir. No. 1, Supp. Dir. No. 1-J, O.P.A. Administrative Order No. 19; 7 F.R. 562, 5043, 5148.)

Issued this 18th day of December 1942.

JACOB A. ROBLES,
Director for the Virgin Islands.

[F. R. Doc. 42-13583; Filed, December 18, 1942; 4:41 p. m.]

PART 1410—WOOL

[MPR 123,[1] Amendment 4]

RAW AND PROCESSED WOOL WASTE MATERIALS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1410.79a (c) is amended to read as set forth below:

§ 1410.79a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1410.71 (a) (2), (b) and (c), 1410.71a, 1410.78 (a) (2), (3) and (4), 1410.80 and 1410.81) to Maximum Price Regulation No. 123 shall become effective November 17, 1942: *Provided*, That a seller making deliveries of raw or processed wool waste materials within 60 days of November 17, 1942, pursuant to contracts entered into prior to such date in compliance with the provisions of Maximum Price Regulation No. 123, as then effective, may charge the contract prices therefor.

(d) Amendment No. 4 (§ 1410.79a (c)) to Maximum Price Regulation No. 123 shall be effective as of December 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of December, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13585; Filed, December 18, 1942; 4:41 p. m.]

PART 1429—POULTRY AND EGGS

[Revised MPR 269]

POULTRY

The title and §§ 1429.1 to 1429.22 of Maximum Price Regulation No. 269 are amended to read as set forth below:

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 issued by the President on October 3, 1942, that maximum prices be established for the sale of the poultry items named in this regulation.

The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the amended Act and Executive Order. So far as practicable, the Price Administrator has advised and consulted with representative members of the industries affected by this regulation. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* The following regulation supersedes Maximum Price Regulation No. 269, as amended,[1] and Maximum Price Regulation No. 280[2] with respect to the commodities specified in this regulation.

The maximum prices established herein for poultry items are not below prices which will reflect to the growers and producers of such poultry items prices for their products equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and by Executive Order No. 9250. The Price Administrator has consulted with the Secretary of Agriculture and has obtained his approval for the agricultural commodities covered herein.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1[3] issued by the Office of Price Administration, Revised Maximum Price Regulation No. 369 is hereby issued.

Sec.
1429.1 Prohibition against selling poultry items at prices above the maximum.
1429.2 Exempt sales.
1429.3 Less than maximum prices.
1429.4 Records and reports.
1429.5 Evasion.
1429.6 Enforcement.
1429.7 Sales for export.
1429.8 Applicability.
1429.9 Applicability of certain provisions of the General Maximum Price Regulation.
1429.10 Geographical applicability.
1429.11 Transfers of business or stock in trade.
1429.12 Petitions for amendment.
1429.13 Adjustable pricing.
1429.14 Adjustment of maximum prices for live and dressed poultry.
1429.15 Federal and state taxes.
1429.16 Discounts and allowances.
1429.17 Definitions.
1429.18 Effective date.
1429.19 Maximum base prices for poultry items.
1429.20 Application of maximum base prices.
1429.21 Permitted increases to maximum base prices.
1429.22 Maximum prices for poultry items when sold by producers or processors at retail.

AUTHORITY: §§ 1429.1 to 1429.22, inclusive, issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1429.1 *Prohibition against selling poultry at prices above the maximum.* On and after December 18, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver the poultry items specified in this regulation, and no person in the course of trade or business shall buy or receive such poultry items at a price higher than the maximum prices permitted by this Revised Maximum Price Regulation No. 269; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of poultry items to a purchaser, if, prior to December 18, 1942, such poultry items have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1429.2 *Exempt sales.* The following sales are exempt from the provisions of this Revised Maximum Price Regulation No. 269, in addition to those exempted by the application of certain provisions of the General Maximum Price Regulation, as amended,[4] as incorporated in this Revised Maximum Price Regulation No. 269.

(a) All sales at retail except those specified in § 1429.22 herein. Sales at retail shall be determined in accordance with the provisions of Maximum Price Regulation No. 269, entitled "Certain Perishable Food Products at Retail".

(b) All sales and purchases of breeding poultry when sold or purchased for breeding purposes only.

(c) All sales and purchases of "baby" or "started" chicks, ducklings, goslings, and poults when sold for purposes other than present human consumption.

(d) All sales and purchases of female poultry when sold or purchased for egg production purposes.

§ 1429.3 *Less than maximum prices.* Lower prices than those established by this Revised Maximum Price Regulation No. 269 may be charged, demanded, paid or offered.

§ 1429.4 *Records and reports.* (a) Every seller and purchaser subject to this Revised Maximum Price Regulation No. 269 making sales or deliveries or purchases of poultry and eggs to the value of $200.00 or more in any one month, after December 21, 1942, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect a complete and accurate record of each sale or delivery of poultry items, showing the date of purchase or sale, the name and address of the buyer and seller, the quantities, varieties, grades, weight classes, bought and sold, the dressed or live condition of the poultry bought and sold, the type of sale made (delivered or non-delivered), and the price paid or received.

(b) Such persons shall keep such other records in addition to or in place of the records required in paragraph (a) of this section and shall submit such reports to the Office of Price Administration as that Office may from time to time require or permit.

§ 1429.5 *Evasion.* Price limitations set forth in this Revised Maximum Price Regulation No. 269 shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, the commodities prices of which are herein regulated, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege or other trade understanding or otherwise.

§ 1429.6 *Enforcement.* (a) Persons violating any provision of this Revised Maximum Price Regulation No. 269 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have any evidence of any violation of this Revised Maximum Price Regulation No. 269 or any price schedule, regulation, or order, issued by the Office of Price Administration, or any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, field or regional offices of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1429.7 *Sales for export.* The maximum prices at which a person may export any commodity covered by this Revised Maximum Price Regulation No. 269 shall be determined in accordance with the provisions of the Revised Maximum Export Regulation[5] issued by the Office of Price Administration.

§ 1429.8 *Applicability.* The provisions of this Revised Maximum Price Regulation No. 269 supersede the provisions of Maximum Price Regulation No. 269, as amended,[6] and the provisions of Maximum Price Regulation No. 280[7] with respect to sales and deliveries of the poultry items for which maximum prices are established by this regulation.

§ 1429.9 *Applicability of certain provisions of the General Maximum Price Regulation, as amended.* (a) The following sections of General Maximum Price Regulation, and amendments thereto, and Revised Supplementary Regulation Number 4 thereof, shall be applicable to every person making sales and deliveries covered by this Revised Maximum Price Regulation No. 269.

(1) § 1499.4b (Special deals.)
(2) § 1499.14 (Sales slips and receipts.)
(3) § 1499.15 (Registration.)
(4) § 1499.16 (Licensing.)
(5) § 1499.29 (a) (5) (Developmental contracts.)
(6) § 1499.29 (a) (6) (Secret contracts.)
(7) § 1499.29 (a) (7) (Emergency purchases.)
(8) § 1499.29 (a) (15) (Sales or deliveries of the War Department or the Department of the Navy through such Departments' sales stores.)

§ 1429.10 *Geographical applicability.* The provisions of this Revised Maximum Price Regulation No. 269 shall be applicable only to the 48 states of the United States and to the District of Columbia.

§ 1429.11 *Transfers of business or stock in trade.* If the business, assets, or stock in trade of any seller are sold or otherwise transferred on or after the effective date of this Revised Maximum Price Regulation No. 269, and the transferee carries on the business, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no transfer had taken place, and his obligation to keep records sufficient to verify those prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in this regulation.

§ 1429.12 *Petitions for amendment.* Persons seeking an amendment of this Revised Maximum Price Regulation No. 269 may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1,[8] issued by the Office of Price Administration.

§ 1429.13 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to and at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations, where a petition for amendment requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1429.14 *Adjustment of maximum prices for live and dressed poultry.* (a) The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this Revised Maximum Price Regulation No. 269 for live and dressed poultry items, in the case of any seller or group of sellers where it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of such live and dressed poultry item; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such live and dressed poultry items; and

(3) That such adjustment will not create or tend to create a shortage, or need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

(b) Applications for adjustment under this § 1429.14 shall be filed in accordance with Revised Procedural Regulation No. 1.

§ 1429.15 *Federal and state taxes.* Any tax upon, or incident to, the sale or delivery of poultry items imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect prior to the effective date of this Revised Maximum Price Regulation No. 269 for any poultry item.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price prior to the effective date for such item the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such a case shall include such amount in determining the maximum price under this Revised Maximum Price Regulation No. 269.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3088, 3330, 3829, 6477, 8948, 9325.

[1] 7 F.R. 9292, 9620.

[2] 7 F.R. 10144, 10337, 10475, 10585.

[3] 7 F.R. 8961.

[4] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454.

[5] 7 F.R. 5059, 7242, 8829, 9000, 10530.

[6] 7 F.R. 9292, 9620.

[7] 7 F.R. 10144, 10337, 10475, 10585.

[8] 7 F.R. 8961.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Revised Maximum Price Regulation No. 269.

(b) *As to a tax or an increase in a tax which becomes effective after the effective date of this regulation for any poultry item.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1429.16 *Discounts and allowances.* The maximum prices established for poultry items in this Revised Maximum Price Regulation No. 269 shall apply to all sales, whether cash or credit. However, any seller may always give discounts or allowances which result in prices lower than the maximum.

§ 1429.17 *Definitions.* (a) "Poultry items" means the live and dressed poultry items defined in § 1429.19 herein.

(b) "Customary" or "customarily" means the usual practice during the period, December 1, 1941, to December 1, 1942, of the person to whom the word "customary" or "customarily" applies. When the person was not in business during this period, "customary" or "customarily" means his usual practice for the time he was in business.

(c) Unless the context requires otherwise, the definitions of the General Maximum Price Regulation, as amended, and of section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to the terms used in this Revised Maximum Price Regulation No. 269.

§ 1429.18 *Effective date.* This Revised Maximum Price Regulation No. 269 (Sections 1429.1 to 1429.22, inclusive) shall become effective December 18, 1942.

§ 1429.19 *Maximum base prices for poultry items.* (a) Every place in the United States shall have its own maximum base price for poultry items listed in Table A of this section.

(1) The word "place" means any city, town, village, or hamlet in the United States.

(b) The maximum base price for any poultry item shall be calculated as follows:

(1) In any place located east of the line running south from the Canadian border along the eastern shore of Lake Michigan, the Illinois-Indiana State Line, the Illinois-Kentucky State Line, and then south along the eastern bank of the Mississippi River to the Gulf of Mexico, the maximum base price for each poultry item purchased or sold at such place shall be determined as follows:

(i) First, the "freight rate" from Chicago to New York shall be subtracted from the maximum price for such poultry item in New York as set forth below in Table A of this section.

"Freight rate" means the lowest carlot railroad freight rate for dressed poultry multiplied by 1.22.

(ii) Second, the "freight rate" from Chicago to such particular place shall be added to the difference obtained in subdivision (i) immediately above. The total thus reached shall be the maximum base price for such poultry item at such particular place.

(2) In any place located west of the line running south from the Canadian border along the eastern shore of Lake Michigan, the Illinois-Indiana State Line, the Illinois-Kentucky State Line, and then south along the western bank of the Mississippi River to the Gulf of Mexico, the maximum base price for each poultry item purchased or sold at such place shall be determined as follows:

(i) First, the basing point city for such particular place must be selected. Five basing point cities are listed in Table A of this section. That one of the five cities which is closest freightwise to the particular place will be selected as its basing point city, except as provided for in subdivision (iii) of this subparagraph.

A basing point city is closest freightwise to any place when the "freight rate" from such place to that basing point city is lower than that to any of the other basing point cities.

Example: City X is 100 miles nearer to New York than it is to Los Angeles. However, the freight rate to Los Angeles is ¼¢ per pound lower than it is to New York. Los Angeles is the basing point city because it is closer freightwise.

(ii) Second, the "freight rate" from such place to its basing point city shall be subtracted from the basing point city's maximum price for the poultry item, and the difference so obtained shall be the maximum base price for such poultry item at such place; except that

(a) The maximum base prices for each poultry item at San Diego, California, shall be the same as those listed below in Table A of this section for Los Angeles.

(b) The maximum base prices for each poultry item at all places in the State of Oregon west of Portland shall be the same as those listed below in Table A of this section for Portland.

(c) The maximum base prices for each poultry item at all places in the State of Washington west of Seattle shall be the same as those listed below in Table A of this section for Seattle.

(iii) The following exception is provided to subparagraph (2) (i) of this section: In all cases, the basing point city for any place in the United States with respect to any poultry item shall be that one of the five cities listed below in Table A of this section which will reflect the highest price to such place for the particular poultry item.

Example: Denver, Colorado, is located between San Francisco and New York. San Francisco is closer freightwise to Denver than is New York. San Francisco thus would be the basing point city for Denver. However, the maximum base price for Grade A dressed young turkeys is 40 cents per pound in New York and 39 cents per pound in San Francisco. The "freight rate" from Denver to New York is 2.26 cents per pound. The "freight rate" from Denver to San Francisco is 1.72 cents per pound. If San Francisco is used as the basing point city for Denver, the maximum base price for Grade A young dressed turkeys in Denver will be 39 cents less 1.72 cents or 37.28 cents per pound. But if New York is used as the basing point city for Denver, the maximum base price for the same grade of turkeys in Denver will be 40 cents less 2.26 cents or 37.74 cents per pound. New York therefore reflects the highest price for Grade A young dressed turkeys in Denver and shall be used as the basing point city for Denver with respect to the sales and purchases of all such turkeys.

(d) *Maximum base prices in the five basing point cities of New York, Los Angeles, San Francisco, Portland, Oregon, and Seattle*—(1) *Table A.* The following maximum base prices are for poultry items as designated below delivered to the buyer's customary receiving point at the five basing point cities listed immediately below:

(i) *Grade "A" poultry items.*

Food product				Basing point cities									
Type	Weight			New York					Pacific Coast—Los Angeles, San Francisco, Seattle, Portland				
	Live weight	Kosher-killed and dressed weight	Quick-frozen, eviscerated, and drawn weight	Live	Dressed	Kosher killed	Drawn	Quick-frozen eviscerated	Live	Dressed	Kosher-killed	Drawn	Quick-frozen eviscerated
				Price in cents per lb.					*Price in cents per lb.*				
Broilers	under 3	under 2½	under 1¾	28.0	32.0	33.0	48.5	52.5	28.5	32.5	33.5	49.0	53.0
Fryers	3 to 4	2½ to 3½	1¾ to 2½	29.5	33.5	34.5	49.0	53.0	30.0	34.0	35.0	49.5	53.5
Roasters:													
Light	4 to 5½	3½ to 5	2½ to 3¾	32.5	36.5	37.5	51.5	55.5	33.0	37.0	38.0	52.0	56.0
Heavy	5½ and over	5 and over	3¾ and over	34.5	38.5	39.0	53.0	57.0	35.0	39.0	39.5	53.5	57.5
Stags:													
Light	Under 5½	under 5	under 3¾	27.5	31.5	32.5	45.0	48.5	28.0	32.0	33.0	45.5	49.0
Heavy	5½ and over	5 and over	3¾ and over	29.0	33.0	33.5	46.0	49.5	29.5	33.5	34.0	46.5	50.0
Capons:													
Light	under 8	under 7	under 5	36.5	40.5	41.0	58.0	62.0	37.0	41.0	41.5	58.5	62.5
Heavy	8 and over	7 and over	5 and over	37.5	41.5	42.0	58.5	62.5	38.0	42.0	42.5	59.0	63.0
Fowl:													
Light	under 4	under 3½	under 2½	24.0	28.0	29.0	41.5	45.5	24.5	28.5	29.5	42.0	46.0
Medium	4 to 5½	3½ to 5	2½ to 3¾	27.0	31.0	32.0	44.5	48.5	27.5	31.5	32.5	45.0	49.0
Heavy	5½ and over	5 and over	3¾ and over	27.0	31.0	31.5	44.0	48.0	27.5	31.5	32.0	44.5	48.5
Old Roosters:													
Light	under 5½	under 5	under 3¾	19.0	23.0	24.0	33.5	37.0	19.5	23.5	24.5	34.0	37.5
Heavy	5½ and over	5 and over	3¾ and over	20.0	24.0	24.5	34.0	37.5	20.5	24.5	25.0	34.5	38.0
Ducks:													
Light	under 5½	under 5	under 3½	20.0	24.0	25.0	37.0	40.5	20.5	24.5	25.5	37.5	41.0
Heavy	5½ and over	5 and over	3½ and over	22.0	26.0	26.5	39.5	43.0	22.5	26.5	27.0	40.0	43.5
Geese	All weights	All weights	All weights	26.0	30.0	30.5	43.5	46.5	26.5	30.5	31.0	44.0	47.0
Young turkeys:													
Light	Under 18	Under 16	Under 13	36.0	40.0	40.5	51.0	54.0	35.0	39.0	39.5	50.0	53.0
Medium	18 to 22	16 to 20	13 to 16½	34.5	38.5	39.0	48.5	51.5	33.5	37.5	38.0	47.5	50.5
Heavy	22 and over	20 and over	16½ and over	33.5	37.5	38.0	46.5	49.5	32.5	36.5	37.0	45.5	48.5
Old turkeys:													
Light	Under 18	Under 16	Under 13	34.0	38.0	38.5	49.0	52.0	33.0	37.0	37.5	48.0	51.0
Medium	18 to 22	16 to 20	13 to 16½	32.5	36.5	37.0	46.5	49.5	31.5	35.5	36.0	45.5	48.5
Heavy	22 and over	20 and over	16½ and over	31.5	35.5	36.0	44.5	47.5	30.5	34.5	35.0	43.5	46.5
Guineas	All weights	All weights	-----	(1)	36.0	-----	-----	-----	(1)	36.0	-----	-----	-----
Squabs	All weights	All weights	-----	(2)	56.0	-----	-----	-----	(2)	56.0	-----	-----	-----
Pigeons	All weights	All weights	-----	(3)	25.0	-----	-----	-----	(3)	25.0	-----	-----	-----

[1] $1.10 per pair.
[2] 55 cents per pair.
[3] 48 cents per pair.

(ii) *Grade "B" dressed poultry items.* All Grade "B" dressed, kosher-killed, drawn, and quick-frozen eviscerated poultry items shall be 1½¢ per lb. less in price than the corresponding Grade "A" dressed, kosher-killed, drawn, and quick-frozen eviscerated poultry items listed above.

(iii) *Grade "C" dressed poultry items.* All Grade "C" dressed, kosher-killed, drawn, and quick-frozen eviscerated poultry items shall be 4¢ per lb. less in price than the corresponding Grade "A" dressed, kosher-killed, drawn, and quick-frozen eviscerated poultry items listed above.

(iv) *Live poultry items other than Grade "A".* Live poultry items which do not meet the specifications of Grade "A" live poultry shall be sold at the seller's customary differentials below the prices for Grade "A" live poultry items.

(v) *Monthly adjustments in base prices for dressed turkey items.* The above prices for dressed turkeys shall be in force for the months of November, December, and January. For the remaining months of the year the following additions shall be made to each of the above prices for dressed turkeys:

	Cents per pound
February	½
March	1
April	1½
May	2
June	2½
July	3
August	3½
September	2
October	1

(2) *Prices for drawn poultry when sold in split or cut-up form.* The aggregate price received through the sale of all the cut-up parts of any drawn bird shall not exceed the amount which could be received by the sale of the whole drawn bird of the same grade and weight, as specified in Table A of this section.

(3) *Prices for hard scalded poultry.* Poultry other than ducks and geese subjected to water for dressing at a temperature higher than 135 degrees Fahrenheit shall be eligible for Grade "B" and Grade "C" classification only, and shall be sold at prices no higher than those established for Grade "B" and Grade "C" dressed poultry items in Table A of this section.

(e) *Application of prices for "kosher-killed poultry."* The prices established for "kosher-killed" poultry items in Table A of this section shall apply only when such "kosher-killed" poultry items are sold to a "bona fide buyer" of "kosher-killed" poultry located within a radius of 50 miles from the point of slaughter. In all other cases, purchases and sales of "kosher-killed" poultry items shall be made at prices not exceeding those established for dressed poultry items in Table A of this section.

(f) *Definitions of terms used in this section.* (1) "Poultry" means all broilers, fryers, roasters, stags, capons, old roosters, turkeys, ducks, geese, guineas, pigeons, and squabs, including live, dressed, drawn, eviscerated, and all other forms of the foregoing when sold for human consumption: *Provided, however,* That this Revised Maximum Price Regulation No. 269 shall not apply to poultry when in the canned form, and poultry exempted in § 1429.2 above. Poultry in the canned form is covered in the General Maximum Price Regulation, as amended.

(2) "Dressed poultry" means poultry which has been killed, bled, and plucked, without regard to the method of plucking or finishing.

(3) "Drawn poultry" means dressed poultry from which the entrails, head, and feet have been removed.

(4) "Quick-frozen eviscerated poultry" means dressed poultry from which the entrails, viscera, head and feet have been wholly removed under state or federal supervision and inspection, the giblets of which have been cleaned and replaced, and the whole carcass of which has been subjected to a cleansing process which makes it ready to cook, the whole then being packaged in carcass, split, or dismembered form, and frozen at low temperatures.

(5) "Kosher-killed poultry" means poultry which:

(i) Has been killed, bled, and plucked in accordance with the requirements of the Hebraic dietary laws; and

(ii) Is identified as kosher-killed by a stamp or tag on each bird.

(6) "Bona fide buyer of kosher-killed poultry" means a person who maintains a selling establishment at or through which he regularly and generally sells kosher poultry as such, or a person who is a purveyor of kosher meals.

(7) "Split poultry" means drawn poultry which has been cut into halves, each half containing approximately equal and, as far as possible, equivalent parts of the bird.

(8) "Cut-up poultry" means drawn poultry, the carcass of which has been dismembered or cut into portions.

(g) *Species, age, and sex qualifications for items listed in Table A.* Species, age, and sex specifications promulgated by the United States Department of Agriculture in the publications listed immediately below shall be used as the species, age, and sex specifications for all poultry items listed in Table A of this section.

"Tentative U. S. Standards for Classes and Grades for Dressed Turkeys."

"Classification and Tentative Specifications for U. S. Standards and Grades for Dressed Chickens."

"Tentative Specifications for U. S. Standards and Grades for Dressed Ducks, Geese, Guineas, and Squabs."

"Tentative U. S. Standards for Grades for Live Poultry."

(h) *Application of grade specifications for items listed in Table A*—(1) *Dressed turkeys.* The Tentative U. S. Standards for Classes and Grades for Dressed Turkeys now in effect shall apply to all sales of dressed turkeys covered herein. Revisions promulgated by the U. S. Department of Agriculture shall become concurrently effective for the purposes of this Revised Maximum Price Regulation No. 269 for stock packed after the issuance of such revisions.

(2) *Dressed poultry other than turkeys.* (i) Until June 30, 1943, commercial standards now commonly accepted by the trade for classes and grades of dressed poultry, other than turkeys, shall apply to all sales of dressed, drawn, and eviscerated poultry, other than turkeys, processed and packed before February 28, 1943, as follows:

(*a*) All dressed, drawn, and eviscerated poultry, whether dry or ice-packed, commonly accepted by the trade as top and premium packs shall be sold at prices not to exceed those specified for Grade "A" poultry in Table A of this section.

(*b*) All dressed, drawn, and eviscerated poultry, whether dry or ice-packed, commonly accepted by the trade as second grade or choice poultry shall be sold at prices not to exceed those specified for Grade "B" poultry in Table A of this section.

(*c*) All dressed, drawn, and eviscerated poultry, whether dry or ice-packed, commonly accepted by the trade as bottom or third grade poultry, shall be sold at prices not to exceed those specified for Grade "C" poultry in Table A of this section.

(ii) The Tentative Grade Specifications For Dressed Poultry as promulgated or revised by the United States Department of Agriculture shall apply to all sales of all dressed, drawn, and eviscerated poultry, other than turkeys, processed and packed after February 28, 1943.

(iii) After June 30, 1943, the Tentative Grade Specifications For Dressed Poultry as promulgated or revised by the United States Department of Agriculture shall apply to all sales of all dressed, drawn, and eviscerated poultry, other than turkeys, regardless of the date when such poultry was processed and packed: *Provided*, That:

(*a*) Poultry, other than ducks and geese, subjected to water for dressing at a temperature higher than 135 degrees Fahrenheit shall be eligible for Grade "B" and Grade "C" classification only, and shall be sold at prices no higher than those established for Grade "B" and Grade "C" dressed poultry items in Table A of this section.

§ 1429.20 *Application of maximum base prices.* The maximum base prices for poultry items established in § 1429.19 of this Revised Maximum Price Regulation No. 269 apply to all persons purchasing, or selling or delivering such poultry items, as follows:

(a) First, except as provided for below in §§ 1429.21 and 1429.22, these maximum base prices are maximum selling prices for poultry items delivered to the buyer's customary receiving point at any place. They do not apply at the seller's shipping point.

(1) Where any person purchases any poultry item at one place for shipment or reshipment to another place, his customary receiving point shall be the place where shipment ends and not the place where shipment begins.

(2) *All f. o. b. prices are to be calculated in relationship to maximum selling prices at the buyer's customary receiving point.* (i) Where any person purchases or sells any poultry item at one place for shipment to another place at a price f. o. b. the seller's shipping point, he shall calculate his maximum f. o. b. price as follows:

(*a*) He shall first determine the maximum base price for such poultry item at the place to which it will be shipped; and

(*b*) He shall then subtract from such base price his "freight rate" from the place where shipment begins to the place where shipment ends, and the difference so obtained shall be his maximum selling f. o. b. price for such poultry item.

(3) *Sales of poultry items shall be made on an open price basis where the purchaser does not know location of receiving point.* (i) Where any person purchases any poultry item at one place for shipment or reshipment to another place, and at the time of purchase does not know the exact location of the place to which shipment shall be made, he shall purchase on an open price basis until such time as he ascertains the location of the place to which shipment shall be made, and thereafter shall calculate his maximum purchase price as follows:

(*a*) He shall first determine the maximum base price for such poultry item at the place to which it will be shipped; and

(*b*) He shall then subtract from such base price his "freight rate" from the place where shipment begins to the place where shipment ends, and the difference so obtained shall be his maximum purchase price for such poultry item.

Provided, That nothing in this subparagraph (3) shall prevent any purchaser from making part payment for such poultry item in an amount not to exceed 85% of the maximum base price for such poultry item at the seller's shipping point, at any time before such purchaser ascertains the location of the place to which shipment shall be made.

(b) Second, as provided for below in §§ 1429.21 and 1429.22, these maximum base prices are the bases to which certain permitted increases may be added: *Provided,* That the above provisions of paragraph (a) of this section shall apply to all sales specified in § 1429.21 below where a permitted increase is added to the maximum base price at the buyer's customary receiving point.

§ 1429.21 *Permitted increases to maximum base prices.* (a) Any person who makes the following described sales of poultry items may add the increases as indicated below to determine his maximum selling price:

TABLE B.—MAXIMUM PERMITTED INCREASES FOR SALES OF POULTRY ITEMS

Seller and type of sale made	Buyer	Quantity and form of sale	Item sold	Base price to which increase is added	Maximum increase in cents per lb. for "wholesaler" only		
					Non-delivered sales	Delivered within 25 miles	Delivered beyond 25 miles
(1) **All "wholesalers"**	Any type of buyer	Less than 10,000 lbs	Any poultry item	Maximum base price at seller's shipping point.	1½¢	1¾¢	2¢
(2) **All "wholesalers"**	Any type of buyer	Less than 10,000 lbs	Quick-frozen eviscerated poultry.	Maximum base price at seller's shipping point.	3¢	3¼¢	3½¢
(3) **"Wholesale purveyors" making "special service sales."**	Hotels, restaurants, clubs, dining cars, steamship lines, or institutional users.	Less than 10,000 lbs	Any dressed poultry item	Maximum base price at seller's shipping point.	2¼¢	2½¢	2¾¢
					Maximum increase in cents per lb. for any type of seller for items delivered at buyer's customary receiving point		
(4) **Any type of seller**	Retailers or commercial, industrial, institutional, or governmental users.	More than 16,000 lbs. in "special assortments."	Any dressed poultry item	Maximum base price at buyer's customary receiving point.	¼¢		
(5) **Any type of seller**	United States Government or any agency thereof.	Any quantity	Any poultry item	Maximum base price at seller's shipping point.	¼¢ plus Lowest "freight rate" from seller's shipping point to buyer's customary receiving point in cents per pound		
(6) **Any type of seller**	United States Government or any agency thereof.	More than 16,000 lbs. in "special assortments."	Any dressed poultry item	Maximum base price at seller's shipping point.	¾¢ plus Lowest "freight rate" from seller's shipping point to buyer's customary receiving point in cents per pound		
(7) Producers or processors only who customarily sell in less than **wholesale quantities.**	Individual retail stores or commercial, industrial, institutional, or governmental users.	Less than wholesale quantities	Any poultry item	Maximum base price at buyer's customary receiving point.	1½¢		

(b) *Definitions of terms used in Table B.* (1) All definitions listed in § 1429.19 (f) above for the terms used in Table A shall apply to the same terms when used in Table B.

(2) "Producer" means any person who grows or raises live poultry on a farm or farms operated by or for him.

(3) "Processor" means any person who converts live poultry into dressed or eviscerated poultry, or who converts dressed poultry into eviscerated poultry.

(4) "Wholesale quantities" means lots of 3,000 pounds or more of live or dressed turkeys, or lots of 1,000 pounds or more of other live or dressed poultry.

(5) "Wholesaler" means any person who possesses *all* of the following characteristics:

(i) He must customarily receive, or purchase and receive poultry items in wholesale quantities.

(ii) He must maintain at the particular place where he is located a business establishment where he receives and stocks poultry items and from which he sells or distributes such poultry items.

(iii) He must customarily sell or distribute poultry items in quantity lots which are smaller than his purchases or receipts, to:

Intermediate wholesalers, or
Retailers, or
Institutional, industrial, commercial, or governmental users.

(iv) He must customarily sell or distribute at least 75 percent of his dollar volume of poultry items for ultimate consumption within a radius of 75 miles of his place of business.

Example: The following are considered wholesalers if they possess all the characteristics listed above. (*a*) Independent wholesalers or jobbers.

(*b*) Distributive branches of processors, including branches of cooperative processors.

Example: The following are not considered wholesalers. (*c*) Persons who engage primarily in directing the sale and distribution of poultry items from the producer, processor, or shipper without engaging in any physical handling of poultry items, such as:

(*i*) Agents and brokers, or auctioneers acting for a producer, processor, or shipper.

(*ii*) Salaried representatives, sales offices, and all supervisory or administrative offices of a producer, processor, or shipper whose personnel does not engage in any physical handling or distribution of poultry items.

(*d*) Central plants, or reshipping centers which receive shipments of poultry items from associated processing plants for reshipment, and which render such services as accumulating stocks, furnishing storage, consolidating carlots or trucklots, and reorganizing the makeup of shipments to meet the requirements specified by any wholesaler or other receiver located at the receiving point for which shipment is intended.

(6) "Wholesale purveyor" making "special service sales".

(i) "Wholesale purveyor" means any person who is engaged in the business of selling and distributing poultry items primarily to hotels, restaurants, clubs, dining cars, steamship companies, and institutional users.

(ii) A "wholesale purveyor" makes a "special service sale" when he sells poultry items to any of the buyers listed in subdivision (i) immediately above, and in the course of such sale performs the additional service of removing poultry from the wholesale packages, regrading poultry to more uniform grades and sizes than those required by wholesale grades, and selling in less than wholesale package lots.

(7) "Special assortments" means a 16,000 pound or larger assortment of dressed poultry, 95 percent of which consists of no more than three dressed "poultry classes", and all of which is packed into one truck or into one freight car.

"Poultry class" means poultry of one type, one grade, and one uniform weight. Poultry shall be deemed to be of one uniform weight when the range in weight from the lightest to the heaviest bird in the class does not exceed:

(i) Three pounds in the case of turkeys.

(ii) One pound in the case of capons.

(iii) One-half pound in the case of fowl, broilers, fryers, roasters, and stags.

(iv) Any number of pounds in the case of other types of poultry.

(8) "Shipping point" means that place in the seller's business establishment from which shipments or deliveries of poultry items are made. In the case of non-delivered sales, "shipping point" means that place in the seller's business establishment where the buyer calls for

and receives his purchases of poultry items.

§ 1429.22 *Maximum prices for poultry items when sold by producers or processors at retail.* (a) The maximum prices for the sales and deliveries of poultry items when sold by producers or processors at retail, that is, to an ultimate consumer other than a commercial, institutional, industrial, or governmental user, shall be calculated as follows:

(1) The seller shall add 1½¢ per pound to the maximum base price at his shipping point for any poultry item, and shall multiply the sum so obtained by 1.20, and the product of such multiplication shall be his maximum selling price for such poultry item: *Provided*, That in cases of mail order sales the seller may add to such maximum selling price his actual express or mailing expense to the buyer's receiving point.

Issued this 18th day of December, 1942.

LEON HENDERSON,
Administrator.

Approved:

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-13579; Filed, December 18, 1942; 4:34 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 183 Under § 1499.3 (b) of GMPR]

SCOVILL MANUFACTURING CO.

Maximum Prices Authorized Under § 1499.3 (b) of the General Maximum Price Regulation—Order No. 183.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.1199 *Approval of maximum price for steel eyelet manufactured by Scovill Manufacturing Company, Waterbury, Connecticut, used in the manufacture of dental abrasive discs.* (a) Scovill Manufacturing Company of Waterbury, Connecticut, is hereby authorized to sell and deliver and E. C. Moore & Son Company of Detroit, Michigan, may buy and receive from Scovill Manufacturing Company, eyelets made of steel used by the E. C. Moore & Son Company in the manufacture of dental abrasive discs at a price no higher than $.54 per thousand.

(b) This Order No. 183 may be revoked or amended by the Office of Price Administration at any time.

(c) This Order No. 183 (§ 1499.1199) shall become effective December 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13586; Filed, December 18, 1942; 4:41 p. m.]

PART 1340—FUEL

[Correction to Amendment 8 to MPR 112 [1]]

PENNSYLVANIA ANTHRACITE

The reference to § 1340.200 (a) (3) of Maximum Price Regulation No. 112 is corrected to § 1340.200 (c) (3).

§ 1340.199a *Effective dates of amendments.* * * *

(j) Correction (§ 1340.200 (c) (3)) to Maximum Price Regulation No. 112 shall be effective as of December 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13622; Filed, December 19, 1942; 11:28 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPERS AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 266, Correction]

CERTAIN TISSUE PAPER PRODUCTS

In the second sentence of paragraph (b) of § 1347.508 the reference to "§ 1347.515 (b) (6)" is corrected to read "§ 1347.515 (b) (1) (i)", and the reference to "§ 1347.516 (b) (6)" is corrected to read "§ 1347.516 (b) (1) (i)"; in the first sentence of § 1347.510 the word "nearly" is corrected to read "closely"; the undesignated paragraph following the table in § 1347.515 (b) (1) is designated subdivision (i); in the next to the last sentence in § 1347.515 (b) (3) the word "non-restrictive" is corrected to read "non-retrotractive"; in footnote 4 referred to in § 1347.515 (c) (1) the reference to "§ 1347.511 (a) (23)" is corrected to read "§ 1347.512 (a) (23)"; the undesignated paragraph following the table in § 1347.516 (b) (1) is designated subdivision (i); in footnote 6 referred to in § 1347.516 (c) (1), the reference to "§ 1347.511 (a) (23)" is corrected to read "§ 1347.512 (a) (23)"; in § 1347.516 (c) (3) the words "toilet tissue" are corrected to read "paper towels"; in the first sentence of subparagraph (2) of § 1347.516 (e) the reference to "paragraph (c)" is corrected to read "paragraph (d)"; and a new § 1347.514a is added, as set forth below:

§ 1347.514a *Effective dates of amendments.* (a) Correction (§§ 1347.508 (b); 1347.510; 1347.515 (b) (1) (i), (b) (3) and (c) (1); 1347.516 (b) (1) (i), (c) (1), (c) (3), and (e) (2); 1347.514a) to Maximum Price Regulation No. 266 shall become effective December 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13641; Filed, December 19, 1942; 11:31 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 266,[1] Amendment 1]

CERTAIN TISSUE PAPER PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

One new section, § 1347.507a, is added as set forth below:

§ 1347.507a *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 266 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 266 or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1347.514a *Effective dates of amendments.* * * *

(b) Amendment No. 1 (§ 1347.507a) to Maximum Price Regulation No. 266 shall become effective December 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13640; Filed, December 19, 1942; 11:31 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 238,[2] Amendment 5]

ADJUSTED AND FIXED MARKUP REGULATION FOR SALES OF CERTAIN FOOD PRODUCTS AT RETAIL

A statement of the considerations involved in the issuance of Amendment No. 5 to Maximum Price Regulation No. 238 has been issued and filed with the Division of the Federal Register.*

Section 1351.604a has been added to read as set forth below:

§ 1351.604a *Addition allowed retailers in special cases*—(a) *Addition allowed for transportation of food products to a chain retail outlet from a warehouse which is its customary receiving point.* A chain retail outlet which is located at a distance of 200 miles or more from a warehouse which is its customary receiving point for an item of a food product listed in Appendix A or B may, in calculating a new maximum price under this Maximum Price Regulation No. 238 for any such item which is delivered from

such warehouse to the outlet, add to the applicable figure in Appendix A or B whichever of the following amounts is applicable:

(1) Chain retail outlets located at a distance of from 200 up to but not including 300 miles from such warehouse may add .01 to the applicable figure in Appendix A or B;

(2) Chain retail outlets located at a distance of from 300 miles up to but not including 400 miles from such warehouse may add .02 to the applicable figure in Appendix A or B;

(3) Chain retail outlets located at a distance of 400 miles or more from such warehouse may add .03 to the applicable figure in Appendix A or B.

(b) *Addition allowed for packaging certain food products purchased in bulk.* A retailer who purchases any item of rice, dried fruit or dry edible beans in bulk and then packages and sells such food product in sealed transparent bags or sealed packages may add to his maximum price calculated under this Maximum Price Regulation No. 238 for such packaged item whichever of the following amounts is applicable:

(1) One cent for each such package or bag with a net weight of up to and including 1 pound and 15 ounces.

(2) Two cents for each such package or bag with a net weight of 2 pounds or more.

(3) The resulting amount shall be the retailer's new maximum price for such item and must be calculated and filed in accordance with the provisions of § 1351.606 of this Maximum Price Regulation No. 238.

§ 1351.617a *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§ 1351.604a) to Maximum Price Regulation No. 238 shall become effective on December 19, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13636; Filed, December 19, 1942; 11:32 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 237,[1] Amendment 6]

ADJUSTED AND FIXED MARKUP REGULATION FOR SALES OF CERTAIN FOOD PRODUCTS AT WHOLESALE

A statement of the considerations involved in the issuance of Amendment No. 6 to Maximum Price Regulation No. 237 has been issued and filed with the Division of the Federal Register.*

Sections 1351.504a and 1351.507a are added to read as set forth below:

§ 1351.504a *Addition allowed wholesalers in special cases*—(a) *Addition allowed for packaging certain food products purchased in bulk.* A wholesaler who purchases any item of rice, dried fruit or dry edible beans in bulk and then packages and sells such food product in sealed transparent bags or sealed packages may add to his maximum price calculated under this Maximum Price Regulation No. 237 for his customary unit of sale of such packaged item the following amounts:

(1) One cent for each of such packages or bags with a net weight of up to and including 1 pound and 15 ounces contained in his customary unit of sale.

(2) Two cents for each of such packages or bags with a net weight of 2 pounds or over contained in his customary unit of sale.

(3) The resulting amount shall be the wholesaler's new maximum price for such packaged item and must be calculated and filed in accordance with the provisions of § 1351.506 of this Maximum Price Regulation except that for the purpose of calculating a new maximum price under this § 1351.504a for any item of rice packaged by the wholesaler the final date for such calculation shall be December 31, 1942, and the final date for the filing of such price shall be January 10, 1943.

§ 1351.507a *How a retailer-owned cooperative wholesaler calculates maximum prices for sales to non-members.* (a) A retailer-owned cooperative wholesaler (Class 1) which has customarily sold to non-members (those customers who have no share or interest in its ownership) may be considered either a Class 2 or Class 3 wholesaler in calculating maximum prices for such sales. Such retailer-owned cooperative wholesaler shall determine into which of these two classes it falls on the basis of its operations in connection with its total sales to non-members.

(b) If the final date listed in Appendix A or B for the calculation of a maximum price for a food product is November 30, 1942, the retailer-owner cooperative wholesaler may calculate a new maximum price for such food product under paragraph (a) of this § 1351.507a on or before December 31, 1942 and shall file such new maximum price on or before January 10, 1943; *Provided however,* That in all such cases the retailer-owned cooperative wholesaler must use the same "net cost" which he used in his last calculation of a maximum price for such food product under this Maximum Price Regulation No. 237 prior to November 30, 1942.

§ 1351.517a *Effective dates of amendments.* * * *

(f) This amendment No. 6 (§§ 1351.504a and 1351.507a) to Maximum Price Regulation No. 237 shall become effective on December 19, 1942.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13635; Filed, December 19, 1942; 11:33 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 271, Amendment 1]

CERTAIN PERISHABLE FOOD COMMODITIES, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1351.1001 (a) (1) is amended; in § 1351.1002, paragraphs (b) (1) and (b) (2) are amended; subparagraphs (3), (4) and (5) in § 1351.1002 (b) are added; in § 1351.1002, four new paragraphs, (d), (e), (f) and (g), are added; § 1351.1014 (a) (2) is amended; a new § 1351.1016a is added; in the table in § 1351.1017, seven items are amended as set forth below:

§ 1351.1001 *Applicability of this Maximum Price Regulation No. 271*—(a) *Commodities to be priced under this regulation.* This regulation applies to the following perishable food commodities:

(1) All white potatoes used for human consumption, not including seed potatoes. "Seed potatoes" means white potatoes which shall be labeled as seed potatoes at the country shipping point. Such white potatoes sold and delivered to any purchaser as seed shall be exempt from the provisions of this regulation only when sold in 100-pound bags.

* * * * *

§ 1351.1002 *How a country shipper establishes his maximum price for a perishable food commodity, as set forth in Appendix A* * * *

(b) The following differentials for certain grades, sizes, packages and types of pack shall be applicable to country shippers of white potatoes:

(1) Grade differentials:

(i) For white potatoes, U. S. Extra No. 1 grade or better, packed in bags, the country shipper may add 10¢ per cwt. to the maximum prices for U. S. No. 1 grade listed in Appendix A.

(ii) For white potatoes which grade below U. S. No. 1 grade, but which are 85% U. S. No. 1, U. S. Commercial, or better, packed in bags, the country shipper shall subtract 10¢ from the maximum prices for U. S. No. 1 grade listed in Appendix A.

(iii) For white potatoes of grades lower than 85% U. S. No. 1, U. S. Commercial or better, including ungraded and unclassified white potatoes packed in bags, the country shipper shall subtract 30¢ per cwt. from the maximum prices for U. S. No. 1 grade listed in Appendix A.

(2) Size differentials applicable to all grades:

(i) For white potatoes, 6 ounce minimum size, packed in bags, the country shipper may add 15¢ per cwt. to the maximum price for each grade.

(ii) For white potatoes of 2-inch minimum size or U. S. Size A, packed in bags, the country shipper may add 10¢ to the maximum price for each grade.

(3) Packaging differentials applicable to all grades and sizes:

(i) For white potatoes, in paper bags containing 25 pounds or less the country shipper may add 10¢ per cwt. to the maximum prices for each grade and size.

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[1] 7 F.R. 2512, 2739, 2818, 2868, 3521, 4294, 4539, 4540, 8948.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9335.

[2] 7 F.R. 8209, 8808, 9184, 10013.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8205, 8427, 8808, 9183, 9973, 10013.

(ii) For white potatoes, packed in cotton or mesh bags of 25 pounds, the country shipper may add 20¢ per cwt. to the maximum price for each grade and size.

(iii) For white potatoes, packed in 15-pound bags of cotton or mesh, the country shipper may add 30¢ per cwt. to the maximum price for each grade and size.

(iv) For white potatoes, packed in 10-pound bags of cotton or mesh, the country shipper may add 40¢ per cwt. to the maximum price for each grade and size.

(v) For white potatoes sold either in bulk or in containers furnished by the purchaser, the country shipper shall subtract 15¢ from the maximum prices for each grade and size.

(4) Baking-type pack differentials applicable to maximum prices listed for U. S. No 1 grade:

(i) For white potatoes, U. S. No. 1 grade or better, 6 ounce minimum to 14 ounce maximum, or 2½ inch minimum to 4 inch maximum, packed in bags, the country shipper may add 35¢ to the maximum prices for U. S. No. 1 grade listed in Appendix A.

(ii) For white potatoes, 6 ounce minimum to 14 ounce maximum, or 2½ inch minimum to 4 inch maximum, hand selected and graded, washed and brushed and specially packed in wooden boxes or cardboard cartons of approximately 60 pounds, the country shipper may add $1.25 per cwt. to the maximum prices for U. S. No. 1 grade listed in Appendix A.

(iii) For white potatoes, 6 ounce minimum to 14 ounce maximum, or 2½ inch minimum to 4 inch maximum hand selected and graded, washed and brushed and specially packed in 10-pound mesh bags, or in kraft bags containing 10 mesh bags (each such mesh bag containing approximately 5 pounds), the country shipper may add $1.25 per cwt. to the maximum prices for U. S. No. 1 grade listed in Appendix A.

(iv) For white potatoes, 6 ounce minimum to 14 ounce maximum, or 2½ inch minimum to 4 inch maximum, hand selected and graded, washed and brushed and specially packed in 50-pound kraft bags, the country shipper may add 60¢ per cwt. to the maximum price for U. S. No. 1 grade listed in Appendix A.

(5) Dry onions: * * *

(viii) For dry onions, graded and packed in mesh bags of 10 pounds or less, the country shipper may add 25¢ per 50 pounds to the maximum prices listed in Appendix A.

(ix) For dry onions, graded and packed in mesh bags of 25 pounds, the country shipper may add 10¢ per 50 pounds to the maximum prices listed in Appendix A.

(d) If a country shipper, or the agent of a country shipper, sells and delivers white potatoes in the terminal market, and performs the wholesale functions of unloading cars, warehousing and selling from his warehouse in less than carlots, such country shipper's or agent's maximum price shall be:

The maximum price per cwt. for that grade and variety of white potatoes f. o. b. country shipping point, plus the actual cost of transportation, at lowest available common carrier rates, from the country shipping point to the terminal market multiplied by 1.095. When such a sale and delivery is made it shall be considered the first intermediate transaction for the purposes of this regulation.

(e) If any person covered by this regulation sells and delivers white potatoes or dry onions in carlot or trucklot quantities at the terminal market, the maximum price shall be the maximum price listed in Appendix A, plus the actual cost of transportation at lowest available common carrier rates, from the country shipping point to the terminal market plus 10¢ per cwt. for white potatoes and 7¢ per 50 pounds for dry onions. For the purposes of this regulation a person making such sale shall not be deemed to be an intermediate seller as defined in this regulation, and a sale and delivery made under the provisions of this paragraph shall not be considered the first intermediate transaction.

(f) If a farmer makes sales and deliveries to ultimate consumers, his maximum price for such sales and deliveries shall be the maximum price listed in Appendix A, plus the actual cost of transportation, at lowest available common carrier rates, from his country shipping point to the place where such sales are being made, plus $1.00 per cwt. for white potatoes and $1.00 per 50 pounds for dry onions.

(g) If a farmer makes sales and deliveries to retailers, in less than carlots, his maximum price for such sales and deliveries shall be the maximum price listed in Appendix A, plus the actual cost of transportation, at lowest available common carrier rates, from his country shipping point to the place where such sales are being made, plus 25¢ per cwt. for white potatoes and 20¢ per 50 pounds for dry onions.

§ 1351.1014 *Definitions.* (a) * * *

(2) "Country shipper" means any person who signs the first bill of lading at the country shipping point, and who makes sales and deliveries directly to any intermediate seller or retailer, whether for his own account, the account of a farmer, or for the joint account of himself and a farmer. This term includes farmers' cooperatives and associations.

* * * * *

§ 1351.1016a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1351.-1001 to 1351.1017) shall become effective December 24, 1942.

§ 1351.1017 *Appendix A: Maximum prices for perishable food f. o. b. shipping point.*

WHITE POTATOES

[Maximum price per 100 lb., U. S. No. 1 grade and in bags]

State	Producing area	Variety	1942	1943					
			Dec.	Jan.	Feb.	Mar.	Apr.	May	June
*	*	*	*	*	*	*	*	*	*
WEST NORTH CENTRAL									
Minnesota	Hollandale District	All	2.05	2.10	2.15	2.20	2.35	2.20	2.15
	Rest of State	Red skinned	2.00	2.05	2.10	2.20	2.35	2.20	2.10
		Round white	1.80	1.85	1.90	2.00	2.05	2.00	1.90
Iowa	Hollandale District	All	2.05	2.10	2.15	2.20	2.35	2.20	2.10
	Rest of State	All	2.25	2.45	2.50	2.60	2.60	2.60	2.40
*	*	*	*	*	*	*	*	*	*
WEST									
*	*	*	*	*	*	*	*	*	*
Wyoming	Counties of Platt, Niobrara, Goshen, and Larramie.	All	2.05	2.10	2.15	2.25	2.30	2.35	2.20
	Rest of State	All	2.25	2.25	2.25	2.25	2.30	2.40	2.55
Colorado	Greeley District	All	2.05	2.10	2.15	2.25	2.30	2.35	2.20
	San Luis Valley	All	2.05	2.10	2.15	2.25	2.30	2.20	2.05
	Western Slope	Russet Burbank	2.00	2.05	2.10	2.20	2.25	2.15	2.00
	Western Slope	Other varieties	1.95	2.00	2.05	2.15	2.20	2.10	1.95
*	*	*	*	*	*	*	*	*	*
Washington	All	All	2.15	2.20	2.25	2.35	2.45	2.30	2.15
*	*	*	*	*	*	*	*	*	*
Oregon	Malheur County	All	2.00	2.05	2.10	2.20	2.30	2.15	2.50
	Rest of State	All	2.20	2.25	2.30	2.40	2.50	2.35	2.20
California	Modoc and Siskiyou Counties	All	2.20	2.25	2.30	2.40	2.50	2.35	2.00
	Rest of State	All	2.25	2.35	2.35	2.35	2.55	2.55	2.25

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

Approved:

GROVER B. HILL,
Acting Secretary,
Department of Agriculture.

[F. R. Doc. 42-13637; Filed, December 19, 1942; 11:31 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 53,[1] Amendment 1]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

The first sentence of § 1382.285 (b) (1) of Maximum Rent Regulation No. 53 is amended and § 1388.294a is added to the said Maximum Rent Regulation No. 53 to read as follows:

§ 1388.285 *Adjustments and other determinations.* * * *

(b) (1) If, on the effective date of this maximum rent regulation, the services provided for housing accommodations are less than the minimum services required by § 1388.283, the landlord shall either restore and maintain such minimum services or, within 30 days after such effective date (or, as to the Los Angeles Defense-Rental Area, within 60 days after such effective date), file a petition requesting approval of the decreased services.

* * * * *

§ 1388.294a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1388.285 (b) (1) and 1388.294a) of Maximum Rent Regulation No. 53 shall become effective December 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13623; Filed, December 19, 1942; 11:29 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 53,[1] Amendment 2]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

The first sentence of § 1388.287 of Maximum Rent Regulation No. 53 is amended to read as follows:

§ 1388.287 *Registration.* Within 45 days after the effective date of this Maximum Rent Regulation No. 53 (or, as to housing accommodations within the Columbia, South Carolina Defense-Rental Area, the Greenville, South Carolina Defense-Rental Area, and the Spartanburg Defense-Rental Area, within 75 days after the effective date of this Maximum Rent Regulation No. 53), or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement.

* * * * *

§ 1388.294a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1388.287) to Maximum Rent Regulation No. 53 shall become effective December 16, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13624; Filed, December 19, 1942; 11:30 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 54A,[1] Amendment 1]

HOTELS AND ROOMING HOUSES

The first sentence of § 1388.335 (b) (1) of Maximum Rent Regulation No. 54A is amended and § 1388.344a is added to the said Maximum Rent Regulation No. 54A to read as follows:

§ 1388.335 *Adjustments and other determinations.* * * *

(b) (1) If, on the effective date of this maximum rent regulation, the services provided for a room are less than the minimum services required by § 1388.333, the landlord shall either restore and maintain such minimum services or, within 30 days after such effective date (or, as to the Los Angeles Defense-Rental Area, within 60 days after such effective date), file a petition requesting approval of the decreased services.

* * * * *

§ 1388.344a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1388.-335 (b) (1) and 1388.344a) shall become effective December 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13625; Filed, December 19, 1942; 11:30 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 4 Under § 1499.3 (c) of GMPR]

SILEX COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.804 *Maximum prices for sales by retailers and jobbers of Silex two-cup coffee maker, Model SD-2 and parts, manufactured by the Silex Company, Hartford, Connecticut.* (a) On and after December 21, 1942, retailers may sell and deliver Silex two-cup coffee maker, Model No. SD-2 and parts, manufactured by the Silex Company, Hartford, Connecticut, to consumers at a price no higher than:

	Each
Model No. SD-2, complete pot	$1.45
Model No. LD-2, lower bowl only	.65
Model No. UD-2, upper bowl only	.75
Model No. HD-2, handle assembly	.35
	Per package
Cloth strainers package of 30	$0.25

(b) On and after December 21, 1942, jobbers may sell and deliver Silex two-cup coffee maker, Model No. SD-2 and parts, manufactured by the Silex Company, Hartford, Connecticut, to retailers at a price no higher than those computed by maintaining their March 1942 percentage discounts and allowances, as established by March 1942 sales of the Silex coffee maker line, from the following list prices:

	Each
Model No. SD-2, complete pot	$1.45
Model No. LD-2, lower bowl only	.65
Model No. UD-2, upper bowl only	.75
Model No. HD-2, handle assembly	.35
	Per package
Cloth strainers, package of 30	$0.25

(c) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 4 (§ 1499.804) shall become effective December 21, 1942.

(Pub. Law 421 and 729, 77th Cong.; E.O. No. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13628; Filed, December 19, 1942; 11:28 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 5 Under § 1499.3 (c) of GMPR]

CORY GLASS COFFEE BREWER CO.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

§ 1499.805 *Maximum prices for sales by jobbers and retailers of Model D. C. G. 8-cup Glass Coffee Maker manufactured by Cory Glass Coffee Brewer Co., Chicago, Illinois.* (a) On and after December 21, 1942, jobbers may sell and deliver Model D. C. G. 8-cup Glass Coffee Maker manufactured by the Cory Glass Coffee Brewer Co., Chicago, Illinois, to retailers at a price no higher than $3.20 each for lots of one to six and at a price no higher than $2.88 each for lots of six or more.

(b) On and after December 21, 1942, retailers may sell and deliver Model D. C. G. 8-cup Glass Coffee Maker, manufactured by the Cory Glass Coffee Brewer Co., Chicago, Illinois to consumers at a price no higher than $4.80 each.

(c) This Order No. 5 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 5 (§ 1499.805) shall become effective December 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; Executive Order No. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13629; Filed, December 19, 1942; 11:28 a. m.]

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[1] 7 F.R. 8596, 9784, 9821, 8653, 9784.

[1] 7 F.R. 8602, 9783, 9820.

PART 1499—COMMODITIES AND SERVICES

[Order 6 Under § 1499.3 (c) of GMPR]

KENT PRODUCTS CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.806 *Maximum prices for sales by retailers and jobbers of Kent Coffee Maker Ensembles manufactured by Kent Products Company, Chicago, Illinois.* (a) On and after December 21, 1942, retailers may sell and deliver Kent Coffee Maker Ensembles manufactured by Kent Products Company, Chicago, Illinois, to consumers at a price no higher than:

(1) Eastern Sales $5.86 each.
(2) Western Sales $6.36 each.

Eastern and Western sales areas shall be determined in accordance with the established practices in this regard of Kent Products Company and of sellers of their Coffee Maker Ensembles.

(b) On and after December 21, 1942, jobbers may sell and deliver Kent Coffee Maker Ensembles manufactured by Kent Products Company, Chicago, Illinois, to retailers at prices no higher than those computed by maintaining their March 1942 percentage discounts and allowances, as established by March 1942 sales of Kent Coffee Maker Ensembles, from the following list prices:

(1) Eastern Sales $5.86 each.
(2) Western Sales $6.36 each.

Eastern and Western sales areas shall be determined in accordance with the established practices in this regard of Kent Products Company and of sellers of their Coffee Maker Ensembles.

(c) This Order No. 6 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 6 (§ 1499.806) shall become effective on the 21st day of December 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. No. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13630; Filed, December 19, 1942; 11:28 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 138 Under § 1499.18 (b) of GMPR]

CUDAHY PACKING CO.

Order No. 138 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-2142.

For the reasons set forth in the opinion under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with the Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

§ 1499.1039 *Adjustment of maximum prices for Regular Alpine Sheep Casings 20/22mm sold by The Cudahy Packing Company.* (a) The Cudahy Packing Company, a Maine corporation, and its subsidiary, the Cudahy Packing Company of Alabama, an Alabama corporation, may sell and deliver and agree, offer, solicit and attempt to sell and deliver regular Alpine Sheep Casings 20/22mm and any person may buy and receive from the Cudahy Packing Company such regular Alpine Sheep Casings at a price not in excess of $1.90 per hank.

(b) The Cudahy Packing Company, a Maine corporation, and its subsidiary, the Cudahy Packing Company of Alabama, an Alabama corporation, shall mail or cause to be mailed to all persons who purchase such regular Alpine Sheep Casings from it for resale reading as follows:

> The Office of Price Administration by Order No. 138 effective December 21, 1942 pursuant to Section 1499.18 (b) of the General Maximum Price Regulation, as amended, has permitted us to raise our maximum prices for sales to you of regular Alpine Sheep Casings from $1.60, per hank to $1.90 per hank. This amount represents only that part of cost increase which we were unable to absorb and it was granted with the understanding that prices for products making use of regular Alpine Sheep Casings would not be raised. The Office of Price Administration has not permitted you, or any other seller, to raise your maximum price for the sale of any product making use of regular Alpine Sheep Casings. In order that we may continue to provide you with such regular Alpine Sheep Casings, it will be necessary for you to accept this reduction in your margin.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 138 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 138 (§ 1499.1039) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 138 (§ 1499.1039) shall become effective December 21, 1942.

(Pub. Law 421, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13638; Filed, December 19, 1942; 11:28 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 45 to Supp. Reg. 1 to GMPR [1]]

VINYL ACETATE, ETC., TRANSCRIPTION RECORDS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (41) of § 1499.26 (a) is added, and reads as set forth below:

§ 1499.26 *Exceptions for certain commodities and certain sales and deliveries.* (a) The General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

* * * * *

(41) Vinyl acetate-vinyl chloride copolymer transcription records sold, delivered, or transferred by the United States or any agency thereof.

* * * * *

(e) *Effective dates.* * * *

(46) Amendment No. 45 (§ 1499.26 (a) (41)) to Supplementary Regulation No. 1 shall become effective December 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of December, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13626; Filed, December 19, 1942; 11:29 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165 as Amended,[1] Amendment 14]

SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1499.116 (a) (19) is amended to read as set forth below:

§ 1499.116 *Definitions and explanations.* (a) * * *

(19) "War Procurement Agency" includes the Department of the Navy, the Lend-Lease Section of the Procurement Division of the Treasury Department, the Office of Scientific Research and Development, the United States Maritime Commission, the War Department, the War Shipping Administration, the Defense Plant Corporation or any agency of the foregoing.

§ 1499.121a *Effective dates of amendments.* * * *

(n) This Amendment No. 14 (§ 1499.116 (a) (19)) to Maximum Price Regulation No. 165 as amended shall become effective December 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13627; Filed, December 19, 1942; 11:31 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 184 Under § 1499.3 (b) of GMPR]

FROSTED FOODS SALES CORP.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454.

[1] 7 F.R. 6428, 6966, 8239, 8439, 8790, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972.

§ 1499.1200 *Authorization of maximum prices for sales of "Birds Eye" Brand Quick-Frozen Oven-Baked Beans by Frosted Foods Sales Corporation, by authorized wholesale distributors and by retailers.* (a) On and after December 21, 1942, the maximum prices for sales by Frosted Foods Sales Corporation, having its principal place of business at 250 Park Avenue, New York City, of "Birds Eye" Brand Quick-Frozen Oven-Baked Beans shall be:

$1.55 per dozen of 16 ounce packages,
$2.40 per dozen of 28 ounce packages

delivered to purchaser's stations.

(b) Authorized wholesale distributors shall determine their maximum delivered selling prices of "Birds Eye" Brand Quick-Frozen Oven-Baked Beans by adding to their net cost of this item a maximum profit margin of 33 percent of their net cost. The maximum delivered price so determined shall not exceed $2.06 per dozen of 16 ounce packages and $3.19 per dozen of 28 ounce packages. Where a maximum price per dozen determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per dozen shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the distributor is permitted to increase his maximum price per dozen to the next higher cent.

Net cost for an authorized wholesale distributor as mentioned in this paragraph shall be his invoice price of "Birds Eye" Brand Quick-Frozen Oven-Baked Beans delivered in a customary quantity of this type of item by the customary mode of transportation to his customary receiving point, less all discounts allowed him except discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

(c) Sellers at retail shall determine their maximum selling prices of "Birds Eye" Brand Quick-Frozen Oven-Baked Beans by adding to their net cost of this item a maximum profit margin of 36 percent of their net cost. The maximum prices so determined shall not exceed 23¢ per 16 ounce package or 36¢ per 28 ounce package. Where a maximum price per package determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per package shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the retailer is permitted to increase his maximum price per package to the next higher cent.

Net cost for a retailer as mentioned in this paragraph shall be his invoice price for "Birds Eye" Brand Quick-Frozen Oven-Baked Beans delivered to his customary receiving point in a customary quantity of this type of item by a customary mode of transportation and from a customary source of supply, less all discounts allowed him except the discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

(d) No seller shall change his customary discounts, cold storage allowances or other allowances applying to sales of other quick-frozen food items in making sales of "Birds Eye" Brand Quick-Frozen Oven-Baked Beans unless such change in these customary discounts, cold storage allowances and other allowances results in lower selling prices.

(e) On and after December 21, 1942, Frosted Foods Sales Corporation shall supply a written notification to each authorized wholesale distributor before or at the time of the first delivery of "Birds Eye" Brand Quick-Frozen Oven-Baked Beans to a distributor, and for a period of three months thereafter shall include with each shipping unit of "Birds Eye" Brand Quick-Frozen Oven-Baked Beans, a written notification to retailers. If such retailer notification is enclosed in a shipping unit, a legend shall be affixed outside of such unit to read "Retailer's Notice Enclosed". The written notifications, for each type of purchaser, shall include the following appropriate statements:

> *Notification from Frosted Foods Sales Corporation to authorized wholesale distributors:* The Office of Price Administration has authorized us to charge wholesalers the following prices for "Birds Eye" Brand Quick-Frozen Oven-Baked Beans:
>
> $1.55 per dozen of 16 ounce packages.
> $2.40 per dozen of 28 ounce packages.
>
> subject to all customary discounts, cold storage allowances and other allowances. Wholesalers are authorized to establish a ceiling price by adding to the net cost of these items 33 percent of such net cost, provided that the ceiling prices so determined shall not exceed $2.06 per dozen of 16 ounce packages and $3.19 per dozen of 28 ounce packages. Net cost is invoice cost at the customary receiving point, less all discounts, other than for prompt payment, and excluding charges for local hauling. Retailers shall establish ceiling prices by adding to their net cost 36 percent of their net cost. Each individual ceiling price determined by any seller shall be figured to the nearest cent (raise one-half cent fractions to the next even cent). A copy of a notification to retailers is included in every shipping unit of these items. If the initial sale of these items to any retailer is a split case sale, wholesalers are required to provide such retailer with a copy of the retail notification so enclosed. Office of Price Administration requires that you keep this notice for examination.
>
> *Notification from Frosted Foods Sales Corporation to retailers:* The Office of Price Administration authorizes retailers to establish ceiling prices for "Birds Eye" Brand Quick-Frozen Oven-Baked Beans in 16 ounce and in 28 ounce packages by adding to the net cost of these items 36 percent of their net cost, provided that the ceiling prices so determined shall not exceed 23¢ per 16 ounce package and 36¢ per 28 ounce package. Net cost is the invoice cost at the customary receiving point less all discounts, other than for prompt payment, and excluding charges for local hauling. Such ceiling prices shall be figured to the nearest cent (raise one-half cent fractions to the next even cent). Office of Price Administration requires that you keep this notice for examination.

(f) This Order No. 184 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 184 (§ 1499.1200) shall become effective December 21, 1942.
(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13639; Filed, December 19, 1942; 11:32 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Rev. MPR 169,[1] Amendment 1]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (d) of § 1364.407; subparagraph (2) of paragraph (n) of § 1364.452; and subparagraph (2) of paragraph (c) of § 1364.454 are hereby amended by inserting the name "Philadelphia" between the name "Delaware" and the name "Montgomery" in the enumeration of the counties of Pennsylvania.

A new § 1364.415 is added as set forth below:

§ 1364.415 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1364.407 (d), 1364.452 (n) (2) and § 1364.454 (c) (2)) to Revised Maximum Price Regulation No. 169 shall become effective December 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13657; Filed, December 19, 1942; 12:38 p. m.]

PART 1389—APPAREL

[MPR 221,[2] Amendment 2]

MANUFACTURERS' PRICES FOR FALL AND WINTER KNITTED UNDERWEAR

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1389.302 (b) and § 1389.307 (b) are amended, as set forth below:

§ 1389.302 *Maximum prices for manufacturers of fall and winter knitted underwear.* * * *

(b) *Discounts, allowances and price differentials*—(1) *Discounts and price differentials.* No manufacturer shall allow to any purchaser less than the discounts and price differentials which the seller customarily allowed to such purchaser from July 15, 1941 to February 10, 1942, both inclusive. In the event that the purchaser did not buy from the manufacturer from July 15, 1941 to February

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10381.

[2] 7 F.R. 7318, 9615.

10, 1942, the manufacturer shall allow to the purchaser no less than the discounts and price differentials which the manufacturer customarily allowed to purchasers of the same class from July 15, 1941 to February 10, 1942.

(2) *Allowances for seconds.* The maximum price for any garment which according to the manufacturer's standards of grading on September 15, 1942, would have been a "second" shall be the maximum price established in this regulation for the first quality of that garment less the allowance for "seconds" which the seller customarily made to the purchaser from July 15, 1941 to February 10, 1942, both inclusive. In the case of a sale to a purchaser who did not buy seconds from July 15, 1941 to February 10, 1942, the manufacturer shall allow to the purchaser no less than the allowance which the manufacturer customarily made to a purchaser of the same class for seconds from July 15, 1941 to February 10, 1942.

* * * * *

§ 1389.307 *Statements and reports required to be filed.* * * *

(b) A report on forms 321.1 and 321.2 prescribed by the Office of Price Administration containing information with respect to all styles of knitted underwear, knitted sleeping garments, and knitted sweatshirts manufactured by such person, setting forth prices, garment description, method of construction, yarn content, assembly, finish, distribution and costs relating to the foregoing, in such detail as is required by the said forms: *Provided;* That reports on forms 321.2 which are required for garments for which prices are not provided in this Maximum Price Regulation No. 221 may be filed on or before January 15, 1943.

§ 1389.313a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1389.302 (b) and 1389.307 (b)) to Maximum Price Regulation No. 221 shall become effective December 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13658; Filed, December 19, 1942; 12:38 p. m.]

PART 1432—RATIONING OF CONSUMERS' DURABLE GOODS

[Ration Order 9]

HEATING STOVES

Introduction. To assist in relieving the shortage of fuel oil in the thirty eastern and midwestern states, the War Production Board has taken steps to increase the production of coal heating stoves. In order that the maximum fuel oil saving may result from these allocations of critical materials it is imperative that the distribution of these stoves be selective and controlled. This ration order is designed to accomplish this purpose. Since we are close to the seasonal peak of fuel oil demand and since heating stoves are expected to move rapidly on to the market it was necessary to develop quickly an interim plan for rationing them.

In the face of the fuel oil shortage, sales of oil-burning heating stoves which add to the demand for fuel oil must be reduced to the minimum. A further purpose of this ration order is, therefore, to see to it that these stoves are sold only to the highly essential users who cannot use coal-burning stoves.

Under the powers given to me by the War Production Board in Directive No. 1, issued on January 24, 1942, and in Supplementary Directive No. 1–5, issued on December 18, 1942, *I hereby order,* That heating stoves be rationed as follows:

SUBPART A—GENERAL PLAN

Sec.
1432.1 Heating stoves rationed only in certain states.
1432.2 Transfers of heating stoves prohibited except in certain cases.

SUBPART B—PROVISIONS AFFECTING CONSUMERS AND BOARDS

1432.11 May acquire stove on certificate.
1432.12 Local boards issue certificates.
1432.13 Persons eligible to obtain certificates for new coal heating stoves.
1432.14 Persons eligible to obtain certificates for new oil heating stoves.
1432.15 Application for a certificate: Persons substituting new coal heating stove for oil burning equipment.
1432.16 Application for a certificate: Persons who need to heat unheated space.
1432.17 Application for a certificate: Persons replacing worn out or damaged coal heating equipment.
1432.18 Application for a certificate: Person replacing worn out or damaged oil heating equipment.
1432.19 Issuance of certificate.
1432.20 Preparation and correction of certificate.
1432.21 Applicants may appeal from decision of Board.

SUBPART C—PROVISIONS AFFECTING EXPORTERS AND CERTAIN GOVERNMENT AGENCIES

1432.31 Transfer of new heating stoves to certain Government agencies.
1432.32 Transfer of new heating stoves for export.
1432.33 Transfer of new coal heating stoves under W.P.B. preference rating orders.

SUBPART D—PROVISIONS WHICH APPLY TO THE TRADE

1432.41 Dealer not required to surrender certificate or memorandum receipt in purchasing new heating stoves.
1432.42 Dealer may not use new heating stove without certificate.
1432.43 Seller must obtain certificate or memorandum receipt in transferring new heating stoves.
1432.44 New coal heating stove may not be shipped outside limitation area.
1432.45 Transfer of business.
1432.46 Records which must be kept.
1432.47 Reports.

SUBPART E—MISCELLANEOUS PROVISIONS

1432.51 Transfer for shipment.
1432.52 Transfer for storage.
1432.53 Transfer by judicial process, operation of law, security.

SUBPART F—ADDITIONAL PROHIBITED ACTS AND PROVISIONS FOR ENFORCEMENT

Sec.
1432.61 Prohibited acts relating to certificates.
1432.62 Prohibited acts relating to new heating stoves.
1432.63 False statements and attempts at violation prohibited.
1432.64 Violators may lose right to rationed products.

SUBPART G—GLOSSARY OF TERMS: EFFECTIVE DATE OF ORDER

1432.65 Technical terms explained.
1432.66 Effective date of order.

AUTHORITY: §§ 1432.1 to 1432.66, inclusive, issued pursuant to Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, and 421, 77th Cong., WPB Directive No. 1, Supp. Dir. No. 1–5, 7 F.R. 562, *supra*.

SUBPART A—GENERAL PLAN

NOTE: This subpart applies to everyone.

§ 1432.1 *Heating stoves rationed only in certain states.* In view of the acute shortage of coal and oil heating stoves in those areas suffering from a shortage of fuel oil, this order is issued and the transfer of range burners is forbidden and new coal heating stoves and new oil heating stoves are rationed in the following parts of the United States: The States of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia. The regions where this rationing order is to apply will be called in this Ration Order No. 9 the "limitation area." Outside of this limitation area new coal and new oil heating stoves will not be rationed by this order, but the transfer of such equipment will continue to be governed by the orders of War Production Board (such as General Limitation Order L–79 and Preference Rating Order P–84). This Ration Order No. 9 does not apply to stoves designed to burn wood alone, or to used stoves of any kind. (A fuller explanation of the types of stoves and range burners covered by this rationing order appears in § 1432.65.)

§ 1432.2 *Transfers of heating stoves prohibited except in certain cases.* Transfers of new coal or new oil heating stoves to consumers within the limitation area are permitted in exchange for certificates or memoranda receipts. Transfers may also be made without certificates or memoranda receipts in certain special cases. No other transfers to consumers within the limitation area are allowed.

SUBPART B—PROVISIONS AFFECTING CONSUMERS AND BOARDS

NOTE: This subpart contains all one must known to obtain a new coal or new oil heating stove.

§ 1432.11 *May acquire stove on certificate.* (a) A person who wishes to acquire a new coal or a new oil heating stove for use must first obtain a certificate. Certificates may be obtained only by limited groups of people. A list of the persons eligible for a certificate for a new coal heating stove appears in § 1432.13; a list of the persons eligible for a certificate for a new oil heating stove appears in § 1432.14. The certificate will state the type of equipment which may be acquired.

(b) The consumer must give the certificate to the seller before or at the time of the delivery of the stove. However, where the seller is not engaged in the business of selling stoves, (for example, another consumer) the buyer must not surrender the certificate to the seller. In such a case, the seller must sign his name and address on the certificate and the buyer must return the certificate to the issuing Board.

(c) Persons acquiring equipment for export and certain government agencies may acquire new heating stoves for use without certificates. Sections 1432.31, 1432.32 and 1432.33 describe the procedure that must be followed in such cases.

§ 1432.12 *Local Boards issue certificates.* A certificate may be obtained at the local War Price and Rationing Board which serves the area where the stove will be used.

§ 1432.13 *Persons eligible to obtain certificates for new coal heating stoves.* The following persons may obtain certificates for new coal heating stoves:

(a) Anyone who wishes to substitute a coal heating stove for oil heating equipment, including anyone who received an interim fuel oil ration under Ration Order No. 11, for use in oil burning equipment bought after July 31, 1942.

(b) Anyone who needs a heating stove to heat essential living or working space which is not heated by any equipment, and who has not disposed of any usable heating equipment suitable for heating this space in the sixty (60) days before application.

(c) Anyone who needs to replace coal burning equipment which heated essential living or working space and which is worn out or damaged beyond all possible repair. No one is eligible for a certificate if his old stove can be repaired, but if the necessary parts are unavailable, a certificate may be issued.

(d) Anyone who is eligible for an auxiliary fuel oil ration (under Ration Order No. 11) of 350 gallons or more.

§ 1432.14 *Persons eligible to obtain certificates for new oil heating stoves.* Because of the scarcity of fuel oil in the limitation area, the transfer of oil heating stoves must be greatly restricted; therefore, the only persons who may obtain new oil heating stoves are those who:

Wish to replace oil burning equipment which heated essential living or working space and which is worn out or damaged beyond all possible repair and are unable to use coal burning equipment because:

(a) The space to be heated is a house-trailer; or

(b) Either coal or coal-burning equipment is unavailable; or

(c) No member of the household is physically able to operate coal burning equipment; or

(d) There is no flue or chimney or other provision for venting.

§ 1432.15 *Application for a certificate: Persons substituting new coal heating stove for oil burning equipment.* A person who wishes to substitute a coal heating stove for oil burning equipment (see paragraph (a) of § 1432.13) must surrender all of his unused and unexpired fuel oil coupon sheets or coupons to his Board together with a statement signed by him that he is surrendering to the Board all of his unused and unexpired fuel oil coupon sheets or coupons.

§ 1432.16 *Application for a certificate: Persons who need to heat unheated space.* A person who needs a heating stove to heat unheated essential space (see paragraph (b) of § 1432.13) must present to the Board the following statement signed by him:

I, ------------------, hereby certify that
(Print name)
I am the owner (or tenant) of premises located at ------------------ which are not
(Print address)
heated by any equipment; that these premises constitute essential living or working space; that I have not disposed of any usable heating equipment suitable for heating this space within the sixty (60) days before this application; and that I need a stove to heat the premises.

(Sign your name)

§ 1432.17 *Application for a certificate: Person replacing worn out or damaged coal heating equipment.* (a) A person who needs a stove to replace worn out or damaged coal heating equipment (See paragraph (c) of § 1432.13) must present to the Board the following statement signed by him.

I, ------------------, hereby certify that
(Print name)
I am the owner (or tenant) of premises located at ------------------; and that the
(Print address)
coal fired equipment which was heating essential living or working space at these premises is worn out or damaged beyond all possible repair, for the following reasons:

(Sign your name)

(b) The Board may require that the applicant's statement be signed by the dealer or a heating contractor if it feels that this signature is necessary to make a decision.

§ 1432.18 *Application for a certificate: Person replacing worn out or damaged oil heating equipment.* (a) A person who needs an oil heating stove to replace worn out or damaged oil heating equipment (See § 1432.14) must present to the Board a statement signed by him explaining why he is unable to use coal heating equipment to heat the premises and the following statement signed by him.

I, ------------------, hereby certify that
(Print name)
I am the owner (or tenant) of premises located at ------------------; and that
(Print address)
the oil fired equipment which was heating essential living or working space at these premises is worn out or damaged beyond all possible repair, for the following reasons:

(Sign your name)

(b) The Board may require that the applicant's statement be signed by the dealer or a heating contractor if it feels that this signature is necessary to make a decision.

§ 1432.19 *Issuance of certificate.* (a) If the Board finds that the applicant is eligible for a new coal or new oil heating stove, it shall issue to the applicant a certificate authorizing him to buy the type of equipment for which he is eligible.

(b) The Board may with the consent of an applicant for an auxiliary fuel oil ration (if he is eligible for an auxiliary ration of 350 gallons or more) issue to him a certificate for a new coal heating stove instead of the auxiliary fuel oil ration.

(c) The certificate will not be transferable and will be valid for thirty (30) days from the date of issuance. Thereafter it will be null and void and must be returned to the Board.

(d) The certificate must be issued in triplicate on OPA Form 403 (certificate for purchase of typewriters) properly prepared and corrected. Part B of the certificate should be given to the applicant as his authority to buy the stove; Part A should be mailed or sent to the appropriate State Office of the Office of Price Administration; and Part C should be kept by the Board and filed as its record.

§ 1432.20 *Preparation and correction of certificate.* Since the form to be issued was formerly used as a typewriter certificate, the Board will have to cross out certain portions which do not apply. Following is a detailed explanation of how the certificate should be prepared and corrected for issuance as a heating stove certificate:

(a) Cross out the word "typewriter" and write in the word "stove" in second line of heading.

(b) In the line which begins "At least two members of the Board," cross out the words "and the purchaser."

(c) Write the date of issue in Item (1), the number and address of the Board in item (2) and (3), and the name and address of the applicant in items (4) and (5).

(d) Cross out item (6) (parts (a), (b) and (c))

(e) Under bold type subheading "Certification of Board" cross out everything after the words "to purchase" and insert the words "one (1) coal-fired heating stove or the words "one (1) oil-fired heating stove."

(f) Cross out blanks under "size" and "quantity".

(g) Cross out item (7).

(h) The issuing officer of the Board must sign at item (8).

(i) Cross out items (9) and (10).

(j) Cross out everything below item (10).

§ 1432.21 *Applicants may appeal from decision of Board.* Any applicant who has been denied a Certificate by a Board may appeal. The appeal procedure is set forth in Procedural Regulation No. 9[1] issued by the Office of Price Administration.

SUBPART C PROVISIONS AFFECTING EXPORTERS AND CERTAIN GOVERNMENT AGENCIES

(Transfers in exchange for memoranda receipts)

§ 1432.31 *Transfer of new heating stoves to certain Government agencies.* The Army, Navy, Marine Corps, War Shipping Administration or the Maritime Commission, of the United States, may acquire range burners, new coal or new oil heating stoves without obtaining certificates from Boards but they must, at or before the time of delivery, give to the dealer a memorandum receipt on an official letterhead of the agency setting forth the date of delivery, the name and address of dealer and the number of units delivered. This statement must be signed by an authorized representative of the agency.

§ 1432.32 *Transfer of new heating stoves for export.* Any government agency or other person acquiring new coal or new oil heating stoves for export to and consumption or use in any foreign country may acquire such equipment without obtaining certificates from Boards, but they must, at or before time of delivery, give to the dealer a memorandum receipt on the official letterhead of the agency or person setting forth the date of delivery, the name and address of the dealer and the number of units delivered. This statement must be signed by an authorized representative of the agency or of the person exporting the equipment.

§ 1432.33 *Transfers of new coal heating stoves under W.P.B. preference rating orders.* The Federal Public Housing Authority acquiring new coal heating stoves under any preference rating order of the War Production Board or any contractor acquiring new coal heating stoves under W.P.B. Preference Orders Nos. P–55, P–110 or any preference rating order of the P–19 series, may acquire these stoves without obtaining certificates from Boards but they must, at or before the time of delivery, give to the dealer a memorandum receipt on an official letterhead of the agency or contractor setting forth the date of delivery, the name and address of the dealer and the number of units delivered. This statement must be signed by an authorized representative of the agency or contractor.

SUBPART D—PROVISIONS WHICH APPLY TO THE TRADE

NOTE: This subpart should be read by everyone who sells new heating stoves.

§ 1432.41 *Dealer not required to surrender certificate or memorandum receipt in purchasing new heating stoves.* A dealer, wholesaler, or manufacturer in the limitation area may acquire new coal or new oil heating stoves for retransfer from anyone anywhere in the United States without the surrender of certificates or memorandum receipts. If he wishes to acquire a new heating stove for use, he must surrender a certificate issued to him by his Board.

§ 1432.42 *Dealer may not use new heating stove without certificate.* If a dealer or anyone engaged in the business of selling new heating stoves wishes to use a new heating stove which he has in stock, he must apply to his Board for a certificate.

§ 1432.43 *Seller must obtain certificate or memorandum receipt in transferring new heating stoves.* When a dealer or anyone engaged in the business of selling new heating stoves transfers a new coal or new oil heating stove to a customer, he must obtain a certificate from the consumer. If the consumer is an exporter, or a government agency specified in §§ 1432.31, 1432.32 and 1432.33, the dealer must obtain a memorandum receipt.

§ 1432.44 *New coal heating stove may not be shipped outside limitation area.* No person may ship new coal heating stoves from inside the limitation area to any point outside the limitation area, except to the states of Washington and Oregon, or upon special permission from the Office of Price Administration, Washington, D. C.

§ 1432.45 *Transfer of business.* A person acquiring the business of a dealer or of a person engaged in the business of selling stoves, may acquire the new coal or new oil heating stoves which are a part of the assets of that business. The person acquiring the business need not surrender any certificates. However, in taking over the business, he must obtain and keep the records which the person transferring the business was required to keep.

§ 1432.46 *Records which must be kept.* On and after December 20, 1942, all dealers, wholesalers and manufacturers must keep for two years (a) a permanent record containing the following information:

(1) The number of complete new coal or new oil heating stoves in their inventory at 12:01 a. m. on December 18, 1942;

(2) The date of each delivery of new coal or new oil heating stoves received by them on or after 12:01 a. m. of December 18, 1942, the name and address of the person or firm from whom such equipment was received and the number of stoves of each type received;

(3) The date of each sale of new coal or new oil heating stoves made by them on or after 12:01 a. m. of December 18, 1942, the name and address of the person to whom such stove was sold, the type of stove sold, and the serial number of the Certificate received for each stove if sold to a consumer.

(b) All certificates and memoranda receipts received by them for stoves transferred.

§ 1432.47 *Reports.* No reports need be filed under this Ration Order No. 9 unless the Office of Price Administration specifically requests them.

SUBPART E—MISCELLANEOUS PROVISIONS

NOTE: This subpart should be referred to when special problems arise.

§ 1432.51 *Transfer for shipment.* A new heating stove may be acquired by a carrier for shipment and transferred by it to: (1) the person from whom the stove was received; (2) the consignee; (3) a person to whom the right to the stove has been duly transferred, or (4) to connecting carriers for the same purpose. A certificate need not be surrendered in these cases.

§ 1432.52 *Transfer for storage.* Any person may store a new heating stove in a public warehouse, without giving up a certificate. Also, a public warehouse may transfer a new heating stove, without getting a certificate, to the person from whom it received the stove or to a person to whom the right to receive the stove has been duly transferred.

§ 1432.52 *Transfer by judicial process, operation of law, security.* (a) A new heating stove may be acquired by, or a lien created thereon in favor of, the following persons and in the following cases without the surrender of a certificate:

(1) Any person, pursuant to judicial process or an order issued by a court of competent jurisdiction or by operation of law;

(2) A Government or political subdivision or agency thereof, in the enforcement or exercise against such stove of statutory rights or powers.

(b) A security interest in a stove, other than a pledge, may be created in favor of the following persons and in the following cases without the surrender of a certificate:

(1) A Government or political subdivision or agency thereof;

(2) Any person duly licensed to engage in the business of making loans upon collateral and regulated in conducting such business by a State or the United States or by the Government of a Territory or Possession of the United States;

(3) Any person, where the security interest arises or is transferred with respect to all or substantially all the assets of a business enterprise.

(c) A stove or any interest therein or lien thereon acquired pursuant to paragraph (c) or (b) of this section may be returned to the person from whom it was acquired, or may be released, without the surrender of a certificate.

(d) Any person who has acquired a new heating stove for security purposes or in whose favor a lien thereon has been created, as permitted of this section, or who holds a lien on or security interest in a stove, created on or before December 20, 1942 may enforce the security, lien, or other interest in the manner provided by applicable law. A storage so acquired by a person, unless by inheritance, may not be used by him and may be transferred only to a person expressly authorized by Ration Order No. 9 to acquire a new heating stove.

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[1] 7 F.R. 8796.

SUBPART F—ADDITIONAL PROHIBITED ACTS AND PROVISIONS FOR ENFORCEMENT

§ 1432.61 *Prohibited acts relating to certificates.* No person shall use, possess, or transfer any certificate, or record except as permitted in this Ration Order No. 9, nor shall any person forge or counterfeit any of these documents. No person shall alter, or wilfully damage or destroy any of these documents unless duly authorized to do so.

§ 1432.62 *Prohibited acts relating to new heating stoves.* No person shall possess or use (or permit the use of) any new heating stove acquired in violation of this Ration Order No. 9, or of any other order of the Office of Price Administration.

§ 1432.63 *False statements and attempts at violation prohibited.* (a) No person shall make any false statement of fact in any document under this Ration Order No. 9, or omit to state a fact which should be stated to prevent the statement already made from being misleading.

(b) No person shall solicit, offer, attempt or agree to do any act in violation of this Ration Order No. 9, either directly or indirectly.

§ 1432.64 *Violators may lose right to rationed products.* Any person who violates this Ration Order No. 9 may be prohibited from receiving or using a new heating stove or any other rationed products or facilities or from selling or otherwise disposing of them. The prohibition will be in the form of an administrative suspension order which may be issued for such period of time as in the judgment of the Administrator (or of someone designated by him) is necessary or proper to promote the public welfare and the national security.

SUBPART G—GLOSSARY OF TERMS; EFFECTIVE DATE OF ORDER

§ 1432.65 *Technical terms explained.* (a) The words used in this Ration Order No. 9 shall have their common or accepted meanings in the context in which they are used. For purposes of greater clarity, a glossary or set of definitions of the terms whose meanings may be open to doubt is included in this order. The meanings given in the glossary shall be regarded as controlling.

(1) "Board" means a War Price and Rationing Board established by the Office of Price Administration.

(2) "Certificate" means a certificate issued by a Board on OPA Form R–403 corrected to authorize the acquisition of a new coal or new oil heating stove.

(3) "Coal heating stove" means any coal fired heating stove.

(4) "Consumer" means any person who acquires a new coal or new oil heating stove other than a person who acquires such equipment for resale without using it for the purpose for which it was designed.

(5) "Dealer" means any person who is engaged in the business of selling new heating stoves to consumers.

(6) "Heating stove" means above-the-floor equipment (including portable heaters) designed to heat the space adjacent to such equipment without the use of pipes or ducts for conveying heat to such space.

(7) "House-trailer" means any vehicle (whether or not self-propelled) used primarily for residential purposes. The term also includes any railroad car used for residential purposes and not for transporting persons or property.

(8) "New" as applied to heating stoves includes:

(i) Heating stoves which have not been sold to consumers; and

(ii) Heating stoves which have been sold to consumers but which have not been used for more than sixty (60) days.

(9) "Oil heating stove" means any oil fired heating stove.

(10) "Person" means any individual, partnership, corporation, association, government or government agency, or any other organized group or enterprise.

(11) "Range burner" means any range burner conversion unit designed for the conversion of heating or cooking stoves from the use of coal as a fuel to oil or gas.

(12) "State" includes the District of Columbia.

(13) "Transfer" means to sell, give, exchange, lease, lend, deliver, receive, supply or furnish, and includes the acquisition of title by legal process or operatiton of law, such as, but not limited to, the acquisition of title by will, inheritance or foreclosure.

(14) "Working space" means space used for carrying on a business, gainful work or work which contributes to the war effort or to the public welfare.

§ 1432.66 *Effective date of order.* Ration Order No. 9 (§§ 1432.1 to 1432.66, inclusive) shall become effective December 19, 1942.

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13656; Filed, December 19, 1942; 12:38 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 6—REGULATIONS FOR SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in section 1, Title II of the Espionage Act approved June 15, 1917, 40 Stat. 220, as amended by the Act of November 15, 1941, 55 Stat. 763 (U.S.C. Title 50, Sec. 191, 191a), and by virtue of the Proclamation and Executive Order issued June 27, 1940 (5 F.R. 2419), and November 1, 1941 (6 F.R. 5581), respectively, the Regulations relating to the control of vessels in the navigable waters of the United States, approved September 29, 1942 (7 F.R. 8026) are hereby amended as follows:

By amending § 6.1–5 (a) (4) to read as follows:

§ 6.1–5 (a) * * *

(4) *Anchorage D.* Located southerly on a line extending 35° from Lighthouse Channel Buoy No. 1 to White Anchorage Buoy E, thence 145° to the easterly tangent of the Marine Railway of the Maine Shipyard.

By amending § 6.3–10 (a) to read as follows:

§ 6.3–10 *Raritan Bay anchorages*—(a) *Quarantine anchorage.* (1) A quarantine anchorage for vessels is established off Perth Amboy westerly of the Raritan Bay Channel leading into Arthur Kill, northerly of a line extending westerly from Raritan Bay Channel Buoy 42 to the center of the draw of the New York and Long Branch railroad bridge across Raritan River (227°10′ true); northeasterly of a line parallel to and 150 yards southwesterly of a line extending from Great Beds Light to Saint Peter's Church spire at Perth Amboy (331°31′ true) and southeasterly of the cutoff channel between Raritan River and Arthur Kill.

(2) Whenever the captain of the port shall find that emergency conditions related to the war effort so require, he may allot for the exclusive or nonexclusive use of such vessels or classes of vessels (whether or not awaiting pratique) as he may designate, such portion of the foregoing anchorage as lies southerly of a line extending westerly from Raritan Bay Channel Buoy 42 to White Can Buoy "A".

By adding the following sections to Subpart C:

§ 6.6–7 *Waters of the Cape Fear River, North Carolina*—(a) *The restricted area.* All waters of the Cape Fear River from its entrance inside of a line extending 146° true from Oak Island Coast Guard Station to a point tangent on the outer coast line of Bald Head Island, thence 1,775 yards, 208° true to Radio Beacon Tower; and from points 500 yards north of the Atlantic Coastline Railroad Bridge on the Cape Fear River, and 500 yards north of the Atlantic Coastline Railroad Bridge on the northeast Cape Fear River.

(b) *Regulations.* No vessel under 100 feet in overall length, except public vessels, shall operate, navigate, anchor or moor within the restricted area, without first obtaining permission to do so from the Captain of the Port, Wilmington, North Carolina: *Provided,* That such vessels may transit the waters between points of entrance on the Intracoastal Waterway at Southport, North Carolina and Snow's Cut, on continuous passage during the hours between sunrise and sunset.

§ 6.8–33 *Waters of the Gulf of Mexico; Ellington Field Gunnery Range southwest end of Galveston Island, Texas*—(a) *The danger zone.* Waters of the Gulf of Mexico at the southwest end of Galveston Island within the area bounded as follows:

	Latitude	*Longitude.*
North corner	29°06′52″ N.	95°06′02″ W.
East corner	29°05′19″ N.	95°04′28″ W.
South corner	29°04′37″ N.	95°05′22″ W.
West corner	29°05′51″ N.	95°06′42″ W.

(b) *The regulations.* (1) Target practice over the area will consist of low altitude attack by airplanes on ground targets placed along the gulf beach. Firing over the area will take place from 7:00 a. m. to 7:00 p. m., daily including Sundays, weather permitting.

(2) When firing is in progress, no vessel or other craft shall enter or remain in the restricted area. No marking of the water area is proposed and all craft shall be presumed to know their whereabouts by distances and directions from landmarks or topographical features along the shore.

(3) These regulations will be enforced by the Commanding Officer of Ellington Field, Ellington Field, Texas, and by the Captain of the Port of Galveston, Texas.

Frank Knox,
Secretary of the Navy.

Approved:
Franklin D Roosevelt
The White House.

December 16, 1942.

[F. R. Doc. 42–13662; Filed, December 21, 1942; 9:43 a. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard; Inspection and Navigation

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

Part 153—Boats, Rafts, and Lifesaving Appliances; Regulations During Emergency

REMOVAL OF CALCIUM WATER LIGHTS

By virtue of the authority vested in me by R.S. 4405, 4417a, 4426, 4488, 49 Stat. 1544 (46 U.S.C. 375, 391a, 404, 481, 367), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendment to the Emergency Regulations is prescribed:

Section 153.22 is amended to read as follows:

§ 153.22 *Removal of calcium water lights.* All calcium type self-igniting water lights shall be removed from all ocean and coastwise vessels and shall be replaced with approved electric water lights.

[SEAL] **R. R. Waesche,**
Commandant.

December 19, 1942.

[F. R. Doc. 42–13670; Filed, December 21, 1942; 10:02 a. m.]

Chapter IV—War Shipping Administration

[General Order 26, Supp. 1, Amended]

Part 303—Contracts for Carriage on Vessels Owned or Chartered by the War Shipping Administration

UNIFORM PASSENGER TICKET

Section 303.24 of General Order No. 26,[1] as amended, is hereby amended by striking out the word and figures "December 15, 1942" in the first paragraph of said section and inserting in lieu thereof, the word and figures "January 1, 1943."

(E.O. 9054 and 9244)

[SEAL] **E. S. Land,**
Administrator.

December 18, 1942.

[F. R. Doc. 42–13595; Filed, December 19, 1942; 10:16 a. m.]

[General Order 12, Supp. 11]

Part 306—General Agents and Agents

COMPENSATION PAYABLE TO GENERAL AGENTS AND AGENTS ON DRY CARGO VESSELS

Section 306.7 (a) is amended by striking out all thereof preceding the first colon, and inserting in lieu thereof:

§ 306.7 *Compensation of agents in continental United States ports.* (a) As compensation for each handled ton loaded or discharged by any vessel in continental United States ports, each agent shall be compensated as provided in the following paragraphs, out of which the agent will pay his sub-agents * * *

and by striking out paragraph (b) and inserting in lieu thereof:

(b) 10¢ per handled ton for all outward and homeward bulk cargoes, and for all coastwise cargo except single cargoes of coal and sulphur coastwise, on which the agent shall be compensated at one fee of 3½¢ per handled ton. Where there is a sub-agent appointed to handle a single cargo coastwise of coal or sulphur, the sub-agent shall receive 80% of the compensation provided herein.

(E.O. 9054, 7 F.R. 837)

[SEAL] **E. S. Land,**
Administrator.

December 17, 1942.

[F. R. Doc. 42–13645; Filed, December 19, 1942; 11:34 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Exception Order ODT 16–1, Amendment 1]

Part 522—Direction of Traffic Movement, Exceptions, Suspensions, and Permits

SUBPART F—FREIGHT SHIPMENTS VIA PORTS IN THE UNITED STATES

Pursuant to the authority conferred by paragraph (a), § 502.48 of General Order ODT 16:

It is hereby ordered, That: § 522.650 of Exception Order ODT 16–1[1] be amended by striking out paragraph (e), and by designating paragraph (f) as paragraph (e), (E.O. 8989, 6 F.R. 6725; Gen. Order ODT 16, 7 F.R. 5194)

This amendment shall become effective December 21, 1942.

Issued at Washington, D. C., this 18th day of December 1942.

V. V. Boatner,
Director of Railway Transport.
Henry F. McCarthy,
Director of Traffic Movement.

[F. R. Doc. 42–13601; Filed, December 19, 1942; 10:40 a. m.]

[General Permit ODT 17–19]

Part 521—Conservation of Motor Equipment—Exceptions, Permits and Exemptions

SUBPART K—MOTOR CARRIERS OF PROPERTY

TRANSPORTATION OF FRESH FRUITS AND VEGETABLES

Pursuant to the provisions of § 501.71, General Order ODT 17, as amended:[1] *It is hereby authorized,* That:

§ 521.2895 *Transportation of fresh fruits and vegetables.* (a) Notwithstanding the provisions of paragraph (c) of § 501.68 of General Order ODT 17, as amended, any motor carrier operating a motor truck in local delivery service and engaged exclusively in the transportation and delivery of fresh fruits and vegetables may:

(1) Make more than one delivery during any calendar day between any rail, water, air, or motor terminal and any wholesale produce market;

(2) Make more than one delivery during any calendar day between any rail, water, air, or motor terminal or any wholesale produce market, on the one hand, and the premises of any consignee at one point of destination, on the other: *Provided, however,* That each such delivery made pursuant to this subparagraph (2) constitutes a capacity load of the largest motor truck of the type ordinarily used by such carrier in making like deliveries. (E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349; Gen. Order O.D.T. 17, as amended, 7 F.R. 5678, 7694, 9623)

(b) This general permit shall become effective December 21, 1942, and shall remain in full force and effect until further order of the Office of Defense Transportation.

Issued at Washington, D. C., this 21st day of December 1942.

Joseph B. Eastman,
Director of Defense Transportation.

[F. R. Doc. 42–13672; Filed, December 21, 1942; 11:28 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A–1790]

Luis Yellico

MEMORANDUM, OPINION AND ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of Luis Yellico, code member in District No. 17, for a reduction in the effective minimum price for 3000 tons of substandard coal, for sale to the Colorado State Hospital at Pueblo, Colorado.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed with the Division by the above-named party, requesting the temporary establishment of a minimum price of $2.10 per ton for 3000 tons of Size Group 10 coal (1¼'' x ¾'') for shipment by truck to the Colorado State Hospital at Pueblo, Colorado.

Petitioner alleges that during the period from October 1, 1940 to March 1, 1942, there were produced from the Canon Black Diamond Mine, Mine Index No. 419, in District No. 17, three sizes of coal 1¼'' and smaller in size; namely, 1¼'' x ¾'', 1¼'' x 0 and ¾'' x 0. Petitioner further alleges that due to the lack of a market for his 1¼'' x 0 slack coals, a very small amount thereof was made during said time, but that in order to dispose of his coals 1¼'' x 0 and smaller in size, it was necessary for petitioner to separate such coals into two sizes, 1¼'' x ¾'' pea coal and ¾'' x 0 slack. The preparation of the two above-mentioned sizes enabled petitioner to dispose of all of his ¾'' x 0 slack coal but also resulted in the accumulation of approximately 3000 tons of 1¼'' x ¾'' pea coal which petitioner was forced to store on the ground adjacent to his mine.

Petitioner avers that the 3,000 tons of pea coal stored on the ground has been subject to the elements for a period of from nine to twenty-six months and as a consequence, has slacked and deteriorated to the extent that it is now comparable to 1¼'' x 0 slack and cannot be sold at the effective minimum price for pea coal. Petitioner requests that he be permitted to sell the 3,000 tons of deteriorated pea coal to the Colorado State Hospital at Pueblo, Colorado, at a minimum price of $2.10 per ton f. o. b. mine, which is the effective minimum price for 1¼'' x 0 slack coal produced from petitioner's mine.

The Division is in receipt of communications from District Boards Nos. 16 and 17 in support of the request for relief contained in the original petition in this matter. Further it appears that the granting of the relief requested by petitioner will not prejudice competing code members in District No. 17 since petitioner requests permission to sell his stored coal only to the Colorado State Hospital at Pueblo, Colorado, alleging that due to the inordinate demand for coals 1¼'' x 0 in size at the present time, State institutions are encountering difficulty in obtaining an adequate supply of coal.

In view of the foregoing facts and circumstances it appears that a reasonable showing of necessity has been made for the granting of the temporary relief requested in the original petition in this matter. However, it appears that such relief should be limited to the sale by petitioner of 3,000 tons of the substandard coal to the Colorado State Hospital at Pueblo, Colorado.

It is ordered, That temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, the 3000 tons of Size Group 10 coal (1¼'' x ¾'') produced from the Canon Black Diamond Mine, Mine Index No. 419, of code member Luis Yellico, in District No. 17, and stored upon the ground during the period October 1, 1940 to March 1, 1942, inclusive, shall be subject to a minimum price of $2.10[1] per net ton f. o. b. mine for shipment by truck to the Colorado State Hospital at Pueblo, Colorado: *Provided, however,* That the temporary minimum price of $2.10[1] per net ton shall be effective only upon 3000 tons of the said storage coal for sale to the Colorado State Hospital at Pueblo, Colorado, and; *Provided further,* That code member Luis Yellico shall, by formal document appropriately designated as pertaining to Docket No. A–1790, notify the Division when the sale of such coal has been completed.

It is further ordered, That the proceeding in Docket No. A–1790 shall be terminated, and the docket closed, upon receipt of the aforesaid notification from code member Luis Yellico that the sale of 3000 tons of substandard Size Group 10 coal produced from the Canon Black Diamond Mine has been completed.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: December 19, 1942.

[SEAL] **Dan H. Wheeler,**
Director.

[F. R. Doc. 42–13678; Filed, December 21, 1942; 12:01 p. m.]

[Docket No. B–253]

Pierce and Huntsman

CEASE AND DESIST ORDER

In the matter of Francis M. Pierce and Arthur Huntsman, individually and as copartners, doing business under the name and style of Pierce & Huntsman, Code Member.

District Board 4, by complaint duly filed April 29, 1942, pursuant to sections 4 II (j) and 5 (b) of the Act against Francis M. Pierce and Arthur Huntsman, copartners, trading and doing business as Pierce & Huntsman, code member producer, operating the Peacock Mine, Mine Index No. 544, located in Belmont County, Ohio, in District 4, alleged that code member wilfully violated the provision of the Bituminous Coal Code and rules and regulations thereunder, and prayed that the Division revoke and cancel code membership, or in its discretion, direct code member to cease and desist from further violations of the Code and regulations thereunder.

Complainant alleged that code member violated the Code by selling, between June 12, 1941 and December 16, 1941, approximately 694.78 tons of run of mine coal (Size Group 6) to the Board of Trustees of Public Affairs of the Village of Barnesville, Ohio, at $2.25 per net ton, delivered at the Village Water Works, approximately ten miles from the mine, when the effective minimum price established for such coal is $2.20 per net ton f. o. b. the mine, and that such sale constituted a violation of the effective minimum price in that code member failed to add the actual transportation cost of the coal to the f. o. b. mine price.

Pursuant to an Order of the Acting Director, dated May 21, 1942, after due notice to interested persons, a hearing in this matter was held on June 23, 1942, before W. A. Cuff, a duly designated Examiner of the Division at a hearing room thereof, in Zanesville, Ohio;

All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise participate fully in the hearing; District Board 4, Francis M. Pierce and Arthur Huntsman appeared at the hearing and all interested parties waived the preparation and filing of a Report by the Examiner. The record of the proceeding was submitted to me for consideration. I have accordingly made Findings of Fact and Conclusions of Law and rendered an Opinion, which are filed herewith.

Now, therefore, It is ordered, That code member, the partners thereof, individually and as partners, their agents, servants, employees, successors or assigns, and all persons acting or claiming to act for or on behalf of them or either of them, cease and desist from violating sections 4 II (e) and (g) of the Bituminous Coal Act of 1937, and Price Instruction 6 of the Schedule of Effective Minimum Prices for District 4 for Truck Shipments or from otherwise violating the Bituminous Coal Act or rules and regulations promulgated thereunder;

Notice is hereby given to code member that if it, or the partners thereof, fail or refuse to comply with this Order, the Division will apply to a Circuit Court of Appeals for the enforcement thereof, or otherwise proceed as authorized by the Act.

Dated: December 19, 1942.

[SEAL] **Dan H. Wheeler,**
Director.

[F. R. Doc. 42–13679; Filed, December 21, 1942; 12:01 p. m.]

[Docket No. B–350]

Earl M. Read

NOTICE OF AND ORDER FOR HEARING

In the matter of Earl M. Read, Code Member.

A complaint dated December 1, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on December 4, 1942, by Bituminous Coal Producers Board for District No. 1, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Earl M. Read (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

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[1] 7 F.R. 9345, 9978.

[1] 7 F.R. 5889.

[1] 7 F.R. 5678, 7694, 9623.

[1] This minimum price is, of course, subject to the provisions of Price Instructions and Exception No. 13 as contained in the Schedule of Effective Minimum Prices for District No. 17 For All Shipments.

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 27, 1943, at 2 p. m. at a hearing room of the Bituminous Coal Division at the Clearfield County Court House, Clearfield, Pennsylvania.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that said Earl M. Read, a code member, 315 Maple Avenue, Clearfield, Pennsylvania, whose code membership became effective as of July 25, 1938, and who operates the Read Brothers' Mine, Mine Index 1929, located in Subdistrict No. 7 of District No. 1, Clearfield County, Pennsylvania, has wilfully violated the Bituminous Coal Act of 1937, the Bituminous Coal Code, and rules and regulations promulgated thereunder by selling and delivering by truck, subsequent to September 30, 1940, coal produced at the aforesaid mine at prices below the effective minimum therefor, plus the transportation charges, handling charges, or incidental charges from the transportation facilities at the mine to the point at which such charges were assumed and directly paid by the purchasers, including the following transactions:

The sales and deliveries during the period from April 1, 1941 to August 23, 1941, both dates inclusive, of approximately 620 net tons of run of mine coal, Size Group 3, to the Franklin Tanning Company, Curwensville, Pennsylvania, a distance of approximately three miles from said mine, at a delivered price of $2.20 per net ton, whereas the effective minimum f. o. b. mine price of said coal, as set forth in the Schedule of Effective Minimum Prices for District No. 1 For Truck Shipment was $2.20 per net ton, plus an amount at least equal, as nearly as practicable to the transportation charges, handling charges, or incidental charges from the transportation facilities at the mine to said Franklin Tanning Company plant pursuant to Price Instruction No. 6 of said Schedule as amended and contained in Supplement No. 1 to said Schedule. Each of said sales and deliveries of coal resulted in a wilful violation of said section 4 Part II (e) and (g) of the Act and Part II (e) and (g) of the Code.

Dated: December 19, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-13680; Filed, December 21, 1942; 12:01 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

INDUSTRY COMMITTEE No. 51

COOKING AND HEATING APPLIANCES

Notice of final date for submission of written briefs in the matter of the minimum wage recommendation of Industry Committee No. 51 for the cooking and heating appliances manufacturing industry.

Notice is hereby given that the Administrator of the Wage and Hour Division will receive at his office, 165 West 46th Street, New York, New York, from persons who entered an appearance at the hearing held on December 16, 1942 on the minimum wage recommendation of Industry Committee No. 51 for the Cooking and Heating Appliances Manufacturing Industry, written briefs bearing on the issues which are before him in this matter, provided that at least twelve copies of each such brief shall be submitted to him before 4:30 p. m., Tuesday, January 5, 1943.

Signed at New York, New York this 18th day of December 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-13659: Filed, December 21, 1942: 9:23 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective December 21, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

Carolina Underwear Company, Thomasville, North Carolina; Shorts; 5 learners (T); December 21, 1943.

Meadow Avenue Shirt Company, Cambridge, Maryland; U. S. Army and Navy shorts and drawers; 5 learners (T); December 21, 1943.

Padi Clothes Company, 1326 Vine Street, Philadelphia, Pennsylvania; Clothing manufacture; 5 percent (T); December 21, 1943.

Universal Coat Front Co., 1326 Vine St., Philadelphia, Pennsylvania; Canvas coat fronts, piping, binding, waist bands, etc.; 5 percent (T); December 21, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Aaron Dress Company, 4 Norwich Ave., Colchester, Conn.; Ladies' dresses; 10 learners (T); December 21, 1943.

Bangor Shirt Corporation, Eagle Bldg., Franklin St., Shamokin, Pa.; Herringbone Twill Jackets for U. S. Army; 10 percent (T); December 21, 1943.

Borman Sportswear, Inc., 6 N. William St., Johnstown, New York; Leather and sheep-lined clothing, gabardine, poplin and mackinaws; 10 percent (T); December 21, 1943.

California Manufacturing Co., California, Missouri; Trousers; 10 percent (T); December 21, 1943.

H. W. Coombs, 11 Spalding St., Everett, Mass.; Blouses; 5 learners (T); December 21, 1943.

Duncannon Dress Company, High St., Duncannon, Pennsylvania; Ladies' Dresses; 10 percent (T); December 21, 1943.

Dunhill Shirt Company, 9th & Franklin Sts., Lexington, Missouri; Dress shirts, sport shirts, government shirts; 10 percent (T); December 21, 1943.

Florida Sportswear Corporation, 19th St. & 10th Ave., Tampa, Florida; Work Shirts; 40 learners (E); June 21, 1943.

Hollinger Shirt Company, 170 Irving Avenue, Port Chester, New York; Men's shirts; 10 percent (T); December 21, 1943.

Imperial Shirt Co., Plant #2, 20 W. Main St., Pen Argyl, Pennsylvania; Ladies' Sportswear; 5 learners (T); December 21, 1943.

Logan-Cache Knitting Mills, 124 So. Main St., Logan, Utah; Underwear & Knitted Outerwear; 5 learners (T); December 21, 1943. (This certificate replaces the one bearing the expiration date of June 25, 1943.)

Marcus Loeb & Co., Inc., 127 Trinity Ave., Atlanta, Georgia; Men's and boys' pants; 10 percent (T); December 21, 1943.

Miriam Manufacturing Corporation, 85 Smith Avenue, Kingston, New York; Dresses; 20 learners (E); June 21, 1943.

Morrison Garment Company, 189 W. Kellogg Blvd., St. Paul, Minn.; Uniforms for nurses, beauticians, dietitians, waitresses, doctors and cooks; 1 learner (T); December 21, 1943.

Movietone Frocks, Inc., 508 Wholesale Merchants Bldg., Dallas, Texas; Ladies' sport suits and slacks; 3 learners (T); December 21, 1943.

Ozone Novelty Company, 101–05 103rd Ave., Ozone Park, New York; Slacks, slack suits and novelties; 10 learners (T); June 21, 1943.

Pleetoox Products Company, 2846 Olive St., St. Louis, Missouri; Haircloths, aprons, duck coats, towels and uniforms; 2 learners (T); December 21, 1943.

Charles Porder Manufacturing Co., 217 Jackson St., Lowell, Mass.; Ladies' and misses house dresses; 10 percent (T); December 21, 1943.

I. Schneierson & Sons, Inc., 113 West Redwood St., Baltimore, Maryland; Children's dresses; 10 percent (T); December 21, 1943.

Victory Mfg. Company, 617 N. 8th Street, St. Louis, Missouri; Men's trousers; 6 learners (T); December 21, 1943.

Wilson Brothers, 1000 Layne Ave., Crawfordsville, Indiana; Men's shorts; 10 learners (T); December 21, 1943. (This replaces the certificate which expires October 26, 1943.

Glove Industry

Picardy Mills, Inc., 14 W. Merrick Rd., Freeport, L. I.; Knit fabric gloves; 2 learners (T) December 21, 1943.

Picardy Mills, Inc., 36–11 14th Ave., Brooklyn, N. Y.; Knit fabric gloves; 5 percent (T); December 21, 1943.

Picardy Mills, Inc., 2618 Avenue U, Brooklyn, New York; Knit fabric gloves; 5 learners (T); December 21, 1943.

Hosiery Industry

Altamahaw Hosiery Mills, Altamahaw, North Carolina; Seamless hosiery; 5 learners (T); December 21, 1943.

Dayton Hosiery Mfg. Co., Dayton, Tennessee; Seamless Hosiery; 5 percent (T); December 21, 1943.

Halifax County Hosiery Mills, Scotland Neck, North Carolina; Seamless Hosiery; 5 percent (T); December 21, 1943.

The Marietta Hosiery Company, 114 Church St., Marietta, Georgia; Full-fashioned and seamless hosiery; 5 learners (T); December 21, 1943.

Independent Telephone Industry

The McKrae Telephone Company, Inc., South Fifth, Burlington, Kansas; to employ learners as commercial switchboard operators at its Burlington exchange, located at Burlington, Kansas, until December 21, 1943.

The McKrae Telephone Co., Inc., of Fredonia, Kansas; to employ learners as commercial switchboard operators at the Fredonia, Kansas exchange; until December 21, 1943.

Knitted Wear Industry

Beaunit Mills, Inc., Mohawk St., Cohoes, New York; Knitted Underwear and Commercial Knitting; 5 percent (T); December 21, 1943.

Textile Industry

Bally Ribbon Mills, Inc., N. 7th St., Bally, Pennsylvania; Cotton, silk, rayon and nylon; 3 learners (T); December 21, 1943.

Beacon Manufacturing Company, Swannanoa, North Carolina; Blankets: Cotton and rayon, wool and all wool, also napped goods; 3 percent (T); December 21, 1943.

Kerstetter Silk Throwing Company, Janette Ave., Mocanaqua, Pennsylvania; Rayon and synthetics for spinning; 5 learners (T); December 21, 1943.

Raucher Manufacturing Company, 25 7th St., Norwich, Connecticut; Cotton and rayon; 2 learners (T); December 21, 1943.

William Margolin, Inc., 504 West Pine St., Athens, Pennsylvania; Broad rayon goods; 3 learners (T); December 21, 1943.

Signed at New York, N. Y., this 19th day of December 1942.

MERLE D. VINCENT,
*Authorized Representative
Of the Administrator.*

[F. R. Doc. 42-13660; Filed, December 21, 1942; 9:23 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective December 21, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATONS, EXPIRATION DATE

Anna Johnson Embroiderys, 6717 Adam St., West New York, N. J.; Embroidery; 2 learners; 4 weeks; 30 cents per hour; embroidery cutting; June 21, 1943.

International Embroidery Works, 908 21st St., Union City, N. J.; Embroidery; 5 learners; 4 weeks; 30 cents per hour; applique cutter; June 21, 1943.

Jacob Solar, Jr. 325 58th Street, West New York, N. J.; Embroidery; 3 learners; 4 weeks; 30 cents per hour; Embroidery cutter; June 21, 1943.

Rand Rubber Company, Inc., Sumner Avenue, Brooklyn, N. Y.; Rubber; 10 percent total no. workers; 8 weeks; 30 cents per hour; Hand and Machine workers in make-up processes only and inspectors; June 21, 1943.

Signed at New York, N. Y., this 19th day of December 1942.

Merle D. Vincent,
Authorized Representative of the Administrator.

[F. R. Doc. 42-13661; Filed, December 21, 1942; 9:23 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6476]

Massachusetts Broadcasting Corp. (WCOP)

NOTICE OF HEARING

In re application of Massachusetts Broadcasting Corporation (WCOP); dated March 21, 1942; for renewal of license; class of service, broadcast; class of station, broadcast; location, Boston, Massachusetts; operating assignment specified: Frequency, 1,150 kc., power, 500 w. (DA-Night), hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine the qualifications of the applicant to operate Station WCOP in the public interest.

2. To determine the manner and method in which applicant has heretofore operated Station WCOP, particularly with respect to but not limited to foreign language programs, including methods of selecting and investigating personnel, qualifications of personnel, sale of time, and supervision of programs.

3. To determine whether, in view of the facts shown by examination of the foregoing issues, the continued operation of Station WCOP would serve public interest, convenience, and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Massachusetts Broadcasting Corporation, Radio Station WCOP, Copley-Plaza Hotel, 138 St. James Avenue, Boston, Massachusetts.

Dated at Washington, D. C., December 18, 1942.

By the Commission.

[SEAL] **T. J. Slowie,**
Secretary.

[F. R. Doc. 42-13671; Filed, December 21, 1942; 10:03 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket FDC-33]

Alimentary Pastes

DEFINITIONS AND STANDARDS OF IDENTITY

In the matter of fixing and establishing a definition and standard of identity for each of the following foods: Macaroni; spaghetti; vermicelli; macaroni product; noodles, egg noodles; noodle product, egg noodle product, egg macaroni product; and related foods.

PROPOSED ORDER

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 (e); 52 Stat. 1046, 1055; 21 U.S.C. 341, 371 (e), 1940 ed.); the Reorganization Act of 1939 (53 Stat. 561 ff.; 5 U.S.C. 133–133v (Supp. V, 1939)); and Reorganization Plans No. I (53 Stat. 1423) and No. IV (54 Stat. 1234); and upon the basis of evidence of record at the above-entitled hearing duly held pursuant to the notices issued on August 29, 1941 (6 F.R. 4481) and October 3, 1941 (6 F.R. 5050), the following order be made:

FINDINGS OF FACT [1]

1. "Macaroni products" is a collective name commonly used in the trade and to a considerable extent on the labels of such products to designate a class of foods each of which is prepared from semolina, durum flour, farina, flour, or any combination of two or more of these, made into a dough with water. Occasionally salt is added as seasoning. Other optional ingredients hereinafter noted are sometimes added. The dough is formed into units of a wide variety of shapes and sizes, and is then dried. (R. pp. 18–21, 25–7, 32–3, 110)

2. The water content of the finished macaroni products varies somewhat but is usually between 11.5 percent and 12.5 percent. If they are insufficiently dried they do not have the texture and brittleness expected in such products and are liable to spoilage through molding or souring. Since 1927 the advisory standards under the Food and Drugs Act of 1906 have prescribed a maximum moisture limit of 13 percent. This limit has been generally observed by the industry. In the manufacture of these products it is entirely practicable to bring the water content below 13 percent. This corresponds to a total solids content of not less than 87 percent. (R. pp. 19, 21, 26, 28–9, 31, 87–9, 254)

3. The method prescribed on page 235 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940, under "Vacuum Oven Method—Official," is the method generally used to determine the total solids content of macaroni products and is recognized among food chemists as the most accurate method known at the present time for this purpose. (R. pp. 28, 29)

4. As noted in finding 1, macaroni products are formed into units of a wide variety of shapes and sizes. Some are tubular, straight or curved, in varying diameters and lengths. Others are cord-shaped, straight or curved or twisted into "nests," and of varying diameters and lengths. There are many other shapes and sizes, such as "shell," "bow ties," "stars," "alphabet." One hundred thirty or more different shapes and sizes are marketed. (R. pp. 32–3, 90, 143 OP Ex. B, C, D)

5. Many manufacturers who put out a large variety of shapes and sizes label all their packages with the generic designation "macaroni product" and supplement this with a specific designation or with pictorial illustrations indicative of the size and shape. The designation "macaroni product" has been used infrequently to include noodle products also, but the term generally used to include both types of products (as well as the other related products hereinafter referred to) is "alimentary paste." The unqualified word "macaroni" is widely used as the name of a product of a particular size range and shape (see findings 8 and 10), and is also used at times as a generic designation in lieu of the term "macaroni product." The labeling of a substantial proportion of the production bears no generic designation but bears the names "macaroni," "spaghetti," etc. used in a specific sense. (R. pp. 17–20, 33, 92–3, 142, 157–62, 226–7, 255–7, 299, 300, 318–20, 802–3)

6. The specific designations used for most of the various sizes and shapes are Italian words. In most cases the record does not indicate with any certainty the particular sizes and shapes to which these designations are applied. Use of these terms is not entirely uniform; the same designation may be used by difrent manufacturers for different sizes or shapes. These designations are usually understood by consumers of Italian origin or descent, but most of the designations, such as "zitoni," "capellini," "maruzze," "farfalle," are meaningless to American consumers generally. The sale of articles under these names is not restricted to the so-called Italian trade. (R. pp. 32–3, 245, 247, 804, 841, OPEx. B, C, D)

7. Specific designations which appear to be understood by the public generally are "macaroni" and "spaghetti." (These names are frequently qualified by such descriptive words as "elbow" in the case of macaroni and "thin" in the case of spaghetti.) Some persons of non-Italian origin understand the designation "vermicelli." These three names have been included in advisory standards under the Food and Drugs Act of 1906 since 1917 and appear in current dictionaries of the English language. The greatly predominating proportion of macaroni products, perhaps over 90 percent of the total production, is purchased under these three names. (R. pp. 17–21, 34–5, 300, 322)

8. The name "macaroni" is regarded by consumers generally as a specific name indicative of size and shape, rather than as a generic name. The names "spaghetti" and "vermicelli" are regarded only as specific names, both in the trade and by consumers. (R. pp. 31, 122, 135, 175, 178, 206, 259, 732, 803–5)

9. Consumers distinguish the various kinds of macaroni products on the basis of sizes and shapes. It would be misleading to sell one size and shape under the name of another. (R. pp. 31, 122–3, 135, 175, 178, 732, 803–5, 831)

10. The food commonly and usually known as "macaroni" is prepared as described in finding 1 and is formed into tubular units, the diameter of which is more than 0.11 inch but not more than 0.27 inch. (R. pp. 25, 31, 99–100, 110, 142, 283, 322, 828–9)

11. The food commonly and usually known as "spaghetti" is prepared as described in finding 1 and is formed into cord-shaped or tubular units, the diameter of which is more than 0.06 inch but not more than 0.11 inch. (R. pp. 25, 32, 94, 99, 110, 165, 283, 302, 322, 828–9, OP Ex. A)

12. The food commonly and usually known as "vermicelli" is prepared as described in finding 1 and is formed into cord-shaped units, the diameter of which is not more than 0.06 inch. (R. pp. 25, 32, 110, 283)

13. Thin-walled macaroni products cook more quickly than those with thick walls. Frozen or dried egg white has been used to some extent as an ingredient of thin-walled macaroni products to prevent the collapse of the units during and after cooking, and is suitable for such use. Freshly separated egg white is also suitable. The quantity needed for this purpose is such that the finished product contains not more than 2 percent and not less than 0.5 percent by weight of egg white solids. (R. pp. 250–3, 268–75)

14. Egg white is not used in macaroni products to enhance nutritive value, but is used solely for the purpose stated in finding 13. There was no proposal for the use of egg white and no evidence that it would be suitable for use for such purpose in any alimentary paste except macaroni products. (R. pp. 253, 273)

15. Products designated as "milk macaroni" or as macaroni or spaghetti "enriched with milk" have been on the market for a number of years. These products are of the same composition as ordinary macaroni and spaghetti except that they contain varying quantities of the solids of milk or skim milk. One firm prepares both macaroni and spaghetti with 2 percent of dried milk; the labeling and advertising of these products stress the use of milk, and tend to give consumers an exaggerated impression of the quantity of milk present. Another firm puts out as "milk macaroni" a product in which milk of 4 percent fat content is used as the sole moistening ingredient in making the dough. Two other firms use dried skim milk in articles marketed as "milk macaroni." (R. pp. 334–57, 806–9, OPEx. E)

16. The use of liquid whole milk of average composition as the sole moistening ingredient in preparing the dough (corresponding to the common practice in making milk bread) results in a finished product having characteristics differing substantially from those of macaroni products. Accurate and informative names for products so prepared are the same as the names of the corresponding sizes and shapes of macaroni products, preceded by the word "milk." (R. pp. 765–7, 809–10, 894)

17. In lieu of fluid whole milk, milk ingredients which are suitable for use in making milk macaroni products are dried milk, reconstituted milk, concentrated milk, and evaporated milk, with such quantity of added water as is necessary to make the dough. If milk of average composition is used as the sole moistening ingredient in making the dough the finished milk macaroni product contains not less than 3.8 percent by weight of milk solids, and a reasonable requirement when the milk ingredients specified above are used in lieu of milk is that they contribute at least as much milk solids as fluid milk of average composition contributes when it is used as the sole moistening ingredient. Because of variation in the total solids content of liquid whole milk and because of the limited absorption of the moistening ingredient used in making the dough it would not be reasonable to prescribe a minimum based on the average composition of milk for the milk solids content of milk macaroni products when liquid whole milk is used as the sole moistening ingredient. (R. pp. 334, 766–7, 806–10, 869–70, 879, 892–6)

18. Reconstituted milk is usually made from dried skim milk, butter, and water. Skim milk, concentrated skim milk, and evaporated skim milk, with water added as necessary, are also suitable for use in lieu of dried skim milk. When milk is reconstituted, it is reasonable to require that the weight of non-fat milk solids be not more than 2.275 times the weight of milk fat, which is the ratio of non-fat solids to fat in milk of average composition. (R. pp. 879, 892–3)

19. Findings 2 and 3 are applicable to milk macaroni products. The specifications of shapes and sizes in findings 10, 11, and 12 are applicable to milk macaroni, milk spaghetti and milk vermicelli, respectively. (R. p. 883)

20. The evidence does not establish that the presence of milk solids in any quantity less than that which results from the use of liquid whole milk as the sole moistening ingredient in making the dough results in any consumer preference over products made without milk, or otherwise serves any purpose useful to the consumer. The record does not contain sufficient evidence upon which to base definitions and standards of identity providing for the use of any form of skim milk, except as provided in finding 18, in any alimentary paste. The record indicates that dried skim milk has been used as a pretext for representations that such products contain milk. (R. pp. 341–2, 807)

21. Products sold as "whole wheat macaroni," "whole wheat spaghetti," and "whole wheat linguine" are on the market. They differ from ordinary macaroni products only in that whole wheat flour is used as the sole wheat ingredient. Whole durum wheat flour, alone or in combination with whole wheat flour, is also suitable for this purpose. Accurate and informative names for these products are the same as the names of the corresponding sizes and shapes of macaroni products, preceded by the words "whole wheat." Findings 2 and 3 are also applicable to whole wheat macaroni products. The specifications of shapes and sizes in findings 10, 11, and 12 apply to whole wheat macaroni, whole wheat spaghetti, and whole wheat vermicelli, respectively. (R. pp. 743–4, OPEx. B)

22. "Noodle products" and "egg noodle products" are collective names commonly used to designate a class of foods each of which is usually prepared as described in finding 1 except that liquid, frozen, or dried eggs or egg yolks are added in making the dough. (R. pp. 37–8, 42, 108–9, 166, 203–4, 210, 277, 288–9)

23. The minimum quantity of egg solids or egg yolk solids that should be present in commercially prepared egg noodle products has long been recognized in the trade as 5 percent, or 5.5 percent on a moisture-free basis. As early as 1916 the advisory standard under the Food and Drugs Act of 1906 prescribed a minimum of 5 percent egg solids. In 1927 the standard was revised to require not less than 5.5 percent on a moisture-free basis, which is an approximately equivalent amount. The use by some manufacturers of less than 5.5 percent egg solids or egg yolk solids (calculated to a moisture-free basis) tends to deceive consumers and is regarded by the industry generally as unfair competition. (R. pp. 18–21, 37–8, 40, 44, 69, 87, 105, 107, 152, 254)

24. Findings 2 to 4, inclusive, are applicable to noodle products, except that the record does not show the approximate number of different shapes and sizes that are marketed. In many cases the record does not indicate with any certainty the particular shapes, or shapes an sizes, to which the specific names of the various noodle products are applied. (R. pp. 19, 21, 38–9, 41, OPEx. B, C, D)

25. Noodle products are usually formed into ribbonshaped units. The terms "noodles" and "egg noodles" are common and usual names which are ordinarily used to designate noodle products in such units. Sometimes noodle products are made in the same shapes and sizes as macaroni, spaghetti, and vermicelli. "Egg Macaroni," "egg spaghetti," and "egg vermicelli" are common and usual names for noodle products the units

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[1] The page references to certain relevant portions of the record are for the convenience of the reader; however, the findings of fact are not based solely on that portion of the record to which reference is made but on consideration of all the evidence of record.

of which are of the respective shapes and sizes specified in findings 10, 11 and 12. (R. pp. 42, 66, 68, 109–10, 196, 204, 210–11, 288–9)

26. The advisory standards under the Food and Drugs Act of 1906 recognized under the names "plain noodles" and "water noodles" a dried alimentary paste made from wheat flour without egg or with less than 5 percent egg solids. This led to confusion because the word "noodle" is so generally understood to be an egg product and the qualifying words do not definitely show the absence of egg. The names "plain noodles" and "water noodles" have no legitimate place in the nomenclature of alimentary pastes. (R. pp. 18–9, 22, 41–2, 196)

27. The use in macaroni products or egg noodle products of artificial coloring or other colored ingredients which impart a color simulating that of an egg product is a deceptive and unfair practice that has been followed to some extent. (R. pp. 69, 70, 86, 741–2, 755, 769, 886)

28. During recent years there has appeared on the market a class of foods which differ from ordinary macaroni products and egg noodle products in that the wheat ingredient is partly replaced by a kind of flour made from soy beans. Such flour is made from dehulled soy beans that have been heat processed to remove the bitter principle. Part or all of the soy bean fat may be removed in the production of such flour. A kind of flour is also made from dehulled raw soy beans, but the record contains no evidence that this is suitable for use in such foods. (R. pp. 492, 544, 577, 590–1, 816, 887, OPEx. G)

29. The quantity of soybean flour used in such foods varies widely, ranging from about 5 to 30 percent. With one-third soy flour and two-thirds wheat flour made in the form of long spaghetti the product breaks down while drying. With equal parts of soy and wheat flours the product does not hold together in lengths greater than six or eight inches. (R. pp. 535–7, 541–3, 578, 590–1, 817, 888)

30. When used in relatively small quantities soy flour imparts to the finished product a color which resembles the color of noodles, but does not impart other recognizable soy flour characteristics. Its use in such quantities may be deceptive (see finding 27). (R. pp. 534, 536–9, 541–2, 547)

31. When soy flour is used in a quantity of 12.5 percent the color of the finished product is within the color range of noodles and the product is hardly distinguishable from noodle products. When 15 percent of soy flour is used the finished product is distinguishable from noodle products and macaroni products. A requirement that the soy flour used be not less than 15 percent of the weight of the combined soy and wheat ingredients is a reasonable limitation. (R. pp. 535–40, 551, 784, 817–21, 899, 900)

32. Such foods have usually been labeled with such names as "soy macaroni," "soy spaghetti," "soy noodles." Because soy flour is well known to be a flour-like product such names are likely to mislead consumers into the belief that these foods are made entirely of soy flour instead of a mixture of soy flour with a wheat ingredient in which the latter predominates. Names which are accurate and informative are, for example, "wheat and soy macaroni," "wheat and soy bean noodles," or such names in which the word "wheat" is replaced by the common name of the wheat ingredient used. (R. pp. 578, 822–5, 853, 901)

33. Findings 2 and 3 are applicable to wheat and soy macaroni products and to wheat and soy noodle products. The specifications of shapes and sizes in findings 10, 11, and 12 apply to wheat and soy macaroni, wheat and soy spaghetti, and wheat and soy vermicelli, respectively. The final sentence of finding 23 is applicable to wheat and soy noodle products. The specifications as to shapes and sizes in finding 25 are applicable to the corresponding wheat and soy noodle products. (R. p. 890)

34. Macaroni products and noodle products with added vegetables are on the market. The vegetables in use for this purpose or proposed for such use are spinach, tomatoes of red varieties, carrots, artichokes, parsley, beets. Such vegetables may be fresh, canned, dried, or in the form of puree or paste. The record does not show that yellow tomatoes are used or whether, if they were used, they would impart a color resembling egg. (R. pp. 736, 738–40, 753, 757–8, 764, 881, 884–5)

35. The quantity of such vegetables generally used, and necessary to impart distinctive characteristics of color, flavor, and taste, is such that the finished product contains not less than 3 percent by weight of the solids of the vegetable used. When used in such quantity none of these vegetables imparts a color resembling egg. (R. pp. 737–9, 881–2, 885)

36. The common and usual names of such products are the same as the names of the corresponding shapes and sizes of macaroni products and noodle products except that such names are preceded by the common name of the vegetable used, as for example, "tomato macaroni," "spinach noodles." (R. pp. 737–40)

37. Findings 2 and 3 are applicable to vegetable macaroni products and vegetable noodle products. The specifications of shapes and sizes in findings 10, 11, and 12 apply to vegetable macaroni, vegetable spaghetti, and vegetable vermicelli, respectively. The final sentence of finding 23 is applicable to vegetable noodle products. The specifications as to shapes and sizes in finding 25 are applicable to the corresponding vegetable noodle products. (R. pp. 738, 755, 881–3)

38. Ingredients sometimes used to season macaroni products and noodle products are onions, celery, garlic, and bayleaf. Such ingredients are also suitable for use in related products (e. g. wheat and soy macaroni, spinach noodles). These are unusual ingredients of alimentary paste which are not normally found in such products, and it is in the interest of consumers that the labels of such products reveal the presence of any such ingredients. A label statement which is accurate and informative is "seasoned with ------," the blank being filled in with the common name of the substance used as seasoning, or in the case of bay leaves the statement "spiced," "spice added," or "spiced with bay leaves." (R. pp. 741–2, 897)

39. The length of time required to cook macaroni products is a matter that has assumed importance in the industry and to consumers. By adding from one-half to one percent of disodium phosphate in the preparation of macaroni products cooking time is reduced. Disodium phosphate is not now used in macaroni products but a proposal that its use be authorized was advanced at the hearing, and in such quantity it is suitable for such use. The proposal was limited to macaroni products and did not extend to other alimentary pastes. It is a matter of consumer interest that the labels of macaroni products containing disodium phosphate reveal that fact and the purpose for which it is used. A label statement which is accurate and informative is "disodium phosphate added for quick cooking." (R. pp. 744–8, 750–2)

40. A proposal was advanced at the hearing that the use of one percent of soy bean lecithin be authorized in macaroni products and noodle products. It was claimed that lecithin improves the texture, prevents disintegration and the leaching out of solids during cooking, and prevents leakage of moisture from the cooked and drained product. It was also claimed that by the use of lecithin an alimentary paste made from soft wheat (low protein) flour can be made to appear better than one made from equal parts of soft wheat flour and hard winter wheat (high protein) flour. (R. pp. 602–19, 654, OPEx. H, I, J, K)

41. The record does not establish the claimed results of the use of lecithin in macaroni products or noodle products. It does show that the use of lecithin in articles sold as noodle products vitiates the chemical criteria whereby the quantity of egg solids is usually determined thus making it possible to use less than the recognized minimum of eggs or egg yolks and escape detection. (R. pp. 692, 698–9, 770, 773, 812–5, 871)

42. Proposals were advanced at the hearing for definitions and standards of identity for "glutenous macaroni" and "glutenous spaghetti." It was suggested that these articles should conform in composition to the requirements for macaroni products except that gluten or gluten flour should be added in such quantity as to raise the protein content of the finished product to not less than 18 percent. This minimum limit was suggested because the original Russian durum wheat had a protein content of about that amount, although through the years of its cultivation in this country the protein content has fallen to around 12 to 14 percent. (R. pp. 703–7, 724)

43. Several domestic manufacturers are marketing as "Pastine Glutinata" (glutenous paste) products which are ordinary macaroni products made from semiolina. This practice is deceptive and contrary to consumer interests (see findings 45). (R. pp. 706–7, 712–3, 826, OPEx. C)

44. One manufacturer formerly made a product containing about 20 percent protein from a mixture of the usual wheat ingredients and gluten or gluten flour, but discontinued it during the first world war. One Italian firm with factories in Italy and France intends to manufacture such products in this country. One manufacturer makes a product called gluten macaroni from gluten flour complying with the advisory standard under the Food and Drugs Act of 1906, which provided that gluten flour should contain not more than 10 percent moisture and, on a moisture-free basis, not less than 7.1 percent nitrogen (40.47 percent protein) and not more than 44 percent of starch. (R. pp. 310–1, 719, 724, 825–6)

45. Consumers purchase macaroni products labeled as "glutenous" or with similar expressions because they expect a high protein content in such products and a substantial reduction in starch. The addition of only enough gluten or gluten flour to raise the normal protein content of 12 or 14 percent to 18 percent, with the corresponding small reduction in starch content, is not calculated to fulfill such expectations. The record points to the possibility that gluten flour alone should be used in making products so labeled. The record contains insufficient evidence to determine what the composition of such products should be, particularly as to protein content. (R. pp. 706, 711, 826)

46. Considerable testimony was offered concerning the enrichment of macaroni products and noodle products with various vitamins and minerals, particularly those used in enriched flour (6 F.R. 2579–80) and proposed for use in enriched bread (6 F.R. 2772), namely, vitamins B_1, nicotinic acid, riboflavin, iron, vitamin D, and calcium. One manufacturer has used vitamin D in macaroni and spaghetti for over two years. Although not now in use in macaroni and noodle products processed wheat germ is proposed as an ingredient because of its content of vitamin B_1, nicotinic acid, and riboflavin, the minerals iron, phosphorus, and copper, and other constituents. One manufacturer adds 3 percent dried brewers' yeast and makes claims for vitamins B_1, D, and G (riboflavin) in his product. The use of carotene or provitamin A, is also proposed. (R. pp. 213–4, 373–81, 446–7; 459–69, 794–5, 811, 827, OPEx. L)

47. Most alimentary pastes are usually cooked by boiling them in relatively large quantities of water, which is drained off and discarded. Vitamin B_1, nicotinic acid, and riboflavin are water soluble. When such pastes are enriched with these vitamins in quantities similar to those required in enriched flour, cooking losses of vitamin B_1 and nicotinic acid are generally somewhat more than half, and of riboflavin nearly half. When nutritive minerals are added the extent of their loss depends on their solubility. Some alimentary pastes, particularly noodles, are used in making soups and when these foods are so cooked water-soluble vitamins and other water-soluble constituents are not discarded. But the quantity of alimentary pastes so used is not consequential when compared to the diet as a whole. (R. pp. 375–6, 379, 388, 391–2, 416, 443, 480, 728–30, OPEx. F)

48. Alimentary pastes are not effective vehicles for the distribution of water-soluble nutrients to any segment of the population. The addition of water-soluble nutrients to alimentary paste is likely to mislead consumers either as to the quantity of nutrients they would obtain in the cooked product or as to the uneconomic waste inherent in the addition of such nutrients to alimentary paste. The addition of processed wheat germ or of yeast to alimentary paste would be calculated to mislead consumers, since such germ and yeast are both sources of such water-soluble vitamins. (R. pp. 373–5, 448–52, 480, 795, OPEx.F)

49. There is no evidence of a widespread deficiency of vitamin D among adults. Such deficiency as exists is almost, if not entirely, confined to children not over twelve years of age. The evidence does not establish that alimentary paste forms a larger proportion of the diet of such children than of adults. (R. p. 380)

50. The addition of carotene to alimentary paste is calculated to deceive consumers because it imparts to the finished product a color resembling that of egg (see finding 28). (R. pp. 769, 886)

51. Unless the enrichment of foods is restricted by regulations, food manufacturers generally are likely to add one or more vitamins or minerals to most if not all of their products and to label and advertise the products as having enhanced nutritional value. The selection of vitamins and minerals for this purpose and the quantities used are likely to be dictated by commercial considerations, such as a desire to capitalize on the fact that the public generally is not informed as to the specific functions of the various vitamins and minerals. Advertising and labeling claims for a food which stress the presence of any one of these nutritional elements, even though such claims are literally true, may readily cause the public to attach an exaggerated importance to that element. If enrichment is not restricted the public cannot discriminate between enriched foods which are meritorious and those which are not. Claims of enhanced nutritional value for a multiplicity of indiscriminately enriched foods would tend to envelop the minds of consumers in fog with respect to their nutritional needs and would create misunderstandings difficult to dispel. (R. pp. 377–8, 381, 399–400, 448, 451)

52. The annual per capita consumption of alimentary pastes is about 5 pounds. Among persons of Italian extraction, and perhaps some other groups, consumption usually exceeds this average but so far as the evidence shows is quite variable. There is no evidence that these groups are peculiarly susceptible to dietary deficiencies. (R. pp. 374, 383, 403, 405, 441)

53. Water-soluble nutrients are not suitable for addition to elimentary paste (see finding 48). The evidence does not establish that the addition of the other vitamins and minerals proposed would constitute any material contribution toward the correction of dietary deficiencies in any significant segment of the population; and labeling and advertising claims based on such additions would be likely to confuse and mislead consumers (see finding 51). (R. pp. 214–24, 380–1, 446–7, 452, 466–7, 767–8)

On the basis of the foregoing findings of fact it is concluded that:

(a) It is impracticable, and the evidence does not establish a basis for a determination that it would promote honesty and fair dealing in the interest of consumers, to prescribe definitions and standards of identity for the various macaroni products, other than macaroni, spaghetti, and vermicelli, under the specific names by which they are sometimes known (as distinguished from the generic name macaroni products). This conclusion applies also to the corresponding shapes and sizes of milk macaroni products, whole wheat macaroni products, wheat and soy macaroni products, and vegetable macaroni products.

(b) It is impracticable, and the evidence does not establish a basis for a determination that it would promote honesty and fair dealing in the interest of consumers, to prescribe definitions and standards of identity for the various noodle products other than noodles, egg macaroni, egg spaghetti, and egg vermicelli, under the specific names by which they are sometimes known (as distinguished from the generic name noodle products). This conclusion applies also to the corresponding shapes and sizes of wheat and soy noodle products and vegetable noodle products.

(c) It would not promote honesty and fair dealing in the interest of consumers to prescribe definitions and standards of identity for wheat and soy macaroni products and wheat and soy noodle products under names which fail to indicate the presence of the wheat ingredient; nor would it promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any alimentary paste providing for the use of soy flour in a quantity less than 15 percent by weight of the combined wheat and soy ingredients.

(d) It would not promote honesty and fair dealing in the interest of consumers to prescribe definitions and standards of identity for "gluten" or "glutenous" macaroni products providing for a minimum protein content as low as 18 percent. The evidence does not establish a basis for a determination as to what provisions should be included in definitions and standards of identity for such products, which would promote honesty and fair dealing in the interest of consumers.

(e) It would not promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any alimentary paste providing for the use of any added vitamin or mineral or any combination of two or more of these.

(f) It would not promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any alimentary paste providing for the use of processed wheat germ, carotene, or yeast, or for any noodle product providing for the use of lecithin. The evidence does not establish a basis for a determination that it would promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any macaroni product providing for the use of lecithin.

(g) It would not promote honesty and fair dealing in the interest of consumers to prescribe definitions and standards of identity for milk macaroni products providing for the use of milk or milk products (other than liquid whole milk) in such quantity that the finished milk macaroni product contains less than 3.8 percent by weight of milk solids; nor would it promote honesty and fair dealing in the interest of consumers to provide for the use of milk or of any milk product as an ingredient of any macaroni product.

(h) It would not promote honesty and fair dealing in the interest of consumers to prescribe definitions and standards of identity for any alimentary paste providing for the use of egg solids or egg yolk solids in a quantity less than 5½ percent by weight, on a moisture-free basis, of the finished alimentary paste.

(i) Promulgation of each of the regulations hereinafter set forth, fixing and establishing definitions and standards of identity for various alimentary pastes, will promote honesty and fair dealing in the interest of consumers.

Wherefore the following regulations are hereby promulgated:

§ 16.1 *Macaroni products — Identity; label statement of optional ingredients.* (a) Macaroni products are the class of food each of which is prepared by drying formed units of dough made from comolina, durum flour, farina, flour, or any combination of two or more of these, with water and with or without one or more of the optional ingredients specified in the following subparagraphs (1) to (4), inclusive:

(1) Egg white, frozen egg white, dried egg white, or any two or all of these, in such quantity that the solids thereof is not less than one-half of one percent and not more than two percent of the weight of the finished food.

(2) Disodium phosphate, in a quantity not less than one-half of one percent and not more than one percent of the weight of the finished food.

(3) Onions, celery, garlic, bay leaf, or any two or more of these, in a quantity which seasons the food.

(4) Salt, in a quantity which seasons the food.

The finished macaroni product contains not less than 87 percent of total solids as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940, page 235, under "Vacuum Oven Method—Official."

(b) Macaroni is the macaroni product the units of which are tube-shaped and more than 0.11 inch but not more than 0.27 inch in diameter.

(c) Spaghetti is the macaroni product the units of which are tube-shaped or cord-shaped (not tubular) and more than 0.06 inch but not more than 0.11 inch in diameter.

(d) Vermicelli is the macaroni product the units of which are cord-shaped (not tubular) and not more than 0.06 inch in diameter.

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Macaroni Product"; or alternately, the name is "Macaroni", "Spaghetti", or "Vermicelli", as the case may be, when the units of the food are of the shapes and sizes specified in paragraph (b), (c), or (d), respectively.

(f) (1) When disodium phosphate is used the label shall bear the statement "Disodium phosphate added for quick cooking."

(2) When any ingredient specified in paragraph (a) (3) is used such label shall bear the statement "Seasoned with ------", the blank being filled in with the common name of the ingredient; or in the case of bay leaves the statement "Spiced", "Spice added", or "Spiced with bay leaves."

(3) Wherever the name of the food appears on such label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein prescribed showing the optional ingredients used shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name without intervening written, printed, or other graphic matter.

§ 16.2 *Milk macaroni products—Identity; label statement of optional ingredients.* (a) Milk macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Milk is used as the sole moistening ingredient in preparing the dough; or in lieu of milk one or more of the milk ingredients specified in paragraph (f) is used, with or without water, in such quantity that the weight of milk solids therein is not less than 3.8 percent of the weight of the finished milk macaroni product; and

(2) None of the optional ingredients permitted by § 16.1 (a) (1) and (2) is used.

(b) Milk macaroni is the milk macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Milk spaghetti is the milk macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Milk vermicelli is the milk macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Milk Macaroni Product"; or alternately, the name is "Milk Macaroni", "Milk Spaghetti", or "Milk Vermicelli", as the case may be, when the units of the food comply with the requirements of paragraphs (b), (c), or (d), respectively.

(f) The milk ingredients referred to in paragraph (a) (1) are concentrated milk, evaporated milk, dried milk, and a mixture of butter with skim milk, concentrated skim milk, evaporated skim milk, or any two or more of these, in such proportion that the weight of nonfat milk solids in such mixture is not more than 2.275 times the weight of milk fat therein.

§ 16.3 *Whole wheat macaroni products—Indentity; label statement of optional ingredients.* (a) Whole wheat macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Whole wheat flour or whole durum wheat flour or both are used as the sole wheat ingredient; and

(2) None of the optional ingredients permitted by § 16.1 (a) (1) and (2) is used.

(b) Whole wheat macaroni is the whole wheat macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Whole wheat spaghetti is the whole wheat macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Whole wheat vermicelli is the whole wheat macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Whole Wheat Macaroni Product"; or alternately, the name is "Whole Wheat Macaroni", "Whole Wheat Spaghetti", or "Whole Wheat Vermicelli", as the case may be, when the units of the food comply with the requirements of paragraph (b), (c); or (d), respectively.

§ 16.4 *Wheat and soy macaroni products—Identity; label statement of optional ingredients.* (a) Wheat and soy macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Soy flour is added in a quantity not less than 15 percent of the combined weight of the wheat and soy ingredients used (the soy flour used is made from heat-processed, de-hulled soybeans, with or without the removal of fat therefrom); and

(2) None of the optional ingredients permitted by § 16.1 (a) (1) and (2) is used.

(b) Wheat and soy macaroni is the wheat and soy macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Wheat and soy spaghetti is the wheat and soy macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Wheat and soy vermicelli is the wheat and soy macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Wheat and Soy Macaroni Product", "Wheat and Soybean Macaroni Product", "------ and Soy Macaroni Product", or "------ and Soybean Macaroni Product", the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.1 (a); or alternately, the name is "Wheat and Soy Macaroni", "Wheat and Soybean Macaroni", "------ and Soy Macaroni", or "------ and Soybean Macaroni" when the units of the food comply with the requirements of paragraph (b); or "Wheat and Soy Spaghetti", "Wheat and Soybean Spaghetti", "------ and Soy Spaghetti", or "------ and Soybean Spaghetti" when such units comply with the requirements of paragraph (c); or "Wheat and Soy Vermicelli", "Wheat and Soybean Vermicelli", "------ and Soy Vermicelli", or "------ and Soybean Vermicelli" when such units comply with the requirements of paragraph (d), the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.1 (a).

§ 16.5 *Vegetable macaroni products—Identity; label statement of optional ingredients.* (a) Vegetable macaroni products are the class of food each of which conforms to the definition and standard of identify, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Tomato (of any red variety), artichoke, beet, carrot, parsley, or spinach is added in such quantity that the solids thereof is not less than 3 percent by weight of the finished vegetable macaroni product (the vegetable used may be fresh, canned, dried, or in the form of puree or paste); and

(2) None of the optional ingredients permitted by § 16.1 (a) (1) and (2) is used.

(b) Vegetable macaroni is the vegetable macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Vegetable spaghetti is the vegetable macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (e).

(d) Vegetable vermicelli is the vegetable macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "------ Macaroni Product", the blank being filled in with the name whereby the vegetable used is designated in paragraph (a); or alternately, the name is "------ Macaroni", "------ Spaghetti", or "------ Vermicelli", as the case may be, when the units of the food comply with the requirements of paragraph (b), (c), or (d), respectively, the blank in each instance being filled in with the name whereby the vegetable used is designated in paragraph (a).

§ 16.6 *Noodle products—Identity; label statement of optional ingredients.* (a) Noodle products are the class of food each of which is prepared by drying formed units of dough made from semolina, durum flour, farina, flour, or any combination of two or more of these, with liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks, or any combination of two or more of these, with or without water and with or without one or more of the optional ingredients specified in the following subparagraphs (1) and (2):

(1) Onions, celery, garlic, bay leaf, or any two or more of these, in a quantity which seasons the food.

(2) Salt, in a quantity which seasons the food. The finished noodle product contains not less than 87 percent of total solids as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940, page 235, under "Vacuum Oven Method—Official." The total solids of noodle products contains not less than 5.5 percent by weight of the solids of egg or egg yolk.

(b) Noodles, egg noodles, is the noodle product the units of which are ribbon-shaped.

(c) Egg macaroni is the noodle product the units of which are tube-shaped and more than 0.11 inch but not more than 0.27 inch in diameter.

(d) Egg spaghetti is the noodle product the units of which are tube-shaped or cord-shaped (not tubular) and more than 0.06 inch but not more than 0.11 inch in diameter.

(e) Egg vermicelli is the nodole product the units of which are cord-shaped (not tubular) and not more than 0.06 inch in diameter.

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "Noodle Product" or "Egg Noodle Product"; or alternately, the name is "Noodles" or "Egg Noodles", "Egg Macaroni", Egg Spaghetti", or "Egg Vermicelli", as the case may be, when the units of the food are of the shapes and sizes specified in paragraph (b), (c), (d), or (e), respectively.

(g) When any ingredient specified in paragraph (a) (1) is used the label of the noodle product shall bear the statement "Seasoned with ------", the blank being filled in with the common name of the ingredient; or in the case of bay leaves the statement "Spiced", "Spice added", or "Spiced with bay leaves." Wherever the name of the food appears on such label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein prescribed showing the ingredients used shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name without intervening written, printed, or other graphic matter.

§ 16.7 *Wheat and soy noodle products—Identity; label statement of optional ingredients.* (a) Wheat and soy noodle products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for noodle products by § 16.6 (a) and (g), except that soy flour is added in a quantity not less than 15 percent of the combined weight of the wheat and soy ingredients used (the soy flour used is made from heat-processed, de-hulled soybeans, with or without the removal of fat therefrom).

(b) Wheat and soy noodles, wheat and soy egg noodles, is the wheat and soy noodle product the units of which are ribbon-shaped.

(c) Wheat and soy egg macaroni is the wheat and soy noodle product the units of which conform to the specifications of shape and size prescribed for egg macaroni by § 16.6 (c).

(d) Wheat and soy egg spaghetti is the wheat and soy noodle product the units of which conform to the specifications of shape and size prescribed for egg spaghetti by § 16.6 (d).

(e) Wheat and soy egg vermicelli is the wheat and soy noodle product the units of which conform to the specifications of shape and size prescribed for egg vermicelli by § 16.6 (e).

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "Wheat and Soy Noodle Product", "Wheat and Soy Egg Noodle Product", "Wheat and Soybean Noodle Product", 'Wheat and Soybean Egg Noodle Product", "------ and Soy Noodle Product", "------ and Soy Egg Noodle Product", "------ and Soybean Noodle Product", or "------ and Soybean Egg Noodle Product", the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.6 (a); or alternately, the name is "Wheat and Soy Noodles", "Wheat and Soy Egg Noodles", "Wheat and Soybean Noodles", "Wheat and Soybean Egg Noodles", "------ and Soy Noodles", "------ and Soy Egg Noodles", "------ and Soybean Noodles", or "------ and Soybean Egg Noodles" when the units of the food comply with the requirements of paragraph (b); or "Wheat and Soy Egg Macaroni", "Wheat and Soybean Egg Macaroni", "------ and Soy Egg Macaroni", or "------ and Soybean Egg Macaroni" when such units comply with the requirements of paragraph (c); or "Wheat and Soy Egg Spaghetti", "Wheat and Soybean Egg Spaghetti", "------ and Soy Egg Spaghetti", or "------ and Soybean Egg Spaghetti" when such units comply with the requirements of paragraph (d); or "Wheat and Soy Egg Vermicelli", "Wheat and Soybean Egg Vermicelli", "------ and Soy Egg Vermicelli", or "------ and Soybean Egg Vermicelli" when such units comply with the requirements of paragraph (e), the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.6 (a).

§ 16.8 *Vegetable noodle products—Identity; label statement of optional ingredients.* (a) Vegetable noodle products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for noodle products by § 16.6 (a) and (g), except that tomato (of any red variety), artichoke, beat, carrot, parsley, or spinach is added in such quantity that the solids thereof is not less than 3 percent by weight of the finished vegetable noodle product (the vegetable used may be fresh, canned, dried, or in the form of puree or paste).

(b) Vegetable noodles, vegetable egg noodles, is the vegetable noodle product the units of which are ribbon-shaped.

(c) Vegetable egg macaroni is the vegetable noodle product the units of which conform to the specifications of shape and size prescribed for egg macaroni by § 16.6 (c).

(d) Vegetable egg spaghetti is the vegetable noodle product the units of which conform to the specifications of shape and size prescribed for egg spaghetti by § 16.6 (d).

(e) Vegetable egg vermicelli is the vegetable noodle product the units of which conform to the specifications of shape and size prescribed for egg vermicelli by § 16.6 (e).

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "------ Noodle Product" or "------ Egg Noodle Product", the blank being filled in with the name whereby the vegetable used is designated in paragraph (a); or alternately, the name is "------ Noodles" or "------ Egg Noodles", "------ Egg Macaroni", "------ Egg Spaghetti", or "------ Egg Vermicelli", as the case may be, when the units of the food comply with the requirements of paragraphs (b), (c), (d), or (e), respectively, the blank in each instance being filled in with the name whereby the vegetable is designated in paragraph (a).

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the Assistant General Counsel, Room 2240, South Building, 14th Street and Independence Avenue, S. W., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof.

Washington, D. C., December 17, 1942.

[SEAL] WATSON B. MILLER,
Acting Administrator.

[F. R. Doc. 42-13602; Filed, December 19, 1942; 10:56 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 285]

50% OF THE CAPITAL STOCK OF THE ICHTHYOL COMPANY, AND CERTAIN INDEBTEDNESS OWING BY IT

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that The Ichthyol Company, a New Jersey corporation, Rahway, New Jersey, is a business enterprise within the United States;

2. Finding that Ichthyol Gesellschaft Cordes-Hermanni & Company, a limited partnership, whose last known address was represented to the undersigned as being Hamburg, Lockstedt, Germany, is a national of a designated enemy country (Germany);

3. Finding that said Ichthyol Gesellschaft Cordes-Hermanni & Company is the beneficial owner of (a) 1,000 shares (which constitute a substantial part, namely, 50%, of all outstanding shares) of no par value common capital stock, and (b) 50 shares (which constitute a substantial part, namely, 50%, of all outstanding shares) of $100 par value 7% cumulative preferred capital stock, of said The Ichthyol Company, which 1,050 shares are registered on the books of said corporation in the following names, respectively:

Name	Number of shares—	
	Common stock	7 percent cumulative preferred stock
Herbert Schroeter, Trustee	998	48
Meinhardt Hermanni	1	1
G. H. Semler	1	1
Total	1,000	50

4. Finding, therefore, that the aforesaid business enterprise is also a national of a designated enemy country (Germany);

5. Finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of the aforesaid Ichthyol Gesellschaft Cordes-Hermanni & Company in and to all indebtedness, contingent or otherwise and whether or not matured, owing to it by said The Ichthyol Company, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness.

is an interest in the aforesaid business enterprise held by a national of an enemy country (Germany), and also is property within the United States owned or controlled by a national of a designated enemy country (Germany);

6. Determining that to the extent that either or both of such nationals are persons not within a designated enemy country, the national interest of the United States requires that each of such persons be treated as a national of the aforesaid designated enemy country (Germany);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraphs 3 and 5, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13610; Filed, December 19, 1942; 11:02 a. m.]

[Vesting Order 289]

ASSETS OF KOKUSAI KISEN KAISHA, LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, Kokusai Kisen Kaisha, Ltd., a Japanese corporation, Tokyo, Japan, including but not limited to all of the assets of its New York, New York, branch, which corporation is a business enterprise within the United States,

is property of said business enterprise which is a national of a designated enemy country (Japan), and determining

that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13611; Filed, December 19, 1942; 11:02 a. m.]

[Vesting Order 353]

INTERESTS OF PARTNERS IN BRIDGE IMPORT COMPANY

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title and interest of Werner von Clemm, Georges Lambercier and Rayford W. Alley, as trustee under a certain Agreement of Trust dated April 28, 1941 for the benefit of Frederick Michael von Clemm, and Alison Clemm, et al., and each of them, as copartners in and to the partnership known as Bridge Import Company, a New York partnership, under which name such copartners are doing business and maintaining an office at New York, New York, which is a business enterprise within the United States,

is owned by or held for the benefit of International Mortgage & Investment Corporation which was found to be a national of a designated enemy country (Germany) in Vesting Order Number 352 issued under date of November 11, 1942, and, therefore is a property of, and represents control of said business enterprise which is, a national of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 11, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13612; Filed, December 19, 1942; 11:03 a. m.]

[Vesting Order 354]

85.71% OF THE CAPITAL STOCK OF PIONEER IMPORT CORP.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

90 shares (which constitute a substantial part, namely, 85.71%, of all outstanding shares) of no par value common stock of Pioneer Import Corp., a New York corporation, New York, New York, which is a business enterprise within the United States, registered in the name of Werner von Clemm,

is owned by or held for the benefit of International Mortgage & Investment Corporation which was found to be a national of a designated enemy country (Germany) in Vesting Order Number 352 issued under date of November 11, 1942, and therefore is property of, and represents control of said business which is, a national of a designated enemy country (Germany), and determining that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 11, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13613; Filed, December 19, 1942; 11:03 a. m.]

[Vesting Order 369]

YAMAKAWA & CO.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title and interest as copartners in and to Yamakawa & Co., a New York partnership, New York, New York, which is a business enterprise within the United States, of each of the persons whose names and last known addresses are, respectively, as follows:

Name	Last known address
T. Ozawa	Japan (by repatriation).
S. Kimura	Hyogoken, Japan.
S. Shiota	Hyogoken, Japan.

is property of nationals, and represents ownership of said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby (i) vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 14, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13614; Filed, December 19, 1942; 11:03 a. m.]

[Vesting Order 389]

JAPAN PRODUCTS CO., INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

100 shares (which constitute a substantial part, namely, 94.34%, of all outstanding shares) of $100 par value common capital stock of Japan Products Co., Inc., a New York corporation, New York, New York, which is a business enterprise within the United States, which shares are owned by Kuro Murase (alien detention camp), a Japanese citizen,

is property of, and represents control of a business enterprise which is, a national of a designated enemy country (Japan), and determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby (i) vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13615; Filed, December 19, 1942; 11:03 a. m.]

[Vesting Order 399]

HAUTZ & COMPANY (A PARTNERSHIP)

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title and interest of Victor Fruehauf (alien detention camp), a German citizen, as copartner in and to the partnership known as Hautz & Company, under which name such copartnership is doing business and maintaining offices at New York, New York and Chicago, Illinois, which is a business enterprise within the United States.

is property of, and represents a substantial interest in a business enterprise which is, a national of a designated enemy country (Germany), and determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby (i) vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13616; Filed, December 19, 1942; 11:03 a. m.]

[Vesting Order 400]

ROBERT E. HAUTZ & CO., INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

124½ shares (which constitute a substantial part, namely, 24.9%, of all outstanding shares) of no par value common capital stock of Robert E. Hautz Co., Inc., a New York corporation, New York, New York, which is a business enterprise within the United States, which shares are owned by Victor Fruehalf (alien detention camp), a German citizen,

is property of, and represents an interest in a business enterprise which is, a national of a designated enemy country (Germany), and determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby (i) vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the Undersigned.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such actions should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13617; Filed, December 19, 1942; 11:03 a. m.]

[Vesting Order 404]

ASSETS OF METROPOLITAN AUTO REPAIRS (A SOLE PROPRIETORSHIP) AND JOHANNES OTTO ZENGEL, ALSO KNOWN AS HANS ZENGEL

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to Metropolitan Auto Repairs, Long Island New York, a sole proprietorship, which is a business enterprise within the United States owned by Johannes Otto Zengel, also known as Hans Zengel (alien detention camp), a German citizen,

is property of a business enterprise which is a national of a designated enemy country (Germany), and

(b) That the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to said Johannes Otto Zengel, also known as Hans Zengel,

is property within the United States owned or controlled by a national of a designated enemy country (Germany), and determining that the property described in this subparagraph (b) is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraph (a)) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

and determining that to the extent that either or both of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13618; Filed, December 19, 1942; 11:02 a. m.]

[Vesting Order 522]

ESTATE OF LOUISA HERLE

In re: Estate of Louisa Herle, deceased—File D-28-1394; E. T. Sec. 297.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests described in subparagraph (a) are property which is in the process of administration by the Lafayette National Bank of Brooklyn in New York and Herbert Flickinger, as administrators acting under the judicial supervision of the Surrogate's Court of Kings County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Karoline Katharina Schmelzer	Germany
Daniel Hohm	Germany
Wilhelm Hohm	Germany
Susanna Hohm	Germany
Franz Hohm	Germany
Katharina Moerz Weinmann	Germany
Emil Wilhelm Weinmann	Germany
Louise Jorg nee Weinmann	Germany
Friederick Wilhelm Gasteyer	Germany
Carl Wilhelm Gasteyer	Germany
Paul Ferdinand Gasteyer	Germany
Philippine Flickinger Schiefer	Germany
Ludwig Flickinger	Germany

(3) The property and interests described in subparagraph (b) are property within the United States owned or controlled by the aforesaid nationals of a designated enemy country, Germany; and

Determining that—

(4) If such nationals are persons not within any designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

(a) All right, title, interest, and claim of any kind or character whatsoever of Karoline Katharina Schmelzer, Daniel Hohm, Wilhelm Hohm, Susanna Hohm, Franz Hohm, Katharina Moers Weinmann, Emil Wilhelm Weinmann, Louise Jorg nee Weinmann, Friederick Wilhelm Gasteyer, Carl Wilhelm Gasteyer, Paul Ferdinand Gasteyer, Philippine Flickinger Schiefer and Ludwig Flickinger and each of them in and to the Estate of Louisa Herle, deceased; and

(b) All right, title, interest, and estate, both legal and equitable of Karoline Katharina Schmelzer, Daniel Hohm, Wilhelm Hohm, Susanna Hohm, Franz Hohm, Katharina Moerz Weinmann, Emil Wilhelm Weinmann, Louise Jorg nee Weinmann, Friederick Wilhelm Gaseyer, Carl Wilhelm Gasteyer, Paul Ferdinand Gasteyer, Philippine Flickinger Schiefer, Ludwig Flickinger and each of them in and to all real property within the United States of which the said Louisa Herle was seized and possessed at the time of her death,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 17, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13619; Filed, December 19, 1942; 11:02 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3, Revised—5]

THEODORE R. KLEPFER AND ROBERT KLEPFER D/B/A AMERICAN FREIGHT LINES—BURLINGTON TRANSPORTATION COMPANY

COORDINATED OPERATION FROM CHICAGO TO KEWANEE, ETC., ILL.

Coordinated operation from Chicago to Kewanee, Galva, Galesburg, Monmouth and Abington, Illinois, Chicago to Peoria, Illinois, and St. Louis, Missouri, to Peoria, Illinois.

Upon consideration of the application for authority to coordinate service in the transportation of property by motor vehicle from Chicago to Kewanee, Galva, Galesburg, Monmouth and Abington, Illinois, from Chicago to Peoria, Illinois, and from St. Louis, Missouri, to Peoria, Illinois, filed with the Office of Defense Transportation by Theodore R. Klepfer and Robert Klepfer, doing business as (and hereinafter referred to as) American Freight Lines, Peoria, Illinois, and Burlington Transportation Company, Chicago, Illinois, as governed by § 501.9 of General Order ODT 3, Revised, as amended,[1] and good cause appearing therefor, *It is hereby ordered,* That:

1. American Freight Lines shall:

(a) Discontinue the transportation of all shipments originating at or moving through its terminal at Chicago and destined to Kewanee, Galva, Galesburg, Monmouth and Abington, Illinois, and divert such shipments to Burlington Transportation Company;

(b) Accept from Burlington Transportation Company shipments diverted to it for transportation from Chicago to Peoria, Illinois, and transport such shipments in its own vehicles to destination;

(c) Accept from Burlington Transportation Company shipments diverted to it for transportation from St. Louis, Missouri, to Peoria, Illinois, and transport such shipments in its own vehicles to destination.

2. Burlington Transportation Company shall:

(a) Discontinue the transportation of all shipments originating at or moving through its terminal at Chicago and destined to Peoria, Illinois, and divert such shipments to American Freight Lines;

(b) Discontinue the transportation of all shipments originating at St. Louis, Missouri, and destined to Peoria, Illinois, and divert such shipments to American Freight Lines;

(c) Accept from American Freight Lines shipments diverted to it for transportation from Chicago to Kewanee, Galva, Galesburg, Monmouth and Abington, Illinois, and transport such shipments in its own vehicles to destination.

3. Burlington Transportation Company shall perform the pick-up and delivery of all shipments diverted by it or to it pursuant hereto.

4. The carrier to which any such shipment shall have been diverted shall forward such shipment on the billing and pursuant to the tariff rate and the rules and regulations of the carrier issuing the bill of lading.

5. The division of revenues derived from transportation performed pursuant hereto shall be as agreed on by the carriers, or, in the event the carriers are unable to agree thereon, shall be as determined by the Office of Defense Transportation.

6. The carriers forthwith shall file with the Interstate Commerce Commission, in respect of transportation in interstate or foreign commerce, and with each appropriate State regulatory body, in respect of transportation in intrastate commerce, and publish, in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the rates, charges, operations, rules, regulations and practices of each carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to said Commission and to each such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

7. A copy of this order shall be filed forthwith with the Interstate Commerce Commission and with the appropriate State regulatory authorities.

8. Nothing contained herein shall be so construed as to permit or require the motor carriers herein named to perform any transportation service which is not authorized or sanctioned by law.

9. Communications concerning this order should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Supplementary Order ODT 3, Revised—5".

10. This Supplementary Order ODT 3, Revised—5 shall become effective December 26th, 1942, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transporation by further order may designate.

Issued at Washington, D. C., this 19th day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transporation.

[F. R. Doc. 42-13596; Filed, December 19, 1942; 10:39 a. m.]

[Supplementary Order ODT 3 Revised—6]

MERCHANTS MOTOR FREIGHT, INC.—BURLINGTON TRANSPORTATION COMPANY

COORDINATED OPERATION BETWEEN DES MOINES, IOWA, AND OMAHA, NEBR.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of property between Des Moines, Iowa, and Omaha, Nebraska, filed with the Office of Defense Transportation by Merchants Motor Freight, Inc., St. Paul, Minnesota, and Burlington Transportation Company, Chicago, Illinois, as governed by § 501.9 of General Order ODT 3, Revised, as amended,[1] and good cause appearing therefor, *It is hereby ordered,* That:

1. Burlington Transportation Company shall discontinue the transportation of shipments moving between Des Moines, Iowa, and Omaha, Nebraska, or through those gateways, and shall divert such shipments to Merchants Motor Freight, Inc. for transportation between terminals of the Burlington Transportation Company at the above-named points.

2. Merchants Motor Freight, Inc. shall accept from Burlington Transportation Company all shipments diverted to it pursuant hereto and shall transport such shipments over its route via U. S. Highway 6 between Des Moines, Iowa, and Omaha, Nebraska, on the billing, and pursuant to the tariff rate and the rules and regulations, of Burlington Transportation Company.

3. Burlington Transportation Company shall perform the pick-up and delivery at the terminal points, with respect

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[1] 7 F.R. 5445, 6689, 7694.

to all shipments diverted pursuant hereto, except that Merchants Motor Freight, Inc. shall pick up and deliver truckload shipments when requested so to do by Burlington Transportation Company.

4. The division of revenues derived from transportation performed pursuant hereto shall be as agreed upon by the carriers, or, in the event the carriers are unable to agree thereon, shall be as determined by the Office of Defense Transportation.

5. The carriers forthwith shall file with the Interstate Commerce Commission and any other regulatory body or bodies having jurisdiction over the operations affected by this order, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of each carrier which may be necessary to accord with the provisions of this order, together with a copy of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.

6. Nothing contained herein shall be so construed as to permit or require the carriers herein named to perform any transportation service which is not authorized or sanctioned by law.

7. Communications concerning this order should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Supplementary Order ODT 3, Revised—6".

8. This Supplementary Order ODT 3, Revised—6 shall become effective December 26th, 1942, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 19th day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-13597; Filed, December 19, 1942; 10:39 a. m.]

[Supplementary Order ODT 3 Revised—7]

MERCHANTS MOTOR FREIGHT, INC.—BURLINGTON TRANSPORTATION COMPANY

COORDINATED OPERATION BETWEEN DES MOINES, IOWA, AND ST. LOUIS, MISSOURI

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of property between Des Moines, Iowa, and St. Louis, Missouri, filed with the Office of Defense Transportation by Merchants Motor Freight, Inc., St. Paul, Minnesota, and Burlington Transportation Company, Chicago, Illinois, as governed by § 501.9 of General Order ODT 3, Revised, as amended,[1] and good cause appearing therefor, *It is hereby ordered,* That:

1. Burlington Transportation Company shall discontinue the transportation of shipments moving between Des Moines, Iowa, and St. Louis, Missouri, or through those gateways, and shall divert such shipments to Merchants Motor Freight, Inc., for transportation between terminals of the Burlington Transportation Company at the above-named points.

2. Merchants Motor Freight, Inc., shall accept from Burlington Transportation Company all shipments diverted to it pursuant hereto and shall transport such shipments over its routes between Des Moines, Iowa, and St. Louis, Missouri, on the billing, and pursuant to the tariff rate and the rules and regulations, of Burlington Transportation Company.

3. Burlington Transportation Company shall perform the pick-up and delivery at the terminal points, with respect to all shipments diverted pursuant hereto, except that Merchants Motor Freight, Inc., shall pick up and deliver truckload shipments when requested so to do by Burlington Transporation Company.

4. The division of revenues derived from transportation performed pursuant hereto shall be as agreed upon by the carriers, or, in the event the carriers are unable to agree thereon, shall be as determined by the Office of Defense Transportation.

5. The carriers forthwith shall file with the Interstate Commerce Commission and any other regulatory body or bodies having jurisdiction over the operations affected by this order, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of each carrier which may be necessary to accord with the provisions of this order, together with a copy of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.

6. Nothing contained herein shall be so construed as to permit or require the carriers herein named to perform any transportation service which is not authorized or sanctioned by law.

7. Communications concerning this order should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Supplementary Order ODT 3, Revised—7."

8. This Supplementary Order ODT 3, Revised—7 shall become effective December 26th, 1942, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 19th day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-13598; Filed, December 19, 1942; 10:39 a. m.]

[Supplementary Order ODT 3 Revised—3]

DOHRN TRANSFER COMPANY—BURLINGTON TRANSPORTATION COMPANY

COORDINATED OPERATION BETWEEN CHICAGO AND ROCK ISLAND, ILL., ETC.

Coordinated operation between Chicago, Ill., and Rock Island, Moline, East Moline, Ill., Davenport and Bettendorf, Iowa.

Upon consideration of the application for authority to coordinate service in the transportation of property by motor vehicle between Chicago, Illinois, on the one hand, and Rock Island, Moline, East Moline, Illinois, and Davenport and Bettendorf, Iowa, on the other hand, filed with the Office of Defense Transportation by Dohrn Transfer Company, Rock Island, Illinois, and Burlington Transportation Company, Chicago, Illinois, as governed by § 501.9 of General Order ODT 3, Revised, as amended,[1] and good cause appearing therefor, *It is hereby ordered,* That:

1. Burlington Transportation Company shall discontinue the transportation of interstate shipments moving between Chicago, Illinois, or through that gateway, on the one hand, and Rock Island, Moline, East Moline, Illinois, and Davenport and Bettendorf, Iowa, on the other, and divert such shipments to Dohrn Transfer Company.

2. Dohrn Transfer Company shall accept from Burlington Transportation Company all shipments diverted to it pursuant hereto and shall transport such shipments between Chicago, Illinois, on the one hand, and Rock Island, Moline, East Moline, Illinois, and Davenport and Bettendorf, Iowa, on the other, over its route via U. S. Highway 34 and Illinois Highway 92, on the billing, and pursuant to the tariff rate and the rules and regulations, of Burlington Transportation Company.

3. Burlington Transportation Company shall perform the pick-up and delivery at the above-named terminal points, with respect to all shipments diverted pursuant hereto, except that Dohrn Transfer Company shall pick up and deliver truckload shipments when requested so to do by Burlington Transportation Company.

4. The division of revenues derived from transportation performed pursuant hereto shall be as agreed upon by the carriers, or, in the event the carriers are unable to agree thereon, shall be as determined by the Office of Defense Transportation.

5. The carriers forthwith shall file with the Interstate Commerce Commission and any other regulatory body or bodies having jurisdiction over the operations affected by this order, and publish, in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the rates, charges, operations, rules, regulations and practices of each carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to said Commission and to each such regulatory body for special per-

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[1] 7 F.R. 5445, 6689, 7694.

mission for such tariffs or supplements to become effective on one day's notice.

6. A copy of this order shall be filed forthwith with the Interstate Commerce Commission and with the appropriate State regulatory authorities.

7. Nothing contained herein shall be so construed as to permit or require the motor carriers herein named to perform any transportation service which is not authorized or sanctioned by law.

8. Communications concerning this order should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Supplementary Order ODT 3, Revised–8".

9. This Supplementary Order ODT 3, Revised—8 shall become effective December 26th, 1942, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 19th day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-13599; Filed, December 19, 1942; 10:39 a. m.]

[Supplementary Order ODT 3 Revised—9]

DOHRN TRANSFER COMPANY—BURLINGTON TRANSPORTATION COMPANY

COORDINATED OPERATION BETWEEN ROCK ISLAND-ALEDO, KEWANEE-ROCK ISLAND AND KEWANEE-PEORIA, ILL.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of property between Rock Island and Aledo, Illinois, between Kewanee and Rock Island, Illinois, and between Kewanee and Peoria, Illinois, filed with the Office of Defense Transportation by Dohrn Transfer Company, Rock Island, Illinois, and Burlington Transportation Company, Chicago, Illinois, as governed by § 501.9 of General Order ODT 3, Revised, as amended,[1] and good cause appearing therefor, *It is hereby ordered*, That:

1. Burlington Transportation Company shall:

(a) On its route, via U. S. Highway 67 and Illinois Highways 92 and 94, between Rock Island and Aledo, Illinois, discontinue the transportation of shipments originating at or destined to the intermediate points of Milan, Taylor Ridge, Reynolds and Hamlet, Illinois, and divert such shipments to Dohrn Transfer Company;

(b) On its route, via U. S. Highway 6 and Illinois Highways 82 and 81, between Kewanee and Rock Island, Illinois, discontinue the transportation of shipments originating at or destined to the intermediate points of Cambridge, Geneseo, Green River, Colona, Carbon Cliff, Briar Bluff and Silvis, Illinois, and divert such shipments to Dohrn Transfer Company, excepting, however, weekly truckload shipments from Atlantic & Pacific Tea Company, Chicago, Illinois, to its retail stores in Geneseo and Cambridge;

(c) On its route via U. S. Highway 6, discontinue the transportation of shipments destined to the intermediate points of Atkinson, Annawan and Mineral, Illinois, and divert such shipments at Rock Island or Kewanee, Illinois, to Dohrn Transfer Company;

(d) On its route between Kewanee and Peoria, Illinois, via U. S. Highways 34 and 150 and Illinois Highways 78, 17 and 91, accept from Dohrn Transfer Company all shipments originating at or destined to the intermediate points of Toulon, Wyoming, Princeville and Dunlap, Illinois, and transport such shipments on its own vehicles to destination.

2. Dohrn Transfer Company shall:

(a) Discontinue the transportation of shipments originating at or destined to Toulon, Wyoming, Princeville and Dunlap, Illinois, and divert such shipments to Burlington Transportation Company;

(b) Accept from Burlington Transportation Company all shipments diverted to it pursuant hereto and transport such shipments on its own vehicles to destination.

3. The division of revenues derived from transportation performed pursuant hereto shall be as agreed on by the carriers, or, in the event the carriers are unable to agree thereon, shall be as determined by the Office of Defense Transportation.

4. The carrier to which any such shipment shall have been diverted shall forward such shipment on the billing, and pursuant to the tariff rate and the rules and regulations, of the carrier issuing the bill of lading.

5. The carriers forthwith shall file with the Interstate Commerce Commission, in respect of transportation in interstate or foreign commerce, and with each appropriate State regulatory body, in respect of transportation in intrastate commerce, and publish, in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the rates, charges, operations, rules, regulations and practices of each carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to said Commission and to each such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

6. A copy of this order shall be filed with the Interstate Commerce Commission and with the appropriate State regulatory authorities.

7. Nothing contained herein shall be so construed as to permit or require the motor carriers herein named to perform any transportation service which is not authorized or sanctioned by law.

8. Communications concerning this order should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Supplementary Order ODT 3, Revised—9".

9. This Supplementary Order ODT 3, Revised—9 shall become effective December 26th, 1942, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 19th day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-13600; Filed, December 19, 1942; 10:40 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 51 Under RPS 64]

PREMIER STOVE COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 51 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On November 25, 1942, Premier Stove Co. Belleville, Ill., completed by filing required data an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of a maximum price for a Bungalow type combination gas and coal range designated in the application as model No. V-43.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Premier Stove Co. may sell, offer to sell, deliver or transfer the model No. V-43 Bungalow type combination gas and coal range manufactured by it at a price no higher than $48.84 f. o. b. factory dealers, subject to discounts, allowances and terms no less favorable than those in effect with respect to comparable model No. S-1200 as established under Revised Price Schedule No. 64.

(b) This Order No. 51 may be revoked or amended by the Price Administrator at any time.

(c) Unless this context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 51 shall become effective on the 19th day of December 1942.

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13562; Filed, December 18, 1942; 3:30 p. m.]

[Order 52 Under RPS 64]

DORTCH STOVE WORKS, INC.

APPROVAL OF MAXIMUM PRICE

Order No. 52 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

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[1] 7 F.R. 5445, 6689, 7694.

On September 8, 1942, the Dortch Stove Works, Inc., Franklin, Tennessee, filed an application pursuant to § 1356.1 (e) of Revised Price Schedule No. 64 for permission to sell and transfer to Spiegel, Inc., Chicago, Illinois, for resale by that person directly to the ultimate consumer, seventy-eight models of private brand domestic cooking and heating stoves at prices higher than the maximum price allowable under the schedule.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Dortch Stove Works, Inc., may sell and transfer its seventy-eight private brand models of domestic cooking and heating stoves to Spiegel, Inc., for resale by that person directly to the ultimate consumer, at prices no higher and on terms no less favorable than those submitted by Dortch Stove Works, Inc., in its application and on file with the Office of Price Administration.

(b) This Order No. 52 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to the terms used herein.

(d) This Order No. 52 shall become effective on the 19th day of December 1942.

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13563; Filed, December 18, 1942; 3:30 p. m.]

[Order 53 Under RPS 64]

CROWN STOVE WORKS

APPROVAL OF MAXIMUM PRICE

Order No. 53 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On November 27, 1942, Crown Stove Works, Chicago, Illinois, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of a maximum price for a new model of gas range designated in the application as Model No. 24930.

Due consideration has been given to the application and an opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Crown Stove Works may sell, offer to sell or deliver the following new model gas range at a price no higher than that specified:

Model No. 24930	$43.29 f. o. b. factory to dealers

subject to discounts, allowances and terms no less favorable than those in effect with respect to the comparable Model No. 235-14-2.

(b) This Order No. 53 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 53 shall become effective on the 19th day of December 1942.

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13564; Filed, December 18, 1942; 3:30 p. m.]

[Order 54 Under RPS 64]

ROCKWOOD STOVE WORKS

APPROVAL OF MAXIMUM PRICE

Order No. 54 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On September 25, 1942, Rockwood Stove Works, Rockwood, Tennessee, completed by filing required data an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for fifty-five models of coal and wood ranges, of which nine are for sale to manufacturers, twenty-eight for sale to jobbers and eighteen for sale to dealers.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Rockwood Stove Works may sell, offer to sell, deliver or transfer the following models at prices no higher than those specified:

Model No.:	*F. o. b. factory to dealers*
39-116,, plain finish square	$20.65
39-116, semienameled square	22.15
39-118, plain finish square	23.85
39-116, plain finish reservoir	25.23
39-118, semienameled square	25.03
39-116, semienameled reservoir	27.29
39-118, plain finish reservoir	29.53
S40-418, plain finish square	30.14
S40-418, semienameled square	29.01
39-116, enameled square	30.46
39-118, semienameled reservoir	31.05
39-118, enameled square	34.40
S40-418, enameled square	35.24
B40-418, plain finish reservoir	37.85
39-116, enameled reservoir	36.29
B40-418, semienameled reservoir	38.15
39-118, enameled reservoir	42.08
B40-418, enameled reservoir	42.83

Model No.:	*F. o. b. factory to manufacturers*
LF-62	$15.09
LF-42	17.65
GIS-42, semienameled square	19.19
SS40-418	21 92
GIS-42, semienameled square	23.73
GI-42, enameled square	24.00
BS-40-418	29.00
GI-42, enameled reservoir	29.64
BE-40-418	32.55

Model No.:	*F. o. b. factory to jobbers*
F858SHO, plain finish square	$15.67
39-116, plain finish square	15.67
75X3325, plain finish square	15.67
50, plain square	15.67
39-118, plain finish square	18.20
F859SHO, plain finish square	18.20
75, plain finish square	18.20
75X3326, plain finish square	18.20
39-116, semienameled square	17.50
F858SHO, plain finish reservoir	18.99
39-116, plain finish reservoir	19 02
50, plain finish reservoir	18.99
F861SHO, plain finish square	20.69
AS40-618, square	20.69
39-118, semienameled square	20.22
F859SHO, plain finish reservoir	21.83
39-118, plain finish reservoir	21 83
75, plain finish reservoir	21.83
39-116, semienameled reservoir	21.37
100, reservoir	22.62
F848SHO, plain finish reservoir	24.96
AB40-618, reservoir	24.96
39-118, semienameled reservoir	24 52
S-40-418, square	24.98
100ST, reservoir	27.81
100FT, reservoir	30.50
W-850, enameled reservoir	30.88
B-40-418, enameled reservoir	30.88

subject to discounts, allowances and terms no less favorable than those in effect to the comparable models, bearing in each case the identical model symbol, as established under Revised Price Schedule No. 64.

(b) This Order No. 54 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 54 shall become effective on the 19th day of December 1942.

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13565; Filed, December 18, 1942; 3:31 p. m.]

[Order 55 Under RPS 64]

AUTO STOVE WORKS

APPROVAL OF MAXIMUM PRICE

Order No. 55 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On October 2, 1942, the Auto Stove Works, New Athens, Illinois, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for sixteen models of coal and wood ranges, as designated below.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250: *It is hereby ordered:*

(a) Auto Stove Works may sell, offer to sell, transfer or deliver the following models of coal and wood ranges at prices no higher than those specified:

	F. o. b. factory to dealers
Model No. C-824-VC	$13.53
Model No. C-826-VC	14.35
Model No. C-824-VG	14.50
Model No. C-824-VD	14.31
Model No. C-826-VG	15.29
Model No. C-826-VD	15.13
Model No. C-824-VH	17.89
Model No. C-826-VH	18.95
Model No. S-6681-VC	19.71
Model No. S-6682-VC	19.67
Model No. S-7681-VF	23.34
Model No. S-7682-VF	24.73
Model No. 6681-VE	25.35
Model No. 6682-VE	25.75
Model No. 7681-VF	29.06
Model No. 7682-VF	29.41

subject to discounts, allowances and terms no less favorable than those in effect with respect to the maximum prices for the comparable models C-824-C, C-826-C, C-824-G, C-824-D, C-826-G, C-826-D, C-824-H, C-826-H, 6681-C, 6682-C, 7681-F, 7682-F, 6681-E, 6682-E, 7681-F, 7682-F, respectively, as established under Revised Price Schedule No. 64.

(b) This Order No. 55 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 55 shall become effective on the 19th day of December, 1942.

Issued this 18th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13581; Filed, December 18, 1942; 4:41 p. m.]

[Order 110 Under MPR 120]

CORNELL COKE CO.

ORDER GRANTING ADJUSTMENT, ETC.

Order No. 110 under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 1120-145-P.

Granting adjustment to Cornell Coke Company and denying protest insofar as relief is not granted.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 as amended and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1, *It is ordered:*

(a) *Granting adjustment.* (1) Coals in Size Group 6 produced by the Cornell Coke Company, Morgantown, West Virginia, at its Yale Mine, Mine Index No. 584, in District No. 3 may be sold and purchased at a price not to exceed $2.45 per net ton, for shipment by rail.

(2) Within thirty (30) days from the effective date of this order, the said Cornell Coke Company shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(b) *Denying protest insofar as relief is not granted.* The protest filed by Cornell Coke Company and assigned Docket No. 1120-145-P is hereby denied except insofar as relief has been granted by paragraph (a) of this order.

(c) This Order No. 110 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(e) This Order No. 110 shall become effective this 21 day of December 1942.

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13632; Filed, December 19, 1942; 11:30 a. m.]

[Order 21 Under MPR 169]

CUDAHY PACKING COMPANY

ORDER DENYING PETITION FOR ADJUSTMENT

Order No. 21 under Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts—Docket No. 3169-160.

On October 3, 1942, The Cudahy Packing Company, 221 North La Salle Street, Chicago, Illinois filed a petition for adjustment pursuant to § 1364.60 of Maximum Price Regulation No. 169, as amended.

Due consideration has been given to the petition and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with the Revised Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered,* That the petition for adjustment be, and it hereby is, denied.

(a) This Order No. 21 shall become effective December 22, 1942.

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13631; Filed, December 19, 1942; 11:28 a. m.]

[Order 92 Under MPR 188]

DRESSER MANUFACTURING CO.

AUTHORIZATION OF MAXIMUM PRICE

Order No. 92 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Authorization of a maximum price of a certain leak clamp for the Dresser Manufacturing Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and § 1499.158 of Maximum Price Regulation No. 188: *It is hereby ordered,* That:

(a) Specific authority is hereby given to the Dresser Manufacturing Company of Bradford, Pennsylvania, to sell and deliver to the Office of the Chief of Engineers, United States Army, under Order No. 59844, Requisition E-14923, leak clamps, Style 96A, at $29.11 each, f. o. b. Bradford, Pennsylvania.

(b) The Dresser Manufacturing Company shall submit such figures with respect to the cost of manufacturing the articles covered by this Order No. 92 to the Office of Price Administration as it may request.

(c) This Order No. 92 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 92 shall become effective December 21, 1942.

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13634; Filed, December 19, 1942; 11:32 a. m.]

[Order 4 Under MPR 244]

BASS FOUNDRY AND MACHINE DIVISION OF NATIONAL INDUSTRIES, INC.

ADJUSTMENT OF MAXIMUM PRICE

Order No. 4 under § 1421.157 (a) of Maximum Price Regulation 244—Gray Iron Castings—Docket No. 3244-1.

For the reasons set forth in the opinion, issued simultaneously herewith, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1421.157 (a) of Maximum Price Regulation 244 and Procedural Regulation No. 6 issued by the Office of Price Administration; *It is hereby ordered:*

(a) *Adjustment of maximum prices for gray iron castings sold by Bass Foundry and Machine Division of National Industries, Inc.* Bass Foundry and Machine Division of National Industries, Inc., Fort Wayne, Indiana, may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds and grades of gray iron castings set forth in Exhibit E[1] of the application for adjustment dated November 14, 1942 and filed by said Company with the Office of Price Administration on November 16, 1942, to the persons specified in said Exhibit E, at prices not in excess of those stated for such castings in said Exhibit E, and such persons may buy and receive, and agree, offer, solicit and attempt to buy and receive, such kinds and grades of gray iron castings at such prices from Bass Foundry and Machine Division of National Industries, Inc.

(b) Bass Foundry and Machine Division of National Industries, Inc., Fort Wayne, Indiana, may sell and deliver gray iron castings which are the same as those set forth by specific name, part or pattern number in Exhibit E referred to in the preceding paragraph (a), at prices not in excess of those stated in said Exhibit E for such castings, to purchasers other than those set forth in said Exhibit E, and such purchasers may buy and receive such gray iron castings at such prices from Bass Foundry and Machine Division of National Industries, Inc.

(c) The permission granted to Bass Foundry and Machine Division of National Industries, Inc. is subject to the following condition: Bass Foundry and Machine Division of National Industries, Inc. shall file with the Iron and Steel Branch, Office of Price Administration, Washington, D. C.: (1) A sworn statement of its profits and losses on its sales of gray iron castings for each month beginning with December 1942, such statements to be filed not later than thirty days after the close of each month; (2) a sworn statement of its over-all profits and losses on all sales for each quarter year, beginning with the last quarter of 1942, such statements to be filed not later than thirty days after the close of each quarter year; (3) quarterly balance sheets submitted under oath covering its over-all operations beginning with the last quarter of 1942, such balance sheets to be filed not later than thirty days after the close of each quarter year; and (4) a breakdown of the profit and loss statements filed pursuant to (1) and (2) of this paragraph showing (i) net sales (ii) cost of commodities or services sold, stating separately total direct material costs, total direct labor costs and total other manufacturing costs and (iii) general and administrative expenses, segregating compensation to officers and directors: *Provided,* That said Company need not file any of the foregoing financial data if it has filed such data, or in the future does file such data on or before the time limits specified in this paragraph (c), on Form A—Annual Financial Report—or Form B—Interim Financial Report, issued by the Office of Price Administration.

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires the definitions set forth in § 1421.164 of Maximum Price Regulation 244 shall apply to the terms used herein.

(g) This Order No. 4 shall become effective December 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 19th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13633; Filed, December 19, 1942; 11:32 a. m.]

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[1] Because of the multiplicity of the prices involved, they are not specifically set forth in this order.

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-634, 70-635]

THE MAUCH CHUNK HEAT, POWER & ELECTRIC LIGHT COMPANY AND NATIONAL POWER & LIGHT COMPANY

NOTICE OF FILING AND ORDER FOR HEARING AND CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 16th day of December, A. D. 1942.

Notice is hereby given that separate applications or declarations, (or both), have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 by The Mauch Chunk Heat, Power & Electric Light Company, ("Mauch Chunk"), a subsidiary of Republic Service Corporation, ("Republic"), a registered holding company, (File No. 70-634) and by National Power & Light Company, ("National"), likewise a registered holding company, (File No. 70-635). The applicants and declarants have designated sections 9, 10, and 12 of the Act and Rules U-42, U-43, and U-44 of the rules and regulations promulgated thereunder as applicable to the transactions proposed. All interested persons are referred to said documents, which are on file in the office of this Commission, for a complete statement of the transactions therein proposed, which are summarized as follows:

National proposes to sell its entire interest in Mauch Chunk to the latter for a cash consideration of $30,000. National's interest in Mauch Chunk is represented by 61 shares of 6% cumulative preferred stock ($25 par value) and 597 shares of common stock ($25 par value) of Mauch Chunk. It is stated that the transaction is a step in furtherance of the liquidation and dissolution of National required by the order of this Commission dated August 23, 1941 (Holding Company Act Release No. 2962). Upon the acquisition of said securities, Mauch Chunk proposes to retain the same as treasury stock.

It appearing to the Commission that the said applications and declarations of Mauch Chunk and National involve interrelated matters and that they can most adequately be treated by consolidating the same;

It is ordered, That the above entitled proceedings be and the same hereby are consolidated.

It further appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declarations and applications, and that said declarations shall not become effective or said applications be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereafter set forth;

It is further ordered, That a hearing on such consolidated applications and declarations under the applicable provisions of the Act and the rules of the Commission thereunder be held on January 5, 1943 at 10 a. m., E. W. T. in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by said declarations or applications, particular attention will be directed to the following matters:

(1) Whether the consideration to be paid by Mauch Chunk and to be received by National for said shares of preferred common stock is unfair or unreasonable;

(2) The advisability of entering any order or orders pursuant to sections 12 (c), 12 (d) and 12 (g) of the Act with respect to any of the proposed transactions by Mauch Chunk and National;

(3) What terms and conditions, if any, are necessary to be imposed to insure compliance with the requirements of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders promulgated thereunder;

It is further ordered, That any other person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, on or before January 2, 1943, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order to The Mauch Chunk Heat, Power & Electric Light Company, National Power & Light Company, and the Pennsylvania Public Utility Commission by registered mail; and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13591; Filed, December 18, 1942; 5:12 p. m.]

[File No. 70-648]

GENERAL GAS & ELECTRIC CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of December, A. D. 1942.

Notice is hereby given that a declaration pursuant to the Public Utility Holding Company Act of 1935, has been filed by General Gas & Electric Corporation, a registered holding company; and

Notice is further given that any interested person may, not later than December 26, 1942, at 1:00 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration, as filed or as amended, may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and 100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

General Gas & Electric Corporation has outstanding $999,360.79 principal amount of interest bearing scrip, due December 30, 1942, with interest accumulated thereon from date of issuance, December 30, 1937, at 4%. On December 30, 1942, the total accumulated interest will amount to $199,872.15.

Of the total amount of scrip outstanding, Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, parent of General Gas & Electric Corporation, hold $959,324.28 principal amount, and the public holds $40,035.97 principal amount. General Gas & Electric Corporation proposes to make payment, in cash, to the public holders of the scrip. The amount of this payment, including accrued interest to December 30, 1942, is $48,043.16.

The proposal to pay the public holders is contingent upon receipt by General Gas & Electric Corporation from the Trustees of Associated Gas and Electric Corporation of an agreement on their part not to present any scrip held by them for payment in cash on December 30, 1942, or until further order of the Commission.

The declaration has designated section 12 (c) of the Act, and Rule U-46 promulgated thereunder, as being applicable to the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13593; Filed, December 18, 1942; 5:12 p. m.]

[File No. 70-637]

DENIS J. DRISCOLL AND WILLARD L. THORP, TRUSTEES, ET AL.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of December, 1942.

In the matter of Denis J. Driscoll and Willard L. Thorp, Trustees, Associated Gas and Electric Corporation, The General Utilities Company, The Western Reserve Power and Light Company, The New London Power Company.

A joint declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, and by The General Utilities Company, The Western Reserve Power and Light Company, and The New London Power Company, each of which is a subsidiary of the said registered holding company; and notice has been given of the filing thereof by publication in the FEDERAL REGISTER, and otherwise, as provided by Rule U-23 under said Act; and

The said joint declaration concerns the sale of the properties of the three named subsidiaries for an aggregate base price of $1,100,000, and the transfer of the then remaining assets (subject to existing liabilities) of The New London Power Company to The Western Reserve Power and Light Company in consideration for the surrender by the latter of all of the outstanding stock of said New London Power Company, and the further transfer of all of the then remaining assets (mainly the considerations to be received) of The Western Reserve Power and Light Company and The General Utilities Company (subject to existing liabilities) to the said holding company, upon the surrender to them respectively of all the outstanding stock and claims against them, and further concerns the proposed dissolution of said three subsidiary companies; and

The said declaration contains a request that the Commission enter an order reciting in substance that the said transfers are necessary or appropriate to effectuate the provisions of section 11 (b) of the Act; and

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matter;

It is ordered, That a hearing on such matter under the applicable provisions of the said Act and the rules of the Commission thereunder be held on December 19, 1942, at 10 a. m. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Robert P. Reeder, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the action proposed to be taken is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act;

(2) Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors;

(3) Whether the action proposed to be taken complies with all the provisions of the Public Utility Holding Company Act of 1935, and all rules and regulations promulgated thereunder and is not detrimental to the public interest or the interest of investors or consumers.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13592; Filed, December 18, 1942; 5:12 p. m.]

[File Nos. 70-649, 59-19, 54-34]

GENERAL GAS & ELECTRIC CORP., ET AL.

NOTICE OF FILING AND ORDER FOR CONSOLIDATION AND HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of December 1942.

In the matter of General Gas & Electric Corporation, Southern Electric Utilities Company, File No. 70-649; and General Gas & Electric Corporation, File Nos. 59-19, 54-34.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by General Gas & Electric Corporation, a registered holding company, and its wholly-owned subsidiary, Southern Electric Utilities Company; and

All interested persons are referred to said application-declaration, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

Southern Electric Utilities Company proposes to merge into General Gas & Electric Corporation, which is the owner of all its outstanding capital stock and is also its sole creditor; General Gas & Electric Corporation proposes to assume all the assets and liabilities of Southern Electric Utilities Company, consisting almost entirely of preferred and preference stocks of Associated Gas and Electric Company, in return transferring to Southern Electric Utilities Company all the outstanding securities issued by the latter for retirement and cancellation, and Southern Electric Utilities Company will then be dissolved; and

The Commission having heretofore instituted proceedings under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 against the General Gas & Electric Corporation; and said Respondent having filed a plan pursuant to section 11 (e) of the Act concerned with a proposed recapitalization of Respondent; the said two proceedings having by a previous order of the Commission been consolidated for public hearings; and public hearings having been held on the said consolidated matter from time to time; and

The said joint application-declaration further stating that the proposed transactions are in connection with the proceedings which have been instituted before the Commission under section 11 (b) (2) of the Act, for the corporate simplification of the holding company system of General Gas & Electric Corporation, and for the equitable distribution of voting power among its security holders; and

It appearing that sections 9 (a) (1), 10, 11 (b) (2), and 12 (f) of the Act and Rules U-43 and U-49 (b) promulgated thereunder are applicable to the proposed transactions; and

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that a hearing be held with respect to said matter, that said application-declaration shall not be granted or become effective except pursuant to further order of this Commission; and

It further appearing that the foregoing matters filed under File Nos. 59-19 and 54-34 are related to, and that the evidence offered in respect to each of such matters may have a bearing upon the matters consolidated by the order of the Commission dated September 16, 1942, and that substantial savings of time and expense will result if the matters are further consolidated;

It is hereby ordered, That such proceedings in File Nos. 59-19 and 54-34 be, and hereby are, consolidated with the joint application-declaration filed in File No. 70-649; and

It is further ordered, That a hearing on such matters, under the applicable provisions of the said Act and the rules of the Commission thereunder be held on December 23, 1942, at 10:00 a. m. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

At such hearing cause shall be shown why such joint application-declaration shall be granted or become effective. Notice is hereby given of said hearing to the above-named applicants-declarants and to all interested persons.

It is further ordered, That any person desiring to be heard in connection with the proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before December 21, 1942, his request or application therefor, as provided by Rule XVII of the Rules of Practice of this Commission.

It is further ordered, That Robert P. Reeder, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed transactions are appropriate and in the public interest and the interest of investors;

(2) Whether the proposed transactions are necessary and appropriate to effectuate the provisions of section 11 (b) of the Act;

(3) The propriety of the proposed accounting treatment of the transactions on the books of the applicants-declarants;

(4) Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors;

(5) Whether the proposed transactions comply with the provisions of the Public Utility Holding Company Act of 1935 and all Rules and Regulations promulgated thereunder, and is not detrimental to the public interest or the interest of investors or consumers.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13594; Filed, December 18, 1942; 5:13 p. m.]

[File No. 54-51]

NATIONAL POWER AND LIGHT COMPANY

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 16th day of December A. D. 1942.

National Power & Light Company, a registered holding company, having filed an application or declaration (or both) under the Public Utility Holding Company Act of 1935 for permission to liquidate South Texas Utilities Company, a wholly-owned non-utility subsidiary of National Power & Light Company, by causing all assets of South Texas Utilities Company remaining after expenses of liquidation, consisting of approximately $1,700 in cash, to be applied against the note indebtedness of South Texas Utilities Company to National Power & Light Company, and thereupon to dissolve South Texas Utilities Company; and

Said application or declaration having been filed on October 28, 1942, and an amendment thereto having been filed on November 27, 1942, and notice of said filing having been given in the form and manner prescribed by Rule U-23, promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission having found that the proposed transaction is a step in compliance with the Order of the Commission dated August 23, 1941, directing the dissolution of National Power & Light Company, and is not in contravention of the provisions of the Act, or any rules or regulations thereunder, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application and to permit said declaration to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that said application, as amended, be and hereby is granted and said declaration, as amended, be and hereby is permitted to become effective forthwith.

By the Commission, (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13590; Filed, December 18, 1942; 5:13 p. m.]

TROST & CO.

ORDER REVOKING REGISTRATION AND EXPELLING REGISTRANT FROM NATIONAL SECURITIES ASSOCIATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of December A. D. 1942.

In the matter of Trost & Company, Inc., 603 Liberty Bank Building, Buffalo, New York.

Proceedings having been instituted pursuant to an order of the Commission to determine whether or not the registration of Trost & Company, Inc., as a broker-dealer should be revoked pursuant to section 15 (b) of the Securities Exchange Act of 1934, and whether or not Trost & Company, Inc. should be suspended for a period not exceeding twelve months or expelled from the National Association of Securities Dealers, Inc. pursuant to section 15 (A) (*1*) (2) of said Act; a hearing having been held after appropriate notice, and the Commission having this day issued its findings and opinion;

It is ordered, On the basis of said findings and opinion, that the registration of Trost & Company, Inc. as a broker-dealer in over-the-counter securities be, and it hereby is, revoked; and

It is further ordered, That said Trost & Company, Inc. be, and it hereby is, expelled from membership in the National Association of Securities Dealers, Inc.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13589; Filed, December 18, 1942; 5:12 p. m.]

[File No. 812-295]

CHEMICAL FUND, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of December 1942.

An application having been filed by Chemical Fund, Inc., a registered investment company, under and pursuant to the provisions of section 6 (c) for a temporary exemption from the provisions of section 10 (b) (3) of the Investment Company Act of 1940 until March 31, 1943 with respect to the fact that there is not a majority of the board of directors who are not investment bankers or affiliated persons of investment bankers.

It is ordered, That a hearing on the aforesaid application be held on December 28, 1942, at 10 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise interested parties where such hearing will be held.

It is further ordered, That Willis Monty, Esquire, or any other officer or officers designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant, and to such other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13663; Filed, December 21, 1942; 10:01 a. m.]

[File No. 43-160]

COLUMBIA GAS & ELECTRIC CORPORATION

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 17th day of December 1942.

Notice is hereby given that a declaration or application (or both) has been filed with the Commission, pursuant to the Public Utility Holding Company Act of 1935, by Columbia Gas & Electric Corporation. All interested persons are referred to said documents, which are on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Columbia Gas & Electric Corporation, a registered holding company and a subsidiary of The United Corporation, also a registered holding company, requests an extension to December 31, 1943, of the date, December 31, 1942 fixed by the Commission's Findings and Opinion and Order of January 25, 1939 (4 SEC 406), on which the balance remaining in its accounts designated "Special Capital Surplus" and "Surplus Prior to January 1, 1938" must be restored to the common capital stock account of the corporation.

The above-mentioned Findings and Opinion and Order permitting a declaration by Columbia Gas to become effective regarding a reduction of the capital represented by the shares of its common stock from $194,349,005.62 to $12,304,282, and the manner of treating the surplus created thereby and of the "Surplus Prior to January 1, 1938" contained, among other things, a condition that "unless the time be extended by application to this Commission and Order thereon, balances remaining in 'Special Capital Surplus' and 'Surplus Prior to January 1, 1938' on December 31, 1942 shall be restored to common capital stock account as of the date last mentioned".

Applicant represents that (a) As of October 31, 1942, the balance remaining in the "Special Capital Surplus" account amounts to $104,482,575.71, and the balance remaining in its "Surplus Prior to January 1, 1938" account amounts to $944,096.08; and (b) it has endeavored, with due diligence, to complete the various adjustments contemplated in the declaration which were the subject of the Findings and Opinion and Order, but "unexpected delays, due in part to war conditions, in completion by its subsidiaries of their original cost studies and in obtaining final determinations as to original cost from regulatory authorities, have rendered it impossible for final adjustments to be made". Accordingly, Columbia Gas requests the one-year extension mentioned above.

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission:

It is ordered, That a hearing on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on December 28, 1942 at 2:00 p. m. E. W. T. in such room in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, as the hearing room clerk in Room 318 will at that time advise. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarant and applicant and to all interested persons, said Notice to be given to declarant and applicant by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Charles S. Lobingier, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) The steps taken thus far by Columbia Gas & Electric Corporation toward completion of the adjustments contemplated in its declaration heretofore filed and considered by the Commission; and whether due diligence has been exercised;

(2) The present status of the original cost studies and the reasons for their incompletion;

(3) Whether it is appropriate in the public interest and in the interest of investors and consumers to grant the requested extension.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13664; Filed, December 21, 1942; 10:01 a. m.]

[File No. 70-641]

GENERAL GAS & ELECTRIC CORP., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 17th day of December, A. D. 1942.

In the matter of General Gas & Electric Corporation, Florida Power Corporation, Florida Public Service Company, Sanford Gas Company, Santa Fe Land Company, and Georgia Power and Light Company.

Notice is hereby given that an application-declaration has been filed pursuant to the Public Utility Holding Company Act of 1935, by General Gas & Electric Corporation, a registered holding company, which is a subsidiary of Trustees of Associated Gas and Electric Corporation, in reorganization pursuant to Chapter X of the Bankruptcy Act, and certain subsidiaries of General Gas & Electric Corporation, namely, Florida Power Corporation, Florida Public Service Company, Sanford Gas Company, Santa Fe Land Company, and Georgia Power and Light Company;

All interested persons are referred to said application-declaration which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

It is proposed that Florida Public Service Company, Sanford Gas Company, and the Santa Fe Land Company be merged into Florida Power Corporation. In connection with these mergers, the fixed assets of Florida Power Corporation and the merged companies are to be restated, and the depreciation reserves increased.

Upon the consummation of the mergers, Florida Power Corporation proposes to issue 3,000,000 shares of new common stock, no par value. Of this new common stock, 1,747,376 shares are to be issued to General Gas & Electric Corporation in exchange for General Gas & Electric Corporation's present holdings of common stock of Florida Power Corporation. Of the balance of 1,252,624 shares, 1,151,941 are to be acquired by General Gas & Electric Corporation, in exchange for the common stock of Florida Public Service Company and the remaining 100,683 shares are to be acquired for the common stock of Sanford Gas Company.

Florida Power Corporation proposes to issue a new series of preferred stock, designated as 6% preferred $50 par value. These new preferred shares of Florida Power Corporation are to be issued only in exchange for publicly held $6 no-par preferred Georgia Power and Light Company and are to be issued in exchange for such preferred stock of Georgia Power and Light Company only in the event that "95% (or such smaller percentage as may be determined by Florida Power Corporation from time to time but not less than 75%) of all shares of Georgia Power and Light Company's stock outstanding shall accept the offer within a reasonable time." The offer to be made to the public is an exchange share for share of the new Florida Power Corporation preferred stock for the presently outstanding preferred stock of Georgia Power and Light Company.

Upon the consummation of the exchanges of Florida Power Corporation's newly created preferred stock for publicly held preferred stock of Georgia Power and Light Company, if such proposed exchanges are effectuated, Florida Power Corporation is to acquire from General Gas & Electric Corporation for $1, all of the no-par value common stock of Georgia Power and Light Company (consisting of 21,650 shares) and 4,200 shares of $6 no-par value preferred stock of Georgia Power and Light Company.

Simultaneously with, or immediately subsequent to, the purchase by Florida Power Corporation from General Gas & Electric Corporation of the securities of Georgia Power and Light Company, General Gas & Electric Corporation proposes to contribute to Florida Power Corporation, and Florida Power Corporation proposes, in turn, to contribute to Georgia Power and Light Company, $300,000, in cash. Georgia Power and Light Company will, thereupon, apply this cash, plus an additional $50,000 or more of its own funds, to the retirement of its First Mortgage Bonds.

At the time of the purchase by Florida Power Corporation from General Gas & Electric Corporation of the securities of Georgia Power and Light Company, Georgia Power and Light Company will record on its books the original cost of its electric fixed capital as determined by the company, and the difference between this amount and the amount by which its electric fixed capital is stated upon its books, will be charged off to capital surplus. Certain other accounting adjustments will also be made.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matters, that the declaration shall not become effective, nor the application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on the 11th day of January, 1943, at 10 o'clock a. m. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day, the hearing room clerk in room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declaration should be permitted to become effective and why such application should be granted. Any person desiring to be heard in connection with these proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission on or before the 6th day of January, 1943, his request or application thereof as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act, and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by the said application-declaration otherwise considered in this proceeding, particular attention will be directed at the hearing on the following matters and questions:

1. Whether the proposed transactions are necessary and appropriate to effectuate the provisions of section 11 (b) of the Act and are fair and equitable to all persons affected by such transactions;

2. Whether it is in the public interest or in the interest of investors and consumers, and in conformity with the applicable provisions of the Act to grant the application and allow the declaration to become effective so that Florida Power Corporation may merge into itself Florida Public Service Company, Sante Fe Land Company and Sanford Gas Company;

3. Specifically, whether the proposed merger of the gas, water and ice facilities of Florida Public Service Company into Florida Power Corporation meets the standards of the Act;

4. Specifically, whether it is in conformity with the terms of the order of the Commission, issued August 13, 1942 (Holding Company Act Release No. 3729) pursuant to section 11 (b) (1) of the Act wherein the Trustees of Associated Gas and Electric Corporation were directed to dispose of their interest in Santa Fe Land Company and Sanford Gas Company to permit a merger of these interests into a public utility company;

5. Whether the proposed issuance of securities by Florida Power Corporation, in the event that the proposed mergers are effectuated, meets the standards of the Act and is appropriate in the public interest and in the interest of investors and consumers;

6. Whether the proposed exchange offer to be made to the preferred stockholders of Georgia Power and Light Company by Florida Power Corporation is fair and equitable and in conformity with the standards of the Act and Rules and Regulations promulgated thereunder;

7. Whether the proposed donation by General Gas & Electric Corporation of $300,000 is appropriate and in the interest of investors and consumers generally, and, specifically, whether it is fair and equitable to the public security holders of General Gas & Electric Corporation;

8. Whether the restated fixed capital of Florida Power Corporation upon the consummation of the transactions proposed, if such transactions are consummated on the terms set forth in the filings, will contain any inflationary items; whether the fixed capital of Georgia Power and Light Company, after the proposed restatement, will contain inflationary items; and whether the increased provisions for depreciation for these two companies, as provided in the filings, will be adequate;

9. Whether, and to what extent, it is appropriate in the public interest or for the protection of investors and consumers to impose terms and conditions with respect to the proposed transactions; and

10. Generally, whether the proposed transactions meet the requirements of the appropriate provisions of the Act and Rules and Regulations promulgated thereunder.

It is further ordered, That the secretary of the Commission shall serve notice of the hearing above described by mailing a copy of this order by registered mail to General Gas & Electric Corporation, Florida Power Corporation, Florida Public Service Company, Sanford Gas Company, Santa Fe Land Company, Georgia Power and Light Company, and that notice of the entry of this order for said hearing is hereby given to all holders of securities of General Gas & Electric Corporation, Florida Power Corporation, Florida Public Service Company, Sanford Gas Company, Santa Fe Land Company and Georgia Power and Light Company, to the Public Service Commission of the State of Georgia and to all other Federal and State commissions or other agencies, authorities, or instrumentalities or other political subdivisions having jurisdiction over General Gas & Electric Corporation, Florida Power Corporation, Florida Public Service Company, Sanford Gas Company, Santa Fe Land Company, Georgia Power and Light Company, or any one of them, and to all other persons such notice to be given by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13665; Filed, December 21, 1942; 10:01 a. m.]

A public hearing having been held

tion 11 (b) (2) of the Public Utility

A public hearing on said declaration, as amended, having been duly held, the

both alien and non-alien, who reside within the bounds of the Area are re-

of Fractional Section 12, to an intersection with the east boundary of Tract 85, T. 53 N., R. 101 W.; thence northerly along the east

[File No. 70-596]

The Pueblo Gas and Fuel Company and Cities Service Power & Light Company

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE SUBJECT TO CONDITIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of December, A. D. 1942.

The Pueblo Gas and Fuel Company ("Pueblo"), and Cities Service Power & Light Company ("Power & Light"), a registered holding company and a subsidiary of Cities Service Company, also a registered holding company, having filed applications and declarations, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 7, 10 and 12 thereof and the Rules promulgated thereunder, with respect to a recapitalization of Pueblo and related transactions, as follows:

1. Power & Light proposes to purchase all of the outstanding stock of Pueblo from the present record owner thereof for a consideration of $1,000; and Pueblo proposes to issue to Power & Light 3,155.2 shares of common stock in full satisfaction and discharge of $315,520 principal amount of Pueblo's mortgage bonds now owned by Power & Light.

2. Power & Light proposes to donate to Pueblo (a) 2,655.2 shares of Pueblo's common stock in the aggregate par value of $265,520; (b) 4,023 shares of Pueblo's preferred stock in the aggregate par value of $402,300; and (c) $1,227,408.15 principal amount of indebtedness of Pueblo reflected on its books, Pueblo to retire and cancel all of such securities and credit the aggregate amount thereof to capital surplus.

3. Pueblo proposes, through solicitation of the holders thereof, to extend the maturity date of the balance of its outstanding first mortgage bonds in the principal amount of $322,080 for 10 years, from September 1, 1942, such bonds to be further secured by the terms of a supplemental indenture.

4. Pueblo proposes (a) to provide additional property reserves and to write off certain intangible property and to charge the aggregate amount thereof, together with the existing surplus-deficit, to capital surplus so created; and (b) to charge retirement reserve with the estimated cost of its gas manufacturing facilities no longer used or useful in the approximate amount of $200,000.

The foregoing transactions are to become effective when and if the holders of at least 90% of the first mortgage bonds of Pueblo, other than Power & Light, shall have consented to the proposal to extend the maturity date of such bonds.

Cities Service Company, owner of $32,000 principal amount of Pueblo bonds, has joined in the applications and declarations to the extent and for the purpose of requesting approval of its acquisition of a like principal amount of extended Pueblo bonds.

A public hearing having been held after due notice, and the Commission being advised in the premises:

It is ordered, That the said applications and declarations, as amended, be and they are hereby respectively granted and permitted to become effected subject, however, to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations promulgated under said Act, and to the following further conditions:

1. Approval of the acquisition by Power & Light of the preferred and common stocks of Pueblo from the record owner thereof shall be without prejudice to any right of the Commission, in any appropriate proceeding hereafter under the Act, to direct the divestment by Power & Light of securities of Pueblo to the extent authorized by section 11 of the Act.

2. Approval of the acquisition by Cities Service Company of $32,000 principal amount of Pueblo bonds (through the extension of the maturity thereof) shall be without prejudice to any right of the Commission, in any appropriate proceeding hereafter under the Act, to inquire into and issue any appropriate order respecting the validity and ranking of such extended bonds or the amount to be realized thereon in such proceeding.

3. Accounting entries made by Power & Light as a result of the proposed transactions shall be without prejudice to any right of the Commission, in any appropriate proceeding hereafter under the Act, to inquire into and issue any appropriate order or orders in such proceeding requiring Power & Light to effect changes in such accounting entries.

4. No charge to the capital surplus of Pueblo to be created by the proposed transactions shall be made, except for proper adjustments inherent in its plant account at June 30, 1942, or for transfer to depreciation reserve, without further order of this Commission.

5. A copy of the "Findings and Opinion" entered by the Commission in this proceeding shall be furnished each bondholder solicited, as part of the initial solicitation literature, and Pueblo shall submit to the Commission not less than three days prior to use thereof, copies in final form of all supplemental or follow-up solicitation literature.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13666; Filed, December 21, 1942; 10:01 a. m.]

[File No. 59-15]

Northern New England Company and New England Public Service Company

ORDER GRANTING EXTENSION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of December 1942.

The Commission having by its order of May 2, 1941 entered pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 directed that New England Public Service Company, a registered holding company, should within one year change its present capitalization to one class of stock, namely, common stock, or, in the alternative, at its election, liquidate its affairs and distribute its assets to its security holders; and said order having provided that said New England Public Service Company should make application to the Commission for the entry of such further orders as are necessary or appropriate for that purpose, and the Commission having reserved jurisdiction to enter such further orders as might be necessary or appropriate; and

Said New England Public Service Company having filed an application pursuant to section 11 (c) of said Act for an extension of time within which to comply with said order of May 2, 1941; and

The Commission having found that said New England Public Service Company has been unable in the exercise of due diligence to comply with said order within the initial statutory period of one year from the date of its entry, and that an extension of time is necessary and appropriate in the public interest and for the protection of investors:

It is ordered, That said New England Public Service Company be and it is hereby granted an additional period of one year from May 2, 1942, within which to comply with said order of May 2, 1941.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13667; Filed, December 21, 1942; 10:02 a. m.]

[File No. 70-603]

Carolina Power & Light Company and National Power & Light Company

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of December, A. D. 1942.

Carolina Power & Light Company and its parent, National Power & Light Company, a registered holding company subsidiary of Electric Bond and Share Company, likewise a registered holding company, having filed a joint declaration and an amendment thereto under the Public Utility Holding Company Act of 1935, particularly sections 9 (a), (10), 12 (c), 12 (d), and 12 (f) thereof and Rules U-42 and U-45 thereunder regarding the surrender for cancellation by National Power & Light Company of 1,442,609 shares of common stock, without par value, of Carolina Power & Light Company as a capital contribution to the latter, the write-down of the utility plant account of Carolina Power & Light Company in the amount of $18,648,438. and the reduction of its common capital to $10,000,000 to eliminate an earned surplus deficit resulting from such write-down, and certain other adjustments in its accounts.

A public hearing on said declaration, as amended, having been duly held, the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein;

It is ordered, That said declaration, as amended, be and the same hereby is permitted to become effective subject, however, to the following conditions:

1. Carolina Power & Light Company shall not declare or pay any dividends on its common stock except after fifteen (15) days' advance notice to the Commission.

2. Jurisdiction is reserved to determine in appropriate proceedings under applicable provisions of the Act:

(a) Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers to require Carolina Power & Light Company to make further adjustments in its accounts;

(b) Whether it is necessary or appropriate to prohibit the declaration or payment by Carolina Power & Light Company of dividends on its common stock in order to protect the financial integrity, or safeguard the working capital of Carolina Power & Light Company, to prevent the payment of dividends out of capital or unearned surplus, or to prevent the circumvention of the provisions of the Act or any rules, regulations or orders thereunder; and

(c) Whether it is necessary or appropriate to require Carolina Power & Light Company to revise its capital structure for the purpose of fairly and equitably distributing voting power among its security holders, and whether in such revision of the capital structure of Carolina Power & Light Company, the 16,806 shares of $7 preferred stock of Carolina Power & Light Company held by National Power & Light Company should be converted into common stock of Carolina Power & Light Company, or be otherwise subordinated to its publicly held securities.

3. The transactions set forth in said declaration, as amended, shall be carried out in conformity with the representations made and for the purposes stated therein and in compliance with Rule U-24 of the rules of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13668; Filed, December 21, 1942; 10:02 a. m.]

WAR RELOCATION AUTHORITY.

Heart Mountain Relocation Area, Wyo.

ORDER ESTABLISHING BOUNDARIES

Whereas, the Secretary of War, by Public Proclamation No. W.D. 1, dated August 13, 1942 (7 F.R. 6593), established the territory within the Heart Mountain Relocation Area, approximately 12 miles northeast of Cody, Wyoming, as a Military Area and designated the Area as a War Relocation Project Area; and,

Whereas, all persons of Japanese ancestry and all members of their families, both alien and non-alien, who reside within the bounds of the Area are required to remain within such bounds at all times, unless specifically authorized to leave as provided by the aforementioned Public Proclamation;

Now, therefore, by virtue of the authority vested in me by the President of the United States by Executive Order No. 9102, dated March 18, 1942 (7 F.R. 2165), I hereby establish the exterior boundaries of the Heart Mountain Relocation Area as follows:

Beginning at the northeast corner of Lot 89, T. 55 N., R. 100 W., 6th P. M., Wyoming; thence southerly along the east boundary of Lot 89, to an intersection with Lateral "A"; thence in a general southwesterly direction along Lateral "A", through Lots 89, 88, 98 and 100, T. 55 N., R. 100 W., to the south boundary of Lot 100; thence westerly along the line between Lots 100 and 44, to the northwest corner of Lot 44, T. 55 N., R. 100 W.; thence southerly along the west boundary of Lot 44, to an intersection with the north one-sixteenth line of Fractional Section 27, T. 55 N., R. 100 W.; thence westerly along the north one-sixteenth line of Fractional Section 27, to an intersection with the east boundary of Lot 43, T. 55 N., R. 100 W.; thence southerly along the east boundary of Lot 43, to the east one-quarter corner of Lot 43; thence westerly along the east-and-west center line of Lot 43, to the center one-quarter corner of Lot 43; thence southerly along the north-and-south center line of Lot 43, to an intersection with the south one-sixteenth line of Lot 43; thence westerly along the south one-sixteenth line of Lot 43, to an intersection with the west one-sixteenth line of Lot 43; thence southerly along the west one-sixteenth line of Lot 43, to an intersection with the south boundary of Lot 43; thence easterly along the line between Lots 43 and 63, T. 55 N., R. 100 W., to the one-quarter section corner common to Lots 43 and 63; thence southerly along the north-and-south center line of Lot 63, to an intersection with the Garland Canal; thence in a general southwesterly direction, along the Garland Canal, to the south boundary of Lot 63, T. 55 N., R. 100 W., which is the north boundary of Lot 52, T. 54 N., R. 100 W.; thence continuing southwesterly along the Garland Canal, through Lots 52 and 55, T. 54 N., R. 100 W., to an intersection with the east boundary of Lot 53, T. 54 N., R. 100 W., between corners number one and number two of Lot 53; thence northerly along the east boundary of Lot 53, to corner number one of Lot 53; thence westerly along the north boundary of Lot 53, to corner number eight of Lot 53; thence southerly along the west boundary of Lot 53, to corner number seven of Lot 53; thence easterly along the south boundary of Lot 53, to an intersection with the Garland Canal; thence in a general southwesterly, southeasterly, and southerly direction, along the Garland Canal, through Lots 55, 46 and 43, T. 55 N., R. 100 W., to the line between Lots 43 and 41, T. 55 N., R. 100 W.; thence easterly between Lots 43 and 41, to the left bank of the Shoshone River; thence in a general southwesterly and southeasterly direction along the left bank of the Shoshone River, through Lots 41 and 39 and Fractional Sections 30 and 31, T. 54 N., R. 100 W., to the west boundary of Lot 58, T. 54 N., R. 100 W.; thence southerly along the west boundary of Lot 58, T. 54 N., R. 100 W., and Lot 56, T. 53 N., R. 100 W., to the left bank of the Shoshone River; thence in a general southerly, westerly, and southwesterly direction, along the left bank of the Shoshone River, through Fractional Sections 6 and 7, T. 53 N., R. 100 W., and Fractional Section 12, T. 53 N., R. 101 W., to an intersection with the east-and-west center line of Fractional Section 12; thence westerly along the east-and-west center line of Fractional Section 12, to an intersection with the east boundary of Tract 85, T. 53 N., R. 101 W.; thence northerly along the east boundary of Tract 85, to the northeast corner of Tract 85; thence westerly along the north boundary of Tract 85, to the northwest corner of Tract 85; thence southerly along the west boundary of Tract 85, to the southwest corner of Tract 85; thence easterly along the south boundary of Tract 85, to the corner common to Lots 32 and 33 of Fractional Section 12 on the south boundary of Tract 85; thence southeasterly, between Lots 32 and 33 of Fractional Section 12, to the southeast corner of Lot 33 of Fractional Section 12; thence westerly between Lots 32 and 33, to the southwest corner of Lot 33, on the west boundary of Fractional Section 12; thence southerly between Sections 11 and 12, to the corner common to Sections 11, 12, 13 and 14; thence northwesterly and westerly between Lots 3 and 4 of Section 11, to an intersection with the east one-sixteenth line of Section 11; thence northerly along the east one-sixteenth line of Section 11, to an intersection with the south one-sixteenth line of Section 11; thence westerly along the south one-sixteenth line of Sections 11 and 10, T. 53 N., R. 101 W., to the south one-sixteenth corner common to Sections 9 and 10; thence southerly between Sections 9 and 10, to the mid-point of the east boundary of the SE¼ of the SE¼ of Section 9; thence westerly along the east-and-west center line of the SE¼ of the SE¼ of Section 9, to an intersection with the east one-sixteenth line of Section 9; thence northerly along the east one-sixteenth line of Section 9, to an intersection with the south one-sixteenth line of Section 9; thence westerly along the south one-sixteenth line of Section 9, to an intersection with the north-and-south center line of Section 9; thence northerly along the north-and-south center line of Sections 9 and 4, to an intersection with the south one-sixteenth line of Section 4, T. 53 N., R. 101 W.; thence easterly along the south one-sixteenth line of Section 4, to an intersection with the east one-sixteenth line of Section 4; thence northerly along the east one-sixteenth line of Section 4, to an intersection with the north one-sixteenth line of Section 4; thence easterly along the north one-sixteenth line of Section 4, to the north one-sixteenth corner common to Sections 3 and 4, T. 53 N., R. 101 W.; thence northerly between Sections 3 and 4, to the corner common to Sections 3, 4, 33 and 34, Ts. 53 and 54 N., R. 101 W.; thence continuing northerly between Sections 33 and 34, and Sections 27 and 28, T. 54 N., R. 101 W., to the quarter-section corner common to Sections 27 and 28; thence westerly along the east-and-west center line of Section 28, to an intersection with the east one-sixteenth line of Section 28; thence northerly along the east one-sixteenth line of Section 28, to the east one-sixteenth corner common to Sections 21 and 28; thence westerly between Sections 21 and 28, to the quarter-section corner common to Sections 21 and 28; thence northerly along the north-and-south center line of Sections 21, 16 and 9, to the center quarter-section corner of Section 9, T. 54 N., R. 101 W.; thence westerly along the east-and-west center line of Section 9, to the quarter-section corner common to Sections 8 and 9; thence northerly between Sections 8 and 9, and Sections 4 and 5, T. 54 N., R. 101 W., to the corner common to Sections 4, 5, 32 and 33, Ts. 54 and 55 N., R. 101 W.; thence continuing northerly between Sections 32 and 33, Sections 28 and 29, Sections 20 and 21, and Sections 16 and 17, T. 55 N., R. 101 W., to an intersection with the south boundary of Tract 48, T. 55 N., R. 101 W.; thence westerly along the south boundary of Tract 48, to the southwest corner of Tract 48; thence northerly along the west boundary of Tract 48, to the northwest corner of Tract 48; thence easterly along the north boundary of Tract 48, to an intersection with the line between Sections 8 and 9, T. 55 N., R. 101 W.; thence northerly between Sections 8 and 9, to the corner common to Sections 4, 5, 8 and 9, T. 55 N., R. 101 W.; thence easterly between Sections 4 and 9, Sections 3 and 10, Sections 2 and 11, and Sections 1 and 12, T. 55 N., R. 101 W., to the east one-sixteenth corner common to Sections 1 and 12; thence northerly along the east one-sixteenth line of Section 1, to an intersection with the east-and-west center line of Section 1; thence easterly along the east-and-west center line of Section 1, to the quarter-section corner common to Sections 1 and 6, T. 55 N., Rs. 100 and 101 W.; thence continuing easterly along the east-and-west center line of Sections 6 and 5, T. 55 N., R. 100 W., to an intersection with the west one-sixteenth line of Section 5; thence southerly along the west one-sixteenth line of Section 5, to the west one-sixteenth corner common to Sections 5 and 8; thence easterly between Sections 5 and 8, to the east one-sixteenth corner common to Sections 5 and 8; thence southerly along the east one-sixteenth line of Section 8, to an intersection with the east-and-west center line of Section 8; thence westerly along the east-and-west center line of Section 8, to an intersection with the east boundary of Lot 82, T. 55 N., R. 100 W.; thence southerly along the east boundary of Lot 82, to the southeast corner of Lot 82, on the north boundary of Lot 81; thence westerly between Lots 81 and 82, to the corner common to Lots 81, 82, 83 and 96, T. 55 N., R. 100 W.; thence southerly between Lot 81 and Lots 96, 80 and 90, to the corner common to Lots 81, 90, 71 and 53, T. 55 N., R. 100 W.; thence easterly between Lots 81 and 53, to the one-quarter corner common to Lots 81 and 53; thence southerly along the north-and-south center line of Lot 53, to the center one-quarter corner of Lot 53; thence easterly along the east-and-west center line of Lot 53, to an intersection with the east boundary of Lot 53; thence northerly along the east boundary of Lots 53 and 81, to an intersection with the line between Sections 9 and 16, T. 55 N., R. 101 W.; thence easterly between Sections 9 and 16, to the west one-sixteenth corner common to Sections 9 and 16; thence northerly along the west one-sixteenth line of Section 9, to an intersection with the east-and-west center line of Section 9; thence easterly along the east-and-west center line of Sections 9, 10, and 11, T. 55 N., R. 100 W., to an intersection with the west boundary of Lot 89, between corners number five and number six of Lot 89; thence northerly along the west boundary of Lot 89, to corner number six of Lot 89; thence easterly along the north boundary of Lot 89, to corner number one, the northeast corner of Lot 89, T. 55 N., R. 100 W., the place of beginning.

Issued at Washington, D. C., the 16th day of December 1942.

D. S. MYER,
Director.

[F. R. Doc. 42-13554; Filed, December 18, 1942; 12:23 p. m.]

DEC 29 1942

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

VOLUME 7 NUMBER 250

Washington, Wednesday, December 23, 1942

Regulations

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[ACP–1942–18]

PART 701—AGRICULTURAL CONSERVATION PROGRAM

SUBPART D—1942

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1942 Agricultural Conservation Program, as amended,[1] is further amended as follows:

1. Section 701.301 (i) (4) is amended to read as follows:

§ 701.301 *Allotments, yields, grazing capacities, payments and deductions.*
* * *

(i) *Minimum soil-conservation and soil-building requirements.* * * *

(4) *Minimum soil-building performance.* The payment made with respect to special crop allotments shall not exceed a percentage of the net payment earned with respect to such allotments equal to the percentage of that part of the soil-building allowance computed under subparagraphs (1) to (3), inclusive, of paragraph (d), § 701.302, which is earned for the farm, except that such limitation will not be applicable if (i) the amount of the soil-building payment earned equals or exceeds the maximum payment computed in connection with special crop allotments, or (ii) the farm is retired from agricultural production during the 1942 program year: *Provided,* That in areas designated by the Agricultural Adjustment Agency only that acreage of cropland in excess of the sum of the acreage of cropland on the farm which the county committee determines is subject to annual overflow and the acreage in the 1942 allotments determined for the farm will be used in computing the part of the soil-building allowance used for the purpose of this subparagraph: *Provided further,* That when all or a part of a farm has been acquired for the purpose of the national war effort and it would be impracticable or inequitable to require compliance with the soil-building performance requirements, the county committee with the approval of the State committee, in accordance with instructions issued by the Agricultural Adjustment Agency, may waive all or any part of such requirement. In determining performance under this subparagraph, in areas designated by the Agricultural Adjustment Agency as areas where the allowance on noncrop open pasture is the major portion of the soil-building allowance on a substantial number of farms, the allowance on noncrop open pasture shall not be included.

2. Section 701.314 (c) is amended to read as follows:

§ 701.314 *Authority, availability of funds, and applicability.* * * *

(c) *Applicability.* The provisions of the 1942 program contained herein, except § 701.305, are not applicable to (1) Hawaii, Puerto Rico, and Alaska; (2) counties for which special agricultural conservation programs are approved for 1942 by the Secretary; (3) any department or bureau of the United States Government and any corporation wholly owned by the United States; and (4) grazing lands owned by the United States which were acquired or reserved for conservation purposes or which are to be retained permanently under Government ownership. Such lands include, but are not limited to, lands owned by the United States which are administered under the Taylor Grazing Act or by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture or by the Bureau of Biological Survey of the United States Department of the Interior.

The program is applicable to lands owned by corporations which are only partly owned by the United States, such as Federal Land Banks and Production Credit Associations.

(Continued on next page)

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[1] 6 F.R. 4111, 5520, 5581, 6472; 7 F.R. 56, 57, 923, 1410, 1825, 2287, 2771, 3146, 4509, 5035, 7874, 8768, 9265.

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FEDERAL REGISTER

1934

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Telephone information: DIstrict 0525.

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The 1942 program is also applicable to any land which, although owned by the United States or a corporation wholly owned by it, is to be temporarily under such Government or corporation ownership and was not acquired or reserved for conservation purposes. Such land shall include that administered by the Farm Security Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, or the Federal Farm Mortgage Corporation, or by any other Government agency which the Agricultural Adjustment Agency finds complies with all the provisions of the preceding sentences. The 1942 program will also be applicable to any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

Indian lands are within the scope of the program except that where grazing operations are carried out on Indian lands administered by the Department of the Interior, such lands are within the scope of the program only if covered by a written agreement approved by the Department of the Interior as giving the operator an interest in the grazing and forage growing on the land and a right to occupy the land in order to carry out the grazing operations.

Done at Washington, D. C., this 21st day of December 1942.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-13721; Filed, December 22, 1942; 11:00 a. m.]

[Tobacco 703 (Flue-cured) Part I]

PART 727—MARKETING QUOTA REGULATIONS

FLUE-CURED TOBACCO, 1943-1944 MARKETING YEAR

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938, as amended, he does hereby make, prescribe, publish and give public notice of the foregoing Part I of the Marketing Quota Regulations for Flue-cured Tobacco for the 1943-44 Marketing Year, consisting of Procedure for Determination of Farm Acreage Allotments for 1943 to be in force and effect for said marketing year until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

PROCEDURE FOR THE DETERMINATION OF ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1943

GENERAL

Sec.
727.511 Definitions.
727.512 Extent of calculations and rule of fractions.
727.513 Instructions and forms.
727.514 Applicability of procedure.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

727.515 Determination of acreage allotments for old farms.
727.516 Reduction of acreage allotment for violations of 1942-43 Marketing Quota Regulations.
727.517 Allotments by county committees.
727.518 Reallocation of retired farm allotments.
727.519 Farms subdivided or combined by reconstitution.
727.520 Determination of normal yields.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

727.521 Determination of acreage allotments for new farms.
727.522 Time for filing application.
727.523 Determination of normal yields.

AUTHORITY: Sections 727.511 to 727.523, inclusive, are issued under authority contained in 52 Stat. 38, 47, 54 Stat. 392, 53 Stat. 1261, 56 Stat. 51, 7 U.S.C. 1940 ed. 1301 (b) 1313; 52 Stat. 66, 7 U.S.C. 1940 ed. 1375.

GENERAL

§ 727.511 *Definitions.* As used in this procedure and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them, unless the context or subject-matter otherwise requires.

(a) "Flue-cured Allotment Procedure for 1943" means this Tobacco 703 (Flue-cured).

(b) "County committee" means the group of persons elected within any county to assist in the administration of the Agricultural Conservation Programs in such county.

(c) "New farm" means a farm on which tobacco was not produced in any of the five years 1938 to 1942 but on which tobacco will be produced in 1943.

(d) "Old farm" means a farm on which tobacco was produced in one or more of the five years 1938 to 1942 and on which tobacco will be produced in 1943.

(e) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(f) "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(g) "State committee" means the group of persons designated within any state to assist in the administration of the Agricultural Conservation Programs in such State.

(h) "Tobacco" means flue-cured tobacco as classified in Service and Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture, as types 11, 12, 13 and 14.

§ 727.512 *Extent of calculations and rule of fractions.* (a) All percentages shall be calculated to the nearest whole percent. Fractions of more than fifty-hundredths of one percent shall be rounded upward, and fractions of fifty-hundredths of one percent or less shall be dropped. For example, 87.51 percent would become 88 percent and 87.50 percent would become 87 percent.

(b) All acreage shall be calculated to the nearest one-tenth of an acre. Fractions of more than fifty-thousandths of an acre shall be rounded upward, and fifty-thousandths of an acre or less shall be dropped. For example, 1.051 would become 1.1 and 1.050 would become 1.0.

§ 727.513 *Instructions and forms.* The Administrator of the Agricultural Conservation and Adjustment Administration of the United States Department of Agriculture shall cause to be prepared and issued such instructions and such forms as may be deemed necessary or expedient for carrying out this procedure.

§ 727.514 *Applicability of procedure.* This allotment procedure for 1943 shall govern the establishment of farm acreage allotments and normal yields for flue-cured tobacco for use in connection with the 1943 Agricultural Conservation Program and in connection with farm marketing quotas for tobacco for the marketing year beginning July 1, 1943.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 727.515 *Determination of acreage allotments for old farms.* The tobacco acreage allotment for an old farm shall be the 1942 acreage allotment (corrected if found to be in error) for the farm plus any acreage by which such allotment was reduced for the marketing year beginning July 1, 1942 because of violation of the 1941-42 Marketing Quota Regulations except as adjusted in accordance with the provisions of §§ 727.516, 727.517 and 727.518 below. *Provided, however,* No acreage allotted to the farm in 1942 from the State pools, except the acreage allotted to a farm, the owner of which was dispossessed of another farm by the acquisition thereof by a Federal agency for national defense purposes, shall be used in determining the 1943 allotment. This provision shall not be construed to prohibit determining any allotment for 1943 under the provisions of § 727.518 (a) below.

§ 727.516 *Reduction of acreage allotment for violations of the 1942-43 Marketing Quota Regulations.* If tobacco was sold or was permitted to be sold on a marketing card for any farm which was produced on a different farm the acreage allotment established for each such farm for 1943 shall be reduced by the amount of tobacco so marketed: *Provided,* That such reduction shall not be made if the Secretary, through the county committee, determines that no person connected with such farm during the 1942-43 marketing year caused, aided, or acquiesced in such marketing. If proof of the disposition of any amount of tobacco produced on a farm is not furnished, as required by the Secretary, the acreage allotment shall be reduced by such amount of tobacco.

The amount of tobacco involved will be converted to an acreage basis by dividing such amount of tobacco by the actual yield for the farm during the year in which such tobacco was produced.

§ 727.517 *Allotments by county committees.* An amount not in excess of one-half of one percent of the 1942 acreage allotment for each State will be apportioned to the counties in the State on the basis of the percentage the county acreage allotment is of the State acreage allotment, unless otherwise recommended by the State committee and approved by the Regional Director. The acreage so apportioned to the county will be available for allotment by the county committee. A farm shall be eligible for allotment as provided hereunder (1) if the committee finds that the 1942 allotment for the farm is relatively smaller in relation to the land, labor and equipment available for the production of tobacco on the farm than the average of the allotments in relation to such factors on other farms in the county, or (2) if tobacco was harvested on the farm in 1942 and the acreage allotment for the farm was zero. In making the adjustment in the farm acreage allotment the county committee shall consider the past acreage of tobacco (harvested and diverted), the land, labor and equipment available for the production of tobacco, and crop rotation practices. In no event shall the amount of the adjustment of the acreage allotment for any farm under this provision be more than the larger of ten percent of the 1942 allotment or five-tenths of an acre: *Provided,* That in the case of any farm on which tobacco was harvested in 1942 for which no acreage allotment was established, the committee may establish an allotment not exceeding ten percent of the acreage of tobacco harvested on the farm in 1942.

Any adjustment as provided above shall be subject to the approval of the State committee.

§ 727.518 *Reallocation of allotments released from farms removed from agricultural production.* (a) Except as provided in paragraph (b) of this section, the tobacco allotment determined or which would have been determined for any land which is removed from agricultural production because of acquisition by a State or Federal agency for any purpose or by a person for use in connection with the national defense program shall be available to the State committee for use in providing equitable allotments for farms on which tobacco was grown in one or more of the three years, 1940 through 1942, and which are operated in 1943 by persons who were producers of tobacco on land so removed from agricultural production. In so far as possible the allotments for farms operated by such persons shall be comparable to the allotments for other old farms in the same community which are similar with respect to land, labor and equipment available for the production of tobacco, crop-rotation practices, soil and other physical factors affecting the production of tobacco, taking into consideration the allotment for the land removed from agricultural production. The allotment so determined shall be subject to the approval of the State committee and shall not exceed the larger of (1) the 1943 allotment previously determined for such land, or (2) the allotment which was or would have been determined for the land removed from agricultural production; *Provided,* That in no event shall the allotment so determined exceed the larger of 50 percent of the acreage of cropland in the farm, or three acres.

(b) The allotment determined or which would have been determined for any land acquired on or since January 1, 1940 by any Federal agency for national defense purposes shall be placed in a State pool and shall be used in determining equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farm by a Federal agency for national defense purposes. Upon application to the county committee, any owner so displaced shall be entitled to have an allotment for any one of the other farms owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm acquired by the Federal agency; *Provided,* That such allotment shall not exceed 50 percent of the acreage of cropland in the farm. The provisions of this subsection shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) if the allotment next to be established for the farm acquired by the Federal agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

§ 727.519 *Farm subdivided or combined by reconstitution.* (a) If land operated as a single farm in 1942 or any previous year has subsequently been subdivided and will be operated in 1943 as two or more farms, the 1943 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of tobacco on each such tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year unless otherwise recommended by the county committee and approved by the State committee.

(b) If two or more farms operated separately in 1942, or any previous year, have subsequently been combined and will be operated in 1943 as a single farm, the 1943 allotment shall be the sum of the 1943 allotments determined or which otherwise would have been determined for each of the farms composing the combination.

§ 727.520 *Determination of normal yields.* The normal yield for any farm shall be that yield which the county committee determines is normal for the farm taking into consideration (1) the yields obtained on the farm during the years 1937–41; (2) the soil and other physical factors affecting the production of tobacco on the farm, and (3) the yields obtained on other farms in the locality which are similar with respect to such factors. The weighted average of the normal yields for all farms in each county shall not exceed the normal yield established for the county in 1942, unless an adjustment for abnormal conditions is made by the Secretary upon recommendations of the State committee.

ACREAGE ALLOTMENTS AND YIELDS FOR NEW FARMS

§ 727.521 *Determination of acreage allotments for new farms.* The acreage allotment, other than an allotment made under § 727.518 (b), for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration each of the following factors:

(1) The past tobacco experience of the farm operator;

(2) The acreage of cropland in the farm suitable for tobacco production;

(3) The number of families on the farm available for tobacco production;

(4) The acreage capacity of barns which are located on the farm and which are in usable condition and available for the curing of tobacco;

(5) The customary crop rotation practices; and

(6) The adaptability of the soil to the growing of tobacco: *Provided,* That the acreage allotment so determined shall be subject to approval by the State committee and shall not exceed the smallest of (a) one-fifth of the total acreage of tobacco grown by the farm operator during the five years 1938 through 1942; (b) one-half of the acreage capacity of the curing barns which are located on the farm and which are in usable condition and available for the curing of tobacco for the farm, or (c) one acre.

Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless the following conditions have been met:

(1) The farm operator shall have had two years or more experience in growing tobacco as a sharecropper, tenant, or as a farm operator during the past five years;

(2) The farm operator shall be living on the farm and largely dependent on this farm for his livelihood;

(3) The farm covered by the application shall be the only farm owned or operated by the farm operator on which any tobacco is produced; and

(4) No kind of tobacco other than flue-cured will be grown on such farm in 1943.

The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. The acreage available for establishing allotments for new farms shall be one-tenth of one percent of the national allotment.

§ 727.522 *Time for filing application.* In order to obtain an allotment for a new tobacco farm in 1943, the operator of the farm shall file an application for such allotment with the county committee prior to February 1, 1943.

§ 727.523 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

Done at Washington, D. C., this 21st day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-13710; Filed, December 22, 1942; 10:59 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS

AMENDMENT OF PROCEDURE

Section 73.303 is amended as follows:

§ 73.303 *Appointments.* Successful applicants will be reported by commanding generals of service commands to the War Department. From a consolidated report arranged by classification of all such reports, the War Department will arrange lists by classifications in order of military grade, length of service, and age. Appointments will be tendered to successful applicants in such numbers as may be required to fill existing vacancies. An additional number of successful applicants necessary to cover possible vacancies will be carried on eligible lists for appointment until the next succeeding examination for appointment is held. All original permanent appointments as warrant officer, junior grade, will be probationary for a period of 3 years. See §§ 73.314 and 73.316. (55 Stat. 651; 10 U.S.C. Sup. 591–599) [Par. 6, AR 610–10, September 13, 1941, as amended by C5, December 9, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-13697; Filed, December 21, 1942; 3:27 p. m.]

PART 77—MEDICAL AND DENTAL ATTENDANCE

RATIONS IN CIVILIAN AND MILITARY HOSPITALS

Section 77.19 (e) is amended as follows:

§ 77.19 *Civilian hospital employees.*

* * *

(e) *Rations.* Whenever it is found necessary or deemed desirable, civilian employees, irrespective of their rate of pay, may be either furnished meals at the hospital, or, by special authority of The Surgeon General in exceptional circumstances, furnished with a ration in kind: *Provided,* That deductions are taken from their pay for such subsistence or ration, or that reimbursement in cash is received. Civilian employees permitted or required to take meals regularly at the hospital will have appropriate deductions made from their gross compention. Civilian employees permitted to take an occasional meal at the hospital will make reimbursement to the hospital fund in cash. The deductions for subsistence will be made according to the evaluation set forth in AR 35–3840.[1] The cash value of subsistence furnished will be determined by The Surgeon General. The cash value of subsistence furnished technicians and other female employes who are invited by the chief nurse to participate in that portion of the hospital mess established for Army nurses, and assigned thereto by the commanding officer of the hospital, will be computed at the same rate as for Army nurses, except at Army and Navy General Hospital to which § 77.24 (e) (3) is applicable. (R.S. 161; 5 U.S.C. 22) [Par. 13*e*, AR 40–590, February 2, 1942, as amended by C4, December 7, 1942]

* * * * *

Section 77.24 (e) (3) is added as follows:

§ 77.24 *Army and Navy General Hospital.* * * *

(e) *Charges.* * * *

(3) *Commutation of rations.* The rations of enlisted men on the active list of the Army, whether on a patient or on a duty status, and civilian employees on duty in the Medical Department at large are commuted at the rate of 60 cents a day, payment thereof to be made by the local disbursing officer. (R.S. 161; 5 U.S.C. 22) [Par. 12, AR 40–600, October 6, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-13696; Filed, December 21, 1942; 3:27 p. m.]

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[1] Administrative regulations of the War Department relating to civilian employees—allowances.

PART 79—PRESCRIBED SERVICE UNIFORM

ADOPTED STANDARDS OF CLOTHS

Section 79.2 (a) is amended as follows:

§ 79.2 *Adopted standards of cloths.* The standards of cloths are as follows:

(a) *For officers, warrant officers, and contract surgeons*—(1) *For winter uniform*—(i) *Coats; caps, service; caps, garrison*—(*a*) *Fabrics.* Wool, elastique, barathea, or whipcord, 14½–26 ounce.

(*b*) *Color.* Olive-drab shade No. 51 (dark shade).

(ii) *Breeches and trousers*—(*a*) *Fabrics.* Wool, elastique, barathea or whipcord, 14½–26 ounce.

(*b*) *Color.* Olive-drab shade No. 51 (dark shade); drab shade No. 54 (light shade).

(iii) *Shirts*—(*a*) *Fabrics.* Wool: Plain or twill weave worsted shirting, 10½-ounce.

Cotton: Broadcloth; poplin.

All authorized summer uniform fabrics listed in subparagraph (2) of this paragraph.

(*b*) *Color.* Wool fabrics: Olive-drab shade No. 51 (dark shade); drab shade No. 54 (light shade); khaki shade No. 1.

Cotton fabrics: Khaki shade No. 1.

(iv) *Overcoats*—(*a*) *Fabrics.* Beaver, 26–32-ounce; doeskin, 26–32-ounce; kersey, 26–32-ounce; melton, 26–32-ounce.

(*b*) *Colors.* Olive-drab No. 2.

(v) *Jacket, field*—(*a*) *Fabric.* Cotton cloth, wind resistant and water repellent.

(*b*) *Color.* Olive-drab shade No. 2.

(2) *For summer uniform.* Coats; breeches; trousers; shirts; caps, service; caps, garrison.

(i) *Fabrics.* (*a*) Cotton, 6- or 8.2-ounce (6-ounce to be used only for shirts). (*b*) Rayon, plain or twill weave. (*c*) Cotton warp-mohair filling. (*d*) Worsted, tropical. (*e*) Gabardine.

(ii) *Color.* Khaki shade No. 1.

(3) *Neckties*—(i) *Fabric.* Cotton warp-mohair filling.

(ii) *Color.* Khaki shade No. 5 (R.S. 1296; 10 U.S.C. 1391) [Par. 2*a*, AR 600–35, November 10, 1941, as amended by C7, December 8, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-13695; Filed, December 21, 1942; 3:27 p. m.]

PART 91—GENERAL TRANSPORT REGULATIONS

SHIPMENT OF INTOXICATING LIQUORS

Section 91.1 is amended as follows:

§ 91.1 *Shipment of intoxicating liquors*—(a) *Laws covering.* The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited. (Const., 21st amendment, sec. 2.) The laws of any State, Territory, or possession of the United States relative to intoxicating liquors are not applicable to the transportation of intoxicating liquors that are the property of the United States and intended as medical supplies for the treatment of the troops or of the animals pertaining to the Army.

(b) *If carrier hesitates to accept or deliver.* If a carrier should hesitate to accept at point of origin and/or deliver at destination a shipment containing intoxicating liquors that are the property of the United States and intended as medical supplies for the treatment of the troops or of the animals pertaining to the Army, the transportation officer at the point of origin and/or at destination, as the case may be, will obtain an appropriate certificate from the proper medical officer setting forth such ownership and intended use of the liquors. The transportation officer will deliver the certificate to the carrier and make record thereof. (R.S. 161; 5 U.S.C. 22) [Par. 29, AR 55–155, November 27, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-13698; Filed, December 21, 1942; 3:28 p. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

[Docket Nos. 12 and 29]

PART 19—CREAM CHEESE, NEUFCHATEL CHEESE, COTTAGE CHEESE, AND CREAMED COTTAGE CHEESE; DEFINITIONS AND STANDARDS OF IDENTITY

ORDER

By virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e); 52 Stat. 1046, 1055; 21 U. S. C. 341, 371 (e), 1940 ed.); the Reorganization Act of 1939 [53 Stat. 561 ff.; 5 U.S.C. 133–133v (Supp. V, 1939)]; and Reorganization Plans No. I (53 Stat. 1423) and No. IV (54 Stat. 1234); and based on the evidence of record herein, the following order is hereby promulgated:

Findings of Fact

1. There are produced and marketed various cheeses of the class of soft uncured cheeses which have similar characteristics but which are separate and distinct identities.

2. The organoleptic characteristics, that is, the appearance, smell, feel, and taste, serve in general to distinguish each of such soft uncured cheeses from the others.

3. The basic constituents of each such cheese are the same, namely, the coagulated proteins of milk, a portion of the soluble nonfat milk solids, and widely varying proportions of water and milk fat.

4. The proportions in which the basic constitutents are present in a soft uncured cheese are determined by the composition of the starting mix used and the method of manufacture employed.

5. The proportions in which these basic constituents are present in a soft uncured cheese determine, to a large extent, the organoleptic characteristics on the basis of which it is distinguished from other kinds of cheeses.

6. The percentage of milk fat present in the dairy product from which such soft uncured cheese is made is one of the important factors which determine the composition of the finished cheese.

7. The desired percentage of fat in the dairy product from which a soft uncured cheese is made may be obtained by "adjustment", that is, by adding skim milk, milk, or cream as may be required to raise or lower the fat content of the starting material to the desired percentage. The starting material, after adjustment when necessary, is generally referred to as the "starting mix" or "mix".

8. The growth of certain bacteria usually present in raw milk may, and frequently does, contribute objectionable odors and flavors to a soft uncured cheese, that is, flavors and odors not normally associated with that type of cheese. The development of such flavors and odors is avoided and the desired flavor and odor characteristic of such soft uncured cheese is obtained by pasteurizing the starting mix from which such cheese is made and then inoculating it with a culture of harmless lactic-acid-producing bacteria, usually called "starter", selected on the basis of their ability to produce the desired characteristic flavor and odor.

9. Basically, the process by which soft uncured cheeses are made consists of pasteurizing the starting mix, adding starter, holding the mix at a suitable temperature for developing acidity and coagulating the curd and drawing the whey from the curd. A small quantity of rennet is sometimes added to produce a firmer curd. The curd is usually seasoned with salt.

10. The food commonly or usually known as cream cheese is one of the several soft uncured cheeses.

11. Cream cheese, made basically as stated in finding 9, is made from cream, with or without added milk or skim milk or both. The fat content of the starting mix varies from about 10 to about 20 percent by weight, depending on the proportions of fat and moisture desired in the finished cream cheese. The starting mix is usually homogenized. The separation of the curd and the whey is sometimes facilitated by warming. Pressure is sometimes applied to facilitate drainage of whey, and the curd is sometimes chilled.

12. All finished cream cheese leaks moisture to some extent.

13. Any noticeable leakage of moisture from cream cheese is undesirable as it renders the cheese unattractive and creates merchandising problems.

14. About 1927 it was discovered that the addition of small quantities of harmless vegetable gum in the preparation of cream cheese would prevent noticeable leakage of moisture, and such gum was first used, and is today used by some manufacturers, solely for this purpose.

15. The vegetable gums most commonly used in the preparation of cream cheese for the purpose of preventing excessive leakage of water are carob or locust bean gum, karaya gum, and tragacanth gum.

16. Gelatin and algin (sodium alginate) will also prevent such leakage, and they are sometimes used for such purpose in the preparation of cream cheese.

17. The amount of gum, gelatin, or algin, or any mixture of two or more of these, as the case may be, necessary for such purpose, does not exceed 0.5 percent by weight of the finished cream cheese.

18. Although gum, gelatin, and algin possess moisture-retaining properties, their use as ingredients in cream cheese in the quantities specified for the purpose of preventing leakage of moisture normally and properly present in cream cheese, cannot be abused when the maximum percentage of moisture which may be present in cream cheese is fixed.

19. Vegetable gum, gelatin, and algin are nondairy substances. Their use affects the appearance (see finding 13) and texture of soft uncured cheeses. It is in the interest of consumers that such ingredients be named on the label when they are used.

20. Traditionally, cream cheese has been a relatively high-fat, low-moisture soft uncured cheese and most of the product marketed today as cream cheese contains from 35 to 40 percent or more of fat and from 55 to 50 percent or less of moisture.

21. In good commercial practice the percentages of fat and moisture in the finished cream cheese vary as much as 2 percent above or below the percentages which the manufacturer desires to obtain in the finished product.

22. The appearance, smell, feel, and taste of cream cheese become less characteristic of that product as the fat content is lowered and the moisture content is correspondingly raised. The line of demarcation is not clearly fixed, but when the fat is less than about 33 percent and the moisture is more than about 55 percent, the finished product (unless subjected to the hot-pack process hereinafter described) commences to acquire characteristics of appearance, smell, feel, and taste closely related to but different from those of cream cheese.

23. With all due allowances made for the variations in the fat and moisture content referred to in finding 21, a reasonable minimum limit for the fat content of the finished cream cheese is 33 percent, and a reasonable maximum limit for the moisture content is 55 percent.

24. Following the discovery that the use of gum in cream cheese would prevent excessive leakage of moisture, it became the practice of some manufacturers to heat the gum together with the curd, and to disperse it in the curd usually by homogenization. This modification became known as the "hot-pack" process and, to distinguish the process followed prior to such modification, the earlier process became known as the "cold-pack" process.

25 By subjecting the gum-containing curd to the hot-pack process, it was possible to produce a finished product of the general appearance and texture of cream cheese containing a substantially higher percentage of moisture and a correspondingly lower percentage of fat than the product which had been manufactured and marketed as cream cheese prior to discovery of the hot-pack process.

26. Most of the soft uncured cheese made by the hot-pack process which is marketed today contains from about 23 percent to about 30 percent of fat and from about 60 percent to about 65 percent of moisture.

27. The desired percentage of fat and moisture in soft uncured cheese made by the hot-pack process may be obtained by adjustment through adding to the curd appropriate quantities of cream, milk, skim milk, or any mixture of two or all of these, before the curd is heated and homogenized. Water has sometimes been added to such curd for the purpose of adjusting it, but the addition of skim milk, which is ordinarily used for this purpose, permits any adjustment for moisture that can be accomplished by the addition of water.

28. The finished soft curd cheese which is made by subjecting the gum-containing curd to the hot-pack process and which contains a substantially higher percentage of moisture and a correspondingly lower percentage of fat than cream cheese, possesses a texture which simulates the texture of cream cheese, whereas soft uncured cheese of the same composition which has not been subjected to the hot-pack process is of a softer texture than cream cheese.

29. A low-fat, high-moisture soft uncured cheese made by the hot-pack process cannot be readily distinguished from cream cheese by the ordinary purchaser.

30. Such cheese has from the beginning and is today distinguished by manufacturers, wholesalers, and retailers by such qualifying words as "low test", "cheap", "second grade", "No. 2", "hot-pack", and often by some arbitrary brand name.

31. Such cheese was produced by some manufacturers to enable them to compete profitably with other manufacturers of cream cheese. The competitive situation thus created led to the production, in some quantity at least, of the low-fat, high-moisture product by all or substantially all manufacturers of cream cheese.

32. The manufacturing cost of soft uncured cheese is determined primarily by the fat content in the finished cheese. Low-fat, high-moisture cheese is therefore less expensive than cream cheese, and manufacturers usually sell it to distributors and retailers at a price lower than that of cream cheese.

33. Retailers sometimes sell the low-fat, high-moisture soft uncured cheese to consumers at the price of cream cheese. There is no uniform differentiation between the two cheeses on the basis of retail prices.

34. The low-fat, high-moisture soft uncured cheese is not known to consumers by any of the designations whereby manufacturers, wholesalers, and retailers distinguish it from cream cheese because it has been sold to them under the name "cream cheese"; consumers generally do not know that kind of cheese by any other name.

35. In the administration of the Federal Food and Drugs Act of June 30, 1906, the Secretary of Agriculture issued the following standard of identity for cream cheese in 1921:

> Cream cheese is the unripened cheese made by the Neufchatel process from whole milk enriched with cream. It contains, in the water-free substance, not less than sixty-five percent (65%) of milk fat.

This standard was advisory in character and did not have the force and effect of law.

36. When such advisory standard was issued, neither the use of gum nor the hot-pack process as a means to retain moisture in cream cheese were contemplated, as these methods were not known in 1921. The product then known as cream cheese was made by the cold-pack process without the addition of gum.

37. During the existence of such advisory standard the composition of cream cheese made by the method contemplated by such advisory standard has become fixed with a reasonable degree of uniformity by trade practices, and the standard of composition so established is a minimum of about 35 percent of fat and a maximum of about 55 percent of moisture (see finding 20).

38. In the absence of any moisture-retaining ingredient in cream cheese, a prescribed minimum percentage of fat on a dry basis also limits to some extent the quantity of moisture because the ratio of fat to nonfat solids bears some relation to the quantity of moisture present. However, when a moisture-retaining ingredient is permitted, such ratio bears little or no relation to the percentage of moisture in the finished product and therefore a provision fixing a minimum percentage of fat on a dry basis, with no moisture limitation, would not constitute a definitive standard for cream cheese to which a moisture-retaining ingredient is added.

39. The nonfat solids in cream cheese remain practically constant, generally falling within the range of 8 percent to 12 percent (an average of 10 percent) by weight of the finished product. Therefore, if the maximum moisture is fixed at 55 percent by weight of the finished cream cheese, the minimum percentage of fat must be approximately 35 percent by weight of the finished product (see findings 20 to 23, inclusive). In cream cheese of such composition the percentage of fat on a moisture-free basis is approximately 78 percent, instead of 65 percent as provided by the advisory standard.

40. Although such low-fat, high-moisture soft uncured cheese made by the hot-pack process simulates cream cheese in appearance and texture, its quantitative composition with respect to milk constituents is more nearly like the composition of neufchatel cheese.

41. The soft uncured cheese made from whole milk, or from a mixture of milk and cream in which the percentage of fat is below the percentage of fat of the starting mix for cream cheese (see finding 11), by the process described generally in finding 9 is commonly or usually known as neufchatel cheese. Neufchatel cheese is made by the cold-pack process, but there are no technical difficulties in applying the hot-pack process to the curd so produced.

42. Neufchatel cheese has traditionally contained a percentage of fat within the range next lower than that of cream cheese and a percentage of moisture within the range next higher than that of cream cheese. Prior to the development of the hot-pack process, it was the only soft uncured cheese with fat and moisture contents falling within such ranges and the name "neufchatel" is generally associated with a soft uncured cheese falling within such ranges.

43. When the usual method of manufacture is employed, neufchatel cheese contains a minimum of about 20 percent of fat and a maximum of about 65 percent of moisture.

44. Prior to about 1920, a very substantial volume of neufchatel cheese was marketed. However, the volume of sales of this product gradually declined and since about 1925 practically no neufchatel cheese has been marketed, and today only one manufacturer is known to market a soft uncured cheese under that name.

45. Commencing about 1916 it became the practice of manufacturers, for competitive reasons, to lower the fat content progressively and increase the moisture content of the product, so that by about 1920 most of it was made from partly skimmed milk but continued to be sold as neufchatel cheese. The result of this practice was a progressively inferior or "cheaper" product. Consumer demand for it declined until its manufacture was virtually discontinued.

46. The food commonly or usually known as cottage cheese is one of the several soft uncured cheeses.

47. Cottage cheese is made from skimmed milk, the process being, basically, that described in finding 9. The percentage of milk fat contained in the starting mix varies from traces to something less than 1½ percent. The separation of the curd and whey is facilitated by warming or cutting or both; the curd is drained and is sometimes washed with water during or after draining, followed by further draining; after draining, the curd is sometimes chilled, or pressed, or both.

48. The extent of the warming and draining, and also whether rennet is used or not, and whether the curd is washed or unwashed, chilled or unchilled, cut or uncut, pressed or not, during the process of manufacture, are all factors which affect the physical form of the finished cottage cheese, so that such cheese is sometimes of a relatively granular or crumbly form, or of a relatively smooth texture, or in the form of flakes; and in some forms it may be dryer than in others. But all such differences are merely minor differences in the same kind of cheese.

49. The choice of a particular texture in cottage cheese is determined by the intended use of the cheese. In some localities it is customary to distinguish between textures of cottage cheese by such descriptive words as "bakers", "pot", "cup", "hoop", "block", "dry", "pressed", "popcorn", "flake", but the meaning of such words is not uniform. Such a descriptive word which identifies cottage cheese of a particular texture in one locality may identify cottage cheese of a different texture in another locality.

50. Most cottage cheese marketed contains less than 80 percent of moisture, and a limitation of moisture in cottage cheese to not more than 80 percent is a reasonable limit.

51. The calcium content of milk varies, the amount present depending on such factors as seasons, geographical locations, the kind of feed fed to cows, and perhaps others.

52. When cottage cheese is made from skim milk deficient in calcium, the curd is too soft and "mushy" to give the finished cheese the desired characteristic texture.

53. Calcium deficiency in skim milk from which cottage cheese is made is corrected by adding calcium chloride to the starting mix.

54. The maximum calcium chloride required to correct any likely calcium deficiency in skim milk is never in excess of 0.02 percent by weight of the starting mix.

55. The food commonly or usually known as creamed cottage cheese is one of the several soft uncured cheeses.

56. Creamed cottage cheese is cottage cheese which has been creamed by adding thereto and admixing therewith sweet cream, or a mixture of sweet cream and sweet milk or sweet skim milk or both. Such addition of sweet cream and sweet milk or sweet skim milk or both contributes the recognized characteristics of appearance, texture, and taste which distinguish creamed cottage cheese from cottage cheese.

57. The cottage cheese ordinarily used for making creamed cottage cheese contains from fractions up to about 1 percent of milk fat. Creamed cottage cheese contains in excess of 4 percent of milk fat. The cream or the mixture of cream and milk or skim milk or both which is added to cottage cheese is the principal source of milk fat in creamed cottage cheese. It is reasonable to require that such cream or such mixture, as the case may be, be added in such quantity that the fat derived from this source is not less than 4 percent by weight of the finished creamed cottage cheese.

58. Some manufacturers have added gelatin to cottage cheese and to creamed cottage cheese. The addition of gelatin to such products does not affect the preparation of the curd, but it eliminates the "watery" appearance of the curd and gives it a glossy appearance, and gives the impression that the finished product is richer or higher in butterfat than it actually is.

59. Most of the soft uncured cheese marketed as creamed cottage cheese contains not more than 80 percent of moisture, which is a reasonable limit for moisture in creamed cottage cheese.

60. The amount of moisture and the amount of milk fat contained in each of the cheeses heretofore described can be accurately determined by the methods of analysis for cheese described in the publication entitled "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940: the moisture content under the heading "Moisture—Official", on page 301, and the milk fat content under the heading: "Fat—Official", on page 302. Such methods are well-known to, and recognized by, food chemists and the publication referred to is a publication well-known and readily available to food chemists.

61. The milk used in the manufacture of any soft uncured cheese is sweet milk of cows, and the skim milk so used is such cows' milk from which the fat has been separated.

62. There is a kind of soft uncured cheese which, according to some testimony, appears to be made by a process slightly different from the process employed in making cottage cheese. Its minimum fat content is somewhere within the range of 10 to 12 percent, but this kind of cheese contains less fat than neufchatel cheese. This kind of cheese differs in identity from cottage cheese, from creamed cottage cheese, and from neufchatel cheese. Most soft uncured cheese of this composition has been sold under the designation "farmer cheese". There is evidence of record that a designation of this product by the term "farmer cheese" would be misleading to consumers.

63. In comparison with other commonly used foods, soft uncured cheeses, like most other dairy products, are highly perishable and will spoil in a comparatively short time.

64. Soft uncured cheeses are regarded as being spoiled when microorganisms have developed in such cheeses to such extent that the product is no longer acceptable to consumers for consumption. The principal causes of spoilage are bacteria, yeasts, and molds.

65. When the starting mix from which a soft uncured cheese is made is of a reasonably good quality, the process of pasteurization to which such mixes are always subjected is lethal to those microorganisms which normally cause such cheeses to spoil.

66. The principal bacteria present in soft uncured cheeses are the lactic-acid-producing bacteria which are added to the pasteurized starting mix for the purpose of producing lactic acid.

67. These bacteria remain in the finished cheese and their growth, with resultant acid formation, continues until the cheese becomes so sour that it is unfit for consumption. Such souring occurs as a result of the normal development of these bacteria independent of other microorganisms that may be present in such products. The period from the time of the manufacturing of a soft uncured cheese to the time of spoilage resulting from such souring is regarded as the normal life of such products.

68. Spoilage of soft uncured cheeses may be hastened by the growth of organisms other than the lactic-acid-producing bacteria. Whether spoilage by reason of such growth occurs before souring depends on the degree of contamination with such other organisms.

69. The most common organisms, other than lactic-acid-producing bac-

teria, which cause spoilage of soft uncured cheeses are yeasts and molds.

70. Such yeast and mold spores as may be present in a good quality starting mix are killed by the pasteurization of such starting mix.

71. However, contamination of soft uncured cheeses with yeast and mold spores sometimes occurs during the process of manufacture, packaging, and distribution, and while such product is being used by consumers.

72. A few manufacturers have added one or the other of the chemicals sodium propionate and calcium propionate to soft uncured cheeses in quantities not in excess of 0.15 percent by weight (the maximum quantity practicable) for the purpose of preserving such cheeses temporarily against the development of yeasts and mold spores. Such preservatives have been used primarily in cream cheese and neufchatel cheese; however, they have also been used in some cottage cheese and creamed cottage cheese. The spoilage problem is similar in each of the soft uncured cheeses.

73. When such preservatives are added to soft uncured cheeses in the quantity specified, they will retard the development of some of the yeasts and mold spores present to the extent that evidence of their presence and development becomes apparent to consumers from one to about five days later than would otherwise be the case.

74. Whether a soft uncured cheese is rendered unfit for use prior to souring, by reason of the development of objectionable flavors due to yeast growth or by reason of the development of visible mold, depends principally on the degree of contamination of such product with yeast and mold spores.

75. When good manufacturing practices are observed, the degree of contamination of the finished product with mold spores and yeast is slight and of little, if any, significance.

76. Retailers know that soft uncured cheeses are highly perishable products and therefore do not store them over a long period. Excessive contamination with mold and yeast spores, that is, contamination to an extent that will cause spoilage prior to souring, is avoided while they are held for sale to consumers by proper covering and refrigeration of the products. Unless they are careless, merchandisers keep such products properly covered and refrigerated so as not to expose them to such contamination.

77. Consumers know that soft uncured cheeses are highly perishable and they do not store such foods for more than a few days. They usually purchase such products in small quantities and usually consume them within a day or two after purchase although sometimes they may keep them a few days longer. But such contamination as may normally occur while such products are kept in the home does not cause such products to spoil prior to their consumption.

78. Most manufacturers of soft uncured cheeses do not use propionates in their products and some regard them as improper ingredients. During the two years and nine months immediately preceding the date of this hearing, the period during which propionates had been offered to manufacturers, only about ten manufacturers had used them commercially, and during that period only a very small percentage of the soft uncured cheese marketed as cream cheese contained propionates.

79. Provision for the use of propionates in soft uncured cheeses would not serve the interest of consumers since there appears to be no need for a preservative to retard the development of yeasts and mold spores if good manufacturing and distribution practices are followed.

80. One manufacturer has occasionally added vitamin D to cream cheese, but the record fails to establish that cream cheese is a suitable carrier for vitamin D or that there is a need for the addition of this ingredient to cream cheese.

81. A manufacturer of a substance described by him as a "commercial coagulant" sold under the trade name "Illini Formula A" testified that some manufacturers had used such substance as a substitute for rennet in making cottage cheese and that the noticeable results from its use were a more "uniform coagulation in setting" of the curd and a "cleaner flavor" of the finished cheese than when rennet is used as the coagulant. The witness declined to disclose the composition of this product further than that it contained pepsin, rennet, "harmless organic and inorganic enzymes or catalyst used in the coagulation of milk", and vanilla added solely for the purpose of concealing such undisclosed ingredients. Although some of the parent companies of the subsidiary companies stated to have used this preparation were represented at this hearing and some of their experts testified, none of them, nor any other of the manufacturers present at the hearing, testified to the use of coagulants other than those specified in this order. Such a record does not furnish an adequate basis for determining the suitability of such preparation as an ingredient in cottage cheese.

On the basis of the foregoing findings of fact, it is found and concluded that:

(1) It would not promote honesty and fair dealing in the interest of consumers to establish a definition and standard of identity for low-fat, high-moisture soft uncured cheese made by the hot-pack process, under the name "cream cheese" or a name which includes the words "cream cheese".

(2) It will promote honesty and fair dealing in the interest of consumers to establish a definition and standard of identity for such low-fat, high-moisture cheese under the name "neufchatel cheese".

(3) The evidence does not provide an adequate basis for determination that it would promote honesty and fair dealing in the interest of consumers to establish a definition and standard of identity under the name "farmer cheese" for the soft uncured cheese sometimes sold under that name.

(4) It will not promote honesty and fair dealing in the interest of consumers to prescribe definitions and standards of identity for soft uncured cheeses providing for the use of the chemical preservatives sodium and calcium propionates as ingredients of any such cheeses.

(5) It will not promote honesty and fair dealing in the interest of consumers to prescribe definitions and standards of identity for cottage cheese and creamed cottage cheese providing for the use of gelatin as an ingredient of either of such cheeses.

(6) The evidence does not provide an adequate basis for a determination that it would promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for cream cheese providing for the use of vitamin D as an ingredient of such cheese, or to prescribe a definition and standard of identity for cottage cheese providing for the use as optional ingredients of coagulants other than those specified in the definition and standard of identity herein prescribed for cottage cheese.

(7) Promulgation of the regulations hereinafter prescribed, fixing and establishing definitions and standards of identity for cream cheese, neufchatel cheese, cottage cheese, and creamed cottage cheese, will promote honesty and fair dealing in the interest of consumers.

Wherefore each of the following regulations is hereby promulgated:

REGULATIONS

Sec.
19.515 Cream cheese, identity; label statement of optional ingredients.
19.520 Neufchatel cheese, identity, label statement of optional ingredients.
19.525 Cottage cheese, identity.
19.530 Creamed cottage cheese, identity.

AUTHORITY: §§ 19.515 to 19.530, inclusive, issued under secs. 401, 701 (e); 52 Stat. 1046, 1055; 21 U.S.C. 341, 371 (e), 1940 ed.; the Reorganization Act of 1939, 53 Stat. 561 ff.; and Reorganization Plans Nos. I, 53 Stat. 1423, and IV, 54 Stat. 1234.

§ 19.515 *Cream cheese, identity; label statement of optional ingredients.* (a) Cream cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished cream cheese contains not less than 33 percent of milk fat and not more than 55 percent of moisture, as determined, respectively, by the methods prescribed under "Fat—Official" on page 302 and under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940.

(b) (1) Cream or a mixture of cream with milk or skim milk or both is pasteurized and may be homogenized. To such cream or mixture harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be warmed; it may be stirred; it is then drained. The curd may be pressed, chilled, worked, seasoned with salt; it may be heated, with or without added cream or milk or skim milk or any mixture of two or all of these, until it becomes fluid and it may then be homogenized or otherwise mixed.

(2) In the preparation of cream cheese one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, or algin may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished cream cheese.

(3) For the purposes of this section milk means sweet milk of cows and skim milk means milk from which the milk fat has been separated.

(c) When an optional ingredient listed in paragraph (b) (2) is present in cream cheese, the label shall bear the statement "-------------- Added" or "With Added --------------", the blank being filled in with the word or words "Vegetable Gum" or "Gelatin" or "Algin" or any combination of two or all of these, as the case may be. Wherever the name "Cream Cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.520 *Neufchatel cheese, identity; label statement of optional ingredients.* (a) Neufchatel cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished neufchatel cheese contains not less than 20 percent but less than 33 percent of milk fat and not more than 65 percent of moisture, as determined, respectively, by the methods prescribed under "Fat—Official" on page 302 and under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940.

(b) (1) Milk or a mixture of cream with milk or skim milk or both is pasteurized and may be homogenized. To such milk or mixture harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be warmed; it may be stirred; it is then drained. The curd may be pressed, chilled, worked, seasoned with salt; it may be heated, with or without added cream or milk or skim milk or any mixture of two or all of these, until it becomes fluid and it may then be homogenized or otherwise mixed.

(2) In the preparation of neufchatel cheese one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, or algin may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished neufchatel cheese.

(3) For the purposes of this section milk means sweet milk of cows and skim milk means milk from which the milk fat has been separated.

(c) When an optional ingredient listed in paragraph (b) (2) of this section is present in neufchatel cheese, the label shall bear the statement "------------------ Added" or "With Added ------------", the blank being filled in with the word or words "Vegetable Gum" or "Gelatin" or "Algin" or any combination of two or all of these, as the case may be. Wherever the name "Neufchatel Cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.525 *Cottage cheese, identity.* (a) Cottage cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished cottage cheese contains not more than 80 percent of moisture, as determined by the method prescribed under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940.

(b) (1) Sweet skim milk is pasteurized; calcium chloride may be added in a quantity not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of such skim milk; harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be cut; it may be warmed; it may be stirred; it is then drained. The curd may be washed with water and further drained; it may be pressed, chilled, worked, seasoned with salt.

(2) For the purposes of this section skim milk means the milk of cows from which the milk fat has been separated.

§ 19.530 *Creamed cottage cheese, identity.* (a) Creamed cottage cheese is the soft uncured cheese prepared by mixing cottage cheese with pasteurized cream or a pasteurized mixture of cream with milk or skim milk or both. Such cream or mixture is used in such quantity that the milk fat added thereby is not less than 4 percent by weight of the finished creamed cottage cheese. The finished creamed cottage cheese contains not more than 80 percent of moisture as determined by the method prescribed under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940.

(b) For the purposes of this section milk means sweet milk of cows and skim milk means milk from which the milk fat has been separated.*

The regulations hereby promulgated shall become effective on the ninetieth day following the date of publication of this order in the FEDERAL REGISTER.

Dated: November 22, 1942.

[SEAL] WATSON B. MILLER,
Acting Administrator.

[F. R. Doc. 42-13731; Filed, December 22, 1942; 12:07 p. m.]

[Docket No. FDC-38]

PART 135—COAL TAR COLOR REGULATIONS

ORDER AMENDING REGULATIONS

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (Secs. 504, 604, 701 (a) and (e), 52 Stat. 1052, 1055, 21 U.S.C. 354, 364, 371 (a) and (e)); and on the basis of the evidence received at the hearing duly held pursuant to notice thereof signed by the Acting Federal Security Administrator on August 13, 1942 and published in the FEDERAL REGISTER, dated August 15, 1942 (7 F.R. 6449-6450), the following order is hereby promulgated:

Findings of Fact

1. Chemical methods were utilized in analyzing the color proposed for listing as EXT D&C Yellow No. 6, which were the conventional methods, customarily adopted in analyzing coal-tar colors. (R. 9, 10; Govt. Ex. No. 2)

2. The chemical identity of the pure dye in the proposed color was ascertained and found to be disodium salt of 5-(para-sulfo-phenyl azo)-salicylic acid. (R. 19; Govt. Ex. No. 2; Other Parties Ex. No. 1, p. 20)

3. The coal-tar color proposed for listing as EXT D&C Yellow No. 6 can only be made by a combination of two intermediates, namely, sulfanilic acid and salicylic acid. (R. 10, 20)

4. Coal-tar colors cannot under good manufacturing practice be made of 100 percent purity, but contain, besides the pure dy component, some impurities. (R. 11; Other Parties Ex. No. 1, p. 1)

5. A chemical analysis of a sample of the coal-tar color proposed for listing as EXT D&C Yellow No. 6 showed the presence of the following impurities with their respective percentages:

	Percent
Water insoluble matter	0.3
Volatile matter (at 135° C.)	0.8
Sodium chloride	11.6
Sodium sulfate	0.1
Ether extracts, total	0.4
Sulfanilic acid	0.2
Salicylic acid	0.2
Mixed oxides, less than	1.0
Heavy metals, less than	0.003
Lead, less than	0.002
Arsenic, less than	0.0002

(R. 19, 20; Govt. Ex. No. 2, p. 1)

6. Analysis of another sample of the coal-tar color referred to in finding 5 showed the presence of similar impurities in substantially the same respective percentages. (Other Parties Ex. No. 1, p. 1)

7. Variations in percentages found in the analyses referred to in findings 5 and 6 are within the range of experimental error of methods. (R. 21)

8. A coal-tar color conforming to the following specifications, proposed for EXT D&C Yellow No. 6 in Government Exhibit No. 1, namely:

EXT D&C YELLOW NO. 6

SPECIFICATIONS

Disodium salt of 5-(para-sulfo-phenyl azo)-salicylic acid.
Volatile matter (at 135° C.), not more than 3.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Sulfanilic acid, not more than 0.2 percent.
Salicylic acid, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 15.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dyes (as determined by titration with titanium trichloride), not less than 82.0 percent.

and in addition conforming to the provisions of the coal tar color regulations would be suitable for use in externally applied drugs and cosmetics. (R. 14, 20)

9. Methods of analysis have been reported for the quantitative determination of the pure dye, all intermediates, and other impurities contained in said color. These methods were put into practice and accurate results obtained by their use. (R. 14, 19, 20; Govt. Ex. No. 2, p. 1; Other Parties Ex. No. 1, pp. 1–17, inc.)

10. A method for the identification of the coal-tar color designated as EXT D&C Yellow No. 6 was reported. This method was put into practice and accurate results obtained by its use. (R. 20, 21; Other Parties Ex. No. 1, p. 18)

11. Pharmacological tests upon laboratory animals exist for determining whether a coal-tar color is harmless when used in drugs and cosmetics. (R. 27, 39)

12. Tests conducted to determine the toxicity of EXT D&C Yellow No. 6 were adequate conventional pharmacological tests ordinarily employed in determining the toxicity of coal-tar colors. (R. 25–27, 39, 41)

13. Acute toxicity tests were made on various species of test animals, by oral administration and intravenous and intraperitoneal injections of solutions of this color. Observations of these test animals showed that this color has a very low toxicity as compared with the toxicity of other coal-tar colors listed for use in externally applied drugs and cosmetics. (R. 26, 37; Govt. Ex. No. 3, p. 1; Other Parties Ex. No. 2, pp. 1–2, and "1"; Other Parties Ex. No. 3, pp. 1, 2)

14. Chronic toxicity tests were made by feeding the color to rats for periods of time ranging up to and beyond 429 days. At various intervals, animals subject to these tests, were sacrificed and microscopic examination made of the internal organs. Such examinations disclosed no damage to the internal organs from the ingestion of the color. During these feeding periods a record of the weights of the test animals was kept, which disclosed that the normal rate of growth of the animals was not affected by the ingestion of the color. (R. 28–34, 38–41; Govt. Ex. No. 3, p. 2; Other Parties Ex. No. 2, pp. 3, 4, "Further Studies" p. 2; Other Parties Ex. No. 3, p. 2)

15. Irritation and sensitization tests were made by applying solutions of the color in dermal contact and by intradermal and intramuscular injections. Guinea pigs were used as the test animals. Observations of these animals showed that this color did not cause irritation or sensitization. (R. 26–28, 37, 38; Govt. Ex. No. 3, pp. 1, 2; Other Parties Ex. No. 2, pp. 5–7, "1"; Other Parties Ex. No. 3, pp. 2, 3)

16. The amount of color fed the animals referred to in finding 14 was far in excess of the amount that any human might absorb through the skin as a result of the use of externally applied drugs or cosmetics colored with EXT D&C Yellow No. 6. (R. 42)

Conclusion

Upon the basis of the foregoing findings of fact, it is concluded: (1) that a coal-tar color conforming to the coal tar color regulations and the specifications set forth in finding 8, is harmless and suitable for use in externally applied drugs and cosmetics; (2) practical and accurate methods of analysis exist for the quantitative determination of the pure dye and all intermediates and other impurities contained in such color; and (3) practical and accurate methods exist for the identification of such dye in drugs and cosmetics colored therewith.

Therefore, the coal tar color regulations under the Federal Food, Drug, and Cosmetic Act originally promulgated by order of May 4, 1939, published in the FEDERAL REGISTER for May 9, 1939 (Vol. 4, No. 89, pp. 1922–1947); as amended by order of September 14, 1939, published in the FEDERAL REGISTER for September 16, 1939 (Vol. 4, No. 179, pp. 3931–3940); as further amended by order of March 22, 1940, published in the FEDERAL REGISTER for March 23, 1940 (Vol. 5, No. 58, pp. 1138–1141); and as further amended by order of May 9, 1940, published in the FEDERAL REGISTER for May 10, 1940 (Vol. 5, No. 92, pp. 1669–1672), should be and are hereby further amended, by adding to the colors listed in § 135.5 of said regulations the following:

§ 135.5 *List of straight colors and specifications for their certification for use in externally applied drugs and cosmetics.* * * *

EXT D&C YELLOW NO. 6

SPECIFICATIONS

Disodium salt of 5-(para-sulfo-phenyl azo)-salicylic acid.
Volatile matter (at 135° C.), not more than 3.0 percent.
Water insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Sulfanilic acid, not more than 0.2 percent.
Salicylic acid, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 15.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

Finding of Absence of Controversy

No controversy with respect to the subject of the hearing or any of the issues raised therein exists between the persons who appeared. Issuance of a final order without prior issuance of a proposed order will promote the purposes of the Act.

This order shall become effective on the ninetieth day after the date of its publication in the FEDERAL REGISTER. [Secs. 504, 604, 701 (a) and (e), 52 Stat. 1052, 1055, 21 U.S.C. 354, 364, 371 (a) and (e)].

Dated the 19th day of December 1942.

[SEAL] WATSON B. MILLER,
Acting Administrator.

[F. R. Doc. 42–13707; Filed, December 22, 1942; 11:07 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—Proclaimed List of Certain Blocked Nationals

CUMULATIVE SUPPLEMENT 2 TO REVISION IV

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Board of Economic Warfare, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), the following Supplement 2 containing certain additions to, amendments to, and deletions from The Proclaimed List of Certain Blocked Nationals, Revision IV of November 12, 1942 (7 F.R. 9510), is hereby promulgated.

By direction of the President:

CORDELL HULL,
Secretary of State.

RANDOLPH PAUL,
Acting Secretary of the Treasury.

FRANCIS BIDDLE,
Attorney General.

JESSE H. JONES,
Secretary of Commerce.

MILO PERKINS,
Executive Director, Board of Economic Warfare.

NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

DECEMBER 18, 1942.

GENERAL NOTES

(REVISED AS OF CUMULATIVE SUPPLEMENT NO. 1 TO REVISION IV)[1]

(1) The Proclaimed List is divided into two parts: part I relates to listings in the American republics; part II relates to listings outside the American republics.

(2) In part I titles are listed in their letter-address form, word for word as written in that form, with the following exceptions:

If the title includes a full personal name, that is, a given name or initial and surname, the title is listed under the *surname.*

Personal-name prefixes such as *de, la, von,* etc., are considered as part of the surname and are the basis for listing.

The listing is made under the next word of the title when the initial word or phrase, or abbreviation thereof, is one of the following Spanish forms or similar equivalent forms in any other language:

Compañía; Cía.; Comp.
Compañía Anónima; C. A.; Comp. Anón.
Sociedad; Soc.
Sociedad Anónima; S. A.; Soc. Anón.

(3) Addresses appearing after names on the List are not intended to exclude other addresses of the same firms or individuals. A listed name refers to all branches of the business in the country.

(4) Revision IV of the Proclaimed List, of which this is a supplement, supersedes all previous lists published prior to November 12, 1942. The present series of supplements is cumulative, and each succeeding supplement supersedes all previous supplements to the List. Accordingly, the current Cumulative Supplement and Revision IV together constitute the effective List.

(5) For the convenience of users, symbols are placed after each name on the List to indicate, by reference to the table below, the dates of the supplements or revisions in which the name first appeared, or was amended or deleted. It has not been found practicable, however, to indicate here the dates of listings made between July 17, 1941, the date of the original list, and Revision I, dated February 7, 1942. Accordingly, names appearing prior to Revision I and retained in that revision are followed only by the symbol "I". Roman numerals refer to revisions, arabic numerals to supplements. For example, a name followed by the symbols II–1, III, IV–1 signifies that the listing first appeared in Revision II, Supplement 1; was *amended* in Revision III; and was *amended or deleted* in Revision IV, Supplement 1. Since in the Cumulative Supplements deletions as well as amendments are carried in each succeeding supplement, the last of two or more symbols may reflect either an amendment or a deletion, depending on the action heading under which the listing currently appears.

I	2–7–42	II–5	7–31–42
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I–2	3–27–42	III–1	8–28–42
I–3	4–11–42	III–2	9–18–42
I–4	5–1–42	III–3	10–10–42
II	5–12–42	III–4	10–30–42
II–1	5–22–42	IV	11–12–42
II–2	6–2–42	IV–1	11–20–42
II–3	6–19–42	IV–2	12–18–42
II–4	7–17–42		

PART I—LISTINGS IN AMERICAN REPUBLICS

ARGENTINA

Additions and Amendments

Alámbrica Sociedad Industrial Argentina S. A.—Victoria 658, Buenos Aires; and Colegio Militar 7, Villa Ballester, F. C. P. IV–2.

Arbizu y Cerviño, Sociedad Anónima Industrial y Comercial.—Belgrano 1400, Buenos Aires; Alsina 342, Trenque Lauquen, F. C. O., B. A., and Comandante Besares 370, Ciudadela, F. C. O., B. A. IV–2.

Argentine Sanitary Corporation.—Brasil 39, Buenos Aires. I; IV–2. *Address amended from* 25 de Mayo 158, Buenos Aires.

"ARSACO" Argentine Sanitary Corporation.—Brasil 39, Buenos Aires. I; IV–2. *Address amended from* 25 de Mayo 158, Buenos Aires.

Asmus, Hans. — Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 616, Buenos Aires. IV–1.

Barraca Dana.—Fitz Roy 1355, Bahía Blanca. IV–1.

Barraca Justesen.—España 1336, Buenos Aires. IV–1.

Barraca Nueva.—Monte de Oca 585–89, Avellaneda. IV–1.

Bernasconi, Angel.—San Juan 3765, Buenos Aires. IV–1.

Bernhardt, Hans.[1] — Azcuenaga 1360, Vicente López, F. C. C. A. I–4; IV–2. *Amended to add footnote.*

Biasotti y Cía.—Buenos Aires. IV–1.

Bobber, Leo.—Seguí 629, Buenos Aires. IV–2.

Bruder, Rodolfo.—Beazley 3551, Buenos Aires. IV–2.

C. Y. C. A., Caminos y Construcciones Argentinos.—Belgrano 858, Buenos Aires. IV–2.

Caminos y Construcciones Argentinos.—Belgrano 858, Buenos Aires. IV–2.

Canever, Antonio.—Colón 561, Posadas, Misiones. IV–1.

Cappagli, Pilade.—Corrientes 222, Buenos Aires. IV–2.

Cappagli y Hno., Gaddo.—Corrientes 222, Buenos Aires. IV–2.

Carballo, Manuel.[2]—Avenida Leandro N. Alem 1474 y 1510, Buenos Aires. II–2; IV–2. *Amended to add footnote.*

Castagnola, Carlos Lorenzo.—24 de Noviembre 1226 (Casilla 576), Buenos Aires. IV–2.

Cerigliano, J.—Casilla 2734, Buenos Aires. IV–2.

"Cofico" Compañía Financiera y Comercial.—Belgrano 858, Buenos Aires. IV–2.

Díaz, José.—Chile 1924–26, Buenos Aires. IV–2.

Droguería Díaz.—Chile 1924–26, Buenos Aires. IV–2.

Durán y Nebia.—E. Zeballos 3778, Rosario, F. C. C. A. IV–2.

Edelstein, Roberto.—Corrientes 569, Buenos Aires. IV–2.

Editorial Patria.—25 de Mayo 171, Buenos Aires. IV–2.

Ellinger, Adolfo F. C.—Viamonte 680, Buenos Aires. IV–1.

Ellinger, Julio P. E.—Viamonte 680, Buenos Aires. IV–1.

Ellinger y Cía., S. de R. L.—Viamonte 680, Buenos Aires. IV–1.

Establecimientos América. — Avenida de Mayo 1370, Buenos Aires. IV–1.

Establecimientos Fábriles Rodi, Alfonso Romero, Sociedad Anónima Industrial y Comercial.—Victoria 850, Buenos Aires; and Kilómetro 11, Wilde, F. C. S. IV–1; IV–2. *Name amended from* Establecimientos Fábriles Rodi.

Explotación Maderera y Anexos, S. A.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 933, Buenos Aires. IV–1.

Exportadora Importadora Argentina "Oriente", S. A.—Corrientes 569, Buenos Aires. IV–2.

Ficopa, Consorcio Financiero y Comercial Sudamericano, S. A.—José Evaristo Uriburú 1312, Buenos Aires. IV–2.

Fonticelli, Juan Carlos. — Perú 347, Buenos Aires. IV–1.

Fuehrer y Becker.—Otamendi 249, Buenos Aires. IV–1.

García Auladell, Manuel.—Perú 1746, Buenos Aires. IV–1.

García y Cia., M.—Perú 1746, Buenos Aires. IV–1.

Gotz, Otto.—San Lorenzo 1195 y Tucumán 2327, Rosario, F. C. C. A. IV–2.

Gran Hotel Viena.[3]—Mar Chiquita, Provincia de Córdoba. IV–2.

I. T. A., Industria Tintorería Argentina, S. de R. L.—Caseros 3875 y Treinta y Tres 2282, Buenos Aires. IV–2.

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[1] 7 F.R. 9671.

[1] Not to be confused with H. (Hirsch) Bernhardt y Cía., S. de R. L., 25 de Mayo 347, Buenos Aires.

[2] Not to be confused with Manuel Carballo, Moreno 2380, Buenos Aires.

[3] Not to be confused with Hotel Viena, Mar Chiquita, Provincia de Córdoba, owned by Señora María Tremetzberger.

Imprenta "La Comercial".[4] —Reconquista 1010. Buenos Aires. III–4; IV–2. *Amended to add footnote.*

Imprenta Riedel.—Moreno 2656, Buenos Aires. IV–2.

Industria Tintorería Argentina S. de R. L.—Caseros 3875 y Treinta y Tres 2282, Buenos Aires. IV–2.

Industrial Téxtil Algodonera Argentina, S. A.—Moreno 1341, Buenos Aires; and 6 de Septiembre, Morón, F. C. O., B. A. III–1; IV–2. *Address amended from* Moreno 1423, Buenos Aires.

"ITALAR" Sociedad Anónima Industrial Téxtil Algodonera Argentina. —Moreno 1431, Buenos Aires; and 6 de Steptiembre, Morón, F. C. O., B. A. III–1; IV–T. *Address amended from* Moreno 1423, Buenos Aires.

Justesen, Asger.—España 1336, Buenos Aires; and Fitz Roy 1355, Bahía Blanca. IV–1.

Katayama, Ryohel. —Balcarce 1471, Buenos Aires. IV–1.

Kaysser, Juan A.—San Martín 195, Buenos Aires. IV–2.

Khoury, Antonio Salomon. —Casilla 1703, Buenos Aires. IV–2.

Kimura, Masataro. —Suipacha 359, Buenos Aires. IV–2.

Kirschen, Armand.—Florida 622, Buenos Aires. II–2; IV–2. *Address amended from* Diagonal Sud 570, Buenos Aires.

Koerting Empresa Industrial y Comercial, S. de R. L.—Paseo Colón 1337–43, Buenos Aires. IV–2.

"Kosca", Schaefer y Cía.—Maipú 730, Buenos Aires. IV–2.

"La Imperial Tintorería Industrial Co."—Seguí 629, Buenos Aires. IV–2.

Laboratorios Cinematográficos Biasotti.—Campichuelo 553, Buenos Aires. IV–1.

Lavadero de Lanas.—Camino a La Plata, Kilómetro 12. IV–1.

Lelula Sociedad Anónima Rural e Inmobiliaria.—25 de Mayo 145, Buenos Aires. IV–2.

Libregule Sociedad Anónima de Mandatos y Finanzas.—25 de Mayo 145, Buenos Aires. IV–1.

Linne, Walter.—Maipú 231, Buenos Aires. IV–1.

Lottgering, Guillermo E. —Canning 1754–60, Buenos Aires. IV–2.

Meyer, Arturo.—Las Heras 4051, Buenos Aires. I–2.

Mischung, Juan. —Patagones 2006, Buenos Aires. IV–2.

Mujica Garmendia y Cía.—Corrientes 569, Buenos Aires. IV–2.

Nord Sud Argentina Sociedad Anónima Comercial Importadora y Exportadora.—25 de Mayo 294, Buenos Aires. IV–1.

Paetsch, Heriberto Gustavo.—Bolivia 3103, Buenos Aires. IV–1.

Pahlke, Máximo.—Belgrano 327, Buenos Aires. IV–2.

Peladero Bahía.—Manuel Molina 1525, Bahía Blanca. IV–1.

Peladero Córdoba, S. de R. L.—Camino a La Plata, Kilómetro 12. IV–1.

Peladero Danes.—Córdoba 651, Sarandí. IV–1.

Pirovano, Speranza y Cía.—Senador Morón 1450, Bella Vista, F. C. P., B. A. IV–1.

Plate y Cía., S. A.—Balcarce 474, Buenos Aires. IV–2.

Polledo Hermanos y Cía.—Belgrano 858, Buenos Aires. IV–2.

Polo, Eustacio.—Corrientes 424 y Moreno 1443, Buenos Aires. IV–2.

Poppe, Peter Christoph. —Corrientes 330, Buenos Aires; Avenida San Martín 222, Bahía Blanca; Puerto Madryn and Trelew. IV–2.

"Prodinar" Producción Industrial Argentina S. de R. L.—Honduras 3750 y Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 1119, Buenos Aires. IV–1.

Publicidad "Astral".—E. Zeballos 3778, Rosario, F. C. C. A. IV–2.

Publiventas. —Maipú 231, Buenos Aires. IV–1.

Reiser y Cia., S. de R. L., E.—Beazley, 3551, Buenos Aires. IV 2.

Rhodius y Cía.—Herrera 2250, Buenos Aires. I; IV–2. *Address amended from* Avenida de Mayo 560, Buenos Aires.

Richter, Arnolfo.—25 de Mayo 171, Buenos Aires. IV–2.

Riedel, Federico Carlos.—Moreno 2656, Buenos Aires. IV–2.

Riedel y Lavalle S. de R. L.—Cangallo 2372, Buenos Aires. I; IV–2. *Address amended from* Lavalle 2666–68, Buenos Aires.

Romero, Alfonso, Sociedad Anónima Industrial y Comercial, Establecimientos Fábriles Rodi.—Victoria 850, Buenos Aires; and Kilómetro 11, Wilde, F. C. S. IV–2.

S. A. E. M. A., Sociedad Anónima Explotación Maderera y Anexos.—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 933, Buenos Aires. IV–1.

S. E. I. A. O., Sociedad Anónima Exportadora Importadora Argentina "Oriente".—Corrientes 569, Buenos Aires. IV–2.

Sainz e Hijos.—Caseros 3875 y Treinta y Tres 2282, Buenos Aires. IV–2.

Sansone, Lorenzo.—Cangallo 1570 y Federico Lacroze 3642, Buenos Aires. IV–2.

Siller, Heinz.—Lima 196, Buenos Aires. IV–2.

Sol, Jaime.—Rioja 138, Buenos Aires; and La Paz, Entre Ríos. IV–2.

Steinhoff, Georg. — Corrientes 330, Buenos Aires; Avenida San Martín 222, Bahía Blanca; Puerto Madryn and Trelew. IV–2.

Sternstein, Alfredo. — Libertad 745, Buenos Aires IV–1.

Strauss, Juan Alfredo.—Defensa 320, Buenos Aires. IV–1; IV–2. *Name amended from* Strauss, Alfredo Juan.

Suhr, Heinrich. — Corrientes 330, Buenos Aires; Avenida San Martín 222, Bahía Blanca; Puerto Madryn and Trelew. IV–2.

Tam, Hubmann y Cía.—Piedras 133, Buenos Aires. IV–1.

"Transatlántica" Sociedad Anónima Argentina Comercial y Marítima.—Corrientes 222, Buenos Aires. IV–2.

Transmar Trading Co.—Corrientes 569, Buenos Aires. IV–2.

Triay, Alberto.—Suipacha 535, Buenos Aires. IV–2.

"Unibras".—Avenida Presidente Roque Sáenz Peña (Diagonal Norte) 616, Buenos Aires. IV–1.

Venzmer, Hans (Juan).—Lima 169, Buenos Aires. IV–2.

Deletions

Cine Ideal Monroe.—Monroe 3245, Buenos Aires. II–4; IV–1.

Gran Farmacia Constitución.—Caray 1100, Buenos Aires. III–4; IV–2.

Leonardini Hermanos.—Caray 1058, Buenos Aires. III–4; IV–2.

Salerno Hermanos.—Matheu 1553, Buenos Aires. I–3; IV–2.

BOLIVIA

Additions and Amendments

Cattoretti, Francisco.—Casilla 131, La Paz. IV–2.

Cattoretti, Virginio.—Casilla 131, La Paz. IV–2.

Fischer, Ewaldo.—Santa Cruz de la Sierra. IV–1.

Forns Samsó, Francisco.—Ingavi 473 (Casilla 476), La Paz. I; IV–1.

Granier & Rodríguez.—Oruro. IV–1.

Gumucio Bessand, Juan.—Cochabamba. I; IV–2. *Name amended from* Gumuchio; Juan *and* Gumucio, Juan.

Luján, Macedonio.—Cochabamba. I–4; IV–2. *Address amended from* La Paz.

Rossetti, Antonio.—Cochabamba. II–2; IV–2. *Address amended from* La Paz.

Rovira, Max.—La Paz. IV–2.

Valdivia Díaz, Miguel.—La Paz. I–3; III–3; IV–2. *Amended from* Valdivia, Miguel.—Potosí; and Casilla 876, La Paz.

Villarroel, Ambrosio.—Santa Cruz de la Sierra. IV–1.

Deletions

Barrientos, Emilio.—Mercado esquina Yanacocha, La Paz. I; III; IV–1.

Brito, Octavio Peña.—Avenida Camacho esquina Colón, La Paz. I; II–1; III; IV–1.

Capdevila, José.—Santa Cruz de la Sierra. I; IV–2.

Chávez F., Humberto.—Riberalta. II–5; IV–2.

Chávez y Cía., Humberto.—Riberalta. II–5; IV–2.

Durán A., Miguel.—Riberalta. II–5: IV–2.

"El Louvre".—Potosí 393 (Casilla 26), La Paz. III–2; IV–2.

Kusćević, Juan. —Oruro and Cochabamba. II–2; IV–1.

Spreckels, Teodoro.—Potosí 393 (Cassilla 26), La Paz. III–2; IV–2.

BRAZIL

Additions and Amendments

Armazem Kaiko, Ltda.—Rua Anhangabaú 911, São Paulo. I; IV–2. *Amended to add address.*

Artigos Dentarios Paladon, Ltda.—Rua General Câmara 129, Rio de Janeiro. I; IV–2. *Amended from* Artigos Dentarcos Poladon, Ltda.—Rio de Janeiro.

Becker, Heinz Rudolph.—Rua 7 de Setembro 1116, Porto Alegre, Rio Grande do Sul. IV–2.

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[4] Not to be confused with Imprenta y Papelería La Comercial, Alsina 423, Buenos Aires.

Berghoff, Hermann.—Rua Amarilis 62, Rio de Janeiro. IV–2.

Bieler, Adolf.—Avenida Rio Branco 61, Rio de Janeiro. IV–2.

Boehringer, Guilherme.—União and Russas, Ceará. IV–2.

Carvalho e Cia., Ltda., Abel.—Rua da Quitanda 166, Rio de Janeiro. IV–2.

Casa de Originalidades.—Rua Frei Gaspar 44, Santos. IV–2.

Casa Estylo.—Rua General Câmara 160, Santos. IV–2.

Casa Técnica Mineira.—Avenida Amazonas 336, Bello-Horizonte. III–4; IV–2. *Address amended from* Rua Tamoyos 487, Bello-Horizonte.

Cintra, Eulalio Ulhoa (Dr.).—Rua Martinico Prado 417, São Paulo. III–1; IV–2. *Address amended from* Rua Martinico Prado 417.

Comercio e Equipamentos Técnicos Ltda., Soc. de.—Rua 7 de Setembro 1116, Porto Alegre, Rio Grande do Sul. IV–2.

Copiadora Brasileira Ltda.—Rua São José 65, Rio de Janeiro. IV–1.

Distribuidora Brasileira de Ferro S.A.—Rua General Câmara 90, Rio de Janeiro. IV–1.

Dobler, Adolf.—São Paulo. IV–1.

Dobler, Margot.—São Paulo. IV–1.

Einstoss, Justino.—Rua Uruguayana 87, Rio de Janeiro. IV–2.

Eletro Metalúrgica Ltda. — Rua Montes Claros 762 e Rua Espirito Santo 328, Bello-Horizonte. IV–2.

Entres, Alberto.—Florianópolis, Santa Catharina. IV–2.

Fábrica de Gelo Vila Mathias.—Rua João Eboli 58, Santos. IV–2.

Fábrica Nacional de Papeis Heliográphicos Ltda.—Ozalid Brazil.—Rua Barra Funda 444, São Paulo. IV–1.

Gonzalez, Celso Ramón.—Rua General Câmara 90, Rio de Janeiro, I; IV–1.

Guimarães e Cia., Ernesto.—Rua Cidade de Toledo 29, Santos. I; IV–2. *Address amended from* Rua Cidade de Toledo 23, Santos.

Hennies, Theodor.—Rua Frei Gaspar 44, Santos. IV–2.

Hering, Curt.—Blumenau. IV–2.

Hering, Felix.—Blumenau. IV–2.

Hering, Ingo.—Blumenau. IV–2.

Hering, Paulo.—Blumenau. IV–2.

Hering, Victor.—Blumenau. IV–2.

Hermann, Alfred Friedrich.—Rua General Câmara 90, Rio de Janeiro. IV–1.*

Hirtz & Nuehrich Ltda.—Praca São Pedro 146, Porto Alegre, Rio Grande do Sul. IV–2.

Holland Merten, Wilhelm.—Avenida Graça Aranha 333 e Praia do Flamengo 186, Rio de Janeiro. IV–2.

Industria Química Sul Rio Grandense.—Praca São Pedro 146, Porto Alegre, Rio Grande do Sul. IV–2.

Jutificio "Mario Luiza" S.A.—Rua 15 de Novembro 178, São Paulo; Rua Adelino 357, São Paulo; and Avenida Industrial 286, Santo André. IV–2.

Kaelble, Theodor Hermann. — Rua Dom Gerardo 42, Rio de Janeiro. IV–2.

Klinkert, Alfredo.—Rua João Eboli 58, Santos. IV–2.

Kolbe, Hans.—São Salvador, Bahia. IV–2.

Laboratório Químico Bioterápico "Antipiol" Ltda.—Rua Tamandaré 699, São Paulo. IV–2.

Lima, Vicente Saboya (Dr.).—Avenida Rio Branco 61, Rio de Janeiro. IV–2.

Livraria Central.—Florianópolis, Santa Catharina. IV–2.

Machinas Krohn Ltda.—Rua Carlos Botelho 451, São Paulo. IV–2.

Masaki, Yida Ltda.—Promissão, São Paulo. II–2; IV–2. *Name amended from* Masaki, Iyda Ltda.

Merten, Wilhelm Holland.—Avenida Graça Aranha 333 e Praia do Flamengo 186, Rio de Janeiro. II–2; IV–2. *Address amended from* Avenida Graça Aranha 43, Rio de Janeiro.

Mueller-Hering, Hermann.—Blumenau. IV–2.

Noack, Fritz Carl Julius.—Avenida Rio Branco 52, Rio de Janeiro. IV–2.

Noguchi, Motozo.—Mercado Municipal, Lado Externo 100–102, Rio de Janeiro. IV–1.

Oki, Tatuo.—Avenida Nilo Peçanha 151, Rio de Janeiro. IV–2.

Ozalid Brazil–Fábrica Nacional de Papeis Heliográphicos Ltda.—Rua Barra Funda 444, São Paulo. IV–1.

Petersen e Cia., Ltda.—Rua Libero Badaró 306 (Caixa Postal 1046), São Paulo. I; IV–1.

Poethig, Adolf.—Blumenau. IV–2.

Probst e Cia., Victor.—Rua 15 de Novembro 579, Blumenau, Santa Catharina. IV–2.

Saccaria Paulista Ltda.—Rua Donatorio 64, São Paulo. IV–2.

Sanches e Cia., J.—Rua Campos Salles 105, Rio de Janeiro. IV–1.

Schelling, Max A.—Blumenau. IV–2.

Schulze, Sven Roberto.—Rua 7 de Setembro 1116, Porto Alegre, Rio Grande do Sul. IV–2.

Serralheria Artistica.—Rua Campos Salles 105, Rio de Janeiro. IV–1.

Silva, Affonso.—Rua Espirito Santo 328, Bello-Horizonte. IV–2.

Takata, Tohru.—Avenida Nilo Peçanha 151 e Avenida Atlântica 225, Rio de Janeiro. IV–2.

Tavares d'Amaral, Max (Dr.).—Blumenau. IV–2.

Urata, Tokio.—Rua Marechal Deodóro 230, Juiz de Fora, Minas Geraes. IV–1.

Usina de Aco Cajú Ltda.—Avenida Graça Aranha 333, Rio de Janeiro; and Nova Iguassú, Rio de Janeiro. IV–2.

Van Erven, Conrado.—Rua 1° de Março 91, Rio de Janeiro; and Niterói, Rio de Janeiro. IV–2.

Von Zimmermann, Horst.—Avenida Amazonas 336, Bello-Horizonte. I; III–3; IV–2. *Address amended from* Rua Tamoyos 487, Bello-Horizonte, Minas Geraes.

Wegenast, Adolph Friederich.—Rua Uruguayana 87, Rio de Janeiro. IV–2.

Wesp, João.—Conde de Porto Alegre 320, Porto Alegre. IV–2.

Winterstein, Herbert Max Karl Ernst.— Rio de Janeiro. III–4; IV–2. *Name amended from* Winterstein, Herbert.

Zimdar, Erich.—Rua Frei Gaspar 44, Santos. IV–2.

Zimdar e Cia., E.—Rua Frei Gaspar 44, Santos. IV–2.

Deletions

"Alnorma", Soc. de Machinas Ltda.—Rua São Pedro 89, Rio de Janeiro. I; II–4; IV–2.

Assurances Générales, Compagnie d'.—Rua Buenos Aires 70, Rio de Janeiro, and all branches in Brazil. III–1; IV–1.

Colonia de Pescadores Z–1 José Bonifacio.—Santos, São Paulo. I–1; IV–1.

Condor, Ltda., Servicos Aéreos.—Avenida Rio Branco 128, Rio de Janeiro. I; IV–1.

Empresa Bahiana de Mineráes, Ltda.—Rua Torquato Bahia 3 (Caixa Postal 434), Bahia. I; IV–2.

Machinas Ferri Ltda.—Rua dos Alpes 101–109, São Paulo. II–2; IV–2.

Peres, Sabbá, e Cia.—Rua Guilherme Moreira 221, Manáos, Amazonas. II–2; II–4; IV–2.

Regnier & Anachoreta.—Rua Candelária 92, Rio de Janeiro. I; IV–1.

Ribeiro e Cia., Ltda., J. A.—Rua Costa Pereira 128, Victoria, and all branches in Brazil. I; II–5; IV–2.

Seguros L'Union, Cia.—Rua Uruguayana 87, Rio de Janeiro, and all branches in Brazil. III–1; IV–1.

Serviços Aéreos Condor, Ltda.—Avenida Rio Branco 128, Rio de Janeiro, and all branches in Brazil. I; IV–1.

Siqueira, Fortunato.—Manáos, Amazonas. II–2; IV–2.

Syndicato Condor, Ltda.—Avenida Rio Branco 128, Rio de Janeiro, and all branches in Brazil. I; IV–1.

Vianna, Braga e Cia.—Rua Conselheiro Dantas 35, São Salvador, Bahia; and Joazeiro, Bahia. I; IV–2.

CHILE

Additions and Amendments

Almacén Eléctrico "Weiler".—Barros Arana 775, Concepción. IV–1.

Ankelen, Jorge.—Pedro Montt 1895, Valparaiso. IV–2.

Anker von Manstein, Fridleif.—Constitución 25, San Francisco 1801 y María Auxiliadora 998, Santiago. IV–1.

Aste Demartini, Domingo.—Chacabuco 2812 y Yungay 2803, Valparaiso. IV–1.

Aste Hnos. y Cía.—Chacabuco 2812 y Yungay 2803, Valparaiso. IV–1.

Astiz y Kesten.—21 de Mayo y Brasilera, Punta Arenas. IV–2.

Avendaño, Domingo.—Tomé. IV–1.

Baehr Hettich, Otto.—Independencia 599, Valdivia. IV–2.

"Balthasar Bruna".—Santiago. IV–1.

Bavestrello Solari, Augustín.—Victoria 2304, Valparaiso. IV–2.

Beye y Cía. Ltda.—Condell 1525, Valparaiso. IV–2.

Bodega San José.—Calle Libertad esquina Yungay, Valdivia. IV–1.

Boehm, Sociedad Anónima y Comercial, E.—21 de Mayo y Brasilera, Punta Arenas. IV–2.

Brandt Mainardus, Heinrich.—Santo Domingo 1443, oficina 1, Santiago. IV–2.

Brandt & Vogler Ltda.—Santa Domingo 1443, oficina 1, Santiago. IV–2.

Burgemeister, Luis.—Picarte 321, Valdivia. IV–1.

CB 116 Radio Caupolicán.[1]—Prat 773 (Casilla 506), Valparaiso. IV–1.

Cabezas Hnos. Ltda.—Condell 1257, Valparaiso. IV–2.

"Camisería Americana".—Avenida Argentina 328, Valparaiso. IV–1.

"Casa Columbia".—21 de Mayo 1361, Tocopilla. IV–2.

"Casa Imperio".—Chillán. IV–1.

Chávez, Nicolás.—Bolívar 352, Iquique. IV–2.

Clasen, Willi.—Agustinas 972, Santiago. IV–2.

Comercial Cáceres y Cía. Ltda., Soc.—Baquedano 111, Antofagasta. IV–2.

Danker, Federico.—Santiago. IV–1.

Díaz Brantes, Humberto.—Serrano 591, oficina 70, Valparaiso. IV–1.

Di Nocera, Baltazar.—Errázuriz 664, Punta Arenas. IV–1.

Dreyer, Max.—Talcahuano and Concepción. IV–1.

Edwards Linares, Patricio.—Prat 773 (Casilla 506), Valparaiso. IV–1.

"El Mercado".—Yungay 2803, Valparaiso. IV–1.

"El Pobre Diablo".—Diego Portales 1001, Temuco; and 5 de Abril 798, Chillán. IV–1.

Empresa Arte-Film.—Serrano 591, oficina 70 (Casilla 1731), Valparaiso; and Huérfanos 1153, oficina 2, Santiago. IV–1.

Estébanez Blanco, David.—Diego Portales 1001, Temuco; and 5 de Abril 798, Chillán. IV–1.

Estébanez Blanco, Emilio.—Diego Portales 1001, Temuco; and 5 de Abril 798, Chillán. IV–1.

Estébanez Blanco, Senador.—Diego Portales 1001, Temuco. IV–1.

Estébanez Hnos. y Cía., Ltda.—Diego Portales 1001, Temuco; and 5 de Abril 798, Chillán. IV–1.

Eyzaguirre de Múñoz Gaete, Judith.—Bolivar 395 esquina Tacna, Iquique. IV–2.

Fabres, Manuel A.—Rosas 1490, Santiago. IV–1.

Fábrica de Talco.—Caupolicán 558, Valdivia; and Corral. IV–2.

Fábrica Nacional de Abonos y Cola Limitada.—Santa Rosa 3996, Santiago. IV–2.

Fedlstedt Neve, Matías.—Condell 1525, Valparaiso. IV–2.

Fellmer Hoffmann, Walter.—Victoria 1057, Santiago. IV–1; IV–2. *Name amended from* Fellmer, Walter.

Ferrari, Josefina Aveggio de.—Simón Bolívar 440, Valparaiso. IV–1.

Ferrari, Plinio.—Simón Bolívar 440, Valparaiso. IV–1.

Ferraz P., José.—Calle Libertad esquina Yungay, Valdivia. IV–1.

Fiebig, Antonio.—Vicuña Mackenna 548 (Casilla 45), Temuco. IV–2.

Frank Peitler, Alberto.—Victoria 1057, Santiago. IV–1.

Frank y Cía., Ltda.—Victoria 1057, Santiago. IV–1.

Fraumeni Natoli, Antonio.—21 de Mayo 1361, Tocopilla. IV–2.

Frindt Weldt, Osvaldo.—Prat esquina Balmaceda, Nueva Imperial. IV–1.

Frindt y Cía., Ltda.—Carahue. IV–1.

Fritz Diefenbach, Erwin.—Condell 1525, Valparaiso. IV–2.

Fritz Ewertz, Augusto.—Agustinas 988, Santiago. IV–1.

Fundición "Rocomaco" Soc. Ltda.—Avenida Portugal 950, Santiago. IV–1.

Galletti, Santiago.—Avenida Argentina 163, Valparaiso. IV–2.

Gandulfo & Sias. Independencia 2065 (Casilla 475), Valparaiso. IV–2.

Gesche Lichtenberg, Hermann.—Barros Arana 775, Concepción. IV–1.

Giglio, Atilio.—Villaseca 943, Santiago. IV–2.

Giglio, Mario.—Avenida Argentina 163, Valparaiso. IV–2.

Girardi y Cía., Ltda.—Avenida Italia 830, Santiago. IV–2.

Goecke, Alberto.—Rancagua 194, Puerto Montt. IV–2.

Goecke & Wiesenborn.—Pérez Rosales 224–225, Puerto Montt. IV–2.

Gómez-Marañón y Cía. Avenida Argentina 328, Valparaiso. IV–1.

Gracia Hnos.—Bulnes 432, Temuco. IV–2.

Grau, Erich F.—Avenida Constanza 947, Santiago. IV–1.

Guarello, Fernando.—Prat 647, piso 2, Valparaiso. IV–2.

Guarello, Jorge.—Prat 647, piso 2, Valparaiso. IV–2.

Guerra Cruz, Manuel J.—Antofagasta. IV–2.

Haack, Bruno.—Caupolicán 558, Valdivia; and Corral. IV–2.

Hauser Venegas, Tito.—Bulnes 635, Temuco. IV–1.

Hebel Haubrich, Rodolfo.—Frutillar. IV–1.

Heinrich, Osvaldo.—Río Bueno. IV–1.

Heinrich, Waldemar.—Río Bueno. IV–1.

Henzi O., Teodoro.—Picarte esquina Henríquez, Valdivia; and Eleuterio Ramírez, Osorno. IV–1.

Herrera Lira, Ricardo.—Amunátegui 661, Santiago. IV–1.

Hoeck L., Javier.—Plaza Aníbal Pinto 1179, Valparaiso. IV–1.

Hoeck & Warda Ltda.—Plaza Aníbal Pinto 1179, Valparaiso. IV–1.

Holtz, Willy.—Blanco 1041, oficina 57, Valparaiso; and Thompson 205, Quilpé. IV–1.

Hotel Ensenada.—Ensenada. IV–2.

Hotel Plaza.—Río Bueno. IV–1.

Hotel Ritz.—Barros Arana 721, Concepción. IV–2.

Hulse, Herbert.—Serrano 479, Valparaiso. IV–1.

Hulse y Cía., Ltda., Herbert.—Serrano 479, Valparaiso. IV–1.

Imperatore e Hijos, Esteban.—Bories 970, Punta Arenas. IV–2.

Johns, Hugo.—Calle Guillermo Gallardo esquina Luis Ross, Puerto Montt. IV–2.

Joyería y Relojería Franco-Inglesa.—Merced 875, Santiago. IV–2.

Kertscher y Cía., Ltda.—Colo-Colo 366, Concepción. IV–1.

Kramer, Reinaldo.—Río Bueno. IV–1.

Kratzer, Hans.—Santa Victorina 369, Valparaiso. IV–1.

Kunstmann, Alfredo.—Yungay 645 (Casilla 287), Valdivia. IV–2.

"La Andaluza".—Condell 1257, Valparaiso. IV–2.

"La Sevillana".—Condell 1269, Valparaiso. IV–1.

Laboratorio Primus.—Irarrázaval 1979, Santiago. IV–2.

Langenbeck, Werner.—Prat 836 (Casilla 370), Valparaiso. IV–2.

"Leche Delicias".[2]—IV–1.

Limann, Walter.—Avenida Pedro de Valdivia 160, Santiago. IV–1.

Maison Gentil.—Calle Picarte, Valdivia. IV–1.

Maldini Tornini, Atilio.—O'Higgins esquina Rancagua, Copiapó. IV–1.

Maldini Tornini, Eduardo.—O'Higgins esquina Rancagua, Copiapó. IV–1.

Maldini Tornini, Norberto—O'Higgins 110, Copiapó. IV–1.

Maldini e Hijos, Luis.—O'Higgins esquina Rancagua, Copiapó. IV–1.

Maratuca M., Kotaro.—O'Higgins 436, Copiapó. IV–1.

Marraccini C., Hector.—Avenida Brasil 2366, Valparaiso. IV–2.

Matthei y Cía.—Osorno. IV–2.

Meyer, Adolfo.—Ensenada. IV–2.

Michaelis, Guillermo.—Calle Picarte, Valdivia. IV–1.

Mingo Bilbao, Vicente.—Aldunate 502, Temuco. IV–2.

Moggia Calzetta, Francisco.—Avenida Uruguay 358 (Casilla 4144), Valparaiso. IV–2.

Molinera y Comercial "Koster Ltda.", Soc.—Lincoyán 475, Concepción; and Villa Mora, Coronel. IV–1.

Molino "Americano".—Calera. IV–1.

Molino "San Pedro".—Rancagua. IV–I.

Múñoz Morales, Leovigildo.—Condell 1269, Valparaiso. IV–1.

Múnoz y Cía.—Condell 1269, Valparaiso. IV–1.

Nusser, Max.—Mackenna 674, Osorno. IV–2.

Okmoto, Masao.—Independencia 526, Rancagua. IV–1.

Praetorius, Federico.—Geywitz 2, Santiago. IV–1.

Radio Caupolicán CB 116.[3]—Prat 773 (Casilla 506), Valparaiso. IV–1.

Ramos, Emilio.—Huérfanos 920, oficina 1, Santiago. IV–1.

Reichardt Beres, Kurt.—Condell 1525 y Abtao 644, Valparaiso. IV–2.

Restaurant Yokohama.—Independencia 526, Rancagua. IV–1.

Rodríguez Cartagena, Ernesto.—Urriola 142, Valparaiso; and Huérfanos 1090, Santiago. IV–2.

Roitburd, Israel.—Merced 875, Santiago. IV–2.

Rolandi Zanelli, Hugo F.—Calle Washington, Tocopilla. IV–2.

Ruiz y Saez.—Los Lagos. IV–2.

Russo di Nocera, Damiano.—Casilla 14, Punta Arenas. IV–2.

San Juan L., Enrique.—Pérez Rosales 700, Valdivia. IV–2.

Santo Santo, Heuki.—Sucre 1796, Tocopilla. IV–1.

Sastrería Baehr.—Independencia 599, Valdivia. IV–2.

Schacht Gerken, Guillermo.—Arlyon 48, Santiago. IV–1.

Schacht Troeger, Guillermo.—Avenida Pedro de Valdivia 133, Santiago. IV–1.

Schacht y Cía.—Augustinas 925, Santiago; Calera and Rancagua. IV–1.

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[1] Formerly known as Radio Valparaiso.

[2] Trade name for the product of G. Schacht y Cía., Ltda.

[3] Formerly known as Radio Valparaiso.

Schacht y Cía., Ltda., G.—Bernardo O'Higgins 3724, Santiago. IV–1.

Schenck Wagner, Teodoro.—Huérfanos 1039, oficina 30, Santiago. IV–2.

Schmeider, Arturo.—Lincoyán 475, Concepción; and Villa Mora, Coronel. IV–1.

Schuck Stocke, Otto.—Acevedo 221, Cerro Barón (Casilla 3802), Valparaiso. IV–2.

Schwarzhaupt y Ebensperger, Ltda.—Irarrázaval 1979, Santiago. IV–2.

Sias, Juan.—Avenida San Martín 308, Viña del Mar. IV–2.

Simon, Werner.—Eleuterio Ramírez, Osorno. IV–1.

Stoltz, Guillermo.—21 de Mayo y Brasilera, Punta Arenas. IV–2.

Testa S., Dante.—Berstein 12, Viña del Mar. IV–1.

Testa y Cía. Ltda., Ernesto.—Avenida Brasil 2314, Valparaiso. IV–1.

Testa y Otero Ltda.—Condell 1575, Valparaiso. IV–1.

"Tienda Mirador".—Condell 1575, Valparaiso. IV–1.

Tostadurias Unidas Ltda.—Casilla 128, Puerto Montt. IV–2.

Vidrierias Unidas.—Simón Bolívar 440, Valparaiso. IV–1.

Vogler Vander, Heinrich.—Santo Domingo 1443, oficina 1, Santiago. IV–2.

Vogt Weber, Federico.—Calle Bilbao, Lautaro. IV–1.

Von Bennewitz, Otto.—Claro Solar 598, Temuco. IV–1.

Warda W., Martín.—Plaza Aníbal Pinto 1179, Valparaiso. IV–1.

Weil Hube, Ernesto.—Frutillar. IV–1.

Wichmann H., Erich.—Casilla 2060, Valparaiso. IV–2.

Wiesenborn, Germán.—Pérez Rosales 224–225, Puerto Montt. IV–2.

Wilhelm, Carlos.—Lautaro. IV–2.

Williams, Gladis Melita.—Antofagasta. IV–1.

Witt L., Max W.—Lautaro Navarro 1186, Punta Arenas. IV–1.

Wittich, Horst.—Moneda 1118, piso 2, oficina 8, Santiago. IV–1.

Zehnder, Otto.—Barros Arana 721, Concepción. IV–2.

Zehnder, Pablo.—Aníbal Pinto 56, Concepción. IV–2.

Zehnoff, Juan.—Río Bueno. IV–1.

Ziegler Weidner, Emilio.—Río Bueno. IV–1.

Deletions

Andersen Leibbrandt, Pablo.—Prat 340, piso 2, Antofagasta. I–4; IV–2.

Branchi S., Gustavo.—Blanco 1053, Valparaiso. II–5; IV–1.

Branchi & Mutis.—Blanco 1053 (Casilla 567), Valparaiso. II–5; IV–1.

Casa Antofagasta.—Condell 631, Antofagasta. III–3; IV–2.

Falciola, Carl Osborne.—Lira 856 (Casilla 2874), Santiago. I; IV–1.

Fischer, Germán.—Valdivia 367, Santiago. II–1; IV–1.

Hirsch K., Martín.—Huérfanos 880, oficina 9, Santiago. I–1; IV–1.

Hoffmann Thater, Otto.—Pérez Rosales 786, Valdivia. II–4; IV–1.

Hoffmann Thater, Pablo.—Portal Fernández Concha 960, dept. 218, Santiago. II–4; IV–1.

Industrial y Comercial Hoffmann, S. A.—Valdivia. II–4; IV–1.

Maderera "Valdivia" S. A., Cía.—Arauco 22, Valdivia. II–4; IV–1.

Mizumuma Sotome, Hisashi.—Condell 631, Antofagasta. III–3; IV–2.

Pentzke Brandes, Alberto.—Avenida de las Delicias 310 (Casilla 27), San Felipe. II–5; IV–2.

Schuller Flaig, Otto.—General Lagos 1356, Valdivia. III–2; IV–2.

Transportes Fluviales S. A.—Yungay 231, Valdivia. II–4; IV–1.

Vatter & Hirsch Ltda.—Huérfanos 880, oficina 9, Santiago. I–1; IV–1.

COLOMBIA

Additions and Amendments

Bar Gambrinus.—Carrera 5a No. 12–21, Cali. IV–1.

Benenti, Juan.—Carrera 7 No. 13–84/86 (Apartado Nacional 15–96), Bogotá. IV–2.

Bonfanti, Angelo.—Puerto Colombia. IV–1.

Buerger, Helmuth.—Medellín. IV–2.

Casa Japonesa.—Cali. IV–2.

Castro Senior, Rafael.—Barranquilla. IV–1.

Clason Berlit, José Helmuth.—San Blas, Cuartel, 20 de Julio, Barranquilla. IV–1.

Clason, José Helmuth.—San Blas, Cuartel, 20 de Julio, Barranquilla. IV–1.

Cohrs, Albert Edward.—"Quinta Thuringia", Avenida A, 6 y 8, Barranquilla. IV–1.

Droguería Montana.—Carrera 7 No. 13–84/86 (Apartado Nacional 15–96), Bogotá. IV–2.

Hotel Esperia.—Puerto Colombia. IV–2.

Kollrack, Eugen.—Esquina Felicidad y Olaya-Herrera, Barranquilla. IV–2.

Kuehn, Roch Ewald.—Boquerón, Medellín. IV–2.

Lara, Alberto.—Fundación. IV–1.

Marello, Pedro.—Carrera 7 No. 13–84/86 (Apartado Uacional 15–96), Bogotá. IV–2.

Marello y Cía.—Carrera 7 No. 13–84/86 (Apartado Nacional 15–96), Bogotá. IV–2.

Pieper, Luisa viuda de.—Carrera 5a No. 12–21, Cali. IV–1.

Prada, Luis Fernando.—Avenida Colombia, Barranquilla. IV–1.

Restaurant Gambrinus Campestre.—Medellín. IV–2.

Salchichería Boston.—Calle Sucre, Aduana y Sabanillas, Barranquilla, IV–1.

Scheuermann, Joseph.—Calle Sucre, Aduana y Sabanillas, Barranquilla. IV–1.

Thielkuhl, Erich.—Calle 12 No. 4–96, Bogotá. IV–2.

Wernicke, Bruno.—Calle 31 No. 17–49, Bogotá. IV–2.

Zanner, Hans.—Calle 34 No. 7–56, Bogotá. IV–2.

Deletions

"El Serrucho".—Calle 13 No. 5–56, Cali. I–1; IV–2.

Ferretería "El Serrucho".—Calle 13 No. 5–56, Cali. I–1; IV–2.

Gazzera, Giuseppe.—Calle 33 No. 6–37, Bogotá. II–3; IV–1.

Herrera S., Cesáreo.—Calle 13 No. 5–56, Cali. I–1; IV–2.

Parra, Saul.—Calle 12 No. 4–88, Bogotá. III–2; IV–2.

Productos Metálicos Ltda.—Barranquilla. I–1; IV–1.

COSTA RICA

Deletions

André, Arnoldo.—San José. I; IV–1.

"Foto Sport".—Apartado 846, San José. I; IV–2.

Marzal, P. C.—Apartado 1326, San José. I–2; IV–1.

Pan American Agencies Co., S. A.—Apartado 785, San José. I; IV–2.

Rojas Matamoras, Rafael.—San José. I–4; II–4; IV–1.

Rothe, Fernando H.—San José. I; I–4; IV–2.

CUBA

Additions and Amendments

De Candriano, Camilo.—Avenida del Río Almendares 8, Alturas de Almendares, Habana. IV–2.

De Candriano, Margarita Blanc.—Avenida del Rio Almendares 8, Alturas de Almendares, Habana. IV–2.

Fernández, Arturo.—Maceo 30, Sagua la Grande. IV–2.

Fernández, Félix.—Maceo 30, Sagua la Grande. IV–2.

Gómez Varela, Manuel—10 de Octubre 11, Altos, Habana. I–1; IV–2. *Address amended from* 10 de Octubre 13, Habana.

"La Villa de París".—Maceo 30, Segua la Grande. IV–2.

Prince Ruspoli.—Avenida del Río Almendares 8, Alturas de Almendares, Habana. IV–2.

Princess Ruspoli.—Avenida del Río Almendares 8, Alturas de Almendares, Habana. IV–2.

Rabe, Victor.—Manzana de Gómez 359, Habana. IV–2.

ECUADOR

Additions and Amendments

"Almacén de Música".—Nueve de Octubre 507 (Casilla 856), Guayaquil. IV–1.

Bazar Dirani.—Chile 18, Quito. IV–1.

Casa Poppe.—Pichincha 343 (Casilla R), Guayaquil; and Bolivia 31 (Casilla 151), Quito. IV–2.

Casanello R., Luis C.—Sucre 108, Guayaquil. IV–2.

Casanello, Silvio.—Sucre 108, Guayaquil. IV–2.

Cibelli, Clemencia Parodi de.—Hacienda San Pablo, Naranjal. IV–1.

Feraud Guzmán, J. D.—Nueve de Octubre 507 (Casilla 856), Guayaquil. IV–1.

Gubitz, Heinz, Rudolf Friedrich.—Quito. IV–2.

Hacienda San Pablo.—Naranjal. IV–1.

Kakabadze Inc., Dimitri.—Casilla 162, Quito. IV–1.

Poppe, Pablo.—Avenida Colón 454, Quito. IV–2.

Sánchez Z. Víctor.—Clemente Ballén 204, Guayaquil. IV–1.

Suárez, Gustavo.—Pedro Carbo 1128 (Casilla 1111), Guayaquil. IV–2.

Zapata Troncoso, Cristóbal (Dr.).—Vargas 114 y Junín 70, Quito. IV–2.

EL SALVADOR

Additions and Amendments

Bienroth, Carl.—San Salvador. IV-1.

Hotel Internacional.—Calle Delgado y 8a Avenida Sur, San Salvador. IV-2.

Hugentobler, Moritz.—2a Calle Poniente 57, San Salvador. IV-2.

Infantozzi, Miguel.—Usulután. IV-2.

Infantozzi, Pedro.—Usulután. IV-2.

Joyería "La Princesa".—4a Calle Oriente y 2a Avenida Sur, San Salvador. I; IV-2. *Amended from* Relojería "La Princesa".—San Salvador.

Mehltretter, Hans.—San Salvador. IV-1.

Weindeisen, Jorge.—Calle Delgado y 8a Avenida Sur, San Salvador. IV-2.

Weindeisen, Yolanda de.—Calle Delgado y 8a Avenida Sur, San Salvador. IV-2.

Wenglein, Fritz.—San Salvador. IV-1.

GUATEMALA

Additions and Amendments

Finca "El Zapote".[1]—San Rafael Pie de la Cuesta, San Marcos. II-4; IV-2. *Amended to add footnote.*

HONDURAS

Additions and Amendments

Agencias Asociadas S. A.—San Pedro Sula. IV-1.

Fertsch, Werner.—San Pedro Sula. IV-1.

Fertsch & Co., Werner.—San Pedro Sula. IV-1.

Deletions

Gough, Admiral.—Roatan. II-5; IV-1.

Gough, James.—Roatan. II-5; IV-1.

Gough, Joseph.—Roatan. II-5; IV-1.

"Gough Brothers".—Roatan. II-5; IV-1.

McNab, Winfield.—Roatan. III-1; IV-1.

MEXICO

Additions and Amendments

Buchenau y Cía., Sucrs.—Torreón; and Venustiano Carranza 48, México, D. F. I-1; IV-2. *Address amended from* Torreón.

Distribuidora de Aceros Escudo, S. A.—Isabel la Católica 372, México, D. F. I; IV-2. *Address amended from* Isabel la Católica 51, México, D. F.

Deletions

Southern Cross.— I-2; IV-1.

Tolteca.— I-4; II-3; IV-2.

NICARAGUA

Additions and Amendments

Cuadra, Adán (Dr.).—Granada. IV-1.

Cuadra, Adán (hijo).—Granada, IV-1.

Huembes, Adelina Díaz viuda de.—Managua. IV-2.

Huembes y Cía. Ltda., M.—Managua. IV-2.

La Librería Barata.—Granada. IV-2.

Librería Molino.—Managua. IV-2.

Medina Morales, Raimundo.—Managua. IV-1.

Pérez Duarte, Francisco.—Granada. IV-2.

Pérez, Julia Urbina.—Managua. IV-2.

Pérez, Lucila Valle de.—Granada. IV-2.

Recalde, Carmen Huembes de.—Managua. IV-2.

PANAMA

Additions and Amendments

Almacén "Miyako".—Panamá. I; IV-1.

Central American Trading Co.—Panamá. I; IV-1.

Nagao & Co., Inc.—Panamá. I; IV-1.

Prada, Luis Fernando.—Colón. IV-1.

Deletions

Bata Shoe Co., Inc.—Apartado 1347, Panamá. I; IV-2.

Goldstein, Erwin.—Calle 10 No. 2.003, Colón. III-1; IV-2.

LaFavorita.—Calle 10 No. 2.003, Colón. III-1; IV-2.

PARAGUAY

Additions and Amendments

Alfonsi, Pedro.—Palma 190, Asunción. IV-2.

Deletions

El Nacionalista.—Asunción. II-4; IV-1.

PERU

Additions and Amendments

Adaniya, Shumey.—Hualgayoc 352, Lima. I-3; IV-2. *Name amended from* Adaniya, S.

Banchero, Angel.—Minería 189, oficina, 6, Lima. IV-1.

Callirgos, Estuardo.—Zamudio 623, Lima. IV-2.

Correa & Co.—Talara, Sullana. IV-1.

Dávila & Co.—Sullana. IV-1.

Duda, Hans.—Andahuaylas. IV-1.

"El Brillante".—Unión 534, Lima. IV-1.

Fábrica Japonesa de Catres.—Almirante Guisse 836 y Carabaya 540, Lima. IV-2.

Fábrica Nacional de Levadura 'Arriba".—Lima. IV-1.

Fischer, Hans.—Abancay. IV-1.

Furuya, Jijiro.—Lamar y Tarata 300, Lima. IV-2.

González, Emilio.—Sullana. IV-1.

Hacienda San Gabriel.—Abancay. IV-1.

Hayashi y Cía., K. F.—León Velarde 153, Lima. IV-2.

Hollywood Salón de Belleza.—Lamar y Tarata 300, Lima. IV-2.

Inami, Víctor.—Huanuco. IV-2.

Industrial y Comercial Europa-Sud-América S. A., Cía.—Lima. IV-1.

Kaoki, Kawara,—Punizas. IV-2.

La Filipina, Relojería y Optica.—Filipinas 510, Lima. IV-2.

"La Muñeca".—Jirón Callao 213, Lima. IV-2.

Lacherbauer, José.—Abancay. IV-1.

Lookung Lamas, Javier.—José Balta y Miralo Verde 220, Chiclayo. IV-2.

Luehr, Heinrich.—Andahuaylas. IV-1.

Mediavilla y Carrete.—Sullana. IV-1.

Modenesi, Fernando. — Cailloma 451, Lima. IV-1.

Nakao, Leonardo Kenko. — Filipinas 510, Lima. IV-2.

Shimura, Tiro.—Jirón Callao 213, Lima. IV-2.

Tidow y Cía., S. A., Ltda., Juan.—Camaná (Plumereros) 341, Lima, and all branches in Peru. I; IV-2. *Address amended from* Cajamarca (Arco) 664 y Camaná (Plumereros) 341, Lima, and all branches in Peru.

Treichel, Werner.—Cuzco. IV-1.

Trelles Cirilio.—Abancay. IV-1.

Wong, Hilario.—El Carmen 520, Chiclayo. IV-2.

Zeballos, Ladislao.—Minería 189, oficina 6, Lima. IV-1.

Deletions

Fábrica de Jabón Pacocha.—Cajamarca 664, Lima. I; IV-2.

Olivos, Waldo.—Cuzco 225, Lima. II-1; III; IV-2.

Yáñez, Víctor.—Caridad 670, Lima. II-1; IV-1.

URUGUAY

Additions and Amendments

CX 26 Radio Uruguay.—Avenida Millán 2370, Montevideo. IV-1.

CX 34 Radio Artigas.—Avenida Millán 2370, Montevideo. IV-1.

CX 50 Radio Nativa.—Avenida Simón Martínez 6080 (Kilómetro 11), Montevideo IV-1.

CXA 2 Radio Continental.—Camino Carrasco 5151, Montevideo. IV-1.

Farmacia La Bolsa.—Uruguay 852, Montevideo. IV-1.

Fischer, Johann. — Avenida Sayago 965, Montevideo. IV-1.

Levratto y Compañía.—Uruguay 852, Montevideo. IV-1.

Schwartz, Walter Siegfried.—Joaquin Requena 1204 y 25 de Mayo 731, Montevideo. IV-1.

Zeck y Cía., Talleres Unidos.—Galicia 788, Montevideo. IV-1.

VENEZUELA

Additions and Amendments

Camisería Astoria. — Comercio 316, Valencia. IV-2.

Casa A. B. C.—Valencia, Puerto Cabello, and Maracay. IV-2.

Criollo, Octavio Luis.—Obispo Lazo 21 Sur, Maracaibo. IV-1.

Dubois Serrano y Cía., Carmelo.—Ceiba a Poleo 38, Caracas. IV-1.

"El Remate".—Sociedad a Traposos 10, Caracas. IV-1.

Geyer, Helmuth. — Bocono, Estada Trujillo. IV-1.

Gómez Ramos, P.—Apartado 2005, Caracas. IV-2.

"Kraco".—Veroes a Jesuitas 26-Biz, Caracas. IV-1.

Maelzner, Arthur.—Caracas. IV-2.

Manenti, Gino.— IV-2.

Mariejes, E.—Comercio 316, Valencia. IV-2.

Molinar, Héctor.—Caracas. IV-2.

Ochoa, Manuel.—Maracaibo. IV-2.

Oficina Sánitas.—Esquina de Tienda Honda 55-5, Caracas. IV-2.

Pérez, José Bernardo.—Valencia. IV-2.

Perozo, José Nieves.—Edificio Chiquinquira, Maracaibo. IV-1.

Richter, Max.—Padre Sierra a Múñoz 5, Caracas. IV-2.

Roessler, Friedrich Emil Franz.—Padre Sierra a Múños 5, Caracas. IV-2.

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[1] Not to be confused with Finca "El Zapote y Anexos", Escuintla, Guatemala.

Romano y Compañía.—Sociedad a Traposos 10, Caracas. IV-1.

Tipografía Criollo. — Obispo Lazo 21 Sur, Maracaibo. IV-1.

Wolf, F.—Veroes a Jésuitas 26-Biz, Caracas. IV-1.

Wolf y Cía., F.—Veroes a Jesuitas 26-Biz, Caracas. IV-1.

Deletions

De Egilegor, Manuel.—Punceres a Escalinatas 15 y 19 (Apartados 447 y 474), Caracas. II-4; IV-1.

Hinterlach, Carl.—Avenida Este 17 Altas (Apartado 588), Caracas. I-3; IV-1.

Hotel "Casa Domke".—Punceres a Escalinatas 15 y 19 (Apartados 447 y 474), Caracas. I-3; IV-1.

Hotel Cervantes.—Punceres a Escalinatas 15 y 19 (Apartados 447 y 474), Caracas. II-4; IV-1.

La Casa Fénix.—Valencia Puerto Cabello, and Maracay. I-2; IV-2.

Spitzer, Isodoro.—Apartado 1705, Caracas. II-4; IV-1.

Ulivi y Cía., Sucr., Ilio.—Gradillas a San Jacinto (Apartado 1146), Caracas. I-3; IV-2.

PART II—LISTINGS OUTSIDE AMERICAN REPUBLICS

IRAN

Additions and Amendments

Storch-Nielsen, H. V. E.—P. O. Box 49, Tehran. IV-1.

Storch-Nielsen, Mrs. Helge.—Isafahan. IV-1.

MOROCCO

Spanish Morocco

Additions and Amendments

Parres Puig, Francisco.—O'Donnell 41, Melilla. IV-2.

Deletions

Rödelheimer, H.—Kaa-el-Hafa, Tetuan. III-1; IV-1.

Tangier International Zone

Additions and Amendments

Delgado, Jose Maria.—Rua Amerique du Sud 11, Tangier. IV-2.

Ribeiro, Eduardo da Mota.—Hotel Fuentes, Apartado 54, Tangier. IV-1.

Deletions

Dalamal, H. & Sons (H. Dalamal).—Calle Cristianos 6, Tangier. III-1; IV-2.

Delmar, Jaime.—Bvd. Pasteur 31B, Tangier. III-1; IV-2.

El Comercio de Marruecos.—Calle Cristianos 6, Tangier. III-1; IV-2.

PORTUGAL AND POSSESSIONS

Portugal

Additions and Amendments

Agricola do Faba Ltda. Soc.—Rua Victor Cordon 11, Lisbon. IV-2.

Alcobia, Jose Tomaz Mascarenhas.—Travessa do Enviado de Inglaterra 20, Lisbon. I; IV-2. *Amended from* Alcobia, José.—Ave. Antonio Augusto de Aguiar 191, Lisbon.

Amorim & Amorim Ltda.—Ave. Meneres 612, Matozinhos, Oporto. III-2; IV-2. *Amended from* Litographia Lusitania.—Matozinhos, Oporto.

Araujo, Jose d'Almeida.—Rua Victor Cordon 11, Lisbon. IV-2.

Ataide, Manuel Mascarenhas Novais e.—Rua Garrett 62, and Rua da Cruz de S. Apolonia 25, Lisbon. IV-2.

Azancot, Jaime Azavey.—Rua do Cabo 9, Lisbon. IV-2.

Barreto, Joaquim Pereira.—Rua Jardim do Regedor 5, Lisbon. IV-1.

Bassuet, Dr. Marcel.—Rua Victor Cordon 11, Lisbon. IV-2.

Bender Ltda.—Quinta da Maceda, Barreiro. IV-2.

Bostanian, Sapag (Sacha).—Hotel Atlantico, Lisbon. IV-1.

Campos, Antonio Vieira.—Rua Elisio de Melo 28, Oporto. IV-2.

Campos, Miguel Vieira.—Rua Elisio de Melo 28, Oporto. IV-2.

Campos & Oliveira Ltda.—Rua Elisio de Melo 28, Oporto. IV-2.

Cardigos, Antonio Fernandes.—Calcada de S. Francisco 15, Lisbon. IV-1.

Cardoso Llorente, Jesus.—Rua Fernando Palha 47, Lisbon. IV-2.

Castanheira, Jose.—Rua Victor Cordon 11, Lisbon. IV-2.

Castanheira & Filhos Ltda., Manuel.—Rua Victor Cordon 11, Lisbon. IV-2.

Catalao, Jose Manuel Freire.—Caixa Postal 36, Covilha. IV-2.

Comercial Matos Tavares Ltda., Soc.—Rua dos Sapateiros 39, Lisbon. IV-2.

Comercio Ibero-Ultramarino Ltda.—Rua Eugenio dos Santos 25-31, Lisbon. II-5; IV-1.

Continental de comissoes Ltda. Soc.—Rua Jardim do Regedor 5, Lisbon. IV-1.

Corte Real, Joaquim Felipe.—Rua Garrett 62, and Rua Sao Domingos a Lapa 105, Lisbon. IV-2.

Cruz, Ricardo Lopes da.—Rua Victor Cordon 11, Lisbon. IV-2.

Cunha, Alberto da.—Ave. da Liberdade 21, Lisbon. IV-2.

Cunha, Fernando da.—Ave. da Libardade 21, and Campo 28 de Maio 296, Lisbon. IV-2.

Cunha, Manuel da.—Ave. da Liberdade 21, and Rua Morais Soares 34, Lisbon. IV-2.

Empresa Portuguesa de Estanhos Ltda. (Epel).—Rua Victor Cordon 11, Lisbon. IV-2.

Entreposto Tecnico Exportador Ltda. (Etel).—Rua da Victoria 53, Lisbon. IV-2.

Fabricius, Hans Joachim.—Rua do Arco (a S. Mamede) 22, Lisbon. I; IV-2. *Address amended from* Rua da Imprensa Nacional 40, Lisbon.

Falcao Telles Ltda.—Rua dos Douradores 83, Lisbon. IV-1.

Ferreira, Henrique Albano de Sousa.—Calcada de Arroios 40, Lisbon, and Hotel Peninsular, Oporto. IV-2.

Ferrer, Casimiro Morena.—Ave. da Liberdade 21, Lisbon. IV-2.

Fomento Nacional de Industria S.A.R.L.—Ave. Antonio Augusto Aguiar 138, Lisbon. IV-2.

Gastao, Alfredo Carlos D'Azevedo.—Ave. da Liberdade 21, Lisbon. IV-2.

Guimares, Maria Jose da Silva Leite.—Praca D. Filipa de Lencastre 14, Oporto; and Rua dos Correeiros 184, Lisbon. IV-1.

Guimares & Queiroz Ltda.—Rua dos Correeiros 184, Lisbon. IV-1.

Heinzelmann, Albert Herman Greiner.—Largo Afonso 13, Faro, Algarve. IV-1.

Heinzelmann, Carl Theodor Greiner.—Largo Afonso 13, Faro, Algarve. IV-1.

Heinzelmann, Julius Adolf Greiner.—Largo Afonso 13, Faro, Algarve. IV-1.

Heinzelmann, Reinhold Greiner.—Largo Afonso 13, Faro, Algarve. IV-1.

"Ibex"-Iberica Exportadora Ltda.—Rua Garrett 62, Lisbon. IV-1.

Induco-Industria e Comercio Ltda.—Rua Ivens 56, Lisbon, III-1; IV-2. *Name amended from* Induca-Industria e Comercio Ltda.

Industria e Comercio Ltda. (Induco).—Rua Ivens 56, Lisbon. III-I; IV-2. *Name amended from* Industria e Comercio Ltda. (Induca).

Kaes, Theo Amadi.—Ave. da Liberdade 3, and Rua Rodrigo da Fonseca 145, Lisbon. IV-2.

Krautinger, Otto.—Rua da Moreira 152, Oporto. IV-2.

Larangeira, S. D.—Ave. da Liberdade 18, Lisbon. IV-2.

Lehrfeld, Henrique.—Rua Victor Cordon 11, and Rua S. Nicolau 42, Lisbon. IV-2.

Lentz, Dr. O. H. Waldemar.—Rua da Emenda 79, Lisbon. IV-1.

Lerider, Helmuth.—Lisbon. IV-1.

Lima, Jose dos Santos.—Ave. da Liberdade 21, and Largo de Sao Juliao 19, Lisbon. IV-2.

Lopes, Mariano.—Rua da Victoria 53, Lisbon. IV-2.

"Mariposa, Alfaiataria"-Jose dos Santos Jnr.—Rua dos Fanqueiros 87-91, and Ave. Barbosa dos Bocabe 21, Lisbon. II-5; IV-2. *Name amended from* "Mariposa, Alfarataria"—Jose dos Santos Jnr.

Mascarenhas, Jose Tomaz.—Travessa do Enviado de Inglaterra 20, Lisbon. I-3; IV-2. *Amended from* Mascarenhas, Jose Thomas de.—Ave. Antoni. Augusto de Aguiar 191, Lisbon.

Minas de Caminha Ltda., Soc.—Rua Victor Cordon 11, Lisbon. IV-2.

Minas de Volframio de Silvares Ltda., Soc.—Rua Victor Cordon 11, Lisbon. IV-2.

Mineira dos Estanhos de Gondar Ltda., Soc.—Rua Victor Cordon 11, Lisbon. IV-2.

Mineira dos Estanhos de Lardosa Ltda., Soc. (S. M. E. L.).—Rua Victor Cordon 11, Lisbon. IV-2.

Monteiro, Antonio Ayala.—Rua da Victoria 53, Lisbon. IV-2.

Mundial Filmes Ltda.—Ave. da Liberdade 3, Lisbon. IV-2.

Nascimento, Joao Manuel.—Olhao. I; IV-2. *Address amended from* Ginjal 41, Almada.

Neves, Carlos da Silva.—Rua Jardim do Regedor 5, Lisbon. IV-1.

Pena Mucho, Joaquin.—Rua do Santa Marta 45, Lisbon. I; IV-2. *Amended from* Pena, Joaquim.—Lisbon.

Penaguiao, E. & Cia. Ltda.—Rua dos Correeiros 13, Lisbon. IV-2.

Portuguesa de Laminagems, Cia.—Rua Victor Cordon 11, Lisbon. IV-2.

Queiroz, Dr. Manuel Texeira. — Rua Victor Cordon 11, Lisbon. IV-2.

"Radio Accessorios".—Rua dos Correeiros 13, Lisbon. IV-2.

Rei, Representante Exportadora e Importadora Ltda.—Ave. da Liderdade 21, Lisbon. IV–2.

Ribeiro, Carlos Augusto.—Rua de Arroios 77–79, Rua dos Retrozeiros 23–25, and Rua de Mocambique 42 r/c., Dto., Lisbon. III–2; IV–2. *Address amended from* Rua de Mocambique 42, Lisbon.

Ribeiro, Eduardo da Mota.—Rua Garrett 62, Lisbond. IV–1.

Riberio, Estevao Augusto.—Rua Lumcinda Simoes 9, Lisbon. III–2; IV–2. *Address amended from* Rua de Mocambique 42, Lisbon.

Rocha Macovio Ltda.—Queluz. IV–2.

Sa, Matilda Helena Queiroz Franco.—Praca D. Filipa de Lencastre 14, Oporto, and at Lisbon. IV–1.

Schedel, Richard.—Rua dos Sapateiros 39, Lisbon. IV–2.

Sena, Armando de Araujo.—Ave. da Liberdade 18, and Rua do Salitre 175, Lisbon. IV–2.

Silva, Carlos Manuel Alves da.—Travessa do Desembargador 6, Lisbon. IV–2.

Simoes, Joao Formosinho Sanches.—Ave. da Liberdade 21, Lisbon. IV–2.

Sousa, Jose Braz Leal Simoes de.—Ave. da Liberdade 3, and Ave. Barbosa du Bocage 107, Lisbon. IV–2.

Stoltz, Hermann.—Ave. 24 de Julho 34, Lisbon. IV–2.

Uva, Francisco de Sousa.—Rua de Sao Paulo 117–121, and Rua da Boavista 110–112, Lisbon. IV–1.

Uva & Weltzien Ltda.—Agencia Krupp.—Rua de Sao Paulo 117–121, and Rua da Boavista 110–112, Lisbon. IV–1.

Weltzien, Kuno.—Rua de Sao Paulo 117–121, and Rua da Boavista 110–112, Lisbon. IV–1.

Wimmer & Hermann Stoltz Ltda.—Ave. 24 de Julho 34, Lisbon. IV–2.

Winkler, Gustav.—Rua dos Sapateiros 39, Libon. IV–2.

Deletions

D'Oliveira, F., Ltda.—Rua Arco do Bandeira, 112, Lisbon. I; IV–1.

Garcia, David Benito.—Rua do Comercio 8, Lisbon. I; IV–2.

Garcia, Natalio.—Rua do Comercio 8, Lisbon. I; IV–2.

Garcia Ltda., Benito.—Rua do Comercio 8, Lisbon. I; IV–2.

Rosario, Julio Ferreira do.—Rua dos Fanqueiros 262, Lisbon. II–1; IV–1.

Portuguese Guinea

Deletions

Brandao, Manuel de Pinho.—Bolama. I; IV–1.

Elawar & Co., Mahmud.—Bafata, Bissau, and all branches in Portuguese Guinea. II–5; IV–1.

Souleiman, Alatrach.—Bafata, Bissau, and all branches in Portuguese Guinea. II–5; IV–1.

SPAIN AND POSSESSIONS

Spain

Additions and Amendments

Almosnino, Samoil.—Paseo de Gracia 101, Barcelona. IV–2.

Andres, Gerardo.—Usandizaga 25, San Sebastian. IV–2.

Areizasa, Anastasio de.—Mazarredo 7, Bilbao. IV–1.

Aresti, Jose.—Mazarredo 7, Bilbao. IV–1.

Arisqueta, Lino.—Mazarredo 7, Bilbao. IV–1.

Astigarraga, Hijos de–Cia. Nav. Bachi.—Bertendona 4–1, Bilbao. III–4; IV–1.

Atlantida Astilleros & Construcciones, S. A.—Valencia. IV–2.

Bachi, Cia. Nav. (Hijos de Astigarraga) (Owners of S. S. "Bachi", "Bartolo", "Juan de Astigarraga", "Kauldi", "Manuchu", and "Tom").—Bertendona 4–1, Bilbao. III–4; IV–1.

Barboni, Ottorino.—Colomela 4, Madrid. IV–2.

Bau Nolla, Joaquin.—Valencia. IV–2.

Benito del Valle & Hnos. (Sucrs. de la Viuda de Larrinaga).—Bailen 5 and 7, Bilbao. III–4; IV–1.

Borello, Antonio.—Marques de Riscal 10, and Hotel Florida, Madrid. IV–2.

Bovay Bontosi, Eugenio.—Los Madrazos 16, Madrid. IV–2.

Buergi, Martin.—Via Layetana, 23, Barcelona. IV–1.

Cabrera, Angel.—Ave. Reina Victoria 28, Madrid. IV–1.

Caivano, Mario.—Rambla Cataluna 84, Barcelona. IV–2.

Canadell y Hijos S. L.—San Feliu de Guixols. IV–2.

Carpi, Ernesto.—Escuelas Pias 23, Barcelona. IV–2.

Castello Muruzabal, Adolfo.—Reina Victoria 15, Madrid. IV–2.

Churruca, Alfonso de.—Mazarredo 7, Bilbao. IV–1.

Dana S. A. (Fabrica de Perfumeria).—Napoles 166, Barcelona, and at Madrid. IV–1.

Doerr, Ricardo Eugenio.—Ave. Jose Antonio 9, Madrid. IV–2.

Fabricacion Espanola de Fibras Textiles Artificiales S. A. (Fefasa).—Ave. Jose Antonio 9, Madrid, and Miranda de Ebro. IV–2.

Fefasa - Fabricacion Espanola de Fibras Textiles Artificiales S. A.—Ave. Jose Antonio 9, Madrid, and Miranda de Elbro. IV–2.

Filmes Espanoles Soc. Anon. (S. A. F. E.).—Marques de Riscal 10, Madrid. IV–1.

Forster, Max E.—Gandia. IV–1.

Frutal, S. L.—Gandia. IV–1.

Fundicion Tipografica Neufville S. A.—Travesera de Gracia 183, Barcelona, and all branches in Spain. IV–2.

Gallart Girbal, Jose. — Palafrugell. IV–1.

Genover, Guillermo. — Palafrugell. IV–1.

Ghiata, Jon.—Hotel Urbis, Barcelona. IV–1.

Giraldez Fernandez, Francisco. — Ibanez de Bilbao 8, Bilbao. IV–2.

Gomez Monche, Jose.—Genova 7, Madrid. I; IV–1.

Grilli, D. Renato.—Irun. III–2; IV–1.

Grizalba Ruiz de.—Ave. Reina Victoria 28, Madrid. IV–1.

Guardiola Sargenis, Joaquin. — Plaza de las Cortes 4, Madrid; and Plaza Tetuan 2, Barcelona. IV–1.

Guzman Martinez, Enrique. — Mazarredo 7, Bilbao. IV–1.

Hegin, Erika (Sra. Riveras de la Portilla).—Goya 67, Madrid. IV–1.

Hernandez, Herraez, Santiago. -- Palencia. IV–2.

Ibanez, Juan Bautista.—Landerer 1, Valencia. IV–2.

Iglesias, Simon Felix.—Jimenez Quesada 2, Madrid; and Ribera 1, Bilbao. IV–1.

Iglesias S. L., Hijos de Felix.—Ribera 1, Bilbao. IV–1.

Importaciones y Exportaciones Ltda., Cia. de.—Rambla Capuchinos 37, Barcelona. IV–2.

Industria, Corchera Bertran.—Palafrugell. IV–2.

Industrias Sanitarias S. A.—Ave. Jose Antonio Primo de Rivera, Barcelona, and all branches in Spain. III–3; IV–1.

Italo-Espanola de Comercio Ictico, Cia.—Hermanos Irurrinos 22, San Sebastian. IV–2.

Labourdette, Juan Bautista.—Ave. Salis, Irun. III–2; IV–1.

Lana Sarrate, Dr. Isabelo.—Diputacion 239, Barcelona. IV–2.

Laucirica Charlen, J.—Alcala 75, Madrid. IV–2.

Leube, Hugo M.—Alcala 120, Madrid. IV–2.

Lipperheide, Francisco.—Norte 8, Valencia; and Via Layetana 15, Barcelona, and other addresses in Barcelona. IV–1.

Lipperheide, Jose.—Mazarredo 7, Bilbao. IV–I.

Manufacturas Espanolas de Vidrio al Soplete S. A.—Rambla Cataluna 97, and Aribau 153, Barcelona. II–5; IV–1.

Maristany Oliver, Amadeo.—Via Layetana 15, Barcelona. I–1; IV–2. *Name amended from* Maristany Snr., Amadeo.

Maristany Vidal-Ribas. Amadeo.—Via Layetana 15, Barcelona. I–1; IV–2. *Name amended from* Maristany Jnr., Amadeo.

Marotta, Miguel.—Caballero de Gracia 15, Madrid. IV–1.

Marotta y D'Errico Construcciones S. L.—Caballero de Gracia 15, Madrid. IV–1.

Mion, Luis.—Fernanflor 8, Madrid. IV–2.

Neufville S. A., Fundicion Tipografica.—Travesera de Gracia 183, Barcelona, and all branches in Spain. IV–2.

Omnipol–Alberto Suess. — Diputacion 320, Barcelona, and all branches in Spain. I; IV–2. *Amended from* Omnipol Barcelona–Alberto Suess.—Diputacion 320, Barcelona.

Palau, Emanuele. — Hotel Granvia, Madrid; and Hotel Oriente, Barcelona. IV–1.

Pena Mecho, Joaquin.—Alfredo Calderon 10, Valencia; and Alfonso XII, 44, Madrid. I; IV–2. *Amended from* Pena, Joaquin.—Alfredo Calderon 10, Valencia.

Perfumeria "Salome".—Ave. Jose Antonio 10, Madrid. IV–2.

Pergola, Ferdinando. — Ave. Gen. Franco 327, Barcelona. IV–2.

Platte, Federico.—Al. Recalde 45, Bilbao; and Ronda Universidad 33, Barcelona. I; IV–1.

Ponzano Latufara, Jose Maria.—Valencia. IV–2.

Productos Aromaticos Espanoles.—Consejo de Ciento 469, Barcelona. IV–1.

Rating, Otto.—Via Layetana 128, Barcelona. IV–1.

Sagrera S. L., Francisco.—Palafrugell, Gerona. IV–2.

Schultz, Jose.—Elcano 22, Bilbao. IV–1.

Sena, Gregorio.—Mazarredo 7, Bilbao. IV–1.

Somma, Vincenzo. — Ritz Hotel, and Rambla Capuchinos 37, Barcelona. II–1; IV–2. *Address amended from* Ritz Hotel, Barcelona.

Suess, Alberto (Omnipol).—Diputacion 320, Barcelona, and all branches in Spain. I; IV–2. *Amended from* Suess, Alberto (Omnipol Barcelona).—Diputacion 320, Barcelona.

Tabellini, Dr. Ing. Mario.—Almago 26, Madrid. IV–2.

Velasco, Casimiro.—Apartado 67, Gijon. IV–2.

Vercelli, Felix.—Rambla Capuchinos 37, and Trafalgar 35, Barcelona. IV–2.

Vezzari Colonelli, Santorre. — Madrid. IV–2.

Weitzaecher, Pablo.—Menorca 3, Madrid. IV–2.

Zanon, Giovanni.—Gerona 111, Barcelona. IV–2.

Deletions

Aduanas y Transportes Internacionales Jose Herrero S. A.—Rambla Santa Monica 29, Barcelona. III–2; III–3; IV–2.

Bayo, José Luis.—Ave. Generalisimo 13, Madrid. I; IV–2.

Herrero S. A., Jose-Aduanas y Transportes Internacionales.—Rambla Santa Monica 29, Barcelona. III–2; III–3; IV–2.

Mannos S. A., Cuchilleria.—Muntaner 178, Barcelona. I; IV–1.

Ordinas Carrascosa, Juan.—Serrano 91, Madrid; and Trafalgar 25, Barcelona. I–3; IV–1.

Rosell, Antonio.—Tarragona. III–2; IV–2.

Rosell y Herrero.—Rambla Cataluna 1, Barcelona. III–2; IV–2.

FERNANDO PO AND SPANISH GUINEA

Additions and Amendments

Elgorriaga Ayesteran, Francisco. — Santa Isabel. IV–1.

Jones, Maximiliano C.—San Carlos and Santa Isabel. IV–2.

Sendros Roig, Salvador.—San Carlos and Santa Isabel. IV–1.

SWEDEN

Additions and Amendments

Axelsson, Gussich & Co., Kommanditbolag.—Majorsgatan 12, Stockholm. II–5; IV–2. *Name amended from* Axelsson, Gussich & Co.

Bahner, Ludwig.—Kilian Zollsgatan 7, Malmo. II–4; IV–1.

Berreth & Holfeld A/B.—Arsenalsgatan 4, Stockholm. IV–2.

Borneman, A/B., Herman.—Malmo. IV–2.

Enhornings Kemiskt-Tekniskt A/B.—Strandvagen 41, Stockholm. II–4; IV–2. *Amended from* Enhornings Kemisk-Tekniska A/B.—Kungsgatan 4B Stockholm.

Hogman, Enholm & Co. A/B Bankifirman.—Kungstradgardsgatan 18, Stockholm. IV–2.

Internat A/B.—Malmo. II–4; IV–1.

Jakobsson, David Sture Albert.—Stureplan 19, Stockholm. III–1; IV–1.

Jakobsson, Mrs. Karin Matilda.—Stureplan 19, Stockholm. III–1; IV–1.

Mulhens Eau de Cologne & Parfymerifabriken 4711, Ferd.—Sundbyberg. I; IV–2. *Amended from* Mülhens, Eau de Cologne & Parfymerifabriks (i Köhn) fils,, Ferd.—Sundybyberg.

Philipson, Gunnar Valfrid.—Norrmalmstorg 1, and St. Eriksgatan 117, Stockholm. IV–2.

Svenska Hanonag Importen A/B.—Kommendorsgatan 34, Stockholm. IV–2.

Tripasin A/B.—Industrigatan 19, Malmo. IV–1.

Unic A/B.—Norrlandsgatan 31–33, Stockholm. III–1; IV–1.

Vaxjo Mekaniska Verkstad Nya A/B.—Vaxjo. IV–1.

Deletions

Lauer, Dr. Koloman.—Valhallavagen 174, Stockholm. I–2; IV–2.

SWITZERLAND

Additions and Amendments

Aubert, Jacques.—Bvd. du Theatre 5, Geneva. IV–1.

"Bafinag" Bau-Finanzierungs A. G.—Postgasse (Dr. Bureau Kubli), Glarus. IV–1.

Ballmer, Gustav A.—Falknerstr. 4, Basel. IV–2.

Ballmer Agentur (Gustav A. Ballmer).—Falknerstr. 4, Basel. IV–2.

Benois, G. -Zürich. IV–2.

Bertrams A. G., Heinrich.—Vogesenstr. 101, Basel. IV–1.

Bichsel, Edgar.—Rue du Pont 16, La Chaux-de-Fonds, and at Le Locle. IV–2.

Briket-Umschlags und Transport A. G.—Muttenz. IV–1.

Brupbacher, C. G.—Seefeldstr. 77, Zürich. IV–1.

Carbone, S. A. Le.—Kirchenfeldstr. 68, Bern. IV–2.

Cattoretti, Carlo.—Lugano. IV–2.

Cattoretti & Frei.—Lugano. IV–1.

Chablot, Charles.—Le Locle. IV–2.

Christoff, Sava.—Winterthurerstr. 304, Zürich. III–1; IV–1.

Dekker, J.—Zürich. IV–2.

Delvecchio, Celso David Charles.—Gare C. F. F., Neuchatel. IV–2.

Entreprises et Travaux de Construction S. A. (Unternehmungen und Bauarbeiten A. G.).—Bahnhofstr. 89, Zürich. I; IV–2. *Name amended from* Entreprises et Travaux de Construction S. A.

Fabriques des Montres Zenith S. A.—Le Locle. IV–2.

Faserstoffe A. G.—Untere Hennebuehlestr. 6, Zug; and Talstr. 83, Zürich. IV–1.

Fiduciaire et de Representations, Soc.—Rue de la Cite 22, Geneva. IV–2.

Fleig A. G.—Burgfeldstr. 8, Basel. IV–1.

Ford Motor Company (Belgium) S. A.[1]—Pelikanstr. 3, Zürich. IV–2.

Frei, Arnoldo.—Breganzona, nr. Lugano. IV–2.

Gehriger, Otto.—Zürich. IV–2.

Ghiata, Jon. — Hotel Schweizerhof, Zürich. IV–1.

Gittard, Leon.—Rue d'Italie 1, Geneva. IV–2.

Giusfor S. A.—Via Soldini 25, Chiasso. IV–1.

Gleerup, Peter.—Zollikon. IV–1.

Hochberg, Anna.—Peters Hotel, Zürich. IV–2.

Hugly-Bourquin, Leo (L. E. Hugly).—Bvd. Grancy 2, Lausanne. IV–2.

Ico, A. G. für Handel und Technik.—Bahnhofstr. 55, Zürich. IV–2.

Imprimerie et Editions Union S. A.—Rue de la Tour de l'Ile 1, Geneva. IV–2.

Jaecklin-Naf, Dr. Paul.—Bahnhofstr. 55, Zürich. IV–2.

Kohli, Bernard.—Le Locle. IV–2.

Lentz, Dr. O. H. Waldemar.—Hotel Baur au Lac, Zürich. IV–1.

Lerider, Helmuth.—Zürich. IV–1.

Lin, Louis.—Rue du Belvedere 2, Geneva. IV–1.

Maegerle A. G. Gebr., Uster Fabrik für Werkzeugmaschinen und Vorrichtungsbau.—Uster, Zürich. IV–1.

Magnesium, S. A., pour la Fabrication du.—Ave. de la Gare 12, Lausanne. IV–1.

Mandel, Josef.—Hotel Schweizerhof, Zürich. IV–1.

Martin-Achard, Edmond.—Rue Diday 10, Geneva. IV–1.

Matprem, Soc.—Rue du Rhone 6, Geneva. IV–2.

Mercedes Buromaschinen A. G.—Talstr. 11, Zürich. IV–1.

Meyer Soehne A. G., Ulrich.—Kapuzinerweg [illegible], Lucerne. IV–2.

Miniere S. A., Cia.—Rue de la Corraterie 20, Geneva. III–2; IV–2. *Address amended from* Place des Alpes 1, Geneva.

Mumenthaler, Max. — Bahnhofstr. 61, Zürich. III–2; IV–1.

Mumenthaler, Walter.—Bahnofquai 7, Zürich. III–2; IV–1.

Naef, Albert.—Neugasse 49, St. Gallen. IV–1.

"Neptun" Transport und Schiffahrts A. G. ("Neptun" Societe de Transport de Navigation).—Hafenstr. 19, Basel. IV–1.

Odermatt, Frl. Gerta L.—P. O. Box 47, Zürich-Neumunster, and Florastr. 21, Zürich. IV–1.

"Orient" Handels G. m. b. H. Bratislava Zweigniederlassung Zürich. — Loewenstr. 2, Zürich. IV–1.

Oxyda A. G.—Talstr. 83, Zürich. IV–1.

Perrenoud, Georges.—Cote 29, and Rue des Billodes 18A, Le Locle. IV–2.

Rossier, Constant.—Le Locle. IV–2.

Scheller-Bockhorn, Heinrich.—Sihlstr. 34, Zürich. IV–2.

Sema A. G.—Lowenstr. 59, Zürich. IV–2.

Specialites, P. P. Z. et Merienne, S. A. Les.—Rue de la Poterie 19, Geneva. IV–2.

"Transorient" S. A.—Loewenstr. 2, Zürich. IV–1.

Ultimo, A. G.—Borsenstr. 18, Zürich. IV–1.

Unternehmungen und Bauarbeiten A. G.–Entreprises et Travaux de Construction S. A.—Bahnhofstr. 89, Zürich. IV–1; IV–2. *Name amended from* Unternehmungen and Bauarbeiten A. G.

Weber, Heinrich.—Bleicherweg 10, Zürich. IV–2.

Weiss, Walter.—Freistr. 6, P. O. Box 1817, Basel. I–3; IV–2. *Amended from*

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[1] Controlled by Ford Motor Company, Cologne, Germany.

Weiss, Walther.—Freistr. 16, P. O. Box 1817, Basel.

Weiss & Co., Walter.—Freistr. 6, P. O. Box 1817, Basel. III–4; IV–2. *Amended from* Weiss & Co., Walther.—Freistr. 16, P. O. Box 1817, Basel.

Weltmode, A. G.—Seidengasse 17, Zürich. IV–1.

Wiederkehr, Dr. Arthur.—Bahnhofstr. 98, Zürich. IV–2.

Zeller, Walter Edward.—Hotel Baur au Lac, and Bahnhofstr. 38, Zürich. IV–2.

Zenith, S. A., Fabriques des Montres.—Le Locle. IV–2.

Ziegler, Charles.—Le Locle. IV–2.

Deletions

Fer-Ulrich, Henri.—Rue du Pont 16, La Chaux-de-Fonds; and at Cheserex-Sur-Nyon, Vaud. II–1; IV–2.

Holzveredlung, A. G., für.—Loewenstr. 11, Zürich. I; IV–2.

Imprese Elettriche dell'America Latina (Latinalux).—Mesocco. I; IV–2.

Kartro A. G.—Bahnhofstr. 86, Zürich. I; IV–1.

Latinalux-Imprese Elettriche dell'-America Latina.—Mesocco. I; IV–2.

Tarex S. A.—La Jonction, Geneva. I; IV–1.

Vlasov, Alexander. — Lausanne. I; IV–1.

TURKEY

Additions and Amendments

Djakeli-Jakeli.—Istanbul. IV–2.

Ipar, Mehmet Hayri.—Atiye Sokak Park, Nisantas, Istanbul. IV–2.

Jakeli (Djakeli).—Istanbul. IV–2.

Nikitits, Adalbert.—Nur Han, Sirkeci, Istanbul. IV–2.

Nikitits, J. Erben, Sucr. Richard Nikitits.—Nur Han Sirkeci, Istanbul. IV–1.

Nikitits, Richard.—Nur Han, Sirkeci, Istanbul. IV–2.

"Sazmas" Sanayi ve Ziraat Makineleri T. A. S —Tas Han, Istanbul. IV–2.

[F. R. Doc. 42–13644; Filed, December 19, 1942; 11:55 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[T.D. 33]

PART 151—REGULATIONS UNDER THE INTERNAL REVENUE CODE RELATING TO NARCOTICS

OPIUM, COCA LEAVES, AND DERIVATIVES, ETC.

Regulations No. 5—Importation, manufacture, production, compounding, sale, dealing in, dispensing and giving away of opium or coca leaves or any compound, manufacture, salt, derivative, or preparation thereof. Amendment to Joint Narcotic Regulations made by the Commissioner of Narcotics and the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury.

Section 151.54 of Part 151—The second paragraph of § 151.54 (Regulations Under Chapters 23 and 27 of the Internal Revenue Code) Article 54 of Bureau of Narcotics Regulation No. 5, dated June 1, 1938, is hereby amended to read as follows:

> When ampoules or other hermetically sealed units each containing only a single dose, are put up in packages holding not more than 100 such units, tax may be paid on the joint contents of the entire number of units by affixing a stamp or stamps to the outer package or container.

Section 151.95 of Part 151—(Regulations Under Chapters 23 and 27 of the Internal Revenue Code) Article 95 of Bureau of Narcotics Regulations No. 5, dated June 1, 1938, is hereby amended by adding thereto the following:

> Officers of the medical corps of the Army and Navy, in the course of official medical treatment of Army and Navy personnel and members of their families entitled to receive such treatment, are required to issue prescriptions for these patients which may call for narcotic drugs or preparations. Under circumstances where the drug or preparation required by the patient for medical use cannot be furnished from official stocks, it is necessary that it be obtained, pursuant to the official prescription, from a drug store duly qualified by registration under the Federal narcotic law to fill narcotic prescriptions.
>
> Such prescriptions, issued in the course of official professional practice only, and prepared on official blanks or stationery (such as printed forms of an army or navy hospital or dispensary) and otherwise meeting the requirements of Narcotics Regulations No. 5 (Part 151, Chapter I, this Title) relating to narcotic prescriptions, may be filled by a duly registered druggist although they do not bear a registry number of the issuing practitioner; provided they bear the signature, title, corps, and serial or jacket number of the issuing medical officer. Such prescriptions, when filled, shall be filed with, and retained for the same period as narcotic prescriptions issued by regularly registered practitioners and filled by the druggist.
>
> This procedure shall not apply in the case of prescriptions written by an army or navy medical officer in the treatment of a private patient, i. e., a patient not entitled to receive medical treatment from the physician in the latter's capacity as a service medical officer. In prescribing and dispensing narcotic drugs to such private persons, the officer is subject to all the requirements of the Federal narcotic law, including registration and payment of tax, as are imposed upon other physicians conducting private medical practice.

[SEAL] H. J. ANSLINGER,
Commissioner of Narcotics.

GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: December 21, 1942.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42–13717; Filed, December 22, 1942; 11:26 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

BUILDING CONSTRUCTION INDUSTRY

General Order No. 13[1] (Wage Stabilization in Building) of November 14, 1942, is hereby revoked. In its place the following order is adopted:

§ 803.13a *General Order No. 13a.* (a) Title III, section 3 of Executive Order No. 9250 of October 3, 1942, provides: "The National War Labor Board shall permit * * * the Wage Adjustment Board for the Building Construction Industry * * * to continue to perform its functions * * * except insofar as any of them is inconsistent with the terms of this order." Pursuant thereto, the Wage Adjustment Board shall continue to perform the duty ascribed to it by Administrative Order No. 101 of the Secretary of Labor as amended by Supplement No. 1 and by the Wage Stabilization Agreement of May 22, 1942, between the Building and Construction Trades Department of the American Federation of Labor and several Government Agencies, all in accordance with the further provisions of this order.

(b) Applications for approval of revision of rates subject to the Wage Stabilization Agreement of May 22, 1942, which revision would otherwise require the approval of the National War Labor Board, shall be submitted for approval to the Wage Adjustment Board for the Building Construction Industry.

(c) In applying the provisions of paragraphs (a), (b), and (c) of the said agreement of May 22, 1942, the Wage Adjustment Board, in ruling upon such applications for approval shall, as directed by Title III, sections 3, of Executive Order No. 9250, take no action inconsistent with the terms of said Executive Order, or with the National War Labor Board's Wage Stabilization Policy of November 6, 1942, or any other general order or policy of the National War Labor Board heretofore or hereafter announced thereunder.

(d) (1) Any unanimous ruling by the Wage Adjustment Board hereunder shall be deemed to be a final ruling of the National War Labor Board, subject to the provisions of paragraph 3 below.

(2) Any ruling with respect to which a member of the Wage Adjustment Board has cast a dissenting vote shall (subject to the provisions of paragraph 3 below) become a final ruling of the National War Labor Board, unless within seven (7) days after such ruling the member casting the dissenting vote refers the ruling to the National War Labor Board for review. Such a reference shall be accompanied by a full statement of the reasons for the dissent. The National War Labor Board shall thereupon determine whether the ruling should be stayed for the purpose of review or should be put into operation subject to review.

(3) All rulings by the Wage Adjustment Board hereunder shall be subject to the National War Labor Board's ultimate power of review on its own initiative. Any reversal or modification of such a ruling shall not be retroactive and shall allow the parties a period of two (2) weeks after the date of the National War Labor Board's order within which to comply with such order.

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[1] 7 F.R. 9385, 9450.

(e) The Wage Adjustment Board shall transmit monthly to the Division of Review, Analysis and Research of the National War Labor Board, copies of its rulings made hereunder and such additional data and reports as said Division or the National War Labor Board may from time to time deem necessary.

(f) Each application submitted hereunder for a ruling to the Wage Adjustment Board shall state whether it is intended to make the proposed increase, if approved, the basis of an application to the Office of Price Administration for an adjustment of maximum prices or of a petition for an amendment of the regulations establishing those prices.

(1) If the application does not state that price relief will be sought the Wage Adjustment Board shall rule finally upon the application subject only to the War Labor Board's ultimate power of review above set forth.

(2) If the application states that price relief will be sought, there shall be submitted with the application a statement describing the relationship between the proposed increase and the price situation and what the effect would be if wages were increased without price relief. A copy thereof shall be sent with the application to the Office of Price Administration together with such additional forms as the Office of Price Administration may require to be filled out and which have been supplied for that purpose by said Office to the Wage Adjustment Board.

(i) Copies of rulings in such cases, approving or disapproving the application shall be transmitted by the Wage Adjustment Board to the Office of Price Administration as well as to the applicants.

(ii) If the application in such case is approved, the ruling of the Wage Adjustment Board shall state that it will become effective only on final approval by the National War Labor Board, and when so required by Executive Order No. 9250, by the Economic Stabilization Director.

(g) In the case of contracts executed after October 30th, 1942, if the application states that a price adjustment (of either a lump sum or cost plus contract) will be sought, a copy of such application, shall be transmitted by the Wage Adjustment Board to the government agency at whose instance the project is being constructed, if such government agency has been excluded from the coverage of the Office of Price Administration's MPR No. 251.

Adopted December 14, 1942.

(E.O. 9250, 7 F.R. 7871)

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42–13719; Filed, December 22, 1942; 11:24 a. m.]

PART 803—GENERAL ORDERS

ALASKA; DELEGATION OF AUTHORITY

§ 803.23 *General Order No. 23.* (a) The National War Labor Board hereby delegates to the Territorial Representative of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor power to rule upon all questions and disputes concerning, and all applications for approval of, wage and salary adjustments (insofar as salary adjustments are within the jurisdiction of the National War Labor Board) within the Territory of Alaska, except as otherwise provided in General Orders of the National War Labor Board.

(b) In the performance of his duties, the Territorial Representative shall comply with the terms of Executive Order No. 9250, dated October 3, 1942, the National War Labor Board's wage stabilization policy, and all applicable General Orders and regulations of the National War Labor Board.

(c) An appeal may be taken from any ruling of the Territorial Representative to the National War Labor Board Advisory Board for Alaska, hereinafter called the Alaska Advisory Board. The Alaska Advisory Board shall consist of nine (9) members, to be appointed by the National War Labor Board. Three of its members shall be representatives of the public, three of employers, and three of employees. Six members, two of whom shall be from each group, shall constitute a quorum.

(d) It shall be the duty of the Territorial Representative to transmit copies of all rulings to the Alaska Advisory Board which shall have the power to review on its own initiative all rulings of the Territorial Representative.

(e) Any ruling of the Alaska Advisory Board shall be final, subject to the National War Labor Board's ultimate power to review rulings on its own initiative or on the request of any member of the Alaska Advisory Board. No action of the National War Labor Board with respect to rulings of the Alaska Advisory Board will be retroactive.

Adopted December 18, 1942.

(E.O. 9250, 7 F.R. 7871)

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42–13718; Filed, December 22, 1942; 11:24 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A–1727]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1 and for a change in shipping points for the coals of certain mines in District No. 1.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; for a change in the shipping points for the coals of certain mines in District No. 1, and for additional shipping points for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I and R–II, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; commencing forthwith, the shipping point and railroad appearing in the aforesaid Supplement R–II for the coal produced at the mine designated Mine Index No. 3509 shall be as therein shown instead of the shipping point and railroad heretofore applicable for this mine; commencing forthwith, the shipping points appearing in the aforesaid Supplement R–II for the coal produced at the mines designated as Mine Index Nos. 134, 223, 36, and 2114 shall be as therein shown instead of the shipping points heretofore applicable for these mines; and commencing forthwith, the shipping points appearing in the aforesaid Supplement R–I for the coals produced at the mines designated as Mine Index Nos. 3420, 3452, 878 and 3825, shall be effective as additional shipping points for these mines.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: December 7, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin Group No.	1	2	3	4	5
1143	Brian, R. W.	Brian #2	2	D	Brockport, Pa.	Erie	117	H	(†)	(†)	H	(†)
3420	River Hill Coal Co. (W. R. Johnson).	River Hill Coal Co.	9	B	Winburne, Pa. Mowry, Pa.[1]	NYC	44	G	(†)	G	G	G
3452	River Hill Coal Co. (W. R. Johnson).	River Hill Coal Co. #2.	9	C	Winburne, Pa. Mowry, Pa.[1]	NYC	44	E	(†)	E	E	E
878	Walker, Ray S. (Bradford Coal Co.).	Cooper Smokeless #2	8	B	Morrisdale, Pa. Winburne, Pa.[1]	NYC	44	(†)	(†)	E	E	E
3825	Walker, Ray S. (Bradford Coal Co.).	Cooper, Smokeless #3	8	B	Morrisdale, Pa. Winburne, Pa.[1]	NYC	44	(†)	(†)	E	E	E

[1] Indicates additional shipping point.

†Indicates no classification effective for this size group.

§ 321.7 *Alphabetical list of code members*—Supplement R–II

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3509	Cherry Run Coal Mng. Co. (A. A. Groe).	Hoffman #2 (Strip)	9	E	Snow Shoe, Pa.	PRR	49	D	D	D	D	D
134	Imperial Coal Corporation.	Diamond Smokeless	28	B	Diamond Smokeless #1 and 2, Pa.	PRR	81	G	G	G	G	G
223	Imperial Coal Corporation.	Imperial Cardiff	26	B	Cardiff Colliery #1, Pa. Cardiff, Pa.	PRR C&I	--- 58	--- C	--- C	--- C	--- C	--- C
36	P. & G. Coal Co. (A. D. Grasso).	Beacon Light	1	B	Holden, Pa.	LEF&C	31	F	F	F	F	F
2114	Streams, S. C.	Black Diamond	22	E	Creekside, Pa.	B&O	112	(†)	(†)	F	(†)	(†)

†Indicates no classification effective for this size group.

NOTE.—The above prices are applicable only via the respective Freight Origin Groups, shipping points, and Railroads shown for the respective mines. Freight Origin Groups and Shipping Points and Railroads previously assigned to these mines are no longer applicable.

§ 321.24 *General prices*—Supplement T

FOR TRUCK SHIPMENTS

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened, top size 2" and over	Double screened top size 2" and under	Run of mine, modified R/M	2" and under, slack	¾" and under, slack
						1	2	3	4	5
Brian, R. W.	1143	Brian #2	2	Elk	D	255	(†)	(*)	220	(†)
Cherry Run Coal Mng. Co. (A. A. Groe).	3509	Hoffman #2 (Strip)	9	Clearfield	E	275	250	(*)	240	230
River Hill Coal Co. (W. R. Johnson).	3420	River Hill Coal Co.	9	Clearfield	B	(*)	(†)	(*)	225	(*)
River Hill Coal Co. (W. R. Johnson).	3452	River Hill Coal Co. #2	9	Clearfield	C	(*)	(†)	(*)	235	(*)

†Indicates no classification effective for this size group.

*Indicates classifications and prices previously established for these size groups.

[F. R. Doc. 42-13681; Filed, December 21, 1942; 12:02 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Board of Economic Warfare

Supchapter B—Export Control

[Amendment 83]

PART 809—SHIPPING PRIORITY RATINGS

CERTAIN GLASS PRODUCTS

Paragraph (a) of § 809.6 *Ratings assigned articles and materials under general license* is hereby amended by the assignment of the following new shipping ratings to the following listed commodities:

Schedule "B" No.	Commodity	Shipping rating
	Glass and glass products:	
5217.9	Laminated glass manufactures, n.e.s.	C
5218	Rolled glass (include standard and wire)	C
5220	Rolled, cylinder, crown, and sheet glass	C

(Sec. 6, 54 Stat. 714, Public Law 75, 77th Cong., Public Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31, 7 F.R. 9807.)

PAUL CORNELL,
Chief of Office,
Office of Exports.

DECEMBER 10, 1942.

[F. R. Doc. 42-13724; Filed, December 22, 1942; 11:44 a. m.]

[Amendment 84]

PART 802—GENERAL LICENSES

PERSONAL BAGGAGE

Subparagraph (2) of paragraph (a) of § 802.11 *Personal baggage* is hereby amended to read as follows:

(2) Personal effects, including clothing, books, toilet articles, souvenirs, articles of personal adornment, personal firearms, hunting guns, etc., (restricted to three guns per person), cameras and similar articles.

(Sec. 6, 54 Stat. 714, Public Law 75 and Public Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31, 7 F.R. 9807.)

PAUL CORNELL,
Chief of Office,
Office of Exports.

DECEMBER 10, 1942.

[F. R. Doc. 42-13725; Filed, December 22, 1942; 11:44 a. m.]

[Amendment 85]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended in the following particulars: In the column headed "Gen. Lic. Group" the group designations assigned to the commodities listed below are amended to read as follows:

Commodity	Dept. of Comm. No.	Gen. Lic. Group
AIRCRAFT—PARTS, EQUIPMENT AND ACCESSORIES		
Radio ground equipment used for the direction and navigation of aircraft	9190.05	47
Radio transmitting and receiving sets, aircraft	7948.07	47
Radio transmitting and receiving set parts, aircraft	7948.08	47
ELECTRICAL MACHINERY AND APPARATUS		
Radio mica condensers, or capacitors, all kinds	7079.01	47
Radio receiving set accessories, other	7081.98	47
Radio receiving set components, n. e. s.	7079.98	47
Radio receiving sets, complete	7077.05	47
Radio receiving sets, other containing mica (include all combination radio phonographs whether or not provided with recording equipment)	7077.98	47
Radio transmitting sets, tubes and parts	7076.05 7076.98	47
Radio trimmers	7079.01	47
Radio tubes or valves for receiving sets	7078.98 7078.05	47
Radio tube ridges and spacers	7076.05 7078.05	47
Loudspeakers	7080	47
Compasses, if with mica dial or mica covered	7079.03	47
Radio direction finders	7081.05	47
Photographic and Projection Goods		
Motion-picture cameras, standard guage (35 mm.)	9000	47
Motion-picture cameras, substandard gauge (16 mm.)	9001.3	47
Motion-picture projectors, standard gauge (35 mm.)	9007	47
Motion-picture projectors, substandard gauge (16 mm.) sound	9008.4	47
Motion-picture sound recording equipment	9010	47
Motion-picture sound reproducing equipment	9011	47

(Sec. 6, 54 Stat. 714, Public Law 75 and Public Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31, 7 F.R. 9807.)

PAUL CORNELL,
Chief of Office,
Office of Exports.

DECEMBER 10, 1942.

[F. R. Doc. 42-13726; Filed, December 22, 1942; 11:43 a. m.]

[Amendment 86]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is hereby amended as follows: In the column headed "Gen. Lic. Group" the group designation assigned to the commodity listed below is amended to read as follows:

Commodity	Dept. of Comm. No.	Gen. Lic. Group
VEGETABLES AND PREPARATIONS		
Sauerkraut, canned	1249	C

(Sec. 6, 54 Stat. 714, Public Law 75 and Public Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31, 7 F.R. 9807)

PAUL CORNELL,
Chief of Office,
Office of Exports.

DECEMBER 11, 1942.

[F. R. Doc. 42-13727; Filed, December 22, 1942; 11:43 a. m.]

[Amendment 87]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended in the following particulars: In the column headed "Gen. Lic. Group" the group designations assigned to the commodities listed below are amended to read as follows:

Commodity	Dept. of Comm. No.	Gen. Lic. Group
Orange juice	1776	C
Pineapple juice	1772	C
Grapefruit juice	1775	C
Canned asparagus	1241	C
Canned peas	1244	C
Seeds:		
Alfalfa seed	2401	C
Carrot seed	2468.5	C
Orchard grass	2419	C
Meadow fescue	2419	C
Alsyke clover	2405	C
Onion seed	2468.9	C

(Sec. 6, 54 Stat. 714, Public Law 75 and Public Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31, 7 F.R. 9807)

PAUL CORNELL,
Chief of Office,
Office of Exports.

DECEMBER 14, 1942.

[F. R. Doc. 42-13728; Filed, December 22, 1942; 11:43 a. m.]

[Amendment 88]

PART 802—GENERAL LICENSES

SHIP AND PLANE STORES, SUPPLIES AND EQUIPMENT

Subdivision (iv) of subparagraph (1) of paragraph (a) of § 802.13 *Ship and plane stores, supplies and equipment* is hereby amended to read as follows:

(iv) Of registry of countries designated by numbers 1 to 3, 5, 6, 8 to 58, 60 to 67, 71 to 81, 88, 89, 91, or 99 in paragraph (a) of § 802.2 of this subchapter, or of the Netherlands, Norway, or Poland: *Provided,* That the destination of such vessels shall be one of the aforenumbered countries; of the following items:

(Sec. 6, 54 Stat. 714, Public Laws 75 and 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31, 7 F.R. 9807)

PAUL CORNELL,
Chief of Office,
Office of Exports.

DECEMBER 14, 1942.

[F. R. Doc. 42-13729; Filed, December 22, 1942; 11:43 a. m.]

[Amendment 89]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is amended in the following particulars: In the column headed "Gen. Lic. Group" the group designations assigned to the commodities listed below are amended to read as follows:

Commodity	Dept. of Comm. No.	Gen. Lic. Group
OFFICE SUPPLIES, MISC.		
Pencils, mechanical, of plastic materials (cellulose acetate, nitro-cellulose and synthetic resins)	9301	C
Pencils, mechanical, of other materials, n. e. s.	9302	C
Pencils, not mechanical, of black lead	9304.1	C
Pencils, not mechanical, other, n. e. s.	9304.2	C
Pen points, metallic (report gold in 6997)	9315	C
Fountain & stylographic pens of plastic materials (cellulose acetate, nitro-cellulose and synthetic resins)	9309	C
Fountain & stylographic pens, other, n. e. s.	9310	C
LAMPS & ILLUMINATING DEVICES, NON-ELECTRIC		
Lanterns, wick	9792	C
Gasoline pressure lamps, lanterns and parts	9793	47
Lamps, other, except electric (include kerosene, gas, and acetylene lamps)	9794	C
Lighting devices, other, except glass, and parts, n. e. s.	9799	C
BRUSHES		
Toothbrushes (specify materials of which handles or backs are composed)	9822	C
Toilet brushes, other than toothbrushes (specify materials of which handles or backs are composed)	9824	C
Matches	9800	C

This amendment shall become effective December 25, 1942.

(Sec. 6, 54 Stat. 714, Public Law 75 and Public Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31, 7 F.R. 9807.)

PAUL CORNELL,
Chief of Office,
Office of Exports.

DECEMBER 15, 1942.

[F. R. Doc. 42-13730; Filed, December 22, 1942; 11:43 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1052—KITCHEN, HOUSEHOLD AND OTHER MISCELLANEOUS ARTICLES

[Supplementary Limitation Order L-30-d as Amended Dec. 17, 1942[1]]

MISCELLANEOUS COOKING UTENSILS AND OTHER ARTICLES

§ 1052.5 *Supplementary Limitation Order L-30-d*—(a) *Definitions.* For the purposes of this order:

(1) "Preferred order" means a purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration.

(2) "Miscellaneous cooking utensil" means any utensil containing more than 7½%, by weight, of metal, which is designed primarily for use in the preparation or cooking of food, whether for household, institutional, commercial, governmental or any other purpose, including but not limited to, glass and ceramic flameware, but excluding any utensil the production of which is governed by Supplementary Limitation Orders L-30-b or L-30-c, or expressly exempted from the provisions of those orders when produced pursuant to preferred orders.

(3) "Kitchen tools" means articles containing more than 5%, by weight, of metal, commonly known as kitchen tools, including, but not limited to, can openers, jar openers, bottle openers, strainers, flour sifters, food whips, food mills, dippers, scoops, choppers, slicers, corers, mashers, shapers, beaters, graters, grinders, cutters, sieves, cake turners, basting spoons, cork screws and skewers, but excluding cutlery (which is governed by Limitation Order L-140), electrical appliances (which are governed by Limitation Order L-65), gas appliances and power-driven equipment.

(4) "Household storage articles" means articles containing more than 5%, by weight, of metal, designed for the storage of food or household supplies, including but not limited to, canisters, spice sets, cake covers or safes, holders for salt, soap or cleanser cartons, step-on cans, lunch boxes, vacuum jugs and bottles, and window boxes for the storage of food, but excluding

(i) Pails, buckets and tubs;

(ii) Containers designed for the packing, shipment or delivery of materials or products of any kind, including but not limited to, cans as defined in Conservation Orders M-81 or M-136, glass containers or closures as defined in Limitation Order L-103, and drums as defined in Limitation Order L-197; and

(iii) Articles the production of which is governed by Supplementary Limitation Orders L-30-a, L-30-b or L-30-c, or expressly exempted from the provisions of those orders when produced pursuant to preferred orders.

(5) "Manufacturer" means any person engaged in the business of producing or assembling any miscellaneous cooking utensils, kitchen tools, household storage articles or any other products covered by this order, or any parts (including repair parts) for such utensils, kitchen tools, storage articles or products.

(6) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(7) "Base period" means the twelve months ending June 30, 1941.

(8) "Black steel" means uncoated, polished or lacquered carbon steel. It does not include any steel which has a metal or vitreous-enameled coating.

(9) "Joining hardware" means nuts, screws, nails, bolts, clasps, rivets and other similar items of small hardware used for joining or other similar purposes.

(10) "Repair part" means any part for an article or product which is not produced for or used in a new article or product.

(b) *Prohibition on production of miscellaneous articles.* (1) No manufacturer shall process, fabricate, work on or assemble any iron, steel or other metal for use in the following kitchen, household and other miscellaneous articles (whether manufactured for household or for any other purpose): all closet accessories, including but not limited to, coat and garment hangers and hooks, tie racks, and boot and shoe-trees; all articles of fireplace equipment; towel bars and racks, tooth brush holders, soap dishes, soap savers, toilet and other paper holders, pot chains, fly swatters, sink drainers, dish drainers, cuspidors, spittoons, vegetable bins, curtain rods and fixtures, drapery attachments, clothes pins, candlesticks, carpet beaters, carpet sweepers, pot cover holders, picnic stoves, camp grids, cup frames and cake coolers, except for the minimum amount of iron and steel (not to exceed 5% of the weight of the article) contained in necessary joining hardware.

(2) Except as provided in paragraph (g), on and after November 23, 1942, no manufacturer shall process, fabricate, work on or assemble any iron, steel or other metal for use in the production of any of the following articles or parts (including repair parts) for such articles:

(i) Dish pans (except black steel dish pans produced pursuant to preferred orders), rinsing pans, pot scourers and other sink accessories (not included in subparagraph (1) of this paragraph (b)), funnels, dust pans, silent butlers, crumb sets, wash boards and clothes wringers, except for the minimum amount of iron and steel (not exceeding 5% of the weight of the article) contained in necessary joining hardware, and except for any such articles the production of which is governed by Supplementary Limitation Orders L-30-a or L-30-b, or expressly exempted from the provisions of those orders when produced pursuant to preferred orders; or

(ii) Concrete garbage receptacles containing more than 5%, by weight, of metal, exclusive of the weight of separate bases or blocks.

(3) Notwithstanding the provisions of paragraph (b) (1), a manufacturer may produce during the period from December 21, 1942, to January 6, 1943, inclusive, fire place grates from scrap iron and steel provided that no such grate exceeds 30 pounds in weight.

(c) *Restrictions on miscellaneous cooking utensils.* (1) Except as provided in paragraph (g), on and after November 23, 1942, no manufacturer shall process, fabricate, work on or assemble any iron, steel or other metal for use in the production of any miscellaneous cooking utensils containing 20% or more of metal, by weight, or parts for such utensils, except

(i) Black steel frying pans having a bottom diameter of from 8 to 12 inches, inclusive;

(ii) Black steel heavy-duty roast pans without covers, having a capacity of from 675 cubic inches to 2600 cubic inches, inclusive, and having two or three reinforcing straps and wired edges; and

(iii) Black steel or tinned utensils, including liquid and dry measures, (other than black steel frying pans or heavy-duty roast pans), or stamped bakery equipment, when such utensils or equipment are produced pursuant to preferred orders.

(2) No manufacturer shall put into process more iron and steel, by weight, in the production of

(i) Black steel frying pans

(*a*) During the period from November 10, 1942 to December 31, 1942, inclusive, than two times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of black steel frying pans; or

(*b*) During the period of three months beginning January 1, 1943, and during each succeeding period of three months, than three times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of black steel frying pans;

(ii) Black steel heavy-duty roast pans

(*a*) During the period from November 10, 1942 to December 31, 1942, inclusive, than two times 35% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of black steel heavy-duty roast pans; or

(*b*) During the period of three months beginning January 1, 1943, and during each succeeding period of three months, than three times 35% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of black steel heavy-duty roast pans; or

(iii) Miscellaneous cooking utensils containing more than 7½%, but less than 20%, of metal, by weight, and parts for such utensils (other than repair parts)

(*a*) During the period from November 10, 1942 to December 31, 1942, inclusive, than two times 100% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of such cooking utensils and parts (including repair parts); or

(*b*) During the period of three months beginning January 1, 1943, and during each succeeding period of three months, than three times 100% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of such cooking utensils and parts (including repair parts); or

(iv) Repair parts for miscellaneous cooking utensils containing more than 7½%, but less than 20%, of metal, by weight.

(*a*) During the period from November 10, 1942 to December 31, 1942, inclusive, than two times 5% of the monthly average amount of iron and steel, by weight, put into process by him during the base period in the production of such cooking utensils and parts for such utensils (including repair parts); or

(*b*) During the period of three months beginning January 1, 1943, and during each succeeding period of three months, than three times 5% of the monthly average amount of iron and steel, by weight, put into process by him during the base period in the production of such cooking utensils and parts for such utensils (including repair parts).

(d) *Restrictions on kitchen tools.* (1) Except as provided in paragraph (g), on and after November 23, 1942, no manufacturer shall process, fabricate, work on or assemble any iron, steel or other metal for use in the production of any kitchen tools, except

(i) The following kitchen tools:

Basting spoons, 14 to 21 inches, inclusive, in overall length.
Cake turners, 13 to 21 inches, inclusive, in overall length.
Can openers.
Egg beaters, rotary type, 10 inches or longer, including handle.
Food choppers and grinders.
Food mills.
Wire strainers.
Wire whips, commercial type, 12 inches or longer.

(ii) The following kitchen tools in fulfillment of preferred orders only:

Butter cutters.
Dippers.
French fry cutters.
Nutmeg graters.
Skimmers.
Sugar and flour scoops.
Vegetable graters.

(iii) Any other kitchen tool in fulfillment of preferred orders for use on board ship only.

(2) Except in fulfillment of preferred orders for use on board ship, no manufacturer shall put into process more iron and steel, by weight, in the production of

(i) Any kitchen tool listed in subparagraph (1) of this paragraph (d), and parts for such tool (other than repair parts)

(*a*) During the period from November 10, 1942 to December 31, 1942, inclusive, than two times 35% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of such kitchen tool and parts for such tool (including repair parts); or

(*b*) During the period of three months beginning January 1, 1943 and during each succeeding period of three months, than three times 35% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of such kitchen tool and parts for such tool (including repair parts); or

(ii) Repair parts for any kitchen tool

(*a*) During the period from November 10, 1942 to December 31, 1942, inclusive, than two times 5% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of such kitchen tool and parts for such tool (including repair parts); or

(*b*) During the period of three months beginning January 1, 1943, and during each succeeding period of three months, than three times 5% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of such kitchen tool or parts for such tool (including repair parts).

(e) *Restrictions on household storage articles.* (1) Except as provided in paragraph (g), on and after November 23, 1942, no manufacturer shall process, fabricate, work on or assemble any iron, steel or other metal for use in the production of any household storage articles, except vacuum bottles with a capacity of one quart or less and, pursuant to preferred orders, vacuum bottles and jugs with a capacity of more than one quart.

(2) No manufacturer shall put into process more iron and steel, by weight, in the production of vacuum bottles with a capacity of one quart or less

(i) During the period from November 10, 1942 to December 31, 1942, inclusive, than two times 50% of the average monthly amount of iron and steel by weight, put into process by him during the base period in the production of such vacuum bottles; or

(ii) During the period of three months beginning January 1, 1943, and during each succeeding period of three months, than three times 50% of the average monthly amount of iron and steel, by weight, put into process by him during the base period in the production of such vacuum bottles.

(f) *Restrictions on pails, buckets and tubs.* Except as provided in paragraph (g), on and after November 23, 1942, no manufacturer shall process, fabricate, work on or assemble any iron or steel for use in the production of any pails, buckets or tubs, except

(1) Pails or tubs designed expressly for use as packing or shipping containers;

(2) Pails or tubs which contain iron or steel only in hoops, bails, ears, handles and joining hardware, provided that the total weight of such iron and steel does not exceed 15% of the total weight of the pail or tub, and further provided that any such pail, or any such tub with a capacity of less than 15 gallons, does not have more than two hoops containing iron or steel;

(3) Dairy pails;

(4) Pails, buckets or tubs when made of black steel and produced pursuant to preferred orders; and

(5) Pails, buckets or tubs the production of which is governed by Supplementary Limitation Orders L-30-a or L-30-b, or expressly exempted from the provisions of those orders when produced pursuant to preferred orders.

(g) *Exceptions.* Notwithstanding the provisions of paragraphs (b) (2), (c) (1), (d) (1), (e) (1) and (f), a manufacturer may complete the fabrication and assembly of any article included in such paragraphs from iron or steel which, on November 17, 1942, had been cut, blanked or otherwise formed to size for such article by him or by any other person, provided that such article is completed on or before December 31, 1942, except for the application of a coating or finish or the attaching of handles, bails or ears, which may be done thereafter.

(h) *Applicability of other orders.* The provisions of this order shall supersede the provisions of Limitation Order L-30 in respect to all articles the production of which is governed by this order. In so far as any other order restricts the use of any material in the production of any articles to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern unless otherwise specified therein.

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[1] This document is a restatement of Amendment 1 of Supplementary Limitation Order L-30-d which appeared in the FEDERAL REGISTER of December 19, 1942, page 10617, and reflects the order in its completed form as of December 17, 1942.

(i) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(j) *Appeal.* Any appeal from the provisions of this order should be made on Form PD–500, directed to the War Production Board, Consumers' Durable Good Division, Washington, D. C., Ref.: L–30–d.

(k) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the manufacture of articles the production of which is governed by this order, inventories of raw materials, semiprocessed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production permitted by this order.

(l) *Records.* All persons affected by this order shall keep and preserve, for not less than two years, accurate and complete records concerning inventories, production and sales.

(m) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(n) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(o) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(p) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers' Durable Goods Division, Washington, D. C. Ref: L–30–d.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 17th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13705; Filed, December 21, 1942; 5:07 p. m.]

PART 937—ZINC

[General Preference Order M–11–a as Amended Dec. 22, 1942]

Section 937.2 *Supplementary Order M–11–a* is hereby amended to read as follows:

§ 937.2 *General Preference Order M–11–a*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Zinc oxide" means all grades of zinc oxide, including lead free and leaded, produced from ores, concentrates, metallic zinc, or other primary material and from scrap, dross, ashes, skimmings or other secondary material.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(3) "Producer" means any person producing zinc oxide and any person who has zinc oxide produced for him under toll agreement.

(c) *Restrictions*—(1) *Allocated production.* Each producer of zinc oxide shall set aside from his production each month quantities of zinc oxide, to be determined from time to time by the Director General for Operations, to be delivered only upon express direction of the Director General for Operations.

(2) *Other production.* Each producer of zinc oxide shall ship all his production not set aside pursuant to paragraph (c) (1) so that each customer will receive an equal percentage of the producer's commitments to him.

(d) *Exception.* Notwithstanding the provisions of paragraph (c), a producer may satisfy his commitments to any one customer in full up to but not exceeding 2,000 pounds of zinc oxide during any one month.

(e) *Applications for allocations.* Any person who in any month cannot otherwise obtain zinc oxide in quantities required to fill his preference rated orders may apply for an allocation of zinc oxide for that month by filing with the War Production Board, Ref: M–11–a not later than the 15th of the month preceding the month in which the allocation is desired, an application on Form PD–62.

(f) *Interdepartmental shipments.* The restrictions, limitations and prohibitions in paragraph (c) of this order shall apply to any shipments of zinc oxide from any producing branch, division or department of any business enterprise to another branch, division or department in the same or any other business enterprise owned or controlled by the same person.

(g) *Limitation of inventories.* No producer shall ship zinc oxide to any person unless he has received from that person a written statement that such shipment will not result in an inventory of zinc oxide in excess of a minimum practicable working inventory.

(h) *Addressing of communications.* All applications, statements or other communications filed pursuant to this order or concerning the subject matter hereof, should be addressed to: War Production Board, Zinc Division, Washington, D. C., Ref: M–11–a.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(j) *Effective date.* This amended order shall take effect January 1, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22d day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13714; Filed, December 22, 1942; 11:16 a. m.]

PART 937—ZINC

[General Preference Order M–11–l]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of zinc dust for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 937.13 *General Preference Order M–11–l*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Zinc dust" means all grades of zinc dust, produced from ores, concentrates, metallic zinc or other primary material and from scrap, dross or other primary material and from scrap, dross or other secondary material.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(3) "Producer" means any person producing zinc dust and any person who has zinc dust produced for him under a toll agreement.

(4) "Toll agreement" means any agreement by which title to material remains vested in a person other than the one processing the material.

(c) *Restrictions*—(1) *Deliveries by producers.* No producer shall ship or deliver zinc dust to any person except on presentation by that person of an allocation certificate issued by the Director General for Operations. Upon accepting an allocation certificate, the producer shall endorse thereon the amounts of zinc dust which he agrees to ship under such certificate in the calendar month covered by the certificate. No producer shall endorse an allocation certificate for zinc dust or make any shipment thereunder if, by so doing, the total endorsements, or shipments, under the certificate will exceed the amounts authorized by such certificate.

(2) *Acceptance of deliveries.* No person shall accept any delivery of zinc dust from a producer otherwise than in accordance with the provisions of this order.

(3) *Toll agreements.* Unless specifically authorized by the Director General for Operations, no person shall produce any zinc dust under any existing or future toll agreement.

(d) *Allocation certificates.* The Director General for Operations will issue allocation certificates for zinc dust on or about the first of each month. An allocation certificate will authorize shipment of specified amounts of zinc dust during the calendar month for which it is issued by a producer to the holder of the certificate. This certificate must be presented to the producer for endorsement as provided in paragraph (c) (1) of this order.. A producer need not accept a new order although supported by an allocation certificate if his entire production for the month is committed under contract and he has reason to believe that other allocation certificates will be presented during the month by the person or persons to whom his production is committed in amounts at least equal to his production.

(e) *Applications for allocation certificates.* Any person wishing to apply for an allocation of zinc dust from a producer for any month beginning with January, 1943, shall file an application with the War Production Board, Zinc Division, Washington, D. C., Ref: M–11–l, not later than the fifteenth of the month preceding the month in which the allocation of zinc dust is desired: *Provided, however,* That if application is for an allocation of zinc dust for January, 1943, it may be filed not later than December 30, 1942. Persons shall make application on Form PD–755.

(f) *Exceptions.* Exceptions from the provisions of paragraphs (c) and (d) shall be as follows:

(1) *Small order exceptions.* Any producer may ship and deliver zinc dust to any other person without an allocation certificate for zinc dust: *Provided,* That such other person shall certify to the producer in writing at the time of delivery;

(i) That the total amount of zinc dust delivered to such other person from all sources (inclusive of the amount then being delivered) has not exceeded 75 pounds in the month in which delivery is being made,

(ii) That no allocation certificate for zinc dust for that month has been issued to such other person by the Director General for Operations, and

(iii) The end use to which the zinc dust is to be put.

No person shall accept from a producer delivery of more than 75 pounds of zinc dust in any month without an allocation certificate, or of any zinc dust not endorsed on the allocation certificate if he has one.

(2) *Deliveries to the Metals Reserve Company.* Any producer may ship and deliver zinc dust without an allocation certificate to the Metals Reserve Company or to any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended (15 U.S.C. section 606 (b)) or to any duly authorized agent of any such corporation.

(3) *Special directions.* The Director General for Operations may, from time to time, issue special directions to any person as to the source, destination or amounts of zinc dust to be shipped and delivered by any producer or received by any person, and the Director may also specifically direct the manner and quantities in which such zinc dust may be processed.

(4) *Zinc dust for export.* Zinc dust may be shipped or delivered for export by any producer without an allocation certificate if shipment or delivery is to be made pursuant to an export license duly issued by the Office of Export Control of the Board of Economic Warfare.

(g) *Interdepartmental shipments.* The restrictions, limitations and prohibitions in paragraph (c) of this order shall apply not only to all shipments from one person to another person but also to all shipments and deliveries of zinc dust from any producing branch, division or department of any business enterprise to another branch, division or department in the same or any other business enterprise owned or controlled by the same person.

(h) Each producer of zinc dust shall file monthly, on Form PD–758, a report of his production, shipments and inventory of zinc dust. All producers and users of zinc dust shall file such other reports with the War Production Board at such times and in such manner and form as it may prescribe, showing such information as the War Production Board may from time to time require.

(i) *Addressing of communications.* All applications, statements or other communications filed pursuant to this order or concerning the subject matter hereof, should be addressed to: War Production Board, Zinc Division, Washington, D. C., Ref: M–11–l.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and, upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Effective date.* The provisions of this order other than those of paragraph (e) shall not be effective until January 1, 1943. Paragraph (e) shall be effective at once.

(l) *Expiration date.* This order shall expire on March 31, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22d day of December, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13715; Filed, December 22, 1942; 11:17 a. m.]

PART 1010—SUSPENSION ORDERS

[Amendment 2 to Suspension Order S–121]

COFFEE CORPORATION OF AMERICA

Paragraph (a) of § 1010.121, Suspension Order S–121, issued October 22, 1942 [7 F.R. 8584], and amended November 23, 1942 [7 F.R. 9773] is hereby amended to read as follows:

(a) During each of the calendar months of January 1943, February 1943, and March 1943, deliveries of coffee by Coffee Corporation of America, its successors and assigns, shall not exceed 151,833 pounds, except as specifically authorized by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13711; Filed, December 22, 1942; 11:16 a. m.]

PART 1075—CONSTRUCTION

[Supplementary Conservation Order L–41–c]

In accordance with the provisions of of § 1075.1 *Conservation Order L–41* which the following order supplements:

§ 1075.4 *Supplementary Conservation Order L–41–c*—(a) *Definitions.* For the purpose of this supplementary order:

(1) "Logger" shall mean any person actually engaged in the production of logs of any species within the limits of the United States, its territories or possessions.

(2) "Operational construction" shall mean construction directly related to changing the site of logging operations or tapping new stumpage, such as but not limited to moving or combining camps, moving or extending railroad track, building main truck, branch and stub roads and the like.

(b) *Excluded construction.* Conservation Order L–41 as amended shall not apply to the use by any logger of lumber, round or squared, timbers, nails, gravel or clay products in operational construction, and the cost of such materials and the cost of labor and the rental or depreciation value of equipment involved in their use shall not be included in the cost of construction as defined in General Conservation Order L–41.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22d day of December 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42–13712; Filed, December 22, 1942; 11:16 a. m.]

PART 1233—THERMOPLASTICS

[Revocation of Supplementary Order M–154–b]

Section 1233.3 (Supplementary Order M–154–b) governing methyl methacrylate scrap is hereby revoked, the subject matter of said Supplementary Order now being covered by § 3135.1 *General Preference Order M–260.* This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Supplementary Order M–154–b.

This revocation shall take effect January 1, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22d day of December 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42–13716; Filed, December 22, 1942; 11:17 a. m.]

PART 1276—PLYWOOD

[Limitation Order L–150–b]

HUTMENT GRADE PLYWOOD

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for war, for private account and for export, of Douglas fir plywood; and the following order is deemed necessary and appropriate in the public interest and to promote the war effort:

§ 1276.11 *Limitation Order L–150–b*—(a) *Definitions.* For the purposes of this order:

(1) "Hutment grade plywood" shall mean a built-up board, suitable for temporary military housing, of laminated veneers of Douglas fir, united with a bonding agent, meeting the following specifications:

(i) The bonding agent shall be a moisture-resistant adhesive, but shall not contain any phenolic resin.

(ii) Bonding shall be by either cold or hot press except where synthetic resin is used in which case it shall be by hot press.

(iii) Panels must be capable of passing the test for moisture-resistant type plywood, as set forth in Commercial Standard CS 45–42, effective November 16, 1942, issued by the National Bureau of Standards, except that samples shall be subjected to ten (10) cycles consisting of seven (7) hours of soaking and seventeen (17) hours of drying.

(iv) The veneers used shall be equivalent to Sound one side grade of exterior type, as specified in Commercial Standard CS 45–42, effective November 16, 1942, issued by the National Bureau of Standards.

(v) Each panel shall have all surfaces and edges thoroughly treated with a resin sealer.

(vi) If rough or unsanded, paper tape used for jointing veneer may appear on faces. No tape shall be used in the glue line.

(vii) Workmanship and tolerances not otherwise provided for shall conform to industry practices as set forth in Commercial Standard CS 45–42, effective November 16, 1942, issued by the National Bureau of Standards.

(2) "Procuring Agency" means the Procuring Agency of the Construction Division of the Corps of Engineers of the United States Army.

(b) *General restrictions.* (1) No person shall manufacture, sell, ship or deliver hutment grade plywood unless it is of one of the following sizes:

Width in inches	*Length in inches*	*Thickness in inches after sanding*
48	96, 108, 120, 132 or 144	¼, ⅜, ½, ⅝ or ¾

(2) No person shall sell, ship or deliver, or cause to be sold, shipped or delivered, any hutment grade plywood, except that:

(i) Any person may sell, ship or deliver any hutment grade plywood to or for the account of the Procuring Agency or to or for the account of any contractor or other person designated by such agency.

(ii) Any person may sell, ship or deliver any hutment grade plywood upon the specific authorization of the Director General for Operations on Form PD–423, or upon the direction of the Director General for Operations pursuant to paragraph (c) of this order.

(c) *Allocations.* The Director General for Operations may, from time to time, allocate specific quantities of hutment grade plywood to specific persons. He may also direct the specific manner and quantities in which delivery shall be made to particular persons, and direct or prohibit particular uses of hutment grade plywood, or the production by any person of particular items of hutment grade plywood. Such allocations and directions will be made to insure the satisfaction of war requirements of the United States, both direct and indirect, and they may be made, in the discretion of the Director General for Operations, without regard to any preference ratings assigned to particular purchase orders or contracts. The Director General for Operations may also take into consideration the possible dislocation of labor and the necessity of keeping a plant in operation so that it may be able to fulfill war and essential civilian requirements.

(d) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(e) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(f) *Communications.* All communications concerning this order should be addressed to: War Production Board, Lumber and Lumber Products Division, Washington, D. C. Ref.: L–150–b.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22d day of December 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42–13713; Filed, December 22, 1942; 11:16 a. m.]

Chapter XI—Office of Price Administration

PART 1499—COMMODITIES AND SERVICES

[Order 9 Under § 1499.29 of GMPR]

AMERICAN RAW HIDE PRODUCTS COMPANY

ORDER GRANTING ADJUSTMENT

Order No, 9 under § 1499.29 of the General Maximum Price Regulation—Docket No. GF3–2846.

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered pursuant to Procedural Regulation No. 6:

§ 1499.409 *Adjustment of maximum prices for raw hide hammer faces and mallets manufactured by American Raw Hide Products Company.* (a) American Raw Hide Products Company, Providence, Rhode Island, may sell and deliver and any person may buy and receive from the American Raw Hide Products Company the items of raw hide hammer faces and mallets manufactured from imported water buffalo hide at prices not higher than those set forth below:

RAW HIDE HAMMER FACES

Item No.	Diameter of face	Maximum prices (per pair)
	Inches	
0	⅞	$0.2168
1	1¼	.4385
2	1½	.5102
3	1¾	.6343
4	2	.7565
5	2¾	1.3652

RAWHIDE MALLETS

Item No.	Diameter	Length	Weight	Maximum prices (each)
	Inches	*Inches*	*Ounces*	
0	1	2⅜	2	$0.5624
1	1¼	3⅛	4	.7230
2	1½	3¼	6	.8096
3	1¾	3⅜	8	.9343
4	2	3½	10	1.0595
5	2¾	4¼	22	1.9007
6	2¾	4¾	24	1.9219
7	1¼	3⅛	8	.6875
8	1½	3¼	11	.8229
9	1¾	3⅜	14	.9343
10	2	3½	18	1.0824
11	2¾	4¼	38	1.9043

(b) The foregoing maximum prices shall be subject to all trade terms which the American Raw Hides Products Company allowed to each class of purchaser during March 1942.

(c) All prayers of the application not herein granted are denied.

(d) This Order No. 9 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 9 (§ 1499.409) is hereby incorporated as a section of Supplementary Regulation No. 4, which contains modifications of the maximum prices established by § 1499.2.

(f) This Order No. 9 (§ 1499.409) shall become effective December 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–13692; Filed, December 21, 1942; 2:56 p. m.]

PART 1305—ADMINISTRATION

[Supplementary Order 34]

PACKING EXPENSES ON SALES TO PROCUREMENT AGENCIES

A statement to accompany this Supplementary Order No. 34 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered,* That:

§ 1305.40 *Special packing expenses permitted to be added to maximum prices on sales to procurement agencies.* (a) On sales or deliveries of any commodity to a procurement agency of the United States there may be added to the maximum domestic price for such commodity

(1) If the packing specified by the buyer differs from standard packing, the difference between the cost of the direct labor and materials used or to be used in packing to the specifications of the buyer and the cost of the direct labor and materials used in standard packing, or

(2) If the commodity has already been packed in standard packing and repacking to the specifications of the buyer is required, the cost of the direct labor and materials used or to be used in the unpacking and repacking, or

(3) If the commodity has initially been packed to the specifications of the buyer in accordance with subparagraph (1), and repacking to new specifications of the buyer is required, the amount permitted by subparagraph (1) plus the cost of the direct labor and materials used or to be used in the unpacking and repacking.

(b) The authority granted by paragraph (a) is subject to the following conditions:

(1) The buyer must require that the commodity be packed to its specifications or must specifically request that the seller unpack and repack the commodity to the buyer's specifications.

(2) The seller must show separately in his contract of sale or on the invoice furnished to the buyer the charge being made for the packing and/or unpacking and repacking specified by the buyer.

(3) In addition to the records required by any price regulation, the seller must prepare and keep for inspection by the Office of Price Administration so long as the Emergency Price Control Act of 1942, as amended, is in effect, true and accurate records showing the cost of the direct labor and materials used in standard packing and the cost of the direct labor and materials used in the packing and/or unpacking and repacking specified by the buyer.

(c) This Supplementary Order No. 34 shall not apply to any price regulation issued after the effective date of this Supplementary Order No. 34 which specifically provides that this Supplementary Order No. 34 shall not apply.

(d) As used in this Supplementary Order No. 34:

(1) "Price regulation" means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, as amended, a maximum price regulation, a temporary maximum price regulation, or any amendment or supplement thereto or order thereunder.

(2) "Packing" shall include the providing of wrappings, inner and/or outer containers and the placing of the commodity in such wrappings or containers.

(3) "Standard packing" means any domestic packing contemplated by the applicable price regulation when the sale is a domestic sale and any packing for export contemplated by the applicable price regulation when the sale is a sale for export.

(e) This Supplementary Order No. 34 (§1305.40) shall become effective December 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–13689; Filed, December 21, 1942; 2:57 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 186,[1] Amendment 3]

WESTERN WOODEN AGRICULTURAL CONTAINERS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1377.104 is amended to read as set forth below:

§ 1377.104 *Adjustable pricing.* It is permissible under this regulation to provide in a contract that the price shall be adjustable to a price not higher than the maximum price in effect at the time of delivery.

§ 1377.113a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1377.104) to Maximum Price Regulation No. 186 shall become effective December 26, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–13690; Filed, December 21, 1942; 2:56 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5776, 6968, 7364, 7966, 8949.

PART 1340—FUEL

[MPR 120,[1] Amendment 29]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new subdivision (i) is added to paragraph (b) (3) of § 1340.219, to read as set forth below:

§ 1340.219 *Appendix H: Maximum prices for bituminous coal produced in District No. 8.* * * *

(b) * * *

(3) *Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses (exclusive of cannel coal).* * * *

(i) *Special price instructions.* (*a*) Stoker coals produced in Subdistrict 2 having a top size not in excess of 1¼″ and a bottom size of less than 1¼″ may be sold for shipment by truck or wagon at a price not in excess of the maximum price established under paragraph (b) (1) of this section for rail shipments of coal in Size Group 10 produced at the same mine.

* * * * *

§ 1340.211a *Effective dates of amendments.* * * *

(dd) Amendment No. 29 (§§ 1340.219 (b) (3) (i) (*a*) to Maximum Price Regulation No. 120 shall become effective December 26, 1942.

Issued this 21st day of December, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13684; Filed, December 21, 1942; 2:59 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,[2] Amendment 16]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In paragraph (a) of § 1394.5151, subparagraphs (7) and (8) are amended; a new paragraph (d) is added to § 1394.5305; § 1394.5308 is amended; § 1394.5603 is renumbered § 1394.5603 (a) and amended, and a new paragraph (b) is added thereto; a new § 1394.5665 is added; and a new paragraph (p) is added to § 1394.5902; as set forth below:

Restrictions on Issuance of Rations

§ 1394.5151 *Restrictions on issuance of rations.* (a) * * *

(7) For the operation of a private passenger automobile, as defined in General Order No. 21 of the Office of Defense Transportation;

(8) For the operation of coal spraying equipment, except that a ration for such purpose may be issued when required to expedite the unloading of railroad cars during the months of December, January, February and March. Such ration shall be used only in accordance with the following provisions:

(i) The coal to be sprayed shall have been screened through not larger than a one and one-quarter (1¼) inch round hole or equivalent screen;

(ii) The quantity of fuel oil used in spraying such coal shall not be in excess of one quart to each ton of coal sprayed;

(iii) Such coal shall be sprayed at the mine only; and

(iv) Such coal shall be destined for and shipped only to points outside of the states of South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, New Mexico, Arizona and California.

* * * * *

Auxiliary Rations

§ 1394.5305 *Same: Issuance of auxiliary heat ration.* * * *

(d) The board shall inscribe the word "Auxiliary" immediately below the serial number on each coupon sheet issued.

§ 1394.5308 *Same: Issuance of auxiliary hot water ration.* After determining the allowable auxiliary ration for hot water, the board shall issue class 3 coupon sheets containing coupons equal in gallonage value to the allowable ration. The board shall inscribe the word "Auxiliary" immediately below the serial number on each coupon sheet so issued.

Restrictions on Use of Rations and Fuel Oil

§ 1394.5603 *Restrictions on consumption of fuel oil.* (a) On or after December 10, 1942, except as provided in §§ 1394.5602, 1394.5658, 1394.5665, paragraph (b) of § 1394.5505, and paragraph (b) of this section, no person shall consume fuel oil unless such fuel oil was acquired by him or on his behalf in exchange for valid coupons or other evidences, or delivery receipts: *Provided,* That fuel oil included in a consumer's inventory pursuant to § 1394.5451, with respect to which a deduction has been made, or with respect to which coupons or other evidences, or delivery receipts, have been surrendered to a board pursuant to subparagraph (2) of paragraph (b) of § 1394.5659, shall be deemed to have been acquired in exchange therefor. If, at the time he makes application therefor, the consumer's inventory of fuel oil for the use for which a ration is required is greater than the ration issued to him pursuant to such application, he may not consume fuel oil in excess of such ration during the period for which such ration is issued.

(b) Nothing in paragraph (a) of this section shall be deemed to forbid the consumption of fuel oil brought into the limitation area in the fuel supply tank of a boat, locomotive, tractor or other self-propelled vehicle and used for, or in connection with, the operation thereof.

Restrictions on Transfers to and by Consumers

§ 1394.5665 *Exchange of fuel oil.* Nothing in Ration Order No. 11 shall be deemed to forbid a consumer from transferring fuel oil to a dealer or supplier in exchange for an equal quantity of fuel oil of the same grade, and from consuming the fuel oil so acquired: *Provided,* That the transfers by and to such consumer are made within twenty-four (24) hours of each other.

Effective Date

§ 1394.5902 *Effective date of corrections and amendments.* * * *

(p) Amendment No. 16 (§§ 1394.5151, 1394.5305, 1394.5308, 1394.5603 and 1394.5665) to Ration Order No. 11 shall become effective on December 26, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562; Supp. Dir. 1–O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 21st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13685; Filed, December 21, 1942; 2:59 p. m.]

PART 1395—NONFERROUS FOUNDRY PRODUCTS

[MPR 125,[1] Amendment 4]

NONFERROUS FOUNDRY PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new paragraph (k) is added to § 1395.2 as set forth below:

§ 1395.2 *Exceptions.* * * *

(k) Permission is hereby granted to the Apex Bronze Foundry Company of Oakland, California, to sell and deliver to the Hall-Scott Motor Car Company, a division of the American Car and Foundry Motors Co., brass and bronze castings meeting the buyer's specifications at prices not in excess of those set forth below:

Casting:	*Price (per pound)*
Brass	31.00¢
Bronze	33.00¢

§ 1395.10a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§ 1395.2 (k)) shall become effective December 26, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13687; Filed, December 21, 1942; 2:58 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6896, 7777, 7670, 7914, 7942, 8354, 8650, 8948, 9783, 10470.

[2] 7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10153, 10081, 10379.

[1] 7 F.R. 3202, 3990, 7249, 8878, 8948.

PART 1404—RATIONING OF RUBBER FOOTWEAR

[Ration Order 6,[1] Amendment 7]

MEN'S RUBBER BOOTS AND RUBBER WORK SHOES RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (c) to § 1404.11 is amended and a new paragraph (g) to § 1404.71 is added, as set forth below:

Acquisition of Rubber Footwear by Consumers

§ 1404.11 *Issuance of certificates.* * * *

(c) The certificate issued shall authorize the acquisition only of the type of rubber footwear which is the minimum necessary to satisfy the requirements of the applicant, and certificates authorizing the acquisition by consumers of rubber footwear described thereon as type 5 shall be issued only if the rubber footwear is to be used by miners or lumbermen engaged in logging.

Effective Date

§ 1404.71 *Effective dates of amendments.* * * *

(g) Amendment No. 7 (§ 1404.11 (c)) shall become effective December 26, 1942.

(Pub. Laws 421 and 729, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562 and Supp. Dir. 1–N, 7 F.R. 7730; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13688; Filed, December 21, 1942; 2:57 p. m.]

PART 1421—IRON AND STEEL FOUNDRY PRODUCTS

[MPR 244, Amendment 2]

GRAY IRON CASTINGS

A statement of the consideration involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

New paragraphs (d) and (e) are added to § 1421.151, a new paragraph (e) is added to § 1421.166, a new paragraph (b) is added to § 1421.165a, paragraph (b) of § 1421.160 is amended, and paragraph (b) of § 1421.161 is amended, all as set forth below:

§ 1421.151 *Maximum prices for gray iron castings.* * * *

(d) Nothing in this Maximum Price Regulation 244 or in the General Maximum Price Regulation shall be applicable to any seller of gray iron castings, in his capacity as such seller, whose net sales of such castings totalled the sum of $40,000 or less for the calendar year of 1942: *Provided,* That each such seller (1) shall comply with the provisions of § 1421.160 (a) of this Maximum Price Regulation 244, (2) shall file with the appropriate regional office of the Office of Price Administration on or before January 15, 1942, a signed statement in duplicate of his total net sales of gray iron castings for the calendar year of 1942, and (3) shall file with such regional office on or before the 15th day of the month following each quarter-year beginning with the first calendar quarter of 1943, a signed statement in duplicate of his total net sales of gray iron castings for the previous quarter, and if such sales in any quarter exceed the sum of $12,500, such seller shall be subject to all the provisions of Maximum Price Regulation 244 from the 15th day of the month following such quarter until so long a time as Maximum Price Regulation 244 remains in effect, except as provided in the following paragraph (e). The term "net sales" as used in this paragraph (d) and the following paragraph (e) means total sales of gray iron castings, less returns and allowances, billed or invoiced to purchasers.

(e) Any seller of gray iron castings whose net sales thereof totalled the sum of $40,000 or less in any calendar year subsequent to the calendar year of 1942, may petition within 30 days following the close of such calendar year to the Regional Administrator of the appropriate Regional Office of the Office of Price Administration for, and the Regional Administrator may grant, an order excluding such seller, in his capacity as such seller, from the provisions of Maximum Price Regulation 244 and the General Maximum Price Regulation. Until such petition is granted, the seller shall be subject to all the provisions of Maximum Price Regulation 244. Such petition shall state the seller's total net sales of gray iron castings for the preceding calendar year and an estimate of his total net sales of such castings for the year in which an order of exclusion is sought. If an order of exclusion is granted to the seller, he shall be required to submit on or before the 15th day of the month following each quarter-year beginning with the quarter in which the order of exclusion falls, a signed statement in duplicate of his net sales of gray iron castings for the previous quarter, and if such sales in any quarter exceed the sum of $12,500, such seller shall be subject to all the provisions of Maximum Price Regulation 244 from the 15th day of the month following such quarter until so long a time as Maximum Price Regulation 244 remains in effect, except that he may again petition for an order of exclusion as provided in this paragraph (e) if his total net sales of gray iron castings do not exceed the sum of $40,000 in a calendar year.

§ 1421.160 *Records and reports.* * * *

(b) Each person making a sale of gray iron castings on or after October 26, 1942, shall keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale, showing (1) the date thereof, (2) the name and address of the buyer and seller, (3) the list price or prices, if any, on the date of sale, (4) net price or prices after adjustment for discounts or other allowances, and (5) where the sale is made pursuant to a contract or agreement entered into on or after October 26, 1942, and the total selling price exceeds fifty dollars, records substantiating the maximum prices if the castings are priced under paragraph (a) or (e) of Appendix A (§ 1421.166) or summary of the calculations made in computing the maximum prices if the castings are priced under paragraph (b) of Appendix A. The date specified in (1), (2), (3) and (4) of this paragraph (b) shall be kept for inspection by the Office of Price Administration for the same period by each person making a purchase of gray iron castings in the course of trade or business.

§ 1421.161 *Filing of prices and pricing methods.* * * *

(b) Each person selling gray iron castings shall file with the appropriate Regional Office of the Office of Price Administration on or before January 15, 1943, three copies of Form 344:2 to be supplied by or obtained at any Regional Office of the Office of Price Administration, showing in the detail required by such form information as to wage rates, overhead rates, cost of materials, profit margins and pricing methods in effect for such seller at each of his foundries on February 1, 1942. If any seller who is excluded from the requirement of filing Form 344:2 by reason of the provisions of § 1421.151 (d) later is required to file said form, he shall file said form in accordance with this paragraph (b) within thirty days after he becomes subject to this Maximum Price Regulation as provided in § 1421.151 (d).

§1421.166 *Appendix A: Maximum prices for gray iron castings.* * * *

(e) *Maximum prices in lieu of those set forth in paragraph (b) for castings which are not substantially the same as those which the seller sold or offered for sale at any time during the period from August 1, 1941 to February 1, 1942.* Notwithstanding the provisions of paragraph (b) of this § 1421.166, where the seller contracted to sell[1] a casting at any time before August 1, 1941 which is the same or substantially the same as the casting for which a maximum price is sought, and if such casting cannot be priced under paragraph (a) of this § 1421.166, he may, if he so chooses, in lieu of determining the maximum price of such casting under paragraph (b) of this section, use as his maximum price for such casting the price at which he last contracted to sell the same or substantially the same casting before August 1, 1941, after adjusting such price in accordance with the applicable customary charges, discounts, quantity differentials and allowances in effect for him between August 1, 1941 and February 1, 1942 in sales to a purchaser of the same class.

§ 1421.165a * * *

(b) Amendment No. 2 (§§ 1421.151 (d), (e), 1421.160 (b), 1421.161 (b), 1421.166

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7749, 7967, 8363, 8809, 9084, 9736.

[1] The term "contracted to sell" as used in paragraph (e) of § 1421.166 includes only contracts of sale and does not include offers of sale or quotations in published price lists.

(e), 1421.165a (b)) to Maximum Price Regulation 244 shall become effective December 26, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of December, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13691; Filed, December 21, 1942; [illegible]:56 p. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[Revised MPR 216 [1]]

EASTERN RAILROAD TIES

The title and preamble to Maximum Price Regulation 216 are amended and §§ 1426.1 to 1426.14, inclusive, are renumbered and amended to read as set forth herein.

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for sales of railroad cross ties and switch ties, herein designated as Eastern railroad ties, produced within a defined area of the United States, which differ, in certain respects, from those established by Maximum Price Regulation 216, Railroad Ties. The Price Administrator has ascertained and given due consideration to the prices of Eastern railroad ties prevailing between October 1 and October 15, 1941, and has made adjustments for each relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been prepared, issued simultaneously herewith, and has been filed with the Division of the Federal Register.* Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1,[2] issued by the Office of Price Administration, Revised Maximum Price Regulation 216 is hereby issued.

Sec.
1426.1 Sales of Eastern railroad ties at higher than maximum prices prohibited.
1426.2 Products, persons, and transactions covered by this regulation.
1426.3 How to figure maximum prices for specific items.
1426.4 Maximum prices for items not specifically priced.
1426.5 Prohibited practices.
1426.6 Petitions for adjustment or amendment.
Sec.
1426.7 Records and reports.
1426.8 Enforcement.
1426.9 Licensing.
1426.10 Registration of licensee.
1426.11 Relation to other regulations.
1426.12 Geographic applicability.
1426.13 Effective date.
1426.14 Appendix A: Maximum prices for Eastern railroad cross ties and switch ties.

AUTHORITY: §§ 1426.1 to 1426.14, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1426.1 *Sales of Eastern railroad ties at higher than maximum prices prohibited.* (a) On and after December 26, 1942, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any Eastern railroad ties at prices higher than the maximum prices fixed by this Revised Maximum Price Regulation 216, and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices may be charged and paid.

§ 1426.2 *Products, persons, and transactions covered by this regulation*—(a) *Products covered by this regulation.* (1) The term "Eastern railroad ties" is used to describe all species of railroad cross ties and railroad switch ties produced at any point east of the Mississippi River and in the following area west of the Mississippi River: all points in the States of Minnesota, Iowa, Nebraska, Kansas, Missouri, Arkansas, and Louisiana; all points in Oklahoma except Cimarron, Texas, and Beaver Counties; and those in that part of Texas east of the western boundaries of Hardeman, Foard, Knox, Haskell, Jones, Taylor, Runnels, Concho, Menard, Kimble, Kerr, Real, Uvalde, Zavala, Dimmit, and Webb Counties. Appendix A, § 1426.14 sets forth the maximum prices applicable within each of the several zones within this Eastern production area.

(2) "Cross tie" means a hewn or sawn forest product of specified dimension suitable for use in supporting the rails of railroad tracks and "switch tie" means a hewn or sawn forest product of specified dimension suitable for use in supporting a switch in a railroad track.

(3) Bridge ties and crossing timbers are not included within the term "Eastern railroad ties" and remain subject to the General Maximum Price Regulation or any other maximum price regulation applicable to each products.

(4) "Size", sometimes referred to as "grade", of any Eastern railroad tie, means the dimensions of a cross tie or switch tie as established by the American Railway Engineering Association.

(5) "SR" means a serviceable reject cross tie or switch tie, hewn or sawn, which does not meet the tie specifications of the American Railway Engineering Association, and which, because of defects which are not such as to impair the strength of the tie for limited use, is not a first quality tie.

(6) "Cull" means a cross tie or switch tie which, because of defects, is not suitable for use under a railroad track.

(7) "Class T" cross ties and switch ties embrace the following species:

(i) *Group Ta*: Ash, hickory, "sap" black locust, honey locust, oak, and "sap" black walnut.

(ii) *Group Tb*: "Sap" cedar, "sap" cypress, hemlock, "sap" larch, "sap" pine, and spruce.

(iii) *Group Tc*: Beech, birch, cherry, gum, and hard maple.

(iv) *Group Td*: "Sap" catalpa, "sap" chestnut, elm, hackberry, magnolia, soft maple, "sap" mulberry, poplar, "sap" sassafras, sycamore, and white walnut.

(b) *Persons covered by this regulation.* (1) Any person who makes the kind of sale or purchase covered by this regulation is subject to its provisions. The term "person" includes: an individual, corporation, partnership, association, or any other organized group; their legal successors or representatives; the United States, or any government, or any of its political subdivisions; or any agency of the foregoing.

(2) The term "tie contractor" is used in the regulation to describe a person who, prior to October 1, 1942, was engaged in the business of supplying Eastern railroad cross ties or switch ties to ultimate users of such ties, such as railroads, streets railways, industrial plants maintaining track facilities, switching and terminal companies, or to contractors engaged in building or maintaining track for war projects, and who can meet the following specific requirements:

(i) He must have maintained a concentration yard with necessary supervisory employees at which ties were bought for resale, or he must have operated producing units on timber owned or controlled by him which were primarily engaged in the production of Eastern railroad ties;

(ii) During one calendar month of any of the 12 months preceding October 1, 1942, he must have either purchased or produced on direct orders from users not less than 400,000 board feet of Eastern railroad ties; and

(iii) During the entire 12 months preceding October 1, 1942, he must have successfully fulfilled a contract for the supply of at least 2,000,000 board feet of Eastern railroad ties to a single user.

The Lumber Branch of the Office of Price Administration, Washington, D. C., may by letter or telegram authorize any person not meeting these qualifications to act as a tie contractor upon presentation of proof that the granting of such authorization will supply a service needed by tie users by increasing production and availability of railroad cross ties and switch ties in the area covered by this regulation.

(c) *Transactions covered by this regulation.* All sales and purchases and all offers to sell and purchase railroad cross ties and switch ties produced in the "Eastern" area are covered by this regulation. The maximum prices set forth in Appendix A, or provided for in other portions of the regulation, apply to mills, tie hackers, tie concentrators, wholesalers, commission salesmen, contractors, railroads, industrial plants, street railways, switching and terminal companies, and any other person who sells or buys the products covered by this regulation.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7097, 7368, 8199, 8403, 9130.

[2] 7 F.R. 8961.

§ 1426.3 *How to figure maximum prices for specific items.* The maximum prices specified in Appendix A, § 1426.14, are f. o. b. cars at the railroad loading-out point within the area of production. Additions to these maximum prices may be made as set forth below:

(a) *Transportation addition.* (1) An amount equal to the weight of the material multiplied by the applicable carload freight rate from the nearest railroad loading-out point in the direction of shipment to destination may be added to the maximum prices established. This addition shall apply whether movement is by railroad, private trucking, or common or contract carrier. However, when one order, for which a flat delivered price was quoted and accepted is shipped from two or more railroad loading-out points to a single destination on varying freight rates, the seller may average out the transportation charges applying from the railroad loading-out points to the destination.

In such cases, invoices shall indicate that the particular shipment is part of a larger order. Then, when shipment has been completed, a final invoice must be rendered which shows the individual prices, each loading-out point, the amount shipped from each loading-out point, the freight charge for each shipment, and a reconciliation of the total amount so computed with the agreed delivered sale price and also with the maximum price permitted by this regulation. In the event of overcharge to the purchaser, either on the ties or freight or both, an adjustment with the purchaser must be made immediately upon determination of the actual amounts involved.

(b) *Treatment addition.* An addition for preservative treatment may be made at prices not higher than those permitted by the General Maximum Price Regulation or any other applicable maximum price regulation of the Office of Price Administration.

(c) *Tie contractors.* An addition of $0.20 per tie for Eastern railroad cross ties and $5.00 per 1,000 ft. board measure for Eastern railroad switch ties may be made to the maximum prices specified in Appendix A, by a tie contractor, as that class of seller is defined in this regulation provided that this addition may be made only once.

§ 1426.4 *Maximum prices for items not specifically priced.* Eastern railroad cross ties and switch ties not specifically priced in Appendix A are nevertheless subject to this Revised Maximum Price Regulation 216. Maximum prices for such other items shall be established by first arriving at a tentative price as follows:

(a) *Class U ties.* The seller of Class U cross ties or switch ties, as defined by the American Railway Engineering Association, shall determine a tentative maximum price by:

(1) Checking his records to determine the highest prices at which he sold both the species to be priced and a Class T cross tie or switch tie of the same species and size during the first month prior to April 1, 1942, both sales having been made f. o. b. cars in the same production area. The zones described in Table II, Appendix A, should be used to define the production area for this purpose.

(2) The difference between the two prices described in subparagraph (1) should be added to the maximum price set forth in Table I, Appendix A, for the same species and size of unseasoned Class T cross tie or switch tie. The sum resulting from this computation will be the tentative maximum price per tie for that item.

(b) *Seasoned ties.* The seller of seasoned or dry cross ties or switch ties shall determine a tentative maximum price by:

(1) Checking his records to determine the highest price at which he sold both the item to be priced and an unseasoned or green cross tie or switch tie of the same species and size during the first month prior to April 1, 1942, both purchases having been made f. o. b. cars in the same production area. The zones described in Table II, Appendix A, should be used to define the production area for this purpose.

(2) The difference between the two prices described in subparagraph (1) should be added to the maximum price set forth in Table I, Appendix A, for the same species and size of unseasoned cross tie or switch tie. The sum resulting from this computation will be the tentative maximum price per tie for that item.

(c) *Switch ties in sets.* The seller of switch ties in sets shall determine a tentative maximum price by:

(1) Checking his records to determine the highest price at which he sold both switch ties in sets, and the same species and size of switch ties not sold in sets, during the first month prior to April 1, 1942, both sales having been made f. o. b. cars in the same production area. The zones described in Table II, Appendix A, should be used to define the production area for this purpose.

(2) The difference between the two prices described in subparagraph (1) should be added to the maximum price set forth in Table I, Appendix A, for the same species and size of unseasoned switch tie. The difference resulting from this computation will be the tentative maximum price per thousand feet board measure.

(d) *Narrow gauge ties.* The seller of narrow gauge cross ties or switch ties shall determine a tentative maximum price by:

(1) Checking his records to determine the highest price at which he sold both narrow gauge ties and the same species and No. 3 size of standard gauge ties during the first month prior to April 1, 1942, both sales having been made f. o. b. cars in the same production area. The zones described in Table II, Appendix A, should be used to define the production area for this purpose.

(2) The difference between the two prices described in subparagraph (1) should be subtracted from the maximum price set forth in Table I, Appendix A, for the same species and size of unseasoned cross tie or switch tie. The difference resulting from this computation will be the tentative maximum price per tie for that item.

(e) In selecting the highest prices for sales made prior to April 1, 1942, for purposes of paragraphs (a), (b), (c), and (d) above, sales to the most nearly similar purchasers must be used. For example, in making comparisons of sales between railroads, contracts with railroads of nearly the same size must be used; comparison of prices for Government contracts must be on the basis of sales to Government contractors; and comparison of prices for industrial plants must be on the basis of sales to nearly similar types of industrial plants. In cases where such comparisons cannot be made, the maximum price shall be established as provided in paragraph (g) below.

(f) The tentative price obtained through the application of the method outlined above shall be submitted to the Lumber Branch, Office of Price Administration, Washington, D. C., within 10 days of the use of such price, together with certified copies of the invoices of the sales which were used to determine the maximum price. If, within 15 days after receipt of the request for approval, the Office of Price Administration does not adjust or require further justification of such maximum price, the price shall be considered approved and shall thereafter be the maximum price for that seller for that item. Pending such approval or action by the Office of Price Administration, the seller may deliver the item and receive payment therefor, subject to the condition that a refund will be made if the price is in excess of that approved by the Office of Price Administration. Adjustment or approval of such prices may be made by letter or telegram by the Lumber Branch of the Office of Price Administration.

(g) For any species or size of Eastern railroad cross tie or switch tie for which a maximum price is not provided in this regulation, the maximum price shall be the price established by the Lumber Branch, Office of Price Administration, Washington, D. C., after full and sufficient facts have been submitted in support of any request for the establishment of such a maximum price. This maximum price may be established by a letter or telegram.

§ 1426.5 *Prohibited practices*—(a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollar-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying agreements, trade understandings, and the like.

(b) *Specific practices.* The following are among the specific practices prohibited:

(1) Refusing to sell on a loading-out point basis and insisting on selling on a delivered basis.

(2) Quoting a gross price above the maximum price, even if accompanied by

a discount the effect of which is to bring the net price below the maximum.

(3) Making the buyer take something he does not want in order to get what he does want.

(c) *Purchasing commissions.* No purchasing commission or bonus may be paid or received if the purchase price plus the commission or bonus totals more than the price permitted by this regulation.

(d) *Adjustable pricing.* A price may not be made adjustable to a maximum price which will be in effect at some time after delivery of the ties has been completed, but the price may be adjustable to the maximum price in effect at the time of delivery.

§ 1426.6 *Application for adjustment or petition for amendment*—(a) *Government contracts.* (1) Any person who has made or intends to make a Government contract and who thinks that a maximum price in this Revised Maximum Price Regulation 216 is impeding or threatens to impede production of any Eastern railroad ties which are essential to the war program and which are or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6,[3] issued by the Office of Price Administration.

As soon as the application is filed, contracts, deliveries, and payments may be made at the requested price subject to refund if the requested price is disapproved or lowered. The seller must tell the buyer that the delivery is made subject to this refund.

(2) The term "Government contracts" is used here to include any contract with the United States or any of its agencies or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States". It also includes any subcontract under this kind of contract.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation 1, issued by the Office of Price Administration.

§ 1426.7 *Records and reports*—(a) *Records.* All sellers of Eastern railroad cross ties and switch ties must keep records which will show a complete description of the item sold, the name and address of the buyer, the date of the sale, and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for any month in which the seller or buyer sold or bought 200,000 feet board measure or more of Eastern railroad ties. These records must be kept for two years for inspection by the Office of Price Administration.

(b) *Reports.* Every tie contractor shall submit to the Lumber Branch, Office of Price Administration, Washington, D. C., a copy of the largest cross tie or switch tie contract for Eastern railroad ties, as that term is defined in this Revised Maximum Price Regulation 216, on which shipments were completed during the 12 months preceding September 1942; also, a list of not more than 10 of the principal concentration yards owned or controlled by him and in operation on September 1, 1942. This list of yards should show the location, the name of the railroad serving each yard, and the total production for each yard during the largest producing month in the year prior to September 1, 1942. These reports must be filed within 30 days after the effective date of this regulation.

§ 1426.8 *Enforcement.* (a) Persons violating any provision of this Revised Maximum Price Regulation 216 are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this regulation or of any regulation or order issued by the Office of Price Administration are urged to communicate with the nearest field, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

(c) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation.

"War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission, and the Lend-Lease section in the Procurement Division of the Treasury Department, or any of their agencies.

§ 1426.9 *Licensing*—(a) *License required.* Every person except hewers and mills, subject to this Revised Maximum Price Regulation 216 now or hereafter making or contracting to make any sale of Eastern railroad ties, is required to have a license as a condition of selling any such Eastern railroad ties. No person whose license is suspended by proceedings under § 205 (f) (2) of the Emergency Price Control Act of 1942 shall, during the period of suspension, sell any commodity or service as to which his license to sell is suspended.

(b) *License granted.* Every person subject to this Revised Maximum Price Regulation 216 now or hereafter making or contracting to make any sale of Eastern railroad ties, and every person subject to this Revised Maximum Price Regulation 216 now or hereafter selling any Eastern railroad ties, for which a maximum price is established by this maximum price regulation, is hereby granted a license as a condition of selling any such Eastern railroad ties. The provisions of Revised Maximum Price Regulation 216 shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of the provisions of said license. Such license shall be effective on the effective date of this regulation, or when any person becomes subject to the maximum price provisions of this maximum price regulation, and shall, unless suspended as provided by the Emergency Price Control Act of 1942, continue in force so long as and to the extent that Revised Maximum Price Regulation 216 or any amendment or supplement thereto remains in force.

§ 1426.10 *Registration of licensee.* Every person hereby licensed may be required to register with the Office of Price Administration at such time and in such manner as the Administrator may hereafter by regulation prescribe.

§ 1426.11 *Relation to other regulations*—(a) *The General Maximum Price Regulation.* Any sale or delivery covered by this Revised Maximum Price Regulation 216 is not subject to the General Maximum Price Regulation.[4]

(b) *Revised Maximum Export Price Regulation.* The maximum price for export sales of Eastern railroad ties is covered by the Revised Maximum Export Price Regulation.[5]

§ 1426.12 *Geographic applicability.* The provisions of this Revised Maximum Price Regulation 216 shall be applicable to Eastern railroad ties produced within the territory specified in § 1426.2 (a) and sold in the forty-eight states of the United States and the District of Columbia.

§ 1426.13 *Effective date.* This Revised Maximum Price Regulation 216 (§§ 1426.1 to 1426.14, inclusive) shall become effective December 26, 1942.

§ 1426.14 *Appendix A: Maximum prices for Eastern railroad cross ties and switch ties.* The maximum prices set forth below are f. o. b. cars at the railroad loading-out point within the area of production. The maximum prices are for untreated and unseasoned cross ties and switch ties. See § 1426.3 (b) for treatment additions, § 1426.4 (b) for maximum prices for seasoned cross ties and switch ties, and § 1426.3 (a) for transportation additions.

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[3] 7 F.R. 5087, 5664.

[4] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 502[illegible], 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 5794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8831, 8942, 9004, 9435, 9615, 9616, 9732, 10155, 10454.

[5] 7 F.R. 5059, 7242, 8829, 9000.

TABLE I

	Maximum price per gross tie							Maximum prices per 1,000 feet board measure for switch ties
	Size[1]	Ta 8′ 6″	Tb, Tc 8′ 6″	Td 8′ 6″	Ta 8′	Tb, Tc 8′	Td 8′	Ta, Tb, Tc, Td. 7″ x 9″ 9′ to 16′
Zone 1	5	$1.60	$1.60	$1.60	$1.50	$1.50	$1.50	$38.00
	4	1.45	1.45	1.45	1.35	1.35	1.35	
	3A	1.30	1.30	1.30	1.20	1.20	1.20	
	3	1.25	1.25	1.25	1.15	1.15	1.15	
	2	1.15	1.15	1.15	1.05	1.05	1.05	
	1	1.05	1.05	1.05	.95	.95	.95	
	SR	.60	.60	.60	.55	.55	.55	
	Cull	.25	.25	.25	.25	.25	.25	
Zone 2	5	1.55	1.45	1.40	1.45	1.35	1.30	37.00
	4	1.40	1.30	1.25	1.30	1.20	1.15	
	3A	1.25	1.15	1.10	1.15	1.05	1.00	
	3	1.20	1.10	1.05	1.10	1.00	.95	
	2	1.10	1.00	.95	1.00	.90	.85	
	1	1.00	.90	.85	.90	.80	.75	
	SR	.65	.55	.50	.55	.50	.45	
	Cull	.25	.25	.25	.20	.20	.20	
Zone 3	5	1.45	1.35	1.30	1.35	1.25	1.20	35.00
	4	1.30	1.20	1.15	1.20	1.10	1.05	
	3A	1.20	1.10	1.05	1.10	1.00	.95	
	3	1.15	1.05	1.00	1.05	.95	.90	
	2	1.05	.95	.90	.95	.85	.80	
	1	.95	.85	.80	.85	.75	.70	
	SR	.55	.50	.50	.50	.45	.45	
	Cull	.25	.25	.25	.20	.20	.20	
Zone 4	5	1.35	1.25	1.20	1.25	1.15	1.10	35.00
	4	1.20	1.10	1.05	1.15	1.05	1.00	
	3A	1.10	1.00	.95	1.05	.95	.90	
	3	1.05	.95	.90	1.00	.90	.85	
	2	.95	.85	.80	.90	.80	.75	
	1	.85	.75	.70	.80	.70	.65	
	SR	.50	.50	.45	.50	.45	.40	
	Cull	.25	.25	.25	.20	.20	.20	
Zone 5	5	1.20	1.10	1.05	1.10	1.00	.95	35.00
	4	1.05	.95	.90	.95	.85	.80	
	3A	.95	.85	.80	.85	.75	.70	
	3	.90	.80	.75	.80	.70	.65	
	2	.80	.70	.65	.70	.60	.55	
	1	.70	.60	.55	.60	.50	.45	
	SR	.45	.40	.40	.40	.35	.35	
	Cull	.20	.20	.20	.15	.15	.15	
Zone 6	5	1.15	1.05	1.00	1.00	1.00	.95	35.00
	4	1.05	.95	.90	.95	.95	.90	
	3A	1.00	.90	.85	.90	.90	.85	
	3	.95	.85	.80	.85	.85	.80	
	2	.85	.75	.70	.75	.75	.70	
	1	.75	.65	.60	.65	.65	.60	
	SR	.50	.40	.40	.40	.40	.40	
	Cull	.20	.20	.20	.20	.20	.20	
Zone 7	5	1.30	1.20	1.15	1.20	1.10	1.05	35.00
	4	1.15	1.05	1.00	1.05	.95	.90	
	3A	1.05	.95	.90	.95	.85	.80	
	3	1.00	.90	.85	.90	.80	.75	
	2	.90	.80	.75	.80	.70	.65	
	1	.80	.70	.65	.70	.60	.55	
	0	.50	.45	.45	.45	.40	.40	
	Cull	.25	.25	.25	.20	.20	.20	

	Size[1]	Ta, Tc 8′ 6″	Tb, Td 8′ 6″	Ta, Tc 8′	Tb, Td 8′	Ta, Tb, Tc, Td, 7″ x 9″ 9′ to 16′
Zone 8	5	$1.60	$1.40	$1.50	$1.30	$37.00
	4	1.45	1.25	1.35	1.15	
	3A	1.30	1.10	1.20	1.00	
	3	1.25	1.05	1.15	.95	
	2	1.15	.95	1.05	.85	
	1	1.05	.85	.95	.75	
	SR	.60	.50	.55	.45	
	Cull	.30	.25	.20	.20	

[1] These maximum prices are for cross ties and switch ties manufactured in accordance with the specifications of the American Railway Engineering Association. It is expected that cross ties and switch ties not meeting these specifications in every detail will be priced correspondingly lower.

A. *Additions.* The following additions may be made to maximum prices set forth above:

(1) For 9′ cross ties: add $0.05 per tie to the maximum price listed in the proper zone for the required size and species of 8′6″ cross ties.

(2) For switch ties longer than 16′: add $3.00 per 1,000 ft. board measure to the maximum price listed in the proper zone for switch ties.

B. *Deductions.* Where ties are not loaded on railroad cars by the seller, the following deductions from the prices set forth in the above tables *must* be made:

(1) For 7″ ties (Sizes 3A, 4 and 5): deduct 4 cents per tie.

(2) For other sizes (Culls, SR, 1, 2, and 3): deduct 3 cents per tie.

TABLE II—TERRITORY

Zone 1 shall include the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

Zone 2 shall include the States of New York, New Jersey, and Pennsylvania, points in that part of the State of Michigan, lying between Lake Huron and Lake Michigan, south of the Straits of Mackinac (known as lower Michigan); points in that part of the States of Indiana and Ohio located on and north of the main line of Pennsylvania Railroad between Pittsburgh, Pennsylvania and St. Louis, Missouri.

Zone 3 shall include the States of Delaware and Maryland and the District of Columbia, points in the State of Virginia, in Loudoun, Clarke, Warren, Frederick, Shenandoah, Page, Rockingham, Augusta, Highland and Bath Counties; points in the State of West Virginia except those in the nine counties included in Zone 4; points in the States of Ohio and Indiana, not on but south of the main line of the Pennsylvania Railroad extending between Pittsburgh, Pennsylvania and St. Louis, Missouri; points in the State of Illinois on or north of a line beginning at the junction of the southern boundary of White County and the Wabash River and extending in a westerly direction along the southern boundaries of White, Hamilton, Jefferson, Washington and St. Clair Counties; points in the State of Wisconsin on and south of the line beginning at the junction of the north boundary of Ozaukee County, Wisconsin and Lake Michigan and extending in a northwesterly direction along the northern and eastern boundaries of Ozaukee, Washington, Dodge, Columbia, Marquette, Adams, Juneau, Jackson, Trampealeau, Buffalo, Pepin, and Pierce Counties; points in the State of Minnesota on and south of a line beginning at the junction of the Northern boundary of Goodhue County, Minnesota and the Mississippi River and extending in a westerly direction along the northern boundaries of Goodhue, Rice, LeSueur, Nicollet, Brown, Redwood, Lyon, and Lincoln Counties; States of Iowa and Nebraska; points in the State of Missouri on the north bank of and north of the Missouri River.

Zone 4 shall include all points in the State of Virginia, except those in the ten counties included in Zone 3; points in the State of West Virginia in Greenbrier, Monroe, Summers, Raleigh, Mercer, Wyoming, McDowell, Logan, and Mingo Counties; points in the State of Kentucky on and east of a line beginning at the junction of the Ohio River and the western boundary of Bullett County, Kentucky, and extending in a southeasterly direction along the southern and western boundaries of Bullett, Nelson, Marion, Casey, Pulaski, and McCreary Counties, Kentucky, to the Tennessee State Line.

Zone 5 shall include the States of North Carolina, South Carolina, Georgia, and Tennessee; points in Florida on the east bank of and east of the Apalachicola River; points in the State of Kentucky not on but west of a line extending in a southeasterly direction from the junction of the Ohio River and east boundary of Hardin County, Kentucky, and extending in a southeasterly direction along the northern and eastern boundaries of Hardin, Larue, Taylor, Adair, Russell, and Wayne Counties, Kentucky, to the Tennessee State Line.

Zone 6 shall include points in the State of Florida, on the west bank of and west of the Apalachicola River; the States of Alabama, Mississippi and Louisiana; points in the State of Arkansas on the south bank of and south of the Arkansas River; points in the State of Oklahoma on the south bank of and south of the Arkansas River, but excluding points in Cimarron, Beaver and Texas Counties, Oklahoma; points in the State of Texas on and east of a line beginning at the junction of the west boundary of Hardeman County and the Red River, and extending south along the western boundaries of Hardeman, Foard, Knox, Haskell, Jones, Taylor, Runnels, Concho, Menard, Kimble, Kerr, Real, Uvalde, Zavala, Dimmit, and Webb Counties, Texas, to the Rio Grande River.

Zone 7 shall include the State of Kansas, points in Oklahoma on the north bank of and north of the Arkansas River; points in Arkansas on the north bank of and north of the Arkansas River; points in Missouri on the south bank of and south of the Missouri River; and points in the State of Illinois not on but south of a line beginning at the junction of the north boundary of Monroe County, Illinois, and the Mississippi River, and extending easterly along the northern boundaries of Monroe, Randolph, Perry, Franklin, Saline, and Gallatin Counties, Illinois, to the Wabash River.

Zone 8 shall include points in the State of Michigan between Lake Superior and Lake Michigan lying north of the Straits of Mackinac (known as the upper peninsula); points in the State of Minnesota, not on but north of a line beginning at the southern junction of Yellow Medicine County, and the South Dakota State Line and extending in an easterly direction along the southern boundaries of Yellow Medicine, Renville, Sibley, Scott, and Dakota Counties, Minnesota, to the Mississippi River; points in the State of Wisconsin not on but north of a line beginning at the junction of the South boundary of St. Croix County, Wisconsin, and the Mississippi River and extending in a southeasterly direction along southern and western boundaries of St. Croix, Dunn, Eau Claire, Clarke, Wood, Portage, Waushara, Green Lake, Fond du Lac, and Sheboygan Counties, to Lake Michigan.

Issued this 21st day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13683; Filed, December 21, 1942; 2:59 p. m.]

[Order 6 Under Supp. Reg. 15]

Part 1499—Commodities and Services

GERMANTOWN COLD STORAGE CO., INC.

Order No. 6 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation—Docket No. GF3—1568.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1306 *Adjustment of maximum prices for warehouse services sold by Germantown Cold Storage Co., Inc.* (a) Germantown Cold Storage Co., Inc., of Germantown, New York, may sell and supply, and any person may buy and receive from Germantown Cold Storage Co., Inc., the following services at charges not higher than those set forth below:

Handling apples and pears in and out of storage, 10¢ per bushel basket, bushel box, or bushel crate.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 6 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 6 (§ 1499.1306) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 6 (§ 1499.1306) shall become effective December 22, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13686; Filed, December 21, 1942; 2:58 p. m.]

Part 1351—Food and Food Products

[MPR 280,[1] Amendment 3]

MAXIMUM PRICES FOR SPECIFIC FOOD PRODUCTS

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1351.801 is amended, § 1351.805 is amended, and subparagraph (4) is added to § 1351.816 (a), as set forth below.

§ 1351.801 *Purpose of this regulation.* It is the purpose of this regulation to establish maximum prices for sales of the following specific food products:

(a) *Fluid milk and milk products.* Fluid milk and fluid cream sold at wholesale other than in glass or paper containers, to stores, hotels, restaurants and institutions; butter, cheese, condensed and evaporated milk, powdered milk, casein, malted milk powder and any other food commodity which is processed or manufactured from cow's milk and composed of milk ingredients constituting more than fifty percent by weight or volume, excluding ice cream (which is covered under the General Maximum Price Regulation).

* * * * *

§ 1351.805 *Addition allowed sellers of fluid milk or fluid cream because of price increases resulting from Federal milk marketing agreements, orders or licenses.* Any seller of fluid milk or fluid cream at wholesale other than in glass or paper containers, to stores, hotels, restaurants and institutions may add to his maximum price established by this Maximum Price Regulation No. 280, the amount in dollars and cents of any price increase which he actually pays to his supplier, after taking into account and making appropriate deductions for all governmental subsidies, because of any increase in minimum producers prices since October 2, 1942 as the result of any marketing agreement, order or license heretofore or hereafter issued by the Secretary of Agriculture pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended: *Provided, however,* That no increase allowed under this § 1351.805 shall be greater than the increase allowed the producer under such marketing agreement, order or license, after taking into account and making appropriate deductions for all governmental subsidies.

§ 1351.816 *Definitions.* (a) When used in this Maximum Price Regulation No. 280, the term:

* * * * *

(4) "Fluid milk and fluid cream" refers to raw or pasteurized fluid milk and fluid cream.

* * * * *

§ 1351.821 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1351.801 (a); § 1351.805; and § 1351.816 (a) (4)) to Maximum Price Regulation No. 280 shall become effective December 21, 1942.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued and effective this 21st day of December 1942.

Leon Henderson,
Administrator.

Approved:
Grover B. Hill,
Acting Secretary of Agriculture.

[F. R. Doc. 42-13702; Filed, December 21, 1942; 4:53 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10144, 10337, 10475, 10585.

Part 1394—Rationing of Fuel and Fuel Products

[Amendment 1 to Supp. 1 to Ration Order 5C[1]]

MILEAGE RATIONING: GASOLINE REGULATIONS

Subparagraph (1) of paragraph (a) of § 1394.8401 is amended; and a new paragraph (c) to § 1394.8401 is added as set forth below:

§ 1394.8401 *Designation of unit value in gallons of gasoline.* (a) * * *

(1) Four (4) gallons of gasoline, with respect to Class A, B and C book coupons, except that in the States of Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, the District of Columbia and the County of Sullivan in the State of Tennessee, the value of Class A, B and C book coupons shall be three (3) gallons of gasoline;

* * * * *

(c) Amendment No. 1 (§ 1394.8401 (a) (1)) to Supplement No. 1 to Ration Order No. 5C shall become effective 12:01 A. M. December 21, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Laws 421 and 507, 77th Cong.; W.P.B. Directive 1, Supp. Directive 1Q, 7 F.R. 562, 9121, E.O. 9125, 7 F.R. 2719)

Issued this 20th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13701; Filed, December 21, 1942; 4:53 p. m.]

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[1] 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338.

Part 1394—Rationing of Fuel and Fuel Products

[Amendment 6 to Ration Order 5C[1]]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (b) of § 1394.8152 is revoked and paragraph (a) of § 1394.8152 is renumbered § 1394.8152; § 1394.8214 is renumbered § 1394.8214 (a), § 1394.8207 is renumbered § 1394.8207 (a); paragraph (d) of § 1394.7701, paragraphs (b) and (d) of § 1394.7704, subparagraphs (2) and (3) of paragraph (a) of § 1394.7705, paragraph (b) of § 1394.7754, paragraph (a) of § 1394.7755, paragraph (c) of § 1394.7758, paragraph (a) and (c) of § 1394.8052, subparagraph (1) of paragraph (b) of § 1394.8053 and § 1394.8162, are amended; a new subparagraph (44) is added to paragraph (a) of § 1394.7751; a new paragraph (e) to § 1394.7602, a new paragraph (d) to § 1394.7701, a new paragraph (e) to § 1394.8051, a new paragraph (c) to § 1394.8169, new paragraphs (b) and (c) to § 1394.8207, a new paragraph (b) to § 1394.8214, a new paragraph (f) to § 1394.8352 are added, as set forth below:

Definitions

§ 1394.7551 *Definitions.* (a) * * *

(44) "Gasoline shortage area" means the States of Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, and the county of Sullivan in the State of Tennessee.

* * * * *

Administration, Personnel and Jurisdiction

§ 1394.7602 *Jurisdiction of Boards over issuance of rations.* * * *

(e) Notwithstanding any other provision of this section, no Board in the gasoline shortage area may issue a supplemental, fleet or official ration, cr a ration pursuant to the provisions of § 1394.7757 or § 1394.7758, for any vehicle normally garaged or stationed outside of the gasoline shortage area, and no Board outside of the gasoline shortage area may issue such a ration for any vehicle normally garaged or stationed within the gasoline shortage area.

* * * * *

Supplemental Rations

§ 1394.7701 *Supplemental rations.* * * *

(d) Applicants for supplemental rations in the gasoline shortage area are deemed to have available ninety (90) miles per month of occupational driving by using the basic ration to which they are entitled; and supplemental rations may be issued in such area to provide only occupational mileage allowed by a Board in excess of ninety (90) miles per month. However, no deduction for such 90 miles shall be made by the applicant in stating his required occupational mileage or by the Board in allowing occupational mileage, since a deduction of 90 miles from the total mileage allowed by the Board is automatically made when the Board applies the tables set forth in § 1394.7705 pursuant to which supplemental rations are to be issued.

* * * * *

§ 1394.7704 *Allowance of mileage.* * * *

(b) Upon the basis of the application and such other facts as the Board may require, the Board shall allow mileage for driving within the continental United States for any of the purposes listed in paragraph (b) of § 1394.7703 for which applicant has applied, with respect to which the applicant has established the facts required by paragraph (a) hereof. The Board shall allow only that portion of the claimed mileage (in the absence of a ride-sharing arrangement) with respect to which the applicant has established the inadequacy of alternative means of transportation (in accordance with paragraph (a) (2) (ii) of this section). The Board shall then determine the total occupational mileage per month required by the applicant and allowed by it for the three-months' period specified in paragraph (b) of § 1394.7703 and shall issue a supplemental ration, in accordance with the provisions of § 1394.7705, to provide such mileage: *Provided,* That no Board outside of the gasoline shortage area may allow an average of more than 470 miles per month, and no Board within the gasoline shortage area may allow an average of more than 378 miles per month, for any occupational mileage other than preferred mileage as defined in § 1394.7706. The Board may allow an average mileage in excess of such maximum only if the excess consists of such preferred mileage.

* * * * *

(d) The Board shall deduct from the mileage it allows for a passenger automobile, in accordance with paragraph (b) above, 150 miles per month, (or in the gasoline shortage area, ninety (90) miles per month) for each additional passenger automobile (other than a fleet passenger automobile) owned by the applicant or by any person living in his household and related to him by blood, marriage or adoption, if the Board finds that such automobile is available to and adequate for the use of the applicant for the purpose for which the supplemental ration is sought. No such automobile shall be deemed available to the applicant if it is used, to a substantial extent, for an occupational purpose of another person; nor shall such automobile be deemed available to the applicant during the effective period of a supplemental ration issued to another person whose mileage allowance was reduced on account of such automobile.

§ 1394.7705 *Issuance of supplemental rations.* (a) * * *

(2) In the case of a passenger automobile for which application for a supplemental ration is made in the gasoline shortage area, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 378 miles per month or less: one class B book having the valid period specified in Table 1A for the mileage allowed;

(ii) In the event that the mileage allowed by the Board pursuant to paragraph (b) of § 1394.7704 exceeds 378 miles per month: one or more Class C books bearing expiration dates three months from the date of issuance or December 1, 1942, whichever is later, and containing the number of coupons specified in Table IIA for the mileage allowed.

(3) In the case of a motorcycle: one or more Class D books (to be marked "supplemental") bearing expiration dates three months from the date of issuance or December 1, 1942, whichever is later, and containing the number of coupons specified in Table I or in Table II to provide the mileage allowed by the Board.

TABLE I[1]—DETERMINATION OF DURATION AND AMOUNT OF SUPPLEMENTAL RATION

[For vehicles with an allowed mileage of more than 150 but not more than 470 miles per month]

Passenger automobiles			Motorcycles	
Allowed mileage	Valid period of "B" book, in months and weeks		Allowed mileage	Number of coupons to be issued in Supplemental "D" book
	Months	Weeks		
0-150	(No "B" book)		0-150	(No Supplemental "D" book)
151-230	12		151-170	1
231-246	10		171-190	2
247-270	8		191-210	3
271-287	7		211-230	4
288-310	6		231-250	5
311-324	5	2	251-270	6
325-342	5		271-290	7
343-363	4	2	291-310	8
364-390	4		311-330	9
391-406	3	3	331-350	10
407-424	3	2	351-370	11
425-445	3	1	371-390	12
446-470	3		391-410	13
			411-430	14
			431-450	15
			451-470	16

[1] To be used only for vehicles entitled to basic rations.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338.

TABLE IA[1]—DETERMINATION OF DURATION AND AMOUNT OF SUPPLEMENTAL RATION IN GASOLINE SHORTAGE AREA

For passenger automobiles with an allowed mileage of more than 90 but not more than 378 miles per month]

PASSENGER AUTOMOBILES

Allowed mileage	Valid period of "B" book, in months and weeks	
	Months	Weeks
0-90	No "B" Book	-------
91-150	12	-------
151-170	9	-------
171-190	7	-------
191-210	6	-------
211-235	5	-------
236-270	4	-------
271-295	3	2
296-330	3	-------
331-350	2	3
351-378	2	2

[1] To be used only for passenger automobiles entitled to basic ration.

TABLE II[1]—DETERMINATION OF AMOUNT OF SUPPLEMENTAL RATION

[For vehicles with an allowed mileage of more than 470 miles per month]

PASSENGER AUTOMOBILES OR MOTORCYCLES

Allowed mileage in excess of 470 miles per month must be preferred mileage	Number of Coupons (Class "C" or supplemental Class "D" book)
471-490	17
491-510	18
511-530	19
531-550	20
551-570	21
571-590	22
591-610	23
611-630	24
631-650	25
651-650	26
671-690	27
691-710	28
711-730	29
731-750	30
751-770	31
771-790	32
791-810	33
811-830	34
831-850	35
851-870	36
871-890	37
891-910	38
911-930	39
931-950	40
951-970	41
971-990	42
991-1,010	43
1,011-1,030	44
1,031-1,050	45
1,051-1,070	46
1,071-1,090	47
1,091-1,110	48

[1] To be used only for vehicles entitled to basic rations.

NOTE: In the event allowed mileage exceeds 1,110 miles, one additional coupon shall be issued for each 20 miles or fraction thereof, of allowed mileage in excess of 1,110 miles. Additional books may be issued if necessary to provide additional coupons.

TABLE IIA[1]—DETERMINATION OF AMOUNT OF SUPPLEMENTAL RATION IN THE GASOLINE SHORTAGE AREA

[For passenger automobiles with an allowed mileage of more than 378 miles per month]

PASSENGER AUTOMOBILES

Allowed mileage (all in excess of 378 miles per month must be preferred mileage)	Number of coupons in class "C" book
379-390	20
391-420	22
421-450	24
451-480	26
481-510	28
511-540	30
541-570	32
571-600	34
601-630	36
631-660	38
661-690	40
691-720	42
721-750	44
751-780	46
781-810	48
811-840	50
841-870	52
871-900	54
901-930	56
931-960	58
961-990	60
991-1020	62
1021-1050	64

[1] To be used only for passenger automobiles entitled to basic rations.

NOTE: In the event allowed mileage exceeds 1050 miles, one additional coupon shall be issued for each 15 miles, or fraction thereof, of allowed mileage in excess of 1050 miles. Additional books may be issued if necessary to provide additional coupons.

Official and Fleet Rations (for Official and Fleet Passenger Automobiles and Motorcycles)

* * * * *

§ 1394.7754 *Allowance of mileage.* * * *

(b) Subject to the provisions of paragraph (a) of this section, the Board shall allow the total average occupational mileage per month determined by it to be required for driving within the continental United States, during the three-month period specified in § 1394.7753, and shall issue a ration in accordance with the provisions of § 1394.7755 to provide such mileage: *Provided*, That no Board outside of the gasoline shortage area may allow an average of more than 470 miles per month for any vehicle nor an average of more than 470 miles per month per vehicle for any group of vehicles, and no Board within the gasoline shortage area may allow an average of more than 378 miles per month for any vehicle nor an average of more than 378 miles per month per vehicle for any group of vehicles for any occupational mileage other than preferred mileage as defined in § 1394.7706.

§ 1394.7755 *Issuance of official and fleet rations.* (a) Official and fleet rations shall be issued to provide the total mileage allowed by the Board in accordance with § 1394.7754.

(1) In the case of passenger automobiles for which application for official or fleet rations is made outside of the gasoline shortage area, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 470 miles per month or less: Class B books having the valid period specified in Table III for the mileage allowed;

(ii) In the event that the mileage allowed by the Board pursuant to paragraph (b) of § 1394.7754 exceeds 470 miles per month: Class C books bearing expiration dates three months from the date of issuance or December 1, 1942, whichever is later, and containing the number of coupons specified in Table IV for the mileage allowed;

(2) In the case of passenger automobiles for which application for official and fleet rations is made within the gasoline shortage area, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 378 miles per month or less: Class B books having the valid period specified in Table IIIA for the mileage allowed.

(ii) In the event that the mileage allowed by the Board pursuant to paragraph (b) of § 1394.7754 exceeds 378 miles per month: Class C books bearing expiration dates three months from the date of issuance or November 22, 1942, whichever is later, and containing the number of coupons specified in Table IVA for the mileage allowed:

(2) In the case of motorcycles: Class D books (to be marked "fleet" if issued for use with a fleet motorcycle and "official" if issued for use with an official motorcycle) bearing expiration dates three months from the date of issuance or November 22, 1942, whichever is later and containing the number of coupons specified in Table III or Table IV to provide the mileage allowed by the Board.

TABLE III[1]—DETERMINATION OF AMOUNT OF OFFICIAL OR FLEET RATION

[For vehicles with an allowed mileage of not more than 470 miles per month]

Passenger automobiles			Motorcycles	
Allowed mileage	Valid, period of "B" book, in months and weeks		Allowed mileage	Number of coupons to be issued in official or fleet class "D" book
	Months	Weeks		
0-80	12	------	0-20	1
81-106	9	------	21-40	2
107-137	7	------	41-60	3
138-160	6	------	61-80	4
161-174	5	------	81-100	5
175-192	5	------	101-120	6
193-213	4	2	121-140	7
214-240	4	------	141-160	8
241-256	3	3	161-180	9
257-275	3	2	181-200	10
276-295	3	1	201-220	11
296-320	3	------	221-240	12
321-349	2	3	241-260	13
350-384	2	2	261-280	14
385-426	2	1	281-300	15
427-470	2	------	301-320	16
			321-340	17
			341-360	18
			361-380	19
			381-400	20
			401-420	21
			421-440	22
			441-460	23
			461-470	24

[1] To be used only for official or fleet passenger automobiles and motorcycles and other specified passenger automobiles and motorcycles not entitled to basic rations.

TABLE IIIA[1]—DETERMINATION OF AMOUNT OF OFFICIAL OR FLEET RATION IN GASOLINE SHORTAGE AREA

[For passenger automobiles with an allowed mileage of not more than 378 miles per month]

PASSENGER AUTOMOBILES

Allowed mileage	Valid period of "B" book in months, weeks and days		
	Months	Weeks	Days
0-60	12	-------	-------
61-80	9	-------	-------
81-100	7	-------	-------
101-120	6	-------	-------
121-145	5	-------	-------
146-180	4	-------	-------
181-205	3	2	-------
206-240	3	-------	-------
241-260	2	3	-------
261-290	2	2	-------
291-320	2	1	-------
321-360	2	-------	-------
361-378	-------	-------	57

[1] To be used for official or fleet passenger automobiles and other specified passenger automobiles not entitled to basic rations.

TABLE IV[1]—DETERMINATION OF AMOUNT OF OFFICIAL OR FLEET RATION

[For vehicles with an allowed mileage of more than 470 miles per month]

PASSENGER AUTOMOBILES OR MOTORCYCLES

Allowed mileage	Number of coupons in official or fleet Class "C" or "D" book or books
471-500	25
501-520	26
521-540	27
541-560	28
561-580	29
581-600	30
601-620	31
621-640	32
641-660	33
661-680	34
681-700	35
701-720	36
721-740	37
741-760	38
761-780	39
781-800	40
801-820	41
821-840	42
841-860	43
861-880	44
881-900	45
901-920	46
921-940	47
941-960	48

[1] To be used only for official or fleet passenger automobiles and motorcycles and other specified passenger automobiles and motorcycles not entitled to basic rations.

NOTE: In the event allowed mileage exceeds 960 miles, one additional coupon shall be issued for each 20 miles, or fraction thereof, of allowed mileage in excess of 960 miles. Additional books may be issued if necessary to provide additional coupons.

TABLE IVA[1]—DETERMINATION OF AMOUNT OF OFFICIAL AND FLEET RATION IN THE GASOLINE SHORTAGE AREA

For passenger automobiles with an allowed mileage of more than 378 miles per month]

PASSENGER AUTOMOBILES

Allowed mileage (all mileage in excess of 378 must be "preferred mileage")	Number of coupons in class "C"
379-390	26
391-420	28
421-450	30
451-480	32
481-510	34
511-540	36
541-570	38
571-600	40
601-630	42
631-560	44
661-690	46
691-720	48
721-750	50
751-780	52
781-810	54
811-840	56
841-870	58
871-900	60
901-930	62
930-960	64

[1] To be used for official and fleet passenger automobiles and other specified passenger automobiles not entitled to basic rations.

NOTE.—In the event allowed mileage exceeds 960 miles, one additional coupon shall be issued for each 15 miles, or fraction thereof, of allowed mileage in excess of 960 miles, additional books may be issued if necessary to provide additiona coupons

§ 1394.7758 *Issuance of rations to lessees of passenger automobiles or motorcycles available for public rental.* * * *

(c) If the Board finds the facts stated on the application to be true, it shall determine the allowed mileage for such vehicle in the manner provided in § 1394.7754 and shall issue a ration in accordance with the provisions of paragraphs (a), (b) and (c) of § 1394.7755 except as otherwise provided herein. The Board issuing the ration shall, at the time of issuance, note on the cover of the book the name and address of the person to whom the ration is issued, and shall note on the book and on the application the date on which it expires. If the term of the lease remaining from the date of issuance of the ration is less than the valid period of the ration as determined in accordance with the provisions of paragraph (a) of § 1394.7755, the Board shall issue a ration containing coupons sufficient to allow the allowed mileage for only the remaining term of the lease, and shall remove from the ration book or books issued all coupons in excess of such number, and in such case the expiration date of the ration shall be the date on which the lease terminates.

* * * * *

Renewal of Rations and Issuance of Further Rations

§ 1394.8051 *Renewal of rations.* * * *

(e) In the gasoline shortage area the Board, when renewing a supplemental, fleet or official ration, or a ration pursuant to the provisions of § 1394.7757 or § 1394.7758, may not issue coupons in excess of the number which were issued for the vehicle or vehicles in the current ration.

§ 1394.8052 *Issuance of further ration for use prior to expiration date of current ration.* (a) Any person who finds that, due to a change in occupation or in the location of place of business or residence, or other change in circumstances, or due to seasonal variation in the amount of occupational mileage needed, miscalculation of needs, or reduction in the unit value of a basic ration held by him, a ration of any class (other than a basic ration) issued to him fails to meet his requirements, or any person who finds that, by reason of a reduction in the unit value of Class B or Class C coupons, he cannot perform the driving essential to carry on his occupation, or, in the case of a special ration, he cannot perform the purpose for which it was issued, may apply for a further ration of such class for use prior to the expiration date of his current ration. Such application shall be made in the same manner as the application for the current ration.

* * * * *

(c) If the Board determines that, for one or more of the reasons specified in paragraph (a) of this section, more mileage is needed, or in the case of a non-highway ration, more gasoline is required than that stated in the application on the basis of which the current ration was issued, it may grant a further ration in accordance with the provisions of paragraph (b) of § 1394.8054. In any case in which application hereunder is made because of a reduction in the unit value of Class A, B or C coupons held by the applicant, the Board shall grant a further ration for use prior to the original expiration date of the current ration only if it finds that the applicant still requires the mileage lost by reason of such reduction.

* * * * *

§ 1394.8053 *Special cases.* * * *

(b) * * *

(1) A supplemental ration based on an allowed mileage in excess of 470 miles per month (or in the gasoline shortage area, 378 miles per month);

Restrictions on Transfers

* * * * *

§ 1394.8152 *Transfers to consumers.* On and after November 22, 1942, and notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, a dealer or distributor may transfer gasoline to a consumer, and a consumer may accept such transfer of gasoline, only in exchange for valid coupons, except as provided in §§ 1394.8154, 1394.8155, and 1394.8156.

Prohibited Acts

§ 1394.8162 *Change of occupation of ration holder.* The holder of a ration, outside the gasoline shortage area, which was based on allowed mileage in excess of 470 miles per month and the holder of a ration, within the gasoline shortage area and which was based on allowed mileage in excess of 378 miles per month, shall report to the issuing Board any change in the principal occupation for the pursuit of which such ration was issued. Such report shall be transmitted to the Board within five (5) days after such change and shall describe fully the nature of the new occupation, the exact type of work performed, the business or industry in which such work is performed, and the purpose, if any, for which the motor vehicle will be used in such new occupation. If, on the basis of such report, the Board finds reason to believe that such motor vehicle will no longer be used for a preferred purpose listed in § 1394.7706, it shall notify such holder, in writing, that his right to such ration is to be reexamined. Such notice shall be mailed to such holder at the address shown on his application (or at the address shown on his report), and shall require him to file a new application for a ration within ten (10) days after the mailing date shown on such notice. If no new application is filed within such time, the Board shall revoke such ration and shall recall all Class C books or coupons (or Class D books or coupons based on an allowed mileage in excess of 470 miles per month outside the gasoline shortage area, or 378 miles per month within the gasoline shortage area) issued in connection therewith. If a new application is filed, and if the Board determines that the motor vehicle will be used for a preferred purpose listed in § 1394.7706, it shall take no further action. If the Board finds that the vehicle will no longer be used for a preferred purpose listed in § 1394.7706, it shall revoke the ration and recall the coupons or coupon book originally issued and shall issue, in lieu thereof, such ration (if any) as it determines that the holder is entitled to receive on the basis of his new application and in accordance with the provisions of §§ 1394.7705 or 1394.7755, as the case may be.

* * * * *

§ 1394.8169 *Discrimination by dealers and distributors.* * * *

(c) Nothing herein shall be construed to require a transfer of gasoline in violation of any authorization or direction issued for, or any condition imposed upon the withdrawal or delivery of gasoline by the Petroleum Administrator for War.

* * * * *

Restrictions on Transfers Between Dealers and Distributors

§ 1394.8207 *Restriction on transfers.* (a) * * *

(b) Notwithstanding the provisions of paragraph (a) of this section, a dealer in the gasoline shortage area who has on hand Class B or C coupons as of 12:01 A. M. December 21, 1942, or a dealer in West Virginia or in the County of Sullivan in the State of Tennessee who has on hand Class A, B, or C coupons as of such time may receive, and a dealer or distributor may transfer gasoline in exchange for such coupons in gallonage equal to four (4) gallons for each coupon: *Provided,* That such coupons are remitted to the transferer on or before December 22, 1942.

(c) No dealer or distributor in the County of Sullivan in the State of Tennessee may use Class A, B or C coupons to obtain a transfer of gasoline from a dealer or distributor outside of such county, and no transfer of gasoline may be made from outside of such county to a dealer or distributor within such County in exchange for Class A, B or C coupons. A dealer in such County may deliver such coupons to a Board and the Board shall issue inventory coupons to the dealer, equal in gallonage value to the coupons so surrendered; except that for any such coupons which a dealer has on hand as of 12:01 A. M., December 21, 1942, and which are delivered to a Board on or before December 22, 1942, the inventory coupons issued shall be equal in gallonage value to four (4) gallons for each coupon.

* * * * *

§ 1394.8214 *Exchange of coupons for certificates.* (a) * * *

(b) On or before December 28, 1942, a distributor in the gasoline shortage area who has on hand Class B or C coupons, or a distributor in West Virginia or in the County of Sullivan in the State of Tennessee who has on hand Class A, B or C coupons may deliver such coupons to a Board and obtain an exchange certificate equal in value to four (4) gallons for each coupon remitted: *Provided,* That such coupons were received by such distributor in exchange for a transfer of gasoline equal in gallonage to four (4) gallons for each coupon, in accordance with the provisions of paragraph (b) or (c) of § 1394.8207.

Effective Dates

§ 1394.8352 *Effective dates of amendments.* * * *

(f) Amendment No. 6 (§§ 1394.7551 (a) (44), 1394.7602 (e), 1394.7701 (d), 1394.7704 (b) and (d), 1394.7705 (a) (2) and (3), 1394.7754 (b), 1394.7755 (a), 1394.7758 (c), 1394.8051 (e), 1394.8052 (a) and (c), 1394.8053 (b) (1), 1394.8152, 1394.8162, 1394.8169 (c), 1394.8207 (b) and (c), 1394.8214 (b), and 1394.8352 (f)) to Ration Order No. 5C shall become effective 12:01 A. M. December 21, 1942.

(Pub. Law 671, 76th Cong., 3rd Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess., and by Pub. Law 507, 77th Cong., 2nd Sess., Pub. Law 421, 77th Cong., 2nd Sess., W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121, E.O. 9125, 7 F.R. 2719.)

Issued this 20th day of December 1942.

LEON HENDERSON,
Administrator.

[F.R. Doc. 42-13700; Filed, December 21, 1942; 4:53 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 201,[1] Amendment 4]

VIRGIN ISLANDS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1418.105 and § 1418.106 (c) (5) are amended as set forth below:

§ 1418.105 *Prohibited practices*—(a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying agreements, trade understandings, and the like.

(b) *Specific practices.* The following are among the specific practices prohibited:

(1) Getting the effect of higher prices by changing the credit practices or cash discounts which prevailed during the period from November 7 to December 6, 1941, inclusive. The cash and credit practices recognized by the seller during the period from November 7 to December 6, 1941 inclusive, shall not be reduced;

(2) Making the buyer take another commodity in addition to the one he wants;

(3) Wholesalers selling to other wholesalers and adding to direct cost a markup greater than the amount added on such sales during the period November 7 to December 6, 1941, inclusive. If during this period a wholesaler sold only to retailers the wholesaler must apply to OPA for a markup on sales to other wholesalers, and cannot use the markup he took on his sales to retailers.

§ 1418.106 *Records and reports.* * * *

(c) *Lists to be filed.* * * *

(5) The statements required under this § 1418.106 shall be kept up-to-date by the seller. The information required under paragraph (c) of this § 1418.106 shall be mailed within three days after offering any imported commodity for sale whenever the price of any such commodity has been changed.

§ 1418.116 *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§§ 1418.105 and 1418.106 (c) (5)) to Maximum Price Regulation No. 201 shall become effective December 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of December, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13704; Filed, December 21, 1942; 4:54 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 194,[1] Amendment 8]

ALASKA

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1418.55 is amended as set forth below:

§ 1418.55 *Prohibited practices*—(a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying agreements, trade understandings, and the like.

(b) *Specific practices.* The following are among the specific practices prohibited:

(1) Getting the effect of higher prices by changing the credit practices or cash discounts which prevailed during the period from November 7 to December 6, 1941, inclusive. The cash and credit practices recognized by the seller during the period from November 7 to December 6, 1941, inclusive, shall not be reduced;

(2) Making the buyer take another commodity in addition to the one he wants;

(3) Wholesalers selling to other wholesalers and adding to direct cost a markup greater than the amount added on such sales during the period November 7 to December 6, 1941, inclusive. If during this period a wholesaler sold only to retailers the wholesaler must apply to OPA for a markup on sales to other wholesalers, and cannot use the markup he took on his sales to retailers.

§ 1418.66 *Effective dates of amendments.* * * *

(h) Amendment No. 8 (§ 1418.55) to Maximum Price Regulation No. 194 shall become effective December 21, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13703; Filed, December 21, 1942; 4:53 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6269, 6744, 8947, 10231.

[1] 7 F.R. 5909, 6268, 6744, 8023, 8358, 8947, 9195, 10231.

PART 1338—SILK AND SILK PRODUCTS

[MPR 274, Amendment 1]

WOMEN'S SILK HOSIERY

Correction

In § 1338.115 appearing on page 10378 of the issue for Saturday, December 12, 1942, the reference to § 1338.102 (a) should read "§ 1338.102 (e)".

Chapter XIII—Petroleum Administration for War

PART 1545—PETROLEUM SUPPLY

[Petroleum Administrative Order 1]

The fulfillment of requirements for the defense of the United States has created in certain areas a shortage in the supply of motor fuel and fuel oil for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest, to promote the national defense, and to provide adequate supplies of motor fuel and fuel oil for military and other essential uses.

§ 1545.1 *Petroleum Administrative Order 1*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Motor fuel" means liquid fuel, including Diesel fuel, used for the propulsion of motor vehicles or motor boats and shall include any liquid fuel to which Federal gasoline taxes apply except liquid fuel used for the propulsion of aircraft.

(3) "Fuel oil" means any liquid petroleum product commonly known as fuel oil, including grades No. 1, 2, 3, 4, 5, and 6, Bunker C, Diesel oil, kerosene, range oil, gas oil, or any other liquid petroleum product used for the same purposes as the above designated grades.

(4) "Refinery" means any manufacturing establishment within District One which processes, refines, or compounds crude petroleum or finished or unfinished petroleum products, including, but not limited to, the terminal, storage, and distribution facilities at such establishment.

(5) "Bulk terminal" means any terminal or storage facility within District One to which motor fuel or fuel oil from any point outside of the District is delivered for redelivery.

(6) "Supplier" means any person designated as such on Schedule A.

(7) "District One" means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida (east of the Apalachicola River), and the District of Columbia.

(8) "Zone" means any of the six territorial divisions of District One, as follows:

Zone 1: The States of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.

Zone 2: The entire eastern part of the State of New York up to and including the Counties of Cayuga, Tompkins, and Chemung; the entire eastern part of the State of Pennsylvania up to and including the Counties of Bradford, Sullivan, Columbia, Monitour, Northumberland, Dauphin, and York; and the States of New Jersey and Delaware.

Zone 3: The States of Maryland and Virginia and the District of Columbia.

Zone 4: The States of North Carolina and South Carolina.

Zone 5: The State of Georgia and that part of the State of Florida east of the Apalachicola River.

Zone 6: That part of the States of New York and Pennsylvania not included in Zone 2, and the State of West Virginia.

(9) "Quota" means the specific quantities of motor fuel and fuel oils specified on Schedule A to be available to any supplier for delivery or withdrawal in each zone of District One from bulk terminals and refineries located in such zone during each quota period specified on Schedule A, excluding withdrawals or deliveries for export.

(10) "Quota period" means the period of time specified on Schedule A for the withdrawal or delivery by any supplier of any quota assigned on such schedule to such supplier.

(b) *Restrictions on delivery of motor fuel and fuel oil.* (1) No supplier shall withdraw or deliver, or cause to be withdrawn or delivered, any motor fuel or fuel oil from any bulk terminal or refinery in District One in any quota period except:

(i) Withdrawals or deliveries of any motor fuel or fuel oil from any refinery or bulk terminal for delivery to any bulk terminal in District One; or

(ii) As specifically directed by the Petroleum Administrator for War pursuant to a directive issued under paragraph (c) of this order; or

(iii) As specifically authorized upon application filed under paragraph (f) of this order; or

(iv) As permitted under the terms of paragraph (d) of this order.

(c) *Directed deliveries.* The Petroleum Administrator for War may at any time issue specific directions to any supplier with respect to the withdrawal or delivery by such supplier of any motor fuel or fuel oil from any bulk terminal or refinery.

(d) *Permitted deliveries.* (1) Nothing contained in this order shall restrict the withdrawal or delivery by any supplier from any bulk terminal or refinery of the quantities of motor fuel and fuel oil listed on Schedule A as the quota of such supplier: *Provided,* That all of the following conditions are met:

(i) Any such withdrawal or delivery is made within the quota period specified on Schedule A, for the withdrawal or delivery of such quota;

(ii) The quantity of any such withdrawal or delivery by any supplier does not, when added to all preceding deliveries and withdrawals by such supplier during the quota period exceed any quota specified on Schedule A for such supplier;

(iii) Such withdrawal or delivery is made, so far as practicable, so that the quota against which it is charged will be withdrawn or delivered ratably during the quota period;

(iv) Such withdrawal or delivery is made for ultimate use within the zone in which is located the bulk terminal or refinery from which the withdrawal or delivery is made;

(v) The quantity of motor fuel or fuel oil withdrawn or delivered is:

(*a*) To be used solely to meet the minimum necessary requirements of any consumer coming within any category listed in Schedule B, attached hereto; or

(*b*) Is determined by the supplier to be a part of such supplier's quota which is not needed to meet the minimum necessary requirements of all consumers coming within the categories listed in Schedule B who are receiving, directly or indirectly, motor fuel or fuel oil from such supplier, and with respect to these deliveries there shall be no discrimination as between any persons receiving such deliveries: *Provided,* That uniform differentiation in deliveries based upon the relative inventories expressed in days' supply on hand in customer's storage shall not be deemed to be discrimination.

(e) *Preferential deliveries.* Each supplier shall, in making any withdrawal or delivery of motor fuel or fuel oil, give preference to the requirements of the Army and the Navy of the United States, the Coast Guard, the War Shipping Administration, the United States Maritime Commission, and the Office of Lend-Lease Administration; and any supplier shall, upon demand by any one of the said agencies withdraw and deliver to such agency, any part or all of such supplier's undelivered quota.

(f) *Application for authorization.* Each supplier seeking authorization to withdraw or deliver motor fuel or fuel oil pursuant to paragraph (b) (1) (iii) hereof, shall apply in writing to the Petroleum Administrator for War, setting forth the pertinent facts and the reasons he considers such withdrawal or delivery to be necessary in the public interest.

(g) *Records.* All suppliers affected by this order shall keep and preserve for not less than two years accurate and complete records concerning withdrawals and deliveries by such suppliers from bulk terminals and refineries.

(h) *Reports.* Each supplier to whom this order applies shall file with the Petroleum Administrator for War by noon of each Wednesday a report for each zone in which such supplier has a quota, stating the quantity of motor fuel and fuel oil, broken down by grades, withdrawn or delivered by him from any bulk terminal or refinery in each zone during the week ending at 7:00 a. m. on the preceding Saturday.

(i) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: The District Director in Charge, Petroleum Administration for War, 122 East 42d Street, New York, New York, Ref.: PAO 1.

(j) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, by any act or omission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment.

Any person who wilfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(l) *Effective date.* This order shall be effective on and after the date of issuance.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of December 1942.

R. K. DAVIES,
Deputy Petroleum Administrator for War.

SCHEDULE A

DISTRICT ONE—ZONE ONE

[December 1942 (21st to 31st, inclusive) quotas expressed in barrels per day]

Supplier	Gasoline	Kerosene	Distillate fuel oil	Residual fuel oil
American Bitumals Company	-----	-----	537	-----
American Mineral Spirits Co	-----	174	341	86
Atlantic Refining Co	3,050	2,863	4,597	-----
Cities Service Oil Co	3,538	4,983	7,004	2,723
Crown Central Petroleum Corp	168	42	177	-----
First National Oil Corp	-----	-----	201	-----
Gulf Oil Corp	6,326	9,126	12,461	6,374
Hartol Products Corp	1,083	3,903	2,484	-----
Jones & Co	-----	-----	-----	6,028
Maritime Petroleum Corp	-----	545	707	-----
Pacific Oil Company	-----	893	1,003	-----
Pan-American Petroleum and Transport Co	4,895	9,641	7,262	17,363
Petroleum Heat & Power Co. Inc	-----	-----	742	-----
Quincy Oil Co	263	1,165	639	-----
Richfield Oil Corp	2,165	1,590	2,388	-----
Royal Petroleum Corp	53	466	473	291
Shell Oil Co., Inc	4,465	5,109	5,996	2,621
Sinclair Refining Co	1,124	1,607	1,709	-----
Socony Vacuum Oil Corp	14,244	11,830	16,380	5,000
Standard Oil Co. of N. J	6,390	10,636	15,844	12,385
State Fuel Co	-----	2,287	587	-----
Sun Oil Co	4,860	59	2,720	373
Texas Co	6,050	8,615	103	4,677
Tidewater Associated Oil Co	5,413	4,597	2,962	2
United Refining Co	-----	2	-----	-----
Valvoline Oil Co	-----	12	-----	-----
White Fuel Corp	-----	7,052	4,857	-----

SCHEDULE A—Continued

DISTRICT ONE—ZONE TWO

[December 1942 (21st to 31st, inclusive) quotas expressed in barrels per day]

Supplier	Gasoline	Kerosene	Distillate fuel oil	Residual fuel oil
Alleghany Refiners	34	97	7	-----
American Mineral Spirits Co	-----	1,643	4,075	3,011
Asiatic Petroleum Co	-----	-----	866	1,093
Atlantic Refining Co	12,675	3,819	14,103	15,296
Berry & Sons	-----	712	2,795	-----
Bradford Penn Refining Corp	11	-----	10	-----
Central Petroleum Co	-----	-----	-----	431
Cities Service Oil Co	4,485	2,952	7,662	6,655
Continental Oil Co	1,425	102	302	4
Crown Central Petroleum Corp	543	550	1,920	-----
First National Oil Corp	52	1,304	7,159	460
Frontier Fuel Oil Corp	-----	-----	-----	259
Gulf Oil Corp	12,316	4,088	17,924	23,133
Hambleton Terminal Corp	66	34	-----	-----
Hartol Products Corp	1,404	3,139	3,531	-----
Hess Brothers	-----	-----	-----	354
Home Fuel Oil Co	-----	2,001	3,480	-----
Jones & Co	-----	-----	-----	86
Kendall Refining Co	-----	8	-----	-----
Maritime Petroleum Corp	-----	1,340	2,641	-----
Pan-American Petroleum and Transport Co	7,549	2,782	6,136	8,845
Patterson & Co., Inc	-----	-----	1,015	2,893
Pennsylvania Refining Co	-----	11	178	-----
Pennzoil Co	-----	-----	4	-----
Petrol Corp	260	-----	-----	667
Petroleum Heat & Power Co., Inc	-----	-----	4,279	-----
Pure Oil Co	937	2,007	2,104	2,481
Richfield Oil Corp	5,199	1,966	5,382	-----
Royal Petroleum Corp	158	1,479	4,393	1,131
Shell Oil Co., Inc	5,847	1,610	8,440	3,035
Sinclair Refining Co	5,328	3,431	8,763	11,414
Socony-Vacuum Oil Corp	17,243	7,971	26,992	14,838
Sonneborn Sons, Inc	2	-----	232	-----
Standard Oil Co. of N. J	23,836	8,006	38,973	43,464
Sun Oil Co	11,796	1,963	13,419	10,285
Texas Co	13,938	2,711	241	3,434
Tidewater Associated Oil Co	8,884	5,840	13,518	6,342
United Refining Co	-----	3	-----	-----
Valvoline Oil Co	34	273	124	-----

SCHEDULE A—Continued

DISTRICT ONE—ZONE THREE

[December 1942 (21st to 31st, inclusive) quotas expressed in barrels per day]

Supplier	Gasoline	Kerosene	Distillate fuel oil	Residual fuel oil
American Bitumals Co	-----	-----	928	156
American Mineral Spirits Co	-----	55	-----	-----
Arkansas Fuel Oil Co	562	597	-----	-----
Atlantic Refining Co	1,384	685	286	592
Cantelou (S. D.) Petroleum Products	-----	-----	-----	61
Cities Service Oil Co	387	115	123	-----
Continental Oil Co	1,232	66	558	1,061
Elk Refining Co	97	37	-----	-----
Gulf Oil Corp	3,494	562	2,491	3,270
Pan-American Petroleum and Transport Co	6,506	925	3,243	1,259
Patterson & Co., Inc	-----	-----	-----	80
Petrol Corp	1,036	596	1,047	756
Petroleum Heat & Power Co., Inc	-----	-----	337	-----
Pure Oil Co	1,113	296	676	4
Quaker State Oil Refining Corp. of W. Va	-----	5	-----	23
Republic Oil Refining Co	433	209	295	-----
Richfield Oil Corp	2,688	259	1,472	-----
Shell Oil Co., Inc	1,847	703	1,919	771
Sinclair Refining Co	1,556	498	1,130	2,460
Standard Oil Co. of N. J	11,997	2,772	9,560	19,600
Sun Oil Co	1,308	16	641	328
Texas Co	4,869	1,372	213	256
Tidewater Associated Oil Co	613	71	27	-----
Valvoline Oil Co	32	9	35	-----

DISTRICT ONE—ZONE FOUR

[December 1942 (21st to 31st, inclusive) quotas expressed in barrels per day]

Supplier	Gasoline	Kerosene	Distillate fuel oil	Residual fuel oil
Arkansas Fuel Oil Co	965	404	63	-----
Atlantic Refining Co	1,233	391	53	-----
Continental Oil Co	392	53	14	-----
Elk Refining Co	-----	20	-----	-----
Gulf Oil Corp	5,328	1,135	632	59
Pan-American Petroleum and Transport Co	1,992	455	132	549
Pure Oil Co	2,581	582	507	-----
Republic Oil Refining Co	1,003	410	138	-----
Richfield Oil Corp	64	19	1	-----
Riverside Terminal Co	343	42	-----	-----
Shell Oil Co., Inc	2,726	602	347	-----
Sinclair Refining Co	2,325	713	749	4
Standard Oil Co. of N. J	9,930	2,636	2,304	1,601
Texas Co	3,971	892	225	127

SCHEDULE A—Continued

DISTRICT ONE—ZONE FIVE

[December 1942 (21st to 31st, inclusive) quotas expressed in barrels per day]

Supplier	Gasoline	Kerosene	Distillate fuel oil	Residual fuel oil
Arkansas Fuel Oil Corp	2,329	785	51	-----
Atlantic Refining Co	1,157	64	104	-----
Belcher Oil Co	-----	-----	765	3,454
Continental Oil Co	57	-----	-----	-----
Gulf Oil Corp	6,068	977	993	5,540
Orange State Fuel Oil Corp	1,652	455	70	-----
Pan-American Petroleum and Transport Co	2,272	377	623	3,897
Pure Oil Co	4,561	743	631	1,395
Republic Oil Refining Co	552	122	-----	-----
Shell Oil Co., Inc	2,009	287	201	528
Sinclair Refining Co	3,015	732	676	-----
Southeastern Oil Co	155	34	7	-----
Standard Oil Co. of Ky	7,423	1,617	2,813	5,502
Standard Oil Co. of N. J	-----	-----	1	-----
Sun Oil Co	765	20	1	-----
Texas Co	3,820	632	272	1,003

DISTRICT ONE—ZONE SIX

[December 1942 (21st to 31st, inclusive) quotas expressed in barrels per day]

Supplier	Gasoline	Kerosene	Distillate fuel oil	Residual fuel oil
Alleghany Refiners Co	90	82	109	-----
Atlantic Refining Co	6,067	764	452	51
Berry & Sons	567	139	11	-----
Bradford Penn Refining Corp	224	112	244	-----
Canfield Oil Co	32	80	124	-----
Cantelou (S. D.) Petroleum Prod	57	72	217	100
Carbide & Carbon Chemical Corp	78	-----	-----	7
Cities Service Oil Co	804	314	482	21
Continental Oil Co	28	3	9	28
Continental Refining Co	239	-----	29	-----
Crown Central Petroleum Corp	492	-----	75	-----
Elk Refining Co	828	188	21	43
Freedom Oil Co	56	469	39	51
Frontier Fuel Oil Corp	742	404	916	2,542
Gulf Oil Corp	5,830	490	739	2,409
Hambleton Terminal Corp	510	119	196	35
Hartol Products Corp	31	-----	34	-----
Kendall Refining Co	1,321	339	110	-----
Maritime Petroleum Corp	-----	51	-----	-----
Pan-American Petroleum and Transport Co	4,071	172	213	-----
Pennsylvania Refining Co	290	364	225	-----
Pennzoil Co	2,185	207	337	152
Pure Oil Co	750	125	293	1,053

SCHEDULE A—Continued

DISTRICT ONE—ZONE SIX—Continued

[December 1942 (21st to 31st, inclusive) quotas expressed in barrels per day]

Supplier	Gasoline	Kerosene	Distillate fuel oil	Residual fuel oil
Quaker State Oil Refining Corp. of Penn	17	57	84	72
Quaker State Oil Refining Corp. of West Virginia	232	71	----------	12
Republic Oil Refining Co	308	3	3	----------
Richfield Oil Corp	1,074	180	189	----------
Shell Oil Co., Inc	288	78	79	11
Sinclair Refining Co	2,248	798	448	721
Socony-Vacuum Oil Corp	5,769	1,744	1,849	1,912
Sonneborn Sons, Inc	130	----------	243	----------
Standard Oil Co. of N. J	8,737	829	776	23
Sun Oil Co	6,040	33	353	500
Texas Co	3,610	403	5	14
Tidewater Associated Oil Co	1,017	35	64	----------
United Refining Co	896	656	112	79
Valvoline Oil Co	173	62	249	----------
Waverly Oil Works Co	195	290	149	----------
Wolf's Head Oil Refining Co	146	78	74	15

SCHEDULE B

The construction, production, manufacturing, processing, fabricating, or storage and the transportation of persons or materials to the extent, but only to the extent, that any such operations are indispensable for supplying any material or equipment ordered by or on behalf of the armed forces of the United States, War Shipping Administration, United States Maritime Commission, or the Office of Lend-Lease Administration.

Public utilities.

Public transportation and communication systems including the United States mail.

Services indispensable to the public health and safety.

[F. R. Doc. 42–13699; Filed, December 21, 1942; 3:59 p. m.]

Chapter XV—Board of War Communications

[Order 25–C;[1] 2d Rev. of Order 25]

PART 1720—TELEGRAPH SERVICE

Whereas the Board of War Communications on July 3, 1942, requested the Federal Communications Commission to investigate the service being rendered in the telegraph field; and

Whereas the Commission by its Order No. 103[2] dated July 7, 1942, undertook such an investigation into telegraph service and has forwarded its report together with its recommendations; and

Whereas the Board of War Communications has determined that the national defense and security and the successful conduct of the war demand that immediate steps be taken to the end that the domestic telegraph industry shall be more closely geared to the war effort;

Now, therefore, by virtue of the authority vested in the Board by Executive Order No. 9089[3] of March 6, 1942, prescribing regulations governing the use, control, supervision and closing of stations and facilities for wire communications;

It is hereby ordered as follows:

AUTHORITY: §§ 1720.1 to 1720.9 inclusive issued under E.O. 9089, 7 F.R. 1777.

§ 1720.1 *Speed of service; office drag; routing time.* The domestic telegraph carriers should strive to attain the following service objectives in the handling of full-rate messages: (a) In each office the office drag (the interval between the time a message first reaches the office [filing time or digit time as the case may be] and the completion of transmission at that office) shall average no more than seven minutes for at least 95 percent of the messages received in such office each hour and such office drag shall not exceed 15 minutes for any message in such 95 percent. (b) Present routing times for business messages to be delivered by messenger shall be reduced 33⅓ percent.

§ 1720.2 *Priorities for the handling of traffic.* The Federal Communications Commission is requested and authorized to develop a plan for revising the present system of priorities for the handling of urgent essential traffic, both governmental and non-governmental, and to report its specific recommendations to the Board.

§ 1720.3 *Standards for minimum use to control installation of teleprinter equipment.* The Federal Communications Commission is requested and authorized to prepare standards of minimum use to control present and future installations of teleprinter equipment for telegraph users including exemptions for equipment which serves a military necessity or a vital public need which cannot otherwise be met, and to report such standards to the Board together with its specific recommendations for regulation of such installations.

§ 1720.4 *Leasing of telegraph circuits.* The Federal Communications Commission is requested and authorized to formulate basic principles for regulating the present and future leasing of telegraph circuits to the end that no needed facilities shall be used for non-essential purposes, and to report such principles to the Board together with its specific recommendations for regulation of such leasing.

§ 1720.5 *Elimination of unnecessary circuits, facilities, and offices.* The Federal Communications Commission is requested to study the possibilities for the elimination of unnecessary circuits, facilities and offices and to report to the Board its recommendations for closure of any such specific circuits, facilities or offices.

§ 1720.6 *Discontinuance of non-telegraphic services.* Effective December 22, 1942, domestic telegraph carriers shall discontinue all non-telegraphic services including but not limited to, errand, distribution, remittance, installment payments, shopping, and messenger service (except messenger service to telephone companies to call non-subscribers to the telephone), sale of traveler's checks, sale of mail money orders, and acceptance of express packages.

§ 1720.7 *Discontinuance of holiday greeting and congratulatory messages.* Effective December 22, 1942, no domestic telegraph carrier shall accept for transmission any message both originating at and addressed to points within the continental United States of felicitation or congratulation, including but not limited to, greetings for Christmas, New Year, Easter, Father's Day, Jewish New Year, Mother's Day, Thanksgiving, Valentine's Day, congratulations on the birth of a child, graduations, weddings, anniversaries and birthdays.

§ 1720.8 *Franks, deadhead and free service messages.* The Federal Communications Commission is requested and authorized to develop a plan for the curtailment of the use of franks and deadhead messages and the elimination of "free service" messages and to report its specific recommendations to the Board.

§ 1720.9 *Periodic reports of current state of telegraph service.* Three months after the date of this Order and periodically each three months thereafter the Commission is requested to report to the Board the current state of service being rendered by the telegraph industry together with any recommendations for improvement of such service in the interest of the war effort.

Subject to such further order as the Board may deem appropriate.

BOARD OF WAR COMMUNICATIONS,
JAMES LAWRENCE FLY, *Chairman.*

Attest: December 17, 1942.

HERBERT E. GASTON,
Secretary.

[F. R. Doc. 42–13733; Filed, December 22, 1942; 12:13 p. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

CERTAIN CANNED AND DEHYDRATED FRUITS

EXTENSION OF EXCEPTION ORDERS

In the matter of an exception from the provisions of the Walsh-Healey Public Contracts Act of Contracts for certain canned and dehydrated fruits and vegetables.

Whereas the Secretary of War on December 16, 1942, made written findings that the inclusion of the representations and stipulations of section 1 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35) in contracts awarded during the calendar year ending December 31, 1943, for canned and dehydrated fruits and vegetables of the varieties hereinafter named will seriously impair the conduct of Government business; and

Whereas the Secretary of War has requested that an exception be granted under section 6 of the Act to permit the award of contracts during that period for canned and dehydrated fruits and vegetables of the varieties hereinafter named without the inclusion of the representations and stipulations of section 1 of the Act; and

Whereas exceptions have been granted heretofore to permit the award of contracts for the commodities named until December 31, 1942 without including the representations and stipulations of the Public Contracts Act; and

Whereas it appears that justice and public interest will be served by extending the exception orders until December 31, 1943 on the basis of the findings of the Secretary of War,

Now, therefore, I do hereby extend the exception orders, dated May 14, 1942 (7 F.R. 3672) and July 9, 1942 (7 F.R. 5317) as amended by the order dated July 28, 1942 (7 F.R. 5914) and the order of July 2, 1942, pursuant to the powers vested in me by section 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35), permitting the award of contracts up to and including December 31, 1943, without the inclusion of the representations and stipulations of section 1 of the Act, for the following varieties of canned and dehydrated fruits and vegetables:

CANNED FRUITS AND VEGETABLES

Apples, canned.
Applebutter, canned.
Apple Sauce, canned.
Apricots, canned.
Asparagus, canned.
Beans, lima, canned.
Beans, string or snap, canned.
Berries, all varieties, canned.
Beets, canned.
Cabbage, canned.
Carrots, canned.
Catsup, canned.
Cherries, canned.
Corn, canned.
Cucumbers, canned.
Figs, canned.
Fruit cocktail, canned.
Fruit juices, all varieties, canned.
Grapefruit, canned.
Grapes, canned.
Kraut, canned.
Onions, canned.
Peaches, canned.
Pears, canned.
Peas, canned.
Pineapple, canned
Plums, canned.
Potatoes, Sweet, canned.
Prunes, fresh, canned.
Pumpkin, canned.
Sauce, Chili, canned.
Spinach, canned.
Squash, canned.
Tomatoes, canned.
Tomato juice, canned.
Tomato Puree, canned.
Tomato Paste, canned.

DEHYDRATED FRUITS AND VEGETABLES

Apples, dehydrated.
Apple Sauce, dehydrated.
Apricots, dehydrated.
Beans, lima, dehydrated.
Beans, string or snap, dehydrated.
Berries, all varieties, dehydrated.
Beets, dehydrated.
Cabbage, dehydrated.
Carrots, dehydrated.
Catsup, dehydrated.
Corn, dehydrated.
Figs, dehydrated.
Fruit juices, all varieties, dehydrated.
Kraut, dehydrated.
Onions, dehydrated.
Peaches, dehydrated.
Pears, dehydrated.
Peas, dehydrated.
Potatoes, Irish, dehydrated.
Potatoes, sweet, dehydrated.
Pumpkin, dehydrated.
Prunes, dehydrated.
Spinach, dehydrated.
Squash, dehydrated.
Tomatoes, dehydrated.
Tomato juice, dehydrated.
Tomato Puree, dehydrated.
Tomato Paste, dehydrated.

Dated: December 22, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42–13723; Filed, December 22, 1942; 11:57 a. m.]

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[1] Order 25–B was filed with the Division of the Federal Register.
[2] 7 F.R. 5255.
[3] 7 F.R. 1777.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Correction of General Permit ODT 20–1]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS, AND EXEMPTIONS

SUBPART L—TAXICABS AND TAXI SERVICE

DELIVERY OF TELEGRAPHIC, ETC., COMMUNICATION IN EMERGENCIES

The reference "paragraph (c)" appearing in § 521.3400 of General Permit ODT 20–1[1], issued on December 10, 1942, should read "paragraph (b)", and it is hereby corrected accordingly.

Issued at Washington, D. C., this 22d day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42–13720; Filed, December 22, 1942; 11:39 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

[P. & S. Docket No. 1527]

OKLAHOMA LIVESTOCK GROWERS' ASSOCIATION

NOTICE OF HEARING, ETC.

Notice of hearing with respect to application for an authorization to collect fees for the inspection of brands, marks, or other identifying characteristics on livestock originating within the State of Oklahoma.

On or about July 8, 1942, the Oklahoma Livestock Growers' Association filed an application, pursuant to the provisions of an amendment to the Packers and Stockyards Act (Pub. Law 615, 77th Cong., June 19, 1942), for an authorization to charge and collect a reasonable fee for the inspection of brands, marks, or other identifying characteristics of livestock originating within the State of Oklahoma, at posted stockyards within that State, located at Oklahoma City, Tulsa, Enid, Muskogee, Beaver, Woodward, and West Fort Smith, for the purpose of determining the ownership of such livestock.

The applicant alleges, in substance, that:

1. The branding and marking of cattle as a means of establishing ownership prevails by custom and by statute in Oklahoma.

2. Inspection is necessary to recover strays or stolen livestock.

3. The real producers of cattle in Oklahoma who would be protected by inspection service desire the service and are willing to pay the cost thereof.

4. The Oklahoma Livestock Growers' Association was organized under the laws of Oklahoma, in 1938, as a non-profit association. It now has a number of inspectors and it intends to increase the size of its inspection force. At present the association relies upon voluntary fees from its membership and it always has, and now is, paying its obligations promptly.

5. The organization has accumulated records which would be helpful, in connection with the inspection of brands, in the event its application is granted.

6. The association desires to conduct inspection and collect fees therefor at stockyards posted under the Packers and Stockyards Act, located at Oklahoma City, Tulsa, Enid, Muskogee, Beaver, Woodward, and West Fort Smith, Oklahoma.

7. The applicant, if authorized, proposes to file a tariff under which it would assess and collect for inspection service 5 cents for each animal of the bovine species originating within the State of Oklahoma and shipped to the aforesaid markets.

All interested persons are referred to said application, which is on file in the offices of the Agricultural Marketing Administration, United States Department of Agriculture.

It appears to the Secretary that it is appropriate, in the public interest, to give notice and afford all interested persons an opportunity to be heard for the purpose of:

(1) Receiving information relative to the necessity of inspecting livestock for brands, marks, and other identifying characteristics;

(2) Ascertaining whether there are other applicants who intend to request authorization to charge and collect fees for the inspection of brands;

(3) Receiving information to assist in determining whether any applicant is qualified to perform the service in the

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[1] 7 F.R. 10347.

event that brand inspection is deemed necessary; and

(4) Receiving any other information which may be relevant or material, or which may be of assistance to the Secretary in determining whether an authorization to inspect livestock for brands, marks, and other identifying characteristics should issue.

It is, therefore, ordered, That public notice shall be, and is hereby, given that a hearing on such matter will be held on January 15, 1943, at Room 200, Livestock Exchange Building, Oklahoma National Stockyards, Oklahoma City, Oklahoma.

It is further ordered, That at such hearing applicants and all other interested persons, including any protestants, will have the privilege of appearing and presenting such information with respect to this matter as may be relevant and material.

It is further ordered, That a copy hereof shall be served upon the Oklahoma Livestock Growers' Association and upon all protestants who have heretofore filed notice of their protest to the issuance of an authorization with the Department.

It is further ordered, That this notice shall be published in the FEDERAL REGISTER.

It is further ordered, That the Agricultural Marketing Administration shall give such further notice by any means which, in the opinion of the Administrator, may be necessary or desirable to inform all persons who may be interested of the time, date, place, and purpose of the hearing.

Done at Washington, D. C., this 21st day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary of Agriculture.[1]

[F. R. Doc. 42–13682; Filed, December 21, 1942; 1:34 p. m.]

Farm Security Administration.

ALABAMA

DESIGNATION OF LOCALITIES IN COUNTY IN WHICH LOANS MAY BE MADE

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by Supplement 2 of Secretary's Memorandum No. 867 issued as of July 1, 1942, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

Region V—Alabama

CLAY COUNTY

Locality I—Consisting of the precincts of Copper Mine, Union, Delta, Idaho, and Fox Creek, $1,228.

Locality II—Consisting of the precincts of Lineville and Ashland, $1,855.

Locality III—Consisting of the precincts of Brownville, Hollins, Coleta, Millerville, Pinckneyville, Wicker, Wesobulga, and Almond, $1,075.

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved: December 18, 1942.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 42–13708; Filed, December 22, 1942; 11:00 a. m.]

OREGON

DESIGNATION OF LOCALITIES IN COUNTIES IN WHICH LOANS MAY BE MADE

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by Supplement 2 of Secretary's Memorandum No. 867 issued as of July 1, 1942, loans made in the counties mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance wtih the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

Region XI—Oregon

DESCHUTES COUNTY

Locality I—Consisting of the precincts of Plainview, Redmond, Sisters and Terrebonne, $6,665.

Locality II—Consisting of the precincts of Alfalfa, Bend, Lapine, Millican, Pine Forest and Tumalo, $4,481.

The purchase price limits previously established for the counties above-mentioned are hereby cancelled.

Approved: December 18, 1942.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 42–13709; Filed, December 22, 1942; 11:00 a. m.]

BOARD OF ECONOMIC WARFARE.

WILL THOMAS COMPANY

ORDER DENYING LICENSING PRIVILEGES

Pursuant to part 807 of the regulations adopted under section 6 of the Act of July 2, 1940, as amended, the Chief of the Trade Intelligence Division of the Export Control Branch, Office of Exports, has charged the Will Thomas Company, Will Thomas, partner, and Israel Torrico, partner, with violations of §§ 801.2 and 802.10 (a), of the regulations issued in part under the authority of said section, in matters relating to export control and within the jurisdiction of the Board of Economic Warfare. The respondents have filed a written answer to the charges above set out.

The Compliance Commissioner, duly designated under §§ 807.1 of the aforesaid regulations, has reviewed the record and filed his findings of fact and recommendations in the matter. The following facts have been found:

That the Will Thomas Company is a partnership, composed of Will Thomas and Israel Torrico; it was formed in November, 1941, for the purpose of carrying on a general import and export business. Their business consists of exporting wood, canned fish, and kindred products of the Northwest. The principal place of business of the partnership is Colman Building, Seattle, Washington.

That the Will Thomas Company filed applications for licenses to export ladies silk and nylon hose for the account of Carlos Lozada, of La Paz, Bolivia, as follows:

(a) Application No. 462480, dated March 31, 1942, for the exportation of 100 dozen ladies nylon hose, valued at $1,573.00, and 100 dozen ladies silk hose, valued at $1,265.00. This application was rejected on April 8, 1942.

(b) Application No. 560500, dated April 15, 1942, for the exportation of 100 dozen ladies nylon hose, sizes 8, 8½, 9, 9½, valued at $1,573.00, and 100 dozen ladies silk hose, sizes, 8. 8½, 9, 9½, and valued at $1,265.00. This application was rejected on May 19, 1942.

(c) Application No. 747886, dated June 25, 1942, for the exportation of 50 dozen pairs of ladies nylon hose, valued at $726.00, and 50 dozen pairs of ladies silk hose (sizes 8–9½), valued at $660.00. This application was rejected on July 6, 1942.

June 6, 1942, C. Lozada, Casilla 217, La Paz, Bolivia, wrote respondents *inter alia* as follows:

> *Nylon stockings.* What happened to this order is truly an iniquity, and the pity is that our government does not do anything, and we continue delivering tin and wolfram at ridiculous prices. Well, there is nothing to do but to make good note of the help that the great city of the North gives us. But, insist until you secure something, request permit for 1,000 dozen and, if it is possible to secure (them), I will energetically send you the money immediately by cable for the full amount. Do not be frightened by the order, but I tell you seriously that the funds are going ahead if this is accepted, and I beg you to press them with this matter until you secure something. At any rate, wire me if there is anything suitable.
>
> Since you tell me that it is possible to send small amounts by parcel post I beg that you do so in the following manner:
>
> 5 or 10 dozen to the name of C. Lozada, etc.
>
> The same amount to the name of Luis Aranibar U., Casilla Botica Boliviana, La Paz.
>
> The same amount to the name of Alberto Siles L., La Paz, Bolivia.
>
> Another amount to the name of Jorge Chinchilla, La Paz, Bolivia.
>
> Another amount to the name of Elena Arce, Casilla 217, No. 11, La Paz.
>
> Another one, idem, to the name of Roberto Comboni T., La Paz.
>
> You can say that these are individual orders. Send all the papers directly to me. All these gentlemen are relatives and friends of mine.

---

[1] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81: 7 F. R. 2656)

> If it is possible, send (the order) to me in that manner. At any rate, I expect your reply in this regard. * * *

Under date of June 13, 1942, the respondents wrote Senor Don Carlos Lozada as follows:

> The BEW rejected my request for an export license to ship you the nylon hose. But if you will send me a Certificate of Necessity for 50 or 100 pairs, approved by the American Consul there, I will try again. If still I meet with no success, there is but one alternative. The complex rules and restrictions laid down daily lead me to suppose that it will be in order for me to ship you, each week, one small package containing 18 pairs of hose, whose value will be only $22.95. Adding $2.00 for the consular invoice fee, the total will still be just below the $25.00 limit for a General License. You will have to send me an order for 18 pairs of hose each week, or each time you write; for example, if you send me one letter only, during a period of two weeks, you may include an order dated as of the week you are writing, and another order dated the previous week. A second method would be to send me several orders, each one running something like this: Order No. --, for So-and-So, at an address not necessarily your own. But do not use the name of any person or firm on the Proclaimed List.

Under date of July 15, 1942, the respondents wrote Sr. Carlos Lozada as follows:

> We hope that you have received our airmail letter of June 25. Yours of June 17 and the first instance reached us without difficulty although somewhat delayed. We will now inform you of the shipments made in the early part of July, in accordance with your previous orders.
>
> *Parcel Post Packages*
>
> As shown on the 12 duly certified commercial invoices attached you will be informed of the registered mail shipments sent to you in accordance with the instructions in your letter of June 6 last. In connection with this matter and in order that you may see how difficult it is to obtain an export license for stockings, either of nylon or silk, we are attaching hereto the original of our export application for only 50 dozen nylon stockings and 50 dozen silk ones which was recently rejected by the Board of Economic Warfare in Washington as not being in the national interest. In view of the impossibility of obtaining licenses for this merchandise we are obliged to advise you that until the situation improves we must decline to make quotations withdrawing at the same time those which we made in our letter of June 26. If things change we will advise you and will endeavor to keep you informed. We also have 3 or 4 additional packages to send you which will complete all that we can offer you at this time. Do not forget to advise us promptly whether or not you received the packages in accordance with invoices numbers 121 to 132 inclusive and the subsequent ones. * * *

The Compliance Commissioner has found that the Will Thomas Company, Will Thomas, partner, and Israel Torrico, partner, respondents in the above entitled case, violated section 6 of the Act of July 2, 1940, and the Export Control Regulations of the Board of Economic Warfare issued pursuant thereto, in particular §§ 801.2 and 802.10 (a) of the Federal Regulations of July 2, 1942, by filling orders for ladies nylon hose in excess of $1.00, and shipping the same in nine parcels, each of the approximate value of $25.00, without the required individual license, between the dates of July 6, 1942, and July 14, 1942, to Jorge Chinchilla, La Paz, Bolivia, Elena Arce, c/o Casilla 217, La Paz, Bolivia, Roberto Comboni T., La Paz, Bolivia, C. Lozada, Casilla 217, La Paz, Bolivia, Luis Aranibar U., c/o Botica Boliviana, La Paz, Bolivia, and Sr. Albert Siles L., La Paz, Bolivia, for the account of Carlos Lozada, Casilla 217, La Paz, Bolivia.

Upon consideration of the record, Findings of Fact and Recommendations, in this matter, *It is hereby ordered,* That:

Will Thomas Company, Will Thomas, partner, and Israel Torrico, partner, and any person, association, or organization acting on behalf of, or for the account of them, are denied the privilege of obtaining individual export license and the use of any general or unlimited license for any exportation whatsoever from the United States until the 18th day of March, 1943.

The respondents may appeal in writing to the Assistant Director in charge of the Office of Exports provided the appeal is taken within ten (10) days after receipt of this order.

(Sec. 6, 54 Stat. 714, Public Law 75, 77th Cong.; Public Law 638, 77th Cong.; Order No. 3, Delegations of Authority No. 31, 7 F.R. 4951)

PAUL CORNELL,
Chief of Office of Exports.

DECEMBER 9, 1942.

[F. R. Doc. 42–13706; Filed, December 22, 1942; 10:33 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 111 Under MPR 120]

SAGINAW MINING COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 111 under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120–198.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (c) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Coals in Size Groups 3, 9 and 11, produced by Saginaw Mining Company, of Saginaw, Michigan, at the Janes Street Mine, Mine Index No. 8, District No. 5, may be sold and purchased at prices not to exceed the following prices per net ton f. o. b. the mine, for shipment by truck:

Size group:	*Maximum price*
3	$6.10
9	5.60
11	4.75

(b) Within thirty (30) days from the effective date of this Order, the said Saginaw Mining Company shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this Order and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122:

(c) This Order No. 111 may be revoked or amended by the Administrator at any time.

(d) All prayers of the petition not herein granted are denied;

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(f) This Order No. 111 shall become effective December 21, 1942.

Issued this 21st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13694; Filed, December 21, 1942; 2:56 p. m.]

[Order 1 Under MPR 125]

META-MOLD CASTING CO.

NONFERROUS FOUNDRY PRODUCTS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, Supplementary Order No. 9 and Procedural Regulation No. 6, *It is hereby ordered:*

(a) The maximum prices at which Meta-Mold Casting Company of Los Angeles, California may sell and deliver certain nonferrous castings to the Consolidated Aircraft Corporation pursuant to subcontracts let by the Consolidated Aircraft Corporation on and after October 23, 1942, under contracts that Consolidated Aircraft Corporation has or may enter into with the United States or any agency thereof, or with the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act To Promote The Defense Of The United States" or any agency of such Government shall be the following:

Nonferrous castings identified by part No.:	*Maximum price in cents per piece*
29W3658-6	13
29W3658-7	22
29W3658-8	72
29W3658-10	17
29W3658-11	18
29W3658-12	18
29W3658-13	20
29W3658-14	19
29W3658-16	27
29W3658-17	19
29W3658-18	20
29W3658-19	17

(b) Any relief requested by Meta-Mold Casting Company in the maximum prices of its nonferrous castings not granted herein, is hereby denied.

(c) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 1 shall become effective December 22, 1942.

Issued this 21st day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13693; Filed, December 21, 1942; 2:58 p. m.]

[Suspension Order 173]

SIMEON MOTOR SALES CO., ET AL.

ORDER RESTRICTING TRANSACTIONS

Correction

In paragraph (h) appearing on page 10415 of the issue for Saturday, December 12, 1942, the reference to Rationing Board No. 273 should read Rationing Board No. 278.

WAR MANPOWER COMMISSION.

[Interpretative Order No. 1]

VOLUNTARY ENLISTMENTS

Pursuant to the authority vested in me by Executive Orders Nos. 9139[1] and 9279,[2] dated April 18, 1942, and December 5, 1942, respectively, and having found that the provisions hereinafter set forth are necessary to carry out and effectuate the purposes of and to provide for the proper construction of the provisions of said executive orders, it is hereby directed that the armed forces of the United States (including reserve components thereof) may enlist:

1. Any male person who presents himself at any point outside the continental United States, the Island of Puerto Rico and the territories of Alaska and Hawaii, for enlistment into such armed forces or reserve components thereof; and

2. Any male person who, within 15 days immediately preceding the date upon which he presents himself for enlistment into such armed forces or reserve components thereof, had been a member of the armed forces of the United States or any reserve component thereof or of the armed forces of any of the United Nations.

PAUL V. MCNUTT,
Chairman.

DECEMBER 19, 1942.

[F. R. Doc. 42-13732; Filed, December 22, 1942; 11:48 a. m.]

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[1] 7 F.R. 2919.
[2] 7 F.R. 10177.

Reference

DEC 29 1942

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934
LITTERA SCRIPTA MANET

FEDERAL REGISTER

VOLUME 7 NUMBER 251

Washington, Thursday, December 24, 1942

Regulations

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Administration

PART 903—MILK IN THE ST. LOUIS, MISSOURI, MARKETING AREA

HANDLING OF MILK

Order terminating certain provisions of § 903.3 (b) and (e) (2) of the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area.

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 1940 ed. 601 *et seq.*), hereinafter referred to as the "act", and the provisions of the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area, it is hereby determined that the provisions of such order which provide that flavored milk, flavored milk drinks, and buttermilk shall be classified as Class I milk are provisions which obstruct and do not tend to effectuate the declared policy of the act with respect to the producers of milk defined in the said order; and such has been the case since November 17, 1942, when the St. Louis, Missouri, health authorities, as an emergency measure made necessary through the shortage of "Grade A" milk, permitted such products to be made from other than "Grade A" milk.

It is, therefore, ordered, That the following provisions of the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area shall be, and hereby are, terminated effective as of 12:01 a. m., e. w. t., November 17, 1942:

1. In § 903.3 (b),[1] the words "the skim milk and butterfat of" and "flavored milk and milk drinks (of any butterfat test), and buttermilk"; and

2. In § 903.3 (e) (2), the words "flavored milk and milk drinks (of any butterfat test), and buttermilk."

Done at Washington, D. C., this 22d day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary of Agriculture.[2]

[F. R. Doc. 42-13744; Filed, December 22, 1942; 4:01 p. m.]

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[1] 6 F.R. 6266, 7 F.R. 7793.

[2] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940. (54 Stat. 81; 7 F.R. 2656)

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amendment 60-4, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

PILOT CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C. on the 16th day of December, 1942.

Acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective December 16, 1942, Part 60 of the Civil Air Regulations is amended as follows:

By amending § 60.30[1] to read as follows:

§ 60.30 *Pilot certificates.* No person shall pilot a civil aircraft in the United States unless such person holds a valid pilot certificate issued by the Administrator or an effective foreign pilot certificate validated by the Administrator. Any person may operate the controls of an aircraft if the aircraft is equipped with fully functioning dual controls and one of the control seats is occupied by a person holding an appropriate pilot certificate.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-13765; Filed, December 23, 1942; 9:42 a. m.]

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[1] 6 F.R. 5201.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Telephone information: DIstrict 0525.

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[Regulations, Serial No. 249]

PART 202—ACCOUNTS AND REPORTS

FORMS OF FINANCIAL AND STATISTICAL REPORTS OF AIR CARRIERS

Adopted by the Civil Aeronautics Board at its offices in Washington, D. C., on the 12th day of December 1942.

The Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 407 (a) thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

Effective on the 12th day of December 1942, § 202.5 of the Economic Regulations[1] *Reports of Change in Aircraft Ownership or Use by Air Carriers* is repealed.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-13763; Filed, December 23, 1942; 9:41 a. m.]

[Regulations, Serial No. 250]

PART 202—ACCOUNTS AND REPORTS

FORMS OF FINANCIAL AND STATISTICAL REPORTS OF AIR CARRIERS

Amendment No. 4 to § 202.1 of the Economic Regulations.

Adopted by the Civil Aeronautics Board at its offices in Washington, D. C., on the 12th day of December 1942.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 407 (a) thereof, and deeming its action necessary to carry out the provisions of said Act, and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

Effective December 21, 1942, § 202.1[2] of the Economic Regulations is amended by adding the following paragraph:

§ 202.1 *Forms of financial and statistical reports of air carriers.* * * *

(c) Each air carrier engaged in regularly scheduled interstate air transportation within the continental limits of the United States and each air carrier engaged in regularly scheduled operations within the Territory of Hawaii shall, for each month subsequent to August 31, 1942, in which such air carrier conducts any operations or performs any services under war contracts, makes a financial and statistical report of such war contract operations to the Board using the Monthly Report of War Contract Operations for Domestic Air Carriers, CAB Form 2780-W, dated December 11, 1942, and such amendments thereto as may hereafter be approved by the Board. Such reports shall be prepared in accordance with the instructions set forth, and the originals of such reports shall be filed with the Secretary of the Civil Aeronautics Board at such times as are specified, in the said CAB Form 2780-W.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-13764; Filed, December 23, 1942; 9:41 a. m.]

[Orders, Serial Number 2073]

PART 202—ACCOUNTS, RECORDS AND REPORTS

UNIFORM SYSTEM OF ACCOUNTS FOR DOMESTIC AIR CARRIERS

Order prescribing Amendment No. 4 to the Uniform System of Accounts for Domestic Air Carriers.

Adopted by the Civil Aeronautics Board at its offices in Washington, D. C. on the 12th day of December, 1942.

The Board acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 407 (a) and 407 (d) thereof, and finding its action necessary to carry out the provisions of said Act, and to exercise its powers and perform its duties thereunder;

It is ordered, That section 32 of the Uniform System of Accounts for Domestic Air Carriers[1] (CAB Form 2780 Manual) as amended, be and the same is further amended as set forth in Amendment No. 4 attached hereto.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

Amendment No. 4 to the Uniform System of Accounts

Section 32 of the Uniform System of Accounts for Domestic Air Carriers (CAB Form 2780 Manual)[2] is amended as follows, all of said amendments to be effective on and after December 12th, 1942, and to be applicable with respect to all reports for periods commencing subsequent to September 30, 1942:

1. By cancelling new page 32—11 thereof now in effect, and substituting therefor first revised page 32—11, said page to read as attached hereto.[2]

2. By cancelling new page 32—12 thereof now in effect.

[F. R. Doc. 42-13773; Filed, December 23, 1942; 9:42 a. m.]

[Orders, Serial Number 2072]

PART 202—ACCOUNTS, RECORDS AND REPORTS

UNIFORM SYSTEM OF ACCOUNTS FOR DOMESTIC AIR CARRIERS

Order prescribing Amendment No. 1 to the Form of Report of Financial and Operating Statistics for Domestic Air Carriers.

Adopted by the Civil Aeronautics Board at its offices in Washington, D. C. on the 12th day of December 1942.

The Board finding that certain changes are necessary in the form of the Report of Financial and Operating Statistics for Domestic Air Carriers,[1] CAB Form 2780, as prescribed by paragraph (a) of § 202.1 of the Economic Regulations, as amended; and

The Board acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 407 (a) thereof, and finding its action necessary to carry out the provisions of said Act and to perform its duties thereunder;

It is ordered, That the form of Report of Financial and Operating Statistics for Domestic Air Carriers, CAB Form 2780, be and same is amended as set forth in Amendment No. 1 attached hereto.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

Amendment No. 1 to the Form of Report of Financial and Operating Statistics for Domestic Air Carriers

The form of the Monthly Report of Financial and Operating Statistics for Domestic Air Carriers, CAB Form 2780,[2] heretofore in effect is amended by cancelling all of said report form, and substituting therefor the attached form of Report of Financial and Operating Statistics for Domestic Air Carriers, CAB Form 2780, composed of Schedules 1, 2, 3, 4 (a), 4 (b), 5, 6, 7, 8, 9, 10, 11, 12 (a), 12 (b), 13 and 14, inclusive. Said amended report form shall be effective on and after December 12th, 1942, and shall be applicable with respect to the reports to be filed for October 1942, and thereafter.

[F. R. Doc. 42-13772; Filed, December 23, 1942; 9:41 a. m.]

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[1] 7 F.R. 4130.

[2] 7 F.R. 499, 5899, 9416.

[1] 7 F.R. 499.

[2] Form filed as part of the original document.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 210—REGULATION S-X UNDER SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, AND INVESTMENT COMPANY ACT OF 1940

FORM AND CONTENT OF CERTAIN FINANCIAL STATEMENTS

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 7 and 19 (a) thereof, the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d) and 23 (a) thereof, and the Investment Company Act of 1940, particularly sections 8, 30 and 38 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said Acts, hereby amends Part 210 [Regulation S-X] as follows:

I. Section 210.3-01 [Rule 3-01] is amended as follows:

The letter (a) is inserted preceding the text of the existing rule and the following paragraph is added thereto:

§ 210.3-01 *Form, order, and terminology.* (a) * * *

(b) All money amounts required to be shown in financial statements and schedules may be expressed in thousands of dollars, provided that an indication to that effect is inserted immediately beneath the caption of the statement or schedule, or at the top of each money column. Zeros need not be inserted for the omitted figures. The individual amounts shown need not be adjusted to the nearest thousand if in a footnote it is stated that the failure of the items to add to the totals shown is due to the dropping of amounts less than one thousand dollars.

II. Section 210.3-02 [Rule 3-02] is amended by deleting the third sentence thereof.

III. Caption 6 of § 210.5-02 [Rule 5-02] is amended by adding a new paragraph (c) as follows:

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this rule, no classification of inventories shall be required which is in contravention of the Code of Wartime Practices.

IV. Section 210.5-04 [Rule 5-4] is amended:

A. By deleting the period at the end of the first sentence of paragraph (a) (1) thereof and inserting the following:

* * *, *Provided,* That any such schedule (other than Schedule I) may be omitted if all the following conditions exist:

(i) The financial statements are being filed as part of an annual or other periodic report;

(ii) The information that would be shown in the respective columns of such schedule would reflect no changes as to any issue of securities of the registrant or any significant subsidiary in excess of 5% of the outstanding securities of such issue as shown in the most recently filed annual report containing such schedule; and

(iii) Any information required by columns G and H of Schedule XIII—Capital shares, is shown in the related balance sheet or in a footnote thereto.

B. By adding the following new paragraph (d):

§ 210.5-04 *What schedules are to be filed.* * * *

(d) If the information required by any schedule (including the footnotes thereto) may be shown in the related balance sheet without making such statement unclear or confusing, that procedure may be followed and the schedule omitted.

V. Paragraph (a) (2) of § 210.5-04 [Rule 5-04] is amended by deleting the third sentence thereof.

VI. The text of § 210.5-04 [Rule 5-04] following the caption, Schedule III—Investments in securities of affiliates, is amended by deleting the period at the end thereof and adding the following:

* * *, *Provided,* That this schedule may be omitted if (1) neither the sum of captions 9 and 10 in the related balance sheet nor the amount of caption 29 in such balance sheet exceeds 5% of total assets (exclusive of intangible assets) as shown by the related balance sheet at either the beginning or end of the period or (2) there have been no changes in the information required to be filed from that last previously reported.

VII. The text of § 210.5-04 [Rule 5-04] following the caption, Schedule IV—Indebtedness of affiliates—Not current, is amended by adding the following sentence at the end thereof:

This schedule may be omitted if (1) neither the sum of captions 9 and 10 in the related balance sheet nor the amount of caption 29 in such balance sheet exceeds 5% of total assets (exclusive of intangible assets) as shown by the related balance sheet at either the beginning or end of the period, or (2) there have been no changes in the information required to be filed from that last previously reported.

VIII. The text of § 210.5-04 [Rule 5-04] following the caption, Schedule V—Property, plant, and equipment, is amended by deleting the period at the end thereof and adding the following:

* * *, *Provided,* That this schedule may be omitted if the total shown by caption 13 is less than 10% of total assets exclusive of intangible assets as shown by the related balance sheet at both the beginning and end of the period and if neither the additions nor deductions during the period exceeded 10% of total assets (exclusive of intangible assets) as shown by the related balance sheet.

IX The text of § 210.5-04 [Rule 5-04] following the caption, Schedule VI—Reserves for depreciation, depletion, and amortization of property, plant, and equipment, is amended by adding the following sentence at the end thereof:

This schedule may be omitted if Schedule V is omitted.

X. The text of § 210.5-04 [Rule 5-04] following the caption, Schedule X—Indebtedness to affiliates—Not current, is amended by inserting the following at the end thereof:

This schedule may be omitted if (1) neither the sum of captions 9 and 10 in the related balance sheet nor the amount of caption 29 in such balance sheet exceeds 5% of total assets (exclusive of intangible assets) as shown by the related balance sheet at either the beginning or end of the period, or (2) there have been no changes in the information required to be filed from that last previously reported.

XI. The text of § 210.5-04 [Rule 5-04] following the caption, Schedule XVI—Supplementary profit and loss information, is amended by adding the following sentence:

This schedule may also be omitted if the information required by columns B and C and footnotes 4 and 5 thereof is furnished in the profit and loss or income statement or in a footnote thereto.

---

[1] 7 F.R. 499.

[2] Form filed as part of the original document.

XII. The text of § 210.5–04 [Rule 5-04] following the caption Schedule XVII—Income from dividends—Equity in net profit and loss of affiliates, is amended by adding the following statement:

This schedule may be omitted if neither the sum of captions 9 and 10 in the related balance sheet nor the amount of caption 29 in such balance sheet exceeds 5% of total assets (exclusive of intangible assets) as shown by the related balance sheet at either the beginning or end of the period.

XIII. Section 210.12–06 [Rule 12-06]—Property, plant, and equipment, is amended by adding the following sentence to note 3:

If neither the total additions nor the total reductions during the period amount to more than 10% of the closing balance and a statement to that effect is made, Columns B, C, D, and E may be omitted. In such case any information required by notes 4, 5, and 6 shall, however, be given and may be in summarized form.

XIV. Section 210.12–08 [Rule 12-08], Intangible assets, is amended by adding the following sentence to note 3:

If neither the total additions nor the total reductions during the period amount to more than 10% of the closing balance and a statement to that effect is made, Columns B, C, D and E may be omitted by any company other than a public utility company. Any information required by note 4 or 5 shall, however, be given and may be in summarized form.

XV. Section 210.12–14 [Rule 12–14], Capital shares, is amended by deleting the period at the end of the first sentence of footnote 2 thereof, and inserting the following:

* * *, *Provided,* That when this schedule is filed in support of a consolidated statement, the information required by Columns A to H inclusive need not be given as to any consolidated subsidiary if all of the outstanding shares of each issue of capital shares (other than directors' qualifying shares) of such subsidiary are held by one or more of the persons included in such consolidated statement; if the answer to Columns G and H would be none; and if a footnote indicating such omission is given.

Effective December 22, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–13743; Filed, December 22, 1942; 3:00 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amendment 111, 2d Ed.]

PART 626—REOPENING AND CONSIDERING ANEW REGISTRANT'S CLASSIFICATION

OCCUPATIONAL CERTIFICATION

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 30 U.S.C., Sup. 301–318 inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in an Administrative Order dated December 5, 1942, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend the regulations by adding a new section to be known as § 626.2–1 to read as follows:

§ 626.2–1 *Action of local board when Occupational Certification is on file in registrant's Cover Sheet.* When the local board, upon review at any time, determines that a registrant should be considered for classification into a class available for military service and an Occupational Certification (Form 42B) is on file in the registrant's Cover Sheet (Form 53), it shall (1) notify the employer by detaching and mailing to him the Notice to Employer of Reopening Classification portion of the Occupational Certification (Form 42B) and (2) allow the employer 15 days from the date it mailed such notice in which to file an affidavit—Occupational Clasification (industrial) (Form 42A).

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

DECEMBER 22, 1942.

[F. R. Doc. 42–13759; Filed, December 23, 1942; 9:17 a. m.]

[Amendment 112, 2d Ed.]

PART 601—DEFINITIONS

ALIENS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301–318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in an Administrative Order dated December 5, 1942, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (c) of § 601.2[1] to read as follows:

§ 601.2 *Aliens.* * * *

(c) The term "citizen or subject of a neutral country" is used to designate an alien who is a citizen or subject of a country which is neither a cobelligerent country nor an enemy country.

* * * * *

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

DECEMBER 22, 1942.

[F. R. Doc. 42–13758; Filed, December 23, 1942; 9:17 a. m.]

[No 153]

REEMPLOYMENT REFERENCE CARD

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885), and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 328A,[1] entitled "Reemployment Reference Card," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing addition shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

NOVEMBER 5, 1942.

[F. R. Doc. 42–13760; Filed, December 23, 1942; 9:17 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 933—COPPER

[Supplementary Order M–9–b as Amended Dec. 23, 1942]

Section 933.3 *Supplementary Order M–9–b* as amended is hereby amended so as to read as follows:

§ 933.3 *Supplementary Order M–9–b*—(a) *Definitions.* For the purposes of this supplementary order:

(1) "Scrap" means all copper or copper-base alloy materials or objects which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure or other reason.

(2) "Copper clad steel scrap" means all copper or copper-base alloy clad or coated steel materials or objects in which the cladding or coating amounts to 3% or more by weight and which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure or other reason.

(3) "Copper" means copper metal which has been refined by any process of electrolysis or fire refining to a grade and in a form suitable for fabrication such as cathodes, wire bars, ingot bars, ingots, cakes, billets, wedge bars or other refined shapes, or copper shot or other forms produced by a refiner.

(4) "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy.

(5) "Alloy ingot" means an alloy ingot or other shape for remelting which has been cast primarily from copper-base alloy or scrap.

(6) "Brass mill scrap" means that scrap which is a waste or by-product of

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[1] 6 F.R. 6825.

[1] Filed as part of the original document.

industrial fabrication of products of brass mills.

(7) "Brass mill" means any person who rolls, draws or extrudes castings of copper or copper-base alloys; it does not include a mill which rerolls, redraws or reextrudes products produced from refinery shapes or castings of copper or copper-base alloys.

(8) "Foundry" means any person casting copper or copper-base alloy shapes or forms suitable for ultimate use without rolling, drawing, extruding, or forging. The process of casting includes the removal of gates, risers and sprues, and sand blasting, tumbling or dipping, but does not include any further machining or processing.

(9) "Scrap dealer" means any person regularly engaged in the business of buying and selling scrap.

(10) "Public utilities" means any person furnishing telephone, telegraph or electric light and power services to the public or city, suburban or inter-city electrically operated public carrier transportation.

(b) *Delivery or acceptance of scrap, copper clad steel scrap or alloy ingots.* Notwithstanding any preference rating, no person shall deliver or accept the delivery of any scrap, copper clad steel scrap or alloy ingots except in accordance with the following directions:

(1) Brass mill scrap shall be delivered only to a scrap dealer or to a brass mill; a scrap dealer who accepts delivery of brass mill scrap shall in turn deliver such scrap only to a brass mill or another scrap dealer.

(2) No. 1 or No. 2 copper scrap shall be delivered only to a scrap dealer, or to a person specifically authorized by the Director General for Operations to receive deliveries of such quantities of No. 1 or No. 2 copper scrap.

(3) After January 1, 1943, copper clad steel scrap and unreloadable fired artillery cases, cartridge cases or bullet jackets, which have been manufactured from copper, copper-base alloys or copper clad steel, in excess of ten pounds shall be delivered only to persons specifically authorized or directed by the Director General for Operations to receive such deliveries.

(4) Scrap other than that specified in paragraphs (b) (1) through (3) above shall be delivered only to a scrap dealer, or to a person specifically authorized by the Director General for Operations to receive deliveries of such quantities of scrap.

(5) Alloy ingots shall be delivered only to a person specifically authorized by the Director General for Operations to receive deliveries of such quantities of alloy ingots.

(6) No person shall accept delivery of alloy ingots, copper clad steel scrap or unreloadable fired artillery cases, cartridge cases or bullet jackets, which have been manufactured from copper, copper-base alloys or copper clad steel, in excess of ten (10) pounds, except as specifically authorized by the Director General for Operations.

(7) A person other than a brass mill or dealer shall accept a delivery of scrap, other than that specified in paragraph (b) (6) above, only pursuant to a specific authorization of the Director General for Operations.

(8) A brass mill shall accept no delivery of scrap other than brass mill scrap without the specific authorization of the Director General for Operations.

(9) A scrap dealer shall accept delivery of scrap only if:

(i) Such scrap is not of a kind or grade specified in paragraph (b) (6) above, and

(ii) Such scrap dealer shall during the preceding 60 days, have sold or otherwise disposed of scrap to an amount at least equal in weight to the scrap inventory of such scrap dealer on the date of acceptance of delivery of scrap (which inventory shall exclude such delivery), and

(iii) Such scrap dealer shall have filed with the Bureau of Mines, College Park, Maryland, by the 10th of each month, Form PD–249, and

(iv) Such scrap dealer shall have supplied such other information as the Director General for Operations may from time to time require.

(c) *Melting or processing of scrap, copper clad steel scrap or alloy ingots.* (1) No person other than a brass mill shall melt or process scrap, copper clad steel scrap or alloy ingots, without the specific authorization of the Director General for Operations.

(2) No brass mill shall melt or process any scrap other than brass mill scrap, without the specific authorization of the Director General for Operations.

(3) Any person accepting a delivery of scrap, copper clad steel scrap or alloy ingots shall use such scrap, copper clad steel scrap or alloy ingots only for the purposes for which acceptance of such delivery is authorized by the Director General for Operations.

(d) *Delivery to or acceptance of copper by foundries and makers of alloy ingots.* Notwithstanding any preference rating, no person shall deliver any copper to a foundry or to a maker of alloy ingots, and no foundry or maker of alloy ingots shall accept any such delivery, except as specifically authorized by the Director General for Operations.

(e) *Authorization*—(1) *Basis of authorization.* Authorization to receive deliveries of, melt or process copper, scrap, copper clad steel scrap, or alloy ingots will be given by the Director General for Operations to assure the satisfaction of the most essential war requirements.

(2) *Application for authorization.* (i) Any person desiring to obtain an authorization, pursuant to this order, to accept the delivery of, melt or process copper, alloy ingot, scrap or more than ten (10) pounds of unreloadable fired artillery cases, cartridge cases or bullet jackets which have been manufactured from copper or copper base alloys, should make application on Form PD–59, Copper Division, War Production Board, by the 5th of each month.

(ii) Any person applying for an authorization to accept delivery of copper clad steel scrap or more than ten (10) pounds of unreloadable fired artillery cases, cartridge cases or bullet jackets which have been manufactured from copper clad steel must furnish the Director General for Operations with a letter setting forth the kind and grade of material, the tonnage, the period during which deliveries must be received, and the end use into which products produced out of such material will go.

(3) *Proof of authorization*—(i) *Refined copper.* Any foundry or ingot maker authorized to purchase specified amounts of refined copper under the terms of an allocation certificate must submit the allocation certificate issued to him to his supplier at the time of placing his order. If the order is placed with a dealer, the allocation certificate must be surrendered to the dealer. If the order is placed with a refiner, the allocation certificate must be endorsed by the refiner, specifying the quantity of refined copper which the refiner will deliver.

(ii) *Alloy ingot, scrap or copper clad steel scrap.* Any person authorized to purchase specified amounts of alloy ingot, scrap or copper clad steel scrap may notify his supplier of his right to make a purchase by endorsing on, or attaching to, each contract or purchase order placed by him under the terms of the authorization, a certification in the following form signed by an official duly authorized for such purpose:

Certification: The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to purchase the items shown on this purchase order pursuant to Allocation Certificate, Serial No. ——— for the month of ——— ——— and that receipt of these items, together with all other orders placed by him, will not result in his receiving more alloy ingot, scrap or copper clad steel scrap, than he has been authorized to receive for the month indicated by such purchase order pursuant to said Allocation Certificate.

Name of purchaser	Address
Signature and title of duly authorized official	Date

The person receiving the certification shall be entitled to rely on such certification unless he knows or has reason to believe it to be false. Each person supporting a purchase order by such a certification must maintain at his regular place of business all documents, including purchase orders and preference rating orders and certificates, upon which he relies as entitling him to make such purchases, segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection.

(f) *Disposal of scrap or copper clad steel scrap, generated through fabrication or accumulated through obsolescence.* No person shall use, melt, or dispose of any scrap or copper clad steel scrap generated in his plant through fabrication or accumulated in his operations through obsolescence, in any way other than by sale or delivery to a person authorized to accept such delivery, without the specific authorization of the Director General for Operations. In no event shall any person keep on hand more than thirty days' accumulation of scrap or copper clad steel scrap unless such accumulation aggregates less than one ton. All persons generating scrap or copper clad steel scrap through fabrication or accumulating scrap or copper clad steel scrap through obsolescence, in excess of five hundred pounds in any calendar month, shall report on Form PD–226 on or before the 5th day of the following month, to the War Production Board, Ref: M–9–b, setting forth inventory of scrap and copper clad steel scrap at the beginning of the previous calendar month, accumulations and sales during such month, inventory at the end of such month and such other information as the Director General for Operations may request from time to time. Nothing herein contained shall prohibit any public utility from using in its own operations wire or cable which has become scrap by obsolescence provided the lengths of such wire or cable are in excess of five feet and the quantity of such material so used by such public utility in any calendar month does not exceed five tons or such other amount as the Director General for Operations may specifically authorize.

(g) *Toll agreement.* No person shall deliver scrap, copper clad steel scrap or alloy ingots and no person shall accept same for converting, remelting or other processing under any existing or future toll agreement, conversion agreement or other form of agreement by which title remains vested in the person delivering the scrap, copper clad steel scrap or alloy ingots or causing the scrap, copper clad steel scrap or alloy ingots to be delivered, or which agreement is contingent upon return of processed material in any quantities, equivalent or otherwise, to the person delivering or causing the scrap, copper clad steel scrap or alloy ingots to be delivered, unless and until such an agreement shall have been approved by the Director General for Operations. Any person desiring to have such an agreement approved must furnish the War Production Board a letter setting forth the names of the parties to such agreement, the material involved as to kind and grade, the form of same, the estimated tonnage involved, the estimated rate of delivery, the length of time such agreement or other similar agreement has been in force, the duration of the agreement, the purpose for which the processed material is to be used, and any other pertinent data that would justify such approval.

(h) *Restriction on acceptance of copper-base alloys or castings, including alloy ingots, made therefrom.* No person shall knowingly accept delivery of copper-base alloys or castings, including alloy ingots, made therefrom, which have been obtained by melting and processing scrap or copper clad steel scrap delivered to a melter or processor contrary to the provisions of this order.

(i) *Specific directions.* The Director General for Operations may from time to time issue specific directions to any person as to the source, destination, amount, or grade of scrap, copper clad steel scrap or alloy ingots to be delivered, acquired or used by such person.

(j) *Reports.* In addition to the reports specified in this order, each ingot maker shall file by the 5th of each month, Form PD–751, Ingot Makers Report of Copper Base Alloy Ingot and each foundry shall file by the 5th of each month, Form PD–59–B, Copper Foundries: Monthly Report of Copper Base Alloy Ingot Inventory.

(k) *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the Director General for Operations in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries or from processing or using material under priority control and may be deprived of priorities assistance.

(l) *Addressing of communications.* All applications, statements, or other communications filed pursuant to this order or concerning the subject matter hereof, should be addressed Copper Division, War Production Board, Ref: M–9–b, Washington, D. C.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13785; Filed, December 23, 1942; 11:30 a. m.]

Part 965—Iron and Steel Scrap

[Supplementary Order M–24–d]

USED COTTON BALE TIES

§ 965.5 *Supplementary Order M–24–d.* Pursuant to the provisions of General Preference Order M–24, *It is hereby ordered:*

(a) *Additional definition.* "Used cotton bale ties" means strip steel ties which have been used to bale cotton.

(b) *Restrictions on deliveries.* No cotton spinner, cotton ginner, cotton linter processor, or cotton compressor shall deliver any used cotton bale ties over two feet in length, and in suitable condition for re-use or reworking for re-use as cotton bale ties, from any plant located in any of the states listed in Schedule A, except for re-use in baling cotton, cotton waste, cotton textiles, or cotton linters, or to or for the account of a person engaged in reworking such bale ties for such re-use.

(c) *Effective date.* This order shall become effective on January 1, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of December 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

Alabama.
Arkansas.
Florida.
Georgia.
Louisiana.
Mississippi.
North Carolina.
Oklahoma.
South Carolina.
Tennessee.
Texas.
Virginia.

[F. R. Doc. 42–13784; Filed, December 23, 1942; 11:30 a. m.]

Part 1114—Tire Retreading, Recapping and Repair Equipment

[General Limitation Order L–61, as Amended December 23, 1942]

Whereas the shortage of crude rubber for military requirements and essential civilian uses has created an abnormal demand for retreading and recapping equipment for rubber tires; and

Whereas the supply of existing retreading and recapping equipment, if supplemented by careful selection of locations for small quantities of additional equipment, is adequate to satisfy the demand for retreading and recapping of rubber tires; and

Whereas the production for delivery of retreading and recapping equipment, if unregulated, will duplicate existing facilities and thus utilize quantities of scarce and critical materials as to which defense requirements have created a shortage for defense, private account and export, and it is necessary, in the public interest and to promote defense of the United States, to take the measures hereinafter set forth, and to regulate the production and delivery of retreading and recapping equipment.

Now, therefore, it is hereby ordered, That:

§ 1114.1 *General Limitation Order L–61*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or any organized group of persons, whether incorporated or not.

(2) "Retreading, recapping and repair equipment" means any mechanical device used in connection with applying uncured rubber (in the form of camelback, patching rubber or otherwise) to rubber casings or inner tubes for the purpose of renewing or repairing a rubber casing or inner tube. The term includes, but is not limited to, full circle molds, full circle matrices, holders, tables, steam chambers, kettle curing devices, curing rings, curing bands, pressure plates, spacer rings, curing rims, sectional molds, sectional matrices, tire and tube repair and spot equipment, tire spreaders, tire buffers, mechanical stitchers, mechanical rollers, and regroovers. It does not include, however, small tools, such as knives, hand rollers, hand stitchers, jacks, shears, and other miscellaneous shop tools and supplies.

(b) *Restrictions on manufacture and distribution.* No person shall produce any new retreading, recapping and repair equipment, or parts therefor, and no person shall sell, lease, rent, deliver or otherwise transfer, or purchase, accept

or otherwise acquire, any new or used retreading, recapping or repair equipment, or parts therefor; except (i) under purchase orders rated A–9 or higher on a preference rating certificate PD–1A, PD–1X or PD–200, or forms of the PD–408 series, issued by the Director General for Operations, or (ii) pursuant to written or telegraphic authorization of the Director General for Operations.

(c) *Criteria for issuing preference rating certificates.* In issuing ratings on preference rating certificates, the Director General for Operations will consider the following factors, to the extent feasible, among others:

(1) The number and capacity of retreading, recapping and repair equipment facilities at present available in the particular locality.

(2) The anticipated need for retreading, recapping and repair equipment in the particular locality.

(3) The amount of uncured rubber (in the form of camelback, patching rubber or otherwise) expected to be made available in the particular locality.

(d) *Exceptions with respect to small equipment and repair or maintenance of existing equipment.* The prohibitions of paragraph (b) hereof shall not apply to the manufacture, sale, lease, loan, renting, delivery, transfer, purchase, acceptance or acquisition of:

(i) Any item of tube repair or spot equipment having a retail value of $100 or less, or any tire spreader having a retail value of $25 or less; provided that no person shall, for the purpose of qualifying under this exception, divide a single order, or place separate orders when in the usual course of business he would have placed a single order.

(ii) Parts to be used to repair or maintain existing retreading, recapping or repair equipment or to repair or maintain equipment delivered in accordance with the provisions of this General Limitation Order No. L–61.

(e) *Production requirements plan.* Pursuant to paragraph (c) of Priorities Regulation No. 11, any person manufacturing retreading, recapping, or repair equipment, who desires priorities assistance in procuring materials to be used in such manufacture, is hereby required, unless exempted by the Director General for Operations, to file a PRP application, to qualify as a PRP unit, and to operate under the Production Requirements Plan after January 1, 1943.

(f) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time, except that notwithstanding the provisions of Priorities Regulation No. 3, any person applying or extending a preference rating for retreading, recapping, or repair equipment shall certify on his purchase order or contract whether the preference rating is one assigned by a preference rating certificate PD–1A or PD–1X, or by a form of the PD–408 series, issued by the Director General for Operations.

(g) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref: L–61.

(h) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the Director General for Operations, Washington, D. C., Ref: L–61, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Records.* Each manufacturer or distributor of new retreading, recapping and repair equipment affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventory, production and sales of such equipment.

(k) *Reports.* Each person affected by this order shall execute and file with the War Production Board, such reports and answers to questionnaires as the Board shall from time to time request.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13787; Filed, December 23, 1942; 11:31 a. m.]

Part 3031—Wall Paper

[General Limitation Order L–177 as Amended Dec. 23, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export, of paper, inks, chemicals and other material and facilities used in the manufacture and distribution of wall paper and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3031.1 *General Limitation Order L–177*—(a) *Applicability of priorities regulations.* This order (and any schedule pursuant thereto) and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, or organized group of persons, whether incorporated or not.

(2) "Manufacturer" means any person who manufactures or processes wall paper.

(3) "Wall paper" shall include all paper designed for use as a covering for the ceiling or walls of rooms, which is manufactured or produced by printing on paper or fabric with oil, water, or other coloring materials, and/or by the embossing or pressing of designs on paper.

(4) "Distributor" shall include any person who sells wall paper to any person for resale; and shall further include any person who offers wall paper for sale by means of the distribution of sample books to the ultimate consumer by mail, or otherwise.

(c) *Schedule for the simplification and standardization of wall paper.* (1) No person shall sell, deliver, purchase or otherwise acquire any base paper stock for the manufacture of wall paper unless the same shall conform to the specifications set forth in Schedule 1 which is made a part of this order.

(2) No person shall process or manufacture any base paper stock into wall paper except in conformity with the specifications set forth in said Schedule 1.

(d) *Amendments to schedule.* The Director General for Operations from time to time may issue such amendment or amendments to Schedule 1 of this order as he deems necessary.

(e) *Reports.* Each manufacturer and distributor shall file such reports as may be required from time to time by the Director General for Operations.

(f) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning their manufacture, processing and/or distribution of wall paper.

(g) *Appeals.* Any person affected by this order or any schedule issued pursuant thereto who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared to the amount of materials conserved or that compliance with this order or such schedule would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(h) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall unless otherwise directed, be addressed to: War Production Board, Printing and Publishing Branch, Washington, D. C., Ref.: L–177.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries, or from process or use, of material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E. O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of December 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE 1 TO GENERAL LIMITATION ORDER L–177[1]

SPECIFICATIONS AND PRACTICES FOR MANUFACTURE OF WALL PAPER

(a) *Definitions.* For the purposes of this schedule:

(1) All trade words, phrases and terms used herein shall be construed as commonly understood in the wall paper trade.

(b) *General limitations on wall paper manufacture*—(1) *Patterns.* New wall paper patterns (those not previously used in production by any manufacturer) shall be limited to 60% of the total number of patterns employed in the 1941–1942 lines of each manufacturer

(2) *Paper limitations.* In the manufacture of wall paper for the 1942–43 season (July 1, 1942 to June 30, 1943), no manufacturer shall:

(i) Purchase or otherwise acquire, process, or manufacture base paper stock into wall paper (excepting the period July 1, 1942 to November 13, 1942) during the period November 13, 1942 to January 15, 1943, at any rate of production which will result in a consumption of base paper stock in excess of 64% of the total tonnage of such stock consumed by him in the production of wall paper during the period November 13, 1941 to January 15, 1942; from January 15, 1943 to June 30, 1943 at any rate of production which will result in a consumption of base paper stock in excess of 50% of the total tonnage of such stock consumed by him in the production of wall paper during the period January 15, 1942 to June 30, 1942.

(ii) Exceed the 1941–42 percentage ratio of the usage of ground-wood free paper stock in relation to his total tonnage consumption of paper stock.

(iii) Use paper stock which will exceed 19¼″ in width to trim to 18″.

(iv) Use paper stock in excess of base weight of paper stock theretofore employed by him in the manufacture of his line.

(3) *Exception.* All paper stock acquired prior to the date of this order, and in the possession of the manufacturer on said date, is specifically excepted from the provisions of subdivisions (ii), (iii) and (iv) of paragraph (b) (2).

(c) *Styles sampled.* All manufacturers and distributors of wall paper shall reduce the number of styles in their 1942–1943 line or lines of sidewall and ceiling wall paper (including specials) in accordance with the following schedule of percentage reductions:

Number of styles of sidewall and ceiling wall paper samples in the 1941–1942 line or lines (including all specials)		Required percentage reduction of styles to be sampled in the 1942–1943 line or lines (including all specials)
By manufacturers	By distributors	
First 400	First 200	10%
Next 200	Next 100	15%
Next 200	Next 100	20%
Next 200	Next 100	25%
All additional	All additional	30%

Provided however, That any manufacturer or distributor who reduced the number of styles of sidewall and ceiling wall paper sampled in his 1941–1942 line or lines (including specials) 25% or more from the number of such styles sampled in his 1940–1941 line or lines, may employ the average number of such styles sampled in his 1940–1941 and 1941–1942 line or lines as the base for computing the permissible number of styles to be sampled in his 1942–1943 line or lines, in accordance with the foregoing schedule of percentage reductions.

(d) *Sample books.* In his 1942–1943 line or lines, each manufacturer and/or distributor of wall paper may cut up only such total number of rolls of wall paper for the making of sample books, as results from a reduction of the total cut up for his 1941–1942 line or lines by the same percentage of overall reduction of the number of styles required by paragraph (c) hereof. *Provided however,* That such reduction in the number of rolls of wall paper shall not apply to books of selection, but no more than five (5) copies of any book of selection may be prepared.

(e) *Color usage.* (1) No manufacturer, in his 1942–1943 line or lines, shall exceed the following color limitations of red, green, blue and yellow colored grounds (including pad grounds and full chokes), whether organic or inorganic colors, set forth in "Munsell Book of Color, Abridged" (1929 edition).

Wall paper ground color class	Munsell hue designation	Minimum value permissible	Maximum chroma permissible
Rose red	7.5P-10RP	6	8
Orange red	2.5R-10R	6	8
Yellow	2.5YR-10Y	8	6
Green	2.5G-10BG	7	4
Blue	2.5B-5.0P	5	5

(2) In his 1942–1943 line or lines, each manufacturer may produce only such total number of styles in each classification of colored grounds (set forth in subparagraph (1) of this paragraph (e)) as results from a reduction of the total produced in his 1941–1942 line or lines by the same percentage of overall reduction of the number of styles required by paragraph (c) hereof.

(3) *Metallic inks.* No manufacturer may use any aluminum or bronze powder, paste, ink or leaf in the manufacture of wall paper for his 1942–1943 line or lines, *Provided, however,* That this provision shall not operate to prevent any person from disposing of inventories of such processed wall paper from his 1941–1942 line or lines.

[F. R. Doc. 42–13786; Filed, December 23, 1942; 11:30 a. m.]

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[1] As amended Dec. 23, 1942.

Chapter XI—Office of Price Administration

PART 1398—OFFICE AND STORE MACHINES

[Ration Order 4A]

TYPEWRITERS

Preamble. New and used typewriters have been rationed by the Office of Price Administration since March 12, 1942, under the provisions of Rationing Order No. 4 or Revised Rationing Order No. 4. Under those Orders, persons showing need for typewriters for certain eligible work were authorized to buy typewriters in exchange for Certificates issued by War Price and Rationing Boards. Rentals of used typewriters were freely permitted, until August 29, 1942, when Amendment No. 4 limited the rental of non-portable typewriters made since 1934 to persons eligible to buy them.

However, sales and rentals of non-portable typewriters made since 1934 were frozen by Amendment No. 7 to Revised Rationing Order No. 4, to save these machines for the Army, Navy, and other war agencies. The same amendment froze the sale of non-portables made between 1915 and 1934, inclusive, and of some portables, so as to save these machines for rental by the public.

Members of the trade have in stock about 235,000 non-portable typewriters made between 1915 and 1934, inclusive, fully a third of them made prior to 1928. The needs of the public must be met principally from this stock. As against this supply, there has been a normal rental demand for about 150,000 machines. This demand is expected to increase substantially.

To assure a supply of the more recent models of typewriters for work essential to the prosecution of the war it is necessary to ration the rental of these machines. To do so, Ration Order No. 4A is issued to replace Revised Rationing Order No. 4.

Under the new program, typewriters are classified into four classes: A, B, C, and D. These classes are set up by make, model, and serial number. Some Class A, B, and C typewriters are also classed as "Special" typewriters. In general, the classes are as follows:

Class A. Standard makes and models of non-portable typewriters made after 1934 (both new and used), and of new portable typewriters made after June 1941.

Class B. Standard makes and models of non-portable typewriters made between 1928 and 1934, inclusive; also, certain special machines of later manufacture not included in Class A.

Class C. Standard makes and models of non-portable typewriters made between 1915 and 1927, inclusive; also, all portable typewriters, not included in Class A, having two or more of the following features: (1) tilting or folding paper table; (2) self-starter or paragraph key; (3) operator touch adjustment.

Class D. All typewriters not included in Classes A, B, or C.

Special. Class A typewriters which have been rejected for purchase by the Procurement Division of the Treasury Department, and other typewriters of Classes A, B, or C which, because of some special type or feature, are usable primarily for special purposes.

In general, Class A, B, and C typewriters may not be sold, and Class A typewriters may not be rented, except to dealers or the Procurement Division of the Treasury Department or for authorized export. Class B typewriters may be rented for a limited period of time on Certificates issued by War Price and Rationing Boards to persons who have need for typewriters for work essential to the prosecution of the war. Class C typewriters may be rented for a limited period of time without certificates. Class D typewriters may be rented or sold without restriction. Special typewriters may be sold or rented in exchange for certificates issued by the Washington Office of the Office of Price Administration.

Eligible persons who, before December 1, 1942, were given written authority to buy or rent typewriters are permitted to acquire them at any time before January 1, 1943. Also, until February 1, 1943 rentals of Class B typewriters may be made without certificates for the balance of such period. Valid rentals in force on the date of this order may be continued until the end of the contract rental period. All rentals of typewriters, except of Class D typewriters, must be subject to recovery upon further order of the Office of Price Administration.

In order that dealers, wholesalers, and manufacturers may get a stock of typewriters, used typewriters and new typewriters released by the War Production Board are permitted to be acquired by them without the surrender of certificates if they keep records and file reports required of them.

Since certificates are not used by dealers for replacement purposes, dealers who receive certificates from customers are required to retain one copy and forward a duplicate, containing a report of the transaction, to the Office of Price Administration as directed on the certificate.

Accordingly, pursuant to the authority vested in the Office of Price Administration and the Price Administrator by Executive Order Nos. 9125 and 9250 issued by the President on April 7, 1942, and October 3, 1942, respectively; by Directive No. 1, Supplementary Directive No. 1D, and Conversion Order No. L–54–a of the War Production Board, issued January 24, 1942, March 5, 1942, and March 17, 1942, respectively, *It is hereby ordered that:*

SUBPART A—HOW TO GET A TYPEWRITER

ACQUIRING TYPEWRITERS WITH CERTIFICATES

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1398.101 Certificate is needed to get a typewriter.
1398.102 Boards issue certificates to rent Class B typewriters.

Sec.
1398.103 National Office issues certificates for special typewriters.
1398.104 Certificates will not be issued for other typewriters.
1398.105 Person who needs typewriter for essential work may get a certificate.
1398.106 Application made to Board where typewriter will be used.
1398.107 Application made on Form R–401 (Revised).
1398.108 Appearance by applicant not usually required.
1398.109 Contents of certificate.
1398.110 Rental period may not exceed six months.
1398.111 Invalid certificate.
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ACQUIRING TYPEWRITERS WITHOUT CERTIFICATE

1398.114 Certificate-free rental of Class B typewriters permitted until February 1, 1943.
1398.115 Class C typewriters may be rented without certificate.
1398.116 Class D typewriters not restricted.
1398.117 Typewriters may be used by employees and others.
1398.118 Typewriter may be acquired from a person owning only one typewriter.
1398.119 Typewriter may be acquired as part of assets of business.
1398.120 Rental of Class B typewriters for Civil Service examinations permitted.
1398.121 Used typewriters may be acquired for export.
1398.122 Typewriters may be imported.

SUBPART B—HOW THIS ORDER AFFECTS THE TRADE

1398.124 Members of trade may acquire typewriters.
1398.125 Transfer on invalid certificates not permitted.
1398.126 Rental period is limited.
1398.127 Rental must be subject to certain conditions.
1398.128 Discrimination not permitted.
1398.129 Rented typewriter may be returned.
1398.130 Transfer for repair and repair loans permitted.
1398.131 Transfer of new typewriters by manufacturers.
1398.132 Records must be kept.
1398.133 Reports must be made.
1398.134 Report must be filed for new business.
1398.135 Information about transfer must be entered on certificate.

SUBPART C—GENERAL PROVISIONS

OTHER TRANSFERS PERMITTED

1398.137 Transfers between government agencies permitted.
1398.138 Procurement Division of Treasury Department may acquire used typewriters.
1398.139 Transfer of new typewriters for export or to government agency exempt.
1398.140 Transfer to carriers and warehouses permitted.
1398.141 Transfer by operation of law or for security permitted.
1398.142 Transfer of damaged, lost, or stolen typewriters permitted.

PROHIBITED ACTS RELATING TO TYPEWRITERS AND CERTIFICATES

Sec.
1398.144 All transfers prohibited unless authorized.
1398.145 Certificates generally not transferable.

JURISDICTION OF BOARDS

1398.146 Jurisdiction of Boards with respect to trade.

APPEALS AND SUSPENSION ORDERS

1398.147 Persons affected may appeal.
1398.148 Violators may lose right to rationed products.

DEFINITIONS AND CLASSES OF TYPEWRITERS

1398.149 Terms explained.
1398.150 Typewriters are Classed as A, B, C, D, and Special.

ORDER EFFECTIVE

1398.151 Revised Rationing Order No. 4 is revoked.
1398.152 Effective date of order.

AUTHORITY: §§ 1398.101 to 1398.152, inclusive, issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; W. P. B. Directive No. 1, Supplementary Directive No. 1–D, Conversion Order No. L–54–a, 7 F. R. 562, 1792, 2130.

SUBPART A—HOW TO GET A TYPEWRITER

(This part contains all one must know to get a typewriter)

ACQUIRING TYPEWRITERS WITH CERTIFICATES

§ 1398.101 *Certificate is needed to get a typewriter.* A person who wishes to rent a Class B typewriter or acquire a special typewriter must first get a certificate and give it to the person from whom he is to get the typewriter. He may then acquire a typewriter of the class, and by the kind of transaction (rental or purchase), named on the certificate. As explained later, Class C typewriters may be rented and Class D typewriters may be acquired, without certificates. There also are a few other cases where certificates are not required. These cases are explained later. (Some words are used in this order with a special meaning. Examples are "typewriter", "transfer", "acquire", "certificate", and "person". These terms are fully explained in § 1398.149.)

§ 1398.102 *Boards issue certificates to rent Class B typewriters.* War Price and Rationing Boards may issue certificates to permit persons to rent Class B typewriters. Boards are not concerned with other classes of typewriters. Neither may they issue certificates to permit a person to buy a typewriter. (Class B typewriters are listed in § 1398.150 (b).)

§ 1398.103 *National office issues certificates for special typewriters.* The Office of Price Administration will issue certificates at its national office in Washington, D. C., to permit a person to acquire a special typewriter. (Special typewriters are described in § 1398.150 (e).)

§ 1398.104 *Certificates will not be issued for other typewriters.* Certificates will not be issued to permit a person to acquire a typewriter except as stated above.

§ 1398.105 *Person who needs typewriter for essential work may get a certificate.* (a) A person who has need for a typewriter for work essential to the prosecution of the war may get a certificate. (However, this requirement may be waived by the national office as to special typewriters which are usable only by a small class of persons.)

(b) "Need" must be shown. It does not exist if, after getting a typewriter applied for, the applicant will own, possess, or control any serviceable typewriter, reasonably available for the purpose stated in his application, which is not used for business purposes an average of 24 hours or more per week. A typewriter is "serviceable" if it can be made so by reasonable repair.

§ 1398.106 *Application made to Board where typewriter will be used.* A person desiring to get a certificate to rent a Class B typewriter should apply to the Board serving the area where the typewriter will be used. The Office of Price Administration will announce when forms are available at Boards. Application may be made after that date. (Application by a government may be made to any Board within the area served by the government.)

§ 1398.107 *Application made on form R–401 (Revised).* (a) Application to a Board should be made on OPA Form R–401 (Revised). The form must be filled out in full, giving all the information required, and signed as directed on the form.

(b) Application for a special typewriter may be made to the national office of the Office of Price Administration by letter, signed by the applicant or his agent. The application should describe the particular typewriter desired and should give full information as to the applicant's need for it.

§ 1398.108 *Appearance by applicant not usually required.* An applicant may present his application in person, by mail, or by an agent. However, he may be required to furnish more information or proof in person, by witnesses, or in some other way.

§ 1398.109 *Contents of certificate.* (a) A certificate issued by a Board will contain the name of the applicant, the number of Class B typewriters which may be rented, the length of the period for which they may be rented, and other matters required in the certificate form. (b) Certificates to purchase or rent special typewriters, issued by the National Office, will contain other information about the kind of typewriter and the terms of purchase or rental.

§ 1398.110 *Rental period may not exceed six months.* A certificate will be issued to permit the rental of a typewriter only for the shortest period for which the applicant will need it. The period may not be longer than six months.

§ 1398.111 *Invalid certificates.* (a) A certificate is not valid if it has erasures or changes in any part required to be completed by the issuing office or which for any reason fails to show any essential provision.

(b) A certificate may be used only within 30 days from the date it was issued.

§ 1398.112 *Purchase permitted on certificate issued under former order.* (a) A person may keep a typewriter on rental, or before January 1, 1943 may acquire a typewriter, for the purchase or rental of which a certificate or authorization had been issued to him under Revised Rationing Order No. 4 prior to December 1, 1942 if he was then eligible for the typewriter. A rental agreement permitted by this paragraph may be renewed from time to time, without further approval, but is subject to the recovery provision of § 1398.127 (a).

(b) Any person to whom the National Office of the Office of Price Administration issued an authorization to buy a special typewriter, under the terms of Revised Rationing Order No. 4, may buy the typewriter within 30 days from the date of the authorization.

ACQUIRING TYPEWRITERS WITHOUT CERTIFICATE

§ 1398.114 *Certificate-free rental of Class B typewriters permitted until February 1, 1943.* During the period to February 1, 1943, a Class B typewriter may be rented by, and to, any person for the balance of that period, without the surrender of a certificate. (The terms of the rental agreement are governed by § 1398.127.)

§ 1398.115 *Class C typewriters may be rented without certificate.* A Class C typewriter may be rented by, and to, any person, without the surrender of a certificate. (The length of the rental period, and the terms of the rental are governed by §§ 1398.126 and 1398.127.)

§ 1398.116 *Class D typewriters not restricted.* Any Class D typewriter may be transferred or acquired by any person, without restriction.

§ 1398.117 *Typewriters may be used by employees and others.* Any person who owns a typewriter for use may permit his employees or other persons to use it when there is no change of title or interest in the typewriter if no charge is made or received. A certificate need not be given up in such a case.

§ 1398.118 *Typewriter may be acquired from person owning only one typewriter.* Any person may acquire a Class B or C typewriter for business purposes from a person owning only one typewriter. A certificate need not be given up in such case. However, a person who regularly deals in or repairs typewriters is not permitted to transfer typewriters under this section.

§ 1398.119 *Typewriter may be acquired as part of assets of business.* Any person who buys or otherwise acquires all or substantially all of the assets of any store, business, plant, or other enterprise, including the good will, may acquire any typewriters included among the assets, without giving up a certificate.

§ 1398.120 *Rental of Class B typewriters for Civil Service examinations permitted.* A Class B typewriter may be rented by, and to, any person for a period not to exceed three days for use in taking a Civil Service examination involving typing ability. A certificate need not be given up in this case.

§ 1398.121 *Used typewriters may be acquired for export.* Any person may acquire a used typewriter for export to a foreign country upon approval of the Board of Economic Warfare, within a quota assigned to it. No other approval is required. (The export of new typewriters is not subject to this order, as explained later.)

§ 1398.122 *Typewriters may be imported.* Any person may import into the United States or its Territories or Possessions a typewriter owned by him. For this purpose he may transfer it to, or acquire it from, the United States Collector of Customs, or his deputy, without the surrender of a certificate.

SUBPART B—HOW THIS ORDER AFFECTS THE TRADE

(This part should be read by anyone who sells, rents, or deals in typewriters)

§ 1398.124 *Members of trade may acquire typewriters.* Any person may transfer a typewriter to a dealer, wholesaler, or manufacturer, who may acquire it for a permissible transfer or for repair, without giving up a certificate.

§ 1398.125 *Transfer on invalid certificates not permitted.* No person may transfer a typewriter for a certificate which is invalid or which he knows, or has reason to believe, was acquired in violation of this order.

§ 1398.126 *Rental period is limited.* (a) A rental of a typewriter for which a certificate is given up may be made for the period stated on the certificate, but not longer.

(b) A rental of a Class A, B, or C typewriter made without the surrender of a certificate, when permitted by this order, may not be made for a period longer than six months and may be renewed or re-renewed only at the end of a rental period for an additional period of not to exceed six months.

§ 1398.127 *Rental must be subject to certain conditions*—(a) *Recovery.* Regardless of any agreement, whenever made, the rental or loan of a Class A, B, or C typewriter shall be revoked if the Office of Price Administration issues an order requiring its return.

(b) *Advance payment of rentals.* No person may charge or receive any rental fee in advance for a period longer than the rental period permitted by this order.

(c) *Deposits.* No person may charge or receive a deposit to secure the return of a typewriter in an amount which, plus any advance rental paid, is more than the maximum price for a sale of the typewriter at wholesale permitted by maximum price regulations of the Office of Price Administration.

(d) *Rental credit provisions.* No agreement for the rental of a Class A, B, or C typewriter may contain an option to buy the same or another typewriter, or to credit rentals, deposits, or other sums paid toward its purchase price. However, if a person should be permitted to buy a typewriter under this order, the seller may give him credit for rent paid by him for that or any other typewriter.

§ 1398.128 *Discrimination not permitted.* No dealer, wholesaler, or manufacturer shall discriminate, in renting Class B typewriters, among persons who have been issued certificates to permit them to rent typewriters.[1]

§ 1398.129 *Rented typewriter may be returned.* A person who has rented a typewriter to another may get it back without giving up a certificate.

§ 1398.130 *Transfer for repair and repair loans permitted.* Any person regularly engaged in the business of repairing typewriters may acquire a typewriter for repair and may return it without the surrender of a certificate. Also, without getting a certificate, he may loan a Class B typewriter for not more than 30 days to a person whose Class A or B typewriter he is repairing.

§ 1398.131 *Transfer of new typewriters by manufacturers.* This order does not apply to the transfer of a new typewriter by a manufacturer unless it has been released to the Office of Price Administration by the War Production Board for rationing.

§ 1398.132 *Records must be kept.* For the information of the Office of Price Administration, every dealer, wholesaler, and manufacturer shall keep, for not less than two years, accurate and complete records of his supply, sales, rentals, and purchases of typewriters. He shall also keep all copies of forms which are or have been required to be kept by him by this order or by Revised Rationing Order No. 4. All records shall be made available for inspection by the Office of Price Administration.

§ 1398.133 *Reports must be made.* Persons affected by this order shall make such reports to the Office of Price Administration as it may, from time to time, require.

§ 1398.134 *Report must be filed for new business.* After the effective date of this order, every person desiring to become a dealer or wholesaler or to acquire the assets of a typewriter dealer or wholesaler as permitted by § 1398.119, shall first file a statement with the Board which will have jurisdiction over his place of business. A separate statement shall be filed for each place of business, stating: (1) the name under which the business will be conducted; (2) the name of the owner and, if a corporation or association, the names of the principal officers; (3) a list of all typewriters on hand; and (4) the time when and the person from whom each typewriter was acquired.

§ 1398.135 *Information about transfer must be entered on certificate.* Every person transferring a typewriter for a certificate must enter on the certificate the date of the transfer, the typewriter's make, model, and serial number and in the case of a rental the expiration date, together with any other information the certificate form requires. He shall send one part of the certificate to the Office of Price Administration as directed on the certificate and shall keep the other.

SUBPART C—GENERAL PROVISIONS

(This part should be referred to when special problems arise)

OTHER TRANSFERS PERMITTED

§ 1398.137 *Transfers between government agencies permitted.* Any agency or department of a government may acquire a used typewriter from any other department or agency of such government, without giving up a certificate. As to departments and agencies of the United States, however, this provision is subject to orders of the Bureau of the Budget.

§ 1398.138 *Procurement Division of Treasury Department may acquire used typewriters.* The Procurement Division of the Treasury Department and any authorized agent may acquire used typewriters without giving up a certificate.

§ 1398.139 *Transfer of new typewriters for export or to Government agency exempt.* (a) This order does not apply to the acquisition of new typewriters by any agency of the United States or by any person for export to a foreign country. These cases are governed by the War Production Board.

(b) The term "agency of the United States" does not include: (1) privately operated plants or facilities financed or controlled by the Army, Navy, Defense Plant Corporation, or by any other agency of the United States; (2) plants or facilities operated on a cost-plus-fixed-fee basis.

§ 1398.140 *Transfers to carriers and warehouses permitted.* A typewriter may be transferred to or from a carrier in the course of its shipment and to or from a public warehouse in connection with its storage, without the surrender of a certificate.

§ 1398.141 *Transfer by operation of law, or for security permitted.* (a) A typewriter may be acquired by, or a lien created thereon in favor of, the following persons and in the following cases without the surrender of a certificate: (1) Any person pursuant to judicial process or an order issued by a court of competent jurisdiction or by operation of law; (2) A Government or political subdivision or agency thereof in the enforcement or exercise against such typewriter of statutory rights or powers.

(b) A security interest in a typewriter, other than a pledge, may be created in favor of the following persons and in the following cases without the surrender of a certificate: (1) a Government or political subdivision or agency thereof; (2) any person duly licensed to engage in the business of making loans upon collateral and regulated in conducting such business by a State or the United States or by the government of a Territory or Possession of the United States; (3) any person where the security interest arises or is transferred with respect to all or substantially all the assets of a business enterprise.

(c) A typewriter or any interest therein or lien thereon acquired pursuant to paragraph (a) or (b) of this section may be returned to the person from whom it was acquired, or may be released, without the surrender of a certificate.

(d) Any person who has acquired a typewriter for security purposes or in whose favor a lien thereon has been created, under the authority of this section, or who holds a lien on or security interest in a typewriter created on or before March 6, 1942 may enforce the security, lien, or other interest in the manner provided by applicable laws. A typewriter so acquired by a person, unless by inheritance, may not be used by him and may be transferred only to a person expressly authorized by this order to buy the typewriter without giving up a certificate.

§ 1398.142 *Transfer of damaged, lost, or stolen typewriters permitted*—(a) *Damaged or stolen typewriters.* Damaged or stolen typewriters and undamaged typewriters mingled therewith, and typewriters in imminent danger of being damaged or stolen, may be acquired by the following persons, without the giving up of certificates, for permissible transfer only: (1) Persons lawfully engaging in the insurance business, and common or contract carriers in connection with the right of subrogation, or by virtue of the payment by them of any claim for damage to the typewriters; (2) persons performing public fire or safety functions, warehousemen, or persons engaged principally and primarily in the business of adjusting losses and selling, or reconditioning and selling, damaged commodities, who take possession of or receive them on the occurrence or imminence of casualties.

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[1] *Evidence of Discrimination.* The refusal of a dealer, wholesaler, or manufacturer to rent a Class B typewriter to a person who offers to surrender a valid certificate permitting him to rent a typewriter of that Class, to pay in cash the maximum rental fee and deposit which may be charged, and to transport the typewriter will be prima facie evidence of discrimination if the dealer, wholesaler, or manufacturer then owns and has in his possession a Class B typewriter which is not the subject of a valid agreement to sell or rent.

(b) *Subsequent transfer.* Transfer of the typewriters by any person included in paragraph (a) of this section may be made only to: (1) another person so included; (2) the person from whose custody the typewriter was taken; or (3) a dealer, wholesaler, or manufacturer.

(c) *Return of lost or stolen typewriter.* A lost or stolen typewriter may be returned, without the surrender of a certificate, to the owner or the person rightfully in possession of it at the time of the loss or theft.

PROHIBITED ACTS RELATING TO TYPEWRITERS AND CERTIFICATES

§ 1398.144 *Transfer of typewriters prohibited.* (a) No person shall transfer or acquire a typewriter (or offer to do so) except in accordance with this order.

(b) No person who rents (or has rented) a typewriter may keep it after the end of the rental period except as authorized by this order.

(c) No person may keep a typewriter acquired by him in violation of this order or of Revised Rationing Order No. 4. He must return the typewriter to the person entitled to it or sell it to someone permitted to buy it under this Order, other than by § 1398.118

§ 1398.145 *Certificates generally not transferable.* No person shall use, possess, or transfer any Certificate except as permitted in this order.

JURISDICTION OF BOARDS

§ 1398.146 *Jurisdiction of Boards with respect to trade.* For the purposes of this order, each War Price and Rationing Board shall have jurisdiction over: (a) each place of business of a dealer or wholesaler located in the area served by the Board; and (b) each manufacturer (including all branches, outlets, and sales agencies of the manufacturer) whose principal business office is located within the area served by the Board.

APPEALS AND SUSPENSION ORDERS

§ 1398.147 *Persons may appeal.* Any person directly affected by the action of a Board, State Director, or Regional Administrator taken with respect to any matter before him under this Order may appeal from such action pursuant to Procedural Regulation No. 9.[2]

§ 1398.148 *Violators may lose right to rationed products.* Any person who violates this order may, by administrative suspension order, be prohibited from acquiring or transferring any typewriters or other rationed product for such period as in the judgment of the Administrator is necessary or appropriate in the public interest and to promote national security.

DEFINITIONS AND CLASSES OF TYPEWRITERS

§ 1398.149 *Terms explained.* (a) When used in this order the term—

(1) "Acquire" means to accept a transfer.

(2) "Board" means a War Price and Rationing Board. If the context so indicates, the term refers to the specific War Price and Rationing Board having jurisdiction.

(3) "Certificate" means an evidence of authority to acquire a typewriter, issued under the authority of this order on OPA Form No. R–403 (Revised) or other form provided by the Office of Price Administration. When described as being issued under Revised Rationing Order No. 4, it refers to such an evidence issued on OPA Form No. R–403.

(4) "Convert to use" means to use a typewriter previously held for some purpose other than use, whether or not there is a change of ownership or possession.

(5) "Dealer" means any person, other than a manufacturer, regularly engaged in the business of selling or renting typewriters to ultimate users.

(6) "Manufacturer" means a person who, at any time on or after March 6, 1942, has operated a plant to build or assemble new typewriters.

(7) "New," as applied to a typewriter, means any typewriter which has never been delivered to any person who has acquired it for use. The term does not include repaired, rebuilt, or reconditioned typewriters

(8) "Non-portable typewriter" means any typewriter other than a portable typewriter.

(9) "Person" includes an individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not, and includes the United States or any agency thereof, and any other government or any political subdivision or agency thereof.

(10) "Portable typewriter" means any typewriter weighing less than 25 pounds.

(11) "Rental" includes lease, license, loan, or other hiring, with or without consideration.

(12) "Transfer" means convert to use, sell, lease, lend, trade, exchange, give, ship, deliver, physically transfer to another in any manner, or make any transaction involving a change in possession, right, title, or interest; when used as a noun the term means a conversion to use, sale, lease, loan, trade, gift, exchange, shipment, delivery, physical transfer to another in any manner, and any transaction involving a change in right, title, interest or possession.

(13) "Typewriter", unless expressly otherwise stated, includes non-portable typewriters (including noiseless and electric types) and portable typewriters. The terms does not include: continuous forms handling machines having carbon paper handling devices constructed as an integral part of the machine; shorthand writing machines; metal stencil or addressograph-plate cutting machines; telegraphically controlled typewriters; Braille typewriters; toy typewriters; linotype machines; or monotype machines.

(14) "Used", as applied to a typewriter, means any typewriter which at any time has been delivered to a person acquiring it for use.

(15) "Wholesaler" means any person, other than a manufacturer, regularly engaged in the business of selling typewriters to manufacturers, to other wholesalers, or to dealers.

(b) Words of the masculine gender shall also denote the feminine and neuter genders; words of the singular shall also denote the plural; and vice versa.

§ 1398.150 *Typewriters are classed as A, B, C, D, and Special.* For the purposes of this order, typewriters are classified as follows:

(a) *Class A.* All the following typewriters, except such typewriters as are equipped with type other than 10 or 12 pitch (letters to the inch), pica, or elite, or with special inbuilt features or attachments (other than 5, 6, or 10 key decimal tabulator mechanism) if such type or special feature or attachment was installed prior to March 6, 1942: (1) New or used nonportable typewriters of the following makes, models, and serial numbers: (In general, the typewriters of the serial numbers listed were manufactured on or after January 1, 1935.)

Makes	Models	Serial numbers
Electromatic	All	11,501 up.
Remington Standard	11 (Short Stroke)	All.
Remington Standard	12, 20, 30	Z 333,501 up.
Remington Standard	16	Z 479,001 up.
Remington Standard	17	All.
Remington (or Monarch or Smith Premier) Standard.	50, 60	W 134,501 up.
Remington (or Monarch or Smith Premier) Noiseless.	6, 61	X 240 501 up.
Remington (or Smith Premier) Noiseless.	10	X 332,501 up.
Royal	All	1,715,001 up.
L. C. Smith Standard and Silent.	8, Super Speed	1,135,001 up.
Underwood Standard	All	4,300,001 up.
Underwood Noiseless	All	3,924,001 up.
Woodstock	5	400,001 up.

(2) Factory renumbered non-portable typewriters of the makes listed above which are equipped with inbuilt key-set tabulator mechanisim, regardless of date of original manufacture.

(3) New portable typewriters of the following makes, models, and serial numbers: (In general, the typewriters of the serial numbers listed were manufactured on or after July 1, 1941.)

Makes	Models	Serial numbers
Corona	Silent	3S 101,001 up.
	Sterling	3A 105,501 up.
	Standard	3C 282,001 up.
	Pacemaker	
	Sterling	1A 36553 up.
	Standard	1C 187462 up.
Remington (or Monarch or Smith Premier).	Noiseless	N1, 140,001 up.
	Quiet No. 1	P1,147,001 up.
	Deluxe No. 5	B 1,147,001 up.
Royal	A—Deluxe	1,042,501 up.
	B—Aristocrat	1,042,501 up.
	C—Arrow	1,042,501 up.
Underwood	Noiseless	1,327,001 up.
	Champion	1,341,501 up.
	Universal	1,341,501 up.

(b) *Class B.* All new or used non-portable typewriters of the following makes, models, and serial numbers, except such typewriters as are included in Class A: (In general, the typewriters of the serial numbers listed were manufactured after January 1, 1928. Thus, Class B generally includes typewriters manufactured between January 1, 1928 and December 31, 1934, inclusive, and typewriters manufactured after that period which are excluded from Class A because of type, pitch, feature, or attachment.)

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[2] 7 F.R. 8796.

Makes	Models	Serial numbers
Burroughs	All	All.
Electromatic	All	All.
Remington Standard	11 (Short Stroke)	All (including factory renumbered).
Remington (or Monarch or Smith Premier) Standard.	12, 20, 30	Z 100,001 up; also two letter prefix—first letter L, X or B, first digit 8; also all-letter series; also factory renumbered ZR 300,000 up.
Remington Standard	16	Z 400,001 up; also factory renumbered ZR 500,000 up.
Remington Standard	17	All.
Remington (or Monarch or Smith Premier) Standard.	50, 60	W 100,001 up; also factory renumbered WR 300,000 up.
Remington (or Monarch or Smith Premier) Noiseless.	6, 61	X 100,001 up; also two letter prefix—first letter Q, first digit 8; also all-letter series; also factory renumbered prefix XR or RX 10,000 up.
Remington (or Smith Premier) Noiseless.	10	X 300,001 up; also factory renumbered XR or RX 300,000 up.
Royal	All	1,125,001 up; also factory renumbered Y 40 and later series, SY, CSY, HY or KHY.
L. C. Smith	7	22,001 up.
L. C. Smith	8, Super Speed	776,001 up; also prefix RB or RC factory renumbered.
Underwood Standard	3/11″, 12″, 14″, 16″	710,001 up.
Underwood Standard	3/18″, 20″, 26″	145,001 up.
Underwood Standard	4, 5	2,330,001 up.
Underwood Standard	6, S, Master	All.
Underwood Noiseless	All	All.
Woodstock	5	All (including factory renumbered).

(c) *Class C.* (1) All non-portable typewriters of the following makes, models, and serial numbers, except such typewriters as are included in Classes A or B: (In general, the typewriters of the serial numbers listed were manufactured between January 1, 1915 and December 31, 1927, inclusive.)

Makes	Models	Serial numbers
Remington Standard	R	Two-letter prefix—first letter R; first digit 5, 6, 7, 8, or 9.
Remington Standard	L	Two-letter prefix—first letter L or B; first digit 0, 1, 2, 3, 4, 5, 6, or 7.
Monarch (or Smith Premier) Standard.	3	First digit 5, 6, 7, 8, 9, 0, or 1.
Monarch (or Smith Premier) Standard.	30	First digit 2, 3, 4, 5, 6, or 7.
Remington (or Monarch or Smith Premier) Noiseless.	3, 4, 5	All.
Remington (or Monarch or Smith Premier) Noiseless.	6, 61	Two-letter prefix—first letter Q; first digit 5, 6, or 7.
Royal	All	206,001 to 1,125,000; also factory renumbered Y prior to 40 series.
L. C. Smith	3/12″	All.
L. C. Smith	3/14″	22,001 up.
L. C. Smith	4	14,501 up.
L. C. Smith	5	241,501 up.
L. C. Smith	6	6,501 up.
L. C. Smith	7	To 22,000.
L. C. Smith	8	To 776,000; also prefix RA factory renumbered.
Underwood Standard	3/11″, 12″, 14″, 16″	129,001 to 710,000.
Underwood Standard	3/18″, 20″, 26″	28,001 to 145,000.
Underwood Standard	4, 5	744,001 to 2,330,000.
Woodstock	All	To 177,000.

(2) All portable typewriters, not included in Class A, having two or more of the following three features: (i) self starter or paragraph key, (ii) tilting or folding paper-table, (iii) operator touch adjustment.

(d) *Class D.* All typewriters not included in Classes A, B, or C.

(e) *Special* (1) Class A typewriters specifically rejected for purchase by the Procurement Division of the Treasury Department.

(2) Typewriters equipped with type other than 10 or 12 pitch (letters to the inch), pica, or elite, or with electric carriage return or special inbuilt features or attachments; including special typewriters which were ordered from a manufacturer prior to March 6, 1942 and which have been or are hereafter specifically allocated to the Office of Price Administration by the War Production Board for rationing.

ORDER EFFECTIVE

§ 1398.151 *Revised Rationing Order No. 4 is revoked.* Ration Order No. 4A takes the place of Revised Rationing Order No. 4, as amended, and §§ 1398.101 to 1398.112 are revoked, except that any violations which occurred, or rights or liabilities which arose before the effective date of this Order shall be governed by the Orders and their Amendments in effect at the time the violations occurred or the rights or liabilities arose.

§ 1398.152 *Effective date of order.* Ration Order No. 4A (§§ 1398.101 to 1398.152, inclusive) shall become effective at 12: 01 a. m. December 28, 1942.

Issued this 22d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13757; Filed, December 22, 1942; 4:17 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 182,[1] Amendment 4]

KRAFT WRAPPING PAPERS AND CERTAIN BAG PAPERS AND CERTAIN BAGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.* § 1347.306 is amended to read as set forth below:

§ 1347.306 *Export Sales; sales for export.* (a) As used in this section, the term:

(1) "Export sale" means any "export" or "export sale" as defined in § 1375.8, paragraph (a) (1) of the Revised Maximum Export Price Regulation.[2]

(2) "Sale for export" means any domestic sale prior to an "export sale", where the product is marked so as to indicate that it is to be exported and is intended for the export trade, or where the sale is made to a merchant or exporter who intends to export the product.

(3) "Normal port of export" means that port of exit in the continental United States from which a product manufactured by a particular mill would have customarily been shipped in export to a particular destination during the period July 1 to December 31, 1941, or a port to which a manufacturer customarily made deliveries for export during such period.

(4) "Emergency port" means the port of exit from which the product is actually shipped in export when the "normal port of export" is not available.

(b) The maximum price at which any person may make an export sale of the products covered by this Maximum Price Regulation No. 182 shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration on July 2, 1942, and any amendments thereto.

(c) The maximum at which any person may make a sale for export of the products covered by this Maximum Price Regulation No. 182 shall be not in excess of the sum of the following items:

(1) The manufacturer's maximum domestic price at the normal port of export of the mill at which the products were made; plus

(2) If and only if the products are to be exported from an emergency port, the amount of the extra freight involved in shipping to the emergency port, over and above the freight to the normal port.

§ 1347.314 *Effective dates of amendments.* * * *

(e) Amendment No. 4 (§ 1347.306) to Maximum Price Regulation No. 182 shall become effective December 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5712, 6048, 7974, 8997, 8948, 9724.

[2] 7 F.R. 5059, 7242, 8829, 9000, 10530.

Issued this 22d day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13749; Filed, December 22, 1942; 4:15 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 129,[1] Amendment 13]

EXPORT SALES

Waxed paper.
Envelopes.
Paper cups, paper containers and liquid tight containers.
Sanitary closures and milk bottle caps.
Drinking straws.
Certain sulphate and certain sulphite papers.
Certain tissue paper.
Rope and jute papers.
Technical papers.
Gummed papers.
Tags, pin tickets and marking machine tickets.
Glazed and fancy papers.
Resale book matches.
Unprinted single weight crepe paper in folds.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.* § 1347.17 is amended to read as set forth below:

§ 1347.17 *Export Sales; sales for export.* (a) As used in this section, the term:

(1) "Export sale" means any "export" or "export sale" as defined in § 1375.8, paragraph (a) (1) of the Revised Maximum Export Price Regulation.

(2) "Sale for export" means any domestic sale prior to an "export sale", where the product is marked so as to indicate that it is to be exported and is intended for the export trade, or where

(c) The maximum price at which any person may make a sale for export of the products covered by this Maximum Price Regulation No. 129 shall be not in excess of the sum of the following items:

(1) The manufacturer's maximum domestic price at the normal port of export of the mill at which the products were made; plus

(2) If and only if the products are to be exported from an emergency port, the amount of the extra freight involved in shipping to the emergency port, over and above the freight to the normal port.

§ 1347.25 *Effective dates of amendments.* * * *

(m) Amendment No. 13 (§ 1347.17) to Maximum Price Regulation No. 129 shall become effective December 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of December, 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13752; Filed, December 22, 1942; 4:15 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 183,[1] Amendment 14]

PUERTO RICO

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (k), Table XI, of § 1418.14 is amended as set forth below:

§ 1418.14 *Tables of maximum prices.* * * *

(k) *Table XI, Specific maximum prices*

PART 1499—COMMODITIES AND SERVICES

[Order 186 Under § 1499.3 (b) of GMPR]

DOW CHEMICAL COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1422 *Approval of maximum prices for sales of certain "Saran" products by the Dow Chemical Company.* (a) The maximum prices for sales of the products listed below by the Dow Chemical Company of Midland, Michigan, shall be the following, f. o. b. Midland, Michigan:

(1) "Saran" pipe, prices per foot in 10-foot standard lengths. All lengths of 100 feet and more included in a single sale shall be added and the figure representing the sum of such lengths shall be used to determine the applicable maximum price for such lengths.

LIST PRICES

Size	Less than 10′	11–99′	100–999′	1000′ up
½″	$1.36	$0.92	$0.72	$0.68
¾″	1.60	1.16	.96	.92
1″	2.00	1.56	1.36	1.32
1¼″	2.24	1.80	1.60	1.56
1½″	2.54	2.20	2.00	1.96
2″	3.34	2.90	2.70	2.64

Maximum sales prices to consumers: List prices less 50%.

Maximum sales prices to resellers: List prices less 50%, less 15%.

Terms: Net cash, 30 days. Minimum charge per order: $5.00 net.

(2) "Saran" thermoplastic flanges.

LIST PRICES

[Any quantity]

	Each
½″	$1.25
¾″	1.46
1″	1.68
1¼″	1.94
1½″	2.42
2″	3.12

Maximum sales prices to consumers: list prices less 50%.

Maximum sales prices to resellers: list

(b) This Order No. 186 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 186 (§ 1499.1422) shall become effective December 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13756; Filed, December 22, 1942; 4:16 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 187 Under § 1499.3 (b) of GMPR]

I. F. LAUCKS, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1423 *Approval of maximum prices for sales of Phenol Formaldehyde Resin Adhesive, PF-4 by I. F. Laucks, Inc.* (a) I. F. Laucks, Incorporated, a corporation having its principal place of business in Seattle, Washington, may sell and deliver and any person may buy and receive Phenol Formaldehyde Resin Adhesive, PF-4 at prices no higher than the following: f. o. b. Seattle, Washington with freight equalized with Tacoma, Washington or Portland, Oregon.

	Per pound
Carload lots	$0.16
l. c. l. lots	.1625

(b) All discounts, trade practices, and practices relating to the payment of shipping charges effective during March 1942, on sales by I. F. Laucks, Incorporated, of comparable products shall apply to the maximum prices set forth in paragraph (a).

(c) This Order No. 187 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 187 (§ 1499.1423)

no higher than those set forth below, f. o. b. Moline, Illinois:

Size of container:	Per gallon
55 gallons or more	$1.75
30 up to 55 gallons	2.25
10 up to 30 gallons	2.40
5 up to 10 gallons	2.50
Less than 5 gallons	2.75

(b) The maximum prices established in paragraph (a) shall include all charges for containers.

(c) The maximum prices established in paragraph (a) shall be reduced by one per cent for payment by the purchaser by the 10th day of the month following the month of delivery.

(d) This Order No. 188 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 188 (§ 1499.1424) shall become effective December 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13750; Filed, December 22, 1942; 4:16 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 1 Under § 1499.18 (c), as Amended, of GMPR]

SANTEE HEADING CORP.

For the reasons set forth in an opinion issued simultaneously herewith: *Is is ordered:*

§ 1499.1501 *Adjustment of maximum prices for basket bottoms for perishable food containers manufactured and sold by the Santee Heading Corporation.* (a) The Santee Heading Corporation, Allendale, South Carolina, may sell and deliver, and any person may buy from that [illegible] food containers at prices not higher than the following prices per 1,000 bottoms.

PART 1499—COMMODITIES AND SERVICES

[Order 140 Under § 1499.18 (b) of GMPR]

PANT-EASE INFANT WEAR CO.

Order No. 140 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-1548.

For the reasons set forth in the opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1041 *Adjustment of maximum prices for knitted diapers manufactured by William G. McNair and Louise R. McNair, doing business under the assumed name of "Pant-ease Infant Wear Company".* (a) William G. McNair and Louise R. McNair, doing business as "Pant-ease Infant Wear Company" of Arcade, New York, may sell and deliver and any person may buy and receive from the "Pant-ease Infant Wear Company" the following commodities at prices not higher than those set forth below:

Description:	Price per dozen
Small-medium knitted diaper	$1.40
Large knitted diaper	1.60

(b) The maximum prices set forth in paragraph (a) are subject to the following conditions:

(1) All discounts, trade practices and all practices relating to shipping and shipping charges in effect in March 1942, shall be applicable to such maximum prices.

(2) The garments shall be manufactured to the same standards of quality as were in effect in March, 1942.

(3) The "Pant-ease Infant Wear Company" shall mail to all wholesalers and retailers to whom said company shall sell these diapers, a notice reading as follows:

> The Office of Price Administration has permitted us to raise our maximum price for [illegible] $1.40 for the small-medium sizes and from $1.55 to $1.60 for the large sizes. This amount

or contract carriers in connection with the right of subrogation, or by virtue of the payment by them of any claim for damage to the typewriters; (2) persons performing public fire or safety functions, warehousemen, or persons engaged principally and primarily in the business of adjusting losses and selling, or reconditioning and selling, damaged commodities, who take possession of or receive them on the occurrence or imminence of casualties.

(b) *Subsequent transfer.* Transfer of the typewriters by any person included in paragraph (a) of this section may be made only to: (1) another person so included; (2) the person from whose custody the typewriter was taken; or (3) a dealer, wholesaler, or manufacturer.

(c) *Return of lost or stolen typewriter.* A lost or stolen typewriter may be returned, without the surrender of a certificate, to the owner or the person rightfully in possession of it at the time of the loss or theft.

PROHIBITED ACTS RELATING TO TYPEWRITERS AND CERTIFICATES

§ 1398.144 *Transfer of typewriters prohibited.* (a) No person shall transfer or acquire a typewriter (or offer to do so) except in accordance with this order.

(b) No person who rents (or has rented) a typewriter may keep it after the end of the rental period except as authorized by this order.

(c) No person may keep a typewriter acquired by him in violation of this order or of Revised Rationing Order No. 4. He must return the typewriter to the person entitled to it or sell it to someone permitted to buy it under this Order, other than by § 1398.118

§ 1398.145 *Certificates generally not transferable.* No person shall use, possess, or transfer any Certificate except as permitted in this order.

JURISDICTION OF BOARDS

§ 1398.146 *Jurisdiction of Boards with respect to trade.* For the purposes of this order, each War Price and Rationing Board shall have jurisdiction over: (a) each place of business of a dealer or wholesaler located in the area served by the Board; and (b) each manufacturer (including all branches, outlets, and sales agencies of the manufacturer) whose principal business office is located within the area served by the Board.

APPEALS AND SUSPENSION ORDERS

§ 1398.147 *Persons may appeal.* Any person directly affected by the action of a Board, State Director, or Regional Administrator taken with respect to any matter before him under this Order may appeal from such action pursuant to Procedural Regulation No. 9.[2]

§ 1398.148 *Violators may lose right to rationed products.* Any person who violates this order may, by administrative suspension order, be prohibited from acquiring or transferring any typewriters or other rationed product for such period as in the judgment of the Administrator is necessary or appropriate in the public interest and to promote national security.

DEFINITIONS AND CLASSES OF TYPEWRITERS

§ 1398.149 *Terms explained.* (a) When used in this order the term—

(1) "Acquire" means to accept a transfer.

(2) "Board" means a War Price and Rationing Board. If the context so indicates, the term refers to the specific War Price and Rationing Board having jurisdiction.

(3) "Certificate" means an evidence of authority to acquire a typewriter, issued under the authority of this order on OPA Form No. R–403 (Revised) or other form provided by the Office of Price Administration. When described as being issued under Revised Rationing Order No. 4, it refers to such an evidence issued on OPA Form No. R–403.

(4) "Convert to use" means to use a typewriter previously held for some purpose other than use, whether or not there is a change of ownership or possession.

(5) "Dealer" means any person, other than a manufacturer, regularly engaged in the business of selling or renting typewriters to ultimate users.

(6) "Manufacturer" means a person who, at any time on or after March 6, 1942, has operated a plant to build or assemble new typewriters.

(7) "New," as applied to a typewriter, means any typewriter which has never been delivered to any person who has acquired it for use. The term does not include repaired, rebuilt, or reconditioned typewriters

(8) "Non-portable typewriter" means any typewriter other than a portable typewriter.

(9) "Person" includes an individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not, and includes the United States or any agency thereof, and any other government or any political subdivision or agency thereof.

(10) "Portable typewriter" means any typewriter weighing less than 25 pounds.

(11) "Rental" includes lease, license, loan, or other hiring, with or without consideration.

(12) "Transfer" means convert to use, sell, lease, lend, trade, exchange, give, ship, deliver, physically transfer to another in any manner, or make any transaction involving a change in possession, right, title, or interest; when used as a noun the term means a conversion to use, sale, lease, loan, trade, gift, exchange, shipment, delivery, physical transfer to another in any manner, and any transaction involving a change in right, title, interest or possession.

(13) "Typewriter", unless expressly otherwise stated, includes non-portable typewriters (including noiseless and electric types) and portable typewriters. The terms does not include: continuous forms handling machines having carbon paper handling devices constructed as an integral part of the machine; shorthand writing machines; metal stencil or addressograph-plate cutting machines; telegraphically controlled typewriters; Braille typewriters; toy typewriters; linotype machines; or monotype machines.

(14) "Used", as applied to a typewriter, means any typewriter which at any time has been delivered to a person acquiring it for use.

(15) "Wholesaler" means any person, other than a manufacturer, regularly engaged in the business of selling typewriters to manufacturers, to other wholesalers, or to dealers.

(b) Words of the masculine gender shall also denote the feminine and neuter genders; words of the singular shall also denote the plural; and vice versa.

§ 1398.150 *Typewriters are classed as A, B, C, D, and Special.* For the purposes of this order, typewriters are classified as follows:

(a) *Class A.* All the following typewriters, except such typewriters as are equipped with type other than 10 or 12 pitch (letters to the inch), pica, or elite, or with special inbuilt features or attachments (other than 5, 6, or 10 key decimal tabulator mechanism) if such type or special feature or attachment was installed prior to March 6, 1942: (1) New or used nonportable typewriters of the following makes, models, and serial numbers: (In general, the typewriters of the serial numbers listed were manufactured on or after January 1, 1935.)

Makes	Models	Serial numbers
Electromatic	All	11,501 up.
Remington Standard	11 (Short Stroke)	All.
Remington Standard	12, 20, 30	Z 333,501 up.
Remington Standard	16	Z 479,001 up.
Remington Standard	17	All.
Remington (or Monarch or Smith Premier) Standard.	50, 60	W 134,501 up.
Remington (or Monarch or Smith Premier) Noiseless.	6, 61	X 240 501 up.
Remington (or Smith Premier) Noiseless.	10	X 332,501 up.
Royal	All	1,715,001 up.
L. C. Smith Standard and Silent.	8, Super Speed	1,135,001 up.
Underwood Standard	All	4,300,001 up.
Underwood Noiseless	All	3,924,001 up.
Woodstock	5	400,001 up.

(2) Factory renumbered non-portable typewriters of the makes listed above which are equipped with inbuilt key-set tabulator mechanisim, regardless of date of original manufacture.

(3) New portable typewriters of the following makes, models, and serial numbers: (In general, the typewriters of the serial numbers listed were manufactured on or after July 1, 1941.)

Makes	Models	Serial numbers
Corona	Silent	3S 101,001 up.
	Sterling	3A 105,501 up.
	Standard	3C 282,001 up.
	Pacemaker	
	Sterling	1A 36553 up.
	Standard	1C 187462 up.
Remington (or Monarch or Smith Premier).	Noiseless	N1, 140,001 up.
	Quiet No. 1	P1,147,001 up.
	Deluxe No. 5	B 1,147,001 up.
Royal	A—Deluxe	1,042,501 up.
	B—Aristocrat	1,042,501 up.
	C—Arrow	1,042,501 up.
Underwood	Noiseless	1,327,001 up.
	Champion	1,341,501 up.
	Universal	1,341,501 up.

(b) *Class B.* All new or used non-portable typewriters of the following makes, models, and serial numbers, except such typewriters as are included in Class A: (In general, the typewriters of the serial numbers listed were manufactured after January 1, 1928. Thus, Class B generally includes typewriters manufactured between January 1, 1928 and December 31, 1934, inclusive, and typewriters manufactured after that period which are excluded from Class A because of type, pitch, feature, or attachment.)

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[2] 7 F.R. 8796.

Makes	Models	Serial numbers
Burroughs	All	All.
Electromatic	All	All.
Remington Standard	11 (Short Stroke)	All (including factory renumbered).
Remington (or Monarch or Smith Premier) Standard.	12, 20, 30	Z 100,001 up; also two letter prefix—first letter L, X or B, first digit 8; also all-letter series; also factory renumbered ZR 300,000 up.
Remington Standard	16	Z 400,001 up; also factory renumbered ZR 500,000 up.
Remington Standard	17	All.
Remington (or Monarch or Smith Premier) Standard.	50, 60	W 100,001 up; also factory renumbered WR 300,000 up.
Remington (or Monarch or Smith Premier) Noiseless.	6, 61	X 100,001 up; also two letter prefix—first letter Q, first digit 8; also all-letter series; also factory renumbered prefix XR or RX 10,000 up.
Remington (or Smith Premier) Noiseless.	10	X 300,001 up; also factory renumbered XR or RX 300,000 up.
Royal	All	1,125,001 up; also factory renumbered Y 40 and later series, SY, CSY, HY or KHY.
L. C. Smith	7	22,001 up.
L. C. Smith	8, Super Speed	776,001 up; also prefix RB or RC factory renumbered.
Underwood Standard	3/11", 12", 14", 16"	710,001 up.
Underwood Standard	3/18", 20", 26"	145,001 up.
Underwood Standard	4, 5	2,330,001 up.
Underwood Standard	6, S, Master	All.
Underwood Noiseless	All	All.
Woodstock	5	All (including factory renumbered).

(c) *Class C.* (1) All non-portable typewriters of the following makes, models, and serial numbers, except such typewriters as are included in Classes A or B: (In general, the typewriters of the serial numbers listed were manufactured between January 1, 1915 and December 31, 1927, inclusive.)

Makes	Models	Serial numbers
Remington Standard	R	Two-letter prefix—first letter R; first digit 5, 6, 7, 8, or 9.
Remington Standard	L	Two-letter prefix—first letter L or B; first digit 0, 1, 2, 3, 4, 5, 6, or 7.
Monarch (or Smith Premier) Standard.	3	First digit 5, 6, 7, 8, 9, 0, or 1.
Monarch (or Smith Premier) Standard.	30	First digit 2, 3, 4, 5, 6, or 7.
Remington (or Monarch or Smith Premier) Noiseless.	3, 4, 5	All.
Remington (or Monarch or Smith Premier) Noiseless.	6, 61	Two-letter prefix—first letter Q; first digit 5, 6, or 7.
Royal	All	206,001 to 1,125,000; also factory renumbered Y prior to 40 series.
L. C. Smith	3/12"	All.
L. C. Smith	3/14"	22,001 up.
L. C. Smith	4	14,501 up.
L. C. Smith	5	241,501 up.
L. C. Smith	6	6,501 up.
L. C. Smith	7	To 22,000.
L. C. Smith	8	To 776,000; also prefix RA factory renumbered.
Underwood Standard	3/11", 12", 14", 16"	129,001 to 710,000.
Underwood Standard	3/18", 20", 26"	28,001 to 145,000.
Underwood Standard	4, 5	744,001 to 2,330,000.
Woodstock	All	To 177,000.

(2) All portable typewriters, not included in Class A, having two or more of the following three features: (i) self starter or paragraph key, (ii) tilting or folding paper-table, (iii) operator touch adjustment.

(d) *Class D.* All typewriters not included in Classes A, B, or C.

(e) *Special* (1) Class A typewriters specifically rejected for purchase by the Procurement Division of the Treasury Department.

(2) Typewriters equipped with type other than 10 or 12 pitch (letters to the inch), pica, or elite, or with electric carriage return or special inbuilt features or attachments; including special typewriters which were ordered from a manufacturer prior to March 6, 1942 and which have been or are hereafter specifically allocated to the Office of Price Administration by the War Production Board for rationing.

ORDER EFFECTIVE

§ 1398.151 *Revised Rationing Order No. 4 is revoked.* Ration Order No. 4A takes the place of Revised Rationing Order No. 4, as amended, and §§ 1398.101 to 1398.112 are revoked, except that any violations which occurred, or rights or liabilities which arose before the effective date of this Order shall be governed by the Orders and their Amendments in effect at the time the violations occurred or the rights or liabilities arose.

§ 1398.152 *Effective date of order.* Ration Order No. 4A (§§ 1398.101 to 1398.152, inclusive) shall become effective at 12: 01 a. m. December 28, 1942.

Issued this 22d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13757; Filed, December 22, 1942; 4:17 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 182,[1] Amendment 4]

KRAFT WRAPPING PAPERS AND CERTAIN BAG PAPERS AND CERTAIN BAGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.* § 1347.306 is amended to read as set forth below:

§ 1347.306 *Export Sales; sales for export.* (a) As used in this section, the term:

(1) "Export sale" means any "export" or "export sale" as defined in § 1375.8, paragraph (a) (1) of the Revised Maximum Export Price Regulation.[2]

(2) "Sale for export" means any domestic sale prior to an "export sale", where the product is marked so as to indicate that it is to be exported and is intended for the export trade, or where the sale is made to a merchant or exporter who intends to export the product.

(3) "Normal port of export" means that port of exit in the continental United States from which a product manufactured by a particular mill would have customarily been shipped in export to a particular destination during the period July 1 to December 31, 1941, or a port to which a manufacturer customarily made deliveries for export during such period.

(4) "Emergency port" means the port of exit from which the product is actually shipped in export when the "normal port of export" is not available.

(b) The maximum price at which any person may make an export sale of the products covered by this Maximum Price Regulation No. 182 shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration on July 2, 1942, and any amendments thereto.

(c) The maximum at which any person may make a sale for export of the products covered by this Maximum Price Regulation No. 182 shall be not in excess of the sum of the following items:

(1) The manufacturer's maximum domestic price at the normal port of export of the mill at which the products were made; plus

(2) If and only if the products are to be exported from an emergency port, the amount of the extra freight involved in shipping to the emergency port, over and above the freight to the normal port.

§ 1347.314 *Effective dates of amendments.* * * *

(e) Amendment No. 4 (§ 1347.306) to Maximum Price Regulation No. 182 shall become effective December 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5712, 6048, 7974, 8997, 8948, 9724.

[2] 7 F.R. 5059, 7242, 8829, 9000, 10530.

Issued this 22d day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13749; Filed, December 22, 1942; 4:15 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 129,[1] Amendment 13]

EXPORT SALES

Waxed paper.
Envelopes.
Paper cups, paper containers and liquid tight containers.
Sanitary closures and milk bottle caps.
Drinking straws.
Certain sulphate and certain sulphite papers.
Certain tissue paper.
Rope and jute papers.
Technical papers.
Gummed papers.
Tags. pin tickets and marking machine tickets.
Glazed and fancy papers.
Resale book matches.
Unprinted single weight crepe paper in folds.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.* § 1347.17 is amended to read as set forth below:

§ 1347.17 *Export Sales; sales for export.* (a) As used in this section, the term:

(1) "Export sale" means any "export" or "export sale" as defined in § 1375.8, paragraph (a) (1) of the Revised Maximum Export Price Regulation.[2]

(2) "Sale for export" means any domestic sale prior to an "export sale", where the product is marked so as to indicate that it is to be exported and is intended for the export trade, or where the sale is made to a merchant or exporter who intends to export the product.

(3) "Normal port of export" means that port of exit in the continental United States from which a product manufactured by a particular mill would have customarily been shipped in export to a particular destination during the period July 1 to December 31, 1941, or a port to which a manufacturer customarily made deliveries for export during such period.

(4) "Emergency port" means the port of exit from which the product is actually shipped in export when the "normal port of export" is not available.

(b) The maximum price at which any person may make an export sale of the products covered by this Maximum Price Regulation No. 129 shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration on July 2, 1942, and any amendments thereto.

(c) The maximum price at which any person may make a sale for export of the products covered by this Maximum Price Regulation No. 129 shall be not in excess of the sum of the following items:

(1) The manufacturer's maximum domestic price at the normal port of export of the mill at which the products were made; plus

(2) If and only if the products are to be exported from an emergency port, the amount of the extra freight involved in shipping to the emergency port, over and above the freight to the normal port.

§ 1347.25 *Effective dates of amendments.* * * *

(m) Amendment No. 13 (§ 1347.17) to Maximum Price Regulation No. 129 shall become effective December 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of December, 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13752; Filed, December 22, 1942; 4:15 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3178, 3242, 3482, 3554, 4176, 4668, 5712, 5780, 5943, 7974, 8939, 8948, 9131, 9724, 10152.

[2] 7 F.R. 5059, 7242, 8829, 9000, 10530.

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 183,[1] Amendment 14]

PUERTO RICO

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (k), Table XI, of § 1418.14 is amended as set forth below:

§ 1418.14 *Tables of maximum prices.* * * *

(k) *Table XI: Specific maximum prices for corn meal.*

	Sales to wholesalers (price per 98# bag)	Sales at wholesale (price per 98# bag)	Sales at retail (price per pound)
Corn meal	$4.75	$5.10	$0.06

For sales of different quantities the maximum price shall be proportionately computed.

§ 1418.13a *Effective dates of amendments.* * * *

(n) Amendment No. 14 (§ 1418.14 (k)) to Maximum Price Regulation No. 183 shall become effective December 27, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13755; Filed, December 22, 1942; 4:16 p. m.]

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[1] 7 F.R. 5620, 6744, 6659, 7454, 7843, 7945, 8558, 8833, 8946, 9341, 9731, 9975, 10225, 10559.

PART 1499—COMMODITIES AND SERVICES

[Order 186 Under § 1499.3 (b) of GMPR]

DOW CHEMICAL COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1422 *Approval of maximum prices for sales of certain "Saran" products by the Dow Chemical Company.* (a) The maximum prices for sales of the products listed below by the Dow Chemical Company of Midland, Michigan, shall be the following, f. o. b. Midland, Michigan:

(1) "Saran" pipe, prices per foot in 10-foot standard lengths. All lengths of 100 feet and more included in a single sale shall be added and the figure representing the sum of such lengths shall be used to determine the applicable maximum price for such lengths.

LIST PRICES

Size	Less than 10′	11–99′	100–999′	1000′ up
½″	$1.36	$0.92	$0.72	$0.68
¾″	1.60	1.16	.96	.92
1″	2.00	1.56	1.36	1.32
1¼″	2.24	1.80	1.60	1.56
1½″	2.54	2.20	2.00	1.96
2″	3.34	2.90	2.70	2.64

Maximum sales prices to consumers: List prices less 50%.

Maximum sales prices to resellers: List prices less 50%, less 15%.

Terms: Net cash, 30 days. Minimum charge per order: $5.00 net.

(2) "Saran" thermoplastic flanges.

LIST PRICES

[Any quantity]

	Each
½″	$1.25
¾″	1.46
1″	1.68
1¼″	1.94
1½″	2.42
2″	3.12

Maximum sales prices to consumers: list prices less 50%.

Maximum sales prices to resellers: list prices less 50%, less 15%.

Terms: Net cash, 30 days. Minimum charge per order: $5.00 net.

(3) "Saran" gasket holders.

	Each
Lots of less than 1,000	$0.4089
Lots of 1,000, or more	.3808

Terms: Net cash, 30 days.
Minimum charge per order: $5.00 net.

(4) "Saran" washers.

1⅙″ x ⅜″ with ½″ hole $0.0596 each.
Terms: Net cash, 30 days.
Minimum charge per order: $5.00 net.

(5) "Saran" thermoplastic tubes, bags or envelopes.

6½ feet long, 23 to 25 inches circumference, 0.015 inches approximate thickness, in quantities of 100 or over.

	Reinforced with 4 reinforcements	Plain
	Each	Each
Welded on one end and solvent degreased	$0.88	$0.80
Welded on one end	.73	.65
Solvent degreased	.73	.65
Not welded or solvent degreased	.58	.50

Terms: Net cash, 30 days.
Minimum charge per order: $5.00 net.

(b) This Order No. 186 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 186 (§ 1499.1422) shall become effective December 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13756; Filed, December 22, 1942; 4:16 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 187 Under § 1499.3 (b) of GMPR]

I. F. LAUCKS, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1423 *Approval of maximum prices for sales of Phenol Formaldehyde Resin Adhesive, PF-4 by I. F. Laucks, Inc.* (a) I. F. Laucks, Incorporated, a corporation having its principal place of business in Seattle, Washington, may sell and deliver and any person may buy and receive Phenol Formaldehyde Resin Adhesive, PF-4 at prices no higher than the following: f. o. b. Seattle, Washington with freight equalized with Tacoma, Washington or Portland, Oregon.

	Per pound
Carload lots	$0.16
l. c. l. lots	.1625

(b) All discounts, trade practices, and practices relating to the payment of shipping charges effective during March 1942, on sales by I. F. Laucks, Incorporated, of comparable products shall apply to the maximum prices set forth in paragraph (a).

(c) This Order No. 187 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 187 (§ 1499.1423) shall become effective December 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13753; Filed, December 22, 1942; 4:17 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 188 Under § 1499.3 (b) of GMPR]

MOLINE PAINT MFG. CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1424 *Approval of maximum prices for sales of Renew Sandpaper Cleaner by the Renew Division, Moline Paint Manufacturing Company.* (a) The Renew Division, Moline Paint Manufacturing Company, a partnership having its principal place of business in Moline, Illinois, may sell and deliver Renew Sandpaper Cleaner and any person may buy Renew Sandpaper Cleaner at prices no higher than those set forth below, f. o. b. Moline, Illinois:

Size of container:	Per gallon
55 gallons or more	$1.75
30 up to 55 gallons	2.25
10 up to 30 gallons	2.40
5 up to 10 gallons	2.50
Less than 5 gallons	2.75

(b) The maximum prices established in paragraph (a) shall include all charges for containers.

(c) The maximum prices established in paragraph (a) shall be reduced by one per cent for payment by the purchaser by the 10th day of the month following the month of delivery.

(d) This Order No. 188 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 188 (§ 1499.1424) shall become effective December 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13750; Filed, December 22, 1942; 4:16 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 1 Under § 1499.18 (c), as Amended, of GMPR]

SANTEE HEADING CORP.

For the reasons set forth in an opinion issued simultaneously herewith: *Is is ordered:*

§ 1499.1501 *Adjustment of maximum prices for basket bottoms for perishable food containers manufactured and sold by the Santee Heading Corporation.* (a) The Santee Heading Corporation, Allendale, South Carolina, may sell and deliver, and any person may buy from that company, basket bottoms for perishable food containers at prices not higher than the following prices per 1,000 bottoms, f. o. b. cars, Allendale, South Carolina:

Diameter of heading:	Maximum price
9/16 x 5½″	$12.60
9/16 x 6½″	13.25
9/16 x 8″	15.25
9/16 x 8½″	15.90
9/16 x 9″	16.55
⅝ x 9″	16.85
9/16 x 10″	20.70

(b) All prayers of the applicant not granted herein are denied.

(c) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 1 (§ 1499.1501) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 1 (§ 1499.1501) shall become effective December 23, 1942.

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d Day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13751; Filed, December 22, 1942; 4:14 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 140 Under § 1499.18 (b) of GMPR]

PANT-EASE INFANT WEAR CO.

Order No. 140 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-1548.

For the reasons set forth in the opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1041 *Adjustment of maximum prices for knitted diapers manufactured by William G. McNair and Louise R. McNair, doing business under the assumed name of "Pant-ease Infant Wear Company".* (a) William G. McNair and Louise R. McNair, doing business as "Pant-ease Infant Wear Company" of Arcade, New York, may sell and deliver and any person may buy and receive from the "Pant-ease Infant Wear Company" the following commodities at prices not higher than those set forth below:

Description:	Price per dozen
Small-medium knitted diaper	$1.40
Large knitted diaper	1.60

(b) The maximum prices set forth in paragraph (a) are subject to the following conditions:

(1) All discounts, trade practices and all practices relating to shipping and shipping charges in effect in March 1942, shall be applicable to such maximum prices.

(2) The garments shall be manufactured to the same standards of quality as were in effect in March, 1942.

(3) The "Pant-ease Infant Wear Company" shall mail to all wholesalers and retailers to whom said company shall sell these diapers, a notice reading as follows:

> The Office of Price Administration has permitted us to raise our maximum price for sales to you of knitted diapers from $1.35 to $1.40 for the small-medium sizes and from $1.55 to $1.60 for the large sizes. This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of these knitted diapers.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 140 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 140 (§ 1499.1041) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications for maximum prices established by § 1499.2 of the General Maximum Price Regulation.

(f) This Order No. 140 shall become effective December 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13754; Filed, December 22, 1942; 4:17 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

Subchapter S—Rights-of-Way

[Circular 1461a]

PART 245—RIGHTS-OF-WAY OVER AND UPON PUBLIC LANDS AND RESERVATIONS OF THE UNITED STATES FOR ELECTRICAL PLANTS AND TRANSMISSION LINES

Sec.
245.1 Statutory authority.
245.2 Effect of Federal Power Act.
245.3 National parks and monuments.
245.4 Jurisdiction over land.
245.5 Nature of rights-of-way authorized by statutes.
245.6 Unsurveyed lands.
245.7 Effect of permit.
245.8 Construction work in advance of permit; trespass.
245.9 Filing of application.
245.10 Priority rights.
245.11 When permit may be granted.
245.12 Termination of permit.
245.13 Words and phrases.
245.14 Rental charges.
245.15 Showing required of corporations.
245.16 Showing required of individuals or associations of individuals.
245.17 Evidence which must accompany application.
245.18 Power plants to be platted on maps.
245.19 Transmission lines.
245.20 Use of transmission lines.
245.21 Stipulations required as a condition to the approval of permit.
245.22 Change in plan of construction.
245.23 Extension of time for beginning or completing construction.
245.24 Transfer of permit.
245.25 Revocation of permit.
245.26 Abandonment of project.
245.27 Action on application.
245.28 Action on approved permit.
245.29 Regulations superseded.

AUTHORITY: §§ 245.1 to 245.29, inclusive, issued under 31 Stat. 790 and 36 Stat. 1253; 43 U.S.C. 959, 961; and R.S. 441, 5 U.S.C. 485.

§ 245.1 *Statutory authority.* The act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959), authorizes the Secretary of the Interior, under general regulations to be fixed by him, to permit the use of rights-of-way over and upon public lands and certain reservations of the United States for electrical plants, poles, and lines for the generation and distribution of electrical power, to the extent of the ground occupied by such electrical plants, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such electrical lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted under said act.

The act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961), authorizes the head of the department having jurisdiction over the lands, under such regulations as may be fixed by him to grant an easement for rights-of-way for a period not exceeding fifty years, over and across public lands and reservations of the United States, for electrical poles and lines for the transmission and distribution of electrical power, to the extent of twenty feet on each side of the center line of such electrical lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted under said act.

§ 245.2 *Effect of Federal Power Act.* The acts of February 15, 1901, and March 4, 1911, with respect to rights-of-way for power purposes over public lands, were repealed and superseded by the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by sections 201 to 213 inclusive of the act of August 26, 1935 (49 Stat. 847; 16 U.S.C. 791–825r and Sup.), as to power projects for the generation and transmission of hydro-electric power, defined in section 3 (11) of the act, excepting distribution lines and rights-of-way over allotted Indian lands. All applications for rights-of-way for power plants or transmission lines, other than hydro-electric plants and main or primary hydro-electric power transmission lines should be made under the act of February 15, 1901, or the act of March 4, 1911, and §§ 245.1–245.29 of these regulations. Applications for hydro-electric power plant sites or rights-of-way for main or primary hydro-electric power transmission lines, excepting where the lands affected are allotted Indian lands, must be made to the Federal Power Commission, Washington, D. C., under the act of June 10, 1920, as amended.

§ 245.3 *National parks and monuments; effect of Act of March 3, 1921 (41 Stat. 1353).* The act of March 3, 1921, provides, inter alia:

> That hereafter no permit, license, lease or authorization for dams, conduits, reservoirs, power houses, transmission lines, or other works for storage or carriage of water, or for the development, transmission or utilization of power within the limits as now constituted of any national park or national monument, shall be granted or made without specific authority of Congress, etc.

§ 245.4 *Jurisdiction over land.* Section 1 of the act of February 1, 1905 (33 Stat. 628; 16 U.S.C. 472), vested jurisdiction in the Department of Agriculture to pass upon all applications under the act of February 15, 1901, for permission to occupy and use lands in national forests. For the purpose of the act of March 4, 1911, national parks, Indian reservations, grazing districts, wildlife refuges, and reservations for water power sites, irrigation, classification of lands, or other purposes, created under the withdrawal act of June 25, 1910 (36 Stat. 847), are considered to be under the jurisdiction of the Department of the Interior; military reservations under the jurisdiction of the War Department; and reservations created for the special occupancy, use, or control of other departments under the jurisdiction of such departments, respectively. Therefore, when it is desired to obtain permission to use rights-of-way over lands under the jurisdiction or control of Federal Agencies other than the Interior Department, an application should be prepared in accordance with the regulations issued by such Agency or Department and the same submitted to the proper officer thereof.

§ 245.5 *Nature of rights-of-way authorized by statutes.* The Act of February 15, 1901, does not make a grant in the nature of an easement, but authorizes permission to use and occupy the land for the purpose permitted only, revocable at any time. The act of March , 1911, authorizes the granting of easements for transmission lines for periods not to exceed 50 years, and follows closely in the accomplishment of its purpose the act of February 15, 1901. Neither of the acts gives any rights whatever to take from the public lands or reservations any material, earth, or stone for construction or other purposes.

§ 245.6 *Unsurveyed lands.* Permission may be given under the act of February 15, 1901, and the act of March 4, 1911, for rights-of-way over unsurveyed lands as well as surveyed lands.

§ 245.7 *Effect of permit.* Power permits issued by this Department allow the occupancy and use of Interior Department lands for the construction, maintenance, and operation of works that involve the use of valuable power resources or that involve the development, transmission, or use of power.

§ 245.8 *Construction in advance of permit; trespass.* Where construction of transmission lines or other project works is desired over and upon Interior Department lands in advance of the approval of a power permit, authority for such construction may in the discretion of the Secretary be granted by him upon a satisfactory showing of the necessity therefor, if found not incompatible with the public or Government interest, provided the applicant agrees to make full and prompt compliance with all requirements of the Department as conditions precedent to the approval of the power permit, and such construction is done at the applicant's own risk. Application for such authority should be filed with the officer of the Interior Department, having supervision of the lands affected, who will transmit the record with appropriate report and recommendation to the Secretary through the Division of Power.

Any occupancy or use of public lands, including reservations, national parks or monuments, without proper authority is trespass.

§ 245.9 *Filing of application.* All applications for occupancy or use of Interior Department lands for power purposes should be submitted in duplicate on form 1, which is made a part hereof,[1] and filed at the local land office of the land district in which the lands are situated. If the lands are situated in more than one district, the lands in both districts shall be embraced in one set of application papers, which shall be submitted in any one of such districts at the option of the applicant, who shall submit to the local land office in each other districts a print copy of the maps submitted to the local land office of the first district. If there is no local land office, the application should be filed with the Commissioner of the General Land Office, Washington, D. C. (See also, § 245.27.)

An application shall not be completed until every map or paper required by §§ 245.15–245.21 has been filed in the form prescribed.

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[1] Filed as part of the original document.

§ 245.10 *Priority rights.* Priority of consideration of applications for power permits shall be initiated in the order of filing complete applications as prescribed in § 245.9. Priority shall be maintained, however, only in so far as the power projects are within the limits of the project works as shown in the application.

§ 245.11 *When permit may be granted.* Power permits will be issued or granted only in case it appears that the proposed development will be in general accord with the most beneficial utilization of the resources involved and consistent with the public interest. No power permit will be granted if the works to be constructed thereunder would in any way be incompatible with works operated or constructed or to be constructed by and under authority of the United States.

§ 245.12 *Termination of permit.* Unless otherwise specified in the permit, and unless sooner revoked by the Department, a power permit shall terminate at the expiration of 50 years from the date thereof. If, however, at any time not less than 2 nor more than 12 years prior to the termination of the permit, the permittee shall formally notify the Commissioner of the General Land Office, that he desires a new permit to occupy and use such lands as are occupied and used under the existing permit, and will comply with all then existing laws and regulations governing the occupancy and use of lands of the United States for power purposes, the existing permit will be considered as an application for such new permit.

§ 245.13 *Words and phrases.* The following terms, wherever used in §§ 245.1–245.28 of these regulations, shall have the meaning hereby in this section assigned to them, respectively, viz:

"Interior Department lands" means and includes any and all public lands, reservations and patented lands acquired by purchase, donation or otherwise by the United States, under the jurisdiction and control of the Department of the Interior.

"Permit" or "power permit" means any written authorization given by the Secretary for the use of Interior Department lands.

"Municipal purposes" means and includes all purposes within municipal powers as defined by the charter of the municipal corporation itself with the primary object of promoting the security, health, good government, or general convenience of its inhabitants.

"Power business" means the entire business of the applicant or permittee in the generation, distribution, and delivery of power by means of any one power system, together with all works and tangible property involved therein, including freeholds and leaseholds in real property.

"Power system" means all interconnected plants and works for the generation, distribution, and delivery of power.

"Power project" means a complete unit of power development, consisting of a power house, conduit, or conduits conducting water thereto, all storage or diverting or forebay reservoirs used in connection therewith, the transmission line delivering power therefrom, any other miscellaneous structures used in connection with said unit or any part thereof, and all lands the occupancy and use of which are necessary or appropriate in the development of power in said unit.

"Project works" mean the physical structures of a power project.

"Construction of the project works" means the actual construction of dams, water conduits, power houses, transmission lines, or some permanent structure necessary to the operation of the complete power project, and does not include surveys or the building of roads and trails, or the clearing of reservoir sites or other lands to be occupied, or the performance of any work preliminary to the actual construction of the permanent project works.

"Operation period" means the period covered by permit subsequent to the actual beginning of operation.

"Survey-construction period" means the period covered by permit prior to the operation period.

"Nominal stream flow" means the sum of (a) the natural flow available for 90 percent of the time, and (b) the increase in such natural flow for 90 percent of the time due to artificial means other than the project works.

"Project storage flow" means the estimated increase in nominal stream flow made practicable by the project works.

"Available stream flow" means the sum of nominal stream flow and project storage flow.

"Load factor" means the ratio of average power output to maximum power output.

"Total capacity of the power site" means the power estimated to be available for transmission, and is determined as the continued product of (1) the factor 0.08;[2] (2) the average gross head, in feet; (3) the available stream flow at the intake (in second-feet and in amount not to exceed the maximum hydraulic capacity of the project works); and (4) a factor, not less than the average load factor of the power system, representing the degree of practicable utilization of the available stream flow, and based on the extent of practicable fore-bay storage and the load factor of the power system.

"Net capacity of the power site" means the capacity on which the calculation of the compensation hereinafter required to be paid is based, and is determined by making a deduction from the total capacity of the power site which, in percent, shall be the product of the square of the distance of primary transmission in miles and the factor 0.001, but in no case shall such deduction exceed 10 percent.

§ 245.14 *Rental charges.* Unless otherwise ordered by the Secretary the occupancy and use of Interior Department lands under a power permit for power sites of more than 100 horsepower total capacity will be conditioned on the payment in advance for each calendar year of compensation calculated from the "net capacity of the power site", as defined in § 245.13, at not less than the following rates per horsepower per year:

For the unexpired portion of the calendar year and for the first full calendar year of the survey-construction period, and similarly for the operation period	$0.01
For the second full calendar year of each of said periods	.02
For the third year	.03
For the fourth year	.04
For the fifth year	.05
For the sixth year	.06
For the seventh year	.07
For the eighth year	.08
For the ninth year	.09
For the tenth and each succeeding year	.10

The rates per horsepower per year will be ten times such minimum rates, however, unless good cause for fixing other rates appears. The compensation on account of a power permit will be calculated from the net capacity of the power site as estimated by the Secretary at the time of granting said permit: *Provided,* That said estimated net capacity may be adjusted by the Secretary annually to provide for changes in length of primary transmission, for increase or decrease, by storage or otherwise, of available stream flow to an amount of 10 percent or more, or for increase or decrease of 10 percent or more in average gross head, or in degree of practicable utilization.

(a) The charge for occupancy and use of Interior Department lands under a power permit for transmission lines shall be at the rate of five dollars ($5) per mile or fraction thereof per annum, the minimum charge to be five dollars ($5), and the charge for the use of such lands under a power permit for plants generating power by means of coal, oil, gas or other fuel shall be five dollars ($5) per acre or fraction thereof per annum, the minimum charge to be five dollars ($5).

(b) Except as to Indian lands, no rental charge will be required for the occupancy and use of Interior Department lands under a power permit authorizing such occupancy and use exclusively for municipal purposes, for irrigation, or Rural Electrification Administration cooperative projects. As to Indian lands, the imposition of the rental charge specified in this section shall be optional and not mandatory.

(c) Except as to Indian lands, the first rental payment shall be remitted with the application and shall be the compensation for a full year computed under the rates specified in this section, but any excess of said payment over the pro rata compensation for the unexpired portion of the calendar year in which the permit is issued will be credited to the permittee as part of his payment for the first full calendar year. The permittee shall annually, on or before the first day of February next following the close of each calendar year of the period for which right-of-way is authorized, deposit with the Register of the District Land Office, in cash, post office money order, bank draft, or check payable to the Treasurer of the United States, the rental charges specified in the permit. If the permittee shall fail to pay the rental charges required, and such default shall continue for sixty days after the first day of February, the permit may be terminated. After default has occurred, no structures, buildings, or other equipment may be removed from the right-of-way except upon written permission first obtained from the Department of the Interior.

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[2] The factor 0.08 represents the horsepower at 70 percent efficiency of a second-foot of water falling through a head of 1 foot.

(d) At any time not less than 5 years after the issuance of a permit, or after the last revision of rates per year thereunder, the Secretary may review such rates and impose such new rates per year as he may decide to be reasonable and proper.

(e) All payments made under a power permit shall be deposited to the credit of the tribe or individual Indian entitled thereto in so far as Indian lands are affected and, except as otherwise provided by law, to the credit of the Treasurer of the United States in so far as any other Interior Department lands are affected.

§ 245.15 *Showing required of corporations.* Application by a private corporation must be accompanied with a copy of its charter or articles of incorporation, duly certified by the proper officers of the company under its corporate seal or by the secretary of the State where organized.

When a company is operating in a State other than that in which it is incorporated, it must submit the certificate of the proper officer of the State that it has complied with the laws of that State governing foreign corporations to the extent required to entitle the company to operate in such State.

A corporaion other than a private corporation should file a copy of the law under which it was formed and due proof of organization under the same.

If the company shall have filed with the Department of the Interior the papers required by this section, the requirements shall be held to be met if, in making subsequent applications, specific reference is made by date and case number of such previous filing.

§ 245.16 *Showing required of individuals or associations of individuals.* Application by an individual must be accompanied with affidavit of citizenship if the applicant is native-born. If he is not a native-born citizen he must submit the usual proofs of naturalization. If the applicant is an association of citizens, each member must make affidavit of citizenship, and a complete list of the members must be given in an affidavit by one of them. Associations must, in addition, submit their articles of association; if there be none, the fact must be stated over the signature of each member of the association.

§ 245.17 *Evidence which must accompany application.* Each application for power permit must be accompanied with the following data:

(a) A map prepared on tracing linen, in duplicate, with two print copies showing the survey of the right-of-way or site properly located with respect to the public-land surveys so that said right-of-way or site may be accurately located on the ground by any competent engineer or land surveyor. The map should comply with the following requirements:

The scale should be 2,000 feet to the inch for canals, ditches, pipe lines, and transmission lines, and 1,000 feet to the inch for reservoirs, except where a larger scale is required properly to represent the details of the proposed project, in which case the scales should be 1,000 feet to the inch and 500 feet to the inch, respectively.

Courses and distances of the center line of the right-of-way or traverse line of the reservoir should be given; the courses referred to the true meridian either by deflection from a line of known bearing or by independent observation, and the distance in feet and decimals thereof. Station numbers with plus distances at deflection points on the traverse line should be shown.

The initial and terminal points of the survey should be accurately connected by course and distance to the nearest corner of the public-land surveys, unless that corner is more than six miles distant, in which case the connection will be made to some prominent natural object or permanent monument, which can be readily recognized and recovered. The station number and plus distance to the point of intersection with a line of the public land surveys should be ascertained and noted, together with the course and distance along the section line to the nearest existing corner, at a sufficient number of points throughout the township to permit accurate platting of the relative position of the right-of-way to the public-land survey.

All subdivisions of the public-land surveys within the limits of the survey should be shown in their entirety, based upon the official subsisting plats with the subdivision, section, township, and range clearly marked.

The width of the canal or ditch, at highwater line should be given and if not of uniform width, the location and amount of the change must be definitely shown. In the case of a pipe line, the diameter should be given. For reservoirs, the capacity in acre-feet, the area within the highwater line, the source of the water supply, and the location and height of the dam must be shown.

Each copy of the map should bear upon its face an affidavit of the engineer who makes the survey and the certificate of the applicant (Form 2, which is made a part hereof).[3]

(b) A general map of the entire power project or transmission line on tracing linen, in duplicate, with two print copies, prepared on such a scale and in such a manner that each quarter section of land affected is clearly shown. If this information is shown on the map filed under § 245.17 (a), supra, the general map may be omitted.

(c) Evidence of water right, if the project involves the storage, diversion, or conveyance of water. Control and jurisdiction over the appropriation of water is vested in the State authorities. The applicant, therefore, must file evidence, obtained from the proper State official, that he has the right to appropriate the water to be stored, diverted, or conveyed.

(d) When the application is for a permit for a power plant it must be accompanied with a statement giving a description of the proposed power plant including the number and capacity of prime movers and generators proposed to be installed, initially and ultimately, together with similar pertinent information about any substations included in the project and whether the power plant is to be interconnected with other generating facilities owned by the applicant or others. A statement as to whether the power generated is to be sold to others at wholesale or retail or used by the applicant for its own domestic, agricultural, or industrial purposes must also be furnished.

§ 245.18 *Power plants to be platted on map in main drawing and in separate drawing.* When application is made for a permit for power plants, the location and extent of ground proposed to be occupied by buildings, pipe lines, or other structures necessary to be used in connection therewith must be clearly designated on the map and described by reference to course and distance from a corner of the public survey. In addition to being shown in connection with the main drawing, the buildings or other structures must be platted on the map in a separate drawing on a scale sufficiently large to show clearly their dimensions and relative positions.

§ 245.19 *Transmission lines.* Application for a permit for transmission lines must be accompanied with:

(a) A description of the plant or plants which generate or will generate the power to be transmitted over such lines (hereinafter called "the connected generating plant", which term shall include all hydraulic, hydroelectric, and electric generating works), such description to be in sufficient detail to show, to the satisfaction of the Secretary of the Interior, the character, capacity, and location of such plant.

(b) A statement in detail to the Secretary of the Interior showing whether the connected generating plant is located, in whole or in part, on land owned or controlled by the United States, or on land not so owned and controlled, and whether any part of the connected generating plant or of the system of transmission and distribution in connection with such plant affects lands in reservations other than those under the jurisdiction of the Secretary of the Interior.

(c) A description of the transmission line of which the line for which a permit is requested forms a part, giving in reasonable detail the points between which it will extend, its characteristics and purpose, including the voltage for which it is designed and at which it is intended to be operated initially, and whether the line forms a part of the general transmission system of the applicant, and a statement as to whether it is to serve a single customer, or a number of customers, or is intended to transmit power solely for the applicant's own use. If the line is to serve a single customer or for applicant's own use, the nature of such use must be given (such as airway beacon, coal mine, irrigation pump, etc.).

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[3] Filed as part of the original document.

(d) A statement as to the distance from the nearest transmission or distribution lines of any other person, corporation, association, municipality, or other agency engaged in the sale of power, or a statement that there are no such lines existing or contemplated within 10 miles of any part of the transmission line of which the line for which a permit is requested forms a part.

§ 245.20 *Use of transmission lines.* Rights-of-way granted under §§ 245.1–245.29, for transmission lines shall not be used for the transmission of any power generated otherwise than by and at "the connected generating plant" as defined in § 245.19, until the Secretary of the Interior shall have given written authority for such use and then only on the terms and conditions expressed in such written authority.

§ 245.21 *Stipulation required as a condition precedent to the approval of permit.* The applicant shall file with the application required under § 245.9 of these regulations, a duly executed stipulation expressly agreeing to accept the power permit subject to the following terms and conditions, to wit:

(a) To construct the project works on the location shown upon and in accordance with the maps and plans submitted with the application for permit, and to make no material deviation from said location unless and until maps and plans showing such deviation shall have been submitted and approved.

(b) To begin the construction of the project works, or the several parts thereof, within a specified period or periods from the date of execution of the permit, and thereafter diligently and continuously to prosecute such construction unless temporarily interrupted by climatic conditions or by some special or peculiar cause beyond the control of the permittee.

(c) To complete the construction and begin the operation of the project works, or the several parts thereof, within a specified period or periods from the date of execution of the permit. To furnish the Secretary with a statement, under oath, of the actual cost of construction of the project when completed.

(d) To operate the project works continuously for the development, transmission, and use of power, unless upon a full and satisfactory showing that such operation is prevented by unavoidable accidents or contingencies this requirement is temporarily waived by the written consent of the Secretary.

(e) To pay annually, in advance, such amounts as may be fixed and required by the Secretary under § 245.14.

(f) On demand of the Secretary to install at such places and maintain in good operating condition in such manner as shall be approved by the Secretary accurate meters, measuring weirs, gauges, or other devices approved by the Secretary and adequate for the determination of the amount of electric energy generated by the project works and of the flow of the stream or streams from which the water is to be diverted for the operation of the project works and of the amount of water used in the operation of the project works and of the amounts of water held in and drawn from storage; to keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Secretary; and to make a return during January of each year, under oath, of such of the records of measurements for the year ended on December 31, preceding, made by or in the possession of the permittee, as may be required by the Secretary.

(g) That the books and records of the permittee shall be open at all times to the inspection and examination of the Secretary, or other officer or agent of the United States duly authorized to make such inspection and examination.

(h) On demand of the Secretary to install a system of accounting for the entire power business in such form as the Secretary may prescribe, which system as far as is practicable will be uniform for all permittees, and to render annually such reports of the power business as the Secretary may direct.

(i) To protect in a workmanlike manner, at crossings of and at places in proximity to its transmission lines on the right-of-way authorized, in accordance with the rules prescribed in the National Electric Safety Code, all Government and other telephone, telegraph, and power-transmission lines from contact, and all highways and railroads from obstruction, and to maintain its transmission lines in such manner as not to menace life or property; and shall within a reasonable time following receipt of due notice from the Secretary of the Interior, modify the construction of or relocate the line covered by the permit without liability or expense to the United States, as may be necessary to allow use of the right-of-way by the United States for transmission line or other power purposes.

(j) To clear and keep clear the Interior Department lands along the transmission line for such width and in such manner as the officer of the United States having supervision of such lands may direct.

(k) To dispose of all brush, refuse, or unused timber on Interior Department lands resulting from the construction and maintenance of the project works to the satisfaction of the officer last aforesaid.

(l) To build and repair such roads and trails as may be destroyed or injured by construction work or flooding under the permit, and to build and maintain necessary and suitable crossings for all roads and trails that intersect the water conduit constructed, maintained, or operated under the permit.

(m) To do everything reasonably within the power of the permittee both independently and on request of the Secretary or other duly authorized officer or agent of the United States to prevent and suppress fires on or near the lands to be occupied under the permit.

(n) To notify promptly the officer of the United States (Regional Field Examiner, Chief Forester Oregon and California Revested Lands Administration, or other proper officer), having supervision of such lands, of the amount of merchantable timber, if any, which will be cut, removed or destroyed in the construction and operation of the project works, and to deposit with such officer in advance of construction such sum of money as he may determine to be the full stumpage value of the timber to be so cut, removed or destroyed.

(o) To pay the United States full value for all damage to the lands or other property of the United States resulting from the breaking of or the overflowing, leaking, or seeping of water from the project works, and for all other damage to the lands or other property of the United States caused by the neglect of the permittee or of the employees, contractors, or employees of the contractors of the permittee.

(p) To indemnify the United States against any liability for damages to life or property arising from the occupancy or use of Interior Department lands by the permittee.

(q) To abide by such reasonable regulation of the service rendered and to be rendered by the permittee to consumers of power furnished or transmitted by the permittee, and of the prices to be paid therefor as may from time to time be prescribed by the State or any designated agency of the State in which the service is rendered: *Provided,* That for the purposes of this paragraph any such regulation shall be deemed to be suspended pending proceedings in the courts of such State, or in the Supreme Court of the United States on appeal from said State courts where such proceedings are in the nature of an appeal taken direct from the officer, commission, or board prescribing such regulation to said State courts.

(r) Upon demand in writing by the Secretary to surrender the permit to the United States or to transfer the same to such State or municipal corporation as he may designate, and to give, grant, bargain, sell, and transfer with the permit all works, equipment, structures, and property then owned or held by the permittee on lands of the United States occupied or used under the permit, and then valuable or serviceable in the generation, transmission, and distribution of power: *Provided,* (1) That such surrender or transfer shall be demanded only in case the United States or the transferee shall have first acquired such other works, equipment, structures, property and rights of the permittee as are dependent in whole or in essential part for their usefulness upon the continuance of the permit; (2) that such surrender or transfer shall be on condition precedent that the United States shall pay or the transferee shall first pay to the permittee the reasonable value of all such works, equipment, structures, and property to be surrendered or transferred; (3) that such reasonable value shall not include any sum for any permit, right, franchise, or property granted by any public authority in excess of the sum paid to such public authority as a purchase price therefor; and (4) that such reasonable value shall be determined by mutual agreement of the parties in interest, and in case they cannot agree, by the Secretary under a rule, which, except as modified by the requirements of this paragraph, shall be the then existing rule of valuation for power properties in condemnation proceedings in the State in which the properties to be surrendered or transferred are located. But nothing herein shall prevent the United States or any State or municipal corporation from acquiring by any other lawful means the permit or the works, equipment, structures, or property than owned or held by the permittee on lands of the United States occupied or used under the permit.

(s) That in respect to the regulation by any competent public authority of the service to be rendered by the permittee or the price to be charged therefor, and in respect to any purchase or taking over of the properties or business of the permittee or any part thereof by the United States, or by any State within which the works are situated or business carried on in whole or in part, or by any municipal corporation in such State, no value whatsoever shall at any time be assigned to or claimed for the permit or for the occupancy or use of Interior Department lands thereunder, nor shall such permit or such occupancy and use ever be estimated or considered as property upon which the permittee shall be entitled to earn or receive any return, income, price, or compensation whatsoever.

(t) That any approval of any alteration or amendment, or of any map of plan, or of any extension of time shall affect only the portions specifically covered by such approval; and that no approval of any such alteration, amendment, or extension shall operate to alter or amend, or in any way whatsoever be a waiver of any other part, condition, or provision of the permit.

(u) To perform such other specified conditions with respect to the occupancy and use of lands within any military, Indian, or other reservation as may be found by the chief officer of the department under whose supervision such reservation falls to be necessary as conditions precedent to the issuance of the permit in order to render the same compatible with the public interest.

§ 245.22 *Change in location or plans of construction.* During the progress of construction, amendments to maps of location or plans of structures will be required from the permittee if there is a material deviation from the maps or plans as originally filed, but no amendment will be allowed that is incompatible with the occupancy and use of lands under existing permits or pending applications. Any approval of an amendment of a map or plan or of any extension of time shall be in the form of a supplemental agreement and permit so drawn as to become a part of the original agreement and permit and a substitute for the clauses amended. Any approval of any amendment of any map or plan shall apply only to the portions specifically covered by such approval, and no approval of any such amendment shall operate to amend or be in any way a waiver of any other part, condition, or provision of the permit.

If, after the completion of the project works, there are any deviations in location from those shown upon the original map or approved amendments thereof, additional maps prepared in the manner prescribed for original maps of location will be required to be filed within six months after the completion of the project works, showing the extent of such deviations and the final locations of such project works. Also upon the completion of the project works detailed working plans will be required of the works as constructed, except such parts as have been constructed in compliance with plans originally filed or approved amendments thereof. Such new or additional plans may be originals on tracing linen or Van Dyke negatives of the permittee's own working plans. The plans of conduits, dams, and appurtenant structures must be complete; of power houses, only general layout plans are required.

§ 245.23 *Extension of time for beginning or completing construction.* An extension of time for beginning or completing construction and for beginning operation will be granted only by written approval after submission of a satisfactory showing by the permittee to the effect that the beginning or completion of the construction and beginning of operation has been prevented by engineering difficulties that could not reasonably have been foreseen, or by other special and peculiar causes beyond the control of the permittee.

§ 245.24 *Transfer of permit.* A permit may be transferred to a new permittee only (1) by a court of competent jurisdiction under a decree of foreclosure to enforce a mortgage or deed of trust that shall have been given in good faith to secure capital for the power business as defined in § 245.13, embracing the works constructed or to be constructed under such permit, and without any intent to evade the restrictions upon transfers in this section hereafter set forth; or (2) upon the following conditions: The proposed transferee shall file with the Commissioner of the General Land Office, Washington, D. C., the decree, execution of judgment, will, proposed contract of sale, or other written instrument upon which the proposed transfer is based, or a properly certified copy thereof, also an application by the proposed transferee in the form of an agreement binding the proposed transferee to the performance of such new and additional conditions expressed therein as the Secretary may deem necessary; and thereupon the Secretary may, in his discretion, approve in writing the proposed transfer, and after such approval the transferee shall succeed to all the rights and obligations of the permittee, subject, however, to such new and additional conditions as shall have been embodied in such agreement and so approved.

§ 245.25 *Revocation of permit.* Violation by a permittee of any of the provisions of §§ 245.1–245.28, or of any of the conditions of a permit issued to him thereunder, shall be sufficient ground for revocation of such permit.

No permit will be deemed to be revoked except on the issuance by the Secretary of a specific order of revocation. Change of jurisdiction over lands from one executive department to another will not revoke but will change the administrative jurisdiction over a permit for the occupancy and use of such lands. The final disposal by the United States of any tract traversed by a right-of-way permitted shall not be construed to be a revocation of such permission in whole or in part, but such final disposition shall be deemed and taken to be subject to such right-of-way until such permission shall have been specifically revoked.

§ 245.26 *Abandonment of project.* Any power project under permit, or any part thereof, whether constructed or unconstructed, may be abandoned by the permittee upon the written approval of the Secretary after a finding by the Secretary that such abandonment will not tend to prevent the subsequent development of such project or part thereof so abandoned, and after the fulfillment by the permittee of all the obligations under the permit, in respect to payment or otherwise, existing at the time of such approval. Upon such abandonment, after such approval thereof and fulfillment of existing obligations, so much of the agreement and permit as relates to the abandoned project or part of a project will be formally revoked by the Secretary.

§ 245.27 *Action on application.* When an application is filed, the register will place on the papers and accompanying maps, the serial number, the name of the office, and the date of filing. Notations will be made on the local office records opposite each unpatented tract and such patented tracts as have been acquired by the United States, affected by the right-of-way or site, giving serial number, date of filing and the name of the applicant. The register will certify on each map over his written signature, that unpatented land is affected. The application will then be transmitted promptly to the General Land Office. If no unpatented land or patented land acquired by the United States is affected, the register will return the map and duplicate to the applicant with notice of that fact.

(a) Upon receipt of the application in the General Land Office, it will be noted on the records of that office and examined as to its legal and factual sufficiency and requirements. The General Land Office will then transmit the duplicate application and two print copies of all maps to the Geological Survey for examination and report as to its relationship to plans for comprehensive development of the natural resources involved, as to the incompatibility of proposed construction and use of lands with existing or other proposed works or with other land-use projects, as to the propriety and feasibility from an engineering standpoint of construction proposed, and as to other matters of an engineering or technical nature. Requests by the General Land Office shall be made to the Bureau of Reclamation and all other interested bureaus for reports relating to payments, rentals and stipulations, if any, deemed necessary for the protection of their interests.

(b) Applications which do not conform to the law and regulations or the approval of which would be incompatible with the public or Government interests will be rejected with the right of appeal. When an application is completed and in conformity with the law and regulations and all required reports have been obtained, the General Land Office will prepare and submit to the Secretary with recommendation for approval, a draft of a permit in triplicate, through the Division of Power.

§ 245.28 *Action on approved permit.* Upon approval of the permit, the General Land Office, will note the fact of such approval on its records and on the maps of location and will transmit one original permit and one copy thereof together with one tracing of all maps of location to the district land office, whereupon the register will note the approval of the permit on the records of his office and will transmit the original permit to the permittee, retaining the copy of the permit and the tracing maps for the files of his office. The General Land Office will retain one original permit and one tracing of all maps of location for its files and transmit one copy of the permit to the Geological Survey, two copies to the Office of Indian Affairs, where the right-of-way affects Indian lands, one copy to such other bureau of the Department having control and administration of the lands affected, and one original of the permit to the General Accounting Office, where payment of a rental charge for the use of public lands is required.

(a) After the issuance of the permit, the Geological Survey will make such investigations and reports to the Secretary of the Interior as may be necessary for the determination and revision of rates and capacities, the supervision of construction and operation, and of the records of the permittee as contemplated by §§ 245.1–245.29, and, in general, for all engineering matters pertaining to the power development and the power resources involved.

(b) The permittee shall at all times keep the Secretary informed of his address, and in case of corporations, with the address of its principal place of business and of the names and addresses of its principal officers

§ 245.29 *Regulations superseded.* Sections 245.1 to 245.29, inclusive, supersede §§ 245.1 to 245.29, inclusive, of title 43 of the Code of Federal Regulations. (Circ. No. 1461, October 30, 1939)

FRED W. JOHNSON,
Commissioner.

Approved: December 14, 1942.

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 42-13775; Filed, December 23, 1942; 9:33 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 25—SOUTHERN REGION NATIONAL WILDLIFE REFUGES

SABINE NATIONAL WILDLIFE REFUGE, LOUISIANA

Under authority of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715i), as amended, and in extension of § 12.3 of the regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940,[1] the following is hereby ordered:

§ 25.796 *Sabine National Wildlife Refuge, Louisiana; noncommercial fishing.* Noncommercial fishing is permitted in the Sabine National Wildlife Refuge, Louisiana, from May 1 to October 15, inclusive, of each year, during the daylight hours, in waters specified herein, in accordance with the provisions of the regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940, and subject to the following conditions, restrictions, and requirements:

(a) *Waters open to fishing.* All the waters in the following-described areas of the refuge shall be open to fishing: All the waters of the refuge, including the bordering canals, in T. 13 S., Rs. 9, 10, and 11 W., and in secs. 1, 12, 13, 24, 25, and 36, T. 13 S., R. 12 W.; the north boundary canal; secs. 2, 3, and 4, T. 13 S., R 13 W., and all the East Cove area in T. 14 S., Rs. 8 and 9 W., Louisiana Meridian.

(b) *State fishing laws.* Any person who fishes within the refuge must comply with the applicable fishing laws and regulations of the State of Louisiana. Fishing under this regulation shall be by hook and line (including rod and reel) only, as defined by State law, and the use of trot and set lines and other similar contrivances is prohibited.

(c) *Fishing licenses and permits.* Any person who fishes within the refuge shall be in possession of a valid fishing license issued by the Louisiana Department of Conservation, if such license is required, and a permit issued by the officer in charge of the refuge. The permit shall specify the water or waters in which the permittee may fish and the period or periods during which such fishing may be performed. The license and permit must be carried on the person of the licensee while so fishing and must be exhibited upon the request of any representative of the Louisiana Department of Conservation or of the Fish and Wildlife Service.

(d) *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel as may be designated from time to time by suitable posting by the officer in charge of the refuge.

(e) *Use of motorboats.* Persons fishing in lakes or impoundments of the refuge are prohibited from using on or in boats motors of greater than six horsepower capacity, except for official purposes. No restriction is placed on motorboats in canals and rivers.

(f) *Temporary restrictions.* During periods of waterfowl concentrations on the refuge, fishing will not be permitted in such areas of the refuge as, in the judgment of the officer in charge, should be closed to fishing in order to provide adequate protection for such waterfowl concentrations and are posted suitably by such officer.

§ 25.796a *Sabine National Wildlife Refuge, Louisiana; commercial fishing.* Commercial fishing is permitted in all waters of the Sabine National Wildlife Refuge, Louisiana, except during the migratory-waterfowl hunting season, in accordance with the provisions of the regulations for the Administration of National Wildlife Refuges under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940, and subject to the following conditions, restrictions, and requirements:

(a) *State fishing laws.* Any person who fishes commercially within the refuge must comply with the applicable fishing laws and regulations of the State of Louisiana.

(b) *Fishing licenses and permits.* Any person who fishes commercially within the refuge shall be in possession of a valid commercial fishing license issued by the Louisiana Department of Conservation, if such license is required, and a permit issued by the officer in charge of the refuge. The permit shall specify the water or waters in which the permittee may fish and the period or periods during which such fishing may be performed. The officer in charge may limit the number of permits issued for any particular waters during such periods as, in his discretion, such action is necessary for the protection of the fishery resources of the refuge or to prevent disturbance to concentrations of waterfowl using such waters or areas. The license and permit must be carried on the person of the licensee while so fishing and must be exhibited upon the request of any representative of the Louisiana Department of Conservation or of the Fish and Wildlife Service.

(c) *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel as may be designated from time to time by suitable posting by the officer in charge of the refuge.

(d) *Use of motorboats.* Persons fishing in lakes or impoundments of the refuge are prohibited from using in or on boats motors of greater than six horsepower capacity, except for official purposes. No restriction is placed on motorboats in canals and rivers.

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[1] 5 F.R. 5284.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

DECEMBER 8, 1942.

[F. R. Doc. 42-13761; Filed, December 23, 1942; 9:35 a. m.]

PART 25—SOUTHERN REGION NATIONAL WILDLIFE REFUGES

LACASSINE NATIONAL WILDLIFE REFUGE, LOUISIANA

Under authority of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715i), the following is hereby ordered:

Section 25.532, *Lacassine National Wildlife Refuge, Louisiana; fishing,*[1] is amended by deleting the words and figures "during the hours from sunrise to 8 p. m." and "except during the period from the beginning of the open season on the hunting of migratory birds to April 30, inclusive," and by inserting after the words "in all waters of the Lacassine National Wildlife Refuge, Louisiana," the words and figures "during the daylight hours in the period May 1 to October 15, inclusive,".

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

NOVEMBER 26, 1942.

[F. R. Doc. 42-13762; Filed, December 23, 1942; 9:33 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

FARMERS ELEVATOR SERVICE CO.

ORDER SUPPLEMENTING ORDER DATED SEPTEMBER 5, 1941, AS AMENDED

In the matter of the registration of the Farmers Elevator Service Company, Ralston, Iowa, as a bona fide and legitimate farmers' cooperative organization.

The above-named registrant having certified to the Division that the farmers' cooperative organization listed below is a member of registrant and a bona fide and legitimate farmers' cooperative organization:

It is ordered, That the list attached to the Order herein dated September 5, 1941, as amended, be, and it is hereby further amended to include therein the name of the farmers' cooperative organization listed below:

Name	*Address*
Hardy Cooperative Elevator Company.	Hardy, Iowa.

Dated: December 21, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-13776; Filed, December 23, 1942; 11:28 a. m.]

COOPERATIVE FUEL COMPANY, INC., ET AL.

ORDER REVOKING CERTAIN REGISTRATIONS

In the matter of the revocation of registrations as distributors of the Cooperative Fuel Co., Inc., the Hardman Lumber Company, Charles H. Hunter, and Reliable Coal Company (Philip R. Freshour).

The registered distributors, whose names are set forth in Exhibit A, attached hereto and made a part hereof, having requested revocation of registration, having discontinued or disposed of their distribution business, having been reorganized under a new name, having been otherwise succeeded in their business or for other reasons being no longer engaged in business, the registrations previously granted to them should be revoked and their names withdrawn from the List of Registered Distributors.

Accordingly, *It is so ordered.*

Dated: December 21, 1942.

[SEAL] DAN H. WHEELER,
Director.

EXHIBIT A

Registration number and name	*Address*
1845, The Co-Operative Fuel Co., Inc.	Bluefield, W. Va.
3987, The Hardman Lumber Company.	Downs, Kansas.
4633, Charles H. Hunter	22 North Fifth St., Reading, Pa.
7650, Reliable Coal Company (Philip R. Freshour).	14th & Gay Sts., Portsmouth, Ohio.

[F. R. Doc. 42-13777; Filed, December 23, 1942; 11:28 a. m.]

[Docket No. A-1756]

DISTRICT BOARD NO. 1

MEMORANDUM OPINION, ETC.

In the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1.

In the matter of the petition of District Board No. 1 for a change in seam designation and change of price classifications and minimum prices for the coals of the Lansberry No. 3 Mine (Mine Index No. 573) of Lansberry & Son, Abbie E.

Memorandum opinion and order severing Docket No. A-1756, Part II from Docket No. A-1756, and notice of and order for hearing in Docket No. A-1756, Part II.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with the Division by the above-named party, requesting a change in the seam designation from C' to B for the Lansberry No. 3 Mine, Mine Index No. 573, operated by Abbie E. Lansberry & Son, and the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of this mine as well as those for certain other mines in District No. 1.

In the original petition, it is alleged that the said Lansberry No. 3 Mine, Mine Index No. 573, is incorrectly listed in the Schedules of Effective Minimum Prices for District No. 1 for All Shipments Except Truck, and for Truck Shipments, as being operated in the C' seam, whereas in fact said mine is being operated in the B seam. Therefore, the above-named petitioner proposed that the seam designation of the mine be changed from C' to B, and that the price classification for rail shipment be changed from "F" to "E" in Size Groups 1 to 5 inclusive; and that the minimum prices for truck shipment be changed to reflect the change in seam designation as follows:

Size groups	1	2	3	4	5
From	$2.65	$2.40	$2.40	$2.30	$2.20
To	2.70	2.45	2.45	2.35	2.25

In view of the fact that the proposal for a change in seam designation involves a change in the price classification and minimum prices heretofore established for said coals, the Director is of the opinion that that portion of the original petition relating to the said Lansberry No. 3 Mine, Mine Index No. 573, should be severed therefrom and designated as Docket No. A-1756, Part II, and scheduled for hearing.

However, with respect to that portion of the original petition which is designated as Docket No. A-1756, in which the District Board proposed the establishment of price classifications and minimum prices for other mines, the Director being of the opinion that such relief should be granted with respect to such other mines, an order granting temporary relief and conditionally providing for final relief has been issued in said Docket No. A-1756.

Now, therefore, it is ordered, That that portion of Docket No. A-1756 relating to the coals of Mine Index No. 573 be and it hereby is severed from the remainder of Docket No. A-1756 and designated as Docket No. A-1756, Part II.

It is further ordered, That a hearing in Docket No. A-1756, Part II under the applicable provisions of said Act and rules of the Division be held on January 28, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Division in Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, continue said hearing from time to time, and submit to the undersigned proposed findings of fact, conclusions, and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 23, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corrolaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 1 for a change in the seam designation for the Lansberry No. 3 Mine, Mine Index No. 573, operated by Abbie E. Lansberry & Son, from C' to B, and for the establishment of price classifications and minimum prices for such coals in the Schedules of Effective Minimum Prices for District No. 1 For All Shipments Except Truck and For Truck Shipments, which reflect such change in seam designation.

Dated: December 21, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-13778; Filed, December 23, 1942; 11:28 a. m.]

[Docket No. 1867-FD]

SHERWOOD-TEMPLETON COAL CO., INC., AND LINTON-SUMMIT COAL CO., INC.

MEMORANDUM OPINION AND ORDER

In the matter of the application of Sherwood-Templeton Coal Company, Inc., and Linton-Summit Coal Company, Inc., for a determination of the status of waste slurry coal produced at Mine Index Nos. 63, 101, 108, and 112, in District No. 11, pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937.

On August 21, 1942, 7 F.R. 6690, an Order was issued in the above-entitled matter denying the application for exemption filed by Sherwood-Templeton Coal Company, Inc., and Linton-Summit Coal Company, Inc., applicants therein, and providing that such denial was to become effective at the end of sixty (60) days from the date of said Order.

Findings of Fact and Conclusions of Law and an Opinion in this matter were filed simultaneously with said Order and explained that the sixty-day period was allowed as a reasonable time within which to file a petition pursuant to section 4 II (d) of the Act requesting the establishment of minimum prices for the coals involved in this proceeding.

On October 6, 1942, the applicants filed a motion requesting that the effective date of said Order dated August 21, 1942, be extended to one hundred and twenty (120) days from the date thereof on the ground that they had made formal application to District Board No. 11 to file a 4 II (d) petition.

By an Order dated October 12, 1942, 7 F.R. 8289, the Order of August 21, 1942, was modified to the extent that the effective date of said Order became one hundred and twenty (120) days from the date thereof.

On November 14, 1942, District Board No. 11 filed a petition, Docket No. A-1744, for the establishment of price classifications and minimum prices for the coals involved in this proceeding. Because this petition is now receiving consideration, it is appropriate that the effective date of the Order denying exemption dated August 21, 1942, be extended until price classifications and minimum prices, either temporary or final, are established for the coals involved in this proceeding.

Now, therefore, It is ordered, That the Order dated August 21, 1942, 7 F.R. 6690, in the above-entitled matter be, and it hereby is, modified to the extent that such Order shall become effective at the time when price classifications and minimum prices, either temporary or final, are established for the coals involved in this proceeding.

Dated: December 21, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-13779; Filed, December 23, 1942; 11:28 p. m.]

[Docket No. A-1768]

DISTRICT BOARD NO. 2

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 2 for a change in minimum prices and price classifications established for Size Groups 1 and 2 for rail shipments for the coals of the Midland Mine, Mine Index No. 148 in District No. 2.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 20, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That ______[1] or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 15, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition filed with this Division by District Board No. 2, requesting a change in price classifications established in the Schedule of Effective Minimum Prices for District No. 2 For All Shipments Except Truck for Size Groups 1 and 2 for rail shipments into all Market Areas for the coals of The Midland Mine (Mine Index No. 148) of the Pittsburgh Coal Company as follows:

Size groups	1	2
From	"C"	"C"
To	"A"	"A"

Dated: December 21, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-13780; Filed, December 23, 1942; 11:29 a. m.]

Bureau of Reclamation.

COLLBRAN PROJECT, COLORADO

FIRST FORM RECLAMATION WITHDRAWAL

NOVEMBER 23, 1942.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269), as amended, it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal as provided in Section 3 of the Act of June 17, 1902 (32 Stat. 388) and that departmental order of October 12, 1940, establishing Grazing District No. 7, Colorado, be modified and made subject to the reclamation withdrawal effected by this order.

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[1] 7 F.R. 2914.

[1] Omitted in original document.

COLLBRAN PROJECT, COLORADO

SIXTH PRINCIPAL MERIDIAN

Vega Reservoir Site

Township 9 South, Range 93 West; Section 81, NE¼SW¼, N½SE¼.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: November 25, 1942.

ARCHIE D. RYAN,
Acting Director of the Grazing Service.

I concur: December 4, 1942.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

ABE FORTAS,
Under Secretary.

DECEMBER 15, 1942.

[F. R. Doc. 42-13767; Filed, December 23, 1942; 9:35 a. m.]

COLLBRAN PROJECT, COLORADO

FIRST FORM RECLAMATION WITHDRAWAL

NOVEMBER 23, 1942.

The SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal as provided in Section 3 of the Act of June 17, 1902 (32 Stat. 388).

COLLBRAN PROJECT, COLORADO

SIXTH PRINCIPAL MERIDIAN

Owens Creek Reservoir Site

Township 9 South, Range 92 West:
  Section 24—Lots 2, 3, 4, SW¼SW¼;
  Section 25—Lot 2, SW¼NE¼, W½;
  Section 26—S½;
  Section 27—Lot 1, N½SW¼, SE¼SW¼, SE¼;
  Section 34—Lots 1 to 10, inclusive, NE¼NE¼, SE¼SW¼, S½SE¼;
  Section 35—Lots 1, 2, 3, 4, 5, N½NW¼, E½;
  Section 36—NW¼.
Township 10 South, Range 92 West:
  Section 2—NE¼NE¼.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: December 4, 1942.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

ABE FORTAS,
Under Secretary.

DECEMBER 15, 1942.

[F. R. Doc. 42-13768; Filed, December 23, 1942; 9:35 a. m.]

General Land Office.

[Stock Driveways 25 and 208, S. Dak. 2 and 5]

MODIFICATION OF STOCK DRIVEWAY WITHDRAWALS

By virtue of the authority contained in section 7 of the act of June 28, 1934, 48 Stat. 1272, as amended by the act of June 26, 1936, 49 Stat. 1976 (U.S.C., title 43, sec. 315f), and in section 10 of the act of December 29, 1916, 39 Stat. 865, as amended by the actof January 29, 1929, 45 Stat. 1144 (U.S.C. title 43, sec. 300), *It is ordered as follows:*

The following-described public lands in South Dakota are hereby classified as necessary and suitable for the purpose and, excepting any mineral deposits therein, are withdrawn from all disposal under the public-land laws and reserved, subject to valid existing rights, for the use of the general public as additions to Stock Driveway Withdrawals Nos. 25 and 208, South Dakota Nos. 2 and 5:

BLACK HILLS MERIDIAN

T. 12 N., R. 3 E.,
  Sec. 21, N½NW¼ and SE¼NW¼.
T. 9 N., R. 7 E.,
  Sec. 29, NW¼NE¼ and N½NW¼;
  Sec. 30, NE¼NE¼.
  The areas described aggregate 280 acres.

Any mineral deposits in the land shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

The order of the Assistant Secretary of the Interior of February 13, 1930, establishing Stock Driveway Withdrawal No. 208, South Dakota No. 5, is hereby revoked so far as it affects the following-described lands:

T. 10 N., R. 4 E.,
  Sec. 14, SW¼SW¼.
T. 10 N., R. 5 E.,
  Sec. 34, SE¼NW¼.
T. 10 N., R. 6 E.,
  Sec. 2, SE¼NE¼;
  Sec. 3, SE¼NE¼;
  Sec. 14, NW¼SW¼;
  Sec. 23, SE¼NE¼ and N½SE¼.
T. 8 N., R. 7 E.,
  Sec. 24, SE¼SW¼;
  Sec. 25, W½NE¼ and N½SE¼.
T. 10 N., R. 7 E.,
  Sec. 20, SE¼;
  Sec. 22, SW¼SW¼.
T. 9 N., R. 8 E.,
  Sec. 3, NW¼NE¼;
  Sec. 6, NE¼NE¼.
The areas described aggregate 808.44 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

DECEMBER 1, 1942.

[F. R. Doc. 42-13771; Filed, December 23, 1942; 9:36 a. m.]

Office of the Secretary.

COLUMBIA BASIN PROJECT WAGE BOARD

RATES FOR NEW EMPLOYMENT

Pursuant to the Order of the Secretary of the Interior, dated February 26, 1942, and entitled *Wage Fixing Procedures, Columbia Basin Project,* The Columbia Basin Project Wage Board recommends the addition of the following classifications of labor and wage rates to cover new employment.

Sawmill workers have not heretofore been employed on the Columbia Basin Project. However, as such employment is now contemplated, the Columbia Basin Project Wage Board has authorized an investigation of hourly wage rates paid to workers engaged on work of a similar nature in the vicinity of the project. This investigation was conducted by officials of the Bureau of Reclamation and representatives of organized labor.

The Wage Board finds that the hourly wage rates listed below are prevailing for similar work in the vicinity of the project and recommends them for your adoption:

Labor classification	Prevailing hourly rate on private work	Recommended basic hourly rate for B/R employees
Sawyer	$1.50	$1.50
Millwright	1.45	1.45
Planerman	1.40	1.40
Edgerman	1.25	1.25
Trimmerman	1.15	1.15
Lumber grader	1.15	1.15
Ratchet setter	1.10	1.10
Pondman	.90	.90
Deckman	.90	.90
Cutoff man	.90	.90

The foregoing recommendations approved and adopted by the Columbia Basin Project Wage Board this first day of November 1942.

DUNCAN CAMPBELL,
Chairman.

CHARLES A. BISSELL,
Member.

FRANK A. BANKS,
Member.

Approved: December 1, 1942.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-13769; Filed, December 23, 1942; 9:36 a. m.]

[Interior Department Agency Approval 1]

COLUMBIA BASIN PROJECT WAGE BOARD

APPROVAL OF WAGE ADJUSTMENTS

Pursuant to the authority delegated to the Secretary of the Interior and the Interior Department Agency by the National War Labor Board in its General Order No. 21, adopted December 8, 1942, the Interior Department Agency hereby approves the wage adjustments embodied in the recommendations dated November 10, 1942[1] of the Columbia Basin Project Wage Board, and as approved by the Secretary of the Interior on December 14, 1942.

DUNCAN CAMPBELL,
Special Adviser on Labor Relations, Interior Department Agency.

DECEMBER 15, 1942.

[F. R. Doc. 42-13774; Filed, December 23, 1942; 9:37 a. m.]

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[1] Filed with the Division of the Federal Register.

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Agency.

[ACP-1942- Southern Great Plains-4]

1942 SPECIAL AGRICULTURAL CONSERVATION PROGRAM FOR THE SOUTHERN GREAT PLAINS AREA

The 1942 Special Agricultural Conservation Program for the Southern Great Plains Area, as amended [6 F.R. 6661; 7 F.R. 768, 2112, 2877], is further amended as follows:

1. Section 1, (a), (4) is amended to read:

(4) "Acreage planted to wheat" means (i) any acreage of land devoted to seeded wheat (except when such crop is seeded in a mixture designated by the Agricultural Adjustment Agency upon recommendation of the State Committee as a mixture which may reasonably be expected to produce a crop containing such proportions of plants other than wheat that the crop cannot be harvested as wheat for grain or seed); (ii) any acreage of volunteer wheat which reaches maturity: *Provided,* That, on any farm on which the acreage seeded to wheat does not exceed the farm wheat allotment, the acreage of volunteer wheat will not be regarded as acreage planted to wheat for any producer if (*a*) he places in farm storage and agrees to hold in storage until it may be marketed free of marketing quota penalty an amount of wheat equal to the smaller of his share of the wheat produced on the farm in excess of his share of the normal production of the acreage allotment, or his share of the normal production of the number of acres by which the sum of the acreage of seeded wheat and the acreage of volunteer wheat which reaches maturity exceeds the wheat acreage allotment; (*b*) he does not seed in excess of the 1943 wheat allotment on the farm; and (*c*) his aggregate share of the wheat seeded for 1943 on all farms in the county in which he has an interest in the wheat crop does not exceed his aggregate share of the farm wheat allotments or permitted acreages: *Provided,* That for any person who does not comply with the above provisions, the acreage of volunteer wheat which reaches maturity shall be regarded as acreage planted to wheat only for the purpose of determining the acreage on which a deduction should be computed; (iii) any acreage which is seeded to a mixture containing wheat designated under (i) above on which the crops other than wheat fail to reach maturity and the wheat reaches maturity: *Provided,* That all or any part of any acreage determined by the county committee to have been totally destroyed by any cause beyond the control of the operator may be considered as not having been planted to wheat if it cannot be reseeded and, with prior approval of the county committee, is later replaced by other acreage of seeded or volunteer wheat.

2. Section 1, (f), (1), the first paragraph thereof, is amended to read:

(1) The net payment for any farm shall be subject to a deduction of 2 percent of the maximum amount computed in connection with cropland (section 2, (c), item (1)) for each 1 percent of the cropland on the farm by which the acreage of cropland on the farm devoted exclusively to one or more of the following uses throughout the 1942 crop year is less than 20 percent of the cropland on the farm: *Provided, however,* That when all or a part of the cropland in the farm has been acquired for the purpose of the National War effort, and it would be impracticable or inequitable to require compliance with the soil-conserving requirement on the basis of the total cropland in the farm, the county committee with the approval of the State Committee, in accordance with instructions issued by the Agricultural Adjustment Agency may waive all or any part of such requirement.

3. Section 1, (f), (1), item (x) is amended to read:

(x) *Rye for pasture.* Volunteer wheat pastured to such an extent as to prevent it from reaching maturity.

4. Section 1, (f), (1), item (xi) is amended to read:

(xi) New seedings of perennial grasses or legumes, biennial legumes, or lespedeza seeded in accordance with good farming practice with flax, peas, or small grains as a nurse crop. The maximum acreage which may qualify under this item shall be limited to the 1942 acreage of flax plus 40 percent of the sum of the 1942 acreages of the following crops on the farm: soybeans for beans, peanuts for oil, hemp, castor beans, sugar beets, dry field peas, dry beans, canning peas, canning tomatoes and land used for school lunch gardens.

5. Section 1 is further amended by adding the following paragraphs (g) and (h):

(g) *Reallocation of allotments due to displacement of producers.* Except as otherwise provided herein, the crop allotment for any land which is removed from agricultural production because of acquisition by a State or Federal agency or for use in connection with the national defense program shall be available to the State Committee for use in providing equitable allotments for farms operated by persons who were producers of such crop on the land so acquired. Insofar as possible the allotments for farms operated by such persons shall be comparable to the allotments for other farms in the locality taking into consideration the allotment for the farm on which the operator was located in 1941.

In the case of cotton and wheat, the allotment established, or which would have been established, for any land acquired in 1940 or thereafter by any Federal agency for national defense purposes shall be placed in a State pool and shall be used only for making equitable allotments for farms owned or acquired by owners dispossessed by a Federal agency because of acquisition of the farm for national defense purposes. The allotment made for any such farm, including farms on which such crop was not planted during any of the three years 1939 to 1941, shall compare with the allotments for such crops established for other farms in the same area which are similar except for the past acreage of such crop, taking into consideration the character and adaptability of the soil and other physical facilities affecting the production of the crop.

(h) *Errors in measurement.* Where a farmer relied solely upon the measured acreage furnished to him in writing by the county committee in planning his 1942 farming operations or in adjusting his 1942 crop acreages, such measured acreage may be used in determining compliance with the provisions of the 1942 program even though it subsequently proves to be incorrect.

6. Section 5, (a), (1), (i) *Wheat:* 1 is amended to read: (i) *Wheat:* 1 (Wheat-allotment farms) $1.00 per bushel of the normal yield for the farm for each acre planted to wheat in excess of its wheat allotment, except that for any person who does not comply with the volunteer wheat provisions of section 1, (a), (4), (ii), the deduction shall be (*a*) $1.00 per bushel of the normal yield for the farm for each acre by which the sum of the acreage seeded to wheat and the acreage of volunteer wheat which reaches maturity is in excess of the allotment times his percentage share (applicable if the wheat allotment exceeds 15 acres or if the sum of the acreage seeded to wheat and the acreage of volunteer wheat which reaches maturity is less than 110 percent of the allotment) or (*b*) $1.00 per bushel of the normal yield for the farm for each acre of wheat harvested in excess of 15 acres times his percentage share (applicable if wheat allotment is 15 acres or less and the sum of acreage seeded to wheat and the acreage of volunteer wheat which reaches maturity equals or exceeds 110 percent of wheat allotment).

7. Section 5, (b), (4), (3) is amended to read:

(3) The effectiveness of any soil-building practice carried out under any previous program is destroyed during the 1942 program year contrary to good farming practice, there shall be deducted an amount equal to the payment that would be made under the 1942 program for a similar amount of such practice from the net payment due the person (after increase in small payments and deduction for association expense) on the same or any other farm in the county who was responsible for the failure to maintain such practices. In the event the amount of such deduction exceeds the amount of payment for the producer subject to deduction, the amount of such difference shall be paid by the producer to the Secretary.

8. Section 6 is amended by adding the following paragraph (c):

(c) Notwithstanding any other provisions herein, any deduction computed under section 5, (a), (1), (i) *Wheat:* 1 for failure to comply with the volunteer wheat provisions shall be considered as a personal deduction for the person who failed to comply.

(Secs. 7 to 17, as amended, 49 Stat. 1148, 1915; 50 Stat., etc.)

Done at Washington, D. C., this 21st day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-13722; Filed, December 22, 1942; 11:00 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-7-D-1]

SWEETENED CONDENSED MILK

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Administrator of the Federal Security Agency will hold a public hearing by virtue of provisions of the Federal Food, Drug, and Cosmetic Act (secs. 407 and 701, 52 Stat. 1046, 1055; 21 U.S.C. secs. 341 and 371) upon an application of a substantial portion of the interested industry proposing that the definition and standard of identity for sweetened condensed milk (§ 18.530, 5 F.R. 2445) be amended so as to provide for the use of corn sirup as an optional ingredient in sweetened condensed milk.

The Administrator, on his own initiative, proposes also to consider whether a food of a composition substantially the same as sweetened condensed milk, but in which corn sirup has been substituted in whole or in part for the saccharine ingredients specified in said definition and standard of identity for sweetened condensed milk, possesses characteristics that distinguish it from sweetened condensed milk to an extent that, in order to promote honesty and fair dealing in the interest of consumers, a separate and distinct definition and standard of identity should be prescribed for such food under a name other than the name "sweetened condensed milk"; and, if so, what the provisions of such a standard and the designation of such food should be.

The testimony which will be received at the hearing will be restricted to competent testimony which is relevant and material to the questions inherent in the proposals herein set forth. However, such proposals will be considered on the basis of the evidence of record at such hearing as well as the evidence of record on which the order promulgating a definition and standard of identity for sweetened condensed milk is based. (Docket No. FDC-7-D)

The hearing herein announced will be held on January 26, 1943, commencing at 10 o'clock in the forenoon of that day, in Room 2862, South Building, Independence Avenue, between 12th and 14th Streets SW., Washington, D. C.

Affidavits submitted in lieu of oral testimony as provided in the Rules of Practice applicable to this hearing (21 CFR, § 2.701 et seq.) shall be submitted by delivering them to the presiding officer in care of the hearing clerk at Room 2242, South Building, Independence Avenue, between 12th and 14th Streets SW., Washington, D. C., on or before the commencement of the hearing. All affidavits submitted are required to be submitted in quintuplicate.

Edward B. Williams is hereby designated as presiding officer to conduct the hearing in place and stead of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing.

[SEAL] WATSON B. MILLER,
Acting Administrator.

WASHINGTON, D. C.,
December 22, 1942.

[F. R. Doc. 42-13766; Filed, December 23, 1942; 10:46 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Suspension Order 179]

HENRY J. GUILMETTE

ORDER RESTRICTING TRANSACTIONS

Henry J. Guilmette, Route 302, Woodsville, New Hampshire, hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing upon the charges was held in Concord, New Hampshire, on October 21, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Deputy Administrator in Charge of Rationing; It is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a gasoline filling station in Woodsville, New Hampshire.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations (§§ 1394.1502 and 1394.1503) in that on numerous occasions between July 22, 1942, and September 13, 1942, respondent transferred gasoline to consumers and into the fuel tanks of their motor vehicles in exchange for 41 Class A, No. 2 gasoline ration coupons.

Because of the great scarcity and critical importance of gasoline in New Hampshire, respondent's violations of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations by respondent are likely unless appropriate administrative action is taken; *It is therefore ordered:*

(c) During the period in which this Suspension Order No. 179 shall be in effect,

(1) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(2) Respondent shall not transfer or deliver or otherwise trade or deal in gasoline.

(3) No person shall in any manner, directly or indirectly, transfer or deliver any gasoline to respondent for resale.

(d) Any terms used in this Suspension Order No. 179, that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(e) This Suspension Order No. 179 shall become effective 12:01 A. M., December 26, 1942, and unless sooner terminated, shall expire 12:01 A. M., January 10, 1943.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1 H (7 F.R. 3478, 3877, 5216); Supplementary Directive 1Q (7 F.R. 9121).)

Issued this 22d day of December 1942.

PAUL M. O'LEARY,
Deputy Administrator,
in Charge of Rationing.

[F. R. Doc. 42-13745; Filed, December 22, 1942; 4:14 p. m.]

[Suspension Order 180]

PATRICK W. PATERSON

ORDER RESTRICTING TRANSACTIONS

Patrick W. Paterson, 6 Mechanic Street, Lebanon, New Hampshire, hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing upon the charges was held in Concord, New Hampshire, on October 22, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Deputy Administrator in Charge of Rationing, It is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a gasoline filling station in Lebanon, New Hampshire.

(b) Respondent has violated Ration Order 5A, Gasoline Rationing Regulations (§§ 1394.1502 and 1394.1503), in that on numerous occasions between July 22, 1942 and September 17, 1942, respondent transferred gasoline to consumers and into the fuel tanks of their motor vehicles, in exchange for 36 Class A No. 2 gasoline ration coupons.

(c) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulation (§§ 1394.1502 and 1394.1503) in that on numerous occasions between July 22, 1942 and September 17, 1942, respondent transferred gasoline to consumers and into the fuel tanks of their motor vehicles without receiving gasoline ration coupons in exchange for such transfers. Such transfers were not within the classes of transfers permitted by Ration

Order No. 5A, Gasoline Rationing Regulations, to be made without the exchange of coupons.

Because of the great scarcity and critical importance of gasoline in New Hampshire, respondent's violations of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations by respondent are likely unless appropriate administrative action is taken, *It is therefore ordered:*

(d) During the period in which this Suspension Order No. 180 shall be in effect,

(1) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(2) Respondent shall not transfer or deliver or otherwise trade or deal in gasoline.

(3) No person shall in any manner, directly or indirectly, transfer or deliver any gasoline to respondent for resale.

(e) Any terms used in this Suspension Order No. 180, that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(f) This Suspension Order No. 180 shall become effective 12:01 a. m., December 26, 1942, and unless sooner terminated, shall expire 12:01 a. m., January 25, 1943.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216); Supplementary Directive 1Q (7 F.R. 9121))

Issued this 22d day of December 1942.

PAUL M. O'LEARY,
Deputy Administrator,
in Charge of Rationing.

[F. R. Doc. 42-13746; Filed, December 22, 1942; 4:14 p. m.]

[Suspension Order 181]

PASQUALE J. AJELLO

ORDER RESTRICTING TRANSACTIONS

Pasquale J. Ajello, doing business as Reliable Garage and P. J. Ajello, Incorporated, Ansonia, Connecticut, hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice, a hearing upon the charges was held in Hartford, Connecticut, on October 27, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Deputy Administrator in Charge of Rationing, It is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a gasoline filling station under the firm name of Reliable Garage, at 16 Maple Street, Ansonia, Connecticut.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§ 1394.1502) in that on September 1, 1942, and on various occasions between July 22 and September 1, 1942, respondent transferred gasoline to consumers and into the fuel tanks of their motor vehicles without receiving in exchange therefor any gasoline ration coupons. Such transfers were not within the classes of transfers of gasoline permitted by the provisions of Ration Order No. 5A, Gasoline Rationing Regulations, to be made without the exchange of gasoline ration coupons.

(c) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§ 1394.1503), in that on various occasions between July 22 and September 1, 1942, respondent transferred gasoline to consumers and into the fuel tanks of their motor vehicles in exchange for gasoline ration coupons Class "S" from coupon books that were not issued for and did not bear the identification of the vehicles into which the transfers were made.

(d) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations (§ 1394.1503), in that on various occasions between July 22 and September 1, 1942, respondent transferred gasoline to consumers and into the fuel tanks of their motor vehicles and accepted in exchange for such transfers fifty (50) Class A, No. 2 coupons, three (3) Class A, No. 3 coupons and one (1) Class A, No. 4 coupon, and one (1) Class A, No. 6 coupon.

Because of the great scarcity and critical importance of gasoline in Connecticut, respondents' violations of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations by respondent are likely unless appropriate administrative action is taken, *It is therefore ordered:*

(e) During the period in which this Suspension Order No. 181 shall be in effect,

(1) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(2) Respondent shall not transfer or deliver or otherwise trade or deal in gasoline: *Provided, however,* That respondent may make transfers of the gasoline in his possession at the time this Suspension Order No. 181 is served upon him with the prior approval and under the supervision of the Regional Administrator of the Office of Price Administration for Region I.

(3) No person shall in any manner directly or indirectly transfer or deliver any gasoline to respondent for resale.

(f) Any terms used in this Suspension Order No. 181 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(g) This Suspension Order No. 181 shall become effective 12:01 a. m. December 26, 1942, and unless sooner terminated, shall expire 12:01 a. m. March 26, 1943.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); WPB Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216); Supplementary Directive No. 1Q (7 F.R. 9121))

Issued this 22d day of December 1942.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 42-13557; Filed, December 22, 1942; 4:14 p. m.]

[Suspension Order 186]

ORDER RESTRICTING TRANSACTIONS BY EDWARD BUDNY

Edward Budny, doing business as Premium Petroleum Company, 629 South Warren Street, Trenton, New Jersey, hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice, a hearing upon the charges was held in Trenton, New Jersey, on October 9, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondent is a dealer in gasoline operating five (5) filling stations, located at:

Penns Neck Circle, Princeton, New Jersey.
South Warren and Bridge Streets, Trenton, New Jersey.
South Broad and Harrison Streets, Trenton, New Jersey.
302 N. Olden Avenue, Trenton, New Jersey.
Hanover and Calhoun Streets, Trenton, New Jersey.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§§ 1394.1502 and 1394.1503) in that between July 22, 1942, and September 21, 1942, at the aforesaid stations, respondent transferred and delivered gasoline into the fuel tanks of motor vehicles and accepted in exchange therefor 242 Class A, No. 2 gasoline ration coupons.

Because of the great scarcity and critical importance of gasoline in New Jersey, respondent's violations of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations by respondent are likely unless appropriate administrative action is taken. *It is therefore ordered:*

(c) During the period in which this Suspension Order No. 186 shall be in effect,

(1) Respondent shall not in any manner directly or indirectly sell, transfer or deliver, from any station, any gasoline to any person.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(3) No person, firm, or corporation shall deliver, or in any manner directly or indirectly transfer any gasoline to respondent for resale.

(d) Any terms used in this Suspension Order No. 186, that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(e) This Suspension Order No. 186 shall become effective 12:01 a. m. December 26, 1942 and unless sooner terminated, shall expire 12:01 a. m. January 10, 1943.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); WPB Directive No. 1 and Supplementary Directive No. 1Q (7 F.R. 9121))

Issued this 22d day of December 1942.

PAUL M. O'LEARY,
Deputy Administrator,
in Charge of Rationing.

[F. R. Doc. 42–13747; Filed, December 22, 1942; 4:15 p. m.]

[Order 2 Under MPR 138]

TENNESSEE PRODUCTS CORP.

APPROVAL OF FEES, ETC.

Order 2 under Maximum Price Regulation 138—Standard Ferromanganese.

Approval of fees and other charges provided for in two contracts for the conversion of ores into standard ferromanganese by the Tennessee Products Corporation.

The Tennessee Products Corporation of Nashville, Tennessee, pursuant to § 1405.3 (c) of Maximum Price Regulation No. 138, has submitted two contracts for the conversion of ores into standard ferromanganese and has made application for approval of the fees and other charges provided for by the aforesaid contracts.

Due consideration has been given to this application and, for the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1405.3 (c) of Maximum Price Regulation No. 138, *It is hereby ordered:*

(a) The fee of $45.00 per gross ton of standard ferromanganese produced, which is set by the contract of October 15, 1942 between Tennessee Products Corporation of Nashville, Tennessee, and Jones & Laughlin Steel Corporation of Pittsburgh, Pennsylvania, as the sum to be charged by the first party and paid by the second party for the conversion of ores into approximately 35,000 gross tons of standard ferromanganese containing 78% to 82% manganese, is hereby approved; and the provision that a charge of 75¢ per gross ton may be made for the handling of ores, which require special handling because of the delivery of quantities in excess of the converter's capacity to unload and stock in accordance with good operating practice, is hereby approved.

(b) The fee of $45.00 per gross ton of standard ferromanganese produced, which is set by the contract of October 24, 1942 between Tennessee Products Corporation of Nashville, Tennessee and Andrews Steel Company of Newport, Kentucky, as the sum to be charged by the first party and paid by the second party for the conversion of ores into approximately 4,000 gross tons of standard ferromanganese containing 78% to 82% manganese is hereby approved; and the provision that a charge of 75¢ per gross ton may be made for the handling of ores, which require special handling because of the delivery of quantities in excess of the converter's capacity to unload and stock in accordance with good operating practice, is hereby approved.

(c) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 2 shall become effective December 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13748; Filed, December 22, 1942; 4:16 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–637]

ASSOCIATED GAS AND ELECTRIC CORPORATION ET AL.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 19th day of December 1942.

In the matter of Denis J. Driscoll and Willard L. Thorp, Trustees, Associated Gas and Electric Corporation, the General Utilities Company, the Western Reserve Power and Light Company and the New London Power Company.

A joint declaration having been filed with this Commission pursuant to sections 12 (c), 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935, and Rules U-42, U-43, and U-44 of the General Rules and Regulations promulgated thereunder, by Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, and its subsidiaries, The General Utilities Company and The Western Reserve Power and Light Company, and The New London Power Company, a subsidiary of The Western Reserve Power and Light Company, and an indirect subsidiary of Trustees, with respect to the said Trustees proposing to enter into an agreement regarding the sale of all the properties of the other declarants to the several purchasers hereinafter set forth, and with further respect to the merger and dissolution of the said subsidiaries; and

Appropriate notice having been given and a public hearing on said joint declaration having been duly held, and the Commission having issued and filed its Findings and Opinion herein;

It is hereby ordered, That the conveyance by The General Utilities Company, The Western Reserve Power and Light Company, and The New London Power Company, of the properties specified and itemized below is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935; and

That a specification and itemization of the property to be transferred by The General Utilities Company, The Western Reserve Power and Light Company and The New London Power Company is set forth in Exhibits A–1 to A–10, inclusive, B–1 to B–6, inclusive, C–1, C–2, and D of the form of proposed Agreement to be entered into by and between Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, Debtor, and Hancock-Wood Electric Cooperative, Inc., Paulding-Putnam Electric Cooperative, Inc., North-Central Electric Cooperative, Inc., Tricounty Rural Electric Cooperative, Inc., Midwest Electric, Inc., Lorain-Medina Rural Electric Cooperative, Inc., Holmes Rural Electric Cooperative, Inc., The Village of Lodi, Ohio, and Firelands Electric Cooperative, Inc., which was filed as Exhibit G to the Declaration filed by said Trustees, The General Utilities Company, The Western Reserve Power and Light Company and The New London Power Company with this Commission under File No. 70–637, said Exhibits A–1 to A–10, inclusive, B–1 to B–6, inclusive, C–1, C–2, and D being incorporated herein by reference;

It is further ordered, That pursuant to the applicable provisions of the said Act, the said joint declaration be, and hereby is, permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–13740; Filed, December 22, 1942; 3:00 p. m.]

[File No. 70–282]

COMMUNITY POWER AND LIGHT COMPANY ET AL.

ORDER RELEASING JURISDICTION AS TO PAYMENT OF FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of December, A. D. 1942.

In the matter of Community Power and Light Company, General Public Utilities, Inc., Southwestern Public Service Company, et al.

Jurisdiction having been heretofore reserved to the Commission by orders entered herein on July 8, 1942 and September 14, 1942, in respect of the determination of the reasonableness of the fees and expenses incurred or to be incurred in connection with the subject matter of the above entitled proceeding (except as to those heretofore permitted in connection with certain transactions covered by earlier opinions and orders herein), further hearings having been held concerning the same and the record having been completed in respect thereof and having been fully considered by the Commission, and the Commission not finding that the fees and expenses proposed to be paid are unreasonable, or otherwise such as to require adverse action, and deeming it to be in the public interest and in the interest of investors and consumers that the jurisdiction so reserved be now released, and payment of said fees and expenses as presently proposed be permitted;

It is ordered, That the jurisdiction heretofore reserved to this Commission in respect of the payment of fees and expenses in the above entitled matter be, and the same is hereby released, and payment thereof be, and the same is hereby permitted;

Provided, And this order is entered upon the express condition that said fees and expenses be paid in the amounts, in the manner and to the persons described in "Post-Effective Amendment No. 5" to the applications and declarations filed herein, except only as modified in certain respects at the hearing thereon held in this proceeding on October 5, 1942, said fees and expenses, as so modified, and to be paid by Southwestern Public Service Company, being in the aggregate amount of $504,943.75, classified as follows:

Attorneys' fees	$112, 800. 00
Attorneys' out-of-pocket expenses	6, 923. 82
Accountants' charges	51, 886. 09
Taxes	60, 176. 20
Trustees and their counsel	34, 267. 25
Transfer agents, registrars, etc	10, 106. 71
Out-of-pocket expenses of fiduciaries	4, 612. 49
Printing	81, 072. 65
Filing fee on filing of A–2, etc	3, 601. 00
Dillon, Read & Co. services, etc	90, 000. 00
Reimbursement of underwriters' expenses	25, 000. 00
Miscellaneous expenses	24, 497. 54
Grand total	504, 943. 75

And being in the further aggregate amount of $12,964.19 to be paid by The Kansas Utilities Company in connection with the sale of the assets of that company as heretofore approved by this Commission;

And provided further, That a certificate of notification shall be filed with this Commission in this proceeding within thirty days after the said fees and expenses shall have been fully paid, to the effect that the same have been paid in accordance with this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–13741; Filed, December 22, 1942; 3:00 p. m.]

[File No. 70–631]

GENERAL GAS & ELECTRIC CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 19th day of December, A. D. 1942.

General Gas & Electric Corporation, a registered holding company, and a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, and particularly section 12 (c) thereof, and Rule U-46 promulgated thereunder, regarding the declaration and payment out of capital surplus of a quarterly dividend on its $5 Prior Preferred stock for the quarterly period ended December 15, 1941, distribution of the said dividend to be made only to the holders of the 32,110.9 shares in the hands of the public, the Trustees of Associated Gas and Electric Corporation, a registered holding company, having waived the collection of such dividends until further order of the Commission; and

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter, and having made and filed its findings and opinion therein;

It is ordered, That, pursuant to Rule U-23 and the applicable provisions of said Act, the aforesaid declaration be and hereby is permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations, and subject also to the following condition:

At the time the proposed dividend is paid, General Gas & Electric Corporation shall inform the recipients thereof that the dividend paid is being charged to capital surplus on the books of the company.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–13742; Filed, December 22, 1942; 3:00 p. m.]

[File Nos. 59–11, 59–17, 54–25]

UNITED LIGHT AND POWER COMPANY ET AL.

NOTICE REGARDING FILING OF RESPONDENTS' APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of December 1942.

In the matter of the United Light and Power Company et al., Respondents and Applicants.

Notice is hereby given that on December 17, 1942 an application designated as "Application No. 18" was filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Mason City Brick and Tile Company ("Brick and Tile"), Rolfe Products Company ("Rolfe") and Mason City Development Company ("Development"), subsidiaries of The United Light and Railways Company, a registered holding company;

Notice is further given that any interested person may, not later than December 26, 1942 at 1:00 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application as filed or as amended may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said application which is on file in the office of said Commission for a statement of the transactions therein proposed, which are summarized below:

Rolfe and Development, wholly-owned subsidiaries of Brick and Tile, and Brick and Tile, a wholly-owned subsidiary of The United Light and Railways Company which is a registered holding company, are non-utility companies engaged, respectively, in the manufacture and sale of metal products, the development of real estate and the manufacture and sale of clay products at Mason City, Iowa. Rolfe and Development propose to liquidate by transferring all their assets to Brick and Tile as a liquidating dividend. Prior to liquidation, Rolfe and Development will pay their liabilities in so far as possible, and any remaining liabilities, including the mortgages payable of Development, will be assumed by Brick and Tile. It is contemplated that, prior to its liquidation, Rolfe will pay a cash dividend to Brick and Tile in an amount not exceeding the earned surplus of Rolfe. Brick and Tile will surrender to Rolfe and Development for cancellation all their outstanding capital stocks and the two latter corporations will be dissolved. It is contemplated that the liquidation of Rolfe and Development will be effected on December 31, 1942, and that these companies will be dissolved as soon as practicable after liquidation.

The applicants have requested that an order be entered granting the application on or before December 29, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–13739; Filed, December 22, 1942; 3:01 p. m.]

[File No. 812–300]

THE LEHMAN CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of December, A. D. 1942.

An application having been duly filed by The Lehman Corporation pursuant to section 23 (c) (3) of the Investment Company Act of 1940 for an order permitting applicant to purchase a total of

5,000 shares of applicant's capital stock at a price of 23⅜ per share in blocks of 1,000 shares from each of the following persons, Julius Rosenwald, 2nd, Joan Rosenwald, Janet Rosenwald, Robert L. Rosenwald and Hellen R. Snellenburg, pursuant to agreements dated December 19, 1942 between the applicant and each of the above mentioned persons;

It is ordered, That a hearing on the aforesaid application be held on December 28, 1942 at 10:00 in the forenoon of that day in the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held;

It is further ordered, That Richard Townsend, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13738; Filed, December 22, 1942; 3:01 p. m.]

[File No. 70-540]

Tri-City Utilities Co. and Kentucky Utilities Co.

ORDER MODIFYING CONDITIONS AND GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of December 1942.

In the matter of Tri-City Utilities Company, Successor in interest herein to Kentucky-Tennessee Light and Power Company, and Kentucky Utilities Company.

Applications and declarations, and amendments thereto, having been filed with this Commission by Tri-City Utilities Company, a subsidiary of Associated Electric Company, a registered holding company, and Kentucky Utilities Company, a registered holding company and a subsidiary of The Middle West Corporation, a registered holding company, pursuant to sections 10 and 12 (d), and Rule U-44 thereunder, of the Public Utility Holding Company Act of 1935, regarding the sale and exchange of certain electric public utility properties; and

The Commission having by order dated August 17, 1942, granted the applications and permitted the declarations to become effective, subject to the terms and conditions prescribed in Rule U-24; and having by further order entered herein on October 9, 1942, modified the said conditions to the extent necessary to extend the time within which such transactions may be consummated to December 17, 1942; and

Tri-City Utilities Company and Kentucky Utilities Company having requested that the said conditions be further modified to the extent necessary to extend the time within which the transactions as set forth in the applications and declarations may be made to February 17, 1943; and the Commission deeming it appropriate that such request be granted;

It is ordered, That the conditions contained in the order of August 17, 1942, be and hereby are modified to the extent necessary to extend the time within which such transactions may be made to February 17, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13737; Filed, December 22, 1942; 3:01 p. m.]

[File No. 43-139]

Oklahoma Power & Water Company and Middle West Corporation

ORDER PERMITTING WITHDRAWAL OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of December, A. D., 1942.

Oklahoma Power and Water Company having filed an application regarding the declaration and payment of $79,875 of dividends on its 6% preferred stock out of earned surplus, all of which is owned by The Middle West Corporation, the company having applied for such authority in view of a provision contained in a previous order of the Commission entered under date of May 29, 1942 restricting the company from declaring or paying dividends on any class of its stock without application to and further order of the Commission; and

Oklahoma Power and Water Company having filed a request to withdraw the application and the Commission finding that the granting of such request will not be detrimental to the public interest or the interest of investors or consumers.

It is ordered, That such application be withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13736; Filed, December 22, 1942; 3:01 p. m.]

[File No. 52-17]

John H. Rauscher et al.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE, ETC.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 19th day of December, A. D., 1942.

In the matter of John H. Rauscher, W. D. Courtright, Earl W. Huntley, Paul C. Harper, and Frederick T. Sutton, as Bondholders' Advisory Committee for Northwest Cities Gas Company.

Order permitting declaration to become effective and extending time to consummate certain transactions.

The Commission, having approved by Order dated June 1, 1942, a plan of reorganization of Northwest Cities Gas Company, a subsidiary of Lone Star Gas Corporation, a registered holding company, under section 11 (f) of the Public Utility Holding Company Act of 1935, submitted by John H. Rauscher, W. D. Courtright, Earl W. Huntley, Paul C. Harper, and Frederick T. Sutton, as a Bondholders' Advisory Committee for Northwest Cities Gas Company;

Jurisdiction having been reserved in said order to enter appropriate orders with respect to a declaration and amendments thereto, filed pursuant to sections 11 (g) and 12 (e) of said Act and the Rules thereunder, with respect to the solicitation by said Bondholders' Advisory Committee of acceptances to the said plan of reorganization, and said Order having provided that the transactions approved therein be carried out within 90 days after such approval;

Various further amendments having been filed by said Bondholders' Advisory Committee to the declaration with respect to the said solicitation of acceptances;

The Bondholders' Advisory Committee having requested that the time for carrying out of the transactions hereinbefore approved be extended to 90 days after the entry of an order by the United States District Court, approving the said plan and the documents for soliciting acceptances to the plan;

The Commission having considered the declaration, as amended, and finding that the requirements of Rule U-62 are complied with, and deeming it appropriate in the public interest and the interest of investors to permit the declaration to become effective and to extend the time for carrying out the said transactions to 60 days after the entry of an order by the United States District Court approving the plan and the documents for soliciting acceptances to the plan;

It is hereby ordered, That the said declaration, as amended, filed pursuant to sections 11 (g) and 12 (e) of the Act with respect to the solicitation of acceptances to the Plan be permitted to become effective forthwith in the manner and on the terms set forth therein;

It is further ordered, That the time for carrying out the transactions heretofore approved by order of the Commission dated June 1, 1942, be extended to 60 days after the entry of an order by the United States District Court approving the said plan and the documents for soliciting acceptances to the said plan.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13735; Filed, December 22, 1942; 3:02 p. m.]

[File No. 70-619]

Butler Suburban Water Company and Butler Water Company

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of December, A. D. 1942.

The Butler Suburban Water Company and its immediate parent company, The Butler Water Company which is a subsidiary of American Water Works and Electric Company, Incorporated, a registered holding company under the Public Utility Holding Company Act of 1935, having filed declarations pursuant to sections 12 (c) and 12 (f) thereof and Rules U-42, U-43 and U-46 promulgated thereunder with regard to the sale by The Butler Suburban Water Company for a consideration of approximately $59,638.30 of all of its franchises and all of its property to The Butler Water Company which owns all of the former company's capital stock, such capital stock consisting of 500 shares of $100 par value common stock and constituting all of its outstanding securities and, in connection with its liquidation, the distribution of its net assets to The Butler Water Company, which net assets will consist solely of the cash consideration so to be received, less the necessary, reasonable expenses incurred in the liquidation.

Said declarations having been filed on October 29, 1942 and amended on December 4, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said filing within the period specified in said notice, or otherwise, and not having ordered a hearing thereon;

The Commission finding that the declarations pursuant to sections 12 (c) and 12 (f) of the Act and Rules U-42, U-43, and U-46 thereunder meet the standards thereof and deeming that it is appropriate and in the interest of consumers, investors and the public interest to permit said declarations to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declarations be and the same hereby are permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13734; Filed, December 22, 1942; 3:02 p. m.]

herewith and filed with the Division of the Federal Register and pursuant to § 1405.3 (c) of Maximum Price Regulation No. 138, *It is hereby ordered:*

(a) The fee of $45.00 per gross ton of standard ferromanganese produced, which is set by the contract of October 15, 1942 between Tennessee Products Corporation of Nashville, Tennessee, and Jones & Laughlin Steel Corporation of Pittsburgh, Pennsylvania, as the sum to be charged by the first party and paid by the second party for the conversion of ores into approximately 35,000 gross tons

tions 12 (c), 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935, and Rules U-42, U-43, and U-44 of the General Rules and Regulations promulgated thereunder, by Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, and its subsidiaries, The General Utilities Company and The Western Reserve Power and Light Company, and The New London Power Company, a subsidiary of The Western Reserve Power and Light Company, and an indirect subsidiary of

[File No. 70-282]

COMMUNITY POWER AND LIGHT COMPANY ET AL.

ORDER RELEASING JURISDICTION AS TO PAYMENT OF FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of December, A. D. 1942.

In the matter of Community Power and Light Company, General Public

Kansas Utilities Company in connection with the sale of the assets of that company as heretofore approved by this Commission;

And provided further, That a certificate of notification shall be filed with this Commission in this proceeding within thirty days after the said fees and expenses shall have been fully paid, to the effect that the same have been paid in accordance with this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13741; Filed, December 22, 1942; 3:00 p. m.]

on the 21st day of December 1942.

In the matter of the United Light and Power Company et al., Respondents and Applicants.

Notice is hereby given that on December 17, 1942 an application designated as "Application No. 18" was filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Mason City Brick and Tile Company ("Brick and Tile"), Rolfe Products Company ("Rolfe") and Mason City Development Company ("Development"), subsidiaries of The United Light and Railways Company, a registered holding company;

[File No. 812-355]

THE LEHMAN CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of December, A. D. 1942.

An application having been duly filed by The Lehman Corporation pursuant to section 23 (c) (3) of the Investment Company Act of 1940 for an order permitting applicant to purchase a total of

5,000 shares of applicant's capital stock at a price of $23\frac{3}{8}$ per share in blocks of 1,000 shares from each of the following persons, Julius Rosenwald, 2nd, Joan Rosenwald, Janet Rosenwald, Robert L. Rosenwald and Hellen R. Snellenburg, pursuant to agreements dated December 19, 1942 between the applicant and each of the above mentioned persons;

It is ordered, That a hearing on the aforesaid application be held on December 28, 1942 at 10:00 in the forenoon of that day in the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held;

It is further ordered, That Richard Townsend, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F R. Doc. 42-13738; Filed, December 22, 1942; 3:01 p. m.]

[File No. 70-540]

TRI-CITY UTILITIES CO. AND KENTUCKY UTILITIES CO.

ORDER MODIFYING CONDITIONS AND GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of December 1942.

In the matter of Tri-City Utilities Company, Successor in interest herein to Kentucky–Tennessee Light and Power Company, and Kentucky Utilities Company.

Applications and declarations, and amendments thereto, having been filed with this Commission by Tri-City Utilities Company, a subsidiary of Associated Electric Company, a registered holding company, and Kentucky Utilities Company, a registered holding company and a subsidiary of The Middle West Corporation, a registered holding company, pursuant to sections 10 and 12 (d), and Rule U-44 thereunder, of the Public Utility Holding Company Act of 1935, regarding the sale and exchange of certain electric public utility properties; and

The Commission having by order dated August 17, 1942, granted the applications and permitted the declarations to become effective, subject to the terms and conditions prescribed in Rule U-24; and having by further order entered herein on October 9, 1942, modified the said conditions to the extent necessary to extend the time within which such transactions may be consummated to December 17, 1942; and

Tri-City Utilities Company and Kentucky Utilities Company having requested that the said conditions be further modified to the extent necessary to extend the time within which the transactions as set forth in the applications and declarations may be made to February 17, 1943; and the Commission deeming it appropriate that such request be granted;

It is ordered, That the conditions contained in the order of August 17, 1942, be and hereby are modified to the extent necessary to extend the time within which such transactions may be made to February 17, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13737; Filed, December 22, 1942; 3:01 p. m.]

[File No. 43-139]

OKLAHOMA POWER & WATER COMPANY AND MIDDLE WEST CORPORATION

ORDER PERMITTING WITHDRAWAL OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of December, A. D., 1942.

Oklahoma Power and Water Company having filed an application regarding the declaration and payment of $79,875 of dividends on its 6% preferred stock out of earned surplus, all of which is owned by The Middle West Corporation, the company having applied for such authority in view of a provision contained in a previous order of the Commission entered under date of May 29, 1942 restricting the company from declaring or paying dividends on any class of its stock without application to and further order of the Commission; and

Oklahoma Power and Water Company having filed a request to withdraw the application and the Commission finding that the granting of such request will not be detrimental to the public interest or the interest of investors or consumers.

It is ordered, That such application be withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13736; Filed, December 22, 1942; 3:01 p. m.]

[File No. 52-17]

JOHN H. RAUSCHER ET AL.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE, ETC.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 19th day of December, A. D., 1942.

In the matter of John H. Rauscher, W. D. Courtright, Earl W. Huntley, Paul C. Harper, and Frederick T. Sutton, as Bondholders' Advisory Committee for Northwest Cities Gas Company.

Order permitting declaration to become effective and extending time to consummate certain transactions.

The Commission, having approved by Order dated June 1, 1942, a plan of reorganization of Northwest Cities Gas Company, a subsidiary of Lone Star Gas Corporation, a registered holding company, under section 11 (f) of the Public Utility Holding Company Act of 1935, submitted by John H. Rauscher, W. D. Courtright, Earl W. Huntley, Paul C. Harper, and Frederick T. Sutton, as a Bondholders' Advisory Committee for Northwest Cities Gas Company;

Jurisdiction having been reserved in said order to enter appropriate orders with respect to a declaration and amendments thereto, filed pursuant to sections 11 (g) and 12 (e) of said Act and the Rules thereunder, with respect to the solicitation by said Bondholders' Advisory Committee of acceptances to the said plan of reorganization, and said Order having provided that the transactions approved therein be carried out within 90 days after such approval;

Various further amendments having been filed by said Bondholders' Advisory Committee to the declaration with respect to the said solicitation of acceptances;

The Bondholders' Advisory Committee having requested that the time for carrying out of the transactions hereinbefore approved be extended to 90 days after the entry of an order by the United States District Court, approving the said plan and the documents for soliciting acceptances to the plan;

The Commission having considered the declaration, as amended, and finding that the requirements of Rule U-62 are complied with, and deeming it appropriate in the public interest and the interest of investors to permit the declaration to become effective and to extend the time for carrying out the said transactions to 60 days after the entry of an order by the United States District Court approving the plan and the documents for soliciting acceptances to the plan;

It is hereby ordered, That the said declaration, as amended, filed pursuant to sections 11 (g) and 12 (e) of the Act with respect to the solicitation of acceptances to the Plan be permitted to become effective forthwith in the manner and on the terms set forth therein;

It is further ordered, That the time for carrying out the transactions heretofore approved by order of the Commission dated June 1, 1942, be extended to 60 days after the entry of an order by the United States District Court approving the said plan and the documents for soliciting acceptances to the said plan.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13735; Filed, December 22, 1942; 3:02 p. m.]

[File No. 70-619]

BUTLER SUBURBAN WATER COMPANY AND BUTLER WATER COMPANY

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of December, A. D. 1942.

The Butler Suburban Water Company and its immediate parent company, The Butler Water Company which is a subsidiary of American Water Works and Electric Company, Incorporated, a registered holding company under the Public Utility Holding Company Act of 1935, having filed declarations pursuant to sections 12 (c) and 12 (f) thereof and Rules U-42, U-43 and U-46 promulgated thereunder with regard to the sale by The Butler Suburban Water Company for a consideration of approximately $59,638.30 of all of its franchises and all of its property to The Butler Water Company which owns all of the former company's capital stock, such capital stock consisting of 500 shares of $100 par value common stock and constituting all of its outstanding securities and, in connection with its liquidation, the distribution of its net assets to The Butler Water Company, which net assets will consist solely of the cash consideration so to be received, less the necessary, reasonable expenses incurred in the liquidation.

Said declarations having been filed on October 29, 1942 and amended on December 4, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said filing within the period specified in said notice, or otherwise, and not having ordered a hearing thereon;

The Commission finding that the declarations pursuant to sections 12 (c) and 12 (f) of the Act and Rules U-42, U-43, and U-46 thereunder meet the standards thereof and deeming that it is appropriate and in the interest of consumers, investors and the public interest to permit said declarations to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declarations be and the same hereby are permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13734; Filed, December 22, 1942; 3:02 p. m.]

DEC 29 1942

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 7 NUMBER 252

Washington, Friday, December 25, 1942

Regulations

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[PN-514—Supp. 6]

PART 729—NATIONAL MARKETING QUOTA FOR PEANUTS

AMENDMENT OF DATE

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (52 Stat. 31, 7 U.S.C. 1940 ed. 1301 et seq.), as amended, the regulations pertaining to marketing quotas for peanuts of the crop planted in the calendar year 1941 (Form PN-514), issued June 7, 1941, as amended on June 28, August 25, October 11, 1941; March 12 and August 7, 1942, are hereby further amended as follows: (AUTHORITY: 55 Stat. 88, 7 U.S.C. 1357-1359)

Section 729.32[1] is amended by striking out the words "June 16, 1942" and inserting in lieu thereof the words "January 31, 1943".

Done at Washington, D. C., this 23rd day of December, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-13876; Filed, December 24, 1942; 11:20 a. m.]

Chapter VIII—Sugar Agency

PART 802—SUGAR DETERMINATIONS

FARMING PRACTICES IN PRODUCING SUGAR CANE IN PUERTO RICO, 1942–43

Determination of farming practices to be carried out in connection with production of sugarcane during the crop year 1942–43 in Puerto Rico, pursuant to the Sugar Act of 1937, as amended, revised.

Pursuant to the provisions of section 301 (e) of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.43e *Farming practices to be carried out in connection with the production of sugarcane during the crop year 1942–43.*[1] The requirements of section 301 (e) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to any farm in Puerto Rico if soil-conserving food crops for human consumption are grown during the period July 1, 1942, to January 31, 1943, on the type of land and in the manner set forth below:

(a) The land to be used for the production of the crops in question shall be land suitable for the production of sugarcane, and the acreage so used shall be equal to not less than 7% of the land on the farm on which sugarcane is growing at June 30, 1942 (but in no event less than one-tenth of an acre): *Provided, however,* That (1) not less than 80% of such acreage shall be planted to the types of leguminous food crops required under § 702.301 (e) (1) of the 1942 Agricultural Conservation Program Bulletin for the Insular Region and the balance planted to any other food crops therein specified, (2) the plants or vines of such food crops shall not be removed from the land on which grown, and (3) where row crops are to be grown on land of more than 6% average slope, the planting and cultivating shall be carried out along lines deviating not more than 2% from contour lines.

(b) The land devoted to the crops in question shall be suitably prepared by plowing or disking, adequately seeded, and cultivated in a workmanlike manner to assure a good stand at the time of maturity.

This determination supersedes the "Determination of Farming Practices to be Carried Out in Connection with the Production of Sugarcane During the Crop Year 1942–43 in Puerto Rico, Pursuant to the Sugar Act of 1937, as Amended," issued June 26, 1942. (Sec. 301, 50 Stat. 910; 7 U.S.C. 1940 ed. 1132)

Done at Washington, D. C., this 23d day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary.

[F. R. Doc. 42-13877; Filed, December 24, 1942; 11:21 a. m.]

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[1] 6 F.R. 4360.

[1] 7 F.R. 4774.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Telephone information: DIstrict 0525.

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Chapter IX—Agricultural Marketing Administration

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR, OREGON

ORDER SUSPENDING PROVISIONS

Pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. § 601 *et seq.*), hereinafter referred to as the "act", and the order, effective September 5, 1941, pursuant to the provisions of said act, regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur, Oregon, it is hereby found and determined that the suspension, as hereinafter provided, of the provisions in § 957.2 (a)[1] of said order will tend to effectuate the declared policy of the aforesaid act.

It is, therefore, ordered, That the provisions in § 957.2 (a) of the aforesaid order be, and the same hereby are, suspended during the period of time beginning at 12:01 a. m., p. w. t., December --,* 1942, and ending on June 30, 1943, inclusive.

It is further ordered that the suspension of said provisions in § 957.2 (a) of the order shall not (a) affect or waive any right, duty, obligation, or liability which has arisen or which, prior to the time that the suspension becomes effective, may arise under the aforesaid provisions of the order, or (b) release or extinguish any violation of said § 957.2 (a) of the order which has occurred or which, prior to the time that the suspension becomes effective, may occur, or (c) affect or impair any right or remedy of the United States, the Secretary of Agriculture of the United States, or any other person with respect to any such violation which has occurred or which, prior to the time that such suspension becomes effective, may occur.

Issued at Washington, D. C., this 23d day of December 1942. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary of Agriculture.[2]

[F. R. Doc. 42–13875; Filed, December 24, 1942; 11:20 a. m.]

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*Date omitted in original document.

[1] 6 F.R. 4509.

[2] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2656).

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4443]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

WIRE ROPE & STRAND MANUFACTURERS ASSOCIATION, INC., ET AL.

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* In connection with offer, etc., in commerce, of non-patented wire rope of any type or description, and on the part of respondent Association, and on the part of fifteen corporations, manufacturers of aforesaid product, and their respective officers, etc., entering into, continuing, cooperating in, or carrying out any common course of action, agreement, understanding, combination, or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to (among other things, as in order set forth), (1) fix, determine, maintain, or adhere to prices, terms, or conditions of sale of such wire rope to dealers, distributors, or users thereof, including any governmental agency; (2) adopt, fix, determine, maintain, or adhere to any price-fixing formula or formulae for applying discounts of any nature or description, regardless of their designation, to list prices, or for the purpose or with the effect of retaining, eliminating, or interpreting any figures or digits after any decimal point, whereby prices (including net delivered prices) for the sale of such wire rope are or may be fixed, determined, maintained, or adhered to; (3) establish, maintain, or adhere to territorial delivered price zones; (4) make quotations or sales upon a delivered price basis under a zone system whereby the cost to all customers, or to customers of any particular class or designation, purchasing a particular grade and construction of such wire rope is made identical to all destinations within a particular zone; or (5) adopt, fix, determine, maintain, or adhere to the form, amount, or application of base or chain discounts to be allowed, or which may be allowed, by the respondents on purchases of such wire rope; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, The Wire Rope & Strand Manufacturers Association, Inc., et al., Docket 4443, December 8, 1942]

§ 3.27 (f) *Combining or conspiring—To limit distribution to regular or established channels:* § 3.39 *Dealing on exclusive and tying basis.* In connection with offer, etc., in commerce, of nonpatented wire rope of any type or description, and on the part of respondent Association, and on the part of fifteen corporations, manufacturers of aforesaid product, and their respective officers, etc., entering into, continuing, cooperating in, or carrying out any common course of action, agreement, understanding, combination, or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to (among other things, as in order set forth), (1) adopt, fix, determine, maintain, or adhere to uniform classifications of customers; (2) define what constitutes a distributor of wire rope, where the purpose or effect is or may be to prevent or restrict the selection of distributors; (3) file with any association, or with any other agency, the names of respondents' distributors of wire rope; (4) authorize the compilation, for circulation among the respondents, of lists showing the names of distributors of any of the respondents; (5) circulate or attempt to circulate among the respondents, by any means or method, lists showing the names of distributors of any of the respondents; (6) refuse by any method or in any manner to make a distributor's contract with any person, firm, or corporation who has been appointed a distributor of and is acting as such for another respondent, where such person, firm, or corporation possesses the qualifications and is able and willing to perform the functions required of the distributors of the respondent so refusing; (7) include in or make a part of any contract which respondents have or may enter into with their respective distributors, any provision which forbids or may forbid such a distributor from selling any wire rope other than that manufactured or sold by the particular respondent with whom such distributor has a distributor's contract; or (8) refuse to appoint distributors in any particular locality or localities; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, The Wire Rope & Strand Manufacturers Association, Inc., et al., Docket 4443, December 8, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of December, A. D. 1942.

In the Matter of The Wire Rope & Strand Manufacturers Association, Inc., a Membership Corporation; Harry J. Leschen, George S. Whyte, and George P. Lamb, as President, Chairman of the Board, and Executive Secretary, respectively, of The Wire Rope & Strand Manufacturers Association, Inc.; and American Chain and Cable Company, Inc., The American Steel and Wire Company of New Jersey (Referred to the in Complaint as The American Steel and Wire Company), Bethlehem Steel Company (Referred to in the Complaint as The Bethlehem Steel Company), Broderick & Bascom Rope Co., Columbia Steel Company, E. H. Edwards Company, A. Leschen & Sons Rope Company, MacWhyte Company, Pacific Wire Rope Co., Rochester Ropes, Inc., John A. Roebling's Sons Co., Union Wire Rope Corp., The Upson-Walton Company, Wickwire Spencer Steel Company, Wire Rope Corporation of America, Inc., and Wire Rope Manufacturing & Equipment Company, Members of The Wire Rope & Strand Manufacturers Association, Inc.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of the respondent, brief filed on behalf of respondent The Wire Rope & Strand Manufacturers Association, Inc., and a stipulation as to the facts entered into between all of the respondents (except Bethlehem Steel Company) and W. T. Kelley, Chief Counsel for the Commission, which provided, among other things, that without further evidence the Commission might issue and serve upon such respondents findings as to the facts and its conclusion based thereon and an order disposing of the proceeding; and the Commission having made its findings as to the facts and its conclusion that the respondents (except those named in the last paragraph hereof) have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents The Wire Rope & Strand Manufacturers Association, Inc., American Chain and Cable Company, Inc., The American Steel and Wire Company of New Jersey, Broderick & Bascom Rope Co., Columbia Steel Company, E. H. Edwards Company, A. Leschen & Sons Rope Company, MacWhyte Company, Pacific Wire Rope Co., Rochester Ropes, Inc., John A. Roebling's Sons Co., Union Wire Rope Corp., The Upson - Walton Company, Wickwire Spencer Steel Company, Wire Rope Corporation of America, Inc., and Wire Rope Manufacturing & Equipment Company, corporations, and their respective officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of non-patented wire rope of any type or description, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any common course of action, agreement, understanding, combination, or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or things:

1. Fixing, determining, maintaining, or adhering to prices, terms, or conditions of sale of such wire rope to dealers, distributors, or users thereof, including any governmental agency.
2. Adopting, fixing, determining, maintaining, or adhering to any price-fixing formula or formulae for applying discounts of any nature or description, regardless of their designation, to list prices, or for the purpose or with the effect of retaining, eliminating, or interpreting any figures or digits after any decimal point, whereby prices (including net delivered prices) for the sale of such wire rope are or may be fixed, determined, maintained, or adhered to.
3. Establishing, maintaining, or adhering to territorial delivered price zones.
4. Making quotations or sales upon a delivered price basis under a zone system whereby the cost to all customers, or to customers of any particular class or designation, purchasing a particular grade and construction of such wire rope is made identical to all destinations within a particular zone.

5. Adopting, fixing, determining, maintaining, or adhering to the form, amount, or application of base or chain discounts to be allowed, or which may be allowed, by the respondents on purchases of such wire rope.

6. Adopting, fixing, determining, maintaining, or adhering to uniform classifications of customers.

7. Defining what constitutes a distributor of wire rope, where the purpose or effect is or may be to prevent or restrict the selection of distributors.

8. Filing with any association, or with any other agency, the names of respondents' distributors of wire rope.

9. Authorizing the compilation, for circulation among the respondents, of lists showing the names of distributors of any of the respondents.

10. Circulating or attempting to circulate among the respondents, by any means or method, lists showing the names of distributors of any of the respondents.

11. Refusing by any method or in any manner to make a distributor's contract with any person, firm, or corporation who has been appointed a distributor of and is acting as such for another respondent, where such person, firm, or corporation possesses the qualifications and is able and willing to perform the functions required of the distributors of the respondent so refusing.

12. Including in or making a part of any contract which respondents have or may enter into with their respective distributors, any provision which forbids or may forbid such a distributor from selling any wire rope other than that manufactured or sold by the particular respondent with whom such distributor has a distributor's contract.

13. Refusing to appoint distributors in any particular locality or localities.

It is further ordered, That said respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to respondents Harry J. Leschen, George S. Whyte, George P. Lamb, and Bethlehem Steel Company.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-13874; Filed, December 24, 1942; 11:02 a. m.]

[Docket No. 4783]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PRESS RADIO SERVICE, ETC.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Connections or arrangements with others:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Individual or private business as press or new service organization:* § 3.96 (b) *Using misleading name—Vendor—Connections and arrangements with others:* § 3.96 (b) *Using misleading name—Vendor—Individual or private business as press or news service organization.* In connection with offer, etc., in commerce, of respondent's so-called press supplies, and among other things, as in order set forth, (1) using the name "Press Radio Service", or any other name of similar import, to designate or describe respondent's business; or otherwise representing, directly or by implication, that respondent operates or is affiliated or connected with any press or radio service; or (2) selling or distributing so-called press cards purporting to carry any authorization or credentials from respondent which will afford the holders of such cards passage through police or fire lines, or to any other place; or otherwise representing, directly or by implication, that respondent is able to grant such authorization or credentials; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Press Radio Service, etc., Docket 4783, December 8, 1942]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Connections or arrangements with others:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Reputation, success or standing:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Size:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Stock:* § 3.6 (m) *Advertising falsely or misleadingly—Jobs and employment service:* § 3.72 (g) *Offering deceptive inducements to purchase—Job guarantee and employment.* In connection with offer, etc., in commerce, of respondent's so-called press supplies, and among other things, as in order set forth, (1) representing, directly or by implication, that respondent is affiliated or connected with the radio industry or with any press association, newspaper syndicate, or publisher; or that respondent is able to offer employment to or obtain employment for writers or reporters, either on a part or full time basis; (2) representing that respondent's business is nationally or prominently established; or (3) representing that respondent's business is headquarters for the Nation's press supplies, or that respondent's stock of press supplies is unlimited; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Press Radio Service, etc., Docket 4783, December 8, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of December, A. D. 1942.

In the Matter of Joseph Cohen, an Individual Trading as Press Radio Service and as Press Supplies

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all of the material allegations of fact set forth in the complaint and states that he waives all intervening procedure and further hearing as to the facts; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Joseph Cohen, individually and trading as Press Radio Service and as Press Supplies, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of respondent's so-called press supplies in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the name "Press Radio Service," or any other name of similar import, to designate or describe respondent's business; or otherwise representing, directly or by implication, that respondent operates or is affiliated or connected with any press or radio service.

2. Selling or distributing so-called press cards purporting to carry any authorization or credentials from respondent which will afford the holders of such cards passage through police or fire lines, or to any other place; or otherwise representing, directly or by implication, that respondent is able to grant such authorization or credentials.

3. Representing, directly or by implication, that respondent is affiliated or connected with the radio industry or with any press association, newspaper syndicate, or publisher; or that respondent is able to offer employment to or obtain employment for writers or reporters, either on a part or full time basis.

4. Representing that respondent's business is nationally or prominently established.

5. Representing that respondent's business is headquarters for the Nation's press supplies, or that respondent's stock of press supplies is unlimited.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-13873; Filed, December 24, 1942; 11:02 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order No. 103]

PART 35—FILING OF RATE SCHEDULES

FILING OF CERTAIN CONTRACTS, ETC.

DECEMBER 22, 1942.

Rescinding Order No. 97[1] and amending the "Rules of Practice and Regulations With Approved Forms, Effective June 1, 1938" (under the Federal Power Act).

The Commission, acting pursuant to the authority vested in it by the Federal Power Act, particularly section 309 thereof, and finding such action appropriate for effectuating the purposes of that Act and the President's directives of September 26 and October 22, 1942, concerning the purchase of electric power for war plants and establishments, hereby amends the "Rules of Practice and Regulations With Approved Forms, Effective June 1, 1938" (under the Federal Power Act), as heretofore prescribed and amended, by rescinding § 35.25 thereof, prescribed June 23, 1942, by Order No. 97 entitled "Order Prescribing the Filing of Certain Contracts and Material by Electric Utilities, Licensees, and Others."

The amendment adopted, promulgated, and prescribed by this order shall become effective January 1, 1943.

The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-13770; Filed, December 24, 1942; 9:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

[Docket Nos. 12 and 29]

PART 19—CREAM CHEESE, NEUFCHATEL CHEESE, COTTAGE CHEESE, AND CREAMED COTTAGE CHEESE; DEFINITIONS AND STANDARDS OF IDENTITY

Correction

In the sixth line of Finding 9 appearing on page 10755 of the issue for Wednesday, December 23, 1942, "drawing" should read "draining". The date of issuance appearing above the signature on page 10759 should read "December 22, 1942" instead of "November 22, 1942".

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5203]

PART 323—SPECIAL TAXES WITH RESPECT TO COIN-OPERATED AMUSEMENT AND GAMBLING DEVICES, BOWLING ALLEYS, BILLIARD TABLES AND POOL TABLES[1]

REGULATIONS 59 (1941 EDITION) AMENDED

In order to conform Regulations 59 (1941 edition) [Part 323, Title 26, Code of Federal Regulations, 1941 Sup.] to section 617 of the Revenue Act of 1942 (Public Law 753, Seventy-seventh Congress, second session), such regulations are amended as follows:

PARAGRAPH 1. Subpart C relating to coin-operated amusement and gaming devices is amended by inserting immediately after the quotation of section 3267 the following:

SEC. 617. COIN-OPERATED AMUSEMENT AND GAMING DEVICES. (Revenue Act of 1942, Title VI.)

(a) *Increase in rate on gambling devices.* Section 3267 (a) (2) and (3) (relating to rate of tax on gambling devices) is amended by striking out "$50" and inserting in lieu thereof "$100".

(b) *Definition.* Section 3267 (b) is amended to read as follows:

(b) *Definition.* As used in this Part, the term "coin-operated amusement and gaming devices" means (1) any amusement or music machine operated by means of the insertion of a coin, token, or similar object, and (2) so-called "slot" machines which operate by means of insertion of a coin, token, or similar object and which, by application of the element of chance, may deliver, or entitle the person playing or operating the machine to receive, cash, premium, merchandise, or tokens. The term does not include bona fide vending machines in which are not incorporated gaming or amusement features. For the purposes of this section, a vending machine operated by means of the insertion of a 1 cent coin, which, when it dispenses a prize, never dispenses a prize of a retail value of, or entitles a person to receive a prize of a retail value of, more than 5 cents, and if the only prize dispensed is merchandise and not cash or tokens shall be classified under clause (1) and not under clause (2).

(c) *Effective date of amendments.* The amendments made by this section shall be first applicable as follows:

(1) In the case of machines the rate of tax on which is increased, to the year beginning July 1, 1943.

(2) In the case of machines not subject to tax prior to such amendments, no tax shall be payable with respect to any period before the effective date of this title.

(3) In the case of machines if the limitation on the amount of the prize dispensed is 5 cents, to the year beginning July 1, 1942.

PAR. 2. Section 323.20 is amended to read as follows:

§ 323.20 *Effective date of tax.* The special taxes with respect to coin-operated amusement and gaming devices imposed by section 3267, added to the Internal Revenue Code by section 555 of the Revenue Act of 1941, became effective October 1, 1941. The effective dates of changes made in such section 3267 by the Revenue Act of 1942 are as follows:

(a) Effective July 1, 1943, except as indicated by (c) below, the rate of tax applicable with respect to gaming devices operated by means of the insertion of a coin, token, or similar object is increased from $50 to $100 per annum.

(b) Effective November 1, 1942, any amusement or music machine operated by means of the insertion of a coin, token, or similar object, not within the scope of section 3267 as originally enacted, is subject to tax.

(c) Effective July 1, 1942, the tax on a vending machine, operated by means of the insertion of a 1 cent coin, which dispenses, or entitles a person to receive, a prize of a value of not more than 5 cents consisting of merchandise only, and never of cash or tokens, is reduced from $50 to $10.

PAR. 3. The first paragraph of § 323.22, which includes both paragraphs (a) and (b), is amended to read as follows:

§ 23.22 *Rates and computation of tax.* Special taxes are imposed as follows:

(a) Effective October 1, 1941, and continuing through October 31, 1942, $10 per year in the case of each so-called "pin-ball" or other similar amusement machine operated by means of the insertion of a coin, token, or other similar object.

(b) Effective November 1, 1942, $10 per year in the case of any amusement or music machine operated by means of the insertion of a coin, token, or similar object, including machines within the scope of paragraph (a), except that where, prior to November 1, 1942, tax for any period has been paid with respect to a machine within the scope of such paragraph (a), no further tax with respect to such machine for the same period will be due.

(c) Effective July 1, 1942, $10 per year in the case of each vending machine operated by means of the insertion of a 1 cent coin, which dispenses a prize of a retail value of, or entitles a person to receive a prize of a retail value of, not more than 5 cents, consisting of merchandise only and never of cash or tokens.

(d) Effective October 1, 1941, and continuing through June 30, 1943, $50, and effective July 1, 1943, $100, per year in the case of each so-called "slot" machine which operates by means of the insertion of a coin, token, or similar object and which, by application of the element of chance, may deliver, or entitle the person playing or operating the machine to receive, cash, premiums, merchandise, or tokens; except that this subparagraph shall not be applicable for any period after June 30, 1942, with respect to any machine covered by paragraph (c) above.

PAR. 4. Section 323.22 is amended by adding after the last paragraph thereof the following:

Examples of machines which, when operated by means of the insertion of a coin, token, or similar object, are regarded as gaming devices for purposes of these regulations are:

(a) A "pin-ball" machine with respect to which unused "free plays" are redeemed in cash, tokens, or merchandise, or with respect to which prizes are offered to any person for the attainment of designated scores.

(b) A machine which, even though it does not dispense cash or tokens, has incorporated gaming features in the form of combinations of insignia on reels or drums.

(This Treasury decision is issued pursuant to the authority contained in section 617 of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.), and section 3791

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[1] 7 F.R. 4824.

[1] 6 F.R. 6298.

of the Internal Revenue Code (53 Stat. 467; 26 U.S.C., 1940 ed., 3791).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved:

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

DECEMBER 22, 1942.

[F. R. Doc. 42-13863; Filed, December 23, 1942; 4:08 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1752]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 11 for minimum prices for the coals of John A. Young.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Young Rib Mine, Mine Index No. 1370, of John A. Young; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: December 7, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.													
				1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16
GREENE COUNTY																	
Young, John A	1370	Young (Rib)	5	255	250	245	235	230	225	185	190	180	175	155	145	90	60

[F. R. Doc 42-13782; Filed, December 23, 1942; 11:29 a. m.]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

[Docket No. A-1761]

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 11 for establishment of price classifications and minimum prices for All Star Mine, Mine Index No. 1060, of Kenneth Bowen.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the All Star Mine, Mine Index No. 1060, of Kenneth Bowen, for rail shipments.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 5, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members*—Supplement R

Mine index No.	Code member	Mine	Seam	Sub-dist.	Freight origin group	Price group	Shipping point	Railroad
1060	Bowen, Kenneth	All Star	IV	LS	61	13	Latta	CMStP&P.

Mine Index No. 1060 shall be included in Price Group 13 and shall take the same f. o. b. mine prices as other mines in Price Group 13 in Minimum Price Schedule, District No. 11, For All Shipments Except Truck. It shall also take the same adjustments in the f. o. b. mine prices on account of differences in freight rates as other mines in Freight Origin Group 61 of the Linton Sullivan Subdistrict having the same freight rate.

Mine Index No. 1060 shall be accorded the same prices for railroad locomotive fuel as shown in § 331.10 in Minimum Price Schedule, District No. 11, For All Shipments Except Truck, as are shown for Mine Index No. 72.

[F. R. Doc. 42-13781; Filed, December 23, 1942; 11:29 a. m.]

[Docket No. A-1695]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING RELIEF, ETC.

Order amending order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8 and for a change in shipping point for Mine Index No. 389.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8 and for a change in shipping point for Mine Index No. 389; and

An order granting temporary and conditionally final relief as prayed for having been issued herein on October 22, 1942, 7 F.R. 8987; and

A motion having been filed herein by the above-named party requesting that the relief heretofore granted be continued to March 22, 1943, and to become final at that time unless otherwise ordered during the intervening period; and

It appearing from said motion and the original petition herein that the temporary and conditionally final relief heretofore granted concerns the establishment of price classifications and minimum prices for Size Groups 24 to 27, inclusive, special purpose coal, produced by two mines from the Douglas Seam in the Williamson subdistrict of District No. 8; that the actual performance of such special purpose coals is a relatively more important criterion than in the case of other coals in determining the relative market value of such coals, for the reason that the factors which are indicative of relative market value are relatively less strong in the case of special purpose coals; and that the petitioner herein has been unable to secure any data as to the actual performance of the said Douglas Seam coals for special purpose use and probably will be unable to secure and consider such data for minimum price purposes substantially prior to March 22, 1943; and

It appearing that a reasonable showing of necessity has been made for the granting of said motion; and

No petitions of intervention or motions in opposition having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That the motion be and the same hereby is granted and the temporary and conditionally final relief heretofore granted by the order issued herein on October 22, 1942, 7 F.R. 8987, be, and the same hereby is, continued to March 22, 1943, at which time such relief shall become final, unless othewise ordered during the intervening period.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: December 22, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-13881; Filed, December 24, 1942; 11:25 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

PART 101—PHYSICAL PROPERTIES OF COINS

ONE-CENT PIECE

Whereas the Act of December 18, 1942 (Public Law No. 815, 77th Congress) provides in part as follows:

> SEC. 1. (a) There shall be included among the coins of the United States one or more special series of coins: *Provided,* That the coinage, issuance, and circulation of the coins provided for by this section shall be subject in all respects to the conditions, terms, provisions, limitations, and exceptions specified in subsections (b) to (j) hereof.
>
> (b) No denomination or series of coins provided for by this section shall be coined unless and until the Secretary of the Treasury shall have issued an order that shall (1) prescribe the particular denomination or series, stating the pertinent physical properties, including content, weight, dimensions, shape, and design: *Provided,* That in determining such physical properties the Secretary shall take into consideration the use of such coins in coin-operated devises; and (2) state that he has determined, after consultation with the appropriate officials charged with the production of war material, that the coinage and circulation of the particular series will operate to conserve strategic metals in furtherance of the war effort.
>
> (c) There shall be no coinage pursuant to the provisions of this section after December 31, 1946.
>
> (d) The coinage provided for by this section shall not be of other denominations than 1-cent piece and 3-cent piece and the amount of coinage of each such denomination shall be prescribed by the Secretary of the Treasury.
>
> (e) Each denomination of coins provided for by this section shall constitute a series: *Provided,* That if one denomination is coined in more than one physical form or composition, the pieces of each different physical form or composition shall constitute a separate series.
>
> (f) The coinage provided for by this section shall be in pieces of such metallic, or other or different content, weight, dimensions, shape, limits of tolerance, and design (including devices and legends), as the Secretary of the Treasury may by regulation prescribe for the particular denomination or series: *Provided,* That no silver shall be used for the coinage provided for by this section except as specified in subsection (g) hereof.
>
> (g) For the coinage of any series, the Secretary of the Treasury is hereby authorized to allocate to the Director of the Mint, at such times and in such amounts as the Secretary of the Treasury deems necessary, any silver bullion in the monetary stocks of the United States not then held for redemption of any outstanding silver certificates. Silver contained in any pieces coined under section 1 of this Act shall be accounted for by entries in the fund established for the purchase of metal for minor coinage: *Provided,* That the value of any silver bullion accounted for in said fund shall not be considered for the purpose of determining the statutory limit of said fund: *Provided further,* That the gain from the coinage of silver hereunder shall be accounted for by entries in the minor coinage profit fund. If any series is coined of silver or in part of silver, the pieces of said series shall nevertheless be deemed to be other than silver coins, subsidiary silver coins, silver coinage, or subsidiary silver coinage within the meaning of the monetary laws of the United States.
>
> (h) The coinage provided for by this section shall be minor coinage, and the provisions of amended section 3528 of the Revised Statutes (U.S.C., title 31, sec. 340) shall apply with respect to any necessary purchases of metal or other material for the coinage provided for by this section: *Provided, however,* That contracts for said purchases may be entered into in accordance with the provisions of title II of the First War Powers Act, 1941 (55 Stat. 839; U.S.C., Supp. 1, title 50, app., sec. 611).
>
> (i) For the purpose of amended section 3529 of the Revised Statutes (U.S.C., title 31, sec. 341), the coinage provided for in this section shall be in the same category as the minor coins referred to in said section 3529.
>
> (j) Except as provided in this Act, the coinage provided for by this section shall be subject in all respects to the monetary laws of the United States, including, but not by way of limitation, the laws pertaining to counterfeiting, to legal tender, and to the distribution, exchange, and redemption of coins and currency.
>
> SEC. 2. During the period when the coinage provided for by section 1 of this Act may be coined, the Secretary of the Treasury is hereby authorized in his discretion to cause the coinage of any or all of the other minor coins to be suspended for the whole of said period or for any part or parts thereof.

and

Whereas I have determined, after consultation with the Chairman of the War Production Board, that the coinage and circulation of the 1-cent piece hereinafter described, will operate to conserve strategic metals in furtherance of the war effort, and

Whereas in determining the physical properties of the 1-cent piece hereinafter described, I have taken into consideration its use in coin-operated devices;

Now therefore, I, Henry Morgenthau, Jr., Secretary of the Treasury, do hereby order that:

§ 101.1 *One-cent piece.* (a) Until further notice, or until December 31, 1946, whichever shall first occur, the 1-cent piece coined by the United States mints, shall have the following physical properties:

(1) It shall be composed of steel with the obverse and reverse sides covered with a coating of .00025 inches of zinc.

(2) It shall weigh 41.5 grains.

(3) It shall have a diameter of .750 inches.

(4) It shall be in the shape of a disc.

(5) It shall not vary in weight by more than 3 grains; it shall not vary in diameter by more than .002 inches; and the zinc coating shall not exceed .001 inches.

(6) It shall contain the same design, devices and legends as those used since 1909, for the 1-cent piece coined pursuant to amended section 3515 of the Revised Statutes (U.S.C. title 31, sec. 317).

(b) After January 1, 1943 and during the period in which the above described 1-cent piece is coined, the coinage of 1-cent pieces pursuant to the provisions of amended section 3515 of the Revised Statutes (U.S.C. title 31, sec. 317) shall be suspended.

This order may be modified or revoked at any time.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

DECEMBER 23, 1942.

[F. R. Doc. 42-13862; Filed, December 23, 1942; 4:08 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1128—CLOSURES FOR GLASS CONTAINERS

[Conservation Order M-104 as Amended Dec. 23, 1942]

Section 1128.1 *Conservation Order M-104* is hereby amended to read as follows:

§ 1128.1 *Conservation Order M-104*—(a) *Definitions.* (1) "Closure" means any sealing or covering device affixed or to be affixed to a glass container for the purpose of retaining the contents within the container.

(2) "Glass container" means any bottle, jar, or tumbler which is made of glass and which is suitable for packing any product.

(3) "Tinplate" means sheet steel coated with tin, and includes "primes," "seconds," "waste-waste," and all other forms of tinplate except waste.

(4) "Terneplate" means sheet steel coated with a lead-tin alloy, and includes "primes," "seconds," "waste-waste," and all other forms of terneplate except waste.

(5) "Blackplate" means any sheet steel, other than tinplate or terneplate, suitable for manufacture into closures, and includes "rejects," "electrolytic waste-waste," and all other forms of blackplate except waste.

(6) "Waste" means used closures and used cans, made of tinplate, terneplate, or blackplate; and scrap tinplate, terneplate, and blackplate produced in the ordinary course of manufacturing closures.

(7) "Rubber," whether a separate sealing ring or incorporated into a closure, means any polyvinyl acetate, or any crude rubber, latex, scrap rubber, reclaimed rubber, or synthetic rubber, as defined by Supplementary Order M-15-b, as amended from time to time.

(8) "Pack," unless particularly specified, means the number of closures used for packing a product during the base period specified.

(b) *Restrictions upon manufacture, sale, and delivery of closures.* (1) No person shall sell or deliver any closure made in whole or in part of tinplate, terneplate, blackplate, wire, rubber, or waste, except under a purchase order or contract validated by delivery to such person of a purchaser's certificate, manually signed by the purchaser or an authorized official of the purchaser, in substantially the form attached hereto as Exhibit A. No person shall manufacture, sell, or deliver any such closure which he knows or has reason to believe will be used in violation of any provision of this order.

(2) No person shall use any tinplate, terneplate, blackplate, waste or rubber for the manufacture of the following types of closures:

(i) Cover caps which serve as a protective or decorative closure in addition to any original sealing medium such as another closure or paraffin.

(ii) Double shell or semi-double shell caps.

(iii) Two-piece closures when both pieces are made of metal, except as permitted in paragraph (b) (3).

(3) No person shall use any tinplate, terneplate, blackplate, wire, or rubber for the manufacture of any closure of the home canning type, except as, and to the extent permitted in Schedule V attached to this order. No closure manufactured pursuant to Schedule V shall knowingly be sold to any person for packing any product for sale.

(4) No person shall use any tinplate, terneplate, or blackplate, except "rejects" or "electrolytic waste-waste," heavier than 90 pounds per base box, for the manufacture of crown caps.

(5) No person shall use for the manufacture of closures any tinplate with a tin coating in excess of 1.25 pounds per base box.

(c) *Restrictions upon purchase, acceptance of delivery, and use of closures.* No person shall, during any calendar year (or seasonal year or other period, when specified) purchase, accept delivery of, or use for packing a product, any closure made in whole or in part of tinplate, terneplate, blackplate, or rubber, except as, and to the extent permitted in Schedules I, II, III, and IV, attached to this order; *Provided, however,* That a jobber or retailer may obtain and sell closures in conformity with the provisions of this order. Blackplate may be used wherever tinplate or terneplate is specified. Closures made of waste shall not be used for packing any product for which closures made of tinplate, terneplate, and blackplate are totally prohibited.

(d) *Exceptions.* (1) Nothing in this order shall prohibit any person who used less than 5,000 closures during the calendar year 1942 from purchasing, accepting delivery of, or using without restriction, an aggregate of 5,000 closures during any subsequent calendar year.

(2) The restrictions imposed by this order shall not apply to the purchase, acceptance of delivery, or use of closures for packing any product not listed in the schedules attached to this order, when such closures, on or before December 23, 1942, were completely manufactured or were in the form of tinplate, terneplate, or blackplate fully lithographed with a person's private design cut into strips.

(3) No certificate shall be required for the sale or delivery of closures to:

(i) Retailers;

(ii) Persons purchasing closures from retailers.

(4) Nothing in this order shall prohibit the purchase, acceptance of delivery, or use (such use to be in addition to any quota specified in the schedules attached to this order) of closures by any of the following persons or by any person for packing any product to be delivered to or for the account of any of the following persons:

(i) Army, Navy, Marine Corps, Maritime Commission, or War Shipping Administration of the United States (including persons operating vessels for such Administration or Commission for use thereon).

(ii) Any person for packing products for retail sale or distribution through post-exchanges, sales commissaries, officers' messes, servicemen's clubs, ship service stores, or outlets; provided same are located at Army or Navy camps, are not operated for private profit and are established primarily for the use of Army or Navy enlisted personnel within Army or Navy establishments or on Army or Navy vessels.

(iii) American Red Cross or United Service Organizations.

(iv) Any agency of the United States purchasing for a foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(v) Any person in the Territory of Hawaii; provided that the exception provided by this paragraph (d) (4) (v) shall be limited to closures used in connection with the packing of products to be consumed in the said Territory.

(e) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(2) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(3) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Containers Division, War Production Board, Washington, D. C. Ref: M-104.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of December 1942.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT A

PURCHASER'S CERTIFICATE

One copy of this certificate is to be delivered to each person from whom purchases are made or closures made in whole or in part of tinplate, terneplate, blackplate, wire, zinc, or rubber. Such certificate shall cover all purchases present and future.

The undersigned purchaser hereby certifies to the seller herein and to the War Production Board that he is familiar with Conservation Order M-104, as heretofore amended, and that he will not use or sell any closures purchased from ______________

____
Name of seller

____
Address of seller

pursuant to this or future purchase orders or contracts, in violation of the terms of such order.

Date ______________

____
Legal name of purchaser

By ______________
Authorized official

____
Title of official

____
Address of purchaser

Section 35 (A) of the U. S. Criminal Code (18 U.S.C.A. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

SCHEDULE I

FOOD CLOSURES

Subject to the provisions of all applicable priorities regulations and orders of the War Production Board (including but not limited to Conservation Orders M-119 and M-126), and to the provisions of Conservation Order M-104 as amended September 26, 1942, until December 31, 1942, any person may use for packing any food product for human consumption, closures made in whole or in part of tinplate, terneplate, blackplate, wire, or rubber. No closures made of such materials shall be used after December 31, 1942, for packing any food product, except in accordance with such quotas as may be established by the Director General for Operations.

SCHEDULE II

DRUG PRODUCTS CLOSURES

A. From December 23, 1942, to December 31, 1942, any person may pack without quota restriction any product listed in this Schedule II.

B. The packing quota relates to the number of closures and cans used for packing the applicable product.

Product, for medicinal or health purposes only	1943 packing quota	Closure material indicated by x.		
		Tinplate	Blackplate	Rubber
1. Alcohol, rubbing or medicated	100% 1942		x	
2. Artificial salts	100% 1942		x	
3. Biological preparations	Unlimited	x		x
4. Blood plasma	Unlimited	x		x
5. Capsules	100% 1942		x	
6. Chemicals, dry	Unlimited	x		
7. Chemicals, liquid	Unlimited	x		
8. Citrate of magnesia	100% 1942		x	x
9. Cordials, medicinal	100% 1942		x	
10. Effervescent salts	100% 1942		x	
11. Elixirs	100% 1942		x	
12. Emulsions	100% 1942		x	
13. Extracts	100% 1942		x	
14. Flavors	100% 1942		x	
15. Fluid extracts	100% 1942		x	
16. Fluid glycerates	100% 1942		x	
17. Glycerites	100% 1942		x	
18. Glycerogelatins	100% 1942		x	
19. Honeys	100% 1942		x	
20. Jellies, aqueous	100% 1942		x	
21. Liniments	100% 1942		x	
22. Liniment of ammonia	100% 1942	x		
23. Local anesthetic solutions (injectible)	Unlimited	x		x
24. Lotions	100% 1942		x	
25. Magmas	100% 1942	x		
26. Medicinal wines	100% 1942		x	
27. Oleoresins	100% 1942		x	
28. Oleates	100% 1942		x	
29. Oils, fixed, volatile, or medicated	100% 1942	x		
30. Ointments, cerates, petrolatum, pastes	100% 1942		x	
31. Ointments, ophthalmic	100% 1942	x		
32. Pills, tablets, troches, lozenges	100% 1942		x	
33. Powders	100% 1942		x	
34. Prescriptions	Unlimited	x		
35. Proprietary preparations	100% 1942		x	
36. Soaps	100% 1942	x		
37. Solutions, aqueous or bulk intravenous	100% 1942	x		x
38. Solution of ammonia	100% 1942	x		
39. Solution of iodine	100% 1942	x		x
40. Solution of hydrogen peroxide	100% 1942	x		
41. Solutions, parenteral	Unlimited	x		x
42. Solutions, ophthalmic or nasal	100% 1942	x		
43. Spirits	100% 1942		x	
44. Spirit of ammonia, aromatic	100% 1942	x		
45. Spirit of ammonia, anisated	100% 1942	x		
46. Spirit of ether compound and spirit of ether	100% 1942	x		
47. Suppositories	100% 1942		x	
48. Syrups	100% 1942		x	
49. Tinctures	100% 1942		x	
50. Tincture of iodine	100% 1942	x		x
51. Vinegars	100% 1942	x		
52. Waters	100% 1942		x	
53. Water, laxative, purgative or medicinal	100% 1942		x	

SCHEDULE III

CHEMICALS, HOUSEHOLD AND INDUSTRIAL SUPPLY CLOSURES

A. From December 23, 1942 to December 31, 1942 any person may pack without quota restriction any product listed in this Schedule III.

B. The packing quota relates to the number of closures and cans used for packing the applicable product.

Product	1943 packing quota	Closure material indicated by x		
		Tinplate	Blackplate	Rubber
1. Adhesives, glass mucilages, and pastes	100% 1942		x	
2. Alcohol	100% 1942		x	
3. Ammonia	100% 1942	x		
4. Anti-freeze	100% 1942		x	
5. Automotive maintenance or repair items, liquid or paste	100% 1942		x	
6. Bluings	100% 1942	x		
7. Bleaches	100% 1942	x		x
8. Cements	100% 1942		x	
9. Chemicals, dry	Unlimited		x	
10. Chemicals, liquid	Unlimited	x		
11. Chemicals, reagent	Unlimited	x		
12. Cleaners	100% 1942		x	
13. Compounds for grinding, polishing, or sealing	100% 1942		x	
14. Dressings for industrial purposes	100% 1942		x	
15. Dyes	75% 1942	x		
16. Essential oils, distilled or cold pressed	100% 1942	x		
17. Embalming fluid	Unlimited		x	
18. Fire extinguisher fluids	100% 1942		x	
19. Fungicides, insecticides, and livestock or agricultural solutions or sprays.	100% 1942		x	

Product	1943 packing quota	Closure material indicated by x		
		Tin-plate	Black-plate	Rubber
20. Glycerin	100% 1942		x	
21. Graphite with liquid	100% 1942		x	
22. Hypochlorite powders	100% 1942	x		
23. Inks	100% 1942	x		
24. Ink eradicators	100% 1942	x		
25. Lighter fluids	100% 1942		x	
26. Lye	100% 1942		x	
27. Oils, lubricating and machine	100% 1942		x	
28. Paints, varnishes, enamels, shellacs, lacquers, lacquer thinners, lacquer stains, paint thinners, varnish removers, turpentine and linseed oil.	100% 1942		x	
29. Phenols	Unlimited	x		
30. Photographic supplies	100% 1942	x		
31. Poisons	100% 1942		x	
32 Polishes, liquid or paste	100% 1942		x	
33. Putty	100% 1942		x	
34. Soap—hand	100% 1942		x	
35. Shoe white, liquid or cream	100% 1942		x	
36. Solvents	100% 1942		x	
37. Waxes	100% 1942		x	
38. Wood preservatives and fillers	100% 1942		x	

SCHEDULE IV

BEVERAGE CLOSURES

A. From December 23, 1942, to December 31, 1942, any person shall have the option of using closures for the bottling of malt and non-alcoholic beverages in accordance with the provisions of Order M–104 as amended September 26, 1942, or in accordance with this schedule. On and after January 1, 1943, no person shall use closures for such purpose except in accordance with this schedule.

Product—Bottling quota	Closure material
Product: Malt beverages, including only beer, ale, porter, near-beer, and mixtures thereof. Quota: Any person who produced in 1941 less than 65,000 barrels may use in any calendar month, commencing with December 1, 1942, 100 percent, and any person who produced in 1941 over 65,000 barrels may use in any calendar month, commencing with December 1, 1942, 70 percent of the number of closures affixed by him to glass containers during the corresponding month of 1941. In the case of a person who packed all or part of his 1941 production in cans, each such can may be counted as a closure affixed to a glass container. In the case of a person who did not produce any malt beverages in 1941, such beverages bottled by him, shall be considered as having been produced by him, and his authorized usage of closures shall be calculated accordingly.	Tinplate and blackplate allocated for purposes of crown manufacture, only, and in inventory of crown manufacturer or bottler on or before December 11, 1942. Also rejects and electrolytic waste-waste.
Product: Non-alcoholic beverages, including only carbonated soft drinks; non-carbonated soft drinks; unflavored carbonated waters; unflavored naturally carbonated and still waters; drinks consisting of fruit juices, vegetable juices, and combinations thereof, where less than 85 percent by weight of such drinks is pure fruit juice, vegetable juice, or a mixture thereof; and sterilized milk drinks made with powdered milk. Quota: Any person who used in 1941 less than 5,000 gross of closures, may use during any calendar quarter, commencing with October 1, 1942, 100 percent of the number of closures affixed by him to glass containers during the corresponding quarter of 1941. Any person who used in 1941 more than 5,000 and less than 7,000 gross of closures, may use not to exceed 5,000 gross of closures in any twelve-month period, commencing with October 1, 1942; the number used during any calendar quarter to be at the same proportionate rate he affixed closures to glass containers during the corresponding quarter of 1941. Any person who used in 1941 more than 7,000 gross of closures, may use during any calendar quarter, commencing with October 1, 1942, 70 percent of the number of closures affixed by him to glass containers during the corresponding quarter of 1941.	Tinplate and blackplate allocated for purposes of crown manufacture only, and in inventory of crown manufacturer or bottler on or before December 11, 1942. Also rejects and electrolytic waste-waste.

(1) No person, other than a jobber purchasing for resale, shall accept delivery of malt beverage or non-alcoholic beverage closures which would increase his inventory beyond 20 percent of the number of such closures and cans which he used in 1941 for packing malt beverages and non-alcoholic beverages.

(2) Closures for waters. Except with regard to items listed in Schedule II, no closures made of tinplate, terneplate, or blackplate shall be affixed to glass containers smaller than 12 fluid ounces, for packing unflavored carbonated, natural or mineral waters, unless such glass containers were manufactured on or before June 1, 1942.

(3) All persons who bottle malt beverages or non-alcoholic beverages, shall report upon Form PD–519 to the Containers Division, War Production Board, Washington, D. C.

SCHEDULE V—HOME CANNING CLOSURES

Description of closure	Manufacturer's quota from October 1, 1942, to September 30, 1943	Closure material indicated by x		
		0.50 Tin-plate	Rubber	Wire bails
1. Shoulder seal jar rings for 70 mm. Mason finish.	Subject to allocation of rubber		x	
2. Top seal jar rings for use with 70 mm. glass disc.	Subject to allocation of rubber		x	
3. Top seal metal lids, 70 mm. (a)	125 percent of number of metal lids produced from October 1, 1941, to September 30, 1942.	x	x	
4. Bands for 70 mm. top seal metal lids (a)	80 percent of number of such bands produced from October 1, 1941, to September 30, 1942.	x		
5. Bands for use with 70 mm. glass lids	Unlimited	x		
6. Lightening type, 70 mm	Unlimited			x
7. Top seal metal lids, smaller than 70 mm.	Unlimited	x	x	

(a) During the period from October 1, 1942, to September 30, 1943, no manufacturer or jobber of glass containers shall affix, for purposes of sale as a combination, 70 mm. top seal metal lids with bands, to more than 60 percent of the number of home canning jars produced or sold by him between October 1, 1941 and September 30, 1942.

CONFIDENTIAL—For use of Federal War Agencies only

Form PD–519

UNITED STATES OF AMERICA

WAR PRODUCTION BOARD

Closures for malt beverages and non-alcoholic beverages; Inventories, receipts and use by bottlers.

Report Period
(Month or Quarter)

Name of Company

Address

Check applicable beverages:

Malt____Non-alcoholic____

INSTRUCTIONS

Bottlers of malt beverages shall report monthly, and bottlers of non-alcoholic beverages by calendar quarters. On or before the tenth day following the period reported, please send one copy of this report to each supplier from whom you obtain beverage closures, and one copy to Containers Division, War Production Board, Washington, D. C. Ref: M–104. This form may be reproduced in same size and format.

Closures made of tinplate, terneplate or blackplate:
Permitted inventory under M–104________ ________ gross
On hand first day of period________ ________ gross
Received during period________ ________ gross
Used, subject to quota, during period________ ________ gross
Used, for sale to exempt agencies, during period________ ________ gross
On hand last day of period________ ________ gross
Closures made from waste:
On hand first of period________ ________ gross
Received during period________ ________ gross
Used during period________ ________ gross
On hand last day of period________ ________ gross
Re-used crowns used during period________ ________ gross

CERTIFICATION

The undersigned certifies that the above information is complete and correct to the best of his knowledge and belief:

________________ Name of Bottler
________________ Signature of Authorized Official
________________ Date
________________ Title

Section 35 (a) of the United States Criminal Code, 18 U.S.C.A. 80, makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

[F. R. Doc. 42–13868; Filed, December 24, 1942; 9:05 a. m.]

PART 1084—CANNED FOODS

[Supplementary Order M–86–b, as Amended Dec. 24, 1942]

Section 1084.3 *Supplementary Order M–86–b* is amended to read as follows:

§ 1084.3 *Supplementary Order M–86–b.* (a) Notwithstanding any previous notice of release by any government agency, or notice given by any canner pursuant to paragraph (c) (3) of Order M–86, no canner after December 24, 1942, may sell or delivery any part of his pack of the following fish packed by him at any time from March 1, 1942 to February 28, 1943, except as permitted by this order:

Group 1 Salmon: Red, sockeye, or blueback (*Oncorhynchus nerka*); Pink (*Oncorhynchus gorbuscha*); Silver, silverside, medium red, or coho (*Oncorhynchus kisutch*); Chum or keta (*Oncorhynchus keta*); King, chinook or spring (*Oncorhynchus tschawytscha*); Steelhead, or steelhead trout (*Salmo irideus* and S. *Clarki*, sometimes called *S. Gairdneri*).

Group 2 Pilchard: (*Sardinia caerulea*), by whatever name known, including sardines.

Group 3 Sea herring: Atlantic (*Clupea harengus*), by whatever name known, including sardines.

Group 4 Mackerel: Atlantic (*Scomber scombrus*); Pacific (*Pneumatophorus japonicus*

(b) Each canner may deliver, to any agency or agencies of the United States Government specifically designated by the Director General for Operations, any part or all of the canned fish listed in paragraph (a) packed by him at any time.

(c) 80% by net weight is hereby established as each canner's quota percentage for such sale to Government agencies of his pack of each species of groups 2, 3, and 4, and 60% of his pack of each species of group 1 of canned fish listed in paragraph (a), packed during each quota period. The following quota periods are hereby established:

Period 1—March 1, 1942—December 31, 1942.

Period 2—January 1943.

Period 3—February 1943.

(d) Any canner who has delivered to Government agencies his quota of his pack of any species of any group of canned fish listed in paragraph (a), packed during any quota period, may deliver to persons other than Government agencies 20% of his pack of such species, packed during such quota period. Such 20% of his pack may be delivered by a canner in advance of delivery of his quota to Government agencies if so authorized by the Government agency to which such canner's pack is allocated, provided such agency finds that the canner is unable to deliver his quota for reasons beyond his control and provided, further, that he has obligated himself by contract to make delivery of his quota when able. Provided further that if, prior to December 24, 1942, and under specific authorization granted by the Agricultural Marketing Administration or the Food Distribution Administration a canner has delivered to persons other than Government agencies in excess of 20% of his pack of any species of any group, such deliveries are not in violation of this order.

(e) Directions as to styles, types of pack, can sizes, labeling, boxes, and strapping may be given to any canner packing any canned fish listed in paragraph (a), by the Director General for Operations, or the agency to which a canner's pack is allocated.

(f) The report prescribed by paragraph (c) (2) of Order M–86 shall be filed weekly within three days after the close of each calendar week on Form PD–495, "Canned Fish; Weekly Pack Report." A report on such form, shall be filed within fifteen days after the completion of each canner's seasonal pack, covering the entire amount of such pack.

(g) Until further notice, the Food Distribution Administration within the Department of Agriculture is hereby allocated the quotas prescribed by this order, and authorized to purchase, for governmental requirements, those quantities and such other and further quantities as may be allocated to it from time to time. Said Food Distribution Administration is also authorized to inspect and grade such canned fish pursuant to paragraph (e) of Order M–86.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub Laws 89 and 507, 77th Cong.)

Issued this 24th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13889; Filed, December 24, 1942; 11:45 a. m.]

PART 1206—HORSEHIDE

[Supplementary Order M–141–b]

Pursuant to paragraph (c) (1) of Order M–141 as amended to November 4, 1942, which this order supplements, the Director General for Operations hereby determines that:

§ 1206.3 *Supplementary Order M–141–b.* During January 1943 no tanner shall put in process and no converter shall cause to be put in process for his account:

(a) More than 100% of his basic monthly quota of wet salted horsehide fronts.

(b) More than 80% of his basic monthly quota of horsehide butts.

(c) More than 80% of his basic monthly quota of horsehide shanks.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13890; Filed, December 24, 1942; 11:45 a. m.]

PART 3032—FILM

[Limitation Order L–178 as Amended Dec. 19, 1942 [1]]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of film for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3032.1 *General Limitation Order L–178*—(a) *Definitions.* For the purposes of this order:

(1) "35 mm. film" means unexposed film 35 mm. wide with a nitrate or safety base, whether negative or positive, other than film packaged for use in 35 mm. still cameras.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons whether incorporated or not.

(3) "Transfer" means to sell, lease, trade, lend, deliver, ship or transfer 35 mm. film from one person to any other person. For the purposes of this order, the following shall not be regarded as transfers:

(i) To sell, lease, trade, lend, deliver, ship or transfer 35 mm. film from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control;

(ii) A transfer of title merely for security purposes to a person financing a conditional sale or a similar transaction made simultaneously with the transfer of 35 mm. film.

(b) *Restrictions on transfers of film on and after 11:59 p. m., Eastern War Time, August 20, 1942.* On and after 11:59 p. m., Eastern War Time, August 20, 1942, until 11:59 p. m., Eastern War Time, December 31, 1942, no person shall transfer any 35 mm. film, except pursuant to specific authorization of the Director General for Operations.

(c) *Records and reports.* (1) Every person, other than the Army or Navy of the United States, who has any 35 mm. film on August 20, 1942, shall keep and preserve, for not less than two years, accurate and complete records of all such 35 mm. film and of all sales and shipments made by him pursuant to this order. Such records shall be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(2) On or before the 15th day following August 20, 1942, every person, other than the Army or Navy of the United States, who has any 35 mm. film on August 20, 1942 shall file with the War Production Board a statement of the

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[1] This document is a restatement of Amendment 1 of Limitation Order L–178 which appeared in the FEDERAL REGISTER of December 22, 1942, page 10675, and reflects the order in its completed form as of December 19, 1942.

amount in linear feet and type of 35 mm. film in stock on August 20, 1942.

(d) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(e) *Applications for specific authorization by the Director General for Operations.* Any person desiring film may apply in writing to the Director General for Operations, War Production Board, Washington, D. C., Ref.: L–178, fully setting forth the amount in linear feet by types of 35 mm. film desired, the reasons why such person deems it appropriate that he obtain such film and the use to which such film is to be put. The Director General for Operations may thereupon take such action as he deems appropriate.

(f) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall be addressed to the War Production Board, Washington, D. C., Ref.: L–178.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13887; Filed, December 24, 1942; 11:45 a. m.]

PART 3148—INDUSTRIAL TYPE INSTRUMENTS

[General Limitation Order L–234]

The fulfillment of requirements for the defense of the United States has created a shortage in the production of industrial type instruments for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3148.1 *General Limitation Order L–234*—(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Manufacturer" means any person to the extent that he is engaged in the production, fabrication or assembly of industrial type instruments, as defined below; and includes sales and distribution outlets controlled by such person.

(3) "Industrial type instrument" means any new mechanism of the kinds or types listed and defined on List A issued with this order as amended from time to time, whether or not to be used in an industrial process. The term shall not include (i) any combat measuring instruments as defined in Limitation Order L–203, or (ii) any instruments normally used on passenger automobiles and carriers, trucks, trailers, and off-the-highway motor vehicles, as defined in Limitation Order L–158.

(b) *Filing of monthly reports; production and delivery schedules may be prescribed.* (1) On or before the 10th day of January, 1943, and the 10th day of each succeeding calendar month, every manufacturer shall file with the Director General for Operations a report on Form PD–750 containing the information required thereby, and shall also file such supplementary information as the Director General for Operations may from time to time require.

(2) Regardless of the terms of any other order or rule or regulation of the War Production Board, or of any contractual commitment by any manufacturer, purchaser or other person, the Director General for Operations may from time to time (i) prescribe production and delivery schedules for any manufacturer, for any industrial type instruments, and for any periods of time, (ii) direct the cancellation of any order held by any manufacturer, (iii) allocate any undelivered order to any other manufacturer, or (iv) direct the delivery of any industrial type instrument, whether in production or completed, to any other person, in accordance with prices and terms regularly established for sales by the supplying manufacturer to such a purchaser; and each manufacturer shall schedule and effect his production and make deliveries of industrial type instruments in accordance with any such direction of the Director General for Operations. No manufacturer shall alter any such schedule except upon specific direction from the Director General for Operations, but the point of delivery may be changed by the same purchaser without such authorization.

(3) In case of unavoidable delay, any manufacturer unable to maintain production and delivery in accordance with any such prescribed schedule shall immediately notify the War Production Board, by letter or telegram stating the reasons for such delay and the extent of the interruption of such schedule which has resulted and is expected to result therefrom. Any manufacturer may maintain a rate of production greater than anticipated in such schedule but shall give like notice of that fact. In either case the manufacturer shall continue to produce and deliver industrial type instruments in accordance with the sequence established by such schedule, unless and until otherwise directed by the Director General for Operations.

(c) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as issued and amended from time to time, except to the extent that any provision of this order may be inconsistent therewith, in which case the provision of this order shall govern.

(2) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, purchases, production, and sales of industrial type instruments.

All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(3) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment, In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control, and may be deprived of priorities assistance.

(5) *Appeals.* Any appeal from the provisions of this order or any direction thereunder shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(6) *Communications.* All reports to be filed and other communications concerning this order should be addressed to: War Production Board, General Industrial Equipment Division, Washington, D. C., Ref.: L–234.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

LIST A

Millivoltmeter pyrometer: Any indicating, recording and/or controlling type pyrometer, whether or not used as a resistance or radiation type instrument, but not including any portable type pyrometer.

Potentiometer pyrometer: Any indicating, recording and/or controlling type potentiometer pyrometer, whether or not used as a resistance or radiation type instrument, but not including any portable type pyrometer.

Tube system temperature instrument: Any type indicating, recording and/or controlling pressure-filled tube system temperature measuring instrument, whether or not used as a hygrometer, but not including any bimetallic type temperature measuring instrument.

Differential flow and liquid level instrument: Any type of indicating, recording, integrating and/or controlling fluid manometer or bellows type flow and liquid level measuring instrument.

Liquid level float instrument: Any type indicating, recording and/or controlling liquid level float type instrument having an external float chamber of the type used on industrial process applications.

Industrial thermometer: Any industrial thermometer having scale length commonly designated as 7″, 9″, 10″ or 12″, and any submarine type 5″ scale length thermometer.

Pressure gauge: Any circular dial pressure or vacuum type instrument having a bourdon tube as pressure sensitive element.

Control valve: Any diaphragm operated pneumatic or hydraulic valve, but not including any gate valve, slide valve, or direct or integral pilot-operated valve which does not have a stuffing box, or any continuously connected hand wheel diaphragm operated control valve.

Continuously connected hand wheel diaphragm operated control valve.

Regulator: Any type self-operated valve used to control temperature, flow or liquid level; and any weight loaded type valve used to control pressure above 25 p. s. i. gauge or pressure where inlet pressure is above 25 p. s. i. gauge.

[F. R. Doc. 42–13888; Filed, December 24, 1942; 11:45 a. m.]

PART 3153—MAINTENANCE, REPAIR AND OPERATING SUPPLIES FOR LOGGERS AND PRODUCERS

[Preference Rating Order P–138]

For the purpose of facilitating the acquisition of material for operating supplies and for maintenance and repair of property and equipment used in the production of logs and lumber in the public interest and to promote the national defense, preference ratings are hereby assigned to deliveries of such material on the terms hereinafter set forth:

§ 3153.1 *Preference Rating Order P–138*—(a) *Definitions.* For the purpose of this order:

(1) "Logger" means any person actually engaged in the production of logs of any species within the limits of the United States, its territories or possessions, or the Dominion of Canada.

(2) "Producer" means any plant within the limits of the United States, its territories or possessions, or the Dominion of Canada which processes, by sawing, edging, planing, cutting, slicing, peeling, laminating or other comparable method, 25% or more of the total volume of logs, cants, flitches, veneers, and lumber purchased or received by it, and which sells as lumber, plywood or veneer the product of such processing. "Volume" means board foot volume, or in the case of plywood or veneer, surface measure, processed or sold within the last six calendar months immediately prior to the transaction affected by this order.

(3) "Maintenance" means minimum upkeep necessary to continue the working condition of equipment used in connection with log, lumber, plywood or veneer production by a logger or producer at its maximum rate of actual production.

(4) "Repair" means the restoration of property or equipment used in connection with log, lumber, plywood or veneer production by a logger or producer in a sound working condition after wear and tear, damage, destruction or failure of parts or the like have made the property or equipment unfit or unsafe for service.

(5) "Operating supplies" means material which is essential to the operation of property and equipment used in connection with log, lumber, plywood or veneer production, or essential to the production or disposition of logs, lumber, plywood or veneer by a logger or producer and which is generally carried as stores and charged to operating expense account, but not including office supplies.

(6) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(7) Material for maintenance, repair and operating supplies includes only material which is essential to minimum service standards, and does not include

(i) Material for the improvement of a logger's or producer's property or equipment through the replacement of material which is still usable with material of a better kind, quality or design.

(ii) Material controlled by Limitation Order L–158 or Limitation Order L–53–b.

(iii) Material for additions to, or expansions of, any logger's or producer's plant, or for new construction.

(b) *Assignment of preference ratings.* Subject to the restrictions of paragraph (d) hereof, a preference rating of AA–2X is hereby assigned to deliveries of material for maintenance, repair and operating supplies to a logger or producer.

(c) *Application and extension of preference ratings.* Preference ratings assigned by or pursuant to this order shall be applied in accordance with the terms of paragraph (d) (1) of Priorities Regulation No. 3, as amended from time to time.

(d) *Restrictions on application of ratings.* (1) A logger or producer shall not apply the rating assigned by paragraph (b) above to deliveries, nor shall he accept deliveries (whether or not rated pursuant to this order), of material to replace other material withdrawn from his inventory of maintenance, repair and operating supplies where receipt of such deliveries will increase such inventory to an amount greater than the minimum necessary for maintenance, repair and to sustain the maximum rate of production of the logger or producer.

(2) The cost of material for maintenance, repair and operating supplies to which the rating assigned by paragraph (b) above may be applied by a logger or producer in any calendar year shall not exceed 110% of the cost of such material actually used by the logger or producer applying the rating in the most recent preceding calendar year in which such logger or producer was logging, or producing lumber, plywood or veneer, and in any calendar quarter shall not exceed 40% of the cost of the material to which a rating may be applied in the same calendar year.

(3) A logger or producer shall not apply the ratings assigned by paragraph (b) to obtain deliveries of scarce material, the use of which could be eliminated without serious loss of efficiency by substitution of a less scarce material.

(4) The assignment of a preference rating by paragraph (b) above shall not constitute authorization to begin construction under Conservation Order No. L–41, and shall not authorize the use or delivery of any material, or the application or extension of any preference rating in violation of the provisions of any conservation, limitation or other order or regulation heretofore or hereafter issued by the Director of Priorities, the Office of Production Management, or by the Director of Industry Operations or the Director General for Operations of the War Production Board.

(e) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time; except that after the effective date of this order no logger or producer shall be entitled to extend preference ratings for repair, maintenance and operating supplies pursuant to paragraph (c) (3) of Priorities Regulation No. 3.

(f) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Communications.* All communications concerning this order shall be addressed as follows: Lumber and Lumber Products Division, War Production Board, Washington, D. C. Ref.: P–138.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13891; Filed, December 24, 1942; 11:46 a. m.]

Chapter XI—Office of Price Administration

PART 1306—IRON AND STEEL

[RPS 49,[1] Amendment 9]

RESALE OF IRON OR STEEL PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

New paragraphs (t), (u), (v), (w) and (x) are added to § 1306.157; a new paragraph (i) is added to § 1306.158a; and a new paragraph (r) is added to § 1306.159:

§ 1306.157 *Definitions.* * * *

(t) "Mill run long ties", or "longs", means cotton bale ties 11′ 6″ in length, removed from bales of cotton, cotton linters, and cotton waste.

(u) "Mill run short ties", or "shorts", means cotton bale ties shorter than 11′ 6″ in length, removed from bales of cotton, cotton linters and cotton waste.

(v) "Whole secondhand ties" means rebundled and straightened cotton bale ties, 7′ 3″ or longer, free of riveted or spliced joints, in standard bundles of 30 ties and 30 buckles.

(w) "Riveted or spliced secondhand ties" means rebundled and straightened cotton bale ties, 7′ 3″ or longer, riveted or spliced together from two or more pieces of mill run short ties in standard bundles of 30 ties and 30 buckles.

(x) "F. o. b. port" means any one of the following ports, the use of which results in the lowest delivered price to destination of the customer: Norfolk, Virginia; Wilmington, North Carolina; Charleston, South Carolina; Savannah, Georgia; Mobile, Alabama; New Orleans, Louisiana; Galveston, Texas; Houston, Texas; Texas City, Texas.

§ 1306.159 *Appendix A: Domestic and export maximum prices for iron and steel products.* * * *

(r) *Cotton bale ties.* (1) The maximum delivered price for any seller of new cotton bale ties shall be the price he charged or would have charged on August 1, 1941.

(2) The maximum price for any seller of mill run ties shall be:

(i) For shorts, $.60 per 100 pounds, f. o. b. location of material.

(ii) For longs, $1.25 per 100 pounds, f. o. b. location of material.

(3) The maximum delivered price for any seller of secondhand, reprocessed, or reconditioned cotton bale ties shall be as follows, plus less-than-carload freight from the applicable port on less-than-carload shipments and carload freight from the applicable port on carload shipments:

(i) On sales to cotton ginners,

(*a*) For whole ties, $1.45 per bundle, f. o. b. port.

(*b*) For riveted or spliced ties, $1.35 per bundle, f. o. b. port.

(ii) On sales to all other persons, including, but not limited to, jobbers, cotton compressors, and cottonseed oil mills.

(*a*) For whole ties, $1.40 per bundle, f. o. b. port.

(*b*) For riveted or spliced ties, $1.30 per bundle, f. o. b. port.

(4) *Relationship to Maximum Price Regulation No. 211.*[2] Sales of cotton bale ties by cotton ginners as part of their cotton ginning services are not subject to this Amendment No. 9 but continue to be governed by Maximum Price Regulation No. 211.

(5) *Relationship to Amendment No. 32 to Supplementary Regulation No. 14 under General Maximum Price Regulation.*[3] Sales by cotton mills of cotton bale ties when sold in combination with cotton bale bagging at a single price for the combination are not subject to this Amendment No. 9 but continue to be governed by Amendment No. 32 to Supplementary Regulation No. 14 under General Maximum Price Regulation.

(6) *Relationship to Revised Price Schedule No. 4.*[4] Sales of mill run ties as "iron and steel scrap" as defined in § 1304.11 (b) of Revised Price Schedule No. 4 are not subject to this Amendment No. 9 but continue to be governed by Revised Price Schedule No. 4.

* * * * *

§ 1306.158a *Effective dates of amendments.*

(i) Amendment No. 9 (§§ 1306.157 (t), (u), (v), (w), (x), 1306.158a (i) and 1306.159 (r)) to Revised Price Schedule No. 49 shall become effective January 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13783; Filed, December 23, 1942; 3:39 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 229,[1] Amendment 5]

RETAIL AND WHOLESALE PRICES FOR VICTORY LINE WATERPROOF RUBBER FOOTWEAR

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A sentence is added to § 1315.1705 as set forth below:

§ 1315.1705 *Adjustment of maximum prices for different classes of purchasers.* * * *

No seller shall require any purchaser, and no purchaser shall be permitted to pay a larger proportion of transportation costs incurred in the delivery of victory line footwear, than the seller required purchasers of the same class to pay on deliveries of the same types of footwear during a certain period. This period shall be April 1 to October 25, 1941, for sales at wholesale and July 1 to October 25, 1941, for sales at retail.

§ 1315.1712a *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§ 1315.1705) to Maximum Price Regulation No. 229 shall become effective December 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13845; Filed, December 23, 1942; 3:43 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 262,[1] Amendment 1]

SEASONAL AND MISCELLANEOUS FOOD COMMODITIES

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

The text of paragraph (a) in § 1351.953 is amended; §§ 1351.951, 1351.952 and 1351.959 are amended; new subparagraphs (13) and (14) are added to § 1351.965 (a); a commodity is added to the list in § 1351.968 and three commodities are added to the list in § 1351.969; and § 1351.967a is added, all to read as set forth below:

§ 1351.951 *Scope and purpose of this regulation.* This regulation provides for and prescribes the maximum prices for the seasonal and miscellaneous food commodities listed in Appendix A and B hereof. It provides that each producer shall compute his maximum prices on these commodities on the basis of specified costs plus last season's markup in the case of seasonal commodities. These maximum prices must be calculated and reported to the Office of Price Administration on or before December 31, 1942. Unless this is done the producer cannot sell these commodities at all after December 31, 1942, until he does calculate and report his prices under this regulation. Once the producer has calculated and reported his maximum prices under this regulation he cannot sell these commodities at a higher price though he may sell them at a lower price and he must continue all customary allowances, discounts and other price differentials. Further, once a maximum price on a commodity covered by this regulation is calculated and reported as required by this regulation it cannot be changed except with the written permission of the Office of Price Administration in cases of excusable clerical error or other mistake.

§ 1351.952 *Applicability of the General Maximum Price Regulation.* After a producer has calculated and reported his maximum prices under this regulation on any seasonal or miscellaneous food commodity covered hereby, the provisions of the General Maximum Price Regulation shall have no further application to sales or deliveries by him thereof; and after December 31, 1942, the provisions of the General Maximum Price Regulation shall not apply to sales or deliveries by producers of seasonal and miscellaneous food commodities hereinafter listed in Appendix A and B hereof.

§ 1351.953 *Prohibition against dealing in listed seasonal and miscellaneous food commodities above maximum prices.* (a) After December 31, 1942, regardless of any contract or any other obligation:

* * * * *

§ 1351.959 *Reporting of maximum prices calculated and determined hereunder.* On or before December 31, 1942, the producer shall calculate and report his maximum price or prices under this regulation to the Office of Price Administration in Washington, D. C., setting forth by verified statement in writing, the detailed figures used in determining his maximum price or prices hereunder and any permitted package or unit net weight changes, itemizing each ingredient, packaging material and labor cost and selling price or prices used in the several calculations herein required.

Once reported, a maximum price calculated and determined under this regulation may not be changed except with the written permission of the Office of Price Administration in cases of excusable clerical error or other mistake.

Every maximum price or package or unit net weight change reported under this regulation shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration.

§ 1351.965 *Definitions.* (a) When used in this Maximum Price Regulation No. 262 the term:

* * * * *

(13) "Christmas packed dried fruits" means any assortment of one or more dried or glace fruits, with or without nuts, especially packed for sale during the Christmas season.

(14) "Canned chili con carne" means the chili con carne product purified by heat and packed in hermetically sealed containers according to the formula stated in War Production Board Conservation Order M-81, as amended.

§ 1351.968 *Appendix A: Seasonal food commodities covered by this regulation.* The following seasonal food commodities are covered and shall be governed by this Maximum Price Regulation No. 262.

Commodity:	*Base period*
* * *	* *
Christmas packed dried fruits	November-December 1941.

§ 1351.969 *Appendix B: Miscellaneous food commodities covered by this regulation.* The following miscellaneous food commodities are covered by and shall be governed by this Maximum Price Regulation No. 262.

* * * * *

Canned chili con carne
Julienne potatoes
Shoestring potatoes

§ 1351.967a *Effective dates of amendments.* (a) Amendment No. 1 to Maximum Price Regulation No. 262 (§§ 1351.951, 1351.952, 1351.953, 1351.959, 1351.965 (a) (13) and (14), 1351.967a, 1351.968 and 1351.969) shall become effective December 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 23d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13846; Filed, December 23, 1942; 3:43 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1300, 1836, 2132, 2473, 2540, 2682, 3330, 3893, 4342, 5176, 6893, 6935, 8948.

[1] 7 F.R. 7740, 7738, 8701, 8936, 10289.

[2] 7 F.R. 6828, 7406, 7322, 7813, 8237. 8943, 8948.

[3] 7 F.R. 7535.

[4] 7 F.R. 1207, 2132, 2155, 2507, 3087, 3550, 3889, 4488, 6217, 8190, 8948.

[1] 7 F.R. 9244.

PART 1388—DEFENSE-RENTAL AREAS

[Supplementary Amendment 12 to Maximum Rent Regulations]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

Paragraph (a) (4) of §§ 1388.15, 1388.65 1388.115, 1388.165, 1388.215, 1388.265, 1388.315, 1388.365, 1388.415, 1388.465, 1388.515, 1388.565, 1388.615, 1388.665, 1388.715, 1388.765, 1388.815, 1388.865, 1388.915, 1388.965, 1388.1015, 1388.1655, 1388.1705, 1388.1755, 1388.1805, 1388.2055, 1388.3055, 1388.4055, 1388.5055, 1388.6055, 1388.7055, 1388.8055, 1388.35, 1388.135, 1388.235, 1388.285, 1388.385, 1388.585, 1388.685, and 1388.785 of Maximum Rent Regulations Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27, 28, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 52, and 60, respectively, is amended to read as follows:

* * * * *

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on ——:[1] *Provided,* That no adjustment under this subparagraph increasing the maximum rent shall be made effective with respect to any accommodations regularly rented to employees of the landlord while the accommodations are rented to an employee, and no petition for such an adjustment will be entertained until the accommodations have been or are about to be rented to one other than an employee.

* * * * *

This Supplementary Amendment No. 12 to Maximum Rent Regulations for Housing Accommodations Other than Hotels and Rooming Houses shall become effective December 24, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 23d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13848; Filed, December 23, 1942; 3:42 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Ration Order 3,[1] Amendment 31]

SUGAR RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new paragraph (e) is added to § 1407.86a, and § 1407.244, Schedule D, is amended as set forth below.

Institutional and Industrial Users

§ 1407.86a *Increases in allotments based on increases in population.* * * *

(e) If an amendment of Rationing Order No. 3 changes the increase in allotment to which a registering unit is otherwise entitled pursuant to this section, the registering unit shall apply on OPA Form No. R-315 for the increase in allotment as so changed, for the first period to which such amendment applies. It shall state facts showing that the registering unit is entitled to the increase in allotment as so changed, and shall include such other information as the Office of Price Administration may require.

Effective Date

§ 1407.222 *Effective dates of amendments.* * * *

(ff) Amendment No. 31 (Paragraph (e) of § 1407.86a, and § 1407.244, Schedule D), shall be effective as of December 15, 1942.

Schedules

§ 1407.244 *Schedule D: Counties which have had a substantial increase in population and the percentage for each such county.*

State County	Percentage—	
	For periods commencing before Jan. 1, 1943	For periods commencing on or after Jan. 1, 1943
Alabama:		
Barbour	15	10
Calhoun	10	10
Chilton	40	40
Colbert	None	15
Dale	10	60
DeKalb	15	15
Jefferson	10	10
Lauderdale	10	10
Madison	10	10
Mobile	30	30
Montgomery	20	20
Shelby	10	10
Sumter	15	None
Talladega	30	30
Arizona:		
Coconino	20	20
Greenlee	30	30
Pima	None	10
Yuma	30	30

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[1] The applicable date is to be inserted for each maximum rent regulation. The respective date to be inserted in each maximum rent regulation is as follows:

Nos. 1, 7, 9, 25, 39, 41, January 1, 1941; Nos. 2, 3, 4, 5, 6, 8, 11, 12, 13, 14, 15, 17, 18, 19, 20, 24, 26, 33, April 1, 1941; Nos. 10, 16, 27, 37, 52, July 1, 1941; Nos. 47, 55, October 1, 1941; Nos. 28, 35, 43, 45, 49, 51, 53, 57, 60, March 1, 1942.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 8402, 8655, 8739, 8809, 8710, 8830, 8831, 9042, 9396, 9460, 9899, 10017, 10258, 10556.

State County	Percentage—	
	For periods commencing before Jan. 1, 1943	For periods commencing on or after Jan. 1, 1943
Arkansas:		
Baxter	10	10
Desha	10	10
Jefferson	15	15
Miller	15	15
Pulaski	10	10
Sebastian	30	30
White	30	30
California:		
Alameda	None	10
Contra Costa	30	30
Inyo	20	20
Los Angeles	None	10
Orange	None	10
Riverside	None	10
Sacramento	None	10
San Diego	30	30
San Luis Obispo	20	20
San Mateo	10	10
Santa Barbara	10	10
Shasta	10	10
Solano	50	50
Sutter	None	30
Yuba	80	40
Colorado:		
Denver	None	10
Eagle	None	90
El Paso	30	30
Connecticut: Hartford	10	10
Delaware: Sussex	10	10
District of Columbia	15	15
Florida:		
Bay	20	20
Bradford	70	70
Clay	30	30
Duval	20	20
Escambia	10	10
Gulf	10	10
Hamilton	None	10
Highlands	15	15
Leon	10	10
Monroe	20	20
Okaloosa	10	10
Georgia:		
Berrien	30	30
Bibb	10	10
Camden	10	10
Chatham	10	10
Chattooga	10	10
Clarke	None	10
Dougherty	15	15
Glynn	None	20
Houston	None	20
Liberty	50	50
Muscogee	15	15
Richmond	10	10
Stephens	10	10
Idaho:		
Bonneville	30	30
Clark	10	10
Elmore	20	20
Kootenai	None	30
Valley	10	10
Illinois:		
Champaign	10	10
Du Page	10	10
Hardin	10	10
Madison	10	10
Rock Island	None	10
Saint Clair	10	10
Winnebago	10	10
Indiana:		
Bartholomew	10	50
Clark	20	20
Floyd	10	10
Johnson	60	10
La Porte	10	10
Marion	10	10
Porter	10	10
Scott	10	10
Starke	20	20
Iowa: Des Moines	20	20
Kansas:		
Geary	None	15
Johnson	10	10
Labette	15	15
Saline	None	30
Sedgwick	20	20
Kentucky:		
Hardin	None	30
Jefferson	10	10
Union	70	70
Louisiana:		
Beauregard	10	10
Calcasieu	10	10
East Baton Rouge	20	10
Jefferson	10	20
La Salle	20	10
Orleans	None	02
Ouachita	None	10
Rapides	20	20
Louisiana—Continued.		
Saint Mary	10	10
Vernon	30	30
Maine:		
Cumberland	None	10
Piscataquis	50	None
York	10	10
Maryland:		
Baltimore City	None	15
Baltimore County	20	20
Charles	10	10
Harford	15	15
Howard	10	10
Montgomery	20	20
Prince Georges	20	20
Massachusetts: Barnstable	10	10
Michigan:		
Macomb	20	20
Missaukee	10	None
Oakland	10	10
Ottawa	None	10
Wayne	10	10
Minnesota	None	None
Mississippi:		
Amite	None	10
Forrest	30	30
Grenada	None	50
Harrison	None	15
Hinds	10	10
Jackson	30	30
Lowndes	10	10
Wilkinson	None	30
Missouri:		
Boone	10	10
Newton	50	50
Phelps	20	10
Pulaski	30	50
St. Charles	10	10
St. Louis (does not include St. Louis city)	10	10
Montana:		
Cascade	None	15
Treasure	20	20
Nebraska:		
Box Butte	None	15
Deuel	30	30
Nevada:		
Clark	110	110
Lander	10	10
Mineral	90	90
Nye	10	10
New Hampshire: Rockingham	10	10
New Jersey:		
Gloucester	10	10
Middlesex	10	10
New Mexico:		
Bernalillo	20	20
Chaves	15	15
Eddy	10	10
Hidalgo	30	30
Luna	None	20
Otero	10	10
New York:		
Seneca	None	20
Tompkins	10	10
North Carolina:		
Cumberland	10	10
Durham	None	15
Hyde	10	10
New Hanover	30	30
Onslow	50	50
Orange	10	10
Union	None	15
North Dakota: Mercer	10	10
Ohio:		
Greene	10	10
Hamilton	10	10
Marion	None	10
Montgomery	10	10
Portage	10	10
Summit	None	10
Oklahoma:		
Cleveland	None	15
Comanche	10	40
Mayes	20	20
Muskogee	40	40
Tulsa	10	10
Oregon:		
Benton	20	50
Linn	40	40
Multnomah	None	20
Umatilla	10	10
Pennsylvania:		
Cambria	10	10
Delaware	10	10
Rhode Island: Kent	10	10
South Carolina:		
Charleston	20	20
Dorchester	10	10
Greenville	None	10
South Carolina—Continued.		
Richland	20	20
South Dakota	None	None
Tennessee:		
Blount	15	15
Coffee	20	20
Hamilton	10	10
Henry	None	10
Jefferson	15	15
Loudon	10	10
Montgomery	30	30
Polk	10	10
Sullivan	None	10
Texas:		
Bastrop	70	70
Bell	30	30
Bexar	None	15
Bowie	40	40
Brazoria	50	50
Brazos	10	10
Brown	30	30
Cochran	20	20
Cooke	None	40
Dallas	10	10
El Paso	10	10
Galveston	10	10
Hall	15	15
Hansford	10	10
Harris	None	10
Hockley	30	30
Howard	None	10
Jackson	10	10
Jefferson	10	10
Kleberg	20	20
Lamar	None	20
Lubbock	10	10
McLennan	None	10
Marion	15	15
Matagorda	10	10
Midland	20	20
Moore	30	30
Nueces	30	30
Oldham	15	15
Orange	70	70
Palo Pinto	15	15
Pecos	None	10
Tarrent	10	10
Taylor	15	15
Terry	30	40
Val Verde	None	10
Victoria	None	10
Ward	None	10
Zapata	10	10
Utah:		
Davis	15	15
Salt Lake	10	10
Tooele	10	10
Weber	20	20
Vermont: Addison	10	10
Virginia:		
Arlington	30	30
Dinwiddie	None	10
Fairfax	20	20
Henry	10	10
King George	10	10
Montgomery	60	60
Norfolk	20	20
Nottoway	90	90
Prince George	None	10
Princess Anne	20	20
Pulaski	20	20
Tazewell	10	10
Warwick	50	50
York	10	10
Washington:		
Clark	20	20
Franklin	10	10
King	10	10
Kitsap	70	70
Mason	15	15
Pierce	None	10
West Virginia:		
Gilmer	10	10
Monongalia	10	10
Wisconsin:		
Dane	None	10
Sauk	None	15
Wyoming	None	None

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1, and Supp. Dir. No. 1E)

Issued this 23d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13849; Filed, December 23, 1942; 3:40 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 189 Under § 1499.3 (b) of GMPR]

QUAKER MAID CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1425 *Authorization of a maximum price for sales of Del May Miniature Assorted Milk-Coated Chocolates in five pound boxes and in cartons of 24 one pound boxes manufactured by Quaker Maid Company, Inc., New York, for its affiliated Company, the Great Atlantic and Pacific Tea Company.* (a) On and after December 24, 1942, the maximum prices for Del May Miniature Assorted Milk-Coated Chocolates for sale by the Quaker Maid Company, Inc., having its principal place of business in New York, New York, shall be f. o. b., factory,

$1.27 per five pound box.
$6.10 per carton of 24 one pound boxes.

(b) The Great Atlantic and Pacific Tea Company, exclusive sellers at retail of Del May Miniature Assorted Milk Coated Chocolates, are hereby authorized to establish prices at retail of $0.02 per one pound box and $0.09 per five pound box over and above their maximum prices for one pound and five pound boxes respectively of Del May Assorted Dark Coated Chocolates.

(c) Each seller shall allow the customary allowances, discounts, or price differentials applying to Del May Miniature Assorted Dark-Coated Chocolates.

(d) Quaker Maid Company, Inc., shall mail or otherwise supply to their buyer at the time of or prior to the first sale to such buyer, of Del May Miniature Assorted Milk-Coated Chocolates, a written notice as follows:

> The Office of Price Administration has authorized Quaker Maid Company, Inc., to sell Del May Miniature Milk-Coated Chocolates in the following sizes at maximum prices shown:
> $1.27 per five pound box.
> $6.10 per carton of 24 one pound boxes.
> Your prices at retail thus established are:
> $0.02 per one pound box.
> $0.09 per five pound box.
> over and above the maximum prices for one pound and five pound boxes respectively of Del May Assorted Dark Coated Chocolates. You are required to keep this notice for examination.

(e) This Order No. 189 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 189 (§ 1499.1425) shall become effective December 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13852; Filed, December 23, 1942; 3:39 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 7 Under § 1499.3 (c) of GMPR]

METALS RESERVE CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered:*

§ 1499.807 *Approval of maximum prices for sales of certain nickel salts by Metals Reserve Company.* (a) The maximum prices for sales by Metals Reserve Company of the nickel salts listed below shall be the following:

	Maximum price per pound
Nickel carbonate:	
Barrels	$0.36
Kegs	.375
Nickel chloride:	
Barrels	.18
Kegs	.18
Nickel sulphate:	
Barrels, in quantities of 36,000 pounds or more	.13
Barrels, in quantities of less than 36,000 pounds	.135
Nickel ammonium sulphate:	
Barrels, in quantities of 36,000 pounds or more	.13
Barrels, in quantities or less than 36,000 pounds	.135

These maximum prices are f. o. b. plant, freight allowed to points on and north of the Ohio River and on and east of the Mississippi River: *Provided,* That no purchaser may be required to pay transportation charges in excess of the transportation charge he would have incurred if shipment would be made from the plant of purchaser's usual supplier of the nickel salts for which maximum prices are established by this Order No. 7.

(b) This Order No. 7 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 7 (§ 1499.807) shall become effective December 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13850; Filed, December 23, 1942; 3:39 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Order 85 Under § 1499.18 (b) of GMPR]

BRAUN-KNECHT-HEIMANN CO., ET AL.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, Order No. 85 (§ 1499.885) under § 1499.18 (b) of the General Maximum Price Regulation is hereby amended to include the following companies under the list of applicants whose maximum prices for certain sales of denatured ethyl alcohol are adjusted by said order:

Braun-Knecht-Heimann Co., 1400 16th Street, San Francisco, California.
W. P. Fuller & Company, 301 Mission Street, San Francisco, California.
Mefford Chemical Company, 1026 Sante Fe Avenue, Los Angeles, California.
McNerney Chemical Corp., 2800 East Eleventh Street, Los Angeles, California.
Wholesale Supply Company, 1047 North Wilcox Avenue, Hollywood, California.
L. H. Butcher Company, 15th and Vermont Streets, San Francisco, California.

A new paragraph (h) is added to § 1499.885 as set forth below:

* * * * *

(h) This Amendment No. 1 to Order No. 85 (§ 1499.885) shall become effective December 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13851; Filed, December 23, 1942; 3:42 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 190 Under § 1499.3 (b) of GMPR]

PENNSYLVANIA SALT MFG. CO. AND CHIPMAN CHEMICAL CO., INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1426 *Approval of maximum prices for sales of sodium chlorate by the Pennsylvania Salt Manufacturing Company of Washington and by the Chipman Chemical Company, Inc.* (a) The maximum prices for sales by the Pennsylvania Salt Manufacturing Company of Washington and by its agent, Chipman Chemical Company, Inc., of sodium chlorate manufactured at the Portland, Oregon, plant of the Pennsylvania Salt Manufacturing Company of Washington are established as set forth below, f. o. b. Portland, Oregon:

Quantity:	*Per cwt.*
20 tons or more	$8.50
10 up to 20 tons	8.65
1 up to 10 tons	9.40
Less than 1 ton	9.90

(b) The maximum prices established in paragraph (a) shall include all charges for containers.

(c) This Order No. 190 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 190 (§ 1499.1426) shall become effective on December 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13853; Filed, December 23, 1942; 3:43 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 191 Under § 1499.3 (b) of GMPR]

IMPERIAL PAPER AND COLOR CORP.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1427 *Approval of maximum prices for sales of aluminum hydrate by the Imperial Paper and Color Corporation.* (a) The Imperial Paper and Color Corporation, a corporation having its principal place of business in Glens Falls, New York, may sell and deliver aluminum hydrate manufactured from chromite and any person may buy aluminum hydrate manufactured from chromite from the Imperial Paper and Color Corporation at prices no higher than $0.0537 per pound, f. o. b. Glens Falls, New York.

(b) The maximum prices established in paragraph (a) shall include all charges for containers.

(c) Within 15 days after the first day of March, June, September, and December, 1943, the Imperial Paper and Color Corporation shall submit to the Office of Price Administration in Washington, D. C., a statement reporting for the previous three months its total production of aluminum hydrate manufactured from chromite and its total sales of aluminum hydrate manufactured from chromite.

(d) This Order No. 191 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 191 (§ 1499.1427) shall become effective on December 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13854; Filed, December 23, 1942; 3:44 p. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 253,[1] Amendment 1]

REDWOOD LUMBER AND MILLWORK

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1381.412 (b) is amended by adding subparagraph (5) and § 1381.411a is added as set forth below:

§ 1381.412 *Appendix A: Maximum prices for Redwood lumber and millwork where shipment originates at a mill and purchaser takes delivery in the Western area.* * * *

(b) Delivered prices in the Western area, except as otherwise provided in tables 12 and 13, shall be determined as follows:

* * * * *

(5) Notwithstanding any of the provisions of subparagraphs (1), (2), (3) and (4) of this paragraph, where shipment (by either truck or rail) originates at a mill located outside the boundaries of Humboldt, Mendocino, Del Norte and Sonoma Counties, California, the seller may compute transportation charges on the basis of the applicable rail freight rates from Eureka, California to point of destination.

§ 1381.411a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1381.412 and 1381.411a) to Maximum Price Regulation 253 shall become effective on the 29th day of December 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 23d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13847; Filed, December 23, 1942; 3:40 p. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 94]

WESTERN PINE AND ASSOCIATED SPECIES OF LUMBER

The title, the preamble and §§ 1312.251 to 1312.262, inclusive, are renumbered, redesignated and amended to read as set forth herein:

In the judgment of the Price Administrator, it is necessary and proper to establish specific maximum prices for the sale of Western pine and certain associated secondary species of lumber. In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The Price Administrator has given due consideration to prices prevailing between October 1 and October 15, 1941, and to relevant factors of general applicability. So far as practicable the Price Administrator has consulted with representatives of trade and industry.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1[1] issued by the Office of Price Administration, Maximum Price Regulation No. 94, Western Pine and Associated Species of Lumber, is hereby issued.

Sec.
1381.501 Sales of Western pine and associated species of lumber at higher than maximum prices prohibited.
1381.502 What products, persons and transactions are covered.
1381.503 Direct-mill retail sales.
1381.504 How to figure delivered prices including imports.
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1381.513 Appendix A: Maximum prices for Ponderosa pine lumber.
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1381.515 Appendix C: Maximum prices for sugar pine lumber.
1381.516 Appendix D: Maximum prices for inland larch, Douglas fir and hemlock.
1381.517 Appendix E: Maximum prices for white fir lumber.
1381.518 Appendix F: Maximum prices for Engelmann spruce lumber.
1381.519 Appendix G: Maximum prices for inland red cedar lumber.
1381.520 Appendix H: Maximum prices for incense cedar lumber.
1381.521 Appendix I: Permitted estimated weights.

AUTHORITY: §§ 1381.501 to 1381.521, inclusive, issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1381.501 *Sales of Western pine and associated species of lumber at higher than maximum prices prohibited.* (a) On and after December 29, 1942, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any Western pine and associated species of lumber for direct-mill shipment at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer or attempt to do any of these things. Maximum f. o. b. mill prices are set forth in Appendices A to H.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

§ 1381.502 *What products, persons and transactions are covered*—(a) *What transactions are covered*—(1) *Direct-mill shipments.* This ceiling applies to all shipments originating at a mill, no matter who the seller is, and no matter whether he usually is known as a mill, wholesaler, retailer or anything else. It does not apply to sales out of distribution yard stock. (The prices for yard sales may be found either in Maximum Price Regulation No. 215 or in the General Maximum Price Regulation, depending on the nature of the sale and the purchaser.) A shipment is regarded as originating at a mill if the lumber reaches the purchaser without ever becoming an integral part of the stock of a distribution yard. A sale is considered a sale out of distribution yard stock only if the lumber was a part of regular yard stock at the time the sale was made. For example, if a retail yard takes an order for a defense housing project, and then brings the lumber from a mill, puts it in his yard, and delivers it as needed, the sale is subject to this regulation.

(2) *How to tell a mill from a distribution yard*—(i) *General tests.* The term "mill", as used here, covers what are known in the trade as sawmills, planing mills and concentration yards. Three types of establishment are described below: the first, (*a*), a typical sawmill or planing mill; the second, (*b*), a typical concentration yard; and the third, (*c*), a typical distribution yard. An establishment which resembles (*a*) or (*b*) more than it does (*c*) is considered a mill; and one which resembles (*c*) more than it does (*a*) or (*b*) is considered a distribution yard:

(*a*) An establishment which is chiefly engaged in manufacturing lumber from logs or rough lumber by sawing or planing; which is located in or near a lumber producing area; which makes and sells chiefly Western pine and associated species of lumber;

(*b*) An establishment which concentrates and prepares lumber for commercial shipment, which keeps in stock mostly Western pine and associated species of lumber, which has its lumber brought in chiefly in rough green form by truck from small local sawmills and sells chiefly for rail shipment, and which has been located at its particular site to be near the lumber producing area;

(*c*) A wholesale or retail lumber yard which gets lumber from mills or other yards; unloads, sorts, stores, and resells or redistributes it; which regularly maintains a varied stock of lumber from different regions; which gets its lumber mostly by rail and sells mostly for truck shipment; which is equipped to make quick deliveries of many different items of lumber; and which has been located at its particular site in order to be near a lumber consuming area.

(3) *No quantity limits.* There are no quantity limits on the transactions covered by this regulation. All direct-mill sales, large or small, are covered.

(b) *What products are covered*—(1) *General.* This regulation covers all Western pine and associated species of lumber, whether the grades, sizes, and specifications are specifically named in the price tables or not. All grade terms have the meaning given in the "Standard Grading Rules" published by the Western Pine Association, and effective July 1, 1942; but any item not graded in accordance with these rules is nevertheless subject to this regulation.

(2) *Species and areas.* The following species from the following areas are covered by this regulation:

(i) Ponderosa pine (*pinus ponderosa*), Idaho white pine (*pinus monticola*), and sugar pine (*pinus lambertiana*) produced in Oregon, Washington, Idaho, California, Montana, Canada, and Mexico;

(ii) Douglas fir (*pseudotsuga taxifolia*), West Coast hemlock (*tsuga heterophylla, tsuga mertensiana*), and true fir (*abies*), produced in Idaho and Montana, in those portions of Washington and Oregon east of the crest of the Cascade Mountains, and in California, except the counties of Del Norte, Humboldt, Mendocino, and Sonoma. A mill which because of its location near the crest of the Cascade Mountains produces "coast type" Douglas fir, hemlock, or true fir, and which has customarily graded these species under the West Coast Lumbermen's Association Standard Grading and Dressing Rules, and sold them in competition with producers located in the area covered by Maximum Price Regulation No. 26 may apply to the Portland, Oregon, office of the Office of Price Administration for special permission to use the maximum prices in Maximum Price Regulation No. 26 instead of the prices in Maximum Price Regulation No. 94. A mill which applies for this special permission must make a sworn statement that the conditions set out in this paragraph exist in its operations. The Portland, Oregon office may act upon the application by letter or telegram;

(iii) Inland larch (*larix occidentalis*), Engelmann spruce (*picea*), red cedar (*tsuga plicata*), and incense cedar (*libocedrus decurrens*) produced in Idaho and Montana, in those portions of Washington and Oregon east of the crest of the Cascade Mountains, in California except the counties of Del Norte, Humboldt, Mendocino, and Sonoma, and in Canada and Mexico.

(c) *What persons are covered.* Any person who makes the kind of sale or purchase, or who acts as broker in a sale covered by this regulation, is subject to it. The term "person" includes: an individual, corporation, partnership, association, or any other organized groups; their legal successors or representatives; the United States, or any government, or any of its political subdivisions; or any agency of any of the foregoing.

§ 1381.503 *Direct-mill retail sales.* In the case of "direct-mill retail sales," a mark-up of not more than $3.50 per 1,000 feet board measure may be added to the maximum prices set forth herein.

(a) A "direct-mill retail sale" means a sale of lumber direct from the mill to a consumer or contractor for use in building, construction, remodeling, repair, maintenance or fabrication. It does not mean a sale to a wholesaler or other person for resale in substantially the same form.

(b) It includes only sales of less than 20,000 feet board measure. The size of the sale is determined by the size of the entire order.

(c) The sale must be accompanied by the following services: delivery to the job site or other place specified by the purchaser and at such time and in such quantity as the purchaser specifies; the privilege of exchanging the goods and returning unused materials and the right to have the seller replace deficiencies and adjust complaints from stock kept on hand for such purposes.

§ 1381.504 *How to figure delivery prices, including imports*—(a) *Transportation addition.* The transportation charges set forth below may be added to the maximum f. o. b. mill prices.

(1) *Common or contract carrier.* (i) When the estimated dry weights in Appendix I are used, the rate times the estimated weight is the proper transportation charge even if the estimated dry weights are higher than actual weights. Estimated green weights may be used in calculating transportation charges only if the moisture content is greater than 19%. Higher estimated weights than those in Appendix I may not be used. The estimated weight must be the weight for the exact kind of lumber actually shipped. For example, green weights cannot be used if dry lumber is shipped. The transportation charge may be evened out to the nearest quarter dollar per M.

(ii) When estimated weights are not used, the amount added for transportation must not be more than the amount actually paid to the common or contract carrier, evened out to the nearest quarter-dollar per M.

(2) *Private truck.* When shipment is by truck owned or controlled by the seller, the amount added for transportation may not be more than the actual cost to the seller of delivery by truck; and, no matter what the actual cost is, the amount added may not be more than the railroad charge at the carload rate for the most similar haul. However, if this railroad charge is less than $1.50, and if the actual cost of delivery is more than $1.50, a transportation charge of $1.50 may be made. But in any event, if the actual cost is less than the railroad carload charge, or less than $1.50, only the actual cost may be added.

(3) *Trucking to railhead.* When a truck haul precedes rail shipment, as when a mill located away from a railhead hauls lumber by truck to the railroad, no addition may be made for the truck haul. However, in the following three cases a mill may apply for special permission to make an addition:

(i) Where the mill was located away from rail connections because it specialized in water-borne lumber, and where shortage of shipping has forced it to operate by rail;

(ii) Where the mill prior to the shortage of tires and gasoline, shipped lumber to the particular final destination, principally by all-truck haul, and now wishes to convert to truck-and-rail haul to save tires and gasoline;

(iii) Where a mill's rail connection has been abandoned since September 5, 1941.

The application should be made by letter to the Lumber Branch of the Office of Price Administration, Washington, D. C., and may be acted upon by letter. The addition may not be made on quotations or sales until permission has been received.

(4) *Truck delivery after rail haul.* When truck delivery follows a rail haul, the actual cost of truck delivery may be added.

(5) *All-truck haul.* When an all-truck haul ends in delivery to the job site, no special addition may be made above the charges provided in subparagraphs (1) and (2) of this paragraph, since in this case, delivery to the job site involves no extra expense.

(6) *"Averaging-out."* (i) When a single order for which a single flat delivered price was quoted and accepted, is shipped from two or more mills to a single destination on varying freight rates, the seller may average-out the transportation charges. For example, if a wholesaler bids $33.00 on a single order of a hundred thousand feet of lumber, the ceiling price being $30.00 and the estimated freight $3.00, he can ship half of it on a rate resulting in a $1.00 freight charge and half on a rate resulting in a $5.00 freight charge.

(ii) In order that no single invoice shall appear to be false or over the ceiling, the seller must write on each invoice that the particular shipment is part of a larger order. Then, when shipment has been completed, he must render a final invoice which shows the individual f. o. b. mill prices separately, the amount shipped from each mill, the freight charge for each shipment, and a reconciliation of the total amount so computed with the agreed delivered sale price and also with the maximum price permitted by this regulation.

(iii) In order that it may be determined within a reasonable length of time whether or not a seller has complied with the Regulation, this privilege of "averaging-out" shall extend only to shipments delivered to a common carrier within three months of the date of the contract.

(b) *Imports.* The transportation addition on shipments originating in Canada and Mexico is subject to the rules in this section, but with the following additional limitations:

(1) In the case of Canada, the addition may not be greater than if the shipment had originated at Spokane, Washington;

(2) In the case of Mexico, the addition may not be greater than if the shipment had originated at Susanville, California.

§ 1381.505 *What the invoice must contain*—(a) *General.* Because of the large

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9232.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8961.

number of possible additions to the basic f. o. b. mill prices, it is necessary that some of them be separately shown on the invoice. Otherwise the purchaser and the Office of Price Administration could not tell in many cases whether a price which appeared to be above the ceiling was legal or not.

Failure to invoice properly is just as much a violation of this Regulation as charging an excessive price.

(b) *Basic price.* All invoices must contain a sufficiently complete description of the lumber to show whether the price is proper or not. Any working, specification, or extra which affects the maximum price must be mentioned in the description. The amount added for these does not have to be separately shown, except in a few special cases which are specifically mentioned later.

(c) *Transportation charges.* In delivered sales, the invoice must contain:

(1) Point of origin of shipment,

(2) Destination,

(3) Rail or truck rate (or, if private truck, amount added for transportation),

(4) The words "direct-mill shipment."

(d) *Delivery and related charges.* Any separate charge which the seller is permitted to make for the following must be separately shown on the invoice:

(1) Trucking from mill to railhead,

(2) Truck delivery after rail haul.

(e) *Mark-ups.* If the price exceeds the basic mill price because of the direct-mill retail sale mark-up authorized by § 1381.503, the invoice should show the amount of the mark-up separately, labeled "direct-mill retail sale."

(f) *Average price on different items.* When specified amounts or percentages of different grades, classes, or sizes of lumber are sold at an average price, it is permissible to invoice at an average price, but only if all of the following conditions are observed:

(1) The footage of each item must be shown separately. For example, if an order of 20% No. 1, 60% No. 2, and 20% No. 3 has been sold at an average price, the exact footage tally of each grade must appear on the invoice.

(2) In addition, if the order is shipped in more than one carload or truck load, the invoice for each carload or truck load must show that it is part of a larger order, and identify the order. For example, the invoice might state: "Shipment No. 3 of our order No. 4444 for 3,000,000 ft."

(3) The average price for the lumber actually shipped must not be higher than the average, weighted by quantity, of the individual maximum prices of the items shipped. In other words, the final price must not be higher than it would have been if all the individual grades, classes, and sizes shipped had been sold separately at the individual ceiling prices.

(4) In order that it may be determined within a reasonable length of time whether a seller has complied with the regulation, this privilege of selling at an average price extends only to shipments delivered to a common carrier within three months of the date of the contract.

§ 1381.506 *Prohibited practices* — (a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars and cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(b) *Specific practices.* The following are among the specific practices prohibited:

(1) Getting the effect of a higher price by changing credit practices from what they were in October 1941. This includes decreasing credit periods, or making greater charges for extension of credit. In any case, on sales made through the Office of the Chief of Engineers, War Department, terms of 30 days net may be used. In all cases, if the sale is on cash terms, the maximum price must be reduced by the same amount as the sale price would have been reduced for similar cash terms on October 1, 1941. For example, if the maximum price without cash discount is $10.00, and if in sales of this item on October 1, 1941 to purchasers of a certain class, the seller reduced sales prices 2 percent for cash within 10 days, the ceiling cash price in sales to purchasers of this class is $9.90.

(2) Refusing, without good reason, to ship except in specified or restricted random lengths or widths, or under other circumstances which bring the seller an extra return.

(3) Selling as specified lengths or widths a shipment of lumber which is substantially equivalent to random lengths or widths; or reselling as specified lengths or widths a shipment bought by the seller as random lengths or widths.

(4) Grading as a special grade lumber which can be graded as a standard grade; or wrongly grading or invoicing lumber in any other way.

(5) Refusing to sell on an f. o. b. mill basis, and insisting on selling on a delivered basis.

(6) Unnecessarily routing lumber through a distribution yard.

(7) Quoting a gross price above the maximum price, even if accompanied by a discount the effect of which is to bring the net price below the maximum.

(8) Making the buyer take something he does not want in order to get what he does want; for example, making a buyer who orders No. 2 common take all the upper grades that develop.

(c) *Purchasing commissions.* A purchasing commission based on the quantity or value of lumber purchased may not be charged or paid, if the commission plus the purchase price is higher than the maximum price permitted by this regulation.

(d) *Combination grades.* Lumber sold on combination grades may not be sold at above the maximum price for the lowest grade actually named in the combination. For example, the maximum price for No. 2 common and better is that set for No. 2 common. Of course, the amount of the different grades included can be quoted and shown separately on the invoice at the individual prices for those grades. Also, it is permissible to sell on the basis of a stated percentage of better grades, such as No. 2 with 15% No. 1. In this case the price of 15% of the footage may be the No. 1 price, if the invoice shows that the footage tally of the lumber actually shipped runs at least 15% No. 1. It is also permissible to quote a grade at that grade's price, with higher grades developing to be included at the grade differential. For example, when a seller quotes No. 2 at the No. 2 price, with No. 1 developing to be included at the No. 1 price, this is proper, since no actual dollars-and-cents quotation above the No. 2 price is made. Again, the final price must be based on actual tally. Note, however, that it is a violation to insist on the buyer's taking grades he does not want in order to get the grade he does want.

(e) *Adjustable pricing.* A price may not be made adjustable to a maximum price which will be in effect at some time after delivery of the lumber has been completed. But the price may be adjustable to the maximum price in effect at the time of delivery.

§ 1381.507 *Grades, specifications, and extras not specifically priced*—(a) *General.* Grades and classes of Western pine and associated species of lumber not specifically priced in Appendices A to H, including export grades, are nevertheless subject to this regulation.

(b) *Grades in 8000 E list.* The maximum price for any item which is subject to this regulation but which is graded under rules other than those of the Western Pine Association "Standard Grading Rules" is the maximum price of the grade in this regulation to which it is equivalent under the United States Government Specifications 8000 E, "Lumber Specifications for Temporary Housing", as revised. For example, if No. 1 Douglas fir dimension subject to this regulation is sold at an Army Engineers' bid-letting on West Coast Lumbermen's Association grading rules, the maximum price is that set for No. 1 Douglas fir dimension in this regulation. The reason is that "Coast" Douglas fir and inland Douglas fir are listed as equivalent in the 8000 E list.

(c) *All other cases.* (1) In all other cases, the maximum price of a grade or class of lumber is a price which bears the October 1941 relation to the price of the appropriate "yardstick" grade. The "yardstick" for select and shop grades is 1 x 8 random length, C Select, S4S, dry; and for common and dimension grades is 1 x 8, random length, No. 3 Common, S4S, dry. The species for the yardstick should be either ponderosa pine or Idaho white pine, whichever represents the larger part of the seller's production. The seller should find the difference between the price received for the grade being priced and the yardstick grade in October 1941, or the first month before that in which he had sales of both grades. This difference is then added to or subtracted from the maximum price for the yardstick grade. The result is the seller's maximum price. This price, with a complete description of the grade and the way the price was computed, must be reported to the Office of Price Administration, Washington, D. C., and may be ordered reduced, if it is found excessive. But if the price is not disapproved within 30 days of the receipt of the report, it is approved.

(2) If the seller cannot figure a maximum price under this paragraph, or if he wants to make an addition for a working, specification, service, or other extra which is not specifically provided for, he should write to the Lumber Branch of the Office of Price Administration, Washington, D. C., giving a complete description of the thing to be priced, and his requested price, and any facts supporting the request. The Office of Price Administration will then by letter give him either a specific maximum price or instructions on how to compute it. If the Office of Price Administration has not acted upon the request within 30 days, the requested price is approved.

(3) A seller using this special pricing paragraph (c) can go ahead with delivery of the lumber and collection of the price he has computed or requested. But he must tell the buyer that the price is subject to revision within the thirty-day period, and, if the price is ordered reduced, must refund any excess over the final approved price.

§ 1381.508 *Applications for adjustment and petitions for amendment*—(a) *Government contracts.* (1) The term "government contracts" is here used to include any contract with the United States or any of its agencies, or with the Government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States". It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "government contract" and who thinks that a maximum price in this regulation is impeding or threatens to impede production of lumber which is essential to the war program and which is or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6.

(3) As soon as the application is filed, contracts, deliveries and payments may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must tell the buyer that the delivery is made subject to this refund.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1381.509 *Records and reports*—(a) *Records.* All sellers of Western pine and associated species of lumber must keep records which will show a complete description of the item of lumber sold, the name and address of the buyer, the point of origin and destination of the shipment, the date of the sale and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for any month in which the seller or buyer sold or bought 20,000 ft. BM or more of Western pine and associated species of lumber. They must be kept for two years, for inspection by the Office of Price Administration. Any records which the Office of Price Administration later requires must also be kept.

(b) *Reports.* Any reports that the Office of Price Administration requires must be submitted.

§ 1381.510 *Enforcement and licensing.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this regulation or of any other regulation or order issued by the Office of Price Administration are urged to communicate with the nearest field, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

(c) War procurement agencies and their contracting or paying finance officers are not subject to any liability civil or criminal, imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

(d) All sellers of Western pine and associated species of lumber under this regulation, except mills, are licensed by Supplementary Order 18.[2] This order, in brief, provides that a license is necessary, except for mills, to make sales under this regulation. A license is automatically granted to all sellers making these sales. It is not necessary to apply specially for the license, but a registration may later be required. The Emergency Price Control Act of 1942, as amended, and Supplementary Order 18, tell the circumstances under which licenses may be suspended. The license cannot be transferred.

§ 1381.511 *Relation to other regulations*—(a) *General Maximum Price Regulation.* Any sale or delivery covered by Maximum Price Regulation No. 94 is not subject to the General Maximum Price Regulation.

(b) *Maximum Export Price Regulation.*[3] The maximum price for export sales of Western pine and associated species of lumber is governed by the Maximum Export Price Regulation.

§ 1381.512 *Effective date.* (a) This Regulation (§§ 1381.501 to 1381.521, inclusive) shall become effective December 29, 1942.

(b) If lumber has been received before December 29, 1942, by a carrier, other than one owned or controlled by the seller, for shipment to a buyer, that shipment is not subject to this regulation. It remains subject to the terms of any regulation, whether the General Maximum Price Regulation or an earlier version of this regulation, which covered it at the time the lumber was turned over to the carrier.

§ 1381.513 *Appendix A: Maximum prices for Ponderosa pine lumber.* For Ponderosa pine lumber, the maximum prices f. o. b. mill per one thousand feet board measure, surfaced, air dried or kiln dried (except where otherwise specified in price tables) in mixed or straight load shipments, shall be as follows:

TABLE 1—SELECT GRADES (PONDEROSA PINE)

	4/4 RL S2S or S4S	5/4 RL S2S	6/4 RL S2S	8/4 RL S2S	10/4 RL S2S	12/4 RL S2S	16/4 RL S2S
1 and 2 clear (B and better):							
Specified widths:							
2″	$68.00	$75.00	$75.00	$81.00	--------	--------	--------
3″	70.00	75.00	75.00	81.00	--------	--------	--------
4″	65.00	72.00	72.00	78.00	$103.00	$108.00	$116.00
5″	71.00	82.00	82.00	88.00	113.00	118.00	126.00
6″	67.00	72.00	72.00	78.00	103.00	108.00	116.00
8″	69.00	77.00	77.00	83.00	108.00	113.00	121.00
10″	71.00	82.00	82.00	88.00	113.00	118.00	126.00
12″	90.00	92.00	92.00	98.00	123.00	128.00	136.00
Random widths 1 x 4″ and wider	71.00	72.00	72.00	78.00	103.00	108.00	116.00
C Selects:							
Specified widths:							
2″	64.00	69.00	69.00	74.00	--------	--------	--------
3″	66.00	69.00	69.00	74.00	--------	--------	--------
4″	61.00	66.00	66.00	71.00	92.00	96.00	105.00
5″	67.00	76.00	76.00	81.00	102.00	106.00	115.00
6″	63.00	66.00	66.00	71.00	92.00	96.00	105.00
8″	65.00	71.00	71.00	76.00	97.00	101.00	110.00
10″	67.00	76.00	76.00	81.00	102.00	106.00	115.00
12″	86.00	86.00	86.00	91.00	112.00	116.00	125.00
Random widths 1 x 4″ and wider	67.00	66.00	66.00	71.00	92.00	96.00	105.0
D Selects:							
Specified widths:							
2″	51.00	55.00	55.00	60.00	--------	--------	--------
3″	53.00	55.00	55.00	60.00	--------	--------	--------
4″	48.00	52.00	52.00	57.00	73.00	78.00	86.00
5″	54.00	62.00	62.00	67.00	83.00	88.00	96.00
6″	50.00	52.00	52.00	57.00	73.00	78.00	86.00
8″	52.00	57.00	57.00	62.00	78.00	83.00	91.00
10″	54.00	62.00	62.00	67.00	83.00	88.00	96.00
12″	68.00	72.00	72.00	77.00	93.00	98.00	106.00
Random widths 1 x 4″ and wider	54.00	52.00	52.00	57.00	73.00	78.00	86.00

NOTES ON SELECT GRADES (PONDEROSA PINE)

1. Short selects, 5 ft. to 9 ft. RL, S2S or S4S:
   (A) 1 x 4″ and wider, RW, D and better, $44.00.
   (B) 5/4 and thicker, 4″ and wider, RW, D and better, $47.00.

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[2] 7 F.R. 7240.

[3] 7 F.R. 5059, 7242, 8829, 9000.

Notes on Select Grades (Ponderosa Pine)—Continued

2. *Additions and deductions:*
   - (A) Specified Lengths:
     - (1) 4/4, 6', 8', 10', 12' and 14', add $2.00.
     - (2) 4/4, 16', add $5.00.
     - (3) 4/4, 18' and 20', add $10.00.
     - (4) 5/4, and thicker, 16', and shorter, add $5.00.
     - (5) 5/4, and thicker, 18' and 20', add $10.00.
   - (B) For restricted random lengths 10' to 16', in 4/4 thickness only, add $2.00.
   - (C) Special random widths, S2S:
     - (1) 6'' and wider, RW, add $.50 to RW price.
     - (2) 8'' and wider, RW, add $2.00 to RW price.
     - (3) 10'' and wider, RW, add $7.00 to RW price.
     - (4) 13'' and wider, RW,, same as 12'' price.
     - (5) 14'' and wider, RW, add $5.00 to 12'' price.
     - (6) 16'' and wider, RW, add $10.00 to 12'' price.
     - (7) 18'' and wider, RW, add $15.00 to 12'' price.
     - (8) 20'' and wider, RW, (except drainboards), add $20.00 to 12'' price.
     - (9) 22'' and wider, RW, (except drainboards), add $25.00 to 12'' price.
   - (D) Specified widths:
     - (1) Specified widths over 12'', for each inch over 12'', add $2.00 to 12'' price.
     - (2) Odd widths, 7'', 9'', 11'', add $1.00 to 8'', 10'', 12'' and so scaled.
   - (E) Rough, all thicknesses, deduct $2.00.
   - (F) Stained selects, deduct $5.00 from price of D select.
   - (G) Pitchy selects, deduct $10.00 from the price of D selects.
   - (H) Australian clears same price as D select.

TABLE 2—SHOP LUMBER (PONDEROSA PINE)

S2S RW and RL	4/4	5/4	6/4	8/4	10/4	12/4	16/4
4/4 shop common	$30.50						
No. 3 clear	42.00	$56.00	$56.00	$70.00	$81.00	$89.00	$98.00
No. 1 shop		43.00	43.00	51.00	65.00	69.00	78.00
No. 2 shop		35.00	35.00	38.00	47.00	49.00	56.00
No. 3 shop		28.00	28.00	28.00	33.00	35.00	39.00

Notes on Shop Lumber (Ponderosa Pine)

1. *For rough:*
   - (A) 4/4 shop common, deduct $1.00.
   - (B) No. 3 clear, deduct $2.00.
   - (C) No. 1 shop, deduct $2.00.
   - (D) No. 2 and No. 3 shop, deduct $1.00.
2. *For stained:*
   - (A) 4/4 shop common, deduct $2.00.
   - (B) 4/4 No. 3 clear, deduct $5.00.
   - (C) 5/4 and thicker, all grades except No. 3 shop, price to be based on next lower standard grade.
   - (D) No. 3 shop, deduct $2.00.

TABLE 3—COMMON BOARDS (PONDEROSA PINE)

RL, S2S or S4S (13'' and wider RW S2S only)	1 x 4''	1 x 6''	1 x 8''	1 x 10''	1 x 12''	1 x 14''	1 x 16''	1 x 18''	1 x 20''
No. 1 common	$43.00	$43.00	$43.00	$44.00	$49.00				
No. 2 common	37.00	36.00	35.00	35.00	37.00	$40.00	$44.00	$48.00	$52.00
No. 3 common	32.00	32.00	31.00	31.00	31.00	32.00	34.00	36.00	38.00
No. 4 common	21.00	22.00	23.00	23.00	23.00				
No. 5 common	14.00								

Notes on Common Boards (Ponderosa Pine)

1. *No. 4 and better, Short Common, 6' and 8' S2S or S4S:*
   - (A) 1 x 4'' and wider $20.00.
   - (B) 1 x 4'' only, $19.00.
   - (C) 1 x 6'' and 8'', $21.00.
2. *Special random widths:*
   - (A) No. 2 common, 13'' and wider, RW, add $4.00 to 12'' price.
   - (B) No. 3 common, 13'' and wider, RW, add $2.00 to 12'' price.
   - (C) No. 4 common:
     - (1) 1 x 4'' and wider, $22.00.
     - (2) 1 x 6'' and wider, $22.50.
   - (D) No. 5 common, 1 x 4'' and wider, $14.00.
3. *Differentials and rules:*
   - (A) *Additions for thickness:*
     - (1) No. 1 common:
       for 5/4, 6/4 and 8/4, add $5.00.
       for 10/4 and 12/4 add $12.00.
     - (2) No. 2 common:
       for 5/4, 6/4 and 8/4, add $4.00.
       for 10/4 and 12/4, add $8.00.
     - (3) No. 3 common:
       for 5/4, 6/4, and 8/4, add $3.00.
       for 10/4 and 12/4, add $6.00.
     - (4) No. 4 common, for 5/4, 6/4 and 8/4, add $2.00.
     - (5) No. 5 common, for 5/4, 6/4 and 8/4, add $2.00.
   - (B) *Specified lengths:*
     - (1) No. 1, 2, and 3 common:
       4'' and 6'' widths, 16', 18', and 20', add $2.00.
       8'' and wider, 8', 10', 12', 18', and 20', add $2.00.
     - (2) For restricted random lengths 10' to 16', in 4/4 thickness only, add $1.00.
     - (3) When shipped all 6 foot deduct $3.00 from RL prices.
     - (4) No. 4 and 5 common, all specified lengths, add $2.00.
     - (5) No. 4 and 5 common, RW and RL may contain 20% 4' to 8' and 20% 4''.

Notes on Common Boards (Ponderosa Pine)—Continued

- (C) *Miscellaneous:*
  - (1) Odd widths 7'', 9'' and 11'', add $1.00 to 8'', 10'', and 12'' price, and so scaled.
  - (2) For 11/16, use price of corresponding grade and width of 6/4'' plus $2.50, less 25% for surface measure price.
  - (3) Rough, 4/4 and thicker, deduct $1.00.
  - (4) Knotty pine paneling stock, add $5.00 to price of regular grade from which selected.
  - (5) For 3/4'' S1S, S1S1E, S2S or S4S, deduct $1.50 from corresponding grade and width of 4/4''.
  - (6) For 23/32'' S1S, S1S1E, S2S or S4S, deduct $2.50 from corresponding width and grade of 4/4''.

TABLE 4—DIMENSION (PONDEROSA PINE)

RL S1S1E or S4S, 1 9/16 HM Scaled as 2''	2 x 4''	2 x 6''	2 x 8''	2 x 10''	2 x 12''
No. 1 dimension	$28.00	$27.00	$26.50	$27.00	$27.00
No. 2 dimension	25.00	24.00	24.00	24.00	24.00
No. 3 dimension	18.50	17.50	17.50	17.50	17.50

Notes of Dimension (Ponderosa Pine)

1. *Specified lengths:*
   - (A) 14' and under 14', add $1.00 to RL.
   - (B) 16', add $0.50 to RL.
   - (C) 18' and 20', add $2.00 to RL.
2. *Additions and deductions:*
   - (A) For 1⅝'' add, No. 1—$4.50, No. 2—$4.00, No. 3—$3.00.
   - (B) For 1¾'' add, No. 1—$6.75, No. 2—$6.00, No. 3—$4.75.
   - (C) For Rough, deduct $1.00.

TABLE 5—NO. 1 PLANK AND TIMBERS (PONDEROSA PINE) GREEN

S1S1E or S4S	8-12-14'	16'	10-18-20'	22-24'
3 x 4'', 3 x 6'', 4 x 4'', 4 x 6''	$33.50	$33.50	$35.50	$36.50
3 x 8'', 4 x 8''	34.50	34.50	36.50	37.50
3 x 10'', 3 x 12'', 4 x 10'', 4 x 12''	35.50	35.50	37.50	38.50
6 x 6'' to 8 x 8''	35.50	36.00	38.00	39.00
6 x 12'' to 8 x 12''	36.50	36.50	38.50	39.50
10 x 10'' to 12'' x 12''	37.50	37.00	39.50	40.50

Notes on Plank and Timbers (Ponderosa Pine) Green

1. No. 2 and better, deduct $1.00.
2. No. 2, deduct $3.00.
3. Select No. 1, add $3.00.
4. For rough, deduct $1.00.
5. For dry, add $10.00.

TABLE 6—MILL RUN BOX (PONDEROSA PINE)

(Product of log below No. 2 shop as produced by the mill)

1. Rough 5/4, 6/4 and thicker RL, Air dried, $25.50.
2. S2S—Add to rough, $1.00.
3. 4/4 stock, rough, deduct from 5/4, $2.00.
4. Specified widths, no additions.

TABLE 7—BEVEL SIDING (PONDEROSA PINE)

	½'' x 4''	½'' x 5''	½'' x 6''
B & Btr., 3' and longer	$29.50	$32.00	$31.50
C, 3' and longer	28.00	30.50	30.00
D, 3' and longer	20.50	23.50	23.00
E	16.00		16.50

Notes on Bevel Siding (Ponderosa Pine)

1. Shorts when sold separately, 8' and shorter, in B and Btr. C, and D, deduct $8.00.

2. For 9' and longer, add $3.00.

3. B & Btr., C, and D may contain 20% 3' to 8½' in multiples of 6''.

4. E siding may contain up to 35% of 8½' and shorter.

TABLE 8—MOULDING STOCK (PONDEROSA PINE)

4/4 RW RL S2S, $43.00.
5/4 to 8/4 RW RL S2S, $45.00.
For rough, deduct $1.00.

TABLE 9—MOULDING LUMBER AND BETTER (PONDEROSA PINE)

(Product of log above No. 1 shop producing 50% rip 10' and longer 2'' width.)

4/4 RW RL rough, dry, $48.00.
5/4 and thicker RW RL rough, dry, $50.00.
S2S, add $1.00.

TABLE 10—DRAINBOARD STOCK (PONDEROSA PINE)

5/4 and 6/4, 1 and 2 clear S2S selected:
20'' and wider RW RL, $110.00.
22'' and wider RW RL, $125.00.
For rough, deduct $2.00.
For 8/4, add $5.00.

TABLE 11—LATH (PONDEROSA PINE)

	Per thousand pieces
No. 1, 4'	$4.50
No. 2, 4'	$4.00
No. 1, 32''	$2.25

TABLE 12—BARKY STRIPS (PONDEROSA PINE)

1 x 4'' RL 6'—20' (May contain 25% 6' & 8')	$18.75
1 x 4''—6' & 8' only	$15.75

TABLE 13—PANEL STOCK (PONDEROSA PINE)

RW S2S—4'' and wider	7/16''	9/16''
B and better	$62.00	$67.00
C and better	57.00	62.00
D	42.00	

Note on Panel Stock (Ponderosa Pine)

Specified widths and lengths, use differentials established for 5/4'' C select, Table 1, this appendix.

TABLE 14—INCH BATTENS (Ponderosa Pine)

	Per M Lin. ft.
1¾'' (OG) net	$8.50
2'' (OG) net	9.50
2¼'' (OG) net	10.50
⅜ x 2¾'' net flat, rough or S1S	6.00

Note on Inch Battens (Ponderosa Pine)

For 18' and 20' lengths, add $1.00 to above prices.

Differentials and Rules Applicable to All Grades of Ponderosa Pine

1. Ordinary resawing, add $1.00.
2. Resawing and S2S, all grades, add $2.00.
3. Ripping, per rip, add $1.00.
4. Novelty-saw ripping, add $2.00.
5. Ripping and S4S, add $3.00.
6. Cross cutting, per cut, add $1.00.
7. Cleating (ordinary), add $1.50.
8. Bundling (ordinary), add $1.00.
9. Bundling (export), add $5.00.
10. 4/4 and thicker stock dressed thicker than standard, for each 1/32'', add $1.00.
11. For stock run S4S wider than standard width (may be hit or miss), add $1.00.
12. Standard casing and base, jambs, sill stock, pulley stiles, log cabin siding, bungalow siding, dolly varden siding and all similar patterns (not mouldings) 8'' or 10'' beveled siding, all grades, to price of grade desired, add $5.00.
13. Patterns not conforming to Association Standard patterns, to price of grade desired, add $7.50.
14. Standard patterns, other than S2S and S4S, which are not provided for in item 12, above, add $2.00: but no such addition shall apply to the following:
    - (1) S2S and CM.
    - (2) D and M.
    - (3) Shiplap.
    - (4) Corn cribbing.
    - (5) Beaded shelving.
    - (6) Casket stock.
15. Cutting to specified exact length, add $1.00.
16. All stock shipped in inter-divisional stop-over cars, add $1.00.
17. Random lengths are 6' and longer unless otherwise provided in list.
18. No extra charge for double end trimming.
19. All prices shown, except where otherwise specified (plank or timbers), are for dry lumber. For green lumber not specified green in tables, deduct 15% from the maximum price for the same item in dry condition. Lumber shall be considered green if, when shipped, the moisture content is greater than 19%.

§ 1381.514 *Appendix B: Maximum prices for Idaho white pine lumber.* For Idaho white pine lumber the maximum prices f. o. b. mill per one thousand feet board measure, surfaced, air dried or kiln dried (except where otherwise specified in price tables), in mixed or straight load shipments, shall be as follows:

TABLE 1—SELECT GRADES (IDAHO WHITE PINE)

RL S2S or S4S	1 x 2″	1 x 3″	1 x 4″	1 x 5″	1 x 6″	1 x 8″	1 x 10″	1 x 12″
B and better	$78.00	$79.00	$76.00	$79.00	$77.00	$77.00	$81.00	$100.00
C select	71.00	72.00	69.00	72.00	70.00	70.00	74.00	90.00
D select	54.50	54.50	52.50	57.50	52.50	52.50	61.00	77.00

RL S2S	5/4 x 2″	5/4 x 3″	5/4 x 4″ or 5/4 x 4″ and wider	5/4 x 5″	5/4 x 6″	5/4 x 8″	5/4 x 10″	5/4 x 12″
B and better	$92.00	$94.00	$89.00	$99.00	$91.00	$94.00	$99.00	$109.00
C select	82.00	84.00	79.00	89.00	81.00	84.00	89.00	99.00
D select	70.00	72.00	67.00	77.00	69.00	72.00	77.00	87.00

Short selects 5′ to 9′ inclusive:
- 4/4, 4″ and wider, D and Btr. (35% 4″), $46.00.
- 4/4, all 4″, $44.00
- 4/4, all 6″, $45.00
- 4/4, all 8″, $48.00

NOTES OF SELECT GRADES (IDAHO WHITE PINE)

1. Additions for thickness to 5/4 S2S RL price:

	6/4	8/4	10/4	12/4	16/4
B and better	None	$14.00	$49.00	$54.00	$64.00
C	None	14.00	39.00	44.00	54.00
D	None	5.00	25.00	35.00	45.00

2. *Specified lengths*:
   - (A) 4/4:
     - 8′, 10′, 12′ and 14′, net.
     - 16′, 18′, and 20′, add $10.00.
   - (B) 5/4 and thicker:
     - 16′ and shorter, add $5.00.
     - 18′ and 20′, add $10.00.
   - (C) For restricted random lengths, 10′, to 16′, in 4/4 thickness only, add $2.00.
   - (D) 4/4, 14′ and shorter RL (when no 16′ included), deduct $3.00.
3. *Widths*:
   - (A) Specified widths over 12″, for each inch over 12″, add $2.00 to 12″ price.
   - (B) Random widths 4/4, 13″ and wider, same as 12″ price.
   - (C) Special random widths 5/4 and thicker S2S:
     - 6″ and wider RW, add $2.00 to 4″ and wider price.
     - 8″ and wider RW, add $5.00 to 4″ and wider price.
     - 13″ and wider, same as 12″ price.
   - (D) Odd widths, 7″, 9″, 11″, add $1.00 to 8″, 10″ and 12″ price, and so scaled.
4. *Miscellaneous*:
   - (A) Rough, all thicknesses select, deduct $2.00.
   - (B) Stained selects, deduct $5.00 from price of D select.
   - (C) Pitchy selects, deduct $10.00 from price of D select.
   - (D) Random length may contain 5% shorter than 8′ and 15% odd lengths.

TABLE 2—SHOP LUMBER (IDAHO WHITE PINE)

RW & RL S2S	4/4	5/4	6/4	8/4	10/4	12/4	16/4
4/4 shop common	$32.00						
No. 1 shop		$57.50	$57.50	$72.50	$97.50	$107.50	$117.50
No. 2 shop		39.00	39.00	44.00	64.50	66.50	73.50
No. 3 shop		29.50	29.50	30.50	44.50	46.50	50.50

NOTES ON SHOP LUMBER (IDAHO WHITE PINE)

1. When sold as No. 3 and better pile run on grade prices, deduct $5.00 from No. 1 shop prices and $2.00 from the No. 2 shop price.
2. *Rough:*
   - 4/4 shop common, deduct $1.00.
   - No. 1 shop, deduct $2.00.
   - No. 2 or No. 3 shop, deduct $1.00.
3. *For stained:*
   - 4/4 shop common, deduct $2.00.
   - No. 1 shop, use No. 2 shop price.
   - No. 2 shop, use No. 3 shop price.
   - No. 3 shop, deduct $2.00.

TABLE 3—COMMON BOARDS (IDAHO WHITE PINE)

S4S or S2S RL	1 x 4″ and wider	1 x 4″	1 x 5″	1 x 6″	1 x 8″	1 x 10″	1 x 12″	13″ and wider RW–S2S
No. 1 (Colonial) common		$47.50	$45.50	$45.50	$45.50	$51.75	$73.00	$78.00
No. 2 (Sterling) common		43.50	44.00	41.50	41.50	43.00	47.00	52.00
No. 3 (Standard) common		32.00	32.00	34.50	33.50	33.50	33.50	38.50
No. 3 and better common shorts (5′ to 8′ RL)	$28.00	24.00		27.50	29.50	29.50	29.50	
No. 4 (Utility) common	25.50	23.00		26.00	27.00	26.00	26.00	
No. 4 and better common shorts (6′ to 8′ RL)	27.00	23.00		26.50	28.50	28.50	28.50	
No. 4, 1 x 6″ and wider, 4′ and longer, $27.00								
No. 5 (Industrial) common	19.00	17.50		18.50	19.50	19.50	19.50	

NOTES ON COMMON BOARDS (IDAHO WHITE PINE)

1. *Additions, for thickness, to 4/4 price:*

	RL or all 16′
No. 1 common:	
5/4, 6/4, 8/4, 4″, 6″, and 8″ width	$12.00
10″ and 12″ width	9.00
10/4 and 12/4 all widths	16.00
16/4 all widths	19.00
No. 2 common:	
5/4, 6/4, 8/4 all widths	7.00
10/4 all widths	9.00
12/4 all widths	11.00
16/4 all widths	14.00
No. 3 common:	
5/4, 6/4, 8/4 all widths	3.00
10/4 all widths	4.00
12/4 all widths	8.00
16/4 all widths	10.00
No. 4 and No. 5 common:	*RL*
5/4, 6/4, 8/4, all widths	2.00

2. *Specified lengths:*
   - (A) No. 1, 2 and 3 Common:
     - (1) 4″ and 6″–10′, 12′, and 14′, deduct $1.00.
     - (2) 4″ and 6″–16′, 18′, and 20′, add $1.00.
     - (3) 8″, 10″ and 12″–10′, 12′, 18′ and 20′, add $1.00.
     - (4) 8″, 10″ and 12″–14′ and 16′, deduct $1.00.
     - (5) When shipped all 6′, deduct $3.00 from RL prices.
     - (6) 5/4 and thicker 8–10–12–14, add $5.00 to 5/4 and thicker R/L prices.
   - (B) No. 4 and 5 Common: All specified lengths, add $2.00.
   - (C) Restricted random lengths, 10′, to 16′ in 4/4 thickness only, add $1.00.
3. *Miscellaneous:*
   - (A) No. 4 and 5 Common RW and RL, may contain 20% 4′ to 8′, and 20% 4″.
   - (B) 5/4 x 5″ and thicker, No. 1 only, add $1.00 to 10″ price.
   - (C) Rough, 4/4 and thicker, deduct $1.00.
   - (D) Odd widths, 7, 9, and 11, add $1.00 to 8″, 10″, and 12″ price and so scaled.
   - (E) Knotty Pine paneling stock, add $5.00 to price of regular grade from which selected.
   - (F) For 3/4″ S1S, S1S1E, S2S or S4S, deduct $1.50 from corresponding grade and width of 4/4″.
   - (G) For 23/32″ S1S, S1S1E, S2S or S4S, deduct $2.50 from corresponding width and grade of 4/4″.
   - (H) Specified widths over 12″, for each inch over 12″, add $2.00 to 12″ price.

TABLE 4—BEVEL SIDING (IDAHO WHITE PINE)

7/16″ x 3/16″ S. M. 3′ and longer	½″ x 4″	½″ x 5″	½″ x 6″
B and Btr.	$32.25	$37.50	$37.00
C	29.00	34.25	33.75
D	20.75	25.00	24.75
E	15.00		16.50

NOTES ON BEVEL SIDING (IDAHO WHITE PINE)

1. Shorts when sold separately 8′ and shorter in B & Btr., C, and D, deduct $7.50.

2. For 9′ and longer, add $3.00.

3. B. & Btr., C and D may contain 20% 3′ to 8½′ in multiples of 6″.

4. E Siding may contain up to 35% of 8½′ and shorter.

TABLE 5—PANEL STOCK (IDAHO WHITE PINE)

RW S2S—4″ and wider	7/16″	9/16″
B & Btr.	$62.00	$67.00
C & Btr.	57.00	62.00
D	42.00	

NOTES ON PANEL STOCK (IDAHO WHITE PINE)

Specified widths and lengths, use differentials established for 5/4″ C selects, Table 1, appendix A.

TABLE 6—INCH BATTENS (IDAHO WHITE PINE)

	Per M Lin. Ft.
1¾″ (OG) net	$8.50
2″ (OG) net	9.50
2¼″ (OG) net	10.50
⅜ x 2¾ net flat, rough or S1S	6.00

NOTE ON INCH BATTENS (IDAHO WHITE PINE)

For 18′ and 20′ lengths add $1.00 to above prices.

TABLE 7—LATH (IDAHO WHITE PINE)

	Per thousand pieces
No. 1, 4′	$4.50
No. 2, 4′	4.00
No. 1, 32″	2.25

TABLE 8—BARKY STRIPS (IDAHO WHITE PINE)

1 x 4″ RL 6′–20′ (may contain 25% 6′ and 8′)	$19.75
1 x 4″, 6′ and 8′ only	16.75

DIFFERENTIALS AND RULES APPLICABLE TO ALL GRADES (IDAHO WHITE PINE)

Are the same as shown in appendix A, Ponderosa Pine.

§ 1381.515 *Appendix C: Maximum prices for sugar pine lumber.* For sugar pine lumber, maximum prices, f. o. b. mill per one thousand feet board measure, surfaced, air-dried or kiln-dried (except where otherwise specified in price tables), in mixed or straight load shipments, shall be as follows:

TABLE 1—SELECT GRADES (SUGAR PINE)

S2S or S4S, RW and RL	4/4	5/4	6/4	8/4	10/4	12/4	16/4
1 and 2 clear (B & Btr.)	$77.00	$79.00	$78.00	$92.00	$108.00	$117.00	$127.00
C Select	75.00	76.00	75.00	88.00	105.00	112.00	122.00
D Select	62.00	64.00	63.00	78.00	89.00	97.00	106.00

NOTES ON SELECT GRADES (SUGAR PINE)

1. Stained selects, deduct $5.00 from price of D select.
2. Australian clears, same price as D select.
3. Pitchy selects, deduct $10.00 from the price of D select.
4. Rough, 4/4 and thicker, deduct $3.00.

TABLE 2—SHOP LUMBER (SUGAR PINE)

S2S RW and RL	4/4 x 5″ and wider	5/4 x 5″ and wider	6/4 x 5″ and wider	8/4 x 5″ and wider	10/4 x 5″ and wider	12/4 x 5″ and wider	16/4 x 5″ and wider
No. 3 clear	$47.00	$62.00	$61.00	$82.00	$94.00	$98.00	$106.00
No. 1 shop		49.00	48.00	59.00	72.00	77.00	87.00
No. 2 shop		39.00	38.00	44.00	54.00	55.00	61.00
No. 3 shop		31.00	31.00	32.00	33.00	33.00	38.00
4/4 shop common RW	35.00						

NOTES ON SHOP LUMBER (SUGAR PINE)

1. For Rough:
    - (a) No. 3 clears, deduct $3.00.
    - (b) No. 1 shop, deduct $3.00.
    - (c) No. 2 shop, deduct $2.00.
    - (d) No. 3 shop, deduct $2.00.
    - (e) 4/4 shop, common deduct $2.00.
2. Stained Shop:
    - (a) 4/4, deduct 5% from above prices.
    - (b) 5/4 and thicker, deduct 10% from above prices.

TABLE 3—COMMON BOARDS (SUGAR PINE)

S2S RL and RW	4/4	5/4	6/4	8/4	10/4	12/4	16/4
No. 2 and better common	$39.00	$42.00	$42.00	$43.00	$44.00	$45.00	$45.00
No. 3 common	30.00	33.00	33.00	33.00	36.00	36.00	36.00

NOTES ON COMMON BOARDS (SUGAR PINE)

1. No. 4 and No. 5, common boards: Prices, rules, and differentials as set forth in appendix A, Table 3, apply to the same grades and sizes.
2. No. 2 and better and No. 3 common boards: Differentials and rules as set forth in appendix A, Table 3, apply to the same grades and sizes, except for specified widths. No addition for specified widths.
3. No. 4 and better, short common, 6′ and 8′ S2S or S4S:

1 x 4″ and wider	$20.00
1 x 4″ only	19.00
1 x 6″ and 8″	21.00

4. Knotty pine paneling stock, add $5.00 to price of regular grade from which selected.
5. For 11/16″, use price of corresponding grade and width of 6/4″ plus $2.50, less 25% for surface measure price.
6. For 3/4″ S1S, S1S1E, S2S or S4S, deduct $1.50 from corresponding grade and width of 4/4″.
7. For 23/32″ S1S, S1S1E, S2S or S4S, deduct $2.50 from corresponding width and grade of 4/4″.

TABLE 4—MOULDING STOCK (SUGAR PINE)

4/4 RW and RL, $50.00.
5/4 and 6/4 RW and RL, $52.00.
8/4 RW and RL, $55.00.
For Rough, deduct $1.00.

TABLE 5—MOULDING LUMBER AND BETTER (SUGAR PINE)

(Product of log above No. 1 shop producing 50% rip 10′ and longer 2″ width):
4/4 RW and RL rough, $55.00.
5/4 and thicker RW and RL rough, $59.00.
S2S, add $1.00.

TABLE 6—MILL RUN BOX (SUGAR PINE)

(Product of log below No. 2 Shop as produced by mill):

1. Rough 5/4, 6/4 and thicker RL, $25.50.
2. S2S, add $1.00 to rough.
3. One inch stock, rough, deduct $2.00 from 5/4.

TABLE 7—DIMENSION (SUGAR PINE)

RL, S1S1E or S4S, 1⁹⁄₁₆″ HM scaled as 2″	2 x 4″	2 x 6″	2 x 8″	2 x 10″	2 x 12″
No. 1 dimension	$28.00	$27.00	$26.50	$27.00	$27.00
No. 2 dimension	25.00	24.00	24.00	24.00	24.00
No. 3 dimension	18.50	17.50	17.50	17.50	17.50

NOTES ON DIMENSION (SUGAR PINE)

1. *Specified lengths:*
    - (A) 14′ and under 14′, add $1.00 to RL.
    - (B) 16′, add $0.50 to RL.
    - (C) 18′ and 20′, add $2.00 to RL.
2. *Additions and deductions:*
    - (A) For 1⅝″ add, No. 1—$4.50, No. 2—$4.00, No. 3—$3.00.
    - (B) For 1¾″ add, No. 1—$6.75, No. 2—$6.00, No. 3—$4.75.
    - (C) For Rough, deduct $1.00.

TABLE 8—No. 1 PLANK & TIMBERS (SUGAR PINE) GREEN

S1S1E or S4S	8–12–14′	16′	10–18–20′	22–24′
3 x 4″, 3 x 6″, 4 x 4″, 4 x 6″	$33.50	$33.50	$35.50	$36.50
3 x 8″, 4 x 8″	34.50	34.00	36.50	37.50
3 x 10″, 3 x 12″, 4 x 10″, 4 x 12″	35.50	35.50	37.50	38.50
6 x 6″ to 8 x 8″	35.50	36.50	38.00	39.00
6 x 12″ to 8 x 12″	36.50	36.50	38.50	39.50
10 x 10″ to 12 x 12″	37.50	37.00	39.50	40.50

NOTES ON PLANK AND TIMBERS (SUGAR PINE) GREEN

1. No. 2 and better, deduct $1.00.
2. No. 2, deduct $3.00.
3. For select No. 1, add $3.00.
4. For rough, deduct $1.00.
5. For dry, add $10.00.

TABLE 9—PANEL STOCK (SUGAR PINE)

1. Where shipment contains any Ponderosa pine, prices established for Ponderosa pine, appendix A, Table 13 apply.
2. Where buyer specifies all Sugar Pine, add $5.00 to Ponderosa pine prices.
3. Specified widths and lengths: use differentials established for 5/4″ C select, appendix A, Table 1.

TABLE 10—INCH BATTENS (SUGAR PINE)

	Per M lin. ft.
1¾″ (OG) net	$8.50
2″ (OG) net	9.50
2¼″ (OG) net	10.50
⅜ x 2¾″ net flat, rough or S1S	6.00

NOTE ON INCH BATTENS (SUGAR PINE)

1. For 18′ and 20′ lengths, add $1.00 to above prices.

TABLE 11—LATH (SUGAR PINE)

	Per thousand pieces
No. 1, 4′	$4.50
No. 2, 4′	4.00
No. 1, 32″	2.25

TABLE 12—BARKY STRIPS (SUGAR PINE)

1 x 4″ RL 6′—20′ (may contain 25% 6′ & 8′)	$18.75
1 x 4″—6′ & 8′ only	15.75

TABLE 13—DRAINBOARDS (SUGAR PINE)

5/4 and 6/4, S2S 1 and 2 clear selected:
  20'' and wider, RW, RL 5/4 and 6/4, $125.00.
  20'' and wider, RW, RL 8/4, $130.00.
  22'' and wider, RW, RL 5/4 and 6/4, $135.00.
  22'' and wider, RW, RL 8/4, $140.00.
For rough, deduct $3.00.

DIFFERENTIALS FOR WIDTHS AND LENGTHS (SUGAR PINE)

1. *Narrow widths:*
   - (A) 2⅝'' and less, S4S, all grades, add $3.00.
2. *Random widths:*
   - (A) 4 to 7'' (D select and Btr. only), deduct $5.00.
   - (B) 10'' and wider (Shop and Btr.), add $5.00.
   - (C) 12'' or 13'' and wider (Shop and Btr.), add $15.00.
   - (D) 14'' and wider (Shop and Btr.), add $20.00.
   - (E) 16'' and wider (Shop and Btr.), add $25.00.
   - (F) 18'' and wider (Shop and Btr.), add $30.00.
   - (G) 20'' and wider (Shop and Btr.) (except Drainboard Stock), add $35.00.
   - (H) 22'' and wider (Shop and Btr.) (except Drainboard Stock), add $45.00.
3. *Additions for specified widths:*
   - (A) 4'', 6'', and 8'' (D Select and Btr. only), net.
   - (B) 5'', 7'', and 10'' (D Select and Btr. only), add $5.00.
   - (C) 12'' and 13'' (Shop and Btr.), add $15.00.
   - (D) 14'' and 15'' (Shop and Btr.), add $25.00.
   - (E) 16'' and 17'' (Shop and Btr.), add $30.00.
   - (F) 18'' and 19'' (Shop and Btr.), add $35.00.
   - (G) 20'' and 21'' (Shop and Btr.), add $45.00.
   - (H) 22'' and wider (Shop and Btr.), add $55.00.
4. *Additions for specified lengths:*
   - (A) 4/4, 8' to 16' Select and Shop grades, add $5.00.
   - (B) 5/4 and thicker, 8' to 16' Select and Shop grades, add $5.00.
   - (C) 4/4 and thicker, 18' to 20' Select and Shop grades, add $10.00.
   - (D) 4/4 and thicker, 8' to 16' Common grades, add $2.00.

OTHER DIFFERENTIALS AND RULES APPLICABLE TO ALL GRADES (SUGAR PINE)

Are the same as shown in appendix A, Ponderosa pine.

§ 1381.516 *Appendix D: Maximum prices for inland larch, Douglas fir and hemlock.* For inland larch, Douglas fir, and hemlock the maximum prices f. o. b. mill per one thousand feet board measure, surfaced, air-dried or kiln dried (except where otherwise specified in price tables) in mixed or straight load shipments, shall be as follows:

TABLE 1—SELECTS (LARCH-DOUGLAS FIR AND HEMLOCK)

RL, S2S or S4S	1 x 4''	1 x 5''	1 x 6''	1 x 8''	1 x 10''	1 x 12''	RW x RL
C and better	$40.50	$50.50	$45.50	$50.50	$55.50	$57.50	$48.50

C and better flooring, drop siding, and ceiling	⅝ x 4''	1 x 3''	1 x 4''	1 x 6''	1 x 8''
V. G.		$48.50	$49.50	$51.50	
F. G.	$33.25		38.50	45.50	$47.50

NOTES ON SELECTS (LARCH—DOUGLAS FIR AND HEMLOCK)

1. For short selects, 1 x 4'' and 1 x 6'' D and better, mixed lengths 4' to 9', deduct $5.00 from RL price of corresponding item in D Selects.
2. For specified lengths, add $2.00.
3. For D Selects 4/4, deduct $3.00 from C and better.
4. For B and better 4/4, add $5.00 to C and better.
5. Additions and deductions for thickness:
   - (A) 5/4 and 6/4—4'' to 10'', add $5.00.
   - (B) 5/4 and 6/4—12'', deduct $2.00.
   - (C) 8/4, 4'', 6'', 8'', add $3.00.
   - (D) 8/4, 10'', 12'', deduct $2.00.
6. Additions for widths:
   - (A) Odd widths, 7'', 9'', 11'', add $1.00 to 8'', 10'', and 12'' price and so scaled.
   - (B) Specified widths over 12'', for each inch over 12'', add $2.00 to 12'' price.
7. Rough, 4/4 and thicker, deduct $2.00.

TABLE 2—COMMON BOARDS (LARCH-DOUGLAS FIR AND HEMLOCK)

RL, S2S, S4S or rough	1 x 4'' and wider	1 x 4''	1 x 6''	1 x 8''	1 x 10''	1 x 12''
No. 1 and 2		$33.75	$33.75	$33.75	$33.75	$36.25
No. 3		29.75	29.75	29.75	29.75	29.75
No. 3 and better		30.75	30.75	30.75	30.75	30.75
No. 4		20.50	21.50	22.50	22.50	22.50
No. 4, 1 x 4'' and wider	$21.50					
No. 5, 1 x 4'' and wider	14.00					

NOTES ON COMMON BOARDS (LARCH-DOUGLAS FIR AND HEMLOCK)

Specified lengths:
- (1) No. 4 and No. 5, add $2.00 for specified lengths.
- (2) 4'' and 6'', No. 1 and 2, No. 3 and No. 3 and better 8', 10', 12', 14', same as RL price.
- (3) 4'' and 6'', No. 1 and 2, No. 3 and No. 3 and better 16', 18', 20', add $2.00 to RL price.
- (4) 8'', 10'', 12'', No. 1 and 2, No. 3 and No. 3 and better 10', 12', 18', 20', add $2.00 to RL prices.
- (5) 6', all widths, deduct $3.00 from RL price, No. 1 and 2, No. 3 and No. 3 and better only.

Miscellaneous:
- (1) No. 4 and No. 5 RW, RL may contain 20% 6' to 8' and 20% 4''.
- (2) Odd widths 7'', 9'', 11'', add $1.00 to 8'', 10'', 12'' price and so scaled.
- (3) Rough, 4/4 and thicker, deduct $1.00.
- (4) For 3/4'' S1S, S1S1E, S2S or S4S, deduct $1.50 from corresponding grade and width of 4/4''.
- (5) For 23/32'' S1S, S1S1E, S2S or S4S, deduct $2.50 from corresponding width and grade of 4/4''.
- (6) For 11/16'', use price of corresponding grade and width of 6/4'' plus $2.50, less 25% for surface measure price.

TABLE 3—NO. 1 DIMENSION (LARCH-DOUGLAS FIR AND HEMLOCK)

S1S1E, S4S to 1⅝'' or rough	8'-10'-12'-14'	16'	18' and 20'	22' and 24'	26' to 32'
2 x 4''	$30.75	$31.75	$32.25	$34.25	$36.75
2 x 6''	30.75	30.75	31.25	34.25	37.25
2 x 8''	30.75	30.75	31.25	34.25	37.25
2 x 10''	30.75	31.25	32.50	36.50	38.50
2 x 12''	32.00	32.75	32.75	35.75	37.25
2 x 14''	34.00	34.75	34.75	37.75	39.25

NOTES ON NO. 1 DIMENSION (LARCH-DOUGLAS FIR AND HEMLOCK)

1. RL, same price as 14 feet.
2. 1 9/16'' dimension, deduct $2.00.
3. No. 2 dimension, deduct $3.00.
4. No. 3 dimension, deduct $10.00.
5. For Selected No. 1 add $3.00.
6. Worked to pattern, D and M, Shiplap, and Well curbing, add $2.00.
7. 6 feet all widths, $2.00 less than price for 8 feet.

TABLE 4—NO. 1 PLANK AND TIMBERS (LARCH-DOUGLAS FIR AND HEMLOCK) GREEN

Surfaced standard or rough	10'	12'	14'	16'	18'	20'	22' and 24'	26' to 32'
3'' x 4'' & 4'' x 4'' to 6'' x 6'' (Inclusive)	$32.50	$30.50	$30.50	$30.50	$32.50	$32.50	$33.50	$34.50
3'' x 8''	33.50	31.50	31.50	31.50	33.50	33.50	34.50	35.50
4'' x 8''								
3'' x 10''	33.00	31.00	31.00	31.00	33.00	33.00	34.00	35.00
4'' x 10''								
3'' x 12''								
4'' x 12''								
6'' x 8''	30.75	30.75	30.75	30.75	30.75	30.75	31.75	32.75
8'' x 10''								
6'' x 12''	32.75	32.75	32.75	32.75	32.75	32.75	33.75	34.75
8'' x 12''								
10'' x 10''	31.75	31.75	31.75	31.75	31.75	31.75	32.75	33.75
12'' x 12''								

NOTES ON NO. 1 PLANK AND TIMBERS (LARCH-DOUGLAS FIR AND HEMLOCK) GREEN

1. Selected No. 1, add $3.00.
2. 8' length, same as 16' price.
3. No. 2 plank and timbers, deduct $5.00 from No. 1 prices.
4. Worked to pattern, add $2.00.
5. For dry, add $10.00.

TABLE 5—LATH (LARCH-DOUGLAS FIR AND HEMLOCK)

	Per thousand pieces
No. 1, 4′	$3.25
No. 2, 4′	2.85

Differentials and Rules Applicable to All Grades (Larch-Douglas Fir & Hemlock)

Are same as shown in appendix A, Ponderosa pine, except as otherwise shown in table No. 3 and table No. 4.

§ 1381.517 *Appendix E: Maximum prices for white fir lumber.* For white fir lumber the maximum prices f. o. b. mill per one thousand feet board measure, surfaced, air dried or kiln dried (except where otherwise specified in price tables) in mixed or straight load shipments, shall be as follows:

TABLE 1—SELECTS (WHITE FIR)

S4S or S2S RL	C and better	D and better	D
1 x 4″	$42.50	$41.25	$40.25
1 x 5″	45.50	44.50	43.50
1 x 6″	45.00	43.75	42.75
1 x 8″	45.50	44.50	43.50
1 x 10″	48.25	47.00	46.00
1 x 12″	58.00	56.75	55.75
RW-RL	45.00	43.75	42.75

Notes on Selects (White Fir)

1. 5/4 & thicker, add $3.00.
2. Specified lengths, add $2.00.
3. Specified widths over 12″, for each inch over 12″, add $2.00 to 12″ price.
4. Odd widths 7″, 9″, and 11″, add $1.00 to 8″, 10″, 12″ price and so scaled.
5. Rough, all thicknesses, deduct $2.00.

TABLE 2—COMMON BOARDS (WHITE FIR)

S4S or S2S RL	No. 1 and 2	No. 3 and better	No. 3	No. 4	No. 5
1 x 4″	$36.00	$31.00	$28.50	$21.00	
1 x 5″	34.00	30.00	28.50	23.00	
1 x 6″	35.00	31.00	28.50	22.00	
1 x 8″	34.00	30.00	28.50	23.00	
1 x 10″	34.00	30.00	28.50	23.00	
1 x 12″	36.00	30.00	28.50	23.00	
1 x 4″ and wider				22.00	$14.00

Notes on Common Boards (White Fir)

1. *Furring strips, S1S1E:*
   (a) 1 x 2″ bundled, $29.50.
2. *Differentials and rules:*
   (A) Additions for thickness:
      (1) No. 1 and 2, No. 3, and No. 3 and better:
         For 5/4 and thicker, add $3.00.
      (2) No. 4 and No. 5:
         For 5/4 and thicker, add $2.00.
   (B) Specified lengths:
      (1) All common, add $2.00.
      (2) When shipped all 6 feet, deduct $3.00 from RL prices.
   (C) Miscellaneous:
      (1) No. 4 and No. 5, RW and RL, may contain 20% 4 feet to 8 feet and 20% 4″.
      (2) For 11/16″ use price of corresponding grade and width of 6/4, plus $2.50 less 25% for surface measure.
      (3) Rough, all thicknesses, deduct $1.00.
      (4) For ¾″ S1S, S1S1E, S2S or S4S, deduct $1.50 from corresponding grade and width of 4/4″.
      (5) For 23/32″ S1S, S1S1E, S2S or S4S, deduct $2.50 from corresponding width and grade of 4/4″.

TABLE 3—NO. 1 DIMENSION (WHITE FIR)

S1S1E, S4S to 1-⅝″ or Rough	6′	8′	10-12-14′	16′	18′ and 20′	22′ and 24′	26′ to 32′
2 x 4″	$24.25	$30.00	$29.00	$30.00	$30.50	$32.50	$35.00
2 x 6″	24.25	26.75	29.00	29.00	29.50	31.50	35.50
2 x 8″	24.25	26.75	29.00	29.00	29.50	32.50	35.50
2 x 10″	24.25	26.75	29.00	29.50	30.75	34.75	38.75
2 x 12″	24.25	27.25	30.25	31.00	31.00	34.00	35.50
2 x 14″	26.25	29.25	32.25	33.00	33.00	36.00	37.50

Notes on No. 1 Dimension (White Fir)

1. RL same as 14′ price.
2. 1⁹⁄₁₆″ dimension, deduct $2.00.
3. Selected No. 1, add $3.00.
4. No. 2 dimension, deduct $3.00.
5. No. 3 dimension, deduct $10.00.
6. Worked to pattern, D & M, Shiplap and well curbing, add $2.00.

TABLE 4—LATH (WHITE FIR)

	Per thousand pieces
No. 1, 4′	$3.00
No. 2, 4′	2.50

TABLE 5—NO. 1 PLANK & TIMBERS (WHITE FIR) GREEN

Surfaced standard, or rough	10′	12′	14′	16′	18′	20′	22 & 24′	26 to 32′
3 x 4″ and 4 x 4″ to 6 x 6″ inclusive	$31.50	$29.50	$29.50	$29.50	$31.50	$31.50	$32.50	$33.50
3 x 8″	31.50	29.50	29.50	29.50	31.50	31.50	32.50	33.50
4 x 8″								
3 x 10″	32.00	30.00	30.00	30.00	32.00	32.00	33.00	34.00
4 x 10″								
3 x 12″								
4 x 12″								
6 x 8″	29.75	29.75	29.75	29.75	29.75	29.75	30.75	31.75
8 x 10″								
6 x 12″	31.75	31.75	31.75	31.75	31.75	31.75	32.75	33.75
8 x 12″								
10 x 10″	30.75	30.75	30.75	30.75	30.75	30.75	31.75	32.75
12 x 12″								

Notes on No. 1 Plank and Timbers (White Fir) Green

1. 8 ft. length same as 16′ price.
2. For selected No. 1, add $3.00.
3. No. 2 Timber and Plank, deduct $5.00 from No. 1 prices.
4. Worked to pattern, add $2.00.
5. For dry, add $10.00.

Differentials and Rules Applicable to All Grades (White Fir)

Same as shown in appendix A, Ponderosa Pine, except as otherwise shown on tables, No. 3, and No. 5.

§ 1381.518 *Appendix F: Maximum prices for Engelmann spruce lumber.* For Engelmann spruce lumber the maximum prices f. o. b. mill per one thousand feet board measure, surfaced, air dried or kiln dried (except where otherwise specified in price tables) in mixed or straight load shipments, shall be as follows:

TABLE 1—SELECTS (ENGELMANN SPRUCE)

S2S or S4S RL	C and C and better	D and better	D
1 x 4″	$54.00	$41.00	$40.00
1 x 6″	56.00	43.00	42.00
1x 8″	56.50	43.50	42.50
1 x 10″	61.50	49.50	48.50
1 x 12″	73.50	63.00	62.00
RW—RL	56.00	43.00	42.00

Notes on Selects (Engelmann Spruce)

Additions and deductions:
   (A) Specified Lengths:
      (1) 4/4, 6′, 8′, 10′, 12′, 14′, add $2.00.
      (2) 4/4, 16′, add $5.00.
      (3) 4/4, 18′ and 20′, add $10.00.
      (4) 5/4 and thicker 16′ and shorter, add $5.00.
      (5) 5/4 and thicker, 18′ and 20′, add $10.00.

Additions and deductions—Continued.
   (B) Additions for thickness:
      (1) C and C and Better:
         For 5/4 and 6/4, 4″ to 10″, add $7.00.
         For 5/4 and 6/4, 12″, add $3.00.
         For 8/4, 4″ to 10″, add $12.00.
         For 8/4, 12″, add $8.00.
      (2) D and better:
         For 5/4 and 6/4, 4″ to 10″, add $5.00.
         For 5/4 and 6/4, 12″, add $3.00.
         For 8/4, 4″ to 10″, add $12.00.
         For 8/4, 12″, add $8.00.
   (C) Widths:
      (1) Odd widths 7″, 9″, 11″, add $1.00 to 8″, 10″, 12″ price, and so scaled.
      (2) Widths over 12″, for each inch over 12″, add $2.00 to 12″ price.
   (D) Miscellaneous:
      (1) Short selects, 4/4 only, 6′ to 9′, deduct $7.00 from corresponding item D. Select.
      (2) For B and better selects, add $3.00 to corresponding item, C and Better.
      (3) For stained selects, 4/4 only D and better, deduct $5.00 from the corresponding item, D select.
      (4) Rough, all thicknesses, deduct $2.00.

TABLE 2—COMMON BOARDS (ENGELMANN SPRUCE)

S2S or S4S RL	No. 1 and 2	No. 3	No. 4	No. 5
1 x 4″ and wider, 6′ and 8′			$19.00	
1 x 4″ and wider			22.00	$14.00
1 x 4″	$39.00	$32.00	21.00	
1 x 4″, 6′ and 8′			18.00	
1 x 6″	39.00	32.00	22.00	
1 x 6″ & 8″, 6′ & 8′			21.00	
1 x 8″	38.00	31.00	23.00	
1 x 10″	38.00	31.00	23.00	
1 x 12″	39.00	31.00	23.00	

NOTES ON COMMON BOARDS (ENGELMANN SPRUCE)

Differentials and rules:

(A) *Additions for thickness:*
- (1) For 5/4 and thicker, No. 1, No. 2, No. 3, add $3.00.
- (2) For 5/4and thicker, No. 4 and No. 5, add $2.00.

(B) *Specified lengths:*
- (1) For specified lengths, add $2.00 to RL prices.
- (2) When shipped all 6 feet, deduct $3.00 from RL prices.

(C) *Miscellaneous:*
- (1) Nc. 4 and No. 5, RW and RL. may contain 20% 6′ and 8′ and 20% 4″.
- (2) For 11/16″ use price of corresponding grade and width of 6/4″ plus $2.50, less 25% for S. M. price.
- (3) Rough, 4/4 and thicker, deduct $1.00.
- (4) For 3/4″ S1S S1S1E, S2S or S4S, deduct $1.50 from corresponding grade and width of 4/4″.
- (5) For 23/32″ S1S, S1S1E, S2S or S4S, deduct $2.50 from corresponding width and grade of 4/4″.

TABLE 3—No. 1 DIMENSION (ENGELMANN SPRUCE)

S1S1E, S4S to 1⅝″ or rough	6′	8′	10-12-14′	16′	18′ and 20′	22′ and 24′	26′ to 32′
2 x 4″	$26.00	$31.75	$30.75	$31.75	$32.25	$34.25	$36.75
2 x 6″	26.00	28.50	30.75	30.75	31.25	34.25	37.25
2 x 8″	26.00	28.50	30.75	30.75	31.25	34.25	37.25
2 x 10″	26.00	28.50	30.75	31.25	32.50	36.50	38.50
2 x 12″	26.00	29.00	32.00	32.75	32.75	35.75	37.25

NOTES ON No. 1 DIMENSION (ENGELMAN SPRUCE)

1. RL same as 14′ price.
2. 1$\frac{9}{16}$″ dimension, deduct $2.00.
3. For selected, No. 1, add $3.00.
4. No. 2 dimension, deduct $3.00.
5. No. 3 dimension, deduct $10.00.
6. Worked to pattern, D and M, shiplap, and well curbing, add $2.00.

TABLE 4—No. 1 PLANK AND TIMBERS (ENGELMANN SPRUCE) GREEN

Surfaced standard, or rough	10′	12′	14′	16′	18′	20′	22 and 24′	26 to 32′
3 x 4″ and 4 x 4″ to 6 x 6″ inclusive	$32 50	$30.50	$30.50	$30.50	$32.50	$32.50	$33.50	$34.50
3 x 8″	32.50	30.50	30.50	30.50	32.50	32.50	33.50	34.50
4 x 8″								
3 x 10″	33.00	31.00	31.00	31.00	33.00	33.00	34.00	35.00
4 x 10″								
3 x 12″								
4 x 12″								
6 x 8″	30.75	30.75	30.75	30.75	30.75	30.75	31.75	32.75
8 x 10″								
6 x 12″	32.75	32.75	32.75	32.75	32.75	32.75	33.75	34.75
8 x 12″								
10 x 10″	31.75	31.75	31.75	31.75	31.75	31.75	32.75	33.75
12 x 12″								

NOTES ON No. 1 PLANK AND TIMBERS (ENGELMANN SPRUCE) GREEN

1. 8 ft. length same as 16′ price.
2. For selected No. 1 add $3.00.
3. No. 2 timber and plank, deduct $5.00 from No. 1 prices.
4. Worked to pattern, add $2.00.
5. For dry, add $10.00.

TABLE 5—INCH BATTENS (ENGELMANN SPRUCE)

	Per M linear feet
1¾″ (OG) net	$8.50
2″ (OG) net	9.50
2¼″ (OG) net	10.50
⅜ x 2¼″ net flat, rough or S1S	6.00

NOTE ON INCH BATTENS (ENGELMANN SPRUCE)

For 18′ and 20′ lengths, add $1.00 to above prices.

TABLE 6—BEVEL SIDING (ENGELMANN SPRUCE)

7/16″ x 3/16″ SM 3′ and longer	B and better	C	D	E
½ x 4″	$29.50	$28.00	$20.50	$15.00
½ x 5″	32.00	30.50	23.50	
½ x 6″	31.50	30.00	23.00	15.00

NOTES ON BEVEL SIDING (ENGELMANN SPRUCE)

1. Shorts when sold separately 8′ and shorter in B and better, C, & D deduct $8.00.
2. For 9′ and longer, add $3.00.
3. B and better, C and D may contain 20% 3′ to 8½′ in multiples of 6″.
4. E Siding may contain up to 35% of 8½′ and shorter.

TABLE 7—LATH (ENGELMANN SPRUCE)

	Per thousand pieces
No. 1—4′	$4.35
No. 2—4′	3.85

DIFFERENTIALS AND RULES APPLICABLE TO ALL GRADES (ENGELMANN SPRUCE)

Same as shown in appendix A, Ponderosa pine, except as otherwise shown in tables No. 3 and 4.

§ 1381.519 *Appendix G: Maximum prices for inland red cedar lumber.* For inland red cedar lumber, the maximum prices f. o. b. mill per one thousand board feet measure, surfaced, air dried or kiln dried (except where otherwise specified in price tables) in mixed or straight load shipments, shall be as follows:

TABLE 1—SELECTS (INLAND RED CEDAR)

S2S or S4S RL	D and better	D
1 x 4″	$41.25	$39.75
1 x 5″	52.25	50.75
1 x 6″	45.25	43.75
1 x 8″	45.25	43.75
1 x 10″	52.25	50.75
1 x 12″	65.00	63.50

NOTES OF SELECTS (INLAND RED CEDAR)

1. For C and better, add $7.00 to D and better prices.
2. Additions for thickness:
   - (A) 5/4 and 6/4—4″ to 10″ add $5.00.
   - (B) 5/4 and 6/4—12″ no addition.
   - (C) 8/4—4″ to 10″ add $7.00.
   - (D) 8/4—12″ add $2.00.
3. Specified lengths:
   - (A) Specified lengths 6-8-10-12-14′ add $2.00.
   - (B) Specified lengths 16′, add $5.00.
   - (C) Specified lengths 18′ and 20′, add $10.00.
   - (D) Specified length 5/4 and thicker 16′ and shorter, add $5.00.
   - (E) Specified lengths 5/4 and thicker 18 and 20′, add $10.00.
4. Widths:
   - (A) Specified widths over 12″ for each inch over 12″, add $2.00 to 12″ price.
   - (B) Odd widths 7″, 9″, 11″, add $1.00 to 8″, 10″, 12″, price and so scaled.
5. Miscellaneous:
   - Rough, all thicknesses, deduct $2.00.

TABLE 2—COMMON (INLAND RED CEDAR)

S2S or S4S RL	No. 3 and better	No. 4	No. 5
1 x 4″	$33.00	$20.00	
1 x 4″ & wider	34.75	21.50	$15.00
1 x 5″	35.50	22.00	
1 x 6″	34.75	21.00	
1 x 8″	35.50	22.00	
1 x 10″	35.50	22.00	
1 x 12″	37.00	22.00	

NOTES ON COMMON (INLAND RED CEDAR)

Additions for thickness:
- (1) For 5/4 and thicker, No. 3 and No. 3 and Btr., add $3.00.
- (2) For 5/4 and thicker, No. 4 and 5, add $2.00.

Lengths:
- (1) Specified lengths, add $2.00.
- (2) When shipped all 6′ deduct $3.00 from RL price.

Miscellaneous:
- (1) No. 4 and No. 5 common RW-RL may contain 20%, 4′ to 8′ and 20% 4″.
- (2) All RL common, specified widths, may contian 20% 6′ and 8′.
- (3) Rough, 4/4 and thicker, deduct $1.00.
- (4) For 3/4″ S1S, S1S1E, S2S or S4S, deduct $1.50 from corresponding grade and width of 4/4″.
- (5) For 23/32″ S1S, S1S1E, S2S or S4S, deduct $2.50 from corresponding width and grade of 4/4″.

TABLE 3—DIMENSION (INLAND RED CEDAR)

RL, S1S1E or S4S, 1⅝″, scaled as 2″	2 x 4″	2 x 6″	2 x 8″	2 x 10″	2 x 12″
No. 1 dimension	$32.75	$31.50	$31.00	$31.50	$31.50
No. 2 dimension	29.25	28.00	28.00	28.00	28.00
No. 3 dimension	21.50	20.50	20.50	20.50	20.50

NOTES ON DIMENSION (INLAND RED CEDAR)

1. For timbers S1S1E, Rough or S4S standard, add $2.00 to above prices for same width and length.
2. Specified lengths:
   - (A) 14′ and under 14′, add $1.00 to RL.
   - (B) 16′, add $.50 to RL.
   - (C) 18′ and 20′, add $2.00 to RL.
3. Additions and deductions:
   - (A) For 1$\frac{9}{16}$″, deduct No. 1, $4.50, No. 2, $4.00, No. 3, $3.00.
   - (B) For 1¾″ add No. 1, $2.25, No. 2, $2.00, No. 3, $1.75.
4. For rough, deduct $1.00.
5. Prices stated for timbers thicker than 4″ are all conditions of moisture content, and the deduction for lumber not seasoned, is not applicable.

TABLE 4—BEVEL SIDING (INLAND RED CEDAR)

7/16″ x 3/16″ SM, 3 ft. and longer	B and better	C	D	E
½ x 4″	$29.50	$28.00	$20.50	$16.00
½ x 6″	31.50	30.00	23.00	16.50

NOTES ON BEVEL SIDING (INLAND RED CEDAR)

1. Shorts when sold separately 8′ and shorter in B and better, C, and D, deduct $8.00.

2. For 9′ and longer, add $3.00.

3. B and better, C, and D, may contain 20% 3′ to 8½′ in multiples of 6″.

4. E Siding may contain up to 35% of 8½′ and shorter.

TABLE 5—LATH (INLAND RED CEDAR)

	Per thousand pieces
No. 1, 4′	$4.10
No. 2, 4′	3.75

DIFFERENTIALS AND RULES APPLICABLE TO ALL GRADES (INLAND RED CEDAR)

The same as shown in appendix A, Ponderosa pine.

§ 1381.520 *Appendix H: Maximum prices for incense cedar lumber.* For incense cedar lumber, the maximum prices f. o. b. mill per one thousand board feet measure, surfaced, air dried or kiln dried (except where otherwise specified in price table) in mixed or straight load shipments, shall be as follows:

TABLE 1—PENCIL BLANK STOCK (INCENSE CEDAR)

	Rough RL, air dry
No. 1 Grade 2⅜ or 2⅝	$33.00
No. 2 Grade 2⅜ or 2⅝	22.00
No. 3 Grade 2⅜ or 2⅝	15.00

NOTES ON PENCIL BLANK STOCK (INCENSE CEDAR)

1. Specified lengths 14 ft. or shorter, add $1.00, 16′, add 50¢.
2. Specified lengths 18′ and 20 ft., add $2.00.
3. For KD 2⅝, add $5.00.
4. Scale based on dry thickness.

TABLE 2—SELECT (INCENSE CEDAR)

C and Btr. 1 x 4″ and wider RL	$67.00
D and Btr. 1 x 4″ and wider RL	54.00

NOTES ON SELECT (INCENSE CEDAR)

1. Specified widths, C and Btr., use differentials for C selects as shown in appendix A, table No. 1.

2. Specified widths, D and Btr., use differentials for D selects, as shown in appendix A, table No. 1.

3. Specified lengths, use differentials as shown in appendix A, table No. 1.

TABLE 3—COMMON (INCENSE CEDAR)

1. No. 3 and Btr., same prices as shown for No. 3 Ponderosa Pine, appendix A, table No. 3.

2. No. 4—No. 5, same prices as respective grades, for Ponderosa Pine, table No. 3.

3. Differentials for lengths, width and thickness same as shown for Ponderosa Pine, table No. 3.

Differentials and rules applicable to all grades (incense cedar). Same as shown in appendix A, Ponderosa Pine.

§ 1381.521 *Appendix I: Permitted estimated weights.* The following estimated weights for dry lumber may be used in computing freight charges even though higher than actual weights.

When shipped with a moisture content greater than 19%, the estimated green weights may be used in quoting a delivered price, even though higher than actual weights.

SCHEDULE OF ESTIMATED WEIGHTS (PONDEROSA PINE, IDAHO WHITE PINE, WHITE FIR, AND ENGELMANN SPRUCE)

	Per M ft. B. M.	
	Lbs. dry	Lbs. green
Selects, commons, and shop:		
Standard surfacing 4/4″ S2S, S4S, or pattern	1,900	2,450
Standard surfacing, or pattern 5/4″ and thicker	2,200	2,900
Surfaced, or pattern 11/16″	1,650	2,150
Rough, 4/4	2,400	3,100
Rough, 5/4 and thicker	2,600	3,300
Dimension:		
Standard surfacing 1⅝″ S1S1E or S4S	2,000	2,700
Sub-standard surfacing 1$\frac{9}{16}$″ S1S1E or S4S	1,800	2,500
Surfaced thicker than Standard 1¾″ S1S1E or S4S	2,200	2,900
Rough	2,600	3,300
Plank and timbers:		
Surfaced S1S1E or S4S	2,200	2,900
Rough	2,600	3,300
Lath:		
4 ft. (per m pieces)	450	750
32″ (per m pieces)	300	500
Snow fence	700	1,100
Cut stock:		
Machined to pattern	1,600	
S2S	2,000	
Rough	2,500	
Other grades and patterns:		
Log cabin siding	1,600	
⅝″ or ½″ panel stock	1,400	
Bevel siding	750	
Additions and deductions:		
Surfaced or pattern:		
For each 1/32″ less than standard, deduct	75	100
Pitchy selects, add 300 lbs. to corresponding item.		
SUGAR PINE		
4/4 & thicker, S4S or S2S	2,000	2,550
4/4 & thicker, rough	2,300	3,000
All other sugar pine items, same weights as Ponderosa pine.		
RED CEDAR		
4/4 all grades, surfaced or pattern	1,600	2,200
4/4 all grades, rough	2,100	2,800
5/4 and thicker, surfaced or pattern	2,000	2,700
5/4 and thicker, rough	2,300	3,000
Timbers and plank, surfaced	2,000	2,700
Bevel siding	700	
Lath	450	750
INCENSE CEDAR		
Pencil stock	2,300	
All other incense cedar items, same weight as Ponderosa pine.		

ALL WOODS

Rough resawn, deduct 200 lbs. from rough weight.

S2S and R/S or R/S and S2S—deduct 200 lbs. from S2S weight.

4/4 stock dressed thicker than standard, add 75 lbs. for each 1/32″.

5/4 and thicker, dressed thicker than standard, add 75 lbs. for each 1/32″.

1″ Battens plain or OG per M Lineal feet 300 lbs.

⅜″ Battens per lineal M feet 200 lbs.

LARCH—DOUGLAS FIR

	Per M ft. B. M.	
	Lbs. dry	Lbs. green
DIMENSION		
Standard surfacing:		
2″ x 3″	2,100	2,400
2″ x 4″	2,200	2,500
2″ x 6″ and 2″ x 8″	2,250	2,550
2″ x 10″ and 2″ x 12″	2,300	2,600
Sub-standard surfacing:		
S1S1E or S4S	2,100	2,400
Rough	2,900	3,300
PLANK AND SMALL TIMBERS		
Standard surfacing:		
3″ x 3″ and 3″ x 4″	2,400	2,600
3″ x 6″, 3″ x 8″, 3″ x 10″	2,600	2,800
4″ x 6″ and 4″ x 8″	2,600	2,800
4″ x 4″	2,500	2,700
4″ x 10″ to and Inc. 5″ x 12″	2,700	2,900
Rough	3,100	3,300
TIMBERS		
Surfaced S1S1E or S4S:		
6″ x 6″ to 6″ x 16″ Inc	------	2,900
8″ x 8″ to 8″ x 16″ Inc	------	3,000
10″ x 10″ to 10″ x 16″ Inc	------	3,000
12″ x 12″ to 12″ x 24″ Inc	------	3,100
Rough	------	3,300
FLOORING		
1″ x 3″ and 4″ (25/32″)	1,800	------
1″ x 6″ and 8″ (25/32″)	1,900	------
5/4″ x 3″ and 4″ (1 1/16″)	2,000	------
5/8″ x 4″ (9/16″)	1,400	------
CEILING		
1/2″ x 4″ (7/16″)	1,000	------
5/8″ x 4″ (9/16″)	1,200	------
5/8″ x 6″ (9/16″)	1,300	------
1″ x 4″ (11/16″)	1,500	------
1″ x 6″ (23/32″)	1,700	------
STEPPING		
5/4″ x 10″ and 12″ (1 1/16″)	2,200	------
6/4″ x 10″ and 12″ (1 5/16″)	2,300	------
BEVEL AND BUNGALOW SIDING		
1/2″ x 4″ and 6″ (1/2″ x 3/16″)	900	------
3/4″ x 8″ and 10″ (11/16″ x 1/4″)	1,200	------
DROP SIDING & RUSTIC 25/32		
1″ x 4″ all patterns	1,500	------
1″ x 6″ all patterns	1,700	------
Log cabin siding	1,700	2,000
5/8″ stock machined to pattern	1,300	------
4 ft. lath	500	800
32″ lath	350	525
Snow fence	800	1,100
11/16″ surfaced or pattern	1,650	------
CLEARS		
Standard surfacing; S4S:		
1″	2,000	2,600
1¼″	2,200	2,800
1½″	2,300	2,900
2″	2,100	2,700
Surfaced, S1S or S2S: Add to standard S4S weight	200	200
Rough:		
1″	2,800	3,500
Over 1″ and under 3″	2,900	3,500
BOARDS AND SHIPLAP		
Standard surfacing S4S:		
1″ x 5″ and under	2,100	2,400
1″ x 6″ and wider	2,200	2,500
For 5/4″ and 6/4″ add to weight of 1″ same width	200	200
Surfaced S1S or S2S	2,300	2,600
Rough or S1E:		
4/4″, 5/4″ and 6/4″ x 2″ and wider	2,900	3,300
Additions and deductions:		
S/L, D&M or C. M. deduct from standard weight	100	100
Surfaced to 3/4″ deduct from standard weight	100	100
Surfaced to 13/16″ add to standard weight	100	100

ALL WOODS

Rough resawn, deduct 200 lbs. from rough weight.

S2S and R/S or R/S and S2S—deduct 200 lbs. from S2S weight.

4/4 stock dressed thicker than standard, add 75 lbs. for each 1/32″.

5/4 and thicker, dressed thicker than standard, add 75 lbs. for each 1/32″.

1″ Battens plain or OG per M lineal feet 300 lbs.

3/8″ Battens per lineal M feet 200 lbs.

HEMLOCK

Rough or surfaced, dry: Clears, Boards and shiplap, Drop siding, etc., Flooring, Ceiling, Stepping, and Plank and small timbers S4S: Use same weights as shown for Larch-Douglas Fir.

Surfaced, green: Clears, Boards and shiplap, Dimension, S4S, Plank and small timbers S4S, and Timbers, S1S1E or S4S, standard: Add 400 lbs. to Larch-Douglas Fir weights.

Rough, green:	*Pounds*
Boards and shiplap	3,800
Dimension, plank and timbers	3,800
Clears	4,000
All other grades	3,800

Sq. edge flooring, add 200 lbs. to corresponding item of Larch-Douglas fir weights.

Ceiling, worked to 25/32″ net, deduct 100 lbs. from Larch-Douglas fir flooring weight.

8″ width, drop siding, etc., add 100 lbs. to 6″ pattern, in Larch-Douglas fir pattern weights.

Bevel and bungalow siding, deduct 100 lbs. from Larch-Douglas fir weights.

SHIPPING WEIGHT FORMULA FOR SIZES NOT LISTED

Rough or surfaced, dry, all grades, same weight basis as Larch-Douglas fir, and deducting the equivalent to the percentage of difference between the rough and surfaced size, breaking on the next greater fifty pounds.

ALL WOODS

Rough resawn, deduct 200 lbs. from rough weight.

S2S and R/S or R/S and S2S—deduct 200 lbs. from S2S weight.

4/4 stock dressed thicker than standard, add 75 lbs. for each 1/32″.

5/4 and thicker, dressed thicker than standard, add. 75 lbs. for each 1/32″.

1″ Battens plain or O. G. per M lineal feet 300 lbs.

3/8″ Battens per lineal M feet 200 lbs.

Issued this 23d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13867; Filed, December 23, 1942; 4:57 p. m.]

PART 1389—APPAREL

[MPR 172,[1] Amendment 3]

CHARGES OF CONTRACTORS IN APPAREL INDUSTRY

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1389.55 subparagraph (d) is added, as set forth below.

§ 1389.55 *Records and reports.* * * *

(d) A contractor furnishing services in connection with the production of an article of apparel which the principal is required to price under Maximum Price Regulation 287,[2] shall, within 5 days after request by the principal, furnish all information needed by the principal to prepare the records required by Maximum Price Regulation 287.

§ 1389.61 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1389.55 (d)) shall become effective December 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13866; Filed, December 23, 1942; 4:56 p. m.]

PART 1429—POULTRY AND EGGS

[Rev. MPR 269, Amendment 1]

POULTRY

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New § 1429.23, new § 1429.24, and new § 1429.25 are added; all to read as set forth below:

§ 1429.23 *Permitted increase in maximum base prices in "Metropolitan Area" of New York and in certain counties of New Jersey.* During the period this Amendment No. 1 is in effect there is hereby permitted an increase of two cents per pound in the maximum base prices set forth in "Table A" of § 1429.19 (d) of Revised Maximum Price Regulation No. 269 for all live and Kosher-Killed poultry items specified in such "Table A" except guineas, squabs, and pigeons. This permitted increase in such maximum base prices is limited to the poultry items designated herein delivered to the buyer's customary receiving point in the "New York Metropolitan Area" which consists of the City of New York, New York and the Counties of Nassau, Suffolk, and Westchester in the State of New York and to such designated poultry items delivered to such customary receiving point in the Counties of Essex, Hudson, and Union in the State of New Jersey.

§ 1429.24 *Period this amendment shall continue in effect.* This amendment shall continue in effect until petitions submitted by dealers in poultry in the areas specified in the preceding § 1429.23 have been determined but in no event later than twelve o'clock midnight on January 15, 1943.

§ 1429.25 *Effective dates of amendments.* (a) Amendment No. 1 (§ 1429.23 and § 1429.24) to Revised Maximum Price Regulation No. 269 shall become effective as of December 21, 1942.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 4882, 6684, 8351, 8948.

[2] 7 F.R. 10460.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.)

Issued this 23d day of December 1942.

LEON HENDERSON,
Administrator.

Approved:

PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 42-13865; Filed, December 23, 1942; 4:56 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14[1] of GMPR[2], Amendment 81]

SOYBEAN, COTTONSEED AND PEANUT OIL MEALS AND OIL CAKES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.* A new subparagraph (50) is hereby added to paragraph (a) of § 1499.73 of the General Maximum Price Regulation as set forth below.

§ 1499.73 *Modification of maximum prices established by § 1499.2 of the General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided.

* * * * *

(50) *Soybean, cottonseed and peanut oil meals and oil cakes*—(i) *Maximum prices for sales of soybean, cottonseed and peanut oil meals and oil cakes.* The maximum prices for sales of soybean, cotton seed and peanut oil meals and oil cakes, shall be as follows:

(*a*) *Sales by a processor*—(*1*) *Sales in carload lots.* The maximum price that a processor may charge (and that a jobber, wholesaler and retailer may pay) for sales of soybean, cottonseed and peanut oil meals or oil cakes f. o. b. his plant in carload lots shall be the highest price which he is permitted to charge on such sales under and pursuant to contract heretofore executed between said processor and the Commodity Credit Corporation.

(*2*) *Sales in less-than-carload lots.* The maximum price that a processor may charge for sales of soybean, cottonseed and peanut oil meals or oil cakes f. o. b. his plant in less-than-carload lots shall be: (a) In the case of sales to jobbers, wholesalers and retailers $1.00 per ton (maximum differential or profit margin) over his above specified maximum price for sales in carload lots; and (b) in the case of sales to persons other than jobbers, wholesalers and retailers, $3.00 per ton (maximum differential or profit margin) over his above specified maximum price for sales in carload lots.

(*b*) *Sales by a jobber.* The maximum price that a jobber may charge for sales of soybean, cottonseed and peanut oil meals or oil cakes shall be 50¢ per ton (maximum profit margin) over the maximum price which he could lawfully have paid, together with all applicable transportation charges (excluding local hauling charges) at the lowest established rate never exceeding actual transportation charges.

(*c*) *Sales by a wholesaler.* The maximum price that a wholesaler may charge for sales of soybean, cottonseed and peanut oil meals or oil cakes shall be $2.50 per ton (maximum profit margin) over the maximum price which he could lawfully have paid, together with all applicable transportation charges (exclusive of local hauling charges) at the lowest established rate never exceeding actual transportation charges.

(*d*) *Sales by a retailer.* The maximum price that a retailer may charge for sales of soybean, cottonseed and peanut oil meals and oil cakes shall be $5.50 per ton (maximum profit margin) over the maximum price which he could lawfully have paid, together with all applicable transportation charges (excluding local hauling charges) at the lowest established rate never exceeding actual transportation charges.

(*e*) The maximum profit margins above specified may be charged only once, that is to say, on sales between processors, or on sales between jobbers, or on sales between wholesalers or on sales between retailers the applicable differential profit margin or markup may be added only once.

(ii) *Maximum prices for sales in sacks.* Where the jobber, wholesaler, or retailer buys soybean, cottonseed or peanut oil meal or oil cake unsacked and resells the same sacked, he may add to his maximum price as specified in subdivision (i) above, the replacement cost of sacks: *Provided,* That the total charge does not exceed $3.50 per ton.

(iii) *Maximum prices for sales of imported soybean, cottonseed or peanut oil meal or oil cake.* Where the jobber, wholesaler, or retailer buys or imports soybean, cottonseed or peanut oil meal or oil cake, he may add the actual duties paid plus an additional 50¢ per ton to his maximum price as specified in subdivision (i) and (ii) above.

(iv) *Profit margin includes all charges.* The maximum prices, differentials and profit margins above specified include, and no increase or charges shall in any manner be made for, brokerage, commissions, storage, insurance, extension of credit, carrying charges, handling charges, or any other charges of any nature whatsoever.

(v) *Definitions.* For the purposes of this subparagraph (50) the following terms shall have the following meanings:

(*a*) "Processor" means any person who by expeller, extraction or hydraulic process removes oil from soybeans, cottonseeds, or peanuts, and in that process produces soybean, cottonseed or peanut oil meal or oil cake.

(*b*) "Jobber" means a person who buys soybean, cottonseed or peanut oil meal or oil cake, whether in carlots, or less than carlots, and resells the same without unloading into a warehouse.

(*c*) "Wholesaler" means a person who buys soybean, cottonseed or peanut oil meal or oil cake and unloads his purchase into a warehouse and resells the same, except at retail.

(*d*) "Retailer" means a person who buys soybean, cottonseed or peanut oil meal or oil cake and resells the same to a feeder or ultimate user.

(*e*) "Soybean, cottonseed or peanut oil meal or oil cake" means the soybean, cottonseed or peanut oil meal or oil cake produced in the manner hereinbefore described under the definition of processor.

(*f*) "Local hauling charges" includes all charges for transportation by vehicle for a distance of not exceeding ten miles.

(*g*) All other terms used in this subparagraph (50) shall have the meanings ascribed to them in § 1499.20 of this General Maximum Price Regulation.

(vi) *Records and reports.* Every person making a sale or purchase of soybean, cottonseed or peanut oil meal or oil cake in the course of trade or business shall keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale or purchase showing: (*a*) the date thereof, (*b*) the name and address of the buyer and seller, (*c*) the product and the quantity bought or received, (*d*) the price charged and the method of computing it, listing separately all items of transportation charges and the mode of transportation. Such persons shall submit such reports to the Office of Price Administration, and keep such other records in addition to or in place of the records hereinbefore required, as the Office of Price Administration may from time to time direct.

(vii) The provisions of this subparagraph (50) shall be applicable to the forty-eight States of the United States and to the District of Columbia.

(viii) The provisions of subparagraph (44) of paragraph (a) of this section shall, after the effective date hereof, apply only to oil meals and oil cakes other than soybean, cottonseed and peanut oil meals and oil cakes.

(b) *Effective dates.* * * *

(82) Amendment No. 81 (§ 1499.73 (a) (50)) to Supplementary Regulation No. 14 of the General Maximum Price Regulation shall become effective December 29, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 23d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13864; Filed, December 23, 1942; 4:56 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9495, 9496, 9639, 9786, 9900, 9901, 10069, 10111, 10022, 10151, 10231, 10294, 10346, 10381, 10480, 10537, 10557, 10583.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9044, 8942, 9435, 9615, 9616, 9732, 10155, 10454.

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

PART 136—"A" MARINE INVESTIGATION BOARD RULES

NOTICE OF CASUALTY AND VOYAGE RECORDS

By virtue of the authority vested in me by section 4450, R.S., as amended (46 U.S.C. 239); Executive Order No. 8976, dated December 12, 1941 (7 F.R. 6441); Executive Order No. 9083, dated February 28, 1942 (7 F.R. 1609); 20 Stat. 164 (14 U.S.C. 91); 18 Stat. 128, as amended (33 U.S.C. 361–366); section 4405, R.S., as amended (46 U.S.C. 375); and section 4448, R.S., as amended (46 U.S.C. 234), § 136.103 (a) [1] of the temporary war time rules and regulations to govern investigations and other proceedings in connection with marine casualty or accident is hereby amended by the addition of the following two new sentences at the end thereof:

§ 136.103 *Notice of casualty and voyage records.* (a) * * *

* * * The master, owner, charterer, or agent of any vessel involved in a marine casualty, in addition to the notice required by this section, shall, as soon as practicable after the occurrence of the casualty, prepare and file an original and three copies of a report of such casualty on Coast Guard Form NCG 2692 with the Merchant Marine Inspector in Charge of the district in which the casualty occurred or in which the vessel first arrives after such casualty. A report of personal accident not involving death shall be made on Coast Guard Form NCG 924c.

R. R. WAESCHE,
Vice Admiral, U. S. Coast Guard,
Commandant.

DECEMBER 22, 1942.

[F. R. Doc. 42–13870; Filed, December 24, 1942; 9:17 a. m.]

Chapter IV—War Shipping Administration

[General Order 6, Supp. 7]

PART 305—INSURANCE

WAR RISK INSURANCE—AUTOMATIC COVERAGE ON IMPORT CARGOES AND ON CARGOES SHIPPED TO TERRITORIES AND POSSESSIONS OF UNITED STATES

Pursuant to the authority contained in the Merchant Marine Act of 1936, as amended, the definition of the territories and possessions of the United States is hereby amended to provide as follows:

§ 305.83 *Definition of territories and possessions.*[2] Whenever reference is made to the territories and possessions of the United States in General Order No. 6 or any supplement thereto or any policy of insurance issued pursuant to the provisions thereof, said territories and possessions shall be deemed to include only Alaska, Hawaiian Islands, Virgin Islands, Panama Canal Zone, Puerto Rico including Vieques Island, American Samoa, Midway Island and Palmyra Island.

[SEAL] E. S. LAND,
Administrator.

DECEMBER 23, 1942.

[F. R. Doc. 42–13871; Filed, December 24, 42; 10:38 a. m.]

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[1] 7 F.R. 6779.

[2] 7 F.R. 7205.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B–269]

MIKE MARTORANO

ORDER APPROVING PROPOSED FINDINGS OF FACT, ETC.

Order approving and adopting the proposed findings of fact, proposed conclusions of law and recommendation of the examiner, and order to cease and desist.

This proceeding was instituted by the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j), 5 (b), and 6 (a) of the Bituminous Coal Act of 1937, to determine whether or not Mike Martorano, a code member operating Martorano Mine, Mine Index No. 331, located in Las Animas County, Colorado, in Subdistrict 7 of District 17, has wilfully violated the Act, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 17 for All Shipments and Price Instruction 14 of the Supplement thereto, of the rules and regulations thereunder, and whether or not, in the event that code member is found to have violated the Act, the Code, or rules and regulations thereunder, an order should be entered, revoking code membership of said Martorano, or directing code member to cease and desist from violations of the Act, the Code, and rules and regulations as above set out.

Pursuant to appropriate orders and after due notice to interested persons, a hearing in this matter was held before Charles O. Fowler, a duly designated Examiner of the Division at a hearing room thereof in Trinidad, Colorado, on August 13, 1942, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard and at which an appearance was entered for the General Counsel of the Division and for code member.

The Examiner made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter dated October 23, 1942. The Examiner found that code member had wilfully violated section 4 II (e) of the Act and Part II (e) of the Code during the period October 2, 1940 through October 24, 1940, by selling approximately 70 tons of coal produced at his mine at prices less than the established minimum prices; and had wilfully violated sections 4 Part II (e) and (g) of the Act and Part II (e) and (g) of the Code, during the period from November 2, 1940, through October 31, 1941, by selling approximately 690 tons of coal produced at said mine and delivering the same at prices less than the established minimum prices plus an amount at least equal, as nearly as practicable, to the actual cost of truck transportation from the mine to the points from which all such charges were assumed and directly paid by the purchasers. The Examiner recommended that an order be entered directing code member to cease and desist from violating section 4 II (e) and (g) of the Act, the Code, the Schedule of Effective Minimum Prices for District 17 for All Shipments and Price Instruction 14 of the Supplement thereto, of the rules and regulations promulgated thereunder.

An opportunity was afforded to all parties to file exceptions to the Examiner's Report and supporting briefs and no such exceptions or supporting briefs were filed.

The undersigned has determined after a consideration of the record that the Proposed Findings of Fact Proposed Conclusions of Law, and Recommendation of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and the same are, hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That code member, Mike Martorano, his representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act on his behalf or interest, cease and desist from selling or offering to sell coals produced by the code member at his mine at prices less than the established minimum prices, contrary to the provisions of section 4 Part II (e) and (g) of the Act and Part II (e) and (g) of the Code, the Schedule of Effective Minimum Prices for District No. 17 for All Shipments and Price Instruction 14 of the Supplement thereto, or from otherwise violating the Act, the Code and the rules and regulations promulgated thereunder.

Notice is hereby given to code member that if he fails or refuses to comply with this Order, the Division may apply to a Circuit Court of Appeals for the enforcement thereof or otherwise proceed as authorized by the Act.

Dated: December 23, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42–13878; Filed, December 24, 1942; 11:25 a. m.]

[Docket No. 1508–FD]

INDIANA COALS CORPORATION

ORDER OF THE DIRECTOR

In the matter of the application of Indiana Coals Corporation for provisional approval as a marketing agency.

By Order of May 27, 1941, the Director, pursuant to section 12 of the Bituminous Coal Act of 1937, having provisionally approved Indiana Coals Corporation, the applicant, as a "marketing agency," subject to specified conditions designed to insure that the operations of applicant would not circumvent the standards of section 12 and the over-all objectives of the Act; and

Conditions 2 and 4, respectively, as contained in said order having been suspended and further suspended, respectively, by orders issued on December 24, 1941, March 17, 1942, and June 26, 1942, respectively; and

A supplemental motion requesting that Conditions 2 and 4 of the order issued in the above-entitled matter on May 27, 1941, be suspended for a period of one year from December 22, 1942, and that said order issued on May 27, 1941, be not withdrawn and shall continue in effect for a period of one year from December 22, 1942; and

In said motion applicant recites that it has not functioned for a sufficient length of time to permit the Director to determine the reasonableness of Conditions 2 and 4 with respect to applicant; and

It appearing to the Acting Director that no harm will result from a further suspension of the operations of said Conditions 2 and 4;

It is concluded that the prayer of applicant should be granted to the extent that the operation of Conditions 2 and 4 set forth in the Order granting provisional approval dated May 27, 1941, be suspended for a period of six months from December 22, 1942, unless such suspension is sooner withdrawn by subsequent order;

It is further concluded that jurisdiction should be reserved by the undersigned to order applicant thereafter to show cause why the operation of said Conditions 2 and 4 should be further suspended, if in the opinion of the undersigned such action should be deemed advisable, and to impose any further conditions that might be found necessary;

It is further concluded that the provisional approval of applicant as a marketing agency, heretofore granted by Order of the Director, dated May 27, 1941, not be withdrawn and that the revocation of said Order be extended for a period of six months from December 22, 1942, subject to all the applicable conditions set forth in the earlier orders issued in this proceeding.

It is further concluded that the Supplemental Motion of Applicant should be granted to the extent set forth above and in all other respects should be denied.

And it is so ordered.

Dated: December 22, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42–13879; Filed, December 24, 1942; 11:25 a. m.]

BOYD SLUSHER

[Docket No. B–298]

ORDER GRANTING MOTION TO WITHDRAW COMPLAINT AND DISCONTINUING MATTER

In the matter of Boyd Slusher, Code Member.

A complaint in the above-entitled matter dated July 1, 1942, having been duly filed on July 3, 1942, with the Bituminous Coal Division by the Bituminous Coal Producers Board for District No. 8, complainant, and the complainant having filed with the Division on December 4, 1942, a motion to withdraw said complaint without prejudice; and

The Director deeming it advisable to grant said motion;

Now, therefore, it is ordered, That the motion to withdraw complaint herein be and the same hereby is granted without prejudice to the filing of a new complaint against the above-named code member; and

It is further ordered, That the above-entitled matter be and the same hereby is discontinued.

Dated: December 22, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42–13880; Filed, December 24, 1942; 11:25 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

[License 48]

FALL RIVER, MASSACHUSETTS, SALES AREA

ORDER TERMINATING THE LICENSE FOR MILK

The license for milk—Fall River, Massachusetts, sales area, issued by the Secretary of Agriculture on March 24, 1934, pursuant to the powers vested in him by the terms and provisions of Public Act No. 10, 73d Congress, May 12, 1933 (which license was suspended by the Secretary of Agriculture on May 1, 1936), is hereby terminated, effective as of the date of the execution hereof.

Done at Washington, D. C., this 23d day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] THOMAS J. FLAVIN,
Assistant to the
Secretary of Agriculture.[1]

[F. R. Doc. 42–13892; Filed, December 24, 1942; 11:20 a. m.]

[License 49]

NEW BEDFORD, MASSACHUSETTS, SALES AREA

ORDER TERMINATING THE LICENSE FOR MILK

The license for milk—New Bedford, Massachusetts, sales area, issued by the Secretary of Agriculture on March 24, 1934, pursuant to the powers vested in him by the terms and provisions of Public Act No. 10, 73d Congress, May 12, 1933 (which license was suspended by the Secretary of Agriculture on March 31, 1940), is hereby terminated, effective as of the date of the execution hereof.

Done at Washington, D. C., this 23d day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] THOMAS J. FLAVIN,
Assistant to the
Secretary of Agriculture.[1]

[F. R. Doc. 42–13893; Filed, December 24, 1942; 11:20 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations. Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective December 24, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Amco Manufacturing Company, 837 Mission St., San Francisco, California; Ladies' rayon slips, gowns and robes; 7 learners (T); December 24, 1943.

Dorothy Manufacturing Company, 36 Frances Place, Keansburg, New Jersey; Children's and infants' wearing apparel; 5 learners (T); December 24, 1943.

S. Feller & Sons, 401 High St., Newark, New Jersey; Infants' and children's wearing apparel; 22 learners (T); December 24, 1943.

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[1] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81, 7 F.R. 2656).

Hosiery Industry

S. & W. Hosiery Mills, Englewood, Tennessee; Seamless hosiery; 5 learners (T); December 24, 1943.

Knitted Wear Industry

Linden Underwear Co., Inc., 64–66 N. Broad St., Lititz, Pennsylvania; Knitted Underwear; 5 percent (T); December 24, 1943.

Quality Mills, Inc., Franklin & South, Mount Airy, North Carolina; Knitted Underwear; 5 percent (T); December 24, 1943.

Textile Industry

Carolina Mills, Inc., Maiden, North Carolina; Carded cotton yarns; 3 percent (T); December 24, 1943.

Signed at New York, N. Y., this 22d day of December 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42–13844; Filed, December 23, 1942; 2:42 p. m.]

OFFICE OF THE ALIEN PROPERTY CUSTODIAN.

[Vesting Order 257]

HEIRS OF CHRISTINE HOLLENBACH, ET AL.

Re: Real property and two bank accounts in Minneapolis, Minnesota, owned by nationals of Germany.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

All right, title, interest and estate, both legal and equitable, in and to that certain real property, together with all fixtures, improvements and appurtenances thereto, situated at 400–402 West Broadway, Minneapolis, Minnesota, and particularly described as follows:

Lot 1, Block 2, Willard & Casseday's Addition to Minneapolis, according to the plat thereof on file or of record in the office of the Register of Deeds in and for the County of Hennepin, State of Minnesota,

of each and all of the persons whose names are hereinafter listed, the last known address of each of whom was represented to the undersigned as being in Germany, and the undivided interests of whom in such real property are in the amounts set opposite their respective names, as follows:

Names:	*Undivided interests*
Heirs of Mrs. Christine Hollenbach	1/8
Heinrich Gatzemeier	1/32
Franz Gatzemeier	1/32
Helena Schneegaus	1/32
Emma Boning	1/32
Johann Kellner	1/32
Ignaz Kellner	1/32
Franz Kellner	1/32
Mrs. Maria Fettweis	1/32
Miss Christine Berrenrath	1/32
Rev. Pfarrector Christian Berrenrath	1/32
Mrs. Claire Forstreicher	1/32
Franz Fredrich Kellner	1/160
Hans (Johann) Kellner	1/160
Frau Anna Esser geb. Kellner	1/160
Frau Luise Ebert geb. Kellner	1/160
Frau Hanna (Johanna) Pflug geb. Kellner	1/160
Total	1/2

is property within the United States owned by nationals of a designated enemy country (Germany); and

(b) That the property described as follows:

Savings Account No. 39288 at the Northwestern National Bank and Trust Company of Minneapolis, North American office, Minneapolis, Minnesota, and

Savings Account No. 158587 at the First National Bank and Trust Company, Minneapolis, Minnesota,

both of which savings accounts are due and owing to, and held for, the persons hereinbefore listed in subparagraph (a),

is property within the United States owned by nationals of a designated enemy country (Germany), and determining that the property described in this subparagraph (b) is necessary for the maintenance or safeguarding of other property [namely, that hereinbefore described in subparagraph (a)] belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–13788; Filed, December 23, 1942; 11:49 a. m.]

[Vesting Order 258]

JOSEPH AND HELENE FEILER

Re: Certain real and personal property in Brooklyn, New York, owned by Joseph Feiler and Helene Feiler.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

All right, title, interest and estate, both legal and equitable, of Joseph Feiler and Helene Feiler, his wife, and each of them, the last known address of both of whom was represented to the undersigned as being in Berlin, Germany, in and to those certain parcels of real property, together with all fixtures, improvements and appurtenances thereto, situated in the Borough of Brooklyn, County of Kings, City and State of New York, and particularly described as follows:

(1) Beginning at a point on the Northeasterly side of Joralemon Street distant one hundred and seventy-six feet, ten inches, Northwesterly from the corner formed by the intersection of the Northeasterly side of Joralemon Street with the Northwesterly side of Hicks Street; running thence Northwesterly along the Northeasterly side of Joralemon Street, twenty feet, ten inches; thence Northeasterly at right angles to Joralemon Street and part of the distance through a party wall, sixty-nine feet, one inch to land formerly of Harriet L. Packer; twenty feet, ten inches to a point where the same would be intersected by a line drawn at right angles to Joralemon Street, from the point of the Beginning; thence Southwesterly at right angles to Joralemon Street and part of the distance through a party wall sixty-eight feet, ten inches to the Northeasterly side of Joralemon Street at the point or place of Beginning.

Said Premises being known as 61 Joralemon Street;

(2) Beginning at a point on the Northwesterly side of Willow Place distant three hundred and sixty-two feet, nine inches, Northeasterly from the corner formed by the intersection of the Northwesterly side of Willow Place, with the Northeasterly side of State Street, running thence Northeasterly along the Northwesterly side of Willow Place, sixteen feet, three inches; thence Northwesterly parallel with State Street and part of the distance through a party wall seventy-three feet to a line, drawn parallel with and distant seventy-eight feet Southeasterly along said line drawn parallel with Columbia Place, sixteen feet, three inches to a point when the same would be intersected by a line drawn parallel with State Street from the point or place of Beginning; thence Southeasterly parallel with State Street and part of the distance through a party wall, seventy-two feet, eleven and a half inches to the Northwesterly side of Willow Place at the point or place of Beginning,

is property within the United States owned by nationals of a designated enemy country (Germany); and

(b) That the property described as follows:

All right, title, interest and claim of any name or nature whatsoever, of Joseph Feiler and Helene Feiler, his wife, and each of them, the last known address of each of whom was represented to the undersigned as being in Berlin, Germany, in and to all indebtedness, contingent or otherwise, and whether or not matured, owing to the said Joseph Feiler and Helene Feiler, his wife, or either of them, by Justin Winter, 410 Central Park West, New York, New York, including but not limited to any and all collateral for any and all of such indebtedness and the right to sue for and collect such indebtedness,

is property within the United States owned by nationals of a designated enemy country (Germany), and determining that the property described in this subparagraph (b) is necessary for the maintenance or safeguarding of other property [namely, that hereinbefore described in subparagraph (a)] belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

and determining that to the extent that either or both of such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on October 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–13789; Filed, December 23, 1942; 11:48 a. m.]

[Vesting Order 262]

OANA BROTHERS

Re: Interests of partners in Oana Brothers, and assets of Oana Brothers.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title and interest of Kohei Oana, and Yoitsu Oana, and each of them, the last known address of both of whom was represented to the undersigned as being Japan, as copartners in and to the partnership known as Oana Brothers, under which name such copartners are doing business and maintaining an office at Hood River, Oregon, which is a business enterprise within the United States, and all property of any nature whatsoever owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, said partnership, including particularly, but not limited to, the real and personal property, described in Exhibit A attached hereto and made a part hereof,

is property of nationals, and represents ownership of said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on October 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

(a) Approximately 62 acres of farm land and appurtenances thereto situated in Hood River County, Oregon, to-wit:

The Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) and the North Half of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section Two (2) Township One (1) North, Range Ten (10) East of the Willamette Meridian; also about two (2) acres in the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of Section One (1), said Township and Range.

(b) Miscellaneous farm equipment and supplies, consisting of 2 trucks, 2 sprayers, 2 horses, 1 wagon, disk, plows, springtooth harrow, and miscellaneous hand tools.

(c) $3,688.25 cash held by the Apple Growers Association, Hood River, Oregon; $5,200.46 representing revolving capital funds of the Apple Growers Association; $1,200 representing the estimated additional proceeds to be paid on the 1941 crop; and $2,972.26 on deposit at the First National Bank of Portland, Hood River Branch, Hood River, Oregon.

[F. R. Doc. 42–13790; Filed, December 23, 1942; 11:49 a. m.]

[Vesting Order 277]

GUSTAV AND CHARLOTTE SCHIWEK

Re: Certain real property in Flushing, New York, owned by Gustav Schiwek and Charlotte Schiwek, his wife.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, interest and estate, both legal and equitable, of Gustav Schiwek and Charlotte Schiwek, his wife, and each of them, the last known address of both of whom was represented to the undersigned as being in Germany, in and to that certain real property, together with all fixtures, improvements and appurtenances thereto, situated in the Borough of Queens, City and State of New York, and particularly described as follows:

All that certain lot, piece or parcel of land with the buildings and improvements thereon, situate, lying and being in the 3rd Ward, Borough of Queens, City and State of New York, bounded and described as follows:

Beginning at a point on the southerly side of 58th Road distant 100.13 feet westerly of the corner formed by the intersection of the southerly side of 58th Road and the westerly side of 146th Street; running thence southerly and at right angles to 58th Road, a distance of 100 feet; thence westerly and at right angles to the last mentioned course, a distance of 40 feet; thence northerly and at right angles to the last mentioned course, a distance of 100 feet to the southerly side of 58th Road; thence easterly along the southerly side of 58th Road, a distance of 40 feet to the point or place of beginning,

is property within the United States owned by nationals of a designated enemy country (Germany); and determining that to the extent that either or both of such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required of said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian.

This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 31, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–13791; Filed, December 23, 1942; 11:48 a. m.]

[Vesting Order 278]

Y. I. KATO

Re: Real property in Hominy, Oklahoma, and a bank account in the First National Bank in Hominy, Hominy, Oklahoma, owned by Y. I. Kato.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

All right, title, interest and estate, both legal and equitable, of Y. I. Kato, whose last known address was represented to the undersigned as being in Yokahama, Japan, in and to those certain parcels of real property, together with all fixtures, improvements and appurtenances thereto in the City of Hominy, County of Osage State of Oklahoma, and particularly described as follows:

(1) All of Lots Five (5) and Six (6), Block One (1), Crow and Franks First Addition to the Town of Hominy, Osage County, Oklahoma; and

(2) Lot Eighteen (18) in Block Twenty-two (22) in the City of Hominy, Osage County, Oklahoma.

is property within the United States owned by a national of a designated enemy country (Japan); and

(b) That the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of Y. I. Kato in and to all indebtedness, contingent or otherwise and whether or not matured, owing to him by the First National Bank in Hominy, Hominy, Oklahoma, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness, and including particularly the checking account at the aforesaid First National Bank in Hominy, Hominy, Oklahoma, which is carried in the name of Y. I. Kato,

is property within the United States owned or controlled by a national of a designated enemy country (Japan), and determining that the property described in this subparagraph (b) is necessary for the maintenance or safeguarding of other property [namely, that hereinbefore described in subparagraph (a)] belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this Order) pursuant to section 2 of said Executive Order;

and determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 31, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–13792; Filed, December 23, 1942; 11:48 a. m.]

[Vesting Order 287]

ICHIRO AOKI

Re: A leasehold of real property in Visalia, California, and bank accounts owned by Ichiro Aoki.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

All right, title, interest and estate, both legal and equitable, of Ichiro Aoki, whose last known address was represented to the undersigned as being in Japan, in and to that certain parcel of real property, together with all fixtures, improvements and appurtenances thereto, situated in the City of Visalia, County of Tulare, State of California, and particularly described as follows:

Lot numbered one (1) in Block numbered twenty-seven (27) of the City of Visalia.

is property within the United States owned or controlled by a national of a designated enemy country (Japan); and

(b) That the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of Ichiro Aoki in and to all indebtedness, whether or not matured, owing to him by the Security First National Bank of Los Angeles, Visalia Branch, Visalia, California, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness, and including particularly all his right, title, interest and claim in and to two checking accounts at the aforesaid Security First National Bank of Los Angeles, Visalia Branch, Visalia, California, which are carried in the respective names of Ichiro Aoki and R. F. Cross, Trustee Account,

is property within the United States owned or controlled by a national of a designated enemy country (Japan), and determining that the property described in this paragraph (b) is necessary for the maintenance or safeguarding of other property [namely, that hereinbefore described in paragraph (a)] belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

and determining that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–13794; Filed, December 23, 1942; 11:47 a. m.]

[Vesting Order 337]

STANYAN HILL APARTMENTS

Re: Interests in a business enterprise known as Stanyan Hill Apartments, operating under a Pooling Agreement, in San Francisco, California.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, and interest, both legal and equitable, of the persons listed in Exhibit "A", hereunto attached, in and to that business enterprise, which is operated under the name of Stanyan Hill Apartments pursuant to a pooling agreement executed under date of December 15, 1925, and which maintains an office and does business at 1135 Stanyan Street, San Francisco, California, and whose assets consist of:

(a) Real property together with all improvements thereon and appurtenances thereto, the record title of which appears in the names of Marie Magdalena Groth, Heinrich Theden, also known as Claus Heinrich Theden, Sophia Christine Rolfs, Antje Catharina Theden, and Heinrich Theden, said real property being more particularly described as follows:

Commencing at a point on the Westerly line of Stanyan Street distant thereon 231 and 2/10 feet Southerly from the Southerly line of Parnassus Avenue; running thence Southerly along said Westerly line of Stanyan Street 62 feet; thence at right angles Westerly 111 feet 6 inches; thence at right angles Northerly 62 feet; and thence at right angles Easterly 111 feet 6 inches to the point of commencement,

(b) Real property together with all improvements thereon and appurtenances thereto, the record title of which appears in the names of Marie Magdalena Groth, Heinrich Theden, also known as Claus Heinrich Theden, Sophia Christine Rolfs, Antje Catharina Theden, Heinrich Theden, and Ella L. Christie, said real property being more particularly described as follows:

Commencing at a point on the Westerly line of Stanyan Street distant thereon 153 and 2/10 feet Southerly from the Southerly line of Parnassus Avenue; running thence Southerly and along said line of Stanyan Street 78 feet; thence at a right angle Westerly 111 feet 6 inches; thence at a right angle Northerly 78 feet; thence at a right angle Easterly 111 feet 6 inches to the point of commencement,

(c) Personal property more particularly described as household furnishings, furniture, fixtures, rugs, personal effects, refrigeration plant and accompanying units, and other articles of property located on the premises situated at 1135 Stanyan Street, San Francisco, California, and

(d) The right, title, interest and claim of said business enterprise in and to all indebtedness, contingent or otherwise and whether or not matured, owing to the business enterprise by the Bank of America, San Francisco, California, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness, and including particularly the checking account at the aforesaid Bank of America, San Francisco, California, which is carried in the name of "Hoecker & Christie",

is property of nationals, and represents control of said business enterprise which is a national, of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 6, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Re: Interests in a business enterprise known as Stanyan Hill Apartments, operating under a Pooling Agreement, in San Francisco, California.

Names	*Address*
Marie Magdalena Groth.	Suderholm, Germany.
Heinrich, also known as Claus Heinrich, Theden.	Suderholm, Germany.
Sophia Christine Rolfe.	Suderholm, Germany.
Antje Cartharina Theden.	Suderholm, Germany.
Heinrich Theden	Glashutten, Germany.

[F. R. Doc. 42–13795; Filed, December 23, 1942; 11:47 a. m.]

[Vesting Order 338]

MARIE STINGL

Re: Real property in Closter, New Jersey, and bank account in the Prudential Savings Bank, Brooklyn, New York, owned by Marie Stingl.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation, finding:

(a) That the property described as follows:

All right, title, interest and estate, both legal and equitable, of Marie Stingl, whose last known address was represented to the undersigned as being Munich, Germany, in and to certain real property situated at 82 Everett Street, Closter, New Jersey, together with all improvements and appurtenances thereto, described as follows:

Beginning at a point in the westerly line of a street fifty feet (50) wide, known as Everett Street, distant four hundred and fifty-four feet and twenty-nine hundredths of a foot (454.29) southerly along the same from the southerly line of Durie Avenue. The westerly line of said Everett Street being parallel with and distant three hundred feet (300) easterly at right angles from the easterly line of Columbus Avenue (otherwise known as Love Lane) and running from thence (1) southerly along said westerly line of Everett Street fifty feet (50); thence (2) westerly at right angles with said street one hundred and fifty feet (150); thence (3) northerly and parallel with the first course fifty feet (50); thence easterly and parallel with the second course one hundred and fifty feet (150) to the point or place of beginning. Being known and designated as lots numbers sixty-six (66) and sixty-seven (67) on a map entitled "Map of Property of Everett Realty Company, Closter Borough, New Jersey," made by C. H. Eckerson, E. M. April, 1909, a copy of which map is filed in the office of the North Jersey Title Insurance Company, at Hackensack, New Jersey,

is property within the United States owned by a national of a designated enemy country (Germany); and

(b) That the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of said Marie Stingl, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to her by the Prudential Savings Bank, Brooklyn, New York, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness, and including particularly the bank account at the aforesaid Prudential Savings Bank, Brooklyn, New York, which is carried in the name of Marie Stingl and Edward Stingl, as joint tenants,

is property within the United States owned by a national of a designated enemy country (Germany), and determining that the property described in this subparagraph (b) is necessary for the maintenance or safeguarding of other property [namely, that hereinbefore described in subparagraph (a)] belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

and determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 6, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–13796; Filed, December 28, 1942; 11:47 a. m.]

[Vesting Order 391]

SAN CRISTOBAL APARTMENTS, INC.

Re: All of the capital stock of San Cristobal Apartments, Inc., and a second mortgage owned by Mrs. Willi Luts on the real estate of the corporation.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

All the outstanding capital stock of San Cristobal Apartments, Inc., a Puerto Rican corporation, which is a business enterprise within the United States, consisting of 219 shares of $100 par value common stock, the names and last known addresses of the registered owners of which and the number of shares owned by each respectively, are as follows:

Names and last known addresses	*Number of shares*
Mrs. Willi Luts, Bremen, Germany	217
Otto Hach, interned in Puerto Rico	1
Carlos Nied, interned in Puerto Rico	1
Total	219

is property of nationals, and represents ownership of said business enterprise which is a national, of a designated enemy country (Germany); and

(b) That the property described as follows:

All right, title, interest, estate and claim of any name or nature whatsoever of the aforesaid Mrs. Willi Luts in and to any and all obligations, contingent or otherwise and whether or not matured, which are secured by a second mortgage on the apartment hotel building and lot owned by said business enterprise and located at 153 Sol Street, San Juan, Puerto Rico, including but not limited to all security rights in and to any and all collateral (including the aforesaid second mortgage) for any or all of such obligations and the right to enforce and collect such obligations,

is an interest in the aforesaid business enterprise held by a national of an enemy country (Germany), and also is property within the United States owned or controlled by a national of a designated enemy country (Germany);

and determining that to the extent that any or all of such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany); and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–13797; Filed, December 28, 1942; 11:46 a. m.]

[Vesting Order 392]

HERMAN P. AND LENA LOTTMANN

Re: Certain real and personal property owned by Herman P. Lottmann and Lena Lottmann, his wife.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

(1) All right, title, interest and estate, both legal and equitable, of Herman P. Lottmann and Lena Lottmann, his wife, and each of them, citizens of Germany (returned to that country on the neutral exchange ship SS Serpa Pinto), in and to that certain real property, together with all fixtures, improvements and appurtenances thereto, situated in the Borough and County of Richmond, City and State of New York, described as follows:

All that lot or parcel of land in the Second Ward of the Borough of Richmond, in the County of Richmond, in the City and State of New York, known and distinguished as plot No. 14 (fourteen) in Block No. 19 (nineteen), Section 2 (two) on a certain map entitled "Map of Deere Park, Section No. 2 (two) Second Ward, Borough of Richmond, City of New York, November 1925, North, Allison & Ettlinger, Civil Engineers and City Surveyors, Hugot Building, Staten Island, N. Y." and filed in the office of the County of Richmond on February 6, 1926 as Map No. 1559.

Being the same property conveyed to Edward J. McCormick by deed recorded in the office of the Clerk of the County of Richmond, New York, in Liber 765, Page 594,

(2) All right, title, interest and estate, both legal and equitable, of said Herman P. Lottmann (Lottman) and Lena Lottmann (Lottman), and each of them, in and to a certain contract of sale entered into between Home Owners Loan Corporation as the seller, and Herman P. Lottmann (Lottman) and Lena Lottmann (Lottman), his wife, as the purchasers, dated June 8, 1939, wherein in consideration of certain payments the seller agrees to convey title to certain real estate, and all the right, title, interest and estate, both legal and equitable, of said Herman P. Lottmann (Lottman) and Lena Lottmann (Lottman), and each of them, in and to the real property covered by said contract, which real estate is more particularly described as follows:

All that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Second Ward of the Borough of Richmond, County of Richmond, and City and State of New York, known and designated as and by the Plot #5 in Block 19 on a certain map entitled "Map of Deere Park, Section No. 2, Second Ward, Borough of Richmond, City of New York, November 1925, North, Allison & Ettlinger, Civil Engineers & City Surveyors, Hugot Building, Staten Island, N. Y.", and filed in the Office of the Clerk of the County of Richmond on February 6, 1926, as Map #1559, which said plot is bounded and described according to said map, as follows:

Beginning at a point on the southerly side of Emerson Avenue, distant 400 feet easterly from the corner formed by the intersection of said southerly side of Emerson Avenue with the easterly side of Ocean Terrace; running thence southerly along the easterly side of Plot #4, 100 feet to the northerly side of Plot #14; thence easterly along said northerly side of Plot #14; and parallel with the southerly side of Emerson Avenue, 100 feet to the westerly side of Plot #6; thence northerly along said westerly side of Plot #6, and parallel with the first mentioned course, 100 feet to the southerly side of Emerson Avenue; and thence westerly along said southerly side of Emerson Avenue, 100 feet to the point or place of beginning.

(3) All right, title and interest, of said Herman P. Lottmann and Lena Lottmann, and each of them, in and to certain personal property being certain household and personal effects presently located on the premises known as 44 Emerson Avenue, Deere Park, Dongan Hills, Staten Island, New York, which premises are more fully described in subdivision (2) of subparagraph (a) of this order; and

(4) All right, title and interest, of said Herman P. Lottmann and Lena Lottmann, and each of them, in and to certain personal property being one Oriental rug and one Chinese rug, presently in storage at the "New Method Service Company, Inc.", Stapleton, Staten Island, New York,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany); and

(b) That the property described as follows:

(1) All right, title and interest, of said Herman P. Lottmann and Lena Lottmann, and each of them, in and to forty-two (42) German Konverzionskasse Für Deutsche Auslandsschulden Bonds in the face amount of 31,000 Reich Marks,

(2) All right, title and interest, of said Herman P. Lottmann and Lena Lottmann, and each of them, in and to certain currencies in the possession of Robert H. Smith, Chief, New York Office, Division of Investigation and Research, Office of Alien Property Custodian, being South American currency in the following described amounts and denominations: 60 Veinte Pesos, 15 Cinco Pesos and 1 Un Peso; and certain United States currency in the sum of $1,020,

(3) Bank account in the Staten Island National Bank and Trust Company, St. George, Staten Island, New York, which bank account is due and owing to, and held for, said Herman P. Lottmann or Lena Lottmann, or both of them.

(4) All right, title, interest and claim, of any name or nature whatsoever, of said Herman P. Lottmann and Lena Lottmann, and each of them, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to them or either of them by A. & M. Bauer of Edgewood, New York, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness, and the right to sue for and collect such indebtedness,

(5) All right, title and interest of said Herman P. Lottmann and Lena Lottmann, and each of them, in and to certain insurance policies more particularly described as follows:

(i) Those certain life insurance policies numbered N 1,113,283 and N 1,192,585, issued in the name of Herman P. Lottmann, by the Aetna Life Insurance Company of Hartford, Connecticut,

(ii) Those certain life insurance policies No. 99,671,660, issued in the name of Herman P. Lottmann and No. 99,733,521 issued in the name of Lena Lottmann, by the Prudential Insurance Company of America, Newark, New Jersey,

(iii) That certain fire insurance policy No. 1067, issued by the Baltimore American Insurance Company of New York,

(iv) That certain fire insurance policy No. 664639, issued by the Standard Fire Insurance Company, Hartford, Connecticut,

(v) That certain liability policy No. HP 853249, issued by the Travelers Insurance Company, Hartford, Connecticut,

(vi) That certain automobile insurance policy No. A–54132, issued by the Interboro Mutual Indemnity Insurance Company, 270 Madison Avenue, New York, New York, and

(6) All right, title and interest, of said Herman P. Lottmann and Lena Lottman, in and to certain monies held by the Staten Island Edison Corporation, Staten Island, New York, as evidenced by Certificate of Deposit, No. 29353, issued by said corporation,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany), and determining that the property described in this paragraph (b) is necessary for the maintenance or safeguarding of other property [namely, that hereinbefore described in paragraph (a)] belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

and determining that to the extent that either or both of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests all such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42–13798; Filed, December 28, 1942; 11:46 a. m.]

[Vesting Order 398]

ASSETS OF BUSINESS ENTERPRISE OWNED BY JOSEPH FERIGO

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

(a) Finding that Joseph Ferigo, whose last known address was represented to the undersigned as being Naples, Italy, is a national of a designated enemy country (Italy);

(b) Finding that Joseph Ferigo is the sole owner of a real estate and investment business owning the properties more particularly described in Exhibit A attached hereto and made a part hereof, which real estate and investment business is a business enterprise within the United States which is managed by Morrison and Lynn, attorneys, New York, New York, and therefore determining that such business enterprise is a national of the aforesaid designated enemy country (Italy);

(c) Finding, therefore, that all property of any nature whatsoever owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to said business enterprise, including particularly, but not limited to the property described in the aforesaid Exhibit A, is property of a business enterprise which is a national of a designated enemy country (Italy);

(d) Determining that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Italy)

(e) Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

(f) Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in paragraph (c) to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All right, title, interest and estate, both legal and equitable, of Joseph Ferigo in and to that certain real property, together with all fixtures, improvements and appurtenances thereto situated at 190 Hutchinson Boulevard, in the City of Mount Vernon, Westchester County, New York, and being particularly described as follows:

All those two lots of land with the buildings thereon in the City of Mount Vernon, County of Westchester, and State of New York, designated as Lots 56 and 57, Block 10 on a certain map entitled "Map of Chester Heights, City of Mount Vernon, Village of North Pelham, Town of Eastchester, Westchester County, New York" made by John F. Fairchild, civil engineer, dated Mount Vernon, N. Y., March 17, 1913, filed in the office of the Register of Westchester County, October 10, 1913, as Map No. 2035, which said lots, when taken together are more particularly bounded and described according to said map as follows:

Beginning at a point in the northerly side of Hutchinson Boulevard, where the same is intersected by the dividing line between Lots 55 and 56 in Block 10 as shown on said map; running thence northeasterly on a curve to the left having a radius of 85.78 feet, a distance of 80.62 feet to a point; thence continuing in a northeasterly direction and along the northwesterly side of Hutchinson Boulevard, a distance of 40.56 feet to the division lying between Lots 57 and 58 in Block 10 as shown on said map; running thence northwesterly on a line forming an interior angle of 79°30′ with the northwesterly side of Hutchinson Boulevard, a distance of 54.61 feet to the northwesterly corner of Lot [illegible] in Block 10 as shown on said map; running thence southwesterly at right angles to the last mentioned line and along the dividing line between Lots [illegible] and [illegible] in Block 10 as shown on said map, a distance of [illegible] feet

tures, improvements and appurtenances thereto situated at 530 West 50th Street, New York, New York;

Obligation secured by mortgage from Jacob Mettern to Francine M. Ferigo, dated June 26, 1922 and recorded June 27, 1922 in the Register's office of New York County in Liber 3291 mp 141 and thereafter duly assigned to Joseph Ferigo, which mortgage covers certain real property together with all fixtures, improvements and appurtenances thereto situated at 309 West 46th Street, New York, New York;

Obligation secured by a mortgage from Ernest M. Burrow and Elizabeth L. Burrow to John Roos, dated May 11, 1906 and recorded May 12, 1906 in the office of the Register of New York County in Liber 7 mp 83, section 13, and thereafter duly assigned by mesne assignments to Joseph Ferigo, which mortgage covers certain real property together with all fixtures, improvements, and appurtenances thereto situated at 22 Van Corlear Place, New York, New York;

Obligation secured by a mortgage from Eleanor Diack to Francine M. Ferigo dated November 9, 1921 and recorded November 12, 1921 in the Register's office of Westchester County in Liber 2011 mp 91, and thereafter duly assigned to Joseph Ferigo, which mortgage covers certain real property together with all fixtures, improvements and appurtenances thereto situated at 575 Manor Lane, Pelham Manor, New York;

Obligation secured by a mortgage from John T. Brooks Company to Francine M. Ferigo dated August 13, 1915, and recorded in the Register's office of Westchester County on August 18, 1915 in Liber 1753 mp 149, and thereafter duly assigned to Joseph Ferigo, which mortgage covers certain real property together with all fixtures, improvements and appurtenances thereto situated at 587 Manor Lane, Pelham Manor, New York;

Obligation secured by a mortgage from John T. Brooks Company to Ellen B. Chamberlin dated October 16, 1911, and recorded in the Register's office of Westchester County on October 21, 1911, in Liber [illegible] mp [illegible], and thereafter duly assigned by mesne assignments to Joseph Ferigo which mortgage covers certain real property together with

is property of, and represents an interest in said business enterprise which is, a national of a designated enemy country (Italy), and determining that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Italy), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated en-

all fixtures, improvements and appurtenances thereto, situated in the Borough and County of Bronx, City and State of New York, and particularly described as follows:

Beginning at a point on the northerly side of 162nd Street, distant 112.75 feet westerly from the corner formed by the intersecton of the northerly side of 162nd Street, and the westerly side of 3rd Avenue, at the centre of a party wall; and running thence northerly on a line drawn at right angles to said northerly side of 162nd Street, and part of the distance through said party wall, 100 feet; thence westerly parallel with said northerly side of 162nd Street, 25 feet to a point opposite the centre of another party wall; thence southerly again on a line drawn at right angles to the said northerly side of 162nd Street, to, through and beyond said last mentioned party wall, 100 feet to the northerly side of 162nd Street aforesaid, and thence easterly along the northerly side of said 162nd Street, 25 feet to the point or place of beginning. Said premises are known as 511 East 162nd Street, New York, New York;

b. All right, title, interest and claim of any name or nature whatsoever of the aforesaid Helene Metka, in and to any and all obligations (contingent or otherwise and whether or not matured) which are secured by that certain mortgage from Henry Carl and Margareta Carl, his wife, dated October 9, 1925, which mortgage covers the real property described in paragraph 2-a, including but not limited to all security rights in and to any and all collateral (including said mortgage) for any or all of such obligations and the right to enforce and collect such obligations;

c. All right, title, interest and claim of any name or nature whatsoever of Helene Metka in and to all indebtedness, contingent or otherwise and whether or not matured, owing to her by the National City Bank of New York, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness, and including particularly, but not limited to, the Thrift Account, No. XA [illegible], carried in said bank in the name of Henry Eggert, in trust for Helene Metka.

is property within the United States

account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on December 4, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13802; Filed, December 23, 1942; 11:45 a. m.]

[Vesting Order 444]

OTOHIKO ISHIMOTO AND TAKEO ISHIMOTO

Re: Real property in Lyndhurst, New Jersey, and personal property owned by Otohiko Ishimoto and Takeo Ishimoto, his wife.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. [illegible], as amended,

contingent or otherwise and whether or not matured, owing to them or either of them by A. C. Wirtz and Mrs. George M. Tsuruoka, and each of them, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness, and including particularly, but not limited to, indebtedness owing to them on account of rent monies collected by said A. C. Wirtz and Mrs. George M. Tsuruoka as rental agents for the aforementioned real property;

c. All right, title, interest and claim of the aforesaid Otohiko Ishimoto and Takeo Ishimoto, and each of them, in and to the following:

(1) A title guaranty policy No. 1075 in the amount of $6,300, dated October 23, 1924, issued by the Central Guaranty Mortgage & Title Company, Rutherford, New Jersey;

(2) A fire insurance policy No. 6970, in the amount of $4,500, issued by the Hartford Fire Insurance Company, Hartford, Connecticut;

(3) An endowment policy No. 7927424, in the face amount of $2,000, issued by the New York Life Insurance Company, New York, New York;

is property within the United States owned or controlled by nationals of a designated enemy country (Japan);

3. Determining that the property described in paragraph 2-b and 2-c hereof is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in paragraph 2-a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

4. Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan);

To be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 18, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13836; Filed, December 23, 1942; 11:58 a. m.]

[Vesting Order 559]

ESTATE OF HEINRICH SODEMANN

In re: Estate of Heinrich Sodemann, deceased—File D-28-1443; E. T. Sec. 86.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by James C. Boyle, Administrator c.t.a. acting under the judicial supervision of the District Court of the United States for the District of Columbia.

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known address*
Fritz Sodemann	Germany.
Else Maschinski	Germany.
Ewald Westphal	Germany.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 18, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13837; Filed, December 23, 1942; 11:59 a. m.]

[Vesting Order 560]

ESTATE OF KUNIGUNDE WEBER

In re: Estate of Kunigunde Weber, deceased; file D-28-1679.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Bronx County;

(2) Such property and interest are payable or deliverable to, or claimed by, a national, of a designated enemy country, Germany, namely, Anna Weber, whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national

States.

Such property and interest and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interest or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 18, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F.R. Doc. 42-13838; Filed, December 23, 1942; 11:59 a. m.]

[Vesting Order 561]

ESTATE OF BERNARD WOHL

In re: Estate of Bernard Wohl, deceased; file D-34-70, E. T. Sec. 1380.

Under the authority of the Trading wth the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Kings County;

(2) Such property and interest are payable or deliverable to, or claimed by, a national of a designated enemy country, Hungary, namely, Esther Peterfriend, whose last known address is Hungary;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and

Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interest or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: December 18, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-13839; Filed, December 23, 1942; 11:59 a. m.]

[Vesting Order 279]

KATHARINA BARTH ET AL.

Re: Real and personal property in Salt Lake and Carbon Counties, Utah, owned by certain German nationals.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

All right, title, interest and estate, both legal and equitable, of the persons listed in Exhibit "A", hereunto attached and by reference made a part hereof, and each of them, the last known address of each of whom was represented to the undersigned as being in Stockstadt, Rhein, Germany, as their interests appear in said Exhibit, in and to those certain parcels of real property, together with all fixtures, improvements and appurtenances thereto;

(1) In the County of Salt Lake, State of Utah, and particularly described as follows:

E½ of SE¼, Sec. 22, SW¼ Sec. 23, Township 1 North, Range 2 West, Salt Lake Meridian, located in Salt Lake County, State of Utah, containing 238.50 acres, together with 160 shares of North Point Con. Irrigation Company stock, Certificate #164 and Water

(b) That the property described as follows:

All right, title and interest of the persons listed in Exhibit "A", hereunto attached, and each of them, as their interests appear in said Exhibit, in and to certain personal property situated:

(1) On the premises described in subparagraphs (1) and (2) of subparagraph (a) above, being certain farming equipment which is listed and described on Exhibit "B", which is hereunto attached and by reference made a part hereof; and

(2) In the possession of August Glissmeyer, [illegible] Second Street, Salt Lake City, Utah, being a certain gold watch and chain,

is property within the United States owned by nationals of a designated enemy country (Germany); and

(c) That the property described as follows:

All right, title, interest and claim of any name or nature whatsoever, of the persons listed in Exhibit "A", hereunto attached, and each of them, in and to all indebtedness, whether or not matured, owing to them or each of them by:

(1) The Walker Bank and Trust Company, Salt Lake City, Utah, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness, and the right to sue for and collect such indebtedness, and including particularly the account at the aforesaid Walker Bank and Trust Company, Salt Lake City, Utah, which is carried in the name of August Glissmeyer, as agent for the heirs of John Jacob Doerr; and

(2) The Continental National Bank and Trust Company, Salt Lake City, Utah, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness, and the right to sue for and collect such indebtedness, and including particularly the accounts at the aforesaid Continental Bank and Trust Company, Salt Lake City, Utah, which are carried in the name of August Glissmeyer for the benefit of the Estate of George Doerr, and in the name of August Glissmeyer as Guardian of Johann Jakob Doerr and Adolph Paul Doerr, and

(3) The Queen Insurance Company of America, New York City, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness, and including particularly that fire insurance policy issued by the aforesaid Queen Insurance Company of America, New York City, numbered 423379, and

(4) The Fidelity-Phoenix Fire Insurance Company, New York City, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness, and including par-

the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on October 31, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Name and address	*Interest*
Katharina Barth, Stockstadt, Rhein, Germany	¼
Anna Muller, Stockstadt, Rhein, Germany	¼
Maria Luzia Doerr, Stockstadt, Rhein, Germany	¼
Katherine Wilhelmine Doerr (widow of George Doerr), Stockstadt, Rhein, Germany	1/12
Katherine Wilhelmine Doerr (daughter of George Doerr), Stockstadt, Rhein, Germany	1/30

Exhibit A—Continued

Name and address	*Interest*
Anna Katherine Magdalena Doerr, Stockstadt, Rhein, Germany	1/80
Georg Jakob Daniel Adam Doerr, Stockstadt, Rhein, Germany	1/80
Johann Jakob Doerr, Stockstadt, Rhein, Germany	1/80
Adolph Paul Doerr, Stockstadt, Rhein, Germany	1/80

Exhibit B

On Farm in Salt Lake County, Utah

3 Horses.
1 McCormick-Deering Mower.
1 Hay Rake.
1 Grain Drill.
1 Plow.
1 Disk.
1 Jackson Fork Cable.
1 2-Horse Scraper.
1 Mower.
1 Kitchen Cabinet.
1 Kitchen Range.
1 Kitchen Table
1 Hand Plow.
1 Cultipacker.
1 Water Wheel with Chain Drive and Centrifugal Pump.
1 McCormick-Deering Hay Chopper.
2 Sets Harness, Bridles, etc.

On Farm in Carbon County, Utah

1 John Deere Stacker.
1 14" Walking Plow.
1 2-Way Plow.
1 Side Delivery Hay Rake.
1 Gang Plow.
1 Steel Farm Wagon.
2 Push Rakes.
1 Set of Blacksmith Tools.
1 Potato Sacker.
1 2-Section Wood Harrow.
1 Spring Tooth Harrow.
1 Marker.
1 Potato Digger.
2 John Deere Mowing Machines.
1 Half John Deere Stacker.
2½ Sets Work Harness.
1 6-Ton Scale and Equipment.

[F. R. Doc. 42-13793; Filed, December 23, 1942; 11:48 a. m.]

[Vesting Order 429]

Edward F. Heuner

Re: Real and personal property of the German heirs-at-law and next of kin of Edward F. Heuner, deceased.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the persons, whose names and last known addresses, as represented to the undersigned, are set forth in Exhibit A attached hereto and made a part hereof, are nationals of a designated enemy country (Germany);

2. Finding that all right, title, interest, and estate, both legal and equitable, of each and all of the persons listed in said Exhibit A, as their interests appear in said Exhibit, in and to that certain real property, together with all fixtures, improvements and appurtenances thereto, situated in the City of Chicago, County of Cook, State of Illinois, and particularly described as follows:

Lot sixty-six (66) in Rudolph's Subdivision of Blocks ten (10) and eleven (11) in W. B. Ogden's Subdivision of the southwest quarter (S. W. ¼) of Section eighteen (18), Township forty (40) North, Range fourteen (14) east of the Third Principal Meridian, commonly known and described as 2111 Belle Plaine Avenue, Chicago, Cook County, Illinois,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

3. Finding that all right, title, interest and claim of any name or nature whatsoever of each and all of the persons listed in said Exhibit A, as their interests appear in said Exhibit, in and to certain monies held by the Treasurer of the County of Cook, State of Illinois, pursuant to Order Number 1628 of the Probate Court of said County and State, is property which is in the process of administration by a person (namely, John F. Cahill, administrator of the estate of Edward F. Heuner, deceased) acting under judicial supervision (namely, that of the Probate Court of the County of Cook, State of Illinois) and which is payable or deliverable to or claimed by nationals of a designated enemy country (Germany);

4. Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraphs 2 and 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on December 4, 1942.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

Exhibit A

Names and addresses	*Interests*
Louise Heuner Sander, Essen, Germany	1/8
Alma Elisbeth Jueliger, Essen-Steele, Germany	1/8
Alma Kellermann Pah, Herne/W., Germany	1/8
Elfriede Heuner Freger, Dortmund Eving, Germany	1/8
Elfriede Louise Heuner, Dortmund, Germany	1/24
August Friedrich Heuner, Dortmund, Germany	1/24
Sophie Heuner Schmiedinghoff, Dortmund, Germany	1/24
Martha Heuner, Dortmund, Germany	1/24
Elisabeth Eckernkemper Schuermann, Altena/W., Germany	1/80
Josef Hugo Eckernkemper, Hohenlinburg, Germany	1/80
Erna Eckernkemper Lettenberg, Lethemathe, Germany	1/80
Elfriede Eckernkemper Woeste, Hohenlimburg, Germany	1/80
Ella Eckernkemper Schuermann, Altena/W., Germany	1/80

[F. R. Doc. 42-13801; Filed, December 23, 1942; 11:45 a. m.]

[Vesting Order 373]

Chemical Marketing Company, Inc.

Re: All of the capital stock of Chemical Marketing Company, Incorporated.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

(a) Finding that Dr. Ferdinand A. Kertess, New York, New York, is controlled by or acting or purporting to act directly or indirectly for or on behalf of or as a cloak for a designated enemy country (Germany) or a person within such country;

(b) Determining, therefore, that said Dr. Ferdinand A. Kertess is a national of the aforesaid designated enemy country;

(c) Finding that said Dr. Ferdinand A. Kertess is the owner of 200 shares of $100 par value common stock of Chemical Marketing Company, Incorporated, a New York corporation, New York, New York, which is a business enterprise within the United States and which 200 shares constitute all the outstanding capital stock of said corporation, and therefore determining that such business enterprise is a national of a designated enemy country (Germany);

(d) Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

(e) Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

(f) Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the shares of stock described in subparagraph (c), to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian

to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy "country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 18, 1942.

[SEAL] Leo T. Crowley,
Alien Property Custodian.

[F. R. Doc. 42-13869; Filed, December 24, 1942; 9:09 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT R-3, Revised]

International-Great Northern Railroad—Texas and New Orleans Railroad Co.

ESTABLISHMENT OF DAILY SHUTTLE TRAIN PASSENGER SERVICE BETWEEN HOUSTON AND HOUSTON SHIPBUILDING CORP. NEAR DEEPWATER, TEXAS

Pursuant to Executive Order No. 8989, issued December 18, 1941, and in order to assure the orderly and expeditious movement of men to points of need and to conserve and providently utilize manpower and existing transportation facilities and service, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. International-Great Northern Railroad and Texas and New Orleans Railroad Company, jointly, shall establish forthwith, maintain, and continue until further order of the Office of Defense Transportation, daily shuttle train scheduled passenger service between the Congress Avenue Passenger Depot of the International-Great Northern Railroad, Houston, Texas, and the plant of the Houston Shipbuilding Corporation near Deepwater, Texas, sufficient to meet the requirements for the transportation between said points of employees of said Houston Shipbuilding Corporation; such shuttle trains shall be operated in interline road service with the minimum number of employees required to conduct such operations with safety and in accordance with the operating rules of the carriers.

2. Communications concerning this order should be addressed to the Division of Railway Transport, Office of Defense Transportation, Washington, D. C. and should refer to Special Order ODT R-3, Revised.

3. Special Order ODT R-3 [1] issued December 2, 1942, is hereby revoked effective as of the date of the issuance of this Special Order ODT R-3, Revised.

4. This Special Order ODT R-3, Revised, shall become effective December 24, 1942, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of December 1942.

Joseph B. Eastman,
Director of Defense Transportation.

[F. R. Doc. 42-13872; Filed, December 24, 1942; 11:01 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 99 Under MPR 188]

American Architectural Iron Co.

ESTABLISHMENT OF TEMPORARY MAXIMUM PRICE

Order No. 99 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel Materials. Maximum prices for sale of a new fireplace grate manufactured by American Architectural Iron Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, § 1499.158 of Maximum Price Regulation No. 188, and § 1499.3 (c) of General Maximum Price Regulation, *It is ordered:*

(a) This Order No. 99 sets temporary maximum prices for sales of a new fireplace grate manufactured by American Architectural Iron Company, 111 Liverpool Street, East Boston, Massachusetts. It applies only to the grate which has been described in an application submitted by the manufacturer to the Office of Price Administration. The Order is temporary. No sales or deliveries may be made under its authority after the 1st day of April, 1943.

(1) For sales by the manufacturer, the maximum price is $5.00, f. o. b. factory.

(2) For sales at wholesale by a person other than the manufacturer, the maximum price is $6.25, f. o. b. seller's point of shipment.

(3) For sales at retail, the maximum price is $10.00.

(b) Before delivery of a grate to any purchaser for resale, the manufacturer shall attach a tag or label which plainly states that the retail ceiling price of the grate is $10.00. The tag or label shall not be detached until the grate has been delivered to the consumer.

(c) At or prior to the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser of the maximum price set by this Order for resales by the purchaser. This notice may be given in any convenient form.

(d) This Order No. 99 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to terms used herein.

(f) This Order No. 99 shall become effective on the 23d day of December 1942, and shall terminate on the 1st day of April 1943.

Issued this 23rd day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13855; Filed, December 23, 1942; 3:40 p. m.]

[Amended Suspension Order 142]

Walker Oil Company

ORDER RESTRICTING TRANSACTIONS

On October 20, 1942, Randall M. Walker, doing business as Walker Oil Company, Walker Chevrolet Company and Tank Car Station No. 5, Jesup, Georgia, hereinafter called respondent, filed a petition for reconsideration of Suspension Order No. 142 issued against respondent on October 16, 1942. Upon consideration of the petition for reconsideration, an order was made on October 29, 1942, staying Suspension Order No. 142 until further order of the Deputy Administrator in Charge of Rationing and ordering a further hearing to be held on the charges against respondent. Thereafter, there was duly served upon respondent a notice of rehearing upon specific charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice, the rehearing upon such charges was held on November 13, 1942, in Jesup, Georgia. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence having been considered by the Administrator, it is hereby determined that:

(a) On July 22, 1942, respondent was both a dealer in and an intermediate distributor of gasoline having a place of business at Jesup, Georgia.

(b) Respondent has violated § 1394.-1601 of the Gasoline Rationing Regulations in that on July 22 and July 24, 1942, in his registrations with Wayne County, Georgia, War Price and Rationing Board, he represented that the total inventory of gasoline that he had on hand as a dealer and intermediate distributor as of 12:01 A. M. July 22, 1942, was 2,699 gallons, whereas the total inventory of said gasoline was in fact 6,888 gallons and respondent thereby obtained inventory coupons in an amount 4,189 gallons in excess of that to which he was then entitled.

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[1] 7 F.R. 10121.

The violations of the Gasoline Rationing Regulations by respondent have interfered with the effective administration and enforcement of the Gasoline Rationing Regulations which have been prescribed in the public interest to promote the national war effort. It appears to the Administrator from the evidence before him that further violations of the Gasoline Rationing Regulations by respondent are likely unless appropriate administrative action is taken. *It is therefore ordered,* That:

(a) Within three (3) days after the effective date of this Order respondent shall surrender to the War Price and Rationing Board, Wayne County, Georgia, bulk, inventory or other gasoline Rationing Coupons for a total amount of 4189 gallons of gasoline and upon such surrender said Board shall cancel the same.

(b) During the period in which this Suspension Order shall be in effect, respondent shall not sell, transfer or deliver any gasoline to any consumer.

(c) Any terms used in this Order that are defined in the Gasoline Rationing Regulations shall have the meaning therein given them.

(d) This amended Suspension Order No. 142 shall become effective 12:01 a. m. December 28, 1942, and unless sooner terminated, shall expire 12:01 a. m. January 25, 1943.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216); Supplementary Directive No. 1Q (7 F.R. 9121))

Issued this 23d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13856; Filed, December 23, 1942; 3:47 p. m.]

[Suspension Order 182]

BUD'S ATLANTIC SERVICE STATION

ORDER RESTRICTING TRANSACTIONS

Albert P. Caron, doing business as Bud's Atlantic Service Station, 19 Columbia Street, Adams, Massachusetts, hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice, a hearing upon the charges was held in Boston, Massachusetts, on October 30, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Administrator, it is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a filling station known as Bud's Atlantic Service Station at 19 Columbia Street, Adams, Massachusetts.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§ 1394.1502), in that on numerous occasions between July 22, 1942, and September 22, 1942, respondent transferred gasoline to consumers and into the fuel tanks of motor vehicles in the amount of at least 450 gallons, without receiving in exchange therefor any gasoline ration coupons. Such transfers were not within the classes of transfers permitted by Ration Order No. 5A, Gasoline Rationing Regulations, to be made without the exchange of coupons.

(c) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations, (§§ 1394.1502 and 1394.1503), in that on numerous occasions between July 22, 1942, and September 22, 1942, respondent as a dealer transferred gasoline to himself as a consumer and into the fuel tanks of private passenger automobiles operated by him without detaching coupons from ration books issued for such vehicles; the total amount of all of the gasoline so transferred greatly exceeded the total amount of the gasoline rations issued to respondent for his private passenger automobiles.

(d) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations (§ 1394.1101), in that on numerous occasions between July 22, 1942, and September 22, 1942, respondent transferred service ration coupons issued to him for the operation of a taxicab to himself as a dealer for the purpose of replenishing his inventory.

Because of the great scarcity and critical importance of gasoline in Massachusetts, respondent's violations of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Administrator that further violations by respondent are likely unless appropriate administrative action is taken: *It is therefore ordered:*

(e) During the period in which this Suspension Order No. 182 shall be in effect,

(1) Respondent shall not in any manner, directly or indirectly, sell, transfer or deliver gasoline to any person: *Provided, however,* That subject to the prior approval of and supervision by the Regional Administrator of Region I, Office of Price Administration, respondent may dispose of his stocks of gasoline on hand at the time this Order is served upon him.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(3) No person, firm, or corporation shall deliver, or in any manner directly or indirectly transfer any gasoline to respondent for resale.

(f) Within three days from the effective date of this Order, respondent shall surrender for cancellation to the War Price and Rationing Board with which he registered as a dealer, all of the gasoline ration coupons in his possession on the effective date of this Order except those issued to and held by him as a consumer.

(g) Any terms used in this Suspension Order No. 182 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(h) This Suspension Order No. 182 shall become effective 12:01 A. M. December 28, 1942, and shall remain in effect until further order by the Deputy Administrator in Charge of Rationing but not later than December 31, 1944.

(Pub. Law 421, 77th Cong.; Sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216); Supplementary Directive No. 1Q (7 F.R. 9121))

Issued this 23d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13857; Filed, December 23, 1942; 3:46 p. m.]

[Suspension Order 187]

RED DEVIL SERVICE STATION

ORDER RESTRICTING TRANSACTIONS

Antonio Tornatora, doing business as Red Devil Service Station, 452 New York Avenue Northwest, Washington, D. C., hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice, a hearing upon the charges was held in Washington, D. C., on November 30, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been duly considered by the Administrator, it is hereby determined:

(a) Respondent is a dealer in gasoline and operates a gasoline filling station located at 452 New York Avenue, Northwest, Washington, D. C.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations (§ 1394.1502), in that on various occasions between July 22 and November 16, 1942, respondent transferred gasoline to consumers and into the fuel tanks of their motor vehicles without receiving in exchange therefor any gasoline ration coupons. Such transfers were not within the classes of transfers of gasoline permitted by the provisions of Ration Order No. 5A, Gasoline Rationing Regulations, to be made without the exchange of gasoline ration coupons.

Because of the great scarcity and critical importance of gasoline in Washington, D. C., respondent's violations of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Administrator that further violations by respondent are likely unless appropriate administrative action is taken. *It is therefore ordered:*

(c) During the period in which this Suspension Order No. 187 shall be in effect.

(1) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(2) Respondent shall not transfer or deliver or otherwise trade or deal in gasoline.

(3) No person shall in any manner, directly or indirectly transfer or deliver any gasoline to respondent for resale.

(d) Any terms used in this Suspension Order No. 187 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(e) This Suspension Order No. 187 shall become effective 12:01 a. m. December 28, 1942, and unless sooner terminated, shall expire 12:01 a. m. March 24, 1943.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216); Supplementary Directive 1Q (7 F.R. 9121))

Issued this 23d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13858; Filed, December 23, 1942; 3:46 p. m.]

[Suspension Order 188]

LAWLER'S SERVICE STATION

ORDER RESTRICTING TRANSACTIONS

Nicholas P Lawler, doing business as Lawler's Service Station, 403 "S" Street, Northwest, Washington, D. C., hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice, a hearing upon the charges was held in Washington, D. C., on November 30, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been duly considered by the Administrator, it is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a gasoline filling station under the firm name of Lawler's Service Station, located at 403 "S" Street, Northwest, Washington, D. C.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations (§ 1394.1503), in that on various occasions between July 22, 1942, and November 16, 1942, respondent transferred gasoline to consumers and into the fuel tanks of their motor vehicles and accepted in exchange for such transfers seventy-five (75) Class A, No. 3 coupons, seven (7) Class A, No. 4 coupons, and two (2) Class A, No. 6 coupons.

Because of the great scarcity and critical importance of gasoline in Washington, D. C., respondent's violations of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Administrator that further violations by respondent are likely unless appropriate administrative action is taken; *It is therefore ordered:*

(c) During the period in which this Suspension Order No. 188 shall be in effect,

(1) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(2) Respondent shall not transfer or deliver or otherwise trade or deal in gasoline.

(3) No person shall in any manner, directly or indirectly transfer or deliver any gasoline to respondent for resale.

(d) Any terms used in this Suspension Order No. 188 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(e) This Suspension Order No. 188 shall become effective 12:01 A. M. December 28, 1942, and unless sooner terminated, shall expire 12:01 A. M. February 22, 1943.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216); Supplementary Directive No. 1Q (7 F.R. 9121))

Issued this 23d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13859; Filed, December 23, 1942; 3:46 p. m.]

[Suspension Order 189]

UNITED RICHFIELD STATION

ORDER RESTRICTING TRANSACTIONS

Lewis Yankelevitz, doing business as United Richfield Station, Harrison and Center Streets, Cumberland, Maryland, hereinafter called respondent, was duly notified of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice a hearing upon the charges was held on November 10, 1942, in Baltimore, Maryland. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been duly considered by the Administrator, it is hereby determined that:

(a) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations (§ 1394.1503), in that on various occasions between July 22 and September 12, 1942, respondent transferred gasoline to consumers and into the fuel tanks of their motor vehicles in exchange for gasoline ration coupons Class "S" from coupon books that were not issued for and did not bear the identification of the vehicle into which the transfers were made.

(b) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations (§ 1394.1503), in that on various occasions between July 22 and September 12, 1942, respondent transferred gasoline to consumers and into the fuel tanks of their motor vehicles and accepted in exchange for such transfers one Class A, No. 3 coupon; ten Class A, No. 4 coupons; and four Class A, No. 6 coupons.

(c) Respondent has violated Ration Order No. 5A, Gasoline Rationing Regulations (§ 1394.1601) in that on or about July 22, 1942, respondent filed with the Office of Price Administration for the gasoline filling station known as United Richfield Station at Harrison and Center Streets, Cumberland, Maryland, an application for inventory coupons on OPA Form R–545 wherein the gasoline capacity of such station was stated to be 3,100 gallons when, in fact, such storage capacity was 2,100 gallons.

Because of the great scarcity and critical importance of gasoline in Maryland, respondent's violations of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Administrator that further violations by respondent are likely unless appropriate administrative action is taken; *It is therefore ordered:*

(d) During the period in which this Suspension Order No. 189 shall be in effect,

(1) Respondent shall not either as principal or agent accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(2) Respondent shall not either as principal or agent transfer or deliver gasoline to any person.

(3) No person shall in any manner directly or indirectly transfer or deliver any gasoline to respondent for resale.

(e) Any terms used in this Suspension Order No. 189 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(f) This Suspension Order No. 189 shall become effective 12:01 A. M. December 28, 1942, and unless sooner terminated, shall expire 12:01 A. M. February 24, 1943.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong. as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216); Supplementary Directive No. 1Q (7 F.R. 9121))

Issued this 23d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13860; Filed, December 23, 1942; 3:47 p. m.]

[Suspension Order 190]

MILTON WOHLGEMUTH

ORDER RESTRICTING TRANSACTIONS

Milton Wohlgemuth, doing business as a gasoline dealer at 769 William Street, Buffalo, New York, hereinafter called respondent, was duly served with a notice of charges of violations of Ration Order No. 5A, Gasoline Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice, a hearing upon the charges was held in Buffalo, New York, on November 12, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Administrator, it is hereby determined that:

(a) Respondent is a dealer in gasoline and operates a filling station at 769 William Street, Buffalo, New York.

(b) Respondent has violated Ration Order 5A, Gasoline Rationing Regulations (§ 1394.1502), in that on numerous occasions between July 22, 1942 and September 28, 1942, respondent transferred gasoline to consumers and into the fuel tanks of motor vehicles in the amount of at least 200 gallons without receiving in exchange therefor any gasoline ration coupons. Such transfers were not within the classes of transfers permitted by Ration Order No. 5A, Gasoline Rationing Regulations, to be made without the exchange of coupons.

Because of the great scarcity and critical importance of gasoline in New York, respondent's violations of Ration Order No. 5A, Gasoline Rationing Regulations, have resulted in the diversion of gasoline from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Administrator that further violations by respondent are likely unless appropriate administrative action is taken; *It is therefore ordered:*

(c) During the period in which this Suspension Order No. 190 shall be in effect,

(1) Respondent shall not in any manner, directly or indirectly, sell, transfer or deliver gasoline to any person: *Provided, however,* That subject to the prior approval of and supervision by the Regional Administrator of Region II, Office of Price Administration, respondent may dispose of his stocks of gasoline on hand at the time this Order is served upon him.

(2) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source any gasoline for resale.

(3) No person, firm, or corporation shall deliver, or in any manner directly or indirectly transfer any gasoline to respondent for resale.

(d) Any terms used in this Suspension Order No. 190 that are defined in Ration Order No. 5A, Gasoline Rationing Regulations, shall have the meaning therein given them.

(e) This Suspension Order No. 190 shall become effective 12:01 A. M. December 28, 1942, and shall remain in effect until further order by the Deputy Administrator in Charge of Rationing but not later than December 31, 1944.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89 and 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 (7 F.R. 562); Supplementary Directive No. 1H (7 F.R. 3478, 3877, 5216); Supplementary Directive No. 1Q (7 F.R. 9121))

Issued this 23d day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13861; Filed, December 23, 1942; 3:46 p. m.]

WAR PRODUCTION BOARD.

YAKIMA PROJECT, WASH.

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF PARTIAL STOP CONSTRUCTION ORDERS PARTIALLY STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued certain partial Stop Construction Orders listed in Schedule A below, partially stopping the construction of the projects affected. For the effect of each such order upon construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued: December 23, 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

Name and address of builder	Project affected	Date of issuance of stop construction order
U. S. Department of Interior Denver, Colo	Yakima Project, Washington-Rosa Division	12/17/42

[F. R. Doc. 42-13840; Filed, December 23, 1942; 2:54 p. m.]

BLUE RIDGE PARKWAY, VA.-N. C.; ET AL.

NOTICE TO BUILDERS AND SUPLIERS OF ISSUANCE OF STOP CONSTRUCTION ORDERS STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued certain stop construction orders listed in Schedule A below, stopping the construction of the projects affected. For the effect of each such order upon the construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued: December 23, 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

Name and address of the builder	Project affected	Date of issuance of stop construction order
U. S. Dept. of Interior, National Park Service, Washington, D. C.	Blue Ridge Parkway, Va.-N. C	12/17/42
U. S. Dept. of Interior, Bureau of Reclamation, Denver, Colo	Gila Project, Ariz	12/12/42
U. S. Dept. of Interior, Bureau of Reclamation, Denver, Colo	Deschutes Project, Oreg	12/12/42
U. S. Dept. of Interior, National Park Service, Washington, D. C.	Colonial Parkway, Va	12/16/42
U. S. Dept. of Interior, Indian Affairs, Washington, D. C	Flathead, Mont	12/19/42
U. S. Dept. of Interior, Indian Affairs, Washington, D. C	Fort Peck, Mont	12/16/42
U. S. Dept. of Interior, National Park Service, Washington, D. C.	Grand Canyon National Park, Ariz	12/16/42
U. S. Dept. of Interior, National Park Service, Washington, D. C.	Mt. Rainier National Park, Wash	12/16/42
U. S. Dept. of Interior, National Park Service, Washington, D. C.	Natchez Trace Parkway, Tenn.-Ala.-Miss.	12/17/42
U. S. Dept. of Interior, Indian Affairs, Washington, D. C	Owens Valley, Calif	12/16/42
U. S. Dept. of Interior, Indian Affairs, Washington, D. C	Pine Ridge, S. Dak	12/15/42
U. S. Dept. of Interior, National Park Service, Washington, D. C.	Platt National Park, Okla	12/16/42
U. S. Dept. of Interior, Indian Affairs, Washington, D. C	Pyramid Lake, Nev	12/16/42
U. S. Dept. of Interior, Indian Affairs, Washington, D. C	Bonny Lane Project, Shoshone, Nev	12/15/42
U. S. Dept. of Interior, Bureau of Mines, Washington, D. C	Sponge Iron Pilot Plant, Johnstown, Pa.	12/16/42
U. S. Dept. of Interior, Indian Affairs, Washington, D. C	Wapato, Wash	12/16/42
U. S. Dept. of Interior, Indian Affairs, Washington, D. C	Wind River, Wyo	12/16/42
U. S. Dept. of Interior, Fish and Wild Life Service, Washington, D. C.	Yellowstone National Park, Wyo	12/16/42
U. S. Dept. of Interior, National Park Service, Washington, D. C.	Zion-Bryce Canyon National Park, Utah.	12/16/42
U. S. Dept. of Interior, Fish and Wild Life Service, Washington, D. C.	Salem, Maine	12/16/42
U. S. Dept. of Interior, Fish and Wild Life Service, Washington, D. C.	Back Bay, Va	12/17/42
U. S. Dept. of Interior, Fish and Wild Life Service, Washington, D. C.	Carbon Hill, Ala	12/17/42

SCHEDULE A—Continued

Name and address of the builder	Project affected	Date of issuance of stop construction order
U. S. Dept. of Interior, Fish and Wild Life Service	Charles Sheldon, Nev	12/19/42
U. S. Dept. of Interior, Fish and Wild Life Service, Washington, D. C.	Cohutta, Ga	12/16/42
U. S. Dept. of Interior, Fish and Wild Life Service, Washington.	Farlington, Kans	12/16/42
U. S. Dept. of Interior, Fish and Wild Life Service	Hart Mountain, Oreg	12/17/42
U. S. Dept. of Interior, Fish and Wild Life Service, Washington.	Hebron, Ohio	12/17/42
U. S. Dept. of Interior, Fish and Wild Life Service, Washington, D. C.	Houston, Tex	12/17/42
U. S. Dept. of Interior, Fish and Wild Life Service, Washington, D. C.	Lacassine, La	12/17/42
U. S. Dept. of Interior, Fish and Wild Life Service, Washington, D. C.	Lower Souris, N. Dak	12/17/42
U. S. Dept. of Interior, Fish and Wild Life Service, Washington, D. C.	Mattamuskeet, N. C	12/17/42
U. S. Dept. of Interior, Fish and Wild Life Service, Washington, D. C.	Medicine Lake, Mont	12/17/42
U. S. Dept. of Interior, Fish and Wild Life Service,	Melheur Lake, Oreg	12/19/42
U. S. Dept. of Interior, Fish and Wild Life Service, Washington, D. C.	Meridian, Miss	12/16/42
U. S. Dept. of Interior, Fish and Wild Life Service, Washington, D. C.	New London, Minn	12/17/42
U. S. Dept. of Interior National Park Service, Washington, D. C.	Great Smoky Mountain National Park, N. C.	12/16/42
U. S. Dept. of Interior, Fish and Wild Life Service, Washington, D. C.	Refuge, St. Marks, Fla	12/17/42
U. S. Dept. of Interior, Fish and Wild Life Service, Washington, D. C.	Upper Souris, N. Dak	12/17/42
U. S. Dept. of Interior, Fish and Wild Life Service, Washington, D. C.	Pea Island, N. C	12/17/42
Kansas State Highway Commission, Topeka, Kans	Kansas FAP 537-F(1)	12/19/42
Kansas State Highway Commission, Topeka, Kans	Kansas FAP 419 D(2)	12/19/42
Illinois Division of Highways, Department of Public Works and Buildings, Springfield, Ill.	Illinois FAGS 953 A(1)	12/19/42
Illinois Division of Highways, Department of Public Works and Buildings, Springfield, Ill.	Illinois FAGM 583-B(2) (off)	12/19/42
Illinois Division of Highways, Department of Public Works and Buildings, Springfield, Ill.	Illinois FAGH 535 C(1)	12/19/42
Illinois Division of Highways, Department of Public Works and Buildings, Springfield, Ill.	Illinois FAGH 533 A(3)	12/19/42
Georgia State Highway Board, Atlanta, Ga	Georgia SN-FAP 432 C(2)	12/19/42
Georgia State Highway Board, Atlanta, Ga	Georgia SN-FAP 432 B(2)	12/19/42
Georgia State Highway Board, Atlanta, Ga	Georgia SN-FAP 432-A(2)	12/19/42
Georgia State Highway Board, Atlanta, Ga	Georgia SN-FAP 427-A(2)	12/19/42
Georgia State Highway Board, Atlanta, Ga	Georgia SN-FAP 93(2)	12/19/42
Florida State Road Department, Tallahassee, Fla	Florida SN-FAP 123-A(1)	12/19/42
California Department of Public Works, Sacramento, Calif	Calif. SN-FAP 140-A (3)	12/19/42
Arizona State Highway Commission, Phoenix, Ariz	Maricopa Co., Ariz. SN-FAP 69 (3)	12/19/42
Arizona State Highway Commission, Phoenix, Ariz	Arizona FLH 18 (2)	12/19/42
Oklahoma State Highway Commission, Oklahoma City, Okla	Okla. FH 6-D	12/19/42
Nevada Department of Highways, Carsons City, Nev	Nevada FLH 18-B (1)	12/19/42
Nevada Department of Highways, Carson City, Nev	Nevada FAGM 12-B (1)	12/18/42
Ohio Department of Highways, Columbus, Ohio	Ohio Proj. State Route 534	12/18/42
Iowa State Highway Commission, Ames, Iowa	Iowa FAGH 842-B (1)	12/15/42
Louisiana Department of Highways, Baton Rouge, La	La. AW-FAGM 65-A (1) (off)	12/15/42
New Mexico State Highway Commission, Santa Fe, N. Mex	N. Mex. SN-FAP 91-A (2)	12/15/42
New Mexico State Highway Commission, Santa Fe, N. Mex	N. Mex. SN-FAP 3-B (1)	12/15/42
New Mexico State Highway Commission, Santa Fe, N. Mex	N. Mex. SN-FAGH 91-C (3)	12/15/42
Oklahoma State Highway Commission, Oklahoma City, Okla	Alfalfa Co., Okla. FAP 428-E (1)	12/15/42
Oklahoma State Highway Commission, Oklahoma City, Okla	Canadian Co., Okla. FAP 506-B (2)	12/15/42
Oklahoma State Highway Commission, Oklahoma City, Okla	Carter Co., Okla. FAS 95-A (1)	12/15/42
Oklahoma State Highway Commission, Oklahoma City, Okla	Craig Co., Okla. FAS 137-B (1)	12/15/42
Oklahoma State Highway Commission, Oklahoma City, Okla	Craig Co., Okla., FAS 137-C (1)	12/15/42
Oklahoma State Highway Commission, Oklahoma City, Okla	Hughes Co., Okla., FAS 392-C (1)	12/15/42
Oklahoma State Highway Commission, Oklahoma City, Okla	Kay Co., Okla., FAP 125-A (2)	12/15/42
Oklahoma State Highway Commission, Oklahoma City, Okla	Mayes Co., Okla , FAS 137-A (1)	12/15/42
Oklahoma State Highway Commission, Oklahoma City, Okla	McCurtain Co., Okla., FAS 138-A (1)	12/15/42
Oklahoma State Highway Commission, Oklahoma City, Okla	Muskogee Co., Okla. FAS 93-A(1)	12/15/4
Oklahoma State Highway Commission, Oklahoma City, Okla	Ottawa Co., Okla. FAP 486-C(4)	12/15/42
Oklahoma State Highway Commission, Oklahoma City, Okla	Payne Co., Okla. FAS 360-C(1)	12/15/42
Oklahoma State Highway Commission, Oklahoma City, Okla	Payne Co., Okla. FAP 199 G(3)	12/15/42
Oklahoma State Highway Commission, Oklahoma City, Okla	Roger Mills Co., Okla. FAS 476-B(1)	12/15/42
Oklahoma State Highway Commission, Oklahoma City, Okla	Stephens Co., Okla. SN-FAP 102(2)	12/15/42
Oklahoma State Highway Commission, Oklahoma City, Okla	Stephens Co., Okla. SN-FAP 103(2)	12/15/42
Oklahoma State Highway Commission, Oklahoma City, Okla	Woodward Co., Okla. FAP 324-D(2)	12/15/42

SCHEDULE A—Continued

Name and address of the builder	Project affected	Date of issuance of stop construction order
Oklahoma State Highway Commission, Oklahoma City, Okla.	Woodward County, Okla., FAP 324-C (1).	12/15/42
Texas State Highway Department, Austin, Tex	Frio County, Tex SN-FAP 273 (10)	12/15/42
Texas State Highway Department, Austin, Tex	U. S. 80, El Paso, Tex., SN-FAP 439-I (1).	12/15/42
Texas State Highway Department, Austin, Tex	Henderson County, Tex., FAP 576-B (2).	12/15/42
Tennessee Valley Authority, Knoxville, Tenn	Hiwassee River, Cherokee Co., N. C	12/19/42
Tennessee Valley Authority, Knoxville, Tenn	French Broad River, Sevier Co., Tenn	12/16/42
Tennessee Valley Authority, Knoxville, Tenn	Wilson Dam, Alabama	12/19/42
Tennessee Valley Authority, Knoxville, Tenn	Wheeler, Wilson, and Pick-Wick Dams on Tennessee River.	12/19/42
Tennessee Valley Authority, Knoxville, Tenn	Chickamauga and Cuntersville Dams on Tennessee River.	12/19/42

[F. R. Doc. 42-13841; Filed, December 23, 1942; 2:54 p. m.]

WINDOM, MINN., ET AL.

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued certain revocation orders listed in Schedule A below, revoking preference rating orders issued in connection with, and stopping the construction of, the projects affected. For the effect of each such order upon preference ratings, construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 FR. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued: December 23, 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Project affected	Date of issuance of revocation order
PD-1	126057	City of Windom, Windom, Minn	Windom, Minn	12/18/42
PD-1	126058	City of Windom, Windom, Minn	Windom, Minn	12/18/42
PD-1	401529	Electric Light & Power Improvement District #1, Benton, Ark.	Benton, Ark	12/18/42
PD-2	C-82501	City of Monroe, La	Municipal Power Plant, Monroe, La	12/18/42
P-19-a	6017	Iowa Public Service Co., Sioux City, Iowa	Sheldon, Iowa	12/18/42
PD-1	94565	Town of Gunnison, Gunnison, Colo	Gunnison, Colo	12/18/42
P-19-a	861-A	Aluminum Co. of America, Pittsburgh, Pa	Malvern, Ark. (Jones Mill)	12/16/42
P-19-a	2535-A	LaClede Power & Light Co., St. Louis, Mo	Mound Street Station, St. Louis, Mo	12/19/42
P-19-h	8445	U. S. Dept. of Interior, Bureau of Reclamation, Denver, Colo.	All-American Canal, Imperial County, California Project.	12/15/42
P-19-h	34504	U. S. Department of Interior Bureau of Reclamation Denver, Colo.	Conchas Canal, Tucumcari Project, N. Mex.	12/15/42
PD-1	171163	Chesapeake Corporation, West Point, Va	West Point, Va	12/18/42
PD-1	245498	Chesapeake Corporation, West Point, Va	West Point, Va	12/19/42
P-19-a	16-A	Tennessee Valley Authority, Knoxville, Tenn.	Jefferson City, Tenn	12/16/42
P-19-e	18519	West Virginia State Road Commission Charleston, W. Va.	W. Va. SN-FA 176-D (1)	12/17/42
P-19-e	72E	Ohio Department of Highways Columbus, Ohio.	Ohio SN-FAP 632 J (1)	12/17/42
P-19-e	217E	Louisiana Department of Highways Baton Rouge, La.	Prairieville & Pollock, La., SN-FAP 379 (1), SN-FAP 111-A (2), B (2), C (4).	12/17/42
P-19-e	218E	Louisiana Department of Highways Baton Rouge, La.	Keithville & State Route 6, La., FAGH 68 G (1), FAGM 150 A (2).	12/17/42

SCHEDULE A—Continued

Preference rating order	Serial No.	Name and address of builder	Project affected	Date of issuance of revocation order
P-19-e..	231E	South Dakota State Highway Commission, Pierre, S. Dak.	Custer & Pennington Co., S. Dak., FAGH 447-B (1), FAP 447 C (1) & 447 D (1).	12/17/42
P-19-e..	234E	Delaware State Highway Department, Dover, Del.	Dover and Odessa, Del., SN FAP 85 A (3), SN FAP 87 A (4).	12/17/42
P-19-e..	235E	Delaware State Highway Department, Dover, Del.	State Route 9, Del. FAP 171 B (1)	12/17/42
P-19-e..	237E	Delaware State Highway Department, Dover, Del.	State Route 72, Del. FAS 47 A (1)	12/17/42
P-19-e..	253E	North Dakota State Highway Department, Bismarck, N. Dak.	N. Dak. FAP 293A (2)	12/17/42
P-19-e..	298E	North Dakota State Highway Department, Bismarck, N. Dak.	N. Dak. FAP 334A (4)	12/17/42
P-19-e..	351E	Colorado State Highway Department, Denver, Colo.	Elk Springs, Colo., FAP 150-D (3)	12/17/42
P-19-e..	361E	Texas State Highway Department, Austin, Tex.	Wise & Tarrant Co., Texas SN FAP 41 (3), Texas SN FAP 14 (8).	12/17/42
P-19-e..	430E	New Mexico State Highway Commission, Santa Fe, N. Mex.	Roswell, N. Mex., FAGH 48 (3)	12/17/42
P-19-e..	524E	Maine State Highway Commission, Augusta, Maine.	Mt. Desert, Maine, FAS 35 B (1)	12/18/42
P-19-e..	527E	Massachusetts Department of Public Works, Boston, Mass.	Salem, Mass., FAGM 319 A (1) (on)	12/16/42
P-19-e..	528E	Massachusetts Department of Public Works, Boston, Mass.	Boston & Pittsfield, Mass., FAGM 18-A (1) (off), FAGM 25-A (1) (off).	12/17/42
P-19-e..	542E	Vermont Department of Highways, Montpelier, Vt.	Enosburg Falls, Vt., SN-FAP 134-B (1)	12/17/42
P-19-e..	557E	Wisconsin State Highway Commission, Madison, Wis.	Lavalle & Merrillan, Wis., FAGM 171-B (1) (off) & FAGM-B (1) (off).	12/17/42
P-19-e..	758E	Texas State Highway Department, Austin, Tex.	Lipscomb County, Tex., FAS 662 E (1)	12/17/42
P-19-e..	19E	Pennsylvania Department of Highways, Harrisburg, Pa.	Milton, Pa., FAS 1013 C (1)	12/17/42
P-19-e..	420E	Nevada Department of Highways, Carson City, Nev.	Ilko, Nev., FAS 23-A (1)	12/18/42
P-19-e..	2230A	Colorado State Highway Department, Denver, Colo.	Aquilar, Colo., SN-FAP 2 (10)	12/18/42
P-19-e..	38405E	Nebraska Department of Highways, Lincoln, Nebr.	Jefferson City, Nebr., SN-FA 29 (8)	12/18/42
P-19-e..	677E	Pennsylvania Department of Highways, Harrisburg, Pa.	Laughlintown to Jennerstown & Chambersburg & Gettysburg, Pa. SN-FA 217-J (2), SN-FA 679-A (1), SN-FA 217-H (3), SN-FA 25-A (2).	12/18/42
P-19-e..	770E	Colorado State Highway Department, Denver, Colo.	Brighton, Colo., FAP 225-A (2), FAP 226-B (3), FAP 226-C (4).	12/18/42

[F. R. Doc. 42-13842; Filed, December 23, 1942; 2:55 p. m.]

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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
1934
OF THE UNITED STATES
VOLUME 7 NUMBER 253

Washington, Tuesday, December 29, 1942

The President

EXECUTIVE ORDER 9289

Regulations Governing the Payment of Overtime Compensation to Employees of the Executive Departments and Agencies

By virtue of the authority vested in me as President of the United States, I hereby prescribe the following regulations governing the payment of compensation for employment in excess of 40 hours in any administrative workweek to civilian employees of the Government to whom the provisions of Senate Joint Resolution 170, 77th Congress, are applicable:

Section 1. Heads of Executive departments and agencies, or such officers or employees as they may designate, shall establish official hours of duty and a regular workweek for each employee or group of employees. No employee shall be required to work in excess of the officially established hours of duty except upon the order of the head of the department or agency or of such officer or employee as has been delegated specific authority to require such additional work.

Section 2. Overtime compensation for employment in excess of 40 hours during an officially established regular workweek, and for work ordered or approved in addition to the regular workweek so established shall be paid at the rate of one and one-half times the employee's regular rate of compensation, subject to the following limitations:

(a) No overtime compensation shall be paid on any part of an employee's basic rate of compensation in excess of $2,900 per annum;

(b) Each employee shall be paid only such overtime compensation or portion thereof as will not cause his aggregate compensation, composed of his basic rate of compensation and his overtime compensation, to exceed a rate of $5,000 per annum.

For the purpose of computing overtime compensation the pay for one hour shall be considered to be ⅛ of the employee's pay for one day and the pay for one day shall be considered to be 1/360 of the employee's per-annum salary.

Section 3. Overtime compensation of per-annum employees for employment during an officially established regular workweek in excess of 40 hours may be calculated on an annual basis and paid in equal amounts on the regular monthly or semi-monthly pay days.

Section 4. In the case of an employee to whom the annual- and sick-leave laws approved March 14, 1936, 49 Stat. 1161, 1162, as amended, are applicable, approved absence, except on leave without pay, during any part of the officially established regular workweek shall be charged as annual or sick leave as the case may be, and any absence on approved annual or sick leave shall not be construed to reduce the amount of overtime compensation to which the employee is entitled for employment during the officially established regular workweek.

Section 5. Overtime compensation for employment in excess of 40 hours per week during the period between December 1, 1942, and the date of issuance of these regulations shall be paid on the basis of the official hours of duty which employees were required to work during such period and on the basis of any additional overtime officially ordered or approved and currently recorded.

Section 6. Notwithstanding the provisions of this order, Federal civilian employees on vessels operated by the United States whose wages and allowances are computed on the basis of the special hours and conditions of their work may be compensated in accordance with the wage practices of the maritime industry.

Section 7. Employees such as certain forest-fire lookouts, forest guards, and lighthouse keepers the nature of whose work (as determined by the head of the department or agency concerned) requires them to remain at or within the confines of their posts of duty for more than 40 hours per week but does not require that all of their time be devoted to actual work shall be considered to have intermittent or irregular hours of duty within the meaning of the last proviso of section 1 of the said Senate Joint Resolution 170, 77th Congress.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue. Remit money order for subscription or single copies payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

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Section 8. This order shall take effect as of December 1, 1942, and shall be published in the FEDERAL REGISTER.

Section 9. Executive Orders Nos. 8837 of July 30, 1941, and 9117 of March 31, 1942, are hereby revoked as of the effective date of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 26, 1942.

[F. R. Doc. 42-14049; Filed, December 28, 1942; 12:36 p. m.]

EXECUTIVE ORDER 9285

ESTABLISHING THE UNITED STATES OF AMERICA TYPHUS COMMISSION

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Army and Navy of the United States, and for the purposes of protecting the members of the armed forces from typhus fever and preventing its introduction into the United States, it is hereby ordered as follows:

1. There is hereby established in the War Department, under the supervision and direction of the Secretary of War, a commission to be known as the United States of America Typhus Commission, hereinafter referred to as the Commission. The Commission shall serve with the Army of the United States, and shall consist of a Director, appointed by the Secretary of War, such officers of the Army Medical Corps as may be detailed as members thereof by the Secretary of War, such officers of the Navy Medical Corps and the Public Health Service as may be detailed as members thereof, upon request of the Secretary of War, by the Secretary of the Navy or the Federal Security Administrator, and such other persons as may be appointed as members thereof by the Secretary of War.

2. The Director of the Commission is authorized and directed to formulate and effectuate a program for the study of typhus fever and the control thereof, both within and without the United States, when it is, or may become, a threat to the military population. The operations of the Commission abroad shall be carried out in collaboration with the Department of State.

3. The Director of the Commission is authorized to employ necessary technical and nonprofessional personnel, and to make such expenditures, within the limits of funds made available to the Commission by the War Department, Navy Department, United States Public Health Service, or other Governmental agencies, as may be deemed necessary by him to accomplish the purposes of this order. Members of the armed forces may be detailed for duty with the Commission.

4. The Director shall take steps to secure the cooperation, assistance, and services of other Governmental agencies; make arrangements for the visiting by members of the Commission of such areas of neutral or allied nations as may be necessary to further the study of typhus fever; arrange for the analysis, study, and publication of scientific data and material obtained in such field investigations; establish and maintain typhus fever study units at appropriate Governmental laboratories; and procure such laboratory space, clinical facilities, and equipment as may be necessary to accomplish the purposes of this order. He shall collaborate with the Secretary of War, the Secretary of the Navy, the Administrator of the Federal Security Agency, and appropriate civilian organizations, when necessary, regarding the procurement of personnel and equipment in connection with the activities of the Commission, keep the Secretary of War informed in regard to the progress made in carrying out this order, and perform such other duties as from time to time the Secretary of War may assign to him.

5. All Executive departments, independent establishments, and other Federal agencies are hereby authorized and directed to assist the Secretary of War and the Director in carrying out this order, including the furnishing of equipment, transportation, and personnel facilities and assistance.

6. There is hereby established a United States of America Typhus Commission Medal, with suitable appurtenances, which shall be awarded by the President of the United States or at his direction, to any person who may render or contribute meritorious service in connection with the work of the Commission.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 24, 1942.

[F. R. Doc. 42-14014; Filed, December 26, 1942; 3:23 p. m.]

EXECUTIVE ORDER 9286

MEDAL FOR MERIT

By virtue of and pursuant to the authority vested in me by section 2 of the act of July 20, 1942 (Public Law 671, 77th Congress), I hereby prescribe the following rules and regulations for the award of the decoration of the "Medal for Merit" created by said act:

1. The decoration of the Medal for Merit shall be awarded only by the President of the United States or at his direction. Awards of the Medal for Merit may be made to such civilians of the nations prosecuting the war under the joint declaration of the United Nations and of other friendly foreign nations, as have, since the proclamation of an emergency by the President on September 8, 1939, distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services. Awards of the Medal for Merit made to civilians of foreign nations shall be for the performance of an exceptionally meritorious or courageous act or acts in furtherance of the war efforts of the United Nations and shall have the prior approval of the Secretary of State.

2. There is hereby created a Board to be known as the "Medal for Merit Board", which shall consist of—

The Secretary of State
The Secretary of War
The Secretary of the Navy
The Chairman of the War Production Board, and
The Director of the Office of Civilian Defense

The Secretary of State shall act as Chairman of the Board. Each member of the Board may designate an alternate to represent him on the Board and empower the person so designated to act in his stead.

3. The Medal for Merit Board will receive and consider proposals for the award of the decoration of the Medal for Merit and submit to the President the recommendations of the Board with respect thereto.

4. The Medal for Merit Board is authorized to prescribe, with the approval of the President, such rules and regulations not inconsistent with the provisions of this order as may be necessary to accomplish its purposes.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 24, 1942.

[F. R. Doc. 42-14011; Filed, December 26, 1942; 3:23 p. m.]

EXECUTIVE ORDER 9287

Transferring Certain Functions From the Council of National Defense to the Secretary of the Interior

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 838), it is ordered that all of the functions, duties, and powers vested in the Council of National Defense by section 8 of the Federal Explosives Act of October 6, 1917 (40 Stat. 385), as amended by the act of December 26, 1941 (55 Stat. 863), be, and they are hereby, transferred to and vested in the Secretary of the Interior, to be exercised by him or by such officers or employees of the Department of the Interior as he shall from time to time designate.

Franklin D Roosevelt

The White House,
December 24, 1942.

[F. R. Doc. 42-14012; Filed, December 26, 1942; 3:23 p. m.]

EXECUTIVE ORDER 9288

Transferring the Control and Jurisdiction Over Certain Tracts of Land From the Secretary of the Interior to the Secretary of Agriculture for Administrative Purposes

PUERTO RICO

By virtue of the authority vested in me by the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), and as President of the United States, it is hereby ordered that the following-described tracts of land in Puerto Rico, acquired under authority of that act and Executive Order No. 7057 of May 28, 1935, as amended, which tracts are not primarily suitable for cultivation, be, and they are hereby, subject to valid existing rights, transferred from the control and jurisdiction of the Secretary of the Interior to the control and jurisdiction of the Secretary of Agriculture to be administered for forest purposes in accordance with the provisions of Title III of the Bankhead-Jones Farm Tenant Act approved July 22, 1937 (50 Stat. 522):

1. RURAL: Parcel of land known as "El Retiro" located in place known as "Jauca" of Ward "Collores" of the municipality of Jayuya, P. R., containing THREE HUNDRED EIGHTY SEVEN CUERDAS AND TWENTY EIGHT HUNDREDTHS OF ANOTHER (387.28), equivalent to 152 hectares, 21 ares and 52 centares, bounded North, with lands of Laureana Perez, separated by municipal trail, with the Hacienda "Santa Rosa", property of Antonio Crispi and lands of Donato Reyes and Jacinto Reyes; South and East, with the Hacienda "Carmelita" property of The People of Puerto Rico; and West, with the Hacienda "Jauca", property of the Sucn. Serralles and lands of Laureana Perez.

Recorded in fee-simple (dominio) title in favor of the United States of America at folio 103 of volume 20 of Jayuya, property No. 399 quadruplicate, inscription 18.

2. RURAL: Parcel of land located in Ward "Anon" of the municipality of Ponce, containing ONE HUNDRED NINETY EIGHT CUERDAS AND EIGHTY THREE HUNDREDTHS OF ANOTHER (198.83) equivalent to 78 hectares, 14 ares and 81 centares; two cuerdas and forty six hundredths of another equivalent to 96 ares and 67 centares occupied by two rivers are deducted, remaining one hundred ninety six cuerdas and thirty seven hundredths of another (196.37) equivalent to 77 hectares, 18 ares and 14.1125 centares, bounded North, with Hacienda "El Retiro", property of Antonio Yumet Marin and Juan Masini Pietri; South, with "Hacienda Carmelita" property of The People of Puerto Rico and R. B. Noyes, separated by the Carrillo River; East with R. B. Noyes, separated by the Carrillo River; and West, with "Hacienda Carmelita" property of The People of Puerto Rico and "Hacienda El Retiro" property of Antonio Yumet Marin.

Recorded in fee-simple (dominio) title in favor of the United States of America at folio 30, volume 406 of Ponce, property No. 14,274, inscription 1.

3. RURAL: Parcel of land located in Wards "Anon" and "San Patricio" of the municipality of Ponce, P. R., containing SIX HUNDRED NINE CUERDAS AND SEVENTY FOUR HUNDREDTHS OF ANOTHER (609.74) equivalent to 239 hectares, 64 ares, and 22 centares, bounded North, with lands of Sucesion Morales, separated by the dividing line between the jurisdictions of Ponce and Jayuya; South, with Radames Sotomayor, more lands of R. B. Noyes and Hacienda "Raices" property of Fernando M. Toro; East, with the farm known as "Inavon" property of Manuel Mayoral, before Luis Llorens; and West, with the "Hacienda Carmelita", property of The People of Puerto Rico.

Recorded in fee-simple (dominio) title in favor of the United States of America, at folio 14, volume 404 of Ponce, property No. 14217, inscription 1.

4. RURAL: Parcel of land located in Ward Jayuya Arriba of the municipality of Jayuya, P. R., containing TWO HUNDRED SIX CUERDAS AND TWELVE HUNDREDTHS OF ANOTHER (206.12) equivalent to 81 hectares, 1 are, 34 centares, bounded North, with "Hacienda Gripina" and Emeterio Atienza; South, with Emeterio Atienza; East, with Emeterio Atienza; and West, with Hacienda "Gripina".

Recorded in fee-simple (dominio) title in favor of the United States of America at folio 76, volume 7 of Jayuya, property No. 262, inscription 10.

5. RURAL: Parcel of land located in Ward "Saliente" of the municipality of Jayuya, P. R., containing ONE HUNDRED EIGHTY CUERDAS THREE HUNDRED FORTY SIX THOUSANDTHS OF ANOTHER (180.346) equivalent to 70 hectares, 88 ares and 31 centares and 129 milliares, bounded North, with lands of the United States of America, acquired from Ramon Ortiz Zayas; South, with lands of the United States of America, acquired from Luis Llorens Torres; East, with the Prieto River and West; with lands of the United States of America acquired from Emeterio Atienza.

Recorded in fee-simple (dominio) title in favor of the United States of America, at folio 123, volume 22 of Jayuya, property No. 1086, inscription 9

6. RURAL: Parcel of land located in Ward "Saliente" of the municipality of Jayuya, P. R., containing FIVE HUNDRED EIGHTY SEVEN CUERDAS AND SIXTY TWO HUNDREDTHS OF ANOTHER (587.62) equivalent to 230 hectares, 95 ares, and 68 centares, bounded North, with Carlos Fortieri, before Francisco de Jesus, heirs of Francisco Martin and farm known as "El Guineo", property of Pedro Correa; South, with the dividing line between Ponce and Jayuya which separates lands of the farm known as "Maravilla" property of Luis Llorens Echevarria, the dividing line between Juana Diaz and Jayuya, which separates the farm known as "Retiro" property of Julio Munet and the farm known as "Palma Sierra" property of the Banco Territorial y Agricola; East, the farm known as "Palma Sierra", property of the Banco Territorial y Agricola; and West, with Sucn. Mattei, before Olayo Vargas.

Recorded in fee-simple (dominio) title in favor of the United States of America at folio 156, volume 6 of Jayuya, property No. 214, inscription 8.

7. RURAL: Parcel of land located one half in Ward "Toro Negro" of the municipality of Ciales, P. R., and the other half in Ward Jayuya Arriba, of the municipality of Jayuya, formerly of Utuado, P. R., containing THREE HUNDRED SIXTEEN CUERDAS AND FIFTY SEVEN HUNDREDTHS OF ANOTHER (316.57) equivalent to 124 hectares, 42 ares and 45 centares; bounded North, with lands of Pablo Morales, Bartolo Castaner and Juan Ramon Figueroa; East, with lands of The People of Puerto Rico; South, with lands of Juan Bautista Galarzo and lands of the United States of America; and West, with lands of Emiliano Rivera, of Placido Davila, of Candido Gonzales and of Geronimo Franceschi.

Recorded in fee-simple (dominio) title in favor of the United States of America at folios 20 over and 88, volumes 12 and 23 of the municipalities of Ciales and Jayuya, Property Nos. 579 and 1230, inscriptions 3 and 3, respectively.

8. RURAL: Parcel of land located in Ward Toro Negro of the municipality of Ciales, P. R., containing TWO HUNDRED SIXTY CUERDAS AND FORTY NINE HUNDREDS OF ANOTHER (260.49) equivalent to 102 hectares, 38 ares and 13.37 centares, bounded North, with Juan Galarza and Sucn. Martinez; South, with Sucn. Antonio Passalacqua; East, with the remaining part of the farm from where this parcel has been segregated; and West, with Juan Galarza and Sucn. of Antonio Passalacqua.

Recorded in fee-simple (dominio) title in favor of the United States of America, at folio 174, volume 72 of Ciales, property No. 4229, inscription 1.

9. RURAL: Parcel of land known as "Hacienda Bauta", located in ward Bauta Abajo of the municipality of Orocovis, containing SIX HUNDRED SEVEN CUERDAS AND NINETY TWO HUNDREDTHS OF ANOTHER (607.92) equivalent to 238 hectares, 93 ares, 68 centares and 77 milliares divided in two portions by lands of The People of Puerto Rico, where the Matrullas Lake is located, both of which portions meet at their northern boundary at the margin of the Matrullas River and lands of Dolores Colon, the boundary of the two portions being as follows: the portion of land on the East side of the Matrullas Lake is in boundary, North, with lands of Dolores Colon, Miguel Rivera and Horacio Berrios; South, with lands of Eugenio Guzman; East, with lands of Antonio Ocasio, Ulises Ocasio, Lucas Serrano and Juan Rivera; and West, with lands of The People of Puerto Rico where the Matrullas Lake is located; and the other portion of land west of the Matrullas Lake is in boundary North, with lands of Ramon Torres; South, with lands of Manuel Ralat and Eugenio Guzman, East, with the Matrullas River and lands of The People of Puerto Rico where the Matrullas Lake is located; and West, with lands of Abad Frau, Elias Rodriguez, Juan Gutierre, and Sucn. Manuel Ortiz.

Recorded in fee-simple (dominio) title in favor of the United States of America at folio 92 over, volume 51 of Orocovis property No. 8, septuplicate, inscription 27.

10. RURAL: Parcel of land located in Ward "Ala de la Piedra" of the municipality of Orocovis, P. R., containing SEVENTY NINE CUERDAS AND FIVE HUNDRED TWENTY SIX THOUSANDTHS OF ANOTHER (79.526) equivalent to 31 hectares, 25 ares and 70 centares, bounded North, with lands of The People of Puerto Rico separated in part by the Guineo Road and with the remaining 3.36 cuerdas of the principal estate from which this parcel has been segregated, property of the Sucn. Antonio Passalacqua y Costa, composed by the vendors herein mentioned; South, with lands of The People of Puerto Rico and lands of Casimiro Figueroa; East, with lands of Casimiro Figueroa and lands of The People of Puerto Rico acquired from Sucn. Julio Olivieri; and West, with lands of The People of Puerto Rico and the remaining part of the principal estate from which this parcel is segregated the Guineo Road runs thru this property on the northern and extreme northeast.

Recorded in fee-simple (dominio) title in favor of the United States of America, at folio 95, volume 59 of Orocovis, property No. 2852, inscription 1.

11. RURAL: Parcel of land located in Ward "Toro Negro" of the municipality of Ciales, P. R., containing NINETY-SIX CUERDAS AND FORTY-THREE HUNDREDTHS OF ANOTHER (96.43) equivalent to 37 hectares, 90 ares, 8 centares and 4 milliares, bounded North, with lands of the United States of America acquired from Antonio Morell Bauza; South, with lands of Juan Galarza and lands of The People of Puerto Rico; East, with lands of The People of Puerto Rico; and West, with lands of Juan Galarza.

Recorded in fee-simple (dominio) title in favor of the United States of America at folio 73, volume 69 of Ciales, property No. 4009, inscription 4.

12. RURAL: Parcel of land located in Ward Jayuya Arriba of the municipality of Jayuya, P. R., containing NINETY-NINE CUERDAS AND NINETY-EIGHT HUNDREDTHS OF ANOTHER (99.98) equivalent to 39 hectares, 29 ares, and 48.94 centares, bounded North, with Sucn. Morales; South, with Compania Hidroelectrica de Ponce; East, with Emeterio Atienza; and West, with Compania Hidroelectrica de Ponce.

Recorded in fee-simple (dominio) title in favor of the United States of America at folio 116, volume 9 of Jayuya, property No. 365 duplicate, inscription 13.

13. RURAL: Parcel of land located in Ward "Anon" of the municipality of Ponce, P. R., containing FIVE HUNDRED CUERDAS (500), equivalent to 196 hectares, 51 ares and 97.08 centares, bounded North, with lands of Sucn. Morales and Ramona Munoz Viuda de Alonso, today the United States of America; East, with lands of Manuel Mayoral; South, with lands of Jose Franco and Compania de Fuerza Hidroelectrica de Ponce; and West, with lands of Roberto B. Noyes, today the United States of America.

Recorded in fee-simple (dominio) title in favor of the United States of America, at folio 217, volume 410 of Ponce, property No. 14357, inscription 1.

14. RURAL: Parcel of land located in Ward Jayuya Arriba of the municipality of Jayuya, P. R., containing TWO HUNDRED NINETY FIVE CUERDAS AND TEN HUNDREDTHS OF ANOTHER (295.10) equivalent to 115 hectares, 98 ares and 67.69 centares, bounded North, with Juan Masini; East, with Ramon Ortiz Zayas, today Caribbean National Forest, Sucn. Egozcue and Luis Llorens Torres, today lands of the Puerto Rico Reconstruction Administration; South, with Manuel Mayoral; and West, with Sucn. Morales, Ramona Munoz Viuda de Alonso and Manuel Mayoral.

Recorded in fee-simple (dominio) title in favor of the United States of America, at folio 29, volume 20, of Jayuya, property No. 829, inscription 1.

15. RURAL: Parcel of land located in Ward "Cacaos" of the municipality of Orocovis, P. R., containing THIRTY SIX CUERDAS AND EIGHTEEN HUNDREDTHS OF ANOTHER (36.18) equivalent to 14 hectares, 21 ares, and 93 centares, bounded North, with lands of Luis Torres, Candido Berdecia and Luis Torres; East, with Eustaquio Burgos and Juan Berdecia; South, with Juan Berdecia and Banco de Ponce; and West, with Ramon Torres.

Recorded in fee-simple (dominio) title in favor of the United States of America, at folio 158, volume 56 of Orocovis, property No. 2718, inscription 1.

16. RURAL: Parcel of land located in Ward Bauta Abajo of the municipality of Orocovis, P. R., containing EIGHTY-FIVE CUERDAS AND SIX HUNDRED SIX THOUSANDTHS OF ANOTHER (85.606) equivalent to 33 hectares, 64 ares and 69 centares, bounded North, with lands of Eugenio Guzman; South, with lands of Sucesion Colon and lands of Sucn. Antonio Ortolaza; East, with Lucas Serrano; and West, with the Matrullas Lake, property of The People of Puerto Rico.

Recorded in fee-simple (dominio) title in favor of the United States of America at folio 147, volume 38 of Orocovis, property No. 273 duplicate, inscription 10.

17. RURAL: Parcel of land located in Ward "Collores" of the municipality of Juana Diaz, P. R., containing TWO HUNDRED CUERDAS AND EIGHTY HUNDREDTHS OF ANOTHER (200.80) equivalent to 78 hectares, 92 ares and 24.32 centares, bounded North, with the Toro Negro River which separates land of Maria Asuncion Garlarza Torres; South, with Fidel Aponte, Carlos Aponte, Jose S. Vazquez, Banco Credito y Ahorro Ponceno before, today C. R. Rosich; East, with Juan B. Galarza before, today Maria Asuncion Galarza Torres, lands of the Puerto Rico Reconstruction Administration (Coffee Program) today, before Juan B. Galarza; and West, with Luis Llorens Torres before, today the United States of America, Victor Munet before, today Virgilio Torres.

Recorded in fee-simple (dominio) title in favor of the United States of America at folio 115, volume 80 of Juana Diaz, property No. 3622, inscription 2.

18. RURAL: Parcel of land located in Ward "Collores" of the municipality of Juana Diaz, Puerto Rico, consisting of ONE HUNDRED THREE CUERDAS SEVENTY SEVEN HUNDREDTHS (103.77) equivalent to 40 hectares, 78 ares and 68.17 centares, bounded North, with the dividing line between the municipalities of Orocovis and Juana Diaz which separates them of lands of Gervasio Diaz; East, with the dividing line between the municipality of Juana Diaz and Villalba which separates lands of Sucn. Olivieri, United States of America (PRRA) and Philip L. Coffin; South, with lands of Victor Echevarria and Flor Rivera; and West, with a brook which separates lands of Carlos Roberto Colon Rosich.

Recorded in fee-simple (dominio) title in favor of the United States of America, at folio 103, volume 90 of Juana Diaz, property No. 595 quadruplicate, inscription 20.

19. RURAL: Parcel of land located in Ward "Bauta Abajo" of the municipality of Orocovis, P. R., containing SEVENTY CUERDAS NINETY TWO HUNDREDTHS OF ANOTHER (70.92) equivalent to 27 hectares, 87 ares and 53.15 centares bounded North, with lands of Elvira Sanchez today, before Juana E. Rodriguez, Sucn. Jose Antonio Ocasio and Braulio Olmeda; East, with the Bauta River which separates lands of Domiciano Gonzales and Francisco Ortiz Santos; South, with lands of the Puerto Rico Reconstruction Administration (Coffee Program), Pedro Jose Gonzalez and Jesus Rivera Gonzales today, before Rogelio Rodriguez; and West, with lands of Sucn. Jose Antonio Ocasio and Clemente Colon.

Recorded in fee-simple (dominio) title in favor of the United States of America at folio 52 over, volume 44 of Orocovis, property No. 2161, inscription 2.

Franklin D Roosevelt

The White House,
December 24, 1942.

[F. R. Doc. 42-14013; Filed, December 26, 1942; 3:23 p. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Commodity Credit Corporation

[Oilseed Order 6]

Part 250—Control of Vegetable Oil Seeds and Products Therefrom

INVENTORY LIMITATION OF OILSEED PRODUCTS

Pursuant to the authority vested in the Commodity Credit Corporation by Directive No. 7 of the War Production Board, issued August 15, 1942, and in view of the shortage of soybean, cottonseed, peanut and linseed oil meal and cake, *It is hereby ordered,* That:

Sec.	
250.30	Definitions.
250.31	Inventory limitation.
250.32	Limitation on sales or deliveries.
250.33	Records.
250.34	Audit and inspection.
250.35	Reports.
250.36	Violations.
250.37	Appeals.
250.38	Communications to Commodity Credit Corporation.

Authority: §§ 250.30 to 250.38, inclusive, issued under W.P.B. Directive No. 7, 32 C.F.R., § 903.12, 7 F.R. 6518.

§ 250.30 *Definitions.* For the purposes of this order:

(1) "Oilseed product" as used herein shall mean cottonseed oil meal or cake, soybean oil meal or cake, peanut oil meal or cake, and linseed oil meal or cake.

(2) "Fifteen days' supply" means the total tonnage of oilseed products which, based on his current method and rate of operation, is needed by a person to fill his manufacturing, sales, or consumption requirements during the period of fifteen days next succeeding the delivery date specified in the purchase order therefor.

(3) "Purchase order" means any contract or offer to purchase, any agreement to acquire by exchange, any request for shipment or delivery under existing contracts, or any other action heretofore or hereafter taken by any person to obtain delivery of oilseed products.

(4) "Delivery date inventory" means that quantity of oilseed products determined by deducting from the inventory on hand at the time the purchase order is placed the quantity which, based on his current method and rate of operation, the purchaser represents that he will use in meeting his manufacturing, sales, or consumption requirements between the date on which the purchase order is placed and the delivery date specified in the purchase order.

(5) "Person" as used herein means any individual, partnership, business trust, association or corporation, or any organized group of persons, whether incorporated or not, but shall not include any departments or agencies of the United States Government.

§ 250.31 *Inventory limitation.* Beginning with the effective date of this order and ending on February 28, 1943, unless otherwise authorized by Commodity Credit Corporation, no person shall (a) place any purchase order for oilseed products if the tonnage ordered, taken in conjunction with his delivery date inventory and any other unfilled purchase orders placed by him, would exceed a fifteen days' supply, as defined in § 250.30, or (b) accept delivery of any oilseed products to the extent that the tonnage delivered, taken in conjunction with his inventory on hand at the time of delivery, would constitute a total tonnage of oilseed products which, based on his current method and rate of operation, is needed by him to fill his manufacturing, sales or consumption requirements during the next succeeding fifteen-day period: *Provided,* That the foregoing inventory limitation shall not restrict to less than 45 tons the supply of oilseed products of any person who regularly receives deliveries of oilseed products in carload lots.

§ 250.32 *Limitation on sales or deliveries.* Beginning with the effective date of this order and ending on February 28, 1943, unless otherwise authorized by Commodity Credit Corporation, no person shall sell or deliver oilseed products to any person unless the person to whom such oilseed products are to be sold or delivered shall accompany his purchase order therefor with a certificate in substantially the following form:

> The undersigned certifies to his vendor and the Commodity Credit Corporation that he is familiar with provisions of Oilseed Order No. 6 and that the fulfillment of the purchase order to which this certificate is annexed will not cause his inventory of oilseed products to exceed the quantity permitted by Oilseed Order No. 6.
>
> Purchaser
>
> Date
>
> Address

§ 250.33 *Records.* Every person subject to this order shall keep and preserve, for not less than two years, accurate and complete records concerning all sales, purchases, contracts for the sale or purchase, and deliveries of oilseed products.

§ 250.34 *Audit and inspection.* All such records shall, upon request, be submitted to audit and inspection by duly authorized representatives of Commodity Credit Corporation.

§ 250.35 *Reports.* Every person subject to this order shall execute and file with Commodity Credit Corporation such reports as the Corporation may from time to time request.

§ 250.36 *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to any seller of oilseed products or to the Commodity Credit Corporation in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from manufacturing, processing, using, purchasing, selling, transferring or otherwise disposing of or acquiring oilseed products.

§ 250.37 *Appeals.* Any appeal from the provisions of this order shall be made by filing with the Commodity Credit Corporation a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

§ 250.38 *Communications to Commodity Credit Corporation.* All reports required to be filed hereunder and all communications and appeals concerning this order shall be addressed to: Commodity Credit Corporation, South Agriculture Building, Washington, D. C.

Issued this 24th day of December 1942

[SEAL] J. B. HUTSON,
President.

[F. R. Doc. 42-13971; Filed, December 26, 1942; 12:13 p. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[B.E.P.Q.—Q. 72]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—WHITE-FRINGED BEETLE

Introductory note. This revision of the quarantine and regulations is made principally because of the discovery during the past summer and fall of white-fringed beetle infestations in North Carolina in the vicinity of Wilmington and other places in New Hanover County, in the vicinity of Goldsboro, Wayne County, and in parts of Pender County. The regulated area is extended to include parts of the above counties as well as several areas in Alabama and Mississippi in which infestations of the beetles have been found since the quarantine and regulations were last revised. Brought within the regulated area for the first time are part of Lowndes County, Ala., and part of Jefferson Davis County, Miss. Minor additions to the regulated areas are made in Dallas County, Ala., and Forest, Harrison, Jackson, Jones, Pearl River, and Stone Counties, Mississippi.

All restricted articles are placed under quarantine throughout the year because of seasonal variation in the development of the pests in the different areas, the differences in the life history and habits of the various species, and other biological factors. However the quarantine provides for modification of certification requirements as to articles, seasons, or areas through administrative instructions issued from time to time by the Chief of the Bureau when in his judgment no hazard of dissemination of the beetles is presented by such modification. Articles brought under restriction for the first time in this revision include gravel, moss, and bulbs, corms, tubers, and rhizomes of ornamental plants. Peanut shells are no longer restricted by these regulations.

Minor modifications have been made in regulations pertaining to limited permits (paragraph (b) of § 301.72-5) and to the cleaning of railway cars (§ 301.72-8).

Arrangements for inspection of the restricted articles may be made by addressing the Bureau of Entomology and Plant Quarantine, P. O. Box 989, Gulfport, Miss., or other field offices listed in the administrative instructions.

Determination of the Secretary of Agriculture

The Secretary of Agriculture, having given the public hearing required by law and having determined that it was necessary to quarantine the States of Alabama, Florida, Louisiana, and Mississippi to prevent the spread of infestations of introduced species of the genus *Pantomorus,* subgenus *Graphognathus,* commonly known as white-fringed beetles, not theretofore widely prevalent or distributed within and throughout the United States, on December 14, 1938, promulgated Notice of Quarantine 301.72, part 301, chapter III, title 7, effective January 15, 1939, with regulations supplemental thereto, and revision thereof, effective on and after May 9, 1942, governing the movement of live white-fringed beetles in any stage of development and carriers thereof. The Secretary of Agriculture, having given a further public hearing in the matter, has determined that it is necessary to revise further the quarantine and regulations for the purpose of quarantining the State of North Carolina because of the discovery of substantial infestations of the white-fringed beetle therein.

Order of the Secretary of Agriculture

Pursuant to the authority conferred upon the Secretary of Agriculture by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161) and the Insect Pest Act of March 3, 1905 (7 U.S.C. 141, 143), the subpart entitled "White-fringed Beetle" of part 301, chapter III, title 7, Code of Federal Regulations [B.E.P.Q.—Q. 72] is hereby revised effective December 28, 1942, to read as follows:

SUBPART—WHITE-FRINGED BEETLE

(*Quarantine No. 72*)

AUTHORITY: §§ 301.72 to 301.72-9 (a), inclusive (except § 301.72-2a), issued under sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C., 1940 ed. 161. § 301.72-2a issued under sec. 1, 33 Stat. 1269; 7 U.S.C., 1940 ed. 141. § 301.72-9 (b) issued under sec. 3, 33 Stat. 1270; 7 U.S.C., 1940 ed. 143.

§ 301.72 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), the Secretary of Agriculture quarantines the States of Alabama, Florida, Louisiana, Mississippi, and North Carolina to prevent the spread of dangerous infestations of introduced species of the genus *Pantomorus,* subgenus *Graphognathus,* commonly known as white-fringed beetles, and under authority contained in the aforesaid Plant Quarantine Act and the Insect Pest Act of March 3, 1905 (7 U. S. C. 141, 143), the Secretary of Agriculture prescribes regulations. Hereafter the following articles (as specifically named in the regulations supplemental hereto, in modifications thereof, or in administrative instructions as provided in the regulations supplemental hereto), which are capable of carrying the aforesaid insect infestations, viz, (1) nursery stock and other stipulated plants or plant products; (2) soil independent of, or in connection with, nursery stock, plants, or other products; or (3) other articles as stipulated in § 301.72-3; or (4) live white-fringed beetles in any stage of development, shall not be transported by any person, firm, or corporation from any quarantined State into or through any other State or Territory or District of the United States, under conditions other than those prescribed in the regulations supplemental hereto: *Provided,* That the restrictions of this quarantine and of the regulations supplemental hereto may be limited to such areas, designated by the Secretary of Agriculture as regulated areas, in the quarantined States, as, in his judgment, shall be adequate to prevent the spread of the said pest or pests. Any such limitation shall be conditioned, however, upon the affected State or States providing for and enforcing the control of the intrastate movement of the restricted articles and enforcing such other control and sanitation measures with respect to such areas or portions thereof as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the intrastate spread therefrom of said insect infestation: *And provided further,* That whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulations should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

REGULATIONS

Meaning of Terms

§ 301.72-1 *Definitions*—(a) *The pests.* Species of the genus *Pantomorus,* subgenus *Graphognathus,* commonly known as white-fringed beetles, in any stage of development.

(b) *Regulated area.* Any area in a quarantined State which is now, or which may hereafter be, designated as regulated by the Secretary of Agriculture in accordance with the provisions of § 301.72 as revised.

(c) *Restricted articles.* Products or articles of any character whatsoever, the interstate movement of which is restricted by the provisions of the white-fringed beetle quarantine, and the regulations supplemental thereto.

(d) *Nursery stock.* Forest, field, and greenhouse-grown annual or perennial plants, for planting purposes.

(e) *Inspector.* Duly authorized Federal plant-quarantine inspector.

(f) *Certificate.* An approved document, issued by an inspector, authorizing the movement of restricted articles from the regulated areas.

(g) *Limited permit.* An approved document, issued by an inspector, to allow controlled movement of noncertified articles to designated and authorized destinations for processing or other restricted handling.

(h) *Administrative instructions.* Documents issued by the Chief of the Bureau of Entomology and Plant Quarantine relating to the enforcement of the quarantine.

(i) *Infested or infestation.* Infested by white-fringed beetles, in any stage of development. (See (a) above.)

(j) *Infested area.* That portion of the regulated area in which infestation exists, or in the vicinity of which infestation is known to exist under such conditions as to expose the area to infestation by natural spread of beetles, as determined by an authorized inspector.

Areas Under Regulation

§ 301.72-2 *Regulated areas.* The following counties, parishes, cities, and towns, or parts thereof, as described, are designated by the Secretary of Agriculture as regulated areas:

Alabama. In Conecuh County: W. ⅔ T. 5 N., R. 9 E., and all of those portions of Tps. 5 and 6 N., R. 8 E. lying in Conecuh County; *in Covington County:* Secs. 30 and 31, T. 2 N., R. 18 E.; secs. 25, 26, 35, and 36, T. 2 N., R. 17 E.; T. 1 N., Rs. 17 and 18 E., and SE ¼ T. 1 N., R. 16 E., and all area south thereof to the Alabama-Florida State line; also all the town of Opp; *in Dallas County:* That area included within a boundary beginning on the Southern Ry. where it crosses Bougechitto Creek; thence SW along the Southern Ry. to Caine Creek; thence SE along Caine Creek to its intersection with Bougechitto Creek; thence northward along Bougechitto Creek to the starting point; all of Tps. 13 and 14 N., R. 11 E., and secs. 1, 12, 13, 24, 25, and 36, T. 14 N., R. 10 E.; *in Escambia County:* Secs. 32, 33, and 34, T. 1 N., R. 8 E., including all of the town of Flomaton; *in Geneva County:* Secs. 31, 32, and 33, T. 1 N., R. 19 E., and all area south thereof to the Alabama-Florida State line, including all of secs. 21 and 28, T. 6 N., R. 19 W.; *in Lowndes County:* W. ⅔ T. 14 N., R. 12 E.; *in Mobile County:* That area included within a boundary beginning at a point where the eastern boundary of the city limits of Mobile, if extended northward, would intersect the northern boundary of S. ⅓ T. 3 S., R. 1 W.; thence west to Chickasaw Creek; thence northwestward along Chickasaw Creek to Eight-Mile Creek; thence westerly along Eight-Mile Creek to the western boundary of R. 1 W.; thence south to Eslava Creek; thence easterly along Eslava Creek to the city limits of Mobile; thence southeasterly following the city limits east, south, east, and north to the starting point, including all of Blakeley Island and the city of Mobile; also that area included within a boundary beginning at a point where old Highway 90 crosses Fowl River; thence southwestward along old Highway 90 to its junction with the Alabama-Mississippi State line; thence south along the Alabama-Mississippi State line to the southern boundary of N. ⅓ T. 7 S., R. 4 W.; thence east to the SE corner sec. 9, T. 7 S., R. 3 W.; thence north to the NE corner sec. 4 T. 7 S., R. 3 W.; thence east to the point where the south boundary of T. 6 S. intersects Fowl River; thence northwestward along Fowl River to the starting point; *in Monroe County:* W. ⅓ T. 8 N., all of T. 9 N., and the S ½ T. 10 N., all in R. 9 E.; S. ½ T. 10 N., all of Tps. 7, 8, and 9 N., R. 8 E., and those portions of Tps. 5 and 6 N., R. 8 E. lying in Monroe County; secs. 25, 26, 35, and 36, T. 7 N., R. 7 E., and secs. 1 and 2, T. 6 N., R. 7 E.; *in Wilcox County:* N. ½ T. 10 N. and S. ½ T. 11 N., R. 9 E., and secs. 8, 9, 10, 15, 16, and 17, T. 11 N., R. 9 E.

Florida. In Escambia County: All that part lying south of the northern boundary of T. 1 N., including all of the city of Pensacola, and that part of the county north of the southern boundary of T. 5 N. and east of the western boundary of R. 31 W.; *in Okaloosa County:* T. 5 N., R. 22 W., and secs. 1, 2, and 3, T. 5 N., R. 23 W., and all lands north of both areas to the Florida-Alabama State line; secs. 7, 8, 9, 16, 17, 18, 19, 20, and 21, T. 3 N., R. 23 W., including all of the town of Crestview; and secs. 13, 14, 23, 24, T. 3 N., R. 24 W.; *in Walton County:* T. 5 N., Rs. 20 and 21 W., and secs. 31, 32, and 33, T. 6 N., R. 19 W., and all lands north of both areas to the Florida-Alabama State line; also secs. 1 to 24, inclusive, T. 4 N., R. 19 W.

Louisiana. All of Orleans Parish, includ- the city of New Orleans, and all of Saint Bernard Parish; *in East Baton Rouge Parish:* All of T. 7 S., Rs. 1 and 2 E. and 1 W., including all of the city of Baton Rouge; *in Iberia Parish:* All of secs. 24, 37, 38, 39, 53, 55, and 56, T. 13 S., R. 5 E., and secs. 46, 55, 56, 57, 58, 59, 60, T. 13 S., R. 6 E.; *in Jefferson Parish:* That part lying north of the township line between Tps. 14 and 15 S.; *in Plaquemines Parish:* That part lying north of the township line between Tps. 15 and 16 S; *in Saint Tammany Parish:* All of secs. 38, 39, and 40, T. 7 S., R. 11 E., and secs. 40 and 41, T. 8 S., R. 11 E.

Mississippi. In Covington County: All of secs. 28, 29, 32, and 33, T. 6 N., R. 14 W.; *in Forrest County:* All that portion of T. 5 N., R. 13 W. lying west of Leaf River; E. ⅔ T. 5 N., R. 14 W. and secs. 5 and 8, T. 5 N., R. 14 W.; all of T. 4 N., Rs. 12 and 13 W., lying west of Leaf River, and that portion of T. 3 N., R. 12 W., lying south and west of Leaf River; that portion of T. 3 N., R. 13 W., lying east of U. S. Highway 49, and that portion of T. 2 N., R. 12 W. lying east of U. S. Highway 49; and secs. 1, 2, 3, 4, 9, 10, and 11 and those portions of secs. 12, 13, 14, 15, and 16 lying north of Black Creek in T. 1 N., R. 12 W.; and E. ⅚ T. 1 S., R. 12 W.; *in Harrison County:* That area included within a boundary beginning at the NW corner sec. 26, T. 4 S., R. 12 W., thence south to the NW corner sec. 14, T. 6 S., R. 12 W.; thence west to the NW corner sec. 16, T. 6 S., R. 12 W.; thence south to the intersection with Wolf River; thence southwesterly along Wolf River to Saint Louis Bay; thence south along the east shore of Saint Louis Bay to the Mississippi Sound; thence eastward along the Mississippi Sound to a point of intersection with the Bay of Biloxi; thence westerly along the Bay of Biloxi to the SE corner sec. 17, T. 7 S., R. 10 W.; thence north along the section line to the NE corner sec. 5, T. 7 S., R. 10 W.; thence west along the section line to Biloxi River; thence northwestward along Biloxi River to the intersection of the east line of sec. 5, T. 6 S., R. 11 W.; thence north to the Stone County line; thence west to the starting point including all properties extending over or into the Mississippi Sound and the Bay of Biloxi; *in Hinds County:* E. ½ T. 6 N., R. 3 W., and W. ½ T. 6 N., R. 2 W.; *in Jackson*

County: That area included within a boundary beginning at a point where the east line of sec. 19, T. 7 S., R. 5 W. intersects Escatawpa River; thence west along said river to the Pascagoula River; thence south along the Pascagoula River to the township line between Tps. 7 and 8 S.; thence east to the SE corner sec. 31, T. 7 S., R. 5 W.; thence north to the starting point; all that portion of T. 7 S., R. 9 W. lying in Jackson County and the W. ⅔ Tps. 7 and 8 S., R. 8 W.; *in Jefferson Davis County:* Secs. 1, 2, 11, and 12, T. 7 N., R. 19 W.; secs. 35 and 36, T. 8 N., R. 19 W.; sec. 31, T. 8 N., R. 18 W., and secs. 6 and 7, T. 7 N., R. 18 W., including all of the town of Prentiss; *in Jones County:* Secs. 16, 17, 18, 19, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, T. 9 N., R. 11 W.; secs. 2, 3, 4, 5, 6, 7, 8, 9, 16, 17, and 18, T. 8 N., R. 11 W.; secs. 13, 14, 24, 25, 35, and 36, T. 9 N., R. 12 W.; those portions of secs. 23 and 26, T. 9 N., R. 12 W., lying east of Tallahoma Creek; secs. 1, 2, 11, 12, 13, and 14, T. 8 N., R. 12 W.; secs. 25, 26, 27, 34, 35, and 36, T. 6 N., R. 14 W.; secs. 29, 30, 31, and 32, T. 6 N., R. 13 W., and those portions of secs. 28 and 33, T. 6 N., R. 13 W., lying west of Leaf River; *in Lamar County:* All of the town of Purvis; all of secs. 35 and 36, T. 1 N., R. 15 W.; sec. 31, T. 1 N., R. 14 W., and secs. 1 and 2, T. 1 S., R. 15 W.; *in Pearl River County:* All that area included within a boundary beginning at a point at the northern city limits of Poplarville in sec. 19, T. 2 S., R. 15 W. on the New Orleans & Northeastern R. R.; thence northeasterly along said railroad to a point where it intersects the south line of sec. 15, T. 1 S., R. 15 W.; thence east to the SE corner sec. 14, T. 1 S., R. 15 W.; thence north to the Lamar County line; thence west and north along said county line to the NW corner sec. 4, T. 1 S., R. 15 W.; thence south to the NW corner sec. 16, T. 1 S., R. 15 W.; thence west to the NW corner sec. 18, T. 1 S., R. 15 W.; thence south to the NW corner sec. 18, T. 2 S., R. 15 W.; thence west to the NW corner sec. 13, T. 2 S., R. 16 W.; thence south along the section line to a point where it would intersect the line of the northern boundary of Poplarville if extended westward; thence east along this line to the starting point; all of T. 5 S., R. 16 W., and the E. ½ of T. 5 S., R. 17 W.; *in Stone County:* W ⅓ Tps. 2 and 3 S., R. 11 W.; secs. 5, 6, 7, 8, 17, 18, 19, 20, T. 4 S., R. 11 W.; E. ⅓ T. 2 S., R. 12 W., and secs. 3, 4, 5, 8, 9, and 10, T. 2 S., R. 12 W.; E. ⅓ T. 3 S., R. 12 W.; and secs. 1, 2, 11, 12, 13, 14, 23, and 24, T. 4 S., R. 12 W.

North Carolina. In New Hanover County: The city of Wilmington; Cape Fear township; all that part of Harnett township lying west of the Wrightsboro-Winter Park Road, including all of the town of Winter Park; and that part of Masonboro township north of the new road between Sunset Park and Winter Park; *in Pender County:* Townships of Burgaw, Caswell, and Rocky Point, and that part of Columbia township lying south of an imaginary straight line drawn east and west across the township to connect the northern boundaries of Burgaw and Caswell townships; *in Wayne County:* Goldsboro township.

Articles Prohibited Movement

§ 301.72–2a *Beetles prohibited shipment.* The interstate shipping of living white-fringed beetles in any stage of development, whether moved independent of or in connection with any other article, is prohibited, except as provided in paragraph (b) of § 301.72–9.

Articles Restricted Movement

§ 301.72–3 *Restricted articles.* Except as provided in administrative instructions, the interstate movement of the following articles from any regulated area is regulated throughout the year:

(a) Soil, sand, gravel, clay, peat, or muck, whether moved independent of, or in connection with or attached to nursery stock, plants, products, articles, or things.

(b) Compost, manure, moss, and leafmold.

(c) Nursery stock.

(d) Grass sod.

(e) Potatoes.

(f) True bulbs, corms, tubers, and rhizomes of ornamental plants.

(g) Hay.

(h) Peanuts in shells.

(i) Seed cotton, cottonseed, and baled cotton lint and linters.

(j) Scrap metal and junk.

(k) Forest products such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties.

(l) Brick, tile, stone, and cinders.

(m) Concrete slabs, pipe, and building blocks.

(n) Implements, machinery, equipment, and containers.

CONDITIONS OF INTERSTATE MOVEMENT

§ 301.72–4 *Conditions governing interstate movement of restricted articles.* (a) *Certification required.* Restricted articles shall not be moved interstate from a regulated area to or through any point outside thereof unless accompanied by a valid inspection certificate issued by an inspector: *Provided,* That certification requirements as they relate to part or all any regulated area may be waived, during part or all of the year, by the Chief of the Bureau of Entomology and Plant Quarantine, on his finding and giving notice thereof, in administrative instructions, that the State concerned has promulgated and enforced adequate sanitary measures on and about the premises on which restricted articles originate or are retained, or that adequate volunteer sanitary measures have been applied, or that other control or natural conditions exist which have eliminated the risk of contamination by the pests in any stage of development.

(b) *Use of certificate on shipments.* Unless exempted by administrative instructions, every container of restricted articles moved interstate from any regulated area shall have securely attached to the outside thereof a certificate or permit issued in compliance with these regulations, except that in the case of shipments in bulk, by common carrier, a master permit attached to the shipping order, manifest, or other shipping papers, will be sufficient. In the case of shipments in bulk by road vehicle other than common carrier, a master permit shall accompany the vehicle. Master permits shall accompany shipments to destination and be surrendered to consignees on delivery.

(c) *Movement within continuous areas unrestricted.* No certificates are required for interstate movement of restricted articles when such movement is wholly within continuous regulated areas.

(d) *Articles originating outside the regulated areas.* No certificates are required for the interstate movement of restricted articles originating outside of the regulated areas and moving through or from a regulated area, when the point of origin is clearly indicated, when their identity has been maintained, and when the articles are protected, while in the regulated area, in a manner satisfactory to the inspector.

Conditions of Certification

§ 301.72–5 *Conditions governing the issuance of certificates and permits*—(a) *Approved methods.* Certificates authorizing the interstate movement of restricted articles from the regulated areas may be issued upon determination by the inspector that the articles are (1) apparently free from infestation; or (2) have been treated, fumigated, sterilized, or processed under approved methods; or (3) were grown, produced, manufactured, stored, or handled in such a manner that, in the judgment of the inspector, no infestation would be transmitted thereby: *Provided,* That certificates authorizing the interstate movement of soil, sand, gravel, clay, peat, muck, or compost, originating in an infested area may be issued only when such materials have been treated or handled under methods or conditions approved by the Chief of the Bureau of Entomology and Plant Quarantine.

(b) *Limited permits.* Limited permits may be issued for the movement of noncertified restricted articles to destinations and consignees as may be authorized and designated by the Chief of the Bureau of Entomology and Plant Quarantine for processing or other handling. As a condition of such authorization and designation, persons or firms shipping, receiving, or transporting such articles may be required to agree in writing to maintain such sanitary safeguards against the establishment and spread of infestation and to comply with such conditions as to the maintenance of identity, handling, or subsequent movement of restricted products and cleaning of railway cars, trucks, or other vehicles used in the transportation of such articles as may be required by the inspector.

(c) *Dealer-carrier permit.* As a condition of issuance of certificates or permits for the interstate movement of restricted articles, persons or firms engaged in purchasing, assembling, exchanging, processing, or carrying such restricted articles originating or stored in regulated areas, may be required to execute a signed agreement stipulating that the permittee will carry out any and all conditions, treatments, precautions, and sanitary measures which may be deemed necessary.

Procedure for Applicants

§ 301.72–6 *Assembly of restricted articles for inspection.* Persons intending to move restricted articles, the certification of which is required, interstate from regulated areas shall make application for certification as far as possible in advance of the probable date of shipment. Applications must show the nature and quantity of articles to be moved, together with their exact location, and if practicable, the contemplated date of shipment. Applicants for inspection may be required to assemble

or indicate the articles to be shipped so that they may be readily examined by the inspector.

The United States Department of Agriculture will not be responsible for any cost incident to inspection or treatment other than the services of the inspector.

Certificates and Permits May Be Canceled

§ 301.72–7 *Cancelation of certificates or permits.* Certificates or permits issued under these regulations may be withdrawn or canceled and further certification refused whenever, in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine, the further use of such certificates or permits might result in the dissemination of infestation.

Cleaning of Vehicles

§ 301.72–8 *Cleaning of freight cars, trucks, and other vehicles.* When in the judgment of the inspector a hazard of spread of infestation is presented, thorough cleaning of freight cars, trucks, and other vehicles may be required before movement interstate to points outside the regulated areas when such freight cars, trucks, or other vehicles have been used for the transportation of uncertified restricted articles within regulated areas.

Shipments for Experimental or Scientific Purposes

§301.72–9 (a) *Articles for experimental or scientific purposes.* Articles subject to restrictions may be moved interstate for experimental or scientific purposes, on such conditions as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear an identifying tag from the Bureau of Entomology and Plant Quarantine.

(b) *Beetles for experimental or scientific purposes.* Live white-fringed beetles, in any state of development, may be moved interstate for scientific purposes only under conditions prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of white-fringed beetles so moved shall bear an identifying tag from the Bureau of Entomology and Plant Quarantine.

Effective December 28, 1942.

Done at the city of Washington this 23rd day of December 1942. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

APPENDIX

PENALTIES

The Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), provides that no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport, from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products, or any class of stone or quarry products, or any other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine * * * in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. It also provides that any person who shall violate any of the provisions of this act, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $500, or by imprisonment not exceeding 1 year, or both such fine and imprisonment, in the discretion of the court.

STATE AND FEDERAL INSPECTION

Certain of the quarantined States have promulgated quarantine regulations restricting intrastate movement supplemental to the Federal quarantine. These State regulations are enforced in cooperation with the Federal authorities. Copies of either the Federal or State quarantine orders may be obtained at the office of the Bureau of Entomology and Plant Quarantine, Room 6, Gates-Cook Building (Tel. 1591), P. O. Box 989, Gulfport, Miss., or through a White-fringed Beetle Inspector at one of the subsidiary offices.

GENERAL OFFICES OF STATES COOPERATING

Alabama: Chief, Division of Plant Industry, Montgomery.

Florida: Assistant Plant Commissioner, State Plant Board, Gainesville.

Louisiana: State Entomologist, Baton Rouge.

Mississippi: Entomologist, State Plant Board, State College.

North Carolina: State Entomologist, Raleigh.

[F. R. Doc. 42–13904; Filed December 24, 1942; 2:43 p. m.]

[B.E.P.Q. 485, Eleventh Revision]

PART 301—DOMESTIC QUARANTINE NOTICES

WHITE-FRINGED BEETLE REGULATIONS MODIFIED

§ 301.72a *Administrative instructions; modification of certification requirements for specified articles.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by the second proviso of § 301.72, Chapter III, Title 7, Code of Federal Regulations (Notice of Quarantine No. 72, on account of the white-fringed beetle), the certification requirements are hereby modified effective December 28, 1942, through June 15, 1943, for the interstate movement of the following articles and materials enumerated in § 301.72–3:

(a) Certificates may be issued for the interstate movement of the following materials under the conditions specified below:

(1) Soil, sand, gravel, clay, peat, or muck, when taken from a depth of at least 2 feet below the existing surface, and when entirely free from any surface soil to a depth of 2 feet.

(2) Sand and gravel, when washed, processed, or otherwise treated to the satisfaction of the inspector.

(b) All certification requirements are waived for the following articles and materials when free from soil and when sanitation practices are maintained as prescribed by or to the satisfaction of the inspector:

(1) Potatoes, except that those freshly harvested are not exempt.

(2) True bulbs, corms, tubers, and rhizomes of ornamental plants, except that those freshly harvested or uncured are not exempt.

(3) Hay, except that peanut hay is not exempt.

(4) Seed cotton, cottonseed, and baled cotton lint and linters.

(5) Scrap metal and junk.

(6) Forest products such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties.

(7) Brick, tile, stone, and cinders.

(8) Concrete slabs, pipe, and building blocks.

(9) Implements, machinery, equipment, and containers.

Articles Remaining Under Quarantine

(c) Certification is required for the following articles and materials enumerated in § 301.72–3:

(1) All soil, sand, gravel, clay, peat, or muck, whether moved independent of, or in connection with, or attached to nursery stock, plants, products, articles, or things.

(2) Compost, manure, moss, and leafmold.

(3) Nursery stock.

(4) Grass sod.

(5) Potatoes, freshly harvested.

(6) True bulbs, corms, tubers and rhizomes of ornamental plants, when freshly harvested or uncured.

(7) Peanuts in the shell.

(8) Peanut hay.

This revision supersedes Circular B. E. P. Q. 485, tenth revision, which became effective August 3, 1942.

(7 CFR, § 301.72; sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161)

Effective December 28, 1942.

Done at Washington, this 23rd day of December 1942.

[SEAL] P. N. ANNAND,
Chief.

[F. R. Doc. 42–13905; Filed, December 24, 1942; 2:43 p. m.]

Chapter IX—Agricultural Marketing Administration

PART 941—MILK IN THE CHICAGO, ILLINOIS, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS, ETC.

Order suspending certain provisions of § 941.5 (a) of the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area.

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 1940 ed. 601 *et seq.*), hereinafter referred to as the "act", and the provisions of the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, it is hereby determined that the provisions of such order which provide that the price of Class I milk disposed of under a program approved by the Secretary of Agriculture for the sale or disposition of milk to low income consumers, including persons on relief, shall be a price which is less than the established price of Class I milk, are provisions which obstruct and do not tend to effectuate the declared policy of the act with respect to the producers of milk defined in the said order.

It is, therefore, ordered, That the provisions of § 941.5 (a)[1] of the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, which relate to the price to be paid by handlers for Class I milk disposed of under a program approved by the Secretary of Agriculture for the sale or disposition of milk to low income consumers, including persons on relief, shall be, and hereby are, suspended, effective as of 12:01 a. m., c. w. t., January 1, 1943.

Done at Washington, D. C., this 24th day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary of Agriculture.[2]

[F. R. Doc. 42-13903; Filed, December 24, 1942; 2:42 p. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property Custodian

PART 503—GENERAL ORDERS

[General Order 17]

CUSTODY OF RECORDS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned hereby issues the following regulation:

§ 503.17 *General Order No. 17.* (a) The files and papers (including, without limitation, all correspondence, records, reports and other documents) of the Office of Alien Property Custodian are in the custody and possession of the Alien Property Custodian. Officers, employees, representatives and agents of the Office of Alien Property Custodian have access to such papers exclusively for the limited purposes of their official duties.

(b) All information and all such files and papers obtained by officers, employees, representatives or agents of the Office of Alien Property Custodian in the course of any examination, investigation, study or other employment with respect to any matter relating to the functions, duties, responsibilities, authority and power committed to the Alien Property Custodian by Executive Order or statute or otherwise shall be deemed strictly confidential unless made a matter of public record by order of the Alien Property Custodian or his authorized representative or unless the Alien Property Custodian or his authorized representative shall otherwise direct.

(c) No officer, employee, representative or agent of the Office of Alien Property Custodian shall produce or disclose directly or indirectly, to any person or before any court or administrative agency or other tribunal, other than the Alien Property Custodian or an officer, employee, representative or agent of the Office of Alien Property Custodian, whether in response to a subpoena or otherwise, any such confidential information, or any such files or papers, or the existence and contents thereof, unless the Alien Property Custodian or his authorized representative shall have authorized the disclosure thereof as not being contrary to the public interest.

(d) Any officer, employee, representative or agent of the Office of Alien Property Custodian who is served with any such subpoena or other process or order requiring the production of such files or papers or disclosure of such information shall promptly advise the Alien Property Custodian of such service and of the nature of the information or documents sought and any facts or circumstances which may bear upon the desirability of making available such information or documents.

(e) Any officer, employee, representative or agent of the Office of Alien Property Custodian who is served with any subpoena, process or order of any court or administrative agency or other tribunal requiring the disclosure of any such information or the production of any such files or papers or the disclosure of the existence or contents thereof shall appear in court or before the administrative agency or other tribunal and unless authority to the contrary shall have been given as provided in paragraph (c) of this regulation shall respectfully decline to disclose the information or to produce the files or papers called for by such subpoena or other process or order, basing his refusal to do so upon this regulation.

(f) The files and papers of the Office of Alien Property Custodian are available to the President of the United States, or his specially authorized representative, and to the Congress or either House or a standing or special Committee of either House or joint Committee of the Congress.

(g) The files and papers of the Office of Alien Property Custodian will be made available to other agencies and departments of the United States under suitable safeguards pursuant to arrangements made with the several agencies and departments.

(h) It shall be the policy of the Alien Property Custodian to make available to the courts of the United States and of the several States, territories and possessions and to the executive agencies of the United States and of the several States, territories and possessions, information and documents in his possession as freely and promptly as is consistent in his judgment with the public interest.

(i) No officer, employee, representative or agent of the Office of Alien Property Custodian shall have authority to determine generally or specifically what files or papers or information may be disclosed unless expressly given authority for that purpose by the Alien Property Custodian, or his duly authorized representative.

(40 Stat. 411; 55 Stat. 839; E.O. 9193, 7 F.R. 5205)

Executed at Washington, D. C., on December 18, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-14040; Filed, December 28, 1942; 10:56 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

MISCELLANEOUS AMENDMENTS

The following sections of War Department Procurement Regulations dated September 5, 1942,[1] as amended,[2] are hereby further amended as follows:

Sections 81.318 (a), 81.318a (a) and (b), 81.324 (a) and (b), 81.343, 81.347, 81.348, 81.353, 81.964, 81.965, 81.980, 81.1106, 81.1303, 81.1320, 81.1321, 81.1322, 81.1323, 81.1324, and 81.1325 are amended and §§ 81.370 to 81.386, 81.818, 81.819, and 81.978a are added.

The changes and additions contained herein were made in the War Department Procurement Regulations under date of December 4, 1942. Numbers to the right of the decimal point correspond with the respective paragraph numbers in procurement regulations.

AUTHORITY: Sec. 5a, National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193-1195, and the First War Act 1941, 55 Stat. 838, 50 U.S.C. Sup. 601-622.

DISTRIBUTION OF CONTRACTS AND ORDERS THEREUNDER

§ 81.318 *Special cases*—(a) *Purchases under contracts of Procurement Division, Treasury Department; Navy Department; Post Office Department; etc.* (1) Purchase orders covering such purchases will be distributed in accordance with § 81.317.

(2) The chief of the supply service concerned will secure compliance with all special instructions of the respective agencies which make the contracts.

* * * * *

MISCELLANEOUS

In § 81.318a paragraphs (a) and (b) are amended to show correct cross references, as follows:

§ 81.318a. *Assignments* — (a) *Basic statutes.* There are two statutes creating restrictions on assignments of contracts with and claims against the United States. In 1940 both of these statutes were amended by the addition thereto of a paragraph making the restrictions inapplicable in certain situations. (See paragraph (b) of this section.)

* * * * *

(b) *Assignment of Claims Act of 1940.* In 1940 by the enactment of the Assignment of Claims Act (Public No. 811—76th Congress) the restrictions created by sections 3477 and 3737 of the Revised Statutes referred to in paragraph (a) of this section were, subject to certain conditions therein specified, made inapplicable to any case in which monies due or to become due under a contract providing for payments aggregating $1,000 or more, are assigned to a bank, trust company, or other financing institution including any Federal lending agency. The conditions specified in the Act are, in general, those set forth in paragraphs (a), (b) and (e) of the standard Article contained in § 81.355.

* * * * *

MANDATORY AND OPTIONAL CONTRACT PROVISIONS

Paragraph (d) (1) and (2) of the standard Article quoted in § 81.324 (a) and paragraphs (b) (3) and (d) (1) and (2) of the standard Article quoted in § 81.324 (b) are amended as follows:

§ 81.324 *Termination for convenience of the Government.* (a) * * *

Article * * * *Termination for the convenience of the Government.* * * *

(d) * * *

(1) By reimbursing the contractor for all actual expenditures and costs certified by the Contracting Officer as having been made or incurred with respect to the uncompleted portion of the contract;

(2) By reimbursing, or providing for the payment or reimbursement of, the contractor for all expenditures made and costs incurred with the prior written approval of the Contracting Officer in settling or discharging that portion of the outstanding obligations or commitments of the contractor which had been incurred or entered into with respect to the uncompleted portion of the contract; and

* * * * *

(b) * * *

Article * * * *Termination for convenience of the Government.* * * *

(b) * * *

(3) Transfer to the Government, in accordance with the directions of the Contracting Officer, all materials, supplies, work in process, facilities, equipment, machinery or tools acquired by the contractor in connection with the performance thereof, and all plans, drawings, working drawings, sketches, specifications and information for use in connection therewith. If and as the Contracting Officer so directs or authorizes, the contractor shall sell at a price approved by the Contracting Officer, or retain at a price mutually agreeable, any such materials, supplies, equipment, machinery, tools, or other things: *Provided, however,* That the contractor may retain any such equipment, machinery and tools as of right if he so elects in writing, stating that he will forego reimbursement therefor. The proceeds of any such sale, or the agreed price, shall be paid or credited to the Government in such manner as the contracting officer may direct so as to reduce the amount payable by the Government under this Article.

* * * * *

(d) * * *

(1) By reimbursing the contractor for all actual expenditures and costs certified by the Contracting Officer as having been made or incurred with respect to this contract including expenditures and costs made or incurred in connection with any portions of the contract which may have been completed prior to termination, as well as expenditures and costs made or incurred after termination in completing those portions of the contract which the contractor may have been required by the notice of termination to complete.

(2) By reimbursing or providing for the payment or reimbursement of, the contractor for all expenditures made or costs incurred with the prior written approval of the Contracting Officer in settling or discharging any outstanding contractual obligations or commitments incurred or entered into by the contractor with respect to this contract; and

* * * * *

The introductory paragraph and paragraph (c) of the rate of wages clause quoted in § 81.343 are amended as follows:

§ 81.343 *Rate of wages clause.* * * *

Rate of wages. (In accordance with the act of August 30, 1935, 49 Stat. 1011, as amended by the act of June 15, 1940, 54 Stat. 399 (U. S. Code, title 40, secs. 276a and 276a-1), this article shall apply if the contract is in excess of $2,000 in amount and is for the construction, alteration, and/or repair, including painting and decorating, of a public building or public work within the geographical limits of the States of the Union, the Territory of Alaska, the Territory of Hawaii, or the District of Columbia.)

* * * * *

(c) The regulations of the Secretary of Labor, referred to in article -- hereof, allow certain "permissible deductions" from the wages required by this article to be paid.

* * * * *

The introductory paragraph in § 81.347 and clauses (d) and (f) of the standard Article quoted therein are amended as follows:

§ 81.347 *Advance payments with interest.* A clause substantially as follows will be included in fixed-price contracts when it is contemplated that advance payments with interest will be made thereon:

* * * * *

(d) If, upon the completion of the contract, or upon its termination for other than the fault of the contractor, the advance payments made to the contractor have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the contractor, and if the sum or sums due the contractor be insufficient to cover such balance, the deficiency shall be paid by the contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder: *Provided, however,* That in the event of such termination of the contract for other than the fault of the contractor, such deduction shall not be made prior to final audit unless, and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unliquidated advance payments. In the event of cancellation or termination of this contract because of the fault of the contractor, the contractor agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of
the ---------------------- or his duly au-
(Chief of supply service)
thorized representative, the unobligated balance of the advance payments made by the Government under paragraph (a) hereof exceeds the amount necessary for the current needs of the contractor, as determined by
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(Chief of supply service)
thorized representative the amount of such excess shall, upon demand made by the
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(Chief of supply service)
ized representative be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this subparagraph is not met upon receipt of such demand by the contractor, the amount demanded will bear interest at the rate of six per cent (6%) rather than two and one-half per cent (2½%) per annum from the date of the receipt of the demand until payment is made: *Provided, however,* That such additional interest over and above the regular two and one-half per cent is hereby waived as to any sum paid by the contractor within 15 days after the amount becomes due hereunder.

* * * * *

(f) On the unliquidated balance of the advance payments outstanding, the contractor agrees to p interest at the rate of two and one-half per cent per annum. Such interest shall be computed at the end of each calendar month on the average daily balance of the principal of the unliquidated advance payments outstanding. In determining such balance, charges on account of the advance payments to the contractor hereunder shall be made as of the dates of the checks therefor; credits resulting from disbursements made by the contractor which are applied against advance payments shall be made upon the approval of the vouchers therefor by the disbursing officer, as of the dates respectively upon which the contractor presents to the contracting officer or his duly authorized representative full and accurate data for the preparation of each such voucher which date shall, as to each such voucher, be certified by the Contracting Officer or his duly authorized representative on the face thereof; and credits arising from case repayments to the Government by the contractor shall be made as of the dates and checks therefor are received by the disbursing officer. As soon as such monthly computations shall have been made, the interest so determined shall be deducted from the payments otherwise due to contractor under this contract: *Provided, however,* That in no event shall deductions on account of interest exceed five per cent (5%) of the gross payment due the contractor prior to any deduction under this paragraph or paragraph (e) or any other provisions of this contract. In the event the accrued interest carried forward and deducted from subsequent payments, the interest shall not be compounded, and shall, subject to the provisions of paragraph (d) hereof, cease to accrue upon the termination of the contract for other than the fault of the Contractor, or upon which the contractor completed his performance under the contract.

* * * * *

Clause (d) of the standard Article quoted in § 81.348 is amended as follows:

§ 81.348 *Advance payments without interest.* * * *

(d) If, upon the completion of the contract, or upon its termination for other than the fault of the contractor, the advance payments made to the contractor have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any

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[1] 6 F.R. 3130, 4552, 4553.

[2] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2656).

[1] 7 F.R. 8082.

[2] 7 F.R. 8163, 9268, 9660, 10184, 10247.

payments otherwise due the contractor, and if the sum or sums due the contractor be insufficient to cover such balance, the deficiency shall be paid by the contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder: *Provided, however*, That in the event of such termination of the contract for other than the fault of the contractor, such deduction shall not be made prior to final audit unless, and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unliquidated advance payments. In the event of cancellation or termination of this contract because of the fault of the contractor, the contractor agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of the
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(Chief of supply service)
ized representative, the unobligated balance of the advance payments made by the Government under paragraph (a) hereof exceeds the amount necessary for the current needs of the contractor, as determined by the
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ized representative the amount of such excess shall, upon demand made by the
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ized representative be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this subparagraph is not met upon receipt of such demand by the contractor, the amount demanded will bear interest at the rate of six per cent (6%) per annum from the date of the receipt of the demand until payment is made: *Provided, however*, That such payment of interest is hereby waived as to any sum paid by the contractor within 15 days after the amount becomes due hereunder.

In § 81.353 the statement contained in the last three lines is redesignated paragraph (b) and amended and paragraph (a) is added as follows:

§ 81.353 *Walsh-Healey Act; representations and stipulations.*

* * * * *

(a) *Changes in regulations under Walsh-Healey Act.* From time to time there are issued by the Secretary of Labor changes in regulations under the Walsh-Healey Act which have the effect of modifying the standard representations and stipulations which are required to be inserted in supply contracts subject to that Act (See for example, subparagraph (5) of § 81.917 (b).) Accordingly, if desired, there may be added to the representations and stipulations set forth above an additional paragraph as follows:

(i) The foregoing representations and stipulations shall be subject to all applicable regulations, determinations and exemptions of the Secretary of Labor now or hereafter in effect.

(b) *Convict labor.* For discussion of the provision with respect to convict labor contained in paragraph (d) of the representations and stipulations set forth in this section, see § 81.903 (b).

TERMINATION OF FIXED PRICE (LUMP SUM) CONTRACTS

Termination for the Convenience of the Government

§ 81.370 *Authority to terminate.* The procedure provided in the succeeding paragraphs will be followed whenever the chief of any supply service shall find that it is in the interest of the government to terminate a lump sum contract now or hereafter entered into otherwise than for default under a clause similar to the usual Delays-Damages articles set forth in §§ 81.352 and 81.1302 (i).

§ 81.371 *Where the contract does not contain standard termination article.* If the contract does not contain an article in substantially the form set forth in § 81.324 (a) in the case of a lump sum supply contract or, in the case of a lump sum construction contract in substantially the form set forth in § 81.324 (b), the contracting officer will communicate with the contractor and will endeavor to amend the contract by supplemental agreement in substantially the form set forth in § 81.378. If no such amendment can be obtained, the procedure set forth in §§ 81.373 and 81.374 will be followed, depending upon whether or not the contract contains an article authorizing termination for the convenience of the Government.

§ 81.372 *Where contract contains standard termination article*—(a) *Notice of termination.* If the contract contains or has been amended to contain an article substantially in the form set forth in § 81.324 (a), in the case of a lump sum supply contract, or in the case of a lump sum construction contract, in substantially the form set forth in § 81.324 (b), the contracting officer shall transmit to the contractor a written Notice of Termination and Request for a Negotiated Settlement in triplicate substantially as set forth in paragraph (b) of this section. It is to be noted that the words "uncompleted portion of the" where appearing in italics in the form are not appropriate to a notice of termination of a lump sum construction contract containing an article substantially like that in § 81.324 (a), and will be omitted from any notice relating to such a contract.

(b) *Form of notice of termination.*

NOTICE OF TERMINATION AND REQUEST FOR A NEGOTIATED SETTLEMENT

The necessity and convenience of the Government require that your contract No.------ be terminated and that steps be taken immediately to bring about a settlement of the amount due to you. Accordingly, your Contract No. ------ is hereby terminated as of ----------------, 194--, pursuant to Article -------- of the contract.

It is the desire of the Government to work out with you by negotiation a settlement agreement that will properly and justly compensate you for the *uncompleted portion of the* contract.

You are hereby instructed (1) to suspend all work and the placing of all orders and subcontracts under this contract; (2) to terminate all subcontracts and cancel all existing orders and (3) to cause all work to cease thereunder, with the following exceptions: --------------------------------

After taking the steps above indicated, and to provide the basis for such negotiated settlement, you are requested to submit as promptly as possible a statement showing:

1. The portion of the total contract price previously paid, detailed as to date, number, and amount of each invoice.
2. The aggregate amount due under the contract for articles delivered or work performed and unpaid for, detailed as to date, number, and amount of each invoice.
3. The aggregate amount which will be due under the contract for all articles heretofore completed by you or work performed by you (including spare parts, drawings, information and other things) called for in the contract and not previously delivered.
4. Total direct labor costs incurred with respect to the contract.
5. Total direct material costs so incurred.
6. Total indirect factory expense so incurred.*
7. Production engineering expense, indicating labor and burden.*
8. Other engineering and similar expenses itemized in reasonable detail.*
9. Total administrative expenses incurred in respect to the contract.*
10. Total subcontractors' claims incurred, or to be incurred, with respect to the uncompleted portion of the contract, including actual or estimated charges for cancellation or termination of sub-contracts and purchase orders.
11. Total credits for material and parts diverted, or to be diverted, credits for salvage value of scrap and other credits applicable to the contract.
12. A computation of the profit realized on completed articles or work performed, together with such further figures, cost analyses, and information as will in your opinion assist the Contracting Officer to determine any allowance for profit which should be taken into account in negotiating such a settlement.
13. All accrued equipment rental.**

If your own classification of accounts is substantially similar to the above, that classification will be satisfactory.

You are also requested to furnish an inventory of raw materials and materials in process and finished products on hand, and to supply schedules which show in detail the source and description of all significant charges summarized on the statement. You are further requested to submit a transcript of your advance payment account if any, as reflected by your books.

Vendors and subcontractors should be advised that the statement of charges submitted by them may be subject to an audit by Government auditors, and that an inspection of the supplies and materials covered by the purchase order or subcontract will be made by a Government inspector. All accounting and other records pertinent to the determination of the amount of settlement should be preserved by you and by your subcontractors and vendors. These documents will be of importance to you if a settlement by negotiation cannot be effected and may be of assistance to you in connection with negotiations. They should be carefully preserved.

If you are willing to enter into negotiations looking toward a negotiated settlement of the amount due with respect to the uncompleted portion of the contract in connection with this termination, please indicate your willingness to do so by signing the three copies, returning two executed copies to this office so that they will be received not later than ----------------, 194 --, and retaining the third copy for your files.

----------------, 194 --.

The undersigned is willing to enter into negotiations for a settlement as indicated above.

-- (Contractor)

By -- (Name)

-- (Official Position)

------------------------ (Contracting Officer)

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*Items 6, 7, 8 and 9 should be omitted or modified where inappropriate, as in the case of many construction contracts.

**Item 13 will usually be applicable only to construction contracts.

(c) *Termination of contracts at end of war.* Termination of a contract as part of a general termination of war contracts at, about the time of, or following the cessation of the present hostilities will take place under the articles set forth in § 81.324 (a) and (b), as provided in paragraph (1) of those articles, even if the contract could then be terminated under any contract article relating to Delays—Damages (See for example, §§ 81.352 and 81.1302 (i)) by reason of some default of the contractor, unless the Contracting Officer shall find such defaults (1) have been gross or willful and (2) have caused substantial damage to the Government. The purpose of paragraph (1) of the standard termination articles is to give contractors assurance that at the end of the war the Government will not, in order to terminate, take unfair advantage of technical minor, or unintentional defaults which have not caused substantial damage to the Government, and make settlements under the Delays—Damages articles instead of under the more liberal provisions of the standard articles set out in § 81.324 (a) and (b). The second sentence of paragraph (1) of the standard articles does not in any way affect the termination of contracts during the war, or, indeed, any terminations except those which take place as part of the general termination of contracts at or about the end of the present war.

(d) *Audit and negotiation.* If the contractor indicates his acceptance of the proposal to enter into negotiations for a settlement, then upon receipt of the contractor's statement and accompanying exhibits, the contracting officer will verify the same by such procedure and to the extent prescribed by the chief of the supply service concerned, subject to any general audit instructions issued by the Director, Fiscal Division, Headquarters, Services of Supply, and will then attempt to reach an agreement with the contractor as to the amount to be paid to the contractor (a) on account of the uncompleted portion of the contract, in the case of a lump sum supply contract containing an article in substantially the form set forth in § 81.324 (a), or (b) on account of the contract as a whole in the case of a lump sum construction contract containing an article in substantially the form set forth in § 81.324 (b). Under either contract article, there may be determined by agreement the amount due with respect to (1) expenses for the protection of government property, incurred after the effective date of the termination notice, and (2) settlement expenses.

(e) *Settlement under termination articles.* The Contracting Officer in determining what constitutes a proper settlement under a termination article substantially in the form of either of those contained in § 81.324 (a) and (b) is given a very wide range of discretion and may act upon such evidence as is satisfactory to him under all the circumstances with a view to reaching a fair adjustment expeditiously and with a minimum of technicality. He may allow the contractor by way of settlement such amount as will, in his judgment give to the contractor, fair, full and reasonable compensation for the contractor's costs, expenses and commitments, together with such allowance for profit as the contracting officer deems just and equitable to the contractor and reasonable under all the circumstances. Future procurement will be assisted by settlements involving (1) prompt payment to the contractor so that working capital for use in other contracts will not be unreasonably withheld from him, and (2) by reducing, as much as is consistent with protection of the interests of the Government, the time of Government personnel and of executive and accounting personnel of the contractor necessarily devoted to the termination adjustments.

(f) *Appropriate settlements.* In arriving at any agreement, whether or not a provision permitting such action is contained in the contract, the contracting officer may permit the contractor to retain title to partially completed materials and equipment, supplies, work in process, materials, and fabricated parts, provided that the Government shall be credited with the agreed value of such items. No allowance shall be made by way of profit or expenditure on account of supplies and other things which are undeliverable because of destruction or damage whether or not because of the fault of the contractor, except to the extent that the Government shall have expressly assumed the risk of destruction or damage. The contracting officer may, but is not required to, regard the provisions of the formula provided in the articles set forth in § 81.324 (a) and (b), respectively, which will govern the determination of the amount due in the event of a failure to negotiate a settlement, as providing general standards for fixing the amount of appropriate settlements by negotiation under such articles respectively. The provisions of either such formula, however, shall not be regarded as controlling any such settlement, but merely as providing an approximate guide by which the contracting officer may be assisted.

(g) *Determination of amount due by negotiated settlement agreement.* (1) If the Contracting Officer and the contractor reach an agreement as to the amount payable on account:

(i) Of the uncompleted portion of the contract in the case of a lump sum supply contract, and

(ii) Of the contract as a whole, so far as terminated, in the case of a lump sum construction contract containing an article substantially in the form set forth in § 81.324 (b),

then the Contracting Officer shall proceed to enter into a supplemental agreement for the final termination of the contract, using the substance of whichever of the forms set forth in §§ 81.375 or 81.376 hereof is appropriate.

(2) In the case of a lump sum supply contract containing an article substantially in the form set forth in § 81.324 (a) such agreement shall provide for the payment to the contractor, subject to any deductions mentioned below in subparagraph (4), of the sum of:

(i) The agreed amount on account of the uncompleted portion of the contract; and,

(ii) All as more fully provided in the contract, (*a*) the contract price, to the extent unpaid, of all supplies (including spare parts, drawings, information and other things) which have been completed and delivered, or work performed, in accordance with the provisions of the contract and to which title has been transferred to the Government; and (*b*) the agreed amount for, or reimbursement of, expenditures made and costs incurred by the contractor subsequent to the receipt of the termination notice for the protection of Government property for such other expenses and costs as may be necessary in the settlement of the contract.

(3) In the case of a lump sum construction contract containing substantially the article set forth in § 81.324 (b), such agreement shall provide for the payment to the contractor, subject to any deductions mentioned below in subparagraph (4), of the sum of:

(i) The agreed amount (in addition to and without duplication of prior payments) to be paid to compensate the contractor for his costs and work; and

(ii) All as more fully provided in the contract, the agreed amount of, or reimbursement for, expenditures and costs incurred by the contractor after the date of termination for the protection of Government property and for such other expenses as may be necessary in the settlement of the contract.

(4) Any payments under any such settlement agreement shall be subject to the amount of any claims which the Government may have against the contractor under or in connection with the contract, including (but not limited to) a reasonable deduction on account of defects in the materials of workmanship of work performed for the Government, or of completed or partially completed supplies delivered to the Government, pursuant to the contract. The aggregate of all amounts payable by reason of the termination of any such contract, plus the sum of all amounts previously paid under the contract, shall not exceed the total contract price, adjusted in accordance with any applicable provisions of the contract, in the event that the contract contains an article calling for price adjustment (of the type usually referred to as an escalator clause) to the extent that the contracting officer shall deter-

mine that any such adjustment is required by the contract. The agreement may provide for withholding, or requiring the contractor to create, reasonable reserves to cover any unsettled claims for labor or material under the contract. Any such supplemental agreement shall provide for the liquidation of the outstanding balance of the advance payment account under any provisions of the contract or any separate agreement relating to advance payments made in connection with this contract.

§ 81.373 *Where the contract contains no article substantially in the form set forth in § 81.324 (a) and (b), or where there is failure to agree on a negotiated settlement.* If the contract does not contain an article in substantially the form set forth in § 81.324 (a), in the case of a lump sum supply contract, or in the case of a lump sum construction contract, in substantially the form set forth in § 81.324 (b), or if under a contract which does contain such an article the contracting officer and the contractor fail to agree on a settlement, then the contracting officer shall proceed to determine the amount payable to the contractor in accordance with any provision of the contract for termination for the convenience of the Government. Where settlement is made in accordance with provisions of any formula contained in the termination article of the contract, and not by negotiation, or where a settlement by negotiation is made as hereafter provided in this paragraph, the contracting officer will make such settlement by such procedure and after such verification and audit as may be prescribed by the chief of the supply service concerned, subject to any general audit instructions of the Director, Fiscal Division, Headquarters, Services of Supply. Such settlement shall give effect to the provisions of the contract or of any separate agreement governing the liquidation of any advance payments made in connection with the contract. If at any stage of the settlement procedure, the contracting officer and the contractor reach an agreement as to the amount payable on account of such a contract, or portion thereof, the contracting officer may embody such agreement in a final settlement agreement in the form set forth in whichever one of §§ 81.375 or 81.376 is appropriate in the particular case, supplemented, if that be desired, by § 81.378 in cases referred to in the title of that section. Such agreement shall be transmitted to the Director, Purchases Division, Headquarters, Services of Supply, for approval, unless the provision for termination of the contract for the convenience of the Government, prior to any amendment by such agreement, contains a provision for fixing by negotiation the amount to be paid to the contractor with respect to the contract or the portion thereof affected by the agreement, in which event such transmission is unnecessary.

§ 81.374 *Procedure where contract does not contain article for termination for convenience of the Government.* If there is no provision in the contract for termination for the convenience of the Government and the contractor fails to agree to an amendment of the contract to provide for such termination, the chief of the supply service either (1) should continue the performance of the contract, or (2) take such steps as may be possible to obtain the cooperation of the contractor in modifying or terminating the contract so as to cause minimum expense or loss to the Government. The chief of the supply service may approve or make an agreement for the termination of such a contract and for its settlement by reason of such termination, in such form as he may deem for the best interests of the Government, and such agreement need not be presented for approval of the Director, Purchases Division.

§ 81.375 *Settlement agreement for use where a lump sum supply contract contains a provision for termination for the convenience of the Government substantially in the form contained in §81.324 (a) and permits settlement by negotiation of amount due with respect to uncompleted portion of the contract.*

This Supplemental Agreement, entered into this ------- day of ---------------, 194--, by the United States of America, hereinafter called "The Government" represented by --------------- executing this contract
(authorized officer)
and --------------- hereinafter called "the Contractor",

Witnesseth that:

Whereas, the Contractor and the Government have entered into Contract No. W. ---- under date of ---------------, 194--, as amended and supplemented by -----------, dated -----------------------, 194--; and

Whereas, said contract provides for termination of such contract at the convenience of the Government and for the determination by negotiation of the amount payable on account of the uncompleted portion of the contract and of certain other items; and

Whereas, the Government and Contractor after negotiations have arrived at an agreement as to the sum payable on account of such uncompleted portion of the contract and for other items; and

Whereas, in the light of such agreement, the additional amount payable to the Contractor upon termination pursuant to the provisions of the contract has been found by the Government and the Contractor to be the sum of $--(x)--, which sum the Contractor is willing to and does accept in full and complete settlement except as may be otherwise set forth hereinafter of all liabilities and obligations of the Government under the aforesaid contract;

Now, therefore, the parties hereto do mutually agree as follows:

Article 1. The Contractor shall furnish and deliver to the Government at the places and times hereinafter stated the following materials and items:

(Insert description of all items including completed and partially completed supplies, spare parts, work in process, materials, fabricated parts, plans, drawings, information and other things which the Contractor is to deliver to the Government.)

Article 2. Upon delivery of all the materials and items specified in Article 1 above in accordance with the terms of Article 1, the Government upon presentation by the Contractor of properly certified invoices or vouchers will pay to the Contractor in addition to the sum of $--(a)-- previously paid to the Contractor for its work and services hereunder, the sum of $--(x)-- for all its costs, expenditures, liabilities, commitments and work done pursuant to the contract.

Said sum of $--(x)-- is made up as follows:

a. Payment in full for completed supplies, (including spare parts, drawings, information and other articles and items) called for by the contract, at the contract price therefor, so far as not previously paid $--(u)--.

b. Payment in full compensation to the Contractor for the uncompleted portion of the contract, including without limitation, a reasonable allowance for profit or anticipated profit $--(v)--.

c. Payment in full for expenditures made and costs incurred after the suspension notice for the protection of Government property and for such other expenditures and costs as were necessary in connection with the settlement of the contract $--(y)--.

Article 3. The Contractor agrees to accept the said additional sum of $--(x)-- in full and complete settlement of all its rights and of all obligations and liabilities of the Government under this aforesaid contract and agrees to release, and does hereby release, the Government from all further liability and obligation under said contract (except as may be otherwise set forth hereinafter) provided that said additional payment is made in accordance with Article 2 hereof.

Article 4. Upon payment of the additional sum specified in Article 2 hereof, the contract shall terminate and all rights and liabilities of the parties thereto and all obligations of the Government to make further payments or to carry out other undertakings thereunder shall cease forthwith and forever, except:

(1) All rights, and liabilities of the respective parties under the articles, if any, of this contract, applicable to patent infringement and patent license rights which shall continue in full force and effect;

(2) All rights and liabilities of the respective parties under the articles, if any, of said contract, concerning defects which may hereafter appear in any supplies and materials furnished the Government pursuant to said contract or of this supplemental agreement which rights and liabilities shall continue in full force and effect.

[Here add any excepted matters in addition to (1) and (2).]

In witness whereof—

§ 81.376 *Settlement agreement for use where a lump sum construction contract contains a provision for termination for the convenience of the Government substantially in the form contained in § 81.324 (b).*

This Supplemental Agreement, entered into this ------- day of ---------------, 194--, by the United States of America, hereinafter called "The Government" represented by -------------------- executing
(authorized officer)
this contract and ------------------ hereinafter called "the Contractor",

Witnesseth that:

Whereas, the Contractor and the Government have entered into Contract No. W ----- under date of ---------------, 194--, as amended and supplemented by -----------, dated ------------------ 194--, and

Whereas, it has been determined that it is in the best interest of the Government to terminate the aforesaid contract; and

Whereas, said contract provides for termination of such contract at the convenience of the Government and for the determination by negotiation of the amount payable on account of the contract; and

Whereas, the Government and Contractor after negotiations have arrived at an agreement as to the sum payable on account of such contract; and

Whereas, in the light of such agreement, the amount payable to the Contractor upon termination pursuant to the provisions of the contract has been found by the Government and the Contractor to be the additional sum of $--(x)--, which sum the Contractor is willing to and does accept in full and complete settlement except as may be otherwise set forth hereinafter of all liabilities and obligations of the Government under the aforesaid contract;

Now, therefore, the parties hereto do mutually agree as follows:

Article 1. The Contractor shall furnish and deliver to the Government at the places and times hereinafter stated the following materials, supplies, equipment, machinery and machinery tools and items:

(Insert description of all items including all materials, supplies, work in process, facilities, equipment, machinery tools, plans, drawings, information and other things which the Contractor is to deliver to the Government.)

Article 2. Upon delivery of all the items specified in Article 1 above in accordance with the terms of Article 1, the Government upon presentation by the Contractor of properly certified invoices or vouchers will pay to the Contractor in addition to the sum of $--(a)-- previously paid to the Contractor for its work and services hereunder, the sum of $--(x)-- for all its costs, expenditures, liabilities, commitments and work done pursuant to the contract, a total sum of $--(a)-- plus --(x)--.

Said sum of $--(a)-- plus --(x)-- is made up as follows:

a. Payment in full compensation to the Contractor on account of the settlement of this contract, including without limitation, a reasonable allowance for profit or anticipated profit $--(y)--.

b. Payment in full for expenditures made and costs incurred after the suspension notice for the protection of Government property and for such other expenditures and costs as were necessary in connection with the settlement of the contract $--(z)--.

Article 3. [Note:—Article 3 and subseqent articles of this form are the same as those similarly numbered found in § 81.375].

§ 81.377 *Supplemental agreement for use where contract contains no provision for termination for the convenience of the Government, or contains a termination article which does not provide for a negotiated settlement of the amount due in respect of the uncompleted portion of the contract.*

This Supplemental Agreement, entered into this ------- day of ---------------, 194--, by the United States of America, hereinafter called "the Government" represented by --------------- executing this contract
(authorized officer)
and --------------- hereinafter called "the Contractor",

Witnesseth that:

Whereas, the Contractor and the Government have entered into Contract No. W---- under date of ---------------, 194--, as amended and supplemented by -----------, dated ---------------, 194--; and

Whereas, it is desirable to amend said contract so that termination thereof for the convenience of the Government and a settlement of the rights of the parties by reason of any such termination may be effected expeditiously, without undue expense, and with a minimum of administrative delay and inconvenience, and

Whereas, pursuant to the First War Powers Act and Executive Order No. 9001, issued pursuant thereto, the Secretary of War acting through his duly delegated officer, has authorized the amendment of existing War Department contracts so as to make adequate provision for termination for the convenience of the Government and for the negotiation of settlements in connection therewith and has found that such amendment will facilitate the prosecution of the war.

Now, therefore, the parties do agree to amend the aforesaid contract and the same is hereby amended by

(Here make such change in the contract as may be necessary to the end that it will contain provisions for termination at the convenience of the Government substantially the same as those set forth in § 81.324 (a) in the case of a lump sum supply contract or, in the case of a lump sum construction contract, as § 81.324 (b), of these procurement regulations.)

§ 81.378 *Provisions for inclusion in contract forms set forth in §§ 81.375 or 81.376 where it is desired in the supplemental agreement of settlement to amend an existing lump sum contract to provide for a negotiated settlement.* This provision may be inserted in any appropriate case immediately after the first "Whereas" in the form suggested in § 81.375 hereof in the case of a lump sum supply contract, or in § 81.376, in the case of a lump sum construction contract as set forth in the heading of this paragraph.

Now, therefore, the following amendments of said contracts are hereby effected:

Title I

Whereas, pursuant to the First War Powers Act and Executive Order No. 9001, issued pursuant thereto, the Secretary of War acting through his duly delegated officer, has authorized the amendment of existing War Department contracts so as to make adequate provisions for termination for the convenience of the Government and for the negotiation of settlements in connection therewith, and has found that such an amendment will facilitate the prosecution of the War.

Now, therefore, the parties do agree to amend the aforesaid contract and the same is hereby amended by

(Here make such change in the contract as may be necessary to the end that it will contain provisions for termination at the convenience of the Government substantially the same as those set forth in § 81.324 (a) or § 81.324 (b) as the case may be of these regulations.)

Title II

Whereas, said contract has been hereby amended as aforesaid, and (Here should be inserted the provisions of §§ 81.375 or 81.376, which follow the first "Whereas" clause in such paragraphs.)

TERMINATION UPON DEFAULT OF CONTRACTOR

§ 81.379 *Steps to be taken in event of default.* In any case where a contractor fails to perform within the time prescribed in his contract or is otherwise in default, the chief of the supply service may take any of the following courses:

(a) The contractor may proceed and may be charged with the actual damages resulting from the delays or other default. If the contract provides for liquidated damages, such damages and not actual damages must be charged.

(b) A supplemental agreement may be made with the contractor's surety, if any, providing for the completion of performance of the contract and for payment therefor. Such supplemental agreement should clearly state that all rights against the contractor are preserved so far as the surety does not undertake to cure the effect of defaults by the contractor.

(c) Where the contractor has not given a performance bond, or where the surety under such a bond has pursuant to any requirement thereof been given an opportunity (if such requirement is contained in the bond) to complete the contract but does not elect to do so, the Government may terminate the contract pursuant to any applicable provision thereof.

§ 81.380 *Steps to be taken in event of termination because of default.* If termination is effected pursuant to a contract provision substantially similar to that set forth in §§ 81.352 or 81.1302 (i) of these procurement regulations, the chief of the supply service may, but is not required to, take advantage of the remedies provided for in such contract provision or available by law. In lieu of making use of such remedies he may, if he finds that to do so will facilitate the prosecution of the war, make a supplemental agreement with the contractor for the termination of the contract upon such terms as may be agreed upon. Such agreement shall be subject to the approval of the Director, Purchases Division, Headquarters, Services of Supply, except where the chief of the supply service shall find any one of the following facts:

(a) That the Government no longer has need for the supplies called for by the contract.

(b) That the default of the contractor is excusable.

(c) That the supplies, undelivered because of the Contractor's default, can be obtained from some source other than the contractor on a basis as favorable, or substantially as favorable, as that set forth in the contract. In such event, even if for reasons of policy the supply service may wish to buy supplies of the type covered by the contract on terms more expensive or less favorable to the Government than those set forth in the contract, the contractor should not be charged with such excess expense. (For example, the supply service may desire to buy from particular producers or in particular geographical areas in order to distribute war work more widely, despite any extra expense involved. The excess expense in such a case is not equitably to be charged to the contractor.)

(d) That any excess cost charged to the contractor would be nominal.

§ 81.381 *Delays.* The contracting officer, at any time before final settlement (and notwithstanding any provision of the contract requiring that notice be given of the cause of delay in performance), may extend the time fixed for performance by supplemental agreement. If the contractor shall be in default by reason of delay at the date thereof, such supplemental agreement shall be subject to the approval of the Director, Purchases Division, Headquarters, Services of Supply, unless the contracting officer shall find that such delay caused no substantial damage to the Government. The contractor shall not in any case be considered in default by reason of delay if such delay is excusable within the meaning of the contract.

TERMINATION OF COST-PLUS-A-FIXED-FEE CONTRACTS

§ 81.382 *Termination of cost-plus-a-fixed-fee contracts for the convenience of the Government.*

§81.383 *Authorized officer.* The chief of the supply service concerned, may direct or approve the termination of a cost-plus-a-fixed-fee contract by the contracting officer.

§ 81.384 *Notice of termination.* In terminating a cost-plus-a-fixed-fee contract as a whole, the contracting officer will promptly transmit to the contractor a written Notice of Termination substantially as follows:

> Pursuant to the provisions of Article---- of Contract No. ------ between the Government and yourself, that contract is hereby terminated. Effective at once, you will terminate all subcontracts and cancel all existing orders and cause all work thereunder to cease, with the following exceptions: -------
>
> Subject to customary approval of ratifcation by the contracting officer, you are authorized and requested to pay all invoices, charges, salaries, wages and other obligations actually incurred by you in connection with this contract and due on or before the effective date of this notice.
>
> You are requested to advise all vendors and subcontractors to submit to you, as promptly as possible, a statement of the charges that will be involved in the cancellation and termination of their orders for subcontracts. Such charges shall be set forth substantially under the following headings:
>
> (1) Amount of total contract price previously paid.
> (2) Direct labor.
> (3) Direct materials.
> (4) Indirect factory expense.*
> (5) Administrative expenses.*
> (6) Subcontractors claims.
> (7) Credits for scrap, etc.
> (8) Production engineering expense, indicating labor and burden.*
> (9) Other engineering and similar expenses.*
> (10) Other items of claim in detail.
>
> Vendors or subcontractors whose classification of accounts are similar to the above may follow their own classification. All such vendors and subcontractors should be advised that they may be required to support such statement of charges with appropriate and pertinent accounting and other records; that the statement of charges may be subject to an audit by Government auditors; and that an inspection of the supplies and materials covered by the Purchase Order or subcontract will be made by a Government inspector. Vendors and subcontractors should be directed to preserve all relevant records and papers.
>
> You will be reimbursed for the cost of all services rendered by you in connection with this termination of Contract No. ---- in accordance with the provisions of the contract.

(a) In the event of partial termination the first paragraph of the foregoing notice will be omitted and in lieu thereof the following paragraph:

> Pursuant to Article -- of Contract No. ---- entitled "Changes" you are directed to omit work covered by the contract as follows: (Here insert a statement of the work to be omitted, and following that the remainder of the notice set forth above.

---

*Items 4, 5, 8, and 9 to be omitted in the case of construction contracts unless applicable in the particular instance.

§ 81.385 *Audit procedure.* The contracting officer will see that the audit procedure prescribed by the chief of the supply service concerned, subject to any general instructions issued by the Director, Fiscal Division, Headquarters, Services of Supply, is followed and that verification of the amounts due is completed in accordance with that procedure as rapidly as possible.

§ 81.386 *Termination agreement.* When the amount due to the Contractor has been determined in accordance with the provision of the contract, a final termination agreement will normally be prepared, embodying a general release by the contractor of all claims against the United States, and stating in detail any continuing obligations or rights, patent licenses, covenants of indemnity, and similar matters.

ADJUSTMENTS OF CONTRACTS BECAUSE OF CHANGED FEDERAL EXCISES

§ 81.818 *Excises repealed by Revenue Act of 1942.* Section 611 of the Revenue Act of 1942 repealed as of November 1, 1942 excise taxes imposed by Internal Revenue Code, section 3406 (a), subsection (5), (7), (8) and (9) relating respectively to electric signs, rubber articles, washing machines and optical equipment. Section 614 and 615 of the Revenue Act of 1942 have revised sections 3405 and 3406 (a) (6) of the Internal Revenue Code so as to exempt from excise taxation certain commercial refrigerating apparatus and cash registers of the type used in registering over-the-counter retail sales.

§ 81.819 *Adjustments of lump sum contracts by reason of removal of certain federal excise taxes.* The standard tax provision prescribed by § 81.357 of these regulations requires certain adjustments in contract prices by reason of changes in taxes after the date of the award of the contract, including those taxes directly applicable to the supplies or work covered by the contract or the materials used in work or manufacture under the contract (all as more fully set out in § 81.357). The removal of the Federal excise taxes mentioned in § 81.818 will require readjustment in the price of any contract containing the tax article set forth in § 81.357, for or including items which were subject to these taxes at the time the award was made, if and to the extent that the Contractor included any such tax in the price and has been relieved of the burden of the tax by the change in tax statute. To facilitate the prosecution of the war by reducing to a minimum the serious administrative burden of making these adjustments and the time of contractors and government officers consumed in determining the amount thereof, the chiefs of the supply services are authorized pursuant to the First War Powers Act 1941 and Executive Order No. 9001 to negotiate and enter into supplemental agreements with contractors with respect to the amount of any such adjustments after such verification and check thereof as the chiefs of the supply services severally shall prescribe. To expedite the negotiation of such adjustments the amount thereof may be determined by estimate, spot check, audit, or in any other manner deemed reasonable or appropriate by the chief of the supply service concerned. No such adjustment shall be required in respect of any contract or class of contracts as to which the chief of the supply service concerned shall determine that the amount of adjustment possibly to be obtained will not be substantial or warrant the interference with the orderly conduct of the procurement program or the expenditure of the time and effort involved in making or determining the amount of the same.

(a) No adjustment will be required of the contract price under any contract for or including supplies or materials which were subject to the repealed taxes when the award was made if the contract provided that the contract price did not include the taxes on such supplies or materials or if the contract did not include a provision similar to that found in the second sentence of the tax article set forth in § 81.357.

OVERTIME WAGE COMPENSATION

In § 81.964 paragraph (e) is amended; paragraphs (f) and (g) are amended and, together with paragraph (h), are redesignated (i), (j) and (k), respectively; new paragraphs (f), (g) and (h) are added; paragraphs (i), (j), (k), (m), (n) and (o) are amended and redesignated (l), (m), (n), (q), (r), and (v), respectively; paragraph (l) is redesignated (p), and new paragraphs (o), (s), (t), (u), and (w) are added, as follows:

§ 81.964 *Current interpretations.*

* * *

(e) *Double time mandatory for seventh consecutive day worked.* When work is performed on any seven consecutive days, double time must be paid for the work on the seventh day. The exceptions to this requirement are set forth in paragraphs (f) and (g) of this section. Double time must be paid even though the seven days during which the work has been performed fall in two workweeks. Payment of double time on the seventh successive work day is mandatory even though (1) an existing collective bargaining agreement does not require it or (2) an existing agreement or applicable statute provides for overtime at the rate of time and one-half for hours over eight in a day or over forty in a week or for the sixth day or (3) the work is of a type for which overtime need not be paid under exceptions contained in section 7 of the "Fair Labor Standards Act of 1938". Where more than seven but less than fourteen successive days are worked, double time is required only on the seventh consecutive day. The seven consecutive days must have been worked after October 1, 1942.

(f) *Double time not mandatory for seventh consecutive day worked under limited special circumstances.* Double time need not be paid for work on the seventh consecutive day worked if by agreement the employer and employee have arranged a mutually satisfactory

work schedule which affords a day of rest in each regular work week. A regular work week would be seven consecutive days starting on the same calendar day each week. Whether or not a work schedule is mutually satisfactory is governed by ordinary principles of contract law.

(g) *Same.* Double time is not required for an employee who, having worked six successive days, works a seventh consecutive day on an exchange basis as an accommodation to a fellow employee. Contra where the employer makes such a request.

(h) *Computation of double time for seventh day.* Double time may be based either on the wage earned on the seventh consecutive day or on the average hourly pay for the full workweek; it may be computed on the same basis the employer uses in computing other overtime. Double time required for the seventh successive day may not be credited against overtime required for any other period of the week by any law or by the employment contract; the double time requirement under the order is an added penalty. Time and one-half paid for work on a designated holiday occurring on one of the first six days may not be credited against double time due for the seventh successive day work.

(i) *Computation of number of days worked.* "The Order does not require that any particular number of hours be worked in any day for that day to be regarded as a day worked under paragraphs I (A) (1) and I (A) (2)." (Section 4, release of September 25, 1942.) In computing the number of days worked, only days actually worked should be counted. See however, paragraphs (j)–(l) of this section. Where otherwise regarded as time worked a day spent in travel on the employer's behalf is included for the purpose of computing the seventh successive work day, whether the travel is on one of the first six days or occurs on the seventh.

(j) *Same: Inability to work.* Whether or not seven or six days have been worked in any work week within the meaning of paragraphs I (A) (1) and I (A) (2), respectively of the order, where, through no fault of the employee, he does not work on one of the previous work days in the work week, although he is ready and willing to do so, "* * * [will] depend upon the circumstances of each case, and [the question] is generally to be solved in accordance with the custom, practice or agreement in the industry or plant * * *" (Section 3, release of September 25, 1942.) Thus, "where the employee reports for work pursuant to instructions and is sent home, such days will be considered days actually worked where so regarded by custom, practice or agreement in the industry or plant." (Footnote No. 2, release of September 25, 1942.) When an employee is told on the previous day not to report for work on the next day, that day need not be counted in computing the seventh successive day, although whether or not such day is counted in computing the sixth day depends on the custom, practice or agreement in the particular plant (see paragraph 946.20 below).

(k) *Same: Absenteeism.* "* * * since one of the purposes of the Order is to discourage absenteeism, where the employee absents himself for reasons of personal convenience the day is not included in the computation." (Section 3, release of September 25, 1942.)

(l) *Same: Enumerated holidays included in the computation.* "* * * Since it is the purpose of the Order to give recognition to the enumerated days as holidays, they should be counted as days worked for the purpose of computation of the seventh and sixth days of work under paragraphs I (A) (1) and I (A) (2) whether or not work is actually performed and whether or not compensation is paid for the holidays if no work is performed." (Section 5, release of September 25, 1942.) If one of the designated holidays falls on what would be the seventh successive day, and no work is performed, the day is not the seventh day of work for which double time is payable.

(m) *Premium pay on holidays: When forbidden.* (1) "* * * Double time on holidays is forbidden unless such holidays fall on the seventh day worked under paragraph I (A) (1) [of the Order] * * *" (Section 5, release of September 25, 1942.)

(2) Time and one-half on undesignated holidays is forbidden unless such holidays fall on the sixth day worked in any regularly scheduled work week under paragraph I (A) (2) of the order, and unless such premium pay is "* * * required by the provisions of law or employment contracts * * *" (paragraph I (A) (2), Executive Order 9240).

(n) *Same: when mandatory.* Time and one-half is required for work on the six holidays specified in paragraph I–B of the order. Under the order, it is permissible to pay employees straight time or less on such holidays even though the employee is given the day off. The order requires time and one-half for work performed on the enumerated holidays whether or not forty hours were previously worked in the workweek. However, if time and one-half is paid because of a holiday occurring on one of the early days in a week, credit may be taken by the employer in computing the amount which must be paid for hours in excess of forty per week under the Fair Labor Standards Act, unless the employment agreement provides that such credit may not be taken (see paragraph (s) of this section).

(o) *Determination of sixth holiday.* Determination whether another holiday is of greater local importance than Memorial Day for purposes of application of provisions of paragraph I (B) of the order may be made by the employer, assuming that such a determination is not in conflict with the employment contract.

(p) *Same: not pyramided.* See paragraph (v) of this section.

(q) *Other kinds of premium payments not prohibited.* The order does not prevent the payment of special compensation under other justifiable circumstances which do not depend upon the number of hours or days worked in a week. The order does not prohibit extra compensation customarily paid or provided for in the employment contract for night shifts, unusually long shifts, or special emergency work, even if occurring on Saturday or Sunday, unless they are in fact means to evade the terms of the order. The order does not forbid payment of a bonus unrelated to Saturday or Sunday work as such, or differential pay for different shifts. The order permits payment of time and one-half for hours over eight in one day or in excess of forty in a week, or for the sixth work day in the week, where required by law or employment contract, even though such hours fall on Saturday or Sunday. The order permits payment of time and one-half for hours in excess of eight worked on any day, including Saturday, where required by any law or employment contract, even though such a day is, for example, only the fourth day worked in a workweek and the total number of hours worked in the week including that day is less than 40. The order does not affect the requirements of the Fair Labor Standards Act or the Walsh-Healey Act, nor does the order purport to deal with vacation pay in any respect.

(r) *When time and one-half may be paid for work on the sixth day.* Where by custom an employee has received time and one-half for the sixth work day, although no written contract so provides, the order does not prohibit continuance of the practice. In computing the sixth work day, for purposes of paragraph I (A) (2) of the order, existing practices or customs or agreement in the particular plant are controlling since premium pay for the sixth work day is not mandatory under the order. For example, see paragraphs (s)–(u) of this section.

(s) *Computation of time and one-half for sixth day.* Whether time and one-half paid for work on a designated holiday occurring in the early part of the week may be credited against time and one-half due for the sixth work day depends upon the terms of the employment contract. Whether an employee may be penalized for tardiness by deduction from the time and one-half required by either law or contract for work on the sixth day of the work-week similarly depends upon the terms of the employment contract.

(t) *Computation of number of days worked.* See paragraphs (i)–(k) of this section.

(u) *Same: Whether enumerated holidays are to be included in the computation.* Whether a designated holiday on which no work is performed is counted in computing the sixth day, depends upon the agreement in the particular plant. If no agreement on the subject exists it should be counted.

(v) *Premium rates not pyramided.* "Where particular work is subject to different premium rates under separate paragraphs of the order or applicable statutes, (e. g. work on a holiday which is also the seventh successive day of work), the order does not require that the several premium rates be pyramided, but does require that the highest single rate be paid." Where an employee works a designated holiday which is also the sixth work day, payment of time and one-half satisfies both the requirement of the order and of a law or of an employment contract requiring payment of time and one-half for the sixth work day, since pyramiding of premium payments would be contrary to the order which forbids more than time and one-half for work on a designated holiday.

(w) *Workday and workweek schedules.* The order does not penalize setting up different workweeks for different classes of employees or the use of swing-shifts, whereby the plant is kept in continuous operation but each employee is given a day of rest each week. Nor does the order penalize changes in the starting day of the workweek, unless this is done for purposes of evasion. The workday and the calendar day need not coincide; an employee whose scheduled shift continues after twelve midnight is still regarded as having worked only one day. The order does not penalize variance in the hours worked in the different days of the workweek, such as a schedule of four days work of eight hours per day and two days work of twelve hours per day.

In § 81.965 paragraph (a) is amended, paragraph (c) is redesignated paragraph (d), and a new paragraph (c) is added as follows:

§ 81.965 *Exceptions*—(a) *Shipbuilding stabilization agreement.* All work subject to the Zone Standards Agreements for the shipbuilding and ship repair industry has been excepted from the provisions of the order for a period of 60 days from October 1, 1942. An extension of the exception is anticipated and notice thereof will be included in these regulations.

* * * * *

(c) *Holiday provisions of the order incorporated in building trades stabilization agreement.* While work covered by the Building Trades Stabilization Agreement has been exempted from the order, the holiday provisions of the order (paragraph I (B)) have been incorporated in the Stabilization Agreement by resolution of the Board of Review, which performs the function of administering the Stabilization Agreement. (Interpretative Resolution No. 2 of the Board of Review passed on November 10, 1942).

(d) *Miscellaneous.* * * *

§ 81.978a *List of designated industries referred to in § 81.978.* Abrasives; aircraft; automobiles; chemicals and allied products; cotton manufactures; dyeing and finishing textiles; footwear; iron and steel and their products; leather; logging; machinery; meat products; metal mining; nonferrous metals and their products; nonmetallic mining and quarrying; petroleum, coal and natural gas products; petroleum and natural gas production; planing mills; professional and scientific instruments, photographic apparatus and optical goods; railroad equipment; rayon manufactures; refractories products; rubber products; sawmills; street and suburban railways and buses; surgical, medical and dental instruments, equipment, and supplies; tobacco products; woolen and worsted manufactures; work clothing.

Section 81.980 (d) (4), (f) (2), (l) (1), (n), (o), and (p) are added as follows:

§ 81.980 *General Orders of National War Labor Board.* * * *

(d) *General Order No. 4.* * * *

(4) *General Order No. 4–B.* The time as of which to determine whether an employer employs "not more than eight individuals" within the meaning of General Order No. 4 is the time when the wage or salary adjustment is agreed to, or, if it is not made by agreement, the time when it is put into effect. But an employer who, during any given year following October 3, 1942, in the case of wages, or October 27, 1942, in the case of salaries, has made adjustments affecting in the aggregate eight employees, will not, if he wishes to make any further adjustments within said year, be exempt under General Order No. 4.

* * * * *

(f) *General Order No. 6.* * * *

(2) *Interpretation No. 1 of General Order No. 6—Question.* Paragraph (b) of General Order No. 6 provides that unless a higher rate is approved by the Board, the rate for a new job classification shall be fixed "at a level not exceeding that which prevails for similar classifications within the area." What is the meaning of the quoted phrase? Specifically, must the rate on new jobs be fixed at not exceeding the average of the rates in the area for similar classifications, if the employer is to be free to proceed without the necessity of seeking approval by the Board of what otherwise would constitute a wage increase?

Answer. The object of paragraph (b) of General Order No. 6 was to prevent an employer, upon opening a new plant or creating new job classifications in his existing plant, from paying rates which would unstabilize the rate structure in the area affected by his action. In interpreting General Order No. 6 this object should be kept in mind, and the order should be given a practical and common sense reading.

(1) *The creation of a new job classification in an existing plant.* (a) Major considerations to be borne in mind in making rulings in these cases are that the rates for the new jobs should bear a direct relation to and be in balance with the existing rate structure in the plant. If comparison with other rates in the plant is not appropriate, then the new rates should bear the same relation to rates for similar classifications in the area as the existing rates in the plant bear to comparable rates in the area.

(b) In these cases of creating new job classifications in existing plants the local Wage and Hour offices, guided by the above considerations and with the approval of the appropriate Wage and Hour Regional Director, may make final rulings except in unusual circumstances, for example where it is proposed to set up in an existing plant a new department of substantial size. In such exceptional cases, the application for a ruling should be transmitted by the local Wage and Hour office to the War Labor Board Regional Director and there be processed as set out below.

(2) *The establishment of a new plant.* (a) Whether in a given case it would unstabilize wages in the area to permit a particular employer to fix the rates for a new plant at any level up to the maximum being paid in the area, or whether he should be permitted to pay only the average, or less than the average, will depend on his traditional wage history in relation to the wages of the industry generally, or of the area if he has theretofore operated in the area, the nature of the work in which he is engaged, the rates being paid for comparable work in comparable establishments, and other pertinent factors.

(b) Applications in these cases should be transmitted, without a ruling by the local Wage and Hour office but with such information as said office may deem helpful, to the War Labor Board Regional Director. In his discretion the Regional Director may rule on the case or refer it for a ruling to a tripartite panel. If the new plant is of substantial size and will employ a large proportion of skilled labor, the Regional Director should refer the case to a panel.

(c) It will be proper and sometimes necessary for the Regional Director or the panel to hold hearings relative to the proper level at which the applicant's rates for the new plant should be fixed. To such a hearing should be invited interested representatives of industry and labor.

(3) In all cases the applicant should show the data on the basis of which the proposed rates were determined.

Question. Does the foregoing relate to salaries as well as wages?

Answer. Yes, under General Order No. 6–A.

* * * * *

(l) *General Order No. 12.* * * *

(1) On November 25, 1942, the National War Labor Board determined that General Order No. 12 applies to employees of the District of Columbia.

* * * * *

(n) *General Order No. 14. Authorization to the War Department to pass on wage and salary adjustments for designated civilian employees.* (A) The National War Labor Board hereby delegates to the Secretary of War, to be exercised on his behalf by the Wage Administration Section within the Civilian Personnel Division, Headquarters, Services of Supply (hereinafter referred to as the "War Department Agency"), the power to rule upon all applications for wage and salary adjustments (insofar as approval thereof has been made a function of the National War Labor Board) covering civilian employees within the continental limits of the United States and Alaska, employed by

(1) The War Department,

(2) The Army Exchange Service, and

(3) Government-owned, privately-operated facilities of the War Department.

all in accordance with the further provisions of this Order.

(B) There shall be a standing tripartite Appeals Committee, to consist of two representatives to be appointed by the War Department Agency and two representatives each of industry and labor to be appointed by the National War Labor Board. The Committee may have such assistants as the Board may designate. The Board hereby delegates to the Appeals Committee the power to pass upon appeals from rulings by the War Department Agency under category A (3) above, and to perform such other duties as are hereinafter prescribed.

(C) In the performance of their respective duties the War Department Agency and the Appeals Committee shall comply with the terms of Executive Order No. 9250, dated October 3, 1942, and all general orders and policies of the National War Labor Board announced thereunder. The War Department Agency, without making an initial ruling thereon, may refer to the Board, through the Appeals Committee, for decision by the Board any case which in the opinion of the Agency presents doubtful or disputed questions of sufficient seriousness and import to warrant direct action by the Board.

(D) The War Department Agency and the Appeals Committee shall transmit to the Review and Analysis Division of the National War Labor Board copies of their respective rulings and rules of procedure as they are issued, and such additional data and reports as said Division or the Board may from time to time deem necessary.

(E) Any ruling by the War Department Agency hereunder shall be final, subject

(1) To the National War Labor Board's ultimate power to review rulings on its own initiative, and

(2) In cases under category A (3) above, to the right of any aggrieved party, within a period of ten days after the issuance of the ruling, to file an appeal with the Appeals Committee.

(F) Any ruling by the Appeals Committee hereunder shall be final, subject

(1) To the National War Labor Board's ultimate power to review rulings on its own initiative, and

(2) To the right of any aggrieved party, including the War Department, within a period of ten days after the issuance of the ruling, to petition the National War Labor Board for leave to appeal to the Board. The burden shall be upon the petitioner in such cases to show why the Board should be called upon to act.

(G) Any ruling by the War Department Agency hereunder shall be deemed to be the act of the National War Labor Board unless and until reversed or modified by the Appeals Committee or by the Board. Any such order of reversal or modification shall allow the War Department Agency a period of two weeks after (1) the time for appeal from the order of the Appeals Committee has elapsed, or (2) if the case has been appealed to the Board, from the date of the Board's order, within which to comply with the order.

(H) The term "government-owned, privately-operated facilities of the War Department" shall include for the purposes of this Order only those facilities (1) in which the War Department has contractual responsibility for the approval of pay roll costs, and (2) which are designated in lists furnished from time to time to the Board by the War Department Agency. The Board may at any time, upon at least seven days' notice to the War Department Agency, strike from the list any facility if the Board believes that the policies of Executive Order No. 9017 or Executive Order No. 9250 will be furthered by the Board's acting directly upon the wage and salary adjustments of such facility.

(I) Where disputes about wages or salaries arise between the private operators of said facilities and their employees, the disputes shall be referred to the War Department Agency. The Agency's rulings in such cases shall be final, subject to the same rights of appeal and review as in cases of rulings by the Agency upon applications for voluntary wage or salary adjustments. The Agency's jurisdiction over disputes shall include only those concerning wages and salaries. The National War Labor Board may in its discretion refer other disputes to the Appeals Committee for such action as the Board may specify in the particular case.

(o) *General Order No. 15.* Where under the provisions of a bona fide collective agreement there has been established an impartial chairman, umpire or arbitrator whose duties include the fixing of rates for new jobs, his decisions so rendered need not be submitted for approval to the National War Labor Board: *Provided,* That:

(1) The rate for each new job shall be fixed in an amount which is directly related to and in balance with the established rates of the other jobs covered by the agreement, and shall be consistent with the Board's Wage Stabilization Policy of November 6, 1942.

(2) A bi-weekly report of rates so fixed shall be transmitted to the Division of Review, Analysis and Research of the National War Labor Board together with sufficient information to establish the aforesaid relationship and balance.

(3) Such decisions shall be subject to the Board's ultimate power of review but any modification or reversal thereof will not be retroactive.

(4) The establishment of such rates should not result in any substantial increase of the level of costs and shall not furnish a basis either to increase price ceilings of the commodity or service involved or to resist otherwise justifiable reductions in such price ceilings.

(p) *General Order No. 16.* Adjustments which equalize the wage or salary rates paid to females with the rates paid to males for comparable quality and quantity of work on the same or similar operations, and adjustments in accordance with this policy which recognize or are based on differences in quality or quantity of work performed, may be made without approval of the National War Labor Board, provided that:

(1) Such adjustments are reported, when made, to the Division of Review, Analysis and Research of the National War Labor Board together with sufficient information to show that they are in accordance with the policy referred to above;

(2) Such adjustments shall be subject to the Board's ultimate power of review, but any modification or reversal thereof will not be retroactive;

(3) Such adjustments shall not furnish a basis either to increase price ceilings of the commodity or service involved or to resist otherwise justified reductions in such price ceilings.

§ 81.1106 *Numbering of compressed gas cylinders.* See in this connection AR 850–60 (September 29, 1942) covering the safe handling, storing, shipping and using of compressed gas cylinders.

* * * * *

(b) *Assignment of serial numbers.* The serial numbers which are to be used by the purchasing officers of the War Department will be assigned by the Director, Purchases Division, Headquarters, Services of Supply, to the chief of the supply service concerned upon request. Letters should be prefixed and suffixed to those serial numbers to indicate type and size of cylinder as indicated below.

* * * * *

(h) *System of serial numbers.* The use of serial numbers, together with letters prefixed and suffixed thereto, will conform with the following:

(1) *High pressure cylinders made under Interstate Commerce Commission specification 3A for service pressure, 1,800 lbs. per square inch and higher.*

Prefix	Required for cylinders
A	$2\frac{15}{16}''$ i. d. x $7\frac{3}{8}''$ (approximately).
C	$3\frac{1}{8}''$ i. d. x 13″ (approximately).
D	$3\frac{15}{16}''$ i. d. x $16\frac{3}{4}''$ (approximately).
DE	$3\frac{15}{16}''$ i. d. x $21\frac{1}{4}''$ (approximately).
E	$3\frac{15}{16}''$ i. d. x $25\frac{3}{4}''$ (approximately).
EE	$4\frac{1}{8}''$ i. d. x 26″ (approximately).
EF	5″ i. d. x 26″ (approximately).
F	5″ i. d. x 51″ (approximately).
FG	$6\frac{5}{8}''$ i. d. x 43″ (approximately).
G	8″ i. d. x 51″ (approximately).
H	$8\frac{1}{2}''$ i. d. x 51″ (approximately).
J	of internal capacity of 2,750 cu. in. up to and including 4,100 cu. in.
JC	For 75 pounds of carbon dioxide.
L	having internal capacity of over 4,100 cu. in.
LC	For 100 pounds of carbon dioxide.

Examples: E1234; H1234; etc.

NOTE. Suffix letters to serial numbers are not to be used.

* * * * *

In § 81.1303 paragraph 5 of Article I in the contract form is amended as follows:

§ 81.1303 *W.D. Contract Form No. 3.* * * *

ARTICLE I. *Statement of work.* * * *

5. The Contracting Officer may at any time by written order issue additional instructions, require additional work or services or direct the omission of work or services covered by this contract. If such changes cause a material increase or decrease in the amount or character of the work to be done under this contract an equitable adjustment of the amount of the fixed fee to be paid the Contractor shall be made and the contract shall be modified in writing accordingly. Any claim for adjustment under this Article must be asserted within 10 days from the date the change is ordered (unless the Contracting Officer, with the approval of the Secretary of War or his duly authorized representative, shall grant a further period of time prior to the date of final settlement of the contract). Nothing provided in this Article shall excuse the Contractor from proceeding with the prosecution of the work so changed. There shall be no adjustment in the amount of the fixed fee as provided herein, nor any claim therefor because of any errors and/or omissions made in computing the estimated cost of the construction of the work under this contract or where the actual cost varies from the estimated cost.

* * * * *

Articles 3, 4, and 6 of the contract form in § 81.1320 are amended as follows:

§ 81.1320 *W.D. Contract Form No. 20.* * * *

ARTICLE 3. Until all advance payments hereunder are liquidated, all funds received as advance payments under this supplemental contract together with------------------
(Insert percent to be
----
deposited which shall be not less than 75%) percent (----%) of all other cash payments under the principal contract (or principal contracts), shall be deposited in a special bank account or accounts at a member bank or banks of the Federal Reserve System, or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684, as amended; 12 U. S. C. 264), separate from the Contractor's general or other funds. Such special bank account or accounts shall be so designated as to indicate clearly to the bank the special character and purpose, and the balance in such account or accounts shall be used by the Contractor exclusively as a revolving fund for carrying out the purposes of the principal contract (or principal contracts), (including reimbursement to the Contractor for any reasonable amounts expended by him for such purposes), and any amendments thereto, and not for the other business of the Contractor: (*Provided,* That it is understood that all funds deposited in the said special account created hereunder may be used by the Contractor for the purposes of either or all of the principal contracts without regard to the origin of such payments; and) * *Provided,* That for the purpose of determining proper disposition of funds hereunder such of the Contractor's costs as may not be directly allocable to the principal contract (or principal contracts), as it (or they) may be amended, may be charged against funds deposited in the special account in that proportion which the amount of the work being done under the principal contract (or principal contracts), as it (they) may be amended, approximately bears to the total amount of work being performed by the Contractor, out of which such costs also arise, but within the period to which such costs relate. When required by the--------------
(Chief of
---------------- or his duly authorized rep-
supply service

---

*This proviso to be used where agreement is supplemental to two or more contracts.

resentative, or by other person to whom authority to make advance payments has been delegated, withdrawals from special account or accounts shall be made subject to the prior written approval of the Contracting Officer or his duly authorized representative. Any balances from time to time in such special account or accounts shall secure the repayment of the advances in connection with which the special account or accounts are opened, and the Government shall have a lien upon such balances to secure the repayment of such advances, which lien shall be superior to any lien of the bank, or any other person, upon such account or accounts by virtue of assignment to it of the principal contract (or contracts) or otherwise: *Provided*, That the bank shall be under no liability to any party hereto for the withdrawal of any funds from said special account upon checks, properly endorsed and signed by the Contractor, except that after the receipt by the bank of written directions from the ---------------------------- (Chief of supply service) or his duly authorized representative, the bank shall not act thereon and be under no liability to any party hereto for any action taken in accordance with the said written directions. Any instructions or written directions received by the bank through the Contracting Officer upon War Department stationery and purporting to be signed by, or by the direction of, the ---------------------------- (Chief of supply service) or his duly authorized representative, shall, insofar as the rights, duties, and liabilities of the bank are concerned, be conclusively deemed to have been properly issued and filed with the bank by the ---------------------------- (Chief of supply service) or his duly authorized representative.

Article 4. If, you upon completion of the principal contract (or of any of the principal contracts), or upon the termination thereof for other than the fault of the Contractor, the advance payments made to the Contractor, in respect of such contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor in respect of such contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of such contract; *Provided, however*, That in the event of such termination of the contract for other than the fault of the Contractor, such deduction shall not be made prior to final audit unless and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonable required in order to secure the eventual repayment in full to the Government of such unpaid advance payments. In the event of cancellation or termination of the principal contract (or of any of the principal contracts) because of the fault of the Contractor, the Contractor, notwithstanding any ultimate rights to be reimbursed, agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of the ---------------------------- (Chief of supply service) or his duly authorized representative, the unobligated balance of the advance payments made by the Government under Article 1 hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the ---------------------------- (Chief of supply service) or his duly authorized representative the amount of such excess shall, upon demand by the ---------------------------- (Chief of supply service) or his duly authorized representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this Article is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) rather than two and one-half percent (2½%) per annum from the date of the receipt of the demand until payment is made; *Provided, however*, That such additional interest over and above the regular two and one-half percent is hereby waived as to any sums paid by the Contractor within 15 days after the amount becomes due hereunder.

* * * * *

Article 6. On the unliquidated balance of the advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half percent (2½%) per annum. Such interest shall be computed at the end of each calendar month on the average daily balance of the principal of the unliquidated advance payments outstanding. In determining such balance, charges on account of the advance payments to the Contractor hereunder shall be made as of the dates of the checks therefor; credits resulting from disbursements made by the Contractor which are applied against advance payments shall be made upon the approval of the vouchers therefor by the disbursing officer, as of the dates respectively upon which the contractor presents to the contracting officer or his duly authorized representative full and accurate data for the preparation of each such voucher which date shall, as to each such voucher, be certified by the contracting officer or his duly authorized representative on the face thereof; and credits arising from cash repayments to the Contractor shall be made as of the dates the checks therefor are received by the disbursing officer. As soon as such monthly computations shall have been made, the interest so determined shall be deducted from the payments otherwise due the Contractor under this contract, *Provided, however*, That, in no event shall deductions on account of interest exceed five percent (5%) of the gross payment due the Contractor prior to any deduction under this Article or Article 5 or any other provision of this contract. In the event the accrued interest exceeds such five percent, the excess of such interest shall be carried forward and deducted from subsequent payments. The interest shall not be compounded, and shall, subject to the provisions of Article 4 hereof, cease to accrue upon the termination of the contract for other than the fault of the Contractor, or upon the date found by the Contracting Officer to be the date upon which the Contractor completed his performance under the contract.

* * * * *

Articles 5 and 6 of the contract form in § 81.1321 are amended as follows:

§ 81.1321 *W.D. Contract Form No. 21.* * * *

Article 5. If, upon completion of the principal contract, or upon the termination thereof for other than the fault of the Contractor, the advance payments made to the Contractor in respect of such contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor in respect of such contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of such contract: *Provided, however*, That in the event of such termination of the contract for other than the fault of the Contractor, such deduction shall not be made prior to final audit unless, and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unliquidated advance payments. In the event of cancellation or termination of the principal contract because of the fault of the Contractor, the Contractor, notwithstanding any ultimate rights to be reimbursed, agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of the ---------------------------- (Chief of supply service) or his duly authorized representative, the unobligated balance of the advance payments made by the Government under Article 1 hereof exceeds the amount necessary for the current needs of the Contractor, as determined, by the ---------------------------- (Chief of supply service) or his duly authorized representative, the amount of such excess shall, upon demand by the ---------------------------- (Chief of supply service) or his duly authorized representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this Article is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) rather than two and one-half percent (2½%) per annum from the date of the receipt of the demand until payment is made: *Provided, however*, That such additional interest over and above the regular two and one-half percent is hereby waived as to any sums paid by the Contractor within 15 days after the amount becomes due hereunder. If and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder, and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligation to the Government on account thereof.

Article 6. On the unliquidated balance of the advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half percent (2½%) per annum. Such interest shall be computed at the end of each calendar month on the average daily balance of the principal of the unliquidated advance payments outstanding. In determining such balance, charges on account of the advance payments to the Contractor hereunder shall be made as of the dates of the checks therefor; credits resulting from disbursements made by the Contractor which are applied against advance payments shall be made upon the approval of the vouchers therefor by the disbursing officer, as of the dates respectively upon which the contractor presents to the contracting officer or his duly authorized representative full and accurate data for the preparation of each such voucher which date shall, as to each such voucher, be certified by the contracting officer or his duly authorized representative on the face thereof; and credits arising from cash repayments to the Government by the Contractor shall be made as of the dates the checks therefor are received by the disbursing officer. As soon as such monthly computations shall have been made, the interest charge so determined shall be deducted from any payments on account of the fixed fee which which may be made to the Contractor from time to time under this contract. In the event the accrued interest exceeds any such payment, the excess of such interest shall be carried forward and deducted from subsequent payments on account of the fixed fee. The interest shall not be compounded, and shall, subject to the provisions of Article 5 hereof, cease to accrue upon the termination of the contract for other than the fault of the Contractor, or upon the date found by the Contracting Officer to be the date upon which the Contractor completed his performance under the contract.

* * * * *

In § 81.1322 Articles 5 and 6 of the contract form are amended as follows:

§ 81.1322 *W. D. Contract Form No. 22.* * * *

Article 5. If upon termination of the Letter Purchase Order for other than the fault of the Contractor, the advance payments made to the Contractor and all interest which may have accrued thereon in respect of such contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such payments and accrued interest shall be deducted from any payments otherwise due the Contractor in respect of such contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of such contract: *Provided, however*, That in the event of such termination of the contract for other than the fault of the contractor, such deduction shall not be made prior to final audit unless, and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unliquidated advance payments. In the event of cancellation or termination of the principal contract because of the fault of the Contractor, or its termination due to failure to enter into the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order, the Contractor notwithstanding any ultimate rights to be reimbursed, agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payments and any interest which may have accrued thereon: *Provided*, That the Contractor may retain in the account an amount sufficient to meet the outstanding obligations incurred by it in good faith pursuant to authorization by the Contracting Officer under Paragraph 2 of the Letter Purchase Order until assumption and discharge of such obligations by the Government or final disallowance thereof. Furthermore, if, in the opinion of the ---------------------------- (Chief of supply service) or his duly authorized representative the unobligated balance of the advance payments made by the Government under Article 1 hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the ---------------------------- (Chief of supply service) or his duly authorized representative, the amount of such excess shall, upon demand by the ---------------------------- (Chief of supply service) or his duly authorized representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this Article is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) rather than at two and one-half percent (2½%) per annum from the date of the receipt of the demand until payment is made: *Provided, however*, That such additional interest over and above the regular two and one-half percent (2½%) is hereby waived as to any sum paid by the Contractor within 15 days after the amount becomes due hereunder. If and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made and all interest which may have accrued thereon, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligations to the Government on account thereof.

Article 6. On the unliquidated balance of the advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half per cent (2½%) per annum. Such interest shall be computed at the end of each calendar month on the average daily balance of the principal of the unliquidated advance payments outstanding. In determining such balance, charges on account of the advance payments to the Contractor hereunder shall be made as of the dates of the checks therefor; credits resulting from disbursements made by the Contractor which are applied against advance payments shall be made upon the approval of the vouchers therefor by the disbursing officer, as of the dates respectively upon which the Contractor presents to the contracting officer or his duly authorized representative full and accurate date for the preparation of each such voucher which date shall, as to each such voucher, be certified by the contracting officer or his duly authorized representative on the face thereof; and credits arising from cash repayments to the Government by the Contractor shall be made as of the dates the checks therefor are received by the disbursing officer. It is agreed that pending the execution of the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order that the Contractor may, if he so elects, make direct repayment to the Government on account of advances made out of his own free funds, or may be required to make repayment out of the special account or otherwise as provided by Article 5. As soon as such monthly computations shall have been made, the interest charge shall be allowed to accrue, and shall not be payable until such time as provision is made for such payment under the provisions of the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order, except as provided by Article 5 hereof. The interest shall not be compounded, and shall, subject to the provisions of Article 5, cease to accrue upon the termination of the contract for other than the fault of the Contractor.

* * * * *

Article 4 of the contract form in § 81.1323 is amended as follows:

§ 81.1323 *W.D. Contract Form No. 23.* * * *

Article 4. If, upon completion of the principal contract (or of any of the principal contracts), or upon the termination thereof for other than the fault of the Contractor, the advance payments made to the Contractor in respect of such contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor in respect of such contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of such contract: *Provided, however*, That in the event of such termination of the contract for other than the fault of the Contractor, such deduction shall not be made prior to final audit unless, and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unliquidated advance payments. In the event of cancellation or termination of the principal contract (or of any of the principal contracts) because of the fault of the Contractor, the Contractor agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of the ---------------------------- (Chief of supply service) or his duly authorized representative, the unobligated balance of the advance payments made by the Government under Article 1 hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the ---------------------------- (Chief of supply service) or his duly authorized representative, the amount of such excess shall, upon demand made by the ---------------------------- (Chief of supply service) or his duly authorized representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this Article is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%)

per annum from the date of the receipt of the demand until payment is made: *Provided, however,* That such payment of interest is hereby waived as to any sum paid by the Contractor within 15 days after the amount becomes due hereunder.

* * * * *

In § 81.1324 Article 5 of the contract form is amended as follows:

§ 81.1324 *W.D. Contract Form No. 24.* * * *

ARTICLE 5. If, upon completion of the principal contract, or upon the termination thereof for other than the fault of the Contractor, the advance payments made to the Contractor in respect of such contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor in respect of such contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of such contract: *Provided, however,* That in the event of such termination of the contract for other than the fault of the Contractor, such deduction shall not be made prior to final audit unless, and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unliquidated advance payments. In the event of cancellation or termination of the principal contract because of the fault of the Contractor, the Contractor, notwithstanding any ultimate rights to be reimbursed, agrees to return to the Government upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of the ----------------------------
(Chief of supply service)
or his duly authorized representative, the unobligated balance of the advance payments made by the Government under Article 1 hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the ----------------------
(Chief of supply service)
or his duly authorized representative, the amount of such excess shall, upon demand by the ---------------------- or his duly
(Chief of supply service)
authorized representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this Article is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) per annum from the date of the receipt of the demand until payment is made: *Provided, however,* That such payment of interest is hereby waived as to any sum paid by the Contractor within 15 days after the amount becomes due hereunder. If and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligation to the Government on account thereof.

* * * * *

Article 5 of § 81.1325 is amended as follows:

§ 81.1325 *W. D. Contract Form No. 25.* * * *

ARTICLE 5. If upon termination of the Letter Purchase Order for other than the fault of the Contractor, the advance payments made to the Contractor in respect of such contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor in respect of such contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect to such contract: *Provided, however,* That in the event of such termination of the contract for other than the fault of the Contractor, such deduction shall not be made prior to final audit unless, and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unliquidated advance payments. In the event of cancellation or termination of the principal contract because of the fault of the Contractor, or its termination due to failure to enter into the more formal contract contemplated by Paragraph 2 of the Letter Purchase Order on or before the date of expiration set forth in Paragraph 6 of the Letter Purchase Order, or any duly authorized extensions thereof, the Contractor, notwithstanding any ultimate-rights to be reimbursed agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment or advance payments made hereunder: *Provided,* That the Contractor may retain in the account an amount sufficient to meet the outstanding obligations incurred by it in good faith pursuant to authorization by the Contracting Officer under Paragraph 2 of the Letter Purchase Order until assumption and discharge of such obligations by the Government or final disallowance thereof. Furthermore, if, in the opinion of the ---------------------------- or his duly
(Chief of supply service)
authorized representative, the unobligated balance of the advance payments made by the Government under Article 1 hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the ---------------------------- or his
(Chief of supply service)
duly authorized representative, the amount of such excess shall, upon demand made by the ---------------------------- or his
(Chief of supply service)
duly authorized representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this article is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) per annum from the date of the receipt of the demand until payment is made: *Provided, however,* That such payment of interest is hereby waived as to any sum paid by the Contractor within 15 days after the amount becomes due hereunder. If and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligations to the Government on account thereof.

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-14010; Filed, December 26, 1942; 3:18 p. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

REPORTS TO BE MADE BY CERTAIN EXCHANGE MEMBERS, BROKERS AND DEALERS

The Securities and Exchange Commission, deeming it necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 17 and 23 (a) thereof, hereby takes the following action:

Section 240.17a-5 [Rule X-17A-5][1] is hereby amended by adding after paragraph (b) (2) thereof the following paragraph to be known as paragraph (b) (3):

§ 240.17a-5 *Reports to be made by certain exchange members, brokers and dealers.* (a) * * *

(b) * * *

(3) If the schedules furnished pursuant to the requirements of items (a), (b) and (c) of Part II of Form X-17A-5 are bound separately from the balance of the report they shall be deemed confidential, except that they shall be available for official use by any official or employee of the United States or any state; by national securities exchanges and national securities associations of which the person filing such report is a member; and by any other person to whom the Commission authorizes disclosure of such information as being in the public interest. Nothing contained in this paragraph shall be deemed to be in derogation of the rules of any national securities association or national securities exchange which give to customers of a member, broker, or dealer the right, upon request to such member, broker, or dealer, the right, upon request to such member, broker, or dealer, to obtain information relative to his financial condition.

Effective December 24, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13902; Filed, December 24, 1942; 2:41 p. m.]

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[1] 7 F.R. 9917.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1729]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 3 for the establishment of price classifications and minimum prices for coals of certain mines in District No. 3, and for a change in shipping point for a certain mine in District No. 3.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3 and for a change in shipping point; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I and R-IV, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R-II and R-V, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto Supplement R-III and R-VI, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: December 7, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
475	Borgman, Inc., L. H. & J. W.	Monitor #5	M. V. Freeport	Manown, W. Va	B. & O	70	J	J	J	J	J	J	J	J	J	J	(†)	(†)	(†)	(†)	(†)	(†)
553	Cobun, Bruce T	Coburn	Pittsburgh	Clarksburg, W. Va	B. & O	60	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)
[1]433	Factory Coals, Inc	Factory mine #1 (S)	Pittsburgh	Kingmont, W. Va	Monon	River	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B
[1]434	Factory Coals, Inc	Factory mine #2 (S)	Pittsburgh	Kingmont, W. Va	Monon	River	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B
[1]476	Haught, Kenneth	Hunsaker	Pittsburgh	Kingmont, W. Va	Monon	River	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B
476	Haught, Kenneth	Hunsaker	Pittsburgh	Kingmont, W. Va	B & O	50	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B
473	Presco Mining Co., Inc	No. 1 (S)	Bakerstown	Kingwood, W. Va	B & O	70	G	G	G	G	G	G	G	G	G	G	(†)	(†)	(†)	(†)	(†)	(†)
[1]1370	Scritchfield, D. L	Scritchfield #1	Pittsburgh	Kingmont, W. Va	Monon	River	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B

†Indicates no classification effective for this size group.

[1] For River and Ex-River Shipments Mine Index Nos. 433, 434, 476 and 1370 will take the same prices as mines with Index Numbers 42-54-100-106-113-119-121-127-130-132-1226-1233 and 1219 shown in § 323.8 (e) and § 323.8(f) in Minimum Price Schedule for District No. 3, Docket No. A-1059. Docket No. A-1632, Docket No. A-1702, and adjustments thereto, with the following exceptions:

(1) When shipments of classification "D" coals are made from Mine Index Nos. 433, 434, 476 and 1370 the prices in § 323.8 (e) and § 323.8 (f) in Minimum Price Schedule for District No. 3 must be increased ten cents (10¢) per net ton.

(2) When shipments of classification "E" coals are made from Mine Index Nos. 433, 434, 476 and 1370 the prices in § 323.8 (e) and § 323.8 (f) in Minimum Price Schedule for District No. 3 must be increased five cents (5¢) per net ton.

§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements except via lakes*—Supplement R-II. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule. Group No. 1: 476, 553; Group No. 3: 475; Group No. 6: 473.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*—Supplement R-III. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 476, 553; Group No. 3: 475; Group No. 6: 473.

§ 323.6 *Alphabetical list of code members*—Supplement R–IV

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
285	B. & H. Coal Co. (E. H. Burke)	Clelland #4	Pittsburgh	Kingmont, W. Va	B & O	50	F	F	F	F	F	F	F	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no classification effective for this size group.

NOTE.—The above prices are applicable only via the Freight Origin Group, Shipping Point, and Railroad shown for the mine. Freight Origin Group, Shipping Point, and Railroad previously assigned to this mine are no longer applicable.

§ 323.8 *Special prices—(b) Railroad fuel prices for all movements except via lakes*—Supplement R–V. For railroad fuel prices add this mine index number to the groups set forth in § 323.8 (b) in Minimum Price Schedule. Group No. 1: 285.

§ 323.8 *Special prices—(c) Railroad fuel prices for movement via all lakes—all ports*—Supplement R–VI. For railroad fuel prices add this mine index number to the groups set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 285.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups: Lump over 2″, egg over 2″, bottom size (1)	Lump 2″ egg 2″, bottom size, but over 1¼″ (2)	Lump 1¼″ and under, egg 1¼″ and under, bottom size (3)	All nut and pea 2″ and under (4)	Run of mine, resultant over 2″ (5)	1¼″ and 2″ slack (6)	¾″ slack (7)
Borgman, Inc., L. H. & J. W.	475	Monitor #5	M. V Freeport.	Preston	245	245	245	220	220	210	200
Hall, Herbert	439	Herbert Hall	Pittsburgh	Braxton	243	238	238	213	213	198	188
Haught, Kenneth	476	Hunsaker	Pittsburgh	Marion	243	238	238	213	213	198	188
Mayle, Jared	474	Radcliff	H. V. Kittanning.	Barbour	228	223	223	198	198	188	178
Presco Mining Co., Inc	473	No. 1 (s)	Bakerstown	Preston	255	255	255	230	230	220	210

[F. R. Doc. 42–13882; Filed, December 24, 1942; 11:26 a. m.]

[Docket No. A–1740]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 3 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necesary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 323.8 (*Special prices—(b) Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R–II, § 323.8 (*Special prices—(c) Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto Supplement R–III, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: December 9, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
481	Bailey, Cecil A	Bailey #2	H. V. Kittanning	Meriden, W. Va	B & O	31	J	J	J	J	J	J	H	H	H	H	(†)	(†)	(†)	(†)	(†)	(†)
478	Cherry River Coal & Coke Co	Cherry River #1	Sewell	Holcomb, W. Va	B & O	10	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
482	Mountaineer Engineering Co	Cottrell (S)	Pittsburgh	Fairmont, W. Va	Mongh	52	DE	DE	DE	DE	DE	DE	DF	DF	DF	DF	B	B	B	B	B	B
477	Sewell Coal & Coke Co	Cherry River #2	Sewell	Holcomb, W. Va	B & O	10	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

†Indicates no classification effective for this group.

§ 323.8 *Special prices—(b) Railroad fuel prices for all movements except via lakes*—Supplement R–II. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule. Group No. 1: 482; Group No. 3: 481; Group No. 5: 477, 478.

§ 323.8 *Special prices—(c) Railroad fuel prices for movement via all lakes—all ports*—Supplement R–III. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 482; Group No. 3: 481; Group No. 5: 477, 478.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas,

Code member index	Mine index No.	Mine	Seam	County	Size groups: Lump over 2″, egg over 2″, bottom size (1)	Lump 2″, egg 2″ bottom size but over 1¼″ (2)	Lump 1¼″ and under, egg 1¼″ and under, bottom size (3)	All nut and pea 2″ and under (4)	Run of mine resultant over 2″ (5)	1¼″ and 2″ slack (6)	¾″ slack (7)
Bailey, Cecil A	481	Bailey #2	H. V. Kittanning.	Barbour	228	223	223	198	188	188	178
Cherry River Coal & Coke Co.	478	Cherry River #1	Sewell	Nicholas	273	268	268	243	243	233	213
Greene, Brooks C	480	Greene	Redstone	Upshur	243	238	238	213	203	198	188
Mountaineer Engineering Co.	482	Cottrell (S)	Pittsburgh	Marion	243	238	238	213	213	198	188
Sewell Coal & Coke Co	477	Cherry River #2	Sewell	Nicholas	273	268	268	243	243	233	213
Wood, G. R	479	Wood	Redstone	Upshur	243	238	238	213	203	198	188

[F. R. Doc. 42–13886; Filed, December 24, 1942; 11:27 a. m.]

[Docket No. A–1723]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING RELIEF, ETC.

Memorandum opinion and order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 10 for establishment of minimum prices for coals of Ruff & Schrameck Coal Co. (W. V. Ruff) and Jackson County Brick Co.

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed with the Division by the above-named party, requesting the establishment both temporary and permanent, of minimum prices for the coals of the Ruff & Schrameck Coal Company Mine, Mine Index No. 1607 for truck shipments, and requesting the temporary establishment of minimum prices for truck shipments for coals produced at Mine Index No. 1597 of Jackson County Brick Company, and praying that no determination of permanent prices be made until such time as petitioner has had an opportunity to obtain sufficient factual data to propose permanent minimum prices for the coals of that mine.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; that no petitions of intervention have been filed with this Division in the above-entitled matter; and the following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matters, and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of the order, unless otherwise ordered, with respect only to the temporary relief herein granted to Ruff & Schrameck Coal Company Mine, Mine Index No. 1607; the temporary relief herein granted to Jackson County Brick Company Mine, Mine

Index No. 1597, shall not be made final until such time as all factual data necessary to establish permanent minimum prices has been obtained by petitioner and submitted to the Division for consideration or until further order of the Director.

Dated: December 9, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine Index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
SECTION NO. 8, MADISON COUNTY																		
Ruff & Schrameck Coal Company (W. J. Ruff)	1607	Ruff & Schrameck Coal Co.	6	240	235	230	220	215	210	170	150	155	150	150	150	120	110	55

[F. R. Doc. 42-13883; Filed, December 24, 1942; 11:26 a. m.]

[Docket No. A-1762]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 10 for establishment of price classifications and minimum prices for certain mines in District No. 10.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Stone Brothers Mine, Mine Index No. 1618, of Stone Brothers; the Eli Willey No. 3 Mine, Mine Index No. 1616, of Eli Willey; and the Riverside Coal Company Mine No. 2, Mine Index No. 1612, of Herbert J. Wyatt, for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: December 11, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
SECTION NO. 5																		
MCDONOUGH COUNTY																		
Stone Brothers (Ike Stone)	1618	Stone Bros	2	260	255	250	240	235	230	175	170	165	160	160	160	130	120	65
Willey, Eli	1616	Eli Willey #3	2	260	255	250	240	235	230	175	170	165	160	160	160	130	120	65
SECTION NO. 7																		
VERMILION COUNTY																		
Wyatt, Herbert J. (Riverside Coal Co.).	1612	Riverside Coal Co. #2	7	245	240	235	225	220	215	175	170	165	160	160	160	130	120	65

[F. R. Doc. 42-13884; Filed, December 24, 1942; 11:26 a. m.]

[Docket No. A-1739]

PART 343—MINIMUM PRICE SCHEDULE, DISTRICT NO. 23

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 23 for the establishment of price classifications and minimum prices for the D & F Mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the D & F Mine (Mine Index No. 173) of the D & F Coal Mining Co., Subdistrict C of District No. 23; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 343.4 (*Code member price index*) is amended by adding thereto Supplement R–I, § 343.5 (*General prices; minimum prices for shipment via rail transportation*) is amended by adding thereto Supplement R–II, and § 343.21 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: December 9, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 23

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 343, Minimum Price Schedule for District No. 23, and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

The following price classification and minimum prices shall be inserted in Minimum Price Schedule for District No. 23:

§ 343.4 *Code member price index*—Supplement R–I. Insert the following listing in proper alphabtical order:

Producer	Mine	Mine Index No.	County	Shipping point	Subdistrict price group	Railroad	F. O. G. No.	Prices section Rail	Truck
D & F Coal Mining Co.	D & F	173	Thurston	Bucoda, Wash.	"C"	NP	31	§ 343.5	§ 343.21

§ 343.5 *General prices; minimum prices for shipment via rail transportation*—Supplement R–II

[Minimum f. o. b. mine prices in cents per net ton for rail transportation into all market areas]

The coals of the D & F Mine (Mine Index No. 173) shall be subject to the same minimum prices as are presently in effect for the coals of the Monarch Mine (Mine Index No. 20) in Subdistrict "C" of District No. 23.

§ 343.21 *General prices*—Supplement T. Insert under Subdistrict "C" in proper alphabetical order the following Code Member name, mine name, mine index number, county, and minimum prices:

FOR TRUCK SHIPMENTS

Code member	Mine	Mine index No.	County	Size groups 1	2	3	5	8	12	13	15	16	19	20	21	23	24
Subdistrict C[1]																	
D & F Coal Mining Co.	D & F	173	Thurston	435	425	400	375	375	350	[2]275	[2]275	[2]275	325	300	[2]275	[2]225	150

[1] When truck coal from Subdistrict C is sold to established retail dealers for storage, or when sold to public institutions and industrial consumers, the above prices may be reduced 25¢ per net ton.

[2] These prices apply when coal is unwashed. When coal is washed, 10 cents per net ton must be added.

[F. R. Doc. 42-13885; Filed, December 24, 1942; 11:27 a. m.]

Chapter VII—Defense Supplies Corporation

[Regulation 1, Amendment 1]

PART 701—PETROLEUM COMPENSATION ADJUSTMENTS

Section 701.1, *Definitions*, paragraphs (f) and (k) are hereby amended to read as follows:

§ 701.1 *Definitions.* * * *

(f) "Aviation gasoline" means aviation gasoline of 87 octane, A. S. T. M., or higher and all hydrocarbon components thereof (including natural gasoline).

* * * * *

(k) "Actual origin", means, in the case of crude, the well producing the crude imported into District One by the substitute method of transportation and, in the case of compensable products, except those acquired under an exchange or purchase, the refinery (which term shall include natural gasoline and recycling plants) manufacturing the compensable products imported into District One by the substitute method of transportation. If compensable products are purchased or acquired under an exchange in Districts Two or Three, "actual origin" means the point at which the compensable products imported into District One are delivered to the applicant under the sale or the exchange.

* * * * *

Section 701.1, *Definitions*, is hereby amended by adding new paragraphs to be numbered (o), (p), (q), (r), (s), (t), and (u), which will read as follows:

(o) "Compensable intra-district-movement" means the movement of compensable products, other than aviation gasoline, made upon the prior written request of the Petroleum Administration for War (formerly the Office of Petroleum Coordinator for War), which request was approved by the Defense Supplies Corporation, from a refinery, terminal or bulk storage plant in District One, to a point in District One, which movement would not normally have been made by the applicant in the absence of a tanker shortage. Except as provided in this paragraph (o) and in § 701.5 (d) (1), as amended, movements of products refined, purchased or otherwise acquired in District One shall not be compensable.

(p) "Revenue price increases" means increases in maximum prices heretofore or hereafter authorized by the Office of Price Administration Under Revised Price Schedule 88 (Petroleum and Petroleum Products) for the express purpose of providing compensation for higher transportation costs involved in the use of substitute methods of transportation.

(q) "Revenue" means, in the case of an applicant who is a reseller, an amount equal to the volume of petroleum products sold by the applicant on or after August 1, 1942, multiplied by the applicable revenue price increase in effect at time of sale; and, in the case of an applicant who is a consumer, means an amount equal to the volume of petroleum products shipped from actual origin in Districts Two or Three on or after August 1, 1942, and imported into District One for his own consumption, multiplied by the applicable revenue price increase in effect at destination at time of delivery to the destination.

(r) "In-transit-handling" means terminaling, storage or other handling (including loading or unloading) incurred or which would have been incurred in connection with the movement of crude or compensable products under either the substitute method or normal method of transportation, and which occurred or would have occurred subsequent to the actual origin if the substitute method of transportation is involved or subsequent to the normal origin if the normal method of transportation is involved and which occurred or would have occurred prior to the actual destination in District One which is common to both methods of transportation.

(s) "Substitute cost of in-transit-handling" means the actual cost to the applicant not to exceed at any single point the lower of (1) 4¢ per barrel, or (2) the applicable ceiling rate, if any, of in-transit-handling incurred under the substitute method of transportation in connection with all movements included in an application filed pursuant to this regulation.

(t) "Average cost of in-transit-handling" means the weighted average substitute cost of in-transit-handling per barrel of crude and compensable products on which in-transit-handling is incurred by the applicant and determined for the calendar month for which an application for petroleum compensatory adjustments is filed.

(u) "Normal cost of in-transit-handling" means an amount determined by multiplying the average cost of in-transit-handling by the number of barrels of crude or of compensable products moved by the substitute method of transportation each time in-transit-handling would have been incurred had it been moved by the normal method of transportation.

Section 701.2, *Persons eligible to apply for petroleum compensatory adjustments*, is hereby amended to read as follows:

§ 701.2 *Persons eligible to apply for petroleum compensatory adjustments.* A person who produces, manufactures, acquires or purchases crude or compensable products in Districts Two or Three and imports the same, by substitute method of transportation, for manufacture or sale within District One, or who makes a compensable intradistrict movement, may file an application for a petroleum compensatory adjustment on account of any claim for extra costs covered by this regulation. In addition to the above, any person who, during the twelve month period ending June 30, 1941, regularly imported compensable products for his own consumption within District One, and who imports, by substitute method of transportation, compensable products from Districts Two or Three for his own consumption in District One, shall likewise be eligible to file an application for petroleum compensatory adjustment under this regulation.

Section 701.3, paragraph (a), *Filing application for compensation,* is hereby amended to read as follows:

§ 701.3 *Filing application for compensation*—(a) *Place of filing.* Applications for petroleum compensatory adjustment shall be filed with Price, Waterhouse & Co., 56 Pine Street, New York, New York.

* * * * *

Section 701.4, paragraph (c), *Petitions for reconsideration or interpretation,* is hereby amended to read as follows:

§ 701.4 *Inspection and payment of claims.* * * *

(c) *Petitions for reconsideration or interpretation.* (i) Should any claim be rejected in whole or in part or should any applicant desire an interpretation of this regulation then the applicant may request the Defense Supplies Corporation to reconsider its action or to issue an interpretation. If the request is in connection with a rejected claim, it must be filed within thirty (30) days after such claim is rejected. Such request shall be addressed to Defense Supplies Corporation, 811 Vermont Avenue, N. W., Washington, D. C., and shall state clearly and concisely the question involved and the applicant's views thereon.

Section 701.5, paragraph (a), *Amount of compensatory adjustment,* is hereby amended to read as follows:

§ 701.5 *Extra transportation and compensable product costs*—(a) *Amount of compensatory adjustment.* (1) Extra transportation and compensable product costs shall be computed on the basis of the crude or compensable products actually moved by the substitute method of transportation. The amount of the claim, in case crude or aviation gasoline is imported, shall be equal to the excess of (i) the cost of transporting crude or aviation gasoline from the actual origin to the destination in District One by the substitute method of transportation, over (ii) the cost of transporting similar crude or aviation gasoline from the normal origin to the same destination in District One by the facilities which would have been used under the normal method of transportation, plus, in the case of crude only, 17¢ per barrel. In any case where crude is purchased away from the well, under the substitute method of transportation, the amount of the transportation costs from the well to the point of purchase to be included in the claim shall not exceed the difference between the price paid for such crude and the prevailing price for such crude at the well is of the date of purchase. The amount of the claim in case compensable products other than aviation gasoline are imported shall be equal to the excess of (*a*) the value of such compensable products at the actual origin plus the cost of transporting such compensable products from the actual origin to the destination in District One by the substitute method of transportation, over (*b*) the value of similar compensable products at the normal origin plus the cost of transporting similar compensable products from the normal origin to the same destination in District One by the facilities which would have been used under the normal method of transportation. The amount of the claim in the case of a compensable intradistrict movement shall be computed in accordance with the formula contained in the written request for such movement, issued by the Office of Petroleum Coordinator for War (now Petroleum Administration for War) and approved by the Defense Supplies Corporation.

(2) Any person submitting an application for a petroleum compensatory adjustment shall account for all revenue. The amount of such revenue, less adjustments hereinafter provided for, shall be deducted from the amount of any claim for which an application is filed hereunder. The revenue to be deducted from the amount of claims filed hereunder shall be adjusted as follows:

(i) If the applicant is a participant in the plan for the equitable sharing of revenues and extra transportation expenses, adopted and approved March 12, 1942, under Recommendation No. 12, as Amended, (Title 32—National Defense, Chapter XIII—Office of Petroleum Coordinator for National Defense), then, the amount of revenue such applicant is obligated to account for under the terms of such plan may be deducted from the revenue to be credited against the applicant's claim.

(ii) If the applicant has acquired petroleum products on which a previous owner has accounted or is obligated to account for revenue accruing from the sale of such products either under the said plan or under this regulation, then the amount of such revenue may be deducted from the revenue arising from the sale of like products to be credited against the applicant's claim. Should there be an excess of deductions under this paragraph over revenue from like products, such excess shall be carried forward and may be deducted from the revenue thereafter accruing on sales of like products. Where an adjustment is claimed on the ground that a previous owner is obligated to account or has accounted for the revenue, the applicant shall submit an affidavit from such previous owner or owners in quadruplicate, stating that such owner or owners is obligated to, and has accounted, or will account for such revenue.

Section 701.5, paragraph (b), *Method of determining value of compensable products other than aviation gasoline,* is hereby amended to read as follows:

(b) *Method of determining value of compensable products other than aviation gasoline*—(1) *Value at the actual origin.* (i) If purchased by the applicant the value of compensable products at the actual origin shall be the price paid therefor.

(ii) If acquired by the applicant in Districts Two or Three under an exchange, the value of compensable products shall be the prevailing market price to resellers in effect at the actual origin on date of shipment therefrom for like methods of shipment.

(iii) If manufactured by the applicant, the value of compensable products shall be the applicant's wholesale price[1] in effect at the point of actual origin for such product on date of shipment.

Section 701.5, paragraph (c), *Method of determining extra transportation costs,* is amended to read as follows:

(c) *Method of determining extra transportation costs.* Transportation costs, under both the normal and substitute methods of transportation, shall be computed on the basis of the crude or compensable products actually moved by the substitute method of transportation, and shall be computed to the first actual delivery point in District One which is common to both methods.

Except as hereinafter provided only costs computed or incurred in respect of the use of the following facilities may be included in an application for compensatory adjustments for extra transportation costs. The costs for the use of any facilities shall be computed on the basis prescribed below:

Facilities used	*Rate or cost to be used in computation*
Pipe line (gathering or trunk line).	Rate prescribed by or on file with an authorized regulatory body for the movement and material involved, or in the absence of such a rate, then the actual cost of the movement.
Tanker	The maximum voyage charter rate for the material and voyage involved as prescribed by the United States Maritime Commission or the War Shipping Administration.
Tank cars	Freight paid.
Barges	Rates prescribed by or on file with an authorized regulatory body for the voyage and material involved, or in the absence of such a rate, then the actual cost of the movement, provided, that such rate or cost shall not exceed any applicable ceiling rate.
Lake steamers.	Rates prescribed by or on file with an authorized regulatory body for the voyage and material involved, or in the absence of such a rate, then the actual cost of the movement, provided, that such rate or cost shall not exceed any applicable ceiling rate.
Trucks and other transportation facilities.	Actual cost of the movement, provided, that such cost shall not exceed any applicable ceiling rate.

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[1] "Wholesale price" as used above means an amount which is equal to the weighted average net realization to the point of actual origin for all sales to resellers (not including sales in District One or sales to service stations or other retail outlets) made by direct shipment from such point during the calendar month in which shipment under the substitute method of transportation was made from the actual origin. If sales are made on any basis other than F. O. B. point of actual origin, then "net realization" means the price the seller would have received had such sales been made F. O. B. point of actual origin at a price calculated to give the buyers the same laid down costs.

If in-transit-handling is incurred by applicant under the substitute method of transportation on or after January 1, 1943, then the normal cost of in-transit-handling shall be deducted from the applicant's claim and the substitute cost of in-transit-handling may be included in such applicant's claim, provided such in-transit-handling was incurred pursuant to the prior written request of the Office of Defense Transportation. If in-transit-handling is or has been incurred by an applicant under the substitute method of transportation prior to January 1, 1943, then the normal cost of in-transit-handling shall be deducted from the applicant's claim and the substitute cost of in-transit-handling included by such applicant in his application filed hereunder, provided such in-transit-handling was incurred pursuant to the request of the Office of Defense Transportation or the Office of Petroleum Coordinator for War (now Petroleum Administration for War) and the inclusion thereof is approved by the Office of Defense Transportation.

(d) *Exchanges.* (1) Where, during the period August 1, 1942 to December 31, 1942, inclusive, compensable products are acquired under an exchange which takes place entirely within District One, the cost of the normal method of transportation shall be computed to the point in District One where the applicant receives the compensable products from the other party under the exchange, and the cost for the substitute method of transportation shall be computed to the point in District One at which the compensable products are delivered by the applicant to the other party under the exchange. If compensable products received under an exchange are moved by the applicant to a point in District One which normally would not be supplied from the point at which the products were received, then, the applicant may add to the cost of the substitute method of transportation the transportation costs incurred in moving such compensable products from the point of receipt under the exchange to the first actual delivery point in District One which is common to both methods of transportation, and the cost of the normal method of transportation shall be computed to the same destination. If prior to January 1, 1943, products are acquired in District One in exchange for products delivered in Districts Two or Three the claim shall be presented in such form as to show all facts concerning the exchange and the proper method for determining compensation will be prescribed by Defense Supplies Corporation.

(2) On and after January 1, 1943, when products are delivered under an exchange in District One, transportation costs shall be computed as though no exchange were involved; i. e., the cost under both the normal and substitute methods of transportation will be computed to the point in District One where delivery is made under the exchange unless a point which is common to both methods of transportation was reached prior thereto.

This Amendment No. 1 to Petroleum Compensatory Adjustment, Regulation No. 1, shall become effective as of August 1, 1942; except that any application for a petroleum compensatory adjustment for the months of August, September, October or November, 1942, may be prepared and filed either on the basis of the regulation as amended or on the basis of the regulation as it existed prior to this amendment. If an application for a petroleum compensatory adjustment for August, September, October or November has been filed prior to the date of issuance of this amendment, then a supplementary claim may be filed within 30 days after the date of issuance of this amendment modifying such claim to conform to this amendment.

Issued this 14th day of December 1942.

DEFENSE SUPPLIES CORPORATION,
By GEORGE H. HILL, Jr., *Vice President.*

I, Dudley H. Digges, Secretary of Defense Supplies Corporation, do hereby certify that this is a true and correct copy of Amendment No. 1 to Regulation No. 1 of Defense Supplies Corporation entitled "Petroleum Compensatory Adjustments" which was approved by the Executive Committee of Defense Supplies Corporation at a meeting thereof duly called and held on December 1, 1942.

In witness whereof, I have hereunto set my hand and caused the corporate seal of Defense Supplies Corporation to be affixed this the 26th day of December 1942.

[SEAL] DUDLEY H. DIGGES,
Secretary.

[F. R. Doc. 42-14022; Filed, December 28, 1942; 10:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter III—Bureau of Mines

PART 303—GENERAL LICENSE PERTAINING TO EXPLOSIVES

SODIUM NITRATE USED AS FERTILIZER

§ 303.7 *Extension of general purchaser's license for sodium nitrate as fertilizer.* The expiration date of General License No. 6 (§ 301.6), a general purchaser's license for sodium nitrate as a fertilizer for use in the production of food, fiber, medicinal herbs, tobacco, or inedible oils, approved June 22, 1942, and published June 26, 1942,[1] as amended August 14, 1942,[2] is hereby extended for a period of six months from December 31, 1942, or to the close of business on June 30, 1943, unless sooner terminated. (Sec. 6, 55 Stat. 863).

R. R. SAYERS,
Director.

DECEMBER 7, 1942.

The foregoing extension is approved, and all regulations inconsistent therewith are waived:

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-14020; Filed, December 28, 1942; 10:52 a. m.]

Chapter VI—Selective Service System

[Order No. 76]

GLENDORA PROJECT, CALIFORNIA

ESTABLISHMENT FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675, dated February 6, 1941, hereby designate the Glendora Project to be work of national importance, to be known as Civilian Public Service Camp No. 76. Said camp, located at Glendora, Los Angeles County, California, will be the base of operations for forest research work in the State of California, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to Civilian Public Service Camp No. 76 will consist of conduct of studies to develop the best methods of watershed management directed toward achieving maximum yields of useful water, reduction of erosion and control of floods, and shall be under the technical direction of the Forest Service of the United States Department of Agriculture, in conjunction with the California Forest and Range Experiment Station, insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

DECEMBER 24, 1942.

[F. R. Doc. 42-14039; Filed, December 28, 1942; 11:30 a. m.]

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[1] 7 F.R. 4760.
[2] 7 F.R. 6670.

Chapter IX—War Production Board

Subchapter B—Director General for Operations

Part 1010—Suspension Orders

[Suspension Order S–184]

C. ATHOL SAYRE

C. Athol Sayre of Muskogee, Oklahoma, is engaged in the business of constructing houses. On February 17, 1942, and on March 25, 1942, he applied on Form PD–105 to the War Production Board for priorities assistance under Preference Rating Order P–55 to construct three dwelling houses in Muskogee. In these applications he agreed to give reasonable preference as to occupancy to defense workers and further agreed that the dwelling houses to be built by him were to be rented and not sold. Upon the basis of these agreements, Preference Rating Order P–55 was issued to him. Notwithstanding his agreements, Mr. Sayre rented one of the dwellings to a non-defense worker and sold the other two dwelling units to non-defense workers in violation of his agreements to give preference as to occupancy to the defense workers and his agreement to hold the houses for rent.

Mr. Sayre's failure to abide by his agreement has hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.184 *Suspension Order S–184.* (a) Deliveries of material to C. Athol Sayre, his successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to C. Athol Sayre by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to C. Athol Sayre, his successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve C. Athol Sayre from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on December 28, 1942, and shall expire on March 28, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of December 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42–13895; Filed, December 24, 1942; 1:26 p. m.]

Part 1010—Suspension Orders

[Suspension Order S–185]

RICHARD J. NASSER, ET AL.

Richard J. Nasser and Henry Nasser, of San Francisco, California, are engaged in the moving picture theater business as theater operators. John E. Kramer, of San Francisco, is a building contractor and Alexander A. Cantin, of San Francisco, is an architect.

On or about August 25, 1942, Richard J. Nasser, Henry Nasser and Charles Peterson, of San Francisco, as owners, John E. Kramer, as contractor, and Alexander A. Cantin, as architect, began construction, as defined in Conservation Order L–41, of a theater building located at 412 MacDonald Avenue, Richmond, California. The estimated cost of construction, as defined in said order, of such theater building substantially exceeded $5,000.00 and said persons were aware of Conservation Order L–41 prior to the beginning of such construction. This constituted a wilful violation of Conservation Order L–41, as amended on July 23, 1942.

This violation of Conservation Order L–41 has hampered and impeded the war effort of the United States by diverting scarce material to uses prohibited by the War Production Board. In view of the foregoing facts, *It is hereby ordered:*

§ 1010.185 *Suspension Order S–185.* (a) Neither Richard J. Nasser, Henry Nasser, John E. Kramer, Alexander A. Cantin, nor any other person shall order, purchase, accept delivery of, withdraw from inventory or in any other manner secure or use material or construction plant in order to continue or complete construction of the theater building located at 412 MacDonald Avenue, Richmond, California, except as specifically authorized by the Director General for Operations.

(b) For a period of six months from the effective date of this order no application filed by Richard J. Nasser, Henry Nasser, John E. Kramer, Alexander A. Cantin, nor any other person for authorization to complete the theater building located at 412 MacDonald Avenue, Richmond, California, shall be granted.

(c) Nothing contained in this order shall be deemed to relieve Richard J. Nasser, Henry Nasser, John E. Kramer or Alexander A. Cantin from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on December 29, 1942 and shall continue in effect until revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of December 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42–13896; Filed, December 24, 1942; 1:26 p. m.]

Part 1010—Suspension Orders

[Suspension Order S–186]

OSIPOW ELECTRIC SUPPLY COMPANY

Abraham Osipow and Jess Osipow, copartners doing business as Osipow Electric Supply Company, of Los Angeles, California, are engaged in the business of distributing electrical supplies as wholesalers. They operate a warehouse, as defined in General Preference Order M–9–a.

From February 7, 1942, to June 15, 1942, Osipow Electric Supply Company accepted and filled unrated wholesale orders for 769,605 feet of copper wire and cable, having a value of approximately $14,183.51. The orders for 727,713 feet of such copper wire and cable, having a value of approximately $12,785.21, were accepted and filled by the company in wilful violation of General Preference Order M–9–a, as amended on February 6, 1942, and May 7, 1942.

From January 19, 1942, to June 15, 1942, Osipow Electric Company applied preference ratings of A–10 under Preference Rating Order P–100 to certain purchase orders for electrical supplies, having a value of $1,005.07, certifying that such materials were for maintenance, repair, or operating supplies, as defined in Preference Rating Order P–100, whereas such materials were not for maintenance, repair or operating supplies and the application of such rating to these purchase orders constituted misrepresentations, to the War Production Board. By means of such misrepresentations the company received deliveries of such electrical supplies in violation of Preference Rating Order P–100.

These violations of General Preference Order M–9–a and Preference Rating Order P–100 have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered,* That:

§ 1010.186 *Suspension Order S–186.* (a) Deliveries of materials, directly or indirectly, to Abraham Osipow and Jess Osipow, individually or doing business as Osipow Electric Supply Company, their successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made, directly or indirectly, to Abraham Osipow and Jess Osipow, individually or doing business as Osipow Electric Supply Company, their successors or assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve Abraham Osipow and Jess Osipow, individually or doing business as Osipow Electric Supply Company, from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on December 29, 1942, and shall expire on March 29, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of December 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42–13897; Filed, December 24, 1942; 1:27 p. m.]

Part 1010—Suspension Orders

[Suspension Order S–187]

WINSTON MANUFACTURING COMPANY

Winston Manufacturing Company, Nashville, Tennessee, is a manufacturer of construction machinery and equipment. Subsequent to May 2, 1942, the Company sold and delivered five unused rubber tired scrapers valued at approximately $40,000 without specific authorization from the War Production Board on orders which did not bear any preference ratings. These items were construction equipment as defined in Limitation Order L–82–a and their sale and delivery as aforesaid constituted a violation of that order.

This violation of Limitation Order L–82–a has hampered and impeded the war effort of the United States by diverting construction equipment to uses unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.187 *Suspension Order S–187.* (a) Deliveries of material to Winston Manufacturing Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to Winston Manufacturing Company by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to Winston Manufacturing Company, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations, or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve Winston Manufacturing Company from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on December 28, 1942, and shall expire on March 28, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of December 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42–13898; Filed, December 24, 1942; 1:27 p. m.]

Part 1010—Suspension Orders

[Suspension Order S–188]

W. F. OTTEN

W. F. Otten of Tulsa, Oklahoma, is engaged in the business of constructing houses. On March 11, 1942, he applied on Form PD–105 to the War Production Board for priorities assistance under Preference Rating Order P–55 in order to construct a one-family dwelling house in Tulsa. In this application he agreed to rent this dwelling unit and to give reasonable preference as to occupancy to defense workers. In violation of his agreement, Mr. Otten, upon completion, occupied the premises himself and failed to give preference as to occupancy to defense workers.

Mr. Otten's failure to abide by his agreement with the War Production Board has hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.188 *Suspension Order S–188.* (a) Deliveries of material to W. F. Otten, his successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to W. F. Otten by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to W. F. Otten, his successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve W. F. Otten from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on December 28, 1942, and shall expire on March 28, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of December 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42–13899; Filed, December 24, 1942; 1:29 p. m.]

Part 933—Copper

[Conservation Order M–9–c as Amended Dec. 26, 1942]

Section 933.4 *Conservation Order M–9–c* is hereby amended so as to read as follows:

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of copper for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 933.4 *Conservation Order M–9–c*—(a) *Restrictions on manufacture of items appearing on Combined List and on List A–2.*, (1) No manufacturer of any item on the Combined List attached, or of parts (including repair parts[1]) for any such item, may, if such item or parts contain copper products or copper base alloy products, continue their manufacture on or after December 26, 1942 by means of processing, assembling or finishing.

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[1] See note on page —.??

(2) No manufacturer of any item on List A–2 attached, or of parts (including repair parts [1]) for any such item, may, if such item or parts contain copper products or copper base alloy products, continue their manufacture by means of processing, assembling or finishing on or after the governing date set forth opposite such item in Column 2 of List A–2.

(b) *Restrictions on manufacture of articles not appearing on Combined List and List A–2 out of inventory on hand on February 28, 1942 and June 30, 1942.* (1) During the period from December 25, 1942 to and including January 15, 1943, a manufacturer of any article omitted from the Combined List and List A–2 or excepted from those lists, or of parts (including repair parts [1]) for such an article, may not continue the manufacture thereof by means of processing, assembling or finishing,

(i) Unless all copper products or copper base alloy products contained in such articles or parts were acquired by the manufacturer after February 28, 1942; or

(ii) Unless such articles or parts are being manufactured, processed, assembled or finished to fill a purchase order, existing or prospective,[2] bearing a preference rating of A–1–k or higher; and no such article or part so manufactured shall be delivered except to fill such an order; or

(iii) Unless the manufacturer has been specifically authorized by the Director General for Operations, pursuant to an application made on Form PD–426, or otherwise, to manufacture, process, assemble or finish the article or parts in question with the copper products or copper base alloy products being used.

(2) After January 15, 1943, a manufacturer of any article omitted from the Combined List and List A–2 or excepted from those lists, or of parts (including repair parts [1]) for such an article, may not continue the manufacture thereof by means of processing, assembling or finishing,

(i) Unless all copper products or copper base alloy products contained in such articles or parts were acquired by the manufacturer after June 30, 1942; or

(ii) Unless such articles or parts are being manufactured, processed, assembled or finished to fill a purchase order, existing or prospective,[2] bearing a preference rating of AA–4 or higher; and no such article or part so manufactured shall be delivered except to fill such an order; or

(iii) Unless the manufacturer has been specifically authorized by the Director General for Operations, pursuant to an application on Form PD–426, or otherwise, to manufacture, process, assemble or finish the article or parts in question with the copper products or copper base alloy products being used.

The provisions of this paragraph (b) shall not apply to a manufacturer assembling a completed fractional horsepower electric motor into machinery of any kind omitted from the Combined List and List A–2 or excepted from those lists; or to the manufacturing, processing, assembling or finishing of any machinery omitted from the Combined List and List A–2 or excepted from those lists, or of parts (including repair parts) for such machinery, if the only copper products or copper base alloy products used which were in the inventory of the manufacturer on or before February 28, 1942 (with respect to manufacturing, processing, assembling or finishing during the period from December 25, 1942 to and including January 15, 1943) or on or before June 30, 1942 (with respect to manufacturing, processing, assembling or finishing after January 15, 1943) are bushings, bearings, nuts, bolts, screws, washers and wire weighing in the aggregate less than 5% of the total weight of the article or part.

(c) *Applicability of order to certain Governmental agencies.* The prohibitions and restrictions contained in this order shall not apply to the use of copper products or copper base alloy products in the manufacturing, processing, assembling or finishing of any item or article on the "Military Exemption List", or part therefor, which is being produced for purchase by, or for the account of, or for use by, the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration or the Coast Guard, where the use of copper products or copper base alloy products to the extent employed is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration or the Coast Guard applicable to the contract, subcontract or purchase order.

(d) *General restrictions on manufacture.* (1) No manufacturer may continue the manufacture of any article omitted from the Combined List and List A–2 or excepted from such lists, or of parts (including repair parts) for such an article, if such article or parts are to contain copper products or copper base alloy products where the use of any less scarce material is practible; and no manufacturer may continue the manufacture of any article omitted from the Combined List and List A–2 or excepted from such lists, or of parts (including repair parts) for such an article, if they are to contain more copper products or copper base alloy products than is necessary for the article's proper operation or a higher type or grade of copper or copper base alloy than is necessary for the article's proper operation.

(2) (i) The use of copper products or copper base alloy products for plating any item on the Combined List or List A–2 or for plating any parts (including repair parts) of such an item, is prohibited unless such plating is expressly stated to be permissible on said Lists.

(ii) The use of copper products or copper base alloy products for plating any article omitted from the Combined List and List A–2 or excepted from such lists and the plating of parts (including repair parts) for such an article, is permitted provided:

(*a*) That such plating is not for decorative purposes or part of a decoration or as an undercoating for lead or silver plating, and

(*b*) That the use of, or the normal wear on such article or parts, would make impracticable any other form of coating.

(e) *General restrictions on deliveries.* The disposition of frozen and excessive inventories containing certain copper products or copper base alloy products shall be subject to the applicable provisions of Priorities Regulation No. 13 (§ 944.34) as amended from time to time.

(f) *Special provisions.* (1) The foregoing provisions of this amended order shall not apply to the use of copper products and copper base alloy products in typography, engraving, photo-engraving, gravure plate making, electrotyping, stereotyping and printing in the printing and publishing industries. In those processes, the use of bronze powder, bronze ink, bronze paste and bronze leaf is controlled by Supplementary Conservation Order M–9–c–3 effective March 28, 1942; the use of copper or copper base alloy engraving plates for engraving calling cards, greeting cards, social and business stationery and other similar purposes is prohibited after December 31, 1942; and all other uses in those industries of copper products, copper base alloy products, copper scrap and copper base alloy scrap are, in the quarter from October 1, 1942 to December 31, 1942, limited to 70% of the aggregate usage of such products and scrap in the last calendar quarter of 1940, and in each subsequent calendar quarter limited to 60% of such aggregate usage in the corresponding quarter of the year 1940, provided that, for electrotyping and rotogravure, 33⅓% of the allowable usage shall be in the form of copper or copper base alloy printing scrap during the month of January, 1943, 50% of the allowable usage shall be in such form during the month of February, 1943, and 75% of the allowable usage shall be in such form in each month after February, 1943. Nothing contained in this paragraph (f) (1) of this amended order shall affect the prohibition against the manufacture of powder containing copper products or copper base alloy products contained in paragraph (a) and the Combined List of this amended order.

(2) No person shall deliver, install or cut any copper or copper base alloy insect screening (i) unless such screening is to be delivered to, installed for or cut on the order of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast Guard, any foreign country pursuant to the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act),

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[1] See also paragraph (h) (7) permitting the manufacture of repair parts to make specific repairs of used articles under certain conditions.

[2] Priorities Regulation No 1, § 944.14, prohibits you from making more than a practicable minimum working inventory of articles or parts to fill prospective orders carrying particular ratings.

or Defense Supplies Corporation, Metals Reserve Corporation or any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended (except Defense Plant Corporation) or any person acting as agent of any such corporation (except Defense Plant Corporation), or (ii) unless such delivery, installation or cutting shall be with the specific authorization of the Director General for Operations. Applications for specific authorizations shall be made by letter addressed to the War Production Board, Washington, D. C., Ref.: M–9–c. The foregoing shall not apply to used or second hand insect screening or to insect screening in rolls of less than 25 feet in length. Nothing contained in this paragraph (f) (2) affects the prohibitions on the manufacture, processing, assembling or finishing of insect screening and screens with copper products or copper base alloy products contained in paragraph (a) and the Combined List of this order.

(g) *Restrictions on deliveries to manufacturers.* No person shall hereafter deliver copper products or copper base alloy products to any manufacturer, directly or indirectly, if he knows or has reason to believe that such products are to be used in violation of the terms of this order.

(h) *Miscellaneous provisions*—(1) *Applicability of priorities regulation.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(2) *Appeal.* Any appeal from the provisions of paragraphs (a), (d) or (f) (1) of this order shall be made by filing Form PD–167 Revised with the War Production Board, Washington, D. C., Ref.: M–9–c. Relief granted pursuant to an appeal under this order shall remain in effect despite any amendment to this order, unless the grant of relief is specifically revoked or modified by the Director General for Operations.

(3) *Communications.* Any reports required to be filed under this order and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Copper Division, Washington, D. C., Ref.: M–9–c.

(4) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply irrespective of whether such items, articles or parts whose manufacture is governed hereby are being manufactured pursuant to a contract made prior or subsequent to the effective date of this order. Insofar as any other order of the War Production Board or of the Office of Production Management may have the effect of limiting or curtailing to a greater extent than herein provided the manufacture of items, articles or parts or the sale and delivery of such items, articles or parts, the limitation of such other order shall be observed.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and, upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(6) *Installation.* The restrictions of this order shall not apply to the installation of any item or article, or part (including a repair part) therefor, for the utimate consumer on his premises when any manufacturing, processing, assembling or finishing of such an item, article or part is incidental to such installation and is done on such premises. The foregoing does not in any way affect, revoke or modify the provisions of Supplementary Conservation Order M–9–c–4 which prohibits the installation of certain types of copper and copper base alloy pipe, tube, fittings and building material under certain circumstances or of any other order restricting installation.

(7) *Repair.* The restrictions of this order (other than those contained in paragraph (d) (1) hereof) shall not apply to the manufacture, processing, assembling or finishing of repair parts to make a specific repair of a used article or to a person repairing a used article, on or off the premises of the owner, if the manufacturer of the parts or the person making the repair does not use copper products or copper base alloy products weighing in the aggregate more than two pounds and any manufacturing, processing, assembling or finishing done by him is for the purpose of making a specific repair; nor shall the restrictions of this order (other than those contained in paragraph (d) (1) hereof) apply to the manufacture, processing, assembling or finishing of repair parts to make a specific repair of a used article or to a person repairing a used article, on or off the premises of the owner, if the manufacturer of the parts or the person making the repair does not use copper products or copper base alloy products weighing in the aggregate more than one pound in excess of the copper or copper base alloy scrap derived from the article being repaired, and all such scrap is delivered to a scrap dealer or to any other person to whom such delivery may be made under the provisions of Supplementary Order M–9–b and provided any manufacturing, processing, assembling or finishing done by him is for the purpose of making a specific repair.

(8) *Copper products or copper base alloy products not controlled by order.* On and after the respective dates set forth in this subparagraph, the provisions of this order shall not apply to the manufacture of the following items or articles and parts (including repair parts) therefor, even though they contain copper products or copper base alloy products, since these items or articles are specifically governed by the following orders:

Shoe findings and footwear of all kinds governed by Supplementary Conservation Order No. M–9–c–1 effective January 23, 1942.

Fire protective equipment governed by General Limitation Order L–39 effective February 27, 1942.

Motorized fire apparatus governed by General Limitation Order L–43 effective February 27, 1942.

Bronze paste, bronze ink and bronze leaf and products made with bronze paste, bronze ink, bronze leaf and bronze powder (other than decalcomanias and ship bottom paint), governed by Supplementary Conservation Order M–9–c–3 as amended May 30, 1942.

Jewelry governed by Supplementary Conservation Order M–9–c–2 effective April 4, 1942.

Musical instruments governed by Supplementary Limitation Order L–37–a effective May 29, 1942.

Water meters governed by Schedule I of Limitation Order No. L–154 effective June 17, 1942.

Self-contained drinking water coolers governed by Schedule I of Limitation Order No. L–126 effective July 3, 1942.

The provisions of this order do not apply to attaching finished slide fasteners, hooks and eyes, brassiere hooks, sew-on machine attached or riveted snap fasteners or grippers, buckles, buttons, corset clasps, eyelets (other than eyelets usable as shoe eyelets), garter trimmings, hose supporters, insignia, jewelry, loops, mattress buttons, pin fasteners, pins, staples, slides, and trouser trimmings. The order does apply to manufacturing, processing, assembling and finishing of the closures and associated items listed above where the provisions of this order are more restrictive than other orders of the War Production Board.

The provisions of this order do not apply to the assembling of watch or clock movements finished prior to June 15, 1942, into cases not made of copper or copper base alloy; the provisions of this order do apply to manufacturing, processing and finishing watch and clock cases and all other parts of watches and clocks, and to assembling watches and clocks except under the conditions mentioned in this sentence.

(9) *Definitions.* For the purposes of this order:

(i) "Copper" means unalloyed copper metal. It shall include unalloyed copper metal produced from scrap.

(ii) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy. It shall include alloy metal produced from scrap.

(iii) "Copper products" means products made of copper fabricated to the extent that they are plate, sheet, strip, rolls, coils, wire, rod, bar, tube, tubing, pipe, extrusions, ingot, powder, anodes, castings or forgings or fabricated to any greater extent.

(iv) "Copper base alloy products" means products made of copper base alloy, fabricated to the extent that they are plate, sheet, strip, rolls, coils, wire, rod, bar, tube, tubing, pipe, extrusions, ingot, powder, anodes, castings or forgings or fabricated to any greater extent.

(v) "Manufacturer" means a person who manufactures, processes, assembles or finishes.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

COMBINED LIST

The manufacture, processing, assembling or finishing of the items listed below and of all parts (including repair parts) therefor is prohibited if such article or part contains copper products or copper base alloy products, except to the extent permitted by the exceptions noted on the list. Where this list excepts an item if the use of copper products or copper base alloy products in making the item is limited or if the item is being produced for a particular end use, the manufacture, processing, assembling and finishing of the item made under the terms of such an exception is governed by paragraphs (b) and (d) (1) of this order.

AUTOMOTIVE, TRAILER[1] AND TRACTOR EQUIPMENT AND FARM MACHINERY

See also Order L-106 governing the use of copper and copper base alloy in the manufacture of automative parts entering into the production of, or as replacement parts for, passenger automobiles, motor trucks, truck trailers, passenger carriers and off-the-highway motor vehicles.

Ambulance hardware.
Defrosters (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Garage and automotive repair equipment.
Heaters (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Hearse hardware.
Horns (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Hub and gas-tank caps.
Lights, lamps, headlamps and accessories (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Miscellaneous fittings and trim.
Motorcycles (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Motor-driven scooters (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Mouldings.
Rear-view mirrors and hardware.

BUILDING SUPPLIES AND HARDWARE

(Excluding supplies and hardware for ships, boats and aircraft)

Air-conditioning equipment until January 1, 1943 (except for essential food storage, food transportation and industrial processing, and except for repair parts containing not more than 4 lbs. of copper products or copper base alloy products for use in "black out" plants). After December 31, 1942, see List A-2.
Blinds, including fixture fittings and trimmings.
Builders' finish hardware, including hinges, except in those parts of plants where the use of non-sparking metal is necessary to prevent a hazard in the production or use of explosives. For locks see under "Miscellaneous" on this list.
Conduits.
Decorative hardware—including house numbers.
Door knockers, checks, pulls, and stops.
Doors, door and window frames, sills and parts, including door handles and knobs.
Elevators and escalators (except when the only copper products or copper base alloy products used are for bearing, worm gears and parts necessary for conducting electricity).
Gravel stops and snow guards.
Grilles.
Gutters, leaders, downspouts, expansion joints, and accessories thereto.
Hangers and tracks for private garages.
Incinerator hardware and fittings.
Insect screens and screening.
Letter boxes and mail chutes.
Lightning rods and lightning rod systems including cables and accessories (except as permitted by Order L-39).
Lighting fixtures (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Ornamental metal work.
Pile butt protection.
Plumbing and heating supplies:
  Bands on pipe covering.
  Cistern and low-water floats.
  Fixture fittings and trimmings (See "Plumbing fixture fittings and trim" on List A-2).
  Hot water heaters, tanks, and coils (except when the only copper products or copper base alloy products used are permitted by Order L-185).
  Pipe, tube, tubing, and fittings for piping systems (except when the only copper products or copper base alloy products used are permitted by Schedule VII of Order L-42).
  Shower rods, and pans (See "Plumbing fixture fittings and trim" on List A-2).
  Shower heads (See "Plumbing fixture fittings and trim" on List A-2).
  Sinks and drainboards.
  Toilet floats (See "Plumbing fixture fittings and trim" on List A-2).
  Towel racks.
Push, kick, switch, floor, and all other device plates.
Roof, roofing, roofing nails, flashing valleys, and other roofing items.
Sheet, roll, and strip for building construction.
Shelves.
Stair and threshold treads.
Termite shields.
Terrazzo strips, reglets, and mouldings.
Unit heaters, unit ventilators, and convectors, space or local heaters, and blast heating coils, or any apparatus using such coils as part of its construction (except when the only copper products or copper base alloy products used are for valves, controls and parts necessary for conducting electricity).
Ventilators and skylights.
Water containers for humidification.
Weatherstripping and insulation.

BURIAL EQUIPMENT

Burial vaults.
Caskets and casket hardware. See also Order L-64.
Memorial tablets.
Morticians' supplies.

(See also "Boxes, * * *" under "Miscellaneous" on this list.)

CLOTHING AND ACCESSORIES

Insignia (except rank, branch and "U. S." Insignia for the Armed Forces).

DRESS ACCESSORIES

(See also Order L-68)

Buckles.
Buttons.
Dress ornaments.
Handbag fittings.
Metal cloths.

FURNISHINGS AND EQUIPMENT

(For homes, offices, institutions, hotels, apartment hotels, apartment houses, stations, clubs, fraternal organizations, union buildings, churches, synagogues, temples, restaurants and stores)

Andirons, screens, and fireplace fittings.
Candlesticks.
Cooking and table utensils.
Counters.
Curtain fasteners, rods, and rings.
Cuspidors.
Fans (See also Order L-176)
Furniture.
Furniture Hardware.
Hollow-ware.
Mud scrapers.
Portable heaters.
Stoves and ranges (except when the only copper products or copper base alloy products used are for valves, ferrules for compression fittings, controls other than timers, and parts necessary for conducting electricity). For additional restrictions see "Gas stoves and ranges for household use" on List A-2.
Table flatware (except that until January 1, 1943, table flatware may be manufactured, processed, assembled or finished if made according to Fed. Spec. RR-T-56.) After December 31, 1942, see List A-2.
Timers, for stoves and ranges.
Trays.
Upholsterers' supplies, including nails and tacks.
Vases, pitchers, bowls, and artcraft.
Washing tubs and washing boilers.
Waste baskets, hat trees, humidors, and similar items.

INDUSTRIAL MACHINERY

Pulp and paper manufacturing:
  Beater bars and beaters.
  Head boxes.
  Jordan bars.
  Refiner bars.
  Save-alls (except for screens).
  Stock and water lines.

JEWELRY, GIFTS AND NOVELTIES

All jewelry, gifts and novelties including, but not limited to—
  Advertising specialties.
  Atomizers (see also List A-2).
  Bar fittings.
  Book ends.
  Cosmetic containers.
  Lighters.
  Napkin rings.
  Picture frames.
  Smokers' accessories, including ash trays.
  Souvenirs.

PASSENGER TRANSPORTATION EQUIPMENT

(Including railroad cars, street and interurban cars, buses, and trailers, but excluding locomotives)

All items under heading "Furnishings and Equipment".
Air conditioning equipment for passenger cars until January 1, 1943 (except for essential repairs, and except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity). On and after December 31, 1942, see List A-2.
Bands on pipe covering.

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[1] See also under "Passenger Transportation Equipment" on this list.

Decorative, general, and finish hardware, and ornamental metal work.
Door knockers, checks, pulls and stops.
Doors and windows, door and window frames and window sills.
Drinking water reservoirs.
Lighting fixtures (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Pipe, tube, tubing, and fittings for plumbing and heating (except for essential repairs).
Shower rods, heads and pans.
Sinks and drainboards.
Screens and screening.
Towel and luggage racks.
Water containers for humidification.
Weatherstripping and insulation.

MISCELLANEOUS

Alarm and protective systems, other than fire protective systems covered by Order L-39 (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity or where the use of such products is essential to the proper functioning of the parts).
Barrel hoops.
Badges.
Bar and counter equipment and fittings.
Barber shop equipment and supplies.
Barrel hooks.
Bathroom accessories as defined in Order L-30.
Beauty parlor equipment and supplies.
Beverage dispensing units and parts thereof (except for self-contained drinking water coolers as defined in Schedule I of Order L-126 or under any schedule of Order L-38).
Bicycles, and similar vehicles. (See also Order L-52).
Binoculars, including opera glasses.
Bird and pet cages and stands.
Bottle coolers.
Boxes, cans, jars and other containers, including burial urns.
Branding, marking, and labeling devices and stock for same (except where the devices and the stock are for affixing governmental, notarial and corporate seals or, until January 1, 1943, are adjustable stencils for addressing or identifying commercial products). For adjustable stencils after December 31, 1942, see the item "Adjustable stencils" on List A-2.
Cabinets.
Canes
Carpet rods.
Cash registers.
Chimes and bells (except for bells when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Clips.
Cleaning and polishing accessories, such as brooms, carpet sweepers, crumbing sets, dust pans, mops, pot scourers, whisk brooms and floor and furniture polishers
Clock and watch cases.
Cooking utensils (except for commercial processing in canneries and factories).
Cutlery, including pocket knives.
Dishwashing machines and domestic garbage grinders.
Dispensers, hand, for hand lotions, paper products, soap and straws.
Dog collars and other similar harness and equipment for pets.
Domestic ice refrigerators as defined in Order L-7.
Domestic laundry equipment as defined in Order L-6 and scrubbing boards, clothes line pulleys and reels.
Domestic mechanical refrigerators as defined in Order L-5.
Domestic vacuum cleaners as defined in Order L-18.
Electric blankets.
Electric light bulbs and cord sets for Christmas trees, and bulbs and neon and fluorescent tubes for advertising and display purposes.
Flashlights and electric lanterns used by railroad brakemen (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
Floats for liquid level control.
Flower pots, boxes and holders for same.
Flower shears.
Food dispensing utensils, devices and machines.
Fountain pens.
Fountains (except drinking water fountains when the only copper products or copper base alloy products used are permitted by Schedules V, V-a and XII of Order L-42).
Furniture grommets.
Games as defined in Order L-81.
Garden tools and equipment.
Hair curlers, hair brushes and combs, shoe horns and button hooks.
Health supplies (except those to which a preference rating is granted under Order P-29).
Home and commercial electrical appliances, as defined in Order L-65.
Hooks, including hat and coat hooks.
Ice cream freezers for use in the home.
Kitchen utensils, devices and machines.
Kitchen, household and miscellaneous articles, as defined in Order L-30.
Lace tips.
Ladders and hoists (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity), including fittings.
Lamps, electric until January 1, 1943 (except for industrial, hospital or office and then not for standards, shades, shade holders, and stems). After December 31, 1942, see List A-2. The term "Lamps" as used here does not include electric light bulbs, but see "Electric light bulbs" above.
Lamps, other than electric (except for industrial, hospital or office use and then only when the only copper products or copper bas alloy products used are for valves, controls, and wicks).
Lawn sprinklers, mowers, seeders and rollers.
Livestock and poultry equipment (except when the only copper products or copper base alloy products used are for valves, controls, parts necessary for conducting electricity, and thermostats other than wafer thermostats, and for plating wafer thermostats).
Locks (except pin tumbler cylinder assemblies; essential interior working parts of Type 88, Type 97 and Type 114 locks; discs and springs for disc tumbler locks; levers for secure lever locks; interior working parts of railway car door locks and railway switch padlocks; and keys for pin tumbler and disc tumbler locks).
Luggage fittings, trim and harware.
Manicure implements.
Match and pattern plates, matrices, and flasks.
Medals.
Mirrors.
Motion picture and projection equipment (except for parts to repair and maintain necessary existing equipment in public theaters and educational institutions).
Name, identification and medal plates.
Non-operating or decorative uses of copper or copper base alloy, or the use of the same in such parts of installations and equipment (mechanical or otherwise) as bases, frames, guards, standards and supports.
Package handles and holders.
Paint (except for ship bottoms).
Pencils, mechanical.
Phonographs or other record players.
Photographic equipment and accessories (except document copying machines and equipment therefor for business purposes and for use by the U. S. Post Office, and except for X-ray equipment).
Pins.
Pleasure boat fastenings, fittings, hardware, and motors.
Pole-line hardware.
Powder, except for non-decorative uses.
Printing rollers (except to the extent that an equivalent poundage in copper or copper base alloy is returned to a brass mill in the form of old rollers).
Radio receiving sets for private use (except for replacement vacuum tubes).
Razors operated by electricity (except for repair parts).
Reclaimers for heating water.
Reflectors (except for electroplating of glass reflectors in connection with silvering when the reflectors are to be used in street and highway illumination, or for traffic signals, flood lights, searchlights and hospital operating room lights).
Refrigerator display cases.
Saddlery hardware and harness fittings.
Scales, except commercial, industrial and laboratory scales and laboratory balances. (See also Order L-190.)
Shells and caps for electric sockets except screw shells and except those used in connection with lamp signals in communication facilities.
Signs, including street signs. (See also Order L-29.)
Slot, game and vending machines, including parking meters.
Soda fountain equipment.
Sporting goods, and fishing and hunting equipment and supplies.
Staples for fastening cartons and containers.
Stationery supplies:
  Desk accessories. (See also Order L-73.)
  Office supplies. (See also Order L-73.)
  Pencils. (See also Order L-113.)
  Pens and penholders.
Statues.
Sundials.
Telescopes.
Tent poles and parts.
Thermos jugs and bottles.
Toys.
Unions and union fittings (except seats and except for other parts of unions and union fittings where and to the extent that the physical and chemical properties of the liquid or gas passing through the union or union fitting makes the use of any other material dangerous or impractical). (See also Order L-42.)
Umbrellas.
Valve handles.
Valves over 2-inch size (except seats, discs, stems, yoke sleeves, yoke bushings, stem bearings and packing glands, and except for other parts of such valves where and to the extent that the physical and chemical properties of the liquid or gas passing through the valve makes the use of any other material dangerous or impractical).
Voting machines.
Weather vanes.
Weight reducing and exercising machines.
Wool.

LIST A-2

The manufacturing, processing, assembling or finishing of the items listed below and of all parts (including repair parts) therefor is prohibited after the governing date if such article or part contains copper products or copper base alloy products, except to the extent permitted by the exceptions noted on the list. Where this list excepts an item if the use of copper products or copper base alloy products in making the item is limited or if the item is being produced for a particular end use, the manufacture, processing, assembling and finishing of the item made under the terms of such an exception is governed by paragraphs (b) and (d) (1) of this order.

	Governing date
Adjustable stencils	Dec. 31, 1942
Air conditioning equipment and refrigeration equipment ((i) except for repair parts containing not more than 4 pounds of copper products or copper base alloy products for use in "black out" plants; (ii) except for essential food storage, food transportation and industrial processing and then only when the only copper products or copper base alloy products used are for capillary tubing, bulbs, small moving parts, bellows, bearings which use not over 2 pounds of copper each, tube connections and fittings below ⅝", and integral fin tubing used in refrigeration condensers; and (iii) except for essential repairs of railroad passenger cars)	Dec. 31, 1942
Atomizers (except for medicinal purposes and for use in the preparation of dried milk and dried eggs)	Dec. 31, 1942
Blow torches, gasoline and alcohol, (except when the only copper products or copper base alloy products used are for the pump valve, pump check valve assembly, pump cylinder cap, brazing material, pack nut, valve stem, valve body and jet block)	Jan. 20, 1943
Brushes (except the type used in electric motors and generators)	Dec. 31, 1942
Cement flooring and composition flooring	Dec. 26, 1942
Cooling towers (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity)	Dec. 26, 1942
Electrolytic devices for the removal and prevention of scale in boilers	Dec. 31, 1942
Gas stoves and ranges for household use (except when each valve contains not more than ½ ounce of copper base alloy and each control contains not more than 1½ ounces of copper base alloy and the stove or range contains no other copper or copper base alloy whatever)	Aug. 7, 1942
Hand saw screws, nuts and washers for attaching saw blades to the handle	Dec. 26, 1942
Hammers	Dec. 31, 1942
Lamps, electric (except for nonportable lamps for use in hospitals or in industry, otherwise than in offices, and then only when the only copper products or copper base alloy products used are for parts necessary for conducting electricity)	Dec. 31, 1942
Lanterns	Sept. 7, 1942
Lighting fixtures for use outside of a building (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity). For lighting fixtures in a building see "Lighting fixtures" under "Building Supples and Hardware" on the Combined List	Dec. 31, 1942
Loose-leaf binders	Dec. 26, 1942
Pipe, tube, tubing and fittings for water supply and distribution systems and installations (except corporation stops and couplings therefor, curb stops and couplings therefor, adapters, unions and solder nipples and except for all such pipe, tube, tubing and fittings for use on board ship and in chlorine gas equipment). This takes the place of Interpretation No. 4 of Order M-9-c	Dec. 26, 1942
Plumbing fixture fittings and trim (except when the only copper products or copper base alloy products used are permitted by the terms of Schedules V, V-a and XII of Order L-42 or any schedules or orders taking their place, or are permitted by a specific authorization of the Director General for Operations granted pursuant to such a schedule or order)	Dec. 26, 1942
Screens for oil wells and water wells	Jan. 20, 1943
Shower curtains	Dec. 26, 1942
Sound equipment attachments for motion picture projection machines (except for parts to repair and maintain necessary existing equipment in public theaters and educational institutions)	Dec. 31, 1942
Table flatware (except for a copper-silver strike)	Dec. 31, 1942
Trolley frog bodies, trolley wire crossover bodies, trolley clamps used for supporting Fig. 8 or grooved trolley wire (unless used for carrying current), and miscellaneous items such as machine screws, bolts and studs used with overhead trolley line material	Jan. 20, 1943

MILITARY EXEMPTION LIST

Air conditioning and refrigeration equipment (except for comfort use).
Bakery equipment (parts necessary for conducting electricity or where the use of copper products or copper base alloy products is essential to the proper functioning of the parts). For hot water heaters, tanks and coils see below on this list.
Bells (for use on board ship).
Binoculars.
Blow torches, gasoline and alcohol (parts other than tanks, only).
Boxes, cans, jars and other containers (for radio and communication equipment and for powder charges).
Carbonated beverage dispensing units for use on board ship (functional parts subject to corrosive action or which come in contact with food, only).
Conduits and pipe (for radio and electrical communication equipment).
Chronometer and watch cases.
Dishwashing machines.
Fans (parts necessary for conducting electricity, only).
Field ranges and ski stoves.
Floats for liquid level control (for use in aircraft and on board ship).
Furniture hardware (for use within magnetic circle on board ship).
Hammers.
Hoists, for handling powder, projectiles and explosives (for use on board ship).
Hot water heaters, tanks and coils for hospital, laundry and bakery projects.
Insect screens and screening.
Kitchen utensils, devices, machines and appliances (parts necessary for conducting electricity or which come in contact with food or where the use of copper products or copper base alloy products is essential to the proper functioning of the parts).
Ladders and stairs, for use in gasoline storage spaces on board ship (treads, only).
Lanterns, gasoline (generators, valves and controls, only).
Laundry equipment, for use on board ship (parts necessary for conducting electricity or where the use of copper products or copper base alloy products is essential to the proper functioning of the parts). For hot water heaters, tanks and coils see above on this list.
Laundry equipment, mobile, for field use (parts necessary for conducting electricity or where the use of copper products or copper base alloy products is essential to the proper functioning of the parts). For hot water heaters, tanks and coils see above on this list.
Lights, lamps and accessories (for use in aircraft and on board ship).
Locks and latches (for use on board ship).
Motion picture and projection equipment.
Name, identification and medal plates of a gauge of .03125 inch or less (for use in aircraft and on board ship).
Paint (for ship bottoms and flying boat hull bottoms).
Photographic equipment and accessories.
Pins for hinges (for use on board ship).
Prescription scales (health supplies).
Reflectors (for use on board ship, in aircraft searchlights, and recognition lights and hospital operating room lights and therapeutic lights).
Safety lamps, flame type (for use on board ship and for use in other places where there is danger of explosion).
Shells and caps for electric sockets (for use in aircraft and on board ship).
Soda fountain equipment for use on board ship (functional parts subject to corrosive action or which come in contact with food, only).
Sound equipment attachments for motion picture projection machines.
Table flatware made according to Fed. Spec. RR-T-56 until March 31, 1943.
Telescopes.
Unions and union fittings (for use on board ship).
Valve handles (for use within magnetic circle on board ship).
Valves (for use on board ship).

[F. R. Doc. 42-13967; Filed, December 26, 1942; 11:52 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 3 as Amended Dec. 26, 1942]

UNIFORM METHOD OF APPLICATION AND EXTENSION OF PREFERENCE RATING

§ 944.23 *Priorities Regulation 3*—(a) *Definitions.* For the purposes of this regulation:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(3) "Assignment" of a preference rating means the granting to any person, by order or certificate issued by or under the authority of the Director General for Operations, of the right to use such rating.

(4) "Application" of a preference rating means the use of the rating by the person to whom it is initially assigned by or under the authority of the Director General for Operations, and includes the initial issuance by any governmental agency, under authority of the Director General for Operations, of a preference rating certificate rating a delivery to be made directly to such agency.

(5) "Extension" of a preference rating means the use of the rating by any person to whom it is applied or extended by another person.

(b) *General provisions.* (1) Except to the extent otherwise provided in Priorities Regulation No. 11 (§ 944.32) with respect to persons required or permitted to qualify under the production requirements plan, any person may apply a preference rating assigned to him by any preference rating certificate or preference rating order issued to him in his name or as one of a class, and any person may extend any rating which has been applied or extended to deliveries to be made by him, subject to the provisions of this regulation.

(2) A preference rating may be applied by the person to whom it is assigned only to the specific quantities and kinds of material authorized, or to the minimum required amounts of material when no specific quantities are authorized. Any rating which has been applied or extended by others to deliveries to be made by a person may, subject to the provisions of this regulation, be extended by such person in order to obtain not more than the same amount and kind of material (except as specified in paragraph (c) (3) of this regulation) which he has delivered or is required to deliver pursuant to such rating.

(3) No person shall duplicate, in whole or in part, purchase orders which he has placed with one or more suppliers for delivery of material to which he has applied or extended a rating, in such manner that the amount of the material ordered exceeds the amount to which he is authorized to apply or extend the rating, even though he intends to cancel or reduce his purchase orders to the authorized amount prior to completion of delivery.

(c) *Extension of ratings.* The following provisions shall be applicable to all extensions of preference ratings notwithstanding any inconsistent provisions of the preference rating certificate or preference rating order assigning the rating, except to the extent otherwise provided in Priorities Regulation No. 11 (§ 944.32) with respect to persons required or permitted to qualify under the production requirements plan. No preference rating may be extended to the delivery of any material except:

(1) Material which will itself be delivered by the person extending the rating on a delivery bearing the rating which is being extended, or which will be physically incorporated into material to be so delivered, including the portion of such material normally consumed or converted into scrap or byproducts in the course of processing; or

(2) Material which is required to replace in inventory material so delivered or incorporated. Material shall not be deemed to be required if the delivery can be made and a practicable working minimum inventory of such material still retained; and if, in making delivery, the inventory is reduced below such minimum, the rating may be extended to replace such material only to the extent necessary to restore the inventory to such minimum: *Provided, however,* That the material ordered for replacement must be substantially the same as the material delivered or incorporated in the material delivered, subject only to minor variations in size, shape or design or substitutions of less scarce materials, which in any case do not substantially alter the purpose for which the same is to be used; or

(3) Repair, maintenance and operating supplies, subject to the following conditions and limitations:

(i) The amount of maintenance, repair and operating supplies obtained by any person under this regulation and under any preference rating ("P") order (except P-100) assigning a rating to such person shall not, in the aggregate, exceed during any period the limit, if any, specified in such preference rating order for use of the rating thereby assigned;

(ii) The cost of all maintenance, repair and operating supplies obtained by any other person by extension of a rating shall not exceed in any month ten percent of the cost of materials described in subparagraphs (1) and (2) of this paragraph (c) to which the same grade of rating is extended during the same month (or, if such materials are obtained without preference rating assistance, to which the same grade of rating could be extended, during such month if priorities assistance were needed);

(iii) The cost of maintenance, repair and operating supplies consisting of metals in any of the forms listed on the Metals List attached to Priorities Regulation No. 11 (§ 944.32) to which the rating is extended in any month shall not in any event exceed two and one-half percent of the cost of materials described in said subparagraphs (1) and (2) to which the same grade of rating is extended during the same month (or, if such materials are obtained without preference rating assistance, to which the same grade of rating could be extended during such month if priorities assistance were needed);

(iv) The term "maintenance, repair and operating supplies" as used in this subparagraph (3) shall include only those supplies which are actually required for directly processing the material described in subparagraphs (1) or (2) of this paragraph (c) or for maintenance or repair of production machinery and equipment used in such processing. It does not include office supplies or maintenance or repair of building; and

(v) In cases where the material to be processed is furnished by the customer, the cost thereof to the customer shall, for the purposes of this paragraph (c) (3), be taken instead of cost to the processor and the month in which the processing order is placed shall be taken in lieu of the month in which the material to be processed is ordered.

A person may not extend a rating to any materials in excess of the quantities specified in this paragraph (c) nor to materials for plant improvement, expansion or construction, to machine tools or other capital equipment, to business machines whether purchased or leased, or to maintenance, repair or operating supplies other than those specified above in subparagraph (3) of this paragraph (c).

(d) *Method of application or extension.* (1) Any person authorized to apply or extend preference ratings may do so:

(i) On a written contract or purchase order, by endorsing on, or attaching to, each contract or purchase order placed by him to which the rating is to be applied or extended, a certification in substantially the following form signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purpose:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this purchase order, and that such application or extension is in accordance with Priorities Regulation No. 3 as amended, with the terms of which the undersigned is familiar.

____________________ ____________
(Name of Purchaser and PRP Certificate No. if Purchaser is a PRP Unit) (Address)
By ____________________ ____________
(Signature and Title of Duly Authorized Officer) (Date)

(ii) On a purchase order placed by telegraph, by including in the telegram the following certification: "Ratings indicated are certified pursuant to Priorities Regulation No. 3." The requirements for manual signature or authorization under Priorities Regulation No. 7 (§ 944.27) will be satisfied in such case if the copy of the outgoing telegram retained by the person placing the order is signed or authorized in the manner provided in that regulation.

(iii) On a purchase order placed by telephone and requiring shipment within seven days, by stating to the supplier at the time of placing the order the substance of the certification set forth in subparagraph (ii) of this paragraph (d) (1); provided, however, in such case, that the person making the statement is an official duly authorized to make such certification, and the person making the statement furnishes to the supplier within seven days after placing the purchase order written confirmation of such order, bearing a certification of such preference rating substantially in the form prescribed by subparagraph (i) of this paragraph (d) (1). No preference rating received by telephone shall be extended by the supplier until receipt by him of the written certification herein required. In case of failure to receive written certification within the seven days' period herein prescribed, the supplier shall not accept any other order from, or deliver any additional material of any kind to, the purchaser until such written certification is furnished. On or before the fifteenth day of each month, any supplier who has received in the prior month a preference rating applied or extended by telephone shall notify the War Production Board, Compliance Division, of any case in which a purchaser has failed to furnish to him the written certification when due.

(iv) The person receiving the certification and rating shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false. Each person applying or extending a rating must maintain at his regular place of business all documents, including purchase orders and preference rating orders and certificates, upon which he relies as entitling him to apply or extend such rating, segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection. In addition thereto, each person applying or extending a rating shall execute and file with the War Production Board all reports and questionnaires required by the applicable preference rating certificate or preference rating order and such other reports and questionnaires as said Board shall from time to time request.

(2) Such certification may be used in lieu of any other form of certification required by the terms of any regulation, preference rating order or preference rating certificate (including, without limitation, the instructions accompanying Forms PD–1A, PD–3A and PD–25A) as a means of applying or extending a preference rating and in lieu of furnishing any copy of any preference rating order required thereby; except that the provisions of Priorities Regulation No. 9 (§ 944.30) with respect to the method of applying (but not extending) preference ratings covering certain types of exports must be complied with when ratings are applied pursuant to that regulation.

(3) Notwithstanding the requirements of any applicable preference rating order or certificate,

(i) A person may defer extending any rating for a period of not more than three months after he becomes entitled to extend the same;

(ii) Ratings of the same grade assigned by different preference rating certificates or orders may be combined and extended to a single delivery; and

(iii) Ratings of different grades, whether assigned by the same or different preference rating certificates or orders, may be extended to deliveries under a single purchase order provided the amount of each material to which a particular grade of rating is extended is shown either as a separate item, or on a percentage basis where the material involved is of such type and in such quantities that the supplier can readily determine, from percentage figures alone, the exact effect of the extension of the rating on his production and delivery schedule. To the extent necessary to avoid production or delivery of material in quantities smaller than the minimum commercially practicable, items to which ratings of different grades might be extended may be combined and the rating of the lowest grade extended to the total production or delivery.

(4) In addition to complying with the foregoing requirements of this paragraph (d), any person applying or extending a preference rating shall include on his purchase order or contract such information (except designation of the number or serial number of the preference rating certificate or preference rating order assigning the rating) as may be required by the terms of any applicable order of the Director General for Operations and which the person placing the purchase order is able to furnish.

(e) *Applicability of other restrictions.* Except as expressly otherwise provided in paragraphs (c) and (d) of this regulation, the application or extension of any rating shall be subject to any applicable restrictions contained in any order of the Director General for Operations assigning the preference rating in question or regulating transactions in the material involved, including, without limitation, restrictions as to the kind and amount of material to which preference ratings may be applied or extended, requirements of countersignature or other written approval of particular transactions, and restrictions on the use of material.

(f) *Effect on existing certificates and orders.* All existing forms of preference rating certificates issued by or under authority of the Director of Priorities, the Director of Industry Operations or the Director General for Operations are continued in full force and effect, and additional certificates on such forms may continue to be issued by the persons now or hereafter authorized to issue the same until such authority is revoked or amended, subject to the provisions of this and other regulations of the Director General for Operations. All certificates and all existing orders of the Director of Priorities, the Director of Industry Operations and the Director General for Operations are to be deemed amended by this regulation only where and to the extent that the provisions of this regulation indicate that it is to control.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13966; Filed, December 26, 1942; 11:53 a. m.]

PART 966—VANADIUM

[General Preference Order M–23–a, as Amended Dec. 26, 1942]

Section 966.2 *General Preference Order M–23–a* is hereby amended to read as follows:

§ 966.2 *General Preference Order M–23–a*—(a) *Definitions.* For the purposes of this order:

(1) "Vanadium" means and includes:

(i) Ores and concentrates containing commercially recognized vanadium, vanadium pentoxide, and other vanadium compounds for further purification or refining;

(ii) The element vanadium in pure form, ferro-vanadium, vanadium bearing primary chemical compounds, and other combinations of the element vanadium with other materials, prepared in forms for further processing or for industrial consumption or use;

(iii) All scrap, waste or industrial by-products containing commercially recoverable vanadium as defined in (i) and (ii) above, excluding vanadium bearing iron and steel scrap.

(2) "Producer" means any person who mines or otherwise produces natural materials containing commercially recoverable quantities of vanadium, or who generates vanadium in any of the forms included within paragraph (a) (1) (iii) above, in the course of any industrial operation.

(3) "Processor" means any person who prepares or treats vanadium for industrial consumption or use.

(b) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to the provisions of the applicable priorities regulations of the War Production Board, as amended from time to time.

(c) *Restrictions on melting or processing.* No person, other than a processor as defined in this order, shall melt or otherwise process vanadium except pursuant to approval of his melting schedule under the provisions of Supplementary Order M–21–a, as amended from time to time, or pursuant to specific authorization by the Director General for Operations; provided that any person other than a producer of steel and iron products (as defined in Supplementary Order M–21–a, as from time to time amended) may, without such approval or specific authorization, melt or otherwise process quantities not exceeding a total of ten pounds contained vanadium during any calendar month.

(d) *Restrictions on deliveries*—(1) *Allocations.* Except as permitted under paragraph (d) (2) of this order, no person shall deliver or accept delivery of vanadium without the specific authorization of the Director General for Operations. The Director General for Operations will from time to time allocate the supply of vanadium and specifically direct the manner and quantities in which deliveries to particular persons and for particular purposes shall be made or withheld. The Director may also require any person seeking to place a purchase order for vanadium to place the same with one or more particular suppliers. Such allocations and directions will be made primarily to insure satisfaction of all war requirements of the United States, both direct and indirect, and they may be made without regard to any preference ratings assigned to particular contracts or purchase orders.

(2) *Permissible deliveries.* Until further order or in the absence of a contrary direction by the Director General for Operations, the following transactions are permitted without specific authorization by the Director General for Operations:

(i) Vanadium in any of the forms specified in paragraph (a) (1) (i) or paragraph (a) (1) (iii) of this order may be delivered by any producer or processor to any processor for the purpose of being concentrated, treated or otherwise prepared, by the processor receiving such delivery, for industrial consumption or use;

(ii) Deliveries of vanadium in any form may be made and accepted by any person in quantities of 10 pounds or less contained vanadium, provided that the total quantity acquired by any person pursuant to this subparagraph, in any calendar month from all sources of supply, shall be limited to 10 pounds contained vanadium.

The provisions of (i) and (ii) of this paragraph (d) (2) shall not apply to deliveries of vanadium from any processing plant operated by or for the Metals Reserve Company or any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended (15 U. S. C., section 606 (b)). Deliveries from such a plant shall be made only with the specific authorization of the Director General for Operations.

(e) *Applications for specific authorization.* Application for specific authorization to acquire or to melt or otherwise process vanadium shall be made to the War Production Board on Forms PD–707, PD–209A (Schedule 2) and PD–209B, or on such other forms as may be from time to time prescribed for the purpose. An applicant shall file a copy of Form PD-209B with each supplier with whom he has placed a purchase order for such vanadium. Applications shall be filed at such time and in such manner as may be required by the instructions accompanying the appropriate forms prescribed by the War Production Board.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Communications to War Production Board.* All reports and applications to be filed hereunder, appeals and other communications concerning this order, shall, unless otherwise directed, be addressed to the Ferro-Alloys Branch, Steel Division, War Production Board, Washington, D. C., Reference: M–23–a.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13968; Filed, December 26, 1942; 11:52 a. m.]

PART 1145—OFFICE SUPPLIES

[Limitation Order L–73 as of Dec. 26, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron, steel and other materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1145.1 *General Limitation Order L–73*—(a) *Definitions.* For the purposes of this order:

(1) "Office supplies" means manufactured products (other than furniture and machinery) designed for use in an office, notwithstanding their auxiliary use for industrial purposes.

(2) "Group I products" means the following types of office supplies: wire staples, whether preformed or continuous roll.

(3) "Group II products" means the following types of office supplies: clips, clamps, pins, and thumb-tacks; copy-holders; eyelet and round and flat-head fasteners; eyeleters; file fasteners; pencil sharpeners; punches and perforators; stapling and fastening machines.

(4) "Group III products" means the following types of office supplies: adhesive and gummed tape dispensers; arch and clip board files; calendar stands; desk accessories; inked ribbon spools and containers; list finders; rulers and yardsticks; staple removers; stationery sundries, not elsewhere classified.

(5) "Producer" means any person engaged in the fabrication, assembly, or any other operation or process connected with the manufacture of office supplies.

(6) "Prohibited materials" means copper, tin, nickel, chromium, zinc, cadmium, and crude rubber in any form whatever.

(7) "Federal specifications" means specifications (including emergency alternate specifications) approved from time to time by the Director of Procurement for use of all departments and establishments of the Federal Government, and any amendments thereof.

(8) "Iron and steel used" means the aggregate weight of iron and steel when first put into production in the manufacture of office supplies whether in the form of raw materials or as semi-processed or finished parts.

(9) "Preferred order" means any order or contract for office supplies to be delivered to or for the account of

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, and the Office of Scientific Research and Development;

(ii) The government of any of the following countries: The United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia;

(iii) Any agency of the United States Government for delivery to, or for the account of the government of any country listed above or any country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act).

(b) *General restrictions.* (1) During the period of three months beginning April 1, 1942, no producer shall use:

(i) In the manufacture of Group I products more iron and steel than 25% of the aggregate weight of all metals used by him in the manufacture of Group I products during 1940.

(ii) In the manufacture of Group II products more iron and steel than 20% of the aggregate weight of all metals used by him in the manufacture of Group II products during 1940.

(iii) In the manufacture of Group III products more iron and steel than 12½% of the aggregate weight of all metals used by him in the manufacture of Group III products during 1940.

(2) During each period of three months, beginning with July 1, 1942, until otherwise ordered no producer shall use

(i) In the manufacture of Group I products more iron and steel than 25% of the aggregate weight of all metals used by him in the manufacture of Group I products during 1940.

(ii) In the manufacture of Group II products more iron and steel than 15% of the aggregate weight of all metals used by him in the manufacture of Group II products during 1940.

(iii) In the manufacture of Group III products more iron and steel than 12½% of the aggregate weight of all metals used by him in the manufacture of Group III products during 1940.

(3) A producer having preferred orders may exceed the foregoing restrictions in any period of three months to the extent of the amount of iron and steel necessary to fill such preferred orders provided that his quota of iron and steel for the following three months shall be reduced by an equivalent amount of iron and steel.

(4) On and after December 26, 1942, no producer shall use in the manufacture of any Group I, Group II or Group III products any prohibited materials, except that:

(i) Zinc may be used for galvanizing to the extent necessary for practicable use and wear, subject to the restrictions contained in Conservation Order M–11–b as amended from time to time, and

(ii) Coppered (liquor finish) steel may be used.

(5) From March 28, 1942, no producer shall manufacture any Group I, Group II or Group III products which exceed the minimum requirements of applicable specifications, as defined in paragraph (a) (7) hereof, in respect to any metal or other critical material contained therein.

(6) On and after December 26, 1942, no producer shall process, fabricate, work on or assemble any desk pencil sharpeners containing any metal except such desk pencil sharpeners as he can completely manufacture and assemble prior to January 15, 1943, out of completely fabricated iron and steel parts, contained in his inventory, prior to December 26, 1942. On and after January 15, 1943, no producer shall process, fabricate, work on or assemble any desk pencil sharpeners containing any metal.

(7) On and after December 26, 1942, no producer shall procure or acquire any iron or steel to be used in the production of file fasteners, and on and after January 1, 1943, no producer shall process, fabricate, work on or assemble any file fasteners containing any metal.

(8) On and after December 31, 1942, no producer shall sell, lease, trade, lend, deliver, ship or transfer any file fastener produced after December 26, 1942, containing any metal, except in fulfillment of orders accepted by him prior to December 26, 1942.

(9) On and after December 26, 1942, no producer shall process, fabricate, work on or assemble any staplers or two-hole punches and perforators which contain more than 8 ounces of metal per unit, or any three-hole punches and perforators which contain more than 12 ounces of metal per unit, except out of materials which have been so processed, fabricated, worked on or assembled prior to December 26, 1942, that they cannot be used in the production of any staplers or punches and perforators which conform to the specifications contained in this subparagraph. On and after January 1, 1943, no producer shall process, fabricate, work on or assemble any staplers or two-hole punches and perforators containing more than 8 ounces of metal per unit, or any three-hole punches and perforators containing more than 12 ounces of metal per unit.

(10) The restrictions contained in paragraph (b) (5) of this order shall not apply to file fasteners, desk pencil sharpeners, staplers or two-hole punches or perforators containing more than 8 ounces of metal per unit, or three-hole punches or perforators containing more than 12 ounces of metal per unit produced on and after December 26, 1942.

(11) On and after December 26, 1942, no producer shall process, fabricate, work on or assemble any repair or replacement parts for any office supplies containing any metal, except for staplers or punches and perforators.

(12) On and after December 26, 1942, no producer shall exceed the restrictions contained in this order for the purpose of filling preferred orders. The provisions of this paragraph shall in no way affect the duty of a producer who prior to December 26, 1942, has exceeded the restrictions contained in this order pursuant to paragraph (b) (3) for the purpose of filling preferred orders to deduct from his quota of iron and steel for the three months period following January 1, 1943, the equivalent amount of iron and steel by which, prior to December 26, 1942, he has exceeded his quota for the purpose of filling preferred orders.

(c) *Avoidance of excessive inventories.* No manufacturer of office supplies shall accumulate for use in the manufacture of office supplies inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of office supplies at the rates permitted by this order.

(d) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* (1) Every producer affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(2) Every producer affected by this order shall execute and file Form PD–655 with the Consumer Durable Goods Division of the War Production Board, Ref.: L–73, on or before January 10, 1943, and on or before the 10th day of each calendar month thereafter.

(g) *Violations.* Any person who wilfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U. S. C. 80).

(h) *Appeals.* Any appeal from the provisions of this order shall be filed on Form PD–500 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(i) *Applicability of other orders.* Insofar as any other order issued, or to be issued hereafter, restricts the use of any material in the manufacture of office supplies to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(j) *Application of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(k) *Communications.* All reports, appeals and other communications concerning this order should be addressed to the War Production Board, Washington, D. C. Ref.: L–73.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13963; Filed, December 26, 1942; 11:49 a. m.]

PART 1158—INDUSTRIAL MACHINERY

[Limitation Order L–83 as Amended Dec. 26, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials used in the manufacture of industrial machinery for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1158.1 *General Limitation Order L–83*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Critical industrial machinery" means new, used or reconditioned machinery, of the kinds listed, from time to time, in List A. The value of a critical industrial machine shall be the selling price, or in any case where the machine is rented, the cost of production (as indicated by the company's regularly established cost accounting system), excise tax value, or insurance value, whichever is higher. The term "new critical industrial machinery" means any critical industrial machinery which has not been delivered by any person acquiring it for use, and does not include used or reconditioned machinery. The term "used critical industry machinery" means any critical industrial machinery which at any time has been delivered to any person acquiring it for use, but does not include rebuilt machinery. The term "reconditioned critical industrial machinery" means used machinery which has been rebuilt or otherwise conditioned for resale, or reuse.

(3) "Manufacturer" means any person producing critical industrial machinery.

(4) "Distributor" means any person regularly engaged in the business of buying or otherwise acquiring new, used, or reconditioned machinery for resale.

(5) "Order" means any commitment or other arrangement for the delivery of critical industrial machinery, whether by purchase, lease, rental, or otherwise.

(6) "Approved order" means:

(i) Any order for critical industrial machinery, when accompanied by a PD–3A certificate, to be delivered to, or for the account of:

(*a*) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(*b*) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom including its Dominions, Crown Colonies, and Protectorates, and Yugoslavia.

(ii) Any order placed by any agency of the United States Government for critical industrial machinery to be delivered to, or for the account of, the government of any country listed above, or any other country, including those in the western hemisphere, pursuant to the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(iii) Any order for critical industrial machinery bearing a preference rating of A–9 or higher assigned by a Preference Rating Certificate PD–3 or PD–3A countersigned prior to May 18, 1942, by a Preference Rating Order in the P–19 series issued prior to May 18, 1942, or by a Preference Rating Certificate PD–1 or PD–1A, a Preference Rating Certificate in the PD–25 or PD–408 Series, or Preference Rating Order P–19–h (PD–200 or 200A) issued at any time. After May 18, 1942, Preference Rating Certificate PD–3A shall be used only to assign preference ratings to approved orders to be delivered to or for the account of the agencies set forth in subdivision (i) hereof. Any preference rating certificate or order of any of the kinds enumerated above may be used to secure critical industrial machinery only by the person to whom it was originally issued and only when such machinery is expressly specified on the certificate or order (or its Form PD–200 or 200A). Any person placing an approved order for critical industrial machinery bearing a rating assigned by any such certificate or order who does not deliver such certificate or order but retains the same, as permitted by Priorities Regulation No. 3, as amended from time to time, or by the terms of the preference rating order shall, in addition to furnishing the endorsement required by such Priorities Regulation No. 3, as amended from time to time, or such preference rating order certify to the person from whom the machinery is to be acquired that the certificate or order was originally issued to him and that the critical industrial machinery ordered was expressly specified on the certificate or order (or its Form PD–200 or 200A).

(iv) Any order which the Director General for Operations authorizes for production or delivery pursuant to paragraph (b) (2) hereof.

(b) *Restrictions on acceptance of orders for, and delivery and acquisition of, critical industrial machinery*—(1) *General prohibitions.* Except as provided in paragraph (b) (4) hereof, no person shall accept any order for critical industrial machinery, or deliver any critical industrial machinery in fulfillment of any order, whether accepted or not; unless such order is an approved order. No person shall accept delivery of any critical industrial machinery except pursuant to an approved order.

(2) *Procedure for authorization of orders on books.* Manufacturers or distributors may apply for authorization to deliver orders which are not approved orders, on their books on May 18, 1942, as it affects classes of critical industrial machinery from time to time, by filing with the War Production Board, in triplicate, plainly marked Ref: L–83, a list of all such orders together with the name of the purchaser or lessee, the date of the order, the number of pieces of machinery, a description of the machinery, the value of the machinery, the rating assigned, if any, the preference rating certificate number, if any (or blanket preference rating order and serial number), the specified delivery date, the percentage of completion of the order on May 18, 1942, as it affects any particular kind of machinery, and the expected use to which the machinery will be put. The Director General for Operations may thereupon, if he shall deem it necessary or appropriate in the public interest and to promote the national defense, authorize the delivery of any such orders, or the assignment of preference ratings thereto.

(3) *Auction sales, sales pursuant to court order and similar transactions.* Dispositions of used critical industrial machinery at auction, at sheriff's sale, at tax sales, in liquidations of all or part of a business, and in similar transactions must be approved orders unless such dispositions are made to distributors within the limits specified in paragraph (b) (4) (vii).

(4) *Exempted transactions.* Nothing in this order shall be construed to prohibit any of the following transactions:

(i) The seizure of critical industrial machinery (but not subsequent disposition or use thereof) upon default, by any person pursuant to the terms of a conditional sale agreement, chattel mortgage, pledge, or other security agreement; and the distraint or levy by execution (but not subsequent disposition thereof) by tax authorities.

(ii) The delivery or acquisition of critical industrial machinery (but not subsequent disposition thereof) through a transfer by will or intestacy, or a transfer by operation of law to a trustee, receiver, or assignee for the benefit of creditors, in bankruptcy, insolvency, receivership, or assignment for the benefit of creditors.

(iii) The delivery or acquisition of critical industrial machinery as part of a transaction, such as merger, consolidation, sale and purchase of assets, sale and purchase of stock, or lease of plant, involving the transfer of all or substantially all of the assets of an enterprise, where no liquidation or dismemberment of assets is contemplated.

(iv) The transfer of critical industrial machinery, within a plant, or within a single corporate enterprise (including majority-owned subsidiaries), from one plant or branch to another: *Provided, however,* That nothing in this subdivision (iv) shall be construed to permit transfers from a portion of an enterprise manufacturing, building, or assembling new machinery to a portion using it.

(v) The delivery or acquisition of critical industrial machinery (but not subsequent disposition thereof) as a trade-in, where the machinery to be installed is delivered pursuant to an approved order.

(vi) Deliveries to, and acquisitions by, distributors, of new critical industrial machinery in the following two instances only:

(*a*) To fill approved orders for new critical industrial machinery which orders are actually in the hands of such distributors; or

(*b*) To replace new critical industrial machinery delivered by such distributor to fill an approved order.

(vii) Deliveries to, and acquisitions by distributors of used critical industrial machinery (but not subsequent dispositions thereof) at auction, sheriff's sales, tax sales, liquidations or otherwise.

(viii) Subject to the provisions of paragraph (c), the delivery of critical industrial machinery for repair and return, the return of a repaired machine, and the loan of a machine to the user, for a period not to exceed one month, pending the repair of the damaged machine.

(ix) The delivery and acquisition of critical industrial machinery to be scrapped for its material content.

(x) The unloading, from a vessel, of any imported critical industrial machinery.

(xi) The transfer of any interest in any written instrument evidencing an interest in critical industrial machinery: *Provided, however*, That nothing in this subdivision (xi) shall be construed to permit the physical delivery or use of critical industrial machinery.

(c) *Non-applicability to repair or maintenance of existing equipment.* The prohibitions of paragraph (b) hereof shall not be construed to restrict any delivery (1) to fill any order or group of orders of less than $1,000, placed with one or more suppliers within any four weeks' period, for parts intended for use in the repair or maintenance of any single existing machine, or a single machine delivered under the terms of this order, or (2) to fill any order of $1,000 or more for repair or maintenance parts when and only when there has been an actual breakdown or suspension of operations because of damage, wear and tear, destruction or failure of parts, or the like, and the essential repair or maintenance parts are not otherwise available.

(d) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(e) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(f) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref.: L–83.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who wilfully furnishes false information to the Director General for Operations in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(h) *Records and reports.* All manufacturers and distributors affected by this order shall keep and preserve for not less than two years accurate and complete records concerning production, deliveries, and orders for industrial machinery. All persons affected by this order shall execute and file with the Director General for Operations, War Production Board, such reports and questionnaires as said Director shall from time to time request. On or before 15 days after May 18, 1942, as to any kind of machinery, every manufacturer of critical industrial machinery shall file in triplicate with the War Production Board, plainly marked Ref.: L–83, a supplementary list of all orders for critical industrial machinery now on his books (in excess of the amounts listed in List A), not reported under paragraph (b) (2), together with the name of the purchaser or lessee, the date of the order, the number of pieces of machinery, a description of the machinery, the value of the machinery, the rating assigned, the preference rating certificate number, if any, (or blanket preference rating order and serial number), the specified delivery date, the percentage of completion of the order, and the expected use to which the machinery will be put. Manufacturers who have previously filed a list under the order need not refile.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

LIST A

NOTE: List A is amended by deleting from such list items 1, 2, 3, 11, 12, 13 and 14 and by renumbering item nos. 4, 5, 6, 7, 8, 9, 10, 15, 16, 17 and 18 to read 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, respectively.

1. Packaging and labeling machinery, on orders for a single machine of a value in excess of $200: *Provided, however*, That there shall be excluded from the terms of this order, orders for machinery to which a preference rating has been legally applied pursuant to the terms of Preference Rating Order P–115.

2. Pulp and paper making machinery, on orders for a single machine of a value in excess of $1,000.

3. Paper converting machinery, on orders for a single machine of a value in excess of $200.

4. Printing and publishing machinery, on orders for a single new, or less-than-five-year-old reconditioned or used machine of a value in excess of $200.

5. Bakery machinery, on orders for a single machine of a value in excess of $200.

6. Confectionery machinery, on orders for a single machine of a value in excess of $200.

7. Beverage bottling machinery, on orders for a single machine of a value in excess of $200.

8. Coffee grinding machinery, one horsepower and over, on orders for a single machine of a value in excess of $50.

9. Food slicing and grinding machinery, one horsepower and over, on orders for a single machine of a value in excess of $50: *Provided, however*, That there shall be excluded from the terms of this order orders for machinery to which a preference rating has been legally applied pursuant to the terms of Preference Rating Order P–115.

10. Dairy machinery and equipment, on orders for a single machine or piece of equipment of a value in excess of $300; *Provided, however*, That there shall be excluded from the terms of this order orders for machinery to which a preference rating has been legally applied pursuant to the terms of Preference Rating Order P–118. The term "dairy machinery and equipment" includes all machinery and equipment used for the processing of milk and milk products into dairy products, except machinery used on a farm for the producing of and handling of milk preparatory to delivery to commercial processors. A processing plant located on a farm is considered, under the terms of this order, to be a commercial processor, and is subject to the limitations hereof.

11. New woodworking, sawmill and logging machinery and equipment, on all orders for a single machine or unit of equipment of a value in excess of $250. The term "new woodworking, sawmill and logging machinery and equipment" means: new borers, dowel machines, edgers, gluing equipment, grinders, jointers, kilns, lathes, matchers, mills, mortisers, moulders, routers, sanders, saws, shapers, surfacers, tenoners, trimmers, veneer and plywood machines; and all other new machinery and equipment normally used in cutting, shaping, gluing, finishing, or otherwise processing wood and wood products, except machinery used for painting, varnishing, lacquering and similar purposes.

INTERPRETATION 1

Paragraph (a) (2) of General Limitation Order L–83 defines "Critical industrial machinery" as new, used, or reconditioned machinery of the kinds listed from time to time in List A of the order, and provides that the value of a critical industrial machine shall be the selling price with certain exceptions. List A specifies the machinery included in the order. In certain instances, the list contains dollar limitations on the value of machines so included. For instance, bakery machinery is covered by General Limitation Order L–83 only on an order for a single machine of a value in excess of $200.

The selling price of a machine would normally establish its value for purposes of this order unless other facts indicated that such selling price was not the actual value placed upon the machinery by the buyer and seller. In any case where a used machine is sold with the understanding by buyer or seller that the machine must be repaired or reconditioned in connection with or in relation to the sale transaction, in order that the machine be an effective instrument, the value of the machine for purposes of this order is to be deemed the aggregate of the selling price of the inoperable machine plus the cost of repairing or reconditioning the machine to the point where it can operate effectively. In other words, the sale of a broken down machine, followed by repairing or reconditioning in order that the machine be in condition to operate, does not avoid the impact of the order merely because the original sale of the inoperable machine is fixed at a value below the limitations established in General Limitation Order L–83; the cost of the repairs necessary to render the machine an effective instrument must be added to such original selling price in order to determine the value for the purposes of the order. (Issued December 17, 1942.)

[F. R. Doc. 42–13964; Filed, December 26, 1942; 11:49 a. m.]

PART 1176—IRON AND STEEL CONSERVATION

[Conservation Order M–126 as Amended Dec. 26, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1176.1 *General Conservation Order M–126*—(a) *Definitions.* For the purpose of this order:

(1) "Governing date", with respect to any item on List A or List S, or part thereof, means the date set forth opposite such item.

(2) "Army - Navy - Maritime order" means an order for material to be purchased (or physically incorporated into material to be purchased) by or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration, where with respect to any item on List A, or part thereof, the use of iron or steel, or with respect to any item on List S, or part thereof, the use of stainless steel, is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration, applicable to the contract, subcontract or purchase order.

(3) The terms "iron" and "steel" shall not be deemed to include screws, nails, rivets, bolts, or wire, strapping or small hardware for joining or other similar essential purposes.

(4) The term "stainless steel" means corrosion or heat resistant alloy iron or alloy steel containing 10 per cent or more of chromium with or without nickel and/or other alloying elements.

(5) "Process" means cut, draw, machine, stamp, melt, cast, forge, roll, turn, spin or otherwise shape.

(6) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(7) The term "assemble" shall not be deemed to include the putting together of an article after delivery to a sales outlet or consumer in knockdown form pursuant to an established custom. The term "assemble" shall also not be deemed to include adding finished parts to an otherwise finished article when the placing of one or more finished parts or the size or type of one or more finished parts is determined by the use to which the ultimate consumer is to put the article.

(b) *Restrictions with respect to List A products.* Except as provided in paragraph (d);

(1) *Raw material deliveries.* From and after the applicable governing date of any item on List A, no person shall deliver or accept delivery of any iron or steel which he knows or has reason to know will be used to make such item, or any part thereof.

(2) *Fabrication*—(i) *Limitation.* During the 30 days next following the applicable governing date of any item on List A, no person shall put into process any iron or steel to make such item, or any part thereof, in an aggregate weight greater than 75 per cent of the average monthly weight of all metals put into process by him during 1941 in the making of such item and parts, and no person shall put into process any iron or steel in the making of any such item or part unless processing thereof will be completed within such 30 day period.

(ii) *Prohibition.* From and after the date 30 days after the applicable governing date of any item on List A, no person shall process any iron or steel to make such item, or any part thereof.

(3) *Assembly.* From and after the date 60 days after the applicable governing date of any item on List A, no person shall assemble such item, or any part thereof, containing any iron or steel.

(4) *List A products without governing dates.* With respect to any item on List A without a governing date, (i) no person shall deliver or accept delivery of any iron or steel which he knows or has reason to know will be used to make such item, or any part thereof, (ii) no person shall put into process or process any iron or steel to make such item, or any part thereof, and (iii) no person shall assemble such item, or any part thereof, containing any iron or steel.

(5) *Finished item deliveries.* No person shall deliver or accept delivery of any item on List A, or part thereof, which he knows or has reason to know was fabricated, assembled or delivered in violation of any applicable provision of this order as amended from time to time.

(c) *Restrictions with respect to List S products.* Except as provided in paragraph (d):

(1) *Raw material deliveries.* From and after the applicable governing date of any item on List S, no person shall deliver or accept delivery of any stainless steel which he knows or has reason to know will be used to make such item, or any part thereof.

(2) *Fabrication*—(i) *Limitation.* During the 30 days next following the applicable governing date of any item on List S, no person shall put into process any stainless steel to make such item, or any part thereof, in an aggregate weight greater than 50% of the average monthly weight of stainless steel put into process by him during 1941 in the making of such item and parts, and no person shall put into process any stainless steel in the making of any such item or part unless processing thereof will be completed within such 30 day period.

(ii) *Prohibition.* From and after the date 30 days after the applicable governing date of any item on List S, no person shall process any stainless steel to make such item, or any part thereof.

(3) *Assembly.* From and after the date 45 days after the applicable governing date of any item on List S, no person shall assemble such item, or any part thereof, containing any stainless steel.

(4) *Finished item deliveries.* No person shall deliver or accept delivery of any item on List S or part thereof, which he knows or has reason to know was fabricated, assembled, or delivered in violation of any applicable provision of this order as amended from time to time.

(d) *Exemption for Army-Navy-Maritime orders.* (1) The provisions of paragraph (b) with respect to items on List A with governing dates shall not apply to Army-Navy-Maritime orders for such items, or any parts thereof, for a period of 60 days after the applicable governing date. From and after the expiration of the applicable exemption period, no person shall deliver, accept delivery of, put into process, process or assemble any iron or steel for the making of any item on List A, or part thereof, unless such item or part is on List C. The provisions of paragraph (b) shall not apply to Army-Navy-Maritime orders for any item on List C, or part thereof, except that stainless steel shall not be used to make such item and parts, unless permitted by paragraph (d) (3).

(2) The provisions of paragraph (c) shall not apply to Army-Navy-Maritime orders for any item on List S, or part thereof, for a period of 60 days after its governing date. Except as provided in paragraph (d) (4), from and after the expiration of the applicable exemption period, no person shall deliver, accept delivery of, put into process, process or assemble any stainless steel for the making of any item on List S, or part thereof, unless such item or part is on List C.

(3) Except as otherwise specified on List C as to any item, or part thereof, stainless steel may be used to make any item on List C, or part thereof, for

Army-Navy-Maritime orders until January 5, 1943. Except as provided in paragraph (d) (4), on and after January 5, 1943, no person shall use any stainless steel to make any item on List C, or part thereof, unless, and then only to the extent that, the use of stainless steel is expressly permitted for such item.

(4) The provisions of this order prohibiting the delivery, processing or assembling of stainless steel or a type of stainless steel for the making of any item, or part thereof, for Army-Navy-Maritime orders shall not apply to any order which has been approved on form PD–391 for melting during the fourth quarter of 1942 or for delivery during such quarter; or to any order which cannot be filled by the manufacturer because of his inability to secure permitted materials, except that this exemption shall be only for the minimum period of time necessary to obtain such permitted materials and in no event later than April 30, 1943.

(e) *Restrictions with respect to other products*—(1) *Roofing and siding.* No person shall manufacture any iron or steel into roofing and siding except:

(i) For delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, The War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development; or

(ii) For delivery on a preference rating of AA–5 or higher assigned by a PD–3A preference rating certificate or by a preference rating order in the P–19 series; or

(iii) For defense housing, to the extent specified in the Defense Housing Critical List; or

(iv) For the manufacture, maintenance and repair of railroad freight cars, street cars, or busses; or

(v) For deliveries on preference ratings assigned by the Board of Economic Warfare or for deliveries on Lend-Lease orders; or

(vi) For delivery to an ultimate purchaser for maintenance and repair purposes regardless of rating. With respect to this paragraph (e) (1) (vi), no person may manufacture from May 5, 1942 to December 31, 1942, more than 20 percent of the roofing and siding made by him from iron or steel during the calendar year 1940; or in the calendar year 1943 or any subsequent calendar year, more than 25 percent of the roofing and siding made by him from iron or steel, during the calendar year 1940.

Any person manufacturing or selling any such roofing or siding may rely on the certificate of his customer that such roofing or siding will only be sold or used as permitted by this paragraph (e) (1).

(2) *Other products.* No person shall use any iron or steel to make any article not prohibited on List A, or any part thereof, where and to the extent that the use of other material (excluding material on List D) is practicable. Alloy steel shall not be used when the use of carbon steel is practicable, and no more iron or steel shall be used in connection with the manufacture of any such article than is essential. The provisions of this paragraph (e) (2) shall not apply in the case of articles or parts to be purchased by or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, or to be physically incorporated into products to be so purchased to the extent that the use of iron or steel is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration applicable to the contract, subcontract or purchase order.

(f) *Restrictions with respect to other scarce materials.* No person whose use of iron or steel is restricted by paragraphs (b), (d) or (e) shall use as a substitute therefor any material on List D.

(g) *Disposition of frozen and excessive inventories.* The disposition of frozen and excessive inventories containing iron or steel shall be subject to the applicable provisions of Priorities Regulation No. 13 (§ 944.34).

(h) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(2) *Appeal.* Any appeal from the provisions of this order must be made on Form PD–500 and must be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(3) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply whether the items are ordered or manufactured pursuant to a contract made prior to, on, or subsequent to May 5, 1942, or pursuant to a contract supported by a preference rating. Insofar as any other order of the Director General for Operations may have the effect of limiting or curtailing to a greater extent than herein provided the use of any material in the production of any item, the limitations of such order shall be observed.

(4) *Intra-company deliveries.* The restrictions of this order with respect to deliveries prohibit or restrict deliveries not only to other persons, including affiliates or subsidiaries, but also from one branch, division, or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(6) *Installation.* The restrictions of this order with respect to putting into process, processing, and assembling shall not apply to the installation of an item or part for the ultimate consumer on his premises when any putting into process, processing or assembling of such item or part is incidental to such installation and is done on such premises.

(7) *Repair.* The restrictions of this order (other than those contained in paragraph (e) (2)) shall not apply to a person repairing a used article on or off the premises of the owner, if the person making the repair does not use iron or steel weighing in the aggregate more than 25 pounds and if any putting into process, processing or assembling done by such person is for the purpose of making the specific repair. The limitations in this paragraph (h) (7) on repairing a used article shall not apply to any item on List A or List S, or part thereof, to the extent that maintenance and repair of such item is specifically excepted on List A or List S.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of December 1942.

Ernest Kanzler,
Director General for Operations.

List A

Note: Changes have been made in List A.

Item	*Governing date*
"A" Frames and booms for lighters, 25 tons capacity and under.	Nov. 5, 1942
Access panels—except as required by Underwriters Code.	None
Accessories, soda fountain [1]	July 15, 1942
Acoustical ceilings	None
Adhesive tape sleeves	July 15, 1942
Adhesive tape spools	Mar. 30, 1943
Advertising novelties	None
Air-conditioning systems [1]—except for hospital operating rooms and industrial plants.	None
Ampule scorers	Nov. 5, 1942
Amusement park devices and roller coasters.[1]	None
Area walls	None
Ash sieves	None
Asparagus tongs	None
Atomizers, perfume-boudoir	None
Attic fans	None
Automobile accessories—except as required by law.	None
Automobile heaters [1]—except for passenger carriers, as defined in L–158, police cars, ambulances, trucks and fire wagons.	July 15, 1942
Awning frames and supports	None
Bag, purse, and pocketbook frames.	None
Balers, paper for household use	July 15, 1942
Ball park equipment including but not limited to:	July 15, 1942
Cages.[1]	
Fences.	
Lighting systems — except lamp bulbs.	
Metal bases.	
Protective netting.[1]	
Railings.	
Rollers.	
Score boards.	
Screens.[1]	
Seats.[1]	
Tampers.	
Banks, personal, toy, miniature.	None
Barber and beauty shop furniture.	None
Barber and beauty shop supplies, machines and equipment.[1]	July 15, 1942
Barn pushers and scrapers	July 15, 1942
Barware and bar accessories	July 15, 1942
Bases on refrigerating machines below one H. P.	Nov. 5, 1942
Baskets—except for commercial cooking and manufacturing uses.	None
Baths, steam, all types	Nov. 5, 1942
Bath tubs	None
B–B shot for air rifles	None
Beach umbrellas	July 15, 1942
Beds—except hospital	None
Bed spring frames—except for hospital link fabric spring type bed.	None
Beer kegs—except hoop and fittings for wooden kegs.	None
Beer mugs	None
Beer stands	None
Beer steins	None
Bench legs—except industrial	None
Beverage bottle cases, including but not limited to beer and all soft drinks.	July 15, 1942
Bicycle racks	Nov. 5, 1942
Binding, linoleum	Nov. 5, 1942
Binoculars—except U. S. Government Agencies.	None
Bird cages and stands	None
Bird houses and feeders	None
Biscuit boxes	None
Blackboards	None
Blade stroppers, mechanical	None
Bleachers and grandstands [1]	None
Blocks, hat	July 15, 1942
Boards, sounding	Nov. 5, 1942
Boat hooks	Nov. 5, 1942
Book ends	None
Boot jacks	Nov. 5, 1942
Bottle holders–except hospital	None
Bowling alleys, bowling pins and accessories.[1]	July 15, 1942
Boxes and trays for jewelry, cutlery, combs, toilet sets.	None
Boxes, meter, and covers—except industrial.	Nov. 5, 1942
Braces, extensible steel trench	Nov. 5, 1942
Bread and cake boxes, household.	July 15, 1942
Bread slicers for home use—except knives.	July 15, 1942
Bridge splash guards	None
Brushes and brush-backs—except industrial.	July 15, 1942
Buckles, for clothing—except overalls, overall suits, dungarees.	July 15, 1942
Buckles for	July 15, 1942
Pocketbooks.	
Shoes—except for waterproof shoes.	
Building ornaments	None
Buildings, portable	Nov. 5, 1942
Burial lowering devices	Nov. 5, 1942
Butter chips	None
Butter knives	None
Buttons for clothing—except for overalls, overall suits and dungarees.	July 15, 1942
Buttons for work clothing—except 22 line fly button of plain design and 27 line button with wreath design for remainder of garment, and except open top button of not more than two pieces exclusive of the tack or fastener.	Nov. 5, 1942
Cabinets—except	None
Hospital operating and examining room.	
As permitted in Limitation Orders L–13 a and L–62.	
Cake cutters	None
Cake icing equipment	July 15, 1942
Cake tongs	None
Calendar and memo pad stands	July 15, 1942
Calliopes or steam organs	July 15, 1942
Candy display dishes	None
Canes	July 15, 1942
Canopies, hoods and supports	None
Cans, containers and closures for	None
Anti-freeze (under 5 gal. size) except closures.	
Artist supplies.	
Tobacco products.	
Bouillon cubes.	
Candy.	
Caviar.	
Chalk.	
Coffee—except that closures for glass containers may be processed until February 1, 1943 from distressed stocks of black plate lithographed on or before September 3, 1942.	
Gloves.	
Incense.	
Lawn seed.	
Nuts.	
Pencils.	
Phonograph needles.	
Playing cards.	
Razor blades—except metal holders which are integral parts of the mechanism for inserting blades into safety razors.	
Sponges.	
Staples.	
Tennis balls.	
Toilet water.	
Yarn.	
Car washing machines	Nov. 5, 1942
Carillons	July 15, 1942
Carpet rods	None
Carriers, casket [1]	July 15, 1942
Carrousels (Merry-go-rounds) [1]	July 15, 1942
Carving set holders	None
Cases, vanity	July 15, 1942
Cash boxes	None
Cash registers [1]	None
Casket hardware	None
Casket trucks, undertaker's—except wheels.	Nov. 5, 1942
Ceilings	None
Chafing dishes	Nov. 5, 1942
Chamber pots	July 15, 1942
Cheese dishes	None
Chicken crates	None
Chicken house scrapers	July 15, 1942
Christmas tree holders	None
Christmas tree ornaments	None
Cigar and cigarette holders and cases.	None
Cigar clippers	None
Cigarette lighters	None
Cigarette package holders	Nov. 5, 1942
Cigarette making machines, hand.	Nov. 5, 1942
Circus and carnival apparatus, equipment [1] and devices, including but not limited to:	July 15, 1942
Animal cages.	
Animal stands.	
Tent standers.	
Trailers.[1]	
Trapeze bars.	
Clamps, hair, including barrettes, decorative clips and fasteners, but not including common bob and hair pins and clamps for hair curling or waving.	Nov. 5, 1942
Clips for attaching baggage tags	Nov. 5, 1942
Clock cases—except on recording and controlling industrial instruments.	None
Closers for paper and cellophane bags—except bags for 25 lb. content or more	Nov. 5, 1942
Clothes lines	Nov. 5, 1942
Clothes line pulleys	None
Clothes line reels	None
Clothes racks and dryers	None
Clothes trees	None
Clothing trim and dress ornaments.	July 15, 1942
Coal chute and door, household.	None
Coal pans	None
Coasters and trivets for glass and hot containers.	July 15, 1942
Cocktail glasses	None
Cocktail sets	None
Cocktail shakers	None
Coin changers—except for public transportation.	July 15, 1942
Combs, hair—except curry combs.	July 15, 1942
Compacts	None
Concrete and cement hardeners.	Nov. 5, 1942
Cooking stoves, commercial electric.[1]	None
Copy holders	None
Corn poppers and machines	None
Cosmetics and toiletries	July 15, 1942
Counter tops and edgings	None
Covers for automotive leaf-type springs.	Nov. 5, 1942
Covers, manhole—except reinforcing and binding.	Nov. 5, 1942
Covers, meter frame—except industrial.	Nov. 5, 1942
Crochet hooks	July 15, 1942
Croquet sets	None
Crumb trays	None
Crutches	Nov. 5, 1942
Culverts, including conduits, corrugated pipe, and corrugated plates for pipe and arches for culverts—except:	None
Reinforcing for concrete.	
Nestable culverts for use outside continental limits of U. S.	
Culverts, reinforced concrete—except:	Nov. 5, 1942
Interior installations.	
Outside continental limits of U. S.	
Under access roads.	
Under airport runways.	
Under railroad rights of way.	
Cups of all kinds, drinking	None
Curb guards	None
Curler, hair, non-electric	None
Curling irons	Nov. 5, 1942
Curtain stretchers	July 15, 1942

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[1] Maintenance and repair excepted.

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Item	Governing date
Darners, sock	Nov. 5, 1942
Decorative iron products	None
Desk equipment, including but not limited to:	July 15, 1942
Desk sets.	
Desk pads.	
Fountain pen and pencil stands.	
Letter openers.	
Name plates.	
Paper weights.	
Diaper cans, containers, or receptacles.	Nov. 5, 1942
Dictaphone racks	None
Dinner bells	None
Dishwashing machines[1]—except hospitals.	None
Dishwashing racks, household	July 15, 1942
Dispensers, hand, for	None
Hand lotions	
Paper products	
Soap	
Straws	
Display forms	July 15, 1942
Document stands	None
Door chimes	None
Door closers[1]—except for hospitals, public toilet doors, exterior doors on public buildings, and where required to meet fire regulations.	None
Door handles—except shipboard use.	None
Door knockers	None
Door mats	July 15, 1942
Door stops	None
Drain boards and tub covers, household.	None
Drawer pulls	None
Dress forms	None
Dummy police	None
Dust collecting systems and equipment[1]—except on AA-5 or higher.	None
Dust covers and enclosures[1]—except industrial.	July 15, 1942
Easels, all types	July 15, 1942
Edging, furniture and linoleum	Nov. 5, 1942
Ediphone racks	None
Egg slicers	None
Electric drinking water coolers—except for use in war plants.	None
Embalming tables[1]	July 15, 1942
Enameled tile sheets and squares.	Nov. 5, 1942
Enamel store fronts	None
Erasing knives	None
Erasing shields	Nov. 5, 1942
Escalators[1]	None
Exercise and reducing machines.[1]	July 15, 1942
Exhibition and fair apparatus and equipment,[1] including but not limited to:	July 15, 1942
Lighting equipment.	
Racks.	
Stands.	
Fan stands, all types	Nov. 5, 1942
Feed troughs	None
Fences, chain link—except on A-2 or higher.	None
Fences, chain link—A-2 or higher.	July 15, 1942
Fence posts—except on A-2 or higher.	None
Fence posts—A-2 or higher	Nov. 5, 1942
Fences for industrial use	Nov. 5, 1942
Fences, ornamental	None
Ferneries, metal	Nov. 5, 1942
Finger bowls	None
Fireplace equipment, including but not limited to grates, clean-out doors and ash dumps—except:	None
Dampers	
Grates not exceeding 30 lbs. per grate for the period from Dec. 21, 1942, to and including Jan. 6, 1943, using scrap material only.	
Fireplace dampers	Sept. 3, 1942
Fireplace screens	None
First aid kits	Nov. 5, 1942
Fish aquariums	None
Flag holders	Nov. 5, 1942
Flagpoles	None
Flashlight tubes	None
Flasks, quicksilver	Dec. 26, 1942
Flatware—except cooking and eating utensils.	July 15, 1942
Floats for pageants, parades, advertising, etc.—except trucks.	July 15, 1942
Floor and ceiling plates for piping.	None
Floor and counter covering trim	None
Floor scrapers—except power-driven.	July 15, 1942
Floral tools and floral hoes	July 15, 1942
Florist supplies	Nov. 5, 1942
Flour, salt and pepper shakers	None
Flower boxes, pot holders and vases.	None
Flower shears	None
Fly traps	Nov. 5, 1942
Food vending machines, including automats.	None
Foot baths—except hospitals	None
Foot scrapers	Nov. 5, 1942
Forms and accessories for residential and commercial concrete construction.	None
Fountain pens—except functional parts.	None
Fountains, ornamental	Nov. 5, 1942
Frames, catch basin and grater, all types	Nov. 5, 1942
Frames, clothes drying	July 15, 1942
Frames for artists' canvas, darning and needlework	July 15, 1942
Frames, steel blocking	July 15, 1942
Fruit juice extractors, household[1]	None
Furniture[1]—except:	None
Wood furniture.	
As permitted in Limitation Orders L-13-a and L-62.	
Hospital operating and examining rooms.	
Hospital, beds and cots.	
Game and gambling devices	July 15, 1942
Garage hoists, car lifts, and racks.	None
Garbage grinders, household[1]	July 15, 1942
Garden trowels	July 15, 1942
Gas toasters, household	July 15, 1942
Gates for fences	Nov. 5, 1942
Gates, railroad crossing except mechanism.	Nov. 5, 1942
Glassware holders and trim—except on cooking utensils.	July 15, 1942
Golf bag supports	None
Grass shears	None
Grass whips	July 15, 1942
Grave markers	Nov. 5, 1942
Grilles	None
Ornamental.	
Sewers—except on AA-5 or higher and reinforcing for concrete sewers.	
Grills, outdoor	July 15, 1942
Guards for guy wires	Nov. 5, 1942
Gutters, spouting, conductor pipe, and fittings for single family dwellings.[1]	None
Gutters, spouting, conductor pipe and fittings for dwellings two stories or less in height (2 family or more).[1]	Nov. 5, 1942
H-Bar units	Nov. 5, 1942
Hair combs, except curry combs	July 15, 1942
Hair dryers	None
Hand seals for documents	July 15, 1942
Hand weeders	July 15, 1942
Handles, broom and mop	July 15, 1942
Hangers and track for garage doors for private use.	None
Hanger rings on brushes, brooms, etc.	None
Harness and saddlery fittings[1]—except for draft, work and ranch animals.	July 15, 1942
Hat frames	None
Hat-making machinery[1]	None
Heat resisting pads for household use.	Nov. 5, 1942
Hedge shears	None
Helmets—except on AA-5 or higher.	None
Highway railroad flasher lights[1]—except lamp bulbs.	July 15, 1942
Highway guard rail, wire, strip and posts[1]	July 15, 1942
Highway guard rail reflectors[1]	July 15, 1942
Hitching posts	July 15, 1942
Holders, wire, all types	Nov. 5, 1942
Hoops, galvanized wire, for flower garden trim.	July 15, 1942
Hose reels—except:	None
Fire fighting equipment.	
Industrial uses in direct fire hazard areas.	
Hospital, medical, dental and related equipment.[1]	July 15, 1942
Anesthesia tables—except for use in operating rooms.	
Arm immersion stands.	
Back rests.	
Bassinets—except for frame and basket and isolation cabinet type.	
Bath cabinets—except hospital use.	
Bed feeding and reading trays.	
Bed trays.	
Bedside panel screens.	
Blanket warming cabinets.	
Book trucks—except wheel tires.	
Bowl stands—except for use in operating rooms.	
Cabinets for diathermy, sinusoidal and galvanic apparatus	
Chairs, other than examining or specialist chairs or dental chairs.	
Chart holders—except necessary hardware.	
Chiropractic adjustment tables.	
Clothes hampers.	
Commodes—except receptacle.	
Couch tables.	
Dental cabinets.	
Dish trucks—except wheel tires.	
Dressing stands.	
Dressing carriages—except frame and necessary hardware.	
Examining tables, non-adjustable.	

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[1] Maintenance and repair excepted.

Item	Governing date
Hospital, medical, dental and related equipment—Continued.	
Ice trucks—except wheel tires.	
Instrument cabinets—except for use in operating rooms.	
Instrument tables—except for use in operating rooms.	
Laundry trucks—except wheel tires.	
Linen hampers—except for frames.	
Linen trucks—except wheel tires.	
Needle cabinets—except for use in operating rooms.	
Nurses' work tables.	
Orthopedic and fracture carts—except wheel tires and frames.	
Overbed and swing overbed tables.	
Record and chart desks and racks.	
Shelf trucks—except wheel tires and frame (not food).	
Stands and racks for colonie irrigation apparatus.	
Sterilizer stands—except frame and top.	
Stools—except for use in operating rooms and except mechanism for adjustable stools	
Stretchers, wheel type—except wheel tires and frames.	
Supply and treatment cabinets—except for operating rooms.	
Tables, examining, adjustable—except frame and operating mechanism.	
Thermometer baskets.	
Utensil racks.	
Vasoscillator—oscillating beds.	
Wall shelf stands—except for use in operating rooms.	
Wheel chairs—except essential hardware.	
Hospital, medical, dental and related equipment[1]	Nov. 5, 1942
Chiropody chairs.	
Nose and throat chairs, hydraulic.	
Optical chairs, hydraulic.	
Osteopathic tables.	
House numerals	None
Houses	Nov. 5, 1942
Tool.	
Hog.	
Poultry—except wire netting.	
Humidification devices—except industrial and hospital use.	Nov. 5, 1942
Humidors	July 15, 1942
Ice box exteriors—except portable blood banks.	None
Ice cream freezers, household	None
Ice cream molds	Nov. 5, 1942
Ice cube trays	None
Incinerators—except industrial, commercial and as specified in Defense Housing Critical List.	None
Ink well holders	None
Inlets, gutter all types	Nov. 5, 1942
Inlets, sewer, all types	Nov. 5, 1942
Insulation, metal reflecting type.	None
Ironing boards and stands	July 15, 1942
Jam boxes	None
Jelly molds	None
Jewelry	None
Jewelry cases	None
Jugs, picnic, all types	Nov. 5, 1942
Kaleidoscopes	July 15, 1942
Key chains, cases and rings	July 15, 1942
Keys for opening cans	July 15, 1942
Knitting needles	None
Ladders, step	Nov. 5, 1942
Lanterns, magic	July 15, 1942
Lard or vegetable oil tubs—except 5 lbs. and over, and straps for wood containers.	None
Laundry chutes	None
Laundry trays—except reinforcing mesh.	None
Lavatories—except for railway cars and for hangers.	None
Lawn brooms	July 15, 1942
Lawn edgers	July 15, 1942
Lawn rakes	July 15, 1942
Lawn rollers[1]	July 15, 1942
Lawn tampers	July 15, 1942
Lawn seeders[1]	July 15, 1942
Lawn sprinklers	None
Letter chutes	None
Letter openers	None
Letter trays	None
Lighting poles and standards[1]	None
Lipstick holders	None
Lobster forks	None
Lobster tongs	None
Lockers—except	None
Oil refinery use.	
As permitted by Limitation Order L-13-a.	
Logs, artificial, for gas and electric fireplace.	July 15, 1942
Luggage, except locks[1]	July 15, 1942
Lunch boxes	Nov. 5, 1942
Mail boxes—except as required by U. S. postal regulations.	None
Mailing tubes or cases—except for transportation of bacteria, cultures, serums, plasma, and biological specimens.	None
Marine hardware for pleasure boats.	None
Marquees	None
Match boxes	None
Material for housing, not otherwise specified in this order—except to the extent specified in the Defense Housing Critical List.	None
Measuring pumps and dispensers[1] for gasoline station, garage and household use, including but not limited to:	None
Air pumps.	
Grease guns.	
Grease pumps.	
Gasoline dispensing pumps.	
Kerosene pumps.	
Oil pumps—except barrel pumps and lubesters.	
Meat molds	Nov. 5, 1942
Mechanical book binding	None
Memorial tablets	July 15, 1942
Menu holders	None
Metal cloths, except for industrial processing.	Nov. 5, 1942
Metal dust covers and enclosures—except industrial.	July 15, 1942
Milk bottle cases—except that a total of 4½ lbs. of iron and steel per case (including joining and essential hardware) may be used.	None
Millinery wire and gimps	None
Mirrors, hand	None
Monograms and initials	July 15, 1942
Mop wringers	None
Motion picture cameras[1]	Nov. 5, 1942
Motion picture projectors[1]	Nov. 5, 1942
Motion picture screen stands[1]	Nov. 5, 1942
Mud scrapers	Nov. 5, 1942
Music stands	None
Napkin rings	None
Necktie racks	None
Newspaper boxes or holders	None
Novelties and souvenirs of all kinds—except that the assembling of artificial leaves, fruits, flowers, and of feather ornaments shall be permitted when any iron or steel wire to be used was drawn on or before June 19, 1942 or was sold to the manufacturer of the artificial leaves, fruit, flowers, or feather ornaments as scrap.	None
Ornamental hardware and moldings.	None
Outdoor fireplace parts	None
Outing spades	July 15, 1942
Packing twine holders	None
Pads, inking and stamping	July 15, 1942
Pail clasps	None
Paint spray outfits—except industrial.	None
Paper rollers, household	None
Parasols, shafts and handles	July 15, 1942
Park and recreational benches	None
Parking meters	None
Partitions	Sept. 3, 1942
Partition studs	Nov. 5, 1942
Pegs, tent	Nov. 5, 1942
Pen holders	None
Pencil holders	Nov. 5, 1942
Permanent wave machines	None
Pet beds	None
Pet cages	None
Pet dishes	None
Pet equipment (except license tags) including but not limited to:	July 15, 1942
Carriers.	
Chains.	
Collars.	
Feeders.	
Houses.	
Leashes.	
Muzzles.	
Phonograph motors, hand wound.	None
Phonograph record blanks	None
Photographic accessories	None
Photographic equipment[1]—except photo copying equipment for war plants and microfilm.	Nov. 5, 1942
Physical reducing machines	None
Picnic and outing boxes and accessories.	July 15, 1942
Picture and mirror hardware	None
Pie plates—except commercial or institutional.	None
Pipe cases	None
Pipe cleaner knives	None
Pipe posts	Nov. 5, 1942
Pitchers—except for hospital use.	July 15, 1942
Plant and flower supports	None
Plates, light switch—except for cast conduit bodies.	Nov. 5, 1942
Playground equipment	Sept. 3, 1942
Play pens, boxes and enclosures, children's.	July 15, 1942
Pleasure boats	None
Pleasure boat equipment and accessories.	Nov. 5, 1942
Plumbing and heating equipment.[1]	Nov. 5, 1942
Gas conversion burners.	
Gas fired boiler-burner units.	
Gas fired furnace-burner units.	
Oil fired boiler-burner units.	
Oil fired furnace-burner units.	
Registers, cold air.	
Registers and grilles.	
Steel heating boilers of 129 sq. ft. or less of heating surface.	

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[1] Maintenance and repair excepted.

Item	Governing date
Pneumatic tube delivery systems[1]—except industrial.	None
Pocketbook ornaments	July 15, 1942
Polishing-wax applicators	None
Polishing-wax sprayers	None
Portable bath tubs	None
Poultry incubator cabinets	None
Pulp, paper, paper products and converter machinery and equipment[1]—except:	Nov. 5, 1942
Automatic paper packaging machines.	
Paper bag machinery.	
Paper corrugating machinery.	
Paper cup machinery.	
Paper cutting machinery.	
Paper paraffining machinery.	
Paper pasting machinery.	
Paper slitting machinery.	
Pulp, paper, paper products and converter machinery and equipment[1]—except:	Nov. 5, 1942
Paper tube machinery.	
Slitters and winders.	
Waxing machines.	
Push carts	None
Push plates and kick plates, door.	None
Race track apparatus and equipment,[1] including but not limited to:	July 15, 1942
Mutuel ticket machines.	
Pari-mutuel boards.	
Race finish photographic equipment.	
Starting gates.	
Racks, display	Nov. 5, 1942
Racquets	None
Radiator enclosures	None
Radio antenna poles[1]—except on ratings of AA-5 or higher.	None
Railings, barriers and fences—except for livestock and poultry enclosures and essential industrial use.	July 15, 1942
Fences for industrial use	Nov. 5, 1942
Railroad rail joint angle bars over 24″ in length[1]—except for replacement on used rails.	July 15, 1942
Reading stands	July 15, 1942
Reels, cable and rope	Nov. 5, 1942
Reflectors, street and highway	Nov. 5, 1942
Refrigerator boxes, walk-in—except wire for rat proofing.	Nov. 5, 1942
Refrigerator containers and trays, household.	None
Regalia	July 15, 1942
Registers, hand tally	Nov. 5, 1942
Rodeo equipment, including but not limited to:	July 15, 1942
Animal trappings.	
Fences.	
Gates[1].	
Rolling boardwalk chairs[1]	July 15, 1942
Rolling pins	July 15, 1942
Rotary door bells	None
Rug scrubbing and shampooing machines.	Nov. 5, 1942
Safety zone posts, rails, cables and platforms.	Nov. 5, 1942
Salesmen's display cases and sales kits.	None
Salt and pepper holders	None
Sample boxes	None
Sand boats	Nov. 5, 1942
Scaffolding—except shipyards	None
Scales, coin operated	July 15, 1942
Scenery and stage hardware equipment,[1] for dramatic, theatrical and operatic use, except lamp bulbs, including but not limited to:	July 15, 1942
Battens.	
Cables.	
Lights.	
Reflectors.	
Stage drops.	
Score boards	July 15, 1942
Screen frames—except industrial processing.	None
Scrubbing boards	None
Semaphores, traffic signal—except railroad	Nov. 5, 1942
Service food trays	
Sewer pipe, exterior installations[1]—except for vents and within 5 feet of buildings.	None
Shades, window and roller type—except for railway cars and for roller mechanism.	Nov. 5, 1942
Sheet iron or hoop iron packings for cookies and sweet goods.	None
Shirt and stocking dryers	None
Shoe cleaning kits	None
Shoe ornaments	July 15, 1942
Show window lighting and display equipment.	None
Shower recepters—except frames.	None
Shower stalls—except frames	None
Shutters, window,[1] except where required in industrial use by Underwriters.	July 15, 1942
Sidewalk scrapers	July 15, 1942
Sign hanger frames	None
Sign posts	None
Signets	None
Silos[1]—except strapping and reinforcing.	None
Sink aprons and legs	None
Sink drainboards, both integral and removable.	None
Siphon chargers	July 15, 1942
Sitz baths	None
Skates, roller and ice	None
Skating rink apparatus and equipment.[1]	July 15, 1942
Skewers, all types	Nov. 5, 1942
Ski racks	None
Slides, loops and slide-loops for work clothing—except:	Nov. 5, 1942
One size not exceeding 1⅞″ for men's work clothing.	
One size not exceeding 1¾″ for boys' work clothing.	
Sleds—except runners	July 15, 1942
Sleighs—except runners	July 15, 1942
Slide fasteners	None
Smokers' accessories	July 15, 1942
Snow shovels and pushers, hand	None
Sod lifters	July 15, 1942
Spading forks, children's	July 15, 1942
Special industrial machinery	Nov. 5, 1942
Cement making machinery.[1]	
Ceramic making machinery[1]—except machinery for making refractories, porcelain for industrial use, vitrified abrasives and stoneware for chemical processing.	
Collapsible tube filling machines.[1]	
Cosmetic machinery.	
Coupon inserting machines.	
Cut and monumental stone machinery.	
Fertilizer machinery.[1]	
Milk can machinery.[1]	
Paint processing and manufacturing machinery.[1]	
Soap making machinery.[1]	
Steel drum machinery[1]—except for export purposes.	
Tobacco machinery.[1]	
Wire-bound box making machinery.[1]	
Spittoons	None
Spools for cord, ribbon, tape—except adhesive tape.	Nov. 5, 1942
Spools for wire—except traverse and spools used in industrial processing.	Nov. 5, 1942
Sporting and athletic goods—except:	None
Fully fabricated skates, cleats, and similar items may be attached to athletic shoes without restriction.	
Fishing tackle as permitted by Limitation Order L-92.	
Spray containers, household	None
Sprinkling cans, garden	July 15, 1942
Stadiums[1]	None
Stair and threshold treads[1], household institutional and commercial buildings—except for fire escape and essential industrial use.	July 15, 1942
Stamped bakery equipment—except pie plates for commercial or institutional use.	None
Stands, all types—except:	Nov. 5, 1942
Essential industrial use.	
Hospital use where not otherwise specifically prohibited in this order.	
Staple removers	Nov. 5, 1942
Starter shingle strips	None.
Statues	None
Steel wool for household use made from other than waste.	None
Stencils	Nov. 5, 1942
Store display equipment and show cases.	None
Stretchers, carpet	Nov. 5, 1942
Stretchers, glove, sock and sweater.	July 15, 1942
Structural steel home construction.	None
Subway turnstiles[1]	None
Sugar cube dryer trays	None
Sugar holders	None
Sun dials	July 15, 1942
Sun lamps and infra-red lamps—except:	July 15, 1942
For professional and hospital use.	
Where lamps and reflectors are used for drying and baking.	
Swimming pool equipment[1], including but not limited to:	July 15, 1942
Diving boards.	
Diving stands.	
Ladders.	
Slides.	
Swivel chairs	None
Table name-card holders	None
Table tops for household use	None

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[1] Maintenance and repair excepted.

Item	Governing date
Tablets	None
Tags, key; name; price; identification—except:	None
Personnel identification tags or badges where metal tags or badges are required for protection of government agencies.	
Personnel identification tags or badges containing not more than ¾ ounce of iron and steel where metal tags or badges are required for protection of industrial plants.	
Metal tags required for identification of livestock and poultry and products made therefrom.	
Pin attached or wire attached tickets for price marking soft goods.	
Metal tags for marking and identification of metal in its production and export shipment.	
Name, data, and instruction plates for machinery and equipment.	
Tanks (strapping excluded)	None
Dipping—for animals.	
Watering—for animals.	
Feeding—for animals.	
Storage, beer.	
Storage, water[1]—except:	
In tropical climates.	
Heights in excess of 100 feet.	
Range boilers and hot water storage.	
Pneumatic pressure tanks 82 gallon size and 31 gallon or smaller size.	
Tank towers under 50 feet in height	Nov. 5, 1942
Teapots	None
Telephone bell boxes—except bases and where required for safety.	None
Telephone booths	None
Telescopes—except U. S. Government Agencies.	None
Tent frames and supports	Nov. 5, 1942
Termite shields	Nov. 5, 1942
Terrazzo spacers and decorative strips—except hospital operating rooms.	None
Textile machinery[1]	Nov. 5, 1942
Bobbinet machines.	
Crocheting machines including scalloping machines and shell-stitching machines.	
Embroidery machines.	
Hosiery clocking machines.	
Lace machines.	
Looms:	
Axminster.	
Hooked.	
Jacquard.	
Wilton.	
All other machines for the manufacture of drapery and upholstery fabrics whether flat or pile weave.	
Linoleum or felt-base wall or floor covering machines.	
Thermometer bases, household	None
Thermometer cases and mountings, except industrial.	Nov. 5, 1942
Thermos jugs and bottles over 1 qt.	None
Thimbles, sewing	Nov. 5, 1942
Tickers, stock	July 15, 1942
Ticket vending machines—except for public transportation.	July 15, 1942
Tile, steel-back	None
Tongs, food handling and household use.	None
Tool boxes—except industrial	None
Tool cases—except industrial	None
Tool handles—except power driven.	None
Traffic lane markers	Nov. 5, 1942
Trailer bodies[1]—except:	July 15, 1942
Tank and dump bodies:	
Essential hardware, structural and bracing members for bodies, essentially of wood construction.	
Transplanting trowels	July 15, 1942
Trophies	July 15, 1942
Truck bodies[1]—except:	July 15, 1942
Tank and dump bodies.	
Essential hardware, structural and bracing members for bodies, essentially of wood construction.	
Trunks[1]—except locks	July 15, 1942
Turf edgers	July 15, 1942
Typewriter mechanism for pedestal and drop-head desks.	Nov. 5, 1942
Umbrellas, garden	July 15, 1942
Umbrella shafts and handles	July 15, 1942
Urinals	None
Vanity cases	July 15, 1942
Vending machines for sanitary napkins[1]	Nov. 5, 1942
Ventilators, shutter type	Nov. 5, 1942
Vibrators, electric—except industrial.	Nov. 5, 1942
Voting machines	None
Wagon bodies and frames[1]—except for construction.	None
Wardrobe trunks	None
Waste paper receptacles	July 15, 1942
Watch straps	July 15, 1942
Water color paint boxes	None
Water softeners, household	Nov. 5, 1942
Water stills, household	Nov. 5, 1942
Water troughs[1]	July 15, 1942
Weather stripping	None
Weather vanes	July 15, 1942
Weed cutters and pullers, including dandelion, thistle and dock.	July 15, 1942
Wheelbarrows—except wheels, and except for use in refractories, foundries, smelters, and coke-producing plants to handle hot materials, and except for handling hot ashes resulting from conversion from oil to coal furnaces.	None
Whiskey service sets	None
Window display advertising	None
Window shade rollers—except for railway cars and for roller mechanism.	Nov. 5, 1942
Window stools	None
Window ventilators—except industrial and hospitals.	None
Wine coolers	None
Wine service sets	None
Wire parcel handles and holders.	None
Wire racks and baskets—except:	None
Animal cages for biological work.	
Industrial.	
Scientific laboratory equipment.	
Work benches—except:	None
Shipboard.	
Industrial, where required for safety.	

LIST S—STAINLESS STEEL

NOTE: Changes have been made in List S.

Item	Governing date
Aircraft fire walls	Nov. 5, 1942
Aircraft seats	Nov. 5, 1942
Aircraft toilets	Nov. 5, 1942
Ammunition boxes and chutes	Nov. 5, 1942
Barrel hoops and fittings	Nov. 5, 1942
Baskets,[1] except for heat-treating, pickling and plating.	Nov. 5, 1942
Bed pans	Nov. 5, 1942
Bins and screens	Nov. 5, 1942
Blueprint machines	Nov. 5, 1942
Bobbin heads	Nov. 5, 1942
Boiler casings	Nov. 5, 1942
Bottle coolers	Nov. 5, 1942
Branding, marking and labeling devices.	Nov. 5, 1942
Brewing, distilling and processing equipment for alcoholic and non-alcoholic beverages including bottling equipment.	Nov. 5, 1942
Buckets and pails	Nov. 5, 1942
Builders' supplies and hardware.	Nov. 5, 1942
Cable terminals, fittings, and turnbuckles.	Nov. 5, 1942
Cafeteria and restaurant equipment[1]	July 15, 1942
Chains and cables—except for heat-treating, pickling and plating.	Nov. 5, 1942
Cheese vats	Nov. 5, 1942
Clocks, clock-dials and cases	Nov. 5, 1942
Coffee pots	Nov. 5, 1942
Control levers	Nov. 5, 1942
Convectors, local and unit heaters—except heat controls.	Nov. 5, 1942
Conveyors and conveyor chutes—except where subject to high temperature and corrosive action.	Nov. 5, 1942
Cups of all kinds—except industrial.	Nov. 5, 1942
Cutlery—used for processing and preparation of food.	Nov. 5, 1942
Dishes, saucers and plates	Nov. 5, 1942
Dyeing equipment[1]	Nov. 5, 1942
Elevators, including doors and trim.	Nov. 5, 1942
Fans—except industrial	Nov. 5, 1942
Farm machinery and replacement parts.	Nov. 5, 1942
Fire-fighting apparatus—except pump shafts and where working parts are in contact with corrosive chemicals.	Nov. 5, 1942
Fishing tackle and equipment	Nov. 5, 1942
Floor plates and floor coverings	Nov. 5, 1942
Fountains	Nov. 5, 1942
Furniture hardware	Nov. 5, 1942
Galley and mess equipment[1]	July 15, 1942
Galley, kitchen, cafeteria and restaurant panelling.	Nov. 5, 1942
Hangers, all types	Nov. 5, 1942
Hose clamps	Nov. 5, 1942
Hot water heaters, tanks and coils.	Nov. 5, 1942
Hydrants	Nov. 5, 1942
Ice boxes	Nov. 5, 1942
Ice cream cabinets	July 15, 1942
Identification tags and badges	Nov. 5, 1942
Instrument dials and cases	Nov. 5, 1942
Kitchenware	July 15, 1942
Ladders and hoists, including fittings.	Nov. 5, 1942
Lanterns and lamps—except valves, controls and mantle-holders and except for miners' lamps.	Nov. 5, 1942
Lavatory equipment	Nov. 5, 1942
Light fixtures	Nov. 5, 1942
Livestock and poultry equipment.	Nov. 5, 1942
Locks	Nov. 5, 1942

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[1] Maintenance and repair excepted.

Item	*Governing date*
Match and pattern plates, matrices and flasks.	Nov. 5, 1942
Mechanical drawing and drafting equipment.	Nov. 5, 1942
Milk storage tanks, milk receiving tanks and milk weigh tanks — except that where permitted materials cannot be secured, a further exemption is hereby granted for the minimum period of time necessary to obtain such permitted materials but in no event later than April 30, 1943.	Nov. 5, 1942
Mortician's supplies and equipment.	Nov. 5, 1942
Name, data and instruction plates.	Nov. 5, 1942
Oil burners—except functional parts.	Nov. 5, 1942
Oil space heaters	Nov. 5, 1942
Pole-line hardware	Nov. 5, 1942
Powder boxes	Nov. 5, 1942
Pumps, fresh water—except industrial.	Nov. 5, 1942
Radio antenna	Nov. 5, 1942
Refrigerators and Refrigeration equipment—except essential machinery parts.	July 15, 1942
Rubber moulds	Nov. 5, 1942
Shelves	Nov. 5, 1942
Staples	Nov. 5, 1942
Stokers — except functional parts.	Nov. 5, 1942
Storage racks, cabinets or lockers.	Nov. 5, 1942
Stoves and ranges, disc stoves and hot plates—except electrical controls, heating units and needle valves.	Nov. 5, 1942
Toilet floats, cistern and low water-floats.	Nov. 5, 1942
Tubs, washing	Nov. 5, 1942
Valve handles	Nov. 5, 1942
Ventilators	Nov. 5, 1942

LIST C

NOTE: List C has been amended in its entirety.

- Access panels—for use on board ship, on military vehicles and where climatic or safety conditions make necessary.
- Access panels of stainless steel for radio equipment.
- Accessories, soda fountain—for use on board ship.
- Acoustical ceilings—for use on board ship.
- Air conditioning systems[2]—but for offices and quarters on shore only non-compressor type units.
- Aircraft fire walls—stainless steel permitted where required for non-magnetic properties.
- Ammunition boxes and chutes of stainless steel.
- Attic fans[1]—where climatic conditions make necessary.
- Automobile accessories.
- Automobile heaters—where specified for military vehicles.
- Awning frames and supports—for use on board ship, military repair units, hospital installations, and military construction units.
- Barber shop supplies.
- Bases on refrigerating machines—for use on board ship.
- Baskets[1]—for cooking and manufacturing uses and for ordnance operations.
- Bath tubs—for use on board ship and in hospitals.
- Baths, steam—for use on board ship.
- B-B shot—for training and shot blast cleaning purposes.
- Beds—for use on board ship; beds containing not more than 5 pounds of iron or steel, excluding springs.
- Bed spring frames[1]—for use on board ship.
- Bench legs.
- Binoculars.
- Bird cages—for carrier pigeons.
- Bird feeders—for carrier pigeons.
- Biscuit boxes—for use on board ship and where climatic conditions make necessary.
- Bleachers and grandstands—but only straps and necessary fasteners for demountable wooden bleachers and grandstands.
- Boat hooks.
- Bobbin heads of non-nickel bearing stainless steel—for use on board ship.
- Boiler casings of stainless steel[1]—for use on board destroyers and where required for corrosion or heat resistance on board ship.
- Bottle holders—for use on board ship and in hospitals.
- Boxes, meter, and covers.
- Brushes—wire bristles only.
- Buckets and pails.[2]
- Buckles for clothing.
- Buildings, portable.
- Buttons.
- Cabinets[1] for mobile units such as maintenance company equipment (truck mounted), spare parts trucks and mobile reproduction units, and for electrical installations, hospital operating and examining rooms, and as permitted by L-13-a and L-62.
- Cabinets of stainless steel for radar equipment.
- Cable terminals, fittings and turnbuckles of stainless steel—for aircraft and use on board ship.
- Canopies, hoods, and supports—for use on board ship, military repair units, hospital installations, and military construction units.
- Cans or containers for anti-freeze, candy, coffee, nuts—where climatic conditions make necessary.
- Cash boxes.
- Casket handles.
- Ceilings—for use on board ship, but only where necessary.
- Chains and cables.[2]
- Cigarette lighters—as ordered by the Army Exchange Service for use by the Army, Navy, Coast Guard, and Marine Corps.
- Clock cases.
- Clothing trim.
- Control levers of stainless steel for aircraft.
- Cooking stoves, commercial electric.
- Counter tops and edgings—for use on board ship.
- Covers, manhole.
- Covers, meter frame.
- Culverts—for airports, for use outside continental limits of the U. S., and where certified to the manufacturer or supplier as necessary by the Army or Navy engineer in charge.
- Cups of all kinds, drinking.
- Dishwashing machines.
- Door closers—for fire prevention, for use on board ship, and where climatic or safety conditions make necessary.
- Door handles—for fire prevention, for use on board ship, for military vehicles, and where climatic or safety conditions make necessary.
- Door stops.
- Dust collecting systems and equipment.
- Dust covers and enclosures—when specified for military vehicles.
- Electric drinking water coolers[1]—for use on board ship, in hospitals and in tropical climates.[2]
- Erasing knives.
- Fences, including chain link, weighing not more than 2 pounds per lineal foot and not more than .33 pounds per square foot.
- Fence posts.
- Fans of stainless steel—for use on board ship and where required for corrosion resistance.
- First aid kits.
- Flag holders.
- Flag staffs and flag masts—for use on board ship, and on military vehicles.
- Flashlight tubes.
- Floor and ceiling plates for piping—for use on board ship, for military vehicles, and where climatic or safety conditions make necessary.
- Fountains, portable, of stainless steel—for use on board ship.
- Furniture—for use on board ship.
- Galley and mess equipment of stainless steel, as follows:
  - Canteens of stainless steel.
  - Coffee urns of non-nickel bearing stainless steel.
  - Cold storage space on board ship—but only non-nickel bearing stainless steel clad for doors and other parts coming in direct contact with food.
  - Compartment mess trays—but only from existing finished stocks of stainless steel.
  - Dishwashing machines—but only tanks, hoods and pump shafts of non-nickel bearing stainless steel.
  - Kettles, steam jacketed—but only inside lining of single clad stainless steel.
  - Metal sponges of non-nickel bearing stainless steel wire.
  - Portable water coolers—but only liners of non-nickel bearing stainless steel.
  - Pressure cookers—but only clad stainless steel for bottoms and solid stainless steel for sides.
  - Sinks and dresser tops for use on board ship and aircraft—but only single clad stainless steel.
  - Steam tables and warming pans—but only clad stainless steel.
  - Stock pots—but only single clad stainless steel.
- Games.
- Garage hoists and car lifts.
- Gates for fences—but only in conformance with A. N. M. B. specifications.
- Grilles—sewer.
- Hand seals for documents.
- Harness and saddlery fittings.
- Hat frames, wire and gimps.
- Hat-making machinery, but only—
  - Blocking machines with complete sets of blocks.
  - Sets or dies for cutting parts.
- Helmets—stainless steel permitted for beading and loops.
- Hose clamps of stainless steel—for aircraft.
- Hose reels.
- Hospital equipment—
  - Arm immersion stands.
  - Bed trays.
  - Bedside panel screen frames—for use in operating rooms, and outside continental limits of U. S.
  - Bowl stands—for use in operating rooms and on board ship.
  - Cabinets—X-ray film filing.
  - Cabinets for diathermy, sinusoidal and galvanic apparatus.

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[1] Maintenance and repair permitted.

[2] Stainless steel permitted where required for corrosion or heat resistance or non-magnetic properties.

- Hospital equipment—Continued.
  - Chart holders.
  - Commodes—for hospital use outside continental limits of U. S.
  - Dental cabinets.
  - Dish trucks—frames and wheel tires only.
  - Dressing stand frames.
  - Examining tables, non-adjustable—for use on board ship and in field hospitals.
  - Instrument cabinets.
  - Instrument tables.
  - Nurses' work tables.
  - Overbed and swing overbed tables—functional parts only.
  - Stands and racks for colonic irrigation apparatus.
  - Sterilizer stands.
  - Supply and treatment cabinets.
  - Utensil racks.
- Hot water heater tanks and coils of stainless steel—where specified for aircraft and military vehicles.
- Ice box exteriors—for use on board ship, mobile type refrigerators, and for use where climatic conditions make necessary.
- Ice cube trays.
- Incinerators.
- Instrument dials and cases of stainless steel.
- Keys for opening cans.
- Ladders, step.
- Laundry trays—for use on board ship.
- Lavatories—for use on board ship and outside continental limits of U. S.
- Lockers—for office equipment as limited by Limitation Order L-13-a, for use on board ship, military vehicles, outside continental limits of U. S. and in ordnance plants.
- Luggage—valance only.
- Mail boxes—for use on board ship.
- Measuring pumps and dispensers for gasoline stations and garages, including but not limited to—
  - Air pumps.
  - Gasoline dispensing pumps.
  - Grease guns.
  - Grease pumps.
  - Kerosene pumps.
  - Oil pumps.
- Mechanical drawing and drafting equipment of stainless steel.
- Metal cloths.
- Mirrors, hand—for signal use.
- Motion picture cameras and projectors—stainless steel permitted for sprockets and aperture plates.
- Motion picture screen stands.
- Music stands—for use on board ship.
- Pads, inking and stamping.
- Paint spray outfits—stainless steel permitted for nozzle tips and needle valves.
- Partitions—for use in hospitals and on board ship.
- Partition studs for radar equipment.
- Pegs, tent.
- Phonograph motors, hand wound.
- Phonograph record blanks.
- Photographic equipment and accessories[2].
- Pie plates.
- Pipe posts.
- Pitchers.
- Plumbing and heating equipment.
- Pneumatic tube delivery systems.
- Portable bathtubs.
- Powder box linings of stainless steel.
- Pump shafts of stainless steel for deep well turbines.
- Push carts—for ordnance and combat organizations.
- Radio antenna of stainless steel.
- Radio antennae poles.
- Railings—for use on board ship.
- Reels, cable and rope—for combat and field training purposes and for use on board ship.
- Refrigerator boxes, walk-in—for use on board ship in advance bases and in theaters of operations.
- Scaffolding—for use in airfields and other places where use of wood scaffolding is impracticable.
- Screen frames.
- Sewer pipe, exterior installations—for pressure lines only.
- Shirt and stocking dryers of cast iron only.
- Shower receptors—for use on board ship.
- Shower stalls—for use on board ship.
- Sink aprons and legs—for use on board ship.
- Sink drainboards, both integral and removable—for use on board ship and where required for sterilization.
- Siphon chargers for life jacket inflation.
- Slide fasteners[2].
- Snow shovels and pushers, hand.
- Spools for ink ribbon.
- Spools for wire—for combat and field training purposes.
- Sporting and athletic goods.
- Stair and threshold treads—for use on board ship.
- Stamped bakery equipment.
- Stencils.
- Swivel chairs—for use on board ship.
- Tags—
  - For marking ammunition.
  - Identification tags and badges for personnel[2].
- Tanks, storage, water—but only for use on board ship, mobile units, range boilers and hot water storage, use outside continental limits of U. S., heights in excess of 100 feet, pneumatic pressure tanks.
- Tanks, water storage, of stainless steel—for use in aircraft.
- Telephone bell boxes—for use on board ship or where climatic or safety conditions make necessary.
- Telescopes.
- Tent frames and supports.
- Termite shields—for use outside continental limits of U. S.
- Thermos jugs and bottles.
- Tile, steel back—for ladder treads, step plates and use on board ship.
- Tool boxes.
- Tool cases—for mobile equipment.
- Tool handles—where specified.
- Truck and trailer units and bodies—where specifically designed for military purposes.
- Typewriter mechanism for pedestal and drophead desks—for use on board ship.
- Urinals—for use on board ship, in hosptals, and outside continental limits of U. S.
- Ventilators, shutter type—for use on board ship and for use with exhaust fans.
- Waste paper receptacles—for hospital use only.
- Water troughs—frame and support only.
- Wheelbarrows.
- Wire racks.
- Workbenches—where wooden benches will not stand up under ordinary use.

LIST D—OTHER SCARCE MATERIALS

- Metals—all, except lead.
- Rubber.

Issued this 26th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13965; Filed, December 26, 1942; 11:52 a. m.]

PART 3110—TEXTILE, FIBER, CLOTHING AND LEATHER MACHINERY

[General Limitation Order L-215]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials used in the manufacture of textile, fiber, clothing and leather machinery for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3110.1 *General Limitation Order L-215*—(a) *Priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of all the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Producer" means any person (including any agency or department of the United States Government) producing, processing or finishing any textiles, fibers, or leather, or any product made therefrom.

(2) "Processing machinery" means any specialized machinery or parts therefor (whether new, used, reconditioned, rebuilt) for the production, fabrication, handling, preparation, processing, finishing, sorting, grading of, or for the performance of any operation upon, his products by any producer; but shall not include general types of machinery or parts, such as boilers, motors, cranes, tractors, etc., which are commonly used by all industries, or any machinery covered by General Limitation Order L-91.

(3) "Fabricator" means any person constructing, assembling, reconditioning or rebuilding processing machinery, as herein defined.

(c) *Restrictions on production and purchases of machinery*—(1) *Prohibition upon unauthorized orders.* Except as provided in subparagraphs (2), (3) and (4) of this paragraph (c), no producer shall order or accept delivery of, and no fabricator shall produce, accept any order for, or deliver, any processing machinery (whether new, rebuilt, reconditioned or used) upon any order hereafter placed unless specifically authorized on Form PD-744 or authorized or given a preference rating on Form PD-200.

(2) *Procedure for authorization of orders.* Producers who do not obtain authorizations or preference ratings on Form PD-200 shall apply for authorizations to acquire or accept delivery of processing machinery by filing with the War Production Board an application on Form PD-744. The Director General for Operations may thereupon, if he shall deem it necessary or appropriate in the public interest and to promote the national defense, authorize the acquisition or delivery of such processing machinery, specifying the fabricator or other person who is to sell or deliver the same. Such authorization shall be in lieu of any

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[2] Stainless steel permitted where required for corrosion or heat resistance or non-magnetic properties.

authorization required by General Limitation Order L–83.

(3) *Scheduling of production and sales by fabricators.* Except as provided in paragraph (c) (4) below, every fabricator shall file with the Director General for Operations his production and sales schedules for processing machinery. Schedules covering industrial sewing, clothing, shoe and leather machinery proposed to be produced during 1943 shall be filed on or before January 11, 1943, on Form PD–745, and subsequent schedules shall be filed on such dates and for such periods as may be required by supplementary orders issued from time to time. Schedules relating to textile machinery shall be filed on or before the fifteenth day of each month on Form PD–746.

Upon receipt of each form, the Director General for Operations shall either approve, or disapprove in whole or part, the schedules shown thereon, as he shall determine to be necessary in the public interest or to promote the national defense, and shall return a copy of the form to the fabricator with his determination noted thereon.

(4) *Exempted transactions.* (i) This order shall not be construed to require the filing of schedules by fabricators or to prohibit the placing or acceptance of orders or delivery or acquisition of used processing machinery to fill all or any part of an order or group of orders amounting in the aggregate for each type of machine to less than the following dollar amounts:

(*a*) Used textile machinery—$500

(*b*) Used leather working machinery when sold (but not when leased)

(*1*) Shoe manufacturing machinery—$200, except that all power-driven eyeletting machines must receive approval

(*2*) Tanning machinery—$200

(*3*) Shoe repairing machinery—$50

(*4*) All other leather working machinery—$200

(*c*) Used sewing machinery when sold (but not when leased)—$50

(*d*) Used clothing making machinery when sold (but not when leased)—$50

Provided, That no one textile, fiber or clothing products producer shall in any one calendar month place orders for, or acquire or receive delivery of, an aggregate (from all sources of supply combined) of more than the highest value specified above for the type of machinery purchased by such producer.

(ii) This order shall not be construed to prohibit any dealer from purchasing used parts or used processing machinery from a fabricator or another dealer for purposes of resale, or to prohibit any fabricator from selling or delivering such parts or machinery to such dealer: *Provided*, That this provision shall not exempt the subsequent disposition of such machines and parts by the dealers from the provisions of this order.

(d) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(e) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: "War Production Board, Textile, Clothing and Leather Division, Washington, D. C., Reference L–215."

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(g) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be required by said Board from time to time.

(h) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, purchases, production and sales.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13969; Filed, December 26, 1942; 11:50 a. m.]

PART 3150—AIRPORT LIGHTING EQUIPMENT

[General Limitation Order L–235]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of aluminum, copper, iron, steel and other materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3150.1 *General Limitation Order L–235*—(a) *Definitions.* For the purposes of this order:

(1) "Airport lighting equipment" means any equipment or device (whether portable or not) specifically designed or constructed for use as a lighting unit or in conjunction with a lighting unit for the purpose of indicating or illuminating the facilities or obstructions on an airport or seadrome. Airport lighting equipment shall include but is not limited to equipment and devices used as or in conjunction with the following lighting units:

(i) Airport beacon.

(ii) Approach light.

(iii) Boundary light.

(iv) Obstruction light.

(v) Contact light or runway marker light.

(vi) Range or threshold light.

(vii) Illuminated wind direction indicator.

(viii) Illuminated landing direction indicator or illuminated course indicator.

(ix) Landing area floodlight.

(x) Pistol or directed airport traffic control light.

(xi) Rotating beacon.

(xii) Code beacon.

Airport lighting equipment shall not include aircraft lighting equipment, airway lighting equipment (other than a rotating or code beacon), pyrotechnic devices, or obstruction lights for marking hazards to aerial navigation other than those located on or controlled from an airport or seadrome.

(2) "Approved airport lighting equipment" means:

(i) Any airport lighting equipment for land use conforming to specifications issued by The Aeronautical Board of the United States, approved by joint action of the War and Navy Departments and the Civil Aeronautics Administration, and which equipment has been certified by The Aeronautical Board of the United States to be manufactured in conformity to such specifications, or

(ii) Any airport lighting equipment for seadrome use conforming to specifications issued by the Bureau of Aeronautics of the United States Navy Department.

(3) "Lighting unit" means any equipment or device or part of such equipment or device employing an artificial light source for the purpose of indication or illumination or both.

(4) "Airport beacon" means a lighting unit located on or near an airport or seadrome for the purpose of indicating the location of such airport or seadrome, the light source of such lighting unit being controlled from such airport or seadrome.

(5) "Approach light" means one of a group of lighting units located outside of a landing area on an airport or seadrome to indicate the projection of a runway or landing strip.

(6) "Boundary light" means one of a series of lighting units used to indicate the limits of a landing area on an airport or seadrome.

(7) "Obstruction light" means a lighting unit used to indicate the presence of a fixed object dangerous to aircraft while in motion.

(8) "Contact light or runway marker light" means one of a series of lighting units set along the sides of a runway for the purpose of indicating the location of the runway and assisting aircraft in landing and taking off.

(9) "Range or threshold light" means a lighting unit marking both ends of the runway or landing strip on an airport or seadrome.

(10) "Illuminated wind direction indicator" means a device including a lighting unit designed and constructed to indicate the direction or velocity of the surface wind.

(11) "Illuminated landing direction indicator or illuminated course indicator" means any combination of lighting units used to indicate the direction to be used in landing.

(12) "Landing area floodlight" means a lighting unit designed and constructed for location on an airport or seadrome for the purpose of illuminating any part of the area of an airport or seadrome used for the landing or taking off of aircraft.

(13) "Pistol or directed airport traffic control light" means a lighting unit designed to be operated manually for the purpose of directing aerial traffic at an airport or seadrome.

(14) "'Rotating beacon" means a lighting unit having variations in light intensity, when viewed from a fixed point, which are produced by rotating a projector about a vertical axis.

(15) "Code beacon" means a lighting unit producing an intermittent light having characteristic groups of flashes by which it can be identified.

(16) "Airport" means a land area prepared to permit aircraft to land thereon and take off therefrom.

(17) "Seadrome" means a water area prepared to permit aircraft to land thereon and take off therefrom.

(18) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, municipal corporation or any organized group of persons, whether incorporated or not.

(19) "Maintenance" means the minimum upkeep necessary to the continued safe operation of any airport lighting equipment.

(20) "Repair" means the restoration of any airport lighting equipment to a sound working condition after wear and tear, damage, destruction, or failure of any part has made it unfit or unsafe for service.

(b) *General restrictions*—(1) *Manufacture.* On and after the 5th day of January 1943, notwithstanding any contract, agreement or preference rating to the contrary, no person shall manufacture or assemble airport lighting equipment other than approved airport lighting equipment except:

(i) As authorized by the Army Air Forces Matériel Center of the War Department of the United States, or

(ii) As authorized by the Bureau of Aeronautics of the United States Navy Department, or

(iii) To meet the specifications of the United States Navy Department for use on an aircraft carrier, or

(iv) Upon written request as specifically authorized by the Director General for Operations, or

(v) For the purpose of experimentation, test or examination to determine the efficiency and the most effective use of materials for such airport-lighting equipment.

(2) *Sale and delivery.* On and after the 5th day of January 1943, notwithstanding any contract, agreement or preference rating to the contrary, no person shall sell or deliver any airport lighting equipment except that a person may:

(i) Sell and deliver approved or other airport lighting equipment in fulfillment of orders placed by the Army Air Forces Matériel Center of the War Department of the United States, or by the Bureau of Aeronautics of the United States Navy Department, or

(ii) Sell and deliver airport lighting equipment in fulfillment of contracts or orders of the United States Navy Department for use on aircraft carriers, or

(iii) Sell and deliver airport lighting equipment for the purposes of maintenance or repair, or

(iv) Sell and deliver airport lighting equipment as otherwise specifically authorized by the Director General for Operations, or

(v) Deliver airport lighting equipment for the purpose of experimentation, test or examination to determine the efficiency and the most effective use of materials for such airport lighting equipment.

(c) *Reports.* Each person to whom this order applies shall execute and file with the War Production Board such reports as the Board shall from time to time require.

(d) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(h) *Communications.* Reports to be filed and all other communications concerning this order shall be addressed to War Production Board, Building Materials Division, Washington, D. C., Ref: L–235.

(i) *Appeal.* Any appeal under the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of appeal.

(P. D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13970; Filed, December 26, 1942; 11:50 a. m.]

PART 1010—SUSPENSION ORDERS

[Amendment 1 to Suspension Order S–127]

EUREKA SILK COMPANY, ET AL.

Section 1010.127 is hereby amended by striking out the name Apollo Fabrics, Inc., wherever the said name appears in the order.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13972; Filed, December 26, 1942; 1:33 p. m.]

PART 1010—SUSPENSION ORDERS

[Amendment 1 to Suspension Order S–166, as Amended Dec. 26, 1942]

MALINA COMPANY OF NEW JERSEY

Paragraph (c) of § 1010.166, Suspension Order S–166, issued December 15, 1942, is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13973; Filed, December 26, 1942; 1:33 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–179]

AMERICAN DEVELOPING CORP. AND BETHLEHEM BLDG. CORP.

The American Developing Corporation and the Bethlehem Building Corporation are two Maryland Corporations located at 2900 West Belvedere Avenue, Baltimore, Maryland. Both corporations are completely controlled and managed by John Kennedy, President, and Adolph C. Dreyer, Secretary-Treasurer, and are engaged in the business of building houses.

The American Developing Corporation began construction (as defined in Conservation Order L–41) after April 9, 1942.

without the authorization of the Director of Industry Operations, of three dwelling houses at 3302–3304–3306 West Garrison Avenue, Baltimore, Maryland. The estimated cost of construction of each of these three houses was far in excess of $500.00. The American Developing Corporation was familiar with the provisions of Conservation Order L–41, and the beginning of construction, therefore, constituted a wilful violation of Conservation Order L–41.

The American Developing Corporation and the Bethlehem Building Corporation both wilfully violated Preference Rating Order P–55 issued to each authorizing them to extend A–2 preference ratings to obtain materials entering into the construction of certain private defense housing projects. The American Developing Corporation wilfully misapplied its A–2 preference rating by purchasing a quantity of steel sash which was not included on its approved materials list, and by purchasing a large quantity of door lock sets in excess of those specifically authorized on its approved materials list. The Bethlehem Building Corporation wilfully misapplied its A–2 preference rating by purchasing a large quantity of plumbing and heating equipment in excess of the specific quantities and kinds authorized by its approved materials list. The Bethlehem Building Corporation, furthermore, applied its A–2 preference rating to purchase large quantities of materials subsequent to the expiration date of the P–55 order. This application of the preference rating was a violation of § 944.4a of Priorities Regulation No. 1 as amended.

These violations of Conservation Order L–41, Preference Rating Order P–55 and § 944.4a of Priorities Regulation No. 1 as amended have impeded and hampered the war effort of the United States. In view of the foregoing facts, *It is hereby ordered*, That:

§ 1010.179 *Suspension Order S–179.* (a) Neither the American Developing Corporation nor any other person shall order, purchase, accept delivery of, withdraw from inventory, secure in any manner, or use any material or construction plant in order to continue or to complete construction of any of the houses at 3302–3304–3306 Garrison Avenue, Baltimore, Maryland. No application for authorization to continue or complete construction of these houses shall be granted to the American Developing Corporation or any other person.

(b) For a period of five months from the effective date of this order no application or authorization to begin construction of any house, building, structure or project filed, directly or indirectly, by the American Developing Corporation, the Bethlehem Building Corporation, John Kennedy or Adolph C. Dreyer, their successors and assigns, shall be granted by the War Production Board.

(c) For a period of five months from the effective date of this order, deliveries of material, directly or indirectly, to The American Developing Corporation, The Bethlehem Building Corporation, John Kennedy or Adolph C. Dreyer, their successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(d) No allocation shall be made, directly or indirectly, to the American Developing Corporation, the Bethlehem Building Corporation, John Kennedy or Adolph C. Dreyer, their successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(e) Nothing contained in this order shall be deemed to relieve The American Developing Corporation, The Bethlehem Building Corporation, John Kennedy or Adolph C. Dreyer, their successors and assigns from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(f) This order shall take effect on December 28, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13974; Filed, December 26, 1942; 1:34 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–183]

PALMER MFG. CORP.

Palmer Manufacturing Corporation, Phoenix, Arizona, is a corporation engaged in the manufacture and sale of evaporative type coolers and furnaces.

From June 18, 1942, to August 13, 1942, the Company produced a substantial number of evaporative coolers having a rated capacity of less than two horsepower to fill orders other than for the Army, Navy, or United States Maritime Commission, and continued to produce such coolers subsequent to August 13, although such production was then prohibited by General Limitation Order L–38. The manufacture of such coolers constituted wilful violations of General Limitation Order L–38, as amended on June 18, 1942.

From June 5, 1942, to June 17, 1942, the Company sold and delivered ten units of unused air conditioning equipment, as defined in General Limitation Order L–38, having a total value of approximately $610.38, on orders other than preferred orders, as defined in said Order L–38, to persons other than producers, dealers or other authorized channels of distribution for resale. The sale and delivery of such equipment constituted wilful violations of General Limitation Order L–38.

From June 25, 1942, to September 18, 1942, the Company sold and delivered a substantial number of unused evaporative coolers having a rated capacity of less than two horsepower which were not in its possession on June 18, 1942, on orders other than preferred orders, as defined in General Limitation Order L–38. The sale and delivery of such coolers constituted wilful violations of General Limitation Order L–38, as amended on June 18, 1942.

The Company failed to keep accurate and complete records of its inventories, production and sales of evaporative coolers as required by General Limitation Order L–38.

These violations of General Limitation Order L–38 have hampered and impeded the war effort of the United States by diverting scarce material to uses not authorized by the War Production Board. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.183 *Suspension Order S–183.* (a) Deliveries of material to Palmer Manufacturing Corporation, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to Palmer Manufacturing Corporation, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve Palmer Manufacturing Corporation from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or of the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on December 31, 1942, and shall expire on June 30, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13975; Filed, December 26, 1942; 1:34 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–189]

DUBIN FIXTURE MFG. CO.

Dubin Fixture Manufacturing Company, Los Angeles, California, is a partnership composed of Samuel Dubin, Albert Dubin and David Dubin, engaged in the manufacture of soda fountains, restaurant equipment and barroom equipment. Subsequent to August 13, 1942 the company produced twelve bottled beverage coolers and twenty ice cream cabinets, despite the fact that it knew that Amendment No. 1 to General Limitation Order No. L–38 prohibited such production.

This manufacture of bottled beverage coolers and ice cream cabinets constituted a wilful violation of General Limitation Order No. L–38, which has hampered and impeded the war effort of the United States by diverting scarce materials to uses prohibited by the War Production Board. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.189 *Suspension Order S–189.* (a) Deliveries of material to Samuel Dubin, Albert Dubin and David Dubin, their successors and assigns and to the partnership known as Dubin Fixture Manufacturing Company, its successors and assigns shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to Samuel Dubin, Albert Dubin and David Dubin, their successors and assigns, or to the partnership known as Dubin Fixture Manufacturing Company, its successors and assigns, by means of preference rating certificates, preference rating orders, general preference orders, and any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to Samuel Dubin, Albert Dubin and David Dubin, their successors and assigns, or to the partnership known as Dubin Fixture Manufacturing Company, its successors and assigns, of any material the supply or distribution of which is covered by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve Samuel Dubin, Albert Dubin and David Dubin, or the partnership known as Dubin Fixture Manufacturing Company from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order is to take effect on December 31, 1942, and is to expire on March 31, 1943, at which time the restrictions of this order are to be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13976; Filed, December 26, 1942; 1:35 p. m.]

PART 1056—NATURAL GAS

[General Directive 1 Under Limitation Order L–31]

Pursuant to the provisions of paragraph (c) (1) of Limitation Order L–31, it is ordered and directed:

§ 1056.3 *General Directive 1 under Limitation Order L–31.* (a) Whenever it is necessary, pursuant to paragraph (c) (1) of Limitation Order L–31, for a utility to reduce deliveries of gas to consumers having standby facilities, the utility shall reduce deliveries to consumers having such standby facilities, to the extent of such standby facilities, in the following order:

(1) All consumers who have standby facilities capable of utilizing coal, but only within the limits of the utility's contractual rights;

(2) All consumers who have standby facilities capable of utilizing coal, without regard to the contractual rights of the utility or any consumer;

(3) All oil refineries having standby facilities of any type, but only within the limits of the utility's contractual rights;

(4) All oil refineries having standby facilities of any type, without regard to the contractual rights of the utility or any consumer; and

(5) All other consumers having standby facilities of any type, without regard to the contractual rights of the utility or any consumer.

(b) Except as set forth in the proviso of the first paragraph of said paragraph (c) (1), deliveries to any consumer in the respective classes (a) (2) to (a) (5) above, inclusive, shall not be reduced until deliveries to all consumers in prior classes have been suspended. Reductions within any class shall be proportionate insofar as practicable.

(c) This directive does not affect the order in which deliveries are to be reduced to consumers without standby facilities, as provided in paragraph (c) (1).

(d) This directive supersedes any specific directives under paragraph (c) (1) inconsistent herewith which have heretofore been issued by the Director General for Operations, but is subject to specific directives which may later be issued in particular cases by the Director General for Operations.

(e) This directive shall be effective immediately upon issuance and shall remain effective until modified or revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–14019; Filed, December 26, 1942; 5:05 p. m.]

PART 940—RUBBER AND BALATA AND PRODUCTS AND MATERIALS OF WHICH RUBBER OR BALATA IS A COMPONENT

[Supplementary Order M–15–b, as Amended Dec. 28, 1942]

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The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of rubber and balata for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 940.3 *General Limitation Order M-15-b*—(a) *Definitions.* For the purposes of this order:

(1) "Crude rubber" means all forms and types of crude rubber (including crepe rubber for soles or any other purpose) but does not mean or include balata, gutta-percha, gutta siak, gutta jelutong, pontianac, reclaimed rubber, scrap rubber or latex.

(2) "Latex" means the dry latex solids contained in liquid latex in crude form, and in compounded liquid latex (but not the dry latex solids in shoe adhesives and container sealing compounds).

(3) "Scrap rubber product" means any finished rubber product or part thereof, made in whole or in part from crude rubber, latex, synthetic rubber, scrap rubber or reclaimed rubber, which through wear, deterioration or obsolescence has served its primary purpose in its present state, but does not mean or include a repairable tire, treadable tire or any other manufactured product which is still usable for the primary purpose for which it was designed.

(4) "In-process scrap" means any material which is produced in the course of manufacture (including the repair, retreading or recapping of tires), and any defective or factory rejected materials or products which are not usable for the primary purpose for which they were designed and which contain any crude rubber, latex, synthetic rubber, scrap rubber or reclaimed rubber, including all types and grades of residues, such as cuttings, trimmings, tuber heads, flash, cut edgings, sweepings, dust, buffings, sawings, grindings, drippings and any other form of rubber whether vulcanized or unvulcanized, which results from or is incident to the processing of crude rubber, latex, synthetic rubber, scrap rubber or reclaimed rubber in the manufacture or repair of any product, but does not mean or include uncured friction scrap, reclaimed rubber or any finished rubber products.

(5) "Uncured friction scrap" means any scrap rubber which contains fabric and which is produced in the manufacture of tires, hose or belting before such products are finally vulcanized.

(6) "Scrap rubber" means and includes any scrap rubber product, in-process scrap or uncured friction scrap.

(7) "Reclaimed rubber" means any vulcanizable material derived from the processing or treatment of scrap rubber.

(8) "Repairable tire" means a pneumatic tire or tire casing which has sufficient tread design or under tread to warrant repair for use for the purpose for which it was primarily designed. For the purposes of this definition:

(i) "Repair" means a vulcanized sectional repair, or vulcanized reinforcement or vulcanized spot repair which can be accomplished in accordance with recognized commercial practice and which can be reasonably expected to render satisfactory service under limited operating conditions (speed under 40 MPH and no overload) so that the tire when repaired will be in a safe condition for service.

(ii) The tread and sidewall must not be severely weather checked or cracked to the extent that the tire has more than two radial cracks which extend through the cord body.

(iii) The cord body:

(*a*) Must not have separation between plies.

(*b*) Must not have been damaged to the extent that cords are pulled loose beyond the first inside ply.

(*c*) Must not have any fabric injuries that exceed one-half the cross-sectional diameter of the tire. Example—Injuries in 600/16 (6 inch) tires must not be more than three inches long on the inside of the tire: in 10.00/20 tires not more than five inches.

(*d*) Must not have or show evidence of having had more than three injuries requiring sectional repairs.

(*e*) Must not have injuries below any point where the top of the rim flange makes contact with the tire.

(*f*) Must not have or exhibit circumferential or flex breaks on the inside ply.

(*g*) Bead area must be sound with no broken wires.

(9) "Treadable tire" means a pneumatic tire or tire casing which warrants repair and retreading or recapping for the purpose for which it was primarily designed in accordance with recognized commercial practice, and which can reasonably be expected to render satisfactory service under limited operating conditions (speed under 40 MPH and no overload). For the purpose of this definition:

(i) The cord body:

(*a*) Must not be worn through more than one body ply for a total length of more than four inches on four ply tires.

(*b*) Must not be worn through more than two plies for a total length of more than four inches on tires of six plies or more.

(*c*) Must not have or show evidence of having had more than two injuries each not exceeding one-third the cross-sectional diameter of the tire. Example—Breaks in 600/16 (6 inch) tire must not be more than two inches long on the inside of the tire: 900/20 (9 inch) tires not more than three inches long.

(*d*) Must not have more than three radial cracks of more than one inch in length extending to the cord body.

(ii) The tire must in all other respects than specified in this paragraph (a) (9) conform to the requirements of a repairable tire.

(10) "Scrap consumer" means any person who consumes scrap rubber in the manufacture of any finished or partly finished product or material, and includes any person producing reclaimed rubber from scrap rubber, but does not include any person who separates scrap rubber or tears, splits or pulls scrap rubber apart (such as splitting tires) for the purpose of selling the component parts thereof to Rubber Reserve Company or to a scrap dealer.

(11) "Scrap dealer" means any person (other than a scrap consumer) buying, selling or collecting scrap rubber.

(12) "Synthetic rubber" means any of the varieties of compositions generally known as synthetic rubber, including, but not limited to, butadiene types, chloroprene, organic polysulfids and butyl.

(13) "Balata" means any of the gums of recognized commercial grades having a gutta hydrocarbon base and a high resin content, procured from wild forest trees of the Mimusops genus and closely related genera generally found in South and Central America from the Amazon Valley north through Panama, and includes such gums whether in crude or refined (deresinated or partly deresinated) form; but does not mean or include scrap balata or reclaimed balata.

(14) "Inventory" means crude rubber, latex, scrap rubber, reclaimed rubber or balata, or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies.

(15) "Consume" means to use, process, stamp, cut, or in any manner make any substantial change in the form, shape or chemical composition of any crude rubber, latex, scrap rubber, reclaimed rubber or balata.

(16) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(17) "War order" means:

(i) Any contract or purchase order for material or equipment to be delivered to, or for the account of, the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, or the Office of Scientific Research and Development, but not to or for the account of any post exchange, ship's store, commissary, officer's mess, officers', non-commissioned officers' or enlisted men's club, or any similar agency or organization.

(ii) Any contract or purchase order placed by any agency of the United States for material or equipment to be delivered to, or for the account of, any foreign country under the provisions of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(iii) Any contract or purchase order for material or equipment required by the person placing the same to fill his contracts or purchase orders on hand, provided such material or equipment is to be physically incorporated in material or equipment to be delivered under contracts or purchase orders included under (i) and (ii) of this paragraph (a) (17).

(b) *Restrictions on consumption of crude rubber, latex, reclaimed rubber, scrap rubber and balata*—(1) *Crude rubber.* Crude rubber may be consumed only:

(i) To fill war orders; but only in the manufacture of those products set forth in Schedule I attached to this order.

(ii) To manufacture those groups of products set forth in Schedule II-A attached to this order; but only upon receipt of authorization from the Director General for Operations:

(2) *Latex.* Latex may be consumed only:

(i) To fill war orders; but only in the manufacture of those products set forth in Schedule I attached to this order.

(ii) To manufacture those groups of products set forth in Schedule II-B attached to this order; but only upon receipt of authorization from the Director General for Operations.

(3) *Reclaimed rubber.* Reclaimed rubber may be consumed only:

(i) To fill war orders; but only in the manufacture of those products set forth in Schedule I attached to this order.

(ii) To manufacture those products set forth in Schedules II-A or II-B attached to this order and not set forth in Schedule II-C attached to this order; but only where special authorization for the consumption of crude rubber, latex or reclaimed rubber to manufacture such products has been issued by the Director General for Operations.

(iii) To manufacture those groups of products set forth in Schedule II-C attached to this order which are also set forth in Schedule II-A or Schedule II-B attached to this order, whether or not mixed or compounded with crude rubber, latex or scrap rubber; but only upon receipt of authorization from the Director General for Operations for the consumption of the respective amounts of crude rubber, latex, reclaimed rubber and scrap rubber to be consumed.

(iv) To manufacture those groups of products set forth in Schedule II-C attached to this order and not set forth in Schedules II-A or II-B attached to this order; but only upon receipt of authorization from the Director General for Operations.

(4) *Scrap rubber.* Scrap rubber may be consumed only:

(i) To fill war orders; but only in the manufacture of those products set forth in Schedule I attached to this order.

(ii) To manufacture those products set forth in Schedule II-A or II-B attached to this order and not set forth in Schedule II-C attached to this order; but only where special authorization for the consumption of crude rubber, latex or scrap rubber to manufacture such products has been issued by the Director General for Operations.

(iii) To manufacture those groups of products set forth in Schedule II-C attached to this order which are also set forth in Schedule II-A or Schedule II-B attached to this order, whether or not mixed or compounded with crude rubber, latex or reclaimed rubber; but only upon receipt of authorization from the Director General for Operations for the consumption of the respective amounts of crude rubber, latex, reclaimed rubber and scrap rubber to be consumed.

(iv) To manufacture those groups of products set forth in Schedule II-C attached to this order and not set forth in Schedule II-A or II-B attached to this order; but only upon receipt of authorization from the Director General for Operations.

(v) To manufacture reclaimed rubber.

(vi) As to in-process scrap or uncured friction scrap generated after March 31, 1942, by the person who generated such in-process scrap or uncured friction scrap; but only in the manufacture of any products of the group (as set forth in said Schedules II-A, II-B and II-C) in which is listed the product in connection with which such in-process scrap or uncured friction scrap was generated. In such case the in-process scrap or uncured friction scrap consumed shall not be charged against his quota or allotment of crude rubber, latex, reclaimed rubber or scrap rubber for making products of that group. Any person may consume in-process scrap or uncured friction scrap whether generated by him or not, in the manufacture of any products not so listed in the same group when, but only when, he has received from the Director General for Operations an authorization to consume reclaimed rubber or scrap rubber in the manufacture of such other group of products, and in such event the in-process scrap or uncured friction scrap consumed shall be within the limits of such authorization and shall be charged against his quota or allotment of reclaimed rubber or scrap rubber for manufacturing such other group of products.

(5) *Balata.* Balata shall be consumed only:

(i) To manufacture self-sealing fuel cells to fill war orders.

(ii) For such other purposes as may be permitted by special authorization of the Director General for Operations.

(c) *General provisions*—(1) *Distribution of crude rubber, latex, reclaimed rubber, scrap rubber and balata among plants.* Each company (which term when used in this subparagraph shall include any corporation together with all other corporations controlling, and all other corporations controlled by, such corporation) which is a processor of crude rubber, latex, scrap rubber, reclaimed rubber or balata and which operates plants in more than one community (all plants operated by the same company in the same community being herein collectively referred to as a "unit"), shall immediately upon distributing crude rubber, latex, scrap rubber, reclaimed rubber or balata during any calendar month among its units in proportions differing from the proportional distribution throughout such units during July, 1941, file with the Rubber and Rubber Products Branch of the War Production Board, a full report thereof showing clearly the reasons for such change in proportional distribution throughout its units. In any case in which it appears that such change in ratio was not justified or proper, the Director General for Operations may take such action as he deems appropriate.

(2) *Manufacture according to regulations.* Any of the products or materials whose manufacture is permitted by this order or by special authorization of the Director General for Operations shall be manufactured only in conformity with regulations now or hereafter set forth in lists attached to § 940.5 *Supplementary Order M–15–b–1* or such other regulations as may be issued by the Director General for Operations; provided that until regulations for particular products or groups of products are issued by the Director General for Operations, the crude rubber, latex or balata content by weight of any such products manufactured by any person shall not exceed the respective crude rubber, latex or balata content by weight of similar products manufactured by such person on the most recent date prior to September 1, 1942, on which he manufactured such products.

(3) *Limitation on consumption to fill war orders.* No person shall consume more crude rubber, latex, reclaimed rubber, scrap rubber or balata to fill any war order than is required for delivery within sixty days from the date such crude rubber, latex, reclaimed rubber, scrap rubber or balata is consumed under the delivery dates specified in the purchase order placed with him.

(4) *Limitation of inventories.* No person other than Rubber Reserve Company shall purchase, accept delivery of or otherwise acquire any crude rubber, latex, reclaimed rubber or balata or products thereof, or any products of scrap rubber, in the form of raw materials, semi-processed materials, finished products or parts or subassemblies in quantities which shall result in such person having an inventory of such material or products in excess of a minimum practicable working inventory, taking into consideration the limitations placed by this order on the production of products made of crude rubber, latex, balata, reclaimed rubber and scrap rubber. An inventory of crude rubber, latex or balata which can reasonably be expected to last more than sixty days, or of reclaimed rubber which can reasonably be expected to last more than forty-five days, shall be deemed to be in excess of a minimum practicable working inventory. The limitation on inventories imposed by this paragraph (c) (4) and by § 944.14 (Priorities Regulation No. 1) as amended, shall not apply to inventories of reclaimed rubber held or acquired by persons engaged in the business of reclaiming rubber but who are not consumers of reclaimed rubber, it being contemplated that persons engaged in the business of reclaiming rubber (but not consumers of reclaimed rubber) may accumulate such inventories of reclaimed rubber as they may deem advisable.

(5) *Restriction on the acquisition of crude rubber, latex, reclaimed rubber, scrap rubber and balata.* No person other than Rubber Reserve Company shall purchase, accept delivery of or otherwise acquire any crude rubber, latex, reclaimed rubber, scrap rubber or balata for any purpose except for the purpose of consuming the same in the manufacture of a product or products for which such material may be consumed under the provisions of this order or under special authorization of the Director General for Operations, provided that nothing in this order shall prevent any scrap dealer from acquiring scrap rubber in the usual course of his business for the purpose of selling the same to another scrap dealer or to Rubber Reserve Company.

(6) *Restriction on the sale of crude rubber, latex, reclaimed rubber and balata.* No person shall sell, trade or transfer the ownership of any crude rubber, latex, reclaimed rubber or balata, and no person shall accept any such sale, trade or transfer of ownership, except (i) as may be expressly permitted by regulations prescribed by Rubber Reserve Company, or (ii) in those cases in which special authorizations may be issued by the Director General for Operations; provided that nothing in this paragraph (c) (6) shall be deemed to prohibit the sale of unvulcanized rubber products or products made from balata which were in finished or marketable form on December 11, 1941, or which have become finished and marketable at any time after that date pursuant to processing not prohibited by any orders or other instructions heretofore or hereafter issued by the Director of Priorities, the Director of Industry Operations or the Director General for Operations.

(7) *General restrictions on the purchase and sale of scrap rubber.* Except (i) as may be expressly permitted by regulations prescribed by Rubber Reserve Company, or (ii) in those cases in which special authorizations may be issued by the Director General for Operations:

(*a*) No person other than Rubber Reserve Company shall sell, trade or transfer the ownership or possession of any scrap rubber to any scrap consumer.

(*b*) No scrap consumer shall purchase, receive or accept delivery of any scrap rubber, or the right to receive any scrap rubber, from any person other than Rubber Reserve Company.

(*c*) No scrap consumer shall sell, trade or transfer the ownership or possession of any scrap rubber to any person, including any scrap dealer.

Provided, That the prohibitions of this paragraph (c) (7) shall not apply to any transfer or delivery of scrap rubber from one location to another location controlled by the same person where no change of ownership takes place, or to any purchase or sale by any corporation from or to another corporation which is its subsidiary or of which it is a subsidiary, of any in-process scrap or uncured friction scrap generated by the corporation making such sale or transfer, and any such sale shall be expressly permitted within the terms of paragraph (c) (2) (iii) of Priorities Regulation No. 13 (Part 944). For the purposes hereof a corporation shall be deemed to be a subsidiary of another corporation if all or substantially all of its voting stock is owned by such other corporation.

(8) *Restriction on the destruction of tires and scrap rubber.* No person shall destroy, damage, cut or tear apart any tire, tire casing or tire tube or any scrap rubber, whether by burning or any other means and whether for the purpose of making or repairing products or materials from or with all or any of its constituent parts; provided that this restriction shall not apply to the following:

(i) The consumption of any scrap rubber in the manufacture of any product for which crude rubber, latex, reclaimed rubber or scrap rubber may be consumed under the provisions of this order or under special authorization of the Director General for Operations; but subject to such limitations as to quantities, specifications and other restrictions as may be imposed by this order or such special authorization.

(ii) The consumption of any scrap rubber by any person producing reclaimed rubber as a necessary incident to such reclaiming operations.

(iii) The destruction of any scrap rubber (without destroying the rubber therein) for the purpose of selling its component parts to a scrap dealer for resale by him either (*a*) to Rubber Reserve Company, or (*b*) under rules or regulations prescribed from time to time by Rubber Reserve Company.

(iv) The destruction of the following articles when through obsolescence, use or deterioration the articles have entirely served their usefulness in their present state:

(*a*) Used battery containers and separators and parts thereof.

(*b*) Rough bore (metal reinforced) oil suction and discharge hose and hose containing asbestos combined with rubber.

(*c*) Wire cord generally classed as lamp cord and similar wire cords (but not other insulated wire or rubber covered cable).

(*d*) That part of rubber bonded to metal which cannot be separated from the metal by mechanical means.

(*e*) Brake linings and clutch facings.

(*f*) Metal-inserted packing.

(*g*) Metal-inserted running boards.

(*h*) Gasoline pump hose.

(*i*) Friction tape and adhesive tape (except in-process scrap).

(*j*) Burnt rubber all of which has been exposed to open flame (but not scorched rubber compounds).

(*k*) Gasket compounds containing cork.

(*l*) Typewriter platens.

(v) Ordinary wear and tear incident to the normal use of any article for the primary purpose for which it was designed.

(9) *Restriction on regrooving tires.* No person shall regroove the tread or tread surface of any tire or tire casing, whether by cutting, scraping, grinding, burning, heating, remolding or any other means.

(10) *Restriction on splitting camelback and capping stock.* No person shall split, cut, tear or otherwise separate any camelback or capping stock in such manner that there will result camelback or capping stock of gauges other than 10/32, 12/32, 14/32, 16/32, 18/32, 20/32, 22/32 inches and larger.

(11) *Reports covering war orders.* No person shall consume any crude rubber, latex, reclaimed rubber or scrap rubber to fill any war order until he has forwarded to the Rubber and Rubber Products Division of the War Production Board a report on Form PD–330, or such other form for reporting war orders as may be prescribed by the Director General for Operations. Upon forwarding such report, such person may proceed to fill the war order covered by the report unless notified to the contrary by the Director General for Operations; provided the products covered by such order may be manufactured under the provisions of Schedule I attached to this revised Supplementary Order No. M–15–b.

(12) *Prohibited products for other than war orders.* Except to fill war orders, no person shall consume any crude rubber, latex, reclaimed rubber or scrap rubber in the manufacture of any of the products for which the consumption of such material is prohibited by Schedule III attached to this order, even though the consumption of such material would otherwise be permitted under any of the broader provisions, classifications or groupings of this order or under any of the other schedules attached to this order.

(13) *Prohibited products for war orders.* Unless permitted by special authorization of the Director General for Operations, no person shall (i) consume any crude rubber or latex in the manufacture or assembly of any of the products or materials set forth in Groups A and B of Schedule IV attached to this order for delivery to fill any war order; or (ii) consume any reclaimed rubber or scrap rubber in the manufacture or assembly of any of the products or materials set forth in Group B of said Schedule IV for delivery to fill any war order.

(14) *Index of permitted and prohibited products.* Schedule V is attached to this order for the convenience of the industry. This schedule constitutes an index of the products for which crude rubber, latex, reclaimed rubber and scrap rubber may be consumed, and those for which these materials may not be consumed, and contains appropriate cross-references to the other schedules in which such products are mentioned.

(15) *Restriction on the importation of crude rubber, latex, reclaimed rubber, scrap rubber and balata and products thereof.* No person other than Metals Reserve Company, Defense Supplies Corporation, Rubber Reserve Company or any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act, as amended, or any agent acting for one of them, shall, except as authorized or otherwise directed in writing by the Director General for Operations, purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for the importing of, any crude rubber, latex, reclaimed rubber, scrap rubber or balata, whether in crude, partly processed or processed form, or any finished or partly finished product or material made from any of the foregoing. For the purpose hereof "import" means to transport into the continental United States from any foreign country or from any territory or possession of the United States, and shall include a release from the bonded custody of the United States Bureau of Customs; and products or materials shall be deemed to be made from crude rubber, latex, reclaimed rubber, scrap rubber or balata if at least ten per cent of the weight of such products or materials was made from crude rubber, latex, reclaimed rubber, scrap rubber and balata or from any one or more of them. The restriction of this paragraph (c) (15) shall not apply to:

(i) The importation by any person during any calendar month of products or materials (except tires, tire casings and tire tubes) which contain an aggregate of not more than twenty-five pounds of crude rubber, latex, reclaimed rubber, scrap rubber and balata provided such products or materials are not imported for the purpose of manufacturing, processing sale or resale;

(ii) The importation by any person who is entering or reentering the United States of bicycle tires mounted on any used bicycle included in the personal effects of such person.

(iii) The importation of any scrap rubber by the Army or Navy of the United States or the United States Maritime Commission;

(iv) The importation of any finished products made of rubber or balata by diplomatic representatives (but not consuls or other commercial representatives) of any foreign government for their personal use or the use of members of their staffs;

(v) The importation from the Dominion of Canada by any person of any rubber or balata, or any products thereof manufactured in the Continental United States, Canada or the British Isles.

(16) *Restriction on consumption of rubber products and materials.* No person shall use or consume any finished or partly finished product or material containing in the aggregate more than ten per cent by weight of crude rubber, latex, reclaimed rubber and scrap rubber, to manufacture for sale to others any other products in such a manner as to divert the products or materials so consumed from the purpose for which they were originally intended, except to manufacture products for which he has received an authorization from the Director General for Operations to consume crude rubber, latex, reclaimed rubber or scrap rubber. In any case in which any such product or material is used pursuant to any such authorization, it shall be chargeable to such person's quota of reclaimed rubber and/or scrap rubber for the manufacture of such permitted products.

(17) *Finished item deliveries.* No person shall sell, transfer or deliver, or purchase or accept or accept transfer or delivery of, any item which he knows or has reason to know was fabricated, assembled or delivered in violation of any applicable provisions of this order as amended from time to time.

(18) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(19) *Applications for authorizations to consume crude rubber, latex, reclaimed rubber and scrap rubber.* Each person who wishes to consume any crude rubber, latex, reclaimed rubber or scrap rubber at any time subsequent to October 1, 1942 to manufacture any of the products or groups of products listed in Schedules II–A, II–B and II–C attached to this order, shall file with the Rubber and Rubber Products Division of the War Production Board an application on

Form PD-407. Such application shall be filed not later than the tenth day of the month preceding the calendar month during which such person wishes to consume crude rubber, latex, reclaimed rubber or scrap rubber.

(20) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board by transmitting to the Rubber and Rubber Products Division, War Production Board, Washington, D. C., an appeal on Form PD-500-b. The Director General for Operations may thereupon take such action as he deems appropriate.

(21) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other order of the Director of Priorities, the Director of Industry Operations or the Director General for Operations heretofore or hereafter issued may have the effect of limiting or curtailing to a greater extent than herein provided the use of crude rubber, latex, scrap rubber, reclaimed rubber or balata in the production of any article, the limitations of such other order shall be observed.

(22) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(23) *Communications.* All reports required to be filed under this order, and all communications concerning this order, shall, unless otherwise directed, be addressed to: Rubber and Rubber Products Division, War Production Board, Washington, D. C. Ref.: M-15-b.

(24) *General reports.* Any person who, during any calendar month, consumes, ships or stocks any crude rubber, latex, reclaimed rubber, scrap rubber or balata, or who, on the last day of any calendar month, has in his possession any crude rubber, latex, reclaimed rubber, scrap rubber or balata, shall, not later than the fifteenth day of the succeeding month, file with the Rubber and Rubber Products Division of the War Production Board a report on the appropriate form PD-49, PD-649 or such other form or forms as may be prescribed from time to time.

(25) *Outstanding special instructions.* No unrevoked special instruction (i. e., instruction issued by individual letter or telegram and not by general order) issued prior to September 1, 1942 by the Director of Priorities, Director of Industry Operations or Director General for Operations, which (i) authorizes the consumption of crude rubber, latex, reclaimed rubber or scrap rubber within a specified period or prior to a specified date, or (ii) forbids or restricts the consumption of crude rubber, latex, reclaimed rubber or scrap rubber, is revoked or rescinded by this revised Supplementary Order No. M-15-b. All such unrevoked instructions shall remain in effect unless hereafter specifically rescinded or revoked by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 28th day of December 1942.

ERNEST KANZLER,
Director of Operations.

SCHEDULE I

Products for which crude rubber, latex, reclaimed rubber and scrap rubber may be consumed to fill war orders. (See paragraphs (b)(1)(i), (b)(2)(i), (b)(3)(i) and (b)(4)(i) of Revised Supplementary Order No. M-15-b)

Pending the issuance of a list of products for which crude rubber, latex, reclaimed rubber and scrap rubber may be required to fill war orders, to be set forth in a revised Schedule I, crude rubber, latex, reclaimed rubber and scrap rubber may be consumed to manufacture any product to fill any war order, unless the consumption of crude rubber, latex, reclaimed rubber and scrap rubber in the manufacture of such product is prohibited by paragraph (c)(13) of Revised Supplementary Order No. M-15-b and Schedule IV attached thereto or by special direction of the Director General for Operations.

SCHEDULE II-A

NOTE: Changes have been made in this Schedule.

Products for which crude rubber may be consumed upon authorizations issued from time to time by the Director General for Operations. (See paragraph (b)(1)(ii) of Revised Supplementary Order No. M-15-b.)

Any authorization to consume crude rubber to manufacture any group of products set forth in this Schedule II-A also authorizes the manufacture from the quota or allotment of crude rubber for that group of cements necessary to the manufacture (but not the use or application) of such products. No crude rubber shall be consumed to manufacture cements for the use or application of products of any group set forth in this Schedule II-A unless permitted by special authorization of the Director General for Operations.

Group 1

Compounds for insulating wire and cable

Group 2

Compounds for rubber insulating tape

Group 3

Belt splicing and repair material
Last puller belts
Polishing belts
Screen diaphragms designed for paper making equipment

Group 4

Conveyor and elevator belting and pulley lagging therefor

Group 5

Flat transmission belts
Hog beater belts

Group 6

Industrial brake lining and clutch facings

Group 7

V-belts

Group 8

Acid hose
Air drill hose
Cement handling hose, including cement grouting, concrete placing and cement and dry material hose
Chemical hose
Divers' hose
Dredging sleeves
Expansion joint hose
Flexible couplings
Flanged flexible hose
Grease gun hose
Gasoline and oil tank wagon hose (not including curb pump hose)
Hydraulic control hose
Industrial vacuum hose, including dust collector, blower or exhaust hose
Jetting and hydraulic hose, including arbor pipe forming and phosphate flexible hose
Milk conveying hose
Oil suction and discharge hose
Paint spray hose
Pinch valve hose
Pneumatic hose
Railroad hose (all types)
Rotary driller's hose
Sand blast hose
Sanitary hose
Spray hose (designed for working pressures of 300# per square inch and over)
Steam hose
Suction hose
Welding hose

Group 9

Hard rubber pipe and fittings (industrial only)
Rubber buckets, pails, dippers, funnels, measures, bottles, beakers, frames, baskets, racks, trays (designed for handling corrosive materials and explosives)
Rubber insulated fume-ducts, fans, racks, frames, trays, screens, pipe, buckets, pails, dippers, agitators, funnels and measures (designed for handling corrosive materials and explosives)
Rubber pumps
Rubber lining designed for blowers, exhausters and pumps
Rubber valves and valve parts (except tire tube valves)

Group 10

Rubber lined tanks, drums, pipes and fittings (hard and soft)

Group 11

Rubber covered rolls and roll coverings (except domestic washing machine wringer, printers', fingerprint and business machine rolls)

Group 12

Press die pads

Group 13

Loom pickers

Group 14

Storage battery parts, (including only separators, retainers, binding strips, element support rods, tie rods, and hand-built jars and hand-built containers, but not including hand-built jars and containers designed for radio, farm lighting, mine safety and automotive S. L. I.)

Group 15

Hard rubber sheets, rods and tubing (designed for dielectric purposes)
Insulated tools
Magneto parts
Molded cable connectors and terminal blocks (designed for dielectric purposes)

Group 16

Mine safety battery parts
Mine safety lamp parts, excepting insulated wire
Respirators, hose masks, gas masks, goggles, inhalators, excepting headharness (mining and industrial types)

Group 17

Sheet, strip and mechanical packings

Group 18

Oil well specialties (including only packers, testing, lining bumper and swab rubbers; blow-out preventors; drill pipe protectors; stabilizers; slush pump pistons and liners; mud and oil pump pistons, liners, valves and parts; valve cups; strippers; stuffing box rings)

Group 19

Industrial abrasive implements

Group 20

Airplane de-icer parts
Card clothing
Gas main bags
Gaskets and washers for hose
Lineman's protective devices (including only line hose, insulator hoods, blankets, cable end test caps and separators, cable bandages, lineman's sleeves and insulating stools)
Mine ventilating tubing
Molded seals for dam and lock gates

Group 21

Component parts (not elsewhere listed but not including sponge) of machinery for the processing and fabricating of raw and semi-finished materials or for the transmission of mechanical power (except as specifically prohibited in Schedule III attached to Revised Supplementary Order No. M-15-b)

Group 22

Pipe coupling rings

Group 23

Fire and mill hose

Group 24

Milk and milking machine equipment consisting of:
  Couplings for pasteurizers and milk bottle and can washers
Gaskets for milk separators and clarifiers
Milk bottle filler rubbers
Milking machine inflations and tubing

Group 25

Box die gum, rubber die gum and rubber type gum, designed for industrial marking devices only

Group 26

Engravers' rubber (excluding rubber stamps, box dies, band daters and toy stamps)

Group 27

Printing plates (excluding rubber stamps, box dies, band daters and toy stamps)

Group 28

Cutting rubbers
Finger print rolls and finger print rubber
Offset and newspaper blankets
Printers' rollers
Rubber solution for wet plate negatives
Suction cups for printers' equipment

Group 29

Automotive parts consisting of the following only:
  Air brake and vacuum brake parts, excepting boots and linings
  Air brake and vacuum brake hose
  Hydraulic brake cylinder parts, excepting boots and linings
  Hydraulic brake hose
  Hydraulic clutch and throttle controls
  Pitman arm bushings for independent suspensions
  Remote control gearshift bushings
  Sealed beam gaskets
  Shock absorber bushings
  Steering post alignment bushings
  Suspension and torque arm bushings
  Steering box-to-frame pads for independent suspensions
  Torsional vibration dampers
  Windshield wiper blades and pivot to housing gaskets
  Engine, transmission and propeller center bearing mountings

Group 30

Pneumatic, solid and cushion tires, (including tubes, flaps, airbags and valves) of the following types only:
  Passenger
  Truck and bus
  Special purpose of the following types only: low platform trailer, rock service, earth-mover, road builder and road grader
  Industrial
  Motorcycle
  Airplane

Group 31

Camelback, capping stock, filler strip, stripping stock, cushion stock, lug stock, and base stock for retreading and recapping tires

Group 32

Full circle and sectional airbags designed for recapping, retreading and repairing tires

Group 33

Tire and tube repair materials (including only cushion stock, tread repair stock, cord friction, square woven fabric friction, repair patches, and tube repair gum)

Group 34

Rubber footwear designed for severe industrial use, including rubber boots, mine pacs, and work shoes all with plain or steel toes

Group 35

Rubber footwear (other than that listed in Group 34), including rubber boots, arctics, gaiters, and light and heavy rubbers

Group 36

Diaphragms designed for regulating the flow of fluids
Tank balls designed for flush valves
Bibb washers
Fuller balls
Ball cock washers

Group 37

Autopsy and mortuary gloves
Industrial all rubber gloves and industrial net-lined gloves and industrial finger cots

Group 38

Electricians' gloves

Group 39

Brain surgery caps
Colostomy outfits
Denture suctions and model formers
Dilators
Finger cots (medical, surgical, dental, veterinary, mortuary and laboratory types only)
Orthodontia bands
Parts for medical, surgical, dental, veterinary and mortuary instruments
Prostatic bags
Rubber bands and cushions designed for artificial limbs
Tubes and tubing (except fountain syringe lengths), including catheters, stopples, and rubber policemen (medical, surgical, dental, mortuary, veterinary and laboratory types only)
Urinals designed for individual wear
Vaccine caps
X-ray sheets, gloves, aprons and cooling hose

Group 40

Surgical adhesive tape, medicated footpads and plasters

Group 41

Breast pumps
Bulbs (medical, surgical, dental, veterinary, mortuary and laboratory types only)
Medicine droppers
Water bottles and combination syringes

Group 42

Ice bags
Metatarsal cushions or pads (not parts of shoes)
Pneumatic truss pads
Truss pad covers

Group 43

Acoustic aids (soft rubber parts only) designed for individual hearing instruments and audiometers

Group 44

Hard rubber pipes, connections and accessories (medical, surgical, dental, veterinary and mortuary types only)

Group 45

Tubing, fountain syringe length

Group 46

Blood pressure bags
Dental dam
Dental separating strips and mouth props
Denture rubber
Inhalation bags and face pieces, not including oxygen tents (medical, surgical, dental and veterinary types only)
Invalid rings, but not including sponge rubber rings
Operating cushions, but not including sponge rubber cushions
Tourniquets

Group 47

Hospital sheeting

Group 48

Feeding nipples

Group 49

Pessaries and prophylactics

Group 50

Surgeons' gloves (medical, surgical, dental and veterinary types only)

Group 51

Meteorological balloons

Group 52

Cements designed for the repair, use or application of products permitted to be manufactured from crude rubber by Revised Supplementary Order No. M–15–b, except cements for use in the manufacture of such products, except shoe adhesives

Group 53

Commercial diving equipment

Group 54

Compounds designed for seaming protective clothing other than footwear and gloves

Group 55

Abrasive sand blasting helmets and clothing

Group 56

Conductive soles, taps and heels

Group 57

Shoe cements

Group 58

Lifesaving suits

Group 59

Compounds designed for sealing cans made of tinplate, blackplate or terneplate
Rings and compounds for sealing glass containers

Group 60

Blended compounds or mixtures designed for laboratory testing

Group 61

Vacuum cleaner belts

Group 62

Airplane equipment not elsewhere listed

Group 63

Molding bags

Group 64

Street car wheel sandwich rings

Group 65

Vibration dampers

Group 66

Water meter parts

SCHEDULE II–B

Products for which latex may be consumed upon authorizations issued from time to time by the Director General for Operations. (See paragraph (b) (2) (ii) of Revised Supplementary Order No. M–15–b)

Any authorization to consume latex to manufacture any group of products set forth in this Schedule II–B also authorizes the manufacture from the quota or allotment of latex for that group of cements necessary to the manufacture (but not the use or application) of such products. No latex shall be consumed to manufacture cements for the use or application of products of any group set forth in this Schedule II–B unless permitted by special authorization of the Director General for Operations.

Group 1

Colostomy outfits
Finger cots (medical, surgical, dental, mortuary and veterinary types only)
Prostatic bags
Prosthetic devices
Tubes and tubing (except fountain syringe lengths), including catheters (medical, surgical, dental, mortuary, veterinary and laboratory types only)
Urinals designed for individual wear

Group 2

Blood pressure bags
Inhalation bags, and face pieces, not including oxygen tents (medical, surgical, dental and veterinary types only)
Veterinary sleeves

Group 3

Industrial rubberized fabric gloves designed for handling corrosive and severely abrasive materials

Group 4

Electricians' gloves

Group 5

Dental dam

Group 6

Autopsy and mortuary gloves
Industrial all rubber gloves and industrial net-lined gloves and industrial finger cots

Group 7

Meteorological balloons

Group 8

Feeding nipples

Group 9

Pessaries and prophylactics

Group 10

Surgeons' gloves (medical, surgical, dental and veterinary types only)

Group 11

Compounds designed for sealing glass containers and cans made of tinplate, blackplate or terneplate

Group 12

Shoe cements

Group 13

Latex insulation for fume ducts, fans, racks, frames, trays, screens, pipes and fittings, buckets, dippers, funnels, measures, drums, pumps, valves, baskets, concave rollers and agitators (designed for handling corrosive materials)

Group 14

Flat transmission belts
Round transmission belts
V-belts

Group 15

Mine ventilating tubing

Group 16

Industrial abrasive implements

Group 17

Blended compounds or mixtures designed for laboratory testing

Group 18

Tire cord dip

SCHEDULE II–C

NOTE: Changes have been made in this schedule.

Products for which reclaimed rubber and scrap rubber may be consumed upon authorizations issued from time to time by the Director General for Operations. (See paragraphs (b) (3) (iii) and (b) (4) (iii) of Revised Supplementary Order No. M–15–b)

Any authorization to consume reclaimed rubber or scrap rubber to manufacture any group of products set forth in this Schedule II–C also authorizes the manufacture from the quota or allotment of reclaimed rubber or scrap rubber for that group of cements necessary to the manufacture (but not the use or application) of such products. No reclaimed rubber or scrap rubber shall be consumed to manufacture cements for the use or application of products of any group set forth in this Schedule II–C unless permitted by special authorization of the Director General for Operations.

Group 1

Adhesives designed for fabricating steel wool, curled hair or fibre pads for surgical corrective appliances

Group 2

Adhesives for seaming bags and bagging
Gaskets and compounds for sealing jars, tumblers, cans, drums and pails

Group 3

Athletic equipment, consisting of the following only:
  Basketball bladders
  Football bladders
  Punching bag bladders
  Soccer bladders
  Volley ball bladders
  Hardballs
  Squash balls
  Tennis balls

Group 4

Automotive parts (including only spring bumpers—front and rear, tailpipe supports, battery drain tubes, brake boots, insulating forms or shapes for high tension wiring)

Group 5

Clutch facings, brake lining and brake blocks

Group 6

V-belts

Group 7

Barrel lining

Group 8

Brush setting compounds

Group 9

Molded battery containers except those designed for automotive S. L. I. batteries of S. A. E. Groups 1, 2 and 3

Group 10

Storage battery parts (except molded containers)

Group 11

Crutch tips

Group 12

Erasers and pencil plugs

Group 13

Friction tape

Group 14

Heels and heel bases (black dense composition only)

Group 15

Out soles, out soling strips, taps, top lifts and top lifting material (black dense composition only)

Group 16

Shoe bottom fillers and shoe tapes

Group 17

Insoles, midsoles and box toes

Group 18

Automotive radiator hose
Braided covered tubing
Cable covering, electric
Car heater hose
Curb line and garage air hose
Fire extinguisher tubing
Garden hose
Grease hose, low pressure, non-industrial
Pump and windshield wiper tubing
Rock wool insulation hose
Shaft covering, flexible
Spray hose (designed for working pressures under 300 pounds per square inch)
Vacuum cleaner hose
Water hose

Group 19

Parts for business machines (except platens and rolls)

Group 20

Parts for refrigerators, washing machines and motor-driven electric appliances (except hose and belts)

Group 21

Horseshoe pads

Group 22

Industrial pressure sensitive tape

Group 23

Stamp gum

Group 24

Sponge for stamp gum cushion

Group 25

Truss pads

Group 26

Elastic fabrics and elastic webbing for:
  Artificial legs
  Gas masks
  Goggles
  Hose masks
  Inhalators and respirators
  Edging for baby pants
  Industrial shoes
  Repair web
  Sanitary belts
  Surgical bandages, stockings and supports
  Trusses (including umbilical belts)

Group 27

Spud washers
Waste and overflow washers
Float valve shank washers
Flush elbows
Flush valve washers
Force cups
Gaskets and valves designed for back flow preventors (or vacuum breakers)
Siphon washers

Group 28

Cements designed for the repair, use or application of products permitted to be manufactured from crude rubber, latex, reclaimed rubber or scrap rubber by Revised Supplementary Order No. M–15–b, except cements for use in the manufacture of such products, and except shoe adhesives.

Group 29

Tire and tube repair materials (including only cushion stock, tread repair stock, cord friction, square woven fabric friction, repair patches and tube repair gum)

Group 30

Capping stock, filler strip, stripping stock, cushion stock, lug stock and base stock for retreading and recapping tires

Group 31

Blended compounds or mixtures designed for laboratory testing

Group 32

Compounds designed for proofing fabrics, other than footwear and gloves

Group 33

Bicycle tires (including casings, tubes, flaps and valves)

Group 34

Mallets and mallet heads.

SCHEDULE III

NOTE: Changes have been made in this Schedule.

Exceptions from groups of products set forth in Schedules II–A, II–B and II–C. (See paragraph (c) (12) of Revised Supplementary Order No. M–15–b)

Unless otherwise specified in this Schedule III, no person may consume any crude rubber, latex, reclaimed rubber or scrap rubber in the manufacture or assembly of any of the products or materials listed in this Schedule III, even though the consumption of crude rubber, latex, reclaimed rubber or scrap rubber might otherwise be permitted under any of the broader provisions or classifications of products under paragraphs (b) (1) (ii), (b) (2) (ii), (b) (3) (ii) or (b) (4) (ii) of Revised Supplementary Order No. M–15–b or Schedules II–A, II–B or II–C attached to said order. (The prohibitions of this Schedule III do not apply to the manufacture of products or materials to fill war orders, as to which see Schedule IV.)

The omission of any products or materials from this Schedule III does not mean that crude rubber, latex, reclaimed rubber or scrap rubber may be consumed in their manufacture. Crude rubber, latex, reclaimed rubber and scrap rubber may be consumed in the manufacture of products or materials not listed in this Schedule III only if and to the extent permitted by Revised Supplementary Order No. M–15–b and Schedules II–A, II–B and II–C attached to said order.

Accelerator pedals (automotive)
Animal boots and shoes
Arch supports
Arm rests
Artificial leather
Basin gaskets and washers
Basin stoppers
Bath sprays
Bath tub stoppers
Battery carrier straps
Beer tubing
Blowout shoes (for tires)
Bookbinding adhesives
Bottle carriers
Bottle driers
Brake rod rattlers
Brewery hose
Brush bristles
Bumper tacks
Bunion pads
Camera bellows
Camera focusing cloth
Candy molds
Carboy pads
Casket gaskets
Chair and furniture parts
Channel filler
Christmas tree lighting devices
Chute lining
Cigar machine aprons
Cleats for athletic and sport shoes
Coated clips
Coffee maker bushings and gaskets
Concentrator belts
Contraction joint seals and concrete filler
Corn pads
Crib sheeting
Crutch pads
Cutting blocks
Cushions, upholstery and mattresses (except invalid rings and operating cushions)
Defroster parts and hose
Desk and chair protective pads
Dish drainers
Drain pipe lining
Draper aprons
Electric base plugs, plug connectors and light sockets
Elevator belt buckets and cleats
Exercise machine parts
Extension lamp handles
Fan bases and blades
Faucet caps
Faucet filters
Feeding bottle caps and covers (except nipples)
Ferrules
Filter cloth
Finger pads
Flooring, tile and tiling, and wainscoting (except conductive)
Fountain pen stock
Fly paper
Foot bath trays
Gaskets, pads and shims made from scrap tires and tubes
Gasoline curb pump hose
Gasoline tubing
Gauntlets and cuffing (except linemen's sleeves)
Gear silencers
Glue dispensers
Graphite guns and parts thereof
Grommets (except dielectric)
Handle grips (except for dielectric purposes)
Hard rubber photographic trays and development tanks (except X-Ray)
Hard rubber spatulas (except for handling explosives and corrosive materials)
Hat-forming bags
Hatters' belts
Horse shoes
Horticultural binding tape
Hose nozzles
Household gloves
Hydrometer parts
Ice cube trays
Ink wells and bottles
Instep supports
Kneeling pads
Knife handles and grips
Labels and label plasters
Lamp shades
Lawn mower tires
Leather finishes
Line tube caps
Link mats
Loom harness strapping
Lug straps, bumpers and holdups (constituting textile machinery parts)
Mallets and mallet heads (except that reclaimed rubber or scrap rubber may be used)

Marbon B (except wire and cable insulation)
Mats and matting (except conductive)
Molds for casting
Molded wheels and casters
Musical instruments and parts thereof
Oxygen tent canopies
Pacifiers
Paint brush guards
Painters' graining tools
Panelboard
Paper machine aprons
Paper padding adhesives
Pedal rubber
Photo wringers
Photographers' bulbs and tubes
Pliofilm (except for wire and cable insulation)
Plioform (except for wire and cable insulation)
Pliolite (except for wire and cable insulation)
Plywood adhesives
Post insulators
Powder bags (mining)
Pulley lagging
Recoil pads
Refrigerator freezing trays
Rock wool insulation hose (except that reclaimed rubber or scrap rubber may be used)
Rubber bands (except orthodontia bands and bands for artificial limbs)
Rubber thread and rubber tape (except compounds for rubber insulating tape)
Rubberized hair and fibre (except for surgical corrective appliances)
Sand blasting stencils
Screw bumpers
Self-adhering signs
Service station signal hose
Sink and lavatory gaskets (including mack gaskets)
Sink sprays and drain stoppers
Slip joint washers
Spark plug caps
Specimen (biological) injections
Sponge applicators
Stair and step treads
Stick-on soles and taps
Stipplers
Stirrup pump hose
Stirring rods
Street sweeper belts
Street car springs
Swimming pool hose
Table tops
Tank floats
Telephone bases
Telephone cord protectors
Telephone protectors
Test tube holders
Textlie printing blankets
Thermometer cases
Thermos bottle parts
Thermoplastic coatings (except for wire and cable insulation)
Tire reliners
Tire and tube repair materials made from scrap tires and tubes
Toggle straps
Toilet closet outlet gaskets
Toilet closet seat bumpers
Trolley wire guard
Typewriter keys, platens, feet and covers
Typewriter and office machinery silencers
V-belt shock absorbers
Vacuum cleaner tires and bumpers
Washing machine drain hose
Weatherstripping
Wheelbarrow tires
Whiskey hose
Windlace and windlace tubing
Yarning material

SCHEDULE IV

Products for which crude rubber, latex, reclaimed rubber and scrap rubber may not be consumed to fill war orders. (See paragraph (c) (13) of Revised Supplementary Order No. M–15–b).

No person may (1) consume any crude rubber or latex in the manufacture or assembly of any of the products or materials set forth in Groups A and B of this Schedule IV for delivery to fill any war order; or (2) consume any reclaimed rubber or scrap rubber in the manufacture or assembly of any of the products or materials set forth in Group B of this Schedule IV for delivery to fill any war order; even though the consumption of crude rubber, latex, reclaimed rubber or scrap rubber might otherwise be permitted under any of the broader provisions or classifications of products under paragraphs (b) (1) (i), (b) (2) (i), (b) (3) (i) or (b) (4) (i) of Revised Supplementary Order No. M–15–b or Schedule I attached to said order.

The omission of any products or materials from this Schedule IV does not mean that crude rubber, latex, reclaimed rubber or scrap rubber may be consumed in their manufacture. Crude rubber, latex, reclaimed rubber and scrap rubber may be consumed in the manufacture of products or materials not so listed only if and to the extent permitted by Revised Supplementary Order No. M–15–b and Schedule I attached to said order.

Group A—Products and materials for which crude rubber and latex shall not be consumed

Accelerator treadle connections
Brush-setting compounds
Bumpers (automotive axle)
Bumper stripping
Cellular discs
Channel rubber (except airplane)
Combined fabrics (except flotation and lighter-than-air equipment or as otherwise specified by List 3 attached to Supplementary Order No. M–15–b–1, as amended)
Cowl vent hose
Cowl vent seals and gaskets
Dust and lever housing covers
Erasers (including typewriter)
Escalator handrails
Flyers' clothing bags (Type B 4)
Fly Paper
Foot boards (motorcycle)
Friction tape
Gym and basketball shoes (except cement and foxings)
Handle grips (except dielectric)
Labels
Mallet heads
Marbon B. (except wire and cable insulation)
Pliofilm, Plioform, and Pliolite (except moisture proof envelopes for parts for airplanes, tanks and guns and wire and cable insulation)
Recoil pads (except machine gun and eye buffers)
Rubber bands (except parts of combat equipment)
Rubberized curled hair or vegetable fibre
Sponge cushioning including seat bottoms, seat backs, armrests, handrests, parachute backs and seats and tank crash pads and linings and all other (except vision and gunsight slot pads, mask parts, ear cushions and cushioning for cameras, flight control and fire control instruments)
Toilet closet gaskets
Toilet seat bumpers
Water, garden and lawn hose (except as specified by List 1 attached to Supplementary Order No. M–15–b–1, as amended)
Weatherstrip (except airplane)

Group B—Products and materials for which crude rubber, latex, reclaimed rubber and scrap rubber shall not be consumed

Artificial leather and upholstery
Ash trays
Athletic equipment (except clothing)
Bath sprays, sponges and soap dishes
Bumper tacks
Buttons (clothing)
Canvas water bags
Cap covers
Cartridge clip boxes
Cellular pads for crash helmet cushions
Channel filler and glazing rubber (except airplane)
Chevrons
Desk and chair protection pads
Desk sets
Dishdrainers
Door checks and bumpers (reclaimed rubber and scrap rubber may be used for airplane and automotive parts)
Door knob covers
Fan bases and blades (reclaimed rubber and scrap rubber may be used for combat tank equipment)
Faucet caps
Fender protective plates
Fender welting
Flooring (except conductive)
Fly swatters
Footbath trays
Gear shift knobs
Grommets (except airplane and dielectric)
Gun grips
Hood supports and bumpers
Hospital sheeting
Inkwells and bottles
Kneeling pads
Leather finishes
Link mats (reclaimed rubber and scrap rubber may be used for airplane walkways, pilot house, bridge deck and gun platforms)
Mastic deck covering (except repair)
Mats and matting (except switchboard and conductive; reclaimed rubber and scrap rubber may be used for airplane walkways, pilot house, bridge deck and gun platforms)
Molded wheels and casters (except hospital and surgical equipment and airplane tailwheels)
Name plates
Office machine silencers
Paper padding adhesives
Paving blocks
Pedal rubbers
Picture screens
Plate wipers
Plywood adhesives
Rubber-covered lamp guards, handles, grab rails and knobs (except dielectric)

Rubber thread and rubber tape (except compounds for rubber insulating tape)
Sateen gimp
Serving trays
Sewage disposal bags and paper
Shims (automotive)
Sink pads, mats, sprays and stoppers
Stair and step treads (except conductive)
Steering wheels
Step plates
Stove top pads
Table tops (except conductive)
Tank fenders and flaps
Telephone bases
Tent fabrics
Thermostat covers
Tile and tiling (except conductive)
Toilet seats
Tractor and implement tires
Typewriter keys
Valve stems for tire tubes other than airplane tire tubes
Wainscoting
Wheelbarrow and lawnmower tires
Window squeegees (but not windshield wipers)
Wrestling mat covers
Zipper tabs

SCHEDULE V

NOTE: Changes have been made in this Schedule.

Index of products for which crude rubber, reclaimed rubber and scrap rubber may be consumed, and of products for which the consumption of these materials is prohibited. (See paragraph (c) (14) of Revised Supplementary Order No. M–15–b)

This Schedule constitutes an index of the permitted and prohibited products under Schedules I, II–A, II–B, II–C, III and IV attached to Revised Supplementary Order No. M–15–b, and is attached to such order for the convenience of the industry. Appropriate cross-references are made to such other schedules. Crude rubber, latex, reclaimed rubber and scrap rubber may not be consumed to manufacture any product or material not mentioned in this Schedule V unless otherwise authorized by the Director General for Operations.

Product	Schedule	Group	Remarks
Abrasive implements.	II–A	19	
	II–B	16	
Accelerator connections.	IV	A	
Accelerator pedals	III	-------	
Accessories, medical, etc.	II–A	44	
Acid hose	II–A	8	
Acoustic aids	II–A	43	
Adhesives, bookbinding.	III	-------	See bookbinding.
Adhesives, paper padding.	III	-------	See paper padding.
	IV	B	
Adhesives, plywood	III	-------	See plywood.
	IV	B	See plywood.
Adhesives, seaming bags.	II–C	2	
Adhesives, surgical appliances.	II–C	1	
Agitators	II–A	9	
	II–B	13	
Air brake hose	II–A	29	
Air brake parts	II–A	29	
Air drill hose	II–A	8	
Airbags, tire	II–A	30	
	II–A	32	
Airplane bumpers	IV	B	See door checks.
Airplane channel	IV	A	See channel.
	IV	B	
Airplane de-icer parts.	II–A	20	
Airplane door checks	IV	B	See door checks.
Airplane equipment	II–A	62	
Airplane tailwheels	IV	B	See molded wheels.
Airplane tires	II–A	30	
Airplane tire valve stems.	IV	B	See valve stems.
Airplane grommets	IV	B	See grommets.
Airplane walkways	IV	B	See link mats; also mats.
Airplane weatherstrip.	IV	A	See weatherstrip.
Animal boots & shoes.	III	-------	
Appliances, surgical	II–C	1	
Applicators, sponge	III	-------	See sponge applicators.
Aprons, cigar machine.	III	-------	See cigar machine aprons.
Aprons, draper	III	-------	See draper aprons.
Aprons, paper machine.	III	-------	See paper machine aprons.
Aprons, X-ray	II–A	39	
Arbor pipe forming hose.	II–A	8	
Arch supports	III	-------	
Arctics	II–A	35	
Arm rests	III	-------	
Arm rests	IV	A	See sponge.
Artificial leather	III	-------	
	IV	B	
Artificial limbs	II–A	39	
	II–C	26	
Ash trays	IV	[illegible]	
Athletic equipment	II–C	3	
	IV	B	
Athletic shoes	III	-------	See cleats.
Audiometers	II–A	43	
Automotive accelerator pedals.	III	-------	See accelerator pedals.
Automotive axle bumpers.	IV	A	See bumpers.
Automotive parts	II–A	29	
	II–C	4	
	IV	B	See door checks.
Automotive radiator hose.	II–C	18	
Automotive shims	IV	B	See shims.
Axle, bumpers	IV	A	See bumpers.
Bags, adhesives	II–C	2	
Bags, blood pressure	II–A	46	
	II–B	2	
Bags, canvas	IV	B	See canvas.
Bags, flyers'	IV	A	See flyers'.
Bags, gas main	II–A	20	
Bags, hat-forming	III	-------	See hat-forming bags.
Bags, ice	II–A	42	
Bags, inhalation	II–A	46	
	II–B	2	
Bags, molding	II–A	63	
Bags, powder	III	-------	See powder bags.
Bags, prostatic	II–A	39	
	II–B	1	
Bags, sewage disposal.	IV	B	See sewage.
Ball cock washers	II–A	36	
Balloons, meteorological.	II–A	51	
	II–B	7	
Balls, fuller	II–A	36	
Balls, tank	II–A	26	
Band daters	II–A	26	
	II–A	27	
Bands, artificial limbs.	II–A	39	
Bands, orthodontia	II–A	39	
Bands, rubber	III	-------	See rubber bands.
	IV	A	See rubber bands.
Barrel lining	II–C	7	
Base, fan	III	-------	See fan bases.
	IV	B	See fan bases.
Base plugs, electric	III	-------	See electric base plugs.
Base stock	II–A	31	
	II–C	30	
Base, telephone	III	-------	See telephone bases.
	IV	B	See telephone bases.
Basin gaskets and washers.	III	-------	
Basin stoppers	III	-------	
Basketball shoes	IV	A	See gym shoes.
Baskets, insulation	II–B	13	
Baskets, rubber	II–A	9	
Bath sprays	III	-------	
	IV	B	
Bath trays, foot	III	-------	See foot bath trays.
Bath tub stoppers	III	-------	
Battery carrier straps	III	-------	
Battery containers	II–C	9	
Battery drain tubes	II–C	4	
Beakers	II–A	9	
Beer tubing	III	-------	
Bellows, camera	III	-------	See camera bellows.
Belt buckets, elevator.	III	-------	See elevator belt buckets.
Belt repair material	II–A	3	
Belt splicing material.	II–A	3	
Belting, conveyor	II–A	4	
Belting, elevator	II–A	4	
Belts, concentrator	III	-------	See concentrator belts.
Belts, flat transmission.	II–A	5	
	II–B	14	
Belts, hatters'	III	-------	See hatters' belts.
Belts, hog beater	II–A	5	
Belts, last puller	II–A	3	
Belts, polishing	II–A	3	
Belts, round	II–B	14	
Belts, sanitary	II–C	26	
Belts, street sweeper	III	-------	See street sweeper belts.
Belts, umbilical	II–C	26	
Belts, V	II–A	7	
	II–B	14	
	II–C	6	
Belts, vacuum cleaner.	II–A	61	
Bibb washers	II–A	36	
Bicycle tires	II–C	33	
Bladders basketball, etc.	II–C	3	
Blades, fan	III	-------	See fan bases.
	IV	B	See fan bases.
Blades, windshield wiper.	II–A	29	
Blankets, lineman's	II–A	20	
Blankets, newspaper	II–A	28	
Blankets, offset	II–A	28	
Blocks, cutting	III	-------	See cutting blocks.
Blocks, paving	IV	B	See paving blocks.
Blood pressure bags	II–A	46	
	II–B	2	
Blowers, lining	II–A	9	
Blow-out preventors, oil well.	II–A	18	
Blow-out shoes	III	-------	
Bookbinding adhesives	III	-------	
Boots, air-brake	II–A	29	
Boots, animal	III	-------	See animal boots.
Boots, brake	II–C	4	
Bottle caps	III	-------	See feeding bottle.
Bottle carriers	III	-------	
Bottle driers	III	-------	
Bottles	II–A	9	
Bottles, ink	III	-------	See ink wells.
	IV	B	See ink wells.
Bottles, thermos	III	-------	See thermos bottle.
Bottles, water	II–A	41	
Box die gum	II–A	25	
Box dies	II–A	26	
	II–A	27	
Box toes (shoes)	II–C	17	
Boxes, cartridge clip	IV	B	See cartridge.
Braided tubing	II–C	18	
Brain surgery caps	II–A	39	
Brake block	II–C	5	
Brake boots	II–C	4	
Brake lining	II–A	6	
	II–C	5	
Brake rod rattlers	III	-------	
Breast pumps	II–A	41	
Brewery hose	III	-------	
Brush bristles	III	-------	
Brush setting compounds.	II–C	8	
	IV	A	
Buckets	II–A	9	
	II–B	13	
Bulbs, medical, etc	II–A	41	
Bulbs, photographers'.	III	-------	See photographers' bulbs.
Bumper stripping	IV	A	
Bumper tacks	III	-------	
	IV	B	
Bumpers, axle	IV	A	
Bumpers, door	IV	B	See door checks.
Bumpers, hood	IV	B	See hood.
Bumpers, lug straps	III	-------	See lug straps.
Bumpers, screw	III	-------	
Bumpers, spring	II–C	4	

Product	Schedule	Group	Remarks
Bumpers, toilet seat	III	-------	See toilet bumpers.
	IV	A	See toilet bumpers.
Bumpers, vacuum cleaner.	III	-------	See vacuum cleaner tires.
Bunion pads	III	-------	
Bus tires	II-A	30	
Bushings, coffee maker.	III	-------	See coffee maker.
Bushings automotive.	II-A	29	
Business machine parts.	II-C	19	
Buttons	IV	B	
Cable bandages, lineman's.	II-A	20	
Cable connectors	II-A	15	
Cable covering	II-C	18	
Cable end test caps	II-A	20	
Cable insulating compounds.	II-A	1	
Cable splicing compound.	II-A	2	
Camelback	II-A	31	
Camera bellows	III		
Camera cushioning	IV	A	See sponge.
Camera focusing cloth.	III		
Candy molds	III		
Canopies, oxygen tent.	III	-------	See oxygen tent.
Canvas water bags	IV	B	
Cap covers	IV	B	
Capping stock	II-A	31	
	II-C	30	
Caps, spark plug	III	-------	See spark plug.
Caps, surgery	II-A	39	
Caps, faucet	III	-------	See faucet caps.
	IV	B	See faucet caps.
Caps, line tube	III	-------	See line tube caps.
Caps, vaccine	II-A	39	
Carboy pads	III	-------	
Car heater hose	II-C	18	
Card clothing	II-A	20	
Carriers, bottle	III	-------	See bottle carriers.
Cartridge clip boxes	IV	B	
Case, thermometer	III	-------	See thermometer cases.
Casings, bicycle tire	II-C	33	
Casket gaskets	III	-------	
Caster, molded	III	-------	See molded wheels.
	IV	B	See molded wheels.
Casting, molds	III	-------	See molds for casting.
Catheters	II-A	39	
	II-B	1	
Cellular discs	IV	A	
Cements, repair	II-A	52	
	II-C	28	
Cements, shoe	II-A	57	
	II-B	12	
Chair pads	III	-------	See desk.
	IV	B	See desk.
Chair parts	III	-------	
Channel filler	III	-------	
	IV	B	
Channel rubber	IV	A	
Checks, door	IV	B	See door checks
Chemical hose	II-A	8	
Chevrons	IV	B	
Christmas-tree devices.	III	-------	
Chute lining	III	-------	
Cigar machine aprons.	III	-------	
Cleats, athletic shoes.	III	-------	
Cleats, elevator	III	-------	See elevator belt.
Clip boxes, cartridge	IV	B	See cartridge.
Clips, coated	III	-------	See coated clips.
Cloth, filter	III	-------	See filter cloth.
Clothing, athletic	IV	B	See athletic equipment.
Clothing bags	IV	A	See flyers'
Clothing, sand blast	II-A	55	
Clutch facings	II-A	6	
	II-C	5	
Coated clips	III	-------	
Coatings, thermoplastic.	III	-------	See thermoplastic coatings.
Coffee maker bushings.	III	-------	
Colostomy outfits	II-A	39	
	II-B	1	
Combined fabrics	IV	A	
Component parts	II-A	21	
Compound, cable splicing.	II-A	2	
Compounds, brush setting.	II-C	8	
	IV	A	See brush setting compounds.
Compounds, fabric proofing.	II-C	32	
Compounds, laboratory.	II-A	60	
	II-B	17	
	II-C	31	
Compounds, insulating.	II-A	1	
Compounds, sealing	II-A	59	
	II-B	11	
	II-C	2	
Compounds, seaming clothing.	II-A	54	
Concentrator belts	III	-------	
Concrete fillers	III	-------	See contraction joints.
Concrete hose	II-A	8	
Conductive flooring	III	-------	See flooring.
	IV	B	See flooring.
Conductive mats	III	-------	See mats.
	IV	B	See mats.
Conductive soles, taps, heels,	II-A	56	
Conductive table tops	IV	B	See table tops.
Conductive tile	IV	B	See tile.
Conductive treads	IV	B	See stair treads.
Connections, accelerator.	IV	A	See accelerator.
Connections, medical, etc.	II-A	44	
Containers, battery	II-C	29	
Contraction joint seals.	III	-------	
Controls, hydraulic	II-A	29	
Conveyor belting	II-A	4	
Cooling hose, X-ray	II-A	39	
Cord dip, tire	II-B	18	
Cord friction	II-A	33	
	II-C	29	
Corn pads	III	-------	
Corrective appliances.	II-C	1	
Coupling rings, pipe	II-A	22	
Couplings, flexible	II-A	8	
Couplings, milk equipment.	II-A	24	
Covered rolls	II-A	11	
Covers, cap	IV	B	See cap covers.
Covers, dust and lever housing.	IV	A	See dust.
Covers, feeding	III	-------	See feeding bottle caps.
Covers, thermostat	IV	B	See thermostat covers.
Covers, truss pads	II-A	42	
Covers, typewriter	III	-------	See typewriter
Covers, wrestling mat.	IV	B	See wrestling.
Cowl vent hose	IV	A	
Cowl vent seals & gaskets.	IV	A	
Crash helmet cushions.	IV	B	See cellular pads.
Crib sheeting	III	-------	
Crutch pads	III	-------	
Crutch tips	II-C	11	
Cuffing	III	-------	See gauntlets.
Cups, force	II-C	27	
Curb line hose	II-C	18	
Cushion stock	II-A	31	
	II-A	33	
	II-C	29	
	II-C	30	
Cushioning, camera	IV	A	See sponge.
Cushioning, sponge	IV	A	See sponge.
Cushions, artificial limbs.	II-A	39	
Cushions, ear	IV	A	See sponge.
Cushions, metatarsal.	II-A	42	
Cushions, operating	II-A	46	
Cushions, upholstery.	III	-------	
Cutting blocks	III	-------	
Cutting rubbers	II-A	28	
Dam, dental	II-A	46	
	II-B	5	
Dam gates	II-A	20	
Dampers, vibration	II-A	29	
	II-A	65	
Daters band	II-A	26	
	II-A	27	
Deck covering	IV	B	See mastic.
Defroster parts & hose.	III	-------	
De-icer parts, airplane.	II-A	20	
Dental bulbs	II-A	41	
Dental dam	II-A	46	
	II-B	5	
Dental instrument parts.	II-A	39	
Dental mouth props	II-A	46	
Dental separating strips.	II-A	46	
Dental supplies	II-A	39	
Dental tubes and tubing.	II-A	39	
	II-B	1	
Denture rubber	II-A	46	
Denture suctions	II-A	39	
Desk pads	III	-------	
	IV	B	
Desk sets	IV	B	
Development tanks	III	-------	See hard rubber trays.
Diaphragms, regulating.	II-A	36	
Dielectric grommets	III	-------	See grommets.
	IV	B	See grommets.
Dielectric handle grips.	III	-------	See handle.
	IV	A	
Dielectric lamp guards.	IV	B	See rubber covered.
Dies, box	II-A	26	
	II-A	27	
Dilators	II-A	39	
Dippers	II-A	9	
	II-B	13	
Discs, cellular	IV	A	See cellular discs.
Dish drainers	III	-------	
	IV	B	
Dispensers, glue	III	-------	See glue dispensers.
Divers' hose	II-A	8	
Diving equipment	II-A	53	
Door checks	IV	B	
Door knob covers	IV	B	
Drain hose	III	-------	See washing machine.
Drain pipe lining	III	-------	See sink sprays.
Drain stoppers	III	-------	
Draper aprons	III	-------	
Dredging sleeves	II-A	8	
Driers, bottle	III	-------	See bottle driers
Drill pipe protectors	II-A	18	
Droppers, medicine	II-A	41	
Drums, insulation	II-B	13	
Drums, lined	II-A	10	
Dust housing covers	IV	A	
Ear cushions	IV	A	See sponge.
Earthmover tires	II-A	30	
Edging, elastic	II-C	26	
Elastic fabrics	II-C	26	
Elbows, flush	II-C	27	
Electric appliance parts.	II-C	20	
Electric base plugs	III	-------	
Elevator belting	II-A	4	
Elevator buckets and cleats.	III	-------	
Engine mountings	II-A	29	
Engravers' rubber	II-A	26	
Envelopes	IV	A	See pliofilm.
Equipment, airplane	II-A	62	
Equipment hospital.	IV	B	See molded wheels.
Erasers	II-C	12	
	IV	A	
Escalator handrails	IV	A	
Exercise machine parts.	III	-------	
Exhausters, lining	II-A	9	
Expansion joint hose.	II-A	8	
Extension lamp handles.	III	-------	
Eye buffer	IV	A	See recoil pads.
Fabric, tire repair	II-A	33	
	II-C	29	
Fabrics, combined	IV	A	See combined fabrics.
Fabrics, elastic	II-C	26	
Fabrics, proofing compounds.	II-C	32	
Fabrics, tent	IV	B	See tent.
Face pieces, inhalation.	II-A	46	
	II-B	2	
Fan bases & blades	III	-------	
	IV	B	
Fans, insulation	II-A	9	
	II-B	13	
Faucet caps	III	-------	
	IV	B	
Faucet filters	III	-------	
Feeding bottle caps	III	-------	
Feeding nipples	II-A	48	
	II-B	8	
Fender protective plates.	IV	B	
Fender welting	IV	B	
Fenders, tank	IV	B	See tank fenders.
Ferrules	III	-------	
Fibre pads	II-C	1	

Product	Schedule	Group	Remarks
Fibre, rubberized	III	-------	See rubberized hair.
	IV	A	See rubberized hair.
Filler, channel	III	-------	See channel filler.
	IV	B	See channel filler.
Filler, concrete	III	-------	See contraction joint.
Filler strip	II-A	31	
	II-C	30	
Filter cloth	III	-------	
Filters, faucet	III	-------	See faucet filters
Finger cots industrial	II-A	37	
	II-B	6	
Finger cots, medical, etc.	II-A	31	
	II-B	1	
Finger pads	III	-------	
Finger print rolls	II-A	28	
Finger print rubber	II-A	28	
Finishes, leather	III	-------	See leather finishes.
	IV	B	See leather finishes.
Fire control cushioning.	IV	A	See sponge.
Fire extinguisher tubing.	II-C	18	
Fire hose	II-A	23	
Fittings, hard rubber	II-A	9	
Fittings, insulation	II-B	13	
Fittings, lined	II-A	10	
Flanged flexible hose	II-A	8	
Flaps, bicycle tire	II-C	33	
Flaps, tank	IV	B	See tank fenders.
Flaps, tire	II-A	30	
Flat transmission belts	II-A	5	
	II-B	14	
Flexible couplings	II-A	8	
Flight control cushioning.	IV	A	See sponge.
Float valve shank washers.	II-C	27	
Floats, tank	III	-------	See tank floats.
Flooring	III	-------	
	IV	B	
Flush elbows	II-C	27	
Flush valve washers	II-C	27	
Fly paper	III	-------	
	IV	A	
Fly swatters	IV	B	
Flyers' clothing bags	IV	A	
Focusing cloth, camera.	III	-------	See camera focusing.
Foot boards (motorcycle).	IV	A	
Footbath trays	III	-------	
	IV	B	
Footpads, medicated.	II-A	40	
Footwear	II-A	34	
	II-A	35	
Force cups	II-C	27	
Fountain pen stock	III	-------	
Fountain syringe tubing.	II-A	45	
Frames	II-A	9	
	II-B	13	
Freezing trays, refrigerator.	III	-------	See refrigerator.
Friction, cord and fabric	II-A	33	
	II-C	29	
Friction tape	II-C	13	
	IV	A	
Full circle airbags	II-A	32	
Fuller balls	II-A	36	
Fume duct, insulation	II-A	9	
	II-B	13	
Funnels	II-A	9	
	II-B	13	
Furniture parts	III	-------	See chair.
Gaiters	II-A	35	
Garage air hose	II-C	18	
Gas main bags	II-A	20	
Gas masks	II-A	16	
	II-C	26	
Gaskets	II-C	27	
	III		
Gaskets, basin	III	-------	See basin gaskets.
Gaskets, casket	III	-------	See casket gaskets.
Gaskets, coffee maker.	III	-------	See coffee makers.
Gaskets, cowl	IV	A	See cowl vent.
Gaskets, hose	II-A	20	
Gaskets, lavatory	III	-------	See sink gaskets.
Gaskets, milk equipment.	II-A	24	
Gaskets, sealed beam.	II-A	29	
Gaskets, sealing	II-C	2	
Gaskets, sink	III	-------	See sink gaskets.
Gaskets, toilet	III	-------	See toilet closet.
	IV	A	See toilet closet.
Gaskets, windshield wiper.	II-A	29	
Gasoline hose	II-A	8	
Gasoline pump hose	III	-------	
Gasoline tubing	III	-------	
Gauntlets	III	-------	
Gear shift knobs	IV	B	
Gear silencers	III	-------	
Gimp, sateen	IV	B	See sateen gimp.
Glazing rubber	IV	B	See channel filler.
Gloves, autopsy	II-A	37	
	II-B	6	
Gloves, electricians'	II-A	38	
	II-B	4	
Gloves, household	III	-------	See household gloves.
Gloves, industrial	II-A	37	
	II-B	3	
	II-B	6	
Gloves, mortuary	II-A	37	
	II-B	6	
Gloves, net-lined	II-A	37	
Gloves, surgeons'	II-A	50	
	II-B	10	
Gloves, X-ray	II-A	39	
Glue dispensers	III	-------	
Goggles	II-A	16	
	II-C	26	
Grab rails	IV	B	See rubber covered lamp.
Graining tools, painters'.	III	-------	See painters'.
Graphite guns	III	-------	
Grease gun hose	II-A	8	
Grease tubing	II-C	18	
Grips, gun	IV	B	See gun.
Grips, handle	III	-------	See handle.
	IV	A	See handle.
Grips, knife	III	-------	See knife handles.
Grommets	III	-------	
	IV	B	
Guard, wire	III	-------	See trolley wire guards.
Guards, paint brush	III	-------	See paint brush guards.
Gum, box die	II-A	25	
Gum, rubber die	II-A	25	
Gum, rubber type	II-A	25	
Gum, stamp	II-C	23	
Gum, tube repair	II-A	33	
	II-C	29	
Gun grips	IV	B	
Gun platforms	IV	B	See link mats, also mats & matting.
Guns, graphite	III	-------	See graphite guns.
Gunsight slot pads	IV	A	See sponge
Gym shoes	IV	A	
Hair rubberized	III	-------	See rubberized
	IV	A	See rubberized
Handballs	II-C	3	
Handle grips	III	-------	
	IV	A	
Handles, extension lamp.	III	-------	See extension lamp.
Handles, knife	III	-------	See knife handles.
Handles, rubber covered.	IV	B	See rubber covered.
Hand rests	IV	A	See sponge.
Handrails, escalators	IV	A	See escalator.
Hard rubber dielectric.	II-A	15	
Hard rubber, industrial	II-A	9	
Hard rubber medical, etc.	II-A	44	
Hard rubber photographic trays.	III	-------	
Hard rubber spatulas.	III	-------	
Harness strapping, loom.	III	-------	See loom harness.
Hat-forming bags	III	-------	
Hatters' belts	III	-------	
Headharness	II-A	16	
Heads, mallet	II-C	34	
	IV	A	See mallet.
Hearing instruments	II-A	43	
Heel bases	II-C	14	
Heels	II-C	14	
Heels, conductive	II-A	56	
Helmet cushions, crash.	IV	B	See cellular pads.
Helmets, sand blast	II-A	55	
Hog beater belts	II-A	5	
Holders, test tube	III	-------	See test tube.
Holdups, lug straps	III	-------	See lug straps.
Hood supports	IV	B	
Horse shoes	III	-------	
Horseshoe pads	II-C	21	
Horticultural tape	III	-------	
Hose, acid	II-A	8	
Hose, air brake	II-A	29	
Hose, air drill	II-A	8	
Hose, arbor pipe forming.	II-A	8	
Hose, automotive radiator.	II-C	18	
Hose, blower	II-A	8	
Hose, brewery	III	-------	See brewery
Hose, car heater	II-C	18	
Hose, cement	II-A	8	
Hose, chemical	II-A	8	
Hose, cowl vent	IV	A	See cowl vent.
Hose, curb pump	II-A	8	
Hose, curb line	II-C	18	
Hose defroster	III	-------	See defroster parts.
Hose, divers	II-A	8	
Hose, dry material	II-A	8	
Hose, dust collector	II-A	8	
Hose, exhaust	II-A	8	
Hose, expansion joint.	II-A	8	
Hose, fire	II-A	23	
Hose, flanged	II-A	8	
Hose, garage air	II-C	18	
Hose, gaskets	II-A	20	
Hose, gasoline	II-A	8	
Hose, gasoline pump	III	-------	See gasoline.
Hose, grease	II-C	18	
Hose, grease gun	II-A	8	
Hose, hydraulic brake.	II-A	29	
Hose, hydraulic control.	II-A	8	
Hose, jetting	II-A	8	
Hose, lawn	IV	A	See water hose.
Hose, lineman's	II-A	20	
Hose masks	II-A	16	
	II-C	26	
Hose, milk conveying.	II-A	8	
Hose, mill	II-A	23	
Hose, nozzles	III	-------	
Hose, oil	II-A	8	
Hose, paint	II-A	8	
Hose, phosphate	II-A	8	
Hose, pinch valve	II-A	8	
Hose, pneumatic	II-A	8	
Hose, railroad	II-A	8	
Hose, rock wool insulation.	II-C	18	
Hose, rotary drillers'	II-A	8	
Hose, sand blast	II-A	8	
Hose, sanitary	II-A	8	
Hose, service station	III	-------	See Service station.
Hose, spray	II-A	8	
	II-C	18	
Hose, steam	II-A	8	
Hose, stirrup pump	III	-------	See stirrup pump.
Hose, suction	II-A	8	
Hose, swimming pool.	III	-------	See swimming pool.
Hose, tank wagon	II-A	8	
Hose, vacuum	II-A	8	
Hose, vacuum brake	II-A	29	
Hose, vacuum cleaner.	II-C	18	
Hose, washers	II-A	20	
Hose, washing machine.	III	-------	See washing machine.
Hose, water	II-C	18	
	IV	A	See water hose.
Hose, welding	II-A	8	
Hose, whiskey	III	-------	See whiskey.
Hose, X-ray	II-A	39	
Hospital sheeting	II-A	47	
	IV	B	
Hospital equipment wheels and casters.	IV	B	See molded wheels
Household gloves	III	-------	
Hydraulic brake hose.	II-A	29	
Hydraulic brake parts.	II-A	29	
Hydraulic clutch controls.	II-A	29	
Hydraulic control hose.	II-A	8	
Hydraulic throttle control.	II-A	29	

Product	Schedule	Group	Remarks
Hydrometer parts	III	------	
Ice bags	II-A	42	
Ice cube trays	III	------	
Implement tires	IV	B	See tractor.
Implements, abrasive.	II-A	19	
	II-B	16	
Inflations, milking machine.	II-A	24	
Inhalation bags	II-A	46	
	II-B	2	
Inhalation facepieces.	II-A	46	
	II-B	2	
Inhalators	II-A	16	
	II-C	26	
Injections (biological) specimen.	III	------	See specimen.
Inkwells	III	------	
	IV	B	
Insoles (shoe)	II-C	17	
Instep supports	III	------	
Instruments, cushioning.	IV	A	See sponge.
Instruments, musical.	III	------	See musical.
Insulator hoods	II-A	20	
Insulators. post	III	------	See post insulators.
Invalid rings	II-A	46	
Jetting hose	II-A	8	
Joint seals	III	------	See contraction joint.
Joint washers, slip	III	------	See slip joint.
Keys, typewriter	III	------	See typewriter keys.
	IV	B	See typewriter keys.
Kneeling pads	III	------	
	IV	B	
Knife handles	III	------	
Knobs, gear shift	IV	B	See gear shift knobs.
Knobs, rubber covered.	IV	B	See rubber covered.
Labels	III	------	
	IV	A	
Laboratory bulbs	II-A	41	
Laboratory compounds.	II-A	60	
	II-B	17	
	II-C	31	
Laboratory tubes and tubing.	II-A	39	
	II-B	1	
Lagging, pulley	III	------	See pulley agging.
Lamp guards	IV	B	See rubber covered.
Lamp handles	III	------	See extension lamp.
Lamp shades	III	------	
Last puller belts	II-A	3	
Lavatory gaskets	III	------	See sink gaskets.
Lawn hose	IV	A	See water hose.
Lawnmower tires	III	------	
	IV	B	See wheelbarrow.
Leather, artificial	III	------	See artificia leather.
	IV	B	See artificial leather.
Leather finishes	III	------	
	IV	B	
Lever, housing	IV	A	See dust.
Life saving suits	II-A	58	
Light sockets	III	------	See electric base.
Line hose	II-A	20	
Line tube caps	III	------	
Lineman's equipment.	II-A	20	
Liners, oil well	II-A	18	
Lining, brake	II-A	6	
	II-C	5	
Lining, barrel	II-C	7	
Lining. blowers, exhausters and pumps.	II-A	9	
Lining bumper rubbers, oil well.	II-A	18	
Lining, chute	III	------	See chute lining.
Lining, drain pipe	III	------	See drain pipe.
Lining, industrial brake.	II-A	6	
Link mats	III	------	
	IV	B	
Lock gates, seals	II-A	20	
Loom harness	III	------	
Loom pickers	II-A	13	
Low platform tires	II-A	30	
Lug stock	II-A	31	
	II-C	30	
Lug straps	III	------	
Machine gun pads	IV	A	See recoil pads.

Product	Schedule	Group	Remarks
Machine parts, exercise.	III	------	See exercise machine.
Mack gaskets	III	------	See sink gaskets.
Magneto parts	II-A	15	
Mallet heads	IV	A	
Mallets	II-C	34	
Marbon B	III	------	
	IV	A	
Marking devices	II-A	25	
Mask parts	IV	A	See sponge.
Masks. gas	II-A	16	
	II-C	26	
Masks, hose	II-A	16	
	II-C	26	
Mastic deck covering.	IV	B	
Mat covers, wrestling.	IV	B	See wrestlings.
Mats and matting	III	------	
	IV	B	
Mats, ink	III	------	See link mats.
	IV	B	See link mats.
Mattresses	III	------	See cushions.
Measures	II-A	9	
	II-B	13	
Mechanical packings.	II-A	17	
Medical bulbs	II-A	41	
Medical instrument parts.	II-A	39	
Medical tubes and tubing.	II-A	39	
	II-B	1	
Medicine droppers	II-A	41	
Metatarsal cushions.	II-A	42	
Metatarsal pads	II-A	42	
Meterological balloons	II-A	51	
	II-B	7	
Midsoles (shoes)	II-C	17	
Milk conveying hose.	II-A	8	
Milk equipment	II-A	24	
Milk hose	II-A	23	
Mine battery parts	II-A	16	
Mine lamp parts	II-A	16	
Mine pacs	II-A	34	
Mine ventilating tubing	II-A	20	
	II-B	15	
Mining headharness.	II-A	16	
Mixtures (laboratory testing).	II-A	60	
	II-B	17	
	II-C	31	
Molding bags	II-A	63	
Molds, candy	III	------	See candy molds.
Molds, casting	III	------	
Mortuary bulbs	II-A	41	
Mortuary instrument parts.	II-A	39	
Mortuary tubes and tubing.	II-A	39	
	II-B	1	
Motorcycle tires	II-A	30	
Motorcycle foot boards.	IV	A	See footboards.
Mountings, automotive.	II-A	29	
Mud pump parts, oil well.	II-A	18	
Musical instruments	III	------	
Name plates	IV	B	
Newspaper blankets.	II-A	28	
Nipples. feeding	II-A	48	
	II-B	8	
Nozzles, hose	III	------	See hose nozzles.
Office machine silencers.	IV	B	
Office machinery silencers.	III	------	See typewriter.
Offset blankets	II-A	28	
Oil hose	II-A	8	
Oil well parts	II-A	18	
Operating cushions	II-A	46	
Orthodontia bands	II-A	39	
Outsoles (shoes)	II-C	15	
Outsoling strips (shoes).	II-C	15	
Outlet gaskets, closet.	III	------	See toilet outlet gaskets.
Oxygen tent canopies.	III	------	
Oxygen tents	II-A	46	
	II-B	2	
Pacifiers	III	------	
Packers, oil well	II-A	18	
Packing, mechanical.	II-A	17	
Packing, sheet	II-A	17	
Packing, strip	II-A	17	
Pads	III	------	See gaskets, pads, etc.
Pad,, bunion	III	------	See bunion pads.
Pads, carboy	III	------	See carboy pads.

Product	Schedule	Group	Remarks
Pads, chair	III	------	See desk.
	IV	B	See desk.
Pads, corn	III	------	See corn pads.
Pads, crash helmet	IV	B	See cellular.
Pads, crutch	III	------	See crutch pads.
Pads. desk	III	------	See desk.
	IV	B	See desk.
Pads, finger	III	------	See finger pads.
Pads, horseshoe	II-C	21	
Pads, kneeling	III	------	See kneeling pads.
	IV	B	See kneeling pads.
Pads, metatarsal	II-A	42	
Pads, press die	II-A	12	
Pads, recoil	III	------	See recoil pads.
	IV	A	See recoil pads.
Pads, sink	IV	B	See sink.
Pads, stove top	IV	B	See stove top pads.
Pads, surgical	II-C	1	
Pads, truss	II-A	42	
	II-C	25	
Pails	II-A	9	
Paint brush guards	III	------	
Paint spray hose	II-A	8	
Painters' graining tools.	III	------	
Panelboard	III	------	
Paper, fly	III	------	See fly paper.
	IV	A	See fly paper.
Paper machine aprons.	III	------	
Paper making equipment.	II-A	3	
Paper padding adhesives.	III	------	
	IV	B	
Paper, sewage disposal.	IV	B	See sewage.
Parachute backs and seats.	IV	A	See sponge.
Passenger car tires	II-A	30	
Pasteurizer couplings.	II-A	24	
Patches, repair	II-A	33	
	II-C	29	
Paving blocks	IV	B	
Pedal rubbers	III	------	
	IV	B	
Pedals, accelerator	III	------	See accelerator.
Pen stock, fountain	III	------	See fountain pen.
Pencil plugs	II-C	12	
Pessaries	II-A	49	
	II-B	9	
Phosphate hose	II-A	8	
Photo wringers	III	------	
Photographers' bulbs & tubes.	III	------	
Photographic trays	III	------	See hard rubber.
Pickers, loom	II-A	13	
Picture screens	IV	B	
Pinch valve hose	II-A	8	
Pipe coupling rings	II-A	22	
Pipe, hard rubber	II-A	9	
	II-A	44	
Pipe, insulation	II-A	9	
	II-B	13	
Pipe, lined	II-A	10	
Pipe lining, drain	III	------	See drain pipe.
Pitman arm bushings.	II-A	29	
Plasters, label	III	------	See labels.
Plasters, medicated	II-A	40	
Plate wipers	IV	B	
Platens, typewriter	III	------	See typewriter.
Plates, fender	IV	B	See fender.
Plates, name	IV	B	See name plates.
Plates, printing	II-A	27	
Plates, step	IV	B	See step.
Pliofilm	III	------	
	IV	A	
Plioform	III	------	
	IV	A	
Pliolite	III	------	
	IV	A	
Plug connectors	III	------	See electric base plugs.
Plywood adhesives	III	------	
	IV	B	
Pneumatic hose	II-A	8	
Pneumatic truss pads.	II-A	42	
Policemen, rubber	II-A	39	
Polishing belts	II-A	3	
Post insulators	III	------	
Powder bags (mining).	III	------	
Press die pads	II-A	12	
Pressure sensitive tape	II-C	22	
Printers' equipment.	II-A	28	
Printers' rollers	II-A	28	
Printing plates	II-A	27	

Product	Schedule	Group	Remarks
Propeller bearing mountings.	II-A	29	
Prophylactics	II-A	49	
	II-B	9	
Prostatic bags	II-A	39	
	II-B	1	
Prosthetic devices	II-B	1	
Protective clothing seaming.	II-A	54	
Protective plates	IV	B	See fender.
Protectors, telephone.	III	------	See telephone protectors.
Protectors, telephone cord.	III	------	See telephone cord.
Pulley lagging	III	------	
Pump hose, gasoline.	III	------	See gasoline curb.
Pump pistons oil well.	II-A	18	
Pumps, breast	II-A	41	
Pumps, insulation	II-B	13	
Pumps, lining	II-A	9	
Pumps. rubber	II-A	9	
Pumps, tubing	II-C	18	
Racks	II-A	9	
	II-B	13	
Railroad hose	II-A	8	
Rattlers, brake rod	III	------	See brake rod.
Recapping materials.	II-A	31	
	II-C	30	
Recoil pads	III	------	
	IV	A	
Refrigerator parts	II-C	20	
Refrigerator trays	III	------	
Reliners, tires	III	------	See tire reliners.
Repair deck covering.	IV	B	See mastic deck.
Repair materials, tire and tube.	II-A	33	
	II-C	29	
	III	------	See tire & tube.
Respirators	II-A	16	
	II-C	26	
Rests, arm	III	------	See arm rests.
Retreading materials.	II-A	31	
	II-C	30	
Rings, invalid	II-A	46	
Rings, pipe coupling.	II-A	22	
Rings, sealing containers.	II-A	55	
Rings, street car wheel.	II-A	64	
Road builder tires	II-A	30	
Road grader tires	II-A	30	
Rock service tires	II-A	30	
Rock wool insulation hose	II-C	18	
	III	------	
Rods, stirring	III	------	See stirring rods.
Roll coverings	II-A	11	
Rollers, insulation	II-B	13	
Rollers, printers'	II-A	28	
Rolls, finger print	II-A	28	
Rotary drillers' hose.	II-A	8	
Rubber bands	III	------	
	IV	A	
Rubber, denture	II-A	46	
Rubber die gum	II-A	25	
Rubber, engravers'	II-A	26	
Rubber, finger print.	II-A	28	
Rubber footwear	II-A	34	
	II-A	35	
Rubber, glazing	IV	B	See channel filler.
Rubber policemen	II-A	39	
Rubber solution for wet plate negatives.	II-A	28	
Rubber stamps	II-A	26	
	II-A	27	
Rubber thread and rubber tape	III	------	
	IV	B	
Rubber type gum	II-A	25	
Rubberized hair and fibre	III	------	
	IV	A	
Rubbers, cutting	II-A	28	
Rubbers, footwear	II-A	35	
Rubbers, milk bottle filler.	II-A	24	
Sand blast clothing	II-A	55	
Sand blast hose	II-A	8	
Sand blast stencils	III	------	
Sanitary belts	II-C	26	
Sanitary hose	II-A	8	
Sateen gimp	IV	B	
Screen diaphragms	II-A	3	
Screens. insulation	II-A	9	
	II-B	13	
Screens, picture	IV	B	See picture.
Screw bumpers	III	------	
Sealed beam gaskets.	II-A	29	
Sealing compounds	II-A	59	
	II-B	11	
	II-C	2	

Product	Schedule	Group	Remarks
Seals, contraction joint.	III	------	See contraction joint.
Seals, cow vent	IV	A	See cow vent seals.
Seat bottoms and backs.	IV	A	See sponge.
Seats, toilet	IV	B	See toilet seats.
Sectional airbags	II-A	32	
Self-adhering signs	III	------	
Separators. lineman's.	II-A	20	
Service station signal hose.	III	------	
Serving trays	IV	B	
Sets, desk	IV	B	See desk sets.
Sewage disposal bags	IV	B	
Shades, lamp	III	------	See lamp shades.
Shaft covering	II-C	18	
Shapes, automotive wiring.	II-C	4	
Sheet packings	II-A	17	
Sheeting, crib	III	------	See crib sheeting.
Sheeting, hospital	II-A	47	
	IV	B	See hospital sheeting.
Sheets, X-ray	II-A	39	
Shims	III	------	See gaskets, pads. etc.
Shims, automotive	IV	B	
Shock absorber bushings.	II-A	29	
Shock absorbers. V-belts.	III	------	See V-belt.
Shoe bottom fillers	II-C	16	
Shoe cements	II-A	57	
	II-B	12	
Shoe tapes	II-C	16	
Shoes, animal	III	------	See animal boots.
Shoes, blowout	III	------	See blowout shoes
Shoes, elastic fabrics.	II-C	26	
Shoes, gym	IV	A	See gym.
Signal hose, service station.	III	------	See service station.
Signs, self-adhering	III	------	See self-adhering signs.
Silencers, gear	III	------	See gear silencers.
Silencers, office mamachine.	IV	B	See office machine.
Silencers, typewriter.	III	------	See typewriter.
Sink gaskets	III	------	
Sink pads, mats, sprays & stoppers.	IV	B	
Sink sprays and drain stoppers.	III	------	
Siphon washers	II-C	27	
Sleeves, dredging	II-A	8	
Sleeves, lineman's	II-A	20	
Sleeves, veterinary	II-B	2	
Slip joint washers	III	------	
Slush pump, oil well.	II-A	18	
Soap dishes	IV	B	See bath sprays.
Soles, shoes	II-C	15	
Soles, conductive	II-A	56	
Soles, stick-on	III	------	See stick-on soles.
Soling strips, shoes	II-C	15	
Spark plug caps	III	------	
Spatulas	III	------	See hard rubber.
Special purpose tires.	II-A	30	
Specimen (biological) injections.	III	------	
Splicing compound, cable	II-A	2	
Sponge applicators	III	------	
Sponge cushioning	IV	A	
Sponge cushions	II-A	46	
Sponge rings, invalid.	II-A	46	
Sponge, stamp gum cushion.	II-C	24	
Sponges	IV	B	See bath sprays.
Sports shoes	III	------	See cleats.
Spray hose	II-A	8	
	II-C	18	
Sprays, bath	III	------	See bath sprays.
	IV	B	See bath sprays.
Sprays. sink	III	------	See sink sprays.
	IV	B	See sink sprays.
Spring bumpers	II-C	4	
Springs, street car	III	------	See street car.
Spud washers	II-C	27	
Squash balls	II-C	3	
Squeegees, window	IV	B	See window.
Stabilizers, oil well	II-A	18	
Stair treads	III	------	
	IV	B	
Stamp gum	II-C	23	
Stamp sponge	II-C	24	
Stamps, rubber	II-A	27	
Stamps, toy	II-A	26	
	II-A	27	
Steam hose	II-A	8	
Steel wool pads	II-C	1	

Product	Schedule	Group	Remarks
Steering box pads	II-A	29	
Steering post bushings.	II-A	29	
Steering wheels	IV	B	
Stems, valve	IV	B	See valve stems.
Stencils, sand blast	III	------	See sand blasting.
Step plates	IV	B	
Stick-on soles and taps.	III	------	
Stipplers	III	------	
Stirring rods	III	------	
Stirrup pump hose	III	------	
Stock fountain pen	III	------	See fountain pen stock.
Stools, lineman's	II-A	20	
Stoppers, basin	III	------	See basin stoppers.
Stoppers, bath tub	III	------	See bath tub.
Stoppers, drain	III	------	See sink sprays.
Stoppers, sink	IV	B	See sink.
Stopples, medical, etc.	II-A	39	
Storage battery parts.	II-A	14	
	II-C	10	
Stove top pads	IV	B	
Strapping, loom harness.	III	------	See loom harness.
Straps, battery carrier.	III	------	See battery carrier.
Straps, lug	III	------	See lug straps.
Straps, toggle	III	------	See toggle straps.
Streetcar springs	III	------	
Streetcar wheel rings.	II-A	64	
Street sweeper belts.	III	------	
Strip packings	II-A	17	
Strippers, oil well	II-A	18	
Stripping, bumper	IV	A	See bumper.
Stripping stock	II-A	31	
	II-C	30	
Stuffing box, oil well.	II-A	18	
Suction cups, printers'.	II-A	28	
Suction hose	II-A	8	
Suctions, denture	II-A	39	
Suits, life-saving	II-A	58	
Supports, arch	III	------	See arch supports.
Supports, hood	IV	B	See hood.
Supports instep	III	------	See instep supports.
Supports, surgical	II-C	26	
Surgeons' gloves	II-A	50	
	II-B	10	
Surgical appliances	II-C	1	
Surgical bandage and supports.	II-C	26	
Surgical bulbs	II-A	41	
Surgical equipment.	IV	B	See molded wheels.
Surgical instrument parts.	II-A	39	
Surgical tape	II-A	40	
Surgical tubes and tubing	II-A	39	
	II-B	1	
Swab rubbers, oil well.	II-A	18	
Swimming pool hose.	III	------	
Switchboard mats	IV	B	See mats.
Syringe tubing	II-A	45	
Syringes combination.	II-A	41	
Table tops	III	------	
	IV	B	
Tabs, zipper	IV	B	See zipper tabs.
Tacks, bumper	III	------	See bumper tacks.
	IV	B	See bumper tacks
Tail-pipe supports	II-C	4	
Tailwheels, airplane.	IV	B	See molded wheels
Tank balls	II-A	36	
Tank fenders and flaps.	IV	B	
Tank floats	III	------	
Tank pads and linings.	IV	A	See sponge.
Tanks, lined	II-A	10	
Tanks, hard rubber.	III	------	See hard rubber.
Tanks, X-ray	III	------	See hard rubber.
Tape, friction	II-C	13	
	IV	A	See friction.
Tape, horticultural binding.	III	------	See horticultural.
Tape, pressure sensitive.	II-C	22	
Tape, surgical	II-A	40	
Tapes (shoes)	II-C	16	
Taps, conductive	II-A	56	
Taps (shoes)	II-C	15	

Product	Schedule	Group	Remarks
Taps, stick-on	III	-------	See stick-on soles and taps.
Telephone bases	III	-------	
	IV	B	
Telephone cord protectors.	III	-------	
Telephone protectors.	III	-------	
Tennis balls	II-C	3	
Tent fabrics	IV	B	
Terminal blocks	II-A	15	
Testing rubbers, oil well.	II-A	18	
Test tube holders	III	-------	
Textile machinery parts.	III	-------	See lug straps, etc.
Textile printing blankets.	III	-------	
Thermometer cases	III	-------	
Thermoplastic coatings	III	-------	
Thermos bottle parts.	III	-------	
Thermostat covers	IV	B	
Thread	III	-------	See rubbe thread.
	IV	B	See rubber thread.
Tile and tiling	IV	B	
Tile flooring	III	-------	See flooring, etc
Tire airbags	II-A	30	
Tire blowout shoes	III	-------	See blowout shoes.
Tire, cord dip	II-B	18	
Tire flaps	II-A	30	
Tire reliners	III	-------	
Tire repair materials.	II-A	33	
	II-C	29	
	III	-------	
Tire tubes	II-A	30	
Tire valve stems	IV	B	See valve stems.
Tire valves	II-A	30	
Tires, bicycle	II-C	33	
Tires, lawnmower	III	-------	
	IV	B	See wheelbarrow
Tires, pneumatic, solid & cushion.	II-A	30	
Tires, tractor and implement.	IV	B	See tractor.
Tires, vacuum cleaner.	III	-------	See vacuum cleaner.
Tires, wheelbarrow	III	-------	
	IV	B	
Toggle straps	III	-------	
Toilet closet gaskets	III	-------	
	IV	A	
Toilet seat bumpers	III	-------	
	IV	A	
Toilet seats	IV	B	
Tools, insulated	II-A	15	
Tools, painters' graining.	III	-------	See painters' graining.
Top-lifts (shoes)	II-C	15	
Tourniquets	II-A	46	
Toy stamps	II-A	26	
	II-A	27	
Tractor and implement tires.	IV	B	
Transmission belts	II-A	5	
	II-B	14	
Transmission mountings.	II-A	29	
Trays, corrosive materials.	II-A	9	
Trays, explosive materials.	II-A	9	
Trays, foot bath	III	-------	See foot bath trays.
	IV	B	See foot bath trays.
Trays, hard rubber	III	-------	See hard rubber photographic trays.
Trays, ice cube	III	-------	See ice cube trays.
Trays, insulation	II-A	9	
	II-B	13	
Trays, refrigerator	III	-------	See refrigerator freezing trays.
Trays, serving	IV	B	See serving trays.
Tread repair stock	II-A	33	
	II-C	29	
Treadle connections	IV	A	See accelerator treadle connections.
Treads, stair	III	-------	See stair and step treads.
	IV	B	See stair and step treads.
Tree lighting devices	III	-------	See Christmas tree.
Trolley wire guard	III	-------	
Truck tires	II-A	30	
Truss pads	II-A	42	
	II-C	25	
Trusses	II-C	26	
Tube repair materials.	II-A	33	
	II-C	29	
	III	-------	See tire and tube repair materials.
Tubes and tubing, medical, etc.	II-A	39	
	II-B	1	
Tubes, bicycle	II-C	33	
Tubes, photographers'.	III	-------	See photographers' bulbs.
Tubes, tire	II-A	30	
Tubing, beer	III	-------	See beer tubing.
Tubing, braided	II-C	18	
Tubing cable covering.	II-C	18	
Tubing, fire extinguisher.	II-C	18	
Tubing, gasoline	III	-------	See gasoline tubing.
Tubing, hard rubber.	II-A	15	
Tubing, milking machine.	II-A	24	
Tubing, mine	II-B	15	
	II-A	20	
Tubing, pump	II-C	18	
Tubing shaft covering.	II-C	18	
Tubing, syringe	II-A	45	
Tubing, windlace	III	-------	See windlace & windlace tubing.
Tubing, windshield wiper.	II-C	18	
Typewriter erasers	IV	A	See erasers.
Typewriter keys	III	-------	
	IV	B	
Typewriter silencers	III	-------	
Umbilical belts	II-C	26	
Upholstery	III	-------	See cushions.
Upholstery, artificial	IV	B	See artificial.
Urinals	II-A	39	
	II-B	1	
V-belt shock absorbers.	III	-------	
V-belts	II-A	7	
	II-B	14	
	II-C	6	
Vaccine caps	II-A	39	
Vacuum brake hose	II-A	29	
Vacuum brake parts	II-A	29	
Vacuum breaker gaskets.	II-C	27	
Vacuum cleaner belts.	II-A	61	
Vacuum cleaner bumpers	III	-------	
Vacuum cleaner tires.	III	-------	
Vacuum cleaner tubing.	II-C	18	
Valve stems	IV	B	
Valves	II-A	1	
Valves, back flow	II-C	27	
Valves, bicycle tire	II-C	33	
Valves, insulation	II-B	13	
Valves, oil well	II-A	18	
Valves, tire	II-A	30	
Ventilating tubing, mine	II-A	20	
	II-B	15	
Veterinary bulbs	II-A	41	
Veterinary instrument parts.	II-A	39	
Veterinary sleeves	II-B	2	
Veterinary tubes and tubing.	II-A	39	
	II-B	1	
Vibration dampers	II-A	29	
	II-A	65	
Wainscoting	III	-------	See flooring.
	IV	B	
Washers, ball cock	II-A	36	
Washers, basin	III	-------	See basin washers.
Washers, bibb	II-A	36	
Washers, flush valve	II-C	27	
Washers, float valve	II-C	27	
Washers, hose	II-A	20	
Washers, overflow	II-C	27	
Washers, siphon	II-C	27	
Washers, slip joint	III	-------	See slip joint washers.
Washers, spud	II-C	27	
Washers, waste	II-C	27	
Washing machine drain hose.	III	-------	
Washing machine parts.	II-C	20	
Water bags, canvas	IV	B	See canvas.
Water bottles	II-A	41	
Water, hose	II-C	18	
	IV	A	
Weatherstrip	III	-------	
	IV	A	
Webbing, elastic	II-C	26	
Welding hose	II-A	8	
Welting, fender	IV	B	See fender.
Wet plate negative solution.	II-A	28	
Wheelbarrow tires	III	-------	
	IV	B	
Wheels, molded	III	-------	See molded wheels.
	IV	B	See molded wheels.
Wheels, steering	IV	B	See steering.
Whiskey hose	III	-------	
Windlace, tubing	III	-------	
Window squeegees	IV	B	
Windshield wiper blades.	II-A	29	
Windshield wiper gaskets.	II-A	29	
Windshield wiper tubing.	II-C	18	
Windshield wipers	IV	B	See window squeegees.
Wipers, plate	IV	B	See plate wipers.
Wire guard, trolley	III	-------	See trolley wire.
Wire, insulating compounds	II-A	1	
Workshoes	II-A	34	
Wrestling mat covers	IV	B	
Wringers, photo	III	-------	See photowringers.
X-ray aprons	II-A	39	
X-ray cooling hose	II-A	39	
X-ray sheets	II-A	39	
X-ray tanks	III	-------	See hard rubber.
X-ray trays	III	-------	See hard rubber.
Yarning material	III	-------	
Zipper tabs	IV	B	

[F. R. Doc. 42-14034; Filed, December 28, 1942; 11:20 a. m.]

PART 940—RUBBER AND BALATA AND PRODUCTS AND MATERIALS OF WHICH RUBBER OR BALATA IS A COMPONENT

[Supplementary Order M-15-b-1, as Amended Dec. 28, 1942]

Supplementary Order M-15-b-1 (§ 940.5), including all prior amendments thereto, is hereby amended to read as follows:

§ 940.5 *Regulations covering manufacture of rubber products*—(a) *Applicability of Supplementary Order M-15-b (§ 940.3)*. This order is issued pursuant to paragraph (c) (2) of Supplementary Order No. M-15-b (§ 940.3), as amended, issued by the Director General for Operations. All definitions and all other provisions of Supplementary Order No. M-15-b shall apply to this order as fully as though set forth herein. Nothing in this order shall be construed to permit the use of crude rubber, latex, synthetic rubber, reclaimed rubber or scrap rubber in the manufacture of any products except as permitted by Supplementary Order No. M-15-b, as amended, or by special directions issued by the Director General for Operations.

(b) *General provisions.* With respect to all regulations set forth in the lists attached to this order, unless otherwise stated in the applicable list:

(1) The total rubber hydrocarbon (sometimes designated RHC in this order and in lists attached to this order) is the sum total of crude rubber and the average rubber hydrocarbon value of reclaimed rubber expressed on a volume basis (except where such term is used in List 19, with respect to which Note 1 of subdivision (a) of List 19 shall control). The average rubber hydrocarbon value of reclaimed rubber used in compounds in regulations incorporated in lists now or hereafter attached to this order shall be calculated from the rubber value of reclaimed rubber as certified by the manufacturer of the reclaimed rubber.

(2) The synthetic rubber value (sometimes designated SRV in this order and in lists attached to this order) is the total synthetic rubber expressed on a volume basis.

(3) A mixture of various types of synthetic rubber is permitted in synthetic rubber compounds.

(4) All regulations shall apply to all purchase orders, including war orders, except where otherwise specified in the appropriate list.

(5) These regulations shall not apply to the manufacture of experimental products or experimental compounds designed for:

(i) Special requirements for the Army or Navy of the United States.

(ii) The substitution of synthetic rubber for crude rubber and latex.

(iii) The substitution of reclaimed rubber for crude rubber, latex or synthetic rubber.

(iv) The conservation of crude rubber, latex, reclaimed rubber, scrap rubber or synthetic rubber.

(c) *Regulations covering the manufacture of certain rubber products.* No person shall consume any crude rubber, latex, synthetic rubber, reclaimed rubber or scrap rubber in the manufacture of any of the types of products included in the lists enumerated below and attached hereto except in accordance with the regulations therein prescribed; such regulations to be effective as to any product or class of products as of January 11, 1943, except where otherwise specified in the appropriate list:

(1)	Compounds for mechanical rubber products	List 1.
(2)	Conveyor, elevator and flat transmission belting and V-belts	List 2.
(3)	Hose	List 3.
(4)	Packing	List 4.
(5)	Dam and lock gate seals	List 5.
(6)	Hog scraper (beater) paddles	List 6.
(7)	Loom pickers	List 7.
(8)	Milk and milking machine equipment	List 8.
(9)	Pipe coupling rings	List 9.
(10)	Press die pads	List 10.
(11)	Printing rubber products	List 11.
(12)	Rubber-lined tanks, drums and rubber-protected industrial equipment	List 12.
(13)	Abrasive implements	List 13.
(14)	Mine and industry safety parts	List 14.
(15)	Brake linings, brake blocks and clutch facings	List 15.
(16)	Rubber-covered rolls	List 16.
(17)	Soles, taps, sheet soling, top-lifts, heels and heel bases	List 17.
(18)	Industrial occupational protective clothing	List 18.
(19)	Hard rubber products	List 19.
(20)	Rubber insulating tape	List 20.
(21)	Rubber footwear	List 21.
(22)	Compounds for tires, tire casings, camelback, capping stock and tire and tube repair materials	List 22.
(23)	Tire and tube repair materials	List 23.
(24)	Tires and tire casings (except airplane and bicycle)	List 24.
(25)	Tire tubes (except airplane and bicycle)	List 25.
(26)	Truck tire flaps	List 26.
(27)	Insulated wire and cable	List 27.
(28)	Feeding nipples	List 28.
(29)	Airplane tires and tire casings	List 29.
(30)	Camelback, capping stock, lug stock and base stock	List 30.
(31)	Medical and surgical rubber goods	List 31.

This order and the lists attached hereto shall become effective January 11, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 28th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

LIST 1—REGULATIONS FOR THE MANUFACTURE OF COMPOUNDS FOR MECHANICAL RUBBER PRODUCTS

This List 1 establishes standards for the grades of compounds to be used in the manufacture of mechanical rubber products. Other lists now and hereafter attached to Supplementary Order No. M-15-b-1 will govern the use of these compounds in the manufacture of finished products. These compounds need be used only when required by regulations contained in such other lists. The variations permitted by subdivision (c) of this list are allowed in the manufacture of finished products covered by other applicable lists unless prohibited by such other lists.

(a) RUBBER COMPOUNDS

Grade	Maximum per cent by volume	
	Crude rubber	Total RHC
M-A	95	95
M-B	90	90
M-C	85	85
M-D	80	80
M-E	75	75
M-F	70	70
M-G	65	75
M-G-1	65	65
M-H	60	75
M-H-1	60	60
M-H-2	60	80
M-J	55	75
M-J-1	55	55
M-K	50	70
M-K-1	50	50
M-L	45	65
M-L-1	45	45
M-M	40	65
M-M-1	40	60
M-M-2	40	40
M-N	35	65
M-N-1	35	50
M-O	30	65
M-P	25	65
M-P-1	25	60
M-P-2	25	25
M-Q	20	70
M-Q-1	20	60
M-Q-2	20	45
M-Q-3	20	25
M-R	15	60
M-R-1	15	55
M-R-2	15	20
M-R-3	15	15
M-S	10	60
M-S-1	10	15
M-S-2	8	11
M-S-3	6	16
M-S-4	4	15
M-S-5	3	8
M-S-6	2	15
M-T	0	50
M-T-1	0	25
M-T-2	0	20
M-T-3	0	16
M-T-4	0	9

(b) SYNTHETIC RUBBER COMPOUNDS

Grades			Maximum percent by volume
Butadiene	Chloroprene	Polysulfids	Total SRV
M-SB	M-SN	M-ST	95
M-SB-1	M-SN-1	M-ST-1	90
M-SB-2	M-SN-2	M-ST-2	85
M-SB-3	M-SN-3	M-ST-3	80
M-SB-4	M-SN-4	M-ST-4	75
M-SB-5	M-SN-5	M-ST-5	70
M-SB-6	M-SN-6	M-ST-6	65
M-SB-7	M-SN-7	M-ST-7	60
M-SB-8	M-SN-8	M-ST-8	55
M-SB-9	M-SN-9	M-ST-9	50
M-SB-10	M-SN-10	M-ST-10	45
M-SB-11	M-SN-11	M-ST-11	40
M-SB-12	M-SN-12	M-ST-12	35
M-SB-13	M-SN-13	M-ST-13	30
M-SB-14	M-SN-14	M-ST-14	25

(c) GENERAL PROVISIONS

(1) Synthetic rubber may be substituted for crude rubber, in whole or in part, provided the sum of the SRV by volume and RHC by volume does not exceed the maximum total RHC of the grade specified.

(2) In the synthetic rubber compounds specified in this list crude rubber and reclaimed rubber may be used when required for processing reasons, provided the total amount of any crude rubber used does not exceed 15% of the maximum volume of the SRV designated for the synthetic rubber compound.

(3) Compounds of lower crude rubber, total RHC or SRV content than those designated in lists now or hereafter attached to Supplementary Order No. M–15–b–1 may be used in manufacturing products covered by such lists, provided the physical and service requirements, where specified, are met.

(4) All compounds shall be black except where otherwise designated in other applicable lists.

LIST 2—REGULATIONS FOR THE MANUFACTURE OF CONVEYOR, ELEVATOR AND FLAT TRANSMISSION BELTING AND V-BELTS

(a) GENERAL PROVISIONS

(1) The manufacture of conveyor, elevator and flat transmission belting and V-belts shall be limited to the types and grades listed in this List 2.

(2) Rubber belting utilizing a solid woven carcass is permitted, provided such construction uses no more crude rubber or rubber hydrocarbon (RHC) than is permitted in laminated belting of equivalent size and thickness.

(3) Constructions using combinations of fabric and other reinforcing materials, such as cord or wire, are permitted, provided total crude rubber and rubber hydrocarbon (RHC) do not exceed those which are used in an equivalent grade, fabric ply, construction belt.

(4) The regulations contained in this List 2 shall not apply to the manufacture of component parts of water craft, aircraft, military vehicles or gun mounts to fill war orders for the Army or Navy of the United States when the Army or Navy contract specifically requires the use of different compounds or constructions.

(5) Any brands or labels used shall be spaced at least ten feet apart, except that each belt may have at least one brand or label.

(b) CONVEYOR BELTING

(1) *Compounds permitted.* Compounds for each of the grades of conveyor belting listed in Table A below shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order No. M–15–b–1, as amended, the appropriate grades of compound to be used for covers and frictions being those hereinbelow designated therefor opposite the description or designation of such class in Table A.

TABLE A

Grade of belt	Conveyor cover compound	Pulley cover compound	Friction compound	Grade regulation			Combined cover gauge maximum in inches
				Average tensile range p. s. i.		Average friction range in pounds	
				Pulley cover	Conveyor cover		
No. 1	M-N	M-R	M-N	800-1000	1700-2200	16-19	7/32
No. 2	M-R	M-R	M-P	800-1000	800-1000	12-15	7/32

NOTE 1: A skim coat of same quality as friction compound and not exceeding .010 inches shall be permitted on 42 oz. or heavier belt duck on grade 1 only.

NOTE 2: The gauge of any breaker, where used, is to be included in the cover thickness.

(2) *Grades of belts permitted.* (i) All conveyor belts designed for the following uses shall be of Grade 2 quality only, and the thicknesses of covers for each group shall not exceed those specified for such group:

Group 1—Sum of thicknesses of conveyor and pulley covers shall not exceed 1/16″	Group 2—Sum of thicknesses of conveyor and pulley covers shall not exceed 3/32″	Group 3—Sum of thicknesses of conveyor and pulley covers shall not exceed 1/8″
Fruits. Vegetables. Lime slaked. Charcoal. Grains and seeds. Beets. Flour. Soap. Portable conveyor for handling above material.	Sand. Soil. Soda. Powdered stone and chemicals. Earth. Fine gravels to 1/4″. Pulverized coal. Coke breeze. Concentrates. Wet pulp. Portable conveyor for handling above material.	Sulphur. Salts. Sugar. Small sized bituminous coal up to 4″. Small coke up to 2″. Ashes. Culm. Clay. Shells. Gravel 1/2″ to 2″. Concrete mix. Cement. Lime unslacked. Phosphate pebble. All portable conveyors except for services in Groups 1 and 2.

(ii) Either Grade 1 or Grade 2 belting may be used for belts designed for services other than designated in Groups 1, 2 and 3 above.

(iii) No crude rubber, latex, synthetic rubber, reclaimed rubber or scrap rubber may be used to manufacture conveyor belting designed for the handling of boxes, bales, bags, cases, sacks, paper, dry pulp and wood chips.

(iv) Grade 1 belting may be used for any service where the temperature of the materials handled exceed 200° Fahrenheit.

(v) Pulley lagging shall be made with not more than five plies of woven duck, with a friction back and a wearing face not greater than 3/8″ in thickness. Compounds shall be of Grade 2 quality. Pulley lagging shall not be manufactured for use as portable conveyors.

(c) ELEVATOR BELTING

(1) *Compounds permitted.* Compounds for each of the grades of elevator belting listed in Table B below shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order M–15–b–1, as amended, the appropriate grades of compounds to be used for covers and frictions being those hereinbelow designated therefor opposite the description or designation of such class in Table B.

TABLE B

Grade of belt	Pulley cover compound	Bucket cover compound	Friction compound	Grade regulation			Maximum combined cover gauge in inches
				Average tensile range p. s. i.		Average friction range in pounds	
				Bucket cover	Pulley cover		
No. 1	M-N	M-R	M-N	800-1000	1700-2200	16-19	3/16
No. 2	M-R	M-R	M-P	800-1000	800-1000	12-15	3/16

NOTE 1: A skim coat of same quality as friction compound and not exceeding .010 inch shall be permitted only on Grade 1.

NOTE 2: The gauge of any breaker, where used, is to be included in the cover thickness.

(2) *Grades of belts permitted.*

(i) All elevator belts designed for the following uses shall be of Grade 2 quality only, and the thicknesses of covers for each group shall not exceed those specified for such groups:

Group 1—Sum of thicknesses of the bucket and pulley covers shall not exceed 1/16″	Group 2—Sum of thicknesses of the bucket and pulley covers shall not exceed 1/8″	Group 3—Sum of thicknesses of the bucket and pulley covers shall not exceed 5/32″	Group 4—Friction surface only
Pulverized coal. Soap. Lime slaked.	Coke breeze. Powdered stone and chemicals. Concentrates. Sand. Clay. Soil.	Gravel up to 2″. Small bituminous coal up to 2″. Trap rock up to 2″. Salt. Sugar. Cement. Lime unslaked. Phosphate pebble.	Grains. Seeds.

(ii) Either Grade 1 or Grade 2 belting may be used for belts designed for services other than designated in Groups 1, 2, 3 and 4 above.

(iii) No crude rubber, latex, synthetic rubber, reclaimed rubber or scrap rubber may be used in the manufacture of elevator belting designed for the handling of boxes, bales, bags, cases, sacks, paper, dry pulp and wood chips.

(d) FLAT TRANSMISSION BELTING

Flat transmission belts and belting shall be manufactured in two grades only, as follows:

Grade of belt	Crude rubber maximum weight in pounds	Total RHC maximum weight in pounds
No. 1	.46	.73
No. 2	.15	.47

NOTE 1: The maximum weight of crude rubber and total RHC as designated above shall be based on a unit of 1,200 sq. in. per single ply of fabric.

NOTE 2: All flat belts and belting designed to transmit power to, and/or on, any farm machinery and equipment shall be Grade 2 quality, except those designed to transmit power to the Hammermills which may be Grade 1.

NOTE 3: Grade 1 belting is permitted with 1/32″ Grade M–N rubber cover when designed for service under severe chemical conditions. No rubber covers are permitted for belts designed for any other service.

NOTE 4: Color of seaming strip is optional.

NOTE 5: No crude rubber, latex, synthetic rubber, reclaimed rubber or scrap rubber shall be used in the manufacture of loom harness strapping.

(e) V-BELTS

(1) V-belts shall be manufactured in two grades only, as follows:

Grade of belt	Crude rubber and latex maximum by volume of total belt	Total RHC maximum by volume of total belt
	Percent	*Percent*
No. 1	40	55
No. 2	0	50

NOTE 1: The crude rubber and RHC is based on total volume of belt. In determining the belt volume the published nominal cross-sectional dimensions shall be used where these exist and mold cross-sectional dimensions shall be used in all other cases. The percentage calculations shall be based on the volume of net finished belt but manufacturing waste shall be included in the crude rubber and RHC contents.

NOTE 2: Color of cord treatments is optional.

NOTE 3: On Grade 2 belts a maximum of 1% crude rubber by volume may be used as a cement to aid processing, and this 1% crude rubber shall be included in the total RHC.

(2) All V-belts of the following classifications shall be of Grade 2 quality only:

F. H. P.

Belts designed for replacement for passenger automobiles.

Belts designed for replacement for trucks under 1½ tons.

Agricultural belts, except those of C section and larger, double V and round belts of any section, designed for use with agricultural machinery. Farm tractor belts may be Grade 1 quality.

Household equipment belts.

LIST 3—REGULATIONS FOR THE MANUFACTURE OF HOSE

(a) GENERAL PROVISIONS

(1) The manufacture of hose shall be limited to the types and grades listed in this List 3, except as permitted by List 14.

(2) The tube, friction, layers, filler and cover for each of the types of hose listed in the regulations contained in this List 3 shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order No. M–15–b–1, as amended, the appropriate grade of compound to be used being that hereinbelow designated therefor opposite the description or designation of such type.

(3) Hose manufactured in accordance with these regulations shall be inspected and tested in accordance with the methods of A. S. T. M. Standard D–380, latest revision prior to January 11, 1943.

(4) The regulations contained in this List 3 shall not apply to the manufacture of component parts of watercraft, aircraft, military vehicles or gun mounts to fill war orders for the Army or Navy of the United States when the Army or Navy contract specifically requires the use of different compounds or constructions.

(5) Brands or labels shall be spaced at least twenty-five feet apart, except that each length of hose may have at least one brand or label.

(b) COMMERCIAL TYPES

Type of product	Compound				Construction and/or service restrictions
	Tube	Friction	Layer or Filler	Cover	
Acid-conducting and suction	M-H	M-P	M-R	M-P	Tube: 3/16 inch maximum. Cover: 1/16 inch maximum.
Air brake—Truck and bus.	M-N or M-SN-7 or M-SB-7.	M-N or M-SN-7 or M-SB-7.		M-P or M-SN-9 or M-SB-9.	Maximum wall: 13/64" on sizes under 5/8" I. D. 3/8" on sizes 5/8" and over.
Air-curb	M-T	M-T		M-T	Maximum wall: 3/16 inch. Made only in 1/4" and 3/8" I. D. sizes.
Air and air tool: Industrial Grade 1.	M-N, or M-SN-7 or M-SB-7.	M-P or M-SN-7 or M-SB-7.		M-M or M-SN-7 or M-SB-7.	Maximum wall: 11/32" for sizes with 5/8" I. D. and smaller. 13/32" for sizes 3/4" I. D. to 1½" I. D. incl. ½" for sizes 1⅝" I. D to 3" incl. 5/8" for sizes over 3" I. D. Service: Designed for use only for heavy duty service, in mines, quarries and outside construction, including ship yards where tools are oiled through the hose and abrasion on cover is severe.
Grade 2	M-Q-1	M-P		M-P	Maximum wall: 9/32" for sizes 5/8" I. D. or smaller. 11/32" for sizes 3/4" I. D. to 1½" incl. 7/16" for sizes over 1½" I. D. Service: Designed for use for all industrial air or air tool service not specifically covered in Grade 1.
Alcohol, brewers and beverage hose, tubing and suction hose	M-J-1	M-P	M-P	M-R	Tube: 1/8" maximum. Cover 1/16" maximum. Tube color—optional.
Arbor pipe forming.	M-H	M-H			Tube 5/64" maximum.
Braided cover tubing.	M-T				Maximum wall: 5/64" on sizes 3/8" I. D. and under. 3/32" on sizes over 3/8" I. D.
Butane and Propane.	M-SB-9 or M-SN-9 or M-ST-6.	M-SB-8 or M-SN-8 or M-ST-6.		M-SB-8 or M-SN-8 or M-ST-6.	Maximum wall: 7/16" on sizes 1" I. D. and under. 33/64" on sizes over 1" I. D.
Cable covering—electric.	M-T	M-T		M-T	Maximum wall: 3/16". Not an integral part or vulcanized to a wire or cable. Service: Safety protective covering on electrical power lines.
Cement handling, Cement gun, incl. grouting.	M-E	M-H	M-P	M-P	Tube: 3/16" maximum. Cover: 1/16" maximum.
Cement and material-dry and ice-slinger.	M-E	M-N	M-P	M-P	Tube. 3/16" maximum for sizes 1" I. D. and under. 1/4" maximum for sizes over 1" I. D Cover: 3/64" maximum all sizes. Not permitted for rock wool insulation.
Concrete placing.	M-E	M-N	M-P	M-P	Tube: ½" maximum. Cover: 1/16" maximum.
Chemical	M-T	M-R		M-T	Maximum wall: 9/32" on sizes 3/4" I. D. and under. 11/32" on sizes over 3/4". I. D.
Coupling-flexible.	M-Q-1	M-R			Tube: 3/64" maximum.
Creamery (Sanitary).	M-Q-1	M-M		M-N or M-SN-7 or M-SB-7.	Tube. 7/64" maximum. Cover: 1/16" maximum. Service: For meat packing or food handling plants only.
Divers:					
Floating	M-A	M-H		M-A	Maximum wall: 3/16".
Sinking	M-N	M-N		M-M	Maximum wall: 5/16".
Dredging sleeves.	M-H	M-N		M-P	Tube: 1/4" maximum. Cover: 3/64" maximum. Skim coat: Not permitted.
Expansion joints.	M-A	M-E	M-M	M-M	Tube: 1/8" maximum for sizes 8" I.D. and under. 3/16" maximum for size over 8" I.D. Cover: 1/16" maximum all sizes. Service: Expansion joints are normally used in rigid line to absorb thrust or excessive motion or to isolate vibration and/or noise.
Fire extinguisher tubing.	M-T	M-T		M-T	Maximum wall: 3/16".

(b) COMMERCIAL TYPES—continued

Type of product	Compound				Construction and/or service restrictions
	Tube	Friction	Layer or Filler	Cover	
Flanged flexible pipe.	M-E	M-N	M-P	M-P	Tube: 3/16" maximum for sizes 12" I.D. and under. 1/4" maximum sizes over 12". Cover: 3/64" maximum all sizes.
Fuelline—Automotive, truck and bus.	M-K or M-SB-10 or M-SN-10.				Service: The rubber compound may be used in connection with metal lining. The synthetic rubber compounds may be used either with or without metal lining.
Fuel oil and gasoline (Not service station pump hose.)	M-SB-9 or M-SN-9 or M-ST-6.	M-SB-9 or M-SN-9 or M-ST-6.		M-SB-9 or M-SN-9 or M-ST-6.	Maximum wall: 11/32" all sizes.
Garden	M-T			M-T	Maximum wall: 5/32" (Cover may be omitted).
Grease—Low pressure non-industrial.	M-T	M-T		M-T	Maximum wall: 5/32".
Hydraulic brake.	M-E	M-A		M-A	Maximum wall: .195 inch for 1/8" I.D. .230 inch for 7/32" I.D.
Hydraulic control and industrial grease:					
High pressure.	M-M or M-SB-9 or M-SN-9.	M-M or M-SB-9 or M-SN-9.		M-P or M-SB-9 or M-SN-9.	O.D.: To fit available one time couplings.
Medium pressure.	M-M or M-SB-9 or M-SN-9.	M-M or M-SB-9 or M-SN-9.		M-P or M-SB-9 or M-SN-9.	Maximum wall: 1/4" on sizes 3/8" I.D. and under. 5/16" on sizes over 3/8" I.D.
Low pressure.	M-M or M-SB-9 or M-SN-9.			M-P or M-SB-9 or M-SN-9.	Maximum wall: 1/8" all sizes.
Jetting and hydraulic.	M-N	M-P		M-M	Maximum wall: 9/16" on sizes 4" I.D. and under. 11/16" on sizes over 4" I.D.
Milk conveying.	M-H-1	M-P		M-N	Tube: 3/32" maximum. Cover 3/32" maximum.
Oil suction and discharge:					
(a) Rough bore.	M-SB-9 or M-SN-9 or M-ST-6.	M-SB-8 or M-SN-8 or M-ST-6.	M-SB-8 or M-SN-8 or M-ST-6.	M-SB-8 or M-SN-8 or M-ST-6.	Tube: 1/16" maximum for sizes 4" I.D. and under. 7/64" maximum for sizes over 4" I.D. Layer: 1/16" maximum. Cover: 3/32" maximum all sizes.
(b) Smooth bore.	M-SB-9 or M-SN-9 or M-ST-6.	M-SB-8 or M-SN-8 or M-ST-6.	M-SB-8 or M-SN-8 or M-ST-6.	M-SB-8 or M-SN-8 or M-ST-6.	Tube: 7/64" maximum for sizes 4" I.D. and under. 9/64" maximum for sizes over 4" I.D. Layer: 1/16" maximum. Cover: 3/32" maximum.
Phosphate flexible.	M-E	M-H	M-P	M-P	Tube: 1/4" maximum. Cover: 1/16" maximum.
Pinch valve	M-E	M-H		M-E	Maximum wall: ½" on sizes 4" I.D. and under. 5/8" on sizes over 4" I.D.
Pump tubing	M-T	M-T		M-T	Maximum wall 7/64" on sizes 1/4" I.D. and under. 5/32" on sizes over 1/4" I.D.
Radiator:					
Grade 1	M-K or M-SB-7 or M-SN-7.	M-N or M-SB-7 or M-SN-7.		M-P or M-SB-7 or M-SN-7.	Tube: Maximum thickness 3/32". Wall: Maximum gauge 7/32" for 3 ply; Maximum gauge 9/32" for 5 ply. No wall gauge restrictions for types designed for use on combat vehicles. Service: Only to fill war orders and for use on trucks 1½ tons and over, buses and railroad gas-electric power units.
Grade 2	M-ST-6	M-ST-6			Tube: Maximum thickness 1/16"—no cover permitted Service: Designed for use on trucks 1½ tons and over, which are provided with proper fittings and clamps for sealing.
Grade 3	M-T	M-T		M-T	Maximum wall: 3/16". Service: All services not specifically covered by grades 1 and 2.
Rock wool insulation.	M-T	M-R	M-T		Tube: 1/8" maximum. No cover permitted.
Rotary drilling	M-E	M-H	M-M	M-M	Tube: 5/32" maximum. Cover: 3/32" maximum.
Sand blast	M-E	M-N		M-P	Tube: under 1"—3/16" maximum all other 1/4". Cover 3/64" maximum, all sizes.
Shaft covering flexible.		M-T		M-T	Cover: 1/16" maximum.

(b) COMMERCIAL TYPES—continued

Type of product	Compound				Construction and/or service restrictions
	Tube	Friction	Layer or Filler	Cover	
Spray—Agricultural: High pressure.	M-N	M-P		M-M	Maximum wall: 5/16" on sizes under ¾" I.D. 11/32" on ¾" I.D. 15/32" on 1" I.D. Service: Designed for working pressure in excess of 500 p.s.i.
Low pressure	M-T	M-T		M-T	Maximum wall: 5/32".
Spray—Paint: Fluid line	M-ST-6	M-ST-6		M-ST-6 or M-SB-9 or M-SN-9.	O.D.: To fit existing and available paint spray fluid and air line couplings.
Air line	M-P	M-P		M-N (Red)	
Steam: Grade 1	M-E	M-E		M-E	Tube: 3/16" maximum Cover: 1/16" maximum. Service: Designed for saturated steam pressure from 100 to 200 p.s.i. or temperatures between 338 degrees and 388 degrees F.
Grade 2	M-H	M-E		M-P	Tube: ⅛" maximum for sizes 1" I.D. and under. 5/32" maximum for sizes over 1" I.D. Cover: 1/16" maximum. Service: Design for saturated steam pressures from 40 to 100 p.s.i. or temperatures between 287 deg. and 338 deg. F
Grade 3	M-Q-1	M-M		M-R	Tube: 7/64" maximum. Cover: 3/64" maximum. Service: Designed for saturated steam pressure up to 40 p.s.i. or temperatures up to 287 deg. F.
Suction: Fire engine—hard.	M-T	M-R	M-T	M-T	Tube: 5/64" maximum. Layer: 1/16" maximum. Cover: 1/16" maximum.
Fire engine—soft	M-P	M-P			Tube: 1/16" maximum for 3½" and under 3/32" maximum for sizes over 3½".
Hard rubber	M-R	M-R		M-T	Tube: ⅛" maximum on sizes 1" I. D. and under. 5/32" maximum on sizes over 1". Cover: 1/32" maximum.
Rotary slush pump.	M-N	M-P	M-P	M-P	Tube: 5/32" maximum. Cover: 1/16" maximum.
Sand suction	M-E	M-H	M-P	M-P	Tube: Under 12"—¼ maximum. 12" to 24"—⅜" maximum. All other—¾". Cover: 1/16" maximum all sizes.
Water-rough bore.	M-T	M-R	M-T	M-T	Tube: 1/16" maximum 3" I. D. and under. 5/64" maximum over 3" I. D. to 6" I. D. incl. 3/32 maximum over 6" I. D. Layer: 1/16" maximum. Cover: 3/64" maximum 4½" I. D. and under. 1/16" maximum over 4½" I. D. NOTE: Rough-bore gauges measured over top of wire.
Water-smooth bore.	M-T	M-R	M-T	M-T	Tube: 1/16" maximum 3" I. D, and under. 5/64" maximum over 3" I. D. to 6" I. D. incl. 3/32" maximum over 6" I. D. Layer: 1/16" maximum. Cover: 3/64" maximum 4½" I. D. and under. 1/16" maximum over 4½" I. D.
Tank car and tank truck.	M-SB-9 or M-SN-9 or M-ST-6.	M-SB-9 or M-SN-9 or MST-6.		M-SB-8 or M-SN-8 or M-ST-6.	Maximum wall: 11/32" on sizes under 2" I. D. 7/16" on sizes 2" I. D. to 4" I. D. ⅝" on sizes 4" I. D. and over.
Tender tank	M-Q-1	M-N	M-Q-1	M-Q-1	Tube: 5/64" maximum. Layer: 5/64" maximum. Cover: 1/16" maximum.
Tubing: Grade 1	M-H				Service: Industrial and laboratory use only. Tubing for household use not permitted.
Grade 2	M-Q-1				
Vacuum brake (Truck and bus).	M-M or M-SN-7 or M-SB-7.	M-N or M-SN-7 or M-SB-7.		M-P or M-SN-9 or M-SB-9.	Maximum wall: 15/64" on sizes under ½" I. D. 5/16" on sizes ½" I. D. and over.

(b) COMMERCIAL TYPES—continued

Type of product	Compound				Construction and/or service restrictions
	Tube	Friction	Layer or Filler	Cover	
Vacuum household	M-T	M-T			Tube: 1/32" maximum. No cover permitted.
Industrial	M-Q-1	M-N		M-P	Tube: 1/16" maximum. Cover: 1/32" maximum.
Dust collector	M-E	M-P	M-P	M-P	Tube: ⅛" maximum. Cover: 1/64" maximum.
Blower or exhaust.	M-E	M-P	M-P	M-P	Tube: 3/64" maximum. Cover. 1/64" maximum. Maximum cover thickness for industrial vacuum, dust collector and blower or exhaust hose may be 3/64" provided a layer and/or a filler is not used.
Water-cold sizes 1½" and under.	M-T	M-T		M-T	Maximum wall: ¼" on sizes 1" and under. 5/16" on sizes over 1" to 1½" incl. 13/32" on sizes over 1½" to 4" incl.
Sizes over 1½"	M-T	M-R		M-T	½" on sizes over 4".
Welding	M-P or M-SN-9 or M-SB-9.	M-P or M-SN-9 or M-SB-9.		M-P (black) or M-N (red) or M-SN-9 or M-SB-9.	Maximum wall: ⅛" on sizes 3/16" I. D. and under. 3/16" on sizes over 3/16" I. D. Color: Cover may be red or black. Twin: Twin welding hose is permitted, provided the amount of crude rubber and RHC or SRV used in the construction does not exceed that of two single lines of same size and strength.

(c) FIRE HOSE AND MILL HOSE

(1) The following regulations (which, with respect to the use of crude rubber, are identical with Federal Emergency Alternate Specifications E-ZZ-H-451a) shall apply to the manufacture of all fire hose and mill hose.

(2) Fire hose and mill hose shall be manufactured only in the following sizes and the maximum amount of crude rubber per 100 feet for each size shall not be greater than the amount designated for each size, as follows:

Nominal size:	*Maximum amount of crude rubber permitted per 100 feet*
1½ inches	4.0 pounds.
2 inches	5.5 pounds.
2½ inches	7.0 pounds.
3 inches	8.5 pounds.
3½ inches	10.0 pounds.

(3) The rubber lining shall be made either from calendered sheets of not less than three plies lap-jointed and vulcanized into one solid body, or from a single ply extruded tube. The lap joints of calendered tubes shall be as small as is consistent with best manufacturing practice.

(4) The rubber lining shall be of a thickness not less than .04 of an inch at any point when measured on specimens buffed just to the point where the fabric impression left by the jacket is removed.

(5) Each set of hose couplings shall be provided with three rubber gaskets of good quality. One gasket shall fit accurately the swivel of the couplings, and one (not less than ⅛ of an inch thick) shall be placed under the end of each expansion ring. When the coupling is made up snugly, as in service, the gasket in the swivel shall not be compressed to such an extent as to project beyond the inside surface of the coupling.

(6) The hose shall have an internal diameter as shown by a tapered plug gauge of not less than the nominal size of the hose, except that in the case of 2½ inch hose, the internal diameter so measured shall not be less than 2 9/16 inches.

(7) Unless otherwise specified in the purchase order, hose shall be furnished in lengths averaging not less than 50 feet, measured from back to back of couplings and under a pressure of 10 pounds per square inch. No length before sampling shall be less than 48 feet.

(8) The hose with couplings attached shall meet the following hydrostatic proof pressure test requirements without leakage in the hose or at the couplings or breaking any threads in the jacket:

	Numerical requirements for—				
	Single jacket		Double jacket		
	1½ and 2 inch	2½ inch	1½ and 2 inch	2½ inch	3 and 3½ inch
Test pressure for initial requirements—pounds per square inch			10	10	10
Test pressure—pounds per square inch	300	300	400	400	400
Test pressure for kink test—pounds per square inch			350	350	250
Elongation at test pressure—maximum percent			8	8	8
Twist to right—maximum degrees per foot			29	12.5	12.5
Twist to left—maximum degrees per foot	0	0	0	0	0
Warp—maximum inches			20	20	20
Rise—maximum inches			0	0	0

The kink test may be required on only one sample per 100 lengths.

A twist to the right is indicated by a clockwise rotation of the coupling, looking from the hose toward the coupling. A twist to the left is indicated by a counter clockwise rotation. A maximum twist to the left of 2 degrees per foot will be permitted while pressure is being raised, but any final twist must be to the right.

Warp is defined as deviation from a straight line.

(9) A three foot sample, when subject to a burst test while lying straight, shall not burst below the pressure designated in the following table:

Kind of hose:	*Burst pressure—pounds per square inch*
Single jacket	450
Double jacket	600

(10) The hose shall meet the following tests with respect to the rubber lining:

(i) Tensile strength of at least 800 pounds per square inch when tested across the fold.

(ii) Ultimate elongation of at least 300%.

(iii) Tensile strength, as determined with test pieces ½ inch wide prepared from strips cut transversely across the fold which have been subjected to the action of dry heat of 158 degrees ± 2 degrees Fahrenheit for 96 hours, shall be not less than 75% of the strength before heating.

(11) The adhesion of the rubber lining to the jacket shall be such that a weight of 8 pounds suspended from a strip 1½ inches wide will cause separation at a rate not greater than 1 inch per minute. This requirement does not prohibit that construction wherein there is no adhesion between the jacket and lining along the fold, providing the surface over which there is no adhesion is not greater than 35% of the total surface.

(d) RAILROAD HOSE

The tube, cover, intermediate layer and friction for each of the classes of railroad hose listed below shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compound for each part being that hereinbelow designated therefor opposite the description or designation of such class in Tables A, B, C, E and G of this subdivision (d). The physical properties of the compounds and tests on the hose shall meet the minimum requirements specified.

(1) *Air brake and train air signal hose.*

TABLE A

	Grade	Minimum gauge in inches	Minimum tensile p. s. i.	Minimum elongation	Minimum adhesion in pounds
				Percent	
Tube	M-P	0.094	800	300	12 between tube and duck.
Friction	M-N				15 between plies of duck.
Cover	M-M	0.063	1,200	300	12 between cover and duck.

(i) *Cotton reinforcement.* The reinforcement shall consist of not less than four plies of cotton duck cut on a bias of approximately 45 degrees and applied evenly and firmly with not less than ½" lap not sewed. The plies of duck shall be well frictioned on both sides with M-N grade compound which shall firmly join the plies to the rubber tube and cover and to each other.

(ii) *Rubber caps.* Each length of hose shall have a rubber cap firmly vulcanized on each end.

(iii) *Sampling.* For each lot of 300 or less lengths of each size of hose, one extra length shall be furnished for test.

(iv) *Hydrostatic test.* A 17-in. section of hose shall be subjected to a hydrostatic pressure of 200 lbs. per sq. in. applied at the rate of not less than 100 lb. per sq. in. in 6 seconds. The expansion in circumference at this pressure shall be not more than ¾ in. for air-brake or 11/16 in. for air-signal hose. The hose shall show no leaks or other defects. After the above test, the same section of hose shall be subjected to a hydrostatic pressure of 500 lb. per sq. in. maintained for 10 minutes without leaking, bursting or showing other defects; after which the pressure shall be increased until the hose bursts, which shall not occur at a pressure of less than 700 lb. per sq. in.

(v) *Dimensions and tolerances.* The dimensions and tolerances of the hose shall be as follows:

	Length in inches	Outside diameter in inches	Inside diameter in inches	Thickness of end cap, in inches
Air-brake hose:				
Maximum	22½	2⅛	1⁷⁄₁₆	⁴⁄₃₂
Minimum	22	2¹⁄₁₆	1⅜	¹⁄₃₂
Air-signal hose:				
Maximum	22½	1⅞	1³⁄₁₆	⁴⁄₃₂
Minimum	22	1¹³⁄₁₆	1⅛	¹⁄₃₂

(vi) *Label.* The label shall be in accordance with AAR Specification EM-601-42. (2) *Tender tank hose.*

TABLE B

	Grade	Minimum gauge in inches	Minimum tensile p. s. i.	Minimum elongation	Minimum adhesion in pounds
				Percent	
Tube	M-Q-1	0.070	600	200	10 between tube and duck.
Friction	M-N				12 between plies of duck.
Intermediate	M-Q-1	0.070			10 between intermediate layer and duck.
Cover	M-Q-1	0.060	600	200	10 between cover and duck.

(i) *Cotton reinforcement.* The reinforcement shall consist of plies of cotton duck cut on a bias of approximately 45 degrees and applied evenly and firmly with not less than ½" lap not sewed. The plies of duck shall be well frictioned on both sides with M-N grade compound which shall firmly join the plies to the rubber tube, cover and intermediate layer and to each other. A distinct intermediate layer of rubber shall be readily visible when the finished hose is cut open. At each end of the hose there shall be an extra ply of duck under the cover and extending for 6 inches from the end of the hose.

The cotton duck shall be either 15.4 oz. single yarn chafer or 16 oz. plied yarn chafer, the weight being based on a linear yard per 40" wide.

(ii) *Helical wire reinforcement.* The helical reinforcement shall be of thoroughly galvanized or copperized spring steel wire No. 9 BWG (0.148 inches). It shall be wound with not over 1 inch pitch throughout the length of the hose up to a point distant 3½" from each end of the hose. At this point the wire shall be turned to a straight line parallel with the axis of the hose and shall extend to a point 1 inch from the ends of the hose.

(iii) *Intermediate rubber layer.* The intermediate layer of rubber shall be formed completely around the wire and bonded to the duck.

(iv) *Sampling.* For lots of 25 to 100 lengths, of each size of hose one length shall have a prolong 18 inches long for test purposes. For lots less than 25, no prolong shall be supplied.

(v) *Boiling water test.* Samples of the tube, removed from the hose and buffed to a uniform thickness shall be immersed in boiling water for a period of eight hours. After removal and drying for 24 hours the type A test specimen shall be died from the immersed sample and tested. The tensile strength shall not be less than 50% of the original.

(vi) *Bend test.* A complete length of hose shall be bent 180 degress until two ends are parallel. The diameter of the inside of the bend shall be equal to three times the nominal inside diameter of the hose. The hose when bent in this position shall show no kinking.

(vii) *Tolerance.* (*a*) The inside diameter may vary by not more than ¹⁄₃₂" either way from that designated.

(*b*) The length of hose may vary by not more than ¼" either way from that designated.

(*c*) The outside diameter over soft ends of hose shall conform to the following table:

Nominal inside diameter in inches	Outside diameter in inches	
	Maximum	Minimum
2¼	3¼	3⅛
2½	3½	3⅜
3	4	3⅞
3½	4½	4⅜
4	5	4⅞
4½	5½	5⅜

(viii) *Label.* The label shall be in accordance with AAR Specification EM-606-42.

(3) *Cold water hose.*

TABLE C

	Grade	Minimum gauge in inches	Minimum tensile p. s. i.	Minimum elongation	Minimum adhesion in pounds
				Percent	
Tube	M-T	0.050	400	250	5—sizes ¾" and under. 6—over ¾".
Friction:					
1½" and under	M-T				6—all sizes.
Over 1½"	M-R				
Cover	M-T	0.047	550	200	5—sizes ¾" and under. 6—over ¾".

(i) *Cotton reinforcement.* The reinforcement shall consist of cotton duck for wrapped hose and braided fabric for braided hose. For wrapped hose the plies of duck shall be cut on a bias of approximately 45 degrees and applied evenly and firmly over the tube with not less than ½" lap, not sewed. The plies of duck shall be well frictioned on both sides with the designated grade of compound which shall firmly join the plies to the reclaimed rubber tube and cover and to each other. The plies of braided fabric shall be separated by a friction layer in the designated grade of compound which shall firmly join the plies to the reclaimed rubber tube and cover and to each other.

(ii) *Sampling.* From each lot of 1000 feet or less of each size of hose, a three foot section shall be taken for test purposes.

(iii) *Hydrostatic test, dimensions, plies and tolerances.* The bursting strength, as determined by straight burst method, the inside and outside diameters, minimum number of plies, shall be as designated in the following Table D:

TABLE D

Size I. D.	Outside diameter maximum—in inches	Minimum number of plies		Bursting strength minimum—p. s. i.
		Wrapped	Braided	
½	1⁵⁄₁₆	3	2	600
¾	1¼	3	2	600
1	1½	4	2	500
1¼	1⅞	4	3	500
1½	2⅛	4	3	450
2	2¾	4		450
2½	3⁵⁄₁₆	5		450
3	3¹³⁄₁₆	5		450
3½	4⁵⁄₁₆	5		350
4	4¹³⁄₁₆	5		300

NOTE.—The inside diameter may vary either way from that specified by not more than ¹⁄₃₂" for sizes ¾" and smaller, and by not more than ¹⁄₁₆" for larger sizes.

(iv) *Label.* The label shall be in accordance with AAR Specification EM-604-42. (4) *Air, gas and oxygen hose.*

TABLE E

	Grade	Minimum gauge in inches	Minimum tensile p. s. i.	Minimum elongation	Minimum adhesion in pounds
Tube:				*Percent*	
⅜" and under	M-P	0.050	600	200	7
⁷⁄₁₆ to 1" incl.	M-Q-1	0.063	600	200	8
Over 1"	M-Q-1	0.078	600	200	8
Friction:					
⅜" and under	M-P				7
Over ⅜"	M-P				10
Cover:					
⅜" and under	M-P (Black)	0.020	700	250	5
⅜" and under	M-N (Red)	0.020	700	250	5
Over ⅜"	M-P	0.063	800	250	8

NOTE: ½" gas and oxygen hose, if required, shall conform to the same regulations as ⅜" and under for tube, friction and cover.

(i) *Cotton reinforcement.* The reinforcement shall consist of cotton duck for wrapped hose and braided fabric for braided hose. For wrapped hose the plies of duck shall be cut on a bias of approximately 45 degrees and applied evenly and firmly over the tube with not less than ½" lap, not sewed. The plies of duck shall be well frictioned on both sides with M-P grade compound which shall firmly join the plies to the rubber tube and cover and to each other. The plies of braided fabric shall be separated by a friction layer of M-P grade compound which shall firmly join the plies to rubber tube and cover and to each other.

(ii) *Sampling.* From each lot of 1,000 feet or less of each size of each kind of hose, a three foot section shall be taken for test purposes.

(iii) *Hydrostatic test, dimensions, plies and tolerances.* The bursting strength, as determined by straight burst test, the inside and outside diameters, minimum number of plies, and tolerances and dimensions shall be as designated in the following Table F:

TABLE F

Size, I. D. (inches)	Outside diameter—maximum—in inches	Minimum number of plies		Bursting strength minimum p. s. i.
		Wrapped	Braided	
1/4	5/8	4	2	900
5/16	11/16	4	2	700
3/8	3/4	4	2	600
1/2 gas and oxygen	7/8	4	2	550
1/2	1 1/16	4	2	800
3/4	1 11/32	4	2	700
1	1 11/16	4	3	700
1 1/4	1 15/16	5	3	600
1 1/2	2 3/16	5	3	550

NOTE 1: The inside diameter tolerance shall be plus or minus 3/128" on sizes 3/8" and under: plus or minus 1/32" on sizes 1/2" and 3/4", and plus or minus 1/16" on sizes over 3/4".

NOTE 2: The minimum O. D. on the 1/4", 5/16" and 3/8" sizes of gas and oxygen hose shall not be less than 1/16" under the maximum designated O. D.

(iv) *Label.* The label shall be in accordance with AAR Specification EM-603-42.

(v) *Color.* All compounds shall be black, except the cover on hose for acetylene-hydrogen which shall be red.

(5) *Steam and hot water hose.*

TABLE G

	Grade	Minimum gauge in inches	Minimum tensile, p. s. i.		Minimum elongation—Original	Minimum adhesion in pounds	
			Original	After steaming		Original	After steaming
					Percent		
Tube	MH	3/8" & 1/2"-0.094" 3/4"-0.109" all other sizes—0.125.	750	550	200	15	12
Friction	ME					18	15
Cover	MP	All 0.047" sizes	600		200	12	

NOTE 1: The rack steaming test only shall be used

NOTE 2: Hose for general use shall, unless otherwise specified, be furnished in 50 ft. length.

Hose for car heating purposes shall be furnished in 24 in. length with a permissible variation of 1/4" either way.

(i) *Cotton reinforcement.* The reinforcement shall consist of plies of cotton duck cut on the bias and applied evenly and firmly over the tube with not less than a 1/2" lap not sewed. The number of plies shall be as shown in Table H appearing in subparagraph (iii) hereof.

The plies of duck shall be well frictioned on both sides with a rubber compound which shall firmly join the plies to the rubber tube and cover and to each other.

(ii) *Sampling.* Two samples, each 24" long, shall be taken from each lot of 1,000 or less feet of each size of long length hose, and from each lot of 300 or less lengths of car heating hose. One of these samples shall be used for the hydrostatic test, the other for the before and after steaming tests.

(iii) *Hydrostatic test.* One of the 24 in. test samples shall be subject to a hydrostatic pressure applied at the rate of not less than 100 lbs. per sq. in. in six seconds and shall withstand without bursting, leaking or developing other defects, the indicated pressure for the respective sizes of hose shown in the following Table H:

TABLE H

Diameter of hose—in inches		Plies	Burst pressure lb. per square inch
Inside	Outside maximum		
3/8	1 1/16	4	875
1/2	1 3/16	4	875
1/2	1 5/16	7	1,000
3/4	1 9/16	4	875
3/4	1 11/16	7	1,000
1	1 7/8	5	875
1 1/4	2 1/8	5	800
1 1/2	2 3/8	5	800
1 1/2	2 1/2	6	875
1 1/2	2 5/8	8	1,000
1 5/8	2 1/2	5	775
1 5/8	2 5/8	6	875
1 5/8	2 3/4	8	1,000
1 3/4	2 3/4	6	775
2	3	6	750

(iv) *Tolerances.* (*a*) The inside diameter may vary either way by not more than 1/32" from the dimensions shown.

(*b*) The inside diameter after the steam test shall be not more than 13 per cent greater than the original diameter for sizes 1 inch and over, and not more than 20 per cent for sizes less than 1 inch.

(v) *Label.* The label shall be in accordance with the AAR Specification EM-605-42.

LIST 4—REGULATIONS FOR THE MANUFACTURE OF PACKING

(a) The manufacture of packing shall be limited to the types and grades listed in this List 4.

(b) The fabric reinforced face and friction compounds, the non-fabric reinforced compounds and core compounds for each of the commercial types of packing shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compound to be used being that hereinbelow designated therefor opposite the description or designation of such types. For these types of packing, when a compound grade is not designated, the maximum limitation on crude rubber by weight shall be that designated therefor opposite the description or designation of such type.

(c) The regulations contained in this List 4 shall not apply to the manufacture of component parts of watercraft, aircraft, military vehicles or gun mounts to fill war orders for the Army or Navy of the United States when the Army or Navy contract specifically requires the use of different compounds or constructions.

Description	Grade	Non-fabric reinforced compounds	Fabric-reinforced		Construction and/or service restrictions
			Face compound	Friction compound	
Standard rubber sheet packing (known heretofore as red or black sheet packing) including cut, extruded, or molded strips, gaskets or packing rings of simple round, square, or rectangular cross section made from these compounds (except for application elsewhere defined).	1	M-M-2			Color: May be red or black. Service: (a) Designed for use against chemicals or foodstuffs, where contamination or the imparting of undesirable odors or taste is to be avoided. (b) Designed for use against saturated steam at pressures in excess of 50 p. s. i.
Shore hardness—75 min	2	M-S			Service: Designed for service other than listed for Grade 1.
Soft rubber sheet, including cut, extruded or molded strip, gaskets or packing rings of simple round, square or rectangular cross section (except for applications elsewhere defined):					Service: Soft rubber sheets in Grades 1, 2, and 3 are to be used only in packing designed for services where a grade softer than standard rubber sheet is absolutely necessary. Packing designed for use in bolted tanks shall be Grade 3 except that hardness may be in excess of 75.
Shore hardness—below 55	1	M-M			
Shore hardness—55-65	2	M-O			
Shore hardness—65-75	3	M-Q-1			
Cloth insertion sheet, including cut strip or gaskets.			M-T	M-R	
Diaphragm sheet, including cut diaphragms:					Color: Grade 1 may be black or amber.
Cloth inserted:					
Supersensitive	1		M-B	M-E	Service: Grades 1 and 2 cloth inserted designed for control diaphragm service. Grade 1 shall be used only in packing designed for exceedingly flexible diaphragms, not exceeding 1/32" in thickness.
Standard	2		M-N	M-N	
Without cloth insertion:					
Shore hardness below 55	1	M-K			
55-65	2	M-N			
65-75	3	M-P-1			
Above 75	4	M-S			
Piston packing, hydraulic, known heretofore as white hydraulic.				M-K	No skim coat, cushion layer or covers permitted.
Rod packing: Duck rubber slab construction, known heretofore as low pressure ring, low pressure spiral or cross expansion packing.			M-P-1	M-P-1	Skim coat of same grade as friction shall not exceed 0.010 in., covers shall not exceed 0.016 in. Cushion layers (except skim) not permitted.

Description	Fabric reinforced friction compound	Core compound	Maximum crude rubber by weight	Construction and/or service restriction
Rod packing: Duck rubber rolled	M-P-1	M-S		No skim coat permitted. Made with or without central rubber core or rubber cover. Round or square cross section. Cover M-P-1.
Duck rubber rolled (manufactured by spreading process).			15% (based on weight of fabric).	Round or square cross section.
Molded V-shape or lip	M-N			Skim coats of same grade compound as friction permitted. Cushion layers and rubber covers not permitted.
Molded channel with metal core known as semi-metallic.	M-N			Skim coats of same grade compound as friction permitted. Cushion layers and rubber covers not permitted.
Molded channel with metal core known as semi-metallic (manufactured by spreading process).			15% (based on weight of fabric).	
Molded channel with cores other than metal.	M-N	M-S		
Rubber bonded plastic			5%	Color: optional.
Rubber bonded metal foil			2%	Color: optional.
Compressed asbestos sheet			13%	Color: optional.
Rubberized woven asbestos cloth or braid, including unmolded gaskets or rod packings prepared from same:				
Metallic		M-S	10% (based on weight of fabric).	
Non-metallic		M-S	13% (based on weight of fabric).	

LIST 5—REGULATIONS FOR THE MANUFACTURE OF DAM AND LOCK GATE SEALS

(a) The manufacture of dam and lock gate seals shall be limited to the construction listed in this List 5.

(b) The tread, cushion, friction and coat for dam and lock gate seals shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compound to be used being that hereinbelow designated therefor opposite description or designation of each construction element in Table A of this List 5.

TABLE A

Construction element	Compound	Minimum tensile strength in pounds per square inch	Minimum elongation	Shore hardness	Minimum ply adhesion in pounds
Tread	M-N	1,500	350%	60-70	
Cushion	M-B	2,000	700%	35-47	
Friction and coat	M-H				16

LIST 6—REGULATIONS FOR THE MANUFACTURE OF HOG SCRAPER (BEATER) PADDLES

(a) The manufacture of hog scraper (beater) paddles shall be limited to the constructions listed in this List 6.

(b) Compounds for each of the grades of hog scraper paddles listed in Table A of this List 6 shall be made from one of the compounds listed in List 1 attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compounds to be used for covers, friction and coats being those hereinbelow designated therefor opposite the description or designation of such class:

Description	Cover compound	Friction compound	Coat or skim compound
Rubber covered	M-R	M-N	M-E
Friction surface		M-N	M-E

NOTE 1: The skim or coat shall not ex- .010 inch in thickness. Where skim coats are not used, a cushion layer of same quality as the skim may be used provided it does not exceed the combined gauges of the permissible skims.

NOTE 2: Maximum combined gauges of covers shall not exceed 3/16 inch.

LIST 7—REGULATIONS FOR THE MANUFACTURE OF LOOM PICKERS

(a) The manufacture of loom pickers shall be limited to the types listed in this List 7.

(b) Compounds for each of the types of loom pickers shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compound to be used being that hereinbelow designated therefor opposite description or designation of such type:

Type of product	*Compound*
Loom pickers for cotton weaving	M-P-1
Loom pickers for rayon weaving	M-K-1
Reversible drop box pickers for cotton or rayon	M-K-1

NOTE 1: The compounds specified above shall be employed only as a friction for the fabric.

NOTE 2: The color of compounds used in loom pickers is optional.

LIST 8—REGULATIONS FOR THE MANUFACTURE OF MILK AND MILKING MACHINE EQUIPMENT

(a) The manufacture of milk and milking machine equipment shall be limited to the items listed in this List 8.

(b) Compounds for each of the following types of rubber parts for milk and milking machine equipment shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compound to be used being that hereinbelow designated therefor opposite description or designation of such type:

Type of product	*Compound*
Milking inflations	M-A.
Milking tubing (single line)	M-H-1.
Milking tubing (twin line)	M-M-1.
Bottle filler rubbers	M-H-1.
Miscellaneous parts such as special gaskets, gland rings, bowl rings:	
Grade 1. Shore hardness below 55	M-K.
Grade 2. Shore hardness 55-65	M-N.
Grade 3. Shore hardness 65-75	M-P-1.
Grade 4. Shore hardness above 75	M-S.

(c) The color of milking inflations is optional.

LIST 9—REGULATIONS FOR THE MANUFACTURE OF PIPE COUPLING RINGS

(a) The manufacture of pipe coupling rings shall be limited to the types listed in this List 9.

(b) Compounds for each of the grades of pipe coupling rings listed below shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compound to be used being that hereinbelow designated therefor opposite the description or designation of such grade:

Compound	*Service restriction*
M-N or M-SB-8 or M-SN-6.	Designed for all types of coupling rings, bell joint clamp gaskets, and all types of rings, bands, plugs, gaskets, etc., for the repair of pipe.

LIST 10—REGULATIONS FOR THE MANUFACTURE OF PRESS DIE PADS

(a) The manufacture of press die pads shall be limited to the grades listed in this List 10.

(b) Compounds for press die pads shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compound to be used being that hereinbelow designated therefor opposite the description or designation of such products:

Grade	Compound	Shore durometer
No. 1	M-A	Under 40.
No. 2	M-E	40 and over.

NOTE 1: In order to reverse the pad so that both sides can be used, pads shall not be manufactured with the rubber compound vulcanized to a steel plate.

NOTE 2: Rubber color stripes to identify hardness are permitted.

LIST 11—REGULATIONS FOR THE MANUFACTURE OF PRINTING RUBBER PRODUCTS

(a) The manufacture of printing rubber products shall be limited to the types and grades listed in this List 11.

(b) Compounds for each of the types of printing rubber products shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compound to be used being that hereinbelow designated therefor opposite the description or designation of such type.

Type of product	Shore durometer	Compound
Printing plate gums	46-55	M-M-1 or M-SB-8 or M-SN-7.
Printing plate gums	56-65	M-N-1 or M-SB-9 or M-SN-8.
Printing plate gums	66-90	M-Q-1 or M-SB-10 or M-SN-9.
Printing plate insert and backing fabrics		M-R-1 or M-SB-8 or M-SN-7.
Adhesive fabric		M-E.
Offset blankets		M-J-1 or M-SB-7 or M-SN-6 or M-ST-5.
Newspaper blankets		M-L-1 or M-SB-8 or M-SN-7 or M-ST-5.
Cutting rubber		M-J-1 or M-SB-7 or M-SN-6.
Printing rolls		M-J-1 or M-SB-7 or M-SN-6.
Engraving rubber face stock	30-55	M-M-1 or M-SB-8 or M-SN-7.
Engraving rubber face stock	56-75	M-N-1 or M-SB-8 or M-SN-7.
Engraving rubber face stock	76-90	M-P-1 or M-SB-9 or M-SN-8.
Engraving rubber friction		M-Q-1 or M-SB-8 or M-SN-7.
Engraving rubber filler		M-Q-1 or M-SB-10 or M-SN-9.
Box die gums		M-M-1 or M-SB-7 or M-SN-6.

NOTE 1: In any combination of compounds, any one or group of compounds may be higher in crude rubber and RHC volume than the designated compound grade provided the total volume of crude rubber and RHC of all compounds is not in excess of that permitted.

NOTE 2: The thickness of face stocks on engraving rubber shall not exceed 1/8''.

NOTE 3: Red face stock may be used on offset blankets and newspaper blankets.

NOTE 4: Rolls (except feed rolls) used on duplicating, hectograph, mimeograph or similar reproducing equipment shall conform to the requirements for printing rolls.

LIST 12—REGULATIONS FOR THE MANUFACTURE OF RUBBER LINED TANKS, DRUMS AND RUBBER PROTECTED INDUSTRIAL EQUIPMENT.

(a) The manufacture of rubber lined tanks, drums and rubber protected industrial equipment shall be limited to the types and kinds set forth in this List 12.

(b) Compounds for each of the following types of rubber lined tanks, drums and rubber protected industrial equipment shall be made from one of the grades of compounds listed in List I attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compound to be used being that hereinbelow designated therefor opposite the description or designation of such type in Table A of this List 12.

TABLE A

Type of equipment	Compound	Construction and/or service restrictions
Rubber lined drums and tanks (hard or soft rubber).	M-F	1/8'' maximum thickness designed for use for temperature up to and including 150° F. 3/16'' maximum thickness designed for use for temperatures in excess of 150° F.
Rubber lined pipes and fittings	M-F	1/8'' maximum thickness in pipes up to and including 3'' diameter, regardless of anticipated temperature; also in pipes over 3'' in diameter designed for use where temperature is not in excess of 150° F. 3/16'' maximum thickness for pipes over 3'' in diameter designed for use where temperature is in excess of 150° F.

NOTE 1: The lining of tank cars is to be in accordance with I. C. C. specifications.

NOTE 2: No crude rubber, latex, synthetic rubber, reclaimed rubber or scrap rubber shall be used in conjunction with tanks, barrels, pails, drums, racks, fume ducts or pipe and fittings for any operation connected with the plating or anodizing of materials.

NOTE 3: No crude rubber, latex, synthetic rubber, reclaimed rubber or scrap rubber shall be used in lining or covering tanks and drums, pipe and fittings, when designed for purely abrasive services where no corrosive liquids are present.

NOTE 4: No outside rubber coverings shall be permitted extending more than a vertical distance of 2'' below the outside top edge of any rubber lined tank or more than 2'' from the outside edge of any rubber lined cover.

NOTE 5: Where corrosive chemicals and chemicals having a softening action on rubber are involved, an additional 1/16'' thickness may be employed.

NOTE 6: Where closed vessels or tanks operating under a vacuum of 18'' of mercury or more are involved, an additional thickness of 1/16'' may be used.

(c) Rubber protected fume ducts, fans, racks, frames, trays, screens, buckets, pails, dippers, funnels, and measures (for handling corrosive materials and explosives) shall employ the same restrictions and compounds as rubber lined tanks and drums.

(d) Rubber protected agitators, pumps, blowers, exhauster and pump lining, valves and valve parts shall be made from compound grade M-F, and the restrictions on thickness shall be the same as those for rubber lined tanks and drums, except that a greater thickness of rubber may be used where existing equipment makes it necessary to have such additional thickness to make the equipment function.

(e) Lining of centrifugal pumps designed to handle ore concentrates, slurry, sand and other highly abrasive material in suspension, shall be made from compound grade M-C, and the restrictions on thickness shall be the same as those for rubber lined tanks and drums, except that a greater thickness of rubber may be used where existing equipment makes it necessary to have such additional thickness to make the equipment function.

LIST 13—REGULATIONS FOR THE MANUFACTURE OF ABRASIVE IMPLEMENTS

(a) The manufacture of rubber bonded abrasive implements shall be limited to implements designed for the types of operations listed in this List 13.

(b) Crude rubber may be used in the manufacture of only those rubber bonded implements which are designed for the types of work listed below, and the only grade of compound to be used in their manufacture shall be that listed as M-N-2 in List 1 attached to Supplementary Order M-15-b-1, as amended:

Ball and roller race.
Cut-off and thin slotting.
Stainless welds.
Heat sensitive and non-ferrous alloys.
Centerless and control.
Soft polishing and bonded cork.
Rubber asbestos products.
Shank mounted.
Disc mounted tie gum.
Weld grinding at bottom of slots.

LIST 14—REGULATIONS FOR THE MANUFACTURE OF MINE AND INDUSTRY SAFETY PARTS

(a) The manufacture of mine and industry safety parts shall be limited to the types and grades listed in this List 14.

(b) Compounds for each of the mine and industry safety parts listed below shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compound to be used being that hereinbelow designated therefor opposite the description or designation of such grade in Table A of this List 14.

TABLE A

Type of product	Compound	Construction
Face pieces, respirators, goggles and accessories not elsewhere listed	M-K-1	
Corrugated tubes	M-L	
Flutter valve, valve mechanisms and valve assemblies	M-B	

	Tube	Friction	Cover	
Hose mask hose, as required by Bureau of Mines.	M-L or M-SN-9 or M-SB-9.	M-N or M-SN-7 or M-SB-7.	M-P or M-SN-7 or M-SB-7.	Cover—³⁄₃₂" max. Tube—¹⁄₁₆" max. I. D.—1 inch only. Maximum O. D.—1⁷⁄₁₆".

NOTE.—The color of face pieces, respirators, goggles and corrugated tubes is optional.

LIST 15—REGULATIONS FOR THE MANUFACTURE OF BRAKE LININGS, BRAKE BLOCKS AND CLUTCH FACINGS

(a) The manufacture of brake linings, brake blocks, and clutch facings shall be limited to the types and grades listed in this List 15.

(b) Compounds for each of the following types of brake linings, brake blocks and clutch facings shall be made from one of the grades of compounds listed in List 1 of Supplementary Order M-15-b-1, as amended, the appropriate grade of compound to be used being that hereinbelow designated therefor opposite the description or designation of such type in Tables A and B of this List 15.

TABLE A—BRAKE LININGS AND BLOCKS

Type of product	Compound		
	Passenger cars	Trucks and buses	Industrial
Folded and compressed	M-T-3	M-T-3	M-S-3
Wire back	M-T-4	M-T-4	M-T-4
Sheeter	M-T-3	M-T-2	M-R-2
Extruded	M-T-1	M-T-1	M-R-2
Synthetic resin and/or oil bonded (not wire back)	M-T-4	M-S-5	M-S-5

TABLE B—CLUTCH FACINGS

Type of product	Passenger cars	Trucks and buses	Industrial
Formed and jointed	M-T-3	M-S-1	M-S-1
Whole cloth	M-T-3	M-S-1	M-S-1
Spiral wound and chevron	M-T-3	M-S-4	M-S-1
Molded resin bonded	M-T-4	M-T-4	M-S-5
Sheeter	M-T-3	M-T-2	M-R-2

NOTE 1: Vehicles over 1½ tons capacity are considered as trucks and/or buses.

LIST 16—REGULATIONS FOR THE MANUFACTURE OF RUBBER COVERED ROLLS [EXCEPT DOMESTIC WASHING MACHINE WRINGER, PRINTERS, FINGER PRINT AND BUSINESS MACHINES]

(a) Roll covering compounds for each of the types of rolls, listed in Table A below shall be made from one of the grades of compounds listed in List 1 attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compound being that hereinbelow designated therefor opposite the description or designation of such grade in Table A of this List 16.

TABLE A—*Pusey & Jones Plastometer (hardness—⅛" ball)*

	Grade of compound
Above 220	M-C, M-SB-5, M-SN-5 or M-ST-2.
180–220	M-D, M-SB-5, M-SN-5 or M-ST-2.
90–180	M-E, M-SB-5, M-SN-5 or M-ST-2.
60–90	M-F, M-SB-5, M-SN-5 or M-ST-2.
0–60	M-G-1, M-SB-5, M-SN-5 or M-ST-2.
Base rubber for rolls of all hardnesses	M-H-2.

(b) The cover thickness of each of the types of rolls listed in Table B of this List 16 shall not exceed that specified for such type in such Table B.

TABLE B

Industry	Type of roll	Maximum cover thickness
Paper mill rolls: Group 1	Press, smoothing, sizing, lump breaker, breast pad.	¾" on rolls up to and including 24" core diameter. ⅞" on rolls of larger core diameter.
	Waxing—all types—Baby, monkey and primary press.	¾". When used as top roll ¾"; when used as bottom roll ½".
Group 2	Suction press	⅞".
	Couch, including cylinder wet machine and extractor.	1¼".
	Couch, for deckers, thickeners, save-alls and washers.	½".
	Felt, table, wire and carrier guide	¼".
	Worm felt	¼" over-all.
	Draw cutters (wormed)	½" over-all.
	Coating	1".

NOTE 1: Coverings for the classes of rolls described in Group 2 above may be applied only to cores already in use as a component part of the machine. No new cores for existing or new machines may be covered with rubber.

NOTE 2: Embossing rolls shall not be rubber covered.

Industry	Type of roll	Maximum cover thickness
		Inches
Steel mill rolls	Electrolytic and tinning	⅝
	Scrubber	1½
	Carrier and support	1
	Dancer and immersion	¾
	Acid	¾
	Pinch	1½
	Polishing	1¼
	Bonderizing	¾
Tanning rolls	Splitting machines	1
	Setting-out, buffing, flashing, putting-out, unhairing.	¾
	Wringer, shaving, breast and staking	½
Textile rolls: For flat goods service	Top rolls—all types	⅝
	Bottom rolls	⅜
For rope form and warp yarn service	Top rolls—all types	¾
	Bottom	⅜
For other services, including jig, beam, immersion guide, and where protective covering against corrosive chemicals is required		¼

NOTE: Wool scouring rolls may be made to existing dimensions.

Other industrial rolls. Agricultural equipment rolls and gluing rolls may not be covered with rubber compound in excess of ¾". No type of industrial rolls not mentioned in this List 16 shall be covered with rubber or rubber compounds.

NOTE 1: On all rolls where ends, shafts or shoulders are protected from corrosion with coverings, the thickness of the end covering shall not exceed ¼", except when used for pickling stainless steel, where nitric acid and/or hydrofluoric acid is used, the thickness should not exceed ¾".

NOTE 2: The maximum thickness of covers may be exceeded where definite diameters are necessary to maintain peripheral speed, or where definite diameters are necessary to maintain tension by the use of graduated diameter in continuous finishing operations.

NOTE 3: The color of roll covering compounds is optional.

LIST 17—REGULATIONS FOR THE MANUFACTURE OF SOLES, TAPS, SHEET SOLING, TOPLIFTS, HEELS AND HEEL BASES.

These regulations govern the manufacture of all soles, taps, sheet soling, toplifts, heels and heel bases made in whole or in part of crude rubber, latex, synthetic rubber, reclaimed rubber or scrap rubber.

(a) COMPOUNDS

MAXIMUM PERCENT BY VOLUME

Compound grade	Crude rubber	Synthetic rubber (SRV)	Uncured friction scrap	Total RHC	Abrasive index	P & J hardness[1]	
						Maximum	Minimum
HA	45	0	0	65	65	.75 mm.	.68 mm.
HC	0	0	0	55	25	.80 mm.	.50 mm.
HD	0	0	0	50	20	.80 mm.	.50 mm.
HE	0	0	0	45	15	.80 mm.	.50 mm.
HF	0	0	0	45	10	.80 mm.	.50 mm.
HK	40	0	0	60	65	.35 mm.	.30 mm.
HL	0	0	10	45	26	-----	-----
HM	0	0	0	55	22	.53 mm.	.42 mm.
HO	0	0	0	50	20	.40 mm.	.27 mm.
H-SN-11 (Chloroprene)	0	40	0	10	-----	-----	-----
H-SB-12 (Butadiene)	0	35	0	15	-----	-----	-----

[1] For reference only, the following equivalent Shore durometer hardness figures, which are approximately equivalent, are given for the Pusey and Jones (P & J) hardness figures, designated in the table above.

P & J .80 mm to .50 mm equivalent to 65 to 80 Shore.
P & J .53 mm to .42 mm equivalent to 75 to 82 Shore.
P & J .40 mm to .27 mm equivalent to 85 to 95 Shore.
P & J .35 mm to .30 mm equivalent to 87 to 93 Shore.
P & J .75 mm to .68 mm equivalent to 68 to 70 Shore.

NOTE 1: A minus tolerance of two points from the specified abrasive index requirements is permitted, with an unlimited plus tolerance.

NOTE 2: For Grade HL compound, the RHC of the uncured cord friction scrap is not included in the total.

NOTE 3: Reclaimed rubber of a quality better than first quality whole tire grade is not permitted to be used in any of these compounds. This prohibits the use of tube reclaim, floating scrap reclaim, carcass reclaim and any other grade of reclaimed rubber with an RHC greater than 55 per cent by weight. The use of in-process scrap and/or uncured friction scrap is prohibited in all sole and heel compounds, except as expressly permitted by subdivision (a) of this List 17.

NOTE 4: HF compound shall not contain any reclaimed rubber derived in whole or in part from pneumatic or solid tire (including tire beads), bogie wheels, tire tubes, or floating scrap, or any grade of reclaimed rubber or scrap rubber with an RHC greater than 40% by weight.

NOTE 5: Black is the only color permitted in the products covered by these specifications.

NOTE 6: Not less than 3% of suitable antioxidants by weight based on the total weight of rubber hydrocarbon (RHC) shall be used in HL and HM compounds, one-third of which shall be of a recognized flex-resisting type.

NOTE 7: Clean cut cotton cords or cords from tire carcasses may be used in HF, HL, and HM compounds to meet the necessary requirements for corded soles, taps and heels.

NOTE 8: The methods of Federal Specification EA-ZZ H141 and ZZ R601 shall be applicable to these regulations.

NOTE 9: All conductive soles and heels shall meet the standards of the ASA specifications.

NOTE 10: No toplifts, heels or heel bases may be cut out of any scrap rubber, tires or belting.

NOTE 11: Soling material may be cut from scrap tire casings or scrap belting.

(b) HEELS AND HEEL BASES

(1) Corded heels made from HL compound may be manufactured only to fill war orders.

(2) HC compound may be used only in heels using an inert core, which shall be manufactured only to fill war orders. For whole heels a core of 0.366" ± .03" thickness shall be used, while for half heels a core of 0.183" ± 0.015" thickness shall be used.

(3) HD compound may be used only in washer well type heels and may be manufactured only to fill war orders.

(4) HF compound only may be used in "Steel Plate" heels, with the tensile, elongation and abrasive index requirements waived. The hardness shall be between .18 mm. and .40 mm.

(5) HF compound only may be used in heel bases, with the tensile, elongation and abrasive index requirements waived. The hardness shall be between .18 mm. and .40 mm.

(6) All heels, except those to fill war orders and conductive types, shall be made of HF compound only.

(7) All heels made of HF compound shall have a minimum tensile of 400 p. s. i. with a minimum elongation of 150% in addition to meeting other requirements set forth for such heels in subdivision (a) of this List 17.

(8) HK compound may be used only in the manufacture of conductive heels.

(c) SOLES, TAPS, SHEET SOLING AND TOPLIFTS

(1) Composition soles, taps and sheet soling, except oil resisting and conductive types, shall be made only from HM compound.

(2) Corded soles and taps, either transverse or cord on end, made from HL com-

pound, may be manufactured only to fill war orders or orders for industrial work or utility shoes.

(3) Molded toplifts and toplifting material may be manufactured from HO compound only.

(4) Synthetic oil-resisting compounds H-SB-12 and H-SN-11 may be used only on orders for industrial work shoes requiring soles and heels with oil-resisting properties.

(5) HA compound may be used only in the manufacture of conductive soles.

List 18—Regulations for the Manufacture of Industrial Occupational Protective Clothing

(a) The manufacture of industrial occupational protective clothing shall be limited to pants, coats, jackets, hats and firemen's and policemen's clothing; provided that this limitation shall not apply to:

(1) Self-inflating life preservers and dual tube belts when required to fill war orders.

(2) Commercial diving equipment.

(3) Gloves

(4) Waterproof footwear.

(5) Life saving suits designed for use by seamen.

(b) No crude rubber, synthetic rubber or latex shall be used in compounds for rubberizing the fabrics for these products.

(c) Single coated fabrics shall contain not more than 12 ounces of compounds per square yard.

(d) Double coated fabrics shall contain not more than 19 ounces of compounds per square yard.

(e) Double texture fabrics shall contain not more than 10 ounces of compounds per square yard.

(f) Crude rubber or synthetic rubber may be used in the manufacture of cements and/or tapes necessary for seaming in the manufacture of these products.

(g) Not over three pounds of crude rubber may be used in a complete life saving suit, including shoes, gloves, hood, fasteners and suit.

List 19—Regulations for the Manufacture of Hard Rubber Products

No person shall consume any crude rubber, latex, synthetic rubber, reclaimed rubber or scrap rubber in the manufacture of any of the types of products listed below, except in accordance with the regulations set forth in this List 19.

(a) COMPOUNDS

Grade	Maximum percent by volume	
	Crude rubber and latex	Total RHC
HR-A	85	85
HR-B	80	80
HR-C	70	70
HR-D	60	75
HR-D-1	60	60
HR-E	50	65
HR-E-1	50	50
HR-E-2	45	60
HR-F	40	55
HR-F-1	40	40
HR-G	30	55
HR-G-1	30	30
HR-H	20	50
HR-H-1	20	35
HR-H-2	20	20
HR-I	10	50
HR-J	0	50

Note 1: Where used in this List 19 the terms "rubber hydrocarbon" and "(RHC)" mean the sum total of crude rubber and the average rubber value of the reclaimed rubber used, expressed on a volume basis, as determined from the specific gravity of the unvulcanized compound.

Note 2: The rubber hydrocarbon (RHC) of hard rubber dust derived from scrap rubber is not included in the total RHC content. The rubber hydrocarbon of hard rubber dust, manufactured from crude rubber or reclaimed rubber, however, is included in the total RHC.

Note 3: Synthetic rubber may be substituted for crude rubber, in whole or in part, in the above compounds, provided the sum of the SRV by volume and RHC by volume does not exceed the maximum total RHC of the grade designated.

Note 4: Compounds of lower rubber and rubber hydrocarbon (RHC) content may be used in manufacturing hard rubber products listed in this List 19, provided the physical requirements, where designated, are met.

(b) HARD RUBBER PRODUCTS

Hard rubber compounds for each of the types of products listed below shall be made from one of the grades of compounds listed in subdivision (a) of this List 19, the appropriate grade of compound to be used being that hereinbelow designated opposite the description or designation of each such type.

(1) *Hard rubber products designed for handling corrosive chemicals and explosives.*

Type of product	*Compound*
Bottles, (Blown):	
Body	HR-F.
Sealing bond	HR-D.
Baskets, centrifuge-lined and covered perforated metal. Maximum thickness cover and lining shall be 3/16″. Maximum thickness hole lining shall be 5/16″	HR-C.
Baskets—etching, buckets, pails, dippers, funnels, measures, beakers, frames, racks and trays	HR-H.
Bleaching rods and dye sticks	HR-B.
Component hard rubber parts of machinery for manufacture of rayon and chlorine:	
Hand made	HR-D-1.
Molded	HR-E-1.
Fittings—tees, ells, flanges, crosses, unions and couplings:	
Molded	HR-G.
Blown	HR-E.
Pipe	HR-G.
Pumps, molded valves and valve parts	HR-F.
Pump lining	HR-C.
Valves and valve parts (blown)	HR-E.

(2) *Sheet, rod and tubing.*

Type of product	Compound	Construction and/or service restrictions
Sheet	HR-E HR-G	Thickness—1/16″ and under. Thickness—over 1/16″. Service—for dielectric purposes and resistance to corrosive chemicals only.
Rod	HR-E-2 HR-G	Diameter—1/8″ or less. Diameter—over 1/8″. Service—for dielectric purposes and resistance to corrosive chemicals only.
Tubing	HR-D HR-G	Wall thickness—3/32″. Wall thickness—over 3/32″. Service—for dielectric purposes and for handling corrosive chemicals only.

Note: Where the finished dimensions of an article machined from sheet are less than 1/16″, rod less than 1/8″ diameter or tubing less than 3/32″ wall thickness, or where such products require special characteristics, such as low power factor or high dielectric strength, compound HR-B may be used.

(3) *Molded parts.*

Type of product	Compound	Construction and/or service restrictions
Cable connectors and terminal blocks	HR-H	Service—for . lelectric purposes.
Insulated tools	HR-J	Service—for dielectric purposes.
Magneto parts	HR-E-1	Service—for dielectric purposes.
Mine safety lamp parts	HR-C	
Hard rubber pipe—connections and accessories	HR-G	Service—medical, surgical, dental, veterinary and mortuary types only.
Syringe pipes and combination fittings	HR-G-1	
Pessaries	HR-D	
Water meter parts:		
Molded	HR-D	Service—For water meter parts only.
Blown	HR-D	
Sheet, rod and tubes	HR-D	

(4) *Hard rubber latex coverings.*

Type of product	Compound	Construction and/or service restrictions
Coverings for fume ducts, fans, racks, frames, trays, screens, pipe and fittings, buckets, dippers, funnels, measures, drums, pumps, valves, baskets and agitators.	HR-A	Service—for protecting equipment from corrosive chemicals and fumes.

(5) *Storage battery parts.*

Type of product	Compound	Range of physical properties
Binding strips	HR-D	
Separators, sheet or molded retainers	HR-E-1	
Tubular retainers	HR-D-1	
Support and tie rods	HR-G	
Hand built jars, except radio, farm-light, mine safety and automotive S. L. I. types.	HR-I	1,500 lbs.—3,000 p. s. i. 20%—3% elongation.
Hand built monoblocs except radio, farm-light, mine safety and automotive S. L. I.	HR-H	2,000 lbs.—4,200 p. s. i. 10.5%—5% elongation.
Molded single cell jars and molded monoblocs, except automotive S. L. I. S. A. E. Groups 1, 2 and 3.	HR-J	1,300 lbs.—2,000 p. s. i. or more. 6%—1% elongation.
Molded covers, vents filler caps, splash covers, discs and sleeves, molded plate supports, bridges, wedges, protectors, insulators, spacers, boots, moss shields, post sealing nuts.	HR-J	1,300 lbs.—2,000 p. s. i. or more. 6%—1% elongation.
Mine safety battery parts	HR-A	

Note 1: No crude rubber, latex, synthetic rubber, reclaimed rubber or scrap rubber may be consumed in the manufacture of hard rubber storage battery parts except for the parts designated above.

Note 2: No crude rubber, latex, synthetic rubber, reclaimed or scrap rubber may be consumed in the manufacture of separators or retainers for use in radio, farm lighting or automotive S. L. I. batteries, except to fill war orders.

(6) *Hard Rubber—Army, Navy and Federal specifications.*

Type of product	Compound	Specifications and physical requirements
Army aircraft battery containers	HR-D	70-20-d. Tensile—4,000 lbs.-7.5% elongation. 5,000 lbs.-6.0% elongation. 6,000 lbs.-5.0% elongation. Tensile product—30,000.
Army aircraft battery vents	HR-J	70-20-d. Tensile—1,300 lbs.— 2,000 p. s. i. or more 6%-1% elongation.
Navy portable batteries: Monoblocs	HR-H	17B4 (int.) Tensile—1,800-4,200 lbs. p. s. i. 12%-5% elongation
Covers and vents	HR-J	Tensile—2,400 lbs. p. s. i. 4% elongation
Signal Corps battery containers:		
Outside covers and cases	HR-B	70-20-d. Tensile—4,000 lbs.-5,000 lbs.-6,000 lbs. Elongation 7.5%-6%-5% Tensile product 30,000
Inner covers and vents	HR-J	Tensile—2,400 lbs. p. s. i. 4% elongation
Ordnance vehicle battery containers, covers and vents.	HR-J	RIXS-108. Tensile—1,300 lbs.-2,000 lbs. or more 6%-2% elongation.
Submarine separators	HR-E-2	17-S-6-b-Mullen test 2.0 lbs. per mil thickness.
Submarine batteries, Jars	HR-A	17-J-3 (int.) Tensile—5,000 lbs. min.
Vents and parts	HR-D	Tensile—5,000 lbs. min.
Ordnance—Ebonite tubing	HR-B	O. S. No. 849.
Army insulated tools	HR-H	
Army aircraft monoblocs:		
Wall thickness (in section tested) 1/8″ and under.	HR-G	70-22-C.
Over 1/8″	HR-H	Tensile—4,000 lbs.—5,000 p. s. i. 2.5%—2.0% elongation.
Navy aircraft monoblocs	HR-G	B-38B. Tensile—4,000 lbs.—5,000 p. s. i. 2.5%—2.0% elongation.
Coast Guard aircraft monoblocs	HR-G	RMS-104-B. Tensile—4,000 lbs.—5,000 p. s. i. 2.5%—2.0% elongation.
Coast Guard portable monoblocs	HR-H	RMS-102-B. RMS-103-B. Tensile—2,000 lbs.—4,200 p. s. i. 10.5%—5% elongation.
X-ray and photographic tanks—molded	HR-E	ZZ-T-636 and ZZ-T-91.
Hand made over 1/8″ wall	HR-H	Tensile—4,000 p. s. i. min.
Hand made under 1/8″ wall	HR-F-1	4% min. elongation.
Navy mine sweeper monoblocs	HR-G	Specifications to blueprints. Tensile—4,350 lbs.—5,000 p. s. . 4%-2% elongation.
Army-Navy aircraft. Wall thickness—1/8 and under.	HR-G	AN WB—141-B.
Over 1/8″	HR-H	Tensile—4,000 lbs.—5,000 p. s. i. 2.5%-2%.
Motorcycle monoblocs	HR-J	WB-131-B. Tensile 3,000—4,000 p. s. i. Elongation 3%-1%.
Truck and vehicle monoblocs	HR-J	WB-131-B. Tensile—1,300 lbs.—2,000 p. s. i. 5%-1%.

List 20—Regulations for the Manufacture of Rubber Insulating Tape

(a) Rubber insulating tape shall be manufactured only from unvulcanized or partially vulcanized crude rubber and reclaimed rubber compounds.

(b) The thickness shall be .027 inches, plus or minus .003 inches.

(c) Crude rubber shall not be used in proportions which will require more than seven pounds of crude rubber or more than twenty-one pounds of reclaimed rubber per 27,000 square inches of tape.

(d) Rubber insulating tape shall conform to Emergency Alternate Federal Specification E-HH-T-111a, as amended June 23, 1942.

List 21—Regulations for the Manufacture of Rubber Footwear

(a) The production of footwear, except as permitted by subdivisions (b) and (c) of this List 21, shall be limited to the following items, and the average amount of crude rubber and latex per pair used in the manufacture of each item shall not be greater than the indicated maximum weight:

Item	*Average weight of crude rubber and latex per pair maximum (in pounds)*
Men's short boot (14″ height, square top	1.00
Men's 4-buckle cloth farm-weight arctic	.65
Men's 4-buckle cloth light-weight arctic	.55
Boys' 3-buckle cloth light-weight arctic	.45
Youth's 3-buckle cloth light-weight arctic	.40
Women's 2-snap gaiter (rubber)	.25
Misses' 2-snap gaiter (rubber)	.25
Child's 2-snap gaiter (rubber)	.20
Men's work rubber, semistorm and storm	.50
Men's dress rubber, storm and over (soft back only)	.30
Men's clog	.125
Boy's dress rubber, storm and over (soft back only)	.25
Youth's storm rubber	.25
Women's toe rubber	.10
Growing girls' storm and women's over (maximum 16/8 heel)	.20
Misses' storm rubber	.20
Child's storm rubber	.17

(b) The production of severe occupational footwear for other than war orders shall be limited to the following items, and the average amount of crude rubber and latex per pair used in the manufacture of each item shall not be greater than the indicated maximum weight:

Item	*Average weight of crude rubber and latex per pair maximum (in pounds)*
Men's short boot (plain toe)	1.50
Men's short boot (steel toe)	1.57
Men's storm king boot (plain toe)	2.00
Men's storm king boot (steel toe)	2.07
Men's hip boot (plain toe)	2.30
Men's hip boot (steel toe)	2.37
Men's 15″ lace mine pac (plain toe)	1.50
Men's 15″ lace mine pac (steel toe)	1.57
Men's workshoe (plain toe)	.95
Men's workshoe (steel toe)	1.02

(c) The production of footwear to fill war orders shall be limited to the items and respective maximum weights listed in subdivisions (a) and (b) of this List 21 and to the following additional items, and the average amount of crude rubber and latex per pair used in the manufacture of each item listed below shall not be greater than the indicated maximum weight:

Item	*Average weight of crude rubber and latex per pair maximum (in pounds)*
Wader, over the shoe, arm-pit height	3.50
Wader, over the shoe, waist height	2.90
Men's hip boot, alternate light weight	1.85
Men's toplace short boot	1.25
Men's 4-buckle cloth arctic, BQD No. 56B	.68
Men's cashmerette four-buckle arctic No. 72A2B	.75
Men's six-buckle height arctic, Bur. of Aero	.75
Men's four-buckle height arctic, Bur. of Aero	.68
Men's flying boots, A6, A9, A10	Cements only
Men's aviation wading shoes, Bur. of Aero	.38
Men's shoe pac (shell)	.68

Item	*Average weight of crude rubber and latex per pair maximum (in pounds)*
Men's shoe pac (shell) Yukon type BQD No. 57E	.68
Boots, canvas upper, BQD No. 79	.65
Men's storm Navy rubber	.35
Overshoes, clog type, non-slip sole	.30
Gymnasium shoe	.07

(d) Variations from the average weights of crude rubber and latex per pair maximum are permitted as follows:

Plus 10%.
Minus unlimited.

(e) All rubber footwear shall be manufactured in black color only.

(f) No crude rubber shall be used for label plasters.

LIST 22—REGULATIONS FOR THE MANUFACTURE OF COMPOUNDS FOR TIRES, TIRE CASINGS, CAMELBACK, CAPPING STOCK AND TIRE AND TUBE REPAIR MATERIALS

These regulations govern the manufacture of compounds for tires, tire casings, camelback, capping stock and tire and tube repair materials. Other lists now and hereafter attached to Supplementary Order M-15-b-1 will govern the use of these compounds in the manufacture of finished products. These compounds need be used only when required by other regulations contained in lists now or hereafter attached to Supplementary Order M-15-b-1, as amended. The variations permitted by this revised List 22 are allowed in the manufacture of finished products covered by other applicable lists unless expressly prohibited by such other lists.

COMPOUNDS

Description of product		Maximum percent by volume	
Type	Grade	Crude rubber and latex	Total RHC
(1) Tread compounds	A	73.0	73.0
	B	59.5	72.6
	C	47.9	71.5
	D	40.4	71.1
	E	26.0	68.8
	F	0.0	67.0
(2) Friction compounds	A	88.5	89.2
	B	78.0	89.2
	C+	69.0	87.8
	C	60.0	86.3
	D	43.0	80.5
	E	19.0	73.8
	FF	6.4	70.2
	F	0.0	67.5

NOTE: Variations from the above regulations are permitted as follows:

	Tread compounds	Friction compounds
Crude rubber and latex.	Plus 0, minus 2.	Plus 0, minus 5.
Total RHC	Plus 2, minus (limited only by designated minimum percent of crude rubber and latex).	Plus 5, minus (limited only by designated minimum percent of crude rubber and latex).

LIST 23—REGULATIONS FOR THE MANUFACTURE OF TIRE AND TUBE REPAIR MATERIALS

The manufacture of tire and tube repair materials shall be limited to the types and grades listed in this List 23.

The grade of compound to be used in manufacturing each type shall be one of those listed in List 22 attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compound being that set forth opposite the description of each type in the following table:

Description of item	Compound	
	Type	Grade
(1) Tread repair stock (maximum thickness 1/16").	Tread	C.
(2) Tread repair stock (to fill war orders only).	do	B.
(3) Repair plugs (cured)	do	F.
(4) Truck tire repair cushion stock.	Friction	A.
(5) Passenger tire repair cushion stock.	do	C.
(6) Truck tire cord repair friction.	do	A.
(7) Passenger tire cord repair friction.	do	C.
(8) Square woven fabric friction	do	A.
(9) Truck tire repair patches (cured and uncured).	do	C or better.
(10) Passenger tire repair patches (cured and uncured).	do	Any.
(11) Combination tube repair gum (cured back, uncured face).	do	C.
(12) Tube repair gum (uncured).	do	B.
(13) Cements (cold-cure)	Minimum .25 pound crude rubber per gallon.	
(14) Cements (vulcanizing)	Minimum .55 pound crude rubber per gallon.	

NOTE 1: Of the above materials items 1, 2, 3, 5, 7, 9 and 10 shall be manufactured in black color only.

NOTE 2: In item 11 different grades of compounds may be used in the cured and uncured portions of each, provided the total crude rubber content in the whole item does not exceed the per cent represented by the compound grade specified.

NOTE 3: No repair kit containing any of the above materials, except garage kits, may contain more than .04 pounds of combination tube repair gum nor more than 1.5 cubic inches of any rubber cement.

NOTE 4: Garage kit containing any of the above materials shall contain either one-third pound, one-half pound or one pound of combination tube repair gum and not more than one-half pint of any rubber cement.

NOTE 5: The overall gauge of any combination tube repair gum manufactured shall not exceed .05 inch, including holland cloth or other protective material.

NOTE 6: Any package or container containing any of the above materials shall bear the name of the manufacturer of the materials.

LIST 24—REGULATIONS FOR THE MANUFACTURE OF TIRES AND TIRE CASINGS (EXCEPT AIRPLANE AND BICYCLE TIRES).

(a) *For other than war orders.* (1) Except as provided in subdivisions (a) (3) and (b) of this List 24, the manufacture of tires and tire casings (except airplane and bicycle tires) shall be limited to the sizes, plies and tread types listed in this subdivision (a).

The friction and tread, respectively, of each of the sizes listed in this subdivision (a) shall be made from one of the grades of compounds listed in List 22 attached to Supplementary Order M-15-b-1, as amended, and (where designated) the maximum crude rubber and latex content shall not exceed that designated, the appropriate grade of compound to be used for each respective friction and tread and (where specified) the maximum crude rubber and latex content being that hereinbelow designated therefor opposite the description or designation of such size.

TRUCK, BUS AND SPECIAL PURPOSE TIRES

WPB Size No.	Size	Ply	Tread type	Compounds		Maximum content crude rubber and latex in pounds
				Friction	Tread	
1	9.00-13	6	Any	C	B	16.00
2	7.00-15	6	Regular	C	C	12.75
3	6.00-16	6	do	C	C	10.00
4	6.50-16	6	do	C	C	11.75
5	7.00-16	6	do	C	C	13.25
6	7.50-16	6	do	B	B	18.50
7	7.50-16	8	do	B	B	20.50
8	10.50-16	10	do	A	B	45.00
9	10.50-16	12	do	A	B	48.50
10	10.50-16	12	Mud-Snow	A	B	48.50
11	6.00-17	6	Regular	C	C	10.00
12	7.00-17	8	do	C	C	16.00
13	7.50-17	8	do	B	B	23.50
14	7.50-18	8	do	B	B	25.00
15	8.25-18	10	do	A	B	35.00
16	9.00-18	10	do	A	B	41.25
17	10.00-18	12	do	A	B	50.00
18	11.00-18	12	do	A	B	55.00
19	6.00-20	6	do	C	C	12.00
20	6.50-20	6	do	C	C	14.25
21	6.50-20/32 x 6	8	do	C	C	16.50
22	6.50-20/32 x 6	8	Mud-Snow	C	C	16.50
23	7.00-20	8	Regular	C	C	18.00
24	7.00-20/32 x 6	10	Regular	A	B	28.50
25	7.00-20/32 x 6	10	Mud-Snow	A	B	28.50
26	7.50-20	8	Regular	B	B	25.75
27	7.50-20/34 x 7	10	do	A	B	33.25
28	7.50-20/34 x 7	10	Mud-Snow	A	B	33.25
29	8.25-20	10	Regular	A	B	38.50
30	8.25-20	10	Mud-Snow	A	B	38.50
31	9.00-20	10	Regular	A	B	44.50
32	9.00-20	10	Mud-Snow	A	B	44.50
33	9.00-20/36 x 8	12	Regular	A	B	48.00
34	10.00-20	12	do	A	B	55.50
35	10.00-20	12	Mud-Snow	A	B	55.50
36	11.00-20	12	Regular	A	B	62.00
37	11.00-20	12	Mud-Snow	A	B	62.00
38	12.00-20	14	Regular	A	B	78.00
39	13.00-20	16	do	A	B	95.00
40	9.00-22	10	do	A	B	47.50
41	10.00-22	12	do	A	B	58.00
42	11.00-22	12	do	A	B	66.00
43	7.00-24/36 x 6	10	do	A	B	33.00
44	7.50-24/38 x 7	10	do	A	B	37.50
45	9.00-24/40 x 8	12	do	A	B	55.00
46	10.00-24	12	do	A	B	63.00
47	11.00-24	12	do	A	B	68.50
48	12.00-24	14	do	A	B	83.50
49	13.00-24	16	do	A	B	108.50
50	8.25-20	12	do	A	B	43.00
101	8.25-20	10	Earthmover	B	A	38.00
102	9.00-20	10	do	B	A	44.00
103	10.00-20	12	do	B	A	51.00
104	11.00-20	12	do	B	A	58.00
105	12.00-20	12	do	B	A	62.00
106	13.00-20	14	do	B	A	78.00
107	14.00-20	16	do	B	A	100.00
108	16.00-20	16	do	B	A	130.00
109	18.00-24	16	do	B	A	175.00
110	18.00-24	20	do	B	A	195.00
111	21.00-24	16	do	A	A	
112	21.00-24	20	do	A	A	
113	24.00-32	24	do	A	A	
114	24.00-32	36	do	A	A	
115	36.00-40	34	do	A	A	
116	8.25-20	12	Rock Service	A	A	55.00
117	9.00-20	12	do	A	A	65.00
118	10.00-20	14	do	A	A	80.00
119	11.00-20	14	do	A	A	90.00
120	11.00-24	14	do	A	A	97.50
121	12.00-24	16	do	A	A	112.50
122	13.00-24	16	do	A	A	135.00
123	14.00-24	20	do	A	A	190.00
124	16.00-24	20	Rock Service	A	A	
125	18.00-24	20	do	A	A	
126	21.00-24	20	do	A	A	
127	18.00-24	16	Mud-Snow	A	A	
128	18.00-24	20	do	A	A	
129	18.00-40	20	do	A	A	
130	21.00-24	16	do	A	A	
131	21.00-24	20	do	A	A	
132	21.00-28	20	do	A	A	
133	24.00-32	24	do	A	A	
134	24.00-32	36	do	A	A	
135	30.00-40	34	do	A	A	
136	21.00-24	24	Rock Service	A	A	
151	7.00-20	10	(Flat base) rib	B	C	28.00
152	7.00-24	10	do	B	C	32.00
153	7.50-24	10	do	B	C	42.00
154	9.00-24	10	do	B	C	50.00
155	9.00-24	10	(Flat base) traction	B	C	45.00
156	9.00-24	10	(Drop center) traction	B	C	45.00
157	10.00-24	8	(Drop center) traction	B	C	45.00
158	11.00-24	8	(Drop center) traction	B	C	50.00
159	12.00-24	8	(Drop center) traction	B	C	55.00
160	13.00-30	10	(Drop center) traction	B	C	67.50
161	13.00-24	8	(Drop center) traction	B	C	67.50
162	14.00-20	12	(Drop center) traction	B	C	82.50
176	7.50-15	10	Regular (Low Plat. Tlr.).	A	B	25.00
177	8.25-15	12	Regular (Low Plat. Tlr.).	A	B	35.00
178	9.00-15	12	Regular (Low Plat. Tlr.).	A	B	40.00
179	10.00-15	14	Regular (Low Plat. Tlr.).	A	B	45.00

MOTORCYCLE TIRES

WPB Size No.	Size	Ply	Compounds	
			Friction	Tread
251	26 x 2.25	2	C	B
252	3.25-19	4	C	B
253	3.30-18	2	C	B
254	3.50-18	2	C	B
255	3.85-18	4	C	B
256	4.00-18	4	C	A
257	4.50-18	4	C	A
258	4.00-19	4	C	A
259	4.50-19	4	C	A
260	5.00-16	4	C	A
261	4.00-18	2	C	A
262	4.00-19	2	C	A

No limitation on tread designs.

INDUSTRIAL TIRES

Description of product	Compound	
	Friction	Tread
Industrial pneumatic tires:		
Single tube—all sizes	E [1]	F.
Straight side—under 6.00 (except 4.00-8 regular and H. D.)	E	F.
Straight side—6.00 and up [2]	D	C.
Straight side—4.00-8 regular	FF	F.
Straight side—4.00-8 heavy duty.	D	C.
Industrial solid and industrial tractor solid tires:		
Stretch-on or hollow center		F.
Molded-on for hand operated vehicle.		FF.[3]
Molded-on for power driven or power drawn vehicles.		C or better.
Pressed-on		C or better.
Metal base demountable		C or better.

[1] Including tube.

[2] Including only 6.00-9, 7.50-10 and 9.00-10.

[3] Friction grade; tread compound grade A may be used for conductive tread type.

PASSENGER AUTOMOBILE TIRES

WPB size No.	Size	Ply	Tread type	Compounds		Maximum content crude rubber and latex in pounds
				Friction	Tread	
202	7.00-15	4	Any	F	F	.20
206	6.00-16	4	Any	F	F	.20
208	6.25/6.50-16	4	Any	F	F	.20
210	7.00-16	4	Any	F	F	.20
213	5.25/5.50-17	4	Any	F	F	.20
217	5.25/5.50-18	4	Any	F	F	.20
219	4.75/5.00-19	4	Any	F	F	.20
225	4.40/4.50-21	4	Any	F	F	.20
227	30 x 3½	4	Any	F	F	.30

(2) No person shall manufacture any size of tire in more than one design of regular tread type, unless such manufacturers' mold equipment for such size and tread design is insufficient for his requirements.

(3) Mileage tires (for city and intercity bus mileage contracts) may be manufactured from friction and tread compounds up to and including Grade A compounds, as set forth in said List 22, without restriction as to sizes, plies or tread design.

(4) Rayon shall not be used in the manufacture of any tires except mileage contract tires for city and intercity buses, and tires of WPB sizes numbers 29, 31, 34, 36 and 41 in the number of plies specified for such sizes. Tires so manufactured shall be produced in the same molds used for regular skid-depth cotton tires, and shall be marked to indicate their rayon construction.

(5) Each tire casing manufactured under these specifications, except tire casings manufactured to fill war orders, shall be branded on the serial side near the serial number with the words "War Tire" and the letters representing the respective grades of compounds designated for the friction and the tread. In WPB sizes 202, 206, 208, 210, 213, 217, 219, 225 and 227 the word "Reclaim" shall also be branded on the tire, and the friction and tread compound designations may be omitted. Letters used to brand tires of a cross-section of 6.50 inches or more shall be at least 5/16 inch high, while those used to brand smaller tires shall be at least 3/16 inch high.

(b) *To fill war orders.* (1) The manufacture of tires and tire casings (other than airplane and bicycle tires) to fill war orders shall be confined to the respective sizes, plies, tread types, compounds and (where designated) maximum crude rubber and latex contents designated in subdivisions (a) (1), (b) (2) and (b) (6) of this List 24 (except WPB sizes 3, 202, 206, 208, 210, 213, 217, 219, 225 and 227, which shall not be manufactured for war orders).

(2) The friction, tread and (where designated) maximum crude rubber and latex content, respectively, of each of the sizes of tires and tire casings listed below shall be made from one of the grades and compounds listed in said List 22, the appropriate grade of compound to be used for each respective friction and tread and (where designated) the maximum crude rubber and latex content being that hereinbelow designated therefor opposite the description or designation of such size.

TRUCK AND SPECIAL PURPOSE TIRES

WPB size No.	Size	Ply	Tread type	Compound		Maximum content crude rubber and latex in pounds
				Friction	Tread	
301	6.00-16	6	Mud-Snow N. D	C	B	10.50
302	7.50-16	6	do	B	B	18.50
303	9.00-16	8	do	B	B	30.00
304	5.50-18	6	Regular	C	C	11.00
305	7.00-20	8	Mud-Snow N. D	C	C	19.00
306	7.50-20	8	do	B	B	25.75
307	8.25-20	10	do	A	B	38.50
308	9.00-20	10	do	A	B	44.50
309	11.00-20	12	do	A	B	62.00
310	12.00-20	14	do	A	B	78.00
311	14.00-20	16	Regular	A	B	105.00
312	14.00-20	16	Mud-Snow N. D	A	B	112.50
313	10.00-22	12	do	A	B	58.00
314	11.00-24	12	do	A	B	68.50
315	14.00-24	16	Regular	A	B	120.00
316	14.00-24	16	Mud-Snow N. D	A	B	127.50
317	14.00-24	24	Regular	C	B	160.00
318	6.00-16	6	do	B	B	10.25
319	7.50-16	8	Mud-Snow N. D	A	B	20.50
320	9.00-16	10	do	A	B	36.00
321	9.00-16	10	Regular	A	B	36.00
322	10.50-16	10	Mud-Snow	A	B	45.00
323	10.50-16	12	Sand	C	C	48.00
324	7.00-17	6	Regular	C	C	14.50
325	7.00-17	6	Mud-Snow	C	C	14.50
180	6.50-10	6	Regular (Low platform trailer)	A	B	8.50
181	8.25-15	14	do	A	B	37.50
182	10.50-13	10	do	A	B	....

(3) The skid depth of tires with mud-snow approved non-directional type treads shall be as follows:

Tire size:	*Mold skid depth in inches*
8.25-10	0.470
9.00-13	.535
15- and 16-inch rims:	
6.00	.50
6.50	.52
7.00	.535
7.50	.56
8.25	.585
9.00	.40
10.00	.645
11.00	.67
20-, 22- and 24-inch rims:	
6.00	.50
6.50	.52
7.00	.535
7.50	.56
8.25	.585
9.00	.62
10.00	.645
11.00	.67
12.00	.70
13.00	.74
14.00	.80

Variations from the above measurements shall be permitted to the extent of 0.01 inch plus or minus throughout the mold.

(4) The outside diameter of tires with mud-snow approved non-directional type treads shall be as follows:

Tire dimension		Outside diameter in inches—inflated tire	
Diameter	Section	Minimum	Maximum
16-inch rims	6.00	28.60	28.80
	7.50	31.40	31.70
	9.00	35.00	35.40
20-inch rims	7.00	35.50	35.90
	7.50	36.60	37.00
	8.25	38.10	38.50
	9.00	40.10	40.60
	11.00	42.80	43.30
	12.00	44.20	44.80
	14.00	48.40	49.10
22-inch rims	10.00	43.00	43.50
24-inch rims	14.00	52.40	53.10

(5) Standard tread radii of mud-snow approved non-directional type treads shall be between 80 and 95 percent of the line cross-section width of the Tire and Rim Association's standard tire sections, according to its most recent standards effective prior to January 11, 1943.

(6) Run-flat (English) and combat (U. S.) tires to fill war orders may be manufactured in any sizes, plies and tread designs, and from any friction and tread compounds up to and including A grade compounds as listed in said List 22.

(7) Rayon shall not be used in the manufacture of any tires (including tires of the kinds and sizes referred to in subdivision (a) (4) of this List 24) to fill any war order, except war orders for U. S. combat tires.

(8) Where required to fill war orders, single marked, high pressure types may be substituted for WPB sizes 21, 22, 24, 25, 27, 28, 33, 43, 44 and 45.

(c) *Regulations in appealed cases.* The friction and the tread, respectively, of truck tires of sizes, plies and tread types not designated in subdivisions (a) and (b) hereof which may be permitted on appeal by special authorization of the Director General for Operations shall, unless otherwise specified in such authorization, be made from one of the grades of compounds listed in said List 22, the appropriate grade of compound to be used for each respective friction or tread being that hereinbelow designated therefor opposite the description or designation of such class.

Description of product	Compounds	
	Friction	Tread
13–24 inch rims, size 7.00 and smaller, 8 ply and less	C	C
13–24 inch rims, size 7.50, 8 ply and less	B	B
13–24 inch rims, size 8.25 and larger, 10 ply and more	A	B

(d) *Maximum crude rubber and latex content.* (1) With the grades of compounds specified in subdivisions (a), (b) and (c) of this List 24, a manufacturer can calculate the maximum amount of crude rubber, latex and total RHC which may be used in the manufacture of a tire or tire casing of any specified type or size. Within the maximum amounts thus calculated, a manufacturer may, in his discretion, shift the amounts between friction and tread. After January 11, 1943, the compound regulations shall not apply, and a manufacturer may not use in the manufacture of any tire or tire casing more crude rubber and latex than the amount set forth opposite each size and type in said subdivisions (a) and (b), such amount to exclude processing losses and the crude rubber used for curing bags. The waiver of compound grades and the restrictions on crude rubber and latex content shall not apply in the case of the sizes for which no such maximum amount is set forth.

(2) Notwithstanding any provisions of subdivision (b) (1) of said List 22, a minus tolerance of not more than 5% of the maximum crude rubber and latex content specified above is permitted.

(3) When the cord used in any tire is of a gauge of less than .027 inches, as measured by the most recent ASTM methods in effect prior to January 11, 1943, the maximum crude rubber and latex content permitted shall be reduced by 6%.

(4) In the event that the crude rubber and latex content of any tire or tire casing manufactured by any person on January 11, 1943, is less than the maximum permitted above, after giving effect to the minus tolerance of 5%, such person shall not increase the crude rubber and latex content of such tire or tire casing.

(5) Where, immediately prior to January 11, 1943, any type and size of tire manufactured by any manufacturer had a crude rubber and latex content in excess of 105 per cent of the maximum crude rubber and latex content allowed by this List 24 for such type and size of tire, such manufacturer shall make no change in the construction of or compounds for such type and size of tire without special authorization from the Director General for Operations either (i) to acquire new tire molds, (ii) to recut his existing tire molds, (iii) to reduce the quality of compounds, or (iv) exceed the maximum crude rubber and latex content specified therefor in this List 24. All requests for such authorization shall be submitted as appeals on Form PD–500–b. Where, immediately prior to January 11, 1943, the type and size of tire of any manufacturer exceeded the maximum crude rubber and latex content permitted therefor by this List 24 by not more than five per cent, such manufacturer may make such change in construction or compounds as may be necessary to meet the regulations of this List 24 without further authorization, or may appeal (on Form PD–500–b) for permission to exceed the maximum crude rubber and latex content allowed by this List 24. This paragraph does not constitute an authorization to manufacture tires having a maximum crude rubber and latex content in excess of that permitted by this List 24.

(6) Any person may, with special authorization of the Director General for Operations, use lower grades of compounds than those designated above, or make reductions below the maximum crude rubber and latex content allowed, after giving effect to the minus tolerance: *Provided,* That the tires manufactured thereby shall bear the name of the manufacturer and, where produced to fill war orders, shall meet the specifications of the purchasers. All requests for such special authorization shall be submitted as appeals on Form PD-500–b.

(e) *Definition.* Where used in this List 24: "regular" as applied to tread type means standard "100" level, on-the-road type.

List 25—Regulations for the Manufacture of Tire Tubes (Except Airplane Tire Tubes and Bicycle Tire Tubes)

(a) The manufacture of tire tubes (except airplane tire tubes and bicycle tire tubes) shall be limited to the types and sizes specified in this List 25.

(b) No tire tube of the types and sizes listed in this List 25 shall have a crude rubber content, excluding processing losses and valves, in excess of the amount designated hereinbelow for each such type and size:

Description of product		Maximum crude rubber content in pounds
Type	Size marking	
Motorcycle	V-18	.70
	V-19	.75
	W-18-19	.95
	5.00-16	1.05
Light truck tapered bead seat rim.	7.00-15	2.25
	7.00-16	2.35
	7.50-15	2.65
	7.50-16	2.75
	8.25-16	3.80
	9.00-13	3.75
	9.00-16	5.00
Truck and bus-flat base rim	6.50-10	1.65
	10.50-13	5.80
	CT-17	1.85
	DT-17	2.45
	5.50-18	1.65
	7.00-18	2.65
	7.50-15	2.65
	AT-20	2.65
	BT-20	3.30
	BT-24	3.85
	CT-20	2.00
	ET-18	4.05
	ET-20	4.35
	ET-24	5.00
	8.25-15	4.05
	8.25-18	4.65
	8.25-20	5.00
	8.25-22	5.40
	8.25-24	5.80
	9.00-15	4.85
	9.00-18	5.50
	KT-20	5.95
	9.00-22	6.35
	KT-24	6.85
	LT-15	6.25
	LT-18	7.10
	LT-20	7.65
	LT-22	8.20
	LT-24	8.75
	10.50-16	6.60
	11.00-18 (sand)	8.35
	MT-20	9.00
	MT-22	9.60
	MT-24	10.20
	OT-20	11.50
	OT-22	12.30
	OT-24	13.05
	PT-20	13.20
	PT-24	15.00
	14.00-20 (sand)	15.75
	ST-20	16.75
	ST-24	18.95
	16.00-20	21.95
	16.00-24	24.50
	18.00-24	29.15
	18.00-40	40.30
	21.00-24	38.70
	21.00-28	42.15
	24.00-32	53.95
	30.00-40	91.70
	36.00-40	119.65
Industrial	2.50-4	.07
	3.00-5	.11
	3.00-7	.15
	3.50-5	.14
	3.50-6	.15
	3.50-7	.17
	4.00-4	.15
	4.00-7	.23
	4.00-8	.24
	4.00-9	.26
	4.00-12	.32
	4.50-7	.25
	4.50-12	.42
	6.00-9	.44
	7.50-10	.69
	9.00-10	1.14
Road grader and road builder.	HM-24	6.95
	KM-24	9.50
Combat	6.00-16	1.65
	6.00-20	2.40
	7.50-16	3.05
	9.00-16	5.00
	7.50-20	4.25
	7.50-24	5.75
	8.25-20	5.00
	9.00-20	5.95
	10.00-20	6.85
	10.00-22	7.30
	11.00-20	7.95
	12.00-20	9.55
	14.00-20	12.85
	14.00-24	14.60

Variations from the above maximum crude rubber weights shall be permitted to the extent of −5%.

(c) In the event that the crude rubber content for a tire tube of a given type and size manufactured by any person on January 11, 1943 is less than the maximum indicated above, after allowance for the −5% tolerance, such person shall make no change in the crude rubber content of such tubes.

(d) The foregoing restrictions on crude rubber content of tire tubes shall not apply to tire tubes for use with mileage bus contract tires.

List 26—Regulations for the Manufacture of Truck Tire Flaps

The maximum amounts of crude rubber per flap shall not exceed the amounts set forth in the following table opposite the description of each size and type of flap:

Tire size	Rim width	Rim type	Maximum weight of crude rubber (in pounds)
6.00-16	4.50	Semidrop centre	.65
6.50-16	4.50	do	.65
7.00-16	5.50	do	.80
7.50-16	5.50	do	.80
9.00-16	6.50	Split wheel	.90
10.00-16	6.50	do	.90
6.00-20	3.75	Conventional	.40
6.50-20	3.75	do	.40
7.00-20	4.33	do	.40
7.50-20	5.00 (8 ply)	do	.80
7.50-20	5.00 (10 ply).	do	.80
8.25-20	5.00	do	.80
9.00-20	5.00-6.00	do	1.10
10.00-20	6.00-7.33	do	1.50
11.00-20	7.33	do	1.50
12.00-20	8.37	do	1.60
13.00-20	8.37	do	1.80
14.00-20	8.37-10.00	do	1.80
7.50-20	6.00	Split wheel	1.60
8.25-20	6.00	do	1.60
9.00-20	6.00	do	1.60
12.00-20	10.00	do	3.00
14.00-20	10.00	do	3.65
9.00-13	(5.50 D. C.) (6.50 Split)	....	1.45

Sizes not listed shall be in proportion to sizes shown.

The amount of crude rubber allowed in flaps designed for use with combat tires may be increased 10% in those cases in which a bead lock is used.

These restrictions shall not apply to the manufacture of flaps for use with mileage contract bus tires.

In the event a manufacturer on January 11, 1943 was using less crude rubber in any size of flap than the maximum amounts listed in this List 26, he shall not increase the amount of crude rubber used in manufacturing flaps of the same size.

List 27—Regulations for the Manufacture of Insulated Wire and Cable

(a) GENERAL PROVISIONS

(1) The manufacture of rubber-covered insulated wire and cable shall be limited to the types and grades listed in this List 27.

(2) The regulations contained in this List 27 shall not apply to the manufacture of component parts of watercraft, aircraft, combat vehicles or gun mounts to fill war orders for the Army or Navy of the United States when the Army or Navy contract specifically requires the use of different compounds or constructions; or in any case for wire, cable or tape of the following types:

(i) Submarine cable designed for communications, light and power.

(ii) Oil and gas well logging cable.

(iii) Military field communication wire, search light, flood light and fire control cable and Radar Detector Cable.

(iv) Rubber compound tape designed for splicing and terminal use with products listed in (i), (ii) and (iii) above.

(b) COMPOUNDS

The following are the compounds hereinafter referred to in this List 27:

Use	Compound grade	Maximum per cent by volume			Performance reference
		Crude rubber	Synthetic rubber SRV	Total RHC	
(1) Insulation	W-A	55	0	65	Performance Type RP or ASTM-D-353-1941 Heat resistant type-RH, or ASTM-EA-D-469.
	W-B	35	0	50	ASTM-EA-D-353. ASTM-EA-D-574.
	W-C	8	0	50	N. E. C. Grade type R, 2/11/42.
(2) Jackets	W-D	50	0	75	ASTM-EA-D-532.
	W-SN-6 (Chloroprene)	0	65	0	
	W-SB-4 (Butadiene)	0	75	0	

NOTE 1: Synthetic rubber may be substituted for crude rubber, in whole or in part, in the above rubber compounds, provided the sum of the SRV by volume and RHC by volume does not exceed the maximum total RHC of the grade designated.

NOTE 2: If, for processing reasons, it is necessary to use crude rubber or reclaimed rubber, 15% by volume of the SRV may be replaced with RHC derived from crude rubber.

NOTE 3: Compounds of lower crude rubber, total RHC or SRV content, may be used in manufacturing wire insulation and jackets, provided the performance requirements, where designated, are met.

NOTE 4: The performance references are given for the purpose of guidance as to performance expectation and represent typical compounds, but they are not specific requirements of these regulations.

(c) WIRE AND CABLE

Rubber insulations and jackets of each of the classes of wire and cable listed below in this subdivision (c) shall be made from one of the grades of compounds listed in subdivision (b) of this List 27, the appropriate grade of compound to be used for insulation or jacket being that hereinbelow designated opposite the description or designation of such class.

Type of service	Outer covering	Operating voltage	Compounds	
			Insulation	Jacket
(1) Building wire (except open wiring), telephone drop wire, police and fire alarm systems, and general service designed for use in dry locations.	Fibrous or lead	0-3000	W-C	None.
	Lead	3001-5000	W-C	Do.
	Fibrous	3001-5000	W-B	Do.
	Fibrous or lead	5001 and over	W-B	Do.
(2) For general service designed for use in wet locations.	Lead or impervious sheath	0-3000	W-C	Do.
	Lead or impervious sheath	3001 and over	W-B	Do.
	Fibrous [1]	All voltages	W-A	Do.
	Fibrous or lead	0-600	W-A	Do.
(3) For special service wire and cable designed for: (a) Copper temperatures above 60° C.	Fibrous, lead or impervious sheath.	All voltages	W-A	Do.
(b) Motor leads.				
(c) Severe mechanical conditions.				
(d) High frequency communications.				
(e) Railway signal service.				
(4) Designed for portable heavy duty service of the following kinds only:		0-5000	W-B	W-D or W-SN-6 [2] or W-SB-4.
(i) Electric power shovels and dredges.				
(ii) Mining locomotives and machinery.[3]				
(iii) Welding machinery and power leads.[3]				
(iv) Portable drills, tools and industrial appliances.				
(v) Electrically driven construction machinery, including air compressors cement mixers, conveyors, hoists, cranes, locomotives and public conveyances.				
(vi) Oil well exploration cable.				
(vii) Shot fire cable, for use in mines as required by the U. S. Bureau of Mines.				
(5) Table appliance service cords	Fibrous [4]	0-600	W-C	None.
(6) Automotive ignition cable	Fibrous	All voltages	W-B	Do.

(d) MISCELLANEOUS PROVISIONS

(1) *Grounded neutral conductor.* Unless specifically stated on the purchase order that the "white" conductor is to be used on D. C. circuits or as an ungrounded conductor, it is to be assumed that it will be used for a grounded neutral conductor and no crude rubber, latex, synthetic rubber, reclaimed rubber or scrap rubber shall be used as insulation on wire designed for the grounded neutral conductor of a 0-600 V AC wiring system, including the service drop and service, the mains, feeders and branch circuit conductors up to the final outlet, but not including portable heavy duty or portable appliance service cords listed in subdivisions (c) (4) and (c) (5) of this List 27, nor the wires designed for lighting fixtures.

(2) *Open wiring on knob and tube or cleat work.* No crude rubber, synthetic rubber or scrap rubber shall be used on insulation designed for open wiring on knob and tube or cleat work.

(3) *Jackets, belts and sheaths.* Rubber jackets, belts or sheaths shall not be used for mechanical protection in wire or cable except as provided in subdivisions (c) (4) and (c) (5) of this List 27.

(4) *Walls.* No insulated wire shall be manufactured or specified by any person with heavier walls than those provided by American Standards Association's standard C 8.11-1936 or ASTM D-27; and required by the rating of the equipment serviced, except for non-leaded submarine cable, and for railroad signal service.

(5) *Rubber insulating tape and terminals.* Rubber compounds for rubber insulating tape and terminals shall conform to specifications set forth in List 20 attached to Supplementary Order No. M-15-b-1, as amended, except that compounds designed for tape for the following uses may be manufactured in the same quality as the insulation designated:

(i) For operating voltages in excess of 3000 volts.

(ii) For cables to be used in wet locations.

(iii For operation at conductor temperatures of 70° C. or higher.

LIST 28—REGULATIONS FOR THE MANUFACTURE OF FEEDING NIPPLES

(a) The manufacture of feeding nipples made from crude rubber, latex, synthetic rubber, reclaimed rubber or scrap rubber shall be limited to infants' nipples and lambs' nipples.

(b) Infants' nipples.

(1) All infants' nipples shall be manufactured in accordance with the regulations set forth in the following Table A:

TABLE A

Type	Molded	Dipped	Hand made
Minimum tensile strength, p. s. i.	2000	2000	1500
Ultimate elongation, in per cent	750	750	750
Reclaimed rubber	None	None	None
Maximum crude rubber and/or latex by volume, in per cent	98	98	98
Maximum rubber hydrocarbon by volume, in per cent	98	98	98
The total weight in pounds of crude rubber and/or latex in each finished nipple shall not exceed	.0105	.007	.007

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[1] Except tha W-B compound may be used in the insulation of lead covered underground distributing telephone cables.

[2] If necessary for bonding of laminated chloroprene jackets, it is permissible to use an intermediate tie gum of W-D compound not exceeding 1/64" in thickness.

[3] For "Uni-insulation" the use of W-A compound is permitted in (4) (ii) and (iii).

[4] Provided that a compound containing not more than 50% by volume of rubber hydrocarbon (RHC) obtained by the use of reclaimed rubber only, may be used as a jacket in the manufacture of PWP type cord.

(2) Compounds may contain ground-scrap rubber generated by the manufacturer in the production of infants' feeding nipples.

(c) *Lambs' nipples.* The total weight of crude rubber and/or latex in each finished nipple shall not exceed .0105 pounds.

LIST 29—REGULATIONS FOR THE MANUFACTURE OF AIRPLANE TIRES AND TIRE CASINGS

(a) The manufacture of airplane tires and tire casings shall be limited to the sizes, plies, and types listed below.

(b) The friction and the tread, respectively, of each of the sizes listed below shall be made from one of the grades of compounds listed in List 22 attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compound to be used for each respective friction and tread being that hereinbelow designated therefor opposite the description and designation of such size.

Description of item		Compounds	
Size	Ply	Friction	Tread
SMOOTH CONTOUR LANDING WHEELS			
27	8	B	B
30	8	B	B
33	8	B	B
36	10	B	B
39	10	B	B
44	10	B	B
47	12	A	A
51	14	A	A
56	16	A	A
65	16	A	A
AUXILIARY WHEELS			
8.00	4	B	B
10.00	6	B	B
12.50	6	B	B
14.50	6	B	B
17.00	6	B	B
19.00	6	B	B
23.00	8	B	B
26.00	10	B	B
30.00	10	B	B
HIGH PRESSURE LANDING WHEELS			
26 x 6 x 6-14	8	B	B
30 x 5-20	4 (inactive for new design).	C	C
30 x 7-16	6	B	B
32 x 6-20	4 (inactive for new design).	C	C
32 x 8-16	8	B	B
36 x 8-20	6 (inactive for new design).	C	C
34 x 9-16	10	B	B
36 x 10-16	10	B	B
38 x 10-18	12	A	A
40 x 10-20	8 (inactive for new design).	C	C
AUXILIARY WHEELS			
10-½-4	6	B	B
12-½-4½	8	B	B
10 x 3-4	4 (inactive for new design).	B	B
LOW PRESSURE LANDING WHEELS			
20 x 7.00-6	4	B	B
22 x 6.50-10	6	B	B
24 x 7.50-10	6	B	B
26 x 8.50-10	6	B	B
39 x 13.50-16	10	B	B
42 x 15.00-16	10	B	B
42 x 15.00-16	8 (air-line use only)	B	A
44 x 16.00-16	10	B	B
45 x 17.00-16	10	B	B
45 x 17.00-16	10 (air-line use only)	B	A
46x18.00-16	12	B	B
45x20.00-18	12	B	B
46x15.50-20	12	B	B
50x17.00-20	12	A	A
55-19.00-23	16	A	A
AUXILIARY WHEELS			
13x5.00-4	6	B	B
17x6.00-6	4	B	B
16x7.00-4	4	B	B
17x7.00-5	4	B	B
17½x8.00-4	4	B	B
19x8.00-5	6	B	B
19x8.00-5	4 H. D	B	B
22x9.00-6	8	B	B
24x10.00-7	10	B	B
29x9.50-12	6 (Beaching gear tires only).	B	B
32x11.00-12	8 (Beaching gear tires only).	B	B
36x12.50-14	10 (Beaching gear tires only)	B	B
EXTRA LOW PRESSURE LANDING WHEELS			
25x11-4	4	B	B
29x13-5	6	B	B
30x13-6	6	B	B
35x15-6	6	B	B
45x20-10	10	B	B
AUXILIARY WHEELS			
12x5-3	4	B	B
16x7-3	4	B	B
18x8-3	4	B	B
STREAMLINE LANDING WHEELS (INACTIVE FOR NEW DESIGN)			
24	4	B	B
27	6	B	B
31	6	C	C
36	6	C	C
40	8	C	C
45	8	C	C
50	8	C	C
27.50x8.90-12.50	4	B	B
LOW PROFILE AUXILIARY WHEELS			
19x6,80-10	6	B	B
22x7.25-11.50	6	B	B
26x9.00-13.00	8	B	B
33x11.50-16.50	10	B	B
CUSHION AUXILIARY TIRES			
6x2.00			A
8x2.50			A
SOLID AUXILIARY TIRES			
6x2½			A
6x3½	(inactive for new design).		A
8½x4			A
10x3	(inactive for new design).		A
10x4	(inactive for new design).		A

(c) With the grades of compounds designated above, a manufacturer can calculate the maximum amount of crude rubber, latex and total RHC which may be used in the manufacture of a tire or tire casing of any designated size. Within the maximum amounts thus calculated, a manufacturer may, in his discretion, shift the amounts between friction and tread, but may not consume in the manufacture of any tire or tire casing more crude rubber, latex or RHC than would be used in the manufacture of such tire or tire casing if the above compound grades were used, after allowing for tolerances permitted.

LIST 30—REGULATIONS FOR THE MANUFACTURE OF CAMELBACK, CAPPING STOCK, FILLER STRIP, STRIPPING STOCK, PADDING STOCK, CUSHION STOCK, LUG STOCK AND BASE STOCK

(a) The manufacture of these items shall be limited to the types and grades listed below.

(b) The grade of compound to be used in manufacturing each type shall be one of those listed in List 22 attached to Supplementary Order M-15-b-1, as amended, the appropriate grade of compound being that set forth opposite the description of each type in the following table:

Description of item	Tread compound	Service
Motorcycle type capping stock and camelback.	A	To fill war orders only.
Passenger type capping stock (¼ inch bevel)	F	To fill war orders only.
Passenger type capping stock and camelback.	C	
Truck-type capping stock (¼ inch bevel)	C	Designed for retreading road building and road grading tires.
Truck-type camelback (wing die)	C	
Lug stock and base stock	C	
Heavy-duty capping stock (¼ inch bevel)	A	Designed for recapping and retreading mileage bus tires, rock service tires of a cross-section of 8.25 or more or earth-mover tires of a cross-section of 16.00 or more.
Heavy-duty camelback (wing die)	A	
Airplane capping stock and camelback	A or lower	Designed for recapping and retreading airplane tires.
Filler strip	C	Permitted in widths of 2½" and 3½" only, maximum thickness ⅛".
Padding stock	B	Maximum thickness 1/16".
Stripping stock	D	Maximum width 1".
Passenger type cushion stock	C	
Truck type cushion stock	A	

(c) Capping stock and camelback (except airplane and motorcycle types) shall be manufactured only in gauges of 8/32, 10/32, 12/32, 14/32, 16/32, 18/32, 20/32, 22/32 inches and larger.

(d) Passenger-type capping stock may be faced with a compound containing crude rubber: *Provided*, That not more than .02 pound of crude rubber may be used in such compound for each pound of reclaimed rubber used in the thread compound.

LIST 31—REGULATIONS FOR THE MANUFACTURE OF MEDICAL AND SURGICAL RUBBER GOODS.

The kinds of medical and surgical rubber goods listed in this List 31 shall be manufactured only in accordance with the regulations set forth herein.

(a) RUBBER COMPOUNDS

Grade	Maximum percent by volume	
	Crude rubber or latex	Total RHC
D-A	98	98
D-B	75	90
D-C	70	70
D-D	50	50
D-D-1	50	65
D-E	45	65
D-F	30	60
D-G	20	50

(b) GENERAL PROVISIONS

(1) Synthetic rubber may be substituted for crude rubber, in whole or in part, provided the sum of the SRV by volume and RHC by volume does not exceed the maximum total RHC of the grade designated.

(2) Whenever colors are used in manufacture, the product shall be limited to shades of black, brown, red or maroon.

(3) The methods of Federal Specification ZZ-R-601 shall be applicable to these specifications.

(c) DESIGNATION OF GRADES

Each product listed below in this List 31 shall be manufactured from a compound which will not exceed by volume the maximum crude rubber or latex and the total rubber hydrocarbon content indicated by the designated grade for such compound in subdivision (a) of this List 31, the appropriate grade of compound being that hereinafter set forth opposite the description of such product; and each product must also fulfill the requirements of any regulations set forth for that product:

List of products	*Grade*
(1) Blood pressure bags	D-B
(2) Bulbs, molded	D-E
(3) Cloth inserted water bottles, ice caps, throat bags, invalid rings and operating cushions	D-D-1
(4) Colostomy outfits	D-A
(5) Dental dam	D-A
(6) Dilators	D-A
(7) Finger cots	D-A
(8) Fountain syringes, molded, for war orders only	D-F
(i) Minimum tensile strength, 1,250 p. s. i.	
(ii) Minimum ultimate elongation 400%.	
(iii) 40% of original tensile strength and ultimate elongation after 4 days in boiling water and 24 hours after removal.	
(iv) 75% of original tensile strength and ultimate elongation after 7 days in air at 158° F. and 24 hours after removal.	
(9) Fountain syringe tubing and combination tubing	D-G
(i) Minimum tensile strength, 700 p. s. i.	
(ii) Minimum ultimate elongation 300%.	
(10) Glass molded tubes such as catheters, stomach tubes, etc	D-C
(11) Ice caps and throat bags, molded	D-F
(i) Minimum tensile strength, 1,250 p. s. i.	
(ii) Minimum ultimate elongation, 400%.	
(iii) 75% of original tensile strength and ultimate elongation after 7 days in air at 158° F. and 24 hours after removal.	
(iv) Minimum overall wall thickness (0.025").	
(12) Inhalation bags and face pieces	D-A
(13) Invalid rings, molded	D-D-I
(i) Minimum tensile strength, 1,650 p. s. i.	
(ii) Minimum ultimate elongation, 500%.	
(iii) 80% of original tensile strength and ultimate elongation after 7 days in air at 158° F. and 24 hours after removal.	
(14) Medicine droppers	D-E
(15) Metatarsal cushions or pads (not part of shoe)	D-E
(16) Orthodontia bands	D-A
(17) Pneumatic truss pads	D-B
(18) Prostatic bags	D-A
(19) Surgeons' gloves	D-A
(i) Federal Specification ZZ-G-421a.	
(20) Surgical adhesive tape	D-D
(i) White permissible.	
(ii) Rubber requirements of Federal Specification E-UP-401, dated September 2, 1942.	
(21) Truss pad covers	D-D
(22) Tubes, latex dipped	D-A
(23) Urinals	D-A
(24) Vaccine caps	D-A
(25) Grade I, water bottle and combination syringe, molded	D-D-1
(i) Minimum tensile strength, 1,650 p. s. i.	
(ii) Minimum ultimate elongation, 500%.	
(iii) 40% of original tensile strength and ultimate elongation after 6 days in boiling water and 24 hours after removal.	
(iv) 80% of original tensile strength and ultimate elongation after 7 days in air at 158° F and 24 hours after removal.	
(v) Average overall wall thickness 0.033" plus or minus 0.005".	
(vi) Maximum capacity, 75 ounces.	
(vii) Service: designed for hospital use.	
(26) Grade II water bottle and combination syringe, molded	D-F
(i) Minimum tensile strength, 1,250 p. s. i.	
(ii) Minimum ultimate elongation, 400%.	
(iii) 40% of original tensile strength and ultimate elongation after 4 days in boiling water and 24 hours after removal.	
(iv) 75% of original tensile strength and ultimate elongation after 7 days in air at 158° F and 24 hours after removal.	
(v) Average overall wall thickness 0.030" plus or minus 0.005".	
(vi) Maximum capacity, 72 ounces.	
(vii) Service: designed for home use.	

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[F. R. Doc. 42-14038; Filed, December 28, 1942; 11:22 a. m.]

PART 933—COPPER

[Supplementary Conservation Order M-9-c-3 as Amended Dec. 28, 1942]

Section 933.8 *Supplementary Conservation Order M-9-c-3* is hereby amended so as to read as follows:

§ 933.8 *Supplementary Conservation Order M-9-c-3*—(a) *Effect on Order M-9-c.* On and after December 28, 1942, this order shall govern to the exclusion of Conservation Order M-9-c the use of bronze powder in the manufacture of paste, ink and leaf, of paint (except ship bottom paint), of other coatings (except decalcomanias) and of any other bronze powder products, and the use of bronze powder and such bronze powder products in the manufacture of other articles. It does not overrule the provisions of Copper Conservation Order M-9-c which have prohibited the manufacture of bronze powder for all purposes, except for use in making nondecorative decalcomanias, ship bottom paint and drift signals, since March 31, 1942.

(b) *Manufacture of bronze powder products and of articles made therewith.* On and after December 28, 1942, no person shall manufacture paste, ink or leaf with bronze powder or any other bronze powder product, or manufacture, finish or coat any article with bronze powder or bronze powder products, if he knows or has reason to believe that the bronze powder being used was manufactured after March 31, 1942 or that the bronze powder product being used was manufactured in violation of Conservation Order M-9-c or this Order M-9-c-3, as such orders existed at the time such product was manufactured. Except as above provided, the manufacture of paste, ink and leaf with bronze powder and of any other bronze powder product, and the use of bronze powder products in manufacture, finishing and coating of other articles, is permitted.

(c) *Delivery and acceptance of delivery of bronze powder, of bronze powder products and of articles made therewith.* On and after December 28, 1942, no person shall deliver bronze powder, paste, ink or leaf manufactured with bronze powder, any other bronze powder product, or any article manufactured, finished or coated with bronze powder or bronze powder products, and no person shall accept delivery thereof, if he knows or has reason to believe that the bronze powder was manufactured after March 31, 1942 or that the bronze powder product, or the article manufactured, finished or coated with bronze powder or a bronze powder product, was manufactured in violation of Conservation Order M-9-c or this Order M-9-c-3, as such orders existed at the time such product or article was manufactured. Except as above provided, the delivery and acceptance of delivery of bronze powder, of paste, ink and leaf manufactured with bronze powder, of any other bronze powder product, and of any article manufactured, finished or coated with bronze powder or a bronze powder product, is permitted.

(d) *Communications to War Production Board.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Copper Division, Washington, D. C., Ref.: M-9-c-3.

(e) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 28th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-14035; Filed, December 28, 1942; 11:20 a. m.]

PART 987—COBALT

[General Preference Order M-39 as Amended Dec. 28, 1942]

§ 987.1 *General Preference Order M-39*—(a) *Definitions.* For the purposes of this order:

(1) "Cobalt" means and includes:

(i) Ores, concentrates, and crudes, including beneficiated or treated forms containing cobalt (commercially recognized).

(ii) Cobalt metal, cobalt oxide, and other primary chemical compounds which result from the processing of cobalt ores, concentrates, crudes, or residues; but not including by-products from which cobalt is not commercially recoverable.

(iii) All scrap or secondary material containing commercially recoverable cobalt as defined in (i) and (ii) above, excluding cobalt-bearing iron and steel scrap.

(b) *Refining ores.* The Director General for Operations from time to time may direct the manner in which any of the forms of cobalt specified in paragraph (a) (1) (i) above shall be refined or otherwise processed.

(c) *Deliveries*—(1) *Allocations.* Except as specifically authorized by the Director General for Operations, no person shall deliver or accept delivery of cobalt in any of the forms specified in paragraph (a) (1) (ii) above. The Director will from time to time allocate the supply of such cobalt and specifically direct the manner and quantities in which deliveries to particular persons or for particular uses shall be made or withheld. Such allocations and directions may be made without regard to any preference ratings assigned to particular contracts or purchase orders. The Director may also, in his discretion, require any person seeking to place a purchase order for such cobalt to place the order with one or more particular suppliers.

(2) *Exception for small deliveries.* Any person may receive deliveries up to but not exceeding an aggregate of 25 pounds of contained cobalt, in any of the forms specified in paragraph (a) (1) (ii) above,

during any calendar month without specific authorization by the Director General for Operations under paragraph (c) (1) of this order. Any person may make a delivery the acceptance of which is authorized by this subparagraph.

(d) *Reports.* (1) No person shall be entitled to receive an allocation in accordance with paragraph (c) (1) above unless, not later than the 20th day of the month next preceding the month in which delivery is scheduled, he shall have filed with the War Production Board reports on Forms PD–581 and PD–582 as revised. Failure of any person to file a report in the manner and on the date required by this paragraph may be construed as notice to the Director and to all suppliers of cobalt that such person does not desire an allocation of cobalt during the succeeding month.

(2) Any person who on the first day of a calendar month has in his possession or under his control a quantity of cobalt in any of the forms specified in paragraphs (a) (1) (i), (ii) and (iii) above in excess of 100 pounds (contained cobalt) shall file a report with the War Production Board on Form PD–581 on or before the 20th day of such month, whether or not such person applies for an allocation of cobalt for delivery during the succeeding month.

(3) Each refiner or processor of cobalt ores, concentrates or crudes in any of the forms specified in paragraph (a) (1) (i) above shall on or before the 20th day of each month file with the War Production Board on Form PD–581 his production schedule for the succeeding month.

(e) *Use of cobalt prohibited except for specified items.* No person shall put into process any cobalt as defined in paragraphs (a) (1) (i), (ii) and (iii) above, except for the production of cobalt in the forms specified in paragraph (a) (1) (ii) above or except for the uses or in the production of the items (and the necessary material therefor), specified below, and then only to the extent that the use of an alternate material is impracticable.

(1) Catalysts.

(2) Cattle and plant food.

(3) Decolorizer for glass, the batch composition of which shall not exceed 1 pound of cobalt element per 100 tons of glass.

(4) Driers.

(5) Ground coat frit to be used or sold on orders bearing preference ratings of AA–4 or higher.

(6) "Health supplies" as defined in Preference Rating Order P–29 as the same may be amended.

(7) High speed steel as approved under Supplementary Order M–21–a.

(8) Laboratory and research equipment.

(9) Magnets.

(10) Non-ferrous alloys.

(11) Pigment for glass for optical or for safety purposes.

(f) *Prohibitions against sales or deliveries.* Notwithstanding the fact that an order may be authorized pursuant to paragraphs (c) (1) or (c) (2) hereof, no person shall hereafter sell or deliver cobalt to any person if he knows or has reason to believe such material is to be used in violation of the terms of this or any other order of the Director General for Operations.

(g) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as they may be amended from time to time.

(h) *Appeals and communications.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds of the appeal. All appeals and other communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Ferro-Alloys Division, Washington, D. C., Reference M–39.

(i) *Applicability of order.* The restrictions contained in this order shall apply to all contracts whether made prior or subsequent to the effective date of this order.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Revocation of Order M–39–b.* Conservation Order M–39–b and all amendments thereto are hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 28th day of December 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42–14037; Filed, December 28, 1942; 11:21 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[Supplemental General Imports Order M–63–d, Revocation]

§ 1042.5 *Supplemental General Imports Order M–63–d* is hereby revoked, the subject matter of such order being incorporated in paragraph (b) (4) of General Imports Order M–63, as amended December 17, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 28th day of December 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42–14036; Filed, December 28, 1942; 11:20 a. m.]

PART 3039—MANUFACTURED GAS

[General Directive 1 Under Limitation Order L–174]

Pursuant to the provisions of paragraph (c) (1) of Limitation Order L–174, *It is ordered and directed:*

§ 3039.1 *General Directive 1 under Limitation Order L–174.* (a) Whenever it is necessary, pursuant to paragraph (c) (1) of Limitation Order L–174, for a utility to reduce deliveries of gas to consumers having standby facilities, the utility shall reduce deliveries to consumers having such standby facilities, to the extent of such standby facilities, in the following order:

(1) All consumers who have standby facilities capable of utilizing coal, but only within the limits of the utility's contractual rights;

(2) All consumers who have standby facilities capable of utilizing coal, without regard to the contractual rights of the utility or any consumer;

(3) All oil refineries having standby facilities of any type, but only within the limits of the utility's contractual rights;

(4) All oil refineries having standby facilities of any type, without regard to the contractual rights of the utility or any consumer; and

(5) All other consumers having standby facilities of any type, without regard to the contractual rights of the utility or any consumer.

(b) Except as set forth in the proviso of the first paragraph of said paragraph (c) (1), deliveries to any consumer in the respective classes (a) (2) to (a) (5) above, inclusive, shall not be reduced until deliveries to all consumers in prior classes have been suspended. Reductions within any class shall be proportionate insofar as practicable.

(c) This directive does not affect the order in which deliveries are to be reduced to consumers without standby facilities, as provided in paragraph (c) (1).

(d) This directive supersedes any specific directives under paragraph (c) (1) inconsistent herewith which have heretofore been issued by the Director General for Operations, but is subject to specific directives which may later be issued in particular cases by the Director General for Operations.

(e) This directive shall be effective immediately upon issuance and shall remain effective until modified or revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 28th day of December 1942.

Ernest Kanzler,
Director General for Operations.

[F. R. Doc. 42–14033; Filed, December 28, 1942; 11:20 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 149,[1] Amendment 5]

MECHANICAL RUBBER GOODS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

The text of § 1315.21b is amended to read as set forth below:

§ 1315.21b *Maximum prices for certain brands of rubber horseshoe pads manufactured by the Dryden Rubber Company.* Notwithstanding any other provision of this Maximum Price Regulation No. 149, the maximum price of the "Special Star", "O. I. C." and "K & Company" brands of rubber horseshoe pads, hereinafter referred to as "rubber horseshoe pads manufactured by the Dryden Rubber Company" shall be determined as follows:

* * * * *

§ 1315.33a *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§ 1315.21b) to Maximum Price Regulation No. 149 shall become effective October 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–13931; Filed, December 24, 1942; 3:02 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Supplement 1 to Rev. Tire Rationing Regulations[2]]

TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

A rationale for this supplement has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1315.1851 *Exceptions to eligibility in territories and possessions and transfers of used tires.* (a) Whenever a Territorial Director determines that recapping facilities in the territory or possession under his jurisdiction are inadequate or unavailable, he may:

(1) Grant priority for recapping services to those persons holding certificates for recapping services whom he finds to be most essential to the public health, safety or the war effort.

(2) Authorize the War Price and Rationing Boards in such territory or possession to issue certificates for new or used tires to persons eligible for recapping services under these Regulations.

(b) Whenever a Board in a territory or possession issues a certificate for a used tire, as provided in paragraph (a), the provisions of §§ 1315.701 to 1315.707, inclusive, of the Revised Tire Rationing Regulations shall govern the form, execution and use of the certificate, the transfer and acquisition of the used tire and the turning in of the replaced tire.

(c) A retailer or distributor may transfer used tires to a consumer in exchange for a certificate authorizing such transfer.

(d) A dealer may, in exchange for the replenishment portion (Part B) of a certificate for used tires issued pursuant to paragraph (a), transfer used tires to another dealer.

(e) Supplement No. 1 (§ 1315.1851) to Revised Tire Rationing Regulations shall become effective December 24, 1942, and shall continue in force and effect until amended by further order or direction of the Office of Price Administration.

(Pub. Laws 421 and 729, 77th Cong., Jan. 30, 1942, OPM Supp. Order No. M–15–c, WPB Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792, 7 F.R. 121, 350, 434, 473, 562, 925, 1009, 1026)

Issued this 24th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–13932; Filed, December 24, 1942; 3:03 p. m.]

PART 1340—FUEL

[MPR 120,[1] Amendment 30]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

An item in the table in § 1340.222 (b) (1) is amended to read as set forth below:

§ 1340.222 *Appendix K: Maximum prices for bituminous coal produced in District No. 11.* * * *

(b) * * *

(1) *Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix.*

For shipment from all mines in price groups shown below	Prices and size group Nos.		
	*	26	*
No. 6 *	* * *	* 260 *	* * *

* * * * *

§ 1340.211a *Effective dates of amendments.* * * *

(ee) Amendment No. 30 (§ 1340.222 (b) (1)) to Maximum Price Regulation No. 120 shall be effective as of May 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–13933; Filed, December 24, 1942; 2:57 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 249,[1] Amendment 3]

SALES OF CERTAIN SEASONAL FOOD PRODUCTS AT WHOLESALE

Mincemeat.
Plum pudding.
Fig pudding.
Date pudding.
Christmas cookies.
Fruit cake.
Holiday candy.
Chocolate covered cherries.
Sweet apple cider.
Glaced or candied fruits and peels.
Stuffed dried fruits.
Dried figs.
Pure sorghum syrup.
Pitted and macerated dates and date products.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1351.766 is amended to read as set forth below:

§ 1351.766 *Wholesale maximum prices for fruit cake to be calculated under either Supplementary Regulation No. 14[2] to the General Maximum Price Regulation or Maximum Price Regulation No. 249 until and including January 15, 1943.* Sellers of fruit cake at wholesale shall calculate their maximum prices either under § 1499.73 (a) (2) of Supplementary Regulation No. 14 to the General Maximum Price Regulation or under this Maximum Price Regulation No. 249 until and including January 15, 1943. Thereafter such sellers shall calculate their maximum prices under this Maximum Price Regulation No. 249.

§ 1351.763a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1351.766) to Maximum Price Regulation No. 249 shall become effective December 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–13935; Filed, December 24, 1942; 3:01 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3889, 7173, 8699, 8948, 10103, 10143.

[2] 7 F.R. 1027, 1089, 2106, 2167, 2541, 2633, 2945, 2948, 3235, 3237, 3551, 3830, 4176, 4336, 4493, 4543, 4544, 4617, 4856, 5023, 5274, 5276, 5566, 5605, 5867, 6423, 6775, 7034, 7241, 7669, 7670, 7743, 7777, 7902, 7834, 7941, 7963, 7973, 8432, 8595, 8594.

[1] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4541, 4540, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6272, 6472, 6325, 6524, 6744, 6896, 7777, 7670, 8650, 8354, 8948, 9783, 10470, 10581.

[1] 7 F.R. 8702, 9898, 10014.

[2] 7 F.R. 5486, 5709, 5911, 6008, 6271, 6369, 6473, 6477, 6774, 6775, 6776, 6793, 6887, 6892, 6939, 6965, 7011, 7012, 7203, 7250, 7289, 7365, 7400, 7401, 7453, 7510, 7511, 7535, 7536, 7538, 7604, 7671, 7739, 7812, 7914, 7946, 8024, 8199, 8237, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 8950, 8953, 8954, 8955, 8959, 9043, 9082, 9196, 9391, 9397, 9495, 9496, 9639, 9786, 9900, 9901, 10069, 10111, 10022, 10151, 10231, 10294, 10346, 10381, 10480, 10537, 10557, 10583.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 250,[1] Amendment 3]

SALES OF CERTAIN SEASONAL FOOD PRODUCTS AT RETAIL

Mincemeat.
Plum pudding.
Fig pudding.
Date pudding.
Christmas cookies.
Fruit cake.
Holiday candy.
Chocolate covered cherries.
Sweet apple cider.
Glaced or candied fruits and peels.
Stuffed dried fruits.
Dried figs.
Pure sorghum syrup.
Pitted and macerated dates and date products.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1351.866 is amended to read as set forth below:

§ 1351.866 *Retail maximum prices for fruit cake to be calculated under either Supplementary Regulation No. 14*[2] *to the General Maximum Price Regulation or Maximum Price Regulation No. 250 until and including January 15, 1943.* Sellers of fruit cake at retail shall calculate their maximum prices either under § 1499.73 (a) (2) of Supplementary Regulation No. 14 to the General Maximum Price Regulation or under this Maximum Price Regulation No. 250 until and including January 15, 1943. Thereafter such sellers shall calculate their maximum prices under this Maximum Price Regulation No. 250.

§ 1351.864a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1351.866) to Maximum Price Regulation No. 250 shall become effective December 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13936; Filed, December 24, 1942; 3:01 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Temporary MPR 23]

SHELLED PEANUTS, SALTED PEANUTS AND PEANUT BUTTER

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, to issue a temporary regulation establishing as the maximum prices for certain peanut items the prices prevailing with respect thereto within the five days prior to the issuance of this regulation.

The maximum prices established herein are not below prices which will reflect to the producers of peanuts prices for their raw agricultural commodity equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250.

Therefore, under the authority vested in the Price Administrator by the aforesaid Acts and Executive Order and in Accordance with Revised Procedural Regulation No. 1,[1] Temporary Maximum Price Regulation No. 23 is hereby issued.

Sec.
1351.1551 Purpose of this regulation.
1351.1552 Prohibition against buying and selling above maximum prices.
1351.1553 Maximum prices.
1351.1554 Exempt sales.
1351.1555 Evasion.
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1351.1557 Records and reports.
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1351.1560 Relation to the General Maximum Price Regulation.
1351.1561 Geographical applicability.
1351.1562 Definitions.
1351.1563 Revocation or replacement of regulation.
1351.1564 Effective period.

AUTHORITY: §§ 1351.1551 to 1351.1564, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250; 7 F.R. 7891.

§ 1351.1551 *Purpose of this regulation.* It is the purpose of this regulation to establish maximum prices for sales of the following peanut items:

(a) Shelled peanuts.

(b) Salted peanuts.

(c) Peanut butter.

The peanut products listed above are referred to in this regulation as "listed peanut items."

§ 1351.1552 *Prohibition against buying and selling above maximum prices.* (a) From December 29, 1942 to February 26, 1943, inclusive, regardless of any contract or obligation, no person shall sell or deliver a listed peanut item, and no person in the course of trade or business shall buy or receive a listed peanut item at a price higher than the maximum price permitted by this Temporary Maximum Price Regulation No. 23, and no person shall agree, offer, solicit or attempt to do any of these things.

(b) However, prices lower than maximum prices may be charged, demanded, paid or offered.

§ 1351.1553 *Maximum prices.* (a) The seller's maximum price for any listed peanut item shall be the highest price charged by the seller to a purchaser of the same class during the period December 19, 1942 to December 23, 1942, inclusive, for the same listed peanut item.

(b) Where a seller during the period December 19, 1942 to December 23, 1942, inclusive, did not deal in a listed peanut item, the seller's maximum price for such listed peanut item shall be the highest price charged during the period December 19, 1942 to December 23, 1942, inclusive, by the most closely competitive seller to a purchaser of the same class for such peanut item.

§ 1351.1554 *Exempt sales.* This Temporary Maximum Price Regulation No. 23 shall not apply to the following:

(a) Sales or deliveries of peanuts for oil.

(b) Sales or deliveries made directly by a farmer of any listed peanut item grown and processed on his farm. However, this Temporary Maximum Price Regulation No. 23 shall apply to a sale or delivery by a farmers' cooperative and to a sale or delivery directly by a farmer of any listed peanut item to an ultimate consumer, if during the preceding month the farmer's sales to ultimate consumers of all food products produced on his farm exceeded $75.00.

(c) Sales or deliveries of raw shelled peanuts from the 1941 crop.

§ 1351.1555 *Evasion.* The price limitations set forth in this Temporary Maximum Price Regulation No. 23 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to a listed peanut item alone or in conjunction with any other commodity, or by way of any commmission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by changing a business practice relating to the price lines, grading, labeling, packaging or branding of a listed peanut item.

§ 1351.1556 *Export sales.* The maximum prices at which a person may export a listed peanut item shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[2] issued by the Office of Price Administration.

§ 1351.1557 *Records and reports.* (a) As to all sales not specifically exempted by other sections of this Temporary Maximum Price Regulation No. 23, every person selling a listed peanut item shall preserve for examination by the Office of Price Administration all his existing records relating to prices which he charged for such listed peanut item delivered or supplied during the period December 19, 1942, to December 23, 1942, inclusive, and his offering prices for delivery or supply of a listed peanut item during such period; and shall prepare, on or before December 31, 1942, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, a statement showing (1) the highest prices charged for such listed peanut item during such period, together with an appropriate identification of such item, and (2) all his customary allowances, discounts, and other price differentials.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8705, 9898, 10014.

[2] 7 F.R. 5486, 5709, 5911, 6008, 6271, 6369, 6473, 6477, 6774, 6775, 6776, 6793, 6887, 6892, 6939, 6965, 7011, 7012, 7203, 7250, 7289, 7365, 7400, 7401, 7453, 7510, 7511, 7535, 7536, 7538, 7604, 7671, 7739, 7812, 7914, 7946, 8024, 8199, 8237, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 8950, 8953, 8954, 8955, 8959, 9043, 9082, 9196, 9391, 9397, 9495, 9496, 9639, 9786, 9900, 9901, 10069, 10111, 10022, 10151, 10231, 10294, 10346, 10381, 10480, 10537, 10557, 10583.

[1] 7 F.R. 8961.

[2] 7 F.R. 5059, 7242, 8829, 9000, 10530.

(b) As to all sales not specifically exempted by other sections of this Temporary Maximum Price Regulation No. 23 every person selling a listed peanut item shall keep and make available for examination by the Office of Price Administration records of the same kind as he has customarily kept relating to the prices which he charged for such peanut item during the period from December 29, 1942 to February 26, 1943, inclusive, and, in addition, records showing, as precisely as possible, the basis upon which he determined maximum prices.

(c) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraphs (a) and (b) of this section as the Office of Price Administration may from time to time require.

§ 1351.1558 *Enforcement.* (a) Persons violating any provisions of this Temporary Maximum Price Regulation No. 23 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Temporary Maximum Price Regulation No. 23 or of any price schedule, regulation, or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation are urged to communicate with the nearest district, state, or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1351.1559 *Petitions for amendment.* Any person seeking an amendment of any provision of this Temporary Maximum Price Regulation No. 23 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, and amendments, issued by the Office of Price Administration.

§ 1351.1560 *Relation to the General Maximum Price Regulation.* The following sections of the General Maximum Price Regulation,[3] and amendments to them, shall be applicable to every person selling a listed peanut item:

(1) *Determination of maximum prices by sellers at retail operating more than one retail establishment* (§ 1499.4a). In applying § 1499.4a of the General Maximum Price Regulation, the base period of December 19, 1942, to December 23, 1942, inclusive, shall be substituted for the period of March 1942 used therein.

(2) *Adjustment of maximum prices in cases of special deals* (§ 1499.4b).

(3) *Transfers of business or stock in trade* (§ 1499.5).

(4) *Federal and state taxes* (§ 1499.7). In applying § 1499.7 of the General Maximum Price Regulation, the base period of December 19, 1942, to December 23, 1942, inclusive, shall be substituted for the period of March 1942 used therein, and the date December 23, 1942, shall be substituted for the date March 31, 1942.

(5) *Sales slips and receipts* (§ 1499.14).

(6) *Registration* (§ 1499.15).

(7) *Licensing* (§ 1499.16).

§ 1351.1561 *Geographical applicability.* The provisions of this Temporary Maximum Price Regulation No. 23 shall be applicable to the United States, its territories and possessions, and the District of Columbia.

§ 1351.1562 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 23, the term:

(1) "Person" means individual, corporation, partnership, association, or other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agencies of any of the foregoing.

(2) "Highest price charged during the period December 19, 1942, to December 23, 1942, inclusive", means the highest price which the seller (except a seller of shelled peanuts) charged for a listed peanut item delivered by him during the period from December 19, 1942 to December 23, 1942, inclusive, to a purchaser of the same class, or, if the seller made no such delivery during such period, his highest offering price for delivery during that period to a purchaser of the same class. In the case of a seller of shelled peanuts, "highest price charged during the period December 19, 1942, to December 23, 1942, inclusive" means the highest price at which the seller during the period from December 19, 1942, to December 23, 1942, inclusive, contracted to sell for immediate or future delivery to a purchaser of the same class, or, if the seller made no such contract during such period, his highest offering price during that period to a purchaser of the same class. No seller shall change his customary allowances, discounts or other price differentials unless such change results in a lower price. No seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery of supply of any listed peanut item than the seller required purchasers of the same class to pay during the period December 19, 1942, to December 23, 1942, inclusive, on deliveries of a listed peanut item.

(3) "Purchaser of the same class" refers to the practice followed by the seller in the ninety-day period preceding December 23, 1942, in setting different prices for sales to different purchasers or kinds of purchasers (for example, but not limited to, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer or any ordinarily recognized subgroup or combination of the foregoing) or for purchasers located in different areas or for different quantities or under different conditions of sale.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

§ 1351.1563 *Revocation or replacement of regulation.* This Temporary Maximum Price Regulation No. 23 may be revoked or replaced by a permanent maximum price regulation or order issued by the Office of Price Administration.

§ 1351.1564 *Effective period.* This Temporary Maximum Price Regulation No. 23 (§§ 1351.1551, to 1351.1564, inclusive), shall become effective on December 29, 1942, and shall, unless earlier revoked or replaced, expire at 12 o'clock midnight, February 26, 1943.

Issued this 24th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13934; Filed, December 24, 1942; 3:04 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280,[1] Amendment 4]

MAXIMUM PRICES FOR SPECIFIC FOOD PRODUCTS

The statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1351.807 of the Maximum Price Regulation No. 280 is hereby amended to read as follows:

§ 1351.807 *Adjustment of maximum prices of fluid milk and shell eggs.* (a) The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this Maximum Price Regulation 280 for fluid milk sold at wholesale in containers other than bottles or paper containers in the case of any seller or group of sellers, and may adjust any price so established for shell eggs sold at wholesale or retail in the case of any seller or group of sellers where it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of such fluid milk or shell eggs; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such fluid milk or shell eggs; and

(3) That such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

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[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 5794, 6939, 7093, 7322, 7454, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10145.

(b) Each Regional Administrator is authorized to make adjustments or act upon applications for adjustment under this § 1351.807.

(c) Applications for adjustment under this § 1351.807 shall be filed in accordance with Revised Procedural Regulation No. 1.

§ 1351.821 *Effective dates of amendments.* * * *

(d) Amendment No. 4 to Maximum Price Regulation 280 shall become effective December 23, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of December 1942.

LEON HENDERSON,
Administrator.

Approved:

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-13940; Filed, December 24, 1942; 4:24 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 289]

DAIRY PRODUCTS

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 to establish in a permanent regulation maximum prices for the sale of the dairy products named herein.

The Price Administrator has ascertained and given due consideration to the prices of the dairy products covered by this regulation which prevailed between October 1 and October 15, 1941 and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industries affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended; and Executive Order No. 9250. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

The maximum prices established herein are not below prices which will reflect to producers of the agricultural commodity—milk—from which the dairy products named in this regulation are producer, a price for their product equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and by Executive Order No. 9250.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1,[1] issued by the Office of Price Administration, this Maximum Price Regulation No. 289 is hereby issued.

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AUTHORITY: §§ 1351.1501 to 1351.1522, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1351.1501 *Products covered.* This Maximum Price Regulation No. 289 establishes the maximum prices at which the following dairy products referred to below as "listed dairy products" may be sold and delivered.

(a) Cheddar cheese.
(b) Butter.
(c) Evaporated milk.
(d) Powdered skim milk.

§ 1351.1502 *Exempt sales.* The provisions of this Maximum Price Regulation No. 289 shall not apply to any sale or delivery which is specifically exempted in sections establishing maximum prices for any of the listed dairy products.

§ 1351.1503 *Prohibition against dealing in listed dairy products above maximum prices.* (a) On and after December 30, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver a listed dairy product, and no person, in the course of trade or business, shall buy or receive a listed dairy product at a price higher than the maximum price permitted by this Maximum Price Regulation No. 289, and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not apply to sales or deliveries of a listed dairy product which, prior to December 30, 1942 has been received for shipment to the purchaser by a carrier which is not owned or controlled by the seller.

§ 1351.1504 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 289 may be charged, demanded, paid or offered.

§ 1351.1505 *Records and reports.* (a) Every sale of a listed dairy product covered by this Maximum Price Regulation No. 289 after the effective date of this regulation shall be invoiced by the seller. The original invoice shall be signed by the seller or by a duly authorized partner, officer or employee of the seller; shall be delivered to the buyer and shall state: (1) the date of purchase, (2) the name and address of the buyer and seller, (3) the quantity and description of each listed dairy product sold, (4) the price per unit of sale and in total.

(b) After the effective date of this regulation, every buyer of any listed dairy product shall preserve for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, the original, and every seller of any listed dairy product shall similarly preserve a copy of each invoice required to be furnished by paragraph (a) of this section.

(c) Every person subject to this regulation shall keep such other records and shall submit such reports as the Office of Price Administration may from time to time request in writing, either in addition to or in substitution for records and reports herein required.

§ 1351.1506 *Evasion.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to any of the listed dairy products, alone or in conjunction with any other commodity or by way of any commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1351.1507 *Enforcement.* (a) Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damage provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this regulation or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest District, State, Field or Regional Office of the Office of Price Administration, or its principal Office in Washington, D. C.

§ 1351.1508 *Export sales.* The maximum prices at which a person may export a "listed dairy product" shall be determined in accordance with Revised Maximum Export Price Regulation,[2] issued by the Office of Price Administration on April 25, 1942.

§ 1351.1509 *Imports.* On and after the effective date of this Maximum Price Regulation No. 289, no person in the course of trade or business shall import or agree, offer, solicit, or attempt to import a "listed dairy product" at a price in excess of the maximum prices established by this Maximum Price Regulation No. 289.

"Import" means to buy, receive, or in any manner pay for a commodity pursuant to or in connection with any transaction, contract, agreement or other obligation whereby the commodity is transported or is to be transported to the several states of the United States or the District of Columbia from any place outside the several states of the United States and the District of Columbia regardless of whether the importer deals directly with the seller, or deals through an agent, broker or other intermediary acting for either party, in or outside the United States, its Territories or possessions, or the District of Columbia, and regardless of whether such importation is for use or for resale.

§ 1351.1510 *Applicability of Maximum Price Regulation No. 280.* This regulation supersedes the provisions of Maximum Price Regulation No. 280[3] or the provisions of any other maximum price regulation with respect to the "listed dairy products" for which maximum prices are established by this regulation.

§ 1351.1511 *Applicability of certain provisions of the General Maximum Price Regulation.* (a) The following sections of the General Maximum Price Regulation,[4] the amendments thereto, and Revised Supplementary Regulation No. 4[5] thereof, shall be applicable to agreements, sales and deliveries covered by this Maximum Price Regulation No. 289.

(1) § 1499.4b (Special deals.)
(2) § 1499.15 (Registration.)
(3) § 1499.16 (Licensing.)
(4) § 1499.29 (a) (5) (Development contracts.)
(5) § 1499.29 (a) (6) (Secret contracts.)
(6) § 1499.29 (a) (f) (Emergency purchases.)
(7) § 1499.29 (a) (15) (Sales or deliveries of the War Department or the Department of the Navy through such Department's sales stores.)

§ 1351.1512 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 289 shall be applicable only to the 48 states of the United States and the District of Columbia.

§ 1351.1513 *Transfers of business or stock in trade.* If the business or stock in trade of a manufacturer or wholesaler of a "listed dairy product" is sold or otherwise transferred on or after December 30, 1942 and the transferee continues the business, the maximum prices of the transferee shall be the same as those which the transferor would have been subject to if no transfer had taken place, and his obligation to keep records sufficient to verify these prices shall be the same. The transferor shall either preserve and make available, or shall turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in this regulation.

§ 1351.1514 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 289 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1351.1515 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to and at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations, where a petition for amendment requires extended consideration, the Price Administrator, may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1351.1516 *Taxes.* Any tax upon, or incident to, the sale or delivery of a "listed dairy product" imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect prior to the effective date of this Maximum Price Regulation No. 289 for any listed dairy product.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price prior to the effective date for such item the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such a case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 289.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 289.

(b) *As to a tax or increase in a tax which becomes effective after the effective date of this Regulation for any listed dairy product.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1351.1517 *Definitions.* (a) When used in this regulation, the term:

(1) "Person" means an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other Government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Sale at wholesale" means a sale by a person who receives delivery of a commodity and resells it, without substantially changing its form, to any person other than the ultimate consumer.

(3) "Sale at retail" means a sale to an ultimate consumer other than an industrial, commercial, institutional or governmental user.

(b) Unless the context otherwise requires, the definitions of the General Maximum Price Regulation, as amended, and of section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

§ 1351.1518 *Effective date.* This Maximum Price Regulation No. 289 (§§ 1351.1501 to 1351.1522, inclusive) shall become effective December 30, 1942.

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* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8961.

[2] 7 F.R. 5059, 7242, 8829, 9000, 10530.

[3] 7 F.R. 10144, 10337, 10475.

[4] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454.

[5] 7 F.R. 5056, 5089, 5566, 6082, 6084, 6426, 6793, 6744, 7175, 7538, 8021, 9827.

§ 1351.1519 *Maximum prices for Cheddar cheese*—(a) *Maximum prices for Cheddar cheese other than at wholesale or retail*—(1) *In the State of Wisconsin.* The maximum price for Cheddar Cheese delivered at all places in the state of Wisconsin regardless of the point of origin, shall be as set forth in Table A below, except as provided in subparagraph (5) below for "twins" and "Cheddars" of 37.5% moisture content or less when sold for processing or to the United States Government or any agency thereof.

TABLE A

Maximum price (cents per pound)	Styles	Approximate weight (pounds)
23¼	Cheddar	70
23¼	Twins	70
23½	Flats	35
23¾	Double daisies	44
23¾	Triple daisies	66
24	Single daisies	22
24	Longhorns	12
24	Young Americas	12
24¼	Square prints	10
24¼	Natural loaf	5
24¼	Picnics and midgets	12

(2) *Outside the State of Wisconsin.* The maximum prices for Cheddar cheese delivered at all places outside the state of Wisconsin, regardless of the point of origin, shall be the prices listed in Table A above plus transportation charges. The transportation charges shall be the lowest published railroad carlot freight rate per pound gross weight from Plymouth, Wisconsin to that place times 1.15. Calculation of transportation charges on a cents per pound basis shall be carried to the second decimal point.

(3) Cheese sold f. o. b. cheese factory or assembler's plant shall be considered "delivered" to the buyer at that factory or plant.

(4) The prices in the preceding subparagraphs (1) and (2) are prices for unparaffined, ungraded, bulk Cheddar cheese of 39% or less moisture content, packed in boxes customarily employed for the particular styles listed in subparagraph (1).

(5) *Moisture content for twins and cheddars when sold for processing or to government agencies.* Whenever "twin" and "cheddar" styles of Cheddar cheese are sold for processing or to the United States government, or any agency thereof, and the moisture content of such cheese is 37½% or less, the maximum price shall be as set forth in Table B below.

TABLE B

Where moisture content is—	*Maximum price (cents per pound)*
33% or less	25.54
Over 33%, but not over 33½%	25.36
Over 33½%, but not over 34%	25.16
Over 34%, but not over 34½%	24.97
Over 34½%, but not over 35%	24.77
Over 35%, but not over 35½%	24.58
Over 35½%, but not over 36%	24.39
Over 36%, but not over 36½%	24.20
Over 36½%, but not over 37%	24.01
Over 37%, but not over 37½%	23.82

(6) *Assembling costs.* Wherever assembling operations are performed, one cent per pound may be added to the maximum prices in subparagraphs (1) and (2), or to the maximum prices set forth in subparagraph (5) (if twins or cheddars are being sold for processing or to the United States government, or any agency thereof), for each pound of Cheddar cheese so assembled. For the purposes of this subparagraph, no person shall be entitled to the additional cent per pound for assembling unless the cheese for which the assembling cost is claimed has been graded, paraffined, and weighed. This allowance of one cent per pound shall also include transportation costs, if any, from the cheese factory to the assembling plant, whether the assembling plant is located inside or outside the state of Wisconsin.

(7) *Marking of date and place of manufacturing.* On and after the effective date of this Maximum Price Regulation No. 289 every person engaged in the manufacture of Cheddar cheese shall mark plainly and conspicuously on the side of such cheese before it leaves the cheese factory, with dark colored vegetable ink the name of the state in which the cheese has been manufactured, and the day, month and year of manufacture.

Example. An assembler in Chilton, Wisconsin wishes to sell some current "cheddar" style cheese to a cheese wholesaler in New York City. He figures the maximum selling price as follows: Since he is selling in New York City he looks to subparagraph (2) because the sale is outside the state of Wisconsin.

In subparagraph (2) he is referred to Table A which names a price for "Cheddars" of 23¼¢ (23.25¢) per lb. He then figures transportation charges from Plymouth, Wisconsin to New York City. *Assume* the carlot freight rate between these points per 100 lbs. gross weight is 81¢.

81¢÷100=.81¢ (to reduce freight rate to a pound basis)

.81¢×1.15=.93$_{15}$ (to obtain full transportation charge per pound allowed)

NOTE: Carried only to second decimal place.

23.25¢—Cheddar price from Table A
1.00 —Assembly cost permitted
.93 —Transportation charge

25.18¢=maximum selling price for assembled cheddars in New York City.

NOTE: Regardless of the actual transportation costs, he must use freight rate from Plymouth times 1.15.

Example. This assembler in Wisconsin wishes to sell 35% moisture current "cheddars" to a processor in Chicago. He figures the maximum selling price to the processor in the same way as example above, except that he substitutes for the price of 23.25¢ per lb. found in Table A, the price of 24.77¢ per lb. found in Table B for moisture content of over 34½% but not over 35%, and the transportation charge from Plymouth to Chicago instead of from Plymouth to New York.

NOTE: Table B is used *only* when "cheddar" and "twins" styles are sold for *processing*—*not* when sold to wholesalers. Table B is also used for sales to United States government agencies.

(b) *Maximum prices for processed Cheddar cheese other than at wholesale or retail*—(1) *In the State of Wisconsin.* The maximum prices for "Processed Cheddar cheese" delivered at all places in the state of Wisconsin, regardless of the point of origin, shall be as follows:

TABLE C

Weight of package:	*Cents per pound*
Half pound or less (for example the ½ lb. and ¼ lb. size)	29¾
Over half pound to 2 lb. inclusive (for example the 2 lb. size)	28¼
Over 2 lbs. (for example, the 5 lb. size)	27¼

(2) *Outside the State of Wisconsin.* The maximum prices for "processed Cheddar cheese" delivered at all places outside the state of Wisconsin, regardless of the point of origin, shall be the prices listed in Table C above plus transportation charges. The transportation charges shall be the lowest published railroad carlot freight rate per pound of gross weight, from Plymouth, Wisconsin to that place times 1.15. Calculation of transportation charges on a cents per pound basis shall be carried to the second decimal place.

(3) "Processed Cheddar cheese" sold f. o. b. processing plant shall be considered "delivered" to the buyer at that plant.

Example. The cheese processor in Chicago wishes to sell a 2 lb. loaf of processed Cheddar cheese to a cheese wholesaler in New York. He calculates his maximum selling price as follows: He looks to subparagraph (2) in this paragraph because the sale is outside the state of Wisconsin. Here he is referred to Table C where he finds a price of 28.25¢ for this item. He then figures the transportation charges from Plymouth, Wisconsin to New York City. *Assume* the carlot freight rate per 100 lbs. gross weight is 81 cents.

81¢÷100=.81¢ (to reduce freight rate to a per lb. basis)

.81¢×1.15=.93¢ (to obtain full transportation charge allowed)

28.25¢—2 lb. package price from Table B
.93¢—Transportation charge

29.18¢=Maximum selling price in New York.

(c) *Maximum prices for wholesaler's sales of Cheddar and processed Cheddar cheese.* (1) Wholesalers shall determine their maximum selling price for a particular lot of any "cheese item" by multiplying their "base cost" by a figure appropriate to the type of sale for which a maximum price is being sought, in accordance with the following procedure:

(i) The wholesaler shall find in the following Table D, the type of sale for which he is seeking a price and the figure under the appropriate column which is to be used as a multiplier.

TABLE D

Type of sale	Figure to be used as multiplier for units of cheese weighing 2 lbs. or more	Figure to be used as multiplier for packages of "processed cheese" weighing less than 2 lbs.
(a) *Primary wholesaler's sale.* Any sale to another wholesaler or to a chain store warehouse delivered at the buyer's customary receiving point by a wholesaler who customarily buys or receives his cheese directly from a plant which processes or assembles cheese	1.03	1.035
b) *Meat packer's wholesale sale.* A sale by a meat packer or the branch warehouse of a meat packer delivered at the buyer's customary receiving point to retail stores or to governmental, commercial, industrial or institutional users. No sales by meat packers or their branch warehouses shall be considered as any other type of sale designated in this Table, except sales which fall within paragraph (a) of this Table, "Primary wholesaler's sale"	1.06	1.07
c) *Service wholesaler's sale.* A sale to retail stores or to governmental, commercial, industrial or institutional users when delivery is made upon orders previously taken from the buyer and where credit is customarily extended to the buyer. Sales by retail owned cooperatives to retail stores which are not members of its organization are included, where they meet the above requirements	1.11	1.135
(d) *Retail-owned cooperative sale.* A sale to member retail stores delivered at the buyer's customary receiving point by either a non-profit organization or a corporation of which 51% or more of the stock is owned by its retail customers	1.06	1.07
(e) *Cash and carry wholesaler's sale.* A sale to retail stores or to governmental, commercial, industrial or institutional users, where delivery and credit are not extended to the buyer	1.07	1.075
(f) *Wagon route wholesaler's sale.* A sale from a truck operated by a driver-salesman to a retail store, or to governmental, commercial, industrial or institutional users, where the first record of the transaction is made by the salesman concurrently with the delivery of the product sold	1.11	1.135

Example: The New York cheese wholesaler desires to sell and deliver the "cheddars" which he bought from the Wisconsin assembler to a wholesale grocer in Norfolk, Virginia. He calculates the maximum selling price for this sale as follows: In Table D he finds that his type of sale is a "Primary wholesaler's sale." For this sale the "figure to be used as a multiplier" is 1.03, since a "cheddar" weighs more than 2 lbs.

(ii) He shall then determine his "base cost" for such cheese item.

(iii) His "base cost" depends upon whether he is a "direct buyer" or an "indirect buyer" of such cheese item.

(iv) He is a "direct buyer" if he buys or receives such cheese directly from a plant which processes or assembles cheese.

(v) If he is a "direct buyer," his "base cost" at the particular place at which he is to *deliver* the item shall be as follows:

(*a*) For delivery any place in the state of Wisconsin:

TABLE E

Type and style of cheese:	*"Base cost" in cents per pound*
Cheddars	24¼
Twins	24¼
Flats	24½
Double daisies	24¾
Triple daisies	24¾
Single daisies	25
Longhorns	25
Young Americas	25
Square prints	25¼
Natural Loaf	25¼
Picnics and midgets	25¼
Processed in packages of ½ lb. or less	29¾
Processed in packages of over ½ lb. to and including 2 lbs.	28¼
Processed in packages of over 2 lbs.	27¼

(*b*) For delivery any place outside the state of Wisconsin the appropriate figure in Table E plus transportation charges. Transportation charges shall be 1.15 times the lowest published railroad carlot freight rate per lb. gross weight from Plymouth, Wisconsin to that place.

Example (continued): He then finds his "base cost". He is a "direct buyer", therefore his "base cost" is the figure in Table E of 24.25¢ for "cheddars" plus the transportation charges from Plymouth, Wisconsin to the wholesale grocer in Norfolk. *Assume* freight rate between these points per 100 lbs. gross weight is $1.05.

$1.05÷100=1.05¢ (to reduce freight rate to a pound basis)

1.05¢×1.15=1.20$_{75}$¢ (to obtain full transportation charge allowed)

24.25¢ "Cheddar" price from Table E
1.20 Transportation charge

25.45¢×1.03 (multiplier)=26.21$_{35}$¢
26.2¢=maximum price adjusted to nearest $\frac{1}{10}$ of a cent.

NOTE: "Transportation charge" in "direct buyers" "base cost" depends on freight rate to *buyer's* customary receiving point, not seller's location.

(vi) A wholesaler is an "indirect buyer" with respect to any cheese item which he purchased in a "Primary Wholesaler's Sale" as defined in Table D of subdivision (i) of this paragraph.

(vii) If he is an "indirect buyer", his "base cost" shall be the maximum selling price of his supplier at such "indirect buyer's" customary receiving point as determined under this section.

Example: If the wholesale grocer in Norfolk, after purchasing from the cheese wholesaler sells and delivers one of the "cheddars" to a retail store in Virginia Beach, the maximum selling price is determined as follows: In Table D, he finds the "type of sale" to be a "Service Wholesaler's Sale." The "figure to be used as a multplier" appropriate to this type of sale and item is 1.11. He then finds his "base cost." Since he is an indirect buyer, his "base cost" is the maximum selling price of his supplier, the cheese wholesaler, at the customary receiving point *of the wholesale grocer in Norfolk,* namely 26.2 cents. (See foregoing example). Then 26.2¢×1.11=29.08¢=29.1¢—maximum selling price adjusted to nearest $\frac{1}{10}$ of a cent.

(viii) The wholesaler having found his "base cost" and selected the "type of sale" from Table D, shall multiply this "base cost" by the figure to be used as a multiplier for the appropriate "type of sale." The result shall be his maximum selling price for such sale.

(ix) In calculating the maximum selling price for a "Primary Wholesaler's Sale" of cheese the "base cost" shall never exceed the "base cost" for a "direct buyer" regardless of whether or not the cheese was purchased by the wholesaler as a "direct" or as an "indirect buyer."

Example (continued): If the New York cheese wholesaler had not been a "direct buyer" (i. e. had purchased from a cheese company's branch warehouse) and had sold the cheese to the wholesale grocer in Norfolk this sale would still have been a "Primary Wholesaler's Sale" and the maximum price would be 26.2¢, exactly as above, in the example under subdivision (v).

(x) When a wholesaler, who has calculated his maximum selling prices with respect to a particular lot of a cheese item, buys in a different "type of sale" or changes his method of buying from "direct" to "indirect" or from "indirect" to "direct", he shall calculate new maximum selling prices as provided above in this paragraph. Nothing contained in this subdivision shall affect the prohibition contained in subdivision (ix) of this subparagraph.

Example (continued)—If the wholesale grocer in Norfolk stops buying from the New York wholesaler and buys his "cheddars" from a Wisconsin assembler directly, or if he sells the Virginia Beach retail store cash and carry, then he must recalculate his maximum selling price in both instances.

(xi) In calculating maximum prices on a cents per pound basis in this paragraph, all calculations by wholesalers shall be carried to the second decimal place. Any final calculation of a maximum price resulting in a fraction of a cent per pound shall be adjusted to the nearest tenth of a cent.

(2) *Discounts and allowances for wholesalers.* (i) The maximum prices determined under the provisions of this subparagraph shall be the maximum prices for any quantity sold. But these prices must be reduced by the seller's customary discounts or allowances for cash or prompt payment. However, any discount, allowance or other price differential may always be given when it results in a price less than the maximum price.

(d) *Discounts and allowances for sales other than at wholesale and retail.* The prices determined under the provisions of paragraphs (a) and (b) of this section shall be the maximum prices to any class of purchasers and for any quantity sold. But these prices must be reduced by the seller's customary discounts or allowances for cash or prompt payment. However, any discount, allowance, or other price differential may always be given when it results in a price less than the maximum price.

(e) *Exempt sales*—(1) *Sales at retail.* All sales at retail are exempt from the provisions of this section. Sales at retail shall be determined under the provisions of Maximum Price Regulation No. 268,[6] entitled "Certain Perishable Food Products at Retail."

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[6] 7 F.R. 9184.

(2) *Sales of aged or cured Cheddar cheese.* All sales of aged or cured Cheddar cheese are exempt from the provisions of this section. Maximum prices for sales of aged or cured Cheddar cheese shall be determined under the provisions of Maximum Price Regulation No. 280. Aged or cured Cheddar cheese is Cheddar cheese which has been permitted to stand under a controlled temperature for such a length of time that it has acquired a clean, pleasant, mild aroma, a pleasing, nutty flavor, a mellow, silky, meaty body, and a close, solid, uniformly colored interior. For purposes of this Maximum Price Regulation No. 289, no Cheddar cheese shall be considered aged or cured unless the same has remained in the possession of either an assembler, or a wholesaler under controlled temperature conditions for at least six months.

(3) The sales exempted under subparagraphs (1) and (2) of this paragraph are in addition to the sales exempted by the application of certain provisions of the General Maximum Price Regulation as provided in § 1351.1511 hereof.

(f) *Definitions*—(1) *Cheddar cheese.* "Cheddar cheese," frequently called "American cheese" means "Cheddar cheese" as defined in the "Standards of Identity for Cheddar Cheese, Cheese, Washed Curd Cheese, Colby Cheese" promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of January 9, 1941, Page 195. It contains not more than 39% of moisture and its solids contain not less than 50% of milk fat.

(2) *Cheese item.* "Cheese item" refers to the particular styles and sizes of Cheddar cheese and of processed Cheddar cheese listed in Table E of subdivision (v) in paragraph (c) (1) of this section.

(3) *Processed Cheddar cheese.* "Processed Cheddar cheese" is Cheddar cheese which has been graded, cleaned, blended, ground, pasteurized and packaged. It shall contain not more than 40% of water and in the water free substance not less than 50% of milk fat.

§ 1351.1520 *Maximum prices for butter*—(a) *Sales and deliveries of butter by manufacturers and wholesalers.*

(1) Where a manufacturer or wholesaler sold his butter during the months of September and October, 1942 at a "price differential" over or under the "market quotation" for any of the cities listed in Table F in subdivision (i) below, he shall determine his maximum selling price for each grade and package type of butter to each class of purchaser in accordance with the following procedure:

(i) He shall first select from Table F the "base quotation" for the particular score of butter and for the particular city with respect to which, during the months of September and October, 1942 he based his butter price for the particular butter item for which he is seeking a maximum selling price to a particular class of purchaser.

TABLE F

City	Base quotation for butter scores 88 to 92				
	88	89	90	91	92
New York	44¾	45¼	46¼	46½	46¾
Philadelphia					
Boston					
Chicago	44	44½	45½	45¾	46
Los Angeles	46	46½	47½	47¾	48
San Francisco					
Seattle					
Portland					

Example: The Wisconsin Creamery Company wishes to sell its A grade of butter packed in paper cartons to the Chicago Retail Store. During October the Wisconsin Creamery Company sold other retail stores (purchasers of the same class) such A grade of butter in paper cartons by quoting its price at 1½¢ per lb. over the Chicago market quotation for 92 score butter. The Wisconsin Creamery Company's "base quotation" as determined under subparagraphs (1) (i) of this paragraph would, therefore, be 46¢ which is the Chicago Market quotation for 92 score butter.

(ii) He shall then determine his "price differential." His "price differential" shall be the difference in cents or fractions thereof between the price of an actual sale of a butter item to a particular class of purchasers on any day during the month of September and October, 1942 and the market quotation for the same day for the city, and butter score with respect to which, during the months of September and October, he based his price.

Example: During October 1942 the Wisconsin Creamery Company made three sales of Grade A butter in paper cartons to the Chicago Retail Store: namely, on October 9 at 47½¢ per lb. when the market quotation for Chicago for 92 score butter was 45¾¢ per lb.; on October 16 at 47¼¢ when the Chicago market quotation for 92 score butter was 45¾¢; on October 22 at 47¼¢ per lb. when the Chicago market quotation for 92 score butter was 45¾¢ per lb. His "price differential" can be either 1¾¢ or 1½¢.

If the Wisconsin Creamery Company had sold its Grade C butter in boxes to the Joliet Wholesale Company at less than the market quotation for 92 score butter on these three days: namely, at 45½¢, 45¼¢, and 45¼¢ respectively, its "price differential" would be either ¼¢ or ½¢.

(iii) If the manufacturer or wholesaler sold the butter item to a particular class of purchaser at "price differentials" *above* the market quotation in one of the cities listed in Table F during September and October, 1942, his maximum selling price for that butter item to that class of purchaser shall be the "base quotation" plus his largest "price differential" during such months.

(iv) If the manufacturer or wholesaler sold the butter item to a particular class of purchaser at "price differentials" *below* the market quotation in one of the cities listed in Table F during September and October, 1942, his maximum selling price for that butter item to that class of purchaser shall be the "base quotation" *minus* his smallest "price differential" during such months.

Example: The Wisconsin Creamery Company sold during October its Grade A butter in paper cartons to the Chicago Retail Store at prices 1¾¢ and 1½¢ per lb. above the Chicago market quotation for 92 score butter. The "price differentials" would therefore be 1¾¢ and 1½¢ per lb. Its maximum selling price would then be the "base quotation" of 46¢ for the Chicago market of 92 score butter as set forth in Table F plus 1¾¢ which is the largest "price differential". Its maximum selling price would therefore be 47¾¢ per lb.

If during October, the Wisconsin Creamery Company had sold its Grade C butter in boxes at ¼¢ and ½¢ *below* the Chicago market quotation for 92 score butter, its "price differentials" would be ¼¢ and ½¢. Its maximum selling price for Grade C butter in boxes to the Joliet Wholesale Company would then be the "base quotation" for 92 score butter of 46¢ (see Table F) *less* the smallest differential of ¼¢, giving a maximum price of 45¾¢ per lb.

If during the month of October the Wisconsin Creamery Company had quoted its price for its Grade A butter in paper cartons to the Chicago Retail Store with respect to a 90 score butter, its "price differential" would be figured with reference to the "base quotation" listed for Chicago for 90 score butter, in Table F.

Thus, if during October, it sold such butter item at 2½¢ per lb. above the Chicago market quotation for 90 score butter on that day, it would add 2½¢, the "price differential" to 45½¢, the "base quotation" listed in Table F for 90 score butter sold in Chicago.

(2) If a manufacturer or a wholesaler is unable to determine his maximum selling price under the foregoing, his maximum selling price shall be the maximum selling price of his most closely competitive seller of the same class for the particular grade and "package type" of butter to a purchaser of the same class.

(3) *Customary allowances and discounts.* Every manufacturer and wholesaler of butter shall continue his discounts, allowances, or other price differentials customarily given in connection with the sale of butter.

(b) *Sales and deliveries of butter by retail route-sellers.* (1) A "retail route-seller" is a person who customarily makes sales of butter at retail directly from a truck or wagon operated by a driver-salesman over a regular route. A "retail route-seller" shall include dairy companies operating delivery routes through driver-salesmen, but shall not include grocery stores or meat markets which deliver butter.

(2) The maximum price for which any grade and package type of butter may be sold or delivered at retail by a retail route-seller, shall be 6½¢ plus the following:

Such seller's net cost, delivered at his customary receiving point less all discounts allowed him, except the discount for prompt payment; however, no charge for local unloading or local trucking shall be included.

(c) *Deliveries or transfers of butter by printing plant divisions of retail organizations.* (1) In order that retailers, whose stores or retail routes are supplied with butter by the retailers' own butter print division, may have a maximum selling price on the basis of which to figure their retail prices under any maximum price regulation covering retail sales of butter including paragraph (b) of this section, it is provided that:

(i) Deliveries and transfers from the butter print divisions of a retail organization shall be deemed "sales" by wholesalers, the maximum prices for which shall be determined under the provisions of this section.

(d) *Definitions*—(1) *Butter.* "Butter" means the food product commonly known as butter, and which is made exclusively from milk or cream or both, with or without the addition of common salt or coloring matter, and containing not less than 80% by weight of milk fat, all tolerance being allowed for. Such percentage of milk fat requirement shall equal that determined by the method prescribed in Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists, 5th Edition, 1940.

(2) *Butter item.* "Butter item" refers to the particular grade and package type of butter.

(3) *Market quotation.* "Market quotation" means the wholesale selling prices of creamery butter, as published in the daily market reports of the Agricultural Marketing Administration, United States Department of Agriculture.

(4) *Butter score.* "Butter score" means the grade of butter determined in accordance with the United States Standards for Quality of Creamery Butter issued by the United States Department of Agriculture.

(4) *Purchaser of the same class.* "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for commodities or services for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or under different conditions of sale.

(5) *Wholesaler.* A person who sells "at wholesale" as defined in paragraph (a) (2) of § 1351.1517 is a wholesaler within the meaning of this § 1351.1520 even though he prints the butter he sells.

(b) *Exempt sales*—(1) *Sales at retail.* The provisions of this section shall not be applicable to sales of butter at retail except as provided above in paragraph (b) of this section with respect to sales and deliveries at retail by retail route-sellers. All other sales at retail, except sales of "farm butter" shall be priced under the provisions of Maximum Price Regulation No. 268.

(2) *Sales of farm butter.* The provisions of this section shall not be applicable to any sale of "farm butter". "Farm butter" means any butter produced by a farmer on his farm from milk produced solely on his farm. The price for all sales and deliveries of "farm butter" shall be determined under the provisions of Maximum Price Regulation No. 280.

(3) The sales exempted under subparagraphs (1) and (2) of this paragraph are in addition to the sales exempted by the application of certain provisions of the General Maximum Price Regulation as provided in § 1351.1511 hereof.

§ 1351.1521 *Maximum prices for evaporated milk*—(a) *Sales and deliveries of evaporated milk by manufacturers.* (1) The maximum prices for sales and deliveries of evaporated milk by manufacturers thereof shall be the following prices, delivered to the buyer's customary receiving point.

If delivered in	Carton of 48 14½ oz. cans	Carton of 48 6 oz. cans	Carton of 96 6 oz. cans	Carton of 6 8 lb. cans
	Per carton	*Per carton*	*Per carton*	*Per carton*
Zone 1	$4.10	$2.05	$4.10	$4.10
Zone 2	4.20	2.10	4.20	4.20
Zone 3	4.20	2.10	4.20	4.20

(i) These shall be the maximum prices to any class of purchasers and for any quantity sold. But these prices must be reduced by the seller's customary discounts or allowances for cash or prompt payment. However, any discount, allowance, or other price differential may always be given where it results in a price less than the maximum price.

The above zones are:

Zone 1. Virginia (except the city of Alexandria), West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Colorado, New Mexico, Wyoming; and Armstrong, Allegheny, Beaver, Butler, Fayette, Greene, Mercer, Lawrence, Washington, Bedford, Blair, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Indiana, Jefferson, Somerset, Venango and Westmoreland Counties of Pennsylvania; and Allegany and Garrett Counties of Maryland.

Zone 2. District of Columbia, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, all of the counties of Pennsylvania and Maryland not included in Zone 1, and the city of Alexandria, Virginia.

Zone 3. Arizona, California, Idaho, Montana, Nevada, Oregon, Utah and Washington.

(2) If evaporated milk is delivered to the following points within Zones 1 and 2, ten cents per carton may be added to the respective prices set forth in the above table.

Zone 1. Deliveries to all of New Mexico except Clayton, Dawson, Raton, Artesia, Carlsbad, Roswell and Hobbs; and deliveries to Sheridan, Greybull and Worland in Wyoming.

Zone 3. Deliveries to all of Arizona, except Yuma; deliveries to Needle, El Portal and Alturas in California; deliveries to Montana; and deliveries to Boulder City, Ely, McGill and Las Vegas in Nevada.

(b) *Exempt sales.* The provisions of this section shall not be applicable to sales of evaporated milk at wholesale or at retail. Sales at wholesale shall be priced under the provisions of Maximum Price Regulation No. 237;[9] sales at retail shall be priced under the provisions of Maximum Price Regulation No. 238.[10]

(c) *Definitions—Evaporated milk.* "Evaporated milk" means evaporated milk as defined in "Standards of Identity of Evaporated Milk" promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of July 2, 1940, 5 F.R. 2444.

§ 1351.1522 *Maximum prices for bulk powdered skim milk for human consumption.* (a) The maximum prices for sales and deliveries of bulk powdered skim milk for human consumption shall be as follows:

(1) By manufacturers to the United States Government or any agency thereof f. o. b. manufacturers plant, located:

	Spray process	Roller process
	Cents per lb.	*Cents per lb.*
In Zone A	14½	12½
In Zone B	14¾	12¾

(2) By manufacturers to wholesalers for "deliveries to wholesalers" the following prices less 5%:

	Spray process	Roller process
	Cents per lb.	*Cents per lb.*
For deliveries in Zone A	15½	13½
For deliveries in Zone B	15¾	13¾

(3) By manufacturers and wholesalers for deliveries to any consumer other than the United States Government or any agency thereof:

	Spray process	Roller process
	Cents per lb.	*Cents per lb.*
For deliveries in Zone A	15½	13½
For deliveries in Zone B	15¾	13¾

(4) By wholesalers for deliveries to the United States Government or any agency thereof:

	Spray process	Roller process
	Cents per lb.	*Cents per lb.*
For deliveries in Zone A	15½	13½
For deliveries in Zone B	15¾	13¾

(5) (i) Zone B shall be Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine and the District of Columbia.

(ii) Zone A shall be all states not included in Zone B.

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[9] 7 F.R. 9637.

[10] 7 F.R. 8209, 8808.

(6) The above prices are for any quantity of bulk powdered skim milk, but these prices must be reduced by the seller's customary discounts or allowances for cash or prompt payment. However, any discount, allowance or other price differential may always be given when it results in a price less than the maximum price.

(7) These prices are for bulk powdered skim milk packed in barrels double crepe lined. They shall be reduced for any less expensive packing by the net difference in packing costs, between the double crepe lined barrels and the less expensive packing.

(8) These prices shall be increased ½¢ for all bulk powdered skim milk packed in customary 95 pound containers. These prices shall be increased 1¢ for all bulk powdered skim milk packed in customary 50 pound containers.

(b) *Definitions*—(1) *Powdered skim milk.* "Powdered skim milk," also known as "Dried skim milk" or "skim milk powder" means powdered skim milk as defined in the "Standards of Identity for Dried Skim Milk, Powdered Skim Milk, Skim Milk Powder" promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of July 12, 1940, 5 F.R. 2543.

(2) *Bulk powdered skim milk.* "Bulk powdered skim milk" means all "powdered skim milk", other than "packaged skim milk". "Packaged" means packaged for sale at retail in a container of any sort holding 25 pounds or less regardless of where the packaging was done. Such packaged sales of powdered skim milk shall be subject to the provisions of Maximum Price Regulation No. 280.

(3) *"For deliveries."* The phrase "for deliveries" refers to deliveries at the buyer's customary receiving point. In the case of deliveries to wholesalers, it shall also include direct deliveries to the customary receiving point of any person designated by the wholesaler to receive delivery.

(c) *Reference to Maximum Price Regulations covering powdered skim milk not covered in this Maximum Price Regulation No. 289:*

(1) Packaged powdered skim milk when sold by manufacturers is covered under Maximum Price Regulation No. 280.

(2) Packaged powdered skim milk when sold by wholesalers is covered under Maximum Price Regulation No. 237.

(3) Packaged powdered skim milk when sold by retailers is covered under Maximum Price Regulation No. 238.

(4) All powdered skim milk sold for animal feed is covered by Maximum Price Regulation No. 280.

Issued this 24th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13937; Filed, December 24, 1942; 2:59 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 291]

CERTAIN SYRUPS AND MOLASSES

In the judgment of the Price Administrator it is necessary to stabilize prices for syrups and molasses in order to effectuate the purposes of the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250. The present prices for syrups and molasses are governed by the General Maximum Price Regulation[1] which fixes the maximum prices as the highest prices each seller received for these commodities in March 1942. Since these products are produced seasonally, this "freeze" technique has not in all cases proved satisfactory. Consequently, it becomes necessary to issue this Maximum Price Regulation No. 291 setting specific prices which in the judgment of the Price Administrator, are fair and equitable to both producer and consumer and which effectuate the purposes of the Act.

The Price Administrator has advised and consulted, so far as practicable, with members of the industry who will be affected by this regulation. The Price Administrator has also ascertained and determined that the maximum prices established for the agricultural commodities covered by this regulation, will reflect to producers a price equal to or higher than the prices specified in the Emergency Price Control Act of 1942 as amended and Executive Order No. 9250.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* The Price Administrator has consulted with the Secretary of Agriculture, and has obtained his approval for the agricultural commodities covered herein.

Therefore, under the authority vested in the Price Administrator by the Act and Executive Order cited above, and in accordance with Revised Procedural Regulation No. 1[2] issued by the Office of Price Administration, Maximum Price Regulation No. 291 is hereby issued.

Sec.
1351.1351 Kinds of syrups and molasses covered by the regulation.
1351.1352 Prohibition against dealing in syrups and molasses above maximum prices.
1351.1353 Maximum prices for syrups and molasses.
1351.1354 Sales at less than maximum prices.
1351.1355 Exempt sales.
1351.1356 Evasion.
1351.1357 Records and reports.
1351.1358 Transfers of business or stock in trade.
1351.1359 Enforcement.
1351.1360 Petitions for amendment.
1351.1361 Adjustable pricing.
1351.1362 Export sales.
1351.1363 Geographical applicability.
1351.1364 Federal and State taxes.
1351.1365 Applicability of the General Maximum Price Regulation.
1351.1366 Definitions.
1351.1367 Maximum prices for Louisiana cane syrup.
1351.1368 Maximum prices for Georgia cane syrup.
1351.1369 Effective date.

AUTHORITY: §§ 1351.1351 to 1351.1369 inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1351.1351 *Kinds of syrups and molasses covered by the regulation*—(a) *Louisiana cane syrup.* Louisiana cane syrup is "cane syrup" produced in a mill comprised of six or more rollers with a twenty-four hour grinding capacity of 250 or more tons of cane. "Cane syrup" is the juice of sugar cane clarified and evaporated to a density of not less than 39° Baumé at 20° centigrade and contains not more than 2.5 per cent ash. It may or may not contain sulphur dioxide, used as a clarifying and bleaching agent.

(b) *Georgia cane syrup.* Georgia or "country" cane syrup is "cane syrup" produced in a mill comprised of 6 or fewer rollers, with a twenty-four hour grinding capacity of less than 250 tons of cane.

§ 1351.1352 *Prohibition against dealing in syrups and molasses above maximum prices.* (a) On and after December 24, 1942, regardless of any contract, agreement or other obligation, no person shall sell or deliver syrups or molasses specified in this regulation and no person shall in the course of trade or business buy or receive such syrups or molasses at prices higher than the maximum prices set forth in this regulation.

(b) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

(c) The provisions of this section shall not be applicable to sales or deliveries of syrups or molasses specified in this Maximum Price Regulation No. 291 to a purchaser, if prior to the effective date for such syrup or molasses, it has been received by a carrier, other than a carrier owned or controlled by the seller for shipment to such purchaser.

§ 1351.1353 *Maximum prices for syrups and molasses.* (a) Producers' and packers' maximum prices for sales and deliveries of "Louisiana cane syrup" are listed in § 1351.1367.

(b) Producers', accumulators' and packers' maximum prices for sales and deliveries of "Georgia cane syrup" are listed in § 1351.1368.

§ 1351.1354 *Sales at less than maximum prices.* Lower prices than those referred to in § 1351.1353 may be charged, demanded, paid or offered.

§ 1351.1355 *Exempt sales.* The following sales are exempt from this

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004, 9435, 9615, 9616, 9732, 10155, 10454.

[2] 7 F.R. 8961.

Maximum Price Regulation No. 291 in addition to those exempted by the application of certain provisions of the General Maximum Price Regulation as provided in § 1351.1365 hereof.

(a) Sales of Louisiana and Georgia cane syrup at wholesale and retail. Maximum prices for sales of Georgia and Louisiana cane syrup at wholesale and retail are established in Maximum Price Regulation Nos. 237[3] and 238[4] respectively.

§ 1351.1356 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 291 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to syrups or molasses, alone or in conjunction with any other commodity or by way of any commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding or otherwise. Specifically, the provisions of §§ 1351.1367 and 1351.1368 shall not be evaded by a producer selling syrups and molasses in tank cars, tank trucks or barrel lots at prices provided for packers by temporarily storing and repacking syrups and molasses which he would ordinarily have delivered at producers' prices after production.

§ 1351.1357 *Records and reports.* (a) Every seller who makes sales of syrups and molasses after the effective date of this Maximum Price Regulation No. 291 shall make and preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, a record of all sales made showing the quantity sold, terms of sale, price received, and name and address of the purchaser, as well as all records of the same kind as he has customarily kept, relating to the prices which he charged for any of such items sold after the effective date of this regulation.

(b) Every person making sales of syrups and molasses pursuant to this Maximum Price Regulation No. 291 shall submit such reports to the Office of Price Administration and keep such other records as the Office of Price Administration may from time to time require.

§ 1351.1358 *Transfers of business or stock in trade.* If the business or stock in trade of a seller of syrups and molasses are sold or otherwise transferred on or before the effective date of this regulation for each kind of syrup or molasses specified in § 1351.1351, and the transferee continues the business, the maximum prices of the transferee shall be the same as those which the transferor would have been subject to if no transfer had taken place, and his obligation to keep records sufficient to verify these prices shall be the same. The transferor shall either preserve and make available, or shall turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in this Maximum Price Regulation No. 291.

§ 1351.1359 *Enforcement.* Any person who violates a provision of this Maximum Price Regulation No. 291 is subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by Emergency Price Control Act of 1942, as amended.

§ 1351.1360 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 291 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[5] issued by the Office of Price Administration.

§ 1351.1361 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to the level of, and not in excess of, the maximum price in effect at the time of delivery. In appropriate situations, where a petition for amendment requires extensive consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1351.1362 *Export sales.* The maximum prices at which a person may export syrups and molasses shall be determined in accordance with the Revised Maximum Export Regulation[6] issued by the Office of Price Administration.

§ 1351.1363 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 291 shall be applicable to the 48 states of the United States and the District of Columbia.

§ 1351.1364 *Federal and State taxes.* Any tax upon, or incident to, the sale, delivery, processing, or use of syrups or molasses imposed by any statute of the United States or statute or ordinance of any State or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such syrups or molasses and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect prior to the effective date of this regulation for each kind of syrup and molasses.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price prior to the effective date for such item the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such a case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 291.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 291.

(b) *As to a tax or an increase in a tax which becomes effective after the effective date of this regulation for each kind of syrup and molasses.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor, and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1351.1365 *Applicability of the General Maximum Price Regulation.* (a) This Maximum Price Regulation No. 291 supersedes the provisions of the General Maximum Price Regulation with respect to the sales of syrups and molasses for which maximum prices are established by this regulation: *Provided,* That the following sections of the General Maximum Price Regulation and the amendments thereto, and Revised Supplementary Regulation 4[7] shall be applicable to every person making sales and deliveries covered by this Maximum Price Regulation No. 291.

1. 1499.14 (Sales slips and receipts.)
2. 1499.15 (Registration.)
3. 1499.16 (Licensing.)
4. 1499.29 (a) (5) (Developmental contracts.)
5. 1499.29 (a) (6) (Secret contracts.)
6. 1499.29 (a) (7) (Emergency purchases.)
7. 1499.29 (a) (15) (Sales or deliveries of the War Department or the Department of the Navy through such Department's sales stores.)

§ 1351.1366 *Definitions.* (a) When used in this Maximum Price Regulation No. 291, the terms:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, legal successor, or representatives of any of the foregoing, and includes the United States, or any agency thereof, any other Government, or any of its political subdivisions and any agency of any of the foregoing.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and the General Maximum Price Regulation shall apply to other terms used herein.

§ 1351.1367 *Maximum prices for Louisiana cane syrup*—(a) *Producers'*

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[3] 7 F.R. 8205, 8427, 8808, 9183, 9973, 10013, 10715.

[4] 7 F.R. 8209, 8808, 9184, 10013, 10227, 10714.

[5] 7 F.R. 8961.

[6] 7 F.R. 5059, 7242, 8829, 9000, 10530.

[7] 7 F.R. 5056, 5089, 5566, 6082, 6084, 6426, 6793, 6744, 7175, 7538, 8021, 9827, 10022, 10110, 10531.

maximum prices for Louisiana cane syrup. (1) "Producer of Louisiana cane syrup" means any person who manufactures "Louisiana cane syrup" as defined in § 1351.1351 hereof. Producers' maximum prices for Louisiana cane syrup to all classes of purchasers shall be:

$.35 per gallon, net, f. o. b. producers' mill or factory in tank cars or tank trucks supplied by the buyer.

$.35½ per gallon, net, f. o. b. producers' mill or factory in barrels or half-barrels supplied by the buyer.

(2) The term "barrel" used in this section means a wooden container for liquids having a capacity of approximately 55 gallons. The term "half-barrel" used in this section means a wooden container for liquids having a capacity of approximately 33 gallons.

(b) *Packers' maximum prices for Louisiana cane syrup.* "Packer of Louisiana cane syrup" means any person who customarily stores and repacks or reloads "Louisiana cane syrup" with or without processing, mixing or blending.

(1) (i) Packers' maximum prices at the factory for bulk sales of Louisiana cane syrup in tank cars, barrels, or other large containers, to all classes of purchasers, shall be:

$.40 per gallon in tank cars furnished by the seller.

$.54 per gallon in barrels furnished by the seller.

$.58 per gallon in half-barrels furnished by the seller.

$.62 per gallon in 10-gallon cans furnished by the seller.

$.64 per gallon in 5-gallon cans furnished by the seller.

Provided, That the syrup sold has been stored by the packer and repacked or reloaded by him into the above cars, barrels or cans.

(ii) All discounts and other allowances including those for prompt payment shall be continued.

(2) Packers' maximum prices at the factory for Louisiana cane syrup packaged in cases for the wholesale and chain store trade in less than carload lots shall be:

$3.25 per case of 6 No. 10 cans.
$3.50 per case of 12 No. 5 cans.
$3.75 per case of 24 No. 2½ cans.
$4.25 per case of 48 No. 1½ cans.
$3.25 per case of 36 No. 1½ cans.
$2.18 per case of 24 No. 1½ cans.

If the packer has established differentials for any other class of purchaser or for larger quantity purchases, he shall continue such differentials. All discounts and other allowances including those for prompt payment shall also be continued.

(3) The prices set forth in this paragraph (b) shall also apply to Louisiana cane syrup which has been enriched by the addition of cane sugar syrup.

(c) *Packers' maximum delivered prices for Louisiana cane syrup.* Packers' maximum delivered prices for Louisiana cane syrup shall be the prices listed in the preceding paragraph (b), plus the lowest available freight rate from New Orleans, Louisiana, to point of destination. In no case shall the purchaser be required to pay more than the packers' factory price plus the lowest available freight rate from New Orleans to point of destination.

(d) *Maximum prices for the producer-packer.* "Producer-packer of Louisiana cane syrup" means any producer who also customarily performs the function of a packer, i. e. he stores and repacks cane syrup with or without processing, mixing or blending. A producer-packer when performing the functions of a producer shall determine his maximum price under paragraph (a) of this section and when performing the functions of a packer under the provisions of paragraphs (b) and (c).

(e) *Prohibition against addition of credit or commission charges.* The maximum prices established by this section shall not be increased (1) by any charges for the extension of credit; or (2) by commissions or any other charges.

§ 1351.1368 *Maximum prices for Georgia cane syrup*—(a) *Producers' maximum prices for Georgia cane syrup.* (1) "Producer of Georgia cane syrup" means any person who manufactures "Georgia cane syrup". Producers' maximum prices for Georgia cane syrup to all classes of purchasers shall be:

60¢ per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller for highest grade A–1 syrup.

57¢ per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller for 2nd grade, No. 1 syrup.

50¢ per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller for 3rd grade, No. 2 syrup.

(2) Highest grade A–1 Georgia syrup is that Georgia syrup which has (i) good body, (ii) good flavor, (iii) good color, and (iv) is free from dregs. If one of these qualities is lacking, it is 2nd grade or No. 1 syrup. If two of these qualities are lacking, it is 3rd grade, or No. 2 syrup.

(3) The term "barrel" used in this section means a wooden container for liquids having a capacity of approximately 35 gallons.

(4) A Georgia gallon at 39° Baumé at 20° centigrade weighs 10.847 pounds. A standard U. S. gallon of Georgia cane syrup at 39° Baumé at 20° centigrade is equal to 1.05 Georgia gallons of Georgia cane syrup.

(b) *Accumulator's maximum prices for Georgia cane syrup.* "Accumulator of Georgia cane syrup" means any person who collects the barrels of cane syrup manufactured by Georgia cane syrup producers for resale in original packages.

Accumulator's maximum prices for Georgia cane syrup to all classes of purchasers shall be:

61¢ per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller, for highest grade A–1 syrup.

58¢ per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller, for 2nd grade, No. 1 syrup.

51¢ per Georgia gallon, net, f. o. b. accumulator's shipping point in barrels supplied by the seller for 3rd grade, No. 2 syrup.

(c) *Packers' maximum prices for Georgia cane syrup.* "Packer of Georgia cane syrup" means any person who customarily stores and repacks or reloads "Georgia cane syrup" with or without processing, mixing or blending.

(1) Packers' maximum prices for Georgia cane syrup delivered to all places in the "Southern Zone" shall be as follows:

$4.70 per case of 6 No. 10 cans.
$4.95 per case of 12 No. 5 cans.
$5.20 per case of 24 No. 2½ cans.
$5.70 per case of 48 No. 1½ cans.
$2.90 per case of 24 No. 1½ cans.

The "Southern Zone" includes the states of Georgia, Alabama, Florida, North Carolina, South Carolina, Louisiana, Mississippi, Arkansas, and Texas.

(2) Packers' maximum prices for Georgia cane syrup delivered in all places outside the "Southern Zone" shall be the following, f. o. b. Cairo, Georgia prices, plus the lowest available freight rates to point of destination.

$4.45 per case of 6 No. 10 cans.
$4.70 per case of 12 No. 5 cans.
$4.95 per case of 24 No. 2½ cans.
$5.45 per case of 48 No. 1½ cans.
$2.77 per case of 24 No. 1½ cans.

All of the above prices in this paragraph (c) shall be for carload lots to the wholesale and chain store trade. If the packer has established any differentials for other classes of purchasers or for smaller or larger quantity sales, he shall continue such differentials. All discounts and other allowances including those for prompt payment shall also be continued.

(d) *Producer-packers' maximum prices for Georgia cane syrup.* "Producer-packer of Georgia cane syrup" means any producer who also customarily performs the function of a packer, i. e. he stores and repacks cane syrup with or without processing, mixing or blending. A producer-packer when performing the function of a producer shall determine his maximum price under paragraph (a) of this section and when performing the functions of a packer, under the provisions of paragraph (c).

(e) *Prohibition against addition of credit or commission charges.* The maximum prices established by this section shall not be increased (1) by any charges for the extension of credit; or (2) by commissions or any other charges.

§ 1351.1369 *Effective date.* This Maximum Price Regulation No. 291 (§§ 1351.1351 to 1351.1369, inclusive) shall become effective December 24, 1942.

Issued this 24th day of December 1942.

Leon Henderson,
Administrator.

Approved:

Claude R. Wickard,
Secretary of Agriculture.

[F. R. Doc. 42–13939; Filed, December 24, 1942; 4:24 p. m.]

Part 1394—Rationing for Fuel and Fuel Products

[Ration Order 11, Amendment 1 to Supplement 1[1]]

FUEL OIL RATIONING REGULATIONS

Section 1394.9101 is amended to read as set forth below:

§ 1394.9101 *Designation of unit value in gallons of fuel oil.* (a) The units represented by coupons on Class 1 and Class 2 coupon sheets shall have the following values for the transfer of fuel oil to a consumer and shall retain such value thereafter.

(1) The value of one unit represented by coupons numbered "1" and "2" on Class 1 coupon sheets, and the value of ten units represented by coupons numbered "1" and "2" on Class 2 coupon sheets are hereby fixed as ten (10) gallons, and one hundred (100) gallons, of fuel oil respectively.

(2) The value of one unit represented by coupons numbered "3" on Class 1 coupon sheets and the value of ten units represented by coupons numbered "3" on Class 2 coupon sheets are hereby fixed as ten (10) gallons and one hundred (100) gallons, of fuel oil, respectively, in the states of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida (east of the Apalachicola River).

(3) The value of one unit represented by coupons numbered "3" in Class 1 coupon sheets and the value of ten units represented by coupons numbered "3" on Class 2 coupon sheets are hereby fixed as eleven (11) gallons, and one hundred ten (110) gallons, of fuel oil, respectively, in the states of North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Michigan, Illinois, Indiana, Ohio and Kentucky.

(b) *Effective dates.* (1) Supplement No. 1 (§ 1394.9101) shall become effective on October 29, 1942.

(2) Amendment No. 1 (§ 1394.9101) to Supplement No. 1 shall become effective on December 24, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507; Pub. Law 421; W.P.B. Directive No. 1, 7 F.R. 562; Supp. Directive No. 1–0, 7 F.R. 8418; E.O. No. 9125, 7 F.R. 2719)

Issued this 24th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–13938; Filed, December 24, 1942; 3:04 p. m.]

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[1] 7 F.R. 8708.

Part 1499—Commodities and Services

[Supp. Reg. 14[1] of GMPR,[2] Amendment 82]

ACCOMMODATION SALES AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

A new subparagraph (51)is added to § 1499.73 (a) as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

* * * * *

(51) *Accommodation sales at retail.* (i) The maximum price for an accommodation sale at retail of any commodity by a seller who, in March 1942, had the fixed practice of making such accommodation sales, shall be the seller's maximum price for such commodity determined in accordance with the provisions of § 1499.2 of the General Maximum Price Regulation or the actual cost of the commodity, whichever is higher.

(ii) As used in this subparagraph:

(*a*) "Accommodation sale" means a sale made entirely without profit, solely for the benefit or convenience of the purchaser—for example, a sale by an employer to his employees, or by a school to its students—and not for the purpose of promoting trade. It does not include sales by cooperative, non-profit or other organizations which make sales, initially above cost, but later give refunds, bonuses, dividends, or other allowances to purchasers.

(*b*) If the seller manufactures or produces the commodity, "cost" means the actual cost of manufacturing or producing the commodity, determined in the same manner as the seller normally determines his actual costs. If the seller does not manufacture or produce the commodity, "cost" means invoice cost, plus any transportation charges paid by the seller, less any discounts allowed to the seller, in connection with his purchase of the commodity. But in no case shall "cost" exceed the seller's lowest maximum price for such commodity for sales other than accommodation sales.

(b) *Effective dates.* * * *

(83) Amendment No. 82 (§ 1499.73 (a) (51)) to Supplementary Regulation No. 14 shall become effective December 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42–13926; Filed, December 24, 1942; 2:58 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R., 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9391, 9495, 9496, 9639, 9787, 9900, 10069, 10111, 10022, 10151, 10231, 10294, 10346, 10381, 10480, 10537, 10557, 10583, 9901.

[2] 7 F.R., 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6939, 6794, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9616, 9615, 9732, 10155, 10454.

Part 1499—Commodities and Services

[Order 8 Under § 1499.3 (c) of GMPR]

LYON METAL PRODUCTS, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

§ 1499.808 *Establishment of a formula for determining the maximum prices for wooden lockers, cabinets, shoprobes and shelving sold by Lyon Metal Products, Inc.* (a) Lyon Metal Products, Inc. of Aurora, Illinois, may sell, offer to sell, or deliver the wooden lockers, cabinets, shoprobes and shelving manufactured by Kroehler Manufacturing Company, Naperville, Illinois, or McCray Refrigerator Company, Kendalville, Indiana, for which a maximum price has been approved by the Office of Price Administration for sales to Lyon Metal Products, Inc., at prices no higher than those determined by applying a 40% markup to the sum of the following items of direct cost:

(1) Kroehler Manufacturing Company's or McCray Refrigerator Company's maximum price for wood parts purchased by the applicant;

(2) Cost of fittings purchased by the applicant;

(3) Direct labor and material costs of fittings manufactured by the applicant;

The prices so determined do not include installation charges.

(b) This Order No. 8 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 8 (§ 1499.808) shall become effective December 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13927; Filed, December 24, 1942; 3:00 p. m.]

Part 1499—Commodities and Services

[Order 1 Under Supp. Reg. 15 of GMPR]

PAN-CHEMICAL COMPANY

General Maximum Price Regulation—Order No. 1 under § 1499.75 (a) (4) of Supplementary Regulation No. 15.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1601 *Adjustment of maximum prices for celestite sold by the Pan-Chemical Company.* (a) On and after October 8, 1942, the Pan-Chemical Company, 205 First National Bank Building, Pomona, California, may sell and deliver, and any person may buy and receive in the course of trade or business from the Pan-Chemical Company, celestite having a minimum content of 90% strontium sulphate and a maximum content of 4½% calcium sulphate at a price not in excess of $18.67 per short ton, f. o. b. Westmorland, California.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 1 (§ 1499.1601) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 1 (§ 1499.1601) shall become effective December 26, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13928; Filed, December 24, 1942; 2:58 p. m.]

Part 1499—Commodities and Services

[Order 2 Under Supp. Reg. 15 of GMPR]

YANCY CYANITE COMPANY

General Maximum Price Regulation—Order No. 2 under § 1499.75 (a) (4) of Supplementary Regulation No. 15.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1602 *Adjustment of maximum prices for glass-grade kyanite sold by the Yancey Cyanite Company.* (a) On and after December 26, 1942, the Yancey Cyanite Company, Asheville, North Carolina, may sell and deliver, and any person may buy and receive in the course of trade or business from the Yancey Cyanite Company, glass-grade kyanite packed in bags at a price not in excess of $40. a ton f. o. b. the seller's railroad shipping point.

(b) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 2 (§ 1499.1602) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(d) This Order No. 2 (§ 1499.1602) shall become effective December 26, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 24th day of December, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13929; Filed December 24, 1942; 2:59 p. m.]

Part 1499—Commodities and Services

[Supp. Reg. 15[1] of GMPR[2], Amendment 3]

ADJUSTMENT OF MAXIMUM PRICES OF CERTAIN METALS, MINERALS AND PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1499.75 is amended by adding subparagraph (a) (4) to read as set forth below.

§ 1499.75 *Adjustment of maximum prices.* (a) * * *

(4) *Certain metals, minerals and products.* The following adjustment provisions (subdivisions (i) and (ii)) permit the granting of relief to producers of certain commodities (listed in subdivision (iv)) who are unable to maintain or expand their production under their existing maximum prices whenever, under (i), there is a general shortage in the essential supply of the commodity, or, under (ii), the loss of the seller's production would result in higher prices to consumers. The extent of relief to be granted under each provision is set forth therein.

(i) Whenever it appears that a shortage exists or threatens to exist in the essential supply of a commodity listed in subdivision (iv), and that a producer of such commodity is unable to maintain or expand his production at his maximum price or prices, the Office of Price Administration may, either on application for adjustment in accordance with the provisions of Revised Procedural Regulation No. 1 or on its own motion, adjust his maximum price or prices by an amount necessary to insure the maintenance or expansion of such production upon a reasonable operating margin. In determining such margin, consideration will be given to such factors as:

(*a*) Revenue from sales of such commodity and from all other sources, and

(*b*) Production, mining, development, milling, processing, and transportation costs, administrative and sales expenses, depreciation and depletion charges, taxes (excluding Federal and State income taxes), and capital investment.

(ii) Whenever it appears that the loss of a seller's production of any commodity listed in subdivision (iv) would force his customers to resort to higher priced sources of supply and that the seller is unable to maintain his production at his maximum price or prices, the Office of Price Administration may, either on application for adjustment in accordance with the provisions of Revised Procedural Regulation No. 1[3] or on its own motion, adjust his maximum price or prices by an amount adequate to cover his operating costs: *Provided, however,* That in no instance will the seller's maximum price be increased to a price in excess of the general level of prices prevailing for alternative sources of the supply of the commodity. The term "operating costs" shall include the cost of labor, maintenance, supplies, power, taxes, insurance, workmen's compensation, royalties, and other direct expenses, depreciation and depletion (wherever practicable as determined by the Bureau of Internal Revenue in the computation of the Federal income tax), and reasonable costs of selling and administration.

(iii) Before filing an application for adjustment under the provisions of subdivision (i) or (ii), it is suggested that each applicant obtain from the Office of Price Administration, Washington, D. C., a statement of the specific information that will be necessary in order that his application may receive prompt action.

(iv) Commodities subject to the provisions of this Amendment No. 3 to Supplementary Regulation No. 15 of the General Maximum Price Regulation include nonferrous metals, ferro-alloying metals, and nonmetallic minerals, their ores, concentrates, and products, for which a shortage exists in the essential supply, and for which no other price regulation is in effect at the time an application for adjustment is filed hereunder. Such commodities include, but are not limited to, the nonferrous metals, ferro-alloying metals, and nonmetallic minerals, their ores, concentrates, and products, of which the available supply is listed as inadequate for war and essential civilian uses in the Material Substitution and Supply List, issued by the Conservation Division of the War Production Board, that is in effect at the time an application for adjustment is filed hereunder.

(v) This amendment No. 3 may be revoked or amended by the Price Administrator at any time.

(b) *Effective dates.* * * *

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8959.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5784, 5783, 6058, 6081, 6087, 6216, 6615, 6794, 7093, 7322, 7454, 7755, 7913, 8431, 8881, 9084, 8942, 9435, 9615, 9616, 9732, 10155, 10454.

[3] 7 F.R. 8961.

(4) Amendment No. 3 (§ 1499.75 (a) (4)) to Supplementary Regulation No. 15 to the General Maximum Price Regulation shall become effective December 26, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13930; Filed, December 24, 1942; 2:57 p. m.]

Part 1305—Administration

[Supplementary Order 11,[1] Amendment 1]

LICENSING DISTRIBUTORS OF CHEMICALS AND DRUGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.*

Section 1305.15 (a) is amended, by the addition of a sentence, and a new § 1305.15 (j) is added, all to read as set forth below:

§ 1305.15 *Provisions licensing distributors of chemicals and drugs*—(a) *License required.* * * * No person whose license is suspended in proceedings under § 205 (f) (2) of the Emergency Price Control Act of 1942 shall, during the period of suspension, sell any chemicals and drugs as to which his license to sell is suspended.

* * * * *

(j) *Effective dates of amendments.* (1) Amendment No. 1 (§§ 1305.15 (a) and 1305.15 (j)) to Supplementary Order No. 11, shall become effective December 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13978; Filed, December 26, 1942; 2:57 p. m.]

Part 1305—Administration

[Supplementary Order 14,[2] Amendment 1]

LICENSING SELLERS OF MEAT AND MEAT PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.*

Section 1305.18 (a) is amended, by the addition of a sentence, and a new paragraph (j) is added to such section, all to read as set forth below:

§ 1305.18 *Provisions licensing sellers of meat and meat products*—(a) *License required.* * * * No person whose license is suspended in proceedings under § 205 (f) (2) of the Emergency Price Control Act of 1942 shall, during the period of suspension, sell any meat or meat products as to which his license to sell is suspended.

* * * * *

(j) *Effective dates of amendments.* (1) Amendment No. 1 (§§ 1305.18 (a) and 1305.18 (j)) to Supplementary Order No. 14, shall become effective December 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871).

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13979; Filed, December 26, 1942; 2:59 p. m.]

Part 1305—Administration

[Supplementary Order 17,[1] Amendment 1]

LICENSING SELLERS OF IRON AND STEEL PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1305.21 (a) is amended by the addition of a sentence, and a new paragraph (i) is added to such section; all to read as set forth below:

§ 1305.21 *Provisions licensing certain persons selling iron and steel products*—(a) *License required.* * * * No person whose license is suspended in proceedings under § 205 (f) (2) of the Emergency Price Control Act of 1942 shall, during the period of suspension, sell any iron and steel products as to which his license to sell is suspended.

* * * * *

(i) *Effective dates of amendments.* (1) Amendment No. 1 (§§ 1305.21 (a) and 1305.21 (i)) to Supplementary Order No. 17, shall become effective December 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13980; Filed, December 26, 1942; 2:57 p. m.]

Part 1305—Administration

[Supplementary Order 18,[2] Amendment 1]

LICENSING SELLERS OF LUMBER, LUMBER PRODUCTS OR BUILDING MATERIALS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1305.22 (a) is amended by the addition of a sentence, and a new paragraph (i) is added to such section; all to read as set forth below:

§ 1305.22 *Provisions licensing persons selling lumber, lumber products, and building materials*—(a) *License required.* * * * No person whose license is suspended in proceedings under § 205 (f) (2) of the Emergency Price Control Act of 1942 shall, during the period of suspension, sell any lumber, lumber products, or building materials as to which his license to sell is suspended.

* * * * *

(i) *Effective dates of amendment.* (1) Amendment No. 1 (§§ 1305.22 (a) and 1305.22 (i)) to Supplementary Order No. 18, shall become effective December 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13981; Filed, December 26, 1942; 2:59 p. m.]

Part 1305—Administration

[Supplementary Order 19,[1] Amendment 2]

LICENSING DISTRIBUTORS OF PAPER AND PAPER PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1305.23 (a) is amended by the addition of a sentence, to read as set forth below:

§ 1305.23 *Provisions licensing distributors of paper and paper product.*—(a) *License required.* * * * No person whose license is suspended in proceedings under § 205 (f) (2) of the Emergency Price Control Act of 1942 shall, during the period of suspension, sell any paper, paper products or materials as to which his license to sell is suspended.

* * * * *

§ 1305.23 (j) *Effective dates of amendments.* * * *

(2) Amendment No. 2 [§ 1305.23 (a)] to Supplementary Order No. 19 shall become effective December 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871).

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13982; Filed, December 26, 1942; 2:57 p. m.]

Part 1305—Administration

[Supplementary Order 20,[2] Amendment 1]

LICENSING DEALERS SELLING SECOND-HAND MACHINE TOOLS OR EXTRAS, OR SECOND-HAND MACHINES OR PARTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6167.

[2] 7 F.R. 7033.

[1] 7 F.R. 7239.

[2] 7 F.R. 7240.

[1] 7 F.R. 7434, 8996.

[2] 7 F.R. 7490.

Section 1305.24 (a) is amended by the addition of a sentence, and a new § 1305.24 (j) is added, all to read as set

(3) *Maximum prices in cents per net ton for railroad fuel.* * * *

(i) *Special price instructions.* (*a*) Maximum prices for the coals produced

retail establishment during the major portion of the period October 1-15, 1941;

(iv) The delivered cost of the particular grade of motor fuel on which the margin enjoyed during the major por-

refiner, the net tank wagon price charged by the supplier to undivided dealers in the tank wagon circuit in which the particular retail establishment is located.

* * * * *

Part 1364—Fresh, Cured, and Canned Meat and Fish

[MPR 265,[1] Amendment 2]

SALES BY CANNERS OF SALMON

A statement of the considerations in-

§ 1364.561a *Effective dates of amendments.* * * *

(b) This Amendment No. 2 (§§ 1364.560 and 1364.562) to Maximum Price Regulation No. 265 shall become effective December 29, 1942.

Section 1305.24 (a) is amended by the addition of a sentence, and a new § 1305.24 (j) is added, all to read as set forth below:

§ 1305.24 *Provisions licensing dealers selling second-hand machine tools or extras, or second-hand machines or parts*—(a) *License required.* * * * No person whose license is suspended in proceedings under § 205 (f) (2) of the Emergency Price Control Act of 1942 shall, during the period of suspension, sell any second-hand machine tools or extras, or second-hand machines or parts as to which his license to sell is suspended.

* * * * *

§ 1305.24 (j) *Effective dates of amendments.* (1) Amendment No. 1 [§§ 1305.24 (a) and 1305.24 (j)] to Supplementary Order No. 20, shall become effective December 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13983; Filed, December 26, 1942; 2:58 p. m.]

PART 1340—FUEL

[MPR 120,[1] Amendment 31]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1340.226 (b), subparagraph (1) is amended and a new subdivision (i) is added to paragraph (3), as set forth below:

§ 1340.226 *Appendix O: Maximum prices for bituminous coal produced in District No. 15.* * * *

(b) * * *

(1) *Maximum prices in cents per net ton for shipment to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix.*

Production group No.	Price and size group Nos.														
	1	2	3	4	*	6	*	8	9	10	*	*	*	14	*
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
9	485	485	485	425	*	385	*	245	310	185	*	*	*	125	*
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

* * * * *

(3) *Maximum prices in cents per net ton for railroad fuel.* * * *

(i) *Special price instructions.* (*a*) Maximum prices for the coals produced in Production Group No. 9 when sold for railroad fuel shall be the applicable effective minimum prices as of August 22, 1942, plus a sum not exceeding 45 cents per net ton.

§ 1340.211a *Effective dates of amendments.* * * *

(ff) Amendment No. 31 to Maximum Price Regulation No. 120 (§ 1340.226) shall become effective December 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14004; Filed, December 26, 1942; 2:58 p. m.]

PART 1340—FUEL

[MPR 137,[1] Amendment 14]

PETROLEUM PRODUCTS SOLD AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1340.86 (c) is amended and paragraph (d) is added to such section; in § 1340.90 (a) subparagraph (16) is amended and in § 1340.91, paragraph (c) is amended, as set forth below:

§ 1340.86 *Statement and posting of maximum prices of motor fuels sold at retail establishments.* * * *

(c) Any person subject to the provisions of this section may mark or post maximum prices for commodities for which maximum prices are established by this regulation, either in accordance with the provisions of this section or with the provisions of § 1499.13 (a) of the General Maximum Price Regulation.

(d) (1) Any seller who takes advantage of § 1340.91 (f) and after October 4, 1942, increases the price charged for a particular grade of motor fuel above the level that he would otherwise be permitted to charge shall file with the appropriate War Price and Rationing Board of the Office of Price Administration within five days after making such adjustment, an affidavit setting forth the following with respect to such grade:

(i) the seller's maximum price as determined by § 1340.91 (a), (b) and/or (c) and his delivered cost at the time the adjustment is made;

(ii) The exact extent of the margin enjoyed by him during the major portion of the period October 1-15, 1941;

(iii) The prices charged by him for the particular grade of motor fuel at that retail establishment during the major portion of the period October 1-15, 1941;

(iv) The delivered cost of the particular grade of motor fuel on which the margin enjoyed during the major portion of the period, October 1-15, 1941, was calculated.

(2) Any seller who makes an initial increase after October 4, 1942, in the price charged for a particular grade of motor fuel under § 1340.91 (f), and reports that increase under (1) above, may hereafter have a further adjustment in price, either by being required to lower the price or by raising the price upon being granted permission for an increase. In the case of either such adjustment the seller shall file with the appropriate War Price and Rationing Board of the Office of Price Administration, within five days after such adjustment is required or made, a statement setting forth his delivered cost at the time the adjustment in his selling price is made, and his new maximum price.

(3) Any seller who increases his price upon the basis of § 1340.91 (c) for a particular grade of motor fuel shall at the time he makes his initial increase file a statement setting forth his maximum price for that grade prior to the increase and his delivered cost at the time the adjustment is made. The statement shall be filed with the appropriate War Price and Rationing Board of the Office of Price Administration within five days after the seller makes such increase. If the seller increases his price upon more than one grade, the seller may file either separate statements or one combined statement.

(4) Any seller who increases or decreases his price under § 1340.91 (c), after reporting an initial increase under (3) above, shall file with the appropriate War Price and Rationing Board within five days thereafter a statement setting forth his delivered cost at the time the increase or decrease is made, and his new maximum price.

§ 1340.90 *Definitions.* (a) * * *

(16) "Delivered cost" for the purposes of paragraphs (c) and (f) of § 1340.91 of this Maximum Price Regulation No. 137 shall consist of one of the following:

(i) In the case of tank wagon buyers, the net price charged to such buyer.

(ii) In the case of tank car or transport truck buyers who buy on a delivered basis, (*a*) the net laid-down cost at the point of buyer's central storage, and (*b*) the actual cost of transportation from the buyer's point of central storage to the buyer's retail establishment.

(iii) In the case of tank car or transport truck buyers who buy f. o. b. a shipping point, (*a*) the net f. o. b. shipping point price, (*b*) the actual cost of transportation to the point of buyer's central storage, and (*c*) the actual cost of transportation from the point of buyer's central storage to the buyer's retail establishment.

(iv) In the case of a retail establishment operated by a supplier who is a refiner, the net tank wagon price charged by the supplier to undivided dealers in the tank wagon circuit in which the particular retail establishment is located.

* * * * *

§ 1340.91 *Appendix A: Maximum prices for petroleum products sold at retail establishments.* * * *

(c) A seller of motor fuel at a retail establishment may, at any time, choose his maximum price for any particular grade in either one of two ways:

(1) He may accept the maximum price as determined under the other provisions of § 1340.91.

(2) He may fix a maximum price at the particular retail establishment which will permit him a margin of 3 cents a gallon. His "margin" shall be computed as defined in § 1340.90 (a) (15).

A maximum price fixed upon the basis of a 3 cent margin will change automatically as the seller's margin is affected by changes in the delivered cost. When the delivered cost goes up thus reducing a seller's margin below 3 cents a gallon, then the maximum price will go up by the amount the margin is reduced below 3 cents. When the delivered cost goes down, then the maximum price will go down by the amount the margin exceeds 3 cents a gallon, except that the seller does not have to reduce his maximum price below that provided for in other provisions of this § 1340.91. For the purposes of this provision, the margin is deemed to change not at the time the delivered cost changes, but only after the seller has sold an amount equal to that volume on hand at the time the change in the delivered cost occurs. Any seller who increases or decreases his price upon the basis of this 3-cent margin provision shall file a statement as provided in § 1340.86 (a) (3) and (4).

Illustration: A service station operator's maximum price on December 1 was 19 cents a gallon. On that date he received at his station a delivery by tank wagon of 500 gallons at a delivered cost of 16.5 cents a gallon. He had on hand 500 gallons. Prior thereto his delivered cost had been 15.5. After he has sold 500 gallons at a price no higher than 19 cents a gallon he may increase his price to 19.5 cents a gallon.

Assuming that he increases his price to 19 cents a gallon, the tank wagon price may later be reduced. Suppose that he has 400 gallons on hand on December 28, and that the tank wagon price is then reduced to 16.2 cents a gallon. After he sells 400 gallons, he is required to reduce his price to 19.2 cents a gallon or less.

* * * * *

§ 1340.93a *Effective dates of amendments.* * * *

(o) Amendment No. 14 (§§ 1340.86 (c) and (d); 1340.90 (a) (16); 1340.91 (c)) to Maximum Price Regulation No. 137 shall become effective December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14005; Filed, December 26, 1942; 2:55 p. m.]

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH

[MPR 265,[1] Amendment 2]

SALES BY CANNERS OF SALMON

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1364.560 (a) (3) is amended and (a) (13), (14), (15), (16), and (17) are added, and the table in § 1364.562 (a) is amended to read as set forth below:

§ 1364.560 *Definitions.* (a) * * *

(3) "Salmon" means any canned fish of the genus *Oncorhynchus* or of the species *Salmo gairdneri.*

* * * * *

(13) One pound "oval" means a can 406 x 607 x 108 C. R.

(14) One-half pound "oval" means a can 309 x 515 x 103 C. R.

(15) One-half pound "flat" means a can 307 x 200.25 C. R.

(16) One-quarter pound "flat" means a can 301 x 106 C. R.

(17) "C. R." is the abbreviation for Columbia River * * *.

§ 1364.562 *Appendix A: Maximum canner's prices for salmon.* (a) * * *

Variety	Style of container	Price per case
Chinook	½ lb. flats	$12.00
Red	1 lb. talls	15.00
Red	1 lb. flats	15.00
Red	½ lb. flats	10.00
Coho	1 lb. talls	11.60
Coho	1 lb. flats	12.30
Coho	½ lb. flats	8.00
Pink	1 lb. talls	8.00
Pink	1 lb. flats	8.00
Pink	½ lb. flats	5.60
Chum	1 lb. talls	7.60
Chum	½ lb. flats	5.40
Alaska Sockeye	1 lb. talls	15.00
Alaska Sockeye	1 lb. flats	16.00
Alaska Sockeye	½ lb. flats	11.00
Puget Sound Sockeye	1 lb. talls	18.00
Puget Sound Sockeye	1 lb. flats	19.00
Puget Sound Sockeye	½ lb. flats	11.40
	Columbia River	
Chinook, Fancy	1 lb. talls	19.00
Chinook, Fancy	1 lb. flats	20.60
Chinook, Fancy	1 lb. ovals C. R	24.00
Chinook, Fancy	½ lb. flats C. R	13.00
Chinook, Fancy	½ lb. ovals C. R	16.00
Chinook, Fancy	¼ lb. flats C. R	6.60
Chinook, Choice	1 lb. talls	16.00
Chinook, Choice	1 lb. flats	17.60
Chinook, Choice	½ lb. flats C. R	10.00
Chinook, Choice	¼ lb. flats C. R	5.20
Chinook, Standard	1 lb. talls	13.00
Chinook, Standard	1 lb. flats	14.00
Chinook, Standard	½ lb. flats C. R	8.00
Chinook, Standard	¼ lb. flats C. R	4.80
Chinook, Unclassified	1 lb. talls	10.00
Chinook, Unclassified	1 lb. flats	11.00
Chinook, Unclassified	½ lb. flats C. R	6.40
Silverside	1 lb. talls	11.80
Silverside	1 lb. flats	14.00
Silverside	½ lb. flats C. R	8.00
Silverside	¼ lb. flats C. R	5.20
Steelheads	1 lb. talls	16.00
Steelheads	1 lb. flats	17.60
Steelheads	½ lb. flats C. R	10.00
Steelheads	½ lb. ovals C. R	12.00
Steelheads	¼ lb. flats C. R	5.20
Bluebacks	½ lb. flats C. R	13.40
Bluebacks	¼ lb. flats C. R	6.80
Chums	1 lb. talls	7.60
Chums	1 lb. flats	[illegible]
Chums	½ lb. flats C. R	5.00

* * * * *

§ 1364.561a *Effective dates of amendments.* * * *

(b) This Amendment No. 2 (§§ 1364.560 and 1364.562) to Maximum Price Regulation No. 265 shall become effective December 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14006; Filed, December 26, 1942; 2:53 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5C,[1] Amendment 7]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraphs (a), (b) and (c) of § 1394.7808 are amended; and a new paragraph (g) to § 1394.8352 is added; as set forth below:

Transport Rations

§ 1394.7808 *Temporary transport rations.* (a) Any person requiring gasoline for the operation of a commercial motor vehicle who has made application for a certificate of war necessity but who has received no certificate and no notice that the application has been denied; or who has received a certificate of war necessity, transport ration or temporary transport ration insufficient to satisfy his requirements through January 31, 1943, may apply (between November 23, 1942, and January 31, 1943, inclusive) for a temporary transport ration pursuant to the provisions of paragraph (b) of this section. If application is made on the ground that the certificate allows insufficient gallonage, the applicant shall present the certificate to the board with his application, if it is possible for the applicant to do so.

(b) An application for a temporary transport ration may be made, in duplicate, to any board during the period from November 23, 1942 to January 31, 1943, inclusive. Such application shall be made on Form OPA R-536, and may be made by an agent. The applicant shall state the mileage and gallonage required for the operation of such motor vehicle from the date the ration is required to January 31, 1943, inclusive, and set forth the following:

(1) If no certificate and no notice of denial of a certificate has been received, the applicant shall specify the address of the district office of the Office of Defense Transportation with which the application for a certificate of war necessity has been filed, the date on which such application was filed, and the address of the board with which his application pursuant to § 1394.7804 is to be filed. The applicant shall also state that

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6896, 7777, 7670, 7914, 7942, 8354, 8650, 8948, 9783, 10470, 10581.

[1] 7 F.R. 3165, 3749, 4273, 4653, 4780, 4853, 5363, 5868, 5941, 6057, 6896, 7902, 8353, 8938, 8948, 9335.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9229, 10379.

[1] 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706.

no ration pursuant to § 1394.7805 has been issued, and that he has received no notice that his application for a certificate of war necessity has been denied.

(2) If the certificate issued allows insufficient gasoline for the applicant's needs through January 31, 1943, the applicant shall state that he has appealed or will appeal for revision of such allowance to the District Office of the Office of Defense Transportation, and that he has received no notice that his appeal has been decided.

(c) If the board believes that the applicant has received no certificate and no notice of denial of a certificate, or if the board finds that the statement of gallonage allowed in the certificate is insufficient for the applicant's needs through January 31, 1943, and that the Office of Defense Transportation has not decided any appeal from the allowance of gallonage, the board shall determine the number of gallons of gasoline required for the operation of such motor vehicle through January 31, 1943. The board shall ~~then~~ issue "T–1 or T–2" books containing coupons in sufficient number (together with any already issued) to provide the gallonage needed to January 31, 1943, inclusive. Such books shall expire at 12:01 A. M. on April 1, 1943.

* * * * *

Effective Dates

§ 1394.8352 *Effective dates of amendments.* * * *

(g) Amendment No. 7 (§ 1394.7808 (a), (b) and (c)) to Ration Order No. 5C shall become effective December 31, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q; E.O. 9125, 7 F.R. 2719)

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–14007; Filed, December 26, 1942; 2:56 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 9 Under § 1499.3 (c) of GMPR]

LOCKE STOVE CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.809 *Approval of maximum prices for sales by distributors and retailers of models 120–Victory and 120B–Victory coal stoves manufactured by Locke Stove Company, Kansas City, Missouri.* (a) Distributors may sell and deliver the models 120–Victory and 120B–Victory coal heating stoves manufactured by Locke Stove Company, Kansas City, Missouri, at a price no higher than $29.87 delivered to retailers in the central and eastern states as designated below. For sales by distributors to retailers in states other than the central and eastern states, distributors may sell and deliver such models to retailers at a price no higher than $31.87, delivered.

(b) Retailers may sell and deliver the models 120–Victory and 120B–Victory coal heating stoves manufactured by Locke Stove Company, Kansas City, Missouri, to consumers at a price no higher than $47.95 in the New England States and Rocky Mountain-Pacific Coast States—(Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut. Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Nevada, Arizona, Washington, Oregon and California.) For sales in any other state (Designated as the central and eastern states) retailers may sell and deliver such models to consumers at a price no higher than $45.95.

(c) This Order No. 9 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 9 (§ 1499.809) shall become effective on the 28th day of December 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. No. 9250, 7 F.R. 7871)

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–14008; Filed, December 26, 1942; 2:55 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165[1] as Amended, Amendment 15]

SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Sections 1499.111 and 1499.113 are amended, all to read as set forth below:

§ 1499.111 *Licensing*—(a) *License required.* A license as a condition of selling is hereby required of every person now or hereafter selling any service for which a maximum price is established by this Maximum Price Regulation No. 165, as now or hereafter amended, or by any other price regulation, now or hereafter issued or amended, of the Office of Price Administration making applicable by reference the provisions of this § 1499.111. No person whose license is suspended in proceedings under section 205 (f) (2) of the Emergency Price Control Act of 1942 shall, during the period of suspension, sell any service as to which his license to sell is suspended.

(b) *License granted.* Every person now or hereafter selling any service for which a maximum price is established by this Maximum Price Regulation No. 165, as now or hereafter amended, or by any other price regulation of the Office of Price Administration, now or hereafter issued or amended, making applicable by reference the provisions of this § 1499.111, is hereby granted a license as a condition of selling such service. The provisions of this regulation, and of every price regulation of the Office of Price Administration, to which this Section is now or may hereafter become applicable, shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of the provisions of said license. Such license shall be effective on July 1, 1942, the effective date of this regulation, or when any person becomes subject to the maximum price provisions of this or any other such price regulation, and shall, unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, continue in force so long as and to the extent that this or any other such price regulation, or any amendment or supplement thereto, remains in effect.

(c) *Licensing section of the General Maximum Price Regulation superseded.* This section supersedes the provisions of § 1499.16 of the General Maximum Price Regulation insofar as said section may be applicable to persons selling any service for which a maximum price is established by this regulation, or by any other price regulation of the Office of Price Administration making applicable by reference the provisions of this § 1499.111.

§ 1499.113 *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

§ 1499.121a *Effective dates of amendments.* * * *

(o) Amendment No. 15 (§§ 1499.111 and 1499.113) to Maximum Price Regulation No. 165, as amended, shall become effective December 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of December, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–14009; Filed, December 26, 1942; 2:58 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 192 Under § 1499.3(b) of GMPR]

REVLON PRODUCTS CORP.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1428 *Approval of maximum prices for sales of "Keep 'Em Shining"*—(a) *Sales by Revlon Products Corporation*—(1) *Maximum prices.* The maximum prices for sales by Revlon Products Corporation of "Keep 'Em Shining" to jobbers and to retailers are established as set forth below:

	To jobbers	To retailers
"Keep 'Em Shining" one-ounce bottle	$.225 each	$.36 each

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*Copies may be obtained from the Office of Price Administration.

[1] F.R. 4734, 5028, 5567, 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10557.

(2) *Discounts, allowances, and price differentials.* Revlon Products Corporation shall apply to the maximum prices set forth in subparagraph (1) of this paragraph for its sales of "Keep 'Em Shining" all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of transportation costs, and any other customary discounts or allowances which were in effect in March, 1942, on its sales of the Revlon Plastic Case Lipstick.

(b) *Sales by jobbers*—(1) *Maximum prices.* The maximum price for sales by jobbers of "Keep 'Em Shining" is established as set forth below:

	Each
"Keep 'Em Shining" one-ounce bottle	$0.36

When used in this order the term "jobber" means any barber and beauty supply jobber or other person who buys "Keep 'Em Shining" and resells it, without substantially changing its form, to retailers.

(2) *Discounts, allowances, and price differentials.* Any jobber making sales of "Keep 'Em Shining" shall apply to the maximum price set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March, 1942, on sales by the jobber of the Revlon Plastic Case Lipstick, or on his sales of the lipstick most nearly comparable to the Revlon Plastic Case Lipstick if the jobber did not sell the Revlon Plastic Case Lipstick in March, 1942.

(c) *Sales by retailers*—(1) *Maximum prices.* The maximum price for sales by any retailer of "Keep 'Em Shining" is established as set forth below:

	Each
"Keep 'Em Shining" one-ounce bottle	$0.60

When used in this order the term "retailer" means any beauty shop, drug store, department store, or other person who buys "Keep 'Em Shining" and resells it directly to consumers.

(2) *Discounts, allowances, and price differentials.* Any retailer making sales of "Keep 'Em Shining" shall apply to the maximum price set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March, 1942, on sales by the retailer of the Revelon Plastic Case Lipstick, or the lipstick most nearly comparable to the Revelon Plastic Case Lipstick if the retailer did not sell the Revelon Plastic Case Lipstick in March, 1942.

(d) *Marking package with retail ceiling price.* Revelon Products Corporation shall mark each package of "Keep 'Em Shining" sold by it with words "Ceiling Price 60¢." These words shall be printed or stamped in a color contrasting with the label in letters of sufficient size to be clearly legible to the consumer on the package in which "Keep 'Em Shining" is sold by the retailer to the consumer. No retailer shall make sales of "Keep 'Em Shining" unless the package in which the product is sold is marked with the ceiling price as required by this paragraph.

(e) *Notification of maximum prices*—(1) *By Revelon Products Corporation to direct-buying retailers.* Revelon Products Corporation shall supply to each retailer before or at the time of its first delivery of "Keep 'Em Shining" to such retailer a written statement as follows:

> The OPA has authorized us to charge 36 cents each for "Keep 'Em Shining" subject to all customary discounts and allowances. Your ceiling price is authorized to be 60 cents each for "Keep 'Em Shining." OPA requires that you keep this notice for examination.

(2) *By Revlon Products Corporation to jobbers and to retailers via jobbers.* Revlon Products Corporation shall supply to each jobber before or at the time of its first delivery of "Keep 'Em Shining," and in addition shall include with each shipping unit of such product for a period of three months, a written notification. If such notification is enclosed in a shipping unit, a legend shall be affixed outside of such unit to read "Retailer's Notice Enclosed." The written notification shall read as follows:

> The OPA has authorized us to charge 22½ cents each for "Keep 'Em Shining" subject to all customary discounts and allowances. Jobbers are authorized to establish a ceiling price of 36 cents each for this item subject to all customary discounts and allowances. Retailers are authorized to establish a ceiling price of 60 cents each for this item. A copy of this notice is included in every customary shipping unit. If the initial sale to a retailer is a split-case sale, the jobber is required to provide such retailer with a copy of this notice. OPA requires that you keep this notice for examination.

(f) *Definitions.* When used in this order the term:

(1) "Keep 'Em Shining" means a one fluid ounce bottle, with a plastic cap and an applicator brush attached to the cap, of clear enamel distributed by Revlon Products Corporation for application as a protective coating to metal insignia and buttons.

(2) As used in this order, "Revlon Plastic Case Lipstick" means a cream cosmetic lipstick mass enclosed in a plastic cylinder having a device for extruding the cream cosmetic lipstick mass distributed by Revlon Products Corporation, designed to sell for 60 cents at retail.

(g) This Order No. 192 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 192 (§ 1499.1428) shall become effective on December 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

F. R. Doc. 42–14002; Filed, December 26, 1942; 2:58 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 7 Under Supp. Reg. 15 of GMPR]

ROGERSON COLD STORAGE

Order No. 7 Under § 1499.75 (a) (3) of Supplementary Regulation No. 15 of the General Maximum Price Regulation—Docket No. GF3–1383.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1307 *Adjustment of maximum prices for warehouse services sold by Rogerson Cold Storage.* (a) Rogerson Cold Storage of Le Roy, New York, may sell and supply, and any person may buy and receive from Rogerson Cold Storage, the following services at charges not higher than those set forth below:

(1) Handling and cold storage of carrots and onions in bushel baskets, boxes or crates . . . 20¢ per season, for the season commencing with the receipt of the commodity in the fall and ending on the following March 31st.

(2) Handling and cold storage of apples in bushel baskets, boxes or crates . . . 22¢ per season, for the season as defined in subparagraph (1) above, for quantities of 1,000 bushels or less.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 7 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 7 (§ 1499.1307) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This 'Order No. 7 (§ 1499.1307) shall become effective December 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–14003; Filed, December 26, 1942; 3:00 p. m.]

PART 1340—FUEL

[MPR 120, Amendment 32]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The periods at the end of subparagraphs (4) of paragraphs (b) in §§ 1340.214 and 1340.219 are changed to semicolons, and the following clause is added to each subparagraph:

§ 1340.214 *Appendix C: Maximum prices for bituminous coal produced in District No. 3.* * * *

(b) * * *

(4) *Maximum prices in cents per net ton for railroad fuel.* * * *; *Provided, however,* That the maximum prices for shipments of railroad locomotive fuel to off-line railroads shall be the same as the maximum prices for the particular mine for shipment to on-line railroads (without adjustments on account of price exceptions, freight differentials, and substitution provisions).

* * * * *

§ 1340.219 *Appendix H: Maximum prices for bituminous coal produced in District No. 8.* * * *

(b) * * *

(4) *Maximum prices in cents per net ton for railroad fuel.* * * *; *Provided, however,* That the maximum prices for shipments of railroad locomotive fuel to off-line railroads shall be the same as the maximum prices for the particular mine for shipment to on-line railroads (without adjustments on account of price exceptions, freight differentials, and substitution provisions).

* * * * *

§ 1340.211a *Effective dates of amendments.* * * *

(gg) Amendment No. 32 (§§ 1340.214 (b) (4) and 1340.219 (b) (4)) of Maximum Price Regulation No. 120 shall become effective December 26, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14015; Filed, December 26, 1942; 4:46 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

ALASKA

[MPR 194[1], Amendment 9]

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Dvision of the Federal Register.*

Paragraph (c) (2) of § 1418.56 is amended to read as set forth below:

§ 1418.56 *Records and reports.* * * *

(c) *Lists to be filed.* * * *

(2) Every person within the Territory of Alaska offering to sell or deliver to a buyer in the Territory of Alaska commodities, not included among the cost-of-living items set forth in § 1499.25, Appendix B, of the General Maximum Price Regulation, and which are not actually produced or manufactured in the Territory of Alaska, shall file with the Territorial Office of the Office of Price Administration, Juneau, Alaska, not later than January 15, 1943, if such information has not heretofore been filed with the Office of Price Administration, Juneau, Alaska, a statement setting forth: A list of all such commodities offered for sale by such person and the selling price thereof. Upon application by a seller, the Territorial Director of the Office of Price Administration, Juneau, Alaska, may grant such extensions in the time for filing as the Territorial Director deems necessary and proper.

* * * * *

§ 1418.66 *Effective dates of amendments.* * * *

(i) Amendment No. 9 (§ 1418.56 (c) (2)) to Maximum Price Regulation No. 194 shall become effective December 26, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14017; Filed, December 26, 1942; 4:46 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 228,[1] Amendment 1]

SPECIFIC MAXIMUM PRICES IN ALASKA

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (4) of § 1418.363 (a) is amended and § 1418.362a is added as set forth below:

§ 1418.363 *Tables of maximum prices.* (a) *Table I: Maximum retail prices for turkeys.* * * *

(4) Retailers who sell turkeys individually packaged by wholesalers and shipped into Alaska in individual cartons may add 20¢ to the maximum price of each turkey.

§ 1418.362a *Effective dates of amendments.* (a) This Amendment No. 1 (§§ 1418.362a and 1418.363 (a) (4)) to Maximum Price Regulation No. 288 shall become effective this 26th day of December 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14016; Filed, December 26, 1942; 4:46 p. m.]

Chapter XIII—Petroleum Administration for War

PART 1545—PETROLEUM SUPPLY

[Amendment 1 to Petroleum Administrative Order 1]

Section 1545.1 *Petroleum Administrative Order 1* [7 F.R. 10791] is hereby amended by changing paragraph (d) (1) (ii) to read as follows:

(d) *Permitted deliveries.* * * *

(ii) The quantity of any such withdrawal or delivery by any supplier does not, when added to all preceding deliveries and withdrawals by such supplier during the quota period exceed any quota specified on Schedule A for such supplier;

withdrawals or deliveries of any motor fuel or fuel oil from any refinery or bulk terminal for delivery to another supplier pursuant to (*a*) the provisions of Directive 59 of the Petroleum Coordinator for War, 7 F. R. 7759, and any amendments or modifications thereof, (*b*) repayments of loans, or (*c*) exchanges, shall not be deducted from the quota of the delivering supplier but such deliveries, if not otherwise exempt from quota restrictions under the provisions of this Order, shall be deemed to have been withdrawn from a bulk terminal or refinery by the receiving supplier;

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22d day of December 1942.

R. K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 42-13894; Filed, December 24, 1942; 12:22 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 204—DANGER ZONE REGULATIONS

MACHINE GUN STRAFING RANGE AND BOMBING TARGET AREA IN VICINITY OF ST. AUGUSTINE, FLA.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), the following regulations are hereby prescribed to govern the use and navigation of the waters of the Atlantic Ocean, in two areas in the vicinity of St. Augustine, Florida, comprising a machine gun strafing range and a bombing target area for United States Navy aircraft.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5909, 6268, 6744, 8023, 8358, 8947, 9195, 10231, 10790.

§ 204.82a *Waters of Atlantic Ocean; U. S. Navy, aerial machine gun strafing range and bombing target area, in vicinity of St. Augustine, Florida*—(a) *The danger zones*—(1) *The machine gun strafing range.*[1] A target cluster 150 feet by 300 feet composed of 6 rafts, 7 feet square, placed on two lines and spaced 150 feet apart, will be located with its center at north latitude 30°01′ and west longitude 81°17′. The restricted area is rectangular, 4 nautical miles in a north and south direction and 5½ nautical miles in an east and west direction. The westerly and easterly sides will be ½ nautical mile west and 5 nautical miles east of the center of the target cluster; the northerly and southerly sides will be 2 nautical miles north and 2 nautical miles south of the center of the target cluster.

(2) *The bombing target area.* This area is circular, with a radius of one nautical mile, the center being located at north latitude 29°52′ and west longitude 81°12′. A target 11 feet square, 10 feet high at the 4 corners, and 15.5 feet high at its center point, will be located at the center of the circular area.

(b) *The regulations.* (1) The danger areas are open to navigation except when target practice is being conducted, when no vessel or other craft shall enter or remain within these areas except as provided in paragraph (b) (4).

(2) Since aerial target practice will take place in these areas at frequent and irregular intervals throughout the year, regardless of season, advance notice shall be given of the date on which the first of such activities will begin. At intervals of not more than three months thereafter, notice will be sent out that target practice is continuing. Such notices will appear in the local newspapers and in the "Notice to Mariners".

(3) Prior to conduct of each target practice the area will be patrolled by naval aircraft which will warn navigation to leave the area by "zooming" a safe distance to the side. Upon receiving this signal any watercraft within the danger zone shall leave it and no craft shall enter this area until practice has ceased.

(4) These regulations shall not deny access or egress from harbors contiguous to these danger zones by regular cargo-carrying vessels, nor shall they deny traverse of portions of the danger areas by regular cargo-carrying vessels proceeding on established steamer lanes. In case of the presence of any such vessel in the danger areas, the officer in charge of gunnery operations shall cause the cessation or postponement of fire until the vessel has cleared the area. The vessel shall proceed on its normal course and shall not delay its progress.

(5) No marking of these areas is proposed. It is considered that the targets erected as described for each area will constitute sufficient marking for identification of the danger zones.

(6) These regulations shall be enforced by the Commandant, United States Naval Air Station, Jacksonville, Florida, and such agencies as he may designate.

(Sec. 7, River and Harbor Act, August 8, 1917, 40 Stat. 266, 33 U.S.C. 1) [Regs. October 15, 1942, (CE 800.2121 (Atlantic Ocean, Fla.)—SPEON)]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-13960; Filed, December 26, 1942; 11:12 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 25—MEDICAL

HOSPITALIZATION AND DOMICILIARY CARE

Revision of § 25.6050.

§ 25.6050 *Utilization of facilities other than those under direct and exclusive jurisdiction of the Veterans Administration.* For the purposes of § 35.10, paragraph XIX, defining "Veterans Administration facilities", the following provisions will govern in authorizing admissions to facilities other than those under the direct and exclusive jurisdiction of the Veterans Administration:

* * * * *

(b) (1) Private facilities will not be used for hospitalization of beneficiaries except when facilities under direct and exclusive jurisdiction of the Veterans Administration or other Federal hospitals are not feasibly available, or when the physical or mental condition of beneficiaries will not allow of their transfer from a private, State, or municipal hospital to a Federal hospital. Except for treatment of an emergent condition arising from a service-connected disorder, hospitalization of a male beneficiary will not be authorized in any private, State, or municipal hospital, whether under or not under contract. In such medically emergent cases, authorization of admission to a private, State or municipal hospital may be given, subject to the conditions stipulated in paragraph (2) hereof: and, when so given, will be authority for payment of vouchers covering the cost of such hospitalization.

(2) The chief medical officer or his designate, of the regional office or facility with regional office having jurisdiction of the territory in which the concerned private, State, or municipal hospital, contract or non-contract, is located, when informed of the emergent condition of the entitled beneficiary in time to authorize the hospital admission, or when requested to issue authorization to cover a hospital admission already effected, will at once notify the superintendent of such hospital as follows:

(i) That payment cannot be made by the Veterans Administration for any hospital service or supplies furnished prior to the date that authorization for admission had been issued, and that such authorization cannot be retroactively dated when issued; except that authorization may be made retroactive to include a period not exceeding twenty-four hours beginning with the hour that admission to the hospital is authorized by the Veterans Administration.

(ii) That—if the hospital concerned is under contract with the Veterans Administration—all services and supplies furnished the beneficiary must be charged for and paid only at rates in accordance with the terms of the contract.

(iii) That—if the hospital concerned is not under contract—all services and supplies can be paid for only at rates in accordance with the schedule of fees, Veterans Administration.

(iv) That, when possible, prior authority will be requested by the hospital for the furnishing of services or supplies other than those included in a contract, or other than those comprehending ordinary items.

(v) But when the procurement of such prior authority is not possible, or when the emergent condition of the beneficiary is too urgent for delay, the hospital may furnish such necessary services or supplies, with the understanding that charges therefor will be subject to determination as to their reasonable necessity by the chief medical officer or his designate. (See also §§25.6140 to 25.6148.) (December 28, 1942.) (48 Stat. 9; 38 U.S.C. 706)

No change in (c), (d), (e), (f), (g), (h) and (i).

FRANK T. HINES,
Administrator.

[F. R. Doc. 42-13961; Filed, December 26, 1942; 11:24 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

FORM PRESCRIBED FOR EXPRESS COMPANIES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 16th day of December, A. D. 1942.

In the matter of Annual Reports from Express Companies, and the corresponding section of the Code of Federal Regulations, the following order was entered:

It is ordered, That the order of this Commission dated February 3, 1941, In the Matter of Annual Reports from Express Companies be, and it is hereby, vacated and set aside effective January 1, 1943, and the following order shall become effective:

§ 120.31 *Form prescribed for express companies.* (a) All express companies within the scope of section 20, Part I of the Interstate Commerce Act be, and they hereby are, required to file annual reports for the year ending Decembr 31, 1942, and for each succeeding year until further order, in accordance with Annual Report Form H (Express),[1] which is hereby approved and made a part of this order.

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[1] Chart filed with the Division of the Federal Register.

[1] Filed as part of the original document.

(b) The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31, of the year following the one to which it relates.

(Sec. 20, 24 Stat. 386; sec. 7, 34 Stat. 593; 35 Stat. 649; sec. 14, 36 Stat. 556; secs. 434–435, 41 Stat. 493; sec. 13, 54 Stat. 916; 49 U.S.C. 20 (1)-(10))

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-13907; Filed, December 24, 1942; 2:55 p. m.]

Subchapter C—Carriers by Water

PART 325—PRESERVATION AND DESTRUCTION OF RECORDS

DESTRUCTION OF CERTAIN RECORDS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 16th day of December 1942.

The matter of the regulations to govern the destruction of records of carriers by water to be prescribed for and kept by carriers by water being under consideration by the Division, pursuant to the authority of section 313 of Part III of the Interstate Commerce Act, and upon consideration of the matters and things involved, and the Division having found that the regulations to govern the destruction of records of carriers by water, issue of 1943, hereto attached and made a part hereof, are necessary for purposes of administration of the provisions of Part III of the Act; *It is ordered:*

Sec.
325.0 Regulations prescribed.
325.1 Authority to destroy certain records.
325.2 Preservation of other records; special permission to destroy.
325.3 Officer having supervision of destruction.
325.4 Written authority of officer having supervision of destruction.
325.5 Certificates of destruction.
325.6 Committee for destruction of certain records.
325.7 Joint bureaus and agencies.
325.8 Nonoperating companies.
325.9 Method of destruction.
325.10 Accidental destruction of accounts, records, and memoranda.
325.11 Duplicate accounts, records, and memoranda.
325.12 List of accounts, records, and memoranda, and periods of retention.

AUTHORITY: §§ 325.0 to 325.12, inclusive, issued under Sec. 313 (g), 54 Stat. 945, 49 U.S.C. 913.

§ 325.0 *Regulations prescribed.* (a) Every carrier by water subject to the provisions of part III of the Interstate Commerce Act, and every trustee, executor, administrator, or assignee of any such carrier by water, are hereby required to comply with the regulations to govern the destruction of records of carriers by water, issue of 1943, in the destruction and retention of their operating, accounting and financial papers, records, books, blanks, tickets, stubs, and documents of carriers by water.

(b) *Effective date and supersedure.* The issue of 1943, regulations to govern the destruction of records of carriers by water, shall become effective on January 1, 1943, and the order and regulations issued and prescribed June 17, 1913, shall thereupon be canceled and superseded.

And it is further ordered, That a copy of this order and the regulations to govern the destruction of records of carriers by water herein prescribed shall be served upon every carrier by water subject to Part III of the Act and every trustee, executor, administrator, or assignee of any such carrier by water, and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register, The National Archives.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

Special Note

The following extracts from sections 317 and 313 of part III of the Interstate Commerce Act are here quoted for convenient reference thereto by carriers:

SECTION 317 (d). Any water carrier or other person, or any officer, agent, employee, or representative thereof, who shall willfully fail or refuse to make a report to the Commission as required by this part, or to make specific and full, true, and correct answer to any question within thirty days from the time it is lawfully required by the Commission so to do, or to keep accounts, records, and memoranda in the form and manner prescribed by the Commission, or shall willfully falsify, destroy, mutilate, or alter any report, account, record, memorandum, book, correspondence, or other document, required under this part to be kept, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions as required under this part, or shall willfully keep any accounts, records, or memoranda contrary to the rules, regulations, or orders of the Commission with respect thereto, or shall knowingly and willfully file with the Commission any false report, account, record, or memorandum, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was in whole or in part committed, be subject for each offense to a fine or not more than $5,000. As used in this subsection, the word "keep" shall be construed to mean made, prepared, or compiled, as well as retained.

SECTION 313 (g). The Commission may issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents of water carriers or lessors as may, after a reasonable time, be destroyed, and prescribing the length of time the same shall be preserved.

The regulations set forth in this order pertain only to the accounts, records, and memoranda named or described herein. All accounts, records, and memoranda not indicated in the regulations remain under the prohibition of destruction contained in section 317 (d) of the Act.

It is not intended that these regulations shall be interpreted as requiring that the records herein named shall be installed, when such records are not already kept by a carrier. The following Regulations to Govern the Destruction of Records of Carriers by Water subject to part III of the Interstate Commerce Act are in lieu of Part 110, Subpart F and Part 116 of Title 49, Code of Federal Regulations.

Regulations to Govern the Destruction of Records of Carriers By Water

§ 325.1 *Authority to destroy certain records.* Each and every carrier by water subject to part III of the Interstate Commerce Act and each and every trustee, executor, administrator or assignee of any such carrier, is permitted to destroy the accounts, records, and memoranda named or described in these regulations, after preserving the same for the periods of time respectively specified and upon complying with the requirements of the regulations.

§ 325.2 *Preservation of other records; special permission to destroy.* All accounts, records, and memoranda of such carriers, other than those the destruction of which is permitted in these regulations, shall remain under the prohibition of destruction contained in section 317 (d) of part III of the Interstate Commerce Act. However, in case any such carrier desires to destroy any accounts, records, or memoranda other than those hereinafter named it may petition the Commission to that effect, exhibiting a full and detailed description of the accounts, records, or memoranda in question, clearly explaining their character, their use, and their purpose; it being understood that any order entered by the Commission on any such petition shall, unless otherwise provided, be limited in its force and effect to the particular carrier presenting such petition.

§ 325.3 *Officer having supervision of destruction.* (a) An officer, or, where necessities require, two officers, shall be appointed by the board of directors to have supervision of the destruction of accounts, records, and memoranda. Carriers operated as sole proprietorships or partnerships shall appoint one or two persons to have supervision over the destruction of accounts, records, and memoranda. Such officer or officers or other persons may be given (1) general supervision of the destruction of all accounts, records, and memoranda the destruction of which is permitted by these regulations, or (2) authority over the destruction of such of these accounts, records, and memoranda as may be specified by the board of directors, the sole proprietor, or partners. Pending action by the board of directors, an appointment by an executive committee or by a similarly authorized committee of the board of directors, shall have the same effect as if made by the board of directors.

(b) If the property of a carrier is in the hands of a trustee, executor, administrator, or assignee, the officer or officers to have supervision of the destruction of accounts, records, and memoranda shall be designated by the trustee, executor, administrator, or assignee.

(c) In designating an officer to have general supervision of the destruction of

accounts, records, and memoranda it would be preferable to designate by title only, rather than by name and title, and thus obviate the necessity of filing a new resolution each time a successor in the office is appointed.

§ 325.4 *Written authority of officer having supervision of destruction.* (a) When any accounts, records, or memoranda are to be destroyed, an officer having supervision of the destruction of accounts, records, or memoranda (as designated in compliance with § 325.3 (a) and § 325.3 (b)) shall issue a written authority naming the person or persons by whom the accounts, records, or memoranda are to be destroyed (except as provided in § 325.11).

(b) The written authority (1) may be confined to certain accounts, records, and memoranda which have been retained for the periods of time specified in these regulations and which the carrier then desires to destroy, in which case it shall indicate:

(i) A list of the accounts, records, or memoranda to be destroyed, expressed either in form numbers or by descriptive titles; and

(ii) The period or periods covered by the accounts, records, or memoranda the destruction of which is authorized; or (2) may be of continuing effect, applying to any or all of the accounts, records, and memoranda named herein as the periods of retention of such accounts, records, or memoranda attain the limits specified herein.

(c) Such written authority, or a certified copy thereof, shall be filed in the office of the issuing officer as a permanent part of the carrier's records. It is not required that copies of the written authorities be filed with the Commission.

§ 325.5 *Certificates of destruction.* (a) The person or persons upon whom devolves the duty of the direct supervision of the destruction of the accounts, records, or memoranda under the authority referred to in § 325.4 (a) and § 325.4 (b) shall make certificate (except as provided in § 325.5 (d) and § 325.11) setting forth that the accounts, records, or memoranda listed in the said authority have been destroyed and that no other accounts, records, or memoranda than those so listed have been destroyed therewith.

(b) If an authority as referred to in § 325.4 (b) is given, a certificate of destruction shall be made listing either by form numbers or descriptive titles the accounts, records, and memoranda destroyed, naming the period or periods covered by the accounts, records, or memoranda, and stating that no other accounts, records, or memoranda than those so listed have been destroyed therewith. Either (1) a separate certificate shall be made each time any accounts, records, or memoranda are destroyed, or (2) cumulative certificates shall be made, with entries each time any accounts, records, or memoranda are destroyed.

(c) Certificates of destruction shall be forwarded promptly to the officer having supervision of the destruction of accounts, records, and memoranda who issued the written authority and shall be retained in his office as a permanent part of the carrier's records. In case cumulative certificates are made they shall be forwarded to such officer periodically, but at least once every six months. It is not required that copies of the certificates of destruction be filed with the Commission.

(d) Certificates of destruction need not be made for accounts, records, and memoranda, the destruction of which, in the list in § 325.12 hereof, is made optional with the carrier, but a written authority, either for specific records or of continuing effect (except as provided in § 325.11), shall be issued by the officer having supervision of the destruction of such accounts, records, and memoranda.

§ 325.6 *Committee for destruction of certain records.* At the option of the carrier the board of directors may from time to time name a committee to destroy canceled stock certificates, bonds, or other records covered by item 5 of § 325.12 in lieu of delegating the authority for the destruction to an officer, as provided in § 325.3 (a). Certificates of destruction giving full descriptive reference to the documents destroyed shall be made by the person or persons appointed by the officer having supervision of the destruction of records or by this committee, and such certificates shall be permanently retained by the carrier. When documents represent debt secured by mortgage, the certificates of destruction shall also be authenticated by representatives of the trustees acting in conjunction with this committee or shall have the trustees' acceptance thereon.

§ 325.7 *Joint bureaus and agencies.* These regulations apply also to the destruction of accounts, records, and memoranda of traffic associations, demurrage bureaus, and other joint agencies maintained by or on behalf of carriers by water. The manager, chairman, or other officer in charge of the association, bureau, etc., may be delegated by the designated officer of each of the carriers to have supervision of the destruction of accounts, records, and memoranda of the association, etc., and in that event he shall issue all authorities for such destruction, and certificates of destruction shall be filed with him. Otherwise a written authority shall be secured from the proper officer of the member carriers concerned each time any of the accounts, records, or memoranda are to be destroyed, and a certificate of destruction shall be filed with each such officer.

§ 325.8 *Nonoperating companies.* A company owning or controlling water line property which it does not operate but which it leases to others for operating purposes shall observe these regulations in case it desires to destroy any of its corporate or financial accounts, records, or memoranda.

§ 325.9 *Method of destruction.* (a) The precise method of the destruction of accounts, records, or memoranda is not prescribed. The Commission is not concerned with the method of destruction, whether by fire, sale or otherwise, so long as the destruction is authorized and a certificate of destruction is filed as required by these regulations.

(b) If the accounts, records, and memoranda are not actually destroyed by the carrier, but are disposed of by sale or otherwise, the certificate of destruction shall so state. Attention is called to section 317 (f) of part III of the Interstate Commerce Act, which provides that a carrier shall not divulge to any person information concerning the business of a shipper or consignee which may be used to the detriment of such shipper or consignee. Responsibility for possible infringement of this provision of the law by disposing of its records by other than actual destruction would rest with the carrier.

§ 325.10 *Accidental destruction of accounts, records, and memoranda.* If any accounts, records, or memoranda are destroyed accidentally by fire, flood, or other casualty a statement shall be prepared listing so far as may be possible the records destroyed and detailing the circumstances in connection with the fire or other casualty. This statement shall be authenticated by an officer or some responsible employee of the carrier and shall be filed with the officer having supervision of the destruction of accounts, records, and memoranda. A copy of the statement shall be filed promptly with the Commission.

§ 325.11 *Duplicate accounts, records, and memoranda.* Provision is made in item 64 of § 325.12 for the optional destruction of duplicate copies of accounts, records, and memoranda when such copies are not specifically provided for elsewhere in these regulations and when they contain no information not shown on the originals. In destroying such copies carriers may dispense with the written authorities and the certificates of destruction. The originals (or one true copy) shall be retained for the respective periods named for such records in the regulations.

§ 325.12 *List of accounts, records, and memoranda, and periods of retention.* The following list[1] is indicative of accounts, records, and memoranda of carriers by water specifically referred to by the regulation embodied in § 325.1. The classification of the accounts, records, and memoranda enumerated below under the various headings is merely for convenient reference and is more or less arbitrary. The regulations are intended to apply to the items as named or described, regardless of the classification and regardless of where filed. Of the accounts, records, and memoranda which are to be retained permanently only the more important are indicated in the list, such specific mention being made so that they may not be confused with any accounts, records, or memoranda for which permission to destroy is given herein.

[F. R. Doc. 42-13906; Filed, December 24, 1942; 2:55 p. m.]

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[1] Filed as part of the original document.

Chapter II—Office of Defense Transportation

[General Order ODT 27]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART Q—INTERCITY COMMON CARRIERS OF PASSENGERS BY MOTOR VEHICLE IN PUERTO RICO

Pursuant to Executive Orders Nos. 8989, 9156 and 9214, and in order to conserve and providently utilize vital transportation equipment, material and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

Sec.
501.160 Definitions.
501.161 Applicability.
501.162 General Order ODT 11 superseded in Puerto Rico.
501.163 Elimination of waste.
501.164 Operating requirements.
501.165 Special and general permits.
501.166 Submission of plans.
501.167 Records and reports.
501.168 Suspension of provisions.
501.169 Communications.
501.170 Effective date.

AUTHORITY: §§ 501.160 to 501.170, inclusive, issued under E.O. 8989, 9156 and 9214; 6 F.R. 6725, 7 F.R. 3349, 6097.

§ 501.160 *Definitions.* As used in this order (§§ 501.160 to 501.170, inclusive), or in any order, permit, or regulation issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, and includes any agency of the United States or of any other government, the Insular Government of Puerto Rico, or any political subdivision or agency thereof, or any trustee, receiver, assignee or personal representative;

(b) "Intercity service" means all transportation of passengers, except (1) operations performed wholly within any urban zone and an area extending 8 air kilometers from the boundaries thereof, or between contiguous urban zones, and (2) round-trip schedules the principal traffic of which consists of the movement of workers en route between their homes and their places of employment, or the movement of persons between military or naval establishments and nearby urban zones;

(c) "Intercity passenger vehicle" means any rubber-tired vehicle propelled or drawn by mechanical power when used upon the streets or highways (but not on rails) in the transportation of passengers in intercity service;

(d) "Common carrier" means any person that holds itself out to the general public to engage in transportation of passengers by intercity passenger vehicle for compensation;

(e) "Seat kilometers" means the number of kilometers operated by an intercity passenger vehicle in intercity service (including kilometers operated without revenue passengers by extra vehicles in connection with regular schedules) multiplied by the seating capacity of the vehicle;

(f) "Passenger kilometers" means the number of kilometers traveled by revenue passengers in intercity passenger vehicles operated in scheduled intercity service, including extra vehicles;

(g) "Round-trip schedule" means the regular operation of an intercity passenger vehicle (including any extra vehicle or vehicles operated in connection therewith) at a stated time over a fixed route, from the starting point where passengers are first permitted to board the vehicle to the point served most distant therefrom, and return to the starting point;

(h) "Limited schedule" means a schedule which does not serve by regular stop or flag stop at least 90.per cent of the urban zones authorized to be served by the carrier on that route.

§ 501.161 *Applicability.* This order shall be applicable only within the Island of Puerto Rico.

§ 501.162 *General Order ODT 11 superseded in Puerto Rico.* The provisions of this order, on the effective date hereof, shall supersede the provisions of General Order ODT 11[1] in the Island of Puerto Rico.

§ 501.163 *Elimination of waste.* On and after the effective date of this order, every common carrier in the operation of intercity passenger vehicles shall:

(a) Eliminate waste in operations and duplication of parallel services, and curtail schedules and services to the extent necessary to carry out the purposes of this order;

(b) Conserve and properly maintain tires, vehicle equipment and other facilities necessary in conducting the business of such common carrier.

§ 501.164 *Operating requirements.* On and after the effective date of this order, no common carrier in the operation of intercity passenger vehicles shall:

(a) Operate a limited schedule in intercity service;

(b) Operate a round-trip schedule in intercity service where it is reasonable to believe, in the light of experience and prospective travel, that during any calendar month the number of passenger kilometers on such schedule will be less than 40 per cent of the number of seat kilometers;

(c) Extend or inaugurate intercity service, without the prior approval of the Office of Defense Transportation, over a route not being served by the carrier on the effective date of this order;

(d) Operate intercity service for the primary purpose of supplying transportation to or from a golf course, athletic field, race track, theatre, dancing pavilion or other place conducted primarily for purposes of amusement or entertainment;

(e) Operate any intercity passenger vehicle without distinctly marking such vehicle to indicate that it is engaged in intercity service;

(f) Operate any intercity passenger vehicle for any purpose, including social or recreational purposes, personal to the driver or operator.

§ 501.165 *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Office of Defense Transportation to meet specific needs or exceptional circumstances, or to prevent undue hardships.

§ 501.166. *Submission of plans.* (a) Wherever two or more common carriers by intercity passenger vehicles engage in competitive intercity service over the same or closely parallel routes, they or their representatives shall meet for the purpose of formulating a plan of joint action to the end that maximum utilization of equipment and facilities may be effected during the period of the emergency, by one or more of the following methods:

(1) Pooling or joint use of equipment or other facilities;

(2) Pooling or division of traffic, service, or revenues;

(3) Alternation or staggering of schedules between any two or more points;

(4) Mutual honoring of one another's tickets at the option of the passenger;

(5) Suspension, lease, exchange, or joint use of operating rights.

(b) Within 30 days after the effective date of this order, such carriers shall jointly submit to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico, any plan of joint action so formulated, or a statement setting forth the reasons why no plan of joint action has been agreed upon: *Provided, however,* That nothing in this order shall be construed to authorize carriers to engage in joint action by any of the methods described in this § 501.166 unless directed so to do by specific order of the Office of Defense Transportation.

§ 501.167 *Records and reports.* Every common carrier engaged in the operation of any intercity passenger vehicle shall prepare and maintain a record showing for each round-trip schedule in intercity service the number of passenger kilometers and seat kilometers, and the percentage of passenger kilometers to seat kilometers, for each calendar month. Within 30 days after the end of each calendar month, each such common carrier shall report to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico, a brief description of each such schedule where such percentage was less than 40 per cent, and a statement that such schedule has been withdrawn or the reasons why it has been continued. Every such common carrier shall prepare and maintain such other records, and make such reports, as the Office of Defense Transportation may hereafter require for the purpose of this order, and shall keep all records required hereunder available and open for inspection by authorized representatives of the Office of Defense Transportation at all reasonable times.

§ 501.168 *Suspension of provisions.* The provisions of this order or any part thereof may be suspended, from time to time, by order of the Office of Defense Transportation.

§ 501.169 *Communications.* Communications concerning this order should refer to "General Order ODT 27", and should be addressed to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico.

§ 501.170 *Effective date.* This General Order ODT 27 shall become effective January 15, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 26th day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-13955; Filed December 26, 1942; 10:55 a. m.]

[General Order ODT 28]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART R—LIMITATION ON SPEED OF MOTOR VEHICLES IN PUERTO RICO

Pursuant to Executive Orders Nos. 8989, 9156 and 9214, and in order to conserve and providently utilize vital transportation equipment, material and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the atainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

Sec.
501.180 Definitions.
501.181 Applicability.
501.182 Limitation on speed.
501.183 Exemptions.
501.184 Communications.
501.185 Effective date.

AUTHORITY: §§ 501.180 to 501.185, inclusive, issued under E.O. 8989, 9156 and 9214; 6 F.R. 6725, 7 F.R. 3349, 6097.

§ 501.180 *Definitions.* As used in this order, (§§ 501.180 to 501.185, inclusive), or in any order, permit or regulation issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, and includes any agency of the United States or of any other government, the Insular government of Puerto Rico or any political subdivision or agency thereof, or any trustee, receiver, assignee or personal representative;

(b) "Motor vehicle" means any rubber-tired vehicle or machine propelled or drawn by mechanical power and used or capable of being used upon the highways in the transportation of a person or persons or property, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails.

§ 501.181 *Applicability.* The provisions of this order shall be applicable only within the Island of Puerto Rico.

§ 501.182 *Limitation on speed.* No person shall drive or operate, or cause, permit, suffer, or allow to be driven or operated, any motor vehicle within the Island of Puerto Rico at a rate of speed which is (a) in excess of the applicable speed limit duly prescribed by competent public authority, or (b) in excess of 48 kilometers per hour, whichever rate of speed is the lesser.

§ 501.183 *Exemptions.* The provisions of this order shall not apply to:

(a) Any motor vehicle driven or operated by or under the direction of the armed forces of the United States or the armed forces of Puerto Rico organized pursuant to section 61 of the National Defense Act, as amended;

(b) Any motor vehicle when driven or operated in an emergency for the protection or preservation of life, health, or for public safety: *Provided, however,* That this paragraph (b) shall not be so construed as to authorize any such motor vehicle to be driven or operated at a rate of speed in excess of that which is reasonable under conditions prevailing at such time.

§ 501.184 *Communications.* Communications concerning this order should refer to "General Order ODT 28" and should be addressed to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico.

§ 501.185 *Effective date.* This General Order ODT 28 shall become effective January 15, 1943.

Issued at Washington, D. C., this 26th day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-13956; Filed, December 26, 1942; 10:55 a. m.]

[General Order ODT 29]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART S—TAXICABS AND TAXI SERVICE IN PUERTO RICO

Pursuant to Executive Orders Nos. 8989, 9156 and 9214, and in order to conserve and providently utilize vital transportation equipment, material and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

Sec.
501.190 Definitions.
501.191 Applicability.
501.192 General Order ODT 20 superseded in Puerto Rico.
501.193 Certain operations prohibited.
501.194 Operating regulations.
501.195 Loading requirements.
501.196 Special and general permits.
501.197 Suspension of provisions.
501.198 Records and reports.
501.199 Exemptions.
501.200 Communications.
501.201 Effective date.

AUTHORITY: §§ 501.190 to 501.201, inclusive, issued under E.O. 8989, 9156 and 9214; 6 F.R. 6725, 7 F.R. 3349, 6097.

§ 501.190 *Definitions.* As used in this order, (§§ 501.190 to 501.201, incvusive), or in any order, permit or regulation issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, and includes any agency of the United States or of any other government, the Insular Government of Puerto Rico, or any political subdivision or agency thereof, or any trustee, receiver, assignee or personal representative;

(b) "Taxicab" means any rubber-tired vehicle (1) propelled or drawn by mechanical power, (2) used in the call-on-demand transportation of passengers for compensation to or from points chosen or designated by the passengers, and (3) not operated on a fixed schedule, between fixed termini, or over specific routes;

(c) "Taxi service" means the transportation of passengers by taxicab.

§ 501.191 *Applicability.* The provisions of this order shall be applicable only within the Island of Puerto Rico.

§ 501.192 *General Order ODT 20 superseded in Puerto Rico.* The provisions of this order, on the effective date hereof, shall supersede the provisions of General Order ODT 20, as amended,[1] in the Island of Puerto Rico.

§ 501.193 *Certain operations prohibited.* No person shall engage in taxi service unless, on the effective date of this order, there was in force with respect to such person a license, permit, or other grant of authority issued by the Insular Government of Puerto Rico, or governmental subdivision thereof, authorizing such person to engage in such taxi service.

§ 501.195 *Loading requirements.* No person shall drive or operate a taxicab:

(a) For any purpose, including social or recreational purposes, personal to the driver or operator;

(b) For the purpose of making commercial deliveries of property;

(c) More than 8 kilometers beyond the limits of the urban zone or contiguous urban zones in which the trip originated;

(d) For the purpose of securing passengers while cruising;

(e) On any trip that exceeds 20 kilometers from point of origin to point of destination;

(f) Without distinctly marking every such taxicab to indicate that it is a taxicab.

§ 501.195. *Loading requirements.* No person shall drive or operate a taxicab in any urban zone who does not participate in any group riding plan for taxicabs that is lawfully in effect within such urban zone and in which it is practicable for him to participate.

§ 501.196 *Special and general permits.* The provisions of this order shall be subject to any special or general permit issued by the Office of Defense Transportation to meet specific needs or exceptional circumstances, or to prevent undue hardships.

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[1] 7 F.R. 4389.

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[1] 7 F.R. 6906, 7694.

§ 501.197 *Suspension of provisions.* The provisions of this order or any part thereof may be suspended, from time to time, by order of the Office of Defense Transportation.

§ 501.198 *Records and reports.* Every person engaged in taxi service shall keep a daily record of the number of kilometers and hours each taxicab used in such service is operated, the number of passengers carried, and the gallons of fuel transferred to its fuel tank, and shall keep such other records and make such reports as may be required by the Office of Defense Transportation. Such records shall be kept available for inspection by authorized representatives of the Office of Defense Transportation at all times.

§ 501.199 *Exemptions.* The provisions of this order shall not apply:

(a) To a person transporting by automobile passengers to and from funerals or interments;

(b) To the transportation of passengers incidental to emergencies arising from an accident, sickness, death, public calamity, or military necessity; *Provided, however,* That with respect to all such transportation the person driving or operating the taxicab shall within 48 hours make a report in writing to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico, explaining in full the emergency necessitating the transportation.

§ 501.200 *Communications.* Communications concerning this order should refer to "General Order ODT 29" and should be addressed to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico.

§ 501.201 *Effective date.* This General Order ODT 29 shall become effective January 15, 1943.

Issued at Washington, D. C., this 26th day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-13977; Filed, December 26, 1942; 2:27 p. m.]

[General Order ODT 30]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART T—COMMON CARRIERS OF PROPERTY IN PUERTO RICO

Pursuant to Executive Orders Nos. 8989, 9156 and 9214, and in order to conserve and providently utilize vital transportation equipment, material and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

Sec.
501.210 Definitions.
501.211 Applicability.
501.212 General Order ODT 3, Revised, superseded in Puerto Rico.
501.213 Elimination of waste.
501.214 Loading and operating requirements.
501.215 Exemptions.
501.216 Special or general permits.
501.217 Suspension of provisions.
501.218 Submission of plans for joint action.
501.219 Interchange of traffic; holding shipments; billing and rates applicable.
501.220 Records and reports.
501.221 Carrier liability.
501.222 Division of revenues.
501.223 Communications.
501.224 Effective date.

AUTHORITY: §§ 501.210 to 501.224, inclusive, issued under E.O. 8989, 9156 and 9214; 6 F.R. 6725, 7 F.R. 3340, 6097.

§ 501.210 *Definitions.* As used in this order, (§§ 501.210 to 501.224, inclusive), or in any order, permit or regulation issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, and includes any agency of the United States or of any other government, the Insular Government of Puerto Rico, or any political subdivision or agency thereof, or any trustee, receiver, assignee or personal representative;

(b) "Property" means anything, except passengers, capable of being transported by motor truck;

(c) "Common carrier" or "carrier" means any person that holds itself out to engage in the transportation of property for the general public in over-the-road service by motor truck for compensation, regardless of the designation of such person under any Federal or Insular statute;

(d) "Motor truck" or "truck" means either (1) a straight truck, (2) a combination truck-tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof, (5) or any other rubber-tired vehicle propelled or drawn by mechanical power when used in the transportation of property;

(e) "Gross weight" means the aggregate weight of a motor truck and its lading;

(f) "Rated load carrying ability" as applied to a truck means the weight which the tires mounted on the load bearing wheels of such truck are capable of carrying as determined in the manner set forth in Appendix No. 1 of this order;

(g) "Capacity load" or "loaded to capacity" as applied to a truck means either (1) the quantity of property, by weight, which may be carried in said truck, determined by deducting the weight of said truck from its rated load carrying ability, or (2) the maximum quantity of property, by volume, which may be stowed by efficient methods and safely transported in the load bearing space of the truck, whichever quantity is the lesser in weight;

(h) "Over-the-road service" means all operations of a motor truck except operations (1) wholly within any urban zone and an area extending 24 air kilometers from the boundaries thereof, or (2) wholly within and between contiguous urban zones; or (3) not more than 24 kilometers in length;

(i) "Highway" means any road, highway, street, or way in the Island of Puerto Rico;

(j) "Circuitous route" means any highway route or routes or combination thereof, the mileage of which exceeds the mileage of the most direct highway route by 10 percent or more; and highway mileage of such route shall be as shown in the current edition of Mapa Itinerario de las Carreteras Insulares de Puerto Rico, approved by Comisionado del Interior of Puerto Rico;

(k) "Special equipment" means any low-bed motor truck, or any motor truck the primary carrying capacity of which is occupied by mounted machinery.

§ 501.211 *Applicability.* The provisions of this order shall be applicable only within the Island of Puerto Rico.

§ 501.212 *General Order ODT 3, Revised, superseded in Puerto Rico.* The provisions of this order, on the effective date hereof, shall supersede the provisions of General Order ODT 3, Revised, as amended,[1] in the Island of Puerto Rico.

§ 501.213 *Elimination of waste.* Every common carrier shall:

(a) Eliminate wasteful operation and duplication of parallel services, and curtail schedules and services to the extent necessary to carry out the purposes of this order;

(b) Conserve and properly maintain tires, motor trucks, and other facilities necessary in conducting the business of such common carrier;

(c) Lease or rent motor trucks whenever practicable and to the extent necessary to carry out the purposes of this order.

§ 501.214 *Loading and operating requirements.* (a) No common carrier shall operate any motor truck in over-the-road service unless it is loaded to capacity, except as follows:

(1) A motor truck, while outbound from the origin point of a trip to the point most distant therefrom to which the truck is operated on such trip, and also while inbound, may be operated on a portion of the route or routes traveled while empty or partially laden, if, during the course of the outbound or inbound movement, the truck is laden with a capacity load while operated over a considerable portion or segment of the route or routes traveled in over-the-road service, and if the carrier uses due diligence as hereinafter provided in maintaining a capacity load upon the truck at all times while en route.

(2) No carrier shall be deemed to have used due diligence as provided in subparagraph (1) of this paragraph (a) in loading or maintaining a capacity load upon a truck unless, consistent with any prior commitments involving the use of said truck en route, the carrier and its representatives, including the representative in immediate control and possession of the truck, shall have endeavored in good faith, prior to its departure from any point with less than a capacity load, to obtain sufficient freight for loading the truck with a capacity load at such point, and, failing in this, shall have endeavored in good faith to secure as much freight as possible for loading on said truck at such point, by making appropriate inquiry at and registering at the local office of the Office of Defense Transportation at or near such point, and, if there be no such office at or near such point, by making appropriate inquiry of other carriers at their office or terminals, or both, located at such point. Nor will due diligence be deemed to have been used unless, consistent with prior commitments involving the use of the truck en route, the carrier and his said representative or representatives shall have accepted for shipment and transported to the load capacity of the truck all freight found to have been available by such inquiry, for transportation to the point of destination of the motor truck or to any point intermediate to or beyond such destination point, nor unless, when a truck has been discharged of all lading at any point on a trip and upon such inquiry no freight is found available for transportation on said truck pursuant to the provisions of said subparagraph (1), the carrier shall have endeavored in good faith to lease or rent such truck, consistent with prior commitments involving the use of the truck en route, to another person for transportation of property.

(3) Nothing in this order contained shall be construed to require the loading of a motor truck to such an extent that the gross weight of the truck will exceed the actual safe capacity of any bridge or other structure en route, as determined by Insular or local authorities, or will exceed the maximum gross weight limitations prescribed by the applicable Insular law, proclamation, or regulation, Federal statute, or Executive Order, whichever is currently controlling, but such truck shall be loaded as nearly to the extent required by this order as may be consistent with such applicable limitations.

(4) A motor truck which has been so disabled en route that a capacity load cannot be transported or carried thereon may be operated in over-the-road service empty or partially laden to the nearest point where the common carrier operating said truck maintains, provides, or can obtain repair services.

(b) No common carrier shall:

(1) Operate in over-the-road service any motor truck, the gross weight of which exceeds its rated load-carrying ability; or

(2) Accept or receive any property for transportation over any circuitous route, except when no adequate common carrier service over a direct route is available, or except when the direct route is unsafe or unusable or is more destructive to tires or motor trucks.

(c) The provisions of this order shall not be so construed or applied as to require any common carrier to perform any transportation service, the performance of which by it is not authorized or sanctioned by law or to render any such service beyond its transportation capacity.

§ 501.215 *Exemptions.* (a) The provisions of paragraph (a) of § 501.214 of this order shall not apply to or include the following:

(1) Any motor truck while actually transporting exclusively any explosives, materials and accessories, such as ammunition, black powder, low explosives, liquid nitroglycerine, fireworks, smokeless powder, cordeau detonant, fuzes, igniters, primers or other like explosives, materials and accessories, or blasting agents and blasting accessories necessary for the use of any of said explosives;

(2) Any motor truck while operated under direction of the armed forces of the United States or the armed forces of Puerto Rico organized pursuant to section 61 of the National Defense Act, as amended;

(3) Any motor truck when engaged exclusively in the transportation of repair or service men and their supplies or equipment;

(4) Any motor truck operated exclusively in connection with the construction and maintenance of essential telegraph, telephone, organized radio communications, electric light and power, gas, and water supply utilities, and pipelines, railroads, street railways and public highways;

(5) Any motor truck operated in emergencies exclusively for the purpose of making deliveries of medicines or other supplies or equipment necessary for the protection or preservation of life, health or public safety;

(6) Any motor truck operated exclusively for the purpose of collecting and disposing of sewage or garbage or rendering other sanitation services, pursuant to governmental order, regulation or contract;

(7) Any special equipment.

(b) The provisions of § 501.213, paragraph (a) and subparagraph (2) of paragraph (b) of § 501.214, and §§ 501.219 and 501.222 of this order shall not apply to:

(1) Any motor truck, the primary carrying capacity of which is occupied by a mounted tank or tanks;

(2) Any motor truck controlled and operated by any person or persons principally engaged in farming, when used in the transportation of agricultural commodities and products thereof, from a farm or farms, or in the transportation of farm supplies to a farm or farms.

§ 501.216 *Special or general permits.* The provisions of this order shall be subject to any special or general permit issued by the Office of Defense Transportation to meet specific needs or exceptional circumstances, or to prevent undue hardship.

§ 501.217 *Suspension of provisions.* The provisions of this order or any part thereof may be suspended, from time to time, by order of the Office of Defense Transportation.

§ 501.218 *Submission of plans for joint action.* Whenever joint action between two or more common carriers is contemplated in order to accomplish any of the purposes of this order, such common carriers may formulate and submit to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico, for consideration, a plan or plans designed to accomplish such purposes by one or more of the methods described below:

(a) Alternate or stagger motor truck schedules between two or more points;

(b) Reciprocally exchange shipments of property between two or more points;

(c) Pool traffic, revenues, or both, between two or more points;

(d) Jointly load for transportation or operate a motor truck or trucks between two or more points;

(e) Divert traffic, operate joint terminals or joint pick-up or delivery vehicles;

(f) Establish arrangements with other carriers for the interchange of equipment;

(g) Appoint one of their own number or any other person or carrier to act as its or their individual, common or joint agent, to concentrate, receive, load, forward, carry, unload, distribute, and deliver property; receive, account for, and distribute gross or net revenues therefrom, or otherwise handle or conduct the carrier's business as common carriers of property upon just and reasonable terms and conditions: *Provided, however,* That this order shall not be construed to authorize any common carrier or carriers to operate in any of the methods described in this § 501.218 unless directed so to do by the Office of Defense Transportation.

§ 501.219 *Interchange of traffic; holding shipments; billing and rates applicable.* (a) Every common carrier whether by rail, motor, water, or otherwise, shall accept and receive from any common carrier as defined herein and transport all shipments of every kind. Such shipments shall be handled and transported in the same expeditious and efficient manner as shipments of a like nature received from any other source.

(b) No common carrier shall hold, carry over, store, or warehouse any shipment at any one station, except the final destination of the shipment, for longer than 24 hours, or at two or more such stations for an aggregate period of more than 48 hours, except where there is no other common carrier by rail, motor, water, or otherwise, capable of transporting the shipment consistent with the provisions of this order.

(c) Whenever a shipment is interchanged or diverted pursuant to the provisions of this § 501.219 the shipment shall be accepted and received by the carrier with which interchange is made, or to which diverted, at the connecting or diverting carrier's station or at the consignor's door, as the case may be, and such carrier shall load, transport, forward, or deliver, as the case may be, such shipment on the bill of lading and billing and at the rates, rules and regulations of the carrier issuing the bill of lading, which rates, rules and regulations shall be those which would have applied if the shipment had not been interchanged or diverted pursuant to the provisions of this § 501.219: *Provided*, That if the Insular Government of Puerto Rico, or any agency thereof, in respect of transportation in Puerto Rico, has prescribed or shall prescribe regulations governing the method of determining the rates, rules and regulations to apply on shipments interchanged or diverted pursuant to the provisions of this order, such regulations shall apply.

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[1] 7 F.R. 5445, 6689, 7694.

(d) Whenever the bill of lading carrier has in effect a one-factor local rate and is also a party to a one-factor joint rate for the transportation of a shipment from its origin to its destination, the carrier to whom such shipment is diverted, if a party to such one-factor joint rate, shall be compensated by the bill of lading carrier upon the basis of the one-factor joint rate from point of origin to destination.

§ 501.220 *Records and reports.* Every common carrier shall prepare and maintain such records, and make such reports, as the Office of Defense Transportation may hereafter require for the purpose of this order, and keep such records available for inspection at all reasonable times by authorized representatives of the Office of Defense Transportation.

§ 501.221 *Carrier liability.* Common carrier responsibility to the owner of any property being transported, and among the carriers participating in such transportation, shall be as provided by law for initial, terminating, intermediate, or delivering carriers.

§ 501.222 *Division of revenues.* Every common carrier by rail, motor, water, or otherwise, shall establish just, reasonable and equitable divisions of revenues derived from transportation performed pursuant to this order. Unless the division of revenues from any interchanges or division of shipments made pursuant to the provisions of this order shall have been agreed upon by the interested carriers, or shall have been prescribed by the proper Insular authority, such revenues shall be divided as the Office of Defense Transportation shall order.

§ 501.223 *Communications.* Communications concerning this order should refer to "General Order ODT 30" and should be addressed to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico.

§ 501.224 *Effective date.* This General Order ODT 30 shall become effective January 15, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 26th day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

APPENDIX 1

Under the terms of § 501.210 (f) of this order, the rated load carrying ability of the tires mounted on the running wheels of a motor truck shall be determined by multiplying the number of tires mounted on the running wheels of such motor truck, of the size and description actually used, by the number of pounds appearing opposite the description of such tires in this Appendix.

Example: A motor truck uses 10 running tires, size 9.00–20, ten ply. The rated load carrying ability of each such tire, in pounds per tire, as shown in this Appendix is 3450. Multiply 10 (number of tires) by 3450 (rated load carrying ability of each tire). The result is 34,500 pounds, which is the "rated load carrying ability" of the motor truck as defined in § 501.210 (f).

TRUCK TYPE TIRES USED IN MOTOR TRUCK OPERATIONS

Description of tires		Rated load carrying ability in pounds per tire
Size	Number of plies	
5.00-16	4	730
5.00-16	6	835
5.50-16	4	840
5.50-16	6	955
6.00-16	4	990
6.00-16	6	1,130
6.00-17	6	1,250
6.00-20	6	1,400
6.00-20/30 x 5	8	1,700
6.00-24/34 x 5	8	1,950
6.25-16	4	1,065
6.25-16	6	1,210
6.50-16	4	1,135
6.50-16	6	1,290
6.50-17	6	1,500
6.50-18	6	1,575
6.50-20	6	1,700
6.50-20/32 x 6	8	1,950
Light truck 15"	6	1,500
Light truck 15"	8	1,700
7.00-15	6	1,415
7.00-15	8	1,575
7.00-16	6	1,485
7.00-16	8	1,650
7.00-17	6	1,550
7.00-17	8	1,725
7.00-18	8	1,800
7.00-20	8	1,950
7.00-20/32 x 6	10	2,250
7.00-24/36 x 6	10	2,575
7.50-15	6	1,595
7.50-15	8	1,825
7.50-15	10	2,225
7.50-16	6	1,660
7.50-16	8	1,850
7.50-17	8	2,000
7.50-18	8	2,100
7.50-18/32 x 7	10	2,500
7.50-20	8	2,250
7.50-20/34 x 7	10	2,700
7.50-24	8	2,550
7.50-24/38 x 7	10	3,100
8.25-15	10	2,275
8.25-15	12	2,600
8.25-16	6	1,770
8.25-16	8	2,000
8.25-18	10	2,550
8.25-18	12	2,925
8.25-20	10	2,750
8.25-20	12	3,150
8.25-22	10	2,950
8.25-24	10	3,125
8.25-24	12	3,600
9.00-15	10	2,875
9.00-15	12	3,200
9.00-18	10	3,225
9.00-18	12	3,600
9.00-20	10	3,450
9.00-20/36 x 8	12	3,850
9.00-22	10	3,675
9.00-24	10	3,925
9.00-24/40 x 8	12	4,375
10.00-15 (9.75-15)	12	3,375
10.00-18 (9.75-18)	12	3,775
10.00-20 (9.75-20)	12	4,000
10.00-20/38 x 9	14	4,350
10.00-22 (9.75-22)	12	4,275
10.00-24 (9.75-24)	12	4,550
10.00-24/42 x 9	14	4,925
11.00-18 (10.50-18)	12	4,200
11.00-20 (10.50-20)	12	4,500
11.00-20 (10.50-20)	14	4,850
11.00-22 (10.50-22)	12	4,750
11.00-24 (10.50-24)	12	5,000
11.00-24 (10.50-24)	14	5,400
12.00-18 (11.25-18)	14	5,125
12.00-20 (11.25-20)	14	5,475
12.00-20/40 x 10	16	5,875
12.00-22	14	5,800
12.00-24 (11.25-24)	14	6,150
12.00-24/44 x 10	16	6,600
13.00-20 (12.75-20)	16	6,750

TRUCK TYPE TIRES USED IN MOTOR TRUCK OPERATIONS—Continued

Description of tires		Rated load carrying ability in pounds per tire
Size	Number of plies	
13.00-24 (12.75-24)	16	7,575
14.00-20 (13.50-20)	16	8,200
14.00-20 (13.50-20)	18	8,700
14.00-24 (13.50-20)	16	9,150
14.00-24 (13.50-24)	18	9,700
#10	6	1,100
#11	6	1,100
#12	6	1,200
#13	6	1,300
#14	6	1,400
#15	6	1,500
#16	6	1,600
#17	8	1,700
#18	8	1,800
#19	8	1,900
#20	10	2,000
#22	10	2,200
#28	10	2,800
#34	10	3,400
#40	12	4,000
#42	12	4,200
#44	12	4,400
#48	12	4,800
#50	12	5,000
#52	12	5,200

PASSENGER TYPE TIRES USED IN MOTOR TRUCK OPERATIONS

440/450-21	4	800
440/450-21	6	900
475/500-19	4	895
475/500-19	6	1,005
475/500-20	4	925
475/500-20	6	1,035
500-16	4	710
550-16	4	810
550-16	6	900
525/550-17	4	955
525/550-17	6	1,075
525/550-18	4	1,000
525/550-18	6	1,125
525/550-19	4	1,040
525/550-19	6	1,170
600-16	4	915
600-16	6	1,065
600-17	4	1,025
600-17	6	1,155
600-18	4	1,070
600-18	6	1,205
600-19	4	1,115
600-19	6	1,255
600-20	4	1,190
600-20	6	1,350
625-16	4	985
625-16	6	1,140
625/650-16	4	1,050
625/650-16	6	1,215
650-16	4	1,050
650-16	6	1,215
650-17	4	1,175
650-17	6	1,320
650-18	4	1,225
650-18	6	1,375
650-19	4	1,270
650-19	6	1,430
650-20	4	1,320
650-20	6	1,500
700-15	4	1,095
700-15	6	1,330
700-16	4	1,145
700-16	6	1,395
700-17	4	1,300
700-17	6	1,465
700-18	4	1,355
700-18	6	1,525
700-19	4	1,405
700-19	6	1,585
700-20	4	1,500
700-20	6	1,700
750-15	4	1,180
750-15	6	1,500
750-16	4	1,235
750-16	6	1,560
750-17	4	1,460
750-17	6	1,645
750-18	4	1,520
750-18	6	1,710
750-19	4	1,580
750-19	6	1,775
750-20	4	1,700
750-20	6	1,900
825-15	4	1,260
825-15	6	1,625
825-16	4	1,320
825-16	6	1,700
900-15	6	1,800
900-16	6	1,875

[F. R. Doc. 42-13957; Filed, December 26, 1942; 10:55 a. m.]

[General Order ODT 31]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART U—MOTOR CARRIERS OF PROPERTY IN PUERTO RICO

Pursuant to Executive Orders Nos. 8989, 9156 and 9214, and in order to conserve and providently utilize vital transportation equipment, material and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

Sec.
501.235 Definitions.
501.236 Applicability.
501.237 General Order ODT 17 superseded in Puerto Rico.
501.238 Elimination of waste.
501.239 Special deliveries, call backs, number of deliveries.
501.240 Loading and operating requirements.
501.241 Exemptions.
501.242 Special or general permits.
501.243 Suspension of provisions.
501.244 Submission of plans for joint action.
501.245 Records and reports.
501.246 Communications.
501.247 Effective date.

AUTHORITY: §§ 501.235 to 501.247, inclusive, issued under E.O. 8989, 9156 and 9214; 6 F.R. 6725, 7 F.R. 3349, 6097.

§ 501.235 *Definitions.* As used in this order, (§§ 501.235 to 501.247, inclusive), or in any order, permit or regulation issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, and includes any agency of the United States or of any other government, the Insular Government of Puerto Rico, or any political subdivision or agency thereof, or any trustee, receiver, assignee or personal representative;

(b) "Property" means anything, except passengers, capable of being transported by motor truck;

(c) "Motor carrier" or "carrier" means any person, other than a person that holds itself out to the general public to engage in the transportation of property for compensation, that engages in the transportation of property by motor truck in over-the-road service, and includes contract carriers by motor truck and private carriers by motor truck;

(d) "Motor truck" or "truck" means either (1) a straight truck, (2) a combination truck-tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof, (5) or any other rubber-tired vehicle propelled or drawn by mechanical power or animals when used in the transportation of property, other than a vehicle engaged primarily in the transportation of passengers;

(e) "Operating unit" means that portion of the motor truck operations conducted by any motor carrier from any given terminal, base of operation, or urban zone, and the total operating units of any motor carrier shall include all operations conducted by such motor carrier;

(f) "Gross weight" means the aggregate weight of a motor truck and its lading;

(g) "Rated load carrying ability" as applied to a truck means the weight which the tires mounted on the load bearing wheels of such truck are capable of carrying as determined in the manner set forth in Appendix 1 of this order;

(h) "Capacity load" or "loaded to capacity" as applied to a truck means either (1) the quantity of property, by weight, which may be carried in said truck, as determined by deducting the weight of said truck from its rated load carrying ability, or (2) the maximum quantity of property, by volume, which may be stowed by efficient methods and safely transported in the load bearing space of the truck, whichever quantity is the lesser in weight;

(i) "Delivery" means the operation of a motor truck by a motor carrier from any one point to any other point for the purpose of enabling such motor carrier to relinquish possession of property after transportation, or to take possession of property for transportation, or both, and includes an offer or attempt so to relinquish or take possession of such property;

(j) "Special delivery" means a delivery other than one made in the course of a normal delivery service;

(k) "Call back" means any call made by a motor truck of a motor carrier at any given premises, other than for the purpose of making a delivery or for the purpose of repairing, servicing or maintaining such a truck;

(l) "Over-the-road service" means all operations of a motor truck except operations (1) wholly within any urban zone and an area extending 24 air kilometers from the boundaries thereof, or (2) wholly within and between contiguous urban zones; or (3) not more than 24 kilometers in length;

(m) "Special equipment" means any low-bed motor truck, or any motor truck the primary carrying capacity of which is occupied by mounted machinery.

§ 501.236 *Applicability.* The provisions of this order shall be applicable only within the Island of Puerto Rico.

§ 501.237 *General Order ODT 17 superseded in Puerto Rico.* The provisions of this order, on the effective date hereof, shall supersede the provisions of General Order ODT 17, as amended,[1] in the Island of Puerto Rico.

§ 501.238 *Elimination of waste.* Every motor carrier shall:

(a) Eliminate wasteful operation and duplication of parallel services, and curtail schedules and services to the extent necessary to carry out the purposes of this order;

(b) Conserve and properly maintain tires, motor trucks, and other transportation facilities necessary in conducting the business of such carrier;

(c) Lease or rent its motor trucks whenever practicable and to the extent necessary to carry out the purposes of this order.

§ 501.239 *Special deliveries, call backs, number of deliveries.* Except as provided in § 501.241 of this order, no person shall cause to be made by motor truck, and no motor carrier when operating a motor truck shall make:

(a) Any special delivery except to hospitals;

(b) Any call backs;

(c) More than one delivery from any one point of origin to any one point of destination during any calendar day except:

(1) When the property to be delivered exceeds the capacity load of the motor truck engaged in the delivery thereof, in which event each delivery, except the final delivery, shall be a capacity load delivery; or

(2) One additional delivery when the property to be delivered requires the use of a motor truck, other than the type used in making the first delivery, specially adapted for and used exclusively in the transportation of such property; or

(3) One additional delivery when made for the purpose of picking up empty containers, if such additional delivery is made without increasing the mileage of any motor truck; or

(4) One additional delivery on the day next preceding a national holiday when such holiday falls on a Saturday, or on the Saturday next preceding a national holiday when such holiday falls on a Monday, provided such motor carrier does not make any delivery on such holiday.

§ 501.240 *Loading and operating requirements.* (a) No motor carrier shall operate any motor truck unless it is loaded to capacity, except as follows:

(1) A motor truck, while outbound from the origin point of a trip to the point most distant therefrom to which the truck is operated on such trip, and also while inbound, may be operated on a portion of the route or routes travelled while empty or partially laden, if, during the course of the outbound or inbound movement, the truck is laden with a capacity load while operated over a considerable portion or segment of the route or routes travelled in over-the-road service, and if the carrier uses due diligence in maintaining a capacity load upon the truck at all times while en route.

(2) Each motor carrier and its representatives, including the representative in immediate control and possession of the truck, shall endeavor in good faith, prior to the departure of the truck from any point when empty, to lease or rent such truck, consistent with any prior commitments involved in its use en route, to another person for the transportation of property. In endeavoring to lease or rent such truck, each such carrier and its representative or representatives shall inquire at and register with the local office of the Office of Defense Transportation located at or near such point, and if there be no such office at or near such point, shall make appropriate inquiries of other carriers at their offices or terminals, or both, located at such point.

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[1] 7 F.R. 5678, 5839, 7694, 9623.

(3) Nothing in this order contained shall be construed to require the loading of a motor truck to such an extent that the ~~gross~~ weight of the truck will exceed the actual safe capacity of any bridge or other structure en route, as determined by Insular authorities, or will exceed the maximum gross weight limitations prescribed by the applicable Insular law, proclamation, or regulation, Federal statute, or Executive Order, whichever is currently controlling, but such truck shall be loaded as nearly to the extent required by this order as may be consistent with such applicable limitations.

(4) A motor truck which has been so disabled en route that a capacity load cannot be transported or carried thereon may be operated in over-the-road service empty or partially laden to the nearest point where the carrier operating said truck maintains, provides, or can obtain repair services.

(b) No motor carrier shall operate in over-the-road service any motor truck, the gross weight of which exceeds its rated load-carrying ability.

(c) The provisions of this order shall not be so construed or applied as to require any motor carrier to perform any transportation service, the performance of which by it is not authorized or sanctioned by law or to render any such service beyond its transportation capacity.

§ 501.241 *Exemptions.* (a) The provisions of paragraphs (a) and (c) of § 501.239, and paragraph (a) of § 501.240 of this order shall not apply to or include the following:

(1) Any motor truck while actually transporting exclusively any explosives, materials and accessories, such as ammunition, black powder, low explosives, liquid nitroglycerine, fireworks, smokeless powder, cordeau detonant, fuzes, igniters, primers or other like explosives, materials and accessories, or blasting agents and blasting accessories necessary for the use of any of said explosives;

(2) Any motor truck when engaged exclusively in the transportation of repair or service men and their supplies or equipment;

(3) Any motor truck operated exclusively for the purpose of collecting and disposing of sewage or garbage or rendering other sanitation services, pursuant to Government order, regulation, or contract;

(4) Any motor truck operated exclusively in connection with the construction and maintenance of essential telegraph, telephone, organized radio communications, electric light and power, gas and water supply utilities, and pipe lines, railroads, street railways, and public highways;

(5) Any motor truck while operated under the direction of the armed forces of the United States, or the armed forces of Puerto Rico organized pursuant to section 61 of the National Defense Act, as amended;

(6) Any motor truck operated in emergencies exclusively for the purpose of making deliveries of medicines or other supplies or equipment necessary for the protection or preservation of life, health, or for public safety;

(7) Any motor truck operated exclusively for the purpose of making deliveries of telegraph, radio, and cable communications or the United States mail;

(8) Any special equipment.

(b) The provisions of §§ 501.238 and 501.239 and of paragraph (a) of § 501.240 of this order shall not apply to or include the following:

(1) Any motor truck, the primary carrying capacity of which is occupied by a mounted tank or tanks:

(2) Any motor truck controlled and operated by any person or persons principally engaged in farming, when used in the transportation of agricultural commodities and products thereof, from a farm or farms, or in the transportation of farm supplies to a farm or farms;

(3) Any motor truck engaged in the transportation of property wholly within the boundaries of any industrial or manufacturing plant, or between units of such plant separated only by a public highway, when such transportation is an integral part of the business of such industrial or manufacturing plant.

(c) The provisions of this order shall not apply to or include any motor truck controlled or operated by the armed forces of the United States, or the armed forces of Puerto Rico organized pursuant to section 61 of the National Defense Act, as amended.

§ 501.242 *Special or general permits.* The provisions of this order shall be subject to any special or general permit issued by the Office of Defense Transportation to meet specific needs or exceptional circumstances, or to prevent undue hardships.

§ 501.243 *Suspension of provisions.* The provisions of this order or any part thereof may be suspended, from time to time, by order of the Office of Defense Transportation.

§ 501.244 *Submission of plans for joint action.* (a) Whenever joint action between two or more motor carriers, other than private carriers by motor truck, is contemplated in order to accomplish any of the purposes of this order, such carriers may formulate and submit to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico, for consideration a plan or plans designed to accomplish such purposes. No action shall be taken in furtherance of such plan or plans except in compliance with a specific order or orders issued by the Office of Defense Transportation.

(b) All joint and collective action taken by private carriers by motor truck to accomplish any of the purposes of this order shall be in conformity with the terms and provisions of the joint statement issued by the Office of Defense Transportation and the Department of Justice, dated March 12, 1942, a copy of which statement is set forth in Appendix 2 of this order. In accordance with such statement, proposed plans for pooled or cooperative deliveries, for curtailing services, or for entering into other arrangements involving joint action may, if desired, be submitted to the Office of Defense Transportation (through its Regional Director at San Juan, Puerto Rico) for consideration and approval, but action taken in furtherance of such plans shall not require the prior approval of the Office of Defense Transportation by order or otherwise. In order, however, that the Office of Defense Transportation may be informed concerning plans which have been or hereafter are placed in operation, a copy of each such plan shall be filed with the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico.

§ 501.245 *Records and reports.* Every motor carrier shall prepare and maintain records showing for each calendar month the mileage of each motor truck operated by such carrier, and shall prepare and maintain such logs and other records, and make such reports, as the Office of Defense Transportation may hereafter require for the purpose of this order. All such records shall be kept available and open for inspection at all reasonable times by authorized representatives of the Office of Defense Transportation.

§ 501.246 *Communications.* Communications concerning this order should refer to "General Order ODT 31" and should be addressed to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico.

§ 501.247 *Effective date.* This General Order ODT 31 shall become effective January 15, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 26th day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

APPENDIX 1

Under the terms of § 501.235 (h) of this order, the rated load carrying ability of the tires mounted on the running wheels of a motor truck shall be determined by multiplying the number of tires mounted on the running wheels of such motor truck, of the size and description actually used, by the number of pounds appearing opposite the description of such tires in this Appendix.

Example: A motor truck uses 10 running tires, size 9.00–20, ten ply. The rated load carrying ability of each such tire, in pounds per tire, as shown in this Appendix is 3450. Multiply 10 (number of tires) by 3450 (rated load carrying ability of each tire). The result is 34,500 pounds, which is the "rated load carrying ability" of the motor truck as defined in § 501.235 (h).

TRUCK TYPE TIRES USED IN MOTOR TRUCK OPERATIONS

Description of tires		Rated load carrying ability in pounds per tire
Size	Number of plies	
5.00–16	4	730
5.00–16	6	835
5.50–16	4	840
5.50–16	6	955
6.00–16	4	990
6.00–16	6	1,130
6.00–17	6	1,250
6.00–20	6	1,400
6.00–20/30 x 5	8	1,700
6.00–24/34 x 5	8	1,950
6.25–16	4	1,065
6.25–16	6	1,210
6.50–16	4	1,135
6.50–16	6	1,290
6.50–17	6	1,500
6.50–18	6	1,575
6.50–20	6	1,700
6.50–20/32 x 6	8	1,950
Light truck 15″	6	1,500
Light truck 15″	8	1,700
7.00–15	6	1,415
7.00–15	8	1,575
7.00–16	6	1,485
7.00–16	8	1,650
7.00–17	6	1,550
7.00–17	8	1,725
7.00–18	8	1,800
7.00–20	8	1,950
7.00–20/32 x 6	10	2,250
7.00–24/36 x 6	10	2,575
7.50–15	6	1,595
7.50–15	8	1,825
7.50–15	10	2,225
7.50–16	6	1,660
7.60–16	8	1,850
7.50–17	8	2.000
7.50–18	8	2,100
7.50–18/32 x 7	10	2,500
7.50–20	8	2,250
7.50–20/34 x 7	10	2,700
7.50–24	8	2,550
7.50–24/38 x 7	10	3,100
8.25–15	10	2,275
8.25–15	12	2,600
8.25–16	6	1,770
8.25–16	8	2,000
8.25–18	10	2,550
8.25–18	12	2,925
8.25–20	10	2,750
8.25–20	12	3,150
8.25–22	10	2,950
8.25–24	10	3,125
8.25–24	12	3,600
9.00–15	10	2,875
9.00–15	12	3,200
9.00–18	10	3,225
9.00–18	12	3,600
9.00–20	10	3,450
9.00–20/36 x 8	12	3,850
9.00–22	10	3,675
9.00–24	10	3,925
9.00–24/40 x 8	12	4,375
10.00–15 (9.75–15)	12	3,375
10.00–18 (9.75–18)	12	3,775
10.00–20 (9.75–20)	12	4,000
10.00–20/38 x 9	14	4,350
10.00–22 (9.75–22)	12	4,275
10.00–24 (9.75–24)	12	4,550
10.00–24/42 x 9	14	4,925
11.00–18 (10.50–18)	12	4,200
11.00–20 (10.50–20)	12	4,500
11.00–20 (10.50–20)	14	4,850
11.00–22 (10.50–22)	12	4,750
11.00–24 (10.50–24)	12	5,000
11.00–24 (10.50–24)	14	5,400
12.00–18 (11.25–18)	14	5,125
12.00–20 (11.25–20)	14	5,475
12.00–20/40 x 10	16	5,875
12.00–22	14	5,800
12.00–24 (11.25–24)	14	6,150
12.00–24/44 x 10	16	6,600
13.00–20 (12.75–20)	16	6,750
13.00–24 (12.75–24)	16	7,575
14.00–20 (13.50–20)	16	8,200
14.00–20 (13.50–20)	18	8,700
14.00–24 (13.50–20)	16	9,150
14.00–24 (13.50–24)	18	9,700
#10	6	1,100
#11	6	1,100
#12	6	1,200
#13	6	1,300
#14	6	1,400
#15	6	1,500
#16	6	1,600
#17	8	1,700
#18	8	1,800
#19	8	1,900
#20	10	2,000
#22	10	2,200
#28	10	2,800
#34	10	3,400
#40	12	4,000
#42	12	4,200
#44	12	4,400
#48	12	4,800
#50	12	5,000
#52	12	5,200

PASSENGER TYPE TIRES USED IN MOTOR TRUCK OPERATIONS

Description of tires		Rated load carrying ability in pounds per tire
Size	Number of plies	
440/450–21	4	800
440/450–21	6	900
475/500–19	4	895
475/500–19	6	1,005
475/500–20	4	925
475/500–20	6	1,035
500–16	4	710
550–16	4	810
550–16	6	900
525/550–17	4	955
525/550–17	6	1,075
525/550–18	4	1,000
525/550–18	6	1,125
525/550–19	4	1,040
525/550–19	6	1,170
600–16	4	915
600–16	6	1,065
600–17	4	1,025
600–17	6	1,155
600–18	4	1,070
600–18	6	1,205
600–19	4	1,115
600–19	6	1,255
600–20	4	1,190
600–20	6	1,350
625–16	4	985
625–16	6	1,140
625/650–16	4	1,050
625/650–16	6	1,215
650–16	4	1,050
650–16	6	1,215
650–17	4	1,175
650–17	6	1,320
650–18	4	1,225
650–18	6	1,375
650–19	4	1,270
650–19	6	1,430
650–20	4	1,320
650–20	6	1,500
700–15	4	1,095
700–15	6	1,330
700–16	4	1,145
700–16	6	1,395
700–17	4	1,300
700–17	6	1,465
700–18	4	1,355
700–18	6	1,525
700–19	4	1,405
700–19	6	1,585
700–20	4	1,500
700–20	6	1,700
750–15	4	1,180
750–15	6	1,500
750–16	4	1,235
750–16	6	1,560
750–17	4	1,460
750–17	6	1,645
750–18	4	1,520
750–18	6	1,710
750–19	4	1,580
750–19	6	1,775
750–20	4	1,700
750–20	6	1,900
825–15	4	1,260
825–15	6	1,625
825–16	4	1,320
825–16	6	1,700
900–15	6	1,800
900–16	6	1,875

APPENDIX 2

JOINT STATEMENT BY OFFICE OF DEFENSE TRANSPORTATION AND DEPARTMENT OF JUSTICE RELATIVE TO LOCAL DELIVERY SERVICE BY MOTOR VEHICLE

The Office of Defense Transportation and the Department of Justice are currently receiving many requests from business enterprises concerning ways of conserving rubber and other vital materials in making local deliveries. Inquiries addressed to the Office of Defense Transportation ask for help and advice. The Department of Justice is receiving inquiries as to the bearing of the anti-trust laws upon voluntary collective action to conserve these materials, and likewise complaints from consumers and competitors who believe that some program proposed or already in use violates these laws.

The Office of Defense Transportation and the Department of Justice are united in a desire to expedite such conservation programs and to assure their development along lines which will avoid abuse.

The Office of Defense Transportation will give advice and assistance in the development of such programs. The Department of Justice will facilitate this development by reviewing such programs in advance when they are submitted to it by the Office of Defense Transportation and by indicating in advance its approval of programs which appear to be lawful under the anti-trust laws. It will likewise be available to prosecute any cases in which such programs are abused or perverted contrary to their original intent.

The two agencies will act in close cooperation in order that the readjustment of delivery systems may be as rapid and as free from abuse as possible.

PROCEDURE FOR SUBMISSION OF PROPOSED PLANS TO THE OFFICE OF DEFENSE TRANSPORTATION

It is of paramount importance that rubber, motor vehicle equipment, and other vital materials used in the rendition of local delivery service be conserved to the greatest extent possible at the earliest possible date. Therefore, the Office of Defense Transportation recommends that the procedure outlined below be followed in establishing plans or programs which have as their sole purpose the conservation of such materials;

1. In the development of such programs the fullest possible consultation should be had with all interested or affected parties including consumer groups (insofar as they are organized).

2. In the event a joint voluntary plan of action has been adopted by any group (which plan of action in all instances should be reduced to writing and signed by all persons party thereto) and such persons desire that such plan shall be cleared by the Office of Defense Transportation and the Department of Justice, prior to the effectiveness thereof, such clearance may be procured in the following manner:

a. The plan so adopted should be immediately forwarded to Mr. John L. Rogers, Director, Division of Motor Transport, Office of Defense Transportation, Room 4211, Interstate Commerce Commission Building, Washington, D. C.

b. The plan so submitted will be reviewed by the Director and any questions which it raises under the anti-trust laws will be discussed with the Department of Justice. If the Director approves the plan and the Department of Justice sees no legal obstacle to carrying it out, it will be cleared and the persons party thereto so advised. If the plan contains provisions which the Director does not approve or which appear to violate the anti-trust laws, such persons will be advised in order that the plan may be improved and reconsidered.

3. In the event that any group desires to establish a plan for the conservation of rubber, motor vehicle equipment, or other vital materials in connection with local delivery service but are unable to agree upon the terms and provisions of such a plan, they may, if they so desire, submit such matter to the Office of Defense Transportation for such consideration and action as it shall determine to be necessary or advisable in the premises.

The Office of Defense Transportation is presently engaged in establishing regional field offices in certain of the principal cities throughout the country. As soon as such offices have been established any such conservation plan may be submitted to the Office of Defense Transportation either through such field offices or directly to the Office of the Director of its Motor Transport Division in Washington. Until such time as such field offices have been established all such plans should be submitted directly to the Director of the Division of Motor Transport.

The Office of Defense Transportation is hopeful that all parties interested in local delivery service by motor vehicle will recognize the seriousness of the existing situation as it affects such local delivery service and that they will take prompt and effective steps in consonance of the foregoing statement in order to alleviate such situation.

APPLICABILITY OF THE ANTI-TRUST LAWS

Views of the Department of Justice

To aid business enterprises in working out ways to meet the shortage of facilities for the operation of local delivery systems, the Office of Defense Transportation has established a procedure for clearance of plans for the conservation of materials necessary in local delivery services.

Any action taken in accordance with a plan approved by the Office of Defense Transportation cannot be prosecuted under the anti-trust laws. It is not a conspiracy so long as it follows a plan approved or requested by the appropriate Government agency. The emergency requires that the decision of the Office of Defense Transportation that this procedure is in the interest of efficient transportation during the period of national emergency be taken as final.

Inasmuch as action to combine the operation of local delivery services must be taken quickly and often before consultation with the Office of Defense Transportation, the following statement as to the application of the anti-trust laws in such situations may be taken as a guide prior to official request or approval.

Even without specific approval, programs established during the emergency for the sole purpose of conserving rubber and other scarce materials used in local delivery services are obviously not violations of the anti-trust laws. Such violations would arise only if such programs included unreasonable restraints of trade not logically related to conservation, such as price fixing, elimination of independent businessmen, or perpetuation of inefficient systems of distribution. Certain safeguards which will make it easier to avoid unreasonable restraints of trade are set forth below in statements concerning the two most common methods used to conserve tires.

(1) *Pooling of delivery service.* This method involves joint use of the same truck to deliver goods sold by competitors each of whom formerly made separate arrangements for delivery. It eliminates duplicate mileage of delivery trucks down the same street in residential areas.

The mere establishment of a jointly used facility by a group of rival businessmen does not necessarily violate the anti-trust laws. Jointly maintained inspection departments, statistical bureaus, and similar agencies have long been operated in many industries; and in some cities large department stores have maintained a joint system of package delivery for many years. The Department of Justice sees no reason to regard joint systems of delivery during the emergency as violations of the anti-trust laws if they are established for the sole purpose of conserving rubber and are so organized that they do not in fact accomplish additional purposes of restraining trade, however:

(a) Competitors should not be excluded from the market or handicapped in their access to it by discrimination in the use of joint systems of delivery. Under ordinary circumstances, any competitor is free to set up his own delivery system or to hire the service of a commercial trucking company. The present emergency has destroyed or severely limited these alternatives. Therefore, in any situation in which the market is so small or the competitors so few that the maintenance of two or more joint delivery systems is not practicable, exclusion of any competitor from the right to use a joint system probably would amount to his exclusion from the market, and discrimination against him in service rendered or charge imposed probably would amount to joint activity to handicap him in the market. Such exclusions or handicaps probably would be in violation of the anti-trust laws.

(b) Joint delivery should not be made the excuse for joint selling activities. The merger of delivery service does not require the merger of the facilities which produce or sell the goods, the setting up of joint sales agents, nor the adoption of a single brand name to replace the separate brands formerly sold by business rivals. To extend a program of joint action in these directions is to raise issues under the anti-trust laws which are irrelevant to the central need to conserve rubber. Trades which have been accustomed to use the deliveryman as salesman and collection agent may be under especial temptation to delegate to the drivers of jointly operated trucks the functions of jointly representing concerns in selling as well as delivery. However, other arrangements for sales promotion can be worked out which involve less risk of conspiracy to raise prices; and if such joint selling schemes are adopted and unreasonable restraints upon commerce ensue, the restraints cannot be regarded as a reasonable result of the rubber shortage.

(2) *Diminishing the frequency of delivery service.* Such a program is often practicable only when jointly undertaken, because any competitor who made deliveries more frequently than his competitors would enjoy a substantial advantage which would enable him to divert trade to himself. Where such a restriction of delivery service contains no other feature than a plan to conserve rubber during the emergency by reducing tire mileage, the Department of Justice does not regard it as an unreasonable restraint of trade within the meaning of the anti-trust laws. Care should be taken, however, to avoid making this program a basis for the accomplishment of restraints not logically involved in it.

(a) Specifically, no immunity under the anti-trust laws would be afforded a group which adopted a schedule for delivery deliberately selected to handicap certain competitors by avoiding the times or dates at which these competitors would find it easiest to make deliveries.

(b) Neither would immunity be afforded a group which adopted a delivery schedule deliberately intended to handicap one group of consumers for the benefit of another. The Department would be concerned about the possibilities of abuse in plans which involved discrimination as to delivery service among groups of customers upon the basis of their wealth, past volume of purchases, or similar considerations irrelevant to the question of conserving rubber.

In the development of such programs, the fullest possible consultation with all interested competitors and with consumer groups, insofar as they are organized, in a sincere effort to take account of their needs is a persuasive indication of good faith.

(3) In any program for the conservation of tires, or other scarce materials, whatever the means which may be used, those involved should avoid an effort to use the power they attain by joint action as a basis for an organized attack upon persons who do not participate in the program. The Department would be concerned about the possibilities of abuse in plans which involved any of the following administrative characteristics:

(a) Collective attack upon other groups of retailers who, in good faith, are using different devices to conserve rubber and other scarce materials. It is clear that the reduction in delivery mileage may be achieved by various means, and that the effect to achieve it by joint action should not become an excuse for private groups to coerce their competitors into using only a single method of accomplishing this result or to deny consumers the right to favor whatever method may prove to be most convenient.

(b) Procedures to secure compliance with the conservation program which result in the coercion of a business man by his competitors or in the imposition of penalties upon him by his competitors.

[F.R. Doc. 42-13958; Filed, December 26, 1942; 10:56 a. m.]

[General Order ODT 32]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART V—LOCAL DELIVERY CARRIERS IN PUERTO RICO

Pursuant to Executive Orders Nos. 8989, 9156 and 9214, and in order to conserve and providently utilize vital transportation equipment, material and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

Sec.
501.258 Definitions.
501.259 Applicability.
501.260 General Order ODT 6 superseded in Puerto Rico.
501.261 Special deliveries, call backs, number of deliveries.
501.262 Special or general permits.
501.263 Suspension of provisions.
501.264 Loading and operating requirements.
501.265 Proposed plans for joint action.
501.266 Records and reports.
501.267 Exemptions.
501.268 Communications.
501.269 Effective date.

AUTHORITY: §§ 501.258 to 501.269, inclusive, issued under E.O. 8989, 9156 and 9214; 6 F.R. 6725, 7 F.R. 3349, 6097.

§ 501.258 *Definitions.* As used in this order (§§ 501.258 to 501.269, inclusive), or in any order, permit or regulation issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, and includes any agency of the United States or of any other government, the Insular Government of Puerto Rico or any political subdivision or agency thereof, or any trustee, receiver, assignee or personal representative;

(b) "Vehicle" means any rubber-tired vehicle propelled or drawn by mechanical power or by animals;

(c) "Local carrier" includes every person engaged in the transportation of property by vehicle for compensation, or in the furtherance of or incidental to any commercial enterprise, (1) wholly within any urban zone and an area extending 24 air kilometers from the boundaries thereof; or (2) wholly within and between contiguous urban zones, or (3) in making hauls not exceeding 24 kilometers in length;

(d) "Special delivery" means a delivery by vehicle made at the special instance or request of a particular person other than as a part of a regular scheduled delivery service;

(e) "Call backs" mean every call by a vehicle of a local carrier at the premises of any one person subsequent to the first call on any given day, and includes calls made for the sole purpose of picking up property for return to the consignor, or for making collections;

(f) "Gross weight" means the aggregate weight of a vehicle and its lading;

(g) "Rated load carrying ability" as applied to a vehicle means the weight which the tires mounted on the load-bearing wheels of such vehicle are capable of carrying as determined in the manner set forth in Appendix 1 of this order.

§ 501.259 *Applicability.* The provisions of this order shall be applicable only within the Island of Puerto Rico.

§ 501.260 *General Order ODT 6 superseded in Puerto Rico.* The provisions of this order, on the effective date hereof, shall supersede the provisions of General Order ODT 6, as amended,[1] in the Island of Puerto Rico.

§ 501.261 *Special deliveries, call backs, number of deliveries.* No person shall cause to be made, and no local carrier shall make:

(a) Any special deliveries except to hospitals, the armed forces of the United States, or the armed forces of Puerto Rico organized pursuant to Section 61 of the National Defense Act, as amended, and except deliveries of medicines and other supplies necessary for the protection in emergencies of the public health, life, and safety;

(b) Any call backs;

(c) More than one delivery between any one point of origin and any one point of destination, in any one calendar day, except:

(1) Special deliveries authorized by paragraph (a) of this § 501.261: *Provided, however*, That when one day's shipment or shipments to any one person exceed the capacity of a single vehicle, deliveries of such shipment or shipments shall be considered as one delivery;

(2) One delivery (in addition to the delivery authorized by the provisions of paragraph (c) of this § 501.261) of any commodity, the transportation of which requires the use of special equipment, in a vehicle specially constructed and adapted for and used exclusively in the transportation and delivery of such commodity.

§ 501.262 *Special or general permits.* The provisions of this order shall be subject to any special or general permit issued by the Office of Defense Transportation to meet specific needs or exceptional circumstances, or to prevent undue hardships.

§ 501.263 *Suspension of provisions.* The provisions of this order or any part thereof may be suspended, from time to time, by order of the Office of Defense Transportation.

§ 501.264 *Loading and operating requirements.* No local carrier shall operate any vehicle the gross weight of which exceeds its rated load carrying ability.

§ 501.265 *Proposed plans for joint action.* All joint and collective action taken by local carriers in compliance with this order shall be in conformity with the terms and provisions of the joint statement issued by the Office of Defense Transportation and the Department of Justice dated March 12, 1942, a copy of which statement is set forth in Appendix 2 of this order. In accordance with such statement, proposed plans for pooled or cooperative deliveries, for curtailing services, or for entering into other arrangements involving joint action by local carriers may, if desired, be submitted to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico, for consideration and approval. In order, however, that the Office of Defense Transportation may be informed concerning plans which have been or are hereafter placed in operation without such prior submission for consideration and approval, a copy of each such plan shall be filed with said Regional Director.

§ 501.266 *Records and reports.* (a) Every local carrier subject to the provisions of § 501.261 of this order shall prepare and maintain records as to mileage performed and steps taken to comply with the requirements of that section.

(b) Every local carrier subject to this order shall prepare and maintain such records and make such reports as the Office of Defense Transportation may require.

(c) All records required by this § 501.266 shall be kept available for inspection by authorized representatives of the Office of Defense Transportation.

§ 501.267 *Exemptions.* (a) The provisions of this order shall not apply to vehicles controlled or operated by the armed forces of the United States, or the armed forces of Puerto Rico organized pursuant to section 61 of the National Defense Act, as amended.

(b) The provisions of § 501.261 of this order shall not apply:

(1) To vehicles operated exclusively in connection with the construction and maintenance of essential telegraph, telephone, organized radio communications, electric light and power, gas, water supply, sewage disposal, garbage disposal, and sanitation services;

(2) To a vehicle controlled and operated by any person or persons principally engaged in farming when used in the transportation of agricultural commodities and products thereof from a farm or farms, or in the transportation of farm supplies to a farm or farms;

(3) To that portion of the business of any local carrier rendered in performing pick-up and delivery service for line-haul motor, rail, express, air and water carriers, or for freight forwarders;

(4) To any motor truck while actually transporting exclusively any explosives, materials and accessories, such as ammunition, black powder, low explosives, liquid nitroglycerine, fireworks, smokeless powder, cordeau detonant, fuzes, igniters, primers or other like explosives, materials and accessories, or blasting agents and blasting accessories necessary for the use of any of said explosives;

(5) To vehicles operated exclusively for the purpose of providing pick-up and delivery of telegraphic, radio, and cable communications, and the United States mail.

§ 501.268 *Communications.* Communications concerning this order should refer to "General Order ODT 32" and should be addressed to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico.

§ 501.269 *Effective date.* This General Order ODT 32 shall become effective January 15, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 26th day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

APPENDIX 1

Under the terms of § 501.258 (g) of this order, the rated load carrying ability of the tires mounted on the running wheels of a vehicle shall be determined by multiplying the number of tires mounted on the running wheels of such vehicle, of the size and description actually used, by the number of pounds appearing opposite the description of such tires in this Appendix.

Example: A vehicle uses 10 running tires, size 9.00–20, ten ply. The rated load carrying ability of each such tire, in pounds per tire, as shown in this Appendix is 3450. Multiply 10 (number of tires) by 3450 (rated load carrying ability of each tire). The result is 34,500 pounds, which is the "rated load carrying ability" of the vehicle as defined in § 501.258 (g).

TRUCK TYPE TIRES USED IN LOCAL CARRIER OPERATIONS

Description of tires		Rated load carrying ability in pounds per tire
Size	Number of plies	
5.00–16	4	730
5.00–16	6	835
5.50–16	4	840
5.50–16	6	955
6.00–16	4	990
6.00–16	6	1,130
6.00–17	6	1,250
6.00–20	6	1,400
6.00–20/30 x 5	8	1,700
6.00–24/34 x 5	8	1,950
6.25–16	4	1,065
6.25–16	6	1,210
6.50–16	4	1,135
6.50–16	6	1,290
6.50–17	6	1,500
6.50–18	6	1,575
6.50–20	6	1,700
6.50–20/32 x 6	8	1,950
Light truck 15″	6	1,500
Light truck 15″	8	1,700
7.00–15	6	1,415
7.00–15	8	1,575
7.00–16	6	1,485

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[1] 7 F.R. 3008, 3532, 4184.

TRUCK TYPE TIRES USED IN LOCAL CARRIER OPERATIONS—Continued

Description of tires		Rated load carrying ability in pounds per tire
Size	Number of plies	
7.00-16	8	1,650
7.00-17	6	1,550
7.00-17	8	1,725
7.00-18	8	1,800
7.00-20	8	1,950
7.00-20/32 x 6	10	2,250
7.00-24/36 x 6	10	2,575
7.50-15	6	1,595
7.50-15	8	1,825
7.50-15	10	2,225
7.50-16	6	1,660
7.50-16	8	1,850
7.50-17	8	2,000
7.50-18	8	2,100
7.50-18/32 x 7	10	2,500
7.50-20	8	2,250
7.50-20/34 x 7	10	2,700
7.50-24	8	2,550
7.50-24/38 x 7	10	3,100
8.25-15	10	2,275
8.25-15	12	2,600
8.25-16	6	1,770
8.25-16	8	2,000
8.25-18	10	2,550
8.25-18	12	2,925
8.25-20	10	2,750
8.25-20	12	3,150
8.25-22	10	2,950
8.25-24	10	3,125
8.25-24	12	3,600
9.00-15	10	2,875
9.00-15	12	3,200
9.00-18	10	3,225
9.00-18	12	3,600
9.00-20	10	3,450
9.00-20/36 x 8	12	3,850
9.00-22	10	3,675
9.00-24	10	3,925
9.00-24/40 x 8	12	4,375
10.00-15 (9.75-15)	12	3,375
10.00-18 (9.75-18)	12	3,775
10.00-20 (9.75-20)	12	4,000
10.00-20/38 x 9	14	4,350
10.00-22 (9.75-22)	12	4,275
10.00-24 (9.75-24)	12	4,550
10.00-24/42 x 9	14	4,925
11.00-18 (10.50-18)	12	4,200
11.00-20 (10.50-20)	12	4,500
11.00-26 (10.50-20)	14	4,850
11.00-22 (10.50-22)	12	4,750
11.00-24 (10.50-24)	12	5,000
11.00-24 (10.50-24)	14	5,400
12.00-18 (11.25-18)	14	5,125
12.00-20 (11.25-20)	14	5,475
12.00-20/40 x 10	16	5,875
12.00-22	14	5,800
12.00-24 (11.25-24)	14	6,150
12.00-24/44 x 10	16	6,600
13.00-20 (12.75-20)	16	6,750
13.00-24 (12.75-24)	16	7,575
14.00-20 (13.50-20)	16	8,200
14.00-20 (13.50-20)	18	8,700
14.00-24 (13.50-20)	16	9,150
14.00-24 (13.50-24)	18	9,700
#10	6	1,100
#11	6	1,100
#12	6	1,200
#13	6	1,300
#14	6	1,400
#15	6	1,500
#16	6	1,600
#17	8	1,700
#18	8	1,800
#19	8	1,900
#20	10	2,000
#22	10	2,200
#28	10	2,800
#34	10	3,400
#40	12	4,000
#42	12	4,200
#44	12	4,400
#48	12	4,800
#50	12	5,000
#52	12	5,200

PASSENGER TYPE TIRES USED IN LOCAL CARRIER OPERATIONS

Description of tires		Rated load carrying ability in pounds per tire
Size	Number of plies	
440/450-21	4	800
440/450-21	6	900
475/500-19	4	895
475/500-19	6	1,005
475/500-20	4	925
475/500-20	6	1,035
500-16	4	710
550-16	4	810
550-16	6	900
525/550-17	4	955
525/500-17	6	1,075
525/550-18	4	1,000
525/550-18	6	1,125
525/550-19	4	1,040
525/550-19	6	1,170
600-16	4	915
600-16	6	1,065
600-17	4	1,025
600-17	6	1,155
600-18	4	1,070
600-18	6	1,205
600-19	4	1,115
600-19	6	1,255
600-20	4	1,190
600-20	6	1,350
625-16	4	985
625-16	6	1,140
625/650-16	4	1,050
625/650-16	6	1,215
650-16	4	1,050
650-16	6	1,215
650-17	4	1,175
650-17	6	1,320
650-18	4	1,225
650-18	6	1,375
650-19	4	1,270
650-19	6	1,430
650-20	4	1,320
650-20	6	1,500
700-15	4	1,095
700-15	6	1,330
700-16	4	1,145
700-16	6	1,395
700-17	4	1,300
700-17	6	1,465
700-18	4	1,355
700-18	6	1,525
700-19	4	1,405
700-19	6	1,585
700-20	4	1,500
700-20	6	1,700
750-15	4	1,180
750-15	6	1,500
750-16	4	1,235
750-16	6	1,560
750-17	4	1,460
750-17	6	1,645
750-18	4	1,529
750-18	6	1,710
750-19	4	1,580
750-19	6	1,775
750-20	4	1,700
750-20	6	1,900
825-15	4	1,260
825-15	6	1,625
825-16	4	1,320
825-16	6	1,700
900-15	6	1,800
900-16	6	1,875

APPENDIX 2

JOINT STATEMENT BY OFFICE OF DEFENSE TRANSPORTATION AND DEPARTMENT OF JUSTICE RELATIVE TO LOCAL DELIVERY SERVICE BY MOTOR VEHICLE

The Office of Defense Transportation and the Department of Justice are currently receiving many requests from business enterprises concerning ways of conserving rubber and other vital materials in making local deliveries. Inquiries addressed to the Office of Defense Transportation ask for help and advice. The Department of Justice is receiving inquiries as to the bearing of the anti-trust laws upon voluntary collective action to conserve these materials, and likewise complaints from consumers and competitors who believe that some program proposed or already in use violates these laws.

The Office of Defense Transportation and the Department of Justice are united in a desire to expedite such conservation programs and to assure their development along lines which will avoid abuse.

The Office of Defense Transportation will give advice and assistance in the development of such programs. The Department of Justice will facilitate this development by reviewing such programs in advance when they are submitted to it by the Office of Defense Transportation and by indicating in advance its approval of programs which appear to be lawful under the anti-trust laws. It will likewise be available to prosecute any cases in which such programs are abused or perverted contrary to their original intent.

The two agencies will act in close cooperation in order that the readjustment of delivery systems may be as rapid and as free from abuse as possible.

PROCEDURE FOR SUBMISSION OF PROPOSED PLANS TO THE OFFICE OF DEFENSE TRANSPORTATION

It is of paramount importance that rubber, motor vehicle equipment, and other vital materials used in the rendition of local delivery service be conserved to the greatest extent possible at the earliest possible date. Therefore, the Office of Defense Transportation recommends that the procedure outlined below be followed in establishing plans or programs which have as their sole purpose the conservation of such materials:

1. In the development of such programs the fullest possible consultation should be had with all interested or affected parties including consumer groups (insofar as they are organized).

2. In the event a joint voluntary plan of action has been adopted by any group (which plan of action in all instances should be reduced to writing and signed by all persons party thereto) and such persons desire that such plan shall be cleared by the Office of Defense Transportation and the Department of Justice, prior to the effectiveness thereof, such clearance may be procured in the following manner:

a. The plan so adopted should be immediately forwarded to Mr. John L. Rogers, Director, Division of Motor Transport, Office of Defense Transportation, Room 4211, Interstate Commerce Commission Building, Washington, D. C.

b. The plan so submitted will be reviewed by the Director and any questions which it raises under the anti-trust laws will be discussed with the Department of Justice. If the Director approves the plan and the Department of Justice sees no legal obstacle to carrying it out, it will be cleared and the persons party thereto so advised. If the plan contains provisions which the Director does not approve or which appear to violate the anti-trust laws, such persons will be advised in order that the plan may be improved and reconsidered.

3. In the event that any group desires to establish a plan for the conservation of rubber, motor vehicle equipment, or other vital materials in connection with local delivery service but are unable to agree upon the terms and provisions of such a plan, they may, if they so desire, submit such matter to the Office of Defense Transportation for such consideration and action as it shall determine to be necessary or advisable in the premises.

The Office of Defense Transportation is presently engaged in establishing regional field offices in certain of the principal cities throughout the country. As soon as such offices have been established any such conservation plan may be submitted to the Office of Defense Transportation either through such field offices or directly to the Office of the Director of its Motor Transport Division in Washington. Until such time as such field offices have been established all such plans should be submitted directly to the Director of the Division of Motor Transport.

The Office of Defense Transportation is hopeful that all parties interested in local delivery service by motor vehicle will recognize the seriousness of the existing situation as it affects such local delivery service and that they will take prompt and effective steps in consonance of the foregoing statement in order to alleviate such situation.

APPLICABILITY OF THE ANTITRUST LAWS

Views of the Department of Justice

To aid business enterprises in working out ways to meet the shortage of facilities for the operation of local delivery systems, the Office of Defense Transportation has established a procedure for clearance of plans for the conservation of materials necessary in local delivery services.

Any action taken in accordance with a plan approved by the Office of Defense Transportation cannot be prosecuted under the anti-trust laws. It is not a conspiracy so long as it follows a plan approved or requested by the appropriate Government agency. The emergency requires that the decision of the Office of Defense Transportation that this procedure is in the interest of efficient transportation during the period of national emergency be taken as final.

Inasmuch as action to combine the operation of local delivery services must be taken quickly and often before consultation with the Office of Defense Transportation, the following statement as to the application of the anti-trust laws in such situations may be taken as a guide prior to official request or approval.

Even without specific approval, programs established during the emergency for the sole purpose of conserving rubber and other scarce materials used in local delivery services are obviously not violations of the anti-trust laws. Such violations would arise only if such programs included unreasonable restraints of trade not logically related to conservation, such as price fixing, elimination of independent businessmen, or perpetuation of inefficient systems of distribution. Certain safeguards which will make it easier to avoid unreasonable restraints of trade are set forth below in statements concerning the two most common methods used to conserve tires.

(1) *Pooling of delivery service.* This method involves joint use of the same truck to deliver goods sold by competitors each of whom formerly made separate arrangements for delivery. It eliminates duplicate mileage of delivery trucks down the same street in residential areas.

The mere establishment of a jointly used facility by a group of rival businessmen does not necessarily violate the anti-trust laws. Jointly maintained inspection departments, statistical bureaus, and similar agencies have long been operated in many industries; and in some cities large department stores have maintained a joint system of package delivery for many years. The Department of Justice sees no reason to regard joint systems of delivery during the emergency as violations of the anti-trust laws if they are established for the sole purpose of conserving rubber and are so organized that they do not in fact accomplish additional purposes of restraining trade, however:

(a) Competitors should not be excluded from the market or handicapped in their access to it by discrimination in the use of joint systems of delivery. Under ordinary circumstances, any competitor is free to set up his own delivery system or to hire the service of a commercial trucking company. The present emergency has destroyed or severely limited these alternatives. Therefore, in any situation in which the market is so small or the competitors so few that the maintenance of two or more joint delivery systems is not practicable, exclusion of any competitor from the right to use a joint system probably would amount to his exclusion from the market, and discrimination against him in service rendered or charge imposed probably would amount to joint activity to handicap him in the market. Such exclusions or handicaps probably would be in violation of the anti-trust laws.

(b) Joint delivery should not be made the excuse for joint selling activities. The merger of delivery service does not require the merger of the facilities which produce or sell the goods, the setting up of joint sales agents, nor the adoption of a single brand name to replace the separate brands formerly sold by business rivals. To extend a program of joint action in these directions is to raise issues under the anti-trust laws which are irrelevant to the central need to conserve rubber. Trades which have been accustomed to use the deliveryman as salesman and collection agent may be under especial temptation to delegate to the drivers of jointly operated trucks the functions of jointly representing concerns in selling as well as delivery. However, other arrangements for sales promotion can be worked out which involve less risk of conspiracy to raise prices; and if such joint selling schemes are adopted and unreasonable restraints upon commerce ensue, the restraints cannot be regarded as a reasonable result of the rubber shortage.

(2) *Diminishing the frequency of delivery service.* Such a program is often practicable only when jointly undertaken, because any competitor who made deliveries more frequently than his competitors would enjoy a substantial advantage which would enable him to divert trade to himself. Where such a restriction of delivery service contains no other feature than a plan to conserve rubber during the emergency by reducing tire mileage, the Department of Justice does not regard it as an unreasonable restraint of trade within the meaning of the anti-trust laws. Care should be taken, however, to avoid making this program a basis for the accomplishment of restraints not logically involved in it.

(a) Specifically, no immunity under the anti-trust laws would be afforded a group which adopted a schedule for delivery deliberately selected to handicap certain competitors by avoiding the times or dates at which these competitors would find it easiest to make deliveries.

(b) Neither would immunity be afforded a group which adopted a delivery schedule deliberately intended to handicap one group of consumers for the benefit of another. The Department would be concerned about the possibilities of abuse in plans which involved discrimination as to delivery service among groups of customers upon the basis of their wealth, past volume of purchases, or similar considerations irrelevant to the question of conserving rubber.

In the development of such programs, the fullest possible consultation with all interested competitors and with consumer groups, insofar as they are organized, in a sincere effort to take account of their needs is a persuasive indication of good faith.

(3) In any program for the conservation of tires, or other scarce materials, whatever the means which may be used, those involved should avoid an effort to use the power they attain by joint action as a basis for an organized attack upon persons who do not participate in the program. The Department would be concerned about the possibilities of abuse in plans which involved any of the following administrative characteristics:

(a) Collective attack upon other groups of retailers who, in good faith, are using different devices to conserve rubber and other scarce materials. It is clear that the reduction in delivery mileage may be achieved by various means, and that the effort to achieve it by joint action should not become an excuse for private groups to coerce their competitors into using only a single method of accomplishing this result or to deny consumers the right to favor whatever method may prove to be most convenient.

(b) Procedures to secure compliance with the conservation program which result in the coercion of a business man by him by his competitors or in the imposition of penalties upon him by his competitors.

[F. R. Doc. 42-13959; Filed, December 26, 1942; 10:56 a. m.]

[General Permit ODT 16-1]

PART 522—DIRECTION OF TRAFFIC MOVEMENT EXCEPTIONS, SUSPENSIONS, AND PERMITS

SUBPART F—FREIGHT SHIPMENTS VIA PORTS IN THE UNITED STATES

Pursuant to the authority conferred by paragraph (a), § 502.48 of General Order ODT 16:

It is hereby authorized, That:

§ 522.653 *Property consigned to supply officers of the United States Navy.* Notwithstanding the provisions of General Order ODT 16[1] permits shall not be required with respect to the shipment of any property consigned to supply officers of the United States Navy at freight terminals or Navy Yards, or to supply depots controlled and operated by the United States Navy located in any port area.

This General Permit ODT 16-1 shall become effective on December 24, 1942, and shall expire on January 15, 1943.

Issued at Washington, D. C., this 24th day of December 1942.

V. V. BOATNER,
Director of Railway Transport.
HENRY F. MCCARTHY,
Director of Traffic Movement.

[F. R. Doc. 42-13962; Filed, December 26, 1942; 11:33 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. C-23]

THE GREAT NORTHERN RAILWAY CO.

NOTICE OF AND ORDER FOR HEARING

In the matter of the application of The Great Northern Railway Company for exemption pursuant to section 4-A of the Bituminous Coal Act of 1937.

An application for a determination of the status of the coal produced at Giffen Mine of The Great Northern Railway Company in District No. 22 having been filed by the above-named applicant pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937;

Now, therefore, it is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on February 11, 1943, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section of the Division will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

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[1] 7 F.R. 5194.

Notice of such hearing is hereby given to said applicant and to all other parties herein and to all persons and entities having an interest in these proceedings and eligible to become a party herein. Any person or entity desiring to be admitted as a party to the proceedings herein and eligible under section VII (i) of the Rules of Practice and Procedure before the Bituminous Coal Division shall file a petition for intervention not later than fifteen (15) days after the date of the issuance of this notice of and order for hearing.

Notice is hereby given that:

(1) Within fifteen (15) days from the date of the issuance of this notice of and order for hearing, the applicant or other party shall file with the Division a concise statement in writing of the facts expected to be proved at the hearing. Other interested parties shall also file a written intervention in compliance with Rule VIII of the aforesaid Rules of Practice and Procedure. The statement of facts shall be considered as a pleading and not as evidence of the facts therein stated. The affirmative evidence adduced by the parties at the hearing shall be limited to the said statement of facts;

(2) If no written statement of the facts expected to be proved at the hearing is filed by the applicant within the fifteen-day period, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn on the expiration of said period in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure;

(3) If the applicant does not appear and offer evidence in support of its statement of facts, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure;

(4) The burden of proof in this proceeding shall be on the applicant.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the application, other matters incidental and related thereto, which may be raised by amendment to the application, petitions of intervention, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this application.

The matter concerned herewith is in regard to the application of The Great Northern Railway Company pursuant to the second paragraph of section 4-A of the Act for a determination of the status of the coal produced at its Giffen Mine in District No. 22. The said applicant alleges that such coal is exempt from section 4 of the Act because it is coal produced, transported and consumed by the applicant within the meaning of section 4 II (1) of the Bituminous Coal Act of 1937.

Dated: December 24, 1942.

[SEAL] **Dan H. Wheeler,**
Director.

[F. R. Doc. 42-14044; Filed, December 28, 1942; 12:02 p. m.]

General Land Office.

[Public Land Order 69]

Colorado

ORDER WITHDRAWING PUBLIC LAND FOR USE OF THE FOREST SERVICE IN CONNECTION WITH ADMINISTRATION OF UNCOMPAHGRE NATIONAL FOREST

By virtue of the authority contained in the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497 (U.S.C., title 43, secs. 141-143), and section 1 of the act of June 28, 1934, c. 865, 48 Stat. 1269 (U.S.C., title 43, sec. 315), and pursuant to Executive Order No. 9146 of April 24, 1942, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Colorado is hereby temporarily withdrawn from settlement, location, sale, and entry, and reserved for use by the Forest Service, Department of Agriculture, as a site for powder and cap magazines and for roadway purposes, in connection with the administration of the Uncompahgre National Forest:

New Mexico Principal Meridian

T. 51 N., R. 12 W.,
Sec. 27, S½NE¼SW¼, NE¼SE¼SW¼.
The area described contains 30 acres.

This order shall take precedence over, but shall not rescind or revoke, the order of the Secretary of the Interior of April 8, 1935, establishing Grazing District No. 3, Colorado, so far as it affects the above-described lands.

Abe Fortas,
Acting Secretary of the Interior.

December 15, 1942.

[F. R. Doc. 42-14021; Filed, December 28, 1942; 10:52 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

Learner Employment Certificates

NOTICE OF ISSUANCE

Notice of issuance of Special Certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the Federal Register as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective December 28, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

Name and Address of Firm, Industry, Product Number of Learners and Expiration Date

Apparel

Arkay Pants Company, 110 Chace Street, Fall River, Massachusetts; Mackinaws, boys' suits and snow suits; 10 percent (T); December 28, 1943.

Forest City Mfg. Company, 1641 Washington Ave., St. Louis, Missouri; Dresses: 10 percent (T); December 28, 1943.

Forest City Mfg. Company, 701 West Main St., Collinsville, Ill.; Dresses; 10 percent (T); December 28, 1943.

William F. Fretz and Son, Bedminster, Pennsylvania; U. S. Army Trousers, Men's civilian trousers; 10 learners (T); December 28, 1943.

William F. Fretz and Son, Pipersville, Pennsylvania; U. S. Army, Civilian trousers; 10 learners (T); December 28, 1943.

William F. Fretz and Son, Doylestown, Pennsylvania; U. S. Army and civilian trousers; 10 learners (T); December 28, 1943.

Ware Shoals Manufacturing Company, Ware Shoals, South Carolina; Men's shirts; 10 percent (T); December 28, 1943.

West Plains Manufacturing Company, 5 East Main Street, West Plains, Missouri; Overalls, one-piece suits for U. S. Army, Pants; 10 learners (T); December 28, 1943.

Isadore Spivak and Company, Broad & Carpenter Sts., Philadelphia, Pa.; Men's work pants; 6 learners (T); December 28, 1943.

Glove

The Trion Company, Trion, Georgia; Work Gloves; 5 percent (T); December 28, 1943.

Hosiery

James Knitting Mills, 25th St., Hickory, North Carolina; Seamless hosiery; 5 learners (T); December 28, 1943.

Textile

Phoenix Hosiery Company, 320 East Buffalo Street, Milwaukee, Wisconsin; Yarn & thread; 5 learners (T); December 28, 1943.

Ware Shoals Mfg. Company, Ware Shoals, South Carolina; Grey goods; diapers, pillow cases, bandoleers; 3 percent (T); December 28, 1943.

Signed at New York, N. Y., this 24th day of December 1942.

Merle D. Vincent,
Authorized Representative of the Administrator.

[F. R. Doc. 42-13941; Filed, December 26, 1942; 9:52 a. m.]

Learner Employment Certificates

NOTICE OF ISSUANCE

Notice of issuance of Special Certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under Section 6 of the Act are issued under Section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective December 28, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

Name and Address of Firm, Product, Number of Learners, Learning Period, Learner Wage, Learner Occupations, Expiration Date

Art Pearl Works, 125 Van Buren Street, Newark, New Jersey; Buttons and novelties; 3 learners; four weeks; 35 cents per hour; Driller, finisher, frazer and turner; March 8, 1943.

Eaton Paper Corporation, South Church Street, Pittsfield, Massachusetts; Paper products; 20 learners; four weeks for machine operators and four weeks for hand operations; 33 cents per hour; June 28, 1943.

Flamingo Garment Manufacturing Co., Inc., 1419 S. W. 22nd Ave., Miami, Florida; Mosquito Bars for U. S. Gov't.; 8 learners; 160 hours; 25 cents per hour; machine operator; June 28, 1943.

Signed at New York, N. Y., this 24th day of December, 1942.

Merle D. Vincent,
Authorized Representative of the Administrator.

[F. R. Doc. 42-13942; Filed, December 26, 1942; 9:52 a. m.]

Embroideries Industry

POSTPONEMENT OF ORAL ARGUMENT, ETC.

Notice of postponement of dates for oral argument before the Administrator and for submission of written briefs in the matter of the recommendation of Industry Committee No. 45 for . minimum wage rate in the embroideries industry and the prohibition, restriction or regulation of home work in such industry.

Whereas, notice was published in the Federal Register on December 18, 1942, stating that the Administrator of the Wage and Hour Division will receive written briefs on or before January 11, 1943, at the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, from any person who entered an appearance at the hearing in the matter of the report and recommendation of Industry Committee No. 45 concerning minimum wage rates for the embroideries industry, and will hear oral argument upon the record of said hearing insofar as it relates to the prohibition, restriction, or regulation of home work in the embroideries industry on January 15, 1943, at 10 A. M., at the office of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, by any person who entered an appearance at said hearing, provided that on or before January 11, 1943, such person notifies the Wage and Hour Division of his intention to offer oral argument and of the amount of time he will require for his presentation, and

Whereas, it has been found necessary to postpone the final date for filing briefs and the date for oral argument in said matter,

Now, therefore, notice is hereby given that the Administrator will receive written briefs (not fewer than twelve copies) on the matter at issue in this proceeding on or before January 19, 1943, at the office of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, from any person who entered an appearance at said hearing, and will hear oral argument upon the record of said hearing insofar as it relates to the prohibition, restriction or regulation of home work in the embroideries industry, on January 26, 1943, at 10 a. m., at the office of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, by any person who entered an appearance at said hearing: *Provided*, That on or before January 19, 1943, such person notifies the Wage and Hour Division of his intention to offer oral argument and of the amount of time he will require to make his presentation.

Signed at New York, New York, this 23d day of December 1942.

L. Metcalfe Walling,
Administrator.

[F. R. Doc. 42-13943; Filed, December 26, 1942; 9:52 a. m.]

Jewelry Manufacturing Industry

NOTICE OF OPPORTUNITY TO SHOW CAUSE

In the matter of the restriction of industrial home work in the jewelry manufacturing industry—Proposed amendment to Title 29, Chapter V, Code of Federal Regulation, Part 607 and § 607.100 with respect to clients of State vocational rehabilitation agencies and sheltered workshops.

Whereas, the Administrator of the Wage and Hour Division of the United States Department of Labor by Part 607, Chapter V, Title 29, Code of Federal Regulations, issued a wage order for the jewelry manufacturing industry, establishing for such industry a minimum wage rate of 40 cents per hour, effective November 3, 1941, published in the Federal Register October 18, 1941; and

Whereas, the Administrator by §§ 607.100 to 607.112, Chapter V, Title 29, Code of Federal Regulations, issued regulations applicable to the employment of industrial home workers in the jewelry manufacturing industry, pursuant to sections 8 (f) and 11 (c) of the Fair Labor Standards Act of 1938, effective November 3, 1941, published in the Federal Register on October 18, 1941; and

Whereas, the above-mentioned wage order provides in § 607.3 as follows:

> No work in the jewelry manufacturing industry, as defined herein, shall be done in or about a home, apartment, tenement, or room in a residential establishment, except by such persons as have obtained special home-work certificates issued pursuant to applicable regulations of the Wage and Hour Division, authorizing industrial home work by any worker who was engaged in industrial home work in the jewelry manufacturing industry prior to July 1, 1941, and is unable to adjust to factory work because of age or physical or mental disability or is unable to leave home because his presence is required to care for an invalid in the home;

and

Whereas, the above-mentioned regulations provide for the issuance of certificates authorizing employment in industrial home work in the jewelry manufacturing industry to any worker who, in accordance with § 607.103 thereof, is unable to adjust to factory work because of age or physical or mental disability or is unable to leave home because his presence is required to care for an invalid in the home, provided such worker

(1) Was engaged in industrial home work in the jewelry manufacturing industry prior to July 1, 1941;

and

Whereas, the Sheltered Workshop Advisory Committee has petitioned the Administrator to allow the issuance of certificates authorizing employment in industrial home work in the jewelry manufacturing industry to any worker who is under the supervision of a State Vocational Rehabilitation Agency or of a sheltered workshop in accordance with the above-mentioned wage order and regulations, notwithstanding that such worker was not employed in industrial home work in the jewelry manufacturing industry prior to July 1, 1941, as required by §§ 607.3 and 607.103 (1) thereof, respectively; and

Whereas, provisions similar to those requested by the Sheltered Workshop Advisory Committee have been incorporated in the wage order for, and regulations applicable to the employment of home workers in, the Women's Apparel Industry (Part 605 and § 605.100, Chapter V, Title 29, Code of Federal Regulations), knitted outerwear industry (Part 617 and § 617.100, Chapter V, Title 29, Code of Federal Regulations), gloves and mittens industry (Part 621 and § 621.100, Chapter V, Title 29, Code of Federal Regulations) and button and buckle manufacturing industry (Part 625 and § 625.100, Chapter V, Title 29, Code of Federal Regulations):

Now, therefore, notice is hereby given to all interested persons of the opportunity to show cause on or before January 21, 1943, why § 607.3 of the wage order for, and § 607.103 of the regulations applicable to the employment of home workers in the jewelry manufacturing industry should not be amended as follows:

§ 607.3 *Restriction of home work.* No work in the jewelry manufacturing industry, as defined in §§ 607.5 and 607.6, shall be done in or about a home, apartment, tenement, or room in a residential establishment, except by such persons as have obtained special home work certificates issued pursuant to applicable regulations of the Wage and Hour Division, authorizing industrial home work by any worker who was engaged in industrial home work in the jewelry manufacturing industry prior to July 1, 1941, or is at any time engaged in such industrial home work under the supervision of a State Vocational Rehabilitation Agency or of a Sheltered Workshop, as defined in § 525.1, and who is unable to adjust to factory work because of age or physical or mental disability or is unable to leave home because his presence is required to care for an invalid in the home;

§ 607.103 *Terms and conditions for the issuance of certificates.* If the application is in proper form and sets forth facts showing that the worker

(a) (1) Was engaged in industrial home work in the jewelry manufacturing industry prior to July 1, 1941; or

(2) Is or will be engaged in such industrial home work under the supervision of a State Vocational Rehabilitation Agency or of a Sheltered Workshop, as defined in § 525.1; and

(b) Is unable to adjust to factory work because of age or physical or mental disability; or

(c) Is unable to leave home because the worker's presence is required to care for an invalid in the home,

a certificate may be issued authorizing the applicant employer to employ the worker in industrial home work in the jewelry manufacturing industry.

No home worker shall perform industrial home work for more than one employer in the jewelry manufacturing industry, but home work employment in another industry shall not be a bar to the issuance of a certificate for the jewelry manufacturing industry.

All objections, protests, or any statements in opposition to or in support of the proposed amendments should be addressed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, and should be filed with the Administrator not later than January 21, 1943.

Signed at New York, N. Y., this 23d day of December 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-13944; Filed, December 26, 1942; 9:53 a. m.]

BOARD OF ECONOMIC WARFARE

F AND B MANUFACTURING CO., ET AL.

ORDER DENYING LICENSING PRIVILEGES

Pursuant to Part 807 of the Regulations adopted under section 6 of the Act of July 2, 1940, the Chief of the Trade Intelligence Division of the Export Control Branch, Office of Exports, has charged the F & B Manufacturing Company, Automotive Export Association, Inc., W. J. O'Hara, Export Manager, and Julio Carrillo, Export Manager (hereinafter referred to as respondents) with violations of proclamation number 2475 authorizing the control of certain exports issued in part under the authority of said section, in matters relating to export control and within the jurisdiction of the Board of Economic Warfare. The respondents have filed a written answer to the charges above set out.

The Compliance Commissioner, duly designated under § 807.1 of the aforesaid regulations, has reviewed the record and filed his findings of fact and recommendations in the matter. The following facts have been found:

That F & B Manufacturing Company is engaged in the business of manufacturing automotive replacement parts. It has its principal place of business at 4248 West Chicago Avenue, Chicago, Illinois.

W. J. O'Hara and Julio Carrillo are export managers for said company.

That Automotive Export Association, Inc., is a corporation, having its principal place of business at 2305 North Crawford Avenue, Chicago, Illinois. It is the agent in charge of the foreign business of F & B Manufacturing Company; W. J. O'Hara is the export manager of said corporation.

The F & B Manufacturing Company filed applications for licenses to export ignition contact sets for the account of Sr. N. Glezer as follows:

(a) Application No. 498233, dated April 11, 1942, for permission to export 1,000 replacement Ford ignition sets, valued at $380. This application was rejected on April 16, 1942.

(b) Application No. 527901, dated April 21, 1942, for exportation of 5,000 Tungsten point contact sets for Ford motor vehicles, no value given. This application was rejected on April 28, 1942.

(c) Application No. 566134, dated April 28, 1942, for exportation of 1,000 ignition contact point sets, valued at $380. This application was rejected on May 2, 1942.

(d) Application No. 572798, dated April 30, 1942, for exportation of 1,000 replacement Ford ignition contact sets valued at $380. This application was rejected on May 22, 1942.

April 25, 1942, Sr. N. Glezer wrote Julio Carrillo, export manager of F & B Manufacturing Company as follows:

VIA AIR MAIL

APRIL 25, 1942.

Mr. JULIO CARRILLO,
2305 N. Crawford Ave.,
Chicago, Ill.

This order is to be delivered via Parcel Post. Parcels of 60 sets daily as per instructions in letter. 2% c/payment.

1,200 Contact sets 70-71-73 at .40 $480.00

p. p. (s) N. GLEZER.
Naum Glezer.

APRIL 25DE 1942.

Sr. JULIO CARRILLO,
2305 N. Crawford Av.,
Chicago, Ill.

Attached a new order for contacts to be shipped as follows:

We know that parcel post to the value up to $25 do not require Export License and therefore we hope you will have no objection in sending us daily a package of 60 sets of contacts, as per order.

To avoid loss of time, you may consign to the

Banco de Londres y Mexico, S. A., Suc. No. 2, Calzada de la Piedad No. 10, Mexico, D. F.

or else send the packages C. O. D. deducting the 5% for cash payment.

* * * * *

P. D. If you accept sending a package daily I agree to send you every day a check for $22.80 after deducting 5% cash.

May 2, 1942, Automotive Export Association, Inc., wrote to F & B Manufacturing Co. as follows:

Automotive Export Association, Incorporated, 2305 N. Crawford Avenue, Chicago, Illinois.

To: F & B Manufacturing Co., 4248 West Chicago Ave., Chicago, Ill.

Export Order No. 8784-FRG-8

1200 only No. 70-71-73 Contact Point Sets $.40 $480.00

To be shipped as follows:

One package of 60 sets on each of the following dates:

May 8, 11, 15, 18, 22, 25, 29, June 1, 5, 6, 12, 15, 19, 22, 26, 29, July 3, 6, 10, 13.

Mark each package—

No. 8784-1, 8784-2, 8784-3, etc.

Also: "Covered by General License G-17" "Dept. of Com. 7923.00"

Also: Seal each package with tape.

Account of: Mr. N. Glezer, Bucareli #137, Mexico City, Mexico.

Terms of Payment: 5% cash discount, payment upon receipt of invoice by Mr. Glezer in this country.

Shipping Instructions: Ship at once Via Parcel Post Insured.

Mr. N. Glezer, Bucareli #137, Mexico City, Mexico.

Automotive Export Association (1936) Inc.
(S) W. J. O'Hara.

Under date of May 7, 1942, Jose G. Merino, Mexican agent of the respondents, wrote F & B Manufacturing Company, as follows:

In order to have my order book correctly numbered I have assigned Number 83 to the order which Mr. N. Glezer placed with you during his visit in Chicago and of which your letter of May 1 is the contract, according to copy which you sent me.

I hope that as per this his letter, you can send all the articles together, although, if this is not possible, by parcel post and in limited quantities so that you do not run the risk of having the license cancelled. * * *

Under date of May 14, 1942, Jose G. Merino wrote F & B Manufacturing Company as follows:

Thank you for the copy of your letter dated the 8th of the present month, addressed to Mr. N. Glezer, Mexico, advising him that, in accordance with his instructions, you will ship twice a week under license G-17, parcels of plates in the amount of $25.00, having already made the first shipment as per copy of your invoice No. 2062.

I see that if this procedure is all right, we must follow it until completing at least the orders that we have in the mail for so many customers, since Washington has refused permits for large parcels.

Since we see that this procedure is the best that there is, I have just talked with Mr. Casso who tells me to request you to also send plates 70-71-738 twice a week and others that they have on order at your factory in the amounts of $25.00, allowing you to draw a check for that value, or else you can send them directly and tell them the amount of the invoice and then they will send a check immediately for each invoice. He says that he approves in advance and without hesitation anything that you do and hope that Mr. Carrillo will do his best, but that plates be sent him by mail in that manner, twice or three times a week.

Miguel Acevedo, whose order you have there, also tells me that he approves that his order be sent by mail in $25.00 lots each week. Therefore, I beg that you begin to send to these customers and if possible to others also. Since we know that when least expected, we may be completely cut off, it is best that our customers be sent their orders in that manner. For others send by mail to the Bank with draft on sight. * * *.

Under date of May 21, 1942, Jose G. Merino received the following letter in reply to his communication of May 14, 1942:

This is in reply to yours dated May 14, in which you suggest that the orders for Mr. Casso, for which licenses were rejected, be sent by parcel post at a value of not more than $25.00 each. This is very well and I will keep it in mind, but at the moment we shall wait to see if we are granted the license which we requested the second time writing Washington a long letter with all sorts of explanation. If they reject it, then we will begin to send by parcel post.

* * * * *

The shipments by parcel post to Glezer have continued without interruption. Tomorrow I will make the fifth one and will send him five invoices to Long Beach and, upon receipt of the payment, I will send your commission check.

The F & B Manufacturing Company filed applications for licenses to export auto ignition parts for the account of Productos Casso as follows:

Application No. 525968, dated April 21, 1942, for exportation of 700 ignition contact point sets, valued at $248.00. This application was rejected on April 25, 1942.

Application No. 538755, dated April 23, 1942, for exportation of 23 voltage regulators and 5 coils, valued at $77.25. This application was rejected on May 4, 1942.

Application No. 565120, dated April 30, 1942, for exportation of 700 ignition contact sets, valued at $248.50. This application was rejected on May 18, 1942.

Application No. 566442, dated May 2, 1942, for exportation of 600 ignition contact sets valued at $237. This application was rejected on May 21, 1942.

The F & B Manufacturing Company filed applications for licenses to export auto ignition parts for the account of Benito Singer-Continental Autometriz as follows:

Application No. 603655, dated May 12, 1942, for exportation of ignition contact points, starter points, brush sets, bushings, coils and distributor caps, valued at $167.76. This application was rejected on May 19, 1942.

Application No. 657654, dated May 26, 1942, for exportation of 500 ignition contact points for Fords, and 60 ignition coils for Fords, valued at $311.60. This application was rejected on June 19, 1942.

Under date of May 22, 1942, F & B Manufacturing Co. wrote Jose G. Merino as follows:

I refer to your letter of the 14th with reference to the orders for which licenses have been rejected. We also had thought of making shipments of these orders by mail and we are already preparing to carry them out.

We shall wait to have Washington receive the resolutions since all those rejections are immediately appealed. Therefore, as soon as we receive definite answer, we shall proceed to comply with shipments by mail if the appeals are rejected, or by freight or according to your instructions if the appeals are granted. Within about ten days, therefore, we hope to begin the arduous task of dividing the orders into packages of $25.00 in order to be able to ship them. * * *

Under date of May 29, 1942, Jose G. Merino wrote F & B Manufacturing Company, attention Mr. Carrillo, which letter reads *inter alia* as follows:

I have received your letter dated the 22nd in which you tell me that if the orders that were rejected and on which there was an appeal made, are not granted, then you will ship beginning this week, all of this in $25.00 packages. I am aware of the arduous work that all these restrictions have made for you, and I greatly appreciate in advance, friend Carrillo, your help so that we can begin to ship everything that is pending before they raise the ante on us on G-17 since the number of parcel post packages that are reaching the Mexican market through this route and by this regulation is so large that soon it is going to be noticed and they might make some amendments. Before it happens one must take advantage from day to day, moment after moment, of this value that has permitted an exit for our orders. * * *

Under date of June 20, 1942, a communication was addressed to Jose G. Merino, which sets forth *inter alia* the following:

Received complaint from Postal Department which indicates that the F & B misinterpreted the law since they have been shipping too many packages by parcel post at $25.00 when they should not send more than one package to each customer per month and then these should be complete orders, that is, that an order of $300.00 can not be divided into 12 orders but that 12 orders of $25.00 each must be received.

He says that since everything seems to be in such a muddle and since the date of writing is Saturday that they will have to wait until Monday to start an investigation at his end as soon as possible. He also advises that all importers, especially Ford and Chevrolet agents, get together and present a strong protest.

The Compliance Commissioner has found that F & B Manufacturing Company, Automotive Export Association, Inc., W. J. O'Hara, Export Manager, Julio Carrillo, Export Manager, respondents in the above entitled case, violated section 6 of the Act of July 2, 1940, and the Export Control Regulations of the Board of Economic Warfare, in particular subparagraph c, of paragraph d, page 79 of Comprehensive Export Control Schedule No. 7, by filling orders for ignition parts in excess of $25.00 by partial shipments of thirty-seven (37) packages by registered parcel post under general license G-17, between the dates of May 7, 1942, and June 15, 1942, to Sr. N. Glezer, Bucareli #137, Mexico City, Mexico, Srs. Casa Corona, Bucareli #55, Mexico City, Mexico, Sr. Benito Singer, Continental Automotriz, Corregidora #142, Mexico City, Mexico, and Srs. Productos Casso, 4a Milan #44, Mexico City, Mexico.

Upon consideration of the record, Findings of Fact and Recommendations, in this matter, *It is hereby ordered,* That:

F & B Manufacturing Company, Automotive Export Association, Inc., W. J. O'Hara, Export Manager, and Julio Carrillo, Export Manager, and any person, association, or organization acting on behalf of, or for the account of them, are denied the privilege of obtaining individual export license and the use of any general or unlimited license for any exportation whatsoever from the United States, until January 16, 1943.

The Respondents may appeal in writing to the Assistant Director in charge of the Office of Exports provided the appeal is taken within ten (10) days after receipt of this order.

(Sec. 6, 54 Stat. 74, Public Laws, 75 and 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

A. N. ZIEGLER,
Colonel, J. A. G. D.
Acting Chief, Export Control Branch,
Office of Exports.

NOVEMBER 24, 1942.

[F. R. Doc. 42-13954; Filed, December 26, 1942; 10:49 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-428]

NORTHERN NATURAL GAS COMPANY

NOTICE OF APPLICATION

DECEMBER 23, 1942.

Notice is hereby given that on November 16, 1942, Northern Natural Gas Company filed an application with the Federal Power Commission, pursuant to section 7 of the Natural Gas Act, as amended, requesting a certificate of public convenience and necessity authorizing the sale of natural gas to Northern States Power Company for mixing with artificial gas and resale in the cities of St. Paul, South St. Paul, West St. Paul and Rosetown, Minnesota.

This service is now being rendered, and it replaces the reduction of approximately 500,000 cubic feet of gas per day in Northern Natural Gas Company's supply of coke oven gas obtained from Koppers Company.

Any protests to the granting of this application should be filed with the Federal Power Commission, Washington, D. C., on or before January 8, 1943.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 42-13900; Filed, December 24, 1942; 2:41 p. m.]

FEDERAL TRADE COMMISSION.

[Docket 1574]

FEDERAL TRADE COMMISSION V. STANDARD EDUCATION SOCIETY, ET AL.

ORDER APPOINTING EDWARD W. THOMERSON TO REPRESENT THE COMMISSION

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of December, A. D. 1942.

In the matter of Federal Trade Commission, petitioner, v. Standard Education Society, et al., respondents.

This matter being at issue before the United States Circuit Court of Appeals for the Second Circuit, and pursuant to an order of said Court in its decree entered under date of May 20, 1938, wherein the aforesaid Court appointed and designated the Federal Trade Commission, Special Master, to take evidence and report to said Court upon the question of whether respondents have complied with the provisions of the order to cease and desist as affirmed, or modified and affirmed, and set out in said decree of said Court entered under date of May 20, 1938, and the Commission having appointed John W. Norwood, a trial examiner of the Commission to act for and in behalf of the Federal Trade Commission, Special Master, for the purpose of taking testimony and receiving evidence in this proceeding as directed by said order of said Court;

It is ordered, That Edward W. Thomerson, an attorney of this Commission be, and he is hereby, designated to act for and in behalf of the Federal Trade Commission, Special Master, in conducting hearings before said John W. Norwood and in carrying out said order of said Court.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-14042; Filed, December 28, 1942; 11:55 a. m.]

[Docket 1574]

FEDERAL TRADE COMMISSION V. STANDARD EDUCATION SOCIETY, ET AL.

ORDER APPOINTING JOHN W. NORWOOD TO TAKE TESTIMONY, ETC.

At a regular session of the Federal Trade Commision, held at its office in the City of Washington, D. C., on the 26th day of December, A. D. 1942.

In the matter of Federal Trade Commission, petitioner, v. Standard Education Society, et al., respondents.

Order appointing John W. Norwood to take testimony and receive evidence in behalf of the Federal Trade Commission, Special Master.

This matter being at issue before the United States Circuit Court of Appeals for the Second Circuit, and pursuant to an order of said Court in its decree entered under date of May 20, 1938, wherein the aforesaid Court appointed and designated the Federal Trade Commission, Special Master, to take evidence and report to said Court upon the question of whether respondents have complied with the provisions of the order to cease and desist as affirmed, or modified and affirmed, and set out in said decree of said Court entered under date of May 20, 1938.

It is ordered, That John W. Norwood, a trial examiner of this Commission, be and he is hereby designated to act for and in behalf of The Federal Trade Commission, Special Master, for the purpose of taking testimony and receiving evidence in this proceeding, as directed by said order of said Court.

Upon the completion of the taking of testimony and evidence as herein ordered, the said John W. Norwood will then submit his report thereon to the Federal Trade Commission, Special Master, together with a transcript of the proceeding before him.

It is further ordered, That the said John W. Norwood, be and is hereby directed to proceed promptly to set dates for the taking of testimony and receiving of evidence and to expedite the aforesaid proceedings consistent with reason and good judgment.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-14043; Filed, December 28, 1942; 11:55 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 339]

CERTAIN REAL PROPERTY IN OAKLAND, CALIFORNIA, OWNED BY GIACOMO GUERRINI AND DOMENI GUERRINI

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, interest and estate, both legal and equitable, of Giacomo Guerrini and Domeni Guerrini, his wife, and each of them, the last known address of both of whom was represented to the undersigned as being in Italy, in and to that certain real property, together with all fixtures, improvements and appurtenances thereto, in the City of Oakland, County of Alameda, State of California, and particularly described as follows:

Lots 9 and 10 in block 630, as said lots and block are shown on the "Map of Adeline Street Lots, being Redivision of Blocks 630 and 631, City of Oakland", filed November 29, 1875, in the office of the County Recorder of Alameda County,

is property within the United States owned or controlled by nationals of a designated enemy country (Italy), and determining that to the extent that either or both of such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Italy), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 6, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-14031; Filed, December 28, 1942; 10:58 a. m.]

[Vesting Order 344]

93.33% OF THE CAPITAL STOCK OF M. A. IRMISCHER, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

84 shares (which constitute a substantial part, namely, 93.33%, of all outstanding shares) of no par value common capital stock of M. A. Irmischer, Inc., a New York corporation, New York, New York, which is a business enterprise within the United States, which shares are registered in the names of the following persons as trustees for Walter F. Irmischer:

Names:	*Number of shares*
Hubert Kolip	40
Max A. Irmischer	44
Total	84

is owned by or held for the benefit of Walter F. Irmischer, whose last known address was represented to the undersigned as being Saalfeld, Thueringia, Germany, and therefore is property of, and represents control of said business enterprise which is, a national of a designated enemy country (Germany); and

(b) That the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of Max A. Irmischer, whose last known address was represented to the undersigned as being Saalfeld, Thueringia, Germany, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to him by said M. A. Irmischer, Inc., including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness,

is an interest in the aforesaid business enterprise held by a national of an enemy country, and also is property within the United States owned or controlled by a national of a designated enemy country (Germany);

and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-14027; Filed, December 28, 1942; 10:57 a. m.]

[Vesting Order 346]

70% OF THE CAPITAL STOCK OF AMERLUX STEEL CORPORATION

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

(a) Finding that Comptoir Metallurgique Luxembourgeois "Columeta" (hereinafter referred to as "Columeta"), whose last known address was represented to the undersigned as being Luxembourg, G. D., is owned and controlled by the Societte des Aliers Réunies de Burbach Eich Dudelange (hereinafter referred to as "Arbed") whose last known address was represented to the undersigned as being Luxembourg, G. D., and that Hector Dieudonne, whose last known address was represented to the undersigned as being Luxembourg, G. D., is controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of Columeta or Arbed;

(b) Finding that said Arbed is controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of or as a cloak for a designated enemy country (Germany) or a person within such country, and therefore determining that Arbed is a national of said designated enemy country (Germany);

(c) Determining, therefore, that Columeta and Hector Dieudonne are nationals of the aforesaid designated enemy country (Germany);

(d) Finding that said Columeta and Hector Dieudonne are the owners of 699 shares and 1 share, respectively, of $100 par value common stock of Amerlux Steel Corporation, a California corporation, San Francisco, California, which is a business enterprise within the United States and which 700 shares constitute a substantial part, namely, 70%, of the outstanding capital stock of said business enterprise and represent control thereof, and therefore determining that such business enterprise is a national of the aforesaid designated enemy country (Germany);

(e) Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

(f) Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

(g) Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the shares of stock described in subparagraph (d), to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 7, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-14024; Filed, December 28, 1942; 10:56 a. m.]

[Vesting Order 352]

80.49% OF THE PREFERRED STOCK AND 66.08% OF THE COMMON STOCK OF INTERNATIONAL MORTGAGE & INVESTMENT CORPORATION

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

12,074 shares of 7% cumulative preferred stock and 19,825 shares of common stock (which constitute substantial parts, namely, 80.49% and 66.08%, respectively, of all the outstanding shares of preferred and common stock) of International Mortgage & Investment Corporation, a Maryland corporation, New York, New York, which is a business enterprise within the United States, registered in the names and in the respective amounts and classes set forth in Exhibit A attached hereto and made a part hereof,

is owned by or held for the benefit of Hardy & Co., G. m. b. H., whose last address was represented to the undersigned as being Berlin, Germany, and therefore is property of a national, and represents control of said business enterprise which is a national, of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meaning prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 11, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

Exhibit A

Names	Number of shares	
	Common	7% cumulative preferred
Salkold & Co.		9,300
Theodore H. Thiesing		4
Hallgarten & Co.		250
J. W. Seligman & Co.		20
Hardy & Co. G. m. b. H.	19,825	600
Unknown		1,900
Totals	19,825	12,074

[F. R. Doc. 42-14023; Filed, December 28, 1942; 10:56 a. m.]

[Vesting Order 374]

ALL OF THE CLASS A COMMON CAPITAL STOCK OF EASTERN TRICOSAL COMPANY, INCORPORATED

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

(a) Finding that Dr. Ferdinand A. Kertess, New York, New York, is controlled by or acting or purporting to act directly or indirectly for or on behalf of or as a cloak for a designated enemy country (Germany) or a person within such country;

(b) Determining, therefore, that said Dr. Ferdinand A. Kertess is a national of the aforesaid designated enemy country;

(c) Finding that said Dr. Ferdinand A. Kertess is the owner of 30 shares of $100 par value Class A common stock of Eastern Tricosal Company, Incorporated, a New York corporation, New York, New York, which is a business enterprise within the United States and which 30 shares constitute all the outstanding voting stock of said corporation, and therefore determining that such business enterprise is a national of a designated enemy country (Germany);

(d) Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

(e) Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

(f) Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the shares of stock described in paragraph (c), to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 18, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-14029; Filed, December 28, 1942; 10:57 a. m.]

[Vesting Order 375]

ALL OF THE CAPITAL STOCK OF PROTINOL PRODUCTS, INCORPORATED

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

(a) Finding that Dr. Ferdinand A. Kertess, New York, New York, is controlled by or acting or purporting to act directly or indirectly for or on behalf of or as a cloak for a designated enemy country (Germany) or a person within such country;

(b) Determining, therefore, that said Dr. Ferdinand A. Kertess is a national of the aforesaid designated enemy country;

(c) Finding that said Dr. Ferdinand A. Kertess is the owner of 100 shares of no par value common stock of Protinol Products, Incorporated, a New York corporation, New York, New York, which is a business enterprise within the United States and which 100 shares constitute all the outstanding capital stock of said corporation, and therefore determining that such business enterprise is a national of a designated enemy country (Germany);

(d) Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

(e) Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

(f) Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the shares of stock described in paragraph (c), to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 18, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-14028; Filed, December 28, 1942; 10:57 a. m.]

[Vesting Order 388]

CERTAIN REAL PROPERTIES IN WASHINGTON, D. C., AND CERTAIN SAVINGS ACCOUNTS IN THE RIGGS NATIONAL BANK OF WASHINGTON, D. C., OWNED BY GASPERO LUCCHESI

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

All right, title, interest and estate, both legal and equitable, of Gaspero Lucchesi and Antonietta Lucchesi, his wife, and each of them, the last known address of both of whom was represented to the undersigned as being in Lucca Precando per Boveglio Toscana, Italy, in and to those certain parcels of real property, together with all fixtures, improvements and appurtenances thereto, situated:

(1) At 3420 14th Street NW., Washington, D. C., and particularly described as follows:

Lot numbered Five hundred and six (506) in George C. and Frank E. Altemus' subdivision of a certain lot in Bukers subdivision of part of "Mount Pleasant" as per plat of said Altemus' subdivision recorded in Book 44 page 164 in the Surveyor's Office of the District of Columbia; Subject to a perpetual right of way over the rear 5 feet by the full width of said lot for alley purposes for the benefit of lots 509 to 512; and

(2) At 2159 P Street NW., Washington, D. C., and particularly described as follows:

Part of original lot numbered seven (7) in square numbered sixty-seven (67) now known as lot numbered forty-seven (47) in Anna and Isaac Kriksteine subdivision of lots in said square as said subdivision is recorded in the Surveyor's Office of the District of Columbia, in Book 39 Page 74 together with the perpetual right of way for alley purposes (which covenant shall run with the land) over a strip of land three feet in width extending within and bordering the north line of the lot adjoining on the east of said lot numbered forty-seven (47) and thence at right angles for a similar width of three feet along the east line of said adjoining lot, southwardly to the north side of P street Northwest,

is property within the United States owned or controlled by nationals of a designated enemy country (Italy); and

(b) That the property described as follows:

(1) Savings account, No. 2183, in The Riggs National Bank of Washington, D. C., which savings account is due and owing to, and held for, Gaspero Lucchesi and carried in the name of Gaspero Lucchesi; and

(2) Savings account, No. 24976, in The Riggs National Bank of Washington, D. C., which savings account is due and owing to, and held for, Gaspero Lucchesi and carried in the name of Guiseppe Giuliani, Agent for Gaspero Lucchesi.

is property within the United States owned or controlled by a national of a designated enemy country (Italy), and determining that the property described in this subparagraph (b) is necessary for the maintenance or safeguarding of other property [namely, that hereinbefore described in subparagraph (a)] belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

and determining that to the extent that either or both of such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Italy), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-14032; Filed, December 28, 1942; 10:58 a. m.]

[Vesting Order 393]

THE ULTRA CORPORATION

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

(a) Finding that Arthur Leverkus, whose last known address was represented to the undersigned as being Cologne, Germany, is a national of a designated enemy country (Germany);

(b) Finding that Arthur Leverkus is the owner of 200 shares of no par value capital stock of The Ultra Corporation, a New York corporation, New York, New York, which is a business enterprise within the United States, and which 200 shares of stock constitute all of the outstanding capital stock of said business enterprise and represent ownership thereof; and therefore determining that such business enterprise is a national of the aforesaid designated enemy country (Germany);

(c) Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

(d) Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

(e) Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the shares of stock described in subparagraph (b), to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-14030; Filed, December 28, 1942; 10:58 a. m.]

[Vesting Order 424]

UNDERWOOD TYPEWRITER OWNED BY JAPANESE FOREIGN TRADE BUREAU, HOUSTON, TEXAS, AND IN POSSESSION OF SUPERVISING CUSTOM AGENT, HOUSTON, TEXAS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

One Underwood typewriter No. M5025175, having a 12-inch carriage and a stand, presently in the possession of Mr. W. J. Harmon, Supervising Custom Agent, 907 Federal Office Building, Houston, Texas.

is property within the United States owned by the Japanese Foreign Trade Bureau, Houston, Texas, which is a sole proprietorship owned or controlled by Iyeteda Ishahara (alien detention camp), a citizen of Japan, and which, therefore, is a national of a designated enemy country (Japan), and determining that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on December 1, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-14026; Filed, December 28, 1942; 10:57 a. m.]

[Vesting Order 475]

PROPERTY OF HEREIN NAMED INTERNED ENEMY ALIENS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described in Schedules 1 and 2 hereunto attached and by reference made a part hereof, is property within the United States of the persons respectively named in said Schedules, and determining that such persons, having been interned or detained within the United States pursuant to law, are nationals of designated enemy countries as set forth in said Schedules, and determining that the national interest of the United States requires that such persons be treated as nationals of such designated enemy countries, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in special accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on December 10, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

SCHEDULE NO. 1

Name: Paul Karl Breitenfelder and Caroline Breitenfelder, (alias Lena Schnoor, and Linchen Schnoor) Ellis Island District File No. 99613-2127. Last address: 559 Main Street, East Orange, New Jersey. Place of internment: Camp Seagoville, Texas.

Finding of Nationality

The above designated persons having been interned as potentially dangerous alien enemies pursuant to an Order of Internment dated August 5, 1942, it is determined that the national interest of the United States requires that they be treated as nationals of a designated enemy country (Germany).

Description of Property

(a) The stock of goods on hand and the furniture, fixtures and all other personal property owned by Paul Karl Breitenfelder and Caroline Breitenfelder (alias Lena Schnoor and Linchen Schnoor), or either of them, individually or jointly, and located in the store at 36-A Prospect Street, East Orange, New Jersey, known as the Apex Delicatessen, and in the apartment immediately behind said store, including one refrigerated show case approximately eight feet long, one counter, one scale, one slicing machine, and a safe, together with the contents thereof.

(b) The furniture, fixtures and all other personal property owned by Paul Karl Breitenfelder and Caroline Breitenfelder (alias Lena Schnoor and Linchen Schnoor) and located in the second-floor apartment on the premises at 559 Main Street, East Orange, New Jersey, presently occupied by one Madeleine Chamberlain.

(c) Certain jewelry, the exact whereabouts of which is unknown, and which is owned by Paul Karl Breitenfelder and Caroline Breitenfelder (alias Lena Schnoor and Linchen Schnoor).

Names: Adolph Simsich and Peter Eugene Simsich, doing business as Adolph Simsich & Son. Ellis Island District File Nos.: Adolf Simsich: 99613-2723 Peter Eugene Simsich: 99613-2594. Last address: 176 Nostrand Avenue, Brooklyn, New York. Place of internment: Originally both were interned at Fort George Meade, Maryland, Peter Simsich as of October 23, 1942, and Adolf Simsich as of November 9, 1942.

Finding of Nationality

The above designated persons having been interned as potentially dangerous alien enemies, it is determined that the national interest of the United States requires that they be treated as nationals of a designated enemy country (Italy).

Description of Property

(a) Certain machinery, and other personal property contained in a machine shop known as "General Machine Shop" located at 860 Bedford Avenue, Brooklyn, New York, a list of which machinery is set forth in Exhibit A.

(b) A La Salle four-door sedan automobile Model $4050, bearing New York State License No. 7C 28-01, for 1942, owned by Peter Eugene Simsich, and located at 860 Bedford Avenue, Brooklyn, New York.

Comments

The machinery described in Exhibit A is of strategic importance to the war effort. It was used by Adolph Simsich and Peter Eugene Simsich, prior to their detention, in the fulfillment of a sub-contract awarded by the Navy Department, for making parts to be used on naval destroyers.

EXHIBIT A OF SCHEDULE NO. 2

1. Machines:

One South Bend Lathe, 15-inch Swing, 6-foot Bed.

One Seneca Falls Lathe, 11-inch Swing, 4-foot Bed.

One Garvin Hand Screw Machine, 1¼-inch collect capacity, with twenty-two collets from ⅛th inch to 1¼ inch inclusive, with Rickert and Schaefer automatic self-opening threading head, acorn threading heads and dies and box toolholders for forming tools.

One Brown and Sharpe Milling Machine with Dividing Head, Arbors and Cutters.

One "Kwick Way" Piston Grinder, with piston cutting attachment, mushroom and tappet grinding attachments, valve grinding attachments, reamer grinding attachments and commutator undercutting attachment.

One Kent-Moore Valve refacing Grinder with Westinghouse electric motor.

One Universal Tool Grinder, with General Electric motor.

One Sioux flexible shaft grinder with two flexible shafts.

One United States Electrical Tool Co. Bench Grinder, #184556.

One Hoffer Drill Press, 20-inch capacity, No. 3 Morse Taper in spindle.

One Burke Drill Press.

One Power Hacksaw.

One Kellog Air Compressor.

One Hydraulic Press, 25-ton capacity.

One ⅜ inch Silex Portable Electric Drill.

Two sets of Greenfield Stocks and Dies, 1¼-inch to ¾-inch including U. S. S. and S. A. E.

One Block and Fall "Yale", capacity one-half ton.

One International Welding and Cutting Equipment.

Two Hall Crank Pin Returning Tools.

One Cylinder Reboring Bar.

One Cam-cutting Device.

2. Small tools:

About one hundred reamers, consisting of expansion-, shell-, solid- and taper-reamers.

Twist drills, circular saws, involute milling cutters, end mills, grinding wheels, high speed steel tool bits, carboloy tipped tool bits, taps and dies.

Three 12-inch by 12-inch surface plates.

Two vise, assorted files.

Three work benches with drawers.

One large tool cabinet.

3. Blacksmith equipment:

One Oil Forge.

One Anvil.

One forming plate.

Hammers, tongues, chisels, punches and forming tools.

4. Body and fender repair tools:

One Spraying Equipment.

One One-Ton Hydraulic Floor Jack, rolling type.

One Five-Ton "Hy Lift" Bus Jack.

Dollies, hammers, files, socket-, box-, and open wrenches, Stillson wrenches, paints.

5. Measuring instruments:

Box of Micrometers: Starrett, Slocomb and Simplex.

Outside: from 1 inch to 6 inch; *Outside* from 3 inch to 12 inch. Depth micrometer, 2 inch; depth gage; thread gage; tachometer; Protractor; Square; inside and outside callipers.

6. Engines:

One one-cylinder Diesel.

One six-cylinder Diesel.

One used 6-cylinder Continental Gasoline Motor.

One used 6-cylinder Continental Motor.

One 12-cylinder Cadillac Motor.

One four cycle Lycoming Motor.

One two cycle Leroy Motor.

7. Electric motors:

One each of the following: ¼ HP; ½ HP; 1 HP; 1½ HP.

8. Steel stock:

Round-, square-, and hexagon cold rolled steel bars.

Angle iron and chrome steel tubing. Aggregate weight: one ton.

Steel and Brass Scrap.

One 22-foot steel boat frame.

[F. R. Doc. 42-14025; Filed, December 28, 1942; 10:56 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[General Order 42]

DELEGATION OF AUTHORITY TO REGIONAL ADMINISTRATORS

Pursuant to the authority conferred upon the Administrator by Executive Order No. 9125 and War Production Board Directive No. 1 as supplemented, the following order is prescribed:

(a) *Order delegating authority to issue suspension orders to Regional Administrators.* The Regional Administrators of the Office of Price Administration for Regions I, II and IV, are each authorized, within their respective regions, to determine whether any person has violated Ration Order No. 5A—Gasoline Rationing Regulations or Ration Order No. 5C—Mileage Rationings: Gasoline Rationing Regulations, and to issue such suspension orders and take such other action as may be appropriate in the premises.

(b) Subject to the authority of Paul M. O'Leary, Deputy Administrator in Charge of Rationing, to consider and determine petitions for reconsideration of suspension orders issued hereunder, any decision made, order issued or other action taken by said Regional Administrators pursuant to this delegation of authority shall have the same force and effect as if made, issued or taken by the Administrator.

(c) Nothing herein contained shall impair or affect the delegation of authority made in General Order No. 28 of July 15, 1942.[1]

(d) This Order shall take effect this 24th day of December, 1942.

(Pub. Laws 421, 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; W.P.B. Dir. No. 1, 7 F.R. 562; W.P.B. Supp. Dir. No. 1H, 7 F.R. 3478, 3877, 5216; W.P.B. Supp. Dir. No. 1Q, 7 F.R. 8121.)

Issued this 24th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13919; Filed, December 24, 1942; 2:57 p. m.]

[Amendment 5 to Administrative Notice 1]

OLIVER FARM EQUIPMENT CO.

ORDER GRANTING EXCEPTION

During the fall and winter of 1941-1942, when the Office of Price Administration requested manufacturers of a wide variety of machines and parts not to increase prices, such manufacturers were advised that exceptions would be considered where maintenance of requested prices caused undue hardship. A certain number of exceptions have been granted to manufacturers filing applications supported by proper data. A list of these exceptions is contained in Administrative Notice No. 1 and four amendments thereto.

By inadvertence Oliver Farm Equipment Company, Charles City, Iowa was not included in the Administrative Notice and the amendments thereto.

Pursuant to authority vested in the Price Administrator by the Emergency Price Control Act of 1942, As Amended, and Executive Order No. 9250, *It is hereby ordered,* That:

An exception be granted to Oliver Farm Equipment Company, Charles City, Iowa permitting that Company to sell, offer to sell and deliver the following industrial tractors and power units at the maximum prices set forth below:

Product	List No.	Maximum prices
Tractor Engines when sold as complete power units.	PD-404	January 1, 1942 Prices.
Model "35" industrial tractor.	PD-413	February 2, 1942 Prices.
Model "25" industrial tractor.	PD-414	February 3, 1942 Prices.
Model "50" industrial tractor.	PD-420	February 14, 1942 Prices.

The Price Administrator hereby confirms the granting of this exception.

Issued this 24th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13920; Filed, December 24, 1942; 3:03 p. m.]

[Order 2 Under RPS 67]

BILGRAM GEAR AND MACHINE WORKS

ORDER GRANTING IN PART AND DENYING IN PART

Order No. 2 Under Revised Price Schedule No. 67—New Machine Tools.

In the matter of Bilgram Gear & Machine Works—Docket No. 3067-39.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and Procedural Regulation No. 6, *It is hereby ordered:*

(a) Bilgram Gear & Machine Works of Philadelphia, Pennsylvania is hereby authorized to carry out a contract entered into with the War Department, Philadelphia Ordnance District, dated August 26, 1942, No. W-670-Ord-2975, Requisition U. K. No. 53793 for the manufacture and sale of four machines described below at a price not in excess of the following price:

	Applicant's new maximum price
6-inch bevel gear generator	$6345

(b) To the extent that the application for adjustment filed by the Bilgram Gear & Machine Works with the Office of Price Administration on October 16, 1942 has been denied, the applicant may, within 15 days after the date on which this Order was mailed to it, request the Price Administrator to review such order of denial in the manner provided by Procedural Regulation No. 6.

(c) Unless a request for review is filed, the contract entered into by the Bilgram Gear & Machine Works with the War Department, Philadelphia Ordnance District, dated August 26, 1942, at the price requested in the application shall be revised in accordance with the terms of this Order.

(d) Within 30 days after the date on which this Order was mailed to it, the applicant shall file a statement with the Office of Price Administration, Washington, D. C., to the effect that the contract entered into with the War Department, Philadelphia Ordnance District, dated August 26, 1942, has been revised in accordance with the terms of this Order.

(e) This Order No. 2 may be revoked or amended by the Office of Price Administration at any time.

(f) This Order No. 2 shall become effective December 26, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13921; Filed, December 24, 1942; 3:00 p. m.]

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[1] 7 F.R. 5498, 9909.

[Order 5 Under RPS 84]

Goat Metal Stampings, Incorporated

APPROVAL OF MAXIMUM PRICES

Order No. 5 Under Revised Price Schedule No. 84—Radio Receiver and Phonograph Parts.

Approval of maximum prices of new radio parts for Goat Metal Stampings, Incorporated.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Goat Metal Stampings, Inc., is authorized to sell, offer to sell, or deliver the following new parts at prices, exclusive of federal excise tax, f. o. b. seller's point of shipment, no higher than those specified below, subject to discounts, allowances, and terms no less favorable to the purchaser than those customarily granted by it:

$8.49/M plus	G-179D	Plate (R. S. Pl. Ni.)
$5.00 S. U. $4.55/M	G-453AB	Cut Nickel (R. S. Pl. Ni.
$5.03/M	G-467	Plate (D. A. Pl. Ni.)
$3.89/M	G-588U	Shield (C. R. S.)
$7.63/M	G-695A	Screen (R. S. Peyt. Ni.)
$4.52/M	G-695J	Screen (Repro. Perf. Ni. Pl. St.)
$6.10/M	G-712H	Plate (Karb. Fe)
$34.79/M	G-818F	Plate (Karb. Fe)
$23.50/M	G-999B-2	Plate (Carb. Ni.)
$15.84/M	G-1217F	Cup (Pl. Ni.)
$3.93/M	G-1251C	Plate (C. R. S.)
$3.00/M	G-1307	Cup (Sp. St.)
$15.80/M	G-1458B	Wire (Moly.)
$15.71/M	G-1458C	Wire (Ni.)

(b) This Order No. 5 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 5 shall become effective on the 26th day of December 1942.

Issued this 24th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13923; Filed, December 24, 1942; 3:00 p. m.]

[Order 112 Under MPR 120]

Railroad Fuel

ORDER GRANTING ADJUSTMENTS

Order No. 112 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket Nos. 3120-234, 3120-254, 3120-262, 3120-267.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (e) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Coals in Size Group 20, produced by the Moore Coal Company, Knoxville, Tennessee at the Moore Mine, Mine Index No. 344, District No. 8, and sold to the Southern Railway for use as stationary boiler fuel may be sold and purchased at not more than $1.80 per net ton f. o. b. the mine.

(b) Coals in Size Group 3 produced by C. A. Hughes & Company, Cresson, Pennsylvania at the Hughes No. 2 Mine, Mine Index No. 217, District No. 1, and sold to the Monongahela Connecting Railroad Company for railroad fuel use may be sold and purchased at not more than $3.35 per net ton f. o. b. the mine.

(c) Coals in Size Group 15 produced by Luzerne-Graham Mining Corporation. Greenville, Kentucky at the Graham Mine, Mine Index No. 35, District No. 9, and sold to the Illinois Central System for central station use may be sold and purchased at not more than 85 cents per net ton f. o. b. the mine.

(d) Coals in Size Group 3 produced by Johnstown Coal and Coke Company, Johnstown, Pennsylvania at the Manor No. 1 Mine, Mine Index No. 309, in District No. 1, and sold to the Western Maryland Railway Company for railroad fuel use may be sold and purchased at not more than $2.55 per net ton f. o. b. the mine.

(e) Coals in Size Group 6 produced by Williams Coal Company, Junior, West Virginia, by Antolini Coal Company, Harding, West Virginia and by John T. Fallon, Belington, West Virginia at the following mines, respectively, in District No. 3—at the Swamp Run Mine, Mine Index No. 786; at the Antolini Mine, Mine Index No. 507; and at the Elbon Mine, Mine Index No. 1231—and sold to Western Maryland Railway Company for railroad fuel use may be sold and purchased at not more than $2.20 per net ton f. o. b. the mine.

(f) Coals produced in District No. 8 and sold to the Savannah and Atlanta Railway Company for railroad locomotive fuel may be sold and purchased at prices not to exceed $2.30 per net ton for resultant run of mine coals larger than 2½" x 0 but not exceeding 6" x 0, and not to exceed $2.50 for run of mine coals.

(g) All prayers of the petitions not granted herein, are hereby denied.

(h) This Order No. 112 may be revoked or amended by the Price Administrator at any time.

(i) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(j) This Order No. 112 shall become effective December 26, 1942.

Issued this 24th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13915; Filed, December 24, 1942; 3:05 p. m.]

[Order 113 Under MPR 120]

Black Diamond Coal Mining Company

ORDER GRANTING ADJUSTMENT

Order No. 113 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-259.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (e) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coal produced at the Blocton No. 9 Mine (Mine Index No. 9), District No. 13, of the Black Diamond Coal Mining Company, Birmingham, Alabama, may be sold to, and purchased by, the Southern Railway Company for use as railroad fuel at prices not to exceed $2.80 per net ton, f. o. b. the mine;

(b) This Order No. 113 may be revoked or amended by the Price Administrator at any time;

(c) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(d) This Order No. 113 shall become effective as of August 11, 1942.

Issued this 24th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13916; Filed, December 24, 1942; 3:05 p. m.]

[Order 114 Under MPR 120]

Hills Creek Coal Company

ORDER GRANTING ADJUSTMENT

Order No. 114 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-243.

For the reasons set forth in an Opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (e) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Washed coal in the 3" x 0 size produced at the Hills Creek Mine (Mine Index No. 11), District No. 13, of the Hills Creek Coal Company, Birmingham, Alabama, may be sold to, and purchased by, the Alabama Great Southern Railroad Company for use as railroad fuel at prices not to exceed $2.80 per net ton, f. o. b. the mine;

(b) This Order No. 114 may be revoked or amended by the Price Administrator at any time;

(c) All prayers of the petition not granted herein are denied;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(e) This Order No. 114 shall become effective as of August 20, 1942.

Issued this 24th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13917; Filed, December 24, 1942; 3:06 p. m.]

[Order 115 Under MPR 120]

Henry Clay Coal Mining Company

ORDER GRANTING ADJUSTMENT

Order No. 115 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-311.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coal in Size Groups 6 and 7 produced at the Scotch Hill Mines (Mine Index Nos. 1, 50, 78, 81, 86, 90, 143, 144, 1015, 254, 256, 260, 263, 265, 268, 269, 270, 273, 274, 276, 277, 279, 280, and 284) all of District No. 3, of the Henry Clay Coal Mining Company, 1101 Colonial Building, Philadelphia, Pennsylvania, may be sold and purchased for shipment by rail at prices per net ton, f. o. b. the mine not to exceed $2.40 and $2.30, respectively;

(b) All prayers of the petition not granted herein are denied;

(c) Within thirty (30) days from the effective date of this Order, the said Henry Clay Coal Mining Company shall inform all persons purchasing its coal of the adjustments granted in this Order and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted by this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(e) This Order No. 115 shall become effective December 26, 1942.

Issued this 24th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13918; Filed, December 24, 1942; 3:05 p. m.]

[Rev. Order 36 Under MPR 120]

Deer Creek Coal Company

ORDER GRANTING ADJUSTMENT

Revised Order No. 36 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-196.

Granting adjustment to Steve Bennis doing business as Deer Creek Coal Company.

Order No. 36 under Maximum Price Regulation No. 120 is hereby amended and revised to read as set forth below:

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120: *It is ordered:*

(a) Coals in Size Groups 2, 3, 10, 11, 12 and 14, produced by Steve Bennis, doing business as the Deer Creek Coal Company, at the Deer Creek Mine, Mine Index No. 749, located in Logan County, Illinois, District No. 10, may be sold and purchased at prices not to exceed the following prices per net ton, f. o. b. the mine, for shipment by truck or wagon:

Size group:	*Maximum price*
2	$3.50
3	3.25
10	2.75
11	2.75
12	2.75
14	1.80

(b) Within 30 days from the effective date of this Order, the said Steve Bennis shall notify all persons purchasing his coals of the adjustments granted by paragraph (a) of this Revised Order and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Revised Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(c) This Revised Order No. 36 may be revoked or amended by the Administrator at any time;

(d) All prayers of the petition not granted herein are denied;

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(f) This Revised Order No. 36 shall become effective December 26, 1942.

Issued this 24th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13924; Filed, December 24, 1942; 3:05 p. m.]

[Order 3 Under MPR 121]

Dixie Modern Coal Company

ORDER GRANTING ADJUSTMENT

Order No. 3 Under Maximum Price Regulation No. 121—Miscellaneous Solid Fuels Delivered From Producing Facilities—Docket No. 3121-25.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.247a (b) of Maximum Price Regulation No. 121, *It is hereby ordered:*

(a) Briquettes produced by the Dixie Modern Coal Company at its plant in Fort Smith, Arkansas, may be sold and purchased at prices not to exceed $5.50 per ton, f. o. b. plant, for direct car lot sales and $5.00 per ton, f. o. b. plant, for car lot sales to brokers.

(b) Within thirty (30) days from the effective date of this Order the said Dixie Modern Coal Company shall notify all persons purchasing its briquettes of the adjustments granted by paragraph (a) of this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of briquettes the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(c) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of the petitioner not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.248 of Maximum Price Regulation No. 121 shall apply to terms used herein.

(f) This Order No. 3 shall become effective December 24, 1942.

Issued this 24th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13922; Filed, December 24, 1942; 3:04 p. m.]

[Order 93 Under MPR 188]

Corning Glass Works

APPROVAL OF MAXIMUM PRICES

Order No. 93 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers Goods Other Than Apparel.

Approval of maximum prices for sales by Corning Glass Works of Pyrex beaded and sanitary piping.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Corning Glass Works is authorized to sell and deliver Pyrex beaded and sanitary piping, manufactured by it, at prices no higher than those set forth below:

	Per 10-foot length
1½" Outside diameter	$6.50
2" Outside diameter	9.50

subject to discounts from these base prices for various sizes, quantity purchases, and classes of purchasers in accordance with the schedules on file with the Office of Price Administration.

(b) This Order No. 93 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 93 to Maximum Price Regulation No. 188 shall become effective December 26, 1942.

(d) Issued this 24th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13908; Filed, December 24, 1942; 3:02 p. m.]

[Order 94 Under MPR 188]

Oxford-Print

APPROVAL OF MAXIMUM PRICE

Order No. 94 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum prices for sales by Oxford-Print, of a new motion toy.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Oxford-Print, Colby Street, Medford, Massachusetts, is authorized to sell and deliver its new motion toy, designated as "Carnival Merry-go-round", at prices to retailers, f. o. b. Medford, Massachusetts, no higher than $2.05 per dozen.

(b) This Order No. 94 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 94 shall become effective on the 26th day of December 1942.

Issued this 24th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13909; Filed, December 24, 1942; 3:01 p. m.]

[Order 95 Under MPR 188]

Queen City Printing Company

APPROVAL OF MAXIMUM PRICE

Order No. 95 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of a maximum price for sales by Queen City Printing Company of a new cardboard airplane.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Queen City Printing Company, 311 Sycamore Street, Cincinnati, Ohio, is authorized to sell and deliver its new toy cardboard airplane designated as "Puppet Plane" to its exclusive purchaser, Glenn W. Isgrig, at prices, f. o. b. Cincinnati, Ohio, no higher than 2¢ per unit.

(b) This Order No. 95 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 95 shall become effective on the 26th day of December 1942.

Issued this 24th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13910; Filed, December 24, 1942; 2:57 p. m.]

[Order 96 Under MPR 188]

Kroehler Manufacturing Company

APPROVAL OF MAXIMUM PRICE

Order No. 96 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum prices of wood shelving for Kroehler Manufacturing Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and by virtue of the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Kroehler Manufacturing Company of Naperville, Illinois, may sell and deliver to Lyon Metal Products, Inc., Aurora, Illinois the wood shoprobes, lockers and cabinets listed in Kroehler Manufacturing Company's letter to the Office of Price Administration, Washington, D. C., dated November 18, 1942, which is on file with the Office of Price Administration, at prices no higher than those set forth in said letter.

(b) This Order No. 96 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 96 under § 1499.-158 of Maximum Price Regulation No. 188 shall become effective December 24, 1942.

Issued this 24th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13911; Filed, December 24, 1942; 3:00 p. m.]

[Order 97 Under MPR 188]

McCray Refrigerator Company

APPROVAL OF MAXIMUM PRICES

Order No. 97 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum prices of wood shelving for McCray Refrigerator Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and by virtue of the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) McCray Refrigerator Company of Kendallville, Indiana, may sell and deliver to Lyon Metal Products, Inc., Aurora, Illinois the wood shelving listed in McCray Refrigerator Company's letter to the Office of Price Administration, Washington, D. C., dated October 9, 1942, which is on file with the Office of Price Administration, at prices no higher than those set forth in said letter.

(b) This Order No. 97 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 97 under § 1499.158 of Maximum Price Regulation No. 188 shall become effective December 24, 1942.

Issued this 24th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13912; Filed, December 24, 1942; 2:59 p. m.]

[Order 103 Under MPR 188]

Cast Iron Fireplace Grates

APPROVAL OF MAXIMUM PRICES

Order No. 103 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturer's Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Temporary maximum prices for cast iron fireplace grates first sold after December 21, 1942.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, § 1499.158 of Maximum Price Regulation No. 188, and § 1499.3 (c) of General Maximum Price Regulation, *It is ordered:*

(a) This Order No. 103 sets maximum prices for sales of cast iron fireplace grates first sold after December 21, 1942. The Order is temporary. No sales or deliveries may be made under its authority after the 1st day of April, 1943.

Listed below are the maximum prices for sales by manufacturers, wholesalers, and retailers. The grates are classified according to weight. Fractions of pounds are to be rounded up or down to the nearest pound, in applying the table.

Weight of grate	Factory to jobber price	Factory to retailer price	Wholesale price	Retail price
28–30 lbs. (inclusive)	$2.90	$3.60	$3.80	$7.00
25–27 lbs. (inclusive)	2.60	3.25	3.45	6.25
22–24 lbs. (inclusive)	2.30	2.90	3.05	5.60
19–21 lbs. (inclusive)	2.00	2.50	2.65	4.85
15–18 lbs. (inclusive)	1.70	2.15	2.30	4.15

(1) The price listed under "factory to jobber" in the above table is the maximum price for sales by the manufacturer to wholesalers or jobbers. The price is f. o. b. factory.

(2) The price listed under "factory to retailer" in the above table is the maximum price for sales by the manufacturer to retailers. The price is f. o. b. factory.

(3) The maximum price listed under "wholesale price" in the above table is the maximum price for sales at wholesale by a person other than the manufacturer. The price is f. o. b. the seller's point of shipment.

(4) The price listed under "retail price" in the above table is the maximum price for sales at retail.

(b) Before delivery to any purchaser for resale, the manufacturer shall attach to each grate a tag or label which plainly states the retail ceiling price of the grate. For example, a statement in the following form on a grate weighing thirty pounds would be sufficient: "Retail Ceiling Price $7.00. Selling Price --------." The tag or label shall not be detached until the grate has been delivered to the consumer.

(c) At or prior to the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser of the maximum price set by this Order for resales by the purchaser. This notice may be given in any convenient form.

(d) This Order No. 103 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(f) This Order No. 103 shall become effective on the 24th day of December 1942, and shall terminate on the 1st day of April 1943.

Issued this 24th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13913; Filed, December 24, 1942; 3:03 p. m.]

[Order 104 Under MPR 188]

Iron and Steel Fireplace Grates

APPROVAL OF MAXIMUM PRICES

Order No. 104 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel Materials.

Maximum prices for fireplace grates made of welded steel or iron scrap.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, § 1499.158 of Maximum Price Regulation No. 188, and § 1499.3 (c) of General Maximum Price Regulation, *It is ordered:*

(a) This Order No. 104 applies to all fireplace grates made of welded steel or iron scrap which weigh 26 to 30 pounds, inclusive. Set forth below are the maximum prices for sales by the manufacturer, wholesalers, and retailers. However, these prices may be charged only if the manufacturer attaches to the grate the written warranty described in paragraph (b). If the manufacturer does not make the warranty, the maximum prices for sales by the manufacturer, wholesalers, and retailers shall be computed by deducting 15% from the prices set forth below.

(1) For sales by the manufacturer, the maximum price is $5.00, f. o. b. factory.

(2) For sales at wholesale by a person other than the manufacturer, the maximum price is $6.25, f. o. b. seller's point of shipment.

(3) For sales at retail, the maximum price is $10.00.

(b) The maximum prices set forth above can be charged only if the manufacturer sells the grate with a written warranty in the following form:

--,
(Insert name of manufacturer)
the manufacturer of this grate, warrants to the retailer and to any person buying from him that it is fit for burning coal or wood in a fireplace.

The warranty shall be attached to the grate by the manufacturer and shall not be detached until after the grate has been delivered to the consumer.

(c) Before delivery of a grate to any purchaser for resale, the manufacturer shall attach a tag or label which plainly states that the retail ceiling price of the grate is $10.00. The tag or label shall not be detached until the grate has been delivered to the consumer.

(d) At or prior to the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser of the maximum price set by this Order for resales by the purchaser. This notice may be given in any convenient form.

(e) This Order No. 104 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to terms used herein.

(g) This Order No. 104 shall become effective on the 24th day of December 1942 and shall terminate on the 1st day of April 1943.

Issued this 24th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13914; Filed, December 24, 1942; 3:02 p. m.]

[Rev. Order 7 Under MPR 120]

Masteller Coal Company

ORDER GRANTING ADJUSTMENT

Revised Order No. 7 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket Nos. 1120-6-P and 1120-56-P.

Granting adjustment to Masteller Coal Company and closing the Protest Docket 1120-56-P.

Order No. 7 under Maximum Price Regulation No. 120 is hereby revised and amended to read as set forth below:

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, *It is ordered:*

(a) *Granting adjustment.* (1) Coal in Size Groups 1, 3 and 4 produced by the Masteller Coal Company, Keyser, West Virginia, at its Hampshire No. 9 Mine (Mine Index No. 196), District No. 1, may be sold and purchased for shipment by all methods of transportation except truck or wagon at prices per net ton, f. o. b. the mine, not to exceed $3.25, $2.95 and $2.85, respectively;

(2) Within 30 days from the effective date of this Revised Order, the said Masteller Coal Company shall notify all persons purchasing its coal of the adjustments granted by paragraph (a) of this Revised Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Revised Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to conditions stated in Maximum Price Regulation No. 122.

(b) *Closing protest docket.* Since the adjustment made by paragraph (a) of this Revised Order grants all the relief requested in Docket No. 1120-56-P, the said Docket is hereby closed;

(c) This Revised Order No. 7 may be revoked or amended by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(e) This Revised Order No. 7 shall become effective this 28th day of December 1942.

Issued this 26th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-13984; Filed, December 26, 1942; 3:00 p. m.]

[Rev. Order 50 Under MPR 120]

Hunter Coal Company

ORDER GRANTING ADJUSTMENT

Revised Order No. 50 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120-90.

Order No. 50 under Maximum Price Regulation No. 120 is hereby revised and amended to read as set forth below:

For the reasons set forth in the opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals in Size Groups 2, 3, 4 and 5 produced by Hunter Coal Company, Antrim, Pennsylvania, at its Antrim Mine (Mine Index No. 572) and No. 1 Bloss Drift Mine (Mine Index No. 841), District No. 1, may be sold and purchased for rail shipment f. o. b. the mine at prices not to exceed the following respective prices per net ton:

Size group	Antrim mine	Bloss drift mine
2	$3.25	$3.55
3	[1] 2.75	3.40
4	2.90	3.30
5	2.90	3.30

[1] This maximum was established by Order No. 50 and is not changed by Revised Order No. 50; it is lower than the presently applicable minimum, and consequently § 1340.210 (a) (1) of Maximum Price Regulation No. 120 applies.

(b) Within thirty (30) days from the effective date of this Order, the said Hunter Coal Company shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122;

(c) This Order No. 50 may be revoked or amended by the Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein;

(e) This Order No. 50 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13988; Filed, December 26, 1942; 2:53 p. m.]

[Order 116 Under MPR 120]

ETNA COAL & COKE COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 116 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-79.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Coals produced by Etna Coal & Coke Company, Chattanooga, Tennessee, at its Nurex Mine (Mine Index No. 354) in District No. 8, may be sold and purchased for shipment by rail at prices not to exceed the following respective prices per net ton, f. o. b. the mine:

Size group:	*Maximum price*
1	$4.00
6	3.35
8	3.00
20	2.35

(b) This Order No. 116 may be revoked or amended by the Price Administrator at any time.

(c) Within thirty (30) days from the effective date of this Order, the said Etna Coal and Coke Company shall inform all persons purchasing its coals of the adjustments granted in this Order and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted by this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(e) This Order No. 116 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13987; Filed, December 26, 1942; 2:53 p. m.]

[Order 117 Under MPR 120]

W. G. SUTTON

ORDER GRANTING ADJUSTMENT

Order No. 117 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-47.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals in the following Size Groups produced by W. G. Sutton, Minonk, Illinois, at his Minonk Mine, Mine Index No. 98, in District No. 10, may be sold and purchased for shipment by rail and for shipment by truck at prices not to exceed the following respective prices per net ton, f. o. b. the mine:

Size groups	Maximum prices	
	Rail shipment	Truck shipment
1	$4.25	$5.75
2		5.75
3		5.50
5		5.50
6		4.50
10		4.00
11	4.75	4.50
14		3.00

(b) Within thirty (30) days from the effective date of this Order, the said W. G. Sutton shall notify all persons purchasing his coals of the adjustments granted by paragraph (a) of this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(c) This Order No. 117 may be revoked or amended by the Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(e) This Order No. 117 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13989; Filed, December 26, 1942; 2:54 p. m.]

[Order 118 Under MPR 120]

LELAND COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 118 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-242.

For the reasons set forth in the opinion issued simultaneously herewith and under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Coal in Size Groups 4 and 5, produced by Leland Coal Company, New York, New York, at its Leland No. 10 Mine, Mine Index No. 274 in District No. 1, may be sold and purchased for shipment by rail or via tidewater, at prices per net ton, f. o. b. the mine, not to exceed $2.95.

(b) Within thirty (30) days from the effective date of this Order, the said Leland Coal Company shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(c) This Order No. 118 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of petitioner not granted herein are denied.

(e) Unless the context otherwise requires, definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(f) This Order No. 118 shall become effective on December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13994; Filed, December 26, 1942; 3:02 p. m.]

[Order 119 Under MPR 120]

MACON COUNTY COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 119 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120-72.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals produced by Macon County Coal Company, Decatur, Illinois at its Macon County Mine, Mine Index No. 90, located in District No. 10, may be sold and purchased for shipment by rail and by truck at prices not to exceed the following prices per net ton f. o. b. the mine:

Size groups	1	3	4	5	8	12	13	14	15
Maximum prices:									
Truck	$4.25	$4.25	$4.00	$3.75	$3.75	$3.75	$2.50	$2.50	$2.20
Rail	3.00	3.00	2.80	2.50	2.50	2.50	2.95	1.95	1.75

(b) Within thirty (30) days from the effective date of this Order, the said Macon County Coal Company shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(c) This Order No. 119 may be revoked or amended by the Price Administrator at any time;

(d) All prayers of the petition not granted herein are hereby denied;

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(f) This Order No. 119 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13990; Filed, December 26, 1942; 2:54 p. m.]

[Order 120 Under MPR 120]

PACIFIC COAST COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 120 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-265.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals produced by the Pacific Coast Coal Company, Seattle, Washington, at its Black Diamond Mine (Mine Index No. 32), in District No. 23, in the following size groups, may be sold and purchased for rail and truck or wagon shipments, at prices not to exceed the following prices per net ton, f. o. b. the mine:

Size groups:	*Maximum prices*
2	$7.20
8	7.00
9	6.90
10	6.80
12	6.80
15	6.80
17	6.00
18	5.90
21	5.90
22	5.90
24	5.25

(b) Within thirty (30) days from the effective date of this Order, the said Pacific Coast Coal Company shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this Order and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122.

(c) This Order No. 120 may be revoked or amended by the Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(e) This Order No. 120 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13985; Filed, December 26, 1942; 2:59 p. m.]

[Order 121 Under MPR 120]

BLACK HAWK COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 121, Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-49.

For the reasons set forth in the Opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Coals produced by Black Hawk Coal Company, Coal Valley, Illinois, at its Black Hawk Mine (Mine Index No. 570), District No. 10, may be sold and purchased for shipment by truck or wagon, at prices not to exceed the following respective prices per net ton, f. o. b. the mine:

Size group:	*Maximum price*
3	$4.00
7	3.00
11	2.50

(b) Within thirty (30) days from the effective date of this Order, the said Black Hawk Coal Company shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(c) This Order No. 121 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of the petitioner not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(f) This Order No. 121 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13986; Filed, December 26, 1942; 2:56 p. m.]

[Order 125 Under MPR 120]

HYDE MINES, INC.

ORDER GRANTING ADJUSTMENT

Order No. 125 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (e) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals produced at the Hyde Mine No. 2 (Mine Index No. 161), Subdistrict "G," District No. 23, of Hyde Mines, Inc., Seattle, Washington, may be sold, and purchased, for shipment by rail f. o. b. the mine at prices per net ton not to exceed the following:

Size groups:	*Maximum prices*
2	$6.20
8	5.80
9	5.45
10	5.35
12	5.25
15	5.25
17	4.55
18	4.35
21	4.35
22	4.35
24	3.70
25	2.15

(b) Within 30 days from the effective date of this Order, the said Hyde Mines, Inc. shall notify all persons purchasing its coal of the adjustments granted by paragraph (a) of this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to conditions stated in Maximum Price Regulation No. 122;

(c) This Order No. 125 may be revoked or amended by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(e) This Order No. 125 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13996; Filed, December 26, 1942; 3:01 p. m.]

[Order 122 Under MPR 120]

RALPH GALLAGHER

ORDER GRANTING ADJUSTMENT

Order No. 122 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120-201.

For the reasons set forth in an Opinion issued simultaneously herewith and under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (d) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals in Size Group 1, produced by Ralph Gallagher, Mode, Illinois, at the Gallagher Mine, Mine Index No. 953, District No. 10 may be sold and purchased for shipment by truck or wagon at not more than $3.75 per net ton f. o. b. the mine.

(b) Within thirty (30) days from the effective date of this Order, the said Gallagher Mine shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this Order and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(c) This Order No. 122 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(e) This Order No. 122 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14000; Filed, December 26, 1942; 3:00 p. m.]

[Order 124 Under MPR 120]

NEW RIVER COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 124 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-239.

For the reasons set forth in the Opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Coals in Size Groups 8, 9, and 10 produced by the New River Company, Mount Hope, West Virginia at its Summerlee Mine (Mine Index No. 179), and its Oswald Mine (Mine Index No. 135) in District No. 7 may be sold and purchased for shipment by rail and for shipment via the Great Lakes at prices, f. o. b. the mine, not to exceed the following prices per net ton:

Size Group 8	$2.95
Size Group 9	2.90
Size Group 10	2.85

(b) Within thirty (30) days from the effective date of this Order the said New River Company shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(c) This Order No. 124 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of the petitioner not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(f) This Order No. 124 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13999; Filed, December 26, 1942; 3:00 p. m.]

[Order 126 Under MPR 120]

TURKEY GAP COAL & COKE COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 126 under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120-255.

For the reasons set forth in an Opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (e) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals produced by Turkey Gap Coal & Coke Company, Dott, West Virginia, at its Wenonah-Modoc Mine (Mine Index No. 201), District No. 7, may be sold and purchased at prices not to exceed the following prices per net ton, f. o. b. the mine, for shipment by rail or lake:

For rail shipment:	
Size Group 1	$3.25
Size Group 2	3.40
Size Group 3	3.35
Size Group 4	3.10
Size Group 5	2.90
Size Group 8	2.70
Size Group 9	2.65
Size Group 10	2.60
For Lake shipment:	
Size Group 1	2.90
Size Group 2	2.85
Size Group 3	2.75
Size Group 4	2.70
Size Group 5	2.65
Size Group 8	2.70
Size Group 9	2.65
Size Group 10	2.60

(b) Within thirty days from the effective date of this Order, Turkey Gap Coal & Coke Company shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this Order and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(c) This Order No. 126 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of the applicant not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(f) This Order No. 126 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13992; Filed, December 26, 1942; 2:55 p. m.]

[Order 127 Under MPR 120]

STOVER SMOKELESS COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 127 under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120-240.

For the reasons set forth in the Opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (e) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Smithing coal produced by Stover Smokeless Coal Company, Inc., Piney View, West Virginia, at its Jonancy Mine (Mine Index No. 166) located in District No. 7, may be sold and purchased at a price not to exceed $3.25 per net ton, f. o. b. the mine, for shipment by rail.

(b) This Order No. 127 may be revoked or amended by the Price Administrator at any time.

(c) All prayers of the petitioner not granted herein are denied.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(e) This Order No. 127 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13998; Filed, December 26, 1942; 3:01 p. m.]

[Order 57 Under RPS 64]

LOCKE STOVE CO.

APPROVAL OF MAXIMUM PRICES

Order 57 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On October 16 and December 8, 1942, Locke Stove Company, 114 West Eleventh Street, Kansas City, Missouri, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for two coal heating stoves designated in the application as Models 120-Victory and 120B-Victory.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Locke Stove Company, may sell, offer to sell, transfer or deliver the 120-Victory and 120B-Victory models at prices no higher than the following, subject to allowances and terms to distributors and dealers no less favorable than those which prevailed on January 5, 1942, with respect to the comparable model 120A:

In carload lots, delivered:

$24.87—in the New England States—(Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut.)

$23.84—in the Rocky Mountain and Pacific Coast States—(Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Nevada, Arizona, Washington, Oregon and California.)

$22.58—in all other states—(Designated as the Central and Eastern States.)

In less than carload lots, delivered:

$27.39—in the New England States and the Rocky Mountain and Pacific Coast States.

$25.39—in the Central and Eastern States.

(b) This Order No. 57 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 57 shall become effective on the 28th day of December 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13993; Filed, December 26, 1942; 2:55 p. m.]

[Order 38 Under MPR 122]

CAMPBELL COAL CO., RANDALL BROTHERS, INC., AND ATLANTIC CO.

ORDER GRANTING ADJUSTMENT

Order No. 38 under Maximum Price Regulation No. 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers—Docket Nos. 3122-97, 3122-98, and 3122-99.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.257 (a) of Maximum Price Regulation No. 122, it is hereby ordered:

(a) Dockets numbered 3122-97, 3122-98, and 3122-99 are herewith consolidated and disposed of pursuant to this Order;

(b) Campbell Coal Company, Randall Brothers, Inc., and Atlantic Company, each of Atlanta, Georgia, may sell and deliver 2″ nut and slack coal to commercial and industrial contract purchasers and such purchasers may buy and receive said coal from said three companies at prices no higher than those set forth in paragraph (c) below:

(c) The maximum prices for the sales described in paragraph (b) above shall consist of the prices indicated opposite the name of the seller in the table following:

Seller	Maximum price for carload lots (per ton)	Maximum price for less than carload lots (per ton)
Campbell Coal Co.	$5.89	$6.04
Randall Brothers, Inc.	5.89	6.04
Atlantic Co.	6.00	6.15

(d) *Provided,* That in the event the delivered cost of 2″ nut and slack coal decreases below $4.70 per ton in the cases of Campbell Coal Company and Randall Brothers, Inc. and below $4.86 per ton in the case of Atlantic Company, then the maximum prices set forth in paragraph (c) above shall be forthwith reduced by each of said companies in an amount equal to the decrease in delivered cost to it;

(e) This Order No. 38 may be revoked or amended by the Price Administrator at any time;

(f) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to the terms used herein;

(g) This Order No. 38 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13997; Filed, December 26, 1942; 3:01 p. m.]

[Order 6 Under MPR 157]

DARLINGTON FABRICS CORP.

ORDER DENYING APPLICATION FOR ADJUSTMENT

Order No. 6 under Maximum Price Regulation No. 157—Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes—Docket No. 3157-31.

On October 29, 1942, Darlington Fabrics Corporation, 180 Madison Avenue, New York, New York, pursuant to Supplementary Order No. 9 and Procedural Regulation No. 6, filed an application for the adjustment of its maximum price for 8.2 oz. combed uniform twill manufactured pursuant to Quartermaster Corps tentative specifications P. Q. D. 33A. Due consideration has been given to this application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register.

For the reasons set forth in the opinion, under the Authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250, and pursuant to Procedural Regulation No. 6, it is ordered that Application No. 3157-31 be, and it hereby is, denied.

Any contract entered into by Darlington Fabrics Corporation at the price requested in the Application or at any price in excess of the maximum price permissible under Maximum Price Regulation No. 157, shall be revised in accordance with the terms of this order, any payment made to Darlington Fabrics Corporation in excess of the permissible price under Maximum Price Regulation No. 157 shall be refunded to the purchaser, and, within 30 days after the date on which this order is mailed to it, Darlington Fabrics Corporation shall file a statement with the Office of Price Administration, Washington, D. C., showing that such contracts were revised in accordance with the terms of this order and, wherever required, refunds were made.

Issued and effective this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13995; Filed, December 26, 1942; 3:01 p. m.]

[Order 98 Under MPR 188]

TEMPORARY MAXIMUM PRICES FOR CERTAIN NEW FIREPLACE GRATES MANUFACTURED FROM SUBSTITUTE MATERIALS

Order No. 98 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel Materials.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, § 1499.158 of Maximum Price Regulation

No. 188, and § 1499.3 (c) of the General Maximum Price Regulation, *It is ordered:*

(a) This Order No. 98 sets temporary maximum prices for sales of certain new fireplace grates manufactured from substitute materials. It applies only to the grates which have been described in applications submitted by the manufacturers to the Office of Price Administration. The Order is temporary. No sales or deliveries may be made under its authority after the 1st day of April 1943.

Listed below are the maximum prices for sales by the manufacturers, wholesalers, and retailers. The prices listed below may be charged only if the manufacturer attaches to the grate the written warranty described in paragraph (b). If the manufacturer does not make the warranty, the maximum prices for sales by the manufacturer, wholesalers, and retailers shall be computed by deducting 15% from the prices listed in the table.

Name of manufacturer	Factory to jobber price	Factory to retailer price	Wholesale price	Retail price
Victory Grate Co., Caldwell, N. J.	$3.98	$4.77	$5.30	$7.95
Hillcrest Fuel Oil Corporation, Jamaica, N. Y.	4.98	5.50	6.63	9.95
Hilo Insulation Co., Boston, Mass.	8.48	9.25	11.30	16.95
Palmer Battaline, West Hartford, Conn.	8.25	9.08	11.00	16.50
E. S. Grant, Wethersfield, Conn.	8.25	9.08	11.00	16.50
The Coxhead Organization, Winsted, Conn.	5.48	6.02	7.30	10.95
Duplex Electric, 71 Grand St., New York City:				
Leg type:				
Unpainted	7.98	8.69	10.63	15.95
Painted	8.48	9.44	11.30	16.95
Andiron type:				
Unpainted	7.25	7.96	9.67	14.50
Painted	7.98	8.62	10.63	15.95
Heating Maintenance Corp., 220 E. 138 St., N. Y. C.	6.75	7.50	9.00	13.50
International Casting Co., 11 Beacon St., Boston, Mass.	6.75	7.50	9.00	13.50

(1) The price listed under "factory to jobber" in the above table is the maximum price for sales by the named manufacturer to wholesalers or jobbers. The price is f. o. b. factory.

(2) The price listed under "factory to retailer" in the above table is the maximum price for sales by the manufacturer to retailers. The price is f. o. b. factory.

(3) The price listed under "wholesale price" in the above table is the maximum price for sales at wholesale by a person other than the manufacturer. The price is f. o. b. the seller's point of shipment.

(4) The price listed under "retail price" in the above table is the maximum price for sales at retail.

(b) The maximum prices set forth in the table contained in paragraph (a) can be charged only if the manufacturer sells the grate with a written warranty in the following form:

> (*Insert name of manufacturer*), the manufacturer of this grate, warrants to the retailer and to any person buying from him that it is fit for burning coal or wood in a fireplace. If the manufacturer desires to do so, he may add: "This warranty, however, does not protect against rough handling by the consumer."

The warranty shall be attached to the grate by the manufacturer and shall not be detached until after the grate has been delivered to the consumer.

(c) Before delivery of a fireplace grate to any purchaser for resale, the manufacturer shall attach a tag or label which plainly states the retail ceiling price of the grate. A statement in the following form on a grate sold by Victory Grate Company would be sufficient: "Retail Ceiling Price $7.95". The tag or label shall not be detached until the grate has been delivered to the consumer.

(d) At or before the time of first delivery after the effective date of this Regulation the manufacturer shall notify in writing every person who buys from him of the maximum price set by this Order No. 98 for resales by the purchaser. This written notice may be given in any convenient manner; for example, it may be shown on or attached to the invoice, or packed with the merchandise.

(e) Within fifteen days after March 1, 1943, each manufacturer shall prepare and mail to the Office of Price Administration, Washington, D. C., a report covering his operations during the sixty-day period which ends February 28, 1943. The report shall contain the following information:

The number of units manufactured during the period, the number of units sold, total gross sales, total returns and allowances, and costs per unit for materials, direct labor, and factory overhead. The method of computation of costs should be explained and supporting details should be furnished.

(f) This Order No. 98 may be revoked or amended by the Price Administrator at any time.

(g) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to terms used herein.

(h) This Order No. 98 shall become effective on the 31st day of December 1942, and shall terminate on the 1st day of April 1943.

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13991; Filed, December 26, 1942; 2:54 p. m.]

[Order 3 Under MPR 213]

VINCENT-MCCALL CO.

APPROVAL OF MAXIMUM F. O. B. FACTORY, L. C. L. PRICES

Order No. 3 under § 1365.61 (a) of Maximum Price Regulation No. 213[1]—Coil and Flat Bedsprings with Non-Steel Frames.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and by virtue of the authority vested in the Price Administrator under the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) The Vincent-McCall Company, of Kenosha, Wisconsin, may sell and deliver the 3000 units which it has on hand of its Class "B", No. 6106 bedspring with a wood frame, including two pairs of stabilizers, and the special webbing, full platform top at a price no higher than $8.20, f. o. b. Factory, L. C. L.

(b) Any person may sell at wholesale and deliver the Vincent-McCall Company's No. 6106 bedspring with a wood frame, including two pairs of stabilizers and the special webbing full platform top at a warehouse or delivered price no higher than $8.20, plus the dollar amount by which such seller's warehouse or delivered price respectively exceeded the manufacturer's f. o. b. Factory, L. C. L. price for the most comparable bedspring with a steel frame during March, 1942, under the same conditions of sale.

(c) Any person may sell at retail and deliver The Vincent-McCall Company's No. 6106 bedspring with a wood frame, including two pairs of stabilizers and the special webbing full platform top at a price no higher than $14.15 plus $0.50 for a sale at retail in the Far West Zone.

(d) The maximum prices set forth in paragraphs (a), (b), and (c) hereof shall be subject to the same discounts, allowances, terms and differentials as the seller had in effect for the most comparable bedspring with a steel frame during March 1942.

(e) The Vincent-McCall Company shall notify in writing each person selling the No. 6106 bedsprings of the maximum prices established in paragraphs (a), (b) and (c) hereof upon the first sale of such bedspring to such seller.

(f) Before making delivery of a No. 6106 bedspring with a wood frame, The Vincent-McCall Company must attach securely to such bedspring so that it is clearly visible a durable tag containing in easily readable lettering the statement in the following form:

> The Office of Price Administration has established a Retail Ceiling Price of (insert $14.15 or $14.65, whichever is correct) for this bedspring. Lower prices may be charged. This tag may not be removed until after delivery to the consumer.

(g) This Order No. 3 may be revoked or amended by the Office of Price Administration at any time.

(h) Unless the context otherwise requires, the definitions set forth in Maximum Price Regulation No. 213 shall apply to the terms used herein.

(i) This Order No. 3 under § 1365.61 (a) of Maximum Price Regulation No. 213 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14001; Filed, December 26, 1942; 3:00 p. m.]

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[1] 7 F.R. 6968.

[Order 123 Under MPR 120]

THERMAL COAL COMPANY AND KNOXVILLE MINING COMPANY

ORDER GRANTING ADJUSTMENTS

Order No. 123 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-279.

For the reasons set forth in an opinion issued simultaneously herewith and under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (d) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals in Size Group 11, produced by the Thermal Coal Company, Galesburg, Illinois, Mine Index No. 612, District No. 10 may be sold and purchased for shipment by truck or wagon at not more than $2.65 per net ton f. o. b. the mine.

(b) Coals in Size Group 3, produced by the Knoxville Mining Company, Knoxville, Illinois, Mine Index No. 598, District No. 10 may be sold and purchased for shipment by truck or wagon at not more than $3.60 per net ton f. o. b. the mine.

(c) Within thirty (30) days from the effective date of this Order the said Thermal Coal Company and Knoxville Mining Company shall notify all persons purchasing their respective coals of the adjustments granted by paragraphs (a) and (b) respectively of this Order and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(d) This Order No. 123 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(f) This Order No. 123 shall become effective December 28, 1942.

Issued this 26th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14018; Filed, December 26, 1942; 4:47 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

J. MORTON STEINER CO.

FINDINGS AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of December, A. D. 1942.

In the matter of J. Morton Steiner, doing business as J. Morton Steiner Company, 42 Broadway, New York, New York.

On May 5, 1942, the Commission ordered a hearing to determine whether or not it should revoke the registration of the respondent, J. Morton Steiner, doing business as J. Morton Steiner Company, as a broker and dealer under section 15 (b) of the Securities Exchange Act of 1934. After appropriate notice a hearing was duly held, and the trial examiner filed an advisory report containing his specific findings of fact.

No objection or exception to the report of the trial examiner has been filed. The Commission affirms and adopts the findings of fact set forth therein. On the basis of these findings, and upon an independent review of the record, the Commission finds and concludes:

1. That the respondent, knowing that there was a demand for preferred and common stock of Metropolitan Personal Loan Corporation ("Metropolitan"), induced certain holders of said stock to dispose of their holdings to respondent at prices substantially below the prevailing market, by falsely representing to such holders, *inter alia:*

(a) That Metropolitan had gone out of business;

(b) That there was no market for Metropolitan stock;

(c) That Metropolitan stock was worthless; and

(d) That certain exchanges of Metropolitan stock for other securities would be effected by respondent at the best possible market price for the customer.

2. That such representations were known to respondent to be false at the time they were made, and were for the purpose of inducing investors to part with Metropolitan stock at depressed prices bearing no reasonable relation to the prevailing market, and to facilitate the sale to such customers of other securities at an unreasonable mark-up over the prevailing market.

3. That respondent did in fact induce numerous customers to purchase securities other than Metropolitan stock, and to accept securities in exchange for Metropolitan stock, at excessive prices having no reasonable relation to the prevailing market in such securities, and failed to disclose either the extent of its mark-ups in such transactions or the market quotations pertaining to the securities sold or exchanged.

4. That many of the foregoing transactions were effected by respondent through use of the mails.

5. That respondent has willfully violated section 17 (a) of the Securities Act of 1933 and section 15 (c) (1) of the Securities Exchange Act of 1934, and that it is in the public interest to revoke respondent's registration as a broker and dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

On the basis of the foregoing, and pursuant to Section 15 (b) of said Act,

It is ordered, That respondent's registration as a broker and dealer be, and it hereby is, revoked.

By the Commission (Chairman Purcell and Commissioners Healy, Pike, and Burke) Commissioner O'Brien being absent and not participating.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13901; Filed, December 24, 1942; 2:41 p. m.]

[File No. 811-226]

AVIATION CAPITAL INCORPORATED

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23rd day of December A. D. 1942.

An application having been filed by Aviation Capital Incorporated pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of said Act;

It is ordered, That a hearing on the aforesaid application be held on December 31, 1942 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held;

It is further ordered, That Willis E. Monty, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside on such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13945; Filed, December 26, 1942; 10:16 a. m.]

[File No. 1-2577]

BELGIAN NATIONAL RAILWAYS COMPANY

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

In the matter of Belgian National Railways Company Participating Preferred Stock, Series C to J, Par Value 500 Belgian francs; and American Shares each representing five shares of Participating Preferred Stock, Series C to J.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23rd day of December A. D. 1942.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the above-mentioned securities of Belgian National Railways Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on January 2, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13950; Filed, December 26, 1942; 10:17 a. m.]

[File Nos. 70-649, 59-19, 54-34]

GENERAL GAS AND ELECTRIC CORP. AND SOUTHERN ELECTRIC UTILITIES CO.

ORDER GRANTING APPLICATION, ETC.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23rd day of December, 1942.

Order granting application and permitting declaration to become effective, and separating matter from consolidated proceedings.

In the matters of General Gas & Electric Corporation, Southern Electric Utilities Company; and General Gas and Electric Corporation.

General Gas & Electric Corporation, a registered holding company, and its wholly owned subsidiary, Southern Electric Utilities Company, having jointly filed an application and declaration pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 9 (a), 10, and 12 (f), and Rule U-43 promulgated thereunder, regarding the transfer of all the assets and liabilities of said subsidiary to its parent and the dissolution of said subsidiary; and

The Commission having ordered the said proceedings (File No. 70-649) consolidated with the proceedings pending under section 11 (b) (2), directed against General Gas & Electric Corporation, and the proceedings on the plan submitted by the said company under section 11 (e) (File Nos. 59-19 and 54-34); and

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter, and having made and filed its Findings and Opinion therein;

It is ordered, That the transfer by Southern Electric Utilities Company of all its assets and liabilities to General Gas & Electric Corporation, in exchange for all the outstanding securities of said subsidiary, is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935; and

The assets of Southern Electric Utilities Company to be transferred to General Gas & Electric Corporation are:

102,683 shares of $5 Dividend Series Preferred stock of Associated Gas and Electric Company;

713,014 shares $4 Cumulative Preference stock of the same;

367,825 shares $6 Cumulative Preference stock of the same;

together with all accounts receivable on the books of said subsidiary; and

The securities of and claims against Southern Electric Utilities Company to be surrendered for cancellation, are:

10 shares $1.00 par value common stock;

Convertible Obligations, 6%, due March 1, 1963, in the principal amount of $47,000,000;

Open account indebtedness in the amount of $362,181.01; and

An account receivable in the amount of $41.10.

It is further ordered, That, pursuant to the applicable provisions of the said Act, the said joint application and declaration be, and hereby is, granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations.

It is further ordered, That the proceedings concerning the said joint declaration and application (File No. 70-649) be, and hereby are, separated from the consolidated proceedings under section 11 (b) (2), directed against General Gas & Electric Corporation, and concerning the plan submitted by the said company under section 11 (e) (File Nos. 59-19 and 54-34).

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13949; Filed, December 26, 1942; 10:17 a. m.]

[File No. 812-300]

THE LEHMAN CORPORATION

ORDER CONSOLIDATING PROCEEDINGS AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 22d day of December, A. D. 1942.

An application duly filed by The Lehman Corporation on December 21, 1942 pursuant to section 23 (c) (3) of the Investment Company Act of 1940 for an order permitting applicant to purchase a total of 5,000 shares of its capital stock at a price of 23⅜ per share has been noticed for hearing before the Commission on December 28, 1942. Applicant on December 22, 1942 duly filed another application pursuant to section 23 (c) (3) of the Act for an order permitting it to purchase a total of 1,000 shares of its capital stock at a price of 23⅜ from Adele R. Levy and Albert K. Orschel, Trustee, pursuant to an agreement, dated December 21, 1942, between the above named vendors and the applicant; and

It appearing to the Commission that said applications present questions of fact common to each of said applications;

It is ordered, That the proceedings in the matter of the applications of The Lehman Corporation be and the same are hereby consolidated;

It is further ordered, That a hearing on the matters of the aforesaid applications be held on December 28, 1942 at ten o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held.

It is further ordered, That Richard Townsend, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 4J and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13946; Filed, December 26, 1942; 10:16 a. m.]

[File Nos. 70-638, 70-642]

NY PA NJ UTILITIES COMPANY AND GEORGIA POWER AND LIGHT COMPANY

ORDER GRANTING APPLICATION, ETC.

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 23d day of December 1942.

NY PA NJ Utilities Company, a registered holding company and a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, in reorganization pursuant to Chapter X of the Bankruptcy Act, having filed a declaration, pursuant to sections 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder, concerning the proposed sale to Georgia Power and Light Company, an operating public utility subsidiary of a registered holding company and an associate of NY PA NJ Utilities Company, of $45,000 principal amount First Mortgage 5% Bonds due June 1, 1978, of Georgia Power and Light Company for a cash consideration of $39,825.00; and

Georgia Power and Light Company having filed an application-declaration, pursuant to sections 9 (a), 10, and 12 (c) of the Act and Rule U-42 promulgated thereunder, concerning the acquisition by it of the above described bonds; and

A public hearing having been held after appropriate notice; the Commission having examined the record and having issued and filed its Findings and Opinion herein:

It is hereby ordered, That the application be, and hereby is, granted and the declarations be, and hereby are, permitted to become effective forthwith, subject to the terms and conditions set forth in Rule U-24 of the general rules and regulations.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13947; Filed, December 26, 1942; 10:16 a. m.]

[File No. 70-650]

NIAGARA HUDSON POWER CORPORATION, ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 24th day of December, 1942.

In the matter of Niagara Hudson Power Corporation, Northern Development Corporation and Hudson Valley Fuel Corporation.

Niagara Hudson Power Corporation, a subsidiary of The United Corporation, a registered holding company, and Northern Development Corporation and Hudson Valley Fuel Corporation, wholly-owned subsidiaries of Niagara Hudson Power Corporation, having filed a joint declaration and application, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 7, 10 and 12 (f), and Rule U-43 thereunder, regarding the following transactions:

1. Northern Development proposes to issue and sell, and Niagara Hudson Power Corporation proposes to purchase, 24,500 additional shares of common stock, without par value, at a price of $100 per share, the proceeds, in the amount of $2,450,000 to be applied to the full payment of cash advances heretofore made by Niagara Hudson Power Corporation to Northern Development Corporation in the amount of $2,450,000;

2. Hudson Valley Fuel Corporation proposes to issue and sell, and Niagara Hudson Power Corporation proposes to purchase, 27,000 additional shares of common stock, without par value, at a price of $100 per share, the proceeds in the amount of $2,700,000 to be applied to the full payment of cash advances heretofore made by Niagara Hudson Power Corporation to Hudson Valley Fuel Corporation in the amount of $2,700,000;

Said joint application and declaration having been filed on December 14, 1942, and notice of said filing having been duly given in the form and manner prescribed in Rule U-23, promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application and declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and the applicants and declarants having requested that the Commission advance the effective date of said application and declaration; and

The Commission finding that the requirements of section 7, 10, and 12 (f) of said Act, and Rule U-43, are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers to grant said application and to permit said declaration to become effective, and that the date thereof should be advanced;

It is hereby ordered, pursuant to Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be and hereby is granted forthwith, and the aforesaid declaration be and hereby is permitted to become effective forthwith.

By the Commission (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13952; Filed, December 26, 1942; 10:18 a. m.]

[File No. 70-655]

NORTHERN STATES POWER CO. (DELAWARE) AND NORTHERN STATES POWER CO. (MINNESOTA)

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 23rd day of December, A. D., 1942.

Notice is hereby given that a joint declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Northern States Power Company (Delaware), a registered holding company, and its subsidiary Northern States Power Company (Minnesota) also a registered holding company; and

Notice is further given that any interested person may, not later than December 30, 1942, at 4:00 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration, as filed or as amended, may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and 100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

The aforesaid companies propose that all payments on the principal of the open account indebtedness owing by Northern States Power Company (Delaware) to Northern States Power Company (Minnesota) now due or to become due up to June 30, 1943 be postponed until that date by which date it is contemplated that a plan filed pursuant to section 11 (e) of said Act for the dissolution of Northern States Power Company (Delaware) which plan provides for the disposition of said indebtedness will be acted upon by this Commission; that pending action on the plan or until June 30, 1943 (whichever date be earlier) the Northern States Power Company (Minnesota) will segregate on its books $345,650 of its earned surplus as not being available for the declaration of dividends on its common stock; and that Northern States Power Company (Minnesota) waive all interest due on said indebtedness for the period from December 31, 1942 to June 30, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13951; Filed, December 26, 1942; 10:18 a. m.]

[File No. 70-591]

SOUTH CAROLINA ELECTRIC AND GAS COMPANY ET AL.

INTERIM ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23rd day of December, 1942.

In the matter of South Carolina Electric & Gas Company, Lexington Water Power Company and General Gas & Electric Corporation.

General Gas & Electric Corporation, a registered holding company, and its subsidiaries, South Carolina Electric & Gas Company and Lexington Water Power Company, having filed joint applications-declarations wherein, among other things, it is proposed that Lexington Water Power Company and South Carolina Electric & Gas Company be merged into a consolidated corporation; and that General Gas & Electric Corporation deliver to the consolidated corporation $612,700 principal amount of Lexington Water Power Company, First Mortgage 5% Gold Bonds, series due January 1, 1968, and $2,311,900 principal amount of Lexington Water Power Company 5½% Convertible Sinking Fund Gold Debentures, due January 1, 1953, as part consideration for certain securities to be issued by the consolidated corporation; and

A hearing having been held on September 23, 1942 on such joint applications-declarations; and

It appearing that the contemplated merger cannot be effected prior to January 1, 1943; and

An amendment to the joint applications-declarations having been filed as declarations pursuant to sections 12 (b) and 12 (c) of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-45 promulgated thereunder, wherein General Gas & Electric Corporation proposes to contribute to Lexington Water Power Company, on or before January 1, 1943, $108,300 principal amount of Lexington Water Power Company, First Mortgage 5% Gold Bonds, series due January 1, 1968, and $125,000 principal amount of Lexington Water Power Company 5½% Convertible Sinking Fund Gold Debentures, due January 1, 1953, to enable Lexington Water Power Company to meet its sinking fund requirements due January 1, 1943; and

The declarants having requested that, if the contemplated merger is subsequently consummated, the securities of Lexington Water Power Company presently proposed to be contributed to it shall constitute a part of the consideration which General Gas & Electric Corporation proposes to deliver in exchange for securities of the consolidated corporation; and

Such amendment to the joint applications-declarations having been filed on December 8, 1942, and notice of the filing of said amendment having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said amendment within the period specified in said notice, or otherwise; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said amendment pursuant to Rules U-42 and U-45 to become effective, and finding that the requirements of sections 12 (b) and 12 (c) are satisfied;

It is hereby ordered, That the aforesaid amendment to the joint applications-declarations as declarations, pursuant to sections 12 (b) and 12 (c) and Rules U-42 and U-45 promulgated thereunder, be and hereby is permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be and is hereby reserved to determine, in the event that the proposed merger of Lexington Water Power Company and South Carolina Electric & Gas Company into a consolidated corporation is consummated, whether or not it is fair and equitable to the persons affected and in the public interest and for the protection of investors and consumers that the contribution of the $108,300 principal amount of Lexington Water Power Company, First Mortgage 5% Gold Bonds, series due January 1, 1968, and the $125,000 principal amount of Lexington Water Power Company 5½% Convertible Sinking Fund Gold Debentures, due January 1, 1953, shall constitute a part of the consideration of $612,700 principal amount of Lexington Water Power Company, First Mortgage 5% Gold Bonds, series due January 1, 1968, and $2,311,900 principal amount of Lexington Water Power Company 5½% Convertible Sinking Fund Gold Debentures, due January 1, 1953, which General Gas & Electric Corporation proposes, in the original joint applications-declarations filed in this matter, to deliver in exchange for securities of the consolidated corporation.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13953; Filed, December 26, 1942; 10:18 a. m.]

[File No. 70-625]

TRI-CITY UTILITIES COMPANY AND ASSOCIATED ELECTRIC COMPANY

ORDER PERMITTING AMENDMENT NUMBER 4 TO DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23rd day of December, 1942.

Associated Electric Company, a registered holding company, and Tri-City Utilities Company, a subsidiary thereof, having filed Amendment Number 4 to the above-captioned declaration, pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 thereof, and Rules U-42 and U-43 thereunder, regarding the sale by Associated Electric Company and the purchase by Tri-City Utilities Company, for retirement and cancellation, of shares of common stock of Tri-City Utilities Company, in an aggregate par amount equal to the net proceeds from the sale of the Ohio River Electric division properties of Tri-City Utilities Company, estimated at $202,000; the declaration embracing the sale of the Ohio River electric division properties having been permitted to become effective by the Commission's order dated December 2, 1942 (Holding Company Act Release No. 3951);

Said Amendment Number 4 to the declaration having been filed on December 12, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said Amendment Number 4 within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above-named parties having requested that the effective date of said amendment be advanced; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said amendment pursuant to section 12 and Rules U-42 and U-43 to become effective, and being satisfied that the effective date of such amendment should be advanced;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid Amendment Number 4 to the above-captioned declaration be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13948; Filed, December 26, 1942; 10:17 a. m.]

WAR MANPOWER COMMISSION.

[Directive No. XVI]

TRANSFER AND RELEASE OF FEDERAL EMPLOYEES

MISCELANEOUS AMENDMENTS

To all departments and agencies of the executive branch of the Federal Government, concerning transfer and release of Federal employees.

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Orders Nos. 9139[1] and 9243,[2] War Manpower Commission Directive No. X,[3] entitled "Directive with respect to transfer and release of Government employees," is hereby amended, effective as of September 27, 1942, as follows:

I. At the end of paragraph IV thereof, add the following additional paragraph:

An employee who has been released from a Federal position pursuant to paragraph II of this directive for employment in an essential activity carried on by a private or public enterprise and who, while on a leave-without-pay status from such Federal position enlists in, is inducted into, or otherwise enters active military service with the armed forces, shall be entitled to the same reemployment benefits, if any, with respect to the Federal position from which he was released, as those to which he would have been entitled, had he enlisted in, been inducted into, or otherwise entered active military service while employed in such Federal position. An employee who would have been entitled to the reemployment benefits provided for in this paragraph but for his failure to make suitable application therefor within the period allowed for such applications, shall nevertheless become entitled thereto if suitable application therefor is filed on or before February 1, 1943.

II. Delete paragraph II thereof and substitute therefor the following:

Whenever the Civil Service Commission shall find that a civilian employee of any department or agency of the executive branch of the Federal Government is qualified to perform work in a critical war occupation (as defined in the Essential Activities and Essential Occupations Directive) and can make a more effective contribution to the war effort in an essential activity carried on by a private or public enterprise, including an activity carried on by a State, Territory, or possession of the United States, or by any political subdivision thereof, or by any agency or instrumentality of a State, Territory, or possession of the United States or of their political subdivisions, the Commission, with the consent of the employee, but with or without the consent of the department or agency in which he is employed, shall, upon request of such private or public enterprise, authorize the release of such employee to such private or public enterprise for work in such critical war occupation in such essential activity. An employee whose release has been authorized pursuant to this paragraph shall be carried on a leave-without-pay basis from his Federal position for the period of such employment with such private or public enterprise, except that such leave-without-pay status shall not continue beyond six months after the end of the war.

III. Substitute for the phrase "private enterprise," wherever such phrase occurs in paragraphs III to XI thereof, the phrase "private or public enterprise."

PAUL V. MCNUTT,
Chairman.

DECEMBER 24, 1942.

[F. R. Doc. 42-14041; Filed, December 28, 1942; 11:43 a.m.]

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[1] 7 F.R. 2919.

[2] 7 F.R. 7213.

[3] 7 F.R. 7298.

JAN 5 1943

FEDERAL REGISTER

VOLUME 7 NUMBER 254

Washington, Wednesday, December 30, 1942

The President

EXECUTIVE ORDER 9290

Suspension of Eight-Hour Law as to Laborers and Mechanics Employed by the War Department on Public Works Within the United States

WHEREAS the War Department is engaged in public-work activities within the United States (including the storage and movement of war materials and the embarkation of troops) which are essential to the prosecution of the war; and

WHEREAS there exists an acute shortage of laborers and mechanics; and

WHEREAS the efficient and speedy accomplishment of such activities requires that laborers and mechanics therefor be employed in excess of eight hours a day; and

WHEREAS, by section 1 of the act of August 1, 1892, 27 Stat. 340, as amended by the act of March 3, 1913, 37 Stat. 726 (U.S.C., title 40, sec. 321), the services of all laborers and mechanics employed by the Government of the United States upon any public work of the United States is limited to eight hours in any one calendar day, except in case of extraordinary emergency; and

WHEREAS I find that by reason of the foregoing an extraordinary emergency exists:

NOW, THEREFORE, by virtue of the authority vested in me by section 1 of the said act of August 1, 1892, as amended by the said act of March 3, 1913, and as President of the United States, I hereby suspend for the duration of the emergencies proclaimed by me on September 8, 1939, and May 27, 1941, the above-mentioned provisions of law prohibiting more than eight hours of labor in one day by laborers and mechanics employed by the Government of the United States as to all work performed by laborers and mechanics employed by the War Department on any public work within the United States which is essential to the prosecution of the war: *Provided*, that the wages of all laborers and mechanics so employed by the War Department shall be computed on a basic day rate of eight hours of work with overtime to be paid at time and one-half for all hours of work in excess of eight hours in any one day.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 28, 1942.

[F. R. Doc. 42-14069; Filed, December 28, 1942; 4:19 p. m.]

Regulations

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T. D. 5204]

Part 19—Income Tax Under the Internal Revenue Code

OWNERSHIP CERTIFICATES

Ownership certificates required in connection with interest on bonds of corporations and obligations of the United States and its instrumentalities—Regulations 103 amended.

Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] are amended as follows:

PARAGRAPH 1. Section 19.143-3, as amended by Treasury Decision 5174, approved October 28, 1942, is further amended by adding before the period at the end of the first sentence the following: "and (in the case of taxable years beginning after December 31, 1942) that his victory tax net income does not exceed the specific exemption of $624".

PAR. 2. Section 19.143-4, as amended by Treasury Decision 5103, approved December 13, 1941, is further amended as follows:

1. By striking out the last sentence of the first paragraph and inserting in lieu thereof the following:

* * * However, in the case of interest coupons presented on or after January 1, 1943, such ownership certificates are required to be filed by such citizens, residents, fiduciaries and partnerships only with respect to interest coupons on bonds, mortgages or deeds of trust, or other similar obligations issued

(Continued on next page)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue. Remit money order for subscription or single copies payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

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prior to January 1, 1934, and containing a tax-free covenant. In the case of interest on obligations of the United States or any agency, or instrumentality thereof, regardless of the date of issuance thereof, ownership certificates shall be filed by such citizens, residents, fiduciaries and partnerships only in the case of interest paid on or after January 1, 1942 and prior to January 1, 1943.

2. By striking out the second sentence of the third paragraph and inserting in lieu thereof the following:

* * * The ownership certificate is required in such cases whether or not the obligation contains a tax-free covenant.

3. By amending the last sentence of the third paragraph to read as follows:

* * * Ownership certificates (Form 1001) shall also be filed in the case of interest paid on or after January 1, 1942, on obligations of the United States or any agency or instrumentality thereof, regardless of the date of issuance of such obligations, if such obligations are owned by the persons described in the first sentence of this paragraph.

4. By inserting in the sixth paragraph immediately after the word "monthly" the following: "(quarterly, for the calendar year 1943 and subsequent calendar years)".

PAR. 3. Section 19.143-7, as amended by Treasury Decision 5174, is further amended as follows:

1. By inserting immediately after the sixth sentence the following:

* * * However, for the calendar year 1943 and subsequent calendar years the withholding agent shall make a quarterly return on Form 1012 on or before the last day of the month following the termination of the quarter for which the return is made. The ownership certificates, Forms 1000 and 1001, must be forwarded to the Commissioner with the quarterly return. Forms 1001 should be listed on the quarterly return. While Forms 1000 need not be listed on the return, the number of such forms submitted and the total amount of interest paid and of the tax withheld on such of the forms as report interest from which the tax is to be withheld should be entered in the spaces provided.

2. By inserting in the fourth sentence of the second paragraph immediately after the word "monthly" the following: "(quarterly, for the calendar year 1943 and subsequent calendar years)".

PAR. 4. Section 19.143-9 is amended by adding after "14" the following: "(and, for a taxable year beginning after December 31, 1942, the victory tax imposed by section 450)".

PAR. 5. Section 19.147-4, as amended by Treasury Decision 5103, is further amended by inserting at the end thereof the following:

(As to the requirements of filing ownership certificates for bond interest generally in the case of a nonresident alien, a nonresident partnership composed in whole or in part of nonresident aliens, a nonresident foreign corporation or where the owner is unknown, and with respect only to interest on obligations containing a tax-free covenant and issued prior to January 1, 1934, in the case of a citizen or resident of the United States, a resident partnership and nonresident partnership all of the members of which are citizens or residents of the United States, see § 19.143-4.)

(Secs. 62 and 147 of the Internal Revenue Code (53 Stat. 32, 64))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: December 28, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-14068; Filed, December 28, 1942; 3:37 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1595]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of Carrolltown Coal Company, a corporation, for approval of its agreement with Frank B. Wood, an individual trading and doing business as F. B. Wood Coal Mining Company to purchase the entire production of the Foxburg No. 1 Mine, Mine Index No. 1685, and other coal; for a change in shipping point, and for permission to mix coals of Mine Index Nos. 582 and 1685.

An original petition having been duly filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the approval of an agreement attached thereto and requesting temporary and permanent relief to load and mix the coals produced by Mine Index No. 582 with the coals of Mine Index No. 1685; and

It appearing that Bituminous Coal Producers Board for District No. 1, the district in which the code members involved herein are located, has intervened in the above-entitled matter and requested that a temporary order be entered approving the agreement above referred to and that the reference to the

Foxburg No. 1 Mine, in the original petition filed herein be corrected to read "Mine Index No. 1685," which is the correct designation thereof, which correction has been made in the supplement hereinafter referred to; and

It further appearing that the proposed agreement attached to the original petition does not comply with the Marketing Rules and Regulations promulgated by the Division; it appearing, however, that a reasonable showing of necessity has been made for granting temporary relief in the manner and to the extent hereinafter set forth; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is therefore ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is granted as follows: Commencing forthwith § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof, and commencing forthwith the Freight Origin Group numbers and shipping points appearing in the aforesaid Supplement R for the mines mentioned therein are effective in lieu of the Freight Origin Group numbers and shipping points heretofore established for these mines and the mixing of the coals of Mine Index No. 582 with the coals of Mine Index No. 1685 is hereby approved.

It is further ordered, That the relief requested in said petition shall be, and the same hereby is granted in the manner and to the extent indicated herein, and that, in all other respects, said request for relief shall be, and the same hereby is, denied.

It is further ordered, That nothing in this order shall be construed as approval of the contract attached to the original petition inasmuch as the said contract does not comply with the Marketing Rules and Regulations promulgated by the Division.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless otherwise ordered.

Dated: December 15, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine Index No.	Code member	Mine name	Sub-district No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
582	Carrolltown Coal Company.	Victor #9-A	24	B	Spangler, Pa	NYC	44	(†)	(†)	D	(†)	(†)
1685	Wood, Frank B. (F. B. Wood Coal Mining Company).	Foxburg # 1	17	D	St. Benedict, Pa. Spangler, Pa	NYC	44	(†)	(†)	E	(†)	(†)

†Indicates no classification effective for these size groups.

NOTE: If coals of Mine Index Nos. 582 and 1685 are loaded into the same car at Spangler, Pa. the price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the highest price classification.

[F. R. Doc. 42-14047; Filed, December 28, 1942; 12:03 p. m.]

[Docket No. A-1746]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices for rail and truck shipments and for change in shipping point for the coals of a certain mine in District No. 1.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1 and for a change in shipping point for the coals of the Rockhill No. 10 mine, Mine Index No. 612 of the Rockhill Coal Company; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith the shipping point and Freight Origin Group number appearing in the aforesaid Supplement R for the said Rockhill No. 10 mine are effective in place of the shipping point and Freight Origin Group number heretofore established for this mine.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: December 11, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Sub-dist. No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3552	McCombs Coal Company (J. Cloid Rinn).	Depp	6	D	Punxsutawney, Pa.	B&O	112	(†)	(†)	(*)	F	F
612	Rockhill Coal Company.	Rockhill #10	39	Fulton	[1] Alvan, Pa.	EBT	42	A	A	A	A	C
3845	Shaffer, P. E. (P. E. Shaffer Coal Co.)	Shaffer #2	4	E	Hawthorn, Pa.	PRR	75	G	G	G	H	H
2741	Summit Coal Mining Company (Roy H. Friel).	Summit #8	12	E	Glen Campbell, Pa.	PRR	50	(†)	(†)	G	G	G

†Indicates no classification effective for this size group.
*Indicates coal previously classified for this size group.
[1] Denotes new shipping point. Shipping Point at Reichley, Pennsylvania on the H&BTM Railroad, Freight Origin Group No. 43 shall no longer be applicable.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Sub.district No.	County	Seam	All lump coal double screened; top size 2" and over	Double screened; top size 2" and under	Run of mine modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Brown, Paul	3790	Parker	7	Clearfield	D	(†)	(†)	240	(†)	(†)
Darr, H. M	3795	Darr	6	Jefferson	D			245		
Elder, Charles	3787	Elder	4	Clarion	E	260	235	235	220	210
Harpster, Harry E	3789	Harpster #1	8	Centre	A			230		
Kunkle & Aikens (William Kunkle).	3784	Kunkle	22	Indiana	E			235		
Lutz, Alfred	3793	Lutz Coal Mine	9	Clearfield	C'			245		
McCombs Coal Company (J. Cloid Rinn).	3552	Depp	6	Jefferson	D			(*)	230	220
Shaffer, P. E. (P. E. Shaffer Coal Co.).	3845	Shaffer #2	4	Armstrong	E	260	235	235	220	210
Summit Coal Mining Company (Roy H. Friel).	2741	Summit #8	12	Indiana	E			(*)	225	215

†Indicates no classification effective for this size group.
*Indicates classifications and prices previously established for these size groups.

[F. R. Doc. 42-14048; Filed, December 28, 1942; 12:03 p. m.]

[Docket Nos. A-1751 and A-1755]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING RELIEF, ETC.

Order of consolidation and order granting temporary relief and conditionally providing for final relief in the matter of the petitions of District No. 2 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 2.

Original petitions having been duly filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2; and

It appearing that the above-entitled petitions raise similar and related issues and that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled petitions be, and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R-II, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless otherwise ordered.

Dated: December 15, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification, by size group numbers]

Mine index No.	Code member	Mine name	Seam	Sub-dist. No.	Shipping point	Railroad	Freight origin group No.	Size group numbers															
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
3033	Buckeye Coal Co., The	London (S)	Brookville	1	London Mine Sdg., Brent, Pa.	PRR	50	G	G	G	G	O	F	G	G	G	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2537	Wood & Girdwood (A. H. Girdwood).	Wood (D)	U. Freeport	8	Culmerville, Pa.	B&LE	41	E	E	D	D	D	D	D	D	D	(†)	A	B	B	E	E	E

†Indicates no classifications effective for these size groups.

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R-II. In § 322.9 (c) in Minimum Price Schedule, add the mine index numbers in groups shown. Group No. 9, 2537; Group No. 12, 3033.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes										
				Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea ¾" x 1¼"	Run of mine	2" N/S	1¼" slack	¾" slack
				1	2	3	4	5	6	7	8	9	10	11
ALLEGHENY COUNTY														
Trio Coal Company (Nathan Case).	2590	Trio	Pittsburgh	305	295	285	260	240	240	240	240	210	200	190
ARMSTRONG COUNTY														
Petruzzi, Antonio	2589	Petruzzi	L. Freeport	290	280	270	250	245	235	225	225	205	195	185
BUTLER COUNTY														
Dillaman, William C	2593	Dillaman #2.	U. Kittanning	345	325	305	285	280	265	265	250	210	200	190
FAYETTE COUNTY														
Erminio, Emilio (Leckrone Coal & Coke Company).	2592	Shoaf #2	Pittsburgh	310	300	290	270	250	240	235	240	225	220	195
Parshall & Crow Coke Co. (Frank R. Crow, Jr.).	2586	Violet	Pittsburgh	300	290	280	265	245	230	230	230	220	215	195
Piccolomini, Wm	2591	Old Redstone.	Pittsburgh	330	320	310	290	270	260	255	260	230	220	205

§ 322.23 *General prices*—Supplement T—Continued

Code member index	Mine index No.	Mine	Seam	Base sizes										
				Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea ¾" x 1¼"	Run of mine	2" N/S	1¼" slack	¾" slack
				1	2	3	4	5	6	7	8	9	10	11
FAYETTE COTNTY—con.														
Lindsay, Frank G. (Hope Hollow Coal Co.).	2602	Nancy	Pittsburgh	310	300	290	270	250	240	235	240	225	220	195
GREENE COUNTY														
Mapel-Sterling Coal Co. (C. A. Hout).	2581	Mapel-Sterling (D).	Pittsburgh	295	285	275	265	250	240	235	240	210	200	185
LAWRENCE COUNTY														
Harper, Arthur J	2588	Yank	Kittanning	345	330	320	310	305	295	260	260	220	210	170
WESTMORELAND COUNTY														
Kingston Brick Co	2587	Kingston	U. Freeport	300	290	280	270	250	240	240	235	215	205	195
Seanor, J. H	2604	White Thorn.	Pittsburgh	300	290	280	270	250	240	240	235	215	205	195
VENANGO COUNTY														
Serge, Mike	2603	San Francisco.	Clarion	345	325	305	285	280	265	265	250	200	190	180

[F. R. Doc. 42-14045; Filed, December 28, 1942; 12:02 p. m.]

[Docket No. A-1781]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 2 for establishment of price classifications and minimum prices for coals produced at the Mammoth (D) Mine, Mine Index No. 2266 of the Mammoth Coal & Coke Company.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Mammoth (D) Mine, Mine Index No. 2266 of the Mammoth Coal & Coke Company, located in District No. 2; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, and § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: December 12, 1942.

[SEAL] DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Sub-dis trict No.	Shipping point	Railroad	Freight origin group No.	Size group numbers															
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2266	Mammoth Coal & Coke Company	Mammoth	Pittsburgh	3	Mammoth, Pa	PRR	74	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	D	D	D

*Indicates classifications previously established for this size group.

†Indicates no classifications effective for these size groups.

§ 322.9 *Special prices*—~~(c)~~ *Railroad fuel*—Supplement R–II. In § 322.9 (c) in Minimum Price Schedule, add the mine index number in group shown. Group No. 1, 2266.

[F. R. Doc. 42-14046; Filed, December 28, 1942; 12:02 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment No. 90]

PART 808—PROCEDURE RELATING TO SHIPMENT OF LICENSED EXPORTS TO THE OTHER AMERICAN REPUBLICS

MISCELLANEOUS AMENDMENTS

Part 808—Procedure to Secure shipping Space to the Other American Republics is hereby amended by changing the title thereof and amending the same in the following particulars:

1. Part 808—Procedure Relating to shipment of Licensed Exports to the Other American Republics.

2. Section 808.1 *Applicability*[1] is hereby amended to read as follows:

§ 808.1 *Applicability.* (a) The regulations prescribed in § 808.2 to § 808.10, both inclusive, apply to exportations of all commodities set forth in § 801.2 of this subchapter under any type of export license to be made by sea freight to any of the following destinations:

Argentina
Bolivia
Brazil
Chile
Colombia
Costa Rica
Cuba
Dominican Republic
Ecuador
El Salvador
Guatemala
Haiti
Honduras
Mexico
Nicaragua
Panama
Paraguay
Peru
Uruguay
Venezuela

(b) Section 808.11 applies to exportations of all commodities set forth in § 801.2 of this subchapter other than liquid articles or materials licensed for export to be shipped in bulk by tanker, of every weight under any type of export license to be shipped from the port of exit in the United States by any means of transportation other than sea vessel, air or mail where the ultimate consignee is located in any of the following destinations:

Argentina
Bolivia
Brazil
Chile
Colombia
Ecuador
Panama
Paraguay
Peru
Uruguay
Venezuela

3. Part 808—Procedure Relating to Shipment of Licensed Exports to the Other American Republics is hereby further amended by adding the following new section:

§ 808.11 *Shipment by other than sea, air or mail.* The licensed export shipments described in paragraph (b) of § 808.1 shall be moved through the port of exit from the United States only when:

(a) An application in the form prescribed by § 808.5 shall be submitted to the Office of Exports as required by §§ 808.6 and 808.7 except that where the words "shipping space" or "freight space" are used in said sections they shall mean "authority to move through the port of exit" and an application shall be made for shipments of every weight.

(b) An approved application for authority to move through the port of exit is attached to the export declaration covering the commodities described in the application.

The provisions of § 808.11 of this amendment shall not apply to commodities actually at or in transit to the port of exit from the United States on the date this regulation is published in the FEDERAL REGISTER.

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31, 7 F.R. 9807)

Dated: December 15, 1942.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 42-14071; Filed, December 29, 1942; 10:50 a. m.]

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[1] 7 F.R. 5267, 9806.

[Amendment No. 91]

PART 809—SHIPPING PRIORITY RATINGS

CERTAIN ARTICLES, ETC., UNDER GENERAL LICENSE

Paragraph (a) of § 809.6 *Ratings assigned articles and materials under general license*[1] is hereby amended to accomplish a division of a commodity classification for the purpose of assigning a different shipping priority rating to one type of commodity included in the classification by the assignment of the following new shipping ratings to the following listed commodities:

Schedule "B" No.	Commodity	Shipping rating
5234	Beverage bottles, including soda, beer, and alcoholic-beverage bottles, but excepting milk bottles.	D
5234	Milk bottles	B

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31, 7 F.R. 9807)

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[1] 7 F.R. 5268, 5660, 8178, 8335, 9026, 9806, 10772.

Dated: December 17, 1942.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 42-14072; Filed, December 29, 1942; 10:50 a. m.]

[Amendment No. 92]

PART 802—GENERAL LICENSES

PHOTOGRAPHIC FILM, NEWSPAPERS, ETC.

Paragraph (a) of § 802.12 *Photographic film*[1] is hereby amended to read as follows:

(a) General licenses are hereby issued permitting exportation to all destinations assigned general license numbers in § 802.2 (a), of all photographic film, except unexposed or raw photographic film, dry plates, unexposed photographic paper, exposed but undeveloped motion picture films, and still films or plates: *Provided*, That the requirements of the Office of Censorship have been satisfied.

PART 806—TECHNICAL DATA

Section 806.2 *General licenses*[2] is hereby amended in the following particulars:

1. Paragraph (d) *Newspapers* is amended to read as follows:

(d) *Newspapers.* A general license is hereby issued permitting the exportation of newspapers, except when exported as a commodity such as over-issue, baled, and old newspapers, to consignees in all destinations assigned general license numbers in § 802.2 (a) of this subchapter. A general license number designation is not required to be placed on the wrappers of newspapers exported under this general license.

2. Subparagraph (2) of paragraph (e) *Technical, scientific and professional publications* is hereby amended to read as follows:

(2) A general license is hereby issued permitting exportation to all destinations assigned general license numbers in § 802.2 (a) of this subchapter of all publications which do not require an Office of Censorship license under the authority of the postal censorship regulations and as to which a specific determination has been made by the Office of Exports that such publications are not devoted to technical, professional or scientific matters. No such publication may be exported as a commodity, such as mixed books, over-issue magazines and No. 1 heavy books and magazines, under this general license.

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31, 7 F.R. 9807)

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[1] 7 F.R. 5007.

[2] 7 F.R. 7991.

Dated: December 17, 1942.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 42-14073; Filed, December 29, 1942; 10:50 a. m.]

[Amendment No. 93]

PART 807—DENIAL OF LICENSING PRIVILEGES[1]

MISCELLANEOUS AMENDMENTS

1. Section 807.6 *Written answer* is hereby amended by changing the title thereof and amending the same to read as follows:

§ 807.6 *Answer, etc.* (a) The respondent may answer the charges made against him in writing by submitting the same, in duplicate, to the Office of Exports, Board of Economic Warfare, Washington, D. C., within the time limited by the notification to respondent.

(b) The respondent shall be permitted to answer the charges made against him orally if he indicates his desire to do so by letter, in duplicate, submitted to the Office of Exports, Board of Economic Warfare, Washington, D. C., within the period limited by the notification to respondent.

2. Section 807.7 *Oral answer* is hereby amended by changing the title thereof and amending the same to read as follows:

§ 807.7 *Hearing.* (a) At the time and place specified in the notification to respondent the evidence material to the inquiry shall be taken by a reporter before the Compliance Commissioner. The respondent may be represented by counsel. The respondent shall be informed that he is under no obligation to answer questions.

The evidence shall be transcribed by the reporter, filed with the Compliance Commissioner and the respondent shall be given an opportunity to examine the transcript.

The respondent may prepare and file with the Compliance Commissioner a bill of exceptions to such transcript which shall thereafter accompany the transcript. Such bill of exceptions shall be filed within such time as the Compliance Commissioner shall fix at the conclusion of the hearing.

3. Section 807.8 *Consolidation* is hereby amended to read as follows:

§ 807.8 *Consolidation.* The opportunity to answer charges may, at the discretion of the Compliance Commissioner, be consolidated with any similar opportunity afforded the respondent by any other government agency with respect to charges upon the same or a related subject matter.

4. Section 807.9 *Reports and communications by Compliance Commissioner* is hereby amended to read as follows:

§ 807.9 *Reports and communications by Compliance Commissioner.* The

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[1] 7 F.R. 5018, 9805, 9806.

Compliance Commissioner shall consider the record, including any bill of exceptions filed by the respondent, and shall prepare a written report which shall consist of his findings of fact, including a finding whether or not a violation has occurred, and his recommendations. If the Commissioner finds that a violation has been committed his recommendation for action shall be advisory only. The report, transcript, and bill of exceptions, if any, shall be transmitted to the Chief of Office, Office of Exports.

5. Section 807.10 *Disposition* is hereby amended to read as follows:

§ 807.10 *Disposition.* The Chief of Office, Office of Exports, shall review the record, consider the recommendations of the Compliance Commissioner, and determine the disposition of the case. In any case where the Commissioner has found that a violation has been committed, the Chief of Office, Office of Exports, may issue an order denying the respondent's privilege to obtain export licenses for such periods of time and on such terms and conditions as he may prescribe and take any other appropriate action. In any case where the Commissioner has found that no violation has been committed, the Chief of Office, Office of Exports, shall enter an order dismissing the charges. In all cases the respondent shall be notified promptly of the action taken. An order denying the privilege to obtain export licenses shall contain a notification to the respondent of his right to appeal.

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31, 7 F.R. 9807)

Dated: December 19, 1942.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 42-14074; Filed, December 29, 1942; 10:51 a. m.]

[Amendment No. 94]

PART 804—INDIVIDUAL LICENSES

PART 809—SHIPPING PRIORITY RATINGS

APPEALS FROM REJECTIONS OF APPLICATIONS, ETC.

Section 804.9 *Appeals from rejections of applications*[1] is hereby amended by changing the title thereof and amending the same to read as follows:

§ 804.9 *Appeals from rejections of applications for export licenses, extensions thereof, and revocations.* (a) Any person whose application for export license or application for extension of export license has been rejected and any person whose export license has been revoked may appeal from such rejection or revocation subject to the provisions of this section.

(b) Appeals shall be filed with the Office of Exports, Board of Economic Warfare, Washington, D. C.

(c) An appeal shall be filed within 60 days from the date of the rejection of the application for export license or extension thereof or the date of revocation of an export license.

(d) The rejected application for export license, the rejected application for the extension of export license, or the revoked export license, as the case may be, shall be forwarded to the Office of Exports as a part of an appeal. Photostatic or certified copies of any papers may be furnished in lieu of the originals.

(e) The case number on appeal shall be the same as that originally assigned to the matter, if one has been assigned.

(f) An acknowledgment card in the form prescribed by the Office of Exports shall accompany the appeal.

(g) Only one appeal may be taken from a rejection or revocation.

(h) An "Appeal Letter" shall be submitted setting forth the reasons why the appellant believes his application or the revocation of his license should be reconsidered. This letter must contain, or have attached thereto, any additional information or documents not previously submitted which the appellant feels are pertinent to his appeal.

(i) In the case of rejection of part of an application or the revocation of a license in part, the appellant may appeal only as to the items rejected or revoked.

Paragraph (c) of § 809.8 *Appeals for higher ratings*[2] is hereby amended to read as follows:

(c) Only one appeal for any particular shipment may be taken. This amendment shall become effective January 1, 1943.

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31, 7 F.R. 9807)

Dated: December 22, 1942.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 42-14075; Filed, December 29, 1942; 10:51 a. m.]

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[1] 7 F.R. 5013, 8517.

[2] 7 F.R. 5271, 5344, 8335, 9684, 9806.

[Amendment No. 95]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations*[1] is hereby amended as follows:

In the column headed "Commodity" the commodity description reading

Rolled, cylinder, crown, and sheet glass

is hereby amended to read

Rolled, cylinder, crown, and sheet glass, obscured by coloring prior to solidification, not less than ¼ inch in thickness.

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31, 7 F.R. 9807)

Dated: December 23, 1942.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 42-14076; Filed, December 29, 1942; 10:51 a. m.]

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[1] 7 F.R. 9026, 9805, 10772, 10773.

[Amendment No. 96]

PART 804—INDIVIDUAL LICENSES

CERTIFICATES OF NECESSITY

Paragraph (b) of § 804.8 *Certificates of necessity*[1] is hereby amended by revising the list of commodities therein to read as follows:

Commodity	*Department of Commerce Schedule B Nos.*
Acetic acid	8300
Acetone	8316
*Aluminum	6300, 6301, 6303, 6304, 6305, 6308.5
Ammonium sulfate	8505
Anhydrous ammonia	8390
Aniline oil	8025.15
*Aniline salts	8025.19
*Arsenicals:	
*Arsenate of lead	8202
*Arsenate of calcium	8203
*Paris green	8205.91, 8397.02
*White arsenic	8398.98
Ascorbic acid, synthetic	8119.98
*Aspirin	8127.92, 8127.98, 8135.30, 8180.98
Babbitt metal	6620
Bauxite	6290, 6295
*Calcium hypochlorite	8340
*Chloride of lime	8340
Chlorine	8392
Citric acid	8303.07
Copper and copper base alloys	6401 thru 6435, 6440 thru 6457
*Copper and copper base alloys	6439.07, 6439.11, 6439.19, 6439.98, 6458 thru 6479.98
Copper sulphate	8201
*Cotton:	
*Combed cotton yarn:	
*Mercerized	3012
*Unmercerized	3013.1, 3013.2
*Cotton duck	3023, 3025, 3026, 3062
*Cotton belting	3140
Cotton pulp	3006
*Creosols, xylenols and cresylic acid	8024.09
Cryolite	5960.10, 5960.15
Dibutyl phthalate	8025.93
*Ferrochromium	6220.5
Ferromanganese	6213.03
Ferrotungsten	6220.96
Formaldehyde	8320.01, 8320.03, 8320.05
Glycerine	8314
*Graphite, flake content in manufactures	5480.55
*Hexamethylenetetramine	8329.96
Iron and steel:	
Bars and rods:	
Concrete reenforcement	6022
Other	6020, 6021, 6023 thru 6029
Car wheels and axles	6105.15, 6105.25, 6105.35
Castings	6101 thru 6104.9
Forgings	6106 thru 6108.05
Ingots, blooms, billets, etc.	6016.01 thru 6016.09, 6017.01 thru 6017.09
Nails and bolts (except railroad)	6092 thru 6099
Pig iron	6007
Plates	6030.98, 6031.19, 6031.5, 6031.95, 6031.98
*Plates	6030.15, 6031.15
Railway track material:	
Rails	6051 thru 6053
Other	6054 thru 6059
Sheets and strip:	
Black	6032.05, 6032.98, 6035.1 thru 6038.98
Galvanized	6033, 6034
Structural iron and steel	6044 thru 6050
*Structural iron and steel	6043
Terneplate, including long ternes	6042
Tin plate and taggers' tin	6041
Tin-plate, circles, strips, cobbles, and scroll-shear butts	6013
Tubular products:	
Cast iron pipe and fittings	6066 thru 6068.98
Welded (steel) pipe	6061, 6063, 6070 thru 6073
Seamless (steel) pipe	6060, 6062, 6064
Pipe fittings	6065, 6077.05, 6077.98
Waste-waste tin plate	6014
Wire:	
Plain	6081, 6082
Barbed	6083
Other wire and manufactures	6085 thru 6091.25
*Other wire and manufactures	6091.98
Lead	6507 thru 6515.98
Leather: Calf upper leather	0304.1, 0304.2, 0305.1, 0305.2
Mercury (metallic)	6635
Methyl alcohol	8310
Mica, built-up	5513
Molybdenum content of ferromolybdenum	6220.85
*Molybdenum wire	6691.08
Napthalene	8020.05
Neat's foot oil	0803
*Nickel-chrome, electric resistance wire	6630
*Nickel manufactures	6549.07, 6549.98
*Nickel, monel metals and nickel alloys	6545.05, 6545.09
Phenol	8023
Phosphorus	8398.87
Phthalic anhydride	8025.90
Plastics:	
Alkyd synthetic resins	8253
*Casein plastics	8258.01
Cellulose acetate plastics	8265.05, 8265.98
Cellulose nitrate plastics	8264
Urea synthetic resins	8257.07, 8260.07, 8261.07, 8257.98
Other resins	8258.98, 8260.98, 8261.98
Platinum and allied metals	6920, 6922.05, 6922.09, 6929.05, 6929.98
Potash salts	8531.01, 8531.03, 8531.05
Potassium chlorate	8359.08, 8359.09
Potassium permanganate	8359.23
Rayon, other than spun	3840.10, 3840.12
Red squill	2209.21
Rubber, reclaimed	2011
Rubber, manufactures, whether such manufactures contain crude, reclaimed, or synthetic rubber	2011, 2014, 2017, 2031, 2034 thru 2042, 2053, 2054, 2060, 2062, 2063, 2064, 2069.05, thru 2093, 2099.1[1]
*Sisal and hennequin cordage	3419.09
Sole leather: backs, bends, and sides	0324
Sole leather: other than backs, bends, and sides	0332.05, 0332.98
Strontium chemicals	8397.82 thru 8397.88
Tin	6565.01 thru 6565.07, 6565.09, 6565.98, 6565 per Schedule F
Toluol	8011
Type metal	6670
*Tungsten metal, wire, shapes and alloys	6639
Vanadium content of ferrovanadium	6220.87
Wood pulp	4601, 4602, 4604, 4606, 4608, 4610, 4619
*Wool:	
*Rags	3622, 3622F
*Noils and waste	3626, 3623F
*Tops	3628, 3628F
*Yarns	3633, 3633F
*Fabrics	3642, 3643, 3649, 3649F
*Felts	3663, 3664
*Blankets	3666
Zinc	6571, 6572.05, 6572.09, 6586, 6589.01, 6589.03, 6589.07, 6589.98

[1] Schedule B Number 2099.9—"Other rubber manufactures"—includes miscellaneous articles not specifically set forth which contain, either by value or quantity, over 50 percent rubber (whether crude, reclaimed, or synthetic rubber), but not aircraft replacement parts, replacement parts of automobiles and other vehicles, replacement parts for other machinery, or insulated wire or cable.

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31, 7 F.R. 9807)

Dated: December 24, 1942.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 42-14077; Filed, December 29, 1942; 10:52 a. m.]

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*As to those commodity classifications preceded by an asterisk, this amendment shall become effective thirty days after its publication in the FEDERAL REGISTER. As to all other commodity classifications, it shall become effective January 1, 1943.

[1] 7 F.R. 5012, 5591, 5937, 6418, 7029, 8015, 9026, 10280.

[Amendment No. 97]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations*[1] is hereby amended as follows:

In the columns headed "Commodity", "Dept. of Comm. No." and "Gen. Lic. Group" which now read:

Commodity	Department of Commerce No.	General license group
Miscellaneous:		
Notions, cheap novelties & specialties (specify by name)	9840	C

the same are hereby amended by deleting the "Gen. Lic. Group" designation and the "Dept. of Com. No." and changing the "Commodity" description to read as follows:

Commodity	Department of Commerce No.	General license group
Miscellaneous:		
Notions, cheap novelties & specialties (classify under other appropriate commodity numbers)		

(Sec. 6, 54 Stat. 714, Pub. Laws 75 and 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 31, 7 F.R. 9807)

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[1] *Supra.*

Dated: December 24, 1942.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 42-14078; Filed, December 29, 1942; 10:52 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-191]

NATIONAL WHOLESALE ELECTRIC CO.

National Wholesale Electric Company, Los Angeles, California, a partnership composed of B. R. Vancott and Beulah Vancott, is engaged in the business of distributing electrical supplies, and is a warehouse as defined in General Preference Order M-9-a. From February 9 to September 21, 1942, the Company sold and delivered substantial quantities of copper wire and other wire or brass mill products to fill orders bearing no preference ratings. From May 9 to September 14, 1942, the Company sold and delivered substantial quantities of copper wire and other wire or brass mill products to fill orders bearing preference ratings lower than A-1-k. During this time the Company was familiar with the restrictions contained in General Preference Order M-9-a as amended February 6, 1942, and May 7, 1942, and the foregoing deliveries constituted wilful violations of that order.

From January 19 to June 17, 1942, the Company applied preference ratings of A-10 under Preference Rating Order P-100 to purchase orders for various materials, certifying that such materials were for maintenance, repair, or operating supplies. These materials were not used or intended to be used by the Company for maintenance, repair, or operating supplies and the Company had not received rated orders from its customers to support its application of these ratings. Therefore, its use of the A-10 preference rating constituted wilful violations of Preference Rating Order P-100 and misrepresentations to the War Production Board.

These violations of General Preference Order M-9-a and Preference Rating Order P-100 have hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.191 *Suspension Order S-191.* (a) Deliveries of material to B. R. Vancott, and Beulah Vancott individually or doing business as National Wholesale Electric Company or otherwise, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to B. R. Vancott and Beulah Vancott, individually or doing business as National Wholesale Electric Company or otherwise, by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to B. R. Vancott, and Beulah Vancott, individually or doing business as National Wholesale Electric Company or otherwise, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve B. R. Vancott, and Beulah Vancott, individually or doing business as National Wholesale Electric Company or otherwise, from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on January 2, 1943, and shall expire on April 2, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 28th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-14067; Filed, December 28, 1942; 3:26 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 1 as Amended Dec. 29, 1942]

Part 944, Priorities Regulation No. 1, is hereby amended in the following respect:

Section 944.11 is amended to read as follows:

§ 944.11 *Use of material obtained under allocation or preference rating.* Any person who obtains a delivery of any material with priorities assistance or pursuant to an order of the Director General for Operations must use such material, or an equivalent amount thereof, for the purpose for which it was obtained. If it cannot be used for such purpose, either because of the revocation of an applicable preference rating or for any other reason, such person shall use or dispose of the material, or any item into which it has been incorporated, only as follows:

(1) To fill, in accordance with this regulation, rated contracts or purchase orders placed with him and bearing a rating of AA-5 or higher, or a rating at least as high as that upon which the material was obtained if it was obtained with a rating lower than AA-5, provided such use is permissible under Priorities Regulation No. 13 and any other regulations or orders controlling the production or distribution of the particular material or item; or

(2) For his own needs, if he has been duly authorized to obtain material for such use by applying or extending a preference rating of AA-5 or higher, and such use is permissible under applicable regulations and orders; or

(3) By redelivering the material to the person who originally delivered it to him.

If and to the extent that such person is not able to use or dispose of such materials or items as permitted above, he may file with the regional office of the War Production Board for the region in which the materials or items are located a report describing the same, so that they can be redistributed.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-14081; Filed, December 29, 1942; 11:28 a. m.]

PART 962—IRON AND STEEL

[General Preference Order M-21 as Amended Dec. 29, 1942]

Whereas the national defense requirements have created a shortage of steel, as hereinafter defined, for defense, for private account, and for export and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 962.1 *General Preference Order M-21*—(a) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 as amended from time to time, except to the extent that any provision thereof may be inconsistent herewith, in which case the provisions of this order shall govern.

(b) *Definitions.* For the purposes of this order:

(1) "Steel" means all carbon and alloy steel castings, ingots, blooms, slabs, billets, forgings, and all other semifinished and finished rolled or drawn carbon and alloy steels.

(2) "Iron products" means iron castings, gray and malleable (including all items of ferrous foundry manufacture not classified as steel), wrought iron products, and cast iron pipe.

(3) "Producer" means any person who produces steel or iron products.

(c) *Purchasers' statements.* (1) The filing of form PD-73 is not required with orders for steel for delivery on or after June 1, 1942, or with orders for iron products. On orders for steel for delivery on or before May 31, 1942, form PD-73 shall be filed as heretofore.

(2) Except as permitted by this paragraph (c), on and after June 1, 1942, no producer shall accept an order for steel or iron products from or deliver steel or iron products to any person unless such person has endorsed on his purchase order a statement in the following form, signed by an official duly authorized for such purpose, specifying the name of the appropriate group classification as described in Schedule A hereto, and no purchase order shall include material for more than a single group classification:

The undersigned certifies to the producer and to the War Production Board that the material ordered herein is to fill orders in group classification ________________.

____
Name of Purchaser

____
Authorized Official

____
Title

(3) Except for orders in group classifications, lend-lease, other export, and warehouse, on orders placed on or before May 31, 1942, with deliveries to be made after that date, a purchaser's statement in the above form must be filed with the producer on or before May 31, 1942, together with a description of the purchase orders to which each such statement applies.

(4) On export sales (except lend-lease sales and sales to purchasers in the Dominion of Canada) the purchaser's statement may be furnished by the accredited agent of the purchaser or by the export division of the producer.

(5) On shipments by a producer direct to the customer of a warehouse the purchaser's statement shall be furnished to the producer by the customer and not by the warehouse.

(d) *Producers' reports.* Each producer shall file with the War Production Board, Washington, D. C., Reference: M-21, reports at such times and on such forms as may from time to time be prescribed.

(e) *Restriction on deliveries.* No person shall deliver steel or iron products except:

(1) Any person may make delivery on orders bearing a preference rating of A-10 or higher.

(2) Warehouses and dealers may make delivery to the extent permitted by the provisions of Supplementary Order M-21-b, as from time to time amended.

(3) Any person may make delivery as permitted by the provisions of Priorities Regulation No. 13, as from time to time amended.

(4) Any person may make delivery of fireplace dampers or of fireplace grates, not exceeding 30 pounds per grate, on unrated orders.

(5) Any person may make a delivery specifically authorized or directed by the Director General for Operations.

(f) *Specific directions.* The Director General for Operations may from time to time issue specific directions to any person or persons as to the type, description, amount, source, or destination of steel or iron products to be produced, delivered, or acquired by such person or persons.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A—GROUP CLASSIFICATIONS

Army. Orders for steel and iron products to be delivered, or physically incorporated into material to be delivered, to the War Department (including the Panama Canal), including construction and maintenance of plants owned by the War Department.

Navy. Orders for steel and iron products to be delivered, or physically incorporated into material to be delivered, to the Navy Department (including the Marine Corps and Coast Guard), including construction and maintenance of plants owned by the Navy Department.

Maritime. Orders for steel and iron products to be delivered, or physically incorporated into material to be delivered, to the Maritime Commission, or to commercial shipyards (CSY) for ship repair under the supervision of the Coordinator for Ship Repair and Conversion, including construction and maintenance of plants owned by the Maritime Commission.

Defense Projects. Orders for steel and iron products for construction and maintenance of defense plants or projects under preference ratings, including, but not limited to, ratings assigned by preference rating orders in the P-19 series, and not included in other classifications.

Lend-Lease. Orders for steel and iron products for export on lend-lease contracts placed by any U. S. government agency, identified by the symbol "DA" on the order form.

Other Export. Orders for steel and iron products for export (except to U. S. possessions and off-shore bases), not included in the Lend-Lease classification.

Railroad. Orders for steel and iron products to be delivered, or physically incorporated into material to be delivered, to U. S. railroads.

Warehouse. Orders for steel and iron products for warehouses for resale (except CSY orders).

All Other. Other orders for steel and iron products which cannot be identified under any of the preceding classifications.

INTERPRETATION 1

The terms "steel" and "iron products" as defined in General Preference Order M-21, as amended (§ 962.1), do not include salvaged or used materials. (Issued September 2, 1942.)

[F. R. Doc. 42-14082; Filed, December 29, 1942; 11:28 a. m.]

PART 997—PRODUCTION AND DELIVERY OF MACHINE TOOLS

[General Preference Order E-1-b as Amended Dec. 29, 1942]

§ 997.2 *General Preference Order E-1-b*—(a) *Definitions.* (1) "Machine tools" include the products listed in schedule hereto attached and marked Exhibit A[1] and divided into two groups designated Group I and Group II for the purpose of this order as hereinafter specified. The term "tool" means a machine tool. Each machine tool includes not only the basic machine but also all fixtures, equipment and tooling covered by the original purchase order which are required to be delivered with the tool to make it usable in production for the purposes intended, but does not include any replacements, or spare parts or equipment, or extra tooling, ordered by the purchaser.

(2) "Producer" means any individual, partnership, association, corporation, or other form of enterprise engaged in producing any products listed in Exhibit A.

(3) "Service purchasers" means those whose preference rating certificates, or whose endorsed purchase orders, show that the preference rating applied to such delivery was assigned thereto by an original Preference Rating Certificate PD-3, PD-3A, or PD-4, or by Preference Rating Order P-19-h, calling for delivery to a supply arm or bureau of the Army or Navy, or to the United States Maritime Commission, or to one of their prime contractors, or to a subcontractor of such a prime contractor.

(4) "Foreign purchasers" means those whose purchase orders show that the tool is to be delivered to or for the account of a foreign country (other than Canada), or a subdivision, agency, or instrumentality thereof: *Provided*, That such purchase orders have been placed by the Ordnance Department (Army) or by the Procurement Division of the Treasury Department, with or without a preference rating certificate; or, in the case of purchase orders placed prior to May 1, 1942 by a purchasing or procurement agent of a foreign country, where such purchase orders have been scheduled pursuant to a preference rating certificate, a Special Allocation Order No. 1, or General Preference Order No. E-3.

(5) "Other purchasers" means all purchasers other than service purchasers and foreign purchasers, to whose purchase orders a preference rating has been assigned, including Canadian.

(6) "Class" when used herein means one of the foregoing three classes of purchasers: namely, service purchasers, foreign purchasers, or other purchasers.

(7) "Size" as used herein may include all of those dimensions or variations of a particular type of tool which can be used interchangeably for production purposes.

(b) *Revocation of previous order.* General Preference Order No. E-1-a Revised, including the Numerical Master Preference List, Revision No. 1, is revoked as of May 1, 1942 as to machine tools, and shall thereafter be of no further force or effect with respect to machine tools except as present schedules and urgency standings are continued by paragraph (c) of this order. Makers of gages and chucks will continue to schedule their production according to General Preference Order No. E–1–a, Revised, until further order of the Director General for Operations.

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[1] Not filed as part of the original document.

(c) *Production and delivery of machine tools during November 1942 and until further notice.* Notwithstanding any other provisions of this order, each producer shall schedule 75 percent of his production and delivery of each size of each type of machine tool during the balance of the calendar month of November 1942 and each month thereafter as follows, until further notice:

(1) Each producer forthwith shall divide into two types all purchase orders placed by each of the seven groups of Service purchasers (Bureau of Ships, Bureau of Ordnance, Ordnance Department, Air Services, Miscellaneous Bureaus and Branches, Maritime Commission, and Signal Corps) which specify as the required delivery date the month being scheduled or a previous month, such types being designated as Type 1 orders and Type 2 orders. The "required delivery date" is the date specified on the endorsement accompanying the purchase order, as changed by any subsequent instruction given on Form WPB–27, Form WPB–1588, or otherwise, by the War Production Board, or by any postponement thereof by the purchaser.

Type 1 orders shall include the following:

(i) Any purchase order for delivery to any Service Purchaser in the "Air Services" group (called "Air Forces" in Exhibits A and B to General Preference Order E–1–b). "Air Services" includes the Army Air Forces, the Navy Bureau of Aeronautics, their respective prime contractors and subcontractors, and the U. S. Corps of Engineers with respect to purchases made for the account of the Army Air Forces; and in addition thereto,

(ii) Any purchase order for delivery to any prime contractor listed on the preferred customers list (Exhibit C attached to this order) or any subcontractor of such a prime contractor. No purchase order from a prime contractor on the preferred customers list, or from his subcontractors, shall be classed as a Type 1 order, however, unless the endorsement required by paragraph (h) of this order to be placed by such purchaser on his purchase order, or the preference rating certificate itself if transferred to the producer, shows that the machine tool ordered is for use on the prime contract specified opposite the prime contractor's name on such Preferred Customers List.

Type 2 orders shall include all other purchase orders placed by Service purchasers which do not fall in Type 1 orders.

(2) The producer shall total all Type [illegible] orders from Service purchasers for the size and type of tool being scheduled, which specify as the required delivery date the month being scheduled or a previous month. Where 75 percent of the production of the size and type of tool being scheduled for delivery in any month is greater than the total Type 1 orders received from all Service purchaser groups specifying that month or a previous month as the required delivery date, all such Type 1 orders shall be scheduled for delivery in that month regardless of the effect on any Type 2 orders. The residue of such 75 percent shall be scheduled for delivery against Type 2 orders from the remaining Service purchaser groups in accordance with the percentage quotas established by Exhibit A to this order, the "Air Services" quota becoming an unabsorbed quota distributable in accordance with paragraph (e) (5) of this order.

(3) Where 75 percent of the production of the size and type of tool being scheduled for delivery in any month is less than the total Type 1 orders received from all Service purchaser groups specifying that month or a previous month as the required delivery date, no Type 2 orders shall be scheduled for delivery in that month. Where the Type 1 orders in such case are from more than one Service purchaser group, the distribution of such 75 percent of production between the Type 1 orders from such groups shall be determined as follows: The percentage which 75 percent of the production for that month constitutes of the total Type 1 orders from all such Service purchaser groups shall be determined. Such percentage shall then be applied to the number of such Type 1 orders from each Service purchaser group involved, and the resultant number of Type 1 orders shall accordingly be scheduled for delivery to such group. The particular Type 1 orders to be scheduled for each such Service purchaser group and the sequence of their delivery shall be determined by the Numerical Master Preference List, as amended by Revision No. 4 and corrections and additions thereto, the operation of which is set forth in paragraph (i) of this order.

(4) 25 percent of each producer's production for each month of each size of each type of tool shall continue to be scheduled for delivery to foreign purchasers and other purchasers in accordance with the other provisions of this order.

(5) Immediately upon scheduling machines for delivery in accordance with paragraphs (c) (2), (c) (3), and (c) (4) of this order, each producer shall notify all purchasers of the new scheduled delivery dates which fall within the period ending February 28, 1943.

(6) Notwithstanding the provisions of this paragraph (c), the War Production Board from time to time may issue specific scheduling instructions to any producer.

(7) The four months rule established by paragraphs (d) (4) and (e) (5) of this order, and the thirty and sixty day "frozen" periods established by paragraph (l) of this order, shall not be applied to Type 1 orders. All Type 1 orders on hand on November 5, 1942 or received in the future shall immediately be scheduled for delivery on their required delivery dates or as soon thereafter as possible without retarding production. All Type 2 orders remain subject to the terms of this General Preference Order E–1–b except as the delivery dates on such orders may be extended by the rescheduling of Type 1 orders in accordance with this paragraph (c).

(8) All other provisions of this General Preference Order E–1–b not modified by this paragraph (c) shall remain in full force and effect.

(d) *Allocation of production to service purchasers and to foreign and other purchasers.* (1) Except as provided in subparagraphs (3) and (4) of this paragraph, each producer shall schedule his production for each calendar month so as to deliver 75 per cent of his production of each size of each type of tool which he produces in that month to service purchasers.

(2) Except as provided in subparagraphs (3) and (4) of this paragraph, each producer shall schedule his production for each month so as to deliver 25 per cent of his production of each size of each type of tool in the aggregate to foreign purchasers and other purchasers.

(3) A producer may schedule for delivery to service purchasers more than 75 per cent of his production of any size of a type of tool in a given month, to the extent that he has failed to receive purchase orders for foreign purchasers and rated purchase orders from other purchasers for tools of such size and type prior to the first day of the fourth month preceding the month of delivery.

(4) A producer may likewise schedule for delivery to foreign purchasers and other purchasers more than 25 per cent of such production of any size of a type of tool in a given month, to the extent that he has failed to receive rated purchase orders from service purchasers for tools of such size and type, prior to the first day of the fourth month preceding the month of delivery.

(5) In preparing his schedules as aforesaid, a producer shall fix the dates of his deliveries of tools to service purchasers, to foreign purchasers and to other purchasers within a given month so that each class will receive its percentage of tools equitably in point of time within the month.

(e) *Distribution of 75 per cent of production among Service purchasers.* (1) Service purchasers are hereby subdivided into seven groups consisting of the following, and their respective prime contractors and subcontractors: Bureau of Ships (Navy), Bureau of Ordnance (Navy), Ordnance Department (Army), Air Services, Miscellaneous Branches and Bureaus, the Maritime Commission, and the Signal Corps. The fourth group, designated "Air Services," includes the Army Air Forces and the Navy Bureau of Aeronautics and their respective prime contractors and subcontractors. The fifth group, designated "Miscellaneous Branches and Bureaus," includes the Quartermaster Corps, the Corps of Engineers, the Army Medical Department, the Chemical Warfare Service, the Bureau of Yards and Docks, the Marine Corps, and the Transportation Service of the Services of Supply, together with any other corps, department, bureau or service of the Army and Navy not heretofore specifically designated as a separate

group, and their respective prime contractors and subcontractors.

(2) Exhibit A specifies a percentage of each type of tool which is to be delivered each month to each different group of service purchasers. The aggregate of such percentages is 75 per cent.

(3) The stated percentage for each group where applied to a producer's production of each size of a given type of tool in a specified month, establishes the "quota" for that group of that size and type during that month.

(4) During each calendar month, each producer shall deliver to each group of service purchasers the number of tools of each size of a given type which equals the quota of the group for that size and type.

(5) If a producer does not have on hand on the first day of the fourth month preceding the month of delivery, rated purchase orders from the Bureau of Ships (Navy) group equal to that group's quota of a size of a given type of tool for that month, the producer shall schedule purchase orders received from the Bureau of Ordnance (Navy) group for the balance of the Bureau of Ships (Navy) group quota of that size and type for delivery during that month. Similarly, if the producer does not have orders on hand from the Bureau of Ordnance (Navy) group equal to its quota, he shall schedule purchase orders received from the Bureau of Ships (Navy) group for the balance of the Bureau of Ordnance (Navy) group's quota.

If a producer does not have on hand on the first day of the fourth month preceding the month of delivery, rated purchase orders from the Bureau of Ships group plus the Bureau of Ordnance group equal to their combined quotas of a size of a given type of tool for that month, or if he does not have on hand on such date rated purchase orders from any other single group of service purchasers equal to that group's quota of a size of a given type of tool for that month, the producer shall schedule purchase orders received from members of other groups of service purchasers for that size and type for delivery during that month. Where members of two or more other groups have placed purchase orders aggregating more than such unordered balance of the combined quotas of the Bureau of Ships and Bureau of Ordnance, or of any other single group's quota, the producer must first schedule the purchase orders of those purchasers who are members of the group having the greatest ratio of:

(i) Unfilled purchase orders, specifying required delivery dates in said month of delivery and in preceding months, but not scheduled for delivery in said months to;

(ii) The number of tools to which said group is entitled under its quota,

until that ratio has been reduced to or below the ratio of another group or groups, after which the producer shall schedule the purchase orders of members of the group or groups which then have the greatest ratio, and shall continue to schedule in this manner until the unordered balance has been entirely distributed. Where several groups have the same ratio, and there are not sufficient undistributed tools to schedule one for each group, preference shall be given to the groups having the lower percentage quotas.

(6) Likewise, if a producer does not have on hand on the first day of the fourth month preceding the month of delivery, rated purchase orders from foreign and other purchasers equal to 25 percent of his production of a size of a given type of tool for that month, the producer shall schedule purchase orders received from service purchasers for that type and size for delivery during that month, in the manner provided in paragraph (e) (5) hereof.

(7) A purchase order which has been scheduled as provided in subparagraphs (5) and (6) hereof shall represent an addition to the quota of the group of which the service purchaser in question is a member, and such purchase order shall not thereafter be affected by the receipt of a purchase order from a member of any other group, irrespective of the urgency standing of the latter.

(8) In preparing his schedules of deliveries for a given month for service purchasers, a producer shall fix the dates of his deliveries to the different groups so that each group will receive its percentage of tools equitably in point of time within the month.

(f) *Distribution of 25 per cent of machine tools among foreign and other purchasers.* Foreign purchasers and other purchasers shall be treated as one group, and each producer shall schedule his orders for each size of each type for delivery each month, within their aggregate 25 per cent of production for that month, in accordance with the sequence of deliveries determined as hereinafter specified in paragraph (i): *Provided, however,* That if the purchase orders from foreign purchasers and other purchasers with any producer with required delivery dates in any one month, aggregate more than 25 per cent of his production for any size of a given type during such month, such producer shall immediately file with the War Production Board a report stating the size and type of tool, showing all such purchase orders and designating for each order the required delivery date, the name of the purchaser, or the foreign country in the case of foreign purchasers, the purpose for which the tool is to be used in the case of other purchasers and the required delivery dates. The Director General for Operations, or such other official as may be specifically authorized by him, will thereupon examine such report and issue directions as to which purchase orders shall be eliminated in order to bring the aggregate within the 25 per cent allocation, or such other directions as he may deem necessary.

(g) *Treatment of fractions.* Where the number of tools which results from the use of a percentage to be applied under this order contains a fraction of more than one-half, the fraction shall be counted as a whole tool. A fraction under one-half shall be disregarded, except that where the computation results in a fraction only (less than one whole tool) for any one month, and such fraction is less than one-half it shall be counted in computing the next month's quota. Where each of the computations of two or more different quotas for the same month shows a fraction of one-half, and there is only one remaining tool to which such fractions can apply, such tool shall be allotted to the group having the highest percentage quota, and the other fractions of one-half shall be disregarded for that month, but shall be counted in computing the other quota or quotas for the next month.

(h) *Necessity for preference ratings.* (1) Except in the case of purchase orders of foreign purchasers, no purchase order for any machine tool shall be given priority standing in production schedules, and no machine tool shall be sold or delivered, unless a preference rating of A–10 or higher has been assigned thereto by a Preference Rating Certificate PD–1A, by a Preference Rating Certificate PD–3A, by a Preference Rating Certificate in the PD–408 series, or by a Preference Rating Order No. P–19–h.

In placing the endorsement required by Priorities Regulation No. 3 on the purchase order there must also be included therein or set forth in a separate endorsement on the purchase order:

(i) The urgency standing of the purchaser, if any;

(ii) The required delivery date of the tool;

(iii) A statement as to whether the purchaser is a "Service purchaser," a "foreign purchaser," or an "other purchaser," and

(iv) In the case of Service purchasers, the Supply Arm or Bureau of the Army or Navy, or the Maritime Commission, which placed the prime contract, the number of the prime contract, and the name of the prime contractor;

(v) In the case of foreign purchasers, the foreign country for which the tool is purchased; and

(vi) In the case of other purchasers, a statement as to the product or production program for which the tool is to be used.

In addition to making the endorsement upon his purchase order as required, any person placing such an order after December 25, 1942 shall furnish to the producer a photostatic copy (or another copy accompanied by his sworn statement that it is a true copy) of the Preference Rating Certificate PD–1A, PD–3A, PD–408, or Preference Rating Order P–19–h. Reproduction of any of the foregoing preference rating certificates or orders for the foregoing purposes is hereby permitted.

(i) *Operation of Numerical Master Preference List, and preference ratings.* (1) All purchase orders of foreign purchasers are hereby assigned a rating of A–1–a for the purposes of this General Preference Order E–1–b. The Numerical Master Preference List. (Exhibit B)[1] attached to this order, herein called "the list" shall determine the sequence of deliveries as between service purchasers as hereinafter set forth, but shall have no effect upon foreign purchasers or other purchasers.

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[1] Not filed as part of the original document.

(2) Subject to the provisions of paragraph (c) of this order, as amended, the sequence of deliveries of machine tools among each group of service purchasers within its respective percentage quota shall be determined without regard to preference ratings as follows:

(i) Deliveries to service purchasers who are either on the list or are subcontractors of persons on the list shall be preferred to and shall take precedence over deliveries to service purchasers who are not on the list.

(ii) As between deliveries which have conflicting required delivery dates to be made to two or more service purchasers, both on the list, deliveries shall be made according to their respective urgency standings specified on such list. The highest urgency standing in each group is No. 1.

(iii) As between deliveries which have conflicting required delivery dates to be made to two or more service purchasers, neither of whom is on the list, the sequence of deliveries shall be determined by the respective dates on which the producer receives the photostatic or certified copy of the preference rating certificate. The delivery for which such photostatic or certified copy was first received takes precedence except that orders received prior to December 25, 1942 shall not be rescheduled according to such rule but shall be delivered in the sequence theretofore scheduled.

(iv) A delivery to a subcontractor who is not specifically named on the list shall take the urgency standing of his prime contractor; the urgency standing of the prime contractor must be endorsed in writing on the subcontractor's preference rating certificate by an officer designated for such purpose by the supply arm or bureau concerned.

(3) The sequence of deliveries of machine tools among foreign and other purchasers within the portion of production allocated to such purchasers shall be determined as follows:

(i) As between deliveries which have conflicting required delivery dates and which bear different preference ratings, delivery shall be made according to the preference ratings of the respective purchasers.

(ii) As between deliveries which have conflicting required delivery dates and which bear the same preference rating, the sequence of deliveries shall be determined by the respective dates on which the producer received the photostatic or certified copy of the preference rating certificate. The delivery for which the preference rating certificate was first received, takes precedence except that orders received prior to December 25, 1942 shall not be rescheduled according to such rule but shall be delivered in the sequence theretofore scheduled.

(j) *Additions to list.* Additions to, withdrawals from, and other changes may be made in the Numerical Master Preference List from time to time by the Director General for Operations or such other official as may be specifically authorized by him. Where it is desired to assign an urgency standing between existing urgency standings, the new urgency standing will consist of a number including a decimal. Such an urgency standing will take a position in the sequence of deliveries as indicated by the following example: Urgency Standing 792.1 will be scheduled after 792 and before 793.

(k) *Revision of scheduled deliveries.* (1) On or before June 1, 1942, with respect to machine tools designated as Group I on Exhibit A and on or before July 1, 1942, with respect to machine tools designated as Group II on Exhibit A, each producer shall revise his schedule of deliveries for each type of tool to conform to the percentage allocations and quotas of the various classes and groups of purchasers and in accordance with the sequences determined by urgency standings and preference ratings, to the extent that he can do so without seriously delaying his production line, and without postponing the date of completion of any particular tool which was 50 per cent or more completed on May 1, 1942, beyond the earliest date when such tool can be 100 per cent completed.

(2) After the date specified in subparagraph (1) of this paragraph, the producer shall make deliveries of tools in accordance with his revised schedules.

(l) *Postponement of new purchase orders.* Unless the Director General for Operations specifically orders otherwise, and notwithstanding any other provisions of this order, no higher preference rating or urgency standing shall operate to postpone or in any way affect any delivery under a purchase order already scheduled where such delivery, in the case of tools designated as Group I on Exhibit A is to be made within 30 days of receipt of such higher preference rating or urgency standing, or in the case of tools designated as Group II on Exhibit A, is to be made within 60 days of receipt of such higher preference rating or urgency standing.

(m) *Specific modifications of schedules.* Notwithstanding any other provisions of this order, the Director General for Operations, or such other official as may be specifically authorized by him, may allocate to another purchaser, or otherwise divert, any machine tool scheduled for production and delivery pursuant to this order. Except as expressly provided in this order, no one other than the Director General for Operations or his duly authorized representative, may give directions respecting sequences of deliveries. No interpretations, instructions, or directions respecting any of the provisions of this order shall be issued without the approval of the Director General for Operations or such other official as may be specifically authorized by him; and no producer shall accept or give effect to any interpretation, instruction, or direction, which is not issued in accordance with the foregoing provisions.

(n) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(o) *Applicability of Priorities Regulation No. 1.* This order, and all transactions affected thereby, are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(p) *Reports and other communications.* All reports which may be required to be filed, and all other communications concerning this order, should be addressed to: War Production Board, Washington, D. C. Ref.: E–1–b.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

INTERPRETATION 1

The term "purchase order," as used in General Preference Order E–1–b, means a firm order for a machine tool which is accompanied either by specifications or by other description of the tool in sufficient detail to enable the producer to place the tool in his production schedules. (Issued May 15, 1942)

INTERPRETATION 4

An urgency standing should not be used in connection with a Preference Rating Certificate PD–1A. General Preference Order E–1–b defines as service purchasers those whose preference rating certificates or whose endorsed purchase orders show that the preference rating was assigned by an original Preference Rating Certificate PD–3, PD–3A, or PD–4, or by Preference Rating Order P–19–h. Hence, the holder of a PD–1A Certificate cannot be a service purchaser as he is excluded from the definition.

Urgency standings govern the sequence of deliveries of machine tools as between service purchasers of the same group within their respective percentage quotas. If a person seeking to procure a machine tool is not a service purchaser he cannot be a member of one of the service purchasers groups, and the urgency standing therefore has no effect upon the delivery of the tool to him. The tool must come out of the 25 percent quota assigned to foreign and other purchasers, and the sequence of its delivery will be determined solely by its required delivery date and its preference rating, in the absence of a specific direction of the Director General for Operations. (Issued August 10, 1942)

[F. R. Doc. 42–14083; Filed, December 29, 1942; 11:28 a. m.]

PART 3118—CONSUMERS' GOODS INVENTORIES

[Consumers' Goods Inventory Limitation Order L–219]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of consumers' goods for defense, for private account, and for export; and the following order, limiting consumers' goods receipts and providing for inventory reports, is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3118.1 *Consumers' Goods Inventory Limitation Order L–219*—(a) *Definitions.* For the purposes of this order:

(1) "Consumers' goods" means goods suitable in form and type for sale to individual ultimate consumers for personal or household use, including but not limited to goods on List B, attached to Order L–219. Consumers' goods do not include producers' goods such as farm implements, goods used in rendering personal services such as shoe repairing, or goods sold for consumption on the vendor's premises such as fountain and restaurant fare. Consumers' goods shall not include any food or beverage for human or animal consumption, or any fuel oil, gasoline, motor oil, grease, or allied petroleum products.

(2) "Mercantile inventory" means the stock of consumers' goods held for sale by a person engaged in marketing such goods, including goods he has purchased for resale, goods he has manufactured for sale, stock consigned to him for sale, and stocks held by him on memorandum for sale.

(i) Mercantile inventories shall not include factory inventories. A "factory inventory" is an inventory of consumers' goods which are stored by the manufacturer of such goods at, or in the immediate vicinity of the place where their manufacture was completed, and which are not being offered for sale to individual ultimate consumers.

(ii) Stocks on consignment or on memorandum for sale are to be included in the inventory of the person actually holding them for sale, and in such case are to be excluded from the inventory of the owner. Stocks on consignment or on memorandum to a person not holding them for sale are to be included in the inventory of the owner.

(iii) Goods in transit may be included in or excluded from inventory: *Provided,* That in all computations, records, reports, and other matters pursuant to this order, they are consistently treated by the merchant in accordance with his prior accounting or income tax return practice. Goods shall cease to be considered in transit not later than the day after they are delivered to a merchant on his premises, to his warehouse, or to a commercial warehouse for his account.

(iv) Goods are held for sale and are considered as part of "inventory" even though they are not currently offered for sale, but are stored in a warehouse or elsewhere, with a view to sale at some future time, e. g., seasonal goods during the off season and goods held for speculative purposes. Goods held on the "lay-away" plan pending payment of the purchase price may be included in or excluded from inventory: *Provided,* That in all computations, records, reports and other matters pursuant to this order, they are consistently treated by the merchant in accordance with his prior accounting or income tax practice.

(3) "Merchant" means any person engaged in retailing, wholesaling, jobbing or otherwise marketing consumers' goods, either of his own or another's manufacture, who maintains a mercantile inventory.

(4) "Controlled merchant" means any merchant, not in any of the exempt categories established by paragraph (b), who:

(i) On or after November 30, 1942, had a mercantile inventory of consumers' goods having a cost value of $50,000 or more at the end of any quarter of any of his federal income tax years, and also

(ii) During the twelve months preceding the end of the same quarter of his federal income tax year had net sales of consumers' goods of $200,000 or more.

Any merchant who is or becomes a "controlled merchant" within the foregoing definition shall cease to be a "controlled merchant" if at the end of each of any four consecutive quarters thereafter either his mercantile inventory has a cost value of less than $50,000 or he has failed during the preceding twelve months to make net sales of consumers' goods of $200,000 or more.

(5) "Net sales" means the amount of a merchant's gross sales of goods in dollars, including sales of goods shipped direct from a vendor to the merchant's customer, less all returns, allowances, rebates, discounts and other proper deductions. In the case of a merchant who is also engaged in manufacturing, his net sales shall not include any sales made, as a manufacturer, out of his factory inventory.

(6) "Cost value" or "cost" of goods received, sold, or in inventory means the value in dollars of such goods computed by any single method of valuation which meets the requirements of generally accepted accounting practice or which is consistently used by the merchant for valuation of inventory for balance sheet and profit and loss statement purposes. Goods held for sale on consignment and on memorandum are to be valued at not less than the amount which the person holding them for sale would be obligated to remit to the owner if all of them were sold. Incoming transportation costs and workroom charges shall also be included in the value of goods on consignment or on memorandum if they are included in the cost value of comparable purchased goods in the inventory of the person holding them for sale. Retail merchants who consistently employ what is known as the "retail method" of pricing inventories may reduce their inventories to cost by the method prescribed for federal income tax purposes.

(7) "Inventory year" of a merchant means the recurrent twelve calendar month period beginning either December 1, January 1, or February 1, of each year, whichever corresponds with the beginning date of a quarter of his federal income tax year. An inventory year is designated by the number of the calendar year in which most of its months fall. For example, whichever of the inventory years commencing December 1, 1942, January 1, 1943, and February 1, 1943, is selected by a merchant, is his 1943 inventory year within the meaning of this order. Each inventory year shall consist of four "quarterly periods" of three calendar months each, except that any merchant who keeps his books of account on the basis of an annual fiscal period divided into thirteen periods of four weeks each or divided into four thirteen-week quarters may adopt an inventory year of four thirteen-week "quarterly periods," each divided into one five-week and two four-week "months." Any merchant who keeps his accounts on the basis of either of these types of fiscal year may use a date other than December 1, January 1, or February 1, as the first day of his inventory year: *Provided,* That the date selected is as near as possible to the beginning date of a quarter of his federal income tax years.

(8) "Base period" means a period of three inventory years, commencing with the beginning date of the merchant's 1939 inventory year. Ordinarily, this date will be December 1, 1938, January 1, 1939, or February 1, 1939. Any controlled merchant who lacks records for part or all of the base period so computed shall use as his special base period all the complete consecutive quarterly periods between December 1, 1938, and February 1, 1942, for which he has records. If the number of such quarterly periods is less than four, additional periods shall be taken from his 1942 inventory year sufficient to complete a single year. His treatment of inventory and sales data for such special base period shall conform as strictly as possible to the treatment of inventory and sales data for the base period prescribed in Appendix A attached to Order L–219. If a going business has changed owners since the commencement of the period which, but for such change, would have been its base period, and if the current owner possesses or can obtain the necessary data concerning his predecessor's operations, he shall compute the normal inventory of such business as if he had been its owner throughout. A controlled merchant who is unable to establish a base period, including 1942, of at least four consecutive quarterly periods, shall apply to the Director General for Operations for instructions, stating his monthly sales and inventories.

(9) "Normal inventory" means a mercantile inventory at the beginning of a

quarterly period with a cost value no larger in relation to a merchant's projected sales during that quarterly period than he would carry at the beginning of that quarterly period when following his normal base period merchandising practices. In no event shall the normal inventory figure used by a merchant in determining his inventory limit exceed a figure correctly computed from his past inventory and sales experience by the method described and illustrated in Appendix A attached to Order L–219, and employed on Forms PD–689 and PD–690.

(10) "Allowable receipts" during a quarterly period means the cost value of the consumers' goods which a merchant will need during any quarterly period to complete his anticipated sales during that quarterly period and to begin the next succeeding quarterly period with his normal inventory, less the cost value of the mercantile inventory which he has at the beginning of the quarterly period. Except for merchants who elect under paragraph (l) to use the "retail method," the allowable receipts calculated by a merchant shall not exceed the larger of the following:

(i) A figure correctly computed from the merchant's previous experience with respect to sales and cost of goods sold by the method described and illustrated in Appendices A and C attached to Order L–219, and employed on Form PD–690, or

(ii) A figure equal to one-third of the cost of goods sold during the preceding quarterly period.

(11) "Cost of goods sold" means the cost value of goods removed from mercantile inventory by sale, spoilage, shrinkage reserve, consignment to another person or other proper deduction in accordance with generally accepted accounting practice consistently used by the merchant, plus the cost value of goods shipped direct from a vendor to the merchant's customers.

(12) "Receipts of consumers' goods" means the cost value of consumers' goods acquired by a merchant by purchase, consignment, memorandum, or otherwise, in such a way and to such an extent that they became part of the merchant's mercantile inventory, plus the cost value of consumers' goods shipped direct from a vendor to the merchant's customers. Goods manufactured by a merchant are to be included in his receipts when they are transferred to his mercantile inventory.

(13) "Frozen goods" means those consumers' goods in the mercantile inventory of a controlled merchant which he is selling at a substantially less rapid rate than normal, due to governmental regulations which specifically restrict the sale of those consumers' goods, such as typewriters and automobile tires, to preferred classes of persons based upon special need.

(b) *Exemption of certain types of business.* The provisions of paragraph (d) and paragraph (e) of this order shall not apply to any merchant in any of the following exempt categories.

(1) Any merchant more than fifty per cent of whose aggregate net sales of all kinds of goods during his most recently completed inventory year were sales of goods listed on List A.

(2) Any merchant engaged in retailing, wholesaling, jobbing or otherwise marketing consumers' goods entirely outside the limits of the United States.

(3) Any governmental corporation or agency, including any United States Army or Marine Corps Post Exchange and any United States Navy Ship's Service Department.

(c) *Calculation of inventory limit.* (1) As used in paragraph (d) and paragraph (e), the "inventory limit" of a controlled merchant at the beginning of any quarterly period of his inventory year shall mean his normal inventory as of the beginning of that quarterly period plus the percentage of such normal inventory to which he is entitled as tolerance, computed by the method described and illustrated in Appendix B attached to Order L–219, and employed on Form PD–690. The percentage of tolerance with respect to mercantile inventories in the Eastern and Central Time Zones shall be 10% at the beginning of the second quarterly period of the 1943 inventory year, and 5% at the beginning of each quarterly period thereafter. The percentage of tolerance with respect to mercantile inventories in the Mountain and Pacific Time Zones shall be 15% at the beginning of the second quarterly period of the 1943 inventory year, and 10% at the beginning of each quarterly period thereafter.

(2) The Director General for Operations may issue specific instructions increasing or decreasing the percentage of tolerance of particular controlled merchants.

(d) *Restrictions on receipts of consumers' goods.* (1) No controlled merchant whose mercantile inventory is greater than his inventory limit at the beginning of any quarterly period, other than the first quarterly period of the 1943 inventory year, shall have receipts of consumers' goods during the quarterly period in excess of his allowable receipts for such quarterly period.

(2) No controlled merchant whose mercantile inventory is greater than his inventory limit at the beginning of any quarterly period, other than the first quarterly period of the 1943 inventory year, shall receive more than one-third of his allowable receipts for such quarterly period during the first month, or more than two-thirds during the first two months, of such quarterly period.

(3) The Director General for Operations may issue specific instructions increasing or decreasing the allowable receipts of particular controlled merchants.

(e) *Special reports.* Any controlled merchant having a mercantile inventory which is greater than his inventory limit at the beginning of any quarterly period, except the first quarterly period of his 1943 inventory year, shall fill out in duplicate, and mail to the War Production Board one copy of each of the following reports, retaining the other copy of each in his possession.

(1) Form PD–690, on or before the twenty-fifth day of the first month of such quarterly period, together with Form PD–689. (Form PD–689 is to be submitted once only, at the time of the first filing of Form PD–690.)

(2) Form PD–713, on or before the twenty-fifth day of the second month of such quarterly period.

(3) Form PD–713, on or before the twenty-fifth day of the third month of such quarterly period.

(4) Form PD–690, on or before the twenty-fifth day of the first month of the following quarterly period.

(f) *Corporate combinations and similar enterprises*—(1) *Consolidated inventories and reports.* Except as otherwise provided in paragraphs (g) and (h), every person affected by this order shall, when computing the quantity of his sales, his mercantile inventories, his receipts, and other matters pursuant to this order, include the sales, mercantile inventories, receipts and other matters of all stores, branches, divisions and sections of his enterprise and of any other enterprise under common ownership or control with his enterprise. Moreover, the reports relating to such sales, inventories and other matters shall be consolidated and shall include the sales, inventories and other matters of all branches, divisions, or sections of all enterprises under common ownership or control without regard to corporate or other distinctions between such enterprises. Concessions and leased departments shall be treated as enterprises separate from the business of the merchant whose premises they occupy, unless under common ownership or control with such business.

(2) *Intra-company and inter-company sales.* In all computations and reports pursuant to this order, transactions within the enterprise of a single person or between stores, branches, divisions or sections of enterprises subject to common ownership or control shall not be counted as sales or as receipts of goods, even though designated on the books of such enterprise or enterprises as sales or receipts, with the following single exception: If one or more of the establishments under common ownership or control engages in manufacturing, then transfer of consumers' goods from factory inventory to mercantile inventory shall constitute a receipt of such goods.

(g) *Separate accounting for company stores.* (1) If any person, as an incident of his principal business, carries on a business enterprise consisting of one or more company stores, commissaries, industrial stores, or other similar type of business enterprise marketing consumer goods chiefly to the employees of such person and their families, then that person shall determine whether such incidental enterprise is a controlled merchant as defined in paragraph (a) (4) of this order and not exempt under paragraph (b) when separately considered.

(2) If such incidental enterprise is, in itself, a controlled merchant, then, even though the principal business of that person may consist of sales of goods on List A, such person shall keep the records, report the inventories, and restrict the receipts of goods of such incidental enterprise as a separate entity. Such person shall exclude the sales, inventories, and receipts of goods of such incidental enterprise from computations and other matters respecting his principal business.

(h) *Separate accounting for ownership groups.* If a controlled merchant consists of a number of establishments, each of which would be a controlled merchant if considered separately, which are substantially independent with respect to merchandising, buying, warehousing, selling, advertising, management, and accounting, and in the operation of which the controlled merchant does not practice centralized buying for, centralized storage for, or interchange of stocks among the constituent establishments, such controlled merchant may elect by written notice to the War Production Board, mailed before February 1, 1943, to keep the records report the inventories, and restrict the receipts of goods of each such constituent establishment as a separate entity.

(i) *Segregation of consumers' goods from other goods.* Any merchant who is engaged in marketing both consumers' goods and other goods may include such other goods with consumers' goods in calculating inventories, sales, receipts of goods, and all other matters under this order if such other goods are consistently included and if their exclusion would be impracticable. The exclusion of such goods from consumers' goods may be considered impracticable only when such exclusion would require the compilation of data respecting the base period which that merchant does not already have available and which could be compiled, if at all, only by re-examining his original records of sales, purchases and inventories during the base period.

(j) *Consistency in accounting.* In the valuation of inventories, in the computation of net sales and costs of goods sold, and in all other matters of accounting under this order, unless otherwise specifically authorized by the Director General for Operations, a merchant must use those accounting methods and figures which are in accordance with his books of account or his income tax returns, which meet the requirements of generally accepted accounting practice for the particular purpose, and which he has consistently employed since the beginning of his base period. If, since that date, there has been a material change or inconsistency in his accounting practice affecting valuation of inventories, computation of his net sales, cost of goods sold, or other matters of accounting under this order, or if his customary accounting methods do not meet the requirements of accepted accounting practice, he shall apply by letter to the Director General for Operations for specific instructions concerning the adjustments, if any, to be made, stating in such letter the nature of the change or inconsistency, or the variance from accepted practice.

(k) *Inter-relation with Suppliers' Inventory Limitation Order L–63.* Nothing in this order shall be construed to relieve any person of the duty of complying with § 1046.1, Suppliers' Inventory Limitation Order L–63. Any controlled merchants who market supplies, as defined in Order L–63, and who are not exempt from this order by virtue of paragraph (b) (1), shall not only comply with any restrictions of Order L–63 applicable to their operations but shall also comply with the provisions of this order without distinction between those consumers' goods which are supplies and other consumers' goods.

(l) *Optional use of the "retail method."* Any retail merchant who employed during his base period what is known as the "retail method" of pricing inventories may elect to value his mercantile inventory and to compute his allowable receipts at retail, rather than at retail reduced to "cost" or "cost value," on the following conditions:

(1) He shall employ a percentage of tolerance two per cent lower than he would otherwise be entitled to use under the provisions of paragraph (c) (1).

(2) He shall consistently value his goods at retail wherever the provisions of this order specify the use of "cost value" or "cost," except for the purpose of determining whether he is a controlled merchant under paragraph (a) (4).

(3) His allowable receipts at retail shall not exceed the larger of the following:

(i) A figure correctly computed from the merchant's previous experience with respect to sales and markdowns by the method described and illustrated in Appendix D attached to Order L–219, and employed on Form PD–690, or

(ii) A figure equal to one-third of his net sales during the preceding quarterly period.

(4) His markdowns at retail used in computing his allowable receipts at retail shall not be a greater percentage of his projected sales than his markdown percentage in the corresponding quarterly period of the preceding inventory year.

(m) *Deduction of surplus inventory of "frozen goods".* Except for the purpose of determining whether he is a controlled merchant, a controlled merchant may deduct from the cost value of his mercantile inventory on hand at the beginning of any current quarterly period an amount in dollars equal to:

(1) The cost value on that date of his mercantile inventory of any kind of "frozen goods" which he has had in his mercantile inventory more than four months, minus

(2) The cost value of the "frozen goods" of that kind sold by him during the immediately preceding quarterly period.

(n) *Officers' uniforms.* Except for the purpose of determining whether he is a controlled merchant, any controlled merchant authorized to accept delivery of officers' uniforms produced under Section 1243.1, Preference Rating Order P–131, may exclude his current receipts, sales, and inventories of such uniforms in any computations, reports and other matters under this order requiring the use of current data, provided he does so consistently.

(o) *Miscellaneous reports.* Merchants shall execute and file with the War Production Board such reports and answers to questionnaires as the Director General for Operations may from time to time request, including reports concerning the sales and inventories of subsidiaries, branches or sales units, or of separate retailing or wholesaling divisions, or of particular departments or lines of merchandise.

(p) *Records.* (1) Every merchant shall preserve those records concerning his operations necessary to determine whether he is a controlled merchant.

(2) Every controlled merchant shall preserve his records concerning sales and inventories during the base period until further notice. Complete and accurate records kept on Form PD–689 will satisfy this requirement.

(3) Every controlled merchant shall prepare and preserve for a period of at least two years accurate and complete records concerning his sales, inventories, cost of goods sold, and receipts of goods in such form that the extent of his compliance with this order can readily be ascertained. Complete and accurate records kept on Forms PD–689, PD–690 and such other forms as are issued from time to time will satisfy this requirement.

(q) *Miscellaneous provisions*—(1) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(2) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(3) *Appeals.* Any person subject to any requirement of this order, who feels

that compliance therewith would work an exceptional or unreasonable hardship upon him, may appeal by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control or allocation and may be deprived of priorities assistance.

(5) *Communications to the War Production Board.* All reports, when ordered to be filed, and all communications concerning this order shall, unless otherwise directed, be sent to the War Production Board, Washington, D. C. Ref.: L–219.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

LIST A

LINES OF GOODS (WHETHER OR NOT CONSUMERS' GOODS) QUALIFYING MERCHANTS FOR EXEMPTION

Antiques.
Coal, fuel oil, gasoline and miscellaneous heat or power fuel.
Coffins, burial caskets, and burial vaults.
Farm machinery and equipment, and attachments and repair parts therefor.
Flowers, and plants, except artificial types.
Foods and confections.
Grain.
Hay.
Jewelry having a selling price of $200 or more per piece.
Lumber and building materials, except hardware.
Motor oil and grease.
Motor vehicles and motor vehicle replacement parts.
Non-alcoholic beverages.
Rubber tires.
Second-hand goods.
Stock food.
Seeds for farm use.
Typewriters.
"Consumers' goods" imported into the United States.
Supplies, as defined in § 1046.1 *Suppliers' Inventory Limitation Order L–63*, concerning which the merchant is required to keep and actually keeps records on Form PD–336.

LIST B

EXAMPLES OF TYPICAL CONSUMERS' GOODS

Women's, misses', wearing apparel.
Women's, misses' accessories.
Baby goods.
Men's and boys' clothing.
Men's and boys' furnishings.
Work clothing.
Footwear.
Hosiery, underwear, negligees and robes.
Gloves, handbags and millinery.
Aprons, house dresses and uniforms.
Furs.
Corsets and brassieres.
Lace, trimmings, and ribbons.
Notions.
Toilet articles and toiletries (such as cosmetics, shaving equipment and soaps).
Clocks and watches.
Jewelry and silverware.
Umbrellas.
Art, needlework and yarns for home use.
Paper and paper products, stationery, books.
Giftwares.
Piece goods (silks, velvets, rayons and synthetics, woolens, cottons, linens, mixtures, wash goods and linings).
Drugs and drug sundries.
Sporting goods and cameras.
Toys and games.
Luggage and other leather goods.
Garden supplies and seeds for garden use.
Motor vehicles, replacement parts, and accessories.
Tires.
Typewriters.
Linens, including towels.
Domestics (muslins, sheetings, etc.).
Blankets, comforters and spreads.
Furniture, bedding and domestic floor coverings.
Draperies, curtains and upholstery.
Lanterns, lamps and shades.
Chinaware and glassware.
Major household appliances, including mechanical refrigerators, washing machines and cooking appliances.
Small electrical appliances, light bulbs, fixtures and dry cells.
Radios, phonographs, records and supplies.
Hardware and tools for home use.
Kitchenware, cutlery and miscellaneous housewares.
Musical instruments, pianos and sheet music.
Window shades, blinds and wallpaper.
Brushes, brooms and mops.
Soaps and household cleaning and sanitation materials.
Paints, varnishes, waxes and polishes.
Christmas ornaments and supplies.
Wheeled goods.
School supplies.
Antiques.
Coal.
Flowers and plants.
Smoking equipment.
Second-hand consumers' goods.

APPENDIX A

COMPUTATION OF A NORMAL INVENTORY

I. Computation of the normal quarterly inventory-sales ratio, using the second quarterly period ratio as an example.

A. Add the mercantile inventories for the quarterly periods of the base period years corresponding to the quarterly period for which the normal inventory is being computed.

Example

1939 Beginning 2nd quarterly period inventory	$----
1940 Beginning 2nd quarterly period inventory	----
1941 Beginning 2nd quarterly period inventory	----
Total A	$----

B. Add the net sales for the quarterly periods of the base period years corresponding to the quarterly period for which the normal inventory is being computed.

Example

1939 sales 2nd quarterly period	$----
1940 sales 2nd quarterly period	----
1941 sales 2nd quarterly period	----
Total B	$----

C. Divide Total A by Total B, computing to three decimal places.

$\frac{\text{Total A}}{\text{Total B}}$ = normal inventory-sales ratio for all second quarterly periods.

II. Computation of projected sales, using the second quarterly period of 1943 as an example.

A. In computing the projected sales for a quarterly period, divide the net sales during the second preceding quarterly period by the net sales during the quarterly period of the previous year corresponding to the second preceding quarterly period, computing to three decimal places.

Example

$\frac{\text{Sales 4th quarterly period 1942}}{\text{Sales 4th quarterly period 1941}}$ = Sales ratio for 2nd quarterly period 1943.

B. Then multiply the sales ratio for the quarterly period by the net sales during the corresponding quarterly period of the preceding year.

Example

Sales ratio 2nd. qt. '43 × sales 2nd qt. '42 = Projected sales 2nd qt. '43.

III. Computation of the normal inventory, using the second quarterly period of 1943 as an example.

Multiply the projected sales during the quarterly period by the normal inventory-sales ratio for that quarterly period.

Example: Projected sales 2nd qt. '43 × normal inventory-sales ratio for all 2nd qts. = normal inventory beginning 2nd qt. '43.

APPENDIX B

COMPUTATION OF INVENTORY LIMIT

I. Computation of the inventory limit using as an example the second quarterly period of 1943 of a merchant in the Eastern Time Zone operating on the cost method.

A. Compute the tolerance by multiplying the normal inventory for the beginning of the quarterly period by the appropriate percentage of tolerance.

Example

Normal inventory beginning 2nd qt. '43 x .10 = Tolerance beginning 2nd qt. '43.

B. Add the tolerance thus secured to the normal inventory.

Example

Tolerance beginning 2nd quarterly period '43	$----
Normal Inventory beginning 2nd quarterly period '43	----
Inventory Limit	$----

APPENDIX C

COMPUTATION OF ALLOWABLE RECEIPTS AT COST VALUE ON THE BASIS OF PROJECTED SALES

I. Computation of the cost of projected sales for a quarterly period, using the second quarterly period of 1943 as an example.

A. Divide the cost of goods sold during the corresponding quarterly period of the preceding year by the net sales during the corresponding quarterly period of the preceding year.

Example

Cost of goods sold 2nd qt. '42 ÷ Net sales 2nd qt. '42 = Cost ratio for 2nd qt. '43.

B. If such data are not available, use the cost of goods sold and net sales on the most recent federal income tax return.

Example

Cost of goods sold during taxable year 1942 ÷ Net sales during taxable year 1942 = Cost ratio for any qt. of '43.

C. Multiply the projected sales for the quarterly period computed in accordance with Appendix A, by the cost ratio for the quarterly period.

Example

Cost ratio × projected sales 2nd qt. '43 = Cost of projected sales for 2nd qt. '43

II. Computation of allowable receipts for a quarterly period, using the second quarterly period of 1943 as an example.

A. Add the cost of projected sales for the quarterly period to the cost value of a normal inventory at the beginning of the next quarterly period.

Example

Cost of Projected sales 2nd qt. '43	$----
Normal inventory beginning 3rd qt. '43	-----
Total A	-----

B. Subtract from the sum thus secured the mercantile inventory on hand at the beginning of the current quarter.

Total A	$----
(Minus) Mercantile inventory beginning 2nd qt. '43	-----
Allowable Receipts during 2nd qt. '43	$----

APPENDIX D

COMPUTATION OF ALLOWABLE RECEIPTS AT RETAIL VALUE USING PROJECTED SALES

I. Computation of allowable receipts for a quarterly period, using the second quarterly period of 1943 as an example.

A. Add the projected sales and the projected markdowns for the quarterly period to a normal inventory at retail value at the beginning of the next quarterly period.

Example

Projected Sales 2nd qt. '43	$----
Projected Markdowns at Retail 2nd qt. '43	-----
Normal Inventory at Retail beginning 3rd qt. '43	-----
Total A	$----

B. Subtract from the sum thus secured the mercantile inventory, at retail, on hand at the beginning of the quarterly period.

Example

Total A	$----
(Minus) Mercantile inventory at retail value beginning 2nd qt. '43	-----
Allowable Receipts at retail during 2nd qt. '43	$----

[F. R. Doc. 42–14084; Filed, December 29, 1942; 11:29 a. m.]

PART 3139—ASPHALT AND TARRED ROOFING PRODUCTS AND ASPHALT SHINGLES

[Interpretation 1 of General Limitation Order L–228]

ASPHALT AND TARRED ROOFING PRODUCTS AND ASPHALT SHINGLES

The following official interpretation is hereby issued with respect to General Limitation Order L–228—Asphalt and Tarred Roofing Products and Asphalt Shingles.[1]

The order does not limit the manufacture of asphalt or tarred materials other than asphalt and tarred roofing products and asphalt shingles produced for application to exterior surfaces of buildings for the purpose of weather proofing.

Therefore, special asphalt or tarred saturated or coated products are not within the limitations of the order when made for an industrial use, such as pipe coverings; when made to be combined with other materials to make another product, such as combination flashing material; when made for use in the shoe industry; when made for use in the manufacture of automobile and motor truck bodies; when produced for use in the manufacture of freight cars.

Further, the order does not limit the manufacture of building papers.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–14085; Filed, December 29, 1942; 11:29 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[RPS 88,[1] Amendment 51]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subdivisions (i), (ii) and (iii) of § 1340.159 (d) (2) are amended as set forth below:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(d) *Petroleum gas; natural gas.* * * *

(2) *Dry gas.* (i) Where a contract for the sale of dry gas was in effect on May 1, 1942, the seller's maximum price to the same purchaser for deliveries of dry gas produced from the same source or sources as the dry gas covered by the contract shall not exceed the price that could be charged for such deliveries under the terms of the contract that was in effect on May 1, 1942.

(ii) Where a seller had contracts in effect on May 1, 1942 for the sale of dry gas but did not then have a contract with a particular purchaser for dry gas produced from the same source or sources as the dry gas covered by those contracts, the seller's maximum price to that purchaser for deliveries of dry gas shall not exceed the highest price that could be charged for such deliveries under (i) to a purchaser of the same class. If the seller had no contracts in effect on May 1, 1942 with purchasers of the same class, then, his maximum price shall be determined under (iii) below.

(iii) Where a seller cannot determine his maximum price under (i) or (ii) above, then his maximum price for deliveries of dry gas shall be the highest maximum price of his most closely competitive seller of the same class to a purchaser of the same class as determined under (i).

* * * * *

§ 1340.158a *Effective dates of amendments.* * * *

(yy) Amendment No. 51 (§ 1340.159 (d) (2) (i), (ii) and (iii)) to Revised Price Schedule No. 88 shall become effective January 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–14063; Filed, December 28, 1942; 3:25 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS

[RPS 53,[1] Amendment 21]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1351.151 (b) (13) is amended by renumbering § 1351.151 (b) (13) (iii) to be § 1351.151 (b) (13) (iv) and by adding a new § 1351.151 (b) (13) (iii), to read as set forth below:

§ 1351.151 *Maximum prices for fats and oils.* * * *

(b) * * *

(13) * * *

(iii) When shipped in less than carload lots, the usual or normal premium shall continue to apply.

(iv) The maximum price of an imported wool grease, duties and taxes paid, shall be the maximum price established above for the closest grade of domestic wool grease.

§ 1351.159 *Effective dates of amendments.* * * *

(v) Amendment No. 21 (§ 1351.151 (b) (13) (iii) and (iv)) to Revised Price Schedule No. 53 shall become effective January 2, 1943.

(Pub. Laws 421 and 729 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–14064; Filed, December 28, 1942; 3:25 p. m.]

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[1] 7 F.R. 9782.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1107, 1371, 1798, 1799, 1886, 2132, 2304, 2352, 2634, 2945, 3463, 3482, 3524, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 5988, 5983, 6057, 6067, 6471, 6680, 7242, 7838 8433, 8478, 9120, 9134, 9335, 9425, 9460, 9620, 9621, 9817, 9820, 10684.

[1] 7 F.R. 1309, 1836, 2132, 3430, 3821, 4229, 4294, 4484, 5605, 7665, 7666, 7977, 8204, 8653, 8702, 8948, 9130, 9189, 9393, 9486, 9958, 10471, 10530.

PART 1380—HOUSEHOLD AND SERVICE INDUSTRY MACHINES

[MPR 110,[1] Amendment 5]

RESALE OF NEW HOUSEHOLD REFRIGERATORS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

"The General Motors Corporation, Frigidaire, 1942 Models" table in § 1380.110 (a) (1) is amended to read as set forth below:

§ 1380.110 *Appendix A: Maximum prices for the resale of household mechanical refrigerators*—(a) *Maximum prices for sales by dealers*—(1) *Models having recommended list prices.* * * *

Manufacturer	Brand	Model	1st Zone	2d Zone	3d Zone	
*	*	*	*	*	*	*
The General Motors Corporation.	Frigidaire	*	*	*	*	*
		1942 Models: [1] [3]				
		AH-4	$122.49	$124.49	$126.49	*
		AH-6	125.54	127.54	129.54	*
		S 7-42	130.66	132.66	135.66	*
		M 7-42	143.91	145.91	148.91	*
		MP 7-42	164.34	166.34	170.34	*
		D 7-42	159.07	161.07	164.07	*
		DP 7-42	179.44	181.44	185.44	*
		D 9-42	199.86	201.86	206.86	*
		DP 9-42	220.30	222.30	227.30	*
		CD 7-42	222.10	225.10	229.10	*
		CPD 7-42	242.50	245.50	249.50	*
		CD 9-42	252.70	256.70	260.70	*
		CPD 9-42	273.11	277.11	281.11	*
		CPD 13	429.07	435.07	441.07	*

[1] For sales outside the area covered by these three zones, the seller may add to the 3d zone price the normal differential existing for each model on February 2, 1942, in his locality.

* * * *

[3] For a sale made by a dealer of any particular 1942 model on which the Federal excise tax has been computed on the basis of the selling price to the dealer, the said dealer may add to the price the amount by which said Federal excise tax exceeds the Federal excise tax on an identical model computed on the basis of the selling price to a distributor.

§ 1380.112 *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§ 1380.110 (a) (1)) to Maximum Price Regulation No. 110 shall become effective January 2, 1943.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14058; Filed, December 28, 1942; 3:22 p. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 161,[2] Amendment 5]

WEST COAST LOGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new paragraph (f) is added to § 1381.160; a new paragraph (e) is added to § 1381.159a; and subparagraph (8) of § 1381.160 (e) is amended as set forth below:

§ 1381.160 *Appendix A: Maximum delivered prices for West Coast logs.* * * *

(e) * * *

(8) The Lumber Branch, Office of Price Administration, Washington, D. C., may by letter or telegram grant exceptions from the strict requirements of this paragraph (e) when a company which has previously had its name published as an overtime company, and which is in good faith attempting to operate on a regular overtime basis, finds that in a particular month it is impossible to meet the requirements of this paragraph (e) due to weather conditions or other circumstances beyond its control. The request for such an exception must show not that regular overtime operation would have been inconvenient or costly by peacetime standards, but that it was impossible in the light of the standards of operation demanded by wartime conditions and in the light of the critical lumber requirements of the military services.

(f) In the case of sales by mills or other users of West Coast logs pursuant to an order or direction of a Government agency requiring the allocation or requisitioning of such logs, the maximum price shall be the sum of the following:

(1) Maximum delivered price to the first buyer as established by this Maximum Price Regulation 161;

(2) Actual cost of transportation which has been incurred from the point at which delivered price was computed, sorting, booming, rafting, scaling, reloading, and such other direct costs incurred by the first buyer which are necessary to the proper preparation of the logs for resale or transfer; and

(3) Overtime additions actually paid by the first buyer to a seller who has been permitted to charge the overtime addition pursuant to an order of the Office of Price Administration under § 1381.160 (e) of this regulation.

The resulting maximum price is f. o. b. the reseller's mill or plant, and the second buyer shall bear the cost of transporting the logs to his own plant.

Provided, That sales under such Government orders or directions by persons who will not replace such stock of logs shall not be subject to this Regulation, but are subject to the provisions of Maximum Price Regulation No. 204,[2] Idle or Frozen Material Sold under Priorities Regulation No. 13.

§ 1381.159a *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§§ 1381.159a and 1381.160 (e), (f)) shall become effective January 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14062; Filed, December 28, 1942; 3:25 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5C,[1] Amendment 8]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Sections 1394.7706 (a) (4), 1394.7706 (e), 1394.7706 (n), 1394.7706 (o) (2) and 1394.7851 (c) (4) are amended; and new §§ 1394.7706 (u), 1394.7851 (b) (1) (iii) and 1394.7851 (b) (2) (iii) are added; as set forth below:

Supplemental Rations

§ 1394.7706 *Preferred mileage.* * * *

(a) * * *

(4) Travel by a member of a war price and rationing board between home or lodgings and the place at which such board conducts its business, or travel by a member of a Selective Service board, an appeal agent or a member of an appeal board of the Selective Service System between home or lodgings and the place at which the business of the Selective Service System is conducted, shall be deemed performance of official business.

* * * * *

(e) For delivery, other than delivery to the reader, of newspapers and magazines; and for necessary driving in maintaining the wholesale distribution system of newspapers within a defined area, but only if the applicant presents to the Board a statement from the business manager of the newspaper by which the applicant is employed, setting forth:

(1) The area in which the applicant is engaged in maintaining such distribution system;

(2) The minimum monthly mileage required by the applicant for such purpose; and

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 2311, 2543, 2761, 4107, 6052, 7175, 8948.

[2] 7 F.R. 4426, 5360, 7008, 7839, 8948, 9429.

[1] 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787.

[2] 7 F.R. 6479, 7366, 8948.

(3) That the business manager has taken all reasonable steps to reduce the applicant's driving to the lowest possible mileage consistent with the effective wholesale distribution of the newspaper in the defined area.

* * * * *

(n) By a person, including an employer, employers' organization, or labor organization, for the transportation of farm workers, commercial fishermen, seamen, or marine workers between their homes or lodgings and to, from or between their places of employment; or by an engineer or technician for transportation between home or lodgings and a radio broadcasting transmission station or between such station and other permanent facilities for radio broadcasting, for purposes necessary to the operation of such station, but only if such station, because of its power, is located in a rural or suburban area.

(o) * * *

(2) Establishments or facilities of common carriers; or of other carriers performing services essential to the community or to the war effort; or of plants engaged in the production or distribution of light, power, electricity gas, steam or water; or of irrigation, drainage, flood control or sanitation systems; or of telegraph, telephone, radio-telegraph or radio-telephone (but not radio broadcasting) systems;

* * * * *

(u) By a full-time social worker employed by a bona fide non-profit agency, for necessary travel (but not from home or lodgings to a fixed place of work) for one or more of the following purposes: to investigate the necessity for relief or to administer relief; to arrange for the placement of minors or aged, handicapped or indigent persons in foster homes or in institutions, and to inspect such foster homes or institutions; to investigate reported abuse, neglect or delinquency of minors; or to transport minors or aged, handicapped or indigent persons to foster homes or institutions or to transport persons to hospitals or clinics for treatment or diagnosis: *Provided,* That the applicant must present to the Board a statement from a responsible official of such social agency setting forth:

(1) That the mileage sought is for necessary travel to be driven by a full-time social worker to perform one or more of the purposes specified in this paragraph; and

(2) That the social agency employing such worker is either:

(i) Licensed by the appropriate governmental authority; or

(ii) A member of the local Community Chest, the local Council of Social Agencies, the State Conference of Social Work, the Family Welfare Association of America, the Child Welfare League of America, or the National Travelers Aid Association; or

(iii) A bona fide non-profit agency carrying on one or more of the purposes specified in this paragraph, as evidenced by a certification of that fact by a responsible official of a social agency specified in (i) or (ii) hereof. Such certification shall be attached to the official statement.

Special Rations

§ 1394.7851 *Application for special ration.* * * *

(b) * * *

(1) * * *

(iii) To transport a person who is called, or is serving, as a juror on a grand or petit jury in criminal or civil cases, between his home or lodgings and the place where he is required to be present for jury service: *Provided,* That the applicant shall present to the Board a statement from the presiding judge or officer responsible for the attendance of jurors setting forth that the presence of the applicant is required for jury service and the number of miles necessary to provide the required transportation.

(2) * * *

(iii) To transport a person to enable him to deliver telephone directories: *Provided,* That the applicant presents to the Board a statement from the delivery contractor employed by the telephone company to make such delivery, or from the employee of the telephone company who is responsible for such delivery if there is no contractor, setting forth:

(*a*) That there is no practicable means of delivering the telephone directories except by the use of a passenger automobile or motorcycle;

(*b*) The minimum mileage necessary to be driven by the applicant for making such delivery.

(*c*) * * *

(4) If the application is made pursuant to paragraph (b) (1) (i) or (iii), paragraph (b) (2) (i), (ii) or (iii) or paragraph (b) (3) (iii) of this section, the alternative means of transportation which are available and the reasons, if any, why such alternative means are not reasonably adequate for the purpose.

Effective Dates

§ 1394.8352 *Effective dates of amendments.* * * *

(h) Amendment No. 8 (§§ 1394.7706 (a) (4), 1394.7706 (e), 1394.7706 (n), 1394.7706 (o) (2), 1394.7706 (u), 1394.7851 (b) (1) (iii), 1394.7851 (b) (2) (iii) and 1394.7851 (c) (4) to Ration Order No. 5C shall become effective January 2, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 28th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14060; Filed, December 28, 1942; 3:23 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,[1] Amendment 19]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1394.5463 is revoked.

Effective Dates

§ 1394.5902 *Effective dates of amendments and corrections.* * * *

(s) Amendment No. 19 (§ 1394.5463) to Ration Order No. 11 shall become effective as follows:

(1) In the states of North Dakota, South Dakota, Nebraska, Kansas, Missouri, Minnesota, Iowa, Wisconsin, Michigan, Illinois, Indiana, Ohio and Kentucky, on December 23, 1942;

(2) In the states of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, on December 28, 1942.

(Pub. Law 671, as amended by Pub. Laws 89, and 507, Pub. Law 421, W.P.B. Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1-0, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 28th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14061; Filed, December 28, 1942; 3:24 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Ration Order 12,[1] Amendment 2]

COFFEE RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (c) of § 1407.1083 and § 1407.1087 are amended to read as follows and paragraph (b) of § 1407.1090a is added as set forth below:

Miscellaneous

§ 1407.1083 *Additional prohibitions.* * * *

(c) No person shall or shall cause another person to offer, solicit, attempt, or agree to do any act in violation of Ration Order No. 12.

Enforcement

§ 1407.1087 *Suspension orders.* Any person who violates Ration Order No. 12 may, by administrative suspension order, be prohibited from acquiring, transferring, or using any coffee or other rationed product for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest and to promote the national security.

Effective Date

§ 1407.1090a *Effective dates of amendments.* * * *

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[1] 7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10153, 10081, 10379, 10530, 10531, 10780, 10707.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9710, 10380.

(b) Amendment No. 2 (§§ 1407.1083 (c); 1407.1087; 1407.1090a (b)) to Ration Order No. 12 shall become effective January 2, 1943.

(Pub. Law 671, 76th Congress, as amended by Pub. Laws 89, 507, 421, and 729, 77th Congress; WPB Dir. No. 1, Supp. Dir. No. 1-R)

Issued this 28th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14066; Filed, December 28, 1942; 3:26 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Ration Order 12,[1] Amendment 3]

COFFEE RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The word "January" in § 1407.960 (a) is deleted, and the word "February" is substituted therefor; the date "December 26, 1942," in § 1407.988 (c) is deleted, and the date "January 25, 1943," is substituted therefor; and new paragraph (c) § 1407.1090a is added as set forth below:

Effective Date

§ 1407.1090a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1407.960 (a); 1407.988 (c); and 1407.1090a (c)) to Ration Order No. 12 shall become effective December 28, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1-R)

Issued this 28th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14065; Filed, December 28, 1942; 3:24 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 10 Under § 1499.29 of GMPR]

THE ROBERTS BRASS MANUFACTURING COMPANY

Order No. 10 under § 1499.29 of the General Maximum Price Regulation—Docket No. III-1499.29 (b)-10.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.410 *Denial of application for adjustment of maximum price of certain iron pipe brass steam gauge cocks, Nos. 94 and 94D for The Roberts Brass Manufacturing Company, Detroit, Michigan.* (a) The application of The Roberts Brass Manufacturing Company, of Detroit, Michigan, filed September 23, 1942, with the Cleveland Regional office and assigned Docket No. III-1499.29 (b)-10 requesting an adjustment of the maximum price on iron pipe brass steam gauge cocks, Nos. 94 and 94D, is denied.

(b) If any contracts have been entered into pursuant to Procedural Regulation No. 6 at a price more than the established maximum price, such price shall be revised downward to the established maximum price. If any payment has been made under any such contract at a price more than the established maximum price, refund of the excess must be made.

(c) This Order No. 10 (§ 1499.410) shall become effective December 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14051; Filed, December 28, 1942; 3:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 1 to Order 167 Under § 1499.3 (b) of GMPR]

ELI LILLY AND COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, paragraphs (a) and (e) of § 1499.1183 of Order No. 167 are amended and a new paragraph (i) is added to § 1499.1183 to read as set forth below:

§ 1499.1183 *Approval of maximum prices for sales of "Becotin"—*(a) *Sales by Eli Lilly and Company—*(1) *Maximum prices.* The maximum prices for sales by Eli Lilly and Company of "Becotin" are established as set forth below:

	Maximum price per package	
Size of package:	*To wholesalers*	*To retailers for account of wholesalers*
30 capsules	$1.45	$1.74
100 capsules	4.50	5.40
1,000 capsules	42.00	50.40

(2) *Discounts, allowances, and price differentials.* Eli Lilly and Company shall apply to the maximum prices set forth in subparagraph (1) of this paragraph for its sales of "Becotin" all quantity differentials, discounts for different classes of wholesalers, trade practices, credit terms, practices relating to the payment of transportation costs, and any other customary allowances which were in effect in March, 1942, on its sales of "Betalin Compound."

* * * * *

(e) *Notification of maximum prices—*(1) *By Eli Lilly and Company to wholesalers.* Eli Lilly and Company shall supply to each wholesaler before or at the time of its first delivery of "Becotin" a written notification of the maximum prices established by this order for sales by Eli Lilly and Company and by wholesalers. The written notification shall read as follows:

> The OPA has authorized us to charge $1.45 for each package of 30 capsules of "Becotin", $4.50 for each package of 100 capsules of "Becotin", and $42.00 for each package of 1,000 capsules of "Becotin", subject to all customary discounts and allowances to different classes of wholesalers. Wholesalers are authorized to establish ceiling prices of $1.74 for each package of 30 capsules of "Becotin", $5.40 for each package of 100 capsules of "Becotin", and $50.40 for each package of 1,000 capsules of "Becotin", subject to all customary cash discounts and allowances.

(2) *By Eli Lilly and Company to retailers via wholesalers.* Eli Lilly and Company shall include with each shipping unit of "Becotin" for a period of three months a written notification. If such notification is enclosed in a shipping unit a legend shall be affixed outside of such unit to read "Retailer's Notice Enclosed." If the initial sale by a wholesaler to a retailer is a split-case sale, the wholesaler is required to provide such retailer with a copy of this notice. The written notification shall read as follows:

> The OPA has authorized wholesalers to charge $1.74 for each package of 30 capsules of "Becotin", $5.40 for each package of 100 capsules of "Becotin", and $50.40 for each package of 1,000 capsules of "Becotin", subject to all customary cash discounts and allowances. Retailers are authorized to establish ceiling prices of $2.61 for each package of 30 capsules of "Becotin", $8.10 for each package of 100 capsules of "Becotin", and $75.60 for each package of 1,000 capsules of "Becotin", except for sales on prescription. The maximum prices for sales on prescription shall be determined under section 3 (a) of the General Maximum Price Regulation, except that no report of the maximum price need be filed. If the initial sale by a wholesaler to a retailer is a split-case sale, the wholesaler is required to provide such retailer with a copy of this notice. OPA requires that you keep this notice for examination.

(3) *By Eli Lilly and Company to retailers.* Eli Lilly and Company shall supply to each retailer before or at the time of its first delivery of "Becotin" to such retailer a written statement as follows:

> The OPA has authorized us to charge on deliveries to retailers for the account of wholesalers $1.74 for each package of 30 capsules of "Becotin", $5.40 for each package of 100 capsules of "Becotin", and $50.40 for each package of 1,000 capsules of "Becotin". Your ceiling prices are authorized to be $2.61 for each package of 30 capsules of "Becotin", $8.10 for each package of 100 capsules of "Becotin", and $75.60 for each package of 1,000 capsules of "Becotin", except for sales on prescription. Maximum prices for sales on prescription must be determined under section 3 (a) of the General Maximum Price Regulation, except that no report of the maximum price need be filed. OPA requires that you keep this notice for examination.

* * * * *

(i) Amendment No. 1 (§ 1499.1183 (a), (e), and (i)) to Order No. 167 under § 1499.3 (b) of the General Maximum Price Regulation shall become effective December 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14059; Filed, December 28, 1942; 3:23 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9710, 10380.

PART 1499—COMMODITIES AND SERVICES

[Order 193 Under § 1499.3 (b) of GMPR]

CORSAN PRODUCTS, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1429 *Authorization of maximum prices for sales of "Venoka" a liquid flavoring manufactured and sold in 3 ounce, 8 ounce, 1 gallon, 5 gallon, 30 gallon and 50 gallon sizes by Corsan Products, Inc., New York, New York.* (a) On and after December 29, 1942, the maximum selling prices for "Venoka" for sale by Corsan Products, Inc., New York, New York, shall be:

3 ounce bottles, per dozen	$2.16
8 ounce bottles, per dozen	4.02
1 gallon jugs, per gallon	2.76
5 gallon demi-johns, per gallon	2.76
30 gallon barrels, per gallon	2.67
50 gallon barrels, per gallon	2.61

delivered at purchasers' stations.

The maximum prices established above for 3 ounce and 8 ounce bottles shall be subject to a discount of 5 percent for service allowance and a discount of 2 percent for prompt payment. Maximum prices established herein for 1 gallon, 5 gallon, 30 gallon and 50 gallon sizes shall be subject to a discount of 20 percent for wholesaler's commission and 2 percent for prompt payment.

(b) Sellers at wholesale shall determine their maximum selling prices for "Venoka" by adding to their net cost for each size a maximum markup of 25 percent of this net cost. The unit on which a wholesaler shall calculate his maximum price shall be one dozen of the 3 ounce and 8 ounce bottles, and one only of the 1 gallon, 5 gallon, 30 gallon and 50 gallon containers. Where a maximum price determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price shall be lowered to the next lower cent. If the fraction is one-half cent or larger the wholesaler is permitted to increase his maximum price to the next higher cent.

Net cost for a wholesaler as mentioned in this paragraph shall be his invoice price for "Venoka" delivered in a customary quantity for this type of item by the customary mode of transportation to his customary receiving point, less all discounts allowed him, except the discount for prompt payment. No drayage, loading or unloading shall be included in the net cost.

(c) Sellers at retail shall determine their maximum delivered selling prices for "Venoka" per container or bottle by adding to their net cost per dozen for each size, a maximum profit margin of 40 percent of this net cost and dividing the figure so obtained by twelve. Where a maximum price determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price shall be lowered to the next lower cent. If the fraction is one-half cent or larger the retailer is permitted to increase his maximum price to the next higher cent.

Net cost to a retailer as mentioned in this paragraph shall be his invoice price for "Venoka" delivered to his customary receiving point in a customary quantity of this type of commodity from his customary supplier and by the customary mode of transportation, less all discounts allowed him, except the discount for prompt payment. No charge for drayage, loading or unloading shall be included as part of the net cost.

(d) No seller at wholesale shall change his customary allowances, discounts and price differentials applying to comparable items of flavorings, or flavoring extracts in making sales of "Venoka" unless such change in these customary allowances, discounts and price differentials results in lower selling prices.

(e) On and after December 29, 1942, Corsan Products, Inc. shall supply a written notification to each wholesaler before or at the time of first delivery of "Venoka" to such wholesaler, and for a period of three months thereafter shall include with each shipping unit of "Venoka" a written notification to retailers. If such retailer notification is enclosed in a shipping unit, a legend shall be affixed outside of such unit to read "Retailer's Notice Enclosed." The written notification for each type of purchaser, shall include the following appropriate statements:

> *Notification from Corsan Products, Inc. to wholesalers:* The OPA has authorized us to charge wholesalers the following prices for "Venoka":
>
> | | |
> |---|---|
> | 3 ounce bottles, per dozen | $2.16 |
> | 8 ounce bottles, per dozen | $4.02 |
> | 1 gallon jugs, per gallon | $2.76 |
> | 5 gallon demi-johns, per gallon | $2.76 |
> | 30 gallon barrels, per gallon | $2.67 |
> | 50 gallon barrels, per gallon | $2.61 |
>
> subject to the following discounts:
>
> For 3 ounce and 8 ounce bottles—5 percent for service allowance and 2 percent for prompt payment;
>
> For 1 gallon, 5 gallon, 30 gallon and 50 gallon sizes—20 percent for wholesaler's commission and 2 percent for prompt payment.
>
> Wholesalers are authorized to establish maximum delivered selling prices by adding to their net cost of these items 25 percent of such net cost. The unit on which a wholesaler shall calculate his maximum price shall be one dozen of the 3 ounce and 8 ounce bottles, and one only of the 1 gallon, 5 gallon, 30 gallon and 50 gallon containers. Net cost is invoice cost at the customary receiving point, less all discounts, other than for prompt payment, and excluding charges for local hauling. Retailers shall establish maximum delivered selling prices per container or bottle by adding to their net cost per dozen for each size 40 percent of such net cost and dividing by twelve. Each individual ceiling price determined by any seller shall be figured to the nearest cent (raise one-half cent fractions to the next even cent). A copy of a notification to retailers is included in or on every shipping unit of this item. If the initial sale of this item to any retailer is a split case sale, wholesalers are required to provide such retailer with a copy of the retail notification so enclosed. OPA requires that you keep this notice for examination.
>
> *Notification from Corsan Products, Inc. to retailers:* The OPA authorizes retailers to establish maximum delivered selling prices for "Venoka" per container or bottle by adding to their net cost per dozen for each size of this item 40 percent of such net cost and dividing by twelve. Net cost is the invoice cost at the customary receiving point, less all discounts, other than for prompt payment, and excluding charges for local hauling. Such ceiling prices shall be figured to the nearest cent (raise one-half cent fractions to the next even cent). OPA requires that you keep this notice for examination.

(f) This Order No. 193 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 193 (§ 1499.1429) shall become effective December 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14052; Filed, December 28, 1942; 3:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 141 Under § 1499.18 (b) of GMPR]

BRICK OVEN BAKESHOP

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1402 *Denial of application for adjustment of maximum price of specialty white bread sold by Paul Dean Arnold and Charles Chester Arnold doing business as Brick Oven Bakeshop, 48 Westchester Avenue, Portchester, New York.* (a) The application of Paul Dean Arnold and Charles Chester Arnold doing business as Brick Oven Bakeshop, 48 Westchester Avenue, Portchester, New York, filed May 18, 1942, and assigned Docket Number GF3-122, requesting permission to increase the maximum price of specialty white bread sold by it, is denied.

(b) This Order No. 141 (§ 1499.1402) shall become effective December 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14050; Filed, December 28, 1942; 3:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 194 Under § 1499.3 (b) of GMPR]

SELLERS OF TOILET TISSUE

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1430 *Authorization to sellers of special packs of toilet tissue, put up in special waterproof jackets or envelopes, in accordance with specifications provided by the United States Army and made exclusively for the United States Army.* Specific authorization is hereby given to any producer of toilet tissue put up in special waterproof jackets or envelopes for the United States Army to determine the maximum price for such items produced by him and for which the maximum price cannot be established under § 1499.2 of the General Maximum Price Regulation by the following formula:

(a) The manufacturer's maximum price for any given amount of any product described in this section shall not exceed the sum of the following factors calculated for the amount of the product being priced:

(1) *Raw material costs.* The delivered purchase price at which the raw materials are acquired by a converting plant, or the transfer price of an integrated mill to its converting plant, neither of which shall in any event exceed the maximum prices established for such raw materials by the Office of Price Administration. In computing such transfer price the manufacturer shall use the same method, classifications and differentials, as were used by such manufacturer in computing such transfer price during March, 1942.

(2) *Applicable conversion charges.* Charges for hand and/or machine operations incident to the fabrication, assembly and packing shall not be computed in excess of the same hourly, piece and setting up rates and shall be based on the same standards of production as were in effect during March, 1942 and which were used in normally determining the selling prices of industrial toilet tissue contracted to be sold at a definite price during such period.

(i) "Industrial toilet tissue" includes products which are sold to industrial, institutional or commercial users and not for resale.

(3) *Margin.* The margin is to be computed on a percentage basis and shall not exceed the margin used by the manufacturer during March, 1942 in determining the selling price f. o. b. shipping point for the industrial toilet tissue of which the seller delivered the largest number of units during March, 1942.

(4) *Charges for delivery.* Actual freight charges to the point of delivery may be added to the maximum price which is calculated in accordance with paragraph (a) (1), (2) and (3) of this section.

(b) Within ten days after a maximum price has been determined in accordance with this order, the manufacturer shall report to the Office of Price Administration, Washington, D. C., the maximum price as computed by it. The report shall set forth in detail the computation of direct costs and of the maximum price.

(c) Any selling price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 194 may be revoked or amended by the Office of Price Administration at any time.

(e) This Order No. 194 (§ 1499.1430) shall become effective January 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 28th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14053; Filed, December 28, 1942; 3:22 p. m.]

PART 1301—MACHINE TOOLS

[RPS 67,[1] Amendment 22]

NEW MACHINE TOOLS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.* New subparagraph (19) is added to § 1301.51 (a) as set forth below:

§ 1301.51 *Maximum prices for new machine tools and extras.* (a) * * *

(19) Subparagraphs (4) to (18), inclusive, of this section shall be deemed to have established maximum prices for the particular machine tools therein described, in place of the maximum prices established by § 1301.51 (a) subparagraphs (1), (2), and (3). The maximum prices established by subparagraphs (4) to (18), inclusive, are applicable to sales by all persons.

§ 1301.59a *Effective dates of amendments.* * * *

(v) Amendment No. 22 (§ 1301.51 (a) (19)) to Revised Price Schedule No. 67 shall become effective December 31, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14089; Filed, December 29, 1942; 11:44 a. m.]

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

[MPR 145, Amendment 4]

PICKLED SHEEPSKINS

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1314.161[1] paragraph (a) is amended by adding a new subparagraph 5 and the Table in paragraph (b) of § 1314.64[2] is amended by changing the ocean freight rate and prices of all brands of New Zealand pickled skins.

§ 1314.161 *Definitions.* (a) When used in this Maximum Price Regulation No. 145, the terms:

* * * * *

(5) "War risk insurance" means the premiums actually paid for war risk insurance with respect to the pickled sheepskins imported but shall in no case exceed the War Shipping Administration's war risk insurance premium rate on an identical shipment. For the purpose of this subparagraph the War Shipping Administration's war risk insurance premium rate shall include in addition to the basic rate, the premium rate for extended transshipment coverage.

§ 1314.164 *Appendix B: Maximum prices for certain brands of New Zealand pickled sheepskins*—(a) *Pickled sheepskins sold after arrival or subject to arrival in the United States.* The maximum prices for pickled sheepskins of the brands enumerated in Column A sold after arrival or subject to arrival in the United States are specified in Column B. These prices are prices per dozen skins c. and f. port of entry, including all commissions and other charges except that the charge actually paid for war risk and marine insurance may be added. The maximum prices specified in Column B are based on an ocean freight charge of $11.66 per cask of pickled sheepskins, and if the charge should be more or less the prices must be adjusted upward or downward by the amount of the difference.

* * * * *

Brand	Maximum prices			
	Column B		Column C[1]	
Column A	Produced from lamb pelts	Produced from sheep pelts	Produced from lamb pelts	Produced from sheep pelts
Westfield	$5. 875	$9. 66	31s., 0d.	50s., 0d.
Patea	5. 875	9. 66	31s., 0d.	50s., 0d.
Tomoana	5. 625	9. 66	29s., 9d.	50s., 0d.
Gear	5. 625	9. 66	29s., 6d.	50s., 0d.
Waitara	5. 625	9. 66	29s., 6d.	50s. 0d.
W. M. E	5. 625	9. 66	29s., 9d.	50s., 0d.
Longburn	5. 625	9. 66	29s., 3d.	50s., 0d.
Fielding	5. 50	9. 285	28s., 9d.	48s., 0d.
Waingawa	5. 50	9. 285	28s., 9d.	48s., 0d.
Imlay	5. 50	9. 66	29s., 0d.	50s., 0d.
Patea Clients	5. 50	9. 285	28s., 9d.	48s., 0d.
Hellaby	5, 375	9. 185	28s., 3d.	48s., 0d.
H. B. M. C	5. 375	9. 285	28s., 3d.	48s., 0d.
Tomoana Clients	5. 375	9. 185	28s., 3d.	48s., 0d.
A. F. F. Co	5. 375	9. 185	28s., 3d.	48s., 0d.
Kaiti	5. 125	8. 82	27s., 0d.	46s., 0d.
Toko	5. 125	8. 82	27s., 0d.	46s., 0d.
Wairoa	5. 125	8. 82	27s., 0d.	46s., 0d.
Picton	4. 875	6. 845	25s., 9d.	35s., 6d.
Nelson	4. 875	6. 845	25s., 9d.	35s., 6d.
S. O. F. Co	5. 625	7. 685	29s., 9d.	39s., 6d.
C. F. M	5. 75	7. 685	29s., 9d.	39s., 6d.
Islington	5. 50	7. 47	29s., 0d.	39s., 0d.
T. B. & S. Co. Canterbury	5. 375	7. 345	28s., 3d.	38s., 3d.
N. C. F	5. 375	7. 345	28s., 3d.	38s., 3d.
Wallacetown	6. 125	8. 19	32s., 3d.	42s., 6d.
R. W. Gore	6. 00	8. 065	31s., 6d.	41s., 9d.
Ocean Beach	6. 00	8. 065	31s., 6d.	41s., 9d.

[1] New Zealand currency.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1337, 1836, 2000, 2105, 2472, 2473, 2539, 2680, 2996, 3445, 3820, 4176, 5513, 5987, 7239, 7834, 8928, 9039, 9052, 9053, 8948.

[1] 7 F.R. 3748.

[2] 7 F.R. 5771, 5835.

§ 1314.162a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§§ 1314.161 (a), 1314.164 (b)) to Maximum Price Regulation No. 145 shall become effective December 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14095; Filed, December 29, 1942; 11:45 a. m.]

PART 1340—FUEL

[MPR 137,[1] Amendment 16]

PETROLEUM PRODUCTS SOLD AT RETAIL

A statement of the considerations involved in the issuance of this Amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1340.91, a new paragraph (i) is added as set forth below:

§ 1340.91 *Appendix A: Maximum prices for petroleum products sold at retail establishments.* * * *

(i) In the Metropolitan Boston, Massachusetts Area comprising the following towns and cities: Arlington, Belmont, Boston, Braintree, Brookline, Cambridge, Canton, Chelsea, Cohassett, Dedham, Dover, Everett, Hingham, Lexington, Lynn, Malden, Medford, Melrose, Milton, Nahant, Needham, Newton, Quincy, Reading (but not North Reading), Revere, Saugus, Somerville, Stoneham, Swampscott, Wakefield, Waltham, Watertown, Wellesley, Weston, Westwood, Weymouth, Winchester, Winthrop and Woburn, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 12 cents a gallon.

§ 1340.93a *Effective dates of amendments.* * * *

(q) Amendment No. 16 (§ 1340.91 (i)) to Maximum Price Regulation No. 137 shall become effective December 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14088; Filed, December 29, 1942; 11:43 a. m.]

PART 1340—FUEL

[RPS 88,[2] Amendment 54]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1340.159 (c) (3), a new subdivision (xi) is added as set forth below:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(c) *Specific prices.* * * *

(3) *Distillate fuel oils.* * * *

(xi) *Metropolitan Boston, Massachusetts area.* In the Metropolitan Boston, Massachusetts Area, comprised of the following towns and cities: Arlington, Belmont, Boston, Braintree, Brookline, Cambridge, Canton, Chelsea, Cohassett, Dedham, Dover, Everett, Hingham, Lexington, Lynn, Malden, Medford, Melrose, Milton, Nahant, Needham, Newton, Quincy, Reading (but not North Reading), Revere, Saugus, Somerville, Stoneham, Swampscott, Wakefield, Waltham, Watertown, Wellesley, Weston, Westwood, Weymouth, Winchester, Winthrop and Woburn, maximum prices for kerosene, No. 1 fuel oil and range oil shall be as follows:

	Cents per gallon
F. o. b. terminals in bulk lots for delivery by barge	6. 65
F. o. b. terminals in bulk lots for delivery by tank car or motor transport	6. 9
At seller's yard for delivery into buyer's tank wagons	7. 5
Tank wagon deliveries to resellers in quantities of 25 gallons or over	9. 5
Tank wagon deliveries to consumers in quantities of 25 gallons or over	10
Tank wagon deliveries in quantities of less than 25 gallons and truck deliveries in containers in quantities of less than 25 gallons	11

§ 1340.158a *Effective dates of amendments.* * * *

(bbb) Amendment No. 54 (§ 1340.159 (c) (3) (xi)) to Revised Price Schedule No. 88 shall become effective December 29, 1942.

(Pub. Law 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14090; Filed, December 29, 1942; 11:43 a. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 185,[1] Amendment 4]

CANNED FRUITS AND CANNED BERRIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new paragraph (k) is added to § 1341.102 and a new paragraph (d) is added to § 1341.114 as set forth below.

§ 1341.102 *Canner's maximum prices for canned fruits and canned berries.* * * *

(k) Nothing in this Maximum Price Regulation No. 185, or in the General Maximum Price Regulation,[2] shall apply to sales or deliveries of canned pears to the United States or any agency thereof.

§ 1341.114 *Effective dates of amendments.* * * *

(d) Amendment No. 4 (paragraph (k) of § 1341.102 and paragraph (d) of § 1341.114) to Maximum Price Regulation No. 185 shall become effective January 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14091; Filed, December 29, 1942; 11:44 a. m.]

PART 1367—FERTILIZERS

[Revised MPR 135]

MIXED FERTILIZER, SUPERPHOSPHATE AND POTASH

The title, preamble and section numbers of Maximum Price Regulation 135—Mixed Fertilizer, Superphosphate and Potash,[1] are amended, and renumbered to read as set forth herein.

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of mixed fertilizer, superphosphate and potash which differ, for certain grades and in certain areas of the country, from those heretofore established by applicable maximum price regulations. All of the grades of mixed fertilizer permitted to be manufactured under War Production Board Conservation Order M-231 as amended are covered by this single maximum price regulation.

The Price Administrator has ascertained and given due consideration to the prices of mixed fertilizer, superphosphate and potash prevailing between October 1 and 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been prepared, issued simultaneously herewith, and has been filed with the Division of the Federal Register.* Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1,[2] issued by the Office of Price Administration, Revised Maximum Price Regulation No. 135 is hereby issued.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3165, 3749, 4273, 4653, 4780, 4853, 5363, 5868, 5941, 6057, 6896, 7902, 8353.

[2] 7 F.R. 1107, 1371, 1798, 1799, 1886, 2132, 2304, 2352, 2634, 2945, 3463, 3482, 3524, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 5988, 5983, 6057, 6167, 6471, 6680, 7242, 7838, 8433, 8478, 9120, 9134, 9335, 9425, 9460, 9620, 9621, 9817, 9820, 10684.

[1] 7 F.R. 5772, 5988, 7530, 8948, 10684.

[1] 7 F.R. 3187, 5027, 5665, 7599, 10229.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454.

Sec.
1367.31 Sales of mixed fertilizer, superphosphate and potash at higher than maximum prices prohibited.
1367.32 To what transactions, products and persons this regulation applies.
1367.33 Manufacturers' maximum prices.
1367.34 Dealers' maximum prices.
1367.35 Terms of payment and conditions of delivery.
1367.36 Federal, state and municipal taxes.
1367.37 Prohibited practices.
1367.38 Records and reports.
1367.39 Enforcement and licensing.
1367.40 Petitions for amendment.
1367.41 Relation to other regulations.
1367.42 Definitions.
1367.43 Effective date.
1367.44 Appendix A: Amounts per ton net to manufacturer which may be added to manufacturer's prices.
1367.45 Appendix B: Maximum prices for Victory Garden fertilizer.
1367.46 Appendix C: Dealers' margins.

AUTHORITY: §§ 1367.31 to 1367.46, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1367.31 *Sales of mixed fertilizer, superphosphate and potash at higher than maximum prices prohibited.* On and after January 4, 1943, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver to a consumer or a dealer, and no person in the course of trade or business shall buy or receive, mixed fertilizer, superphosphate or potash at prices higher than the maximum prices established herein, and no person shall agree, offer, solicit or attempt to make such a sale, purchase or delivery.

§ 1367.32 *To what transactions, products and persons this regulation applies*—(a) *What transactions are covered.* This regulation unlike the previous fertilizer regulation (Maximum Price Regulation 135) is not limited to sales in quantities of 250 pounds or more to consumers.

It covers all sales by manufacturers to dealers and consumers, and by dealers to consumers.

(b) *What products are covered.* This Revised Maximum Price Regulation No. 135 covers all mixed fertilizer, superphosphate and potash of whatsoever kinds and grades.

(c) *What persons are covered.* Manufacturers and their agents and dealers making the sales covered by this regulation are subject to it.

§ 1367.33 *Manufacturers' maximum prices.* (a) A manufacturer's maximum prices shall be the prices set forth in the written or printed price schedule or list last issued by the manufacturer, prior to February 21, 1942, and effective for any portion of the period from February 16 to 20, 1942 inclusive, except for any manufacturer making a delivery to a place in Florida east of the Apalachicola River, whose maximum price for such delivery shall be the price set forth in his written or printed price schedule or list effective on July 31, 1941, irrespective of whether or not it was still effective during the period February 16 to 20, 1942, and as those prices may be increased for the places of delivery and in the manner and amounts set forth in Appendix A incorporated herein as § 1367.44, for a sale (1) to a consumer or dealer in the same locality, (2) of the same quantity, grade and kind of mixed fertilizer, superphosphate or potash, (3) delivered in the same type of container or bag (except as hereinafter provided), (4) under the same terms of payment (time, cash, discounts, etc.), and (5) by the same means and under the same conditions of delivery.

(b) If the manufacturer cannot establish his maximum price under paragraph (a), or under Appendix B incorporated herein as § 1367.45, then his maximum price shall be determined as follows: He shall submit to the Office of Price Administration in Washington, D. C., a proposed maximum price, showing the calculations by which the proposed maximum price was determined by the manufacturer. Such proposed maximum price must be in line with the manufacturer's level of maximum prices established under paragraph (a), for a comparable quantity, grade and kind of mixed fertilizer, superphosphate or potash sold by the manufacturer to a consumer or dealer in the same locality under the same conditions in the same or comparable type of containers or bags; or in the event the manufacturer had established no prices under paragraph (a) then such proposed maximum price shall not be higher than the general level of maximum prices established under paragraph (a), and the proposed maximum price to consumers shall provide no greater margin between dealer and consumer prices than is provided in the manufacturer's own consumers' price schedule or, in the absence of such schedule of his own, no greater margin than is provided in such a schedule of his most closely competitive seller of the same class. If within 10 days of the registered mailing of such proposed maximum price it has not been disapproved by the Office of Price Administration, the manufacturer may sell, offer for sale, and deliver such mixed fertilizer, superphosphate or potash at the proposed maximum price. Notwithstanding that the Office of Price Administration does not disapprove such price within such 10 day period, it may at a later time disapprove such price or require a modification thereof on such terms and conditions as it deems advisable. All deliveries to a consumer or dealer, or shipments received by a carrier other than a carrier owned or controlled by the person making the sale (including a dealer, agent or other person) after the expiration of such 10 day period but prior to such disapproval or requirement of modification, shall not be affected by such later action on the part of the Office of Price Administration disapproving or modifying such maximum price.

§ 1367.34 *Dealers' maximum prices.* A dealer's maximum price to a consumer shall be determined as follows: (a) To the dealer's net delivered cost established herein there may be added the "suggested" or "recommended" margin specified for that dealer's sales area in the price schedule or list last issued by the manufacturer prior to February 21, 1942, and effective for any portion of the period from February 16 to February 20, 1942 inclusive, or (b) if the manufacturer's price schedule in effect during such period for the dealer's sales area provided "suggested" consumer prices or prices at which the manufacturer might make sales to consumers, then those "suggested" or effective consumer prices as those prices may be increased for the places of delivery and in the manner and amounts set forth in Appendix A incorporated herein as § 1367.44, shall be the dealer's maximum consumer prices; or (c) if the manufacturer, during such period, had no consumer prices in effect and provided no "suggested" or "recommended" consumer prices or dealer margins for the dealer's sales area, then the dealer's maximum prices to consumers shall be calculated as specified in Appendix C incorporated herein as § 1367.46.

§ 1367.35 *Terms of payment and conditions of delivery.* Terms of payment or conditions of delivery to a consumer or to a dealer shall not be more onerous than those in effect and applicable to such consumer or dealer for the period from February 16 to February 20, 1942 inclusive, except that terms of payment on sales made between July 1 and December 1 of any calendar year hereafter shall not be more onerous than those in effect and applicable to such consumer or dealer for the period from October 1 to October 15, 1941, inclusive.

§ 1367.36 *Federal, state and municipal taxes.* Any tax upon, or incident to, the sale, delivery, processing, or use of the mixed fertilizers, superphosphate and potash, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect from February 16 to February 20, 1942 inclusive.* If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price from February 16 to February 20, 1942 inclusive, the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall be regarded as having included such amount in determining the maximum price under this Revised Maximum Price Regulation No. 135.

In all other cases if, at the time the seller determined his maximum price, the statute or ordinance imposing such tax did not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller did state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Revised Maximum Price Regulation No. 135.

(b) *As to a tax or increase in a tax which becomes effective after February 20, 1942.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased; except that the tax on transportation imposed by § 620 of the Revenue Act of 1942 shall, for the purposes of determining the applicable maximum price of any commodity subject to this regulation, be treated as though it were an increase of 3% in the amount charged by any person transporting the commodity for hire, and it shall not be treated under any provision of this regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price.

§ 1367.37 *Prohibited practices—General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars and cents price is as much a violation of this Revised Maximum Price Regulation No. 135 as an outright over-ceiling price. This applies to changes in credit practices and cash discounts, and to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

§ 1367.38 *Records and reports.* (a) Every person (including a dealer, agent or other person) making a sale of mixed fertilizer, superphosphate or potash, in quantities of 250 pounds or more, to a consumer or dealer, after January 4, 1943 shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 as amended is in effect, complete and accurate records of each sale, showing the date thereof; and name and address of the buyer, of the person (including an agent) making the sale, and of the manufacturer of the mixed fertilizer, superphosphate or potash; the quantity, grade and kind of the mixed fertilizer, superphosphate or potash sold; the bags or containers in which delivered; the price charged or received therefor; the terms of payment (time, cash, discounts, etc.); and the method and conditions of delivery.

(b) (1) Not later than January 15, 1943, every manufacturer of mixed fertilizer, superphosphate or potash, who is engaged in the business of selling the same to consumers and dealers, whether by or through any agent or other person, except those manufacturers who have heretofore done so, shall file with the Office of Price Administration in Washington, D. C., one copy of each and every written or printed price schedule, whether temporary or permanent, issued by him in connection with the sale thereof to consumers and dealers from and after July 1, 1941, together with all written or printed amendments and supplements to any such schedules; but if a manufacturer has not heretofore issued a written or printed price schedule, he shall file with the Office of Price Administration in Washington, D. C., a list of maximum prices charged by seasons from and after October 1, 1941, for the grades and kinds of mixed fertilizer, superphosphate or potash sold to consumers and dealers showing types of bags, terms of payment and conditions of delivery; and each manufacturer shall continue, until further notice, to file with the Office of Price Administration in Washington, D. C., one copy of any and all subsequent price schedules and supplements and amendments, at least ten (10) days prior to the proposed effective date thereof. Each such price schedule, supplement or amendment hereafter filed with the Office of Price Administration shall be accompanied by a statement of all changes made wherein that price schedule, supplement or amendment differs from the price schedule in effect at the time of filing.

(2) In accordance with request addressed to the Office of Price Administration, Washington, D. C., copies of this Revised Maximum Price Regulation No. 135 will be furnished each manufacturer for distribution to his agents and dealers.

(3) Each dealer or agent shall post at his place of business a list of his consumers' maximum prices.

(4) Each manufacturer selling direct to consumers shall post at his office, plant and warehouse his consumer's price list in effect for the area served by each such office, plant, or warehouse.

(c) Persons affected by this Revised Maximum Price Regulation No. 135, shall submit such other information to the Office of Price Administration as it may, from time to time, require, in order to effectuate the purposes of the Emergency Price Control Act of 1942 as amended.

§ 1367.39 *Enforcement and licensing.* (a) Persons violating any provision of this Revised Maximum Price Regulation No. 135 are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250.

(b) Persons who have evidence of any violation of this Regulation or of any other regulation or order issued by the Office of Price Administration are urged to communicate with the nearest field, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

(c) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Revised Maximum Price Regulation No. 135 selling at retail any mixed fertilizer, superphosphate or potash covered by this Revised Maximum Price Regulation No. 135. When used in this section, the term "selling at retail" has the definition given to it by § 1499.20 (o) of the General Maximum Price Regulation. Said registration and licensing provisions became effective as to persons selling at retail on May 18, 1942.

§ 1367.40 *Petitions for amendment*—(a) *Amendments.* Persons seeking any modification of this Revised Maximum Price Regulation No. 135 or an adjustment or exception not provided for herein may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[3] issued by the Office of Price Administration.

(b) *Government contracts.* (1) The term "government contracts" is here used to include any contract with the United States or any of its agencies, or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "government contract" and who thinks that a maximum price in this Revised Maximum Price Regulation 135 is impeding or threatens to impede production of mixed fertilizer, superphosphate or potash which is essential to the war program and which is or will be the subject of the contract, may file

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[*] Copies may be obtained from the Office of Price Administration.

[2] 7 F.R. 8961.

[3] 7 F.R. 8961.

an application for adjustment in accordance with Procedural Regulation No. 6.[4] A copy can be had at any office of the Office of Price Administration.

(3) As soon as the application is filed, deliveries may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must tell the buyer that the delivery is made subject to this refund.

§ 1367.41 *Relation to other regulations*—(a) *General Maximum Price Regulation.* Any sale or delivery covered by this Revised Maximum Price Regulation No. 135 is not subject to the General Maximum Price Regulation.[5]

(b) *Maximum Export Price Regulation.* The maximum price for export sales of mixed fertilizer, superphosphate or potash is governed by the Revised Maximum Export Price Regulation.[6]

§ 1367.42 *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 135, the term:

(1) "Person" includes an individual, corporation, partnership, association, farmers' or consumers' cooperative or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" means a person who produces, mixes, or processes, or who markets for his own account and under his own brand or trade name, mixed fertilizer, superphosphate, potash or nitrogenous material for use as an aid to the growth of crops or plants.

(3) "Dealer" means a person who purchases mixed fertilizer, superphosphate or potash and resells it to a consumer.

(4) "Consumer" means a person purchasing mixed fertilizer, superphosphate, or potash for use in aiding the growth of crops or plants (and not for resale) and also includes Agricultural Adjustment Agency of the United States Department of Agriculture.

(5) "Mixed fertilizer" means any substance containing any two or more, of potash, superphosphate, and nitrogenous material, when marketed or sold as an aid to the growth of crops or plants.

(6) "Superphosphate" means any product which is obtained by mixing rock phosphate with either sulphuric acid or phosphoric acid or with both acids, when marketed or sold as an aid to the growth of crops or plants.

(7) "Potash" means muriate, chloride, or sulphate of potash, manure salts, and any other substance containing potassium oxide (K_2O), when marketed or sold as an aid to the growth of crops or plants.

(8) "Nitrogenous material" means any organic or inorganic substance containing nitrogen, when marketed or sold as an aid to the growth of crops or plants, except when so marketed or sold without the admixture of any potash or superphosphate.

(9) "Chemical nitrogen" means any nitrogen, other than natural organic nitrogen, including, but not limited to, ammonium sulfate, sodium nitrate, calcium cyanamid, urea and nitrogen-bearing solutions.

(10) "Natural organic nitrogen material" means a fertilizer material of vegetable or animal origin containing nitrogen, including, but not limited to, animal, fish, and other tankages, castor pomace, tobacco stems, cotton seed meal, peanut meal, soybean meal, sewage sludge and cocoa shell meal.

(11) "Grade" means the minimum guarantee of the plant food content of mixed fertilizer, superphosphate, or potash, expressed in terms of nitrogen, available phosphoric acid, and water soluble potash, e. g. 4-8-4, 3-8-5, etc.

(12) "Kind" as distinguished from the term "grade" refers only to mixed fertilizer and means the substances, and the proportions thereof, containing the guaranteed plant food content of mixed fertilizer—as, for example, in the case of nitrogenous material, 80% inorganic and 20% insoluble organic nitrogen; or in the case of potash, 75% sulphate of potash and 25% muriate of potash.

(13) "Price schedule" means any price list or statement, irrespective of form, issued by the seller, setting forth the prices, grades, kinds, terms of payment, types of containers or bags, method and conditions of delivery, and any other provisions relating to sales, of the commodities being priced.

(14) "Place of delivery" means rail or truck destination for goods sold under a price schedule quoting delivered prices, or f. o. b. plant for goods sold under a price schedule quoting f. o. b. plant prices.

(15) "Net to manufacturer" means the amount received by a manufacturer for a sale after deducting discounts and agent's compensation, if any, from his sales price.

(16) "Net delivered cost" means the manufacturer's price to the dealer of the mixed fertilizer, superphosphate or potash being sold, plus the dealer's transportation costs.

(17) "Margin" means the amount of markup which may be added to the dealer's net delivered cost.

(18) "Spring season" means the fertilizer selling season from December 1 of any calendar year to and including June 30 of the next succeeding calendar year.

(19) "Fall season" means the fertilizer selling season from July 1 to November 30, inclusive, of any calendar year.

(20) "Victory Garden Fertilizer" means a 3-8-7 grade of mixed fertilizer containing 2½ units of organic nitrogen and ½ unit of chemical nitrogen.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1367.43 *Effective date.* (a) This Revised Maximum Price Regulation No. 135 (§§ 1367.31 to 1367.46 inclusive) shall become effective January 4, 1943.

(b) If mixed fertilizer, superphosphate or potash has been received before January 4, 1943 by a carrier, other than one owned or controlled by the seller, for shipment to a buyer, that shipment remains subject to the terms of the earlier version of this regulation (Maximum Price Regulation No. 135 as amended).

(c) During the period of thirty days next following the effective date of this Revised Maximum Price Regulation No. 135, a manufacturer or dealer may offer or agree to adjust prices to or at prices not in excess of the maximum price established hereunder, but after such thirty day period has elapsed the manufacturer or dealer may offer or agree to adjust prices to or at prices not in excess of the maximum prices in effect at the time of delivery. Where a petition for amendment or for adjustment requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1367.44 *Appendix A: Amounts per ton net to manufacturer which may be added to manufacturer's prices for places of delivery in the states named below:*

1. *Places of Delivery:*

(a) New England and Middle Atlantic States.

Maine

Grade:	Amount Per ton
0-14-14	$1.68
0-20-20	2.40
3-10-10	1.80
3-12-6	2.04
3-12-15	2.04
4-9-7	1.88
4-12-4	2.24
4-8-12	1.76
4-10-10	2.00
4-16-20	2.72
5-20-10	3.40
6-9-15	2.28
6-12-18	2.64
6-15-15	3.00
0-18-0	2.16
0-20*-0	2.40

*Or higher.

Vermont

Grade:	Amount Per ton
0-14-14	$1.68
0-20-20	2.40
3-10-10	1.80
3-12-6	2.04
3-12-15	2.04
4-9-7	1.88
4-12-4	2.24
4-10-10	2.00
4-16-20	2.72
5-3-5 [1]	4.36
5-20-10	3.40
6-3-6 [1]	5.16
6-15-15	3.00
0-18-0	2.16
0-20*-0	2.40

*Or higher.

[1] Tobacco only.

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[4] 7 F.R. 5087, 5664.

[5] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8831, 8942, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454.

[6] 7 F.R. 5059, 7242, 8829, 9000, 10530.

New Hampshire

Grade:	Amount per ton
0-14-14	$1.68
0-9-27	1.08
0-20-20	2.40
3-10-10	1.80
3-12-6	2.04
3-12-15	2.04
4-9-7	1.88
4-12-4	2.24
4-10-10	2.00
4-16-20	2.72
5-3-5 [1]	4.36
5-20-10	3.40
6-3-6 [1]	5.16
6-15-15	3.00
0-18-0	2.16
0-20*-0	2.40

*Or higher.

[1] Tobacco only.

Massachusetts

Grade:	Amount per ton
0-14-14	$1.68
0-9-27	1.08
0-20-20	2.40
3-10-10	1.80
3-12-6	2.04
3-12-15	2.04
4-9-7	1.88
4-12-4	2.24
4-10-10	2.00
4-16-20	2.72
5-3-5 [1]	4.36
5-20-10	3.40
6-3-6 [1]	5.16
6-15-15	3.00
0-18-0	2.16
0-20*-0	2.40

*Or higher.

[1] Tobacco only.

Rhode Island

Grade:	Amount per ton
0-9-27	$1.08
0-14-14	1.68
0-20-20	2.40
3-10-10	1.80
3-12-6	2.04
3-12-15	2.04
4-9-7	1.88
4-12-4	2.24
4-10-10	2.00
4-16-20	2.72
5-20-10	3.40
6-15-15	3.00
0-18-0	2.16
0-20*-0	2.40

*Or higher.

Connecticut

Grade:	Amount per ton
0-9-27	$1.08
0-14-14	1.68
0-20-20	2.40
3-10-10	1.80
3-12-6	2.04
3-12-15	2.04
4-9-7	1.88
4-10-10	2.00
4-12-4	2.24
4-16-20	2.72
5-3-5 [1]	4.36
5-20-10	3.40
6-3-6 [1]	5.16
6-15-15	3.00
0-18-0	2.16
0-20*-0	2.40

*Or higher.

[1] Tobacco only.

New York

Grade:	Amount Per ton
0-14-7	$1.12
0-12-12	.96
0-16-8	1.28
0-14-14	1.12
0-24-12	1.60
0-20-20	1.60
2-8-10	1.04
3-12-6	1.56
3-12-15	1.56
4-10-5	1.60
4-12-4	1.76
4-8-12	1.44
4-10-10	1.60
4-16-4	2.08
4-16-8	2.08
0-18-0	1.44
0-20*-0	1.60

* Or higher

New Jersey

Grade:	Amount Per ton
0-14-7	$1.12
0-12-12	.96
0-16-8	1.28
0-14-14	1.12
0-24-12	1.60
0-20-20	1.60
2-8-10	1.04
2-12-6	1.36
3-12-6	1.56
3-12-15	1.56
3-18-9	2.04
4-12-4	1.76
4-10-5	1.60
4-8-12	1.44
4-10-10	1.60
4-12-8	1.76
4-16-8	2.08
0-18-0	1.44
0-20*-0	1.60

* Or higher

Pennsylvania

Grade:	Amount Per ton
0-14-7	$1.12
0-12-12	.96
0-16-8	1.28
0-14-14	1.12
0-24-12	1.60
0-20-20	1.60
2-8-10	1.04
2-12-6	1.36
3-12-6	1.56
3-12-15	1.56
3-18-9	2.04
4-10-5	1.60
4-12-4	1.76
4-8-12	1.44
4-10-10	1.60
4-16-4	2.08
4-8-16	1.44
4-12-8	1.76
4-12-12	1.76
4-16-8	2.08
4-16-20	2.08
4-24-12	2.40
6-15-15	2.40
7-21-7	3.00
10-6-4	.48
0-18-0	1.44
0-20*-0	1.60

*Or higher.

For tobacco grades add 25¢ per unit of nitrogen to the above.

Delaware

Grade:	Amount per ton
0-14-7	$.70
0-12-12	.60
0-16-8	.80
0-14-14	.70
0-20-20	1.00
0-24-12	1.00
2-8-10	.80
2-12-6	1.00
2-12-12	1.00
3-12-6	1.20
3-9-15	1.05
3-18-9	1.50
3-12-15	1.20
4-12-4	1.40
4-8-12	1.20
4-12-8	1.40
4-16-8	1.60
4-16-20	1.60
4-24-12	1.80
5-10-5	1.50
7-21-7	2.40
10-6-4	.30
0-18-0	.90
0-20*-0	1.00

*Or higher.

Maryland and District of Columbia

Grade:	Amount per ton
0-14-7	$.70
0-12-12	.60
0-16-8	.80
0-14-14	.70
0-24-12	1.00
0-20-20	1.00
2-8-10	.80
2-12-6	1.00
2-12-12	1.00
3-12-6	1.20
3-9-15	1.05
3-12-15	1.20
3-18-9	1.50
4-8-12	1.20
4-12-8	1.40
4-16-4	1.60
4-16-8	1.60
4-16-20	1.60
4-24-12	1.80
4-12-4	1.40
5-10-5	1.50
6-6-8	1.50
7-21-7	2.40
10-6-4	.30
0-18-0	.90
0-20*-0	1.00

*Or higher.

For tobacco grades add 25¢ per unit of nitrogen to the above.

West Virginia

Grade:	Amount per ton
0-14-7	$.70
0-16-8	.80
0-24-12	1.00
2-12-6	1.00
3-18-9	1.50
4-12-4	1.40
4-12-8	1.40
10-6-4	.30
0-18-0	.90
0-20*-0	1.00

*Or higher.

For tobacco grades add 25¢ per unit of nitrogen to the above.

Bags. To a manufacturer's established maximum prices for sales in 100-pound paper bags, there may be added for sales in cotton bags:

$1.10 per ton in 200-pound cotton bags.
$1.35 per ton in 125-pound cotton bags.
$1.60 per ton in 100-pound cotton bags.

(b)

Virginia

Grade:	*Amount per ton*
0–14–7	$0.70
0–12–12	.60
0–16–8	.80
0–14–14	.70
0–24–12	1.00
0–20–20	1.00
2–8–10	.80
2–12–6	1.00
2–12–12	1.00
3–8–5	1.00
3–9–6	1.05
3–12–6	1.20
3–9–15	1.05
3–12–15	1.20
3–18–9	1.50
4–8–4	1.20
4–9–3 [1]	2.25
4–8–6	1.20
4–12–4	1.40
4–8–12	1.20
4–12–8	1.40
4–16–4	1.60
4–16–8	1.60
5–10–5	1.50
10–6–4	.30
0–18–0	.90
0–20*–0	1.00

*Or higher.

[1] For tobacco only. For other tobacco grades add 25¢ per unit of nitrogen to the above.

Bags. To a manufacturer's established maximum prices for sales in 200-pound burlap bags, there may be added for sales in cotton bags:

$1.15 per ton for sales in 200-pound cotton bags.

$1.40 per ton for sales in 125-pound cotton bags.

$1.65 per ton for sales in 100-pound cotton bags.

For sales in 100-pound paper bags, deduct $1.15 per ton from the above determined 200-pound cotton bag price.

(c) North Carolina, South Carolina, Georgia.

North Carolina

Grade:	*Amount per ton*
0–10–10	$0.20
0–14–7	.28
2–8–10	.56
2–10–6	.60
2–12–6	.64
3–8–5	.76
3–9–6	.78
3–9–9	.78
3–12–6	.84
4–8–4	.96
4–9–3 [1]	1.98
4–8–6	.96
4–8–8	.96
4–10–6	1.00
4–12–4	1.04
4–12–8	1.04
5–7–5	1.14
0–18–0	.36
0–20*–0	.40

*Or higher.

[1] For tobacco only. For other tobacco grades add 25¢ per unit of nitrogen to the above.

South Carolina

Grade:	*Amount per ton*
2–12–6	$ .40
3–8–5	.60
3–9–6	.60
3–9–9	.60
3–12–6	.60
4–9–3 [1]	1.80
4–8–4	.80
4–8–6	.80
4–8–8	.80
4–12–4	.80
4–12–8	.80
5–7–5	1.00

[1] For tobacco only. For other tobacco grades add 25¢ per unit of nitrogen to the above.

Georgia

Grade:	*Amount per ton*
2–12–6	$ .40
3–8–5	.60
3–9–6	.60
3–9–9	.60
3–12–6	.60
4–2–10 [1]	1.80
4–8–4	.80
4–8–6	.80
4–8–8	.80
4–9–3 [1]	1.80
4–12–4	.80

[1] For tobacco only. For other tobacco grades add 25¢ per unit of nitrogen to the above.

Bags. To a manufacturer's established maximum prices for sales in 200-pound cotton bags, there may be added sixty ($0.60) cents per ton.

Basis the above determined 200-pound cotton bag price:

Add $0.25 per ton for 125-pound cotton bags.

Add $0.50 per ton for 100-pound cotton bags.

Deduct $1.15 per ton for 100-pound paper bags.

(d)

Tennessee

Bags. To a manufacturer's established maximum prices for sales in 125-pound cotton bags there may be added sixty ($0.60) cents per ton.

Basis the above determined 125-pound cotton bag price:

Add $0.25 per ton for sales in 100-pound cotton bags.

Deduct $0.25 per ton for sales in 200-pound cotton bags.

Deduct $1.35 per ton for sales in 100-pound paper bags.

(e) *New Mexico, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Florida west of Apalachicola River.*

Bags. To a manufacturer's established maximum prices for sales in 100-pound cotton bags, there may be added sixty ($0.60) cents per ton.

Basis the above determined 100-pound cotton bag price:

Deduct $0.50 per ton for sales in 200-pound cotton bags.

Deduct $1.60 per ton for sales in 100-pound paper bags.

(f) *Florida, east of Apalachicola River.*

To the prices of mixed fertilizer quoted in a manufacturer's written or printed price schedule effective on July 31, 1941, there may be added amounts per ton determined as follows:

(i) $1.30 per unit of organic nitrogen for the amount of organic nitrogen derived from natural organic materials other than cotton seed meal, soybean meal or peanut meal guaranteed to be in a particular grade and kind of mixed fertilizer.

(ii) $2.15 per unit of organic nitrogen for the amount of organic nitrogen derived from cotton seed meal, soybean meal or peanut meal guaranteed to be in a particular grade and kind of mixed fertilizer.

(iii) $3.80 per unit of organic nitrogen derived from natural organic materials other than cotton seed meal, soybean meal or peanut meal when used to replace chemical nitrogen in a particular grade and kind of mixed fertilizer.

(iv) $4.65 per unit of organic nitrogen derived from cotton seed meal, soybean meal or peanut meal when used to replace chemical nitrogen in a particular grade and kind of mixed fertilizer.

(v) If a manufacturer wishes to reduce the amount of organic nitrogen guaranteed to be in a particular grade and kind of mixed fertilizer after having increased his price according to subparagraphs (i), (ii), (iii), or (iv) above, his price of that grade and kind of mixed fertilizer shall be reduced by deducting for the amount of natural organic nitrogen replaced by chemical nitrogen at the rates specified in (iii) or (iv) above for the types of natural organic nitrogen replaced by chemical nitrogen.

Bags. To a manufacturer's established maximum prices for sales in 200-pound burlap bags, there may be added for sales in cotton bags:

$1.15 per ton for sales in 200-pound cotton bags.

$1.65 per ton for sales in 100-pound cotton bags.

For sales in 100-pound paper bags, deduct $1.15 per ton from the 200-pound cotton bag price as determined above.

(g) *Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Iowa, Missouri.*

Bags. To a manufacturer's established maximum prices for sales in 100-pound paper bags, there may be added for sales in cotton bags:

$1.10 per ton for sales in 200-pound cotton bags.

$1.35 per ton for sales in 125-pound cotton bags.

$1.60 per ton for sales in 100-pound cotton bags.

(h) *Washington, Oregon, California, Arizona, Colorado, Nevada, Idaho, Utah, Wyoming, Montana.*

No amounts per ton may be added to manufacturer's established maximum prices.

2. *Use of natural organic nitrogen materials.* Except for deliveries in Washington, Oregon, California, Arizona, Colorado, Nevada, Utah, Idaho, Montana, Wyoming and Florida east of the Apalachicola River, amounts may be added to manufacturer's prices for use of natural organic nitrogen materials in mixed fertilizers as specified below:

(a) $2.00 per unit of organic nitrogen derived from natural organic materials other than cotton seed meal, soybean meal or peanut meal when used to replace chemical nitrogen in a particular grade and kind of mixed fertilizer.

(b) $4.20 per unit of organic nitrogen derived from cotton seed meal, soybean meal or peanut meal when used to replace chemical nitrogen in a particular grade and kind of mixed fertilizer.

(c) $2.20 per unit of organic nitrogen derived from cotton seed meal, soybean meal or peanut meal when used to replace other natural organic nitrogen materials in a particular grade and kind of mixed fertilizer.

(d) On and after the effective date of this Revised Maximum Price Regulation No. 135, no existing provision in any price schedule or list for adding to prices on account of the use of oil seed meals and other natural organic nitrogen materials in the manufacture of mixed fertilizer, inconsistent with the foregoing subparagraphs ((i), (ii) and (iii)) shall be effective or valid.

§ 1367.45 *Appendix B: Victory Garden Fertilizer made to comply with War Production Board Conservation Order M–231 as amended.*

1. Maximum consumer prices of "Victory Garden Fertilizer—For Food Production Only" shall be:

In 100-pound packages:	*Per package*
2000 lbs. or more	$3.40
1000 lbs. to 1900 lbs	3.60
500 lbs. to 900 lbs	3.80
100 lbs. to 400 lbs	4.00
In smaller packages:	*Each*
50 lb. package	$2.50
25 lb. package	1.50
10 lb. package	.80
5 lb. package	.50

2. Maximum price of Victory Garden Fertilizer delivered to dealers shall be:

	Each
100 lb. package	$3.00
50 lb. package	1.88
25 lb. package	1.13
10 lb. package	.60
5 lb. package	.39

3. Packages of Victory Garden Fertilizer shall be plainly labelled "Victory Garden Fertilizer—For Food Production Only."

§ 1367.46 *Appendix C: Dealers' margins.*

1. Cash sales—A dealer's maximum margin on his cash sales, unless otherwise determined under § 1367.34, shall be:

(a) No more than five (5%) per cent margin on dealer's net delivered cost on deliveries in Alabama; Florida, west of the Apalachicola River only; Georgia; Louisiana, east of the Mississippi River only; Mississippi; Maine, Aroostook County, Danforth Township of Washington County and the part of Penobscot County north and west of Millinocket only; North Carolina; South Carolina; and Virginia.

(b) No more than six (6%) per cent margin on dealer's net delivered cost on deliveries in Delaware; Maryland, Counties of Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico and Worcester only; and New York, Long Island only.

(c) No more than seven (7%) per cent margin on dealer's net delivered cost on deliveries in the District of Columbia; Maryland, Counties west of the Susquehanna River and Chesapeake Bay only; West Virginia, except counties of Brooke, Hancock, Marshall, and Ohio; and New Jersey.

(d) No more than eight (8%) per cent margin on dealer's net delivered cost on deliveries in New York, except Long Island.

(e) No more than nine (9%) per cent margin on dealer's net delivered cost on deliveries in Indiana; Michigan, Southern Peninsula; Ohio; Pennsylvania; and West Virginia, counties of Brooke, Hancock, Marshall and Ohio only.

(f) No more than ten (10%) per cent margin on dealer's net delivered cost on deliveries in Arizona; Arkansas; California; Colorado; Connecticut; Florida, except area west of the Apalachicola River; Idaho; Illinois; Iowa; Kansas; Kentucky; Louisiana, west of the Mississippi River; Maine, exclusive of Aroostook County, Danforth Township of Washington County and the part of Penobscot County north and west of Millinocket; Massachusetts; Michigan, Northern Peninsula; Minnesota; Missouri; Montana; Nebraska; Nevada; New Hampshire; New Mexico; North Dakota; Oklahoma; Oregon; Rhode Island; South Dakota; Tennessee; Texas; Utah; Vermont; Washington; Wisconsin; and Wyoming.

2. Time sales—A dealer's margin on his time sales, unless otherwise determined under Section 1367.34, shall be no greater on spring season sales than he charged on similar sales during the period February 16 to February 20, 1942, inclusive; and on fall season sales no greater than he charged on similar sales during the period October 1 to October 15, 1941, inclusive.

Issued this 29th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–14092; Filed, December 29, 1942; 11:46 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 10 Under § 1499.3 (c) of GMPR]

HADLEY BROS.–UHL CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.810 *Approval of maximum prices for Adhesive 81–18–A sold by Hadley Bros.–Uhl Co.* (a) Maximum prices for the sale by Hadley Bros.–Uhl Co., 3948–52 West Pine Boulevard, St. Louis, Missouri, of Adhesive 81–18–A shall be:

	Per gallon
Sales in 50-gallon containers	$2.19
Sales in 15-gallon containers	2.39
Sales in 5-gallon containers	2.53

(b) All discounts, trade practices, and practices relating to the payment of shipping charges in effect during March 1942 on the sale of comparable products by Hadley Bros.–Uhl Co. shall apply to the maximum prices set forth in paragraph (a).

(c) This Order No. 10 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 10 (§ 1499.810) shall become effective December 30, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–14096; Filed, December 29, 1942; 11:44 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 142 Under § 1499.18 (b) of GMPR]

IMPERIAL BRAND FOOD PRODUCTS CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1043 *Denial of application for adjustment of maximum price of cookies sold by Frederick G. Parker, doing business as Imperial Brand Food Products Company, 226 West Newton Street, Boston, Massachusetts.* (a) The application of Frederick G. Parker, doing business as Imperial Brand Food Products Company, 226 West Newton Street, Boston, Massachusetts, filed July 23, 1942, and assigned Docket Number GF3–864, requesting permission to increase the maximum price of cookies sold by him is denied.

(b) This Order No. 142 (§ 1499.1043) shall become effective December 30, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–14097; Filed, December 29, 1942; 11:45 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 143 Under § 1499.18 (b) of GMPR]

PATEK & COMPANY

Order No. 143 under § 1499.18 (b) of the General Maximum Price Regulation—Docket Number GF3–2849.

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1403 *Adjustment of maximum prices for Patek & Company.* (a) Patek & Company of San Francisco, California, may sell and deliver, and any purchaser may buy and receive Pulvoax at a price not in excess of that hereinafter set forth:

Pulvoax at $2.86 per 5 lb. can.

(b) All discounts, allowances, practices with regard to charges for transportation and other trade practices in effect with respect to the above listed commodity during March 1942, by the seller, shall remain in effect under this order.

(c) At the time of the first delivery to each purchaser after the issuance of this order, Patek & Company shall send to each purchaser of Pulvoax in the quantities specified in paragraph (a) above, a copy of the following notice:

> The Office of Price Administration has permitted us to raise our maximum price for the sale to you of Pulvoax from $2.50 per five pound can to $2.86 per five pound can. You or other sellers are not permitted by such order to raise your maximum prices for the sale of such Pulvoax.

(d) This Order No. 143 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 143 (§ 1499.1403) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 143 (§ 1499.1403) shall become effective December 30, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. No. 9250, 7 F.R. 7871)

Issued this 29th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-14098; Filed, December 29, 1942; 11:45 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

Part 728—Wheat

1943 COUNTY NORMAL YIELDS

Pursuant to the authority vested in the Secretary of Agriculture under sections 301 (b) (13) (A) and (C) and 301 (c) of the Agricultural Adjustment Act of 1938, as amended, (52 Stat. 41, 43, 202; 54 Stat. 727, 728; 7 U.S.C. 1940 ed. 1301 (b) 13 (A) and (C), 1301 (c)), the county normal yields of wheat for 1943 are as follows:

§ 728.404 *1943 county normal yields of wheat.*

Counties and Normal Yields of Wheat in Bushels Per Acre

Alabama. Blount, 9.9; Calhoun, 9.8; Chambers, 9.9; Cherokee, 9.7; Chilton, 9.9; Clay, 9.9; Cleburne, 9.7; Coosa, 9.8; Cullman, 10.1; De Kalb, 9.7; Jackson, 9.8; Jefferson, 9.9; Lauderdale, 10.0; Limestone, 9.8; Madison, 10.0; Marshall, 9.8; Morgan, 9.8; Randolph, 9.9; Shelby, 9.9; Talladega, 9.8; Tallapoosa, 9.8.

Arizona. Apache, 14.0; Cochise, 19.5; Coconino, 11.4; Gila, 12.4; Graham, 21.9; Greenlee, 20.6; Maricopa, 22.4; Mohave, 12.0; Navajo, 18.0; Pima, 15.2; Pinal, 19.2; Santa Cruz, 14.2; Yavapai, 18.4; Yuma, 19.2.

Arkansas. Arkansas, 10.1; Baxter, 6.6; Benton, 9.1; Boone, 8.0; Carroll, 9.0; Clay, 10.2; Cleburne, 7.1; Conway, 8.5; Craighead, 8.9; Crawford, 12.4; Crittenden, 12.7; Cross, 10.0; Franklin, 7.6; Fulton, 6.8; Garland, 7.6; Grant, 8.5; Greene, 9.7; Hempstead, 8.4; Hot Spring, 8.0; Independence, 10.3; Izard, 6.7; Jackson, 10.7; Johnson, 11.0; Lawrence, 9.6; Lee, 10.0; Lincoln, 10.4; Logan, 8.8; Lonoke, 10.0; Madison, 8.5; Marion, 8.1; Miller, 8.4; Mississippi, 10.7; Montgomery, 7.7; Newton, 8.3. Phillips, 13.1; Poinsett, 10.1; Polk, 7.7; Pope, 7.9; Prairie, 9.7; Pulaski, 11.1; Randolph, 9.5; St. Francis, 9.1; Saline, 8.7; Scott, 9.2; Searcy, 7.6; Sebastian, 7.8; Sharp, 6.9; Stone, 7.1; Van Buren, 7.3; Washington, 9.1; White, 8.5; Woodruff, 10.0; Yell, 8.2.

California. Alameda, 17.6; Alpine, 27.9; Amador, 19.0; Butte, 16.6; Calaveras, 13.2; Colusa, 17.2; Contra Costa, 18.5; Fresno, 18.7; Glenn, 16.5; Humboldt, 19.3; Imperial, 24.0; Inyo, 24.4; Kern, 14.2; Kings, 25.1; Lake, 16.9; Lassen, 14.5; Los Angeles, 11.1; Madera, 11.0; Marin, 23.1; Mendocino, 18.1; Merced, 15.8; Modoc, 14.4; Mono, 26.0; Monterey, 15.2; Napa, 24.2; Nevada, 14.4; Orange, 15.6; Placer, 11.1; Plumas, 16.3; Riverside, 13.6; Sacramento, 13.4; San Benito, 15.5; San Bernardino, 19.5; San Diego, 12.6; San Joaquin, 15.6; San Luis Obispo, 14.7; San Mateo, 17.9; Santa Barbara, 13.9; Santa Clara, 20.1; Shasta, 12.7; Sierra, 13.4; Siskiyou, 17.7; Solano, 20.0; Sonoma, 17.0; Stanislaus, 14.9; Sutter, 19.7; Tehama, 15.5; Trinity, 12.9; Tulare, 13.2; Tuolumne, 13.5; Ventura, 15.7; Yolo, 20.4; Yuba, 11.0.

Colorado. Adams, 10.0; Alamosa, 18.5; Arapahoe, 9.0; Archuleta, 16.5; Baca, 5.0; Bent, 24.2; Boulder, 21.9; Chaffee, 19.7; Cheyenne, 4.7; Conejos, 20.4; Costilla, 19.8; Crowley, 20.0; Custer, 14.7; Delta, 25.8; Dolores, 10.5; Douglas, 12.7; Eagle, 29.5; Elbert, 7.4; El Paso, 8.4; Fremont, 18.0; Garfield, 22.3; Gilpin, 15.8; Grand, 21.1; Gunnison, 20.2; Huerfano, 10.6; Jackson, 12.6; Jefferson, 21.6; Kiowa, 4.8; Kit Carson, 5.3; La Plata, 20.1; Larimer, 18.1; Las Animas, 12.1; Lincoln, 4.9; Logan, 7.5; Mesa, 21.0; Moffat, 12.7; Montezuma, 15.9; Montrose, 26.2; Morgan, 7.0; Otero, 25.2; Ouray, 18.8; Park, 11.8; Phillips, 8.4; Pitkin, 27.7; Prowers, 11.1; Pueblo, 11.3; Rio Blanco, 15.6; Rio Grande, 21.2; Routt, 18.1; Saguache, 19.8; San Miguel, 16.6; Sedgwick, 8.6; Summit, 18.9; Teller, 11.9; Washington, 5.0; Weld, 12.1; Yuma, 7.9.

Delaware. Kent, 17.3; New Castle, 20.0; Sussex, 15.0.

Georgia. Appling, 9.2; Atkinson, 8.4; Bacon, 6.5; Baker, 8.2; Baldwin, 9.7; Banks, 8.9; Barrow, 9.2; Bartow, 9.7; Ben Hill, 8.4; Berrien, 5.7; Bibb, 12.1; Bleckley, 10.9; Brooks, 9.2; Bryan, 5.9; Bulloch, 9.6; Burke, 8.4; Butts, 9.5; Calhoun, 9.1; Candler, 8.6; Carroll, 8.5; Catoosa, 9.1; Charlton, 5.6; Chatham, 9.7; Chattahoochee, 9.2; Chattooga, 8.2; Cherokee, 8.2; Clarke, 8.9; Clay, 10.2; Clayton, 8.7; Cobb, 9.0; Coffee, 8.9; Colquitt, 10.5; Columbia, 7.9; Cook, 9.6; Coweta, 8.1; Crawford, 8.5; Crisp, 9.1; Dade, 8.8; Dawson, 7.0; Decatur, 6.6; De Kalb, 8.2; Dodge, 10.6; Dooly, 10.0; Dougherty, 11.3; Douglas, 8.7; Early, 9.3; Effingham, 8.2; Elbert, 7.9; Emanuel, 9.6; Evans, 5.8; Fannin, 6.9; Fayette, 8.4; Floyd, 8.8; Forsyth, 7.5; Franklin, 8.2; Fulton, 9.6; Gilmer, 7.6; Glascock, 8.5; Gordon, 8.5; Grady, 10.6; Greene, 7.2; Gwinnett, 7.9; Habersham, 8.7; Hall, 7.4; Hancock, 6.9; Harelson, 8.3; Harris, 7.8; Hart, 8.7; Heard, 7.6; Henry, 9.8; Houston, 10.8; Irwin, 10.0; Jackson, 9.3; Jasper, 9.7; Jeff Davis, 6.2; Jefferson, 9.2; Jenkins, 11.6; Johnson, 8.7; Jones, 8.6; Lamar, 9.3; Lanier, 5.9; Laurens, 10.0; Lee, 8.4; Liberty, 5.8; Lincoln, 7.0; Long, 5.8; Lowndes, 9.2; Lumpkin, 6.8; McDuffie, 7.8; Macon, 11.0; Madison, 8.5; Marion, 8.5; Meriwether, 8.4; Miller, 9.2; Mitchell, 10.4; Monroe, 8.6; Montgomery, 9.1; Morgan, 8.7; Murray, 9.2; Muscogee, 9.3; Newton, 9.1; Oconee, 9.0; Oglethorpe, 8.2; Paulding, 8.8; Peach, 12.2; Pickens, 7.3; Pierce, 8.4; Pike, 9.0; Polk, 8.0; Pulaski, 9.8; Putnam, 7.6; Quitman, 10.4; Rabun, 9.0; Randolph, 10.9; Richmond, 9.1; Rockdale, 8.2; Schley, 9.5; Screven, 8.8; Seminole, 8.3; Spalding, 9.3; Stephens, 8.3; Stewart, 7.0; Sumter, 10.0; Talbot, 7.8; Taliaferro, 5.9; Tattnall, 9.6; Taylor, 10.4; Telfair, 11.0; Terrell, 10.0; Thomas, 9.1; Tift, 9.0; Toombs, 9.8; Towns, 8.2; Treutlen, 7.6; Troup, 8.5; Turner, 8.4; Twiggs, 7.4; Union, 7.6; Upson, 8.6; Walker, 8.5; Walton, 9.7; Ware, 7.2; Warren, 7.7; Washington, 10.2; Wayne, 9.0; Webster, 7.7; Wheeler, 8.2; White, 7.3; Whitfield, 8.7; Wilcox, 8.6; Wilkes, 7.3; Wilkinson, 7.7; Worth, 8.8.

Idaho. Ada, 33.7; Adams, 16.1; Bannock, 18.0; Bear Lake, 15.0; Benewah, 23.4; Bingham, 33.6; Blaine, 18.3; Boise, 16.4; Bonner, 16.6; Bonneville, 24.0; Boundary, 29.8; Butte, 26.7; Camas, 16.5; Canyon, 37.4; Caribou, 17.8; Cassia, 23.1; Clark, 18.0; Clearwater, 20.4; Custer, 23.7; Elmore, 20.4; Franklin, 19.0; Fremont, 20.3; Gem, 27.6; Gooding, 34.0; Idaho, 24.2; Jefferson, 30.8; Jerome, 40.4; Kootenai, 18.3; Latah, 25.0; Lemhi, 30.2; Lewis, 24.6; Lincoln, 31.5; Madison, 19.4; Minidoka, 36.2; Nez Perce, 25.0; Oneida. 16.7; Owyhee, 37.4; Payette, 31.6; Power, 14.2; Teton, 16.0; Twin Falls, 41.2; Valley, 13.7; Washington, 19.4.

Illinois. Adams, 15.7; Alexander, 15.0; Bond, 14.2; Boone, 17.5; Brown, 14.8; Bureau, 22.5; Calhoun, 18.3; Carroll, 20.2; Cass, 19.0; Champaign, 19.6; Christian, 19.7; Clark, 15.0; Clay, 12.0; Clinton, 16.8; Coles, 18.0; Cook, 19.1; Crawford, 14.9; Cumberland, 14.3; De Kalb, 19.8; De Witt, 19.5; Douglas, 19.2; Du Page, 19.6; Edgar, 18.7; Edwards, 15.8; Effingham, 14.5; Fayette, 13.0; Ford, 19.0; Franklin, 13.6; Fulton, 18.9; Gallatin, 16.0; Greene, 18.3; Grundy, 17.7; Hamilton, 13.6; Hancock, 17.2; Hardin, 13.0; Henderson, 18.4; Henry, 21.6; Iroquois, 19.1; Jackson, 15.8; Jasper, 13.4; Jefferson, 14.2; Jersey, 18.8; Jo Daviess, 18.0; Johnson, 12.7; Kane, 19.8; Kankakee, 18.7; Kendall, 20.2; Knox, 18.4; Lake, 19.6; La Salle, 19.5; Lawrence, 13.9; Lee, 20.8; Livingston, 18.3; Logan, 21.0; McDonough, 19.4; McHenry, 17.9; McLean, 20.0; Macon, 20.8; Macoupin, 17.5; Madison, 17.5; Marion, 13.6; Marshall, 18.9; Mason, 16.6; Massac, 13.9; Menard, 19.7; Mercer, 20.1; Monroe, 18.2; Montgomery, 16.4; Morgan, 21.2; Moultrie, 18.6; Ogle, 18.8; Peoria, 18.2; Perry, 12.4; Piatt, 20.6; Pike, 16.2; Pope, 12.3; Pulaski, 14.9; Putnam, 21.7; Randolph, 15.3; Richland, 13.9; Rock Island, 19.6; St. Clair, 17.7; Saline, 15.1; Sangamon, 20.9; Schuyler, 17.2; Scott, 19.2; Shelby, 16.1; Stark, 19.7; Stephenson, 17.9; Tazewell, 19.8; Union, 15.8; Vermilion, 18.7; Wabash, 16.4; Warren, 19.5; Washington, 14.3; Wayne, 13.5; White, 14.7; Whiteside, 20.6; Will, 19.9; Williamson, 13.3; Winnebago, 17.3; Woodford, 20.2.

Indiana. Adams, 20.6; Allen, 21.1; Bartholomew, 15.9; Benton, 18.5; Blackford, 19.1; Boone, 20.2; Brown, 12.0; Carroll, 19.7; Cass, 18.7; Clark, 15.2; Clay, 13.9; Clinton, 20.6; Crawford, 11.7; Daviess, 14.4; Dearborn, 14.7; Decatur, 17.7; De Kalb, 20.5; Delaware, 19.8; Dubois, 14.7; Elkhart, 19.7; Fayette, 18.0; Floyd, 15.3; Fountain, 17.1; Franklin, 15.9; Fulton, 16.7; Gibson, 15.8; Grant, 21.0; Greene, 15.7; Hamilton, 20.9; Hancock, 19.7; Harrison, 14.4; Hendricks, 19.1; Henry, 20.3; Howard, 21.9; Huntington, 20.5; Jackson, 14.6; Jasper, 17.7; Jay, 19.9; Jefferson, 14.1; Jennings, 13.7; Johnson, 19.5; Knox, 16.4; Kosciusko, 18.6; Lagrange, 17.3; Lake, 19.3; La Porte, 17.7; Lawrence, 14.0; Madison, 21.6; Marion, 20.1; Marshall, 19.0; Martin, 12.8; Miami, 20.2; Monroe, 14.8; Montgomery, 19.0; Morgan, 15.8; Newton, 19.7; Noble, 20.0; Ohio, 14.7; Orange, 13.8; Owen, 13.2; Parke, 16.8; Perry, 13.4; Pike, 14.1; Porter, 18.4; Posey, 15.5; Pulaski, 17.7; Putnam 15.4; Randolph, 20.4; Ripley, 15.7; Rush, 18.0; St. Joseph, 19.8; Scott, 14.3; Shelby, 15.9; Spencer, 13.8; Starke, 17.0; Steuben, 19.4; Sullivan, 15.1; Switzerland, 13.8; Tippecanoe, 17.8; Tipton, 20.7; Union, 18.8; Vanderburgh, 17.5; Vermillion, 16.4; Vigo, 15.4; Wabash, 20.3; Warren, 17.0; Warrick, 15.0; Washington, 14.8; Wayne, 18.7; Wells, 20.1; White, 18.2; Whitley, 19.7.

Iowa. Adair, 14.6; Adams, 15.1; Allamakee, 16.1; Appanoose, 11.0; Audubon, 16.0; Benton, 16.8; Black Hawk, 17.5; Boone, 17.8; Bremer, 16.2; Buchanan, 15.0; Buena Vista, 15.6; Butler, 15.4; Calhoun, 15.8; Carroll, 16.8; Cass, 17.1; Cedar, 19.7; Cerro Gordo, 15.4; Cherokee, 15.7; Chickasaw, 14.9; Clarke, 11.6; Clay, 16.0; Clayton, 16.9; Clinton, 17.5; Crawford, 14.8; Dallas, 16.9; Davis, 12.4; Decatur, 10.4; Delaware, 16.0; Des Moines, 18.5; Dickinson, 14.6; Dubuque, 17.0; Emmet, 16.0; Fayette, 15.0; Floyd, 16.2; Franklin, 16.7; Fremont, 18.0; Greene, 17.6; Grundy, 17.2; Guthrie, 14.4; Hamilton, 17.4; Hancock, 16.2; Hardin, 17.3; Harrison, 16.5; Henry, 15.7; Howard, 14.3; Humboldt, 17.3; Ida, 14.5; Iowa, 16.1; Jackson, 14.6; Jasper, 17.4; Jefferson, 13.7; Johnson, 17.2; Jones, 15.7; Keokuk, 15.1; Kossuth, 16.0; Lee, 15.4; Linn, 18.9; Louisa, 17.1; Lucas, 11.1; Lyon, 16.2; Madison, 16.3; Mahaska, 16.7; Marion, 15.8; Marshall, 18.5; Mills, 18.5; Mitchell, 15.1; Monona, 17.2; Monroe, 11.8; Montgomery, 18.1; Muscatine, 17.7; O'Brien, 15.9; Osceola, 14.9; Page, 18.5; Palo Alto, 15.1; Plymouth, 14.7; Pocahontas, 17.1; Polk, 18.1; Pottawattamie, East, 17.6; Pottawattamie, West, 19.3; Poweshiek, 15.2; Ringgold, 11.7; Sac, 16.5; Scott, 19.8; Shelby, 15.4; Sioux, 15.8; Story, 18.1; Tama, 16.9; Taylor, 14.1; Union, 12.5; Van Buren, 12.4; Wapello, 15.6; Warren, 15.8; Washington, 16.8; Wayne, 11.0; Webster, 17.5; Winnebago, 16.1; Winneshiek, 14.5; Woodbury, 16.1; Worth, 16.0; Wright, 16.2.

Kansas. Allen, 13.7; Anderson, 14.7; Atchison, 15.3; Barber, 11.4; Barton, 12.2; Bourbon, 12.8; Brown. 18.4; Butler, 12.9; Chase, 19.2; Chautauqua, 12.4; Cherokee, 12.4; Cheyenne, 10.0; Clark, 10.2; Clay, 15.0; Cloud, 13.2; Coffey, 14.9; Comanche, 10.2; Cowley, 13.4; Crawford, 12.1; Decatur, 8.8; Dickinson, 15.5; Doniphan, 16.2; Douglas, 16.3; Edwards, 11.0; Elk, 13.0; Ellis, 10.8; Ellsworth, 11.6; Finney, 9.5; Ford, 10.1; Franklin, 14.7; Geary, 18.3; Gove, 8.8; Graham, 8.6; Grant, 7.8; Gray, 9.3; Greeley, 7.5; Greenwood, 13.9; Hamilton, 8.0; Harper, 12.4; Harvey, 14.6; Haskell, 9.2; Hodgeman, 8.9; Jackson, 14.2; Jefferson, 15.7; Jewell, 12.2; Johnson, 14.7; Kearny, 7.9; Kingman, 12.2; Kiowa, 10.7; Labette, 12.0; Lane, 8.6; Leavenworth, 15.6; Lincoln, 11.7; Linn, 14.3; Logan, 7.5; Lyon, 15.1; McPherson, 14.6; Marion, 13.5; Marshall. 15.8; Meade, 10.0; Miami, 13.6; Mitchell, 13.1; Montgomery, 12.4; Morris, 16.2; Morton, 6.2; Nemaha, 15.9; Neosho, 12.0; Ness, 9.4; Norton, 9.2; Osage, 14.5; Osborne, 11.1; Ottawa, 14.1; Pawnee, 11.9; Phillips, 10.1; Pottawatomie, 17.4; Pratt, 12.6; Rawlins, 9.6; Reno, 13.8; Republic, 13.5; Rice, 13.1; Riley, 18.0; Rooks, 8.6; Rush, 10.8; Russell, 11.6; Saline, 14.0; Scott, 8.4; Sedgwick, 14.6; Seward, 9.0; Shawnee, 17.8; Sheridan, 8.8; Sherman, 7.6; Smith, 11.0; Stafford, 12.5; Stanton, 7.8; Stevens, 7.4; Sumner, 12.5; Thomas, 8.5; Trego, 9.4; Wabaunsee, 18.2; Wallace, 7.0; Washington, 14.1; Wichita, 8.0; Wilson, 14.4; Woodson, 13.2; Wyandotte, 17.4.

Kentucky. Adair, 10.2; Allen, 10.2; Anderson, 11.4; Ballard, 12.4; Barren, 11.8; Bath, 13.2; Boone, 12.5; Bourbon, 14.8; Boyd, 10.5; Boyle, 14.2; Bracken, 12.9; Breathitt, 8.8; Breckenridge, 12.6; Bullitt, 13.8; Butler, 10.5; Caldwell, 13.7; Calloway, 13.0; Campbell, 13.0; Carlisle, 12.4; Carroll, 13.4; Carter, 9.5; Casey, 10.5; Christian, 13.9; Clark, 14.8; Clay, 9.1; Clinton, 9.9; Crittenden, 12.4; Cumberland, 9.4; Daviess, 15.8; Edmonson, 9.9; Elliott, 8.0; Estill, 9.1; Fayette, 15.1; Fleming, 12.2; Floyd, 9.3; Franklin, 13.4; Fulton, 15.0; Gallatin, 13.3; Garrard, 13.2; Grant, 12.5; Graves, 12.5; Grayson, 10.5; Green, 10.9; Greenup, 11.2; Hancock, 14.6; Hardin, 11.9; Harrison, 13.4; Hart, 10.9; Henderson, 15.3; Henry, 13.4; Hickman, 12.8; Hopkins, 13.3; Jackson, 8.8; Jefferson, 16.2; Jessamine, 14.1; Johnson, 7.2; Kenton, 12.8; Knott, 11.8; Knox, 8.5; Larue, 11.1; Laurel, 8.4; Lawrence, 8.6; Lee, 7.2; Leslie, 4.7; Letcher, 7.2; Lewis, 11.0; Lincoln, 12.0; Livingston, 13.4; Logan, 14.5; Lyon, 13.3; McCracken, 12.4; McCreary, 8.7; McLean, 13.9; Madison, 12.6; Magoffin, 8.0; Marion, 12.3; Marshall, 12.4; Mason, 14.2; Meade, 12.2; Menifee, 7.1; Mercer, 14.2; Metcalfe, 10.9; Monroe, 9.8; Montgomery, 13.5; Morgan, 8.0; Muhlenberg, 11.8; Nelson, 13.3; Nicholas, 13.0; Ohio, 12.2; Oldham, 14.7; Owen, 12.5; Owsley, 9.1; Pendleton, 12.7; Pike, 10.2; Powell, 8.8; Pulaski, 10.5; Robertson, 12.5; Rockcastle, 10.0; Rowan, 9.2; Russell, 9.9; Scott, 14.2; Shelby, 13.2; Simpson, 13.8; Spencer, 12.2; Taylor, 11.5; Todd, 14.2; Trigg, 12.2; Trimble, 14.2; Union, 15.4; Warren, 13.8; Washington, 11.9; Wayne, 11.0; Webster, 13.3; Whitley, 9.0; Wolfe, 7.0; Woodford, 15.5.

Louisiana. East Carroll, 11.3; West Carroll, 11.3; Madison, 11.3.

Maine. Aroostook, 20.2.

Maryland. Allegany, 14.5; Anne Arundel, 12.9; Baltimore, 21.5; Calvert, 13.1; Caroline, 16.0; Carroll, 20.4; Cecil, 21.5; Charles, 13.3; Dorchester, 17.0; Frederick, 19.4; Garrett, 19.3; Harford, 23.0; Howard, 20.8; Kent, 18.8; Montgomery, 20.7; Prince Georges, 14.1; Queen Annes, 17.6; St. Marys, 15.4; Somerset, 16.6; Talbot, 18.3; Washington, 19.2; Wicomico, 14.8; Worcester, 15.5.

Michigan. Alcona, 16.8; Alger, 14.2; Allegan, 19.5; Alpena, 16.4; Antrim, 14.6; Arenac, 18.4; Baraga, 14.2; Barry, 19.8; Bay, 23.7; Benzie, 11.7; Berrien, 19.0; Branch, 17.9; Calhoun, 18.0; Cass, 17.1; Charlevoix, 17.8; Cheboygan, 15.2; Chippewa, 15.2; Clare, 15.1; Clinton, 22.0; Crawford, 12.8; Delta, 15.2; Dickinson, 15.8; Eaton, 22.9; Emmet, 15.1; Genesee, 21.6; Gladwin, 16.2; Gogebic, 13.7; Grand Traverse, 15.0; Gratiot, 22.9; Hillsdale, 20.2; Houghton, 14.9; Huron, 22.7; Ingham, 21.4; Ionia, 21.1; Iosco, 15.8; Iron, 14.8; Isabella, 20.3; Jackson, 18.7; Kalamazoo, 18.2; Kalkaska, 12.7; Kent, 19.6; Keweenaw, 12.0; Lake, 13.8; Lapeer, 20.8; Leelanau, 15.3; Lenawee, 23.8; Livingston, 19.8; Luce, 14.2; Mackinac, 16.2; Macomb, 21.2; Manistee, 13.7; Marquette, 13.1; Mason, 17.6; Mecosta, 15.8; Menominee, 16.3; Midland, 21.9; Missaukee, 15.5; Monroe, 23.9; Montcalm, 18.7; Montmorency, 17.0; Muskegon, 17.8; Newaygo, 17.7; Oakland, 20.2; Oceana, 16.8; Ogemaw, 15.6; Ontonagon, 14.1; Osceola, 16.3; Oscoda, 14.0; Otsego, 14.2; Ottawa, 20.4; Presque Isle, 16.6; Roscommon, 14.4; Saginaw, 23.1; St. Clair, 19.8; St. Joseph, 16.1; Sanilac, 21.2; Schoolcraft, 13.8; Shiawassee, 20.3; Tuscola, 24.0; Van Buren, 17.0; Washtenaw, 22.5; Wayne, 22.1; Wexford, 12.1.

Minnesota. Aitkin, 13.1; Anoka, 11.6; Becker, 12.3; Beltrami, 14.9; Benton, 11.6; Big Stone, 11.5; Blue Earth, 15.7; Brown, 15.7; Carlton, 13.6; Carver, 19.6; Cass, 12.3; Chippewa, 12.9; Chisago, 14.0; Clay, 12.8; Clearwater, 15.1; Cottonwood, 13.8; Crow Wing, 11.7; Dakota, 14.7; Dodge, 13.9; Douglas, 12.6 Faribault, 15.2; Fillmore, 14.9; Freeborn, 15.3; Goodhue, 15.0; Grant, 12.1; Hennepin, 16.5; Houston, 16.2; Hubbard, 11.5; Isanti, 12.8; Itasca, 15.8; Jackson, 14.9; Kanabec, 12.2; Kandiyohi, 13.2; Kittson, 12.8; Koochiching, 16.1; Lac qui Parle, 12.7; Lake, 15.5; Lake of the Woods, 15.9; Le Sueur, 17.1; Lincoln, 12.5; Lyon, 13.6; McLeod, 17.0; Mahnomen, 12.6; Marshall, 12.7; Martin, 14.9; Meeker, 14.7; Mille Lacs, 13.8; Morrison, 10.6; Mower, 13.3; Murray, 14.8; Nicollet, 16.0; Nobles, 15.1; Norman, 13.7; Olmsted, 14.1; Otter Tail, East, 11.3; Otter Tail, West, 12.9; Pennington, 13.0; Pine, 12.7; Pipestone, 13.2; Polk, East, 14.6; Polk, West, 14.2; Pope, 11.7; Ramsey, 14.3; Red Lake, 13.8; Redwood, 14.5; Renville, 14.8; Rice, 16.9; Rock, 14.0; Roseau, 14.1; St. Louis, 16.4; Scott, 18.4; Sherburne, 10.7; Sibley, 16.1; Stearns, 13.0; Steele, 16.1; Stevens, 11.7; Swift, 11.4; Todd, 12.0; Traverse, 11.5; Wabasha, 14.1; Wadena, 10.5; Waseca, 15.5; Washington, 14.2; Watonwan, 15.0; Wilkin, 12.0; Winona, 14.7; Wright, 16.1; Yellow Medicine, 13.4.

Mississippi. Bolivar, 15.0; Coahoma, 15.0; De Soto, 15.0; Humphreys, 15.0; Issaquena, 15.0; Leflore, 15.0; Panola, 15.0; Quitman, 15.0; Sunflower, 15.0; Tallahatchie, 15.0; Tunica, 15.0; Washington, 15.0.

Missouri. Adair, 11.4; Andrew, 14.9; Atchison, 16.9; Audrain, 11.4; Barry, 10.4; Barton, 13.8; Bates, 14.0; Benton, 13.1; Bollinger, 11.0; Boone, 12.8; Buchanan, 16.1; Butler, 10.9; Caldwell, 12.2; Callaway, 13.3; Camden, 10.5; Cape Girardeau, 13.8; Carroll, 15.4; Carter, 8.1; Cass, 13.9; Cedar, 12.0; Chariton, 14.8; Christian, 11.7; Clark, 15.5; Clay, 14.6; Clinton, 13.9; Cole, 13.2; Cooper, 11.8; Crawford, 11.2; Dade, 12.5; Dallas, 9.7; Daviess, 12.6; De Kalb, 12.1; Dent, 9.3; Douglas, 9.0; Dunklin, 12.2; Franklin, 13.1; Gasconade, 12.0; Gentry, 12.9; Greene, 12.6; Grundy, 12.5; Harrison, 12.9; Henry, 13.1; Hickory, 11.0; Holt, 18.2; Howard, 13.5; Howell, 8.3; Iron, 10.6; Jackson, 15.2; Jasper, 13.4; Jefferson, 13.4; Johnson, 12.9; Knox, 11.6; Laclede, 9.4; Lafayette, 15.6; Lawrence, 12.0; Lewis, 13.3; Lincoln, 13.9; Linn, 13.1; Livingston, 13.1; McDonald, 10.3; Macon, 12.0; Madison, 11.2; Maries, 10.5; Marion, 15.0; Mercer, 11.8; Miller, 11.6; Mississippi, 13.0; Moniteau, 11.8; Monroe, 12.5; Montgomery, 13.0; Morgan, 12.4; New Madrid, 14.5; Newton, 11.8; Nodaway, 14.3; Oregon, 8.7; Osage, 12.4; Ozark, 7.4; Pemiscot, 14.1; Perry, 14.6; Pettis, 13.1; Phelps, 11.7; Pike, 14.4; Platte, 17.0; Polk, 12.0; Pulaski, 10.6; Putnam, 12.6; Ralls, 13.0; Randolph, 13.2; Ray, 15.1; Reynolds, 7.8; Ripley, 8.2; St. Charles, 16.8; St. Clair, 12.7; St. Francois, 13.0; St. Louis, 16.9; Ste. Genevieve, 13.3; Saline, 14.1; Schuyler, 12.7; Scotland, 12.1; Scott, 12.9; Shannon, 9.1; Shelby, 12.6; Stoddard, 12.2; Stone, 10.5; Sullivan, 12.5; Taney, 7.4; Texas, 10.3; Vernon, 13.8; Warren, 14.0; Washington, 11.9; Wayne, 9.2; Webster, 10.3; Worth, 12.4; Wright, 9.6.

Montana. Beaverhead, 19.2; Big Horn, 12.2; Blaine, 11.4; Broadwater, 13.7; Carbon, 16.0; Carter, 7.9; Cascade, 14.2; Chouteau, 12.2; Custer, 7.4; Daniels, 9.3; Dawson, 8.7; Deer Lodge, 17.1; Fallon, 8.4; Fergus, 12.6; Flathead, 16.0; Gallatin, 19.6; Garfield, 6.9; Glacier, 10.9; Golden Valley, 7.8; Granite, 13.9; Hill, 9.8; Jefferson, 14.1; Judith Basin, 11.3; Lake, 15.2; Lewis and Clark, 12.5; Liberty, 9.8; Lincoln, 13.5; McCone, 8.7; Madison, 17.2; Meagher, 11.0; Mineral, 12.8; Missoula, 14.7; Musselshell, 7.7; Park, 15.5; Petroleum, 6.3; Phillips, 9.0; Pondera, 14.9; Powder River, 8.2; Powell, 14.6; Prairie, 7.0; Ravalli, 17.4; Richland, 10.1; Roosevelt, 9.6; Rosebud, 7.2; Sanders, 14.7; Sheridan, 101; Silver Bow, 13.9; Stillwater, 11.5; Sweet Grass, 11.5; Teton, 14.3; Toole, 10.4; Treasure, 8.9; Valley, 9.4; Wheatland, 7.6; Wibaux, 9.0; Yellowstone, 13.9.

Nebraska. Adams, 10.7; Antelope, 11.4; Arthur, 9.3; Banner, 11.3; Blaine, 8.8; Boone, 12.0; Box Butte, 10.0; Boyd, 10.3; Brown, 8.9; Buffalo, 10.9; Burt, 18.3; Butler, 15.8; Cass, 17.8; Cedar, 13.6; Chase, 10.9; Cherry, 9.1; Cheyenne, 11.1; Clay, 11.4; Colfax, 15.8; Cuming, 16.6; Custer, 10.5; Dakota, 15.1; Dawes, 10.8; Dawson, 12.1; Deuel, 11.9; Dixon, 14.6; Dodge, 17.7; Douglas, 17.1; Dundy, 10.7; Fillmore, 12.4; Franklin, 9.5; Frontier, 9.7; Furnas, 9.5; Gage, 16.9; Garden, 12.1; Garfield, 10.4; Gosper, 10.0; Grant, 7.5; Greeley, 10.4; Hall, 12.4; Hamilton, 12.8; Harlan, 9.0; Hayes, 10.0; Hitchcock, 10.0; Holt, 9.8; Hooker, 8.5; Howard, 11.4; Jefferson, 15.1; Johnson, 16.4; Kearney, 10.2; Keith, 12.4; Keyapaha, 8.7; Kimball, 10.0; Knox, 11.8; Lancaster, 16.5; Lincoln, 10.0; Logan, 9.8; Loup, 9.9; McPherson, 7.6; Madison, 13.1; Merrick, 12.9; Morrill, 10.8; Nance, 13.2; Nemaha, 18.9; Nuckolls, 11.3; Otoe, 17.4; Pawnee, 16.4; Perkins, 10.5; Phelps, 9.5; Pierce, 12.7; Platte, 14.7; Polk, 15.2; Redwillow, 9.9; Richardson, 20.2; Rock, 8.4; Saline, 16.0; Sarpy, 17.8; Saunders, 17.0; Scotts Bluff, 13.8; Seward, 15.4; Sheridan, 9.7; Sherman, 9.6; Sioux, 10.0; Stanton, 14.1; Thayer, 13.3; Thomas, 8.1; Thurston, 14.2; Valley, 10.4; Washington, 18.0; Wayne, 15.5; Webster, 9.3; Wheeler, 9.8; York, 13.1.

Nevada. Churchill, 25.5; Clark, 23.7; Douglas, 28.9; Elko, 21.7; Esmeralda, 25.0; Eureka, 25.0; Humboldt, 20.8; Lander, 22.8; Lincoln, 25.3; Lyon, 25.0; Mineral, 9.0; Nye, 21.6; Ormsby, 21.9; Pershing, 25.6 ; Storey, 26.6; Washoe, 25.7; White Pine, 26.8.

New Jersey. Atlantic, 5.3; Bergen, 15.5; Burlington, 17.6; Camden, 17.7; Cape May, 20.6; Cumberland, 19.4; Essex, 17.4; Gloucester, 16.4; Hunterdon, 21.3; Mercer, 21.4; Middlesex, 20.9; Monmouth, 19.7; Morris, 17.6; Ocean, 17.6; Passaic, 17.5; Salem, 22.3; Somerset, 20.2; Sussex, 17.7; Union, 18.9; Warren, 20.0.

New Mexico. Bernalillo, 19.4; Catron, 12.3; Chaves, 26.9; Colfax, 10.8; Curry, 7.1; De Baca, 13.7; Dona Ana, 24.0; Eddy, 22.7; Grant, 20.4; Guadalupe, 7.2; Harding, 6.4; Hidalgo, 21.4; Lea, 9.8; Lincoln, 19.3; Luna, 19.9; McKinley, 11.0; Mora, 8.5; Otero, 16.8; Quay, 7.1; Rio Arriba, 13.8; Roosevelt, 7.8; Sandoval, 15.3; San Juan, 22.8; San Miguel, 10.4; Santa Fe, 13.2; Sierra, 23.6; Socorro, 17.5; Taos, 16.1; Torrance, 9.3; Union, 6.4; Valencia, 17.0.

New York. Albany, 19.0; Allegany, 18.6; Broome, 20.0; Cattaraugus, 19.3; Cayuga, 22.6; Chautauqua, 20.0; Chemung, 21.2; Chenango, 22.8; Clinton, 18.7; Columbia, 16.6; Cortland, 24.2; Delaware, 18.4; Dutchess, 20.8; Erie, 18.0; Essex, 17.7; Franklin, 17.3; Fulton, 21.2; Genesee, 21.4; Greene, 17.6; Herkimer, 20.9; Jefferson, 16.3; Lewis, 17.0; Livingston, 21.3; Madison, 23.2; Monroe, 22.2; Montgomery, 19.9; Nassau, 29.4; Niagara, 19.3; Oneida, 22.6; Onondaga, 23.1; Ontario, 22.0; Orange, 21.0; Orleans, 20.9; Oswego, 20.2; Otsego, 21.1; Putnam, 21.4; Rensselaer, 19.5; St. Lawrence, 17.0; Saratoga, 19.1; Schenectady, 19.6; Schoharie, 21.4; Schuyler, 19.1; Seneca, 20.8; Steuben, 19.6; Suffolk, 22.5; Sullivan, 17.8; Tioga, 21.5; Tompkins, 20.5; Ulster, 19.3; Washington, 20.6; Wayne, 21.0; Westchester, 21.2; Wyoming, 22.2; Yates, 21.4.

North Carolina. Alamance, 11.2; Alexander, 10.2; Alleghany, 9.8; Anson, 9.8; Ashe, 10.0; Avery, 9.7; Beaufort, 14.4; Bertie, 13.9; Bladen, 14.1; Brunswick, 15.4; Buncombe, 10.5; Burke, 10.1; Cabarrus, 10.7; Caldwell, 9.6; Camden, 12.5; Carteret, 12.2; Caswell, 10.0; Catawba, 11.3; Chatham, 10.3; Cherokee, 9.0; Chowan, 13.8; Clay, 8.9; Cleveland, 12.3; Columbus, 15.1; Craven, 14.9; Cumberland, 14.0; Currituck, 13.9; Dare, 16.2; Davidson, 12.1; Davie, 11.6; Duplin, 14.8; Durham, 10.2; Edgecombe, 13.8; Forsyth, 12.5; Franklin, 10.0; Gaston, 11.8; Gates, 13.9; Graham, 8.6; Granville, 9.9; Greene, 15.3; Guilford, 12.0; Halifax, 13.8; Hartnett, 13.1; Haywood, 10.8; Henderson, 11.2; Hertford, 14.6; Hoke, 13.7; Hyde, 14.5; Iredell, 11.4; Jackson, 10.0; Johnston, 15.0; Jones, 14.6; Lee, 10.5; Lenoir, 14.6; Lincoln, 12.3; McDowell, 10.2; Macon, 9.9; Madison, 9.6; Martin, 14.4; Mecklenburg, 11.4; Mitchell, 9.6; Montgomery, 9.5; Moore, 9.8; Nash, 13.9; New Hanover, 12.4; Northampton, 12.8; Onslow, 13.3; Orange, 10.0; Pamlico, 13.8; Pasquotank, 12.9; Pender, 14.5; Perquimans, 13.0; Person, 9.8; Pitt, 15.0; Polk, 10.4; Randolph, 11.6; Richmond, 9.5; Robeson, 14.8; Rockingham, 10.6; Rowan, 12.7; Rutherford, 10.7; Sampson, 14.7; Scotland, 14.0; Stanly, 11.2; Stokes, 10.6; Surry, 10.1; Swain, 9.0; Transylvania, 11.8; Tyrrell, 13.6; Union, 11.1; Vance, 9.8; Wake, 10.5; Warren, 10.4; Washington, 13.4; Watauga, 10.0; Wayne, 15.2; Wilkes, 9.6; Wilson, 14.9; Yadkin, 10.4; Yancey, 9.3.

North Dakota. Adams, 7.2; Barnes, 9.4; Benson, 9.6; Billings, 6.6; Bottineau, 9.1; Bowman, 7.2; Burke, 8.0; Burleigh, 7.7; Cass, 13.0; Cavalier, 11.4; Dickey, 8.2; Divide, 8.5; Dunn, 7.5; Eddy, 8.9; Emmons, 7.8; Foster, 8.4; Golden Valley, 9.7; Grand Forks, 13.3; Grant, 7.4; Griggs, 8.5; Hettinger, 7.9; Kidder, 6.8; La Moure, 8.6; Logan, 7.6; McHenry, 8.0; McIntosh, 6.8; McKenzie, 8.6; McLean, 8.8; Mercer, 8.8; Morton, 8.3; Mountrail, 7.9; Nelson, 10.0; Oliver, 8.3; Pembina, 13.5; Pierce, 9.1; Ramsey, 10.5; Ransom, 9.0; Renville, 8.8; Richland, 11.1; Rolette, 9.8; Sargent, 10.0; Sheridan, 8.8; Sioux, 6.6; Slope, 7.5; Stark, 8.6; Steele, 9.9; Stutsman, 8.1; Towner, 10.4; Traill, 13.5;

Walsh, 13.0; Ward, 8.3; Wells, 9.2; Williams, 8.0.

Ohio. Adams, 13.2; Allen, 21.7; Ashland, 19.7; Ashtabula, 19.6; Athens, 15.9; Auglaize, 21.6; Belmont, 17.1; Brown, 12.7; Butler, 18.2; Carroll, 17.3; Champaign, 21.4; Clark, 21.3; Clermont, 14.2; Clinton, 19.2; Columbiana, 19.7; Coshocton, 16.9; Crawford, 21.1; Cuyahoga, 22.3; Darke, 20.5; Defiance, 20.5; Delaware, 19.2; Erie, 23.5; Fairfield, 18.3; Fayette, 19.0; Franklin, 20.3; Fulton, 24.2; Gallia, 14.8; Geauga, 21.6; Greene, 20.5; Guernsey, 14.7; Hamilton, 18.3; Hancock, 21.5; Hardin, 21.3; Harrison, 17.1; Henry, 23.0; Highland, 15.1; Hocking, 14.6; Holmes, 19.4; Huron, 21.8; Jackson, 14.0; Jefferson, 17.8; Knox, 17.6; Lake, 21.9; Lawrence, 15.3; Licking, 17.8; Logan, 21.3; Lorain, 21.7; Lucas, 25.0; Madison, 20.6; Mahoning, 20.9; Marion, 20.2; Medina, 21.6; Meigs, 16.2; Mercer, 21.6; Miami, 21.8; Monroe, 15.3; Montgomery, 20.6; Morgan, 16.6; Morrow, 18.7; Muskingum, 16.8; Noble, 14.7; Ottawa, 22.7; Paulding, 17.5; Perry, 16.8; Pickaway, 18.4; Pike, 13.9; Portage, 20.5; Preble, 19.4; Putnam, 21.2; Richland, 19.3; Ross, 17.1; Sandusky, 23.1; Scioto, 16.3; Seneca, 21.8; Shelby, 21.8; Stark, 20.6; Summit, 21.5; Trumbull, 19.7; Tuscarawas, 19.2; Union, 19.8; Van Wert, 21.7; Vinton, 14.0; Warren, 17.8; Washington, 16.6; Wayne, 23.1; Williams, 23.3; Wood, 22.7; Wyandot, 20.6.

Oklahoma. Adair, 10.0; Alfalfa, 13.9; Atoka, 10.4; Beaver, 8.9; Beckham, 9.5; Blaine, 12.2; Bryan, 11.2; Caddo, 12.6; Canadian, 11.8; Carter, 10.0; Cherokee, 9.3; Choctaw, 9.6; Cimarron, 7.3; Cleveland 11.3; Coal, 9.5; Comanche, 9.4; Cotton, 10.2; Craig, 9.8; Creek, 10.9; Custer, 11.9; Delaware, 10.1; Dewey, 10.7; Ellis, 8.6; Garfield, 12.9; Garvin, 12.9; Grady, 11.4; Grant, 12.9; Greer, 11.2; Harmon, 9.6; Harper, 8.6; Haskell, 9.9; Hughes, 10.5; Jackson, 10.7; Jefferson, 9.8; Johnston, 11.5; Kay, 13.1; Kingfisher, 12.2; Kiowa, 11.9; Latimer, 9.0; Le Flore, 9.0; Lincoln, 11.0; Logan, 11.3; Love, 10.6; McClain, 11.9; McIntosh, 9.7; Major, 11.9; Marshall, 10.6; Mayes, 10.1; Murray, 12.2; Muskogee, 10.3; Noble, 11.0; Nowata, 10.3; Okfuskee, 11.6; Oklahoma, 11.5; Okmulgee, 9.2; Osage, 11.2; Ottawa, 11.0; Pawnee, 10.3; Payne, 10.4; Pittsburg, 9.1; Pontotoc, 11.5; Pottawatomie, 11.0; Pushmataha, 10.3; Roger Mills, 8.7; Rogers, 9.5; Seminole, 9.3; Sequoyah, 10.7; Stephens, 9.7; Texas, 8.1; Tillman, 11.9; Tulsa, 10.4; Wagoner, 10.1; Washington, 11.3; Washita, 11.7; Woods, 11.0; Woodward, 8.8.

Oregon. Baker, 24.1; Benton, 19.2; Clackamas, 24.2; Clatsop, 28.1; Columbia, 26.9; Coos, 24.1; Crook, 21.9; Curry, 23.9; Deschutes, 22.9; Douglas, 17.9; Gilliam, 13.4; Grant, 19.0; Harney, 14.8; Hood River, 23.9; Jackson, 22.6; Jefferson, 9.9; Josephine, 18.8; Klamath, 22.7; Lake, 17.5; Lane, 16.9; Lincoln, 21.4; Linn, 19.3; Malheur, 33.5; Marion, 23.4; Morrow, 13.4; Multnomah, 26.5; Polk, 20.7; Sherman, 17.8; Umatilla, 26.8; Union, 25.4; Wallowa, 19.2; Wasco, 19.5; Washington, 26.3; Wheeler, 15.6; Yamhill, 23.4.

Pennsylvania. Adams, 17.9; Allegheny, 17.4; Armstrong, 16.6; Beaver, 17.0; Bedford, 15.9; Berks, [illegible]9.3; Blair, 16.9; Bradford, 19.3; Bucks, 21.4; Butler, 17.4; Cambria, 18.5; Cameron, 16.8; Carbon, 17.4; Centre, 17.1; Chester, 23.9; Clarion, 17.9; Clearfield, 18.0; Clinton, 18.0; Columbia, 19.4; Crawford, 19.0; Cumberland, 17.9; Dauphin, 17.8; Delaware, 22.0; Elk, 17.2; Erie, 18.9; Fayette, 18.0; Forest, 16.6; Franklin, 18.0; Fulton, 13.6; Greene, 15.8; Huntingdon, 14.5; Indiana, 17.0; Jefferson, 17.1; Juniata, 16.3; Lackawanna, 17.8; Lancaster, 25.5; Lawrence, 17.6; Lebanon, 21.3; Lehigh, 19.4; Luzerne, 19.8; Lycoming, 17.8; McKean, 18.6; Mercer, 17.9; Mifflin, 16.8; Monroe, 16.2; Montgomery, 20.8; Montour, 17.2; Northampton, 20.6; Northumberland, 17.1; Perry, 16.3; Philadelphia, 21.8; Pike, 15.8; Potter, 18.4; Schuylkill, 19.0; Snyder, 15.8; Somerset, 20.0; Sullivan, 16.2; Susquehanna, 17.6; Tioga, 18.0; Union, 17.6; Venango, 16.7; Warren, 17.5; Washington, 17.5; Wayne, 17.0; Westmoreland, 17.6; Wyoming, 18.6; York, 21.6.

South Carolina. Abbeville, 9.0; Aiken, 8.8; Allendale, 14.8; Anderson, 10.7; Bamberg, 11.5; Barnwell, 11.4; Beaufort, 9.6; Berkeley, 8.2; Calhoun, 11.8; Charleston, 9.0; Cherokee, 10.1; Chester, 9.7; Chesterfield, 10.0; Clarendon, 12.6; Colleton, 11.2; Darlington, 13.4; Dillon, 14.2; Dorchester, 11.0; Edgefield, 9.8; Fairfield, 8.7; Florence, 13.4; Georgetown, 10.6; Greenville, 10.1; Greenwood, 8.7; Hampton, 10.5; Horry, 13.8; Jasper, 10.7; Kershaw, 9.9; Lancaster, 8.9; Laurens, 9.9; Lee, 12.6; Lexington, 8.7; McCormick, 7.9; Marion, 12.7; Marlboro, 13.7; Newberry, 9.5; Oconee, 9.9; Orangeburg, 12.2; Pickens, 9.7; Richland, 9.3; Saluda, 8.7; Spartanburg, 9.5; Sumter, 13.1; Union, 9.4; Williamsburg, 11.8; York, 9.3.

South Dakota. Aurora, 7.9; Beadle, 7.4; Bennett, 8.2; Bon Homme, 11.2; Brookings, 10.5; Brown, 9.5; Brule, 7.8; Buffalo, 7.7; Butte, 14.3; Campbell, 7.3; Charles Mix, 9.1; Clark, 8.9; Clay, 14.5; Codington, 10.4; Corson, 7.0; Custer, 9.2; Davison, 9.1; Day, 10.2; Deuel, 11.3; Dewey, 6.8; Douglas, 8.9; Edmunds, 7.3; Fall River, 7.8; Faulk, 7.5; Grant, 10.6; Gregory, 10.0; Haakon, 8.0; Hamlin, 10.7; Hand, 7.6; Hanson, 9.1; Harding, 8.2; Hughes, 6.6; Hutchinson, 10.1; Hyde, 6.5; Jackson, 6.8; Jerauld, 8.5; Jones, 9.4; Kingsbury, 9.6; Lake, 11.9; Lawrence, 16.6; Lincoln, 13.3; Lyman, 9.3; McCook, 10.5; McPherson, 7.2; Marshall, 10.2; Meade, 9.3; Mellette, 7.6; Miner, 8.5; Minnehaha, 13.5; Moody, 12.2; Pennington, 8.3; Perkins, 7.5; Potter, 7.5; Roberts, 10.8; Sanborn, 8.7; Shannon, 8.7; Spink, 8.0; Stanley, 7.6; Sully, 6.6; Todd, 7.4; Tripp, 9.9; Turner, 11.9; Union, 14.5; Walworth, 7.5; Washabaugh, 7.0; Washington, 6.9; Yankton, 12.3; Ziebach, 6.4.

Tennessee. Anderson, 10.6; Bedford, 10.5; Benton, 10.3; Bledsoe, 9.3; Blount, 11.4; Bradley, 10.5; Campbell, 11.6; Cannon, 9.5; Carroll, 10.7; Carter, 12.9; Cheatham, 14.9; Chester, 11.7; Claiborne, 10.8; Clay, 8.4; Cocke, 10.6; Coffee, 10.6; Crockett, 12.0; Cumberland, 8.8; Davidson, 12.7; Decatur, 11.3; De Kalb, 8.9; Dickson, 10.0; Dyer, 13.1; Fayette, 12.2; Fentress, 8.6; Franklin, 12.2; Gibson, 12.2; Giles, 10.6; Grainger, 11.4; Greene, 10.7; Grundy, 12.2; Hamblen, 13.1; Hamilton, 11.1; Hancock, 9.9; Hardeman, 10.3; Hardin, 11.6; Hawkins, 10.8; Haywood, 11.1; Henderson, 11.7; Henry, 12.4; Hickman, 9.4; Houston, 10.4; Humphreys, 10.7; Jackson, 8.3; Jefferson, 11.9; Johnson, 11.9; Knox, 12.4; Lake, 13.8; Lauderdale, 13.0; Lawrence, 10.6; Lewis, 10.4; Lincoln, 10.7; Loudon, 10.6; McMinn, 10.5; McNairy, 10.9; Macon, 8.8; Madison, 10.6; Marion, 10.8; Marshall, 10.3; Maury, 11.8; Meigs, 9.9; Monroe, 10.2; Montgomery, 13.7; Moore, 11.1; Morgan, 10.5; Obion, 13.6; Overton, 8.4; Perry, 9.0; Pickett, 8.4; Polk, 10.6; Putnam, 8.7; Rhea, 10.5; Roane, 10.0; Robertson, 14.4; Rutherford, 10.3; Scott, 9.6; Sequatchie, 9.5; Sevier, 10.0; Shelby, 13.3; Smith, 8.9; Stewart, 11.6; Sullivan, 12.8; Sumner, 10.8; Tipton, 12.4; Trousdale, 9.4; Unicoi, 14.2; Union, 10.3; Van Buren, 11.3; Warren, 10.8; Washington, 13.0; Wayne, 9.3; Weakley, 12.4; White, 10.5; Williamson, 11.8; Wilson, 9.4.

Texas. Archer, 8.6; Armstrong, 9.9; Bailey, 8.8; Bandera, 7.7; Baylor, 9.5; Bee, 7.8; Bell, 10.8; Bexar, 7.8; Blanco, 8.0; Borden, 8.1; Bosque, 10.8; Briscoe, 8.1; Brown, 9.8; Burnet, 8.1; Callahan, 9.8; Carson, 10.4; Castro, 7.9; Childress, 7.2; Clay, 9.2; Cochran, 7.0; Coke, 7.6; Coleman, 10.8; Collin, 13.0; Collingsworth, 7.3; Comal, 7.8; Comanche, 9.8; Concho, 9.8; Cooke, 11.3; Coryell, 10.7; Cottle, 7.8; Crosby, 8.6; Dallam, 6.3; Dallas, 12.5; Dawson, 7.0; Deaf Smith, 7.6; Delta, 10.6; Denton, 12.5; Dickens, 7.8; Donley, 9.3; Eastland, 9.9; Ellis, 11.6; Erath, 9.4; Falls, 10.5; Fannin, 10.5; Fisher, 7.4; Floyd, 7.9; Foard, 10.2; Franklin, 10.6; Garza, 8.2; Gillespie, 9.5; Glasscock, 7.5; Gray, 10.2; Grayson, 11.3; Guadalupe, 7.8; Hale, 7.8; Hall, 7.8; Hamilton, 10.6; Hansford, 8.2; Hardeman, 9.1; Hartley, 6.5; Haskell, 9.2; Hays, 7.5; Hemphill, 10.0; Hill, 10.3; Hockley, 8.1; Hood, 9.5; Howard, 7.0; Hunt, 10.8; Hutchinson, 7.5; Irion, 8.1; Jack, 9.3; Johnson, 11.4; Jones, 8.4; Kaufman, 10.7; Kendall, 8.2; Kent, 8.1; Kerr, 8.0; Kimball, 8.3; King, 8.8; Knox, 10.5; Lamar, 10.1; Lamb, 9.4; Lampasas, 9.3;

Limestone, 10.6; Lipscomb, 9.0; Lubbock, 7.3; Lynn, 6.8; McCulloch, 10.2; McLennan, 10.6; Martin, 7.0; Mason, 9.2; Medina, 7.9; Menard, 7.9; Milam, 10.6; Mills, 9.6; Mitchell, 8.2; Montague, 8.5; Moore, 6.9; Motley, 8.1; Navarro, 10.3; Nolan, 8.1; Ochiltree, 9.4; Oldham, 7.0; Palo Pinto, 9.4; Parker, 9.5; Parmer, 8.1; Pecos, 7.0; Potter, 8.4; Rains, 10.6; Randall, 8.5; Red River, 10.6; Roberts, 11.4; Rockwell, 10.3; Runnels, 10.2; San Saba, 9.0; Schleicher, 7.7; Scurry, 6.9; Shackelford, 9.3; Sherman, 8.0; Somervell, 9.0; Stephens, 8.4; Sterling, 7.5; Stonewall, 8.5; Swisher, 8.0; Tarrant, 11.2; Taylor, 9.8; Terry, 6.9; Throckmorton, 10.4; Tom Green, 9.4; Travis, 7.8; Uvalde, 8.1; Wheeler, 7.9; Wichita, 8.8; Wilbarger, 9.7; Williamson, 10.4; Wise, 10.6; Young, 9.1; Zavala, 8.2.

Utah. Beaver, 24.7; Box Elder, 19.0; Cache, 22.2; Carbon, 24.4; Daggett, 25.2; Davis, 25.1; Duchesne, 23.4; Emery, 22.2; Garfield, 22.1; Grand, 24.8; Iron, 24.0; Juab, 14.4; Kane, 16.9; Millard, 16.1; Morgan, 24.9; Piute, 25.4; Rich, 16.5; Salt Lake, 19.1; San Juan, 14.0; Sanpete, 19.6; Sevier, 30.0; Summit, 22.8; Tooele, 11.1; Uintah, 24.6; Utah, 25.5; Wasatch, 30.8; Washington, 16.6; Wayne, 24.4; Weber, 24.4.

Vermont. Bennington, 20.3; Chittenden, 18.0; Essex, 22.0.

Virginia. Accomac, 10.8; Albemarle, 12.0; Alleghany, 12.9; Amelia, 14.4; Amherst, 12.9; Appomattox, 14.3; Arlington, 17.3; Augusta, 17.1; Bath, 13.9; Bedford, 13.1; Bland, 12.5; Botetourt, 13.0; Brunswick, 14.0; Buchanan, 9.8; Buckingham, 12.9; Campbell, 13.1; Caroline, 14.6; Carroll, 10.8; Charles City, 14.2; Charlotte, 13.1; Chesterfield, 13.0; Clarke, 16.7; Craig, 12.4; Culpeper, 15.1; Cumberland, 13.1; Dickenson, 8.9; Dinwiddie, 14.3; Elizabeth City, 13.5; Essex, 13.5; Fairfax, 16.4; Fauquier, 15.4; Floyd, 11.4; Fluvanna, 12.0; Franklin, 11.3; Frederick, 14.3; Giles, 11.1; Gloucester, 11.3; Goochland, 14.0; Grayson, 11.4; Greene, 10.9; Greensville, 12.8; Halifax, 10.2; Hanover, 14.4; Henrico, 13.9; Henry, 9.9; Highland, 15.9; Isle of Wight, 11.8; James City, 13.4; King and Queen, 12.2; King George, 15.2; King William, 11.6; Lancaster, 15.5; Lee, 11.3; Loudoun, 16.9; Louisa, 13.4; Lunenburg, 12.4; Madison, 13.4; Mathews, 12.8; Mecklenburg, 10.8; Middlesex, 13.2; Montgomery, 13.2; Nansemond, 13.2; Nelson, 13.0; New Kent, 12.2; Norfolk, 12.4; Northampton, 11.9; Northumberland, 17.0; Nottoway, 14.0; Orange, 14.7; Page, 15.9; Patrick, 10.4; Pittsylvania, 10.5; Powhatan, 14.4; Prince Edward, 15.0; Prince George, 13.7; Prince William, 14.0; Princess Anne, 14.2; Pulaski, 13.7; Rappahannock, 13.3; Richmond, 16.0; Roanoke, 16.5; Rockbridge, 12.7; Rockingham, 18.0; Russell, 13.3; Scott, 11.0; Shenandoah, 16.1; Smyth, 14.3; Southampton, 11.6; Spotsylvania, 14.0; Stafford, 14.3; Surry, 10.0; Sussex, 10.9; Tazewell, 14.5; Warren, 14.4; Warwick, 16.7; Washington, 13.3; Westmoreland, 18.0; Wise, 10.9; Wythe, 14.7; York, 14.0.

Washington. Adams, 15.5; Asotin, 17.9; Benton, 14.0; Chelan, 14.3; Clallam, 37.7; Clark, 22.0; Columbia, 26.8; Cowlitz, 22.4; Douglas, 15.1; Ferry, 13.6; Franklin, 14.9; Garfield, 27.8; Grant, 13.3; Grays Harbor, 24.4; Island, 32.8; Jefferson, 21.1; King, 27.8; Kitsap, 23.1; Kittitas, 31.5; Klickitat, 17.5; Lewis, 25.2; Lincoln, 19.5; Mason, 22.7; Okanogan, 14.0; Pacific, 22.6; Pend Oreille, 15.0; Pierce, 22.1; San Juan, 24.2; Skagit, 35.7; Skamania, 17.4; Snohomish, 32.3; Spokane, 22.6; Stevens, 18.5; Thurston, 21.8; Wahkiakum, 29.1; Walla Walla, 25.9; Whatcom, 27.5; Whitman, 27.8; Yakima, 27.6.

West Virginia. Barbour, 13.3; Berkeley, 14.8; Boone, 9.8; Braxton, 10.0; Brooke, 13.3; Cabell, 12.2; Calhoun, 9.4; Clay, 8.9; Doddridge, 11.3; Fayette, 12.6; Gilmer, 9.7; Grant, 14.8; Greenbrier, 16.5; Hampshire, 13.7; Hancock, 13.6; Hardy, 15.6; Harrison, 13.6; Jackson, 11.9; Jefferson, 17.3; Kanawha, 10.4; Lewis, 13.8; Lincoln, 10.5; Logan, 11.0; Marion, 12.3; Marshall, 12.9; Mason, 13.4; Mercer, 13.0; Mineral, 14.7; Monongalia, 14.8; Monroe, 15.2; Morgan, 11.6; Nicholas, 12.0; Ohio, 14.4; Pendleton, 15.1; Pleasants, 12.0; Pocahontas, 17.5; Preston, 16.7; Putnam, 10.6; Raleigh, 11.6; Randolph, 15.3; Ritchie, 12.8; Roane, 10.1; Summers, 12.4; Taylor, 13.1; Tucker, 14.4; Tyler, 12.0; Upshur, 13.9; Wayne, 10.8; Webster, 11.5; Wetzel, 11.0; Wirt, 9.8; Wood, 14.0; Wyoming, 11.2.

Wisconsin. Adams, 12.1; Ashland, 14.6; Barron, 15.9; Bayfield, 16.0; Brown, 18.0; Buffalo, 16.9; Burnett, 14.7; Calumet, 19.3; Chippewa, 15.1; Clark, 14.9; Columbia, 16.6; Crawford, 15.1; Dane, 18.8; Dodge, 19.7; Door, 16.1; Douglas, 15.1; Dunn, 15.3; Eau Claire, 15.0; Florence, 13.1; Fond du Lac, 19.1; Forest, 12.8; Grant, 15.8; Green, 17.0; Green Lake, 16.4; Iowa, 15.2; Iron, 13.2; Jackson, 15.4; Jefferson, 19.7; Juneau, 16.3; Kenosha, 19.5; Kewaunee, 17.5; La Cross, 18.0; Lafayette, 16.9; Langlade, 13.9; Lincoln, 14.4; Manitowoc, 18.6; Marathon, 14.5; Marinette, 14.3; Marquette, 14.5; Milwaukee, 18.2; Monroe, 16.3; Oconto, 15.1; Oneida, 13.1; Outagamie, 18.5; Ozaukee, 18.7; Pepin, 15.3; Pierce, 15.7; Polk, 15.7; Portage, 14.2; Price, 13.5; Racine, 19.8; Richland, 16.5; Rock, 17.5; Rusk, 14.2; St. Croix, 15.0; Sauk, 16.7; Sawyer, 13.8; Shawano, 17.2; Sheboygan, 19.4; Taylor, 14.1; Trempealeau, 15.9; Vernon, 16.9; Vilas, 12.4; Walworth, 18.3; Washburn, 13.7; Washington, 19.5; Waukesha, 18.1; Waupaca, 14.6; Waushara, 12.9; Winnebago, 19.0; Wood, 13.9.

Wyoming. Albany, 12.5; Big Horn, 20.2; Campbell, 8.2; Carbon, 11.1; Converse, 6.9; Crook, 11.2; Fremont, 20.7; Goshen, 8.4; Hot Springs, 15.3; Johnson, 11.8; Laramie, 7.6; Lincoln, 12.7; Natrona, 8.4; Niobrara, 6.1; Park, 21.8; Platte, 8.2; Sheridan, 13.4; Sublette, 14.1; Sweetwater, 15.1; Teton, 12.8; Uinta, 15.6; Washakie, 24.0; Weston, 11.8

Done at Washington, D. C., this 28th day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-14079; Filed, December 29, 1942; 11:19 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

PART 201—PROCEDURE FOR THE STIPULATION OF CONDITIONS IN GOVERNMENT PURCHASE CONTRACTS

INSERTION OF STIPULATIONS, AMENDMENT

Amendment to regulations for administration of the Act of June 30, 1936, Public No. 846, 74th Congress.

By virtue of the authority vested in me by section 4 of the Act approved June 30, 1936, 49 Stat. 2036, 41 U.S.C., secs. 35–45, I hereby amend Article 1, Regulations No. 504, prescribed by the Secretary of Labor under Public Act No. 846, Seventy-fourth Congress (Series A), by adding the words "or incorporated by reference" following the words "the contracting officer shall cause to be inserted" in the first paragraph of the Article, so that this paragraph, as amended, will read as follows:

§ 201.1 *Insertion of stipulations.* Except as hereinafter directed, in every contract made and entered into by an executive department, independent establishment, or other agency or instrumentality of the United States, or by the District of Columbia, or by any corporation all the stock of which is benefically owned by the United States, for the manufacture or furnishing of materials, supplies, articles, and equipment, with respect to which invitations for bids are issued on or after September 28, 1936, the contracting officer shall cause to be inserted or incorporated by reference in such invitation or the specifications and in such contract, the following stipulations:

* * * * *

Dated: December 28, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-14087; Filed, December 29, 1942; 11:33 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—GENERAL RULES AND REGULATIONS

REVISION OF APPENDIX

The Commission, on November 24, 1942, effective November 6, 1942, approved the following revision of Appendix B:

APPENDIX B—FREQUENCY ALLOCATIONS

NOVEMBER 6, 1942.

The center frequencies of communication bands that will be designated are as follows:[1]

Frequency (kilocycles):	*Allocation*
10.05	Fixed
10.20	Do.
10.35	Do.
10.50	Do.
10.65	Do.
10.80	Do.
10.95	Do.
11.10	Do.
11.25	Do.
11.40	Do.
11.55	Do.
11.70	Do.
11.85	Do.
12.00	Do.
12.15	Do.
12.30	Do.
12.45	Do.
12.60	Do.
12.75	Do.
12.90	Do.
13.05	Do.
13.20	Do.
13.35	Do.
13.50	Do.
13.65	Do.
13.80	Do.
13.95	Do.
14.10	Do.
14.25	Do.
14.40	Do.
14.55	Do.
14.70	Do.
14.85	Do.
15.00	Do.
15.20	Do.
15.40	Do.
15.60	Do.
15.80	Do.
16.00	Do.
16.20	Do.
16.40	Do.
16.60	Do.
16.80	Fixed.
17.00	Do.
17.20	Do.
17.40	Do.
17.60	Do.
17.80	Government.
18.00	Do.
18.20	Fixed.
18.40	Do.
18.60	Government.
18.80	Fixed.
19.00	Do.
19.20	Do.
19.40	Do.
19.60	Do.
19.80	Government.
20.00	Fixed.
20.25	Do.
20.50	Do.
20.75	Do.
21.00	Do.
21.25	Do.
21.50	Do.
21.75	Do.
21.80	Do.
22.00	Do.
22.10	Do.
22.25	Do.
22.50	Do.
22.60	Do.
22.75	Do.
22.90	Government.
23.00	Do.
23.25	Fixed.
23.50	Do.
23.75	Do.
24.00	Government.
24.25	Fixed.
24.50	Do.
24.75	Do.
25.00	Do.
25.30	Do.
25.60	Do.
25.82	Do.
25.90	Do.
26.10	Government.
26.20	Do.
26.50	Fixed.
26.80	Do.
27.10	Do.
27.40	Do.
27.70	Do.
28.00	Do.
28.30	Do.
28.50	Government.
28.60	Do.
28.90	Fixed.
29.20	Do.
29.50	Do.
29.80	Do.
30.20	Do.
30.60	Government.
31.00	Fixed.
31.40	Do.
31.80	Do.
32.20	Do.
32.60	Do.
33.00	Do.
33.40	Do.
33.80	Do.
34.20	Do.
34.60	Do.
35.00	Do.
35.40	Do.
35.80	Do.
36.20	Do.
36.60	Do.
37.00	Do.
37.40	Do.
37.80	Do.
38.20	Do.
38.60	Do.
39.00	Do.
39.40	Do.
39.80	Do.
40.20	Do.
40.70	Do.
41.20	Do.
41.70	Do.
42.20	Do.
42.70	Government.
42.80	Do.
43.20	Fixed.
43.70	Do.
44.20	Do.
44.70	Do.
45.20	Do.
45.70	Do.
46.20	Do.
46.70	Do.
47.20	Do.
47.70	Do.
48.20	Do.
48.70	Do.
49.20	Do.
49.70	Do.
50.20	Do.
50.80	Do.
51.00	Government.
51.40	Fixed.
51.68	Do.
52.00	Do.
52.60	Fixed.
53.20	Do.
53.80	Do.
54.00	Government.
54.40	Fixed.
55.00	Do.
55.60	Do.
56.00	Government.
56.20	Do.
56.80	Fixed.
57.40	Do.
58.00	Government.
58.50 61.50 }60.00	Fixed.
62.00	Do.
62.80	Do.
63.60	Do.
64.00	Government.
64.40	Do.
65.20	Fixed.
66.00	Government.
66.50 69.50 }68.00	Fixed.
70.00	Do.
70.80	Do.
71.60	Do.
72.40	Do.
73.20	Do.
74.00	Do.
74.80	Government.
75.00	Do.
75.60	Fixed.
76.40	Do.
77.20	Do.
78.00	Do.
78.80	Do.
79.32	Do.
79.60	Do.
80.40	Do.
81.20	Do.
82.00	Government.
82.80	Do.
83.00	Do.
83.60	Fixed.
83.86	Do.
84.40	Do.
85.20	Do.
86.00	Do.
86.80	Do.
87.60	Do.
88.40	Do.
88.50	Government.
89.20	Fixed.
90.00	Do.
90.80	Do.
91.00	Government.
91.60	Fixed.
92.40	Do.
92.76	Do.
93.20	Do.
94.00	Government.
94.80	Fixed.
95.50	Government.
95.60	Fixed.
96.40	Do.
97.20	Do.
97.50	Do.
98.00	Government.
98.80	Fixed.
100	Government.
101	Fixed.
102	Government.
103	Fixed.
104	Government.
105	Coastal Teleg.
106	Government.
107	Coastal Teleg.
108	Government.
109	Coastal Teleg. & Fixed.
110	Government.
111	Coastal Teleg.
112	Government.
113	Do.
114	Coastal Teleg. & Govt.
115	Government.
116	Coastal Teleg.
117	Do.
118	Do.
119	Do.
j120	Coastal Teleg. & Govt.
121	Coastal Teleg.
122	Government.
123	Coastal Teleg.
124	Do.
125	Do.
126	Do.
127	Government.
128	Do.
129	Coastal Teleg.
130	Coastal Teleg. & Govt.
131	Coastal Teleg.
132	Government.
j133	Coastal Teleg. & Govt.
134	Coastal Teleg.
135	Do.
136	Do.
137	Do.
138	Government.
139	Coastal Teleg. and Govt.
140	Government.
141	Coastal Teleg.
142	Guard Band.

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[1] Frequencies are listed for information purposes only. Indented frequencies indicate assigned center frequencies of communication bands not in accordance with the approximate 0.1% frequency separation scale, while bracketed frequencies show the allocated center frequencies of communication bands covering more frequency space than the approximate 0.1% frequency separation plan provides. The term "General Communication" is used only as a designation for non-Government frequencies which have not been assigned to any specific service. Section 305 (a) of the Communications Act of 1934, as amended, states as follows:

"Radio stations belonging to and operated by the United States shall not be subject to the provisions of sections 301 and 303 of this Act. All such Government stations shall use such frequencies as shall be assigned to each or to each class by the President. All such stations, except stations on board naval and other Government vessels while at sea or beyond the limits of the continental United States, when transmitting any radio communication or signal other than a communication or signal relating to Government business, shall conform to such rules and regulations designed to prevent interference with other radio stations and the rights of others as the Commission may prescribe."

For more detailed information regarding restrictions on the use of non-government frequencies consult the part of the Rules and Regulations of this Commission covering the service or class of station to which the frequency is allocated.

Frequency (kilocycles):	Allocation
143	Maritime Calling.
144	Guard Band.
145	Government.
j146	Coastal Teleg. & Govt.
147	Coastal Teleg.
148	Government.
149	Coastal Teleg.
150	Government.
151	Ship Teleg.
152	Do.
153	Do.
154	Do.
j155	Ship Teleg. and Govt.
156	Ship Teleg.
157	Do.
158	Do.
159	Government.
160	Ship Teleg.
161	Fixed and Coastal Teleg.
162	Government.
163	Fixed and Coastal Teleg.
164	Fixed, Coastal Teleg. and Govt.
165	Fixed and Coastal Teleg.
166	Government.
167	Fixed and Coastal Teleg.
168	Government.
169	Fixed and Coastal Teleg.
170	Do.
171	Do.
172	Government.
173	Fixed and Coastal Teleg.
174	Do.
175	Government.
176	Fixed and Coastal Teleg.
177	Do.
178	Government.
179	Fixed and Coastal Teleg.
180	Government.
181	Fixed and Coastal Teleg.
a182	Do.
aj183	Fixed, Coastal Teleg. and Govt.
184	Fixed and Coastal Teleg.
185	Government.
186	Do.
a187	Fixed and Coastal Teleg.
188	Government.
a189	Fixed, Coastal Teleg. and Govt.
j190	State Police and Govt.
191	Fixed & Coastal Teleg.
192	Government.
193	Do.
194	Do.
195	Do.
196	Do.
197	Do.
198	Do.
199	
200	Do.
s201	Do.
202	
s203	Do.
204	
205	Do.
s206	Do.
207	
208	
as209	Do.
a210	Fixed.
211	
as212	Government.
213	
a214	Fixed.
215	Government.
216	Do.
217	
218	Do.
s219	Do.
220	Do.
s221	Do.
222	
223	
s224	Do.
225	Do.
226	
as227	Do.
228	
229	
s230	Do.
231	
232	
s233	Do.
234	
235	
s236	Do.
237	
238	
s239	Do.
240	
241	
s242	Do.
243	
244	
s245	Do.
a246	Fixed.
247	
s248	Government.
249	
250	
s251	Do.
a252	Fixed.

Frequency (kilocycles):	Allocation
253	
s254	Government.
255	
a256	Fixed.
s257	Government.
258	
259	
s260	Do.
261	
a262	Fixed.
s263	Government.
264	
265	
s266	Do.
267	
a268	Fixed.
s269	Government.
270	
271	
s272	Do.
273	
a274	Fixed.
275	Government.
276	
277	
cs278	Airport and Government.
279	
280	
s281	Government.
282	
283	
s284	Do.
285	
s286	Do.
287	
s288	Do.
289	
s290	Do.
291	
s292	Do.
s293	Do.
s294	Do.
295	
s296	Do.
297	
s298	Do.
299	
s300	Do.
301	
s302	Do.
303	
s304	Do.
s305	Do.
s306	Do.
307	
s308	Do.
309	
s310	Do.
s311	
s312	Do.
313	
s314	Do.
315	
316	
s317	Do.
318	
319	
s320	
321	
322	
s323	Do.
324	
325	
s326	
327	
328	
s329	Do.
330	
331	
s332	Do.
j333	Aircraft & Govt.
334	
s335	Government.
336	
337	
s338	Do.
339	
340	
s341	Do.
342	
343	
s344	Do.
345	
346	
s347	Do.
348	
349	
s350	Do.
351	
352	
s353	Do.
354	
355[3]	Do.
s356	Do.

[3] Available for non-Government ship stations for communication with Government stations.

Frequency (kilocycles):	Allocation
357	
358	
s359	Government.
360	
361	
s362	Do.
363	
364	Do.
s365	Guard Band & Govt.
366	Guard Band.
367	Do.
s368	Guard Band & Govt.
369	Do.
370	Guard Band.
s371	Guard Band & Govt.
372	Guard Band.
373	Do.
374	Do.
j375	Direction Finding.
376	Guard Band.
377	Do.
378	Do.
s379	Guard Band & Govt.
380	Do.
381	Guard Band.
s382	Guard Band & Govt.
383	Guard Band.
384	Do.
s385	Guard Band & Govt.
386	Government
387	
s388	Do.
389	
390	
s 391	Do.
392	Coastal Teleg.
393	Government.
394	Coastal Teleg. & Ship Teleg.
396	Government.
398	Guard Band.
ns400	Ship Teleg. & Govt.
402	Guard Band.
404	Government.
406	Coastal Teleg.
407	Government.
408	Coastal Teleg.
j410	Coastal & Ship Teleg. & Govt.
412	Coastal Teleg.
414	Government.
416	Coastal Teleg.
418	Do.
420	Do.
422	Government.
424	Guard Band.
aj 425	Coastal & Ship Teleg. Intership Phone & Govt.
426	Guard Band.
428	Government.
j430	Coastal Teleg. & Govt.
432	Do.
434	Government.
436	Coastal Teleg.
438	Do.
440	Government.
442	Coastal Teleg.
444	Government.
446	Do.
448	Coastal Teleg.
450	Government.
452	Do.
j454	Coastal & Ship Teleg. & Govt.
456	Guard Band.
n 457	Aircraft & Govt.
458	Guard Band.
aj460	Coastal Teleg. & Govt.
462	Coastal Teleg.
464	Government.
466	Coastal Teleg. & Govt.
468	Ship Teleg.
470	Government.
472	Do.
474	Coastal Teleg.
j476	Coastal Teleg. & Govt.
478	Coastal Teleg.
480	Government.
482	Coastal Teleg.
484	Do.
486	Guard Band.
488	Do.
490	Do.
492	Do.
494	Do.
496	Do.
498	Do.
ac500	Maritime Calling & Govt.
502	Guard Band.
504	Do.
506	Do.
508	Do.
510	Do.
512	Do.
514	Do.
516	Government.
518	Do.
520	Government.
522	Do.
524	Do.
526	Do.
528	Do.
530	Do.

Frequency (kilocycles):	Allocation
532	Government.
534	Do.
536	Do.
538	Do.
540	Do.
542	Do.
544	Do.
546	Guard Band.
548	Do.
n 550 to 1600	Government.
550	Broadcast.
560	Do.
570	Do.
580	Do.
590	Do.
600	Do.
610	Do.
620	Do.
630	Do.
640	Do.
650	Do.
660	Do.
670	Do.
680	Do.
c690	Broadcast & Govt.
700	Broadcast.
710	Do.
720	Do.
730	Do.
740	Do.
750	Do.
760	Do.
770	Do.
780	Do.
790	Do.
800	Do.
810	Do.
820	Do.
830	Do.
840	Do.
850	Do.
860	Do.
870	Do.
880	Do.
890	Do.
900	Do.
910	Do.
920	Do.
930	Do.
940	Do.
950	Do.
960	Do.
970	Do.
980	Do.
990	Do.
1,000	Do.
1,010	Do.
1,020	Do.
1,030	Do.
1,040	Do.
1,050	Do.
1,060	Do.
1,070	Do.
1,080	Do.
1,090	Do.
1,100	Do.
1,110	Do.
1,120	Do.
1,130	Do.
1,140	Do.
1,150	Do.
1,160	Do.
1,170	Do.
1,180	Do.
1,190	Do.
1,200	Do.
1,210	Do.
1,220	Do.
1,230	Do.
1,240	Do.
1,250	Do.
1,260	Do.
1,270	Do.
1,280	Do.
1,290	Do.
1,300	Do.
1,310	Do.
1,320	Do.
1,330	Do.
1,340	Do.
1,350	Do.
1,360	Do.
1,370	Do.
1,380	Do.
1,390	Do.
1,400	Do.
1,410	Do.
1,420	Do.
1,430	Do.
1,440	Do.
1,450	Do.
1,460	Do.
1,470	Do.
1,480	Do.
1,490	Do.
1,500	Do.
1,510	Do.
1,520	Do.

Frequency (kilocycles):	Allocation
1,530	Broadcast.
1,540	Do.
1,550	Do.
1,560	Do.
1,570	Do.
1,580	Do.
1,590	Do.
1,600	Do.
1,602	Geophysical.
1,604	
a 1,606	Relay Broadcast.
1,608	
n 1,610	Police & Govt.
1,612	
n 1,614	Exp. & Govt.
1,616	
n 1,618	Police & Govt.
1,620	
a 1,622	Relay Bc.
1,624	
n 1,626	Police & Govt.
1,628	Geophysical.
1,630	Marine Fire.
1,632	
n 1,634	Police & Govt.
1,636	
ac 1,638	Aviation & Govt.
1,640	
n 1,642	Police & Govt.
1,644	
a 1,646	Relay Bc.
1,648	
1,650	Police.
1,652	Motion Picture, Geophysical & Govt.
1,656	Government.
n 1,658	Police & Govt.
a1,660	
1,664	
n 1,666	Do
1,668	
1,672	
n 1,674	Aviation, Police, and Govt.
1,676	Geophysical.
1,680	
n 1,682	Police & Govt.
1,684	
1,688	
n 1,690	Do.
1,692	
1,696	
n 1,698	Do.
1,700	Geophysical.
1,704	
1,705	Government.
n 1,706	Police & Govt.
a1,708	Government.
1,712	Do.
n 1,714	Police & Govt.
1,716	
1,720	Government.
1,722	Aviation, Police.
1,724	
1,728	
1,730	Police.
1,732	
1,736	
1,738	Government.
1,740	
1,742	Do.
1,744	
1,746	Do.
1,748	
n 1,750 to 2,050	Amateur & Govt.
2,052	Government.
2,056	
n 2,058	Relay Bc. & Govt.
2,060	
2,064	
2,066	Government.
2,068	
2,072	Do.
2,074	Relay Bc.
2,076	Government.
2,080	
2,082	Do.
2,084	Do.
2,088	
n 2,090	Relay Bc. & Govt.
2,092	
2,096	Government.
2,100	
n 2,102	Relay Bc. & Govt.
2,104	
2,108	
j 2,110	Ship Phone & Govt.
2,112	
2,114	Government.
2,116	
n 2,118	Ship Phone & Govt.
2,120	
2,122	Government.
2,124	
j 2,126	Ship Phone & Govt.
2,128	
2,130	Government.
2,132	
j 2,134	Ship Phone & Govt.
2,136	

Frequency (kilocycles):	Allocation
2,138	Government.
2,140	
j 2,142	Ship Phone & Govt.
2,144	
2,148	
g 2,150	Relay Bc. & Govt.
2,152	
2,156	
2,158	Ship Phone & Govt.
2,160	
2,164	
j 2,166	Do.
2,168	
2,170	Government.
2,172	
j 2,174	Ship Phone & Govt.
2,176	
2,180	
c 2,182	Ship Phone, Coastal Hrbr. & Govt.
2,184	
2,188	Government.
2,190	Relay Bc.
2,192	Government.
2,196	Do.
j 2,198	Ship Phone & Govt.
2,200	
2,204	
2,206	Do.
2,208	
2,210	Government.
2,212	Forestry.
2,216	Government.
2,220	Do.
2,222	Do
2,224	
j 2,226	Govt. & Forestry.
2,228	
2,232	Government.
2,236	Forestry.
2,240	Government.
2,244	Forestry.
2,248	Government.
g2,252	Fixed & Govt.
2,256	
2,258	Government.
2,260	
n2,264	Fixed and Government.
2,268	Government.
2,272	Do.
2,274	Ship and Coastal Telegraph.
2,276	Government.
2,280	Do.
2,284	Do.
2,288	Do.
c2,292	Spl. Emergency and Government.
2,296	Government.
2,300	Do.
2,304	Do.
2,308	
2,310	Do.
2,312	
2,315	Do.
2,316	
2,318	Police.
2,320	Government.
2,324	
j 2,326	Police and Government.
2,328	
2,332	Government.
2,334	Police.
2,336	Government.
2,340	Do.
2,342	Police.
2,344	
2,345	Government.
2,348	
2,350	Do.
2,352	
2,356	Do.
2,360	Do.
2,364	
n 2,366	Police and Government.
2,368	
2,370	Government.
2,372	
2,374	Do.
2,376	
2,380	
an 2,382	Police and Government.
2,384	Government.
2,388	
n 2,390	Police & Govt.
2,392	
2,396	
2,398	Experimental.
2,400	Government.
2,404	Do.
n 2,406	Police & Govt.
2,408	
2,410	Government.
2,412	
n 2,414	Police & Govt.
2,416	
2,418	Government.
2,420	
an 2,422	Police & Govt.
2,424	
2,426	Government.
2,428	

Frequency (kilocycles):	Allocation
an 2,430	Police & Govt.
2,432	
2,436	Government.
2,440	
n 2,442	Police & Govt.
2,444	
2,446	Government.
2,448	
an 2,450	Police & Govt.
2,452	
2,454	Government.
2,456	
n 2,458	Police & Govt.
2,460	
2,462	Government.
2,464	
an 2,466	Police & Govt.
2,468	
2,470	Government.
2,472	
an 2,474	Police & Govt.
2,476	
2,478	Government.
2,480	
an 2,482	Police & Govt.
2,484	Government.
2,488	
n 2,490	Police and Govt.
2,492	Government.
2,496	Do.
2,500	Do.
2,504	
j 2,506	Coastal Harbor & Govt.
2,508	
a2,512	
2,514	Do.
2,516	Government.
2,520	Do.
2,522	Coastal Harbor & Govt.
2,524	
2,528	
n 2,530	Do.
2,532	
2,534	Government.
2,536	
an 2,538	Coastal Harbor & Govt.
2,540	Government.
2,544	Do.
2,548	
n 2,550	Coastal Harbor & Govt.
2,552	
2,554	Government.
2,556	
n 2,558	Coastal Harbor & Govt.
2,560	
2,562	Government.
2,564	
a 2,566	Coastal Harbor & Govt.
2,568	
2,572	Do.
2,576	Government.
2,580	
2,582	Coastal Harbor & Govt.
2,584	
2,586	Government.
2,588	
n 2,590	Coastal Harbor & Govt.
2,592	
2,594	Government.
2,596	
j 2,598	Coastal Harbor & Govt.
2,600	
2,604	Government.
a2,608	Aviation.
2,612	Do.
2,616	Government.
2,618	Do.
2,620	
2,621	Do.
2,624	Do.
2,628	
2,630	Do.
a2,632	
2,636	Aviation.
2,638	Intership.
2,640	Aviation.
2,644	Do.
aj2,648	Aviation & Govt.
2,652	Government.
2,656	Do.
2,660	Do.
2,662	Do.
2,664	Do.
2,668	
2,670	Do.
2,672	
2,676	Do.
2,680	Do.
2,684	Do.
2,688	Do.
2,692	Do.
2,696	
2,698	Do.
2,700	
2,704	Do.
2,708	
2,710	Do.
2,712	
2,716	Do.
a2,720	Aviation & Govt.
2,724	
c 2,726	Spec. Emerg.
2,728	
2,732	Aviation.
2,736	
j 2,738	Coastal Harbor, Ship Phone, Intership & Govt.
2,740	
2,744	Government.
a2,748	Aviation.
2,750	Government.
2,752	
2,754	Do.
2,756	
n 2,758	Relay Bc. & Govt.
2,760	
2,764	Government.
2,768	
2,770	Do.
2,772	Do.
2,776	Fixed.
n2,780	Fixed & Govt.
2,782	Ship Phone & Coastal Harbor.
2,784	Fixed.
2,788	Government.
2,790	Relay Broadcast.
2,792	Government.
2,796	Do.
2,798	Do.
2,800	Do.
2,804	Police.
2,808	Do.
2,812	Do.
2,816	Government.
2,820	Do.
2,822	Do.
2,824	
2,828	
n 2,830	Relay Bc. & Govt.
2,832	
n 2,834	Government.
2,836	Do.
2,838	Do.
2,840	Do.
2,844	Do.
n2,848	Fixed & Govt.
2,852	Government.
2,854	Do.
2,856	
2,860	
2,862	Do.
2,864	
2,868	
c 2,870	Aviation & Govt.
2,872	
2,876	
2,878	Government.
2,880	
2,884	Do.
2,888	
2,890	Do.
2,892	
2,894	Do.
2,896	
n 2,898	Aviation & Govt.
2,900	
2,902	Government.
2,904	
2,906	Aviation.
2,908	
c2,912	Aviation & Govt.
2,916	Government.
2,920	
a 2,922	Aviation.
2,924	
n 2,926	Government.
2,928	
2,930	Aviation.
2,932	
2,936	Government.
2,938	Aviation.
2,940	Government.
2,944	
a 2,946	Aviation.
2,948	
2,952	Government.
2,956	Do.
2,960	Do.
2,964	Aviation & Govt.
2,968	Government.
2,970	Do.
2,972	Do.
c2,976	Aviation & Govt.
c2,980	Do.
2,984	
an 2,986	Do.
2,988	
2,990	Government.
2,992	
a 2,994	Aviation & Govt.
2,996	
2,998	Aviation.
3,000	
3,002.5	Do.
g3,005	Aviation & Govt.
3,010	Government.
3,015	
3,017.5	Government.
3,020	
n3,025	Fixed & Govt.
n 3,027.5	Government.
j3,030	Ship Teleg., Coastal Teleg. & Govt.
g3,035	Government.
3,037.5	Do.
3,040	
n3,045	Fixed & Govt.
3,050	Aviation.
3,052.5	Government.
3,055	
3,060	
3,062.5	Aviation.
3,065	Government.
3,070	Do.
3,072.5	Aviation.
3,075	
3,080	
a 3,082.5	Aviation & Govt.
3,085	Government.
3,088	Aviation.
3,090	
a 3,092.5	Do.
3,095	Government.
3,100	Guard Band.
ac3,105	Aircraft & Govt.
3,110	Guard Band.
3,115	Ship Teleg.
3,117.5	Aircraft.
n3,120	Ship Teleg. & Govt.
3,125	
3,127.5	Aviation.
3,130	Government.
3,135	Do.
n 3,137.5	Aviation & Govt.
3,140	
3,145	
3,147.5	Aviation.
3,150	
3,155	Government.
3,160	
a 3,162.5	Aviation.
3,165	
3,170	
3,172.5	Do.
3,175	
3,180	
3,182.5	Do.
3,185	
ac3,190	Special Emerg. & Govt.
3,195	Government.
3,200	
3,202.5	Do.
3,205	
n 3,207.5	Do.
3,210	Do.
n 3,212.5	Aviation & Govt.
3,215	Government.
3,220	
n 3,222.5	Aviation & Govt.
3,225	Fixed.[2]
3,230	
3,232.5	Aviation.
3,235	Government.
3,240	
3,242.5	Aviation.
3,245	
j3,250	Government.
3,255	
3,257.5	Aviation.
3,260	
a3,265	Government.
3,270	Fixed.
n3,275	Fixed & Govt.
3,280	Fixed.
c3,285	Aviation & Govt.
3,290	Aviation.
3,295	Government.
3,300	Do.
3,305	
3,307.5	Do.
3,310	
3,312.5	Do.
3,315	
3,317.5	Government.
3,320	
3,322.5	Aviation.
3,325	
3,330	Government.
3,332.5	Do.
3,335	
3,340	Government.
3,345	Do.
3,350	Do.
3,352.5	Do.
3,355	Do.
3,357.5	Do.
3,360	Do.
3,365	Do.
3,370	
3,372.5	Aviation.
3,375	
3,380	Government.
3,385	Do.
3,390	Government.
3,392.5	Do.
3,395	Do.
3,397.5	Do.
3,400	Do.
3,402.5	Do.
3,405	Do.
3,407.5	Do.
3,410	Do.
3,415	Do
3,420	
3,422.5	Do.
3,425	Do.
3,427.5	Do.
3,430	
3,432.5	Aviation.
3,435	
3,437.5	Government.
3,440	Do.
3,445	Do.
3,447.5	Aviation.
3,450	
3,452.5	Government.
3,455	
j 3,457.5	Aviation & Govt.
3,460	
3,465	
3,467.5	Aviation.
3,470	
3,475	Government.
3,480	Aviation.
n3,485	Aviation & Govt.
3,490	
3,492.5	Experimental.
3,495	
3,497.5	Government.
n 3,500 to 4,000	Amateur & Govt.
4,005	Government.
4,010	Do.
4,015	Do.
4,020	Do.
4,025	Do.
4,030	Do.
4,035	Do.
4,040	Do.
4,045	Do.
4,050	Do.
4,055	Aviation & Govt.
4,060	Do.
4,062.5	Government.
4,065	Do.
4,070	Do.
4,075	Do.
4,080	Do.
4,085	Do.
4,090	Do.
4,095	
4,097.5	Fixed.
4,100	
4,105	Government.
4,110	Aviation.
a4,115	Aviation & Govt.
j4,120	Government.
4,122.5	Aviation.
an4,125	Aviation & Govt.
4,130	Government.
4,135	Do.
j4,140	Maritime Calling and Govt.
4,145	Government.
j4.150	Ship Teleg. & Govt.
4,155	Government.
n4,160	Ship Teleg. & Govt.
4,162.5	Ship Phone & Coastal Harbor.
j4,165	Ship Teleg. & Govt.
j4,170	Do.
4,175	
4,177.5	Coastal Phone.
4,180	
4,185	Government.
n4,190	Fixed & Govt.
n4,195	Do.
4,200	Government.
4,205	Do.
4,210	Do.
4,215	Do.
4,220	Do.
4,225	Do.
4,230	Do.
4,235	Do.
4,240	Do.
n4,245	Agri. & Govt.
4,250	Government.
4,255	Do.
4,260	Fixed.
4,265	Government.
4,270	
4,272.5	Coastal Phone.
j4,275	Government.
n4,280	Coastal Phone & Govt.
n 4,282.5	Coastal Phone, Coastal Harbor & Govt.
4,285	
n 4,287.5	Coastal Phone & Govt.
4,290	Government.
4,295	Do.
4,300	Do.
4,305	Do.
4,310	Do.
4,315	
4,317.5	Government.
4,320	Do.
4,325	
4,327.5	Do.
4,330	Do.
4,335	Aviation.
4,340	
4,342.5	Government.
4,345	
4,350	Do.
4,355	
4,357.5	Do.
4,360	Do.
4,365	Do.
4,370	Do.
4,375	Do.
4,380	Do.
4,385	Do.
4,390	Do.
4,395	
4,397.5	Do.
j4,400	Do.
4,402.5	Ship Phone.
n4,405	Government
4,407.5	Do.
j4,410	Do.
4,412.5	Ship Phone.
j4,415	Government.
4,417.5	Do.
j4,420	Do.
4,422.5	Ship Phone.
4,425	
4,427.5	Government.
4,430	Do.
4,435	Do.
4,440	Do.
4,445	Do.
4,450	Do.
4,455	
j 4,457.5	Ship Phone & Govt.
4,460	
4,465	
4,467.5	Government.
4,470	Do.
4,475	Do.
4,477.5	Do.
4,480	Do.
4,485	
4,487.5	Do.
4,490	Do.
4,495	Do.
4,500	Do.
4,505	
4,507.5	Do.
4,510	
4,515	Do.
4,520	Do.
4,525	Do.
n4,530	Fixed & Govt.
4,535	Fixed.
4,540	Do.
n4,545	Fixed & Govt.
n4,550	Do.
4,555	Fixed.
4,560	Government.
4,565	Do.
n4,570	Fixed & Govt.
n4,575	Do.
4,580	Government.
4,585	
4,587.5	Do.
4,590	Do.
4,595	Do.
4,600	Do.
4,602.5	Do.
4,605	
4,610	Do.
4,615	
4,617.5	Do.
4,620	
4,625	Do.
4,630	Do.
4,635	Do.
c 4,637.5	Special Emerg.
4,640	Government.
n4,645	Fixed & Govt.
a4,650	Aviation.
n4,655	Fixed & Govt.
n4,660	Do.
n4,665	Do.
4,670	Fixed.
4,675	Do.
n4,680	Fixed & Govt.
n4,685	Do.
a4,690	Aviation.
4,695	
4,697.5	Government.
4,700	
n4,705	Mobile Press & Govt.
4,710	Fixed.
4,715	Do.
n4,720	Fixed & Govt.
n4,725	Do.
4,730	Aviation.
4,732.5	Do.
4,735	Do.
4,740	Do.
a 4,742.5	Do.
4,745	Do.
4,750	
4,752.5	Coastal Phone.
4,755	
4,760	Government.
4,765	Do.
4,770	
4,772.5	Do.
4,775	
4,780	Coastal Teleg.
n4,785	Coastal Teleg. & Govt.
n4,790	Do.
4,795	
n 4,797.5	Exper. & Govt.
4,800	
n4,805	Fixed & Govt.
4,810	Gen. Communication.
4,815	Government.
4,820	General Communication.
4,825	Government.
4,830	Do.
4,835	Do.
4,840	Do.
4,845	Do.
4,850	Do.
4,855	Do.
4,860	General Communication.
4,865	Government.
4,870	Do.
4,875	Do.
4,880	Do.
4,885	Do.
4,890	Do.
4,895	
4,897.5	Do.
4,900	
4,905	
4,907.5	Do.
4,910	Do.
4,915	
4,917.5	Aviation.
4,920	
4,925	
4,927.5	Government.
4,930	Do.
4,935	
4,937.5	Aviation.
4,940	
4,945	
a 4,947.5	Do.
4,950	
a 4,952.5	Do.
4,955	
4,960	Government.
4,9[illegible]	
a 4,967.5	Aviation.
4,970	
4,975	Government.
n4,980	Fixed and Government.
4,985	Fixed.
n4,990	Fixed and Government.
4,995	Fixed.
5,000	Government.
5,005	Do.
n5,010	Fixed and Government.
5,015	Government.
5,020	Do.
5,025	General Communication.
5,030	Government.
a 5,032.5	Aviation.
5,035	
a 5,037.5	Do.
5,040	
a 5,042.5	Do.
5,045	
5,050	
n 5,052.5	Fixed and Government.
5,055	
5,060	Government.
5,065	Do.
5,067.5	Fixed.
5,070	
5,072.5	Government.
5,075	
5,077.5	Fixed.
5,080	Government.
5,085	Fixed.
5,090	Government.
5,095	Fixed.
n5,100	Fixed & Govt.
n5,105	Do.
n5,110	Do.
5,115	Govt.
5,120	
a 5,122.5	Aviation.
5,125	
5,127.5	Government.
5,130	Gen. Communication.
n5,135	Police & Govt.
a 5,137.5	Alaska Service.
n5,140	Police & Govt.
5,145	Gen. Communication.
5,150	Government.
5,155	Do.
5,160	
5,162.5	Aviation.
c5,165	Aviation & Govt.
a 5,167.5	Alaska Service.
5,170	
5,172.5	Aviation.
5,175	
n5,180	Fixed & Govt.

[2] Assigned for low power fixed service in the Territory of Hawaii only.

Frequency (kilocycles):	*Allocation*
5,185	Fixed.
5,190	Do.
n5,195	Police & Govt.
5,200	Government.
5,205	Do.
an 5,207.5	Alaska Services & Govt.
5,210	Government.
j5,215	Aviation & Govt.
5,220	Aviation.
n5,225	Fixed & Govt.
n5,230	Do.
n5,235	Do.
5,240	Fixed.
5,245	Do.
5,250	Do.
5,252.5	Aviation.
5,255	Aviation & Govt.
5,260	Fixed.
n5,265	Fixed & Govt.
5,270	Fixed.
5,275	Aviation.
5,280	Government.
5,285	
5,287.5	Do.
5,290	
5,295	Do.
5,300	Do.
5,305	Do.
a5,310	Aviation.
5,315	Fixed.
5,320	Government.
5,325	
5,327.5	Do.
5,330	
5,335	Do.
5,340	Do.
5,345	Do.
5,350	Fixed.
5,355	Do.
n5,360	Fixed & Govt.
5,365	Agri. & Aviation.
5,370	Aviation.
c5,375	Aviation & Govt.
5,377.5	Aviation.
5,380	
5,385	Government.
5,390	Aviation.
5,395	
5,397.5	Government.
5,400	
5,405	Aviation.
5,410	
5,412.5	Government.
5,415	
5,417.5	Do.
5,420	
5,422.5	Do.
5,425	Aviation.
5,427.5	Government.
5,430	
5,435	
5,437.5	Do.
5,440	
5,442.5	Do.
5,445	
5,450	
5,452.5	Do.
5,455	
5,457.5	Do.
5,460	
5,462.5	Do.
5,465	
5,467.5	Do.
5,470	
5,472.5	Do.
5,475	Do.
5,480	Aviation.
5,482.5	Government.
5,485	
5,490	
5,492.5	Do.
5,495	
5,500	Do.
j5,505	Ship Teleg. & Govt.
j5,510	Do.
5,512.5	Ship Teleg.
j5,515	Ship Teleg. & Govt.
j5,520	Maritime Calling & Govt.
j5,525	Ship Teleg. & Govt.
5,527.5	Ship Teleg.
j5,530	Government.
j5,535	Ship Teleg. & Govt.
5,540	Government.
n5,545	Coastal Teleg. & Govt.
n5,550	Do.
n5,555	Do.
5,560	Coastal Teleg.
n5,565	Coastal Teleg. & Govt.
5,570	
a 5,572.5	Aviation.
5,575	
5,577.5	Government.
5,580	
a 5,582.5	Aviation.
5,585	
5,587.5	Government.
5,590	
5,592.5	Aviation.
5,595	
5,600	
a 5,602.5	Aviation.
5,605	
5,607.5	Government.
5,610	
5,612.5	Aviation.
5,615	
5,620	
a 5,622.5	Aviation.
5,625	Government.
5,630	
a 5,632.5	Aviation.
5,635	
5,640	Government.
5,642.5	Aviation.
5,645	
5,650	
a 5,652.5	Do.
5,655	
5,660	
a 5,662.5	Do.
5,665	
5,670	
ac 5,672.5	Aviation & Govt.
5,675	
5,680	
a 5,682.5	Aviation.
5,685	
5,687.5	Government.
5,690	
a 5,692.5	Aviation.
5,695	
5,697.5	Do.
5,700	
5,705	
5,707.5	Do.
5,710	
5,715	Government.
5,720	Fixed.
5,725	Government.
5,730	Gen. Communication.
5,735	Government.
5,737.5	Do.
5,740	
5,742.5	Government.
5,745	
5,750	Fixed.
5,752.5	Government.
5,755	
5,760	Gen. Communication.
5,765	
5,767.5	Government.
5,770	
5,775	Do.
5,780	Do.
5,785	Do.
5,790	Gen. Communication.
5,795	Government.
5,800	Do.
5,805	Do.
5,810	Gen. Communication.
5,815	Government.
5,820	Do.
5,825	Aviation.
5,830	Gen. Communication.
5,835	Government.
5,840	Do.
5,845	Fixed.
5,850	
5,852.5	Do.
5,855	Government.
5,860	Do.
5,865	Do.
5,870	Do.
5,875	Do.
5,880	Do.
5,885	
a 5,887.5	Aviation.
5,890	
5,892.5	Do.
5,895	
5,897.5	Government.
5,900	Do.
5,902.5	Do.
5,905	Do.
5,910	
5,912.5	Do.
5,915	
5,920	Aviation & Govt.
5,925	Do.
5,930	Government.
5,935	Do.
5,940	Do.
5,945	Do.
5,950	Do.
5,955	Do.
5,960	Do.
5,965	Do.
5,970	Do.
n5,975	Fixed & Govt.
5,980	Fixed.
5,985	Do.
5,990	Do.
5,995	Government.
6,000	Guard Band.
6,020	International Bc.
6,040	Do.
6,060	Do.
6,080	Do.
6,100	Do.
6,120	Government.[4]
6,140	International Bc.
n 6,155	Government.
6,170	International Bc.
6,190	Do.
6,200	Guard Band.
ac6,210	Maritime Calling. Aircraft & Govt.
n6,220	Ship Teleg. & Govt.
6,225	Government.
n6,230	Ship Teleg. & Govt.
n6,240	Ship Teleg., ship. Phone, Coastal. Harbor & Govt.
j6,250	Coastal Teleg. & Govt.
n6,260	Do.
6,265	Government.
6,270	Coastal Teleg. & Govt.
6,280	Government.
6,290	Do.
6,300	Coastal Teleg.
6,305	Government.
n6,310	Coastal Teleg. & Govt.
6,315	Government.
6,320	Coastal Teleg.
6,325	Government.
n6,330	Coastal Teleg. & Govt.
6,335	Government.
6,340	Coastal Teleg.
6,345	Government.
6,350	Coastal Teleg.
6,355	Government.
6,360	Coastal Teleg.
6,370	Do.
6,380	Do.
6,385	Government.
n6,390	Coastal Teleg. & Govt.
n6,400	Do.
6,405	Government.
n6,410	Coastal Teleg. & Govt.
6,420	Government.
n 6,425	Exper. & Govt.
6,430	Government.
n6,440	Mobile Press & Govt.
6,445	Government.
6,450	Mobile Press.
6,455	Ship Phone & Coastal Harbor.
n6,460	Coastal Phone & Govt.
6,465	Government.
n6,470	Coastal Phone, Coastal Hrbr. & Govt.
6,475	Government.
n6,480	Coastal Phone & Govt.
6,490	Aviation.
6,500	Government.
6,510	Aviation.
6,520	Do.
c 6,523	Aviation & Govt.
c6,530	Do.
c 6,537	Do.
n6,540	Do.
c 6,543	Do.
c6,550	Do.
c 6,557	Do.
6,560	Aviation.
c 6,563	Aviation & Govt.
ac6,570	Do.
c 6,577	Do.
6,580	Aviation.
c 6,583	Aviation & Govt.
ac6,590	Do.
c 6,597	Do.
j6,600	Do.
6,610	Do.
n 6,615	Do.
6,620	Government.
6,625	Do.
6,630	Do.
6,635	Do.
6,640	Do.
6,645	Do.
n6,650	Ship Phone & Govt.
6,655	Government.
n6,660	Ship Phone & Govt.
6,665	Government.
n6,670	Ship Phone & Govt.
6,680	Fixed.
6,685	Government.
6,690	Do.
6,700	Do.
6,705	Do.
n6,710	Fixed & Govt.
n 6,717.5	Do.
6,720	Fixed.
6,725	Do.
6,730	Do.
n 6,732.5	Fixed & Govt.
6,740	Fixed.
6,745	Do.
6,747	Government.
6,750	Fixed.
6,755	Fixed.
6,760	Government.
6,765	Do.
6,770	Fixed.
6,777.5	Do.

[4] Available for temporary assignment to non-Government international broadcast stations.

Frequency (kilocycles):	*Allocation*
6,780	Fixed.
6,785	Do.
6,790	Do.
6,795	Aviation.
6,800	Fixed.
6,805	Aviation.
6,810	Fixed.
6,815	Do.
6,820	Aviation.
6,830	Fixed.
6,835	Government.
6,840	Fixed.
6,845	Do.
6,850	Do.
6,852.5	Do.
6,860	Do.
6,870	Do.
6,875	Do.
6,880	Government
6,890	Fixed.
6,895	Government.
6,900	Do.
6,910	Do.
6,920	Fixed.
6,927.5	Do.
6,930	Do.
6,935	Do.
6,940	Government.
6,942.5	Fixed.
6,950	Do.
n6,957.5	Fixed & Govt.
6,960	Fixed.
6,965	Do.
6,970	Government.
6,980	Fixed.
6,990	Government.
7,000 n to 7,300	Amateur & Govt.
7,305	Government.
7,310	Fixed.
7,315	Do.
7,320	Government.
7,325	Do.
7,330	Do.
7,335	Do.
7,340	Fixed.
7,350	Do.
7,355	Do.
7,360	Do.
7,362.5	Government.
7,370	Fixed.
7,375	Government.
7,380	Fixed.
7,385	Government.
7,390	Fixed.
7,395	Do.
7,400	Do.
7,407.5	Do.
7,410	Do.
7,415	Do.
7,420	Do.
7,422.5	Do.
7,430	Do.
7,437.5	Do.
7,440	Do.
n7,445	Fixed & Govt.
7,450	Fixed.
7,455	Government.
7,460	Do.
7,470	Fixed.
7,475	Government.
7,480	Police.
7,485	Fixed.
7,490	Do.
7,500	Government.
7,510	Fixed.
7,520	Do.
7,530	Government.
7,535	Do.
7,540	Do.
7,550	Fixed.
7,555	Do.
7,560	Do.
7,565	Do.
7,570	Do.
7,575	Do.
7,580	Do.
7,585	Government.
7,590	Fixed.
7,595	Government.
7,600	Fixed.
7,610	Do.
n7,615	Fixed & Govt.
7,620	Fixed.
7,625	Do.
7,630	Do.
7,635	Government.
7,640	Fixed.
7,645	Government.
7,650	Fixed.
7,655	Do.
7,660	Do.
n 7,662.5	Fixed & Govt
7,670	Fixed.
7,680	Government.
7,690	Do.
7,700	Aviation.
7,705	Government.
7,710	Fixed.
n 7,715	Fixed & Govt.
7,720	Government.
7,730	Fixed.
7,737.5	Do.
7,740	Do.
7,745	Do.
7,750	Do.
7,752.5	Do.
n7,760	Fixed & Govt.
7,770	Aviation.
7,775	Fixed.
7,780	Do.
7,785	Government.
7,790	Do.
7,795	Aviation.
7,800	Fixed.
7,805	Police.
7,810	Fixed.
7,820	Do.
a7,830	Aviation.
7,840	Fixed.
7,845	Government.
7,850	Fixed.
7,860	Government.
7,870	Do.
7,880	Fixed.
7,885	Government.
7,890	Fixed.
7,895	Government.
7,900	Fixed.
7,905	Government.
7,910	Fixed.
7,920	Government.
7,925	Do.
7,930	Fixed.
7,935	Police.
7,940	Fixed.
7,945	Government.
7,950	Do.
7,955	Fixed.
7,960	Do.
7,965	Government.
7,970	Fixed.
7,977.5	Do.
7,980	Do.
7,985	Government.
7,990	Fixed.
7,995	Government.
8,000	Fixed.
8,010	Government.
a 8,015	Aviation & Govt.
8,020	Government.
8,030	Do.
8,040	Do.
8,050	Do.
8,060	Do.
a8,070	Fixed & Aviation.
n 8,075	Fixed & Govt.
8,080	Government.
8,090	Do.
8,100	Do.
8,110	Do.
8,120	Aviation & Govt.
8,130	Government.
8,140	Do.
8,150	Do.
8,160	Do.
8,165	Do.
8,170	Do.
8,175	Do.
8,180	Do.
8,190	Do.
8,200	Do.
8,210	Do.
c 8,217	Aviation & Govt.
a8,220	Aviation.
c 8,225	Aviation & Govt.
n8,230	Do.
c8,233	Do.
j8,240	Ship Teleg., Govt. & Aviation.
j8,250	Ship Teleg. & Govt.
8,260	Do.
8,270	Government.
j8,280	Govt. & Maritime calling.
8,290	Government.
j8,300	Ship Teleg. & Govt.
8,310	Government.
n8,320	Ship Teleg. & Govt.
n8,330	Do.
8,340	Government.
n8,350	Mobile Press & Govt.
8,355	Government.
8,360	Mobile Press.
8,370	Coastal Teleg.
8,380	Do.
8,390	Coastal Teleg.
8,400	Government.
8,410	Do.
n8,420	Coastal Teleg. & Govt.
8,430	Coastal Teleg.
8,440	Do.
8,450	Do.
8,460	Government.
8,470	Do.
8,480	Coastal Teleg.
c 8,485	Aviation & Govt.
8,490	Coastal Teleg.
8,500	Government.
8,510	Do.
8,520	Government.
8,530	Government.
c8,538	Aviation & Govt.
8,540	Coastal phone.
c 8,546	Aviation & Govt.
8,550	Coastal phone.
c 8,554	Aviation & Govt.
8,560	Government.
c 8,561	Aviation & Govt.
8,565	Aviation.
c 8,569	Aviation & Govt.
8,570	Coastal Teleg.
c 8,577	Aviation & Govt.
8,580	Coastal Teleg.
8,585	Coastal Harbor.
8,590	Government.
8,600	Do.
8,605	Do.
8,610	Do.
8,615	Do.
8,620	Do.
8,630	Coastal Teleg. & Coastal Phone.
8,640	Coastal Teleg.
8,650	Government.
8,660	Coastal Phone.
8,670	Coastal Teleg.
n8,680	Coastal Teleg. & Governmen
n8,690	Do.
8,700	Fixed & Aviation.
n8,710	Fixed & Govt.
8,720	Aviation & Govt.
8,730	Government.
8,735	Do.
8,740	Do.
8,750	Do.
8,760	Do.
8,770	Do.
8,780	Do.
8,790	Do.
8,800	Do.
8,810	Ship Phone & Fixed.
j8,820	Ship Phone & Govt.
8,824	Government.
j8,830	Ship Phone & Govt.
j8,840	Coastal Harbor, Ship Phone & Govt.
n8,850	Ship Phone, Fixed & Govt.
8,860	Government.
8,870	Do.
8,880	Do.
8,885	Do.
8,890	Government.
8,900	Fixed.
8,905	Do.
8,910	Do.
8,920	Government.
8,930	Fixed.
8,940	Do.
8,945	Government.
8,950	Fixed.
8,955	Government.
n8,960	Fixed & Govt.
8,970	Fixed.
8,980	Do.
8,990	Do.
9,000	Government.
9,010	Fixed.
9,015	Government.
9,020	Fixed.
9,030	Government.
9,040	Do.
9,050	Do.
9,060	Fixed.
9,065	Government.
n9,070	Fixed & Govt.
9,080	Fixed.
9,090	Government.
9,100	Do.
9,110	Fixed.
9,120	Government.
9,125	Do.
9,130	
9,135	Experimental.
9,140	
9,150	Government.
9,160	Fixed.
9,170	Do.
9,180	Government.
9,190	Do.
9,200	Fixed & Aviation.
9,210	Fixed.
9,215	Government.
9,220	Fixed.
n9,230	Fixed & Govt.
9,240	Government.
9,250	Do.
9,260	Fixed.
9,270	Government.
9,280	Fixed.
9,285	Government.
9,290	Fixed.
9,300	Government.
c9,310	Aviation & Govt.
9,320	Government.
9,325	Do.
9,330	Do.
9,340	Fixed.
9,345	Government.
9,350	Fixed.
9,355	Do.
9,360	Do.
9,365	Do.

Frequency (kilocycles):	*Allocation*
9,370	Fixed.
9,380	Government.
9,390	Fixed.
9,400	Do.
9,410	Do.
9,420	Do.
9,425	Government.
9,430	Fixed.
9,440	Government.
9,450	Fixed.
9,455	Government.
9,460	Fixed.
9,470	Do.
9,480	Do.
9,490	Do.
9,510	International Bc.
9,530	Do.
9,550[4]	Government.
9,570	International Bc.
9,590	Do.
9,610	Do.
9,630	Do.
9,650	Do.
9,670	Do.
9,690	Do.
9,700	International Bc.
9,710	Government.
9,720	Fixed.
9,730	Government.
9,740	Do.
9,750	Fixed.
9,760	Do.
9,765	Government.
9,770	Do.
9,780	Fixed.
a 9,785	Aviation.
9,790	Fixed.
9,800	Do.
9,805	Government
9,810	Fixed.
9,815	Government.
9,820	Fixed.
9,825	Government.
9,830	Fixed.
9,835	Government.
9,840	Fixed.
9,850	Do.
9,860	Do.
9,870	Do.
9,880	Government.
9,890	Fixed.
9,900	Do.
9,905	Do.
9,910	Do.
9,920	Government.
9,930	Fixed.
9,940	Do.
9,950	Do.
9,960	Government.
9,970	Fixed.
a9,980	Aviation.
9,990	Government.
10,000	Do.
10,010	Fixed.
10,020	Do.
10,030	Do.
10,035	Government.
10,040	Fixed.
10,047.5	Government.
10,050	Fixed.
10,060	Do.
10,065	Government.
10,070	Fixed.
10,080	Fixed and Aviation.
10,090	Fixed.
10,100	Do.
10,110	Do.
10,120	Aviation.
10,125	Do.
10,130	Do.
10,140	Government.
10,150	Do.
10,160	Do.
10,170	Fixed.
10,180	Do.
10,190	Aviation.
10,197.5	Fixed.
10,200	Do.
10,205	Government.
10,210	Fixed.
10,215	Government.
10,220	Fixed.
10,225	Government.
10,230	Fixed.
10,235	Government.
n10,240	Fixed & Govt.
10,250	Fixed.
10,255	Government.
10,260	Fixed.
10,265	Do.
10,270	Do.
10,280	Government.
10,290	Fixed.
10,295	Do.
10,300	Do.
10,305	Government.
10,310	Fixed.
10,315	Government.
10,320	Fixed.
10,325	Government.
10,330	Do.
n10,340	Fixed & Govt.
10,350	Fixed.
10,355	Government.
10,360	Fixed.
10,370	Do.
10,380	Do.
10,390	Do.
10,400	Do.
n10,410	Fixed & Govt.
10,420	Fixed.
10,430	Do.
10,440	Do.
10,450	Do.
n10,460	Fixed & Govt.
10,465	Fixed.
10,470	Do.
10,480	Do.
10,490	Do.
10,500	Government.
10,510	Fixed.
10,515	Do.
10,520	Do.
10,530	Do.
c10,535	Aviation & Govt.
10,540	Fixed.
10,550	Do.
10,560	Do.
10,570	Do.
10,580	Do.
10,590	Do.
10,600	Do.
10,610	Do.
10,620	Do.
n10,630	Fixed & Govt.
10,640	Fixed.
10,650	Do.
10,660	Do.
10,670	Do.
10,675	Do.
10,680	Do.
10,690	Government.
10,700	Fixed.
10,710	Do.
10,720	Government.
10,730	Fixed.
10,740	Do.
10,750	Do.
10,760	Do.
10,770	Do.
10,780	Do.
10,790	Do.
10,800	Do.
10,810	Do.
10,820	Do.
10,830	Do.
10,840	Do.
10,850	Do.
10,855	Aviation.
10,860	Fixed.
10,870	Do.
10,880	Do.
10,890	Do.
10,900	Fixed.
10,905	Government.
10,910	Fixed.
10,915	Government.
10,920	Fixed.
n10,930	Fixed & Govt.
10,940	Fixed.
10,950	Aviation
j 10,955	Aviation & Govt.
10,960	Aviation.
10,965	Do.
10,970	Fixed.
10,980	Do.
10,985	Government.
a10,990	Aviation.
11,000	Government.
j11,010	Ship Teleg. & Govt.
j 11,020	Do.
11,025	Ship Telegraph.
j 11,030	Ship Teleg. & Govt.
j11,040	Maritime Calling & Govt.
j 11,050	Ship Teleg. & Govt.
11,055	Ship Teleg.
j 11,060	Ship Teleg. & Govt.
j11,070	Do.
11,080	Government
11,085	Ship Teleg.
j 11,090	Ship Phone, Coastal Harbor & Govt.
11,100	Ship Teleg.
11,105	Government.
n11,115	Coastal Teleg. and Govt.
11,130	Coastal Teleg.
11,145	Do.
11,160	Do.
11,175	Do.
n11,190	Coastal Teleg. & Govt.
11,205	Coastal Teleg.
11,210	Government.
11,220	Coastal Teleg.
11,235	Do.
11,240	Government.
11,250	Coastal Teleg.
n11,265	Coastal Teleg. & Govt
n11,280	Do.
11,290	Government.
n11,295	Coastal Teleg. & Govt.
c 11,306	Aviation & Govt.
11,310	Coastal Teleg.
c 11,319	Aviation & Govt.
11,325	Coastal Teleg.
11,330	Government.
c 11,331	Aviation & Govt.
11,340	Mobile Press.
c 11,344	Aviation & Govt.
n11,355	Mobile Press & Govt.
c 11,356	Aviation & Govt.
c 11,369	Do.
11,370	Coastal Phone.
c 11,381	Aviation & Govt.
11,385	Aviation.
11,390	Government.
c 11,394	Aviation & Govt.
11,400	Aviation.
11,410	Government.
11,415	Fixed.
11,430	Government.
11,445	Do.
11,460	Fixed.
j 11,470	Aviation & Govt.
11,475	Government.
11,490	Do.
11,500	Do.
11,505	Fixed.
n 11,510	Fixed & Govt.
11,520	Fixed.
n 11,525	Fixed & Govt.
11,535	Fixed.
11,545	Government.
11,550	Do.
11,565	Fixed.
11,570	Government.
11,580	Do.
11,595	Fixed.
11,610	Government.
11,625	Fixed.
11,630	Government.
11,640	Fixed.
11,655	Government.
11,670	Fixed.
11,680	Do.
11,685	Do.
n11,710	Int. Bc. & Govt.
11,730	Government.[4]
11,750	International Bc.
11,770	Do.
11,790	Do.
11,810	Do.
11,820	Do.
11,830	Do.
11,847.5	Do.
n11,850	Int. Bc. & Govt.
11,870	International Bc.
11,890	Do.
j11,910	Aviation & Govt.
11,925	Fixed.
11,940	Government.
11,950	Fixed.
11,955	Do.
11,960	Aviation.
11,970	Fixed.
11,975	Government.
11,985	Do.
12,000	Fixed.
12,015	Government.
12,030	Do.
12,045	Do.
12,060	Do.
12,075	Do.
12,090	Do.
12,105	Do.
12,120	Do.
12,135	Do.
12,150	Do.
12,165	Aviation & Govt.
12,180	Do.
12,195	Government.
12,210	Do.
12,225	Do.
12,240	Do.
12,247.5	Do.
12,255	Do.
12,265	Do.
12,270	Do.
12,285	Fixed.
a12,290	Aviation.
12,300	Fixed.
12,315	Government.
12,330	Aviation & Govt.
j12,345	Ship Teleg. & Govt.
j12,360	Do.
j12,375	Do.
j12,385	Do.
12,390	Ship Teleg.
12,395	Government.
12,405	Do.
j12,420	Maritime Calling & Govt.
12,435	Government.
j12,440	Ship Teleg. & Govt.
j12,450	Do.
12,460	Ship Teleg.
12,465	Government.
n12,480	Ship Teleg. & Govt.
j12,495	Coastal Teleg. & Govt.
j12,510	Do.
12,525	Coastal Teleg.
12,540	Government.

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[4] Available for temporary assignment to non-Government international broadcast stations.

[4] Available for temporary assignment to non-Government international broadcast stations.

Frequency (kilocycles):	*Allocation*
12,550	Coastal Teleg.
12,555	Do.
12,560	Government.
12,570	Coastal Teleg.
12,575	Government.
12,585	Coastal Teleg.
12,600	Government.
12,615	Do.
12,630	Do.
12,645	Coastal Teleg.
12,660	Do.
12,675	Do.
12,690	Government.
12,705	Do.
12,720	Do.
12,735	Coastal Teleg.
12,750	Do.
12,755	Government.
12,765	Do.
c 12,776	Aviation & Govt.
12,780	Government.
c 12,788	Aviation & Govt.
12,795	Government.
12,810	Coastal Phone.
c 12,824	Aviation & Govt.
12,825	Aviation.
12,840	Coastal Phone.
12,850	Government.
12,855	
12,860	Government.
12,862.5	Experimental.
12,870	
12,875	Government.
12,885	Do.
12,900	Do.
12,915	Do.
12,922.5	Do.
12,925	Do.
12,930	Fixed.
12,940	Do.
12,945	Do.
12,947.5	Do.
12,955	Do.
12,960	Do.
12,970	Do.
12,975	Government.
n 12,980	Fixed & Govt.
12,990	Government.
13,000	Fixed.
13,005	Do.
13,007.5	Government.
13,015	Fixed.
13,020	Do.
13,030	Do.
13,035	Do.
13,040	Government.
13,050	Coastal Teleg.
13,065	Government.
n13,080	Coastal Teleg. & Govt.
13,095	Government
13,110	Do.
13,125	Do.
13,132.5	Do.
13,140	Do.
13,155	Do.
13,170	Coastal Teleg.
13,185	Fixed.
j13,200	Ship Phone & Govt.
13,210	Ship Phone.
j13,215	Ship Phone & Govt.
13,220	Ship phone.
j13,230	Ship Phone & Govt.
j13,245	Do.
j13,260	Do.
n 13,270	Government.
j13,275	Ship Phone & Govt.
13,280	Government.
13,290	Do.
13,305	Do.
13,320	Do.
13,335	Do.
13,350	Fixed.
13,355	Government.
13,360	Fixed.
13,370	Do.
13,375	Do.
13,380	Government.
13,390	Fixed.
13,400	Do.
13,405	Do.
13,410	Do.
n13,420	Fixed & Govt.
13,435	Fixed.
13,450	Do.
n13,465	Fixed & Govt.
13,480	Fixed.
13,495	Do.
13,510	Government.
13,525	Fixed.
13,540	Do.
13,545	Government.
13,555	Fixed.
13,570	Do.
13,575	Government.
13,585	Fixed.
13,600	Government.
13,605	Do.
13,615	Fixed.
13,625	Government.
13,630	Fixed.
n13,645	Fixed & Govt.
13,660	Fixed.
13,675	Fixed.
n13,690	Fixed & Govt.
13,705	Fixed.
13,720	Do.
13,735	Government.
13,750	Fixed.
13,765	Government.
13,780	Fixed.
13,790	Do.
13,795	Do.
13,810	Do.
13,825	Do.
13,830	Government.
13,840	Fixed.
13,855	Do.
13,870	Do.
n13,885	Fixed & Govt.
13,900	Fixed.
13,915	Do.
13,930	Do.
13,945	Do.
n13,960	Fixed & Govt.
13,975	Fixed.
13,990	Government.
n 14,000 to 14,400	Amateur & Govt.
14,410	Fixed.
14,425	Do.
n 14,430	Fixed & Govt.
14,440	Fixed.
14,455	Do.
14,460	Government.
14,470	Fixed.
14,485	Do.
14,495	Government.
14,500	Fixed.
14,510	Do.
14,515	Do.
14,530	Do.
14,545	Do.
14,560	Do.
14,575	Do.
14,590	Do.
14,600	Do.
14,605	Do.
14,615	Do.
14,620	Do.
14,635	Do.
14,650	Government.
14,660	Do
14,665	Do.
n14,680	Fixed & Govt.
14,695	Fixed.
14,710	Do.
14,725	Do.
14,740	Do.
14,755	Do.
n14,770	Fixed & Govt.
n14,785	Do.
14,800	Fixed.
14,807.5	Do.
14,815	Do.
14,830	Do.
14,845	Do.
n14,860	Fixed & Govt.
14,875	Fixed.
n14,890	Fixed & Govt.
14,905	Government.
n14,920	Fixed & Govt.
14,935	Fixed.
14,945	Government
14,950	Fixed.
14,960	Government.
14,965	Fixed.
14,975	Government.
14,980	Fixed.
14,995	Do.
15,000	Government.
15,010	Fixed.
15,020	Government.
15,025	Fixed.
15,032.5	Do.
15,040	Do.
15,055	Do.
n15,070	Fixed & Govt.
15,080	Fixed.
15,085	Do.
15,090	Government.
15,110	International Bc.
15,130[4]	Government.
15,150	International Bc.
15,170	Do.
15,190	Do.
15,210	Do.
15,230	Do.
15,250	Do.
15,270	Do.
15,290	Do.
15,310	Do.
15,330	Do.
15,350	Do.
15,355	Fixed.
15,370	Do.
15,375	Government.
15,385	Fixed.
15,395	Do.
15,400	Do.
15,415	Do.
15,425	Government.
15,430	Fixed.
15,445	Do.
15,460	Do.
15,475	Do.
15,490	Do.
15,505	Do.
15,515	Government.
15,520	Fixed.
15,525	Government.
15,535	Fixed.
15,545	Government.
15,550	Fixed.
15,565	Do.
n15,580	Fixed & Govt.
15,595	Fixed.
15,610	Do.
15,625	Do.
15,630	Government.
15,640	Fixed.
15,655	Do.
15,670	Do.
15,675	Do.
15,685	Do.
15,690	Do.
15,700	Do.
15,715	Government.
15,730	Fixed.
15,745	Government.
15,760	Fixed.
15,775	Do.
15,790	Do.
15,805	Government.
15,820	Fixed.
15,825	Do.
15,835	Do.
15,850	Do.
15,865	Do.
15,870	Government.
n15,880	Fixed & Govt.
15,895	Government.
15,910	Fixed.
15,925	Do.
15,935	Government.
15,940	Fixed.
15,955	Government.
15,970	Fixed.
15,985	Do.
16,000	Do.
16,015	Do.
16,020	Government.
16,030	Fixed.
16,045	Government.
16,060	Do.
16,075	Fixed.
16,080	Government.
16,090	Do.
16,100	Do.
16,105	Fixed.
16,120	Government.
16,135	Fixed.
16,140	Government.
16,150	Do.
16,160	Do.
16,165	Fixed.
16,180	Government.
16,195	Fixed.
16,200	Government.
n16,210	Fixed & Govt.
16,217.5	Fixed.
16,220	Government.
16,225	Do.
16,232.5	Do.
16,235	Do.
c16,240	Aviation & Govt.
16,247.5	Government.
16,250	Aviation & Govt.
16,255	Government.
16,260	Do.
16,265	Do.
16,270	Fixed.
16,280	Aviation & Govt.
16,285	Fixed.
16,290	Aviation.
16,300	Government.
16,315	Fixed.
16,320	Government.
16,330	Do.
16,340	Do.
16,345	Fixed.
16,360	Government.
16,370	Fixed.
16,375	Do.
16,385	Government.
16,390	Fixed.
16,400	Government.
16,405	Ship Telegraph.
16,420	Government.
c16,440	Aviation & Govt.
j16,460	Ship Teleg. & Govt.
16,470	Government.
j16,480	Ship Teleg. & Govt.
j16,500	Do.
j 16,515	Do.
16,520	Ship Teleg.
j 16,530	Ship Teleg. & Govt.
16,540	Government.
j16,560	Maritime calling & Govt.
16,575	Ship Teleg.
16,580	Government.
j 16,590	Ship Teleg. & Govt.
16,600	Ship Teleg.
j 16,605	Ship Teleg. & Govt.

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[4] Available for temporary assignment to non-Government international broadcast stations.

Frequency (kilocycles):	Allocation
16, 620	Government.
n16, 640	Ship Teleg. & Govt.
j16, 660	Do.
j16, 680	Do.
16, 700	Mobile Press.
16, 720	Do.
n16, 740	Coastal Teleg. & Govt.
16, 760	Coastal Teleg.
16, 780	Do.
16, 790	Do.
16, 800	Do.
16, 820	Government.
16, 840	Do.
16, 860	Coastal Teleg.
16, 880	Do.
16, 890	Government.
16, 900	Coastal Teleg.
16, 920	Coastal Teleg. & Govt.
16, 940	Government.
16, 960	Do.
16, 980	Coastal Teleg.
17, 000	Coastal Teleg. & aviation.
17, 020	Government.
17, 040	Do.
17, 060	Do.
17, 075	Do.
17, 080	Coastal Phone.
17, 090	Do.
17, 100	Do.
17, 110	Government.
17, 120	Coastal Phone.
17, 140	Fixed.
17, 155	Government.
17, 160	Fixed.
17, 170	Do.
17, 180	Government.
17, 200	Do.
17, 210	Do.
17, 220	Fixed.
17, 230	Government.
17, 240	Do.
c 17, 257	Aviation & govt.
17, 260	Aviation.
c 17, 274	Aviation & govt.
17, 280	Aviation.
c 17, 288	Aviation & govt.
17, 295	Government.
17, 300	
17, 310	Experimental.
17, 320	
c 17, 319	Aviation & Govt.
c 17, 336	Do.
17, 340	Aviation.
c 17, 350	Aviation & Govt.
17, 355	Government.
17, 360	Aviation.
c17, 367	Aviation & Govt.
17, 370	Government.
17, 380	Fixed.
a17, 385	Aviation.
17, 400	Fixed.
17, 405	Government.
n17, 420	Fixed & Govt.
n17, 440	Do.
17, 460	Government.
17, 470	Do.
17, 480	Do.
17, 490	Do.
17, 500	Do.
17, 510	Do.
17, 520	Fixed.
17, 540	Government.
17, 560	Do.
17, 580	Fixed.
j17, 600	Ship Phone & Govt.
17, 610	Ship Phone.
j17, 620	Ship Phone & Govt.
j17, 640	Do.
j17, 660	Do.
j17, 680	Do.
17, 690	Government.
17, 700	Do.
17, 720	Do.
17, 740	Do.
17, 750	International Bc.
17, 760	Do.
17, 780	Do.
17, 800	Do.
17, 820	Do.
17, 830	Do.
17, 840	Do.
17, 860	Fixed.
17, 880	Do.
17, 900	Do.
17, 910	Do.
17, 920	Do.
17, 940	Do.
17, 960	Do.
17, 980	Do.
18, 000	Do.
18, 020	Do.
18, 040	Do.
18, 050	Government.
18, 060	Do.
18, 080	Fixed.
18, 100	Government.
18, 120	Fixed.
n18, 140	Fixed & Govt.
18, 160	Fixed.
18, 180	Do.
18, 200	Do.
n18, 220.	Fixed & Govt.
18, 240	Fixed.
18, 260	Do.
18, 280	Do.
18, 285	Do.
18, 300	Do.
18, 320	Do.
18, 340	Do.
18, 360	Aviation
18, 370	Fixed.
18, 380	Do.
18, 400	Do.
18, 420	Do.
18, 425	Do.
18, 440	Do.
18, 450	Do.
n18, 460	Fixed & Govt.
18, 480	Fixed.
18, 500	Do.
18, 510	Do.
18, 520	Do.
18, 540	Do.
18, 550	Government.
18, 560	Fixed.
18, 580	Do.
18, 600	Do.
18, 620	Do.
18, 640	Do.
18, 660	Do.
18, 680	Do.
18, 700	Do.
18, 720	Do.
n 18, 730	Fixed & Govt.
18, 740	Fixed.
18, 755	Do.
18, 760	Do.
18, 780	Do.
18, 800	Do.
n18, 820	Fixed & Govt.
18, 840	Fixed.
18, 860	Do.
n18, 880	Fixed & Govt.
18, 900	Fixed.
18, 920	Do.
18, 930	Do.
n18, 940	Fixed & Govt.
18, 960	Fixed.
n18, 980	Fixed & Govt.
19, 000	Fixed.
19, 020	Do.
19, 040	Do.
19, 060	Do.
19, 080	Do.
19, 100	Do.
19, 120	Do.
19, 140	Do.
19, 160	Do.
19, 180	Do.
19, 190	Do.
19, 200	Do.
19, 220	Do.
19, 240	Do.
19, 260	Do.
19, 280	Do.
19, 300	Do.
19, 320	Do.
19, 340	Do.
n19, 360	Fixed & Govt.
19, 380	Fixed.
19, 400	Do.
19, 420	Do.
19, 440	Do.
19, 460	Do.
19, 470	Do.
19, 480	Do.
19, 500	Do.
19, 520	Do.
n19, 540	Fixed & Govt.
n19, 560	Do.
19, 580	Fixed.
19, 600	Do.
19, 620	Do.
19, 640	Do.
19, 660	Do.
19, 680	Do.
19, 700	Do.
19, 720	Do.
n19, 740	Fixed & Govt.
19, 760	Fixed.
19, 780	Do.
19, 800	Do.
19, 820	Do.
19, 840	Do.
19, 850	Do.
19, 860	Do.
19, 880	Do.
19, 900	Do.
19, 920	Do.
19, 940	Do.
19, 960	Do.
n19, 980	Fixed & Govt.
20, 000	Government.
20, 020	Fixed.
20, 025	Government.
20, 040	Fixed.
20, 060	Do.
20, 075	Government.
20, 080	Fixed.
n20, 100	Fixed & Govt.
20, 120	Fixed.
20, 125	Government.
20, 140	Fixed.
20, 150	Government.
20, 160	Fixed.
20, 175	Government.
20, 180	Fixed.
20, 200	Government.
20, 220	Fixed.
20, 225	Government.
20, 240	Fixed.
n20, 260	Fixed & Govt.
20, 275	Government.
20, 280	Fixed.
n20, 300	Fixed & Govt.
20, 320	Fixed.
20, 325	Government.
20, 340	Fixed.
20, 360	Do.
20, 375	Government.
20, 380	Fixed.
20, 400	Government.
20, 420	Fixed.
20, 425	Government.
20, 440	Fixed.
20, 460	Do.
20, 475	Government.
20, 480	Fixed.
20, 500	Government.
20, 520	Fixed.
20, 525	Government.
20, 540	Fixed.
20, 560	Do.
20, 575	Government.
n20, 580	Fixed & Govt.
20, 600	Government.
20, 620	Fixed.
20, 625	Government.
20, 640	Fixed.
20, 660	Do.
20, 675	Government.
20, 680	Fixed.
20, 700	Government.
20, 720	Fixed.
20, 725	Government.
20, 740	Fixed.
20, 760	Do.
20, 775	Government.
20, 780	Fixed.
n20, 800	Fixed & Govt.
n20,820	Do.
20, 825	Government.
20, 840	Fixed.
20, 850	Government.
20, 860	Fixed.
20, 875	Government.
20, 880	Fixed.
20, 900	Government.
20, 920	Fixed.
20, 925	Government.
20, 940	Fixed.
20, 960	Do.
20, 975	Government.
20, 980	Fixed.
21, 000	Government.
21, 020	Fixed.
21, 025	Government.
21, 040	Fixed.
21, 060	Do.
21, 075	Government.
21, 080	Fixed.
21, 100	Government.
21, 120	Fixed.
21, 125	Government.
n21, 140	Fixed & Govt.
21, 160	Fixed.
21, 175	Government.
21, 180	Fixed.
21, 200	Government.
21, 220	Fixed.
21, 225	Government.
21, 240	Fixed.
n21, 260	Fixed & Govt.
21, 275	Government.
21, 280	Fixed.
21, 300	Government.
21, 310	Fixed.
21, 320	Do.
21, 325	Government.
21, 340	Fixed.
21, 360	Do.
21, 375	Government.
21, 380	Fixed.
21, 400	Government.
21, 420	Fixed.
21, 425	Government.
21, 440	Fixed.
21, 460	International Bc.
n 21, 475	Government.
21, 480	International Bc.
21, 500[4]	Government.
21, 520	International Bc.
n 21, 525	Government.
21, 540	International Bc.
21, 570	Do.
n 21, 575	Government.
21, 590	International Bc.
n 21, 600	Government.
21, 610	International Bc.
n 21, 625	Government.
21, 630	International Bc.
21, 650	Coastal Teleg. & International Broadcast.
n21, 675	Coastal Teleg. & Govt.
n21, 700	Do.
n21, 725	Coastal Teleg. & Govt.
21, 750	Coastal Teleg.
n21, 775	Coastal Teleg. & Govt.
n21, 800	Do.
n21, 825	Do.
21, 850	Coastal Teleg.
n21, 875	Coastal Teleg. & Govt.
n21, 900	Do.
21, 925	Government.
21, 950	Coastal Teleg.
n21, 975	Coastal Teleg. & Govt.
n22, 000	Ship Teleg. & Govt.
n22, 025	Do.
22, 040	Ship Teleg.
22, 050	Do.
22, 060	Do.
n22, 075	Ship Teleg. & Govt.
22, 080	Maritime Calling.
n22, 100	Ship Teleg. & Govt.
22, 110	Ship Teleg.
22, 120	Do.
n22, 125	Ship Teleg. & Govt.
22, 140	Ship Teleg.
22, 150	Do.
22, 175	Government.
n22, 200	Ship Teleg. & Govt.
n22, 225	Mobile Press & Govt.
22, 250	Mobile Press.
n22, 275	Coastal Teleg. & Govt.
n22, 300	Do.
n22, 325	Do.
22, 350	Coastal Teleg.
22, 375	Government.
n22, 400	Coastal Teleg. & Govt.
n22, 425	Coastal Teleg. & Govt.
22, 450	Coastal Teleg.
n22, 475	Coastal Teleg. & Govt.
n22, 500	Do.
22, 525	Government.
22, 535	Do.
22, 550	Coastal Teleg.
22, 575	Government.
22, 600	Do.
22, 625	Do.
22, 650	Coastal Teleg.
22, 660	Fixed.
n22, 675	Coastal Phone & Govt.
n22, 700	Coastal Phone, Fixed & Govt.
22, 725	Government.
22, 750	Do.
22, 775	Do.
22, 780	Fixed.
22, 800	Government.
22, 825	Do.
22, 830	Do.
22, 850	Do.
22, 875	Do.
22, 900	Do.
22, 925	Do.
22, 950	Do.
22, 975	Do.
n23, 000	Ship Phone & Govt.
c23, 025	Aviation & Govt.
23, 050	Government.
23, 075	Do.
n23, 100	Experimental & Govt.
23, 125	Government.
23, 150	Gen. Communication.
23, 175	Government.
23, 200	Do.
c 23, 211	Aviation & Govt.
n23, 225	Do.
c 23, 234	Do.
23, 250	Aviation.
c 23, 256	Aviation & Govt.
n23, 275	Do.
c 23, 279	Do.
23, 300	Government.
c 23, 301	Aviation & Govt.
c 23, 324	Do.
n23, 325	Do.
c 23, 346	Do.
23, 350	Aviation.
c 23, 369	Aviation & Govt.
n23, 375	Do.
23, 400	Government.
23, 425	Do.
23, 450	Fixed.
23, 475	Government.
23, 500	Do.
23, 525	Do.
23, 550	Do.
23, 575	Do.
23, 600	Do.
23, 625	Do.
23, 650	Do.
23, 675	Do.
23, 700	Do.
23, 725	Do.
23, 750	Do.
23, 775	Do.
23, 800	Government.
23, 825	Do.
23, 850	Do.
23, 875	Do.
23, 900	Do.
23, 925	Do.
23, 950	Do.
23, 975	Do.
24, 000	Do.
24, 025	Do.
24, 030	Do.
24, 050	Gen. Communication.
24, 075	Government.
24, 090	Do.
24, 100	Do.
24, 120	Do.
24, 125	Do.
24, 150	Do.
24, 175	Do.
24, 180	Do.
24, 200	Do.
24, 225	Do.
24, 250	Gen. Communication.
24, 270	Government.
24, 275	Do.
24, 300	Do.
24, 325	Do.
24, 350	Do.
24, 375	Do.
24, 400	Do.
24, 425	Do.
24, 450	Do.
24, 475	Do.
24, 480	Do.
24, 500	Do.
24, 510	Do.
24, 525	Do.
24, 540	Do.
24, 550	Gen. Communication.
24, 575	Government.
24, 600	Do.
24, 625	Do.
24, 630	Do.
24, 650	Gen. Communication.
24, 675	Government.
24, 700	Do.
24, 725	Do.
24, 750	Do
24, 775	Do.
24, 800	Do.
24, 810	Do.
24, 825	Do.
24, 850	Do.
24, 875	Do.
24, 900	Do.
24, 925	Do.
24, 930	Do.
24, 950	Gen. Communication.
24, 975	Government.
25, 000	Do.
n25, 025	Broadcast & Govt.
n25, 050	Do.
n25, 075	Do.
n25, 100	Do.
n25, 125	Do.
n25, 150	Do.
n25, 175	Do.
n25, 200	Do.
n25, 225	Do.
n 25, 230	Do.
n25, 250	Do.
n25, 275	Do.
n25, 300	Do.
n25, 325	Do.
n25, 350	Do.
n25, 375	Do.
n25, 400	Do.
n 25, 410	Do.
n25, 425	Do.
n25, 450	Do.
n25, 475	Do.
n25, 500	Do.
n25, 525	Do.
n25, 550	Do.
n25, 575	Do.
n 25, 590	Do.
n25, 600	Do.
n25, 625	Do.
n25, 650	Do.
n25, 675	Do.
n25, 700	Do.
n25, 725	Do.
n25, 750	Do.
n 25, 770	Do.
n25, 775	Do.
n25, 800	Do.
n25, 825	Do.
n25, 850	Do.
n25, 875	Do.
n25, 900	Do.
n25, 925	Do.
n25, 950	Do.
n25, 975	Do.
n26, 000	Do.
n25, 025	Do.
n26, 050	Do.
n26, 075	Do.
n26, 100	Do.
n26, 125	Do.
n26, 150	Do.
n26, 175	Do.
n26, 200	Do.
n26, 225	Broadacst & Govt.
n26, 250	Do.
n26, 275	Do.
n26, 300	Do.
n 26, 310	Do.
n26, 325	Do.
n26, 350	Do.
n26, 375	Do.
n26, 400	Do.
n26, 425	Do.
n26, 450	Do.
n26, 475	Do.
n26, 500	Do.
n26, 525	Do.
n26, 550	Do.
n26, 575	Do.
n26, 600	Do.
n 26, 610	Do.
n26, 625	Do.
26, 650	Government.
n26, 675	Broadcast & Govt.
n26, 700	Do.
n26, 725	Do.
n26, 750	Do.
n26, 775	Do.
26, 800	Government.
n26, 825	Broadcast & Govt.
n26, 850	Do.
n26, 875	Do.
n26, 900	Do.
n26, 925	Do.
n26, 950	Do.
n26, 975	Do.
g27, 000	Gen. Communication & Govt.
g27, 025	Do.
g27, 050	Do.
g27, 075	Do.
g27, 100	Do.
g27, 125	Do.
g27, 150	Do.
g27, 175	Do.
g27, 200	Do.
g27, 225	Do.
g27, 250	Do.
g27, 275	Do.
g27, 300	Do.
g27, 325	Do.
g27, 350	Do.
g27, 375	Do.
g27, 400	Gen. Communication & Govt.
g27, 425	Do.
g27, 450	Do.
g27, 475	Do.
g27, 500	Do.
g27, 525	Do.
g27, 550	Do.
g27, 575	Do.
g27, 600	Do.
g27, 625	Do.
g27, 650	Do.
g27, 675	Do.
g27, 700	Do.
g27, 725	Do.
g27, 750	Do.
g27, 775	Do.
g27, 800	Do.
g27, 825	Do.
g27, 850	Do.
g27, 875	Do.
g27, 900	Do.
g27, 925	Do.
g27, 950	Do.
g27, 975	Do.
28, 000 n to 30, 000	Amateur & Govt.
g30, 020	Govt. & Exper.
30, 000 to 30, 500	Government.
30, 540	Coastal Harbor & Ship Phone.
30, 580	Police.
30, 620	Geophysical & Motion Picture.
30, 660	Experimental.
30, 700	Police.
30, 740	Fixed.
30, 780	Do.
n30, 820	Relay Bc. & Govt.
30, 860	Relay Press.
30, 900	Government.
30, 940	Forestry.
30, 980	Police.
31, 020	Special Services & Experimental.
31, 060	Geophysical & Motion Picture.
31, 100	Police.
31, 140	Experimental.
31, 180	Special Services & Experimental.
31, 220	Relay Bc.
31, 260	Coastal Hrbr. & Ship Phone.
31, 300	Government.
31, 340	Forestry.
31, 380	Fixed.
31, 420	Do.
31, 460	Special Emergency.
31, 500	Police.
31, 540	Special Services & Experimental.
31, 580	Forestry.
n31, 620	Relay Bc. & Govt.
31, 660	Coastal Harbor & Ship Phone.
31, 700	Government.
31, 740	Special Emergency.
31, 780	Police.

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[4] Available for temporary assignment to non-Government international broadcast stations.

Frequency (kilocycles):	*Allocation*
31,820	Fixed.
31,860	Do.
31,900	Police.
31,940	Forestry.
31,980	Relay Press.
32,000 to 33,000	Government.
33,020	Relay Press.
33,060	Special Emergency.
33,100	Police.
33,140	Fixed.
33,180	Do.
33,220	Police.
33,260	Relay Press.
33,300[5]	Government.
33,340	Experimental.
33,380	Relay Broadcast.
33,420	Aviation.
33,460	Special Services & Experimental.
33,500	Police.
33,540	Geophysical & Motion Picture.
33,580	Relay Press
33,600[2]	Fixed.
33,620	Special Services & Experimental.
33,660	Aviation.
33,700	Government.
33,740	Relay Bc.
33,780	Police.
33,820	Special Emergency.
33,860	Fixed.
33,900	Do.
33,940	Police.
33,980	Relay Press.
34,000 to 35,000	Government.
35,020	Relay Broadcast.
35,060	Experimental.
35,100	Police.
35,140	Special Emergency.
35,180	Relay press.
35,200	Fixed.[2]
35,220	Police.
35,260	Relay Broadcast.
35,300	Government.
35,340	Coastal Harbor & Ship Phone.
35,380	Fixed.
35,420	Do.
35,460	Special Services & Experimental.
35,500	Police.
35,540	Geophysical & Motion Picture.
35,580	Marine Fire.
35,620	Relay Broadcast.
35,660	Coastal Harbor & Ship Phone.
35,700	Government.
35,740	Forestry.
35,780	Police.
35,820	Relay Broadcast.
35,860	Intership.
35,900	Police.
35,940	Forestry.
35,980	Relay press.
36,000[2]	Fixed.
36,000 to 37,000	Government.
37,020	Relay Broadcast.
37,060	Special Services & Experimental
37,100	Police.
37,140	Special Services & Experimental.
37,180	Special Emergency.
37,220	Police.
37,260	Coastal Harbor & Ship Phone.
37,300	Government.
37,340	Relay Broadcast.
37,380	Police.
37,400[2]	Fixed.
37,420	Relay Press.
37,460	Forestry.
37,500	Police.
37,540	Experimental.
37,580	Coastal Harbor & Ship Phone.
37,620	Relay Broadcast.
37,660	Intership & Forestry.
37,700	Government.
37,740	Marine Fire.
37,780	Police.
37,820	Special Emergency.
37,860	Aviation.
37,900	Police.
37,940	Coastal Harbor & Ship Phone.
37,980	Relay Broadcast.
38,000[5]	Fixed [2] & Govt.
38,000 to 39,000	Government.
39,020	Relay Press.
39,060	Aviation.
39,100	Police.
39,140	Special Services & Experimental.
39,180	Police.
39,220	Coastal Harbor & Ship Phone.
39,260	Relay Broadcast.
39,300	Government.
39,340	Special Emergency.
39,380	Police.
39,420	Forestry.
39,460	Experimental.
39,500	Police.
39,540	Special Services & Experimental.
39,580	Coastal Harbor & Ship Phone.
39,600	Fixed.[2]
n39,620	Relay Bc. & Govt.
39,660	Special Emergency.
39,700	Government.
39,740	Forestry.
39,780	Police.
39,820	Relay Broadcast.
39,860	Special Emergency.
39,900	Police.
39,940	Forestry.
39,980	Relay Press.
40,000 to 42,000	Government.
41,000	Fixed.[2]
41,800	Do.[2]
42,100	Broadcast.
42,300	Do.
42,500	Do.
42,700	Do.
42,900	Do.
43,100	Do.
43,300	Do.
43,500	Do.
43,700	Do.
43,900	Do.
44,100	Do.
44,300	Do.
44,500	Do.
44,700	Do.
44,900	Do.
45,100	Do.
45,300	Do.
45,500	Do.
45,700	Do.
45,900	Do.
46,100	Do.
46,200	Fixed.[2]
46,300	Broadcast.
46,500	Do.
46,700	Do.
46,900	Do.
47,100	Do.
47,300	Broadcast & Fixed.[2]
47,500	Broadcast.
47,700	Do.
47,900	Do.
48,100	Do.
48,300	Do.
48,400	Fixed.[2]
48,500	Broadcast.
48,700	Do.
48,900	Do.
49,100	Do.
49,300	Do.
49,500	Broadcast & Fixed.[2]
49,700	Broadcast.
49,900	Do.
n 50,000 to 56,000	Television Bc.
56,000 to 60,000	Amateur.
n 60,000 to 66,000	Television Bc.
n 66,000 to 72,000	Television Bc.
72,000 to 78,000	Government.
75,000[5]	Govt. (Avia. marker).
n 78,000 to 84,000	Telev. Bc.
n 84,000 to 90,000	Do.
90,000 to 96,000	Government.
94,300[5]	Do.
n 96,000 to 102,000	Telev. Bc.
n 102,000 to 108,000	Do.
108,000 to 112,000	Government.
110,300[5]	Do.
112,000 to 116,000	Amateur.
116,050[6]	Special Services & Experimental.
n 116,100	Government.
116,150	Police.
116,250	Experimental.
116,350	Coastal Harbor & Ship Phone.
116,450	Special Services & Experimental.
116,550	Police.
116,650	Special Emergency.
116,750	Relay Press.
116,850	Special Services & Experimental.
116,950	Police.
117,050	Experimental.
n117,150	Relay Press and Govt.
117,250	Special Services & Experimental.
117,350	Police.
117,450	Forestry.
117,550	Marine Fire.
117,650	Special Services & Experimental.
117,750	Police.
117,850	Special Emergency.
117,950	Relay Press.
118,050	Government.
118,150	Police.
118,250	Experimental.
118,350	Coastal Harbor & Ship Phone:
118,450	Special Services & Experimental.
118,550	Police.
118,650	Experimental.
118,750	Relay Press.
118,850	Government.
n118,950	Forestry & Govt.
s 119,000 to 129,000	Government.
c129,000	Aviation & Govt.
c129,200	Do.
c129,400	Do.
c129,600	Aviation & Govt.
c129,800	Do.
c130,000	Do.
c130,200	Do.
c130,400	Do.
c130,600	Do.
c130,800	Do.
c131,000	Do.
c131,200	Do.
c131,400	Do.
c131,600	Do.
c131,800	Do.
j132,000	Do.
132,000 to 140,000	Government.
c140,100	Aircraft.
140,240	Aviation.
140,380	Do.
140,520	Do.
140,660	Do.
140,800	Do.
140,940	Do.
141,080	Do.
141,220	Do.
141,360	Do.
141,500	Do.
141,640	Do.
141,780	Do.
141,920	Do.
142,060	Do.
142,200	Do.
142,340	Do.
142,480	Do.
142,620	Do.
142,760	Do.
142,900	Do.
143,040	Do.
143,180	Do.
143,320	Do.
143,460	Do.
143,600	Do.
143,740	Do.
143,880	Aviation.
144,000 to 156,000	Government.
156,075	Broadcast.
156,225	Fixed.
156,375	Do.
156,525	Special Services and Experimental.
156,675	
156,750	Broadcast.
156,825	
156,975	Experimental.
157,125	Fixed.
157,275	Do.
157,425	Special Services and Experimental.
157,575	Broadcast.
157,725	Experimental.
157,875	Fixed.
158,025	Do.
158,175	Special Services and Experimental.
158,325	
158,400	Broadcast.
158,475	
158,625	Police.
158,775	Fixed.
158,925	Do.
159,075	Special Services and Experimental.
159,225	
159,300	Broadcast.
159,375	
159,525	Fixed.
159,675	Do.
159,825	Special Emergency.
159,975	Broadcast.
160,125	Fixed.
160,275	Do.
160,425	Special Services and Experimental.
160,575	Fixed.
160,725	Do.
160,875	Forestry.
161,025	
161,100	Broadcast.
161,175	
161,325	Special Services and Experimental.
161,475	Fixed.
161,625	Do.
161,775	Experimental.
161,925	Broadcast.
162,000 to 168,000	Television Broadcast. and Experimental.[7]
168,000 to 180,000	Government.
n 180,000 to 186,000	Television Broadcast.
n 186,000 to 192,000	Do.
192,000 to 204,000	Government.
204,000 to 210,000	Television Broadcast.
210,000	Fixed.[2]
210,000 to 216,000	Television Broadcast and Experimental.[7]
215,000	Fixed.[2]
216,000 to 224,000	Government.
224,000 to 230,000	Amateur.
n 230,000 to 236,000	Television Broadcast.
n 236,000 to 242,000	Do.
242,000 to 258,000	Government.
n 258,000 to 264,000	Television Broadcast.
n 264,000 to 270,000	Television Broadcast and Experimental.[7]
270,000 to 282,000	Government.
n 282,000 to 288,000	Television Broadcast.
n 288,000 to 294,000	Do.
294,000 to 300,000	Government.
300,000 to 400,000	Experimental.
400,000 to 401,000	Amateur.
401,000 and above	Experimental.

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[2] Assigned for low power fixed service in the Territory of Hawaii only.

[5] See Article 7, General Radio Regulations (Cairo Revision, 1938), annexed to the International Telecommunication Convention, Madrid, 1932.

[2] Assigned for low power fixed service in the Territory of Hawaii only.

[5] See Article 7, General Radio Regulations (Cairo Revision, 1938) annexed to the International Telecommunication Convention, Madrid, 1932.

[6] Frequencies allocated between 116,000 and 119,000 kc are available for assignment to stations in the services shown on an experimental basis only.

[7] This band is available, for assignment on a temporary basis only, for use by stations in the experimental service not authorized to operate in a proposed or established radio service. The holder of any related instrument of authorization will be required to discontinue operation on frequencies within this band if operation thereon causes interference to any television station authorized to use this band.

NOTES

a. Available for assignment in Alaska under the rules governing non-Government radio stations in Alaska.

c. May be authorized for Government assignments for use in common with non-Government operations in the same service.

g. May be authorized for non-Government assignments provided no interference is caused to Government assignments, present or future.

j. May be authorized for both Government and non-Government assignments.

n. May be authorized for Government assignments provided no interference to non-Government assignments, present or future.

s. Used continually for Government navigational aids for the protection of life and property.

ABBREVIATIONS

Agri.	Agriculture.
Bc.	Broadcast.
Emerg.	Emergency.
Gen.	General.
Govt.	Government.
Hrbr.	Harbor.
Relay Bc.	Relay Broadcast.
Teleg.	Telegraph.

(Sec. 4 (i), 48 Stat. 1068, sec. 303 (a), 48 Stat. 1082; 47 U.S.C., 154 (i), 303 (e))

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-13035; Filed, December 9, 1942; 10:39 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Order ODT 11, Amendment 1]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART H—INTERCITY COMMON CARRIERS OF PASSENGERS BY BUS

Pursuant to Executive Orders Nos. 8989 and 9156, General Order ODT 11[1] is hereby amended by adding paragraphs (i), (j) and (k) to § 501.45 and by adding paragraph (c) to § 501.46, and by adding paragraph (e) to § 501.47, the amendments to read as follows:

§ 501.45 *Definitions.* * * *

(i) The term "rated load carrying ability" as applied to a bus means the weight which the tires mounted on the load bearing wheels of such bus are capable of carrying as determined in the manner set forth in Appendix No. 1 attached hereto.

(j) The terms "load to capacity" or "loaded to capacity" as applied to a bus mean either (1) the aggregate weight of the passengers, baggage and express, who or which may be transported in said bus, determined by deducting the weight of said bus from one hundred twenty (120) per cent of its rated load carrying ability, or (2) the maximum number of passengers and amount of baggage or express, who or which may be safely and efficiently transported within a bus when their aggregate weight does not load a bus to capacity as determined by (1) above.

(k) The term "gross weight" means the aggregate weight of a bus and its passengers, baggage and express.

§ 501.46 *Elimination of waste; loading requirements.* * * *

(c) Load to capacity any bus being operated in intercity service whenever passengers, baggage or express are available for transportation, except a bus which has become disabled en route and the operation thereof empty or partially laden is required to reach the nearest point at which such carrier maintains, provides, or can obtain repair services: *Provided,* That nothing in this subpart contained shall be construed to require the loading of a bus to such an extent that the gross weight of the bus will exceed the actual safe capacity of any bridge or other structure en route, as determined by State or local authorities, or will exceed the maximum gross weight limitations prescribed by the applicable State law, proclamation, or regulation, Federal statute, or Executive Order, whichever is currently controlling, but such bus shall be loaded as nearly to the extent required by this subpart as may be consistent with such applicable limitations.

§ 501.47 *Operating requirements.* * * *

(e) Operate a bus in intercity service, the gross weight of which exceeds its gross weight when loaded to capacity as provided by § 501.46 (c).

This amendment shall become effective January 1, 1943. (E.O. 8989, 9156; 6 F.R. 6725; 7 F.R. 3349.)

Issued at Washington, D. C., this 29th day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

APPENDIX NO. 1

Under the terms of § 501.45 (i) of this subpart, the rated load carrying ability of the tires mounted on the running wheels of a bus shall be determined by multiplying the number of tires mounted on the running wheels of such bus, of the size and description actually used, by the number of pounds appearing opposite the description of such tires in this Appendix.

Example: A bus uses 10 running tires, size 9.00-20, ten ply. The rated load carrying ability of each such tire, in pounds per tire, as shown in this Appendix, is 3450. Multiply 10 (number of tires) by 3450 (rated load carrying ability of each tire). The result is 34,500 pounds, which is the "rated load carrying ability" of the bus as defined in § 501.45 (i).

DESCRIPTION OF TIRES

TRUCK BUS TYPE TIRES USED IN BUS OPERATIONS

Size	Number of plies	Rated load carrying ability in pounds per tire
5.00-16	4	730
5.00-16	6	835
5.50-16	4	840
5.50-16	6	955
6.00-16	4	990
6.00-16	6	1130
6.00-17	6	1250
6.00-20	6	1400
6.00-20/30 x 5	8	1700
6.00-24/34 x 5	8	1950
6.25-16	4	1065
6.25-16	6	1210
6.50-16	4	1135
6.50-16	6	1290
6.50-17	6	1500
6.50-18	6	1575
6.50-20	6	1700
6.50-20/32 x 6	8	1950
Light Truck 15"	6	1500
Light Truck 15"	8	1700
7.00-15	6	1415
7.00-15	8	1575
7.00-16	6	1485
7.00-16	8	1650
7.00-17	6	1550
7.00-17	8	1725

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[1] 7 F.R. 4389.

DESCRIPTION OF TIRES—Continued

TRUCK-BUS TYPE TIRES USED IN BUS OPERATIONS—Continued

Size	Number of plies	Rated load carrying ability in pounds per tire
7.00–18	8	1800
7.00–20	8	1950
7.00–20/32 x 6	10	2250
7.00–24/36 x 6	10	2575
7.50–15	6	1595
7.50–15	8	1825
7.50–15	10	2225
7.50–16	6	1660
7.50–16	8	1850
7.50–17	8	2000
7.50–18	8	2100
7.50–18/32 x 7	10	2500
7.50–20	8	2250
7.50–20/34 x 7	10	2700
7.50–24	8	2550
7.50–24/38 x 7	10	3100
8.25–15	10	2275
8.25–15	12	2600
8.25–16	6	1770
8.25–16	8	2000
8.25–18	10	2550
8.25–18	12	2925
8.25–20	10	2750
8.25–20	12	3150
8.25–22	10	2950
8.25–24	10	3125
8.25–24	12	3600
9.00–15	10	2875
9.00–15	12	3200
9.00–18	10	3225
9.00–18	12	3600
9.00–20	10	3450
9.00–20/36 x 8	12	3850
9.00–22	10	3675
9.00–24	10	3925
9.00–24/40 x 8	12	4375
10.00–15(9.75–15)	12	3375
10.00–18(9.75–18)	12	3775
10.00–20(9.75–20)	12	4000
10.00–20/38 x 9	14	4350
10.00–22(9.75–22)	12	4275
10.00–24(9.75–24)	12	4550
10.00–24/42 x 9	14	4925
11.00–18(10.50–18)	12	4200
11.00–19(11″ rim)	12	4850
11.00–20(10.50–20)	12	4500
11.00–20(10.50–20)	14	4850
11.00–22(10.50–22)	12	4750
11.00–24 (10.50–24)	12	5000
11.00–24 (10.50–24)	14	5400
12.00–18 (11.25–18)	12	4850
12.00–18 (11.25–18)	14	5125
12.00–20 (11.25–20)	14	5475
12.00–20/40 x 10	16	5875
12.00–22	14	5800
12.00–24 (11.25–24)	14	6150
12.00–24/44 x 10	16	6600
13.00–20 (12.75–20)	16	6750
13.00–24 (12.75–24)	16	7575
14.00–20 (13.50–20)	16	8200
14.00–20 (13.50–20)	18	8700
14.00–24 (13.50–20)	16	9150
14.00–24 (13.50–24)	18	9700
#10	6	1100
#11	6	1100
#12	6	1200
#13	6	1300
#14	6	1400
#15	6	1500
#16	6	1600
#17	8	1700
#18	8	1800
#19	8	1900
#20	10	2000
#22	10	2200
#28	10	2800
#34	10	3400
#40	12	4000
#42	12	4200
#44	12	4400
#48	12	4800
#50	12	5000
#52	12	5200

PASSENGER TYPE TIRES USED IN BUS OPERATIONS

Size	Number of plies	Rated load carrying ability in pounds per tire
440/450–21	4	800
440/450–21	6	900
475/500–19	4	895
475/500–19	6	1005
475/500–20	4	925
475/500–20	6	1035
600–16	4	710
550–16	4	810
550–16	6	900
525/550–17	4	955
525/550–17	6	1075
525/550–18	4	1000
525/550–18	6	1125
525/550–19	4	1040
525/550–19	6	1170
600–16	4	915
600–16	6	1065
600–17	4	1025
600–17	6	1155
600–18	4	1070
600–18	6	1205
600–19	4	1115
600–19	6	1255
600–20	4	1190
600–20	6	1350
625–16	4	985
625–16	6	1140
625/650–16	4	1050
625/650–16	6	1215
650–16	4	1050
650–16	6	1215
650–17	4	1175
650–17	6	1320
650–18	4	1225
650–18	6	1375
650–19	4	1270
650–19	6	1430
650–20	4	1320
650–20	6	1600
700–15	4	1095
700–15	6	1330
700–16	4	1145
700–16	6	1395
700–17	4	1300
700–17	6	1465
700–18	4	1355
700–18	6	1525
700–19	4	1405
700–19	6	1585
700–20	4	1500
700–20	6	1700
750–15	4	1180
750–15	6	1500
750–16	4	1235
750–16	6	1560
750–17	4	1460
750–17	6	1645
750–18	4	1520
750–18	6	1710
750–19	4	1580
750–19	6	1775
750–20	4	1700
750–20	6	1900
825–15	4	1260
825–15	6	1625
825–16	4	1320
825–16	6	1700
825–15	6	1800
900–16	6	1875

[F. R. Doc. 42–14086; Filed, December 29, 1942; 10:54 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

WIND RIVER RESERVATION, WYOMING

ORDER RESTORING LANDS TO TRIBAL OWNERSHIP

Whereas pursuant to the provisions of the Act of March 3, 1905 (33 Stat. 1016), the Shoshone-Arapaho Tribes of Indians in Wyoming ceded to the United States a large area of their reservation in the State of Wyoming, established under the Treaty of July 3, 1868 (15 Stat. 673), and

Whereas there is now remaining undisposed-of within the ceded or "opened" portion of the Wind River Reservation, an area estimated to be slightly in excess of 1,000,000 acres of such ceded lands, most of which is urgently required as grazing land for the use of the Shoshone-Arapaho Tribe of Indians in order properly to support and develop their greatly expanded cattle industry, and

Whereas the Superintendent of the Wind River Reservation and the Commissioner of Indian Affairs have recommended restoration to tribal ownership of all the undisposed-of ceded lands within the following described land use districts, of which no part of the land is under lease or permit to non-Indians:

WIND RIVER MERIDIAN

LAND USE DISTRICT NO. 10

T. 5 N., R. 5 W.,
  Sec. 4, Lots 1, 2, 3, 4, S/2 N/2 and the N/2 SW/4,
  Sec. 5, Lots 1, 2, 3, 4, S/2 N/2, SW/4 and the N/2 SE/4,
  Sec. 6,
  Sec. 7, Lots 1, 2, 3, 9, NE/4 NW/4 and the NW/4 NE/4.
T. 6 N., R. 5 W.,
  Secs. 19, 20, 21, 28, 29, 30, 31, 32 and 33.

Now, therefore, by virtue of the authority vested in the Secretary of the Interior by section 5 of the Act of July 27, 1939 (53 Stat. 1128–1130), I hereby find that restoration to tribal ownership of the lands within the area described above, which are classified as undisposed-of ceded land of the Wind River Reservation, Wyoming, will be in the tribal interest, and they are hereby restored to tribal ownership for the use and benefit of the Shoshone-Arapaho Tribes of Indians of the Wind River Reservation, Wyoming, and are added to and made a part of the existing Wind River Reservation, subject to any valid existing rights.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 12, 1942.

[F. R. Doc. 42–14070; Filed, December 29, 1942; 9:19 a. m.]

DEPARTMENT OF AGRICULTURE.

Office of the Secretary.

[Rationing Order C, Supplementary Order 2]

RATIONING OF FARM MACHINERY AND EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT

Pursuant to § 2.212 of Rationing Order C, [7 F.R. 9647] *It is hereby ordered*, That:

(1) Any manufacturer from its stocks in its branch houses, transfers, and with transfer agents, and from its stocks on consignment with dealers or educational institutions may transfer all Schedule II equipment and may transfer Schedule I equipment listed in the appendix to this Supplementary Order 2: *Provided*, That such equipment at the close of business October 31, 1942, was in the physical possession of such manufacturer in stocks in its branch houses, transfers, or with transfer agents, or was in the physical possession of a dealer or educational institution to which such equipment had been consigned by such manufacturer, or such equipment had been consigned to such manufacturer's stocks in such manufacturer's agencies described herein, and such equipment was at the close of business October 31, 1942, in the hands of a carrier for delivery to such manufacturer's stocks in such manufacturer's agencies described herein.

Any distributor or any mail order house may transfer all Schedule II equipment and may transfer Schedule I equipment listed in the appendix to this Supplementary Order No. 2: *Provided*, That such equipment at the close of business October 31, 1942, was in the physical possession of such distributor or such mail order house or had been consigned to such distributor or to such mail order house and was at the close of business October 31, 1942, in the hands of a carrier for delivery to such distributor or to such mail order house.

Persons making transfers authorized by this paragraph (1) shall comply with the provisions of this Supplementary Order No. 2 and with the provisions of Rationing Order C.

Any machinery and equipment transferred, other than for use, by a manufacturer from stocks described herein, or by a distributor, pursuant to this Supplementary Order No. 2 shall be distributed to persons who do business in the same geographical area as those persons to whom such manufacturer and such distributor made transfers of the same type of machinery and equipment during the period November 1, 1940, through October 31, 1941. Each such manufacturer and each such distributor shall prorate to such areas the distribution of each type of the machinery and equipment authorized to be transferred by this order on the basis of the percentage of such manufacturer's or such distributor's total distribution during said period which such manufacturer or distributor distributed to each such area during said period, except that any manufacturer or distributor may revise the distribution plan provided for it by this paragraph if it deems such revision necessary in order to avoid transfer to an area of items of any type of the machinery and equipment described in this order where known stocks in dealers' hands are excessive in comparison with dealers' stocks in other areas of comparable need. The authority granted by this Supplementary Order No. 2 shall not be deemed to authorize any manufacturer, distributor, mail order house or dealer to transfer any machinery and equipment which was or is manufactured under War Production Board Order L–170 [7 F.R. 8460, 9863] or which was in manufacturer's factory and plant stocks at the close of business October 31, 1942. Nothing in this paragraph (1) shall be construed to authorize the transfer for use of any item of Schedule I equipment except pursuant to a purchase certificate issued in accordance with the provisions of Rationing Order C.

(2) Manufacturers, mail order houses, distributors and dealers may accept transfers of machinery and equipment authorized for transfer pursuant to the provisions of paragraph (1) above and may transfer any machinery and equipment authorized for transfer in said paragraph (1) above to any other manufacturer, distributor, mail order house or dealer. Such acceptances of transfers and such transfers may be made without a purchase certificate, provided such acceptances and such transfers are not for use. Such manufacturers, distributors, mail order houses and dealers may transfer the Schedule I equipment authorized for transfer by this Supplementary Order No. 2 to any person for use by the transferee if a proper purchase certificate is presented and may transfer all Schedule II equipment authorized for transfer by this Supplementary Order No. 2 for use by the transferee without presentation of a purchase certificate.

(3) Each manufacturer, distributor, and mail order house shall keep records disclosing the number of items of each type of machinery and equipment which he has transferred other than for use by the transferee pursuant to this Supplementary Order No. 2. Such records shall disclose the persons to whom said machinery and equipment was transferred and such persons' addresses. Such records need not be kept on a specified form but may be kept in any manner which best meets the business practices of the persons affected as long as the records disclose the information requested by this paragraph.

(4) This Supplementary Order No. 2 shall be deemed to be a part of Rationing Order C, and any violation of this Supplementary Order No. 2 shall constitute a violation of Rationing Order C.

(5) This Supplementary Order No. 2 to Rationing Order C shall become effective January 1, 1943.

Done at Washington, D. C., this 26th day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL]
FRED S. WALLACE,
Special War Board Assistant.

APPENDIX

PLANTING, SEEDING AND FERTILIZING MACHINERY

- Planters, horse and tractor drawn
  - Two row, corn planters
  - Two row, corn and cotton planters
  - Three row and over, corn planters
- Planters, tractor mounted
  - One row, corn planters
  - One row, corn and cotton planters
  - Two row, corn planters
  - Two row, corn and cotton planters
  - Three row and over, corn planters
  - Three row and over, corn and cotton planters
- Potato planters, horse or tractor drawn
- Transplanters, horse or tractor drawn
- Listers with planting attachments, horse or tractor drawn
  - One row
  - Two row
  - Three row and over
- Listers with planting attachments, tractor mounted
  - One row
  - Two row
  - Three row and over
- Beet drills, horse or tractor drawn
- Grain drills
  - One horse, 3 or 5 disc drills
  - Fertilizer drills, horse or tractor drawn
  - Plain drills, horse or tractor drawn
- Fertilizer distributors, horse or tractor drawn
- Lime spreaders (sowers)
  - Wheeled type, horse or tractor drawn
  - Endgate type
  - Truck body type

PLANTING, SEEDING AND FERTILIZING MACHINERY—continued

- Manure spreaders
  - Four wheeled, horse or tractor drawn
  - Two wheeled, tractor drawn

PLOW AND LISTERS

- Moldboard plows, tractor drawn or mounted
  - One bottom, tractor drawn
  - Two bottom, tractor drawn
  - Three bottom, tractor drawn
  - Four bottom, tractor drawn
  - One bottom, tractor mounted
  - Two bottom, tractor mounted
- Disc plows, tractor drawn or mounted
  - One disc, tractor drawn
  - Two disc, tractor drawn
  - Three disc, tractor drawn
  - One disc, tractor mounted
  - Two disc, tractor mounted
- One way disc plows or tillers
- Listers, horse or tractor drawn (Middlebusters without planting attachment)
  - One row, horse or tractor drawn
  - Two row, horse or tractor drawn
  - Three row and larger, horse or tactor drawn
- Listers, tractor mounted (Middlebusters without planting attachment)
  - One row, tractor mounted
  - Two row, tractor mounted
  - Three row and larger, tractor mounted

HARROWS, ROLLERS, PULVERIZERS

- Harrows
  - Spike tooth harrow sections, horse or tractor drawn
  - Spring tooth harrow sections, horse or tractor drawn
  - Disc harrows, horse or tractor drawn
  - Disc harrows, tractor mounted
- Soil pulverizers and packers
- Ridge busters
  - Ridge busters, horse or tractor drawn
  - Ridge busters, tractor mounted

CULTIVATORS AND WEEDERS

- Cultivators, horse and tractor drawn
  - Beet cultivator
  - Field cultivator
- Cultivators, tractor mounted
  - One row
  - Two row
  - Three and four row
  - Five row and over
- Rotary hoes, horse or tractor drawn
- Weeders
  - Rod weeders, horse or tractor drawn
  - Tooth weeders, horse or tractor drawn

SPRAYERS, DUSTERS AND ORCHARD HEATERS

- Power sprayers, not including engines, traction sprayers
- Spray pumps, power
- Dusters
  - Power dusters with tractor mounted dusters
  - Traction dusters

HARVESTING MACHINERY

- Combines, harvester-threshers
  - Width of cut, 6 feet and under
  - Width of cut, over 6 feet, including 10 feet
  - Width of cut, over 10 feet
- Grain and rice binders
  - Grain binders, ground drive
  - Grain binders, power take-off drive
  - Rice binders
- Corn binders (row binder), horse or tractor drawn Corn Pickers
  - One row, mounted type
  - Two row, mounted type
  - One row, pull type
  - Two row, pull type
- Field ensilage harvesters, row type
- Potato diggers
  - Walking plow type
  - Horse or tractor
- Pea and bean harvesters, row type, horse or tractor
- Beet lifters, horse or tractor

HAYING MACHINERY

- Mowers, ground drive, horse or tractor drawn
- Mowers, power take-off drive, tractor mtd. or semi-mtd.
- Rakes
  - Sulky, dump
  - Side delivery, incl. comb. side rakes and tedders
- Sweep
  - Hay loaders
  - Stackers (incl. comb. sweep stackers)
  - Pick-up hay balers

MACHINES FOR PREPARING CROPS FOR MARKET OR USE

- Stationary threshers (grain, rice and alfalfa)
  - Threshers, width of cylinder under 28 inches
  - Threshers, width of cylinder 28 inches and over
- Stationary pea and bean threshers
- Peanut pickers
- Ensilage cutters (silo fillers)
- Feed cutters, power
- Corn shellers
  - Power corn shellers, cylinder (150 bu. and under)
  - Power corn shellers, cylinder (over 150 bu.)
- Corn huskers and shredders
  - Combination corn husker-shredders
  - Corn huskers
  - Corn shredders
- Stationary hay balers
  - Engine or belt power
- Feed grinders and crushers
  - Power, burr type
  - Hammer and roughage mills
- Cleaners and graders, corn and grain
- Potato sorters and graders

FARM ELEVATORS AND BLOWERS

- Elevators (portable)
- Elevators (stationary)
- Blowers (grain and forage)

TRACTORS

- Tractors, wheel type
  - Tractors, wheel, special purpose, under 30 h. p.
  - Tractors, wheel, special purpose 30 and over h. p.
  - Tractors, wheel, all purpose, under 30 h. p.
  - Tractors, wheel, all purpose, 30 and over h. p.
- Garden tractors (including motor tillers)

ENGINES

- Engines, one or more but under 5 h. p.
  - Air cooled
  - Water cooled
- Engines (five or more but under 10 h. p.)
  - Air cooled
  - Water cooled

FARM WAGONS AND TRUCKS

- Wagons, farm without boxes
- Trucks, farm (not motortrucks)

IRRIGATION EQUIPMENT

- Irrigation pumps
  - Turbine pumps, 0 to 1,200 GPM
  - Turbine pumps, 1,200 GPM and up, belt driven
  - Centrifugal pumps

DAIRY FARM MACHINES AND EQUIPMENT

- Milking Machines
- Farm cream separators, capacity 250 lbs. per hr. or less
- Farm cream separators, capacity 251 lbs. to 800 lbs. per hour
- Farm milk coolers
  - Immersion type
  - Surface or tubular type.

[F. R. Doc. 42-14080; Filed, December 29, 1942; 11:19 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 6 Under RPS 41]

ALLOY STEEL AND METALS CO. INC.

ORDER GRANTING ADJUSTMENT

Order No. 6 Under Revised Price Schedule No. 41—Steel Castings—Docket No. 3041-11.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

Adjustment of the maximum prices of Alloy Steel and Metals Company, Inc. on shipments out of its usual market area. (a) Notwithstanding anything to the contrary contained in Revised Price Schedule No. 41, Alloy Steel and Metals Company, Inc., Los Angeles, California, in ascertaining the maximum prices which it may charge for steel castings, may add to its maximum prices as otherwise established by Revised Price Schedule No. 41 the lowest applicable railroad charge for the transportation of an identical quantity of steel castings from its foundry in Los Angeles, California to the consumer's plant or other place of business to the extent that such charge exceeds 36 cents per hundred pounds.

(b) All prayers of the petition not granted herein are hereby denied.

(c) This Order No. 6 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 6 shall become effective December 29, 1942.

Issued this 28th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14055; Filed, December 28, 1942; 3:21 p m.]

[Order 56 Under RPS 64]

COMSTOCK-CASTLE STOVE COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 56 Under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

Approval of maximum price for Comstock–Castle Stove Company, Quincy, Illinois.

On November 18, 1942, Comstock-Castle Stove Company filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of a maximum price for a coal and wood range designated in the application as Model H368Z Shasta.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Comstock–Castle Stove Company may sell, offer to sell, transfer or deliver the model of stove designated by the company in its application to the Office of Price Administration as H368Z Shasta for a price no higher than $30.33 f. o. b. factory to dealers, subject to discounts, allowances and terms no less favorable than those in effect with respect to the comparable model No. 177 Ensign, as established under Revised Price Schedule No. 64.

(b) This Order No. 56 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise reqires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 56 shall become effective on the 29th day of December 1942.

Issued this 28th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14056; Filed, December 28, 1942; 3:22 p. m.]

[Order 2 Under RPS 102]

GENERAL MOTORS CORPORATION

APPROVAL OF MAXIMUM PRICE

Order No. 2 Under Revised Price Schedule No. 102—Household Mechanical Refrigerators.

Approval of maximum prices for sale of certain new models of household mechanical refrigerators by the Frigidaire Division of the General Motors Corporation.

The Frigidaire Division of the General Motors Corporation, of Dayton, Ohio, has made application for approval of proposed maximum prices for three new 1942 model household refrigerators to be added to its line, pursuant to §§ 1380.51 (c) and 1380.54 (c) of Revised Price Schedule No. 102.

Due consideration has been given to the application and an opinion in support thereof has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, *It is ordered:*

(a) The base price, exclusive of excise tax, for the sale by the Frigidaire Division of the General Motors Corporation for the following models of household mechanical refrigerators shall be:

Model:	*Base price*
D9-42	$100.97
DP9-42	111.19
CD9-42	112.70

(b) This Order No. 2 may be revoked or amended by the Price Administration at any time.

(c) This Order No. 2 shall become effective January 2, 1943.

Issued this 28th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14057; Filed, December 28, 1942; 3:23 p. m.]

[Order 100 Under MPR 188]

TAPLIN MANUFACTURING COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 100 Under § 1499.161 (a) (1) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. GF1-67-P.

Granting an adjustment in the maximum prices of egg beaters sold by The Taplin Manufacturing Co., New Britain, Connecticut.

For the reasons appearing in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and by Executive Order No. 9250, *It is ordered:*

(a) The Taplin Manufacturing Co. of New Britain, Connecticut, may sell its No. 15 egg beater at prices no higher than $12.00 per gross to chain stores.

(b) This Order No. 100 may be amended or revoked by the Administrator at any time.

(c) This Order No. 100 shall become effective the 29th day of December 1942.

Issued the 28th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14054; Filed, December 28, 1942; 3:21 p. m.]

[Order 4 Under MPR 260]

H. FENDRICH, INC.

APPROVAL OF MAXIMUM PRICE

Order No. 4 Under § 1358.102 (e) of Maximum Price Regulation No. 260—Cigars.

Maximum prices for Concha and Panatela Sizes La Cubavana Brand Cigars.

H. Fendrich, Inc. of Evansville, Indiana hereinafter called "Applicant" has made application under § 1358.102 (e) of Maximum Price Regulation No. 260—Cigars, for determination of the maximum list price, schedule of discounts and allowances and the maximum retail price of two new cigars which it proposes to manufacture and sell as "Concha" and "Panatela" sizes under the brand name "La Cubavana".

Due consideration has been given to the application and an opinion in support of this Order issued simultaneously herewith has been filed with the Division of the Federal Register. For reasons set forth in the opinion and under authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with § 1358.102 (e) of Maximum Price Regulation No. 260, *It is hereby ordered: Authorization of Maximum Prices for Cigars Manufactured by H. Fendrich, Inc., as "Concha" and "Panatela" sizes of La Cubavana brand.*

(a) On and after December 29, 1942, Applicant and any wholesaler or retailer of "Concha" and "Panatela" sizes of La Cubavana Brand Cigars may sell and deliver and any person may buy and receive such cigars at prices not in excess of the following:

Manufacturer's and wholesalers' list price:	*Retailers' maximum price*
$75.00	10 cents each

The manufacturer's and wholesalers' list price is based upon the sale of one thousand cigars packed fifty to the individual container. Manufacturer's and wholesalers' price differentials in packings allowed in March 1942 on cigars of the same price class shall not be reduced. Manufacturer's and wholesalers' price differentials in packings charged in March 1942 on cigars of the same price class shall not be increased. Discounts applicable to the sales of said cigars by Applicant to wholesalers shall not be less than 12% plus such additional discount for payment as Applicant allowed in March 1942 to purchasers of the same class. Discounts applicable to sales of said cigars by Applicant to retailers, and to sales thereof by wholesalers to any purchasers shall not be less than those prevailing in March 1942 on sales of cigars of the same price class to the same class of purchasers.

(b) "Concha" and "Panatela" sizes of La Cubavana Brand Cigars shall contain respectively not less than 20½ and 18 pounds 9 ounces of tobacco per thousand. Filler, binder and wrapper shall be made of the brands, types, quantities, and quality of tobacco set forth in said application. Depreciation of the specified quality of "Concha" and "Panatela" sizes of La Cubavana Brand cigars except as the result of normal variation is hereby prohibited.

(c) Applicant shall state in plainly visible numerals upon each box or container of "Concha" and "Panatela" sizes of La Cubavana Brand Cigars sold or delivered by it, the exact maximum retail price thereof as set forth in this Order. On or before the first delivery of any "Concha" and "Panatela" sizes of La Cubavana Brand Cigars to any purchaser, Applicant and every wholesaler shall notify the purchaser of the exact amount of the maximum retail price as set forth in this Order by delivering to such purchaser a written notice as follows:

> On our size (describe size) La Cubavana Cigar, the Office of Price Administration has authorized us to establish a maximum list price of $75.00 per thousand and a maximum retail price of 10 cents each. Our maximum list price is based on sales of one thousand cigars packed 50 to the individual container. Manufacturer's and wholesalers' discounts to purchasers may not be less than their discounts in March 1942, on sales of cigars of the same price class to the same class of purchasers. Such discounts may not be reduced. Price differentials in packings allowed in March 1942 on cigars of the same price class may not be reduced. Price differentials in packings charged in March 1942 on cigars of the same price class may not be increased. Wholesalers receiving this notice are required to give similar written notice to each person to whom they sell or deliver (describe size) La Cubavana Cigar at or before the first delivery of such cigars to the purchaser. The Office of Price Administration requires you to keep this notice for examination.

(d) The provisions of Maximum Price Regulation No. 260 as now in force or as hereinafter amended or revised are incorporated in this Order to the extent consistent herewith.

(e) This Order No. 4 may be revoked or amended by the Administrator at any time.

(f) This Order No. 4 shall become effective December 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 29th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14093; Filed, December 29, 1942; 11:43 a. m.]

[Order 102 Under MPR 188]

ABERDEEN WOOD PRODUCTS CO. INC.

APPROVAL OF MAXIMUM PRICE

Order No. 102 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum prices for sales by Aberdeen Wood Products Co., Inc., of new plywood garbage receptacles.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Aberdeen Wood Products Company, Inc., Aberdeen, Washington, may sell and deliver its new plywood garbage receptacles at prices f. o. b. Aberdeen, Washington, no higher than those set forth below:

$2.28 for the 10 gallon size.
$2.67½ for the 16 gallon size.
$3.20 for the 24.5 gallon size.

(b) This Order No. 102 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 102 shall become effective on the 30th day of December 1942.

Issued this 29th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14094; Filed, December 29, 1942; 11:44 a. m.]

JAN 5 1943

JAN 5 1943

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

VOLUME 7 NUMBER 255

Washington, Thursday, December 31, 1942

The President

EXECUTIVE ORDER 9291

Authorizing the Procurement Division of the Treasury Department to Use Block Mica Acquired Pursuant to the Act of June 7, 1939

WHEREAS the Procurement Division of the Treasury Department has acquired by purchase pursuant to the provisions of the act of June 7, 1939, 53 Stat. 811, stocks of block mica suitable for the manufacture of military products required for the successful prosecution of the war; and

WHEREAS the Chairman of the War Production Board has reported to me that a shortage of block mica for use in the manufacture of military products required for the successful prosecution of war is imminent;

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by section 4 of the said act of June 7, 1939, it is ordered as follows:

The Procurement Division of the Treasury Department is hereby authorized and directed to make use of the stocks of such block mica which it had in stock on November 30, 1942, by transferring such stocks to the Metals Reserve Company, a corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act, as amended, upon such terms of sale as may be mutually agreeable to the Procurement Division and the Metals Reserve Company; and the Metals Reserve Company is hereby authorized and directed to use and dispose of such mica, by sale or otherwise, as the Chairman of the War Production Board shall direct.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 29, 1942.

[F. R. Doc. 42-14108; Filed, December 29, 1942; 5:11 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter XI—Food Distribution Administration

[Food Distribution Order 1]

Part 1404—Bakery Products

MANUFACTURE AND SALE OF BREAD AND ROLLS

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and to assure an adequate supply and efficient distribution of food to meet war and civilian needs, *It is hereby ordered*, as follows:

§ 1404.1 *Manufacture and sale of bread and rolls*—(a) *Definitions.* For the purposes of this order:

(1) "Baker" means any person who is engaged in the commercial manufacture of bread or rolls, excluding, however, baking at institutions, hotels, and restaurants in connection with the service of meals at such establishments.

(2) "Person" means an individual, partnership, corporation, or association.

(3) "Bread" shall include all types of bread such as white, rye, raisin, and whole wheat types.

(4) "Pan bread" means bread which is baked in a pan as distinguished from bread which is baked on the hearth, in sheets, or on screens.

(5) "Twisting" means the twisting together of two or more pieces of dough to form a loaf of bread baked in a pan: *Provided*, That it shall not include the twisting or braiding of dough for the Jewish ritual bread containing eggs which is sold under the name "Chalah" or variations of that name.

(6) "Cross-panning" means placing in a bread baking pan at right angle to its length, two or more pieces cut from dough which has passed through the bakery machine commonly known as a molder.

(7) "Braking" means the rolling of dough for bread through the power-driven rollers of the bakery machine

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THE PRESIDENT

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue. Remit money order for subscription or single copies payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

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Telephone information: DIstrict 0525.

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commonly known as a dough-brake or brake.

(8) "Variety" means any different formula, type, weight, shape, or topping of bread or rolls.

(9) "Rolls" shall include plain white rolls and buns of the semi-bread dough type, such as soft rolls, hamburger, hot dogs, Parkerhouse, etc.; hard rolls, such as Vienna, Kaiser, etc., all made without fillings or icing, but shall not include yeast raised sweet rolls or sweet buns (cinnamon rolls or buns, butterfly rolls, etc.).

(10) "Enriched" means that the bread has been made from enriched flour containing the ingredients in the quantities required by the regulations under the Food, Drug and Cosmetic Act, or that equivalent ingredients have been added to plain flour during the mixing of the dough.

(b) *Restrictions.* (1) No baker may perform the process of twisting, crosspanning, or doughbraking in the manufacture of any pan bread except that this restriction shall not be applicable to the baking of twin loaves.

(2) No baker shall make or sell any sliced bread except that bread weighing two pounds or more per loaf may be sliced for a period of sixty days from the effective date of the order.

(3) No baker may prepare or deliver any bread or rolls packaged in more than one thickness of wrapping material except as permitted by the provisions of subparagraph (4), and except that double thickness is permitted on the areas of closure, and where necessary in the packaging of rolls with cardboard bottoms or ends, or cardboard trays.

(4) No baker or other seller of bread shall use inserts, outserts, or end labels on any bread except that inserts and outserts may be used with unprinted wrappers where such insert or outsert provides the only label identification or required label correction, such insert or outsert not to exceed three inches in width, and except, further, that supplies of paper in the hands of bakers on the date of the issuance of this order may be used for providing inserts in connection with the wrapping of sliced loaves, to the extent that slicing is permitted under the terms of subparagraph (2) of this paragraph, until sixty days after the effective date of this order.

(5) No baker or other seller of bread or rolls, baking company, its officers, agents, employees, subsidiaries, affiliates, or any person acting for or under subsidy from any baker or baking company shall sell on consignment, or shall deliver or otherwse distribute for sale any bread or rolls and agree in any manner to accept the return, resume possession, or give refund, credit, exchange, or allowance in connection therewith.

(6) No baker shall make more varieties of bread or rolls than he made during the first week of December 1942 and, in any case, the maximum number of varieties of bread and rolls which may be made or sold by any baker during any one week shall be (a week shall begin at 12:01 a. m. Sunday):

(i) *Bread for sale to or distribution through retail stores* (not including multiple unit bakeries, restaurants, hotels, and institutions. (*a*) Six varieties of machine molded bread, of which not more than three shall be white pan bread;

(*b*) Ten varieties of hand molded bread; and

(*c*) Three varieties of rolls.

(ii) *Bread for sale to restaurants, hotels, and institutions.* (*a*) Ten varieties of bread, of which not more than three shall be white pan bread; and

(*b*) Nine varieties of rolls.

(iii) *Bread for direct sale to consumers.* (*a*) Fifteen varieties of bread, of which not more than three shall be white pan bread; and

(*b*) Nine varieties of rolls.

The provisions of this order shall not apply to religious ritual breads when sold for and on the occasion of the religious holidays to which they are appropriate.

(7) No baker shall procure, use, or cause to be used for his account, any new plates for printing of bread wrappers which require the use of more than two colors, or any new plates which cover more than twenty percent of the exposed area of the wrapper.

(8) No baker shall provide or furnish racks, stands, or other equipment to any person, nor shall replace racks, stands or other equipment heretofore provided or furnished.

(9) All white bread shall be enriched, shall contain not less than 3 parts nor more than 4 parts of milk solids to 100 parts of flour, and shall contain not more than 2 parts of shortening and not more than 4 parts of sugar or other related fermentable carbohydrate solids. All parts shall be determined by weight of material used.

(c) *Reports.* Bakers and other sellers of bread or rolls to whom this order applies shall execute and file with the Department of Agriculture such reports as said Department may from time to time require.

(d) *Records.* Bakers shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, and sales.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Department of Agriculture.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(h) *Delegation of authority.* The Food Distribution Administration is hereby designated as the agency within the Department to administer the provisions of this order.

(i) *Communications to Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD–1.

(j) *Effective date.* This order shall become effective as of 12:01 a. m., E. W. T., January 18, 1943, except as otherwise provided herein.

(E.O. 9280, 7 F.R. 10179)

Issued this 29th day of December 1942.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42–14107; Filed, December 29, 1942; 4:41 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 79—PRESCRIBED SERVICE UNIFORM

WINTER OVERCOATS, COLORS

Section 79.2 (a) (1) (iv) (*b*) is amended as follows:

§ 79.2 *Adopted standards of cloths.*
* * *

(a) *For officers, warrant officers and contract surgeons*—(1) *For winter uniform.*

* * * * *

(iv) *Overcoats.* * * *

(*b*) *Colors.* Olive-drab No. 52. (R.S. 1296; 10 U.S.C. 1391) [Par. 2*a*, AR 600–35, November 10, 1941, as amended by C 8 December 15, 1942]

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adutant General.

[F. R. Doc. 42–14146; Filed, December 30, 1942; 11:43 a. m.]

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

GENERAL DUTIES OF THE QUARTERMASTER GENERAL

Section 81.38 is amended to read as follows:

§ 81.38 *General duties of The Quartermaster General.* (a) The Quartermaster General, under the authority of the Secretary of War and under the Supervision of the Commanding General, Services of Supply, is charged with the procurement, storage, and distribution for the Army of all supplies of standard manufacture and of all supplies common to two or more arms or services but not with the procurement, storage, and distribution of special or technical articles to be used or issued exclusively by other supply departments; with the furnishing of means of animal transportation of all classes and kinds required by the Army; and with such other duties not otherwise assigned by law as the Secretary of War may prescribe: *Provided,* That special and technical articles used or issued exclusively by other arms or services may be purchased or procured with the approval of the Under Secretary of War by the services using or issuing such articles, and the chief of each supply service may be charged with the storage and issue of property pertaining thereto.

(b) The Quartermaster General is responsible for the establishment of and general supervision over all national cemeteries, soldiers plots, Confederate burial plots, monuments, and parks under the jurisdiction of the War Department and the records pertaining thereto. In addition, he has direct control and supervision over Arlington National Cemetery and Mexico City National Cemetery. He is responsible for the purchase of grave sites; the procurement and supply of Government headstones and grave markers; the recovery and disposition of remains of military and civilian personnel when such expenses are payable from War Department appropriations; and he is Graves Registration Service officer within the continental limits of the United States.

(c) The Quartermaster General has charge of training facilities under jurisdiction of The Quartermaster General for providing advanced specialist training for Quartermaster Corps personnel and others as prescribed by the Secretary of War. (Sec. 9, 41 Stat. 766; 10 U.S.C. 72) [Par. 3, AR 30–5, December 8, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–14147; Filed, December 30, 1942; 11:43 a. m.]

Chapter X—Areas Restricted for National Defense Purposes

[Public Proclamation No. 3]

PART 105—ESTABLISHMENT OF MILITARY AREAS

PROHIBITED AND RESTRICTED ZONES: EASTERN MILITARY AREA

DECEMBER 21, 1942.

Headquarters, Eastern Defense Command and First Army, Governors Island, New York.

To: The people within the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, part of the State of Florida and the District of Columbia.

Whereas, the Eastern Military Area was prescribed by Public Proclamation No. 1,[1] this Headquarters, dated May 16, 1942, under authority contained in Executive Order of the President, No. 9066, dated February 19, 1942; and

Whereas, the present situation requires as a matter of military necessity that restrictions be imposed and prohibited and restricted zones designated, in addition to restrictions already imposed and zones already designated by Public Proclamations Nos. 1[1] and 2,[2] this Headquarters, dated respectively May 16, 1942 and September 7, 1942;

Now, therefore, I, Hugh A. Drum, Lieutenant General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General of the Eastern Defense Command and First Army, charged with the defense of the Eastern Seaboard, do hereby declare, order and proclaim that:

§ 105.3 *Additional prohibited and restricted zones; Eastern Military Area.* (a) Within the Eastern Military Area there are hereby designated Prohibited Zones A–1000 to A–1503, A–2000 to A–2525, A–3000 to A–3694, A–4000 to A–4156 and A–5000 to A–5020, all numbers inclusive. The location and extent of said prohibited zones shall be described and defined by the posting of appropriate signs at the entrances to and exits from such zones, along the outside boundaries thereof, and at such other places therein as shall give full and complete notice of the area included. Effective from the date of this proclamation, the restrictions governing the right of any person to enter, remain in, or leave said zones are the restrictions already prescribed by paragraphs 9 d, e, f, and g of Public Proclamation No. 2, (§ 105.2 (i) (4), (5), (6) and (7)) as applicable to prohibited zones therein designated.

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[1] 7 F.R. 3830.

[2] 7 F.R. 7335.

(b) (1) Within the Eastern Military Area, there are hereby designated Restricted Zones B–70, B–71, B–2000 to B–2116, B–3000 to B–3009, B–4000 to B–4009 and B–5000 to B–5015, all numbers inclusive. The location and extent of Restricted Zones B–70 and B–71 are more particularly described and defined in Exhibit No. 1,[3] hereto attached, and are shown on the maps marked Exhibits Nos. 6 and 12, hereto attached. The location and extent of Restricted Zones B–2000 to B–2116, B–3000 to B–3009, B–4000 to B–4009 and B–5000 to B–5015, all numbers inclusive, shall be described and defined in the manner provided in paragraph (a) of this section for the description and definition of the prohibited zones therein designated.

(2) Included in the restricted zones designated by this proclamation are bridges, viaducts, tunnels, railroad yards and operating and maintenance facilities, motor freight areas, airports and air fields, dams, reservoirs, flumes, conduits, coastal areas, harbor facilities and installations, and areas fronting on ports and harbors.

(3) Effective from the date of this proclamation, the restrictions governing the right of any person to enter, remain in, or leave Restricted Zones B–2000 to B–2116, B–3000 to B–3009, B–4000 to B–4009 and B–5000 to B–5015, all numbers inclusive, are the restrictions already prescribed by paragraphs 9 e, (4), (5), (7), (9), (11), 9 f, 9 i, 9 j, 9 l, and 9 m of Public Proclamation No. 2 (§ 105.2 (i) (5) (iv), (v), (vii), (ix) and (xi), (6), (9), (10), (12), and (13)) as applicable to certain zones therein designated, and the restrictions governing the right of any person to enter, remain in, or leave Restricted Zones B–1, and B–4 to B–71 inclusive, are the restrictions already prescribed by paragraphs 9 e (4), (5), (7), (9), (11), 9 f, 9 h, 9 i, 9 j, 9 k, 9 l, and 9 m of Public Proclamation No. 2, (§ 105.2 (i) (5) (iv), (v), (vii), (ix) and (xi), (6), (8), (9), (10), (11), (12), and (13)) as applicable to certain zones therein designated. These restrictions are set forth in Exhibit No. 4, hereto attached.

(c) Effective from the date of this proclamation, the right of any person to enter, remain in, or leave the Eastern Military Area, or any part or zone thereof, shall be subject to the following restriction, which said restriction is hereby promulgated. This restriction is in addition to other restrictions imposed by this and previous proclamations.

No person not authorized by competent military or civil authority shall knowingly have in his possession, alter, display, deface, destroy, post, or remove, or knowingly cause to be altered, displayed, defaced, destroyed, posted or removed, any sign, proclamation, or order, printed, published or posted pursuant to authority or direction contained in any proclamation or order of this Headquarters promulgated or issued under authority contained in Executive Order of the President of the United States, No. 9066, dated February 19, 1942, or any simulation, reproduction, or copy of any such sign.

(d) Current military necessity requiring such action, the location and extent of certain prohibited zones designated by Public Proclamation No. 2, this Headquarters, September 7, 1942, are hereby changed. As so changed, the location and extent of Prohibited Zones A–12, A–27, A–34, A–70, A–111 and A–177 are more particularly described and defined in Exhibit No. 2, hereto attached. As so changed, the location and extent of certain other prohibited zones, designated by Public Proclamation No. 2 [§ 105.2] shall be described and defined in the manner provided in paragraph (a) of this section for the description and definition of prohibited zones therein designated.

(e) Current military necessity requiring such action, the location and extent of Restricted Zones B–3, B–25, B–26, B–36, B–37, B–38, B–40, B–43, B–65, B–66, B–67 and B–69 designated by Public Proclamation No. 2, this Headquarters, September 7, 1942, are hereby changed. As so changed, the location and extent of such restricted zones are more particularly described in Exhibit No. 3, hereto attached, and are shown on the maps hereto attached and marked Exhibits Nos. 5 to 11, inclusive.

(f) Any person who violates any restriction or order issued or adopted by the Commanding General, Eastern Defense Command and First Army, pursuant to the authority cited in the preamble of this Proclamation, applicable to the whole or any part of the Eastern Military Area, is subject to immediate exclusion from the Eastern Military Area, or any part or zone thereof, and to the penalties provided by Title 18, Section 97A, United States Code. In addition, if two or more persons conspire to violate this section and one or more do any act to effect the object of such conspiracy, each of the parties will be subject to the penalties provided by Title 18, section 88, United States Code. In the case of an alien enemy, such person will, in addition, be subject to immediate apprehension and internment.

(g) A copy of this proclamation shall be displayed for public inspection at every Selective Service Local Board; at every Post Office; at every Court House; and at every Town Hall within the Eastern Military Area. It shall be the duty of every person found within the Eastern Military Area to familiarize himself with the terms of every proclamation, announcement, or restriction issued by this Headquarters.

[SEAL] H. A. DRUM,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–14148; Filed, December 30, 1942; 11:43 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 248]

PART 292—EXEMPTIONS AND CLASSIFICATIONS

CLASSIFICATION AND EXEMPTION OF ALASKAN AIR CARRIERS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 22d day of October 1942.

The Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401 (f), and 416 thereof, and in accordance with certain findings and conclusions set forth in its opinion issued concurrently herewith in Alaska Air Transportation Investigation, Docket Nos. 71–401–E–1, et al., relating to Alaskan air carriers, and finding that the present enforcement of all the provisions of Title IV of said Act would be an undue burden on said air carriers by reason of the limited extent of and the unusual circumstances affecting the operations of said air carriers, and would not be in the public interest, the Civil Aeronautics Board hereby makes and promulgates the following regulation, amending § 292.2 of the Economic Regulations to read as follows:

§ 292.2 *Classification and exemption of Alaskan air carriers*—(a) *Classification of Alaskan air carriers.* There is hereby established, within the meaning of section 416 (a) of the Civil Aeronautics Act of 1938, a classification of air carriers which engage solely in air transportation within the Territory of Alaska, said classification to be designated as "Alaskan air carriers."

(b) *Termination of existing exemption of Alaskan air carriers.* On and after the effective date of this regulation, § 292.1 of the Economic Regulations (formerly designated as Regulation 400–1) temporarily exempting nonscheduled operations from certain provisions of Title IV of the Civil Aeronautics Act of 1938, shall not be applicable to Alaskan air carriers.

(c) *Temporary exemption of Alaskan air carriers.* Until the Board shall adopt further rules, regulations, or orders, Alaskan air carriers shall be exempted from the provisions of sections 403, 405 (e), and 407 (b) of Title IV of the Civil Aeronautics Act of 1938, as amended, and the regulations of the Civil Aeronautics Board promulgated under said Title IV, excepting the following sections of said regulations: § 216.1 *Petitions for determination of rates of compensation for transportation of mail;* § 228.1 *Free travel for postal employees;* § 238.1 *Applications for Certificates of Public Convenience and Necessity;* § 238.6 *Temporary suspensions of service;* § 248.1 *Approvals of interlocking relationships;* § 251.1 *Filing copies of agreements;* § 280.1 *Reports of stock ownership by officers and directors of air carriers;* and § 285.1 *Rules of practice.* Said air carriers also shall be exempted from the provisions of sections 401 (a) and 404 (a) of Title IV of the Act insofar as the enforcement of said sections would prevent any such air carrier:

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[3] Exhibits mentioned herein were filed as part of the original document.

(1) From providing, over a regular route designated in a certificate of public convenience and necessity, service, of the same types authorized by the certificate, to such additional points not named in the certificate as are situated within the territory which would ordinarily be served by such route;

(2) From transporting mail over postal routes 78182 and 78187 (blanket authorizations of the Postmaster General relating to the transportation of first-class mail) to the extent that mail may be tendered by the postmasters in Alaska for transportation over said postal routes;

(3) From transporting over postal routes designated by the Postmaster General as "gratuitous" routes, such mail as may be tendered by postmasters in Alaska for transportation over such routes; or

(4) From engaging in air transportation required to meet emergencies arising out of the present war, as may be directed by the military authorities.

(d) *Charter trips and other special services.* Every Alaskan air carrier may make charter trips and render other special services between points on routes which it is authorized by its certificate to serve. Charter trips and other special services may also be rendered to or from any other point: *Provided,* That such trips originate at or are destined to a point on a route (regular or irregular) the carrier is authorized by its certificate to serve; *And provided further,* That all such trips are casual, occasional, or infrequent, and are not made in such manner as to result in establishing a regular or scheduled service. The provisions of § 239.1 of the Economic Regulations which require air carriers to secure approval of the Commanding General, The Air Transport Command, or his designee, to operate any charter trip or other special service, shall not apply to Alaskan air carriers until further order of the Board.

This regulation shall take effect on January 12, 1943: *Provided, however,* That it shall not become effective for a period of 90 days thereafter with respect to air transportation services rendered by any Alaskan air carrier and not authorized by the certificate of public convenience and necessity issued to such carrier or by the provisions of this regulation.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42–14125; Filed, December 30, 1942; 9:49 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

[General Order 24]

PART 803—GENERAL ORDERS

AUTHORIZATION TO DEPARTMENT OF AGRICULTURE TO PASS ON WAGE AND SALARY ADJUSTMENTS FOR DESIGNATED EMPLOYEES

§ 803.24 *General Order No. 24.* (a) The National War Labor Board hereby delegates to the Secretary of Agriculture, to be exercised on his behalf by the Director of Personnel of the Department of Agriculture (hereafter referred to as Agriculture Department Agency), the power to approve or disapprove all applications for wage and salary adjustments (insofar as approval thereof has been made a function of the National War Labor Board) covering employees of the Department of Agriculture, and employees of instrumentalities of the Department of Agriculture, within the continental limits of the United States and Alaska whose wages and salaries are not fixed by statute, including:

(1) Employees and members of Agricultural Conservation Committees,

(2) Employees under cooperative agreements,

(3) Employees of agencies under supervision of the Farm Credit Administration, and

(4) Persons engaged in the administration of marketing agreements, orders, and licenses,

all in accordance with the further provisions of this order.

(b) In the performance of its duties hereunder, the Agriculture Department Agency shall comply with the terms of Executive Order 9250, dated October 3, 1942 and any General Order or policy of the National War Labor Board heretofore or hereafter issued thereunder. The Agriculture Department Agency, without making an initial ruling thereon, may refer to the Board, for decision by the Board, any case which, in the opinion of the Agency presents doubtful or disputed questions of sufficient seriousness and import to warrant direct action by the Board.

(c) The Agriculture Department Agency shall transmit to the Review and Analysis Division of the National War Labor Board monthly reports of its rulings, and copies of its rules of procedure, if any, as they are issued, and such additional data and reports as said Division or the Board may from time to time deem necessary.

(d) Any ruling by the Agriculture Department Agency hereunder shall be deemed to be the act of the National War Labor Board and shall be final, subject to the National War Labor Board's ultimate power to review rulings on its own initiative, and to reverse or modify the same. Any such order of reversal or modification shall not be retroactive and shall allow the Agriculture Department Agency a period of two weeks from the date of the Board's order, within which to comply with the order.

(E.O. 9250, 7 F.R. 7871)

Adopted December 17, 1942.

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42–14105; Filed, December 29, 1942; 2:51 p. m.]

[General Order 25]

PART 803—GENERAL ORDERS

AUTHORIZATION OF TENNESSEE VALLEY AUTHORITY TO PASS ON WAGE AND SALARY ADJUSTMENTS OF ITS EMPLOYEES

§ 803.25 *General Order No. 25.* (a) The National War Labor Board hereby delegates to the Board of Directors of the Tennessee Valley Authority the power to approve or disapprove all applications for wage and salary adjustments (insofar as approval thereof has been made a function of the National War Labor Board) of employees of the Tennessee Valley Authority, in accordance with the further provisions of this order.

(b) In the performance of its duties hereunder the Board of Directors of the Tennessee Valley Authority shall comply with Executive Order 9250, dated October 3, 1942, and all regulations heretofore or hereafter issued thereunder and with the declaration of wage policy of the National War Labor Board dated November 6, 1942. The Board of Directors of the Tennessee Valley Authority, without making an initial ruling thereon may refer to the National War Labor Board, for decision by the Board, any application which in its opinion presents doubtful or disputed questions of sufficient seriousness and import to warrant direct action by the Board.

(c) The Board of Directors of the Tennessee Valley Authority shall transmit to the Review and Analysis Division of the National War Labor Board copies of its rulings, and rules of procedure, if any, as they are issued, and such additional data and reports as said Division or the Board may, from time to time, deem necessary.

(d) Any ruling by the Board of Directors of the Tennessee Valley Authority hereunder shall be deemed the act of the National War Labor Board and shall be final, subject to the National War Labor Board's right to review rulings on its own motion, and to reverse or modify the same. Any such reversal or modification shall not be retroactive and shall allow the Tennessee Valley Authority a period of two weeks for compliance.

(E.O. 9250, 7 F.R. 7871)

Adopted December 22, 1942.

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42–14106; Filed, December 29, 1942; 2:51 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A–1736]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

AMENDED ORDER GRANTING RELIEF, ETC.

Order amending order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 9 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 9.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed with the Division by the above-named party, requesting among other things a change in the shipping point for the coals of the Lee & Williams Mine, Mine Index No. 306, of Lee & Williams (Tom Lee), for all shipments except truck.

In an order issued December 1, 1942, 7 F. R. 10427, in the above-entitled matter, temporary relief was granted and provision was made that such relief would become final in sixty (60) days from the date thereof unless it should otherwise be ordered. Among other matters, this order established Dawson Springs, Kentucky, on the Illinois Central Railroad as the rail shipping point for the coals produced by the said mine in place of Daylight, Kentucky.

On December 21, 1942, District Board No. 9 filed a motion requesting that Daylight, Kentucky, be reestablished as the shipping point for the said mine in place of Dawson Springs, Kentucky. In support of its motion, the district board alleges that Lee & Williams, the present operators of Mine Index No. 306, erred in requesting a change in shipping points from Daylight, Kentucky, to Dawson Springs, Kentucky, and that the said operators now request that the former shipping point, Daylight, Kentucky, on the Illinois Central Railroad, be restored.

Now, therefore, it is ordered, That the order dated December 1, 1942, 7 F.R. 10427, in the above-entitled matter be and it hereby is vacated and set aside to the extent that it pertains to the Lee & Williams Mine, Mine Index No. 306 of Lee & Williams (Tom Lee) and that in all other respects the said order shall remain in full force and effect.

Dated: December 28, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42–14144; Filed, December 30, 1942; 11:18 a. m.]

TITLE 31—MONEY AND FINANCE

Chapter II—Fiscal Service

Subchapter B—Bureau of the Public Debt

[Department Circular 704, 1942]

PART 319—OBLIGATIONS OF THE UNITED STATES AS CREDIT AGAINST VICTORY TAX

CREDIT AGAINST VICTORY TAX

DECEMBER 29, 1942.

The following regulations are issued pursuant to Subchapter D, Part I, sec. 453 (a) (3) of the Internal Revenue Code, as added by the Revenue Act of 1942, which reads as follows:

> SEC. 453. CREDIT AGAINST VICTORY TAX.
>
> (a) *Allowance of credit.* There shall be allowed as a credit against the victory tax for each taxable year: * * *
>
> (3) The amount by which the amount of obligations of the United States owned by the taxpayer on the last day of the taxable year exceeds the greater of (A) the amount of such obligations owned by the taxpayer on December 31, 1942, or (B) the highest amount of such obligations owned by the taxpayer on the last day of any preceding taxable year ending after December 31, 1942. As used in this paragraph (i) the term "owned by the taxpayer" shall include the amount of the obligations owned solely by the taxpayer and one-half of the amount of the obligations owned jointly by the taxpayer with one other person, but shall not include such obligations acquired by the taxpayer by gift, or inheritance, or otherwise than by purchase; (ii) the term "obligations of the United States" means such obligations of the United States as the Secretary may by regulations prescribe, and as are purchased in such manner and under such terms and conditions as he may specify; and (iii) the term "amount of obligations of the United States" means the amount paid for such obligations.

(1) The following classes of securities issued by the United States are prescribed as "obligations of the United States" within the meaning of such term as used in Subchapter D, Part I, sec. 453 (a) (3) of the Internal Revenue Code.

United States Savings Bonds, Series E, F, and G.

(2) The right is reserved to amend or supplement this circular, at any time, or from time to time.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 42–14145; Filed, December 30, 1942; 11:41 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1076—PLUMBING AND HEATING SIMPLIFICATION

[Schedule XII to Limitation Order L–42, as Amended December 30, 1942]

PLUMBING FIXTURES

Section 1076.14 *Schedule XII to Limitation Order L–42*[1] is hereby amended to read as follows:

§ 1076.14 *Schedule XII to Limitation Order L–42*—(a) *Definitions.* For the purposes of this schedule:

(1) "Producer" means any person who manufactures, processes or fabricates plumbing fixtures.

(2) "Plumbing fixture" means any bathtub, bidet, bath (foot sitz), drain pool (for a septic tank system), drain board, fountain (drinking, wash), interceptor (grease, oil, plaster), lavatory, laundry tray, sink (except a scullery sink, with or without drain boards), sink and laundry tray combination, sink leg, shower receptor, shower stall and receptor combination, septic tank, trap standard, water closet bowl (including frost proof bowl), urinal, urinal tank, water closet tank (other than a pressure tank for a frost proof closet); but it does not include any plumbing fixture trim not specifically named in this schedule:

(b) *Limitations.* Pursuant to Limitation Order L–42 the following limitations are established for the manufacture of plumbing fixtures:

No metal may be used in the manufacture of plumbing fixtures except that:

(1) Any person may incorporate into any plumbing fixture the minimum quantity of metal which is required for coating, nuts, bolts, screws, clamps, rivets and other items of joining hardware, excluding chair carriers, which are necessary for the construction, assembly or installation of the plumbing fixture, provided that such use is not prohibited by any other order of the Director General for Operations.

(2) In addition, any person may incorporate into any of the following named plumbing fixtures the metals specified in quantities not exceeding those designated, provided that such use is not prohibited by any other order of the Director General for Operations:

(i) Into any wash fountain, 36 inches or more in diameter, including reinforcing mesh and rods, trap, column, fixture trim and internal piping, twenty-five pounds of metal (including a maximum of one pound of copper or copper base alloy);

(ii) Into any grease interceptor (excluding flow control device), five pounds of ferrous metal;

(iii) Into any oil interceptor, five pounds of ferrous metal;

(iv) Into any plaster interceptor, eight pounds of ferrous metal;

(v) Into any cement or concrete laundry tray, one ounce of zinc for waste plug in each outlet and ferrous metal as follows: one compartment, one and a half pounds for reinforcement, one and a half pounds for cast-in waste fitting; two compartments, two pounds for reinforcement, two and a half pounds for cast-in twin waste fitting; three compartments, three pounds for reinforcement, four pounds for one single cast-in waste fitting and one cast-in twin waste fitting;

(vi) Into any cement or concrete shower receptor and cast-in drain, six pounds of ferrous metal;

(vii) Into any shower stall and receptor combination, twenty-four pounds of ferrous metal (only secondary quality of sheet steel, including the rejects and trimmings, may be used);

(viii) Into any concrete septic tank, ferrous metal required for reinforcement only, inlet or outlet connection, internal syphon and internal syphon pipe connection;

(ix) Into any water closet bowl that is to be supplied with water through a diaphragm or a piston type flush valve or a pressure tank, one pound of ferrous metal for spud;

(x) Into any water closet bowl that is to be supplied with water from a water closet tank, one pound of ferrous metal for spud, but on and after February 15, 1943, no metal shall be incorporated into any such spud;

(xi) Into any component working parts of any tank for water closet or urinal (other than a pressure tank for a frost proof closet), four pounds of metal; and

(xii) Into any urinal, one pound of ferrous metal for spuds.

(3) The restrictions of this order shall not apply to the use of lead.

(c) *General exceptions.* The prohibitions and restrictions contained in this schedule shall not apply to the use of metal in the manufacture of any plumbing fixture or any part thereof which is being produced:

(1) Under a specific contract or subcontract for use in chemical plants, research laboratories or hospitals, where and to the extent that the physical, chemical and aseptic properties make the use of other materials impracticable. This exception, however, does not include any plumbing fixture used in private rooms or nurses' or attendants' quarters in any plant, laboratory or hospital.

(2) Under a specific contract or subcontract for use as part of the equipment of any aircraft or any vessel other than a pleasure craft where the use of other material is impracticable: *Provided, however,* That no monel metal shall be used in the manufacture of any trough urinal.

(3) Under a specific contract or subcontract specifying trough urinals for delivery to, or for the account of, the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration for use outside the continental United States (the several States and the District of Columbia): *Provided, however,* That no monel metal shall be used in the manufacture of any such trough urinal.

(d) *Simplified practices; exceptions.* No plumbing fixtures which do not conform to the standards established by this schedule shall be produced or delivered by any producer or accepted from any producer except with the express permission of the Director General for Operations: *Provided, however,* That the foregoing shall not prohibit the delivery by any producer of such plumbing fixtures as were in his stock in finished form on December 30, 1942, nor the receipt of such plumbing fixtures from such producer: *Provided, further,* That the foregoing shall not prohibit machining or assembling materials put into process prior to December 30, 1942, nor the delivery of the completed plumbing fixtures so produced, nor receipt of such plumbing fixtures from the producer: *Provided,* That the plumbing fixtures covered by the foregoing exceptions were not processed, produced or delivered in violation of this schedule as in effect prior to December 30, 1942.

(e) *Reports.* Each producer to whom this schedule applies, shall on or before the 15th day of each month, file with the War Production Board a report on Form PD 727 which shall cover the preceding month or portion thereof.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–14128; Filed, December 30, 1942; 10:40 a. m.]

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[1] 7 F.R. 4028.

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 220[1] Amendment 2]

CERTAIN RUBBER COMMODITIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1315.1551 is amended; § 1315.1563 is revoked; a new § 1315.1568 is added and in paragraph (a) of § 1315.1564, subparagraph (4), (5) and (7) are amended and a new subparagraph (8) is added, as set forth below:

§ 1315.1551 *Applicability of this Maximum Price Regulation No. 220 and the General Maximum Price Regulation*—(a) *What commodities must be priced under this regulation.* This regulation is applicable to the commodities listed in Appendix A (§ 1315.1568) when they are made in whole or in part of rubber, if their maximum prices would be established by the General Maximum Price Regulation in the absence of this Maximum Price Regulation No. 220. This regulation applies, instead of the General Maximum Price Regulation, to such commodities. However, this Maximum Price Regulation No. 220 is not applicable to any commodity listed in Appendix A if its maximum price is established by any other regulation, issued or which may be issued by the Office of Price Administration. Specifically but not exclusively, this Maximum Price Regulation No. 220 is not applicable to sales or deliveries, the maximum prices of which are established by Maximum Price Regulation No. 136—Machines and Parts, and Machinery Services; Maximum Price Regulation No. 157—Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes and Maximum Price Regulation No. 188—Maximum Prices for Specified Building Materials and Consumers' Goods other than Apparel. A commodity that must be priced under this Maximum Price Regulation No. 220 will henceforth be referred to as a "rubber commodity."

(b) *Applicability of the General Maximum Price Regulation.* Section 1499.1 to 1499.3, inclusive, §§ 1499.4a, 1499.13, 1499.16, 1499.18, 1499.21 and §§ 1499.23 to 1499.25, inclusive, of the General Maximum Price Regulation are not applicable to sales or deliveries of rubber commodities, except as provided by paragraph (d) of the next section (§ 1315.1552). However, all other sections of the General Maximum Price Regulation, together with existing and subsequent supplementary regulations (including Supplementary Regulation No. 4) and amendments to such sections are applicable to rubber commodities.

§ 1315.1564 *Definitions.* (a) * * *

(4) "Rubber commodity" means any article listed in Appendix A, incorporated herein as § 1315.1568, when made in whole or in part of rubber, the maximum price for which would be established by the General Maximum Price Regulation in the absence of this Maximum Price Regulation No. 220.

(5) "Rubber" means substitute rubber and all forms and types of rubber, including synthetic, reclaimed and balata rubber.

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(7) "Synthetic rubber" means a material obtained by chemical synthesis, possessing the approximate physical properties of natural rubber, when compared in either the vulcanized or unvulcanized condition, which can be vulcanized with sulphur or other chemicals with the application of heat, and which, when vulcanized, is capable of rapid elastic recovery after being stretched to at least twice its length at temperatures ranging from 0° F. to 150° F. at any humidity.

(8) "Substitute rubber" means a substance made in whole or in part by a chemical process or from natural gums, resins or oils which in physical properties sufficiently resembles natural or synthetic rubber to replace either of them for particular uses, including uses where only some and not all of the physical characteristics of natural or synthetic rubber are needed, and which serves the same use as natural or synthetic rubber in the particular application in which it is applied.

§ 1315.1568 *Appendix A: Articles covered by the regulations.* The following articles, when made in whole or in part of rubber, shall be covered by this Maximum Price Regulation No. 220:

NOTE: This Maximum Price Regulation No. 220 does not apply to any sale or delivery of the articles listed below for which a maximum price is in effect at the time of such sale or delivery under the provisions of any other price regulation, issued, or which may be issued, by the Office of Price Administration. This Maximum Price Regulation No. 220 applies, instead of the General Maximum Price Regulation, to the articles listed below, when they are made in whole or in part of rubber. However, this Maximum Price Regulation No. 220 does not apply to sales or deliveries of the articles listed below if they have been exempted from the General Maximum Price Regulation by any supplementary regulation thereto. Manufacturers selling articles listed below should, before pricing their products in accordance with this Maximum Price Regulation No. 220 determine: (a) whether price regulations, other than the General Maximum Price Regulations, have been issued with respect to the articles so listed and (b) whether sales or deliveries of the articles listed have been exempted from the General Maximum Price Regulation by any supplementary regulation thereto.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7282, 8936, 8948.

(a) The following items of apparel: (1) Aprons; (2) Bathing supplies, including bags, belts, capes, coats, shoes and bathing suits; (3) Brassieres; (4) Corsets; (5) Dress shields; (6) Garters and armbands; (7) Girdles and elastic girdle blanks; (8) Make-up capes; (9) Ponchos; (10) Raincoats and rainsuits; (11) Suspenders; (12) Waterproof capes, cloaks, hats, jackets, leggings, overalls and sleeves.

(b) Bicycle tires and tubes.

(c) Cements and adhesives made in whole or in part of natural, synthetic, reclaimed or balata rubber.

(d) Coated fabrics, including but not limited to: (1) Artificial leather; (2) Automobile upholstery; (3) Awning cloth; (4) Backing cloth; (5) Gummed sign cloth; (6) Hospital sheeting; (7) Raincoat cloth; (8) Rubber welting; (9) Rubberized canvas; (10) Shoe fabrics; (11) "Suede" fabrics; (12) Tire covers; (13) Topping; (14) Winter fronts.

(e) The following latex and latex covered products: (1) Backing of carpets, jute bags, rugs, sacks and wallpaper; (2) Baskets; (3) Buckets; (4) Dippers; (5) Frames; (6) Funnels; (7) Measures; (8) Racks; (9) Screens; (10) Sponge upholstery; (11) Trays.

(f) The following items of stationer's goods: (1) Chair cushions; (2) Desk angle protection strips; (3) Desk tops; (4) Erasers; (5) Pen sacks; (6) Pencil plugs; (7) Rubber bands; (8) Rubber stamps; (9) Telephone cord guards; (10) Telephone ear pieces; (11) Telephone stands; (12) Typewriter feet; (13) Typewriter keys.

(g) Tire repair materials.

(h) The following miscellaneous items: (1) Air bags and curing tubes used in vulcanizing tires and repairing tubes; (2) Balloons for radio and weather observations; (3) Cable wrapping tape; (4) Diving suits; (5) Elastic webbing; (6) Mechanical rubber goods, made in whole or in part of balata, the rubber content of which is more than 50% balata; (7) Rubberized curled hair; (8) Showerbath curtains; (9) Tarpaulins.

§ 1315.1567 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1315.1551; 1315.1563; 1315.1564 (a) (4), (5), (7), (8); 1315.1568) to Maximum Price Regulation No. 220 shall become effective January 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-14109; Filed, December 29, 1942; 5:02 p. m.]

Part 1340—Fuel

[RPS 88,[1] Amendment 52]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraphs (a) and (b) of § 1340.160 are amended as set forth below:

§ 1340.160 *Exceptions.* The following petroleum products shall be exempt from §§ 1340.151 and 1340.159:

(a) All aviation gasoline of 87 octane rating or higher;

(b) The following to the extent purchased or sold for use in the manufacture of aviation gasoline of 87 octane rating or higher; Components of aviation gasoline of 87 octane rating or higher, including alkylate, neohexane, iso-octane, hydrocodimers, isomate and hot acid octanes; iso-pentane, iso-butane, normal butane and butylenes, and mixtures of iso-butane, normal butane and butylenes; and aromatic hydrocarbons and base stocks or fractions to the extent manufactured for and used in aviation gasoline of 87 octane rating or higher.

§ 1340.158a *Effective dates of amendments.* * * *

(zz) Amendment No. 52 (§ 1340.160 (a) (b)) to Revised Price Schedule No. 88 shall become effective January 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-14111; Filed, December 29, 1942; 5:00 p. m.]

Part 1340—Fuel

[RPS 88,[1] Amendment 53]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1340.159 (b), a new subparagraph (9) is added as set forth below:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(b) *Petroleum products.* * * *

(9) Notwithstanding the provisions of other subparagraphs of this paragraph (b) or of paragraph (c) of this section, the maximum tank wagon prices for all fuel oils and heating oils including but not limited to kerosene, range oil, Nos. 1, 2, 3, 4, 5, and 6 fuel oil, Diesel oil and gas oil in the States of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and in the District of Columbia shall be .3 of a cent per gallon above the maximum prices in the above states and the District of Columbia as determined under any provision of this price schedule which would otherwise govern except that the total amount charged on each lot sold shall be adjusted to the nearest cent.

§ 1340.158a *Effective dates of amendments.* * * *

(aaa) Amendment No. 53 (§ 1340.159 (b) (9) of Revised Price Schedule No. 88, shall become effective 12:01 a. m., December 29, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-14112; Filed, December 29, 1942; 5:00 p. m.]

Part 1340—Fuel

[MPR 137[2] Amendment 15]

PETROLEUM PRODUCTS SOLD AT RETAIL

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1107, 1371, 1798, 1799, 1886, 2132, 2304, 2352, 2634, 2945, 3463, 3482, 3524, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 5988, 5983, 6057, 6167, 6471, 6680, 7242, 7838, 8433, 8478, 9120, 9134, 9335, 9425, 9460, 9620, 9621, 9817, 9820, 10684.

[2] 7 F.R. 3165, 3749, 4273, 4653, 4780, 4853, 5363, 5868, 5941, 6057, 6896, 7902, 8353, 8938, 8948, 9335, 10684.

In § 1340.91, a new paragraph (h) is added as set forth below:

§ 1340.91 *Appendix A: Maximum prices for petroleum products sold at retail establishments.* * * *

(h) Notwithstanding the provisions of other paragraphs of this section, the maximum prices for kerosene, range oil, No. 1 fuel oil and Diesel fuel oil for sellers at retail establishments in the States of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, Wisconsin and in the District of Columbia shall be 0.3 of a cent per gallon above the maximum prices in the above states and the District of Columbia as determined under any provision of this maximum price regulation which would otherwise govern, except that the total amount charged on each lot sold shall be adjusted to the nearest cent.

§ 1340.93a *Effective dates of amendments.* * * *

(p) Amendment No. 15 (§§ 1340.91 (h)) to Maximum Price Regulation No. 137 shall become effective 12:01 a. m., December 29, 1942.

(Pub. Law 421, 729; 77th Cong. E.O. 9250, 7 F.R. 7871)

Issued this 29th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-14110; Filed, December 29, 1942; 5:02 p. m.]

Part 1358—Tobacco

[MPR 260,[1] Amendment 3]

CIGARS

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (e) § 1358.102 is amended; paragraph (e) of § 1358.102a is amended; § 1358.107 is revoked and a new § 1358.107 is substituted therefor and a new paragraph (c) is added to § 1358.115a, as set forth below:

§ 1358.102 * * *

(e) *Maximum prices for new brands of domestic cigars.* (1) The maximum list price and the maximum retail price of any new brand or size of domestic cigars which a manufacturer desires to manufacture and sell after January 4, 1943, shall be determined by the manufacturer subject to the approval of the Office of Price Administration: *Provided,* That in the case of any new brand or size of domestic cigars of the same size and quality as a brand of domestic cigars for which maximum prices are established under §§ 1358.102 and 1358.116, Appendix A, the maximum prices of such new brand or size of domestic cigars shall be those established for cigars of that size and quality under §§ 1358.102 and 1358.116 Appendix A.

(2) Any manufacturer who determines the maximum prices of a new brand or size of domestic cigars pursuant to subparagraph (1) shall, within ten days after making such determination, send by registered mail addressed to the Office of Price Administration, Tobacco Section, Washington, D. C., a true and correct written statement setting forth:

(i) The name of such new brand or size of domestic cigars, the maximum list price and the maximum retail price thereof as determined by the manufacturer pursuant to subparagraph (1) and the schedule of discounts and allowances to be applicable to sales thereof by the manufacturer to each class of purchaser.

(ii) The name and the maximum price of the brand of domestic cigars, if any, which the manufacturer considers to be of the same size and quality as such new brand or size of domestic cigars.

(iii) A full and complete description of the kinds and quantities of each grade of tobacco and all other materials to be used in the manufacture and packing of such new brand or size of domestic cigars, and the cost thereof computed on the basis of November 1, 1942 cost of tobacco and materials.

(iv) A full and complete itemization of all costs of labor to be used in the manufacture and packing of such new brand or size of domestic cigars computed on the basis of November 1, 1942 costs of labor.

(3) On and after twenty days from the receipt by the Office of Price Administration of the statement provided for in subparagraph (2), but not before, the manufacturer sending such statement shall be authorized to manufacture and sell, and every wholesaler and retailer may sell, and any purchaser may buy such new brand or size of domestic cigars for prices not in excess of the maximum prices so determined: Provided, that no manufacturer shall be authorized to manufacture and sell a new brand or size of domestic cigars the maximum prices of which have been determined under subparagraph (1) after receipt of written notice of objection to such maximum prices sent by the Office of Price Administration or by any duly authorized officer thereof within said twenty day period.

(4) Manufacturer's and wholesalers' discounts on sales of a new brand or size of domestic cigars shall not be less than those allowed in March 1942 on their sales of cigars in the same price class to the same class of purchasers. Manufacturer's and wholesalers' price differentials in packings charged in March 1942 on sales of cigars in the same price class may be charged on sales of such new brand or size of domestic cigars, but shall not be increased. Manufacturer's and wholesalers' price differentials in packings allowed in March 1942 on sales of cigars in the same price class shall be allowed on sales of such new brand or size of domestic cigars and shall not be reduced. If a new brand or size of domestic cigars is of a price class not previously sold by a particular manufacturer, the maximum discounts on sales thereof shall be those established under this Maximum Price Regulation No. 260 for domestic cigars of that price class by the most closely competitive manufacturer thereof and packing differentials charged or allowed shall not be greater or less respectively, than those charged or allowed by such most closely competitive manufacturer on sales of domestic cigars of that price class.

(5) On or before the first delivery of any new brand or size of domestic cigars to any purchaser, every seller (other than a retailer) shall notify the purchaser of the exact amount of his maximum list price and the exact amount of the maximum retail price of the cigars being sold by delivering to such purchaser a written statement as follows:

> On our new brand and/or size (describe cigar) of domestic cigars we are authorized by the Office of Price Administration to establish a maximum list price of $-------- per thousand and a maximum retail price of ------ cents each (or ---- for ---- cents). Manufacturer's and wholesalers' discounts on sales of this brand are to be not less than those allowed in March 1942 on their sales of cigars in the same price class to the same class of purchasers. All packing differentials charged in March 1942 on sales of cigars in the same price class may be charged on sales of this brand and may not be increased. All packing differentials allowed in March 1942 on sales of cigars in the same price class are to be allowed on sales of this brand and may not be reduced. Wholesalers receiving this notice are required to give similar notice to every purchaser to whom they sell or deliver any of this brand of cigars on or before the first delivery to such purchaser. The Office of Price Administration requires you to keep this notice for examination.

(6) Any seller of any brand of domestic cigars other than private brands of a particular size, quality and price class, sold and delivered during March 1942 may sell such brand at the maximum prices established therefor under §§ 1358.102 and 1358.116 Appendix A under a new brand name, private or

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8997, 10255, 10475.

otherwise, without compliance with subparagraphs (2) and (3) of this section. Any seller of a private brand of domestic cigars of a particular size, quality and price class sold or delivered during March 1942 may sell such private brand at the maximum prices established therefor under §§ 1358.102 and 1358.116 Appendix A under a new private brand name, but only as a private brand, without compliance with subparagraphs (2) and (3) of this section. Any such sellers shall, however, comply with the provisions of subparagraphs (4) and (5) of this section.

(7) The maximum prices of any new brand or size of domestic cigars established pursuant to this paragraph (e) shall be subject to modification by the Office of Price Administration or any duly authorized officer thereof at any time.

§ 1358.102a * * *

(e) *Maximum prices for new brands or sizes of imported cigars.* (1) The maximum list price and the maximum retail price of any new brand or size of imported cigars which an importer desires to import and sell after January 4, 1943, shall be determined by the importer subject to the approval of the Office of Price Administration: *Provided,* That in the case of any new brand or size of imported cigars of the same size and quality as a brand of imported cigars for which maximum prices are established under §§ 1358.102a and 1358.117 Appendix B, the maximum prices of such new brand or size of imported cigars shall be those established for imported cigars of that size and quality under §§ 1358.102a and 1358.117 Appendix B.

(2) Any importer who determines the maximum price of a new brand or size of imported cigars pursuant to subparagraph (1) shall, within ten days after making such determination, send by registered mail addressed to the Office of Price Administration, Tobacco Section, Washington, D. C., a true and correct written statement setting forth

(i) The name of such new brand or size of imported cigars, the maximum list price and the maximum retail price thereof as determined by the importer pursuant to subparagraph (1) and a schedule of the discounts and allowances to be applicable to the importers' sales thereof to each class of purchasers.

(ii) The name and the maximum prices of the brand of imported cigars, if any, which the importer considers to be of the same size and quality as such new brand or size of imported cigars and the name of the manufacturer and importer thereof.

(iii) The name and address of the manufacturer of said new brand or size of imported cigars and a full and complete itemization of the cost thereof to the importer, including the importer's net landed cost and the manufacturer's net price.

(3) On and after twenty days from the receipt by the Office of Price Administration of the statement provided for in subparagraph (2), but not before, the importer sending such statement shall be authorized to sell, and every wholesaler and retailer may sell, and any person may buy such new brand or size of imported cigars for prices not in excess of the maximum prices so determined: *Provided,* That no importer shall be authorized to import and sell a new brand or size of imported cigars the maximum prices of which have been determined under subparagraph (1) after receipt of written notice of objection to such maximum prices sent by the Office of Price Administration or by any duly authorized officer thereof within said twenty day period.

(4) Importer's and wholesalers' discounts on sales of a new brand or size of imported cigars shall not be less than those allowed in March 1942 on their sales of imported cigars in the same price class to the same class of purchasers. Importer's and wholesalers' price differentials in packings charged in March 1942 on sales of imported cigars in the same price class may be charged on sales of such new brand or size of imported cigars, but shall not be increased. Importer's and wholesalers' price differentials in packings allowed in March 1942 on sales of imported cigars in the same price class shall be allowed on sales of such new brand or size of imported cigars and shall not be reduced. If a new brand or size of imported cigars is of a price class not previously sold by a particular importer, the maximum discounts on sales thereof shall be those established under this Maximum Price Regulation No. 260 for imported cigars of that price class by the most closely competitive importer thereof and packing differentials charged or allowed shall not be greater or less, respectively, than those charged or allowed by such most closely competitive importer on sales of imported cigars of that price class.

(5) On or before the first delivery of any new brand or size of imported cigars to any purchaser, every seller (other than a retailer) shall notify the purchaser of the exact amount of his maximum list price and the exact amount of the maximum retail price of the cigars being sold by delivering to such purchaser a written statement as follows:

> On our new brand and/or size (describe cigar) of imported cigars we are authorized by the Office of Price Administration to establish a maximum list price of $------ per thousand and maximum retail price of ---- cents each (or ---- for ---- cents). Importer's and wholesalers' discounts on sales of this brand are to be not less than those allowed in March 1942 on their sales of imported cigars in the same price class to the same class of purchasers. All packing differentials charged in March 1942 on sales of imported cigars in the same price class may be charged on sales of this brand and may not be increased. All packing differentials allowed in March 1942 on sales of imported cigars in the same price class are to be allowed on sales of this brand and may not be reduced. Wholesalers receiving this notice are required to give similar notice to every purchaser to whom they sell or deliver any of this brand of imported cigars on or before the first delivery to such purchaser. The Office of Price Administration requires you to keep this notice for examination.

(6) Any seller of any brand of imported cigars, other than a private brand of a particular size, quality and price class, sold and delivered during March 1942 may sell such brand at the maximum prices established therefor under §§ 1358.102a and 1358.117 Appendix B under a new brand name, private or otherwise, without compliance with subparagraphs (2) and (3) of this section. Any seller of a private brand of imported cigars of a particular size, quality and price class sold or delivered during March 1942, may sell such private brand at the maximum prices established therefor under §§ 1358.102a and 1358.117 Appendix B under a new private brand name, but only as a private brand, without compliance with subparagraphs (2) and (3) of this section. Any such sellers shall, however, comply with the provisions of subparagraphs (4) and (5) of this section.

(7) The maximum prices of any new brand or size of imported cigars established pursuant to this paragraph (e) shall be subject to modification by the Office of Price Administration or any duly authorized officer thereof at any time.

§ 1358.107 *Federal and State taxes.* (a) The amount of all Federal taxes in effect on November 2, 1942, with respect to cigars is reflected in the maximum prices for cigars established by this Maximum Price Regulation No. 260 and no amount may be added to the maximum price of any seller with respect thereto.

(b) The amount of any State tax incident to the sale, delivery, processing or use of cigars which has customarily been added to the stated retail price thereof may be added to the maximum retail prices for cigars established by this Maximum Price Regulation No. 260.

(c) Any seller may at any time add to his maximum prices for cigars established by this Maximum Price Regulation No. 260 the amount of any new tax or any increase in an existing tax incident to the sale, delivery, processing or use thereof imposed upon the seller after November 1, 1942 by any statute of the United States or by any statute or ordinance of any State or subdivision thereof: *Provided,* That such amount has actually been paid or will be payable by the seller to the proper taxing authorities or to any prior vendor with respect to the particular cigars in question.

(d) If the amount of any such new tax, or increase in an existing tax which the seller may add under paragraphs (b) and/or (c) to his maximum prices includes the fractional part of a cent, the maximum price shall be adjusted to the next higher even cent, if the fraction is ½ cent or more, or to the next lower even cent if the fraction is less than ½ cent: *Provided,* That no retailer shall so adjust a maximum price for a single cigar of any brand to the next higher even cent unless he offers the same brand of cigars for sale in a multiple quantity sufficient to raise the amount of the new or increased tax applicable to such multiple quantity to the next higher even cent.

§ 1358.115a * * *

(c) Amendment No. 3 to Maximum Price Regulation No. 260 (§§ 1358.102 (e), 1358.102a (e), 1358.107, and 1358.115a (c)) shall become effective January 4, 1943.

(Pub. Laws 421 and 729, 77th Cong; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14113; Filed, December 29, 1942; 5:04 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Supp. Amendment 7A]

MAXIMUM RENT REGULATIONS FOR HOTELS AND ROOMING HOUSES

Paragraph (d) of §§ 1388.1506, 1388.1556, 1388.1606, 1388.1856, 1388.1906, 1388.1956, 1388.2006, 1388.3006, 1388.4006, 1388.5006, 1388.6006, 1388.7006, 1388.8006, 1388.9006, 1388.86, 1388.186, 1388.336, 1388.436, 1388.636, 1388.736, and 1388.836 of Maximum Rent Regulations Nos. 21A, 22A, 23A, 29A, 30A, 31A, 32A, 34A, 36A, 38A, 40A, 42A, 44A, 46A, 48A, 50A, 54A, 56A, 58A, 59A, and 61A, respectively, is amended by adding the following subparagraph (4) to the said paragraph (d) as follows:

(4) An occupant of a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord rents to not more than two occupants within such residence.

* * * * *

This Supplementary Amendment No. 7A to Maximum Rent Regulations for Hotels and Rooming Houses shall become effective December 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 29th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14114; Filed, December 29, 1942; 5:02 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Supp. Amendment 13]

MAXIMUM RENT REGULATIONS FOR HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

The first and second paragraphs of paragraph (c) of §§ 1388.16, 1388.66, 1388.116, 1388.166, 1388.216, 1388.266, 1388.316, 1388.366, 1388.416, 1388.466, 1388.516, 1388.566, 1388.616, 1388.666, 1388.716, 1388.766, 1388.816, 1388.866, 1388.916, 1388.966, 1388.1016, 1388.1656, 1388.1706, 1388.1756, 1388.1806, 1388.2056, 1388.3056, 1388.4056, 1388.5056, 1388.6056, 1388.7056, 1388.8056, 1388.36, 1388.136, 1388.236, 1388.286, 1388.386, 1388.586, 1388.686, and 1388.786 of Maximum Rent Regulations Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27, 28, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 52, and 60, respectively, are designated as subparagraphs (1) and (2) respectively, of the said paragraph (c) and a new subparagraph (3) is added to the said paragraph (c) as set forth below:

(3) The provisions of this section shall not apply to an occupant of a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord rents to not more than two occupants within such residence.

* * * * *

This Supplementary Amendment No. 13 to Maximum Rent Regulations for Housing Accommodations other than Hotels and Rooming Houses shall become effective December 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 29th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14115; Filed, December 29, 1942; 5:01 p. m.]

PART 1412—SOLVENTS

[MPR 295]

WEST COAST ETHYL ALCOHOL

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 295 is hereby issued.

Sec.	
1412.151	Prohibition against sales of west coast ethyl alcohol above maximum prices.
1412.152	Applicability of the General Maximum Price Regulation.
1412.153	Applicability of Revised Price Schedule No. 28.
1412.154	Less than maximum prices.
1412.155	Export sales.
1412.156	Adjustable pricing.
1412.157	Petitions for amendment.
1412.158	Licensing.
1412.159	Evasion.
1412.160	Enforcement.
1412.161	Records and reports.
1412.162	Definitions.
1412.163	Geographical applicability.
1412.164	Effective dates.
1412.165	Appendix A: Maximum prices for west coast ethyl alcohol.

AUTHORITY: §§ 1412.151 to 1412.165, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1412.151 *Prohibition against sales of west coast ethyl alcohol above maximum prices.* (a) On and after December 29, 1942, regardless of any contract, agreement, lease, or other obligation:

(1) No person shall sell, deliver, or transfer west coast ethyl alcohol at higher prices than the maximum prices set forth in this regulation.

(2) No person shall buy or receive west coast ethyl alcohol in the course of trade or business at higher prices than the maximum prices set forth in this regulation.

(3) No person shall agree, offer, solicit or attempt to do any of the foregoing.

(b) Any sales or deliveries of west coast ethyl alcohol not specifically referred to in Appendix A (§ 1412.165) shall be subject to the provisions of the General Maximum Price Regulation.[2]

§ 1412.152 *Applicability of the General Maximum Price Regulation.* Except as provided in § 1412.151 (b) the provisions of this regulation supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of west coast ethyl alcohol for which maximum prices are established by this regulation.

§ 1412.153 *Applicability of Revised Price Schedule No. 28.*[3] The provisions of this regulation supersede the provisions of Revised Price Schedule No. 28 with respect to sales and deliveries of west coast ethyl alcohol.

§ 1412.154 *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid, or offered.

§ 1412.155 *Export sales.* The maximum price at which a person may export west coast ethyl alcohol shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation,[4] issued by the Office of Price Administration.

§ 1412.156 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to and at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations where a petition for amendment requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1412.157 *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revisied Procedural Regulation No. 1.

§ 1412.158 *Licensing.* The provisions of Supplementary Order No. 11[5] (§ 1305.15) licensing distributors of chemicals and drugs, shall be applicable to every distributor of west coast ethyl alcohol for which maximum prices are established by this regulation. The term "distributor" shall have the meaning given it by such Supplementary Order No. 11.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8961.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9675, 9616, 9732, 10155, 10454.

[3] 7 F.R. 1257, 2000, 2132, 3775, 7401, 7402, 8948.

[4] 7 F.R. 5059, 7242, 8829, 9000, 10530.

[5] 7 F.R. 6167.

§ 1412.159 *Evasion.* The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to west coast ethyl alcohol, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement, or other trade understanding, or by transactions with or through the agency of subsidiaries or affiliates or otherwise.

§ 1412.160 *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

§ 1412.161 *Reports and records.* (a) Every person making sales of west coast ethyl alcohol for which maximum prices are established by this regulation, after December 28, 1942, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price contracted for or received, the quantity of each type and grade of such ethyl alcohol purchased or sold, and the type of container in which such ethyl alcohol was purchased or sold.

(b) Such persons shall submit such reports to the Office of Price Administration and shall keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

§ 1412.162 *Definitions.* (a) When used in this regulation, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions or any agency of any of the foregoing.

(2) "Manufacturer" means a person operating a factory, plant, or distillery which manufactures or produces ethyl alcohol and includes any agent of such manufacturer.

(3) "Primary reseller" means a person who purchases west coast ethyl alcohol in tank cars or carload lots from a manufacturer for resale.

(4) "West coast ethyl alcohol" means ethyl alcohol, whether pure or denatured, of 188 proof or higher produced in California, Oregon, or Washington by fermentation of carbohydrate containing materials.

(5) "Ethyl alcohol" means ethyl alcohol produced in an industrial alcohol plant for sale to any person or ethyl alcohol produced in any other type of plant for sale to the United States or any agency thereof.

(6) "Shipping point" means the point of distribution maintained by a seller from which actual shipment is made.

(7) "Gallon" means a wine gallon of 231 cubic inches unless the context otherwise requires.

(8) "Drum" means a drum having a capacity of 50 gallons or more, unless the context otherwise requires.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

§ 1412.163 *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states of the United States and the District of Columbia.

§ 1412.164 *Effective dates.* (a) This Maximum Price Regulation No. 295 shall become effective December 29, 1942.

§ 1412.165 *Appendix A: Maximum prices for West Coast ethyl alcohol.* The following maximum prices are established for West Coast ethyl alcohol. These maximum prices apply to sales of West Coast ethyl alcohol of 188–191.6 proof, except where otherwise specified.

(a) *Sales by manufacturers in quantities of 50 gallons or more* (except sales by Lac Chemicals, Incorporated, and sales for which maximum prices are established by paragraph (g) below).

All prices listed in this paragraph (a) are f. o. b. works with freight equalized to San Francisco, California, and Los Angeles, California.

(1) *Heavy tonnage formulae*—(i) *Tank cars.*

	Per gallon
CD12	$0.405
CD13	.405
CD14	.405
SD1	.38
SD2B	.39
SD3A	.38
SD12A	.40
S23A	.44
SD23G	.40
SD23H	.42
Proprietary name solvent	.42

(ii) *Sales other than in tank cars.* The following amounts per gallon may be added to the maximum prices established in subdivision (i) of this subparagraph for sales other than in tank cars:

Container	C. L.	Quantity, l. c. l.	
		Over 950 gallons	50–950 gallons
Drums	$0.07	$0.09	$0.12
Half drums	.11	.13	.16
Barrels	.15	.17	.20
Half barrels	.22	.24	.27
5 gallon cans or drums	.17	.19	.22
Cans of less than 5 gallons	.22	.24	.27

(2) *Other formulae of denatured west coast ethyl alcohol and pure west coast ethyl alcohol*—(i) *Tank cars*—(a) *Pure ethyl alcohol:* $0.38 per gallon.

(b) *Other formulae.* The maximum price per gallon for denatured west coast ethyl alcohol of a formula not listed in subparagraph (1) above shall be a price determined as follows:

To the maximum tank car price for 100 gallons of SD2B west coast ethyl alcohol as established by subparagraph (1) (i) of this paragraph, add 115% of the net cost of the denaturants added to 100 gallons of undenatured ethyl alcohol to prepare the formula being priced; divide the sum thus obtained by the number of gallons of denatured ethyl alcohol which result from mixing 100 gallons of undenatured ethyl alcohol with the volume of denaturants added thereto to produce the formula being priced; round the thus determined price per gallon to the nearest half cent, and add $0.01 per gallon. The resulting figure is the maximum price per gallon of the formula of denatured west coast ethyl alcohol being priced.

"Net cost of the denaturants" means the delivered cost to the manufacturer of the denaturants actually used. Such "net cost" shall be determined in accordance with the accounting procedures in use by the manufacturer on September 30, 1942, for computing costs of material used, and shall not exceed the maximum delivered price to such manufacturer for such denaturants as established by any applicable regulation issued by the Office of Price Administration.

(ii) *Sales other than in tank cars.* The following amounts per gallon may be added to the maximum prices established in subdivision (i) of this subparagraph for sales other than in tank cars:

Container	C. L.	Quantity, l.c.l.	
		Over 950 gallons	50–950 gallons
Drums	$0.07	$0.105	$0.135
Half drums	.11	.145	.175
Barrels	.15	.185	.215
Half barrels	.22	.255	.285
5 gallon cans or drums	.17	.205	.235
Cans of less than 5 gallons	.22	.255	.285

(3) *Pure and denatured west coast ethyl alcohol of proof higher than 191.6.* For sales of pure west coast ethyl alcohol of higher than 191.6 proof and formulae of denatured west coast ethyl alcohol based on west coast ethyl alcohol of higher than 191.6 proof the following amounts may be added to the maximum prices established in subparagraphs (1) and (2) above:

	Per gallon
Over 191.6 and less than 199.5 proof	$0.01
199.5–200 proof	0.04

(b) *Sales by Lac Chemicals, Incorporated, in quantities of 50 gallons or over.* Lac Chemicals, Incorporated, of Culver City, California, may add $0.06 per gallon to the maximum prices established in paragraph (a) above, except that on sales of pure ethyl alcohol of 199.5–200 proof or denatured ethyl alcohol based on ethyl alcohol of 199.5–200 proof there may be added $0.065 per gallon.

(c) *Sales by primary resellers in quantities of 50 gallons or more.* For sales by a primary reseller in quantities of 50 gallons or more, the maximum prices, f. o. b. such primary reseller's shipping point, shall be the maximum prices established

by paragraphs (a) and (b) above plus an amount equal to the railroad freight for a shipment of the same quantity in the same kind of containers to such primary reseller's shipping point from manufacturer's works.

(d) *Containers.* No extra charge may be made for containers. The seller may, however, require the buyer to return containers, but where he does so the maximum prices for the contents of any such container as established by paragraphs (a), (b), and (c) above shall be decreased by $1.65 in the case of drums, and in the case of other containers, by an amount equal to the maximum price established by the applicable regulation of the Office of Price Administration for a used container of the same kind in good condition, f. o. b. buyer's plant. Where a seller requires the return of a container, he may charge a reasonable deposit (not to exceed $5.00 in case of drums) for the return of such containers. The deposit must, of course, be repaid to the buyer upon his return of the container in good condition within a reasonable time. Transportation costs with respect to the return of empty containers to the seller shall in all cases be borne by the seller.

(e) *Tax paid West Coast ethyl alcohol.* The amount of any tax paid under the provisions of section 2800 of the Internal Revenue Code by the seller thereof with respect to any west coast alcohol for which maximum prices are established by paragraph (a), (b), (c) and (d) above, less the amount of any drawback received by such seller with respect to such west coast ethyl alcohol under the provisions of section 2800 of the Internal Revenue Code, may be added by such seller to the maximum prices established by paragraphs (a), (b), (c) and (d) above for such west coast ethyl alcohol.

(f) *Credit charges.* The maximum prices established by this Regulation shall not be increased by any charges for the extension of credit.

(g) *West coast ethyl alcohol produced in converted alcoholic beverage distilleries.* (1) Until and including June 30, 1943, the maximum prices for the sale to the United States or any agency thereof of west coast ethyl alcohol of 188 proof or higher produced in a converted alcoholic beverage distillery which prior to July 1, 1942 did not sell ethyl alcohol of 188 proof or higher exclusively, shall be the maximum prices set forth in paragraphs (a) and (d) of this section, or the maximum prices computed pursuant to the following formula:

Maximum price per gallon f. o. b. works shall be the sum of the following cost items per gallon, less the recovered values of dried feed, fusel oil or the like, plus $0.04:

(1) Raw materials, in the case of molasses, not to exceed an amount computed on the basis of $18.00 per ton of 48% sugar content.

(2) Direct labor.

(3) Other conversion costs.

(4) Plant overhead.

(5) General and administrative expense, not in excess of three cents per gallon.

(2) Maximum prices computed pursuant to the formula contained in subparagraph (1) of this paragraph shall be determined for each calendar quarterly three month period. For the period after a converted beverage distillery starts production of ethyl alcohol of 188 proof or higher, and until the end of the first full calendar quarterly three month period thereafter, such maximum prices may be computed on the basis of estimated cost items. The prices for each succeeding calendar quarterly three month period, however, shall be computed on the basis of the actual cost items for the preceding period.

(3) Reports of all prices computed pursuant to the formula contained in subparagraph (1) of this paragraph shall be submitted to the Office of Price Administration, Washington, D. C. on a form to be obtained from that Office upon written request. The report for the first period after a converted alcoholic beverage distillery starts production of ethyl alcohol of 188 proof or higher for which maximum prices are computed pursuant to such formula shall be submitted within twenty days after the first sale of such ethyl alcohol by such producer, and shall show the prices he proposes to charge and the estimated cost items upon which such prices are based. Within twenty days after the end of the first period, and within twenty days after the end of each succeeding period, there shall be submitted a report on such form. Such maximum prices shall be subject to disapproval in writing at any time by the Office of Price Administration, and if a maximum price reported by a producer pursuant to this paragraph is revised downward by the Office of Price Administration, and if any payment has been made at the reported price, the producer may be required to refund the excess.

Issued this 29th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14117; Filed, December 29, 1942; 5:01 p. m.]

PART 1412—SOLVENTS

[Temporary MPR 24]

SALES OF MOLASSES TO WEST COAST ETHYL ALCOHOL DISTILLERS

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, to issue a temporary regulation, establishing as the maximum prices for sales of molasses to ethyl alcohol distillers to be used in West Coast plants, the prices prevailing with respect thereto within the five days prior to the issuance of this regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1[1] issued by the Office of Price Administration, Temporary Maximum Price Regulation No. 24 is hereby issued.

Sec.
1412.201 Prohibition against dealing in molasses sold to ethyl alcohol distillers to be used in West Coast plants at prices above the maximum prices.
1412.202 Maximum prices for sales of molasses to ethyl alcohol distillers to be used in West Coast plants.
1412.203 Less than maximum prices.
1412.204 Applicability of the General Maximum Price Regulation.
1412.205 Records and reports.
1412.206 Evasion.
1412.207 Enforcement.
1412.208 Petitions for amendment.
1412.209 Definitions.
1412.210 Effective dates.

AUTHORITY: §§ 1412.201 to 1412.210, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1412.201 *Prohibition against dealing in molasses sold to ethyl alcohol distillers to be used in West Coast plants at prices above the maximum prices.* From December 29, 1942, to February 27, 1943, inclusive, regardless of any contract or other obligation: (a) No person shall sell or deliver molasses to an ethyl alcohol distiller to be used in a West Coast plant at prices higher than those established by this regulation.

(b) No distiller of ethyl alcohol shall buy or receive molasses to be used in a West Coast plant at prices higher than those established by this regulation.

(c) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

§ 1412.202 *Maximum prices for sales of molasses to ethyl alcohol distillers to be used in West Coast plants.* (a) A seller's maximum price to a particular ethyl alcohol distiller for molasses to be used in a West Coast plant shall be the price charged by that seller to that buyer for a delivery made during the period December 23, 1942, to December 28, 1942, inclusive.

(b) Where a seller, during the period December 23, 1942, to December 28, 1942, inclusive, did not make a delivery to a particular ethyl alcohol distiller, that seller's maximum price to such buyer for molasses to be used in a West Coast plant shall be the price at which a delivery would have been made to that buyer during the period December 23, 1942, to December 28, 1942.

§ 1412.203 *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid, or offered.

§ 1412.204 *Applicability of the General Maximum Price Regulation.*[2] The provisions of this regulation supersede the provisions of the General Maximum

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[1] 7 F.R. 8961.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8281, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454.

Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1412.205 *Records and reports.* (a) Each person subject to this regulation shall preserve for examination by the Office of Price Administration all his existing records relating to sales and deliveries to ethyl alcohol distillers of molasses to be used in West Coast plants.

(b) Each person subject to this regulation shall make and preserve for examination by the Office of Price Administration records of the same kind as he has customarily made relating to sales of molasses for which maximum prices are established by this regulation.

(c) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in the place of the records required in paragraphs (a) and (b) of this section as the Office of Price Administration may from time to time require.

§ 1412.206 *Evasion.* The prices set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to, any molasses for which maximum prices are established by this regulation, alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying agreement or other trade understanding, or otherwise.

§ 1412.207 *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

§ 1412.208 *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

§ 1412.209 *Definitions.* (a) When used in this regulation the term:

(1) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Ethyl alcohol" means ethyl alcohol, whether pure or denatured, of 188 proof or higher, produced in an industrial alcohol plant for sales to any person or produced in any other type of plant for sale to the United States or any agency thereof.

(3) "West Coast plant" means a plant situated in California, Oregon, or Washington.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended shall apply to other terms used herein.

§ 1412.210 *Effective dates.* (a) This regulation shall become effective December 29, 1942, and shall, unless earlier revoked or replaced, expire at 12 o'clock midnight, February 27, 1943.

Issued this 29th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14116; Filed, December 29, 1942; 5:01 p. m.]

PART 1429—POULTRY AND EGGS

[Rev. MPR 269,[1] Amendment 2]

POULTRY

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New paragraph (b) of § 1429.25, new § 1429.26, and new § 1429.27 are added; all to read as set forth below:

§ 1429.26 *Permitted increase in maximum base price for ducks.* During the period this Amendment 2 is in effect the maximum base prices for ducks set forth in "Table A" of § 1429.19 (d) of Revised Maximum Price Regulation No. 269 are temporarily adjusted to read as follows:

NEW YORK

[Cents per pound]

Type	Weight	Live	Dressed	Kosher-killed	Drawn	Quick-frozen eviscerated
Ducks	All weights	27	27	31	40	43

PACIFIC COAST

LOS ANGELES—SAN FRANCISCO—SEATTLE—PORTLAND

[Cents per pound]

Type	Weight	Live	Dressed	Kosher-killed	Drawn	Quick-frozen eviscerated
Ducks	All weights	27½	27½	31½	40½	43½

This permitted adjustment in such maximum base prices is limited to the poultry items designated herein delivered to the buyer's customary receiving point in any place in the United States.

§ 1429.27 *Period this Amendment 2 shall continue in effect.* This Amendment 2 (§ 1429.26) shall continue in effect until twelve o'clock midnight on January 15, 1943.

§ 1429.25 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1429.26 and 1429.27) to Revised Maximum Price Regulation No. 269 shall become effective December 29, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 29th day of December 1942.

LEON HENDERSON,
Administrator.

Approved:

PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 42-14118; Filed, December 29, 1942; 5:00 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10708, 10864.

PART 1499—COMMODITIES AND SERVICES

[Amendment 47 to Supp. Reg. 1[1] of GMPR[2]]

AVIATION GASOLINE AND COMPONENTS, ETC.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1499.26 (a) (25) subdivisions (i) and (ii) are amended as set forth below:

§ 1499.26 *Exceptions for certain commodities and certain sales and deliveries.* (a) General Maximum Price Regulation shall not apply to any sale or delivery of the following commodities:

* * * * *

(25) *Aviation gasoline and components, synthetic rubber and components, toluene manufactured from petroleum and agricultural components used in the manufacture of furfural.* (i) Aviation gasoline of 87 octane rating or higher.

(ii) The following to the extent sold or delivered for use in the manufacture of aviation gasoline of 87 octane rating or higher; components of aviation gasoline of 87 octane rating or higher, including but not limited to, alkylate, neohexane, iso-octane, hydrocodimers, isomate, and hot acid octanes; iso-pentane, iso-butane, normal butane and butylenes; and aromatic hydrocarbons and base stocks or fractions thereof.

* * * * *

(e) *Effective dates.* * * *

(48) Amendment No. 47 (§ 1499.26 (a) (25) (i) (ii)) to Supplementary Regulation No. 1 shall become effective January 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-14119; Filed, December 29, 1942; 5:00 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11,[3] Amendment 18]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In subparagraph (1) of paragraph (b) of § 1394.5201, the phrase "January 7, 1943" is amended to read "December 28, 1942"; in subparagraph (2) of said paragraph (b), the phrase "January 6, 1943" is amended to read "December 28, 1942"; in subparagraph (3) of said paragraph (b), the phrase "January 5, 1943" is amended to read "December 28, 1942"; in subparagraph (4) of said paragraph (b), the phrase "January 3, 1943" is amended to read "December 28, 1942"; and a new subparagraph (5) is added to said paragraph (b); paragraph (a) of § 1394.5707 and paragraph (a) of § 1394.5723 are amended; a new paragraph (d) is added to § 1394.5731 and a new paragraph (r) is added to § 1394.5902; as set forth below:

Coupon Sheets

§ 1394.5201 *Class 1 and Class 2 Coupon Sheets.* * * *

(b) * * *

(5) Notwithstanding the provisions of subparagraphs (1), (2) and (3) of this paragraph, coupons numbered "3" shall be valid from December 23, 1942, in the states of North Dakota, South Dakota, Nebraska, Kansas, Missouri, Minnesota, Iowa, Wisconsin, Michigan, Illinois, Indiana, Ohio and Kentucky. Such coupons shall expire as specified in subparagraphs (1), (2) and (3) of this paragraph.

Restrictions on Transfers to Dealers and Suppliers

§ 1394.5707 *Restriction on transfers.* (a) Except as provided in § 1394.5708, on and after November 1, 1942, no primary supplier within or without the limitation area, and no dealer or supplier within the limitation area, shall transfer or offer to transfer fuel oil to any dealer or supplier within the limitation area, and no dealer or supplier within the limitation area shall accept such transfer, except in exchange (made at, or at the option of the transfer or within five (5) days after, the time of the actual transfer of fuel oil or in advance thereof) for valid coupons bearing an inscribed serial number, or for other evidences, equal in gallonage value to the amount of the fuel oil transferred, or (where transfer is regularly made on a temperature adjustment basis) equal in gallonage value to the adjusted amount of fuel oil transferred: *Provided,* That no dealer or supplier shall knowingly transfer, or accept the transfer of, an amount of fuel oil in exchange for any exchange certificate in excess of the amount of fuel transferred for the coupons or exchange certificates for which such exchange certificate was issued. No exchange of coupons or other evidences shall accompany a transfer of fuel oil directly from without the limitation area to a primary supplier within the limitation area, or a transfer from one primary supplier to another primary supplier.

Use of Coupons and Other Evidences

§ 1394.5723 *Exchange of coupons or acknowledgments.* (a) A supplier may at any time deliver to any Board in the limitation area coupons or other evidences, including exchange certificates, and obtain in return an exchange certificate or certificates (on Form OPA R-1118) equal to the gallonage value of the coupons or other evidences delivered. Such supplier shall attach to such coupons or other evidences the summary required by § 1394.5722. The Board shall furnish him in return an exchange certificate equal in gallonage value to the value of coupons or other evidences delivered. Exchange certificates shall be prepared in duplicate by the Board and shall be signed both by the supplier and by an authorized agent or member of the Board. The duplicate of such certificate shall be retained for the files of the Board. No supplier shall knowingly accept for exchange certificates delivered to the Board another exchange certificate of a gallonage value in excess of the amount of fuel oil transferred for the coupons or exchange certificates for which such exchange certificates were issued.

Reports, Audits and Inspections

§ 1394.5731 *Reports by primary suppliers.* * * *

(d) No primary supplier shall knowingly submit with his report to the Control and Audit Unit an exchange certificate of gallonage value in excess of the amount of fuel oil transferred in exchange for the coupons or exchange certificates for which such exchange certificate was issued.

Effective Dates

§ 1394.5902 *Effective dates of amendments and corrections.* * * *

(r) Amendment No. 18 (§§ 1394.5201 (b), 1394.5707 (a), 1394.5723 (a) and 1394.5731 (d)) to Ration Order No. 11 shall become effective December 24, 1942.

(Pub. Law 671, as amended by Pub. Laws 89 and 507, Pub. Law 421, W.P.B. Directive No. 1, 7 F.R. 562, Supp. Directive No. 1-0, 7 F.R. 8418; E.O. No. 9125, 7 F.R. 2719)

Issued this 24th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13925; Filed, December 24, 1942; 3:03 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3158, 3488, 3892, 4183, 4410, 4428, 4487, 4488, 4493, 4669, 5066, 5192, 5276, 5366, 5484, 5607, 5717, 5942, 6082, 6473, 6685, 7011, 7250, 7317, 7598, 7604, 7739, 8336, 8652, 8798, 10557, 8930, 8833, 9082, 9131, 9616, 9622, 9975, 9976, 10022, 10718.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454.

[3] 7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10153, 10081, 10379, 10530, 10531, 10780, 10707.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—RULES OF PRACTICE AND PROCEDURE

OFFICES; HOURS

The Commission on December 26, 1942, effective immediately, amended § 1.1 *Offices; hours* as follows:

§ 1.1 *Offices; hours.* The principal office of the Commission shall be located at Washington, D. C., and all communications to it shall be addressed to the Secretary, Washington, D. C., unless otherwise specifically directed. The hours of the Commission are from 9: 15 a. m. to 5: 45 p. m., Monday to Saturday, inclusive, except on legal holidays. (Sec. 4(i), 48 Stat. 1068; 47 U.S.C. 154(i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-14132; Filed, December 30, 1942; 10:59 a. m.]

[Order No. 108]

PART 4—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

INTERNATIONAL BROADCAST STATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22nd day of December, 1942;

It appearing that the Interdepartmental Committee for International Radiobroadcasting Facilities, with the approval of the Board of War Communications and the Commission, has arranged through the Office of War Information and the Office of Coordinator of Inter-American Affairs to coordinate the operation of all international broadcast stations in the interests of the Government for the conduct of psychological warfare; and

It appearing that international broadcast stations are now under direct supervision of the Government and that the suspension until further order of the Commission of certain sections of the Rules and Regulations of the Commission governing international broadcast stations will insure maximum flexibility of operation.

It is ordered, That the following sections or portion thereof, of the Rules and Regulations of the Commission be, and they are hereby, suspended until further order of the Commission:

1. Paragraph (f) (1), (2) and (3) of § 4.43 which reads as follows:

§ 4.43 * * *

(f) (1) Each licensee of an international broadcast station shall make verbatim mechanical records of all international programs transmitted.

(2) The mechanical records, and such manuscripts, transcripts, and translations of international broadcast programs as are made shall be kept by the licensee for a period of two years after the date of broadcast and shall be furnished the Commission or be available for inspection by representatives of the Commission upon request.

(3) If the broadcast is in a language other than English the licensee shall furnish to the Commission upon request such record and scripts together with complete translations in English.

2. Paragraphs (d) and (e) of § 4.44[1] which read as follows:

§ 4.44 * * *

(d) An international broadcast station will not be authorized to use more than one frequency listed in any group listed in paragraph (a) without a showing of technical necessity.

(e) Not more than one frequency shall be used simultaneously under the same authorization and call letter designation.

3. Section 4.46 which reads as follows:

§ 4.46 * * *

A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following:

(a) The number of hours operated on each frequency.

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[1] 6 F.R. 4303, 5455.

(b) A list of programs transmitted of special international interest.

(c) Outline of reports of reception and interference and conclusions with regard to propagation characteristics of the frequency assigned.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION.
T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-14133; Filed, December 30, 1942; 10:58 a. m.]

PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES

HAWAIIAN CHAIN AND FEEDERS

The Commission on December 22, 1942, effective immediately, amended § 9.73 *Frequencies available for assignment to chain systems*[1] as follows:

Change the designation of the present paragraph (g) to paragraph (h).

Substitute the following for the present paragraph (g):

§ 9.73 *Frequencies available for assignment to chain systems.* * * *

(g) *Hawaiian chain and feeders (green).* Available for aeronautical and aircraft stations:

2922 4742.5 5375 6610

Available for aeronautical fixed stations (A-1 emission only):

2612 4650 7700[10] 8070[10]

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-14134; Filed, December 30, 1942; 10:58 a. m.]

[Order No. 83-C]

PART 13—RULES GOVERNING COMMERCIAL RADIO OPERATORS

RADIOTELEGRAPH OPERATOR'S QUALIFICATIONS

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 22nd day of December, 1942;

The Commission having under further consideration the matter of the shortage of radiotelegraph operators possessing six months' previous service as a qualified operator in a station on board a ship or ships of the United States, and having in mind the related provisions of sections 351 and 353 of the Communications Act of 1934, as amended, and

It appearing that the Commission by Orders Nos. 83, 83-A, and 83-B suspended for the periods July 9, 1941, to January 9, 1942, January 9, 1942, to July 9, 1942, and July 9, 1942, to January 9, 1943, respectively, the requirements of six months' previous service contained in section 353 (b) of said Act and paragraphs (c) (3) and (d) (2) of § 13.61[1] of the Rules and Regulations; and

It appearing further that a shortage of radiotelegraph operators available for assignment as qualified operators on board cargo ships of the United States, who possess six months' previous service, will continue to exist subsequent to January 9, 1943, and accordingly, further suspension of the foregoing requirement is necessary;

It is ordered, That the aforesaid requirements contained in section 353 (b) of the Communications Act of 1934, as amended, and in paragraphs (c) (3) and (d) (2) of § 13.61 of the Rules and Regulations be, and the same are hereby, suspended for a further period beginning January 9, 1943 and ending June 30, 1943.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION.
T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-14135; Filed, December 30, 1942; 10:58 a. m.]

PART 31—UNIFORM SYSTEM OF ACCOUNTS CLASS A AND CLASS B TELEPHONE COMPANIES

STANDARD PRACTICES FOR PROPERTY RECORDS OF TELEPHONE COMPANIES

The Commission on December 22, 1942, effective July 1, 1943, amended as follows *Standard Practices for the Establishment and Maintenance of Continuing Property Records by Telephone Companies having Average Annual Operating Revenues in Excess of $2,000,000,* originally adopted September 15, 1942:

The note on the title page was eliminated and a new paragraph 10 was adopted. The "Standard Practices" therefore reads as follows:

1. *Plant or accounting areas.* (a) The continuing property record, as related to each primary plant account, shall be classified by subaccounts for each plant or accounting area. Areas already established for administrative, accounting, valuation, or other purposes may be adopted for this purpose when appropriate. In no case shall the boundaries of accounting areas cross State lines. In determining the limit of each area consideration shall be given to the quantities of property, construction conditions, operating districts, county and township lines, taxing district boundaries, city limits, and other political or geographical limits, in order that the property areas adopted may have a maximum adaptability, within the confines of practicability, for both the company's purposes and those of Federal, State, and municipal authorities. Areas once determined shall not be changed without notifying the Commission thirty days in advance of any proposed change in this respect.

(b) Not later than June 30, 1944, there shall be filed with the Commission four copies of a list of accounting areas, to be accompanied by descriptions of the boundaries of each area. Description of all proposed changes in accounting areas shall be submitted in quadruplicate concurrently with notice to the Commission of the change in areas.

2. *Property-record units, "retirement units", and minor items.* (a) In each of the established area subaccounts the basic units of physical property, hereinafter called "property-record units", in terms of which the perpetual inventory is to be maintained, shall be set forth separately, classified by size and type and with the amount of original (or other appropriate book) cost associated immediately with each such unit. Each company, in submitting the prescribed list of property-record units, shall show with respect to each unit of "depreciable plant" the comprised "units of property" conforming to those listed in Part 32 (Units of Property: Telephone Companies) of the Commission's Rules and Regulations, hereinafter referred to for convenience in distinction as "retirement units". When a list of property-record units has been accepted by the Commission, the property-record units set forth therein shall become the basic units referred to in this statement of standard practices.

(b) With respect to plant classifiable in account 207, "Right of way", or account 211, "Land", the units to be set forth as constituents of the property-record units shall consist of parcels of land (unless the nature of an item included in account 207 makes this provision inapplicable). Each land parcel shall be identified as to function and location. In the continuing property record or in records supplemental thereto there shall be shown with respect to each parcel the area, identity of vendor, grantor, or other conveyer of title or rights, identification of deed, lease, or other instrument, and original cost.

(c) The records shall reveal the essential details of construction and the cost of each building, each central office in each building, and each large private branch exchange. The underlying records of construction cost should be so analyzed and the analyses so maintained that, upon any retirement of one or more retirement units comprising part of a property-record unit, a reasonably accurate estimate of the retirement can be made.

(d) The record shall show the number and nature of items included in account 261, "Furniture and office equipment", and account 264, "Vehicles and other work equipment," whether such items are retired on an average retirement unit cost basis or otherwise.

3. *Method of determining original cost of basic property-record units.* Original cost of the basic units shall be determined on the completion reports covering the respective construction work orders or authorizations: *Provided,* That in those cases where the actual original cost of property installed prior to January 1, 1937, by the company maintaining the continuing property records cannot be ascertained, such original cost shall be estimated. Such estimated original cost shall be consistent with the accounting practices in effect at the time of construction of the property. The term "original cost" as used in this statement of standard practices shall mean the actual money cost of (or the current money value of any consideration other than money exchanged for) property at the time when it was first dedicated to the public use, whether by the accounting company or by predecessors. The term "original cost" shall also be used for convenience hereinafter to mean any book cost properly includible in account 100:1, account 100:3, or account 103 under the provisions of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's Rules and Regulations.

4. *Average unit costs.* (a) With respect to plant consisting of a large number of similar units, such as poles or wire, units of similar size and type within each specified area subaccount may be grouped according to each year of construction subsequent to 1936 and according to such more extended periods (not to exceed three years) prior to 1937 as the Commission may authorize upon a showing sufficient to warrant the adoption of such longer periods, except that the Commission may authorize periods longer than three years with respect to particular accounts. Each such average unit cost for each year (or longer authorized period) shall be set forth in the continuing property record.

(b) The averaging of unit costs permitted under the provisions of the foregoing paragraph is restricted to the averaging of costs incurred within a plant or accounting area of the nature defined in foregoing paragraph 1 (a). The provisions of paragraph 4 (a) shall not be interpreted as permitting the inclusion within such average cost of any unusual or special construction expenditures which would distort the normal unit cost otherwise applicable to the specific year (or authorized extended period) of construction. The units of each size and type to which such unusual or special construction costs are applicable shall be segregated and recorded at actual original cost.

(c) When classes of plant are subdivided between exchange and toll, the bases of the average unit costs shall be confined to items priced in the respective subdivisions.

5. *Identification of basic units.* There shall be shown in the continuing property record, or in records supplemental thereto, both with respect to property installed or acquired prior to January 1, 1937, and that installed or acquired subsequent to December 31, 1936, a complete description of the basic units in such detail as to identify plainly such units and to permit of a ready estimate of the cost thereof. Such description shall include the identification of the work order under which constructed, the date when charged to the appropriate asset account (unless not determinable at reasonable expense with respect to past acquisitions or installations), the date of installation if substantially different therefrom, the specific location of the property within each plant or accounting area, the manufacturer's or vendor's name and number or other identification imprinted thereon, the accounting company's number or designation, and any other description used in connection with the determination of the original cost. Descriptions of units of similar size and type shall follow prescribed groupings. Identification by manufacturer's serial number may be omitted when not required for a determination of the age of the unit.

6. *Reinstalled units.* When units with respect to which average unit costs are not applied under the practices herein prescribed are removed or retired and subsequently reinstalled, the date when the unit was first charged to the appropriate plant account shall be shown in addition to the date of reinstallation.

7. *Age of property.* The continuing property record or records supplemental thereto shall be so maintained (unless the Commission authorizes different treatment with respect to specific periods or accounts) as to permit the determination of the age of existing property and the actual service life of property retired.

8. *References to sources of information.* There shall be shown by appropriate reference the source of all entries. All drawings, computations, and other detailed records which support either the quantities or the costs included in the continuing property record shall be retained as a part of the continuing property record.

9. *Jointly owned property.* (a) With respect to jointly owned property there shall be shown:

1. The identity of all joint owners.
2. The percentage of ownership of the physical units vested in the accounting company, with a statement of whether a divided or undivided interest is owned.
3. The percentage of the total cost of the jointly owned property reflected in the continuing property record, with an explanation of any disparity from the percentage shown in compliance with the next preceding subparagraph.

NOTE: The sale of a part interest in a pole shall be recorded by crediting the amount received as a reduction of the gross cost of the pole in place, if the sale is made within the calendar year during which the pole was installed. If the sale is made after the year of installation, it shall be recorded by treating the fractional interest sold as a retirement and the amount received as salvage. The record shall be so maintained as to identify retirements of this nature (showing dates of installation and sale) separately from physical retirements of jointly owned poles.

(b) If jointly owned property is substantial in relation to the total of the same kind of property owned wholly by the company, such jointly owned property shall be appropriately segregated in the continuing property record.

10. These Standard Practices shall become effective July 1, 1943, and shall apply to all telephone companies having average annual operating revenues in excess of $2,000,000. Telephone companies whose average annual operating revenues are not in excess of $2,000,000 need not follow these Standard Practices unless required to do so by a State commission or other regulatory authority.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-14136; Filed, December 30, 1942; 10:58 a. m.]

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[1] 6 F.R. 888, 1522, 1541, 2878, 3042, 4419.

[10] These frequencies are assigned upon the express condition that no interference will be caused to any service or any station which, in the discretion of the Commission, may have priority on the frequency or frequencies with which interference results. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

[1] 7 F.R. 3045, 4799.

PART 43—REPORTS (RULES GOVERNING THE FILING OF INFORMATION, CONTRACTS, PERIODIC REPORTS, ETC.)

WIRE TELEGRAPH AND OCEAN CABLE CARRIERS' MONTHLY REPORTS

The Commission on December 22, 1942, effective January 1, 1943, adopted the attached forms[1] for monthly reports for wire telegraph and ocean-cable carriers in connection with § 43.31 *Telegraph, cable, radiotelegraph, and telephone carriers required to file,* of the Commission's Rules and Regulations. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—sec. 219; 48 Stat. 1077; 47 U.S.C. 219)

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-14137; Filed, December 30, 1942; 10:58 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 154—INVENTORIES[2]

STEAM ROADS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 18th day of December, A. D. 1942.

It is ordered, That Valuation Orders Nos. 4 and 22, relating to inventory of materials and supplies, made and entered by the Commission under dates of June 25, 1914, and July 26, 1918 (Sec. 154.0 of Title 49, Code of Federal Regulations) respectively, be, and they are hereby revoked and set aside:

It is further ordered, That this order shall become effective January 1, 1943.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-14149; Filed, December 30, 1942; 11:38 a. m.]

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[1] Filed as part of the original document.

[2] 7 F.R. 6441.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Exemption Order ODT 21-3]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS, AND EXEMPTIONS

SUBPART M—CERTIFICATES OF WAR NECESSITY

PARTIAL EXEMPTION OF FLEET OPERATORS—RECORDS

Pursuant to Executive Order No. 8989 and Executive Order No. 9156, *It is hereby ordered*, That:

§ 521.3502 *Partial exemption of fleet operators; records.* Fleet operators of commercial motor vehicles used in the transportation of persons upon the highways, or available for public rental, who maintain tire records showing with respect to each tire its brand or serial number, wheel position, date installed and removed, cause of removal, size, type (new, recap, or retread), and accumulated mileage, and whose tires are inspected and certified by an inspector designated by the Office of Price Administration, are hereby exempted from maintaining a record of tire inspections of any particular fleet unit on the reverse side, or in accordance with the form provided on the reverse side, of the fleet unit Certificate of War Necessity pertaining to such vehicle.

This exemption order (§ 521.3502) shall become effective on January 1, 1943, and shall remain in full force and effect until further order. (E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349; Gen. Order ODT 21, as amended, 7 F.R. 7100, 9006, 10025)

Issued at Washington, D. C., this 28th day of December, 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-14103; Filed, December 29, 1942; 12:09 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[General Docket No. 19]

DISTRICT 2

NOTICE OF AND ORDER FOR HEARING

In the matter of promulgating an order making limited prohibitions against the sale of coal for which no minimum prices, temporary or final, have been established.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by Bituminous Coal Producers Board for District No. 2 requesting that the record in the above-entitled matter be reopened and that the order issued therein on October 9, 1940, and effective on October 14, 1940, be amended;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 20, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of any appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any such person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with section VIII b of the Rules of Practice and Procedure before the Division prior to or at the time the above-entitled matter is called for hearing. Such petition of intervention must set forth the grounds of the proposed intervention, the position and interest of the intervenor in the proceeding and, if affirmative relief is sought, it must conform to the requirements of section VI of said Rules of Practice and Procedure.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise or which may be necessary corollaries to the relief, if any granted on the basis of this petition.

The matter concerned herewith is in regard to the petition filed herein requesting that the order issued in General Docket No. 19 on October 9, 1940, and effective on October 14, 1940, be amended to read substantially as follows:

> That no Code member shall sell bituminous coal produced by such Code member for which minimum prices, temporary or final, have not been established by the Division: *Provided, however*, That as to coal regarding which a 4 II (d) petition for the establishment of a classification or price has been filed with the Division, this prohibition against the sale of coal shall not be effective after thirty (30) days from the date of filing such petition, *and during said thirty (30) days period, such code member may sell coal at prices not less than the minimum prices proposed therefor by the district board of the district in which such code member is a producer: And, provided, further*, That as to unpriced coal which is being produced and prepared by new acceptants of the Bituminous Coal Code at the time of filing acceptance thereof, this prohibition against the sale of coal shall not apply after thirty (30) days from the date of filing such acceptance. (Italics indicate amendatory matter.)

Dated: December 28, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-14100; Filed, December 29, 1942; 12:24 p. m.]

[Docket No. C-21]

CHICAGO RETORT AND FIRE BRICK CO.

NOTICE OF AND ORDER FOR HEARING

In the matter of the application of Chicago Retort and Fire Brick Company for exemption pursuant to section 4-A of the Bituminous Coal Act of 1937.

An application for a determination of the status of the coal produced at a mine of Chicago Retort and Fire Brick Company in LaSalle County, Illinois, District No. 10, having been filed by the above-named applicant pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937;

Now, therefore, it is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on February 25, 1943, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section of the Division will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said applicant and to all other parties herein and to all persons and entities having an interest in these proceedings and eligible to become a party herein. Any person or entity desiring to be admitted as a party to the proceedings herein and eligible under section VII (i) of the Rules of Practice and Procedure before the Bituminous Coal Division shall file a petition for intervention not later than fifteen (15) days after the date of the issuance of this notice of and order for hearing.

Notice is hereby given that:

(1) Within fifteen (15) days from the date of the issuance of this notice of and order for hearing, the applicant and other parties shall file with the Division a concise statement in writing of the

facts expected to be proved at the hearing. Other interested parties shall also file a written intervention in compliance with Rule VIII of the aforesaid Rules of Practice and Procedure. The statement of facts shall be considered as a pleading and not as evidence of the facts therein stated. The affirmative evidence adduced by the parties at the hearing shall be limited to the said statement of facts;

(2) If no written statement of the facts expected to be proved at the hearing is filed by the applicant within the fifteen-day period, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn on the expiration of said period in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure.

(3) If the applicant does not appear and offer evidence in support of its statement of facts, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure.

(4) The burden of proof in this proceeding shall be on the applicant.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the application, other matters incidental and related thereto, which may be raised by amendment to the application, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this application.

The matter concerned herewith is in regard to the application of Chicago Retort and Fire Brick Company pursuant to the second paragraph of section 4-A of the Act for a determination of the status of the coal produced at a mine of the Chicago Retort and Fire Brick Company in LaSalle County, Illinois, in District No. 10. The said application alleges that such coal is exempt from section 4 of the Act because it is coal produced, transported and consumed by the applicant within the meaning of section 4 II (1) of the Bituminous Coal Act of 1937.

Dated: December 28, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-14101; Filed, December 29, 1942; 12:24 p. m.]

[Docket No. C-24]

B. F. GOODRICH CO.

NOTICE OF AND ORDER FOR HEARING

In the matter of the application of the B. F. Goodrich Company for exemption pursuant to section 4-A of the Bituminous Coal Act of 1937.

An application for a determination of the status of the coal produced at certain mines of The B. F. Goodrich Company in Tuscarawas County, Ohio, District No. 4, having been filed by the above-named applicant pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937;

Now, therefore, it is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 28, 1943, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section of the Division will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said applicant and to all other parties herein and to all persons and entities having an interest in these proceedings and eligible to become a party herein. Any person or entity desiring to be admitted as a party to the proceedings herein and eligible under section VII (i) of the Rules of Practice and Procedure Before the Bituminous Coal Division shall file a petition for intervention not later than fifteen (15) days after the date of the issuance of this notice of and order for hearing.

Notice is hereby given, That:

(1) Within fifteen (15) days from the date of the issuance of this notice of and order for hearing, the applicant and other parties shall file with the Division a concise statement in writing of the facts expected to be proved at the hearing. Other interested parties shall also file a written intervention in compliance with Rule VIII of the aforesaid Rules of Practice and Procedure. The statement of facts shall be considered as a pleading and not as evidence of the facts therein stated. The affirmative evidence adduced by the parties at the hearing shall be limited to the said statement of facts;

(2) If no written statement of the facts expected to be proved at the hearing is filed by the applicant within the fifteen day period, in the absence of extenuating circumstances the application shall be deemed to have been withdrawn on the expiration of said period in accordance with the provisions of section VII (g) of the aforesaid Rules and Practice and Procedure.

(3) If the applicant does not appear and offer evidence in support of its statement of facts, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure.

(4) The burden of proof in this proceeding shall be on the applicant.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the application, other matters incidental and related thereto, which may be raised by amendment to the application, petitions of intervention, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this application.

The matter concerned herewith is in regard to the application of The B. F. Goodrich Company pursuant to the second paragraph of section 4-A of the Act for a determination of the status of the coal produced at certain mines of said applicant in Tuscarawas County, Ohio, District No. 4. The applicant alleges that such coal is exempt from section 4 of the Act because it is coal produced, transported and consumed by the applicant within the meaning of section 4 II (1) of the Bituminous Coal Act of 1937.

Dated: December 28, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-14102; Filed, December 29, 1942; 12:24 p. m.]

[Docket A-1744]

DISTRICT BOARD 11

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 11 for the establishment of price classifications and minimum prices for slurry produced at Mine Index Nos. 63, 101, 108 and 112 in District No. 11.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on February 2, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 27, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 11 for the establishment of price classifications and minimum prices of zero cents per ton for the slurry produced at the New Hope and No. 6 Mines (Mine Index Nos. 63 and 101, respectively) of Linton-Summit Coal Company, Inc., and at the Friar Tuck No. 5 and Robin Hood No. 7 Mines (Mine Index Nos. 108 and 112, respectively) of Sherwood-Templeton Coal Company, Inc., code members in District No. 11, for sale, delivery or disposal to Antioch Power Company, or for the slurry coal or combustible matter reclaimed from said slurry by the Antioch Power Company and used by said Antioch Power Company in the production of electric energy.

Dated: December 28, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-14138; Filed, December 30, 1942; 11:17 a. m.]

[Docket B-289]

JOE ADDIS & SON

ORDER GRANTING PERMISSION TO WITHDRAW COMPLAINT

In the matter of Joe Addis and Phillip Addis, individually, and as co-partners, doing business under the name and style of Joe Addis & Son, code member.

A complaint in the above-entitled matter, dated July 8, 1942, having been duly filed on July 11, 1942, with the Bituminous Coal Division by the Bituminous Coal Producers Board for District No. 4, complainant, and the complainant having filed with the Division on December 8, 1942, a request to withdraw and dismiss said complaint without prejudice; and

The District Board for District No. 4 having on December 11, 1942, filed with the Division a new complaint dated December 7, 1942, against Joe Addis, Phillip Addis, and Lester Meeks, individually, and as co-partners doing business under the name and style of Joe Addis & Son; and

The Director deeming it advisable to grant said request;

Now, therefore, it is ordered, That the request to withdraw and dismiss complaint herein be, and the same hereby is, granted without prejudice to said complaint dated December 7, 1942, filed by said Board against Joe Addis, Phillip Addis, and Lester Meeks, individually, and as co-partners doing business under the name and style of Joe Addis & Son.

Dated: December 29, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-14139; Filed, December 30, 1942; 11:17 a. m.]

J. B. BELL, ET AL.

APPLICATION FOR REGISTRATION AS DISTRIBUTOR

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name and address	*Date application filed*
J. B. Bell, Route 1, Delmar, Alabama	Dec. 10, 1942
Corey-Scheffel Lumber Co., 1433 S. Preston St., Louisville, Ky.	Dec. 7, 1942
Keener Coal Corporation, Bokoshe, Okla.	Dec. 16, 1942
Schuyler Rose, Inc., 513 E. Madison St., South Bend, Ind.	Dec. 19, 1942
Werry Coal Company, Vineland, N. J.	Dec. 18, 1942

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before January 18, 1943. This information should be mailed or presented to the Bituminous Coal Division, Department of the Interior, Washington, D. C.

Dated: December 28, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-14140; Filed, December 30, 1942; 11:18 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

HANDLING OF MILK IN BOSTON, MASS. MARKETING AREA

NOTICE OF REPORT, ETC.

Notice of report and opportunity to file written exceptions with respect to a proposed marketing agreement, as amended, and to Order No. 4, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area.

Pursuant to § 900.12 (a), General Regulations, as Amended, Agricultural Marketing Administration, United States Department of Agriculture, notice is hereby given of the filing with the hearing clerk of this report of the Administrator of the Agricultural Marketing Administration, with respect to an amended marketing agreement and to an amended marketing order regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Interested parties may file exceptions to this report with the Hearing Clerk, Room 1329, Department of Agriculture, Washington D C., not later than the close of business on the 10th day after publication of this notice in the FEDERAL REGISTER.

The proceeding was initiated by the Agricultural Marketing Administration as the result of written applications filed by several producers' cooperative associations, including Northern Farms Cooperative, Inc., and New England Milk Producers' Association, Inc., for a public hearing to receive evidence on several amendments they proposed. Other amendments were proposed by handlers and consumer interests after all interested parties had been notified by letter of the pending petition. It was concluded from consideration of the various proposed amendments that the hearing should be held and a notice of hearing was accordingly issued on September 17, 1942. The hearing was convened September 24, 1942, at Burlington, Vermont, and continued on September 28, 1942, at Boston, Massachusetts. The hearing included consideration of proposals for amendments made by the Dairy and Poultry Branch, Agricultural Marketing Administration.

The major issues developed at the hearing were concerned with (1) the classification of milk actually lost in handling operations (commonly known as shrinkage) and classification of buttermilk, (2) the level of prices for Class I milk both inside and outside the marketing area, (3) differentials to be allowed for cost of handling milk at country plants, (4) differentials to reflect cost of transporting milk to the market, (5) the Class II skim milk price level, and (6) the need for revision of the present plan of payments to cooperative associations from the equalization funds of the market-wide pool. In addition, several proposals of an administrative nature were also considered.

With respect to these issues, it is concluded from the record:

(1) Actual plant shrinkage should be reclassified from the present arrangement, which requires shrinkage associated with the handling of each class of milk to be in the respective class, to an arrangement whereby all actual shrinkage up to 2 percent of the quantity of milk received by handlers shall be Class II milk and the Class I price level should be increased one cent per hundredweight to offset the effect of such reclassification on handlers' net cost for Class I milk.

(2) The Class II price for milk received at country plants should be revised to reflect transportation allowances by 50-mile zones in line with average rates from such zones reflected by the "New England Joint Tariff, M-3," and to reduce the amount now reflected as a plant handling allowance from 21.5 to 20.0 cents per hundredweight.

(3) The Class I transportation differentials should be revised to reflect the

lower transportation cost now accomplished by use of railroad tank car shipments which prevails for the hauling of more than 50 percent of the milk that moves to market from country receiving plants located beyond a 40-mile radius from the State House in Boston.

(4) The Class II skim value should be revised to provide a value for skim milk based on prices published by the United States Department of Agriculture for roller process skim milk powder for both human consumption and animal feed, the yield factor and manufacturing cost factor to be as now provided in milk marketing Order No. 27 (New York metropolitan marketing area), except that for the flush production months of April, May, and June the skim value shall be based on an average of such skim powder prices and the price quotations for casein now provided in Order No. 4, as amended.

(5) The separate class for milk manufactured into butter should be revised to allow this class for the months of April, May, and June rather than May, June, and September, and the butterfat portion of the price formula should be revised to provide the average of the highest prices reported daily during the current months by the United States Department of Agriculture for 92-score butter at wholesale in the New York market, minus 5 cents, then plus 20 percent, with the result converted to the milk equivalent of 100 pounds of milk at 3.7 percent butterfat content.

(6) The present requirement that new producers receive the lowest class price for all their milk during the first 2 full months during which they deliver milk to the market should be removed.

(7) Handlers with plants located outside the marketing area and between 14 and 40 miles from the State House in Boston, who receive milk directly at such plants from producers' farms should be allowed to deduct 10 cents per hundredweight from the price of all such milk rather than from only that portion which is sold as Class I in the marketing area.

(8) Administrative amendments should be made to revise the definition of the term "Secretary" to include any person who may be authorized to exercise the powers and to perform the duties of the Secretary, to amplify the powers of the market administrator to disseminate statistics and information concerning the operation of the order, to amplify the provision relating to the responsibility of handlers in establishing the classification of milk, to clarify the powers of the market administrator with respect to access to books and records necessary to verify reports of handlers, to change the reference to transportation rates from "New England Joint Tariff M-2, as amended," to "New England Joint Tariff M-3," to provide for increases in handler obligations to offset advantages gained from delinquency in paying accounts, to remove a proviso of the provision pertaining to expense of administration which has become inoperative, and to add a new section entitled "Agents," which will allow the Secretary by designation in writing to name any officer or employee of the United States or any division of the United States Department of Agriculture to act as his agent in connection with this regulation.

From the evidence in the record it is concluded that the other proposals for amendments heard at the hearing should not be adopted. These include reclassification of buttermilk from Class I to Class II, permission for a cooperative association to purchase Class II milk including skim milk from handlers and sell such milk for Class II use to persons manufacturing milk products and to provide for pricing of Class I milk sold outside the marketing area at prevailing prices in such outside markets if such prices are different from the Boston price.

On revision of the Class I price level, revision of the plan of payments to cooperatives from the market-wide pool, and revision of receiving plant handling allowances on both Class I and Class II milk, the record has not yet been completely analyzed. The evidence indicates that these points in this order are interrelated. In the present war emergency, maintenance of an adequate level of milk production and conservation of manpower, gasoline, rubber, and strategic material needs to be accomplished by improving efficiency in the assembly and transportation of milk to market. Some revision of these points to increase returns to producers should be made as an aid to maintenance of productiton and accomplishment of more efficient use of existing handling and transportation facilities, either through this order itself or in conjunction with other wartime conservation programs that may be developed. In order to avoid undue delay of other needed changes, recommendation of further revision of these two points is reserved until after a thorough examination of the evidence has been made.

The following proposed amended marketing order prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, as amended, Agricultural Marketing Administration, is recommended as the detailed means by which these conclusions may be carried out. The proposed amended marketing agreement is not included in this report because the provisions thereof will be the same as the provisions of the proposed amended marketing order.

PROPOSED MARKETING ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA [1]

It is found upon the evidence introduced at the public hearing held at Burlington, Vermont, September 24 and 25, and at Boston, September 28 and 29, 1942:

Findings

1. That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to section 2 and 8 (e) of said act, 50 Stat. 246; 7 U.S.C. 602, 608e, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk, and that the minimum prices set forth in this order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

2. That the order, as amended by this amendment, regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement, as amended, upon which a hearing has been held; and

3. That the issuance of this amendment to the order, as amended, and all of the terms and conditions of the order, as so amended, tend to effectuate the declared policy of the act.

Provisions

§ 904.3 *Definitions*—(a) *Terms.* As used herein the following terms shall have the following meanings:

(1) The term "act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(2) The term "Secretary" means the Secretary of Agriculture of the United States *or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture of the United States.*

(3) The term "Greater Boston, Massachusetts, marketing area," hereinafter called the "marketing area," means the territory included within the boundary lines of the cities and towns of Arlington, Belmont, Beverly, Boston, Braintree, Brookline, Cambridge, Chelsea, Dedham, Everett, Lexington, Lynn, Malden, Marblehead, Medford, Melrose, Milton, Nahant, Needham, Newton, Peabody, Quincy, Reading, Revere, Salem, Saugus, Somerville, Stoneham, Swampscott, Wakefield, Waltham, Watertown, Wellesley, Weymouth, Winchester, Winthrop, and Woburn, Massachusetts.

(4) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(5) The term "producer" means any person who, in conformity with the health regulations which are applicable to milk which is sold for consumption as milk in the marketing area, produces milk and distributes or delivers to a handler, milk of his own production.

(6) The term "handler" means any person, irrespective of whether such person is a producer or an association of producers, wherever located or operating, who engages in such handling of milk, which is sold as milk or cream in the marketing area, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects in-

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[1] Italicized words indicate changes from Order No. 4, as amended, effective August 1, 1941, and as further amended by Amendment No. 1, effective October 28, 1941, and Amendment No. 2, effective April 3, 1942.

terstate or foreign commerce in milk and its products.

(7) The term "producer-handler" means any handler who is also a producer and who receives no milk from other producers and who either:

(i) *Has milk receipts from his own production which he does not dispose of in bulk and which average less than 1,000 pounds daily, or*

(ii) *Processes and packages his milk at a plant located on a farm from which he receives at least 25 percent of the total receipts from his own production which he does not dispose of in bulk.*

(8) The term "market administrator" means the person designated pursuant to § 904.4 as the agency for the administration hereof.

(9) The term "delivery period" means the current marketing period from the effective date hereof to and including the last day of that month. Subsequent to that month "delivery period" means the current marketing period from the first to and including the last day of each month.

§ 904.4 *Market administrator*—(a) *Selection, removal, and bond.* The market administrator shall be selected by the Secretary and shall be subject to removal by him at any time. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) *Compensation.* The market administrator shall be entitled to such reasonable compensation as may be determined by the Secretary.

(c) *Powers.* The market administrator shall have power:

(1) To administer the terms and provisions hereof;

(2) To receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof; and

(3) *To prepare and disseminate for the benefit of producers, consumers, and handlers such statistics and information concerning the operation of this order as do not reveal confidential information.*

(d) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein;

(2) Submit his books and records to examination by the Secretary at any and all times;

(3) Furnish such information and such verified reports as the Secretary may request;

(4) Obtain a bond with reasonable security thereon covering each employee who handles funds entrusted to the market administrator;

(5) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 904.7 or (ii) made payments pursuant to § 904.10;

(6) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof; and

(7) Pay, out of the funds provided by § 904.12, (i) the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, (ii) his own compensation, and (iii) all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties.

(e) *Responsibility.* The market administrator, in his capacity as such, shall not be held responsible in any way whatsoever to any handler, or to any other person, for errors in judgment, for mistakes, or for other acts either of commission or omission, except for his own willful misfeasance, malfeasance, or dishonesty.

§ 904.5 *Classification of milk*—(a) *Basis of classification.* All milk received by a handler from producers or from his own production shall be classified in the classes set forth in (b) of this section in accordance with its utilization by him: *Provided*, That, subject to (c) of this section, if milk, including skim milk, is moved to the plant of another person who distributes milk or manufactures milk products, classification of such milk may be in accordance with its utilization by such second person. Any utilization of milk claimed by a handler shall be subject to verification by the market administrator.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk the utilization of which is not established as Class II milk.

(2) Class II milk shall be all milk the utilization of which is established:

(i) As being sold, distributed, or disposed of other than as or in milk which contains one-half of 1 percent or more but less than 16 percent of butterfat; and other than as or in chocolate or flavored whole or skim milk, buttermilk, or cultured skim milk, for human consumption; and

(ii) As plant shrinkage *not in excess of 2 percent of the volume handled.*

(c) *Disposition of milk to other markets.* (1) Milk received by a handler at one of his plants not subject to the provisions hereof from persons reported by him as under contract to have their milk received and paid for as part of his supply for the marketing area shall be considered as received from producers and classified as Class I milk.

(2) Milk or skim milk disposed of by a handler to any plant not subject to the provisions hereof shall be classified as Class I milk, not to exceed the total quantity of Class I milk or skim milk at such plant.

(d) *Responsibility of handlers in establishing the classification of milk. In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.*

§ 904.6 *Minimum class prices*—(a) *Class I prices.* Each handler shall pay producers, in the manner set forth in § 904.10, for Class I milk delivered by them, not less than the following prices:

(1) For milk delivered from producers' farms to such handler's plant located not more than 40 miles from the State House in Boston, the price per hundredweight during each delivery period shall be as set forth in the table in this subparagraph.

92-score butter, wholesale, at New York, average of quotations of the United States Department of Agriculture for 30 days immediately preceding the 25th day of each month	Class I price for the delivery period following the 25th day of each month
Cents per pound	*Dollars per cwt.*
Under 40	3.64
40 or over	3.87

(2) For milk delivered from producers' farms to such handler's plant located more than 40 miles from the State House in Boston, the price per hundredweight during each delivery period shall be the price effective pursuant to (1) of this paragraph minus the amount set forth in (c) of this section for the railroad freight mileage zone for the distance from the railroad shipping point for such handler's plant to such handler's railroad delivery point in the marketing area, or, if the handler has no plant in the marketing area, for the distance to Boston.

(3) For the purpose of this paragraph, the milk which was sold or distributed during each delivery period by each handler as Class I milk shall be considered to have been first, that milk which was received from producers' farms at such handler's plant located not more than 40 miles from the State House in Boston; then, that milk which was received pursuant to § 904.8 (b) at such handler's plant located not more than 40 miles from the State House in Boston; and then, that milk which was shipped from the nearest plant located more that 40 miles from the State House in Boston, including milk received at such plant pursuant to § 904.8 (b).

(b) *Class II prices.* Each handler shall pay producers, in the manner set forth in § 904.10, for Class II milk delivered by them not less than the following prices per hundredweight:

(1) In the case of milk delivered to a handler's plant located not more than 40 miles from the State House in Boston, the price calculated pursuant to (2) of this paragraph *for the 201–250 freight mileage zone plus 29 cents.*

(2) Except as provided in (3) of this paragraph, in the case of milk delivered to a handler's plant located more than 40 miles from the State House in Boston, a price which the market administrator shall calculate by combining in one sum such of the following computations as apply:

(i) Divide by 33.48 the weighted average price per 40-quart can of 40 percent

bottling quality cream in the Boston market, as reported by the United States Department of Agriculture for the delivery period during which such milk is delivered, multiply this result by 3.7 and subtract the amount set forth in (c) of this section for the railroad freight mileage zone of the distance from the railroad shipping point for such handler's plant to Boston;

(ii) *For any delivery period for which no cream price as described in* (i) *of this subparagraph is reported, multiply the average price reported for such delivery period by the United States Department of Agriculture for 92-score butter at wholesale in the Chicago market by 1.4; multiply this result by 3.7; and subtract the amount set forth in* (c) *of this section for the railroad freight mileage zone of the distance from the railroad shipping point for such handler's plant to Boston;*

(iii) *For all delivery periods, except April, May, and June,* compute any plus amount for skim value which results from the following: from the average of all the dry skim milk powder quotations for carlots for "human food products (roller process) in barrels" and for "animal feed products (hot roller) in bags" (using midpoint of any range as one quotation) published during such delivery period by the United States Department of Agriculture for New York City, *subtract 4 cents; and multiply this result by 7.5;* and

(iv) For the April, May, and June delivery periods, compute any plus amount for skim value which results from the average of the skim value computed pursuant to (iii) of this subparagraph and a value obtained as follows: compute the average of all quotations (using midpoint of any range as one quotation) published during the delivery period in the "Oil, Paint, and Drug Reporter," for domestic 20–30 mesh casein in bags in carlots at New York, subtract 6.6 cents and multiply this result by 2.2; except that if either computation results in a minus amount, the other shall be used in lieu of the average.

(3) In the case of milk, other than route returns, made into butter during the delivery periods from April to September, inclusive, of each year, at a handler's own plant located more than 40 miles from the State House in Boston, the minimum price shall be computed by the market administrator as follows: from the average price reported for such delivery period by the United States Department of Agriculture for 92-score butter at wholesale in the New York market *deduct 5 cents, add 20 percent, and multiply by 3.7: Provided,* That any plus amount shall be added which results from the skim value as computed in (2) of this paragraph.

(c) *Combined plant handling and transportation differentials. Differentials provided pursuant to* (a) *and* (b) *of this section and pursuant to § 904.10* (e) *shall be as set forth in the following table: Provided, that in case the rail tariff for the transportation of milk in carlots in tank cars, as published in the New England Joint Tariff, M–3, is increased or decreased, the differentials set forth in Column B shall be adjusted correspondingly to the nearest one-half cent per hundredweight of such change, effective the first complete delivery period in which such change applies.*

A Freight zone (miles)	B Class I (cents per cwt.)	C Class II (cents per cwt.)
41–50	31.5	22.0
51–60	32.5	22.0
61–70	33.0	22.0
71–80	34.0	22.0
81–90	34.5	22.0
91–100	35.0	22.0
101–110	35.0	25.5
111–120	35.0	25.5
121–130	35.0	25.5
131–140	36.0	25.5
141–150	37.5	25.5
151–160	39.0	26.5
161–170	39.0	26.5
171–180	41.0	26.5
181–190	41.0	26.5
191–200	42.0	26.5
201–210	42.0	27.0
211–220	45.0	27.0
221–230	45.5	27.0
231–240	46.0	27.0
241–250	46.0	27.0
251–260	47.0	27.5
261–270	47.5	27.5
271–280	48.0	27.5
281–290	48.0	27.5
291–300	49.0	27.5

(d) *Announcement of Class II Prices.* On or before the 5th day after the end of each delivery period, the market administrator shall publicly announce the Class II prices in effect for such delivery period.

§ 904.7 *Reports of handlers*—(a) *Periodic reports.* On or before the 8th day after the end of each delivery period each handler who receives milk from producers shall, with respect to milk or cream which was received by such handler during such delivery period, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(1) The receipts at each plant from producers, including the quantity, if any, received from his own production.

(2) The receipts at each plant from any other handler, including any handler who is also a producer.

(3) Receipts at each plant pursuant to § 904.8 (b).

(4) The respective quantities which were sold, distributed, or used, including sales to other handlers, classified pursuant to § 904.5.

(b) *Reports of handlers who receive no milk from producers.* Handlers who receive no milk from producers shall make reports to the market administrator at such time and in such manner as the market administrator may require.

(c) *Reports as to producers.* Each handler shall report to the market administrator:

(1) Within 10 days after the market administrator's request, with respect to any producer for whom such information is not in the market administrator's files, and with respect to a period or periods of time designated by the market administrator: (i) the name, post office address, and farm location, (ii) the total pounds of milk delivered, (iii) the average butterfat test of milk delivered, and (iv) the number of days upon which the deliveries were made;

(2) Within 10 days after any producer begins or resumes milk deliveries: (i) the name, post office address, and farm location of such producer, (ii) the date upon which such producer began or resumed milk deliveries, (iii) the plant at which such producer delivered milk, and (iv) the plant, if known, at which such producer delivered milk immediately prior to the beginning of delivery to such handler;

(3) Within 5 days after any producer has failed to make deliveries for 5 consecutive days: (i) the name, post office address, and farm location of such producer, (ii) the date upon which milk was last received, (iii) the plant at which such producer delivered milk, and (iv) the reason, if known, for such failure to deliver;

(4) Within 10 days after any producer moves from one farm to another: (i) the name, post office address, and location of the respective farms operated by such producer, and (ii) the date upon which milk was first received from the new location; and

(5) On or before the 8th day after the end of each delivery period each handler shall report the names of any persons whose milk he is reporting pursuant to §§ 904.5 (c) and 904.8 (b) and include a certification that these persons have contracts as specified therein.

(d) *Reports of payments to producers.* Each handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the delivery period, his producer pay roll for such delivery period, which shall show for each producer: (i) the daily and total pounds of milk delivered with the average butterfat test thereof and (ii) the net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

(e) *Outside cream purchases.* Each handler shall report, as requested by the market administrator, his purchases, if any, of bottling quality cream from handlers who receive no milk from producers, showing the quantity and the source of each such purchase and the cost thereof at Boston.

(f) *Verification of reports. For the purpose of ascertaining the correctness of any report made to the market administrator as required by this order or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:*

(1) *Examine such books, papers, records, copies of income tax reports, accounts, correspondence, contracts, documents, and memoranda as the market administrator deems relevant and which are within the control* (i) *of any such handler from whom such report was requested,* (ii) *of any person having, either directly or indirectly, actual or legal con-*

trol of or over such handler, or (iii) *of any subsidiary of any such handler;*

(2) *Weigh, sample, and test milk and milk products; and*

(3) *Make such examination of operations, equipment, and facilities as the market administrator deems necessary.*

§ 904.8 *Application of provisions*—(a) *Handlers who receive no milk from producers.* The provisions hereof, except as set forth in § 904.7, shall not apply to a producer-handler nor to a handler whose sole source of milk supply consists of receipts from other handlers.

(b) *Producers for other markets.* Milk received from producers, who are reported by a handler as under contract to have their milk received and paid for as part of that handler's supply for a market other than the marketing area, shall be reported under a separate category, and the provisions of § 904.10 and § 904.11 shall not apply except that such handler shall make payment as provided in § 904.10 (h).

(c) *Milk received from producer-handlers.* Milk of a producer-handler's own production which is delivered in bulk to another handler shall be considered as being delivered by a producer unless the receiving handler is also a producer-handler.

(d) *Handlers with less than 10 percent of total receipts as Class I in the marketing area.* In the case of a handler, other than a cooperative association qualified pursuant to § 904.11 (a), who sells or distributes as Class I milk in the marketing area less than 10 percent of his total receipts of milk, the provisions hereof shall not apply except as follows:

(1) The handler shall, with respect to his total receipts and utilization of milk, make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

(2) The handler shall, with respect to that quantity of milk received from producers and actually sold or distributed as Class I milk in the marketing area, make payments as provided for in §§ 904.10 (g) and 904.12.

(e) *Milk subject to the New York order.* The provisions hereof shall not apply to the handling of milk received at any handler's plant which is subject to the provisions of the order regulating the handling of milk in the New York metropolitan marketing area (Order No. 27), issued by the Secretary effective as of September 1, 1938, as amended, or of any order superseding or amending such orders.

§ 904.9 *Minimum blended prices to producers*—(a) *Computation of value of milk for each handler.* For each delivery period the market administrator shall compute, subject to the provisions of § 904.8, the value of milk sold, distributed, or used by each handler, exclusive of milk received from other handlers, or pursuant to § 904.8 (b), in the following manner:

(1) Multiply the quantity of milk in each class by the price applicable pursuant to (a) and (b) of § 904.6; and

(2) Add together the resulting value of each class.

(b) *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each delivery period in the following manner:

(1) Combine into one total the respective values of milk, computed pursuant to paragraph (a) of this section, for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such delivery period, the report for such delivery period and the payments required pursuant to (b) (2), (g), and (h) of § 904.10 for milk received during each delivery period since the effective date of the most recent amendment hereof;

(2) Add the total amount of payments required from handlers pursuant to (g) and (h) of § 904.10;

(3) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the delivery period from payments made to the market administrator by handlers pursuant to § 904.10;

(4) Add the total net amount of the differentials applicable pursuant to § 904.10 (e);

(5) Divide by the total quantity of milk which is included in these computations, except the quantity of milk included in the computation pursuant to § 904.10 (g) and the quantity of milk received pursuant to § 904.8 (b);

(6) Subtract not less than 5½ cents nor more than 6½ cents for the purpose of retaining a cash balance in connection with the payments and reserves set forth in §§ 904.10 and 904.11. This result shall be known as the basic blended price for milk containing 3.7 percent butterfat.

(c) *Announcement of prices.* On the 12th day after the end of each delivery period the market administrator shall mail to all handlers who received milk from producers and shall publicly announce:

(1) Such of these computations as do not disclose information confidential pursuant to the act;

(2) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to (e) of § 904.10; and

(3) The names of the handlers who received milk from producers, designating those whose milk is not included in the computations.

§ 904.10 *Payments for milk*—(a) *Advance payments.* On or before the 10th day after the end of each delivery period, each handler shall make payment to producers for the approximate value of milk received during the first 15 days of such delivery period. In no event shall such advance payment be at a rate less than the Class II price for such delivery period.

(b) *Final payments.* On or before the 25th day after the end of each delivery period, each handler shall make payment for the total value of milk received during such delivery period as required to be computed pursuant to § 904.9 (a), as follows:

(1) To each producer at not less than the basic blended price per hundredweight, subject to the differentials set forth in (d) and (e) of this section, for the quantity of milk delivered by such producer;

(2) To producers, through the market administrator, by paying to, on or before the 23d day after the end of each delivery period, or receiving from the market administrator, on or before the 25th day after the end of each delivery period, as the case may be, the amount by which the payments required to be made pursuant to (1) of this paragraph are less than or exceed the value of milk as required to be computed for such handler pursuant to § 904.9 (a), as shown in a statement rendered by the market administrator on or before the 20th day after the end of such delivery period.

(c) *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments pursuant to (b) (2) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of a less amount than is required by this section, the handler shall make up such payment to the producer not later than the time of making final payment for the period in which such error is disclosed.

(d) *Butterfat differential.* Each handler shall, in making the payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent an amount per hundredweight which shall be calculated by the market administrator as follows: divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the delivery period during which such milk is delivered, subtract 1.5 cents and divide the result by 10: *Provided, That if no such cream price is reported, multiply the average price reported for such period by the United States Department of Agriculture for 92-score butter at wholesale in the Chicago market by 1.4, subtract 1.5 cents, and divide the result by 10.*

(e) *Location differentials.* The payments to be made to producers by handlers pursuant to (b) (1) of this section, shall be subject to differentials as follows:

(1) With respect to milk delivered by a producer to a handler's plant located more than 40 miles from the State House in Boston, there shall be deducted, per hundredweight, 13 cents less than the amount set forth in Column B of the table in (c) of § 904.6 for the railroad freight mileage zone for the distance from the railroad shipping point from such handler's plant to Boston.

(2) With respect to milk delivered by a producer to a handler's plant located not more than 40 miles from the State House in Boston there shall be added 13 cents per hundredweight.

(3) With respect to milk delivered by a producer whose farm is located more than 40 miles but not more than 80 miles from the State House in Boston, there shall be added 23 cents per hundredweight, unless such addition gives a result greater than the highest Class I price in effect pursuant to (1) of § 904.6 (a), in which event there shall be added an amount which will give as a result such price.

(4) With respect to milk delivered by a producer whose farm is located not more than 40 miles from the State House in Boston or whose farm is located in Barnstable or Plymouth Counties, Massachusetts, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the highest Class I price in effect pursuant to (1) of § 904.6 (a), in which event there shall be added an amount which will give as a result such price.

(f) *Other differentials.* In making the payments to producers set forth in (b) (1) of this section, handlers may make deductions as follows:

(1) With respect to milk delivered by producers to a plant which is located outside the marketing area and more than 14 miles but not more than 40 miles from the State House in Boston, 10 cents per hundredweight; and

(2) *With respect to milk delivered by producers to a plant located more than 40 miles from the State House in Boston, at which plant the average daily receipts of milk from producers are:* (i) *Less than 17,000 but greater than 8,500 pounds, 4 cents per hundredweight and* (ii) *8,500 pounds or less, 8 cents per hundredweight.*

(g) *Payments by handlers with less than 10 percent of total receipts as Class I in the marketing area.* Handlers subject to § 904.8 (d) shall pay to producers through the market administrator, on or before the 23d day after the end of the delivery period, the value determined by multiplying the quantity of Class I milk disposed of in the marketing area by the difference between the prices applicable pursuant to § 904.6 (a) and the prices applicable pursuant to (1) and (2) of § 904.6 (b).

(h) *Payments for milk received from producers for other markets.* On or before the 23d day after the end of each delivery period, handlers who received milk pursuant to § 904.8 (b) shall pay to producers through the market administrator the value determined by multiplying the quantities of such milk in each class by the prices applicable pursuant to § 904.6 and subtracting the value of such milk at the Class II prices in effect for the plants at which such milk is received.

(i) *Adjustment of overdue accounts. Any balance due pursuant to this section to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent, effective the 11th day of such month.*

(j) *Statements to producers.* In making the payments to producers prescribed by (b) (1) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of (b), (d), and (e), of this section;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under (f) of this section and § 904.11 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

§ 904.11 *Payments to cooperative associations*—(a) *Eligibility of cooperative associations.* Upon application to the Secretary, any cooperative association duly organized under the laws of any State which he determines, after appropriate inquiry or investigation, to be conforming to the provisions of such laws and of the Capper-Volstead Act, as amended, as to character of organization, voting requirements, dividend payments, dealing in products of nonmembers; to be operating as a responsible producer-controlled marketing association exercising full authority in the sale of the milk of its members; to be systematically checking the weights and tests of milk delivered by its members to plants other than those which may be operated by itself; to guarantee payments to its producers; to be maintaining, either individually or in collaboration with other qualified cooperative associations, a competent staff for dealing with marketing problems and providing information to its members with whom close working relationships are constantly maintained; to be collaborating with other similar associations in activities incident to the maintenance and strengthening of collective bargaining by producers and the operation of a plan of uniform pricing of milk to handlers; and to be complying with all provisions of this order applicable to such cooperative association shall be entitled to receive payments in the amount and under the conditions herein specified from the date of qualification, as fixed by the Secretary, until it has been found by the Secretary, after notice and opportunity for a hearing, that it has failed to continue to meet any condition or to maintain and exercise the authority or to perform any of the functions required by this section for the receipt or use of such payments. Any such cooperative association shall be eligible for payment, as follows:

(1) At not more than the rate of 1.5 cents per hundredweight of milk marketed by it on behalf of producers in conformity with the provision of this order, the value of which is determined pursuant to § 904.9 (a), and with respect to which a handler has made payments as required by §§ 904.10 (b) (2) and 904.12: *Provided,* That the amount paid with respect to milk received at a plant not operated by the cooperative association shall not exceed the amount which handlers are obligated to deduct from payments to members pursuant to (g) of this section. Such monies paid to such a cooperative association are not to be used in paying patronage dividends or other payments to members with respect to milk delivered except in fulfilling the guarantee of payments to producers. In cases where two or more of such cooperative associations participate in the marketing of the same milk, payment under this paragraph shall be available only to the association which the individual producer has made his exclusive agent in the marketing of such milk.

(2) At the rate of 5 cents per hundredweight as provided in (b) of this section on milk received from producers at a plant operated under the exclusive control of member producers or member associations for which it accounts to the market administrator pursuant to § 904.10 (b) (2) and which is sold as Class I to proprietary handlers except stores, handlers in which the cooperative or any of its members or affiliated associations or any other qualified association has any ownership or control, or a handler with which the cooperative has such sales arrangements that its milk not sold as Class I milk to such handler is not available for sale as Class I milk to other handlers.

(b) *Computation of amount of payment at 5 cents per hundredweight. The amount due a cooperative association for each delivery period pursuant to* (a) (2) *of this section shall be computed by the market administrator as follows:*

(1) *Determine the quantity of Class I milk which it sold to proprietary handlers;*

(2) *Subtract the quantity of such milk which is not eligible for payment under the provisions of* (a) (2) *of this section;*

(3) *Subtract the quantity of milk received by the association other than milk received from producers at plants operated under the exclusive control of member producers or member associations; and*

(4) *Multiply by 5 cents per hundredweight.*

(c) *Payment to qualified cooperative associations.* The market administrator shall, upon notice of the filing of an application, set aside each pay period from the cash balance created pursuant to § 904.9 (b) (6) such sum as he estimates is ample to make payments to the applicant and hold it in reserve until the Secretary has ruled upon said application and shall, upon claim, in form as prescribed by him, *received at his office* not later than the 10th day of the second month subsequent to the delivery period to which the claim applies or in which the Secretary's ruling is made, make payment for which a cooperative association is eligible pursuant to (a) of this section or issue credit therefor out of the said cash balance subject to verification of the receipts and other items on which the amount of such payment is based.

(c) *Reports.* Each cooperative association qualified to receive payments pursuant to this section shall, from time to time, as requested by the market administrator, make reports to him with respect to the use of such payments and the performance of any service or function set forth as the basis for such payment and shall file with him a copy of its balance sheet and operating statement at the close of each fiscal year.

(f) *Suspension.* The market administrator shall suspend payments upon request by the Secretary or such officer of the Department of Agriculture as he may designate by giving written notice to such association whenever there is reason to believe that a beneficiary of such payments is no longer qualified. Such suspended payments shall be segregated and held in reserve until the Secretary has, after notice and opportunity for a hearing, ruled upon the performance of the cooperative and either ordered the suspended payment to be paid to it in whole or in part or has disqualified such cooperative, in which event the balance of payments held in reserve shall be added to the cash balance, created pursuant to § 904.9 (b) (6).

(g) *Authorized member deductions.* In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members and which is qualified to receive payments pursuant to this section, each handler shall make such deductions from the payments to be made to such producers pursuant to § 904.10 as may be authorized by such producers and, on or before the 25th day after the end of each delivery period, pay over such deductions to the association in whose favor such authorizations were made.

§ 904.12 *Expense of administration*—(a) *Payment by handlers.* As his prorata share of the expense of the administration hereof, each handler, except as set forth in § 904.8 (a), shall on or before the 23d day after the end of each delivery period, pay to the market administrator a sum not exceeding 2.5 cents per hundredweight with respect to all milk received by him during such delivery period from producers and from his own production, the exact sum to be determined by the market administrator subject to review by the Secretary.

(b) *Suits by market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's prorata share of expense set forth in this section.

§ 904.13 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary may suspend or terminate this order or any provision hereof whenever he finds that this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until removed by the Secretary, (ii) from time to time account for all receipts and disbursements, and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the Secretary shall direct, and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 904.14 *Agents.* (a) *The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.*

This report filed at Washington, D. C., the 28th day of December 1942.

[SEAL] C. W. KITCHEN,
Acting Administrator.

[illegible] R. Doc. 42-14099; Filed, December 29, 1942; 11:59 a. m.]

Office of the Secretary.

MARTIN COUNTY AND WHITE RIVER LAND UTILIZATION PROJECTS, INDIANA

TRANSFER OF LANDS FROM THE SOIL CONSERVATION SERVICE TO THE FOREST SERVICE

By virtue of and pursuant to the authority vested in me by Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 525), and Executive Order No. 7908, dated June 9, 1938,[1] all lands and all improvements thereon in Greene and Martin Counties, Indiana, that are parts of the Martin County and White River Land Utilization Projects which have been acquired or are in process of acquisition by the United States under the provisions of the Emergency Relief Appropriation Act, approved April 8, 1935 (49 Stat. 115), and Title III of the said Bankhead-Jones Farm Tenant Act, exclusive of those transferred by Executive Orders No. 8910 of September 27, 1941 (6 F.R. 4963), No. 9160 of May 11, 1942 (7 F.R. 3541), and No. 9273 of November 18, 1942 (7 F.R. 9629), to the jurisdiction of the Secretary of the Navy, are hereby transferred from the Soil Conservation Service to the Forest Service for administration, protection and management.

[SEAL] GROVER B. HILL,
Assistant Secretary.

DECEMBER 29, 1942.

[F. R. Doc. 42-14150; Filed, December 30, 1942; 11:19 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F. R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry.

Learner Regulations, July 20, 1942 (7 F. R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F. R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F. R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F. R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F. R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F. R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F. R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F. R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F. R. 3753).

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective December 31, 1942. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

H. Daroff & Sons, Inc., 2320 Walnut Street, Philadelphia, Pennsylvania; Men's Clothing; 5 percent (T); December 31, 1943.

A. Di Paola & Co., 211 So. 5th Street, Camden, New Jersey; Hand Felling & Buttonhole makers of Men's Coats (Sackcoats & Overcoats); 5 percent (T); December 31, 1943.

Grass Grossinger Company, 312 Penn Avenue, Scranton, Pennsylvania; Caps; 2 learners (T); December 31, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

The Brunner Company, 632 St. Clair Ave., N. W. Cleveland, Ohio; Ladies' Dresses, Blouses and Housecoats; 10 percent (T); December 31, 1943.

Chester Manufacturing Co., Chatham, New York; Women's Dresses; 5 learners (E); June 30, 1943.

L. D. Fellman, Harleysville, Pennsylvania; Men's Pants; 5 learners (T); December 31, 1943.

Sherrod Shirt Company, 1632–34 N. Main St., High Point, N. C.; Work Shirts, Pajamas; 10 percent (T); December 31, 1943.

Hosiery Industry

Richmond Hosiery Mills, West Gordon Ave., Rossville, Georgia; Seamless & Full-fashioned Hosiery; 5 percent (T); December 31, 1943.

Rollins Hosiery Mills, Inc., East 28th Street & Dean Avenue, Des Moines, Iowa; Full-fashionery Hosiery; 5 percent (T); December 31, 1943.

Knitted Wear Industry

Midvale Knitting Mill, 554 Ringwood Ave., Midvale, New Jersey; Knitted Outerwear; 2 learners (T); December 31, 1943.

Queen Knitting Mills, 2647 N. Howard Street, Philadelphia, Pennsylvania; Knitted Outerwear; 5 learners (T); December 31, 1943.

Independent Telephone Industry

Hoopeston Telephone Company, 401 Willdon Building, Hoopeston, Illinois; To employ learners as commercial switchboard operators at its Hoopeston exchange, located at Hoopeston, Illinois until December 31, 1943.

The Lincoln Telephone & Telegraph Company, 1342 M Street, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Hastings exchange, located at Hastings, Nebraska; until December 31, 1943.

The Lincoln Telephone & Telegraph Company, 1342 M Street, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Hebron exchange, located at Hebron, Nebraska, until December 31, 1943.

The Lincoln Telephone & Telegraph Company, 1342 M Street, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Humboldt exchange, located at Humboldt, Nebraska until December 31, 1943.

The Lincoln Telephone & Telegraph Company, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Lincoln exchange, located at Lincoln, Nebraska until December 31, 1943.

The Lincoln Telephone & Telegraph Company, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Nebraska City exchange, located at Nebraska City, Nebraska until December 31, 1943.

The Lincoln Telephone & Telegraph Company, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Plattsmouth exchange, located at Plattsmouth, Nebraska until December 31, 1943.

The Lincoln Telephone & Telegraph Company, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Seward exchange, located at Seward, Nebraska until December 31, 1943.

The Lincoln Telephone & Telegraph Company, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Superior exchange, located at Superior, Nebraska until December 31, 1943.

The Lincoln Telephone & Telegraph Company, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Tecumseh exchange, located at Tecumseh, Nebraska until December 31, 1943.

The Lincoln Telephone & Telegraph Company, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Wahoo exchange, located at Wahoo, Nebraska until December 31, 1943.

The Lincoln Telephone & Telegraph Company, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Wymore exchange, located at Wymore, Nebraska until December 31, 1943.

The Lincoln Telephone & Telegraph Company, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its York exchange, located at York, Nebraska until December 31, 1943.

The Lincoln Telephone & Telegraph Company, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Beatrice exchange, located at Beatrice, Nebraska until December 31, 1943.

The Lincoln Telephone & Telegraph Company, 1342 M Street, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Auburn exchange, located at Auburn, Nebraska until December 31, 1943.

The Lincoln Telephone & Telegraph Company, 1342 M Street, Lincoln Nebraska; To employ learners as commercial switchboard operators at its Ashland exchange, located at Ashland, Nebraska until December 31; 1943.

The Lincoln Telephone & Telegraph Company, 1342 M Street, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Geneva exchange, located at Geneva, Nebraska until December 31, 1943.

The Lincoln Telephone & Telegraph Company, 1342 M Street, Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Fairbury exchange, located at Fairbury, Nebraska until December 31, 1943.

The Lincoln Telephone & Telegraph Company, 1342 M Street, Lincoln, Nebraska; to employ learners as commercial switchboard operators at its David City exchange, located at David City, Nebraska until December 31, 1943.

Montezuma Mutual Telephone Company, Montezuma, Iowa; To employ learners as commercial switchboard operators at its Montezuma exchange, located at Montezuma, Iowa until December 31, 1943.

The Star Telephone Company, 128 Church Street, Ashland, Ohio; To employ learners as commercial switchboard operators at its Ashland exchange, located at Ashland, Ohio until December 31, 1943.

Apparel Industry

Charlotte Garment Company, 1215 S. Caldwell St., Charlotte, North Carolina; Cotton pants; 10 percent (T); December 31, 1943.

Randolph Underwear Co., Inc., Randleman, North Carolina; Ladies' slips of woven fabrics; 24 learners (E); June 30, 1943.

Knitted Wear Industry

Roper Knitting Company, Inc., 343 North Main Street, Canandaigua, New York; Knitted Outerwear; 5 learners (T); December 31, 1943.

Millinery Industry

Frank M. Borel Co., 251 Post St., San Francisco, California; Ladies' hats; 2 learners (T); December 31, 1943.

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[1] 3 F.R. 1389.

Signed at New York, N. Y., this 29th day of December 1942.

Merle D. Vincent,
Authorized Representative
of the Administrator.

[F. R. Doc. 42-14126; Filed, December 30, 1942; 9:44 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO THE GLUCKIN CORP.

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective December 31, 1942.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the Regulations and as indicated on the certificate. Any person aggrieved by the issuance of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

The Gluckin Corporation, 53 Orange Avenue, Suffern, New York; Mattress covers, mosquito bars; 32 learners; machine operating; 480 hours; 25 or 32½ cents per hour; June 30, 1943.

Signed at New York, N. Y., this 29th day of December 1942.

Merle D. Vincent,
Authorized Representative,
of the Administrator.

[F. R. Doc. 42-14127; Filed, December 30, 1942; 9:44 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[General Assignment Order ODT 7, Revised—1]

ASSIGNMENT OF TANK CARS IN EASTERN SERVICE

Pursuant to the provisions of § 502.103 of General Order ODT 7, Revised,[1] *It is hereby ordered*, That:

1. All tank cars which are used in eastern petroleum service on and after December 29, 1942, are hereby assigned to eastern petroleum service exclusively, and may be withdrawn from such service only:

(a) When, at the time of withdrawal, the person making the withdrawal substitutes for the car or cars withdrawn and forthwith places in eastern petroleum service such number of tank cars, each of a shell capacity of 7000 gallons or more, as have a total capacity equal to or exceeding that of the car or cars withdrawn, and within 24 hours after such substitution notifies the Section of Tank Car Service, Division of Petroleum and Other Liquid Transport, Office of Defense Transportation, Washington, D. C., as to the facts which made such withdrawal and substitution necessary; or

(b) When authorized by the Office of Defense Transportation pursuant to § 502.103 of General Order ODT 7, Revised.

2. No tank car of a shell capacity of less than 7000 gallons, other than a tank car assigned to eastern petroleum service by this order, shall be used in eastern petroleum service unless authorized by the Office of Defense Transportation.

3. Communications concerning this order should be addressed to the Section of Tank Car Service, Division of Petroleum and Other Liquid Transport, Office of Defense Transportation, Washington, D. C., and should refer to "General Assignment Order ODT 7, Revised-1".

This order shall become effective December 29, 1942.

Issued at Washington, D. C., this 29th day of December 1942.

A. V. Bourque,
Chief, Section of Tank Car Service.

[F. R. Doc. 42-14104; Filed, December 29, 1942; 12:09 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 101 Under MPR 188]

OXFORD-PRINT

APPROVAL OF MAXIMUM PRICES

Order No. 101 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods (Other Than Apparel).

Approval of maximum prices for sales by Oxford-Print of a paper and paper stock photograph frame.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Oxford-Print is authorized to sell and deliver a paper and paper stock photograph frame, manufactured by it, at prices, f. o. b. Medford, Massachusetts, no higher than those set forth below:

$6.32 per dozen for 8" x 10" size.
$4.72 per dozen for 6" x 8" size.

(b) This Order No. 101 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 101 shall become effective this 30th day of December 1942.

Issued this 29th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-14121; Filed, December 29, 1942; 5:03 p. m.]

[Order 107 Under MPR 188]

LIGHTWEIGHT FIREPLACE GRATES MADE OF STEEL

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 107 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel Materials.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, § 1499.158 of Maximum Price Regulation No. 188, and § 1499.3 (c) of General Maximum Price Regulation, *It is ordered:*

(a) This Order No. 107 applies to all fireplace grates made of steel which weigh less than five pounds. Set forth below are the maximum prices for sales by the manufacturer, wholesalers, and retailers. However, these prices may be charged only if the manufacturer attaches to the grate the written warranty described in paragraph (b). If the manufacturer does not make the warranty, the maximum prices for sales by the manufacturer, wholesalers, and retailers shall be computed by deducting 15% from the prices set forth below.

(1) For sales by the manufacturer, the maximum price is $1.65 f. o. b. factory.

(2) For sales at wholesale by a person other than the manufacturer, the maximum price is $2.00, f. o. b. seller's point of shipment.

(3) For sales at retail, the maximum price is $3.00.

(b) The maximum prices set forth above can be charged only if the manufacturer sells the grate with a written warranty in the following form:

------------------------------------, the
(Insert name of manufacturer)
manufacturer of this grate, warrants to the retailer and to any person buying from him that it is fit for burning coal or wood in a fireplace.

The warranty shall be attached to the grate by the manufacturer and shall not be detached until after the grate has been delivered to the consumer.

(c) Before delivery of a grate to any purchaser for resale, the manufacturer shall attach a tag or label which plainly states that the retail ceiling price of the grate is $3.00. The tag or label shall not be detached until the grate has been delivered to the consumer.

(d) At or prior to the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser of the maximum price set by this order for resales by the purchaser. This notice may be given in any convenient form.

(e) This Order No. 107 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to terms used herein.

(g) This Order No. 107 shall become effective on the 29th day of December 1942, and shall terminate on the 1st day of April 1943.

Issued this 29th day of December 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-14120; Filed, December 29, 1942; 5:03 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-647]

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of December 1942.

Public Service Electric and Gas Company, a subsidiary of Public Service Corporation of New Jersey, in turn a subsidiary of The United Corporation, a registered holding company, having filed a declaration, pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-42 promulgated thereunder, regarding the purchase in the open market by Public Service Electric and Gas Company of not in excess of $1,000,000 principal amount of bonds from the following list of bonds of underlying companies which have been assumed by declarant, at prices not in excess of those indicated, at a total cost not to exceed $1,200,000:

—	Maturity date	Interest rate	Maximum purchase price
The Gas & Electric Co. of Bergen County (general mortgage)	11/1/54	5	125
The Gas & Electric Co. of Bergen County (consolidated mortgage)	6/1/49	5	120
Hudson County Gas Co	11/1/49	5	121
Middlesex Electric Light & Power Co	1/1/55	5	123
Newark Consolidated Gas Co	12/1/48	5	120
The Newark Gas Co	4/1/44	6	108
The Paterson & Passaic Gas & Electric Co	3/1/49	5	120
Somerset, Union & Middlesex Lighting Co	12/1/43	4	103½
South Jersey Gas, Electric & Traction Co	3/1/53	5	124
Trenton Gas & Electric Co	3/1/49	5	120
United Electric Co. of New Jersey	6/1/49	4	114

All bonds, so purchased, are to be delivered to and held by Fidelity Union Trust Company as Trustee, under the terms of a Trust Indenture entered into between Fidelity Union Trust Company and Public Service Electric and Gas Company, dated August 1, 1924; and

A public hearing on said declaration having been held after appropriate notice; and the Commission having examined the record and having made and filed its Findings herein;

It is ordered, That said declaration be, and it hereby is, permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] **Orval L. DuBois,**
Secretary.

[F. R. Doc. 42-14122; Filed, December 30, 1942; 9:43 a. m.]

[File No. 70-654]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE, ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 26th day of December, A. D. 1942.

In the matter of Public Service Company of New Hampshire, the Twin State Gas and Electric Company and New England Public Service Company.

Notice is hereby given that joint declarations and applications have been filed with this Commission by Public Service Company of New Hampshire (Public Service), The Twin State Gas and Electric Company (Twin State) and New England Public Service Company (Nepsco), the last named company being a registered holding company, pursuant to sections 6, 7, 9, 10 and 12 of the Act. All interested persons are referred to said document which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

I

Twin State proposes to sell to Public Service and Public Service proposes to acquire from Twin State (both subsidiaries of Nepsco) the latter's rights and properties used in and pertaining to its electric and gas business in New Hampshire and its electric business in Maine, together with $10,000 principal amount of 3% Deferred Debentures of December 1, 1936 and twenty shares of common stock without par value of Nepsco Appliance Finance Corporation, incidental current assets and incidental other securities and real estate (hereinafter called the "New Hampshire Properties"), for a cash consideration of $4,048,977.02 (plus net current assets). Twin State proposes to use the proceeds from the sale of its New Hampshire Properties to redeem its $2,435,200 outstanding principal amount of First Lien and Refunding Mortgage 5½% Gold Bonds, Series A dated March 2, 1925 and due March 1, 1945 at the current call price (101½% of the principal amount through February 28, 1943 and 101% from March 1, 1943 through February 29, 1944), and to reduce its outstanding bank loans from $2,255,250, to an amount estimated at $429,800.

II

Public Service further proposes to acquire from Nepsco, and Nepsco proposes to sell to Public Service, for cash the assets tabulated below at prices indicated opposite each item:

	Price
(1) The interest held by Nepsco in 1,000 shares of beneficial interest, no par value, of Swans Falls Co	$150,000
(2) The following securities:	
Nepsco Appliance Finance Corporation—	
10 shares common stock, no par value	100
$20,000 principal amount of 3% deferred debentures due Dec. 1, 1956	*20,000
Nepsco Services, Inc.—	
200 shares common stock, $10 par value	2,000
$6,000 principal amount of 5% debentures due Aug. 1, 1956	*6,000
Salmon Falls Water Co.—	
715 shares capital stock, $100 par value	18,980
Total	197,080

*Plus accrued interest

Public Service further proposes to issue and sell for cash $22,000,000 principal amount of its First and General Mortgage Bonds, Series A 3¼% due 1973, to be dated January 1, 1943, and to be due January 1, 1973 (hereinafter called the "Bonds"); the Bonds to be issued under and secured by an indenture of Mortgage to Old Colony Trust Company, as Trustee, and to be dated as of January 1, 1943. It is further proposed that the Bonds will be sold, under a firm commitment, to underwriters or investors to be selected by competitive bidding under Rule U-50. Public Service further proposes to issue and sell privately for cash at par $2,500,000 of unsecured notes (hereinafter called the "Notes"), to be dated on a convenient date (not later than the day the notes are issued) in the month of such issue and to mature serially, in amounts of $150,000 semi-annually for the first five years and $100,000 semi-annually for the second five years, after the date borne by the Notes.

Public Service further proposes to issue and sell 3,284 shares of its Common Stock, no par value, to Nepsco, and Nepsco proposes to acquire said stock from Public Service for $197,040 ($60 per share).

Public Service states that under the exemptions contained in paragraphs (a) (2) and (a) (3) of Rule U-50, paragraphs (b) and (c) of said Rule are not applicable to the issue and sale of the Notes and Common Stock.

Public Service proposes to apply the proceeds from the sale of the Bonds, Notes and Common Stock as follows: (a) to redeem and retire the presently outstanding bonds of Public Service in the aggregate principal amount of $18,929,000; (b) to pay the then outstanding bank loans of Public Service; (c) to pay for the New Hampshire properties of Twin State and (d) to pay for the assets to be acquired from Nepsco.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters, that said declarations shall not become effective nor said applications be granted except pursuant to further order of this Commission;

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[1] 7 F.R. 10484.

It is ordered, That a hearing on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on January 12, 1943 at 10:00 o'clock, a. m., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declarations and applications shall become effective or shall be granted. Notice is hereby given of said hearing to the above named declarants and applicants and to all interested parties, said notices to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Charles S. Lobingier, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of issues presented by said declarations and applications otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the consideration to be paid by Public Service for the properties to be acquired from Twin State and the assets of Nepsco is reasonable and whether the acquisition of the assets is in the public interest and in the interest of investors and consumers of Public Service.

2. Whether all acquisitions proposed meet the requirements of section 10 of the Public Utility Holding Company Act of 1935 and all Rules and Regulations promulgated thereunder.

3. Whether the issuance or sale by Public Service of the aforementioned securities are solely for the purpose of financing the business of that company.

4. Whether the issuance or sale by Public Service of the aforementioned securities have been expressly authorized by the State Commission of the State in which that company is organized and doing business.

5. Whether the accounting entries to be made in connection with any or all of such proposed transactions are appropriate under the standards and requirements of the Public Utility Holding Company Act of 1935 and all Rules and Regulations promulgated thereunder.

6. Whether terms and conditions are appropriate in the public interest or for the protection of investors or consumers or are necessary to be imposed to insure compliance with the requirements of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders promulgated thereunder.

7. Generally, whether all actions proposed to be taken comply with the requirements of the Public Utility Holding Company Act of 1935 and rules, regulations or orders promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-14123; Filed December 30, 1942;
9:43 a. m.]

[File No. 1-2281]

TRINITY GOLDBAR MINING CO.

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of December, A. D. 1942.

In the matter of proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934 as amended, to determine whether the registration of Trinity Goldbar Mining Company assessable common stock, 25¢ par value, should be suspended or withdrawn.

I

It appearing to the Commission:

That Trinity Goldbar Mining Company, a corporation organized under the laws of the State of Nevada, is the issuer of Assessable Common Stock, 25¢ Par Value; and that said Trinity Goldbar Mining Company registered such security on the San Francisco Mining Exchange, a national securities exchange, by filing with the Exchange and with the Commission on or about November 23, 1935, an application on Form 10, pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X-12B-1, as amended, promulgated by the Commission thereunder, which registration became effective December 23, 1935, and has remained in effect to and including the date hereof; and it further appearing to the Commission:

That Rule X-13A-1, promulgated pursuant to section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said Trinity Goldbar Mining Company; and

That said Rule X-13A-1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the Instruction Book for Form 10-K does not prescribe any period other than such 120 days; and that pursuant to said Rule X-13A-1 the annual report must be filed within such period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

That said Trinity Goldbar Mining Company has a fiscal year ending December 31; that the annual report for its fiscal year ended December 31, 1941 was due to be filed not later than April 30, 1942; that registrant made no request for extension of time within which to file said report; that the time for filing was not extended by the Commission; that the annual report for the fiscal year ended December 31, 1941, was not filed within the time prescribed for filing said report or at any later date; and

II

The Commission having reasonable cause to believe that:

The said Trinity Goldbar Mining Company has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 promulgated thereunder, in that (1) it has failed to file its annual report for the year ended December 31, 1941 within the time prescribed for filing said report, and (2) it has failed to file such annual report at any later date; and

III

It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether Trinity Goldbar Mining Company has failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the rules, regulations and forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Assessable Common Stock, 25¢ Par Value, of said Trinity Goldbar Mining Company on said San Francisco Mining Exchange;

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, John G. Clarkson, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 20th day of January 1943, at 10:00 a. m. Pacific War Time, at the Regional Office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-14124; Filed, December 30, 1942;
9:43 a. m.]